

LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL

DETERMINATION OF THE LOCAL PLANNING PANEL ON 15 MAY 2024

PRESENT:

Pamela Soon	Chair
Glennys James	Expert
Jeremy Swan	Expert
Tony Chahine	Community Representative

DECLARATIONS OF INTEREST:

NIL

COUNCIL STAFF:

The Panel were briefed by the following Council Staff on 15 May 2024:

Megan Munari	-	Principal Coordinator, Forward Planning
Jessie Wiseman	-	Strategic Planning Coordinator
Erika Juan	-	Graduate Town Planner

ITEM 1: LOCAL PLANNING PANEL - PLANNING PROPOSAL – MELIA COURT AND GLEN ROAD, CASTLE HILL (5/2024/PLP)

COUNCIL OFFICER'S RECOMMENDATION:

The planning proposal should not proceed to Gateway Determination.

PANEL'S ADVICE:

1. The planning proposal is inconsistent with the objectives and priorities of the Greater Sydney Region Plan, Central City District Plan, Section 9.1 Ministerial Directions, North West Rail Link Corridor Strategy, The Hills Corridor Strategy, Cherrybrook Station Precinct Place Strategy, Council's Local Strategic Planning Statement and draft Castle Hill Precinct Plan, as these documents relate to providing for housing supply in the right locations, creating great places, protecting areas of environmental significance and balancing growth with suitable levels of infrastructure.
2. The site is not identified as being suitable for development uplift within any of the relevant aforementioned strategies or plans which identify locations for medium to higher density development to occur in closer proximity to Cherrybrook or Castle Hill Metro Stations (within the walkable catchment from the station).
3. The proposed outcome is inappropriate having regard to the environmental constraints of the site including steep topography, landslide risk, hydrological constraints and endangered ecological communities. The location, design, scale and form of the proposed development does not adequately consider or respond to the scenic or biodiversity values of the site. A lower scale and density of development with a smaller footprint, reduced vegetation clearing and reduced cut and fill would more appropriately respond to the site constraints, similar to the outcomes within the surrounding area.
4. The traffic and parking impacts generated by the proposed uplift have not been suitably considered or addressed.
5. The proposed planning mechanisms sought to be implemented by the planning proposal would enable a broad range of potential outcomes and do not provide certainty that the outcomes illustrated in the concept plans will be delivered.
6. The proposal does not adequately address the demand for infrastructure likely to be generated by the proposal or provide any tangible public benefits.

VOTING:

Unanimous

ITEM-1	LOCAL PLANNING PANEL - PLANNING PROPOSAL – MELIA COURT AND GLEN ROAD, CASTLE HILL (5/2024/PLP)
THEME:	Shaping Growth
MEETING DATE:	15 MAY 2024
	LOCAL PLANNING PANEL
GROUP:	SHIRE STRATEGY
	GRADUATE TOWN PLANNER
AUTHOR:	ERIKA JUAN
	STRATEGIC PLANNING COORDINATOR
	JESSIE WISEMAN
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING
	NICHOLAS CARLTON

PURPOSE

This report presents the planning proposal for land at Melia Court and Glen Road, Castle Hill (5/2024/PLP), to the Local Planning Panel (LPP) for advice, in accordance with Section 2.19 of the *Environmental Planning and Assessment Act 1979*.

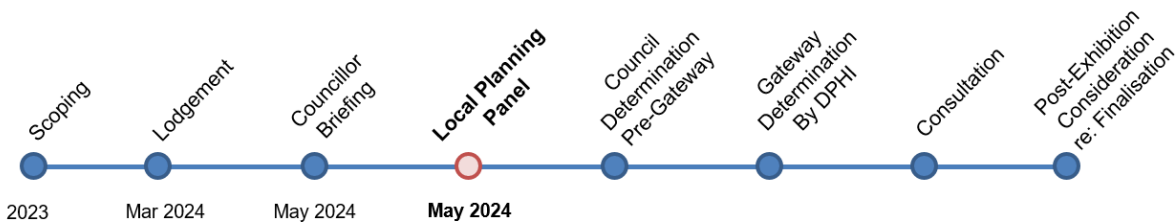


Figure 1
Timeline of Indicative Process to Date

RECOMMENDATION

1. The planning proposal does not satisfy either the strategic or site specific merit test and should *not* proceed to Gateway Determination, on the basis that:
 - a. The planning proposal is inconsistent with the objectives and priorities of the Greater Sydney Region Plan, Central City District Plan, Section 9.1 Ministerial Directions, North West Rail Link Corridor Strategy, The Hills Corridor Strategy, Cherrybrook Station Precinct Place Strategy, Council’s Local Strategic Planning Statement and draft Castle Hill Precinct Plan, as these documents relate to providing for housing supply in the right locations, creating great places, protecting areas of environmental significance and balancing growth with suitable levels of infrastructure.
 - b. The site is not identified as being suitable for development uplift within any of the relevant aforementioned strategies or plans which identify locations for medium to higher density development to occur in closer proximity to Cherrybrook or Castle Hill Metro Stations (within the walkable catchment from the station).

- c. The proposed outcome is inappropriate having regard to the environmental constraints of the site including steep topography, landslide risk, hydrological constraints and endangered ecological communities. The location, design, scale and form of the proposed development does not adequately consider or respond to the scenic or biodiversity values of the site. A lower scale and density of development with a smaller footprint, reduced vegetation clearing and reduced cut and fill would more appropriately respond to the site constraints, similar to the outcomes within the surrounding area.
- d. The traffic and parking impacts generated by the proposed uplift have not been suitably considered or addressed.
- e. The proposed planning mechanisms sought to be implemented by the planning proposal would enable a broad range of potential outcomes and do not provide certainty that the outcomes illustrated in the concept plans will be delivered.
- f. The proposal does not adequately address the demand for infrastructure likely to be generated by the proposal or provide any tangible public benefits.

Proponent	EINV Group Pty Ltd
Owner	Castle Hill Glen Pty Ltd
Location	Lot 1020 in DP 876671 Melia Court, Castle Hill Lot 2021 in DP 876671 Melia Court, Castle Hill Lot 2 in DP 576773 Glen Road, Castle Hill
Arboriculture Consultant	H2O Consulting Group Pty Ltd
Architecture / Urban Design Consultant	DKO Architecture (NSW) Pty Ltd
Biodiversity and Vegetation Management Consultant	Fraser Ecological Consulting
Bushfire Consultant	Blackash Bushfire Consulting
Civil Engineering, Services, Flood Impact and Structural Consultant	Northrop Consulting Engineers
Community and Economic Needs Consultant	Hill PDA Consulting
Contamination and Geotechnical Consultant	Tetra Tech Coffey
Communication Consultant	Urban Concepts
Heritage Consultant	Weir Phillips Heritage and Planning
Landscape Architecture Design Consultant	Land And Form Studios Pty Ltd
Planning Consultant	Paro Consulting (Paro Planning Pty Ltd)
Quantity Surveyor Consultant	MBM

Survey Consultant	Chadwick Cheng
Transport Consultant	ARUP Australia Pty Ltd
Visual Impact Consultant	Audax Urban Pty Ltd
Site Area	45,024m ²
List of Relevant Strategic Planning Documents	Greater Sydney Region Plan Central City District Plan North West Rail Link Corridor Strategy Cherrybrook Station Precinct Place Strategy The Hills Corridor Strategy Local Strategic Planning Statement and Supporting Strategies Section 9.1 Ministerial Directions Draft Castle Hill Precinct Plan
Political Donation	Nil Disclosed

1. THE SITE

The subject site is located at 1020 Melia Court, Castle Hill and comprises three separate torrens title lots under single ownership (Lot 1020 in DP 876671, Lot 1021 in DP 876671 and Lot 2 in DP 576773). It is triangular in shape and has a cumulative site area of approximately 45,024m². It has frontages to both Glen Road and Melia Court, with vehicular access currently only available from Glen Road.



Figure 2
Aerial view of subject site and surrounds

The site is currently vacant and includes grassed areas and vegetation, in particular Blue Gum High Forest which is listed as a Critically Endangered Ecological Community. The site features a steep topography, sloping from north to south with a change in elevation of approximately 60m across the site.

It is surrounded by Rogans Hill Reservoir and environmental land to the west, low density residential areas to the north and environmental living areas to the east. It is located approximately 1.5km and 1.7km walking distance from Cherrybrook and Castle Hill Metro Stations, respectively.

2. BACKGROUND

08/08/2006 A Subdivision application (DA No. 1089/2006/ZA) was approved for the subject site. The subdivision consent facilitates 1 community lot, 22 residential lots (742m² to 1,193m²) and a new cul-de-sac (extract below). Physical works were commenced on the subject site prior to 8 August 2011 and therefore the consent remains active for the developer to progress.

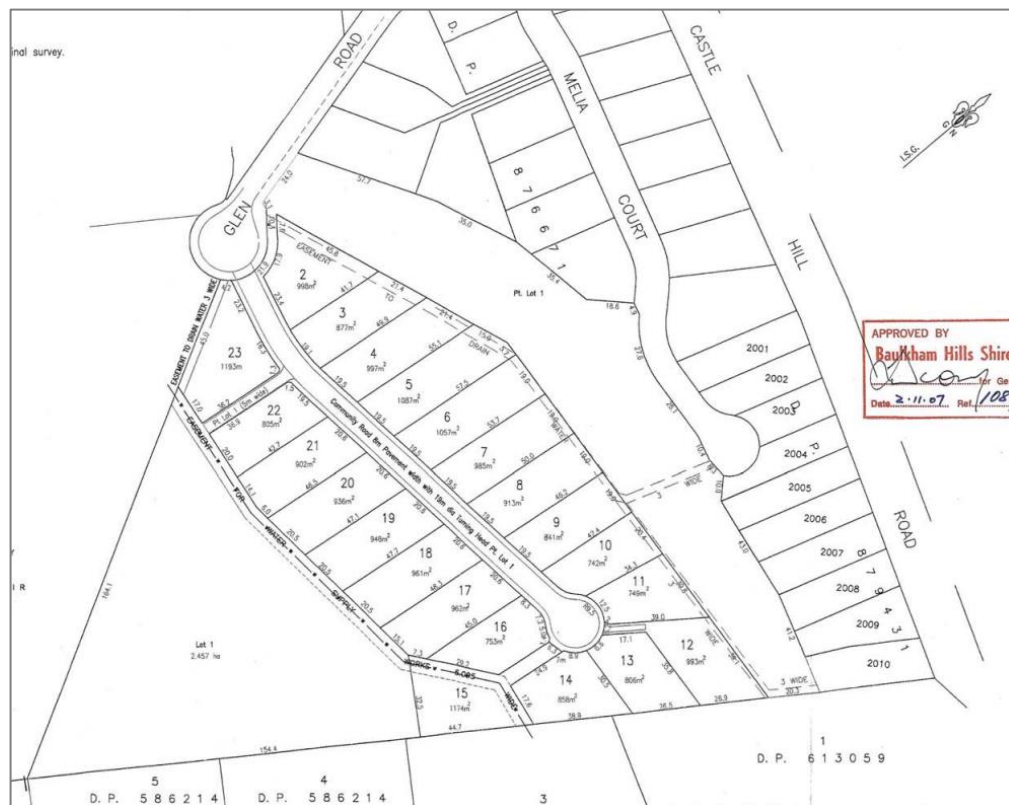


Figure 3
Extract of Approved Subdivision Plan

- 25/01/2018** Modification of Development Consent 1089/2006/ZA/C was approved, subject to conditions. The modification primarily related to amending the landslide risk stabilisation methodology.
- 07/10/2021** Pre-lodgement meeting held with Council officers for a proposal to rezone the land to R3 Medium Density Residential to facilitate approximately 64 townhouses on the site.
- 03/11/2021** Council Officer Pre-lodgement Feedback Letter provided to Proponent (Attachment 1). Concerns were raised regarding inconsistency with

surrounding development, impact on scenic and district views, site not within walking catchment of a centre, environmental constraints, access and traffic impacts, questionable benefit of proposed public park and built form outcomes. It was advised that, based on the information provided, it would be difficult for Council officers to conclude that a planning proposal to facilitate medium density development demonstrates strategic and site specific merit.

01/06/2023 Pre-lodgement meeting held with Council officers for a Scoping Proposal for a potential planning proposal application that would seek to facilitate a residential development comprising residential flat buildings and terrace style units, facilitating 191 dwellings on the site.

14/06/2023 Council Officer Pre-lodgement Feedback Letter provided to Proponent (Attachment 2). The feedback identified a number of inconsistencies with the strategic framework, site specific concerns and included preliminary views of public authorities (Sydney Water, Endeavour Energy, Transport for NSW and NSW Environment and Heritage Group). The letter recommended that the Proponent strongly reconsider the lodgement of a planning proposal for this site, having regard to the substantial strategic and site-specific merit issues detailed.

04/03/2024 Planning proposal lodged with Council.

07/05/2024 Proponent presented the planning proposal at a Councillor Briefing session.

3. DESCRIPTION OF PLANNING PROPOSAL

The planning proposal seeks to facilitate a high density residential development on the site comprising 185 dwellings within six residential buildings (3-6 storeys in height with 147 apartments) and 38 terraces (2-3 storeys in height). The proposal also identifies a proposed publicly accessible park, nature corridors, a nature reserve and a central loop road with a single entrance to the site via Glen Road.

To enable this outcome, the proposal seeks to amend The Hills LEP 2019 to:

- Rezone the site from C4 Environmental Living to R3 Medium Density Residential, R4 High Density Residential, C2 Environmental Conservation and RE1 Public Recreation.
- Increase the maximum height of building control from 9m to a range of 10m to 22m.

The proposed LEP map amendments are shown in the figures below.

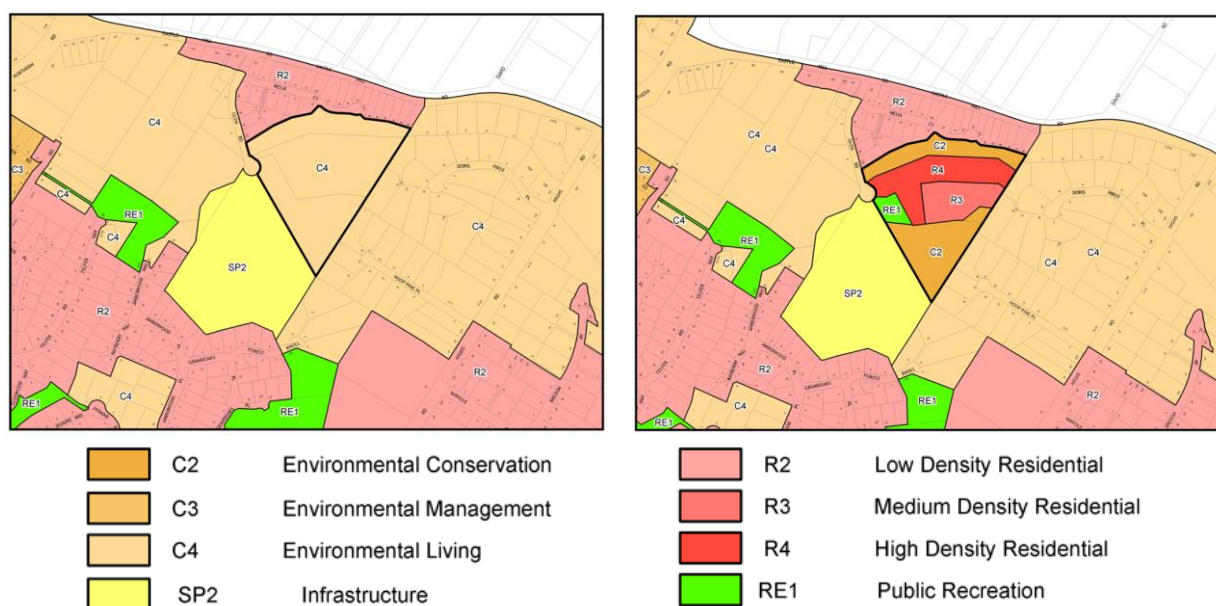


Figure 4
Existing (left) and proposed (right) land use zone maps

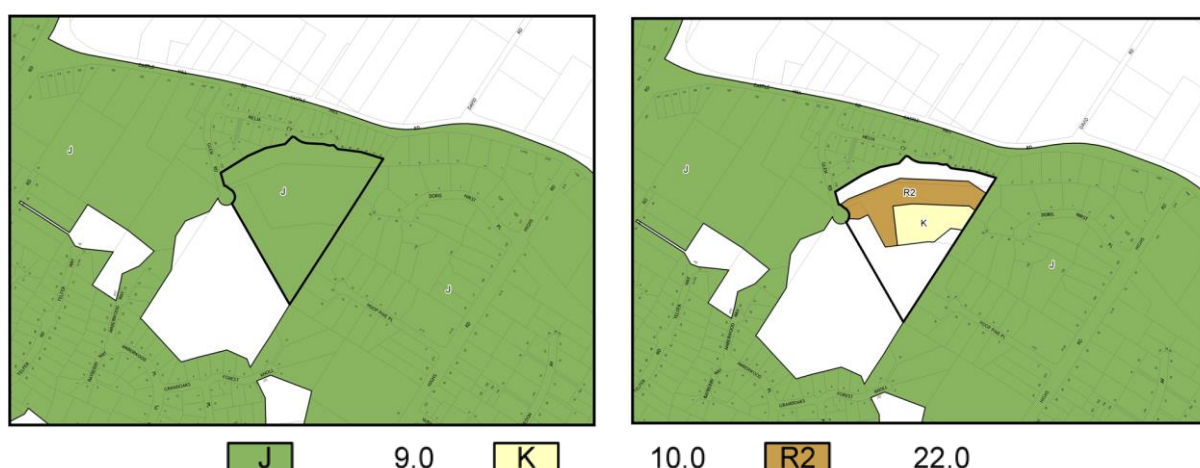


Figure 5
Existing (left) and proposed (right) maximum height of building maps

A comparison between the outcomes envisaged under the strategic planning framework, The Hills Local Environmental Plan (LEP) 2019 and the planning proposal is provided in the following table.

Planning Control	LEP 2019	Strategic Policies ¹	Planning Proposal
Land Zone	C4 Environmental Living	No change	C2 Environmental Conservation R3 Medium Density Residential R4 High Density Residential RE1 Public Recreation
Height of Building	9m (2 storeys)	No change	10m - 22m (3-6 storeys)
Minimum Lot Size	2,000sqm	No change	No change
Floor Space Ratio	N/A	No change	No change
Residential yield	22 dwellings ²	No change	185 dwellings

Notes:

¹ The site is outside of any areas identified for change under the Local Strategic Planning Statement, Housing Strategy, NWRL Corridor Strategy, The Hills Corridor Strategy, Cherrybrook Place Strategy and Draft Castle Hill Precinct Plan.

² Subdivision application (DA No. 1089/2006/ZA) approved 8 August 2006 and physically commenced before 8 August 2011.

Table 1

Comparison between planning proposal and outcomes envisaged under the planning framework

The proposed master plan and extracts of the development concepts submitted by the Proponent in support of the planning proposal are shown in the following figures.



Figure 6
Proposed Master Plan



Figure 7
View of proposed townhouse typology



Figure 8
Aerial view of the site

Planning Agreement Offer

The Proponent submitted a letter of offer to enter into a Voluntary Planning Agreement, which would include:

- Embellishment and dedication of a public park around 2,000m² in size with play equipment, landscaping and areas for passive recreation, with ownership to be transferred to Council.
- 15% of the total floor area to be used as affordable rental housing for at least 15 years from the date of occupation and managed by a registered community housing provider.

- Regeneration of some of the bushland within the proposed C2 Environmental Conservation zone in accordance with a future vegetation management plan.
- Construction of a new footpath along Glen Road through to Castle Hill Road.

At this stage, the Proponent has not provided a total monetary value of the proposed works, land and monetary contributions. An assessment of the proposed letter of offer (based on the information available) is provided in further detail in Section 5 of this report.

4. STRATEGIC MERIT CONSIDERATIONS

The planning proposal has been assessed having regard to the following strategic merit considerations:

- a) Greater Sydney Region Plan and Central City District Plan
- b) Section 9.1 Ministerial Directions
- c) The Hills Future 2036 – Local Strategic Planning Statement
- d) The Hills Corridor Strategy
- e) Draft Castle Hill Precinct Plan

a) Greater Sydney Region Plan and Central City District Plan

Objective 6 of the Region Plan and Planning Priority C3 of the District Plan relate to services and social infrastructure to meet people's changing needs. The District Plan notes that growth increases demand on existing services and infrastructure. While the Proponent has submitted a proposed letter of offer to enter into a Planning Agreement, the planning proposal is inconsistent with this objective as the proposed offer does *not* provide any tangible public benefits and fails to provide an appropriate infrastructure solution to cater for the proposed uplift. This is discussed in further detail in Section 5 of this report.

Objective 7 of the Region Plan and Planning Priority 4 of the District Plan seek to ensure that communities are healthy, resilient and socially connected. The District Plan articulates the characteristics of places with high concentrations of social connectors which include access to high frequency public transport, walkable town centres, high provision of social infrastructure (such as community and neighbourhood hubs, sports fields, clubs) and access to education and learning. Noting the planning proposal is outside the walkable catchment of Metro Stations and seeks to provide high density residential development outside of a defined local or strategic centre or walkable catchment from these services and facilities, it is unlikely to enhance physical activity and social connection.

Objectives 10 and 11 of the Region Plan and Planning Priority C5 of the District Plan seek to encourage provision of greater housing supply that is diverse and affordable with access to jobs, services and public transport. While the planning proposal broadly contributes to the supply of housing, Council is well on track to meet and exceed the housing targets set out in the District Plan for The Hills Shire, with future growth anticipated in Station Precincts and Release Areas that are better located to be serviced by amenities and public transport. The Region Plan also acknowledges that more intensive urban renewal is not suitable in instances where sites are challenged by topographic or other characteristics. Given the location of the site, the surrounding local character and the significant constraints impacting development of the land, this area is not considered to be the right location for more dense forms of housing as proposed.

The Region Plan sets locational criteria for urban renewal investigation opportunities. However, the planning proposal is inconsistent with the criteria, primarily due to its distance from the stations of the Sydney Metro Northwest. Generally, the walkable catchment correlates with how far the average person could walk in 10 minutes and how far someone will

be willing to walk between their origin or destination and a transport node (with a focus on land that is within 800 metres of a transport node).

The Proponent's material identifies the subject site as being within 800m – 1000m walking distance of a Metro Station, however this is not the case. The subject site is located well outside the 800m walking catchment and is around 1.5km walking distance from Cherrybrook Metro Station and 1.7km walking distance from Castle Hill Metro Station. This is nearly a 20 minute walk that is exacerbated by steep topography and limited connectivity at this distance from the station. The feedback received from Transport for NSW as part of the scoping process identified that the site is *not* within an easy walking distance (e.g. 800m walking catchment) of a Metro Station.

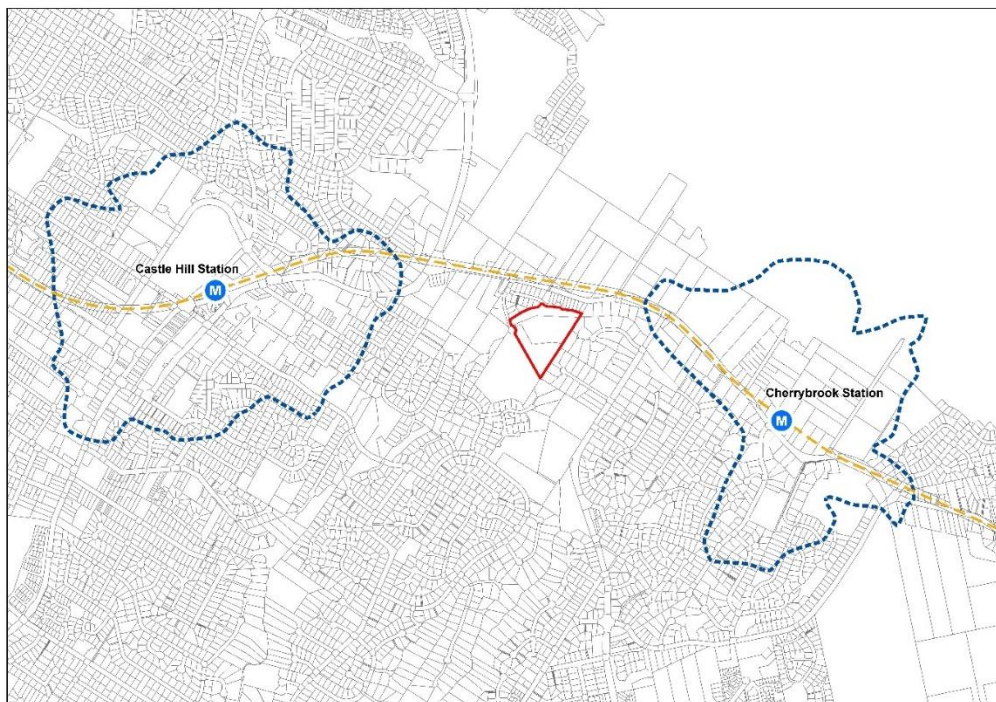


Figure 9

800m Walkability Catchments from Nearby Metro Stations
(Subject sites outlined in red, 800m walkability catchments shown as dashed blue line)

The planning proposal does not align with objectives for supply of housing in the right locations. Furthermore, it would not even meet the criteria for the recently exhibited Government reforms relating to diverse and well located housing (noting its distance from a transport hub or Metro stations extends beyond this). The proposal does not respond to any new infrastructure, changing circumstances or changing population or demographic trends. The supply of housing in this location at the density and built form proposed, is not warranted, noting the areas already identified as suitable for residential uplift in proximity to centres and transport infrastructure and the prevailing environmental issues at the subject location.

Objectives 27 and 28 of the Region Plan and Planning Priority C15 of the District Plan seek to protect and enhance bushland, biodiversity and scenic and cultural landscapes. The proposal is inconsistent with these objectives as it does not seek to adequately protect and enhance areas of critically endangered Blue Gum High Forest. This is further discussed in Section 5 of this report.

Objective 31 of the Region Plan and Planning Priority C17 of the District Plan seek to encourage high quality open space areas that can be enjoyed by the community. While the planning proposal includes an open space area, the functionality and usability of the proposed

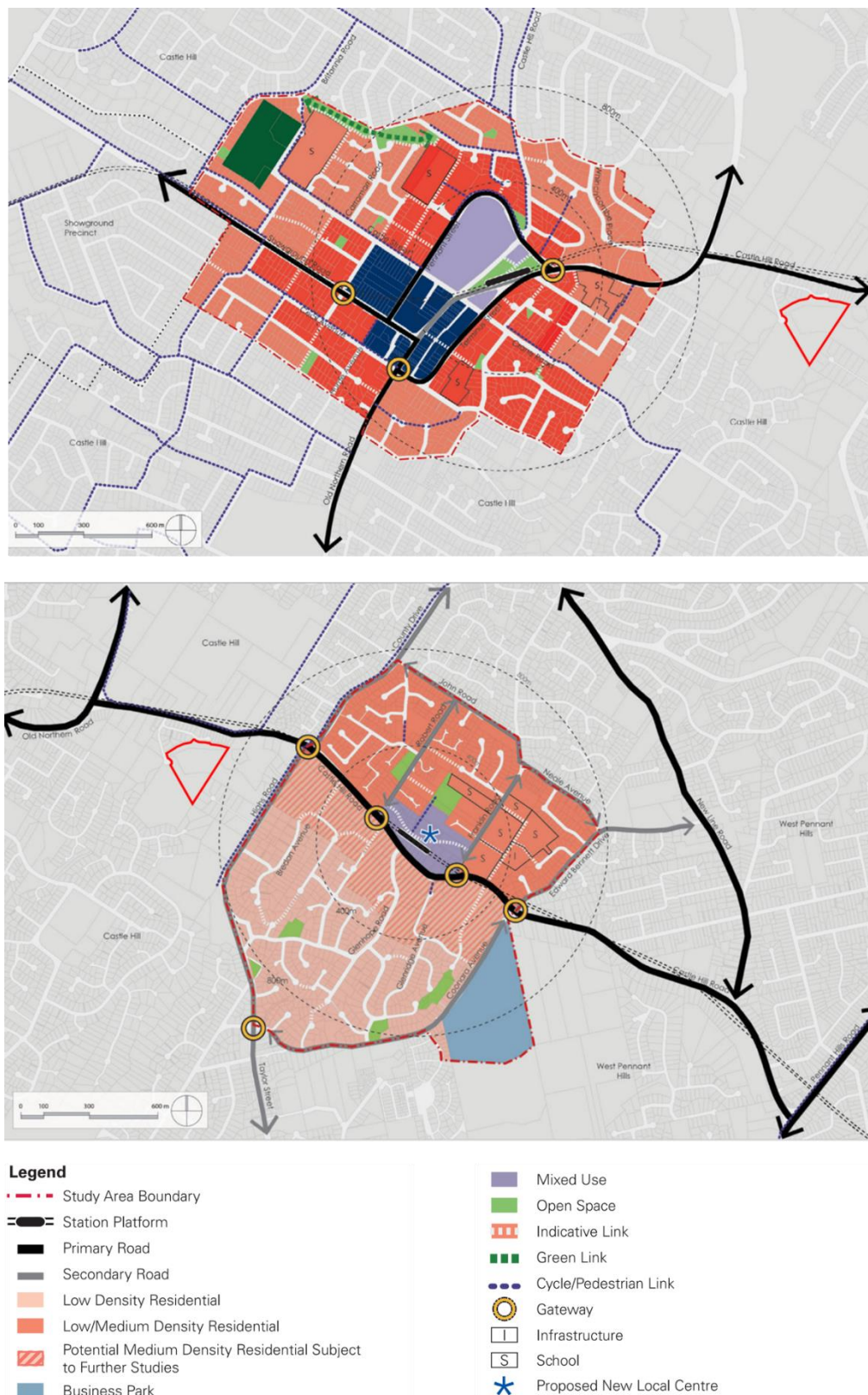
public open space is questioned, given its size, location and the type of vegetation present on the site. This proposed open space area would primarily service this individual development, noting the site is not easily accessible for surrounding any surrounding residential catchment and would essentially be an isolated pocket of high density development separate from any centralised public transport nodes or services.

b) Section 9.1 Ministerial Directions

Direction 1.16 North West Rail Link Corridor Strategy

Direction 1.16 promotes transit-oriented development and requires planning proposals within the Sydney Metro North West Corridor to give effect to the objectives, growth projections and proposed future character for each Precinct as set out in the NWRL Corridor Strategy.

The site is not identified as being suitable for development uplift within the Strategy. Rather, consistent with the principles of transit oriented development, it identifies land in closer proximity to stations (within the walkable catchment from each station) as more suitable areas for medium and high density development to occur. The planning proposal is inconsistent with this direction.

**Figure 10**

Structure Plan – North West Rail Link Corridor Strategy – Castle Hill (above) and Cherrybrook (below)

Direction 1.22 Implementation of the Cherrybrook Station Place Strategy

The objectives of this direction are to facilitate development within the Cherrybrook Station Precinct that is consistent with the Cherrybrook Station Precinct Place Strategy. It also seeks to actively support the consistent delivery of objectives in the District Plan and Greater Sydney Region Plan.

The site is located outside the Cherrybrook Station Precinct, as defined by the Place Strategy, which generally aligns with the 800-metre walkable catchment from the station. The Strategy identifies land within the 400-metre walkable catchment as suitable for medium density.

The State Government has commenced the implementation of the Place Strategy recommendations and further investigations through a state-led rezoning process. While the details regarding the state-led rezoning process have not been made available, it is anticipated that rezoning would remain consistent with the Place Strategy and this Ministerial Direction and be focused to land within the 400-metre walkable catchment, in accordance with the Place Strategy. The planning proposal is inconsistent with this Direction with respect to facilitating higher density development in close proximity to the station.

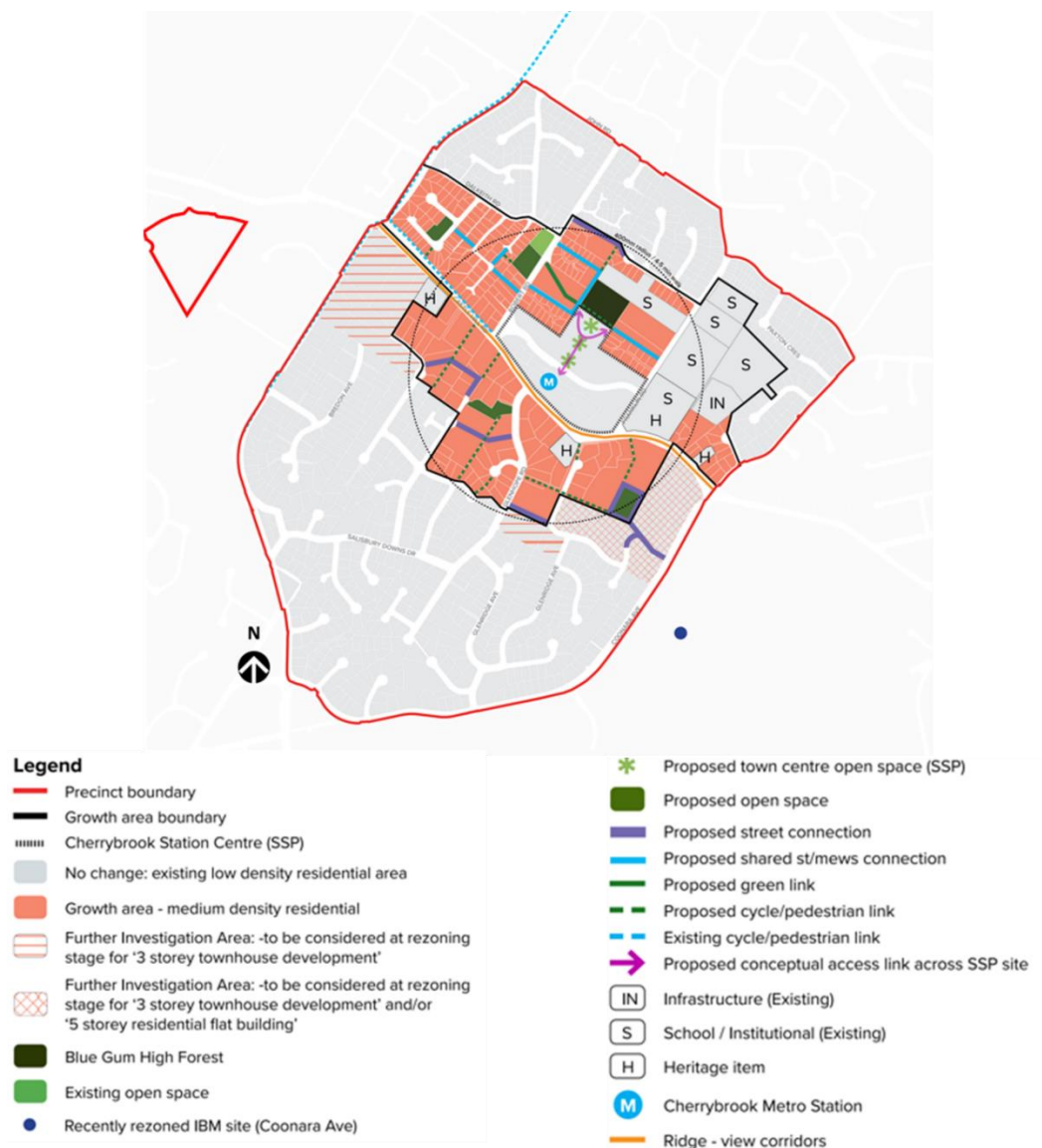


Figure 11
Structure Plan – Cherrybrook Place Strategy

Direction 3.1 Conservation Zones

The objective of this direction is to protect and conserve environmentally sensitive areas. It also states that a planning proposal must not reduce the environmental protection standards that apply to land identified for environment conservation purposes in a LEP (including by modifying development standards that apply to the land).

The current C4 Environmental Living zone aims to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values, to ensure residential development does not have an adverse effect on those values. The only residential development permitted in this zone are dwelling houses and attached dual occupancies. Multi dwelling housing and residential flat buildings are prohibited.

In the context of Castle Hill Road, which is located on a prominent ridgeline, the C4 Environmental Living zone is an appropriate response that recognises the scenic views, topography, vegetation and land affected by geotechnical constraints. The land zoning, larger minimum lot size requirements and other associated development controls (such as maximum site coverage) all seek to reduce the scale of permissible development in this particular area. The zone and controls perform an important function in maintaining the integrity of the scenic and environmental characteristics and Council's Housing Strategy indicates the commitment to continuing this approach.

The proposed introduction of the R3 Medium Density Residential and R4 High Density Residential zones will diminish the protection offered by the C4 Environmental Living zone. The Proponent's consultant reports and Council's internal mapping indicate that there are critically endangered ecological community areas on the site, that would be removed as a result of the Proposal. The planning proposal seeks to apply a C2 Environmental Conservation zone to some portions of the site. Whilst this zone offers a higher level of protection to smaller portions of the site, it is a highly restrictive zone that is generally only applied where public ownership is intended and would not offset the overall detrimental impact of permitting medium and high density across the remainder of the site.

The site is heavily constrained by various environmental factors, including steep topography, landslide risk and the presence of Blue Gum High Forest, which is listed as a Critically Endangered Ecological Community under the federal *Environment Protection and Biodiversity Conservation Act 1999* and an Endangered Ecological Community under the NSW *Biodiversity Conservation Act 2016*.

Whilst the historic (commenced) subdivision consent allows for 22 residential lots (DA1089/2006/ZA), the original consent was granted nearly 20 years ago and was considered against the legislative framework that was in force at that time. Since this time, the legislative framework has become more robust, particularly with the introduction of the *Biodiversity Conservation Act 2016*. The current legislation requires detailed consideration of entities at risk of serious and irreversible impact and where a proposal is likely to have such impacts on biodiversity values, consent is not able to be granted at the development application stage.

A critically endangered ecological community (Blue Gum High Forest) is present on the subject site and the planning proposal seeks to remove a significant area of the critically endangered ecological community, which is an entity at risk of serious and irreversible impact. It is extremely unlikely that the environmental issues which underpin the C4 Environmental Living zoning and associated controls in this location, can be suitably resolved. Therefore, the planning proposal is considered to be inconsistent with this Ministerial Direction.

Direction 3.2 Heritage Conservation

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area. Any Aboriginal areas, objects, places or landscapes must also be conserved.

The subject site is located within the vicinity of several heritage items listed under The Hills LEP 2019 and the Hornsby Local Environmental Plan 2013, as shown in Figure 12. The Proponent has submitted a Heritage Impact Statement prepared by Weir Phillips Heritage and Planning (dated January 2024) to assess the potential impacts of the proposal on the nearby heritage items. The heritage items consist of single storey residences, a gate and gate posts and a retirement village. A detailed list of heritage items is provided in Attachment 19.

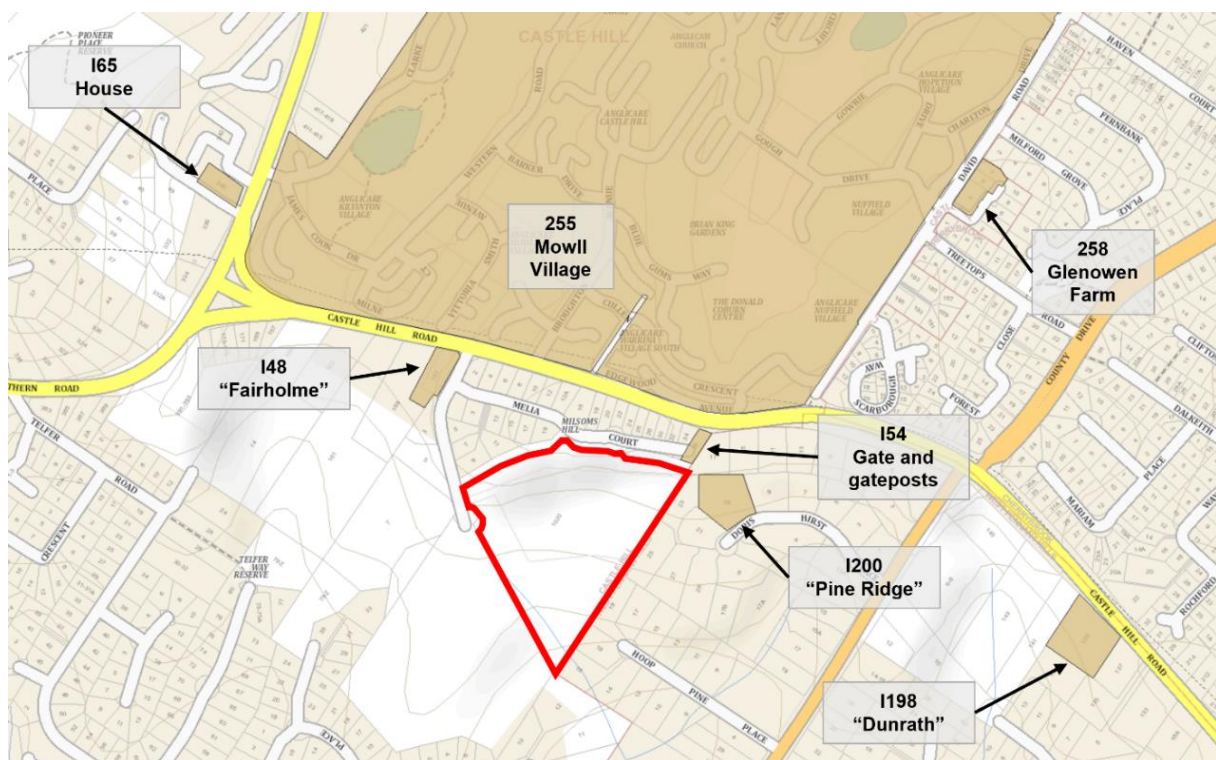


Figure 12
Location of Nearby Heritage Items

The Proponent's Heritage Impact Statement concludes that the proposed works will not impact on the fabric of any of the nearby heritage items or block existing significant view corridors to or from them. It notes the proposal will be concealed within the immediate setting of all the items, except for the outbuildings once part of the Pine Ridge Homestead. It also notes that these outbuildings are not visible from the public domain and do not rely on the character of their setting to explain their significance. The proposal is considered consistent with this direction.

Direction 4.1 Flooding

The purpose of this Direction is to ensure that planning proposals are consistent with the Government's flood related policies. It also seeks to ensure that planning proposals that apply to flood prone land are commensurate with flood behaviour and consider potential flood impacts both on and off the subject land. The Direction applies to all planning proposals that seek to create, alter or remove a zone or provision affecting flood prone land.

The Proponent's Planning Proposal report indicates that the land is not identified as being flood affected on Council mapping for the purpose of Clause 5.21 *Flood Planning* of The Hills LEP 2019. Whilst Clause 5.21 of the LEP does not include mapping of the flood planning area, based on a preliminary review, various flood affectations have been identified on (and surrounding) the subject site. It is located within the Excelsior Creek Catchment, with a tributary and overland flow path traversing the western boundary (towards the southern end of the site). The southern portion of the subject site is identified as land that is subject to flood related development controls under The Hills Development Control Plan (DCP) 2012. A map showing some of the high level flood affectations is shown in Figure 13.

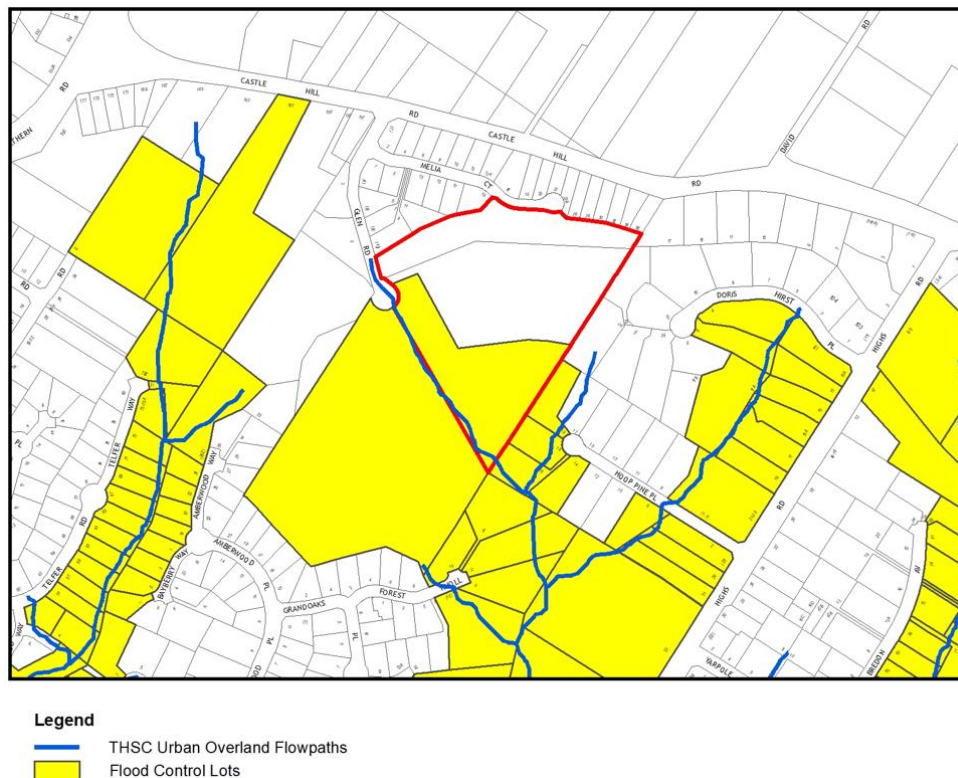


Figure 13
High Level Flood Affectations

In recognition of the flooding and stormwater constraints of the site, a Flood Impact and Risk Assessment (prepared by Northrop dated 19 November 2023) was submitted with the proposal (provided as Attachment 17 to this report). The proposal is also supported by a Stormwater Management Strategy as set out in the Proponent's Civil Engineering Assessment (prepared by Northrop dated 31 January 2024).

The Flood Impact and Risk Assessment indicates that several drainage easements run through the northern part of the site from Melia Court and a water supply easement runs through the middle of the site. It identifies that flooding is limited to within the drainage gully to the west of the site and that the site is marginally affected by local overland flow from Glen Road and the upstream Melia Court. It is indicated that the proposed development generally complies with the Ministerial Direction. Council officers have not been able to confirm the veracity of the flood modelling outcome at this stage and should the proposal proceed to Gateway Determination a revised report would be required that provides further details of the modelling for further assessment of the site and the engineering response in its entirety.

Based on the information submitted, Council officers are not yet satisfied that potential flood risks have been overcome or that the associated stormwater management strategy is satisfactory. This may be able to be resolved subject to additional work by the Proponent,

however this has not been requested at this time given the range of fundamental issues with the proposal which have led to the conclusion that the proposal should not proceed to Gateway Determination.

Direction 4.4 Remediation of Contaminated Land

This direction seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. The Proponent submitted a Preliminary Site Investigation prepared by Tetra Tech Coffey Pty Ltd (dated 17 November 2023) to identify potential contamination issues which may pose a constraint to site development and to determine whether additional site investigation or assessment would be required to support the development assessment process.

While it did not identify significant indications of contamination, it did identify potential contamination risks that would need to be resolved. Should the proposal proceed, further investigations would be required to demonstrate that contamination risks can be suitably addressed.

Direction 5.1 Integrated Land Use and Transport

This Direction aims to improve access to housing, jobs and services by walking, cycling and public transport. It also seeks to reduce travel demand and dependence on cars, support the efficient viable operation of public transport services and provide for the efficient movement of freight. The Planning Proposal is inconsistent with the objectives of this Direction as the site is not within the walking catchments of the Metro Stations (either Cherrybrook or Castle Hill) and as such will likely increase dependence on cars, noting that the area is not well serviced by the Sydney Metro Northwest. This is further discussed in Section 5 of this report.

Direction 6.1 Residential Zones

The objectives of this direction are to encourage a variety and choice of housing types, make efficient use of infrastructure and prevent the reduction of permissible residential density on land. Under the current provisions, the C4 Environmental Living zoning and minimum lot size control of 2,000m² would allow for limited development to occur, with the existing subdivision application likely representing the maximum yields that could be reasonably be accommodated on the subject site. The subject site has not been identified in Council's strategic plans as an area for additional residential development, principally due to the significant environmental constraints on the site and its distant location from both Castle Hill and Cherrybrook Metro Stations. The existing controls are considered appropriate and no additional uplift is warranted.

c) Local Strategic Planning Statement

Council's Local Strategic Planning Statement: *Hills Future 2036* (LSPS) outlines the 20-year vision for land use planning, population, housing, economic growth and environmental management for The Hills Shire. Accompanying the LSPS are key strategies that outline guiding principles, of which the Housing Strategy and Environment Strategy is of relevance to the proposal.

Council's LSPS seeks to provide housing in the right locations, close to transport and to protect biodiversity and scenic landscapes. It envisages the majority of future residential uplift will occur in Station Precincts and Release Areas. The LSPS articulates there is sufficient land zoned or identified for future uplift to meet the Shire's housing targets to 2036 and beyond, with there already being zoned capacity for approximately 50,000 additional dwellings within The Hills Shire and a further 10,000 strategically identified additional dwellings that Council is working towards unlocking as part of detailed precinct planning processes. Council

is also on track to meet and exceed its housing targets, with more than 22,600 dwellings being approved since 2016 (as at June 2023) and nearly 15,600 dwellings completed in this same period (as at June 2023). As such, there is limited justification for providing additional housing outside of areas already identified as being suitable for uplift, where recent infrastructure investment can be readily capitalised on to enable transit oriented development outcomes.

The site is not located within the walkable catchment of either the Castle Hill or Cherrybrook Metro Stations. The proposal seeks to provide medium and high density residential development on a site that is identified as containing critically endangered ecological communities, in a location that has not been planned to accommodate this level of uplift and in an area which has been specifically identified for low-impact residential only to protect and maintain the environmental, aesthetic and scenic qualities of the locality. Given this, the planning proposal does not demonstrate consistency with the vision and priorities articulated within Council's LSPS.

d) The Hills Corridor Strategy

The Hills Corridor Strategy was adopted by Council in November 2015 and articulates Council's vision for future growth for Station Precincts within The Hills Shire. The site is not identified as being suitable for development uplift within this Strategy. Land in closer proximity to stations (within the walkable catchment from each station) has been identified as more suitable areas for high density development to occur.

While the subject sites are not identified on the opportunities map for either Castle Hill or Cherrybrook (given they were considered suitable for development uplift), they are shown on the constraints mapping completed for the broader locality, as shown below. This mapping indicates the subject site features significant vegetation and a watercourse. The Strategy states that any future development on private land, in close proximity to this vegetation will need to be guided by a flora and fauna assessment and will need to avoid, mitigate and/or offset impacts to any threatened entities found on sites.

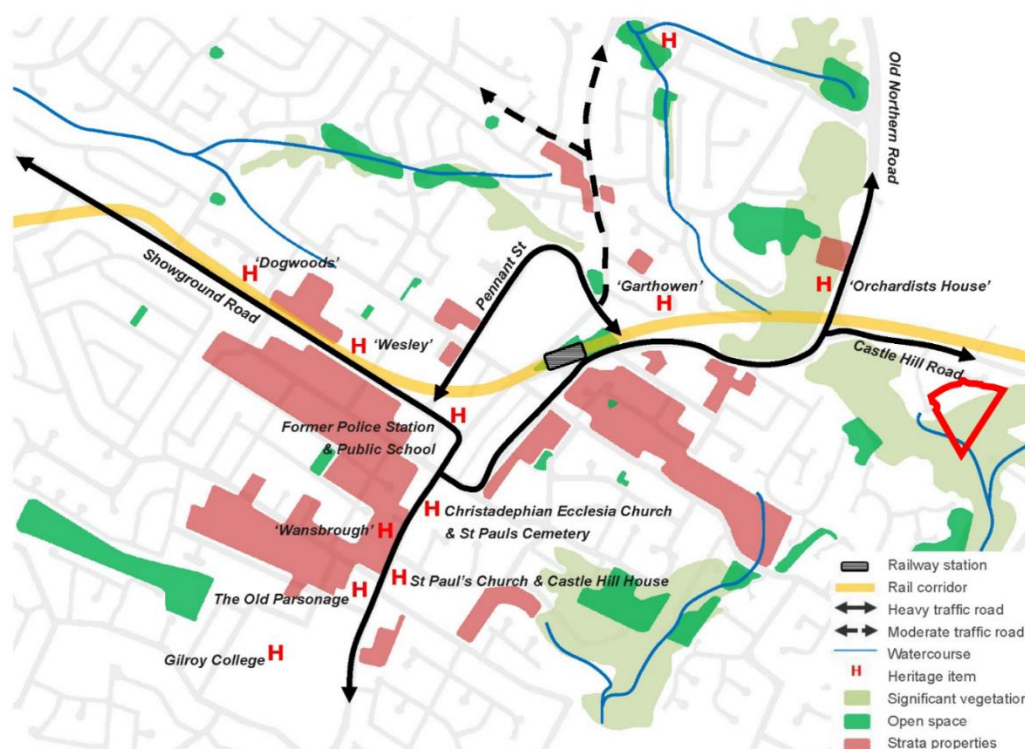


Figure 14
Constraints – The Hills Corridor Strategy – Castle Hill

e) Draft Castle Hill Precinct Plan

In mid-2023, Council exhibited a Draft Precinct Plan for the Castle Hill Strategic Centre. It sets a 20-year vision for Castle Hill that builds on the high-level outcomes envisaged within previous strategic planning documents and draws on a range of technical studies. The Plan articulates how the strategic objectives and outcomes for Castle Hill will be implemented over the next 20 years, drilling down into finer grain, site specific detail to inform future development and potential changes to planning controls and the infrastructure contributions framework.

The site is not identified as being suitable for development uplift within this draft Plan, nor is it identified within the Strategic Centre. Land in closer proximity to the station (within the walkable catchment from the station) has been identified as a more suitable area for medium and high density development to occur. Areas towards the periphery of the strategic centre are expected to remain unchanged or develop under the existing controls, especially those areas subject to significant constraints (such as geotechnical matters and critically endangered vegetation).

5. SITE SPECIFIC MERIT CONSIDERATIONS

The planning proposal requires consideration of the following site-specific matters:

- a) Suitability of the Proposed Density and Visual Impact
- b) Appropriateness of Proposed Planning Mechanisms
- c) Environmental Considerations
- d) Traffic and Parking
- e) Infrastructure Demand

a) Suitability of the Proposed Density and Visual Impact

The locality is characterised by low (to very low) density residential developments and environmental living. The site and surrounds form an important 'environmental spine' along Castle Hill Road, noting that Castle Hill Road is located on a prominent ridgeline. Therefore, an environmental living zone has been applied to preserve views, vegetation and land affected by geotechnical constraints. The proposed development seeks to deliver a medium to high density development that would be significantly out of alignment with the well-established local character, representing an entirely different built form outcome and significant increase in building heights and density. Densities in the surrounding area generally range from around 3 dwellings per hectare to 11 dwellings per hectare.

A density calculation has been undertaken for the proposed development. When looking at the 2.1 hectare portion of the site that is proposed for development, the proposed density is approximately 88 dwellings per hectare. This scale of development is inconsistent with the surrounding character of the area and the objectives of the C4 Environmental Living Zone. It is more consistent with higher density development that is typically considered to be appropriate in the 800m walkable catchment of Metro Station Precincts, rather than in low density neighbourhoods that are constrained by environmental values and identified for low-impact development which protects environmental, aesthetic and scenic values. Further the proposed mechanisms do not provide any certainty as to the density outcomes noting that no floor space ratio control has been proposed (this is further discussed in the following section). Therefore, the proposed built form and density it is not considered appropriate for the subject site.

The Proponent has submitted a Visual Impact Assessment prepared by Audax Urban (dated February 2024) (Attachment 25) to assess the visual effects of the proposal on the existing

views within the site's surrounding residential context with special regard to aesthetic scenic qualities of the locality and surrounding vantage points. It concluded the following:

- Some of the views were found to have nil or negligible view impacts – including View 1 (end of the cul-de-sac at Doris Hirst Place), View 2a (panoramic view from Melia Court) View 2b (framed view from Melia Court) and View 5 (within the site near the eastern boundary).
- View 4 was found to be fully within the site and the report concluded it has no aesthetic and scenic qualities visible from the locality.
- The proposed development was found to have a high level of visibility when viewed from Glen Road (View 3), but claimed the visual catchment is limited and the built form will be well screened by the proposed vegetation.

With respect to the view from Glen Road, it is questioned how the proposed development would be appropriately screened when viewed from Glen Road noting the substantial amount of vegetation proposed to be removed. The accuracy of the view assessment from Melia Court is also questioned, particularly given the view assessment is undertaken from the opposite side of Melia Court (furthest away from the proposed development), which would likely understate the extent of the visual impacts. It remains the view of Council officers that the proposal will significantly impact the scenic landscape of this locality, particularly when viewed from Glen Road and Melia Court.

b) Appropriateness of Proposed Planning Mechanisms

Land Zone

The planning proposal seeks to rezone the site from C4 Environmental Living to C2 Environmental Conservation, R3 Medium Density Residential, R4 High Density Residential and RE1 Public Recreation.

The C4 Environmental Living zone has typically been used within The Hills Shire to retain natural drainage channels, protect vegetation, scenic views and topographical features and to reduce the risk of geotechnical hazards. Its application is most effective when applied to a large contiguous area. Approving the planning proposal in its current form poses a potential risk of setting a precedent for applications seeking a similar outcome, which could in turn compromise the integrity of the continuous C4 Environmental Living zone land in this locality and further impact biodiversity values.

The proposed R3 Medium Density Residential and R4 High Density Residential zoning is not supported as it would allow for a significant overdevelopment of the site in a manner which does not align with the character or objectives for development within this locality and which is not appropriate having regard to the site specific constraints applicable to the land.

The proposed RE1 Public Recreation and C2 Environmental Conservation zones are not supported, as these may trigger an acquisition liability for Council. Irrespective of the acquisition liability risks, the areas proposed for these zoned are not suitable for public recreation in any case due to the size, location and environmental characteristics. Should the Proponent proceed with the existing consent for the land, a Vegetation Management Plan (VMP) and a Section 88B restriction are required to protect significant vegetation on the site.

Maximum Height of Building

The planning proposal seeks to apply maximum height of building controls to the subject land, varying between 10m and 22m to facilitate a built form outcome ranging from three to six storeys (as shown in Figure 15). The proposed height of buildings is inconsistent with the character and objectives for development within the locality, noting the low density residential and environmentally sensitive nature of the area.

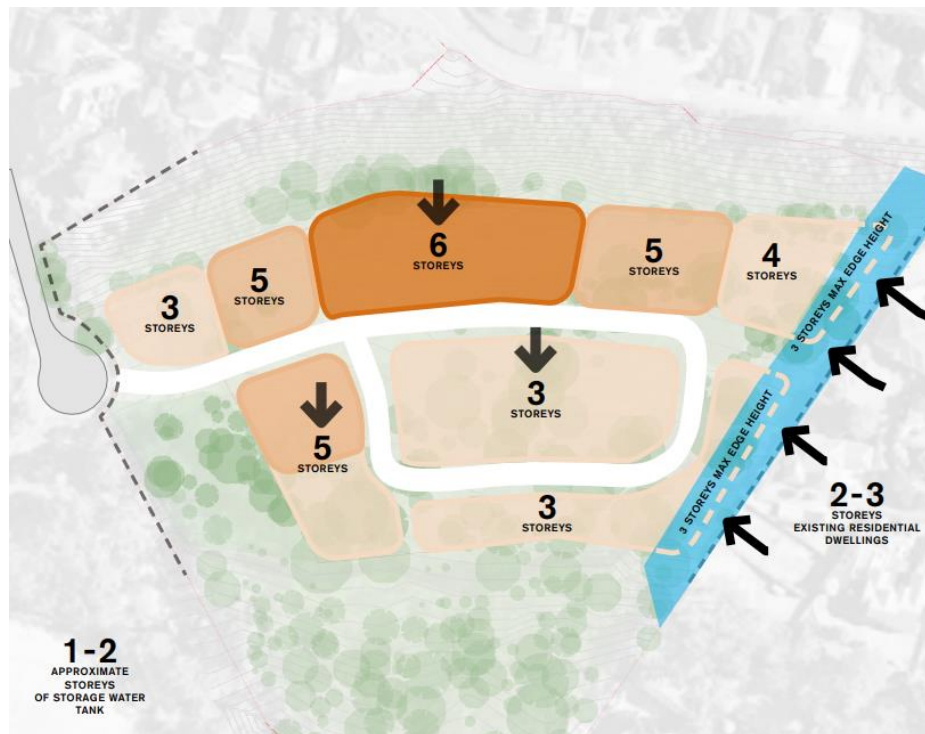


Figure 15
Indicative Built Form Outcomes
(Source: Proponent's Urban Design Report, DKO)

Maximum Floor Space Ratio Control

No FSR controls are currently applicable to the subject site and the proposal, as submitted, does not seek to apply any FSR controls to the site. In the absence of such controls, Council would be reliant upon the maximum height of building controls to guide future built form outcomes and as such, has no real certainty or control over the future bulk and scale on this site, or the number of dwellings that could ultimately be delivered on the site. This is not appropriate and should the proposal proceed in any form, a FSR control would be required.

Housing Mix and Diversity

The Proponent has not indicated if they seek to apply Council's housing diversity clause, which requires at least 30% of new apartments to be suitable for families in response to the demographics of the Shire. Should the proposal proceed, it is expected that proposal would need to be amended to achieve consistency with the housing diversity clause for the apartment component of the proposed development.

Development Control Plan (DCP)

Should the proposal proceed, a site-specific DCP would be required to deal with future development outcomes on the site to ensure that the intended built form outcome that supports the planning proposal is delivered. It is anticipated that at a minimum, development controls would relate to matters such as streetscape, character, setbacks, access to the site, vegetation management, waste management, parking and the preservation of vegetated setbacks.

There are a number of concerns with the design of the proposal shown in the concept plans that would need to be amended in order to meet standard DCP requirements. In particular, the accommodation of waste collection vehicles in basements and the presentation of bins on the street with enough space for collection is not demonstrated. It is considered overall however that the fundamental issues with the proposal are beyond those which could be resolved through site specific development controls, as the overall development outcome would be out

of context and inappropriate for the locality and having regard to the site specific constraints and characteristics.

c) Environmental Considerations

Biodiversity

The *Biodiversity Conservation Act 2016* includes mandatory requirements for biodiversity assessment and reporting and requires proponents to demonstrate appropriate and sufficient steps have been taken to avoid and minimise impacts to areas identified and mapped as containing biodiversity values. The subject site is mapped on the State Government's sensitive biodiversity values map, as shown in the figure below.

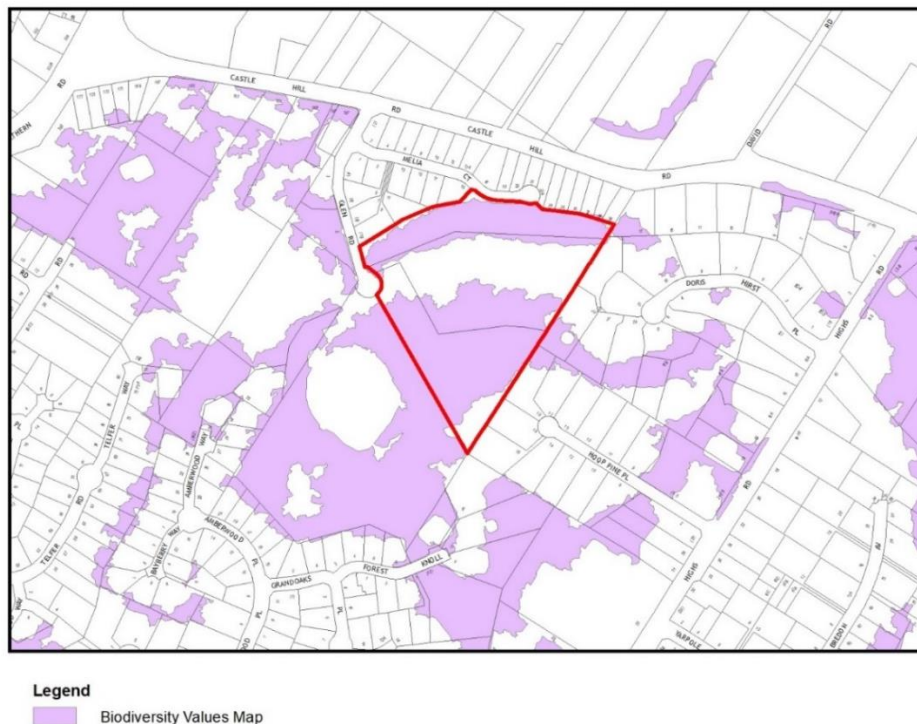


Figure 16
Sensitive Biodiversity Values Map

The Proponent has submitted a Biodiversity Development Assessment Report (BDAR) prepared by Fraser Ecological Consulting (dated 6 February 2024 and provided as Attachment 12). The BDAR identifies that approximately 2.5Ha of Blue Gum High Forest is present on the site, primarily on the southern portion. It indicates that the vegetation along the northern boundary does not constitute Blue Gum High Forest and is dominated by weeds and the central part of the site contains introduced grasses and weeds. Two threatened species of fauna, the Powerful Owl and Grey-Headed Flying-Fox, were detected (vocalisations) during surveys of the subject land. It also noted that while the Dural Land Snail was not detected on site, it has been previously recorded in the locality and as such, it is assumed that there it is present as a precautionary measure.

The BDAR identifies that Blue Gum High Forest is an entity that is at risk of serious and irreversible impacts and has identified some mitigation measures. However, the location and design of the proposed development has not been adequately informed by the biodiversity values. Further, the extent of earthworks and the asset protection zone has not been accurately considered as part of the assessment. Therefore, the development as proposed is considered highly likely to result in serious and irreversible impacts to the Blue Gum High

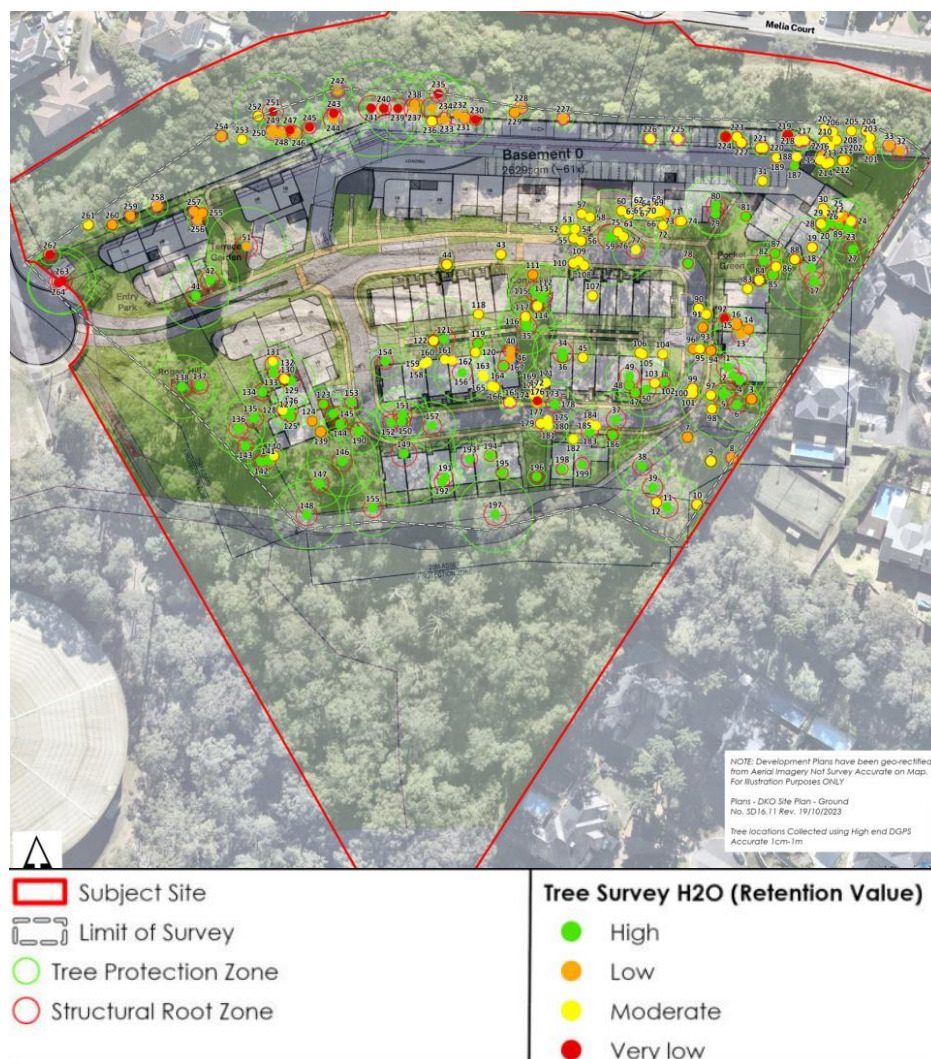
Forest. A lower scale and density development with a smaller footprint and reduced need for vegetation clearing and cut and fill would be a more appropriate response, similar to the outcomes within the surrounding area.

It is recommended that the proposal in its current form *not* proceed to Gateway Determination as it is an inappropriate environmental outcome that has not had proper regard to the biodiversity values of the land, has not been designed to adequately protect vegetation and is unlikely to satisfy the relevant requirements of the *Biodiversity Conservation Act 2016*.

Tree Removal

The Proponent has submitted an Arboricultural Impact Assessment Report that was prepared by H2O Consulting Group (dated 30 January 2024), which is provided as Attachment 11 to this report. The Arboricultural Impact Assessment Report indicates that the subject site is partially cleared and there are thicker sections of bushland towards the northern and southern ends. It also indicates the native bushland around the clearing is mapped as Blue Gum High Forest of the Sydney Basin Bioregion, which is listed as a Critically Endangered Ecological Community under the federal *Environment Protection and Biodiversity Conservation Act 1999* and an Endangered Ecological Community under the NSW *Biodiversity Conservation Act 2016*.

The report stated a tree survey had been undertaken, which indicated 263 trees were located within approximately 10m of the proposed building footprint on the subject site. It found the trees consisted of various canopy forming species that align with locally occurring native vegetation along with a number of exotic and potential species. Of the trees surveyed, the tree health ranged from poor to excellent, with the majority displaying fair to good structure. The indicative location and retention value of these trees are shown in the following figure.

**Figure 17**

Tree Survey

(Source: Arboricultural Impact Assessment Report, H2O Consulting Group)

The Arboricultural Impact Assessment indicates that there are 187 trees located within the proposed building footprint that will require removal. This includes 66 ecologically significant Sydney Blue Gum trees, most of which (60) are of High Retention Value. A total of 63 High Retention Value Trees are located within the proposal footprint and will require removal to make way for construction works.

The Arboricultural Impact Assessment notes that the proposal is also expected to have a major encroachment into the TPZ of an additional 22 trees, including nine trees of High Retention Value (Sydney Blue Gum trees). Given the extensive excavation works that will be required to establish the underground car parks, and considerable amounts of overhead works to construct the buildings, none of these trees are expected to remain viable, thus have been recommended for removal.

In summary, the Proponent's Arboricultural Impact Assessment Report recommends the removal of at least 209 trees. Of these trees, 72 are of high retention value (including 69 Sydney Blue Gum trees). However, it is likely that additional trees beyond this will require removal as the report has not properly considered the proposed earthworks or asset protection zones in their entirety.

Geotechnical and Landslide Risk

Under Clause 7.6 – Landslide Risk of LEP 2019, the site is identified and mapped as susceptible to landslide risk. This clause seeks to limit development to the commensurate underlying geotechnical conditions and to restrict development on unsuitable land. An extract of the Landslip Risk Map from LEP 2019 is shown in Figure 18 below.

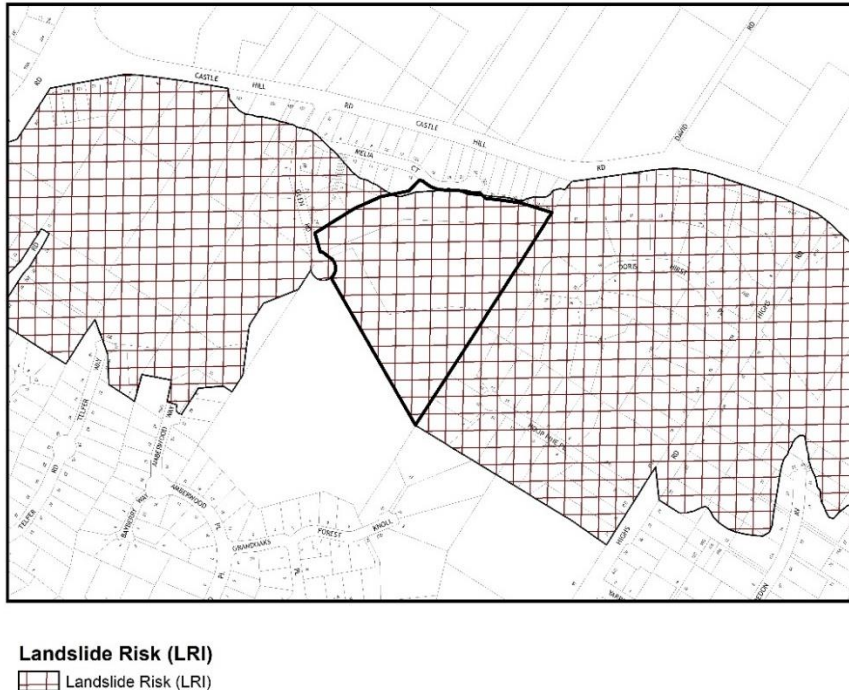


Figure 18

Landslide Risk Map – LEP 2019 (subject site outlined in black)

In recognition of the geotechnical constraints of the site, an Initial Geotechnical Assessment Report (prepared by Tetra Tech Coffey dated 8 November 2023) was submitted with the proposal (provided as Attachment 18). The purpose of the Proponent's report is to review geotechnical information that is currently available for this site as a basis for comment on the perceived feasibility of this development, together with discussion on potential geotechnical design strategies for the construction the proposed development on this landslide site. The proposal is also supported by a Structural Report, prepared by Northrop dated 1 February 2024 (provided as Attachment 22 to this report). The purpose of this report is intended to assist with assessment of safety of the build as well as understanding the structural systems proposed for use.

By way of background, the current development consent that facilitates 22 residential lots on the subject site (1089/2006/ZA/C) proposed stabilisation of the site by a "big dig" methodology which involves construction of retaining walls around the boundaries of the site and removal and replacement of landslide material in the central part of the site. Following consideration by the Geotechnical Review Panel, the site stabilisation strategy was approved in concept with further site investigation, geotechnical reporting and peer review required as part of the conditions of consent. This included requirements for all structures to be located within the site and the approval not relying on anchoring under the adjoining properties to the east.

The Proponent's report indicates that the future cost of landslide mitigation measures for the site was found to be uneconomical for conventional low density residential housing development. It notes that the ground conditions across the site comprise a deep soil creep

landslide over shale bedrock and landslip issues arise when excess groundwater enters the soil underlying the development after prolonged periods of rainfall.

The following landslide management and construction strategies are identified as part of the current planning proposal:

- i. Installing a permanent anchored shoring wall at the northern edge of the site which will act to retain the hillside above the development and also act as a cutoff drain to reduce the amount of water entering the development from uphill.
- ii. In areas that have basements which are close to the slip plane, over-excavating down to the slip plane, installing a drainage layer and building back up with site won engineered fill.
- iii. In areas that don't have basements or where the basement level is well above the slip plane, installing a series of drainage channels in the soil to remove excess water from the soil.
- iv. All proposed structures will be designed as suspended structures supported on bored piers/ piles (or equivalent) to limit surcharge loading on the ground material.

The report concludes that the proposed development is considered feasible from a geotechnical perspective. It also notes that appropriate additional site investigation, design assessments and construction monitoring normally associated with this type of development would need to be carried out. The initial assessments have not included a comprehensive assessment of the site in its entirety, rather the inferred preliminary geotechnical model and recommendations are based on limited subsurface investigations at discrete locations. Specifically, the report notes additional detailed investigations and monitoring would be required including:

- Borehole drilling in the northern third of the site to characterise ground conditions for retaining wall design and the installation of groundwater observations wells.
- Rock core borehole drilling in the central part of the site to fully assess the strength and nature of defects within the slightly weathered to fresh shale and laminite, this will be required for building and retaining wall footing/socket design.
- Excavation of deep test pits near the top of the slope with the aim of identification of existing slide planes, and if found, sampling and laboratory shear box testing should be carried out to better assist its peak and residual shear strengths.
- Ongoing groundwater levels monitoring and comparison with rainfall records to assess current site groundwater levels, fluctuations and flow directions for detailed design groundwater modelling.

Overall, the Proponent's report is fairly high level in nature and does not include any discussion on how the vegetation constraints will be addressed and managed in conjunction with the geotechnical works that would also be required to facilitate this scale of development. The report also provides limited detail on alternate land uses that would be permissible if the proposed land use zones are applied (for example, seniors living, shop top housing, neighbourhood shops, centre-based child care facilities etc.) and whether different forms of slope stabilisation are required for these different land uses (notwithstanding that these are not the intended development outcome as submitted by the Proponent). Notwithstanding the Proponent's comments around the costs of geotechnical stabilisation, this does not warrant the approval of a scale and extent of development that is inconsistent with the prevailing environmental and low density character of the surrounding area. The Proponent's report has not demonstrated that the proposal is acceptable from a geotechnical risk perspective.

Stormwater Management

The proposal is supported by a Stormwater Management Strategy as set out in the Proponent's Civil Engineering Assessment (prepared by Northrop dated 31 January 2024).

Part of the strategy proposes a swale running from east to west sitting at the northern boundary of the site to service upstream flows. The swale is proposed to run at a minimum of 1% and connect into existing stormwater pit at Glen Road, subject to approval and internal sizing calculations. However, concern is raised that runoff from the north eastern corner of the site will likely bypass the swale behind the shoring wall. Once flows hit the shoring wall, they can potentially end up as concentrated flows that may potentially end up in the adjoining site at 23 Doris Hirst Place.

A number of additional concerns are raised with the proposed onsite detention (OSD) and structural measures:

- Stage 1 OSD tank and filtration system to be located within Basement Level 1 will present several issues including dirty road runoff in a confined space that can cause unpleasant odours, difficulty in accessing the detention/filtration system for maintenance and the requirement for deep pits and pipes to drain the water out.
- Stage 2 OSD tank located under the western leg of the loop road may not be ideal noting the steep grade of the road and the need for the tank to have horizontal base and top for maximum storage.
- The bioretention basin is connected to the third OSD tank may not be possible due to the presence of significant trees. Further, recessing the area intended for the bioretention basin can be challenging considering the steep topography of the site.
- Due to site's steep topography, it may not be possible for the third OSD tank to be fully in-ground which requires further consideration of safety and aesthetics.
- There could be developed areas that will bypass the OSD and water quality provisions for the site. Sizing the OSD tank and stormwater quality treatment devices needs to overcompensate for these bypassing areas.
- The installation of drainage layers or channels as part of structural measures requires consideration of how they are incorporated in the stormwater management strategy.

The planning proposal has not adequately addressed stormwater management.

d) Traffic, Active Transport and Parking

Traffic

The Proponent submitted a Transport Impact Assessment (prepared by ARUP and dated 30 January 2024), provided as Attachment 23 to this report. It indicates that the road network near the subject site is expected to operate at a 'good' level of operation in 2023 and 2033 (both with and without the proposed development), as shown in the following figure. However, the accuracy of these results is questioned, noting that Castle Hill Road already experiences delays in the AM and PM peak periods under current conditions. The traffic modelling undertaken has not considered the potential traffic generations from the surrounding approved and planned developments, such as the proposed subdivisions west of Glen Road. Therefore, further information is required on which roads have been included within this assessment (to

ensure that it also considers other intersections in the broader locality that will be impacted by the proposed development).

Peak Period	Scenario	DoS	Average delay (s)	Level of Service	Max. queue (m)
AM Peak	Existing 2023	0.71	5	A	140m (east approach)
	2023 with proposal	0.72	6	A	145m (east approach)
	Future 2033 without proposal	0.78	6	A	175m (east approach)
	Future 2033 with proposal	0.79	7	A	180m (east approach)
PM Peak	Existing 2023	0.75	4	A	190m (east approach)
	2023 with proposal	0.77	5	A	205m (east approach)
	Future 2033 without proposal	0.83	5	A	255m (east approach)
	Future 2033 with proposal	0.85	6	A	270m (east approach)

Figure 19

Traffic Modelling Results Castle Hill Road and Glen Road Intersection
(Source: Proponent's Transport Impact Assessment)

The Proponent's Transport Impact Assessment indicates that access to and from the site is provided via Glen Road. Unrestricted parking is currently permitted on both sides of Glen Road and is used by existing residents. The Proponent's Transport Impact Statement notes that the road carriageway of Glen Road is generally narrow and vehicles are unable to pass each other where there are vehicles parked on both sides of the road (noting existing traffic volumes are quite low). It recommends that kerbside restrictions (such as 'no parking' restrictions) be considered at regular intervals on both sides of Glen Road to allow vehicles to pass each other. Given the proposed development will result in additional traffic generation, the proposed signage mechanism is not considered an appropriate solution, and the road would need to be widened to accommodate the increased traffic flows.

Right turns are not currently permitted from Castle Hill Road to Glen Road on weekdays during peak hours, noting that there are significant safety issues associated with making right turns in this location. While the Proponent's Transport Impact Assessment recommends that traffic be diverted to utilise a detour that is approximately 3 kilometres long with an estimated travel time of 6 minutes (via Robert Road, John Road, County Drive and back onto Castle Hill Road) this is not considered an appropriate or suitable option. This will place increased pressure on the broader road network. It is also likely that road users will ignore the right turn restrictions, continuing to make the right turn across Castle Hill Road into Glen Road, despite it being prohibited. This poses a significant road safety issue for road users.

Given the foregoing, the proposal is unable to demonstrate an acceptable and safe traffic management solution to support the proposal.

Parking

The site is subject to the minimum parking requirements as set out in The Hills Development Control Plan (DCP) 2012. The Proponent's Transport Impact Assessment indicates that given the site is located within the Sydney Metro Northwest Corridor (as defined by the NSW Government and shown in Figure 20), the minimum parking rates for residential developments

within the Corridor are applicable to the subject site (being 1 space per unit and 1 visitor space per 5 units). The proposed parking rates are detailed in Figure 21.

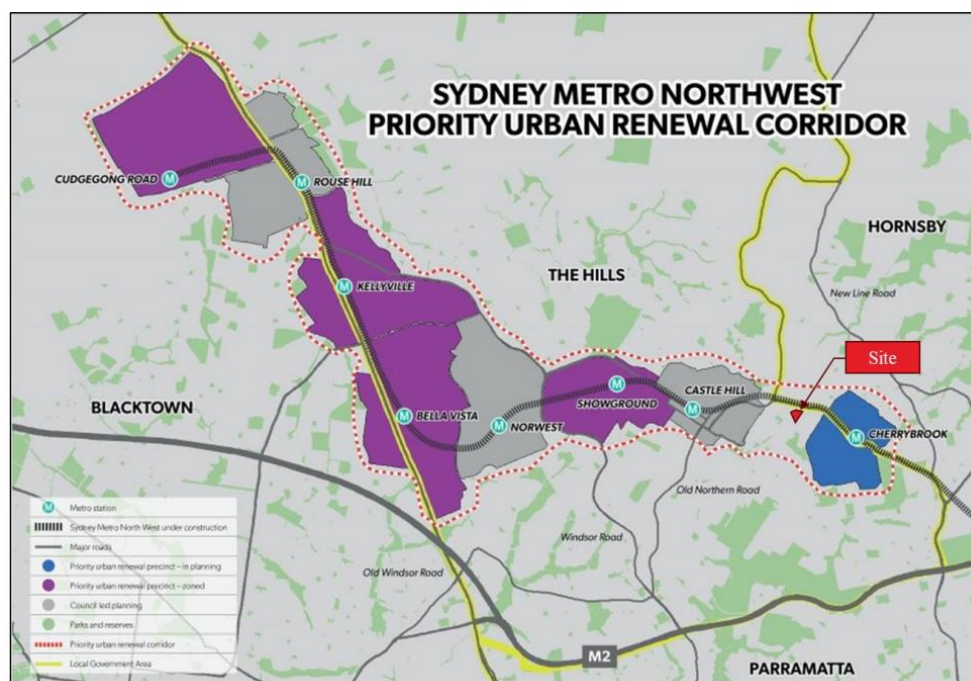


Figure 20

Sydney Metro Northwest Corridor (Source: Proponent's Transport Impact Assessment)

Building type	Yield	Required car parking spaces	Required visitor car parking spaces	Total required car parking spaces	Proposed parking spaces
1 bedroom unit	44	44	30	177	189
2 bedroom unit	73	73			
3 bedroom unit	30	30			
Terraces	38	38	8	46	76
Total		185	38	223	265

Figure 21

Proposed Parking Rates (Source: Proponent's Transport Impact Assessment)

The subject site is not located within any of the identified Station Precincts and it is not considered reasonable for the proposed development to solely rely on the reduced parking rates within Council's DCP, noting that the site is outside of walkable catchment of the stations and residents will be heavily reliant on private vehicles given the substantial distance from the Metro Stations.

Council's parking rates for residential flat buildings, shop top housing and multi-dwelling housing as identified in Part C Section 1 Parking of The Hills DCP would apply to the subject site, which includes the following provisions:

- 1 space per 1 bedroom unit
- 2 spaces per 2 or 3 bedroom unit
- 2 visitor spaces per 5 units

Having regard to the yields proposed, the proposal will result in insufficient parking (a shortfall of approximately 144 parking spaces) when assessed against the requirements of The Hills DCP 2012. This is detailed below in Table 4.

Parking Requirement	Number of Dwellings	Number of Parking Spaces
1 space per 1 bedroom unit	35	35
2 spaces per 2 or 3 bedroom units	150	300
2 visitor spaces per 5 units	-	74
Total	185	409

Table 4
Comparison of DCP Parking Rates

This would require additional site work to accommodate the additional parking spaces and would result in additional environmental impacts, noting that the proposed density is excessive and already cannot be suitably accommodated with the developable site almost completely taken up by basement car parking structures and landslip remediation. This is not in keeping with the principles of ecological sustainable design.

e) Infrastructure Considerations

Local Infrastructure Demand

It is critical that any future development is matched by appropriate infrastructure to serve the growing population of residents and workers, including playing fields, local parks, community facilities, drainage facilities and transport infrastructure. The proposed uplift of 185 dwellings (and approximately 370 people) will generate demand for approximately:

- 9% of a new sports field;
- 9% of a local park;
- 9% of a netball court;
- 9% of a tennis court; and
- 3% of a local community centre.

The proposed uplift sought as part of this planning proposal is significantly higher than what was expected under the existing strategic framework, noting that no uplift (beyond the current approved large lot subdivision) was identified for this site. Accordingly, it has not been planned or catered for under the applicable contributions plan, being Council's Section 7.12 Contribution Plan, which only envisaged incremental development within established urban areas. Therefore, it is not an appropriate mechanism for levying the proposed development.

The Proponent has submitted a letter of offer to enter into a Planning Agreement (provided as Attachment 7 to this report). The letter of offer prepared by Paro Consulting (dated 16 February 2024) includes preliminary details of infrastructure and public benefits the developer intends to deliver in association with the development. The letter of offer includes:

- The delivery of a future public park around 2,000m² in size that features play equipment, landscaping and areas for passive recreation. The letter indicates the Proponent's intent for the ownership to be transferred to Council.
- 15% of the total floor area to be used as affordable rental housing for at least 15 years from the date of occupation and managed by a registered community housing provider.
- Regeneration of some of the bushland, within the proposed C2 Environmental Conservation zone in accordance with a future vegetation management plan.
- Construction of a new footpath along Glen Road through to Castle Hill Road.

At this stage, the Proponent has not provided a total monetary value of the proposed works, land and monetary contributions. Notwithstanding the absence of this information, a preliminary review of the offer has been undertaken by Council Officers (using assumptions where required).

The following comments are raised with respect to the proposed offer:

- Given the size, location and environmental characteristics of the land, the proposed park is not considered functional or usable. The park is smaller than the minimum criteria of 5,000m² in the Recreation Strategy, is not in a location where the Recreation Strategy identifies that additional parks are required, the land is constrained by the presence of Blue Gum High Forest, steep topography, landslide risk and a drainage gully along the western boundary. The survey plan also indicates that a sewer line runs through the proposed location of the park. This park would primarily be accessible by, and in service to, residents of this development rather than providing any public benefit for the broader community.
- With respect to the proposed affordable rental housing, noting Council has not entered into an affordable housing contributions scheme (with investigations currently underway) and does not administer any affordable housing accommodation, there is no mechanism to attribute the contribution towards affordable housing. This part of the proposal should be considered as part of any future residential component of development on the site or through a separate arrangement with an organisation which is able to provide such housing.
- The proposed environmental conservation works and footpath along Glen Road are not considered to be a public benefit as such works would likely be required by way of a condition of development consent as part of any future development application process.
- The offer does not include any consideration of the demand created by the development for active open space facilities or traffic and transport infrastructure.

The offer does not adequately address the increased demand for infrastructure that would be required to support the proposed development, is substantially less than any comparable contributions plans that levy high density residential development and does not provide any tangible public benefits for the community.

CONCLUSION

This report recommends that the planning proposal *not* proceed to Gateway Determination, on the basis that the planning proposal has not demonstrated either strategic or site specific merit. The strategic planning framework encourages housing in the right locations and the protection of the environment. The planning proposal is not able to meet the key objectives to deliver on these outcomes.

The environmental constraints of the site are significant and the proposal has not demonstrated that these constraints can be overcome to deliver an appropriate development outcome, in the context of environmentally sensitive land where no uplift is anticipated within the strategic planning framework. The proposed outcomes are beyond the capacity of the site and are not supported.

ATTACHMENTS (PROVIDED UNDER SEPARATE COVER)

1. Council Officer Pre-lodgement Feedback Letter (November 2021) (4 pages)
2. Council Officer Scoping and Pre-lodgement Feedback Letter (June 2023) (8 pages)
3. Planning Proposal Report (82 pages)
4. Urban Design Report (44 pages)
5. Concept Architectural Drawings (10 pages)
6. Survey Plan (2 pages)
7. Public Benefit Offer (2 pages)
8. Quantity Surveyor's Report (6 pages)
9. Landscape Drawings (14 pages)
10. Landscape Architecture Design Report (46 pages)
11. Arboricultural Impact Assessment (54 pages)
12. Biodiversity Development Assessment Report (160 pages)
13. Bushfire Study (90 pages)
14. Civil Engineering Assessment and Feasibility Report (16 pages)
15. Communication Plan (54 pages)
16. Community and Economic Needs Assessment (36 pages)
17. Flood Impact and Risk Assessment (42 pages)
18. Geotechnical Assessment (20 pages)
19. Heritage Impact Statement (36 pages)
20. Preliminary Site Investigation (56 pages)
21. Services Infrastructure Report (18 pages)
22. Structural Report (8 pages)
23. Transport Impact Assessment (54 pages)
24. Vegetation Management Plan (74 pages)
25. Visual Impact Assessment (32 pages)