

The Hills LEP 2012 Amendment - 11-13 Solent Circuit, Baulkham Hills

Proposal Title : **The Hills LEP 2012 Amendment - 11-13 Solent Circuit, Baulkham Hills**

Proposal Summary : **The proposal seeks to facilitate a mixed use development on the site currently occupied by the Sydney Ice Arena by increasing building height from RL 116m to RL 143.2m, increasing floor space ratio from 1.49:1 to 2.42:1, and allowing certain additional permitted uses in that portion of the site zoned SP2 Infrastructure.**

PP Number : **PP_2014_THILL_001_00** Dop File No : **14/02559**

Proposal Details

Date Planning Proposal Received : **06-Jan-2014** 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 : **Spot Rezoning**

Location Details

Street : **11-13 Solent Circuit**

Suburb : **Baulkham Hills** City : Postcode : **2153**

Land Parcel : **Lot 5074 DP1003042**

DoP Planning Officer Contact Details

Contact Name : **Chris Browne**

Contact Number : **0298601108**

Contact Email : **chris.browne@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Kate Clinton**

Contact Number : **0298430129**

Contact Email : **kclinton@thehills.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Derryn John**

Contact Number : **0298601505**

Contact Email : **derryn.john@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **Norwest – Business Park**

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

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	1	No. of Dwellings (where relevant) :	240
Gross Floor Area :	6,000.00	No of Jobs Created :	300

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

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Metropolitan Delivery (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 05 February 2014, and there are no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

THE SITE

The site occupies 1.2 hectares on the south-west shore of Norwest Lake, and currently houses an ice rink known as Sydney Ice Arena. It is within the Norwest commercial core, and is predominantly zoned B2 Local Centre, with a portion along the lake zoned SP2 Infrastructure.

The site is located 260m from the planned Norwest railway station and is adjacent to the Norwest Marketown shopping centre.

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the proposal is to maximise the development potential of the subject site, which is located close to the Norwest Town Centre and planned Norwest railway station. The proposal has an anticipated yield of 240 residential units and 6,000m2 of commercial floor space, as well as a ground floor devoted to retail, which collectively is expected to provide space for 300-400 jobs.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks to achieve its objectives by increasing the maximum building height from RL 116m to RL 143.2m, increasing the maximum floor space ratio from 1.49:1 to 2.42:1, and amending Schedule 1 to allow a number of additional permitted uses within that portion of the site that is zoned SP2 Infrastructure. The proposal's intent is to retain the existing zones (predominantly B2 Local Centre, with a strip of SP2 Infrastructure along the lake shore).**

(Note: the planning regimen for Norwest and Bella Vista uses RL rather than height above ground. This is a vestige of the original controls for these precincts, the intent of which is to preserve view corridors and minimise overshadowing.)

The planning proposal does not specify exactly which land uses will be added to Schedule 1, but instead refers to '... uses that are permissible in the B2 Local Centre zone.' It is likely that the land uses in question would include, but not be limited to, Commercial premises, Residential flat buildings and Shop top housing.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? No

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

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

1.1 Business and Industrial Zones

The intent of this Direction is to encourage employment growth, protect employment lands and support the viability of strategic centres.

In providing for an expanded range of land uses and increasing the development potential of the site, the proposal is likely to result in significant employment growth, particularly as the increased residential population will foster further economic development.

The proposal is therefore consistent with this Direction.

3.4 Integrating Land Use and Transport

The site is located 260m from the proposed Norwest railway station and adjacent to the Norwest Marketown shopping centre. It is anticipated that the majority of trips made by residents could be made by public transport.

The proposal is therefore consistent with this Direction.

5.9 North West Rail Link Corridor Strategy

In seeking to intensify residential and commercial development within a centre identified in the North West Rail Link Corridor Strategy, the planning proposal is broadly consistent with the aims of the Strategy.

It should be noted, however, that the Corridor Strategy's projections for Norwest do not exceed 12 storeys, while the planning proposal seeks to allow 20 storeys. Under the Corridor Strategy, the only centre identified for 20-storey residential development is Castle Hill, the largest and most established centre in the area.

The proposal is therefore inconsistent with this Direction. Given that the proposed height is eight storeys taller than the maximum proposed in the Strategy (a 67% increase), the inconsistency cannot be considered minor. Under the terms of the Direction, the inconsistency must therefore be justified by a study (prepared in support of the planning proposal) which gives consideration to the objectives of this Direction.

6.1 Approval and Referral Requirements

The proposal does not identify any development as designated development, and nor does it include any concurrence, consultation or referral provisions. As such, it is consistent with this Direction.

6.3 Site Specific Provisions

While the proposal makes use of Schedule 1 Additional Permitted Uses, in doing so it will allow a specific range of land uses which are permissible in the adjoining zone, and it does not seek to apply any development standards that are not already within The Hills LEP 2012.

Any inconsistency with this Direction is therefore considered of minor significance.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The proposal will assist in delivering the outcomes of the Metropolitan Plan, and is therefore consistent with this Direction. For more information, see the discussion of consistency with the strategic planning framework in the Assessment section of this report.

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

The SEPP aims to promote the development of multi-dwelling housing and provision of diverse housing types to meet changing demographic needs.

As the proposal will provide 240 new residential units in an area currently characterised by commercial uses and detached dwellings, it is consistent with this SEPP.

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment : Council has provided indicative maps for height of buildings, floor space ratio and additional permitted uses. These maps are adequate for the purposes of community consultation.

It should be noted that the proposed additional permitted uses map identifies the entire site, whereas the intent of the proposal is to only apply additional permitted uses in that portion of the site zoned SP2 Infrastructure. Prior to public exhibition, Council should consider amending this map to only identify that portion of the site which is zoned SP2 Infrastructure. Council should also include a zoning map to demonstrate the context of the proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council intends to advertise the planning proposal in local newspapers and display it in Council venues, as well as making it available on Council's website and notifying neighbouring land owners and stakeholders by mail. Council proposes a 14-day exhibition period.

Given the significant departure from the existing and planned height limits for the site, it is considered that a 28-day exhibition period would be preferable.

habitat or threatened species, populations or ecological communities, or their habitats.

The site includes a portion of Norwest Lake zoned SP2 Infrastructure, and the proposal seeks to allow certain residential, commercial and ancillary uses in that portion. Council has stated that this is consistent with the previous Shire-wide LEP (Baulkham Hills LEP 2005), which allowed uses permissible in adjoining zones on land zoned for infrastructure. It is considered that the development application process and Council's draft Development Control Plan for the site will be sufficient to ensure that the proposed development does not interfere with Norwest Lake's stormwater functions. However, Council should consult Sydney Water with reference to this matter.

SOCIAL

By providing increased residential density and diversity in close proximity to existing employment land, the proposal will assist in the social activation of the area. In addition, the site's location 260m from the planned railway station will promote walking, which will help to activate the corridor between the site and the station.

Council, in its cover letter, has expressed concern regarding the intended distribution of unit sizes, noting that 9% of the planned units will be three-bedroom units, which, in Council's view, is insufficient to provide adequate housing diversity. Council has therefore requested that the Gateway determination include a requirement that the design be revised to include a greater proportion of three-bedroom units.

This request has been made without provision of evidence such as a demographic analysis showing projected household sizes for the area. As such, it is not appropriate for the Gateway determination to include detail that is more appropriately a matter for the development application process.

ECONOMIC

The commercial component of the proposal will assist with Norwest's status as a specialised employment centre. In addition, the increased population due to the residential component will help support the precinct's economic activity.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
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Timeframe to make LEP :	12 months	Delegation :	RPA
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Public Authority Consultation - 56(2)(d) :	Integral Energy Transport for NSW Transport for NSW - Roads and Maritime Services Sydney Water Telstra
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

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 LEP 2012 is a Principal LEP.

Assessment Criteria

Need for planning
proposal :

The proposal is not the result of any strategic study or report, but is the result of an application to Council by the land owner.

The proposal's intent of providing 240 new dwellings and space for 300-400 jobs in the vicinity of a planned railway station is broadly consistent with the local and State strategic framework (with the exception of the Norwest Structure Plan in the North West Rail Link Corridor Strategy as already discussed), and represents a higher and better use of the land than the existing ice skating rink.

Consistency with
strategic planning
framework :

The proposal is for an intensification of residential and commercial development 260m from the proposed Norwest railway station and in close proximity to shops, services and a specialised employment centre. This is in accordance with the residential, centres and accessibility objectives of all relevant State and local strategic documents.

The Metropolitan Plan for Sydney 2036 identifies Norwest as a Specialised Centre, and specifically promotes the intensification of office uses.

The draft Metropolitan Strategy for Sydney 2031 identifies the North West Rail Link Corridor as a Major City Shaper and reiterates Norwest's status as a Specialised Centre.

The draft North West Subregional Strategy aims to accommodate 47,000 new jobs and 36,000 new dwellings within The Hills by 2031, with such growth concentrated in existing centres and close to public transport.

The North West Rail Link Corridor Strategy includes a Structure Plan for Norwest, projecting 15,000 new jobs and 4,350 new dwellings by 2036. The proposal will assist in meeting these goals, but it should be noted that the Structure Plan envisages residential development of 7-12 storeys, and the proposal - at 20 storeys - is significantly in excess of this.

The Hills draft Local Strategy includes a Residential Direction, an Integrated Transport Direction, a Centres Direction and an Employment Lands Direction. The proposal is not necessary for meeting the goals of the Residential Direction, but is not inconsistent with it, and will assist in delivering the outcomes of the other three Directions.

Environmental social
economic impacts :

ENVIRONMENTAL

The site is already developed, and redevelopment is unlikely to have any impact on critical

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If Other, provide reasons :

Council must satisfy the Director General that the inconsistency with the North West Rail Link Corridor Strategy is justified by a study (prepared in support of the planning proposal) which gives consideration to the objectives of s117 Direction 5.9 (North West Rail Link Corridor Strategy).

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
Planning Proposal (Council).pdf	Proposal	Yes
Cover letter.pdf	Proposal Covering Letter	Yes
Council Report.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 3.4 Integrating Land Use and Transport
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 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:
 - Transport for NSW
 - Transport for NSW - Roads and Maritime Services
 - Sydney Water
 - Endeavour Energy
 - Telstra.
5. Council is to satisfy the Director General of the Department of Planning and Infrastructure that inconsistency with S117 Direction 5.9 North West Rail Link Corridor Strategy and the Norwest Structure Plan is justified prior to finalisation of the Plan.
6. Prior to exhibition, Council is to amend the planning proposal to clearly state which uses are to be included in Schedule 1 for that portion of the site zoned SP2 Infrastructure.
7. Prior to exhibition, Council is to amend the additional permitted uses map to more reflect the land which will be affected, and is to include a zoning map in the planning proposal to provide site context.

Further, it is recommended that the Gateway determination letter address the inconsistency with section 117 Direction 5.9 (North West Rail Link Corridor Strategy). The proposed increase in maximum building height is inconsistent with the North West Rail

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Link Corridor Strategy and the Norwest Structure Plan, which identifies a considerably smaller maximum building height than that proposed by the Planning Proposal. The Gateway determination letter should ask that Council ensure that the inconsistency with the strategic planning framework is justified particularly in relation to the impact of the height increase on any expectations within the community. This is consistent with the approach taken in the revised Gateway determination letter issued for PP_2013_THILL_017_00 on 11 February 2014.

Supporting Reasons : The proposal is generally supported, as it will provide housing and commercial space in close proximity to public transport and within an existing centre.

Signature:



Printed Name:

DERRYN JOHN

Date:

14 FEBRUARY 2014