
MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 22 March 2022

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

VOTING FOR THE MOTION

Clr M Hodges
Clr F De Masi
Clr V Ellis
Clr M Blue
Clr J Brazier
Clr R Boneham
Clr Dr M Kasby
Clr Dr B Burton

VOTING AGAINST THE MOTION

None

MEETING ABSENT

Clr R Tracey
Clr A Hay OAM
Clr J Cox
Clr R Jethi

ABSENT FROM THE ROOM

Mayor Dr P Gangemi

ITEM 4

FURTHER REPORT – PLANNING PROPOSAL – CASTLE RIDGE RESORT AT 346-350 OLD NORTHERN ROAD, CASTLE HILL (1/2021/PLP)

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

THE MOTION WAS PUT AND CARRIED.

124 RESOLUTION

1. Council write to the Planning Panels Secretariat to advise that it will accept and undertake the role of Planning Proposal Authority for the Planning Proposal at 346-350 Old Northern Road, Castle Hill ('Castle Ridge Resort').
2. Council prepare and submit the planning proposal for Gateway Determination under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and in accordance with the determination of the Sydney Central City Planning Panel, within 42 days.
3. Prior to any public exhibition of the planning proposal, Council consider a further report with respect to a site specific Development Control Plan and infrastructure contributions mechanism, to be exhibited concurrent with the planning proposal.

ITEM 4	FURTHER REPORT – PLANNING PROPOSAL – CASTLE RIDGE RESORT AT 346-350 OLD NORTHERN ROAD, CASTLE HILL (1/2021/PLP)
THEME:	SHAPING GROWTH
GROUP:	SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS STRATEGIC PLANNING COORDINATOR
AUTHOR:	KAYLA ATKINS
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING NICHOLAS CARLTON

PURPOSE

This report seeks a decision from Council as to whether or not to accept the role of Planning Proposal Authority ('PPA') for the Planning Proposal for 346-350 Old Northern Road, Castle Hill ('Castle Ridge Resort'), in light of the Sydney Central City Planning Panel's ('SCCPP') recent rezoning review determination that the proposal *should* proceed to Gateway Determination.

RECOMMENDATION

1. Council write to the Planning Panels Secretariat to advise that it will accept and undertake the role of Planning Proposal Authority for the Planning Proposal at 346-350 Old Northern Road, Castle Hill ('Castle Ridge Resort').
 2. Council prepare and submit the planning proposal for Gateway Determination under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and in accordance with the determination of the Sydney Central City Planning Panel, within 42 days.
 3. Prior to any public exhibition of the planning proposal, Council consider a further report with respect to a site specific Development Control Plan and infrastructure contributions mechanism, to be exhibited concurrent with the planning proposal.
-

IMPACTS

Financial

This matter has no this matter has no direct financial impact upon council's adopted budget or forward estimates. Accepting the role of PPA would result in the allocation of Council resources to the administration and progression of the proposal. Council has retained the full planning proposal lodgement fee originally paid by the Proponent to offset this cost if needed (where Council resolves not to proceed to Gateway but a Proponent lodges a Rezoning review, the full lodgement fee is retained by Council).

Further consideration would be required, as part of a future report to Council, with respect to the additional demand for local infrastructure that would result from the proposed uplift as well as an appropriate infrastructure contributions mechanism.

Strategic Plan - 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. Notwithstanding this and Council's decision that the proposal should not proceed, the SCCPP has determined that the application will proceed to Gateway Determination.

By accepting the role of PPA, Council would retain a greater ability to represent and protect the interests of the local community through a site specific Development Control Plan and infrastructure contributions mechanism, in comparison to the alternative of allowing the SCCPP to take carriage of the Planning Proposal.

LINK TO HILLS SHIRE PLAN

Outcomes:

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

EXECUTIVE SUMMARY

On 14 September 2021, Council resolved that the planning proposal for 346-350 Old Northern Road, Castle Hill ('Castle Ridge Resort') should *not* proceed to Gateway Determination. The Proponent subsequently lodged a Rezoning Review Application on 17 September 2021, seeking a review of Council's decision by the SCCPP.

On 24 February 2022, the SCCPP determined that the Planning Proposal should proceed to Gateway Determination. This determination by the SCCPP overrides Council's previous decision and cannot be appealed or challenged by Council. The Planning Panels Secretariat has now written to Council, to invite Council to accept and undertake the role of Planning Proposal Authority with respect to the Proposal.

Notwithstanding Council's disagreement with the planning outcomes that will be facilitated by the planning proposal, this report recommends that Council accept the role of Planning Proposal Authority. While the role is largely administrative, it would allow for Council to retain some level of control over the planning proposal and ensure that an appropriate site specific Development Control Plan and Voluntary Planning Agreement can be progressed concurrent with the planning proposal. Council would not have certainty that this would occur if it does not accept the role of PPA (in which case the SCCPP would become the responsible PPA).

1. THE SITE

The site 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. It 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.

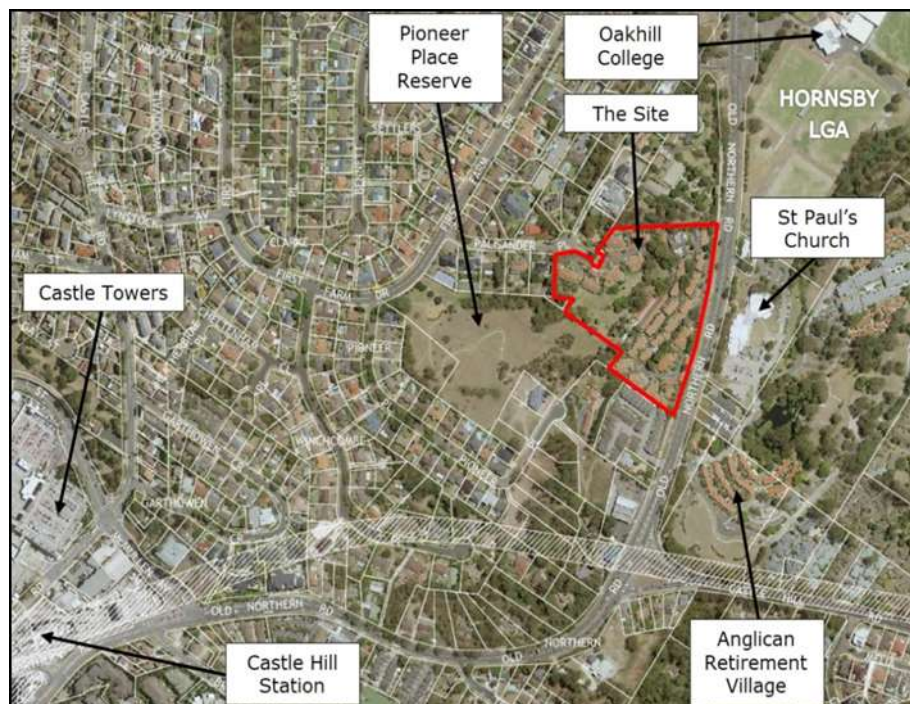


Figure 1
Aerial view of the site and surrounding locality

The surrounding locality is characterised by low density residential development, with the exception of one (1) 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 known as Castle Ridge Resort, with 113 independent living units. The existing development demonstrates a medium density outcome in terms of bulk, height (one (1) to three (3) storeys).

2. BACKGROUND

Previous Planning Proposals (2016 and 2019)

Two previous planning proposals have been lodged for the site in 2016 and 2019 respectively. In both instances, Council resolved not to progress to Gateway Determination. The Hills Local Planning Panel also considered the 2019 planning proposal and advised that the planning proposal should not proceed. The two proposals were subject to rezoning reviews and on both occasions, the Sydney Central City Planning Panel determined that the proposals should not proceed to Gateway Determination.

Current Planning Proposal (2020)

The current planning proposal was submitted to Council on 25 September 2020. It sought to amend The Hills Local Environmental Plan 2019 to introduce seniors housing as an additional permitted use on the site and increase the maximum height and floor space ratio controls to permit 247 independent living units. While the existing seniors housing development benefits from existing use rights, the proposal seeks to facilitate redevelopment and expansion of the facility well beyond that which can be achieved under existing use rights provisions.

Specifically, the proposal sought 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 (the existing facility currently operates under existing use rights);
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.



Figure 2
Proposed Development Concept

The development concept submitted by the Proponent depicts a high density residential development, which would necessitate the redevelopment of the existing seniors housing facility 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 concept plans).



Figure 3
Proposed Development Concept

Local Planning Panel Advice

On 18 August 2021, The Hills Local Planning Panel considered the proposal and advised that it should *not* proceed to Gateway Determination on the basis that the proposal had not sufficiently justified the scale of uplift and the proposed development exceeded the capacity of the site. The Panel noted issues with height, scale, density, character, traffic impacts and access with the proposed development. The Panel also noted The Hills is well placed to meet the housing needs of senior residents, with sufficient opportunities already available in more appropriate locations. The Local Planning Panel's advice is provided as Attachment 1.

Council Determination

Following the Panel's advice, Council considered the proposal at its meeting of 14 September 2021 and resolved that the planning proposal *not* proceed to Gateway Determination, on the same basis as the Local Planning Panel. The Council Report and Minute from 14 September 2021 contains a detailed assessment of the planning proposal and is provided as Attachment 2.

3. REZONING REVIEW - SYDNEY CENTRAL CITY PLANNING PANEL

On 17 September 2021, the Proponent lodged an application for a Rezoning Review with the Department of Planning and Environment (DPE), seeking a review of Council's decision.

The Sydney Central City Planning Panel has now considered the Proponent's rezoning review application and on 24th February 2022, the Panel determined that the proposal *should* be submitted for Gateway Determination. The Panel was of the view that the proposal demonstrated both strategic and site-specific merit, although the Panel noted that some site specific matters still required further attention and resolution, including building heights, interface, visual impacts, excavation and social infrastructure. The record of the Panel's decision is provided as Attachment 3.

The decision of the Panel does not align with Council's resolution on the matter, or the advice of the Local Planning Panel, or indeed even the earlier considerations of the proposal by the SCCPP itself. Interestingly, no reasons were provided by the Panel with respect to how they came to the view that the proposal meets the strategic merit test. Further, the range of site specific matters listed by the Panel as yet to be resolved were the basis for both Council and the Local Planning Panel's concluding assessments that the proposal did not meet the site specific merit test. It is unclear how the SCCPP came to the conclusion that the proposal has adequate site specific merit whilst concurrently identifying a number of key and outstanding site specific issues with the proposal that need to be resolved. Notwithstanding this, the Panel's decision is final and there are no opportunities for Council to challenge or appeal the Panel's determination.

On 2 March 2022, the Planning Panels Secretariat wrote to Council advising of the SCCPP's determination and inviting Council to be the Planning Proposal Authority ('PPA') for the proposal (refer to Attachment 4). Council now has the opportunity to determine whether or not to accept the role as PPA.

4. MATTERS FOR CONSIDERATION

The following matters are provided for Council's consideration in determining whether or not to accept the role as Planning Proposal Authority ('PPA'):

- The decision of the SCCPP on 24 February 2022 overrides Council's previous decision of 21 September 2021 that the planning proposal should *not* proceed to Gateway Determination. Council has no further right of appeal at this point in the process. Accordingly, the proposal will now progress to the next step in the process, being submission to the Department of Planning and Environment for Gateway Determination.
- The matter is being reported to Council to determine whether or not Council will accept and undertake the role of PPA. Council is required to advise the Planning Panel Secretariat, by no later than 13 April 2022, whether or not it will accept and undertake the role of PPA for the proposal.
- The PPA is the body responsible for carrying out the process for amending the Local Environmental Plan. For Council, the key components of the process that would be administered as the PPA include the following:
 - a) Preparing the planning proposal and submitting to DPE for a Gateway Determination;
 - b) Enforcing any conditions of a Gateway Determination;
 - c) Facilitating public exhibition and consultation with the community;
 - d) Facilitating consultation with relevant public authorities;
 - e) Reviewing submissions from the community and public authorities; and
 - f) Submitting the planning proposal to DPE for determination and finalisation.
- The role of the PPA is largely administrative, and Council would be highly unlikely to be granted delegation by the Department to ultimately determine whether or not the planning proposal proceeds to finalisation following the completion of public exhibition and public agency consultation.

- Should Council resolve *not* to accept the role of PPA (or fail to advise the Planning Panel Secretariat of a decision by 13 April 2022), the SCCPP will be appointed as the PPA and the Panel would take carriage of the progression of the Planning Proposal through the process to finalisation. This pathway includes some level of risk that the Panel may progress the planning proposal without adequate supporting controls (through a site specific DCP) or infrastructure mechanisms (through a VPA). Critically, the Panel does not have the authority to concurrently prepare or exhibit an infrastructure contributions mechanism (such as a Voluntary Planning Agreement (VPA)) to address any local infrastructure deficits associated with the proposed uplift.
- Notwithstanding Council's previous decision that the proposal should not proceed, there is still value in Council accepting the role as PPA, as it would retain some ability to:
 - Ensure that an appropriate site specific Development Control Plan is prepared, exhibited and progressed concurrently with the planning proposal;
 - Ensure that local infrastructure requirements are given appropriate consideration and progress with a suitable infrastructure contributions mechanism (likely a Voluntary Planning Agreement) concurrent with the planning proposal; and
 - Consider the outcomes of the public exhibition and public agency consultation period and make recommendations to the Department, at the finalisation stage, with respect to any amendments that should be made to the proposal (noting that the Department would ultimately be responsible for the finalisation and determination of the proposal, not Council).

Accordingly, despite Council's disagreement with the planning outcome that will be facilitated by the Planning Proposal, accepting the role of PPA would provide Council with greater opportunity to represent and protect the interests of the local community, in comparison to the alternative of allowing the SCCPP to take carriage of the Planning Proposal.

NEXT STEPS

Should Council resolve to accept the role of PPA:

- The Panel Secretariat would be advised of this decision by no later than 13 April 2022;
- Council officers would be required to prepare the relevant material and submit the proposal to the Department for Gateway Determination, within 42 days of Council's acceptance of the role; and
- The Proponent would be requested to undertake further work to prepare a draft Development Control Plan and submit a Voluntary Planning Agreement, to be the subject of a further report to Council, prior to any public exhibition of the planning proposal.

Should Council resolve *not* to accept the role of PPA:

- The SCCPP would take on the role of PPA for the proposal and submit the proposal to the Department for Gateway Determination;

- Council would be provided with the opportunity to comment on the proposal during any subsequent public exhibition period; and
 - The Panel *may* request that Council separately prepare and progress a draft Development Control Plan and infrastructure contributions mechanism, however the Council would not have any control over the sequencing of these supporting documents in comparison to the progression of the planning proposal by the Panel.
-

ATTACHMENTS

1. Local Planning Panel Advice, 18 August 2021 (3 pages)
2. Council Report and Minute, 14 September 2021 (47 pages)
3. Rezoning Review Record of Decision, 24 February 2022 (3 pages)
4. Planning Panels Secretariat Invitation to be Planning Proposal Authority (1 page)

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 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 40m² 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)

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**ITEM-2 PLANNING PROPOSAL - CASTLE RIDGE RESORT AT
346-350 OLD NOTHERN ROAD, CASTLE HILL
(1/2021/PLP)**

A MOTION WAS MOVED BY COUNCILLOR RUSSO AND SECONDED BY COUNCILLOR DE MASI THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

485 RESOLUTION

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.

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

VOTING FOR THE MOTION

Mayor Dr M R Byrne
 Cllr R Jethi
 Cllr Dr P J Gangemi
 Cllr B L Collins OAM
 Cllr J Jackson
 Cllr M G Thomas
 Cllr E M Russo
 Cllr S P Uno
 Cllr F P De Masi

VOTING AGAINST THE MOTION

Clr R M Tracey
Clr A N Haselden

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MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 14 September 2021

MEETING ABSENT

Clr A J Hay OAM

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR DE MASI AND SECONDED BY COUNCILLOR JETHI THAT items 4, 5, 6 and 7 be moved by exception and the recommendations contained therein be adopted.

THE MOTION WAS PUT AND CARRIED.

486 RESOLUTION

Items 4, 5, 6 and 7 be moved by exception and the recommendations contained therein be adopted.

ITEM-4

LTC RECOMMENDATION AUGUST 2021 - HALLOWAY BOULEVARD, NORTH KELLYVILLE - PROPOSED GIVE WAY SIGNS AND LINEMARKING

487 RESOLUTION

The installation of a Give Way control with associated linemarking at the intersection of Halloway Boulevard and Gasnier Avenue, North Kellyville be approved in accordance with Figure 4 in the report.

ITEM-5

LTC RECOMMENDATION AUGUST 2021 - CASTLEWOOD DRIVE, CASTLE HILL - PROVISION OF DOUBLE CENTRELINE LINEMARKING

488 RESOLUTION

Council approve the provision of double centreline linemarking in Castlewood Drive, Castle Hill from Darcey Road to Bolwarra Crescent as detailed in Figure 4 in the report.

ITEM-6

MINUTES OF AUDIT COMMITTEE MEETING - 17 AUGUST 2021

489 RESOLUTION

Council adopt the recommendations of the Audit Committee Meeting dated 17 August 2021.

ITEM-7

AMENDMENT TO A SUBDIVISION OF COUNCIL ASSET FOR PUBLIC PURPOSE & SALE OF RESIDENTIAL LANDHOLDING - 33 TERRY ROAD, BOX HILL

490 RESOLUTION

1. Council approve the undertaking and completion of the subdivision of Lot 1 DP 237578 in accordance with the *Environmental Planning & Assessment Act (NSW) 1979* and

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ORDINARY MEETING OF COUNCIL

14 SEPTEMBER, 2021

ITEM-2

**PLANNING PROPOSAL - CASTLE RIDGE RESORT AT
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:

14 SEPTEMBER 2021

COUNCIL MEETING

GROUP:

SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS

AUTHOR:

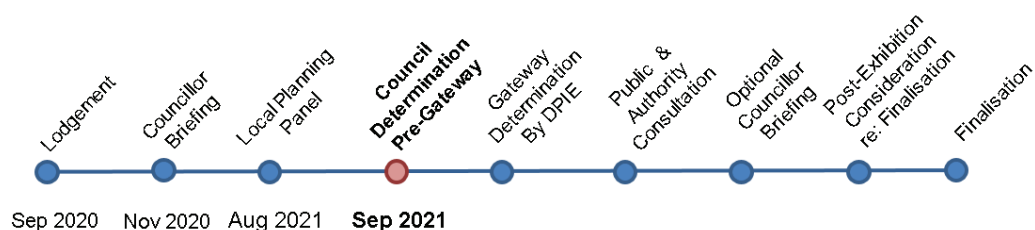
SENIOR TOWN PLANNER

LAURA MORAN

RESPONSIBLE OFFICER:

MANAGER – FORWARD PLANNING

NICHOLAS CARLTON

**REPORT**

This report relates to the planning proposal applicable to land at 346-350 Old Northern Road, Castle Hill (1/2021/PLP). The matter is being reported to Council for a decision on whether or not the planning proposal should be submitted to the Department of Planning, Industry and Environment (DPIE) for a Gateway Determination.

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;

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- 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.

PROPONENT & OWNER - Stockland Castleridge Pty Ltd**POLITICAL DONATIONS - Nil disclosures by the proponent****1. 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

2. 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.

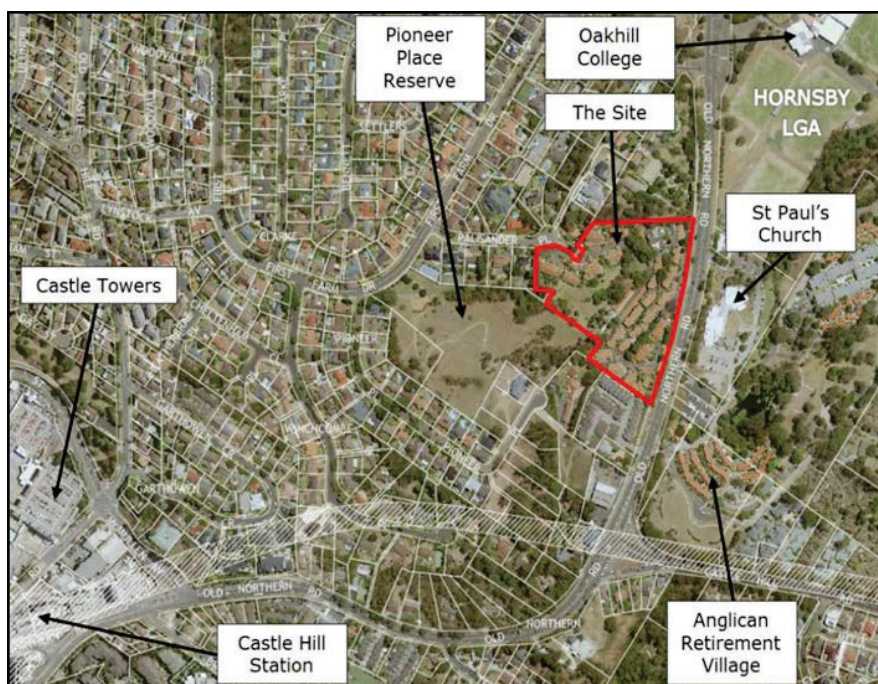


Figure 1
Aerial view of the site and surrounding locality

The surrounding locality is characterised by low density residential development, with the exception of one (1) 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

ORDINARY MEETING OF COUNCIL

14 SEPTEMBER, 2021

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.

3. DESCRIPTION OF PLANNING PROPOSAL APPLICATION

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 below and the History section of this report provide details on the previous planning proposals submitted for this site.

	Current Controls (LEP 2019)	First Planning Proposal 2016 (22/2016/PLP)	Second Planning Proposal 2019 (7/2019/PLP)	Current Planning Proposal 2020 (1/2021/PLP)
Land Zone	E4 Environmental Living			
Min. Lot Size	2,000m ²			
Additional Permitted Use	Nil	Seniors Housing		
Height	9 metres (2 storeys)	14 – 27 metres (facilitates up to 9 storeys)	12 – 22 metres (facilitates up to seven storeys)	9 – 22 metres (facilitates up to seven storeys)
Floor Space Ratio	N/A	1:1		0.83:1
Dwellings (Independent Living Units)	113	323	298	247
Parking Spaces	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
Landscaped Area	Unidentified	48% of site area	53% of the site area	
Basement Area	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

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

A summary and discussion of key considerations associated with the planning proposal is provided below. A full technical assessment of the proposal is contained within the Council Officer Assessment Report to the Local Planning Panel on 18 August 2021, provided as Attachment 1 to this Report.

Key Consideration	Comment
Strategic Context	<p>The planning proposal is partially consistent with objectives and priorities of the Greater Sydney Region Plan and Central City District Plan as they relate to the provision of housing supply and meeting the needs of the ageing population. However, consistency with these objectives is not based on dwelling numbers alone. Rather, it is contingent upon a place-based approach to development in a local context, with consideration given to appropriateness of the site location and ability to respond to and integrate with environmental constraints. These site specific considerations then inform an appropriate scale of development.</p> <p>The proposed development is within a low density, environmentally sensitive setting outside the walking catchment of the Castle Hill Station Precinct and Town Centre. The proposal has not demonstrated that the density sought can be accommodated within a built form that respects the surrounding context (particularly environmental and scenic values of the site), interface with adjoining low scale development and the availability of services and infrastructure.</p> <p>Further, while the strategic framework emphasises the importance of providing for the ageing 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. 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.</p> <p>The planning proposal is also inconsistent with the Region and District Plan as it relates to the management of scenic and environmental qualities of the land. While the existing development benefits from existing use rights, 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.</p> <p>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.</p>
Objectives of the E4 Environmental Living Zone	<p>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</p>

	<p>constraints and prominent location of the site on the ridgeline are reflected in the zoning of this particular site as E4 Environmental Living.</p> <p>The specific objectives of the E4 Environmental Living zone under LEP 2019 are:</p> <ul style="list-style-type: none"> ▪ <i>To provide for low-impact residential development in areas with special, ecological, scientific or aesthetic values; and</i> ▪ <i>To ensure that residential development does not have an adverse effect on those values.</i> <p>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.</p> <p>The proposal would enable what is essentially a high density residential built form, which is <i>not</i> considered to be '<i>low-impact residential development</i>' 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.</p> <p>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.</p>
Residential Density and Yield	<p>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.</p> <p>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.</p> <p>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 further discussed (and comparisons provided) within Section 3(c) of the Council Officer Assessment Report to the Local Planning Panel (Attachment 1).</p>

	<p>While the site is already used for the purpose of an aged care facility, this is the result of an historical approval and 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.</p> <p>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.</p>
Built Form	<p><u>Character</u></p> <p>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.</p> <p>In comparison, the proposal presents a 4–6 storey built form as viewed from Old Northern Road, with a 7 metre setback. 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.</p> <p>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, 2 storey <i>elements</i> are now proposed along this frontage, with the higher 4 storey components setback marginally. However, this does not effectively mitigate the bulk and scale of the building, which continues to present as at least 4 storeys along this frontage.</p> <p>Furthermore, the planning proposal would result in substantial clearing and loss of existing mature vegetation on the site that currently screens and minimises the development when viewing the site from an external location. This existing vegetation also contributes to internal amenity and privacy. The proposed development concept would expose the proposed high density built form on the site in stark contrast to the existing character of the site and surrounding locality.</p> <p>The visual impact of the proposed built form is further discussed and illustrated in Section 3(d)(i) of the Council Officer Assessment Report to the Local Planning Panel (Attachment 1).</p>

Building Heights 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.

In terms of the proposed heights at the site's boundaries, the proposal seeks to achieve three to six storeys, with the built form stepped inwards marginally above the second storey. These setbacks are somewhat tokenistic and do not meaningfully address the core objectives of reducing the scale of the buildings, adequately providing for transition to adjacent properties and integrating with the character of the locality. This is illustrated in the figure below, which also demonstrates overreliance on substantial site excavation with a 5 metre retaining wall along the boundary to address interface concerns. This is not reflective of sympathetic or place-based design that integrates with the topography of the site.

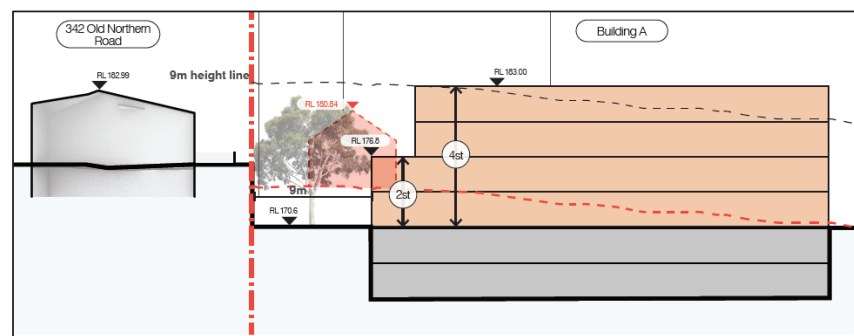


Figure 7

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

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.

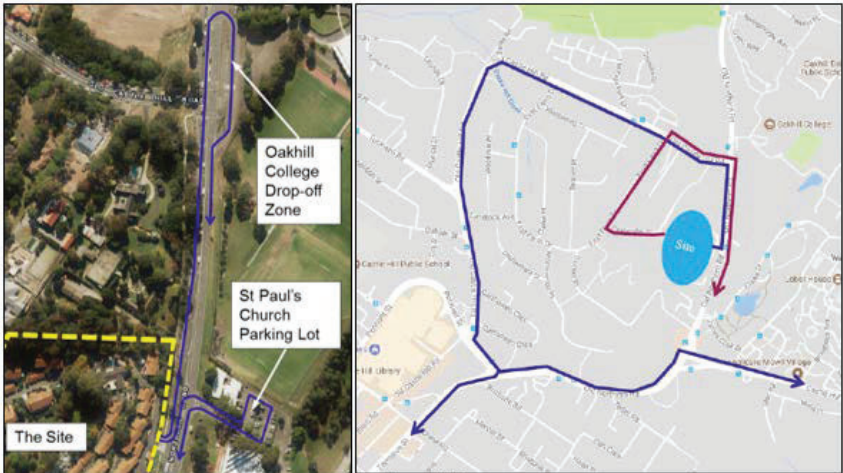
While the building elements proposed in the centre of the site are smaller and finer grain building footprints, they are still primarily 5-6 storey building forms that jut out of the landscape. The scale of these building is exacerbated by the 'dip' in the centre of the site, while the cluster of buildings 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.

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

	<p>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.</p> <p>Further to this, 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 and as a response to interface issues along the boundaries of the site, which is not a site responsive design. The extent of these design issues is detailed within Section 3(d) of the Council Officer Assessment Report to the Local Planning Panel (Attachment 1).</p> <p>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</p> <p><u>Setbacks</u></p> <p>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.</p> <p>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.</p> <p><u>Interface to Palisander Place</u></p> <p>Palisander Place is characterised by low density, detached dwelling houses comprising of large setbacks, integrated with the surrounding vegetation.</p> <p>From Palisander Place, the development presents a single building form, which lacks permeability due to the configuration of buildings encircling the open space. The building height in combination with minimal setbacks would dominate the streetscape and is not a desirable design response.</p> <p>The impact of the reduced setbacks is further illustrated in Section (3)(d)(iv) of the Council Officer Assessment Report to the Local Planning Panel (Attachment 1).</p>
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Geotechnical Constraints	<p>LEP 2019 identifies the undeveloped portions of the site as affected by landslip risk. 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, as discussed above).</p> <p>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.</p>
Traffic	<p>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).</p> <p>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.</p> <p>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.</p> <p>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.</p>

	 <p>Figure 8 Proposed options available for merging into southbound traffic along Old Northern Road (Left) and Alternative methods for travelling towards Castle Hill Town Centre (Right)</p> <p>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.</p> <p>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.</p>
Infrastructure Demand and Public Benefit	<p>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.</p> <p>While the concept masterplan incorporates central parkland (3,800m² 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.</p> <p>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.</p>

	<p>The Proponent has provided a public infrastructure offer which comprises:</p> <ul style="list-style-type: none"> ▪ 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. <p>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.</p> <p>If the proposal is to proceed in any form, further negotiations to address the demand for public infrastructure will need to occur.</p>
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4. LOCAL PLANNING PANEL ADVICE

On the 18 August 2021, The Hills Local Planning Panel considered the proposal and provided the following 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*

ORDINARY MEETING OF COUNCIL**14 SEPTEMBER, 2021**

- 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.*

The Local Planning Panel minutes are provided as Attachment 2 to this Report.

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. Council Officer Assessment Report to Local Planning Panel (18 August 2021) (26 pages)
- 2. Local Planning Panel Minutes (19 August 2021) (3 pages)

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.

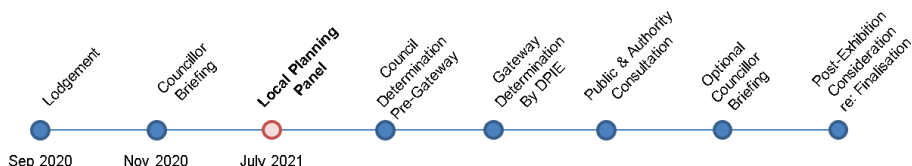
STRATEGY: 5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.

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

AUTHOR: **SENIOR TOWN PLANNER**
LAURA MORAN

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

Proponent & Landowner	STOCKLAND CASTLERIDGE PTY LIMITED
Planning Consultant Urban Designer	ARCHITECTUS GROUP PTY LTD
Traffic Consultant	ARUP PTY LTD
Demand Assessment	ELTON CONSULTING
Ecological Consultant	ACS ENVIRONMENTAL PTY LTD
Geotechnical Consultant	J K GEOTECHNICS PTY LTD
Hydraulics Consultant	NORTHROP CONSULTING ENGINEERS
Site Area	36,990m²
List of Relevant Strategic Planning Documents	GREATER SYDNEY REGION PLAN CENTRAL CITY DISTRICT PLAN SECTION 9.1 MINISTERIAL DIRECTIONS THE HILLS LOCAL STRATEGIC PLANNING STATEMENT
Political Donation	NIL DISCLOSED BY PROPONENT
Recommendation	THAT THE PLANNING PROPOSAL NOT PROCEED TO GATEWAY DETERMINATION



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

LOCAL PLANNING PANEL MEETING 18 AUGUST, 2021

THE HILLS SHIRE

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.

	Current Controls (LEP 2019)	First Planning Proposal 2016 (22/2016/PLP)	Second Planning Proposal 2019 (7/2019/PLP)	Current Planning Proposal 2020 (1/2021/PLP)
Land Zone	E4 Environmental Living			
Min. Lot Size	2,000m ²			
Additional Permitted Use	Nil	Seniors Housing		
Height	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)
Floor Space Ratio	N/A	1:1		0.83:1
Dwellings (Independent Living Units)	113	323	298	247
Parking Spaces	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
Landscaped Area	Unidentified	48% of site area	53% of site area	53% of site area
Basement Area	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 MEETING 18 AUGUST, 2021

THE HILLS SHIRE

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.

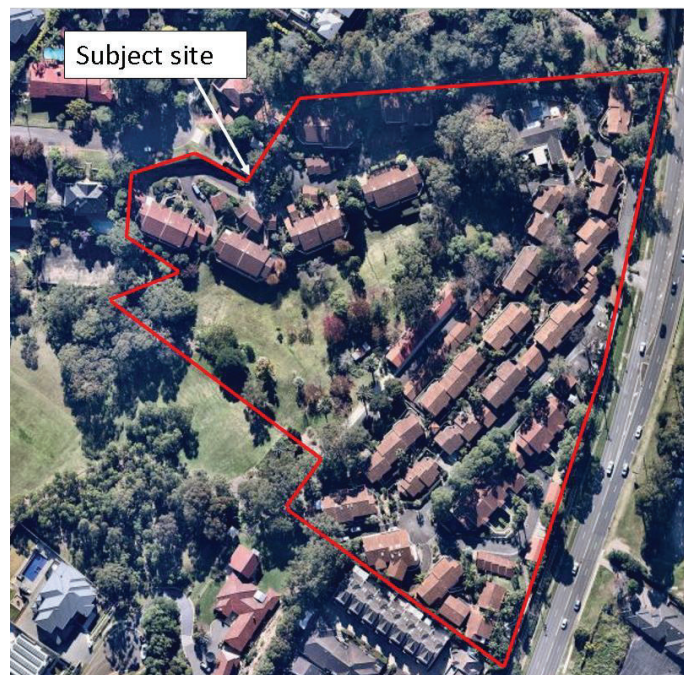


Figure 2
Aerial View of the subject site

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.

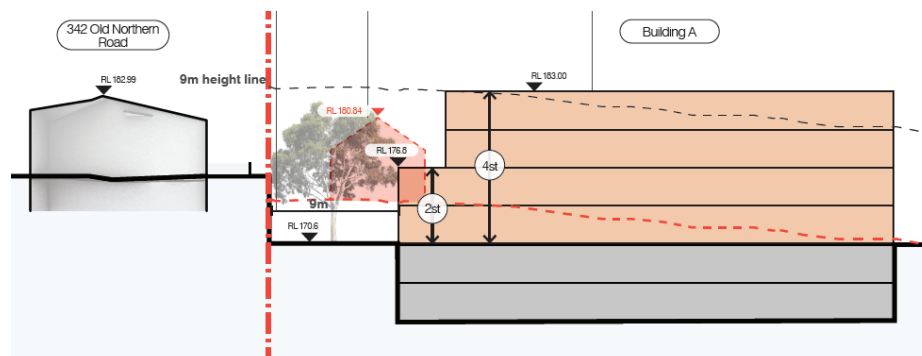


Figure 11

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

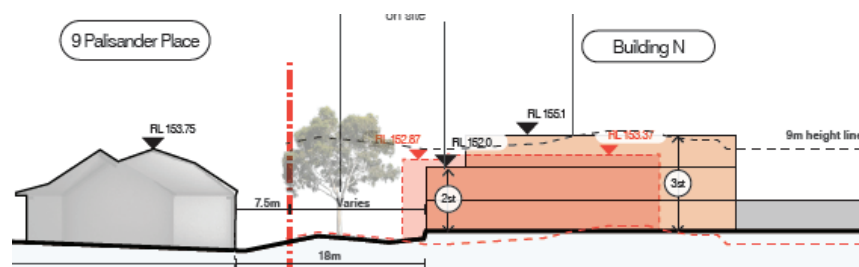


Figure 12

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).

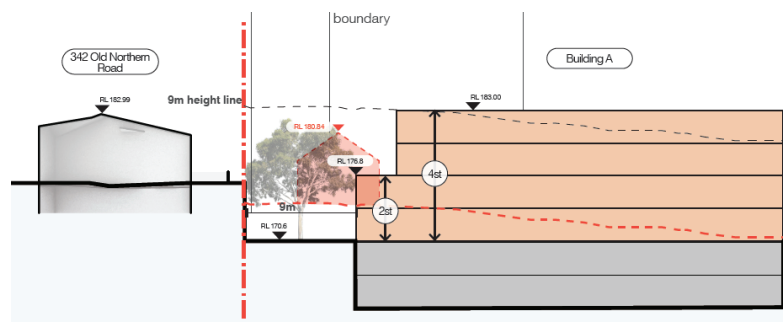
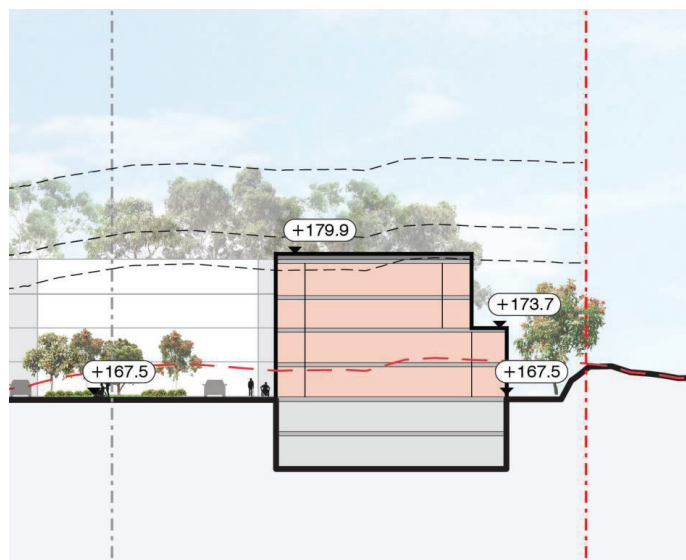


Figure 13

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.

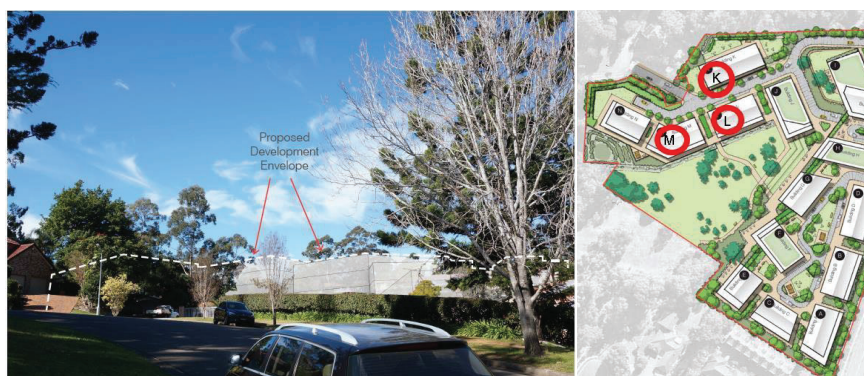
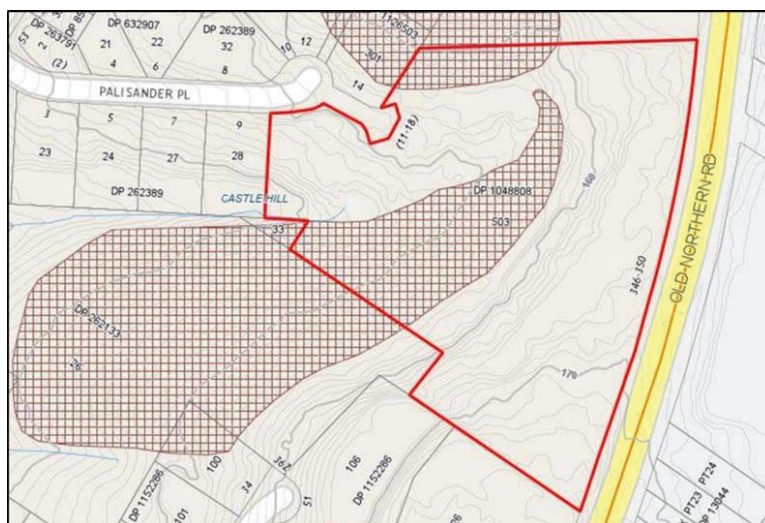


Figure 16
Eastern view of Interface when viewed from Palisander Place.

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.

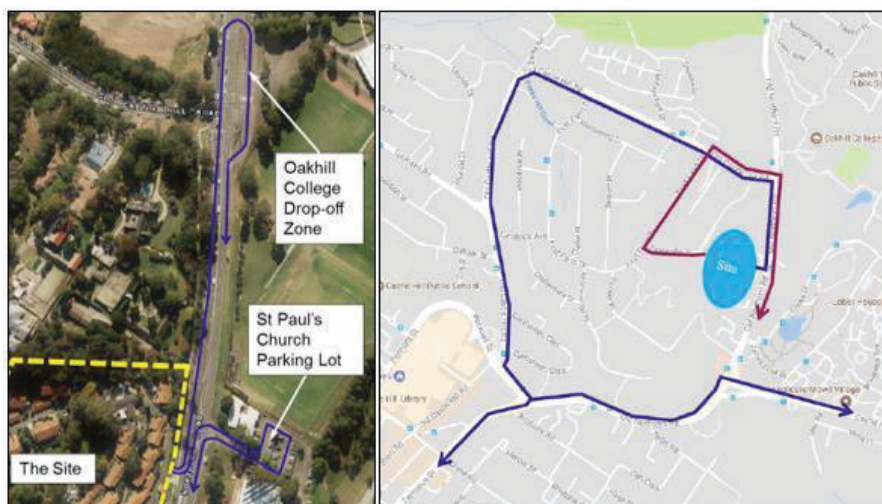


Figure 18

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 (3,800m² 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)

ATTACHMENT 2

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 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 40m² 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)

**Planning
Panels****REZONING REVIEW
RECORD OF DECISION
SYDNEY CENTRAL CITY PLANNING PANEL****ATTACHMENT 3**

DATE OF DECISION	24 February 2022
PANEL MEMBERS	Abigail Goldberg (Chair), David Ryan and Roberta Ryan
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

RR-2021-90 – The Hills Shire - 350 Old Northern Road, Castle Hill, The rezoning review request seeks to amend The Hills Local Environmental Plan 2019 to introduce 'seniors housing' as an additional permitted use, increase the maximum height of buildings and introduce a maximum floor space (as described in schedule 1).

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
- ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site-specific merit

The decision was unanimous.

REASONS FOR THE DECISION**Strategic merit**

The Panel is satisfied by the material provided that the planning proposal demonstrates strategic merit.

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:

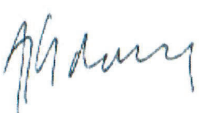


- Occupy a similar building footprint to the existing facility.
- Retain the majority of existing significant trees, as well as planting new trees.
- Enable potential landslide issues to be addressed through geotechnical measures, including managed excavation of the site.

While the Panel considers the proposal exhibits both strategic and site-specific merit, the Panel advises that the following require 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.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Roberta Ryan
 David Ryan	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2021-90 – The Hills Shire - 350 Old Northern Road, Castle Hill
2	LEP TO BE AMENDED	The Hills Local Environmental Plan 2019
3	PROPOSED INSTRUMENT	Rezoning Review to amend The Hills LEP 2019 to: <ul style="list-style-type: none"> • Introduce 'seniors housing' as an additional permitted use for the site • Increase the maximum height of buildings from 9m to up to 22m allowing for development of up to six storeys with height concentrated in the centre of the site away from adjoining properties. • Introduce a maximum floor space ratio of 0.83:1 for the site.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Rezoning review request supporting documentation • Briefing report from Department of Planning and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<p>Site inspection has been curtailed due to COVID-19. Panel members may undertake site inspections individually.</p> <ul style="list-style-type: none"> • Briefing with Department of Planning, Industry and Environment (DPIE): 17 February 2022 <ul style="list-style-type: none"> ○ Panel members in attendance: Abigail Goldberg (Chair), David Ryan and Roberta Ryan ○ DPIE staff in attendance: Jasmine Van Veen, Elizabeth Kimbell • Briefing with Council: 17 February 2022 <ul style="list-style-type: none"> ○ Panel members in attendance: Abigail Goldberg (Chair), David Ryan

		<p>and Roberta Ryan</p> <ul style="list-style-type: none">○ DPIE staff in attendance: Jasmine Van Veen, Elizabeth Kimbell○ Council representatives in attendance: Nicholas Carlton – Manager Forward Planning, Megan Munari – Principal Coordinator Forward Planning, Laura Moran – Senior Town Planner, David Reynolds – Group Manager <ul style="list-style-type: none">● Briefing with Proponent: 17 February 2022<ul style="list-style-type: none">○ Panel members in attendance: Abigail Goldberg (Chair), David Ryan and Roberta Ryan○ DPIE staff in attendance: Jasmine Van Veen, Elizabeth Kimbell○ Proponent representatives in attendance: Calum Ross, Nick Cappetta, Nick Bucktin, Michael File, Anna Johnston, Samantha Czyz, Andrew Jackaman, Clarence Li and Lucas Flecha.● Papers were circulated electronically on 4 February 2022.
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Mr Michael Edgar
General Manager
The Hills Shire Council
3 Columbia Court,
Norwest NSW 2153

Attn: Nicholas Carlton – Manager Forward Planning

2 March 2022

Dear Michael

Request for a Rezoning Review - RR-2021-90 – The Hills Shire - 350 Old Northern Road, Castle Hill

I refer to the request for a Rezoning Review for a proposal at 350 Old Northern Road, Castle Hill to amend The Hills Local Environmental Plan 2019 to introduce 'seniors housing' as an additional permitted use, increase the maximum height of buildings and introduce a maximum floor space.

The Sydney Central City Planning Panel has recommended that the proposal should be submitted for a Gateway determination. In making this decision, the Planning Panel considered the request and advice provided by Council. A copy of the panel's decision is attached.

Consequently, Council is invited to be the Planning Proposal Authority (PPA) for this proposal and to advise the Planning Panels Secretariat within 42 days of the date of this letter whether it will undertake the role of PPA for this proposal. Should Council agree to be the PPA, it will need to prepare a planning proposal under section 3.33 (formerly section 55) of the *Environmental Planning and Assessment Act 1979* and submit it for a Gateway determination within 42 days after accepting this role.

If Council does not wish to progress this matter, the panel will be appointed to prepare the planning proposal.

If you have any queries on this matter, please contact George Dojas, Case Manager, Planning Panels Secretariat on (02) 8275 1223 or via email to george.dojas@planning.nsw.gov.au

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Abigail Goldberg'.

Abigail Goldberg
Chair, Sydney Central City Planning Panel

encl. Rezoning Review Record of Decision

Planning Panels Secretariat

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