



18 September 2019

Specialist Planning Officer Case Manager  
Ashley Richards  
Via email: [REDACTED]

Our Ref: 19/2016/PLP

Dear Ashley,

### **Bull and Bush Planning Proposal Infrastructure Demand**

I write in response to your enquiries made to Council regarding potential developer contributions in association with the proposed development of the Bull and Bush Hotel site at 360-378 Windsor Road, Baulkham Hills. Specifically, you have enquired regarding the potential value of contributions that Council would consider sufficient.

It is noted that Council resolved that the planning proposal should not proceed and determined that the VPA offer submitted by the Proponent did not adequately deal with the increased demand for local infrastructure likely to be generated by the proposal. However, the applicant requested that an alternative planning proposal authority consider the matter and as such, the proposal is now being progressed by the Sydney Central City Planning Panel.

It is unclear what mechanisms, if any, the Panel has for securing contributions in association with a planning proposal, especially noting there is no longer any active VPA offer or discussions between Council and the Proponent. Given this, I have serious concerns with respect to how any contributions and public benefits which form part of the proposal can actually be progressed and secured. It would be unacceptable and irresponsible for the Panel to enable the amendments to LEP 2012 to proceed to finalisation, without also putting in place a mechanism to give Council and the community certainty that the significant uplift in density on the land will be accompanied by appropriate contributions towards new local infrastructure and the delivery of key public benefits which form part of the proposal.

Council made a submission on the planning proposal which clarifies that the existing Section 7.12 Contributions Plan which applies to the land does not anticipate the 200 additional dwellings proposed to be facilitated through this planning proposal. Therefore, payment of contributions under this plan alone would fall significantly short of a 'fair and reasonable' contribution proportionate to the additional demand for local infrastructure likely to be generated by the proposal.

The determination of appropriate infrastructure contributions associated with this proposal should form part of a broader infrastructure assessment and study which accounts for future growth anticipated within the Baulkham Hills Town Centre and identifies opportunities for new

infrastructure to service this growth (such as passive and active open space, community facilities and traffic upgrades). Based on this, it would then be possible to identify an appropriate value of development contributions, proportionate to the yield proposed on this site. It is unclear what mechanism would be available to the Panel to require a contribution in association with this proposal, even if it were possible to determine an appropriate value.

Council is not in a position to provide an indicative infrastructure contribution rate at this time, given that there is insufficient information available to calculate the appropriate development yield within the Baulkham Hills Town Centre, the infrastructure requirements to service this growth and the potential opportunities which may be available for the delivery of the required infrastructure. For example, in order to calculate an appropriate contribution rate that can be apportioned to individual developments, it would first be necessary to determine where future open space to service anticipated growth could be accommodated, as well as the associated cost of acquiring and embellishing the land.

With respect to traffic infrastructure, determining the value of appropriate contributions would require an understanding of potential increases in density in the broader town centre, as well as the nature and cost of improvements required to existing traffic and transport infrastructure to facilitate reasonable access through, within and around the centre. It is noted that the Baulkham Hills Town Centre currently experiences significant traffic congestion as it is a key intersection of arterial roads - Old Northern Road and Windsor Road. The majority of the through-traffic is travelling toward the M2 on ramp to the Sydney CBD or Parramatta, both major destinations for residents in this locality.

Council has advocated for major improvements to the intersection of Old Northern Road, Windsor Road and Seven Hills Road in the form of full or partial grade separation of the intersection. To date, Council has received no support regarding this solution. Council has prepared concept plans for grade separation of Windsor Road under the Seven Hills Road intersection and has previously provided a copy of the analysis and the concept to the RMS for their consideration. The RMS response in January 2016 was disappointing in their failure to recognise the future housing and jobs growth in North-West Sydney and the linkages expressed in the Central City District Plan to Parramatta. The RMS cited lack of funding from State Government and indicated that, given the significant costs involved, the upgrade options are unlikely to be viable in the short to medium term.

I note that RMS reiterates this position in their submission on the subject planning proposal, which therefore raises the fundamental question of whether or not increased densities can even be accommodated within the Baulkham Hills Town Centre at this time. Following an opportunity to review RMS' submission on the planning proposal, it is noted that the suggestion of simply requiring setbacks in a Development Control Plan is problematic for several reasons:

1. Despite Council's requests, the Panel has opted to progress with the planning proposal absent of any associated site specific Development Control Plan which could require the specified setbacks;
2. If private land is required to facilitate future road widening on arterial roads, the RMS should be appropriately compensating land owners rather than expecting the local area to accommodate increased development yields as a form of compensation to landowners;
3. The provision of setbacks would effectively sterilise land for any future purpose. Without acknowledging (or ideally, determining) that this land may need to be acquired in the future, this course of action lacks transparency;

4. No urban design work has been undertaken on the impacts of requiring such setbacks (which would reduce the potential development footprint), whilst still enabling the development site to achieve the same yield. Reducing the development footprint would likely exacerbate the significant built form already proposed; and
5. RMS has lodged and maintained outstanding objections to the progress of a number of planning proposals within The Hills Shire on the basis that the nature and extent of future regional traffic upgrades could not be adequately determined, articulated or funded at this time. Specifically, RMS has stated that no planning proposals should proceed until regional traffic modelling has been completed and a funding mechanism has been put in place to secure contributions towards future regional traffic infrastructure upgrades. Many of the proposals to which RMS has objected are located within Sydney Metro North West Station Precincts, where existing traffic issues are *less* significant than currently experienced within Baulkham Hills and where *greater* opportunities exist for future development to utilise high-frequency public transport (ie, the new Metro service). It is inexplicable and unclear why RMS would put forward a contradictory position with respect to this particular proposal.

Planning proposals such as this provide a key trigger to consider long term planning for infrastructure. The strategic planning framework is now being driven by Future Transport 2056, the Greater Sydney Region Plan and Central City District Plan, which identify a 'city shaping corridor' between Greater Parramatta and Norwest via Baulkham Hills as a 'visionary' initiative intended to provide high capacity turn up and go services.

The current framework does not deal with the delivery of the 'city shaping corridor' and progressing a site specific proposal on a key site such as this without any certainty with respect to future roadworks or transport corridors may result in lost opportunities, the need for more expensive solutions in the future or an inability to deliver strategically significant and identified outcomes in the future.

Given the above, it is irresponsible to enable this planning proposal to proceed any further, without the ability to determine and collect a fair and reasonable contribution towards future infrastructure in response to this development and cumulative development within the Baulkham Hills Town Centre. In particular, it is critical that RMS and Transport for NSW clearly identify future roadworks and transport corridors, reserve any required land and implement appropriate mechanisms for acquisition and funding, prior to the progression of individual proposals.

Yours faithfully



**David Reynolds**

**GROUP MANAGER – SHIRE STRATEGY, TRANSFORMATION & SOLUTIONS**