

**The Hills Local Environmental Plan - Amendment No.xx - 47 Spurway Drive, Baulkham Hills
- Increase in heights of buildings and floor space ratio.**

Proposal Title : The Hills Local Environmental Plan - Amendment No.xx - 47 Spurway Drive, Baulkham Hills - Increase in heights of buildings and floor space ratio.

Proposal Summary : A Planning Proposal seeking to increase the permissible building height from 16 metres to heights varying from 16 to 41 metres, and to apply a floor space ratio of 4.5:1 on land currently zoned R4 High Density Residential situated at 47 Spurway Drive, Baulkham Hills.

PP Number : PP_2013_THILL_017_00 Dop File No : 13/18940

Proposal Details

Date Planning Proposal Received : 30-Oct-2013 LGA covered : The Hills Shire

Region : Sydney Region West RPA : The Hills Shire Council

State Electorate : BAULKHAM HILLS Section of the Act : 55 - Planning Proposal

LEP Type : Precinct

Location Details

Street : 47 Spurway Drive

Suburb : Baulkham Hills City : Baulkham Hills Postcode : 2153

Land Parcel : Lot 1 DP563812, Lots 32 & 33 DP247442

DoP Planning Officer Contact Details

Contact Name : Tai Ta

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre : N/A Release Area Name : N/A

Regional / Sub Regional Strategy : Metro North West subregion Consistent with Strategy : Yes

The Hills Local Environmental Plan - Amendment No.xx - 47 Spurway Drive, Baulkham Hills
- Increase in heights of buildings and floor space ratio.

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 1,324
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

Have there been No
meetings or
communications with
registered lobbyists? :

If Yes, comment : At this point in time and to the best of the regional team's knowledge, the Department's
Code of Practice in relation to communications with lobbyists has been complied with.

Supporting notes

Internal Supporting
Notes :

The proposal is supported in principle, as it will enable the site to be developed to higher density residential commensurate with its location and proximity to existing as well as future public transport facilities such as the North West Rail Link. Any departure from the Norwest Structure Plan (North west Rail Link Corridor Strategy) in terms of height of buildings and number of storeys is to be justified by appropriate design and orientation of buildings.

External Supporting
Notes :

At its meeting on 8 October 2013, Council considered and resolved to support the planning proposal which is initiated by the applicant/owners to increase the residential density of the site. Council considered that the proposal was consistent with State and Local strategic planning policies and directions, on the basis that the site was well located to utilise planned and existing services and infrastructure, as it was located on the edge of the established Norwest Business Park and Town Centre and was within 600 metres of the future Norwest Rail Station.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objective of the planning proposal is to facilitate the redevelopment of the site for higher density residential uses. The current permissible height of the subject land is up to 16 metres. The proposal seeks an increase in height of buildings ranging from 16 to 41 metres, and seeks to apply a floor space ratio of 4.5:1.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The proposed outcomes will be achieved by:
1. Amending The Hills Local Environmental Plan 2012 Height of Buildings Map to increase the maximum building height from 16 metres to a height ranging between 16 metres and 41 metres; and
2. Amending The Hills Local Environmental Plan 2012 Floor Space Ratio Map to apply a floor space ratio of 4.5:1. (There is currently no floor space ratio assigned to the site.)

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **N/A**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 65—Design Quality of Residential Flat Development

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

DIRECTION 2.1 ENVIRONMENT PROTECTION ZONES

The objective of this direction is to protect and conserve environmentally sensitive areas.

The Direction applies to all councils preparing a planning proposal and requires that a planning proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas and that land within an environment protection zone shall not reduce the environmental protection standards that apply to that land.

The site contains River-flat Eucalypt Forest (Endangered Ecological Community) within the SP2 Drainage corridor in the south-western portion of the site and Cumberland Plain Woodland (Critically Endangered Ecological Community) in the northern portion of the site.

Due to the impact of the proposal on the significant vegetation within the site, the proposal is considered to be inconsistent with this Direction. However, a Flora and Fauna Assessment prepared by SLR global Environmental Solutions (Attachment D) concludes that the proposed development on the subject site is not considered 'likely' to impose a 'significant effect' upon any threatened species, populations or ecological communities or their habitats pursuant to Section 5A of the Environmental Planning and Assessment Act.

Due to the presence of endangered ecological communities on the site, the Office of Environment and Heritage will have a role in determining conservation values and offsetting measures. It is recommended that as part of any Gateway Determination, consultation with the Office of Environment and Heritage (OEH) should be required. This will enable OEH to review the implications of the proposed development on the site.

DIRECTION 2.3 HERITAGE CONSERVATION

The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.
47 Spurway Drive contains an avenue of mature acacia and eucalypt trees along Spurway Drive, which are listed as a heritage item within Schedule 5 of LEP 2012 (Item 125).

Any proposal for the extension of Spurway Drive and associated upgrade works would

need to have regard to the local heritage item.

The planning proposal has no impact on the heritage conservation provisions in LEP 2012, and is consistent with the Direction.

DIRECTION 3.1 RESIDENTIAL ZONES

This Direction applies when a planning proposal will affect land within any zone in which significant residential development is proposed to be permitted. This Ministerial Direction is applicable in this instance as it proposes an intensification of residential densities within an existing residential zone.

The objectives of the Direction are:

- to encourage a variety and choice of housing types to provide for existing and future housing needs,
- to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and
- to minimise the impact of residential development on the environment and resource lands.

The planning proposal is considered to be consistent with this Direction as it will broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services, and reduce the consumption of land for housing and associated urban development on the urban fringe.

DIRECTION 3.4 - INTEGRATING LAND USE AND TRANSPORT

This Direction aims to ensure that development improves access to housing, jobs and services, increases choice of available transport, reduces travel demand, and provides for the efficient movement of freight. A planning proposal must locate zones for urban purposes and include provisions that are consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001).

The proposal is considered to be consistent with this Direction as it will facilitate development which meets the following key objectives:

- a) Improve access to housing, jobs and services by walking, cycling and public transport; and
- b) Increase the choice of available transport and reducing dependence on cars; and
- c) Reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- d) Support the efficient and viable operation of public transport services including the North West Transitway and the North West Rail Link.

DIRECTION 5.9 NORTH WEST RAIL LINK CORRIDOR STRATEGY

The objectives of this direction are to:

- (a) promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL)
- (b) ensure development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans.

The floor space ratio and maximum height as proposed are inconsistent with the Norwest Station Structure Plan in the NWRL Corridor Strategy. While the Structure Plan identifies the site for high density apartment living, it anticipates that the area 'will evolve to accommodate multi-dwelling housing only where the site is an appropriate size to deliver a high amenity for the existing and future residents. This could comprise 7-12 storey apartment buildings, carefully master planned around communal open

The Hills Local Environmental Plan - Amendment No.xx - 47 Spurway Drive, Baulkham Hills
- Increase in heights of buildings and floor space ratio.

spaces and incorporating landscaped setbacks to existing streetscapes'. The height limit proposed (up to 41m) is well in excess of the 7-12 storeys suggested by the Structure Plan. Further, consistency with the qualitative aspects of this statement must be established by detailed urban design analysis.

For the planning proposal to be considered consistent with the North West Rail Link Corridor Strategy, further urban design analysis is required to provide floor space ratio(s) and height controls that fit better with the Norwest Rail Link Corridor Strategy, particularly the Norwest Structure Plan character statement for high density apartment living.

DIRECTION 7.1 - IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The strategic plan prepared by the NSW Government titled the Metropolitan Plan for Sydney 2036 aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036. The planning proposal is consistent with the strategic directions and key policy settings of the strategy since it will provide new housing opportunities close to existing employment within the Norwest Business Park and Town Centre and is located within close proximity to the future Norwest Rail Station.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes a public exhibition of the planning proposal commencing in December 2013 and ending in February 2014 (actual dates not stated).**

Additional Director General's requirements

Are there any additional Director General's requirements? **Unknown**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Hills Local Environmental Plan 2012 is a principal LEP.**

Assessment Criteria

Need for planning proposal : **The amendments to the Height of Buildings Map and Floor Space Ratio Map are the most effective way to facilitate higher density residential development on the site.**

The Hills Local Environmental Plan - Amendment No.xx - 47 Spurway Drive, Baulkham Hills
- Increase in heights of buildings and floor space ratio.

Consistency with strategic planning framework :

The planning proposal is consistent with the applicable regional and subregional strategies (including the Sydney Metropolitan Strategy and exhibited draft strategies) as detailed below:

Metropolitan Plan for Sydney 2036:

The planning proposal is consistent with the following objectives:

- C2 Plan for a housing mix near jobs, transport and services;
- D3 Influence travel choices to encourage more sustainable travel; and
- D4 Improve transport decision making: planning, evaluation and funding.

Draft Metropolitan Strategy for Sydney 2031:

The provision of higher density residential development on the site accommodating approximately 1,300 new dwellings is considered to be consistent with the Strategy since it will provide new housing opportunities close to existing employment within the Norwest Business Park and Town Centre and in close proximity to the future Norwest Train Station.

Draft North West Subregional Strategy:

The planning proposal is consistent with the following Draft North West Subregional Strategy actions:

- B2.1.1 Councils to consider planning for housing growth in centres, particularly those well serviced by public transport;
- B3.3.2 Councils to undertake strategic planning to ensure land use plans make the most of new infrastructure, in particular for locations around new stations along the North West Rail Link; and
- C2.1.3 North West Councils to ensure location of new dwellings improves the subregions performance against the target for State Plan Priority E5 'Jobs Closer to Home' which is to increase the proportion of people living within 30 minutes by public transport of a Strategic Centre. To improve performance of the North West Subregion the State requires North West councils to ensure that at least 80 per cent of new dwellings are located within 30 minutes by public transport of a Strategic Centre.

North West Rail Link Corridor Strategy – Norwest Railway Station Precinct:

A Corridor Strategy has been produced by the Department of Planning & Infrastructure to guide future development. The Strategy predicts that the areas surrounding the eight (8) new stations of the North West Rail Link will accommodate 28,800 new dwellings and 49,500 new jobs by 2036. The site is within 600 metres of the future Norwest Station and is within the Norwest Railway Station Precinct.

The Norwest Structure Plan (attached) in the Corridor Strategy identifies the opportunity for the site to be developed for high density living. The provision of over 1,300 dwellings within 7-12 storey apartment buildings would contribute significantly towards the provision of the targeted 4,350 new dwellings within the Norwest Railway Station Precinct and is consistent with the Corridor Strategy.

An updated version of the Department's Norwest Station Structure Plan (September 2013) confirms areas zoned for high density residential to the north of the commercial core (which includes the subject site) are governed by a 16m height limit. In this respect, the planning proposal, which proposes building heights ranging from 16 metres to 41 metres is not considered consistent with the Norwest Station Structure Plan.

Under the Norwest Vision & Structure Plan (September 2013) it is envisaged the residential area will evolve to accommodate multi-dwelling housing only where the site is an appropriate size to deliver a high amenity for the existing and future residents. This could comprise 7-12 storey apartment buildings, carefully master planned around communal

The Hills Local Environmental Plan - Amendment No.xx - 47 Spurway Drive, Baulkham Hills
- Increase in heights of buildings and floor space ratio.

open spaces and incorporating landscaped setbacks to existing streetscapes. Discussion with the Department's Urban Renewal and Major Sites Branch indicates a possible minor departure from the height limit could be justified by appropriate design and orientation of buildings.

For the planning proposal to be considered consistent with the Norwest Structure Plan Corridor Strategy, further urban design analysis is required to provide floor space ratio(s) and height controls that fit better with the Norwest Structure Plan of the Rail Link Corridor Strategy, particularly the character statement for high density apartment living.

As proposed the floor space ratio and maximum height are inconsistent with Direction 5.9 North West Rail Link Corridor Strategy. The site is located at around 600m from the rail station and is outside the core of the local centre, however the proposed development density (FSR at 4.5:1) is far greater than the centre (1.49:1) or the bulk of the Norwest Business Park (1:1). The floor space ratio and maximum height are also greater than the Castle Hill Major Centre (apart from one Gateway site).

The site adjoins the Castle Hill Golf Course to the northeast, the intensity of the built form (refer to Figure 7 - Proposed development Concept of Council Report) seems excessive for the location given the site context. Consideration needs to be given to the development hierarchy within the Norwest centre, and the LGA in terms of the Castle Hill Major Centre.

The Hills Future Community Strategic Plan:

The planning proposal seeks to promote better usage of existing land and capitalise on the strategic location of the site. The proposal will accommodate additional population close to planned and existing services and infrastructure being located on the edge of the established Norwest Business Park and Town Centre.

The planning proposal is considered to be consistent with the following Hills Future Community Outcomes:

- Vibrant Communities – Public spaces area attractive, safe and well maintained providing a variety of recreational and leisure activities to support active lifestyle;
- Vibrant Communities – A connected and supported community with access to a range of services and facilities that contribute to health and wellbeing;
- Balanced Urban Growth – Safe, convenient and accessible transport options that enable movement through and within the Shire;
- Balanced Urban Growth – Responsible planning facilitates a desirable living environment and meets growth targets.

Environmental social
economic impacts :

ENVIRONMENT:

There is a likelihood that ecological communities will be adversely affected as a result of the proposal. The site contains River-flat Eucalypt Forest within the SP2 Drainage Corridor in the south-western portion of the site and Cumberland Plain Woodland in the northern portion of the site. River-flat Eucalypt Forest is listed as an endangered ecological community under the NSW Threatened Species Conservation Act 1997 (TSC Act), while the Cumberland Plain Woodland is listed as a critically endangered community under both the TSC Act and the Commonwealth Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The design concept as proposed by the proponent shows a retention of the existing River-flat Eucalypt Forest within the SP2 Drainage Corridor, however a large portion of the Cumberland Plain Woodland would be removed to accommodate the development of residential flat buildings in the northern portion of the site.

A flora and fauna assessment report prepared by SLR Global Environmental Solutions (December 2102) was submitted in support of the planning proposal. The report states that as the patch of Cumberland Plain Woodland on the site is not larger than one hectare, it does not meet the threshold criterion to be considered Cumberland Plain Woodland under

The Hills Local Environmental Plan - Amendment No.xx - 47 Spurway Drive, Baulkham Hills
- Increase in heights of buildings and floor space ratio.

the EPBC Act. However, the vegetation on the site is part of a larger remnant likely to be over one hectare, so the proponent is required to consult with the Commonwealth Office of Environment.

The report concludes that the proposed development on the subject site is not considered "likely" to impose a significant effect upon any threatened species, populations or ecological communities or their habitats pursuant to section 5A of the EP&A Act.

Notwithstanding this, the proposed increase in building height could potentially result in a built form more than twice the height of retained trees on the site. Such a built form has the potential to result in a negative shading impact on vegetation on the site as well as the potential for a wind tunnelling effect, with both factors having the potential to lead to the long-term decline of all retained vegetation on the site.

Due to the presence of endangered ecological communities on the site, the Office of Environment and Heritage will have a role in determining conservation values and offsetting measures. It is recommended that, as part of any Gateway Determination, consultation with the Office of Environment and Heritage (OEH) should be required. This will enable OEH to review the implications of the proposed development on the site.

SOCIAL AND ECONOMIC EFFECTS:

The planning proposal is not anticipated to have any negative social or economic impacts on the locality. The planning proposal and eventual residential development will assist with the provision of additional housing options on land within close proximity to existing and future services and infrastructure and meets the outcomes and strategies to provide for balanced growth.

The development of the Balmoral Road Release Area as well as the continued growth of the Norwest Specialised Centre and Norwest (Marketown) Village will ensure that adequate social infrastructure is available within the locality to meet the additional demand generated by the future development of this site.

While the planning proposal is unlikely to generate any long term employment opportunities, future residents will have employment opportunities nearby within the Norwest Business Park and Norwest Specialised Centre. The additional population will support the viability and growth of the Norwest Specialised Centre and the transition of the Norwest (Marketown) Village to a town centre.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	40 Days
Timeframe to make LEP :	12 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :	Department of Education and Communities Office of Environment and Heritage Transport for NSW Transport for NSW Transport for NSW - Roads and Maritime Services Sydney Water Transgrid Other		

**The Hills Local Environmental Plan - Amendment No.xx - 47 Spurway Drive, Baulkham Hills
- Increase in heights of buildings and floor space ratio.**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Urban Design analysis to justify the height and FSR in the context of the North West Rail Link Corridor Strategy, and the hierarchy of development within the Norwest centre and the Hills LGA.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	No
Planning Proposal.pdf	Proposal	No
Attachment C - Council Report - 8 October 2013.pdf	Proposal	No
Attachment C - Council Resolution - 8 October 2013.pdf	Proposal	No
Proposed HOB and FSR maps.pdf	Map	No
Structure Plan for Norwest Study Area.pdf	Study	No
Zoning Map.pdf	Map	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 2.1 Environment Protection Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 6.1 Approval and Referral Requirements
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

1. Community consultation is required under sections 56(2) and 57 of the EP&A Act 1979 for a minimum period of 28 days.
2. The timeframe for completing the planning proposal is to be 12 months from the week following the date of the Gateway determination.
3. Delegation is to be given to Council to exercise the Minister's plan making powers.
4. Council is to consult with the following agencies:
- Department of Education and Communities

The Hills Local Environmental Plan - Amendment No.xx - 47 Spurway Drive, Baulkham Hills
- Increase in heights of buildings and floor space ratio.

- Office of Environment and Heritage
- Transport for NSW
- Transport for NSW - Roads and Maritime Services
- Sydney Water
- Transgrid
- Commonwealth Department of the Environment

Consultation with the Office of Environment and Heritage must be undertaken prior to public exhibition, and must specifically address consistency with s117 Direction 2.1 (Environment Protection Zones).

5. To establish consistency with s117 Direction 5.9 (North West Rail Link Corridor Strategy), further urban design analysis is required to identify appropriate floor space ratio and height controls that are more consistent with the North West Rail Link Corridor Strategy, particularly the Norwest Structure Plan. The urban design analysis is to justify the height and FSR in the context of the Strategy, and the hierarchy of development within the Norwest centre and the Hills LGA. Council must amend the planning proposal to reflect the outcome of this analysis prior to public exhibition.

Supporting Reasons :

The proposal is supported in principle, as it will facilitate high density residential development within the Norwest centre.

Signature:



Printed Name:

DERRYN JOHN

Date:

22 NOVEMBER 2013