

## Rezoning Review Briefing Report – RR-2024-26

*Melia Court and Glen Road, Castle Hill (185 dwellings, including 15% affordable housing).*

Element	Description
Date of request	24 September 2024
Department ref. no	RR-2024-26 (PP-2024-327)
LGA	<i>The Hills Shire</i>
LEP to be amended	<i>The Hills Local Environmental Plan (LEP) 2019</i>
Address	Melia Court and Glen Road, Castle Hill (Lot 1020 DP876671, Lot 1021 DP 876671, and Lot 2 DP 576773) (subject site)
Reason for review	<div><input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment</div> <div><input type="checkbox"/> Council failed to indicate support for the proposal within 90/115 days, or failed to submit the proposal after indicating its support</div>
Has council nominated PPA role	No
Consultation	<p><u>The Hills Shire Local Planning Panel (LPP)</u></p> <p>The Hills LPP considered the planning proposal on 15 May 2024 and provided the following comments regarding the proposal:</p> <ul style="list-style-type: none"><li>• Inconsistent with the objectives and priorities of various strategies and plans.</li><li>• The subject site is not identified for uplift in relevant strategies or plans.</li><li>• The proposed outcome is inappropriate given the environmental constraints of the site including steep topography, landslide risks, hydrological constraints and Endangered Ecological Communities (EECs).</li><li>• Traffic and parking impacts generated by the proposal have not been suitably considered or addressed.</li><li>• The proposed planning mechanisms do not provide certainty that the outcomes illustrated in concept plans will be delivered.</li><li>• The proposal does not adequately address the increased demand on infrastructure or provide tangible public benefits.</li></ul> <p><u>Agency Consultation (Preliminary Scoping Stage)</u></p> <p>Endeavour Energy and Sydney Water noted that augmentation of the existing networks will be required. Sydney Water also raised concerns regarding soil conditions and slope stability as this can increase the risk to the watermain during leak and break events.</p>

Element	Description
	<p>Transport for NSW (TfNSW) raised no concerns or objections, however recommended further consideration in the form of a traffic study.</p> <p>NSW Environment and Heritage Group (EHG) raised the following concerns:</p> <ul style="list-style-type: none"><li>• Proposal is likely to have significant local biodiversity impacts.</li><li>• Detailed surveys have not been undertaken. These are required to confirm the biodiversity values of the site prior to determining land use changes on the subject land. The lack of surveys means the extent of direct and indirect impacts of the proposed development remains unclear.</li><li>• Proponent is unlikely to be able to demonstrate how the proposal will avoid and minimise impacts to biodiversity values.</li><li>• Proposal does not sufficiently identify threatened entities or protections.</li></ul> <p>All pre-lodgement advice and consultation can be found in full in <b>Attachments D-D5</b></p>
<b>Brief overview of the timeframe/progress of the planning proposal</b>	<p><b>1 June 2023</b> – Proponent attended pre-lodgement meeting with Council.</p> <p><b>14 June 2023</b> – Council officers provided pre-lodgement feedback to proponent letter that recommended lodgement be reconsidered.</p> <p><b>4 March 2024</b> – Planning proposal is lodged with Council.</p> <p><b>15 May 2024</b> – Planning proposal reported to LPP for advice.</p> <p><b>20 May 2024</b> – Council officers advised the proponent of the LPP's advice and invited they withdraw the proposal, however the proponent declined.</p> <p><b>25 June 2024</b> – At an Ordinary Council Meeting, Council resolved not to support the proposal's progression to Gateway.</p> <p><b>31 July 2024</b> – Proponent requests a rezoning review.</p> <p><b>6 September 2024</b> – Department assessed the rezoning review request documents and deemed them adequate.</p> <p><b>24 September 2024</b> – Department officially accepted rezoning review and sent Acknowledgement Letters to Council, the Panel, and the proponent.</p> <p><b>21 October 2024</b> – Department receives Council comments on the rezoning review.</p>
<b>Department contact:</b>	Jasper Allenby – Planning Officer

## Planning Proposal

Table 1 Overview of planning proposal

Element	Description
Site Area	45,060m <sup>2</sup>

# Rezoning Review – Briefing Report

RR-2024-26 (PP-2024-327)



Element	Description
Site Description	<p>The subject site is located at 1020 Melia Court, Castle Hill and comprises three separate Torrens Title lots (Lot 1020 DP876671, Lot 1021 DP 876671, and Lot 2 DP 576773) (<b>Figure 1</b>). It is currently vacant of any built structures, with grass and vegetation across the site. The northern and southern parts of the site contain significantly denser vegetation that includes native and exotic canopy-forming species. The site is triangular shaped and slopes significantly downward towards the south. It is zoned C4 Environmental Living and has a landslide risk map overlay in The Hills LEP 2019.</p> <p>The site is bound to the north by Melia Court Road and R2 Low Density Residential dwellings, to the west by Rogan Hill Reservoir and Glen Road, and to the east by C4 Environmental Living residential dwellings.</p> <p>The site is located approximately 900m north-west of Cherrybrook Metro Station, 1.1km east of Castle Hill Metro Station and Castle Mall Shopping Centre, and 300m north of Castlewood Park (<b>Figure 2</b>).</p>
Proposal summary	<p>The planning proposal seeks to amend The Hills LEP 2019 as follows:</p> <ul style="list-style-type: none"><li>• rezone from C4 Environmental Living to partial R3 Medium Density Residential, R4 High Density Residential, C2 Environmental Conservation, and RE1 Public Recreation; and</li><li>• increase the maximum height of buildings from 9m to partial 10m and 22m.</li></ul> <p>The objectives of the proposed amendments are to facilitate the development of:</p> <ul style="list-style-type: none"><li>• six residential flat buildings ranging from three to six storeys, containing 147 apartments and 38 terraces, each spanning between two and three storeys;</li><li>• 15% of housing to be provided as affordable rental housing for 15 years;</li><li>• a publicly accessible park ("Rogans Hill Park");</li><li>• a central loop road to enhance accessibility and circulation to each public and communal space; and</li><li>• connected biodiversity corridors.</li></ul> <p><u>Public Benefit Offer (February 2024)</u></p> <p>The proponent has provided a Public Benefit Offer to enter into a Planning Agreement. The letter of offer includes preliminary details of infrastructure items the proponent intends to deliver in association with the development that includes:</p> <ul style="list-style-type: none"><li>• Delivery of a future park around 2,000m<sup>2</sup>, with ownership to be transferred to Council;</li><li>• 15% of total floor area as affordable housing for 15 years;</li><li>• Regeneration of bushland within the C2 zone; and</li><li>• Construction of a new footpath along Glen Road through to Castle Hill Road.</li></ul>

# Rezoning Review – Briefing Report

RR-2024-26 (PP-2024-327)



Element	Description
	Council state ( <b>Attachment C</b> ) the public benefit offer has been updated since their review of the planning proposal and requested that the most up-to-date version is reflected in the rezoning review application. The updated Public Benefit Offer is provided at <b>Attachment C6</b> .
<b>Relevant State and Local Planning Policies, Instruments</b>	<ul style="list-style-type: none"><li>• Greater Sydney Region Plan (GSRP)</li><li>• Central City District Plan (CCDP)</li><li>• The Hills Local Strategic Planning Statement (LSPS) (October 2019)</li><li>• The Hills Local Housing Strategy (LHS) (October 2019)</li><li>• Draft Precinct Plans</li><li>• The North West Rail Link Corridor Strategy</li><li>• The Hills Corridor Strategy</li><li>• Future Transport Strategy 2056</li><li>• Staying Ahead: State Infrastructure Strategy 2022-2042</li><li>• Housing Strategy 2041</li><li>• Net Zero Plan</li><li>• State Environmental Planning Policies (SEPP)<ul style="list-style-type: none"><li>○ SEPP (Biodiversity and Conservation) 2021</li><li>○ SEPP (Housing) 2021</li><li>○ SEPP No 65 – Design Quality of Residential Apartment Development</li><li>○ SEPP (Planning Systems) 2021</li><li>○ SEPP (Resilience and Hazards) 2021</li><li>○ SEPP (Sustainable Buildings) 2022</li><li>○ SEPP (Transport and Infrastructure) 2021</li></ul></li><li>• 9.1 Ministerial Directions<ul style="list-style-type: none"><li>○ 1.1 Implementation of Regional Plans, 1.2 Development of Aboriginal Land Council Land, 1.3 Approval and Referral Requirements, 1.4 Site Specific Provisions, 3.1 Conservation Zones, 3.2 Heritage Conservation, 3.6 Strategic Conservation Planning, 3.7 Public Bushland, 3.10 Water Catchment Protection, 4.1 Flooding, 4.3 Planning for Bushfire Protection, 4.4 Remediation of Contaminated Land, 5.1 Integrating Land Use and Transport, 5.2 Reserving Land for Public Purposes and 6.1 Residential Zones.</li></ul></li></ul>



# Rezoning Review – Briefing Report

RR-2024-26 (PP-2024-327)

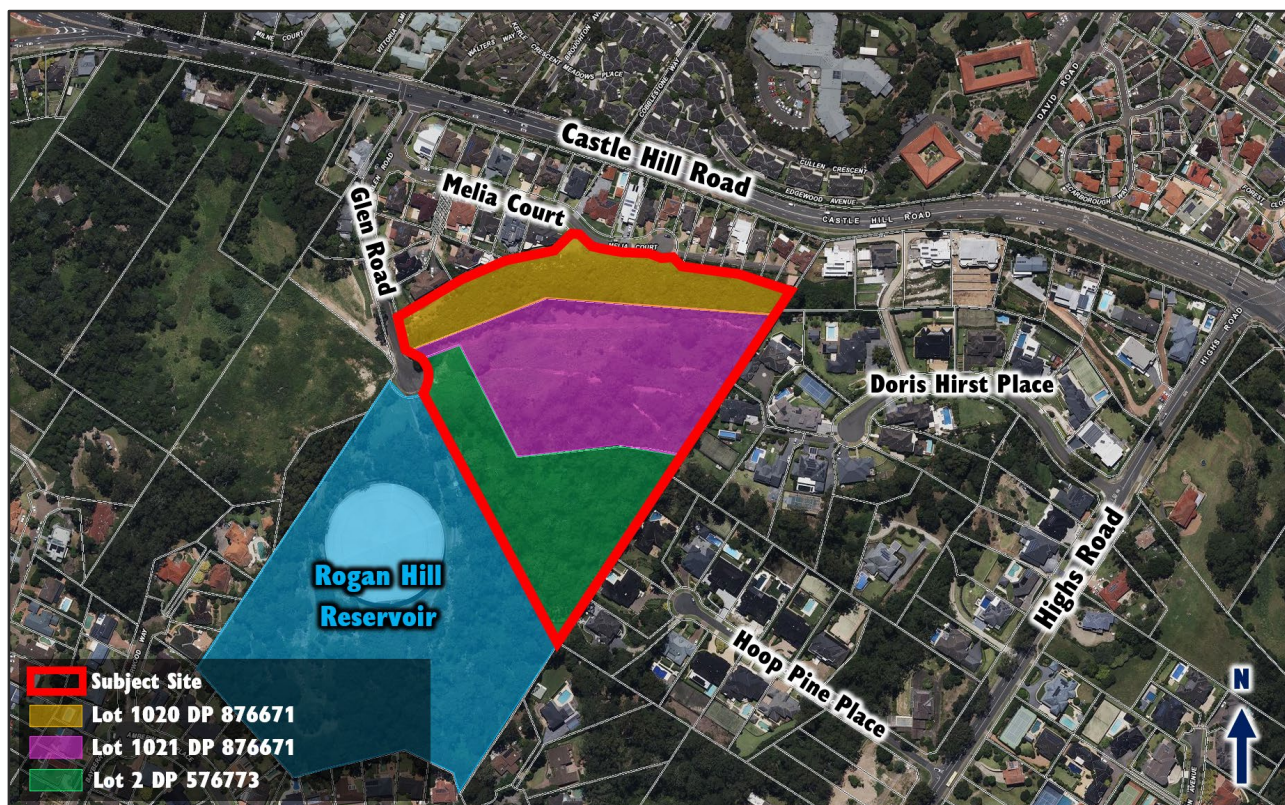


Figure 1 Subject Site (source: SixMaps, October 2024)

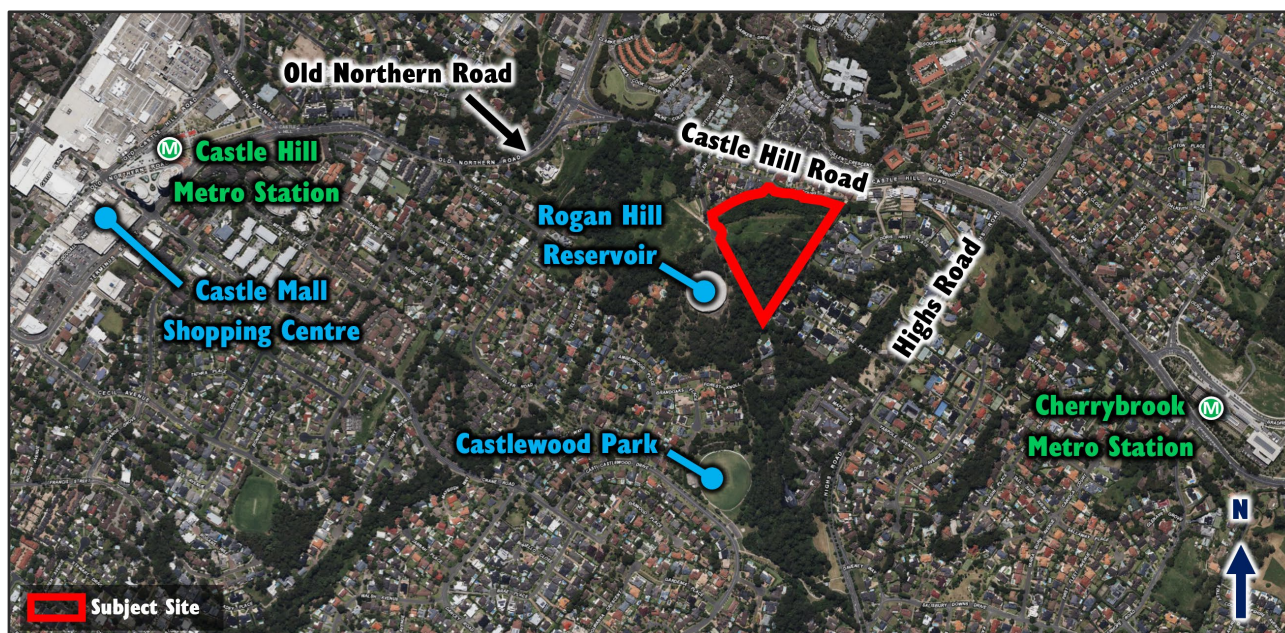


Figure 2 Site Context (source: SixMaps, October 2024)





Figure 3 Concept Master Plan (source: planning proposal)

The planning proposal seeks to amend The Hills LEP 2019 in **Table 2** as follows:

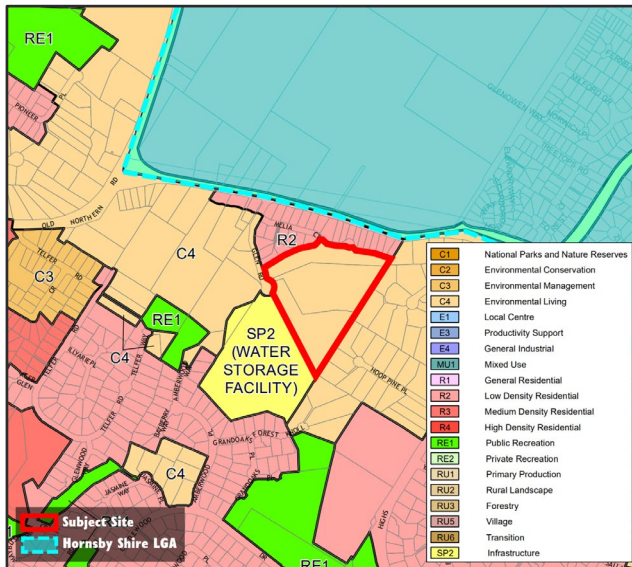
**Table 2 Current and proposed controls**

Control	Current	Proposed
Zone	C4 Environmental Living	R3 Medium Density Residential (part); R4 High Density Residential (part); C2 Environmental Conservation (part); and RE1 Public Recreation (part).
Maximum height of the building	9m	10m (for proposed R3 zoned land); and 22m (for proposed R4 zoned land)  Note: No height of buildings control is proposed for land proposed to be rezoned as RE1 or C2.
Number of dwellings		185 dwellings (including 15% affordable housing)

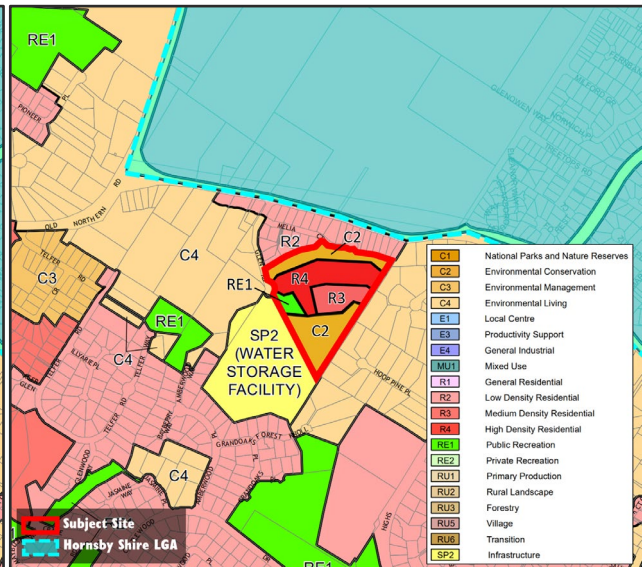
The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

# Rezoning Review – Briefing Report

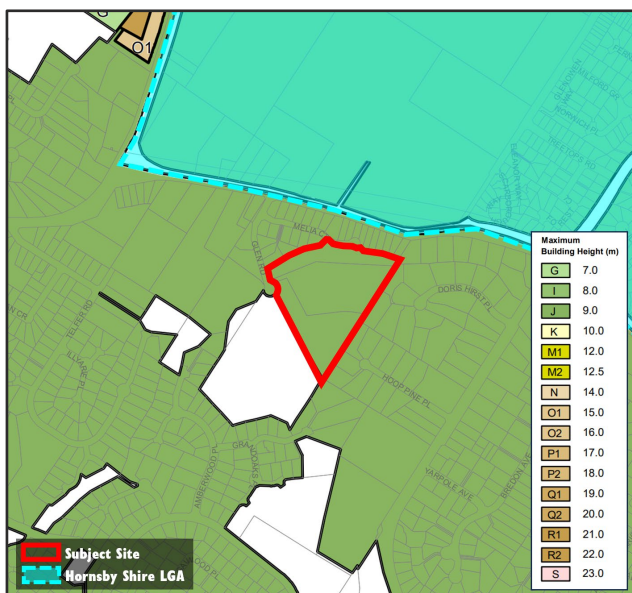
RR-2024-26 (PP-2024-327)



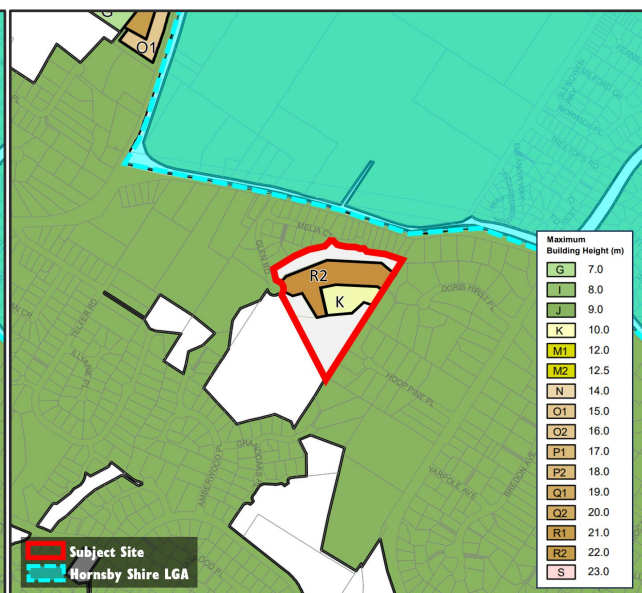
**Figure 4 Current Zoning (source: The Hills LEP 2019, Hornsby LEP 2013)**



**Figure 5 Proposed Zoning (source: The Hills LEP 2019, Hornsby LEP 2013, planning proposal)**

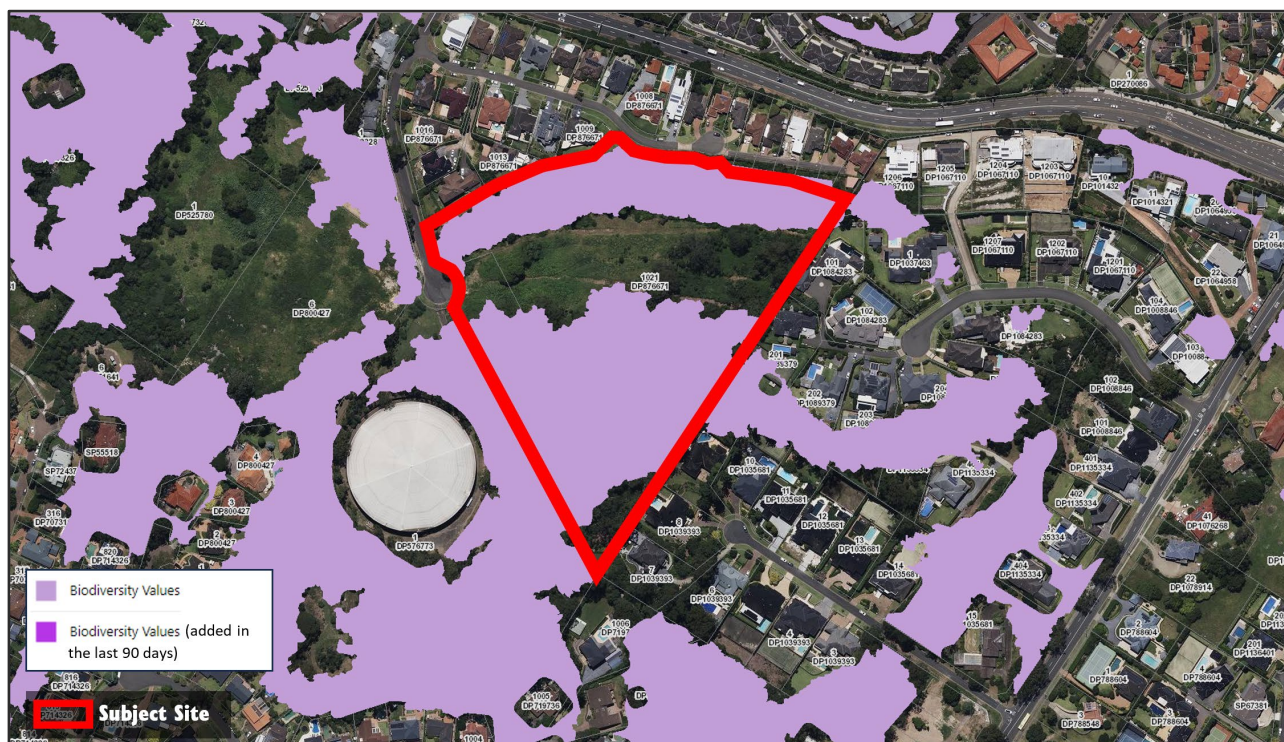


**Figure 6 Current HOB Map (source: The Hills LEP 2019, Hornsby LEP 2013)**



**Figure 7 Proposed HOB Map (source: The Hills LEP 2019, Hornsby LEP 2013, planning proposal)**





**Figure 8 Biodiversity Map (source: Biodiversity Values Map and Threshold Tool, October 2024)**

## Key Issues

The following section summarises the key issues identified within the proponent's rezoning review request (**Attachment B**), the proponent's planning proposal (**Attachment A – A20**) and Council's response to the rezoning review request (**Attachment C – C6**)

Council recommends that the planning proposal does not proceed given the fundamental strategic merit issues and the range of site-specific matters. The planning proposal was considered by the elected Council at its Council Meeting of 25 June 2024, and it was resolved that the planning proposal should not proceed to Gateway Determination.

## STRATEGIC MERIT

### **Issue no. 1: Consistency with State and Local Strategic Planning Objectives and Priorities**

## Council view

The planning proposal is inconsistent with objectives and priorities of the Greater Sydney Regional Plan (GSRP), Central City District Plan (CCDP), various Section 9.1 Ministerial Directions, the North West Rail Link Corridor Strategy, Cherrybrook Station Precinct Place Strategy, The Hills Corridor Strategy, 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.

Council notes:

- The proposal is inconsistent with the GSRP's objectives to protect and enhance biodiversity and scenic landscapes as the subject site contains a Critically



Endangered Ecological Community, Blue Gum High Forest (BGHF), and the related protection measures are unclear. Consistency with these objectives is unlikely to be demonstrated.

- The subject site is located well outside the 800m walking catchment of high-frequency public transport, being 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. The site's location makes the proposal unlikely to be consistent with the regional and district plans.
- The current site zoning (C4 Environmental Living) includes objectives to maintain scenic and district views consistent with the CCDP. The scale, density and yield of the proposed development, which will be visible above the ridgeline canopy, is beyond the "low impact" development the C4 zone allows for to maintain consistency with its objectives and the CCDP.

Council also notes the proposal is inconsistent with various objectives and planning priorities within the GSRP and CCDP that are not referenced in the planning proposal including:

- Objective 6 - Services and infrastructure meet communities changing need and Planning Priority C3 - Providing services and social infrastructure to meet people's changing needs.
- Objective 7 - Communities are healthy, resilient and socially connected and Planning Priority C4 - Fostering healthy, creative, culturally rich and socially connected communities.
- Objective 31 - Public open space is accessible, protected and enhanced and Planning Priority C17 - Delivering high quality open space.

Council notes the proposal is also inconsistent with The Hills Local Strategic Planning Statement (LSPS) as the proposal seeks to facilitate medium and high-density development on land containing BGHF, a Critically Endangered Ecological Community, which is inconsistent with the LSPS's goal to protect biodiversity and scenic landscapes.

Council notes the proposal is also inconsistent with the Northwest Rail Link Corridor Strategy, Cherrybrook Station Precinct Place Strategy, The Hills Corridor Strategy, and Draft Castle Hill Precinct Plan as:

- The subject site is not identified for residential uplift in any of the above plans. The site was not considered as part of the broader investigation areas around Castle Hill or Cherrybrook stations as it was not deemed as an appropriate area for any uplift above what can be achieved under the current controls.

Council notes the proposal is inconsistent with the following Section 9.1 Ministerial Directions:  
1.16 North West Rail Link Corridor Strategy

- 1.22 Implementation of the Cherrybrook Station Place Strategy
- 3.1 Conservation Zones
- 4.1 Flooding
- 5.1 Integrated Land Use and Transport
- 6.1 Residential Zones

## Proponent view

The proposal is consistent with State and local strategic planning. The proposal has been initiated by following the key directions and strategies described in the GSRP and the CCDP and it meets the various objectives of these plans as follows:

- Objective 10 - Greater Housing Supply, Objective 11 - Housing is more diverse and affordable and Priority C5 - Providing housing supply, choice and affordability with access to jobs, services and public transport'
- Objective 14 - Integrated land use and transport creates walkable and 30-minute cities and Priority C9 - Delivering integrated land use and transport planning and a 30-minute city'.
- Objective 27 - Biodiversity is protected, urban bushland and remnant vegetation is enhanced, Priority C15 - Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and C16 - Increasing urban tree canopy cover and delivering Green Grid connections.

The proposal is also consistent with the outcomes of The Hills LSPS, including various priorities as follows:

- The proposal seeks to amend the existing suite of planning controls to provide 185 dwellings within an area with an established residential character and serviced by existing utilities. This will assist Council to reach its new dwelling target of 38,500 dwellings by 2036. Whilst it is acknowledged that Council is on track to meet its 2021-2026, housing target, the proposal and future development application will be determined after 2026, and therefore will contribute to future housing supply and affordable housing.
- The site is located within close proximity to Castle Hill Strategic Centre and Railway Station (approx. 1.1km) to the west and Cherrybrook Railway Station (approx. 900m) to the east. A bus service is located on Castle Hill Road (200m) to the north of the site providing connections to a number of Strategic Centres. There is a draft plan to provide a dedicated express bus lane to Castle Hill Road between Castle Hill Station and Cherrybrook Station providing better connectivity for the site. All Metro stations within The Hills Shire includes land zoned either R3 Medium Density and/or R4 High Density Residential located at least 1.1km from a Metro station.
- DPHI and Transport for NSW have adopted an approach to focus high density housing supply within 1.2km of Metro stations. This follows an announcement in December 2023 for both Bella Vista and Kellyville to include high density residential development within 1.2km of their respective Metro stations. The proposal is consistent with this approach.

## Section 9.1 Ministerial Directions

The proposal states it is either consistent with or not applicable to all relevant Section 9.1 Ministerial Directions.

## SITE SPECIFIC MERIT

### Issue no. 1 – Environmental Constraints – biodiversity, flooding and geotechnical issues

#### Council view

The historic subdivision consent for 22 residential lots on the site was granted nearly 20 years



ago under an outdated legislative framework. Current legislation, including the *Biodiversity Conservation Act 2016*, now require detailed assessments of serious and irreversible impacts (SAIL) on biodiversity. Existing consents do not negate the need for a thorough evaluation of the proposal under the current framework.

The proposed development outcomes are inappropriate with regard to the site's environmental constraints include steep topography, landslide risk, hydrological constraints and Endangered Ecological Communities (EEC). Key points raised in relation to environmental constraints include:

- The proposed development is considered highly likely to result in SAIL 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.
- The steep topography and landslide risk, as identified in Clause 7.6 – Landslide Risk of The Hills LEP 2019, would require a geotechnical engineering response to stabilise the land for the proposed development. The proposal needs to demonstrate the required geotechnical works and clearing required for the proposed development would not result in SAIL to the EEC on site.
- The location and design of the proposed development has not been adequately informed by the biodiversity values. The extent of earthworks and the asset protection zone has not been accurately considered as part of the assessment and are expected to result in additional impacts not quantified or reflected in the material submitted.

The NSW Environment and Heritage Group (EHG) provided preliminary comments stating significant issues with biodiversity. Sydney Water raised concern regarding soil conditions, slope stability and that the proposed development has the potential to increase the risk to the watermain during water leak and break events. These responses can be found in full at **Attachment D2** and **Attachment D5**.

The proponent submitted a Flood Impact and Risk Assessment (FIRA) (**Attachment A12**) and a Stormwater Management Strategy as set out in the Civil Engineering Assessment (**Attachment A4**). Council notes the following:

- The FIRA indicates 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.
- Flooding is limited to within the drainage gully to the west of the site. The site is also marginally affected by local overland flow from Glen Road and the upstream Melia Court.
- The proposed development generally complies with Direction 4.1 Flooding however Council officers have not been able to confirm the veracity of the flood modelling outcome at this stage and would require further assessment. This may be resolvable however, Council has not yet asked for future work due to various other issues as outlined in their comments.

## Proponent view

Rezoning the portion of the site which contains significant vegetation, to C2 Environmental Conservation is considered appropriate to provide a greater protection to the important environmental spine along Castle Hill Road while permitting greater housing density within close proximity to public transport. The site is characterised predominantly by cleared land

with remnant trees and weed-infested BGHF, which presents a habitat of low quality for fauna. The proposal states:

- Council mapping identifies the centre of the site contains blue gum high forest and Cattai Alluvial Tall Forest which are identified as a Critically Endangered Ecological Community under the *Biodiversity Conservation Act 2016*. The site is also identified as purple on the Biodiversity Value Map which means clearing is regulated by the *State Environmental Planning Policy (Biodiversity and Conservation) 2021*.

The portion of the site proposed for development is characterised predominantly by cleared land with remnant trees and weed-infested BGHF, presents a habitat of low quality for fauna. However, the main development impact area provides fauna habitat in the following forms:

- Seasonal foraging resources when eucalypts and other plants flower provide nectar and insect resources for mobile fauna including Grey-headed Flying Fox, possums, gliders, microchiropteran bats and a variety of woodland bird species (breeding habitat absent).
- Seasonal sources of seed on the forest floor and grasses and acacias for parrots.
- Bird species likely to occur include parrots and nectivorous honeyeaters that forage and roost in the upper canopy of the trees. Blossoms from flowering canopy Myrtaceae would attract a variety of nectivores including possums, birds and threatened Grey-headed Flying Fox.

The proposal seeks to rezone 48% of the most environmentally significant portion of the site from C4 Environmental Living to C2 Environmental Conservation. The proposal also seeks to plant an additional 418 trees and increase the sites tree canopy to 61.1%.

A FIRA has been prepared by Northrop Consulting Engineers (**Attachment A12**) which:

- Notes the site is marginally affected by local overland flow from Glen Road and the upstream Melia Court.
- Recommends the implementation of standard engineering solutions such as swales and an inground pit and pipe network to divert upstream flow away from the proposed development.
- Concludes the proposal is consistent with the Section 9.1 Direction 4.1 Flooding.

A Geotechnical Assessment (**Attachment A3**) has been prepared by Tetra Tech Coffey and Structural Report (**Attachment A4**) by Northrop Engineers. The proposal includes a basement that accommodates a permanently anchored shoring wall and piles into rock which will significantly reduce the risk of landslide of the existing houses to Melia Crescent.

## **Issue no. 2 – Suitability of the proposed planning controls**

### **Council view**

Council raises the issue of the appropriateness of the proposed planning controls and mechanisms outlined in the planning proposal. Key points are summarised as follows:

### **Proposed Land Use Zones**

- The existing C4 zone has typically been used within The Hills Shire to retain natural drainage channels, protect vegetation, scenic views, topographical features and to reduce the risk of geotechnical hazards. Its application is most effective when applied



to a large contiguous area. Approving the 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 zoned land in this locality and further impact biodiversity values.

- The proposed R3 and R4 zones are not supported as it would allow for significant overdevelopment of the site.
- The proposed RE1 and C2 zones are not supported, as these may trigger an acquisition liability for Council. Regardless of acquisition liability risks, the portions of the site proposed for these zones are not suitable due to the size, location and environmental characteristics.

### Height of buildings (HOB) and Floor Space Ratio (FSR)

- The proposal seeks to increase the maximum HOB controls varying between 10m and 22m to facilitate a built form outcome ranging from three to six storeys. The proposed HOB is inconsistent with the character and objectives for development within the locality, noting the low density residential and environmentally sensitive nature of the surrounding area.
- No FSR controls are currently applicable to the subject site and the proposal does not seek to apply any FSR controls. In the absence of such controls, Council has no real certainty or control over the future density or scale on this site or the number of dwellings that could ultimately be delivered.

### Housing diversity and site-specific DCP

- 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.
- A site-specific DCP would be required to deal with future development outcomes on the site (if the proposal proceeds) to ensure that the intended built form outcome is delivered. Council notes that whilst a draft site-Specific DCP (**Attachment A11**) was provided by the proponent for the rezoning review, this document did not form part of the planning proposal material submitted to Council for consideration by the Local Planning Panel or Council in the assessment and determination of the planning proposal.

### **Proponent View**

The proposal seeks to rezone 48% of the most environmentally significant portion of the site to C2 Environmental Conservation. The proposal also seeks to plant an additional 418 trees and increase the sites tree canopy to 61.1%. The proposal also includes entering into a joint agreement with the Minister for the Environment to protect, regenerate and maintain the significant biodiversity of the site. Further to this:

- The 2000m<sup>2</sup> minimum lot size is proposed to be retained. Typically, the R4 zone includes an accompanying 1,800m<sup>2</sup> minimum lot size and R3 zone includes an accompanying 700m<sup>2</sup> minimum lot size.
- The portion of the site to be rezoned as RE1 Public Recreation is proposed to be subdivided and transferred to ownership of The Hills Shire Council.
- No FSR control applies to the site and the proposal does not seek to introduce this control.
- The portion of the site proposed to be rezoned to R3 Medium Density Residential, R4 High Density Residential and RE1 Public Recreation is located predominately within

the footprint of an approved DA for a 23 lot subdivision.

- The proposal is accompanied by a site specific DCP (**Attachment A11**) which will be further developed in consultation with Council, post-Gateway determination.

### **Issue no. 3 – Suitability of the proposed design, scale and built form**

Council notes the design, scale and form of the proposed development does not adequately consider or respond to the scenic or biodiversity values of the site or align with the current and future character of development on the surrounding land as follows:

- The locality is characterised by low (to very low) density residential development and environmental living. The site and surrounds form an important 'environmental spine' along Castle Hill Road, which is located on a prominent ridgeline. These features led to the application of an environmental living zone to this area to preserve views, vegetation and land affected by geotechnical constraints.
- The calculated density (42 dwellings per hectare) of the proposed development is out of character with the surrounding low to very low residential development. When calculating the proposed density using only the developable portion of the site, the density equates to 83 dwellings per hectare, which is comparable to high-density developments more appropriate for land located within the walkable catchments of Metro Station precincts.
- The proposed bulk of the built form will detract from the scenic views.
- Some findings of the proponent's submitted Visual Impact Assessment (VIA) (**Attachment A2**) are questioned in relation to the screening of the development from Glen Road, and the accuracy of the view assessment from Melia Court. Overall, Council officers hold the view that the proposal will significantly impact the scenic landscape of this locality.

### **Proponent View**

The subject site is located within proximity to employment opportunities, educational establishments, recreational activities and public transportation including two metro stations within walking distance and nearby regular bus services along Castle Hill Road. The amendments proposed are specific to the site and will facilitate a new high quality residential flat building and multiple dwelling housing development that provides a high-quality built form.

The location and height of the proposed residential buildings and townhouses ensure there will not be any significant view loss from the neighbouring properties habitable room windows or private open space areas. The fall of the land from the north and proximity of dwellings to the east means the proposed development will not result in any significant bulk or scale visible from surrounding properties

A detailed urban design report (**Attachment A2**) has been prepared and the proposal notes:

- Visual impact assessments highlighted importance of maintaining existing views from Melia Court. The proposed HOB controls have been determined to maintain views and minimise visual impact.
- The proposed R3 zoned land will be predominantly 2-3 storeys in height. Built form adjacent to this boundary should preserve the height and maintain the maximum of 3 storeys.
- Solar access studies have informed the proposed HOB controls which will achieve equitable solar access through the site including private open space, communal open



space and public open spaces.

## **Issue no. 4 Traffic and parking impacts**

### **Council View**

The traffic and parking impacts generated by the proposed uplift have not been suitably considered or addressed as follows:

- The proponent submitted a Transport Impact Assessment (**Attachment A8**) which indicates the road network near the subject site is expected to operate at a 'good' level of operation in 2023 and 2033 (with and without the proposal). However, the accuracy of these results is questioned.
- TfNSW feedback during the scoping process indicated the site is not within an easy walking distance of a Metro station and therefore new development at the site is likely to be more reliant on private vehicle trips and would create a relatively high traffic generation given the need for residents to rely on private vehicles.
- The proposed uplift is likely to increase traffic generation and contribute to existing traffic congestion along Castle Hill Road, in addition to the growth that is also expected to occur close to Castle Hill and Cherrybrook Metro Stations.
- The proposed residential density will exacerbate the existing traffic impacts of existing restriction on right-turn movements from Castle Hill Road onto Glen Road during peak hour.
- While no traffic or transport infrastructure upgrades have been identified by the proponent (aside from parking signage), if the proposal was to proceed, intersection upgrades would be required at the Glen Road and Castle Hill Road intersection for a designated right turn lane. Additional road widening would also be required along Glen Road from Castle Hill Road to Melia Court to facilitate the increased traffic flow. As these upgrades have not been identified in the current contribution's framework (being Council's Section 7.12 Contributions Plan), it is anticipated that these upgrades would need to form part of a VPA or assessment of a future development application should the proposal proceed.
- The proposal will result in insufficient parking provision when assessed against the requirements of The Hills DCP 2012.

### **Proponent View**

A Transport Impact Assessment (**Attachment A8**) has been prepared by ARUP which considers the impact of the proposal upon the local transport network. The key findings of the assessment are:

- The site is located a 5 minute walk from bus stops, providing connection to jobs and services in the surrounding areas. Metro stations are a 20 minute walk or 10 minute cycle or via bus services
- The road carriageway of Glen Road is generally narrow and vehicles are unable to pass each other where there are vehicles on both sides of the road. Therefore, to accommodate additional traffic generated by the development, kerbside restrictions should be considered at regular intervals on both sides of Glen Road to allow vehicles passing.

- Right turns are not permitted from Castle Hill Road to Glen Road on weekdays during the AM and PM peak hours (6am – 10am and 3pm – 7pm). Due to this restriction, vehicles (except for emergency vehicles) approaching the site from the west would be required to undertake a detour. This detour is approximately 3km long with an estimated travel time of 6 minutes.
- The site is located within the Sydney Metro Northwest Corridor and the proposed parking provision meets the relevant requirements in The Hills DCP 2012.
- Based on a conservative modelling approach, the development is expected to have a minor impact on the Castle Hill Road/Glen Road intersection during peak periods. Traffic generated by the development is very low when compared to background traffic volumes on Castle Hill Road.

The proposal will be referred to TfNSW who will provide recommendations for infrastructure works. The proposal will result in significant monetary contributions which can be used for local road and public domain upgrades.

## Other issues

### Demand for infrastructure

#### Council View

The proposal does not adequately address the demand for infrastructure likely to be generated by the proposal or provide any tangible public benefits. Council also raises issue with the location of the proposed park.

#### Proponent View

The proposal includes a Public Benefit Offer (**Attachment C6**). The proposal provides a RE1 zoned public park on the western portion of the site adjoining Glen Road, being the most publicly accessible portion of the land.

## Attachments

**Attachment A** – Planning Proposal (March 2024)

**Attachment A1** – Site Survey

**Attachment A2** – Urban Design Report

**Attachment A3** – Geotechnical Assessment

**Attachment A4** – Structural Concept Design

**Attachment A5** – Civil Engineering Assessment

**Attachment A6** – Services Infrastructure Report

**Attachment A7** – Arborist Assessment Report

**Attachment A8** – Transport Impact Assessment

**Attachment A9** – Visual Impact Assessment

**Attachment A10** – Preliminary Site Investigation

**Attachment A11** – Draft Site Specific DCP (February 2024)

**Attachment A12** – Flood Assessment Report

**Attachment A13** – Heritage Impact Statement

**Attachment A14** – Biodiversity Development Assessment Report

**Attachment A15** – Vegetation Management Plan

**Attachment A16** – Community and Economic Needs Assessment

**Attachment A17** – Strategic Bushfire Study

**Attachment A18** – Original Public Benefit Offer

**Attachment A19** – Communication Plan

**Attachment A20** – Architectural Support Drawings

**Attachment A21** – Landscape Drawings

**Attachment A22** – Landscape Report

**Attachment B** – Rezoning Review Report

**Attachment B1** – Rezoning Review Submission Form

**Attachment B2** – Ordinary Council Meeting Agenda (25 June 2024)

**Attachment B3** – Ordinary Council Meeting Minutes (25 June 2024)

**Attachment B5** – Melia Gardens Presentation

**Attachment B** – Scoping proposal (if submitted)

**Attachment C** – Council Response to Rezoning Review (21 October 2024)

**Attachment C1** – Council Officer Pre-Lodgement Feedback letter (3 November 2021)

**Attachment C2** – Council Officer Scoping and Pre-Lodgement Feedback Letter (14 June 2023)



# Rezoning Review – Briefing Report

RR-2024-26 (PP-2024-327)



**Attachment C3** – Local Planning Panel Minute and Report (15 May 2024)

**Attachment C4** – Council Report and Minute (25 June 2024)

**Attachment C5** – Detailed Response to Rezoning Review – Melia Court and Glen Road, Castle Hill.

**Attachment C6** – Public Benefit Offer (16 February 2024).

**Attachment D** – Council Pre-lodgement Feedback Letter

**Attachment D1** – The Hills Shire Council Planning Proposal Policy

**Attachment D2** – NSW Environmental and Heritage Group Submission

**Attachment D3** – Endeavour Energy Submission

**Attachment D4** – Transport for NSW Submission

**Attachment D5** – Sydney Water Submission

**Attachment E** – Existing and Proposed LEP maps.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
28/10/2024 (Date)

Murray Jay

Manager, Planning Proposal Authority

\_\_\_\_\_  
(Signature)

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31/10/24 (Date)

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