

SUBMISSIONS REPORT

PLANNING PROPOSAL PP-2022-120
10-16 SEVEN HILLS RD
BAULKHAM HILLS

2 FEBRUARY 2024



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1. INTRODUCTION

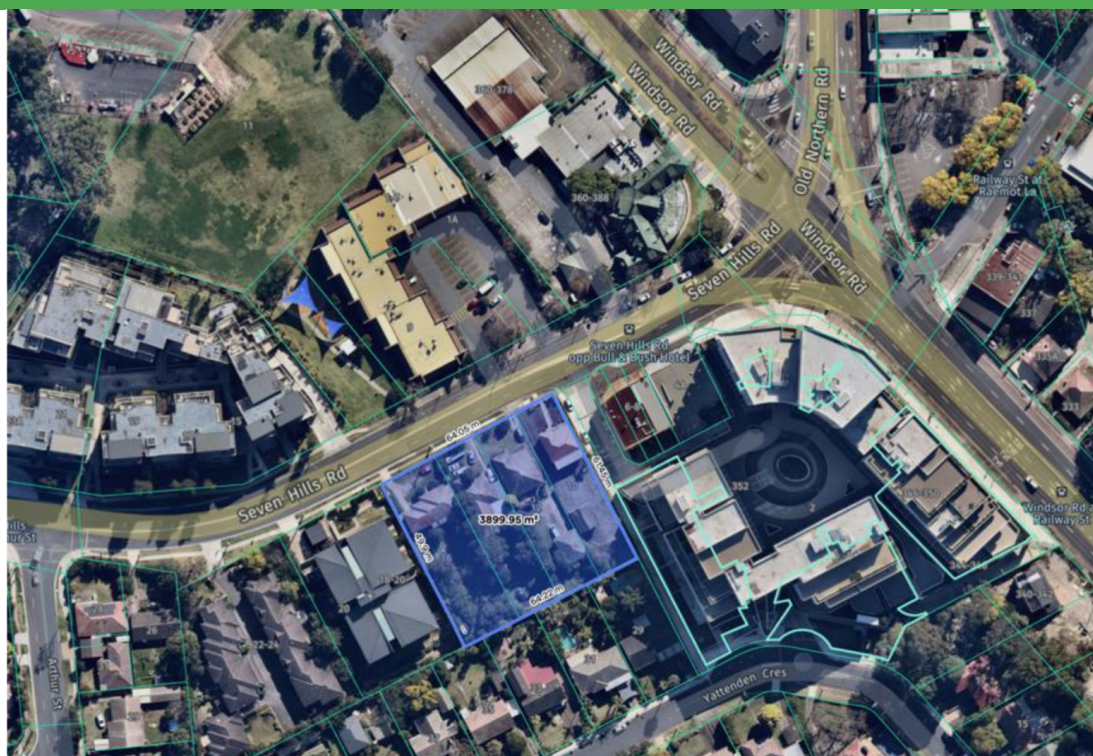
This Submissions Report has been prepared by Think Planners on behalf of FAL Group in relation to a Planning Proposal at 10-16 Seven Hills Road, Seven Hills.


In summary, FAL Group seek to via the Planning Proposal process to amend The Hills LEP 2019 to facilitate greater residential density and enhanced urban design outcomes than would otherwise be possible under the existing controls.

- Amend the Maximum Height of Building (HOB) map facilitate a range from 16m to 25 m
- Amend the Floor Space Ratio (FSR) map to provide a maximum FSR of 1.69:1

Figure 1 below illustrates the location of the subject site.

Figure 1: Aerial Map Extract (Source: Nearmaps, 2023).



 Subject Site

The Planning Proposal was publicly exhibited on the Planning Portal between Monday 13 November 2023 and Monday 11 December 2023. Submissions were received from individuals, government agencies and The Hills Shire Council. This report addresses all submissions received during the exhibition process and also those received after the exhibition period was finalised.

We note that a number of the submissions received have been previously dealt with as part of the prior Planning Proposal but they are addressed again for completeness. We also note a number of matters raised are really matters of detail that would be assessed and considered at DA stage but again they are addressed where relevant.

To assist in addressing the issues further information has been prepared including:

- Updated Traffic and Parking Assessment dealing with the RMS comments;
- Urban Design Response package with regard to shadows.

2. ANALYSIS OF SUBMISSIONS

2.1 OVERVIEW

This section of the report provides an analysis of the submissions received and categorises the submissions into the key issues. As a result of the exhibition and the liaising with Government authorities nine (9) submission were received from the general public, one (1) submission was received from the Hills Shire Council, one (1) submission from an infrastructure provider and three (3) submissions were received from Government Authorities.

There was a total of 14 submissions were received resultant of the public exhibition which finished on 11 December 2023. Of the submission received, four were provided post exhibition period, with the Hills Shire submission received on 20 December 2023, TfNSW and Endeavor Energy on 8 January 2024 and an individual submission on 8 January 2024. The submissions were made by government authorities and agencies, as well as community members and is set out in the following section.

Of the submissions received:

- All individual submissions objected to the Planning Proposal.
- The Hills Shire continued its objection to the Planning Proposal.
- Transport for NSW requested additional information.
- Sydney Water, provided advice relevant to their area of expertise, raising no objections.
- Endeavor Energy provided advice relevant to their area of expertise, raising no objections.
- Jemena raised no objections.

Detailed responses have been prepared for each of the submissions in the later sections.

2.2 SUBMISSIONS RECEIVED

The 14 submissions were received from the following agencies.

- Five responses from relevant state and local government agencies
 - The Hills Shire Council
 - Transport for NSW
 - Sydney Water
 - Endeavor Energy
 - Jemena
- 9 submissions were received from the community.

2.3 THE HILLS SHIRE COUNCIL

The Hills Shire Council has raised objection to this proposal, with the following a summary of their concerns:

- Strategic Merit:
 - Discouraging uplift in the town centre whilst regional traffic issues are resolved
 - Disagreement with the Panel's determination that the proposal has strategic merit
- Site Specific Merit:
 - The FSR of 1.69:1 is not supported as built form issues are unresolved
 - The proposed building height and transition will have visual and shadow impacts to the south.
 - Concern with the apartment mix and configuration, resulting in lower amenity and safety
 - There is no LEP mechanism to confirm the PP achieves the Council apartment size and mix requirements
 - Affordable Housing bonus impacts
 - Basement parking setbacks are not compliant with the DCP
 - Waste vehicle access needs to follow conventional arrangements, with turntables not supported.
 - Solar access and shadowing impacts
 - Communal open space should be provided at ground level in a single location, with rooftop provision not compliant with the DCP.



- Regional traffic impacts
- VPA

Detailed responses for each issues raised is discussed in Section 3.

2.4 AGENCIES

– **Transport for NSW (27 March 2023)**

TfNSW raised no objection, however, did request additional information as summarised below:

- A copy of the draft DCP
- An updated Traffic and Parking Assessment
- A copy of the draft VPA for review

This is addressed in Part 3 of this report.

– **Sydney Water**

Raised no objections and provided commentary more relevant to a Development Application.

– **Endeavor Energy**

Raised no objections and provided commentary more relevant to a Development Application. No further consideration is warranted.

– **Jemena**

Raised no objections. No further consideration is warranted.

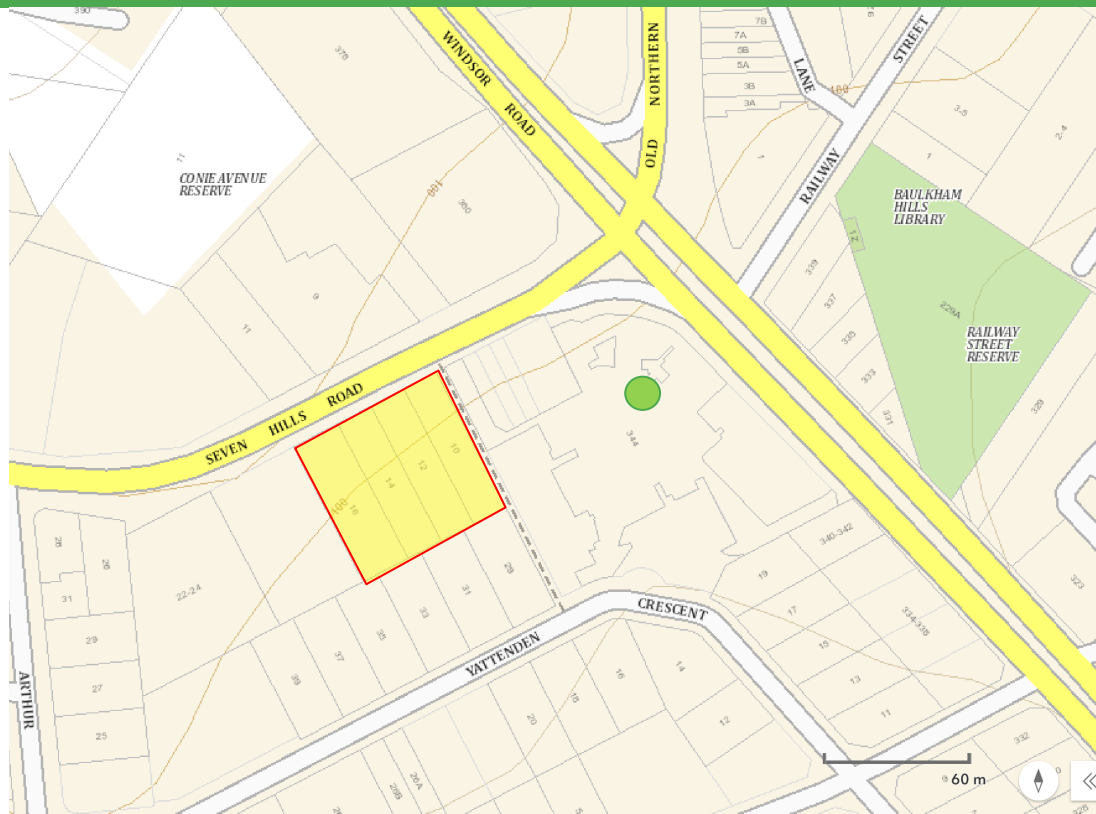
2.5 COMMUNITY

There were 9 community submissions received during the exhibition period. All of the submissions were from residents residing in the adjoining property at 31-37 Hassall Street objected to the proposal. Key issues raised include:

- Character impacts due to increased height.
- Amenity impacts (privacy loss, shadowing, noise).
- Loss of views.
- Traffic and Transport impacts.
- Strategic merit.

The location of eight (8) submitters is not known as addresses were withheld. However, Figure 2 below illustrates the location of where one public submission provided their location relative to the subject site. This is the large corner development at 2 Seven Hills Road.

Figure 2: Aerial Map Extract (Source: Six Maps 2022). Submission Location.



Development Site

● Public Submission

2.6 REVISED REPORTS

In response to submission comments, few consultant reports were updated to reflect the proposed changes and justification of the project.

Amendment	Reason
Traffic report	Updated to address feedback from Transport for NSW
Urban Design Supplement	Additional information to provide: <ul style="list-style-type: none"> SEPP 65 Building separation distances Shadow study

3. RESPONSE TO SUBMISSIONS

3.1 GOVERNMENT AGENCY SUBMISSIONS

The Table on the subsequent page, responds to submissions provided by public authorities and agencies. The submission is summarised in the left column and a response is provided in the right column.

Table 1 Response to submissions by state agencies and authorities

No.	Summary of Issues Raised	Applicant Response
Hills Shire Council		
Strategic Merit - LSPS		
HS 1	<p>- The site is located in the Baulkham Hills Town Centre and is inconsistent with the LSPS Direction to discourage uplift until regional traffic issues are resolved.</p> <p>- The Panel should be consistent with its previous determination of a Planning Proposal at the Hills Bowling Club where it determined to not proceed on the basis of the LSPS direction</p>	<p>- The statutory document that defines the planning rules that apply to the subject site is the Hills LEP and Hills DCP 2012. As shown in Figure 1 of Part D Section 10 Baulkham Hills Town Centre. This clearly defines the extent of the town centre, with the subject site outside the defined boundaries of Figure 1.</p> <p>However regardless of its location, as noted in the LSPS and the submission by The Hills Shire, uplift in the town centre area is discouraged, rather than prohibited. We reaffirm that the actual written position of Council is not prohibit, prevent, or stop, but rather to only to discourage. Therefore a merit consideration of the planning proposal can occur.</p> <p>We also note that the DPHI also consider the Planning Proposal to be consistent with the LSPS:</p> <p><i>The planning proposal demonstrates strategic and site-specific merit. The proposal provides an opportunity to provide additional, diverse housing in The Hills Shire, in a location well serviced by transport and other infrastructure.</i></p> <p><i>The proposal is supported to proceed with conditions for the following reasons:</i></p> <ul style="list-style-type: none"> o <i>It is consistent with the objectives and priorities of the Central City District Plan.</i> o <i>It is consistent with the strategic direction and objectives of The Hills Council's Local Strategic Planning Statement and Local Housing Strategy.</i> [emphasis added] o <i>It is consistent with all relevant section 9.1 Ministerial Directions.</i> o <i>It is not considered to have adverse impacts overall, or environmental, social, economic, traffic and infrastructure impacts.</i> o <i>It will appropriately respond to the determination and recommendations made by the Sydney Central Planning Panel as a result of the rezoning review on 8 September 2023 when updated, according to the Gateway determination conditions.</i>

- There is no direct or reasonable comparison between the Bowling Club planning proposal and this planning proposal as shown in the table below, noting that the Bowling Club is in the town centre, and the subject site is not. Regardless, the Panel has rightly determined that the planning proposals has Strategic Merit.

6-8 Jenner St, Baulkham Hills		10-16 Seven Hills Rd, Baulkham Hills	
Residential Base:	0 units	Residential Base:	50 units
Residential uplift:	228 units	Residential uplift:	16 units (total yield 66 units)
Existing FSR:	N/A	Existing FSR:	N/A
Proposed FSR:	2.24: 1	Proposed FSR:	1.69: 1
Existing height:	N/A	Existing height:	16m
Proposed height:	20m – 63m	Proposed height:	25m
Zone: RE2 Private Recreation		Zone: R4 High Density Residential	
Residential accommodation, seniors housing, shop top housing and residential flat buildings, Registered Club, Commercial premises		As per existing land use table	
Substantial traffic impacts		No local or regional traffic impact, as agreed by Council	
Strategic Merit: NO		Strategic Merit: Yes	

- It is also notable that the Department of Planning, Housing and Infrastructure noted the following in their Gateway Determination Report:

Prohibiting uplift in the town centre until these issues are resolved could effectively restrict uplift in the centre indefinitely, contrary to objectives of the District Plan and other objectives of the LSPS and the Local Housing Strategy, which seek to deliver additional, well located housing. The Department notes that the proposal is unlikely to have a significant impact on worsening the existing traffic conditions.

Therefore we consider that the Planning Proposal is appropriate, and this issue has been adequately addressed.

Site Specific Merit – FSR of 1.69:1

HS 2 - The development concept has not demonstrated consistency with the ADG, especially in relation to solar access. The proposed FSR is not supported due to unresolved build form issues.

This is a matter than can be adequately addressed at the DA stage.

Regarding solar access, the Design Guidance within Part 4A of the ADG correctly recognises that direct sunlight to all units is not always possible due to factors including:

- where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source
- on south facing sloping sites
- where significant views are oriented away from the desired aspect for direct sunlight

These conditions apply to the subject site where there is a south facing slope and the significant views are towards Parramatta, being orientated away from the aspect of direct sunlight. Therefore, the small proportion of units (15%) shown as not receiving direct sunlight is appropriate and reasonable. Beyond that we reiterate it is ultimately a DA matter for assessment as would be the case under a 'base' DA under the existing R4 controls and 16m height limit.

Site Specific Merit – Building height and transition

HS 3 - The proposal will still result in significant visual and shadowing impacts to sites to the south, which may potentially prevent these adjacent sites from developing to their capacity in compliance with the current statutory controls. The proposed height is a concern in relation to the proposal's inability to achieve other urban design and built form outcomes and the potential visual impacts on lots to the rear of the site.

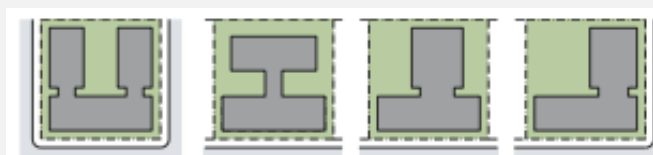
- This is a matter than can be adequately addressed at the DA stage.

Regardless, new shadow diagrams have been prepared by Integrated Design Group and are included as an attachment to this submission report. The shadow diagrams show that neighbouring sites receive an acceptable level of solar access.

Site Specific Merit – Apartment Configuration and Mix

- HS 4** - U-shaped block creates privacy issues with corner apartments and solar access issues for common open space - This is a DA matter and not relevant to a planning proposal. However, we note that apartment buildings can take many forms, with the ADG specifically providing guidance on different forms.

Courtyard buildings for example can take many forms, including a U-shape as shown in the extract from the ADG below (p.164). The form building form appropriately responds to site context including its slope and aspect, views, width and depth, and proximity to a busy road. The form steps down with the slope, ensuring an appropriate and sympathetic design response to local conditions. In addition rooftop COS is proposed that will achieve year round solar access in addition to the ground floor communal areas.



Courtyard apartment types can take many forms depending on the site configuration and orientation and be adapted or combined accordingly

- Two lower ground floor apartments will have compromised safety and privacy, resulting in poor amenity outcomes - This is a DA matter and not relevant to a planning proposal and can be easily addressed at DA stage with refinement of the scheme.
- There is no LEP mechanism to provide certainty of compliance with Council's apartment size and mix requirements. - It is noted that the DCP in Part C 3.10 Density already contains specific controls regarding apartment size and mix. Accordingly, there is no need for a specific LEP clause that addresses apartment size and mix over a single development site nor was one proposed as part of the PP. The existing planning framework should remain unchanged in relation to this issue.

Site Specific Merit – Bulk and Scale

- HS 5**
- Bulk, scale and visual impacts are driven by two key factors, being a site area that is marginally below the minimum of 4,000m² required for a residential flat building, and an FSR (and subsequent height control) that exceeds the capacity of the site.
 - Impacts of potential 30% bonus height and FSR should be considered by the Panel
- Noted.** The subject site has an area of approximately 3,950 m² and is a size capable of containing a well designed apartment building such as that anticipated by the concepts submitted in support of this planning proposal. The departure is less than 1% and the site forms the final four (4) undeveloped lots on Seven Hills Road.
- **Not relevant and can be addressed at the DA stage** if this was included in a future application however it is not proposed as part of the PP and that is a separate SEPP provision and is a DA consideration if it is pursued.

Site Specific Merit – Setbacks

- HS 6**
- The basement parking areas extend beyond the built form setback above, with a proposed 0 metre setback to the western boundary of the site, where the proposed vehicle entry point is located along the boundary. This is not compliant with the Hills DCP 2012 controls for setbacks of basement parking areas and it is generally preferable for vehicle entry points to be located under the building envelope to allow for higher quality landscaped setback
 - Not relevant to a planning proposal and can be addressed at the DA stage as this is a matter of detail that can be resolved with coordination between architect, landscape architect and traffic engineer.

areas and ground plane outcomes.

Site Specific Merit – Vehicular Access

- HS 7**
- The development concept is unable to demonstrate a conventional access for waste vehicles to enter and exit the site. The supporting material indicates a turntable arrangement would be required. Turntables are generally not supported in residential developments due to reliance on mechanical equipment for safe access and the high maintenance costs.
 - Planning proposals should demonstrate superior built form outcomes beyond those achievable under existing planning controls.
 - Council's view is subjective with no evidence provided to support the claim on either the safety or maintenance costs of a turntable system. We note that as with other matters raised by Council, this can be adequately assessed at the DA Stage when detailed plans and supporting information is provided and a suitable response provided- noting regardless of uplift this issue applies to the site and would require resolution at DA stage.
 - It is notable that WESROC provide a fact sheet on turntables for waste collection in apartment buildings. This includes a case study on the CASBA residential building in Waterloo which uses a turntable for trucks servicing the site. This turn table is used daily and according the to fact sheet has not broken down since its installation. Likewise the fact sheet notes that there are the following benefits:
 - o Significant space savings within the loading dock area as vehicles do not need space to turnaround
 - o Trucks can always travel in a forward direction meaning driver vision is improved reducing likelihood of safety / property / vehicle accidents
 - o Limited need for replacement of parts.
 - A future DA will be assessed against the current planning controls.

Site Specific Merit – Solar Access and overshadowing

- HS 8**
- Hills DCP requires 50% of common open space to receive 4 hours of solar access during winter
 - Communal open space is distributed throughout the site, with the main volume provided at rooftop level. The communal area complies with the requirement of 2 hours of solar access to 50% of the useable open space between 9am – 3pm on June 21, achieving 3 hours. This complies with ADG requirements for solar access to communal open space areas.

- Common open space under The Hills DCP is expected to be provided in a single centrally located parcel. Reliance on roof top provision of common open space is not compliant with The Hills DCP.
 - The proposed 8 storey built form on the subject site will worsen the solar access to properties fronting Yattenden Crescent, which are already impacted by the existing 9-15 storey development on the corner of Windsor Road and Seven Hills Road between 9 am and 11 am.
 - In combination with existing overshadowing, the proposal may create a development context where sites to the rear cannot comply with solar access requirements under the ADG or solar access requirements for communal open spaces.
 - Noted, the ADG confirms that rooftop communal open space is an appropriate design solution. This matter can be further considered and assessed by Council when the planning proposal concept transitions to a detailed design as part of a Development Application.
 - Updated shadow diagrams are provided with this submission. Shadow diagrams show the envelopes of future development over the subject site, noting that within the envelope, the building as per rule of thumb takes 75% of this volume (i.e. they do not occupy the full envelope). This means that in practice, though a shadow may touch an envelope, when a building is designed within this envelope, there may be a lesser actual impact.
- As shown however in the attached shadow diagrams, the proposal has an acceptable shadow impact in both the existing and future developed scenarios of development along Yattenden Crescent. It is noted that No.29 Yattenden Crescent is a child care centre and there are no solar access standards that apply.
- The proposal is compliant with building separation and setback requirements, with the design appropriately transitioning down the slope to manage potential shadow impacts. Whilst the existing Dyldam development may create shadow issues, the development of the subject site does not add any significant additional shadowing. Refer to attached shadow diagrams.

- 20% of units within the design concept for the subject site receive no direct solar access, exceeding the ADG maximum of 15% between 9am and 3pm on 21 June.
- Regarding solar access, the Design Guidance within Part 4A of the ADG correctly recognises that direct sunlight to all units is not always possible due to factors including:
 - o where greater residential amenity can be achieved along a busy road or rail line by orientating the living rooms away from the noise source
 - o on south facing sloping sites
 - o where significant views are oriented away from the desired aspect for direct sunlight

These conditions apply to the subject site where there is a south facing slope and the significant views are towards Parramatta, being orientated away from the aspect of direct sunlight. Therefore, the small proportion of units (15%) shown as not receiving direct sunlight is appropriate and reasonable but ultimately this is a DA matter.

- The overshadowing issue is largely driven by the excessive FSR and height controls. This was a foundational element that underpinned the Draft Baulkham Hills Town Centre Master Plan and the outcomes envisaged for the Seven Hills Precinct, including the subject land being limited to 4-5 storeys under the current controls.
 - Noted and disagreed, with the attached shadow study confirming that the proposal will not result in any excessive or unreasonable overshadowing.
- We also note that this statement conflicts with other statements by Council that imply the development capacity is being "discouraged" until regional traffic issues are resolved. This is clear in the masterplan which identifies opportunity sites, but with no change to the development standards. An opportunity site in a masterplan with no opportunity for uplift is not an opportunity, but retention of the status quo. Therefore, it is clear that the draft masterplan has identified an opportunity for uplift, but this has been artificially removed by Council on the idealistic goal of discouraging growth until the State Government invests in transport infrastructure.

As clearly as shown in the Planning Proposal and supporting concept plan, the subject site has the potential for additional development capacity, and this capacity can be delivered with no impact on either surrounding development or the road network. We suggest that this capacity is understood by Council already in their historical work on the future of the Baulkham Hills Town Centre and surrounds. If this capacity wasn't identified, then there would be no need to 'discourage' additional growth.

Site Specific Merit – Traffic and Transport

- HS 9**
- The additional trips generated by the proposed development are not significant in isolation and will not materially impact on the current traffic situation
 - Noted and agreed.

around the Baulkham Hills Town Centre.

- The Hills LSPS states that commercial and residential uplift in Baulkham Hills Town Centre is to be discouraged until the broader transport and traffic issues are resolved. The traffic and transport issues predominantly relate to the regional road network and are largely contingent on commitment from Government to address the issues associated with significant regional through-traffic. Council has advocated to the NSW State Government on several occasions to obtain a funding commitment towards upgrades to the road network around the Baulkham Hills Town Centre, but to date this has not been secured.

- We note and agree with the position articulated by the Department of Planning, Housing and Infrastructure in their Gateway Determination Report which in part states:

Prohibiting uplift in the town centre until these issues are resolved could effectively restrict uplift in the centre indefinitely, contrary to objectives of the District Plan and other objectives of the LSPS and the Local Housing Strategy, which seek to deliver additional, well located housing. The Department notes that the proposal is unlikely to have a significant impact on worsening the existing traffic conditions.

The Transport Impact Assessment has been updated by TTPP to provide additional information in response to comments by TfNSW. Importantly the proposed high density residential development involving 50 units is expected to generate up to 15 vehicles in the AM and PM peak hours, based on the complying planning controls. The proposed uplift involving 66 units is estimated to generate 19 vehicles in both AM and PM peak hours. The additional yield would result in a net increase of 16 vehicles per peak hour compared to the existing use of the site. The low level of traffic generation is not anticipated to impose material difference on the road network performance.

Traffic modelling results indicate that the Windsor Road – Seven Hills Road – Old Northern Road intersection is anticipated to operate over capacity in Year 2032 due to the increase in background traffic of the surrounding area to the site. The additional traffic generated by the proposed development is not considered to impose any adverse impact on the road network.

The traffic implications on the Seven Hills Road – Arthur Street intersection and the Arthur Street – Yattenden Crescent intersection are considered to be minimal and continue to operate at satisfactory level of service.

Site Specific Merit – Infrastructure Demand + Voluntary Planning Agreement

HS 10 - Council is currently undertaking negotiations with the Proponent in order to ensure an appropriate infrastructure contributions mechanism can be in place to support any increased development yields should the planning proposal proceed. If the planning proposal is to progress to finalisation in any form, this should not occur absent of the necessary infrastructure contribution mechanisms being in place.

FAL Group have made numerous representations to the Council regarding a VPA for the site. We specifically note the following dates of correspondence to Council where a VPA has been offered:

- December 2022
- 3 November 2023

To date, no formal response has been received from Council to allow this offer to proceed. We also note that the Council has no VPA Policy or Guidelines and thus far the offer has been made by the proponent voluntarily. The proponent has made these offers and requested feedback in early December and no response has been received to date – some 3 months on.

We note that the terms of the offer are as follows:

Dear Mr Michael Edgar

Final Voluntary Planning Agreement Letter of Offer: 10-16 Seven Hills Road, Baulkham Hills

Seven Hills Road Development Trust offers to enter into discussions regarding a Planning Agreement to be negotiated with Council under Section 7.4 of the Environmental Planning and Assessment Act 1979 in connection with a Planning Proposal for the 10-16 Seven Hills Road, Baulkham Hills.

It is noted that the Planning Proposal has progressed and Gateway has been issued. Therefore we seek to progress the VPA with Council as originally nominated and most recently dealt with in the December 2022 letter of offer. We note Council has refused to be the RPA on the Planning Proposal and therefore DPIE is progressing the Planning Proposal towards exhibition and then finalisation. This process is progressing rapidly given DPIE's focus on progressing Planning Proposals that will deliver additional housing supply.

Therefore following discussions with Council staff a refined final VPA offer has been prepared in relation to the Planning Proposal as a means of looking to progress this given the PP is progressing.

The Planning Proposal seeks an uplift in the residential density on the site, from approximately 50 units to 66 units, an uplift of approximately 16 units compared to the existing planning controls. We acknowledge that local infrastructure demand will increase arising from the uplift that is sought by the Planning Proposal- that is the additional 16 units will create greater demand for local infrastructure.

Further to our discussions we have had plans prepared on a 'compliant' scheme that follows the LEP/DCP envelope controls and that testing has achieved 51 units. However consistent with our prior offer we would maintain the uplift is

approximately 16 units when considering the 1.69:1 FSR and split building height endorsed in the Planning Proposal. The concept plans are provided at Annexure 1.

We note that Section 7.12 Contributions would be payable at DA stage being 1% of development cost, that would include both the base and uplift component, however we make the following VPA offer for Councils consideration.

Final VPA Offer

- We would be willing to offer an amount of **\$25,000 per additional unit facilitated by the planning proposal, equating to \$400,000.**
- This would be delivered either by way a **cash contribution payable to Council prior to the issue of an Occupation Certificate** for the development on the land.
- It is anticipated that the following types of material public benefits would be part of the negotiated VPA:
- Monetary Contribution: Towards public domain upgrades within the Baulkham Hills Town Centre and/or transport infrastructure within the Baulkham Hills Town Centre;

The above offer is predicated on excluding the application and Section 7.12 Contributions to the proposed development at DA stage that would otherwise apply in the event that a VPA was unable to be negotiated, which would equate to approximately \$200,000. Therefore should a VPA be negotiated and agreed it would be on the basis that the Section 7.12 Contribution of 1% of development cost is not applicable to the DA and is instead replaced by the VPA contribution amount.

We understand the above will have to be considered and assessed Council before a formalised Planning Agreement however this letter of offer is provided to enable negotiations to occur with Council noting the Planning Proposal is being separated progressed by DPIE.

It would be appreciated if a response to Councils position on the VPA could be provided within 4 weeks of this letter so that we can then progress the matter further.

Therefore this VPA is predicated upon an exclusion of the S7.12 Plan to the development in its entirety. Hence if no VPA agreement is struck then it would be the applicants view that the S7.12 plan would simply apply as 1% of total development cost and contribute to infrastructure.

Should Council continue to not respond or if the VPA cannot be agreed given the terms proposed, the offer will be withdrawn and the existing S.7.12 Plan will apply and this may be the preferred path given the proponents intention to progress a DA immediately following gazettal of the LEP amendment. The S7.12 Plan is considered sufficient to cover necessary infrastructure that would arise from this infill scheme on land already zoned R4.

Transport for NSW

Draft Site Specific DCP

- TfNSW 1** - TfNSW request that the draft Site Specific DCP be referred to us for review of the proposed parking rates for the site prior to the Plan being made by DPE.
- The draft DCP can be provided to TfNSW for review. The parking rates proposed are:
- 1 bedroom, 1 space
 - 2 bedroom, 1 space
 - 3+ bedroom, 2 spaces
 - Visitor, 1 space per 5 units.

Traffic and Parking Assessment

- TfNSW 2** - Update to reflect the proposed yield of 66 apartments, rather than 91.
- Update to ensure the parking rates reflect the proposed number of apartments and scale of development.
- Include information in the addendum in a single updated Traffic and Parking Assessment
- An updated Traffic and Parking Assessment forms part of this submissions package. The traffic and parking assessment has amalgamated the previous traffic and parking assessment (21118-L01V03-211007-Traffic Statement) and addendum (21118-L02V06-221128- Addendum for Traffic Modelling) into a single report for TfNSW approval.

Addendum Traffic Assessment

TfNSW 3	<p>Update traffic counts to occur on a Thursday and not Tuesday</p>	<p>Transport for NSW advised that the existing traffic volumes survey should be performed on Thursday with the justification that Tuesday usually has the lowest volumes. However, given that the proposed development is a residential development, traffic surveys are not necessary to be collected on Thursday to take into account shopping nights.</p>
		<p>TTPP has conducted a review of TfNSW traffic data to compare Tuesday and Thursday traffic volumes based on TfNSW closest permanent count station located on Old Northern Road (72026). The traffic volume was recorded for the third week in June 2018 as shown in Table 2.5, which aligns with the TTPP traffic survey undertaken on Tuesday 21 June 2022 (i.e., the third week in June).</p>
		<p>TfNSW data indicates that the peak hour traffic volume is marginally higher on Tuesday as compared with Thursday, but it is not expected to make any material difference in traffic modelling results. TTPP has also conducted a review of TfNSW traffic data based on another permanent count station which is located on Windsor Road (72027). The traffic volumes for all Tuesdays and Thursdays (school days only) were recorded for year 2023 and averaged. The average peak hour traffic volume throughout the year is higher on Tuesdays as compared with Thursdays. Hence, using traffic volume data from the survey conducted on Tuesday, 21 June 2022 is a valid method for traffic modelling. It should be emphasised that the proposed uplift of 16 units would generate an addition of 5 vehicles per hour in the road network. The development as a minor traffic contributor is not expected to impose any adverse traffic impact on the road network, whether the traffic model was developed based upon the Tuesday or Thursday traffic volume. Refer to the attached transport report for further details.</p>
	<p>Clarify the following questions:</p> <ol style="list-style-type: none"> 1. Was each approach adjusted to replicate the same volumes as what SCATS reports? 2. Did the model only include SCATS volumes? 3. Show the adjustment factors used and the unadjusted existing traffic volumes. 	<p>Refer to updated traffic and assessment report for details.</p> <p>Provided in updated traffic assessment.</p>

- Provide SIDRA models to:
 - o Allow an understanding of whether modelling adequately represents existing or post development scenarios. Provided in updated traffic assessment.
 - o Gauge potential capacity and storage issues.

Loading Docks and Driveway Requirements

- TfNSW 4**
- All loading/unloading to be fully within the Site. Noted and will be addressed in a future DA.
 - No roller door directly at entry on site frontage.
 - There shall be sufficient space for private vehicles to exit Seven Hills Rd, turn around, then re-enter Seven Hills Rd in a forward direction.
 - Exit Driveway should support Left-turn only signage to Seven Hills Rd.

Voluntary Planning Agreement Letter of Offer

- TfNSW 5**
- Even though the site is located on a Regional Road and are capitalised as a Council asset, it is within close proximity to the major intersection of Windsor Road and Old Northern Road that are both State Roads. Therefore TfNSW should have the Noted and the draft VPA can be provided if it is progressed further with Council, noting that there is no requirement for regional infrastructure contributions.

opportunity to review the draft VPA especially if the monetary contribution is put towards the upgrades of transport infrastructure

Sydney Water

Growth Data

- SW 1** - In order to fully support all growth and developments and to fully assess proposed developments, we require the ultimate and annual growth data for this development and any further similar developments to manage cumulative impact on our assets.
- Noted, with council to refer a future DA to Sydney Water.

Water and Wastewater Servicing

- SW 2** - Potable water and wastewater servicing should be available.
- Amplifications, adjustments, and/or minor extensions may be required.
- Whilst high level servicing is available in the area, Sydney Water requests that all Development Applications where relevant be referred via the OCRS Portal.
- Noted

3.2 COMMUNITY SUBMISSIONS

The Table on the subsequent page, responds submissions provided by community members. Submissions are summarised in the left column, with a response provided in the right-hand column.

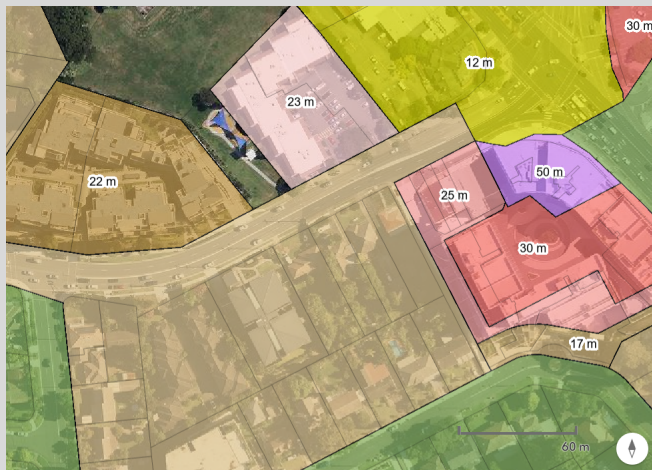
A total of nine (9) community submissions were received with the following themes:

- Character impacts including height.
- Amenity impacts (privacy loss, shadowing, noise).
- View loss.
- Traffic and Transport impacts.
- Strategic Merit.

Of the nine submissions:

- Character impacts were identified in five submissions.
- Amenity impacts (not relating to traffic) were identified in four submissions
- View loss was discussed in two submissions.
- Transport related issues were identified in five submissions.
- Site specific merit was raised in one submission.

Table 2 Response to community submissions

Summary of Matter(s)Issues Raised	Applicant Response
Local Character due to increased height	
<ul style="list-style-type: none"> - The development is “out of step” with the local area 	<ul style="list-style-type: none"> - The zoning of the site permits apartment buildings with the site appropriately close to services within the town centre and public transport that support higher residential densities over the subject site. It is noted that the current height limits in the vicinity of the subject site are 50m, 30m, 25m, 23m, 22m, 17m and 16m. The proposal that increases the height over part of the site to 25m is clearly consistent with the existing and emerging context of the area. <p>The proposal is within an R4 High Density Zone that is zoned for a range of development typologies including apartment buildings. It is important to note that the proposal has only a limited area that has a 25m height, which provides a better transition than the current hard edge.</p>
<ul style="list-style-type: none"> - The proposal changes “the areas culture and horizon” and is “overdevelopment”. 	<ul style="list-style-type: none"> - It is unclear what this comment actually means. However, It is noted that the current height limits in the vicinity of the subject site are 50m, 30m, 25m, 23m, 22m, 17m and 16m. The proposal is clearly consistent with the immediate context of building heights, both existing and proposed.
<ul style="list-style-type: none"> - The visual and aesthetic implications will change the character of the neighbourhood. It is essential to retain the character and respect the preferences of residents. 	<ul style="list-style-type: none"> - The proposal is consistent with the zoning and building height patterns within the area which will guide the future character outcomes within the immediate vicinity of the subject site. A height map showing the heights around the subject site is provided, with the proposal enhancing a providing a better transition to the broader 16m area. 

Residential amenity

- | | | |
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| <ul style="list-style-type: none"> - Loss of sunlight and overshadowing | <ul style="list-style-type: none"> - Updated shadow diagrams are provided with this submission. Shadow diagrams show the envelopes of future development on Yattenden Crescent, noting that within the envelope, the building as per rule of thumb takes 75% of this volume (i.e. they do not occupy the full envelope). This means that in practice, though a shadow may touch an envelope, when a building is designed within this envelope, there may be a lesser actual impact. | <p>As shown however in the attached shadow diagrams, the proposal has an acceptable shadow impact in both the existing and future developed scenarios of development along Yattenden Crescent. It is noted that No.29 Yattenden Crescent is a child care centre and there are no solar access standards that apply. Therefore, when measured between 9AM and 3PM, residential development sites on Yattenden Crescent will be able to achieve their solar access requirements.</p> |
| <ul style="list-style-type: none"> - Privacy Impacts <ul style="list-style-type: none"> o When I moved in, the height was 16m and 25m will impact my privacy severely. | <ul style="list-style-type: none"> - The proposal complies with building separation distances of the Apartment Design Guide. This is considered sufficient to maintain privacy to nearby dwellings, noting that a future DA will provide greater detail on the building design, along with providing opportunity for adjoining and nearby neighbours to comment. | |
| <ul style="list-style-type: none"> - Noise <ul style="list-style-type: none"> o Objects to proposed development due to noise and dust resulting from construction. | <ul style="list-style-type: none"> - Noted, this is a matter for compliance post development approval. It has no relevance to a Planning Proposal, noting that a development consent will include appropriate conditions to mitigate noise, dust, and other potential amenity impacts. | |

View loss

- | | |
|---|--|
| <ul style="list-style-type: none"> - The proposal will obstruct views. - The additional 9 m will obstruct district views from 27 Yattenden Crescent | <p>View loss/ impact was raised in two submissions. However, only one submission (2 Seven Hills Road) identified the site where views were potentially impacted. Regardless, the topography and building heights within the area are predominant factors in terms of views. On the northern side of the ridgeline, existing and future building heights range between 22 m and 23 m and will block or partly obscure any district level views to the west. There are no significant local views along Seven Hills Road or Old Northern Road.</p> |
|---|--|

In terms of views, it is clear that on the southern side of Seven Hills Road, the views are district views to the south which takes in the Parramatta City Centre area. The subject site does not obscure views to the south.

One submission (2 Seven Hills Road) raised view loss to a building that forms part of the overall development site, with frontage to 27 Yattendon Crescent. Whilst view loss is claimed, no specific view is identified, other than the very general impact to district views if the proposal achieves a part height of 25m. No.27 Yattendon Crescent about the western side boundary and has a view predominantly to the west. There is a laneway and building separation of minimum 12 m and at least 18 m between the subject site and the boundary of No.27 Yattendon Crescent, providing a view corridor, noting that there are no significant views, along with the future 25 m building on 4-8 Seven Hills Road, and buildings between 22 m and potentially 23 m on the northern side of Seven Hills Road. These all act to obscure views to the north.

From No. 27 Yattendon Crescent, noting its aspect, it is clear that the predominant view is to the west. As future development occurs along Yattendon Crescent and also Arthur Street to a height of 16m, views west will be further filtered.

It is clearly evident that the subject site has no detrimental impact on views from neighbouring properties, with western views still available, along with a filtered view to the north. The primary view to the south is not altered by the scheme.

Finally we note view loss and the Tenacity Principle is a matter for consideration at DA stage but note and reaffirm that in that Planning Principle the expectation of the retention of views over side boundaries are unrealistic.

Traffic and Parking

- Lack of public transport to support the increased density
- Due to the impact of COVID 19, journey to work data is derived from the 2016 Census. This showed that 36% of the people within the statistical division relate to the subject site travelled to work by bus, with 3% walking. This represents almost 40% of people using a transport mode other than private vehicles. The take up of public transport is expected to increase post Covid 19 pandemic with the operation of the Sydney Metro North West Line which provides frequent services between Tallawong and Chatswood, and direct connection at Epping and Chatswood stations to other train lines. Bus Routes 600 and 610X provide services between Old Northern Road (4 minute walk from the site) and Castle Hills Metro Station

- Increased Congestion impacts as a result of the proposal. Impact on the local road network, particularly Arthur Street.

The proposed high density residential development involving 50 units is expected to generate up to 15 vehicles in the AM and PM peak hours, based on the complying planning controls. The proposed uplift involving 66 units is estimated to generate 19 vehicles in both AM and PM peak hours. The additional yield would result in a net increase of 16 vehicles per peak hour compared to the existing use of the site. The low level of traffic generation is not anticipated to impose material difference on the road network performance.

Traffic modelling results indicate that the Windsor Road – Seven Hills Road – Old Northern Road intersection is anticipated to operate over capacity in Year 2032 due to the increase in background traffic of the surrounding area to the site. The additional traffic generated by the proposed development is not considered to impose any adverse impact on the road network. The traffic implications on the Seven Hills Road – Arthur Street intersection and the Arthur Street – Yattenden Crescent intersection are considered to be minimal and continue to operate at satisfactory level of service.

Overall, there will be no adverse traffic implications associated with the Planning Proposal.

Site Specific Merit

- The Planning Proposal does not have site specific merit

We note that the DPHI consider the Planning Proposal is consistent with both the strategic and site-specific merit test as shown in the extract from the Gateway Determination Report below.

The planning proposal demonstrates strategic and site-specific merit. The proposal provides an opportunity to provide additional, diverse housing in The Hills Shire, in a location well serviced by transport and other infrastructure.

The proposal is supported to proceed with conditions for the following reasons:

- *It is consistent with the objectives and priorities of the Central City District Plan.*
- *It is consistent with the strategic direction and objectives of The Hills Council's Local Strategic Planning Statement and Local Housing Strategy.*
- *It is consistent with all relevant section 9.1 Ministerial Directions.*
- *It is not considered to have adverse impacts overall, or environmental, social, economic, traffic and infrastructure impacts.*
- *It will appropriately respond to the determination and recommendations made by the Sydney Central Planning Panel as a result of the rezoning review on 8 September 2023 when updated, according to the Gateway determination conditions*

4. CONCLUSION

Following the public exhibition period the Department of Planning, Housing and Infrastructure provided a package of submissions to Think Planners for review. Submissions were received from the general public as well as The Hills Shire Council, Government Agencies, and infrastructure providers.

To respond to the issues raised in the public submissions, additional work was undertaken and included an architectural study and updated Traffic Impact Assessment Report.

Following the preparation of the additional information, along with a review of the submissions, it is concluded that the Planning Proposal in its existing form is appropriate and that no amendments are required. Specifically, a future development outcome on the subject site will not result in any detrimental amenity impacts to surrounding or nearby residents, will not create any traffic impacts on either Seven Hills Road or Arthur Street, and well located to provide 16 additional dwellings close to town centre services and infrastructure, public spaces, and also public transport.

5. APPENDICES

No.	Subject	Consultant
1.	Submissions Report	Think Planners
2.	Supplementary Architectural Package	Integrated Design Group
3.	Traffic Impact Assessment	TTPP