

Summary of Submissions

PP-2022-1202



Submission Name	Issues Raised	Proponent Response	Agile Planning Team Response
Council Submissions			
Hills Shire Council Submission	Council LSPS <p>While the planning proposal generally aligns with the principals and priorities of the broader strategic framework, it is inconsistent with the Council's Local Strategic Planning Statements (LSPS) principal to discourage uplift in Baulkham Hills Town Centre until transport and traffic issues are resolved.</p> <p>The Panel's determination is not consistent with its previous 'not proceed' determination of a planning proposal for the Hills Bowling Club based on the LSPS direction.</p>	<p>The LSPS only discourages uplift in Baulkham Hills Town Centre and does not prohibit it. Notwithstanding, the site is located outside of the town centre area as defined in The Hills Local Environmental Plan (LEP) and The Hills Development Control Plan (DCP) 2012.</p> <p>We also note that the Department considered the planning proposal to be consistent with The Hills LSPS.</p> <p>The planning proposals are not comparable as Bowling Club is within Baulkham Hills Town Centre and the subject site is not. Regardless, the Panel has determined the planning proposal for the subject site has Strategic Merit.</p>	<p>The Agile Planning team notes that the Sydney Central City Planning Panel (the Panel) previously determined on 8 September that the planning proposal was consistent with The Hills LSPS and demonstrated strategic merit.</p> <p>Further to the panel's decision, the Gateway Determination report issued by the Department on 11 December 2023, identifies the proposal is consistent with the actions and objectives of the Central City District Plan.</p> <p>The Agile Planning team is satisfied issue raised by the Council in relation to Council's LSPS has been satisfactorily addressed and does not prevent the proposal from proceeding to finalisation</p>
	Consistency with the ADG <p>The development concept plan has not demonstrated consistency with the Apartment Design Guide (ADG) or been altered from what was previously considered by Council.</p>	<p>Consistency with the ADG can be adequately addressed at the Development Application (DA) stage.</p> <p>It is noted that the ADG recognises that direct solar access is not always possible or practical due to a variety of factors such as geographic landscape of the site.</p> <p>Given the subject site is located on a south-facing slope with significant views</p>	<p>The concept plan supporting the proposal is an indicative built form. Fine grain design consideration can be undertaken at the DA stage to maximise solar access and determine consistency with the ADG.</p> <p>The Agile Planning team is satisfied that the proponent has adequately addressed this issue and does not prevent the planning proposal from proceeding to finalisation.</p>

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		oriented towards Parramatta to the south, having 15% of units without access to direct sunlight is appropriate and reasonable.	
	Building Height and Transition The proposal will still result in significant visual and shadowing impacts to the sites to the south. This may prevent future uplift of these adjacent sites.	This issue can be adequately addressed at the DA stage. Regardless, new shadow diagrams have been prepared and provided which indicate that neighbouring sites receive acceptable solar access.	The concept plan supporting the proposal is an indicative built form. Further detailed shadow analysis, solar studies and visual impact assessments can be prepared and assessed as part of any future DA stage. The issues raised by the Council in relation to building height transition have been satisfactorily addressed and do not prevent the proposal from proceeding to finalisation.
	Apartment Configuration and Mix The proposal does not present a built form and bulk that achieves acceptable residential outcomes or compliance with baseline urban design controls and criteria.	This issue can be adequately addressed at the DA stage and is not relevant to the planning proposal. We note that courtyard buildings can take many forms, including U-shape. The ADG provides guidance on these.	The concept plan supporting the proposal is an indicative built form. Further analysis of the final built form, including the building configuration and apartment mix, can be undertaken and assessed as part of any future DA stage. The Agile Planning team is satisfied that the issues raised by Council regarding configuration and mix have been addressed and do not prevent the planning proposal from proceeding to finalisation.
	Local Provision	It is noted that Part C 3.10 Density in The Hills DCP already contains controls relating to apartment size and mix. No	The Agile Planning team notes Councils request for additional local provisions to

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	A local provision should be included in the LEP to ensure compliance with Council's preferred apartment size and mix requirements and to reflect the Proponent's intent to comply with these requirements.	specific LEP clause is required, and the existing planning framework should remain unchanged regarding this issue.	ensure Council's preferred apartment size and mix requirements are achieved. The concept plan supporting the proposal is an indicative built form, and there are existing mechanisms in place relating to apartment size and mix. The Agile planning team does not support the inclusion of an additional mechanism to enforce apartment size and mix requirements. The Agile Planning team is satisfied that the issues raised by Council regarding Proponent compliance have been addressed and do not prevent the planning proposal from proceeding to finalisation.
	Bulk and Scale Potential scale and visual impacts could be exacerbated through the provision of further bonus FSR via the mechanisms in Housing SEPP for the provision of affordable housing.	Noted. The subject site has an approximate area of 3,950m ² and can contain a well-designed apartment building. The FSR bonus from the Housing SEPP is not proposed as part of the planning proposal. Should it be included in a future application it can be addressed as a DA consideration.	The Agile Planning team notes Council's concerns regarding the provision of bonus FSR on site. Any future development application, with an affordable housing bonus, will still be subject to a merit-based assessment. Any issues relating to scale and visual impacts can be assessed as part of this process. The Agile Planning team is satisfied that the proponent's has adequately addressed this issue and does not prevent the planning proposal from proceeding to finalisation.

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	Setbacks The basement parking areas extend beyond the built form setback. The current setbacks are not compliant with The Hills DCP.	This issue can be addressed at the DA stage through design coordination between the architect, landscape architect, and traffic engineer.	The concept plan supporting the proposal is an indicative built form. Further analysis of the final built form, including the size and location of setbacks, can be undertaken and assessed as part of any future DA stage. The Agile Planning team is satisfied that the issues raised by Council have been addressed and do not prevent the planning proposal from proceeding to finalisation.
	Waste Vehicular Access The development concept is unable to demonstrate a conventional access for waste vehicles to enter and exit the site.	Waste Vehicle access can be adequately addressed at the DA stage when detailed designs are provided.	The concept plan supporting the proposal is an indicative built form. Waste vehicle access can be addressed as part of any future detailed design stage. The Agile Planning team is satisfied that the issues raised by Council do not prevent the planning proposal from proceeding to finalisation.
	Solar Access The proponent's design concept and shadow diagrams illustrate that the ground floor common open space does not receive adequate solar access during winter and relies on the provision of rooftop communal open space. This is not compliant with The Hills DCP.	Solar access is ultimately a DA matter and adequately addressed at the DA stage when detailed designs are provided. The main volume of communal open space is at rooftop level which complies with ADG solar access requirements for communal open space areas. It is noted that the ADG recognises that direct solar access is not always possible or practical due to a variety of factors such	The Agile Planning team notes that the rooftop communal spaces assist in achieving required level of solar access for open spaces outlined in the ADG. The location of communal open space on rooftops is supported by the ADG when this space cannot be provided on the ground floor. The Agile Planning team notes that Solar Access Analysis on a conceptual design is limited and therefore is unable to confirm if the

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	<p>The design concept in the planning proposal also shows that 20% of units receive no direct solar access which exceeds the ADG limit of 15% (9am-3pm mid-winter).</p> <p>Adjacent residential properties to the south already experience morning overshadowing from an existing 9-15 storey development. The proposed 8 storey form for the subject site will further limit solar access which will inhibit potential future residential development on these properties.</p>	<p>as landscape and location. Given the subject site is located on a south-facing slope with significant views oriented towards Parramatta, having 15% of units without access to direct sunlight is appropriate and reasonable.</p> <p>Updated shadow diagrams with future development envelopes indicate acceptable shadow on adjacent properties to the south in both current and future development scenarios.</p> <p>The proposed development has appropriate building separation and setbacks and does not add significant shadowing on top of the existing shadowing.</p>	<p>proposed concept design will meet solar access requirements under the ADG. A detailed Solar Access Analysis can be undertaken at the DA stage when detailed designs are provided.</p> <p>Notwithstanding the above, the supporting concept plan is indicative only. The issues raised by Council can be addressed as part of the DA stage through changes to unit configuration and orientation.</p> <p>The Agile Planning team is satisfied that the proponents has addressed the issues raised by Council and do not prevent the progression of the planning proposal to finalisation.</p>
	<p>Traffic and Transport</p> <p>The current policy approach to discourage further uplift in this locality is an acknowledgement that a broader government solution is required to address the existing traffic and transport issues.</p>	<p>The proposal yields an additional 16 vehicles per peak hour and is not expected to have a material impact on road network performance.</p>	<p>Transport for NSW (TfNSW) has reviewed the exhibited Transport Impact Assessment (7 October 2021, The Transport Planning Partnership (TTPP)) and the revised Traffic and Parking Assessment (30 January 2024, TTPP) and have raised no issues with the level of traffic generated from any potential redevelopment of the site.</p> <p>The Agile Planning team are satisfied with the proponent's response and do not prevent the</p>

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			progression of the planning proposal to finalisation.
	<p>VPA and Infrastructure</p> <p>Council is undertaking negotiations with the Proponent 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.</p>	<p>It is noted that we have made numerous representations to Council and offered Voluntary Planning Agreements (VPA) on two occasions to which the Council provided no formal response. It should also be noted that Council has no policy or guidelines regarding VPAs.</p> <p>The VPA currently on offer to Council is approximately \$400,000 and is predicated on the exclusion of Section 7.12 of the Environmental, Planning and Assessment Act 1979 in its entirety. Should no VPA be accepted, Section 7.12 would apply for infrastructure contributions, equating to approximately \$200,000.</p>	<p>The Agile Planning team notes that the Proponent has offered a VPA and is willing to work with Council to finalise the VPA. The finalisation of the VPA can progress separately to the proposal.</p> <p>The Agile Planning team is satisfied that this matter has been sufficiently addressed and does not prevent the progression of the planning proposal.</p>
Agency Submissions			
Transport for NSW (TfNSW)	<p>TfNSW request the draft Site Specific DCP and VPA be provided for their review to check prior to planning proposal being made.</p> <p>TfNSW has requested the Traffic and Parking Assessment be updated to reflect the proposed apartment yield of 66 apartments and the appropriate parking rates, including the information contained</p>	<p>The draft DCP can be provided to TfNSW for review. The parking rates proposed are as follows:</p> <ul style="list-style-type: none"> 1 bedroom, 1 space 2 bedroom, 1 space 3+ bedroom, 2 spaces 	<p>The Agile Planning team forwarded the revised Transport Impact Assessment to TfNSW for consideration. TfNSW indicated that they had no further comment regarding the Transport Impact Assessment.</p> <p>The Agile Planning team note that the parking rates and vehicle access will be determined as part of any future DA.</p>

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	<p>within the addendum into a single updated TPA.</p> <p>In updated the Traffic and Parking Assessment, TfNSW asked that:</p> <ul style="list-style-type: none"> •Traffic surveys should be done on Thursdays •Provided clarification on SCATS data •Provide SIDRA models. <p>TfNSW also provided design advice surrounding regarding the Driveway and loading/unloading dock.</p>	<ul style="list-style-type: none"> • Visitor, 1 space per 5 units <p>The draft VPA can be provided if it is progressed further with Council.</p> <p>An updated TPA has been provided addressing the issues raised in TfNSW submission.</p> <p>With regards to the advice surrounding the vehicle access to the site, it is noted and will be incorporated as part of the future detailed design, which will be finalised at DA stage.</p>	<p>The Agile Planning team are satisfied the proponent has addressed the issues raised by TfNSW and that these issues do not prevent the progression of the proposal to finalisation.</p>
Sydney Water	<p>Sydney Water provided no objection to the planning proposal</p>	<p>We note Sydney Water's comments.</p>	<p>Sydney Water has raised no concern about its capacity to service the future development on site.</p> <p>The Agile Planning team is satisfied that no further action is required at this stage to address the submission.</p>
Ausgrid	<p>Ausgrid provided no comments regarding the planning proposal as the subject site is outside Ausgrid's network area.</p>	<p>No further consideration required.</p>	<p>Ausgrid raised no issue with the planning proposal progressing to finalisation.</p> <p>The Agile Planning team is satisfied that no further action is required at this stage to address the submission.</p>
Endeavour Energy	<p>Endeavour Energy provided no comments regarding the planning proposal.</p>	<p>We note that comments are more relevant to development applications. No further consideration required.</p>	<p>Endeavour Energy raised no issue with the planning proposal progressing to finalisation.</p>

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	Endeavour Energy provided generic advice which is based on the system being used for submissions to concurrence and referrals received via the NSW Planning Portal. They noted not all the issues in the submission may be directly or immediately relevant or significant to the proposed development.		The Agile Planning team is satisfied that no further action is required at this stage to address the submission.
Jemena	Jemena has no objection to this planning proposal	Noted. No further consideration required.	Jemena raised no issue with the planning proposal progressing to finalisation. The Agile Planning team is satisfied that no further action is required at this stage to address the submission.

Community Submissions			
Submission No.1 (Sub-6765)	Objects: Character Building is inconsistent with surrounding area.	The current zoning site permits apartment buildings with the site appropriately close to services within the town centre and public transport. Surrounding current height limits include 50m, 30m, 25m, 23m, 22m, 17m and 16m. The proposal increase in height to 25m is clearly consistent with the existing and emerging context of the area.	The site is located in close proximity to the Baulkham Hills Town Centre and an existing high density residential building. The proposed controls of up to 25m is consistent with the existing and future planned context of the area. The Agile Planning team are satisfied that the issues raised surrounding character have been addressed and will not prevent the progression of the planning proposal to finalisation.

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	Objects: Traffic The Hills Shire Council and the NSW Government have not considered the bottleneck at Arthur Street which will caused congestion and impatient drivers leading to safety concerns.	The proposal yields an additional 16 vehicles per peak hour and is not expected to have a material impact on road network performance.	TfNSW has reviewed the exhibited Transport Impact Assessment (7 October 2021, TTPP) and the revised Traffic and Parking Assessment (30 January 2024, TTPP) and have raised no issues with the level of traffic generated from any potential redevelopment of the site. The Agile Planning team are satisfied with the proponent's responses regarding traffic and do not prevent the progression of the planning proposal to finalisation.
Submission No.2 (Sub-6767)	Objects: Public Transport Public transport options are limited, with buses being overcrowded and the metro station far away.	The 2016 Census (pre-covid) showed that almost 40% of people in the area journeyed to work without use of a private vehicle which is expected to increase with the completion future public transport infrastructure projects.	It is noted that development nearby high frequency public transport is in line with regional, district, and local plans and strategies. These services can be increased should demand for them arise as the future population increases. The Agile Planning team are satisfied with the issues raised regarding public transport do not prevent the progression of the planning proposal to finalisation.

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	Objects: Traffic Development will add traffic to already congested roads, particularly Arthur Street, and will be exacerbated by imminent occupation of neighbouring complex. Area cannot sustain additional development until traffic issues are addressed and rectified.	We note that the net increase of 16 vehicles per peak hour from proposed uplift is not anticipated to not have a material difference on road network performance.	TfNSW have reviewed the supporting traffic assessments and have raised no issues with the level of traffic generated from any potential redevelopment of the site. The Agile Planning team are satisfied that the issues raised have been adequately addressed by the proponent and do not prevent the proposal proceeding to finalisation.
Submission No.3 (Sub-6769)	Objects: Height and Overshadowing Opposed to increase in height to 25m as it will impact privacy. Purchase property in 2018 when surrounding allowable height was 16m.	The proposal complies with the ADG separation requirements for maintaining the privacy of neighbours however we note that more detailed designs will be provided at a future DA stage and will allow for more opportunity to comment.	The proposed height is consistent with the existing and future planned context of the area, including proposed heights. The concept plan supporting the proposal is an indicative built form. Fine grain design consideration can be undertaken at the DA stage to maintain privacy and consistency with the ADG. The Agile Planning team is satisfied that the proponent has adequately addressed the issues surrounding height and privacy.
Submission No.4 (Sub-6770)	Objects: Traffic Raising of the building height will add to the existing high traffic in the area.	We note that the net increase of 16 vehicles per peak hour from proposed uplift is not anticipated to not have a material difference on road network performance.	As noted above, TfNSW have raised no concern with the potential traffic generated from the future development of this site. The Agile Planning team are satisfied that the issues raised surrounding traffic do not prevent the progression of the proposal.

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Submission Name	Issues Raised	Proponent Response	Agile Planning Team Response
Submission No.5 (Sub-6771)	Objects: Traffic The proposal will add to already unmanageable traffic in Baulkham Hills.	We note that the net increase of 16 vehicles per peak hour proposed uplift is not anticipated to not have a material difference on road network performance.	TfNSW have raised no issues with the level of traffic generated from any potential redevelopment of the site. The supporting Transport Impact Assessments note that the proposal would represent a net increase of 16 vehicles per peak hour, which is considered to not materially impact current traffic levels. The Agile Planning team are satisfied with the proponent's responses regarding traffic and do not prevent the progression of the planning proposal to finalisation.
Submission No.6 (Sub-6772)	Duplicate of submission Sub-6771	N/A	N/A
Submission No.7 (Sub-7006)	Objects: Infrastructure Not against development in general. Current infrastructure cannot handle increase in population and density.	The 2016 Census (pre-covid) showed that almost 40% of people in the area journeyed to work without use of a private vehicle which is expected to increase with the completion future public transport infrastructure projects. We also note that the net increase of 16 vehicles per peak hour from proposed uplift is not anticipated to not have a	As part of the exhibition of the proposal, various infrastructure providers were consulted. None of these agencies raised concern surrounding the ability to meet the infrastructure needs resulting from the future development of the site.

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		material difference on road network performance.	The Agile Planning team are satisfied that the proponent has addressed the issues raised regarding infrastructure capacity.
	Objects: Height and Character Additional height adds additional apartments which also changes the area's culture and horizon.	The zoning of the site permits apartment buildings, which is consistent with the surrounding current and future land uses. 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 proposed increase in height over part of the site to 25m is clearly consistent with the existing and emerging context of the area.	The proposed height is consistent with the existing and future planned context of the area, including proposed heights. The concept plan supporting the proposal is an indicative built form. Fine grain design consideration can be undertaken at the DA stage to better fit with the current and future character of the area. The Agile Planning team are satisfied the issues with building height and character have been addressed and do not prevent the progression of the planning proposal to finalisation.
Submission No.8 (Sub-7007)	Duplicate of submission Sub-7006	N/A	N/A
Submission No.9 (Sub-7044)	Objects: Height of Building Oppose the proposal to increase the height of the development.	We note that the partial 16m/25m height limit is consistent with and provides better transition to the surrounding height limits (from 16m to 50m).	The proposed height is consistent with the existing and future planned context of the area, including proposed heights. The Agile Planning team are satisfied the issues with building height do not prevent the progression of the planning proposal to finalisation.

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Submission No. 10 (Sub-7055)	Objects: Construction Impacts The noise and reduced air quality (dust) can have detrimental effects on the health and well-being of residents. Mitigation measures are proposed.	We acknowledge these concerns and not that construction matters/impacts are a post development approval matter which can be addressed in the development consent.	As part of any future development application, an assessment of potential construction impacts can be undertaken, and appropriate conditions be put in place to minimise these impacts. The Agile Planning team are satisfied the issues raised do not prevent the progression of the planning proposal to finalisation.
	Objects: Character May significantly impact the visual landscape and character of the neighbourhood. It is requested that visual and aesthetic implications are considered.	We note that the site zoning permits apartments appropriately close to town centre services and public transport. The partial 16m/25m height limit is consistent with and provides better transition to the surrounding height limits (from 16m to 50m).	The proposed height is consistent with the existing and future planned context of the area, including proposed heights. The concept plan supporting the proposal is an indicative built form. Further design work can be undertaken at the DA stage to address building aesthetics and visual impacts on the landscape of the neighbourhood. The Agile Planning team are satisfied with the proponent's responses and the issues raised do not prevent the progression of the planning proposal to finalisation.

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Submission No. 11 Email Submission 1	<p>Objects: Overshadowing</p> <p>The consideration of suitable and appropriate built form this should be done at the planning proposal stage with consideration for amenity outcomes.</p> <p>Overshadow data in planning proposal does not translate to the metrics used in Council's DCP or the ADG and provides little detail on shadow impact on existing and future concept design elevations in the vicinity.</p> <p>There is no consideration given to the cumulative overshadowing on neighbouring developments, existing and future.</p>	<p>We note that the partial 16m/25m height limit is consistent with and provides better transition to the surrounding height limits (from 16m to 50m) and that built form issues can be adequately addressed at the DA stage and is not relevant to the planning proposal.</p> <p>Updated shadow diagrams have been provided which demonstrate acceptable impacts. Although these diagrams indicate shadow on an envelope, actual impacts will be less due to site occupancy limits.</p>	<p>It is noted that in response to the submissions received, the proponent has provided additional shadow diagrams to address issues surrounding overshadowing.</p> <p>The Agile Planning team has undertaken an assessment of the proposed concept plan against the ADG and are satisfied that the proposal can be designed to be consistent with the ADG.</p> <p>Notwithstanding the above, the supporting concept plan is indicative only. The issues raised regarding built form and solar access can be addressed as part of the DA stage and through changes to unit configuration and orientation.</p> <p>Th Agile Planning team are satisfied that the issues surrounding overshadowing have been addressed and do not prevent the progression of the planning proposal.</p>

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	<p>Objects: Site Specific Merit</p> <p>There is insufficient justification for site-specific merit as the proposal has likely environmental impacts and offers no mitigation measure to manage these matters.</p>	<p>We note that the DPHI considers the planning proposal to have strategic and site-specific merit as it provides opportunity for diverse housing in an area supported by transport and infrastructure and is not considered to have adverse impacts.</p>	<p>The Agile Planning team notes that the Sydney Central City Planning Panel (the Panel) previously determined on 8 September that the planning proposal was consistent with The Hills LSPS and demonstrated strategic merit.</p> <p>Further to the panel's decision, the Gateway Determination report issued by the Department on 11 December 2023, identifies the proposal is consistent with the actions and objectives of the Central City District Plan.</p> <p>The Agile Planning team is satisfied issue raised in relation to strategic merit have been satisfactorily addressed and does not prevent the proposal from proceeding to finalisation</p>

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	<p>Objects: Views</p> <p>The proposal pays no regard to potential loss of views for adjacent properties or the concept of sharing views, particularly for properties to the south. The current district views from Yattenden Crescent will be significantly obscured by the development. These impacts are unreasonable considering neighbouring developments were designed with the expectation that surrounding land will be developed in compliance with existing planning controls.</p>	<p>We note that topography and building heights are main factors that influence visual amenity. Existing and future developments in the area all act to obscure views, particularly northward views from properties on Yattenden Crescent. A viewing corridor allows filtered northward views.</p> <p>Notwithstanding the above, southward views are not obstructed and no specific significant westward views are identified in relation to obstruction claims.</p> <p>We note that view loss can be adequately addressed at a future DA stage.</p>	<p>The concept plan supporting the proposal is an indicative built form. Fine grain design consideration can be undertaken at the DA stage to mitigate view loss.</p> <p>The Agile Planning team are satisfied with the proponent's responses regarding visual impacts and the issues raised do not prevent the progression of the planning proposal to finalisation.</p>