



IRF22/566

Gateway determination report – PP-2021-5934

346-350 Old Northern Road, Castle Hill (Castle Ridge Resort) – seniors housing, increased height and FSR

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans	
Attachment A – Council planning proposal – undated	
Attachment B – Local Planning Panel Report and Minute – 18 August 2021	
Attachment C – Council Report and Minute – 14 September 2021	
Attachment D – Proponent request for a rezoning review – 17 September 2021	
Attachment E – Council rezoning review submission – undated	
Attachment F – Sydney Central City Planning Panel decision – 24 February 2022	
Attachment G – Council Report and Minute – 22 March 2022	
Attachment H – Council acceptance of PPA role – 8 April 2022	
Attachment I – Proponent planning proposal – August 2020	
Attachment J – Revised masterplan cover letter – 21 May 2022	
Attachment K – Revised masterplan – 27 May 2021	
Attachment L – Draft DCP – undated	
Attachment M – Ecological assessment – December 2018	
Attachment N – Arborist report – 7 December 2018	
Attachment O – Preliminary geotechnical advice – undated	
Attachment P – Seniors living demand study – 18 August 2020	
Attachment Q – Traffic Assessment – 7 August 2020	
Attachment R - Proponent response to Council traffic comments - 24 September 2021	
Attachment S – Public benefit offer – 21 May 2021	
Attachment T – Site survey – 18 August 2015	
Attachment U – Stormwater and flooding due diligence report – 19 December 2018	
Attachment V – Electrical services due diligence report – 19 December 2018	
Attachment W – Hydraulic services due diligence report – 18 December 2018	

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	The Hills LGA
PPA	The Hills Shire Council
NAME	346-350 Old Northern Road, Castle Hill (134 additional seniors housing units)
NUMBER	PP-2021-5934
LEP TO BE AMENDED	The Hills LEP 2019
ADDRESS	350 Old Northern Road, Castle Hill
DESCRIPTION	Lot 503 DP 1048808
RECEIVED	23/05/2022
FILE NO.	IRF22/566
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal (Attachment A).

The objectives of the planning proposal are to:

- facilitate the redevelopment of the existing seniors housing development, and
- increase the number of seniors housing units.

The objectives of this planning proposal are clear and adequate.

The planning proposal was considered by the Sydney Central City Planning Panel (the Panel) as part of a rezoning review (RR-2021-90) on 24 February 2022. The Panel determined the proposal should be submitted for a Gateway determination because it has demonstrated strategic and site-specific merit (Attachment F).

1.3 Explanation of provisions

The planning proposal seeks to amend The Hills LEP 2019 (Hills LEP) per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	C4 Environmental Living*	No change
Height of the building	9m	Part 0m, 9m, 15m, 18m and 22m**
Floor space ratio	N/A	0.83:1
Additional permitted use (Schedule 1 of LEP)	N/A	'seniors housing'
Number of senior housing dwellings	113	247

*Standard Instrument (Local Environmental Plans) Amendment (Land Use Zones) Order 2021 amended references to Environment Protection zones E1, E2, E3 or E4 within a land zoning maps to references to a Conservation zones C1, C2, C3 or C4. The 'C4' zone for the site is currently shown as 'E4' on the Hills LEP zoning map but will be updated in due course.

**Approximately up to 6-7 storeys.

The Hills LEP defines 'seniors housing' as:

"a building or place that is:

- (a) a residential care facility, or*
- (b) a hostel within the meaning of State Environmental Planning Policy (Housing) 2021, Chapter 3, Part 5, or*
- (c) a group of independent living units, or*
- (d) a combination of any of the buildings or places referred to in paragraphs (a)–(c),*

and that is, or is intended to be, used permanently for—

- (e) seniors or people who have a disability, or*
- (f) people who live in the same household with seniors or people who have a disability, or*
- (g) staff employed to assist in the administration of the building or place or in the provision of services to persons living in the building or place,*

but does not include a hospital".

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

The planning proposal is supported by a concept plan identifying the transition in building heights and the equivalent number of storeys. A draft site-specific development control plan is to be prepared to guide future development applications and exhibited with the planning proposal. The proposed height is discussed further in Section 4 of this report.

1.4 Site description and surrounding area

The site is known as 350 Old Northern Road, Castle Hill (Lot 503 DP 1048808), is irregular in shape and has an area of approximately 3.4ha (Figure 1). It has a primary frontage of approximately 265 metres to Old Northern Road (to the east) and an alternative vehicular entry/exit point at the end of Palisander Place (to the north-west).

The site has fall of up to 37m from the Old Northern Road frontage towards the western rear boundary. The land forms part of an area identified as having landslide risk on The Hills LEP 2019 landslide risk map. A drainage easement traverses the site from east to west, as shown in the site survey (Attachment T) and stormwater and flooding due diligence report (Attachment U).

The site accommodates a senior housing development ranging from one to three storeys, known as Castle Ridge Resort. It comprises of 113 independent living units built in a 'V' shape along the sides of a shallow gully. Parts of the site have views across to the Blue Mountains.

Seniors housing is prohibited within the C4 Environmental Living zone. However, the existing development was approved and constructed in the 1980s under the historical Baulkham Hills Planning Scheme Ordinance and has existing use rights. It has been expanded gradually to its current state through the amalgamation of adjoining sites at Pioneer Place and Palisander Place.



Figure 1 Subject site (source: NearMap 2022)

The surrounding locality is characterised by low to medium density residential development, with one large lot residential development to the north, a townhouse development (342 Old Northern Road) and large residential development (51 Pioneer Place) to the south, and the Pioneer Place Public Reserve to the south west (Figure 2). A small retail shopping strip including a chemist is

located to the south of the site along Old Northern Road, approximately 350m from the site. Land to the east on the opposite side of Old Northern Road is within Hornsby Shire Council and includes St Paul's Church, a large church complex with extensive car parking and open space, and the Anglican Retirement Village (ARV) – Castle Hill Campus. The site is located approximately 1.2km to the north east of Castle Hill Town Centre and Metro Station.



Figure 2 Site context (source: Council planning proposal)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the additional permitted uses, height of buildings and floor space ratio maps, which are suitable for community consultation. The relevant existing and proposed maps are shown below as (Figure 3 to Figure 7).

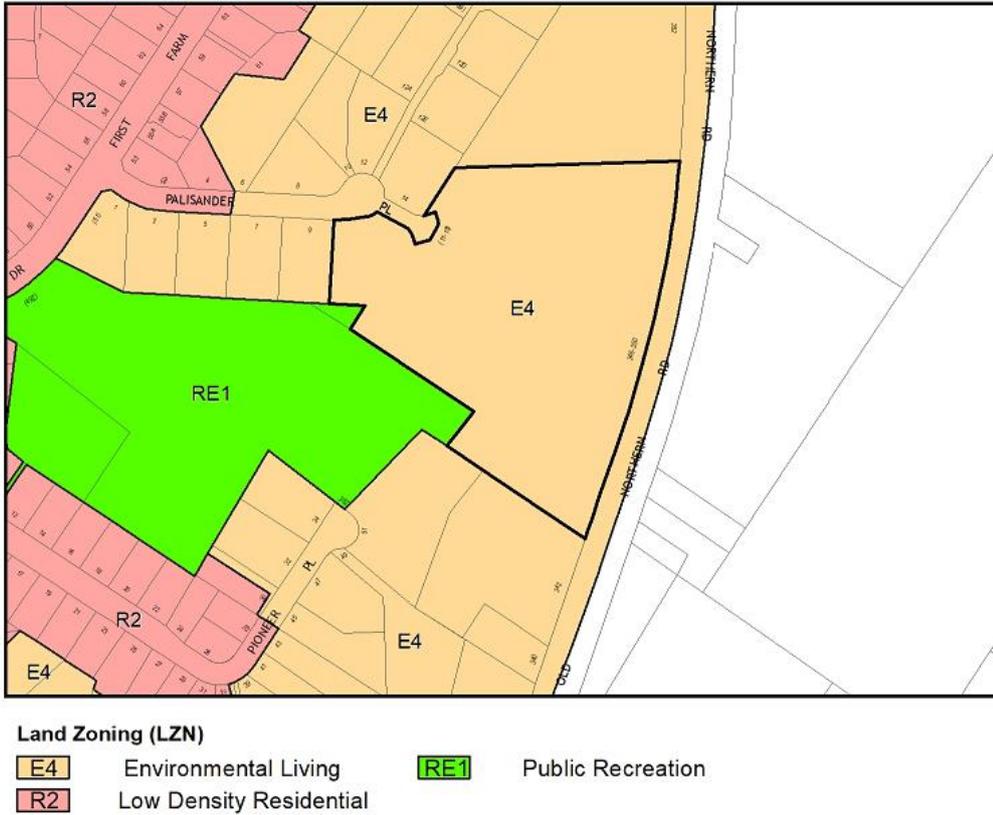


Figure 3 Existing zoning map (no change proposed) (source: Council planning proposal)

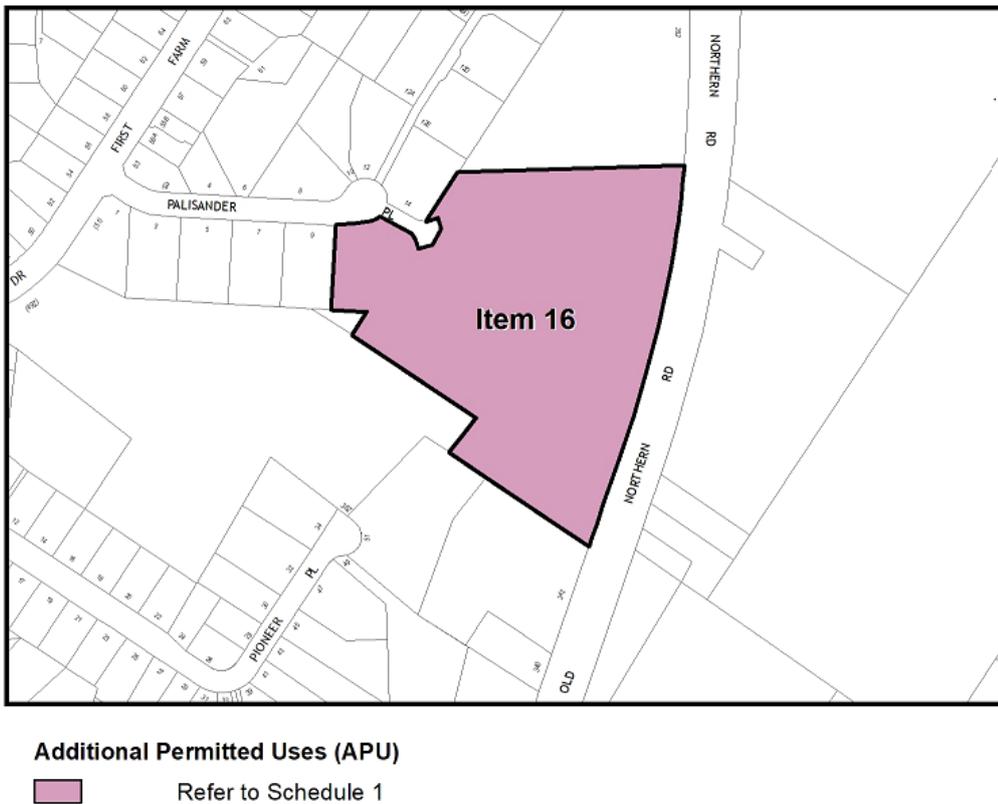


Figure 4 Proposed Additional Permitted Uses map (source: Council planning proposal)



Height of Buildings (m) (HOB)

J 9.0

Heights Shown on Map in RL (m)

Figure 5 Existing height of buildings map (source: Council planning proposal)

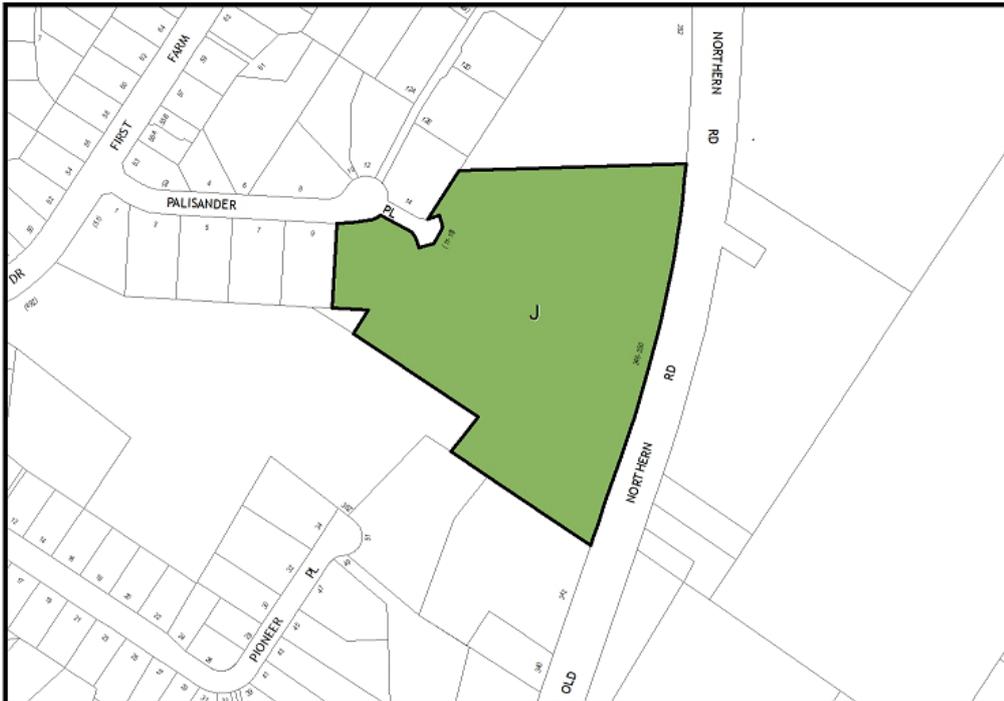


Height of Buildings (m) (HOB)

A	0.0	O1	15.0	R2	22.0
J	9.0	P2	18.0		

Heights Shown on Map in RL (m)

Figure 6 Proposed height of building map (source: Council planning proposal)



Maximum Floor Space Ratio (FSR) (n:1)

J 0.83

Figure 7 Proposed floor space ratio map (source: Council planning proposal)

1.5.1 Revised masterplan and draft DCP amendment

A number of variations of the planning proposal for the site have been considered by Council and the Sydney Central City Planning Panel (the Panel), as described in detail in section 1.6 of this report. In response to these considerations, the proponent revised their original masterplan for the proposal (August/September 2020) with the following amendments:

- A finer grain built form and breaking up of building bulk, consistent with Council's preferred maximum building length of 40m.
- Additional and more accessible private open space areas.
- Limited building setbacks and heights on boundaries to 9m and 2 storeys.
- Varied building height with higher built form of 4-6 storeys being centralised within the site.

Council's planning proposal (**Attachment A**) considers a planning proposal from the proponent (Attachment I) and a revised masterplan for development of the site (as described above and at Attachment J and Attachment K). The proposed distribution, bulk and height of the development and artist impression of the development concept are shown as Figure 8 and Figure 9. The revised masterplan recommends a site-specific amendment to The Hills Development Control Plan 2012 (draft DCP) (Attachment L) to translate the key features of the revised masterplan into The Hills DCP 2012. The planning proposal includes a timeframe for Council to consider a report on the draft DCP and voluntary planning agreement (VPA) prior to public exhibition.

The development concept is assessed in Section 4 of this report. It is recommended the Gateway determination include a condition requiring the planning proposal and supporting documentation be updated prior to public exhibition, to refer to the development concept in the revised masterplan to ensure consistency.



Figure 8 Proposed masterplan concept and building heights (storeys) (Source: Revised masterplan)



Figure 9 Proposed development concept (Source: Council planning proposal)

1.6 Background

1.6.1 Rezoning review

The planning proposal was considered by the Sydney Central City Planning Panel (the Panel) under a rezoning review (RR-2021-90) on 24 February 2022, as the proponent requested a review (**Attachment D**) in response to Council's resolution (**Attachment C**) to not support the planning proposal to proceed to a Gateway determination. Further, Council's reasons for refusal are outlined in Council's response to the rezoning review (**Attachment E**).

The Panel considered the proponent's request and Council's response, and determined the proposal should be submitted for a Gateway determination as it has demonstrated strategic and site-specific merit.

The Panel's determination (Attachment F) provided the following comments regarding site-specific merit:

- The Panel notes that the site is currently occupied by a seniors living facility which is aged and outdated in terms of current standards of seniors living.
- The Panel observes that the planning proposal has evolved over time, with reductions proposed to key factors including the number of seniors living units provided, height of buildings and parking provision.
- The Panel considers that adequate site-specific merit has been achieved for the planning proposal to progress to public exhibition, noting that the proposed new facility will:
 - Occupy a similar building footprint to the existing facility.
 - Retain the majority of existing significant trees, as well as planting new trees.
 - Enable potential landslide issues to be addressed through geotechnical measures, including managed excavation of the site.
- While the Panel considers the proposal exhibits both strategic and site-specific merit, the Panel advises that the following requires further attention:
 - The proposed height of buildings, particularly where the site interfaces with either existing housing or public streets.
 - Visual impacts resulting from the proposed building heights and massing of buildings, including impact on Old Northern Road and Palisander Place.
 - The extent of proposed cut and fill.
 - The applicant's proposal regarding the provision of social infrastructure.

Such further analysis is necessary to confirm the appropriate form and density of development on the site.

- The Panel notes that there are inconsistencies in some of the material put forward, for example in relation to which significant trees are to be retained as well as the proposed height of buildings. These inconsistencies are required to be resolved prior to public exhibition.

The Panel did not provide clarification or guidance on addressing the matters identified as requiring further attention, either in their determination or subsequent correspondence.

An assessment of strategic and site-specific merit, including matters raised by the Panel above are addressed in Section 4 of this report.

The Panel wrote to Council on 2 March 2022 advising Council of the Panel's decision and invited Council to be the Planning Proposal Authority (PPA) for this proposal. Council responded on 8 April 2022 (**Attachment H**) confirming it will accept the PPA role.

Council have subsequently submitted the subject planning proposal (**Attachment A**) for Gateway assessment.

1.6.2 Previous planning proposals

Two similar planning proposals were previously submitted for the site:

- 2016 – proposal for 359 independent living units with building heights from three to ten storeys
- 2019 – proposal for 298 independent living units with building heights from three to six storeys

In both cases, Council resolved not to proceed with submitting the proposal for a Gateway determination assessment. The Hills Local Planning Panel (LPP) considered the 2019 planning proposal and advised that it should not proceed to Gateway determination assessment.

Both proposals were subject to rezoning reviews and on both occasions, the Sydney Central City Planning Panel (the Central City Panel) determined that the proposals should not proceed to Gateway determination assessment, (RR_2018_THILL_002_00) and (RR_2019_THILL_001_00).

2 Need for the planning proposal

The planning proposal is not the result of an assured local strategic planning statement or Department approved local strategy. The planning proposal is a result of the Panel's determination that the proponent initiated proposal has demonstrated sufficient strategic and site-specific merit following a rezoning review (Attachment F).

The planning proposal is the best means of achieving the objectives of the proposal, being the redevelopment of an existing seniors housing complex, which cannot be accommodated through the existing planning controls.

3 Strategic assessment

Council's planning proposal (**Attachment A**) notes its assessment concluded that it was not consistent with the strategic planning framework and further notes the Sydney Central Planning Panel's determination that the proposal did demonstrate strategic merit (**Attachment F**).

The following section considers Council's planning proposal and supporting reports (**Attachments A-C**), the Panel's determination (**Attachment F**) and the proponent's proposal (Attachment I) and supporting documentation (**Attachments D-W**).

3.1 District Plan

The site is within the Central District released by the Greater Cities Commission (former Greater Sydney Commission) 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant plan priorities.

Table 5 District Plan assessment

District Plan Priorities	Justification
C1 Planning for a city supported by infrastructure	<p>The proposal will be adequately served by existing public infrastructure and proposed additional infrastructure including:</p> <ul style="list-style-type: none"> Established connections to electricity, water and sewer infrastructure, which currently service the existing seniors housing development. Local bus route connected to the Castle Hill strategic centre and Metro station. Proposed onsite facilities such as a gymnasium, indoor pool, health consulting spaces, activity rooms and community hub, an on-demand village bus, and larger central open space, to improve resident amenity and reduce the demand on nearby public facilities. The planning proposal includes an offer from the proponent to deliver infrastructure works to improve nearby Pioneer Park and road infrastructure in addition to any applicable development application contributions (Attachment S).
C3 Providing services and social infrastructure to meet people's changing needs	<p>The proposal will facilitate additional seniors housing to support the ageing population. In addition, it is understood to support the senior housing development, the following will be provided:</p> <ul style="list-style-type: none"> The operator will provide an on-demand village bus every day between 8am and 6pm to take residents to local shopping and entertainment venues. Over 1,300m² of new communal facilities including a gymnasium, indoor pool, health consulting spaces, activity rooms and mail delivery service in a new community hug. Provision of a larger central open space and a range of smaller communal spaces.
C5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The proposal will facilitate additional seniors housing in a location with access to retail, supporting services and public transport.</p>
C9 Delivering integrated land use and transport planning and a 30-minute city.	<p>The proposal is located approximately 1.2km from the Castle Hill strategic centre identified in the District Plan. The centre is accessible within 30 minutes by public transport (bus) and active transport (walking/cycling).</p>
C15 Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes C16 Increasing urban tree canopy cover and	<p>The site is currently developed and highly modified and there are no threatened species, ecological communities or populations occurring on the site. The proposal will retain and increase the urban tree canopy in the long term by:</p> <ul style="list-style-type: none"> Restricting development to a similar building footprint to that of existing development on the site. Retaining more than half the site as open space and landscaped area.

District Plan Priorities	Justification
delivering Green Grid connections	<ul style="list-style-type: none"> Retaining the small area of high value vegetation on site as open space. Retaining the majority of the significant trees. Planting 150 new trees.

The planning proposal does not include an adequate assessment of the District Plan. It is recommended the Gateway determination include a condition requiring that prior to public exhibition, the planning proposal be updated to include a more detailed assessment of this strategy.

3.2 Local

The proposal is consistent with the following local plans and endorsed strategies and is outlined in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The LSPS was endorsed by the Greater Cities Commission on 4 March 2020 and outlines the Shire's 20-year vision for land use planning, population, housing, economic growth and environmental management.</p> <p>In particular, the proposal is consistent with LSPS <i>Planning Priority 8 – Plan for a diversity of housing</i> as it is providing additional seniors housing in an accessible location to accommodate an aging population. The proposal is also broadening housing choice within the LGA. The LSPS encourages larger seniors housing development to provide for shuttle buses and medical facilities for residents. It also identifies that larger housing developments for seniors can take on the density and form of medium and high density housing developments.</p>
Local Housing Strategy (LHS)	<p>The proposal is consistent with the Local Housing Strategy, conditionally approved by the Department on 6 July 2021. The strategy recognises that there will be an increased demand for housing for seniors. The strategy sets out a list of requirements for seniors housing including:</p> <ul style="list-style-type: none"> Encourage senior housing in areas close to centres that incorporate retail, medical and community facilities and access to public transport. Discourage senior housing in isolated areas without infrastructure or with environmental, scenic or topographical constraints. Create opportunities for seniors to stay in areas they are familiar with so that social networks can be retained. Provide built form that is consistent with the surrounding density and built form character. <p>The proposal is consistent with the Local Housing Strategy as it:</p> <ul style="list-style-type: none"> Although the is zoned C4 Environmental Living and has some topographical constraints, the proposal renews existing senior housing stock on site and provides additional seniors housing to support an increasing seniors population,

Local Strategies	Justification
	<ul style="list-style-type: none"> • Locates seniors housing on a site with good access to the Castle Hill strategic centre and other local services, • Proposes a built form aimed to minimise the bulk, scale and visual impact of development, and can be further modified through detailed design.

The planning proposal does not include an adequate assessment of either of these strategies. It is recommended the Gateway determination include a condition that prior to public exhibition, the planning proposal be updated to include a more detailed assessment of the strategies.

3.3 Local planning panel recommendation

The Local Planning Panel (LPP) considered the planning proposal on 18 August 2021 (**Attachment B**). The LPP determined the proposal should not proceed to Gateway determination on the basis that:

- The proposal has not sufficiently justified the scale of the 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 the Planning Priorities 6, 7 and 8 of The Hills Future Local Strategic Planning Statement.
- The height, scale, density and character of the proposed development is inconsistent with the objectives of the C4 Environmental Living Zone and the character of the locality.
- 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).
- 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.
- 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.

The Department's assessment of strategic merit is included in Sections 3.1 and 3.2 above. The LPP's site-specific concerns are addressed under Section 4 of this assessment report.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Ministerial Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.4 Site-specific Provisions	Justifiably inconsistent	<p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls including imposing any development standards or requirements in addition to those already contained in the planning instrument being amended.</p> <p>As outlined in the explanation of provisions section (Section 1.3) of this report, the proposal will in part introduce an additional permitted use of 'seniors housing.' The additional permitted use is considered justifiably inconsistent with the direction and of minor significance as it is not considered unnecessarily restrictive and aligns with the objectives of the proposal and the proposed development concept for the site.</p>
3.1 Conservation Zones	Consistent	<p>The objective of this direction is to protect and conserve environmentally sensitive areas, including land within conservation zones.</p> <p>The proposal is supported by an Ecological Assessment (Attachment M) which states that the site is highly modified and there are no threatened species, ecological communities or populations occurring on the subject site, or that would be directly impacted by the proposal, in contrast to The Hills Vegetation Classification map 2014.</p> <p>Further, the proposal is supported by an Arborist report that identifies the location of significant trees (Attachment N) and notes the majority of significant trees will be retained. The proposal notes 150 new trees will be planted and more than half of the site will be retained as open space and landscaped area, which is anticipated to improve biodiversity outcomes for the site.</p> <p>The proposed controls will permit development similar to the existing development on the site in terms of environmental conservation and ecological impact.</p> <p>The proposal is consistent with this direction as it will:</p> <ul style="list-style-type: none"> maintain the provisions that facilitate the protection and conservation of environmentally sensitive areas. not reduce the conservation standards that apply to the land.
4.4 Remediation of Contaminated Land	Not applicable	<p>The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. The site is not within a contamination investigation area, or currently or known to have been used for any contaminating land use. Further, Council as the planning proposal authority does not consider the land to be contaminated.</p>
5.1 Integrating	Consistent	<p>The proposal will facilitate an increase in seniors housing units in proximity to services and public transport. In addition, the operator of</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Land Use and Transport		a future development will provide a shuttle bus for residents to reduce the travel demand generated by the development.
6.1 Residential Zones	Consistent	The planning proposal will increase the supply for seniors housing on the site, broadening housing choice within the LGA. As the proposal will facilitate the redevelopment of an existing site, it will make more efficient use of existing infrastructure and services and reduce the consumption of land for housing and associated urban development on the urban fringe.

The planning proposal does not include an adequate assessment of the section 9.1 Ministerial Directions. It is recommended the Gateway determination include a condition requiring that prior to public exhibition, the planning proposal be updated accordingly.

3.5 State environmental planning policies (SEPPs)

No SEPPs are applicable to the planning proposal as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	The Housing SEPP gives incentives to supply affordable and diverse housing in the right places and for every stage of life.	Not Applicable	The Housing SEPP replaced SEPP (Affordable Rental Housing) and SEPP (Housing for Seniors and People with a Disability) on 26 November 2021. However, the provisions for seniors housing under the SEPP do not apply to the C4 Environmental Living land use zone and therefore does not apply to the subject site.

4 Site-specific assessment

In response to a rezoning review, the Sydney Central City Planning Panel (the Panel) determined the proposal demonstrates strategic and site-specific merit and should be submitted to the Department for a Gateway determination. The following section assesses key matters raised in the rezoning review and planning proposal.

4.1 Environmental

4.1.1 Zone objectives

The site is located in a conservation zone, C4 Environmental Living. The objectives of the 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.

The proposal is generally consistent with the zone objectives as the proposal will have:

- An acceptable impact on local character and visual values with the steep topography of the site, location of proposed buildings and existing vegetation ensuring the proposal will result in minimal visual impact. It will make a positive contribution to the area's landscape and built form character.
- An acceptable ecological impact with over half the site proposed to be retained as open space and landscaped areas allowing for retention of significant trees. The majority of the significant trees will be retained and 150 new tree plantings proposed, noting this will be determined through the development application process.
- An acceptable geological impact with potential geotechnical constraints and landslip has been considered and any impacts can be resolved and managed through a detailed design response.

These impacts are discussed in greater detail in section 4.1.4 of this report.

It is noted Council has raised concerns that:

- LEP 2019 prohibits multi dwelling housing and residential flat buildings in the Environmental Living zone and discourages higher density development and built form in the zone.
- The proposal would enable an essentially high density residential built form. It is not considered to be 'low impact residential development', and would likely 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 does not align with the objectives of the zone.

Department assessment

The Department notes that the proposal aims to minimise the overall impact of development with a development concept which:

- responds to the topography of the site,
- minimising the bulk and scale of development,
- maintains ecology, open space and landscaping,
- restricts the building footprint and geotechnical disturbance,

The proposal is consistent with the objectives for the zone in providing controls to permit low-impact residential development which would not have an adverse effect on the identified values for the zone. The final details of development can be determined at the detailed design stage.

4.1.2 Local character, built form and amenity

Local Character

It is noted Council has raised concerns over the visual dominance of the proposal over adjoining areas. In particular, that the development will be significantly larger than the existing development and the removal of existing screening vegetation on the site will exacerbate the visual dominance of existing development on the adjoining Pioneer Place Reserve and the surrounding area.

The proposal has been developed to consider surrounding uses and consistency with local character. The revised masterplan includes a visual impact assessment and interface study which suggests that the proposed built form will provide a measured transition to the surrounding uses. The proposal adopts an approach where all buildings at the boundary would have a height limit of 9m (approximately two storeys) within 10m of the boundary to keep the local character and surrounding height limits.

The visual impact assessment suggests that the proposal would have a negligible, low or moderate impact from surrounding viewpoints. Significant setbacks are proposed to the site frontages to allow for landscaping to further screen future built form.

Built form

It is noted Council raised concerns that:

- The existing streetscape facilitates views west to the Blue Mountains and integrates with the steep ridgeline. When observing surrounding properties, a balance is struck between the setback to the road and scale of development. Surrounding larger developments are setback from the road around 30m, while smaller buildings are generally setback 9m, are one to two storeys in height with rooflines at road level, allowing views from the road over the top of the building. The substantial building bulk and massing proposed along the Old Northern Road prominent ridgeline is not consistent with the built form context and is not adequately minimised by limiting buildings at the boundaries to two storeys.
- The 22 metre maximum building height limit sought by the proposal could facilitate up to seven storeys.
- The proposed setbacks and reduced building heights near the boundaries do not meaningfully address the objective of adequately providing for transition to adjacent properties or integrate with the existing character of the locality. A more appropriate response at the boundaries would be to incorporate building elements which are truly limited to a two storey height, or alternatively, have a minimum setback of 10m metres at a height of two storeys before any stepping-up to taller building elements.
- The preferable built form near the southern boundary of the site adjoining 342 Old Northern Road differs from that proposed. Error! Reference source not found. shows the proposed interface between 'Building A' of the masterplan and the closest building at 342 Old Northern Road. Approximately 5m of cut is proposed at the boundary with (4 metres greater than what is permitted in The Hills DCP). Council states that development should follow the natural topography with a two storey development outcome (dwelling outline in red), minimal cut and the number of storeys and potentially increased heights further away from the boundary.

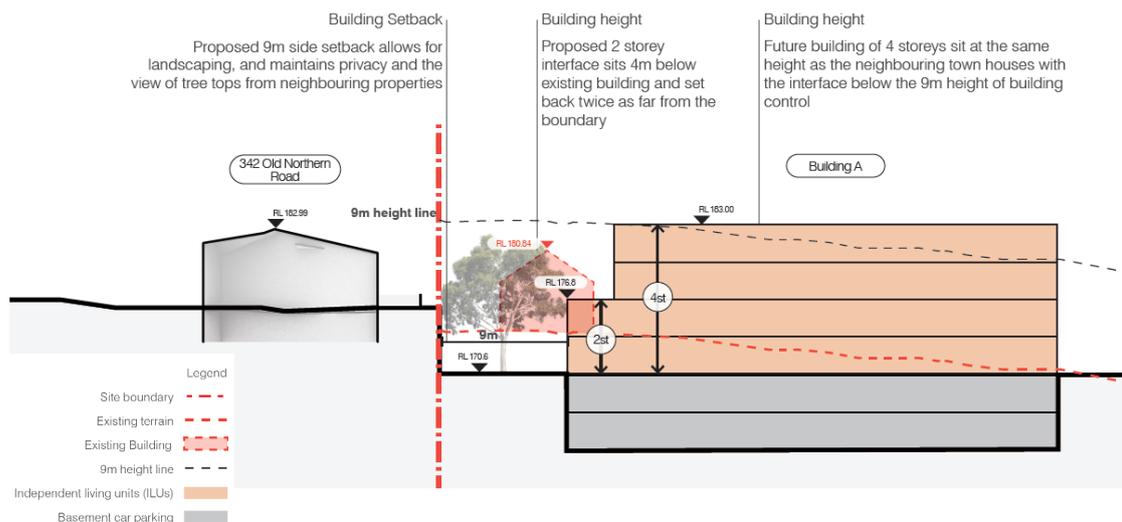


Figure 10 Interface of site along southern boundary at 342 Old Northern Road (Source: Revised masterplan)

Note: The figure was included within Council's detailed response. The original figure was taken from the proponent's revised masterplan. The commentary 'building setback' and 'building height' supports the proponent's position on this proposal.

- At Palisander Place, the development presents a single building form which lacks permeability due to the configuration of buildings encircling the open space (**Figure 11**). The building height in combination with minimal setbacks would dominate the streetscape and is not a desirable design response.



Figure 11 View of proposal from Palisander Place (Source: Revised masterplan)

Department assessment

It is noted the proposed built form seeks to respond to the topography of the site with the aim to minimise bulk and scale when viewed from the surrounding area. The proposal seeks to provide a predominantly two-three storey appearance at the site interfaces (**Figure 12**) to reflect the surrounding built form character. The revised masterplan (**Attachment K**) recommends updates to the draft DCP aimed to ensure this outcome by:

- Establishing building setbacks of 7-10m from all boundaries (**Figure 13**).
- Limiting building heights within a 10m setback of all boundaries to 9m and two storeys.
- Varying building height from two to six storeys, with the highest building generally located nearer the centre of the site (**Figure 14**).
- Establishing a street wall / park wall height of 2 storeys to the sensitive interfaces of Old Northern Road, the southern boundary (to 342 Old Northern Road and 51 Pioneer Place) and the western boundary (to 9 Palisander Place), and 3 storeys to the central park (**Figure 15**).

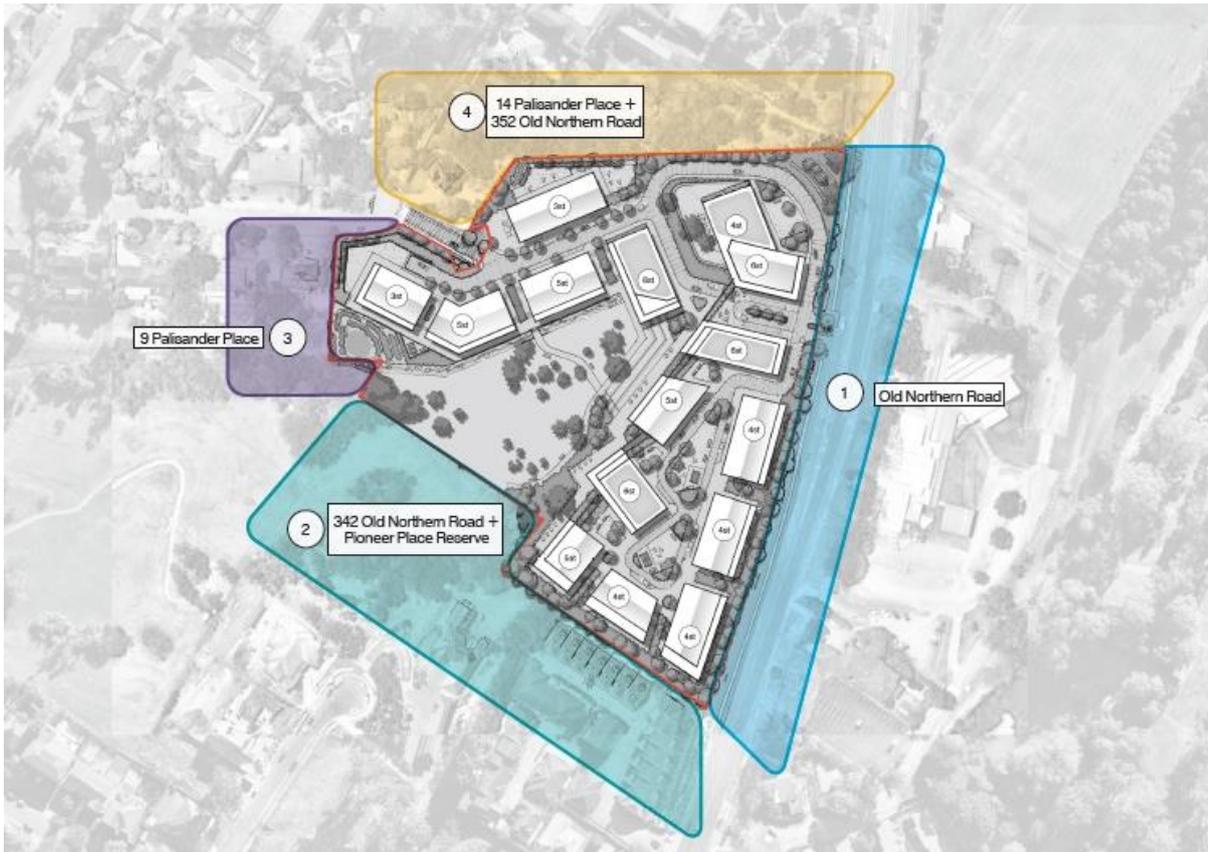


Figure 12 Site interfaces (Source: Revised masterplan)



Figure 13 Recommended building setback map (Source: Revised masterplan)

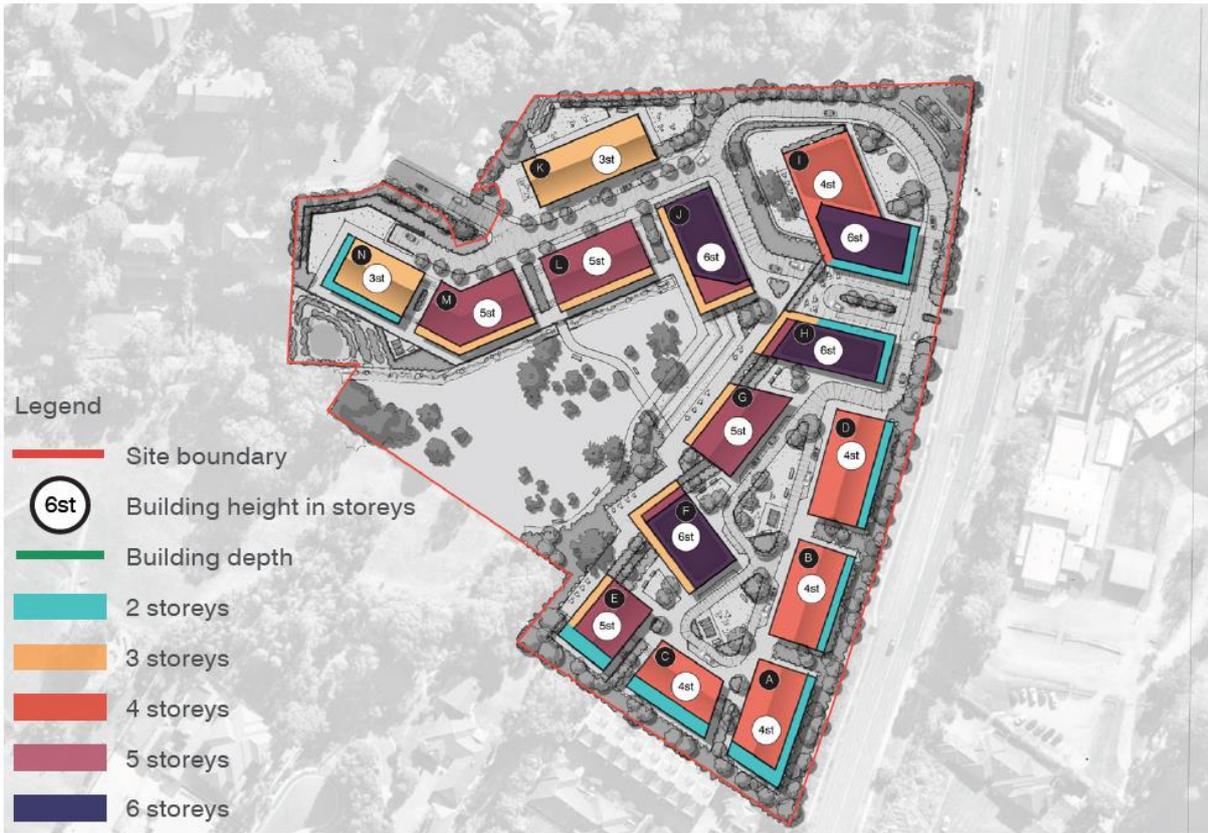


Figure 14 Recommended heights in storeys (Source: Revised masterplan)



Figure 15 Recommended street wall height (Source: Revised masterplan)

The following proposed elements of the revised masterplan (**Attachment K**) and draft DCP are considered to minimise the impact of the build form on surrounding development, however it is noted some further analysis is required as follows:

- The revised master plan notes the proposed 22m maximum height is to allow for topographic changes of the site and lift overruns for proposed buildings and is consistent with standard LEP height limits.
- To assist in minimising the building bulk at the street level interface fronting Old Northern Road, a two storey built form street wall height with a further setback to the upper four storey element is proposed (**Figure 16**). It is also proposed for landscape planting to further mitigate the visual impact of the built form along Old Northern Road. It is noted however, the setback of the four storey building element from the two storey street wall height is not clearly labelled or described in the revised master plan (it is assumed that the upper storey setback is 3 metres). Further discussion of this interface and required analysis is provided in the table below.
- It is proposed for the taller building elements to be located centrally within the site and to be significantly setback from the boundary. The revised master plan suggests this will minimise the proposed building bulk when viewed from the surrounding public domain. However, it is noted that significant building heights of four to six storeys are proposed along the Old Northern Road and southern boundaries. Further discussion on these interfaces and required analysis is provided in the table below.
- It is noted the existing buildings on the site at the southern boundary (Pioneer Place) are 4m higher than the proposed built form, with a setback of only approximately 5m. The proposal provides for increased setback at this interface. Further discussion on this interface and required analysis for this interface is provided in the table below.
- The buildings fronting Old Northern Road will not be visible from Palisander Place (North Western boundary). The view from Palisander Place of the proposal appears predominantly as a two to three storey built form. It is noted the proposed five storey development in the centre of the site will be visible from Palisander Place, however this is well setback from the boundary and is proposed to be screened by new vegetation.
- Nil height is to apply to the open space portion of the site so no built form occupies the area of the site most affected by landslide risk.
- The proposal seeks to respond to the topography of the site by providing for a stepped built form which will minimise visual impacts from the surrounding area. The topographic features of the surrounding area means that excavation is necessary to accommodate key sub-floor functions such as services, loading and car parking. However, the extent of excavations has been minimised to ensure retention of deep soil and existing trees where possible.
- The proposed basement areas have been largely limited to the extent of the existing built form.
- The proponent's visual impact assessment shows the building bulk when viewed from the surrounding area. However it is noted it does not show the building design and articulation or the landscape planting in the front setbacks and between buildings which will be necessary to assist in breaking up the built form and ensuring it does not dominate the streetscape.



Figure 16 View of proposal – south along Old Northern Road (Source: Revised masterplan)

In addition to the discussion above, it is considered the site interface of a number of proposed buildings with the surrounding area require additional consideration to ensure an acceptable built form outcome. This consideration reinforces the advice of the Panel that the following requires further attention:

- The proposed height of buildings, particularly where the site interfaces with either existing housing or public streets.
- Visual impacts resulting from the proposed building heights and massing of buildings, including impact on Old Northern Road and Palisander Place.

An assessment of the sensitive site interfaces is included in the table below:

Table 8 Assessment of sensitive site interfaces

Site interface	Comments
<p><i>Interface 1</i></p> <p>Buildings A, B, D, H & I interface with Old Northern Road</p> <p>Two storey street wall with buildings A, B and D total height of four storeys, and buildings H and I total height of six storeys</p>	<p>Further testing and detailing of the setback to upper floors of building A,B, D and H (and part of I) is to be provided, to ensure the 2 storey street wall along the Old Northern Road is the predominate feature to maintain character of the area. The building locations are on the high side of Old Northern Road creating a strong visual impact on the streetscape of the high volume road. The proposed buildings are to be a mix of four and six storeys, however the depth of the two storey boundary walls needs to be increased appropriately. The current depth of the street walls may be too shallow and not fit for purpose.</p>
<p><i>Interface 2</i></p> <p>Building E interface with 51 Pioneer Place</p> <p>Two storey street wall to Pioneer Place, three storey interface wall to adjoining park with total</p>	<p>Further testing and justification for the overall height of building E is required, with particular attention paid to retaining privacy for the adjacent residential development, namely 51 Pioneer Place. The current buildings located on site with an interface to Pioneer Place are higher than 51 Pioneer Place, and the proposed building at this part of the site is to be five storeys, which will increase the overlooking impact and privacy of adjoining sites (primarily 51 Pioneer Place). The proposal's supporting urban design analysis is to be updated to demonstrate what mitigation measures will be implemented to</p>

Site interface	Comments
building height of five storeys.	minimise impacts at this interface. If setbacks are proposed to be used for floors above the proposed two storey 'street wall', then testing and demonstration that setbacks are sufficient to minimise overlooking and mitigate overshadowing of 51 Pioneer Place is needed as the current upper level setbacks may be too shallow and if so, not fit for purpose.
<p><i>Interface 3</i></p> <p>Building N interface with 9 Palisander Place</p> <p>Two storey street wall interface with total building height of three storeys.</p>	The proposed Building N is considered to be acceptable, with the impact of development at this section of the site providing no additional impact to the adjacent sites when compared to the current built form. The existing building on this part of the site is approximately three storeys and the proposed building appears to be further setback from Palisander Place when compared to the existing building on this part of the site. Further if trees are retained in this area it would assist with visual screening between buildings.
<p><i>Interface 4</i></p> <p>Building K interface with 14 Palisander Place</p> <p>Three storey building</p>	The proposed Building K is considered to be acceptable. The building is located on a part of the site that is lower than the adjoining 14 Palisander Place due to the steep topography and will have minimal impacts on surrounding development.
Street walls	<p>The proposed building interfaces mentioned above have used a street wall element to provide a low height and appearance to adjoining areas. The design of street walls is when a built form steps back to provide an improved scale and visual appearance, reducing human scale, privacy and other impacts. To achieve this outcome, the street wall needs to be sufficient to be fit for purpose.</p> <p>However as discussed above the depth of the proposed two storey boundary walls may be too shallow and not fit for purpose. It is recommended the Gateway includes a condition requiring an update to the proposal's supporting urban design analysis to further analyse the appearance of two storey street walls from surrounding areas and whether the upper storey elements of key buildings are appropriately setback from the street wall element.</p>

It is noted that detailed design matters will be further refined and assessed through the development application process and are not determined at this stage. However, it is recommended the Gateway determination include a condition requiring that prior to public exhibition, the planning proposal be updated to include a more detailed assessment of these matters.

Residential density and amenity

The proposal responds to the site conditions and will result in a significantly smaller site coverage and larger landscaped area than other sites within the nearby C4 zone.

It is noted Council raised concerns that:

- The proposed density is significantly higher than other senior housing developments within the locality. The existing development on the site achieves a density of 30.5 dwellings per hectare, which is six times the density typically provided within the zone. Council notes the proposal for 247 dwellings will facilitate a density of 66.7 dwellings per hectare. Council provided a comparison of density with other nearby seniors housing developments in their LPP report (**Attachment B**). In response, the proponent noted that two of the three sites

referenced by Council are located in Glenhaven in rural zones, being on the rural/urban fringe and are not comparable to this context.

- The proposal has not 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.
- A detached multi dwelling development to the south of the site would be located immediately adjoining a basement car park entry and a proposed six storey residential component. This also applies to a two storey single detached residential development at 51 Pioneer Place which will directly adjoin a six storey residential component with no means of buffer present to mitigate potential amenity impacts.
- The majority of properties adjoining the site to the south are orientated towards the north to maximise solar access, which would likely be affected by the proposed development. Shadow diagrams submitted by the proponent do not accurately depict the siting and scale of adjoining developments to the south.
- The proposed setback to Old Northern Road will be reduced to 5 metres to accommodate the proposed deceleration lane reducing the required setback to classified roads of 10 metres.

Department assessment

The proposal is not considered to have an adverse impact in terms of local character, built form and amenity, noting that:

- The local character of the area includes the existing development on the site, the adjoining townhouse development to the south of the site at 342 Old Northern Road, chemist and shops which present a significant built form visual impact on Old Northern Road.
- Views to the Blue Mountains to the west from Pioneer Park will not be impacted by the development which will be located to the east of the park.
- The proposal has been developed to provide consistency with the local character of the area. The revised masterplan, visual impact assessment and interface study indicate a minimal to moderate visual impact from surrounding viewpoints. This will be achieved by design mitigation measures such as integration of development into the topography of the site, large setbacks, transitional heights and adopting a finer grain, smaller building form.
- The proposed built form response to the topography aims to minimise the bulk and scale of development. The masterplan indicates mostly two storeys building heights to the north and south boundaries and fronting Old Northern Road, with taller development located centrally within the site significantly setback from the boundary. The combined setbacks and stepped height controls will result in development which appears predominantly two-three storeys from surrounding areas.
- The 22m proposed height allows for topographic changes and lift overruns and is consistent with the typical LEP height limits and the NSW Apartment Design Guide. Whether this height control permits six or seven storeys is of minor significance to the built form outcome. The final height of development and built form of this height can be determined at the detailed design stage.
- The building footprints have been largely limited to the location of the existing built form. The proposed landscaped areas of the site will be greater than 50% which is generally larger than other nearby medium density development in the C4 zone.
- The majority of development will not be visible from Palisander Place or Pioneer Park due to the topography of the site, stepped built form and additional landscaping.

- The existing landscaping will be maintained where possible and enhanced with additional planting to reinforce the vegetation appearance and screening to and from the site, particularly in the large setback areas.
- The building design, articulation and landscape planting in the front setbacks and between buildings will permit breaking up the built form and ensuring it does not dominate the streetscape.
- The visual impact of the proposed building height, bulk and scale will be similar to the existing development, considered to be generally 'low impact' and generally consistent with the objectives of the C4 zone.
- The finer details of visual, built form and amenity impacts, such as building design, articulation, location, separation, landscaping, shadowing and interface with Old Northern Road can be determined at the detailed design stage.

It is recommended the Gateway determination include a condition requiring that prior to public exhibition, the shadow diagrams in the revised masterplan be updated to more accurately depict the siting and scale of adjoining development to the south and generally.

4.1.3 Ecological impact

The proposal responds to the environmental constraints of the site with over half the site proposed to be retained as open space and landscaped area allowing retention of significant trees. The majority of the significant trees will be retained and 150 new tree plantings proposed. The small area of high value vegetation on site is to be retained in the proposed open space (**Figure 17**).



Figure 17 Significant trees (Source: Revised masterplan)

The proposal will result in a site coverage of 47% which is considered to align with the zone objectives. It is comparable or significantly lower than the site coverage of nearby sites within

the same zone. A comparison with two other sites is available in the proponents rezoning review request (Attachment D).

The Planning report (Attachment I) claims that the site is highly modified and there are no threatened species or ecological communities that would be directly impacted by the proposal. The Ecological Assessment (Attachment M) confirms that in contrast to The Hills Vegetation Classification map 2014, no areas of Blue Gum High Forest occur within the residential areas of the site.

The Arborist Report (Attachment N) claims that if adequate precautions to protect the retained trees are specified and implemented as part of the development application process, the proposal is expected to have a moderate impact on the contribution of trees to local amenity and character.

Council's report (Attachment C) confirms that Council's mapping indicates that parts of the site are affected by the presence of Blue Gum High Forest, being a 'critically endangered ecological community' under the *Biodiversity Conservation Act 2016*. However, it confirms that further targeted surveys by the proponent concluded that the presence of this species could not be found within the vegetation on the site.

Department assessment

The proposal is unlikely to result in adverse ecological impacts on the site or surrounding area, or to threatened species or ecological communities. It is also noted that the proposed aims to minimise ecological impacts by:

- restricting development to a similar building footprint to that of existing development on the site,
- retaining more than half the site as open space and landscaped area,
- retaining the small area of high value vegetation on site as open space,
- retaining the majority of the significant trees,
- planting 150 new trees.

It is noted that the proponent's rezoning review request letter contains conflicting information regarding the number of significant trees to be removed. One reference claims a total of 29 out of 37 trees classified as 'AA' (very important) and 'A' (important) are proposed to be retained. Another reference refers to 3 out of the 37 identified significant trees would be removed. It is recommended the Gateway determination include a condition requiring the planning proposal and supporting documentation be updated prior to public exhibition, to correctly refer to the significant trees to be retained on the site to ensure consistency.

It is considered that the proposal would not result in adverse ecological impacts on the site or surrounding area. For confirmation, it is recommended that the Gateway determination include a condition requiring consultation with NSW Environment and Heritage to consider the ecological impacts of the proposal.

4.1.4 Geological impact

The site is steeply sloping as identified on The Hills LEP 2019 Landslide Risk Map as subject to landslide risk (**Figure 18**). The proponent's preliminary geotechnical advice (Attachment O) concludes that the geotechnical constraints can be managed and do not pose any significant constraint to redevelopment of the site. The proposal notes monitoring requirements, and construction management and stabilisation measures have been identified and will be addressed as part of the detailed design and development of the site. Further investigation will be required during the detailed design phase.

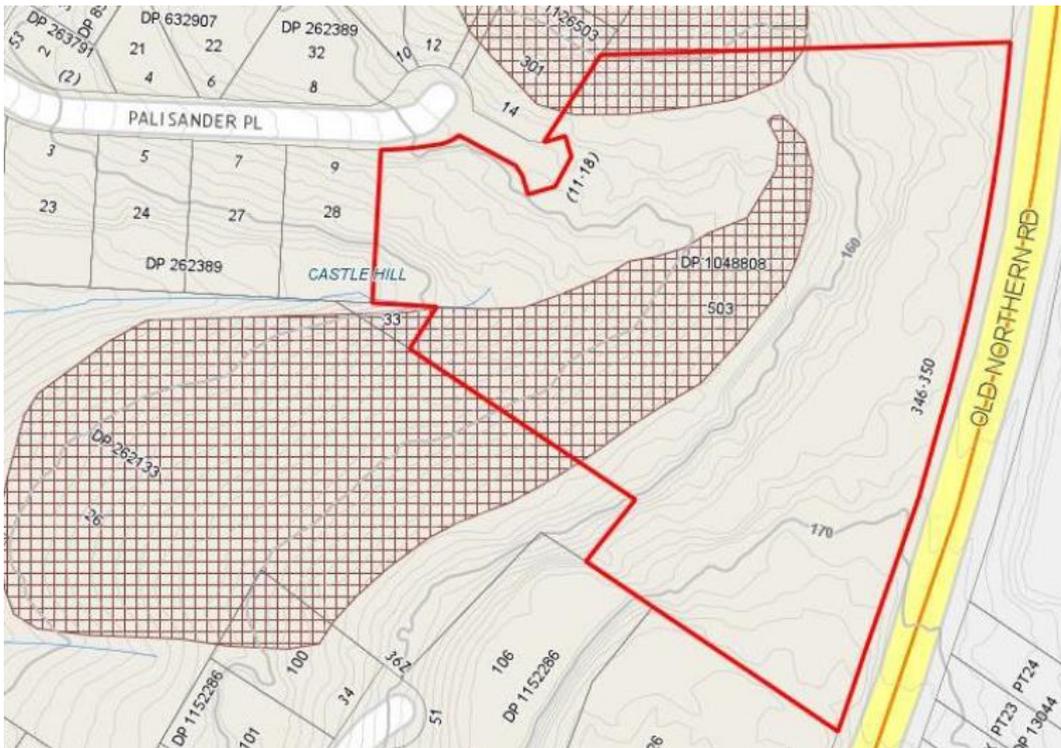


Figure 18 Hills LEP 2019 Landslide Risk Map extract – showing areas affected by landslide risk (hatched) and subject site outlined in red.

Council raised concerns that:

- While LEP 2019 identifies the undeveloped portions of the site as affected by landslip risk, the steep slope is evenly distributed across the site, even where the existing development is located. In comparison to the existing development, the proposed outcome incorporates significant basement parking and podiums with substantial floor plates that could only be facilitated through significant landform modification (cut and fill).
- The concept plans indicate basement excavation over approximately 30% of the site. Council notes the proposed cut and fill is not in accordance with The Hills DCP, which allows a maximum cut of 1 metre and fill of 600mm. Amendments to the DCP would be required to enable the development of the concept design without substantial non-compliance of the DCP controls. This significant cut and fill is unlikely to be supported, especially in the Environmental Living zone, as it does not demonstrate low impact development or a site responsive design.

Department assessment

The proponent's preliminary geotechnical advice notes that:

- The current residential buildings are located on the higher, stable ground on the site.
- The proposed development will be predominately positioned and founded on the same location as the existing development on previously stabilised landslide material.
- Landslide risk monitoring, and construction management and stabilisation measures, such as the use of engineered fill and drainage, have been identified and will be addressed as part of the detailed design and development of the site.
- Further investigation will be required during the detailed design phase.

However, no detailed geotechnical assessment report has been submitted to enable full consideration of the proposal and potential geotechnical impacts and constraints. 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 at the detailed design and development stage.

The Panel advised the proposed extent of cut and fill is a matter requiring further attention in the site-specific assessment of the planning proposal. It is considered that a detailed geotechnical assessment at the detailed design stage would adequately address this requirement.

It is considered that the proposal is unlikely to result in adverse geotechnical impacts on the site or surrounding area and that these impacts can also be addressed as part of the detailed design and development of the site, particularly with completion of a full geotechnical assessment.

4.2 Social and economic

4.2.1 Social impact

The proposal is not considered to have an adverse social impact as it will:

- Facilitate an additional 134 independent living units seniors housing to support the ageing population in the area.
- Be well serviced by both indoor and outdoor communal facilities that will encourage community interaction, such as:
 - an on-demand village bus every day between 8am and 6pm to take residents to local shopping and entertainment venues.
 - new communal facilities including a gymnasium, indoor pool, health consulting spaces, activity rooms and mail delivery service in a new community hug.
 - a larger central open space and a range of smaller communal spaces.
- Is located within 1.2km of the Castle Hill strategic centre and metro station which has health, recreational and transport services.

The proposed social infrastructure provision is informed the proposal's supporting Seniors Living Demand Study (Attachment P) which includes an analysis of the changing scale and nature of demand for senior housing, and the expectations about housing choice, quality and associated facilities, particular in the context of The Hills LGA. It is also noted the planning proposal is supported by a letter of offer for a voluntary planning agreement (**Attachment S**) which may provide the opportunity for consideration of the delivery of social infrastructure to support the site.

The Panel advised the proposed provision of social infrastructure is a matter requiring further attention in the site-specific assessment of the planning proposal. It is considered that negotiations between Council and the proponent will provide the opportunity to adequately address this requirement.

4.2.2 Economic impact

The proposal is not considered to result in any adverse economic impacts as it will:

- Renew ageing seniors housing stock and responds to the current demands of the seniors housing market.
- Potentially increases patronage for access to services and amenities at local centres.
- Provide an opportunity to increase jobs in the short-term during construction and in the long-term with the ongoing operation of supporting services for seniors.

4.3 Infrastructure

4.3.1 Traffic and movement

The proposal is supported by a Traffic Assessment (Attachment Q). The Traffic Assessment concludes that the proposal has an acceptable traffic impact, noting there would be relatively low trip generation with most trips being off-peak.

The road verge in the vicinity of the site is 8.5m wide, providing sufficient space for an additional deceleration lane. The remaining verge width would contain a relocated footpath and similar landscaping quantity to the existing conditions. The site boundary would be maintained providing set back to the built form with additional landscaping within the setback.

The deceleration lane is proposed with the intent to improve safety outcomes on Old Northern Road. It meets the warrant for turn treatments on the major road and unsignalised intersections as provided in *Guide to Road Design Part 4: Intersections and Crossings – General*.

Wayfinding is proposed within the site and communication to visitors to direct southbound vehicles to travel via Palisander Place instead of Old Northern Road. In a scenario where all generated trips would use the Palisander Place access, this would result in a maximum of 71 two-way vehicles during the Saturday peak hour. This is within the environmental capacity goal of 200 vehicles per hour for local streets as defined in RMS Guide to Traffic Generating Developments. It is therefore considered minor.

The proponent also provided a response to comments relating to traffic raised in the 14 September 2021 Council report (Attachment R).

It is noted Council raised concerns that:

- The Traffic Assessment report 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. The proposal will rely heavily on the existing entry point via Old Northern Road for vehicles entering and departing the site. However, there will also be an increase in traffic along Palisander Place, which is a local road (**Figure 19**).
- Palisander Place is currently constrained in terms of available carriageway width as a result of a substantial number of parked vehicles during the day. Council raised concerns regarding potential heavier traffic flows as a result of two vehicular entry points to basement carparks in proximity to the Palisander Place access point resulting in significant amenity impacts for existing residents along Palisander Place.
- The traffic assessment also 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 at Old Northern Road. It is known to generate unsafe traffic movements by the residents who seek to join southbound traffic towards the Castle Hill Town Centre. 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 claims 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. Council notes these informal 'solutions' are all currently available and do not alleviate the problem.



Figure 19 Indicative access and movement strategy (Source: Revised masterplan)

Department assessment

The proposal is not considered to have an adverse traffic impact. The supporting Transport Assessment report notes that the proposal will not have a significant or adverse impact on the local road network and public transport. The proposal will retain two existing vehicular access points to the site from Old Northern Road and Palisander Place and proposed upgrades to improve traffic management and pedestrian safety entering, existing and within the site. The final details of any upgrades can be addressed as part of the detailed design and development of the site. As Old Northern Road is a classified road, it is recommended Transport for NSW be consulted on the proposal.

4.3.2 Other infrastructure

The proposal will provide improved on-site facilities and enhanced open space to satisfy the needs of residential and mitigate demand on local infrastructure.

A letter of offer to enter into a VPA has been provided to Council (Attachment S), which proposes:

- \$500,000 monetary contribution to Council towards the upgrade of the adjacent Pioneer Place Reserve;
- 60 metre left-turn deceleration lane on Old Northern Road and relocation of the existing traffic island; and
- provision of a 1.2 metre wide concrete footpath along the southern side of Palisander Place from the rear entry gate to the existing concrete footpath in First Farm Drive.

The proponent has stated the letter of offer submitted is open for negotiation with Council through the assessment process.

The proponent notes within the supporting documentation for the planning proposal that based on preliminary investigations, the site can be adequately serviced with all required utilities, particularly stormwater and flooding, electrical services and hydraulic services (Attachment U, Attachment V and Attachment W).

Council notes the diverse local infrastructure requirements of the specific demographic group the proposal would cater for. However, the provision of community benefits in the form of local infrastructure to accommodate the increased density on the site would still be required. Further, Council claims the delivery of the deceleration lane on Old Northern Road will primarily service the proposed development and is necessary traffic works associated with any future development of the site, rather than a public benefit to the broader community. Despite the proponent's preliminary offer of approximately \$500,000 to upgrade the local park at Pioneer Place Reserve and footpaths and approximately \$90,000, more detail is needed for Council to assess whether the proposed benefits are appropriate.

Department assessment

The proposal is considered to be adequately served by existing public infrastructure and proposed additional infrastructure, noting:

- A large seniors housing development currently exists on the site, with established connections to electricity, water and sewer infrastructure.
- The site is serviced by a local bus route that connects residents with the Castle Hill strategic centre which provides extensive local services and a Metro station.
- The proposal's illustrative masterplan includes a number of onsite facilities to service the residents of the seniors housing and encourage community interaction, including:
 - indoor and outdoor communal facilities.
 - an on-demand village bus.
 - new communal facilities including a gymnasium, indoor pool, health consulting spaces, activity rooms and community hub.
 - a larger central open space and a range of smaller communal spaces.
- These facilities are likely to reduce the reliance of residents of the development on external community and recreational facilities and enhancing the amenity of the development.
- The proponent has offered to negotiate with Council on the contributions expected towards infrastructure improvement.

It is recommended the following agencies be consulted on the proposal:

- Utility providers
- NSW Health

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days. It is recommended that the proposal is publicly exhibited for 20 working days in accordance with the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) (LEP guideline), and the forms part of the conditions of the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment in accordance with the LEP guideline:

- Transport for NSW
- Utility providers
- NSW Department of Health (to consider the health facilities needs of the increased seniors population)
- NSW Environment and Heritage Group
- Hornsby Council (due to the close proximity of the site to the Hornsby LGA boundary)

6 Timeframe

Council proposes a 12 month time frame to complete the LEP. In line with the Department's commitment to reduce processing times, it is recommended that the Gateway determination includes conditions requiring Council to meet the following timeframes, and that the planning proposal is updated accordingly:

- within 3 months of the date of the Gateway determination, exhibit the planning proposal
- within 6 months of the date of the Gateway determination, report to Council for a final recommendation
- within 12 months of the date of the Gateway determination, finalise the LEP.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal was not supported by Council prior to the Panel's rezoning review determination, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal demonstrates strategic and site-specific merit. The proposal provides an opportunity to renew ageing seniors housing and deliver additional housing in The Hills Shire, while enabling the site to maintain a low-impact setting similar to the existing development.

The planning proposal is supported to proceed with conditions for the following reasons:

- It is consistent with the objectives and priorities of the Greater Sydney Region Plan and the Central City District Plan.
- It is consistent with the strategic direction and objectives of The Hills Council's Local Strategic Planning Statement and Local Housing Strategy.
- It is consistent or justifiably inconsistent (of minor significance) with all relevant section 9.1 Ministerial Directions.
- It is not considered to have adverse impacts overall, and in particular associated with conservation zone objectives, local character, built form, amenity, ecology, geotechnical issues, social and the economy impact, traffic and infrastructure.
- It will appropriately respond to the determination and recommendations made by the Sydney Central Planning Panel as a result of the rezoning review on 24 February 2022 when updated according to the Gateway determination conditions.

As discussed in the previous sections 3 and 4, the proposal and relevant supporting material should be updated to include the Gateway conditions included in Section 9 of this report.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - a. Provide an assessment of the consistency of the planning proposal with the:
 - i. Central City District Plan
 - ii. Local Strategic Planning Statement
 - iii. Local Housing Strategy
 - iv. Section 9.1 Local Planning Directions
 - b. Provide additional testing and assessment of the following:
 - i. The interface of buildings A, B, D, H and I and the relationship with Old Northern Road, with particular attention to demonstrating an appropriate setback to upper floors (above 2 storeys) to ensure the 2 storey 'street wall' is the predominant built form feature along Old Northern Road to maintain the character of the area.
 - ii. The interface of building E and the relationship with 51 Pioneer Place, with particular attention paid to the overall building height, the setback of upper floors (above 2 storeys), privacy, overshadowing and any mitigation measures to minimise impacts.
 - iii. Demonstrate that the proposed building setbacks to floors above the second floor (buildings A, B, D, E, H and I) are fit for purpose to provide an improved scale and visual appearance, reducing human scale, privacy and other impacts.
 - c. Provide a clear description in metres of the upper level storey setbacks for the built form elements above 2 storeys for all buildings in both text and map annotations.
 - d. Ensure consistency across documentation, particularly the planning proposal, revised masterplan and draft DCP, and with particular reference to the proposed height and setback of buildings, upper level setbacks, the proposed development concept, significant trees to be retained, and all other matters.
 - e. Update the shadow diagrams in the revised masterplan to more accurately depict the siting and scale of adjoining development to the south and generally.
 - f. Individually identify and attach all technical reports and documents relevant to the planning proposal and exhibit these as individual accompanying documents.
 - g. Updated project timeline to reflect the timeframe conditions of this determination.
The updated planning proposal is to be forwarded to the Department for review and endorsement.
2. The planning proposal should be made available on public exhibition for a minimum of 20 working days.
3. Consultation is required with the following public authorities for a minimum of 30 days:
 - Transport for NSW
 - Utility providers
 - NSW Department of Health
 - NSW Environment and Heritage
 - Hornsby Council

4. Within 3 months of the date of the Gateway determination, the planning proposal must be exhibited.
5. Within 6 months of the date of the Gateway determination, the planning proposal must be reported to Council for a final recommendation.
6. Within 12 months of the date of the Gateway determination, the LEP must be finalised.
7. Council is not authorised to be the local plan-making authority, as Council did not support the planning proposal prior to the Sydney Central City Planning Panel's rezoning review determination.



12.07.2022

Angela Hynes

Manager, Metro Central and North



21.07.2022

Eleanor Robertson

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