

**THE HILLS SHIRE COUNCIL**

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ABN No. 25 034 494 656

15 December 2017

Mr Stephen Murray  
Executive Director, Regions  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Your Ref: PP\_2017\_THILL\_010\_00

Our Ref: 24/2016/PLP

Dear Mr Murray,

**PLANNING PROPOSAL - 6-10 & 14-20 GARTHOWEN CRESCENT, CASTLE HILL**

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At its Ordinary meeting of 28 November 2017, Council considered a report on the abovementioned planning proposal and Gateway Determination issued on 13 October 2017. Council resolved in part that:

*"Council pursue Option 4 within this report and write the Department of Planning and Environment requesting that a revised Gateway Determination be issued which requires the planning proposal to be amended 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 resolution are provided for your information.

As detailed within the attached report, the approach required under the Gateway Determination is inconsistent with the methodology agreed between Council and the Department for housing mix and diversity within the Sydney Metro Northwest corridor, does not align with the incentives framework proposed for the Castle Hill North Precinct (within which the site is located) and does not reflect Council's intended outcomes in resolving to proceed with the planning proposal.

The framework established within the planning proposal for the Castle Hill North Precinct provides an alternative approach to the use of Schedule 1 which would incentivise development to deliver key outcomes using additional floor space ratio entitlements. The potential application of this framework to the proposal in comparison to the approach required by the Gateway Determination is detailed below:

	Gateway Approach (Condition No. 1)	CHN Incentive Framework
<b>'Base' FSR</b> <i>(based on walking distance from station)</i>	3:1	1:1
<b>'Incentive' FSR</b> <i>(for achievement of agreed housing mix &amp; diversity outcomes)</i>	n/a	2.5:1 <i>(where development complies with LEP 2012 CI 7.12)</i>
<b>'FSR Bonus'</b> <i>(for achievement of key site specific master planned outcomes)</i>	n/a	+20% (+0.5:1) <i>(where key site outcomes are delivered: site amalgamation, 7.5m setback to Garthowen Crescent, through-site link, sensitive response to heritage item and through-site vehicular link at basement level)</i>
<b>Total FSR Achievable</b>	<b>3:1</b>	<b>3:1</b>

While both approaches would facilitate a maximum floor space ratio of 3:1 on the site, application of the incentive framework for Castle Hill North provides greater certainty with respect to the achievement of key development outcomes on the site (housing mix and diversity, amalgamation, through-site links and suitable interface with Garthowen Crescent and the adjoining heritage item). Importantly, Council's resolution to proceed with the planning proposal and enable a maximum floor space ratio of 3:1 on this site was conditional on the achievement of these key development outcomes (this certainty was the rationale for the proposed use of Schedule 1).

Accordingly, to enable Council to proceed with the planning proposal, it is requested that a revised Gateway Determination be issued by the Department of Planning and Environment. It is requested that Condition No. 1 be amended to reflect the incentive framework for Castle Hill North and subject to compliance with the conditions of the Gateway Determination, remove the need for Council to seek further endorsement from the Department (Condition 1(g)).

I look forward to a revised Gateway Determination being issued as soon as possible to enable the proposal to proceed to public exhibition.

Should you have any further queries in relation to this matter please contact Jane Kim, Senior Town Planner on 9843 0185.

Yours faithfully



**Janelle Atkins**

**ACTING MANAGER FORWARD PLANNING**

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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 28 November 2017**

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development are not permitted to reverse in or out of the site. There must be a contract with a licenced contractor for the removal of all waste generated on site. Written evidence of a valid and current collection contract must be held on site at all times and produced in a legible form to any authorised officer of the Council who asks to see it.

**63. Use of Site**

The building approved by this consent for use as hotel accommodation is to comply with the following land use definition at all times:

***hotel or motel accommodation** means a building or place (whether or not licensed premises under the Liquor Act 2007) that provides temporary or short-term accommodation on a commercial basis and that:*

*(a) comprises rooms or self-contained suites, and*

*(b) may provide meals to guests or the general public and facilities for the parking of guests' vehicles,*

**but does not include backpackers' accommodation, a boarding house, bed and breakfast accommodation or farm stay accommodation.**

*Being a planning matter, the Mayor called for a division to record the votes on this matter*

**VOTING FOR THE MOTION**

Mayor Dr M R Byrne  
Clr R A Preston  
Clr B L Collins OAM  
Clr R Jethi  
Clr M G Thomas  
Clr E M Russo  
Clr F P De Masi  
Clr A J Hay OAM  
Clr R M Tracey  
Clr A N Haselden  
Clr S P Uno

**VOTING AGAINST THE MOTION**

None

**ABSENT**

Clr Dr P J Gangemi  
Clr R K Harty OAM

**ITEM-6**

**GATEWAY DETERMINATION - 6-12 & 16-20  
GARTHOWEN CRESCENT, CASTLE HILL  
(24/2016/PLP)**

A MOTION WAS MOVED BY COUNCILLOR PRESTON AND SECONDED BY COUNCILLOR HASELDEN THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 28 November 2017**

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**625 RESOLUTION**

1. Council pursue Option 4 within this report and write the Department of Planning and Environment requesting that a revised Gateway Determination be issued which requires the planning proposal to be amended 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).
2. Council request additional information from the Proponent required by Council and the Gateway Determination (Overshadowing Analysis, Urban Design Concept Plan, Transport and Access Report/Traffic Analysis and Heritage Impact Assessment).
3. Council undertake discussions with the proponent with respect to the preparation of a draft Voluntary Planning Agreement which resolves how the proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.
4. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.
5. Draft The Hills Development Control Plan 2012 Part D Section 20 – Castle Hill North (Attachment 3) be exhibited concurrently with the planning proposal.

*Being a planning matter, the Mayor called for a division to record the votes on this matter*

**VOTING FOR THE MOTION**

Mayor Dr M R Byrne  
Clr R A Preston  
Clr B L Collins OAM  
Clr R Jethi  
Clr M G Thomas  
Clr E M Russo  
Clr F P De Masi  
Clr A J Hay OAM  
Clr R M Tracey  
Clr A N Haselden  
Clr S P Uno

**VOTING AGAINST THE MOTION**

None

**ABSENT**

Clr Dr P J Gangemi  
Clr R K Harty OAM

<b>ITEM-6</b>	<b>GATEWAY DETERMINATION - 6-12 &amp; 16-20 GARTHOWEN CRESCENT, CASTLE HILL (24/2016/PLP)</b>
<b>THEME:</b>	Balanced Urban Growth.
<b>OUTCOME:</b>	7 Responsible planning facilitates a desirable living environment and meets growth targets.
<b>STRATEGY:</b>	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
<b>MEETING DATE:</b>	<b>28 NOVEMBER 2017</b> COUNCIL MEETING
<b>GROUP:</b>	<b>STRATEGIC PLANNING</b>
<b>AUTHOR:</b>	<b>PRINCIPAL COORDINATOR FORWARD PLANNING</b> NICHOLAS CARLTON
<b>RESPONSIBLE OFFICER:</b>	<b>MANAGER - FORWARD PLANNING</b> STEWART SEALE

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### EXECUTIVE SUMMARY

This report recommends that Council write to the Department of Planning and Environment and request that a revised Gateway Determination be issued for the planning proposal at 6-12 and 16-20 Garthowen Crescent, Castle Hill (24/2016/PLP).

At its Ordinary Meeting of 8 August 2017, Council resolved to proceed with the planning proposal to facilitate a high density residential development on the site comprising two (2) residential flat buildings (13 and 18 storeys respectively) accommodating up to 190 units. The development proposal included a number of 'key site development outcomes' – amalgamation of the site, increased setbacks to Garthowen Crescent, pedestrian through-site link, vehicular through-site link at basement level for residents and a sensitive response to the adjoining 'Garthowen House' heritage item.

To provide certainty that these outcomes would be delivered, Council resolved to facilitate the development outcome through amendments to Schedule 1 of LEP 2012, to include *residential flat buildings* as an additional permitted use on the site. The planning proposal, as forwarded for Gateway Determination would permit residential flat buildings with a maximum floor space ratio of 3:1, only where the development meets Council's housing mix and diversity objectives and delivers the key site development outcomes.

Council has now received a Gateway Determination enabling the proposal to proceed to public exhibition (Attachment 1). However, the Gateway Determination requires that the proposal be amended to delete reference to Schedule 1 and instead enable the development outcome through amendments to the zoning, floor space ratio and maximum building height standards applicable to the land.

The approach required under the Gateway Determination would enable development on the site with a floor space ratio of 3:1, without any requirement to comply with Council's housing mix and diversity objectives or deliver key site development outcomes. This does not provide Council or the community with any certainty, does not align with the agreed methodology for housing mix and diversity within the Sydney Metro Northwest Corridor and does not meet Council's intent in resolving to proceed with the planning proposal.

It is recommended that Council request that a revised Gateway Determination be issued which enables the planning proposal to proceed to public exhibition, utilising the 'three-tier' incentives framework established for the Castle Hill North Precinct. This would translate to a 'base' floor space ratio of 1:1, an 'incentive' floor space ratio of 2.5:1 (where the development meets Council's housing mix and diversity requirements) and a key site 'bonus' floor space ratio of 20% (or 0.5:1, where the development delivers key site development outcomes), ultimately enabling a maximum floor space ratio of 3:1.

Utilising this incentives framework would satisfy the Department's concerns (removing the use of Schedule 1), enable the proposed development outcome to occur and provide Council and the community with certainty that a maximum floor space ratio of 3:1 can only be achieved where *all* key site development outcomes are delivered (rather than an 'as-of-right' entitlement for any development on the site).

#### **APPLICANT**

Architectus Group Pty Ltd on behalf of HCM Group and Kassis Classic Homes

#### **OWNERS**

Mr D R Lea, Mrs S K Lea, Mr D L Lea and Mrs L Lea,  
Mr K A Pratt and Mrs M A Pratt  
Mr J K Soady and Mrs B E Soady  
Mr N Kalina and Mrs D Kalina  
Mr G E Hayunga

#### **POLITICAL DONATIONS**

Nil disclosures by the applicant.

#### **REPORT**

The purpose of this report is to advise Council of the implications resulting from the Gateway Determination issued for the planning proposal at 6-12 and 16-20 Garthowen Crescent, Castle Hill (24/2016/PLP) and detail options available to respond to the condition of the Gateway Determination which prevents Council utilising Schedule 1 – Additional Permitted Uses to facilitate the proposed development outcome.

#### **1. BACKGROUND**

The site, known as 6-12 & 16-20 Garthowen Crescent, Castle Hill comprises seven (7) residential allotments, being Lots 23, 24, 25, 28, 29 and 30 in DP222257 and 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 6,010m<sup>2</sup> and is currently zoned R3 Medium Density Residential.

The site is irregular in shape and has two frontages to Garthowen Crescent (northern frontage and southern frontage). The surrounding area is currently characterised by low and medium density developments. The site adjoins a 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 below.



**Figure 1**  
Aerial view of the site and surrounding locality

## 2. PLANNING PROPOSAL

The planning proposal, as supported by Council at its Ordinary Meeting of 8 August 2017, seeks to facilitate high density residential development on the site accommodating up to 190 units within two (2) residential flat buildings, with maximum heights of 13 and 18 storeys respectively. Previous report providing an assessment of the proposal is Attachment 4.





**Figure 2**  
Development concept

The proponent's development concept included a number of critical development outcomes which supported a higher density development on the site including site amalgamation, compliance with Council's housing diversity requirements, increased setbacks to Garthowen Crescent, pedestrian through-site link, vehicular through-site link (at basement level for residents) and a sensitive response to the adjoining heritage item (Garthowen House).

To ensure that these key site development outcomes were delivered as an integral part of any future development, Council resolved to enable the planning proposal to proceed by amending Schedule 1 (Additional Permitted Uses) of LEP 2012, rather than amending the zoning and development controls applicable to the site (height and floor space ratio). The principle behind this approach was that the use of Schedule 1 provides greater certainty that the proposed high density outcome could only be achieved where all key site development outcomes are delivered as part of the development.

Specifically, Council resolved as follows:

1. *A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Schedule 1 Additional Permitted Uses of LEP 2012 to permit residential flat buildings on the site, with a maximum floor space ratio of 3:1 and maximum height of 18 storeys, subject to achieving the following criteria:*
  - a) *Full compliance with the requirements set out in Clause 7.12 (3) (a) to (e) of The Hills Local Environmental Plan 2012 (housing mix and diversity);*
  - b) *Amalgamation of the site (including Lots 23, 24, 25, 28, 29 and 30 in DP22257 and SP40627) to form one development site;*



- c) Provision of a 7.5 metre setback to both sides of Garthowen Crescent;*
  - d) Achievement of a 'sensitive' response to the adjoining heritage item 'Garthowen House'. This must include the location of ground level common open space at the common boundary between Lot 28 DP222257 and Lot 2 DP533390;*
  - e) Provision of a through-site link with public right of carriage for pedestrian movement, in the western portion of the site, connecting between both Garthowen Crescent frontages; and*
  - f) Provision of a consolidated basement parking area which provides through-site vehicular access (for residents) to entry/exit points at both the northern and southern frontages to Garthowen Crescent.*
- 2. The proponent be requested to provide additional overshadowing and traffic analysis, as detailed within this report, prior to any public exhibition of the planning proposal.*
  - 3. Council undertake discussions with the proponent with respect to the preparation of a draft Voluntary Planning Agreement which resolves how the proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.*
  - 4. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.*
  - 5. Draft The Hills Development Control Plan 2012 Part D Section 20 – Castle Hill North (Attachment 1) be exhibited concurrently with the planning proposal.*

In accordance with Item 1 of Council's resolution, the planning proposal was forwarded to the Department of Planning and Environment for a Gateway Determination, which was received on 13 October 2017. The Gateway Determination is provided as Attachment 1 and is discussed further in Section 3 of this Report.

The Proponent has not yet submitted their draft Voluntary Planning Agreement offer to Council for consideration in satisfaction of Items 3 and 4 of Council's resolution.

### **3. GATEWAY DETERMINATION**

On 13 October 2017 a Gateway Determination (Attachment 1) 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 700m<sup>2</sup> to 1,800m<sup>2</sup>;*
  - 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;*

Critically, Condition No.1 (a) to (e) requires that Council remove reference to Schedule 1 and instead facilitate the development outcome by amending the zoning and development standards applicable to the land. The Department's Planning Team Report (Attachment 2) does not support the use of Schedule 1, as proposed by Council, stating that:

- It would be inconsistent with the Standard Instrument Order;
- It would permit a development in a land use zone where that development is otherwise prohibited and would impose unnecessarily restrictive site specific planning controls, inconsistent with Section 117 Direction 6.3 – Site Specific Provisions; and
- The proposed high density development outcome is inconsistent with the objectives for the R3 Medium Density residential zone and future character of the surrounding area and would better align with the objectives for the R4 High Density residential zone (*"to encourage high-density residential development in locations that are close to population centres and public transport routes" and "to provide a variety of housing types within a high-density residential environment"*).

The approach required under the Gateway Determination does not align with Council's resolution to proceed with the planning proposal using Schedule 1 (Additional Permitted Uses). By rezoning the site R4 High Density Residential, with a maximum ('base') floor space ratio of 3:1, the amendments required under the Gateway Determination would enable a high density residential development to occur, without any requirement to comply with Council's housing diversity requirements or deliver the proposed key site development outcomes as part of the development.

The Condition does not reflect the methodology agreed between Council and State Government with respect to housing mix and diversity within the Sydney Metro Northwest Corridor (where the maximum floor space ratio for a development would be

mapped as an 'incentive' floor space ratio, which can only be achieved where the development meets Council's housing diversity requirements).

#### 4. OPTIONS

There are four (4) options available to Council to progress this matter, as detailed below:

- Option 1 – Accept the Conditions of the Gateway Determination

Council may accept the conditions of the Gateway Determination and amend the planning proposal (remove reference to Schedule 1, rezone the site to R4 High Density Residential and apply a maximum floor space ratio of 3:1).

This approach would enable the Proponent to achieve a maximum floor space ratio of 3:1, in full compliance with SEPP 65, rather than as an 'incentivised' floor space ratio where the development meets Council's housing diversity requirements. Further, this approach would not provide Council or the community with certainty that the key site development outcomes demonstrated within the Proponent's development concept would be delivered as part of future development on the site.

Compliance with Council's housing diversity criteria and the delivery of key site development outcomes are key justifications for enabling the proposed increase in residential density on the site and it is considered that unless the planning proposal can adequately secure these outcomes, it should not proceed. Accordingly, Option 1 is not favoured.

- Option 2 – Withdraw the planning proposal

Council resolve to *not proceed* with the Planning Proposal and write to The Hon. Anthony Roberts MP, NSW Minister for Planning to request that the proposal be not proceed. In this situation the Department may choose to still progress the Planning Proposal and the Department will be the relevant planning authority for processing the proposal.

Whilst this is an option, it does not recognise the Proponent's willingness to comply with Council's housing diversity requirements and deliver the key site development outcomes and would unreasonably restrict the achievement of the outcome originally negotiated with the Proponent and supported by Council.

- Option 3 – Suspend the assessment of the planning proposal until a negotiated position is agreed to with respect to the use of Schedule 1

Under the current legislative framework, there is limited scope for Council to secure, with certainty, the delivery of key development outcomes on sites at the strategic planning stage. While Schedule 1 offers an ability to 'tie' the permissibility of a land use to the achievement of key development outcomes and criteria, the Department has advised that the use of Schedule 1 in this manner would be inconsistent with the applicable Section 117 Direction (6.3 – Site Specific Provisions) and will not be supported.

Council may suspend the assessment of the planning proposal pending the outcome of further negotiations between Council and the Department with respect to the use of Schedule 1 to secure key development outcomes that are sought by Proponent's and supported by Council.

- Option 4 – Request that the Department issue a revised Gateway Determination

Council may write to the Department of Planning and Environment and request that a revised Gateway Determination be issued, allowing Council to apply the proposed 'three-tier' incentives framework established for the Castle Hill North Precinct to the site. Under this framework, the site would be assigned a:

- 'Base' floor space ratio;
- 'Incentivised' floor space ratio – which would be available where the development achieve Council's housing diversity requirements; and
- A 'bonus' floor space ratio of 20%, where key development outcomes relevant to the site are delivered as part of the development.

The framework established for Castle Hill North Precinct provides an alternative approach to the use of Schedule 1 which would *incentivise* development to deliver key outcomes using additional floor space ratio entitlements. The potential application of this framework to the proposal is detailed below:

	Gateway Approach	CHN Incentive Framework
<b>'Base' FSR</b> <i>(based on walking distance from station)</i>	3:1	1:1
<b>'Incentive' FSR</b> <i>(for achievement of agreed housing mix &amp; diversity outcomes)</i>	n/a	2.5:1 <i>(where development complies with CI 7.12 of LEP 2012)</i>
<b>'FSR Bonus'</b> <i>(for achievement of key site specific master planned outcomes)</i>	n/a	+20% (+0.5:1) <i>(where key site outcomes are delivered: site amalgamation, 7.5m setback to Garthowen Crescent, through-site link, sensitive response to heritage item and through-site vehicular link at basement level)</i>
<b>Total FSR Achievable</b>	<b>3:1</b>	<b>3:1</b>

As demonstrated above, application of the Castle Hill North incentive framework to this planning proposal would facilitate a maximum floor space ratio of 3:1 on the site, consistent with the Department's Gateway Determination. It would also enable the development outcomes on the site supported by Council.

While the Department's approach within the Gateway Determination enables a floor space ratio of 3:1 as an 'as-of-right' entitlement, the application of the Castle Hill North incentive framework provides Council with certainty that the maximum floor space ratio of 3:1 can only be achieved on the site where Council's housing diversity requirements are met and key site development outcomes are delivered.

Option 4 is considered to be the most appropriate approach, given it satisfies the Department's requirements with respect to the removal of Schedule 1 from the planning proposal, whilst also enabling the development outcomes sought by the Proponent and supported by Council to occur (including compliance with Council's housing diversity requirements and delivery of key site development outcomes).

**Development Control Plan**

The Development Control Plan previously considered by Council proposed amendments to part of the Castle Hill North draft DCP 2012 (Part D Section 20 – Castle Hill North) which has been prepared to guide future development within the wider Precinct. Should the planning proposal proceed, further amendments (Attachment 3) to the draft DCP would be required and exhibited with the Planning Proposal to secure key development outcomes:

- Update the structure plan for the precinct to identify the proposed height range of 3 to 18 storeys on the site; and
- Include an indicative layout plan for the site which identifies how development on the site can 'sensitively respond' to the adjoining 'Garthowen House' heritage item. This would include the siting and height of buildings as well as the location of common open space on the site.

This approach uses the draft Castle Hill North DCP as a 'base' and assumes that finalisation of the draft Castle Hill North DCP would precede these subsequent amendments for this site.

**Voluntary Planning Agreement**

The Planning Proposal would enable additional residential yield on the site, over and above that planned for as part of the Castle Hill North Planning Proposal and catered for within the draft Contributions Plan for the Precinct. The Proponent has indicated an intention to enter into a Voluntary Planning Agreement which details how the additional demand for local infrastructure generated by this additional residential density will be addressed.

A draft Voluntary Planning Agreement offer has not yet been submitted by the Proponent and it is recommended that negotiations on this matter continue. Following the submission of the draft Voluntary Planning Agreement by the Proponent and prior to any public exhibition of the planning proposal, the draft Voluntary Planning Agreement will need to be reported to Council for consideration.

**IMPACTS****Financial**

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

**Strategic Plan - Hills Future**

The amendments to LEP 2012 proposed within this report are consistent with the vision and objectives of The Hills Future – Community Strategic Plan as they will facilitate a desirable living environment and assist Council in meeting its growth targets. It is also consistent with the key strategy of managing new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.

**RECOMMENDATION**

1. Council pursue Option 4 within this report and write the Department of Planning and Environment requesting that a revised Gateway Determination be issued which requires the planning proposal to be amended 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).

2. Council request additional information from the Proponent required by Council and the Gateway Determination (Overshadowing Analysis, Urban Design Concept Plan, Transport and Access Report/Traffic Analysis and Heritage Impact Assessment).
3. Council undertake discussions with the proponent with respect to the preparation of a draft Voluntary Planning Agreement which resolves how the proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.
4. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.
5. Draft The Hills Development Control Plan 2012 Part D Section 20 – Castle Hill North (Attachment 3) be exhibited concurrently with the planning proposal.

#### **ATTACHMENTS**

1. Gateway Determination (2 Pages)
2. Department of Planning and Environment - Planning Team Report (11 Pages)
3. Draft The Hills DCP 2012 Part D Section 20 – Castle Hill North (64 Pages)
4. Previous Council Report – 8 August 2017 (22 Pages)

## ATTACHMENT 1



### Gateway Determination

**Planning Proposal (Department Ref: PP\_2017\_THILL\_010\_00):** to facilitate a high-density residential development at 6–12 and 16–20 Garthowen Crescent, Castle Hill.

I, the Executive Director, Regions, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to The Hills Local Environmental Plan (LEP) 2012 to amend Schedule 1 – Additional Permitted Uses to facilitate high density residential development with maximum FSR 3:1 and maximum height of 18 storeys (190 dwellings) should proceed 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 700m<sup>2</sup> to 1,800m<sup>2</sup>;
  - (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 is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).



3. Consultation is required with the following public authorities/organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:

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

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

Dated 13<sup>th</sup> day of October 2017.

  
Stephen Murray  
Executive Director, Regions  
Planning Services

Delegate of the Greater Sydney Commission



## Planning Services

### Gateway Determination Report

<b>LGA</b>	The Hills Shire
<b>RPA</b>	The Hills Shire Council
<b>NAME</b>	Amendment to Schedule 1 – Additional Permitted Uses to facilitate high-density residential development with maximum FSR 3:1 and maximum height of 18 storeys (190 dwellings).
<b>NUMBER</b>	PP_2017_THILL_010_00
<b>LEP TO BE AMENDED</b>	The Hills Local Environmental Plan 2012
<b>ADDRESS</b>	6–12 and 16–20 Garthowen Crescent, Castle Hill
<b>DESCRIPTION</b>	Lots 23, 24, 25, 28, 29 & 30 in DP222257 and Lots 1 & 2 in SP40627
<b>RECEIVED</b>	25 August 2017
<b>FILE NO.</b>	17/12430
<b>QA NUMBER</b>	qA418165
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

### INTRODUCTION

#### Description of Planning Proposal

This planning proposal proposes to amend The Hills Local Environmental Plan 2012 by introducing provisions to Schedule 1 – Additional Permitted Uses to facilitate high-density residential development with a maximum FSR of 3:1 and maximum height of 18 storeys for land at 6–12 and 16–20 Garthowen Crescent, Castle Hill.

#### Site Description

The subject site has a total area of 6,010m<sup>2</sup> is located in the north-eastern portion of the Castle Hill North Precinct and is approximately 420m walking distance from Castle Towers Shopping Centre and railway station. The site has two frontages to Garthowen Crescent and is currently occupied by dwelling houses. The site is surrounded by low to medium-density residential uses and adjoins 'Garthowen House,' a locally listed heritage item currently operating as a child care centre.



Figure 1 – Aerial view of subject site at 6–12 and 16–20 Garthowen Crescent, Castle Hill (outlined in yellow) and surrounding area.

### Summary of Recommendation

The planning proposal has merit and should proceed subject to conditions as it will enable a high-density residential development in close proximity to Castle Towers and the future Castle Hill Metro station. The proposal will deliver a range of housing types in accordance with the North West Rail Link Corridor Strategy and Castle Hill Precinct Structure Plan.

### PROPOSAL

#### Objectives or Intended Outcomes

The objective of the planning proposal is to amend The Hills LEP 2012 to facilitate a high-density residential development incorporating approximately 190 dwellings. The intended outcomes of the subject planning proposal are also explained in further detail in the following sections of this report.

#### Explanation of Provisions

The planning proposal seeks to amend The Hills LEP by introducing a clause under Schedule 1 – Additional Permitted Uses for the subject site as follows:

##### **“Use of certain land at 6–12 and 16–20 Garthowen Crescent, Castle Hill**

a) This clause applies to land at 6–12 and 16–20 Garthowen Crescent, Castle Hill, comprising Lots 23, 24, 25, 28, 29 and 30 in DP222257 and SP40627, shown as “Item 17” on the Additional Permitted Uses Map.

b) Development for a purpose shown in Column 1 of the table is permitted with development consent, subject to all conditions shown opposite in Column 2

Column 1	Column 2
Residential flat buildings	<p>Maximum floor space ratio must not exceed 3:1. Maximum building height must not exceed 18 storeys.</p> <p>Development must fully comply with the requirements set out in Clause 7.12 (3) (a) to (e) of The Hills Local Environmental Plan 2012.</p> <p>The entire site (including land at Lots 23, 24, 25, 28, 29 and 30 in DP222257 and SP40627) must be amalgamated to form one development site.</p> <p>The proposed development must incorporate a 7.5 metre setback to both sides of Garthowen Crescent.</p> <p>A through-site link with public right of carriage for pedestrian movement must be provided through the site, in the western portion of the site, connecting between both Garthowen Crescent frontages.</p> <p>Development must provide a sensitive response to the adjoining heritage item 'Garthowen House'. This must include the location of ground level common open space at the common boundary between Lot 28 DP222257 and Lot 2 DP533390.</p> <p>Development must provide a consolidated basement parking area which provides through-site vehicular access (for residents) to entry/exit points at both the northern and southern frontages to Garthowen Crescent."</p>

Note, the proposed provisions are not consistent with the provisions of the Castle Hill North Precinct planning proposal (PP\_2016\_THILL\_002\_00) which received a Gateway determination on 2 November 2016 and was on public exhibition from 17 August 2017 to 15 September 2017. The following table compares the provisions of this planning proposal with the provisions of the Castle Hill North Precinct planning proposal.

Controls under Castle Hill North Precinct Planning Proposal	Subject Planning Proposal
<b>Dwelling Yield:</b> 111	<b>Dwelling Yield:</b> 190
<b>Zoning</b> R4 High Density Residential	<b>Zoning</b> R3 Medium Density Residential
<b>Minimum Lot Size</b> 1,800m <sup>2</sup>	N/A
<b>Floor Space Ratio</b> 1:1 marked site Area A	<b>Floor Space Ratio</b> 3:1 (Proposed as amendment to Schedule 1 – Additional Permitted Uses).
<b>Height of Building</b> No controls (although site is identified as suitable for 4-10 storeys in Castle Hill North Precinct DCP).	<b>Height of Building</b> 18 storeys (Proposed as amendment to Schedule 1 – Additional Permitted Uses).
<b>Floor Space Ratio Incentive</b> S1 - 1.54:1 (total FSR)	N/A
<b>Key Sites Map</b> Area L 20% or Total FSR 1.85:1 subject to site being amalgamated and public domain improvements.	N/A



The following sections in this report assess the strategic merit of the subject planning proposal and departures from the Castle Hill North Precinct planning proposal.

### **Mapping**

The planning proposal seeks to amend the existing Additional Permitted Uses Map to include the subject site. The mapping contained in the planning proposal documentation is clear and sufficient for the purposes of public exhibition.

### **NEED FOR THE PLANNING PROPOSAL**

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The proposal will facilitate an increased density of residential development on the site, providing additional housing in a strategic location close to the Castle Hill rail station and employment opportunities within the Castle Hill Town Centre. The proposal states in order to provide certainty with respect to key development outcomes on the site, the existing R3 Medium Density Residential zoning be retained, and that the proposal be facilitated through the use of Schedule 1 Additional Permitted Uses within LEP 2012. The proposal seeks this approach to enable the key components of the proposed development concept to be clearly articulated and for the master planned outcome to be clearly guided, particularly the 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.

Council notes, should the planning proposal to proceed to finalisation and the site be redeveloped, a future planning proposal will be lodged to rezone the site to reflect the approved uses.

The Department does not agree with this approach and to ensure consistency with the Standard Instrument, the Gateway determination requires the proposal to be amended prior to community consultation to achieve these proposed development standards through amendments to zoning, height of buildings, floor space ratio, lot sizes and other maps as relevant (as discussed further in this report).

### **STRATEGIC ASSESSMENT**

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#### **Regional / District**

#### **A Plan for Growing Sydney**

The Directions of A Plan for Growing Sydney which apply to the proposal are:

- Direction 2.1 Accelerate housing supply across Sydney;
- Direction 2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs;
- Direction 2.3 Improve housing choice to suit different needs and lifestyles; and
- Direction 2.4 Deliver well planned new areas for housing.

The planning proposal aligns with these directions.

The actions of A Plan for Growing Sydney which apply to the proposal are:

- Action 2.1.1: Accelerate housing supply and local housing choices; and
- Action 2.2.2: Undertake urban renewal in transport corridors which are being transformed by investment, and around strategic centres.

The proposal is consistent with these actions with respect to the site's proximity to the future Castle Hill North Metro station.

Draft West Central District Plan

The actions of the draft West Central District Plan which relate to the proposal are:

- Action L3: Councils to increase housing capacity across the District; and
- Action L4: Encourage housing diversity.

The proposal is consistent with these actions in that it would enable additional housing capacity within the District and contribute to realising the Plan's 5-year housing target of 8,550 dwellings in The Hills and progressed opportunities around the Northwest Sydney Metro Corridor.

**Local**Local Strategy

Council's Local Strategy is supported by seven (7) Strategic Directions, those of relevance to this proposal being the Residential Direction, Centres Direction and Integrated Transport Direction. A summary of the consistency of the planning proposal with these Directions is provided below:

- **Residential Direction**  
The planning proposal is consistent with the principles of the Local Strategy Residential Direction as it seeks to provide additional residential accommodation close to the future Castle Hill Metro station and services. The proposal applies to land that is already earmarked for higher residential densities through the North West Rail Link Corridor Strategy, The Hills Corridor Strategy and Castle Hill North Precinct Plan;
- **Centres Direction**  
The site is located in close proximity to the Castle Hill Town Centre identified within the Centres Direction. The proposal seeks to increase the residential density of the site which will strengthen and support the role and viability of the Centre; and
- **Integrated Transport Direction**  
The subject site is located within 420m of the future Castle Hill Metro station and is also serviced by existing transport infrastructure such as bus routes operated by Hillsbus and Busways. Future development on the site will play a key role in supporting the operation of the Sydney Metro Northwest as it will provide a resident population within close proximity to high frequency public transport services. Further, the proposed through-site link will improve connectivity between surrounding residential areas and the Centre.

The Hills Corridor Strategy

The Hills Corridor Strategy was adopted by Council on 24 November 2015 to build upon the Department of Planning and Environment and Transport for NSW

W's North West Rail Link Corridor Strategy (2013) (Sydney Metro North West) and associated Castle Hill Station Structure Plan.

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

**Section 117(2) Ministerial Directions**

The following directions are relevant for this proposal:

- Direction 2.3 Heritage Conservation;
- Direction 3.1 Residential Zones;
- Direction 3.4 Integrated Land Use and Transport;
- Direction 5.9 North West Rail Link Corridor Strategy;
- Direction 6.1 Approval and Referral Requirements; and
- Direction 6.3 Site Specific Provisions.

The proposal is consistent with these Directions except discussed as follows:

**Direction 2.3 Heritage Conservation**

This Direction requires the planning proposal to contain provisions that facilitate the conservation of the local heritage item 'Garthowen House' and its historical value. The planning proposal notes the future built form's relationship with the adjoining local heritage item will be further investigated during the development application stage. The Gateway determination recommends consultation with the Office of Environment and Heritage to ensure consistency with this Direction.

**Direction 6.3 Site Specific Provisions**

The planning proposal is inconsistent with this Direction as it:

- permits development within a land use where it is not permitted; and
- imposes development requirements in addition to those already contained in that zone.

To provide certainty for future residential outcomes on the site, the planning proposal intends to retain the current R3 zone and incorporate development standards for height, density, dwelling types and development controls as site specific Additional Permitted Uses (under Schedule 1). The objective of the Direction is to discourage unnecessarily restrictive site specific planning controls.

The Gateway determination recommends that the proposed amendment to Schedule 1 to include site specific provisions be removed, and instead propose to seek associated amendments to zoning and the development standards for height of buildings, floor space ratio and lot sizes, in accordance with the Standard Instrument (Local Environmental Plans) Order 2006. In summary, for the planning proposal to be consistent with this s117 Direction, it is to be amended to:

- seek to rezone the site from R3 Medium Density Residential to R4 High Density Residential (also discussed under the Site Specific Assessment heading of this report);
- seek to increase the minimum lot size from 700m<sup>2</sup> to 1,800m<sup>2</sup>;
- seek to increase the maximum floor space ratio from part no FSR control to 3:1; and
- seek to increase the maximum height of buildings standard from 7m to the equivalent height of 18 storeys in metres.

**State Environmental Planning Policies**

While it is noted there is a SEPP summary table attached to the planning proposal, there is no detailed assessment against State Environmental Planning Policies provided. The Gateway determination recommends the planning proposal is updated to include a detailed assessment addressing SEPPs including (but not limited to):

- SEPP 55 Remediation of Land; and



- SEPP 65 Design Quality of Residential Flat Development.

## **SITE SPECIFIC ASSESSMENT**

### **Social and Economic**

The planning proposal will positively contribute to growth of the Castle Hill Precinct and provide housing diversity in a suitable location with access to the nearby Castle Hill Centre and Metro station.

### **Environmental**

#### **Built form**

The proposed height 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 Station Structure Plan, despite being in excess of the outcome planned for under Council's The Hills Corridor Strategy and Castle Hill North Precinct Plan (and subsequent planning proposal).

The Castle Hill North Precinct Plan and Planning Proposal (received Gateway 2 November 2016) identified the site as suitable for a lower scale of development with heights ranging from 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 proponent has been able to demonstrate that a quality urban design outcome can be achieved. The subject planning proposal has been able to demonstrate the proposed provisions can achieve minimised bulk and site coverage; appropriate levels of height transition to adjoining properties; sufficient site setbacks for landscaping; and a substantially sized deep soil open space. In this regard, the subject 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.

However, the Gateway determination requires the supporting urban design report and concept plan (lodged with the proponent's planning proposal) to be updated prior to the planning proposal being placed on public exhibition. Further, considering the draft concept plan and proposed future scale of development, the objectives of the R4 High Density Residential zone, including to encourage high-density residential development in locations that are close to population centres and public transport routes and to provide a variety of housing types within a high-density residential environment, are better suited to achieve the intended outcome of the planning proposal rather than the proposal's current position to retain the existing R3 Medium Density Residential zoning.

Accordingly, it is recommended that the Gateway determination requires the planning proposal to be amended to seek to rezone the site from R3 Medium Density Residential to R4 High Density Residential. It is also recommended that the Gateway determination requires the planning proposal to be amended to seek an increase to the minimum lot size from 700m<sup>2</sup> to 1,800m<sup>2</sup>; increase the maximum floor space ratio control from nil to 3:1 and increase the maximum height of buildings control from 9m to the equivalent height of 18 storeys expressed in metres.

#### **Traffic and parking**

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.

While the proposal is considered to enhance the performance of the surrounding road network via incorporating a through-site link as a key component, Council has requested that the proponent prepare and submit a revised traffic assessment which takes into account the proposed road improvements (within the Castle Hill North Precinct) as well as the additional growth resulting from the Castle Hill North Planning Proposal and the approved growth on the Pennant Street Target Site to the west. This will enable a more holistic assessment of the impact of the proposal as part of the Gateway Process.

The Gateway determination requires the supporting transport and access/traffic impact assessment report (lodged with the proponent's planning proposal) is to be updated prior to the planning proposal being placed on public exhibition.

Further, the Castle Hill North Planning Proposal (received Gateway determination 2 November 2016), proposed additional traffic infrastructure improvements 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.

These 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. The subject 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.

#### Heritage

The site adjoins the 'Garthowen House' local heritage item, which is listed under Schedule 5 of LEP 2012 as an item of local heritage significance. The proposal seeks to implement a design that would minimise site coverage, increase upper level setbacks, incorporate landscaping within setback areas and include a large common open space in the north-eastern portion of the site adjoining the heritage item. The implementation of these features is to provide a physical separation distance of approximately 50 metres between the heritage item and the proposed built form.

There are sufficient provisions currently in The Hills Local Environmental Plan 2012 to address any potential impacts of the planning proposal on the adjoining heritage item. Subsequently, the subject planning proposal's draft heritage provisions are not necessary. Further, subject to the preparation of detailed plans, heritage impact analysis and further consideration as part of the development application process, it is considered that the proposal represents an appropriate balance between allowing for increased residential densities in strategically located areas and protecting the setting and significance of the adjoining 'Garthowen House' heritage item.

The Gateway determination requires the supporting heritage impact statement (lodged with the proponent's planning proposal) to be updated prior to the planning proposal being placed on public exhibition.

**Infrastructure**

The proposal will generate the need for additional infrastructure not currently planned for in Council's contributions plans including the draft contributions plan for the Castle Hill North Precinct. The existing and planned local infrastructure will be sufficient to accommodate the additional residential density on the site facilitated by the planning proposal.

**CONSULTATION**

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**Community**

A community consultation period of 28 days is considered an appropriate amount of time to gauge the response by the community.

**Agencies**

Referral to the following agencies is recommended:

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

**TIMEFRAME**

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The proposed timeframe to finalise this planning proposal is 12 months.

**DELEGATION**

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It is recommended that delegation of the Greater Sydney Commission is issued in this instance given its location in the Castle Hill North Precinct, for which Council is the delegated plan making authority.

**CONCLUSION**

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The planning proposal has merit and should proceed subject to conditions as it will enable a high-density residential development in close proximity to Castle Towers and the future Castle Hill Metro station. The proposal will deliver a range of housing types in accordance with the Transport for New South Wales and Department of Planning and Environment North West Rail Link Corridor Strategy and Castle Hill Precinct Structure Plan.

**RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with Section 117 Direction 2.3 Heritage Conservation is justified in accordance with the terms of the Direction; and
2. note that the inconsistency with Section 117 Direction 6.3 Site Specific Provisions, remains unresolved until further justification has been provided.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to:
  - (a) remove any 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 700m<sup>2</sup> to 1,800m<sup>2</sup>;
  - (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 is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities/organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
  - Sydney Water;
  - Department of Education;
  - Office of Environment and Heritage;
  - Transport for NSW; and
  - Transport for NSW – Roads and Maritime Services.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any

obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

14/9/17

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# The Hills Development Control Plan (DCP) 2012

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ATTACHMENT 3

THE  
HILLS  
Sydney's Garden Shire



Part D Section 20

Castle Hill North Precinct

**DRAFT**



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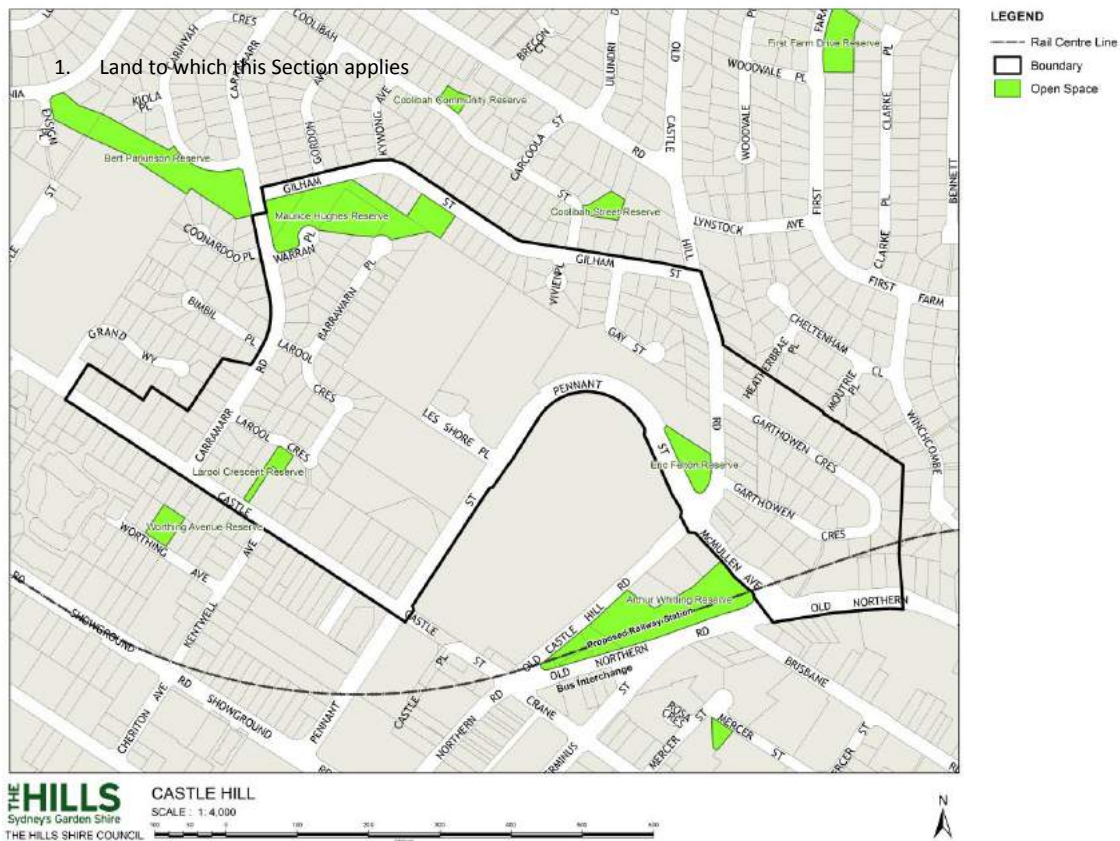
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# 1 Introduction

This Section establishes a framework and controls to guide development in the Castle Hill North Precinct.

## 1.1 Land to which this Section applies

This section applies to the land within the Castle Hill North Precinct (refer to Figure 1).



## 1.2 Purpose of this Section

The purpose of this section of the DCP is to guide future development of the Castle Hill North precinct by identifying the vision, development principles, key elements and structure for the future development of the precinct. It seeks to ensure the orderly, efficient and environmentally sensitive development of the precinct to achieve high quality urban design outcomes.

## 1.3 Relationship to other Sections of the DCP

This section forms part of The Hills Development Control Plan 2012 (DCP 2012). Development within the Castle Hill North Precinct will need to have regard to this section of the DCP as well as other relevant controls in DCP 2012. In the event of any inconsistency between this section and other sections of DCP 2012, this section will prevail to the extent of the inconsistency.

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## 2 Vision and Principles

### 2.1 Vision

The Castle Hill North Precinct is proposed to become an attractive and well connected neighbourhood that achieves housing targets, creates vibrant, safe and desirable places, reinforces the garden Shire character and lifestyle and is supported by necessary infrastructure. It is anticipated that the precinct will provide up to 3283 additional dwellings by 2036. In order to meet this vision, future development within the Precinct must achieve the following key principles and strategic priorities.

### 2.2 Development principles

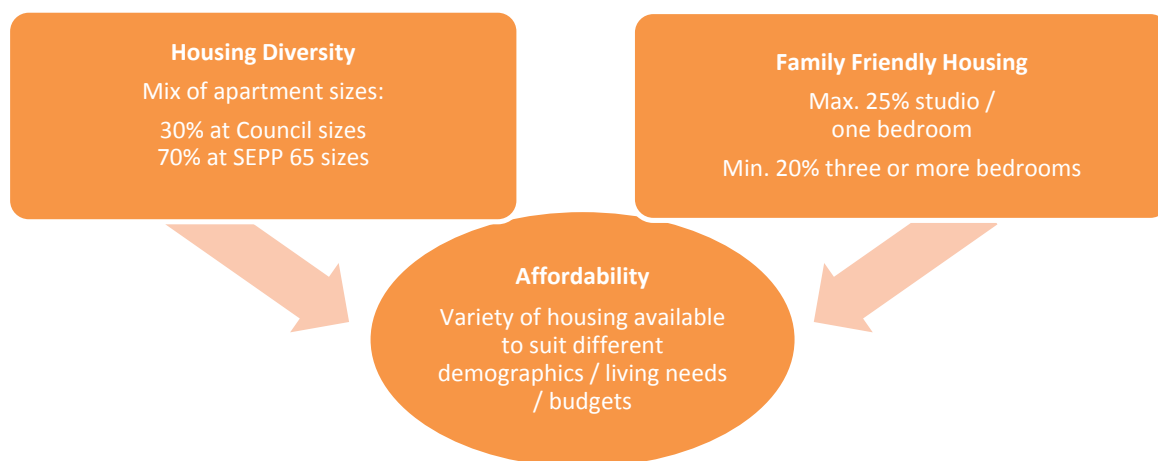
To achieve the vision, future development within the Precinct must address the following key principles and strategic priorities of Council:

#### **Housing Diversity**

As the population grows there will be greater reliance on higher density development to accommodate future housing demand. The expected characteristics of the Hills Shire population will continue to include a variety of household types including singles, couples and a high proportion of households with children. It will be critical that future high density development provides 'dwelling diversity' to ensure the market caters for the different living needs, expectations and household budgets within the community. This will require the provision of an appropriate mix of one, two and three bedroom apartments which are varied in size.

Apartment buildings are long term building stock so it is very important that if they are to be built, they are resilient over the long term. Unlike detached housing where landowners can choose the style and size of their home, a homeowner wanting an apartment can only choose from what is being provided. Whilst smaller apartments should be provided to meet the needs of a certain demographic within the market, moderate and larger apartments should also be provided to meet the latent demand for this housing option. This will then reduce pressure on smaller, more affordable housing options.

In order to achieve appropriate housing diversity within the Corridor, a floor space incentive provision has been included within The Hills Local Environmental Plan 2012 which permits additional floor space for developments that provide the required mix of apartment types and sizes (refer to figure 2). Further information on housing diversity is also provided as Attachment A.



## 2. Approach to Housing Diversity **Transit oriented development**

Transit oriented development (TOD) involves the creation of compact, walkable, mixed-use communities around public transport nodes. A key goal of TODs is to increase the number of people who walk, cycle or use public transport as their main form of transport. TODs have densities that result in increased patronage of public transport and provide more opportunities for people to live near the station and reduce their reliance on vehicles.

The need to locate high density housing in centres with good access to services, community facilities and transport is well recognised and will support the on-going operation of the Sydney Metro Northwest. Density at the core allows for a scale and character suitable for pedestrian connectivity. Centres should provide a mixture of residential, retail and commercial activities that are centred around transport and create an environment where services, recreation, entertainment, jobs and housing provide a lifestyle alternative to the traditional suburban context, consistent with the principles of TODs.

This DCP Sections supports the provision of TODs by helping to deliver the highest densities in key strategic locations close to centres and existing and proposed transport infrastructure. This will ensure a sensible balance can be achieved between delivering on housing targets whilst ensuring an appropriate transition in residential densities and maintaining residential character.

### **Infrastructure and open space**

Public open spaces play an important role in urban areas including provision of recreation, environmental conservation, connecting people with nature and improving social and mental health.

The expected additional population within the Castle Hill North Precinct will increase demand for various public facilities and services (such as roads, community facilities, open space and the like). The future population should be provided with access to open space, recreation and community facilities in line with the lifestyle enjoyed by existing residents.

There is a need to improve open space networks to meet the demands generated by incoming population and ensure appropriate recreational opportunities are provided for the future population. A number of local parks will be embellished to improve their capacity. Development within the Precinct will also be levied for the provision of new playing fields, cycle-ways, and public domain improvements which will be delivered to improve the quality of life of future residents.

### Place Making

Place making will be a key focus in order to provide neighbourhoods that are sustainable, accessible, safe, attractive and well serviced with a unique character and sense of place. The development controls will provide the guidelines to make neighbourhoods liveable including vibrant activity centres, permeable and safe movement networks, generous public spaces, high quality built form and ecologically sustainable development. The provision and embellishment of quality spaces including streets, parks, buildings, and other public spaces will enable greater interaction between people and foster healthier, more social and economically viable communities.

Public areas such as informal gathering areas within centres will include high quality and durable elements such as seating, shading and lighting to enhance the amenity of these areas. Streets will be enlarged where possible incorporating new public domain treatments including new paving, new street furniture and lighting, improved pedestrian access and dedicated street tree planting.

Quality built form plays a vital role in achieving liveable, productive and resilient environments and creating great places that people want to live, work, visit and invest in. Development which achieves the key principles and meets with the development controls in this DCP will ensure an exemplary standard of design that provides a positive contribution to the public realm. A design excellence clause has been included within The Hills Local Environmental Plan 2012 to require certain buildings and or development sites to be assessed by a design excellence panel to achieve quality built form outcomes for the precincts.



3. Activated pedestrian and cycleway  
Source: Brent Toderian



4. Retail at ground level  
Source: Google Streetview



## 3 Desired Character and Structure Plan

### 3.1 Desired Character

Castle Hill North Precinct will be a pedestrian friendly centre which will provide an attractive alternative to the traditional suburban context. It will focus on an appropriate scale and amenity for pedestrians which will be achieved by providing buildings at a human scale and an improved public domain that make travel by foot a desirable option. Developments will have reasonable setbacks and landscaping reflective of their intended character.

Development is to be consistent with the desired character for the precinct as well as the Structure Plan streetscape area controls, key precinct elements, general controls and development type controls. LEP 2012 utilises floor space ratios as the primary development standard for the Castle Hill North Precinct. This provides the flexibility to articulate and guide the desired built form outcomes on each individual development site. In order to provide a guide of the likely built form outcome, the structure plan identifies the intended land uses, indicative building height ranges and key links.

#### *Objectives*

- a. To precinct will provide for a diverse population in a higher density urban environment within a landscaped garden setting.
- b. To encourage development of high architectural quality exhibiting innovative ecological sustainable urban design.
- c. To provide a high amenity living environment with high quality attractive public open space.
- d. To locate higher scale residential development closer to Castle Hill station to cater for future demand.

#### *Controls*

1. Development is to comply with the Castle Hill North Precinct Structure Plan.
2. Development is to be of a high design quality to ensure an attractive, amenable and enjoyable urban environment.



5. Desired future character  
Source : Oculus



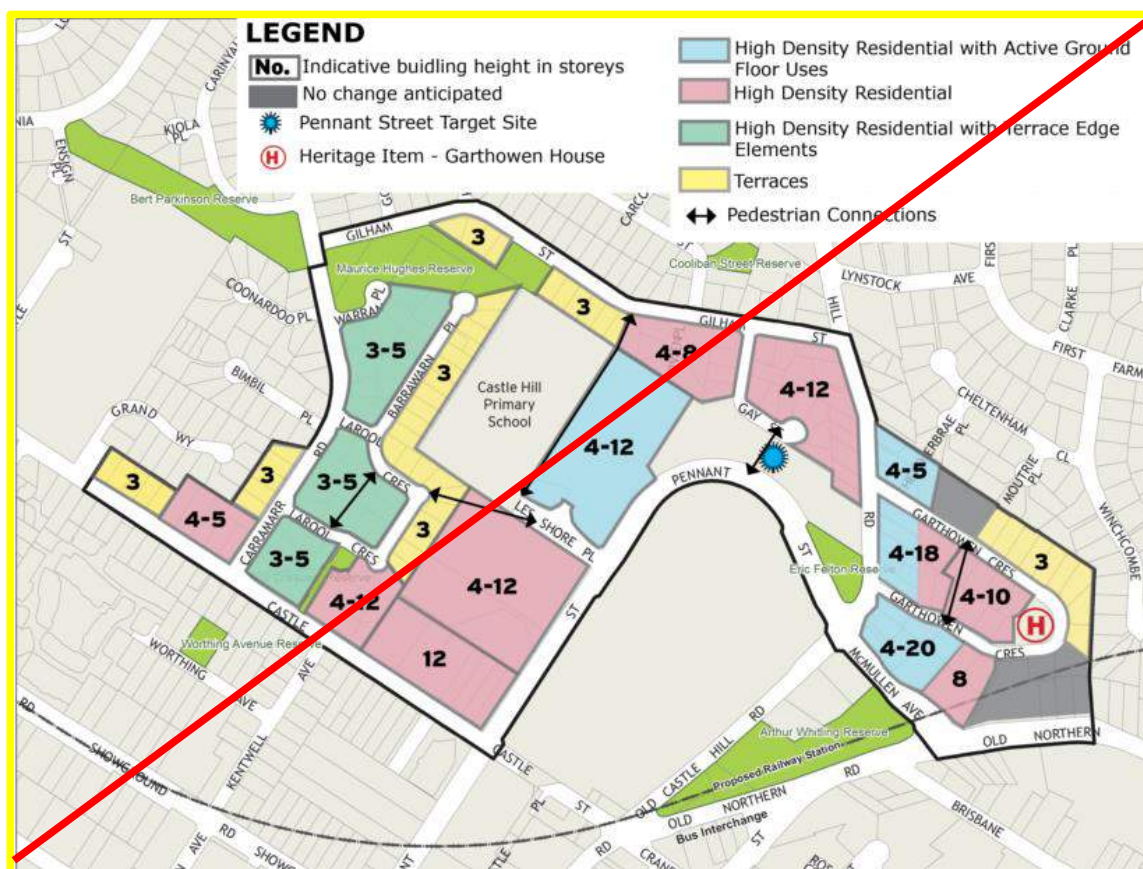
### 3.2 Castle Hill North Precinct Structure Plan

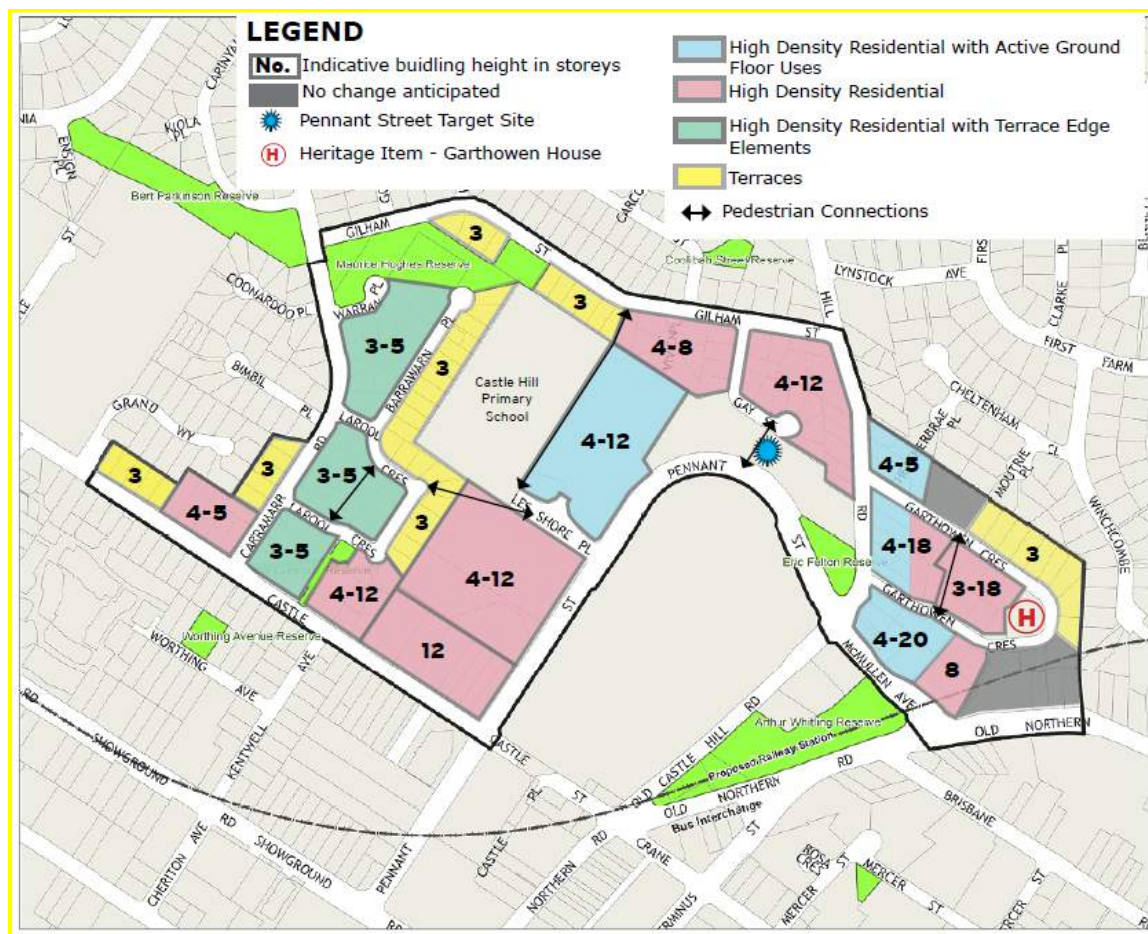
#### Objectives

- To ensure that development occurs in a coordinated manner consistent with the vision and development principles for the Precinct.
- To provide a diversity of residential development within the precinct.
- To locate higher scale residential development close to station to optimise access to public transport.

#### Controls

- Development is to comply with the Castle Hill North Precinct Structure Plan.





#### 6. Castle Hill North Precinct Structure Plan

### 3.3 Streetscape Areas

#### Objectives

- To ensure the delivery of an appropriate mix of uses.
- To ensure that the proposed land uses and the built form of future development contributes to the intended character for each streetscape.
- To ensure that future development provides an appropriate address to sensitive interfaces and transitions to the surrounding residential context.
- To provide for a high density residential development with a high quality public domain, high canopy trees and activated streets.
- To ensure that each streetscape is distinct yet contributes to the overall vision for the Castle Hill North Precinct, which is for a vibrant, connected and walkable centre that is an attractive place to live, work and visit.

#### Controls

- Development shall comply with the 'Structure Plan' included within Figure 6.
- Development is to be consistent with key streetscape elements as outlined below.

There are four key streetscape areas within the precinct as identified in Streetscape Area Map below.



7. Streetscape Area Map



### Urban Active Edge Streetscape

The 'Urban Active Edge Streetscape' includes land along Pennant Street/ Castle Street and the eastern side of Old Castle Hill Road (from McMullen Avenue to just north of Garthowen Crescent).

#### Character

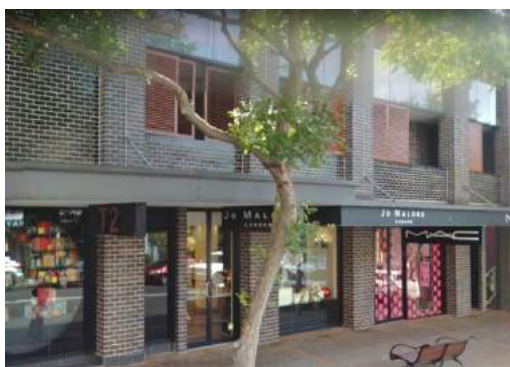
- a. This streetscape will provide a high degree of pedestrian connectivity to the Castle Hill Railway Station and other retail and commercial services within the Castle Hill Centre.
- b. Development will contribute to a high density environment with a compact urban form.
- c. This area will have a lively and vibrant streetscape which will be achieved through a mix of uses and street level activation.
- d. The delivery of public domain improvements including high quality paving, street furniture and street trees along these frontages will contribute to the consistency of the streetscape.



8. Activate Street frontage, Sydney  
Source: THSC



9. Ground floor retail, Sydney  
Source: THSC



10. Active street frontage, Sydney  
Source: Google Maps



11. Active Street frontage, Sydney  
Source: THSC

#### Land Use

- a. For land zoned R1 General Residential, retail and commercial uses shall be provided on the ground and first floors.
- b. For land zoned R4 High Density Residential, ground floor neighbourhood shops are encouraged to meet the day to day requirements of residents.



12. Residential Development with fine grain residential street interface, Harold Park  
Source: THSC

#### Street Frontage

- a. Buildings shall provide a hard line edge, at the setback line to provide continuity and create a seamless and identifiable area of public and private space.
- b. Provide retail and commercial uses on the ground and first floors with fine grain articulation.
- c. Provide awnings to active frontages.
- d. Treatment of the front setback areas are to integrate with the public domain treatments identified within the Castle Hill North Public Domain Plan and provide a consistent streetscape.



13. Activated street frontage with residential above  
Source: Google Streetview



14. Cross section of a Landscape Setback Streetscape

### Landscape Setback Streetscape

The 'Landscape Setback Streetscape' includes the areas of Gilham Street, Gay Street, Old Castle Hill Road (both sides), Castle Street (west of Carramar Road) and Carramar Road (north of Larool Crescent).

#### Character

- This streetscape area includes medium to low-rise residential development with generous setbacks reflective of a landscaped garden character.
- Future development will provide a transition of height and density to reflect the proximity of the sites from the Castle Hill Railway Station.
- Lower scale development with high quality landscape treatments to be provided along interfaces with sensitive uses.
- The streetscape will be characterised by wide footpaths and tree lined verges to encourage pedestrian movement.

#### Land Use

- Terrace housing style development and medium-high density residential apartments in a landscaped setting.



15. Landscaped setback Rhodes  
Source: THSC



16. Landscaped setback Lindfield  
Source: Google Streetview





17. Cross section of a Landscape Setback Streetscape

#### Street Frontage

- a. Where high density development is provided the streetscape will be characterised by landscaped setbacks.
- b. Setback areas, where high density development is proposed, are to be intensively landscaped and shall include ground cover (grass), shrubs and trees of varying heights so as to facilitate the retention of 'The Garden', feel.
- c. A minimum of two high canopy trees per 30 m of street frontage where the street setback is greater than 3m is to be provided within the front setback.
- d. Where terraces are proposed, development shall address the 'Terrace Edge Streetscape' street frontage elements.
- e. Deciduous trees are encouraged within the front setback areas to facilitate sunlight access in winter.
- f. Buildings on sites which adjoin public open spaces shall have an outlook to the adjoining open space area, so as to increase passive surveillance of these spaces.
- g. Development is to ensure that the private open space of adjoining properties including the common open spaces of private developments is to receive a minimum of 4 hours of sunlight between the hours of 9am to 3pm on June 21.
- h. No additional overshadowing of public open spaces such as riparian ways, local parks and plazas, including areas adjoining the precinct is to occur between the hours of 11am and 2pm between the dates of April 21 and August 21.

## Open Street Feel Streetscape

The 'Open Street Feel Streetscape' includes land along Garthowen Crescent.

### Character

- a. This streetscape will be characterised by high density residential development within an open landscaped setting.
- b. Sites within the southern portion of Garthowen Crescent, that have a dual frontage with McMullen Avenue, will have a more urban setting to provide a transition to the highly urban 'Urban Active Edge Streetscapes' which is identified along Old Castle Hill Road and McMullen Avenue.
- c. Building heights and densities shall transition throughout the streetscape to respond to existing lower scale development and other sensitive interfaces including Garthowen House.
- d. To accommodate a higher density environment a moderate widening of the Garthowen Crescent carriageway will be required to facilitate safe vehicular movement and an appropriate amount of on-street parking.

### Land Use

- a. For land zoned R1 General Residential, retail and commercial uses shall be provided on the ground and first floor so as to facilitate active and vibrant street frontages and to increase employment opportunities. Upper floors will comprise residential levels.
- b. Higher density residential development is to occur in the R4 High Density Residential zones to provide a range of dwelling types in near adjacency to the rail station.
- c. Building heights and densities are to transition downward to Garthowen House and the lower scale residential uses within, and adjoining, the Castle Hill North Precinct.
- d. Terrace housing style development is to be provided within the R3 Medium Density Residential zone.



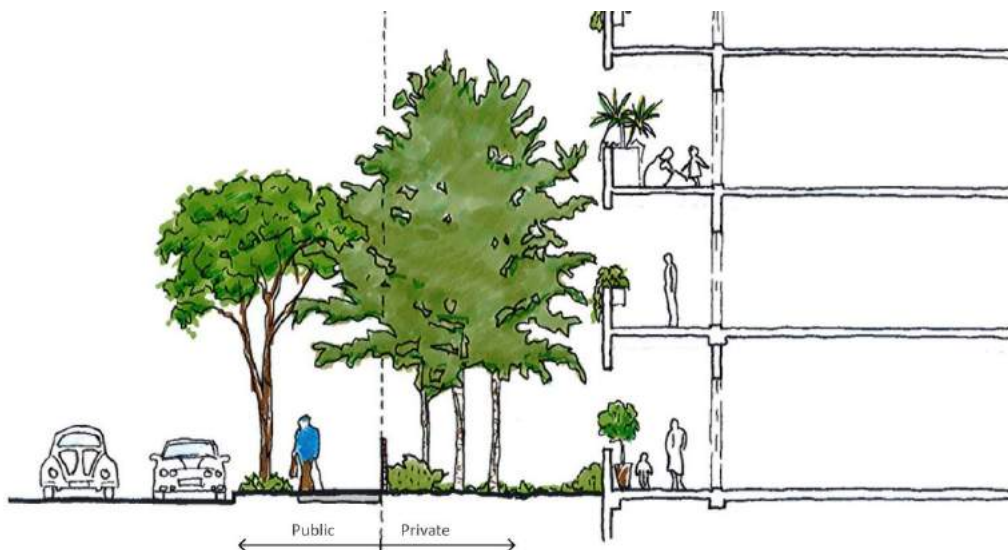
18. Example Residential Development with open street feel, Wentworth Point

Source: Google Maps Streetview

### Street Frontage

- a. This streetscape will have two different character areas. The northern end of Garthowen Crescent, will have an open landscaped feel which will be facilitated through generous landscaped setbacks, where a higher density development is proposed, incorporating a blend of native and exotic species (ground cover (grass), shrubs and trees).

- b. The southern end of Garthowen Crescent will also have an open landscaped feel, however it will be a transitional area to the 'Urban Active Edge Streetscape'.
- c. Future development shall be designed to provide clear sight lines to the adjoining street verges.



19. Cross section of Open Street Feel Streetscape

### Terrace Edge Streetscape

The 'Terrace Edge Streetscape' includes land along Barrawarn Place, Larool Crescent and Carramar Road (south).

#### Character

- a. This streetscape will be characterised by terrace lined streets with soft landscape treatments within the front setback areas of terraces.
- b. Fine grain terrace style street appearance will break up the massing and scale of the built form and present a compact medium density dwelling type which transitions sensitively to the surrounding neighbourhood.

#### Land Use

- a. Terrace type housing on land zoned R3 Medium Density Residential.
- b. Residential flat buildings on land zoned R4 High Density Residential. These developments are to have a street address which is reflective of a terrace streetscape.



20. Terrace Development  
Source: THSC



21. Terrace Development  
Source: Domain

#### Street Frontage

- a. Terrace style development and scale, no greater than 3 storeys in height.
- b. Private open space areas in the form of courtyards and small garden areas will be provided in the front setback areas.
- c. Provide moderate and low level landscaping within the private open space courtyards to soften the interface of the built form with the public realm.



22. Cross section of Terrace Feel Streetscape

## 4 General Development Controls

### 4.1 Movement network and design

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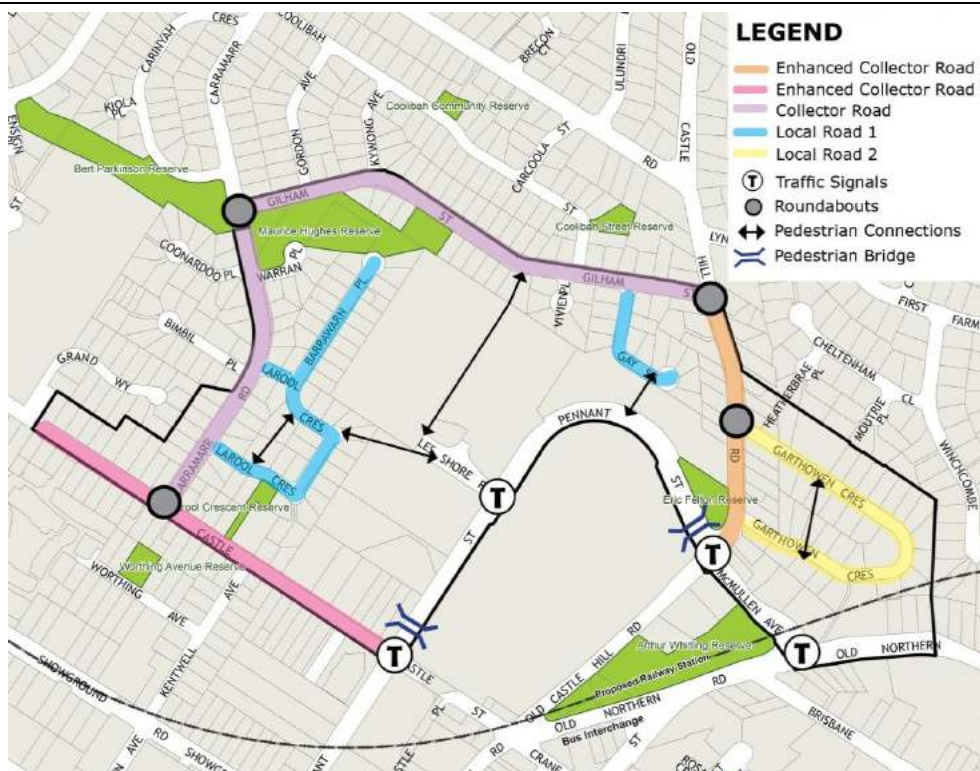
#### *Objectives*

- a. To encourage residents to walk or cycle to shops, railway station, recreation areas, community and other facilities by providing for safe and direct pedestrian and cycle connections between key locations.
- b. A functional and attractive new street network is provided that facilitates access, safety and convenience for all street and road users and minimises the negative impact of traffic.
- c. Carriageways and verge widths are consistent with the identified street hierarchy and profiles to allow streets to perform their designated functions within the street network, enhance functionality and amenity for users and accommodate public utilities and drainage systems.
- d. Improve the capacity and function of the road network to support higher density development.

#### *Controls*

1. The street network is to be consistent with the 'Indicative Street Network and Hierarchy' within figure 23.
2. Streets profiles are to be consistent with the street profiles in Figures 26-29.
3. The design and construction of road infrastructure shall comply with Council's Design Guidelines Subdivisions/Developments.
4. Road infrastructure is to be constructed to Council's specifications.
5. The cycleway network is to be generally consistent with the 'Existing and Proposed Cycleway Network' map in Figure 24.
6. Pedestrian links shall be provided, by way of legal public access, in accordance with the 'Indicative Street Network and Hierarchy' in Figure 23.
7. As high density development occurs along Garthowen Crescent, land identified within the 'Garthowen Crescent - Land Dedication Plan' shall be dedicated to Council at no cost.
8. Land along the northern side of Castle Street and along both the eastern and western sides of Old Castle Hill Road, as identified in the Castle Street and Old Castle Hill Road - Road Widening Plans (Figures 30-33) shall be acquired for road widening.



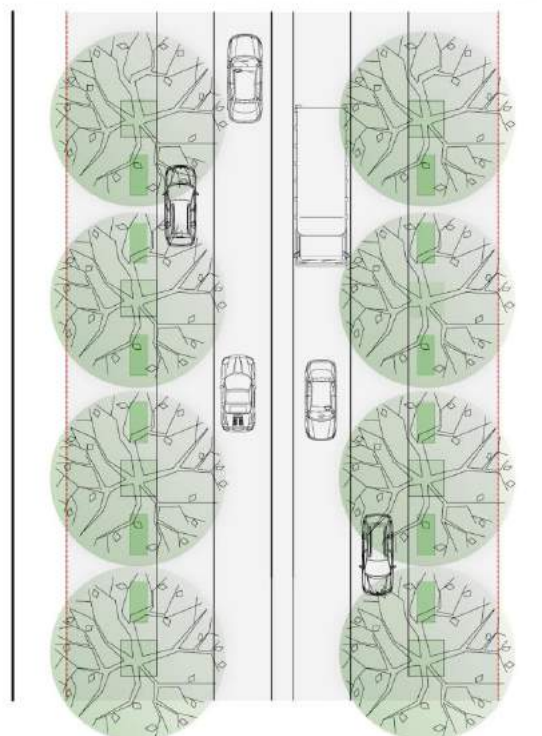
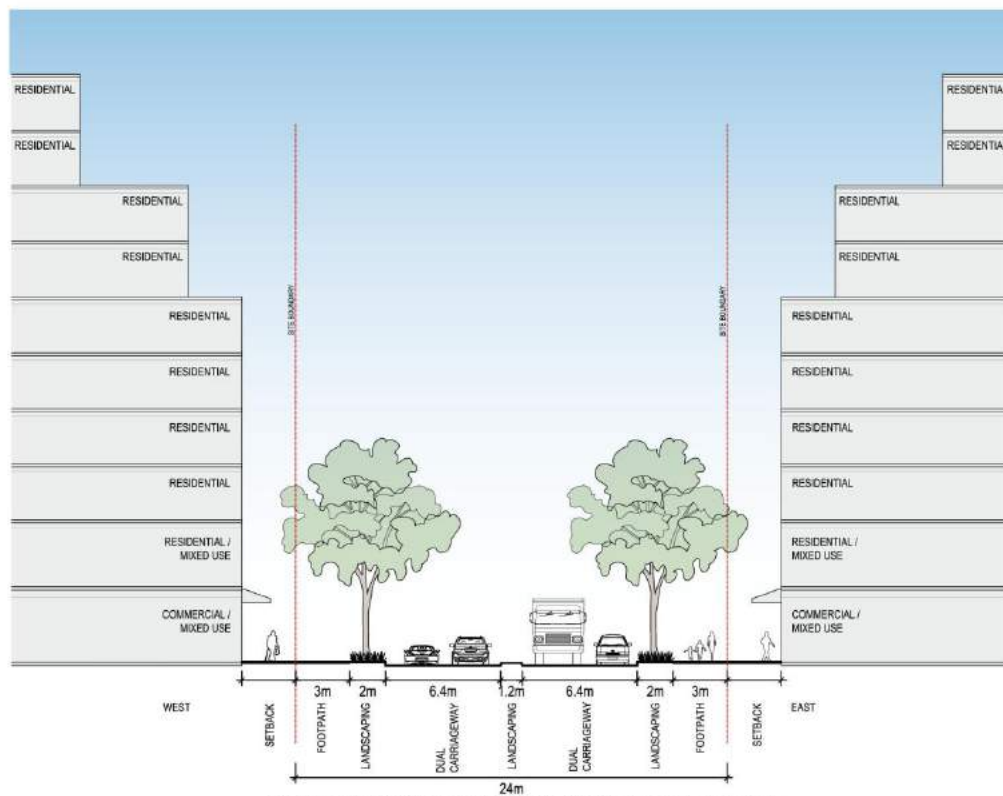


23. Indicative Street Network and Hierarchy

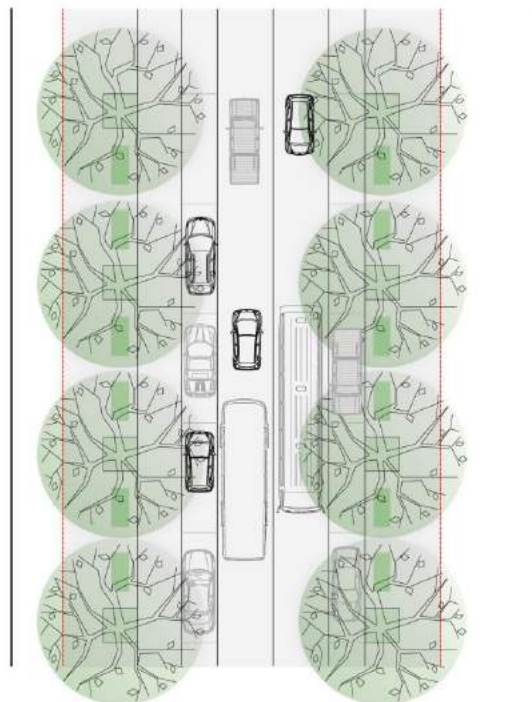
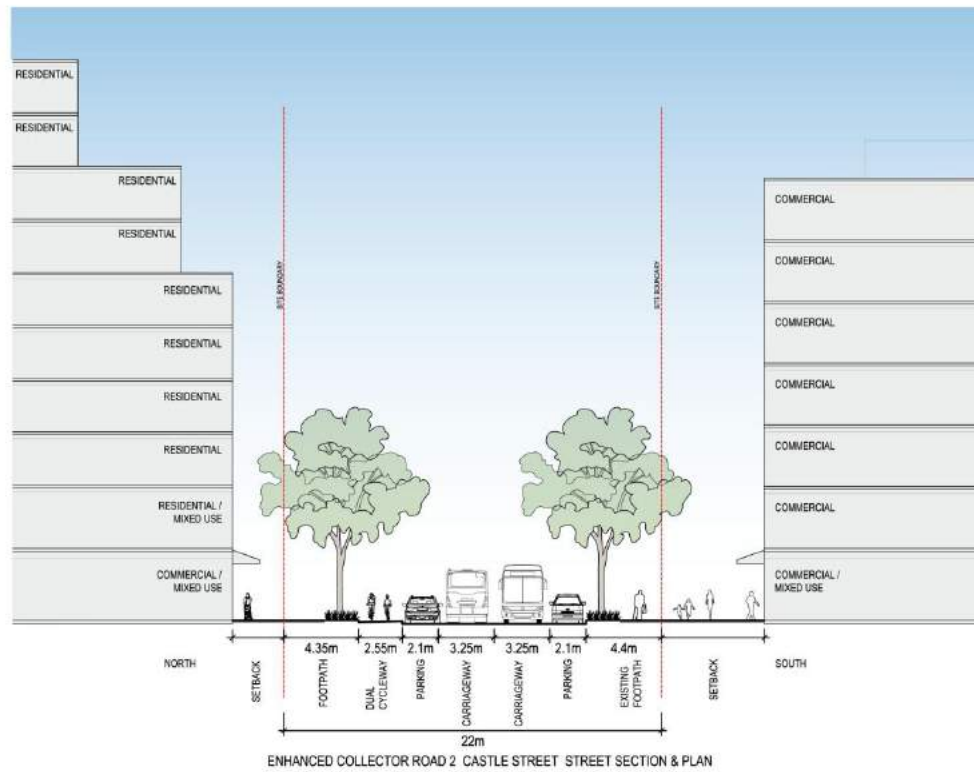


24. Existing and Proposed Cycleway Network

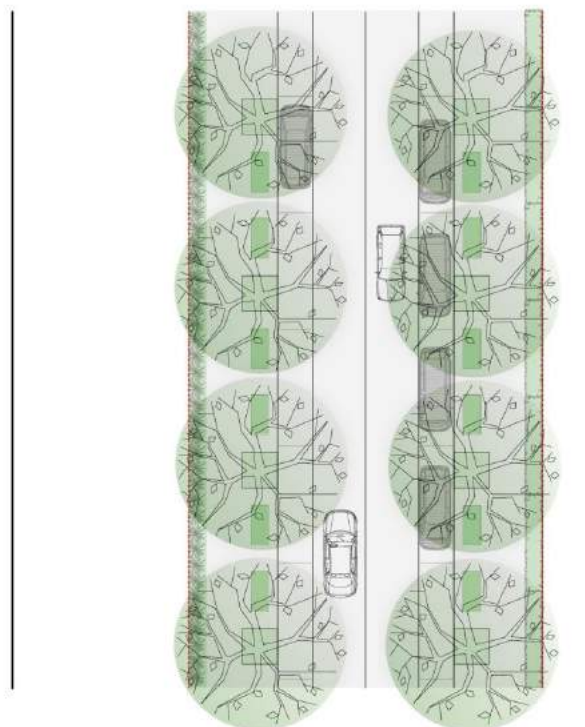
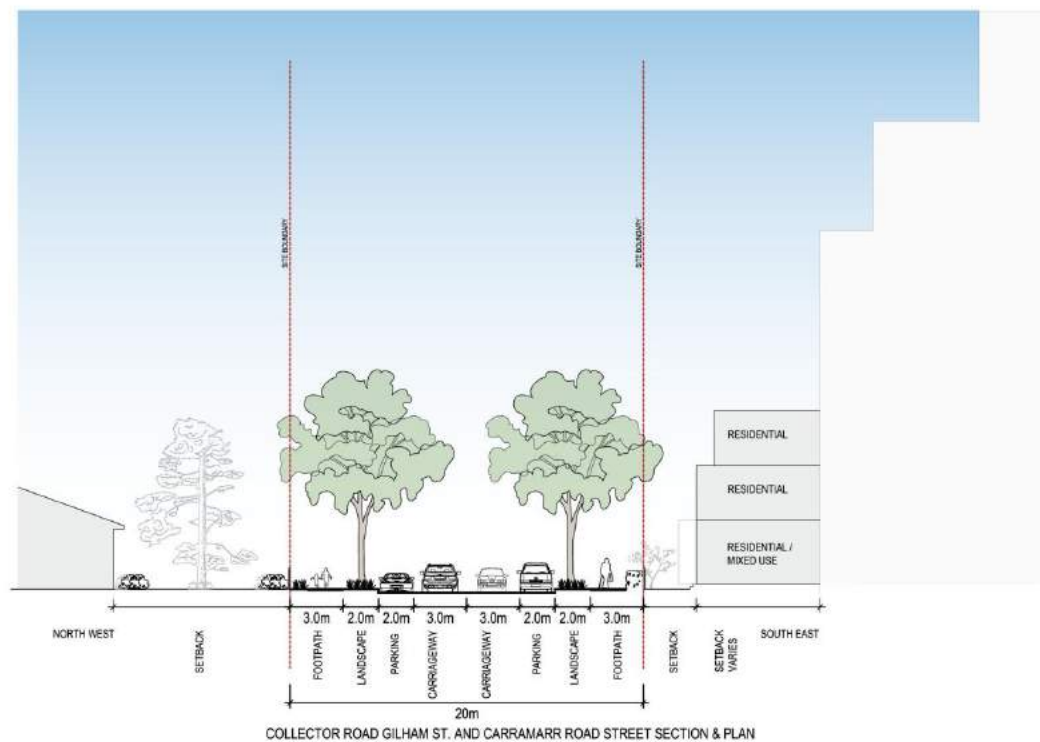




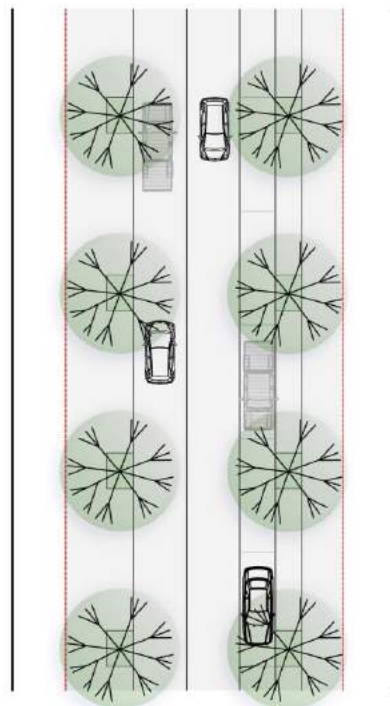
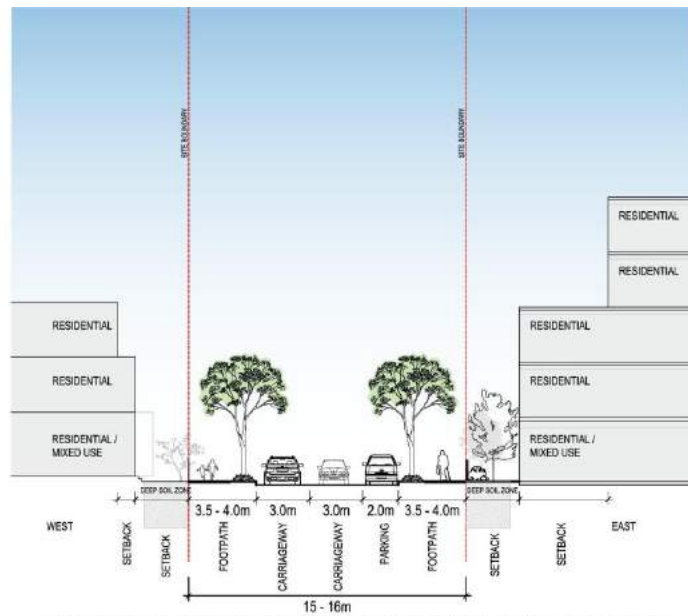
25. Profile – Enhanced Collector Road 1 (Old Castle Hill Road)



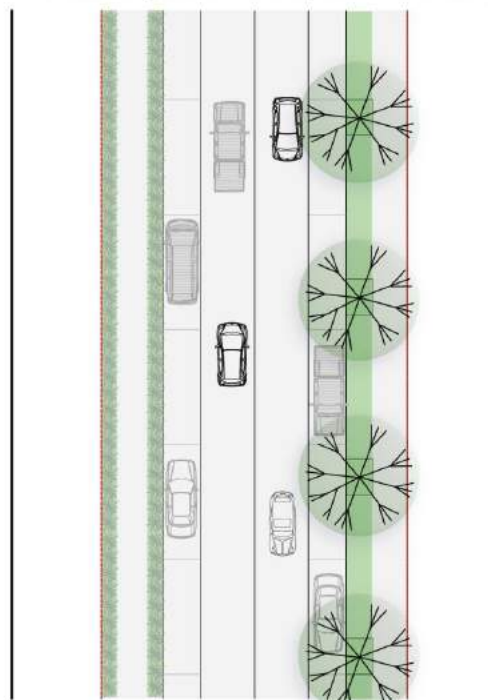
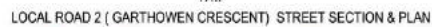
26. Profile – Enhanced Collector Road 2 (Castle Street)



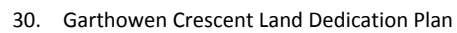
27. Profile – Collector Road (Gilham Street and Carramarr Road)



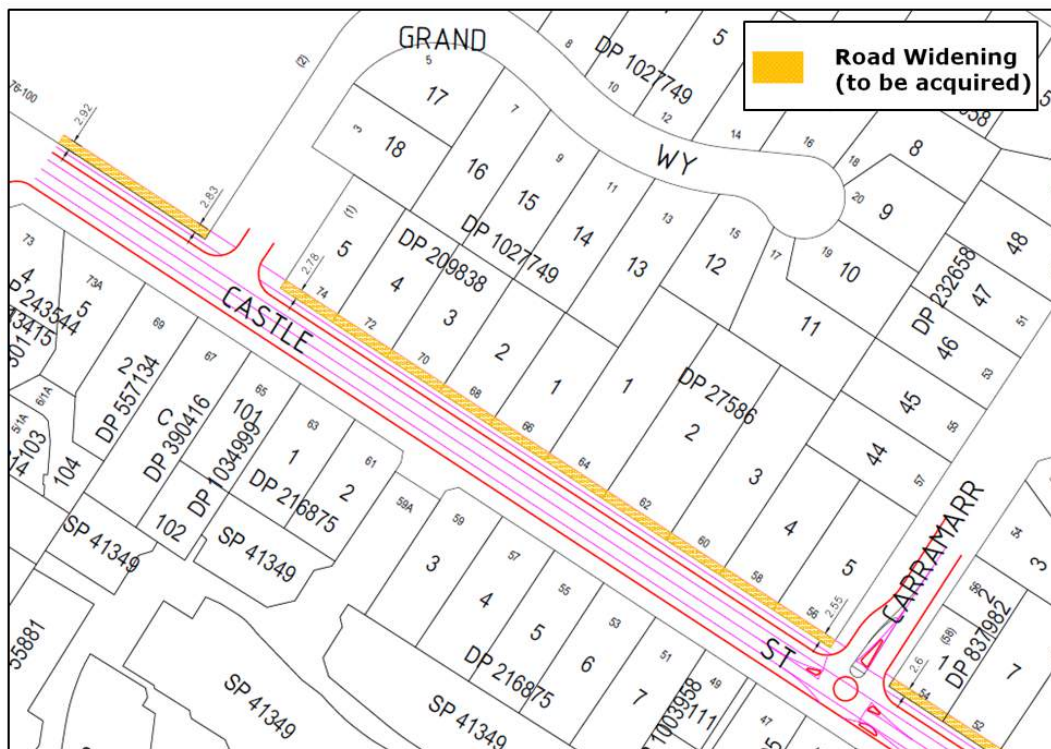
28. Profile – Local Road 1 (Larool Crescent, Barrawarn Place and Gay Street)



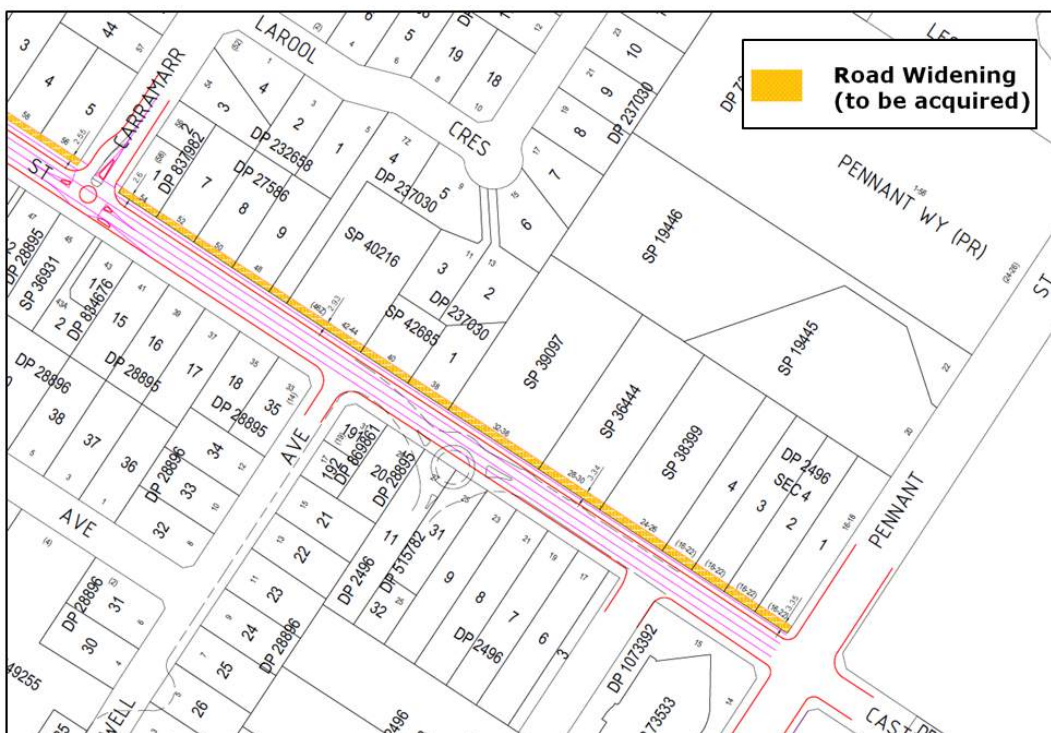




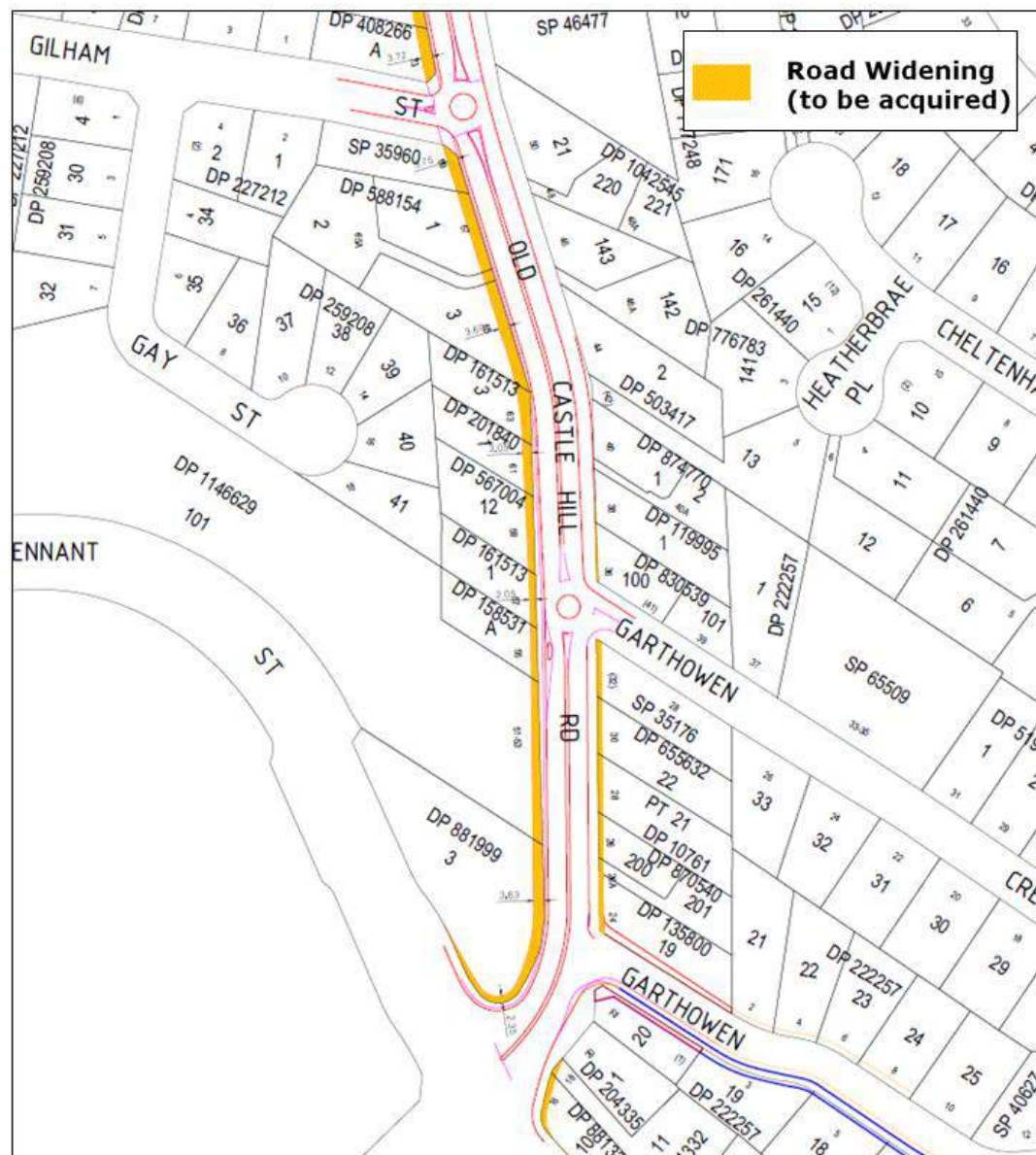




31. Castle Street – Road Widening Plan (East)



32. Castle Street - Road Widening Plan (West)



33. Old Castle Hill Road – Road Widening Plan

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## 4.2 Public Domain

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### *Objectives*

- a. To provide a range of quality public spaces to support new residential and employment uses.
- b. To improve the quality and aesthetic of the public domain to reflect the transitioning of Castle Hill North into a Transit Centre.
- c. To provide an improved pedestrian experience.
- d. Undergrounding of power lines to improve the aesthetics and liveability of the centre and to facilitate increased space within road reserves to install public domain improvements.

### *Controls*

1. Development applications shall comply with the Castle Hill North Public Domain Plan and demonstrate how high quality elements (driveways, footpaths, street trees, street furniture etc.) will be incorporated into future development.
2. As part of future development, developers shall arrange with the utility provider for the undergrounding of the power lines adjoining the development site. The undergrounding of the power lines shall be at no cost to Council.
3. No additional utility objects shall be located in the public right of way or street verge for any development.

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## 4.3 Sunlight to Public Spaces

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### *Objectives*

- a. To provide a comfortable and enjoyable public realm.
- b. To ensure new buildings and works allow good sunlight access to public spaces.
- c. To ensure that overshadowing from new buildings or works does not result in significant loss of sunlight and diminish the enjoyment of public spaces for pedestrians.
- d. To protect, and where possible increase the level of sunlight to public spaces during the times of the year when the public space is most commonly used.

### *Controls*

1. Development is to ensure that the private open space of adjoining properties including the common open spaces of private developments is to receive a minimum of 4 hours of sunlight between the hours of 9am to 3pm on June 21.
2. No additional overshadowing of public open spaces such as local parks and plazas, including public open spaces adjoining the precinct is to occur between the hours of 11am and 2pm between the dates of April 21 and August 21.

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## 4.4 Integrated Water Management

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### *Objectives*

- a. To adopt best practice techniques for stormwater quality management.
- b. To minimise flooding and reduce the effects of stormwater pollution on waterways.
- c. To ensure that land is appropriate to managing and minimise risks from flooding.
- d. To ensure an integrated approach to water management through the use of water sensitive urban design (WSUD) principles.

### *Controls*

1. A Stormwater Management Plan is to be prepared for each development application to include consideration of various sustainable practices including stormwater harvesting and re-use and water conservation.

2. All Stormwater drainage designs are to comply with the most up to date revision of Council's Design Guidelines Subdivision/Developments (September 2011) and Contributions Plan No.17 – Castle Hill North Precinct, or an appropriate alternative approved by Council.

#### **Flood Management**

3. Any site that is identified as a Flood Control Lot is to comply with Part C Section 6 – Flood Controlled Land, of this DCP.
4. Flood planning levels for new development shall comply with the requirements of Part C Section 6 of this DCP.
5. Development is to comply with the flood risk management provisions of Part C Section 6 of this DCP.
6. All landscaping is to be compatible with flood risk and not impede overland stormwater flows.
7. All vegetation species and structures, including paths, walls and fences, are to be able to withstand temporary flood inundation in any areas designated as detention basins.
8. During the construction phase of development, the relevant Stormwater Management Objectives for New Development as set out in the most up to date revision of "Managing Urban Stormwater: Soils and Construction" (NSW Department of Housing) must be complied with in full.
9. Erosion and sediment control measures are to be implemented and regularly maintained on site, while sediment trapping measures are to be located at all points where stormwater runoff can enter inlets to stormwater systems, or where runoff may leave the construction site.

#### **Water Sensitive Urban Design (WSUD)**

10. WSUD is to be adopted throughout all development, incorporating water quality management and attenuation of runoff to acceptable levels following development.
11. The following stormwater management objectives are to be achieved for all development within the Precinct:
  - 90% reduction in the post-development average annual gross pollutant load;
  - 85% reduction in the post-development average annual total suspended solids (TSS) load;
  - 65% reduction in the post-development average annual total phosphorus (TP) load; and
  - 45% reduction in the post-development average annual total nitrogen (TN) load.
12. For developments generating oils and grease, the additional objective of no visible oils for flows up to 50% of the one-year ARI peak flow shall be achieved.
13. WSUD infrastructure elements are to be designed and constructed in accordance following publications:
  - Australian Runoff Quality (Engineers Australia 2005); and
  - Water Sensitive Urban Design Technical Guidelines for Western Sydney (NSW Government Stormwater Trust and UPRCT, May 2004).
14. The WSUD strategy prepared for all development is to take into account water quality and stream erosivity objectives, together with attenuating flow rates and runoff volumes to acceptable levels following urban development.
15. Water quality modelling to support development proposals within the Precincts shall utilise MUSIC Version 5 or later and adopt modelling parameters in line with the most up to date version of the NSW Music Modelling Guidelines (CMA).
16. Stormwater runoff must be treated before being discharged into riparian zones or watercourses.
17. To minimise the impact of stormwater on the health and amenity of upper Cattai Creek Catchment, stormwater is to be retained on development sites by:
  - collecting and storing water from roofs and hard surfaces;
  - maximising porous surfaces and deep soil zones; and
  - draining paved surfaces to adjacent vegetation.
18. All buildings must install rainwater tanks to meet a portion of supply such as outdoor use and toilets. All residential dwellings are required to provide a (minimum) 3,000 litre (3 KL) rainwater tank, and such tank is to be connected for use in toilet flushing and external uses. Larger tanks than the requirement are permitted.

19. Each rainwater tank is to be provided with potable water trickle top-up with a back flow prevention device, complying with Sydney Water requirements.
20. On-site detention is to be provided in accordance with Section 4.22 of Council's Design Guidelines Subdivision / Developments.

## **4.5 Cut and Fill**

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### *Objectives*

- a. Developments minimise the impact of earthworks on the stormwater regime, salinity and groundwater.
- b. The extent of cut and fill required for large scale development does not detract from the appearance and design.
- c. Development visually integrates with the surrounding environment.
- d. Fill material imported to a site is to be clean and comply with the contamination and salinity provisions of this section.
- e. Land is appropriately stabilised and retained.
- f. Cut and fill does not encroach within, or adversely affect the efficiency, integrity and stability of any open space area.

### *Controls*

1. In the areas of fill relevant provisions of Council's Flood Controlled Land DCP are to be applied, with reference to the Flood Risk Management Section of this DCP.
2. A Fill Plan must be prepared.
3. All cut and fill works shall be in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specification Subdivisions/ Developments.
4. All landfilled areas must comprise clean material free from contamination. Imported material shall be certified "Virgin Excavated Natural Material (VENM)".
5. Landfilled areas must be suitably compacted and stabilised with density tests to verify that compaction was achieved in accordance with Council requirements.

## **4.6 Ecologically Sustainable Development**

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### *Objectives*

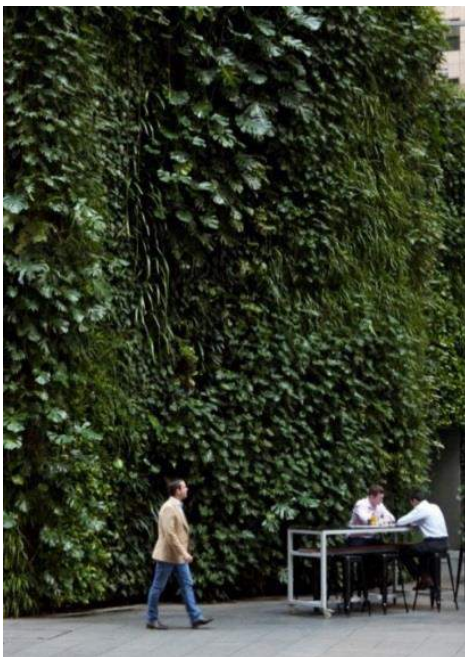
- f. Building designs are innovative and sustainable to reduce the reliance on, and consumption of, fossil fuels and potable water supplies.
- g. Development adapts to climate change.
- h. Developments contribute to improved quality of life, health and well-being of the community.
- i. The design, construction and operation of development minimises adverse impacts on the natural environment.
- j. Use landscape treatments to improve amenity for people using open space.

### *Controls*

1. Residential flat buildings, townhouses and terraces built as a development lot should achieve a minimum 5 star NatHERS energy rating for each dwelling unit.
2. Development other than residential should achieve a minimum 5 star Green Star Design and as Built rating, respectively,
3. Building operation should achieve a minimum 4.5 star base building and tenancy NABERS Energy rating, where applicable.



4. The incorporation of green walls and roofs into the design of buildings is encouraged. Where suitable, building facades should incorporate vertical landscaping features to soften the visual bulk of buildings and to improve streetscape appeal.
5. Canopy trees, understorey planting and permeable surfaces should be provided where possible to reduce the extent of paved surfaces and to enhance the amenity of the development and streetscape.
6. Buildings are encouraged to incorporate a trigeneration energy facility that provides energy-efficient power, heating and air conditioning for use on site.
7. Building designs are to:
  - Maximise the use of natural light and cross ventilation;
  - Reduce the reliance on mechanical heating and cooling through the use of eaves, awnings, good insulation and landscaping;
  - Include energy efficient light fittings and water fittings;
  - Allow for separate metering of water and energy usage for commercial and multi-unit tenancies.



34. Green Wall at 1 Bligh Street, Sydney  
Source: City of Sydney

***Green roofs** can help to decrease heat absorption, reduce the ambient temperatures of buildings, and improve air quality and building efficiency. They can also provide a habitat for urban ecology and have amenity and recreational benefits for a building's occupants.*

***Green walls** are plant systems that are grown on the vertical façade of a building and are often a striking and attractive design feature. Benefits include reducing the radiation of absorbed heat from buildings, they provide insulation from noise and heat, and make public spaces more appealing for the community to use and enjoy.*





35. Greened Balconies to residential apartments  
Source: Stefano Boeri Architects



36. Greenroof in cityscape  
Source: Susanne Jespersen

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## 4.7 Ecology

### *Objectives*

- a. To protect and enhance areas of significant native vegetation.
- b. To protect and enhance wildlife habitat.
- c. To protect and enhance the integrity and environmental functionality of riparian corridors.

### *Controls*

1. Wherever practical, development within the Precinct should be sited to minimise impacts on the existing vegetation and avoid removal of significant trees.
2. Provide green roofs and walls wherever practical to mitigate the loss of green canopy and vegetation as a result of development.



37. Green roofs on higher density development

Source: Google Maps

## 4.8 Heritage (Garthowen House)

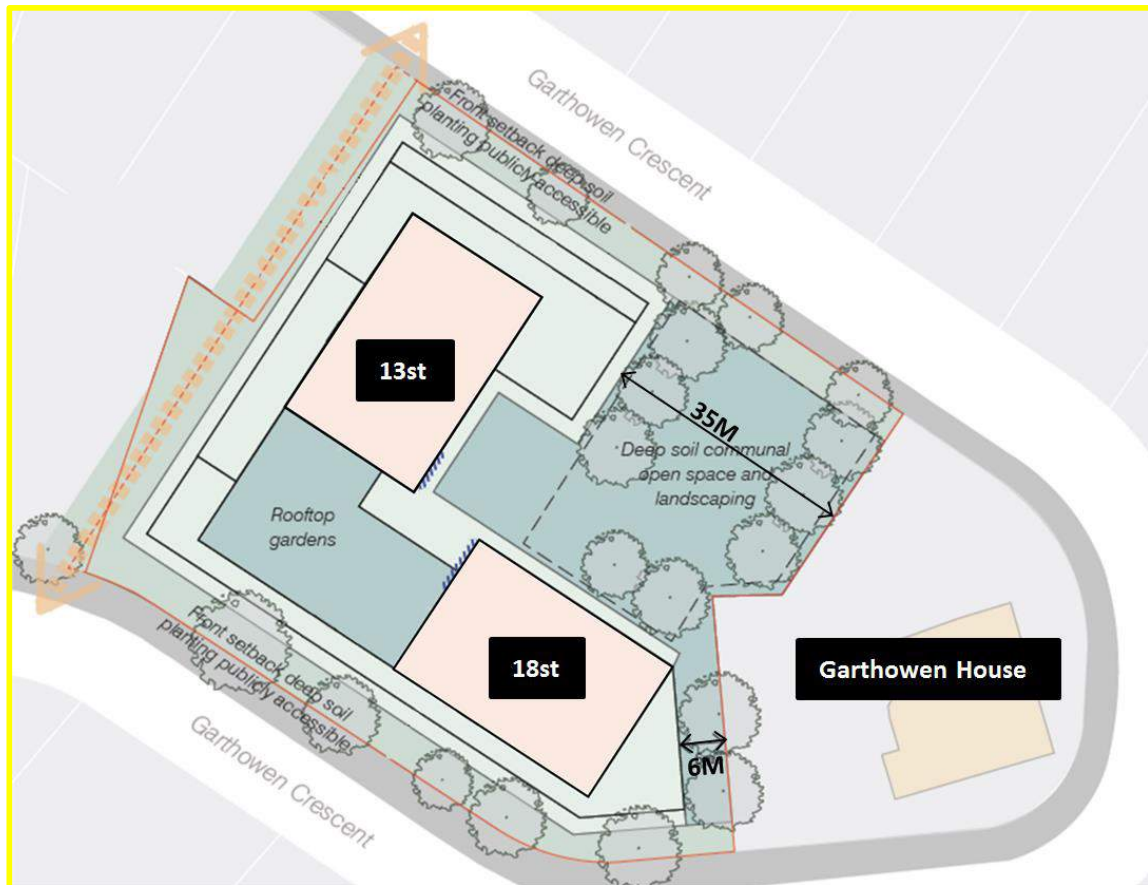
### *Objectives*

- a. To ensure that development within the vicinity of Garthowen House does not impact on the heritage significance of the heritage item.

### *Controls*

1. Development in the vicinity of Garthowen House shall have regard to Part C Section 4 – Heritage of this DCP.
2. The curtilage of the heritage item, being the existing allotment boundary of 14 Garthowen Crescent (Lot 2 DP 533390), shall be maintained and protected.
3. Development on sites within the vicinity of Garthowen House shall be designed to ensure that building elements, which interface the western boundary of the heritage site, have a maximum height of (4) four storeys or no more than 13.5m in height whichever is the lessor (exclusive of building services).
4. Development on sites adjoining the heritage item should consider locating landscaped areas and common open space areas between future building elements and the heritage site to assist in providing greater separation between the heritage cottage and future development.
5. Development to the west of the heritage item shall incorporate a transition of height and density, with the lower scale elements located closest to the heritage site.
6. Development within the vicinity of the heritage site shall ensure that significant view lines to and from the heritage item are appropriately maintained.
7. Development within the vicinity of the heritage site shall ensure that significant view lines to and from the heritage item are appropriately maintained.
8. No additional overshadowing of the gardens of the property that serve as private open space is to occur between the dates of April 21 and August 21.
9. Development on land at 6-12, 12B and 16-20 Garthowen Crescent, adjoining the heritage item shall ensure a sensitive visual response and relationship to Garthowen House, as demonstrated in Figure XX – Indicative Layout Plan below. The development shall incorporate the following:

- a. A deep soil communal open space of at least 1,900m<sup>2</sup> directly adjacent to the west of the heritage item;
- b. A minimum setback of 6 metres to the boundary with 14 Garthowen Crescent for land fronting the southern side of Garthowen Crescent; and
- c. A minimum setback of 35 metre to the boundary with 14 Garthowen Crescent for land fronting the northern side of Garthowen Crescent.



XX. Indicative Layout Plan for development adjoining the heritage item at 6-12, 12B and 16-20 Garthowen Crescent  
Source: THSC

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## 5 Built Form

### 5.1 Residential flat buildings and shop top housing

### 5.2 Site requirements

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*The Hills LEP 2012, clause 4.1A (Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings) specifies the minimum lot size for residential flat buildings in the R1 General Residential, R3 Medium Density Residential, R4 High Density Residential and B2 Local Centre zones.*

#### *Objectives*

- a. To encourage the amalgamation of sites and discourage the creation of isolated development sites.
- b. Developments provide high quality space for recreation and for use by residents of developments.
- c. Development sites have sufficient area to provide adequate access, parking, landscaping and building separation.

#### *Controls*

1. Development sites shall have a minimum road frontage of 30m.
2. Development sites shall have a minimum site depth of 40m.
3. Residential flat buildings and shop top housing are to have a frontage (address) to the street and are not to be located on battle-axe allotments or rely of a right of access arrangements for access to a public road.

### 5.3 Building Design

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#### *Objectives*

- a. To ensure the street frontage heights and setbacks reinforce the future precinct character and residential identity.
- b. Develop a cohesive architectural expression based on a consistent high quality built form, facade design and external materials and finishes.

#### *Controls*

1. Development shall incorporate high quality architectural materials and urban design that contributes and reflects a modern suburban character and preferably light in colour. The palette of the selected materials are to be a combination of natural building products such as stone or tile cladding, facebrick, render and painted concrete block work, and terracotta or painted compressed fibre cement (CFC) facade feature walls.

### 5.4 Built form controls

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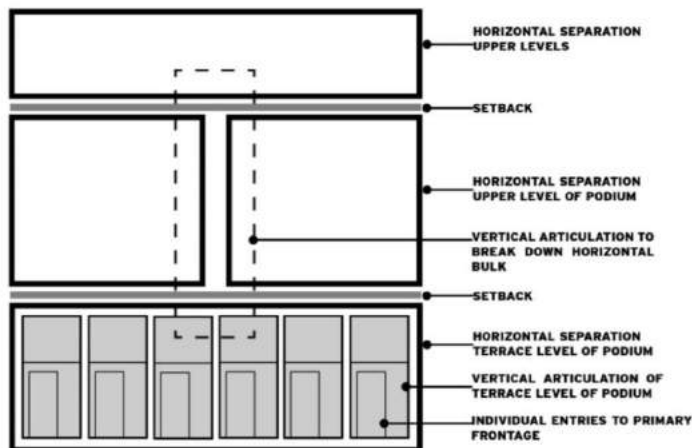
#### *Objectives*

- a. To ensure the street frontage heights and setbacks reinforce the future precinct character and residential identity.
- b. Building heights and articulation to provide a sensitive transition to the surrounding areas.
- c. To ensure the bulk and massing of the precinct provides a high quality pedestrian street experience.

- d. To create an active interface between ground floor uses and the street.
- e. To ensure buildings are able to adapt to differing uses.

### Controls

1. The proposed development must not exceed the maximum height in stories shown on the Structure Plan refer to figure 6. The maximum height in storeys may only be achieved when it is demonstrated that:
  - a. the built form achieves the desired street character;
  - b. Is sympathetic to the heritage context, contributes positively to the precinct setting; and
  - c. Does not provide additional overshadowing to public open space between the hours of 11am-2pm between the dates of 21 April to 21 August. This includes public open spaces outside and adjacent to the precinct.
2. A horizontal architectural hierarchy is to clearly define the ground floor street zone, upper podium and tower elements.
3. The podium element of any development is to be broken up horizontally to provide a combined ground floor and level 1 street zone articulation equal in height or to align with a two story terrace configuration.



38. Street façade articulation

Source: THSC

4. On streets with a road reserve of less than 20m the width of the façade shall not exceed 40m. On streets with a road reservation of 20m or greater the street frontage shall not exceed 65m .
5. Developments greater than 40m in length are to be designed so as to express the appearance of two distinct building elements with individual architectural expression.
6. Adjacent buildings are to comply with the provisions of SEPP65 ADG building separation. For developments of 3 stories or less the minimum building separation is 4m. This is to be provided as a pedestrianised public right of way.
7. Pedestrian links should be connected to the existing and proposed pedestrian network.





39. Pedestrian right of way  
Source: THSC



40. Clearly identifiable entries  
Source: THSC

8. The entry to the development is to be visually identifiable from the street frontage with clear sight lines. Separate entrances are required for commercial / retail and residential uses.
9. All ground floor lobbies are to have a direct visual connection to the street.
10. Balconies to upper levels are to provide a minimum 50% opaque / solid balustrading to provide for residential amenity.
11. Services such as for fire protection, water and power distribution are not to intrude upon the pedestrian right of way, visually detract from the appearance of the development, and are to be screened from the street frontage with materials which are integrated with architectural expression of the development.
12. Car parking areas at lower levels must be sleeved by other uses with a minimum depth of 10m to activate the street. Car parking at the ground floor level is not encouraged in a mixed use building.
13. Underground car parking is not to intrude into the setback zone of 5m from the street boundary or be aligned with the building line



41. Services visually concealed from street view, Lindfield.  
Source: Google Maps



42. Two storey terrace appearance to street level portion of podium.  
Source: THSC

## 5.5 Building height and form

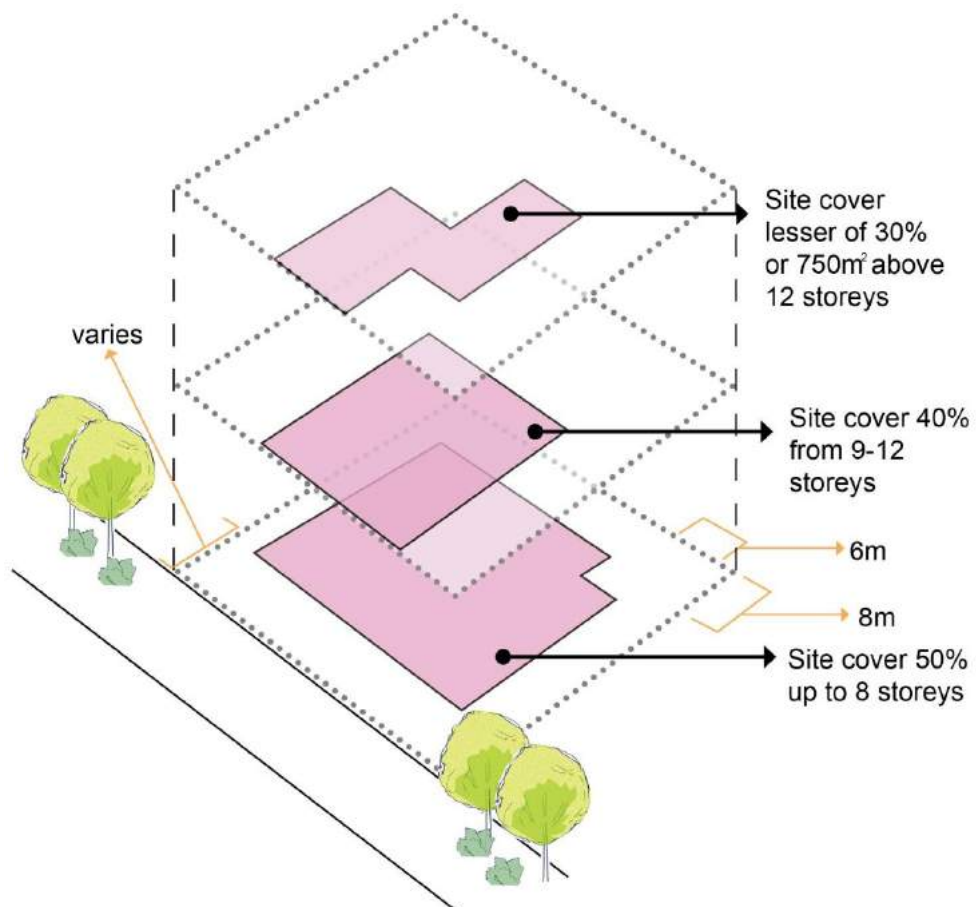
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### *Objectives*

- a. To provide for a range of building heights and forms across the Precinct and within each street block to create variety and encourage different architectural styles.
- b. To reinforce key landmark sites and defining entries / gateways through the location of taller buildings.
- c. To allow reasonable daylight access to all developments and the public domain.
- d. To ensure buildings are sufficiently articulated to reduce the appearance of building bulk and scale and provide for visual interest.
- e. To ensure that high density residential development promotes a slender built form.
- f. Buildings are articulated to reduce the appearance of building bulk and scale and provide for visual interest and innovative design.
- g. Buildings allow reasonable daylight access and privacy to all developments and the public domain.
- h. Development includes buildings of a mix of sizes, heights and architectural expressions.

### *Controls*

1. Buildings are to have a maximum depth of 18m measured from glass line to glass line.
2. Street corners must be addressed by giving visual prominence to parts of the building façade, such as a change in building articulation, material or colour, roof expression or height.
3. Each street façade is to be articulated into smaller elements at a scale or grain that reflects the use of the building and its various components, the location of the building relative to pedestrian or outdoor recreation activity, and elements such as building entries.
4. Site cover shall not exceed a cumulative total of:
  - 50% of the site area (excluding land to be dedicated or acquired for a public purpose) up to 8 storeys;
  - 40% of the site area (excluding and land to be dedicated or acquired for a public purpose) from 9 to 12 storeys; and
  - 30% of the site area (excluding and land to be dedicated or acquired for a public purpose) or 750m<sup>2</sup> per building, whichever is the lesser, above 12 storeys.



43. Example High density residential including site cover outcomes

## 5.6 Floor to floor heights and floor to ceiling heights

### Objectives

- f. To provide for future flexibility in use.
- g. To provide for improved solar access to ground floor of developments.

### Controls

1. Buildings are to have the following minimum floor to floor heights;

Use	Storey Height (floor to floor)	Minimum floor to ceiling height
Ground floor commercial or retail *	4.2m minimum	3.6m
Ground floor residential	3.6m minimum	3.3m
Residential floors above first floor	3.1m minimum	2.7m
Commercial floors	3.6m minimum	3.3m
Allowance for green roofs	0.5 - 1m	
Structure such as transfer beams	250mm	3.3m – subject to location of transfer
Plant equipment, lift over-runs and stairs.	No more than 4.5m **	

\*Greater heights may be required for showrooms and facilities such as gyms, swimming pools and common areas.

\*\* Subject to number of storeys greater allowance (6m) for buildings greater than 12 storeys.

## Building setbacks

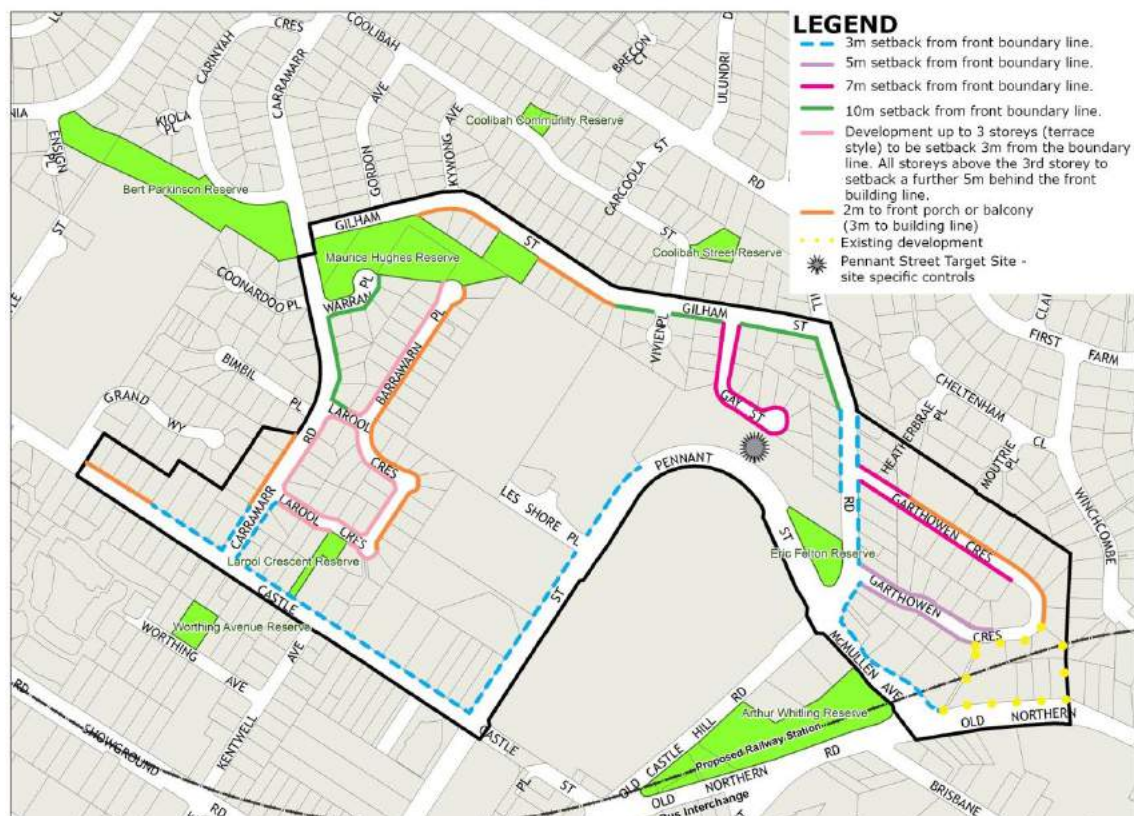
### Objectives

- a. To provide strong definition to the public domain and create a consistent streetscape.
- b. To set taller building elements back from the street to reduce building scale and bulk and enable adequate sunlight access to the public domain
- c. To provide articulation zones to complement building mass and emphasise key design elements such as entrance points and respond to environmental conditions including solar access, noise, privacy and views.
- d. To ensure adequate separation between buildings on different sites to alleviate amenity impacts, including privacy, daylight access, acoustic control and natural ventilation.
- e. To create a landscaped streetscape that can accommodate high canopy trees.

### Controls

1. Variations to the front setback requirement will be considered where land is dedicated, at no cost to Council, for the purpose of road widening.
2. Front Setbacks are to be provided in accordance with the 'Street Setbacks Map' identified within Figure 28. If not identified on this Figure, setbacks shall be provided in accordance with the following table.

Setbacks – Residential Flat Buildings and Shop Top Housing	
Front Setback from boundary	<ul style="list-style-type: none"> <li>7.5m</li> </ul>
Primary Frontage Setback	<ul style="list-style-type: none"> <li>For all buildings, on a street reservation greater than 20m in width (Old Castle hill Road and Castle Street), all storeys above the 6th storey shall be setback 3m behind the front building line.</li> <li>For all buildings on a street reservation less than 20m in width, all storeys above the 4th storey shall be setback 6m behind the front building line.</li> <li>Underground car parking is not to intrude into the primary frontage setback.</li> </ul>
Secondary Frontage Setback	<ul style="list-style-type: none"> <li>For all buildings on a street reservation greater than 20m in width, all storeys above the 8th storey shall be setback 9m behind the front building line.</li> </ul>
Rear Setback	<ul style="list-style-type: none"> <li>8m or to comply with SEPP 65 whichever is the greater</li> </ul>
Side Setback	<ul style="list-style-type: none"> <li>6m or to comply with SEPP 65 whichever is the greater</li> <li>Zero lot on designated active streets in which the intended street character is to provide a street wall.</li> </ul>
Balconies	<ul style="list-style-type: none"> <li>Balconies shall not protrude into the setback area.</li> </ul>



44. Street Setback Map



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## 5.7 Streetscape and the Public Domain Interface

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### *Objectives*

- a. Development contributes to the activity, safety, amenity and quality of streets and the public domain.
- b. Development addresses the street and creates a human scale for pedestrians.

### *Controls*

3. Buildings shall address any shared open space and adjacent public areas to increase the natural surveillance of these areas and contribute to their safety and security.
4. Residential developments are to address the primary street frontage. Where a development comprises a number of buildings with a variety of orientations, a major part of the overall development is to face the street.
5. Building design shall avoid creating opportunities for personal concealment.
6. The siting and design of dwellings should take advantage of any views to open space, public reserves and bushland to promote natural surveillance and to enhance the visual amenity of residents.
7. Blank courtyard walls along boundaries shared with open space or reserves should be avoided and opportunities to create and orient dwellings to permit direct views from living areas into the open space/reserve should be pursued in design. Any blank wall or portion of blank wall is to be treated with an anti-graffiti paint application and / or vegetation treatment.
8. Lighting is to be provided for safety at night for all public and semi-public entry ways.

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## 5.8 Residential Uses on Ground and First Floors

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### *Objectives*

- a. To activate the street.
- b. To provide for residential identity and legibility.
- c. Encourage the provision of housing for a diversity of dwelling types and users.
- d. To introduce a fine grain built form and architectural diversity within a street block and / or building development.
- E. To provide for future flexibility in use.

### *Controls*

1. Higher density development with residential ground and lower floor uses is to adopt a two story terrace house appearance to present a fine grain articulation to the street frontage.
2. Ground floor apartments are to have a minimum floor to floor height of 3.6m to allow for greater solar access and flexibility in future use.
3. Residential ground floor units are to have individual gates and entrances accessed directly from the street.
4. Ground floor residential apartments are to be elevated from the street level by a minimum of 300mm and a maximum of 600mm.
5. Ground floor residential fences are to be no more than 1.2m in height with a minimum 50% transparency. Contemporary palisade fence designs in a dark recessive colour are encouraged.
6. Soft landscaping to the front of the terrace is to be a minimum of 40% of the setback area, contiguous, and a minimum of 2m in any direction.
7. Small trees suitable for the landscaped area provided are encouraged.
8. Underground car parking is not to intrude into the primary setback by more than 500mm.



45. Terrace style housing with access to street.  
Source : THSC



46. Entry detail  
Source: THSC

## 5.9 Podium Design

### *Objectives*

- Development contributes to the activity, safety, amenity and quality of streets and the public domain.
- Development addresses the street and creates a human scale for pedestrians.
- Podium facades reinforce the intended neighbourhood character and enhance the pedestrian experience.
- Podium form animates the street level by engaging primary and secondary street frontages appropriately.

### *Controls*

- Podium shall be used to frame adjacent park land and on-site open space.
- Tower base facades shall avoid blank, featureless walls by patterning high quality architectural elements, like window bays, canopies and fenestration.
- Refer to 5.4 Built Form Controls for precinct specific controls.



47. Podium addressing public open space , Pyrmont  
Source: THSC



48. Podium interface with street, Rhodes  
Source: THSC

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## 5.10 Tower Form and Design

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### *Objectives*

- a. Towers minimise the bulk and scale of the proposed development and reflect a slender built form.
- b. Slender tower built forms are to be provided which promote:
  - open, attractive and distinct skyline;
  - small, fast moving shadows;
  - view corridors between nearby towers;
  - efficient interior climate control; and
  - balconies as an extension of indoor living space.
- c. Tower form mitigates negative visual and physical impacts, including impacts on privacy, by setting back from streets, parks, open space and adjacent properties and tower forms.

### *Controls*

1. Tower floor plate is limited to 750m<sup>2</sup> per tower (includes all services, lift and stairwells, etc.).  
Note: Balconies are excluded from calculations to encourage larger private outdoor space areas.
2. Tower form provides a unique profile when compared to nearby existing and proposed towers of similar height.
3. New towers are separated a minimum distance of 25m from any adjacent tower(s) where existing or approved.
4. Tower form is coordinated to off-set with adjacent towers to ensure:
  - prominent tower views to natural features are not obstructed; and
  - views of the sky and access to sunlight from the public realm and private open space areas are maximised.
5. Tower form is orientated to:
  - reduce the perceived mass of the building; and
  - provide privacy for both communal and private open space areas.
6. Tower façades are:
  - articulated to manage passive solar gain in summer;
  - well-glazed with functional windows where possible to reduce reliance on artificial cooling;
    - designed with high-quality sustainable materials and finishes that promote building longevity; and
  - varied in design and articulation to promote visual interest.

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## 5.11 Roof design and roof features (tower caps)

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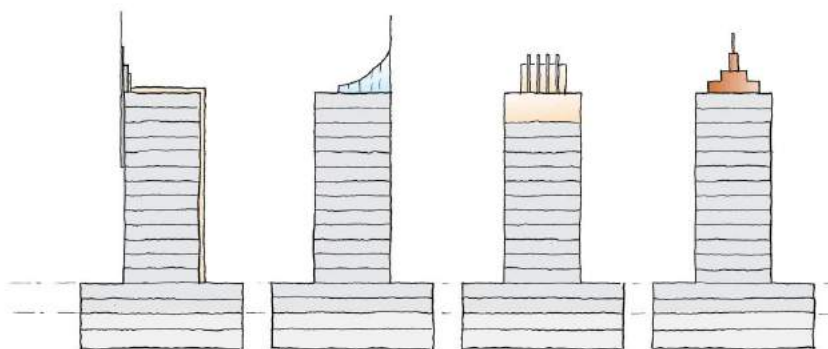
### *Objectives*

- a. Roof design and roof features shall attractively integrate telecommunications, service structures, lift motor rooms and mechanical plants.

### *Controls*

1. Where building height creates an identifiable protrusion in the skyline, the following shall be provided:
  - a signature cap or roof feature which strengthens the identity of the building as a landmark; and
  - decorative lighting that highlights key architectural features.

2. Tower cap design shall integrate all signage, telecommunications, service structures, lift motor rooms and mechanical plants.
3. Roof features shall be designed to generate an interesting skyline and enhance views from adjoining developments and surrounding areas.
4. Lift over-runs and all other service equipment shall be incorporated into the roof design and be obscured from general view.



49. Variety of tower caps

## 5.12 Adaptable housing

### *Objectives*

- a. To ensure a sufficient proportion of dwellings include accessible layouts and features to accommodate changing requirements of residents.
- b. To encourage flexibility in design to allow people to adapt their home as their needs change due to age or disability.

### *Controls*

1. Residential flat buildings are to meet the requirements for adaptable housing within Part B Section 5 Residential Flat Buildings of The Hills DCP 2012.
2. All types of residential accommodation are to consider flexibility in the design to allow adaption to meet the changing needs of residents due to ageing or disability.

## 5.13 Open space and landscaping

### *Objectives*

- a. To provide communal open space for the enjoyment by residents.
- b. To maximise opportunities for landscaping, including the retention and/or planting of trees within deep soil areas to ensure a high level of amenity.
- c. To assist with the management of water quality.

### *Controls*

1. Development provides sufficient space for landscaping that will complement the building form and enhance the landscape character of the street.
2. Communal space areas:
  - are accessible, useable and safe;

- enhance the attractiveness of the development;
- provide opportunities for social interaction; and
- create shaded outdoor areas.
- Be of high quality design and allow for a range of active and passive uses.

#### *Landscaping*

1. 50% of site area - exclusive of building footprint/s, access driveways and parking. Terraces and patios within 1m of natural ground level shall be included in the calculation of landscaped open space.
2. Landscaped areas are to have a minimum width of 2m. Areas less than 2m in width will be excluded from the calculation of landscaped area.
3. Native ground covers and grasses are to be used in garden beds and path surrounds (turf is to be confined to useable outdoor areas).

#### *Roof Gardens and Planting on Structures*

1. Green walls are encouraged on podium walls along active frontages to soften the interface between future development and the public realm.
2. Rooftop gardens must be adequately enclosed and accessible to occupants of the development.
3. The design of exterior private open spaces such as roof top gardens is to address visual and acoustic privacy, safety, security, and wind effects.
4. Where roof gardens and green walls are provided, consideration should be given to the Urban Green Cover in NSW – Technical Guidelines, published by the Office of Environment and Heritage.
5. For planting guidance refer to ,  
<http://www.growinggreenguide.org/technical-guide/design-and-planning/plant-selection/green-roofs/>



50. New Acton Roof Top  
Source : unknown

#### *Communal Open Space*

1. A minimum of 20m<sup>2</sup> per dwelling shall be provided as common open space.
2. A minimum of 25% of the site area is to be allocated for communal open space. The remaining communal open space requirement may be provided internally or on a rooftop.



3. Common open space areas at ground level are to be centrally located with high quality landscape treatments.
4. External (outside) common open space areas are to be capable of accommodating substantial vegetation and are to be designed to incorporate active and passive recreation facilities (such as seating, shade structures, BBQs and children's play equipment).
5. External (outside) common open space areas are to be located and designed to:
  - be seen from the street between buildings.
  - provide for active and passive recreation needs of all residents.
  - provide landscaping.
  - present as a private area for use by residents only.
  - include passive surveillance from adjacent internal living areas and/or pathways.
  - have a northerly aspect where possible.
  - be in addition to any public thoroughfares.
6. Plant species appropriate to the context and the specific microclimate within the development are to be selected to maximise use of endemic and native species and opportunities for urban biodiversity.
7. Drought tolerant plant species, and species that enhance habitat and ecology, are to be prioritised.
8. Landscape design is to be integrated with water and stormwater management.

## 5.14 Safety and Security

### *Objectives*

- a. Building design enhances safety and security for intended users.

### *Controls*

1. Above ground floor windows and balconies overlook all on-site pedestrian paths and communal open spaces.
2. Lighting at 4m intervals is provided along all on-site pedestrian paths and communal open spaces.
3. Entrances and exits to the street are directly accessible, illuminated and highly visible.
4. Dead-end corridors, alleyways, pathways and refuse areas are signed and secured to prevent unauthorised access.
5. Development is to address the principles of Crime Prevention Through Environmental Design (CPTED).

**Note:** Consideration shall also be given to The Hills Council's Policy Designing Safer Communities, Safer by Design Guidelines (June 2002).

## 5.15 Noise

### *Objectives*

- a. To ensure the amenity of future residents and workers by appropriately responding to noise impacts.

### *Controls*

1. Site planning, building orientation and interior layout is to lessen noise intrusion as far as possible.
2. The provisions of State Environmental Planning Policy (Infrastructure) 2007 and Development near Rail Corridors and Busy Roads Interim Guideline must be taken into consideration to minimise impacts of busy roads and railway corridors on residential and other sensitive development.

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## 5.16 Wind

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### *Objectives*

- a. To allow for cooling summer breezes to move through the precinct.
- b. To ensure the built form does not provide adverse wind conditions which will impact upon the amenity of pedestrian comfort in streets and public open spaces.
- c. The built form does not adversely impact upon the amenity of residents in common open spaces.

### *Controls*

1. Built form is to demonstrate that the passage of cooling summer breezes will not be impacted.
2. Buildings of 8 or more storeys in height (or over 25 m) whichever is the lessor require wind tunnel testing, irrespective of whether they are built to the street frontage or not, which demonstrates the following:
  - a. In open areas to which people have access, the annual maximum gust speed should not exceed 23 metres per second, which is the speed at which people begin to be blown over;
  - b. In walkways, pedestrian transit areas, streets where pedestrians do not generally stop, sit, stand, window shop and the like, annual maximum gust speed should not exceed 16 metres per second;
  - c. In areas where pedestrians are involved in stationary short-exposure activities such as window shopping, standing or sitting (including areas such as bus stops, public open space and private open space), the annual maximum gust speed should not exceed 13 metres per second;
  - d. In areas for stationary long-exposure activity, such as outdoor dining, the annual maximum gust speed should not exceed 10 metres per second.
  - e. The report is to be prepared by a suitably qualified engineer.

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## 5.17 Vehicular and Pedestrian Access

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### *Objectives*

- a. Vehicles and pedestrians enter and exit developments in a safe and efficient manner.
- b. Visual impacts of access and parking facilities on the public realm are minimised.
- c. Pedestrian and cycle access to, from and through development is simple, safe and direct.

### *Controls*

#### *Vehicular Access*

1. Car Parking shall be provided at the rates identified within Part 6 of this Section of the DCP.
2. Adequate vehicular entry and exit and circulation areas are to be provided. The design must:
  - Provide a safe environment for both pedestrians and vehicles using the site and surrounding road networks;
  - Ensure vehicular ingress and egress to the site is in a forward direction at all times;
  - Provide for service vehicles where possible; and
  - Be designed to minimise the visual impact of hard paved areas.
3. The driveway shall be centrally located within the development and be a minimum of 10 metres from any side boundary or street.
4. Driveways are to have a minimum width of 6 metres for a distance of 6 metres within the development to ensure easy entry/exit of vehicles.
5. Parking shall be provided underground or at the rear of buildings.

**Pedestrian Access**

1. Developments in excess of 10 units are to provide pedestrian access from the street separate from the vehicular access.
2. A pedestrian link through the site must be provided as part of the development to increase the connectivity of the area for local pedestrians. The following factors should be considered when identifying the most appropriate location for the link of the pathway:
  - The link must be no less than 3m wide;
  - It should be a straight-line link through the site linking streets or other public spaces; and
  - The link shall not include stairs.
3. The design and layout of any building adjoining and landscaped spaces adjoining the pathway shall ensure there is natural surveillance of the pathway to protect the amenity of users. Solid fences will not be permitted along the boundary of the pathway as they will restrict passive surveillance over the pathway.
4. The pedestrian link, including links identified on the 'Indicative Street Network Hierarchy' figure, must be either dedicated to Council at no cost or be subject to a right of legal public access.

**Garages**

1. Where possible, any ground level car parking, garages and/or basement garage doorways should be screened from public areas by planting.

## 5.18 Terrace housing (attached housing)

### Site requirements and layout

*Objectives*

- a. To achieve a high standard of amenity for future residents.
- b. Development sites have sufficient area to provide adequate access, parking and landscaping.
- c. To minimise impact on the amenity of neighbouring sites.
- d. To allow a range of allotment types to suit most household types and allow for diversity.
- e. To provide a distinct urban character sympathetic to existing and new development.

*Controls*

1. Sites shall have minimum site depth of 30m-
2. Terrace housing (as single lot or as a townhouse type development) shall be provided on land zoned R3 Medium Density Residential.
3. Rear laneways are to be a minimum of 6m in width ( AS 2890.1: 2004). Allow for 1.5m planting zones at end of sightlines in entry ways.
4. All dwellings with a frontage to the street (including a secondary street) must address the street.

### Building height

*Objectives*

- a. Terraces integrate with the character of surrounding development and are of a high architectural quality.
- b. Designs reduce the visual bulk of buildings from the street.

- c. The scale of terrace development reinforces the desired future neighbourhood character.

#### *Controls*

1. Terrace houses are to be a minimum of 2 storeys and a maximum of 3 storeys inclusive of attic rooms.

## Building setbacks

#### *Objectives*

- a. Developments contribute to an attractive and diverse neighbourhood that is characterised by high quality landscaping and innovative building design.
- b. To provide strong definition to the public domain and create a consistent streetscape.
- c. To alleviate impacts on amenity including privacy, solar access, acoustic control and natural ventilation within the development and adjoining neighbours.

#### *Controls*

1. Setbacks shall be provided in accordance with the following table.

Front setbacks	<ul style="list-style-type: none"> <li>• 3m (to front building line for the first and second storeys)</li> <li>• 4m (to front building line for the third storey)</li> </ul>
Front articulation zone	<ul style="list-style-type: none"> <li>• Minor façade elements such as balconies, porches or verandahs may be 1m forward of front building line. On corner blocks the articulation zone may be extended along the secondary frontage for a max of 3m or 25% of façade length with a min. of 1m setback from boundary.</li> </ul>
Side setbacks	<ul style="list-style-type: none"> <li>• 0m between terraces</li> <li>• 3m from side property boundary (end terraces)</li> </ul>
Rear Setback <ul style="list-style-type: none"> <li>• 1-2 storey element</li> <li>• 3 storey element</li> <li>• Garages of rear lanes</li> </ul>	<ul style="list-style-type: none"> <li>• 8m</li> <li>• 10m</li> <li>• 0.5m</li> </ul>

## Building design and streetscape

#### *Objectives*

- a. To incorporate high quality façade design and finishes.
- b. Designs reduce the visual bulk of buildings from the street to reinforce the desired future neighbourhood character.
- c. Developments provide usable private open space areas to improve the amenity for future residents.

#### *Controls*

1. Each dwelling is to include individual access from the main street frontage.
2. Building entry must be integrated with building façade design. At street level, entry is to be articulated with awnings, porticos, recesses or projecting bays for clear identification. The entry path to the building is to be accessible and visible from the street.
3. The minimum internal floor area for each dwelling, excluding common passageways, car parking spaces and balconies shall be as follows:

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Dwelling Type	Minimum Floor Area
1 bedroom dwelling	75m <sup>2</sup>
2 bedroom dwelling	110m <sup>2</sup>
3 bedroom dwelling	135m <sup>2</sup>

4. For strata developments, a minimum of 10m<sup>3</sup> storage space is to be provided for each dwelling in either a lockable garage or a basement. Storage areas shall have a minimum base of 5m<sup>2</sup> and minimum width of 2m.
5. The minimum width of each dwelling is 6m.
6. The maximum building length is 50m (block of attached terraces).
7. Waste collection is to be undertaken from the rear laneway, or as per residential flat building if strata development subject to council discussion.
8. Bin storage areas must be located so that bins can be easily wheeled to the rear laneway for collection.
9. Hedge and shrub planting or open style fencing shall be provided along the street frontage. Where proposed, the height of front fences should not exceed:
  - 0.9m for solid masonry fences; and
  - 1.2m for open or transparent style fences.
  - Chain-link, sheet metal or timber paling fencing is not permitted to front or secondary frontages.
10. Side and rear fences are to be a maximum of 1.8m in height.
11. Front fencing and courtyard walls are permitted on the boundary line. Courtyard walls are only permitted on secondary frontage to corner lots.
12. Minimise direct overlooking of main internal living areas and private open space of dwellings both within and adjoining the development through building design, window locations and sizes, landscaping and other screening devices.
13. Rear laneways to provide for low maintenance soft landscaping treatments to reduce impact of hardscaped surfaces and wall treatments.





51. Terrace style housing, Kingston  
Source: THSC



52. Terrace style townhouses, Botany  
Source: Google Streetview



53. Modern Terrace design, Alexandria  
Source: [www.realestate.com](http://www.realestate.com)



54. Terraces, Pyrmont  
Source: THSC

## Open space and landscaping

### *Objectives*

- To cater for the recreational needs of building occupants.
- To improve amenity and soften the impact of buildings through the provision of landscaping, including the retention and/or planting of trees within deep soil zones.
- A high level of amenity for residents is achieved through the provision of sufficient solar access, natural ventilation, privacy and open space.

### *Controls*

- Minimum 36m<sup>2</sup> for each dwelling (6m x 6m). Must be located at ground level at the rear of the dwelling, directly accessible from the main living area.
- 50% of the private open space area shall comprise deep soil planting and be located such that a canopy tree can be planted.
- 40% of front setback area shall comprise soft landscaping.

4. Landscaped areas are to have a minimum width of 2m within front setback.
5. Roof terraces and roof gardens are encouraged where the privacy of adjoining properties can be maintained.
6. The siting of dwellings is to provide good solar access to private open space and is not to adversely impact upon the solar access of adjacent dwellings POS.
7. At least 50% of the required private open space for each dwelling is to receive direct sunlight for a minimum of 3 hours between 9am and 3pm on 21 June.
8. A collapsible or permanent clothes drying device is to be provided within private open space areas and located to maximise the amount of direct sunlight received.

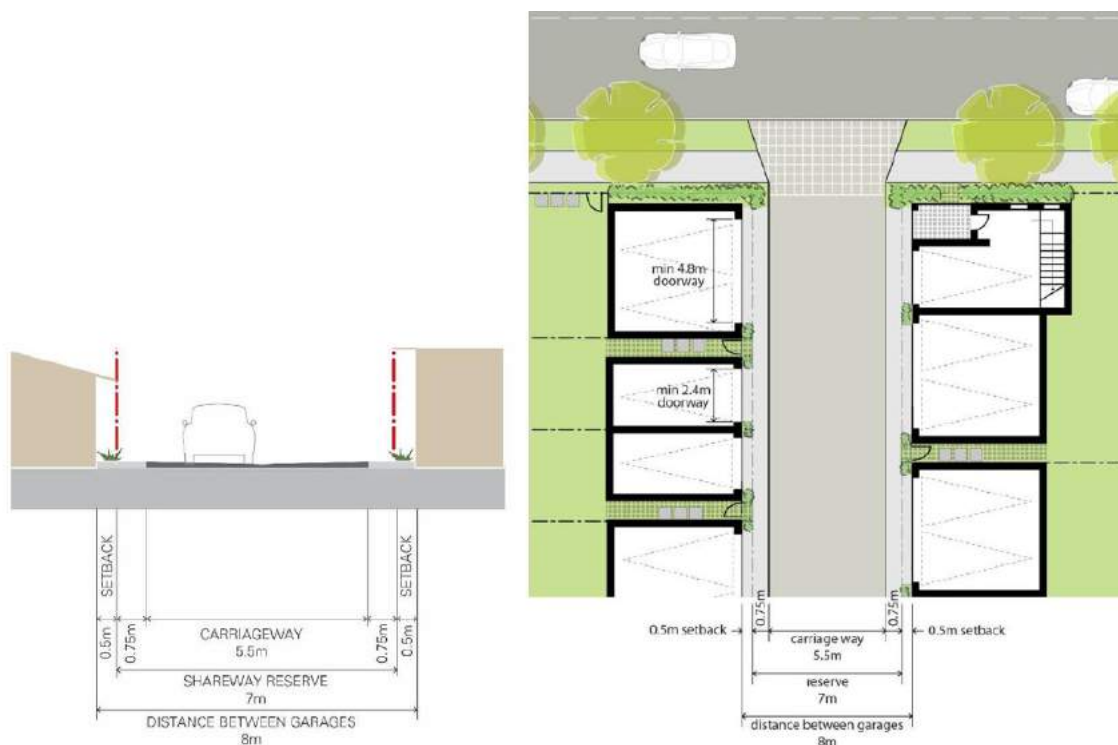
## Rear laneways

### Objectives

- a. To facilitate orderly development within the R3 Medium Density zone through the provision of rear laneways.
- b. To provide vehicular access to the rear or side of lots to reduce garage dominance in residential streets.
- c. To reduce vehicular conflict through reduced driveway cross overs and focusing of traffic to known points.
- d. To enable garbage collection along rear laneways.
- e. To facilitate the use of attached and narrow lot housing to achieve an attractive streetscape.

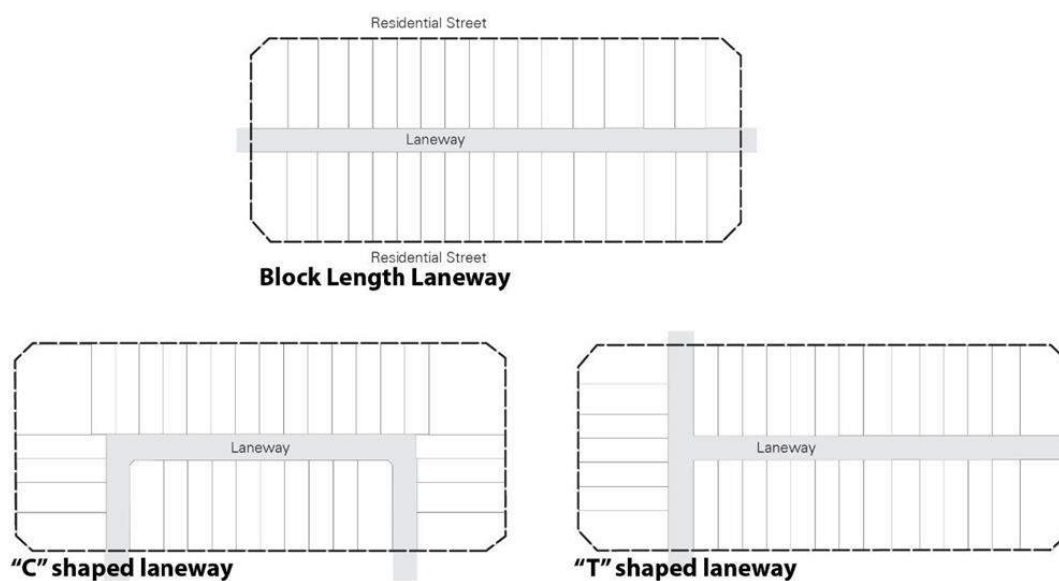
### Controls

1. The design and construction of laneways is to be consistent with Figure 53.



Source: North Kellyville DCP

2. The laneway is a public “shareway” as the paved surface is for cyclists, pedestrians and cars etc, with a 10 km speed limit and driveway-style crossovers to the street rather than a road junction.
3. On-street car parking within the rear laneway carriageway shall not be permitted.
4. The minimum garage doorway widths for manoeuvrability in this laneway section are 2.4m (single) and 4.8m (double).
5. Rear laneway design shall have regard to the following lot layouts. Entry way sightlines are to end with a landscaped treatment or the continuation of the laneway.



Source: North Kellyville DCP

#### 56. Sample Lane Sections

6. Laneways that create a ‘fronts to backs’ layout (front addressed principle dwellings on one side and rear accessed garages on the other side) are to be avoided.
7. All lots adjoining a laneway should utilise the laneway for vehicular/garage access.
8. Terraces shall be designed so as to facilitate passive surveillance along the rear laneway through the positioning of windows and balconies facing the laneway.

## 6 Car and bicycle parking

### 6.1 Car parking

#### *Objectives*

- a. To minimise adverse traffic impacts.
- b. To provide sufficient parking spaces for development while encouraging public transport use.
- c. To ensure that car parking is appropriately located.

#### *Controls- General*

1. Car parking spaces are to be provided at the rates specified in the Car Parking Rates table below. For any use not specified, the car parking rates in The Hills DCP 2012 (Part C Section 1 – Parking) shall apply.

**Table 1 Car parking rates – all land uses**

Land Use	Rate
Dwellings – detached, attached and semi-detached	1 space per dwelling (minimum)
Multi dwelling housing	To comply with the rates in Part C Section 1 – Parking.
Residential flat buildings, and dwellings in shop top housing	1 resident space per unit and 1 visitor space per 5 units.
All other uses	To comply with the rates in Part C Section 1 – Parking.

#### *Controls- Residential Flat Buildings and Shop Top Housing*

2. For residential flat buildings and shop top housing, the following is required:
  - Parking is to be underground and generally within the footprint of the building above.
  - Where above ground parking cannot be avoided due to site conditions, it must be well integrated into the overall façade design and create a good relationship to the public domain.
3. Garages and parking structures are not to project forward of the building line and are to be screened from the public domain by active uses.
4. Any parking located within the front setback area must be suitably landscaped to add positively to the streetscape.
5. Car share spaces are encouraged within residential flat buildings and shop top housing developments. Car share spaces are to be for the exclusive use of car share scheme vehicles, and included in the number of car parking spaces permitted on a site. The car share parking spaces are to be:
  - exclusive of visitor car parking;
  - retained as common property by the Owners Corporation of the site, and not sold or leased to an individual owner/occupier at any time;
  - made available for use by operators of car share schemes without a fee or charge;
  - grouped together in the most convenient locations relative to car parking entrances and pedestrian lifts or access points;
  - located in well-lit places that allow for casual surveillance;
  - signposted for use only by car share vehicles; and
  - made known to building occupants and car share members through appropriate signage which indicates the availability of the scheme and promotes its use as an alternative mode of transport.

Development Applications are to demonstrate how the car share parking space(s) is to be accessed, including where access is through a security gate. A covenant is to be registered with the strata plan advising of any car share parking space. The covenant is to include provisions that the car share parking space(s) cannot be revoked or modified without prior approval of Council.

#### *Controls- Terrace Housing*

1. All terrace housing shall be accessed via a rear laneway where the rear laneway is also accessed by a second and opposite row of terrace housing.
- 2.
3. Garages are to face the rear lane.
4. Where basement car parking is provided, the parking area is to be accessed by a single front driveway. The car park entry is to be integrated with the building design.
5. Basement car parking is to be consolidated under building footprints to maximise opportunities for deep-soil planting on the site.
6. Basement car parking must not protrude more than 0.5m above the natural ground level.
7. Where basement car parking is provided, waste collection shall occur within the basement car park.

## 6.2 Bicycle parking

#### *Objectives*

- a. To ensure that bicycle parking is considered in all development and provided appropriately in developments.
- b. To ensure that end of trip facilities are provided in new buildings featuring employment uses.

#### *Controls*

1. Secure, conveniently located bike parking facilities are to be provided at the rates specified in the Bicycle Parking Rate table below.

**Table 2      Bicycle Parking rates**

Land Use	Bicycle parks rate (minimum)
Residential flat buildings	1 space per 3 apartments 1 space for 12 apartments for visitors
Industrial	1 space per 1500m <sup>2</sup> GFA for staff
Commercial	1 space for 600m <sup>2</sup> GFA for staff
Shops/cafes/restaurants	○ space per 450m <sup>2</sup> for staff

2. End of trip facilities such as change rooms, showers and secure areas for bicycle parking are to be provided within employment development.



## Appendix A: Housing Diversity

As the Hills Shire population grows there will be greater reliance on higher density development to accommodate future housing demand. A more sustainable Sydney is a more compact Sydney and more new homes in the future will be in the form of higher density developments. More people need to be able to choose to live, raise families and retire to an apartment located in an area of high accessibility and amenity.

The Hills Shire Council is expected to be home to an additional 37,934 households between 2016 and 2036 and population forecasts indicate that 23,519 (or 62%) of these will be 'larger' household types such as couples with children, single parents with children and multiple family households. It will be critical that future high density development provides 'dwelling diversity' to ensure the market caters for the different living needs, expectations and household budgets within the community. This will require the provision of an appropriate mix of one, two and three bedroom apartments which are varied in size.

Apartment buildings are a long term building stock so it is very important that if they are to be built, they are resilient over the long term. Unlike detached housing where landowners can choose the style and size of their home, a homeowner wanting an apartment can only choose from what is being provided. Whilst smaller apartments should be provided to meet the needs of a certain demographic within the market, moderate and larger apartments should also be provided to meet the latent demand for this housing option. This will then reduce pressure on smaller, more affordable housing options.

In order to achieve appropriate housing diversity within the Corridor, a floor space incentive provision has been established within The Hills Local Environmental Plan 2012 which permits additional floor space for developments that provide the required mix of apartment types and sizes.

This document provides an overview as to why the housing diversity provision has been prepared, how it was prepared, and how it should be applied. This document will assist applicants, consent authorities and community in understanding the intent behind the housing diversity provision.

### 1. Housing Diversity within the Sydney Metro Northwest Corridor

As part of the planning for the Sydney Metro North West Corridor, a development incentive provision has been implemented which will facilitate:

- the delivery of at least 20% of future apartment development in the form of three or more bedroom apartments and
- at least 40% of all future two and three bedroom apartments will be at a larger apartment adopted size.

This will provide a greater diversity of product and will help meet the future housing needs of our community. The application of the development incentive provision to the Castle Hill North Precinct is outlined below.

1. All land is subject to a 'base' floor space ratio which is identified on the Floor Space Ratio Map.
2. Land within the Castle Hill North Precinct is also assigned with an "incentivised" floor space ratio through an Incentive Floor Space Ratio Map.

For ease of reference all land that is also subject to an incentivised floor space is identified as 'Area A' on the Floor Space Ratio Map.

Development will only be permitted at the 'incentivised' floor space ratio if it satisfies the requirements set out within Clause 7.12 'Dwelling Mix and Diversity within the Sydney Metro Northwest Corridor'. In summary the provision requires the following:

- a) Maximum of 25% of all dwellings to be studio or one bedroom apartments;
- b) Minimum of 20% of all dwellings to be three or more bedroom apartments;
- c) 40% of all two and three bedroom apartments to comply with a minimum apartment size set by Council (110m<sup>2</sup> for two bedrooms and 135m<sup>2</sup> for three bedrooms); and
- d) Parking rates to be 1 space per apartment and 1 visitor space per 5 apartments.

Development that does fully comply with the above requirements will only be permitted to develop at the 'base' floor space ratio, as identified on the Floor Space Ratio Map.

3. For certain key sites within the Precinct, 20% floor space incentive, in addition to the floor space potential under the Incentive Floor Space Ratio Map, will be permitted. The additional floor space bonus will only be permitted subject to full compliance with the relevant key site provisions under cl. 4.4B 'Additional floor space ratio incentive for key sites' of LEP 2012.

The overall yield anticipated within the Castle Hill North Precinct is 3,575 dwellings (comprising 3,425 units).

The following table provides a breakdown of the 3,425 additional units within the Castle Hill North Precinct in accordance with the new mix and size requirement. The incentive provision would facilitate the delivery of approximately 70% at SEPP 65 sizes and 30% of the apartments at the larger apartment. As 2 and 3 bedroom apartments would comprise around 75% of apartments, 40% of 2 and 3 bedroom apartments would equate to approximately 30% of the overall number of units within the Precinct.

Total Units	Unit Mix			Unit Size			% of Total Units	
	Unit Type	Mix	No. Units	Unit Size	% of Unit Type	No. Units		
3,425	1 Bed	25%	856	SEPP 65	100%	856	25%	
				Council	0%	0	0%	
	2 Bed	55%	1,884	SEPP 65	60%	1,130	33%	
				Council	40%	754	22%	
	3 Bed	20%	685	SEPP 65	60%	411	12%	
				Council	40%	274	8%	
					Total Units		3,425	100%
					Total SEPP 65 Sized Units		2,398	70%
				Larger Sized Units		1,028	30%	

Hypothetical Development Scenario with New Apartment Size Requirement

The delivery of around 30% of the apartments at the larger sizes will facilitate an appropriate diversity of housing stock and will provide developers with sufficient flexibility to determine the sizes for the remaining units. The provision will facilitate a greater level of apartment diversity than what would be achieved if development was only subject to the minimum apartment area requirements within SEPP 65 and the Apartment Design Guide.

#### 4. State Environmental Planning Policy No. 65

*State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* (SEPP 65) has been prepared to promote better apartment design across the State. The policy aims to deliver a better living environment for the residents now choosing this form of housing, and enhance our streetscapes and our neighbourhoods across the State.

SEPP 65 establishes nine design quality principles which are intended to ensure high quality development outcomes and more liveable urban areas. The SEPP 65 design quality principles must be considered by design professionals when designing residential apartment development, by design review panels when giving advice on proposals and by consent authorities. The nine principles are listed below:

- Principle 1 – Context and Neighbourhood Character;
- Principle 2 – Built Form and Scale;
- Principle 3 – Density;
- Principle 4 – Sustainability;
- Principle 5 – Landscape;
- Principle 6 – Amenity;
- Principle 7 – Safety;
- Principle 8 – Housing Diversity and Social Interaction
- Principle 9 – Aesthetics.

In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

- a) the advice (if any) obtained from the design review panel, and
- b) the design quality of the development when evaluated in accordance with the design quality principles, and
- c) Apartment Design Guide.

Through the Design Principles, SEPP 65 recognises that housing diversity is a critical design requirement when assessing applications for high density development. Principle 8 – Housing Diversity and Social Interaction provided the following.

- *Principle 8 – Housing Diversity and Social Interaction*  
*Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.*

*Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.*

*Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.*

As outlined within the principle, well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. The approach being implemented within the Sydney Metro Northwest Corridor is directly consistent with this Principle as the provisions have been prepared having regard to the future demographic characteristics of the Shire.

## **5. Housing to Meet the Needs of the Future Hills Shire Population**

The housing diversity provision which is being applied within the Sydney Metro Northwest Corridor has been prepared to ensure that the future housing stock is appropriate to meet the needs of the future population.

There are two critical and equally important issues being diversity of mix (i.e. 1 bedroom, 2 bedroom and 3+ bedrooms) and diversity of mix of size (provision of a mix of small, moderate and larger apartments).

### Ensuring a Diversity of Apartment Mix

The following table identifies the projected household types for The Hills Shire from the Department of Planning and Environment's 'Household and Implied Dwelling Projection Data (2014)'.

Household Type	2011	2016	2021	2026	2031
Couple only	13,750	16,250	18,650	21,050	23,450
Couple with children	30,350	34,150	38,250	42,400	45,950
Single parent	4,350	5,050	5,850	6,700	7,550
Other family households	650	700	800	900	1,050
Multiple-family households	1,600	1,850	2,150	2,400	2,600
Lone person	5,450	6,700	8,050	9,600	11,200
Group	750	850	900	1,000	1,100
<b>Total</b>	<b>56,900</b>	<b>65,600</b>	<b>74,600</b>	<b>84,000</b>	<b>92,900</b>

Household Type Projections

NSW Department of Planning and Environment

Based on the above projections, by 2031 approximately 62% of households within The Hills Shire will be a family household including couples with children, single parents with children and multiple family households. Accordingly, it is reasonable to assume that approximately 62% of the additional housing stock that will be provided within The Hills Shire by 2031 will need to be capable of accommodating these household.

The Draft North West Subregional Strategy, prepared in December 2007, set The Hills Shire a target of an additional 36,000 dwellings by 2031. Council's Local Strategy and Residential Direction demonstrated how this target would be predominately met through the provision of 35,925 new dwellings in existing urban areas, the North West Growth Centre and the release areas of Kellyville/Rouse Hill and Balmoral Road. It should be noted that the dwelling targets represented Council's projected yield at the time of preparing its Local Strategy in June 2008, prior to the Government commitment to the delivery of the Sydney Metro Northwest.

Of the original dwelling target, approximately 4,600 were planned on land south of the M2 Motorway, on land which has now been transferred to the Parramatta City LGA. This land included Carlingford, Northmead, North Rocks, North Parramatta and Oatlands. As this analysis is principally focussed on ensuring that housing within The Hills Shire is sufficient to meet the needs of the future Hills Shire population, planned growth and approvals on land south of the M2 Motorway has been excluded from this analysis.

The following table provides a summary of the Shire's current dwelling targets, the additional growth opportunities which have arisen since the targets were established and Council's progress toward achieving its targets. It is noted that the planned dwellings and past approval figures have been adjusted to account for land that has transferred to Parramatta City Council.

SUMMARY	Planned Dwellings (Total)	Planned Apartments	Planned Low and Medium Density Dwellings
<b>Target Dwellings 2004-2031</b>	<b>31,375</b>	<b>5,623</b>	<b>25,752</b>
<b>Additional Growth Opportunities</b>			
Baulkham Hills Town Centre	1,000	1,000	0
Rural Subdivision	700	0	700
Box Hill North	4,600	645	3,955
Hills Corridor Strategy	16,050	15,604	446
<b>Revised Dwelling Supply 2004+</b>	<b>53,725</b>	<b>22,872</b>	<b>30,853</b>
Actual Dwellings 2004-2016	15,791	4,570	11,221
<b>Revised Dwelling Projection 2016+</b>	<b>37,934</b>	<b>18,302</b>	<b>19,632</b>

Dwelling Targets and Residential Activity

When accounting for the additional growth opportunities and actual dwellings that have been approved since 2004, a revised dwelling projection of approximately 37,934 dwellings could be achieved within The Hills Shire from 2016, of which 18,302 dwellings (48%) would be apartments.

The following table provides justification for requiring at least 20% of future high density apartments within The Hills Shire as 3 bedroom units.

Projected Growth and Household Type: 2016 to 2036				Projected New Dwelling Stock: 2016 to 2036	
Household Type	%*	No.	Summary	Dwelling Type	No. (%) Required
Couple Only	25%	9,484	Smaller 14,415 (38%)	High Density 18,324 Units	14,415 (79%)
Lone Person	12%	4,552			
Group	1%	379			
Couple with Children	50%	18,967	Family 23,519 (62%)	Low/Medium Density 19,610 Dwellings	3,909 (21%)
Single Parent	8%	3,035			
Family Household (Other)	1%	379			
Family Household (Multiple)	3%	1,138			

#### Justification for Apartment Mix

Of the 37,934 additional dwellings projected within The Hills Shire from 2016, approximately 23,519 (62%) will need to be able to accommodate a family household. It is assumed that the 19,610 dwellings within the low and medium density residential areas will be capable of accommodating family households. This means that the remaining 3,909 family households will need to be accommodated within high density apartments which equates to approximately 21% of the future high density apartment stock.

Having regard to the above analysis, the incentive provision being applied within the Corridor requires a minimum of 20% of the future apartment stock incorporates 3 or more bedrooms. This will ensure that the housing stock matches the needs of the Shire's future households.

#### Ensuring a Diversity of Apartment Size

It is imperative that an appropriate mix of apartment sizes is produced so as to facilitate housing diversity within the marketplace. Having a diverse housing stock will provide improved housing choice for the future Hills Shire residents and will ensure that the apartments which are produced cater for a wider range of households with varying needs, expectations and living requirements.

In order to ensure that an appropriate diversity of apartment sizes is being produced within the Corridor, the incentive provision requires a proportion of 2 and 3 bedroom apartments to be at the larger apartment size. The requirement would require the following:

- at least 40% of 2 bedroom dwellings forming part of the development have a minimum internal floor area of 110m<sup>2</sup>; and
- at least 40% of 3 bedroom dwellings forming part of the development have a minimum internal floor area of 135m<sup>2</sup>.

So long as 40% of 2 bedroom apartments have an area of 110m<sup>2</sup> and 40% of 3 bedroom apartments have a minimum area of 135m<sup>2</sup>, developers will have full discretion with respect to the distribution of sizes for the remaining apartments.

The incentive provision would facilitate the delivery of approximately 70% at SEPP 65 sizes and 30% of the apartments at the larger apartment. As 2 and 3 bedroom apartments would comprise around 75% of apartments, 40% of 2 and 3 bedroom apartments would equate to approximately 30% of the overall number of units within the Precinct.

As previously mentioned, Principle 8 of SEPP 65 requires that 'Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets'. Accordingly,



requiring a mix of apartment sizes, including a proportion of larger apartments, is consistent with this principle as it will ensure that an appropriate diversity of apartment sizes is provided to suit different needs and budgets.

**ATTACHMENT 4**

ORDINARY MEETING OF COUNCIL

08 AUGUST, 2017

<b>ITEM-4</b>	<b>PLANNING PROPOSAL - 6-12 AND 16-20 GARTHOWEN CRESCENT, CASTLE HILL (24/2016/PLP)</b>
<b>THEME:</b>	Balanced Urban Growth.
<b>OUTCOME:</b>	7 Responsible planning facilitates a desirable living environment and meets growth targets.
<b>STRATEGY:</b>	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
<b>MEETING DATE:</b>	<b>8 AUGUST 2017</b> COUNCIL MEETING
<b>GROUP:</b>	<b>STRATEGIC PLANNING</b>
<b>AUTHOR:</b>	<b>SENIOR TOWN PLANNER</b> JANE KIM
<b>RESPONSIBLE OFFICER:</b>	<b>ACTING MANAGER FORWARD PLANNING</b> JANELLE ATKINS

**EXECUTIVE SUMMARY**

This report recommends that a planning proposal to amend the zoning, building height and floor space ratio applicable to land at 6-12 and 16-20 Garthowen Crescent, Castle Hill to facilitate a high density residential flat building development, be forwarded to the Department of Planning and Environment for Gateway Determination.

The proposal, as submitted by the applicant, sought to facilitate a high density residential development with a maximum floor space ratio of 3.7:1, maximum height of 26 storeys and anticipated yield of 222 units. However, given the site location, characteristics, context and the relationship with adjacent development (including 'Garthowen House' heritage item and potential medium density housing to the north) the scale and density of the applicant's proposal is considered inappropriate.

Notwithstanding this, given the strategic merit for increased residential density on the site and the opportunity presented for this land to develop as a large, amalgamated holding, this report recommends that Council proceed with an alternative proposal to amend Schedule 1 Additional Permitted Uses of LEP 2012 and facilitate approximately 180 to 190 units, with a maximum floor space ratio of 3:1 and a maximum height of 18 storeys. The attainment of this maximum yield would be conditional on the developer achieving the following key outcomes for the site:

- Full compliance with the requirements set out in Clause 7.12 (3) (a) to (e) of The Hills Local Environmental Plan 2012 (housing mix and diversity);
- Amalgamation of the site (including Lots 23, 24, 25, 28, 29 and 30 in DP222257 and SP40627) to form one development site;
- Provision of a 7.5 metre setback to Garthowen Crescent;

## ORDINARY MEETING OF COUNCIL

08 AUGUST, 2017

- Achievement of a 'sensitive' response to the adjoining heritage item 'Garthowen House'. This must include the location of ground level common open space at the common boundary between Lot 28 DP222257 and Lot 2 DP533390;
- Provision of a through-site link with public right of carriage for pedestrian movement, in the western portion of the site, connecting between both Garthowen Crescent frontages; and
- Provision of a consolidated basement parking area which provides through-site vehicular access (for residents) to entry/exit points at both the northern and southern frontages to Garthowen Crescent.

This report also recommends that draft amendments to the draft DCP for Castle Hill North Precinct be exhibited concurrently with the planning proposal which provide detailed guidance with respect to anticipated built form (height) on the site, vehicular entry/exit points and the relationship between development and the adjoining heritage item ('Garthowen House').

The development outcomes recommended within this report and facilitated through the proposed amendments to Schedule 1 of LEP 2012 represent an appropriate uplift in development potential given the strategic location of the site and benefits of a consolidated development outcome, whilst also ensuring that the resultant built form is appropriate both in the context of the broader Castle Hill Precinct and in relation to adjoining sensitive land uses ('Garthowen House' and future medium density development to the north of Garthowen Crescent). The alternative outcome has been achieved as a result of ongoing discussions and negotiations with the applicant who has indicated a willingness to proceed with the alternative outcome proposed within this report.

**APPLICANT**

Architectus Group Pty Ltd on behalf of HCM Group and Kassis Classic Homes

**OWNERS**

Mr D R Lea, Mrs S K Lea, Mr D L Lea and Mrs L Lea  
 Mr K A Pratt and Mrs M A Pratt  
 Mr J K Soady and Mrs B E Soady  
 Mr N Kalina and Mrs D Kalina  
 Mr G E Hayunga

**THE HILLS LOCAL ENVIRONMENTAL PLAN 2012**

	<b>Existing</b>	<b>Applicant Proposal</b>
Zone:	R3 Medium Density Residential	R4 High Density Residential
Minimum Lot Size:	700m <sup>2</sup>	700m <sup>2</sup>
Maximum Height:	9m	79m (26 storeys)
Maximum Floor Space Ratio:	Nil	3.7:1

**POLITICAL DONATIONS**

Nil disclosures by the applicant.

**HISTORY**

**20/01/2015 –** Public Exhibition of the Draft Castle Hill North Precinct Plan.  
**27/02/2015**

**22/09/2015 –** Public Exhibition of The Hills Corridor Strategy.  
**20/10/2015**

<b>24/11/2015</b>	Adoption of The Hills Corridor Strategy. Council resolved to forward Castle Hill North Planning Proposal for Gateway Determination.
<b>12/05/2016</b>	Original Planning Proposal for the site lodged with Council.
<b>30/08/2016</b>	Councillors briefed on Planning Proposal.
<b>10/09/2016</b>	Meeting between Council officers and the proponent to discuss the proposal and to provide feedback on the preliminary assessment.
<b>11/10/2016</b>	Letter sent to the proponent outlining issues identified as part of the preliminary assessment.
<b>22/02/2017</b>	Revised concept submitted by proponent.
<b>04/07/2017</b>	Council briefed on revised Planning Proposal.
<b>01/08/2017</b>	Meeting between Council officers and the proponent to discuss the proposal and alternative outcome to be recommended by officers.

#### BACKGROUND

The 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 1**  
Original Development Concept (Site Plan)

To achieve this, the original proposal sought to amend LEP 2012 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. As a result of feedback to the applicant with respect to a range of issues including height, density, traffic, infrastructure capacity and orderly development, a revised concept and proposal has been submitted.

## REPORT

The purpose of this report is to consider a planning proposal to amend LEP 2012 to facilitate a high density proposal on the subject site.

### 1. THE SITE

The site, known as 6-12 & 16-20 Garthowen Crescent, Castle Hill comprises seven (7) residential allotments, being Lots 23, 24, 25, 28, 29 and 30 in DP222257 and 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 6,010m<sup>2</sup> and is zoned R3 Medium Density Residential.

The site is irregular in shape and has two frontages to Garthowen Crescent (northern frontage and southern frontage). The surrounding area is currently characterised by low and medium density developments. The site adjoins a 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 2 below.

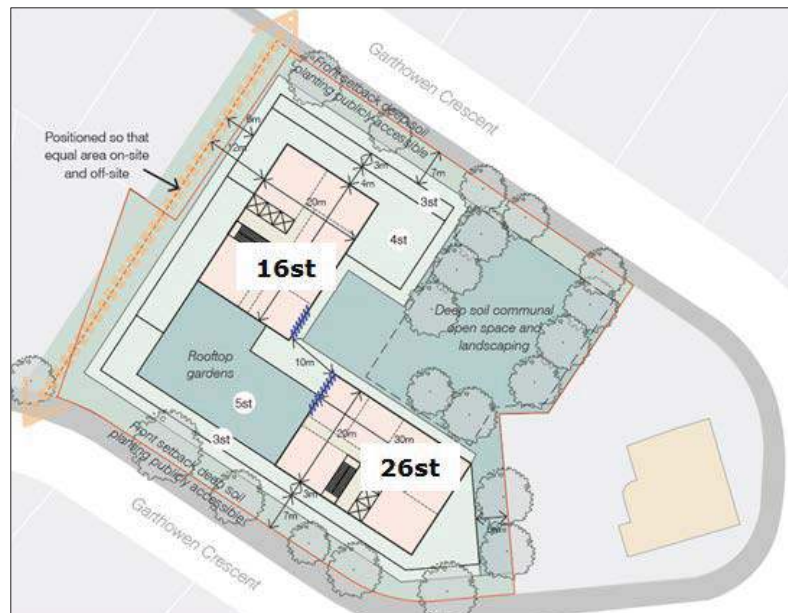


Figure 2  
Aerial view of the site and surrounding locality



## 2. PLANNING PROPOSAL

The revised development concept, as submitted by the applicant, contains two (2) residential flat buildings with maximum heights of 16 and 26 storeys. As demonstrated within the revised development concept (Figure 3 below), the proposal would facilitate a residential yield of approximately 222 apartments, with 1,900m<sup>2</sup> of communal open space and deep soil zone at the northern interface with 'Garthowen House' heritage item.



**Figure 3**  
Revised Development Concept

To facilitate this development outcome, the proposal seeks to amend LEP 2012 to:

- Rezone the site from R3 Medium Density Residential to R4 High Density Residential;
- Introduce a maximum floor space ratio of 3.7: 1;
- Increase the maximum building height from 9 metres to 79 metres; and
- Identify the site as a 'key site' under the LEP 2012 eligible for FSR incentives.

Having regard to an assessment of the applicant's proposal and the matters for consideration below, this report recommends an alternative development outcome to that proposed by the applicant, as detailed further in Section 4.

## 3. MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

- a) Strategic Framework;
- b) Suitability of Building Heights;
- c) Interface with Adjoining Heritage Item (Garthowen House);
- d) Potential Road Widening;
- e) Traffic Impacts on Local Road Network;
- f) Proposed Density; and
- g) Adequacy of Local Infrastructure.



**a) Strategic Framework**A Plan for Growing Sydney

The Plan is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. Two of the key goals within the Plan are to create 'a City of housing choice with homes that meet our needs and lifestyles' and 'a great place to live with strong, healthy and well-connected communities'.

The proposal will facilitate high density development on a strategically located site within a suitable walking distance (420 metres) to public transport, services and amenities. As the planning proposal seeks to facilitate the delivery of housing within an area earmarked for growth the proposal is considered to be consistent with the Plan.

Draft West Central District Plan

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

- Improving housing choice;
- Improving housing diversity and affordability – which includes planning for, and delivering, housing diversity;
- Create housing capacity within the District; and
- Provision of design-led planning.

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. Council's local incentive provision 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.

Notwithstanding the foregoing, the proposed building heights of 16 storeys and 26 storeys are considered inappropriate for the location and will have a visual outcome which is inconsistent with surrounding medium density developments and the adjoining heritage item. It is considered that the alternative outcome, with a reduced maximum height of 18 storeys as detailed in Section 4 of this report, would be more appropriate in the context of the site and reflect a design-led approach.

Sydney Metro North West Corridor Strategy

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.

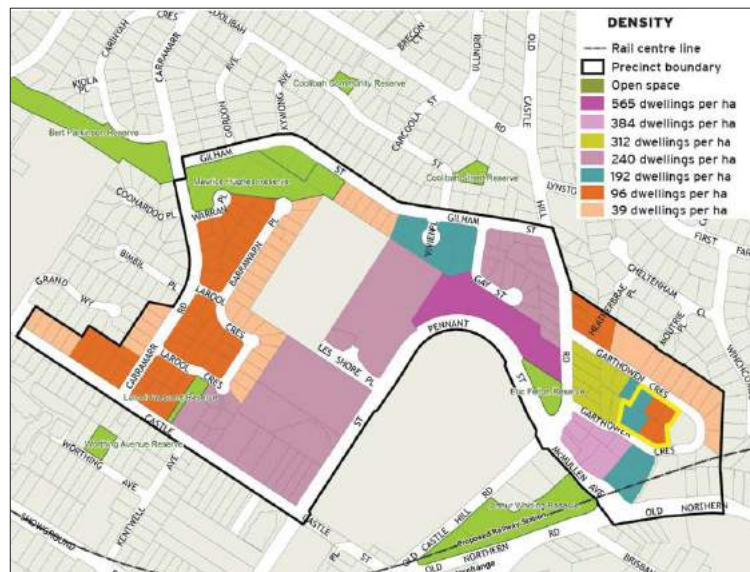
The Structure Plan for Castle Hill indicated a total capacity for Castle Hill of an additional 7,900 dwellings and 18,500 jobs. However, the Structure Plan assumed an uptake rate of 56% for housing and 52% for employment which limited the yield envisaged by 2036 to 4,400 dwellings and 9,500 jobs.

The Strategy identifies the site within the high density apartment living character area (as illustrated in Figure 4 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.

[illegible]

Having regard to the above, it is considered that the proposal, as submitted by the applicant, is inconsistent with the outcomes envisaged under the Structure Plan. The alternative outcomes recommended within this report (floor space ratio of 3:1, maximum height of 18 storeys and anticipated yield of 180 to 190 dwellings) would more appropriately align with the outcomes envisaged within the Structure Plan.

The Hills Corridor Strategy and Castle Hill North Precinct Plan identify the site as being suitable to accommodate a density of part 96 dwellings per hectare and part 192 dwellings per hectare. These densities would facilitate a yield of between 83 and 115 dwellings on the site. As shown within the Castle Hill Structure Plan below, it was anticipated that the density of development on the site would transition to lower scale development in the east of the site (96 dwellings per hectare/4 storeys) adjoining 'Garthowen House' heritage item and across from planned medium density development on the northern side of Garthowen Crescent.



**Figure 5**  
Castle Hill North Precinct Plan – Structure Plan

The Castle Hill North Planning Proposal, for which a Gateway Determination has been issued, identifies the site as being suitable for a maximum incentivised FSR of 1.54:1, with potential for a further 20% FSR bonus subject to property amalgamations and future development providing a sensitive interface to 'Garthowen House'. This would bring the total achievable FSR under the Castle Hill North Planning Proposal to 1.85:1, equating to a yield of approximately 111 dwellings.

A summary of the development potential under the current controls, Castle Hill North Planning Proposal and the applicant's revised concept is provided below:

	Current	Castle Hill North Planning Proposal	Applicant Concept
Zone	R3 Medium Density Residential	R4 High Density Residential	
Min. Lot Size	700m <sup>2</sup>	1,800m <sup>2</sup>	
Max. Height of Building	2 storeys	No HOB in LEP (4-10 storeys in DCP)	16-26 storeys
Floor Space Ratio	N/A	Base FSR 0.77:1 Incentive FSR 1.54:1 Key Site FSR 1.85:1	3.7:1
Approximate Yield	18 townhouses	111 units	222 units

**Table 1**  
Summary of Development Potential

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**ORDINARY MEETING OF COUNCIL****08 AUGUST, 2017**

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As demonstrated above, the applicant's proposal would result in a yield which is double that envisaged and planned for under The Hills Corridor Strategy and Castle Hill North Precinct Plan. This raises significant concerns with respect to the capacity of planned and existing local infrastructure and the potential amenity impacts on surrounding development which would be of a significantly lower scale (including the existing heritage item 'Garthowen House').

Given the opportunity presented to enable the development of this land as a large amalgamated development site with associated public benefits and urban design outcomes, it is considered that there is merit for considering a higher density than originally envisaged within the Castle Hill North Planning Proposal. However, it is critical that any additional yield be capable of being accommodated within a suitable built form having regard to the context of this site.

As detailed within this report, the proposal, as submitted by the applicant, would allow for an excessive built form of up to 26 storeys adjoining the heritage item and proposed medium density development to the north. The alternative development outcome proposed within this report (floor space ratio of 3:1, maximum height of 18 storeys and anticipated yield of 180 to 190 dwellings) would result in a more suitable built form on this site which remains consistent with the strategic outcomes for the site envisaged under the Castle Hill North Precinct Plan and which facilitates an appropriate transition in density and height between the centre of the Precinct, high density development to the west of the site and 'Garthowen House' and medium density development to the east and north of the site respectively.

The Hills Local Strategy

The key directions and objectives of the Local Strategy relevant to this proposal are:

- R1 Accommodate population growth;
- R2 Response to changing housing needs; and
- R4 Facilitate quality housing outcomes.

The planning proposal is consistent with the principles of the Local Strategy Residential Direction as it seeks to provide additional residential accommodation in close proximity to the future Castle Hill Railway Station and existing and planned services and infrastructure. The proposal applies to land that is already earmarked for higher residential densities through the North West Rail Link Corridor Strategy, The Hills Corridor Strategy and Castle Hill North Precinct Plan.

The application of Council's local provision to this development will ensure that an appropriate diversity of housing product is delivered which responds to the current and anticipated demographic and housing market demands of the locality.

Section 117 Ministerial Directions

Section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Environment to issue directions that Councils must address when preparing planning proposals for a new LEP. The relevant Section 117 Directions are:

- Direction 2.3 - Heritage Conservation
- Direction 3.1 - Residential Zones
- Direction 3.4 - Integrating Land Use and Transport
- Direction 5.9 – North West Rail Link Corridor Strategy

## ORDINARY MEETING OF COUNCIL

08 AUGUST, 2017

The planning proposal is generally consistent with these Directions with the exception of *2.3 – Heritage Conservation* and *5.9 – North West Rail Link Corridor Strategy*, which are discussed further below.

*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 significant 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 revised concept submitted incorporates the following design strategies:

- Minimisation of site coverage;
- Siting of buildings to provide physical separation to the heritage item; and
- Location of 1,900m<sup>2</sup> of communal open space adjoining the heritage item.

However, the proposal seeks to locate the highest building element (26 storeys) immediately adjoining the heritage item. As detailed further within Section 3 c) of this report, a built form of this scale immediately adjoining the heritage item is considered to be inappropriate and unjustifiable in the context of Direction 2.3. It is considered that the alternative development outcome recommended within this report, which would limit the height of buildings adjoining the heritage item to 18 storeys, provides a more suitable and balanced outcome which allows for an increase in the density of development on the site, whilst ensuring an appropriate relationship and interface with the heritage item can be achieved.

*Direction 5.9 – North West Rail Link Corridor Strategy* requires that a planning proposal be consistent with the North West Rail Link Corridor Strategy, including growth projections and proposed future character for each of the precincts. As detailed earlier within this report, the proposal is inconsistent with the anticipated height and character for this particular location under the corridor strategy. It is noted that the alternative development outcome recommended within this report would facilitate a more suitable built form on the site of up to 18 storeys, with a floor space ratio of 3:1, which aligns with the character, built form outcomes and density assumption for the land under the Strategy.

**b) Suitability of Proposed Building Heights**

The proposed heights of 16 storeys and 26 storeys exceed that which has been planned for the site under all current strategic planning policies including the NSW Government Corridor Strategy and Castle Hill Structure Plan and Council's The Hills Corridor Strategy and Castle Hill North Precinct Plan.

In addition to inconsistency with the applicable strategic planning policies, an assessment of the proposed heights in the specific context of this site reveals a number



of built form and urban design issues both in terms of the broader outcomes for the Precinct and in terms of the relationship with adjoining development.

In terms of the proposed heights 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, buildings on this site will have a higher *absolute* height than equivalent buildings on sites with lower ground levels closer to the centre and greater potential for visual dominance when the Precinct is viewed holistically.

As detailed in Figure 6 below, the proposed height of 26 storeys on the site, would allow for one of the tallest buildings within the Castle Hill Precinct to be located in the north-eastern periphery of the precinct, exceeding the absolute height of other significant developments anticipated within the precinct at Castle Towers, Pennant Street Target Site, Crane Road and Vivien Place.

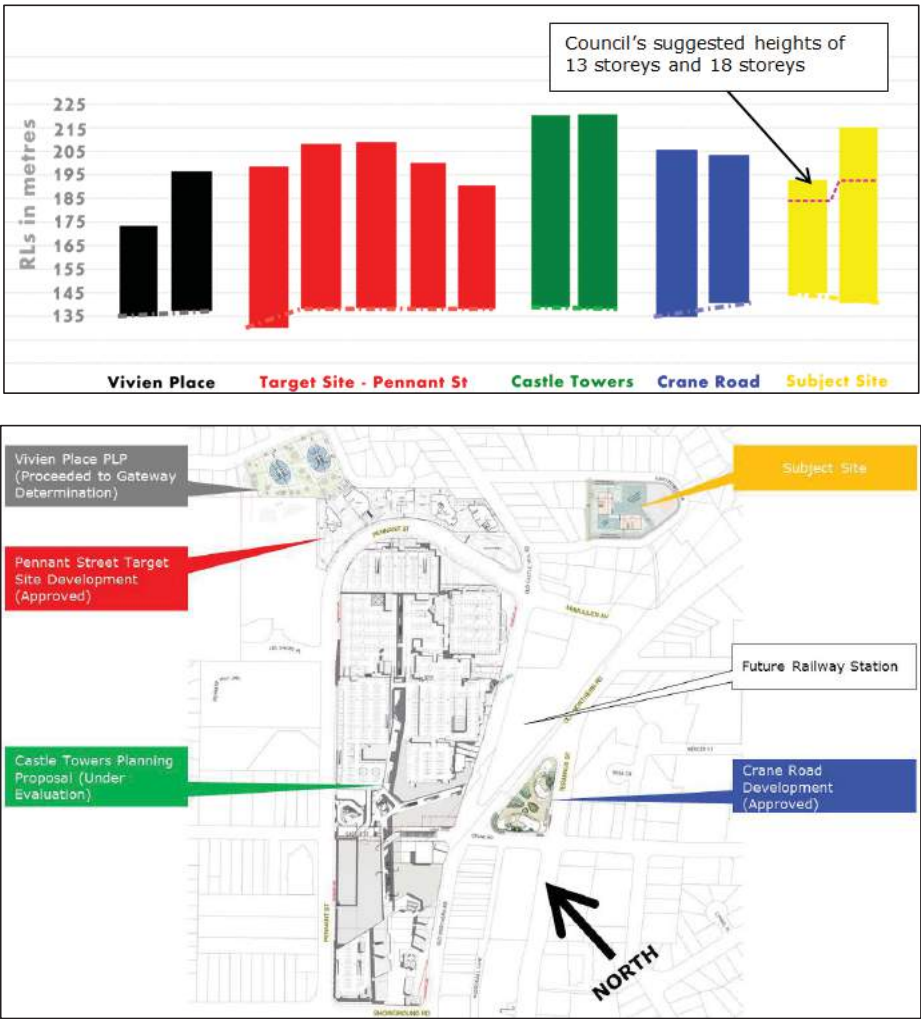


Figure 6  
Comparative height analysis



While there is strategic merit for increased density on the site, it is considered that the provision of a 26 storey building on this particular site, has the potential to dominate the urban skyline of the Precinct and fails to provide a suitable transition in heights away from the centre towards lower scale development at the periphery and adjoining the site.

As detailed in Figure 6 above, a maximum height of 18 storeys on the site would more result in a more appropriate transition of heights throughout the precinct, whereby building heights taper across the Castle Hill Precinct and the highest elements (having regard to ground levels and absolute heights) are located towards the centre of the precinct in order to manage impacts on surrounding land uses and soften the urban skyline.

A revised scheme is provided below which demonstrates the layout of the site with an 18 storey building and 13 storey building.



**Figure 7**  
Revised development concept (Council revision)

In terms of the proposed heights in the immediate context of the site, it is noted that the Castle Hill North Precinct Plan and Planning Proposal identified the site as suitable for a lower scale of development with heights ranging from 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. Under the draft development controls for Castle Hill North Precinct that Council resolved to exhibit at its meeting of 25 July 2017, development on the subject site is required to demonstrate its visual compatibility with the character of Garthowen Crescent which can be summarised as:

- a. *This streetscape will be characterised by high density residential development within an open landscaped setting;*
- b. *Building heights and densities shall transition throughout the streetscape to respond to existing lower scale development and other sensitive interfaces including Garthowen House; and*
- c. *Building heights and densities shall transition throughout the streetscape to respond to existing lower scale development and other sensitive interfaces including Garthowen House.*

Having regard to the desired transition of heights along Garthowen Crescent into areas envisaged for medium density development (along the northern side of Garthowen Crescent), 8 storey development (on the southern side of Garthowen Crescent – across from the site) and existing lower scale residential flat buildings between Garthowen Crescent and Old Northern Road, the proposed height of 26 storeys has potential to be 8 times higher than future development anticipated within the immediate context of the site.

It is considered that this significant difference in height would be inconsistent with the desired character for Garthowen Crescent and has the potential to visually dominate the broader Precinct and immediate locality. It would also be likely to result in unreasonable visual and amenity impacts on existing and future development within the surrounding locality. It is noted that overshadowing analysis has not been submitted by the proponent and this should be prepared and submitted prior to any public exhibition of the planning proposal.

While the applicant's proposal incorporates reduced site coverage and smaller plates, it is considered that the proposed height of 26 is beyond that which could be reasonably located on the site having regard to the existing and future character of land along Garthowen Crescent and adjoining the site. It is recommended that a maximum height of 18 storeys 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.

**c) Interface with Adjoining Heritage Item**

The site adjoins the 'Garthowen House' local heritage item, which is listed under Schedule 5 of LEP 2012 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 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 in the north eastern portion of the site at the interface with 'Garthowen House', which has the effect of '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 16 storey building in this portion of the site.

Notwithstanding this, the proposal seeks to locate the proposed 26 storey building in the south eastern portion of the site, directly adjoining the item. It is considered that the location of the buildings of this scale and height in this location would visually dominate, and significantly detract from the setting of, the existing heritage item. The siting of the tallest element (26 storeys) in this portion of the site represents a design outcome which does not achieve the stated objectives for development on the site with respect to the interface and relationship with the heritage item.

While further consideration of heritage impacts can occur as part of the detailed development assessment process, it is considered that allowing for a maximum height of 26 storeys in the south-eastern portion of the site would provide a misleading indication of appropriate form and scale of future development on the site and would ultimately be unachievable without unreasonable impact on the adjoining heritage item. 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 substantially lower height of 18 storeys would be a more appropriate maximum height limit.

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 the allowing for increased residential densities in strategically located areas and the protecting the setting and significance of the adjoining 'Garthowen House' heritage item.

**d) Potential Road Widening**

As part of the planning for the Castle Hill North Precinct, plans have been prepared to widen certain sections of Garthowen Crescent to increase the width of the carriageway and to provide greater verge widths to encourage pedestrian movement. The development concept for the site will need to make allowances for this road widening (northern part of the site) whilst ensuring that there is sufficient setbacks for landscaping.

The pedestrian experience will be further enhanced if additional pedestrian links are provided and integrated with the existing local pedestrian network. Since the site is situated in a strategically desirable location, the incorporation of through-site pedestrian links should be considered to reduce car-dependence amongst future residents and promote walking as a primary mode of travel.

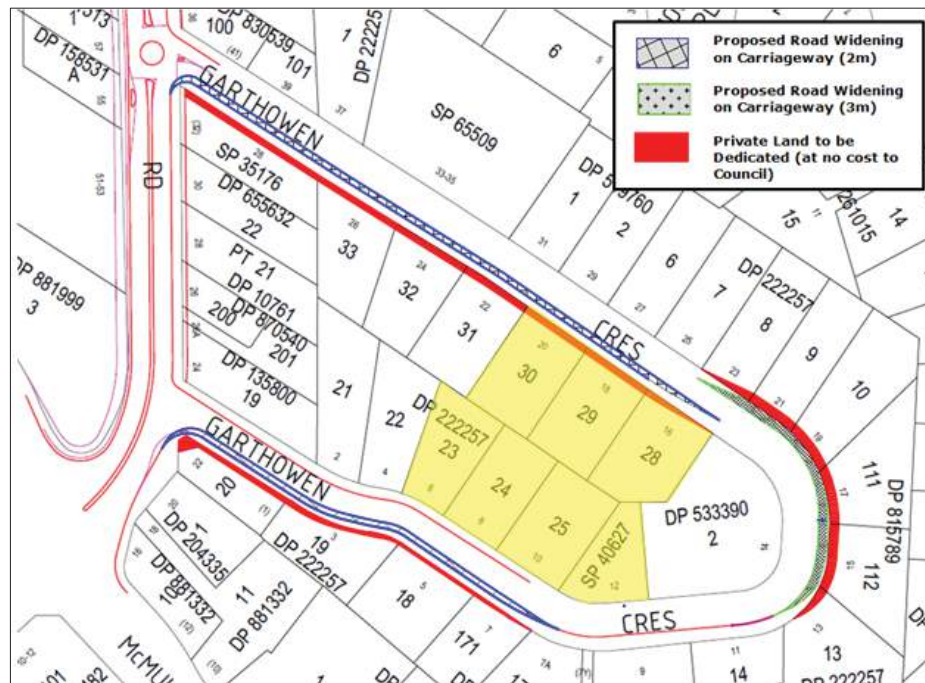


Figure 8  
Road widening details for Garthowen

#### e) Traffic Impacts on Local Road Network

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:

- Roundabouts in four (4) locations are to be provided under the Contributions Plan. 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 Avenue/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 Figure 9; and
- Garthowen Crescent will be subject to future road widening works as shown in Figure 8 above.

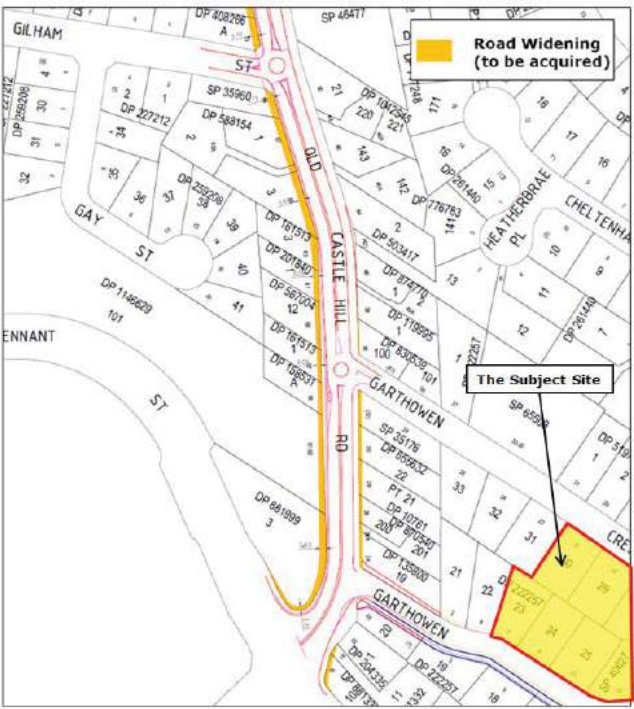


Figure 9  
New Roundabout Construction



Figure 10  
Desired street network and hierarchy



Whilst the assessment submitted in support of the proposal concludes that the proposed development will have a negligible impact on the surrounding road network, it is principally focused on the subject site within its existing situation and is absent of any full consideration or analysis of the overall growth that is anticipated within the broader Castle Hill North Precinct. As the planning proposal will increase the yield over and above that envisaged for the site as part of the precinct planning, further traffic analysis will be required to ensure that the proposed treatments are sufficient to accommodate the additional growth, in the context of all other anticipated development within the Precinct.

In order to minimise the volume of additional traffic movements along Garthowen Crescent as a result of this development, it is critical that future development of the site provide vehicular through-site access (at basement level) for residents to ensure connection between entry/exit points at both the northern and southern frontages to Garthowen Crescent. This will allow residents to directly access 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. As detailed within this report, it is recommended that this through-site linkage for use by residents be included as a requirement which must be met in association with the proposed development of the land.

In addition to this requirement, should Council resolve to forward the planning proposal for Gateway Determination, it is recommended that a revised traffic assessment be submitted by the proponent to assess the impact of the proposed development on the performance of the surrounding road network and key intersections. This must take into account the proposed road improvements (within the Castle Hill North Precinct), the additional growth resulting from the Castle Hill North Planning Proposal and the approved growth on the Pennant Street Target Site to the west.

**f) Proposed Density**

The proposal, as submitted by the applicant, seeks to apply a maximum floor space ratio to 3.7:1, which would result in a density of 370 dwellings per hectare. This is well in excess of what has been anticipated for the site under the State Corridor Strategy (3:1 or approximately 300 dw/ha) or the envisaged density resulting from Council's planning within the Castle Hill North Precinct Plan, which identifies the site as being suitable for a density of between 96 and 192 dw/ha.

Density in excess of that anticipated raises concerns for additional demand on local infrastructure which was not planned or catered for through infrastructure planning for the precinct. In this particular location, it also results in a built form outcome (as discussed earlier in this report) which is inappropriate within the broader context of the Precinct and the immediate context of the site.

It is considered that a density of 300 dwellings per hectare could be justified on this site, consistent with the anticipated outcome under the State Corridor Strategy, given the opportunity to amalgamate the site and provide transition in form and reduced site coverage within the amalgamated site. This density could also be accommodated within a more appropriate built form outcome, limited to 18 storeys in height, than that proposed by the applicant and would promote a more suitable transition down from the envisaged density of 312 dwellings per hectare adjoining the site to the west (closer to the centre).

To enable a density of 300 dwellings per hectare to be achieved within a built form of up to 18 storeys, it is recommended that a maximum FSR of 3:1 be applied to the site. This would facilitate approximately 180 to 190 dwellings on the site.



**g) Adequacy of Local Infrastructure**

The infrastructure assessment which has been undertaken as part of the planning for the Castle Hill North Precinct assumed a maximum yield of 111 dwellings on the site. Accordingly, the additional yield beyond this will result in additional demand for local infrastructure not planned or catered for within the existing network of future provision identified under the draft Contributions Plan for Castle Hill North Precinct. The planning proposal as submitted would result in an additional yield of 111 'unplanned' units (in addition to the 111 unit which were envisaged on the site). The outcome recommended within this report, would result in additional yield of 79 'unplanned' units.

Based on participation rates within The Hills Shire (from the 1995, 2005 and 2012 Recreation Plan household survey results), 2,000 additional dwellings within an area would typically generate the need for approximately:

- o 1 (one) new sports fields;
- o 1 (one) local park;
- o 1 (one) netball court;
- o 1 (one) tennis court; and
- o 40% of a local community centre.

The 111 additional 'unplanned' dwellings (over and above the 111 dwellings planned for as part of the draft Contributions Plan for the Castle Hill North Precinct) proposed by the current planning proposal would generate the need for approximately:

- o 5.6% of a new sports field;
- o 5.6% of a local park;
- o 5.6% of a netball court;
- o 5.6% of a tennis court; and
- o 2% of a local community centre.

In addition to this, there may be demand for additional traffic infrastructure within the Precinct as a result of the additional growth (although this would be informed by more detailed traffic analysis, as discussed earlier in this report).

In recognition of the additional demand for local infrastructure resulting from any development yield on the site in excess of 111 dwellings, it is recommended that further negotiations be undertaken with the proponent to address the increased demand for local infrastructure generated by the proposed increase in residential density. Matters relating to how the proponent intends to address the additional demand on local infrastructure, including the funding of additional infrastructure, should be addressed in the draft VPA offered by the proponent.

**h) Housing Mix and Diversity**

The proponent has indicated a commitment to comply with Council's apartment size, mix and car parking requirements which will promote the housing outcomes advocated by Council to suit the needs and expectations of anticipated future residents.

In recognition of this, it is recommended that the proposed Schedule 1 clause permit residential flat buildings with a maximum floor space ratio of 3:1, only where full compliance with Council's unit mix and size requirements is achieved. These requirements are set out in Council's local provision (Clause 7.12 of LEP 2012).

**4. RECOMMENDED AMENDMENTS TO LOCAL ENVIRONMENTAL PLAN**

As set out in section 2 of this report the planning proposal, as submitted, seeks to change the zone, height and floor space ratio to facilitate the revised development concept.

In order to provide certainty with respect to key development outcomes on the site, it is recommended that the existing R3 Medium Density Residential zoning be retained, and that the proposal be facilitated through the use of Schedule 1 Additional permitted uses within LEP 2012. This approach would enable the key components of the proposed development concept to be clearly articulated and for the master planned outcome to be clearly guided. It would 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.

To facilitate the alternative development outcome recommended within this report, it is recommended that the following clause be included in Schedule 1 of LEP 2012:

**8 Use of certain land at 6-12 and 16-20 Garthowen Crescent, Castle Hill**

(1) *This clause applies to land at 6-12 and 16-20 Garthowen Crescent, Castle Hill, comprising Lots 23, 24, 25, 28, 29 and 30 in DP222257 and SP40627, shown as "Item 16" on the Additional Permitted Uses Map.*

(2) *Development for a purpose shown in Column 1 of the table is permitted with development consent, subject to all conditions shown opposite in Column 2.*

<b>Column 1</b>	<b>Column 2</b>
<i>Residential flat buildings</i>	<p><i>Maximum floor space ratio must not exceed 3: 1.</i></p> <p><i>Maximum building height must not exceed 18 storeys.</i></p> <p><i>Development must fully comply with the requirements set out in Clause 7.12 (3) (a) to (e) of The Hills Local Environmental Plan 2012.</i></p> <p><i>The entire site (including land at Lots 23, 24, 25, 28, 29 and 30 in DP222257 and SP40627) must be amalgamated to form one development site.</i></p> <p><i>The proposed development incorporates a 7.5 metre setback to both sides of Garthowen Crescent.</i></p> <p><i>A through-site link with public right of carriage for pedestrian movement is provided through the site, in the western portion of the site, connecting between both Garthowen Crescent frontages.</i></p>

	<p><i>Development must provide a sensitive response to the adjoining heritage item 'Garthowen House'. This must include the location of ground level common open space at the common boundary between Lot 28 DP222257 and Lot 2 DP533390.</i></p> <p><i>Development must provide a consolidated basement parking area which provides through-site vehicular access (for residents) to entry/exit points at both the northern and southern frontages to Garthowen Crescent.</i></p>
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Should the planning proposal proceed to finalisation, Council is able to consider housekeeping amendments to rezone the site to reflect the approved uses, once development has commenced. However, at this stage, the use of Schedule 1 to permit the intended development outcomes provides significantly more certainty for Council with respect to yield, built form and key development outcomes which are critical for an appropriate outcome to be achieved on the site.

It is noted that the Castle Hill North Planning Proposal includes controls relating to the site which would no longer be required should Council choose to proceed with the above approach. The Castle Hill North Planning Proposal will continue to proceed concurrently with (and in advance of) this proposal however future consideration of the Castle Hill North Planning Proposal following public exhibition should have regard to the outcomes proposed for the site under this proposal. Any issues relating to conflict between, or duplication of, the two sets of controls can be resolved at this later stage.

It is noted that the above clause will facilitate a residential outcome of 180 to 190 dwellings on the site. The applicant has indicated that they are agreeable to proceeding with the alternative planning proposal which facilitates this yield.

##### **5. DEVELOPMENT CONTROL PLAN AMENDMENTS**

As part of the Castle Hill North Planning Proposal, a draft DCP 2012 (Part D Section 20 – Castle Hill North) has been prepared to guide future development within the Precinct. This draft DCP was reported to Council on 25 July 2017 and in accordance with Council's resolution will be placed on public exhibition shortly. The draft DCP contains a range of development controls which guide development outcomes within the Precinct and which would be suitable to apply to future development on the site. However should Council decide to proceed with the planning proposal, the following further amendments to the draft DCP would be required to secure key development outcomes:

- Update the structure plan for the precinct to identify the proposed height range of 3 to 18 storeys on the site; and
- Include an indicative layout plan for the site which identifies how development on the site can 'sensitively respond' to the adjoining 'Garthowen House' heritage item. This would include the siting and height of buildings as well as the location of common open space on the site.

It is recommended that draft DCP 2012 Part D Section 20 – Castle Hill North, as detailed in Attachment 1, be exhibited concurrently with the planning proposal. It is noted that this draft amendment uses the draft Castle Hill North DCP as a 'base' and assumes that

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finalisation of the draft Castle Hill North DCP would precede these subsequent amendments for this site.

**6. VOLUNTARY PLANNING AGREEMENT**

As detailed within this report, it is recommended that Council proceed with discussions with the proponent with respect to the preparation of a draft VPA which will resolve how the proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density, over and above the yield planned for as part of the Castle Hill North Planning Proposal and catered for within the draft Contributions Plan for the Precinct. Following the preparation of the draft VPA, and prior to any public exhibition of the planning proposal, the draft VPA will need to be reported to Council for consideration.

**IMPACTS****Financial**

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

**The Hills Future - Community Strategic Plan**

The alternative development outcome and amendments to LEP 2012 proposed within this report are consistent with the vision and objectives of The Hills Future – Community Strategic Plan as they will facilitate a desirable living environment and assist Council in meeting its growth targets. It is also consistent with the key strategy of managing new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.

**RECOMMENDATION**

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Schedule 1 Additional Permitted Uses of LEP 2012 to permit residential flat buildings on the site, with a maximum floor space ratio of 3:1 and maximum height of 18 storeys, subject to achieving the following criteria:
  - a) Full compliance with the requirements set out in Clause 7.12 (3) (a) to (e) of The Hills Local Environmental Plan 2012 (housing mix and diversity);
  - b) Amalgamation of the site (including Lots 23, 24, 25, 28, 29 and 30 in DP222257 and SP40627) to form one development site;
  - c) Provision of a 7.5 metre setback to both sides of Garthowen Crescent;
  - d) Achievement of a 'sensitive' response to the adjoining heritage item 'Garthowen House'. This must include the location of ground level common open space at the common boundary between Lot 28 DP222257 and Lot 2 DP533390;
  - e) Provision of a through-site link with public right of carriage for pedestrian movement, in the western portion of the site, connecting between both Garthowen Crescent frontages; and
  - f) Provision of a consolidated basement parking area which provides through-site vehicular access (for residents) to entry/exit points at both the northern and southern frontages to Garthowen Crescent.
2. The proponent be requested to provide additional overshadowing and traffic analysis, as detailed within this report, prior to any public exhibition of the planning proposal.

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3. Council undertake discussions with the proponent with respect to the preparation of a draft Voluntary Planning Agreement which resolves how the proponent will address the increased demand for local infrastructure generated by the proposed increase in residential density.
4. Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.
5. Draft The Hills Development Control Plan 2012 Part D Section 20 – Castle Hill North (Attachment 1) be exhibited concurrently with the planning proposal.

**ATTACHMENTS**

1. Draft DCP 2012 Part D Section 20 – Castle Hill North (64 Pages)