

Planning Proposal to amend The Hills Local Environmental Plan 2012

40 SOLENT CIRCUIT,
BAULKHAM HILLS
31 OCTOBER 2017



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1. EXECUTIVE SUMMARY AND PURPOSE OF THIS REPORT

Think Planners Pty Ltd has been engaged by Mulpha Norwest Pty Ltd to prepare and submit a planning proposal to The Hills Council (Council) in support of an amendment to The Hills Local Environmental Plan 2012 (LEP 2012). The planning proposal has been prepared in collaboration with consultants, who have analysed and tested various land use outcomes for the site.

The planning proposal seeks to permit land uses on this site that facilitate the activation of the ground floor of the approved residential flat building granted consent under DA1560/2015/JP.

The site benefits from that development consent to construct a residential flat building with ground floor commercial space of 4 x 100m² tenancies. The application as submitted indicated broader commercial land uses were sought, however owing to the zoning constraints Council imposed the requirement that they were to be 'neighbourhood shops'. The use of all 4 ground floor tenancies as neighbourhood shops is unworkable when having regard to the very defined scope of a 'neighbourhood shop' under the Hills LEP 2012- hence the reason for this planning proposal which seeks to broaden the range of permitted commercial uses at the ground floor.

The land is zoned R4 High Density Residential and in this zone the currently permitted commercial activities are restricted in the Hills LEP 2012.

The planning proposal contains an explanation of the intended effect and justification for the amendment to The Hills LEP 2012. This planning proposal specifically seeks to:

- **Include an additional permitted use in Schedule 1 of the LEP to enable development for the purpose of commercial premises to be permitted with development consent at 40 Solent Circuit, Baulkham Hills applying to Lot 2103 in DP 1176614.**
- **Commercial premises maximum 400m².**

The intended outcome is to permit the use of the ground floor as commercial premises to facilitate the establishment of a truly integrated high density residential village atmosphere. The redevelopment of the site will be consistent with State and Local Government policy that reinforces the role of the Norwest as a desirable and vibrant residential and business community.

Mulpha Norwest is committed to regenerating Norwest Business Park to facilitate the creation of a thriving community. The planning proposal supports additional permitted uses that will enable the future development of the site to make a positive contribution to the evolving nature of this centre making it a highly desirable residential village.

The planning proposal will assist with enhancing the quality of life for future residents by bringing daily conveniences to their doorstep. The proposed commercial land uses, at ground level will provide the ability to deliver quality ground floor uses such as a small scale daily convenience store, bike shop, café or restaurant. The site is slightly removed from the large-scale retail offer at the Norwest Marketown and would assist with providing residents with smaller scale complementary retail uses.

The planning proposal considers and discusses the key issues for the additional permitted use sought and the related benefits for the local community. Having regard to the discussion and assessment provided within this report, Think Planners Pty Ltd have no hesitation in recommending that the Planning Proposal be submitted to the Department of Planning and Environment for Gateway Determination, following Council's review.

The planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the Department of Planning and Environment document 'A guide to preparing planning proposals' (August 2016).

Support for the planning proposal is sought and the subsequent referral to the Department of Planning and Environment for Gateway determination and public exhibition.

2. SITE ANALYSIS

2.1 SITE AND CONTEXT

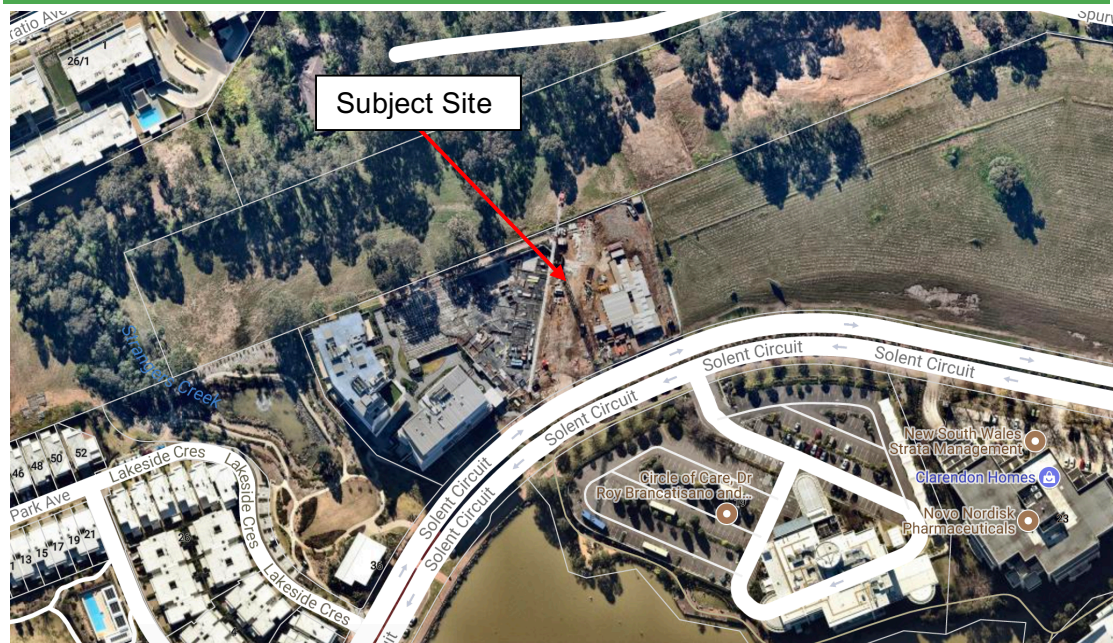
Subject Site

The subject site is located on the northern side of Solent Circuit in Baulkham Hills – as shown in the aerial photograph below. The site is located opposite the Norwest lake and is 200m walking distance to the Norwest Markettown.

The site is already under development for a residential flat building which was approved under DA 1560/2015/JP. The existing approval is for a residential flat building which is 12 storeys in height and comprises 77 apartments. The ground floor is approved with a series of neighbourhood shops with 4 x 100m² shops coming to a total of 400m².

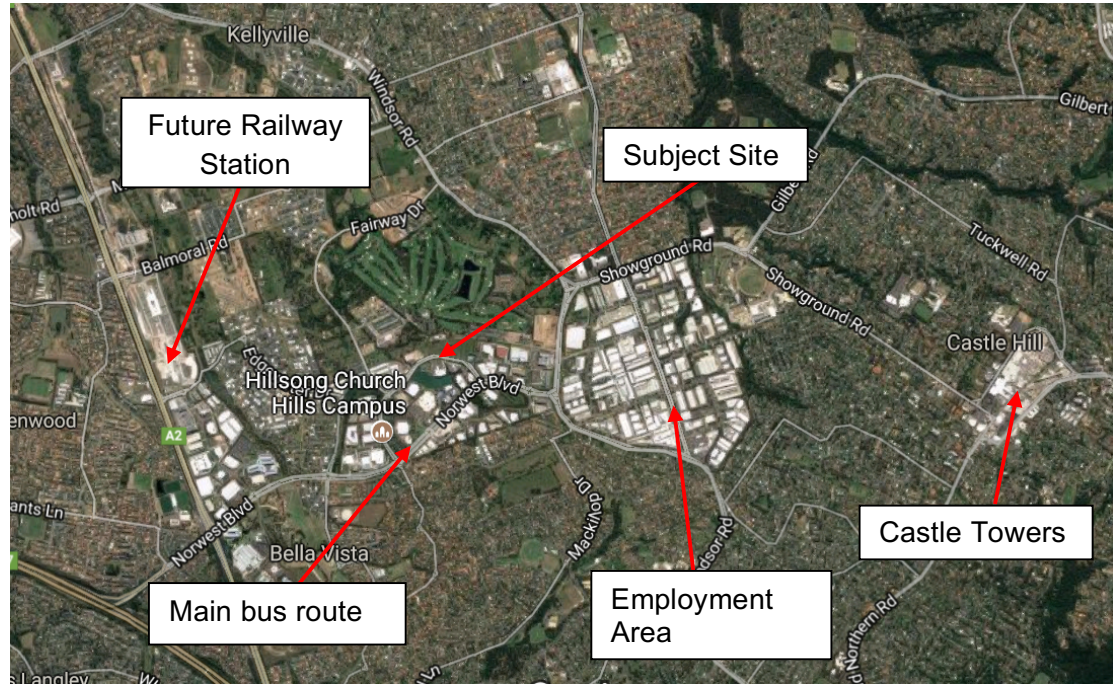
A fuller discussion of the site's context is provided further below.

Figure 1: Aerial photograph of the subject site (Source: Googlemaps).



An aerial map is provided below which shows the subject site and the broader area around the development site.

Figure 2: Aerial Maps of the Subject Site and Broader Area (Source: Google maps)



CONTEXT

Located in Norwest town centre and in proximity to the future Norwest Metro station, that is currently under construction, the site is ideally placed to provide ancillary commercial premises at the ground floor. In particular it is noted that there will be a substantial increase in population within the precinct over the coming decade as the full redevelopment of 'The Greens' and other developments in the locality are complete.

The Norwest (Baulkham Hills) area is well serviced by schools, child care centres, community services, recreational and sporting opportunities and an established commercial centre.

The Plan for Growing Sydney seeks to further develop the Strategic Centre of Norwest by working with Council to ensure that the centre contains the right mix of uses including offices, retail, services and high-density housing.

3. FUTURE CONTEXT

THE PLAN FOR GROWING SYDNEY

On 14 December 2014, the State Government released its “Plan for Growing Sydney” which is the comprehensive strategic framework that is to shape the growth and development of Sydney over the next 30 years.

Norwest has been identified as a Strategic Centre that will play a role in the growth and development of the wider Sydney Metropolitan region, especially within Western Sydney. The site is within the West Central District.

A key component to the strategy is the acceleration of housing supply across Sydney. In this regard the Plan seeks to provide more housing and different types of housing as the population grows. Relevant extracts from the Plan state -

Goal 3: A great place to live with communities that are strong, health and well connected.

- Urban renewal precincts that engage people
- Raise living standards and improve well-being to create strong inclusive communities.

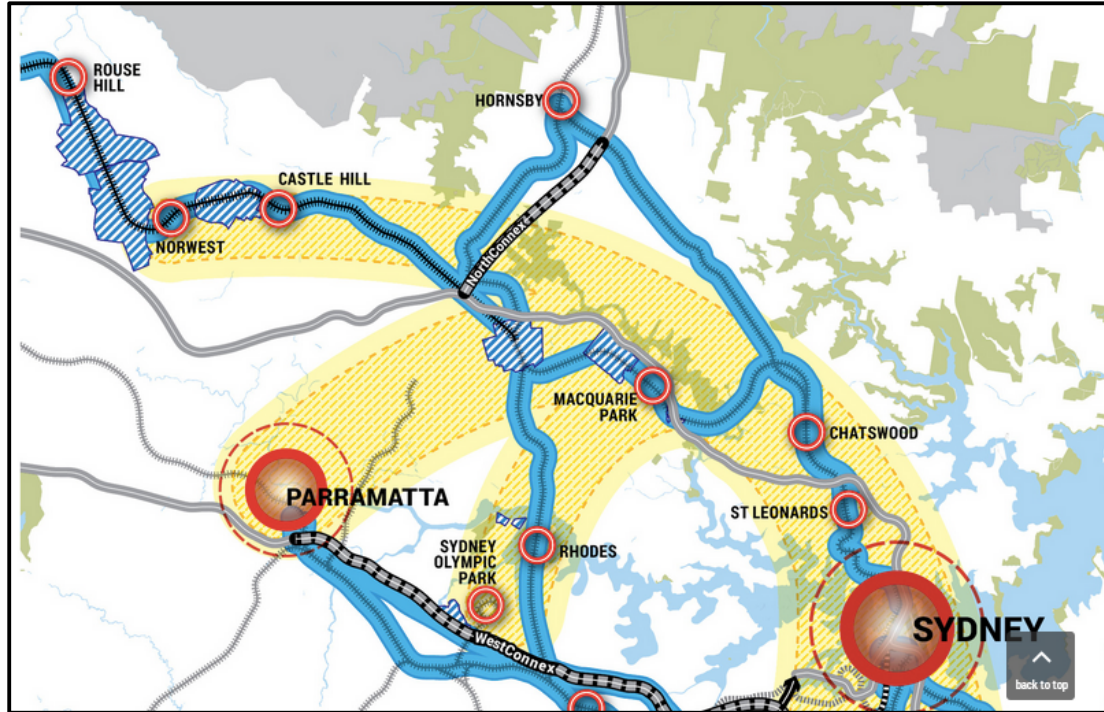
The site is located at the edge of the identified Global Economic Corridor and within proximity of transport corridors, noting that the site is in proximity to the under-construction Norwest Metro Station. The planning proposal really seeks to permit the use of the ground floor of the approved residential flat building for commercial purposes which is aligned with the Plan for Growing Sydney. The ground floor uses will support the growing residential population but are also of a size that will complement the Norwest Marketown and the larger scale of retail offering.

The proposed commercial land use activities will assist with raising the amenity and living standards for the residents who will be able to catch the lift down to the ground level to grab a coffee or some lunch when they are (for example) working from home or enjoying living in this evolving precinct at the weekend.

The ground floor commercial uses will also assist with creating an interactive and cohesive community. Further the proposal facilitates activation of the street frontage and public domain. People will socialise more with these active ground floor uses which will facilitate the creation of a socially vibrant and inclusive community.

The planning proposal is consistent with the Plan for Growing Sydney, as is required under Section 117 of the Act.

Figure 3: Global Economic Corridor and Norwest

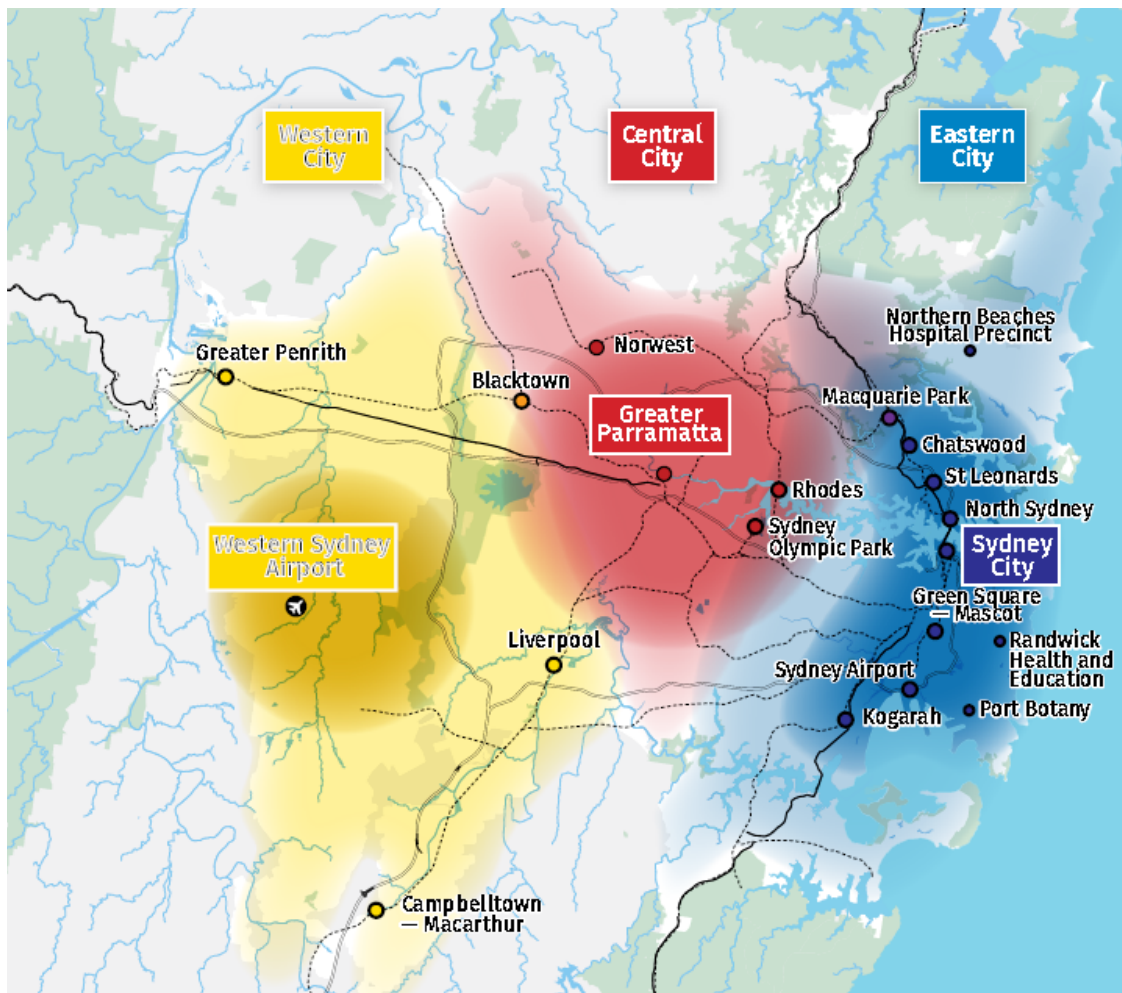


Source: A Plan for Growing Sydney

DRAFT AMENDMENT TO THE METROPOLITAN STRATEGY: A PLAN FOR GROWING SYDNEY (GREATER SYDNEY COMMISSION, NOVEMBER 2016)

On 21 November 2016, the Greater Sydney Commission published a draft amendment to the Plan for Growing Sydney to revise the Plan to ensure it aligns with the draft District Plans that were released on the same day. The critical component of the amendment is the reconceptualisation of Sydney and the vision for Greater Sydney as a metropolis of three cities. This is an important step and shift away from previous thinking that envisioned Sydney with only a single central business district or monocentric approach. The revised vision is depicted in the extract below and as can be seen Parramatta is to become the Central City.

Figure 4: A Metropolis of Three Cities: A Plan for Growing Sydney November 2016



This amendment presents a polycentric approach to Sydney which emphatically re-enforces the significant role of Greater Parramatta as the Central City which is now

being referred to as the River City within Greater Sydney. Norwest Town Centre lies within the “Greater Parramatta” Central City.

Greater Sydney experiences a steep change in population growth, with population growth levels being revised even further upwards since the release of A Plan for Growing Sydney. To accommodate this population growth and respond to issues of amenity and the creation of vibrant communities, it is essential that high density housing is supported by active uses at the ground floor level.

This planning proposal really seeks to rectify an issue that was not fully interrogated at the development application stage. The approval is for 4 neighbourhood shops within the same building. Other commercial land use activities are heavily restricted on this site and under the current R4 High Density Residential zone of the LEP. Permitting commercial development as an additional permitted use on this site will support the delivery of highly amenable residential development for the future residential community.

DRAFT WEST CENTRAL DISTRICT PLAN (GREATER SYDNEY COMMISSION NOVEMBER 2016)

The draft West Central District Plan sets out the priorities and actions for this District and these are structured around 3 key themes of a Productive City, a Liveable City and a Sustainable City.

This planning proposal seeks to facilitate the delivery of commercial premises at the ground floor which will support the residents living above in the residential flat building.

This planning proposal seeks to deliver on the vision set forward in the draft West Central District Plan by providing commercial premises which support the increasing density of housing on this site. The proposed additional permitted uses will enable the flexible delivery of commercial land uses at the ground floor. This will increase the amenity for future residents.

The proposed additional permitted uses align with Chapter 4 of this Plan where the proposed priorities and actions relate to the creation of a liveable district where new homes and neighbourhoods are fully integrated to create exciting neighbourhoods/centres.

The proposed additional permitted uses will rectify an anomaly which was inadvertently created by the approved residential flat building with 4 neighbourhood shops all at the ground floor of the same building. The proposal will also provide flexibility in the use of these spaces as envisaged by the original development application. Permitting ground floor commercial uses will assist with creating a great place to live which in turn fosters a cohesive community which responds to the needs for services of this local community.

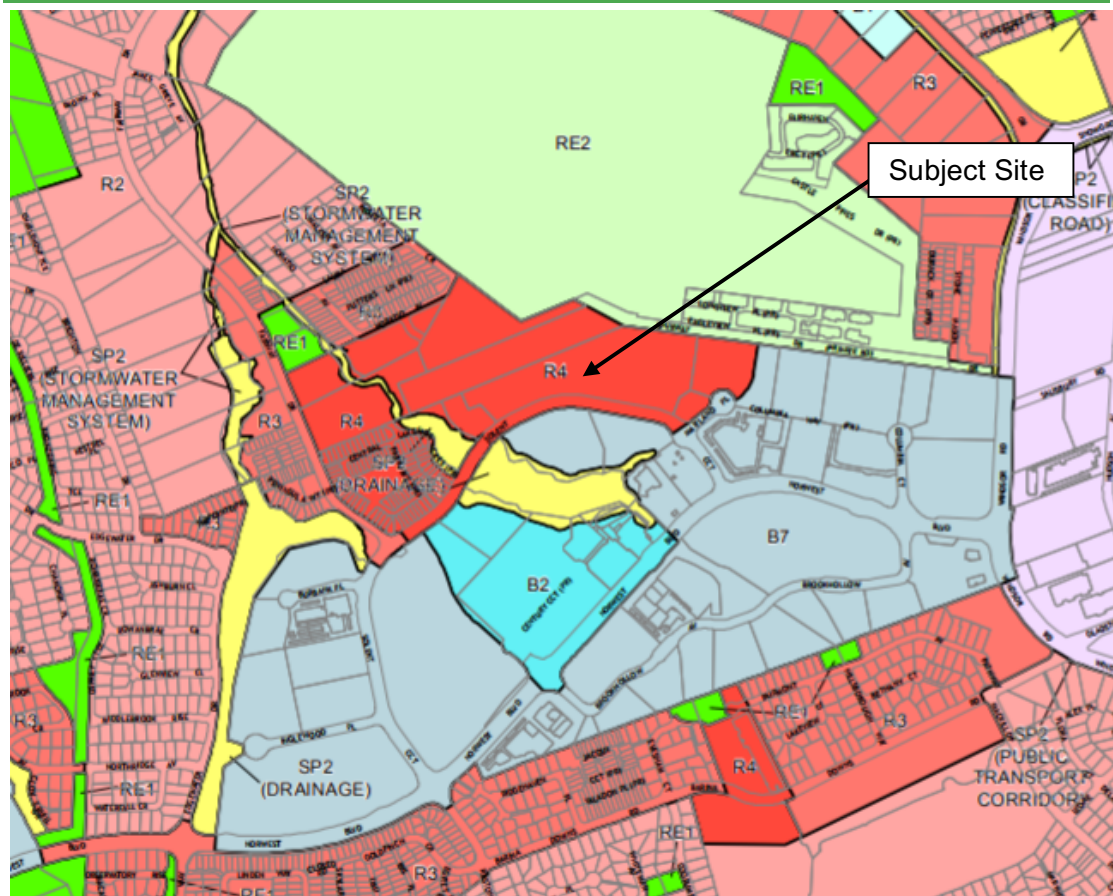


4. CURRENT PLANNING PROVISIONS

4.1 ZONING

The site is zoned R4 High Density Residential, pursuant to The Hills LEP 2012.

Figure: Land Zoning map extract, The Hills LEP 2012 (LZN_016)



The current objectives of the zone are as follows:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To encourage high density residential development in locations that are close to population centres and public transport routes.

The proposed additional permitted use is consistent with these objectives particularly with regard to providing facilities and services to meet the day to day needs of residents.

The currently permitted uses in this zone include:

- Attached dwellings;
- Home-based child care;
- Boarding houses;
- Multi dwelling housing;
- Building identification signs;
- Neighbourhood shops;
- Business identification signs;
- Places of public worship;
- Centre-based child care facilities;
- Residential flat buildings;
- Respite day care centres;
- Community facilities;
- Roads;
- Dual occupancies;
- Shop top housing; and
- Dwelling houses;
- Any other development not specified as prohibited or permitted without consent.

The permitted uses within this R4 High Density Residential zone are restrictive and does not incorporate the flexibility envisaged as part of the original development proposal. Limiting ground floor uses is an undesirable and unintended outcome for the site as compared to a series of four (4) commercial suites permitting ground floor activation and a local offering of retail suites to benefit the residential community.

5. CONCEPT AND INTENDED PLANNING OUTCOME

The purpose of the planning proposal is to identify additional permitted uses for the site to facilitate the delivery a more appropriate suite of ground floor uses within the approved residential flat building. Permitting ground floor commercial land use activities up to a maximum of 400m² will activate the ground floor of this development.

Having regard to the increasing residential community planned for this part of the business park and the provision of conveniently located facilities and services is ideal for these residents. In addition, the site is located in an ideal position in the Norwest town centre, in close proximity to services, facilities and transport connections.

The existing R4 zoning for the site is appropriate however when having regard to increasing population and density in the precinct a local offering of retail suites, that provide a range of convenient services and retailing opportunities, is suitable on the site. This aligns with the intent of the original development proposal which was to introduce 4 small scale commercial suites to meet the needs of residents in the development and existing residential development in the immediate vicinity of the site. This local convenience and ground floor activation were crucial considerations in the formulation of the original development concept for the site and the 4 commercial suites will substantially improve amenity and social interaction at the ground floor level.

The current permitted uses within the R4 zone does not permit occupation of the approved ground floor tenancies for the intended uses on the site. The proposed additional permitted use seeks to rectify this anomaly.

6. JUSTIFICATION

6.1 SECTION A: NEED FOR THE PLANNING PROPOSAL

Is the planning proposal a result of any strategic study or report?

The proposal relates to a number of strategic studies.

Under the Metropolitan Plan for Sydney 2036 prepared by the NSW Government a clear aim is the integration of land use and transport planning to provide a framework for growth and development of the Sydney region. This planning proposal is consistent with the strategic directions and key policies as it will provide:

- complementary ground floor commercial land uses to activate the street frontage and provide amenity for the residents of the building
- the opportunity for small scale retail uses which will complement the large retail offer at Norwest Marketown.

The site is ideally placed to contribute to the creation of a highly integrated community in good proximity to the Norwest town centre.

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

It is contended that a planning proposal is the best means of achieving the intended outcomes on the site given they relate to a site specific amendment to The Hills LEP, and no other local LEP controls have been initiated as yet to facilitate the proposed amendment.

Is there a net community benefit?

Criteria	Comment	Net Community Benefit
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	The site is compatible with agreed State strategic directions for the area, as discussed above. This is particularly the case as the proposal will enable the delivery of a small scale commercial land uses at the ground floor of a newly constructed residential flat building.	YES

	<p>This site is highly accessible being within the town centre, having walking distance to the future Metro Station, bus stops and the commercial and retail heart of Norwest.</p> <p>The site provides the opportunity to contribute to the social and cultural fabric of the area, while capitalising on the unique location, existing services and transport infrastructure.</p>	
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Refer to discussion in Section 3.2 of this report.	YES
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	The planning proposal is consistent with existing expectations for urban renewal of land in close proximity to town centres.	YES
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	The site exhibits unique characteristics and has previously been identified for increased housing opportunity. Small scale commercial uses are needed to support a higher density community.	YES
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	The planning proposal will not lead to a loss of any employment activity and will provide short as well as long term employment.	YES
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The planning proposal will assist in the delivery of highly amenable housing.	YES
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site?	The site is highly accessible by road, bus, rail and pedestrians.	YES

Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	The site enjoys transport mode choice between bus, train and car for intercity travel. The site also has good pedestrian and cycle access.	
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	Increased housing and supportive commercial land uses on transport routes can result in reduced distances travelled by car and encourage mixed purpose trips. This in turn has the opportunity to contribute to a reduction in greenhouse gas emissions, operating costs and improved road safety.	YES
Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?	The proposal provides the opportunity to increase patronage of public transport, noting the significant infrastructure being implemented by the State Government in the north west railway corridor. This increases the viability and long term sustainability of government transport infrastructure.	YES
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or other environmental impacts? Is the land constrained by environmental factors such as flooding?	The site is not constrained by environmental factors such as flooding.	YES
Will the LEP be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	The intent of the PP is to be consistent with surrounding land uses and State Government policies. The additional permitted use seeks to rectify an anomaly that has been created by the current approval for a residential flat building on the site. There will be subsequent improvements to activation of the street as there is currently no demand for 4 neighbourhood shops (as	YES

	approved). Permitting additional uses will result in activation of the ground floor of the approved development and provide opportunities for interaction and convenience for the benefit of residents in the locality.	
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	No, as the proposal relates to residential purposes.	YES
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	<p>The planning proposal provides the following public benefits:</p> <p>Urban renewal of land in areas identified for such.</p> <p>Consistency with the Metropolitan aims and strategies for increased housing supply.</p> <p>Giving rise to opportunity for people to take advantage of existing public transport infrastructure.</p> <p>Not proceeding with the draft plan at this time includes the following implications:</p> <p>The ground floor of the building could remain vacant causing various safety and general amenity concerns. The planning proposal will create community benefits by increasing interactions and improving convenience for future residents.</p>	YES

6.2 SECTION B: RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK;

Is the planning proposal consistent with the objectives contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes, refer to Section 3 of this report that provides an analysis of the relevant State and Local strategies and policies.

Sydney Metropolitan Strategy – A Plan for Growing Sydney

On 14 December 2014 the State Government released its “Plan for Growing Sydney” which is the comprehensive strategic framework that is to shape the growth and development of Sydney over the next 30 years.

Under the Metropolitan Plan for Sydney 2036 prepared by the NSW Government a clear aim is the integration of land use and transport planning to provide a framework for growth and development of the Sydney region. This planning proposal is consistent with the strategic directions and key policies as it will provide –

- the opportunity for activation of the ground floor within an existing and approved residential flat building
- local services for the local community
- assisting with the creation of a fully integrated, vibrant and integrated community
- small scale commercial land use activities to complement the larger scale retail offering at Norwest Marketplace.

The proposal is also consistent with the Draft District Plan.

Is the planning proposal consistent with the local Council’s Community Strategic Plan, or other local strategic plan?

See Section 3.2.

Adopted Draft Local Strategy

The Council confirms that role and purpose of the Strategy as follows -

The Draft Local Strategy was adopted by Council on 10 June 2008. It is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The Draft Local Strategy focuses on seven key areas of direction, in line with the suite of strategy work being undertaken.

Norwest

The Council confirmed as part of the original development of the estate that the Norwest precinct is to deliver a number of restaurants and recreational opportunities which are focused around an artificial lake and landscaped gardens. The Norwest centre is envisioned to be a centre within a centre uniquely serving the needs of employees and residential precincts.

The proposed additional permitted use is aligned with this local strategy by providing the opportunity for commercial land use activities which will support the needs of the local residential community. Providing residents with small scale commercial opportunities at their doorstep will assist with the creation of a vibrant and cohesive community.

Is the planning proposal consistent with applicable state environmental planning policies?

The consistency of the planning proposal with applicable State Environmental Planning Policies (SEPPs) is outlined in the table below. Former Regional Environmental Plans (REPs) for the Sydney and Greater Metropolitan Regions, which are deemed to have the weight of SEPPs have also been addressed.

State Environmental Planning Policy	State Environmental Planning Policy
State Environmental Planning Policy No 1—Development Standards	Not Applicable
State Environmental Planning Policy No 14—Coastal Wetlands	Not Applicable
State Environmental Planning Policy No 19—Bushland in Urban Areas	Not Applicable
State Environmental Planning Policy No 21—Caravan Parks	Not Applicable
State Environmental Planning Policy No 26—Littoral Rainforests	Not Applicable
State Environmental Planning Policy No 30—Intensive Agriculture	Not Applicable
State Environmental Planning Policy No 33—Hazardous and Offensive Development	Not Applicable
State Environmental Planning Policy No 36—Manufactured Home Estates	Not Applicable
State Environmental Planning Policy No 39—Spit Island Bird Habitat	Not Applicable
State Environmental Planning Policy No 44—Koala Habitat Protection	Not Applicable
State Environmental Planning Policy No 47—Moore Park Showground	Not Applicable
State Environmental Planning Policy No 50—Canal Estate Development	Not Applicable
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
State Environmental Planning Policy No 55—Remediation of Land	Consistent. The planning proposal does not contravene the objectives of this SEPP. This policy has been considered as part of the original development application for this site.
State Environmental Planning Policy No 59—Central Western Sydney Regional Open Space and Residential	Not Applicable
State Environmental Planning Policy No 62—Sustainable Aquaculture	Not Applicable

State Environmental Planning Policy No 64—Advertising and Signage	Not Applicable
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	Not Applicable
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	Not Applicable
State Environmental Planning Policy No 71—Coastal Protection	Not Applicable
State Environmental Planning Policy (Affordable Rental Housing) 2009	Not Applicable
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Not Applicable
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Not Applicable
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not Applicable
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	Not Applicable
State Environmental Planning Policy (Infrastructure) 2007	Not Applicable
State Environmental Planning Policy (Integration and Repeals) 2016	Not Applicable
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	Not Applicable
State Environmental Planning Policy (Kurnell Peninsula) 1989	Not Applicable
State Environmental Planning Policy (Major Development) 2005	Not Applicable
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	Not Applicable
State Environmental Planning Policy (Rural Lands) 2008	Not Applicable
State Environmental Planning Policy (Rural Lands) 2008	Not Applicable
State Environmental Planning Policy (State and Regional Development) 2011	Not Applicable
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	Not Applicable
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Not Applicable
State Environmental Planning Policy (Three Ports) 2013	Not Applicable
State Environmental Planning Policy (Urban Renewal) 2010	Not Applicable

State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	There is no vegetation to be cleared for the planning proposal and additional permitted use. The site is located in an urban area.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	Not Applicable
State Environmental Planning Policy (Western Sydney Parklands) 2009	Not Applicable

Deemed SEPP	Comment
Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)	Not Applicable
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	Not Applicable
Sydney Regional Environmental Plan No 16—Walsh Bay	Not Applicable
Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)	Not Applicable
Sydney Regional Environmental Plan No 24—Homebush Bay Area	Not Applicable
Sydney Regional Environmental Plan No 26—City West	Not Applicable
Sydney Regional Environmental Plan No 30—St Marys	Not Applicable
Sydney Regional Environmental Plan No 33—Cooks Cove	Not Applicable
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Not Applicable

Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal has been assessed against each Section 117 direction as shown in the table below.

Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	Not Applicable
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Not Applicable

2. Environment and Heritage		
2.1	Environment Protection Zones	Not Applicable
2.2	Coastal Protection	Not Applicable
2.3	Heritage Conservation	Not Applicable
2.4	Recreation Vehicle Areas	Not Applicable
3. Housing, Infrastructure and Urban Development		
3.1	Residential Zones	<p>Consistent.</p> <p>The proposal is consistent with government policy to facilitate the delivery of a truly integrated and vibrant community. The proposal will assist with permitting additional amenity for the future local residents.</p>
3.2	Caravan Parks and Manufactured Home Estates	Not Applicable
3.3	Home Occupations	Not Applicable
3.4	Integrating Land Use and Transport	<p>Consistent</p> <p>The proposal provides housing in close proximity to existing public transport links and a Metro Station currently under construction.</p>
3.5	Development Near Licensed Aerodromes	Not Applicable
3.6	Shooting Ranges	Not Applicable
4. Hazard and Risk		
4.1	Acid Sulfate Soils	Consistent.
4.2	Mine Subsidence and Unstable Land	Not Applicable
4.3	Flood Prone Land	<p>Consistent.</p> <p>The site is not flood affected.</p>
4.4	Planning for Bushfire Protection	The site is not affected by bushfire protection controls.

5. Regional Planning		
5.1	Implementation of Regional Strategies	Not Applicable
5.2	Sydney Drinking Water Catchments	Not Applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.5, 5.6 and 5.7 - Revoked		
5.8	Second Sydney Airport: Badgerys Creek	Not Applicable
5.9	North West Rail Link Corridor Strategy	This applies to land within the North-West Rail Link Corridor. The proposal contributes to the creation of a cohesive residential environment with small scale supportive commercial land uses at the ground floor of a residential flat building. The proposal respects the hierarchy of centres and facilitates a positive contribution to the growth of the Norwest precinct.
5.10	Implementation of Regional Plans	The planning proposal is consistent with the vision, land use strategy, goals, directions and actions that are presented in the West Central District Plan. The proposal seeks to permit ground floor commercial land uses that will assist in creating a highly desirable living community with vibrant ground floor land use activities.
6. Local Plan Making		
6.1	Approval and Referral Requirements	Consistent. The Planning Proposal does not trigger the need for any additional concurrence, consultation or referral.
6.2	Reserving Land for Public Purposes	Not Applicable
6.3	Site Specific Provisions	The planning proposal seeks to allow commercial premises to be carried out on a specific piece of land at Solent Circuit, Norwest. The proposal does not seek to amend the current provisions of the R4 zone or to rezone the land. The proposal seeks to make use of the already approved ground level within this building. The proposal does seek to cap the maximum floor space permitted for commercial premises to 400m ² however, this is to be located within an already approved building on the site. Thus, the proposed cap of 400m ² is of very minor significance.

7. Metropolitan Planning

7.1	Implementation of the Metropolitan Plan for Sydney 2036	Consistent The proposal provides for implementation of key Actions contained within the Metropolitan Plan, as discussed in this planning proposal.
7.2	Implementation of Greater Macarthur Land Release Investigation	This direction applies to land within the Greater Macarthur Land Release Investigation Area. The subject land is not within this Investigation Area.
7.3	Parramatta Road Corridor Urban Transformation Strategy	This direction does not apply to land within the Hills Shire.
7.4	Implementation of the North-West Priority Growth Area Land Use and Infrastructure Implementation Plan	This direction applies to land within the North-West Priority Growth Area. The site is not located within the North-West Priority Growth Area.
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Applies to land within the Great Parramatta Priority Growth Area. This site is not located within this Priority Growth Area.
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Applies only to land within Wollondilly Shire Council. The site is located within the Hill Shire.

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

The planning proposal is located within an existing urban area that has already been developed. Impacts on critical habitat or threatened species, populations or ecological communities, or their habitats is improbable and there is no initial evidence to support any concern in this regard.

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

Traffic and parking

The ground floor of the approved building on this site has been approved with 22 retail car parking spaces which complies with the Hills Development Control Plan 2012. As there is 400m² of commercial space proposed, the requirement is to provide 1 parking space per 18.5m² of gross leasable floor area.

As the planning proposal is seeking consent for commercial premises, this may comprise uses including shops, commercial premises, restaurant or café. Under the Hills Development Control Plan 2012 the neighbourhood shop is the highest car parking demand of these uses, thus any future land use has already been provided with sufficient car parking on this site and within the approved building. Therefore, no impact is expected in terms of traffic generation as compared to the approved development.

Further details relating to traffic impact and parking demand will be considered at the time of a detailed development application for the fit out and use. This will ensure the Council can fully consider the impact of any future proposal.

Environmental Impacts

The ground floor of the approved building can currently cater for a neighbourhood shop which is permitted in the R4 High Density Residential zone. Under the proposed additional permitted use, commercial land uses are proposed. A restaurant or café for example could be proposed at the ground level of the building which could be seen as potentially resulting in additional environmental impacts such as noise and odour impacts. These matters will be dealt with at the time of consideration for a detailed development application.

There are controls already in place under the current Local Environmental Plan and Development Control Plan to ensure that any potential impacts are effectively mitigated to maintained the amenity for residents living within the development. Nonetheless, the proposed 400m² of floor area is of minimal consequence and will generally support a local scale of commercial land use

How has the planning proposal adequately addressed any social and economic effects?

The proposed additional permitted use is very minor and serves to enhance the amenity for the residents within the building and within neighbouring buildings. The proposal seeks to deliver a highly integrated development to assist with creating a vibrant village atmosphere within the Norwest precinct.

The proposed commercial floor space will increase the availability of local employment opportunities and permit space for smaller scale start-up or boutique businesses to come into Norwest to complement the large scale commercial activities already in operation in the precinct.

It is considered that the additional permitted use associated with the planning proposal will not directly lead to or initiate any negative social or economic effects.

The social and economic impacts arising from the proposal ensure that the site would be developed and that a strategically located parcel of land is revitalised.

6.3 SECTION D: STATE AND COMMONWEALTH INTERESTS

Is there adequate public infrastructure for the planning proposal?

The existing infrastructure and utilities available for this site will cater for the proposed additional permitted use. The scale of any future proposed commercial premises is limited to 400m² in floor area which means the scale will be such that it generally caters for the residents within the building or within a short walking distance from the site. It is anticipated that adequate infrastructure is available to the site.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

Not applicable at stage.

7. COMMUNITY CONSULTATION

Given this submission is to seek Council's endorsement of the planning proposal there has been no community consultation carried out to date. Community consultation will occur as part of the formal planning proposal process and the required public exhibition should the proposal proceed.

The level of community consultation will be carried out in accordance with Section 2.5 of *A Guide to Preparing Planning Proposals*.

The consultation program will include:

- Newspaper advertising in local papers
- Website information
- Letters to adjoining land owners and surrounding properties.

8. CONCLUSION

This planning proposal contains an explanation of the intended effect and justification for the amendment to the Hills LEP 2012. This planning proposal specifically seeks:

- **Include an additional permitted use in Schedule 1 of the LEP to enable development for the purpose of commercial premises to be permitted with development consent at 40 Solent Circuit, Baulkham Hills applying to Lot 2103 in DP 1176614.**
- **Commercial premises maximum 400m².**

The planning proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979, along with the Department of Planning and Infrastructures document “A Guide to Preparing Planning Proposals”.

The planning proposal will enable the redevelopment of the site for a high quality and fully integrated residential development; thereby providing small scale commercial activities in an area that is well positioned with respect to access to services, proximity to public transport and consistent with the objectives of the zone.

The planning proposal considers and discusses the key issues for the additional permitted uses, including likely future development at the ground level of the approved residential flat building.

Having regard to the discussion and assessment provided within this report, Think Planners Pty Ltd have no hesitation in recommending that the planning proposal be submitted to the Department of Planning and Environment for Gateway Determination, following Council’s review.