

The Hills LEP 2012 - 2-6 and 7 Maitland Place, Baulkham Hills

Proposal Title : **The Hills LEP 2012 - 2-6 and 7 Maitland Place, Baulkham Hills**

Proposal Summary : **The proposal seeks to facilitate mixed use development of 369 units and 6,700m2 of non-residential floor space on land at 2-6 and 7 Maitland Place, Baulkham Hills.**

The proposal seeks to utilise a floor space ratio incentives provision that is not currently in place in The Hills Local Environmental Plan 2012, but has been proposed in two recent planning proposals (PP_2016_THILL_002_00 and PP_2016_THILL_006_00).

PP Number : **PP_2016_THILL_007_00**

Dop File No : **16/05872**

Proposal Details

Date Planning Proposal Received : **25-Oct-2016**

LGA covered : **The Hills Shire**

Region : **Metro(Parra)**

RPA : **The Hills Shire Council**

State Electorate : **BAULKHAM HILLS**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **2-6 Maitland Place**

Suburb : **Baulkham Hills**

City :

Postcode :

Land Parcel : **Lot 22 DP 1034506**

Street : **7 Maitland Place**

Suburb : **Baulkham Hills**

City :

Postcode :

Land Parcel : **Lot 1 DP 866565**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Adrian Hohenzollern**

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Land Release Data

Growth Centre :	N/A	Release Area Name :	Norwest – Business Park
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	N/A
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	0	No. of Dwellings (where relevant) :	369
Gross Floor Area :	0	No of Jobs Created :	231
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :	To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney Region West has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	The Department's Lobbyist Contact Register has been checked on 21 April 2016, and there have been no records of contact with lobbyists in relation to this proposal.		

Supporting notes

Internal Supporting Notes :

External Supporting Notes : At its meeting on 22 March 2016, Council resolved to support a planning proposal to facilitate mixed use development of 369 units and 6,700m² of non-residential floor space on land at 2-6 and 7 Maitland Place, Baulkham Hills. Council consider the proposal timely, given that construction of the Sydney Metro Northwest is underway.

On the 25 October 2016 the Hills Shire Council agreed to a methodology to facilitate delivery of mixed apartment sizes whilst ensuring that Government expectations for overall yield within the North-west corridor are achieved. The Gateway determination has been conditioned to apply the methodology.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The intent of the planning proposal is to facilitate a mixed use development of up to 369 dwellings and 6,700m² of commercial floor space on land at 2-6 and 7 Maitland Place, Baulkham Hills.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The planning proposal seeks to:

- rezone the subject land from B7 Business Park to part B7 Business Park and part R4 High Density Residential;
- increase the maximum building height from RL 166m to RL 169m for the land to be zoned R4 High Density Residential;
- reduce the minimum lot size from 8,000m² to 4,000m² for land at 7 Maitland Place;
- increase the maximum floor space ratio from 1:1 to 1.5:1 for that land to be zoned B7 Business Park; and
- apply Council's draft local incentives provision for floor space ratio to that land to be zoned R4 High Density Residential, applying a 'base floor space ratio' of 1:1 (which is equal to the status quo) and an 'incentivised floor space ratio' of 3:1.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

The planning proposal seeks, among other things, to rezone part of the subject land from B7 Business Park to R4 High Density Residential. This will reduce the land's potential employment yield from 580 jobs to 276 jobs, and is inconsistent with objective (b) of the Direction, which is to protect employment land in business and industrial zones.

A planning proposal may be inconsistent with this Direction if the Secretary (or delegate) is satisfied that the inconsistent provisions are justified by a study (prepared in support of the planning proposal) which gives consideration to the objectives of the Direction. The planning proposal is supported by an Economic Justification Report. The report argues that the site's location and existing built form severely limit take-up opportunities and that the local road to be dedicated as part of the planning proposal will create a logical transition between the commercial land to the east and the residential land to the west. The report further argues that the strategies in place will, if their provisions are implemented, deliver substantial employment yields that are well in excess of any previous targets for the area. Given the emphasis on commercial uses in the North West Rail Link Corridor Strategy Norwest Structure Plan, this argument is valid.

As such, it is recommended that the Secretary's delegate agree that the inconsistency is justified by the Economic Justification Report.

DIRECTION 5.9 NORTH WEST RAIL LINK CORRIDOR STRATEGY

Direction 5.9 specifies that a planning proposal that applies to land located within the NWRL Corridor must:

- (a) give effect to the objectives of the direction (transit-oriented development and consistency with the NWRL Corridor Strategy); and
- (b) be consistent with the proposals of the NWRL Corridor Strategy, including the growth projections and proposed future character for each of the NWRL precincts; and
- (c) promote the principles of transit-oriented development (TOD) of the NWRL Corridor Strategy.

The Norwest Structure Plan projects that within the Norwest Station Precinct, an additional 4,350 dwellings will be provided by 2036 including approximately 2,700 new dwellings in 3-6 storey apartment buildings and 350 dwellings in 7-12 storey apartment

buildings. The Structure Plan also projects that the Norwest Station Precinct will accommodate 13,200 additional jobs by 2036 which would see transition away from warehousing/distribution (a reduction of approximately 2,000 jobs), a small growth in retail jobs (by approximately 1,000 jobs) and a substantial increase in commercial/office jobs (by approximately 14,200).

In terms of the net job loss the inconsistency with the 117 direction is considered of minor significance.

DIRECTION 6.3 SITE SPECIFIC PROVISIONS

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls.

The Planning Proposal also includes identification of the subject site on the Key Sites Map, and the introduction of a local incentives clause providing that the proposed density, height and floor space ratio is subject to compliance with Council's apartment size/mix and car parking controls. Council propose that an additional local provision to be inserted into The Hills Local Environmental Plan 2012 ("7.10 Residential Development Yield") which would apply to the site.

Clause 7.10 Residential Development Yield to The Hills LEP 2012

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

- (a) To ensure that residential flat building development does not over-tax existing and planned services, facilities and infrastructure;
- (b) To provide opportunities for a suitable density housing form that is compatible with existing development and the future character of the surrounding area;
- (c) To ensure the provision of a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets; and
- (d) To promote development that suits larger household sizes and family household structures which are expected for The Hills Shire into the future.

(2) This clause applies to land identified as "Area J" on the Key Sites Map.

(3) Residential development on whole of the land specified in Column 1 of the Table is not to exceed the criteria and standards specified in Column 2.
or

(4) Residential development on the whole of the land specified in Column 1 of the Table may be less or equal to that specified in Column 3, where the development complies with all criteria and standards specified in Column 4.

The stated intent of this proposed additional LEP Clause 7.10 is to limit dwelling yield and building height unless the development complies with Council's controls relating to apartment mix, apartment size and car parking.

It is understood that planning proposals for development within North West Rail Link station precincts are to be required to demonstrate consistency with SEPP 65 to the extent that they meet State Government dwelling yield projections (contained in the North West Rail Link Corridor Strategy, the strategic work for the Sydney Metro Northwest Priority Urban Renewal Corridor and/or the relevant District Plan).

Whilst the planning proposal is inconsistent with this Direction, the inconsistency is considered to be of minor significance in light of the methodology discussed below.

STATE ENVIRONMENTAL PLANNING POLICY NO. 65 - DESIGN QUALITY OF RESIDENTIAL APARTMENT DEVELOPMENT

The Department has recognised that the North-West Rail Corridor will be subject to significant change and growth. Extensive strategic planning has been undertaken by both the Council and the Department to assist in identifying suitable dwelling yields and mix of apartment sizes. The Department and Council have worked collaboratively to identify an appropriate methodology that will ensure dwelling yields are achieved within the North-West Rail Corridor whilst providing a framework for Council to achieve its objectives in relation to dwelling mix in an environment that will be subject to significant change.

The methodology includes the identification of a base FSR and bonus FSR for each site based on walkable catchment from the train station. The provisions of SEPP 65 will apply to the base FSR. Where the bonus FSR is utilised 40% of 2 and 3 bedroom apartments will have a minimum floor area of 110 and 135 square metres respectively. The Gateway determination has been conditioned to require amendment of the planning proposal to comply with the agreed methodology.

Have inconsistencies with items a), b) and d) being adequately justified?

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided relevant extracts of all relevant existing and proposed LEP maps, as well as an aerial photograph identifying the site in context and mapping extracts from the North West Rail Link Corridor Strategy.

Sufficient mapping has been provided to identify the subject land and the intended provisions of the planning proposal.

It should be noted that there is an inconsistency between the proposed minimum lot size map and the explanation of provisions. The explanation of provisions makes reference to reducing the minimum lot size for 7 Maitland Place from 8,000m² to 4,000m², but makes no reference to a change of minimum lot size at 2-6 Maitland Place (currently 1,800m²). The proposed map, however, shows a minimum lot size of 4,000m² applying across the entire site. This inconsistency should be resolved prior to exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has described the means of its intended community consultation and has suggested a 28-day exhibition period.

Given that the planning proposal is largely routine but does contain provisions which may prove contentious, it is considered that 28 days is an appropriate timeframe for community consultation.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation
to Principal LEP :

**The Hills Local Environmental Plan 2012 is a principal LEP, which has been in force since
October 2012**

Assessment Criteria

Need for planning
proposal :

**The planning proposal is not the result of any strategic study or report. It is instead the
result of an application to Council by the landowner.**

Consistency with
strategic planning
framework :

A PLAN FOR GROWING SYDNEY 2014

A Plan for Growing Sydney 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. To achieve the Government's vision for Sydney as a "strong global City and a great place to live", the Plan sets out four (4) main goals, for Sydney to be:

- A competitive economy with world-class services and transport,
- A City of housing choice with homes that meet our needs and lifestyles,
- A great place to live with strong, healthy and well-connected communities, and
- A sustainable and resilient City that protects the natural environment and has a balanced approach to the use of land and resources.

The proposal is considered to specifically support the following Directions of "A Plan for Growing Sydney":

Direction 1.6: Expand the Global Economic Corridor

Direction 1.7: Grow strategic centres - providing more jobs closer to home

Direction 2.1: Accelerate housing supply across Sydney

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

The planning proposal seeks to facilitate the delivery of housing close to the Norwest Metro Station Precinct providing additional people in close proximity to jobs, transport and services.

NORTH WEST RAIL LINK CORRIDOR STRATEGY

Consideration of the North West Rail Link Corridor Strategy is addressed above under the Adequacy Assessment section.

THE HILLS CORRIDOR STRATEGY

The Hills Corridor Strategy was adopted by Council on 24 November 2015 to build upon the platform established by the NSW Government's Corridor Strategy and articulate redevelopment opportunities arising from the Sydney Metro Northwest.

While there is high demand for residential development opportunities in the short term, the Strategy seeks to protect and enhance employment lands in order to ensure the availability of high quality professional jobs which match the skills of, and are close to home for, both current and future residents within the Shire.

Council notes that although there is strategic justification for the provision of high density residential development on the site, the proposed development outcome is inconsistent with the Hills Corridor Strategy.

This inconsistency is justified by the opportunity to provide a new local road through the site, and to create a logical and coherent boundary between residential and commercial uses within the precinct through mixed use development.

THE HILLS DRAFT LOCAL STRATEGY

Council's Draft Local Strategy was adopted in 2008, it is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport.

Council notes that the planning proposal is consistent with the principles of the Local Strategy Residential Direction as it seeks to provide additional residential accommodation in close proximity to the Norwest Town Centre, employment opportunities within Norwest Business Park and existing and planned services and infrastructure.

Environmental social
economic impacts :

ENVIRONMENTAL

Council notes that the land that is subject to the planning proposal 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 environmental communities and their habitats.

Council also notes that although the proposal would allow for increased building height and floor space ratios, it is appropriately located and is capable of supporting higher density development without any unacceptable environmental effects.

SOCIAL

The proposed development is considered to be consistent with the future character of the Norwest station precinct, and other nearby land. It proposes high density residential development in close proximity to the Norwest station, this will have positive social benefits as it will provide housing close to a future high frequency metro train service.

ECONOMIC

The proposal has a potential negative impact on jobs in the Norwest precinct. If redeveloped under current planning controls the site has the potential to provide approximately 580 jobs, the proposal would reduce this to 276 jobs. It is considered that this reduction is justified as the proposal will allow for high density mixed-use development close to the Norwest metro station precinct.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
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Timeframe to make LEP :	9 months	Delegation :	DDG
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Public Authority Consultation - 56(2)(d) :	Integral Energy Transport for NSW Transport for NSW - Roads and Maritime Services Sydney Water Telstra
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Section 56 Notification Letter and Planning Proposal - 5 2016 PLP - Inc. Att. A and B.pdf	Proposal	Yes
Att. C - Council Report and Minute 22 March 2016.pdf	Determination Document	Yes
Att. H - Draft Local Incentives Provision 5 2016 PLP.pdf	Proposal	Yes
Att. F - Traffic Report - Traffix - 5 2016 PLP.pdf	Study	Yes
Att. G - Economic Justification Report - MacroPlanDimasi - 5 2016 PLP.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 6.3 Site Specific Provisions

Additional Information : **1. Prior to community consultation, the planning proposal is to be amended to be consistent with the attached methodology for Local Residential Development Clause at Tab A. Please note that the planning proposal should be amended to state that clause attached to the methodology is indicative only and may be subject change as a result of legal drafting.**

A copy of the amended planning proposal is to be forwarded to the Department for information prior to the commencement of community consultation.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2016).

3. Council is to consult with the following agencies:

- **Department of Education and Communities**
- **Office of Environment and Heritage – Conservation Division**
- **Transport for NSW**
- **Transport for NSW - Roads and Maritime Services**
- **Sydney Water**

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : **The proposal is supported in principle as it will provide housing in proximity to existing and future public transport.**

The proposal is considered particularly timely given that construction of the Sydney Metro

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Northwest is underway and precinct planning around the future railway stations has identified potential for an increased density of residential development on this site.

Signature:



Printed Name:

C UAD LAERE

Date:

31/10/16