

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to facilitate a mixed use commercial and residential development on the site of the Bull and Bush Hotel at 360-378 Windsor Road, Baulkham Hills (being Lots 1 and 2 DP783941).

ADDRESS OF LAND: 360-378 Windsor Road, Baulkham Hills (Lots 1 and 2 DP783941) (19/2016/PLP)

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	NET CHANGE
Dwellings	0	200	+200
Jobs	40**	159*	+199*

* Based on an assumed employment ratio of 38m² per employee (excludes community floor space)

* Based on advice from the proponent

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environment Planning Policies
Attachment B	Assessment against Section 117 Ministerial Directions
Attachment C	Council Report and Minute, 8 November 2016
Attachment D	Urban Design Assessment, Mako Architects, September 2016
Attachment E	Traffic Impact Assessment, GTA Consultants, February 2016 (including Updated Traffic Letter, dated September 2016)
Attachment F	Phase 1 Environmental Site Assessment Report, Consulting Earth Scientists, June 2015
Attachment G	Heritage Report, NBRS & Partners, July 2016
Attachment H	Letter of Offer, Calibre Consulting, September 2016
Attachment I	Planning Report (Submitted Concept), Calibre Consulting, September 2016

THE SITE:

The planning proposal applies to land at 360-378 Windsor Road, Baulkham Hills (being Lots 1 and 2 DP783941). The subject site has a total area of approximately 9,250m², and has two (2) main street frontages being a 56 metre frontage along Seven Hills Road and a 166 metre frontage along Windsor Road. The position of the site at the junction of Windsor Road, Seven Hills Road and Old Northern Road is considered to be a highly prominent location.

The site contains a pub known as the "Bull and Bush Hotel" which is listed as an item of environmental heritage within Schedule 5 of LEP 2012. Adjoining land uses include commercial strata development to the west, Conie Avenue Reserve to the north-west, and the Baulkham Hills Community Centre to the north. An aerial photograph of the site is included below.



Figure 1
Aerial Photograph - Subject Site

BACKGROUND:

Previous Concept (as submitted)

The planning proposal was first submitted to Council in February 2016. The original concept for the site sought retention and enhancement of the existing Bull and Bush Hotel (660m²), approximately 3,252m² of additional commercial floor space and 25,706m² of residential floor space (approximately 260 units). The concept incorporated two distinct tower elements, one being 18 storeys and the second being 15 storeys (above 2-3 storey podium elements). A photomontage of the concept is included in the following figure.

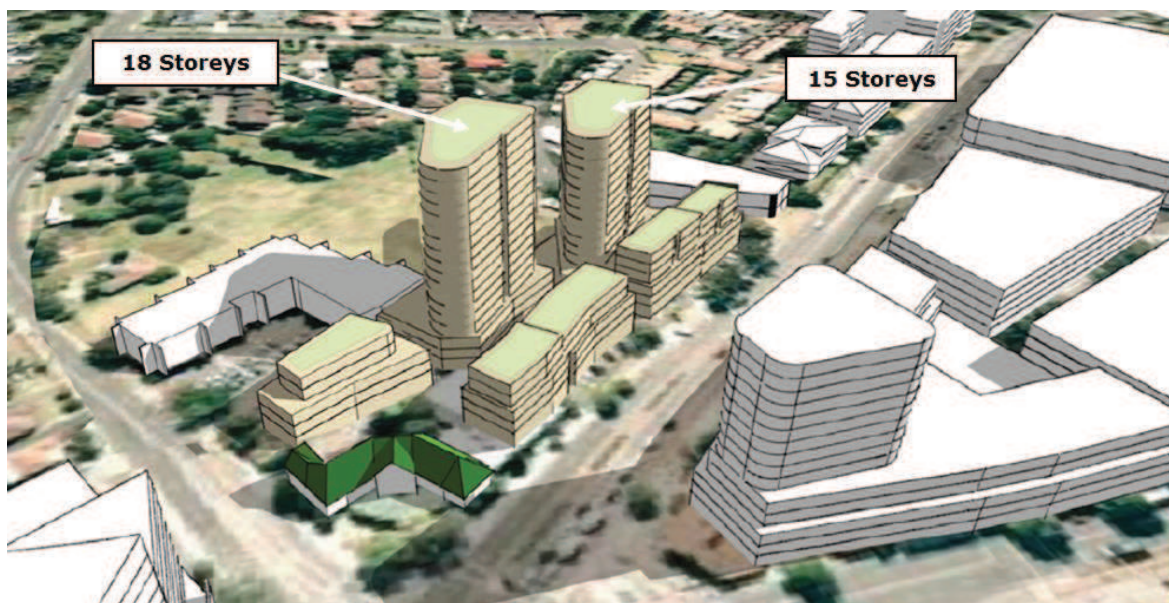


Figure 2
Built Form Photomontage – Original Concept

Since the lodgement of the proposal, significant discussions have been held with the proponent. These discussions have principally related to integration of future development with Conie Reserve, impact on social infrastructure (public benefit), potential overshadowing of adjoining sites, vehicular access to the site and the impact of traffic generation on the surrounding road network.

In July 2016 the proponent submitted a revised concept which proposed approximately 2,150m² of commercial floor space, 2,684m² of community floor space and 30,728m² of residential floor space (294 units). The built form consisted of three towers, one being 20 storeys and the remaining two towers proposed to be 18 storeys each. The proposed built form massing is included within the following figure. The proposed community floor space is highlighted in blue.

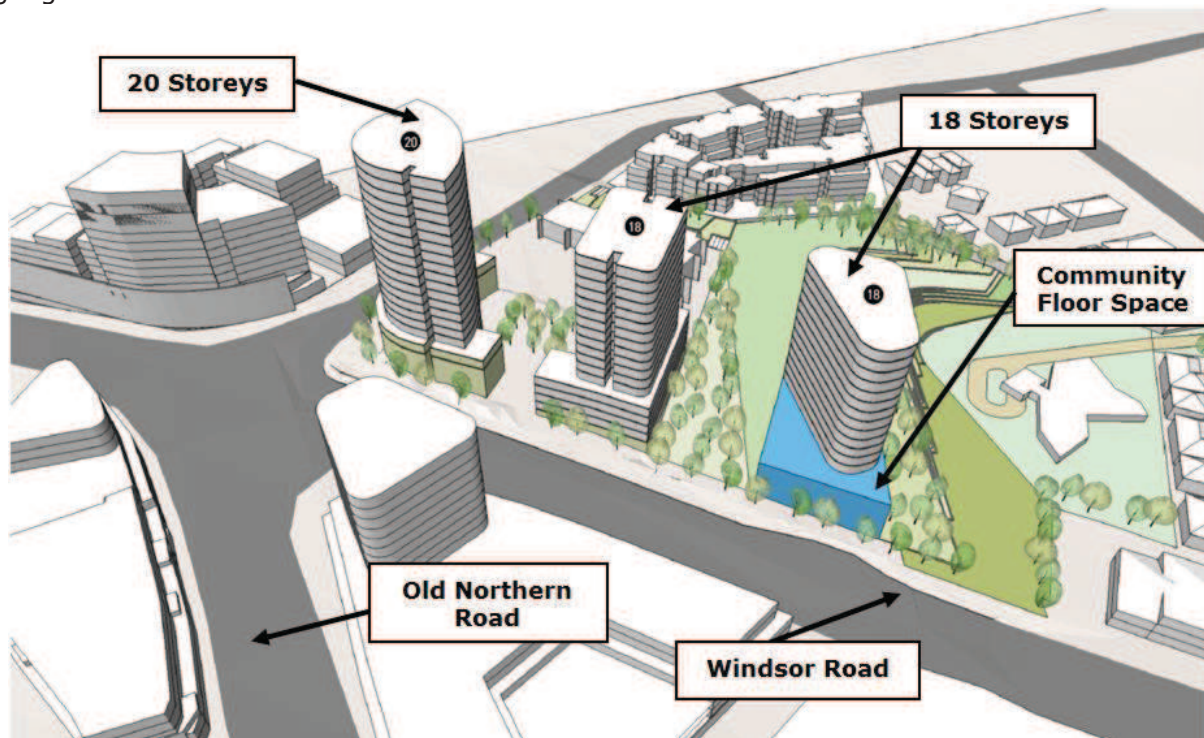


Figure 3
Built Form Photomontage – Second Concept

The revised concept included the full demolition of the existing hotel with a commitment to the preparation of an Interpretation Strategy in accordance with the Guidelines of the NSW Heritage Office covering themes and material relating to the occupation of the site as a hotel. The revised concept sought to include of a new community centre and library into the development.

Further discussions were held with the Proponent, during which significant concerns were raised with respect to the height and density of the development, impact on infrastructure, inadequate integration with Conie Reserve and potential overshadowing of adjoining uses. In recognition of these concerns, the proponent submitted a new concept (the current concept) for consideration in September 2016.

The current concept also seeks the full demolition of the existing hotel with a commitment to the preparation of an Interpretation Strategy in accordance with the Guidelines of the NSW Heritage Office covering themes and material relating to the occupation of the site as a hotel. Details regarding the heritage impact and heritage recommendations are discussed within Section C of this proposal. The proposed distribution of height and built form massing of the development are included on the following figure.

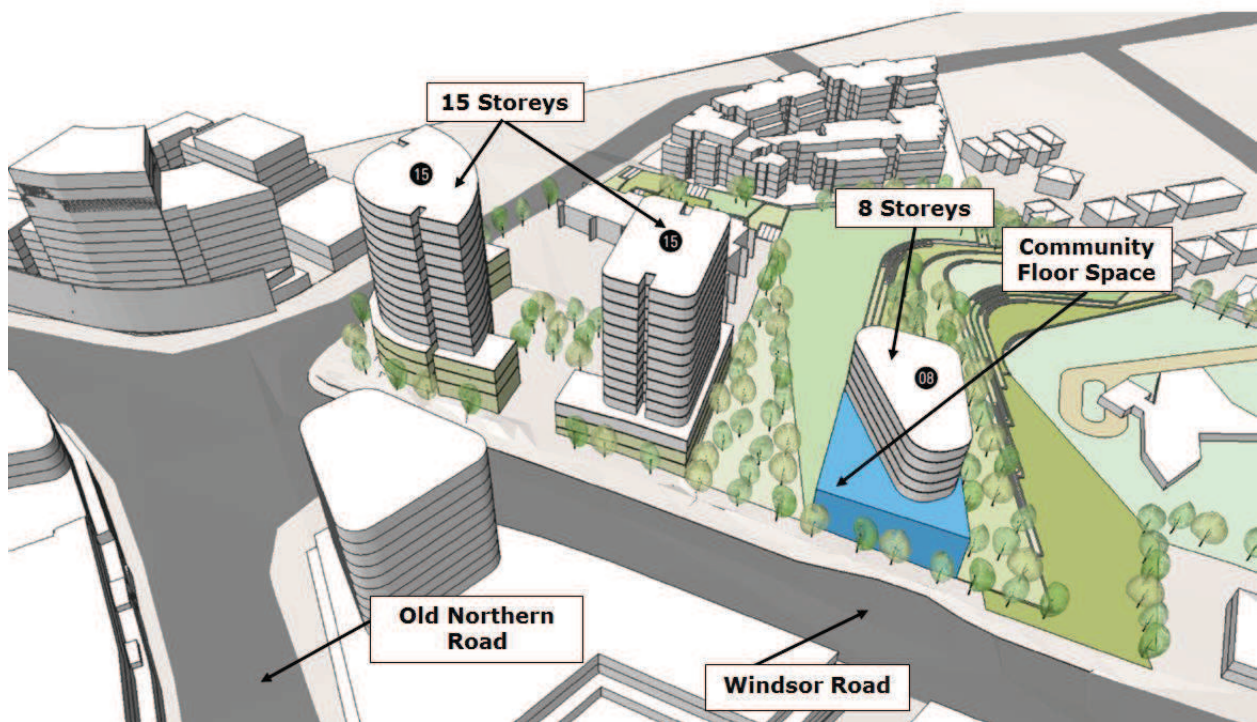


Figure 4
Built Form Photomontage – Current Concept

The developer has reiterated their intent to enter into a Voluntary Planning Agreement with Council with respect to the incorporation of an expanded library and community centre within the development. Further negotiation will need to be undertaken with the developer to refine the specific details of any future Voluntary Planning Agreement for the site.

At its meeting of 8 November 2016 Council considered a report on the proposal and resolved as follows:

1. *A planning proposal applying to land at 360-378 Windsor Road, Baulkham Hills (Lots 1 and 2 DP783941) be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Local Environmental Plan 2012 as follows:*
 - a) *Amend the Land Zoning Map to rezone the site from R1 General Residential to B2 Local Centre.*
 - b) *Amend Part 7 of Local Environmental Plan 2012 to include a new local provision (Proposed Clause 7.12 Housing Diversity) which shall permit a floor space ratio of 3.2:1 and a maximum height of buildings of 49 metres if future development on the site wholly satisfies Council's standards for apartment mix, apartment size and car parking and also provides at a minimum of 6,042m² of commercial and retail floor space and a minimum of 2,502m² of community floor space.*
 - c) *Amend the Key Sites Map to identify the site as 'Area Q'.*
 - d) *Amend clause 4.6 Exceptions to development standards to specify that the new local provision cannot be varied under clause 4.6.*
2. *Draft The Hills Development Control Plan 2012 Part D Section 10 Baulkham Hills Town Centre, as detailed in Attachment 1, be exhibited concurrently with the planning proposal.*
3. *Council proceed to discuss with the Proponent the preparation a draft Voluntary Planning Agreement which resolves the issues relating to the increased demand for local infrastructure generated by the additional residential density; and*

4. *Following the preparation of the draft Voluntary Planning Agreement, and prior to any public exhibition of the planning proposal, a report on the draft Voluntary Planning Agreement be submitted to Council for consideration.*

The following motion, arising from this matter, was also moved and carried:

1. *Council review traffic volumes along Seven Hills Road to establish if it meets the classification of a local road.*
2. *The review take into account the impact of the traffic already generated from surrounding approved developments.*
3. *A review be carried out of traffic volumes through the Baulkham Hills Town Centre.*

A copy of the Council Report and Minute, 8 November 2016, is included as Attachment C of this planning proposal (refer to figure 4).

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to facilitate a mixed use retail/commercial and residential development on the site of the Bull and Bush Hotel which includes the following:

- A minimum of 6,042m² of commercial and retail floor space (including a hotel/pub),
- A minimum of 2,502m² of community floor space (including library and community centre floor space)
- 20,582m² of residential floor space (approximately 200 units).

The built form is proposed to consist of three towers, two being 15 storeys and the remaining building being 8 storeys.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcomes will be achieved by amending LEP 2012 as follows:

- Amend the Land Zoning Map to rezone the site from R1 General Residential to B2 Local Centre;
- Amend Part 7 of Local Environmental Plan 2012 to include a new local provision (Proposed Clause 7.12 Housing Diversity);
- Amend Local Environmental Plan 2012 Key Sites Map to identify the site as 'Area Q'; and
- Amend Clause 4.6 Exceptions to development standards to specify that the proposed clause (Clause 7.12 Housing Diversity) cannot be varied.

The maximum development potential on the site, being a floor space ratio of 3.2:1 and a maximum height of building of 49 metres will be written into the additional local provision under Part 7 of LEP 2012.

The recommended wording for the local provision is included below.

Part 7 Additional Local Provisions

7.12 Housing Diversity and Social Interaction

(1) The objectives of this clause are as follows:

- (a) To ensure that residential development does not over-tax existing and planned services, facilities and infrastructure;
- (a) To ensure the provision of a mix of dwelling types in residential flat buildings, providing housing choice for different demographics, living needs and household budgets;
- (c) To ensure the provision of a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.
- (b) To promote development that accommodates the needs of larger households, consistent with the demographics and family household structures of the Hills Shire;
- (b) To provide opportunities for a suitable density housing form that is compatible with existing development and the future character of the surrounding area.

(2) Despite Clause 4.4, development on land identified within Column 1 may have a maximum permitted floor space ratio and height of buildings identified in Column 2, where the development complies with all of the criteria identified within Column 3.

Column 1 Area on the <u>Key Sites Map</u>	Column 2 Maximum Permitted Floor Space Ratio and Height of Buildings	Column 3 Specifications relating to the Area
"Area Q"	A maximum building height of 49 metres and a maximum floor space ratio of 3.2:1.	<p>The development provides a minimum of 6,042m² of commercial and retail floor space (including the hotel/pub);</p> <p>The development provides a minimum of 2,502m² of community floor space;</p> <p>The development provides a Family Friendly Dwelling Mix;</p> <p>The development provides a Diversity of Housing;</p> <p>The provision of car parking shall not be less than the following:</p> <p>1 space per 1 bedroom unit 1.5 spaces per 2 bedroom unit 2 spaces per 3 bedroom unit 2 visitor spaces per 5 units</p>

(3) In this clause:

Family Friendly Dwelling Mix means a mix of apartment types, providing housing choice for different demographics, living needs and household budgets. In The Hills Shire, based on the demographic profile of the area, a development is considered to provide Family Friendly Dwelling Mix if no more than 25% of all dwellings are studio or 1 bedroom dwellings and at least 20% of all dwellings are 3 or more bedroom dwellings.

Diversity of Housing means a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. In The Hills Shire, a development is considered to provide **Diversity of Housing** if at least 40% of all 2 bedroom dwellings and 40% of all 3 bedroom dwellings have a minimum internal floor area of 110 square metres and 135 square metres respectively.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

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

No, the planning proposal is not a result of any strategic study or report. However it is noted that the proposal is consistent with the draft exhibited Master Plan for the Baulkham Hills Town Centre in terms of dwelling yield and strategic work undertaken to inform housing diversity provisions.

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

Yes – The rezoning of the site to the B2 Local Centre zone and the insertion of a development incentive provision to facilitate a maximum floor space ratio of 3.2:1 and maximum height of buildings of 49 metres, subject to the provision of an appropriate mix of uses and delivery of housing diversity, is considered to be the most effective way to ensure that additional residential yield enabled by the proposed LEP will meet the needs and expectations of current and future residents within the Hills Shire.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. 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)?

Yes, a discussion of consistency is provided below.

- **A Plan for Growing Sydney**

On 14 December 2014 the NSW Minister for Planning released 'A Plan for Growing Sydney'. The Plan is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. A key principle for growth includes increasing and improving housing choice around centres. The planning proposal seeks to facilitate the delivery of housing and employment outcomes within the Baulkham Hills Town Centre.

Of particular relevance to this proposal is Goal 2 of the Plan for Growing Sydney which is for 'A City of housing choice with homes that meet our needs and lifestyles'. This goal seeks the provision of more housing, with a greater choice of dwelling types in well-serviced locations to help meet changing household needs, lifestyle choices, population growth and different household budgets. Two of the key Directions which underpin the goal are detailed below:

- Direction 2.1: Accelerate housing supply across Sydney
- Direction 2.3: Improve housing choice to suit different needs and lifestyles

This proposal will increase the supply of housing within close proximity of public transport and other support services and will facilitate an appropriate diversity of housing to ensure that the future housing stock is capable of meeting the needs and expectations of the future Hills Shire community.

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

Yes, a discussion of consistency is provided below.

- **Draft Central West District Plan**

The six (6) draft District Plans and the draft update to *A Plan for Growing Sydney* were released for public exhibition in November 2016. They are proposed to be finalised concurrently towards the end of 2017. Once they are in place Council will need to review its Local Environmental Plan to give effect to the relevant District Plan.

The Hills Shire Local Government Area is included in the West Central District, along with Blacktown, Cumberland and the City of Parramatta Councils. The Draft West Central District Plan includes a number of priorities and actions within the categories of:

- A Productive city
- A Liveable City; and
- A Sustainable City.

In achieving the vision for the Central West Precinct, the District Plan includes the following key priorities which are of direct relevance to the current proposal:

- Improving housing choice;
- Improving housing diversity and affordability – which includes planning for, and delivering, housing diversity;
- Create housing capacity within the District; and
- Provision of design-led planning.

The delivery of a high density mixed use development within the Baulkham Hills Town Centre on the current site will facilitate an increase in the supply of housing to meet the housing demand of the future population. The incentive provision will also facilitate an appropriate diversity of apartment types and sizes which will provide housing choice in the market and will ensure that the housing stock appropriately aligns with the needs and expectations of the future Hills Shire demography.

Redevelopment of the site will assist in improving the vibrancy of the town centre, including improved pedestrian connections, new retail and commercial services, improved public domain treatment, and improved civic facilities which will make Baulkham Hills a highly liveable, productive and sustainable centre.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Direction articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. 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 seeks to promote the better usage of existing land and capitalise on the strategic location of the site. The inclusion of Council's apartment mix and size requirements are also consistent with the vision and objectives of The Hills Future – Community Strategic Plan as it will facilitate housing diversity and affordability and will contribute toward a desirable living environment and meet growth targets. It is also consistent with the key strategy of managing new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.

- **Local Strategy**

Local Strategy

Council's 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 Local Strategy provides a clear statement of the overall strategic land use management and planning objectives for the Hills Shire. However, it is noted that the dwelling and job growth targets detailed within the Local Strategy represent Council's projected growth targets as at June 2008.

- Residential Direction

The planning proposal is consistent with the principles of the Residential Direction as it seeks to provide additional residential accommodation within the Baulkham Hills Town Centre.

The Residential Direction recognises the need to promote the revitalisation of the Baulkham Hills Town Centre by accommodating the expansion of retail, commercial and residential development within a setting that promotes pedestrian movement, public transport and an improved public domain. The Direction notes that further investigation of opportunities is warranted to facilitate the uptake of mixed residential/commercial opportunities within the town centre. This included the Bull and Bush site which was identified as a target site as part of Council's previous Residential Development Strategy 1998. Target sites were identified as they were suitable for development at higher densities and in need of site specific development responses. In this regard the current proposal is considered to be consistent with this approach as it will facilitate a master planned outcome which will have regard to, and carefully manage, the existing constraints which affect the site.

With respect to the broader approach toward accommodating population growth, Council has consistently sought to achieve a balanced approach, which makes use of existing infrastructure and extends the lifestyle opportunities of its residents. This approach focuses high density development in precincts that show capacity to accommodate further growth, with the result being increased population around town centres and major transport nodes. The planning proposal is consistent with this philosophy.

- Centres Direction

The proposal for a mixed use development on the site is considered to be consistent with the objectives and actions of the Centres Direction. The critical issue for consideration is whether the scale of development being proposed on the site is appropriate and whether there is sufficient infrastructure to support the additional demand generated by future residents on the site.

An additional objective of the Centres Direction is for the early incorporation of heritage items into the planning of centres in order to assist in retaining a 'sense of place' and cultural links to the Shire's past. Strategies to achieve this include the strengthening of development controls to facilitate the suitable adaptive re-use of heritage items, heritage interpretation and ensuring that surrounding development in centres is sympathetic to heritage items and their curtilage. Analysis of the potential heritage impact of future development on the site is included further in this Proposal.

• **Draft Baulkham Hills Town Centre Master Plan**

The draft Baulkham Hills Town Centre Master Plan was developed to guide the renewal and rejuvenation of the Baulkham Hills Town Centre and set the framework for future infrastructure and land use planning including the built form of future development. In recognition of the land ownership pattern, allotment fragmentation and other site constraints within certain parts of the town centre a number of 'Strategic Investigation Sites' were identified. Whilst these sites were considered to have significant development opportunity, it was recognised that they have unique characteristics which would need to be carefully addressed as part of future planning proposals/applications. One of these sites included the Bull and Bush Hotel.

At its meeting of 12 August 2014 Council considered a report on a draft master plan and public domain plan for the Baulkham Hills Town Centre and resolved to exhibit the draft plans. The

draft plans were subsequently exhibited from Tuesday 19 August 2014 to Friday 19 September 2014.

At its meeting of 28 October 2014 Council considered a report on the outcome of the exhibition of the draft public domain plan and resolved to adopt the draft public domain plan. The draft master plan was not reported back to Council at that time due to the uncertainty regarding the proposed grade separation of the intersection of Windsor Road/ Seven Hills Road and Old Northern Road. If this intersection was subject to either a full or partial grade separation, then it would have a significant impact on how the town centre develops into the future.

Notwithstanding the above uncertainty, the draft master plan did envisage a high density mixed use outcome on the site. Preliminary analysis undertaken as part of the master planning process indicated approximately 200 dwellings with approximately 4,000m² of retail and commercial floor space on the site.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A.

- **State Environmental Planning Policy 55 – Remediation of land**

The aim of this Policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. The Policy requires a planning authority to consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.

A Phase I Environmental Site Assessment Report was prepared by Consulting Earth Scientists and submitted with the planning proposal. The report concludes that the site and surrounding areas has a mixed history of rural, residential and commercial land use. Potentially contaminating land use activities that have been identified to have occurred on-site include:

- Application of uncontrolled fill on the site; and
- Demolition of former site structures possibly constructed from hazardous building materials.

Based on the above identified site history there is potential for contamination of the land. The report recommends that an investigation of the soil and groundwater be carried out at the development application stage to assess the presence or absence of land contamination. The report continues by commenting that if subsequent intrusive investigation identifies contamination that is considered to pose an unacceptable risk to future site users, it may be possible to address these concerns at the construction phase (e.g. formation of basements) via excavation and off-site disposal to a suitably licensed landfill.

It is considered that the proposal satisfactorily addresses the requirements of SEPP 55 Remediation of Land for the current phase of the proposal's assessment.

- **State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development**

State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development (SEPP 65) has been prepared to promote better apartment design across the State. The policy aims to deliver a better living environment for the residents now choosing this form of housing, and enhance our streetscapes and our neighbourhoods across the State.

SEPP 65 establishes nine design quality principles which are intended to ensure high quality development outcomes and more liveable urban areas. The SEPP 65 design quality principles must be considered by design professionals when designing residential apartment

development, by design review panels when giving advice on proposals and by consent authorities. The nine principles are listed below:

- Principle 1 – Context and Neighbourhood Character;
- Principle 2 – Built Form and Scale;
- Principle 3 – Density;
- Principle 4 – Sustainability;
- Principle 5 – Landscape;
- Principle 6 – Amenity;
- Principle 7 – Safety;
- Principle 8 – Housing Diversity and Social Interaction
- Principle 9 – Aesthetics.

In determining a development application for consent to carry out development to which this Policy applies, a consent authority is to take into consideration (in addition to any other matters that are required to be, or may be, taken into consideration):

- a) the advice (if any) obtained from the design review panel, and
- b) the design quality of the development when evaluated in accordance with the design quality principles, and
- c) Apartment Design Guide.

Through the Design Principles, SEPP 65 recognises that housing diversity is a critical design requirement when assessing applications for high density development. Principle 8 – Housing Diversity and Social Interaction provides the following.

- *Principle 8 – Housing Diversity and Social Interaction*
Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.

Well-designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.

Good design involves practical and flexible features, including different types of communal spaces for a broad range of people and providing opportunities for social interaction among residents.

As outlined within the principle, well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix. The approach being proposed for the subject site is directly consistent with this Principle as the provisions have been prepared having regard to the future demographic characteristics of the Shire.

As the Hills Shire population grows there will be greater reliance on higher density development to accommodate future housing demand. A more sustainable Sydney is a more compact Sydney and more new homes in the future will be in the form of higher density developments. More people need to be able to choose to live, raise families and retire to an apartment located in an area of high accessibility and amenity.

The Hills Shire Council is expected to be home to an additional 37,934 households between 2016 and 2036 and population forecasts indicate that 23,519 (or 62%) of these will be 'larger' household types such as couples with children, single parents with children and multiple family households. It will be critical that future high density development provides 'dwelling diversity' to ensure the market caters for the different living needs, expectations and household budgets within the community. This will require the provision of an appropriate mix of one, two and three bedroom apartments which are varied in size.

Apartment buildings are a long term building stock so it is very important that if they are to be built, they are resilient over the long term. Unlike detached housing where landowners can

choose the style and size of their home, a homeowner wanting an apartment can only choose from what is being provided. Whilst smaller apartments should be provided to meet the needs of a certain demographic within the market, moderate and larger apartments should also be provided to meet the latent demand for this housing option. This will then reduce pressure on smaller, more affordable housing options.

In recognition of the above issues the planning proposal includes a local incentive provision which ensures that the uplift generated by the planning proposal can only be achieved where the development delivers the housing product that meets Council's apartment mix, apartment size and centres car parking rate. The proposed provision is very similar to the approach which the Department has agreed to for land within the Sydney Metro Northwest Corridor. The base Floor Space Ratio would be the existing 1:1 which currently applies to the site. This is consistent with the agreed position for proposals within the Sydney Metro Northwest Corridor, where 1:1 was considered to be an appropriate base FSR provision for land between 400m-800m of a railway station.

Whilst the subject site is not located within walking distance of a railway station it is located within a centre which is serviced by high frequency public transport services. Access to public transport facilities will continue to improve with the proposed upgrade to the public transport interchange at Railway Street and with the delivery of the proposed pedestrian bridge connecting the target site to the future public transport interchange. Accordingly, it is reasonable that a similar methodology be pursued for this site.

The incentive provision will give Council certainty that the following breakdown would be provided:

- A maximum of 25% of apartments are to contain 1 bedroom;
- A minimum of 20% of apartments are to contain 3 or more bedrooms;
- At least 40% of 2 bedroom dwellings are to have a minimum internal floor area of 110m²; and
- At least 40% of 3 bedroom dwellings are to have a minimum internal floor area of 135m².

Under the existing Floor Space Ratio of 1:1 which currently applies to the site a total Gross Floor Area (GFA) of 9,250m² could be achieved. Assuming an average SEPP 65 apartment size of around 80m² (excluding 10% for circulation), the site could accommodate around 104 units at SEPP 65 apartment sizes.

The incentive provision being sought through this proposal would apply a Floor Space Ratio of 3.2:1 to the site. This would facilitate a GFA of around 29,600m². Excluding 8,544m² of commercial, retail and community floor space, the remaining 21,056m² of floor space would be available for residential development. Assuming an average incentive apartment size of around 90-95m² (excluding 10% for circulation), the site could accommodate around 200-210 units through the incentive provision.

The following table provides a mix and size breakdown of the anticipated apartment yield on the site.

Total Units	Unit Mix			Unit Size			% of Total Units	
	Unit Type	Mix	No. Units	Unit Size	% of Unit Type	No. Units		
200	1 Bed	25%	50	SEPP 65	100%	50	25%	
				Council	0%	0	0%	
	2 Bed	55%	110	SEPP 65	60%	66	33%	
				Council	40%	44	22%	
	3 Bed	20%	40	SEPP 65	60%	24	12%	
				Council	40%	16	8%	
					Total Units		200	100%
					Total SEPP 65 Sized Units		140	70%
				Total Council Sized Units		60	30%	

Figure 5
Potential Apartment Breakdown

As can be seen, of the 200 units achievable on the site, approximately 140 units (70%) will still be SEPP 65 apartments, which is almost 35% more than the number of SEPP 65 apartments achievable under the existing controls.

It is also emphasised that the proposal provides a floor space incentive only if the developer complies with the apartment size/mix and car parking requirements. The proposal does not prevent future development from utilising the mandatory controls under the SEPP and therefore is not inconsistent with the SEPP.

As previously mentioned, Principle 8 of SEPP 65 requires that 'Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets'. Requiring a mix of apartment sizes, including a proportion of larger apartments, is consistent with this principle as it will ensure that an appropriate diversity of apartment sizes is provided to suit different needs and budgets. The planning proposal is considered to be consistent with SEPP No. 65 as it will encourage and promote a high quality development on the site and will facilitate a variety of housing types with positive design and amenity outcomes.

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

Yes. The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 1.1 Business and Industrial Zones**

This Direction applies when a planning proposal is prepared which affects land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary). This Direction applies to the planning proposal as it seeks to rezone the site from R1 General Residential zone to B2 Local Centre zone.

The objective of the planning proposal is to facilitate a mixed use retail/commercial and residential development on the site of the Bull and Bush Hotel which includes the following:

- A minimum of 6,042m² of commercial and retail floor space (including a hotel/pub);
- A minimum of 2,502m² of community floor space (including library and community centre floor space); and
- 20,582m² of residential floor space (approximately 200 units).

The proposed mixed use development, including the commercial/retail floor space and civic floor space will encourage employment growth in a suitable location being in close proximity to commercial/retail services, community facilities and public transport. It will support the

functioning of the Baulkham Hills Town Centre as a vibrant and active centre. Accordingly, the proposal is considered to be consistent with this Direction.

- **Direction 2.3 Heritage Conservation**

Direction 2.3 Heritage Conservation aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance by requiring planning proposals to contain provisions that facilitate the conservation of environmental heritage. Whilst the planning proposal does not seek to amend any of the heritage provision within LEP 2012, or remove/amend the heritage listing of the Bull and Bush Hotel, the proposal is considered to be inconsistent with this Direction as the concept which is being sought through the proposal would involve the demolition of the existing heritage item.

The Direction provides that a planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning (or an officer of the Department nominated by the Secretary) that:

- (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or
- (b) the provisions of the planning proposal that are inconsistent are of minor significance.

Any future redevelopment of the site would require the lodgement of a development application which would be subject to the heritage provisions of LEP 2012 and the heritage controls under DCP 2012. Accordingly it is considered that the planning proposal is justifiably inconsistent with this Direction.

The proposal to demolish, reconstruct and incorporate the Bull and Bush Hotel within the redevelopment of the site will facilitate the continuation of the site's historic use with the new development forming part of the next evolution of the site. Further discussion on the potential impact of future development on the heritage significance of the site is discussed within Section C of this proposal.

- **Direction 3.1 Residential Zones**

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed residential zone (including the alteration of any existing residential zone boundary) or any other zone in which significant residential development is permitted or proposed to be permitted.

This Ministerial Direction is applicable in this instance as it proposes an intensification of residential densities on the site. The objectives of the Direction are:

- to encourage a variety and choice of housing types to provide for existing and future housing needs;
- to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services; and
- to minimise the impact of residential development on the environment and resource lands.

The planning proposal is considered to be consistent with this Direction as redevelopment of the site will provide both additional housing and employment growth within the Baulkham Hills Town Centre which is a strategically significant centre for The Hills Shire. Higher density development at this location is also appropriate as the future population will benefit from the existing and future services within the town centre and the high frequency public transport services to Parramatta, the Sydney CBD, M2 Motorway, Macquarie Park, Norwest Business Park, North Sydney, Castle Hill and Rouse Hill.

- **Direction 3.4 Integrating Land Use and Transport**

This Direction aims to ensure that development improves access to housing, jobs and services, increase choice of available transport, reduce travel demand, and provide for the efficient movement of freight. A planning proposal must locate zones for urban purposes and include provisions that are consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and The Right Place for Business and Services – Planning Policy (DUAP 2001).

The proposal is considered to be consistent with this Direction as it seeks to facilitate a high density mixed use development in close proximity to jobs and retail/commercial services and improved accessibility to public transport services. Specifically the proposal will meet the following key objectives:

- a) Improve access to housing, jobs and services by walking, cycling and public transport; and
- b) Increase the choice of available transport and will assist in reducing dependence on cars; and
- c) Reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- d) Support the efficient and viable operation of public transport services within the vicinity of the site.

- **Direction 6.3 Site Specific Provisions**

This Direction applies *"when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out"* and requires that a planning proposal must either:

- a) allow that land use to be carried out in the zone the land is situated on, or
- b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

The planning proposal is seeking to rezone the site to B2 Local Centre zone wherein all of the intended uses are permitted. As the planning proposal will permit the land uses to be carried out within proposed land zoning, the proposal is considered to be consistent with this Direction.

- **Direction 7.1 Implementation of A Plan for Growing Sydney**

The planning proposal is consistent with A Plan for Growing Sydney. An overarching theme within the Plan is to ensure that more homes are located within suitable locations. In light of the commercial and community services which are available within the Baulkham Hills Town Centre and access to high frequency public transport services, the planning proposal is considered to incorporate the principles of transit oriented development. This will both improve public transport patronage and will reduce car dependency.

As mentioned previously, of particular relevance to this proposal is Goal 2 of the Plan for Growing Sydney which is for 'A City of housing choice with homes that meet our needs and lifestyles'. This goal seeks the provision of more housing, with a greater choice of dwelling types in well-serviced locations to help meet changing household needs, lifestyle choices, population growth and different household budgets. Two of the key Directions which underpin the goal are detailed below:

- Direction 2.1: Accelerate housing supply across Sydney

- Direction 2.3: Improve housing choice to suit different needs and lifestyles

This proposal will increase the supply of housing within close proximity of public transport and other support services and will facilitate an appropriate diversity of housing to ensure that the future housing stock is capable of meeting the needs and expectations of the future Hills Shire community.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. 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?

No, the land that is subject to the planning proposal is already developed and occupied by the Bull and Bush Hotel and associated parking. The subject area is generally void of any significant vegetation or trees. Therefore the planning proposal is unlikely to create any adverse impacts on critical habitat or threatened species, populations or economical communities and their habitats.

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

- **Potential for Land Contamination**

As discussed previously within this proposal, a Phase I Environmental Site Assessment Report was prepared by Consulting Earth Scientists for the site. The Report concluded that the site may have been subject to potentially contaminating land use activities including the application of uncontrolled fill on the Site and demolition of former site structures possibly constructed from hazardous building material. Based on consultant's recommendation that further contamination investigation is required, the site can be made suitable for residential development.

- **Heritage Impact**

The site currently contains a pub known as the 'Bull and Bush Hotel' which is listed as an item of environmental heritage within Schedule 5 of LEP 2012. The significance of the item lies in the site and its continuity of use from 1810 to the present as an inn at the junction of the two major roads which opened up the Hawkesbury, the Cumberland Plain and the Hunter to European Settlement.

The evolution of a tavern/pub on this site commenced with the construction of the first hotel building was in 1810, known as the 'The Lamb and The Lark' that operated until 1885. However, this was demolished and a second hotel, known as the 'Royal Hotel', was built in 1885. In the late 1930s, after the depression, a new more fashionable building (early English architectural style) that is currently known as the 'Bull and Bush' Hotel was constructed. This building was subject to damage during a fire event in October 1991, therefore the current building is not fully original. The restaurant at the front, gaming room, bar and bottle shop at rear are also not part of the original structure.

There are also a number of other heritage items and an archaeological site within the vicinity of the site (see following figure).

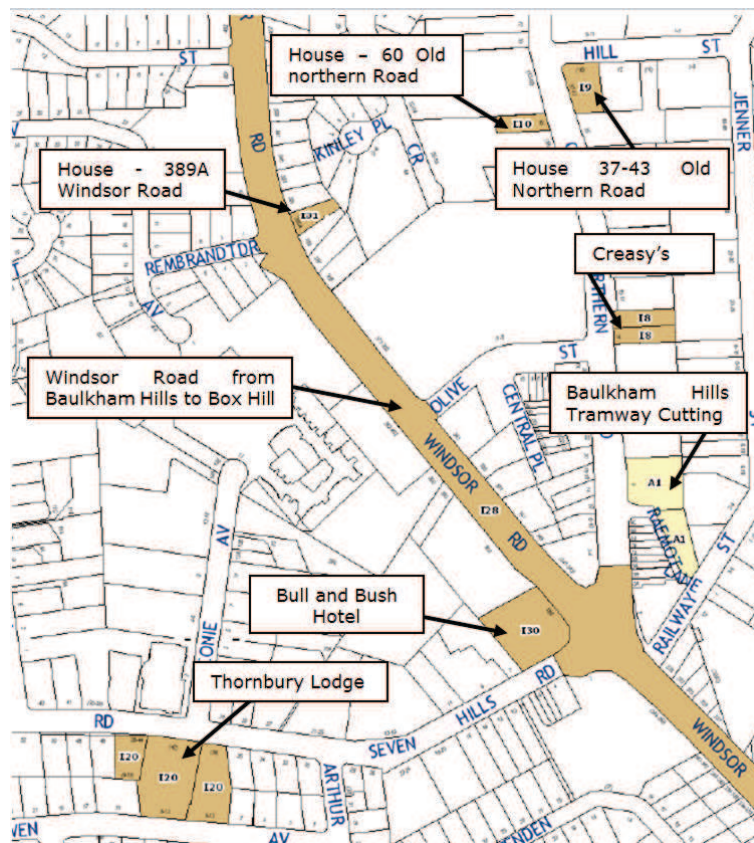


Figure 6

LEP 2012 – Heritage Map

A preliminary heritage assessment, prepared by NBRIS + Partners was submitted with the proposal. The assessment was prepared to determine potential heritage impacts of development on the heritage listed Bull & Bush Hotel and other heritage items in the immediate vicinity.

The heritage assessment notes that the historic significance of the Bull and Bush Hotel is not in the built form of the development but rather its cultural importance from the continual use of the site as a hotel since the early 1800s. The built form of the Bull and Bush Hotel has changed considerably since the early 1800s, with the current building, being the third hotel located on the site with substantial modification resulting from fire damage and further additions by the hotel operator.

The second building on the site being the Royal Baulkham Hills Hotel c1880s (left) and the current Bull and Bush Inn c1930s is shown in the following figure. No images exist of the original building known as 'The Lamb and The Lark'.



Figure 7

Royal Baulkham Hills Hotel/Bull and Bush Evolution c1880s (left) and 1930s (right)

The proposal to demolish, reconstruct and incorporate the Bull and Bush Hotel within the redevelopment of the site will facilitate the continuation of the site's historic use with the new development forming part of the next evolution of the site.

A key recommendation of the heritage assessment is that future development should be preceded by appropriate archaeological investigation, archival photographic recording and the preparation and implementation of an interpretation strategy to identify significant aspects of the site to future users. Should the proposal be supported, appropriate controls are recommended to achieve the re-interpretation of the hotel on the site.

Further heritage assessment would be required as part of the lodgement of a future development application for the site.

- **Impact on Adjoining Uses**

In determining the most appropriate land use and built form for the site it is important to consider the potential impact of the development on adjoining uses. In this regard consideration needs to be afforded to overshadowing, privacy, noise and integration with Conie Avenue Reserve.

Overshadowing

The following diagrams show the potential shadow impact of the development 9am, 12pm and 3pm on the winter solstice (21 June).

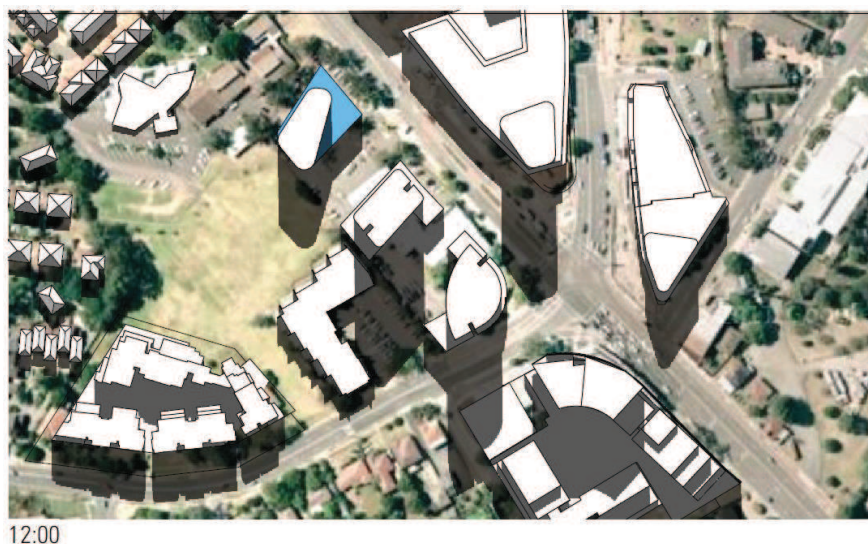




Figure 8
Shadow Diagrams – Winter Solstice (21 June)

As can be seen from the above shadow diagrams, the potential overshadowing impact on Conie Reserve and the adjoining strata development has been minimised by slender building forms and concentrating the higher building elements toward the southern portion of the site.

Further assessment of the final built form will be undertaken through the development assessment process to ensure that the overshadowing impact is acceptable.

Privacy

The subject site is located within the core of the town centre which will continue to develop into a highly urbanised environment. Conie Reserve provides a sufficient buffer between the site and the surrounding high density residential areas to the north and east. Privacy impacts are not expected to be significant due to the proximity of the site from the nearby residential area (ranging from 80–100 metres). Nonetheless, controls will be required to ensure that there is an appropriate transition of building height across the site, with the lower element located along the edges of the site, particularly along the sensitive interfaces.

Noise

The distance of the proposed development to the adjoining residential areas is considered to be sufficient to ensure that the potential impact of noise emanating from apartments is minimal. However, matters relating to acoustic privacy will be appropriately addressed at the development assessment stage.

Road Generated Noise

Windsor Road is a key arterial road connecting the North West region and the rest of Sydney. In light of the forecast growth which is projected to occur within the region, it is anticipated that this road will be required to accommodate additional traffic volume. Accordingly future increases in traffic related noise along this roadway will not be solely attributed to the potential traffic volume generated as part of this development.

The RMS recognises that the level of traffic noise from a road is directly related to the volume, type and speed of traffic, distance (unobstructed) from a road and the type of ground cover or road surface. The RMS has specific Guidelines applying to development within the vicinity of Classified Roads and Railway Corridors. These Guidelines support *State Environmental Planning Policy (Infrastructure) 2007* and require future development within the vicinity of these key corridors to incorporate measures to mitigate the impact of traffic noise such as double glazing, physical barriers, room and balcony arrangement and construction techniques of walls (sound absorbing material and the mass and stiffness of walls).

Potential Land Use Conflict (pub and residential)

It is noted that that the 'Bull and Bush' is a well-known live music venue and is ideally located having no direct residential neighbours. This location helps to minimise any adverse noise impacts from gigs/live music that are generally scheduled on Thursdays through to Sunday nights. Permitting the erection of new residential development within the vicinity of a live music venue will ultimately place pressure on the venue and the Office of Liquor and Gaming. Having such uses co-exist on a single site will require specific consideration in design of the building due to the potential conflict, although these can be dealt with at the development application stage.

If this proposal is supported, detailed acoustic assessment will be required as part of any future application for the site to ensure that the building, including the floor plans for the residential units, is designed having regard to the existence of the pub and beer garden. The acoustic report must consider the location of sensitive rooms (bedrooms and living areas), balconies and windows facing the pub and beer garden. The acoustic report must also address section 102 of the State Environmental Planning Policy (Infrastructure) 2007 and demonstrate how compliance can be achieved.

Integration with Conie Reserve

The current built form and layout of development within the town centre, especially along Windsor Road, does not adequately address the Conie Reserve. As a result the reserve is hidden behind development and has minimal passive surveillance. This makes the park a less desirable place to visit and ultimately impacts on its ability to fulfil its role as an urban park.

Redevelopment of the Bull and Bush site presents an opportunity to significantly improve the relationship between Conie Reserve and the overall Baulkham Hills Town Centre, through improved visibility of the Reserve from Windsor Road and the inclusion of pedestrian links and street level activation. Coupled with the future embellishment of the Reserve, the proposal presents a significant opportunity to improve the capacity and usability of the space.

As with any urban park, it is imperative that they integrate with the development which they adjoin. Preferably, development should be designed so as to enable the open space to bleed into the development through links (public and semi-public links) and architectural design features.

The plan for the site includes new physical and visual connections into Conie Reserve, to better connect the open space to the existing street network and the new public library/community centre within the northern portion of the site. As identified within the proposal, the development would include a civic square which will accommodate the new beer garden which will be activated by retail frontages. The demolition and relocation of the aging Conie Avenue Community Centre will provide an opportunity to enlarge the existing public park. The following figure shows how linkages could be developed to the reserve.



Figure 9

Open Space Summary Plan – Integration with Conie Reserve

The following artist's impression provides one idea of how future redevelopment on the site could potentially integrate with the open space. As can be seen the intent is to create a mutually beneficial outcome for both sites. Although it is emphasised that future embellishment of the open space, including the design of the park will ultimately be undertaken by Council as part of a separate planning process.



Figure 10

View Showing Connection of Park to Windsor Road

- **Floor Space Ratio and Density**

As part of the master planning that has previously been undertaken for the town centre, a higher density mixed use outcome has been anticipated on the Bull and Bush site. As discussed previously within this proposal, the draft master plan anticipated that approximately 200 dwellings (185 dwellings/ha) could potentially be achieved on the site. Accordingly, the current proposal, which seeks approximately 200 dwellings, would be consistent with the anticipated density within the draft Baulkham Hills Town Centre Master Plan.

The following figure provides a comparison of the densities of other high density developments that have been approved within the town centre.



Figure 11

Comparison Between Concept and Approved Densities within the Town Centre

Maximum floor space ratio is the primary control which limits the maximum yield and density of development on a site and controls the overall bulk and scale of the built form. Building controls (such a maximum building heights) establish an envelope within which future development may occur (but not necessarily 'fill'). Focussing on maximum floor space ratio rather than overly prescriptive building envelope controls provides for greater flexibility at the detailed design and development assessment stage and allows for the exploration of master planned development outcomes on any given land.

- **Building Height**

When considering the appropriate heights of development it is necessary to consider the significance of the site in relation to overall context of the town centre, and also the relationship between the site and sensitive adjoining uses. By doing so, an appropriate maximum building height and transition of height across the site can be determined. The following figure shows the heights of development applications within the town centre that have been approved or which are under assessment.

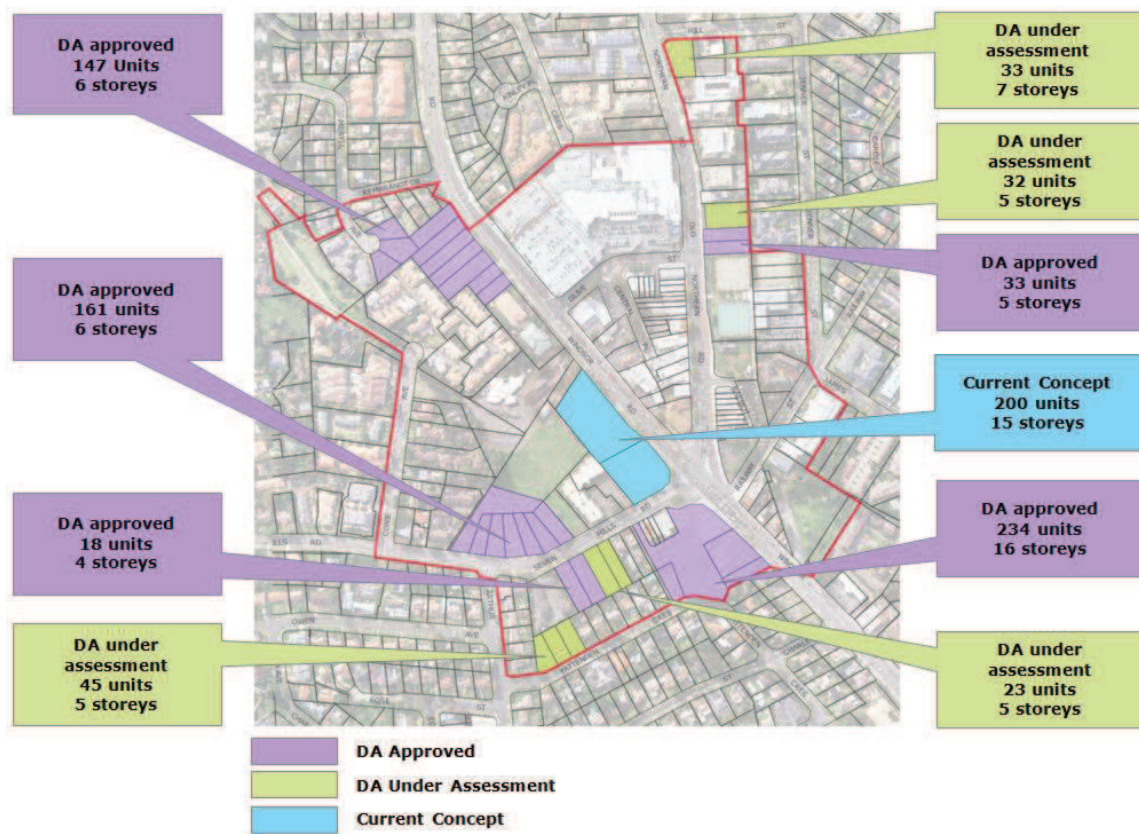


Figure 12
 Building Height
 Applications Approved and Under Assessment

The highest tower elements within the town centre should ideally be located surrounding the junction of Windsor Road, Seven Hills Road and Old Northern Road. This is a highly prominent location and signifies the core of the town centre. It is also considered that future development on the subject site should respond to the built form of development on the target site to the south.

The following image shows a cross section of the proposed development (right), including the approved target site development (left). The cross section includes the Reduced Level of the approved landmark element on the target site and the achievable RL based on the 55 metre height of buildings standard that was originally requested by the proponent. As can be seen the tallest element within the proposal would have an RL of 153.31 which is approximately 5 metres higher than the tallest element on the target site (148).

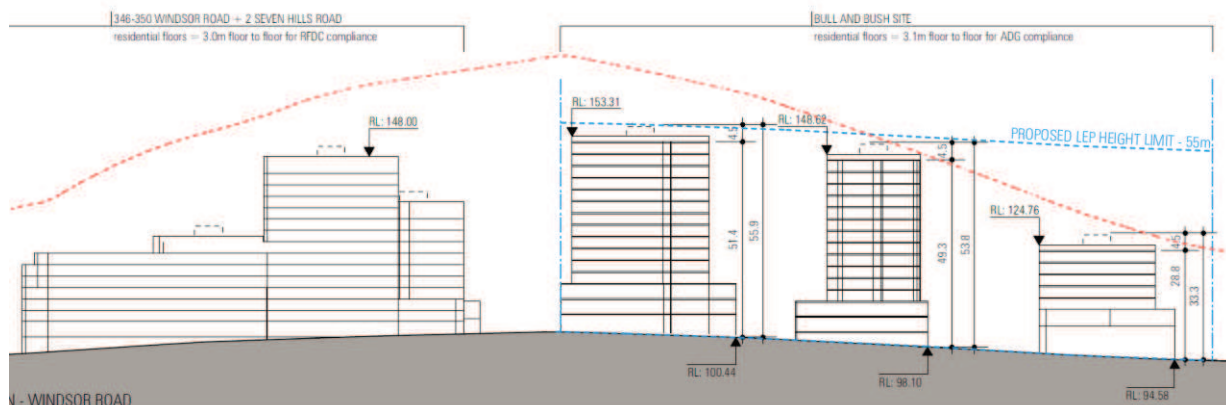


Figure 13
 Cross Section (Proposed Development and Target Site)

It is considered appropriate that the two locations have similar maximum heights, with a transition of height away from the highest elements at the junction of Windsor Road and Seven Hills Road. In the case of the subject site, heights should transition downward from 15 storeys to 8 storeys in a northerly direction.

Whilst it is acknowledged that the proponent sought a height of building requirement of 55 metres, this could facilitate an additional residential storey. Assuming three storeys of commercial/retail floor space at 4 metres per storey and 12 storeys of residential floor space at approximately 3 metres per storey, and an additional metre for flexibility, this would necessitate a height of building requirement of 49 metres. As per Council's resolution of 8 November 2016, the planning proposals will pursue a height of building requirement of 49 metres.

The proposed maximum height and floor space ratio would enable flexibility in the detailed design process to produce a variation in heights across the site, with the distribution and layout of height ultimately being determined based on consideration of all relevant controls including the proposed maximum floor space ratio and building height as well as other built form considerations such as landscaping, setbacks, building separation, privacy, solar access, design excellence and interface with adjoining development.

It is also noted that the amendments proposed to the existing design excellence clause within LEP 2012 as part of the precinct planning for Castle Hill North Precinct and the Priority Precincts would ensure that the design excellence will apply to future development on the subject site.

- **Traffic and Transport**

A Traffic Impact Assessment, prepared by GTA Consultants, has been submitted in support of the planning proposal. It is noted that the assessment is based on a conservative dwelling yield of 200 units.

Vehicular access points

At present, the site is accessed from Windsor Road and Seven Hills Road. The existing Windsor Road access permits left-in and left-out as well as right-in traffic movements to and from Windsor Road. The proposed concept seeks to retain the primary vehicular access points to the site are proposed along Windsor Road, whilst the secondary access point, along Seven Hills Road, will be available for service vehicles.

This approach is considered to be reasonable as the Seven Hills Road access point is located too close to the Seven Hills Road/Windsor Road junction to enable its effective operation as a primary vehicular access point.

Traffic Generation

Based on the RMS Guide to Traffic Generating Development 2002 and the Guide to Traffic Generating Development Technical direction (TDT 2013/04), the projected vehicular movements from the site is 166 vehicles per hour during the morning peak and 336 vehicles per hour during the evening peak. This includes the residential, commercial and retail floor space.

Existing and Projected Level of Service (Excluding Proposed Development)

Based on SIDRA analysis the level of service of the key intersections surrounding the site have been assessed to enable consideration of the likely impact of future traffic generation from the development. Based on existing conditions, the following levels of service are identified for the key intersections.

Intersection	Intersection Type	Morning Peak Period		Evening Peak Period	
		Average Delays (s)	LoS	Average Delays (s)	LoS
Windsor Rd-Seven Hills Rd	Signal	50	D	70	E
Windsor Rd-Olive St	Signal	8	A	20	B
Seven Hills Rd-Conie Ave	Priority	49	D	68	E
Windsor Rd Access Intersection	Priority	22	B	24	B
Seven Hills Rd Access Intersection	Priority	6	A	6	A

Figure 14
Existing Level of Service

As can be seen the intersections of Windsor Road/Seven Hills Road and Seven Hills Road/Conie Avenue are at a level of service of E and is already at capacity. When projecting future regional increases in traffic volume (1% per annum), these intersections are projected to reduce to a level of service of F.

Proposed Level of Service

When factoring the broader increase in regional traffic and future traffic generation from the proposed development, the following levels of service would be experienced.

Intersection	Intersection Type	Morning Peak Period		Evening Peak Period	
		Average Delays (s)	LoS	Average Delays (s)	LoS
Windsor Rd-Seven Hills Rd	Signal	76	F	123	F
Windsor Rd-Olive St	Signal	13	A	33	C
Seven Hills Rd-Conie Ave	Priority	104	F	136	F
Windsor Rd Access Intersection	Priority	32	C	39	C
Seven Hills Rd Access Intersection	Priority	6	A	6	A

Figure 15
Proposed Level of Service

The results of the assessment indicates that following the completion of the proposed development the intersection of Windsor Road/Olive Street and the two site accesses points would continue to operate with acceptable traffic delays and level of service. Whereas, the Seven Hills Road/Conie Avenue intersection and Windsor Road/Seven Hills Road intersection would continue to operate at an unacceptable level of service if these intersections continue to operate under existing configurations.

The report identifies that Council currently has plans for the signalisation of the Conie Avenue/Seven Hills Road intersection which would be undertaken through Section 94A funding. It is noted there are not any plans for the upgrade of this intersection to traffic signals as there is limited development opportunity remaining on Conie Avenue to warrant a full upgrade of this intersection. Rather, Council is currently in the process of planning for the signalisation of the Arthur Street/Seven Hills Road intersection. This intersection upgrade will be funded through Section 94A contributions.

Grade Separation

One of the principal issues affecting the town centre is that it is located at the junction of major regional roads being Seven Hills Road, Windsor Road and Old Northern Road. As a result the town centre currently experiences significant traffic congestion. However, it is important to note that the congestion is the result of regional through traffic that is passing through the centre rather than traffic that is generated from within the town centre. Whilst the efficiency of the arterial road network is a matter for the Roads and Maritime Services, Council has identified possible measures to improve the performance of the junction of Windsor Road, Seven Hills Road and Old Northern Road, including the preparation of a feasibility assessment for two potential grade separation solutions of the junction. The main option is for the

construction of a tunnel along the Windsor Road alignment. However, a secondary option includes a tunnel for northbound right turn lanes onto Old Northern Road. The concepts have been provided to the Roads and Maritime Services for their consideration. Below are preliminary concepts which show the extent of land that would be required to facilitate both a partial and full grade separation of the intersection. Based on the concepts which have been submitted with the planning proposal, the proposed structure would not be impacted by any future roadwork.



Figure 16
Intersection Concept – Full Grade Separation

Whilst no commitment has been made by the State Government with respect to the funding or delivery of this intersection upgrade, it is important that any future development within the town centre has regard to the potential for this upgrade to occur in the future. New development on the site would need to be located clear of any additional widening of the carriageway to accommodate the proposed upgrade.

- **Stormwater and Drainage**

The proposal is largely silent on engineering matters related to stormwater management and water sensitive urban design (WSUD), although the landscape proposal and urban design report identify that WSUD shall be applied.

While it is unclear where the development will ultimately drain its stormwater, there is a stormwater system in Windsor Road, adjacent to the north-eastern corner of the site although it is noted that this system is managed by the Roads and Maritime Services. Roads and Maritime Services has strict design requirements with respect to the width and depth of gutter flows. Depending on the landform resulting from any future development of the land, it may be necessary to drain through Council's reserve, and connect to the stormwater system to the west of the site.

As part of the assessment of any future development application for the site, all of Council's existing policies related to stormwater management including Water Sensitive Urban Design, emphasising water re-use, and on-site detention shall be applied. It would also be necessary

to modify the typical on-site requirements to make allowance for the capacity of the existing stormwater system, inclusive of pipes and overland flowpaths.

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

- **Social Infrastructure**

The site is currently subject to The Hills Section 94A Development Contributions Plan. This plan levies development based on a percentage of the cost of works. However, it is noted that the proposed 200 additional dwellings were not originally envisaged on the site and as such have not been accounted for in the planning of local infrastructure within and within the vicinity of the town centre. Accordingly, any additional population on the subject site will generate additional demand, over and above the demand, originally forecast for the area.

Based on participation rates within The Hills Shire (from the 1995, 2005 and 2012 Recreation Plan household survey results), 2,000 additional dwellings within an area would typically generate the need for approximately:

- 1 (one) new sports fields;
- 1 (one) local park;
- 1 (one) netball court;
- 1 (one) tennis court; and
- 40% of a local community centre.

The 200 additional dwellings (over and above the amount catered for by existing and planned local infrastructure) proposed by the current planning proposal 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.

When viewing the development in isolation, the additional demand generated by the future residents on this site would not be sufficient to trigger the threshold for a new facility. However consideration needs to be afforded to the cumulative impact of population growth within the broader town centre. As part of previous master planning undertaken it was identified that the town centre could generate between 1,500-2,000 additional dwellings. Accordingly the cumulative growth within the town centre, depending on uptake and the outcome of future landowner initiated proposals, could generate sufficient demand for the provision of an additional playing field.

As is currently being experienced within the Sydney Metro Northwest Corridor, achieving a higher amount of open space within the Precinct will present challenges due to the highly urbanised context and the cost of land. The cost of acquiring new land, within an established residential area such as Baulkham Hills will be cost prohibitive due to the high land values. Accordingly, alternative opportunities would need to be considered to meet this demand.

One option which could be considered is the potential resurfacing of one of the playing fields at Ted Horwood Reserve with a synthetic surface. Ted Horwood Reserve is located approximately 1km from the town centre and includes 5 playing fields (including 2 cricket fields), 5 tennis courts and 7 netball courts. This reserve is currently being investigated and could contribute toward meeting the additional demand generated by the additional 1,500-2,000 additional dwellings which are forecast within the Baulkham Hills Town Centre.

Further consideration of the active recreation opportunities to cater for the demand generated by future redevelopment will be considered as part of the master planning for the broader Baulkham Hills Town Centre Master Plan.

As per Council's resolution of 8 November 2016 further negotiation will be undertaken with the Proponent as part of the preparation a draft Voluntary Planning Agreement which resolves the issues relating to the increased demand for local infrastructure generated by the additional residential density.

Public Benefit (Baulkham Hills Community Centre and Library)

The proposed concept for the site includes approximately 2,500m² of community floor space, capable of accommodating a new library and community centre. Relocating the community centre from Conie Reserve and including new floor space within a new development on the site will enable the existing community centre to be removed which will open up the entrance to the reserve and improve pedestrian connectivity from Windsor Road. Co-location of the new library and community centre will also assist in creating a civic precinct on the site. It is noted that the existing Northwest Disability Services building would be retained.

The new facility would result in approximately 689m² of additional community floor space within the town centre. The design and fit-out of these spaces will ensure that they are multi-functional and can cater for a broad range of user groups. The existing and proposed floor space comparison is included below.

	Existing (m²)	Proposed (m²)	Net Change (m²)
Library	556	1,200	+644
Community Centre	1,255	1,300	+45
TOTAL	1,811	2,500	+689

Figure 17

Existing and Proposed Community Floor Space – Baulkham Hills Town Centre

The developer has reiterated their intent to enter into a Voluntary Planning Agreement with Council with respect to the incorporation of an expanded library and community centre. As the planning proposal progresses, further negotiation will be undertaken with the developer to refine the specific details of the Voluntary Planning Agreement.

- **Economic Impact**

Redevelopment of the site will facilitate the delivery of around 6,042m² of commercial and retail floor space (including a hotel/pub), 2,502m² of community floor space (including library and community centre floor space) and around 200 apartments (approximately 400 people). Assuming an average employment ratio of around 38m² of Gross Floor Area per employee the site could potentially accommodate around 159 jobs (excluding jobs generated on the community floor space).

In addition to the new employment opportunities which would be available on the site, future redevelopment would significantly improve the vibrancy of the town centre through the delivery of a new pub, shops and businesses, public domain improvements and pedestrian connections. These facilities and services would reinforce the strategic role of the Baulkham Hills Town Centre.

SECTION D - STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

Future development on the site would need to be supported by the necessary services including electricity, telecommunication, gas, water, sewer and stormwater drainage. These services are currently available to the site. Should the proposal warrant any upgrade to the existing services it is envisaged this would be identified through the consultation process with the relevant public authorities.

Consultation with utility providers will be undertaken as part of the exhibition of the planning proposal.

11. 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.)

A preliminary list of agencies that would be consulted as part of the exhibition of the proposal is included below.

- Endeavour Energy;
- Telstra;
- Sydney Water;
- Jemena;
- Roads and Maritime Services;
- Transport for New South Wales;
- Office of Environment and Heritage.

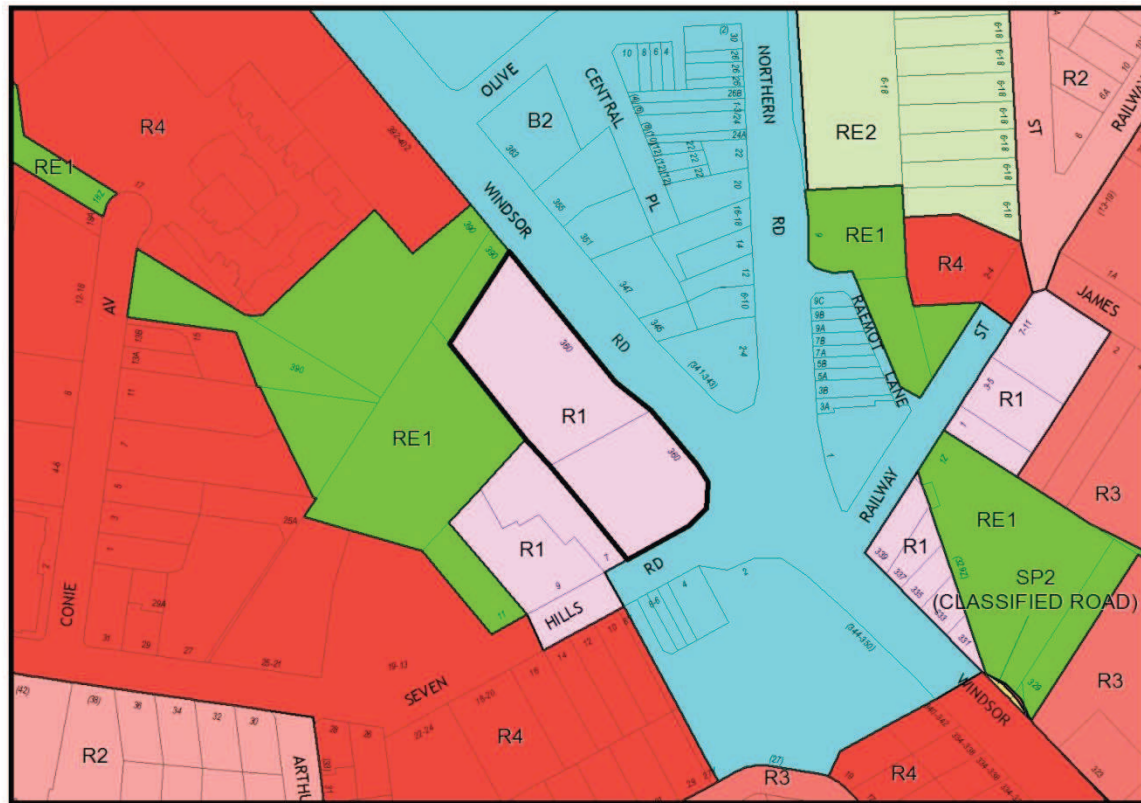
A final list of all relevant agencies will be determined as part of the Gateway Determination. Following the Gateway determination, all relevant agencies will be consulted.

PART 4 MAPPING

The planning proposal seeks to amend the Land Zoning Map and Key Site Map of LEP 2012.

Existing Land Zoning Map

The land which is subject to this planning proposal is currently zoned R1 General Residential.

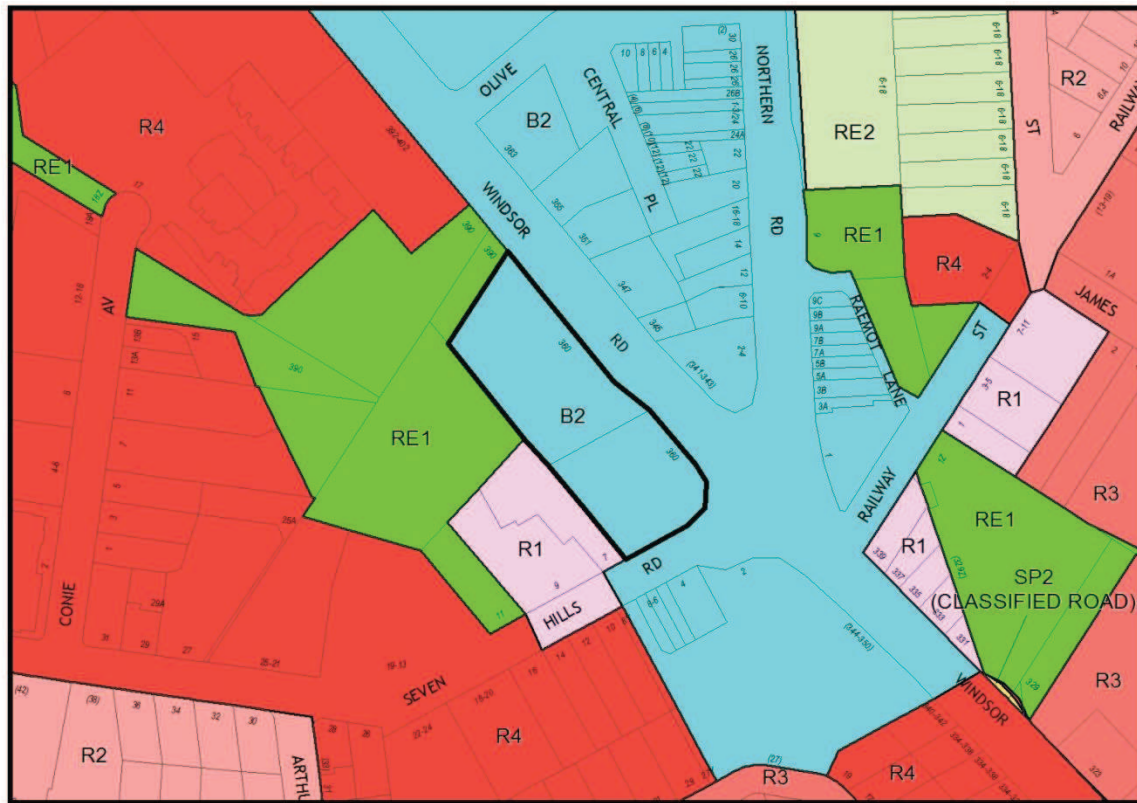


Land Zoning (LZN)

B2	Local Centre	R4	High Density Residential
R1	General Residential	RE1	Public Recreation
R2	Low Density Residential	RE2	Private Recreation
R3	Medium Density Residential	SP2	Infrastructure

Proposed Land Zoning Map

The planning proposal seeks to rezone the site to B2 Local Centre.

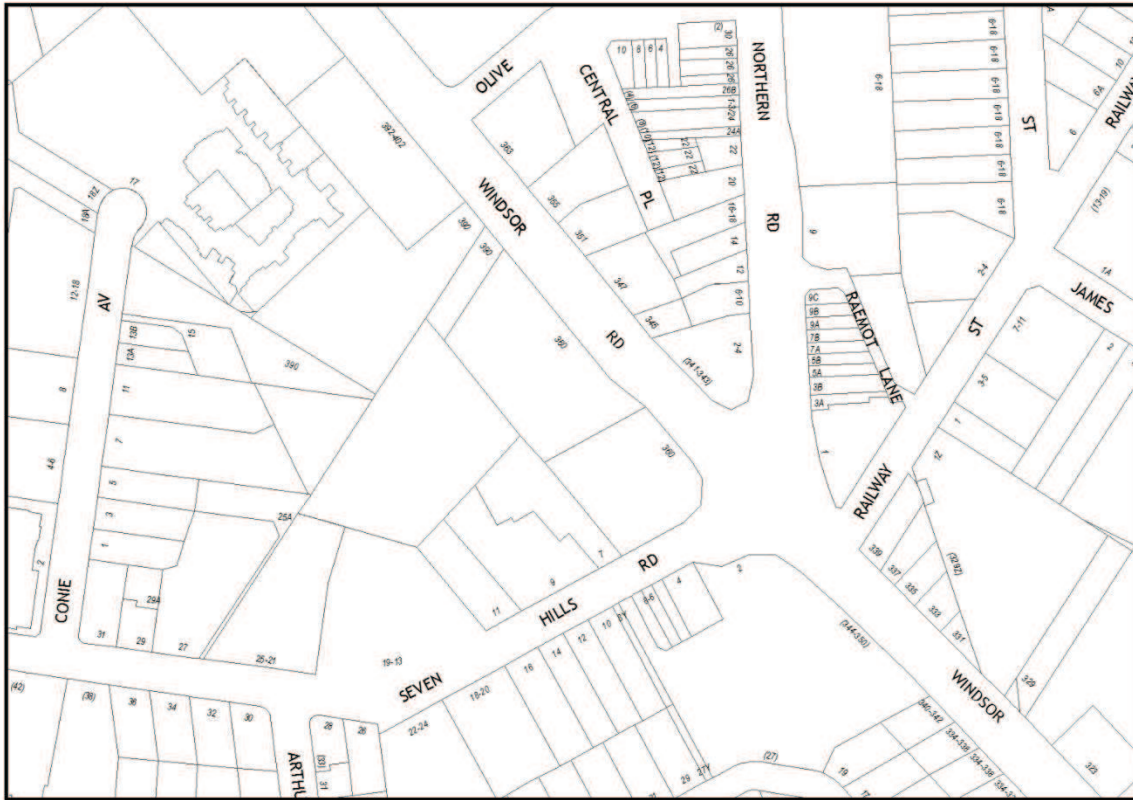


Land Zoning (LZN)

B2	Local Centre	R4	High Density Residential
R1	General Residential	RE1	Public Recreation
R2	Low Density Residential	RE2	Private Recreation
R3	Medium Density Residential	SP2	Infrastructure

Existing Key Site Map

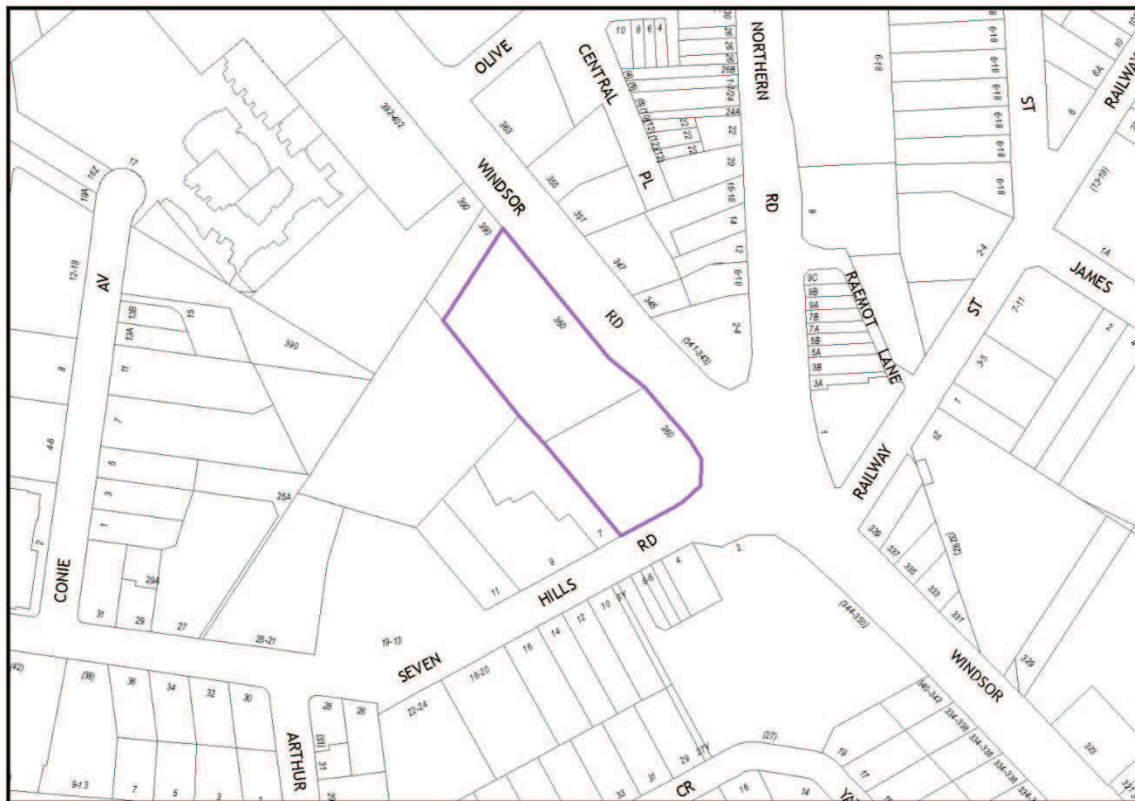
The land is not currently identified on the Key Sites Map.



Key Sites Map

Proposed Key Site Map

The planning proposal seeks to *amend the Key Sites Map to identify the site as 'Area Q'*.



Key Sites Map

 Area Q

PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in local newspapers and on display at Council's administration building, Baulkham Hills Library and Castle Hill Library. The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners and stakeholders.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	March 2017
Government agency consultation	April 2017
Commencement of public exhibition period (28 days)	May 2017
Completion of public exhibition period	June 2017
Timeframe for consideration of submissions	July 2017
Timeframe for consideration of proposal post exhibition	August 2017
Report to Council on submissions	October 2017
Planning Proposal to PCO for opinion	November 2017
Date Council will make the plan (if delegated)	December 2017
Date Council will forward to department for notification (if delegated)	December 2017

ATTACHMENT A: STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	NO	-	-
No. 14	Coastal Wetlands	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	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	YES	CONSISTENT
No. 62	Sustainable Aquaculture	NO	-	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	YES	CONSISTENT
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	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	-
Integration and Repeals (2016)		NO	-	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Mining, Petroleum Production and Extractive Industries (2007)		NO	-	-
Miscellaneous Consent Provisions (2007)		YES	NO	-
Penrith Lakes Scheme (1989)		NO	-	-
Rural Lands (2008)		NO	-	-
State and Regional Development (2011)		YES	NO	-
Sydney Drinking Water Catchment (2011)		NO	-	-
Sydney Region Growth Centres (2006)		NO	-	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
Three Ports (2013)	NO	-	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Western Sydney Parklands (2009)	NO	-	-
Deemed SEPPs			
SREP No.9 – Extractive Industry (No 2 – 1995)	YES	NO	-
SREP No.20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	-

ATTACHMENT B: SECTION 117 DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	YES	YES	CONSISTENT
1.2	Rural Zones	NO	-	
1.3	Mining, Petroleum Production and Extractive Industries	NO	-	
1.4	Oyster Aquaculture	NO	-	-
1.5	Rural Lands	NO	-	
2. Environment and Heritage				
2.1	Environment Protection Zone	NO	-	-
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	YES	INCONSISTENT - see question 6
2.4	Recreation Vehicle Area	NO	-	
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	YES	CONSISTENT
3.2	Caravan Parks and Manufactured Home Estates	NO	-	-
3.3	Home Occupations	NO	-	-
3.4	Integrating Land Use and Transport	YES	YES	CONSISTENT
3.5	Development Near Licensed Aerodomes	NO	-	-
3.6	Shooting Ranges	NO	-	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	NO	-	-
4.2	Mine Subsidence and Unstable Land	NO	-	-
4.3	Flood Prone Land	NO	-	-
4.4	Planning for Bushfire Protection	NO	-	-
5. Regional Planning				
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: Badgerys Creek	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
5.9	North West Rail Link Corridor	NO	-	-
5.10	Implementation of Regional Plans	NO	-	-
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	NO	-
6.2	Reserving Land for Public Purposes	NO	-	-
6.3	Site Specific Provisions	NO	YES	CONSISTENT
7. Metropolitan Planning				
7.1	Implementation of A Plan for Growing Sydney	YES	YES	CONSISTENT
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-