

## **LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL**

### **DETERMINATION OF THE LOCAL PLANNING PANEL ON 18 AUGUST 2021**

#### **PRESENT:**

Pamela Soon	Chair
Glennys James	Expert
Chris Young	Expert
Ken Willimott	Community Representative

#### **DECLARATIONS OF INTEREST:**

In relation to Item 2 Mr Young declared that the proponent's Traffic and Parking Assessment report was approved by a previous colleague which Mr Young has not had any contact with for approximately 3 years. This is a separate professional engagement to which does not represent a significant conflict of interest under the LPP Code of Conduct and he is still able to consider and advise on the matter.

#### **COUNCIL STAFF:**

The Panel were briefed by the following Council Staff on 18 August 2021:

David Reynolds	-	Group Manager – Shire Strategy, Transformation & Solutions
Nicholas Carlton	-	Manager – Forward Planning
Megan Munari	-	Principal Coordinator, Forward Planning

**ITEM 1:                               LOCAL PLANNING PANEL – PLANNING PROPOSAL – CASTLE  
RIDGE RESORT, 346-350 OLD NORTHERN ROAD, CASTLE HILL -  
LOCAL PLANNING PANEL (1/2021/PLP)**

**COUNCIL OFFICER’S RECOMMENDATION:**

The planning proposal not proceed to Gateway Determination.

**PANEL’S ADVICE:**

The planning proposal should not proceed to Gateway Determination on the basis that:

- a) The proposal has not sufficiently justified the scale of uplift sought in an area outside of the walking catchment of Castle Hill Town Centre on land that is not strategically identified for uplift. There is limited strategic justification for permitting uplift on this land and the proposal could set an undesirable precedent for the density, scale and character of development in infill and environmentally sensitive areas of Castle Hill. In this regard, the proposal is inconsistent with Planning Priorities 6, 7 and 8 of the Hills Future Local Strategic Planning Statement;
- b) The height, scale, density and character of the proposed development is inconsistent with the objectives of the E4 Environmental Living Zone and the character of the locality;
- c) The development exceeds the capacity of the site, as evidenced by the range of site specific issues detailed within this report (character, height, interface and visual impacts), the inability for the proposal to comply with baseline development standards within Council’s DCP (in particular, the extent of cut and fill permitted and minimum setback distances);
- d) The proposal has not satisfactorily resolved traffic and access arrangements to the point where increased yield and associated traffic generation is supportable at this location. The other public infrastructure contributions proposed by the Proponent are inadequate to support the proposal; and
- e) Council is already well placed to meeting the housing needs of senior residents, with sufficient opportunities available to provide new seniors housing developments in more appropriate locations than the subject site.

**VOTING:**

Unanimous

**ITEM-1** **LOCAL PLANNING PANEL - PLANNING PROPOSAL - CASTLE RIDGE RESORT 346 - 350 OLD NORTHERN ROAD, CASTLE HILL (1/2021/PLP)**

**THEME:** Shaping Growth

**OUTCOME:** 5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity.

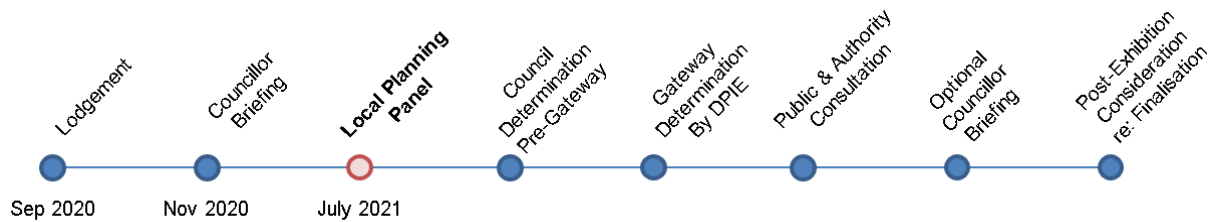
**STRATEGY:** 5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.

**MEETING DATE:** **18 AUGUST 2021**  
LOCAL PLANNING PANEL

**AUTHOR:** **SENIOR TOWN PLANNER**  
LAURA MORAN

**RESPONSIBLE OFFICER:** **MANAGER – FORWARD PLANNING**  
NICHOLAS CARLTON

<b>Proponent &amp; Landowner</b>	<b>STOCKLAND CASTLERIDGE PTY LIMITED</b>
<b>Planning Consultant Urban Designer</b>	<b>ARCHITECTUS GROUP PTY LTD</b>
<b>Traffic Consultant</b>	<b>ARUP PTY LTD</b>
<b>Demand Assessment</b>	<b>ELTON CONSULTING</b>
<b>Ecological Consultant</b>	<b>ACS ENVIRONMENTAL PTY LTD</b>
<b>Geotechnical Consultant</b>	<b>J K GEOTECHNICS PTY LTD</b>
<b>Hydraulics Consultant</b>	<b>NORTHROP CONSULTING ENGINEERS</b>
<b>Site Area</b>	<b>36,990m<sup>2</sup></b>
<b>List of Relevant Strategic Planning Documents</b>	<b>GREATER SYDNEY REGION PLAN CENTRAL CITY DISTRICT PLAN SECTION 9.1 MINISTERIAL DIRECTIONS THE HILLS LOCAL STRATEGIC PLANNING STATEMENT</b>
<b>Political Donation</b>	<b>NIL DISCLOSED BY PROPONENT</b>
<b>Recommendation</b>	<b>THAT THE PLANNING PROPOSAL NOT PROCEED TO GATEWAY DETERMINATION</b>



## EXECUTIVE SUMMARY

This report recommends that the planning proposal applicable to land at Castle Ridge Resort, 346-350 Old Northern Road, Castle Hill, which seeks to amend LEP 2019 to facilitate redevelopment of the existing seniors living development on the site, not proceed to Gateway Determination.

It is acknowledged that there is some merit in facilitating the feasible redevelopment and rejuvenation of the existing seniors living facility. However, the amendments sought under the planning proposal are not supported for the following reasons:

- a) The proposal has not sufficiently justified the scale of uplift sought in an area outside of the walking catchment of Castle Hill Town Centre on land that is not strategically identified for uplift. There is limited strategic justification for permitting uplift on this land and the proposal could set an undesirable precedent for the density, scale and character of development in infill and environmentally sensitive areas of Castle Hill;
- b) The height, scale, density and character of the proposed development is inconsistent with the objectives of the E4 Environmental Living Zone and the character of the locality;
- c) The development exceeds the capacity of the site, as evidenced by the range of site specific issues detailed within this report (character, height, interface and visual impacts) and the inability for the proposal to comply with baseline development standards within Council's DCP (in particular, the extent of cut and fill permitted and minimum setback distances); and
- d) The proposal has not satisfactorily resolved traffic and access arrangements to the point where increased yield and associated traffic generation is supportable at this location.

The site has been the subject of two previous unsuccessful planning proposal applications (2016 and 2019) and the current application has been amended a number of times by the Proponent. Many of the issues identified within this report are long-standing concerns which have been consistently communicated to the Proponent as part of the current application and each previous unsuccessful proposal.

The benefits of facilitating redevelopment of the site and improvement of the existing seniors housing facility are acknowledged. However, this should be in a form which is appropriate in the setting and context of the site. Council officers have advised the Proponent that, in their view, a lower-scale and stepped built form that integrates with the topography of the land and retains greater significant vegetation would better respond to surrounding lower-scale residential development and the site's location on a prominent visual ridgeline, as well as the unique topography and environmental constraints. In this respect, Council officers had

indicated that building heights on all boundaries should be no more than 2 storeys. To date, the Proponent has been unable to submit a scheme that satisfactorily demonstrates that the density sought can be accommodated in an appropriate built form outcome and as such, it is recommended that the planning proposal, in its current form, should not proceed to Gateway Determination.

Feedback from the Local Planning Panel and Sydney Central City Planning Panel identified similar issues with respect to the previous planning proposals, leading these Panels to ultimately conclude that the earlier proposals should not proceed to Gateway Determination. The LPP advised that the proposal should not proceed on the basis that the scale sought lacked strategic merit and failed to respond to the objectives of the E4 Environmental Living zone and that the proposal did not adequately address safety concerns related to traffic. In determining the rezoning reviews associated with the previous proposals, the Sydney Central City Planning Panel was not satisfied the proposal demonstrated site specific merit due to inconsistencies with the E4 zone objectives and insufficient justification for the extent of FSR proposed.

### THE HILLS LOCAL ENVIRONMENTAL PLAN 2019

A comparison between the current controls and proposed amendments to LEP 2019 is provided below, along with the previous two (2) unsuccessful applications.

	<b>Current Controls (LEP 2019)</b>	<b>First Planning Proposal 2016 (22/2016/PLP)</b>	<b>Second Planning Proposal 2019 (7/2019/PLP)</b>	<b>Current Planning Proposal 2020 (1/2021/PLP)</b>
<b>Land Zone</b>	E4 Environmental Living			
<b>Min. Lot Size</b>	2,000m <sup>2</sup>			
<b>Additional Permitted Use</b>	Nil	Seniors Housing		
<b>Height</b>	9 metres (two storeys)	14 - 27 metres (facilitates up to nine storeys)	12 - 22 metres (facilitates up to seven storeys)	9 - 22 metres (facilitates up to seven storeys)
<b>Floor Space Ratio</b>	N/A	1:1		0.83:1
<b>Dwellings (Independent Living Units)</b>	113	323	298	247
<b>Parking Spaces</b>	Unidentified. At-grade and garages incorporated into villas	420 spaces, predominantly in basement levels	388 spaces, predominantly in basement levels	321 spaces, predominantly in basement levels
<b>Landscaped Area</b>	Unidentified	48% of site area	53% of site area	53% of site area
<b>Basement Area</b>	Nil	40% of site area	25% of site area	29% of site area

**Table 1**

Proposed Amendments to LEP 2019 and Comparison of Proposed Concepts

## **LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL**

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**VOTING:**

Unanimous

**ITEM 2:                   LOCAL PLANNING PANEL – PLANNING PROPOSAL – 21-23  
LEXINGTON DRIVE, BELLA VISTA - LOCAL PLANNING PANEL  
(1/2019/PLP)**

**COUNCIL OFFICER’S RECOMMENDATION:**

The planning proposal proceed to Gateway Determination.

**PANEL’S ADVICE:**

1. The planning proposal applicable to land at 21-23 Lexington Drive Bella Vista (Lot 7081 DP 1037626) to increase the maximum floor space ratio from 2:1 to 2.7:1 proceed to Gateway Determination.
2. Council Officers prepare amendments to The Hills DCP 2012 to reduce the parking rate applicable to the land to 1 space per 40m<sup>2</sup> of commercial gross floor area.
3. Prior to the application being reported to Council, the Proponent submit additional information demonstrating the ability to achieve compliance with the proposed parking rates under the DCP following the conversion of the two above ground parking levels to commercial space.

**VOTING:**

For – 3 (Pamela Soon, Glennys James & Ken Willimott)

Against – 1 (Chris Young)



**HISTORY**

- May 2016** Planning Proposal (22/2016/PLP) lodged for a high density seniors living redevelopment comprising 359 independent living units incorporated within nine buildings with heights varying from three to 10 storeys. The Proposal was subsequently revised to reduce the yield and heights slightly.
- December 2017** Council resolved not to proceed with the planning proposal (22/2016/PLP) due to inconsistencies with the E4 Environmental Living zone objectives, inappropriate density and built form, insufficient strategic justification and potential impact in association with geotechnical constraints, traffic impacts and increased demand for local infrastructure. The Proponent subsequently lodged a rezoning review application.
- August 2018** The Sydney Central City Planning Panel considered the rezoning review request lodged by the Proponent and determined that the proposal should not proceed to Gateway Determination.
- January 2019** New planning proposal (7/2019/PLP) lodged for a high density seniors living development including 298 dwellings within nine buildings with heights varying from three to six storeys.
- April 2019** Planning proposal (7/2019/PLP) considered by The Hills Local Planning Panel. The Panel advised that the proposal is unsatisfactory and should not proceed to Gateway Determination.
- May 2019** Council resolved that the proposal should not proceed to Gateway Determination due to insufficient justification of the proposed scale and density at this location, inconsistencies with the E4 Environmental Living zone objectives, potential amenity impacts on adjoining development and open space, and unresolved traffic issues. The Proponent subsequently lodged a rezoning review application.
- August 2019** The Sydney Central City Planning Panel considered the rezoning review application lodged by the Proponent and determined that the proposal should not proceed to Gateway Determination on the basis that it does not demonstrate site specific merit.
- September 2020** Current planning proposal (1/2021/PLP) lodged.

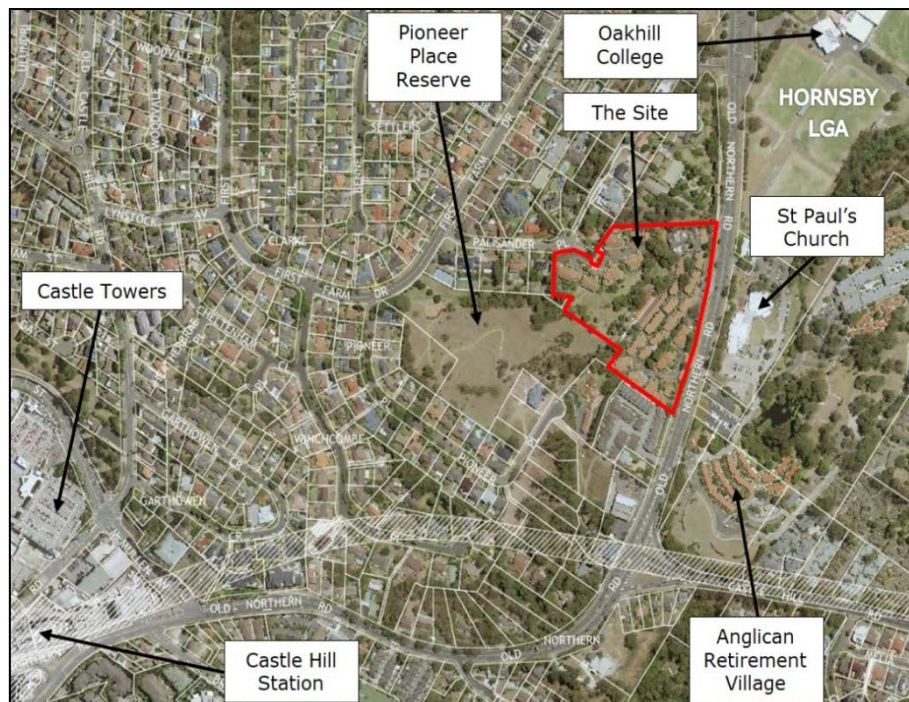
**REPORT**

The purpose of this report is to present the subject planning proposal to the Local Planning Panel for advice, in accordance with Section 2.19 of the Environmental Planning and Assessment Act 1979.

**1. THE SITE**

The site and existing seniors housing development is known as Castle Ridge Resort and is located at 346-350 Old Northern Road, Castle Hill (Lot 503 DP 1048808). It has an area of approximately 3.7 hectares, is irregular in shape and is located approximately 1.2 kilometres to the north east of the Castle Hill Town Centre, on the prominent ridgeline along Old Northern

Road. The site has a primary frontage to Old Northern Road (to the east) and an alternative vehicular entry/exit point at the end of Palisander Place (to the north-west) as shown in Figure 1 below.

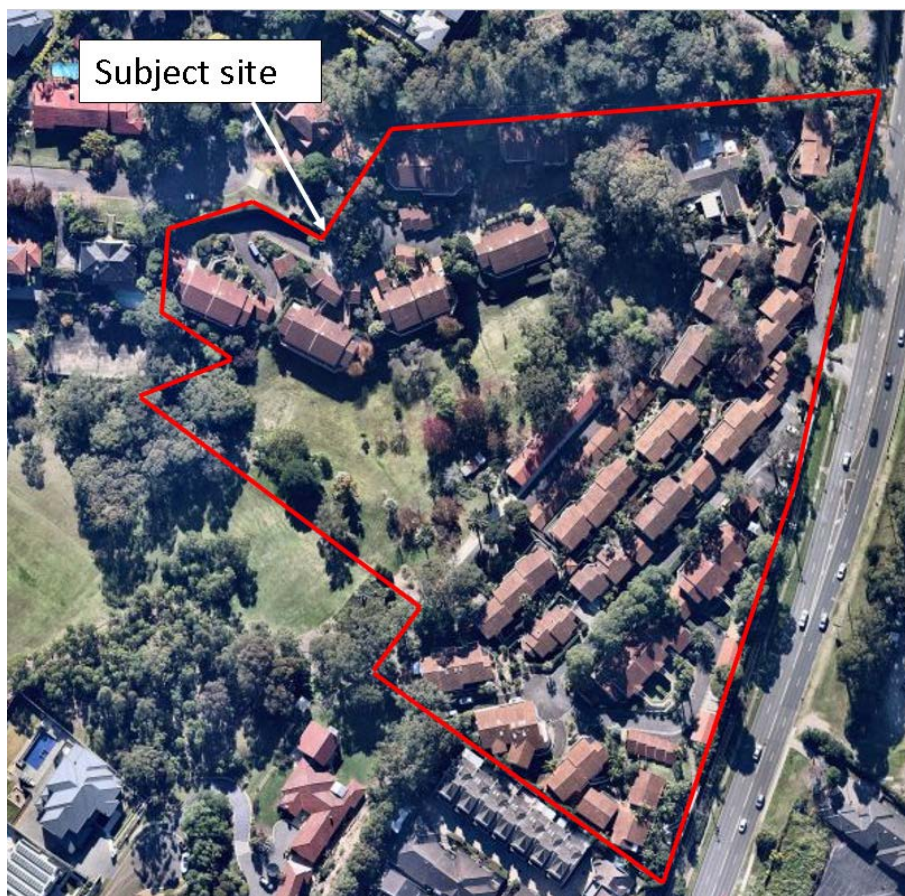


**Figure 1**

Aerial view of the site and surrounding locality

The surrounding locality is characterised by low density residential development to the west, a large lot residential development to the north, a townhouse development to the south and the Pioneer Place Public Reserve to the south west. Land to the east, on the opposite side of Old Northern Road, is within Hornsby Shire Council and includes St Paul's Church and the Anglican Retirement Village (ARV) – Castle Hill Campus.

The site currently accommodates a seniors' living development with 113 independent living units. The existing development demonstrates a medium density outcome in terms of bulk, height (one (1) to three (3) storeys) and distribution of massing over the site, with fine-grain buildings and minimal excavation. This enables the achievement of a sympathetic outcome having regard to the sloping topography of the site and existing bushland/vegetated setting.



**Figure 2**  
Aerial View of the subject site

The maximum heights and fragmented distribution of existing buildings on the site reduces the extent to which buildings visually protrude above the existing tree canopy and enables the existing development to 'blend' into its bushland setting. Despite this, even the existing development, with its relatively low scale built form, already exhibits some visual dominance on the adjoining Pioneer Place Reserve and is clearly visible from part of Pioneer Place and Winchcombe Place.



**Figure 3**

Low scale built form of existing Castle Ridge Resort

Council's mapping indicates that parts of the site are affected by Landslip Risk and the presence of Blue Gum High Forest, which is a Critically Endangered Ecological Community (CEEC) under the Biodiversity Conservation Act 2016. However, further targeted surveys by the Proponent concluded that the presence of this species could not be found within the vegetation on the site.

The land was zoned Rural 1(b) under the Baulkham Hills Planning Scheme Ordinance (1964). Local Environmental Plan 1991 zoned the land "Residential 2(d) – Protected" to reflect geotechnical issues, the drainage line traversing the site, vegetation on the site and the scenic values of the prominent ridgeline along Old Northern Road. General district views to the Blue Mountains from Old Northern Road and the rural area is an important local characteristic, particularly in combination with urban bushland that contributes to a scenic landscape. Similarly, the site and ridgeline is visually prominent when viewed from areas to the west.

In the translation to the Standard Instrument in 2012, the E4 Environmental Living zone was applied to the site, being an equivalent zone to the Residential 2(d) – Protected zone. The objectives of the E4 Environmental Living zone are:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

LEP 2019 does not permit seniors housing in the E4 Environmental Living zone. However, the existing seniors living facility on the site was constructed in the early 1980's and currently operates under existing use rights afforded by the Environmental Planning and Assessment Act 1979. The site is also precluded from the provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 (Seniors SEPP) as a result of the environmental zoning of the site.

## 2. DESCRIPTION OF THE PLANNING PROPOSAL

The development concept, as submitted by the Proponent, depicts a high density residential seniors living development, replacing the existing seniors living development on the site. The development seeks to enable the development of 247 independent living units, within 14 buildings ranging in height between three (3) to six (6) storeys (it is noted that the maximum height of building control requested through the planning proposal could potentially allow up to seven (7) storeys, being an additional storey to that depicted in the Proponent's concepts).



**Figure 4**

Artist's impression of proposed Castle Ridge Resort from the southern boundary of the site



**Figure 5**

Concept site plan and proposed building heights

In order to facilitate the proposed development outcome, the proposal seeks to amend LEP 2019 to:

1. Include 'Seniors Living' as an additional permitted use on the site under Schedule 1 of LEP 2019 and associated Additional Permitted Uses Map;
2. Increase the Maximum Height of Buildings applicable to the site from nine (9) metres to part 9 metres, 15 metres, 18 metres and 22 metres (enabling building heights of 3-7 storeys); and
3. Apply a Floor Space Ratio control of 0.83:1 to the site.

Table 1 above and the History section of this report provide details on the previous planning proposals submitted for this site. For reference, a comparison between the two previous planning proposal concepts and the current concept is provided below.

**Figure 6**

Design concept for each planning proposal

### 3. MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

- a) Strategic Context;
- b) Objectives of the E4 Environmental Living Zone;
- c) Residential Density and Yield;
- d) Built Form;
  - i) Character
  - ii) Building height and scale
  - iii) Cut and fill
  - iv) Setbacks
  - v) Interface to adjoining properties
- e) Geotechnical Constraints;
- f) Traffic; and
- g) Infrastructure Demand and Public Benefit

#### a) Strategic Context

A discussion on consistency with the strategic planning framework is provided below.

- Greater Sydney Region Plan and Central City District Plan

Objective 10 of the Greater Sydney Region Plan and Planning Priority C5 of the Central City District Plan seek to ensure ongoing housing supply and a range of housing types in the right locations. While the proposal is partially consistent with this objective through the provision of increased residential density to cater for the ageing population, the scale of development proposed is not appropriate in this location.

The Plan specifies that consistency with this objective is not measured by dwelling numbers alone, but rather it requires a place-based approach to development in a local context. The proposed development is within a low density, environmentally sensitive setting outside the walking catchment of the Castle Hill Station Precinct and Town Centre.

As demonstrated through the assessment within this report, the uplift sought does not demonstrate a balance between feasible redevelopment uplift and integration with the surrounding context, particularly environmental and scenic values of the site, interface with adjoining low scale development and the availability of services and infrastructure. Given this, the planning proposal is considered to be inconsistent with this objective as the location is not appropriate for the level of uplift sought.

Planning Priority C3 identifies that The Hills Shire LGA will be subject to one of the largest projected growth in aged population. The Priority encourages that demand for seniors housing be met through the delivery of more diverse housing types and medium density housing, in walkable neighbourhoods that maintain closeness to family, friends and established health and support networks for enhanced well-being. Planning Priority C4 promotes the need to foster healthy, creative, culturally rich and socially connected communities.

While the planning proposal is partially consistent with these priorities as it seeks to deliver housing for the aged population, a recent review of current seniors housing supply in the Hills Shire (completed as part of a Project Control Group with DPIE and the Greater Sydney Commission) concluded that Council is already well placed to meet the housing needs of senior residents. Further, there are sufficient opportunities to provide new seniors housing developments in more appropriate locations.

It is important to note that the subject site is not identified within the strategic framework as an area within the Shire that is suitable for increased development potential. Notwithstanding this, the merits of increased provision of seniors housing through the planning proposal are acknowledged, as is the need for revitalisation and rejuvenation of the existing development, by way of increased maintenance, refurbishment or redevelopment. However, the application has not demonstrated that the development density sought by the Proponent can be achieved in an appropriate built form outcome with acceptable amenity, environmental and infrastructure outcomes. Given that the needs of senior residents can be comfortably met elsewhere in the Shire on more connected and well-serviced sites, the planning proposal should demonstrate a superior built form and place-making outcome to warrant the uplift sought.

Objective 28 and Planning Priority C15 identify the importance of protecting and enhancing bushland, biodiversity and scenic and cultural landscapes. In comparison to the existing development on the site which is relatively sensitive to these factors, the proposal seeks to facilitate a high density residential development outcome and built form character in an area that is identified for its environmentally sensitive and scenic values. The area is characterised by low density development which responds to site specific constraints and protects and retains the aesthetic/scenic qualities of the prominent ridgeline along Old Northern Road.

While the existing development benefits from existing use rights, it would otherwise be a prohibited form of development considered incompatible with the site and context. Notwithstanding this, the existing development on the site does demonstrate a scale, built form and character which is not entirely inconsistent or incompatible with the environmental and scenic qualities of the land. The scale of uplift and high density built form proposed through the planning proposal would represent a significant change with respect to the built form outcome and character on the land, which would adversely impact on these qualities and would therefore fail to align with this priority.

- Section 9.1 Ministerial Directions

The following Directions issued by the Minister for Planning and Public Spaces under Section 9.1 of the Environmental Planning and Assessment Act 1979 require consideration:

*Direction 2.1 - Environmental Protection Zones*

The proposed development would be unlikely to significantly impact on threatened ecological communities. The Flora and Fauna Assessment submitted with the proposal concludes that the majority of the vegetation present within the study area comprises landscape plantings



and does not constitute critically endangered species. However, the proposed development would result in the clearing of some existing vegetation on the site. Though not critical species, the existing urban bushland contributes to the values of the E4 Environmental Living zone and the vegetated character of the locality.

Further, the planning proposal is inconsistent with this Direction as the proposed high density residential development (which is not a permitted use in the zone) requires substantial land take for the purposes of communal open space, landscaping, and building footprint, which is not commensurate with a low impact development.

It is acknowledged that the current development would not be considered to conform with this objective either, however proceeding with a development with greater impacts to the site in comparison to what exists would not be prudent land use management. The level of impact should be equal to (or ideally improve) the current impacts to warrant development uplift.

#### *Direction 3.1 - Residential Zones*

While the planning proposal may be partially consistent with this Direction as it does not decrease the current residential density on the site, the Direction also requires development to demonstrate good design on sites that are adequately serviced. In this respect, the planning proposal would not align with the objectives of the Direction as an improved design outcome has not been demonstrated and the additional demand for infrastructure generated by the proposal has not been adequately addressed.

#### *Direction 3.4 - Integrating Land Use and Transport*

The proposal is inconsistent with this direction as it seeks to facilitate a high density residential development in a location that is not compatible with the principles of transit oriented development and is not in the walkable catchment of the Castle Hill Metro Station. Higher density development outside of catchments well-served with high-frequency public transport is likely to promote reliance on private vehicle usage to access the site, which does not align with the objectives of this Direction.

#### *Direction 6.3 - Site Specific Provisions*

This Direction requires that a planning proposal seeking to allow a particular development to be carried out be evaluated to ensure that unnecessarily restrictive site specific planning controls are not adopted. The Direction encourages Council to rezone sites to allow particular development rather than introduce additional permitted uses on the site and discourages the introduction of new site specific development standards.

In the case of this development the proposal seeks to formalise an existing use which has been applied to the site since the 1980s. The formalisation of seniors housing as a permissible use is a logical extension of permitted uses on the site. The purpose of formalising the use should however, not to be used as a mechanism to facilitate a high density residential development that is inconsistent with the objectives of the zone and inappropriate in the context of the site and locality.

- The Hills Local Strategic Planning Statement and Supporting Strategies

The LSPS has based the location of future high density development on the principles of transit oriented development which is demonstrated through the Planning Priority 6 new

housing to support Greater Sydney. Dwellings are to align with planned infrastructure and The Hills' future growth is anticipated in areas connected to or within reach of transport and other urban services, being the Sydney Metro Northwest Corridor and Growth Centre Precincts. The planning proposal seeks to facilitate increased residential uplift outside of these strategically identified locations.

Planning Priority 7 of the LSPS responds to the previously discussed objective of providing new housing in the right locations. Planning Priority 8 also emphasises that location is a crucial element of the liveability of a development. Council's Housing Strategy stipulates that while there is demand for seniors housing, it is by no means excessive given the existing stock and that many older residents choose to age in place. It is therefore likely that there will be greater demand for higher care facilities than independent living units.

The level of uplift sought on the subject site is considered unnecessary for the purposes of supply alone, given that there is no shortage of opportunities for seniors housing to be provided elsewhere in the Shire in more appropriate locations. While it is acknowledged that there is merit in facilitating redevelopment of the site, the extent of uplift sought is not warranted on strategic grounds.

#### **b) Objectives of the E4 Environmental Living Zone**

The E4 Environmental Living zone within LEP 2019 is applied to land that has special ecological, scientific or aesthetic values. Development permitted with consent in this zone is generally low density and low-impact residential development uses (such as dwelling houses, secondary dwellings and attached dual occupancies only) which enable some development to occur in a sensitive manner. The environmental constraints and prominent location of the site on the ridgeline are reflected in the zoning of this particular site as E4 Environmental Living.

The specific objectives of the E4 Environmental Living zone under LEP 2019 are:

- *To provide for low-impact residential development in areas with special, ecological, scientific or aesthetic values; and*
- *To ensure that residential development does not have an adverse effect on those values.*

In the E4 Environmental Living zone, multi dwelling housing and residential flat buildings are prohibited under LEP 2019. The site is also excluded from the provisions of the State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 due to its environmental zoning. Accordingly, it is clear that the planning framework actively discourages higher density development and built form at this location.

The proposal would enable what is essentially a high density residential built form, which is *not* considered to be '*low-impact residential development*' and would be likely to have an adverse impact on the ecological and aesthetic values of the site and locality. A development of this scale is contrary to the intended outcomes for this land and would fail to align with the objectives of the zone.

The existing use of the site for seniors housing (which benefits from existing use rights) is not, in and of itself, sufficient justification to permit an intensification of the development (in terms of both density and built form) to an extent that is inconsistent and incompatible with the objectives of the applicable land use zone. Further discussion regarding the impact of this

development in terms of character, building heights, cut and fill, setbacks and interface to adjacent properties is provided in the Section 3d 'Built Form' of this Report.

### c) Residential Density and Yield

The proposal seeks to facilitate development with a density well in excess of that envisaged for the E4 Environmental Living zone (low density residential development typically with a density of five (5) dwellings per hectare) and in excess of surrounding land uses.

The existing development on the site achieves a density of 30.5 dwellings per hectare, which is already six (6) times the density typically provided within the zone. In comparison, the proposed development (for 247 dwellings) equates to a density of 66.7 dwellings per hectare, which is more than 13 times the typical outcome provided in the zone and double that of the existing development.

With respect to typical densities for seniors living developments, it is noted that the proposed density is significantly higher than other seniors' living developments within the locality, even those on sites which are less constrained. This is demonstrated in the table below. Of particular relevance, the proposed density is more than double the density achieved within the nearby campus-style Anglican Retirement Village Castle Hill seniors' living development which is zoned R2 Low Density Residential within Hornsby Council LGA.

Name	Zone	Land Size (ha)	Dwelling No.	Density (per ha)
Anglican Retirement Village – Old Northern Road and Castle Hill Road, Castle Hill	R2 – Low Density Residential – Hornsby LGA	43.672 Ha	882 dwellings	20.2 dwellings/ha
Anglican Retirement Village – 599-607 Old Northern Road, Glenhaven	RU2 – Primary Production - Hornsby LGA	9.853 Ha	352 dwellings	35.7 dwellings/ha
Living Choice Glenhaven - 50 Old Glenhaven Road, Glenhaven	RU6 – Transition	13.29 Ha	236 dwellings	17.8 dwellings/ha
Castle Ridge Retirement Village (Current)	E4 – Environmental Living	3.7 Ha	113 dwellings	30.5 dwellings/ha
Castle Ridge Retirement Resort (Previous proposal, 7/2019/PLP)	E4 – Environmental Living	3.7 Ha	298 dwellings	80.5 dwellings/ha
Castle Ridge Retirement Resort (Proposed, 1/2021/PLP)	E4 – Environmental Living	3.7 Ha	247 dwellings	66.7 dwellings/ha

**Table 2**

Comparison of density with other nearby seniors' housing developments

While the site is already used for the purpose of an aged care facility, this is the result of an historical approval and ongoing existing use rights. It is necessary for consideration of a planning proposal to be based on the most appropriate planning and built form outcome for the site. In this regard, the Proponent has not adequately demonstrated that a density of this magnitude can be accommodated on the land within a 'low-impact' development without adverse impacts on the aesthetic and scenic values of the site and locality.

The existing use of the land and the need for uplift to enable economically viable rejuvenation of the site are not sufficient grounds to justify a doubling of the residential density and an outcome which is beyond that envisaged under the zoning and strategic framework.

#### **d) Built Form**

Discussion regarding the proposed built form is set out below into the following categories:

- i) Character;
- ii) Building height and scale;
- iii) Cut and fill;
- iv) Setbacks; and
- v) Interface to Palisander Place.

##### *i) Character*

Old Northern Road is characterised by stretches of vegetation, landscaped fences and varying 9-30 metre setbacks that create a buffer to the arterial road. The existing streetscape and buildings heights are sympathetic to the public realm. The streetscape facilitates views west to the Blue Mountains and integrates with the steep ridgeline. Stepped down buildings on descents conform to the steep topography and buildings fronting the street primarily present as modest and integrated into the landscape. It is noted that the adjacent development at 342 Old Northern Road is two stories in height and setback 10m from Old Northern Road, however is not entirely consistent with the desired outcomes as it blocks ridgeline views and does not step down with topography.



**Figure 7**  
Local Character along Old Northern Road



When observing the surrounding properties, a balance is struck between the setback to the road and scale of development. Larger developments are set back from the road around 30m whilst buildings setback at 9 metres are one to two stories with roof RLs generally in line with the road level (refer to Figure 8).



**Figure 8**

Dwellings along Old Northern Road that allow prominent ridgeline views to be retained.

The proposal presents a 4–6 storey built form as viewed from Old Northern Road, with a 7 metre setback. Minor 2 storey elements proposed along this frontage (with the 4 storey component setback slightly) are ultimately lost in the overall building mass. In Figure 9 below, the existing building roof line is visible under the opaque building massing, indicating the difference between the current streetscape and that being proposed.



**Figure 9**

View of proposed building envelopes on Old Northern Road streetscape

The substantial building bulk and massing along the Old Northern Road prominent ridgeline has been a reason for not proceeding with previous planning proposals for this site and was raised in the Rezoning Reviews by the Sydney Central Planning Panel. Council officers have previously advised the Proponent that buildings at the boundaries of the site should be limited to 2 storeys, in order to address this issue, and have communicated this again during the assessment of this current proposal. In response to this, the Proponent has still retained substantial built form at the boundaries of the site, however has marginally increased the setback distance for levels above the second story. As demonstrated above, this does not

drastically change the bulk and scale of the development, as viewed from Old Northern Road, or meaningfully respond to the core issues raised by Council officers.

The site is currently heavily vegetated and this screens and minimises the development when viewing the site from an external location. It also contributes to internal amenity and privacy. The incorporation of high quality landscaping screening and fencing, and low building heights achieve an overall impression of built forms blending into the steep topography and vegetation, rather than protruding. Substantial clearing and loss of this mature vegetation would expose the high density built form in stark contrast to surrounding character.

The existing development already exhibits a level of visual dominance on the adjoining Pioneer Place Reserve, from which it is clearly visible. Further increasing the height and removing existing vegetation from the site will only exacerbate this, with the potential to diminish the character, amenity and enjoyment of the adjoining public park.

The scale of development, as depicted in Figure 9 above, further blocks prominent scenic views to the Blue Mountains which are a defining characteristic of properties along Old Northern Road. The scenic view from the public realm along Old Northern Road should be protected and enhanced, rather than reduced. Although there are developments and natural rises in the landscape that block these views along Old Northern Road, development should endeavour to preserve and expand on such views where there is opportunity to do so.

*ii) Building height and scale*

The development concept supporting the proposal indicates buildings ranging from 2 storeys to 6 storeys, however it is noted that a 22 metre maximum building height limit sought within the application could facilitate up to 7 storeys.

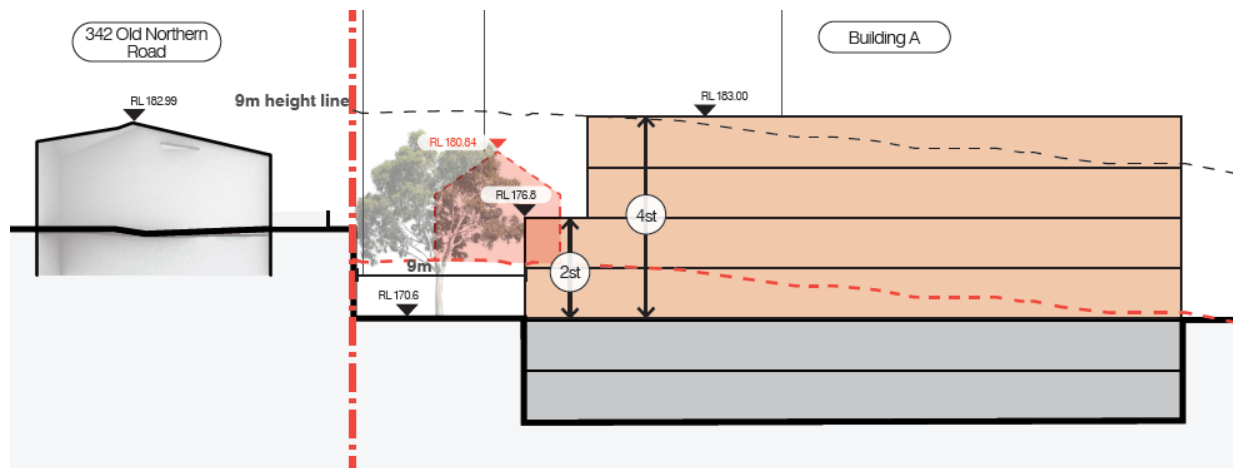


**Figure 10**  
Proposed Building Heights

In terms of the proposed heights at the site's boundaries, the proposal seeks to achieve three storeys (western boundary), three and four storeys (northern boundary), four and six storeys

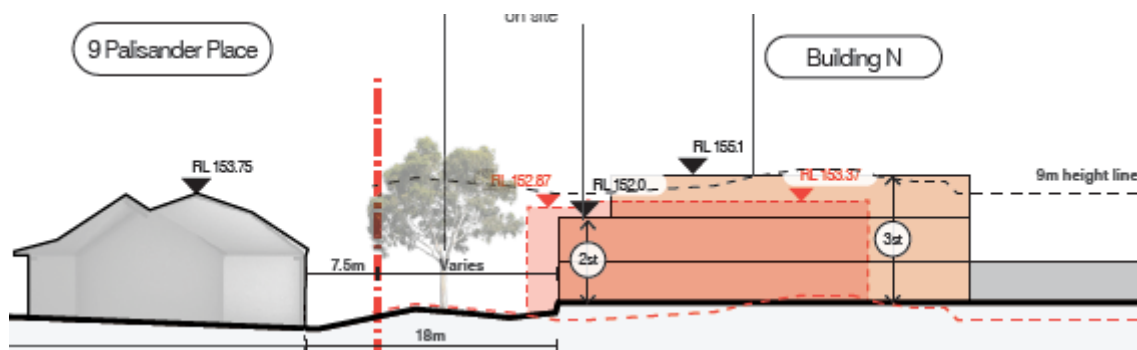
(eastern boundary), and four and five storeys (southern boundary). While the buildings include some increased setbacks for taller building elements, this does not meaningfully address the core objective of adequately providing for transition to adjacent properties, nor does it integrate with the character of the locality. The two storey elements incorporated into the development concept are tokenistic and in most cases would do little to mitigate visual impacts as they will ultimately blend into the overall bulk and scale of the building envelopes. As discussed above, the proposed development of 4-6 storey buildings along the Old Northern Road frontage would not align with the existing, prevailing and intended character for this locality.

By way of example, the southern boundary interface with 342 Old Northern Road shows the fourth storey of the proposed development as having an RL equivalent to the adjoining dwelling (refer to Figure 11 below). However, this is contingent on a 5 metre retaining wall on the boundary, which is not reflective of a design sympathetic with the topography (this is discussed further below). Further, Figures 11 and 12 below also depict the upper level setbacks proposed by the Proponent (in excess of 2 storeys) which, in the view of Council officers, are unlikely to meaningfully mitigate the bulk and height of the built form when viewed from adjoining land.



**Figure 11**

Interface to the southern boundary at 342 Old Northern Road  
(current ground level shown as dotted red line)



**Figure 12**

Interface to the Western boundary at Palisander Place

It is considered that a more appropriate response at the boundaries would be to incorporate building elements which are truly limited to 2 storeys in height, or alternatively, have a minimum depth of 10 metres at a height of two storeys before any stepping-up to taller building elements.

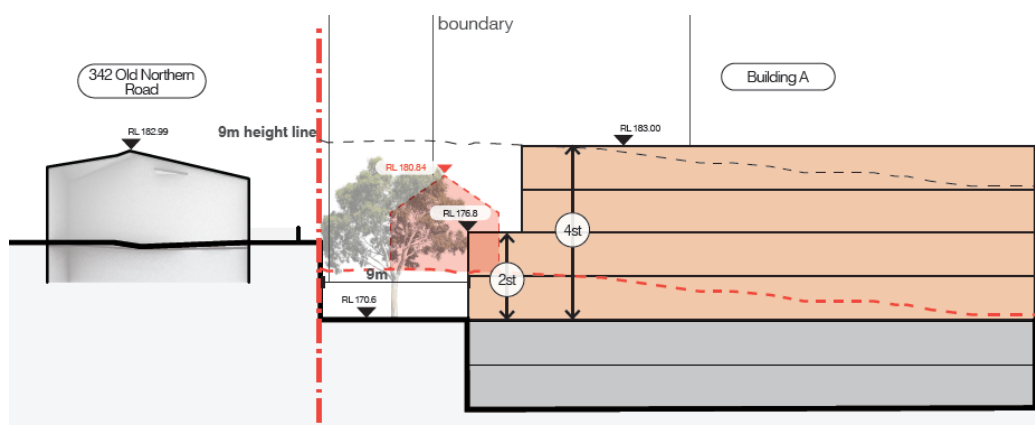
While the building elements proposed in the centre of the site are an improvement on previous concepts (in that they are smaller and finer grain building footprints), they are still primarily 5-6 storey building forms that jut out of the landscape. The scale of these building is exacerbated by the 'dip' in the centre of the site. The cluster of buildings on the eastern side (Old Northern Road frontage) present as a high density development when viewed from Palisander Place, which is unsympathetic to the character of the locality.

*iii) Cut and fill;*

The subject site is extremely steep and it is acknowledged that some cut and fill will be required to facilitate redevelopment of the site. The concept plans note that the areas required for basement excavation have been minimised to ensure areas of deep soil remain for existing trees. However, the plans indicate basement excavation over approximately 30% of the site, up to the Old Northern Road boundary on the north-eastern part of the site. Basement car parking is not contemplated in the E4 Environmental Living Zone, as it is not generally considered to correspond with low impact development.

The proposed cut and fill is not in accordance with the Hills DCP, which allows a maximum fill of 600mm and cut of 1 metre (excavation in excess of 1 metre may be permitted, subject to there being no adverse effect on the adjoining owners). While the proposed concept incorporates substantial cut to accommodate basement carparks, it is also apparent that cut is being proposed as a design mechanism to facilitate additional storeys of development (and yield) within the proposed height limits, which is not a site responsive design.

For example, adjacent to Building A, approximately 5 metres of cut is proposed to be retained on the boundary with 342 Old Northern Road (4 metres greater than what is stipulated in The Hills DCP). It would be preferable for development on this part of the site to follow the natural topography (shown as a dotted red line in the Figure below), with potential for a 2 storey development outcome to be achieved, with minimal cut, and with the number of storeys potentially increasing further away from the boundary (and further down slope).



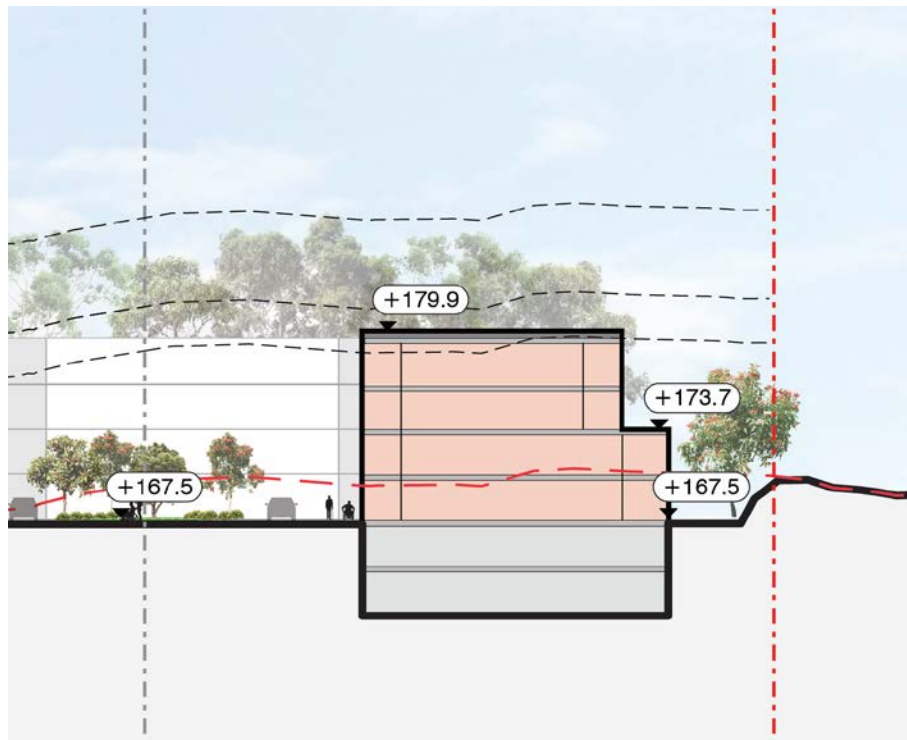
**Figure 13**

Section depicting Building A and boundary retaining wall (current ground level shown as dotted red line)

While the absolute height of these buildings is broadly consistent with the adjoining development, significant levels of cut are proposed to achieve the 4-5 storey building in this location, necessitating the 5 metre retaining wall on the boundary. This is not indicative of appropriate building heights or a low impact development and is a poor response to the site constraints.



Building B also demonstrates a poor response to the site topography with significant excavation proposed to achieve a four storey built form.



**Figure 14**

Section depicting Building B and excavation to eastern boundary (current ground level shown as dotted red line)

Amendments to the cut and fill DCP controls are not proposed within the proposal, however would be required to enable the concept design to be developed without substantial non-compliance with Council's planning controls. Notwithstanding this, it is considered that such significant cut and fill is unlikely to be supported, especially within the E4 Environmental Living zone, as it does not demonstrate low impact development or a site responsive design.

*iv) Setbacks;*

The prevailing large landscaped setbacks along Old Northern Road are desirable and should be complied with as part of any future development. The proposed setback to Old Northern Road is not consistent with the current Hills DCP requirements. Setbacks to classified roads are required to be 10 metres, however only 7 metre setbacks are proposed. This setback is proposed to be further reduced to 5 metres for a portion of the site frontage as a result of the proposed deceleration lane.

The concept plans include proposed side setbacks ranging from 7 metres to 10 metres. Given the deviation from the anticipated character of the area, these setbacks are considered insufficient to provide an appropriate buffer between the subject site and adjacent development.

*v) Interface to Palisander Place*

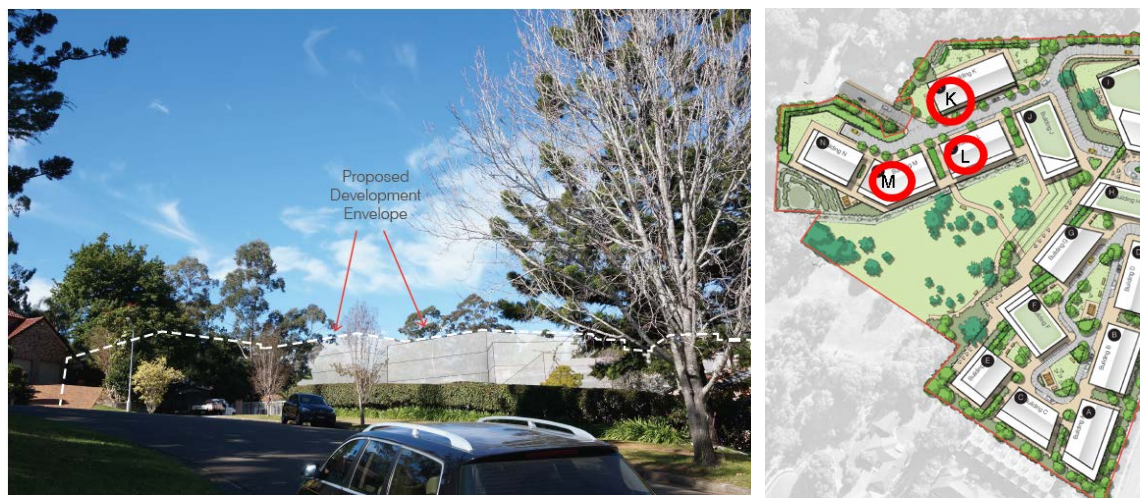
Palisander Place is characterised by low density, detached dwelling houses comprising of large setbacks, integrated with the surrounding vegetation.



**Figure 15**  
Existing character at Palisander Place

From Palisander Place, the development presents a single building form, which lacks permeability due to the configuration of buildings encircling the open space (particularly buildings K, L and M). The building height in combination with minimal setbacks would dominate the streetscape and is not a desirable design response.

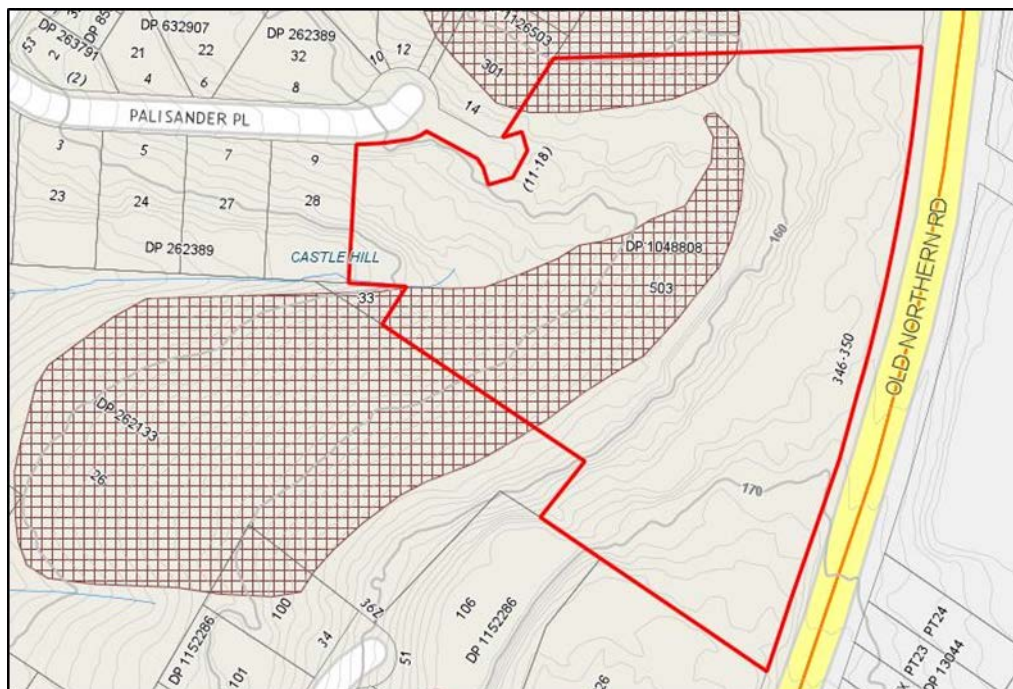


**Figure 16**

Eastern view of Interface when viewed from Palisander Place.

### e) Geotechnical Constraints

LEP 2019 identifies the undeveloped portions of the site as affected by landslip risk, as shown in Figure 17 below. It is noted that the steep topography slope is distributed across the site, including where the existing development is located. The proposed development incorporates significant basement parking and podiums with substantial floor plates that could only be facilitated through significant landform modification (cut and fill).

**Figure 17**

Area affected by landslip risk (hatched) and contour lines depicting steep topography of the site

No detailed geotechnical assessment report has been submitted to enable proper consideration of the geotechnical impacts and constraints. Should the proposal proceed, in this or any form in the future, adequate technical information would be required to properly

assess the geotechnical capacity of the site to accommodate the built form proposed and determine the stability of soil and bedrock.

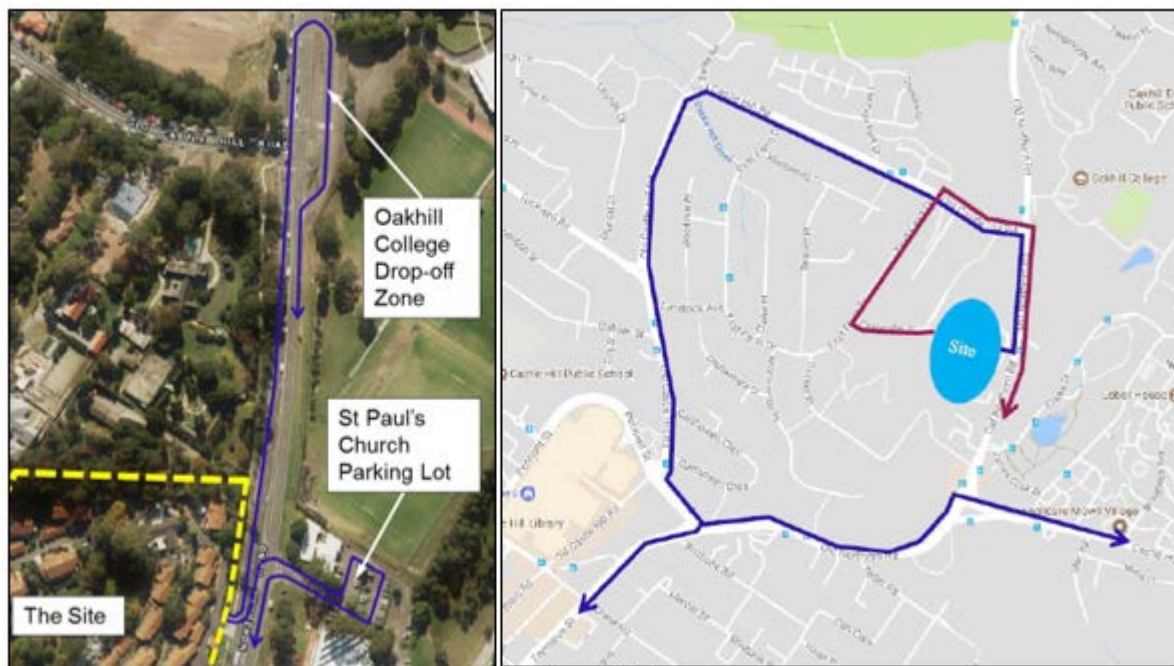
**f) Traffic**

The Traffic Assessment Report submitted with the proposal calculates that the proposal would generate an additional 21 vehicle trips in the AM and PM peak, as well as an additional 51 vehicle trips between 11:45am and 12:45pm on a Saturday. Based on the existing distribution data, the development relies heavily on the existing entry point via Old Northern Road for vehicles entering and departing the site, however there would also be an increase in traffic along Palisander Place (a local street).

The proposal incorporates a deceleration lane on the Old Northern Road frontage to prevent vehicles slowing to turn into the subject site impacting on traffic flow. The provision of this lane reduces the depth of developable land and, as previously stated, reduces the front setback in this location and limits the ability to provide landscaping to Old Northern Road to soften the scale of the built form at this frontage.

The traffic assessment notes that there has been ongoing traffic safety issues with respect to the existing retirement village development and that the current left in left out arrangement (which the proposal seeks to retain) is known to generate unsafe traffic movements by the residents who seek to join southbound traffic towards the Castle Hill Town Centre on Old Northern Road. Specifically, vehicles utilise a redundant road verge immediately adjoining the grounds of St Paul's Church to make a 'u-turn' or three point turn across Old Northern Road and join southbound traffic.

The proposal states that an alternative to this would be for more traffic to exit the site via Palisander Place, or for traffic exiting onto Old Northern Road to rely on the existing Oakhill College Drop-off zone or St Paul's Church Parking Lot. These informal 'solutions' are all currently available and do not alleviate the problem. Further, they rely on coordination with other entities (Oakhill College and St Paul's Church), neither of which have indicated a willingness to enable their drop-off zone and/or parking lot to form part of the solution to local traffic issues generated by the development. Given the above, it is anticipated that an increase in density on the site would only exacerbate the current issue and increase the frequency of these 'right turns' and unsafe movements.

**Figure 18**

Proposed options available for merging into southbound traffic along Old Northern Road (Left) and Alternative methods for travelling towards Castle Hill Town Centre (Right)

The traffic assessment also proposes the relocation of a pedestrian crossing 60 metres further to the north of its existing location to enable for the provision of the deceleration lane. The implications of this should be further addressed by the Proponent in terms of how this may affect the pedestrian experience and accessibility levels for local residents in the locality who may use this crossing.

Palisander Place is currently constrained in terms of available carriageway width as a result of a substantial number of parked vehicles during the day. Concern is raised with respect to any proposal to introduce heavier traffic flows at this location as a result of two vehicular entry points to basement carparks in proximity to the Palisander Place access point. This would potentially result in significant amenity concerns for existing residents along Palisander Place. The above traffic issues remain unresolved by the Proponent.

#### **g) Infrastructure Demand and Public Benefit**

While the total yield of 247 units that would result from this planning proposal may not, in isolation, create the need for new local infrastructure facilities, it is crucial to consider the cumulative impact of incremental uplift and growth on local infrastructure provision.

While the concept masterplan incorporates central parkland (3,800m<sup>2</sup> in total area) within the subject site (with a capacity to hold fetes and communal events), such a proposal is primarily to the benefit of residents of the future development, in order to promote a sense of belonging within the local community through event participation.

Notwithstanding the different local infrastructure requirements of the specific demographic group the proposal would cater for, the provision of community benefits in the form of local infrastructure to accommodate the increased density on the site would still be required.

The Proponent has provided a public infrastructure offer which comprises:

- Offsite Open Space Contribution of \$500,000 towards the upgrade of Pioneer Place Reserve;
- Offsite Road Works – 60 metre deceleration lane valued at \$100,000; and
- Provision of a 1.2 metre wide footpath on the southern side of Palisander Place valued at \$90,000.

The provision of additional funds to upgrade local parks and provide footpath has some community benefits, however more detail is needed for Council officers to assess whether the proposed benefits are appropriate. The delivery of the deceleration lane will primarily service the proposed development and is considered to be necessary traffic works associated with any future development of the site, rather than a public benefit to the broader community.

If the proposal is to proceed in any form, further negotiations to address the demand for public infrastructure will need to occur.

## **IMPACTS**

### **Financial**

The determination of the planning proposal has no direct financial impact on Council's adopted budgets or forward estimates. However, if the planning proposal were to proceed, further negotiations would need to occur to address the demand for infrastructure generated by any uplift granted and establish an appropriate contributions mechanism.

### **Strategic Plan – The Hills Future**

The planning proposal is inconsistent with the desired outcomes of The Hills Future as it does not reflect the values and aspirations and the Hills community. The character and amenity of the locality would be disrupted by the proposal, if it were to proceed.

## **RECOMMENDATION**

The planning proposal applicable to land at 346-350 Old Northern Road, Castle Hill not proceed to Gateway Determination on the basis that:

- a) The proposal has not sufficiently justified the scale of uplift sought in an area outside of the walking catchment of Castle Hill Town Centre on land that is not strategically identified for uplift. There is limited strategic justification for permitting uplift on this land and the proposal could set an undesirable precedent for the density, scale and character of development in infill and environmentally sensitive areas of Castle Hill;
- b) The height, scale, density and character of the proposed development is inconsistent with the objectives of the E4 Environmental Living Zone and the character of the locality;
- c) The development exceeds the capacity of the site, as evidenced by the range of site specific issues detailed within this report (character, height, interface and visual impacts) and the inability for the proposal to comply with baseline development standards within Council's DCP (in particular, the extent of cut and fill permitted and minimum setback distances); and
- d) The proposal has not satisfactorily resolved traffic and access arrangements to the point where increased yield and associated traffic generation is supportable at this location.

**ATTACHMENTS**

1. Proponent's Planning Proposal, 25 September 2020
2. Revised Master Plan and Urban Design Report. (58 pages)
3. Cover Letter (2 pages)
4. Public Benefit Letter (2 pages)
5. Attachment B – Draft Development Control Plan (16 pages)
6. Attachment C – Site Survey (6 pages)
7. Attachment E – Seniors Living Demand Study (36 pages)
8. Attachment F – Arborist Report (34 pages)
9. Attachment G – Ecological Assessment (42 pages)
10. Attachment H – Preliminary Geotechnical Advice (4 pages)
11. Attachment I – Stormwater and Flooding Due Diligence Report (14 pages)
12. Attachment J – Electrical Services Due Diligence Report (17 pages)
13. Attachment K – Hydraulic Services Due Diligence Report (13 pages)
14. Attachment L – Rezoning Review Record of Decision 2018 (3 pages)
15. Attachment M – Council Resolution 2017 (1 pages)
16. Attachment N – Rezoning Review Record of Decision 2019 (3 pages)
17. Attachment O – Council Resolution 2019 (5 pages)