

## PLANNING PROPOSAL

**LOCAL GOVERNMENT AREA:** The Hills Shire Council

**NAME OF PLANNING PROPOSAL:**

*Proposed The Hills Local Environmental Plan 2010 (Amendment No.##) - to amend the building height standard and introduce a FSR standard over Lot 1 DP 564845, Lot 6 DP654751, Lots 101 – 104 DP 1000120, Lot 1 DP 164096, known as Nos.404-416 Windsor Road, Baulkham Hills, and Lots 2-9 DP30744, known as Nos.2-6 Rembrandt Drive, Baulkham Hills, Nos.1-7 Meryll Avenue and No.2 Meryll Avenue, Baulkham Hills.*

**ADDRESS OF LAND:**

Lot 1 DP 564845, Lot 6 DP654751, Lots 101 – 104 DP 1000120, Lot 1 DP 164096, known as Nos.404-416 Windsor Road, Baulkham Hills, and Lots 2-9 DP30744, known as Nos.2-6 Rembrandt Drive, Baulkham Hills, Nos.1-7 Meryll Avenue and No.2 Meryll Avenue, Baulkham Hills

**MAPS:**

<b>Attachment A</b>	Locality Map (Existing Zoning)
<b>Attachment B</b>	Proposed Floor Space Ratio Map
<b>Attachment C</b>	Proposed Height of Buildings Map
<b>Attachment D</b>	Aerial photo of affected land

**SUPPORTING MATERIAL:**

<b>Attachment E</b>	Applicant submission
<b>Attachment F</b>	Council report and resolution

### 1. OBJECTIVE OF PROPOSED LOCAL ENVIRONMENTAL PLAN (LEP):

The objective of the proposed LEP is to amend the building height and introduce a FSR standard over Lot 1 DP 564845, Lot 6 DP654751, Lots 101 – 104 DP 1000120, Lot 1 DP 164096, known as No.404-416 Windsor Road, Baulkham Hills, and Lots 2-9 DP30744, known as No.2-6 Rembrandt Drive, Baulkham Hills, No.1-7 Meryll Avenue and No.2 Meryll Avenue, Baulkham Hills.

### 2. PROVISIONS TO BE INCLUDED IN PROPOSED LEP:

The planning proposal will:

- Amend Cl.4.3 height of buildings to permit a range of building heights from 10m to 22m over the subject site.
- Apply Cl.4.4 Floor space ratio to include a maximum FSR of 2.3:1 over the site.

### 3. JUSTIFICATION FOR THE PLANNING PROPOSAL:

#### A. Need for the planning proposal

1. *Is the planning proposal a result of any strategic study or report*

The planning proposal is the result of Council's resolution of 12 April 2011, which resolved, in part that a review of proposed building height and setback controls for development within Windsor Road Precinct be completed.

Due to concerns from local residents regarding the impact of higher density residential development, Council resolved that further strategic investigation work was to be undertaken with respect to the proposed building heights and setbacks within the Windsor Road precinct.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal to amend the development standards is considered the most appropriate means of achieving a high quality future development which responds to the natural features and topography of the site. In addition, the planning proposal will enable Council to ensure that future residential development is achieved by a more appropriate design outcome for the site.

3. Is there a net community benefit?

The site is in a strategic location within the Baulkham Hills Town Centre catchment with easy access to shops, employment and other local services by walking or cycling. It is within walking distance of high frequency bus stops servicing both the local and wider metropolitan region. Higher densities are therefore appropriate within this location as a residential population will support the role, function and ongoing viability of the town centre. The planning proposal will also contribute to providing a range of housing sizes and types which contributes to housing affordability and housing diversity.

Given the above benefits, the planning proposal to increase the building height and establish an FSR is considered to be appropriate.

## **B. Relationship to strategic planning framework**

1. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

### **Metropolitan Plan for Sydney 2036**

The strategic plan prepared by the New South Wales Government entitled the Metropolitan Plan for Sydney 2036 seeks to locate living and employment opportunities within accessible locations such as existing centres. The planning proposal is consistent with the strategic direction of this plan as it will provide for higher residential density and the provision for a variety of housing in locations that are highly accessible by public transport, walking and cycling.

### **North West Subregional Strategy**

The *Draft North West Subregional Strategy* was prepared by the New South Wales Government to implement the Metropolitan Plan and the State Plan and is currently being reviewed by the Department of Planning and Infrastructure. The draft strategy has set out a target for The Hills Shire to provide an additional 36,000 dwellings by 2031.

The planning proposal is consistent with this draft strategy as it will provide living opportunities with a town centre and capitalise on existing public transport infrastructure. Other than ensuring sufficient zoned land to accommodate housing targets, Council also has a role in considering proximity to public transport when planning for new dwellings to respond to State Plan targets.

2. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

The planning proposal is consistent with Hills 2026 Community Strategic Direction, Council's Draft Local Strategy, and Residential Direction as summarised below: -

### **Hills 2026 Community Strategic Direction**

The Hills 2026 Community Strategic Direction is the first 20 year outlook for the Hills Shire. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The planning proposal is consistent with the following Hills 2026 Community Outcomes, and relevant Key Directions:

- BUG 1 – I can get where I need to go;
- BUG 2 – Lifestyle options that reflect our natural beauty; and
- BUG 3 – I can work close to home.

Hills 2026 encourages employment growth in suitable locations and the provision of jobs close to home. The planning proposal is consistent with relevant Hills 2026 outcomes.

In addition to the Community Strategic Direction, Council has adopted a draft Local Strategy together with a number of other Strategic Directions – Residential, Employment Lands, Environment and Leisure, Waterways, Centres, Integrated Transport and Rural Lands. The planning proposal is consistent with the relevant objectives and actions identified in these strategies.

### **Draft Local Strategy**

Council's Draft Local Strategy was adopted in 2008, it is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The Strategy identifies a demand for 36,000 dwellings to meet the Shire's needs by 2031 to which this site will contribute.

3. *Is the planning proposal consistent with applicable state environmental planning policies?*

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

4. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

State Environmental Planning Policies which are applicable to this planning proposal have been outlined below:

### **2.3 Heritage Conservation**

The planning proposal has no impact on the existing conservation provisions in the Baulkham Hills Local Environmental Plan 2005 or the future Local Environmental Plan 2010.

### **3.1 Residential Zones**

The existing zone will permit high residential density, close to jobs and transport and will utilise existing services and infrastructure.

### **3.3 Home Occupations**

Home occupations are proposed to be a permissible use in residential zones.

### **3.4 Integrating Land Use and Transport**

The site is located in a fully developed residential area within a reasonable distance of shops, services and public transport (buses).

### **6.1 Approval and Referral Requirements**

The planning proposal is consistent with this direction.

### **6.3 Site Specific Provisions**

It is proposed that the zoning would permit the type of development that is envisaged for the site in the future.

### **7.1 Implementation of the Metropolitan Strategy**

The planning proposal is not inconsistent with the Strategic Directions and Key Policy Settings of the Metropolitan Plan for Sydney 2036.

## **C. Environmental, social and economic impact**

1. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The planning proposal will not adversely affect critical habitat or threatened species, populations or ecological communities, or their habitats.

2. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No.

3. *How has the planning proposal adequately addressed any social and economic effects?*

The planning proposal is not anticipated to have any negative social or economic impacts on the locality. The proposed amendments to the Draft LEP 2010 are consistent with recent policy decisions of Council and will assist with the consolidation and intensification of housing within close proximity to the Baulkham Hills Town Centre. The planning proposal will create opportunities for living and working close to home, use of retail and entertainment facilities, increased use of public transport and reduced car usage.

The planning proposal and eventual residential development will assist with the provision of additional housing options on land within existing urban areas, and meet the outcomes and strategies to provide for balanced growth.

## **D. State and Commonwealth interests**

1. *Is there adequate public infrastructure for the planning proposal?*

Numerous bus stops are available within the immediate vicinity, 400m and 800m of the site along Windsor Road, Seven Hills Road, and Old Northern Road. It is therefore considered that there is suitable public infrastructure in the immediate vicinity to support intensified uses on the site.

2. *What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)*

Views of public authorities will be determined following Gateway Determination if required.

**4. DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN:**

The planning proposal will be advertised in local newspapers and on display at Council's administration building located at No.129 Showground Road, Castle Hill and at Baulkham Hills Library located at Railway Street, Baulkham Hills. The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners advising them of the proposed rezoning.

**TABLE 1: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES**

<b>STATE ENVIRONMENTAL PLANNING POLICY (SEPP)</b>		<b>APPLICABLE</b>	<b>RELEVANT? (YES/NO)</b>	<b>(IF RELEVANT) INCONSISTENT/CONSISTENT</b>
No. 1	Development Standards	YES	NO	
No. 4	Development without Consent and Miscellaneous Exempt & Complying Development	YES	NO	
No. 6	Number of Storeys in a Building	YES	NO	
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	
No. 21	Caravan Parks	YES	NO	
No. 22	Shops and Commercial Premises	YES	NO	
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	NO	
No. 33	Hazardous and Offensive Development	YES	NO	
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 41	Casino Entertainment Complex	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	YES	NO	
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 60	Exempt and Complying	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	
No. 64	Advertising and Signage	YES	NO	
No. 65	Design Quality of Residential Flat Development	YES	NO	
No. 70	Affordable Housing (Revised Schemes)	YES	NO	
	Affordable Rental Housing (2009)	YES	NO	
	Building Sustainability Index: BASIX 2004	YES	NO	
	Exempt and Complying Development Codes (2008)	YES	NO	
	Housing for Seniors or People with a Disability (2004)	YES	NO	
	Infrastructure (2007)	YES	NO	
	Kosciuszko National Park – Alpine Resorts (2007)	NO	-	-
	Kurnell Peninsula (1989)	NO	-	-
	Major Development (2005)	YES	NO	

<b>STATE ENVIRONMENTAL PLANNING POLICY (SEPP)</b>	<b>APPLICABLE</b>	<b>RELEVANT? (YES/NO)</b>	<b>(IF RELEVANT) INCONSISTENT/ CONSISTENT</b>
Mining, Petroleum Production and Extractive Industries (2007)	YES	NO	
Rural Lands (2008)	NO	-	-
SEPP 53 Transitional Provisions (2011)	NO	-	-
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)	YES	NO	
Temporary Structures (2007)	YES	NO	
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Western Sydney Parklands (2009)	NO	-	-

**TABLE 2: LIST OF SECTION 117 DIRECTIONS**

<b>DIRECTION</b>	<b>APPLICABLE</b>	<b>RELEVANT? (YES/NO)</b>	<b>(IF RELEVANT) INCONSISTENT/ CONSISTENT</b>
<b>1. Employment and Resources</b>			
1.1 Business and Industrial Zones	YES	NO	
1.2 Rural Zones	YES	NO	
1.3 Mining, Petroleum Production and Extractive Industries	YES	NO	
1.4 Oyster Aquaculture	NO	-	-
1.5 Rural Lands	YES	NO	
<b>2. Environment and Heritage</b>			
2.1 Environment Protection Zone	YES	NO	
2.2 Coastal Protection	NO	-	-
2.3 Heritage Conservation	YES	NO	
2.4 Recreation Vehicle Area	YES	NO	
<b>3. Housing, Infrastructure and Urban Development</b>			
3.1 Residential Zones	YES	YES	CONSISTENT
3.2 Caravan Parks and Manufactured Home Estates	YES	NO	
3.3 Home Occupations	YES	NO	
3.4 Integrating Land Use and Transport	YES	YES	CONSISTENT
3.5 Development Near Licensed Aerodomes	YES	NO	
3.6 Shooting Ranges	YES	NO	
<b>4. Hazard and Risk</b>			
4.1 Acid Sulfate Soils	YES	NO	
4.2 Mine Subsidence and Unstable Land	YES	NO	
4.3 Flood Prone Land	YES	YES	CONSISTENT
4.4 Planning for Bushfire Protection	YES	NO	
<b>5. Regional Planning</b>			
5.1 Implementation of Regional Strategies	NO	-	-
5.2 Sydney Drinking Water Catchment	NO	-	-
5.3 Farmland of State and Regional Significance on the SNW Far North Coast	NO	-	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8 Second Sydney Airport:	NO	-	-

<b>DIRECTION</b>	<b>APPLICABLE</b>	<b>RELEVANT? (YES/NO)</b>	<b>(IF RELEVANT) INCONSISTENT/ CONSISTENT</b>
Badgerys Creek			
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	YES	NO	
6.2 Reserving Land for Public Purposes	YES	NO	
6.3 Site Specific Provisions	YES	NO	
<b>7. Metropolitan Planning</b>			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	YES	YES	CONSISTENT

