

PP Online (PP-2022-1202)

Schleiss (EXH-9366)

Reference number: SUB-5765

Submission-Received

Online Public Submission

✓ Submission

Case detailsDocumentsAction summary

Submission Type

I am making a personal submission

Title

Mr

First Name

STEPHEN

Family name

KEEVIL JONES

☐ Name withheld

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Email

Suburb/ Town

BALUKHAM HILLS

I have made a reportable political donation

No

☒ I agree to the Privacy statement

submission

Fully appreciate that PP-2022-1202 is not supported by The Hills District Council and for once and only for once they have made the correct decision in not agreeing to this development proceeding.

Not only will such a building and access be totally out of step with the surrounding area it will also generate even further traffic congestion as all vehicles will need to utilize the Artur Street lights, turning area and roundabout when leaving the new building.

Neither the NSW Government nor Hills District Council planning departments have considered this bottle neck but furthermore the other new developments being permitted in the area also impact this already heavily congested road network.

Recent planning was passed with only an extremely limited traffic plan and even that was undertaken at a time of exceptionally light traffic movements.

If this land indeed any other buildings are built then at the very least the horrendous traffic congestion will become a grid lock at high use times but worse with the wholly inadequate attention to speed of vehicles trying to beat the lights or jump junctions then there is sure to be a fatal accident in the not too distant future.

There is no possible way that such a building can be allowed on the basis of not creating even further downgrade of the area from a decent residential zone plus the creation of insurmountable traffic congestion.

PP Online (PP-2022-1262)

Schlotterbeck/EXH-63661

Reference number: SUB-6767

Submission Received

Online Public Submission

✓ Submission

Case detailsDocumentsAction summary

Submission Type

I am making a personal submission

☒ Name withheld

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I have made a reportable political donation

no

☒ I agree to the Privacy statement

submission

Please find attached a cover letter and a statement of my objections to the planning proposal PP-2022-1262 10-16 Seven Hills Road, Baulkham Hills.

Jasper Allenby
Development Assessment
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

15th November 2023

Please find attached submission details relevant to my objection to:

Planning Proposal PP-2022-1202 10-16 Seven Hills Road, Baulkham Hills

[REDACTED]

[REDACTED]

*Please withhold my personal details from publication.

I declare that I have never made any reportable political donations.

[REDACTED]

Objections to

Planning Proposal PP-2022-1202 10-16 Seven Hills Road, Baulkham Hills

The location of the proposed development in Baulkham Hills does not have the infrastructure to support this development application of the proposed 8 storeys.

Public transport immediate access is limited to buses, which are already at capacity in peak hour. The metro at Castle Hill is an unrealistic option as it adds 20 minutes to travel time to the Sydney CBD.

The Seven Hills Rd/Windsor Rd/Old Northern Rd intersection already struggles with the current peak hour traffic congestion.

This development will have a major negative impact on local streets as the access in and out of the lot is limited to left turn only onto Seven Hills Rd, forcing traffic into Arthur Street to make its way onto major roads.

The neighbouring unit complex on corner of Winsor & Seven Hills Road has been under construction for many years. The development has many rectifications required before certification is complete. The imminent occupation of this complex will add to the current congestion in the area.

The local area cannot sustain an additional development of 10-16 Seven Hills Rd more than current zoning permits, until traffic management in the area is addressed and rectified.

Online Public Submission

✓ Submission

Case details Documents Action summary

Submission Type

I am making a personal submission



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Suburb/ Town

Baulkham Hills

I have made a reportable political donation

No

☒ I agree to the Privacy statement

submission

I would like to strongly object to the proposal to increase the height to 25m. I am a neighbour of these properties and purchased my property in 2018 moving in, in 2020. When I purchased my property I checked the allowed height of the surrounding properties to make sure they did not overly impact my property. When I checked the height as 16m I felt this was okay.
This was one of the main conditions of me purchasing my property.
A height of 25m will seriously impact my privacy and I strongly object to the proposed change.

Online Public Submission

✓ Submission

Case details

Documents

Action summary

Submission Type

I am making a personal submission



Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website



Suburb/ Town

Baulkham Hills

I have made a reportable political donation

No



I agree to the Privacy statement

submission

I object to the proposal to raise height of the building. It will add to the already existing high traffic in the area.

Case details

Documents

Action summary

Submission Type

I am making a personal submission



☒ Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website



Suburb/ Town

Baulkham Hill

I have made a reportable political donation

No

☒ I agree to the Privacy statement

submission

I object to the proposal as it will add to already unmanageable traffic in Baulkham hills.

Online Public Submission

✓ Submission

Case details

Documents

Action summary

Submission Type

I am making a personal submission

Title

First Name

Family name

☒ Name withheld

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Email

Suburb/ Town

Sydney

I have made a reportable political donation

No

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submission

I wish to submit my opposition to this planning proposal. Whilst I am not generally opposed to development as I myself live in a new apartment block, I am becoming increasingly aware (as I sit in traffic), that Baulkham Hills does not have the infrastructure to continue increasing our population and density. I am encouraged that our council now sees this and as result resolved not to support this planning proposal.

Adding additional height to this building plan adds additional apartments and also changes the areas culture and horizon.

As I have noted, I am not against development but I am definitely against over development of this lovely shire.

Case details

Documents

Action summary

Submission Type

I am making a personal submission

Title

[REDACTED]

First Name

[REDACTED]

Family name

[REDACTED]

☒ Name withheld

Please tick this box if you do not want your name published in the list of submitters on the department's website

Email

[REDACTED]

Suburb/ Town

Baulkham Hills

I have made a reportable political donation

No

☒ I agree to the Privacy statement

submission

I oppose the proposal to increase the height of the development.

Title

— —

First Name

Family name

— —

☒ Name withheld

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Email

Suburb/ Town

Baulkham Hills

I have made a reportable political donation

— —

☒ I agree to the Privacy statement

submission

Dear The Hills Shire Council,

I am writing to express my deep concerns regarding the proposed building development near my residence, specifically pertaining to potential noise, dust, and the proposed increase in building height. As a resident of [Your Address], I am deeply invested in maintaining the quality of life and aesthetics of our community.

Firstly, the prospect of increased noise and dust resulting from the construction process raises serious concerns. Construction activities are inherently disruptive, and the associated noise and dust can have detrimental effects on the health and well-being of residents. Moreover, the dust generated during construction poses potential risks to air quality, which may have adverse effects on respiratory health.

Furthermore, the proposed increase in building height may significantly impact the visual landscape of our neighborhood. It is crucial to consider the potential obstruction of views and the alteration of the character of our community. Residents have invested time and resources in choosing homes with specific views and aesthetics, and an abrupt change in building height could compromise the overall appeal of the area.

In light of these concerns, I kindly request that the City Council carefully evaluate the potential consequences of the proposed development. Additionally, I propose that measures be put in place to mitigate the impact of construction-related noise and dust on residents, such as restricting construction hours, implementing effective dust control measures, and regularly monitoring air quality during the construction phase.

Regarding the proposed increase in building height, I urge the City Council to consider the visual and aesthetic implications on the neighborhood. It is essential to maintain the character of the community and respect the preferences of its residents.

In conclusion, I appreciate the City Council's dedication to the well-being of our community and trust that these concerns will be thoroughly examined during the decision-making process. I kindly request the opportunity to voice these concerns at any upcoming public hearings or meetings related to the proposed development.

Thank you for your attention to this matter, and I look forward to a positive resolution that takes into account the best interests of the residents and the community as a whole.

Sincerely

22nd December 2023

Department of Planning and Environment
4 Parramatta Square
12 Darcy Street, Parramatta NSW 2150

Attention: Timothy Coorey
(emailed to tim.coorey@dpie.nsw.gov.au)

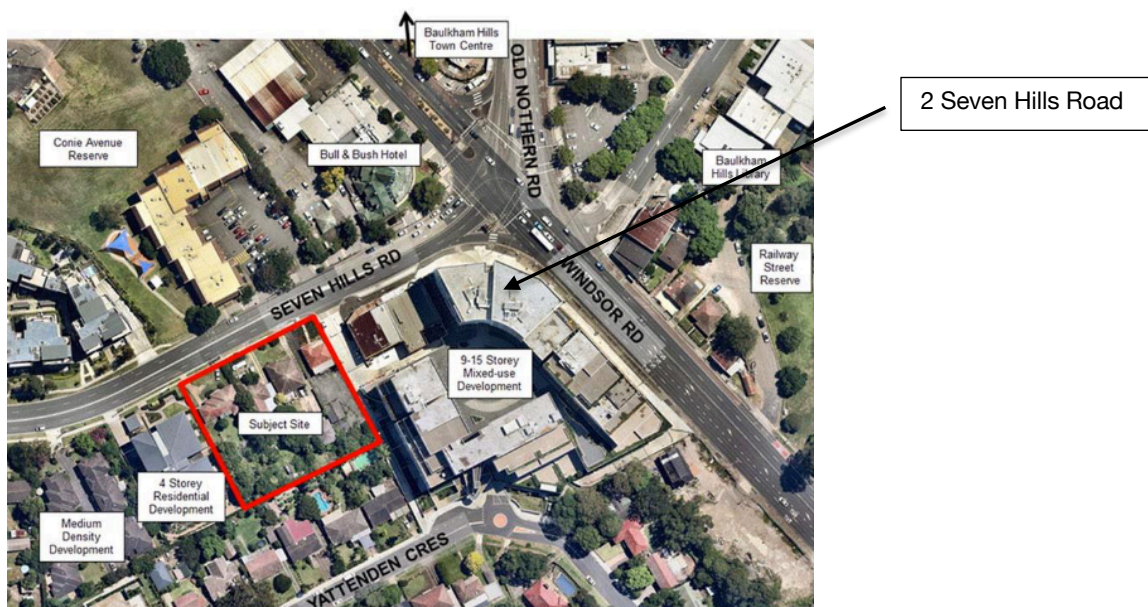
Dear Mr Coorey

**SUBMISSION TO PLANNING PROPOSAL (PP-2022-1202) FOR 10-16 SEVEN HILLS ROAD,
BAULKHAM HILLS**

Background

PPD Planning Consultants act on behalf of the Receivers and Managers appointed over a site at 2 Seven Hills Road, Baulkham Hills (refer figure below).

This submission is prepared in response to the public exhibition of a Planning Proposal relating to the nearby site at 10-16 Seven Hills Road Baulkham Hills (**subject site**) shown outlined in red in the figure below.



Source: Council report – 14 March 2023

The site at 2 Seven Hills Road is a mixed use, development of residential towers with a European style commercial piazza below and towards the centre of the site.

The site occupies a prominent position on the corner of Seven Hills Road and Windsor Road and is within the edge of Baulkham Hills Town Centre as shown in the figure below.



Source: Laing & Simmons

Submission

The Planning Proposal has a Gateway determination supporting the rezoning of the subject site at 10-16 Seven Hills Road by:

- Amending the Maximum Height of Building (HOB) map to facilitate a transition in height across the site from 16m to 25m, and
- Amending the Floor Space Ratio (FSR) map to provide a maximum FSR of 1.69:1 across the site.

Following a detailed review of the public submission documents we are of the opinion that there is insufficient justification for the rezoning of the subject site in its proposed current form because the proposal has not adequately detailed site-specific merit. Of particular concern is the impact the proposed bulk and scale of the proposal will have from overshadowing and loss of views.

The Department's *Local Environmental Plan Making Guideline*, August 2023 provides the following assessment criteria for justification of strategic and site-specific merit

"...must provide a detailed assessment of the proposal's strategic and site-specific merit to determine whether the planning proposal should be supported".

There is an obligation on the proponent of the planning proposal to provide this 'detailed' assessment.

In relation to site-specific merit, the guidelines require the planning proposal to

“.. identify the potential environmental, social, and economic impacts of the proposal and outline proposed mitigation measures and justification”.

This is the way it can be demonstrated the proposal is suitable for the site.

To assist in assessing site-specific merit, the guidelines identify answers to a number of specific questions that ‘must’ be included in the proposal. One of the questions that must be addressed is

“are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?”

In addressing this question, the guidelines indicate these matters may be identified in informal guidelines, codes or policies prepared by other public authorities and government agencies.

Following a site inspection and a review of the public exhibition documents I am of the opinion:

1. There are likely environmental effects from the proposal.
2. There is insufficient justification as to how these matters are proposed to be managed.

Overshadowing

The *Hills Development Control Plan (HDCP) 2012* and *SEPP 65 Apartment Design Guide (ADG)* identify development controls and design criteria respectively to ensure no adverse overshadowing of adjoining allotments/developments.

HDCP 2012 requires buildings must be designed to ensure that adjoining residential buildings and the major part of their landscape receive at least four hours of sunlight between 9am and 3pm on 21 June.

ADG design criteria for solar and daylight access requires living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter.

The proposal clearly has overshadowing impacts, particularly in relation to properties to the rear along Yattendon Street, but the proposal lacks any detail on the hours of sunlight these properties and areas will, or will not, receive because of the additional height proposed. Information provided in the Planning Proposal identifies overshadowing in a square metre rate that does not relate (or translate) to the metrics used in Council’s DCP or the ADG.

There is no detail on the overshadowing impact to neighbouring elevations or elevations to future concept designs.

There is no consideration to what impact the additional built form and scale will have when compared to existing overshadowing in the area. It is very important to understand the cumulative impact of overshadowing to understand whether any additional impact from the proposal is acceptable.

A wholistic and comprehensive approach is required to determine what impact the proposed additional built form will have on existing and future development in the

area and currently there is insufficient information to adequately determine this impact and whether the proposal is suitable for the site.

Views

The Planning Proposal does not pay any regard to the potential loss of views from neighbouring properties.

While property owners do not have a legal right to a view, the concept of the reasonable sharing of views should be considered now in the circumstances of this proposal.

The addition of 9 metres to the overall building height permissible on the subject site will impact on the district views available to existing unit development to the rear at 27 Yattenden Crescent. This is particularly relevant having due consideration to development being designed and developed with the reasonable understanding that future neighbouring developments will be developed in accordance with the current planning provisions relating to scale and bulk.

A review of the visualization provided in the Planning Proposal documentation and reproduced below provides a clear indication of how a number of upper level apartments to the rear at 27 Yattenden Crescent will have their current district views significantly impacted, particularly having due consideration to possible future complying development at 4-8 Seven Hills Road and the proposed development of the subject site.



Source: Urban Design Report prepared by Integrated Design Group

The concept of view sharing has been best described as when a property enjoys existing views and a proposed development would “share” that view by taking some of it away for its own enjoyment.

The NSW Land and Environment Courts judgment of *Tenacity Consulting v Warringah Council* provides a four-step assessment process to be used when making planning

decisions with respect to view sharing. This four-step process is a useful guide to assess the impact the proposed development will have on view sharing.

Step One – Assessment of the views to be affected.

Views are land views and not the more highly valued water views however the views are seen as being valued because they are whole district views.

Step Two – Consideration from what part of the property the views are obtained.

The views are from rear boundaries and from a standing position on balconies and in living areas. These views are considered the most reasonable to protect.

Step Three – Assessment of the extent of the impact.

Qualitatively, the potential view loss is considered to be more severe because the impact is from living areas and balconies and not from bedrooms and service areas.

Quantitatively, the view loss is estimated to be anywhere from 20-50% of the current views having due regard to possible future development of the site 4-8 Seven Hills Road.

Step Four – Assessment of the reasonableness of the proposal that is causing the impact.

Most importantly, a development that complies with all planning controls would be considered more reasonable than one that breaches them. The impact on views in this proposal will arise as a result of a proposal that does not comply with the current planning controls. This is considered unreasonable having due regard to existing neighbouring development being designed and developed having the reasonable expectation surrounding lands will be developed in accordance with the existing planning controls.

It is also considered a re-design could provide the proponent of the proposal with the same development potential (1.69:1 FSR) and amenity and reduce the view impacts on neighbours. This should be considered at this stage of the process when determining the appropriate height of development on the subject land.

Conclusion

The most important section of a planning proposal is the justification of strategic and site-specific merit to determine whether the planning proposal should be supported.

The consideration of suitable and appropriate built form outcome for the subject site should come from careful consideration of built form and amenity outcomes and this should be done at the planning proposal stage.

The proposal does not provide adequate information to explain the likely relevant impacts of the proposed LEP amendments when assessed against government legislation, strategic plans, council policies and other guidelines.

The proposal does not give adequate regard and assess impacts to existing uses of land in the vicinity of the land to which the proposal relates as required in the assessment criteria for site-specific merit in the Department's *Local Environmental Plan Making Guideline* August 2023.

Subsequently, the proposal does not have site-specific merit because, in particular,

overshadowing and view sharing impacts on neighbouring properties have not been adequately addressed in the Planning Proposal and there is no indication how they can be adequately addressed in the subsequent assessment process.

It is recommended the proposal does not proceed in its current form and the proponent be asked to review the scale and built form of the Planning Proposal to improve the intended outcome of the proposal, particularly in relation to overshadowing and view loss.

We look forward to your consideration of this submission.

Yours sincerely

Tony Polvere

A handwritten signature in black ink, appearing to read 'Tony Polvere', with a stylized loop at the end.

Director