

The Hills LEP 2012 - 522 Windsor Road, Baulkham Hills

Proposal Title : **The Hills LEP 2012 - 522 Windsor Road, Baulkham Hills**

Proposal Summary : **The planning proposal seeks to facilitate development of a seniors housing complex comprising 120 residential aged care beds and 70 independent living units, as well as ancillary services, on land at 522 Windsor Road, Baulkham Hills. This is to be achieved via use of Schedule 1 Additional Permitted Uses and application of an appropriate floor space ratio to the subject land.**

PP Number : **PP_2017_THILL_003_00** Dop File No : **17/04173**

Proposal Details

Date Planning Proposal Received : **09-Mar-2017** 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 : **522 Windsor Road**

Suburb : **Baulkham Hills** City : Postcode :

Land Parcel : **Lot 553 DP 773889 and Lot 22 DP 1075051**

DoP Planning Officer Contact Details

Contact Name : **Kate Hanson**

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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 :

Regional / Sub Regional Strategy : **Metro West Central subregion** Consistent with Strategy : **Yes**

MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	190
Gross Floor Area :	0	No of Jobs Created :	30

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 the 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 :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The statement of objectives describes the intention of the planning proposal. The proposal intends to facilitate a seniors housing development (comprising of 120 residential aged care beds and 70 independent units) and supporting services such as a small café, hairdresser, medical rooms and other health and fitness related purposes.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The planning proposal seeks to amend LEP 2012 as follows:**

- Apply a floor space ratio of 0.9:1 to the site;
- Amend Schedule 1 to include the following additional permitted uses:
 - 'seniors housing' capped at a total of 190 residential aged care beds and self-care units, comprising no more than of 120 residential aged care beds and no more than 70 self-care units,
 - 'restaurant or café with the amount of floor space capped at 100m2,
 - 'shops' with the amount of floor space capped at 100m2,
 - 'child care centre',
 - 'health consulting rooms' with the amount of floor space capped at 150m2,
 - 'business premises' with the amount of floor space capped at 100m2; and

- Identify the site on the Additional Permitted Uses Map.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP (Housing for Seniors or People with a Disability) 2004

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

S117 Directions

The planning proposal identifies the following Section 117 Directions to be relevant:

Direction 2.3 Heritage Conservation provides that a planning proposal must contain provisions which facilitate the conservation of items and places of heritage significance. To be consistent with this Direction, the planning proposal has addressed impacts to adjoining heritage items and mitigated where possible through appropriate building placement that retains visual corridors between Local Heritage Items St Michael's Church, Alliance Church and Windsor Road. The proposal is therefore considered to be consistent with this Direction.

Direction 3.1 Residential Zones. This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone. The proposal is located opposite the Hills Private Hospital, is located within 1 kilometre of the Castle Hill Industrial Area, approximately 1.8 kilometre north of Baulkham Hills Town Centre and 2.2 kilometres south-east from Norwest Business Park. Further, the proposal notes that the surrounding locality has high quality footpaths and pedestrian connections with good access to public transport with frequent services to Rouse Hills Town Centre, Parramatta Interchange, Norwest Business Park, Macquarie Park, Chatswood and the CBD.

As such, the proposal will facilitate residential development in a location that is well served by infrastructure and is therefore considered to be consistent with this Direction.

Direction 6.3 Site Specific Provisions. The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The proposal is considered to be inconsistent with this direction as it allows seniors housing and ancillary uses on the subject site and imposes development standards or requirements in addition to those already contained in the principle EPI being amended. However it is recommended that the Delegate of the Greater Sydney Commission agree to this inconsistency on the basis that is of minor significance as it enables a density and character commensurate with surrounding land uses.

The proposal is considered to be consistent with all other Section 117 Directions. Further, the planning proposal considers the relevance and consistency of all SEPPs and does not identify any relevant inconsistencies that need to be addressed.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal contains maps which adequately show the subject land, the proposed Floor Space Ratio and the APU map. These maps are adequate for exhibition

purposes. Maps which comply with the Standard Technical Requirements for SI LEP Maps will need to be prepared before the LEP is made.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal indicates that community consultation will be undertaken and nominates a 14 day consultation timeframe.**

In accordance with "A Guide to Preparing Local Environmental Plans" (the 'Guide'), it is considered that the planning proposal is a low impact planning proposal as it is consistent with the pattern of surrounding land use zones and inconsistencies with the strategic planning framework are of minor significance. The proposal does not reclassify land or present infrastructure servicing issues. The Guide also suggests written notification to the affected and adjoining land owners.

It is therefore considered that a community consultation period of 14 days is adequate and affected and adjoining properties should be notified in writing. However there is no impediment to Council conducting a longer 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 :

Time Line
The planning proposal includes a project timeline which estimates the completion of the planning proposal in September 2017. To ensure the RPA has adequate time to complete the exhibition, reporting, and legal drafting, it is recommended that a time frame of 9 months is appropriate.

Delegation.
The proposal is considered to be of local planning significance and it is recommended that an Authorisation for the execution of delegation be issued to the RPA in this instance.

Overall Adequacy
The planning proposal satisfies the adequacy criteria by;

1. Providing appropriate objectives and intended outcomes.
2. Providing a suitable explanation of the provisions proposed for the LEP to achieve the outcomes.
3. Providing an adequate justification for the proposal.
4. Outlining a proposed community consultation program.
5. Providing a project time line

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Hills Local Environmental Plan 2012 is a principal LEP, and has been in force since October 2012.**

Assessment Criteria

Need for planning
proposal :

The planning proposal is not a result of any strategic study or report. However, the planning proposal provides an appropriate response to, and is consistent with, the vision for Norwest given the various strategic studies prepared by The Hills Shire Council and the State Government, including the Draft West Central District Plan as discussed below.

The site has an area of approximately 20,483m², is located approximately 1.8 kilometres north of Baulkham Hills Town Centre and is currently zoned R2 Low Density Residential. The planning proposal aims to provide a mix of aged care (120 care beds) and independent living facilities (70 units) providing residents with an option to age in place. The planning proposal also seeks to facilitate supporting services to be offered on site.

Whilst land use permissibility is preferably controlled by zoning and the Land Use Table, the proposal adequately justifies the use of Schedule 1 for this development. In proposing Additional Permitted Uses and an FSR, rather than via a rezoning to R4 High Density, Council has taken into consideration the location of the site and adjoining uses, primarily being low density residential, educational and health infrastructure.

The site has frontage to Windsor Road and a street frontage of approximately 27 metres to Saint Michael's Place. The site currently contains a convent, a 16 place child care centre, a family centre and nun's housing. It is surrounded by low and medium density housing developments, a three (3) storey private hospital to the east and St Michael's primary school to the west.

Council has acknowledged the site provides a unique opportunity to provide seniors housing in a well serviced area with complimentary land uses, it has also sought to avoid inappropriate density that would be permissible under another residential zone. In these circumstances, no Departmental objections are held to the proposal proceeding in this regard. Notwithstanding, it is considered inappropriate for 'health consulting rooms' to be included in Schedule 1 and limited to 150m² given the use is permissible in the zone and as such the proposal should be amended to reflect this.

The planning proposal is considered to be the best way to achieve the intended outcomes of the site.

Consistency with strategic planning framework :

A Plan for Growing Sydney

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. The proposal is consistent with the actions and outcomes of A Plan for Growing Sydney. Specifically the proposal is considered to be consistent with Direction 2.1 Accelerate housing supply across Sydney and Direction 2.3: Improve housing choice to suit different needs and lifestyles.

Draft West Central District Plan

The draft District Plan stipulates that the projected growth in people aged 65 and over in the West Central District means that there must be more emphasis on planning for housing diversity, particularly seniors housing and aged care options that allow people to age in place. Moreover, the draft District Plan states that the best way to provide seniors housing and aged care is to co-locate them in areas that have a mix of different uses with good quality footpaths and pedestrian connections. The proposal is consistent with these objectives as it provides a mix of aged care and independent living facilities enabling residents to age in place. The proposed facility will also provide supporting services offered on site and is located in an area well serviced by public transport and with quality footpaths and pedestrian connections.

The proposal is also considered consistent with Liveability Priority 2 which stipulates relevant planning authorities should consider the needs of the local population base when aligning local planning controls that address housing diversity.

The Hills Future Community Strategic Plan

The Hills Future Community Strategic Plan (CSP) articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. The proposal is considered consistent with the CSP as it will contribute to housing diversity and assist in accommodating an ageing population with a range of capabilities.

The Hills Local Strategy

Council's Local Strategy was adopted in 2008; it is the principal document for communicating the future planning of the Shire, and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. Council notes that the planning proposal is consistent with the Hills Residential Direction principle, which aims to accommodate an ageing population in well located areas supported by services and facilities. The proposal states that whilst seniors housing development located in close proximity to local centres is preferred, the additional support services and the sites proximity to prominent public transport service make it an appropriate location for the proposed development. Further, the density proposed is similar to what could be achieved under Seniors Housing SEPP, as such, the proposed amendments do not undermine the zoning hierarchy under LEP2012 and is consistent with the Local Strategy.

Environmental social economic impacts :

ENVIRONMENTAL

The proposal is not expected to have any adverse impact on critical habitat or threatened species, populations or ecological communities or their habitats.

Residential Density and Character

The proposed development consists of a built form of two (2) and three (3) storeys located in the centre of the site with the retention of nine (9) existing dwellings for nun accommodation. The proposal notes that the nun accommodation is located on the northern boundary, the only boundary directly adjoining low density residential uses and can act as a buffer from the proposed development. It is considered that the proposal is of a reasonable density and is of similar character to the surrounding land uses and will not adversely impact the amenity for the adjoining properties.

Traffic impacts

The proposal acknowledges that the development is likely to increase the number of vehicles leaving and accessing the site. Whilst a traffic impact assessment considered that

seniors housing is unlikely to have a significant impact on traffic within the locality, the small-scale supporting business uses and child care centre impacts have not been discussed. The proponents referred the original proposal to the Roads and Maritime Services (RMS), who gave support in principle. However given the amended proposal, additional consultation with RMS will be required.

Heritage

The subject site is located between two items of environmental heritage significance listed in Schedule 5 of The Hills Local Environmental Plan 2012, known as 'Alliance Church' and 'St Michael's Church'. Additionally, the development fronts Windsor Road which is listed as an item of heritage significance in LEP2012. The existing buildings on the site are set back from Windsor Road which allows a line of site between the two historic Churches to the north and south. Whilst the proposal seeks to protect the view corridors through built form controls in the proposed DCP, consultation with the Office of Environment and Heritage – Heritage Division will be required.

SOCIAL AND ECONOMIC

The planning proposal has given consideration to social and economic impacts of the proposed amendment. The proposal will facilitate the development of 190 residential aged care beds and ancillary uses which is likely to have a positive economic impact and increase housing choice in the area. The area is considered to have sufficient social infrastructure to cater for the proposed additional seniors housing and provides the opportunity for those living in the Norwest area to age in place.

Assessment Process

Proposal type : Community Consultation **14 Days**
Period :

Timeframe to make **9 months**
LEP : Delegation : **RPA**

Public Authority **Ambulance Service of NSW**
Consultation - s56(2)(d) **Department of Family and Community Services**
: **Office of Environment and Heritage**
Family and Community Services - Ageing Disability and Home Care
Transport for NSW
Transport for NSW - Roads and Maritime Services

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

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

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover letter - 522 Windsor Road, Baulkham Hills.pdf	Proposal Covering Letter	Yes
Planning Proposal - 522 Windsor Road, Baulkham Hills.pdf	Proposal	Yes
Council Report and Minute 14 February 2017 - 522 Windsor Road, Baulkham Hills.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : It is recommended that the planning proposal proceed subject to the following:

1. Prior to community consultation Council is to amend the planning proposal to remove reference to 'health consulting rooms' as a proposed additional permitted use in Schedule 1.
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - a) Transport for NSW
 - b) Roads and Maritime Services
 - c) Office of Environment and Heritage – Heritage Division
 - d) Ambulance Service of NSW; and
 - e) Family and Community Services – Ageing Disability and Home Care.
3. 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 14 days;
 - 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).
 - c) 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).
4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

It is also recommended that:

5. The Secretary's delegate determine that the inconsistency with s117 Direction 6.3 Site Specific Provisions is justified as it is of minor significance.
6. That a written authorisation to exercise plan making delegations be issued to the Hills Shire Council.

Supporting Reasons : The reasons for the recommendation are as follows:

1. The proposal will provide well located housing stock for seniors and people with a

disability and will contribute to housing diversity in the area.

2. The proposal is consistent with the strategic planning framework and the inconsistencies are considered to be of minor significance.

Signature: _____

Printed Name: _____

Date: _____