

Greater Sydney, Place and Infrastructure

Submissions report

Local government area: The Hills Shire **PP number:** PP_2016_THILL_016_00

Planning proposal authority: Sydney Central City Planning Panel

1. SITE DESCRIPTION

The site, 360-378 Windsor Road, Baulkham Hills (Lots 1 and 2 DP 783941), has an approximate area of 9,250m² and is located at the junction of Windsor Road, Seven Hills Road and Old Northern Road (Figure 1). The site contains a hotel known as the Bull and Bush Hotel, which is listed as a local heritage item under The Hills Local Environmental Plan (LEP) 2019.

Adjoining land uses include a commercial strata development to the west, Conie Avenue Reserve to the north-west, and the Baulkham Hills Community Centre to the north.

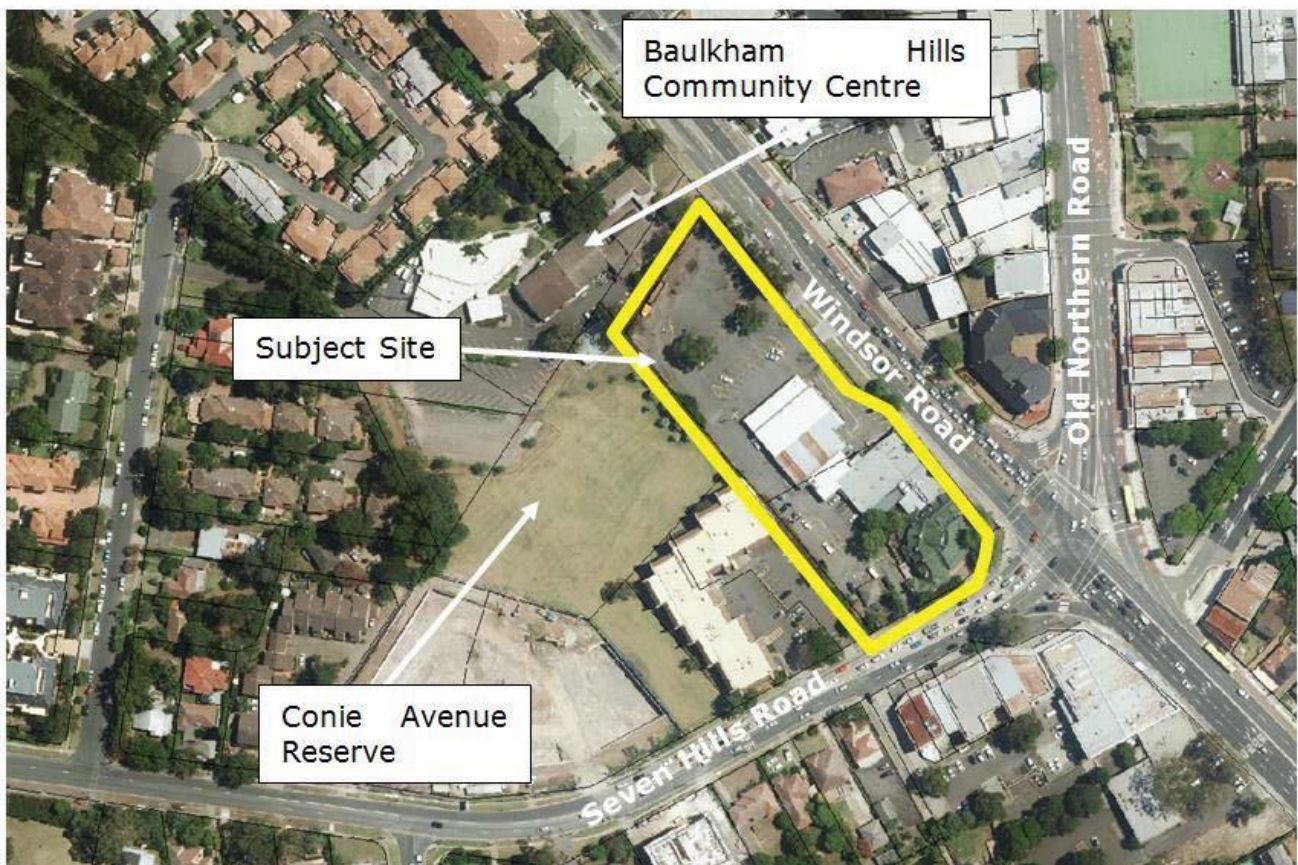


Figure 1: Subject site

2. **PROPOSAL AND BACKGROUND**

The planning proposal seeks to rezone the site from R1 General Residential to B2 Local Centre under The Hills LEP 2019 and increase the achievable maximum height of buildings (from a maximum of 12 metres to 49 metres) and amend the floor space ratio (FSR) from a maximum of 1:1 to 3.2:1.

The amendment would facilitate a mixed-use retail/commercial and residential development on the site, which includes the following:

- a minimum of 6,040m² of commercial and retail floor space (including a hotel/pub);
- a minimum of 2,500m² of community floor space (including library and community centre floor space) subject to agreement with The Hills Shire Council; and
- 20,582m² of residential floor space (approximately 200 units).

The built form would consist of three buildings: two being 15 storeys; and the third building eight storeys (Figure 2).

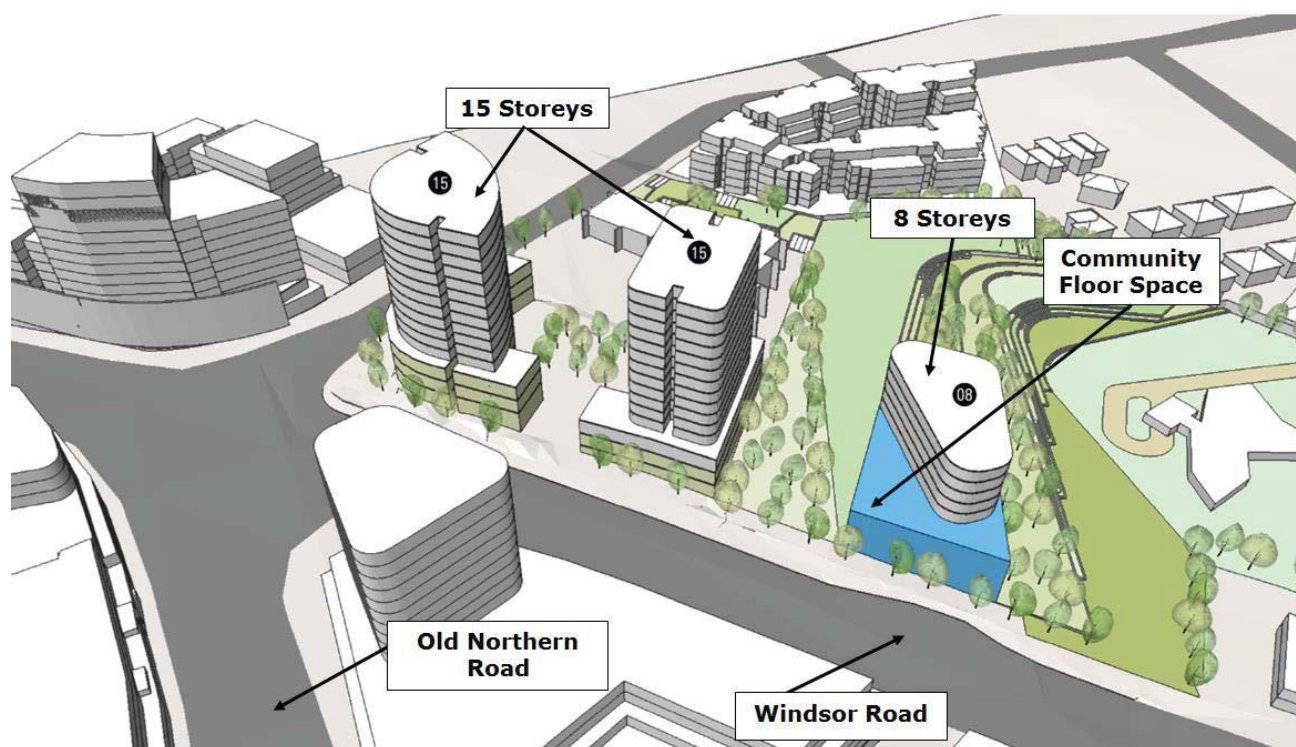


Figure 2: Built form photomontage – current concept

Council submitted the planning proposal to the Department for a Gateway determination with a proposed site-specific clause that restricted the proposed uplift in height and FSR to only be achieved if the development complied with specified requirements.

These requirements included a minimum of commercial and community floor space, a particular dwelling mix, internal unit floor area and car parking provision. The Department did not support this position because it was considered inconsistent with State Environmental Planning Policy 65 and requested the removal of the site-specific clause as part of the conditional Gateway determination.

Gateway Determination

A conditional Gateway determination was issued on 12 May 2017 requiring the removal of the site-specific clause, updates to specialist studies to reflect this change and the inclusion of maps in the proposal.

On 12 December 2017, Council considered a report regarding the conditions of the Gateway determination and the offer from the proponent to enter into a voluntary planning agreement (VPA).

Council considered three options for proceeding with the planning proposal as a result of the Gateway determination. The report recommended the option to remove the proposed housing diversity provision from the planning proposal and place on exhibition with the following amendments:

- Amend the Land Zoning Map to rezone the site from R1 General Residential to B2 Local Centre;
- Amend the Height of Buildings Map from 12 metres to 49 metres; and
- Amend the Floor Space Ratio Map from 1:1 to 3.2:1

This option was recommended by Council officers on the basis of the site's strategic location. The report also recommended the draft VPA be subject to a legal review at the cost of the proponent then be placed on public exhibition concurrently with the planning proposal.

Council resolved that:

1. Council not proceed with the Planning Proposal (19/2016/PLP) which seeks to amend the land zoning, height of buildings and floor space ratio for the Bull and Bush Hotel site at 360-378 Windsor Road, Baulkham Hills (Lots 1 and 2 DP 783941); and

2. The draft Voluntary Planning Agreement not proceed to public exhibition.

Following Council's resolution of 12 December 2017, Council notified the Department that it did not support the planning proposal and requested the Department not proceed with the proposal.

3. ALTERNATE PLANNING PROPOSAL AUTHORITY

The proponent wrote to the Department and requested an alternate planning proposal authority (PPA) be appointed. On 6 June 2018, the Secretary appointed the Sydney Central City Planning Panel as the PPA for this proposal.

On 31 October 2018, the Panel considered a revised planning proposal. The planning proposal had been amended to meet the requirements of Clause 1(a), (b) and (c) of the Gateway Determination of 12 May 2017, that is:

- Clause 7.12 – Housing Diversity had been removed;
- The specified specialist studies had been revised satisfactorily; and
- The specific maps have been provided according to the relevant technical standards.

The Panel resolved to proceed to public exhibition.

4. PUBLIC EXHIBITION

In accordance with the Gateway determination, public exhibition was undertaken by the Panel from 5 December 2018 to 1 February 2019.

A total of 19 submissions were received from the community. Three submissions were received prior to the commencement of the exhibition period. 14 submissions from the community during the exhibition period, a submission from Council and a submission from the Environment, Energy and Science Group (EES) (formerly known as Office of Environment and Heritage).

The Panel received two (2) late community submissions and a submission from Transport for NSW (TfNSW) (formerly known as Roads and Maritime Services) after the close of the exhibition period. All community submissions are included at **Attachments AA-AD**.

Community submissions

The community and agency submissions largely raised similar issues, including consideration of heritage matters, visual impacts of the proposed development, suitability for the area, traffic congestion and safety, the provision of infrastructure and transport, and the exhibition process.

These issues are described in more detail below:

Consideration of heritage matters

The Bull and Bush Hotel is listed as an Item of Environmental Heritage in Schedule 5 of The Hills LEP 2019. Submissions expressed concern about the partial demolition and redevelopment of a historic site and the effect this would have on the community.

Visual impacts of the proposed development

Concerns were raised in relation to the impact the proposed high-rise would have on the area's "village charm". Submissions noted that the Bull and Bush Hotel is a "beautiful old building and a landmark" and argued against its demolition.

Suitability for the area

Concern has been raised by the community that there are already too many high-rise developments in Baulkham Hills. There were concerns about overcrowding and that there is a "glut of units on the market".

The submissions also raised loss of greenery and shade, the need for a mix of land uses, the loss of public amenity and the loss of community social spaces as additional concerns.

The submissions noted that Council rejected this proposal and expressed an opinion that Council's position should be supported as elected councillors represent local constituents.

Traffic congestion and safety

Concerns were expressed that the proposal would result in increased traffic and congestion, particularly at select intersections, such as at Windsor Road, Old Northern Road and Seven Hills Road.

Some submissions observed that access to the site is already complex and an increase in density would hinder the peak-period traffic. Intersections around the site experience bottlenecks and submissions say this is expected to worsen with new developments in Kellyville and Bella Vista.

Provision of infrastructure and transport

Submissions raised concern about the need for additional roadway infrastructure in the area. They noted that roads need upgrading citing potholes and insufficient infrastructure to cope with the quantity of traffic. Community submissions stated that the road infrastructure cannot cope with more residents.

Submissions also stated that the local schools and sporting facilities are functioning at maximum capacity and that additional infrastructure would need to be provided to address this before the community could support additional population.

It was also observed that there is no rail link at Baulkham Hills, only a bus service, and that additional public transport would be needed to service an increased residential density.

The exhibition and assessment process

One submission expressed the opinion that the timing of the exhibition of this proposal was inappropriate as it was advertised "over [the] holiday season". The proposal was advertised

from 5 December 2018 until 1 February 2019 (eight weeks), allowing for the Christmas break. This submission also stated that the proposal should be “independently investigated”.

The proposal was referred to the Planning Panel, which confirmed that the correct exhibition and assessment processes had been observed.

5. ADVICE FROM PUBLIC AUTHORITIES

The Panel consulted with public agencies in accordance with the Gateway determination. The Panel received submissions from EES and TfNSW.

Environment, Energy and Science

The submission from EES (**Attachment AB**) raised and recommended the following:

- an Aboriginal cultural heritage assessment should be undertaken to inform the planning proposal;
- further detail on how the proposal addresses the following Central City District Plan priorities:
 - Planning Priority C16 – Increasing urban tree canopy cover and delivering Green Grid connections;
 - Planning Priority C17 – Delivering high quality open space;
 - Planning Priority C19 – Reducing carbon emissions and managing energy, water and waste efficiently;
- the development to incorporate green walls, a green roof and/or a cool roof into the design;
- water-sensitive urban design measures be incorporated into the proposal;
- information should be provided measuring and addressing whether the site is impacted by overland flow; and
- the proponent should outline and detail sustainability measures in a supporting development control plan or enter into a planning agreement between Council and the proponent.

Aboriginal cultural heritage

EES’s submission identified that the site has been continuously used as an inn since 1822.

The heritage report states: “An archaeological excavation research study should be prepared for the site given its long occupation and use and the likelihood of potential archaeological material being recovered during the process of demolition and excavation.” While the buildings on-site have been modified, there are extensive paved areas across the site, creating the potential for undisturbed subsurface Aboriginal artefacts. EES recommended that an Aboriginal cultural heritage assessment be undertaken to inform the planning proposal and for it to include:

- an archaeological assessment involving the identification and assessment of Aboriginal objects and their management based on archaeological criteria; and
- a cultural heritage assessment involving consultation with Aboriginal stakeholders.

EES also noted that the planning proposal refers to Section 9.1 Ministerial Direction 2.3 Heritage Conservation. The proposal is not consistent with this Direction as it does not include an Indigenous heritage study or consideration of Aboriginal cultural values.

Sustainability and urban tree canopy cover

EES requested further detail from the proponent regarding how the proposal addresses certain Central City District Plan priorities, specifically:

- Planning Priority C16 – Increasing urban tree canopy cover and delivering Green Grid connections: The NSW Government target is to increase tree canopy cover across Greater Sydney to 40 per cent. EES observed there is no detail in the planning proposal of percentage site green cover and consistency with this target.
- Planning Priority C17 – Delivering high quality open space: Occupants of the redevelopment would benefit from proximity to the adjacent public open space. EES requested details on how conflicting park uses, especially night uses, of the park and residents may be resolved. This should be detailed in a social impact assessment.
- Planning Priority C19 – Reducing carbon emissions and managing energy, water and waste efficiently: The proposal states: "This planning proposal encourages a range of transport demand management initiatives such as improved walking connections, cycling, and is near on-demand transport connections." EES identified this response as inadequate and suggested the planning proposal should be revised to detail its consistency with this objective. EES requested that the proposal's sustainability measures are detailed in a supporting development control plan or planning agreement with Council.

EES recommended the development incorporate green walls, a green roof and/or a cool roof into the design. Water-sensitive urban design measures should be designed into the development at the earliest possible stage and detailed in the site-specific DCP.

Flood management

EES's submission recommended that Council's The Hills Urban Overland Flow Study be utilised to provide information on whether the site is impacted by overland flow. If Council's study indicates the site is impacted by overland flow, EES recommends a detailed assessment should be undertaken for the proposed site and adjacent areas for the full range of events up to the probable maximum flood.

Transport for NSW

TfNSW's submission (**Attachment AC**) raised the following issues:

- the proponent's traffic study adopted traffic-generation rates that are too low and not reflective of the area. The averages that the proponent has used were based on Sydney areas with higher rates of accessibility and mode share to public transport (for example, St Leonards and Chatswood). The Liberty Grove site surveyed by TfNSW has comparable journey to work mode share characteristics;
- TfNSW will likely require the removal of the right-turn bay from Windsor Road, which provides site access. A revised access that supports better road safety should be considered;
- access to the proposed development must be left-in and left-out only from Seven Hills Road and Windsor Road; and
- the traffic and transport study for the Baulkham Hills Town Centre Masterplan should be revised to assess the traffic impacts associated with the town centre and consider viable road infrastructure upgrades.

Traffic-generation rates

TfNSW noted the proponent's traffic study adopted traffic-generation rates of 0.19 vehicle trips per hour (vtph) per dwelling and 0.15vtph per dwelling for the AM and PM peak periods respectively based on Sydney average rates in TfNSW's Technical

Direction TDT 2013/04a Guide to Traffic Generating Developments – Updated Traffic Surveys. TfNSW states that these rates are not appropriate for the proposal site as they were based on areas with higher rates of accessibility and mode share to public transport.

TfNSW observed the traffic generation from the chosen model locations may not be representative of the travel behaviour of the subject site. In 2016, the census data indicated that around 65% of Baulkham Hills residents travelled to work by private vehicle. TfNSW recommended that the trip-generation rates used for the proposal are obtained from a site with similar characteristics to Baulkham Hills such as Liberty Grove which has comparable mode share and accessibility (approximately 68% private vehicle mode share). The traffic generation rate of around 0.28vtph AM and 0.41 vtph PM per unit.

The retail trip-generation rates, particularly for the PM peak, appear to be low and TfNSW suggests justification should be provided for why these rates were applied. Recent surveys of retail developments less than 10,000m² across Sydney have shown higher trip-generation rates than those applied for the proposal. TfNSW is able to provide the recent survey data for comparison on request.

Access arrangements

TfNSW has identified a high number of rear-end crashes along the corridor near the Seven Hills Road and Windsor Road intersection. The contributing factors to this may include high levels of traffic congestion, slow-moving traffic, closely spaced intersections, motorists weaving around queues of turning traffic and the presence of many driveways along the corridor.

To improve safety, TfNSW is likely to require the removal of the right-turn bay from Windsor Road, which provides access to the site. Any future development application should therefore illustrate the proposed access arrangement to the site, showing vehicular access located as far as practical away from the intersection of Seven Hills Road/Windsor Road/Old Northern Road.

TfNSW requires that all future vehicular access to the proposed development is restricted to left-in and left-out only on Seven Hills Road and Windsor Road. TfNSW may require the provision of a left-turn deceleration lane, depending on the turning volumes associated with the proposed development.

Future upgrades to intersection

TfNSW notes that grade separation of the intersection of the Seven Hills Road/Old Northern Road/Windsor Road intersection as suggested by Council is unlikely to be viable. TfNSW refer to its submission dated 22 January 2016 to Council's Baulkham Hills Town Centre Draft Master Plan and Public Domain Plan. The funding of road infrastructure improvements is subject to consideration of a project's benefits and costs relative to competing projects to determine those with the best value for money, with constraints of funding availability and competing NSW Government priorities.

TfNSW notes that the subject site is located at a critical intersection on the state classified road network. Future needs for upgrades to this intersection are currently unknown. The subject site's road frontages may need to be widened at some stage to accommodate upgrades.

TfNSW recommended that the traffic and transport study for the Baulkham Hills Town Centre Masterplan be revised to not include grade separation as an upgrade option at the above intersection. The revision should assess the traffic impacts associated with the town centre and consider viable road infrastructure upgrades.

Without the findings of the Baulkham Hills Town Centre Masterplan traffic study, TfNSW cannot confirm which infrastructure treatments on surrounding roads and intersections would be needed to support the development of the site. TfNSW recommended setbacks are included within The Hills DCP 2012, Part D Section 10, Baulkham Hills Town Centre to allow for potential future road widening:

- A minimum setback of 10m along the Seven Hills Road frontage, in alignment with the existing setback requirements for the adjoining site Connie Avenue Precinct.
- A minimum setback of 11m should be provided along the Windsor Road frontage.

An addendum to the Traffic Report dated July 2019 was submitted by the proponent addressing some matters from TfNSW's submission. A summary of the addendum Traffic Report and TfNSW's response is provided under Section 8 of this report.

A further addendum to the Traffic Report dated February 2020 was also submitted by the proponent responding to a request from the Department (also summarised under Section 8 of this report).

6. CONSULTATION WITH COUNCIL

Council submitted a response to the proposal (**Attachment AD**) raising the following issues:

- Baulkham Hills is identified within the longer term future city-shaping corridor by 2056 (TfNSW Future Transport Strategy). As such, there is no certainty with respect to infrastructure investment and it would be unwise to increase densities until the strategic context and infrastructure investment align to deliver the best outcomes for the community.
- the subject site is located at the intersection of Seven Hills Road/Old Northern Road/Windsor Road (regional roads) which directs a large volume of regional traffic. Increased development potential that would have impact on these roads should be not supported until such time until a clear plan is in place to ensure these roads operate at acceptable levels.
- the proposal is inconsistent with Council's policy positions on State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development (SEPP 65) and the delivery of diverse housing. Council does not support the proposal as it believes the proposed development will not provide the diversity of housing needed to support the incoming population;
- Council considered and rejected a VPA offer for a library or community space offered at a discounted rate. Council is unwilling to invest in the fit-out of the space to make it appropriate for community use. Council considers the VPA offer inadequate. As such, the maximum floor space permissible on the site should be reduced to exclude this floor area;
- Council resolved not to proceed with the proposal therefore the draft heritage development controls no longer form part of the proposal. There are no draft DCP controls proposed with the development that would deliver a new hotel on the site. Council has requested the Panel direct the proponent to prepare development controls for the site;
- Council notes that if the proposal proceeds and amends the LEP, Council's DCP will also need to be amended so the two plans are consistent; and
- Council has not accounted for the additional 200 dwellings proposed by the planning proposal in its planning for local infrastructure. Council notes that the proposed VPA

offer did not offer adequate public infrastructure to counterbalance the increased demand.

These issues are discussed in more detail below:

Strategic context and consistency

Council states that the strategic planning framework (Greater Sydney Region Plan and Central City District Plan) has a strong emphasis on infrastructure to support growth. The Central City District Plan encourages Councils to investigate and recognise opportunities for long-term housing supply associated with city-shaping transport corridors.

Baulkham Hills is not part of the city-shaping network as it does not have high-capacity, high-frequency public transport services. However, it is located in a future city-shaping corridor and is identified in the Central City District Plan aspirational plans for 2056. The 30-minute city is district plan priority that guides decision-making on locations for new transport, housing, jobs, tertiary education, hospitals and other amenities.

Council notes there are several developments under construction or subject to development applications in the area, which will contribute to the demand for further traffic infrastructure in the locality. Council's position is that it would be unwise to permit additional residential density until the area's strategic context and infrastructure investment align to deliver the best outcomes for the community.

Traffic infrastructure

Council's key concerns with the proposal relate to traffic and transport infrastructure. The operation of the Windsor Road, Seven Hills Road and Old Northern Road intersection is already failing and a constraint to further development in Baulkham Hills Town Centre. To address the conflicting priority of movement, Council has recommended either a partial or full grade separation upgrade of this intersection. However, this solution is not supported by TfNSW, which does not consider grade separation to be a viable option on the basis of cost-benefit.

Council notes that the state government and TfNSW has been approached regarding this intersection, with "little success in getting any works or plans prioritised". Council states that the Seven Hills Road/Old Northern Road/Windsor Road intersection is not Council's responsibility, as the roads are TfNSW controlled. The traffic report notes that if no upgrades occur, the intersection will operate at Level of Service 'F'. Council argues it is not appropriate to enable increased density in this locality without upgrades to the road network. In addition, Council states that the regional traffic issues need to be addressed before the planning proposal proceeds.

Council also notes that the Traffic report does not include an accurate calculation of car parking numbers; the car parking rate should remain as the 'centres' rate. The Traffic report contains an error in that it states an upgrade to the intersection of Conie Avenue and Seven Hills Road to signals is proposed.

Housing diversity

The planning proposal supported by Council included a site-specific clause that restricted the proposed uplift in height and FSR to only be achieved if the development complied with specified requirements for commercial and community floor space, dwelling mix, internal unit floor area and car parking provision. The Department did not support this position and requested the removal of the site-specific clause.

Council states that without a site-specific clause, the proposal is now inconsistent with Council's policy positions on SEPP 65 and the delivery of diverse housing. Council does not

support the proposal as it believes the proposed development will not provide the diversity of housing and larger apartments specifically, Council believes are needed to support the incoming future population.

Library and Community Floor Space

Council considered the Voluntary Planning Agreement offer from the proponent which included a 'cold shell' at a discounted price for use as a library and community centre. This would require Council to significantly invest in the fitout of the space.

Council is unwilling to take the library and community floor space. As such, if the proposal proceeds, Council requests that the maximum floor space ratio applicable to the site be reduced to reflect the reduction in floor space of the library and community centre.

Heritage conservation

To achieve appropriate heritage conservation outcomes, the heritage assessment recommended that development controls be applied by Council to achieve a re-interpretation of the hotel on the site. As Council resolved not to proceed with the proposal, these draft development controls no longer form part of the proposal. As such, there are no draft DCP controls proposed with the development that would require the delivery of a new hotel on the site.

Development control plan

Council previously prepared draft development controls to support this planning proposal. These controls anticipated a significantly less-dense development with built form that complies with the current LEP standards. Council notes that if the proposal proceeds and amends LEP standards, the DCP will also need to be amended so the plans are consistent. Council has requested the Panel direct the proponent to prepare development controls for the site.

Local infrastructure

Council has stated The Hills Section 7.12 Developer Contributions Plan does not anticipate an increase in development potential on the site. As the proposed 200 additional dwellings were not originally envisaged, Council has not accounted for these in the planning of local infrastructure and would generate the need for approximately:

- 10% of a new sports field;
- 10% of a local park;
- 10% of a netball court;
- 10% of a tennis court; and
- 4% of a local community centre.

Council also notes that the proposed VPA offer did not offer adequate public infrastructure to counterbalance the increased demand the proposal would generate.

Council concludes the planning proposal has significant unresolved issues including the delivery of traffic and transport infrastructure to support growth in Baulkham Hills Town Centre and the planning proposal should not progress until a solution to the traffic congestion in the locality is available.

The Department requested confirmation from Council on the potential value of contributions that Council would consider sufficient. Council's response (**Attachment AE**) is discussed in Section 8 of this report.

7. PROPONENT'S RESPONSE

In response to EES's comments, the proponent considers (**Attachment AF**):

- an Aboriginal cultural heritage assessment should not be required to be submitted as the site has had a continuous use as an inn/pub for more than 150 years;
- an Indigenous heritage study should not be required to be prepared as the property has been used as an inn "for a significant period and thus it is not identified as containing any areas of significance for indigenous heritage". The proponent states that as the site is situated in a fully developed urban context there can be no Indigenous value;
- a social impact assessment (SIA) should be addressed at the development application stage and that an SIA isn't applicable to the development standards that will be altered by the planning proposal;
- water-sensitive urban design is detailed in a site-specific DCP and does not need to be further addressed in the planning proposal; and
- the green/ soft landscaped area will increase from the current levels on the site. The landscaping details will be submitted at the development application stage. The site is fully developed as a building and hardstand car park, with only limited landscaping and a few scattered trees. This site is not identified as a Green Grid link and it is not appropriate to apply this to a site in a Town Centre context.

In response to TfNSW's comments, the proponent's traffic consultant submitted the following response (**Attachment AG**):

- TfNSW made a study available last year that relates to apartment buildings that are not within easy walking distance of public transport. The traffic-generation rates for these are about 0.33–0.37 trips in peak hour. Based on this advice, the trip rates in the planning proposal should be adjusted;
- the retail trip-generation rates (4.6vph) were taken from the TfNSW Guide to Traffic Generating Developments with the supermarket element of the shopping centre guide. The proponent's traffic consultant commented that although this was included in the earlier 2015 traffic report submitted to TfNSW, TfNSW had not commented on these rates until now;
- the proponent's traffic consultant confirmed that TfNSW has provided information regarding shopping centres and trip generation that would require the transport study to be updated; and
- the proposed access arrangements to the site are for left-in and left-out traffic. This accords with TfNSW's advice.

As mentioned previously, a summary of the addendum to the Traffic Report dated July 2019 and TfNSW's response is provided under Section 8 of this report.

The proponent responded to the issues raised by the public submissions (**Attachment AF**). The response groups comments provided by the public into a number of issues which are detailed below:

Traffic congestion

The community raised concerns regarding the impact of the proposal on the road network, exacerbating existing traffic congestion at the Windsor/Seven Hills/Old Northern Roads intersection, and the need to upgrade this intersection.

The planning proposal's traffic assessment report concluded that there is adequate capacity of the surrounding road network to accommodate the traffic generated by the proposed development. The proponent states that Council is expected to do road

upgrades, which will reduce the congestion at the Windsor Road, Old Northern Road and Seven Hills Road intersection.

The proponent's submission also stated that, "It should be noted that the potential increase of traffic arising from the proposal is relatively insignificant compared to the existing traffic volumes on these roads and future growth in traffic from other sources." This can be seen in **Attachment AJ**.

Increased density

The community raised concerns regarding higher densities placing strain on residents, schools, community facilities, the road network and experiencing 'overcrowding'.

The proponent argues that the proposal aligns with Council's strategic planning framework as Council's Residential Direction specifies the need for residential density to be condensed around Baulkham Hills Town Centre to play a role in centre revitalisation and renewal. The proponent states that the planning proposal will benefit from the bus transport network and that consolidation of urban growth around existing centres reduces redevelopment pressure in the surrounding suburbs.

Impact on community

The community raised concerns that the proposal would remove a social venue, the community feel will be diminished, there will be a loss of public amenity/identity, and that schools are already running at capacity.

The proponent argues that the future development would relocate and upgrade the pub, thereby retaining the social venue, incorporating elements of heritage within the new development. The long-term association of this site as a pub would continue post-redevelopment.

The proponent states that the proposal cannot address the community's concern regarding over-capacity of schools as this is a State government responsibility. The population of the subject site would be incorporated into the Schools Infrastructure NSW's (former Department of Education) planning. The proponent notes that "in terms of strain on schools, the Department of Education haven't made any objections to the proposal".

The proponent states that Council's 7.11 contributions plan is responsible for providing local facilities and services such as sporting fields. A discounted library space was offered to Council as part of a VPA community benefits offer.

Transport and connectivity

The community state the town centre relies on bus and private vehicle transport only, there is no rail link, and the suburb lacks adequate infrastructure to support the current town centre and therefore can't support additional units.

The proponent states that the size of the proposed development and the nature of the site are like numerous other locations across Sydney that rely on bus-based transit. The proponent states that there are good bus services to Parramatta, the Sydney CBD, Macquarie Park, Norwest Business Park, North Sydney, Castle Hill and Rouse Hill from the site. The site is 4km from the Castle Hill Metro Station.

History and heritage

The community raised concerns that the Bull and Bush is a significant part of the history of the area, the existing building is of historical significance and questioned why it was proposed to be demolished.

The proponent states the building was not the original public house on the site; it was constructed in the 20th century and has been extensively modified diminishing its heritage value. The planning proposal refers to the Heritage report supporting the proposal which

stated the inclusion of the use of the site for hotel facilities will maintain the association of this land with the hotel use and therefore, allow for interpretation of its history.

Even though the pub is being demolished, the development proposes to make the upgraded Bull and Bush Hotel the focal point of the new development so the historic association with the use will continue.

Amenity and character

The community raised concerns in relation to the permanent loss of a landmark building, public amenity and identity. There is also a need for greenspace requirements to be met for the population.

The proponent states that the landmark status of the Bull and Bush Hotel will be retained and enhanced through urban design. The proposed development aims to enhance the physical characteristics and amenity of Baulkham Hills by creating more, activated public space and community services.

8. DEPARTMENT COMMENT

Strategic context

The Central City District will be the fastest-growing district over the next 20 years, with demand for an additional 207,500 dwellings. The proposal is consistent with growth as outlined by the Central City District Plan, which is focused on well-connected walkable areas that build on local strengths and deliver quality public places. The proposal is in an urban area and has the potential to deliver high-quality community space with an increased residential element subject to addressing the issues raised by the community.

As stated in Council's submission, the Central City District Plan encourages councils to investigate and recognise opportunities for long-term housing supply associated with city-shaping transport corridors.

Baulkham Hills is identified as a local centre within the Central City District Plan, the management of which is predominately led by councils. The Plan states that additional residential development within a 10-minute walk of a centre with city-shaping transport will help to create walkable local centres.

The proposal is consistent with the Baulkham Hills Town Centre masterplan (exhibited in 2014). The masterplan was developed to guide the renewal and rejuvenation of the town centre. The Plan identifies that the Town Centre could accommodate approximately 2,060 dwellings (a net increase of 1,616 dwellings), approximately 26,600m² of potential retail floor space and approximately 9,000m² of commercial floor space. The Bull and Bush Hotel site was identified as having a potential for approximately 200 dwellings and 4,000m² of retail floor space. This masterplan was not endorsed by Council because of the potential need to preserve the opportunity for grade separation of the intersection of Windsor Road, Seven Hills Road and Old Northern Road. This treatment has been identified as impractical by Transport for NSW. The proposal is consistent with the potential density identified in the draft Baulkham Hills Town Centre masterplan.

It is noted in Council's draft Local Strategic Planning Statement that Council will discourage commercial and residential uplift in Baulkham Hills Town Centre until transport and traffic issues are resolved. These issues predominately relating to Council's view that grade separation of Old Northern Road and Windsor Road is required and a transport interchange near Railway Street. Council's LSPS implementation strategy references seeking State Government support for grade separation at this intersection (Planning Priority 14).

Consistent with the Central City District Plan and Council's draft LSPS, the Department will support Council in liaising with TfNSW to resolve the regional traffic congestion experienced at the of Windsor Road, Seven Hills Road and Old Northern Road intersection. The

Department supports TfNSW's requirement of a 10m and 11m setback from Seven Hills Road and Windsor Roads respectively to future proof the intersection for upgrades. This cannot be reserved as an SP zone at this stage as there is no design or business case for acquisition of the required land.

Traffic congestion/infrastructure

The proponent submitted a post exhibition addendum to the Traffic Report dated July 2019 (**Attachment AH**) in addition to providing a response to TfNSW's comments (detailed previously).

This addendum report (July 2019) provided updated trip generation rates for residential and retail uses, traffic distribution assumptions and updated traffic modelling.

TfNSW provided comment on the addendum Traffic Report (July 2019) (**Attachment AJ**). TfNSW confirmed the revised traffic generation rates are considered to be more representative of the travel behaviour of the subject locality. However, recommends that additional consideration be given to the incorporation of maximum parking rates under The Hills DCP to further encourage the use of active transport infrastructure. This could be addressed at the DA stage should the planning proposal be finalised.

A further addendum report (February 2020) confirmed the Windsor Road, Seven Hills Road intersection is operating at level of service D (AM peak) and level of service E ("at capacity") (PM peak). The "future base" without development indicates the Windsor Road, Seven Hills Road intersection will operate at level of service F ("extra capacity required") for both AM and PM peak with an average delay of 74 seconds and 117 seconds respectively. With the proposal, there will be an additional 9 seconds average delay in the AM peak, an additional 19 seconds average delay in the PM peak.

The July 2019 addendum report also indicated that it would be reasonable for the consent authorities to include a consent condition requiring the deceleration lane to be provided on both Windsor Road and Seven Hills Road.

In response, TfNSW outlined some deceleration lane requirements, which could be addressed at the pre-DA and DA stage. Transport for NSW requests that the proponent dedicates land to facilitate future site access as public road at no cost to TfNSW. Further, any land requirements for the left turn deceleration can be included within the setback requirements. This could be addressed at the DA stage.

The broader issue to be resolved is the traffic infrastructure upgrade required at Windsor Road, Old Northern Road and Seven Hills Road intersection. This has been an on-going regional issue for Council. It is recommended that Council, the Department and TfNSW continue discussions to progress a solution to improve the traffic congestion experienced at this key intersection including bringing forward investment in the city-shaping corridor identified in Future Transport.

Housing diversity

Council's concerns about housing diversity for the future population are understood and reflected in local provisions within the Showground and Bella Vista precincts. Further, the Department is to exhibit a discussion paper to evaluate improvement of housing related State Environmental Planning Policies to among other things ensure they better address local needs. However, the clause remains inconsistent with current policy in line with the Department's previous Gateway determination.

Increased density and impact on local/community infrastructure

Council has stated that the proposed 200 additional dwellings were not originally envisaged for the area and therefore the proponent and Council will need to come to a planning agreement to contribute local infrastructure.

Council also notes that the previous proposed VPA did not offer adequate public infrastructure to counterbalance the increased demand that the proposal would result in.

Separately, the Department requested confirmation from Council on the potential value of contributions that Council would consider sufficient. Council's response (**Attachment AE**) expressed two main concerns:

- Council was unclear on the mechanism available to the Panel for securing contributions as Council decided not to proceed with a VPA; and
- Council was not in a position to provide an indicative contribution rate until the potential development yield for Baulkham Hills Town Centre is understood.

To address these concerns, the Department recommends the Panel requires the proposal to be updated to include provisions to ensure the proponent liaises with Council for a reasonable development contribution for the proposal prior to the first development application being determined. In addition, the Baulkham Hills Town Centre 2014 masterplan provides Council with an understanding of potential development yield for the Town Centre.

The proposal involves the partial demolition of the Bull and Bush Hotel and the construction of a new hotel to facilitate the continuation of the site's historic hotel use. The social and community uses of the site can therefore be maintained under the proposed zoning. It is considered that this matter can be addressed as part of any future development application for the site.

Heritage conservation

If the proposal proceeds, the proponent will need to respond to EES's comments regarding the heritage concerns in DCP provisions and at the DA stage.

Site-specific DCP

EES's recommendations regarding the Central City District Plan priorities, including increasing urban tree canopy cover, delivering high-quality open space and reducing carbon emissions, can be addressed by a site-specific DCP. Water-sensitive urban design measures should be designed into the development at the earliest possible stage and can be detailed in this DCP.

Sustainability measures, overland flow, landscaped areas, building articulation, aesthetics, finishes and Council's concerns about housing diversity should also be addressed in the site-specific DCP.

The Department understands Council prepared a draft site-specific DCP, but this was not exhibited as Council decided not to support the proposal. It is recommended that the Panel inserts site-specific clauses into the LEP amendment to ensure the proponent liaises with Council to prepare a site-specific DCP prior to any development applications being lodged.

9. RECOMMENDATION

That the Panel as the PPA:

- Notes the key issues raised by EES, TfNSW, Council, the public submissions and in the associated responses from the proponent;
- Inserts an LEP clause under Part 7 Additional Local Provisions requiring the proponent to liaise with Council for the preparation and adoption of a site-specific development control plan that addresses concerns raised by EES, Council, TfNSW prior to the lodgement of the first development application;
- Inserts an LEP clause under Part 7 Additional Local Provisions requiring the provision of a minimum floor space area for a community facility including library; and
- Directs the Department of Planning, Industry and Environment to finalise the LEP amendment subject to the above.

Assessment officer: Elizabeth Kimbell
Senior Planning Officer
Central (Western)
Phone: 9860 1521

 22/4/20