

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**

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 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

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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.

Panel Recommendation

Recommendation Date : 25-Jan-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to proceed with the planning proposal adopting one of the following two options:

- proceed with the planning proposal as is, solely amending the principal LEP (PLEP) but exhibiting the amendments after council's PLEP has been notified; or
- revise the planning proposal to amend the Height of Buildings controls and introduce a maximum Floor Space Ratio standard, without making a specific reference to either the Baulkham Hills LEP 2005 or the draft The Hills PLEP, in which case the amendments will be applied to the LEP in effect at the time.

2. Council should liaise with the Department's Regional Team regarding the best option for progressing this planning proposal.

3. Council is required to pay particular attention to the potential impacts of the increased building height and FSR controls on the adjoining residential zones. Strategic urban design advice is required to identify any potential impacts with the adjoining residential areas. Any studies undertaken are to be placed on public exhibition with the planning proposal.

4. In relation to S117 Direction 3.4 Integrating Land Use and Transport, Council is to undertake consultation with Transport for NSW – Transport and Maritime Services for the planning proposal and take into account any comments made prior to exhibition.

5. 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 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Transport for NSW – Roads and Maritime Services

This 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

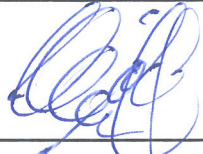
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7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

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

Signature:



Printed Name:

Neil McGiffin

Date:

6.2.12