

ITEM-3	PLANNING PROPOSAL - 40 SOLENT CIRCUIT, BAULKHAM HILLS (9/2018/PLP)
THEME:	Balanced Urban Growth.
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	22 MAY 2018 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	TOWN PLANNER JONATHAN TOLENTINO
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that a planning proposal to permit up to 200m² of café/restaurants (food and drink premises), up to 100m² of retail (shops) and up to 100m² of business premises as Additional Permitted Uses on land at part 40 Solent Circuit, Baulkham Hills be forwarded to the Department of Planning and Environment for Gateway Determination.

The planning proposal relates to an approved 12 storey residential flat building development (DA 1560/2015/JP) which is currently under construction on the site. The existing development approval includes 4 ground-floor neighbourhood shops, each with an area of 100m² (total combined area of 400m²). The planning proposal seeks to amend Schedule 1 (Additional Permitted Uses) of Local Environmental Plan 2012 to instead facilitate the use of these spaces for the purpose of up to 200m² of café/restaurants (potentially 2 cafes/restaurants), 100m² of retail (shops) and 100m² of business premises (1-2 tenancies). While the proposed uses are not permitted within the R4 High Density Residential zone currently applicable to the land, they are intended to complement high density development on the site, along Solent Circuit as well as commercial development within nearby areas of the business park.

The proposal is supported on the grounds that it will enable activation of the approved ground floor tenancies of the building and the public domain surrounding Norwest Lake, will provide a greater level of service to local residents and workers and will provide additional employment opportunities. Due to the scale and nature of the additional uses proposed, it is unlikely that the proposal would result in any additional traffic generated from the site (compared with the current approved use) or unreasonable amenity impacts on residential development above the tenancies or adjoining the site.

PROPONENT

Think Planners Pty Ltd on behalf of Mulpha Norwest

OWNER

Mulpha Norwest Pty Limited

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

	Current	Proposed
Zone:	R4 High Density Residential	No change
Minimum Lot Size:	1,800m ²	No change
Maximum Height:	RL 116 (10 storeys)	No change
Maximum FSR:	N/A	No change
Additional Permitted Uses:	N/A	'Business Premises', 'Shops', 'Restaurant or café'

POLITICAL DONATIONS

Nil disclosures by the proponent.

REPORT

The purpose of this report is to consider the planning proposal to amend Schedule 1 – Additional Permitted Uses of Local Environmental Plan 2012 to permit up to 400m² of additional permitted uses (business premises, shops and café/restaurants) within the ground floor of the approved residential flat building at part 40 Solent Circuit, Baulkham Hills (Lot 2105 DP1201899).

1. THE SITE

The site is the western portion of 40 Solent Circuit, Baulkham Hills (Lot 2105 DP1201899). It is located within the Norwest Town Centre Residential Precinct on the northern side of Solent Circuit opposite Norwest Lake. Construction is currently in progress for a 12 storey residential flat building comprising 77 apartments, 400m² of ground floor neighbourhood shops and 178 basement parking spaces. The development was approved by the Joint Regional Planning Panel on 26 November 2015 (1560/2015/JP).

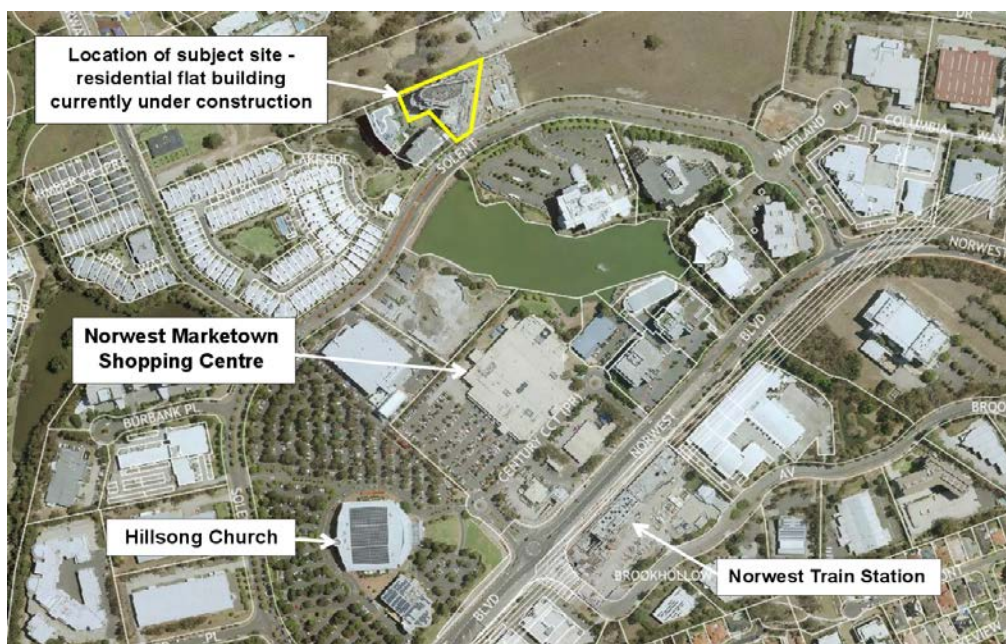


Figure 1
Aerial view of the site and surrounding locality

2. PLANNING PROPOSAL

The planning proposal seeks to facilitate the use of spaces on the ground floor of the building (currently approved as 4 neighbourhood shops with a combined area of 400m² – see Figure 2) for the purpose of café/restaurants (up to 200m²), shops (up to 100m²) and business premises (up to 100m²). The proposed uses are intended to complement and service the incoming residential population on the site and within the immediate locality as well as current and future commercial development in proximity to the site.

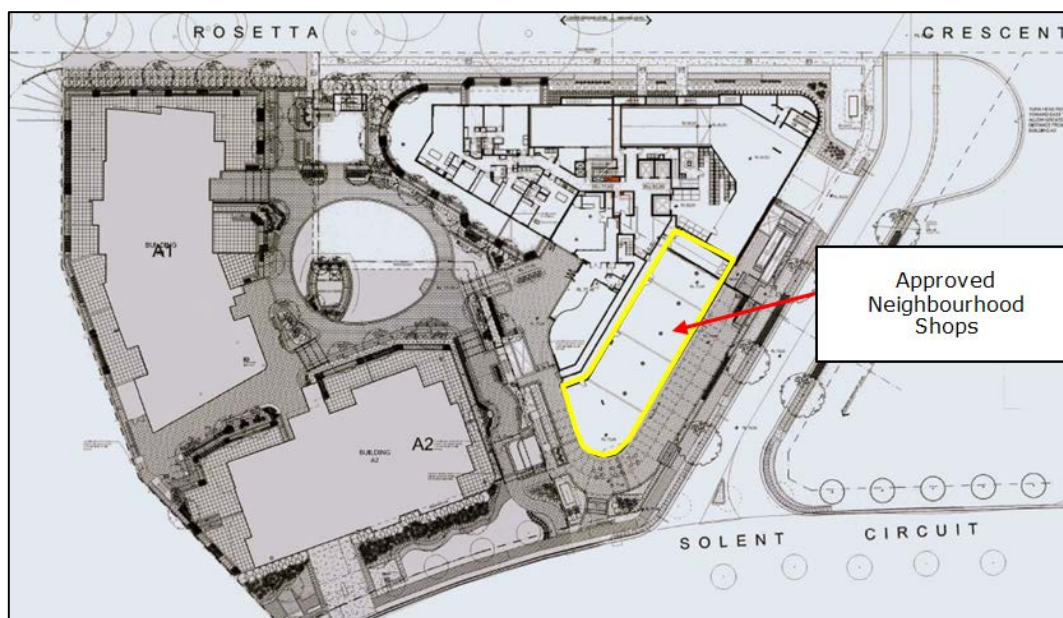


Figure 2

Approved development (1560/2015/JP) and location of neighbourhood shops

To achieve the proposed outcome, the planning proposal seeks to amend Schedule 1 – Additional Permitted Uses of Local Environmental Plan 2012 to permit the following additional permitted uses on the site, subject to development consent:

- *Business premises* with a maximum combined gross floor area of 100m²;
- *Shops* with a maximum combined gross floor area of 100m²; and
- *Restaurant or café* with a maximum combined gross floor area of 200m².

The definition of each of the proposed additional permitted uses under LEP 2012 is:

Proposed APU	LEP 2012 Definition
Business Premises	<p>A building or place at or on which:</p> <ul style="list-style-type: none"> • an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or • a service is provided directly to members of the public on a regular basis, <p>and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like. It <i>does not</i> include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.</p>

Shop	Premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods or the like or that hire any such merchandise, and includes a neighbourhood shop, but does not include food and drink premises or restricted premises.
Restaurant or café	A building or place the principal purpose of which is the preparation and serving, on a retail basis, of food and drink to people for consumption on the premises, whether or not liquor, take away meals and drinks or entertainment are also provided.

3. MATTERS FOR CONSIDERATION

This planning proposal requires consideration of the following matters:

- (a) Strategic Context;
- (b) Suitability of Proposed Uses;
- (c) Traffic Impacts; and
- (d) Parking.

(a) Strategic Context

The proposal is generally consistent with the applicable strategic framework and while the North West Rail Link Corridor Strategy and The Hills Corridor Strategy did not envisage any commercial or retail development on the site, the proposed additional uses would be ancillary in nature and would support significant development uplift planned within the locality. It would ensure that current and future residents within surrounding high density development and employees within the business park have greater access to small-scale services to meet their day-to-day needs.

The proposed additional permitted uses would not detract from the primary use of the site for residential purposes and would not detract from the planned residential yield on the site given the uses would occur within existing spaces already approved for non-residential purposes (neighbourhood shops). The use of Schedule 1 – Additional Permitted Uses to facilitate these uses is appropriate as it ensures that the zoning of the land remains as R4 High Density Residential, reflective of the predominant use envisaged on the site. The proposal would enable better use of the approved non-residential tenancies on the ground floor of the residential flat building and would not seek to increase the area of non-residential floor space, beyond the 400m² currently approved.

A detailed assessment of the proposal against the Greater Sydney Region Plan and Central City District Plan is provided in Attachment 1.

(b) Suitability of Proposed Uses

The subject site adjoins Norwest Lake, within close proximity to Marketown and other developments fronting the lake which also include ground floor non-residential uses. The proposed additional permitted uses on the site would contribute to the activation of land and the public domain surrounding the lake. The location of the retail space would strengthen the focus of activity around the Norwest Lake without detracting from, or significantly competing with, the core retail offering and commercial viability of the larger retail centre within the Precinct (Marketown).

The proposed uses are ancillary and suitable as services which meet the day-to-day demands of residents and workers on and within proximity to the site. The proposed

limitations on the maximum size of each use (100m² business premises / 100m² shops (retail) / 200m² food and drinks premises) will ensure that the scale of any future non-residential uses are minor in nature and ancillary to the high density residential development on the site.

The potential for amenity impacts resulting from the proposed uses on residential units above the tenancies (within the residential flat building) and/or on adjoining land are likely to be minimal due to the nature of the uses permitted on the site, the limitation of the size and scale of these uses and the proposed hours of operation being limited primarily to business hours only (a condition which must be further enforced through any subsequent Development Consent).

(c) Traffic Impacts

The current approval for the site includes 4 neighbourhood shops with a combined gross floor area of 400m². The approval for the development assumed that the neighbourhood shops component of the development would result in total peak hour traffic generation of 10 morning peak hour vehicle trips (at a rate of 2.5 phvt/100m²) and 40 evening peak hour vehicle trips (at a rate of 9.9 trips per 100m²).

The RMS Guide to Traffic Generating Developments does not provide traffic generation rates which could be applied to the proposed additional permitted uses in the context of this site. In the absence of these generic rates, a Traffic Assessment has been provided in support of the proposal which anticipates trip generation rates associated with the proposed additional permitted uses, as detailed in Table 1 below.

Scenario	GFA (m ²)	Trip generation rates	Peak hour trips
Neighbourhood shops	400	<i>Morning: 2.5phvt/100m² Evening: 9.9phvt/100m²</i>	Morning: 10 Evening: 40
APPROVED Total			Morning: 10 Evening: 40
Café or restaurant	200	<i>Morning: 2.5phvt/100m² Evening: 5phvt/100m²</i>	Morning: 5 Evening: 10
Business Premises/Shop	200	<i>Morning: 2.5phvt/100m² Evening: 9.9phvt/100m²</i>	Morning: 5 Evening: 20
PROPOSED Total (200m² Café/Restaurant + 200m² Shops)			Morning: 10 Evening: 30

Table 1

Traffic generation scenarios ('PHVT' refers to Peak Hour Vehicle Trips)

Based on the estimated traffic generation associated with each use, as well as the maximum area proposed, Table 1 demonstrates that the peak hour vehicle traffic likely to be generated by the proposed additional permitted uses is less than that of the currently approved and permissible neighbourhood shops.

Further, it is noted that given the location of the site, the proposed uses are intended to service surrounding high density residential development and commercial development within the locality. It is anticipated that there will be limited patronage of these premises from customers outside of a walkable catchment, therefore reducing the likelihood of the site being accessed using private vehicles.

Having regard to the above, the proposal is unlikely to cause any additional traffic generation during morning and evening peak hour periods when compared to the existing approved use of the site.

(d) Parking

Based on strict compliance with Council's Parking Development Control Plan, the proposal to facilitate 100m² of shops, 100m² of business premises and 200m² of restaurant/café would require up to approximately 38 parking spaces. In comparison, the proposal has identified the potential for 28 car parking spaces to be provided within the development in association with the proposed uses.

The proposal would result in a shortfall of 10 parking spaces when assessed based on strict compliance with Council's existing Development Control Plan. However, the proponent has advised that there is no scope to provide any additional car parking spaces within the development as the proposal relates to an existing (nearly completed) development.

In the circumstances of this particular case, it is considered that the proposed provision of 28 parking spaces is reasonable and strict compliance with the minimum parking provisions within the Development Control Plan would not be warranted on the basis that:

- Site Context: The site is located within the Norwest Station Precinct, in close proximity to the station, existing Norwest Marketown (local centre) and will be amongst significant future high density residential and commercial development. A significant proportion of patrons to the site are likely to originate from locations within walking distance of the site and demand for parking is likely to be lower than that typically associated with these uses in an out-of-centre location (not in proximity to high density development, a business park and a rail station). Further, given the significant traffic congestion currently experienced within Norwest, it is prudent to consider opportunities to promote alternate forms of travel within, to and from the Precinct through enabling or promoting lower parking rates rather than requiring *minimum* rates. The parking requirements currently applicable to this land under the Development Control Plan do not account for the context of the site and consideration of a lower rate of provision for the proposed uses is reasonable in this instance.
- Hours of operation: The proponent has advised that the hours of operation of the proposed uses would be limited to between 7am and 6pm. These hours would predominantly serve patrons during the day who are likely to already be within the business park, rather than those travelling to the site (via private vehicle) as a destination. The proposed uses would not operate as a night-time destination but rather as ancillary uses servicing the day-to-day needs of local residents and workers.
- Comparison with other Centres: The Hills Development Control Plan proposes lower parking rates for key centres within the Shire, including the Castle Hill Centre. If a similar development were to be proposed in the Castle Hill Centre, parking requirements would be significantly lower and the development would only require 22 spaces. While these rates do not currently apply to the Norwest Precinct, it is reasonable to consider these as comparable rates given the context of the site within the Norwest Precinct. Based on these rates, the proposed provision of 28 spaces would exceed the parking requirement for the same development within nearby centres.

The parking provisions currently applicable to this land under the Development Control Plan apply broadly across the Shire and further investigation is required with respect to the suitability of these controls within centres and station precincts such as Norwest. This investigation would occur through a broader review of Council's integrated transport and parking policy which is currently being undertaken and also through detailed precinct planning for Norwest (pending receipt of detailed traffic modelling from Transport for NSW enabling this process to continue). In the absence of the finalisation of this work, and for reasons detailed above, the lower provision of parking proposed in association with this particular proposal is considered reasonable.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

Strategic Plan - Hills Future

The planning proposal seeks to activate approved retail space and enable uses which are ancillary to, and will support, increased residential and commercial development within the locality. The proposal promotes growth in local business and employment opportunities by encouraging a range of small-scale retail, business and community uses that serve the needs of the people who live or work in the surrounding neighbourhood.

RECOMMENDATION

A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Schedule 1 – Additional Permitted Uses of The Hills Local Environmental Plan 2012 to permit the following uses on land at 40 Solent Circuit, Baulkham Hills (part Lot 2105 DP1201899):

- a) Restaurant or cafe: with maximum combined gross floor area of 200m²;
- b) Shops: with a maximum combined gross floor area of 100m²; and
- c) Business Premises: with a maximum combined gross floor area of 100m².

ATTACHMENTS

1. Attachment 1 - Strategic Context (2 pages)

ATTACHMENT 1**STRATEGIC CONTEXT**Greater Sydney Region Plan

The Greater Sydney Commission released the *Greater Sydney Region Plan* in March 2018, a key strategic document outlining the vision of the next 40 years for Greater Sydney and establishes a 20 year plan to manage growth and change in the context of the economic, social and environmental factors.

The Plan provides ten Directions through a liveability, productivity and sustainability framework in order to deliver and monitor the implementation of the Plan. Of particular relevance among these ten, are two (2) Directions which relate to the proposal.

First, Direction 3: A City for People, Objective 7 places importance on well-planned neighbourhoods with a focus on the improvement of the health and well-being of people. The objective places an emphasis on meeting and gathering places in sustaining social networks. The proposal would allow for an informal setting, specifically a café/restaurant to be located at the ground-floor of the subject site and improve the potential for social interactions. Further, provided the recent approvals for several medium and high-density residential developments surrounding the site, the proposal would provide amenity and encourage nearby residents to walk to the subject premises.

Second, Direction 7: Jobs and skills for the city, Objective 22 relates to the location of trip generating activities such as retail, hospitality, offices, health and education, community and administrative services in centres with train stations. Given the proximity of the subject site to Norwest station, the conversion of the approved neighbourhood shops to retail and café space would provide a greater range of suitable jobs and services for the site. Additionally, Norwest is defined as a strategic centre under the plan, and given the need to create 817,000 jobs across NSW over the next 20 years to 2036; the proposal would contribute to attracting a greater number and wider range of jobs for the subject site.

Given the above, the planning proposal is strategically consistent with the notion of a 30-minute city. Provided the location of the subject site in a strategic centre, the proposal would provide greater amenity to the residents of the residential flat building and assist in providing retail employment growth for the Norwest Precinct.

Central City District Plan

The *Central City District Plan* (2018) was released simultaneously to the *Greater Sydney Region Plan*, by the Greater Sydney Commission and replaces the revised draft *Central District Plan* that was released in November 2017. The Plan provides objectives that align with the Directions in the *Greater Sydney Region Plan*. Of particular relevance are Objective 7 and 22 which detail the importance of healthy lifestyles and providing jobs in strategic centres.

Planning Priority C4, Objective 7 emphasises healthy and active lifestyles. The objective identifies the role that the built environment plays in promoting healthy lifestyles to consist of social connections, physical activity and access to fresh food. The planning proposal would improve 2 of the 3, through providing spaces that promote social interactions and encourage physical activity as the primary means of accessing the site would consist of active transport (walking and cycling).

Planning Priority C10, Objective 22 emphasises investment and business activity in strategic centres. Despite strategic centres as used for economic exchange, more importantly, they are places where communities gather and where recreational, cultural and educational pursuits are found. They are important to how people participate in

community life. Accordingly, the proposal would contribute to creating a community and investment to the precinct, particularly within the high-density residential development surrounding the site, by diversifying the range of activities available and by providing opportunities for retail employment to be located on the site.

Given the above, the planning proposal is strategically consistent with the liveability and productivity directions of the Plan. Considering the location of the subject site as in a strategic centre, the proposal aligns with the objectives of a strategic centre through the promotion of active lifestyles, local communities, and investment in retail employment.