



IRF23/2627

Plan finalisation report – PP-2021-5934

Castle Ridge Resort – 346-350 Old Northern Road,
Castle Hill - The Hills Local Environmental Plan 2019
(Amendment 25)

October 2023

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Plan finalisation report – PP-2021-5934

Subtitle: Castle Ridge Resort – 346-350 Old Northern Road, Castle Hill - The Hills Local Environmental Plan 2019
(Amendment 25)

© State of New South Wales through Department of Planning and Environment 2023 You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing [September 23]and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

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

Contents

1	Introduction.....	2
1.1	The Hills Local Environmental Plan 2019 (Amendment No. 25)	2
1.2	Site Description.....	3
1.3	Purpose of plan.....	4
1.4	State electorate and local member.....	5
2	Gateway determination and alterations	5
3	Public exhibition and post-exhibition changes	5
3.1	Submissions during exhibition.....	5
3.1.1	Proponents Submission	5
3.2	Advice from agencies.....	5
3.3	Post-exhibition changes.....	7
3.3.1	Council recommended changes.....	7
3.3.2	The Department's recommended changes	Error! Bookmark not defined.
4	Department's assessment.....	8
4.1	Detailed assessment.....	9
5	Post-assessment consultation	13
6	Recommendation.....	13
	Attachments	15

1 Introduction

1.1 The Hills Local Environmental Plan 2019 (Amendment No. 25)

The Hills Shire Local Environmental Plan 2019 (Amendment No. 25) seeks to facilitate the redevelopment of the existing seniors housing development by amending the development controls for land at 346-350 Old Northern Road, Castle Hill. The amendment will also introduce seniors housing as an additional permitted use as it is currently prohibited within the C4 Environmental Living Zone.

The existing development was approved and constructed in the 1980s under the historical Baulkham Hills Planning Scheme Ordinance and has existing use rights. It has expanded gradually to its current state through the amalgamation of adjoining sites at Pioneer Place and Palisander Place.

The masterplan (**Figure 1**) that accompanies the proposal illustrates the intended development. The masterplan identifies potential for 247 independent living units within 14 buildings ranging in height from three (3) to six (6) storeys, providing a transition to adjoining properties.



Figure 1 - Proposed Masterplan (Source: planning proposal)

Two previous planning proposals have been considered for the Castle Ridge Resort site in 2016 (RR_2018_THILL_002_00) and 2019 (RR_2019_THILL_001_00). Council resolved to not proceed to Gateway determination for both proposals. These two proposals were subject to rezoning reviews with the Sydney Central City Planning Panel, which determined that the proposals should not proceed to Gateway Determination.

Council had resolved to not proceed to Gateway determination for the current planning proposal (**Attachment G**). A rezoning review was lodged with the Sydney Central City Planning Panel which supported the proposal to proceed (**Attachment J**). Council maintained the role of planning proposal authority and resolved not to support the proposal following exhibition, discussed in Section 3.1.2.

1.2 Site Description

Table 1 Site description

Site Description	The planning proposal (Attachment A) applies to land at 346- 350 Old Northern Road, Castle Hill.
Lot / DP	503//DP1048808
Council	The Hills Shire Council

The planning proposal (**Attachment A**) applies to land at 346-350 Old Northern Road, Castle Hill. The site is zoned as C4 Environmental Living and is irregular in shape, with an area of approximately 3.4ha (**Figure 2**). It has a primary frontage of approximately 265 metres to Old Northern Road (to the east) and an alternative vehicular entry/exit point located at the cul-de-sac of Palisander Place (to the north-west).

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

The site has a fall of up to 37m from the Old Northern Road frontage towards the western rear boundary. The land forms part of an area identified as having landslide risk on The Hills LEP 2019 Landslide Risk Map (**Figure 2**). A drainage easement traverses the site from east to west, as shown in the site survey (**Attachment O**) and stormwater and flooding due diligence report (**Attachment N**).

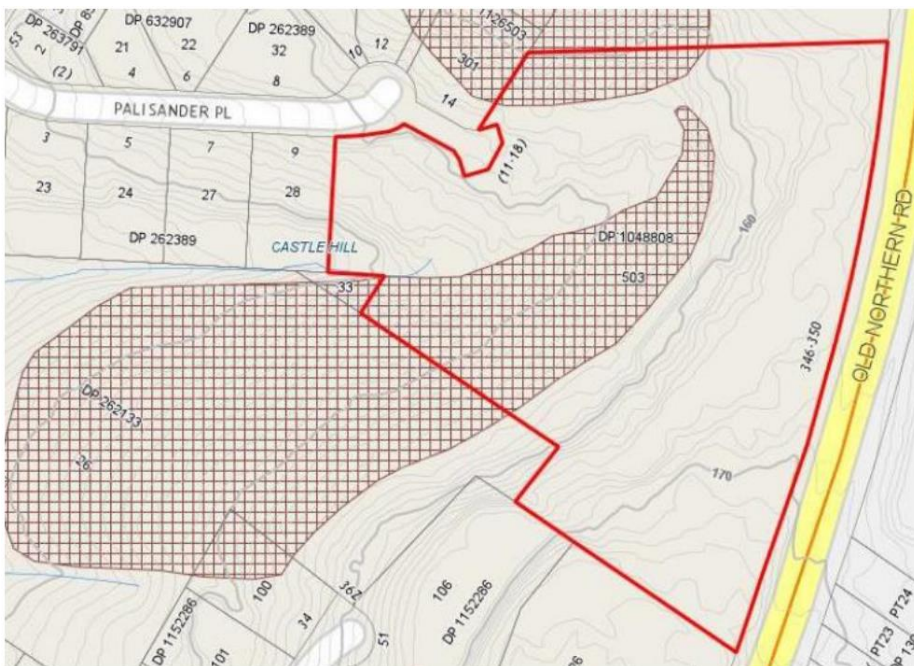


Figure 2 - Affected areas by landslide risk (hatched) and subject site outlined in red (Source: The Hills LEP 2019 Landslide Risk Map Extract)

The surrounding locality is characterised by low to medium density residential development, with one large lot residential development to the immediate north, a townhouse development (342 Old Northern Road) and large residential development (51 Pioneer Place) to the south, and the Pioneer Place Public Reserve to the southwest (**Figure 3**). To the east is St Pauls

Church with seniors housing beyond, which includes a mix of development scales including villas and lower scale residential apartments.



Figure 3 - Subject site highlighted in red (Source: Nearmap)

1.3 Purpose of plan

The purpose of the plan is to amend The Hills Local Environmental Plan (LEP) 2019 to:

1. amend **Schedule 1 Additional Permitted Use** to permit 'Seniors Housing' and identify the site on the **Additional Permitted Uses Map** (Sheet APU_24) as 'Item 29'.
2. amend the **Height of Buildings Map** (Sheet HOB_24) from 9m to a range of heights; 7m, 9m, 15m, 18m and 22m (enabling building heights of 3 – 6 storeys).
3. amend the **Floor Space Ratio Map** (Sheet FSR_24) to apply a control of 0.83:1 to the site.

No changes are proposed to the zoning. The uplift will facilitate approximately 134 additional independent living units in comparison to the existing controls, enabling approximately 247 units in total. Council has prepared a draft site-specific Development Control Plan (DCP) to ensure appropriate development controls are established to support the draft LEP. While Council resolved to not support the planning proposal, the resolution also endorsed the DCP and draft local voluntary planning agreement (VPA) in the event that the draft LEP is supported.

Local VPA

A local VPA has been negotiated between Council and the proponent for the delivery of local infrastructure which has a value of \$659,000. Monetary contributions will be made towards local infrastructure items, including a 60m deceleration lane at the entry of the site from Old Northern Road, footpath works along the southern side of Palisander Place and upgrade of Palisander Place Reserve.

1.4 State electorate and local member

The site falls within the Castle Hill state electorate. Mark Hodges MP is the State Member.

The site falls within the Mitchell federal electorate. The Hon Alex Hawke MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 21 July 2022 (**Attachment B**) determined that the proposal should proceed subject to conditions.

The Gateway determination was altered on 19 January 2023 (**Attachment B2**) to amend the milestone dates to allow Council to exhibit the planning proposal, draft DCP and draft VPA concurrently.

Condition 1 of the Gateway determination required Council to submit an updated planning proposal for endorsement prior to public exhibition. On 1 November 2022, the Department endorsed the updated planning proposal (**Attachment K**). The Department identified in this letter that Condition 1(d) was not satisfied relating to the consistency between the draft DCP and revised masterplan with respect to setbacks and upper-level setbacks. The Department now considers Condition 1(d) to be satisfied as the updated DCP was conditionally endorsed by Council.

Condition 2 (as altered) (**Attachment B2**) required public exhibition to commence by January 2023. It has been identified that Council placed the planning proposal on exhibition from 20 February 2023 to 20 March 2023. The Department notes that while the public exhibition timeframe has been missed, the planning proposal has been reported to Council for final recommendation by May 2023 in accordance with Condition 5.

Council has met all the Gateway determination conditions.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the planning proposal was publicly exhibited by Council from 20 February 2023 to 20 March 2023. The draft site specific DCP and draft VPA were exhibited concurrently with the planning proposal.

3.1 Submissions during exhibition

A total of 22 submissions were received, in which 3 of the submissions were received from public authorities and 19 submissions were received from the public. Of the community 19 submissions, 12 were objections (63%), 6 were in support (32%) and 1 submission was neutral towards the proposal (5%). The key issues raised in submission are discussed in **Table 3** below.

Council's summary of key issues and responses are included in Council's Report and Meeting Minutes (**Attachment F**).

Table 2 Summary of Key Issues

Issue raised	Council response and Department assessment of adequacy of response
<p>The proposal is not required as there is an adequate supply of seniors housing in the area.</p>	<p>Council Response:</p> <p>Council noted that while the current development operates under existing use rights, seniors housing is prohibited in the C4 Environmental Living Zone. Council has remained of the view that while some redevelopment of the site is warranted to allow for revitalisation of the facility, the proposal outcomes may establish an undesirable precedent for the site. Council also agreed that there is sufficient supply of seniors housing in The Hills LGA.</p> <p>Department Response:</p> <p>The Department notes that the existing seniors housing development has been operating since the 1980s and requires renewal for seniors and people with disabilities utilising this development. The proposal is consistent with the Local Housing Strategy (LHS) and the Local Strategic Planning Statement (LSPS) which recognises the increased demand for housing for seniors.</p> <p>In particular, the proposal is consistent with <i>Planning Priority 8 - Plan for a diversity of housing</i> of the LSPS as it is providing additional seniors housing in an accessible location to accommodate an aging population. The proposal is also broadening housing choice within the LGA.</p> <p>The LHS also sets out a list of requirements for seniors housing encouraging housing near to retail, medical and community facilities, access to public transport while also creating opportunities for seniors to stay in the areas familiar to them for social networks to be retained.</p> <p>The proposal is consistent with the LSPS and LHS in providing additional seniors housing to support the growing senior's population. The site has good access to the Castle Hill strategic centre and other local services while ensuring the proposed built form aims to minimise bulk, scale and visual impacts of the development.</p> <p>Furthermore, the LSPS encourages larger seniors housing development to provide for shuttle buses and medical facilities for residents. It is noted that the Castle Ridge Resort currently provides an extensive range of on-site facilities and services, including a shuttle bus service and health consulting rooms. Future services on site will be confirmed through the development application process. The LSPS also identifies that larger housing developments for seniors can take on the density and form of medium and high-density housing developments.</p>
<p>Concerns related to proposed building heights being excessive, out of character to the local area resulting in amenity impacts, loss of privacy and overshadowing.</p>	<p>Council Response:</p> <p>The planning proposal indicates a maximum height of 9m around the periphery of the site to ensure buildings closest to the site boundaries are no more than 2 storeys. Council is concerned that the mapped 9m (2 storey) edge around the development site will negatively impact the interface between the boundary and the adjoining low residential development.</p> <p>Council acknowledge that the proposal would allow for development that is greater in height and scale than what is permitted or envisaged on the</p>

Issue raised	Council response and Department assessment of adequacy of response
	<p>surrounding environmentally sensitive land, suitable for residential development only.</p> <p>Council considers the proposal will result in adverse amenity and character impacts on the surrounding low-density character of the area. However, Council notes that should the Department proceed with the finalisation of the planning proposal, the impacts can be addressed with a combination of DCP controls prepared by Council including building separation, landscaping, boundary setbacks and upper-level setback controls.</p> <p>Department Response:</p> <p>The Department notes that the Gateway determination (Attachment B) contained conditions that requested additional assessment and testing in relation to the interface of buildings with neighbouring roads and neighbouring buildings. These conditions were satisfied, and appropriate height, setbacks, overshadowing and mitigation measures have been updated in the Council endorsed draft DCP. The Department considers the proposed buildings heights and setbacks to be of low impact and generally consistent with the objectives of the C4 zone.</p> <p>The proposal is not considered to have an adverse impact on local character as the building envelopes have been largely limited to the location of the existing built form. Approximately 50% of the site under the master plan is designated as landscaped areas which is generally greater than other nearby medium density development in the C4 zone.</p> <p>The Department considers the proposed development will have minimal to moderate visual impacts from surrounding viewpoints. The Urban Design Study (Attachment L) indicates that the tallest buildings will be located in the centre of the site and two storey buildings around the boundaries of the site. The built form responds to the topography of the site, incorporating varied building heights in a 'stepped' approach. As a result, the development will primarily appear as two to four storeys from surrounding areas. This approach effectively minimises visual impact, addresses privacy concerns, reduces overshadowing risks on adjacent properties and diminishes the overall bulk and scale of the development.</p> <p>It is important to note that the proposed height of 9m at the site's edge is consistent with the existing permitted height of 9m. This will ensure that the future development is compatible with the interface of the adjoining low density residential development through providing reduced heights and opportunities to mitigate impact.</p>
Concerns related to the use of the APU as an appropriate mechanism. Another suggestion requested that the planning proposal consider a rezoning of the site to	<p>Council Response:</p> <p>Council notes that the site is unique because the existing development benefits from existing use rights. The existing facility was constructed under the previous planning rules that permitted the development to occur. Council acknowledged that the proposal would introduce a built form outcome into the C4 Environmentally Sensitive Zone that may undermine the zone objectives and future character aspirations.</p>

Issue raised	Council response and Department assessment of adequacy of response
<p>permit the 'seniors housing' use.</p>	<p>However, Council considers the rezoning of the land to be inappropriate as any other zone that permits senior housing would not accurately reflect the environmental constraints that are present on the site.</p> <p>Council noted the mechanism of permitting the development on the singular site as an Additional Permitted Use would ensure a site-specific response that could not be easily justified elsewhere.</p> <p>Department Response:</p> <p>The Department agrees with Council's assessment to permit the development as an APU, given that the site has been operating as seniors housing since the 1980s and the unique constraints of the site. The proposed APU delivers the best outcome for the site while also ensuring the development is generally consistent with the objectives of the C4 Environmental Living zone. The APU is also considered to provide greater control and certainty in regulating appropriate land uses.</p>
<p>Traffic impacts</p>	<p>Council Response:</p> <p>Council notes a marginal increase in traffic generation is expected on the surrounding road network as a result of the proposed development. This includes additional traffic on Palisander Place, where 5-8 additional vehicle movements are expected in each peak period. However, the amount of additional traffic is considered unlikely to cause any significant road delays.</p> <p>Council notes the Old Northern Road/Old Castle Hill Road intersection is expected to remain unchanged against present conditions. During AM and Saturday peaks, the intersection will operate at a level of service B, while during PM peak it is expected to operate at a level of service C.</p> <p>In relation to traffic impacts during the construction phase, Council recommends that construction traffic is be managed through suitable conditions of consent via a Construction Traffic Management Plan.</p> <p>It is noted that the associated draft VPA will require the proponent to undertake traffic management works including a deceleration lane into the site from Old Northern Road and the construction of a footpath along Palisander Place.</p> <p>Department Response:</p> <p>The Department notes that Council has updated the draft VPA and draft DCP to reflect recommendations made by Transport for NSW (TfNSW) for traffic management works. The Department is satisfied this will suitably address traffic impacts.</p>
<p>Reduction in vegetation</p>	<p>Council Response:</p> <p>Council notes the inclusion of a high-density residential development with significant cut and fill activity will indeed change the character of the site and impact the existing vegetated scenic landscape along the ridgeline of Old Northern Road. This view formed part of Council's decision to not progress the planning proposal.</p>

Issue raised	Council response and Department assessment of adequacy of response
	<p>Council also noted the retention of existing trees and vegetation will be regulated through the site-specific DCP. However, acknowledged the resultant outcomes will not be certain until the development assessment stage.</p> <p>Council has recommended that the DCP require 10m setbacks, to allow for deep soil vegetation and landscaping, a minimum tree canopy coverage of 45% in communal open space and 15% in all other area. Council has also recommended an additional DCP control which provides a minimum 30% deep soil area to enable greater tree canopy.</p> <p>Council noted that while these controls will not negate the character impact of losing existing mature vegetation on the site, it seeks to ensure that sufficient replanting will occur to restore some elements of the vegetated character over time.</p> <p>Department Response:</p> <p>The Department notes Council has included provisions in the DCP to ensure that the overall impact to trees and vegetation from the development is minimised. This framework ensures matters related to vegetation can be addressed further at the development application stage.</p>
Landslip issues	<p>Council Response:</p> <p>Council notes that the site specific DCP includes development controls to ensure landslip is managed. This has been done to ensure that future development adequately considers the landslip risk on the site.</p> <p>Council notes that at future stages of the development process, additional geotechnical testing will be required to prove the conditions are safe and acceptable for the proposed development to progress.</p> <p>Department Response:</p> <p>The Department notes that Council has suitably addressed this matter through establishing a framework to ensure landslip risk can be addressed further at the development application stage.</p>

3.1.1 Proponent's Submission

During exhibition, the proponent provided a submission requesting changes to the exhibited proposed building heights. Refer to Sections 3.3 and 4.1 for further discussion on the proposed post-exhibition changes.

3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with agencies listed below in Table 4 who have provided the following feedback. NSW Health, Environment and Heritage and Sydney Water did not provide a submission to the proposal.

Table 3 Advice from public authorities

Agency	Advice raised	Council response
Endeavour Energy	Endeavour Energy provided general comments regarding information on the location of Endeavour Energy's infrastructure including standard conditions to be imposed on a development consent and safety information during construction. No objections on the planning proposal were raised.	Noted and will be addressed during the development application phase of the proposal.
Hornsby Shire Council	<p>Hornsby Shire Council provided the following comments:</p> <ul style="list-style-type: none"> • there are inconsistencies between the proponent's masterplan and draft DCP; and • road network improvements would be required to the Old Northern Road/Castle Hill Road intersection as identified by the Cherrybrook Station Precinct Rezoning. Concurrence with TfNSW will be required as part of a future development application 	<p>Council notes that the draft DCP was subject to updates leading up to exhibition hence the inconsistencies between the master plan and draft DCP. The master plan was updated prior to exhibition to address issues identified by Council and respond to conditions in the Gateway determination. Further to this, as the DCP is a Council policy, Council is able to update the DCP to provide appropriate outcomes for the site post-exhibition.</p> <p>The Transport Assessment (Attachment M) submitted by the proponent indicates that the proposed development will not worsen the Level of Service at the intersection of Old Northern Road and Castle Hill Road compared to current traffic conditions. There were no opportunities to undertake additional traffic studies during the milestone timeframes stipulated within the Gateway Determination. However, it is noted that TfNSW did not raise any concerns with the traffic generated from the proposal.</p> <p>Council notes the VPA provides an opportunity to require traffic management works in the form of a 60m left-turn deceleration lane from Old Northern Road as well as the construction of a footpath along Palisander Place. The pedestrian refuge will also be located further south to ensure pedestrians are separate from the deceleration lane and only crossing two lanes of northbound traffic rather than three.</p>
Transport for NSW (TfNSW)	<p>TfNSW did not object to the proposal. TfNSW provided the following recommendations:</p> <ul style="list-style-type: none"> • agreed to the proposed retention of the left-in left out access on Old 	<p>Council's response to TfNSW's recommendations:</p> <ul style="list-style-type: none"> • The VPA provides for a 60m deceleration lane to be completed in accordance with the requirements identified within TfNSW's submission.

Agency	Advice raised	Council response
	<p>Northern Road, subject to the provision of a deceleration lane;</p> <ul style="list-style-type: none"> the deceleration lane works will require the developer to relocate the existing pedestrian refuge on Old Northern Road and Council should consider pedestrian footpath requirements; noise attenuation measures should be appropriately considered in the DCP, particularly along the site's frontage to Old Northern Road; and requested further technical details on the design requirements for the proposed entry and exit driveway on Old Northern Road. 	<ul style="list-style-type: none"> Agreed with TfNSW's comments regarding the requirement for a pedestrian footpath. This has been updated in the site specific DCP. The development's interface with Old Northern Road is the key reason that Council resolved that the planning proposal should not proceed. However, if the proposal is to proceed to finalisation, Council recommended the draft DCP be updated to strengthen the noise attenuation controls. Noted that detailed design matters will be required to be addressed during the development application phase.

The Department considers Council has adequately addressed matters raised in submissions from public authorities.

3.3 Post-exhibition changes

3.3.1 Council recommended changes

At Council's Ordinary Meeting on 23/05/2023, Council resolved to not support the planning proposal to finalisation (**Attachment F**). However, Council acknowledged that the Department (as plan making authority) may determine to finalise the planning proposal regardless of Council's recommendation.

Council identified post-exhibition amendments which it considered appropriate, should the proposal proceed to finalisation. These amendments respond to a request from the proponent seeking changes to the maximum height of building for 7 of the 14 proposed buildings. Only two changes have been supported by Council, shown in red in **Figure 6**.

Council has supported the height increasing in the central open space from 0m to 7m, instead of 3m as requested by the proponent (**G in Figure 6**). This is due to 7m being the lowest building height that currently applies in The Hills LEP 2019. Council noted that a 7m height control would be a sufficiently manage any encroachment of built form in the common open space while accommodating recreation structures and the like in this area.

Council also supported the increased height from 0m to 9m for the proposed structures adjoining the clubhouse. This area of change is 'L' shaped and marked as J in **Figures 5 and 6**. Council noted the central location of the increased height being a part of the site where there will be no additional impacts to adjoining properties.



Figure 4 - Proposed post-exhibition changes by the proponent (Source: Council Report)



Figure 5 - Council supported post exhibition heights with amended heights shown in red (Source: Council report)

The post exhibition changes recommended by Council are supported as they are minor and provide for the establishment of community facilities within the common open space of the site. These amendments are located in the centre of the site and would have limited impact on amenity or character for adjoining neighbours. The Department has incorporated these changes in the final LEP and mapping.

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Gateway determination report (**Attachment B1**), the planning proposal submitted to the Department for finalisation:

- Remains consistent with the objectives and priorities of the Central City District Plan
- Remains consistent with the Council's Local Strategic Planning Statement.
- Remains consistent with all relevant Section 9.1 Directions.
- Remains consistent with all relevant SEPPs.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage.

Table 4 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Central City District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

	Consistent with Gateway determination report Assessment	
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 5 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

4.1 Detailed assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

4.1.1 Urban Design and Built Form

As a part of the Gateway determination (**Attachment B**), Condition 1(b) required the planning proposal to be updated with additional assessment and urban design testing relating to the interface of development with Old Northern Road and 51 Pioneer Place. Additional validation of the masterplan was also required to demonstrate privacy and other impacts could be managed.

In response to these conditions, the planning proposal was updated prior to exhibition and additional testing and assessment was provided by the proponent through an Urban Design Report (**Attachment L**). Figure 4 shows the changes between the 2020 scheme and amended masterplan for exhibition. The Department considered the revised planning proposal and confirmed it was suitable to proceed to exhibition.

**Figure 6 Evolution of supporting masterplan from 2020 (source: Urban Design Report)**

The revised planning proposal limits building heights at all boundaries of the site to 9m while the proposed masterplan demonstrates modulated setbacks that present a lower 2-4 storey interface at all edges. Through reducing the proposed building heights at the site's boundaries, the development's relationship with the local character of the area including surrounding height limits is improved. The amenity to open space and neighbouring properties is also increased while the visual bulk and scale of the development is minimised.

The Department also considers the proposed built form responds to the topography of the site balanced with the aim to minimise bulk and scale. Setbacks proposed to the site frontages provide opportunities to allow for landscaping to further screen future built form.

In accordance with Condition 1(c) and 1(d), the Department notes that a draft site-specific DCP has been prepared to ensure appropriate controls are established to support the draft LEP. The purpose of the DCP is to ensure amenity impacts are minimised for the existing community and new development has consideration to high quality architectural built form, relationship of buildings to Old Northern Road and adjoining properties, building topologies, and improved public domain. The Department is satisfied that these conditions are addressed.

4.1.2 Proponent requested post-exhibition changes

Through a submission to the public exhibition, the proponent has requested changes which relate to various height increases across the site. The areas of proposed change are shown in **Figure 7** below and include:

- Area 1 from 15m to 15m, 16m and 17m.
- Area 2 from 15m to 18m.
- Areas 3 and 4 from 0m to 7m and 9m, discussed in Section 3.3.1 and supported.
- Area 5 from 9m to 15m.
- Area 6 from 22m to 24m.

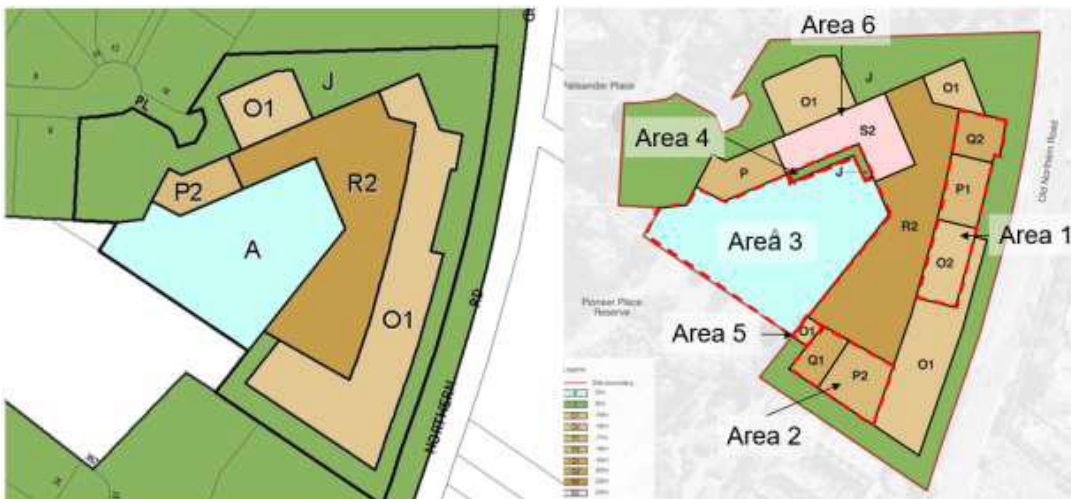


Figure 7 Exhibited height and areas of requested change shown in red (Council report).

The proponent argues that the proposed changes are required due to the new National Construction Code (NCC) Guidelines and Seniors Living constraints requiring greater floor to floor heights. These changes were not supported by Council due to concerns relating to visual impacts, potential increase in density and public concern of height controls for the site expressed through submissions.

The Department agrees with Council's view in not supporting the proposed changes as the additional height has not been adequately justified and is a significant increase in the bulk and scale of the development.

The Department has undertaken a design review and massing analysis of the requested changes to better assess the request (**Figure 6 and Figure 7**). The Department considers these changes to be a substantial increase in height, resulting in increases of up to 33% for some parts of the site.

The Department notes the concerns identified in the Gateway determination conditions with regard to the interface of buildings and its relationship to Old Northern Road, Palisander Place and surrounding properties. It is considered that the increases in height sought would exacerbate this concern, including for overlooking, visual and overshadowing impacts.

The Department notes that Clause 4.6 provides some flexibility in planning controls by allowing variations supported by justification. This may be an appropriate avenue for some of the changes sought once a scheme for a development application has been prepared.

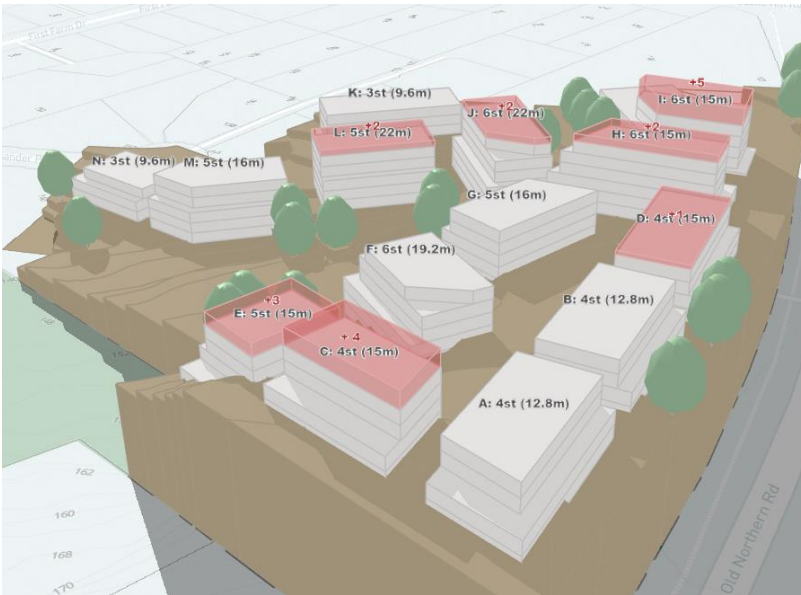


Figure 8 – Massing of the proponent requested post-exhibition changes. View from south-east.
(Source: Department of Planning and Environment)



Figure 9 – Massing of the proponent requested post-exhibition changes. View from north-east.
(Source: Department of Planning and Environment)

C4 Environmental Living Zone Objectives and Ecology

The site is located within the C4 Environmental Living Zone. Although Seniors Housing is prohibited within the C4 Environmental Living Zone, the existing development was approved and constructed in the 1980s under the historical Baulkham Hills Planning Scheme Ordinance and has existing use rights. As a result, the proposal must comply with the objectives of the zone which 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.

Council had raised concerns that The Hills LEP 2019 prohibits multi-dwelling housing and residential flat buildings in the C4 Environmental Zone and discouraged higher density development and built form within the zone.

Council does not consider the proposal to be of 'low impact residential development' and rather has a likely adverse impact on the ecological and aesthetic values on the locality of the site. Council in their post-exhibition report (**Attachment F**) deemed that a development of this scale is contrary to the intended outcomes for this land as it does not align with the objectives of this zone.

The Department considers the proposed outcome can be consistent with the zone objectives. The proposal will have an acceptable impact on local character and visual values as it responds to the steep topography of the site. Heights have been carefully accommodated across the site to balance development opportunities with amenity, visual and environmental impacts.



Figure 10 – Landscaping and open space (Source: Urban Design Report)

The proposal is supported by ecological assessment (**Attachment P**) which considers that development will have an acceptable ecological impact. This is due to the half of the site being retained as open space and landscaped areas (**Figure 9**), including the retention of significant trees. The assessment concludes that it is unlikely the proposal will have an adverse impact on the site or surrounding area or to threatened species and ecological communities. The

Department notes that Council's site-specific DCP controls will retain a majority of significant trees as well as requiring an additional 150 new trees to be planted.

Geology and Landslip Risk

The proposal has been subject to geotechnical constraint consideration due to the site being steeply sloped and subject to landslide risk. It is noted that while The Hills LEP 2019 identifies undeveloped portions of the site as affected by landslip risk. The proposed development will be positioned predominantly on the same location as existing development on previously stabilised material. The Department considers that the proposal will have an acceptable geological impact on the site and surrounding areas. The Department notes any impacts can be resolved and managed as a part of the detailed design and development of the site, with the inclusion of a full geotechnical report.

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 6 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Three maps have been prepared by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment C) Council confirmed on 14/09/2023 that it approved the draft and that the plan should be made (Attachment E)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 12/10/2023, the Department's Legal Services Branch provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- It will facilitate the redevelopment of the Castle Ridge Resort for 247 independent living units supplying additional high quality seniors housing in a well located part of The Hills LGA.
- It is consistent with the objectives and priorities of the Greater Sydney Region Plan and the Central City District Plan.
- It is consistent with the strategic direction and objectives of The Hills Council's Local Strategic Planning Statement and Local Housing Strategy.
- It is consistent with all relevant section 9.1 Ministerial Directions.

- It is considered that impacts have been or can be appropriately managed.
- It has appropriately responded to the determination and recommendations made by the Sydney Central Planning Panel as a result of the rezoning review on 24 February 2022.



5/10/2023

Peter Pham

Acting Manager, Metro Central (GPOP)



6/10/2023

Jazmin van Veen

Director, Central (GPOP)

Assessment officer

Jordan Clarkson

Planning Officer, Metro Central

(02) 9407 2131

6.1 Attachments

Attachment	Document
A	Planning Proposal
B	Gateway Determination dated 21 July 2022
B1	Gateway Determination Report
B2	Gateway Alteration dated 19 January 2023
C	Section 3.36(1) consultation with Council
D	Council comments on draft LEP
E	Council confirmation on draft LEP
F	Council Post Exhibition Report – 23 May 2023
G	Council report and Minutes – 14 September 2021
H	Council report and Minutes – 22 March 2022
I	Local Planning Panel Report and Minutes – 18 August 2021
J	Sydney Central City Planning Panel Record of Decision – 24 February 2022
K	Endorsement of Planning Proposal Letter from DPE
L	Urban Design Report
M	Transport Assessment Report
N	Hydraulic Due Diligence Report
O	Site Survey
P	Revised Ecological Assessment
Q	Arboricultural Impact Assessment
R	Civil Due Diligence Report
S	Geotechnical Advice