

**THE HILLS SHIRE COUNCIL**

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ABN No. 25 034 494 656

23 August 2017

Ms Catherine Van Laeren  
Director, Sydney Region West  
Planning Services  
Department of Planning and Environment  
GPO Box 39  
SYDNEY NSW 2001

Our Ref: 24/2016/PLP

Dear Ms Van Laeren,

**PLANNING PROPOSAL SECTION 56 NOTIFICATION**

**Proposed The Hills Shire Local Environmental Plan (Amendment No. (#)) - to amend Schedule 1 - Additional Permitted Uses to facilitate high density residential development incorporating up to 190 residential apartments at 6-10 & 16-20 Garthowen Crescent, Castle Hill.**

Pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), please be advised that at its meeting of 8 August 2017 Council considered a report on the above planning proposal and 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 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.*

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.*

Please find enclosed the information required in accordance with the guidelines 'A guide to preparing local environmental plans' issued under Section 55(3) of the *Environmental Planning and Assessment Act 1979*, together with a locality map and Council's report on the matter.

Following receipt by Council of the Department's written advice, Council will proceed with the planning proposal. Any future correspondence in relation to this matter should quote reference number 24/2016/PLP. Should you require further information please contact Jane Kim Senior Town Planner on 9843 0815.

Yours faithfully,

**Janelle Atkins**  
**ACTING MANAGER FORWARD PLANNING**

Attachment: Planning Proposal (24/2016/PLP)

## PLANNING PROPOSAL

**LOCAL GOVERNMENT AREA:** The Hills Shire Council

**NAME OF PLANNING PROPOSAL:** Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to amend Schedule 1 - Additional Permitted Uses to facilitate high density residential development incorporating up to 190 residential apartments at 6-10 & 16-20 Garthowen Crescent, Castle Hill.

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

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

### SUMMARY OF HOUSING YIELD:

|                  | EXISTING | PROPOSED | NET CHANGE |
|------------------|----------|----------|------------|
| <b>Dwellings</b> | 8        | 190      | +181       |

### SUPPORTING MATERIAL:

|                     |                                                                                                                                                                                                                                                                                                                                                                                                      |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Attachment A</b> | Assessment against State Environment Planning Policies                                                                                                                                                                                                                                                                                                                                               |
| <b>Attachment B</b> | Assessment against Section 117 Local Planning Directions                                                                                                                                                                                                                                                                                                                                             |
| <b>Attachment C</b> | Council Report and Minute, 8 August 2017                                                                                                                                                                                                                                                                                                                                                             |
| <b>Attachment D</b> | Draft The Hills Development Control Plan 2012 Part D Section 20 – Castle Hill North                                                                                                                                                                                                                                                                                                                  |
| <b>Attachment E</b> | Development Concept and Supporting Assessments July 2017 <ul style="list-style-type: none"> <li>• Amended Urban Design Concept (April 2017)</li> <li>• Planning Report (June 2016)</li> <li>• Urban Design Report (June 2017)</li> <li>• Transport and Access Report (June 2016)</li> <li>• Heritage Impact Statement (June 2016)</li> <li>• Arboricultural Impact Assessment (June 2016)</li> </ul> |

### 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 Lots 1 and 2 in SP40627. The site is located in the north eastern portion of the Castle Hill North Precinct and is approximately 420 metres walking distance from Castle Towers Shopping Centre and Railway Station. The site has a total area of 6,010m<sup>2</sup> and is zoned R3 Medium Density Residential.

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



**Figure 1**

Aerial view of the site and surrounding locality

## BACKGROUND

- **Original Concept**

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 2**

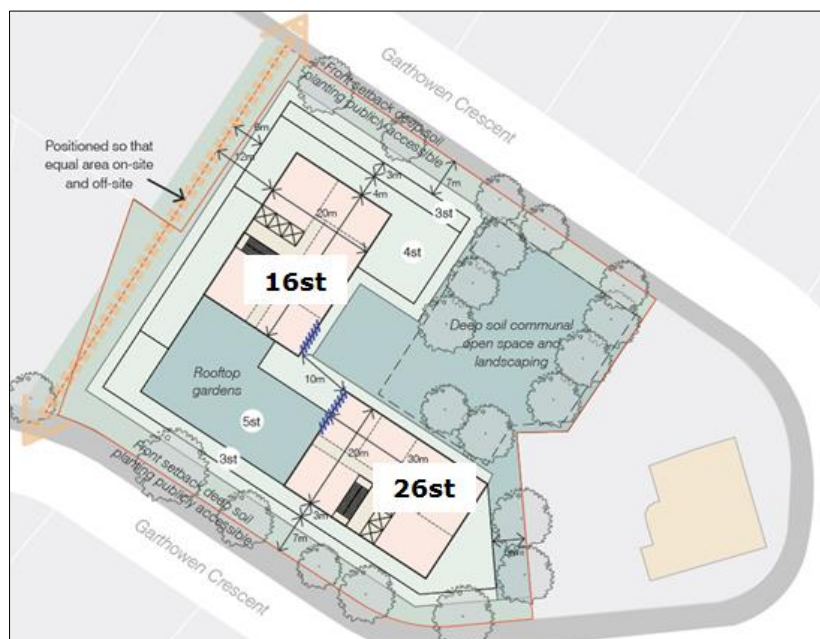
Original Development Concept (Site Plan)

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.

- **Proponent's Revised Concept**

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

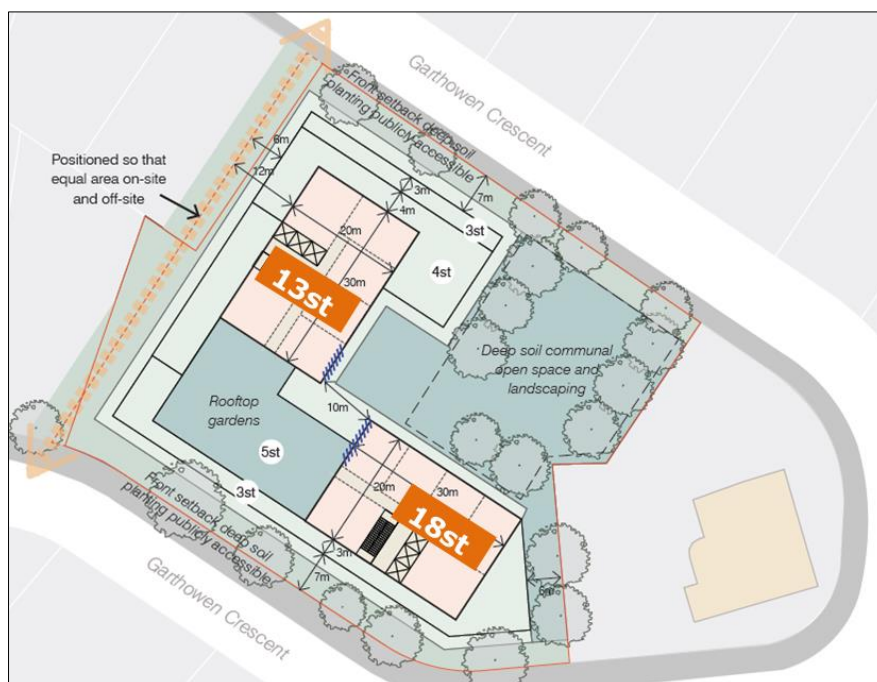
The revised development concept, as submitted by the applicant, contains two (2) residential flat buildings with maximum heights of 16 and 26 storeys on a larger consolidated site of 6,010m<sup>2</sup>. As demonstrated within the revised development concept (Figure 3 below), the proposal would facilitate a residential yield of approximately 222 apartments a FSR of 3.7:1, 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

- **Planning Proposal As Per Council's Recommendations**

Council's consideration of the proponent's concept concluded that the proponent's revised concept had not adequately addressed the visual dominance associated with excessive building heights and dwelling yield. However, based on its strategic merit, Council resolved that planning proposal proceed to Gateway Determination an amended version of the Applicant's proposal as provided in Attachment C. Council's recommended outcomes and the outcome sought through this Planning Proposal is demonstrated in Figure 4 below.



**Figure 4**

Revised development concept (Council revision)

## PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to facilitate a high density residential development incorporating a maximum of 190 dwellings.

## PART 2 EXPLANATION OF THE PROVISIONS

To facilitate the proposed development outcome, it is recommended that the following clause be included in Schedule 1 - Additional Permitted Uses of LEP 2012:

### **7 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.*

| <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 must incorporate 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</i></p> |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p><i>movement must be 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> |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

The above clause will facilitate a residential outcome of 180 to 190 dwellings on the site.

### **PART 3 JUSTIFICATION**

#### **SECTION A - NEED FOR THE PLANNING PROPOSAL**

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

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

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

Yes, the planning proposal is considered to be the best way to achieve the intended outcomes for the site.

The proposed amendments will facilitate an increased density of residential development on the site, providing additional housing in a strategic location close to the Castle Hill rail station and employment opportunities within the Castle Hill Town Centre.

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.

Should the Planning Proposal to proceed to finalisation and the site be redeveloped, amendments will be undertaken to rezone the site to reflect the approved uses. However, at this stage, the use of Schedule 1 to permit the intended development outcomes provides a more appropriate balance between certainty of yield, use and built form outcomes as well as the achievement of key master planner outcomes.

Given the appropriateness of the proposed outcome is directly and inextricably linked to the achievement of key outcomes, to which the applicant has committed, it is most suitable to only permit the outcome through Schedule 1, rather than the usual amendment to the zoning and planning controls.

#### **SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

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

Yes, a discussion of consistency is provided below.

- **A Plan for Growing Sydney**

A key principle for growth includes increasing and improving housing choice around centres. The planning proposal seeks to facilitate the delivery of housing close to the Castle Hill Rail Station and the Castle Hill Town Centre. The site will be subject to redevelopment opportunities as per the recent Castle Hill North Planning Proposal and the planning proposal would enable for higher density development on the site than that which could be achieved under the current planning controls in order to better capitalise on the strategic location of the site and access to public transport.

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

- Direction 2.1: Improve housing supply across Sydney;
- Direction 2.2: Ensure more 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 of housing.

- **Draft West Central District Plan**

The Draft West Central District Plan was prepared by the Greater Sydney Commission and proposes a 20 year vision for the West Central District, which includes the local government areas of Blacktown, Cumberland (parts of the former Auburn, Parramatta and Holroyd), Parramatta and The Hills.

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. Further, the proposal will ensure that an appropriate diversity of apartment types and sizes will provide housing choice in the market and will ensure that the housing stock appropriately aligns with the needs and expectations of the future Hills Shire demography.

The proponent's concepts included excessive building heights of up to 26 storeys resulting in an inconsistent visual outcome with surrounding medium density developments and the adjoining heritage item. It is considered that the alternative outcome as per Council's resolution, with a reduced maximum height of 18 storeys and more suitable interface with the heritage item, would be more appropriate in the context of the site and reflect a 'design-led' approach.

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

Yes, a discussion of consistency is provided below.

- **The Hills Future Community Strategic Plan**

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

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

- **Local Strategy**

Council's Local Strategy is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The Strategy identifies a demand for an additional 36,000 dwellings and 47,000 jobs to meet the Shire's needs by 2031.

The 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 Residential Direction guides the planning, protection and management of the Shire's residential development and growth to 2031. A key focus of the Strategy is the location of higher densities close to centres and associated jobs, transport and services.

Council has maintained a planned and deliberate approach to managing urban growth within the Shire by ensuring high residential density land uses are strategically located close to centres and public transport. This approach focuses on the management of potential conflicts between more intense land uses and the amenity of low density residential environments.

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 housing mix and diversity requirements 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.

- *Integrated Transport Direction*

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. A relevant action includes planning for a concentration of land use activities around major public transport nodes and higher order centres.

The subject site is located within 420m of the future Castle Hill Rail station and is also serviced by existing transport infrastructure such as bus routes operated by Hillsbus and Busways.

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. Relevant actions include planning for a concentration of and/or intensity of land use activities around major public transport nodes and higher order centres.

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. This through-site link will improve connectivity between surrounding residential areas and the centre.

- Centres Direction

The Centres Direction seeks to establish a network of centres that provides places for residents to shop, work, and have social interaction and recreational opportunities. The Direction includes a centres hierarchy which provides a framework for the scale, location and function of centres. This ensures that the population has access to a range of centres that meet their needs and are appropriate in scale and design for their location.

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.

- **The Hills Corridor Strategy**

The Hills Corridor Strategy was adopted by Council on 24 November 2015 to build upon the platform established by the NSW Government North West Rail Link Corridor Strategy and articulate redevelopment opportunities arising from the Sydney Metro Northwest around each of the seven (7) stations that are within, or close to, the Shire. It is underpinned by guiding principles such as a hierarchy of zones that see the greatest densities closer to transport or centres, while maintaining lower density housing options in more peripheral locations, providing a diversity of housing choice with a focus on family living and providing job opportunities suited to Hills residents. These principles reflect the long held strategic direction of Council that is embedded in Council's Local Strategy and LEP 2012.

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

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

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

*6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 2.3 Heritage Conservation**

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

The Castle Hill North Planning Proposal recognised the need to implement design strategies to protect the heritage significance of 'Garthowen House', which directly adjoins the site to the

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

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

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

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

- **Direction 3.1 Residential Zones**

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

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

The site is within reasonable distance (420 metres) to the future Castle Hill Station and is surrounded by well-maintained footpaths connecting the site to Castle Hill Town Centre. The site is considered to be well connected to jobs, services and public transport. The proposal is considered to be consistent with Direction 3. Integrated Land Use and Transport as it improves access to housing, jobs and services in close proximity to walking, cycling and public transport.

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

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

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

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

The Strategy identifies the site within the high density apartment living character area (as illustrated in Figure 5 below). The character statement for this area anticipates 7-20 storeys, carefully master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes. The Strategy emphasises that these sites are only

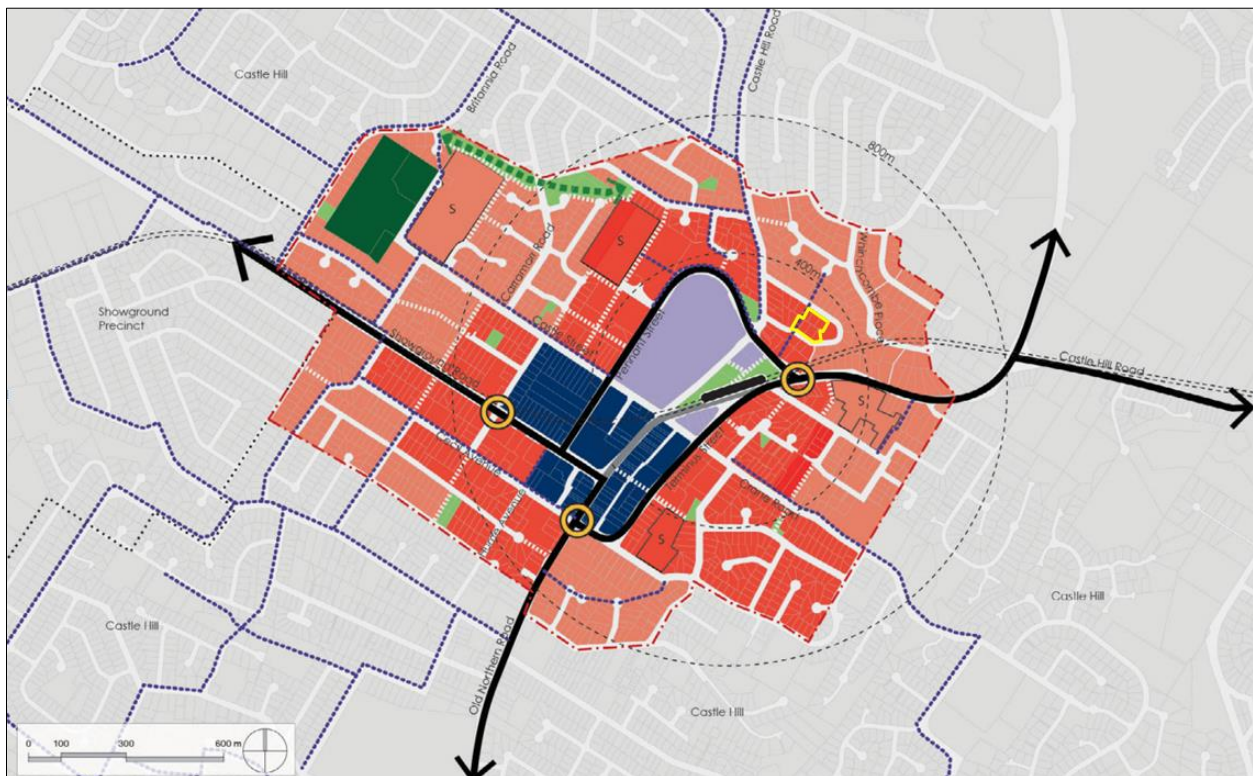
appropriate for multi-dwelling housing where they are of an appropriate size to deliver a high level of amenity for the existing and future residents.

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



**Figure 5**

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



**Figure 6**

Castle Hill Precinct Structure Plan

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

- **Direction 6.1 Approval and Referral Requirements**

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

- **Direction 6.3 Site Specific Provisions**

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

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

This Planning Proposal seeks to amend the Schedule 1 Additional Permitted Uses within the LEP while retaining the existing R3 Medium Density Residential zoning of the site. This approach is a preferable choice over rezoning as it provides a greater degree of certainty that the key components of the concept and the master planned outcomes for the site will be achieved within the future development. 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. The uplift enabled by this proposal is predicated on these key outcomes being achieved and as such, it is considered reasonable and appropriate to link them to the permissibility of the use and achievement of uplift.

The use of Schedule 1 in this instance is largely a 'transitional' mechanism and once development has progressed and key development outcomes have been secured, the LEP would be amended to delete the Schedule 1 provision and reflect the outcome in the zoning and planning controls.

## **SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

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

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

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

- *Building Dominance*

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

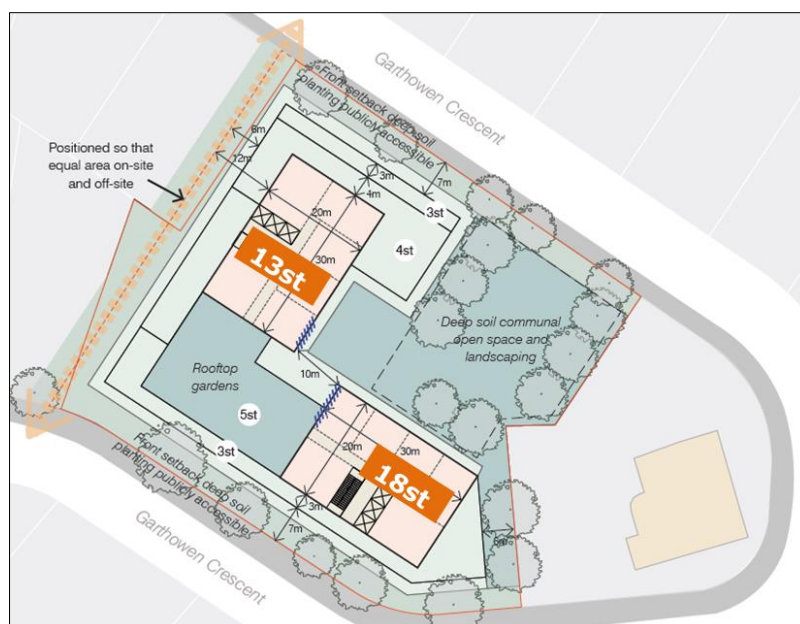
In the context of the Castle Hill Precinct, it is relevant to note that the ground level of the site is higher than that within the Castle Hill Town Centre to its south. Consequently, limiting the maximum building height to 18 storeys on this site will ensure a negligible visual appearance and a softened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

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

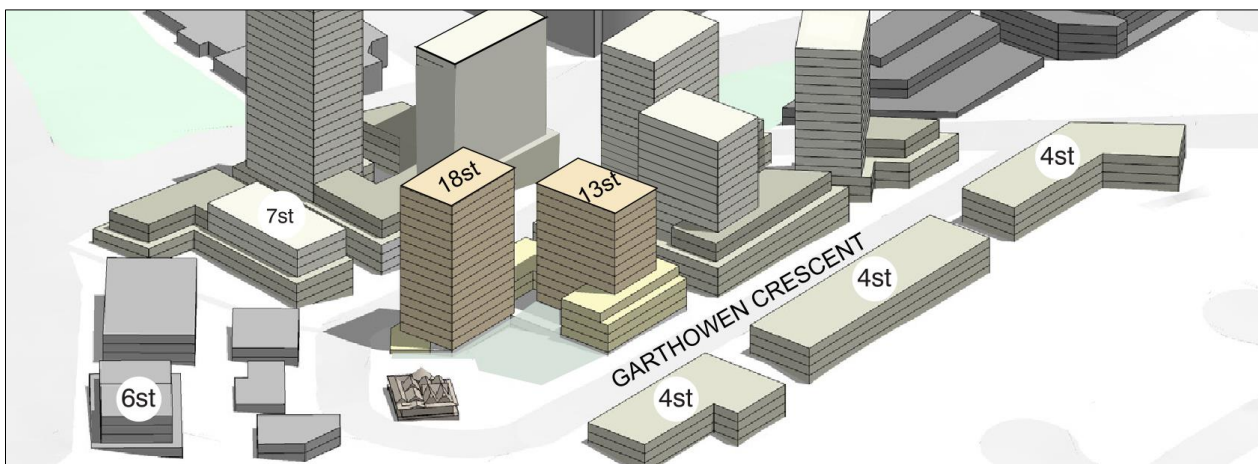
Notwithstanding this, the proposal's strategic merit for an increased density is justified and the applicant has been able to demonstrate that a quality urban design outcome can be achieved as demonstrated in Figure 7 below. The key design features sought to be implemented through this Proposal include:

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

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



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



**Figure 8**  
Revised development concept as viewed from north (Council revision)

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

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

#### *- Impacts on Adjoining Development*

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

Notwithstanding this, in order to allow for further assessment of the proposal and communication to the community, Council has requested that additional Urban Design Analysis

(including detailed overshadowing analysis) be provided by the applicant as part of the Gateway process prior to any public exhibition of the proposal.

- *Traffic*

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

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

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

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

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.

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

The proposal seeks to ensure that a future outcome for the site addresses the current and future needs of the Shire through meeting Council's housing diversity and mix requirements as stipulated in Clause 7.12 (3) (a) to (e) of *The Hills Local Environmental Plan 2012*.

The approach undertaken in this proposal which involves the amendment of Schedule 1 is the best way to secure the future outcome's full compliance with Council's envisaged housing diversity and mix attentive to specific needs of the Shire's population. The compliance with these requirements will influence the permissibility of the proposed development on the site.

## **SECTION D - STATE AND COMMONWEALTH INTERESTS**

### *10. Is there adequate public infrastructure for the planning proposal?*

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

It is considered that the existing and planned local infrastructure within the locality in combination with additional monetary contributions from the developer towards the provision of additional local infrastructure (to be negotiated further as a draft Voluntary Planning Agreement) will be sufficient to accommodate the additional residential density on the site facilitated by the planning proposal.

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

A list of relevant agencies would be determined as part of the Gateway Determination. Following the Gateway determination, all relevant agencies will be consulted. It is anticipated that this may include:

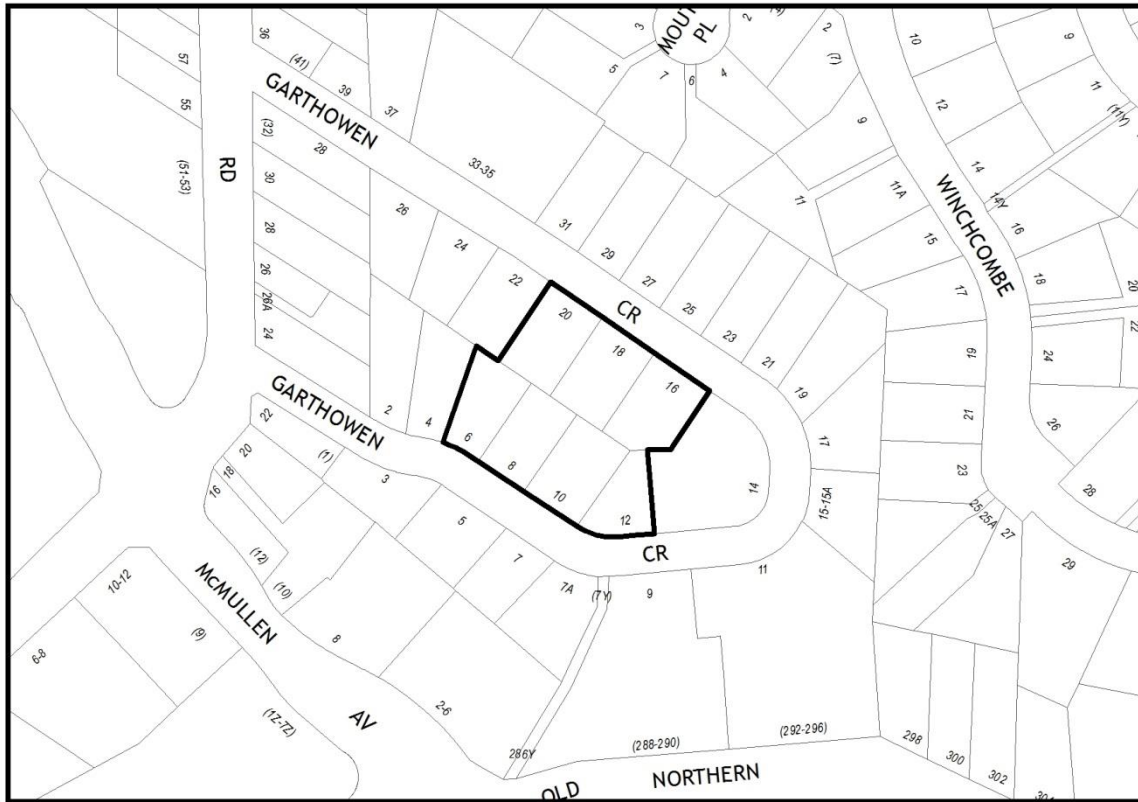
- Sydney Water;
- Department of Education;
- Office of Environment and Heritage;
- NSW Police;
- Fire and Rescue NSW;
- Transport for NSW; and
- Transport for NSW – Roads and Maritime Services;

While Council resolved that the planning proposal be progressed to Gateway Determination, Council report (Attachment C) also identified that a range of updated and additional information will be needed prior to public exhibition or consultation with public authorities, including:

- Overshadowing analysis;
- An updated transport and access analysis that assesses the impact if the proposed development on the performance of the surrounding road network and key intersections and takes 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; and
- A draft Voluntary Planning Agreement which resolves how the proponent will address increased demand for local infrastructure generated by the proposed increase in residential density.

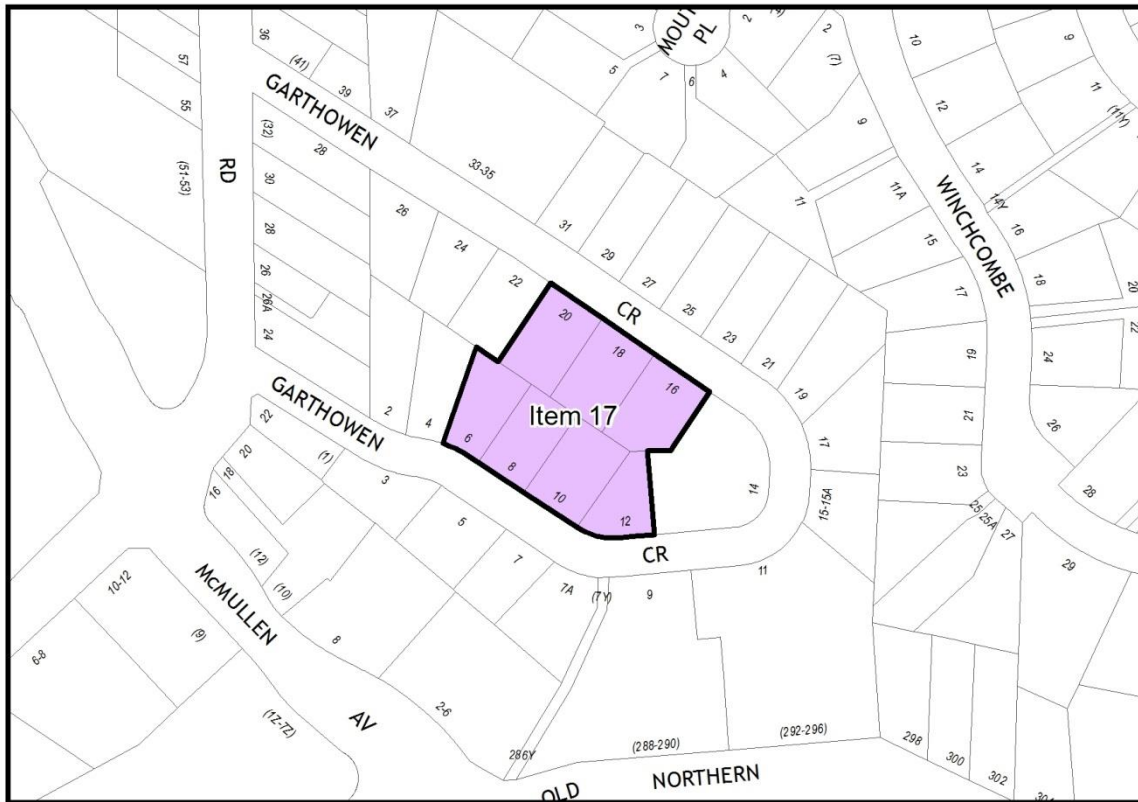
## PART 4 MAPPING

The planning proposal seeks to amend the following maps:



**Additional Permitted Uses (APU)**

**Existing Additional Permitted Uses Map**



**Additional Permitted Uses (APU)**

 refer to schedule 1

### **Proposed Additional Permitted Uses Map**

## PART 5 COMMUNITY CONSULTATION

The planning proposal would be advertised in local newspapers and on display at Council's administration building and Castle Hill Library. The planning proposal would also be made available on Council's website.

## PART 6 PROJECT TIMELINE

| STAGE                                                                   | DATE           |
|-------------------------------------------------------------------------|----------------|
| Commencement Date (Gateway Determination)                               | September 2017 |
| Government agency consultation                                          | October 2017   |
| Commencement of public exhibition period (28 days)                      | October 2017   |
| Completion of public exhibition period                                  | November 2017  |
| Timeframe for consideration of submissions                              | December 2017  |
| Timeframe for consideration of proposal post exhibition                 | January 2018   |
| Report to Council on submissions                                        | March 2018     |
| Planning Proposal to PCO for opinion                                    | April 2018     |
| Date Council will make the plan (if delegated)                          | May 2018       |
| Date Council will forward to department for notification (if delegated) | June 2018      |

**ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES**

| <b>STATE ENVIRONMENTAL PLANNING POLICY (SEPP)</b>             |                                                                   | <b>APPLICABLE</b> | <b>RELEVANT? (YES/NO)</b> | <b>(IF RELEVANT) INCONSISTENT/CONSISTENT</b> |
|---------------------------------------------------------------|-------------------------------------------------------------------|-------------------|---------------------------|----------------------------------------------|
| No. 1                                                         | Development Standards                                             | NO                | -                         | -                                            |
| No. 14                                                        | Coastal Wetlands                                                  | NO                | -                         | -                                            |
| No. 15                                                        | Rural Landsharing Communities                                     | NO                | -                         | -                                            |
| No. 19                                                        | Bushland in Urban Areas                                           | NO                | -                         | -                                            |
| No. 21                                                        | Caravan Parks                                                     | YES               | NO                        | -                                            |
| No. 26                                                        | Littoral Rainforests                                              | NO                | -                         | -                                            |
| No. 29                                                        | Western Sydney Recreation Area                                    | NO                | -                         | -                                            |
| No. 30                                                        | Intensive Agriculture                                             | YES               | NO                        | -                                            |
| No. 33                                                        | Hazardous and Offensive Development                               | YES               | NO                        | -                                            |
| No. 36                                                        | Manufactured Home Estates                                         | NO                | -                         | -                                            |
| No. 39                                                        | Spit Island Bird Habitat                                          | NO                | -                         | -                                            |
| No. 44                                                        | Koala Habitat Protection                                          | NO                | -                         | -                                            |
| No. 47                                                        | Moore Park Showground                                             | NO                | -                         | -                                            |
| No. 50                                                        | Canal Estate Development                                          | YES               | NO                        | -                                            |
| No. 52                                                        | Farm Dams and Other Works in Land and Water Management Plan Areas | NO                | -                         | -                                            |
| No. 59                                                        | Central Western Sydney Regional Open Space and Residential        | NO                | -                         | -                                            |
| No. 62                                                        | Sustainable Aquaculture                                           | YES               | NO                        | -                                            |
| No. 64                                                        | Advertising and Signage                                           | YES               | NO                        | -                                            |
| No. 65                                                        | Design Quality of Residential Flat Development                    | YES               | NO                        | -                                            |
| No. 70                                                        | Affordable Housing (Revised Schemes)                              | YES               | NO                        | -                                            |
| No. 71                                                        | Coastal Protection                                                | NO                | -                         | -                                            |
| Affordable Rental Housing (2009)                              |                                                                   | YES               | NO                        | -                                            |
| Building Sustainability Index: BASIX 2004                     |                                                                   | YES               | NO                        | -                                            |
| Exempt and Complying Development Codes (2008)                 |                                                                   | YES               | NO                        | -                                            |
| Housing for Seniors or People with a Disability (2004)        |                                                                   | YES               | NO                        | -                                            |
| Infrastructure (2007)                                         |                                                                   | YES               | NO                        | -                                            |
| Kosciuszko National Park – Alpine Resorts (2007)              |                                                                   | NO                | -                         | -                                            |
| Kurnell Peninsula (1989)                                      |                                                                   | NO                | -                         | -                                            |
| Mining, Petroleum Production and Extractive Industries (2007) |                                                                   | YES               | NO                        | -                                            |
| Miscellaneous Consent Provisions (2007)                       |                                                                   | YES               | NO                        | -                                            |
| Penrith Lakes Scheme (1989)                                   |                                                                   | NO                | -                         | -                                            |
| Port Botany and Port Kembla (2013)                            |                                                                   | NO                | -                         | -                                            |
| Rural Lands (2008)                                            |                                                                   | NO                | -                         | -                                            |
| SEPP 53 Transitional Provisions (2011)                        |                                                                   | NO                | -                         | -                                            |
| State and Regional Development (2011)                         |                                                                   | YES               | NO                        | -                                            |
| State Significant Precincts (2005)                            |                                                                   | NO                | -                         | -                                            |
| Sydney Drinking Water Catchment (2011)                        |                                                                   | NO                | -                         | -                                            |
| Sydney Region Growth Centres (2006)                           |                                                                   | NO                | -                         | -                                            |

| <b>STATE ENVIRONMENTAL PLANNING<br/>POLICY (SEPP)</b> | <b>APPLICABLE</b> | <b>RELEVANT?<br/>(YES/NO)</b> | <b>(IF RELEVANT)<br/>INCONSISTENT/<br/>CONSISTENT</b> |
|-------------------------------------------------------|-------------------|-------------------------------|-------------------------------------------------------|
| Three Ports (2013)                                    | NO                | -                             | -                                                     |
| Urban Renewal (2010)                                  | NO                | -                             | -                                                     |
| Western Sydney Employment Area (2009)                 | NO                | -                             | -                                                     |
|                                                       |                   |                               |                                                       |
| <b>Deemed SEPPs</b>                                   |                   |                               |                                                       |
| SREP No. 8 (Central Coast Plateau Areas)              | NO                | -                             | -                                                     |
| SREP No. 9 – Extractive Industry (No. 2 – 1995)       | YES               | NO                            | -                                                     |
| SREP No. 16 – Walsh Bay                               | NO                | -                             | -                                                     |
| SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997) | YES               | NO                            | -                                                     |
| SREP No. 24 – Homebush Bay Area                       | NO                | -                             | -                                                     |
| SREP No. 25 – Orchard Hills                           | NO                | -                             | -                                                     |
| SREP No. 26 – City West                               | NO                | -                             | -                                                     |
| SREP No. 30 – St Marys                                | NO                | -                             | -                                                     |
| SREP No. 33 – Cooks Cove                              | NO                | -                             | -                                                     |
| SREP (Sydney Harbour Catchment) 2005                  | NO                | -                             | -                                                     |

**ATTACHMENT B: ASSESSMENT AGAINST SECTION 117 MINISTERIAL DIRECTIONS**

| DIRECTION                                               |                                                                                   | APPLICABLE | RELEVANT?<br>(YES/NO) | (IF RELEVANT)<br>INCONSISTENT/<br>CONSISTENT |
|---------------------------------------------------------|-----------------------------------------------------------------------------------|------------|-----------------------|----------------------------------------------|
| <b>1. Employment and Resources</b>                      |                                                                                   |            |                       |                                              |
| 1.1                                                     | Business and Industrial Zones                                                     | NO         | -                     | -                                            |
| 1.2                                                     | Rural Zones                                                                       | NO         | -                     | -                                            |
| 1.3                                                     | Mining, Petroleum Production and Extractive Industries                            | NO         | -                     | -                                            |
| 1.4                                                     | Oyster Aquaculture                                                                | NO         | -                     | -                                            |
| 1.5                                                     | Rural Lands                                                                       | NO         | -                     | -                                            |
| <b>2. Environment and Heritage</b>                      |                                                                                   |            |                       |                                              |
| 2.1                                                     | Environment Protection Zone                                                       | YES        | NO                    |                                              |
| 2.2                                                     | Coastal Protection                                                                | NO         | -                     | -                                            |
| 2.3                                                     | Heritage Conservation                                                             | YES        | YES                   | CONSISTENT<br>See Section B<br>Question 6    |
| 2.4                                                     | Recreation Vehicle Area                                                           | YES        | NO                    | -                                            |
| 2.5                                                     | Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs | NO         | -                     | -                                            |
| <b>3. Housing, Infrastructure and Urban Development</b> |                                                                                   |            |                       |                                              |
| 3.1                                                     | Residential Zones                                                                 | YES        | YES                   | CONSISTENT<br>See Section B<br>Question 6    |
| 3.2                                                     | Caravan Parks and Manufactured Home Estates                                       | YES        | NO                    | -                                            |
| 3.3                                                     | Home Occupations                                                                  | YES        | NO                    | -                                            |
| 3.4                                                     | Integrating Land Use and Transport                                                | YES        | YES                   | CONSISTENT<br>See Section B<br>Question 6    |
| 3.5                                                     | Development Near Licensed Aerodomes                                               | NO         | -                     | -                                            |
| 3.6                                                     | Shooting Ranges                                                                   | NO         | -                     | -                                            |
| <b>4. Hazard and Risk</b>                               |                                                                                   |            |                       |                                              |
| 4.1                                                     | Acid Sulfate Soils                                                                | NO         | -                     | -                                            |
| 4.2                                                     | Mine Subsidence and Unstable Land                                                 | NO         | -                     | -                                            |
| 4.3                                                     | Flood Prone Land                                                                  | NO         | -                     | -                                            |
| 4.4                                                     | Planning for Bushfire Protection                                                  | NO         | -                     | -                                            |
| <b>5. Regional Planning</b>                             |                                                                                   |            |                       |                                              |
| 5.1                                                     | Implementation of Regional Strategies                                             | NO         | -                     | -                                            |
| 5.2                                                     | Sydney Drinking Water Catchment                                                   | NO         | -                     | -                                            |
| 5.3                                                     | Farmland of State and Regional Significance on the NSW Far North Coast            | NO         | -                     | -                                            |

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