



Ordinary Meeting of Council

Tuesday, 10 December 2013

**SECTION 1
ITEMS 1 - 16**

THE HILLS SHIRE COUNCIL

ITEM-5	PLANNING PROPOSAL 11-13 SOLENT CIRCUIT, BAULKHAM HILLS (17/2013/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.
GROUP:	STRATEGIC PLANNING
AUTHOR:	FORWARD PLANNING COORDINATOR KATE CLINTON
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

It is recommended that a planning proposal to amend the building height, floor space ratio and permitted uses applying to land at 11-13 Solent Circuit, Baulkham Hills (Sydney Ice Arena) be forwarded to the Department of Planning & Infrastructure for a Gateway Determination.

The proposal would increase the maximum building height from RL 116m to RL 143.20m, (allowing a 20 storey building) and increase the floor space ratio from 1.49:1 to 2.42:1 under *The Hills Local Environmental Plan 2012* (The Hills LEP 2012). Rather than amending the site's zoning as proposed by the applicant, it is proposed to utilise Schedule 1 - Additional Permitted Uses to allow a future mixed use development to be achieved across the whole site, including land zoned SP2(Drainage) where it would normally be prohibited.

The amendments would facilitate a 20 storey mixed use development for which concept plans have been submitted in support of the planning proposal. The proposed building height will result in the highest built form in the Norwest Business Park. However, the likely built form is considered to be an appropriate design response in this locality (260m from the future rail station), including view corridors to and from Bella Vista Farm. Draft development controls have been prepared to ensure a future development application proposes a form that is consistent with the vision put forward in this planning proposal.

The planning proposal is consistent with State and Local strategic planning policies and directions on the basis that it is well-located to utilise planned and existing services and infrastructure given its central location in the Norwest Business Park and is within the 400m walking catchment of the future Norwest Rail Station. The proposal would contribute significantly towards the provision of new dwellings and employment within the Norwest Precinct by 2036 as projected in the State Government's North West Rail Link Corridor Strategy.

APPLICANT

Capital Corporation Pty Ltd

OWNERS

Hillsong Church Limited

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

Zone:	Part B2 Local Centre, part SP2 Drainage
Minimum Lot Size:	B2 Local Centre – 600m ² , SP2 Drainage – 8000m ²
Maximum Building Height:	B2 Local Centre - RL 116 AHD, SP2 Drainage – N/A
Floor Space Ratio:	B2 Local Centre - 1.49:1, SP2 Drainage – N/A

POLITICAL DONATIONS

Nil disclosures

HISTORY

21/06/2013	The subject Planning Proposal 17/2013/PLP was lodged.
06/08/2013	The planning proposal was presented to a Councillor workshop.
27/09/2013	An addendum to the planning proposal was submitted including revised architectural drawings, historic flood study and amendments to the proposed height, floor space ratio and including the rezoning of SP2 Drainage zoned land.
03/12/2013	Revised planning proposal presented to a Councillor workshop.

REPORT

The purpose of this report is to consider proposed amendments to The Hills LEP 2012 to rezone part of the site from SP2 Drainage to B2 Local Centre, increase the permissible building height from RL 116m to RL 143.20m (twenty (20) storeys), and increase the floor space ratio from 1.49:1 to 2.42:1.

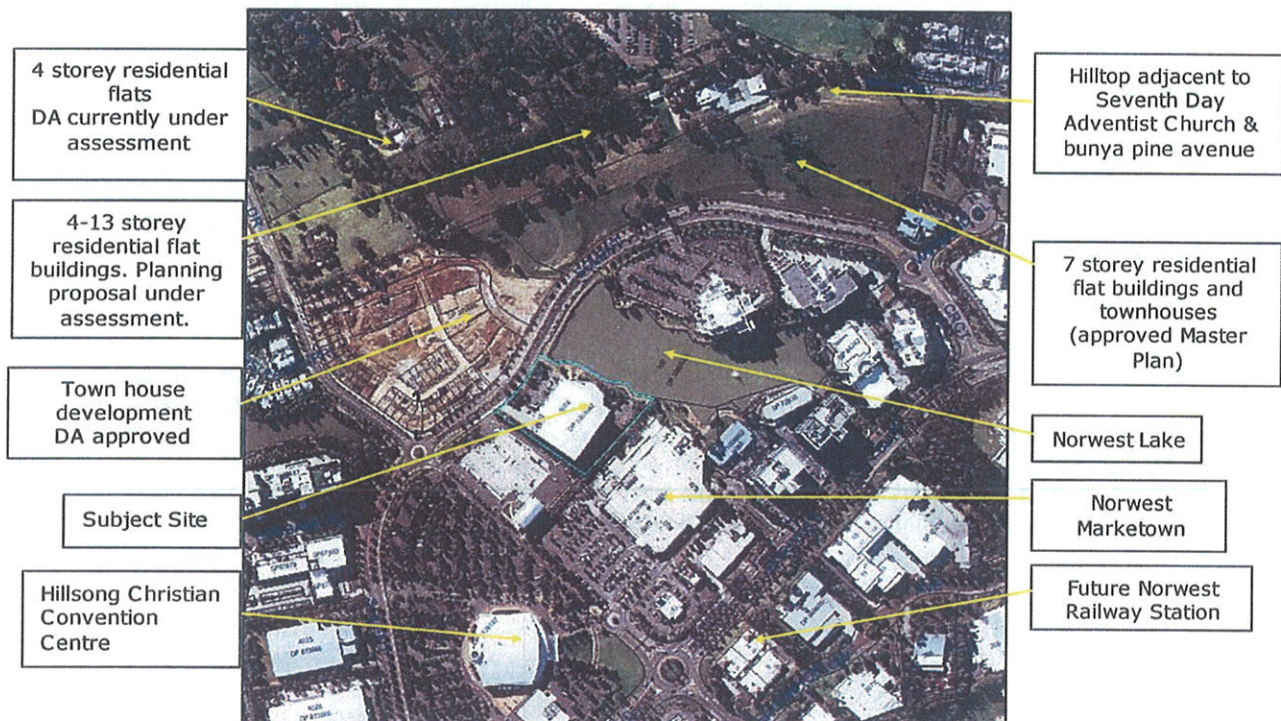
THE SITE

The site is 11-13 Solent Circuit, Baulkham Hills (Lot 5074, DP1003042), also known as the 'Sydney Ice Arena'. The site has a total area of 1.2 hectares and is occupied by a commercial ice skating rink constructed in 2002, at grade parking area and boardwalk along the edge of the Norwest Lake within an easement for public access. The site is currently zoned part B2 Local Centre and part SP2 Drainage under The Hills LEP 2012 and is subject to a height limit of RL 116m which is applied across the Norwest Business Park.

**Figure 1**

Photo of subject site and Norwest Lake

The site is bound by Norwest Lake to the north, Norwest Marketown to the east, Hillsong chapel and parking to the south and Solent Circuit to the west. Partially completed development on the opposite side of Solent Circuit consists of two storey town houses. Other nearby land is subject to various development applications and planning proposals for medium to high density residential development including residential flat buildings between four (4) and 13 storeys. The site is also located within easy walking distance (approximately 260m) of the proposed Norwest Railway Station. Figure 2 illustrates the context of the site and surrounding development.

**Figure 2**

Site and Surrounds

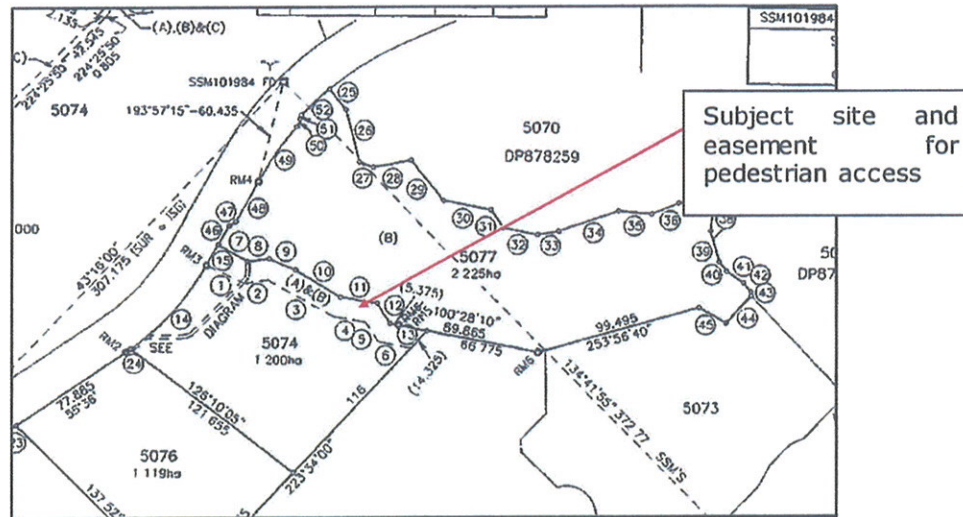
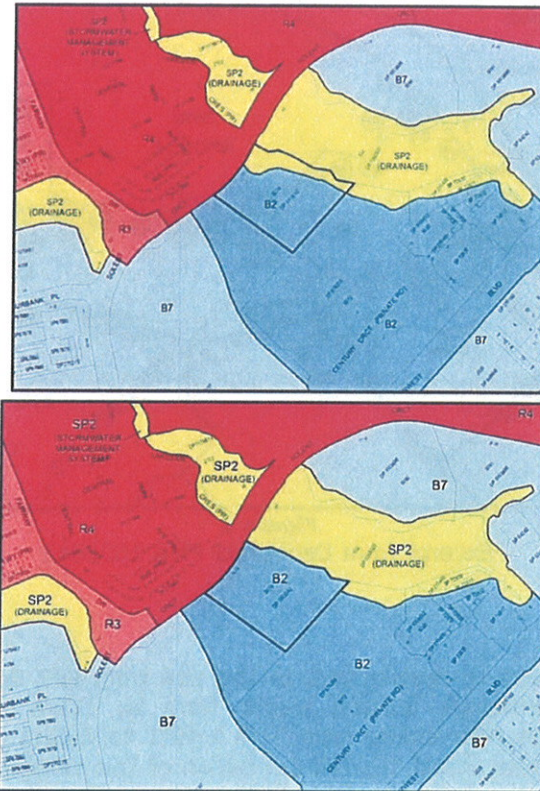


Figure 3
Excerpt from Deposited Plan 1003042

PLANNING PROPOSAL

The planning proposal seeks to rezone part of the site from SP2 Drainage to B2 Local Centre, increase the permissible building height from RL 116m to RL 143.20m (20 storeys), and increase the floor space ratio from 1.49:1 to 2.42:1 under The Hills LEP 2012. The planning proposal would see the demolition of the existing Sydney Ice Arena and construction of a mixed use development on the site.

**Land Zoning (LZN)**

B2	Local Centre	R4	High Density Residential
B7	Business Park	SP2	Infrastructure
R3	Medium Density Residential		

Figure 4
Existing and Proposed Zoning Maps (LEP 2012)

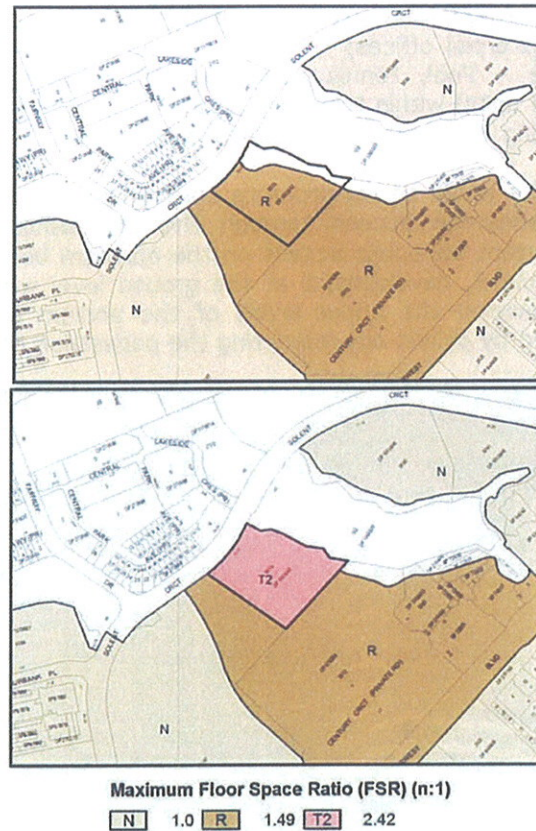


Figure 5
Existing and Proposed Floor Space Ratio Maps (LEP 2012)

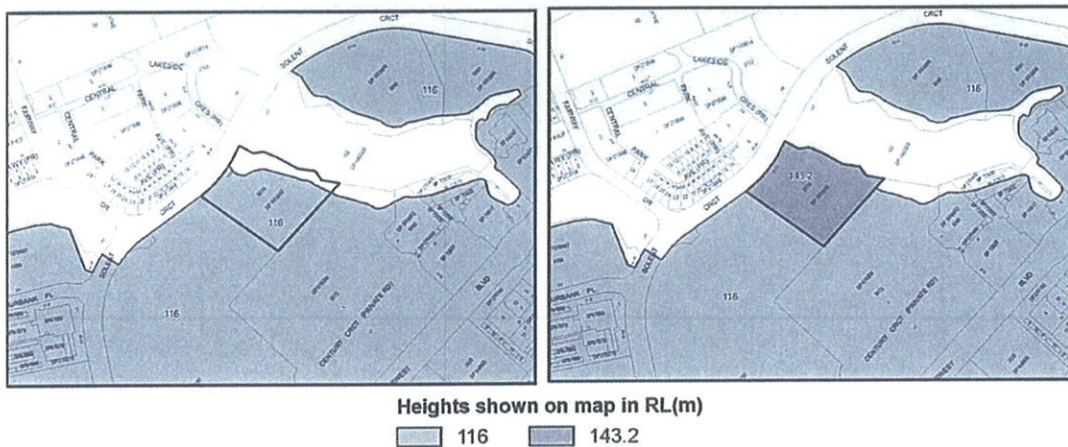


Figure 6
Existing and Proposed Building Height Maps (LEP 2012)

In support of the planning proposal the applicant has provided concept plans demonstrating the form of development that could be achieved under the proposed amendments. Development would consist of:

- Ground floor - retail / restaurants and plaza area;
- Levels 1 to 4 – commercial offices;
- Podium and above – Pool, tennis court, and 15 storeys of residential flats (approximately 240 units) within twin towers; and
- 6 levels of car parking incorporated into the podium levels.

Vehicular access to the site would be via separate commercial and residential driveways from Solent Circuit. Pedestrian access through the site would be maintained in accordance with the easement for public access on the northern boundary adjoining the lake. As illustrated in Figure 8, development at the ground level would be constructed clear of the easement however the upper levels of the podium would overhang the easement and be supported by pylons not restricting the pedestrian thoroughfare.



Figure 7
Photomontage of possible future development

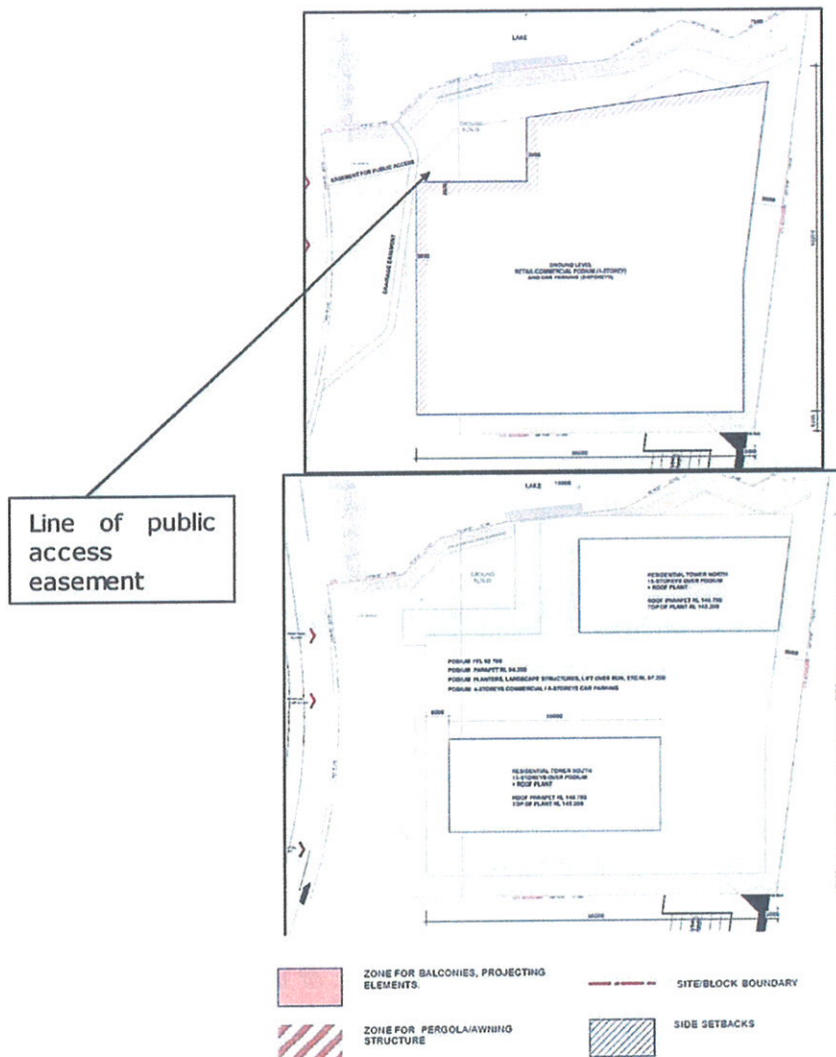


Figure 8
Proposed Building Envelopes

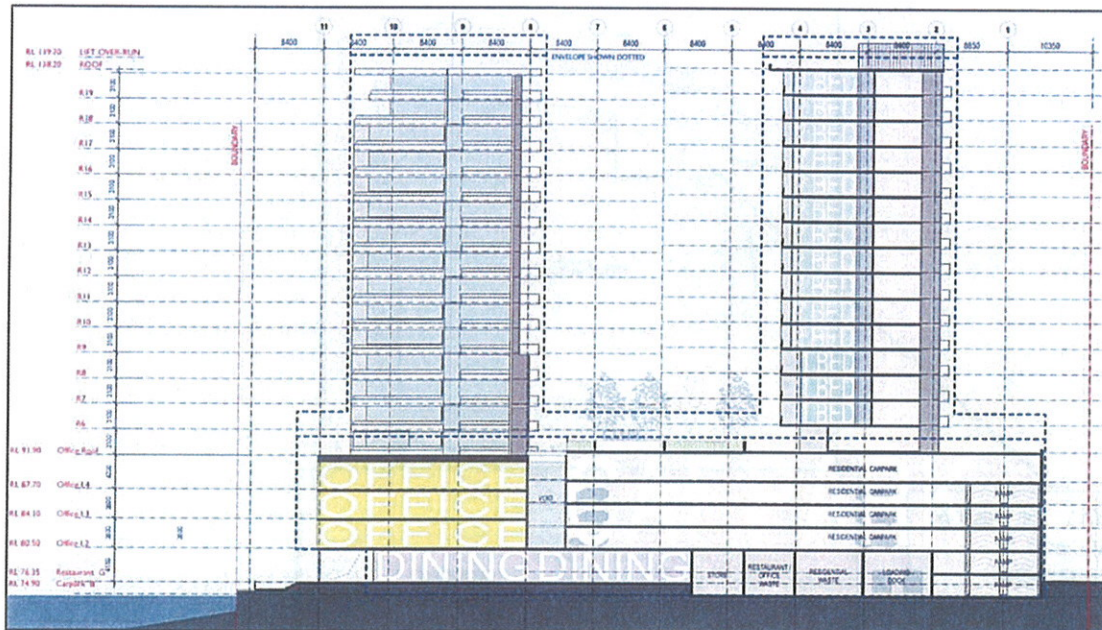


Figure 9

East/West Section through the future built form

STRATEGIC CONTEXTMetropolitan Plan for Sydney 2036

The strategic plan prepared by the NSW Government entitled 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 site is located in the Norwest Business Park adjacent to existing retail and commercial development, and within the 400m walking catchment of the future Norwest Railway Station. The site is well located to utilise existing services and infrastructure including the high frequency public transport services provided by the North West Rail Link. An increase in building height and subsequent higher densities in proximity to railway stations will encourage greater use of public transport and enhance the existing local centre.

Draft Metropolitan Strategy for Sydney 2031

The Draft Metropolitan Strategy for Sydney was released in March 2013 for public comment. Once finalised, the draft Strategy will replace the Metropolitan Plan for Sydney 2036. The draft Strategy establishes a vision with key objectives, policies and actions to guide the growth of Sydney to 2031 and is underpinned by the following key outcomes:

- Balanced growth;
- A liveable city;
- Productivity and prosperity;
- Healthy and resilient environment; and
- Accessibility and connectivity.

The site is located within the North West Rail Link Corridor which is identified as a "major city shaper" for North West Sydney and Norwest is identified in the draft strategy as a

Specialised Precinct. The draft Strategy seeks to enhance its role as a metropolitan-scale business park with an intensification of business uses, especially within approximately one kilometre of the proposed North West Rail Link stations, and to provide capacity for at least 15,000 additional jobs to 2031.

The planning proposal is consistent with the Strategy since it will facilitate the redevelopment of a key site within the Norwest Business Park, providing new housing and employment opportunities within an emerging town centre in the heart of the specialised precinct, and in close proximity to the future Norwest Rail Station.

Draft North West Subregional Strategy

The draft *North West Subregional Strategy* was prepared by the NSW Government to implement the Metropolitan Plan and the State Plan. It is currently being reviewed by the Department of Planning & Infrastructure. The draft strategy plans to accommodate some 130,000 jobs and 140,000 dwellings within the North West Subregion by 2031. Of these, 47,000 jobs (36%) and 36,000 dwellings (26%) are to be accommodated within The Hills Shire. An overarching theme of the strategy is for dwelling and employment growth to be concentrated within centres and near to public transport hubs.

The proposal is consistent with the plan as it will provide for high density residential accommodation within close proximity to services, jobs and existing and planned transport infrastructure.

North West Rail Link Corridor Strategy

The Department of Planning and Infrastructure has produced a Corridor Strategy (September 2013) to guide future development around the eight (8) new stations of the North West Rail Link. The introduction of the North West Rail Link (NWRL) and a station at Norwest has the potential to further reinforce Norwest as a Specialised Precinct and the largest employment centre for Sydney's North West. A new station, located within the existing Norwest Business Park, will provide further impetus for Norwest to evolve as a vibrant and active centre of business for the region, comprising offices, retailing, community facilities, recreation, cultural, education and housing to serve the increasing population.

The Corridor Strategy provides a vision for how the areas surrounding the railway stations could be developed to integrate new homes and jobs. The vision includes the orderly expansion and intensification of the Norwest and a more flexible centre in the form of an intensive, mixed commercial and retail core set around the shores of Norwest Lake. Additional urban plazas, civic spaces and linkages will support this vision.

The Strategy envisages that Norwest will need to provide an additional 15,000 jobs which would require approximately 225,000 – 375,000m² of commercial floor space, and projects that an additional 4,350 dwellings will be provided by 2036. The subject site is identified as an opportunity site in the short term (Figure 10) however it is identified as part of the 'local centre' which could *accommodate neighbourhood scale retailing on sites that are carefully designed to integrate into the existing streetscape* and residential development.

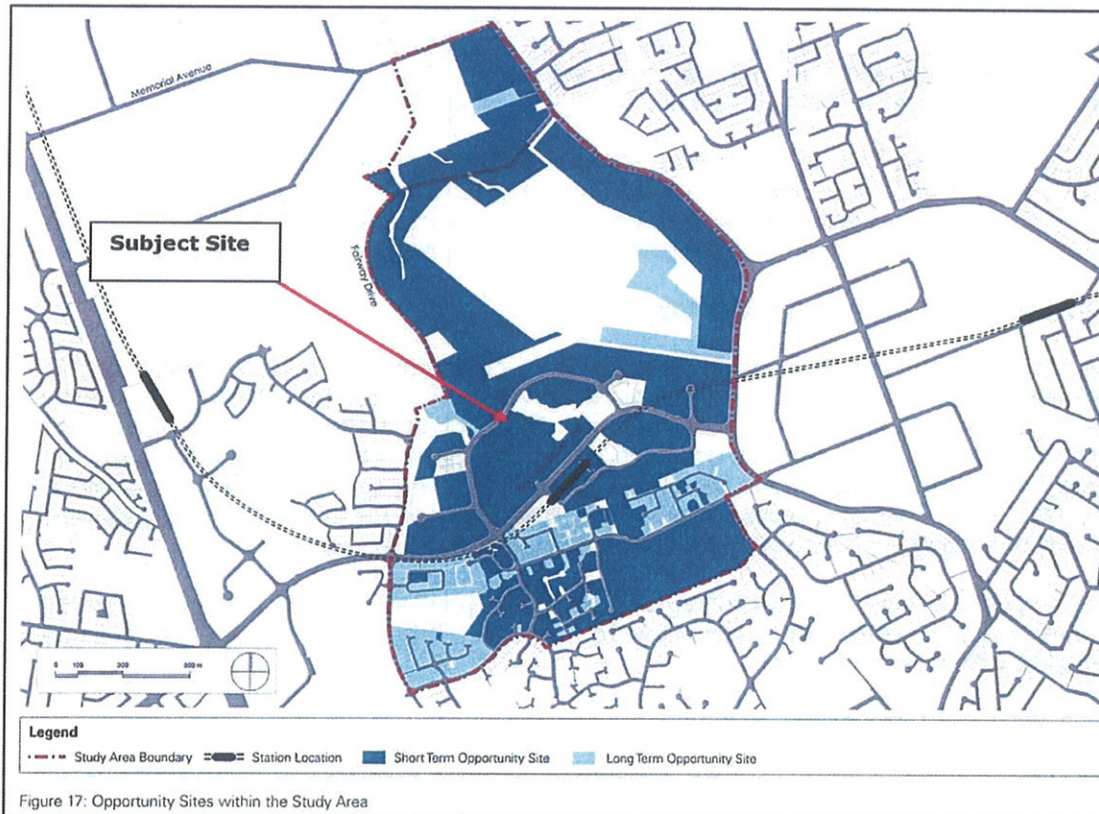


Figure 10
Opportunity Sites Map (North West Rail Link Corridor Strategy)

Although the Strategy lacks detail on how the subject site may potential contribute commercial and residential floor space to the Norwest area, it is considered that the form of development indicated in the planning proposal is a suitable response to the site's location and proximity to the railway station. It will make a significant contribution towards the provision of the required dwellings and commercial floor space whilst enhancing the public domain and further activating the lake-front. Therefore it is considered that the planning proposal is, in principle, consistent with the Corridor Strategy.

The Hills Shire Local Strategy

The Residential, Integrated Transport, Centres and Employment Lands Directions are the relevant components of the Local Strategy to be considered in assessing this application.

- Residential Direction

The North West Subregional Strategy sets targets for the Shire to contribute additional housing to accommodate a share of Sydney's population growth. The Residential Direction indicates that there is sufficient capacity to accommodate these targets based on the existing planning framework and current projects.

In this regard, the proposed amendments to building height, floor space ratio and the zoning of subject site are not required to meet housing targets. However, the planning proposal is consistent with the Direction since it would contribute to a diversity of housing choice in an existing urban environment, in close proximity to employment,

services and transport infrastructure. Residential accommodation in this location would also contribute to creating a vibrant and safe town centre that functions beyond normal commercial business hours.

- Integrated Transport Direction

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. Relevant actions include planning for a concentration of and/or intensity of land use activities around major public transport nodes and higher order centres.

The subject site is located within the 400m walking catchment of the future Norwest Rail Station and is serviced by various bus services throughout the locality. The planning proposal is consistent with this Direction as it will facilitate high density residential development and increased employment opportunities within close proximity to high frequency public transport services.

- Centres Direction

The Centres Direction seeks to establish a network of centres that provides places for residents to shop, work, and have social interaction and recreational opportunities. The Direction includes a centres hierarchy which provides a framework for the scale, location and function of centres. This ensures that the population has access to a range of centres that meet their needs and are appropriate in scale and design for their location.

Norwest Marketown which adjoins the subject site is identified as a village centre with potential to grow into a town centre with additional floor space in demand from 2016. The built form envisaged in the planning proposal will contribute to the developing Norwest Town Centre by providing employment opportunities, civic space and residential activation.

- Employment Lands Direction

The North West Subregional Strategy establishes an employment capacity target for the Shire from 2001 to 2031 of 47,000 jobs. The Employment Lands Direction demonstrates that there is capacity to meet this target with capacity for 55,574 additional jobs to 2031.

In addition to the contribution towards anticipated employment targets, the Direction seeks to provide employment close to home, services and transport infrastructure.

The planning proposal would facilitate approximately 6000m² of commercial floor space and 240 residential units in a central location, providing new employment and housing opportunities close to existing services and transport. The planning proposal is considered to be consistent with this direction.

Ministerial Section 117 Directions

Section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Infrastructure to issue directions that councils must address when preparing planning proposals for a new LEP. The relevant Section 117 Directions are:-

- Direction 1.1 Business and Industrial Zones
- Direction 3.4 Integrating Land Use and Transport
- Direction 6.1 Approval and Referral Requirements
- Direction 6.3 Site Specific Provisions

- Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The planning proposal is generally consistent with these directions.

MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

1. Built form and height
2. View corridors to and from Bella Vista Farm Park conservation area
3. Rezoning of SP2 land and floor space ratio
4. Residential unit mix and sizes
5. Traffic and parking provision
6. Public domain and pedestrian access
7. Infrastructure contributions
8. Development Controls

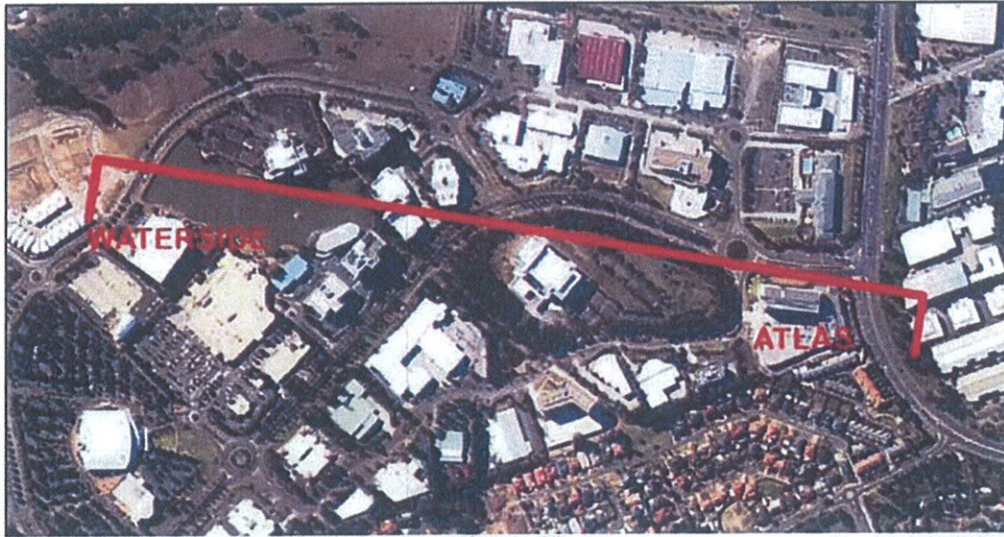
An overview of the key issues affecting this proposal is detailed below:

1. Built form and height

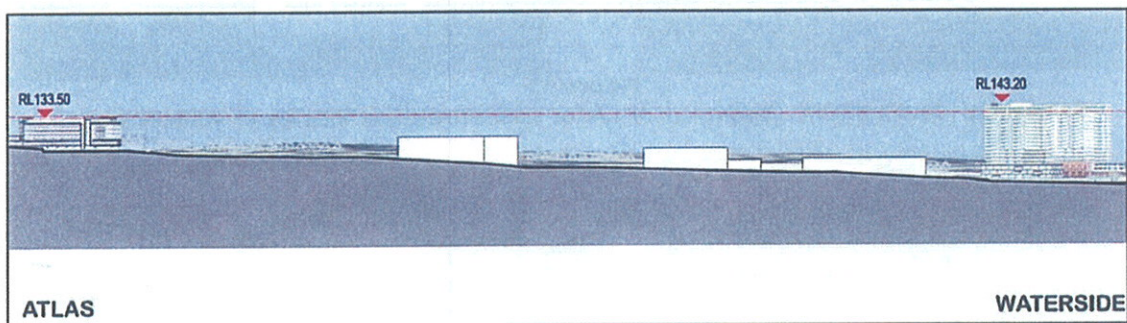
Concept plans submitted with the planning proposal indicate a built form of up to 20 storeys consisting of two (2) slender, 15 storey residential towers atop a podium comprising 4-5 levels of retail and commercial space and associated parking.

A maximum building height of RL116m currently applies to the Norwest Business Park with the exception of the Circa area to the south which is subject to a RL 108m height limit. The Atlas Building on the corner of Windsor Road and Norwest Boulevard and 58 Norwest Boulevard, have previously been permitted to go beyond the maximum building height (RL133.5m and RL118.6m respectively) based on the merits of these developments and to provide some variation to built form in the area.

At its highest point, the existing Sydney Ice Arena has a height of RL 95.3m. The planning proposal seeks to increase the permissible building height to RL 143.20m which is an additional 27.2 metres or approximately nine (9) additional storeys above that which could be achieved under the current maximum height, and approximately 9 metres or 2-3 storeys higher than the Atlas building as illustrated in Figure 12.

**Figure 11**

Cross section from Atlas to the subject site identified as 'Waterside'.

**Figure 12**

Section comparing height of Atlas Building to subject site.

The height limit of RL116m first applied to the Norwest Business Park in the late 1980s when it was incorporated into the Development Control Plan (Draft DCP Norwest Business Park, 1987) to guide the development of Norwest. The intent of the height control was to ensure a continuity of building scale and view preservation on one allotment's relative position to another within the business park and to encourage building forms that respond to the topography and street alignment.

Whilst continuity of building scale was the original intent of the height control, Norwest is developing beyond the scope that was envisaged by the earliest plans. The built form and role of Norwest is changing due to the evolving nature of business and significant residential development in the vicinity together with the future presence of the railway.

Figures 13 and 14 indicate medium to high density residential development (approved or under assessment) in the vicinity of the site, including some buildings in excess of RL 116m (though not being subject to this control) and up to thirteen (13) storeys in height.

**Figure 13**

Residential development (approved or under assessment) in vicinity of subject site

**Figure 14**

Indicative form of proposed development in the vicinity of the site.

Being almost fully developed, Norwest offers potential for renewal, intensification and variation in building height in suitable locations such as the subject site. The site is located in the heart of the Norwest town centre, adjacent to the Norwest Marketown, a successful restaurant precinct and is within the 400m walking catchment of the future Norwest Railway Station. It is positioned at a low point in the business park on the Norwest Lake and is separated from the nearest residential development to the north by the width of Solent Circuit. The concept architectural plans indicate a building setback to

Solent Circuit of at least 23m. Due to the orientation of the site, any shadow resulting from a future building would have no impact on nearby residences since it would fall predominantly on the Hillsong parking area and Norwest Marketown.

The emerging significance of Norwest as a major employment area ("Specialised Precinct") within the global economic corridor is recognised in the Draft Metropolitan Plan for Sydney and in the North West Rail Link Corridor Structure Plan. In fact the Structure Plan for Norwest flags the possibility of buildings up to 30 storeys on the "Station Precinct" located on the southern side of Norwest Boulevard in close proximity to the future railway station. A development of 20 storeys on the subject site would therefore not be inconsistent with the vision for the surrounding area.

It is considered that diversity in building height, where appropriate, would allow for increased variation in built form and design and therefore enhance the image and visual interest of Norwest. With respect to the subject site, a lower built form that complies with the height limit would necessitate a larger building footprint and wider towers which would result in a bulkier and more visually obtrusive development. Instead, the provision of two (2) slender towers atop a podium will result in a more aesthetically pleasing development that takes advantage of the site's significant potential and significantly reduces the bulk and scale.

The existing Sydney Ice Arena is an underdevelopment of the site in comparison to its potential. It is considered an appropriate location for additional building height, being located at a geographical low point and in order to capitalise on its central location and to assist in the ongoing renewal and orderly intensification of Norwest. The site offers a significant opportunity to provide a high quality mixed use built form that will contribute to and enhance the town centre with additional employment opportunities and residential activation. The proposed building height will be consistent overall with the future context and forms of residential development in the vicinity, and is compatible with the height of existing development in the business park (ie. Atlas building).

Section 8 of this report outlines some site specific development controls proposed as an amendment to Part B Section 6 Business of The Hills Development Control Plan 2012 to ensure that the future built form is consistent with the built form vision provided in the planning proposal.

2. View corridors

The State heritage listed conservation area Bella Vista Farm Park (Bella Vista) adjoins the Norwest Business Park and is a prominent cultural landmark. Bella Vista derives its significance in part from its deliberate and prominent siting and rural setting with vistas from the site and views into the site, and its aesthetic values, including its sense of place. Bella Vista is one of the most intact and best examples on the Cumberland Plain of the summit model of homestead siting whereby the home is deliberately located atop a hill. Bella Vista Farm makes a unique and attractive contribution to the overall setting of the business park.

The location of Bella Vista is visible from a large visual catchment. In particular, views of the avenue of Bunya Pines planted on the site can be glimpsed from both within Norwest and from distant residential areas and roads. The Conservation Management Plans prepared for Bella Vista Farm (2000 and 2012) recognise views to and from the farm as an extremely important aspect of the cultural significance of the place, and the importance of a carefully controlled development so that it does not impact on these qualities.

The RL116m height limit introduced across Norwest in the late 1980s was intended to achieve a consistent built form throughout the business park. Importantly, this control was not specifically linked to the preservation of views in relation to Bella Vista Farm. By comparison, a reduced height limit of RL108m was imposed through the Development Control Plan (Norwest Estate Concept Development Control Plan 87) in 1993 over the Circa Precinct of Norwest (to the south of Bella Vista Farm) and was specifically intended to retain views between Bella Vista Farm and the Pearce Family Cemetery and from Windsor Road, which was the main approach to the farm.

In 2006, additional controls relating to view corridors to and from Bella Vista Farm were introduced into the DCP (Development Control Plan 31 - Norwest Business Park) including photomontage views from Bella Vista with a dotted line indicating the height limit of RL116m, and a map illustrating various view corridors and specific height limits across the Circa Precinct. These controls are retained in the existing version of The Hills Development Control Plan 2012 Part B Section 6 Business.

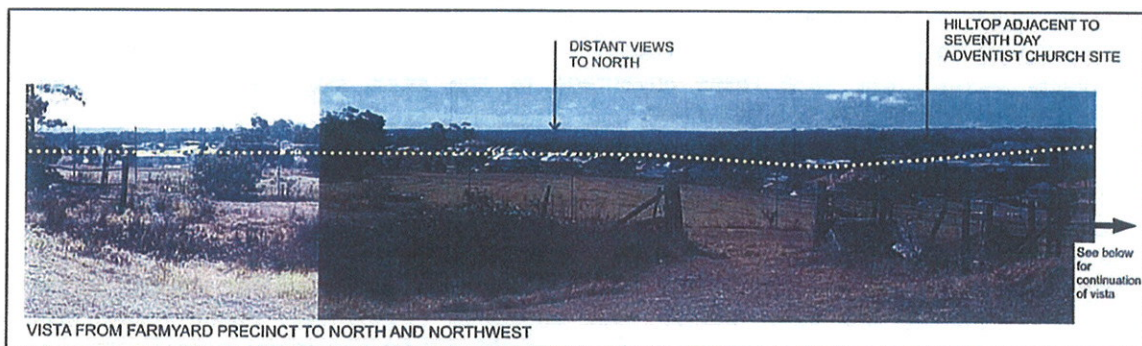


Figure 15

Photomontage of Norwest from Bella Vista from The Hills DCP 2012.

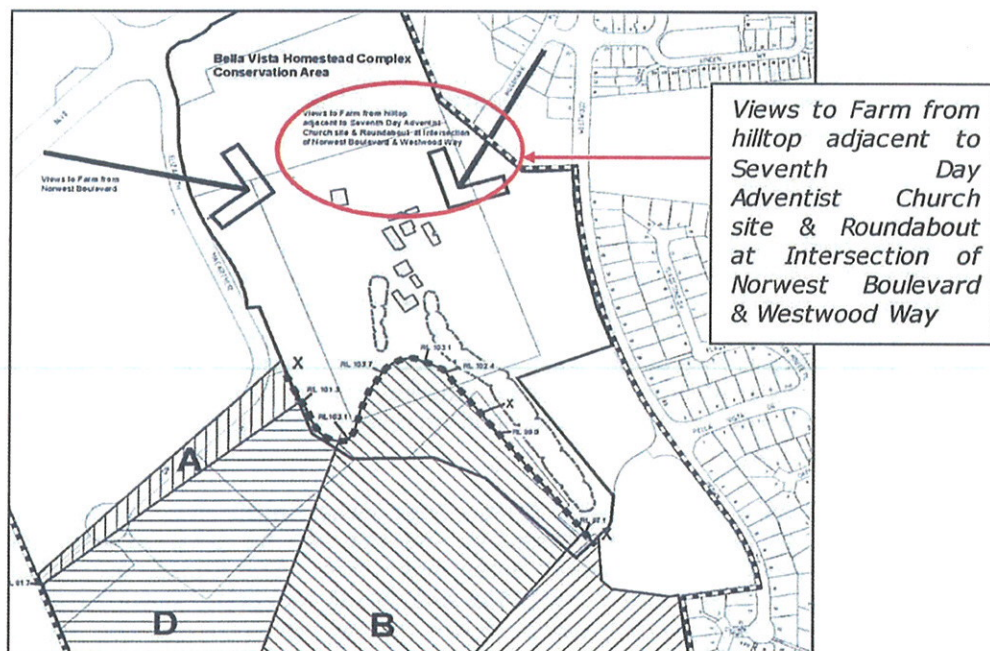


Figure 16

Excerpt from Map Sheet in The Hills DCP 2012 Part B Section 6 Business

Of relevance to this planning proposal, control (f) in section 2.6 Building Height of The Hills DCP 2012 Part B Section 6 Business specifies that views and vistas available from Bella Vista Farm as shown above the line on the photomontage (Figure 15) should be retained. Furthermore, the DCP map and associated objectives make reference to distant views to Bella Vista Farm from the Castle Hill Seventh Day Adventist Church which is located to the north-east of the subject site (Figure 16). Whilst the DCP does not elaborate on the significance of views from the hilltop adjacent to the church, the Conservation Management Plan mentions the visual relationship once shared between Bella Vista Farm and another prominent home (Heywood) that once stood on the site of the Castle Hill Country Club close to the church. A heritage listed row of bunya pines still exists in this location, forming part of the skyline as viewed from Bella Vista.

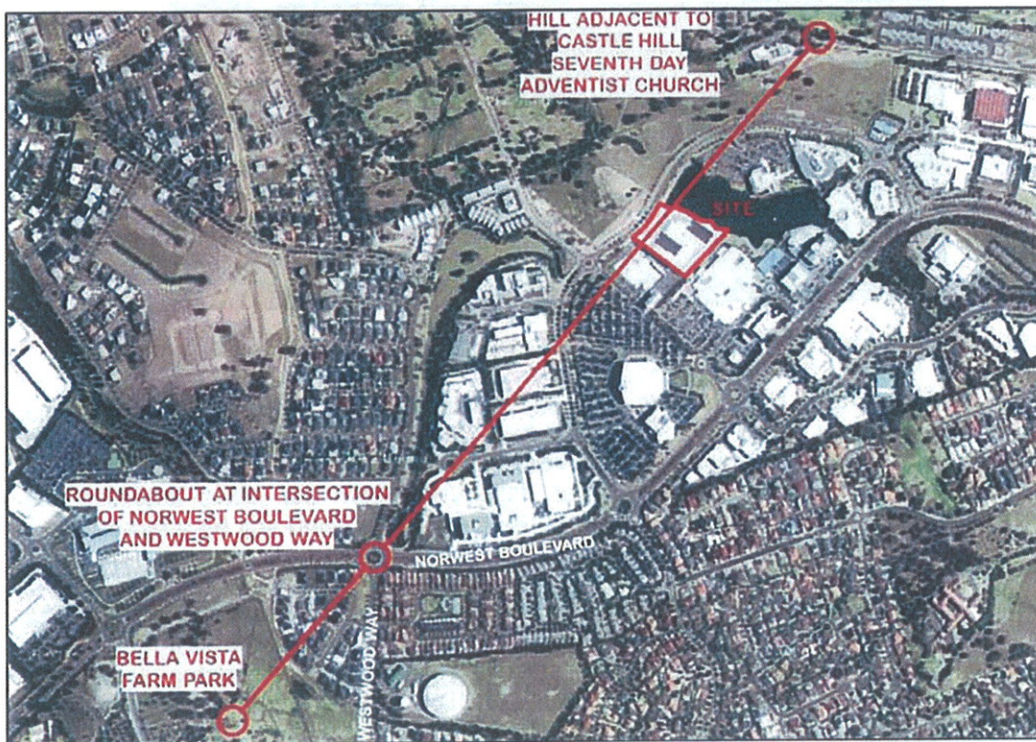


Figure 17

View corridor from Bella Vista to hilltop adjoining Seventh Day Adventist Church



Figure 18

Approximate view from hilltop to Bella Vista with subject site visible in foreground

Figure 17 submitted with the planning proposal illustrates the view corridor between the hilltop and Bella Vista Farm and demonstrates through the positioning of the two residential towers that it would be preserved despite an increase in building height. Figure 18 indicates an approximate view of Bella Vista from the hilltop adjoining the church which also demonstrates that views to Bella Vista Farm will still be available from this location.

Whilst the hilltop is highlighted in the DCP as one particular point from which Bella Vista Farm can be viewed, it is also private property forming part of the Norwest Residential development site on Solent Circuit that is subject to an approved master plan. The stated view corridor is therefore not generally available to the public. A building of seven (7) storeys may be erected on the hilltop if developed in accordance with the master plan and therefore views from this location would continue to be available to future residents of this development.

With respect to the general vista across the Norwest Business Park, it is acknowledged that the subject building will protrude above the line marked on the photomontage, as does the existing Atlas building and development at 58 Norwest Boulevard, although to lesser extents. However, impacts on views are relative to the design and position of a proposed development. The likely built form of a future development on the subject site together with its location at a topographical low-point and distance of more than 1km from Bella Vista Farm will dramatically reduce its presence in the skyline and impact on views. By comparison, the Woolworths Headquarters building located within 350m of the outer farm yard of Bella Vista and at a similar topographic level has a much greater impact on skyline views for these reasons despite compliance with the RL116m height control. Therefore, it is considered that the proposed increase in building height which would permit a built form up to twenty (20) storeys will not adversely impact upon the expansive views from Bella Vista Farm to the north-east.

3. Rezoning of SP2 land and floor space ratio

The planning proposal seeks to rezone that part of the site currently zoned SP2 Drainage to Local Centre B2, consistent with the rest of the site. The B2 Local Centre zoned portion of the site is currently subject to a floor space ratio of 1.49:1 however the applicant proposes to apply a floor space ratio across the whole site of 2.42:1, based on a site area of 12,000m² and a gross floor area of 29,093m².

The rezoning is sought since pursuant to The Hills LEP 2012, the SP2 Drainage zone prohibits any form of development other than roads and the intended purpose of the zone. Therefore any part of a future building must not be located within the SP2 zone despite portions of the existing Ice Arena being constructed in this zone in addition to other buildings adjoining the lake (Figure 19). Development permitted in an adjoining zone was also permissible on land within the Special Uses 5(a) (Trunk Drainage) zone under previous versions of Council's Local Environmental Plan.

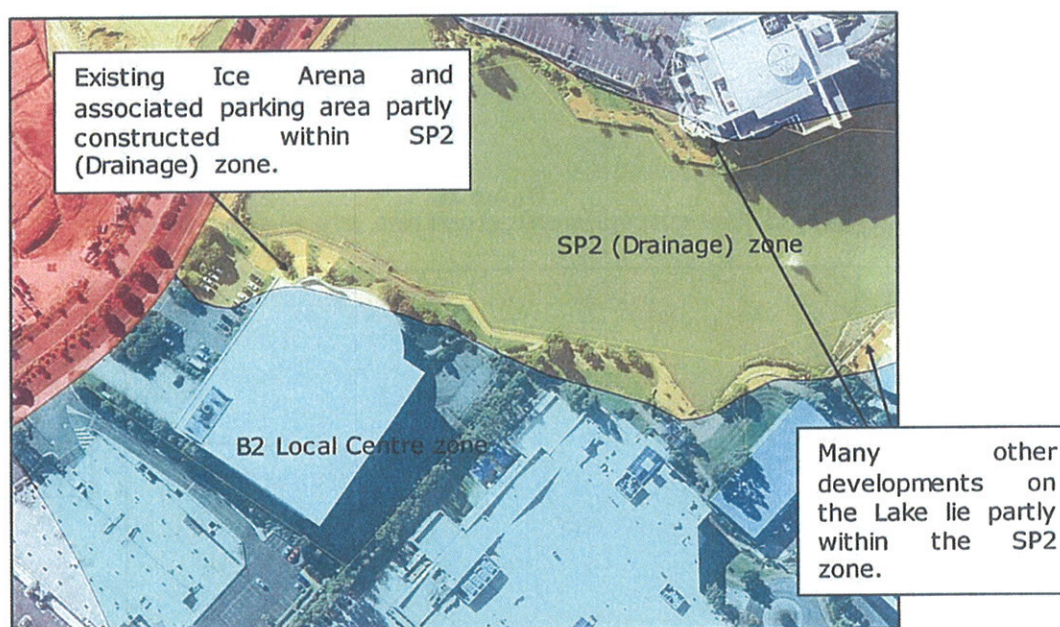
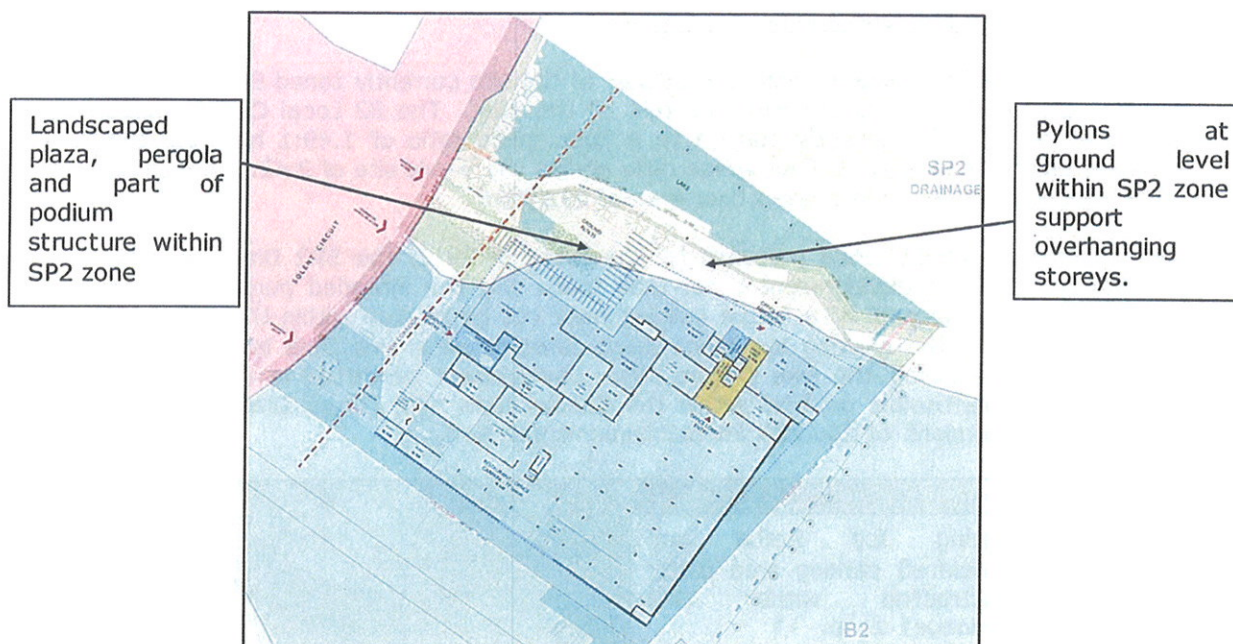


Figure 19
Aerial view of site with zoning overlay

In addition, the zoning amendment is sought since subclause (4) of Clause 4.5 *Calculation of floor space ratio and site area* in The Hills LEP 2012 excludes the SP2 zoned land from the calculation of floor space for a future development.

The architectural plans submitted with the planning proposal show a built form that would encroach within the SP2 (Drainage) zone (Figures 20 and 21). Whilst the majority of the development would lie outside the SP2 zone at ground level, pedestrian and vehicular access, plaza/pergola areas and pylons supporting overhanging upper levels would not.

**Figure 20**

Ground floor concept architectural plan with zoning overlay

**Figure 21**

Concept architectural plan showing footprint of podium and towers with zoning overlay

The planning proposal is supported by a 1988 Stormwater Drainage Master Plan prepared by GHD for the area known as Catchment 1 which includes the Norwest Lake. The lake was constructed as both a central landscape feature and significant stormwater basin to manage flows from the planned business park. Overflow is managed by a weir designed to pass the 100 year flood event. Due to the significance of the lake's functions, any development on or around the lake must be carefully controlled to ensure that it would not impact upon the required flood storage capacity.

The study identifies the probable maximum flood level (PMF) for the subject site as 1.8m above the lake's normal level of RL74.5m AHD. The proposal maintains that if the constructed floor level of any development on the subject site is above 76.3m, the flood level can be accommodated within the design of the finished floor levels of a proposed building. The submitted survey indicates that much of the site, with the exception of the general area within and adjoining the pedestrian easement, is above the PMF at 76.3m.

The extent of land zoned for drainage purposes in Norwest was determined in an August 1999 amendment to the Baulkham Hills Local Environmental Plan 1991. The proposal contends that Council's mapping of the SP2 zone is incorrect since it does not reflect the boundaries of the lake which was constructed after the zoning was applied, and that the site's flood affection has significantly decreased to a small extent along the site's lake frontage. A current flood study which confirms with certainty the flood storage capacity of the lake has not been submitted with the planning proposal.

Therefore despite the information put forth in the planning proposal, none is sufficient to justify the rezoning of the site to B2 Local Centre in its entirety since it is affected by flooding to an extent. Furthermore, any change in zoning in relation to the lake would need to be considered in the wider context of the lake's stormwater management functions across the business park rather than in isolation.

It is considered appropriate however that development of an appropriate form and extent as indicated in the planning proposal be permitted to occur within the SP2 zoned land, consistent with existing development on the site and in numerous other locations on the lake-front. Regardless of whether or not the site is zoned part SP2 (Drainage), the extent of flood affection on the property would not change and would need to be thoroughly addressed at the development application stage with any reduction in flood storage capacity being compensated for elsewhere on the site.

While the SP2 (Drainage) zone prohibits the development envisaged in the planning proposal, the likely built form is considered to be appropriate in its design response to the environment and would greatly enhance and contribute to activity in the locality. Therefore, an alternative solution must be proposed in order to facilitate the redevelopment of the site and maximise its potential. In this case, it is considered appropriate to utilise Schedule 1 *Additional Permitted Uses* to permit development that is permissible within the B2 Local Centre zone within the SP2 (Drainage) zone, specifically for this site, which would replicate the same situation within which the site was first developed and allowed to encroach within land zoned for drainage purposes.

With respect to the issue of floor space ratio, the prohibition associated with clause 4.5 *Calculation of floor space ratio and site area* of The Hills LEP 2012 would no longer apply since subclause (2) of clause 2.5 *Additional permitted uses for particular land* gives the use of Schedule 1 precedence over and above any provision of the Plan.

4. Residential unit mix and size

The planning proposal indicates that the site could accommodate 240 residential units comprising the following:

Unit Type	Unit Size	Percentage of Mix
1 bedroom	53-54m ²	25%
2 bedroom	79-100m ²	65%
3 bedroom	102-139m ²	10%

Given the location of the site within the town centre of Norwest and less than 400 metres of the future Norwest Rail Station, it is considered that the provision of 9% of units as three (3) bedroom units fails to provide adequate diversity of apartment types to cater for different household requirements and will significantly limit the availability of affordable housing for families within the locality.

It is recommended that as part of any Gateway Determination the proponent be requested to provide a greater proportion of three (3) bedroom units to provide a greater level of housing choice, particularly the availability of suitable, affordable and well-located housing opportunities for families.

The proposed minimum unit sizes are less than the current minimum standard within the Development Control Plan which is 75m², 110m² and 135m² for 1, 2 and 3 bedroom units respectively.

Whilst the planning proposal suggests amendments to development controls in general, the application of a reduced minimum unit size is not specifically requested. A generalised exemption to the numerical controls is not supported as it may result in developments which fail to achieve satisfactory amenity for residents and is inconsistent with the desired outcomes for the provision of a range of housing choice within The Hills.

5. Traffic and parking provision

A Traffic Report prepared by Gennaoui Consulting Pty Ltd (September 2013) was submitted in support of the application. The report concludes that the proposed development would not unduly affect the surrounding road network and that the development will only marginally affect the current service volumes of all major approach roads to the site.

The report advises that the proposal would only marginally affect the operation of the intersections of Norwest Boulevard / Windsor Road and Solent Circuit / Fairway Drive. It is also acknowledged that the operation of the roundabout at the intersection of Norwest Boulevard with Solent Circuit and Reston Grange will worsen in the future with it operating at poor levels of service E and F during the morning and afternoon peak periods respectively. The replacement of the roundabout in this location with traffic lights is planned and will be primarily funded from the Balmoral Road Contributions Plan. This plan provides a 75% contribution towards these signals, based on the projected traffic generation of that new residential release area compared with existing traffic volumes in the Business Park, with the balance to be funded from alternative sources.

It is noted that traffic signals are required to be provided at the intersection of Norwest Boulevard and Solent Circuit East in conjunction with a nearby approved residential development in Solent Circuit (Norwest Residential Master Plan 910/2013/PLP). These signals have been designed by Council and are currently with the NSW Roads and Maritime Services for final approval. It is expected that the subject site could also contribute to the provision of these signals possibly through a voluntary planning agreement at the development application stage based on the traffic generation from the various residential developments along Solent Circuit.

With respect to parking, the planning proposal concept plans indicate a total of 531 parking spaces to be provided within six (6) levels. The planning proposal and traffic report do not specify the parking rate that has been applied to both residential and commercial uses. However, when applying Council's Development Control Plan parking rates for commercial (assuming commercial centre rate for offices, and standard commercial rate for restaurants), residential and visitor parking, it is likely that the development would provide sufficient parking. Should a future development application

seek to reduce the car parking provided on site, this would be a matter for consideration as part of the development assessment and the individual merits of the proposal.

It is recommended that as part of any Gateway Determination, consultation with the Roads and Maritime Services (RMS) should be required. This will enable RMS to review the traffic implications as a result of the increased density on the site.

6. Public domain and pedestrian access

A pedestrian footpath and boardwalk surrounds the Norwest Lake in accordance with the easement for public access that lines its perimeter and is heavily utilised by workers in the area and the general public as a leisure space.

Any future redevelopment of the site would be required to maintain pedestrian access along this easement. The planning proposal concept plans envisage development that would partly overhang the walkway at the upper levels and provide restaurants and open plaza style development along the waterfront which would significantly enhance the amenity and activity in this particular area of the lake.

7. Contribution towards the provision of infrastructure

The site is exempt from Council's Contributions Plans and as such would not be required to contribute to the provision of open spaces and recreational facilities in the vicinity of the subject site. The planning proposal asserts that any additional demand for these facilities will be contained within a future development which will incorporate a landscaped podium including pool and tennis court for residents of the building (Figure 22). Furthermore, the provision of more outdoor eating opportunities at the base of the development will contribute to the amenity of the surrounding area. The issue of demand and supply of facilities would require further examination, which could be incorporated into the post Gateway Determination stage.

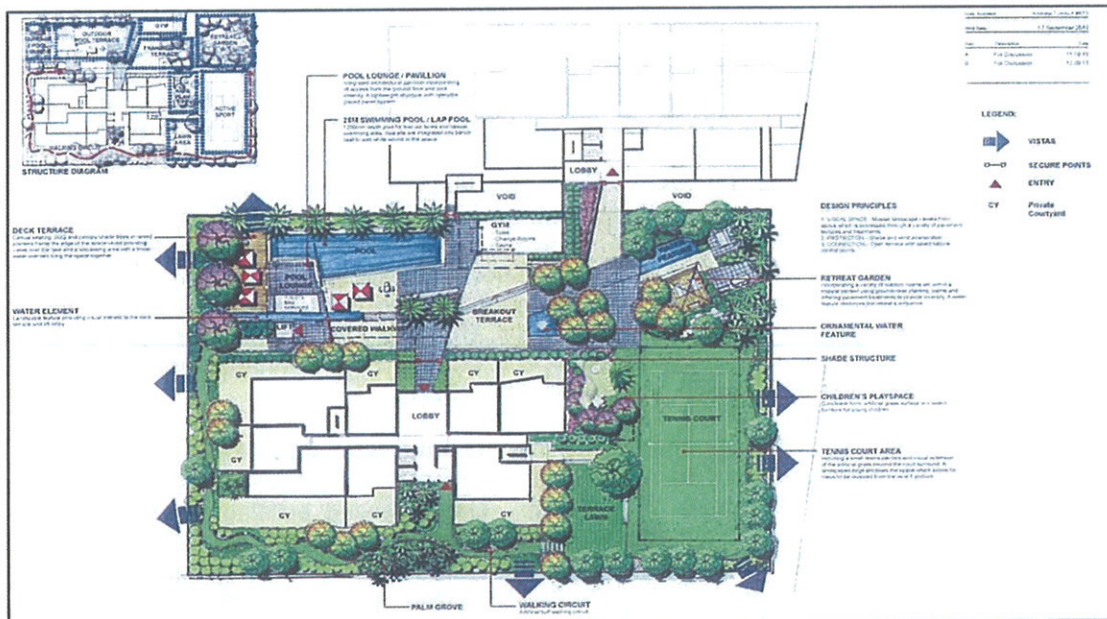


Figure 22
Recreation / landscape concept at podium level for residents

8. Development Controls

Under the B2 Local Centre zoning a proposed development on the site would be assessed with regard to Part B Section 6 Business of The Hills Development Control Plan 2012 in addition to other relevant sections including Parking and Landscaping. Part B Section 6 Business provides controls to guide development within the Norwest Business Park and addresses matters including height (views), setbacks, building design and materials, signage, pedestrian access and movement, hours of operation and waste.

Whilst the planning proposal would facilitate the redevelopment of the site with a building of a certain height and floor space ratio, it is necessary to ensure the general built form as outlined in the planning proposal is also communicated through development controls specific to this site in the DCP.

A draft amendment to the DCP has been prepared to address the following key issues and is provided as Attachment 1 to this report:

- Bulk and scale and impact on views;
- Design of the future development;
- Setbacks to Solent Circuit;
- Public domain at ground level; and
- Easement for public access.

NEXT STEPS

Should Council resolve to support the planning proposal and draft development controls for the site, it will then be forwarded to the Department of Planning & Infrastructure for a Gateway Determination. The Gateway Determination is likely to contain conditions which must be satisfied before public exhibition can commence. Following exhibition, the matter will be reported back to Council for determination.

CONCLUSION

The planning proposal seeks to increase the building height and floor space ratio on the site in addition to rezoning the SP2 Drainage zoned land to B2 Local Centre. With the exception of the rezoning of the SP2 Drainage zone the planning proposal is considered appropriate to proceed to the Gateway. Given the significant stormwater management role of the Norwest Lake it would be inappropriate to rezone land zoned SP2 drainage without extensive flooding investigations. However, subject to appropriate built form design and engineering to ensure the lake's flood storage capacity is not affected, it is considered reasonable to allow some form of development to be constructed within the SP2 land consistent with existing development on the site and in the vicinity. It is proposed to allow this by permitting development on the SP2 Drainage land through Schedule 1 Additional Permitted Uses of The Hills LEP 2012.

Concept plans have demonstrated that views to and from Bella Vista Farm will not be adversely affected and the impact on the skyline is minimised by the proposed built form and distance of the site from Bella Vista Farm. The proposed building height is not inconsistent with existing and likely future development in Norwest consisting of the constructed Atlas building, medium to high density residential development planned on the edges of Norwest and the likelihood of buildings with even greater height in the vicinity of the future rail station. The redevelopment of the site will contribute to a variation in built form and assist Norwest in realising its full potential as one of Sydney's key specialised centres. The location of the site within the emerging Norwest town centre, close to the railway station site and to the south of nearby residential

development makes it an ideal location for the provision of additional employment and residential opportunities.

Accompanying amendments to The Hills Development Control Plan 2012 Part B Section 6 Business will ensure that future development is of an appropriate scale and design and enhances the pedestrian environment of Norwest Lake.

IMPACTS

Financial

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

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.

RECOMMENDATION

1. A planning proposal be forwarded to the Department of Planning and Infrastructure for a Gateway Determination to:
 - Utilise Schedule 1 Additional Permitted Uses to allow uses that are permissible within the B2 Local Centre zone on land zoned SP2 (Drainage) only in relation to land known as part of Lot 5074 DP1003042, 11-13 Solent Circuit, Baulkham Hills.
 - Amend the floor space ratio and maximum building height applying to the whole of Lot 5074 DP1003042, 11-13 Solent Circuit, Baulkham Hills from 1.49:1 to 2.42:1 and from RL116m to RL143.20m respectively.
2. Amendments to The Hills Development Control Plan 2012 Part B Section 6 Business, as detailed in Attachment 2, be exhibited concurrent with the planning proposal.

ATTACHMENTS

1. Draft amendments to The Hills Development Control Plan 2012 Part B Section 6 Business (64 pages)

