

ITEM-3	PLANNING PROPOSAL - 2-6 AND 7 MAITLAND PLACE, BAULKHAM HILLS (5/2016/PLP)
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	22 MARCH 2016 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	FORWARD PLANNING COORDINATOR NICHOLAS CARLTON
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that a planning proposal to amend the zoning, building height, floor space ratio and minimum lot size applicable to land at 2-6 and 7 Maitland Place, Baulkham Hills be forwarded to the Department of Planning and Environment for Gateway Determination. Specifically, it is recommended that:

- For land at 2-6 Maitland Place, the existing R4 High Density Residential zoning and minimum lot size of 1,800m² be retained, the maximum height of buildings be increased from RL 116 metres to RL 169 metres and a “base floor space ratio” of 1:1 and “incentivised floor space ratio” of 3:1 be applied; and
- For land at 7 Maitland Place, the land be rezoned from B7 Business Park to part R4 High Density Residential (with a maximum building height of RL 169 metres, a “base floor space ratio” of 1:1, an “incentivised floor space ratio” of 3:1 and a minimum lot size of 4,000m²) and part B7 Business Park (retaining the existing maximum building height of RL 116 metres, applying a maximum floor space ratio of 1.5:1 and a minimum lot size of 4,000m²).

It is also recommended that Council proceed with discussions with the Applicant to prepare a draft Voluntary Planning Agreement which secures the delivery of a proposed local road through the site, through-site pedestrian linkages and public domain improvements, and resolves how the Applicant will address the increased demand for local infrastructure generated by the proposed increase in residential density.

It is considered that there is strategic justification and merit for a mixed use development outcome on the site, incorporating residential development, having regard to the strategic location of the site within the Norwest rail precinct at the interface of the R4 High Density Residential area (to the west) and B7 Business Park area (to the east). Further, it is noted that there is a measurable public benefit associated with the redevelopment of the site which includes the provision of a new local road and through

site-pedestrian links providing greater permeability within the local road network in the northern area of the Norwest Precinct. It is recommended that the planning proposal be forwarded to the Department of Planning for Gateway Determination.

The Gateway Process allows for some of the issues associated with the planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary. It is considered that the planning proposal is suitable for forwarding to the Department of Planning and Environment for Gateway Determination and subsequently, to be publicly exhibited. As part of this process, the applicant will be required to demonstrate, through contextual analysis and further urban design work, that the proposed floor space ratio and maximum building height is appropriate on the site and will be comparable in scale and context with the Norwest Precinct. Should the proposal proceed to public exhibition, the applicant should submit additional information, including a model, to assist with the communication and interpretation of the proposed development by the community.

APPLICANT

Dr Shane Geha – EG Property Group

OWNERS

Ms Nesha O'Neil
Ms Ngaire Hutchinson
8 Eights Pty Ltd

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

	<i>2-6 Maitland Place</i>	<i>7 Maitland Place</i>
Zone:	R4 High Density Residential	B7 Business Park
Minimum Lot Size:	1,800m ²	8,000m ²
Maximum Height:	RL 116 metres	RL 116 metres
Maximum Floor Space Ratio:	N/A	1:1

POLITICAL DONATIONS

Nil disclosures

REPORT

The purpose of this report is to consider a proposal to amend The Hills Local Environmental Plan 2012 (LEP 2012) to increase the portion of the site zoned R4 High Density Residential (decreasing the portion of the site zoned B7 Business Park), increase the maximum building height applicable to the portion of the site proposed to be zoned R4 High Density Residential from RL 116 metres to RL 169 metres and apply a floor space ratio of 3.11:1 to the portion of the site proposed to be zoned R4 High Density Residential.

1. THE SITE

The site is known as 2-6 and 7 Maitland Place, Baulkham Hills comprising two (2) allotments, being Lot 22 DP1034506 (2-6 Maitland Place) and Lot 1 DP866565 (7 Maitland Place). The site is located within the north eastern portion of the Norwest Business Park and is approximately 550 metres walking distance from Norwest Marketown and the Norwest Train Station. The site has a combined total area of approximately two (2) hectares.

The site is irregular in shape and has frontages to Maitland Place, Solent Circuit, Columbia Way and Spurway Drive. Access to the site is via the cul-de-sac of Maitland Place, located off Solent Circuit. The rear (northern) boundary of the site adjoins Spurway Drive however there is currently no access to the site from this road. Spurway

Drive is currently a private road however a recent planning proposal relating to land at 47 Spurway Drive and 30 Fairway Drive (10/2013/PLP - awaiting finalisation by the Department of Planning and Environment) includes the upgrade and dedication of Spurway Drive as a public road connecting Windsor Road to Fairway Drive.

The site adjoins the Norwest Town Centre Residential Development (East Precinct) to the west which is zoned R4 High Density Residential and although being currently vacant, is subject to existing approvals for approximately 354 dwellings in the form of townhouses and residential flat buildings up to seven (7) storeys in height. Adjoining land to the east is zoned B7 Business Park and is occupied by two (2) storey commercial development. Castle Hill Country Club and a seniors living development known as Castle Pines adjoins the site to the north and is zoned RE2 Private Recreation.



Figure 1
Aerial view of the site and surrounding locality

The portion of the site known as 2-6 Maitland Place has an area of 2,648m² and is currently zoned R4 High Density Residential under LEP 2012 with a maximum height limit of RL 116 metres (which would allow for approximately 10 storeys). This portion of the site currently accommodates a child care centre, however, if redeveloped under the current controls could accommodate high density residential development with a yield of approximately 80 dwellings.

The portion of the site known as 7 Maitland Place has an area of 17,390m² and is currently zoned B7 Business Park under LEP 2012 with a maximum height limit of RL 116 metres (which would allow for approximately 10 storeys) and a maximum FSR of 1:1. This portion of the site currently accommodates a warehouse development and two (2) storey offices with a gross floor area of 7,400m². If redeveloped under the current controls this portion of the site could accommodate up to 17,390m² of commercial floor space (with potential to cater for approximately 580 jobs).

2. PLANNING PROPOSAL

The applicants planning proposal seeks to amend the zoning and relevant planning provisions to permit a mixed use development comprising 400 residential units (at a

density of approximately 300 dwellings per hectare) and approximately 6,500m² of commercial floor space including a child care centre, 300m² of retail space, a health and fitness centre and a range medical services and facilities.

To achieve this, the planning proposal seeks to amend LEP 2012 to:

1. Rezone the majority of 7 Maitland Place from B7 Business Park to R4 High Density Residential (retaining the B7 Business Park zoning on the eastern third of the site);
2. Increase the maximum building height applicable to the western portion of the site from RL 116 metres (which would allow for up to approximately 10 storeys) to RL 169 metres (which would allow for up to 25 storeys), retaining the existing RL 116 metres height limit currently applicable to the eastern third of the site; and
3. Apply a maximum floor space ratio of 3.11:1 to 2-6 Maitland Place and the majority of 7 Maitland Place (retaining the existing 1:1 floor space ratio applicable to the eastern third of the site).

In support of the planning proposal, the applicant has submitted a design concept illustrating the intended future development outcomes for the site in accordance with the proposed LEP amendments. The overall development concept includes 400 residential units and approximately 6,500m² of commercial floor space in six (6) buildings ranging in height from four (4) to nine (9) storeys with two 'trophy' buildings of 20 and 25 storeys in height.



Figure 2

Proposed building platforms and height (left) and view of 25 storey tower from the east (right)

The proposal also seeks to provide a new local road connection from Maitland Place to Spurway Drive which would be dedicated to Council following construction. This proposed road would be approximately 137 metres long and once dedicated, would divide the site into two physically separate parcels of land (west - 12,285m² zoned R4 High Density Residential and east - 4,959m² zoned B7 Business Park) as demonstrated below. It is noted that the development concept includes a 1,355m² 'pocket park' within the R4 High Density Residential area, which the applicant indicates it will remain in private ownership but be publicly accessible.

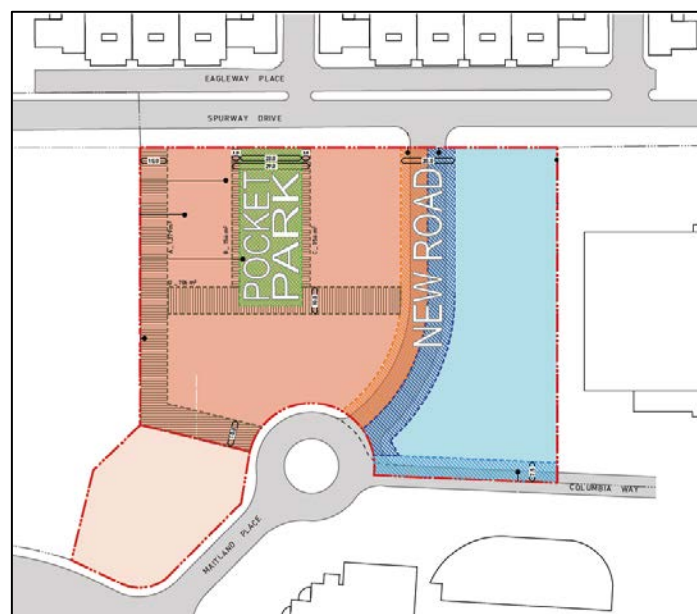


Figure 3

Proposed Site Layout and New Local Road connecting Maitland Place to Spurway Drive

3. STRATEGIC CONTEXT

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. 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.

A key principle for growth includes increasing the housing choice around centres by accelerating the housing supply and renewal and by improving housing choice. The planning proposal seeks to facilitate the delivery of housing close to an existing local centre and the Norwest rail station. However, the proposal would result in a reduction in the amount of *potential* floor space area for employment uses within the Norwest Specialised Centre which is contrary to 'A Plan for Growing Sydney' and in particular, the Plan's Direction to "*grow strategic centres and provide more jobs closer to home*".

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.

The draft Local Strategy was adopted principally as a land use planning document to guide local planning and reflect the following five key themes of "Hills 2026 Community Strategic Direction: Looking Towards the Future":

- Resilient Local Leadership;
- Vibrant Communities;
- Balanced Urban Growth;
- Protected Environment; and
- Modern Local Economy.

The Local Strategy continues to provide 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.

The key directions and objectives of the Local Strategy relevant to this proposal are:

- R1 Accommodate population growth;
- R2 Response to changing housing needs;
- R4 Facilitate quality housing outcomes;
- E1 Accommodate the growth of a local economy to meet community needs;
- E3 Promote growth in local business and employment opportunities;
- E4 Enhance the use and viability of existing employment lands; and
- E6 Encourage quality employment lands.

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. Notwithstanding the strategic justification for residential development on the site, it is noted that residential development on the site is not required to meet Council's projected housing growth targets within the Local Strategy.

The Employment Lands Direction identifies Norwest Business Park as a key employment destination within the Shire and seeks to support the *"core economic role of the Norwest Business Park"* as a *"premiere professional employment precinct with a focus on professional, scientific and technical service industries"*. The Direction also identifies the need for sufficient commercial office space to be provided to match the skills of residents within the Shire. It is acknowledged that the type and extent of non-residential floor space proposed will not contribute to employment growth and the provision of commercial office space within the Norwest Business Park and careful consideration is needed of whether the loss of potential employment outcomes is warranted given the particular circumstances of the proposal.

North West Rail Link Corridor Strategy

The NSW Government Corridor Strategy provides a vision for how the areas surrounding the eight (8) new stations of the Sydney Metro Northwest could be developed to integrate new homes and jobs.

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).

The Structure Plan identifies approximately 13% of the site (2-6 Maitland Place – currently zoned R4 High Density Residential) as being suitable for High Density Apartment Living which could comprise 7-12 storey apartment buildings, carefully master planned around communal open spaces and incorporating landscaped setbacks to existing streetscapes. The Corridor Strategy assumes a floor space ratio of between 3:1 and 4:1 on this portion of the site which would result in a projected yield of between 80 to 106 dwellings.

The Structure Plan identifies the remaining 87% of the site (7 Maitland Place – currently zoned B7 Business Park) as being able to accommodate commercial offices which encourage the emergence of a prominent employment area within the Norwest Business Park. The Corridor Strategy assumes a floor space ratio of between 2:1 and 4:1 on this portion of the site which would result in between 35,000m² and 70,000m² of commercial floor space accommodating between 1,400 and 2,800 new jobs.



Figure 4

North West Rail Link Corridor Strategy 'High Density Apartment Living' (left) and 'Business Park' (right) character areas

It is noted that the proposed development outcome for the site of 400 residential units (with a maximum building height of 25 storeys) and 6,500m² of commercial floor space (accommodating up to 276 jobs) differs greatly to that identified within the Corridor Strategy. But, the Corridor Strategy did not take a fine grained look at this site and nor did it envisage the road connection to Spurway Drive.

While the Strategy identifies the site as a short term opportunity and there is strategic justification for the provision of high density residential development on the site, the proposed development outcome is inconsistent with the Corridor Strategy as it:

- Fails to provide the extent of large floor plate commercial space and employment opportunities identified for the site (providing only 276 jobs versus the projected 1,400 to 2,800 jobs); and
- Provides substantially more residential yield (approximately 400%) than that identified for the site in a built form which is more than double the maximum height envisaged for the site.

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 Governments Corridor Strategy and articulate redevelopment opportunities arising from the Sydney Metro Northwest around each of the seven (7) stations that are within, or close to, the Shire. It is underpinned by guiding principles that reflect the long held strategic direction of Council that is embedded in Council's Local Strategy and Local Environmental Plan (LEP) with the key

being a hierarchy of zones that see the greatest densities closer to the transport or centres, while maintaining low density housing choices in more peripheral locations.

The Strategy identifies Norwest Business Park as major specialised centre and seeks to reinforce the centre as a key employment destination, becoming the largest employment centre for the North West. The Hills Corridor Strategy identifies opportunity for 5,320 additional dwellings and 14,450 additional jobs within the Norwest Precinct by 2036.

To achieve this, the Strategy identifies the site as being suitable for commercial development with a minimum floor space ratio of 1.5:1. Based on this assumption, the site would be expected, under The Hills Corridor Strategy to accommodate a minimum of approximately 30,000m² of commercial floor space (approximately 1,000 jobs). The Strategy anticipates a commercial outcome on the site of a greater intensity than the current use, with no residential development.

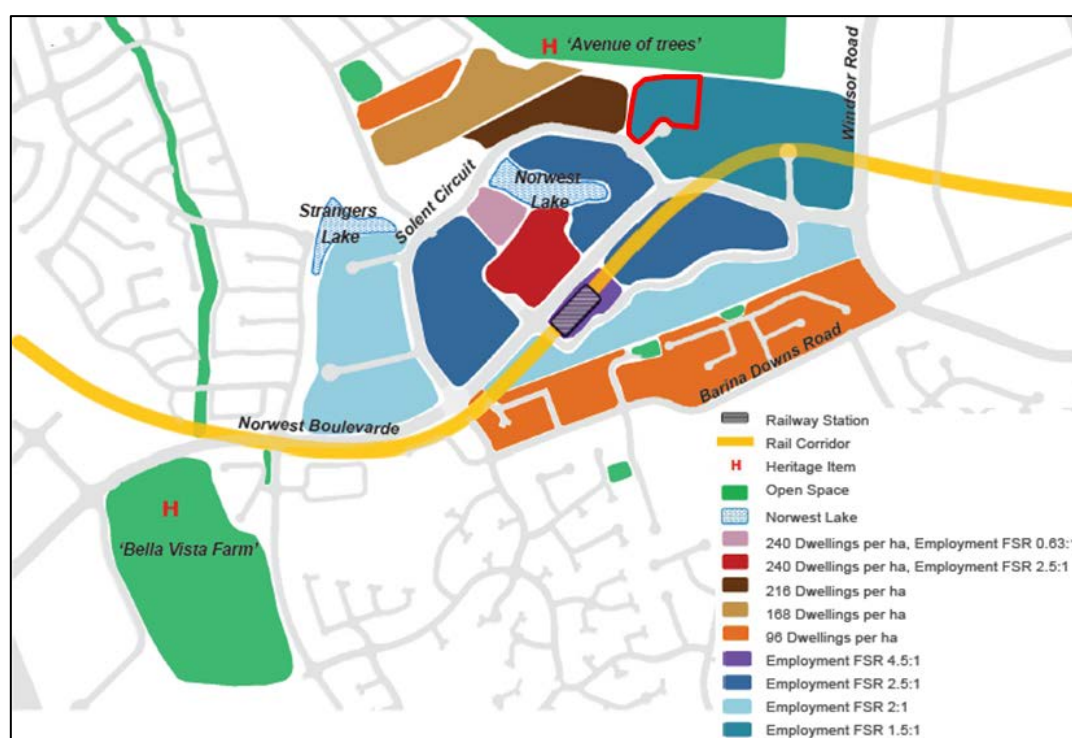


Figure 5

The Hills Corridor Strategy Norwest Station Precinct Desired Outcomes

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.

Accordingly, while 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 as it provides a substantially greater residential outcome and fails to provide the extent of commercial floor space and employment opportunities identified for the site (providing only 276 jobs versus a projected minimum of 1,000 jobs) and contribute to the protection and enhancement of existing employment lands within the Norwest Business Park.

Ministerial Section 117 Directions

Section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Infrastructure to issue directions that Councils must address when preparing planning proposals for a new LEP. The relevant Section 117 Directions are:

- Direction 1.1 – Business and Industrial Zones
- Direction 2.3 - Heritage Conservation
- Direction 3.1 - Residential Zones
- Direction 3.4 - Integrating Land Use and Transport
- Direction 5.9 – North West Rail Link Corridor Strategy

The planning proposal is generally consistent with these Directions with the exception of Direction 1.1 – Business and Industrial Zones and Direction 5.9 – North West Rail Link Corridor Strategy.

Direction 1.1 – Business and Industrial Zones requires that a planning proposal must retain the areas and locations of existing business zones and not reduce the total potential floor space area for employment uses in a business zone. The proposal is inconsistent with this Direction given it would result in a reduction in the amount of *potential* floor space area for employment uses on the site.

Direction 5.9 – North West Rail Link Corridor Strategy requires that a planning proposal must be consistent with the proposal of the North West Rail Link Corridor Strategy, including growth projections and proposed future character for each of the precincts. As detailed earlier within this report, the proposal is inconsistent with this Direction given it fails to provide a development outcome on the site consistent with that identified under the Corridor Strategy and Norwest Station Structure Plan.

Accordingly, should Council resolve to proceed and forward the planning proposal to the Department of Planning and Environment for Gateway Determination, Council must satisfy the Secretary of the Department of Planning and Environment that inconsistency with these Section 117 Directions is justified.

4. MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

- a. Loss of Employment Land
- b. Public Benefits
- c. Local Infrastructure
- d. Voluntary Planning Agreement
- e. Norwest Association Comments
- f. Floor Space Ratio
- g. Building Height
- h. Minimum Lot Size
- i. Local Incentives Provision
- j. Development Control Plan Amendments

An overview of the key matters affecting this proposal is detailed below.

a. Loss of Employment Land

At the 2011 Census, the Shire had a total resident workforce of around 87,000 with the highest proportion of this labour force (62%) being employed as professionals, managers or clerical and administrative works. However, the number and type of jobs within the Shire (57,000 jobs with only 11% in these workforce sectors) do not meet the skill set of

the majority of residents and as a result, only 26% of the Shire's resident workforce is employed within the Shire (the other 74% travel to work in other areas).

There is a need for the Shire to address the current imbalance between the available jobs and the skills of residents and ensure that the current and future population within the Shire can access high quality professional jobs close to home. The achievement of these outcomes is critical to promoting a strong modern local economy and as such forms a key component of both Council's and State Government's strategic planning framework including:

- A Plan for Growing Sydney: which identifies the need to *"grow strategic centres and provide more jobs closer to home"*; and
- Council's Local Strategy Employment Lands Direction: which identifies Norwest Business Park as a key employment destination within the Shire and seeks to support the *"core economic role of the Norwest Business Park"* as a *"premiere professional employment precinct with a focus on professional, scientific and technical service industries"*.

In recognition of this, the NSW Government Corridor Strategy and The Hills Corridor Strategy both identify the site as being suitable predominantly for commercial development outcomes which respond to the growing market demands for large floor plate commercial/office spaces and encourage the growth of Norwest as a Specialised Precinct. In particular, the two (2) strategies envisage that the site will:

- *'provide for the employment needs of a growing community and encourage the emergence of a prominent employment area with direct access to the new rail link and station'* and *'accommodate commercial offices on sites that area carefully designed to integrate into the character of the area'* (NSW Government Corridor Strategy); and
- *'reinforce the status of the business park as a specialised centre and key employment destination'* (The Hills Corridor Strategy).

Table 1 below provides a comparison between the employment floor space and jobs generated by the current use of the site, what could be achieved if the site was redeveloped under current controls and the development outcomes identified under the NSW Government Corridor Strategy, The Hills Corridor Strategy and the planning proposal.

	Current use	Potential under current controls	NSW Government Corridor Strategy	The Hills Corridor Strategy	Planning Proposal
Commercial Floor Area (m ²)	8,092	17,390	35,000 – 70,000	> 30,000	6,500
Jobs (Approx.)	45	580	1,400 – 2,800	> 1,000	276

Table 1
Commercial Floor Space and Jobs

As demonstrated above, in contrast to the current development potential and strategic planning outcomes identified for the site, the planning proposal seeks to provide only 6,500m² of commercial floor space and accommodate only 276 jobs (being only 10% of the jobs envisaged under the NSW Government Corridor Strategy, only 25% of the jobs envisaged under The Hills Corridor Strategy respectively and only 50% of the jobs which could be achieved under current controls).

Further, the type of commercial floor space proposed does not contribute to the provision of large floor plate commercial/office space which accommodate jobs that match the skills of the Shire's resident workforce. Rather, the proposal seeks to provide commercial floor space in the form of retail, health and fitness centre, medical centre, allied health clinic, medical consultant suites and only a small portion of 'other business suites'.

While the proposed development does not achieve the employment outcomes identified for the site, this is considered reasonable given the location of the site at the interface of residential and business park land within the Precinct and the opportunity for the proposed new local road to act as a logical barrier between these land uses. It is noted that there is significant opportunity for uplift in the employment capacity of the remaining B7 Business Park land along Columbia Way to the east of the site which should be retained as key employment land with an increased floor space ratio of at least 1.5:1 as identified within The Hills Corridor Strategy.

b. Public Benefits

- *Proposed Local Road and Pedestrian Linkages*

The planning proposal seeks to provide a new local road connection from Maitland Place to Spurway Drive which would be constructed and dedicated to Council (at no cost to Council). This proposed road would be approximately 137 metres long, starting at the roundabout intersection of Maitland Place and Columbia Way in the south and terminating at Spurway Drive in the north. It is also proposed to create a number of pedestrian linkages through the site which would provide access through the site connecting to existing and future pedestrian routes to the Norwest rail station, Norwest Lake and Norwest Marketown.

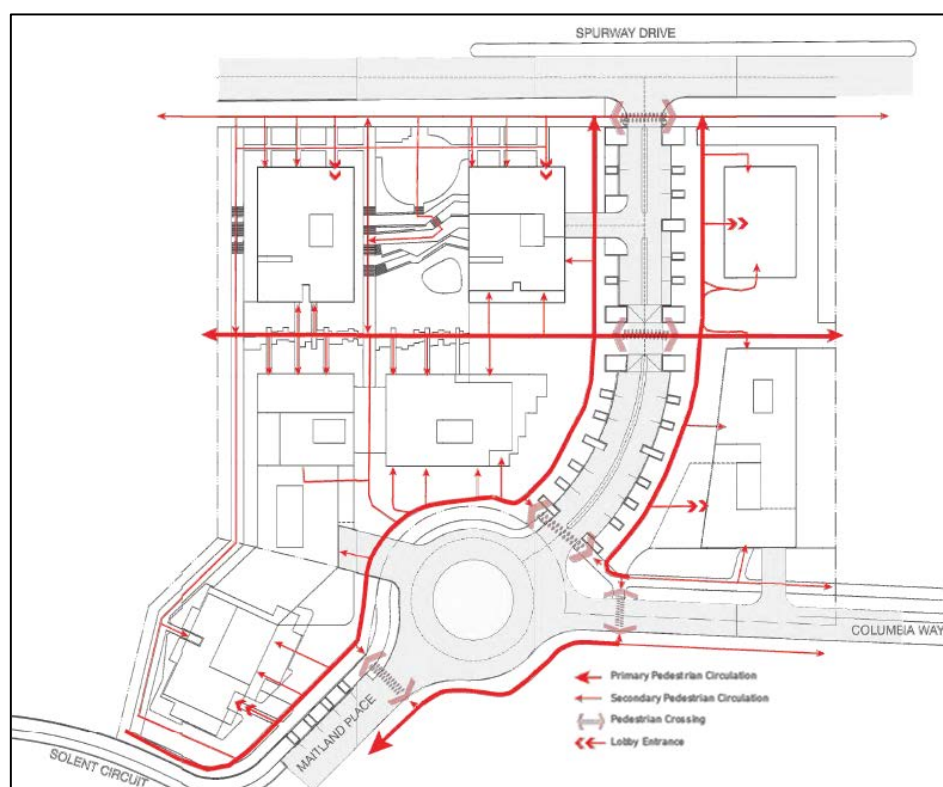


Figure 6
Proposed Local Road and Pedestrian Linkages

It is considered that the proposed local road would allow for greater permeability through the site and would promote a positive development outcome in terms of the local road network.

While this link is supported in principle, it is noted that Norwest Association requested for the road to be relocated approximately 10 metres to the west to allow for the required setbacks to commercial development in the east of the site. Notwithstanding these comments, it is understood that the proposed location of the road responds to the topography and gradient of the land. It is also noted that the Roads & Maritime Services (RMS) have not provided any comment. The Gateway Process provides the mechanism for consultation with Government Agencies such as the RMS and the ability to receive formal comments in relation to impacts on the wider network and/or make refinements to the design or position of the road.

It is noted that while Spurway Drive is currently a private road, a DCP amendment has been adopted to identify the full length of Spurway Drive as a public road. This amendment will take effect when the recent planning proposal for land at 47 Spurway Drive (10/2013/PLP) is finalised (the planning proposal was forwarded to the Department of Planning and Environment in September 2015 and cannot be finalised until comments have been received back from the Department). Any future development at 2-6 and 7 Maitland Place, including the provision of a new local road connecting to Spurway Drive, must have regard to the timing of the delivery and dedication of Spurway Drive as a public road.

- *Public Domain Improvements*

The planning proposal makes recommendations with respect to a number of public domain improvements within the Norwest Station Precinct however identifies that the achievement of these would require a coordinated and holistic approach involving State and Local Government and private land owners working together to achieve wider community benefits.

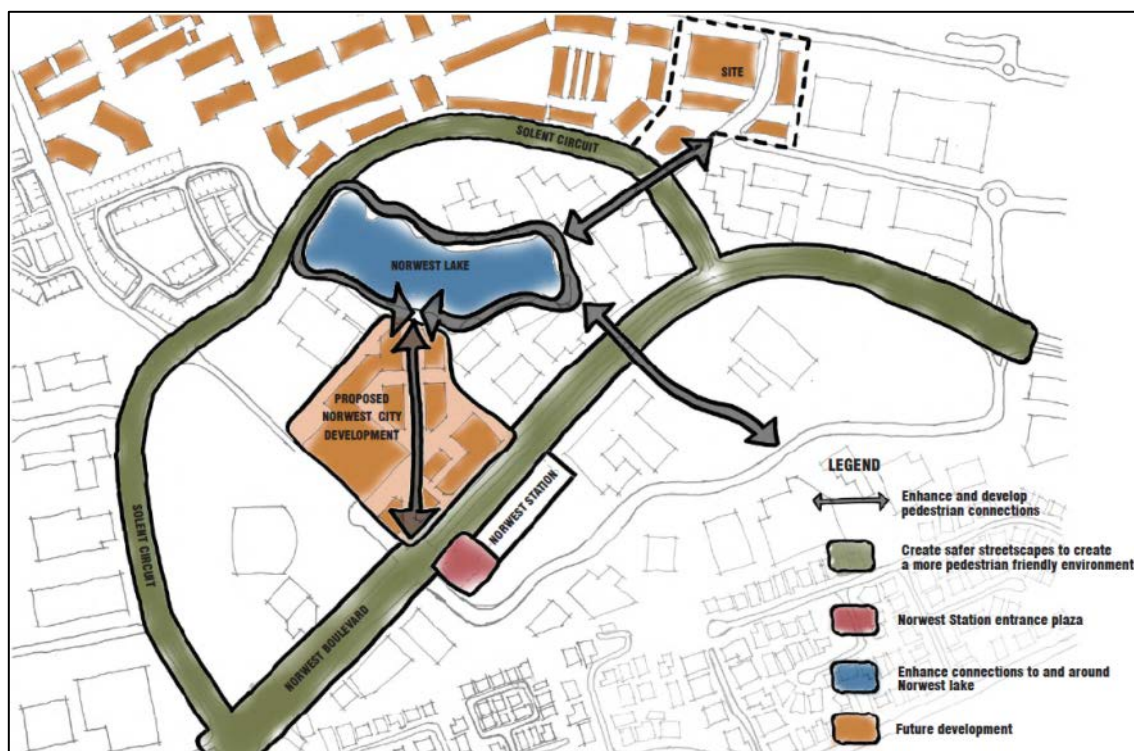


Figure 7

Norwest Station Precinct Public Domain Improvements Vision (proposed by the applicant)

In the context of the public domain improvements recommended for the Norwest Precinct, the proposal identifies that the proposed local road, through-site pedestrian linkages, 'pocket park', site landscaping, streetscape improvements and active frontages on the site will contribute to the achievement of the overall vision and suggests that a Voluntary Planning Agreement be negotiated with Council to secure these improvements prior to the finalisation of the planning proposal. It is unclear whether the applicant intends to also contribute towards the cost of capital works to improve the amenity around Norwest Lake however this would be subject to further negotiations should the planning proposal proceed.

While the proposed local road and through-site pedestrian linkages will ultimately improve both vehicular and pedestrian connectivity within this portion of the Norwest Precinct, it is noted that Council has not prepared or endorsed a Public Domain Plan for the Norwest Precinct (which would likely be prepared as part of the detailed planning investigations for the Precinct). Further, it is noted that a number of the public domain improvements and 'public benefits' identified (such as through site linkages, site landscaping, active frontages and streetscape improvements) would likely be requirements of any future development on this site at the Development Application stage, irrespective of this planning proposal.

- Pocket Park

The documentation submitted by the applicant states that *"the proposed development includes significant common open space by way of a large pocket park (1,355m²) located in the north-western portion of the subject site"*. However, it is later identified that the 'pocket park' would be publicly accessible, despite remaining in private ownership.

While it is considered that the proposed 'pocket park' will positively contribute to the amenity and urban design outcome of future development on the site, the 'public benefit' associated with this 'pocket park' is limited given that:

- The 'development site details' provided by the applicant indicate that the 'pocket park' would remain in private ownership, as opposed to being dedicated to Council as public open space;
- The size of the pocket park (1,355m²) is well below Council's minimum standard (4,000m²);
- The location of the 'pocket park' in the context of the site and on the north eastern perimeter of the Norwest Precinct is not readily accessible to the general community or future workers and residents within the Norwest Precinct;
- The 'pocket park' is identified in the documentation submitted as 'common open space' for any future residential development. Common open space would be required as part of any future residential development on the site, irrespective of this planning proposal;
- The space identified for the 'pocket park' would likely be required to remain undeveloped in the future, irrespective of the planning proposal, in order for the development to achieve key built form outcomes and requirements relating to landscaping, site coverage, floor space ratio and building separation; and
- Even if the applicant did seek to dedicate the 'pocket park' to Council, this would be undesirable given the catchment area would likely contain insufficient population to generate full life cycle cost recovery from rates revenue.

Accordingly, while the proposed 'pocket park' is supported as key common open space on the site which promotes a positive development outcome, the 'public benefits' of the park are limited. It is considered that the space will ultimately be private in nature and unlikely to contribute to the provision of accessible and highly usable passive open space within the Norwest precinct.

c. Local Infrastructure

- *Section 94 Contributions*

The portion of the site currently zoned R4 High Density Residential (2-6 Maitland Place) is subject to Contributions Plan No.8 – Kellyville/Rouse Hill Precinct with an achievable dwelling yield of approximately 80 dwellings which would generate Section 94 Contributions of approximately \$1 million (for reference, 400 dwellings levied at this same rate would generate Section 94 Contributions of approximately \$4.7 million). The remaining portion of the site currently zoned B7 Business Park (7 Maitland Place) is subject to The Hills Section 94A Contributions Plan with no assumed dwelling yield.

Accordingly, while a yield of 80 dwellings has been assumed on the site (with associated local infrastructure appropriately planned), the planning proposal to allow for 400 residential units on the site would result in approximately 320 more residential units than originally envisaged (and accounted for in the planning of local infrastructure).

- *Local Open Space and Community Facilities*

While 320 additional units resulting from this planning proposal may not, in isolation, create the need for new local infrastructure facilities, it is critical to consider the cumulative impact of incremental uplift and growth on local infrastructure provision. This is especially relevant where a number of planning proposals seek to achieve uplift in advance of the completion of detailed precinct planning and infrastructure assessments for the rail precincts.

To illustrate the Figure below identifies the additional dwellings, over and above the amount catered for by existing and planned local infrastructure, proposed by three (3)

planning proposals within the northern area of the Norwest Precinct which are currently under evaluation.



Figure 8

Additional yield proposed by planning proposal currently under evaluation
(over and above the amount catered for by existing and planned local infrastructure)

As demonstrated above, the cumulative number of additional dwellings currently proposed within this area (over and above the amount catered for by existing and planned local infrastructure) is approximately 1,363 dwellings.

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.

Based on this, the 1,363 additional dwellings proposed within the north of Norwest Precinct by the three (3) planning proposals currently under evaluation would generate the need for approximately:

- 70% of a new sports field;
- 70% of a local park;
- 70% of a netball court;
- 70% of a tennis court; and
- 30% of a local community centre.

Accordingly, noting the cumulative impact of incremental development as a result of planning proposals, the 320 additional dwellings (over and above the amount catered for by existing and planned local infrastructure) proposed by the current planning proposal for 2-6 and 7 Maitland Place would generate the need for approximately:

- 16% of a new sports field;
- 16% of a local park;
- 16% of a netball court;
- 16% of a tennis court; and

- 6% of a local community centre.

While the planning proposal may generate a number of public benefits associated with the proposed new local road and public domain improvements, it fails to address, or provide adequate solutions to deal with, the increased demand for local infrastructure such as open space and community facilities as a result of the proposed increase in residential density.

d. Voluntary Planning Agreement

The applicant has advised of the intention to negotiate a Voluntary Planning Agreement with Council for the provision of the new local road, pedestrian linkages and public domain improvements as they relate to the site. Despite this intention, a draft Voluntary Planning Agreement has not yet been provided to Council for consideration.

Should Council resolve to proceed with the planning proposal, it is considered that the Voluntary Planning Agreement must not only secure, to Council's satisfaction, the delivery of the new local road, pedestrian linkages and public domain improvements, but also resolve how the applicant will address the increased demand for local infrastructure (in particular local open space and community facilities) generated by the proposed increase in residential density.

Should Council resolve to proceed with the planning proposal, it is recommended that Council should enter into negotiations with the applicant with respect to the proposed Voluntary Planning Agreement and that the matter be reported back to Council prior to the public exhibition of the planning proposal. Should the planning proposal proceed to public exhibition, it should be exhibited concurrently with any associated draft Voluntary Planning Agreement.

e. Norwest Association Comments

Norwest Association Limited has provided support for the planning proposal (Attachment 3) subject to the following:

- With respect to the proposed new road, the current roundabout in Maitland Place should be retained and the proposed road should be either aligned directly opposite Eagleview Place (north of Spurway Drive) or move 10 metres to the west in order to retain the full 20 metres building setback to the proposed non-residential development;
- With respect to the proposed rezoning of a portion of the site from B7 Business Park to R4 High Density Residential, the zoning boundary should accord with the alignment of proposed new road and development on the site should not be approved unless employment generated by the development is not less than that which may be achieved under the site's current B7 Business Park zone;
- With respect to the proposed height and density of residential development, the proposed 20 storey tower on the corner of Solent Circuit and Maitland Place is acceptable only if:
 - o The remaining residential development on the site is limited to 7-9 storeys in height (increasing from 7 to 9 away from Spurway Drive);
 - o The applicant enters into a Voluntary Planning Agreement with Council and Norwest Association to contribute towards the cost of capital works to improve the amenity of the Norwest Lake foreshore; and
 - o Satisfactory arrangements are made for public access across private lands fronting Solent Circuit to permit pedestrian connection to the public domain fronting Norwest Lake.

f. Floor Space Ratio

The applicant has requested that a floor space ratio of 3.11:1 apply to the portion of the site proposed to be zoned R4 High Density, with the remaining B7 Business Park portion to retain the existing floor space ratio of 1:1.

- *Residential Floor Space Ratio*

Excluding the area of the proposed local road (but including the area of the proposed 'pocket park', through-site linkages and landscaping), the proposal would result in an area of approximately 12,285m² zoned R4 High Density Residential.

The applicant's development concept proposes total residential gross floor area of 41,513m² in order to deliver 400 new dwellings on the site at a density of approximately 300 dwellings per hectare.

This equates to a floor space ratio of 3.4:1, rather than 3.11:1 as requested by the applicant. Accordingly, in order to achieve the development concept submitted by the applicant for the residential portion of the site, a floor space ratio of 3.4:1 must be applied to this land.

The NSW Corridor Strategy suggests a range of 3:1 to 4:1 in the 7-12 storey area. It is appropriate given the site is on the periphery of the Norwest precinct to apply a floor space ratio of 3:1 to the residential portion of the site (being the lower end of the 7-12 storey range). This would allow for approximately 369 units on this portion of the site as a maximum.

- *Commercial Floor Space Ratio*

Excluding the area of the proposed local road and the existing pedestrian easement along the Columbia Way frontage of the site, the proposal would result in an area of approximately 4,959m² zoned B7 Business Park.

The development concept submitted by the applicant for the non-residential site (on the east of the proposed new road) proposes a total gross floor area of 6,694m² to deliver approximately 276 new jobs (advised by the applicant).

This equates to a floor space ratio of 1.35:1, rather than 1:1 as requested by the applicant. Accordingly, in order to achieve the development concept submitted by the applicant for the Business Park portion of the site, a floor space ratio of 1.35:1 must be applied to the land.

It is appropriate for a floor space ratio of 1.5:1 to be applied to the Business Park portion of the site, consistent with The Hills Corridor Strategy, to facilitate the development outcome proposed by the applicant and ensure the remaining Business Park portion of the site continues to contribute to the core economic role of the Business Park.

g. Building Height

The applicant has requested that a building height of RL 169 metres apply to the portion of the site proposed to be zoned R4 High Density (allowing for up to 25 storey development), with the remaining portion (proposed to be zoned B7 Business Park) to retain the existing height of RL 116 metres (allowing for approximately 9 to 10 storey development).

**Figure 9**

Proposed building heights and development concept (height indicated in storeys)

- *Residential Building Height*

As demonstrated above, a building height of RL 169 metres would be required in order to facilitate the development of two (2) residential towers with heights of 20 storeys (at the corner of Maitland Place and Solent Circuit) and 25 storeys (fronting the Maitland Place roundabout).

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 envelope 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.

It should be noted that while a maximum height of RL 169 metres would allow for buildings up to 25 storeys in height, the recommended floor space ratio of 3:1 would prevent this from being achieved across the whole site. 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 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 would ensure that the existing design excellence clause would apply to *all* development over 25 metres (8 storeys).

The Gateway Process allows for the strategic merits of a planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary. As part of this process, the applicant will be required to demonstrate through contextual analysis and urban design (including a model) that the proposed building heights will promote a built form which is appropriate on the site and in the context of the Norwest Precinct, with particular regard to:

- Consistency of the proposed 25 storey heights with the NSW Government Corridor Strategy which identifies a built form outcome on the site of 7-12 storeys;
- Consistency of the proposed 25 storey heights with the Hills Corridor Strategy which identifies a built form outcome on the site of approximately 6 storeys;
- Existing and approved residential development (Development Applications and/or Planning Proposals) within the northern portion of the Norwest station precinct in proximity to the site ranges in height from 2 to 12 storeys;
- The location of two (2) adjacent 'trophy' towers along the frontage with a height of 20 and 25 storeys which may create a visually bulky and dominating built form;
- Appropriate building heights in the context of the Norwest Precinct to ensure a transition in heights away from the tallest buildings surrounding the station to development on the periphery of the Precinct (such as this site); and
- Ensuring that the topography and landform of the Precinct is taken into account to ensure that any future development on the site does not dominate development in close proximity to the station (the tallest buildings within the Norwest Precinct) when viewed from the public domain and key locations within the Precinct (as demonstrated below).

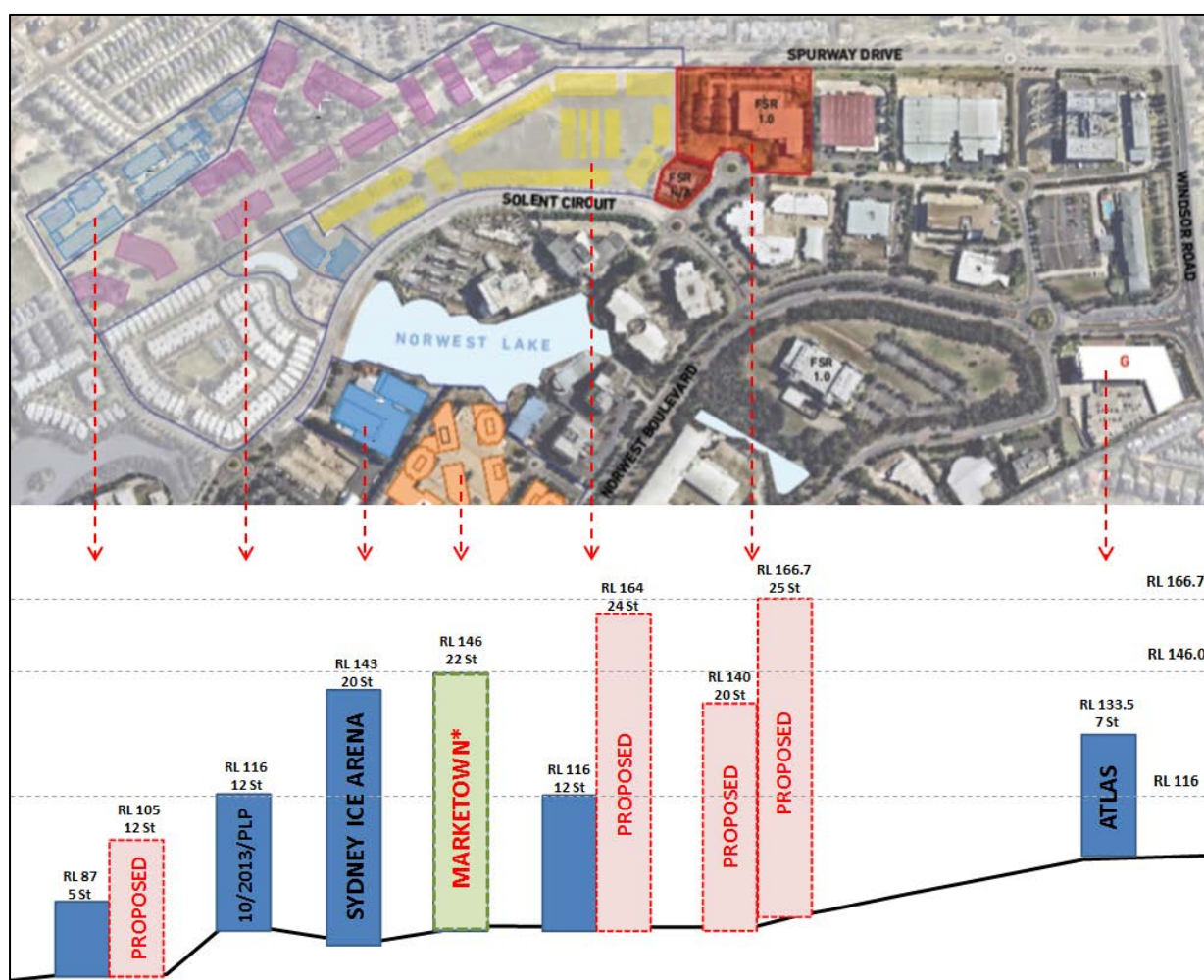


Figure 10

Topography and Future Building Heights within Norwest Precinct

(*Note: Potential Built Form at Norwest Marketown identified in The Hills Corridor Strategy)

- *Commercial Building Height*

The applicant has not proposed any change to the current building height of RL116 metres applicable to the portion of the proposed to be retained as B7 Business Park. The development concept submitted by the applicant demonstrates that the proposed Business Park portion of the site would accommodate two (2) commercial buildings with heights of four (4) and seven (7) storeys respectively.

The proposed retention of the existing building height of RL116 metres would facilitate the achievement of the proposed floor space ratio of 1.5:1 and is considered appropriate in the context of the site.

h. Minimum Lot Size

While the applicant has not requested any amendment to the Minimum Lot Size Map under LEP 2012, it is noted that the proposed development concept could not be facilitated unless associated amendments were made to the Minimum Lot Size Map.

Currently, 2-6 Maitland Place is subject to a minimum lot size of 1,800m², while 7 Maitland Place is subject to a minimum lot size of 8,000m² (which is standard throughout the Business Park). However, given the proposed zoning amendments, there is only 4,959m² of land proposed to be zoned B7 Business Park and as such, it would not be possible to meet the existing minimum lot size requirement of 8,000m².

Accordingly, it is recommended that should Council resolve to forward the planning proposal to the Department of Planning and Environment, it should also include amendments to the Minimum Lot Size Map to reduce the minimum lot size applicable to 7 Maitland Place (currently zoned B7 Business Park) from 8,000m² to 4,000m² to enable the proposed B7 Business Park portion of the site to be developed as one allotment.

i. Local Incentives Provision

The applicant has indicated a commitment to comply with Council's apartment size, mix and car parking requirements which will promote the housing outcomes advocated by Council to suit the needs of expected future residents.

Should Council resolve to proceed, it is recommended that the planning proposal include a local 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 and where the development delivers the proposed local road through the site.

The proposed local provision would utilise the incentives framework established through The Hills Corridor Strategy and precinct planning process for the Castle Hill North Precinct which provides a "base floor space ratio" and an "incentivised floor space ratio". It is recommended that a "base floor space ratio" of 1:1 be applied to the residential portion of site (consistent with the current floor space ratio applicable to the majority of the site), with an "incentivised floor space ratio" of 3:1.

The proposed clause to be included within the Local Environmental Plan written instrument is provided as Attachment 1 to this report.

It is 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 would ensure that the existing design excellence clause would apply to *all* development over 25 metres (8 storeys).

The proposed amendments to this existing clause are provided as Attachment 2 to this report.

j. Development Control Plan Amendments

The planning proposal report advises that the concept development has been designed in accordance with The Hills DCP 2012 in relation to setbacks, minimum apartment size and car parking but advises that amendments to the DCP, including a site specific DCP, will be required to facilitate the development. However, no draft DCP or details of the proposed amendments have been provided.

It is considered that as part of the Gateway and public exhibition process, further consideration should be given to amendments to the DCP which support the planning proposal and ensure appropriate development outcomes are achieved on the site.

6. OPTIONS

The following options for this planning proposal are presented for Councils consideration:

Option 1

The planning proposal for 2-6 and 7 Maitland Place not proceed for the following reasons:

1. The proposal is inconsistent with the State and Local Government strategies for the site and the Norwest Business Park;
2. The proposal threatens opportunities for long term employment growth in Norwest and job containment within the Hills Shire;
3. The proposal fails to adequately address the increased demand for local infrastructure generated by the proposed additional residential development; and
4. The proposal is premature, given that the Norwest Station Precinct should be master planned as a precinct to ensure jobs are delivered.

Option 2

The planning proposal for 2-6 and 7 Maitland Place, amended in accordance with the recommendations of this report, be forwarded to the Department of Planning and Environment to:

1. Rezone the majority of 7 Maitland Place from B7 Business Park to R4 High Density Residential (retaining the B7 Business Park zoning on the eastern third of the site);
2. Increase the maximum building height applicable to 2-6 Maitland Place and the residential portion of 7 Maitland Place from RL 116 metres to RL 169 metres, retaining the existing RL 116 metres height limit currently applicable to the eastern third of the site (proposed to be zoned B7 Business Park);
3. Apply a maximum "base floor space ratio" to 2-6 Maitland Place and the proposed residential portion of 7 Maitland Place of 1:1;
4. Apply a maximum "incentivised floor space ratio" to 2-6 Maitland Place and the proposed residential portion of 7 Maitland Place of 3:1;
5. Increase the maximum floor space ratio applicable to the proposed Business Park portion of 7 Maitland Place from 1:1 to 1.5:1;
6. Reduce the minimum lot size applicable to 7 Maitland Place from 8,000m² to 4,000m²;
7. Identify the site as "Key Site M" on the key sites map; and
8. Include a local provision which ensures that the "incentivised floor space ratio" on the residential portion of the site can only be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements and provides the proposed local road through the site;

Council would also enter into negotiations with the applicant with respect to a draft Voluntary Planning Agreement which adequately resolves the issues relating to the increased demand for local infrastructure.

Option 3

The planning proposal for 2-6 and 7 Maitland Place, as submitted by the applicant, be forwarded to the Department of Planning and Environment to:

1. Rezone the majority of 7 Maitland Place from B7 Business Park to R4 High Density Residential (retaining the B7 Business Park zoning on the eastern third of the site);
2. Increase the maximum building height applicable to the western portion of the site from RL 116 metres to RL 169 metres, retaining the existing RL 116 metres height limit currently applicable to the eastern third of the site (proposed to be zoned B7 Business Park); and
3. Apply a maximum floor space ratio of 3.11:1 to 2-6 Maitland Place and the residential portion of 7 Maitland Place, retaining the existing 1:1 floor space ratio applicable to the eastern third of the site (proposed to be zoned B7 Business Park).

CONCLUSION

Having regard to the strategic location of the site within the Norwest rail precinct at the interface of the R4 High Density Residential area (to the west) and B7 Business Park area (to the east), it is considered appropriate for a mixed use development outcome to be explored on the site, incorporating residential development. Further, it is noted that there is a measurable public benefit associated with the redevelopment of the site which includes the provision of a new local road and through site-pedestrian links providing greater permeability within the local road network in the northern area of the Norwest Precinct.

In order to facilitate this outcome, this report recommends that Council forward the planning proposal to the Department of Planning and Environment for Gateway Determination subject to amendments which:

- Apply a “base floor space ratio” of 1:1 and an “incentivised floor space ratio” of 3:1 to the proposed R4 High Density Residential portion of the site;
- Increase the maximum building height applicable to the proposed R4 High Density Residential portion of the site from RL 116 metres to RL 169 metres;
- Increase the floor space ratio and maximum building height applicable to the proposed B7 Business Park portion of the site from 1:1 to 1.5:1, retaining the existing RL 116 metres height limit;
- Reduce the minimum lot size applicable to land known as 7 Maitland Place from 8,000m² to 4,000m²;
- Identifies the site as “Key Site M” on the key sites map; and
- Include a local provision which ensures that the “incentivised floor space ratio” can only be achieved on the residential portion of the land where the proposed development complies with Council’s apartment size, mix and car parking requirements and provides the proposed local road through the site.

Should Council resolve to forward the planning proposal to the Department of Planning and Environment, this report also recommends that Council enter into negotiations with the applicant with respect to a draft Voluntary Planning Agreement which secures, to Council’s satisfaction, the delivery of the proposed new local road, pedestrian linkages and public domain improvements and resolves how the applicant will address the increased demand for local infrastructure (in particular local open space and community facilities) generated by the proposed increase in residential density.

The Gateway Process allows for the strategic merits of a planning proposal to be considered and for consultation with the NSW Government and the public to occur, as well as further work and refinements to the planning proposal as necessary. It is considered that the planning proposal, as amended, is suitable for forwarding to the Department of Planning and Environment for Gateway Determination and subsequently, to be publicly exhibited. Should further work be required as a result of the Gateway Process and/or public exhibition of the proposal, alternative development outcomes which achieve similar strategic outcomes may be explored as part of this process. It is considered that should the proposal proceed to public exhibition, the applicant should submit additional information, including a model, to assist with the communication of the proposed development outcome to the community.

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

The Hills Future - Community Strategic Plan

The planning proposal seeks to promote the better usage of existing land and capitalise on the strategic location of the site. The proposal, as submitted, would restrict opportunities for businesses to grow and meet the needs of the Shire and Metropolitan Sydney. However, given the strategic location of the site within the Norwest rail precinct at the interface of land zoned R4 High Density Residential (to the west) and B7 Business Park (to the east), it is considered that the mixed use outcome which could be facilitated by the planning proposal is appropriate.

RECOMMENDATION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Local Environmental Plan 2012 as follows:
 - a. Rezone land at 7 Maitland Place, Baulkham Hills from B7 Business Park to part R4 High Density Residential and part B7 Business Park;
 - b. Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 3:1 to land at 2-6 Maitland Place, Baulkham Hills and the proposed R4 High Density Residential portion of land at 7 Maitland Place, Baulkham Hills;
 - c. Increase the maximum floor space ratio from 1:1 to 1.5:1 for the proposed B7 Business Park portion of land at 7 Maitland Place, Baulkham Hills;
 - d. Increase the maximum building height from RL 116 metres to RL 169 metres for land at 2-6 Maitland Place, Baulkham Hills and the proposed R4 High Density Residential portion of land at 7 Maitland Place, Baulkham Hills;
 - e. Reduce the minimum lot size from 8,000m² to 4,000m² for land at 7 Maitland Place, Baulkham Hills;
 - f. Identify 2-6 and 7 Maitland Place, Baulkham Hills as "Key Site M" on the Key Site Map; and
 - g. Include a local provision which ensures that the "incentivised floor space ratio" for residential development can only be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements and provides the proposed local road through the site;
2. Council proceed with discussion with the Applicant to prepare a draft Voluntary Planning Agreement which secures the delivery of the proposed local road, pedestrian linkages and public domain improvements and resolves how the Applicant will address the increased demand for local infrastructure generated by the proposed increase in residential density; and

3. 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.

ATTACHMENTS

1. Draft Local Incentives Provision (2 pages)
2. Draft Amendments to Design Excellence Clause (2 pages)
3. Norwest Association Comments (2 pages)

ATTACHMENT 1

CLAUSE 4.4 FLOOR SPACE RATIO

4.4 Floor space ratio

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

- (a) to ensure development is compatible with the bulk, scale and character of existing and future surrounding development.*
- (b) to provide for a built form that is compatible with the role of town and major centres.*
- (c) to limit residential flat building development that is inconsistent with the demographic profile of the Hills Shire.*

(2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.*

4.4A Floor space ratio incentive

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

- (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.*
- (b) to provide opportunities for suitable housing density that is compatible with the future character of the surrounding area.*
- (c) to promote development that accommodates the needs of larger households, being a likely future residential use.*
- (d) to promote development that does not isolate sites that will contribute to an improved built form outcome.*
- (e) to ensure the provision of quality public domain and improved pedestrian and cycle connections within centres.*
- (f) to facilitate development that is sympathetic to the character of heritage items.*

(2) *Despite clause 4.4, development consent may be granted for development that exceeds the floor space ratio shown on the Floor Space Ratio Map but no greater than the floor space ratio shown on the Floor Space Ratio Incentive Map only if:*

- (a) no more than 25% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are studio or 1 bedroom dwellings, or both, and*
- (b) at least 10% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development are 3 or more bedroom dwellings, and*
- (c) the development comprises the following:*
 - i. Type 1 apartments—up to 30% of the total number of dwellings (to the nearest whole number of dwellings), and*

- ii. Type 2 apartments—up to 30% of the total number of dwellings (to the nearest whole number of dwellings), and
 - iii. Type 3 apartments, and
- (d) the following minimum number of car parking spaces are provided in the development:
- i. for each 1 bedroom dwelling—1 car parking space, and
 - ii. for each 2 or more bedroom dwelling—1 car parking space, and
 - iii. for every 4 dwellings—1 car parking space, in addition to the car parking spaces required for the individual dwelling, and
- (e) the development in an area identified in the Key Sites Map and shown in Column 1 of the table to this subclause meets the specifications shown opposite the area in Column 2.

Column 1 Area on the <u>Key Sites Map</u>	Column 2 Specifications relating to the Area
Key Site M	The proposed development includes the provision of a vehicular connection through the site connecting Spurway Drive to Maitland Place.

(3) In this clause:

Type 1 apartment means:

- (a) a studio or 1 bedroom apartment with an internal floor area of at least 50m² but less than 65m², or
- (b) a 2 bedroom apartment with an internal floor area of at least 70m² but less than 90m², or
- (c) a 3 or more bedroom apartment with an internal floor area of at least 95m² but less than 120m².

Type 2 apartment means:

- (a) a studio or 1 bedroom apartment with an internal floor area of at least 65m² but less than 75m², or
- (b) a 2 bedroom apartment with an internal floor area of at least 90m² but less than 110m², or
- (c) a 3 or more bedroom apartment with an internal floor area of at least 120m² but less than 135m².

Type 3 apartment means:

- (a) a studio or 1 bedroom apartment with a minimum internal floor area of 75m², or
- (b) a 2 bedroom apartment with a minimum internal floor area of 110m², or
- (c) a 3 or more bedroom apartment with a minimum internal floor area of 135m².

internal floor area does not include the floor area of any balcony.

The Hills DCP means The Hills Development Control Plan as in force at the commencement of this Plan.

ATTACHMENT 2**DRAFT LOCAL ENVIRONMENTAL PLAN AMENDMENTS****CLAUSE 7.7 DESIGN EXCELLENCE****7.7 Design excellence**

(1) The objective of this clause is to deliver the highest standard of architectural and urban design.

~~(2) This clause applies to development involving the erection of a new building or external alterations to an existing building on land identified as "Area A" on the Height of Buildings Map.~~

(2) This clause applies to any development, comprising residential floor space, which contains a building with a height of 25 metres or more.

(3) Development consent must not be granted for development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

(4) In considering whether the development exhibits design excellence, the consent authority must have regard to the following matters:

- (a) whether a high standard of architectural design, materials and detailing as established in The Hills DCP is achieved,
- (b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,
- (c) whether the building displays the desired character established in The Hills DCP,
- (d) whether the building meets sustainable design principles in terms of sunlight, natural ventilation, wind, reflectivity, visual and acoustic privacy, safety and security and resources, energy and water efficiency established in The Hills DCP,
- (e) whether satisfactory arrangements have been made to ensure that the proposed design is carried through to the completion of the development concerned,
- (f) whether the configuration and design of communal access and communal recreational areas within the residential elements of development incorporate exemplary and innovative treatments and will promote a socially effective urban village atmosphere.

~~(5) Development consent must not be granted to the following development on land to which this Plan applies unless an architectural design competition that is consistent with the Design Excellence Guidelines has been held in relation to the proposed development:~~

- ~~(a) development in respect of a building that is, or will be, higher than 45 metres or 13 storeys (or both) in height,~~
- ~~(b) development having a capital value of more than \$5,000,000,~~
- ~~(c) development for which the applicant has chosen to have such a competition.~~

~~(6) Subclause (5) does not apply if the Council certifies in writing that the development is one for which an architectural design competition is not required.~~

(5) In determining whether to grant consent to the development application, the consent authority is to take into account the recommendations of the Design Excellence Panel results of the architectural design competition.

(6) In this clause:

DRAFT LOCAL ENVIRONMENTAL PLAN AMENDMENTS

***Design Excellence Panel** means an independent Panel established by The Hills Shire Council to provide recommendations on whether development, to which this clause applies, exhibits "Design Excellence".*

***The Hills DCP** means The Hills Development Control Plan as in force at the commencement of this Plan.*

ATTACHMENT 3



19 November 2015

The Manager
Maitland Square Holding Pty Limited
2 and 7 Maitland Place
BAULKHAM HILLS NSW 2153

Norwest Association Limited
ACN 003 443 883

Suite 402, 5 Celebration Drive
Norwest Business Park
Bella Vista NSW 2153

Telephone (02) 8824 9821
Facsimile (02) 8824 8497

Dear Sir

**DA634 - LOT 1 DP 866565 AND LOT 22 DP 1034506
MAITLAND PLACE, BAULKHAM HILLS – PLANNING PROPOSAL**

I refer to the application to Norwest Association Limited (Ref DA 634) seeking support for a proposed rezoning of part Lot 1 DP866565 from *B7 Business Park* and *R4 High Density Residential* and increase height and density of permitted residential development on Lot 22 DP1034506 as detailed in the following documents:

Planning Proposal	Meinhardt	23 October 2015
Economic Justification	MacroPlanDimasi	October 2015
Traffic Impact Assessment	Traffix	3 February 2015
Preliminary Site Investigation	Environmental Investigations	14 October 2015

NEW ROAD TO LINK MAITLAND PLACE TO SPURWAY DRIVE

I advise that Norwest Association Limited supports the proposed new road to link Maitland Place to Spurway Drive subject to:

- 1) The current roundabout in Maitland Place being retained.
- 2) If not aligned directly opposite Eagleway Place north of Spurway Drive, then the alignment of the proposed new road being moved 10 metres to the west so as to retain the full 20 metres building set-back to the proposed non-residential development on the residual employment lands. This requirement confirms previous advice of the requirement to adhere to the landscaping set-back provisions of the Norwest Master Scheme.

REZONING PART LOT 1 FROM B7 BUSINESS PARK ZONE TO R4 HIGH DENSITY RESIDENTIAL

I advise that Norwest Association Limited raises no objection to the proposed rezoning subject to:

- 1) The zoning boundary accords with the requirement for the realignment of the new road as per condition 2 above.
- 2) Further development of Lot 1 not being approved unless the employment generation from such proposed development is not less than that which may be achieved under the site's current *B7 Business Park* zone with any proposed development to be in accordance with the Norwest Master Scheme and in particular with respect to landscaping setbacks to the boundaries, landscape screening of car parking areas and the interface with neighbouring residential properties and commercial premises.

Maitland Square Holding Pty Limited

19 November 2015

**DA634 - LOT 1 DP 866565 AND LOT 22 DP 1034506
MAITLAND PLACE, BAULKHAM HILLS – PLANNING PROPOSAL**

HEIGHT AND DENSITY OF PROPOSED RESIDENTIAL DEVELOPMENT

Noting that the Planning Proposals relies heavily upon access to and enjoyment of the public amenity surrounding Norwest Lake, Norwest Association Limited raises no objection to the erection of a 20-storeys residential tower at the corner of Solent Circuit and Maitland Place subject to:

- 1) Prior satisfactory arrangements being made for public access across private lands fronting Solent Circuit (opposite Maitland Place) to permit pedestrian connection to the public domain fronting Norwest Lake.
- 2) The proponent entering into a Voluntary Planning Agreement with The Hills Shire Council and Norwest Association Limited to contribute towards the cost of capital works to improve the amenity around the lake foreshore.
- 3) All residential development complying with The Hills Shire Council development controls with particular reference to solar access.
- 4) Residential development within the *R4 High Density Residential* area to be restricted to a maximum of 7 storeys for buildings fronting Spurway Drive as nominated, increasing to 9 storeys in the central component facing the Maitland Place roundabout.

Yours faithfully



ALAN ZAMMIT AM
Chairman

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 22 March 2016

131 RESOLUTION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Local Environmental Plan 2012 as follows:
 - a. Increase the maximum building height from 16 metres to 36 metres for the portion of 28 Fairway Drive, Kellyville west of the SP2 Drainage Corridor;
 - b. Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 3:1 to the portion of 28 Fairway Drive, Kellyville west of the SP2 Drainage Corridor; and
 - c. Include a local provision which provides that the "incentivised floor space ratio" can only be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements and for design excellence applying to *all* development over 25 metres (8 storeys).
2. Council proceed to discuss with the Applicant 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
3. 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.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr Dr M R Byrne Adjunct Professor
Clr Keane
Clr Taylor MP
Clr Preston
Clr Dr Lowe
Clr Thomas
Clr Harty OAM
Clr Tracey
Clr Dr Gangemi

VOTING AGAINST THE MOTION

None

ABSENT

Clr A N Haselden
Clr Hay OAM

ITEM-3

PLANNING PROPOSAL - 2-6 AND 7 MAITLAND PLACE, BAULKHAM HILLS (5/2016/PLP)

Proceedings in Brief

Dr Shane Geha, the Applicant addressed Council regarding this matter.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 22 March 2016

A MOTION WAS MOVED BY COUNCILLOR HARTY OAM AND SECONDED BY COUNCILLOR TAYLOR MP THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

132 RESOLUTION

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Local Environmental Plan 2012 as follows:
 - a. Rezone land at 7 Maitland Place, Baulkham Hills from B7 Business Park to part R4 High Density Residential and part B7 Business Park;
 - b. Apply a "base floor space ratio" of 1:1 and an "incentivised floor space ratio" of 3:1 to land at 2-6 Maitland Place, Baulkham Hills and the proposed R4 High Density Residential portion of land at 7 Maitland Place, Baulkham Hills;
 - c. Increase the maximum floor space ratio from 1:1 to 1.5:1 for the proposed B7 Business Park portion of land at 7 Maitland Place, Baulkham Hills;
 - d. Increase the maximum building height from RL 116 metres to RL 169 metres for land at 2-6 Maitland Place, Baulkham Hills and the proposed R4 High Density Residential portion of land at 7 Maitland Place, Baulkham Hills;
 - e. Reduce the minimum lot size from 8,000m² to 4,000m² for land at 7 Maitland Place, Baulkham Hills;
 - f. Identify 2-6 and 7 Maitland Place, Baulkham Hills as "Key Site M" on the Key Site Map; and
 - g. Include a local provision which ensures that the "incentivised floor space ratio" for residential development can only be achieved where the proposed development complies with Council's apartment size, mix and car parking requirements and provides the proposed local road through the site;
2. Council proceed with discussion with the Applicant to prepare a draft Voluntary Planning Agreement which secures the delivery of the proposed local road, pedestrian linkages and public domain improvements and resolves how the Applicant will address the increased demand for local infrastructure generated by the proposed increase in residential density; and
3. 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.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr Dr M R Byrne Adjunct Professor
Clr Taylor MP
Clr Preston
Clr Dr Lowe
Clr Thomas
Clr Harty OAM

VOTING AGAINST THE MOTION

Clr Keane
Clr Dr Gangemi
Clr Tracey

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 22 March 2016

ABSENT

Clr A N Haselden
Clr Hay OAM

ITEM-4

**SALE OF LAND WITHIN BOX HILL NORTH PRECINCT
SUBJECT TO VOLUNTARY PLANNING AGREEMENT
(FP218)**

A MOTION WAS MOVED BY COUNCILLOR HARTY OAM AND SECONDED BY COUNCILLOR PRESTON THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

133 RESOLUTION

Council provide consent under Clause 6.1 of the Box Hill North Voluntary Planning Agreement (by way of correspondence provided at Attachment 3) for E.J. Cooper and Son Pty Ltd or a related entity to execute a contract of sale for 'Precinct I', provided that the contract:

- a) Ensures, legally, that any purchaser of the land is bound by the terms of the VPA;
- b) Includes, as a minimum, clauses obligating the purchaser to adhere to the terms of the VPA, including the carrying out of Works and dedication of land to Council in accordance with the VPA;
- c) Grants E.J. Cooper and Son Pty (or a related entity) a power of attorney to act on behalf of the purchaser to carry out Works and dedicate land to Council in accordance with the VPA, if the purchaser fails to satisfy the requirements of the VPA; and
- d) Requires that upon the transfer of land being effected, the owner must register the VPA on title.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr Dr M R Byrne Adjunct Professor
Clr Keane
Clr Taylor MP
Clr Preston
Clr Dr Lowe
Clr Thomas
Clr Harty OAM
Clr Tracey
Clr Dr Gangemi

VOTING AGAINST THE MOTION

None

ABSENT

Clr A N Haselden
Clr Hay OAM