

REQUEST TO PREPARE PLANNING PROPOSAL

VIVIEN PLACE, CASTLE HILL:

- 1-6 VIVIEN PLACE, CASTLE HILL
- 12 GILHAM STREET, CASTLE HILL
- 1 GAY STREET, CASTLE HILL
- 3 GAY STREET, CASTLE HILL
- 5 GAY STREET, CASTLE HILL
- 7 GAY STREET, CASTLE HILL
- VIVIEN PLACE ROAD RESERVE (INCLUDING FOOTPATHS)



URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

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EXECUTIVE SUMMARY

OVERVIEW

This planning proposal has been prepared by Urbis Pty Ltd on behalf of Castle 7 Pty Ltd to initiate a series of amendments to *The Hills Local Environmental Plan 2012* relating to land use zoning, minimum lot size, height of buildings and floor space ratio for the site.

The site represents an amalgamation of 11 lots and the Vivien Place road reserve located within Castle Hill. A Survey Plan of the site is provided at **Appendix A**. This amalgamated landholding presents a significant opportunity to develop a higher density residential development set within a transitioning mixed-use precinct that is in close walking distance to Castle Towers Shopping Centre and Castle Hill Metro Station.

This report has been prepared to assist The Hills Shire Council in preparing a planning proposal for the Local Environmental Plan amendment of the site in accordance with section 3.33 of the *Environmental Planning and Assessment Act 1979*. This report has been prepared in accordance with the NSW Department of Planning, Industry and Environment's *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*.

EXPLANATION OF PROVISIONS

This planning proposal is seeking to amend *The Hills Shire Local Environmental Plan 2012* as follows:

- **Amend Land Zoning (Sheet LZN_024) Map:**
Amendment to the relevant Land Zoning Map (Sheet LZN_024) to show the site zoned as 'R4 High Density Residential'.
 - Note: Sheet LZN_024 currently shows the site zoned as 'R2 Low Density Residential'.
- **Amend Minimum Lot Size (Sheet LSZ_024) Map:**
Amendment to the relevant Minimum Lot Size Map (Sheet LSZ_024) to show a minimum lot size of 1,800sqm (U2) applying to the site.
 - Note: Sheet LZN_024 currently shows a minimum lot size of 700sqm (Q) applying to the site.
- **Amend Height of Buildings (Sheet HOB_024) Map:**
Amendments to the relevant Height of Buildings Map (Sheet HOB_024) to show a maximum building height of 62m applying to the site.
 - Note: Sheet HOB_024 currently shows a maximum height of building of 9m (J) applying to the site.
- **Amend Floor Space Ratio (Sheet FSR_024) (N:1) Map:**
Amendment to the relevant Floor Space Ratio Map (Sheet FSR_024) to show an FSR of 2.28:1 applying to the site.
 - Note: Sheet FSR_024 currently shows no existing maximum FSR applying to the site.

CONCEPTUAL FUTURE DEVELOPMENT

This planning proposal seeks to enable the redevelopment of the site to support an innovative high-density residential development that will:

- Provide additional dwellings in close proximity to a range of services and public transport connections;
- Provide a range of through-site links to increase pedestrian and vehicular permeability in Castle Hill;
- Provide the most appropriate built form transition between the adjoining high-density development currently under construction at Gay Street, Castle Hill (site directly to the south) and the surrounding low-density residential dwellings (between 1, 2 and 3 storeys);
- Support job creation; and
- Provide a range of public benefits into the future.

Three indicative future development concepts that can be facilitated by this planning proposal have been considered and investigated within an Urban Design Strategy that has been prepared by AE Design Partnership and is attached at **Appendix B**. These three indicative future development concepts comprise:

- Intended future development (recommended outcome);
- Development outcome if Vivien Place cannot be acquired; and
- Development outcome comprising six individual massing's.

Although three individual indicative future development concepts have been considered for the site, it is intended that the first development concept will be constructed at the site as a result of the planning proposal. The other two development concepts have only been considered in the event that the first intended developmental outcome can't be achieved. Notwithstanding this, it is noted that the final design of any future redevelopment of the site will be subject to site specific development control provisions, voluntary planning agreement arrangements, design excellence and a formal DA process.

Each of these three indicative future development concepts include the provision of a preliminary Letter of Offer by the Applicant to Council to enter into a Voluntary Planning Agreement (**VPA**).

The preliminary Letter of Offer is attached at **Appendix C** and includes the following public benefits:

- **Through-site link dedication:**
The provision of a series of interconnected and publicly accessible through-site links at the site.
- **On-site road:**
The embellishment and dedication of an on-site road at the site's western boundary linking Gilham Street and Les Shore Place;
- **The construction of new footpaths:**
The design, construction and commissioning for the construction of a new footpath adjacent to Gilham Street and Gay Street, for the extent only where the land interfaces with both public streets.

The intended future development (recommended outcome) for the site comprises the following:

- Amalgamation of the existing 11 lots and the Vivien Place cul-de-sac at the site;
- Demolition of existing structures at the site;
- Construction of a new on-site road along the site's western boundary linking Gilham Street and Les Shore Place;
- Construction of two residential flat buildings (Building 1 and Building 2) containing a total of 220 dwellings and 21,820sqm GFA (FSR of 2.28:1) as follows:
 - **Building 1 (Eastern Building):** A 17 storey building, comprising:
 - Podium consisting of terrace style housing fronting Gilham Street and Gay Street; and
 - Ellipse shaped tower.
 - **Building 2 (Western Building):** A 13 storey building, comprising:
 - Podium consisting of terrace style housing fronting Gilham Street; and
 - Ellipse shaped tower.
- Construction of 265 car parking spaces within shared basement levels; and
- Construction of associated site landscaping and public domain improvement works, comprising a central landscaped through-site link and surrounding footpaths.

A Design Concept Report outlining the intended future development has been prepared by UP Architects and is attached at **Appendix D**.

STRATEGIC JUSTIFICATION

This planning proposal is supported by the following strategic documents and policies that apply to the site:

- NSW State Priorities;
- The Greater Sydney Region Plan - A Metropolis of Three Cities;
- Central City District Plan;
- Draft Hills Future 2036 Local Strategic Planning Statement;
- The Hills Shire Draft Housing Strategy (2019);
- North West Rail Link Corridor Strategy;
- The Hills Corridor Strategy; and
- Castle Hill North Precinct Plan.

PLANNING ASSESSMENT

This planning proposal has been assessed against each of the relevant state and local planning considerations. In summary, this planning proposal offers significant benefits for the development of the site, as well as to the Castle Hill precinct, as:

- This planning proposal will better support the objectives of Council's Castle Hill North Planning Proposal by providing more appropriate land-use controls for the site that:
 - Allows sensible, economically viable high density development to be constructed;
 - Allows for a future development that will exhibit design excellence and that contains a range of through-site links and public domain improvements;
 - Allows for a future development that will provide a most appropriate built form outcome for both future residents of the development, as well as surrounding residents; and
 - Allows for a future development that provides an orderly transition from the adjoining high-density development directly to the south and the surrounding low density dwellings to the north.
- This planning proposal will allow for the delivery of a range of public and community benefits;
- This planning proposal represents sensible environmental, social and economic use of the site;
- This planning proposal will provide a greater planning outcome at the site than currently exists;
- This planning proposal is consistent with state and local government strategic planning initiatives;
- This planning proposal will provide for the orderly and efficient use of the land;
- This planning proposal will facilitate the delivery of a range of employment opportunities;
- This planning proposal will facilitate the delivery of a successful Transport Orientated Development by providing required housing in close proximity to a range of public transport connections, including Sydney Metro;
- This planning proposal will not facilitate a development that results in unreasonable impacts on the surrounding locality; and
- This planning proposal was previously supported by Council and the NSW Department of Planning, Industry and Environment (then NSW Department of Planning and Environment) as being the best means of achieving the objectives and intended outcomes for the site.

For these reasons and those set out within this planning proposal report, it is recommended that this planning proposal be supported.

1. INTRODUCTION

1.1. OVERVIEW

This planning proposal has been prepared by Urbis Pty Ltd on behalf of Castle 7 Pty Ltd (**the Applicant**). The proposal seeks to amend the Hills Local Environmental Plan 2012 controls that apply in order to facilitate the redevelopment of the land for residential apartment development.

The site is located within the Castle Hill town centre and has been specifically identified through state and local council strategies as desired to transform from the existing low scale residential character to high rise residential development, owing to the establishment of a new metro rail service and station in the town centre.

A previous planning proposal was originally submitted to Council in September 2016. That proposal was reported to Council on 27 November 2018 with an officer recommendation for LEP amendments to be progressed to finalisation, however the Council voted against the recommendation. Since Council was given authorisation to exercise delegation to make the plan when the original Gateway Determination was issued, it become the local plan-making authority and the decision of Council was final. This planning proposal is re-submitted to Council in the same form and proposed LEP amendments as the previous proposal, with updated reports as relevant.

1.2. REPORT STRUCTURE

This planning proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and the relevant guidelines prepared by the NSW Department of Planning, Industry and Environments (**DPIE**) including *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*. The structure of this report follows these guidelines.

1.3. SUPPORTING DOCUMENTATION

This planning proposal is accompanied by a range of plans and reports. These comprise the following:

Table 1 – Supporting Documentation

Document Title	Consultant	Appendix
Survey Plan	Dunlop Thorpe & Co. Pty Ltd	Appendix A
Urban Design Strategy	AE Design Partnership	Appendix B
Preliminary Voluntary Planning Agreement Letter of Offer	Urbis Pty Ltd	Appendix C
Design Concept Report	UP Architects	Appendix D
The Hills Shire Council Planning Proposal Assessment Report (27 November 2018 - Council Ordinary Meeting)	The Hills Shire Council	Appendix E
Landscape Architectural Concept Report	Urbis Pty Ltd	Appendix F
Gateway Determination Report (13 September 2017)	NSW Department of Planning, Industry and Environment	Appendix G
Tipping Point Analysis – Castle Hill North	Hill PDA Consulting	Appendix H
FSR Viability Analysis – Castle Hill North	Charter Keck Cramer	Appendix I
Traffic Impact Assessment	Mott Macdonald	Appendix J
Arboricultural Impact Assessment	Arterra Consulting Arboriculture	Appendix K

2. SITE & SURROUNDING CONTEXT

2.1. THE SITE

The site is an amalgamation of 11 lots and the Vivien Place road reserve. The street address and legal description of each of these 11 lots is outlined within **Table 2**. A copy of the Survey Plan is attached at **Appendix A**.

Table 2 – Site Details

Address	Lot/Deposited Plan	Address	Lot/Deposited Plan
1 Vivien Place	Lot 10 DP 227212	12 Gilham Street	Lot 11 DP 227212
2 Vivien Place	Lot 5 DP 227212	1 Gay Street	Lot 4 DP 227212
3 Vivien Place	Lot 9 DP 227212	3 Gay Street	Lot 30 DP 259208
4 Vivien Place	Lot 6 DP 227212	5 Gay Street	Lot 31 DP 259208
5 Vivien Place	Lot 8 DP 227212	7 Gay Street	Lot 32 DP 259208
6 Vivien Place	Lot 7 DP 227212	Vivien Place Road Reserve (including footpaths)	

The amalgamated site is irregular in shape and has a total site area of approximately 9,570sqm, inclusive of the Vivien Place road reserve (8,602sqm (residential lot parcels) plus 968sqm (Vivien Place road reserve). The site contains a direct frontage onto Gilham Street to the north and Gay Street to the east. Images of the site are provided within **Figure 1** and **Figure 2** (**Picture 1** to **Picture 6**).

Figure 1 – The Site



Source: Urbis

Figure 2 – Site Photos (Taken October 2019)



Picture 1 – Looking South Towards Vivien Place From Gilham Street



Picture 2 – Looking South Along Vivien Place



Picture 3 – Looking North Along Vivien Place



Picture 4 – Looking South Towards Vivien Place From Coolibah Street



Picture 5 – Looking West Along Gilham Street



Picture 6 – Looking East Along Gilham Street

2.2. SURROUNDING CONTEXT

Development surrounding the overall site is summarised within **Table 3**.

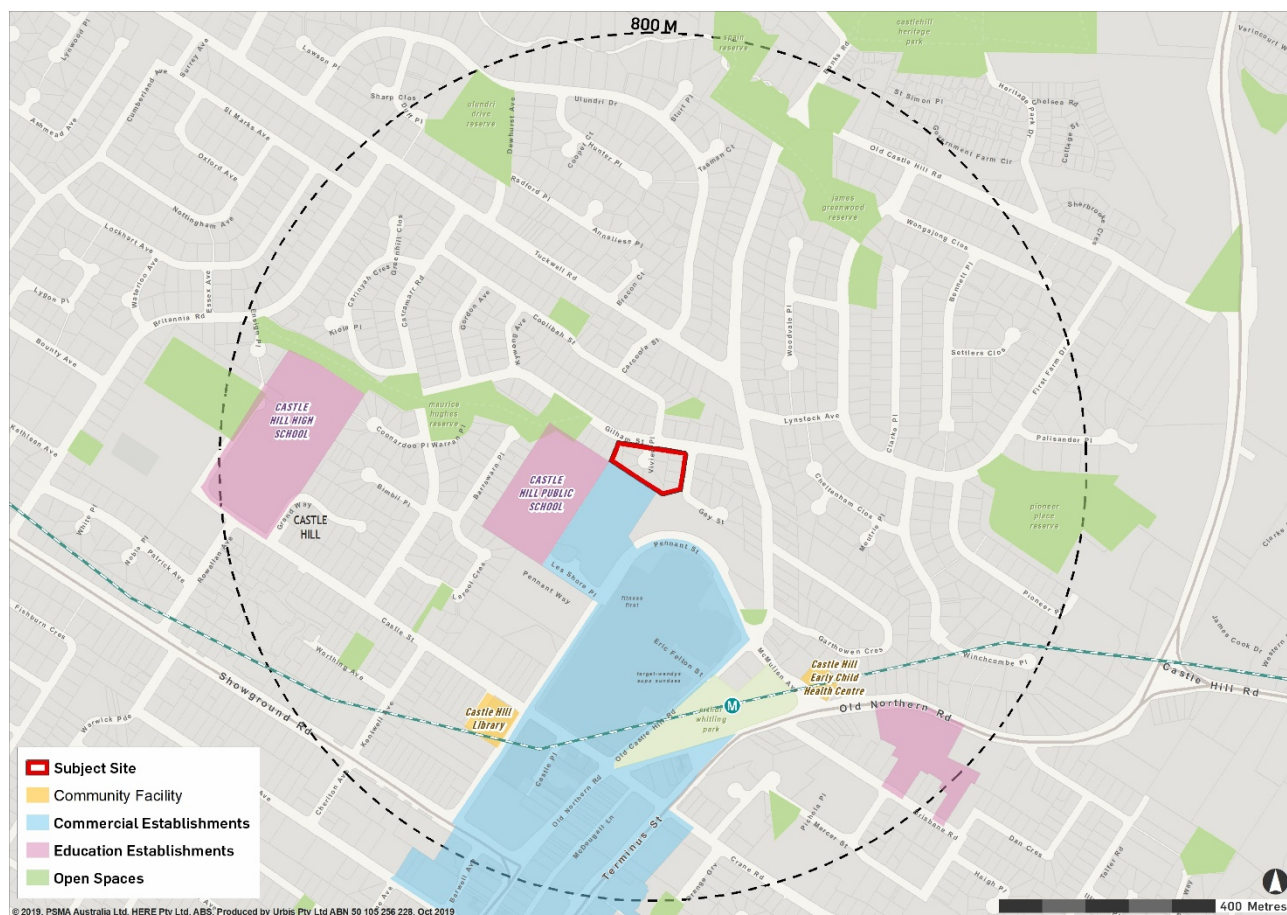
Table 3 – Surrounding Context

Direction	Surrounding Context
North	Directly adjacent to the north of the site is Gilham Street. Further north of the site over Gilham Street are a number of detached residential dwellings.
East	Directly adjacent to the east of the site is Gay Street. Further east of the site over Gay Street are a number of detached residential dwellings.
South	Directly adjacent to the south of the site is a significant open air car park and the Gay Street. South - east of the site is the Topplace development which is currently under construction in accordance with DA1946/2016/JP (as modified). This comprises the following development: <i>“Residential flat building development containing 923 apartments within five buildings. The units comprise 202 x 1 bedroom units, 675 x 2 bedroom units and 46 x 3 bedroom units. The proposal also includes basement parking for 1154 vehicles comprising 969 resident spaces and 185 visitor spaces.”</i> The approved built form controls of this adjacent Topplace development are as follows: • Height: Max 76.8m (despite the maximum height of building control for the site under <i>The Hills Shire Local Environmental Plan 2012</i> being 54m). • FSR: 5.5:1 (as per maximum floor space ratio control for the site under <i>The Hills Shire Local Environmental Plan 2012</i>, which is 5.5:1) Further south of the site is Castle Towers Shopping Centre, which contains a range of shops, cafes, banking facilities and essential services. Castle Hill Metro Station is also located further south of the site, as well as a major newly completed mixed-use development. This development is as follows: <i>“Two mixed use buildings being 20 storeys (Block A) and 21 storeys (Block B) containing 378 apartments, 16,612sqm of retail at ground level, new through site link between Old Northern Road and Terminus Street and four levels of basement car parking for 470 vehicles.”</i>
West	Directly adjacent to the west of the site are a number of detached residential dwellings. Further west is Castle Hill Public School, Castle Hill High School and the Castle Hill RSL and Bowling Club.

The site is located within 800m of a range of existing retail and commercial services, educational establishments, community facilities and open spaces. This is shown in **Figure 3** and comprises the following:

- **Retail and Commercial:**
 - Castle Towers Shopping Centre
 - Castle Mall Shopping Centre
 - Old Northern Road, McDougall Lane and Terminus Street Neighbourhood Shops
- **Education Establishments:**
 - Castle Hill Public School
 - Castle Hill High School
 - St Bernadette's Primary School
- **Community Facilities:**
 - Castle Hill Library
 - Early Childhood Health Centre
- **Open Spaces:**
 - Arthur Whitting Park
 - Maurice Hughes Reserve
 - Pioneer Place Reserve
 - James Greenwood Reserve
 - Ulundri Drive Reserve
 - Spain Reserve

Figure 3 – Surrounding Context



Source: Urbis

2.2.1. Road Network

The site contains a direct frontage onto Gilham Street to the north and Gay Street to the east. Both of these roads are local servicing roads. The site is also located near main roads that provide direct access to locations throughout the North-West and Greater Sydney. These main roads comprise:

- Old Castle Hill Road
- Old Northern Road
- Pennant Street
- McMullen Avenue

2.2.2. Public Transport

The site is located approximately 435m from the Castle Hill Metro Station. This station services stage 1 of the Sydney Metro project, which provides a metro train service between Chatswood and Tallawong. In 2024, stage 2 of the Sydney Metro project will open, which will provide direct metro train service between Chatswood, Sydney CBD and Bankstown.

In addition to Sydney Metro, the site is also located near a number of bus stops which service a variety of routes. These bus routes comprise the following:

- 603 – Rouse Hill to Parramatta via Glenhaven
- 610 – Rouse Hill to City QVB
- 610X – Rouse Hill to City QVB via Lane Cove Tunnel
- 612X – Kellyville to Milsons Point

- 619 – Rouse Hill to Macquarie Park via Castle Hill
- 621 – Castle Hill to Wynyard via Cherrybrook
- 632 – Castlewood Estate to Pennant Hills
- 633 – Castle Hill to Pennant Hills
- 635 – Castle Hill to Beecroft via West Pennant Hills
- 637 – Glenorie to Castle Hill via Galston and Round Corner
- 638 – Berowra Waters and Berrilee to Pennant Hills
- 639 – Maraylya to Castle Hill
- 644 – Dural to Castle Hill via Ravensbourne Cct
- 651 – Castle Hill to Wynyard
- 745 – St Marys to Castle Hill via Stanhope Parkway
- M60 – Hornsby to Parramatta
- T60 – Castle Hill to Parramatta
- T62 – Castle Hill to Parramatta via Bella Vista and North-West T-way
- T70 – Castle Hill to Blacktown via Glenwood
- T71 – Castle Hill to Blacktown via Stanhope Gardens

3. PROJECT HISTORY

3.1. CASTLE HILL NORTH PLANNING PROPOSAL

In September 2013, the site was identified within the DPIE's *North West Rail Link Corridor Strategy* as a site capable of accommodating significant uplift. Specifically, it was identified for 'High Density Residential' development, which is defined within the *North West Rail Link Corridor Strategy* as having the potential to accommodate:

- 7-20 storey apartment buildings; and
- An FSR range of 3:1 – 4:1.

In late 2015, Council reached an agreement with the DPIE to lodge a planning proposal over this area known as 'Castle Hill North', which included the site. The 'Castle Hill North Planning Proposal' (**CHN PP**) was officially lodged on 25 October 2016 and affects the area of Castle Hill outlined red in **Figure 4**. It has a planning proposal number of PP_2016_THILL_002_02.

Figure 4 – Castle Hill North Planning Proposal: Affected Site Area



Source: The Hills Shire Council

Table 4 outlines the existing controls for the site, as well as the controls for the site as proposed under the CHN PP.

Table 4 – Castle Hill North Planning Proposal: Existing and Proposed Site Controls

Control	Existing	Proposed
Clause 2.2 - Land Use Zoning	R2 Low Density Residential	R4 High Density Residential
Clause 4.1 - Minimum Lot Size	700sqm	1,800sqm
Clause 4.3 - Height of Building	9m	N/A

Control	Existing	Proposed
Clause 4.4 - Floor Space Ratio	N/A	1.54:1 (Maximum Incentive Floor Space) Note: This proposed FSR for the site is at least 1.46:1 less than what was recommend for the site under the <i>North West Rail Link Corridor Strategy</i> and is inconsistent with allowing R4 'high-density development' to be constructed.

The objectives of the CHN PP are as follows:

- *“To allow high and medium density development within the walkable catchment of the future Castel Hill train station;*
- *To encourage future medium and high-density development to meet the needs of the future Hills Shire residents;*
- *To achieve a high standard of quality for buildings;*
- *To create a pedestrian friendly public domain, including high quality footpath paving, street trees, street furniture and lighting; and*
- *To encourage built form outcomes that complement the suburban character of the area but also provide a transition to the Castle Hill major centre.”*

The CHN PP received Gateway determination on 2 November 2016. At a 27 November 2018 Ordinary Council meeting, the CHN PP was discussed. Specifically, Council resolved to:

- Forward the CHN PP planning proposal to the DPIE for finalisation, noting that Council does not have delegation to make the plan due to outstanding public authority objections; and
- Request that the DPIE withhold gazettal of the CHN PP until the *Draft Contributions Plan No.17 – Castle Hill North* has been endorsed by the Independent Pricing and Regulatory Tribunal.

At the time of writing, the CHN PP has not yet been finalised and gazetted by the DPIE.

As outlined later in this report, this planning proposal is supported by expert economic advice in the form of Tipping Point Analysis for the Castle Hill North Planning Proposal by Hill PDA Consulting and an FSR Viability Analysis of the Castle Hill North Planning Proposal by Charter Keck Cramer. Both works tested the viability of the proposed FSR in the CHN PP for the subject site as well as other sites in the centre. The findings emphatically concluded that the proposed CHN PP density uplift controls will be insufficient to incentivise the site amalgamations required to deliver the residential density uplift envisaged by Council’s proposal. Accordingly, Council will fail to deliver the timely housing supply envisaged by themselves and the State for Castle Hill, which has a fully operational metro station.

3.2. SITE-SPECIFIC PLANNING PROPOSAL

In late 2016, the Applicant met with Council staff. Following discussions, it was agreed that the site could be considered an ‘opportunity site’, separate from the wider CHN PP. This is because Council had not previously contemplated the opportunity for the 11 properties to be amalgamated into one site.

Accordingly, the Applicant was encouraged to lodge a separate site-specific planning proposal seeking additional density beyond that planned within the CHN PP, as it was agreed that the site was suited to accommodate higher density given the future evolving immediate context which in turn created the ability to deliver more significant public and community benefits. The proposed controls for the site contained within the CHN PP would set lower density controls in the event the site was not developed as one.

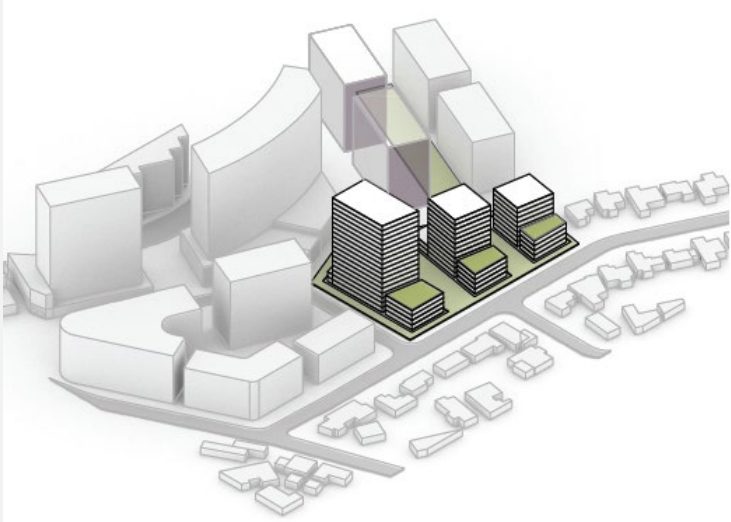
Considering the above, a site-specific planning proposal was therefore officially lodged in September 2016. In addition to Council’s support for the lodgement of a separate site specific planning proposal, the original

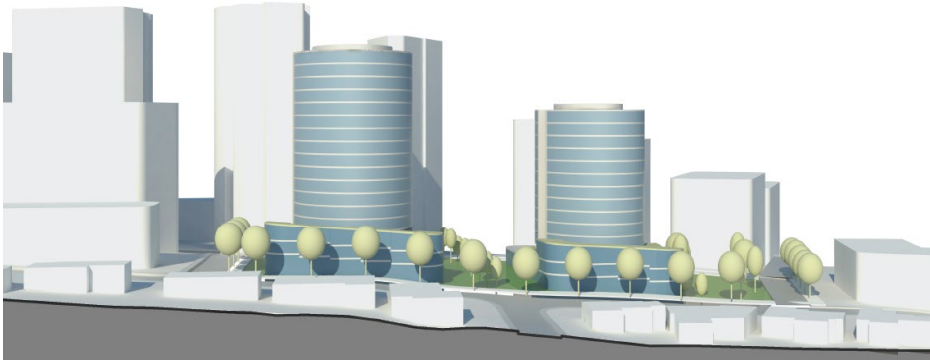
Gateway Determination Report for the original planning proposal (PP_2017_THILL_009_00) facilitating approximately 220 dwellings (which is consistent with the subject proposal) at the site concluded that:

“The current proposal is supported as a stand-alone proposal because if the Castle Hill Precinct proposal is delayed, this may proceed ahead to finalisation without delay. Changes to land use controls are required to deliver the vision for Castle Hill as outlined in the Strategy and a planning proposal is the best way to achieve the intended outcomes.”

A timeline of the site-specific planning proposal at the site is outlined within **Table 5**.

Table 5 – Site-Specific Planning Proposal Timeline

No.	Date	Event
1.	September 2016 Proposal lodged	The site-specific planning proposal was originally lodged in September 2016. This planning proposal included a preferred development concept, which comprised the following conceptual development numerics: • <i>“Ability to deliver approximately 270 to 300 residential units.</i> • <i>Three (3) separate buildings (i.e. east to west, ‘Bar A’, ‘Bar B’ and ‘Bar C’, ranging in height from 8 to 18 storeys.</i> • <i>A total approximate GFA of 28,200sqm, which equates to a FSR of 2.95:1 across the site.</i> • <i>Parking to provide on-site in accordance with the relevant car parking provisions. Parking is to be located within designated basement to be accessed via Gilham Street along the sites western boundary.</i> • <i>Through-site links, both north-south and east-west, are proposed to integrate the future redevelopment (or provide the potential opportunity for connection) with the greater Castle Hill North Precinct.</i> An indicative perspective of the original preferred development concept is provided in Figure 5. Figure 5 – Original Preferred Development Concept (3 Buildings)  Source: UP Architects Following Council feedback to the original preferred development concept, the planning proposal was substantially amended.

No.	Date	Event
2.	25 July 2017 Council resolution of support	Following a substantial amendment to the original preferred development concept at the direction of Council (who outlined favoured height, density, form and setbacks), a revised planning proposal was reported to Council at a 25 July 2017 Council meeting. Council resolved to forward this revised planning proposal to the DPIE for a Gateway determination with a significant majority vote. The revised planning proposal had a planning proposal number of PP_2017_THILL_009_00. The revised planning proposal also included a preferred development concept, which comprised the following conceptual development numerics: • <i>“Consolidation of the built form into two (2) tower elements (13 and 17 storeys in height), with each tower on a 3 story podium providing terrace style housing fronting onto Gilham Street, Gay Street and the central landscape spine.</i> • <i>The provision of a new roadway along the western boundary of the site.</i> • <i>Amalgamation of Vivien Place roadway and associated pathways and verge to allow for a consolidated development site.</i> • <i>A total overall yield of 220 dwellings, of which approximately 30 dwellings will be terrace style housing located at ground level.</i> • <i>A total permissible GFA of 21,820sqm, which translates to an FSR of 2.28:1 based on an effective site area (including the amalgamated Vivien Place) of 9,570sqm.</i> • <i>Basement car parking for approximately 265 car parking spaces for both residents and visitors in alignment with council’s incentivised car parking targets.</i> An indicative perspective of the revised preferred development concept is provided in Figure 6. Figure 6 – Revised Preferred Development Concept (2 Buildings)  Source: UP Architects
3.	13 September 2017 Gateway Determination issued	DPIE issued a Gateway determination for the revised planning proposal on 13 September 2017. Delegation was granted to Council to exercise the functions of the Greater Sydney Commission under the then section 59 (now section 3.36) of the EP&A Act.

No.	Date	Event
4.	26 June 2018 Council considered draft VPA	At an Ordinary Council Meeting on 26 June 2018, Council considered a report on the draft VPA relating to the revised planning proposal. At this ordinary meeting, it was resolved that the VPA be the subject of a legal review and updated, prior to public exhibition.
5.	11 September 2018 Public exhibition	The revised planning proposal, draft The Hills Development Control Plan 2012 amendment, and draft VPA were exhibited from 11 September 2018 until 12 October 2018. Council received 10 submissions (comprising 3 from public authorities and 7 public submissions). The nature of the issues in the submissions were minor and consequently, in the officers assessment report it was concluded that no further changes were warranted for the revised planning proposal and its accompanying draft plans.
6.	27 November 2018 Council meeting resolved <u>not to finalise</u> LEP amendments	An assessment report for the planning proposal was prepared and included within the 27 November 2018 Council Ordinary Meeting agenda. This assessment report is provided at Appendix E. The assessment report provided the following recommendations for the revised planning proposal: <i>1. Planning Proposal (2/2017/PLP), which seeks to amended LEP 2012 to facilitate a high density residential development incorporating approximately 220 dwellings, within a built form comprising a 17 storey building and 13 storey building with a 3 storey terrace edge at Vivien Place and Gay Street, Castle Hill be progressed to finalisation.</i> <i>2. The publication of the amendment to LEP 2012 associated with the Vivien Place Planning Proposal (2/2017/PLP) to occur after the amendment to LEP 2012 associated with the Castle Hill North Planning Proposal (16/2016/PLP).</i> <i>3. Draft The Hills Development Control Plan 2012 (Part D Section 18 – Castle Hill North) (Attachment 1) be adopted.</i> <i>4. Council enter into the Voluntary Planning Agreement (Attachment 2) and authorise Council's common seal to be affixed to the Voluntary Planning Agreement.</i> Despite the recommendation for approval within the assessment report, at the 27 November 2018 Council meeting, Council resolved not to support the revised planning proposal.
7.	14 December 2018 Department's letter	After writing to the then Department of Planning and Environment regarding our concerns of the outcome of the Council decision, a letter was received confirming that as Council was given authorisation to exercise delegation to make the plan when the Gateway determination was issued, when the EP&A Act changed on 1 March 2018, Council became the local plan-making authority under section 3.31 of the EP&A Act, and as such, the DPIE can take no further action.

Considering the above outcome, this planning proposal for the site is relodged as the same proposal that was previously supported by Council officers, with an expectation of seeking a Rezoning Review.

It is important to note that the lodgement of a site-specific planning proposal for land within the CHN PP area is not unique to Vivien Place. A site-specific planning proposal is currently being supported by Council for an amalgamated landholding within the CHN PP area at 6-12 and 16-20 Garthowen Crescent, Castle Hill under PP_2017_THILL_010_03.

6-12 and 16-20 Garthowen Crescent, Castle Hill is situated on an irregular circular allotment and located directly adjacent to a heritage item and a range of 1 to 2 storey detached dwellings. The development concept for PP_2017_THILL_010_03 (as per Council's direction) facilitates the construction of two residential flat buildings; one with a height of 13 storeys and another with a height of 18 storeys. This development concept is shown within **Figure 7**.

Figure 7 – Revised Development Concept For PP_2017_THILL_010_03



Source: The Hills Shire Council

A Gateway determination for PP_2017_THILL_010_03 was granted on 13 October 2017. Within the Gateway determination report, it was determined that the planning proposal should proceed, as follows:

- Amend the planning proposal to seek to rezone the site from R3 Medium Density Residential to R4 High Density Residential.
- Amend the planning proposal to seek to increase the minimum lot size from 700m² to 1,800sqm.
- Amend the planning proposal to seek to increase the maximum floor space ratio control from nil to 3:1.
- Amend the planning proposal to seek to increase the maximum height of buildings control from 9m to the equivalent height of 18 storeys expressed in metres.

Within the Gateway determination report, it was also concluded that:

"The planning proposal has merit and should proceed subject to conditions as it will enable a high-density residential development in close proximity to Castle Towers and the future Castle Hill Metro station. The proposal will deliver a range of housing types in accordance with the Transport for New South Wales and Department of Planning and Environment North West Rail Link Corridor Strategy and Castle Hill Precinct Structure Plan."

On 7 February 2018, an alteration to the Gateway determination was issued to:

"amend the planning proposal to clarify that the maximum floor space ration of 3:1 for the site is achieved by the following mechanism:

- The floor space ratio map is to apply a base floor space ratio of 1:1 to the site and identify it as Area A;*
- The floor space ratio incentive map is to apply an incentivised floor space ratio of 2.5:1 to the site; and*

- (iii) *Include a local provision to specify key site outcomes that enable the site to achieve a 20% bonus floor space incentive (0.5:1)."*

On 6 July 2019, another alteration to the Gateway determination was issued to alter the timeframe for completing the LEP by 13 March 2020.

A comparison of the above-mentioned recommended controls for PP_2017_THILL_010_03 against the subject planning proposal for Vivien Place (both of which are located within the CHN PP area) is outlined in **Table 6** below.

Table 6 – Comparison of PP_2017_THILL_010_03 And Subject Planning Proposal For Vivien Place

Control	Recommended PP_2017_THILL_010_03 Control	Proposed Vivien Place Control
Clause 2.2 - Land Use Zoning	R4 High Density Residential	R4 High Density Residential
Clause 4.1 - Minimum Lot Size	1,800sqm	1,800sqm
Clause 4.3 - Height of Building	18 storey equivalent in metres	62m (with the scheme proposing a 17 storey tower and a 13 story tower).
Clause 4.4 - Floor Space Ratio	3:1 (maximum)	2.28:1 (maximum)

As identified above, our subject planning proposal for Vivien Place seeks to impose similar *The Hills Local Environmental Plan 2012* controls to those recommended for PP_2017_THILL_010_03. In addition to this, our subject planning proposal will better satisfy the overarching conclusion reached within the Gateway determination report for PP_2017_THILL_010_03 (as previously quoted), as it (amongst other things):

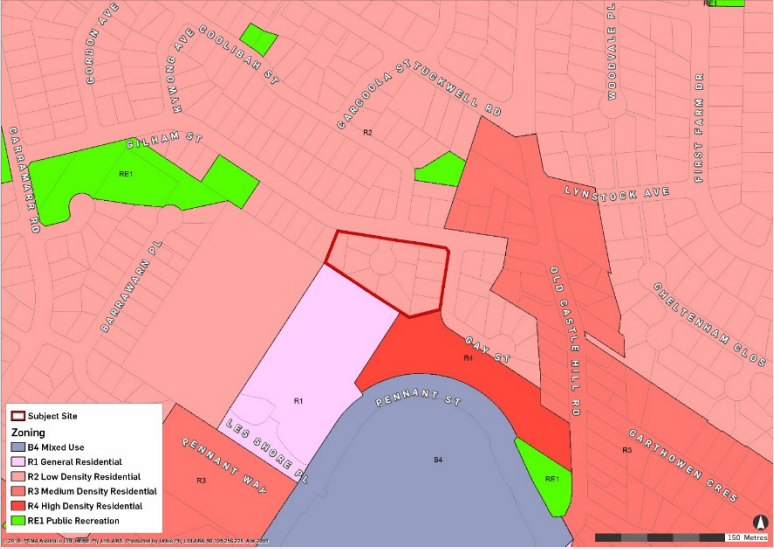
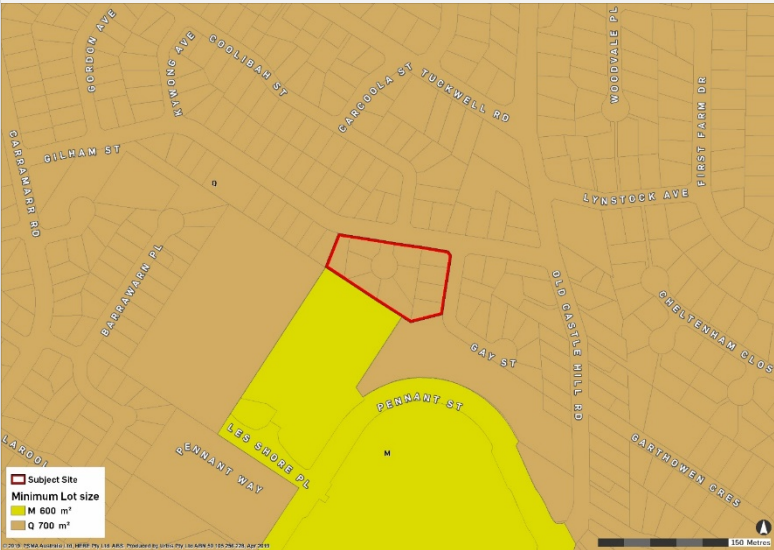
- Will enable a high-density residential development in close proximity to Castle Towers Shopping Centre and the Castle Hill Metro Station; and
- Will deliver a range of housing types in accordance with the North West Rail Link Corridor Strategy and the Castle Hill Precinct Structure Plan.

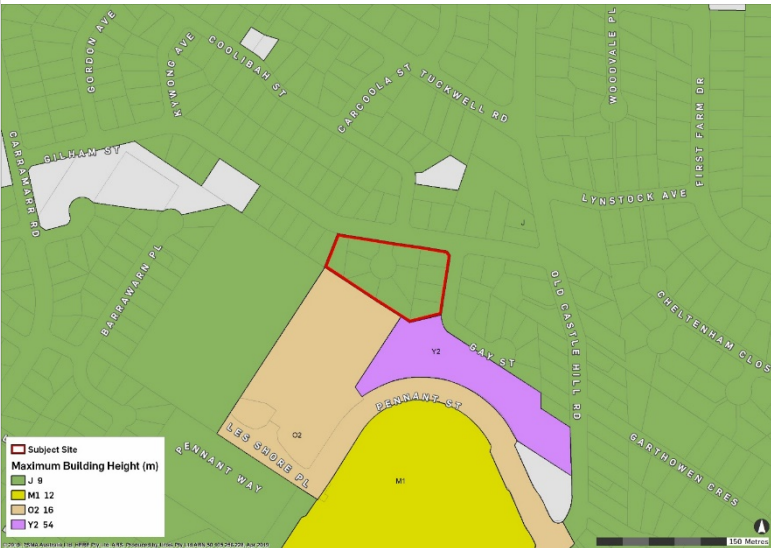
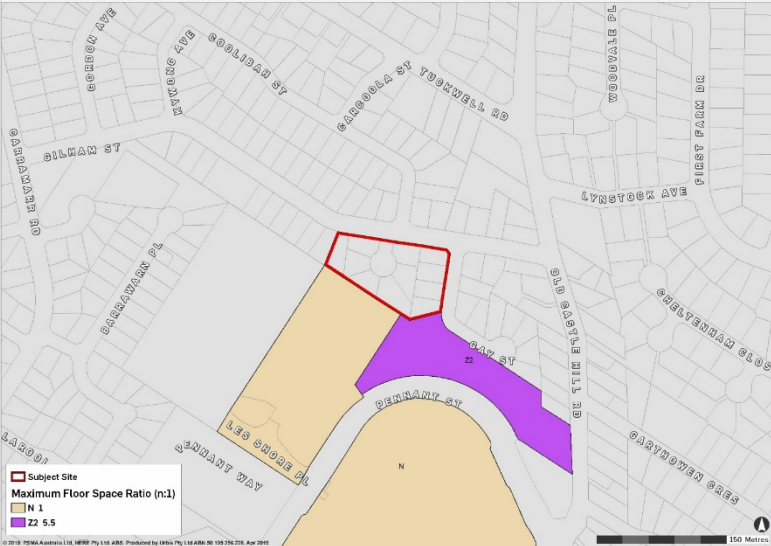
In addition, the subject planning proposal for Vivien Place will also provide an orderly built form transition from the adjoining high-density development directly to the south and the surrounding low density dwellings to the north. On the contrary, the development concept proposed and supported by Council within PP_2017_THILL_010_03 will facilitate high-density buildings (18 and 13 storeys) immediately adjacent to a heritage item and a range of low-density residential dwellings which surround 6-12 and 16-20 Garthowen Crescent, Castle Hill from all angles. This will consequently result in an uneven built form outcome for Castle Hill.

4. EXISTING PLANNING CONTROLS

The Hills Local Environmental Plan 2012 (THLEP 2012) is the principle environmental planning instrument governing development at the site. Existing land use, minimum lot size, height of building and floor space ratio controls that apply to the site under the THLEP 2012 are outlined within **Table 7** below.

Table 7 – Existing THLEP 2012 Planning Controls

Provision	Existing Control	Existing Planning Map
Land Use Zoning	R2 Low Density Residential	 Source: THLEP 2012/ Urbis
Minimum Lot Size	700sqm	 Source: THLEP 2012/ Urbis

Provision	Existing Control	Existing Planning Map
Height of Buildings	9m	 Source: THLEP 2012/ Urbis
Floor Space Ratio	N/A – No Floor Space Ratio applies to the site.	 Source: THLEP 2012/ Urbis

5. CONCEPTUAL FUTURE DEVELOPMENT

This planning proposal seeks to enable the redevelopment of the site in a coordinated manner to support a high-density residential development that achieves an appropriate contextual built form relationship within its context.

The proposed urban design “Reference Scheme”, prepared by UP Architects, is the same scheme as previously proposed in the previous planning proposal, given the proposed built form controls and illustrative urban design representation was supported by Council staff.

To address the potential scenario whereby Vivien Place does not form part of the amalgamated site, UP Architects have undertaken a test fit exercise (refer to **Appendix D**) which demonstrates the resultant density together with the proposed pedestrian and road connections could all still be delivered. This demonstrates that the proposed built form controls are still appropriate in this unlikely scenario.

Furthermore, as part of an independent urban design peer review by AE Design (refer to **Appendix B**), they identified a potential alternate masterplan under the proposed controls. Details of this potential alternate massing approach is provided in the AE Design Partnership report for reference, illustrating that there are some equally positive ways to masterplan the site which could be explored in future, if desired.

Importantly, the following public benefits are deliverable under either the reference or an alternate scheme, and committed via the execution of a Voluntary Planning Agreement:

- **Pedestrian through-site link dedication:**
The provision of a series of interconnected and publicly accessible through-site links at the site.
- **On-site road:**
The embellishment and dedication of an on-site road at the site’s western boundary linking Gilham Street and Les Shore Place.
- **The construction of new footpaths:**
The design, construction and commissioning for the construction of a new footpath adjacent to Gilham Street and Gay Street, for the extent only where the land interfaces with both public streets.

The Preliminary Voluntary Planning Agreement Letter of Offer is attached at **Appendix C**.

5.1. REFERENCE SCHEME

This planning proposal incorporates the same reference scheme, prepared by UP Architects (refer **Appendix D**) as per the previous proposal. The intended future development for the site comprises the following:

- Amalgamation of the existing 11 lots and the Vivien Place cul-de-sac at the site;
- Demolition of existing structures at the site;
- Construction of a new on-site road along the site’s western boundary linking Gilham Street and Les Shore Place;
- Construction of two residential flat buildings (Building 1 and Building 2) containing a total of 220 dwellings and 21,820sqm GFA (FSR of 2.28:1) as follows:
 - **Building 1 (Eastern Building):** A 17 storey building, comprising:
 - Podium consisting of terrace style housing fronting Gilham Street and Gay Street; and
 - Ellipse shaped tower.
 - **Building 2 (Western Building):** A 13 storey building, comprising:
 - Podium consisting of terrace style housing fronting Gilham Street; and
 - Ellipse shaped tower.
- Construction of 265 car parking spaces within shared basement levels; and

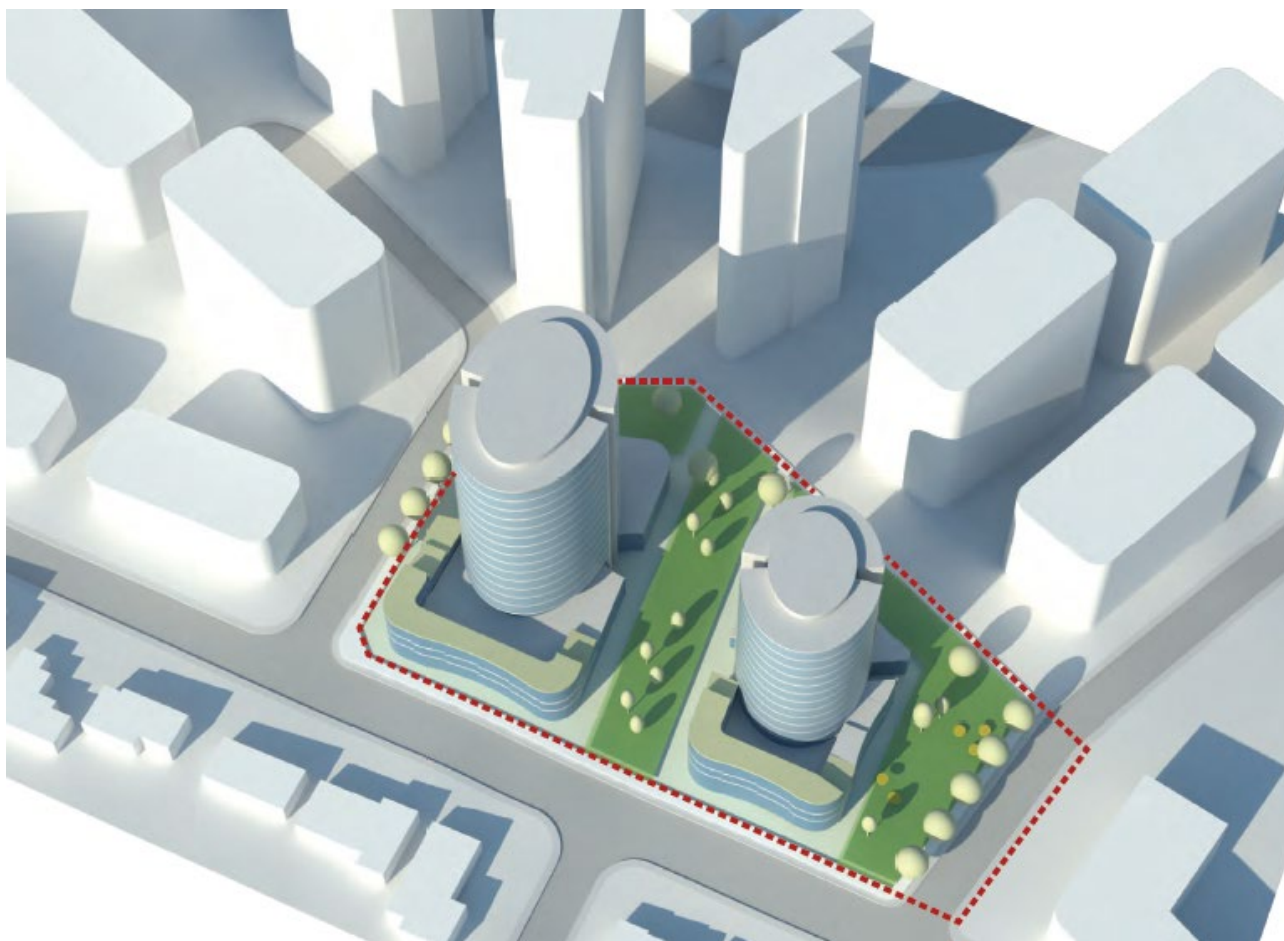
- Construction of associated site landscaping and public domain improvement works, comprising a central landscaped through-site link and surrounding footpaths.

Further details of the proposed intended future development (recommended outcome) are provided at:

- AE Urban Design Strategy attached at **Appendix B**;
- Preliminary Voluntary Planning Agreement Letter of Offer at **Appendix C**;
- UP Architects Design Concept Report attached at **Appendix D**; and
- Landscape Architectural Concept Report attached at **Appendix F**.

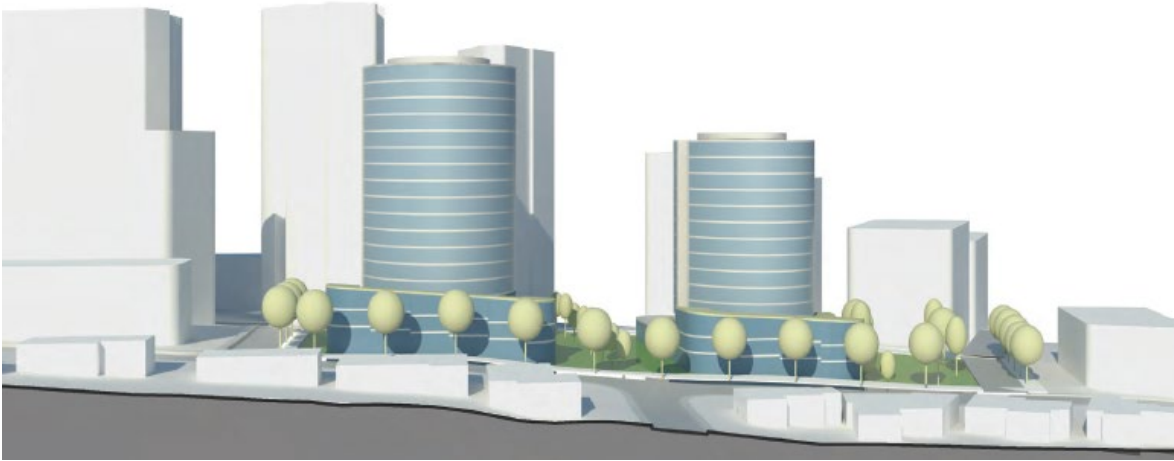
Indicative perspectives of the intended future development (recommended outcome) is provided within **Figure 8 (Picture 7 to Picture 9)**.

Figure 8 – Reference Scheme



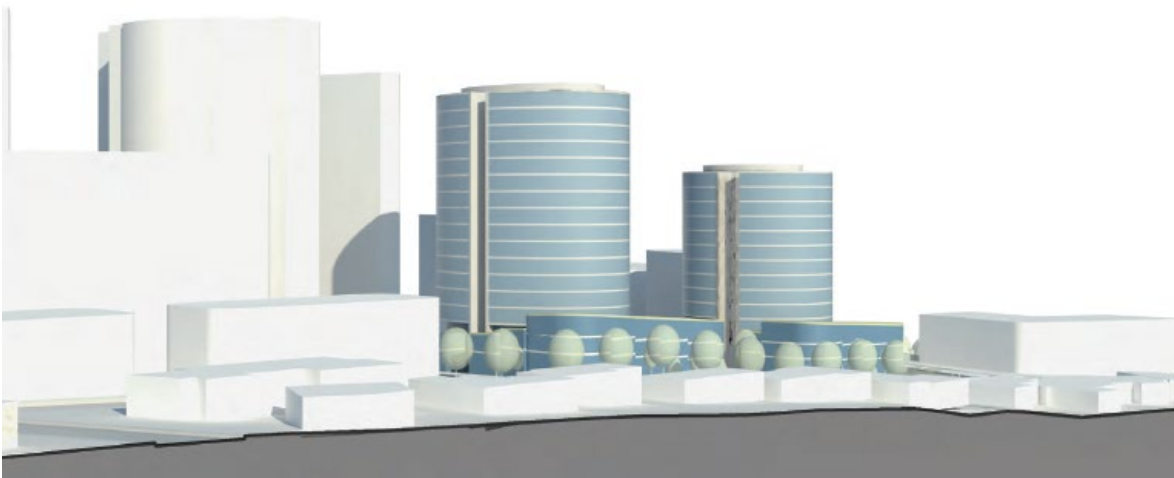
Picture 7 – Reference Scheme

Source: UP Architects



Picture 8 – Reference Scheme

Source: UP Architects



Picture 9 – Reference Scheme

Source: UP Architects

5.2. OFFER TO ENTER INTO A VPA

Under Section 93F of the EP&A Act, an Applicant may enter into a VPA where a change is sought to an environmental planning instrument, under which the developer agrees to dedicate land, pay a monetary contribution and/or provide any other material public benefit in association with the change to the environmental planning instrument.

Following a Gateway determination, it is anticipated that the Applicant and Council will enter into discussions regarding a VPA to facilitate the delivery of public benefits commensurate with the degree of built form uplift associated with the planning proposal. A draft VPA offer is attached in full at **Appendix C**. In summary, it includes the following public benefits:

- **Pedestrian through-site link dedication:**
The provision of a series of interconnected and publicly accessible through-site links at the site.
- **On-site road:**
The embellishment and dedication of an on-site road at the site's western boundary linking Gilham Street and Les Shore Place (note: this will be undertaken once the existing Vivien Place Road Reserve, owned by the Council, which is used only by the residents of Vivien Place, is closed and transferred to the Applicant).
- **The construction of new footpaths:**
The design, construction and commissioning for the construction of a new footpath adjacent to Gilham Street and Gay Street, for the extent only where the land interfaces with both public streets.

6. THE PLANNING PROPOSAL: VIVIEN PLACE

This planning proposal request has been prepared in accordance with section 3.33 of the EP&A Act, with consideration of the DPIE's *Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*.

Accordingly, the planning proposal is addressed in the following parts:

- **Part 1:** A statement of the objectives or intended outcomes.
- **Part 2:** An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3:** The justification for the planning proposal and the process for the implementation.
- **Part 4:** Mapping (where relevant) to identify the intent of the planning proposal and the area it applies.
- **Part 5:** Details of community consultation that is to be undertaken for the planning proposal.
- **Part 6:** Project timeline.

Discussion for each of the above parts is outlined in the following report chapters.

7. PART 1: OBJECTIVES & INTENDED OUTCOMES

7.1. OBJECTIVES

The objectives of this planning proposal are to amend the 'Land Use Zoning', 'Height of Buildings' and 'Floor Space Ratio' provisions that apply to the site under THLEP 2012. This will facilitate the comprehensive and orderly redevelopment of the site to accommodate a high-quality residential development that successfully integrates with the emerging context of the Castle Hill town centre. These amendments to the THLEP 2012 will also provide an appropriate built form transition from the adjoining high density development to the immediate south (which has a maximum height of 76.8m and an FSR of 5.5:1), and the low density dwellings to the north.

Ultimately, this planning proposal will enable the achievement of a range of regional and local strategic planning objectives that have identified the site and its immediate context as an opportunity site for increased residential density, dating back 6 years from the original September 2013 Castle Hill Station Structure Plan.

The outcome would be the renewal of an identified precinct for uplift to provide new residential apartments that would complement the current evolving character in the town centre. The development would be at an appropriate scale, transitioning from the building heights within its context, whilst also creating new public domain connections and open space to facilitate pedestrian connectivity and streetscape amenity.

7.2. INTENDED OUTCOMES

The intended outcome of this planning proposal is to establish planning controls that would enable the redevelopment of the site. The proposed planning controls would create the flexibility to accommodate a high quality residential apartment development that successfully integrates with the emerging context of Castle Hill. This is proposed through the following changes to THLEP 2012:

- **Amend Land Zoning (Sheet LZN_024) Map:**
Amendment to the relevant Land Zoning Map (Sheet LNZ_024) to show the site zoned as 'R4 High Density Residential'.
 - Note: Sheet LNZ_024 currently shows the site zoned as 'R2 Low Density Residential'.
- **Amend Minimum Lot Size (Sheet LSZ_024) Map:**
Amendment to the relevant Minimum Lot Size Map (Sheet LSZ_024) to show a minimum lot size of 1,800sqm (U2) applying to the site.
 - Note: Sheet LNZ_024 currently shows a minimum lot size of 700sqm (Q) applying to the site.
- **Amend Height of Buildings (Sheet HOB_024) Map:**
Amendments to the relevant Height of Buildings Map (Sheet HOB_024) to show a maximum building height of 62m applying to the site.
 - Note: Sheet HOB_024 currently shows a maximum height of building of 9m (J) applying to the site.
- **Amend Floor Space Ratio (Sheet FSR_024) (N:1) Map:**
Amendment to the relevant Floor Space Ratio Map (Sheet FSR_024) to show an FSR of 2.28:1 applying to the site.
 - Note: Sheet FSR_024 currently shows no existing maximum FSR applying to the site.

8. PART 2: EXPLANATION OF PROVISIONS

This planning proposal seeks the following amendments to THLEP 2012:

8.1. LAND ZONING

The current land use zoning is R2 Low Density Residential.

It is proposed that the zoning be amended to R4 High Density Residential to reflect the intended residential apartment development outcome.

This outcome can be achieved by amending the Land Zoning Map (Sheet LNZ_024) to show the site zoned as 'R4 High Density Residential'.

8.2. MINIMUM LOT SIZE

The current minimum lot size is 700sqm.

It is proposed that the minimum lot size be amended to 1,800sqm to reflect the intended residential apartment development outcome.

This outcome can be achieved by amending the Minimum Lot Size Map (Sheet LSZ_024) to show a minimum lot size of 1,800sqm (U2) applying to the site.

8.3. HEIGHT OF BUILDING

The current height of building control is 9 metres.

It is proposed that the height of building control be amended to a maximum of 62 metres to reflect the intended residential apartment development outcome.

This outcome can be achieved by amending the Height of Buildings Map (Sheet HOB_024) to show a maximum building height of 62m.

8.4. FLOOR SPACE RATIO

There is currently no existing floor space ratio (**FSR**) control.

In order to provide clarity and certainty for the Council and the community, we propose to impose an FSR control of 2.28:1.

This outcome can be achieved by amending the Floor Space Ratio Map (Sheet FSR_024) to show an FSR of 2.28:1 applying to the site.

9. PART 3: JUSTIFICATION

This section details the justification for the planning proposal.

9.1. SECTION A – NEED FOR THE PLANNING PROPOSAL

9.1.1. Q1: Is the planning proposal a result of any strategic study or report?

Yes, this planning proposal is a result of a number of strategic investigations, prepared by the State and by Council, into the opportunities for Castle Hill to accommodate higher density developments in response to its growing status as a major centre within Sydney's North West, to benefit from its new metro rail service.

The strategic studies and reporting which have informed this planning proposal include:

- The North West Rail Link Corridor Strategy (September 2013)
- The Hills Corridor Strategy (November 2015)
- Castle Hill North Precinct Plan (November 2015)

9.1.1.1. North West Rail Link Corridor Strategy

Finalised in September 2013, the North West Rail Link Corridor Strategy (**NWRL Corridor Strategy**) applies the principles of transit oriented development to maximise the benefits of a significant rail infrastructure investment by identifying suitable locations for the delivery of dwelling and employment growth within and around key metro precincts such as Castle Hill.

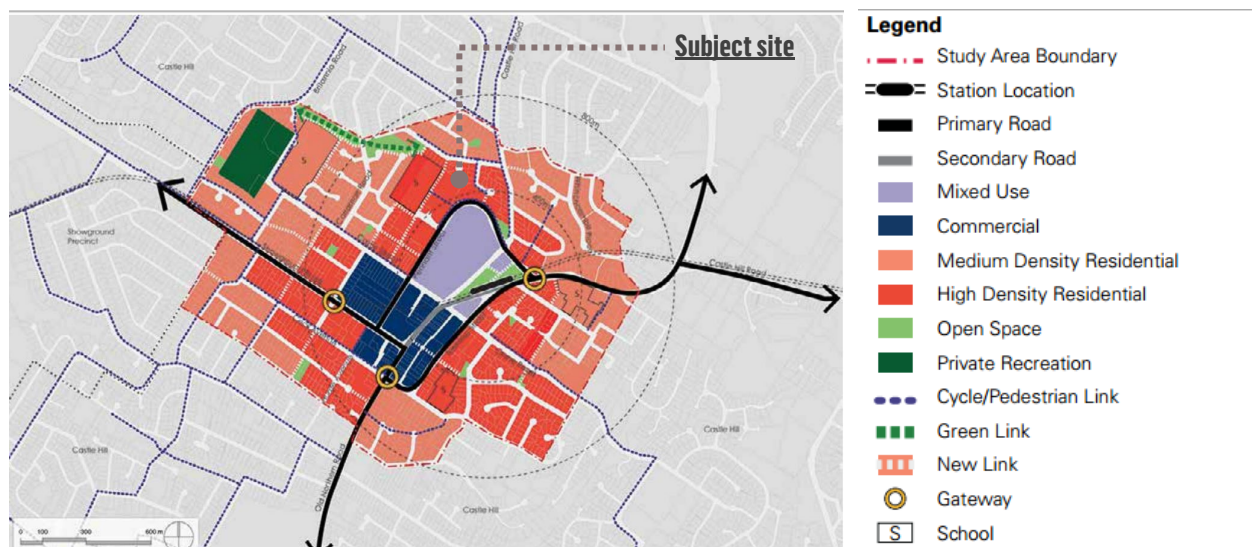
The NWRL Corridor Strategy, which includes individual structure plans for each station location and its surrounds, was prepared to guide development over the next 20 to 25 years. The NWRL Corridor Strategy anticipates a growth in dwellings by 4,400 (to a total of 6,100) by 2036 in the Castle Hill Precinct.

The site is identified in the NWRL Corridor Strategy for '*High Density Residential*' development (**Figure 9**), which is defined within the strategy as having the potential to accommodate:

- 7-20 storey apartment buildings; and
- An FSR range of 3:1 – 4:1.

For the site, this equates to a potential developable GFA of approximately 27,510sqm to 36,690sqm.

Figure 9 – Structure Plan for the Castle Hill Study Area



(Source: NWRL Corridor Strategy)

The planning proposal appropriately responds to this vision for the site as set out within the NWRL Corridor Strategy, as the intended future development for the site as a result of this planning proposal is a high-density residential development incorporating approximately 220 dwellings. This was noted in the original Gateway Determination Report for the original planning proposal (PP_2017_THILL_009_00) facilitating approximately 220 dwellings (which is consistent with the subject proposal) at the site, which concluded that:

“The proposal is considered consistent with [the North West Rail Link Corridor Strategy] as the proposal promotes the principle of transit-orientated development and is consistent with the Strategy.”

The entire Gateway Determination Report which contains this assessment is provided at **Appendix G**.

This intended future high-density residential development at the site will encourage the use of Sydney Metro (as well as surrounding public transport connections) to travel throughout Greater Sydney, which will consequently result in the generation of sustainable outcomes by reducing the need to travel by car.

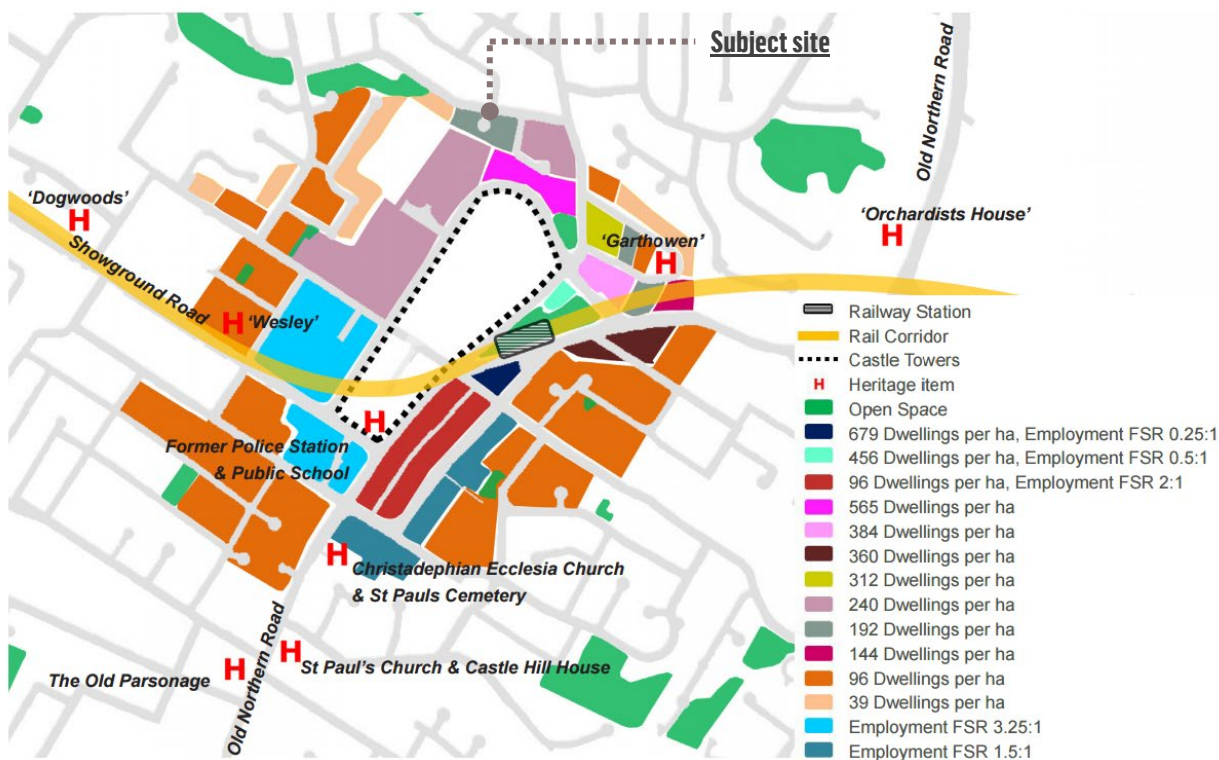
9.1.1.2. The Hills Corridor Strategy

The Hills Corridor Strategy (HCS) sets out to promote more ‘intense’ urban development in an appropriate manner within major centres such as Castle Hill to support the on-going operation of Sydney Metro. Adopted by Council in November 2015, the HCS presents Council’s vision for land use development over the next 20 years for each of the seven new Sydney Metro station within and adjacent to The Hills Shire LGA.

The Castle Hill Precinct (**Figure 10**) is one of the seven identified Precincts in the HCS. The HCS acknowledges that there is an opportunity to deliver greater housing opportunities within close proximity to the Castle Hill Metro Station by redeveloping existing older housing stock for increased densities.

This planning proposal has been informed by the objectives and directions set out under the HCS. Vivien Place presents as an opportunity site. Informed by a site specific detailed urban design analysis, it is considered that the site provides a significant opportunity to accommodate increased housing densities within walking distance to Castle Hill Metro Station. Through the consolidated amalgamation of a series of adjoining ‘old stock residential’ properties, the site can accommodate an even greater dwelling yield than that envisaged under the HCS, whilst upholding the desired built form and character objectives for this location.

Figure 10 – Castle Hill Desired Outcomes



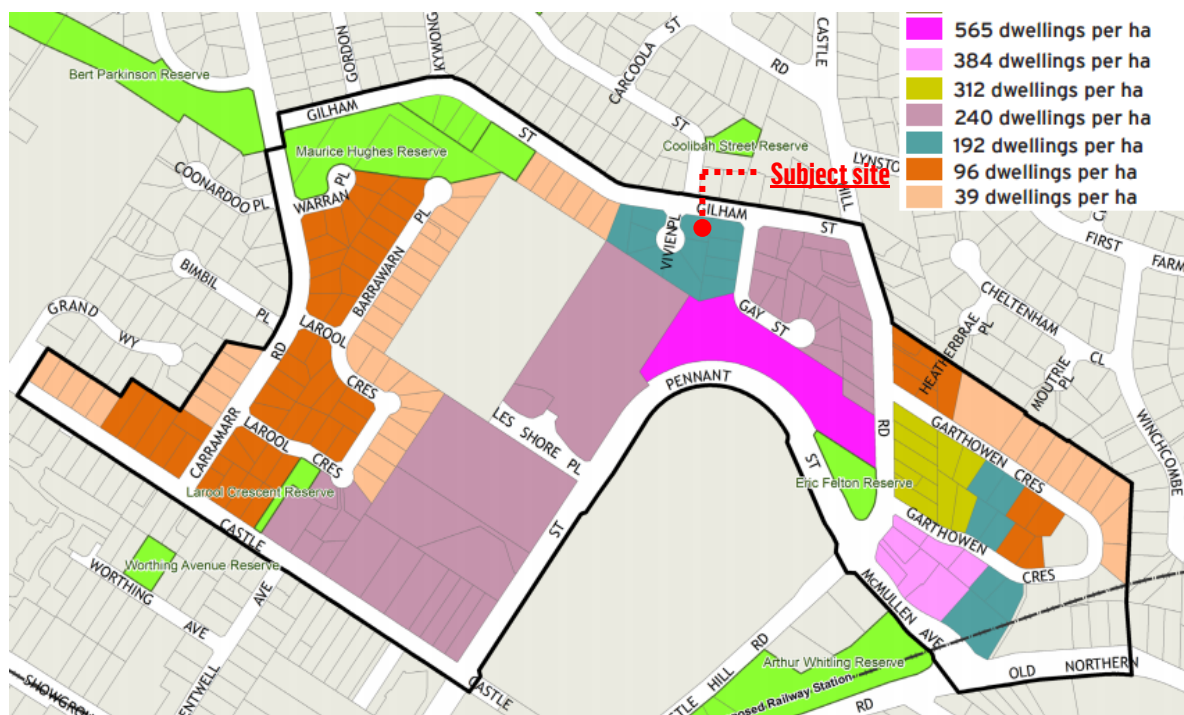
(Source: The Hills Corridor Strategy)

9.1.1.3. Castle Hill North Precinct Plan

The Castle Hill North Precinct Plan (**Precinct Plan**), informed by various opportunities and constraints considerations, identifies that there is capacity within the Precinct for higher residential development opportunities. The Precinct Plan presents a vision for urban growth opportunities to guide and facilitate future housing within the area, whilst encouraging a diversity of housing and lifestyle opportunities for not only future residents, but existing residents too.

The primary objective of the Precinct Plan (**Figure 11**) was to ‘examine the capacity’ of Castle Hill North to accommodate increased residential density given its strategic positioning in relation to a major centre and imminent rail station. As a result of the Precinct Plan, a the CHN PP was officially lodged on 25 October 2016, as previously outlined within **Section 3.1**.

Figure 11 – Castle Hill North Density Plan



(Source: Castle Hill North Precinct Plan)

Following an in-depth examination of the sites constraints and connectivity opportunities, it is considered that greater dwelling densities beyond the 192 dwellings per ha as marked for the site under the Precinct Plan can be achieved, without compromising the objectives and intent of the Precinct Plan. This is also considered, as both of the immediate sites to the east and south of the subject site are marked under the Precinct Plan for dwelling densities of 240 dwellings per ha, despite both of these sites containing the same built form interface as the subject site (adjoining Topplace development on one side and low-density development on the other side). This planning proposal has therefore been lodged for the site.

This planning proposal supports the Precinct Plan by providing increased residential density in close proximity to jobs, services and public transport connections whilst best supporting each of the objectives of Council's CHN PP. This is outlined in **Table 7**.

Table 8 – CHN PP Objectives Compliance

Objective	Response	Compliance
To allow high and medium density development within the walkable catchment of the future Castel Hill train station.	This planning proposal will facilitate a high-density residential development at the site, which is in close proximity to Castle Hill Metro Station. A development of this nature at the site will consequentially promote in the generation of sustainable outcomes, by discouraging private vehicle use to travel.	YES

Objective	Response	Compliance
<i>To encourage future medium and high density development to meet the needs of the future Hills Shire residents.</i>	This planning proposal will facilitate a high-density residential development at the site which will meet the needs of future residents within the LGA. This is because the future development will: • Provide a range of diverse apartment options to support a range of household structures; and • Provide housing that is highly accessible and in close proximity to a range of public transport connections, essential services and open space.	YES
<i>To achieve a high standard of quality for buildings.</i>	This planning proposal will facilitate a high-density residential development at the site that is of high quality and exhibits design excellence. This will be facilitated, as the future development will be designed in accordance with Clause 7.7 Design Excellence under <i>The Hills Local Environmental Plan 2012</i>.	YES
<i>To create a pedestrian friendly public domain, including high quality footpath paving, street trees, street furniture and lighting.</i>	This planning proposal will facilitate a high-density residential development at the site that provides a high-quality, pedestrian friendly public domain. This will be facilitated as: • The future development will provide pedestrian through-site links to maximise pedestrian permeability. These links will assist future residents of the development, as well as future residents to the north of the site with easily accessing Castle Towers Shopping Centre and Castle Hill Metro Station by foot; and • The future development will provide a range of footpaths and associated site landscaping.	YES
<i>To encourage built form outcomes that complement the suburban character of the area but also provide a transition to the Castle Hill major centre.</i>	This planning proposal will facilitate a high-density residential development at the site which will provide the most appropriate built form outcome for both future residents of the development, as well as surrounding residents. This built form outcome has been analysed in extensive detail within Section 9.3.2.1 of this report. The provision of high-density residential development at the site is consistent with State and local Council policies and can be facilitated under this Planning Proposal. In comparison, only low to medium density development could be considered as a result of the low FSR proposed for the site under the CHN PP. This: • Is inconsistent with the desire for high density housing at the site, which is the most appropriate land use for its strategic location near Castle Hill Metro Station;	YES

Objective	Response	Compliance
	- Does not provide the most appropriate built form outcome into the future against the high-density Topplace development to the immediate south and surrounding low-density residential development to the north; and - Is an unviable development type for the site as determined by a Tipping Point Analysis prepared by Hill PDA Consulting at Appendix H and an FSR Viability Analysis by Charter Keck Cramer at Appendix I.	

9.1.2. Q2: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. This site-specific planning proposal is the best means of achieving the objectives and intended outcomes for the site, which is to enable a redevelopment of the site to support an innovative high-density residential development, that:

- Is an economically viable outcome for the site;
- Will provide an appropriate built form outcome; and
- Will deliver a range of public and community benefits.

The existence of the CHN PP does not create conflict or issue between the two planning proposals. The presence of a wider precinct planning proposal existed at the time of the previous planning proposal for the site. Council supported the processing of the previous proponent-led planning proposal for this amalgamated site on the basis that the wider CHN PP does not assume the Vivien Place properties that make up the site would be amalgamated and hence applies more modest built form control increases to reflect this. This process was also supported within the original Gateway Determination Report for the original planning proposal (PP_2017_THILL_009_00), which concluded that:

“Changes to land use controls are required to deliver the vision for Castle Hill....and a planning proposal is the best way to achieve the intended outcomes.”

The entire Gateway Determination Report of the previous proposal which contains this assessment is provided at **Appendix G**.

The same situation presents again with this new site-specific planning proposal as it encompasses an amalgamation of 11 residential properties and thus has the ability to deliver on the desired high-density housing outcome which as identified above, has consistently been identified for the site. Same as before, the properties are secured under ‘option’ and not in full ownership of the Applicant, thus it is reasonable for Council to assume the properties are not in single ownership, hence not apply a density beyond the 1.54:1 in the CHN PP.

The alternate option of waiting for the CHN PP to be finalised is not desirable for the following reasons:

- The planning controls will not facilitate the optimised higher density outcomes originally supported by Council staff for the site.
- It would thwart the potential for the site to deliver wider public benefits. These comprise:
 - The provision of a series of interconnected and publicly accessible through-site links at the site.
 - The dedication of an on-site road at the site’s western boundary linking Gilham Street and Les Shore Place;
 - The design, construction and commissioning for the construction of a new footpath adjacent to Gilham Street and Gay Street; and
 - The provision of approximately 220 new dwellings, which will greatly assist with increasing overall housing supply to consequently place downward pressure on demand.

- There is no certainty that the CHN PP will proceed in the foreseeable future given unresolved issues relating to contributions and RMS precinct-wide required upgrades.

In addition to the reasons above, specialist independent economic advice was commissioned to determine whether the intended outcomes of the CHN PP are achievable based on the proposed controls, from a financial feasibility perspective. This work was important to test the reasonableness of a site-specific planning proposal being processed concurrent to the CHN PP. Accordingly, a Tipping Point Analysis for the Castle Hill North Planning Proposal was prepared by Hill PDA Consulting at **Appendix H** and an FSR Viability Analysis of the Castle Hill North Planning Proposal by Charter Keck Cramer at **Appendix I**.

The Tipping Point Analysis prepared by Hill PDA (**Appendix H**) undertook market research to establish the value of existing detached houses and new apartments in the centre and immediate locality. Following that, a development feasibility was conducted by applying conservative industry assumptions and projections.

The key findings from the Hill PDA analysis was as follows:

- If the site has a maximum FSR of 1.54:1 as is proposed within the CHN PP, the average Residual Land Value (**RLV**) per parcel of land would range from \$1.2m to 1.45m. This RLV is considered to be too low to encourage an orderly viable redevelopment of the site as well as other lands within the CHN precinct because this RLV shows no land price premium against the median house price (\$1,330,000) within Castle Hill to incentivise landowners to sell. Meaning, developers would not feasibly be able to offer landowners any tangible premium above current market value to acquire their properties. If landowners are not willing to sell because there is no monetary incentive, then no orderly redevelopment of the site or surrounding CHN precinct will occur. Housing targets will thereby not be realised.
- Hill PDA concluded that in order to facilitate site amalgamation in the CHN precinct, the FSRs would need to be in the order of 2.40:1 to 2.60:1 to become financially viable to invest. This is effectively the feasibility tipping point to realise the intended redevelopment for the centre. Based on this, there is a clear disparity between the controls proposed for the site and the financial reality.

To add further rigour to our financial feasibility inquiry, Charter Keck Cramer were separately engaged to carry out their own independent market research to establish existing property values and future apartment sales rates to inform their development feasibility analysis. A copy of their report is attached at **Appendix I**.

The FSR Viability Analysis concluded the following:

- By applying their own expertise and following inquiries with leading marketing agents (including Savills and Colliers International), it was collectively agreed that landowners typically require a premium to market on average at least 75%-100% as an inducement to sell. This then drives the feasibility analysis any developer would undertake.
- Examining the proposed 1.54:1 FSR in the CHN PP, the findings were unequivocally that the amalgamated development would be unviable. An FSR of 2.25:1 was determined to be a lower end viability range to encourage amalgamation and redevelopment. FSRs thus would ideally be at 3:1 (a middle range viability) to 3.27:1 (higher viability range) to encourage orderly economic development.
- Other findings emphasised the importance of the planning controls to encourage amalgamations to facilitate apartment development and avoid *ad hoc* speculative development to create small medium density housing (semi-detached housing) of amalgamated 2-3 sites which can lead to inferior urban design outcomes, site isolation issues and discordant urban density character.

In conclusion, the facilitation of this planning proposal is the most appropriate means to achieve the intended outcomes for the following reasons:

- It establishes an FSR that is considered modest in terms of financial feasibility, that will facilitate amalgamation to deliver residential apartment development, and thus avoid *ad hoc* small scale amalgamation which would lead to poor urban outcomes and an underutilisation of a valuable site.
- The controls will ensure that the future scale and density best resolves the existing built form conflict between the adjoining high-density development currently under construction at Gay Street, Castle Hill (site directly to the south) and the existing low-density residential dwellings at the site;
- It provides the most appropriate built form transition between the adjoining high-density development currently under construction at Gay Street, Castle Hill (site directly to the south) and the surrounding low-density residential dwellings (between 1, 2 and 3 storeys);

- It best responds to Council's CHN PP objective, which is *"to encourage built form outcomes that complement the suburban character of the area but also provide a transition to the Castle Hill major centre"*;
- It will not impact on the adjoining high-density developments (DA1946/2016/JP (as modified)) compliance with ADG solar access; and
- It will allow for the removal of each of the existing low-density dwellings at the site which are negatively affected by the existing built form outcome and no longer contain suitable environmental amenity. These dwellings will be able to be removed, as the proposed built form outcome is viable (unlike that which could be provided under the CHN PP).

These outcomes cannot be achieved by the proposed controls in the CHN PP. The density proposed is unchanged from the previous planning proposal that was assessed by Council and was supported by its planning staff. The site is an appropriate place to concentrate future growth within the LGA, as the surrounding locality is currently undergoing a major transition to facilitate high-density residential development in close proximity to a range of accessible public transport connections. Higher density residential development at the site is supported by a range of strategic studies, documents and policies which have informed this planning proposal.

Without amending the statutory planning controls that apply to the site through this planning proposal, the proposed future development cannot be achieved and the associated environmental, social and economic benefits would be lost. For these reasons, this planning proposal is the most appropriate means to deliver the State and Council objectives for CHN Precinct.

9.2. SECTION B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

9.2.1. Q3: Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional strategy or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. A key factor in determining whether a proposal should proceed to Gateway determination is its strategic and site-specific merit. The planning proposal demonstrates strategic merit through its consistency with the objectives and actions of the applicable State strategic plans and policies that apply to the site. The applicable State strategies, plans and policies comprise:

- NSW State Priorities;
- The Greater Sydney Region Plan – A Metropolis of Three Cities; and
- Central City District Plan.

An assessment of the planning proposal against each of these above-three State strategic plans and policies has been undertaken in the following subsections.

9.2.1.1. Premiers Priorities and NSW State Priorities

Premiers Priorities and *NSW State Priorities* is the State Government's plan to guide policy and decision making across the State. The planning proposal is consistent with the *Premiers Priorities* and *NSW State Priorities*, as it would facilitate a future development at the site that which successfully responds to a range of key *Premiers Priorities* and *NSW State Priorities* objectives, including:

- **Creating Jobs (150,000 new jobs by 2019):**
 - The future development would create a range of temporary construction jobs (approximately 300 construction jobs) for Castle Hill and Greater Sydney during the construction phase of works. A range of jobs would also be created by the development during the DA stage of works for a range of consultants, as well as on-going jobs in strata management and building maintenance at the project's completion.
- **Making Housing More Affordable (61,000 housing completions on average per year to 2021):**
 - The future development would provide 220 new dwellings to Castle Hill and Greater Sydney. This will significantly increase total housing supply and consequentially place downward pressure on demand and housing prices.

- **Increase Housing Supply (deliver more than 50,000 approvals every year):**

- As identified above, the future development would provide 220 new dwellings to Castle Hill and Greater Sydney. This will significantly increase total housing supply and consequentially place downward pressure on demand and housing prices.

9.2.1.2. The Greater Sydney Region Plan – A Metropolis of Three Cities

The *Greater Sydney Region Plan - A Metropolis of Three Cities (Regional Plan)* seeks to rebalance growth and deliver its benefits more equitably to residents across Greater Sydney. Aligning land use, transport and infrastructure planning is intended to reshape Greater Sydney as three unique but connected cities. The plan is built on a vision where most residents of the three cities (Central River, Western Parkland and Eastern Harbour) live within 30 minutes to their jobs, education, health facilities and services.

Within the Regional Plan, it is noted that The Hills LGA to which the site is contained to, will experience a population increase of approximately 125,350 people by 2036. This planning proposal will allow for the erection of a future development at the site which delivers a significant number of required new dwellings to The Hills LGA to support this projected population growth. In addition to the above, the planning proposal is consistent with the Regional Plan, as it would facilitate a future development at the site which successfully supports a range of key Regional Plan objectives. This is outlined within **Table 9**.

Table 9 – Region Plan Objectives Compliance

Objective	Assessment	Compliance
Objective 6 – Services and infrastructure meet communities changing needs	The site is located within Castle Hill. According to 2016 census data, 49.8% of all households within Castle Hill contain couples with children. The future development will appropriately respond to this emerging household demographic within Castle Hill by providing an appropriate number of two and three bedroom dwellings. A range of landscaped and grassed areas are also proposed as part of the future development to support families that are increasingly moving into the area.	YES
Objective 7 – Communities are healthy, resilient and socially connected	The future development would provide up to 220 new dwellings which will be occupied by persons from a range of differing cultures, jobs, interests and ages. The future dwellings will be suitable for a range of ages and will allow older residents to downsize from their family sized homes. This will consequentially strengthen the social cohesion and unity of Castle Hill into the future.	YES
Objective 8 – Greater Sydney's communities are culturally rich with diverse neighbourhoods	As discussed in Table 9 (Objective 7).	YES
Objective 10 – Greater housing supply	The future development would provide up to 220 new dwellings for Castle Hill and wider Sydney. This will consequentially place downward pressure on demand and housing affordability.	YES
Objective 11 – Housing is more diverse and affordable	The future development would provide a range of diverse apartment options to support a range of household structures. In addition to this, the provision of 220 dwellings at the site will greatly increase the overall rate of housing supply within Castle Hill, which will place downward pressure on demand and housing affordability.	YES

Objective	Assessment	Compliance
Objective 33 – A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	The future development would incorporate a range of sustainable design measures to minimise its on-going carbon footprint. The services, appliances, fittings and electronics that will be contained to the future development will be energy efficient. Future waste management practises will also seek to reuse or recycle waste wherever possible. In addition to this, the new dwellings to be constructed in the future development will be highly thermally efficient in comparison with the old housing stock that currently exists at the site and which will be demolished and replaced as a result of this planning proposal.	YES
Objective 34 – Energy and water flows are captured, used and re-used	The future development would incorporate a range of sustainable design measures to capture, use and re-use energy and water flows wherever possible.	YES
Objective 35 – More waste is re-used and recycled to support the development of a circular economy	The future development would incorporate a range of sustainable waste management practises to ensure waste is re-used or recycled wherever possible.	YES

9.2.1.3. Central City District Plan

The *Central City District Plan* (the **District Plan**) was finalised by the GSC and publicly released with the Region Plan in March 2018. The District Plan has been prepared in accordance with Section 3.4 of the EP&A Act. The District Plan contains a range of planning priorities for the Central District. The future development is consistent with the District Plan and supports a range of planning priorities contained to it, as outlined in **Table 10**. This is consistent with the original Gateway Determination Report for the original planning proposal (PP_2017_THILL_009_00) facilitating approximately 220 dwellings (which is consistent with the subject proposal) at the site, which also concluded that:

“The development is consistent with the [District] Plan as the proposal will provide housing supply, in walkable proximity to employment, services and transport.”

The entire Gateway Determination Report which contains this assessment is provided at **Appendix G**.

Table 10 – Planning Priorities Compliance

Objective	Assessment	Compliance
Planning Priority N3 – Providing services and social infrastructure to meet people’s changing needs	As discussed in Table 9 (Objective 6).	YES
Planning Priority N4 – Fostering healthy, creative, culturally rich and social connected communities	As discussed in Table 9 (Objective 7).	YES

Objective	Assessment	Compliance
Planning Priority N5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport	The future development would provide up to 220 new dwellings in Castle Hill in a location with excellent access to jobs, services and public transport. Specifically: • The site is located approximately 100m from Castle Towers Shopping Centre, which contains a range of job opportunities and essential services; • The site is located approximately 330m from Old Castle Hill Road, which is aligned with a range of neighbourhood shops, cafes, restaurants and essential services. Each of these land uses also provide a range of job opportunities; • The site is located approximately 50m from Castle Hill Public School and approximately 530m from Castle Hill High School. Both of these educational establishments provide a range of job opportunities, as well as educational opportunities for students; and • The site is located approximately 435m from Castle Hill Metro Station, which provides direct access to locations including Macquarie University and Chatswood. It also provides access to the wider Sydney Trains network from Epping Station and Chatswood Station. A range of bus stops also surround the site.	YES
Planning Priority N6 – Creating and renewing great places and local centres, and respecting the District's heritage	The future development would provide a high quality development at the site that would increasingly invigorate Castle Hill whilst respecting the heritage significance of surrounding heritage items.	YES
Planning Priority N9 – Delivering integrated land use and transport planning and a 30-minute city	The future development would provide a successful TOD. This is because the future development would be located approximately 435m from Castle Hill Metro Station, as well as a range of various bus stops. This would allow residents of the future development to easily access Castle Hill and surrounding Greater Sydney using public transport.	YES
Planning Priority N19 – Reducing carbon emissions and managing energy, water and waste efficiently	As discussed within Table 9 (Objectives 33, 34 and 35).	YES

9.2.2. Q4: Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. This planning proposal is consistent with several Council strategic plans for Castle Hill, which encourage the development of a range of higher density developments within the locality in response to its growing status as a major centre within Sydney's North West.

The local strategic plans which advocate for higher density developments in the locality and have therefore informed this planning proposal include:

- Draft Hills Future 2036 Local Strategic Planning Statement;
- The Hills Shire Draft Housing Strategy (2019);
- North West Rail Link Corridor Strategy;
- The Hills Corridor Strategy; and
- Castle Hill North Precinct Plan.

An assessment of the planning proposal against the Draft Hills Future 2036 Local Strategic Planning Statement and The Hills Shire Draft Housing Strategy (2019) has been undertaken in the following subsections. An assessment of the planning proposal against the North West Rail Link Corridor Strategy, The Hills Corridor Strategy and the Castle Hill North Precinct Plan has already been undertaken within **Section 9.1.1**.

9.2.2.1. Draft Hills Future 2036 Local Strategic Planning Statement

The Draft Hills Future 2036 Local Strategic Planning Statement (**Draft LSPS**) provides details upon which to base planning decisions and drive future land use planning and the management of growth over the next 20 years. The Draft LSPS sets out planning priorities and corresponding actions to be delivered over the next 5 years that will provide for more housing, jobs, parks and services for the growing population within The Hills Shire LGA.

The future development supports a range of the overarching planning priorities contained to the Draft LSPS. These comprise:

- Planning Priority 2: Building our strategic centres to realise their potential;
- Planning Priority 6: Plan for housing supply to support Sydney's growing population;
- Planning Priority 7: Facilitate housing in the right locations;
- Planning Priority 8: Deliver a diversity of housing;
- Planning Priority 11: Plan for convenient, connected and accessible public transport;
- Planning Priority 12: Influence travel behaviour to promote sustainable choices;
- Planning Priority 13: Expand and improve our active transport network;
- Planning Priority 15: Provide new and upgraded passive and active open spaces; and
- Planning Priority 18: Promote increased urban tree canopy cover.

Within the Draft LSPS, the suburb of Castle Hill is identified as:

“our CBD [that] is set to become a vibrant and active centre comprising offices, retail, community facilities, recreation, cultural facilities, education and increased housing densities within walking distance of the station”.

The future development would greatly assist with supporting this future vision for the suburb of Castle Hill by providing a vibrant and active development with appropriate housing densities within walking distance of the Castle Hill Metro Station.

Within the suburb of Castle Hill, the Draft LSPS specifically identifies the site as being located within the 'Castle Hill Strategic Centre'. Within the Castle Hill Strategic Centre, the site is specifically marked for 'medium/high density residential' (**Figure 12**).

Figure 12 – Castle Hill Strategic Centre



Source: Draft Hills Future 2036 Local Strategic Planning Statement

The future development would greatly support this Draft LSPS vision for the site by providing a suitable high density residential development that provides increased housing stock and appropriately responds to its surrounding context.

It is noted that the provision of increased housing within the Castle Hill Strategic Centre is a key focus for Council through its Draft LSPS. This is further identified through their recent decision to refuse a planning proposal affecting 51-55 Old Castle Hill Road, Castle Hill (14/2019/PLP – site directly to the south of the site), which sought consent for the following:

“To permit ‘serviced apartments’ as an additional permitted use on the site under Schedule 1 of The Hills LEP 2012, with a total maximum floor space ratio of 2:1. The proponent’s application indicates that this would permit approximately 377 serviced apartments.”

This planning proposal was ultimately refused, as Council believed that *“the planning proposal is inconsistent with the strategic framework. There is insufficient strategic justification to change the land use on this site from residential to ‘serviced apartments’, at the expense of the delivery of new housing in appropriate and strategically identified locations.”*

The future development as a result of this planning proposal will ensure that new housing stock (approximately 220 dwellings) is delivered in an appropriate and strategically identified location; in accordance with the Draft LSPS. In addition to this, the future development would also support a range of land use, access and public domain actions for the Castle Hill Strategic Centre that are contained to the Draft LSPS. This is outlined in **Table 11**.

Table 11 – Castle Hill Strategic Centre draft LSPS Compliance

LSPS Action	Assessment	Compliance
Land Use:		
Development within the ‘ring road’ will form the commercial core of Castle Hill Central allowing for a range of retail, business, office, leisure, entertainment, hotel, administration and community uses that serve the needs of the wider community.	The site is not located within the ‘ring road’. Accordingly, the following action does not apply.	N/A

LSPS Action	Assessment	Compliance
Development surrounding the 'core' will provide a mix of business, office, residential, restaurants and supporting retail uses with a focus on creating a vibrant and active lifestyle precinct. The intent is to support the adjoining commercial core.	The future development to be provided at the site will provide appropriately 220 dwellings to the locality, which will greatly support the adjoining Castle Hill Strategic Centre commercial core by increasing the total number of residents that will be located near it and rely on it to access essential services, jobs and shops into the future.	YES
Development beyond the commercial core and mixed use surrounds will provide a diversity of housing, within an easy walk of facilities and transport. Higher density residential (7 to 20 storeys) principally to the north, lower scale apartment development to the south, with heights around 4-6 storeys.	The future development will provide approximately 220 dwellings that are in close proximity to a range of public transport connections, essential services and open space. In addition to this, high-density residential development is encouraged to the north, which is where the site is located and where high-density residential development is intended to be construction as a result of this planning proposal.	YES
Development within and surrounding the centre will incorporate a variety of building heights, including some distinctive or landmark heights.	The future development will be of an appropriate building height that ensures it provides the most appropriate built form outcome for both future residents of the development, as well as surrounding residents. This built form outcome is more appropriate than that which would be facilitated under the CHN PP. This built form outcome has been analysed in extensive detail within Section 9.3.2.1 of this report.	YES
<u>Access:</u>		
New pedestrian and vehicular connections, including some local road widening will increase connectivity and permeability.	The reference scheme enables the provisions for future new vehicular and pedestrian connections to increase overall permeability within the locality. These connections comprise an on-site road at the site's western boundary linking Gilham Street and Les Shore Place and the provision of a series of interconnected and publicly accessible through-site links.	YES
The Old Northern Road and Terminus Street ring-road link is to remain the primary north-south thoroughfare through the centre with changes to alignment at Brisbane Road and McMullen Avenue to improve accessibility and safety.	The future development does not change these existing road alignments.	N/A
Showground Road will remain significant to connect Norwest Business Park with the Castle Hill centre.	The future development will not impact Showground Road.	YES
Significant upgrades of the streetscapes on these major thoroughfares will be required to	The future development will rejuvenate Gilham Street by providing an active frontage integrated	YES

LSPS Action	Assessment	Compliance
provide attractive and accessible pedestrian connections between the Centre and the adjacent uses.	with a landscaped open space setting. In addition to this, the future development will provide pedestrian connections through the site to increase pedestrian permeability within the Castle Hill Strategic Centre.	
<u>Public Domain:</u>		
The primary public domain works will involve upgrading of the streetscapes in and around the centre, with the creation of new and widened footpaths and attractive street furniture.	The future development will provide an enhanced public domain and streetscapes within the Castle Hill Strategic Centre. The reference scheme illustrates the potential to provide tree-lined street frontages, expansive on-site landscaping, enhanced footpaths and varying furniture.	YES
Activation of buildings at street level will be promoted with urban plazas and recreational zones providing for civic gathering and open space enjoyment, particularly within the station precinct and the core of the centre.	The reference scheme illustrates the vision to create an active street level presentation coupled with the provision of a range of public accessible open spaces and through-site links which will bring people to the development and allow people to gather, socialise and play.	YES
Existing green spaces which form part of the Castle Hill identity will be protected and enhanced such as the Arthur Whitling Park, Maurice Hughes Reserve north west of the commercial core; and Bert Parkinson Reserve north of Castle Hill High School. Expansion of local parks such as Olola Avenue Reserve can be investigated as part of precinct planning.	The future development will not impact Arthur Whitling Park, Maurice Hughes Reserve and Bert Parkinson Reserve. Future development will comprise extensive open new green spaces and landscape settings to the Castle Hill Strategic Centre that will be of significant benefit to current and future residents, workers and passers-by.	YES
A Public Domain Plan will be required to detail the delivery of the above initiatives and to guide the broader character of the public domain.	An Urban Design Strategy has been prepared by AE Design Partnership and is attached at Appendix B . The Urban Design Report identifies each of the proposed public domain initiatives that are to be incorporated into the future development at the site. These comprise tree-lined street frontages, enhanced footpaths, varying furniture and through-site links.	YES

9.2.2.2. The Hills Shire Draft Housing Strategy (2019)

The Hills Shire Draft Housing Strategy (2019) (**Draft Housing Strategy**) has been prepared by Council to support the Draft LSPS and provide specific detail on the future housing vision for the locality and each of the planning priorities that support this.

Within the Draft Housing Strategy, it is acknowledged that an additional 38,000 dwellings with an average occupancy rate of 3.3 persons per dwelling would need to be built within the LGA to support a projected population increase of 128,000 persons by 2036. Of these 38,000 additional dwelling required by 2036, the Draft Housing Strategy identifies that an additional 6,500 dwellings are required to be constructed within Castle Hill. In addition to this, the new dwellings that are to be constructed need to align with the following housing planning priorities:

- Plan for housing supply to support Sydney's growing population;
- Facilitate housing in the right location;
- Deliver a diversity of housing;
- Renew and create great places; and
- Provide services and social infrastructure to meet residents' needs.

The future development to be constructed at the site as a result of the planning proposal greatly aligns with each of these housing planning priorities, ensuring that high-quality residential development is constructed within Castle Hill that supports Council's vision. This is outlined within **Table 11**.

Table 12 – Draft Housing Strategy Compliance

Housing Planning Priority	Assessment	Compliance
Plan for housing supply to support Sydney's growing population	The future development would provide up to 220 new dwellings for Castle Hill, the Hills Shire LGA and wider Sydney. This will consequentially place downward pressure on demand and housing affordability.	YES
Facilitate housing in the right location	The future development would be constructed in the right location, as: • The site is marked for 'high-density residential' within a number of strategic plans and policies, including: - Draft Hills Future 2036 Local Strategic Planning Statement; - North West Rail Link Corridor Strategy; - The Hills Corridor Strategy; and - Castle Hill North Precinct Plan. • The surrounding locality is currently being transformed to facilitate high-density residential development. The future development would therefore be consistent with this character; • The site is located in close proximity to a range of public transport connections, providing high access to locations throughout Greater Sydney; • The site is located in close proximity to a range of jobs, essential services, commercial premises and open spaces; and • The site is in close proximity to a range of amenities including shops, medical services and schools.	YES
Deliver a diversity of housing	The future development would provide a wide mix of apartment types to support the diverse needs of future residents.	YES

Housing Planning Priority	Assessment	Compliance
Renew and create great places	The future development would renew the site which currently contains a range of detached low-density residential dwellings with significantly low environmental amenity. The future development would increasingly rejuvenate the locality and provide a range of through-site links, open space areas, footpaths and tree lined streets.	YES
Provide services and social infrastructure to meet residents' needs	As discussed in Table 9 (Objective 6).	YES

9.2.3. Q5: Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with the relevant State Environmental Planning Policies (**SEPPs**), as detailed within **Table 13**.

Table 13 – SEPPs Consistency

Policy	Assessment
State Environmental Planning Policy No.55 – Remediation of Land	<i>State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)</i> provides a state-wide planning approach for the remediation of land and aims to promote in the remediation of contaminated land to reduce the risk of harm to human health or the environment. Clause 7(1) requires the consent authority to consider whether land is contaminated prior to consent of a DA. An analysis of aerial photographs from 1943 shows that the site was utilised as rural landscape during this time. The site was then redeveloped to facilitate low-density detached residential dwellings, which still currently exists today. Accordingly, activities that have the potential to cause soil and groundwater contamination are unlikely to have created any significant site contamination. Further to this, the original Gateway Determination Report for the original planning proposal (PP_2017_THILL_009_00) facilitating approximately 220 dwellings (which is consistent with the subject proposal) at the site concluded that: <i>“The proposal is considered consistent with all relevant SEPPs. The following SEPP’s are relevant....SEPP No 55 – Remediation of Land....”</i> The entire Gateway Determination Report which contains this assessment is provided at Appendix G. As no land use conditions have changed since this Gateway Determination, no further investigation is deemed warranted.
State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development	<i>State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development) (SEPP 65)</i> applies to development for the purposes of a building that comprises three or more storeys and four or more self-contained dwellings. The reference scheme that has informed this planning proposal has been designed in accordance with SEPP 65 principles and design criteria under the Apartment Design Guidelines (ADG). The reference scheme concept comprises two residential towers forms separated by extensive landscaping and pedestrian connections. The concept exceeds the

Policy	Assessment
	minimum design criteria for building separation, communal open space and solar access which will facilitate a future high-quality development. Furthermore, the reference scheme illustrates potential to comply with other key design guidance and criteria such as building and façade orientation, building depth and shadow impact.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP)</i> requires residential development to achieve mandated levels of energy and water efficiency. The proposed indicative development concept has been designed within specific building mass and orientation to facilitate future BASIX compliance. This will be documented in detail at the future DA stage.
State Environmental Planning Policy (Infrastructure) 2007	<i>State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)</i> aims to facilitate the effective delivery of infrastructure across NSW by identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure such as classified roads and prescribing consultation requirements for certain development. A Traffic Impact Assessment has been prepared by Mott Macdonald and is attached at Appendix J. The Traffic Impact Assessment has assessed the intended future development concept and its potential impacts on the surrounding road network. The results of the Traffic Impact Assessment determined that the planning proposal is supportable on traffic and parking grounds. The potential impacts on traffic generation are considered to be minor when considering the wider traffic impacts that will be generated by the separate Council CHN PP. This has been discussed in further detail in Section 9.3.2.2 of this report.

9.2.4. Q6: Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The planning proposal is consistent with the relevant Section 9.1 Ministerial Directions, as detailed within **Table 14**.

Table 14 – Ministerial Direction Consistency

Ministerial Direction	Comment
Employment and Resources:	
1.1 – Business and Industrial Zones	N/A
1.2 – Rural Zones	N/A
1.3 – Mining, Petroleum Production and Extractive Industries	N/A
1.4 – Oyster Aquaculture	N/A
1.5 – Rural Lands	N/A
Environment and Heritage:	

Ministerial Direction	Comment
2.1 – Environmental Protection Zones	N/A
2.2 – Coastal Management	N/A
2.3 – Heritage Conservation	N/A
2.4 – Recreation Vehicle Areas	N/A
2.5 – Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A
<i>Housing, Infrastructure and Urban Development:</i>	
3.1 – Residential Zones	The proposal will facilitate future residential development at the site with the capacity to positively contribute to the required additional housing supply within Castle Hill. The proposed indicative development concept for the site demonstrates an ability to achieve a design and form of development that will incorporate an appropriate mix of apartment types. The future redevelopment of the site will be subject to the relevant provisions under SEPP 65 to ensure a high standard of design and amenity is achieved.
3.2 – Caravan Parks and Manufactured Home Estates	N/A
3.3 – Home Occupations	This planning proposal is consistent with the direction. Home occupations are permissible within the proposed R4 zone.
3.4 - Integrating Land Use and Transport	The planning proposal is consistent with the intent of the direction as it will enable a form of development that will: • Improve access to housing, jobs and services by walking, cycling and catching public transport; • Increase the choice of available transport whilst reducing dependence on private vehicles; • Support the efficient and viable operation of public transport services; and • Positively respond to the delivery of greater residential density within proximity and ease of access to services.
3.5 – Development Near Regulated Airports and Defence Airfields	N/A
3.6 – Shooting Ranges	N/A
3.7 – Reduction In Non-Hosted Short Term Rental Accommodation Period	N/A
<i>Hazard and Risk:</i>	

Ministerial Direction	Comment
4.1 – Acid Sulphate Soils	N/A
4.2 – Mine Subsidence and Unstable Land	N/A
4.3 – Flood Prone Land	N/A
4.4 – Planning for Bushfire Protection	N/A
Regional Planning:	
5.1 – Implementation of Regional Strategies	N/A
5.2 – Sydney Drinking Water Catchments	N/A
5.3 – Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 – Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.9 – North West Rail Link Corridor Strategy	The planning proposal is consistent with the objectives of this direction with regard to the provision of ' <i>high density residential</i> ' development within an 800 metre radius of Castle Hill Metro Station'.
5.10 – Implementation of Regional Plans	This planning proposal achieves the overall intent of the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i> , and does not undermine the achievements of its vision, land use strategy, goals, directions and actions.
5.11 – Development of Aboriginal Land Council Land	N/A
Local Plan Making:	
6.1 – Approval and Referral Requirements	N/A
6.2 – Reserving Land for Public Purposes	N/A
6.3 – Site Specific Provisions	This planning proposal refers to an indicative design concept only. The design concept has the role of displaying what is potentially achievable with the proposed amendments to the THLEP 2012. Detailed design will be subject to a future DA.
Metropolitan Planning:	
7.1 – Implementation of A Plan for Growing Sydney	N/A. A Plan for Growing Sydney has been superseded by the <i>Greater Sydney Region Plan – A Metropolis of Three Cities</i> . This planning proposal is consistent with the Region Plan, as discussed previously.
7.2 – Implementation of Greater Macarthur Land Release Investigation	N/A

Ministerial Direction	Comment
7.3 – Parramatta Road Corridor Urban Transformation Strategy	N/A
7.4 – Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	N/A
7.5 – Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
7.6 – Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	N/A
7.7 – Implementation of Glenfield to Macarthur Urban Renewal Corridor	N/A
7.8 – Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	N/A
7.9 – Implementation of Bayside West Precincts 2036 Plan	N/A
7.10 – Implementation of Planning Principles for the Cooks Cove Precinct	N/A

9.3. SECTION C – ENVIRONMENTAL, SOCIAL & ECONOMIC IMPACT

9.3.1. Q7: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. No sensitive flora or fauna will be adversely affected as a result of this planning proposal. This is because the site is largely clear of any significant vegetation, as the site is currently occupied by 11 individual residential dwellings and the Vivien Place road reserve.

An Arboricultural Impact Assessment has been prepared by Arterra Consulting Arboriculture at **Appendix K**, which confirms the following:

- All of the existing trees within the site are believed to be relatively recent plantings;
- No trees are considered to contain a 'high' retention value. Most of the trees are considered to have only 'low' or at best, 'moderate' retention values; and
- There are no trees at the site which are worthy of working the proposed development around. None of the trees should not be seen as a limit or constraint to any future development at the site.

Notwithstanding these findings, a number of existing trees along the southern and eastern site boundaries of the site are considered to be of value to retain for amenity purposes if possible, given the close proximity of the neighbouring Topplace development to the immediate south, which has a maximum 76.8m storey tower (plus other towers as part of the development) close to the shared boundary. The reference scheme illustrates the potential to retain trees close to the boundary to mitigate future interface impacts from the Topplace development to the immediate south.

9.3.2. Q8: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are not likely to be any environmental impacts associated with the future development that cannot be suitably managed as part of a future detailed DA process. Likely built form, site amalgamation and traffic impacts resulting from the future development at the site have been considered in this proposal and are discussed within the following subsections.

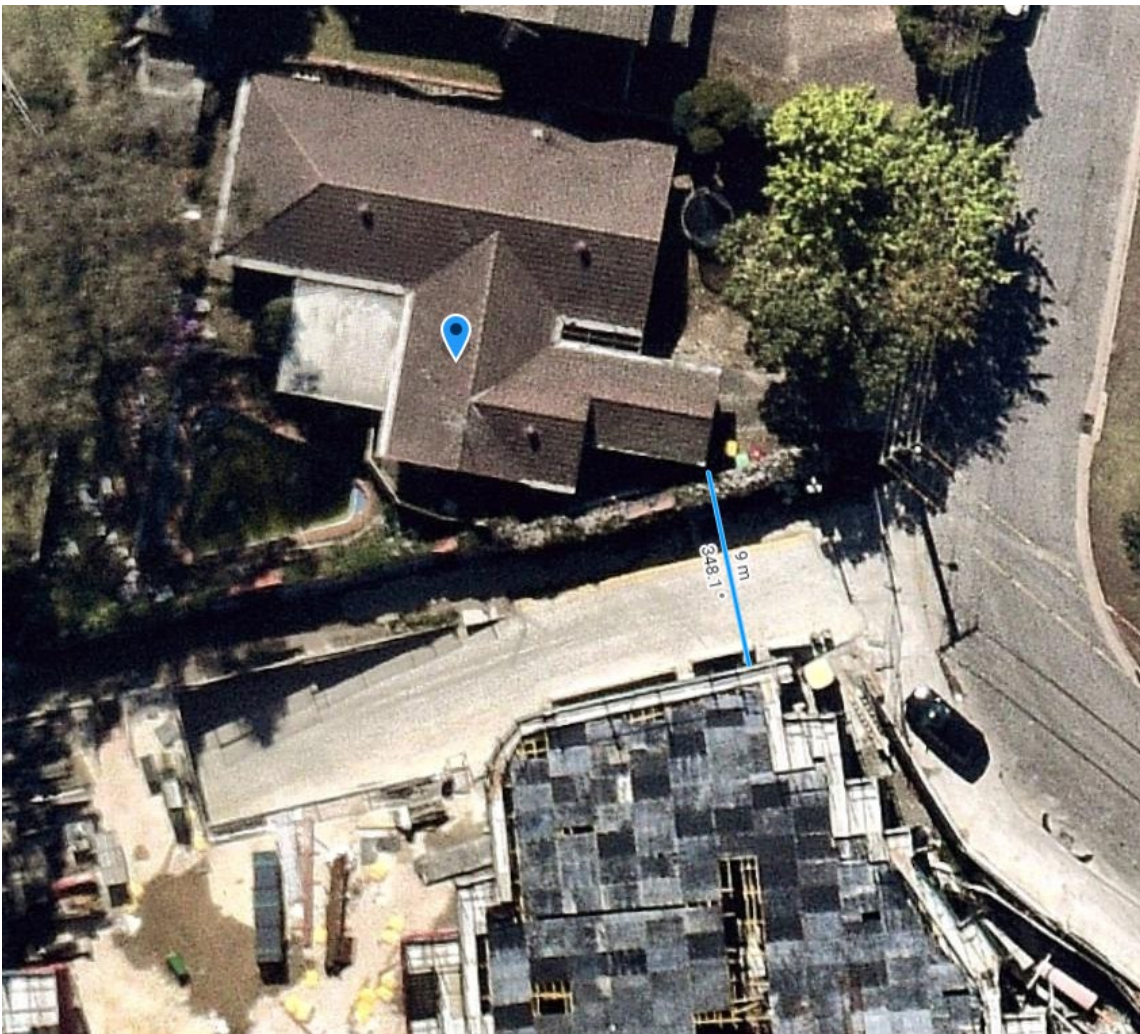
9.3.2.1. Built Form

Current Built Form

A highly negative built form outcome currently exists between the low-density residential dwellings on-site and the adjoining development at the Gay Street, Castle Hill site (i.e.: Topplace site). The adjoining development at the Gay Street, Castle Hill site is currently under construction in accordance with DA1946/2016/JP (as modified) and comprises five individual residential flat buildings (Buildings A to E).

Of these, Building B of the development has a maximum approved height of approximately 76.8m and is the closest building to the site. It has a separation distance of only approximately 9m to the nearest single-storey residential dwelling at the site, located at 7 Gay Street, Castle Hill. This is shown within **Figure 13**.

Figure 13 – Separation Between Existing Site Dwelling and Building B of DA1946/2016/JP (as modified)



Source: Nearmap

This current scenario which will consist of an approximate 76.8m high building only 9m away from a single storey dwelling is undeniably an unfortunate and negative built form outcome. The tower form creates an imposing dominance on the single level dwelling house on the adjoining site. The impact is exacerbated by the reduced physical separation. The modelling of building forms on the adjoining site have had no regard to the need for the creation of an appropriate built form transition. This negative built form outcome is clearly shown in **Figure 14 (Picture 10 to Picture 15)**.

Figure 14 – Existing Negative Built Form Outcome



Picture 10 – View 1 of Adjoining Development From Site
Source: Foresight Management



Picture 11 – View 2 of Adjoining Development From Site
Source: Foresight Management



Picture 12 – View 3 of Adjoining Development From Site
Source: Foresight Management



Picture 13 – View 4 of Adjoining Development From Site
Source: Foresight Management



Picture 14 – View 5 of Adjoining Development from Site

Source: Foresight Management



Picture 15 – View 6 of Adjoining Development from Site

Source: Foresight Management

This negative built form outcome means that each of the existing low-density residential dwellings at the site now, and will continue to have:

- Significant adverse view loss;
- Significant adverse solar access impacts;
- Significant adverse overshadowing impacts;
- Significant adverse privacy impacts; and
- Significant adverse wind impacts.

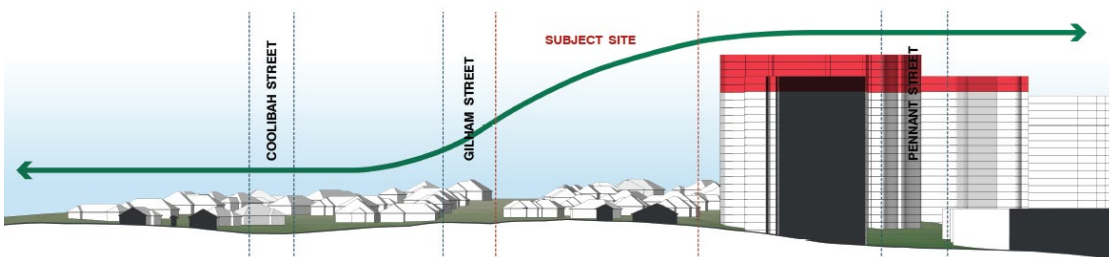
The impact of the new development is clearly devastating on the amenity of properties that make up the subject site. Considering this, it is critical that the intention to deliver high density housing on the site is achieved. The transformation of the site from low density to high density housing will enable a positive response to the new high-rise scale abutting the site and allow for the designers to maximise amenity, views and privacy for the new dwellings.

As stated earlier, this proposal is the best means to achieve this.

Proposed Future Built Form

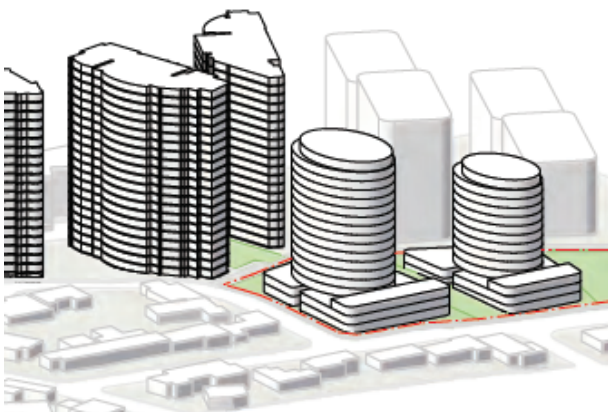
In response to the negative and incongruent built form relationship with the adjoining development, this planning proposal seeks to amend the THLEP 2012 for the site to allow a 17 storey building and a 13 storey building to be constructed at the site. Both proposed buildings will also contain podiums up to 3 storeys in height, with the towers setback behind. This intended built form outcome is considered the most appropriate response to the new urban context, as this will provide an appropriate inclined reduction in height from the approximate 76.8m building to the immediate south, the site (17 and 13 storeys) and surrounding low density dwellings to the north (1, 2 and 3 storeys). The need to achieve a positive built form transition on-site from the tall towers to low scale residential area to the north is highlighted in **Figure 15 (Picture 16 to Picture 18)**.

Figure 15 – Proposed Built Form Transition



Picture 16 – Proposed Built Form Transition

Source: AE Design Partnership



Picture 17 – Proposed Built Form Transition
(Looking South-West)

Source: AE Design Partnership



Picture 18 – Proposed Built Form Transition
(Looking West)

Source: AE Design Partnership

The proposed podiums on both buildings will contain terrace style apartments that will directly complement the lower scale dwellings to the north to provide an appropriate built form transition. The podiums will create a low-scale street level language that will allow the tower forms to reduce in the background and thus achieve a reduced visual perceived bulk and scale of the development.

An assessment report for the original planning proposal (PP_2017_THILL_009_00) that was prepared and included within the 27 November 2018 Council Ordinary Meeting agenda agreed with this assessment and provided the following comments on the proposed built form outcome (of which was the same built form outcome as proposed within this subject planning proposal):

- *“By having terraces along the frontage, with the tower elements setback, the predominant streetscape when viewed from the street will be a terrace edge.”; and*
- *“This will ensure that the proposed tower elements will not have a direct and overbearing interface to the properties on the northern side of Gilham Street.”.*

Accordingly, Council was supportive of the proposed built form outcome and agreed that it would provide an appropriate response to the surrounding built form. This assessment report is provided at **Appendix E**. Given Council’s previous support, this new planning proposal does not seek to change the built form massing approach for the site.

In addition to the above, the proposed built form outcome is considered to be superior than that what could be provided at the site under the CHN PP. This is because the subject planning proposal will provide a suitable inclined built form transition between the high and low density buildings within the locality that is viable, and:

- Best resolves the existing building scale conflict between the adjoining high-density development currently under construction at Gay Street, Castle Hill (site directly to the south) and the existing low-density residential dwellings at the site;
- Provides the most appropriate built form transition between the adjoining high-density development currently under construction at Gay Street, Castle Hill (site directly to the south) and the surrounding low-density residential dwellings (between 1, 2 and 3 storeys);
- Best responds to Council’s CHN PP objective, which is *“to encourage built form outcomes that complement the suburban character of the area but also provide a transition to the Castle Hill major centre”*;
- Will not impact on the adjoining high-density developments (DA1946/2016/JP (as modified)) compliance with ADG solar access; and
- Will allow for the remove each of the existing low-density dwellings at the site which are negatively affected by the existing built form outcome and no longer contain suitable environmental amenity. These

dwelling will be able to be removed, as the proposed built form outcome is viable (unlike that which could be provided under the CHN PP) as determined within the supporting Tipping Point Analysis by Hill PDA Consulting at **Appendix H** and the FSR Viability Analysis by Charter Keck Cramer at **Appendix I**.

Possible Alternative Future Built Form

As part of AE Design Partnership's independent peer review of the site-specific merit of the design concept, they identified that there are alternative ways to master plan the site that could provide equal or great benefits. A copy of the master planning study has been prepared by AE Design Partnership and is contained as an appendix to the Urban Design Strategy at **Appendix B**. An indicative site plan of this is also provided in **Figure 16** below.

Figure 16 – Possible Alternative Future Built Form



Source: AE Design Partnership

This work illustrates that the proposed controls enable the site to be master planned in several ways. This flexibility illustrates that the proposed density controls are not excessive, but rather strike the right balance appropriate for the site, enabling various massing configurations to meet amenity and contextual considerations.

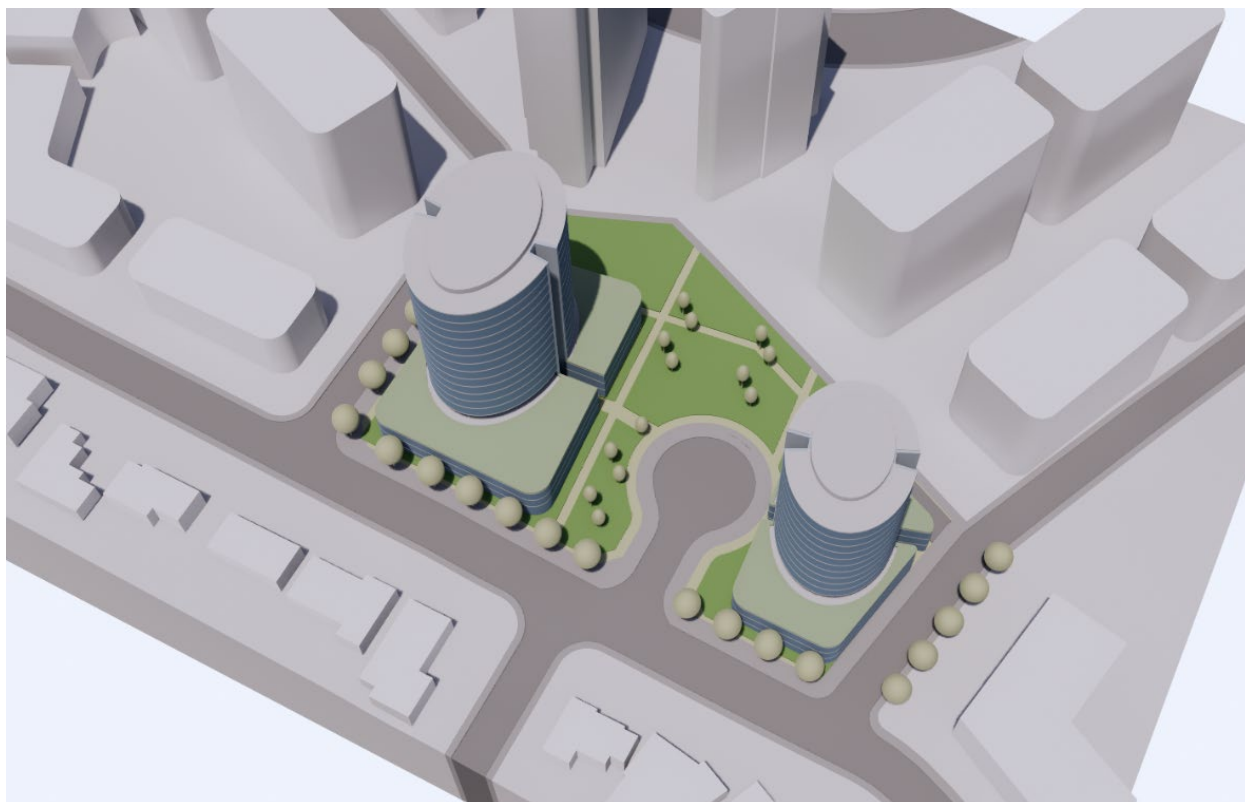
Post Gateway determination, the Applicant would be happy to work with Council to make refinements to the reference scheme as/if desired, as well as tailor development control plan guidelines in order to provide certainty of a future bulk and scale outcome on the site.

9.3.2.2. Site Amalgamation

As outlined previously, the proposal comprises the amalgamation of 11 residential properties. Consistent with the previous planning proposal, Vivien Place (Council owned road) is included in the proposal. The VPA applying to the previous proposal included land swap commitments to deal with the closure of Vivien Place and the creation of a new local road. This planning proposal assumes the previous agreed position between Council and the Application will continue to be supported.

However, in the event that Council does not wish to support the proposal to allow Vivien Place to be incorporated into the development site as part of a new road configuration, the designers have prepared a concept to illustrate that in such an event, the proposed density sought in this planning proposal could still be accommodated on the site. **Figure 17** below shows a simple illustration of how the built form massing could be accommodated. We recognise that alternate solutions could be carried out, however at this stage any further consideration of this scenario is not considered warranted.

Figure 17 – Development Concept Including Vivien Place Road Reserve



Source: UP Architects

9.3.2.3. Traffic:

A Traffic Impact Assessment Report has been prepared by Mott Macdonald and is attached at **Appendix J**. The Traffic Impact Assessment Report undertook analysis of traffic and intersection performance and assessed the proposed development impact to the current situation.

The report identifies that during the AM peak period (8am to 9am) and the PM peak period (3pm to 4pm), the planning proposal is anticipated to generate the following traffic impacts on the surrounding road network:

- An additional 43 vehicles during the AM peak period, comprising:
 - 9 vehicles inbound; and
 - 34 vehicles outbound.
- An additional 34 vehicles during the PM peak period, comprising:
 - 27 vehicles inbound; and
 - 7 vehicles outbound.

These anticipated worst-case traffic generation rates were determined by utilising the RMS Guide to Traffic Generating Surveys TDT 2013/04a, which specifies the following traffic generating calculation rates:

- AM Peak Traffic Generation = 0.19 trips x number of dwellings.
- PM Peak Traffic Generation = 0.15 x number of dwellings.

Network modelling using SIDRA demonstrates that the additional vehicles generated by the proposed development on the operation of the surrounding road network is negligible in both the AM and PM peak periods. In addition to this, these anticipated traffic generation rates are considered to be negligible when considering the total traffic impacts that will be generated by the wider CHN PP, of which the site is contained to.

The Traffic Impact Assessment Report determined that the CHN PP could theoretically provide up to 4,588 new dwellings within the CHN PP area if all sites were developed to their proposed maximum allowable rate (this includes a total of 220 dwellings at the site facilitated by this planning proposal). However, it is unlikely that all 4,588 dwellings will be delivered within the CHN PP area, as the FSR proposed for a number of sites under the CHN PP will make development unviable and thus not delivered as per the findings of the Tipping Point Analysis for the Castle Hill North Planning Proposal at **Appendix H** and the FSR Viability Analysis of the Castle Hill North Planning Proposal at **Appendix I**.

Although highly improbable, applying the worst case scenario assessment, if all 4,588 new dwellings were developed, the CNH PP is anticipated to generate the following maximum traffic impacts on the surrounding road network:

- 895 vehicles inbound during the AM peak period; and
- 708 vehicles outbound during the PM peak period.

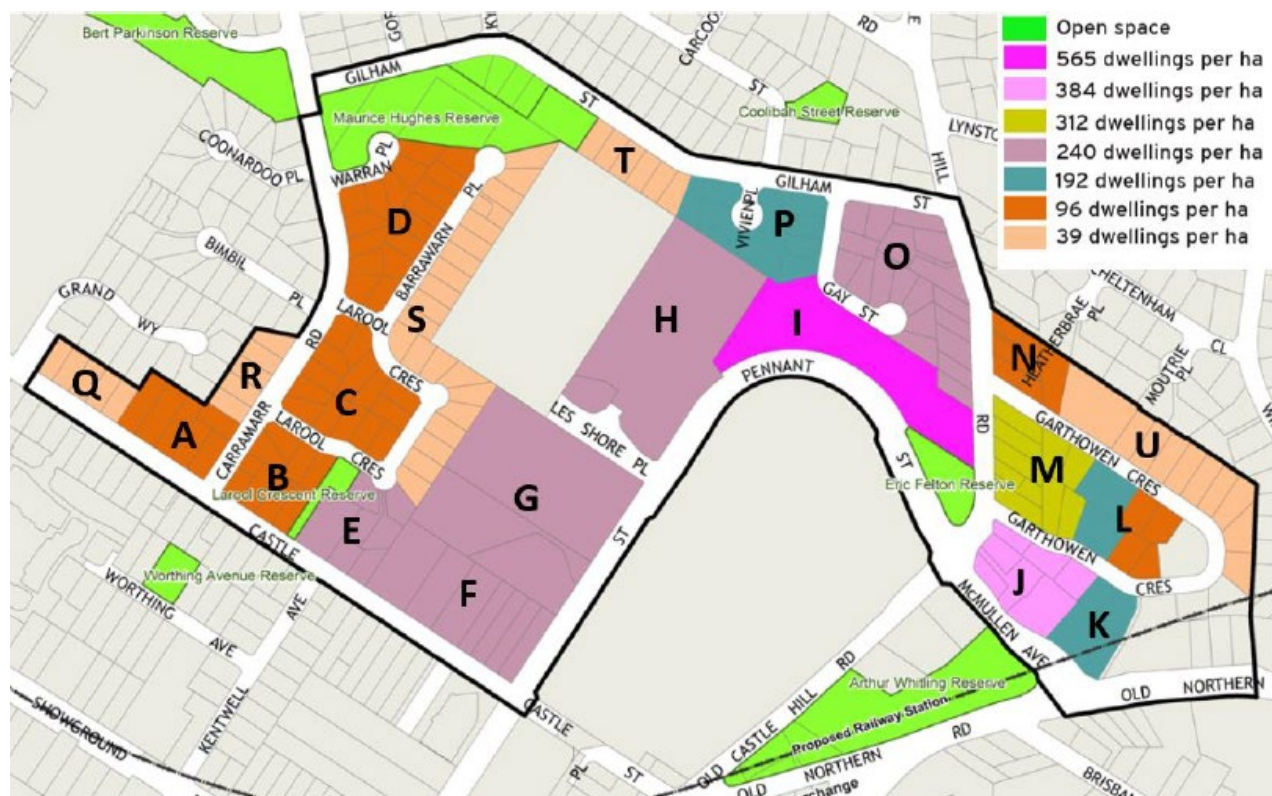
This is outlined in further detail within **Table 15**, of which is supported by **Figure 18**.

Table 15 – Traffic Generation of CHN PP Area (AM and PM Peak Period)

Location	No. Of Dwellings	AM Peak Period	PM Peak Period
A	74	15	12
B	90	18	14
C	143	28	23
D	142	28	23
E	165	33	25
F	373	72	57
G	670	128	102
H	410	79	63
I	923	177	139
J	337	65	52
K	88	18	14
L	107	22	17
M	351	68	54
N	50	10	8

Location	No. Of Dwellings	AM Peak Period	PM Peak Period
O	295	57	45
P (Subject Site)	132 (CHN PP)	26	20
	220 (Subject PP)	43	34
Q	14	4	3
R	14	4	3
S	58	12	9
T	16	4	3
U	48	10	8
Total:			
Only CHN PP	4,500 dwellings	878 vehicles	694 vehicles
CHN PP & Subject PP	4,588 dwellings	895 vehicles	708 vehicles
Net Difference	88 dwellings	17 vehicles	14 vehicles

Figure 18 – CHN PP Dwelling Locations (A to U)



Source: Mott Macdonald

Accordingly, the subject planning proposal is anticipated to only contribute:

- 4.8% (43) of all 895 traffic movements within the CHN PP area during the AM peak period; and
 - This only represents an additional 17 vehicles generated by the proposal beyond the 1.54:1 dwelling density proposed under the CHN PP for the site.
- 4.8% (34) of all 708 traffic movements within the CHN PP area during the PM peak period.
 - This only represents an additional 14 vehicles generated by the proposal beyond the 1.54:1 dwelling density proposed under the CHN PP for the site.

These rates only represent 17 additional vehicles during the AM peak period and 14 vehicles during the PM peak period beyond the traffic generation rates that would be experienced by the dwelling density proposed for the site under the CHN PP. Considering this and each of the additional findings from the Traffic Impact Assessment Report, this planning proposal is considered to produce negligible total impact and is therefore supportable on traffic planning grounds.

Understanding Council and TfNSW are in discussions with respect to the CHN PP, given the relative minor traffic generation and minor impact on the traffic performance in the centre, there are no reasonable grounds to cease the processing of this planning proposal on traffic generation grounds.

9.3.3. Q9: Has the planning proposal adequately addressed any social and economic effects?

Yes. The outcomes of this planning proposal will have significant positive social and economic benefits on the community. These benefits comprise the following:

- The planning proposal will facilitate the future development of approximately 220 new residential dwellings within the Castle Hill North Precinct. This will increase housing supply on a site and in a centre that has been identified through numerous state and local planning policies to be desired for increased density;
- The planning proposal will allow for the development of a high-density residential development that is in close proximity to the new Castle Hill Metro Station and a range of bus connections. This will increasingly promote the use of public transport by residents to place downward pressure on surrounding roads;
- The planning proposal will allow for the delivery of a series of coordinated and integrated publicly accessible through-site connections at the site. This includes the intent to directly link the site to Castle Towers Shopping Centre;
- The planning proposal will allow the establishment of a series of communal outdoor and indoor locations for the enjoyment of future residents at the site;
- The planning proposal and subsequent future redevelopment of the site will provide a number of new temporary construction jobs for the local area, as well as a range of on-going jobs into the future; and
- The planning proposal will allow Castle Hill to be increasingly rejuvenated into the future.

9.4. SECTION D – STATE & COMMONWEALTH INTERESTS

9.4.1. Q10: Is there adequate public infrastructure for the planning proposal?

Yes. The site benefits from all the services one could expect in a Metropolitan Sydney centre. It is served by existing utility services and is located to allow incoming residents and workers to capitalise on the wide range of infrastructure and services that both exist and are planned within the area.

From a public transport perspective, the site is serviced by an extensive bus network and the new Castle Hill Metro Station. Furthermore, Castle Hill is well serviced by social infrastructure, including:

- Private hospitals in Castle Hill and Norwest;
- A wide range of educational establishments, including:

- Castle Hill Public School
- Castle Hill High School
- St Bernadette's Primary School
- A wide range of community facilities, including:
 - Castle Hill Library
 - Early Childhood Health Centre
- A wide range of open spaces, including:
 - Arthur Whitting Park
 - Maurice Hughes Reserve
 - Pioneer Place Reserve
 - James Greenwood Reserve
 - Ulundri Drive Reserve
 - Spain Reserve

The relative minor scale of the additional demand generated from the proposed change in controls can be comfortably accommodated within the existing provision of public and social infrastructure.

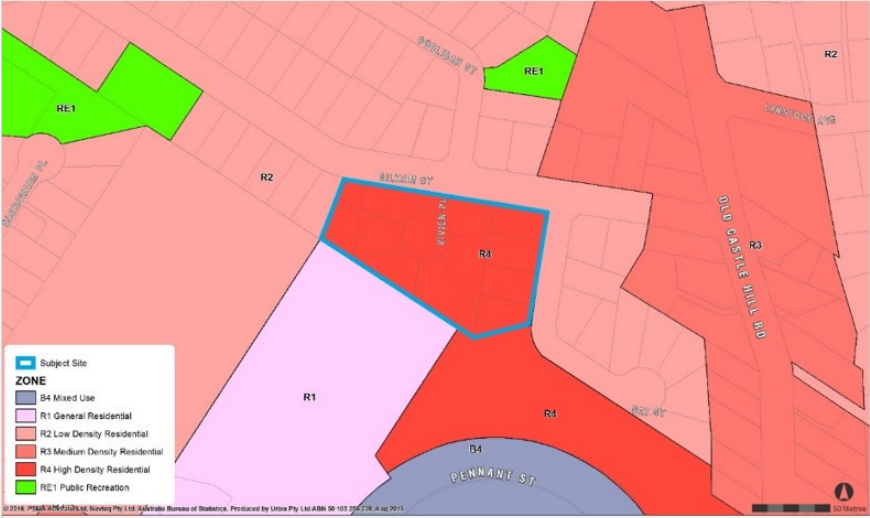
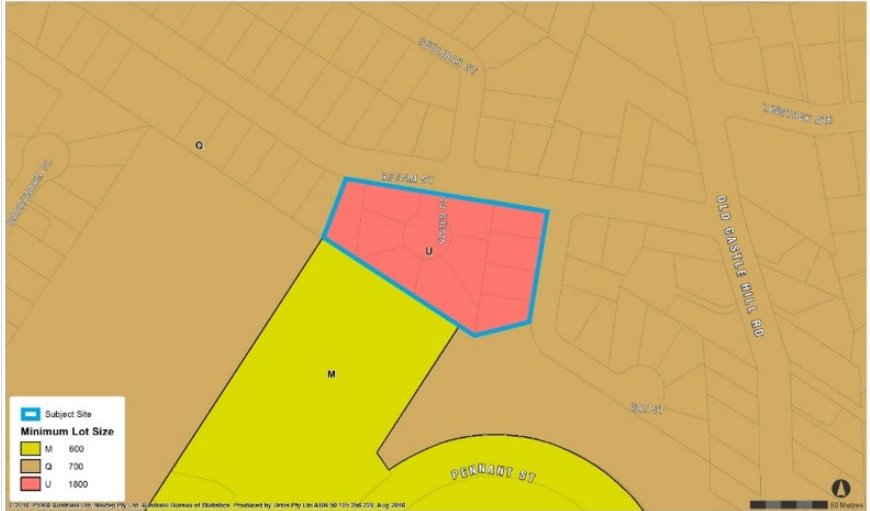
9.4.2. Q11: What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

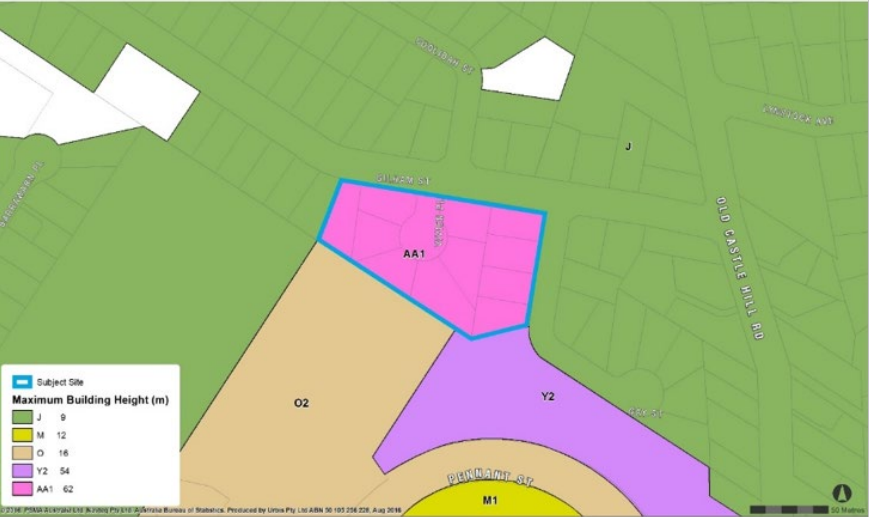
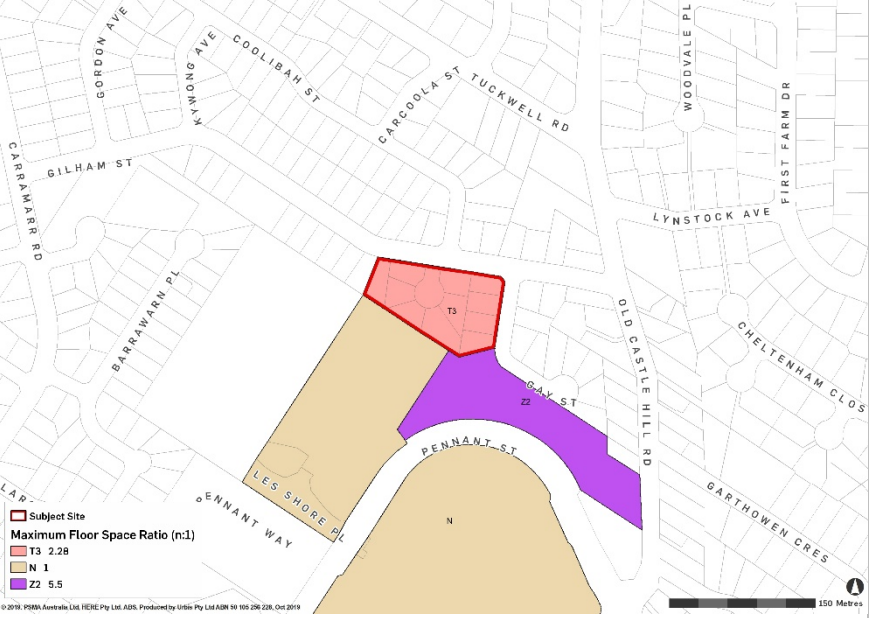
Discussions have been held with the DPIE. The DPIE's role in Planning Proposals is now however limited given the added determination responsibility granted to the Planning Panels. Further formal engagement is expected following Gateway determination. The views of the relevant State and Commonwealth agencies will be known after a Gateway determination.

10. PART 4: MAPPING

The planning proposal seeks to amend the relevant Land Use Zone Map, Minimum Lot Size Map, Building Height Map and Floor Space Ratio Map of THLEP 2012. The proposed mapping amendments are set out within **Table 16**.

Table 16 – Proposed THLEP 2012 Maps

Provision	Proposed Control	Proposed Planning Map
Land Use	R4 High Density Residential	 Source: Urbis
Minimum Lot Size	1,800sqm	 Source: Urbis

Provision	Proposed Control	Proposed Planning Map
Height of Building	62m	 Source: Urbis
FSR	2.28:1	 Source: Urbis

11. PART 5: COMMUNITY CONSULTATION

11.1. PUBLIC CONSULTATION

Schedule 1, Part 1, Division 1 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the Gateway determination. It is anticipated that the planning proposal would be publicly exhibited for 14 or 28 days dependent on the outcome of the Gateway determination. This exhibition would be conducted in accordance with Council's policies for community consultation.

Extensive public consultation had already been undertaken for the original planning proposal (PP_2017_THILL_009_00) facilitating approximately 220 dwellings (which is consistent with the subject proposal) at the site. Within the assessment report for the planning proposal, which was prepared and included within the 27 November 2018 Council Ordinary Meeting agenda, it was noted that 7 public submissions were received on the draft plans.

The following comment was made on these 7 public submissions within the assessment report to Council:

"The comments raised within submissions are not considered to warrant any changes to the Planning Proposal as the development concept incorporates adequate height transition and separation to sensitive interfaces and sufficient local infrastructure can be provided to support the additional growth (including traffic upgrades, passive open space and active open space infrastructure identified as part of the planning for the broader Castle Hill North Precinct)."

A copy of the entire assessment report that was included within the 27 November 2018 Council Ordinary Meeting agenda is attached at **Appendix E**.

11.2. COUNCIL CONSULTATION

The Applicant is willing to engage with Council following the lodgement of the planning proposal. This could include (but is not limited to):

- Briefing councillors and Council staff on the planning proposal;
- Having workshops with Council officers on the planning proposal; and
- Meeting with all relevant authorities (both internal and external).

An open and transparent attitude to this planning proposal is aimed at providing a better understanding of the planning proposal by Council, prior to it being considered for a Gateway determination.

12. PART 6: PROJECT TIMELINE

It is anticipated that this THLEP 2012 amendment will be completed within 12 months. An indicative project timeframe is provided in **Table 17**.

Table 17 – Indicative Project Timeline

Stage	Dates
Lodgement of planning proposal	October 2019
Consideration by The Hills Shire Council	November 2019 – January 2020
Planning proposal referred to DPIE for Gateway Determination	February 2020
Gateway Determination by DPIE	Mid 2020
Commencement and completion of public exhibition period	Dates are dependent on Gateway Determination. Anticipated timeframe for public exhibition is 28 days.
Consideration of submissions	6 weeks
Consideration of the planning proposal post-exhibition	6 weeks
Submission to DPIE to finalise the LEP	September 2020
Gazettal of LEP amendment	October 2020

13. CONCLUSION

This planning proposal has been prepared by Urbis Pty Ltd on behalf of Castle 7 Pty Ltd to amend various land use controls contained to the THLEP 2012 for the site as follows:

- **Amend Land Zoning (Sheet LZN_024) Map:**
Amendment to the relevant Land Zoning Map (Sheet LNZ_024) to show the site zoned as 'R4 High Density Residential'.
- **Amend Minimum Lot Size (Sheet LSZ_024) Map:**
Amendment to the relevant Minimum Lot Size Map (Sheet LSZ_024) to show a minimum lot size of 1,800sqm (U2) applying to the site.
- **Amend Height of Buildings (Sheet HOB_024) Map:**
Amendments to the relevant Height of Buildings Map (Sheet HOB_024) to show a maximum building height of 62m applying to the site.
- **Amend Floor Space Ratio (Sheet FSR_024) (N:1) Map:**
Amendment to the relevant Floor Space Ratio Map (Sheet FSR_024) to show an FSR of 2.28:1 applying to the site.

These proposed changes to the THLEP 2012 as part of this planning proposal seek to facilitate the following intended future development outcome at the site:

- Amalgamation of the existing 11 lots and the Vivien Place cul-de-sac at the site;
- Demolition of existing structures at the site;
- Construction of a new on-site road along the site's western boundary linking Gilham Street and Les Shore Place;
- Construction of two residential flat buildings (Building 1 and Building 2) containing a total of 220 dwellings and 21,820sqm GFA (FSR of 2.28:1) as follows:
 - **Building 1 (Eastern Building):** A 17 storey building, comprising:
 - Podium consisting of terrace style housing fronting Gilham Street and Gay Street; and
 - Ellipse shaped tower.
 - **Building 2 (Western Building):** A 13 storey building, comprising:
 - Podium consisting of terrace style housing fronting Gilham Street; and
 - Ellipse shaped tower.
- Construction of 265 car parking spaces within shared basement levels; and
- Construction of associated site landscaping and public domain improvement works, comprising a central landscaped through-site link and surrounding footpaths; and
- Commitment to the public benefits as outlined in the Letter of Offer.

The Vivien Place Planning Proposal presents a unique opportunity to deliver a number of key public benefits. Within this context we consider the proposal displays clear strategic and site-specific planning merit and should be supported.

The strategic planning merit is achieved as follows:

- The proposal is consistent with the State Regional and District Plan objectives in providing housing growth in centres with good access to public transport. In addition, it will facilitate the orderly economic development of strategically valuable land in a centre where the government has investment significant public funds to build metro transport infrastructure that needs a level of patronage to realise the economic and social benefits of the government spending. For this reason, the proposal has clear strategic merit.

The site-specific planning merit is achieved as follows:

- The intensification of residential development at the site is consistent with the following strategic documents and policies that apply to the site:
 - NSW State Priorities;
 - The Greater Sydney Region Plan - A Metropolis of Three Cities;
 - Central City District Plan;
 - Draft Hills Future 2036 Local Strategic Planning Statement;
 - The Hills Shire Draft Housing Strategy (2019);
 - North West Rail Link Corridor Strategy;
 - The Hills Corridor Strategy; and
 - Castle Hill North Precinct Plan.
- Although the North West Rail Link Corridor Strategy determined that the site has the potential to accommodate a development with an FSR of at least 3:1, this planning proposal proposes the same lower density scheme for the site (with an FSR of 2.28:1) that was previously developed in accordance with Council's strategic planning team. This same scheme was also previously supported and recommended for approval by Council's assessing offer within the Planning Proposal Assessment Report presented at the 27 November 2018 Council Ordinary Meeting (attached at **Appendix E**).
- The proposed height provides a critically needed transition in building height, bulk and scale from the neighbouring development to the south and north. The site is the key in completing the skyline as envisaged by the strategic policies and equally important, becoming a mitigating built form element to address the visual scale impacts of recent development to the south on the established low density area to the north. To this end, the proposed tower heights have been carefully designed to sit comfortably within the existing and future context of the immediate locality.
- The anticipated environmental and amenity impacts arising from the planning proposal have been considered and the specialist reports conclude that the proposal will facilitate a development that will not result in any unreasonable impacts on the surrounding locality that would ordinarily be expected for a site earmarked for high density housing.
- The proposal will deliver a range of tangible public benefits in the form of new vehicular access and public through-site links which will importantly provide desirable and legible connections to the Castle Towers Shopping Centre and the metro station to the south. This will benefit future residents on-site as well as the existing and future surrounding community.
- The proposal seeks to impose similar THLEP 2012 amendments to those supported by Council for PP_2017_THILL_010_03, which affects 6-12 and 16-20 Garthowen Crescent, Castle Hill, located within the CHN PP area. In addition to this, this planning proposal will also better satisfy the overarching conclusion reached within the Gateway determination report for PP_2017_THILL_010_03.
- The proposed THLEP 2012 amendments in this planning proposal were previously supported by Council and the DPIE under PP_2017_THILL_009_00 as being the best means of achieving the objectives and intended outcomes for the site. There have been no changes in policy or other site character or context considerations that create the need to change the previous position of the site-specific merits of the proposal. Arguably, the presence of the tower development to the south, elevates the criticality of progressing this proposal in a timely manner.
- The proposal contained to this planning proposal was previously placed on public exhibition under PP_2017_THILL_009_00 and received few submissions from the public. In addition, none of these submissions raised reasons for the project not to proceed or concerns that could not be appropriately managed and mitigated.

For the reasons set out above and throughout this planning proposal, it is our recommendation that the planning proposal be presented to Council for endorsement and forwarded for a Gateway determination.

DISCLAIMER

This report is dated 25 October 2019 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd's (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Castle 7 Pty Ltd (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A SURVEY PLANS

APPENDIX B URBAN DESIGN STRATEGY

APPENDIX C PRELIMINARY VOLUNTARY PLANNING AGREEMENT LETTER OF OFFER

APPENDIX D DESIGN CONCEPT REPORT

APPENDIX E THE HILLS SHIRE COUNCIL PLANNING PROPOSAL ASSESSMENT REPORT

APPENDIX F

LANDSCAPE ARCHITECTURAL CONCEPT
REPORT

APPENDIX G GATEWAY DETERMINATION REPORT

APPENDIX H

TIPPING POINT ANALYSIS – CASTLE HILL NORTH

APPENDIX I FSR VIABILITY ANALYSIS – CASTLE HILL NORTH

APPENDIX J TRAFFIC IMPACT ASSESSMENT

APPENDIX K ARBORICULTURAL IMPACT ASSESSMENT

