

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to rezone the site from R3 Medium Density Residential to R4 High Density Residential and increase the minimum lot size, maximum building height and maximum floor space ratio to facilitate high density residential development incorporating up to 190 residential apartments at 6-10 & 16-20 Garthowen Crescent, Castle Hill.

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

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

SUMMARY OF HOUSING YIELD:

	EXISTING	PROPOSED	NET CHANGE
Dwellings	8	190	+182

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environment Planning Policies
Attachment B	Assessment against Section 9.1 Local Planning Directions
Attachment C	Council Report and Minute, 8 August 2017
Attachment D	Gateway Determination – 13 October 2017
Attachment E	Council Report and Minute, 26 November 2017
Attachment F	Revised Gateway Determination – 7 February 2018
Attachment G	Draft The Hills DCP 2012 Part D Section 20 – Castle Hill North
Attachment H	Development Concept and Supporting Assessments July 2017 <ul style="list-style-type: none"> • Amended Urban Design Concept and Report (November 2017) • Planning Report (June 2016) • Amended Transport and Access Report (December 2017) • Amended Heritage Impact Statement (November 2017) • Arboricultural Impact Assessment (June 2016)

THE SITE:

The site, known as 6-12 & 16-20 Garthowen Crescent, Castle Hill comprises 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 6,010m² and is currently 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, contained two (2) residential flat buildings with maximum heights of 16 and 26 storeys on a larger consolidated site of 6,010m². As demonstrated within the revised development concept (Figure 3 below), the proponent's proposal would facilitate a residential yield of approximately 222 apartments with an FSR of 3.7:1, 1,900m² of communal open space and deep soil zone at the northern interface with 'Garthowen House' heritage item.

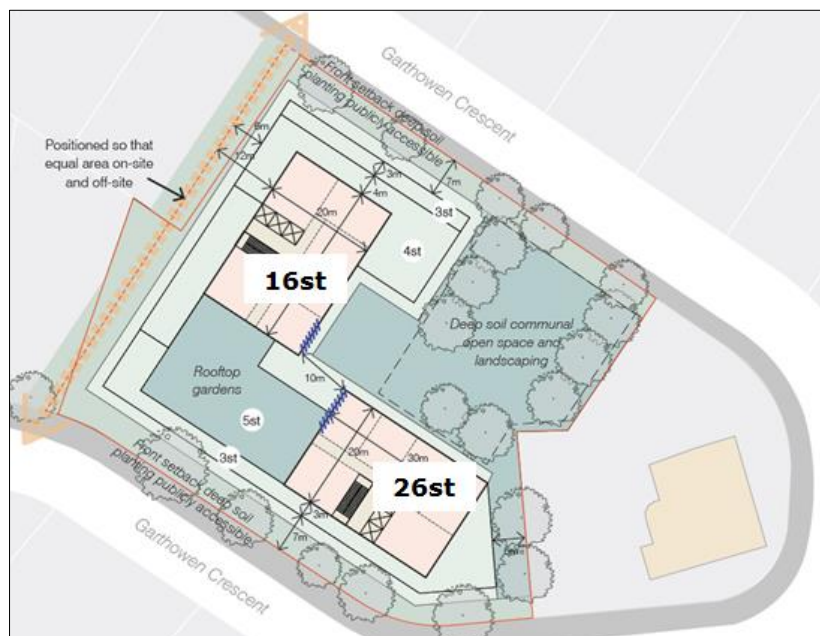


Figure 3
Revised Development Concept

- **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 an amended version of the Applicant's proposal should proceed to Gateway Determination as provided in Attachment C. Council's recommended outcomes and the outcome sought through this Planning Proposal is demonstrated in Figure 4 below.

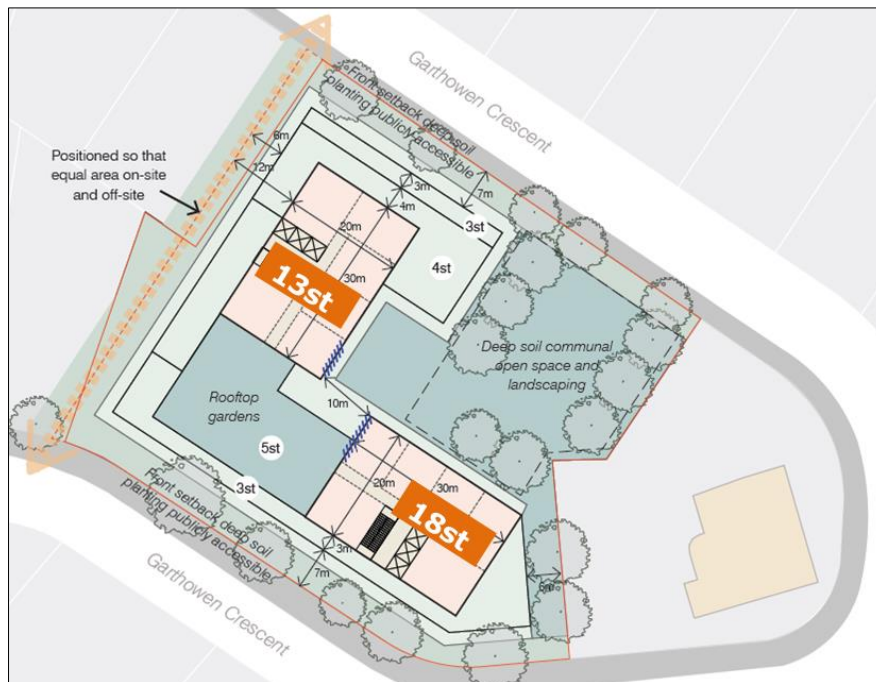


Figure 4
Revised development concept (Council revision)

- **Gateway Determination**

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

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

A copy of the Gateway Determination is provided as Attachment D. The Gateway Determination authorises Council to exercise the functions of the Greater Sydney Commission under Section 59 of the Environmental Planning and Assessment Act 1979 and finalise the planning proposal.

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

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

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

- **Revised Gateway Determination**

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

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

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

A copy of the revised Gateway Determination is provided as Attachment F.

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

In accordance with Condition 1(g), the revised planning proposal was submitted to the Department of Planning and Environment for endorsement in April 2018.

PART 1 OBJECTIVES OR INTENDED OUTCOME

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

PART 2 EXPLANATION OF THE PROVISIONS

To facilitate the proposed outcome, the planning proposal seeks to amend LEP 2012 to:

1. Rezone land at 6-12 & 16-20 Garthowen Crescent, Castle Hill from R3 Medium Density Residential to R4 High Density Residential;
2. Increase the minimum lot size from 700m² to 1,800m² for land at 6-12 & 16-20 Garthowen Crescent, Castle Hill;
3. Increase the maximum building height from 9 metres to 57 metres for land at 6-12 & 16-20 Garthowen Crescent, Castle Hill;

4. Apply a maximum floor space ratio of 1:1 to land at 6-12 & 16-20 Garthowen Crescent, Castle Hill and identify the site as "Area A", subject to the provisions of Clause 7.12 of LEP 2012;
5. Apply a maximum incentivised floor space ratio of 2.5:1 to land at 6-12 & 16-20 Garthowen Crescent, Castle Hill, which would be achievable subject to compliance with Clause 7.12 of LEP 2012;
6. Identify the site as Area L on the Key Sites Map;
7. Include the following local provision within LEP 2012:

4.4B Additional floor space ratio incentive for key sites

1. *The objectives of this clause are as follows:*

(a) to promote development that does not isolate sites that will contribute to an improved built form outcome.

(b) to ensure the provision of quality public domain and improved pedestrian and cycle connections within centres.

(c) to facilitate development that is sympathetic to the character of heritage items.

2. *This clause applies to land identified as Area L on the Key Sites Map.*

3. *Despite clause 4.4 and 4.4A, development consent may be granted for development on land to which this clause applies that exceeds the floor space ratio shown the Floor Space Ratio Incentive Map only if:*

(a) The development complies with the all of the requirements in clause 4.4A;

(b) The development is for the entire area identified as a Key Site on the Key Sites Map;

(c) The maximum floor space ratio, for development on land where the proposed development is permitted, does not exceed the floor space ratio allowed by the Floor Space Ratio Incentive Map by more than 20%; and

(d) The development in an area shown in Column 1 of the table to this subclause meets the specifications shown opposite the area in Column 2.

Column 1

Area on the Key Sites Map

Area L

Column 2

Specifications relating to the Area

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.

The proposed development must incorporate a 7.5 metre setback to both sides of Garthowen Crescent.

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.

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.

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.

The above amendments to LEP 2012 would facilitate a residential outcome of 180 to 190 dwellings on the site, subject to detailed design and approval through the development assessment process.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

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

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

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

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

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

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.

- **The Greater Sydney Region Plan – A Metropolis of Three Cities**

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

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

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

- Objective 6: Services and infrastructure meets communities' changing needs;
- Objective 10: Greater housing supply;
- Objective 11: Housing is more diverse and affordable; and

- Objective 13: Environmental heritage is identified, conserved and enhanced.
- **Central City District Plan**

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

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

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

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

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

Yes, a discussion of consistency is provided below.

- **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 utilising the floor space incentives framework established under Clause 7.12 of LEP 2012 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. 9.1 directions)?

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

- **Direction 2.3 Heritage Conservation**

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

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

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

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

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

- **Direction 3.1 Residential Zones**

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

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

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

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

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

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

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

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

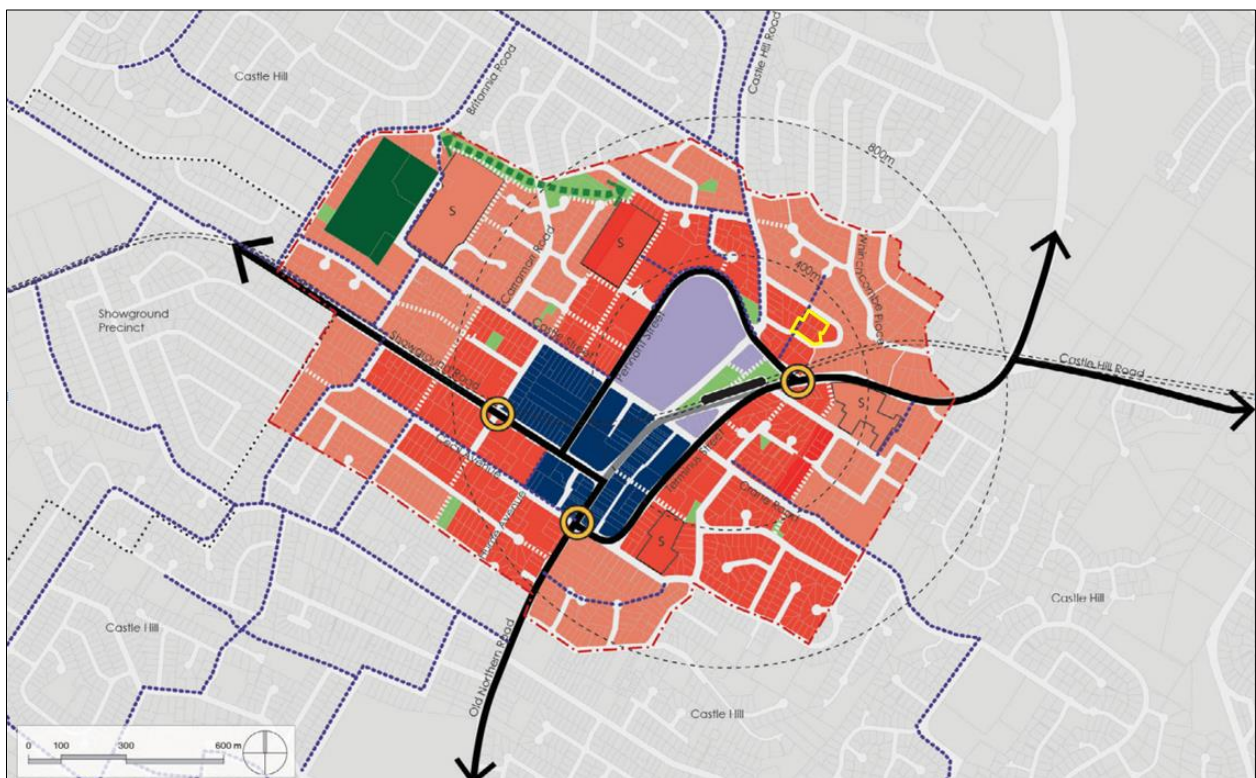


Figure 6
Castle Hill Precinct Structure Plan

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.

The Planning Proposal is consistent with this Direction as it would rezone the site to an existing zone already available under The Hills LEP 2012 (R4 High Density Residential).

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

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

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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 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



Figure 8

Photomontage of revised development concept as viewed from north

- *Impacts on Heritage Item*

The site adjoins the 'Garthowen House' local heritage item, which is listed under Schedule 5 of LEP 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 allowing for increased residential densities in strategically located areas and the protecting the setting and significance of the adjoining 'Garthowen House' heritage item.

- *Impacts on Adjoining Development*

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

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

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



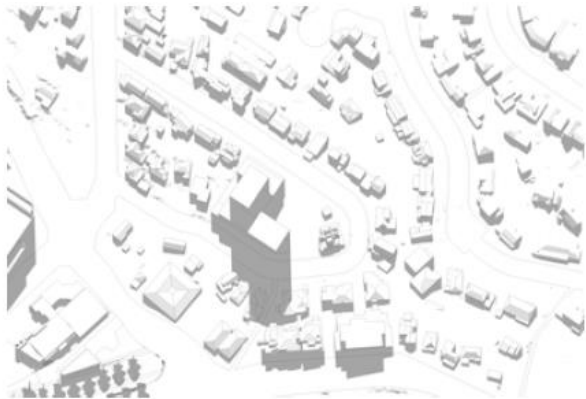
Winter Solstioe 9am



Winter Solstioe 11am



Winter Solstioe 10am



Winter Solstioe 12pm



Figure 9
Overshadowing analysis for the concept development

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

- *Traffic*

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

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

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

The proposal incorporates a vehicular through-site link for residents (at basement level) which is anticipated to improve connectivity within Garthowen Crescent and contribute towards the mitigation of additional traffic volume that would result from the future development on the site. The

proposed through-site link will function as a connection between the entry/exit points at both the northern and southern frontages to Garthowen Crescent. Through this feature, the proposal will ensure the future development will facilitate the provision of a direct access to either of the intersections of Garthowen Crescent and Castle Hill Road, without the need to travel along the full length of the road, around the curved/thinner portion of the road.

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

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*.

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?

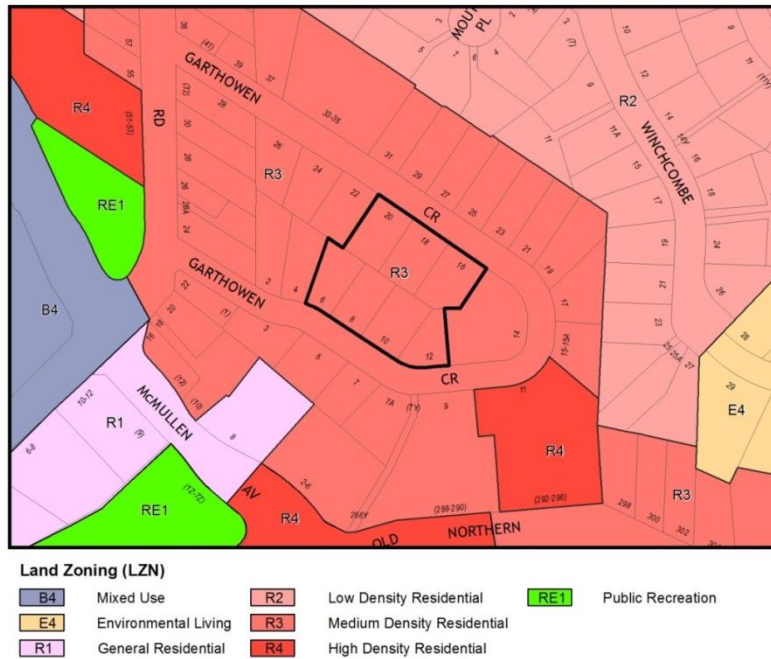
The Gateway Determination issued by the Department of Planning and Environment requires consultation with the following agencies:

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

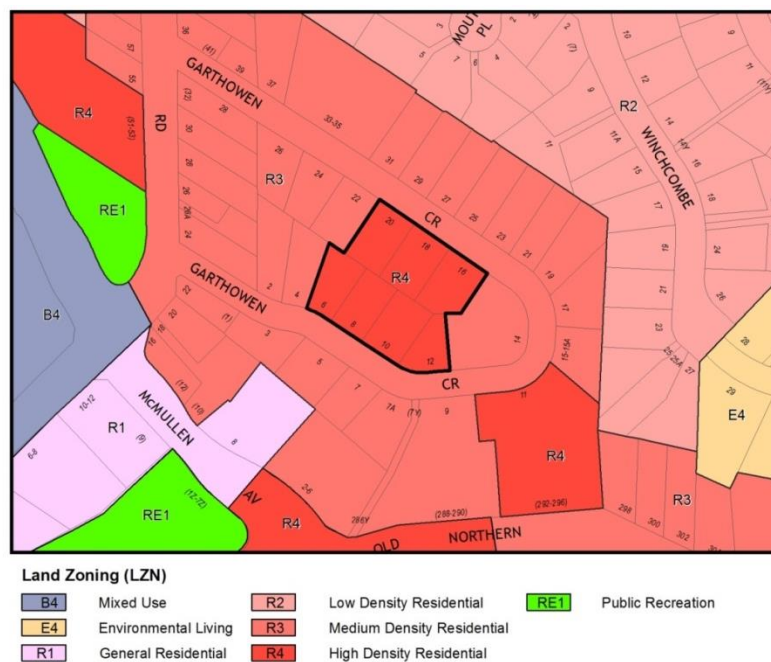
PART 4 MAPPING

The planning proposal seeks to amend the Land Zoning Map of *The Hills Local Environmental Plan 2012*.

Existing Land Zoning Map

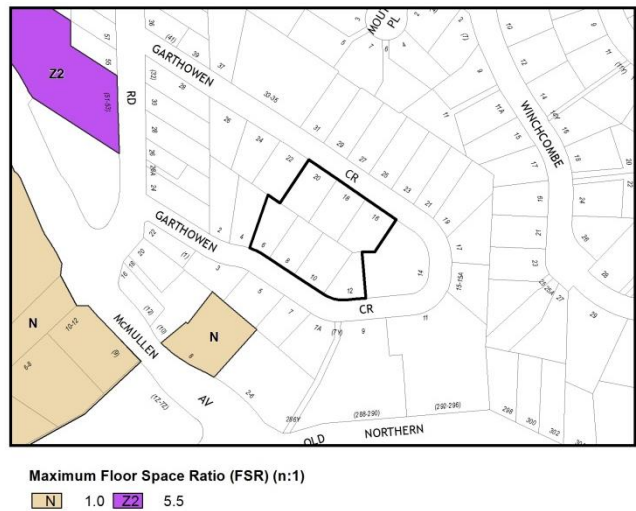


Proposed Land Zoning Map

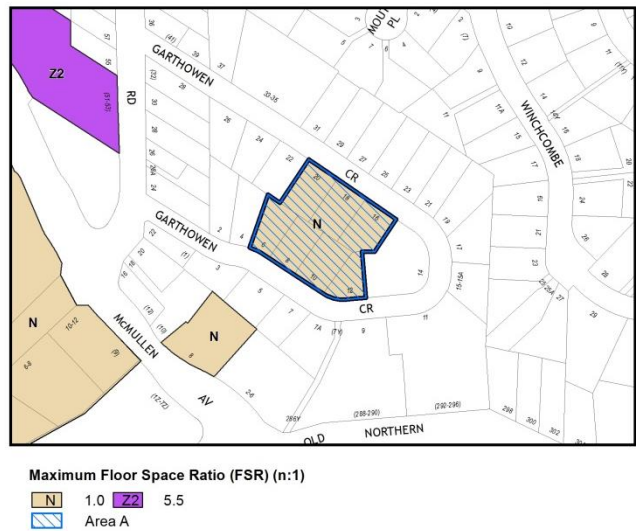


The planning proposal seeks to amend the Floor Space Ratio Map of *The Hills Local Environmental Plan 2012*.

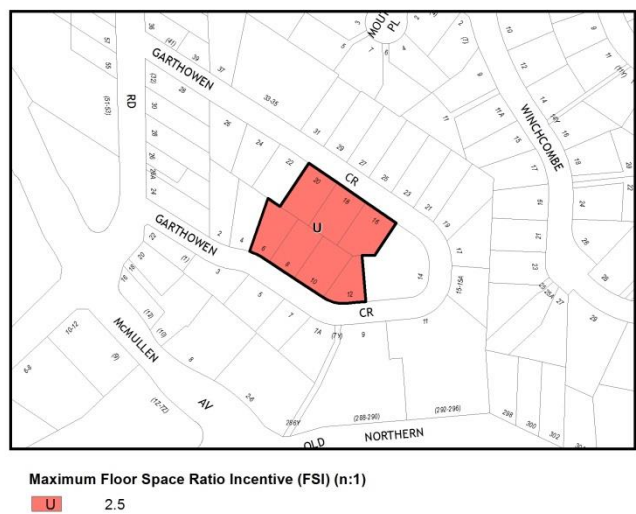
Existing Floor Space Ratio Map



Proposed Floor Space Ratio Map

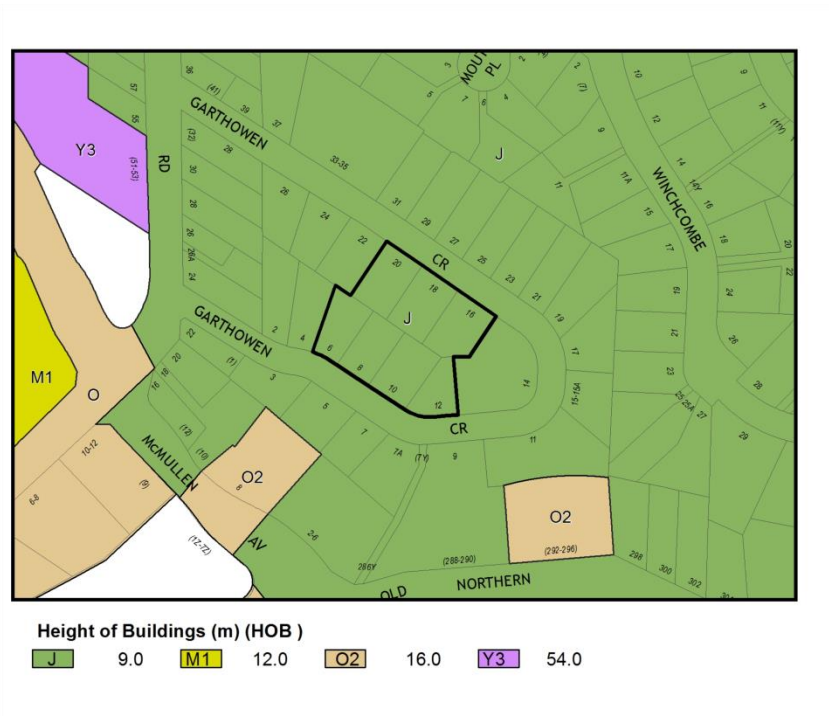


Proposed Floor Space Ratio Incentive Map

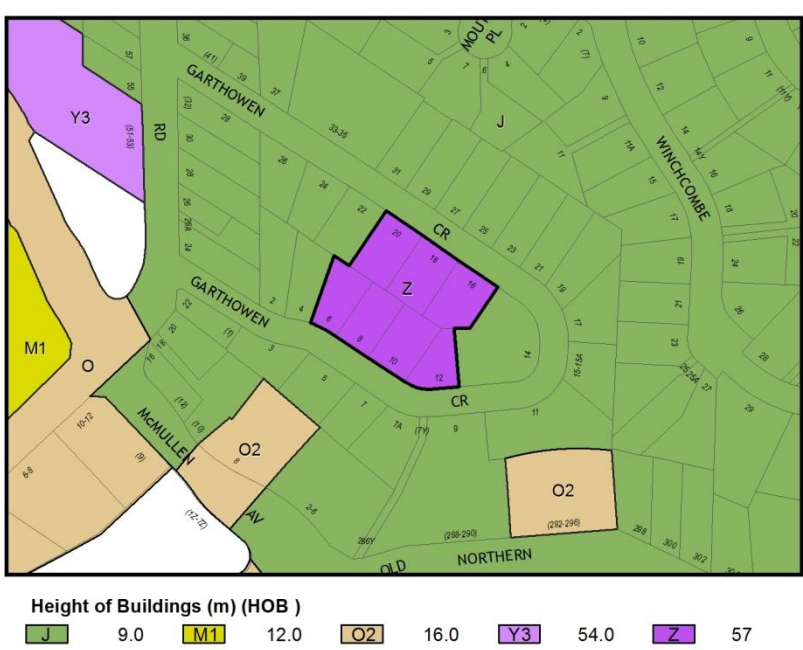


The planning proposal seeks to amend the Height of Buildings Map of *The Hills Local Environmental Plan 2012*.

Existing Height of Buildings Map

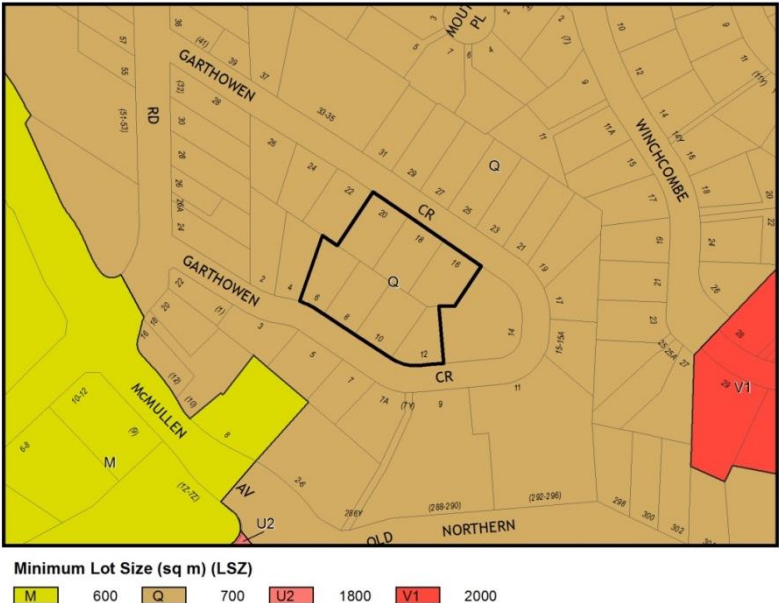


Proposed Height of Buildings Map

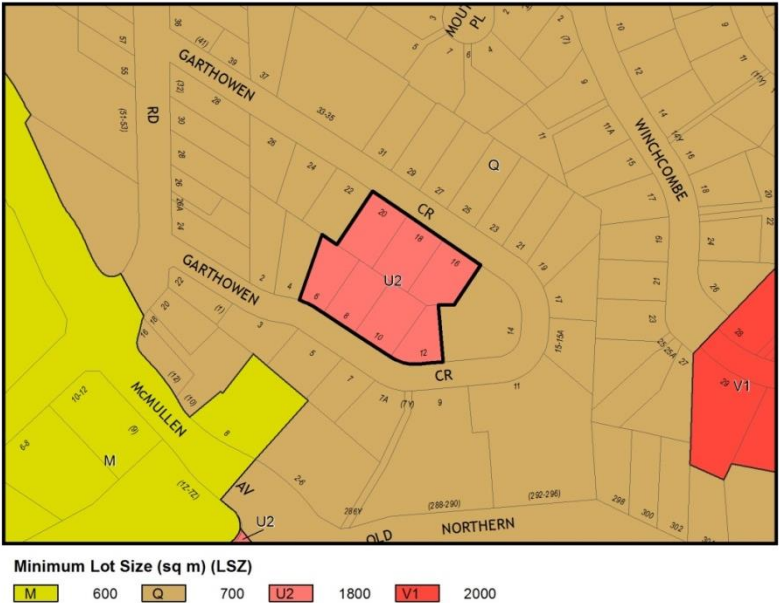


The planning proposal seeks to amend the Minimum Lot Size Map of *The Hills Local Environmental Plan 2012*.

Existing Minimum Lot Size Map

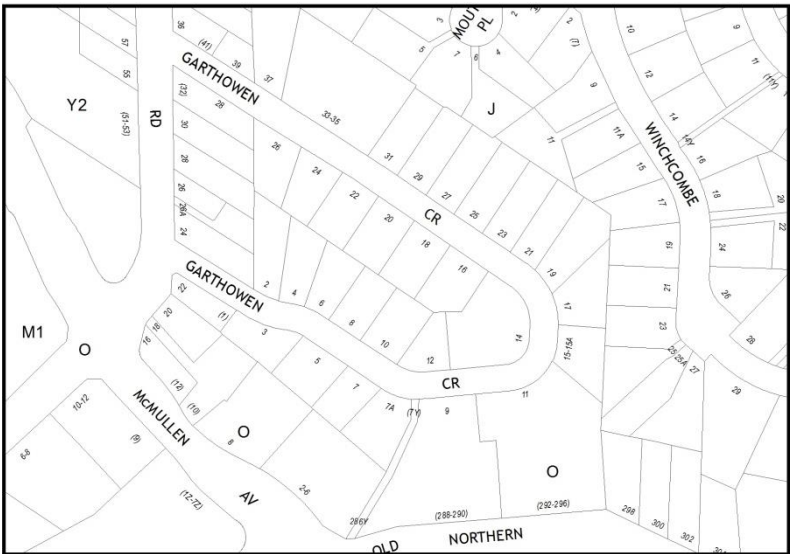


Proposed Minimum Lot Size Map



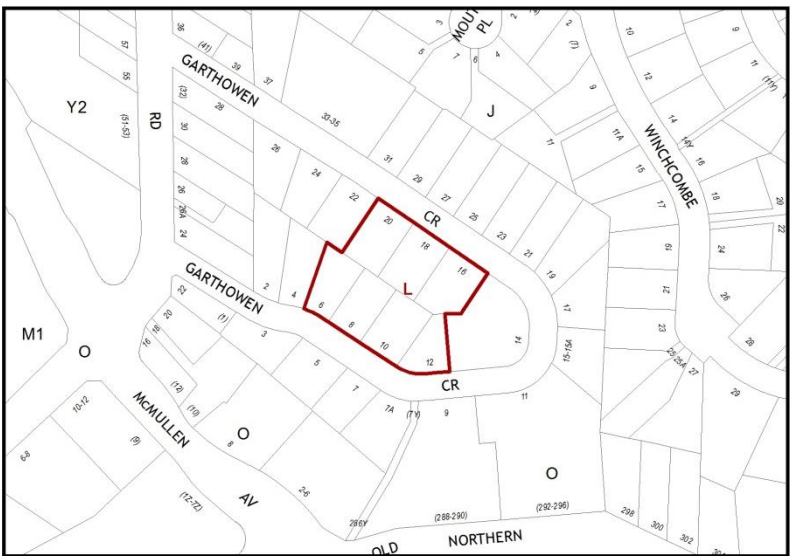
The planning proposal seeks to amend the Key Sites Map of *The Hills Local Environmental Plan 2012*.

Existing Key Sites Map



Key Sites Map

Proposed Key Sites Map



Key Sites Map

Area L

PART 5 COMMUNITY CONSULTATION

The Gateway Determination requires that the Planning Proposal be publicly exhibited for a minimum of 28 days. 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)	October 2017
Revised Gateway Determination	February 2018
Submission of revised planning proposal to Department for endorsement	April 2018
Government agency consultation	June 2018
Commencement of public exhibition period (28 days)	June 2018
Completion of public exhibition period	August 2018
Timeframe for consideration of submissions	August 2018
Timeframe for consideration of proposal post exhibition	September 2018
Report to Council on submissions	October 2018
Planning Proposal to PCO for opinion	November 2018
Date Council will make the plan (if delegated)	December 2018
Date Council will forward to department for notification (if delegated)	December 2018

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

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

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

ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS

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

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