

Rezoning Review Request Strategic and site specific merit justification

**The Hills Club, Baulkham Hills
(7/2021/PLP)**



Prepared for
The Department of Planning and Environment

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Cover image: the Site Perspective view from Old Northern Road (Source: Altis)

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Attachment 2	Correspondence from The Hills Council and state agencies
Attachment 3	Council report and resolution (27 September 2022)
Attachment 4	Response to the Local Planning Panel
Attachment 5	Response to the Council Assessment Report

1 Introduction

This *Rezoning Request Review - strategic and site specific merit justification* is made by Keylan Consulting on behalf of The Hills Club (Applicant) in relation to the Planning Proposal for The Hills Club at 6-18 Jenner Street Baulkham Hills (7/2021/PP).

The strategic and site specific merit justification Rezoning Review Request has been made in accordance with the Department of Planning and Environment's (DPE) *Local Environmental Plan Making Guidelines 2021* (extract below, **BOLD** our emphasis):

Rezoning review request requirements

A rezoning review request must be made by a proponent via the Planning Portal and contain:

- *a copy of the proponent's latest version of the planning proposal, including all supporting material and information that was submitted to council*
- *all correspondence that the proponent has received from the council in relation to the planning proposal request, including (if relevant) any copies of the council's written advice to the proponent and/or the Council resolution not proceed with the proposal*
- *all correspondence and written advice from other public authorities and government agencies, if available*
- ***the proponent's written justification of the strategic and site-specific merit to confirm why a review is warranted***
- *disclosure of reportable political donations under section 10.4 of the EP&A Act, if relevant*
- *the rezoning review fee to the Department*

This request is supported by the following attachments:

Attachment 1	Planning Proposal (August 2022) and supporting material
Attachment 2	Correspondence from The Hills Council and state agencies
Attachment 3	Council report and resolution (27 September 2022)
Attachment 4	Response to the Local Planning Panel
Attachment 5	Response to the Council Assessment Report

The Planning Proposal seeks to facilitate a mixed use development and support ongoing private recreation uses at this site.

On 26 February 2021, the applicant lodged the Planning Proposal seeking the following amendments to the *Hills Local Environmental Plan 2019* (HLEP 2019):

- retain the existing *RE2 Private Recreation* zoning and introduce residential accommodation, registered club and commercial premises as additional permitted uses under Schedule 1
- introduce a maximum building height of 68 metres
- introduce a maximum FSR of 2.5:1

This Rezoning Review Request is made following Council's resolution not to support the Planning Proposal on 27 September 2022.

This *Rezoning Request Review - strategic and site specific merit justification* clearly confirms that a review is warranted as per the Guidelines.

Importantly, we note that many of the public benefits, strategic and site specific justification of the Planning Proposal are supported by Council staff in the Assessment Report to the 27 September 2022 Council meeting. This is evident in the optional recommendations canvassed in the Council Officers' Report and our detailed response in Attachment 5 of this report.

The Planning Proposal has been prepared in accordance with the requirements of Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and in consideration of the DPE's *Local Environmental Plan Making Guideline 2021*.

The Planning Proposal is supported by technical information and investigations to justify the proposed amendments to the HLEP 2019.

2 The site and locality

2.1 Site Description

The site is located in the suburb of Baulkham Hills within The Hills Local Government Area (LGA). Baulkham Hills is characterised as a transitioning suburb which is experiencing growth due to its close proximity to the Parramatta CBD and the Castle Hill and Norwest strategic centres. The site is located to the north of the Parramatta CBD (Parramatta LGA), east of the Seven Hills industrial area (Blacktown LGA) and south of the Castle Hill and Norwest strategic centres.

The site contains a number of separate parcels of land and is known as 6 – 18 Jenner Street, Baulkham Hills. The total site area is approximately 1.34ha, which is legally described as:

- Lot 4 DP 1108855
- Lots 39 to 45 DP 2489
- Lot Z DP 400638

The land subject to the report has dimensions of 117 metres to the north adjoining 11 – 13 Old Northern Road and 20 – 26 Jenner Street, 137 metres to the east fronting Jenner Street, 106 metres to the west fronting Old Northern Road and 132 metres to the south fronting George Suttor Reserve (Lot 5 Old Northern Road) and 2 – 4 Railway Street.

The site is adjacent to Heritage Item I8 to the north, which is identified in the HLEP 2019 and fronts Old Northern Road, Baulkham Hill. The site also borders an Archaeological item A1 to the south, known as the Baulkham Hills Tramway Cutting.



Figure 1: Aerial photograph of site within its locality (base source: Google Maps)



Figure 2: View north from the existing south west bowling green (Source: Keylan)



Figure 3: Existing the Hills Club car park accessed from Jenner Street (Source: Keylan)



Figure 4: View of Old Northern Road looking north from the site (Source: Keylan)



Figure 5: View of Old Northern Road looking south from the site (Source: Keylan)

2.2 Regional Context and Key Linkages

The immediate locality is characterised by low density residential development to the east, medium to high density residential to the north and south and neighbourhood shops (including Gove Square shopping centre) to the west. There is also a public park bordering the site to the south west, known as George Suttor Reserve.

The site is located along Old Northern Road, approximately 900 metres away from the M2 Motorway, 200 metres from Windsor Road and is situated opposite the Baulkham Hills Shopping Centre and other local businesses.

The Castle Towers shopping mall is also located close by (approximately 4km), which offers a larger mix of retail, commercial and community uses as well as a metro station. Sydney Olympic Park and its associated open space, sport, recreation and entertainment facilities are easily accessed by car from the site (20 minute drive).

The Hills Shire LGA is a fast growing area in the Greater Sydney Region and will continue to experience significant growth. The population of The Hills Shire LGA is projected to grow from about 147,950 in 2011 to about 290,900 in 2036, an increase of some 142,900 people or 96.5% population growth (GSC 2018).

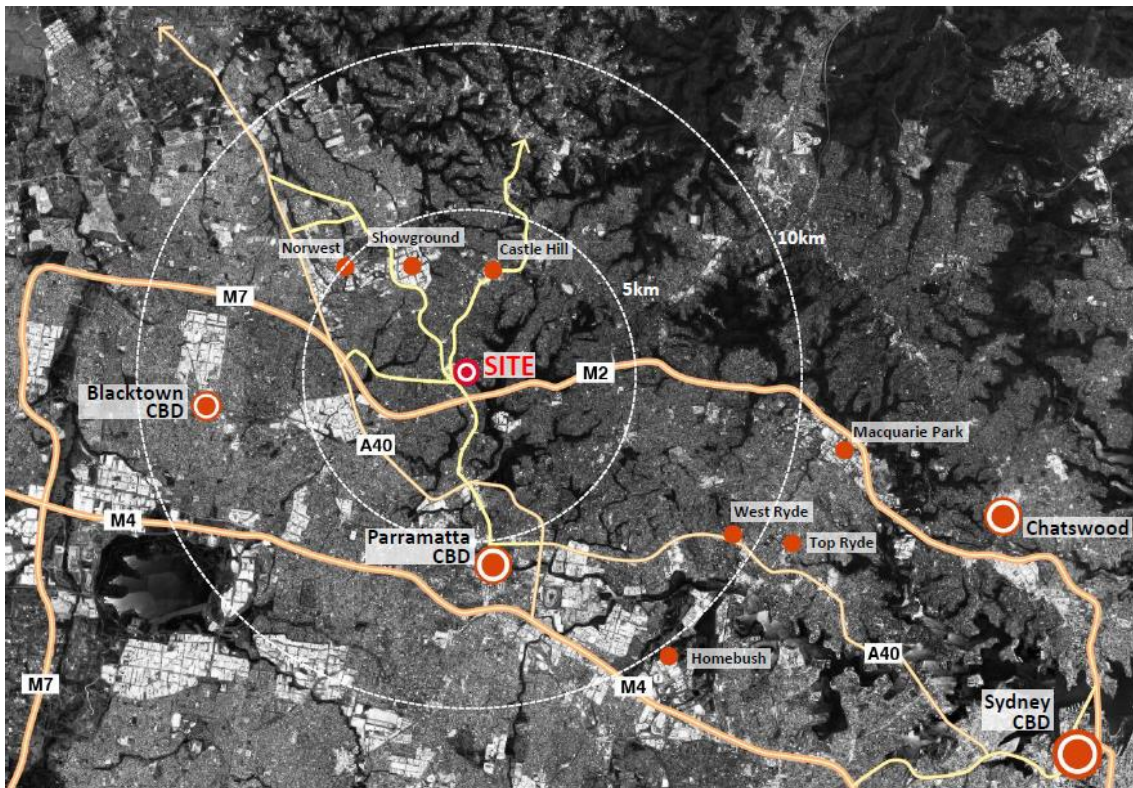


Figure 6: Key Linkages (source: Dickson Rothschild)

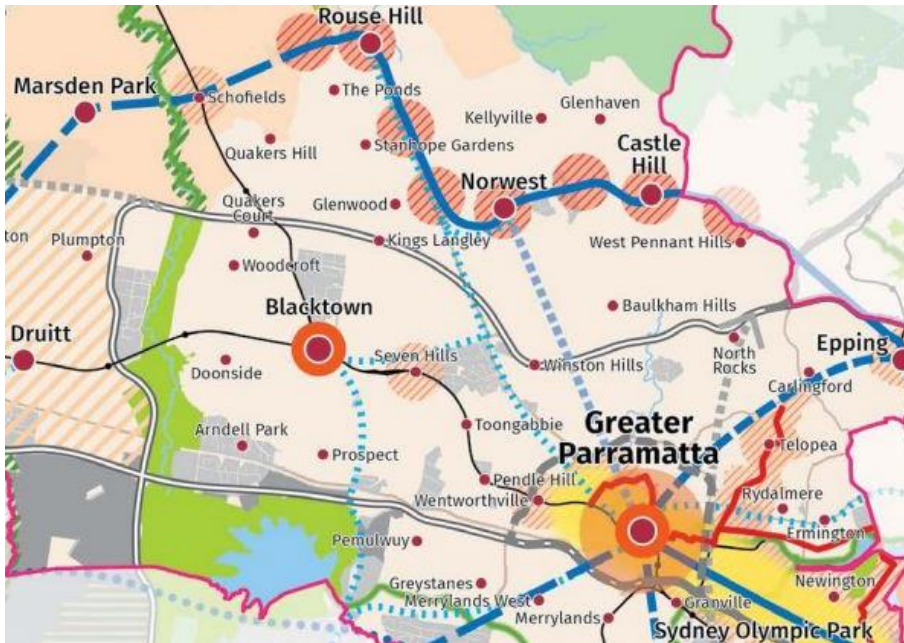


Figure 7: Key Regional Linkages (Source: Central City District Plan 2018)

2.3 Characteristics of the Site

2.3.1 Built Form

The site is currently occupied by 3 large bowling greens, a large 2 storey club house and associated structures, landscaping and carparking. These features are visible in the aerial image provided below.



Figure 8: Zoomed aerial (Source: Google)

2.3.2 Public Transport

The site is well serviced by existing bus routes. A bus stop is located at the south west corner of the site on Old Northern Road and a corresponding bus stop is located on the opposite side of the road.

These bus stops are serviced by the following routes:

- 600 – Parramatta to Hornsby
- 610 N – City QVB to Norwest via Castle Hill
- 610 X – City QVB to Kellyville via Lane Cove Tunnel
- 612 X – North Sydney to Castle Hill
- 619 – Macquarie Park to Castle Hill via Baulkham Hills
- 630 – Epping to Blacktown

These bus stops each receive a bus service every 5 minutes. Further, these 6 bus stops provide direct access from the site to two Metropolitan City Centres (Sydney & Parramatta) and eight strategic centres (Hornsby, Norwest, Castle Hill, Blacktown, Epping, Macquarie Park, St Leonards, North Sydney).

3 Reasons to support the Planning Proposal

The reasons the Planning Proposal should be supported and progressed are outlined in this request and supporting reports. The Planning Proposal demonstrates:

- it meets the strategic merit test to forward to a Gateway Determination
- it meets the site specific merit test to forward to a Gateway Determination
- is capable of delivering well designed, site responsive development outcomes
- it can retain The Hills Club - an essential piece of social infrastructure
- a good planning outcome with a variety of tangible public benefit

We note that a number of the reasons above were supported by the Council officers Report on the Planning Proposal.

The Planning Proposal results in positive outcomes for the site, the wider area and the community achieved through a series of Planning Principles that guide the proposal.

These principles provide evidence based reasons that deliver a superior planning outcome to justify supporting the proposal and progressing it to a Gateway Determination.

Retain RE2 Private Recreation	<ul style="list-style-type: none"> • Retain the RE2 Private Recreation zone and make the site viable through introducing complimentary land uses
Revitalise social infrastructure	<ul style="list-style-type: none"> • Revitalise the Hills Club - critical social infrastructure for Baulkham Hills
Contribute to town centre urban renewal	<ul style="list-style-type: none"> • Urban renewal of the Baulkham Hills Town Centre, through the redevelopment of a Strategic Investigation site • Facilitate active and vibrant spaces through mixed uses, pedestrian links and placing development in the right places
Improve access and traffic impacts	<ul style="list-style-type: none"> • Mitigate adverse traffic impacts by providing vehicular access from Jenner Street and Old Northern Road • Provide contributions towards traffic/pedestrian improvements on various intersections surrounding the site
Create employment opportunities	<ul style="list-style-type: none"> • Additional employment generating floor space contributes to job creation both within the site and the wider local economy
Contribute to housing targets	<ul style="list-style-type: none"> • Contribute to the housing supply targets for The Hills LGA, consistent with the Greater Sydney Region Plan, Central City District Plan and The Hills LSPS
Appropriate built form	<ul style="list-style-type: none"> • Provision of well designed buildings maintaining a low FSR (2.24:1) on the site • Respect surrounding low density residential development by minimising overshadowing through stepped, slender buildings • Activate Old Northern Road whilst respecting surrounding heritage items
Minimise environmental impacts	<ul style="list-style-type: none"> • Protect and respect adjoining open space and residential development. • Minimise overshadowing on George Sutter Reserve and adjoining residential development on Jenner Street
Better connectivity	<ul style="list-style-type: none"> • Improve permeability through multiple east-west pedestrian links (from Old Northern Road to Jenner Street) • Encourage active travel to and from the town centre
Public domain improvements	<ul style="list-style-type: none"> • Contribute to streetscape upgrades, including street tree planting that will reinforce and contribute to the character of the locality

Figure 9 Planning Principles/Reasons to support the Planning Proposal (Source: Keylan)

4 Consultation with Council and stakeholders

The Applicant and its project team have undertaken extensive consultation with Council throughout the preparation of the Planning Proposal, which has assisted in the refinement of the proposed land use zones and development controls that are proposed for the site.

Since 2019, the applicant has taken a evidence based approach to the proposal, including genuine ongoing consultation with Council and other key stakeholders.

This consultation has resulted in a number of major design changes, modifications and submission of two updated Planning Proposals including numerous meetings with Council staff and Councillors.

On Wednesday 18 May 2022, *The Hills Local Planning Panel* (LPP) considered the first updated Planning Proposal and provided advice including further suggested design amendments. A detailed response to the LPP is provided in **Attachment A**

Since this time, the applicant and project team have worked hard to formally revise the Planning Proposal to address matters raised by Councillors, LPP and Council staff.

A summary of key meetings and events is detailed in Table 1.

Date	Event
2019	Preliminary discussions with Council staff on the draft Planning Proposal (PP)
24 July 2019	<p>The applicant and project team met with Council to discuss the following:</p> <ul style="list-style-type: none"> • overview of the draft PP including broader aims and objectives, evidence based research to support built form and response to key issues • urban design assessment to include concept plans, detailed overshadowing analysis and information on how a transition of height and density across the town centre would be facilitated • PP to include future demand for local structure including traffic, community facilities, passive and active open space • general process for lodging a PP
9 August 2019	The applicant made a detailed submission to Council's <i>Draft Local Strategic Planning Statement 2019</i> in context of the draft PP
15 July 2020	The project team met with TNSW to outline the draft PP to discuss local and regional transport and traffic issues
22 July 2020	<p>The applicant and project team met with Council to discuss the following matters in relation to the draft PP:</p> <ul style="list-style-type: none"> • strategic planning framework • built form • residential and commercial yields • traffic and access • community floorspace and public infrastructure

Date	Event
13 August 2020	Council provided feedback on the draft PP
17 September 2020	<p>The applicant and project team met with Council to address the issues raised in Council's letter dated 13 August 2022:</p> <ul style="list-style-type: none"> • key amendments to the proposal and detailed response to matters raised in Council's letter of 13 August 2020 • update on consultant reports • update on first meeting with TfNSW • discussion on contributions to the local infrastructure
9 October 2020	The project team met with TNSW on traffic and access aspects on the scheme in response to previous meeting with TNSW on 15 July 2020
3 March 2021	<p>The applicant lodged the PP seeking the following amendments to the <i>Hills Local Environmental Plan 2019</i> (HLEP 2019):</p> <ul style="list-style-type: none"> • retain the existing RE2 Private Recreation zoning and introduce residential accommodation, registered club and commercial premises as additional permitted uses under Schedule 1 • introduce a maximum building height of 68m • introduce a maximum FSR of 2.5:1
4 May 2021	The applicant presented the PP at a Councillor workshop for information.
26 July 2021	Council finalised its preliminary assessment of the PP outlining , matters for consideration.
3 March 2022	The applicant lodged an updated PP to address matters raised by Council in its preliminary assessment in July 2021
18 May 2022	<i>The Hills Local Planning Panel</i> (LPP) considered the revised PP and provided advice on the indicative scheme with further suggested design amendments
7 June 2022	Council advises the applicant of a second Councillor Workshop providing opportunity to brief Council
8 June 2022	Council advise the applicant reasons why the Council Assessment Report to the LPP will not be made available.
4 August 2022	The applicant lodged another updated PP to respond to issues raised by the LPP
6 September 2022	Applicant briefs a Councillor workshop on the updated PP
27 September 2022	Council resolved not to support the PP

Table 1 Timeline of key events (Source Keylan)

5 Planning Proposal Summary

The Planning Proposal (August 2022) responds to the issues raised by Council staff and the LPP by significantly amending the proposal as follows:

- the building length along the Old Northern Road frontage is reduced to 65m
- increased northern and southern setback are provided on the Old Northern Road frontage, providing view lines and passive surveillance to the communal open space and bowling greens within the centre of the site
- an increased front setback at ground level is provided to Old Northern Road to achieve a wider footpath and to improve sightlines to Creasy's Cottage
- an additional through-site link is provided along the northern boundary, improving the permeability and walkability of the area
- the southern through site link has been amended to provide a more direct path of travel
- the tower height of Building A fronting Old Northern Road is increased from 16 to 18 storeys to facilitate the above changes while maintaining an appropriate density and FSR of 2.24:1 at the site
- further detailed justification on strategic and site specific merit of the proposal
- updated VPA to reflect the amended scheme

The revised densities are appropriate for the site, which is in a unique position to provide additional dwellings with high amenity, close to shops and services. This contrasts other key sites within the Baulkham Hills Town Centre which suffer from poor amenity, accessibility and isolation resulting from the Windsor Road corridor and intersection.

The Planning Proposal is supported by an detailed Draft Site-Specific Development Control Plan (DCP) including controls to address Councils concerns on the future development on this site. A summary of the Proposal is detailed in Table 2.

Planning control	Existing Controls	Original Planning Proposal	Planning Proposal March 2022	Planning Proposal August 2022
Land use zone	RE2 Private Recreation	RE2 Private Recreation	RE2 Private Recreation	RE2 Private Recreation
Height	N/A	68m (21 storeys)	Part 54m and part 20m (16 and 6 storeys)	Part 63m and part 20m (18 and 6 storeys)
FSR	N/A	2.5:1	2.31:1	2.24:1
Schedule 1 Additional permitted uses	N/A	<ul style="list-style-type: none"> • Residential accommodation including seniors housing, shop top housing and residential flat buildings • Registered Club • Commercial premises 	<ul style="list-style-type: none"> • Residential accommodation including seniors housing, shop top housing and residential flat buildings • Registered Club • Commercial premises 	<ul style="list-style-type: none"> • Residential accommodation including seniors housing, shop top housing and residential flat buildings • Registered Club • Commercial premises

Table 2 Summary of Planning Proposal (including updates) (Source: Keylan)

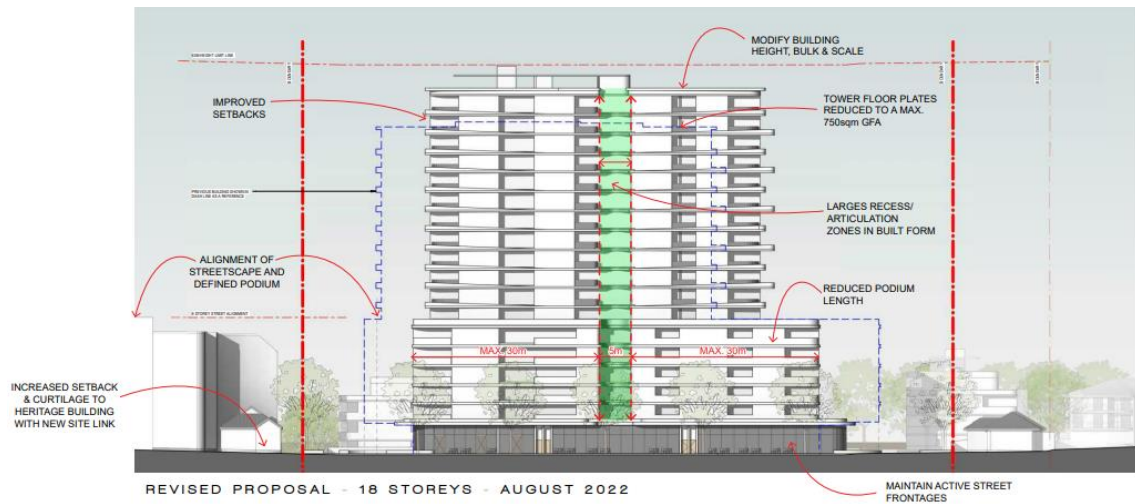


Figure 10 Old Northern Road elevation showing amendments from the previous version of the Planning Proposal (Source: Altis)



Figure 11 Comparison of Ground Floor setbacks from March 2022 (left) and August 2022 (right) Planning Proposals (Source: Altis)

6 Strategic and Site-Specific Merit Justification

The Planning Proposal meets the Strategic and Site-Specific Merit tests outlined in *Local Environmental Plan Making Guideline December 2021*.

6.1 Strategic Merit

The Planning Proposal aligns with the NSW strategic planning framework. It has been carefully developed consistent with the following strategic plans and policies prepared by the NSW State government and Council:

- Greater Sydney Region Plan – A Metropolis of Three Cities
- Central City District Plan
- Baulkham Hills Town Centre Draft Master Plan
- Baulkham Hills Town Centre Draft Public Domain Plan
- Future Transport Strategy 2056
- Hills Future 2036: Local Strategic Planning Statement
- Hills Future 2017 – 2021: Community Strategic Plan

Council officers generally concur with this assessment as outlined in the following extract from the Council's Assessment Report (**BOLD** our emphasis)

*...The Greater Sydney Region Plan and Central City District Plan highlight the need for providing housing in well-serviced locations, supported by infrastructure. Broadly speaking, **the objectives of these plans would be satisfied** given the services available within the Baulkham Hills Town Centre and the existing bus services that provide public transport to and from this location...*

6.1.1 Local Strategic Planning Statement (LSPS)

The Planning Proposal meets all of the relevant Planning Priorities of *The Hills Local Strategic Planning Statement* (LSPS). We note a key issue raised in Council's Assessment Report is the following comment in LSPS:

...Council will discourage commercial and residential uplift in Baulkham Hills Town Centre until such time as transport and traffic issues are resolved...

Importantly, we note this commentary in the LSPS does not constitute a prohibition, rather that future uplift in the Town Centre **be discouraged**.

On this basis, it is reasonable to assume that this comment is not intended as a moratorium on future development in the Baulkham Hills Town Centre. Council may still support a proposal that adequately addresses other key LSPS planning directions, including transport and traffic issues.

Council's Assessment Report acknowledges the benefits of the proposed traffic mitigation measures.

Importantly, the Report recognises that additional traffic resulting from the Planning Proposal on regional road network is negligible as detailed in the following extract from the Council Assessment Report (**BOLD** our emphasis):

*...In this regard, it should be noted that the traffic and transport issues currently experienced within the Baulkham Hills Town Centre are primarily the result of regional through-traffic, not the development outcome on the land subject to this planning proposal (or local development and traffic within the Baulkham Hills Town Centre generally). **Furthermore, in the context of these regional traffic volumes, the traffic impacts associated with the uplift sought through this individual planning proposal would be negligible...***

Given the Planning Proposal's consistency with all of the other relevant priorities in both state and local policies, Council must consider properties within the Town Centre on a site by site basis and make informed decisions based on strategic and site specific merit. The Hills Club site has previously been identified by Council as an important site for future redevelopment. In addition, to retaining the club and providing a modern facility, this also provide opportunities to improve amenity and infrastructure in Baulkham Hills Town Centre with a better use of private recreation land.

The concept scheme has been designed so that all traffic, with the exception of the loading dock, will enter and exit the site from Jenner Street. This access arrangement has been developed to avoid placing any traffic from the car park directly on to the state and regional roads. Upgrades are proposed at the following intersections via a Voluntary Planning Agreement (VPA):

- Old Northern Rd and Hill Street
- Old Northern Rd and Cook Street

These upgrades will not only reduce the impact of new vehicle movements in the wider area but will also improve pedestrian and vehicle safety at these locations. Based on the above, it is entirely reasonable to conclude that the Planning Proposal is detached from the above comment in the LSPS and should proceed to a Gateway Determination.

6.1.2 Strategic Merit Summary

The Planning Proposal demonstrates consistency with the relevant objectives and actions set out in the above listed strategic plans and policies. In particular, the Planning Proposal will revitalise The Hills Club - a key piece of social infrastructure within the Baulkham Hills Town Centre. The Planning Proposal will also provide for increased housing and a variety of housing types including seniors housing within an accessible and well serviced location.

The proposal will contribute to the urban renewal of the Baulkham Hills Town Centre through the redevelopment of an identified strategic Investigation site, providing approximately 228 residential dwellings, 3,108m² of club floor space and 152m² of retail/commercial floor space.

Based on the above, the proposal will positively contribute towards achieving the housing and employment generating floor space targets established for Baulkham Hills under both the LSPS and the Baulkham Hills Town Centre Draft Master Plan.

6.2 Site-Specific Merit

The characteristics of the site, its land use context and its location are described in the Planning Proposal package. The site is suitably located and well positioned to accommodating the Proposal as:

- the site is strategically located within the Baulkham Hills Town Centre providing an opportunity for urban renewal and activation of both Old Northern Road and Jenner Street
- it is identified as a Strategic Investigation Site under the Baulkham Hills Town Centre Draft Master Plan
- provides an opportunity to revitalise an existing and underutilised recreational facility, resulting in positive economic, social and community benefits and safeguarding the long term financial viability of The Hills Club
- it is suitably located to provide a range of housing choices where residents will have immediate access to a range of facilities and amenities for recreation and socialising, directly supporting their health and wellbeing
- it is well positioned to provide increased local employment opportunities through the creation of an enhanced and expanded club and retail facilities
- it is well serviced by public transport, including regular bus services to two Metropolitan City Centres (Sydney & Parramatta) and eight strategic centres (Hornsby, Norwest, Castle Hill, Blacktown, Epping, Macquarie Park, St Leonards, North Sydney)
- it provides an opportunity to improve permeability between Baulkham Hills Town Centre and the surrounding area
- the proposal is capable of consistency with *State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development* (SEPP 65) and the Apartment Design Guide (ADG)
- the proposed built form is the result of detailed urban design studies that will act as a catalytic development to activate Old Northern Road; to respond to the site and adjoining residential development; heritage items; and open space
- the proposal will provide good open space outcomes, balancing the need to maintain the recreational nature of the Club and zoning as well as for future residents in a medium-high density environment
- the proposed DCP ensures the delivery of the indicative scheme to meet ADG and give consideration to Council's local controls where appropriate. Notwithstanding, the applicant is prepared to continue consultation with council staff to refine the built form, landscaping and open space parameters to guide future development of the site.

The site specific issues raised in the Council report are largely related to the proposed indicative built form, landscaping and open space. It is considered that these issues can be further addressed through the detailed design phase of the proposal.

Alternatively, these matters could be also addressed as conditions of the Gateway Determination. This approach is also considered appropriate given the applicant's track record of consultation with Council staff, demonstrated through the various design amendments to the proposal.

6.3 Council Assessment Report

On 27 September 2022, Council considered a Report from Council officers on the Planning Proposal. Importantly, it canvassed the following 2 options for Council's consideration:

- Option 1 Not proceed to a Gateway Determination*
- Option 2 Proceed to gateway Determination subject to conditions to address site specific issues raised by Council staff*

The report does not raise any strategic planning issues relating to the project, with the exception to traffic commentary in the LSPS as outlined below (**BOLD** our emphasis):

*...Council's Hills Future 2036 Local Strategic Planning Statement (LSPS) identifies traffic and transport issues at this location, related to the regional road network and the level of service of the intersection of Seven Hills Road, Windsor Road and Old Northern Road. Council's Local Strategic Planning Statement specifically identifies that Council will "discourage commercial and residential uplift in Baulkham Hills town centre until transport and traffic issues are resolved". **While Council has continued advocating for the necessary improvements to the road network and the public transport offering through Baulkham Hills, this issue has not yet resulted in a commitment from Government.***

As such, the traffic and transport issues which impede further development in Baulkham Hills Town Centre have not been resolved and any uplift within the Town Centre (such as that sought through this planning proposal) would be inconsistent with the policy settings clearly established within Council's LSPS. For this reason, it is the recommendation of Council officers that the planning proposal does not satisfy the Strategic Merit Test and should not proceed to Gateway Determination.

*If the Council was of a mind to vary its policy position with respect to uplift in Baulkham Hills Town Centre, as stated in the LSPS, **there would be no other significant strategic planning issues which would impede the progression of the planning proposal. This site is in a unique situation, in that it has not benefited from the masterplanning completed for the Baulkham Hills Town Centre to date, it contains private recreation facilities and is zoned RE2 Private Recreation to reflect this. Other sites in the town centre do not contain recreation facilities or significant social infrastructure that contributes to the vibrancy of the town centre and furthermore, these other sites have already benefited from some amount of uplift that has been made available under the current planning controls. The site also has a unique feasibility scenario, and it is evident that the proposed density and yield is, in part, being sought as a means of allowing the feasible redevelopment and preservation of the bowling club use within the town centre...***

The report concludes the proposal meets all other strategic planning policies other than a broad brush comment in the LSPS to stifle the urban renewal of the Baulkham Hills Town Centre until the State Government commits to major regional traffic works.

The Planning Proposal concludes that traffic from the proposal will be negligible, which is supported in the Assessment Report. This matter has also been addressed in Section 6.11 of this Report. We note the report does raise issues and make commentary on built form, landscaping and open space – which can be satisfactorily addressed. A detailed response to the issues raised in this Report is provided in Attachment 5.

7 Public Benefits

Public benefit arcs across both strategic and site specific merits as a central consideration in all Planning Proposals.

The Planning Proposal provides significant public benefits for the local and broader community including:

- retention of a valuable community club in the Baulkham Hills Town Centre by providing a new upgraded club with modern facilities to service bowls and many other community sporting groups
- ongoing use of the site for private recreation and community uses
- provides a new \$150 million catalytic mixed use development to support the urban renewal of the Baulkham Hills Town Centre
- high quality urban design and architectural response to the site
- additional areas of public domain and formalised and additional public connections through the site
- delivery of two pedestrian through-site links between Jenner St and Old Northern Rd
- stimulation of the Baulkham Hills economy with 663 full time construction-related jobs and 132 full time operational jobs expected to be provided with \$130 million direct investment in the local area
- urban renewal of Baulkham Hills including activation of Old Northern Road
- improved housing diversity through delivery of seniors housing and market housing with various unit sizes
- a contribution through a \$7.7 million VPA including contributions towards:
 - upgrades to George Suttor Reserve
 - contribution towards Hills Community Care
 - traffic and pedestrian improvements
 - public domain upgrades
 - future active open space

8 Summary

This *Rezoning Request Review - strategic and site specific merit justification* clearly confirms that a review is warranted.

We consider the Planning Proposal has strong strategic and site-specific merit as well as broader public benefit for the local and wider community.

The Planning Proposal provides a new state of the art Club, strengthening its long standing role as vital community infrastructure for The Hills. The proposal is catalytic development to revitalise the Baulkham Hills Town Centre characterised by:

- improved streetscape activation along Old Northern Road
- improved traffic, access and transport outcomes
- 2 new public thoroughfares to adjoining residential areas
- residential and seniors living in a highly accessible location close to existing transport and services
- sensitive masterplanning to respect residential development in Jenner Street

The Planning Proposal is the result of meaningful consultation with Council staff and includes significant built form amendments to address concerns while ensuring the survival and ongoing viability of The Hills Club.

Importantly, we note that many of the public benefits, strategic and site specific justification of the Planning Proposal are supported by Council staff in the Assessment Report to the 27 September 2022 Council meeting. This is evident in the optional recommendations canvassed in the Council Officers' Report and our detailed response in Attachment 5 of this report.

In relation to some site specific matters raised, the applicant is more than willing to continue this discussion as part of any Gateway condition for further design refinements and further information.

In consideration of the above listed strategic and site specific justification, it is considered that a compelling case is provided to the Panel for review and subsequently issue of a Gateway determination.

We ask that the information outlined above be carefully considered by the Panel in its consideration of our Rezoning Review Request.

We look forward to the opportunity to brief the Panel as part of its assessment of the Planning Proposal and supporting documentation.

Attachment 1

Planning Proposal (August 2022) and supporting material

Attachment 2

Correspondence from The Hills Council and state agencies

The following correspondence was received from Council during the preparation and assessment of the Planning Proposal:

- Council feedback on the draft Planning Proposal dated 13 August 2020
- Council finalised preliminary assessment of the Planning Proposal outlining matters for consideration dated 26 July 2021
- Council advise the applicant reasons why the Council Assessment Report to the LPP will not be made available dated 8 June 2022

The applicant and its consultant team met with Transport for NSW on two occasions to discuss the scheme. These discussions informed the Planning Proposal, in particular the proposed traffic mitigation and improvement works.

Attachment 3

Council Assessment Report and Resolution (27 September 2022)

Attachment 4

Response to the Local Planning Panel

Issues raised	Response
<i>In the absence of a commitment from Government to the resolution of regional traffic and transport issues impeding development within the Baulkham Hills Town Centre, the proposal is inconsistent with the policy position articulated within Council's LSPS, which specifically identifies that Council will "discourage commercial and residential uplift in Baulkham Hills town centre until transport and traffic issues are resolved". It is noted that the Council's LSPS has been endorsed by the Greater Sydney Commission, and State agencies that it is informed by, and therefore its provisions have policy weight that needs to be observed.</i>	<p>The concept scheme has been designed so that all traffic, with the exception of the loading dock, will enter and exit the site from Jenner Street.</p> <p>This access arrangement has been developed to avoid placing any traffic from the car park directly on to the state and regional roads. It is therefore considered that this detaches the development from the transport issues raised in the LSPS.</p> <p>Notwithstanding, as part of the VPA, upgrades are proposed at the following local intersections:</p> <ul style="list-style-type: none"> • Old Northern Rd and Hill Street • Old Northern Rd and Cook Street <p>These upgrades will not only reduce the impact of new vehicle movements in the wider area but will also improve pedestrian and vehicle safety at these locations.</p>
<i>The development concept submitted demonstrates an outcome which is beyond the built form capacity of the site. Upon resolution of these issue identified in a) above, further revision of the proposed development would be required to demonstrate adequate site-specific merit, involving a marginal reduction in the maximum floor space ratio to the point where the following built form outcomes could be achieved:</i>	<p>The indicative scheme has been updated to respond to the matters raised by Council's LPP as detailed below.</p>
<i>Maximum building length of 65 metres;</i>	<p>All buildings now comply with the maximum building length requirement of 65m.</p> <p>In particular, the podium of Building A fronting Old Northern Road has been reduced from 82.6m to 65m.</p>
<i>Maximum tower floor plate of 750m²</i>	<p>As detailed on the Architectural Plans, the tower floor plate of Building A will have a GFA of 716m²</p>
<i>Building separation which complies with the Apartment Design Guide</i>	<p>As detailed on the Architectural Plans, the proposal is compliant with the applicable ADG building separation distance and setback requirements.</p>

Issues raised	Response
<p><i>Solar access to at least 50% of George Suttor Reserve between 11am - 2pm on 21 June;</i></p>	<p>For ease of reference building separation distances are annotated on the Architectural Plans.</p> <p>The indicative scheme achieves a suitable level of sunlight to George Suttor Reserve in mid-winter with an average of 74% of the park area receiving sunlight between the hours of 9am and 3pm.</p> <p>This is achieved as the indicative scheme limits building height at the eastern end of the site, orientates the proposed tower on the north-south axis and limits building depth on the east-west axis.</p> <p>To clarify, the existing Baulkham Hills Early Childhood Clinic has been discounted from the park area given this is an existing building and contributes to overshadowing of the park.</p> <p>Specifically, between 11am and 2pm an average of 64% of the park area of George Suttor Reserve will achieve sunlight.</p> <p>At 1pm 36.7% of the park area of George Suttor Reserve will achieve sunlight. While the total extent of the park in direct sunlight is below 50% at 1pm, the open space area between the playground and Old Northern Road is in sunlight.</p> <p>By 2pm significant solar access is restored to the reserve with over 65% of the park in sunlight and by 3pm 80% of the park is in sunlight.</p> <p>On this basis, a suitable level of sunlight is achieved to George Suttor Reserve.</p>
<p><i>Solar access to common open space of 4 hours between 9am - 3pm on 21 June;</i></p>	<p>Each building is provided with its own primary area of communal open space at roof top level. These areas will achieve in excess of 4 hours of solar access between 9am and 3pm on 21 June.</p> <p>It is noted that this exceeds the requirements of the ADG which establishes that developments are only required to achieve a minimum of 50% direct sunlight to the principal usable part of communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June.</p>
<p><i>Compliance with the relevant standards within the Apartment Design Guide, including but not limited to solar access for</i></p>	<p>An ADG checklist is included within the updated Planning Proposal Package. This demonstrates</p>

Issues raised	Response
<p><i>all apartments and deep soil zone provision;</i></p>	<p>that the proposal complies with the requirements of the ADG.</p> <p>With regard to solar access 95% of units achieve solar access between 9am and 3pm in mid winter. The ADG only requires 70% of units to achieve this requirement.</p> <p>15.7% of the site is provided as deep soil zone. This is in excess of the ADG which only requires that 7% of the site be provided as deep soil zones.</p> <p>74% of units are naturally cross ventilated. The ADG only requires 60% of units to achieve this requirement.</p>
<p><i>Common open space for residents is to be designed to be seen from the street between buildings, provide for active and passive recreation needs of all residents, include landscaping, present as a private area for use by residents only, include passive surveillance from adjacent internal living areas and/or pathways, have a northerly aspect where possible and be in addition to any public thoroughfares;</i></p>	<p>Due to the reduced podium length for Building A, increased setbacks are provided to the northern and southern boundaries on the Old Northern Road frontage.</p> <p>In particular, the northern setback is increased from 10m to 17.8m, while the southern setback is increased from 11.8m to 17m.</p> <p>These increased setbacks facilitate improved view lines towards the ground level communal open space and bowling greens to the rear of Building A.</p> <p>Whilst it is noted that the bowling greens at ground level are part of the club, they will be capable of being used by future residents through membership of the club. On this basis, this space will positively contribute to the recreation needs of residents.</p> <p>The ground level open space together with the roof top areas of communal open space are orientated to the north for sunlight and are suitably landscaped. This ensures that these areas will achieve a high degree of amenity for future residents.</p>
<p><i>Front setbacks consistent with the building line of the adjacent heritage building and development to ensure that sight lines to the heritage building are maintained from Old Northern Road and ensure the retention of the existing street trees along the front boundary of the site. An increase in the front setback should not be at the expense of the amenity of private open space at the rear of the building, which, as stated above, should also be enhanced</i></p>	<p>The ground level front setback for Building A on Old Northern Road is increased from 3.58m to 6m. This facilitates:</p> <ul style="list-style-type: none"> • a consistent building line with Creasy's Cottage, improving view lines towards this heritage item • retention of street trees along Old Northern Road

Issues raised	Response
<i>and improved through reconsideration of the current design;</i>	<ul style="list-style-type: none"> improved streetscape presentation and public domain outcome through the provision of a wider footpath <p>The increased front setback has been achieved by reconfiguring the podium level of Building A. This ensures that there has been no net loss of private open space to the rear.</p>
<i>Consider provision of an additional through site link on the northern boundary of the site, to provide better pedestrian access to the retail core of Baulkham Hills Town Centre</i>	<p>An additional through site link is provided along the northern boundary. This, together with the southern through site link, will significantly improve permeability and walkability within Baulkham Hills Town Centre.</p>
<i>The impact of these revisions would need to be tested and found to be suitable in terms of their off-site impacts, particularly traffic impacts on Jenner Street</i>	<p>The proposed amendments have been tested to ensure there are no anticipated significant adverse impacts to surrounding residents or traffic flows on Jenner Street.</p>

Attachment 5

Response to Council Assessment Report

Key consideration in Council report	Response	Adequately addressed (Yes/No)
<i>Strategic Merit</i>	<p>The Council Assessment Report (Report) concludes that the proposal is generally consistent with the wide range of state and local strategic plans, directions and policies.</p> <p>The exception is the inconsistency with the commentary in the LSPS relating to the provision of regional traffic issues. This issue has been addressed in the Planning Proposal and this request.</p> <p>This request concludes that on balance, the Planning Proposal meets the Strategic Merit test to allow the Proposal to be supported and proceed to a Gateway Determination.</p>	<p>Yes</p> <p>Yes (on merit)</p>
<i>Additional Permitted Uses</i>	The Report concurs with the Planning Proposal on this issue.	Yes
<i>Built Form, Height, Bulk and Scale</i>	<p>The proposal is the result of careful architectural, urban design analysis. This work has balanced the operation needs of the Club, amenity of new and surround residential uses.</p> <p>Importantly the proposal responds well to surrounding urban context through proposed built form, height, bulk and scale as detailed in the response by Altis below:</p> <p><i>The built form and massing for the site is centred around providing generous recreational and landscaped areas for the community and respectfully responding to the differing adjacent contexts and scales.</i></p> <p><i>The Jenner Street edge condition is addressed through a low scale, articulated and terraced built form with activation through ground floor apartments and terraces that reinforce the character of the suburban street.</i></p> <p><i>The Old Northern Road frontage provides a well setback terraced built form that responds to the surrounding context which aims to define and anchor the town centre through its site connections and permeability. This consists of a highly articulated 6 storey podium reinforcing the tree lined street alignment and activation that defines and contains</i></p>	Yes

Key consideration in Council report	Response	Adequately addressed (Yes/No)
	<i>the 'high street' of the town centre with a setback floating tower form above.</i>	
<i>Building Separation</i>	<p>The proposal meets the intent and objectives of building separation. Altis makes the following comment:</p> <p><i>The proposed design is capable of achieving compliance with the intent of ADG's Visual Privacy and Building separation requirements through considered planning, built form articulation and screening to achieve a reasonable level of external and internal visual privacy for the development.</i></p> <p><i>With consideration of the existing context and site topography, compliance can be achieved to the interface of Building B and C through ensuring the apartments principle living and private open space are oriented away from the adjacent buildings with additional provision for appropriate screening elements that maintain a reasonable level of external and internal privacy to apartments.</i></p>	Yes
<i>Solar Access to Communal Open Space, Public Open Space.</i>	<p>Solar access to both future, adjoining residents as well as the Club has been a key consideration in the design of the proposal. Altis makes the following comments:</p> <p><i>The proposal provides communal landscaped rooftop areas for each residential building that afford a high level of solar access and amenity. In addition, there is a communal open space on the lower ground level of the development overlooking the undercover green.</i></p> <p><i>When viewed holistically across the proposal the principal communal open spaces within the development will achieve 50% direct sunlight for a minimum of 2hr during mid-winter (21st June) between the hours of 9am and 3pm to their principle useable part.</i></p> <p><i>The open-air bowling green is also well sited in the proposal providing another communal open space with a high level of solar access and amenity for the community on the site.</i></p> <p><i>The proposed built form and building envelope also maintains a suitable level of sunlight to George Suttor Reserve in mid-winter by limiting building height at the eastern end of the site, orienting the proposed tower on the north-south axis and limiting building depth on the east-west axis.</i></p>	Yes

Key consideration in Council report	Response	Adequately addressed (Yes/No)
	<p><i>The shadow analysis undertaken in the planning proposal demonstrates that George Suttor Reserve receives excellent solar access in midwinter during the morning hours with 82%-99% of the park in the sun.</i></p> <p><i>Overall, the extent of solar access to the reserve is very good and the amenity of the reserve is not unreasonably impacted.</i></p> <p><u><i>Communal Open Space</i></u></p> <p><i>The communal open space is well located across the proposal with consideration of its mixed-use nature to provide the highest level of amenity and privacy possible. The available communal open space is further increased and enhanced with through site links and the open-air bowling green that offer an additional level of community space and amenity available within the development.</i></p> <p>Notwithstanding the merit of the indicative design approach, the Planning Proposal has been prepared on the basis of ADG requirements with consideration of the Hills DCP 2012 in accordance with Section 6A of SEPP 65 is relevant as detailed below:</p> <p><i>6A Development control plans cannot be inconsistent with Apartment Design Guide</i></p> <p><i>(1) This clause applies in respect of the objectives, design criteria and design guidance set out in Parts 3 and 4 of the Apartment Design Guide for the following—</i></p> <ul style="list-style-type: none"> <i>(a) visual privacy,</i> <i>(b) solar and daylight access,</i> <i>(c) common circulation and spaces,</i> <i>(d) apartment size and layout,</i> <i>(e) ceiling heights,</i> <i>(f) private open space and balconies,</i> <i>(g) natural ventilation,</i> <i>(h) storage.</i> <p><i>(2) If a development control plan contains provisions that specify requirements, standards or controls in relation to a matter to which this clause applies, those provisions are of no effect.</i></p> <p><i>(3) This clause applies regardless of when the development control plan was made</i></p>	

Key consideration in Council report	Response	Adequately addressed (Yes/No)
	The Report concurs with the Planning Proposal in relation to the overshadowing of George Suttor Reserve.	
<i>Apartment Design Guide Compliance</i>	The Report concurs with the Planning Proposal on this issue.	Yes
<i>Common Open Space</i>	<p>The Report concurs with the Planning Proposal on this issue, with the exception of the following 3 issues, that common open space should:</p> <ul style="list-style-type: none"> be designed to be seen from the street between buildings, present as a private area for use by residents only have a northerly aspect where possible; <p>Altis provide the following comments in response to the above issues:</p> <ul style="list-style-type: none"> <i>be designed to be seen from the street between buildings</i> <p><i>The proposal provides visual activation and transparency into the site through building separation and setbacks. Due to the site's topography and terraced nature the referred street visibility may not always be practically possible, however a series of pedestrian connections and through site links to the town centre further reinforce this visual connection.</i></p> <ul style="list-style-type: none"> <i>present as a private area for use by residents only</i> <p><i>The communal area located at lower ground level in the centre of the development provides a secure and private landscaped space overlooking the sunken bowling green for the exclusive use of the residents.</i></p> <p><i>The residents also have access to a rooftop communal open space for each building that provide a high level of amenity and privacy.</i></p> <ul style="list-style-type: none"> <i>have a northerly aspect where possible.</i> <p><i>The communal rooftop open spaces are located on each building to provide a northerly aspect with increased amenity and solar access for all residents</i></p>	Yes (on merit)
<i>Traffic and Transport</i>	We have carefully reviewed the report. Our traffic and transport consultant provides the following response to the following relevant matters:	Yes

Key consideration in Council report	Response	Adequately addressed (Yes/No)
	<ul style="list-style-type: none"> <i>It is noted in the Traffic Impact Assessment that the Proponent has commenced consultation with Transport for NSW (TfNSW) to demonstrate that site access is necessary from Old Northern Road.</i> <p>The applicant and its traffic consultants commenced discussions with TfNSW in September 2020 via an introduction meeting on the 5 September 2020 where the concept of access from Old Northern Road was presented and the agreed actions were for the applicant to present evidence that the access and new approach to the traffic signal intersection would result in no detrimental impact.</p> <p>This was subsequently undertaken and presented in the TIA.</p> <ul style="list-style-type: none"> <i>However, as Old Northern Road is a classified road, further consultation would ultimately need to be undertaken with TfNSW to understand their views regarding vehicular access, if the proposal was to progress.</i> <p>We agree and acknowledge that further consultation with TfNSW will be required and is appropriate through the Development Application stage.</p> <p>Our traffic consultant makes the following specific comments to matters raised in the council report as detailed below:</p> <ul style="list-style-type: none"> <i>The total number of expected peak trips of 260 per day is not significant in isolation and will not materially impact on the current traffic situation within the Town Centre or the adjoining streets</i> <p>We agree with this statement.</p> <ul style="list-style-type: none"> <i>However, the cumulative effects on the existing local and regional traffic volume need to be considered, in the context of potential future growth within the broader Baulkham Hills Town Centre. Council has advocated to the NSW State Government on several occasions to obtain funding to be allocated towards upgrades to the road network within Baulkham Hills Town Centre</i> <p>While we agree with Council in relation to the regional character of the traffic activity through the centre, we</p>	

Key consideration in Council report	Response	Adequately addressed (Yes/No)
	<p>note that the lack of funding / solutions from the State Government should not prevent the approval of this gateway application on the grounds of traffic impact.</p> <ul style="list-style-type: none"> <i>The proposal is likely to have a fairly negligible impact on the current local road network in comparison to the current situation, however it is anticipated that if the proposal were to progress, consultation with TfNSW would be necessary with respect to the potential impacts on the regional road network.</i> <p>We agree with this statement and note that the development has been designed to direct its traffic activity away from the town centre intersections other than the service vehicle access proposed opposite Olive Street.</p> <p>The monetary contributions to the road upgrades will mitigate any slight local road impacts and improve current safety shortcomings within the local road network.</p> <p>On balance, this provides an improvement to the community, without impacting on the existing regional traffic constraints in the town centre.</p>	
<i>Heritage</i>	The Report concurs with the Planning Proposal on this issue.	Yes
<i>Infrastructure Demand and Voluntary Planning Agreement Offer</i>	<p>The Report concurs with the Planning Proposal on this issue, concluding</p> <p><i>...VPA offer is considered to be fair and reasonable, and adequate to addresses the local infrastructure demand likely to be generated by the proposed development...</i></p>	Yes
<i>Development Control Plan</i>	<p>It is considered (if that these detailed design issues can be resolved as a Gateway condition with the site specific DCP updated accordingly.</p> <p>Notwithstanding, Altis's response to each design issue is as follows:</p> <ul style="list-style-type: none"> Front setbacks to Jenner Street <p><i>The 6m front setback to Jenner Street is proposed to reinforce the suburban streetscape through the activation and introduction of front accessed courtyards and garden spaces that engage and enhance the streetscape.</i></p>	Yes (on merit)

Key consideration in Council report	Response	Adequately addressed (Yes/No)
	<p><i>The adjacent building setbacks encourage the location of unsightly utilities including waste storage areas that have a detrimental impact on the streetscape.</i></p> <ul style="list-style-type: none"> • Landscaped Area <p><i>The site proposal consists of approx. 60% landscaped areas in comparison to the built form. This largely consists of the central community and landscaped zones perimeter deep soil planting and through site links.</i></p> <ul style="list-style-type: none"> • Common Open Space <p><i>Site Area = 13,409sqm</i></p> <p><i>Required communal open space based on site area = 3,353sqm (25%)</i></p> <p><i>Total Proposed Communal Open space including landscape area = 3,353sqm (25%)</i></p> <p><i>The site also provides 1,225sqm of community open space through an open-air bowling green which is available to the residents on site in addition to the landscaped through site links.</i></p> <p><i>If combined with the communal open space this would result in 34% of the site area available for communal purposes.</i></p> <ul style="list-style-type: none"> • Subterranean Apartments <p><i>Subterranean Apartments are not proposed within the development with these areas being allocated to common facilities and the like.</i></p> <ul style="list-style-type: none"> • Old Northern Road Tree Retention <p><i>It is proposed that the existing large-scale Trees are retained along the Old Northern Road frontage.</i></p>	