

## Greater Sydney, Place and Infrastructure

IRF19/6701

### Gateway determination report

<b>LGA</b>	City of Parramatta
<b>PPA</b>	City of Parramatta Council
<b>NAME</b>	23 – 25 Windsor Road, Northmead - Amendments to Floor Space Ratio and Height of Building Controls (38 dwellings)
<b>NUMBER</b>	PP_2019_COPAR_013_00
<b>LEP TO BE AMENDED</b>	The Hills Local Environment Plan 2012
<b>ADDRESS</b>	23 – 25 Windsor Road, Northmead
<b>DESCRIPTION</b>	SP 470006
<b>RECEIVED</b>	26 September 2019
<b>FILE NO.</b>	IRF19/6701
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the development controls for land at 23 – 25 Windsor Road, Northmead (the site) to allow for additional height and density associated with the redevelopment of an existing light industrial strata complex for high density residential purposes.

The proposal seeks to amend the Hills Local Environment Plan 2012 (THLEP 2012) as follows:

- increase the Height of Building (HOB) from 16 metres to 30 metres;
- introduce a maximum Floor Space Ratio (FSR) of 1.8:1;

The high density residential zoning of the site was introduced in 2007 under the former Baulkham Hills LEP 2005.

No other changes are proposed to the planning controls for the site. The proposed uplift will allow approximately 38 additional dwellings in comparison to the existing controls, enabling approximately 308 dwellings in total.

### 1.2 Site description

The site is defined as SP 470006, with an approximate area of 14,267m<sup>2</sup>. The site is trapezoid in shape, with a road frontage of approximately 68 metres to Windsor

Road. The site currently contains four industrial buildings with approximately 35 tenancies and is shown in **Figure 1**.



Figure 1: Aerial view of 23-25 Windsor Road, Northmead (Source: City of Parramatta)

### 1.3 Existing planning controls

Under The Hills Local Environmental Plan (THLEP) 2012, the site:

- is zoned part SP2 Infrastructure and part R4 High Density Residential;
- has a minimum lot size of 1,800m<sup>2</sup>;
- has a maximum building height of 16 metres; and
- has no mapped floor space ratio (FSR) in the LEP.

The site is partly zoned SP2 Public Transport Corridor and is identified on the Land Reservation Acquisition Map to provide for future road widening along the Windsor Road frontage.

The following map extracts from the THLEP 2012 illustrate the current controls applying to the site in **Figure 2** and **Figure 3**.

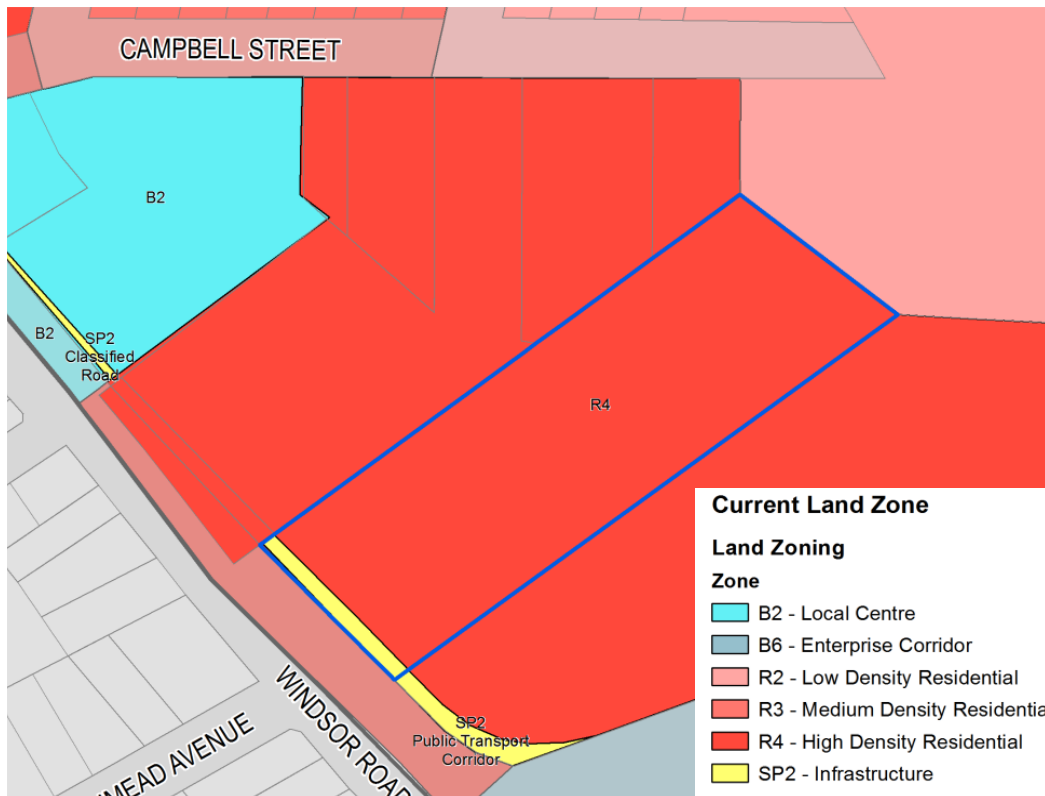


Figure 2: Existing R4 High Density Residential and SP2 Infrastructure zoning over the site shown bound in blue (Source: THLEP 2012 land zoning maps)

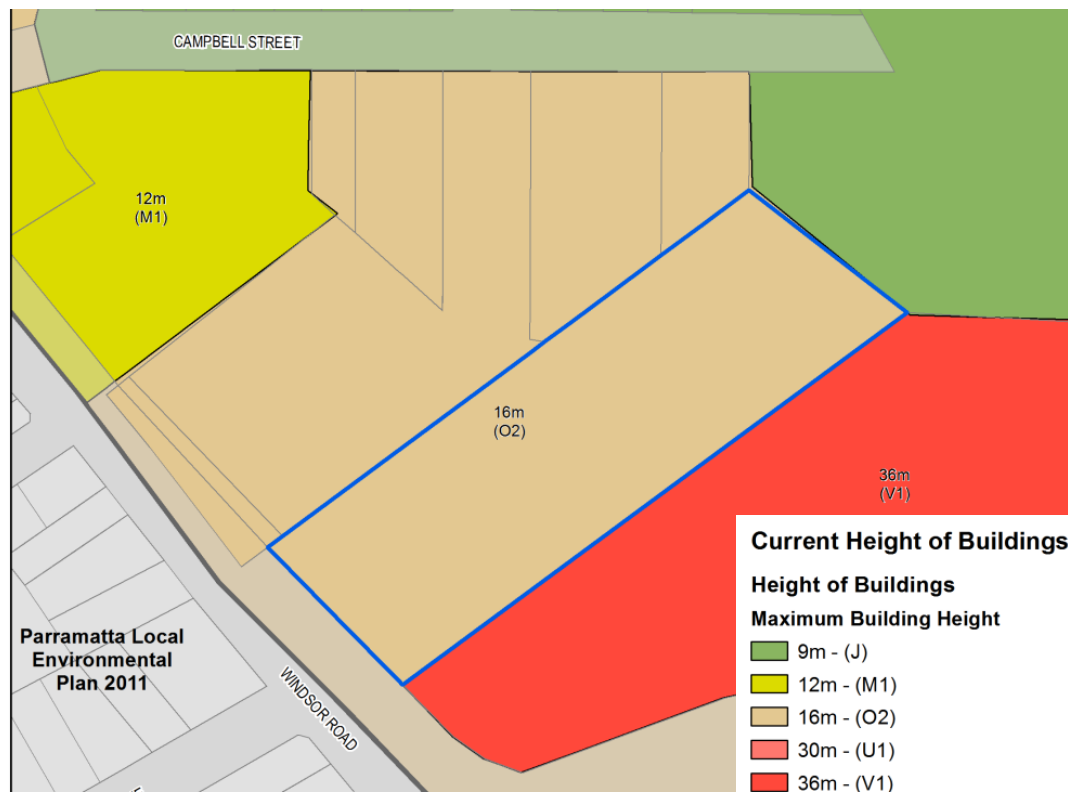


Figure 3: Existing 16m limit height of building (HOB) for the site shown bound in blue (Source: THLEP 2012 HOB map)



## 1.4 Surrounding area

Development surrounding the site is generally medium to high density residential. The site is adjoined to the north by a 4-storey residential flat building at 14-16 Campbell Street, Northmead. The “Northgate” high density residential development at 25 North Rocks Road, North Rocks is located to the south and comprises of three arc-shaped buildings varying in height between 8 and 12 storeys and is notable for its prominent position and design in the Northmead locality. To rear of the site is Northmead Creative and Performing Art School and Northmead Shopping Centre is to the north west.

The subject site has frontage to Windsor Road, a classified road corridor that connects The Hills district and M2 Motorway with James Ruse Drive, Westmead Health and Education Precinct and Parramatta CBD. The site is within close proximity of the major intersection of Windsor Road and James Ruse Drive/Cumberland Highway. Road frontage to the site includes two northbound traffic lanes, 3 southbound traffic lanes, 1 southbound bus lane and 1 southbound turning lane onto the eastbound exit ramp to James Ruse Drive.

**Figure 4** shows the site in the context of surrounding area.



Figure 4: Aerial view of 23-25 Windsor Road, Northmead shown bound in blue and the surrounding area (Source: Nearthmap, 2019)

## 1.5 Summary of recommendation

It is recommended that the planning proposal should proceed subject to conditions outlined in this report. The planning proposal will facilitate redevelopment of an existing industrial site for high density residential uses and will provide a transitional built form scale between the adjacent residential sites. There are no changes to the zoning of the site, and the proposed uplift will only allow an additional 38 dwellings. The redevelopment will reduce amenity conflicts between existing light-industrial uses and neighbouring residential development.

## Recommendations of the Local Planning Panel

The planning proposal was referred to the Local Planning Panel on 20 August 2019. The panel supported Council's recommendation to forward the planning proposal to the Department. No subsequent changes were made to the planning proposal.

## **2. PROPOSAL**

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### **2.1 Objectives or intended outcomes**

The intended outcome is to provide a FSR and increase the HOB to facilitate redevelopment of the site zoned for high density residential, while providing a transitional built form scale between the adjacent residential sites. The redevelopment will enable a reduction in amenity conflicts between existing light-industrial uses and neighbouring residential development.

The intended outcomes will be achieved by allowing an increase to key development standards applying to the site. The proposal does not intend to rezone the land and proposed uplift will allow an additional 38 dwellings.

The objectives and intended outcomes of the planning proposal are considered clear and are explained in 'Part 1 – Objectives and Intended Outcomes', as well as the attached appendices that form the proposal.

### **2.2 Explanation of provisions**

This planning proposal seeks to amend The Hills LEP 2012 (THLEP 2012) in relation to floor space ratio and height controls

In order to achieve the desired objectives, the following amendments to the THLEP 2012 would need to be made:

1. amend the maximum building height on the **Height of Buildings Map** (Sheet HOB\_25) from 16 metres to 30 metres (which equates to approximately 9 storeys); and
2. apply a maximum FSR on the **Floor Space Ratio Map** (Sheet FSR\_25) of 1.8:1 where no maximum was previously mapped.

All other planning controls applying to the site will remain unchanged. The explanation of provisions in the planning proposal is sufficient for the purpose of public exhibition.

### **2.3 Mapping**

The planning proposal includes existing and proposed HOB and FSR maps applying to the land and suitably demonstrates the intended change. The proposed FSR map is required to be updated to correct the legend prior to public exhibition.

## **3. NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is not the result of any site-specific study or report and is a landowner-initiated planning proposal.

The planning proposal allows for the redevelopment of the existing industrial site for high density residential uses to a scale that allows for an appropriate transition to the adjacent existing residential developments. The introduction of the FSR control will limit the density of the built form that can be achieved across the site. The proposed amendment will allow for approximately 38 additional dwellings. Further

consideration of privacy and potential overlooking of residential dwellings onto the existing dwellings will be undertaken as part of a future development application for the site.

Council have advised that a site-specific development control plan will be prepared to enhance urban design and public amenity for the site following a Gateway determination being issued. Furthermore, Council have indicated a need for increasing public benefits as part of the planning proposal which will be negotiated via a Voluntary Planning Agreement (VPA).

## **4. STRATEGIC ASSESSMENT**

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### **4.1 Central City District Plan**

The Central City District Plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The proposal is generally consistent with the Central City District Plan. The proposal will facilitate a high-density residential development that is specifically consistent with the following:

- *Planning Priority C4 – Fostering healthy, creative, culturally rich and socially connected communities:* The proposal will reduce amenity conflicts between existing light-industrial uses and neighbouring residential development. The high-density residential use will strengthen social connections through improved pedestrian links, as part of the VPA negotiations between Council and the proponent.
- *Planning Priority C5 – Providing housing supply, choice, and affordability with access to jobs, services and public transport:* The proposal will facilitate the development of the site for the construction of approximately 308 dwellings close to services at Northmead Shopping Centre and Northmead Creative and Performing Art School. The site is within walking distance of existing regional bus services with direct connections to Parramatta CBD and Westmead Health and Education Precinct.
- *Planning Priority C9 – Delivering integrated land use and transport planning and a 30-minute city:* The proposal will provide new dwellings in close proximity to existing public transport links and will contribute to creating a 30-minute city. The proposal will enable residents to walk or cycle to jobs in the Parramatta CBD and Westmead Health and Education Precinct.

The Department is satisfied the proposal will give effect to the District Plan, in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

### **4.2 Local**

#### **Parramatta 2038 Community Strategic Plan**

Parramatta 2038 is a long-term Community Strategic Plan for the City of Parramatta and it links to the long-term future Sydney. The plan formalises several transformational ideas for the City and the region. A core direction is to advocate for affordable and diverse housing choices supported by essential services and

community facilities. Overall, the planning proposal is considered to meet the strategic objectives in the plan by allowing for an appropriate mix of housing choices close to public transport, education facilities and local shops.

#### **4.4 Section 9.1 Ministerial Directions**

The following Section 9.1 Directions apply to the planning proposal:

##### Direction 3.1 Residential Zones

The objectives of this direction are to encourage a variety of choice of housing types to provide for existing and future housing needs. The subject site is zoned R4 High Density Residential and allows for a range of residential unit types in an existing urban area close to existing services at Northmead Shopping Centre and Northmead Creative and Performing Art School.

The proposal seeks to allow further residential capacity by increasing the FSR and will further the supply of housing by additional 38 dwellings. As such, the planning proposal is consistent with the direction.

##### Direction 3.4 Integrating Land Use and Transport

The direction seeks to reduce travel demand by car through improving access to housing, jobs and services by walking, cycling and public transport.

The amendment will provide new dwellings within walking distance to a regional bus corridor along Windsor Road, contributing to creating a 30-minute city. The proposal will enable residents to walk or cycle to jobs in the Parramatta CBD and Westmead Health and Education Precinct. The planning proposal is consistent with the direction.

##### Direction 4.3 Flood Prone Land

The objectives of this direction are to ensure that a proposal is commensurate with the level of flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The site is identified as being flood prone on northern boundary of the site. Council notes that concept plans show future development situated outside the flood-affected land. In addition, the proposal intends to provide a 3-metre wide easement to mitigate potential overland flow from the existing Council storm water pipe. Any impacts as a result of development on site, such as stormwater runoff, will be addressed at the DA stage, in particular basement parking.

The inconsistency with this direction is considered to be justified and of minor significance. It is recommended that NSW State Emergency are consulted during public exhibition.

##### Direction 6.2 Reserving Land for a Public Purpose

The objectives of this direction are to facilitate provision of public services and facilities by reserving land for public purposes.

The site is partly zoned SP2 Public Transport Corridor which provides for future road widening along the Windsor Road frontage. The planning proposal does not intend to rezone any land. The concept design (**Attachment D**) provides a front setback from the street to allow for the road widening in the future.



The planning proposal does not seek to create, remove or alter the SP2 zone on the site. As such, the planning proposal is consistent with this Direction. To ensure the effective delivery of future infrastructure of the SP2 transport corridor, a gateway condition is imposed to consult with Transport for NSW (TfNSW).

#### **4.5 State environmental planning policies (SEPPs)**

The planning proposal is consistent with all SEPP's except for the following:

##### SEPP No. 55 Remediation of Land

Council has advised that a preliminary site investigation has not been prepared as part of the planning proposal.

While the site contains an existing industrial building, it is zoned R4 High Density Residential. In this instance, a phase 1 preliminary contamination investigation report is not required. In accordance with SEPP 55, further assessment of the site will be required as part of a future development application.

##### SEPP No. 65 Design Quality of Residential Flat Development

SEPP 65 and its accompanying Apartment Design Guide (ADG) outline a requirement for a range of apartment types for different household types now and into the future. A concept design has been prepared (**Attachment D**), proposes an indicative bedroom mix of predominantly 1 bedroom (17.2%) and 2 bedroom (63.3%) apartments. Council have advised that any future development application for the site would be subject to a detailed assessment under SEPP 65 and Apartment Design Guide (ADG).

##### SEPP (Infrastructure) 2007

The Infrastructure SEPP is the key planning instrument in NSW for the facilitation and delivery of infrastructure. The Infrastructure SEPP contains planning provisions for various types of infrastructure, including development near pipelines. It also includes notification requirements and requirements to consider potential safety risks related to development near high pressure pipelines.

The subject site is located within 100m notification distance for the Caltex High Pressure Dangerous Goods Pipeline (HPDG). Caltex has an obligation under the NSW *Pipelines Act 1967* to operate the pipeline in accordance with *Australian Standard 2885 Pipelines – Gas and liquid petroleum* (AS 2885). As such, it is recommended consultation with Caltex occur prior to public exhibition to:

1. seek any comments and recommendations on the planning proposal;
2. allow for Caltex and the proponent to agree on an appropriate timing (at PP-stage, DA-stage or post-DA-approval/prior to construction) to conduct an AS 2885 Safety Management Study (SMS), if required by Caltex; and
3. allow for Caltex and the proponent to agree on the timing of any actions which may be outside the scope of the SMS.

Council is to update the planning proposal and supporting information addressing the above, prior to public exhibition.



## 5. SITE-SPECIFIC ASSESSMENT

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### 5.1 Social

The planning proposal will create positive social outcomes within the area. The proposal will facilitate the redevelopment of land to provide diverse housing close to public transport, education facilities and local shops. The proposal will improve amenity for adjoining properties due to a more compatible land use being facilitated.

### 5.2 Environmental

#### 5.2.1 Built Form

The site is in an established high-density residential area. The subject site is located between a 4-storey apartment building (14-16 Campbell Street) and 9-12 storey apartment buildings (25 North Rocks Road). The concept design (**Attachment D**) has presented a transitional built form between the adjacent residential sites. Further consideration of privacy, solar impacts and potential overlooking of residential dwellings onto the adjacent school grounds and existing dwellings to the north-west and south-east will be undertaken in accordance with the Apartment Design Guide and SEPP No. 65 as part of any development application for the site.

The planning proposal has indicated a built form of 6 - 8 storeys. While the concept design has presented 6 – 9 storeys. It is recommended that the planning proposal be updated to reflect the supporting concept plan and noting the maximum number of storeys which may be facilitated under the intended height.

#### 5.2.2 Vehicle Accessibility and Traffic

The subject site currently has vehicle access via Windsor Road. It is noted that the adjoining high-density residential sites have vehicle access off local roads and do not have vehicle access directly from Windsor Road. Council's traffic and transport team have indicated that access and exit arrangements for this site is not desirable due to the 5-lane southbound lane configuration on Windsor Road.

As a result, an addendum traffic assessment (**Attachment E**) was submitted with the planning proposal. The purpose of this study was to undertake a traffic gap analysis including the demonstration of safe vehicle movements leaving and entering the site. The study concluded that the implications of the proposal in comparison to the existing controls would be minor in terms of road network capacity or access arrangements. Council's traffic and transport team have not endorsed the proposed traffic arrangements for the site.

It is recommended that TfNSW be consulted on the proposal.

#### 5.2.3 Flooding

The proposal intends to provide a 3-metre wide easement to mitigate potential overland flow from the existing Council storm water pipe. Any impacts as a result of development on site, such as stormwater runoff, will be addressed at DA stage, in particularly basement parking.

It is recommended that the Gateway determination require consultation with the NSW State Emergency Service.

### 5.2.5 Pedestrian connectivity and active transport links

A landscape concept is submitted as part of the planning proposal (**Attachment D**). The concept has proposed a through site link from the south-eastern boundary of the site linking to Northmead Creative and Performing Art School and Campbell Street, including a pedestrian pathway linking Darling Mills Creek. Council have advised that the pedestrian link along of the eastern boundary will be dedicated and any embellishments required for the pathways will be subject to further negotiations as part of the VPA between the proponent and Council. Council have indicated the treatment of these connections and how they relate to adjoining uses will be refined as part of a site-specific DCP.

## **5.3 Economic**

It is unlikely the proposal would produce negative economic impacts, given the existing zoning of the site. The proposal will deliver a better use of the site, providing a scale that allows for an appropriate transition to the adjacent existing residential developments, and will contribute to creating the '30-minute city', close to services and amenities within Paramatta CBD and Westmead Health and Education Precinct.

## **5.4 Infrastructure**

### 5.4.1 Local Infrastructure

The site is within walking distance to a regional bus corridor along Windsor Road with services to Westmead Hospital and Parramatta CBD. It is recommended that the intensification of the site and likely increased demand on local infrastructure and services will be addressed through a future development application for the site.

## **6. CONSULTATION**

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### **6.1 Community**

The proposal does not suggest a minimum period for community consultation. It is recommended that the proposal be exhibited for a period of 28 days.

### **6.2 Agencies**

As addressed within this report, it is recommended the following agencies are consulted:

- NSW State Emergency Service; and
- Transport for NSW.

## **7. TIMEFRAME**

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Council has suggested the proposal could be finalised in ten months following submission to the Department. It is recommended that 12 months to finalise the proposal is considered appropriate time to finalise the LEP, given the need to consult with Caltex.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has requested authorisation to be the local plan-making authority in relation to this planning proposal. Given the local nature of the proposal to increase HOB and FSR controls, authorisation is given to Council to finalise the proposal.

## **9. CONCLUSION**

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It is recommended that the planning proposal proceed with conditions, as it;

- is consistent with the existing land use zone;
- will facilitate redevelopment of an existing industrial site for high density residential uses of a transitional built form scale between the adjacent residential sites;
- will reduce amenity conflicts between existing light-industrial uses and neighbouring residential development; and
- provides additional housing in an area in proximity to Parramatta CBD and the Westmead education and health precinct.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Direction 4.3 Flood Prone Land is of minor significance;

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to consult with Caltex to:
  - (a) seek comments and recommendations on the planning proposal;
  - (b) allow for Caltex and the proponent to agree on an appropriate timing (at PP-stage, DA-stage or post-DA-approval/prior to construction) to conduct an AS 2885 Safety Management Study (SMS), if required by Caltex; and
  - (c) allow for Caltex and the proponent to agree on the timing of any actions which may be outside the scope of the SMS.
  - (d) Council is to update the planning proposal and supporting information addressing the above, prior to public exhibition.
2. Prior to public exhibition, Council is to update the planning proposal as follows:
  - (a) update the concept design to reflect the height and storeys achieved under the proposal controls;
  - (b) update the legend of the proposed Floor Space Ratio map of the planning proposal; and
3. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Environmental Planning and Assessment Act 1979 as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the planning proposal 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 6.5.2 of A guide to preparing local environmental plans (Department of Planning, Industry and Environment, 2018).

4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW State Emergency Service and
- Transport for NSW.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
6. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.



6/11/19

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8/11/2019

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