

**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

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
 - 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.

Panel Recommendation

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Recommendation Date : **28-Nov-2013**

Gateway Recommendation : **Passed with Conditions**

Panel

Recommendation :

The planning proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to address the inconsistency with S117 Direction 5.9 North West Rail Link Corridor Strategy. Council is to undertake further urban design analysis to demonstrate the proposed height and FSR controls will deliver an appropriate design and layout of buildings and justify inconsistencies with the strategic context including the North West Rail Link Corridor Strategy and Norwest Structure Plan.
 2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).
 3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Sydney Water
 - Transgrid
 - Department of Education and Communities
 - Commonwealth Department of the Environment
 - Transport for NSW
 - Roads and Maritime Services
 - Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zone – to be done prior to Council undertaking public exhibition).
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
 5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Plan making delegation:

The Minister delegated his plan making powers to councils in October 2012. Council has not sought to be issued with delegations for this planning proposal. Council should be issued with plan making delegation because the proposal is considered to be a matter of local planning significance.

Signature:



Printed Name:

JAMES MATTHEWS

Date:

5/12/13