



REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	6 July 2023
DATE OF DECISION	29 June 2023
PANEL MEMBERS	Abigail Goldberg (Chair), Greg Woodhams, David Ryan, Cynthia Dugan & Robert Buckham
APOLOGIES	None
DECLARATIONS OF INTEREST	Glennys James has declared a conflict of interest in that she was an expert member of The Hills Local Planning Panel which on 8 June 2020 considered the planning proposal. Janelle Atkins and Brent Woodhams have declared a conflict of interest as council officers who have dealt previously with the planning proposal.

REZONING REVIEW

RR-2023-6 – The Hills LGA – PP-2022-1202 - at 10-12 Seven Hills Road, Baulkham Hills (As described in Schedule 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and subject to minor changes, site specific merit
- ☐ **should not** be submitted for a Gateway determination because the proposal has
 - ☐ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit

The decision was 3:2 in favour, with Cynthia Dugan and Robert Buckham considering the proposal to have strategic merit but *not* site specific merit for the following reason:

“Careful consideration of built form and amenity outcomes is required to ensure a suitable and appropriate outcome on the site. It is our view that the planning proposal material submitted to date has not been able to demonstrate this sufficiently.”

The changes recommended by the majority of the Panel are in part to mitigate the concerns of the two dissenting Panellists.

REASONS FOR THE DECISION

The Panel noted the agreement of both the proponent and Council that the rezoning review for the Planning Proposal should be based on the proponent's latest proposal, which involved no change to the current R4 zone, a Floor Space Ratio (FSR) of 1.69:1 and being supported by a site specific Development Control Plan (DCP).

Strategic Merit

The whole of the Panel agreed that the Planning Proposal to enable greater residential density had Strategic Merit given that:

- Delivering housing supply is a priority issue for Sydney for all levels of Government
- The Planning Proposal would provide additional housing and housing choice within an existing urban framework with access to services including the mixed-use Baulkham Hills Town Centre
- Delivering high density apartments, including apartments suitable for family living, is of primary importance in accessible locations well serviced by public transport. In this case, the site is within 400m of the M2 Transitway Bus Stop
- The Planning Proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Greater Sydney Region Plan and Central City District Plan.

The Panel notes in relation to The Hills Future 2036 Local Strategic Planning Statement (LSPS) that the site is not in the Baulkham Hills Town Centre.

Site Specific Merit

The majority of the Panel agreed that the proposal had Site Specific Merit, subject to minor changes including further modelling. The Panel supported:

- Retention of the current R4 zoning.
- An increase in height up to a maximum of 25m, enabling a transition of built form from the adjoining approved apartment blocks to the north-east to the lower apartment blocks to the south-west, noting however that further modelling is required to demonstrate how this is to occur.
- Determination of an appropriate FSR for the site. This FSR is to be demonstrated to be consistent with the Apartment Design Guidelines (ADG) including in relation to building depth, building separation, solar access, communal and public open spaces including courtyards, private open space and balconies, landscaping as well as the larger apartment sizes required by Council's The Hills DCP 2019.

Panel recommendations

The majority of the Panel recommends that prior to submitting the Planning Proposal for a Gateway determination, the Planning Proposal is to be revised to address the following:

- The current R4 to be retained;
- The appropriate FSR, of no more than 1.69:1, is to be determined from modelling that demonstrates the ability for a future development application to achieve consistency with the ADG and Council's larger apartment sizes per the DCP; and
- The Height of Building (HOB) Map is to be modified to show a transition from a maximum 25 metres to 16 metres across the site based on the above modelling, and particularly potential impacts on properties to the south.

The majority of the Panel also recommends that:




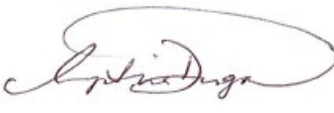

- a draft Site Specific DCP is to be prepared and placed on public exhibition with the planning proposal; and
- consultation is to be undertaken with Transport for NSW at exhibition stage.

The Panel sought the Council's and proponent's views on these recommendations at the Panel briefings.

Given the above, including the specific recommendations as outlined, the majority of the Panel considers that the Planning Proposal should proceed to Gateway determination.

As the Panel decision is not unanimous and two members have concerns regarding site merit in particular, the Panel wishes to review the revised controls prior to the Planning Proposal being submitted for a Gateway determination. In addition, the Panel requests pre and post exhibition briefings to hear the matters, as is standard protocol.

The Hills Council has previously refused to progress the proposal. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this Planning Proposal.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Greg Woodhams
 David Ryan	 Cynthia Dugan
 Robert Buckham	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-6 – The Hills LGA – PP-2022-1202 - at 10-12 Seven Hills Road, Baulkham Hills
2	LEP TO BE AMENDED	The Hills Local Environmental Plan 2019
3	PROPOSED INSTRUMENT	The proposal seeks to: <ul style="list-style-type: none">• rezone R4 High Density Residential to R1 General Residential• insert a floor space ratio (FSR) of 1.99:1• increase building height from 16m to 25m
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none">• Rezoning review request documentation• Briefing report from Department of Planning and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none">• Site inspections were undertaken individually<ul style="list-style-type: none">○ Greg Woodhams – 24 June 2023

	<ul style="list-style-type: none"> • Briefing with Department of Planning and Environment (DPE): 10:00am - 10:30am, 29 June 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Abigail Goldberg (Chair), Greg Woodhams, David Ryan, Cynthia Dugan & Robert Buckham ○ DPE staff in attendance: Tharani Yoganathan, Jorge Alvarez, Lisa Kennedy & Mary Francis ○ Key issues discussed: <ul style="list-style-type: none"> • Planning proposal overview • Consistency with LSPS • Proposed built form controls • Evolution of the strategic planning context • Briefing with The Hills Council: 10:30am - 11:00am, 29 June 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Abigail Goldberg (Chair), Greg Woodhams, David Ryan, Cynthia Dugan & Robert Buckham ○ DPE staff in attendance: Tharani Yoganathan, Jorge Alvarez, Lisa Kennedy & Mary Francis ○ Council representatives in attendance: Megan Munari, Kayla Atkins, Emma Langan & Nicholas Carlton ○ Key issues discussed: <ul style="list-style-type: none"> • Background to the planning proposal • Key differences in approach between the proponent and Council • Uncertainty regarding the mass transport link proposed in Transport for NSW 2056 plans • Recognition that the proponent has been prepared to improve the built form design but considers that further improvement to the design and amenity outcomes are required • Council has resolved to stick with its policy of rejecting the proposal considering traffic and transport constraints and the current lack of infrastructure. • Briefing with Think Planners Pty Ltd (Proponent): 11:15am – 12:00pm, 29 June 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Abigail Goldberg (Chair), Greg Woodhams, David Ryan, Cynthia Dugan & Robert Buckham ○ DPE staff in attendance: Tharani Yoganathan, Jorge Alvarez, Jazmin Van Veen, Lisa Kennedy & Mary Francis ○ Proponent representatives in attendance: Jonathon Wood, Andrew Elia, Sam Falcone, Ben Creighton, Ken Hollyoak & Tahlia Garland ○ Key issues discussed: <ul style="list-style-type: none"> • Changes in the strategic planning direction for Sydney • Site context • Strategic merit and LSPS issues • Urban design and site specific merit. • Panel Discussion: 12:00pm – 12:25pm, 29 June 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Abigail Goldberg (Chair), Greg Woodhams, David Ryan, Cynthia Dugan & Robert Buckham ○ DPE staff in attendance: Tharani Yoganathan, Jorge Alvarez, Jazmin Van Veen, Lisa Kennedy & Mary Francis
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