

Planning proposal to amend the building height standard and introduce a FSR standard at Nos. 404-416 Windsor Road, Nos. 2-6 Rembrandt Drive, Nos. 1-7 Meryll Avenue and No. 2 Meryll Avenue, Baulkham Hills.

Proposal Title :	Planning proposal to amend the building height standard and introduce a FSR standard at Nos. 404-416 Windsor Road, Nos. 2-6 Rembrandt Drive, Nos. 1-7 Meryll Avenue and No. 2 Meryll Avenue, Baulkham Hills.		
Proposal Summary :	The Planning Proposal seeks to: • Amend Clause 4.3 (Height of Buildings) to permit a range of building height from 10m to 22m; and • Introduce Clause 4.4 (Floor Space Ratio) to include a maximum FSR of 2.3:1.		
PP Number :	PP_2011_THILL_020_00	Dop File No :	11/22499

Proposal Details

Date Planning Proposal Received :	20-Dec-2011	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 :	Windsor road, Rembrandt Drive and Meryll Avenue		
Suburb :	Baulkham Hills	City :	The Hills
		Postcode :	2153
Land Parcel :	Lots 1 DP 564845, Lot 6 DP 654751, Lot 101-104 DP1000120, Lot 1 DP 164096 and Lot 2-9 DP 30744		

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : **LOBBYIST STATEMENT**

At this point of time, to the best of the Regional team's knowledge, this planning proposal is compliant with the Department of Planning's Code of Practice in relation to communication and meeting with lobbyists.

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes : **POLITICAL DONATIONS DISCLOSURE STATEMENT**

Political donation disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations of gifts for certain circumstances relating to the Planning System.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such application."

Planning Circular PS08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statement for this Planning Proposal.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The objective of the planning proposal is to amend the building height and introduce a FSR standard over Lot 1 DP 564845, Lot 6 DP 654751, Lot 101-104 DP 1000120, Lot 1 DP**

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164096, know as Nos. 404-416 Windsor Road, Baulkham Hills and Lots 2-9 DP 30744, know as Nos. 2-6 Rembrandt Drive, Baulkham Hills, Nos. 1-7 Meryll Avenue and No. 2 Meryll Avenue, Baulkham Hills.

It is noted that the Planning Proposal does not involve the rezoning of any land.

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

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

Comment : **The Planning Proposal seeks to:**

- Amend Clause 4.3 – Height of Building which permits a range of building heights from 10m to 22m over the subject site.
- Apply Clause 4.4 – Floor Space Ratio to include a maximum FSR of 2.3:1 over the subject site.

The proposed amendment is to reflect the outcomes of a strategic investigation - urban design study undertaken by Council.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

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? **Yes**

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

d) Which SEPPs have the RPA identified? **N/A**

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

S.117 directions identified by RPA:

The RPA has appropriately identified and addresses the relevant s.117 directions related to this Planning Proposal.

2.3 HERITAGE CONSERVATION

The intent of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The site is not identified as being part of, containing any environmental heritage or ecologically significant items or areas.

The site is not identified as being part of, containing any environmental heritage or ecologically significant items or areas. Hence, the Planning Proposal is consistent with the Direction.

3.1 RESIDENTIAL ZONES

The purpose of this direction is to establish a range of housing types that capitalise on existing infrastructure and services whilst having a minimal impact on the environment.

Clause 4.3 of the exhibited draft The Hills Local Environmental Plan 2010 proposes a

maximum building height of 16m for the subject site.

The planning proposal seeks to amend Clause 4.3 (Height of Buildings) of the draft The Hills LEP 2010 to permit a range of building heights from 10m to 22m over the subject site (refer to Height of Buildings Map for further details).

The Planning Proposal also seeks to include a maximum floor space ratio of 2.3:1 for the subject site. It is noted that no maximum floor space ratio control was proposed for the site in the draft The Hills Local Environmental Plan 2010.

The proposed amendments will not alter the permissible uses on the subject site.

It is uncertain whether the proposed amendments will result to an increase or decrease of residential floor space for the site. Hence, Council is to undertake an urban design and site compatibility assessment to address the following:

- o transition/integration with surrounding development and R4 High Density Residential zone;
- o the potential development capacity of the site including comparison with the capacity proposed under the exhibited draft The Hills Local Environmental 2010;
- o demonstrate that the permissible residential densities are not being reduced; and
- o address the consistency with s.117 direction 3.1 based on this finding.

3.4 INTEGRATING LAND USE AND TRANSPORT

The purpose of this direction is to improve access to housing, jobs and services by walking, cycling and public transport; reducing travel demand, including the number of trips generated by development and the distances travelled, especially by car, and supporting the efficient and viable operation of public transport services.

The site is located within walkable distance, approximately 400m, to Baulkham Hills shopping centre which provides easy access to shopping and other services. It is noted that a bus stops is located within close proximity to the site (i.e. approximately 400-500m) from the subject site, which provides connection to nearby Regional City (i.e. Parramatta) and train stations. By enabling taller residential development on the subject site, this will support the efficient and viable operation of public transport service. Hence, the proposed rezoning is consistent with Direction 3.4 – Integrating Land Use and Transport.

4.4 PLANNING FOR BUSHFIRE PROTECTION

The objectives of this direction is to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas.

Based on Council's Bushfire Prone Land Map, the subject site is not located within a bushfire prone land area. Hence, the planning proposal is consistent with the Direction.

6.1 APPROVAL AND REFERRAL REQUIREMENTS

The Planning Proposal will not discourage the efficient and appropriate assessment of development and is not inconsistent with the Direction.

6.3 SITE SPECIFIC PROVISIONS

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The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The planning proposal seeks to introduce a maximum floor space of 2.3:1 over the subject site. The regional team notes that floor space ratio has been incorporated within the exhibited draft The Hills Local Environmental Plan 2010. Hence, the proposed floor space control is not considered to be site specific or inconsistent with the s.117 direction.

7 METROPOLITAN PLANNING

The Planning Proposal does not seek to amend any significant zones or land uses and is not inconsistent with the Metropolitan Plan for Sydney 2036.

STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal is consistent with all applicable State Environmental Planning Policies.

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

If No, explain :

The regional team is uncertain whether the proposed controls (i.e. height of building and floor space ratio) will result in an increase or decrease of residential floor space for the subject site. Hence, Council is to undertake an assessment of the planning proposal addressing Direction 3.1 – Residential Zone. Any inconsistency with the Direction is to be addressed and justified by Council.

The revised Planning Proposal is to be completed prior to public exhibition.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

An existing zoning, proposed height of building and floor space ratio map has been submitted as part of the Planning Proposal. The map clearly indicates the property description (i.e. Lot and DP number) and proposed maximum building height and floor space ratio for the subject site.

The regional team recommends that the submitted height of building map for the draft The Hills Local Environmental Plan 2010 be included as part of the planning proposal for community consultation.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

No community consultation has been proposed by Council.

The rezoning is consistent with the pattern of surrounding land use zones; is consistent with the strategic framework; presents no issues with regard to infrastructure servicing; it is not a principal LEP; and does not reclassify public land. Hence, the Regional Team considers the proposal as "low impact" and recommends a community consultation period of 14 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

Director General's requirement for further urban design and site compatibility

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assessment.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment : However, the following changes need to be incorporated in a revised Planning Proposal prior to exhibition and submitted with the draft plan when seeking s.59 determination:

1. A comparison of the floor space generated under the controls contained within draft The Hills Local Environmental Plan 2010 and planning proposal is to be incorporated in the revised Planning Proposal. Based on this finding, a revised s.117 Direction – 3.1 (Residential Zones) assessment may also be required.

2. The exhibited height of building map for the draft The Hills Local Environmental Plan 2010 is to be included as part of the planning proposal for community consultation.

Proposal Assessment

Principal LEP:

Due Date : March 2012

Comments in relation to Principal LEP : The Principal LEP (PLEP) was exhibited from 29 March 2011 to 30 May 2011. It is expected that the PLEP will be finalised early 2012.

The subject site is zoned as R4 – High Density Residential in the draft The Hills Local Environmental Plan 2010.

The Planning Proposal proposes to amend Clause 4.3 (Height of Buildings) to permit a range of building heights from 10m to 22m and apply Clause 4.4 (Floor Space Ratio) to include a maximum FSR of 2.3:1 over the subject site.

The objective of the Clause 4.3 (Height of buildings) is to ensure the height of building is compatible with that of adjoining development and the overall streetscape. The height controls proposed under this Planning Proposal are different to the controls under the exhibited the draft The Hills Local Environmental Plan 2010 as the site has a maximum building height of 16m.

It is noted that no floor space ratio control has been proposed for the adjoining R4 High Density Residential zone.

As identified in the Planning Proposal and Section 3.7 of the draft Development Control Plan (attached with the Planning Proposal), the subject sites are identified as the Windsor Road Precinct. As noted from the the exhibited Principal LEP, the proposed R4 High Density Residential zone for the Baulkham Hills town centre encompass the "Windsor Road Precinct".

As clearly illustrated in the Planning Proposal, the proposal is considered in isolation to the adjoining R4 High Density Residential zone whilst neglecting to consider the impacts the proposal would have on the adjoining lands or the accumulative impacts the development of the R4 zone would have on the future development of the Baulkham Hills town centre.

In addition, Council fails to illustrate how the proposed building height is consistent with the objectives of Clause 4.3 in the draft The Hills Local Environmental Plan 2010.

As stated in the Council's report, the amendment to Clause 4.3 (Height of Buildings) will enable a "high quality future development which responds to the natural features and topography of the site ... ensure that future residential development is achieved by a more appropriate design outcome for the site".

However, Council did not clearly explain or illustrate in detail how the proposed building

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height amendment and the introduction of a floor space ratio will result in "a more appropriate design outcome for the site or high quality future development".

Furthermore, the regional team is uncertain whether the proposal will result in addition or reduction of residential floor space for the subject.

Based on the above findings, the regional team recommends a more holistic approach be adopted by Council and further information is submitted with the final planning proposal addressing the following issues:

1. Conduct a strategic investigation in respect to proposed building height and floor space ratio controls incorporating the adjoining R4 High Density Residential zone and Baulkham Hills town centre;
2. Include an outline and description on the impacts the proposed controls (i.e. building height and FSR) will have on residential floor space for the subject site; and
3. Provide an explanation in how the amendments are consistent with the Principal Local Environmental Plan. In particular, the objectives contained in Clause 4.3 and 4.4 of the draft The Hills Local Environmental Plan 2010.

Assessment Criteria

Need for planning proposal :

1. IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

The Planning Proposal is a result of Council's resolution of 12 April 2011, which resolves in part that a review of proposed building height and setback controls for development within Windsor Road Precinct be completed. An urban design study was completed for the precinct.

Council resolved at its meeting on the 22 November 2011 to submit a Planning Proposal for Gateway Determination.

2. IS THE PLANNING PROPOSAL THE BEST MEAN OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

Planning Proposal is the only means to achieve the proposed amendment to Clause 4.3 (Height of Buildings) to permit a range of building heights from 10m to 22m and apply Clause 4.4 (Floor Space Ratio) to include a maximum FSR of 2.3:1 over the subject site.

3. IS THERE A NET COMMUNITY BENEFIT?

The Planning Proposal seeks to amend Clause 4.3 (Height of Buildings) to permit a range of building heights from 10m to 22m and apply Clause 4.4 (Floor Space Ratio) to include a maximum FSR of 2.3:1 over the subject site. The proposal does not alter or rezone the site and the permissible uses on the subject site are consistent with the exhibited draft of The Hills Local Environmental Plan 2010.

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Consistency with strategic planning framework :

METROPOLITAN PLAN FOR SYDNEY 2036 AND NORTH WEST SUBREGIONAL STRATEGY

The aim of the Metropolitan Plan for Sydney 2036 is to provide a framework for the growth and development of the Sydney region to 2036.

The Planning Proposal is consistent with the objectives of integrating land use and transport planning as it will provide living opportunities in a location highly accessible by public transport, walking and cycling.

Similarly, the North West Subregional Strategy forecasts that the Hill Shire LGA will require an additional 21,500 dwelling by 2031. In particular, the following actions apply to the site:

- o Action A3.2 – Increase integration of employment and housing markets;
- o Action B2.1 – Plan for housing in centres consistent with their employment role;
- o Action C1.3 – Plan for increased housing capacity targets in existing area;
- o Action C2.1 – Focus residential development around centres, town centres, villages and neighbourhood centres; and
- o Action C2.3 – Provide a mix of housing.

The Planning Proposal is generally consistent with these actions.

LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN AND OTHER LOCAL STRATEGIC PLAN.

The planning proposal is consistent with the Hills 2026 Community Strategic Direction; draft Local Strategy; Residential Direction; Employment Land Directions; Centre Direction and Integrated Transport Direction. Refer to page 3 of Council's Planning Proposal for further information.

Environmental social economic impacts :

Vegetation

As stated in the Planning Proposal, the proposed amendment will "not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats".

On 14 December 2004, The Hills Council approved a development application for the erection of six residential apartment buildings and associated basement car parking at 404-416 Windsor Road and 1-2 Meryll Avenue, Baulkham. Hence, it is unlikely the site contains any significant vegetation.

In addition, the proposal will have no impacts on the vegetation on site and any environmental impacts of future development would be addressed during the assessment of the development application.

Traffic

No traffic impact assessment report has been submitted as part of the Planning Proposal. Furthermore, the regional team is uncertain whether the proposed building height and floor space ratio control will result in the addition or reduction of residential floor space. Hence, it is recommended that the Roads & Maritime Services be consulted.

Detailed traffic impact assessment will be undertaken by Council during the assessment of the development application.

Noise

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No acoustic report has been submitted as part of the Planning Proposal.

It is unlikely that the proposed amendment will have significant adverse noise impacts on the locality and neighbouring properties and detailed noise impact assessment will be undertaken by Council during the assessment of the development application.

Site Contamination

The site is occupied by detached dwellings and zoned for urban purposes (i.e. Residential 2(a1) under LEP 2005 and R4 – High Density Residential under the draft LEP 2010). The site adjoins a residential flat building to the south and detached dwellings to the north, west and east. Hence, it is unlikely that the site will be contaminated.

Further investigations can be undertaken should Council consider this necessary during the assessment of development application.

Heritage

There is no heritage impact.

Refer to S.117 - Direction 2.3 (Heritage Conservation) for further discussion.

STATE AND COMMONWEALTH INTERESTS

Public Infrastructure

The subject site is located within the 400m catchment of the Baulkham Hills town centre and bus stop which provide access to Parramatta regional centre and train station. These areas are highly accessible via either walking and cycling. It is therefore considered that there is suitable public infrastructure in the immediate vicinity to support intensified uses of the site.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	14 Days
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Timeframe to make LEP :	12 Month	Delegation :	DDG
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Public Authority Consultation - 56(2)(d) :	Transport for NSW - Roads and Maritime Authority
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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 :

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Meryll Avenue, Baulkham Hills.**

Identify any additional studies, if required. :

If Other, provide reasons :

Additional information is to be submitted relating to the proposed building height and S.117 - Direction 3.1 (Site Specific Provisions).

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
Urban Design Study.pdf	Study	Yes
Maps.pdf	Map	Yes
Planning Proposal.pdf	Proposal	Yes
Council's letter.pdf	Proposal Covering Letter	Yes
Council's report.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

1. The Planning Proposal is to be amended prior to community consultation with the following changes:
 - Conduct a strategic investigation in respect to the proposed building height and floor space ratio control incorporating the adjoining R4 High Density Residential zone and Baulkham Hills town centre;
 - Include an outline and description of the impacts the proposed controls (i.e. building height and FSR) will have on residential floor space for the subject site;
 - Provide an explanation in how the amendments are consistent with the Principal Local Environmental Plan. In particular, the objectives contained in Clause 4.3 and 4.4 of the draft The Hills Local Environmental Plan 2010; and
 - Council is to prepare and exhibit appropriate FSR and Height of Building maps (current and proposed) for the subject site reflecting the outcomes of the above study and in accordance with the Department's Technical Guidelines for preparing Standard Instrument LEP Maps. Maps identifying the subject site and identifying the site's property description details are also to be provided for public exhibition purposes.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 14 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to

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Preparing LEPs (Department of Planning 2009).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act:

- Transport for NSW - Transport & Maritime

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

Subject to additional information, the Planning Proposal can be supported for the following reasons:

1. The Planning Proposal is consistent with both State and local strategic framework and will have minimal environmental, social and economic on the locality.
2. The Planning Proposal will enable a more appropriate design outcome whilst not reducing the permissible residential densities for the subject site.

Signature:

Derryn John

Printed Name:

DERRYN JOHN

Date:

18 JAN 2012

