



10 February 2023

Ms Angela Hynes  
Manager, Metro Central  
Planning & Land Use Strategy  
Department of Planning and Environment  
Locked Bag 5022  
PARRAMATTA NSW 2124

Our Ref: 7/2021/PLP  
Your Ref: RR-2022-32

Dear Ms Hynes

**REQUEST FOR REZONING REVIEW – THE HILLS BOWLING CLUB – 6-18 JENNER STREET, BAULKHAM HILLS (7/2021/PLP)**

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Reference is made to a letter received from the Department of Planning and Environment (DPE) dated 20 January 2023 advising that DPE has received a Rezoning Review request in relation to a planning proposal lodged with Council for land at 6-18 Jenner Street, Baulkham Hills. Thank you for the opportunity to provide a response and outline the reasons for Council's decision not to progress the matter to Gateway Determination.

**Inconsistency in Material Submitted**

Please be advised that the documentation submitted by the Proponent as part of the Rezoning Review is *not* the same proposal that was considered by Council in its determination of the proposal on 27 September 2022. With respect to the documentation lodged by the Proponent for the Rezoning Review application, the following is noted:

- In the Rezoning Review Application Form, the Proponent's description of the planning proposal relates to an earlier iteration of the proposal which was subsequently revised by the Proponent. This description references the FSR and Height amendments from the originally lodged proposal, and not the revised FSR and Height amendments of the revised proposed submitted by the Proponent in the August 2022, which was the proposal considered and determined by the Council.
- The Proponent's Rezoning Review Justification response refers to '*Attachment 2 Correspondence from The Hills Council and state agencies*'. However, the Proponent did not submit to Council any correspondence from any state agencies as part of their planning proposal package.
- The Heritage Impact Statement is dated January 2021. Council determined the proposal based on the Heritage Impact Statement submitted by the Proponent in August 2022.

- The Landscape and Public Domain Concept is dated October 2020. Council determined the proposal based on the Landscape and Public Domain Concept submitted by the Proponent in August 2022.
- The Traffic Impact Assessment is dated October 2020. Council determined the proposal based on the Traffic Impact Assessment submitted by the Proponent in July 2022.
- The Concept Master Plan is dated February 2021. Council determined the proposal based on the Concept Master Plan submitted by the Proponent in August 2022.
- The Urban Design Report is dated October 2020. Council determined the proposal based on the Urban Design Report submitted by the Proponent in August 2022.
- The Voluntary Planning Agreement letter of offer is dated February 2021. This was superseded by a revised letter of offer submitted by the Proponent on 12<sup>th</sup> August 2022, which was the version of the offer considered by Council.

The following documentation is also missing from the Proponent's Rezoning Review submission, which formed part of the planning proposal package that was determined by Council:

- Draft Development Control Plan which was submitted to Council (the Rezoning Review package only includes a DCP framework, not the actual DCP document);
- Additional Information Letter from Proponent dated 14 September 2022; and
- GFA and FSR Summary Plans dated 14 September 2022.

It is submitted that the Rezoning Review package should reflect the correct versions and full package of material that was considered by Council, including revisions to the Proposal which were submitted by the Proponent but which are not reflected in their Rezoning Review application. In the event that the Proponent submits different or additional material (for example, superseded plans or submissions from TfNSW or other state agencies), this should not form part of the assessment and should be disregarded as they were not provided to Council during the assessment process nor were they the subject of the determination made by Council which is now being reviewed.

Separately, it is noted that the Proponent's Rezoning Review material was not made available to Council officers for review until 31 January 2023 (nearly 2 weeks after Council received the Department's request for comments and only following multiple follow-up requests by Council officers). As such, Council has not been provided with the full 21 days to review and comment on this material. To ensure procedural fairness, it is requested that in the future, the Department ensure that the Rezoning Review application material is made available to Council officers at the same time as the written request to Council for comment.

#### Local Planning Panel Advice

On 18 May 2022, The Hills Local Planning Panel considered the proposal and provided the following advice to Council:

*The planning proposal should not proceed to Gateway Determination on the basis that:*

- a) *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.*

*b) 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:*

- *Maximum building length of 65 metres;*
- *Maximum tower floor plate of 750m<sup>2</sup>;*
- *Building separation which complies with the Apartment Design Guide;*
- *Solar access to at least 50% of George Suttor Reserve between 11am – 2pm on 21 June;*
- *Solar access to common open space of 4 hours between 9am – 3pm on 21 June;*
- *Compliance with the relevant standards within the Apartment Design Guide, including but not limited to solar access for all apartments and deep soil zone provision;*
- *Common open space for residents is to be achieved to be seen from the street between buildings, provide for active and passive recreation needs of all residents, include landscape, 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;*
- *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 and improved through reconsideration of the current design;*
- *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.*

*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.*

Following receipt of the Local Planning Panel Advice, Council officers wrote to the Proponent providing a copy of the advice. The Proponent advised on 6 July 2022 that they intend to update the planning proposal material in response to the LPP advice.

A revised proposal was submitted on 4 August 2022 and the planning proposal was subsequently reported to Council at its Ordinary Meeting on 27 September 2022.

#### Council Determination

At its Meeting on 27 September 2022, Council considered the revised planning proposal submitted by the Proponent in August 2022 (including revised FSR and Height of Building controls sought, revised supporting technical studies and concepts and a revised VPA offer, many of which are not reflected in the Proponent's Rezoning Review Application).

Council resolved as follows:

*The planning proposal applicable to land at 6-18 Jenner Street, Baulkham Hills (Lot 4 DP 1108855, Lots 39-45 Sec 2 DP 2489 and Lot Z DP 400638) not proceed to Gateway Determination, the draft Development Control Plan not progress and the draft Voluntary Planning Agreement Offer not be accepted.*

A copy of the Council Report and Minute, including the Council Officer Assessment Report to the Local Planning Panel and the Panel's advice are provided as Attachment 1 for your information.

A detailed response to the Rezoning Review assessment criteria, contained in DPE's *Local Environmental Plan Making Guideline*, is provided as Attachment 2 to this letter. Please note, that Council's detailed response to the Rezoning Review assessment criteria relates to the version of the proposal that was considered and determined by Council in September 2022 (which, as noted above, differs to the version of the Proposal submitted by the Proponent for Rezoning Review).

In summary, Council determined that the proposal did not demonstrated adequate strategic or site specific merit to warrant progression to Gateway Determination.

With respect to strategic merit, it is noted that:

- The proposal is broadly consistent with the strategic planning framework as it relates to the Greater Sydney Region and District Plans objective of providing housing in well-served locations, supported by infrastructure.
- The rejuvenation of the Hills Club is a positive element that would create community benefits and act as a catalyst for revitalising the Baulkham Hills Town Centre in line with the housing needs of the future population.
- However, 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 LSPS, as assured by the GCC, 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 as endorsed by the Greater Cities Commission (GCC).
- Critically, the proposal's consistency with some strategic objectives, particularly aligning infrastructure with growth, would be heavily contingent upon securing the proposed infrastructure offer submitted by the Proponent in the form of a Voluntary Planning Agreement (VPA) offer to Council. Council officers were of the view that the letter of offer considered within the report to Council on 27 September 2022 represented a fair and reasonable contribution towards local infrastructure upgrades that would be commensurate with the anticipated local impact generated by the proposed development. However, this was not progressed given the planning proposal did not demonstrate sufficient strategic or site specific merit. If the Panel was to form a different view to Council with respect to the



strategic and site specific merit of the proposal, it remains critical that any progression of the proposal occur in line with an appropriate infrastructure mechanism, in the form of the Proponent's VPA offer to Council dated 12 August 2022 (noting that this offer superseded the VPA offer which the Proponent has included within the Rezoning Review application material).

With respect to site specific merit, it is considered that:

- The proposal, as considered by Council, did not demonstrate adequate site specific merit. While numerous revisions were made to the proposal by the Proponent in response to technical feedback from Council Officers over the 18-month assessment period, these did not result in the ability for the Proponent to demonstrate the ability to address site specific issues, at the density and height being sought.
- There are a number of site specific issues that remain unresolved as part of the proposal determined by Council. These include:
  - Reducing the perceived bulk and scale of the development, which results in the combination of the proposed height, building length, footprint size and lack of building recess and articulation;
  - Inability for the development to satisfy the minimum solar access requirements for common open space within Council's DCP;
  - Inability to demonstrate compliance with minimum building separation distances as required by the Apartment Design Guide;
  - Front setbacks to Jenner Street, which should be a minimum of 10 metres;
  - The calculation of landscape area under Council's DCP, which should remain unchanged and *not* include 'hardscape' areas;
  - The provision of common open space at a rate of no less than 20m<sup>2</sup> per dwelling;
  - The removal of subterranean apartments; and
  - The retention of existing trees along the Old Northern Road frontage.
- While the above measures could be included as relevant controls within a site specific development control plan, satisfaction of the site specific merit test can only occur where there is a reasonable level of certainty that these matters can actually be overcome in the context of the density and height being sought through the proposal. The Proponent was unwilling to further reduce the density or height being sought through their application and despite numerous iterations of the planning proposal, were unable to demonstrate that if the proposed height and floor space ratio amendments progressed, compliance could be achieved with these key site planning outcomes that are expected of any future development.

More detailed discussion on these site specific issues is contained within Attachment 1 (Council Report and Minute, 27 September 2022). Copies of Council Officer feedback provided to the Proponent during the assessment period is provided as Attachments 3 and 4, including written feedback from Officers prior to the formal lodgement of the planning proposal. Following receipt of this pre-lodgement advice, as well as verbal feedback provided in two pre-lodgement meetings, the Proponent formally lodged essentially the same proposal which did not address the concerns raised.

It is noted that the Proponent's rezoning review justification concludes that site specific merit issues can be addressed through further design refinements. Critically, Council Officers sought to enable this to occur and provided multiple opportunities for the Proponent to make such refinements throughout the 18-month assessment period of the planning proposal and pre-lodgment feedback. However, the Proponent was unable to address these issues or demonstrate any material change

to the scheme and as such, Council was unable to form a view that the density (FSR) and height controls being sought would lead to an appropriate site-specific development outcome if progressed.

A reduction in the proposed residential floor space and height may well allow for these issues to be overcome and for site planning to occur that better responds to site constraints, context and local character in a manner that does not create an undesirable precedent for other sites within the Baulkham Hills Town Centre. This notion was put to the Proponent during the assessment period however the Proponent declined to further reduce the FSR or height limit being sought through the planning proposal application and as such, Council was required to assess the proposal as submitted by the Proponent at that time.

Thank you for the opportunity to comment on the planning proposal. If you require further information, please contact Kayla Atkins, Strategic Planning Coordinator, on 9843 0404.

Yours faithfully



**Nicholas Carlton**  
**MANAGER - FORWARD PLANNING**

Attachments:

1. Council Report and Minute, 27 September 2022
2. Detailed Response to Rezoning Review Assessment Criteria
3. Council Officer Pre-lodgement Feedback Letter, 13 August 2020
4. Council Officer Preliminary Assessment Feedback Letter, 26 July 2021

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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 September 2022**

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3. If we do not take up all the tickets available to us, that a partner or family member of a Councillor be able to attend at their own expense; and
4. Councillors advise the General Manager as soon as possible, and by no later than 9am tomorrow, if they wish to attend; and
5. Go the Eels!"

Councillors HODGES and COX rose for a Division. The result of the Division was as follows:

**VOTING FOR THE MOTION**

Mayor Dr P Gangemi  
Clr M Hodges  
Clr F De Masi  
Clr V Ellis  
Clr M Blue  
Clr J Brazier  
Clr R Boneham  
Clr J Cox  
Clr R Jethi  
Clr Dr M Kasby  
Clr Dr B Burton  
Clr R Tracey

**VOTING AGAINST THE MOTION**

None

**MEETING ABSENT**

Clr A Hay OAM

- 7.17pm Councillor Blue having previously declared a pecuniary, significant conflict of interest left the meeting for Item 2 and returned at 7.31pm at the start of Item 3.
- 7.17pm Councillor De Masi having previously declared a non-pecuniary, less significant conflict of interest left the meeting for Item 2 and returned at 7.31pm at the start of Item 3.
- 7.21pm Councillor Jethi arrived at the meeting during Item 2 and immediately left the meeting having declared a non-pecuniary, less significant conflict of interest for Item 2 and returned at 7.31pm at the start of Item 3.

**ITEM 2                                      PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN AND DRAFT VOLUNTARY PLANNING AGREEMENT – HILLS CLUB – 6-18 JENNER STREET, BAULKHAM HILLS (7/2021/PLP)**

**Proceedings in Brief**

*Ken Carroll of The Hills Club (Objector) addressed Council regarding this matter.*

A MOTION WAS MOVED BY COUNCILLOR HODGES AND SECONDED BY COUNCILLOR COX THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

**441 RESOLUTION**

The planning proposal applicable to land at 6-18 Jenner Street, Baulkham Hills (Lot 4 DP 1108855, Lots 39-45 Sec 2 DP 2489 and Lot Z DP 400638) not proceed to Gateway Determination, the draft Development Control Plan not progress and the draft Voluntary Planning Agreement Offer not be accepted.

*Being a planning matter, the Mayor called for a division to record the votes on this matter*

**VOTING FOR THE MOTION**

Mayor Dr P Gangemi

Clr M Hodges

Clr J Brazier

Clr R Boneham

Clr J Cox

Clr Dr M Kasby

Clr Dr B Burton

**VOTING AGAINST THE MOTION**

Clr R Tracey

Clr V Ellis

**MEETING ABSENT**

Clr A Hay OAM

**ABSENT**

Clr F De Masi

Clr M Blue

Clr R Jethi

**ITEM 3                      FURTHER REPORT – DRAFT VOLUNTARY PLANNING AGREEMENT AND DRAFT DEVELOPMENT CONTROL PLAN – CASTLE RIDGE RESORT – 346-350 OLD NORTHERN ROAD, CASTLE HILL (1/2021/PLP)**

**Proceedings in Brief**

*Megan McBride of Levande (In favour) addressed Council regarding this matter.*

A MOTION WAS MOVED BY COUNCILLOR HODGES AND SECONDED BY COUNCILLOR BLUE THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

**442 RESOLUTION**

1. Draft The Hills Development Control Plan 2012 Part D Section X – Castle Ridge Resort (Attachment 3) and Residential Map Sheet 8 of Part B Section 2 – Residential (Attachment 4) be publicly exhibited concurrent with the planning proposal.

**ITEM 2** **PLANNING PROPOSAL, DRAFT DEVELOPMENT CONTROL PLAN AND DRAFT VOLUNTARY PLANNING AGREEMENT – HILLS CLUB – 6-18 JENNER STREET, BAULKHAM HILLS (7/2021/PLP)**

**THEME:** Shaping Growth

**MEETING DATE:** 27 SEPTEMBER 2022

COUNCIL MEETING

**GROUP:** SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS  
STRATEGIC PLANNING COORDINATOR

**AUTHOR:** KAYLA ATKINS

**RESPONSIBLE OFFICER:** MANAGER – FORWARD PLANNING  
NICHOLAS CARLTON



## PURPOSE

The planning proposal for land at the Hills Club, 6-18 Jenner Street, Baulkham Hills, is being reported to Council for a decision on whether or not the application will proceed to Gateway Determination.

## RECOMMENDATION

The planning proposal applicable to land at 6-18 Jenner Street, Baulkham Hills (Lot 4 DP 1108855, Lots 39-45 Sec 2 DP 2489 and Lot Z DP 400638) not proceed to Gateway Determination, the draft Development Control Plan not progress and the draft Voluntary Planning Agreement Offer not be accepted.

## IMPACTS

### Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates. The planning proposal is accompanied by a draft Voluntary Planning Agreement (VPA) which seeks to secure development contributions for the infrastructure demand generated by the proposal.

If the planning proposal was to progress and the VPA offer was accepted by Council, the VPA would secure works and monetary contributions equating to a value of \$7.65 million, comprising

delivery of traffic and pedestrian improvements and monetary contributions towards local infrastructure items, including embellishment upgrades at George Suttor Reserve.

**Strategic Plan - Hills Future**

The planning proposal, if supported, would contribute to the Shire's housing needs. However, careful consideration of built form, amenity and infrastructure outcomes is required to ensure a suitable and appropriate outcome on the site.

**LINK TO HILLS SHIRE PLAN****Strategy:**

5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.

**Outcomes:**

5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity

**LEGISLATIVE CONTEXT**

The legislative framework for Planning Proposals which amend a Council's Local Environmental Plan is established within Part 3, Division 3.4 of the Environmental Planning and Assessment Act 1979 (Clauses 3.31 to 3.37). This report seeks a decision of Council as to whether or not prepare and submit a planning proposal to DPE for Gateway Determination in accordance with Sections 3.33 and 3.34 of the Act.

The legislative framework for preparing and amending a Development Control Plan is established within Part 3, Division 3.6 of the Environmental Planning and Assessment Act 1979 (Clauses 3.41 to 3.46). This report seeks a decision of Council as to whether or not to progress with amendments to The Hills Development Control in accordance with Section 3.43 of the Act.

The legislative framework for Planning Agreements is established within Part 7, Division 7.1, Subdivision 2 of the Environmental Planning and Assessment Act 1979 (Clauses 7.4 to 7.10). The Environmental Planning and Assessment Regulation 2021 provides further requirements relating to the making, amending and revocation of planning agreements and public notice and procedural requirements within Part 9, Division 1 (Clauses 202 to 206).

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**PROPONENT**

Keylan Consulting Pty Ltd

**OWNERS**

Hills Club District Bowling Club

**CONSULTANTS**

Refer to Attachment 1 Page 2 for a full list of associated consultants.

**POLITICAL DONATIONS**

Nil disclosures by Proponent

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**1. HISTORY**

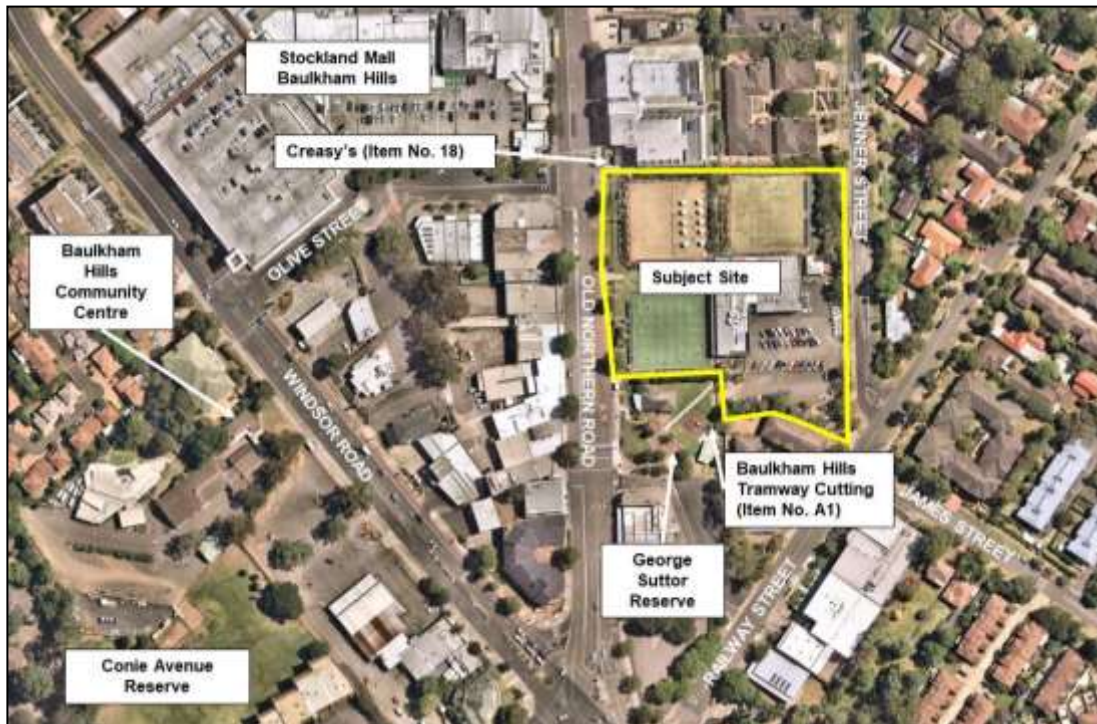
- 22/07/2020** Pre-lodgement meeting held with Council Officers.
- 13/08/2020** Pre-lodgement feedback letter provided to Proponent (Attachment 3). Concerns were raised with respect to the extent of uplift, height of building and traffic and transport issues in the Baulkham Hills Town Centre in the context of strategic objectives which discourage further development until such time as infrastructure concerns are resolved. The feedback letter indicated that site specific DCP would be required to guide built form outcomes on the site.
- 17/09/2020** Further pre-lodgement meeting held with Council Officers. The planning proposal concept remained unchanged in comparison to the concept presented at the first pre-lodgement meeting in July 2020. The Proponent expressed that in their view, the concept remained justifiable under the strategic planning framework and that any inconsistencies do not result in substantial variations.
- Other matters discussed in the meeting include built form, density and scale, traffic and infrastructure issues including preliminary consultation with TfNSW, apartment size and mix and local infrastructure impacts. The requirement for a site specific DCP was reiterated by Council officers.
- 03/03/2021** Planning proposal lodged with Council. The proposal remained largely the same as the concept presented in the original pre-lodgement meeting in July 2020. The submitted planning proposal material did not include a site specific DCP.
- 04/05/2021** Proponent presented the planning proposal at a Councillor Briefing session.
- 26/07/2021** Preliminary Assessment feedback letter provided to Proponent (Attachment 4). Concerns were raised with respect to the proposed density, height and built form outcomes such as building length and tower floor plates, interface with surrounding development, setbacks, landscaping, absence of a site specific DCP, traffic and vehicular access, local infrastructure and contributions.
- 03/03/2022** Revised planning proposal material submitted by Proponent including a site specific DCP. The concept reduced the proposed maximum height of building by 5 storeys (from 21 storeys to 16 storeys) and reduced the proposed maximum FSR from 2.5:1 to 2.31:1. This resulted in 43 fewer residential units.
- 18/05/2022** Planning proposal reported to the Hills Local Planning Panel for advice. The Local Planning Panel advised that the planning proposal should not proceed to Gateway Determination having regard to a range of strategic and site-specific merit issues identified. The Council officer's Technical Assessment Report and Panel's advice is provided as Attachment 1 and the Panel's advice is provided as Attachment 2.
- 06/07/2022** Proponent advises that they intend to update the planning proposal material to respond to the LPP advice.
- 04/08/2021** Revised planning proposal material submitted by Proponent.
- 06/09/2022** Further presentation from Proponent at a Councillor Briefing session.

## 2. THE SITE

The site is known as The Hills Bowling Club and is located at 6-18 Jenner Street, Baulkham Hills (Lot 4 DP 1108855, Lots 39-45 Sec 2 DP 2489 and Lot Z DP 400638). The site has an area of approximately 13,410m<sup>2</sup> and street frontages to both Old Northern Road and Jenner Street.

The site currently contains a bowling club with three bowling greens, clubhouse, restaurant, at-grade car parking and ancillary facilities. It is located between two local heritage items: 'Creasy's' at 11-13 Old Northern Road, Baulkham Hills' (Item No. 18) and 'Baulkham Hills Tramway Cutting', George Suttor Reserve 9Z Old Northern Road, Baulkham Hills (Item No. A1).

The neighbouring and adjoining sites contain low scale residential flat buildings to the north (5 storeys), local businesses and retail to the west and a mix of low density residential dwellings and residential flat buildings to the east. An aerial view of the site and surrounding locality is shown in the figure below.



**Figure 1**  
Aerial view of the site and surrounding locality

## 3. DESCRIPTION OF PLANNING PROPOSAL

The planning proposal seeks to facilitate the redevelopment of the site for the purpose of 228 residential units (including some seniors housing apartments), 3,108m<sup>2</sup> of floor space for the purpose of a registered club and 152m<sup>2</sup> of commercial/retail floor space. The concept plans depict a single building fronting Old Northern Road, comprising a 6 storey podium beneath a 12 storey tower (18 storeys in total) and 3 smaller residential buildings fronting Jenner Street with heights ranging from 5 to 6 storeys.

To facilitate this outcome, the proposal seeks to amend LEP 2019 to permit residential accommodation, a registered club (with ancillary community floor space) and commercial premises on the land as Additional Permitted Uses in Schedule 1 of the LEP (the existing RE2 Private Recreation zoning applicable to the land would be retained). It also seeks to apply a

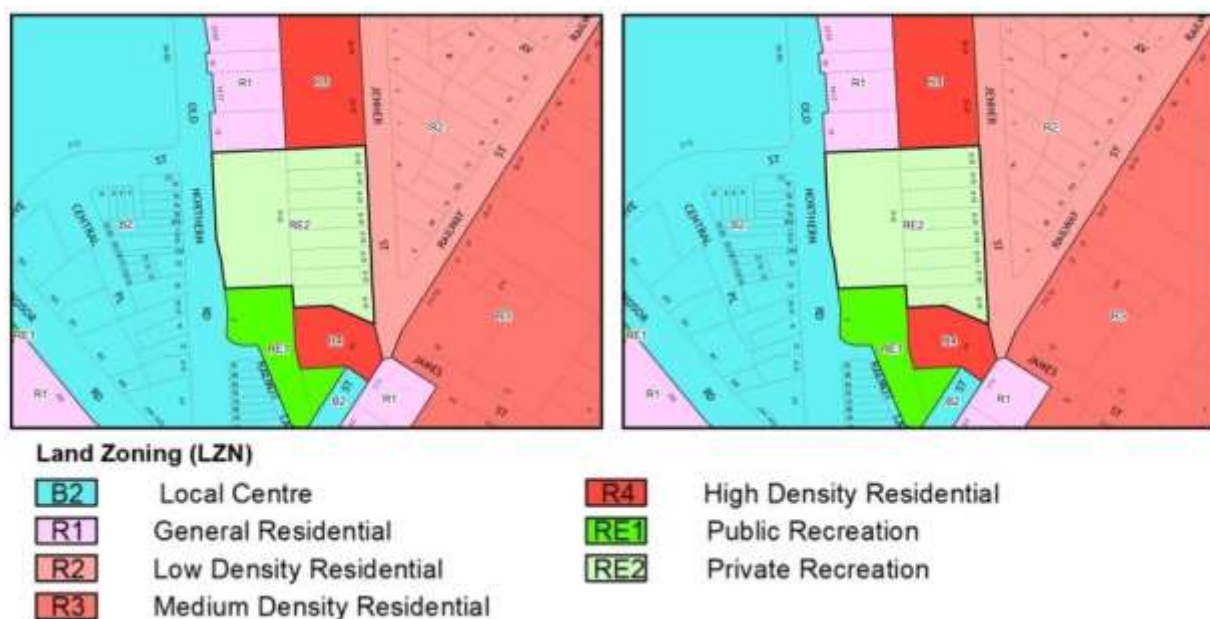


maximum height of buildings of part 63m and part 20m and a maximum floor space ratio of 2.24:1 to the site. A comparison between the current and proposed controls is provided below:

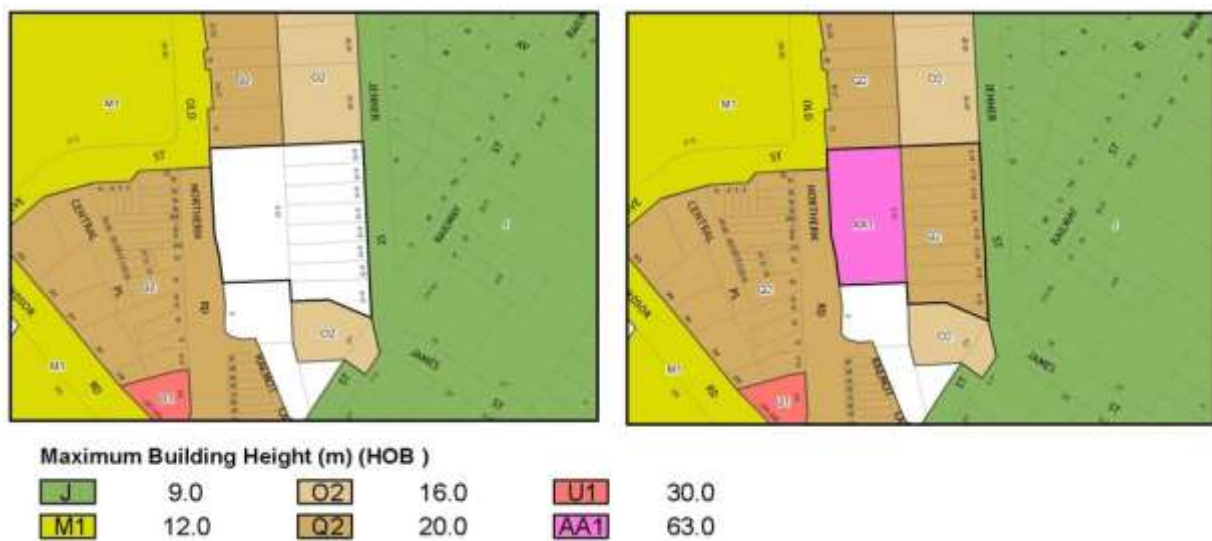
	Current (LEP 2019)	Planning Proposal Lodged March 2021	Revised Planning Proposal (March 2022) Considered by LPP	Current Planning Proposal (August 2022)
<b>Zone</b>	RE2 Private Recreation	RE2 Private Recreation	RE2 Private Recreation	RE2 Private Recreation
<b>Minimum Lot Size</b>	10 ha	No Change	No Change	No Change
<b>Height</b>	N/A	68m (21 st)	Part 54m (up to 16 st) & Part 20m (up to 6 st)	Part 63m (up to 18 st) & Part 20m (up to 6 st)
<b>Floor Space Ratio</b>	N/A	2.5:1	2:31:1	2:24:1
<b>Additional Permitted Uses</b>	N/A	Residential accommodation Seniors Housing Registered club	Residential accommodation Seniors Housing Registered club	Residential accommodation Seniors Housing Registered club

**Table 1**  
Proposed amendments to the Local Environmental Plan

It is noted that the proposal has been amended a number of times, as shown above in Table 1. The current application (lodged in August 2022) is the subject of this report. The LPP considered a previous version of the proposal (being the version that was submitted by the Proponent in March 2022). The current revised proposal (August 2022) seeks to respond to the LPP advice (refer to Section 4 and Attachments 1 and 2 to this report).



**Figure 2**  
Existing (left) and proposed (right) zoning map

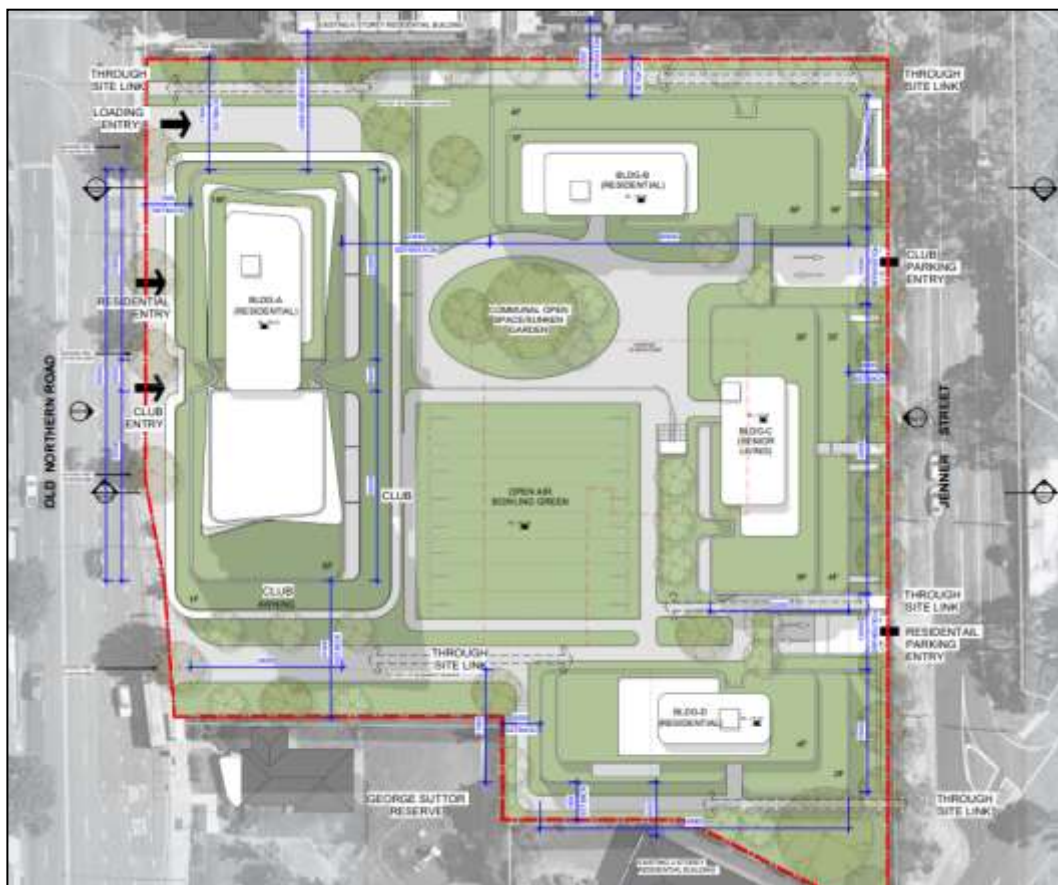


**Figure 3**  
Existing (left) and proposed (right) maximum height of buildings maps



**Figure 4**  
Existing (left) and proposed (right) maximum floor space ratio maps

Extracts of the development concepts submitted by the Proponent in support of the proposal are provided in the following figures.

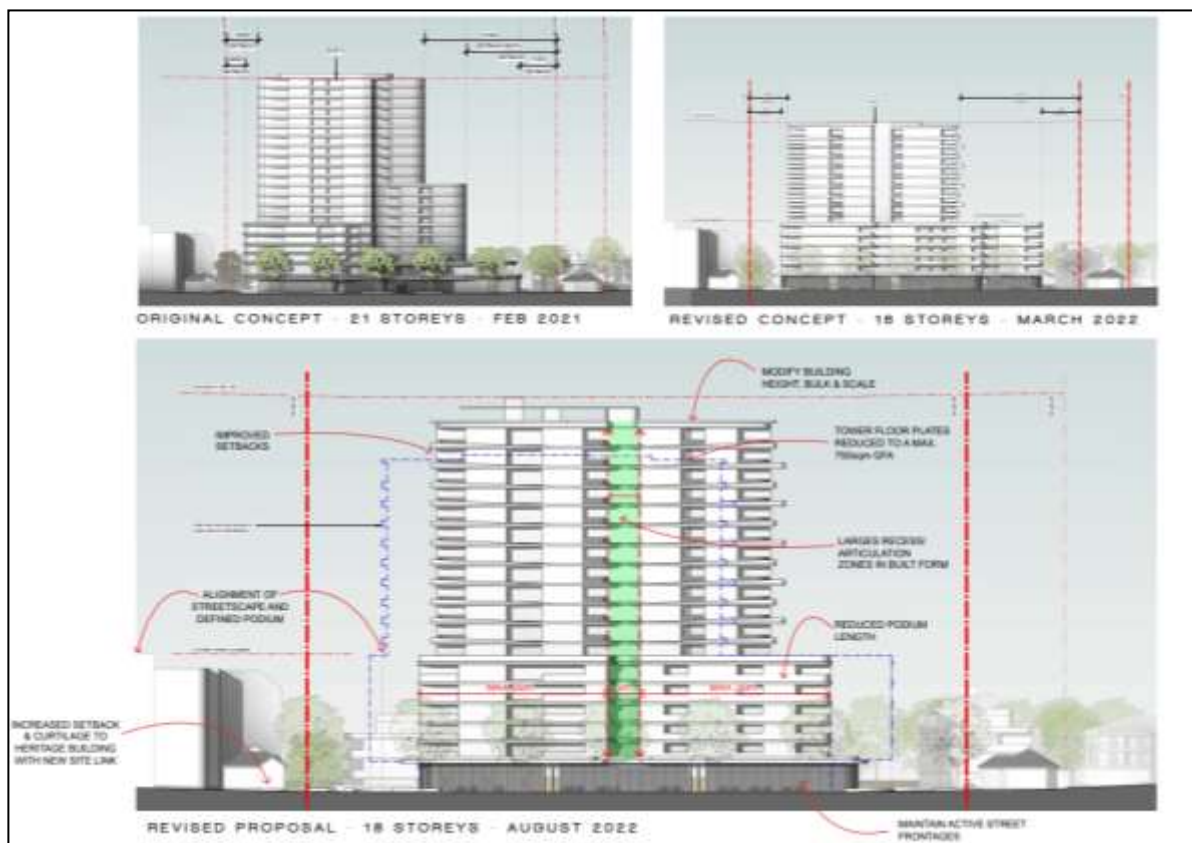


**Figure 5**  
Plan View of the Development Concept



**Figure 6**  
3D View of the Development Concept





**Figure 7**  
Comparison of Previous (March 2022) and Current (August 2022) Concept Plans



**Figure 8**  
Current Concept Plan Section



**Figure 9**  
Concept perspective view from Old Northern Road

A letter of offer to enter into a Voluntary Planning Agreement (VPA) has been submitted in support of the planning proposal (provided as Attachment 5). The letter of offer proposes contributions comprising the delivery of works on site in association with the development and monetary contributions to Council. The VPA is proposed to be in lieu of the application of the Shire wide Section 7.12 Contributions Plan, which would ordinarily levy development at 1% of the cost of works. The Proponent has estimated that the public benefit value of contributions in the VPA offer is approximately \$7.65 million. The following contributions are offered in the draft VPA:

- Two (2) pedestrian through-site links (on the northern and southern boundaries) and easements connecting Jenner Street and Old Northern Road totalling approximately 1,600m<sup>2</sup> (valued at \$3.15 million by the Proponent);

- Traffic works valued by the Proponent at \$1 million, comprising:
  - A new signalised pedestrian crossing at the intersection of Old Northern Road and Olive Street;
  - An elongated roundabout at the intersections of Jenner, Railway and James Streets;
- Monetary contributions of \$650,000 towards upgrades of George Suttor Reserve; and
- Monetary contributions of \$2,850,000 towards future local infrastructure upgrades such as local roads, parks and community facilities.

The planning proposal application is also supported by a draft site-specific Development Control Plan (DCP), which contains controls relating to setbacks, public domain outcomes, street frontage requirements, landscaping, parking and access. A copy of the draft site-specific DCP is provided as Attachment 6.

#### 4. LOCAL PLANNING PANEL ADVICE

The planning proposal was considered by The Hills Local Planning Panel on 18 May 2022. The Panel provided the following advice:

*The planning proposal should not proceed to Gateway Determination on the basis that:*

- a) *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.*
- b) *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:*
  - *Maximum building length of 65 metres;*
  - *Maximum tower floor plate of 750m<sup>2</sup>;*
  - *Building separation which complies with the Apartment Design Guide;*
  - *Solar access to at least 50% of George Suttor Reserve between 11am - 2pm on 21 June;*
  - *Solar access to common open space of 4 hours between 9am - 3pm on 21 June;*
  - *Compliance with the relevant standards within the Apartment Design Guide, including but not limited to solar access for all apartments and deep soil zone provision;*
  - *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;*
  - *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 and improved through reconsideration of the current design;*

- *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.*

*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.*

A copy of the Council Officer's Technical Report to the Local Planning Panel and the Local Planning Panel's advice are provided as Attachments 1 and 2 respectively.

## 5. MATTERS FOR CONSIDERATION

A full technical assessment of the proposal is contained within the Council Officer Assessment Report to the LPP on 18 May 2022 (Attachment 1). It is noted that the planning proposal has been slightly revised since reporting to the LPP, as the Proponent has sought to respond to some of the issues raised by the Panel.

A summary and discussion of key considerations associated with the planning proposal is provided below. Discussion and assessment of elements of the proposal which have been revised since the LPP is also contained in the table below.

Key Consideration	Comment
Strategic Merit	<p>Detailed assessment of the proposal's consistency with the relevant elements of the strategic planning framework are provided within Section 3 of the Council Officer Assessment Report to the Local Planning Panel, provided as Attachment 1 to this report.</p> <p>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.</p> <p>However, 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 "<i>discourage commercial and residential uplift in Baulkham Hills town centre until transport and traffic issues are resolved</i>".</p> <p>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.</p>

Additional Permitted Uses	<p>The site is currently zoned RE2 Private Recreation and the planning proposal seeks to introduce three (3) additional permitted uses on the land by way of amendments to Schedule 1 Additional Permitted Uses of LEP 2019 ('Residential Accommodation', 'Commercial Premises' and 'Registered Club').</p> <p>The Proponent has sought to rely on additional permitted uses, rather than amending the land zone map as there are limited options for land zones where all proposed uses are permitted, aside from B2 Local Centre. Further, the proposed retention of the RE2 Private Recreation zone more closely aligns with a primary intent of the land, being the ongoing function of the existing Hills Club.</p> <p>Having regard to the location of the site within the Baulkham Hills Town Centre, the additional permitted uses are considered to be appropriate to support the ongoing viability and revitalisation of the existing Hills Club. More detailed discussion on these proposed uses is provided within the Council Officer Assessment Report to the Local Planning Panel, provided as Attachment 1 to this report.</p> <p>If the planning proposal was to proceed, additional mechanisms should be included in the Schedule 1 clause, to ensure an appropriate balance of uses on the site and the delivery of outcomes detailed in the planning proposal material (such as a limit on the number of dwellings and a requirement for a minimum amount of club floor space and retail/commercial floor space, based on the concept plans submitted by the Proponent).</p>															
Built Form, Height, Bulk and Scale	<p>The Council Officer Assessment Report (Attachment 1) provides detailed analysis with respect to the proposed built form outcomes, concluding that the proposal would result in some unacceptable impacts in terms of bulk and scale, solar access and heritage.</p> <p>It is noted however that this assessment was in relation to the March 2022 version of the proposal and the Proponent has since submitted revised material. The key differences between the March 2022 plans originally assessed by Council officers and considered by the LPP and the current August 2022 concept plans are outlined in the table below:</p> <table><tr><td></td><td><b>March 2022 (Considered by LPP)</b></td><td><b>August 2022 (Current)</b></td></tr><tr><td>Building A Height</td><td>54m (16 storeys)</td><td>63m (18 storeys)</td></tr><tr><td>Building A Length</td><td>Ground – 82m Podium – 82m Tower – 55m</td><td>Ground – 70m Podium – 65m Tower – 55m</td></tr><tr><td>Building A Footprint Gross Floor Area</td><td>Podium – 1,579m<sup>2</sup> Tower – 737m<sup>2</sup></td><td>Podium – 1,201m<sup>2</sup> Tower – 716m<sup>2</sup></td></tr><tr><td>Building A Building Envelope</td><td>Podium – 2,024m<sup>2</sup> Tower – 944m<sup>2</sup></td><td>Podium – 1,560m<sup>2</sup> Tower - 963m<sup>2</sup></td></tr></table> <p><b>Table 2</b> Comparison of March 2022 and August 2022 Concept Plans</p> <p>Noting the amendments submitted by the Proponent in August 2022, the following additional commentary is provided with respect to the revised concepts:</p> <ul style="list-style-type: none"><li>The broader structure envisaged for the Baulkham Hills Town Centre under Council's DCP envisages that the tallest buildings will be permitted at the Baulkham Hills Junction, being a highly prominent location. The tallest building in this location is subject to a maximum building height of 50 metres (16 storeys). However, it is noted that the major intersection is not necessarily the</li></ul>		<b>March 2022 (Considered by LPP)</b>	<b>August 2022 (Current)</b>	Building A Height	54m (16 storeys)	63m (18 storeys)	Building A Length	Ground – 82m Podium – 82m Tower – 55m	Ground – 70m Podium – 65m Tower – 55m	Building A Footprint Gross Floor Area	Podium – 1,579m <sup>2</sup> Tower – 737m <sup>2</sup>	Podium – 1,201m <sup>2</sup> Tower – 716m <sup>2</sup>	Building A Building Envelope	Podium – 2,024m <sup>2</sup> Tower – 944m <sup>2</sup>	Podium – 1,560m <sup>2</sup> Tower - 963m <sup>2</sup>
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	<p>functional core of the centre. The primary retail destination in the centre is Grove Square (formerly Stockland Baulkham Hills Shopping Centre) and in considering this, the proposed height (in isolation) may not be inappropriate from an urban structure perspective noting the Hills Club is a large consolidated site directly opposite this activity core of the centre. Notwithstanding this, the proposed maximum building height for Tower A (fronting Old Northern Road) of 18 storeys would represent the tallest building within the Baulkham Hills Town Centre and would not align with this <i>current</i> urban form objective of Council.</p> <ul style="list-style-type: none"> <li>▪ Council generally expects podium elements to be a maximum of 4 storeys. In comparison, the podium of the proposed development is 6 storeys, which adds to the perceived bulk and scale of the development when viewed from the public domain.</li> <li>▪ Council generally requires that tower building floor plates are no larger than 750m<sup>2</sup> of gross floor area. The floor plates shown for Building A (fronting Old Northern Road) are 1,201m<sup>2</sup> of gross floor area for the podium (being the first 6 storeys) and 716m<sup>2</sup> of gross floor area for the tower element.</li> <li>▪ Council generally requires that buildings be less than 65 metres long, with any building greater than 30 metres in length separated into at least two parts by a significant recess or projection. Buildings with a length greater than 40 metres are required to have the appearance of two distinct building elements with individual architectural expression and features. The Proponent has amended the design of Building A, fronting Old Northern Road, to reduce the building length of the podium to 65 metres. The building length of the tower element remains largely unchanged at 55 metres (and an increase in height of 2 storeys).</li> <li>▪ The Proponent has indicated a recess of 5-6 metres in the tower and podium elements, which constitutes approximately 10% of the building frontage. This minor recess is unlikely to mitigate the perceived bulk and scale which is a result of the combination of the proposed building height, as well as the building length and footprint/envelope size all being at the maximum permitted limits. It is considered that the recess or projection would likely need to be in the order of 10m-12m in width (approximately 20% of the frontage) and 4-5 metres in depth, to meaningfully reduce the appearance of the visual bulk and scale of the building and create the impression of two distinct buildings.</li> </ul> <p>The proposed 18 storey Tower A (being 2 storeys higher than the concept originally assessed by Council officers and the LPP) continues to present as a visually dominant and bulky building, when the combination of height, length, orientation, floor plate and lack of articulation are considered holistically. If the proposal were to proceed, further demonstration would be required from the Proponent the proposed planning controls would result in a superior development outcome which is capable of addressing some of the remaining issues identified above in order to reduce the perceived bulk and scale and demonstrate design excellence. This may result in the need for some reduction in the gross floor area proposed, in order to achieve an improved outcome in terms of bulk, scale and massing.</p>
Building Separation	<p>The ADG stipulates building separation requirements for residential flat building development as indicated below:</p> <p><i>Minimum separation distances for buildings are:</i></p>

	<p><i>Up to four storeys (approximately 12m):</i></p> <ul style="list-style-type: none"> <li>• 12m between habitable rooms/balconies</li> <li>• 9m between habitable and non-habitable rooms</li> <li>• 6m between non-habitable rooms</li> </ul> <p><i>Five to eight storeys (approximately 25m):</i></p> <ul style="list-style-type: none"> <li>• 18m between habitable rooms/balconies</li> <li>• 12m between habitable and non-habitable rooms</li> <li>• 9m between non-habitable rooms</li> </ul> <p><i>Nine storeys and above (over 25m):</i></p> <ul style="list-style-type: none"> <li>• 24m between habitable rooms/balconies</li> <li>• 18m between habitable and non-habitable rooms</li> <li>• 12m between non-habitable rooms</li> </ul> <p>Buildings B, C and D potentially have habitable rooms and balconies separated by only 12m at the 6<sup>th</sup> storey, when 18m separation is required under the ADG. The current Building A plans have increased separation from the apartment building to the north to 21.8m (in comparison to the March 2022 plans), however this still does not achieve the 24 metre minimum distance required.</p> <p>The plans provided do not specify where habitable and non-habitable spaces are located and are therefore unable to demonstrate the appropriate building separation between buildings to ensure compliance can be achieved at the Development Application stage.</p>
Solar Access to Communal Open Space, Public Open Space.	<p><u>Communal Open Space</u></p> <p>The Hills DCP 2012 requires a minimum 4 hours of solar access to be provided to private communal open space between the hours of 9am and 3pm on 21 June. The Apartment Design Guide only requires developments to achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June. The current concept plans do not demonstrate compliance with The Hills DCP 2012 requirements in terms of solar access to communal open space, which is largely a result of the site layout, building length, height and amount of floor space proposed on the site. The revised concepts do demonstrate compliance with the lesser ADG minimum requirements.</p> <p><u>Public Open Space</u></p> <p>With respect to public open space, Council typically requires that new development not create any additional overshadowing of public open space between the hours of 11am-2pm on 21 June. However, in recognition of the site's location, being directly north of George Suttor Reserve, and that <i>any</i> redevelopment of the site will likely cast some shadows over the reserve, Council officers sought to discuss with the Proponent the opportunity to maintain a reasonable amount of solar access to the Reserve, without sterilising the subject site. On balance, it is considered reasonable that should some development uplift be granted on the site, it should demonstrate that at least 50% of the park receives sunlight between 11am and 2pm on 21 June. The current concept plans indicate that at 11am 90% of the reserve receives sunlight, at 12pm 63.7% of the reserve receives sunlight, at 1pm 36% of the reserve receives sunlight and at 2pm 65.5% of the reserve receives sunlight.</p> <p>Overall, the plans demonstrate that George Suttor Reserve can continue to achieve reasonable access to sunlight during the lunchtime hours. While the solar access drops below 50% at 1pm, the remaining times between 11am and 2pm all exceed the 50% solar access requirements and this is considered satisfactory given the circumstances.</p>

Apartment Design Guide Compliance	<p>The LPP advice specified that any revision of the proposal should demonstrate compliance with the relevant standards within the Apartment Design Guide, including but not limited to solar access for all apartments and deep soil zone provision.</p> <p>The SEPP 65 Design Verification Statement provided with the revised plans states that compliance is achieved with the deep soil requirements (minimum 7% of the site area), noting that 16.5% of the site area is identified as deep soil zone.</p> <p>The SEPP 65 Design Verification Statement provided also states that based on preliminary design assessments, 95% of 228 apartments have the ability to achieve the minimum 2 hours or greater direct sunlight between 9 am and 3 pm at mid-winter (the ADG only required 70% of apartments to achieve this).</p>																								
Common Open Space	<p>The LPP advice contains suggestions to improve the common open space for the proposal. The following table provides an assessment of the current plans against the criteria recommended by the LPP:</p> <table><tr><th>Common open space should:</th><th>Assessment</th><th>Compliance</th></tr><tr><td>▪ be designed to be seen from the street between buildings,</td><td>The common open space cannot be viewed from Jenner Street or Old Northern Road</td><td>N</td></tr><tr><td>▪ provide for active and passive recreation needs of all residents,</td><td>The common open space has the potential to provide for active and passive recreation.</td><td>Y</td></tr><tr><td>▪ include landscaping,</td><td>The common open space has the capacity to include landscaping, however it is above the basement so there will not be opportunity for deep soil planting.</td><td>Y</td></tr><tr><td>▪ present as a private area for use by residents only,</td><td>The common open space is situated adjacent to an open air bowling green, which will be used by members of the bowling club and may compromise the private nature of the common open space.</td><td>N</td></tr><tr><td>▪ include passive surveillance from adjacent internal living areas and/or pathways,</td><td>The through site link will provide some passive surveillance of the common open space. Some residential units will be able to view the common open space from living areas.</td><td>Y</td></tr><tr><td>▪ have a northerly aspect where possible; and</td><td>A portion of the common open space has a northerly aspect (between Buildings A and B). However, most of the ground level common open space is overshadowed for the majority of the day.</td><td>N</td></tr><tr><td>▪ be in addition to any public thoroughfares.</td><td>The common open space is in addition to the publicly accessible thoroughfares.</td><td>Y</td></tr></table> <p style="text-align: center;"><b>Table 3</b> Assessment Against Local Planning Panel Advice regarding Common Open Space</p>	Common open space should:	Assessment	Compliance	▪ be designed to be seen from the street between buildings,	The common open space cannot be viewed from Jenner Street or Old Northern Road	N	▪ provide for active and passive recreation needs of all residents,	The common open space has the potential to provide for active and passive recreation.	Y	▪ include landscaping,	The common open space has the capacity to include landscaping, however it is above the basement so there will not be opportunity for deep soil planting.	Y	▪ present as a private area for use by residents only,	The common open space is situated adjacent to an open air bowling green, which will be used by members of the bowling club and may compromise the private nature of the common open space.	N	▪ include passive surveillance from adjacent internal living areas and/or pathways,	The through site link will provide some passive surveillance of the common open space. Some residential units will be able to view the common open space from living areas.	Y	▪ have a northerly aspect where possible; and	A portion of the common open space has a northerly aspect (between Buildings A and B). However, most of the ground level common open space is overshadowed for the majority of the day.	N	▪ be in addition to any public thoroughfares.	The common open space is in addition to the publicly accessible thoroughfares.	Y
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▪ include landscaping,	The common open space has the capacity to include landscaping, however it is above the basement so there will not be opportunity for deep soil planting.	Y																							
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▪ be in addition to any public thoroughfares.	The common open space is in addition to the publicly accessible thoroughfares.	Y																							

Traffic and Transport	<p>The Council Officer Assessment Report (Attachment 1) provides a detailed assessment of the key traffic and transport matters in Section 4(d).</p> <p>The key concerns relate to the proposed access point from Old Northern Road, which TfNSW would be unlikely to support, in addition to the broader transport and traffic issues impacting on Baulkham Hills Town Centre as discussed earlier in this report, which are predominantly related to the regional road network and are largely contingent on commitment from Government to address the issues associated with significant regional through-traffic.</p>
Heritage	<p>The site adjoins two local heritage items, being 'Creasey's' to the north and 'Baulkham Hills Tramway Cutting' within George Suttor Reserve to the south.</p> <p>Council Officer's technical assessment (provided within Attachment 1) concludes that the level of impact will be acceptable with respect to 'Baulkham Hills Tramway Cutting' to the south, given that there is limited visibility to the item currently and the identified heritage curtilage is confined to George Suttor Reserve.</p> <p>With respect to 'Creasey's' to the north of the site, the Council Officer's assessment (provided within Attachment 1) concludes that the proposed setback to Old Northern Road is not acceptable, as it would allow for the building to obscure the existing view corridor to the item. In response to these concerns, the Proponent has amended the proposal to increase the setback to Old Northern Road to 6 metres for the parts of the building which are closest to heritage item. This would enable the view lines to the heritage item from Old Northern Road (on approach from the south) to remain and this increase setback is generally considered acceptable from a heritage perspective.</p>
Infrastructure Demand and Voluntary Planning Agreement Offer	<p>As described earlier in this report, the Proponent has offered to enter into a VPA with Council to deliver works and monetary contributions on and within the vicinity of the site. The VPA offer comprises the following contributions:</p> <ul style="list-style-type: none"> <li>▪ Two (2) northern and southern pedestrian through-site links and easements connecting Jenner Street and Old Northern Road totalling approximately 1,600m<sup>2</sup> (suggested value of \$3.15 million by the Proponent);</li> <li>▪ Traffic works with a suggested value of \$1 million, comprising:             <ul style="list-style-type: none"> <li>○ A new signalised pedestrian crossing at the intersection of Old Northern Road and Olive Street;</li> <li>○ An elongated roundabout at the intersections of Jenner, Railway and James Streets;</li> </ul> </li> <li>▪ Monetary contributions of \$650,000 towards upgrades of George Suttor Reserve; and</li> <li>▪ Monetary contributions of \$2,850,000 towards future local infrastructure upgrades such as local roads, parks and community facilities.</li> </ul> <p>The Proponent has valued their offer at \$7.65 million, which would equate to approximately 5.2% of the total cost of works, or 4.8% of the cost of works of the non-residential component and \$29,000 per dwelling for the residential component of the development. With respect to the draft VPA offer, the following is noted:</p> <ul style="list-style-type: none"> <li>▪ The contributions offered through the draft VPA would be in lieu of the application of Council's Shire wide Section 7.12 Contributions Plan, which levies incremental development at a rate of 1% of the cost of development. While this Plan is not appropriate intended to cater for uplift of this scale, for comparison purposes, it is estimated that the Proponent would pay approximately \$1.46 million if the development were levied under this Plan.</li> </ul>

	<ul style="list-style-type: none"> <li>▪ The planning proposal would enable 228 additional dwellings beyond what is anticipated or catered for with respect to local infrastructure planning within the Baulkham Hills Town Centre. The VPA represents an appropriate mechanism to secure contributions to address the demand for local infrastructure likely to be generated by this additional yield.</li> <li>▪ The traffic works proposed to be undertaken by the Developer with respect to a signalised pedestrian crossing at the intersection of Old Northern Road and Olive Street, and an elongated roundabout at Jenner, Railway and James Streets are appropriate and positive public benefits that would be provided in response to the increased traffic and safety concerns associated with the planning proposal uplift.</li> <li>▪ The proposed monetary contribution towards embellishment and public domain upgrades at George Suttor Reserve would result in improved outcomes to public park infrastructure on Council-owned land. The expenditure of these funds by Council in the future would result in improved passive open space outcomes for future residents of the adjoining Hills Club site and existing residents more broadly within Baulkham Hills.</li> <li>▪ The \$2.85 million local infrastructure contribution is proposed to be utilised at Council's discretion on local roads, parks and community facilities within and around Baulkham Hills Town Centre. Council could potentially allocate a portion of this contribution towards traffic infrastructure upgrades in the form of safety improvements at Hill Street and Old Northern Road, and/or traffic lights at Cross Street and Old Northern Road. The VPA offer is flexible in terms of the items and timing for expenditure and would have regard to any planned upgrades as part of Council's future Capital Works program.</li> </ul> <p>The 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.</p> <p>Should Council be of a mind to support the progression of the planning proposal, the submitted offer represents a fair and reasonable contribution that should be formalised into a VPA document to accompany any public exhibition of the planning proposal.</p>
Development Control Plan	<p>The Proponent has included a site specific DCP in support of the planning proposal, intended to guide outcomes on the site at the Development Application stage. A development of this scale would warrant a site specific DCP, however there are a number of the controls proposed by the Proponent differ from those that currently apply in the locality under the Hills DCP 2012 and are not supported, as they would potentially compromise the character of the locality and result in sub-optimal built form outcomes.</p> <p>Should Council be of a mind to support the progression of the planning proposal, a site specific DCP would be required to guide built form outcomes on the site beyond the LEP planning controls.</p> <p>The key controls that are of concern are discussed below:</p> <ul style="list-style-type: none"> <li>▪ Front setbacks to Jenner Street</li> </ul> <p>The proposed DCP stipulates a 6m front setback to Jenner Street, while the existing Hills DCP would require a 10m setback. The reduced setback will reduce the area for landscaping in the front setback, create an inconsistent streetscape on Jenner Street and disrupt the landscape character of the street. The reduced setback of 6m to Jenner Street is not supported and should remain at 10m.</p>

	<ul style="list-style-type: none"> <li>▪ Landscaped Area</li> </ul> <p>Landscaped area requirements seek to provide a satisfactory relationship between buildings, landscaped areas and adjoining developments, minimise stormwater runoff and ensure a high standard of environmental quality, visual amenity and character of the neighbourhood. The Hills DCP requires that 50% of the site be landscaped area, noting that building areas and driveways are excluded, terraces, patios and common open space within 1 metre of natural ground can be included (if landscaped) and the minimum dimension of landscaped area is 2m.</p> <p>The proposed DCP contains a different definition of what is included in the calculation of landscaped area, where it specifically notes that 'hardscape' areas are included, with the diagram appearing to include driveway areas. The controls also do not contain a minimum dimension for landscaped area.</p> <p>The difference in methods and requirements for calculating landscaped area would result in a material reduction in actual 'soft' landscaping and would not meet the objectives of minimising stormwater runoff and ensuring a high standard of environmental quality, visual amenity and character of the neighbourhood. The control should remain per the current standard within The Hills DCP.</p> <ul style="list-style-type: none"> <li>▪ Common Open Space</li> </ul> <p>The Hills DCP requires that developments provide 20m<sup>2</sup> of common open space per dwelling. The proposed DCP indicates that common open space should be provided at a lower rate, in accordance with the ADG (50% of the site area).</p> <p>The development concept for the site includes 3,355m<sup>2</sup> of common open space (including rooftop spaces), which equates to approximately 15m<sup>2</sup> per unit. In comparison, the proposed 228 apartments would generate the need for approximately 4,560m<sup>2</sup> of communal open space, if the development were to comply with the Hills DCP.</p> <p>Given the size of the site and the opportunities for a master planned outcome, it is reasonable to expect the future development of the site to meet the Hills DCP requirements for common open space provision. The proposed common open space control in the proposed DCP (minimum ADG requirements) is not supported and should remain at Council's current minimum required provision.</p> <ul style="list-style-type: none"> <li>▪ Subterranean Apartments</li> </ul> <p>The proposed DCP states that sub-terranean apartments permitted. In other urban renewal precincts Council has imposed development controls that specifically prevent subterranean apartments. Where these are proposed they often demonstrate poor outcomes in terms of access, street address and solar access and are unable to demonstrate a positive outcome for future residents. Subterranean apartments are not supported and a control preventing this outcome should be included.</p> <ul style="list-style-type: none"> <li>▪ Old Northern Road Tree Retention</li> </ul> <p>The LPP advice states that the trees along the Old Northern Road frontage should be retained, however no controls are included in the proposed DCP to ensure their retention. The concept plans indicate that the basement level has a front setback of approximately 6m, which may be insufficient to enable both the retention of the trees and excavation of the basement. Additional DCP controls would be needed to clearly articulate that the trees along the front boundary are to be retained, which</p>
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	may require redesign of the basement to ensure the excavation does not threaten the viability of the trees.
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## 6. RESPONSE TO LOCAL PLANNING PANEL ADVICE

The LPP advice indicates that the planning proposal and supporting development concept demonstrates an outcome which is beyond the built form capacity of the site. The Panel provided specific advice around elements of the proposal which should guide the Proponent towards developing a concept that is within the capacity of the site.

The following table provides a summary of the assessment of the revised proposal against the specific items mentioned in the LPP advice.

LPP Advice	Assessment of Response	Compliance
Maximum building length of 65 metres;	The ground floor is greater than 65m, however the podium and tower levels are 65m or less.	Y
Maximum tower floor plate of 750m <sup>2</sup> ;	The tower demonstrates a floor plate of less than 750m <sup>2</sup> gross floor area.	Y
Building separation which complies with the Apartment Design Guide;	The development concept shows areas that do not comply with the ADG requirements for building separation.	N
Solar access to at least 50% of George Suttor Reserve between 11am - 2pm on 21 June;	There is a time between 11am and 2pm where the solar impacts on George Suttor Reserve are less than 50% of the site area, however, given the excess in solar access throughout the remainder of the 11am-2pm period the solar impacts are considered acceptable.	Y
Solar access to common open space of 4 hours between 9am - 3pm on 21 June;	The ground level common open space has not been relocated or redesigned to achieve 4 hours solar access.	N
Compliance with the relevant standards within the Apartment Design Guide, including but not limited to solar access for all apartments and deep soil zone provision;	The SEPP 65 Verification Statement indicates compliance with SEPP 65.	Y
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;	The common open space has not been redesigned or relocated to address the LPP concerns.	N
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 building setback to Old Northern Road has been revised and shows an improvement to the impact on the adjacent heritage item.	Y

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 and improved through reconsideration of the current design;		
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.	An additional through site link has been provided and there are not links on both the north and south boundaries.	Y
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.	The planning proposal indicates that the amendments that have been made are generally improvements to the design	Y

## CONCLUSION AND OPTIONS

The planning proposal is broadly consistent with the objectives of the strategic planning framework. The Greater Sydney Region Plan and Central City District Plan highlight the need for providing housing in well-served 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.

The current planning controls applicable in the majority of the Baulkham Hills Town Centre reflect the available services and location of the centre and provide appropriate redevelopment opportunities for land that can be pursued through the lodgement of Development Applications. However, the Hills Club site does not benefit from these controls or any real redevelopment potential under the current framework. Given its unique nature and land use, this site was not considered to be a typical redevelopment scenario and changes to the controls in Baulkham Hills Town Centre to date have not enabled increased development potential on the site. In part, the planning work to date has assumed that future outcomes on this site would best be dealt with as part of a site-specific planning proposal, which should deal with the land as a strategic site and seek to retain the private recreation facilities as an important land use within the Baulkham Hills Town Centre.

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 master planning 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.

However, with the planning proposal lodged there remains some outstanding site-specific issues which would still need to be resolved (potentially by way of inclusion of relevant controls within the draft site-specific DCP), relating to:

- Reducing the perceived bulk and scale of the development, which results from the combination of the proposed height, building length, footprint size and lack of building recess and articulation;
- Inability for the development to satisfy the minimum solar access requirements for common open space within Council's DCP;
- Inability to demonstrate compliance with minimum building separation distances as required by the Apartment Design Guide;
- Front setbacks to Jenner Street, which should be a minimum of 10 metres;
- The calculation of landscape area under Council's DCP, which should remain unchanged and *not* include 'hardscape' areas;
- The provision of common open space at a rate of no less than 20m<sup>2</sup> per dwelling;
- The removal of subterranean apartments; and
- The retention of existing trees along the Old Northern Road frontage.

The subject site is a large, single land holding which transitions from the town centre to a low scale residential environment at the rear. Master planning for the site should be able to demonstrate an appropriate development that is consistent with the character of the locality, blending into the Jenner Street streetscape and contributing to the activity of Baulkham Hills Town Centre along Old Northern Road. However, there are numerous elements of the planning proposal, development concept and proposed DCP controls that indicate that the master planning opportunity presented with the redevelopment of this site has not been capitalised on in this proposal.

The positive aspects of the redevelopment the bowling club such as increased activity and vibrancy for the centre are acknowledged. While not a technical planning matter, the opportunity to retain some social infrastructure in the form of the club within a town centre location is desirable and is an offering and outcome that is unique to this individual site. Council is not in a position to provide this kind of social infrastructure and relies on private delivery of sporting and social clubs to contribute to the overall fabric of the community and vibrancy of an area. It is evident that while the extent of residential yield being sought is resulting in difficulties accommodating the redevelopment within an ideal built form outcome on the site, this yield and constrained site planning is intended to support the feasible redevelopment of the site and the retention of the club and its bowling facilities at this location.

A balanced consideration of these various factors is required, and the opportunity to retain the Club should not necessarily be at the expense of the high quality, high amenity residential development and landscape character that is expected in the Hills Shire. Reconsideration of the

site planning is needed to better respond to the site constraints, context and local character. This may require a further reduction in the proposed residential floor space to allow appropriate building recess and projection elements, the appearance of two distinct towers for Building A, an increased setback (to 10m) to Jenner Street for Buildings B, C and D and solar access, common open space provision and landscaped area that meets the controls of the Hills DCP.

While the 2.24:1 floor space ratio proposed across the site is not entirely out of step with other floor space ratio controls that would be expected in a town centre context, the redevelopment of this site, including the club and the bowling green, places additional constraints on the site planning that are not present in typical residential development. Specifically, the inclusion of the club and bowling green creates the need to locate a large amount of the floor space being sought onto the remaining areas of the site such that the club and tower development fronting Old Northern Road would have a floor space ratio of around 3.5:1, if considered in isolation, while the residential development to the rear represents a floor space ratio of 1.3:1.

The Voluntary Planning Agreement letter of offer submitted by the Proponent represents a fair and reasonable contribution towards local infrastructure upgrades that is commensurate with the anticipated impact generated by the proposed development. If the proposal was to proceed, in any form, it should be accompanied by a draft VPA which secures these contributions. However, negotiations have not been further progressed to the point where a draft VPA document has been submitted, given the unresolved issues with respect to strategic and site-specific merit that have ultimately resulted in Council Officers' recommendation that the planning proposal should not proceed.

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## OPTIONS

The following options are provided for Council's consideration:

- Option 1 – Not Proceed

As detailed within this report, Council's current policy position as contained within its LSPS is that commercial and residential uplift in the Baulkham Hills Town Centre will be discouraged, until such time as traffic and transport issues are resolved. For this reason primarily, along with some remaining unresolved site-specific issues as detailed within this report, it is recommended that the planning proposal should not proceed to Gateway Determination (Option 1).

- Option 2 – Proceed to Gateway Determination

In considering the merits of an individual planning proposal, it would remain open to Council to reconsider its current policy position with respect to uplift in the Baulkham Hills Town Centre as part of a balanced consideration of the various factors. This would include due consideration for the way in which the proposal does align with much of the applicable strategic framework as well as the many positive aspects of the proposal with respect to the revitalisation of, and investment in, the Baulkham Hills Town Centre.

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.

Council officers will continue to engage with Transport for NSW with respect to progressing their plans for resolving regional traffic and transport issues impacting on Baulkham Hills Town Centre and planning for a mass transit corridor between Norwest and Parramatta (through Baulkham Hills Town Centre), irrespective of any individual planning proposal. However, should a planning proposal for land within the Town Centre progress to Gateway Determination, there would of course be further opportunity for targeted consultation with Transport for NSW on this matter during the public agency consultation process.

In light of the above, it may be justifiable for the Council to conclude that the proposal warrants progression to Gateway Determination, which would provide the opportunity for further targeted engagement with TfNSW with respect to traffic and transport issues within the Baulkham Hills Town Centre.

If the Council was to resolve that the proposal should proceed to Gateway Determination (Option 2), it is recommended that the following matters should form part of any resolution of Council:

- 1) The planning proposal applicable to land at 6-18 Jenner Street, Baulkham Hills (Lot 4 DP 1108855, Lots 39-45 Sec 2 DP 2489 and Lot Z DP 400638) be forwarded to the Department of Planning and Environment for Gateway Determination;
- 2) Council officers continue to engage with Transport for NSW with respect to the resolution of regional traffic and transport issues impacting on Baulkham Hills Town Centre and the progression of planning for a mass transit corridor between Norwest and Parramatta (through Baulkham Hills Town Centre);
- 3) Prior to any public exhibition of the planning proposal, Council consider a further report with respect to:
  - a) A site-specific draft Development Control Plan and revised development concepts, which resolve the outstanding site-specific issues detailed within this Report. This includes, but is not limited to, reducing the perceived bulk and scale of the development, greater building recesses and articulation, solar access to common open space as required by Council's DCP, minimum building separation distances as required by the Apartment Design Guide, minimum front setbacks to Jenner Street of 10 metres, minimum landscaped area as required by Council's DCP, provision of common open space as required by Council's DCP, removal of subterranean apartments and retention of existing trees along the Old Northern Road frontage); and
  - b) A draft Voluntary Planning Agreement, which secures development contributions in association with future development of the land, generally in accordance with the Letter of Offer submitted by the Proponent.

While this is considered to be a valid and justifiable option, this is not the recommendation of Council officers, given the current policy settings within Council's LSPS.

**ATTACHMENTS**

1. Council Officer Assessment Report to Local Planning Panel, 18 May 2022 (29 pages)
2. Local Planning Panel Advice, 18 May 2022 (3 pages)
3. Council Officer Pre-lodgement Feedback Letter, 13 August 2020 (4 pages)
4. Council Officer Preliminary Assessment Feedback Letter, 26 July 2021 (5 pages)
5. Draft Voluntary Planning Agreement Letter of Offer, August 2022 (2 pages)
6. Draft Development Control Plan, August 2022 (25 pages)

## LOCAL PLANNING PANEL MEETING 18 MAY, 2022

## THE HILLS SHIRE

## ATTACHMENT 1

**ITEM-1 LOCAL PLANNING PANEL - PLANNING PROPOSAL – 6-18 JENNER STREET, BAULKHAM HILLS (7/2021/PLP)****THEME:** Shaping Growth**MEETING DATE:** 18/05/2022

LOCAL PLANNING PANEL

**GROUP:** SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS**SENIOR TOWN PLANNER****AUTHOR:** TAMARA WEST**RESPONSIBLE OFFICER:** **MANGER – FORWARD PLANNING**  
NICHOLAS CARLTON**PURPOSE**

This report presents the planning proposal for land at 6-18 Jenner Street, Baulkham Hills to the Local Planning Panel for advice, in accordance with Section 2.19 of the Environmental Planning and Assessment Act 1979.

**RECOMMENDATION**

The planning proposal applicable to land at 6-18 Jenner Street, Baulkham Hills Hills (Lot 4 DP 1108855, Lots 39-45 Sec 2 DP 2489 and Lot Z DP 400638) *not* proceed to Gateway Determination, on the basis that:

- a) 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"*.
- b) The development concept submitted demonstrates an outcome which is beyond the built form capacity of the site. It is considered that 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:
  - Maximum building length of 65 metres;
  - Maximum tower floor plate of 750m<sup>2</sup>;
  - Building separation which complies with the Apartment Design Guide;
  - Solar access to common open space of 4 hours between 9am - 3pm on 21 June;
  - Solar access to at least 50% of George Suttor Reserve between 11am - 2pm on 21 June; and

## LOCAL PLANNING PANEL MEETING 18 MAY, 2022

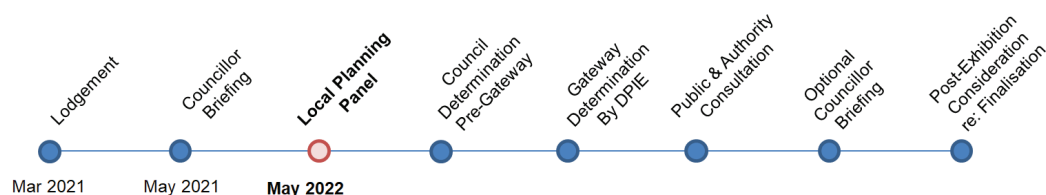
## THE HILLS SHIRE

- Front setbacks consistent with the building line of the adjacent heritage building and development (approximately 6 metres).

<b>Proponent</b>	<b>KEYLAN CONSULTING PTY LTD</b>
<b>Owner</b>	<b>HILLS CLUB DISTRICT BOWLING CLUB</b>
<b>Planning Consultant</b>	<b>KEYLAN CONSULTING PTY LTD</b>
<b>Heritage Consultant</b>	<b>WEIR PHILLIPS HERITAGE AND PLANNING</b>
<b>Geotechnical Consultant</b>	<b>EL AUSTRALIA</b>
<b>Architectural Consultant</b>	<b>ALTIS</b>
<b>Urban Design Consultant</b>	<b>DICKSON ROTHCHILD</b>
<b>Transport Consultant</b>	<b>PTC CONSULTANTS</b>
<b>Services Consultant</b>	<b>LAND PARTNERS</b>
<b>Landscape Consultant</b>	<b>SITE IMAGE</b>
<b>Acoustic Consultant</b>	<b>ACOURAS CONSULTANCY</b>
<b>Social/Economic Consultant</b>	<b>ETHOS URBAN</b>
<b>Site Investigations</b>	<b>EIAUSTRALIA</b>
<b>Biodiversity Consultant</b>	<b>TRAVERS</b>
<b>Site Area</b>	<b>13,410m<sup>2</sup></b>
<b>List of Relevant Strategic Planning Documents</b>	<b>GREATER SYDNEY REGION PLAN CENTRAL CITY DISTRICT PLAN SECTION 9.1 MINISTERIAL DIRECTIONS THE HILLS LOCAL STRATEGIC PLANNING STATEMENT THE HILLS HOUSING STRATEGY DRAFT BAULKHAM HILLS MASTERPLAN THE HILLS DEVELOPMENT CONTROL PLAN</b>
<b>Political Donation</b>	<b>NONE DISCLOSED</b>

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## EXECUTIVE SUMMARY

This report recommends the planning proposal applicable to land at 6-18 Jenner Street, Baulkham Hills (Lot 4 DP 1108855, Lots 39-45 Sec 2 DP 2489 and Lot Z DP 400638), as submitted by the Proponent, *not* proceed to Gateway Determination. The proposal seeks to amend LEP 2019 to include additional permitted uses of residential accommodation, seniors housing and registered club, apply a maximum height of buildings of part 54m (up to 16 storeys) and part 20m (up to 6 storeys) and a maximum floor space ratio of 2.31:1.

An assessment of the planning proposal has been undertaken against the strategic merit considerations and for the most part, the proposal meets the strategic merit test. 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.

However, 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.

An assessment has also been undertaken with respect to site specific merit, having regard to the built form outcomes proposed. It is concluded that while there is scope for increased density and built form on this site, the proposal as submitted does not demonstrate adequate site specific merit and would result in some unacceptable impacts in terms of bulk and scale of the development, solar access and heritage. These matters could likely be overcome if the proposal was amended to marginally reduce the floor space ratio sought and the building arrangement and design were further refined to reduce the bulk and scale and better address the amenity of future residents and adjacent public open space and heritage items.

## 1. THE SITE

The site is known as The Hills Bowling Club and is located at 6-18 Jenner Street, Baulkham Hills (Lot 4 DP 1108855, Lots 39-45 Sec 2 DP 2489 and Lot Z DP 400638). The site has an



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area of approximately 13,410m<sup>2</sup> and street frontages to both Old Northern Road and Jenner Street.

The site currently contains a bowling club with three bowling greens, clubhouse, restaurant, at-grade car parking and ancillary facilities. It is located between two local heritage items: 'Creasy's' at 11-13 Old Northern Road, Baulkham Hills (Item No. I8) and 'Baulkham Hills Tramway Cutting', George Suttor Reserve 9Z Old Northern Road, Baulkham Hills (Item No. A1).

The neighbouring and adjoining sites contain low scale residential flat buildings to the north (5 storeys), local businesses and retail to the west and a mix of low density residential dwellings and residential flat buildings to the east. An aerial view of the site and surrounding locality is shown in the figure below.

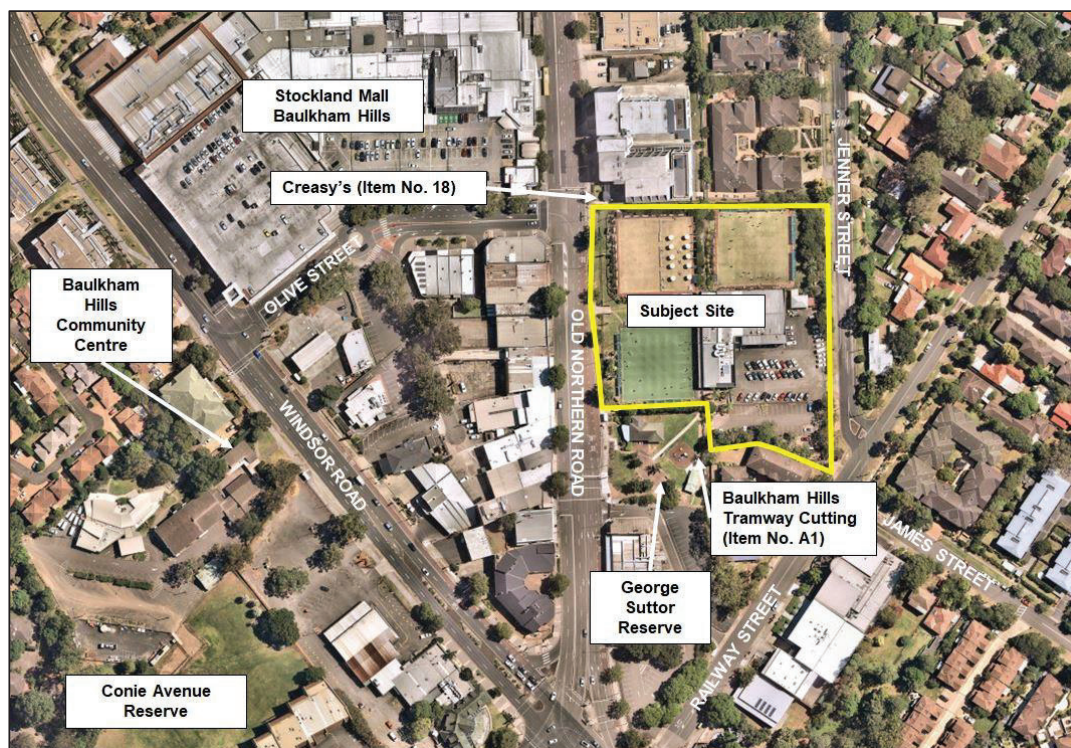


Figure 1  
Aerial view of the site and surrounding locality

## 2. DESCRIPTION OF PLANNING PROPOSAL

The planning proposal seeks to facilitate the redevelopment of the site for the purpose of 232 residential units (including 35 seniors housing apartments), 3,070m<sup>2</sup> of floor space for the purpose of a registered club and 405m<sup>2</sup> of commercial/retail floor space. The concept plans depict a development comprising a single building fronting Old Northern Road, comprising a 6 storey podium beneath a 16 storey tower and 3 smaller residential buildings fronting Jenner Street with heights ranging from 5 to 6 storeys.

To facilitate this outcome, the proposal seeks to amend LEP 2019 to permit residential accommodation, a registered club (with ancillary community floor space) and commercial premises on the land as Additional Permitted Uses in Schedule 1 of the LEP (the existing



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RE2 Private Recreation zoning applicable to the land would be retained). It also seeks to apply a maximum height of buildings of part 54m and part 20m and a maximum floor space ratio of 2.31:1 to the site. A comparison between the current and proposed controls is provided below:

	Current (LEP 2019)	Planning Proposal
<b>Zone</b>	RE2 Private Recreation	RE2 Private Recreation
<b>Minimum Lot Size</b>	10 ha	No Change
<b>Height</b>	N/A	Part 54m (up to 16 storeys) and part 20m (up to 6 storeys)
<b>Floor Space Ratio</b>	N/A	2:31:1
<b>Additional Permitted Uses</b>	N/A	Residential accommodation Seniors Housing Registered club

Table 1 - Proposed amendments to the Local Environmental Plan

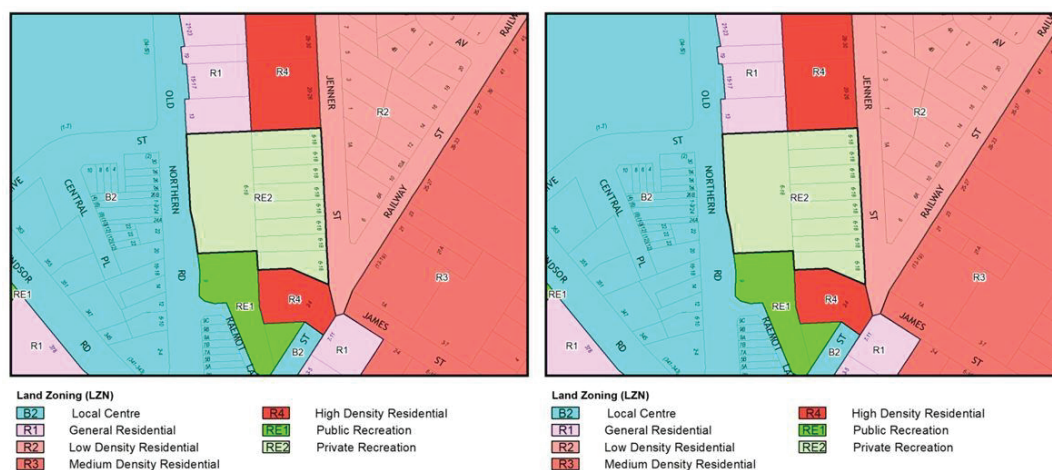
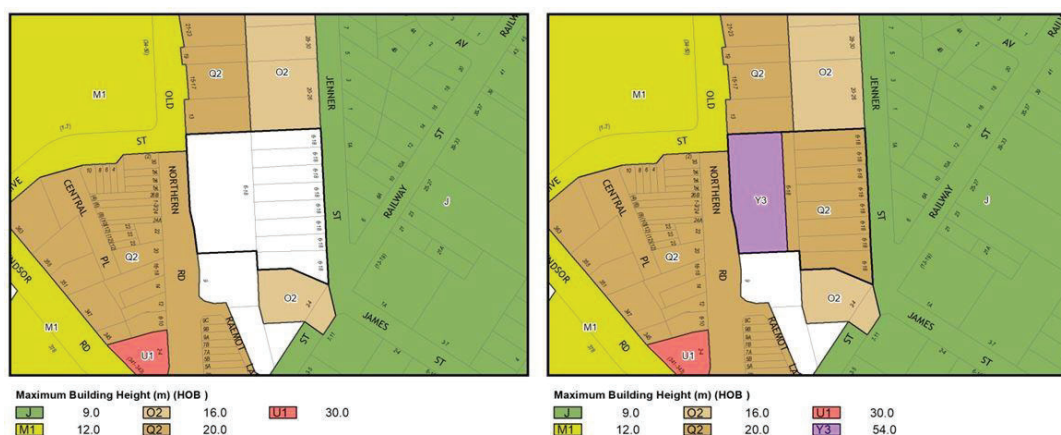
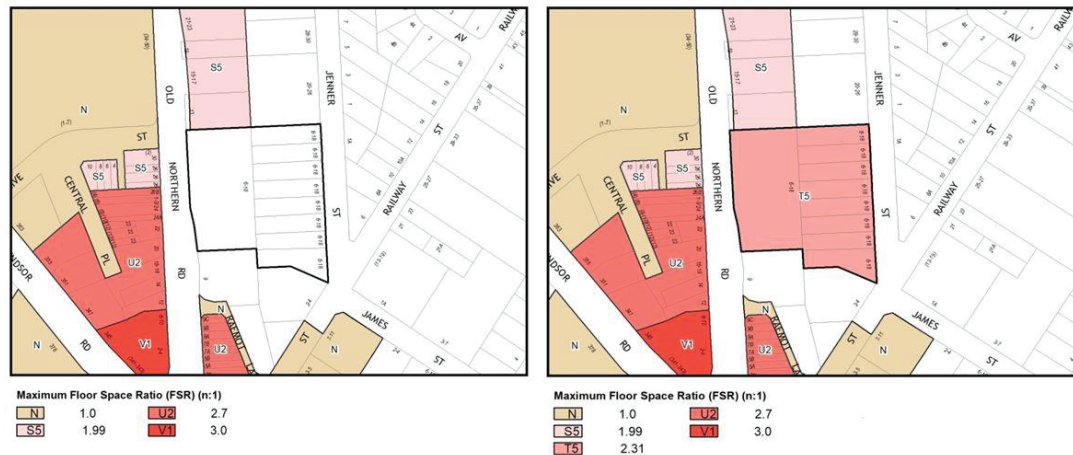


Figure 2

Existing (left) and proposed (right) zoning map

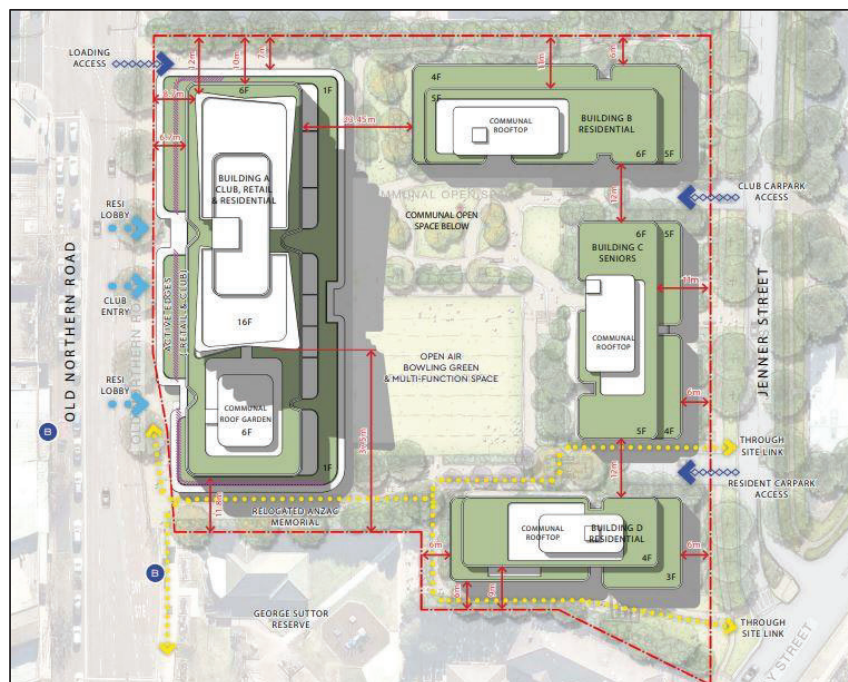


**Figure 3**  
Existing (left) and proposed (right) maximum height of buildings maps



**Figure 4**  
Existing (left) and proposed (right) maximum floor space ratio maps

Extracts of the development concepts submitted by the Proponent in support of the proposal are provided in the following figures.



**Figure 5**  
Plan View of the Development Concept

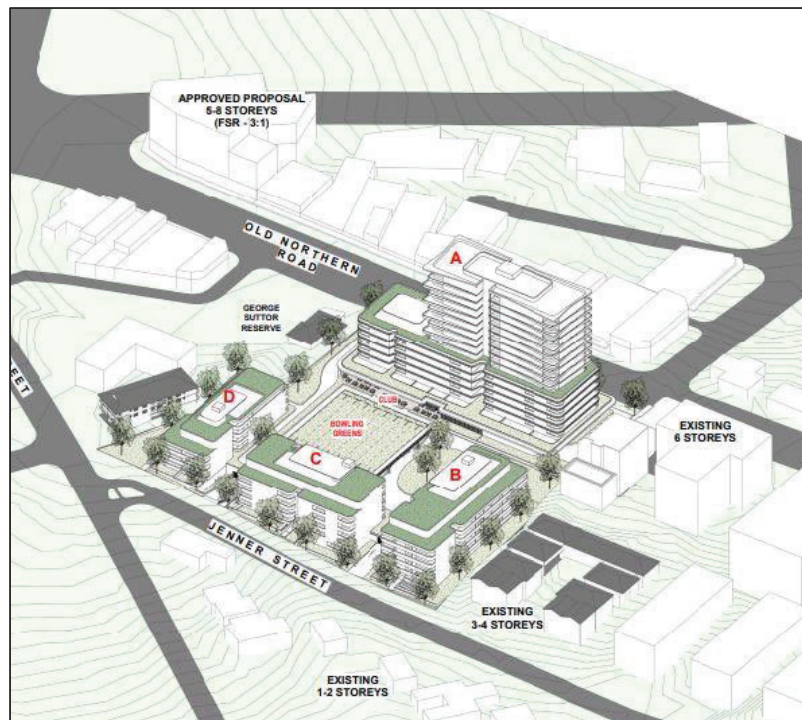


Figure 6  
3D View of the Development Concept

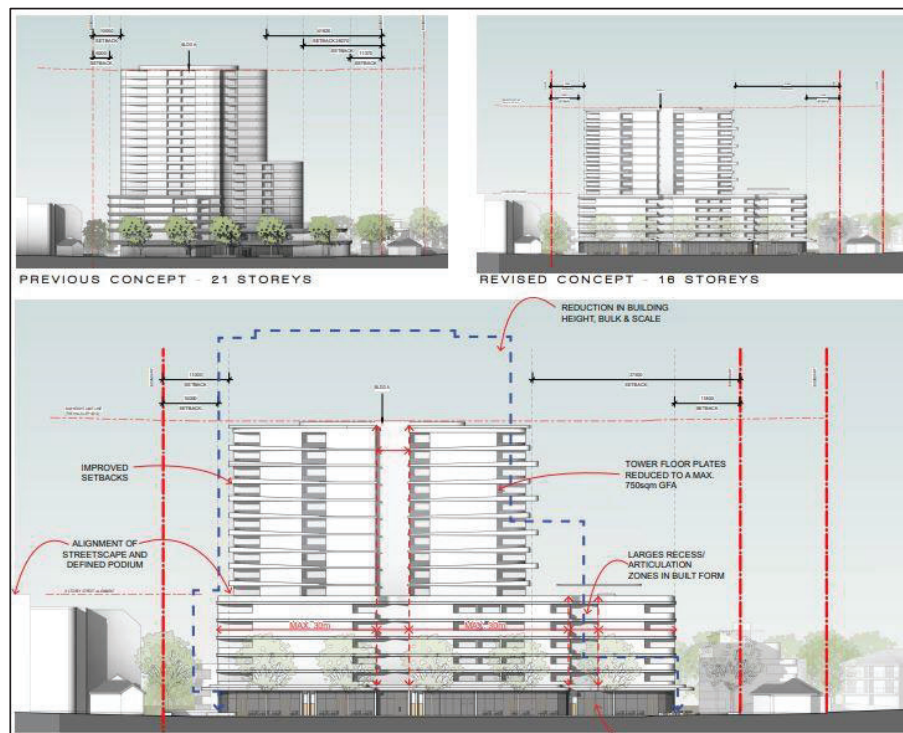
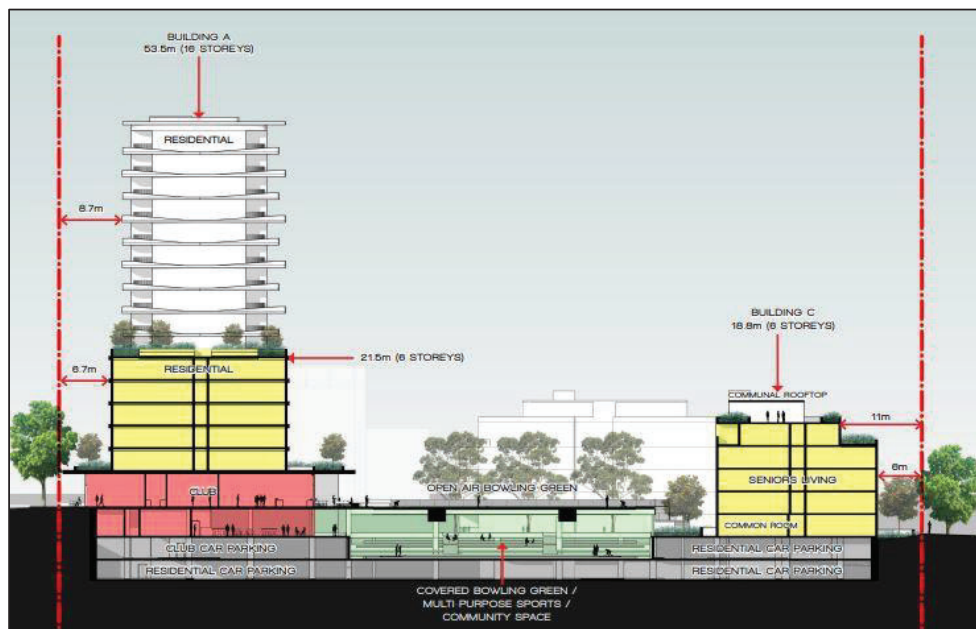


Figure 7  
Comparison of Previous and Current Concept Plans





**Figure 8**  
Current Concept Plan Section



**Figure 9**  
Concept perspective view from Old Northern Road

It is noted that the proposal, as originally submitted, sought a maximum height of buildings of 68m (21 storeys) and an FSR of 2:5:1. However, in response to preliminary feedback from Council officers, the Proponent amended the proposal to reduce the height and density of the proposal. The amended proposal is the subject of this report.

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A letter of offer to enter into a Voluntary Planning Agreement (VPA) has been submitted in support of the planning proposal. The letter of offer proposes contributions comprising of the delivery of works on site in association with the development and monetary contributions to Council. The Proponent has estimated that the public benefit value of contributions in the VPA offer is approximately \$6.5 million.

The planning proposal application is also supported by a draft site-specific Development Control Plan (DCP), which contains controls relating to setbacks, public domain outcomes, street frontage requirements, landscaping, parking and access.

**3. STRATEGIC MERIT CONSIDERATIONS**

The planning proposal has been assessed having regard to the following strategic merit considerations:

- Greater Sydney Region Plan and Central City District Plan
- The Hills Future 2036 – Local Strategic Planning Statement
- The Hills Housing Strategy 2019
- Section 9.1 Ministerial Directions
- Draft Baulkham Hills Town Centre Masterplan

**a) Greater Sydney Region Plan and Central City District Plan**

Objective 2 of the Region Plan and Planning Priority C1 of the District Plan seek to ensure that infrastructure provision aligns with forecast growth. Objective 14 of the Greater Sydney Region Plan and Planning Priority C9 of the Central City District Plan seek to integrate land use planning with transport and infrastructure corridors to facilitate a 30-minute city where houses, jobs, goods and services are co-located and supported by public infrastructure.

The planning proposal will deliver increased housing supply and a community club in an existing town centre location, with access to retail and services and frequent bus services to the CBD and Parramatta. However, there are issues with the local and regional traffic infrastructure within the Baulkham Hills Town Centre, as it is nearing full capacity on account of a high level of regional through-traffic. The traffic report provided by the Proponent indicates that the Level of Service for multiple intersections in the vicinity is currently at capacity. There are high volumes of existing regional and local traffic that feed into the regional road network at the Baulkham Hills junction to reach the key destinations of the CBD (via the M2 to the south) and Parramatta.

The planning proposal has limited scope to address the existing local and regional traffic issues. Consultation with TfNSW to resolve the traffic issues is ongoing, as it is an action included in Councils LSPS, and further consultation specific to this planning proposal would be undertaken, if it was to progress to Gateway Determination. The proposal is not the cause of the existing traffic congestion and the traffic modelling indicates that the planning proposal will not cause a change in the Level of Service for most intersections, except for the intersection of Olive Street and Old Northern Road, which is discussed further in the site-specific merit section of this Report.

The Region Plan references Future Transport 2056, which identifies a longer-term vision for transport connections, including a mass transit link connecting Norwest to Parramatta. A station is earmarked for Baulkham Hills, which will improve accessibility and connections between Baulkham Hills Town Centre and the strategic centres of Norwest and Parramatta. The delivery of mass transit through Baulkham Hills will elevate Baulkham Hills in the hierarchy of centres and significantly improve the public transport offering, beyond the

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existing bus services. An image of the proposed mass transit link from Future Transport 2056 is shown in the figure below.



**Figure 10**

Extract of Future Transport 2056 showing the proposed future transport link between Parramatta and Norwest going through Baulkham Hills

The planning proposal is broadly consistent with these objectives and planning priorities. There is future infrastructure planned for the locality to support future growth, such as that to be facilitated by this planning proposal. However, the resolution of regional traffic issues and the timing of the delivery and final form of the mass transit connection is not clear in the strategic planning framework and so it is difficult to align significant growth with this infrastructure in the short term. Notwithstanding this, it is acknowledged that there are existing bus services to the CBD and Parramatta that connect Baulkham Hills town centre which provide public transport options for future residents.

Objectives 10 and 11 of the Region Plan and Planning Priority C5 of the District Plan seek for provision of greater housing supply that is diverse and affordable with access to jobs, services and public transport. The planning proposal includes the delivery of approximately 232 dwellings comprising high density residential apartments and seniors housing in a town centre location. The planning proposal is broadly consistent with these objectives and planning priorities, in that it will deliver increased housing in a town centre with good access to public transport.

Objective 12 of the Greater Sydney Region Plan and Planning Priority C3, C4 and C6 of the Central City District Plan seek to renew great places and local centres that will bring the community together. The planning proposal will play a role in renewing Baulkham Hills Town Centre by upgrading a recreation and social destination, providing new commercial and retail tenancies and increasing the resident population to capitalise on the offering in the centre. The planning proposal is generally consistent with these objectives and planning priorities.

The planning proposal is generally consistent with these objectives and planning priorities under the Region Plan and District Plan. Notwithstanding this, the proposal would increase demand for traffic infrastructure and public transport services in a location that is already at capacity, without the ability to reasonably resolve the issue in the short-term.

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**b) The Hills Future 2036: Local Strategic Planning Statement**

The key planning priorities within the Local Strategic Planning Statement (LSPS) that are relevant to this proposal are:

- *Planning Priority 1 – Plan for sufficient jobs, targeted to suit the skills of the workforce*

The LSPS seeks to promote the creation of local employment opportunities as the population continues to grow. To do this, the LSPS seeks to maintain an employment ratio of 0.8 jobs per resident across the Shire. The planning proposal would marginally increase commercial floor space and contribute to additional employment opportunities within Baulkham Hills Town Centre. As such it is generally consistent with this priority.

- *Planning Priority 7 Plan for housing in the right locations*

The LSPS identifies a future target of 600 additional dwellings to be provided in Baulkham Hills Town Centre by 2036. The proposal will provide additional housing in Baulkham Hills which is consistent with this priority. However, the quantum of dwellings proposed is potentially in excess of what was anticipated, with the proposal accounting for a large proportion of the total Baulkham Hills Town Centre 2036 dwelling target on one single site. The proposal, in combination with other development that could occur on sites that are already rezoned, would potentially result in dwelling yields exceeding the projected density for Baulkham Hills Town Centre. Development in excess of the anticipated projection is not currently supported by appropriate infrastructure and further investment in infrastructure would be necessary to cater for the increased population, especially beyond the extent of growth already identified in strategic policies. To address this limitation of existing local infrastructure, the Proponent has provided a letter of offer to enter into a VPA with the planning proposal, which is discussed later in this report.

- *Planning Priority 8 Plan for a diversity of housing*

The LSPS identifies that diverse housing is needed to support the future population. The planning proposal includes the provision of 35 seniors housing apartments which is consistent with this priority, as the site would offer future senior residents the opportunity to be within the walkable catchment of goods and services in the Baulkham Hill Town Centre. The delivery of seniors housing within town centres is consistent with Council's strategic objectives and will reduce the pressure to permit seniors housing in other locations across the Shire where it is less appropriate from a built form and/or infrastructure perspective.

With respect to the residential apartment development, the material from the Proponent indicates the intention for the development to be compliant with the dwelling types and apartment mix in the Hills DCP 2012, however the proposal does not include an LEP mechanism to ensure a variety of apartment sizes beyond the requirements of SEPP 65. Should the proposal proceed to Gateway Determination it is recommended that a mechanism is included in the LEP that ensures that future development will deliver a diversity of apartment types and sizes in accordance with Part B Section 5 the Hills DCP 2012.

- *Planning Priority 9 Renew and create great places*

This planning priority relates to appreciating Aboriginal and European heritage and renewing centres. There are a number of relevant key outcomes sought with respect to this planning priority, as described below:



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*Promote the economic benefits of centre redevelopment to businesses and landowners.* The proposed redevelopment of the bowling club and inclusion of residential uses on the site provides economic benefits for the locality. The incoming residents will create additional demand for local goods and services that can be readily accessed within the town centre and the club provides an attractor for increased patronage of the site and other businesses within the centre.

*Discourage commercial and residential uplift in Baulkham Hills town centre until transport and traffic issues are resolved.* The local and regional traffic issues within Baulkham Hills have existed for a number of years. Much of the regional road network in this locality is considered to be at capacity. Public transportation in this location is limited to bus services at this time, however these services do provide good access to the CBD and Parramatta. Council has advocated for an upgrade to the Baulkham Hills Junction intersection and mass transit to be provided through Baulkham Hills on numerous occasions. However, to date, Government has not made any commitment to funding these projects. As the proposal will create uplift in Baulkham Hills Town Centre in advance of any commitment from Government to resolve key traffic issues, the proposal is inconsistent with this specific statement in the LSPS.

*Only encourage planning proposals for local centres that align with our master plan for the centre and protect its primary role to provide goods and services, or be a place for new or evolving employment functions.* The Draft Baulkham Hills Master Plan, considered by Council in 2014, was not adopted. The framework for the Baulkham Hills Town Centre is therefore included in the existing LEP controls and the existing DCP. While the maximum height and number of dwellings is in excess of what is expected under the Draft Baulkham Hills draft Master Plan and the Baulkham Hills Development Control Plan, the proposal will result in some additional jobs being created and an increase in the patronage of the existing businesses in Baulkham Hills.

*Protect items of Aboriginal and European cultural heritage significance from the impacts of development.* A Heritage Impact Statement (HIS) has been lodged with the planning proposal that provides a preliminary assessment of how the proposal will impact on the adjoining heritage items. Given the distance from the development and the existing view lines to items being obscured, the Heritage Impact Statement estimates that there will be limited impacts to the item. Further discussion on the heritage impacts are discussed in Section 4(e) of this report.

- *Planning priority 11 - Plan for convenient, connected and accessible public transport*

The LSPS identifies the utilisation of public transport as a key element in reducing commute times and reducing reliance on private cars. While public transportation in Baulkham Hills is currently limited to bus services (albeit with good access to the CBD and Parramatta), there are longer-term plans for mass transit which will increase public transport access in the future. Council will continue to advocate for improved transport accessibility in Baulkham Hills.

While the planning proposal is generally consistent with many of the principals and priorities within Council's LSPS, the specific policy position articulated with respect to the Baulkham Hills Town Centre is 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 traffic and transport issues which underpin this policy position and impede further development in Baulkham Hills Town Centre have not been resolved and for this reason, the planning proposal is ultimately inconsistent with Council's LSPS.

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**c) The Hills Housing Strategy 2019**

The Hills Housing Strategy identifies a future capacity of 600 additional dwellings to be provided in Baulkham Hills town centre by 2036. The proposal will account for a large proportion of this future capacity on a singular site. The residential development proposed increases housing supply, however the proposal exceeds the anticipated growth for a single site under the Housing Strategy.

**d) The Hills Productivity and Centres Strategy 2019**

The Productivity and Centres strategy acknowledges that the character of Baulkham Hills is changing rapidly with an increase in apartment living close to the key bus corridor to the CBD and Parramatta. It highlights the need for regional transport connections to be in place at the right time to support growth, in particular, regional road and rail links (including grade separation at Seven Hills Road and Windsor Road, Baulkham Hills). These kinds of infrastructure investments require early investigation, identification and commitment to ultimately realise identified employment capacity.

That Strategy states that future uplift in the Baulkham Hills town centre would only be supported once investment in infrastructure is secured. The Strategy also flags a targeted approach to identify strategic investigation sites that have development opportunity in the longer term, pending resolution of infrastructure issues.

The planning proposal is inconsistent with the Strategy, in that it proposes an increase in development potential in Baulkham Hills town centre ahead of resolving the traffic issues with the regional road network.

**e) Section 9.1 Ministerial Directions**

The following Directions issued by the Minister for Planning and Public Spaces under Section 9.1 of the Environmental Planning and Assessment Act 1979 require consideration:

*Direction 3.2 Heritage Conservation*

The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The site does not contain any heritage items. However there are heritage items on neighbouring properties to the north and south.

To the north of the site at 11-13 Old Northern Road, Baulkham Hills is known as 'Creasy's' (I8) and is a single-storey detached dwelling, with a high density development located on the same site to the north and east of the item. To the south of the site, within George Suttor Reserve, there is an archaeological site, known as the Baulkham Hills Tramway Cutting (A1). The Proponent has provided a Heritage Impact Assessment to support the proposal. The heritage impacts on the proposal are discussed further in Section 4(e) of this report.

*Direction 5.1 Integrated Land Use and Transport*

This Direction intends to ensure that future development encourages the use of sustainable integrated transportation options. An objective of this direction is to "reduce travel demand including the number of trips generated by development and the distances travelled, especially by car". In the absence of available rail transportation in Baulkham Hills (or similar mass transit solution), public transportation options are limited to bus services, including

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those to the CBD and Parramatta. Two bus stops are located adjacent to the site, one on either side of Old Northern Road with the flow of traffic travelling in opposite directions. Local shops and restaurants are positioned within 400m of the development and can be accessed utilising existing public domain pedestrian infrastructure within the town centre.

The site will be vehicle accessible and it is expected that residents and patrons will also access the site by private vehicle. The Proponent's revised traffic report estimates that an average total of 260 trips per day are expected by car across all land uses. While there will be an expected reliance on car trips to and from the site, the proposal demonstrates that a number of integrated transport modes are available to access the site and is therefore consistent with this direction.

**f) Draft Baulkham Hills Town Centre Masterplan**

The draft Baulkham Hills Town Centre Master Plan was prepared and exhibited in August and September 2014. It identifies the site as a Strategic Investigation Site and articulates several design principles that would need to be addressed as part of any future proposals to amend The Hills Local Environmental Plan 2019. The master plan envisaged a future uplift of residential development on the site of approximately 80 dwellings and a 4-5 storey built form. The concept proposal presents a higher dwelling density of 232 dwellings and 16 storeys above the podium. The draft Master Plan was ultimately not adopted by Council.

**4. SITE SPECIFIC MERIT CONSIDERATIONS**

The planning proposal requires consideration of the following site specific matters:

- a) Additional Permitted Uses
- b) Built Form, Height, Bulk and Scale
- c) Solar Access
- d) Traffic and Transport
- e) Heritage
- f) Baulkham Hills DCP

**a) Additional Permitted Uses**

The site is zoned RE2 Private Recreation. The objectives of the zone are as follows:

- *To enable land to be used for private open space or recreational purposes;*
- *To provide a range of recreational settings and activities and compatible land uses;*
- *To protect and enhance the natural environment for recreational purposes;*
- *To promote tourism and entertainment related activities in appropriate areas.*

The following uses are permitted with consent in the RE2 Private Recreation zone:

*Aquaculture; Boat launching ramps; Building identification signs; Business identification signs; Charter and tourism boating facilities; Community facilities; Environmental facilities; Hotel or motel accommodation; Jetties; Kiosks; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Restaurants or cafes; Roads; Serviced apartments; Water recreation structures.*

The proposed development outcome contains a number of uses which are not currently permitted with the RE2 Private Recreation zone and as a result, the planning proposal seeks to permit residential accommodation, commercial premises and registered club on the site by identifying these in Schedule 1 – Additional Permitted Uses of the LEP.

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An alternative option would be to rezone the site to another zone where the proposed uses are permitted. However, none of the surrounding zones would facilitate all the proposed uses, with the exception of the B2 Local Centre zone. Given the Proponent's commitment to the continued use of the site for recreation facilities (bowling greens), it is considered the most appropriate mechanism to facilitate the proposed outcomes via the retention of the RE2 Private Recreation Zone and the proposed additional permitted uses in Schedule 1 of LEP 2019, as submitted by the Proponent. An assessment of the suitability of each of the proposed additional uses is provided below:

- **Residential Accommodation**

The proposal seeks to permit residential flat buildings and seniors housing. High density residential development, as part of a mixed use development, is consistent with the development outcomes on other sites located in the town centre. The northern adjoining properties zoned R1 General Residential contain residential flat buildings up to 5 storeys, while the properties to the north-east and south-east (zoned R4 High Density Residential) contain residential development up to 4 storeys. The properties to the west are zoned B1 Neighbourhood Centre and have the potential to deliver mixed use development outcomes.

The objectives of the RE2 Private Recreation zone focus on uses reserved for leisure activities and preservation of the natural environment. Residential accommodation as a stand-alone land use would be inconsistent with the zone objectives. However, as the primary land use of the club and bowling activities will be retained with recreational activities as a core outcome on the site, residential accommodation is considered an appropriate supporting use to this primary land use activity.

- **Commercial Premises:**

The proposal seeks to deliver approximately 405m<sup>2</sup> of commercial/retail space fronting Old Northern Road and facilitate this as an additional permitted use.

The site is well located to provide for commercial floor space, noting the town centre location and adjacent and nearby zones. Permitting commercial uses on the site will provide the opportunity to implement an active street frontage on the site facing Old Northern Road, which is a desirable outcome in a town centre location.

The inclusion of commercial premises as an additional permitted use (at the scale shown in the concept proposal) will not detract from the opportunities to utilise the site for recreational purposes. Similar to the residential uses, commercial uses as a standalone outcome would be inconsistent with the objectives of the RE2 zone. However, in support of the primary recreational use, the inclusion of commercial and retail floor space will be beneficial in terms of economics, activating street frontages and integration with the town centre.

- **Registered Club**

The existing Hills Club operates as a bowling club and the proposal seeks to upgrade the club to hold a licence as a registered club under the *Liquor Act 2007* and be defined as a registered club under the LEP. A registered club is a club that holds a club licence. A club licence authorises the licensee to sell liquor by retail on the licensed premises to a member of the club (or a guest of a member of the club) for consumption on or away from the licensed premises.

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The conversion of the existing bowling club into a registered club will not prevent the operation of the site as a bowling club for recreational purposes. Permitting a registered club as a land use on the site will still allow the 'club' component of the proposal to meet the objectives of the RE2 zone.

The Proponent has committed to the delivery of a new club, retail premises and 232 residential dwellings, which is considered acceptable from a land use perspective in terms of the town centre location and nearby development outcomes. However, to ensure appropriate balance of uses on the site it is recommended that if the planning proposal was to proceed, there should be additional mechanisms included in the Schedule 1 clause to ensure the outcomes in the planning proposal material are delivered, such as a limit the number of dwellings to be no more than proposed and requirement for the amount of club floor space to be no less than proposed under the concept proposal.

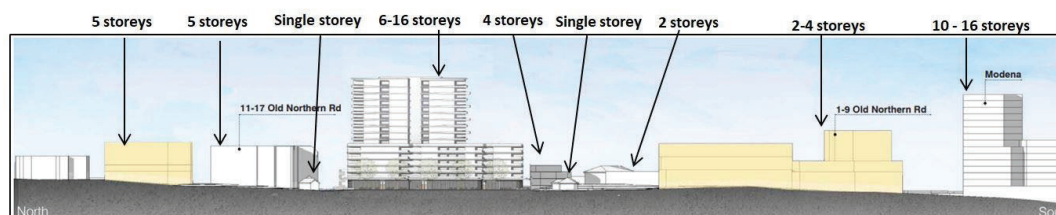
### b) Built Form, Height, Bulk and Scale

The planning proposal seeks to deliver a 16 storey built form outcome fronting Old Northern Road, that transitions to 6 storeys to the rear of the site.

#### ▪ Building Height

The draft Baulkham Hills Town Centre Master Plan envisions a 4-5 storey built form on the site and Part D Section 10 - Baulkham Hills Town Centre of the Hills DCP 2012 identifies future landmark feature buildings with a maximum height of buildings of 30 metres (10 storeys). The majority of buildings within Baulkham Hills Town Centre are under 20 metres (5 storeys) in height, which is significantly lower than the proposed 54 metres (16 storeys) for the site. The tallest buildings in the centre are currently permitted at the corner of Seven Hills Road, Old Northern Road and Windsor Road (subject to Part D Section 14 - Target Site at the Corner of Windsor Road and Seven Hills Road, Baulkham Hills of the DCP), as this is a highly prominent location at the intersection of major roads which run through the centre. The tallest building within Baulkham Hills is subject to a maximum building height of 50 metres (16 storeys) and is located on the south west corner of Seven Hills Road and Windsor Road.

A comparison of building heights to the adjoining and neighbouring sites located on the eastern side of Old Northern Road is demonstrated in the figure below:



**Figure 11**  
Streetscape view - from Old Northern Road

The building height proposed at this location is inconsistent with the broader urban structure currently envisaged for the Baulkham Hills town centre, which focuses the tallest buildings at the key intersection of Seven Hills Road, Windsor Road and Old Northern Road. Notwithstanding this, the site is a prominent location directly across from the core activity area and shopping centre. On this basis, it is appropriate to consider building of a height in excess than the 4-5 storey outcomes currently permitted,

especially if the proposal can demonstrate a high amenity, urban design and built form outcome which positively contributes to the urban form and fabric of the centre.

Based on the current proposal submitted by the Proponent, the building height, in combination with the other built form issues identified below (relating to building length, large floor plates, lack of articulation and lack of architectural diversity) results in a built form that is visually dominant and bulky, which fails to contribute positively to the streetscape, public domain or urban form of the centre.

With respect to the lower scale buildings at the rear of the site, the proposed maximum building height for these residential buildings (20 metres) is considered to be compatible with the adjacent development, which is mostly 4 storeys (16 metres) in height. The proposed controls over this rear portion of the site will likely facilitate a reasonable and appropriate development outcome in relation to the current and future context of the site and potential impacts on adjoining properties.

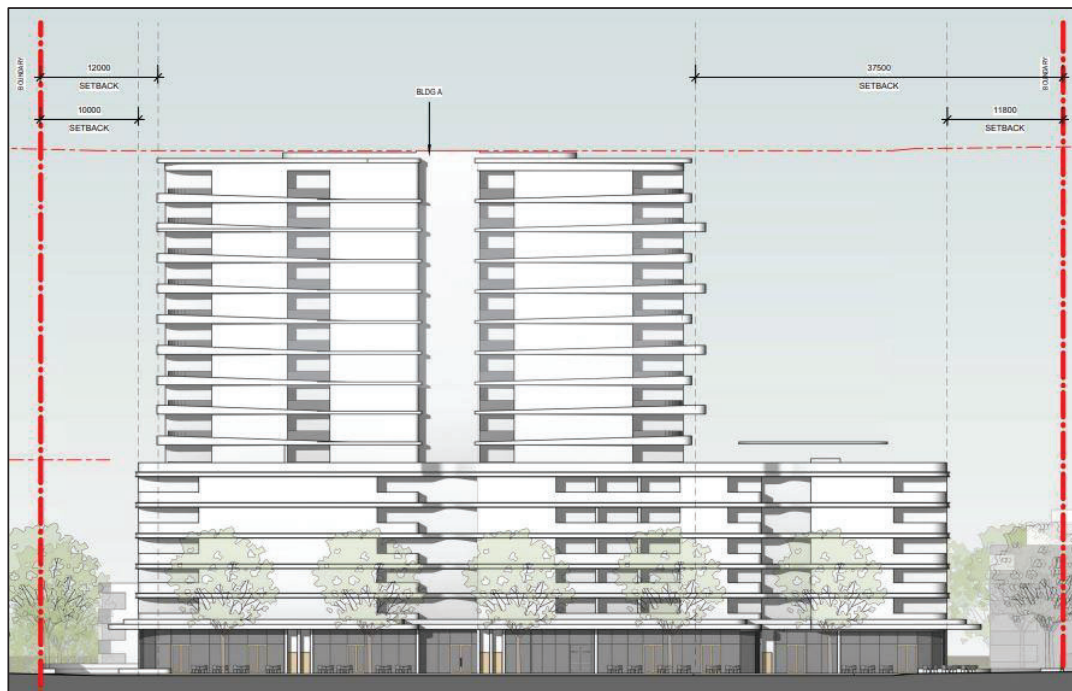
▪ **Building Length**

The length of the building block facing Old Northern Road is in excess of the typical building length for this location. Recently constructed developments fronting Old Northern Road have building lengths between 25 metres and 45 metres at the ground plane, enabling landscaping between buildings, solar access to the street and reducing the impacts of bulk and scale of taller buildings. Council generally requires building lengths of no more than 65 metres, with any building greater than 30 metres in length to be separated into at least two parts by a significant recess or projection. In comparison, the planning proposal concept includes a podium (up to 6 storeys) that is 82 metres long, while the tower above (levels 6 to 15) is 55 metres long.

Council officers have raised concerns about the building length in feedback to the Proponent dated 26 July 2021. In particular, it was recommended that a building length of 65 metres be used as a maximum benchmark, with any building greater than 30 metres in length to be separated into at least two parts by a significant recess or projection, in order to reduce the perceived scale and mass of the development. The revised plans submitted by the Proponent depict a building length of 82 metres, with two 'recess' areas being only 5 to 6 metres wide. The recess of 5 to 6 metres wide is not significant enough to break up the continuous nature of the built form over a span of 82 metres. The podium presents as a long, straight, continuous form, which would benefit from being broken into different forms, further articulation, wider recesses, increased architectural diversity and more vertical façade articulation to mitigate the bulk and scale of the development.

The revised concept plan is shown in the figure below.





**Figure 12**  
Streetscape view - from Old Northern Road

The tower building length of 55 metres is also considered to be excessive and contributes negatively to the perceived bulk and scale of the buildings. Where a tower building has a length greater than 40 metres, it is typical for the building to instead be designed to have the appearance of two distinct building elements with individual architectural expression and features. If the proposal were to proceed, it is recommended that reconsideration of the tower form would be necessary and controls to require more slender towers should be included in the DCP.

#### ▪ Floor Plates

The floor plates of the tower fronting Old Northern Road are shown as having an area of 1,155m<sup>2</sup>, which is well in excess of the typical maximum floor plate size of 750m<sup>2</sup> for residential towers in other high density areas of the Shire. Council has previously advised the Proponent that the concepts should be revised to limit tower floor plates to a maximum of 750m<sup>2</sup>, however the revised concept plans still show a tower with floor plates significantly larger than this. It is noted that the draft DCP provided by the Proponent with the planning proposal includes a control requiring that tower floor plates be less than 750m<sup>2</sup>, despite the concepts submitted failing to comply with this. These tower floor plates, combined with the excessive tower building length and podium building length described above, result in a development that appears bulky, monotonous and visually overpowering.

It is considered that the issues identified with the built form outcomes could be overcome with a further reduction in floor space and revisions of the concept plans to demonstrate an outcome that complies with the following criteria:



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- Maximum building length of 65 metres, with any building greater than 30 metres in length to be separated into at least two parts by a significant recess or projection and where a building has a length greater than 40m it shall have the appearance of two distinct building elements with individual architectural expression and features; and
- Maximum tower floor plate of 750m<sup>2</sup>; and

These outcomes should be reflected in both revisions to the development concept and controls within any future DCP applicable to the land. In addition, further controls should be included relating to building articulation and architectural diversity including:

- The façade design of a development is to utilise large expressed elements to articulate the key components of the building such as entries and retail tenancies;
- Finer detail to identify individual tenancies and different building levels are to be used to add richness to the architectural design; and
- Development shall be designed to incorporate clearly defined ground floor street zone, podium and upper level elements.

**c) Solar Access****▪ Communal Open Space**

The concept plans do not demonstrate compliance with the Hills DCP 2012 in terms of solar access. The Hills DCP requires that a minimum 4 hours of solar access is provided to the communal open space (between the hours of 9am and 3pm on 21 June). The Proponent is instead intending to deliver a lower quantum of solar access in accordance with the ADG. The figures below show the location of the proposed communal open space on the site and the shadow diagrams.

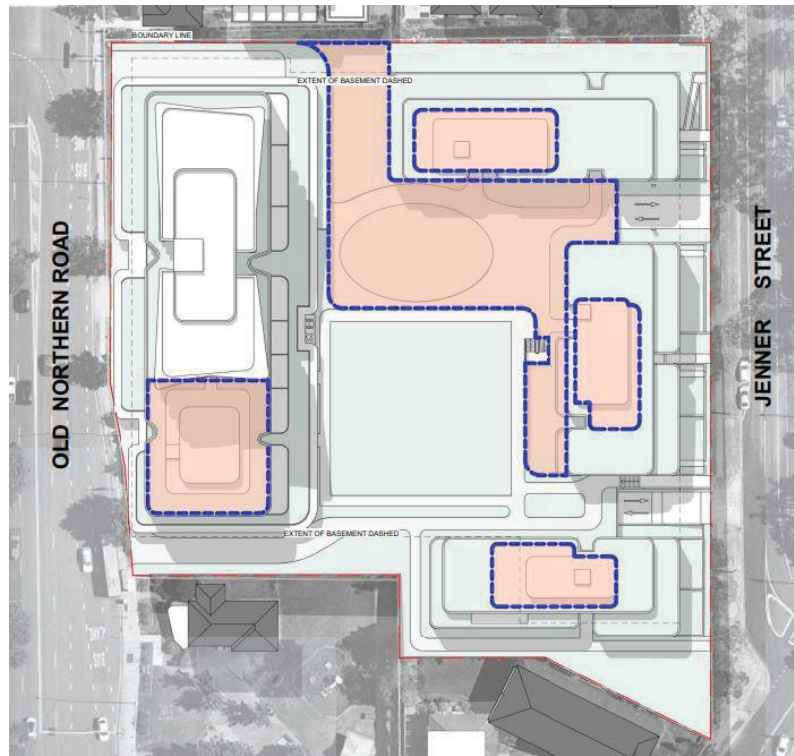


Figure 13

Communal open space map (communal open space shown in red)

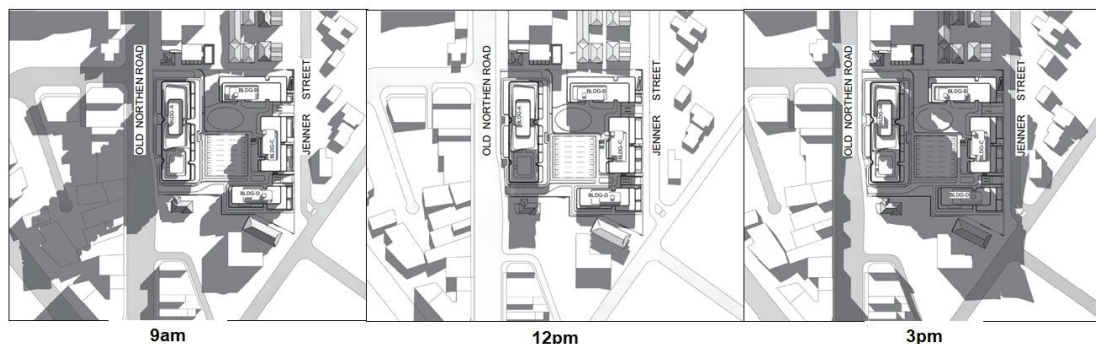


Figure 14

Shadow diagrams at 9am, 12pm and 3pm on 21 June

There will be significant overshadowing to the ground level communal open space during winter. The building length, height and site layout result in the communal open space being in shaded for the majority of the day. Communal open space is critical to the amenity of residents. It is a necessary space that should be high quality, well landscaped and provide residents with a private space to enjoy the outdoors. A communal open space in shade for a majority of the day will not be able to sustain quality landscaping and will be cold and unpleasant in the winter months. The inability for the proposal to provide adequate solar access to these communal open spaces is largely a consequence of the issues identified earlier within this report relating to the extent of FSR sought and the bulk and scale of the proposed development.

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The outdoor natural grass bowling green is located in the centre of the site and receives solar access for a majority of the day. A natural grass bowling green will require substantial solar access for the grass to grow, however a better balance between solar access for the bowling green and communal open space should be considered, to ensure adequate amenity for future residents in the development and enable the communal open space to comply with the Hills DCP requirements.

- **Public Open Space**

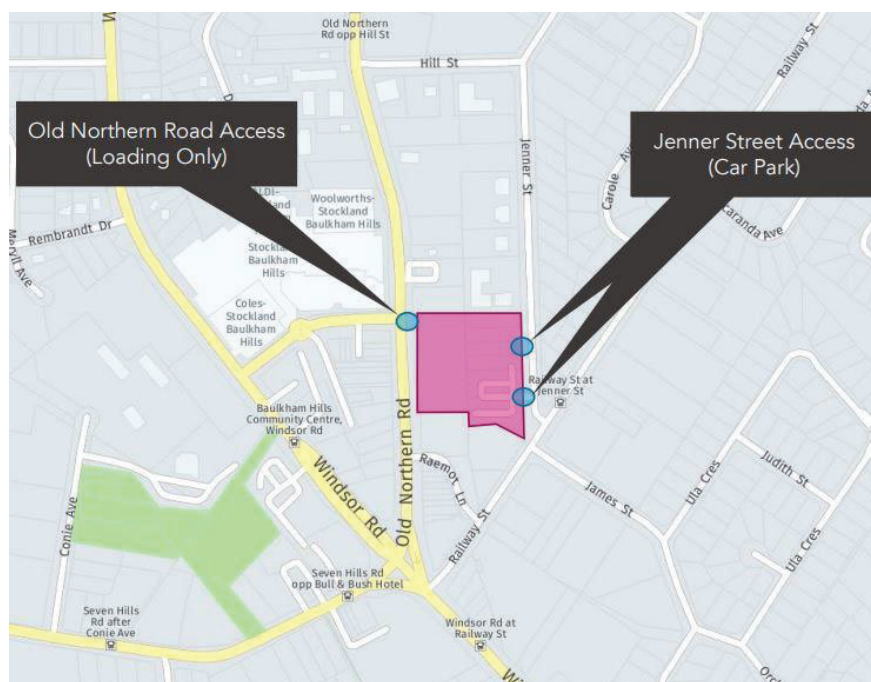
The proposed development will cast shadows over George Suttor Reserve from 11am to 3pm on 21 June. Council would typically require that development not create additional overshadowing of public open space, between the hours of 11am-2pm on 21 June. It is acknowledged that as the site is directly north of George Suttor Reserve, any redevelopment is likely to cast some shadows over the reserve. Accordingly, if a position was to be adopted that no additional overshadowing could occur to George Suttor Reserve, this would largely sterilise redevelopment of the site. As a balanced compromise taking into account all relevant factors, it is considered reasonable to require that the development demonstrate that at least 50% of the park receives sunlight between 11am and 2pm on 21 June.

**d) Traffic and Transport**

The Proponent has provided a Traffic Impact Assessment in support of the planning proposal.

- **Vehicular access points**

At present the site has vehicular access from Jenner Street only. The development concept seeks to retain the primary vehicular access from Jenner Street (as entry to the club and apartments). The concept also shows a second access point from Old Northern Road that will be utilised for service vehicles only. Proposed vehicle entry points are shown in the figure below:

**Figure 15**

Concept proposal showing proposed vehicular site entries

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. The Impact Assessment report has not included comments from TfNSW resulting from consultation. Council officers have expressed concern that due to heavy traffic along Old Northern Road, that providing vehicular access in this location would exacerbate existing local and regional traffic congestion and not supported by TfNSW. 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.

#### ▪ Traffic Generation

The Traffic Impact Assessment provides a trip generation model that estimates that the development will generate 93 AM peak hour trips and 167 PM trips across all land uses. This modelling is based on the number of parking spaces to be provided by the development (594) forecasting that approximately 260 total peak daily trips to and from the site is expected. The Table below shows the forecasted daily peak trips to the site.

Proposed development	AM Peak	PM Peak
Residential	79	93
Seniors Living	14	14
Services (Club, Bowling Greens and Retail)	0	60
<b>Total Peak Hour Trips</b>	<b>93</b>	<b>167</b>

**Table 2**

Proposed peak traffic generation

The letter of offer to enter into a VPA includes the delivery of traffic and pedestrian improvements to enable access to the site from Old Northern Road, opposite Olive Street



and a roundabout at the intersection of Jenner Street, Railway Street and James Street, which will improve the safety of vehicle movements travelling to and from the site from James Street and Railway Street onto Jenner Street. Monetary contributions will also be provided to Council to expenditure on future local traffic upgrades as deemed necessary.



Figure 16

Aerial image of the Railway Street, Jenner Street and James Street intersection

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. 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.

While upgrades to local infrastructure are included in the letter of offer, these primarily relate to the local road network. Planning Priority 9 of The Hills Future 2036 states that commercial and residential uplift in Baulkham Hills Town Centre are to be discouraged until the broader transport and traffic issues are resolved, which are predominantly related to the regional road network and are largely contingent on commitment from Government to address the issues associated with significant regional through-traffic.

The principal issue affecting the town centre is the location, at the junction of major regional roads being Seven Hills Road, Windsor Road and Old Northern Road. As a result the town centre currently experiences significant traffic congestion. However, it is important to note that the congestion is the result of regional through traffic that is passing through the centre rather than traffic that is generated from within the town centre. Whilst the efficiency of the arterial road network is a matter for Transport for NSW, Council has identified possible

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measures to improve the performance of the junction of Windsor Road, Seven Hills Road and Old Northern Road, including grade separation of the intersection. To date, there has been not been a commitment from the NSW State Government to provide for the required infrastructure upgrades and the traffic issues in this location are yet to be resolved.

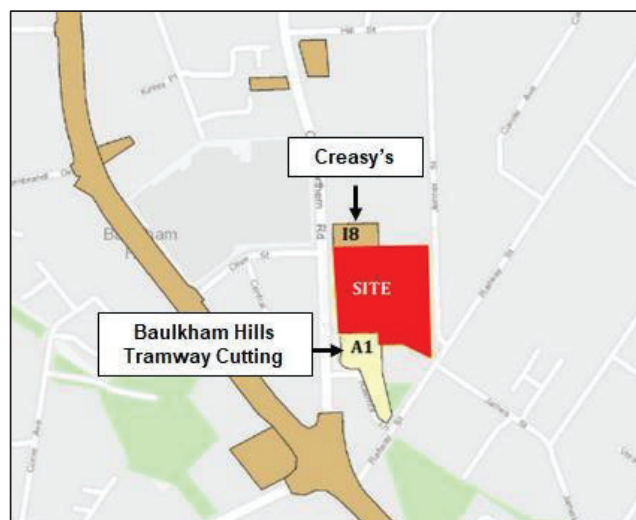
In response to this issue, the Proponent states:

*'The development proposal has been adjusted so that all traffic (other than the loading dock) will enter and exit the site from Jenner Street, avoiding placing any traffic from the car park on to the state and regional roads. We consider that this detaches the development from the transport issues raised in the LSPS.'*

While the subject site is not responsible for the existing issues, the sites redevelopment to a more intense use would nonetheless increase the traffic utilising the regional road network which is already at capacity, albeit marginally. 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 anticipate that if the proposal were to progress, consultation with TfNSW would be necessary with respect to the potential impacts on the regional road network.

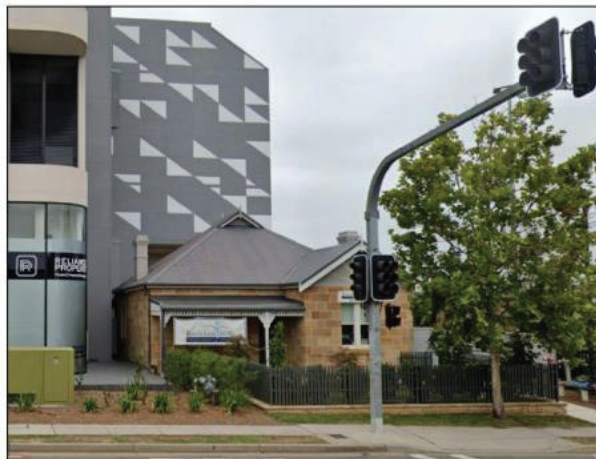
#### e) Heritage Impacts

Two local heritage items, listed in Schedule 5 of the Hills LEP 2019, adjoin the site. 'Creasy's', 11-13 Old Northern Road, Baulkham Hills (No.18) to the north and "Baulkham Hills Tramway Cutting", George Suttor Reserve No 84, 9Z Old Northern Road, Baulkham Hills (No. A1) to the south, as identified in the figure below:



**Figure 17**  
Location of local heritage items that adjoin the site

'Creasy's' is described as a single storey detached dwelling circa 1906. The heritage significance of item relates to it being the principle residence of the prominent entrepreneurial Horwood family. The dwelling is the only surviving evidence of the early village of Baulkham Hills, which developed around the intersection of Windsor Road and Old Northern Road. A street view image of 'Creasy's' is shown in the below.

**Figure 18**

Local heritage item "Creasy's" (No.18), 11-13 Old Northern Road

The heritage assessment provided by the Proponent refers to a Conservation Management Plan prepared in 2014 which states:

*"The assessment of significance has determined that the building does not have architectural or historic significance as part of a pattern or course of building on a level to satisfy the assessment criteria. It has partial representative values as a Federation era cottage built on a large allotment in a setting for half a century in rural land and a residential use until 1975. The building is primarily of social significance with its association with the Horwood family."*

The heritage assessment concludes that the principal view corridor exists from directly outside and across the street, and will remain unobscured should the proposed development be constructed.

When viewed from the south, the existing street vegetation and boundary fence partly obscure the item. The proposed development, given its scale and the proposed setback to Old Northern Road, will significantly obstruct the existing southern view corridor.

**Figure 19**

Development concept and 'Creasy's' view from the south



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The preliminary heritage assessment provided by the proponent concludes that the proposal would have an acceptable impact on the heritage item.

However, it is the view of Council officers that the impact of a reduced setback to Old Northern Road is not considered acceptable, in that it would obscure the existing view corridor to the item. The development site to the north, which includes the heritage item, has a front setback consistent with the building line of the heritage building. A more appropriate front setback on the subject site would be consistent with this building line of the heritage item, in order to preserve the openness and visual connection from Old Northern Road to the item and provide a consistent street wall setback along Old Northern Road. This would require an increase in the front setback by approximately 2-3 metres.

Local Heritage Item (A1), Baulkham Hills Tramway cutting is located within the lot boundaries of George Suttor Reserve and comprises of a parkland reserve, established trees, small plantings and a Post-world War II building.

The heritage significance of the item is described in Council's as Heritage Inventory Sheet as 'the last tangible sign of a tramway which transformed communication along the Old Northern Road in the first quarter of the 20th century'.

There is limited visibility to the item currently from the subject site due the existing dense vegetation to the southern boundary of the site. The heritage curtilage of the item is confined to George Suttor Reserve. The heritage assessment provided by the Proponent concludes that proposal would have an acceptable impact on the heritage item. Given the distance from the subject site and the archaeological nature of the item, the proposal's impact on the item is acceptable.

**f) Infrastructure Demand**

The planning proposal seeks to facilitate 232 residential dwellings, which would generate local infrastructure demand as follows:

- 8% of a local community centre
- 1% of a branch library
- 23% of a playing field (active open space)
- 7,517m<sup>2</sup> of passive open space

The Hills Section 7.12 Contributions Plan which currently applies to the land and imposes a levy of 1% of the cost of development does not plan or cater for this uplift. In acknowledgement of this, a letter of offer to enter into a Voluntary Planning Agreement (VPA) has been lodged with the proposal. The offer proposes the following contributions:

- Pedestrian through-site link and easement connecting Jenner Street and Old Northern Road (suggested value of \$2 million by Proponent);
- Traffic works with a suggested value of \$1 million, comprising:
  - A new signalised pedestrian crossing at intersection of Old Northern Road and Olive Street;
  - A roundabout at the intersections of Jenner, Railway and James Streets, Baulkham Hills;
- Monetary contributions of \$650,000 toward upgrades to George Suttor Reserve; and
- Monetary contributions of \$2,850,000 towards future local infrastructure upgrades such as local roads, parks and community facilities.

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The infrastructure items offered would generally address the key areas of infrastructure demand, noting that one of the items in the VPA is monetary contributions that Council could allocate toward local infrastructure in the vicinity of the site, including active recreation and community facilities.

The Proponent has valued their offer at a total of \$6.5m, which would equate to approximately 4% of the overall cost of works, or 3% of the cost of works of the non-residential component and \$24,000 per dwelling for the residential component of the development.

In consider the planning proposal, Council would also consider and determine the adequacy of the VPA offer as a mechanism to address the increased demand for infrastructure. A comparison of the VPA against other residential and non-residential VPAs and Contributions Plans indicates that the total value of the offer is broadly consistent with these other infrastructure funding mechanisms and comparable to the likely cost of providing new and improved local infrastructure proportionate to the demand created by the uplift sought through the proposal. It is considered that the VPA offer represents a fair and reasonable contribution in association with the proposed development outcome.

In addition to local contributions, it may be appropriate for the proposal to contribute toward regional infrastructure, most likely traffic and transport infrastructure. If the proposal were to progress, consultation with Transport for NSW would be required with respect to potential regional infrastructure contributions, in addition to the other traffic matters raised above.

**g) The Hills Development Control Plan (DCP)**

The Hills Development Control Plan 2012 Part D Section 10 – Baulkham Hills Town Centre requires development to be of a building height and scale that is appropriate within a town centre. Under the DCP, future landmark feature buildings with a maximum height of buildings of 30m. The majority of the centre comprises of buildings of approximately 20m in height, with the tallest building currently permitted in Baulkham Hills being 50 metres in height and located on the corner of Seven Hills Road and Windsor Road. The current proposal seeks to allow a maximum height of 54 metres.

The objectives of Part D Section 10 - Baulkham Hills Town Centre DCP are to:

- I. Ensure that all development supports the designated functions of the town centre;*
- II. Encourage a high standard of aesthetically pleasing and functional retail, commercial and mixed use developments that sympathetically relate to adjoining and nearby developments;*
- III. Ensure that development will not detrimentally affect the environment of any adjoining lands and ensure that satisfactory measures are incorporated to ameliorate any impacts arising from the proposed development;*
- IV. Ensure that development will promote and support the role of the Baulkham Hills Town Centre as a district centre;*
- V. Encourage innovative and imaginative designs that add to the character of the Town Centre Part D Section 10 Baulkham Hills Town Centre.*
- VI. To ensure that new development moderate the demand for travel, support the efficient and viable operation of public transport and improve accessibility to housing and employment;*
- VII. Provide safe and high-quality useable environments for the employees, visitors and residents using the Town Centre;*

## LOCAL PLANNING PANEL MEETING 18 MAY, 2022

## THE HILLS SHIRE

- VIII. *Ensure that all developments incorporate the principles of Ecologically Sustainable Development; and*
- IX. *Ensure that water management is a material planning consideration.*

While the proposal seeks a density and height that is greater than other sites located within Baulkham Hills town centre, a redevelopment of the site that exceeds the existing LEP standards may still meet the objectives Part D, Section 10 - Baulkham Hills Town Centre of the Hills DCP.

The Proponent has submitted a site specific DCP lodged with the application which seeks for development parameters on the site that deviate from the controls specified in Part D Section 10 of the Hills DCP.

Council officers initial assessment of the draft DCP controls indicate that a number of the proposed controls should not be supported. In particular, the front setback controls and solar access controls need to be revised. It is recommended that the minimum front setback be in line with the building line of the adjacent heritage item to provide a consistent street wall and ensure visibility to the adjacent heritage item is maintained. It is also recommended that solar access controls in the existing DCP be retained.

Furthermore, the concept plans provided with the planning proposal do not reflect compliance with the proposed DCP controls in the draft DCP submitted by the Proponent, with respect to some of the key built form parameters detailed earlier within this report. If the proposal were to proceed, a revised concept plan would be required to demonstrate compliance with the draft DCP controls and justify the density and building height sought for the site.

## CONCLUSION

While the planning proposal generally aligns with the principals and priorities of the applicable strategic planning framework, it is ultimately inconsistent with the clear policy position articulated within Council's LSPS, which specifies that Council will "*discourage commercial and residential uplift in Baulkham Hills town centre until transport and traffic issues are resolved*". If not for this inconsistency, it is considered that the proposal would otherwise demonstrate sufficient strategic merit.

The current development concept, as submitted by the Proponent, fails to demonstrate adequate site specific merit, as it depicts an outcome which is considered to be beyond the built form capacity of the site. It is considered that through further revision, the planning proposal outcome would likely be capable of demonstrating site-specific merit, however this would necessitate amendments to the proposal, which to date, the Proponent has declined to make. In particular, it is considered that the proposal should be further revised to reduce the maximum FSR sought to the point where the resulting built form can achieve the following key outcomes:

- Maximum building length of 65 metres;
- Maximum tower floor plate of 750m<sup>2</sup>;
- Building separation which complies with the Apartment Design Guide;
- Solar access to common open space of 4 hours between 9am - 3pm on 21 June;
- Solar access to at least 50% of George Suttor Reserve between 11am - 2pm on 21 June; and
- Front setbacks consistent with the building line of the adjacent heritage building and development (approximately 6 metres).

**LOCAL PLANNING PANEL MEETING 18 MAY, 2022****THE HILLS SHIRE**

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Separate to the assessment of the strategic and site specific merit of the planning proposal, it is considered that the VPA offer submitted by the Proponent in support of the planning proposal is fair and reasonable and would be an adequate mechanism to secure appropriate development contributions from future development on the site, if the planning proposal were to progress in either the current or revised form.

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**ATTACHMENTS (UNDER SEPARATE COVER)**

1. Planning Proposal Report
2. Heritage Impact Statement
3. Site Survey
4. Geotechnical Investigation Report
5. Service Infrastructure Report
6. Urban Design Report
7. Architectural Package
8. Landscape and Public Domain Concept
9. VPA Letter of Offer
10. Site Specific DCP and Framework
11. Traffic Impact Assessment
12. Acoustic Assessment
13. Social and Economic Impact Assessment
14. Site Investigation Report
15. Biodiversity Assessment Report

**LOCAL PLANNING PANEL ON 18 MAY 2022 – THE HILLS SHIRE COUNCIL****PRESENT:**

Pamela Soon	Chair
Elizabeth Kinkade	Expert
Glennys James	Expert
Kaavya Karunanithi	Community Representative

**DECLARATIONS OF INTEREST:**

In relation to Item 1, Ms Kinkade declared that the proponent Keylan Consulting Pty Ltd was one of a number of consultancy contact details she suggested to a regional council for DA assessment work. The suggestion to that regional council does not represent a significant conflict of interest under the LPP Code of Conduct and she is still able to consider and advise on the matter.

**COUNCIL STAFF:**

The Panel were briefed by the following Council Staff on 18 May 2022:

David Reynolds	-	Group Manager – Shire Strategy, Transformation & Solutions
Nicholas Carlton	-	Manager – Forward Planning
Megan Munari	-	Principal Coordinator, Forward Planning

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**ITEM 1: LOCAL PLANNING PANEL - PLANNING PROPOSAL – 6-18  
JENNER STREET, BAULKHAM HILLS (7/2021/PLP)**

**COUNCIL OFFICER'S RECOMMENDATION:**

The planning proposal not proceed to Gateway Determination.

**PANEL'S ADVICE:**

The planning proposal should not proceed to Gateway Determination on the basis that:

- a) 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.
- b) 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:
  - Maximum building length of 65 metres;
  - Maximum tower floor plate of 750m<sup>2</sup>;
  - Building separation which complies with the Apartment Design Guide;
  - Solar access to at least 50% of George Suttor Reserve between 11am - 2pm on 21 June;
  - Solar access to common open space of 4 hours between 9am - 3pm on 21 June;
  - Compliance with the relevant standards within the Apartment Design Guide, including but not limited to solar access for all apartments and deep soil zone provision;
  - 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;
  - 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 and improved through reconsideration of the current design;
  - 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.

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.

**VOTING:**

Unanimous





**THE HILLS**  
Sydney's Garden Shire

**THE HILLS SHIRE COUNCIL**  
3 Columbia Court, Norwest NSW 2153  
PO Box 7064, Norwest 2153  
ABN 25 034 494 656 | DX 9966 Norwest

**ATTACHMENT 3**

13 August 2020

Ms Rebecka Groth  
Suite 2, Level 1  
1 Rialto Lane  
MANLY NSW 2095

Our Ref: FP211 and FP66

Dear Ms Groth

**Request for Feedback on Potential Planning Proposal – The Hills Bowling Club Master Plan**

I refer to your request for feedback with respect to a potential planning proposal for The Hills Bowling Club at 6-18 Jenner Street, Baulkham Hills. Thank you for meeting with Council Officers on 22 July 2020 to present your preliminary concept for the site.

I understand that you are intending to submit a planning proposal to facilitate the redevelopment of the existing bowling club including:

- 3,050m<sup>2</sup> Bowling Club with open air and covered bowling greens;
- 29,800m<sup>2</sup> of residential floor space comprising 250-260 apartments (a portion which may be used for seniors housing);
- 250m<sup>2</sup> of retail floor space adjoining Old Northern Road;
- 600m<sup>2</sup> of residential facilities; and
- 380m<sup>2</sup> of seniors facilities.

The following preliminary comments are provided by Council officers to assist with the preparation of your application:

**a) Strategic Planning Framework**

Any planning proposal for this site should address consistency with the strategic planning framework, with particular regard to the Greater Sydney Region Plan, the Central City District Plan, The *Hills Future 2036* Local Strategic Planning Statement and the draft Baulkham Hills Town Centre Master Plan. Any deviation from the strategic planning framework should be supported by compelling justification.

The relevant strategic planning framework articulates the following objectives for this site:

- *The Hills Local Strategic Planning Statement (LSPS)*

The Hills Local Strategic Planning Statement articulates that commercial and residential uplift in the Baulkham Hills Town Centre should only be supported by Council once State Government investment in infrastructure is secured and persisting transport and traffic constraints are resolved to facilitate the Town Centre as a transit link between Norwest and Parramatta (reflecting the Government's *Future Transport 2056* document). Specifically, Council's LSPS contains the

following objective: *'Discourage commercial and residential uplift in Baulkham Hills town centre until transport and traffic issues are resolved'*.

- ***Draft Baulkham Hills Town Centre Master Plan***

The draft Baulkham Hills Town Centre Master Plan which was exhibited in August and September 2014 identifies the site as a 'Strategic Investigation Site' and articulates a number of design principles that would need to be addressed as part of any future proposal to amend The Hills Local Environmental Plan 2019. Preliminary analysis undertaken as part of the master plan determined that the site may be suitable to accommodate up to 200 dwellings and 4,000m<sup>2</sup> of retail and commercial floor space, noting that future yield would be subject to detailed design as part of a future planning proposal.

It is noted that the Draft Master Plan has not been adopted by Council. However, should you wish to submit a planning proposal on the site, your application should have regard to the following design principles identified within the Draft Master Plan:

- Land Use;
- Heritage Conservation;
- Transport and Access;
- Parking and Servicing;
- Treatment of Interfaces;
- Built Form;
- Open Space and Communal Facilities;
- Public Domain; and
- Environmental Performance.

**b) Proposed Built Form**

The proposed maximum height of 21 storeys exceeds that envisaged for the Baulkham Hills Town Centre. Further consideration should be given to a more appropriate maximum building height, having regard to the following factors:

- It is anticipated that the tallest buildings within the Town Centre will be located at the key gateway to the Precinct, being the intersection of Old Northern Road, Windsor Road and Seven Hills Road, with a maximum height of 15 storeys;
- The subject site adjoins a recently constructed 6 storey residential building to the north and low density residential to the east, both of which are expected to remain unchanged in the future. Consideration should be given to whether 21 storeys is appropriate at this location, having regard to the context of the site and the existing and future character of the locality;
- The height of any future building on the subject site should facilitate a downward transition from the Windsor Road intersection to the 6 storey residential development at 13 Old Northern Road;
- The proposed development should not compromise solar access for the open air bowling greens, George Suttor Reserve and adjoining development; and
- Careful consideration should be given to the bulk and scale of the proposed development and achieving an excellent and interesting design outcome.

It is recommended that your planning proposal be accompanied by a site-specific DCP to provide certainty of the proposed built form outcomes across the site. The DCP would need to cover key matters including site layout, building height, setbacks, interface with adjoining residential development, through-site links, plaza and communal spaces, heritage, views, site coverage,

landscaped area, solar access, traffic, access and parking, materials and finishes and wind impacts.

**c) Residential and Commercial Yield**

The planning proposal should provide clarification on the quantum of residential yield and whether housing for seniors is included within the indicative yield of 250–260 dwelling yield cited. Further information is required on what is intended for areas shown as ‘seniors facilities’ and ‘residential facilities’. The planning proposal should demonstrate compliance with Council’s apartment size and mix criteria as articulated in Clause 7.11 of The Hills Local Environmental Plan 2019:

- Minimum of 20% 3 or more bedroom apartments;
- Maximum 25% 1 bedroom or studio apartments;
- Minimum of 40% of the 2 bedroom apartments to be larger than 110m<sup>2</sup>; and
- Minimum of 40% of the 3 bedroom apartments to be larger than 135m<sup>2</sup>.

**d) Traffic and Access**

There are currently significant regional and local traffic issues within the Baulkham Hills Town Centre which impede the Centre’s capacity to accommodate additional development yield and density. The intersection of Windsor Road, Seven Hills Road and Old Northern Road in particular is subject to substantial regional traffic congestion and to date, there is no State Government funding commitment to rectifying these existing issues. From a traffic and transport perspective, it is difficult to justify any significant increase in residential or commercial yield within the Town Centre until these existing issues are resolved.

Loading and carpark access via Old Northern Road near Olive Street should be the subject of discussions with Transport for NSW. Consideration should be given to restricting access from Old Northern Road as pedestrian only.

Parking rates should be consistent with Council’s ‘centres rate’ within The Hills Development Control Plan.

The draft Baulkham Hills Master Plan identifies a pedestrian link along the southern boundary of the site to George Sutton Reserve. Justification should be provided for the proposed relocation of this pedestrian link and how this would result in a superior outcome.

**e) Community Floor Space and Public Infrastructure**

While the merits of a rejuvenated bowling club are recognised, the planning proposal would need to address future demand on local community infrastructure (including traffic and transport, community facilities, passive and active open space) generated by the proposed 250-260 dwellings. The provision of bowling facilities on the site does not negate the need to establish a fair and reasonable contribution to address local infrastructure demand driven by growth.

**f) Information required to be submitted with a Planning Proposal**

The following supporting studies would be required (as a minimum) with any planning proposal:

- Owners Consent and completed Political Donations forms;
- A Planning Proposal Report, which addresses the Department of Planning, Industry and Environment’s *Guide to Preparing Planning Proposals* and *Guide to Preparing Local Environmental Plans* and the matters outlined in this letter;
- Architectural drawings that include a site and concept plan;
- Urban Design Report and photomontages;
- Traffic, Parking and Accessibility Report;
- Social Infrastructure Assessment;
- Shadow Diagrams;

- Heritage Impact Statement which addresses potential impacts on the heritage significance of the adjoining heritage item; and
- Acoustics Report.

Once lodged, Council may require further information to be submitted should matters arise from the detailed assessment process.

The subject proposal would be categorised as “Major”, with an associated fee of \$69,235. A copy of Council’s Schedule of Fees and Charges for the 2020-2021 Financial Year can be accessed on Council’s Website here: <https://www.thehills.nsw.gov.au/Council/Documents-Reports-Registers-and-Policies/The-Hills-Shire-Plan-Archive>

You may also wish to view Council’s Planning Proposal Policy, which can be accessed via the following link: <https://www.thehills.nsw.gov.au/Council/Documents-Reports-Registers-and-Policies/Policy-Register>

I trust that the above information will be of assistance as you prepare your application. Council officers would be happy to discuss the matters raised further at our upcoming meeting on 18 August 2020. Should you have any queries regarding the matters raised in this letter, please contact Gideon Tam, Town Planner on 9843 0188.

Yours faithfully



**Nicholas Carlton**  
**MANAGER – FORWARD PLANNING**



**THE HILLS**  
Sydney's Garden Shire

**THE HILLS SHIRE COUNCIL**  
3 Columbia Court, Norwest NSW 2153  
PO Box 7064, Norwest 2153  
ABN 25 034 494 656 | DX 9966 Norwest

**ATTACHMENT 4**

26 July 2021

Mr Ken Carroll  
The Hills District Bowling Club  
6-18 Jenner Street, Baulkham Hills NSW 2153

Our Ref: 7/2021/PLP

C/- Padraig Scollard – Keylan Consulting

Dear Mr Carroll,

**PLANNING PROPOSAL 7/2021/PLP**

**THE HILLS BOWLING CLUB - 6-18 JENNER STREET, BAULKHAM HILLS**

I refer to the abovementioned planning proposal for land at 6-18 Jenner Street, Baulkham Hills (Lot 4 DP1108855). The planning proposal has been briefed to Councillors at a Workshop and Council officers have now completed a preliminary assessment of the proposal.

As you would be aware, the next step in the process will be for the matter to be reported to the Local Planning Panel for advice. Council is required, by a Ministerial Direction, to report planning proposals to the Local Planning Panel prior to consideration by the elected Council. For reference, the key steps in the planning proposal process are identified in the timeline below.



The purpose of this letter is to provide you with the opportunity to consider and address a number of matters which have been identified through the Council officer assessment process, prior to the matter being report to the Local Planning Panel for advice.

In this regard, the following matters are raised for your consideration:

**a) Strategic Framework and Density**

The site is identified as a Strategic Investigation Site under the draft Baulkham Hills Town Centre Master Plan. While it is acknowledged that the planning proposal seeks to facilitate the viable redevelopment of the Hills District Bowling Club, the FSR of 2.5:1 (275 dwellings) represents a density which is in excess of the outcomes envisaged for the residential development on the site under the draft Master Plan, which indicates approximately 80 dwellings.

The Hills Housing Strategy 2019 identifies a target of 600 additional dwellings to be provided by 2036 across the Baulkham Hills Town Centre. The subject application (including seniors housing) proposes almost half of this target on a singular site, which would lead to exceedance of the anticipated density for Baulkham Hills Town Centre. Critically, any increase in residential population on the site would require commensurate infrastructure improvements to support the incoming population.

#### **b) Built Form and Height**

The draft Baulkham Hills Town Centre Master Plan anticipates a 4-5 storey built form on the site and the Baulkham Hills DCP identifies future landmark feature buildings with a maximum height of buildings of 30m. The majority of the centre comprises buildings of approximately 20m in height, with the tallest building currently permitted in Baulkham Hills being 50 metres in height (16 storeys above the podium), located on the corner of Seven Hills Road and Windsor Road.

With respect to the proposed tower on the site, concern is raised that the maximum height of buildings of 68 metres (21 storeys) would be substantially taller than any other approved built form at this location and would alter the planned urban structure of the town centre, where the highest buildings were intended to be located around the junction of Windsor Road, Seven Hills Road and Old Northern Road. Furthermore, concern is raised with respect to the bulk of the overall tower envelope, which should be refined having regard to Council's recently established controls for higher density residential towers in areas such as Showground Station Precinct and Castle Hill North Precinct. For example, I would note the following requirements:

- Maximum building length of 65 metres, with any building greater than 30 metres in length to be separated into at least two parts by a significant recess or projection.
- Tower floor plates in excess of 8 storeys must be limited to 750m<sup>2</sup> of gross floor area per storey.

It is noted that the proposal does not specify the floor plate area or the overall length and width dimensions of the development blocks and tower floor plates. However, the residential tower and podium appear to presents as greater than 65 metres length fronting Old Northern Road and are massed as a singular continuous structure. It is recommended that the design be refined having regard to these key urban design requirements and that updated plans be submitted which detail an ability for compliance as part of future development to comply with.

It is recommended that consideration be given to reducing the maximum building height of the proposed tower building, to better align with the planned urban structure and demonstrate the ability to achieve an excellent design outcome within the planning controls sought. This may also result in a marginal reduction in density which is more in keeping with the outcomes identified for this site within the relevant strategies.

With respect to the proposed building heights proposed fronting Jenner Street, the Planning Proposal and draft DCP notes that these buildings will be 4-6 storeys however the Urban Design Response indicates that these buildings will be 8 storeys in height. Building heights along Jenner Street should be consistent with the existing prevailing heights, in the order of 4 storeys, potentially with some 6 storey elements if this allows for reduced building footprints and increased setbacks from boundaries in comparison to a 4 storey built form.

The Planning Proposal indicates that a 'blanket' maximum height limit is proposed for the entirety of the site, while the DCP points to the more specific location of building forms. Concern is raised that this approach does not provide sufficient certainty that building heights will be appropriately limited at key locations, including the interface with lower scale developments. Following reconsideration of the proposed maximum heights across the site in light of the comments above, it



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is considered appropriate for the proposal to more specifically nominate and map these different heights across the site within the LEP amendments sought.

**c) Landscaping**

The concept development plans provided with the application indicate that there is limited deep soil landscaped area proposed. The development concept is comparable in bulk and scale to a residential flat building (and contains a number of residential flats as part of the mixed use development), which would require 50% deep soil landscaped area to comply with existing DCP controls. In addition, State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004, contains minimum deep soil landscape ratios for seniors housing developments that are greater than what is shown in the concept design.

Further consideration should be given to providing increased deep soil landscaping on site. It is recommended that the concept be revisited to reduce hardstand areas and increase setbacks where deep soil planting can occur. The depth of soil for plantings should demonstrate compliance with The Hills Development Control Plan 2012.

**d) Development Control Plan**

The application includes an outline of a future proposed site specific DCP, however the draft DCP has not yet been submitted to Council. It is requested that a draft site specific DCP be prepared and submitted to Council for assessment and consideration by Council concurrently with the planning proposal. The draft DCP is an important supporting document which is relevant to Council's determination of the planning proposal.

**e) Traffic, Vehicular Access and Engineering**

The net traffic increase based on the data provided in the Traffic Impact Assessment will result in an additional 111 AM and 189 PM peak trips to the site. While this number of additional trips is not significant in isolation, existing traffic volumes on the Old Northern Road and the intersection with Seven Hills Road and Windsor Road are close to or at capacity and consideration must also be given to any cumulative impact associated with other uplift within Baulkham Hills Town Centre over the longer term.

In recognition of the existing regional traffic issues at Baulkham Hills Town Centre, Council's LSPS contains the action that Council will *"discourage commercial and residential uplift in Baulkham Hills town centre until transport and traffic issues are resolved"*. This action reflects that irrespective of whether an application can address the impacts of incremental uplift on an individual site, concerns remain around permitting *any* uplift within the centre until such time as existing traffic and transport issues are resolved.

It should be noted that this action is one of a number of LSPS actions that relate to Council's planning for town centres, with all of these actions having weight in Council's assessment and consideration of the planning proposal. For reference, with respect to planning for town centres, the LSPS also states that Council will:

- *Prioritise place-making in new and emerging neighbourhoods;*
- *Promote the economic benefits of centre redevelopment to businesses and landowners;*
- *Only encourage planning proposals for local centres that align with our master plan for the centre and protect its primary role to provide goods and services, or be a place for new or evolving employment functions;*
- *Protect items of Aboriginal and European cultural heritage significance from the impacts of development;*
- *Investigate measures to encourage land uses that will promote vibrancy in higher density residential zones; and*

- *Work with the community to extend local character mapping to identified areas of significant local character, and develop local character statements to guide development in these areas.*

Notwithstanding the range of relevant factors, regional traffic will nonetheless be a major consideration and for any proposal to successfully progress, these issues would need to be resolved. It is anticipated that if Council is supportive of the proposal progressing to Gateway Determination, it would be necessary for public agency consultation be undertaken with TfNSW prior to any public exhibition, with a requirement for support and commitment from TfNSW to the resolution of the existing regional traffic issues.

In terms of technical vehicle access and engineering matters, the following is identified for your consideration:

- It is noted that access for service vehicles is proposed from Old Northern Road. Council officers understand that initial informal consultation with TfNSW has been undertaken in preparation of the Planning Proposal. However, it is noted that the documentation does not provide any indication of TfNSW feedback or willingness to agree to access to the development from Old Northern Road. TfNSW is the roads authority for Old Northern Road and their concurrence will be required for vehicular access from Old Northern Road into the development.
- Vehicular access to the site carpark should be designed to facilitate Heavy Rigid Vehicles entering and exiting the site, compliant with the relevant Australian Standards;
- Vehicular access to the site, including the internal ramps, should be designed to provide a two-way traffic movement;
- Stormwater Management will require Onsite Stormwater Detention (OSD) facilities and Water Sensitive Urban Design (WSUD) measures within the development; and
- The Jenner Street drainage will need to be extended from the existing drainage network to the southern side of the development frontage.

**f) Local Infrastructure and Contributions**

The planning proposal is accompanied by a letter of offer to enter into a Voluntary Planning Agreement. While a comprehensive internal review of the offer is still underway, the following preliminary feedback is provided below for your consideration:

- The offer to embellish George Suttor Reserve and the connection from the development into the reserve is a positive design response, however the demolition of the existing early childhood health centre and its re-construction within the development may not be appropriate. While the Baulkham Hills Public Domain Plan does include a concept plan that indicates the early childhood health centre may no longer be located on the site, this is only a concept for the longer term outcome at this location. At this time, the facility is not at a point where demolition is warranted, nor has the Council resolved for this to occur. This would ultimately be a longer-term decision to be made by Council and as such, is unlikely to be an outcome which could be agreed to at this point in time through the VPA.
- Further information is sought regarding the traffic and pedestrian improvements identified in the VPA offer. These monetary contributions have been valued at \$1 million, however there is no rationale included in the offer to verify the value of this contribution. The offer includes possible intersections to expend the funds, such as Old Northern Road/Hill Street, Jenner/Railway Streets and Hill/Jenner Streets, however the Traffic Impact Assessment does not identify any upgrades necessary for these intersections.

- The total value of the contribution offered (based on the expected value of the development being \$150 million) is approximately 2.1% of the cost of future development. This value is substantially lower than the contributions payable under VPAs in association with other residential developments of this scale within the Shire, which range from approximately \$26,000 to \$38,000 per residential dwelling and approximately 3% of the cost of development in association with non-residential components of the development.

**Next Steps**

The next step in the process is for the matter to be reported to the Local Planning Panel for advice and following this, a Council Meeting for a decision on whether the matter should progress to a Gateway determination.

Council officers are tentatively working towards reporting the current proposal to the Local Planning Panel meeting in August 2021. However, following your consideration of the matters raised within this letter, please advise if you wish to delay reporting of the matter to enable you to revise your application and/or submit additional information.

Should you wish to discuss the proposal further, please don't hesitate to contact Tamara West, Senior Town Planner, on 9843 0511.

Yours faithfully



**Nicholas Carlton**  
**MANAGER – FORWARD PLANNING**



Friday 12 August 2022

Mr Michael Edgar  
General Manager  
The Hills Shire Council  
P.O Box 7064  
Norwest 2153

Dear Michael,

**REVISED LETTER OF OFFER (V5) TO ENTER INTO A VOLUNTARY PLANNING AGREEMENT  
IN RELATION TO THE HILLS CLUB 6-18 JENNER STREET BAULKHALM HILLS**

I refer to our revised planning proposal dated August 2022 and the revised VPA offer V4 which was submitted with it.

Please accept this VPA offer V5 as a revision to V4 referenced above.

Furthermore, we confirm that our offer is made with the intent of excluding the future application of section 7.11 and section 7.12 contributions.

We believe that the commercial value of our VPA offer, along with the continued community services, facilities and contributions The Hills Club offers the people of the Hills will provide improvements to the local area that will exceed the needs of the additional residents proposed on our site.

As Council is no doubt aware, our club supports a range of local community groups through low-cost / free access to group meeting spaces, low-cost community activities and public use of bowling greens. Furthermore, we support local sporting groups and charities, through financial contributions which totalled more than \$100,00 in the 2021 financial year. I make note of this to reinforce the fact that The Hills Club has made a conscious effort to ensure that our redevelopment proposal will enable us to increase our level of community support through our new club facilities for many years to come.

Some of the community benefits in our redevelopment proposal include:

- New international grade synthetic bowling greens which require no water or chemicals for maintenance
- New enclosed bowling green / multi-purpose surface that can be used for a range of activities such as futsal, badminton, croquet, exercise classes, community events, and is flexible enough to allow for the needs of generations to come.
- A new and improved community club with a diverse food and beverage offering, members lounge, recreation spaces, business hub and function facilities to which will cater for Club members, the business community and local residents alike.
- Delivery of publicly accessible open space at ground level, accessible to visitors to the site.
- The creation of a pedestrian through-site link between Jenner St and Old Northern Rd.



As noted earlier, we provide the below updated VPA offer table.

ITEM	METHOD	VALUE
Upgrades to George Suttor Reserve, delivering improvements to open space, play equipment and public amenities.	Monetary contribution	\$650,000
Two pedestrian through-site links, via public access easements (totalling approx. 1,600m <sup>2</sup> ) from Jenner Street to Old Northern Rd.	Works	\$2,150,000
Monetary value of the easement for public access through the site. This easement will be made in favour of The Hills Shire Council.	Easements in favour of council	\$ 1,000,000
Traffic and pedestrian improvements surrounding the site including: <ul style="list-style-type: none"> <li>New signalised pedestrian crossing (east – west) at the intersection of Old Northern Road &amp; Olive Street</li> <li>New elongated roundabout to combine the intersections at Jenner, Railway &amp; James Street as discussed with council's engineers.</li> </ul>	Works	\$1,000,000
Contribution toward local infrastructure such as local roads, traffic signalling upgrades along Old Northern Rd, parks and community facilities within and around Baulkham Hills Town Centre.	Monetary contribution	\$2,850,000
<b>TOTAL VPA OFFER</b>		<b>\$ 7,650,000</b>

The above VPA offer represents a contribution of \$33,552 per dwelling, and in conjunction with the expanded community services that we will be able to provide through our new facility, the Hills Club and its members believe this offer to be well considered and representative of an equitable outcome for council, the local community and the club.

We would be pleased to discuss our proposal with yourself and Council on the proposed VPA offer as part of Planning Proposal.

Yours Faithfully,

Ken Carroll  
Chairperson The Hills Club





## Development Control Plan

The Hills Club  
6-18 Jenner Street, Baulkham Hills



Prepared for The Hills Club  
Submitted to The Hills Shire Council

**August 2022**





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Cover image: Perspective view of club interior (Source: Altis)

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Revision	Prepared by	Reviewed by	Date	Revision Type
1	CT/PS	MW	11/11/2021	Draft
2	CT/PS	MW	04/02/2022	Draft
3	CT/PS	MW	08/02/2022	Final
4	CT/PS	MW	09/08/2022	Final (Updated)



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## 1 Introduction

This Section of the DCP has been prepared to guide the future mixed use redevelopment of The Hills Club at 6-18 Jenner Street, Baulkham Hills.

### 1.1 Land to which this section applies

This Section of the DCP applies to the area outlined in red on land at 6-18 Jenner Street, Baulkham Hills as shown in the figure below.

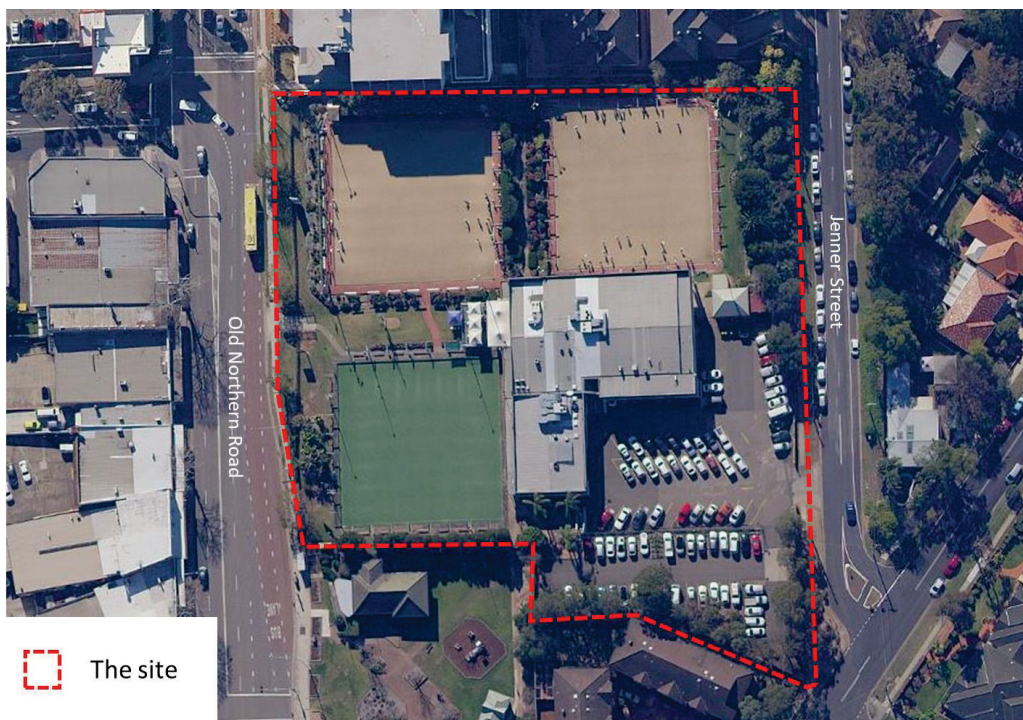


Figure 1: Land to which this DCP applies (Base source: SixMaps)

The site is legally identified as the following:

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

### 1.2 Site Context

The site fronts Old Northern Road and Jenner Street within the Baulkham Hills Town Centre. Baulkham Hills is largely 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 surrounding area contains a mix of local shops and low, medium and high density residential development.



The site's frontage to Old Northern Road forms part of the town centre being opposite and adjacent to local shops and the Stockland shopping centre. The site's frontage to Jenner Street is a direct interface with low density residential properties. The site is also approximately 150 metres north of a major intersection at the junction of Old Northern Road, Seven Hills Road and Windsor Road. The site adjoins two heritage items:

- Local Archaeological Item A1 – Baulkham Hills Tramway Cutting (to the south)
- Local Heritage Item I8 – Creasy's Cottage – single-storey dwelling (to the north)



Figure 2: Aerial photograph of site within its urban context (Base source: SixMaps)

### 1.3 Objectives of this section of the DCP

The objectives of this Section of the DCP are:

- To provide a clear vision and desired future character for The Hills Club site.
- To ensure that future development responds to the site's context including the town centre and low density residential areas.
- To ensure the future provision of private recreation uses (bowling club) on the site along with retail to enhance the activity and vibrancy of the Baulkham Hills Town Centre.
- To ensure future development includes active uses along Old Northern Road to bring vitality to the Town centre.
- To provide residential development on site with a high level of amenity.
- To enhance connectivity in the Baulkham Hills Town Centre through the provision of two through site links.
- To encourage innovative and high quality architectural outcomes that will enhance the built form environment of the Baulkham Hills Town Centre.
- To provide density, height, bulk and scale that transitions from higher densities along Old Northern Road to lower densities towards Jenner Street
- To ensure development is sympathetic with and does not impact upon the heritage significance of the adjoining heritage items.
- To ensure that the development incorporates the principles of Ecologically Sustainable Development (ESD).



#### **1.4 Relationship with other plans and policies**

In addition to the policies, guidelines and documents specified in Part A – Introduction, this Section is to be read in conjunction with other relevant Sections of the DCP, including:

- Part B Section 5 – Residential Flat Buildings
- Part B Section 6 – Business
- Part B Section 8 - Shop Top Housing and Mixed Use Development
- Part C Section 1 - Parking
- Part C Section 2 - Signage
- Part C Section 3 - Landscaping
- Part C Section 4 - Heritage
- Part C Section 5 - Telecommunication Facilities
- Part D Section 10 – Baulkham Hills Town Centre

Appendix A - Waste Management Plan

Appendix B - Water Sensitive Urban Design

Baulkham Hills Town Centre Public Domain Plan

Where any provision of this Section of the DCP is inconsistent with any provision of any other Section of the DCP, the provisions of this Section of the DCP shall prevail to the extent of that inconsistency.





## 2 Desired Future Character

The proposed redevelopment of The Hills Club site is to contribute to the urban renewal of the Baulkham Hills Town Centre and the activation of Old Northern Road. The desired future character of the site will see the mixed use redevelopment of the site with retained private recreation uses at its core. Future development is to address the following principles to achieve the desired future character.

### *Contribute to Town Centre Urban Renewal*

- redevelopment will support the Desired Planning Outcomes for the Baulkham Hills Town Centre outlined at Part D Section 10 of this DCP
- a diverse land use mix will be provided with club, recreation and commercial uses to activate Old Northern Road and residential development to increase the number of people living within the town centre with access to public transport

### *Revitalise Social Infrastructure*

- redevelopment will include private recreation facilities at its core recognising that The Hills Club (bowling club) is critical social infrastructure which facilitates social interaction amongst the Baulkham Hills community

### *Appropriate Built Form*

- densities will transition from their highest point along Old Northern Road to reinforce the town centre down to lower densities towards Jenner Street
- built form will be of a high visual quality and appropriately articulated
- redevelopment will sympathetically address Jenner Street reflective of the direct interface with low density residential properties

### *Improve the Public Domain*

- public domain will be revitalised through actively addressing Old Northern Road and streetscape upgrades such as street tree planting
- the site will include two through site links from Old Northern Road to Jenner Street to increase permeability through the Baulkham Hills Town Centre

### *Provide Diverse and High Quality Residential Development*

- diverse residential development will be provided on site including seniors housing and residential units of varying sizes
- residential development is to provide a high level of amenity to occupants in accordance with *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* and the *Apartment Design Guide*

### *Minimise Environmental Impacts on Adjoining Sites*

- development of the site will include appropriate measures to ensure adverse impacts on adjoining properties are limited with particular consideration given to the sensitivities of adjoining heritage items, areas of open space and low density residential properties





### 3 Development Controls

The objectives and development controls for development of the site are set out in this Section of the DCP.

#### 3.1 Land Use

##### OBJECTIVES

- i) An appropriate mix of uses is facilitated on the site including private recreation, residential accommodation and commercial premise uses that will activate the site and form part of the wider Baulkham Hills Town Centre.
- ii) Sufficient space is allocated to create useable and workable private recreation facilities in recognition of the RE2 zone.
- iii) The location of uses should respond to the surrounding context with active uses focused along Old Northern Road
- iv) Useable and accessible common open space is provided at ground level and on roof tops.
- v) The site accommodates an appropriate residential density having regard to its proximity to the shopping centre, access to bus routes, desired unit sizes, traffic generation and character of the surrounding area.

##### DEVELOPMENT CONTROLS

- (a) Uses on the site are to be generally located in accordance with Figure 3. (Note: Figure 3 represents an illustrative built form and is not intended to control building heights).
- (b) Old Northern Road is to be activated through the inclusion of club and/or commercial uses on the ground floor of Building A.
- (c) The southeast façade of Building A should address and activate the through site link.
- (d) Only residential uses are to front Jenner Street.
- (e) Club uses are permitted in subterranean areas on the Lower Ground Floor.
- (f) Due to the site's topography partially subterranean apartments will be acceptable provided they achieve an adequate residential amenity and access to sunlight.
- (g) A minimum of 3,000m<sup>2</sup> of GFA is to be provided on the site for club or commercial premise uses.
- (h) A minimum of 2 bowling greens are to be provided on site and at least 1 green is to be open air.

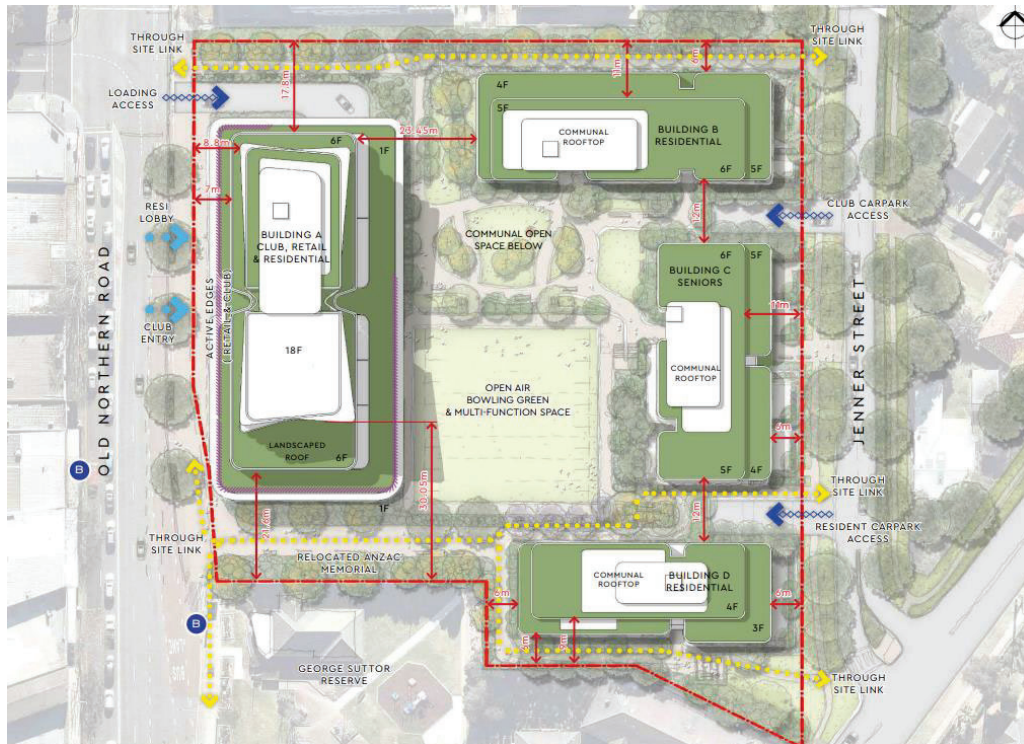


Figure 3: Concept master plan annotated to show land uses within each building (Source: Altis)



### **3.2 Built Form and Design**

#### **OBJECTIVES**

- i) Building A is a 'landmark' that is to exhibit design excellence and provide a positive contribution to the fabric of Baulkham Hills Town Centre.
- ii) Built form transitions from higher densities along Old Northern Road to lower densities along Jenner Street.
- iii) Building height, articulation and the use of a variety of materials and finishes ensures the bulk and massing of the development provides a high quality pedestrian environment and sets a high standard of design quality.
- iv) Development contributes to the activity, safety, amenity and quality of streets and the public domain, including the through site link from Old Northern Road to Jenner Street.

#### **DEVELOPMENT CONTROLS**

- (a) The development shall utilise a wide variety of complementary and high quality architectural materials, textures and articulation to break down the built form and create a modern, attractive urban environment as illustrated in Figure 4.
- (b) The development should have a podium height of no more than 6 storeys to Old Northern Road.
- (c) Tower built forms are to be setback from the podium.
- (d) The maximum linear length of any building is to be 65 metres with any building greater than 30 metres in length to be separated into at least two parts by a significant recess or projection as illustrated in Figure 5.
- (e) Tower floor plates in excess of 6 storeys must be limited to 750m<sup>2</sup> of gross floor area per storey.
- (f) Awnings are to be provided for pedestrians along Old Northern Road.
- (g) Facades should be appropriately modulated and articulated.
- (h) Built form adjacent to Jenner Street should be designed to a pedestrian scale at street level to respond to adjoining low density residential properties.
- (i) Buildings fronting Jenner Street should include a top level building setback.
- (j) All ground floor entry points are to have a direct visual connection to the street or internal access ways. Separate entrances are required for commercial / retail and residential uses.
- (k) Buildings shall address common open space and public areas to increase the natural surveillance and safety of these areas.



Figure 4: Indicative built form showing articulation and a variety of finishes and materials (Source: Altis)

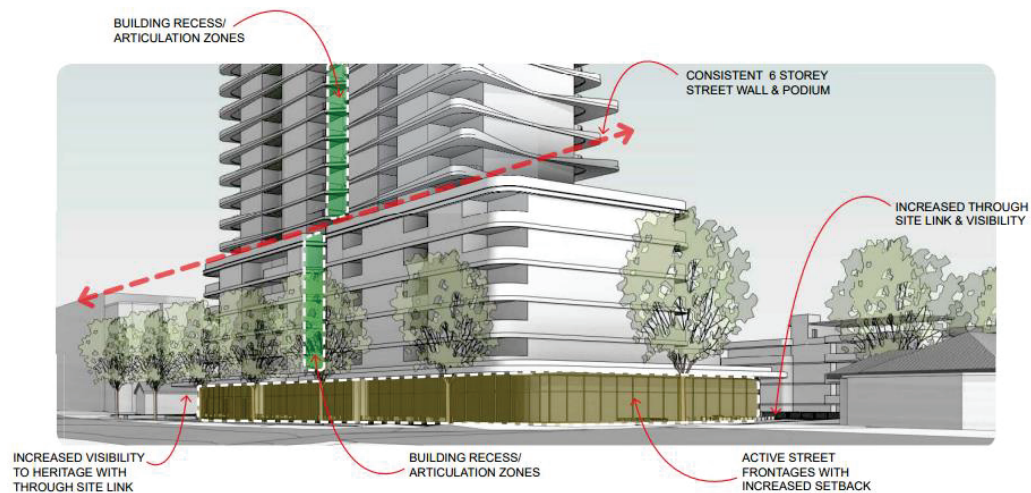


Figure 5: Indicative building recess/articulation zones (Source: Altis)





### 3.3 Building Height and Site Layout

#### OBJECTIVES

- i) Building height is varied to create an appropriate transition from the town centre down to lower density residential areas on Jenner Street.
- ii) Development responds to the site's sloping topography and interfaces with adjoining land uses by adopting upper floor setbacks.

#### DEVELOPMENT CONTROLS

- (a) Site layout and building heights shall not exceed the number of storeys identified in Figure 6 with the lowest built form fronting Jenner Street.
- (b) Buildings are to be sited in accordance with the layout in Figure 7.
- (c) Building heights and siting is to be designed to reduce shadow impact on adjoining properties.
- (d) Bowling greens and ground level communal open space is to be located within the centre of the site.

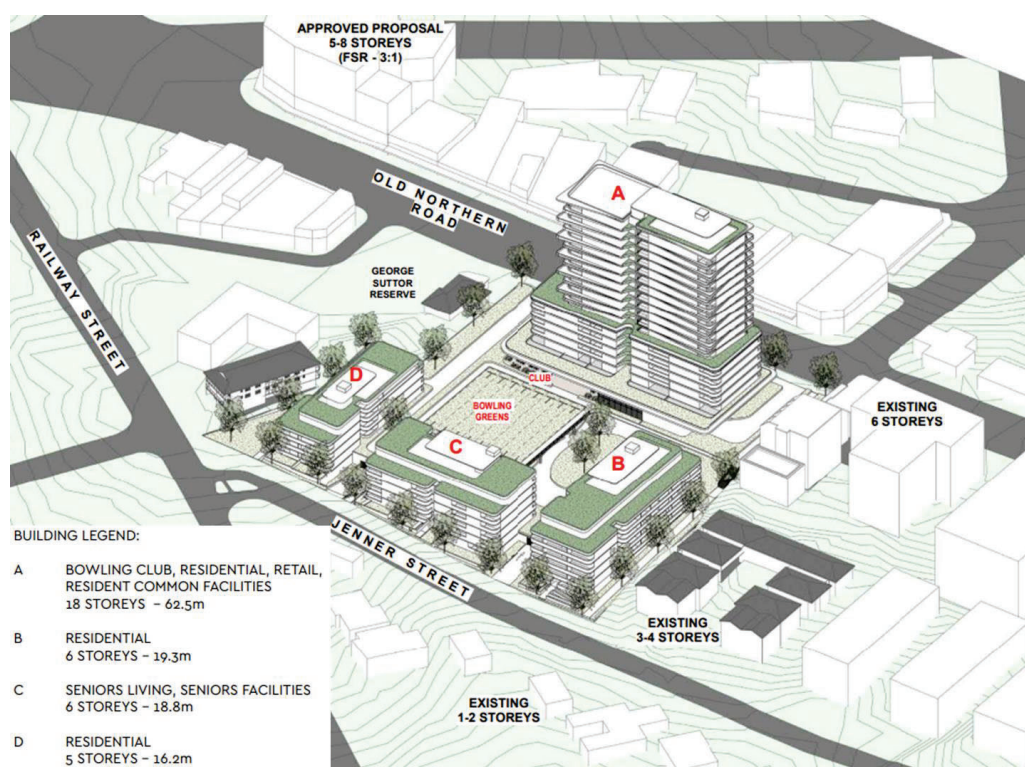


Figure 6: Indicative Site Layout and Building Height Plan (maximum number of storeys) (Source: Altis)

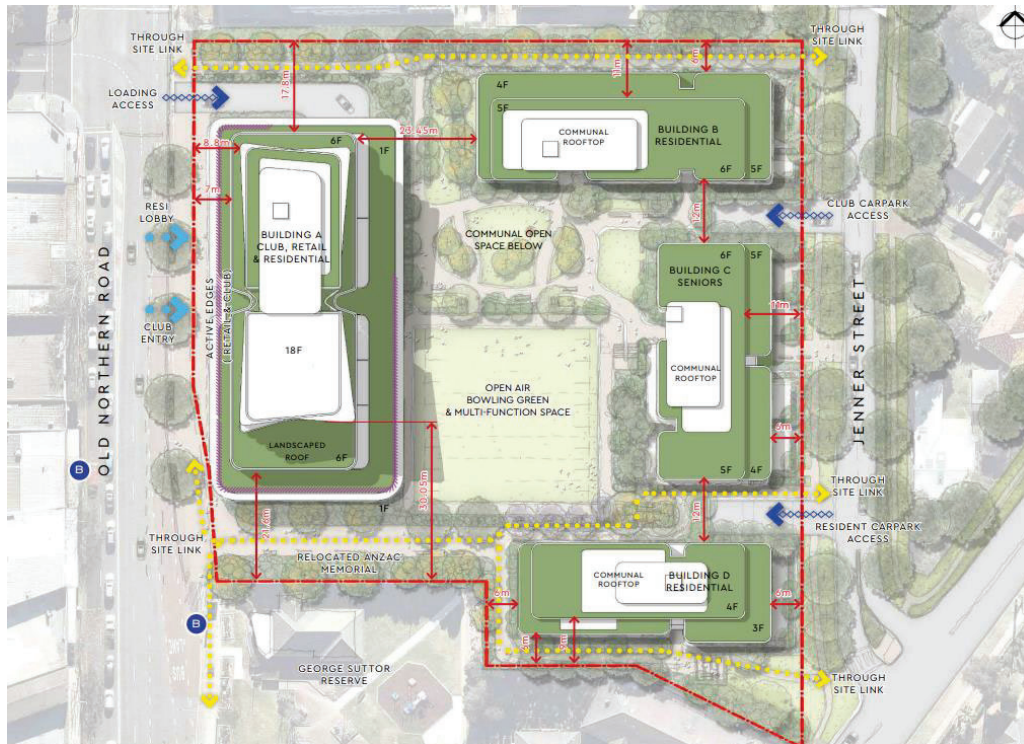


Figure 7: Concept master plan showing indicative site layout (Source: Altis)





### 3.4 Building Setbacks

#### OBJECTIVES

- i) Appropriate separation is provided between buildings to ensure privacy and solar access.
- ii) Buildings are set back from site boundaries to minimize amenity impacts on adjoining residential development, open space and nearby heritage items.

#### DEVELOPMENT CONTROLS

- (a) Minimum building setbacks (excludes awnings) include the following:
  - 3 metres from Old Northern Road
  - 6 metres from Old Northern Road at northern end at ground level
  - 9 metres from Old Northern Road above 6 storeys
  - 6 metres from Jenner Street
  - 11 metres from Jenner Street above 6 storeys
  - 6 metres to the northern boundary
  - 11 metres to the northern boundary above 6 storeys
  - 6 metres to the southern boundary
  - 17 metres to Creasey's Cottage (Building A only)
  - 17 metres to George Sutor Reserve (Building A only)
  - 30 metres to the southern boundary above 6 storeys (Building A only)
- (b) Building separation is to be provided as per the *NSW Apartment Design Guide*.
- (c) Setbacks shall be increased where necessary to ensure the required solar access is provided.

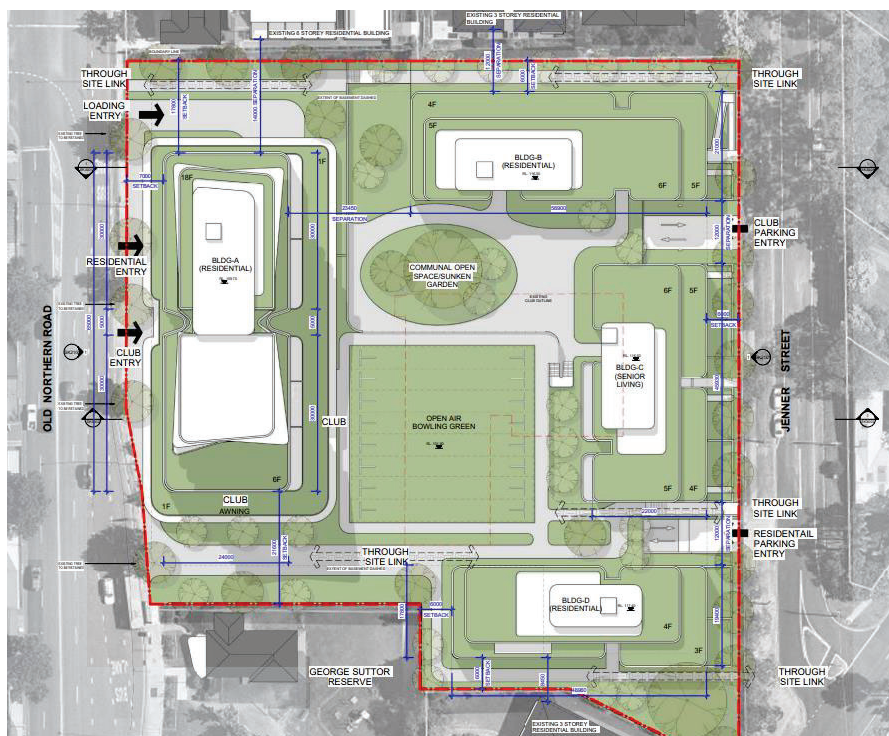


Figure 8: Site Plan showing building setbacks compliant with the controls prescribed above (Source: Altis)



### 3.5 Unit Layout, Design and Amenity

#### OBJECTIVES

- i) To encourage housing diversity on the site including seniors housing and residential flat buildings.
- ii) To ensure units are provided a high level of amenity.

#### DEVELOPMENT CONTROLS

- (a) Residential apartments are designed as per the requirements of *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development* and the *Apartment Design Guide*.
- (b) Ground floor units along Jenner Street are to include courtyards and have private access to street.
- (c) Unit mix for residential flat buildings is to be provided as per Part B Section 5 of this DCP.
- (d) Unit mix controls do not apply to seniors housing.
- (e) Appropriate design measures should be put into place to ensure limited acoustic impacts on residential units from club and retail uses.
- (f) Development applications are to demonstrate how buildings comply with the following noise criteria.

Internal Space	Maximum Noise Criteria
Living areas	45 dB(A)
Bedrooms	40 dB(A)

Table 1: Maximum noise criteria to residential units



### 3.6 Solar Access

#### OBJECTIVES

- i) Key areas of the public and private domain on the subject site and adjoining residential development receive adequate solar access and amenity.
- ii) Public open space at George Suttor Reserve retains adequate solar access.
- iii) Energy efficiency principles are incorporated to ensure sustainability in design.

#### DEVELOPMENT CONTROLS

- (a) Solar access is to be provided to residential development on site as per the *Apartment Design Guide*.
- (b) Solar access is to be provided to communal open space on site as per the *Apartment Design Guide*.
- (c) Landscaped areas of George Suttor Reserve are to receive a minimum of 50% sunlight coverage for at least three hours between 9:00am and 3:00pm on 21<sup>st</sup> June.
- (d) No additional shadow impacts are to be had on residential properties to the east of Jenner Street between 9:00am and 3:00pm on 21<sup>st</sup> June.
- (e) The development should be designed to ensure the open-air bowling green receives a minimum of 50% sunlight coverage for at least three hours between 9:00am and 3:00pm on 21<sup>st</sup> June



### 3.7 Open Space and Landscaping

#### OBJECTIVES

- i) A network of well-located, accessible and useable landscaped spaces is to be provided with a clear distinction between public and private open spaces and also a clear distinction between open spaces associated with The Hills Club and open spaces associated with residential development.
- ii) Attractive landscaping contributes to the amenity of the site and meet user requirements for privacy, solar access, shade and recreation.
- iii) Hardscape areas are limited, and landscaping is provided to mitigate the urban heat island effect.
- iv) Opportunities for landscaping are maximized, including the retention and/or planting of trees within deep soil areas to ensure a high level of amenity.
- v) Two through site links are provided between Old Northern Road and Jenner Street and are safe for pedestrians throughout the day and evening.

#### DEVELOPMENT CONTROLS

##### *Open Space*

- (a) Communal open space is to be provided as per the requirements of the *Apartment Design Guide*.
- (b) External (outside) common open space areas are to be capable of accommodating substantial vegetation and are to be designed to incorporate active and passive recreation facilities (such as seating, shading, structures, BBQs and children's play equipment).
- (c) Areas of communal open space are to be designed to encourage social interaction.
- (d) Common open space areas at ground level are to be located and designed to:
  - Provide for active and passive recreation needs of all residents across the four buildings;
  - Be centrally located;
  - Provide landscaping for the enjoyment of residents and to provide privacy to adjoining land;
  - Present as a private area separate from private recreation facilities for use by residents only;
  - Include passive surveillance from adjacent internal living areas and/or pathways;
  - Be accessible for all residents with differing levels of ability;
- (e) Roof gardens must be adequately enclosed and accessible to occupants of the development.
- (f) Roof gardens can be used to count towards minimum communal open space requirements.
- (g) The design of exterior private open spaces such as roof top gardens is to address visual and acoustic privacy, safety, security, and wind effects.

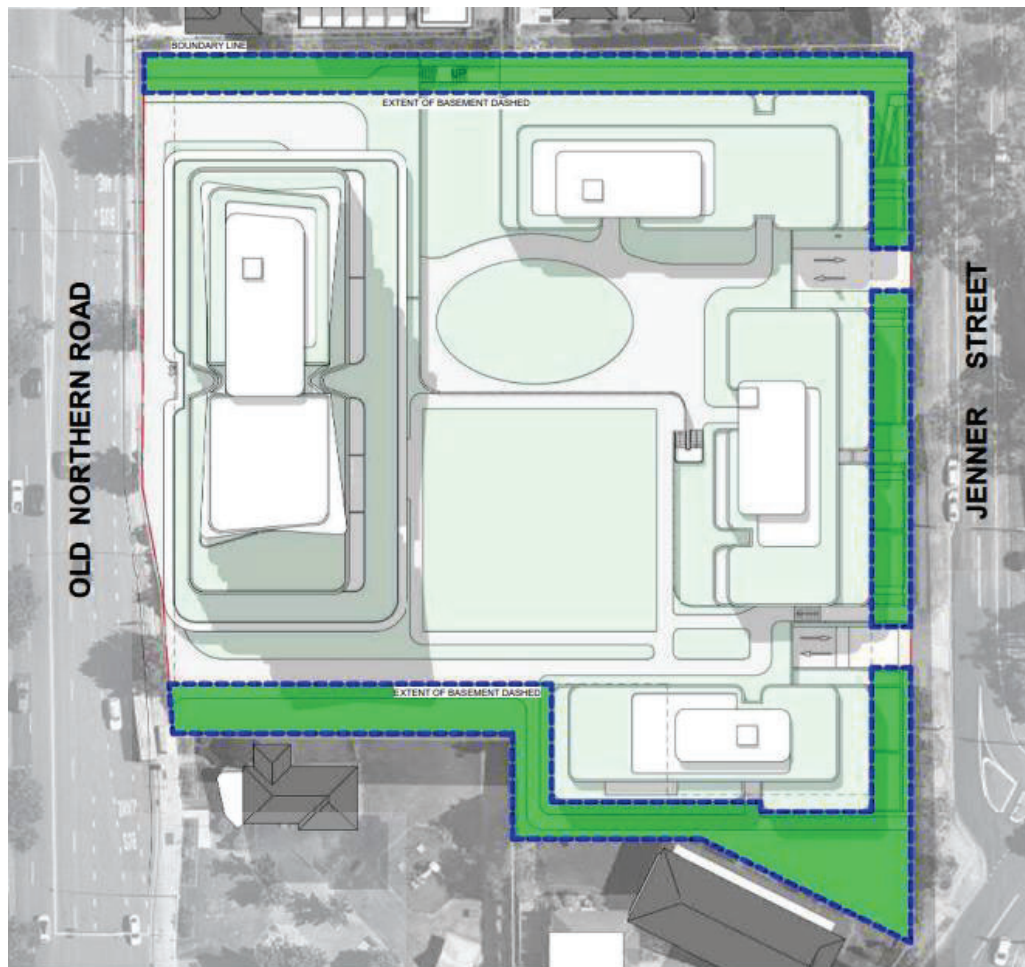


### Landscaping

- (h) The landscape area shall be a minimum of 50% of site area as illustrated in Figure 9 – Such areas shall exclude building areas but can include hardscaped areas including paving, walkways and the like. Terraces and patios within one metre of natural ground level will be included in landscape area, including common open space above basement car park provided the area is grassed and suitably landscaped.
- (i) A minimum of 15% of the site area is to be provided as a deep soil zone.
- (j) Deep soil zones are to allow for future planting of mature trees.
- (k) Native ground covers and grasses are to be used in garden beds and path surrounds (turf is to be confined to useable outdoor areas).
- (l) Where roof gardens and green walls are provided, consideration should be given to the Urban Green Cover in NSW – Technical Guidelines, published by the Office of Environment and Heritage.
- (m) Green walls are encouraged on podium walls along active frontages to soften the interface between future development and the public realm.
- (n) Soft landscaping is to include a mix of mature and semi mature trees, shrubs, lawn turf and ground cover planting. Plant species are to be appropriate to the context and the specific microclimate within the development.
- (o) Drought tolerant plant species, and species that enhance habitat and ecology, are to be prioritised.
- (p) Landscape design is to be integrated with water and stormwater management.







1 DEEP SOIL DIAGRAM  
Scale: 1 : 500


	SITE AREA:	13,409m <sup>2</sup>	
	ADG REQUIREMENT:	939m <sup>2</sup>	7%
	DEEP SOIL AREA: (min. 6m width)	2220m <sup>2</sup>	16.5%

Figure 10: Indicative deep soil plan (Source: Altis)





### 3.8 Public Domain

#### OBJECTIVES

- i) Development is to activate and present a high-quality built form to the public domain.
- ii) Development supports the vision of the *Baulkham Hills Town Centre Public Domain Plan*.

#### DEVELOPMENT CONTROLS

- (a) An active street frontage is to be provided to Old Northern Road and large expanses of blank wall facing the street are to be avoided.
- (b) Building services within the ground floor façade fronting Old Northern Road are to be limited to encourage active uses.
- (c) Footpaths are to be built to the building edge at Old Northern Road with the Bowling Club and retail entrances directly facing Old Northern Road to improve street activation.
- (d) Street tree planting is to be provided along Old Northern Road.
- (e) Where possible, existing street tree planting along Old Northern Road is to be retained.
- (f) Two public through site links are to be provided between Old Northern Road and Jenner Street at the northern and southern boundaries, with a minimum width of 2.5 metres.
- (g) The through site link is to be illuminated from dusk till dawn to enhance safety of pedestrians moving within the site.
- (h) On level access, paved pathways or lifts are to be provided to allow for the equitable movement of people across the site, in accordance with the *Disability Discrimination Act 1992*.
- (i) Development should be consistent with the *Baulkham Hills Town Centre Public Domain Plan*.

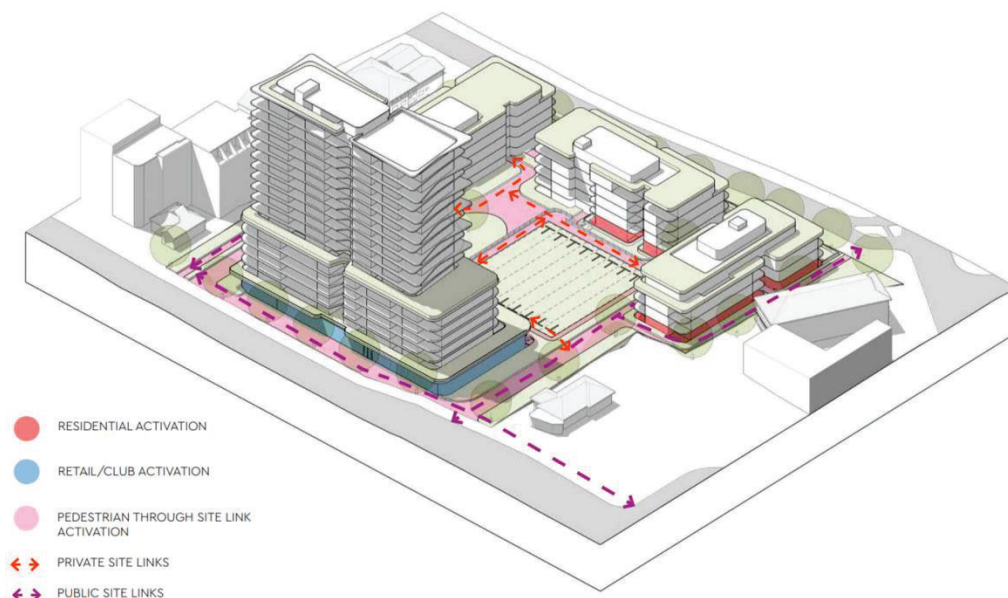


Figure 11: Activation Plan (Source: Altis)

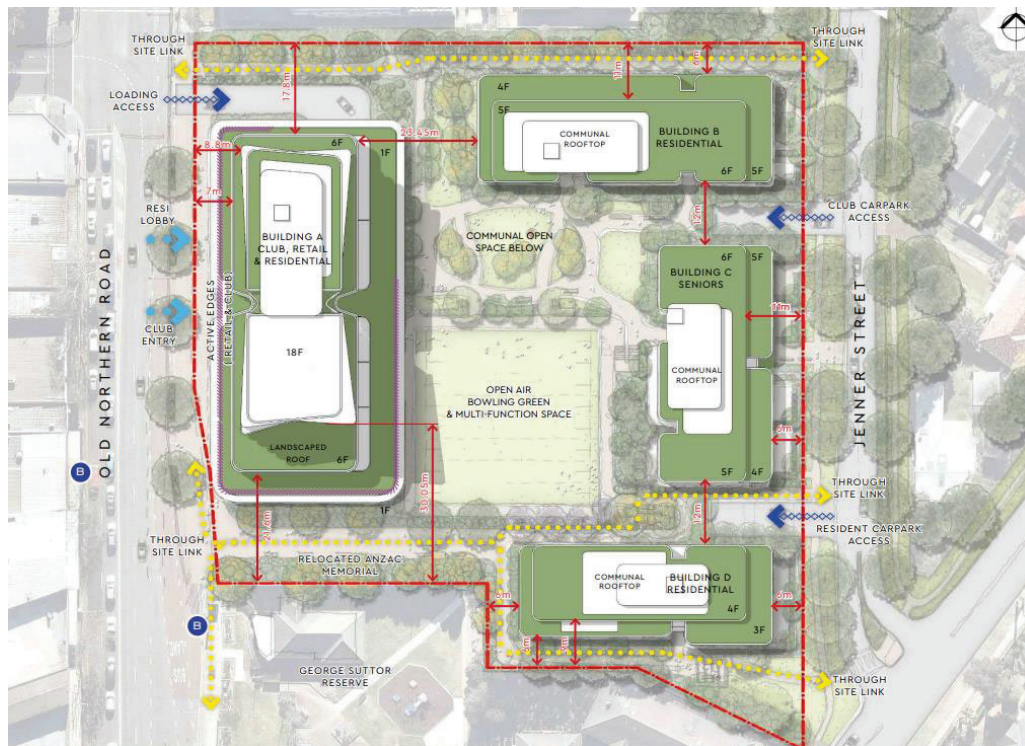


Figure 12: Concept master plan annotating indicative through site links and access arrangements (Source: Altis)



### **3.9 Safety and Security**

#### **OBJECTIVES**

- i) Building design enhances safety and security for intended users.

#### **DEVELOPMENT CONTROLS**

- (a) Residential uses are provided on the ground floor of the Jenner Street frontage to facilitate passive surveillance and create a connection between the buildings and the public domain.
- (b) Passive surveillance of the through site links and Old Northern Road should also be facilitated through design of the retail, club and residential uses within the buildings.
- (c) Above ground floor windows and balconies overlook all on-site pedestrian paths and communal open spaces.
- (d) Entrances and exits to the street are directly accessible, illuminated and highly visible.
- (e) Lighting is to be designed to avoid light spill onto adjoining properties.
- (f) CCTV cameras are to be provided at entries and exits of the club premises to promote safe patron dispersal.
- (g) Development is to address the principles of Crime Prevention through Environmental Design (CPTED).
- (h) Loading docks are sign-posted and secured to prevent unauthorised access.

Note: Consideration shall also be given to The Hills Council's Policy Designing Safer Communities, Safer by Design Guidelines (June 2002).



### 3.10 Traffic, Parking and Access

#### OBJECTIVES

- i) To minimise adverse traffic impacts and improve the flow and function of the local road network.
- ii) To provide sufficient parking spaces for development while encouraging public transport use.
- iii) To ensure that car parking is appropriately located, reduces overall building size and enables the creation of a positive relationship between buildings and the adjoining public domain, through high levels of integration at the ground level.
- iv) Access to the site is to provide for the safe and efficient circulation of pedestrians, bicycles and motor traffic, as well as on street parking requirements.

#### DEVELOPMENT CONTROLS

- (a) Vehicular access to the site shall be provided in accordance with Figure 13:
  - No access is to be provided from Old Northern Road to residential and club car parks
  - The loading dock associated with retail and club uses is to be accessed from a single location on Old Northern Road
  - A maximum of two (2) vehicular access points are to be provided along Jenner Street
- (b) On-site carparking is provided in accordance with Part C Section 1 of this DCP and *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004* (whichever is lesser).
- (c) Reduced car parking rates may be considered due to the site's location within close proximity of public transport.
- (d) On-site car parking is to be provided in basement form only.
- (e) Carpark access should not adversely affect pedestrian movement or the visual amenity of the public domain on Jenner Street.
- (f) Loading dock access should be designed to minimise adverse impacts on pedestrian movement and the visual amenity of the public domain on Old Northern Road.

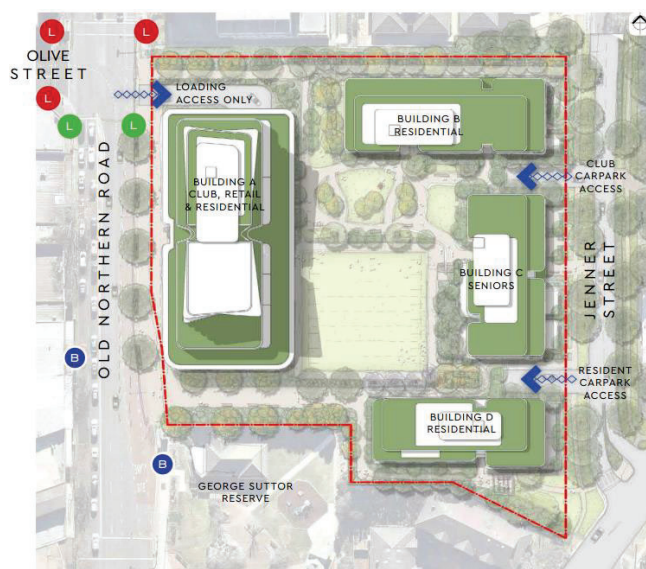


Figure 13: Site access plan (Source: Altis)



### **3.11 Ecologically Sustainable Development**

#### **OBJECTIVES**

- i) Building designs are innovative and sustainable to reduce the reliance on, and consumption of, fossil fuels and potable water supplies.
- ii) Development adapts to climate change.
- iii) Developments contribute to improved quality of life, health and well-being of the community.
- iv) The design, construction and operation of development minimises adverse impacts on the natural environment.

#### **DEVELOPMENT CONTROLS**

- (a) Residential flat buildings should achieve a minimum 5 star NatHERS energy rating for each unit.
- (b) Development other than residential should achieve a minimum 5 star Green Star Design and as Built rating, respectively,
- (c) Building operation should achieve a minimum 4.5 star base building and tenancy NABERS Energy rating, where applicable.
- (d) The incorporation of green walls and roofs into the design of buildings is encouraged. Where suitable, building facades should incorporate vertical landscaping features to soften the visual bulk of buildings and to improve streetscape appeal.
- (e) Canopy trees, understorey planting and permeable surfaces should be provided where possible to reduce the extent of paved surfaces and to enhance the amenity of the development and streetscape.
- (f) Building designs are to:
  - maximise the use of natural light and cross ventilation
  - reduce the reliance on mechanical heating and cooling through the use of eaves, awnings, good insulation and landscaping
  - include energy efficient light fittings and water fittings
  - allow for separate metering of water and energy usage for commercial and multi-unit tenancies



### **3.12 Heritage**

#### **OBJECTIVES**

- i) To ensure that development is undertaken in a manner that is sympathetic to adjoining heritage items and their setting.

#### **DEVELOPMENT CONTROLS**

- (a) Development must address and comply with the provisions of Part C Section 4 – Heritage of this DCP.
- (b) Impacts on the immediate setting of Creasy's Cottage are mitigated through appropriate setbacks and landscaping to reduce the visual dominance of new buildings.
- (c) Hedging style plants and mature tree species are to be planted on the northern boundary of the site with Creasey's Cottage.
- (d) Development should not impact the potential archaeological significance of George Suttor Reserve associated with the 'Baulkham Hills Tramway Cutting'.



## DETAILED RESPONSE TO REZONING REVIEW ASSESSMENT CRITERIA

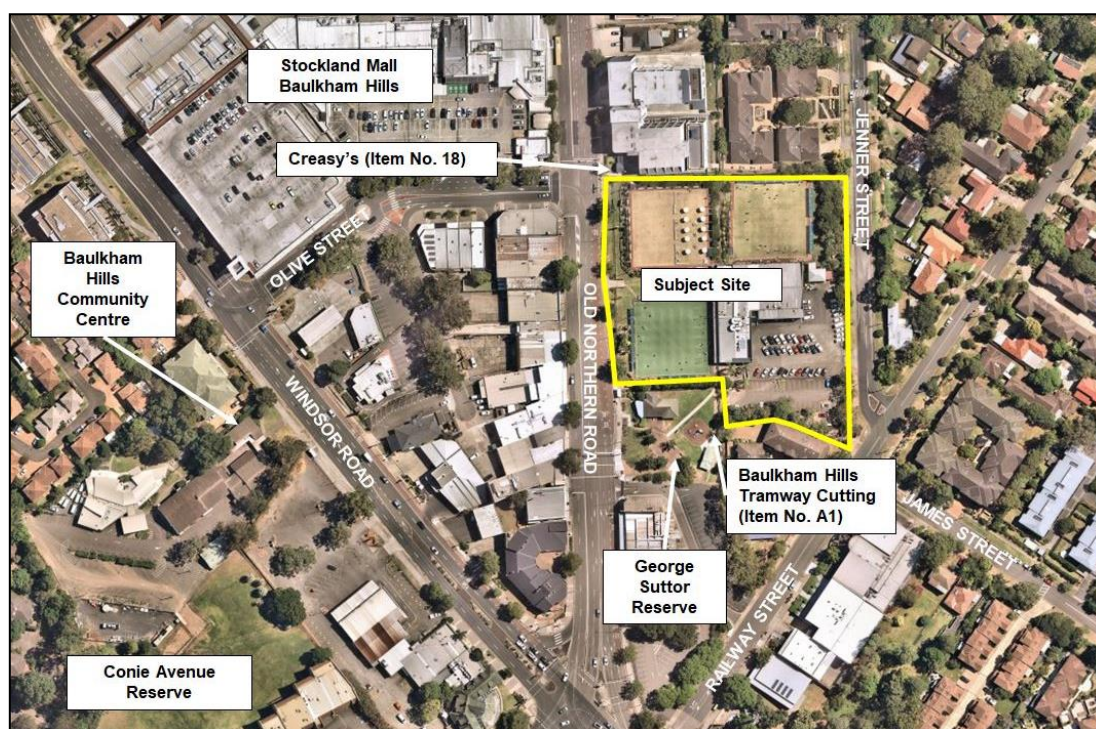
### *The Hills Bowling Club, 6-18 Jenner Street, Baulkham Hills (7/2021/PLP)*

#### 1. THE SITE

The site is known as The Hills Bowling Club and is located at 6-18 Jenner Street, Baulkham Hills (Lot 4 DP 1108855, Lots 39-45 Sec 2 DP 2489 and Lot Z DP 400638). The site has an area of approximately 13,410m<sup>2</sup> and street frontages to both Old Northern Road and Jenner Street.

The site currently contains a bowling club with three bowling greens, clubhouse, restaurant, at-grade car parking and ancillary facilities. It is located between two local heritage items: 'Creasy's' at 11-13 Old Northern Road, Baulkham Hills' (Item No. I8) and 'Baulkham Hills Tramway Cutting', George Suttor Reserve 9Z Old Northern Road, Baulkham Hills (Item No. A1).

The neighbouring and adjoining sites contain low scale residential flat buildings to the north (5 storeys), local businesses and retail to the west and a mix of low density residential dwellings and residential flat buildings to the east. An aerial view of the site and surrounding locality is shown in the figure below.



**Figure 1**  
Aerial view of the site and surrounding locality

#### 2. DESCRIPTION OF PLANNING PROPOSAL

The planning proposal seeks to facilitate the redevelopment of the site for the purpose of 228 residential units (including some seniors housing apartments), 3,108m<sup>2</sup> of floor space for the purpose of a registered club and 152m<sup>2</sup> of commercial/retail floor space. The concept plans depict a single building fronting Old Northern Road, comprising a 6 storey podium beneath a 12 storey tower (18 storeys in total) and 3 smaller residential buildings fronting Jenner Street with heights ranging from 5 to 6 storeys.

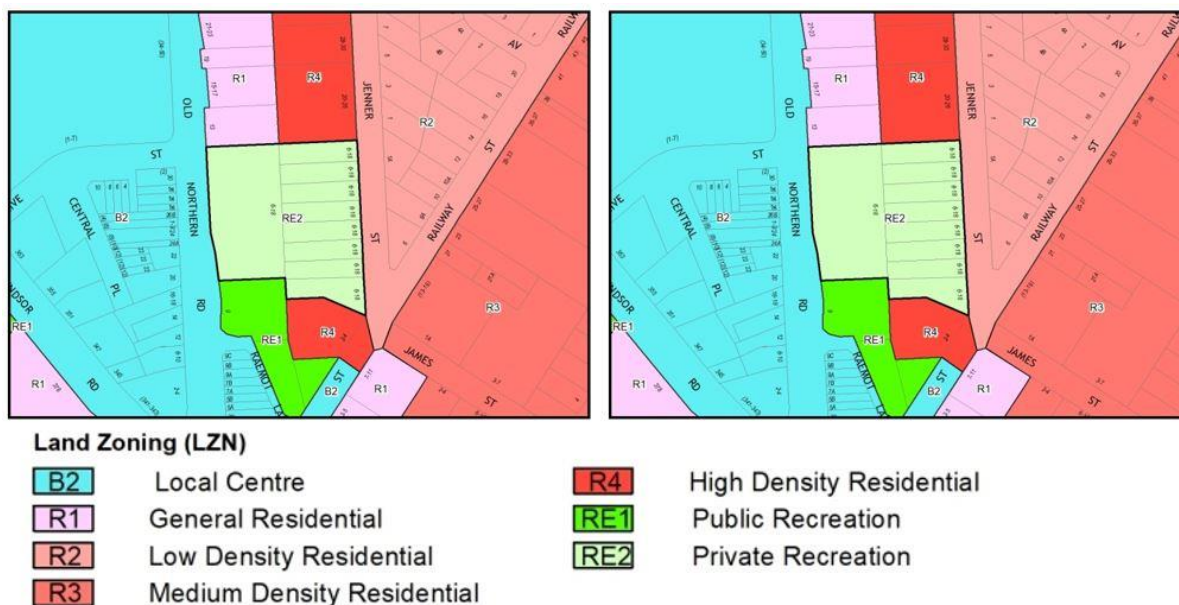
To facilitate this outcome, the proposal seeks to amend LEP 2019 to permit residential accommodation, a registered club (with ancillary community floor space) and commercial premises on the land as Additional Permitted Uses in Schedule 1 of the LEP (the existing RE2 Private Recreation zoning applicable to the land would be retained). It also seeks to apply a maximum height of buildings of part 63m and part 20m and a maximum floor space ratio of 2.24:1 to the site. A comparison between the current and proposed controls is provided below:

	Current (LEP 2019)	Original Planning Proposal (March 2021)	Revised Planning Proposal (March 2022) (Considered by LPP)	Planning Proposal Determined by Council (Submitted August 2022)
<b>Zone</b>	RE2 Private Recreation	RE2 Private Recreation	RE2 Private Recreation	RE2 Private Recreation
<b>Minimum Lot Size</b>	10 ha	No Change	No Change	No Change
<b>Height</b>	N/A	68m (21 st)	Part 54m (up to 16 st) & Part 20m (up to 6 st)	Part 63m (up to 18 st) & Part 20m (up to 6 st)
<b>Floor Space Ratio</b>	N/A	2.5:1	2:31:1	2:24:1
<b>Additional Permitted Uses</b>	N/A	Residential accommodation Seniors Housing Registered club	Residential accommodation Seniors Housing Registered club	Residential accommodation Seniors Housing Registered club

**Table 1**

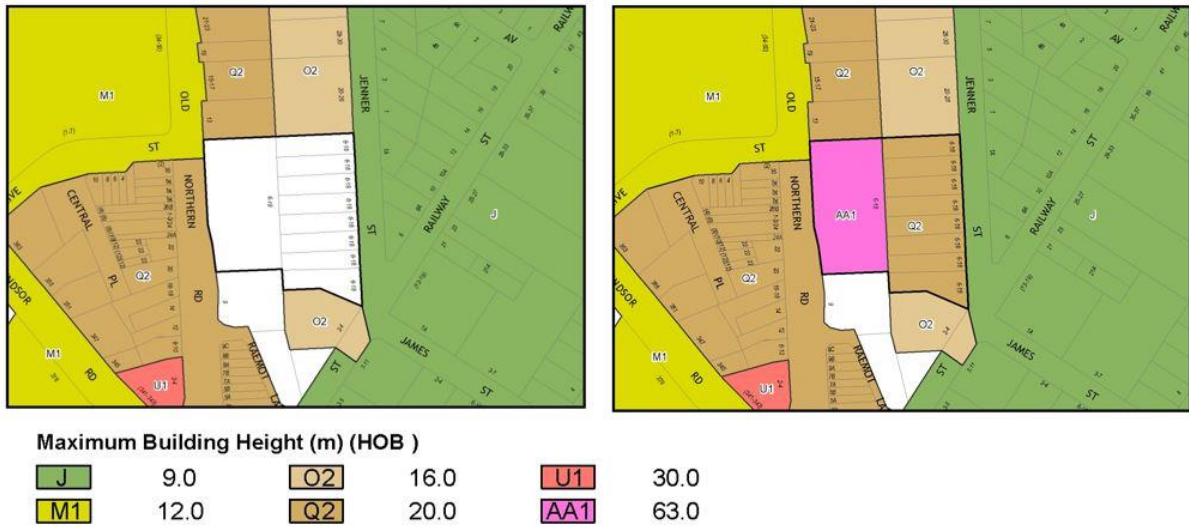
Proposed amendments to the Local Environmental Plan

It is noted that the proposal has been amended a number of times, as shown above in Table 1. The current application (lodged in August 2022) was considered by Council on 27 September 2022. The LPP considered a previous version of the proposal (being the version that was submitted by the Proponent in March 2022).

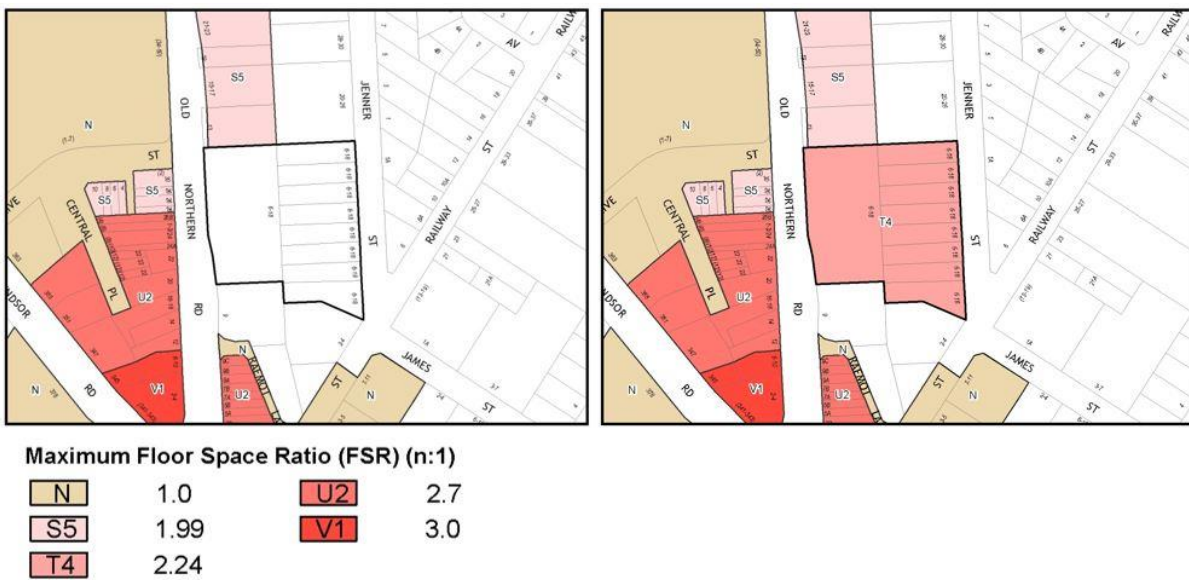


**Figure 2**

Existing (left) and proposed (right) zoning map



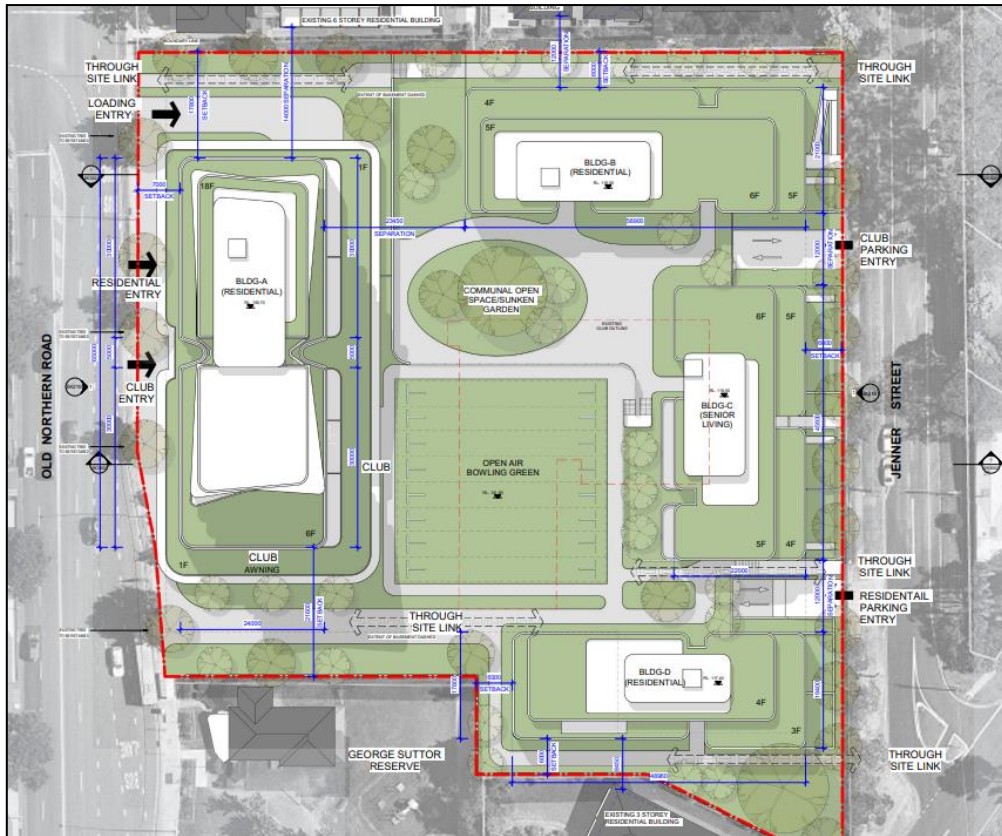
**Figure 3**  
Existing (left) and proposed (right) maximum height of buildings maps



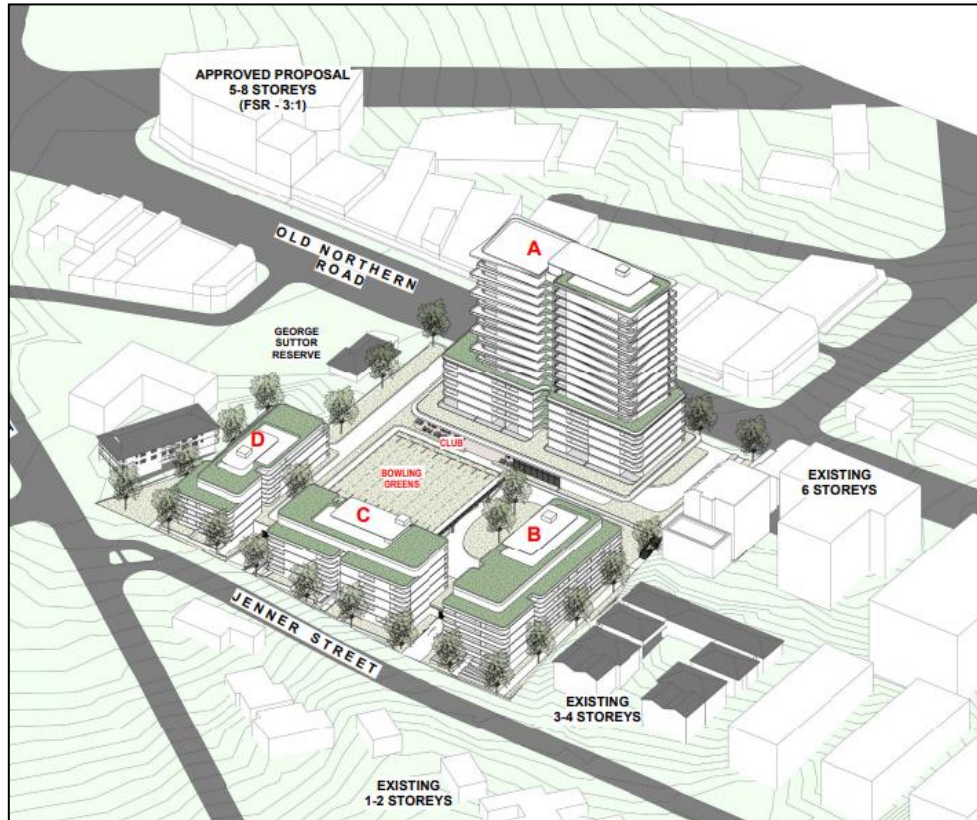
**Figure 4**  
Existing (left) and proposed (right) maximum floor space ratio maps

Extracts of the development concepts submitted by the Proponent in support of the proposal are provided in the following figures.

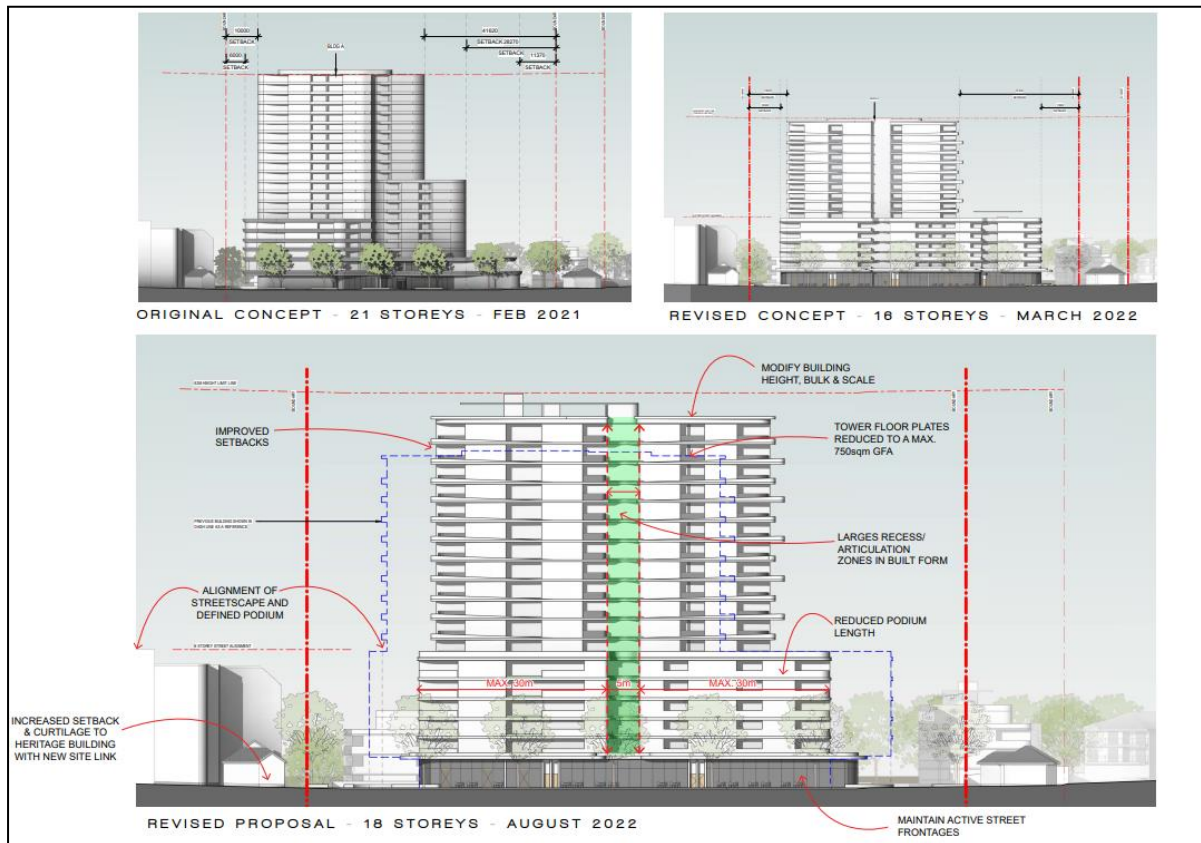




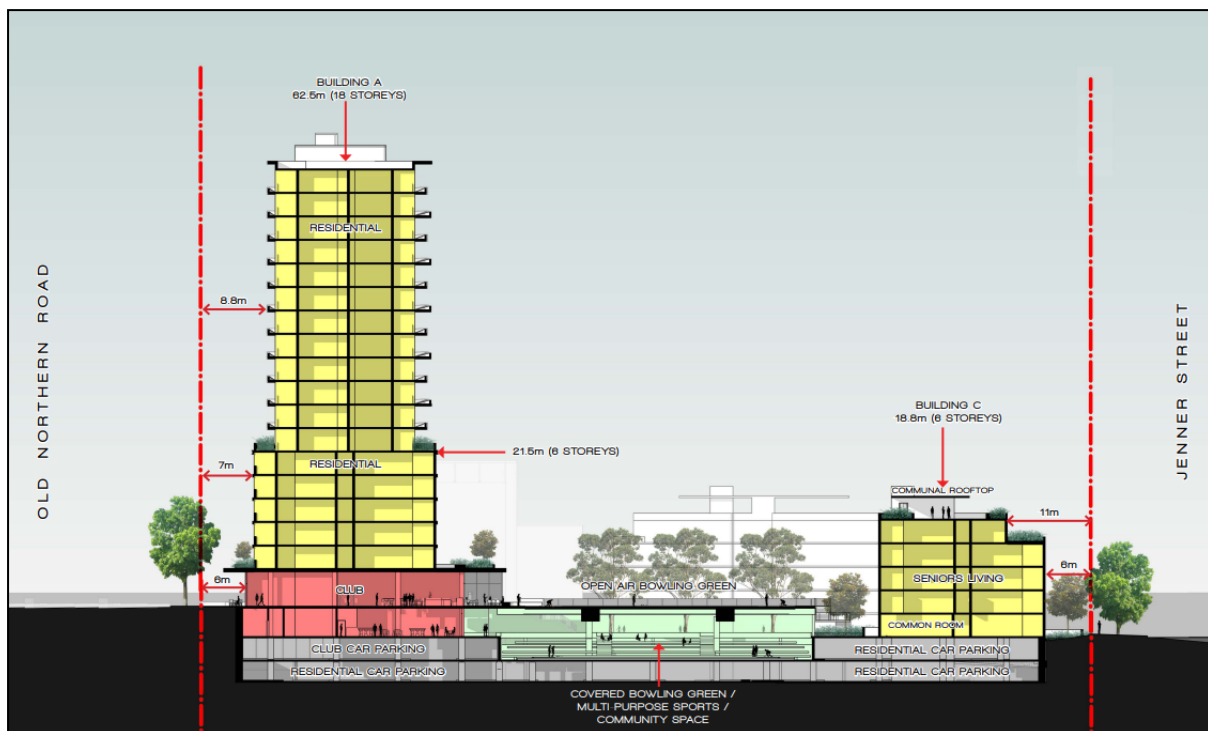
**Figure 5**  
Plan View of the Development Concept



**Figure 6**  
3D View of the Development Concept



**Figure 7**  
Comparison of Previous (March 2022) and Current (August 2022) Concept Plans



**Figure 8**  
Current Concept Plan Section





**Figure 9**  
Concept perspective view from Old Northern Road

A letter of offer to enter into a Voluntary Planning Agreement (VPA) was submitted in support of the planning proposal. The letter of offer proposes contributions comprising the delivery of works on site in association with the development and monetary contributions to Council. The VPA is proposed to be in lieu of the application of the Shire wide Section 7.12 Contributions Plan, which would ordinarily levy development at 1% of the cost of works. The Proponent has estimated that the public benefit value of contributions in the VPA offer is approximately \$7.65 million, comprising:

- Two (2) pedestrian through-site links (on the northern and southern boundaries) and easements connecting Jenner Street and Old Northern Road totalling approximately 1,600m<sup>2</sup> (valued at \$3.15 million by the Proponent);
- Traffic works valued by the Proponent at \$1 million, comprising:
  - A new signalised pedestrian crossing at the intersection of Old Northern Road and Olive Street;
  - An elongated roundabout at the intersections of Jenner, Railway and James Streets;



- Monetary contributions of \$650,000 towards upgrades of George Suttor Reserve; and
- Monetary contributions of \$2,850,000 towards future local infrastructure upgrades such as local roads, parks and community facilities.

The planning proposal application is also supported by a draft site-specific Development Control Plan (DCP), which contains controls relating to setbacks, public domain outcomes, street frontage requirements, landscaping, parking and access.

### 3. HISTORY

<b>22/07/2020</b>	Pre-lodgement meeting held with Council Officers.
<b>13/08/2020</b>	Pre-lodgement feedback letter provided to Proponent (Attachment 3). Concerns were raised with respect to the extent of uplift, height of building and traffic and transport issues in the Baulkham Hills Town Centre in the context of strategic objectives which discourage further development until such time as infrastructure concerns are resolved. The feedback letter indicated that site specific DCP would be required to guide built form outcomes on the site.
<b>17/09/2020</b>	Further pre-lodgement meeting held with Council Officers. The planning proposal concept remained unchanged in comparison to the concept presented at the first pre-lodgement meeting in July 2020. The Proponent expressed that in their view, the concept remained justifiable under the strategic planning framework and that any inconsistencies do not result in substantial variations.  Other matters discussed in the meeting include built form, density and scale, traffic and infrastructure issues including preliminary consultation with TfNSW, apartment size and mix and local infrastructure impacts. The requirement for a site specific DCP was reiterated by Council officers.
<b>03/03/2021</b>	Planning proposal lodged with Council. The proposal remained largely the same as the concept presented in the original pre-lodgement meeting in July 2020. The submitted planning proposal material did not include a site specific DCP.
<b>04/05/2021</b>	Proponent presented the planning proposal at a Councillor Briefing session.
<b>26/07/2021</b>	Preliminary Assessment feedback letter provided to Proponent (Attachment 4). Concerns were raised with respect to the proposed density, height and built form outcomes such as building length and tower floor plates, interface with surrounding development, setbacks, landscaping, absence of a site specific DCP, traffic and vehicular access, local infrastructure and contributions.
<b>03/03/2022</b>	Revised planning proposal material submitted by Proponent including a site specific DCP. The concept reduced the proposed maximum height of building by 5 storeys (from 21 storeys to 16 storeys) and reduced the proposed maximum FSR from 2.5:1 to 2.31:1. This resulted in 43 fewer residential units.
<b>18/05/2022</b>	Planning proposal reported to the Hills Local Planning Panel for advice. The Local Planning Panel advised that the planning proposal should not proceed to Gateway Determination having regard to a range of strategic and site-specific merit issues identified. The Council officer's Technical Assessment Report and Panel's advice is provided as an attachment to the Council Report and Minute, provided as Attachment 1.
<b>06/07/2022</b>	Proponent advises that they intend to update the planning proposal material to respond to the LPP advice.
<b>04/08/2022</b>	Revised planning proposal material submitted by Proponent.

- 06/09/2022** Further presentation from Proponent at a Councillor Briefing session.
- 27/09/2022** Planning proposal considered by Council. Council resolved that the proposal should not proceed.
- 19/12/2022** Rezoning Review lodged with DPE

#### **4. STRATEGIC MERIT ASSESSMENT**

- a) Does the proposal give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans released for public comment or a place strategic for a strategic precinct including any draft place strategy:

##### **Greater Sydney Region Plan and Central City District Plan**

The following objectives of the Greater Sydney Region Plan and Planning Priorities of the Central City District Plan are relevant to the subject proposal:

- Objective 2 – Infrastructure aligns with forecast growth
- Objective 10 – Greater housing supply
- Objective 11 – Housing is more diverse and affordable
- Objective 12 – Great places that bring people together
- Objective 14 – Integrated land use and transport creates walkable and 30-minute cities
- Planning Priority C1 – Planning for a city supported by infrastructure
- Planning Priority C3 – Providing services and social infrastructure to meet people's changing needs
- Planning Priority C4 – Fostering healthy, creative, cultural rich and socially connected communities
- Planning Priority C5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport
- Planning Priority C6 – Creating and renewing great places and local centres, and respecting the District's heritage
- Planning Priority C9 – Delivering integrated land use and transport planning and a 30-minute city

The planning proposal will deliver increased housing supply and a community club in an existing town centre location, with access to retail and services and frequent bus services to the CBD and Parramatta. However, there are issues with the local and regional traffic infrastructure within the Baulkham Hills Town Centre, as it is nearing full capacity on account of a high level of regional through-traffic. The traffic report provided by the Proponent indicates that the Level of Service for multiple intersections in the vicinity is currently at capacity. There are high volumes of existing regional and local traffic that feed into the regional road network at the Baulkham Hills junction to reach the key destinations of the CBD (via the M2 to the south) and Parramatta.

The planning proposal has limited scope to address the existing local and regional traffic issues. Consultation with TfNSW to resolve the traffic issues is ongoing, as it is an action included in Councils LSPS, and further consultation specific to this planning proposal would be undertaken, if it was to progress to Gateway Determination. The proposal is not the cause of the existing traffic congestion and the traffic modelling indicates that the planning proposal will not cause a change in the Level of Service for most intersections, except for the intersection of Olive Street and Old Northern Road

The Region Plan references Future Transport 2056, which identifies a longer-term vision for transport connections, including a mass transit link connecting Norwest to Parramatta. A station is earmarked for Baulkham Hills, which will improve accessibility and connections between Baulkham Hills Town Centre and the strategic centres of Norwest and Parramatta. The delivery of mass transit through Baulkham Hills will elevate Baulkham Hills in the hierarchy of centres and significantly improve the public transport offering, beyond the existing bus services.

The planning proposal is broadly consistent with the objectives and planning priorities of integrating land use with transport planning and creating a 30 minute city. There is future infrastructure planned for the locality to support future growth, such as that to be facilitated by this planning proposal. However, the resolution of regional traffic issues and the timing of the delivery and final form of the mass transit connection is not clear in the strategic planning framework and so it is difficult to align significant growth with this infrastructure in the short term. Notwithstanding this, it is acknowledged that there are existing

bus services to the CBD and Parramatta that connect Baulkham Hills town centre which provide public transport options for future residents.

The planning proposal is consistent with the objectives and planning priorities relating to renewing and creating great places. The proposal will play a role in renewing Baulkham Hills Town Centre by upgrading a recreation and social destination, providing new commercial and retail tenancies and increasing the resident population to capitalise on the offering in the centre.

The planning proposal includes the delivery of approximately 228 dwellings comprising high density residential apartments and seniors housing in a town centre location. The planning proposal is broadly consistent with the objectives and planning priorities of greater housing supply, in that it will deliver increased housing in a town centre with good access to public transport. Notwithstanding this, the proposal would increase demand for traffic infrastructure and public transport services in a location that is already at capacity, without the ability to reasonably resolve the issue in the short-term.

#### **Draft Baulkham Hills Town Centre Master Plan**

The draft Baulkham Hills Town Centre Master Plan was prepared and exhibited in August and September 2014. It identifies the site as a Strategic Investigation Site and articulates several design principles that would need to be addressed as part of any future proposals to amend The Hills Local Environmental Plan 2019. The master plan envisaged a future uplift of residential development on the site of approximately 80 dwellings and a 4-5 storey built form. The concept proposal presents a higher dwelling density of 228 dwellings and 18 storeys. The draft Master Plan was ultimately not adopted by Council.

#### **Section 9.1 Ministerial Directions**

The following Section 9.1 Directions are relevant to the subject planning proposal:

- *Direction 3.2 Heritage Conservation*

The objective of Direction 2.3 is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The site does not contain any heritage items. However there are heritage items on neighbouring properties to the north and south. To the north of the site at 11-13 Old Northern Road, Baulkham Hills is known as 'Creasy's' (I8) and is a single-storey detached dwelling, with a high density development located on the same site to the north and east of the item. To the south of the site, within George Suttor Reserve, there is an archaeological site, known as the Baulkham Hills Tramway Cutting (A1). Potential heritage impacts are discussed further in the site specific merit assessment.

- *Direction 5.1 Integrating Land Use and Transport*

This Direction intends to ensure that future development encourages the use of sustainable integrated transportation options. An objective of this direction is to "reduce travel demand including the number of trips generated by development and the distances travelled, especially by car". In the absence of available rail transportation in Baulkham Hills (or similar mass transit solution), public transportation options are limited to bus services, including those to the CBD and Parramatta. Two bus stops are located adjacent to the site, one on either side of Old Northern Road with the flow of traffic travelling in opposite directions. Local shops and restaurants are positioned within 400m of the development and can be accessed utilising existing public domain pedestrian infrastructure within the town centre.

The site will be vehicle accessible and it is expected that residents and patrons will also access the site by private vehicle. The Proponent's revised traffic report estimates that an average total of 260 trips per day are expected by car across all land uses. While there will be an expected reliance on car trips to and from the site, the proposal demonstrates that a number of integrated transport modes are available to access the site and is therefore consistent with this direction.

- b) Does the proposal demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan;

#### **Local Strategic Planning Statement (Assured by GCC)**

The key planning priorities within the Local Strategic Planning Statement (LSPS) that are relevant to this proposal are:

- *Planning Priority 1 – Plan for sufficient jobs, targeted to suit the skills of the workforce*

The LSPS seeks to promote the creation of local employment opportunities as the population continues to grow. To do this, the LSPS seeks to maintain an employment ratio of 0.8 jobs per resident across the Shire. The planning proposal would marginally increase commercial floor space and contribute to additional employment opportunities within Baulkham Hills Town Centre. As such it is generally consistent with this priority.

- *Planning Priority 7 Plan for housing in the right locations*

The LSPS identifies a future target of 600 additional dwellings to be provided in Baulkham Hills Town Centre by 2036. The proposal will provide additional housing in Baulkham Hills which is consistent with this priority. However, the quantum of dwellings proposed is potentially in excess of what was anticipated, with the proposal accounting for a large proportion of the total Baulkham Hills Town Centre 2036 dwelling target on one single site. The proposal, in combination with other development that could occur on sites that are already rezoned, would potentially result in dwelling yields exceeding the projected density for Baulkham Hills Town Centre. Development in excess of the anticipated projection is not currently supported by appropriate infrastructure and further investment in infrastructure would be necessary to cater for the increased population, especially beyond the extent of growth already identified in strategic policies. To address this limitation of existing local infrastructure, the Proponent has provided a letter of offer to enter into a VPA with the planning proposal.

- *Planning Priority 8 Plan for a diversity of housing*

The LSPS identifies that diverse housing is needed to support the future population. The planning proposal includes the provision of 35 seniors housing apartments which is consistent with this priority, as the site would offer future senior residents the opportunity to be within the walkable catchment of goods and services in the Baulkham Hill Town Centre. The delivery of seniors housing within town centres is consistent with Council's strategic objectives and will reduce the pressure to permit seniors housing in other locations across the Shire where it is less appropriate from a built form and/or infrastructure perspective.

With respect to the residential apartment development, the material from the Proponent indicates the intention for the development to be compliant with the dwelling types and apartment mix in the Hills DCP 2012, however the proposal does not include an LEP mechanism to ensure a variety of apartment sizes beyond the requirements of SEPP 65. Should the proposal proceed to Gateway Determination it is recommended that a mechanism is included in the LEP that ensures that future development will deliver a diversity of apartment types and sizes in accordance with Part B Section 5 the Hills DCP 2012.

- *Planning Priority 9 Renew and create great places*

This planning priority relates to appreciating Aboriginal and European heritage and renewing centres. There are a number of relevant key outcomes sought with respect to this planning priority as follows:

- ***Promote the economic benefits of centre redevelopment to businesses and landowners.***  
The proposed redevelopment of the bowling club and inclusion of residential uses on the site provides economic benefits for the locality. The incoming residents will create additional demand for local goods and services that can be readily accessed within the town centre and the club provides an attractor for increased patronage of the site and other businesses within the centre.
- ***Discourage commercial and residential uplift in Baulkham Hills town centre until transport and traffic issues are resolved.*** The local and regional traffic issues within

Baulkham Hills have existed for a number of years. Much of the regional road network in this locality is considered to be at capacity. Public transportation in this location is limited to bus services at this time, however these services do provide good access to the CBD and Parramatta.

Council has advocated for an upgrade to the Baulkham Hills Junction intersection and mass transit to be provided through Baulkham Hills on numerous occasions. However, to date, Government has not made any commitment to funding these projects. As the proposal will create uplift in Baulkham Hills Town Centre in advance of any commitment from Government to resolve key traffic issues, the proposal is inconsistent with this specific statement in the LSPS. It is noted that this strategic approach to the management of development uplift in Baulkham Hills Town Centre was endorsed by the Greater Cities Commission (GCC) through the LSPS Assurance process.

- ***Only encourage planning proposals for local centres that align with our master plan for the centre and protect its primary role to provide goods and services, or be a place for new or evolving employment functions.*** The Draft Baulkham Hills Master Plan, considered by Council in 2014, was not adopted. The framework for the Baulkham Hills Town Centre is therefore included in the existing LEP controls and the existing DCP. While the maximum height and number of dwellings is in excess of what is expected under the Draft Baulkham Hills draft Master Plan and the Baulkham Hills Development Control Plan, the proposal will result in some additional jobs being created and an increase in the patronage of the existing businesses in Baulkham Hills.
- ***Protect items of Aboriginal and European cultural heritage significance from the impacts of development.*** A Heritage Impact Statement (HIS) has been lodged with the planning proposal that provides a preliminary assessment of how the proposal will impact on the adjoining heritage items. Given the distance from the development and the existing view lines to items being obscured, the Heritage Impact Statement estimates that there will be limited impacts to the item.
- ***Planning priority 11 – Plan for convenient, connected and accessible public transport***

The LSPS identifies the utilisation of public transport as a key element in reducing commute times and reducing reliance on private cars. While public transportation in Baulkham Hills is currently limited to bus services (albeit with good access to the CBD and Parramatta), there are longer-term plans for mass transit which will increase public transport access in the future. Council will continue to advocate for improved transport accessibility in Baulkham Hills.

While the planning proposal is generally consistent with many of the principals and priorities within Council's LSPS, the specific policy position articulated with respect to the Baulkham Hills Town Centre is 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 traffic and transport issues which underpin this policy position and impede further development in Baulkham Hills Town Centre have not been resolved and for this reason, the planning proposal is ultimately inconsistent with Council's LSPS.

#### **The Hills Housing Strategy 2019 (Endorsed by DPE)**

The Hills Housing Strategy identifies a future capacity of 600 additional dwellings to be provided in Baulkham Hills town centre by 2036. The proposal will account for a large proportion of this future capacity on a singular site. The residential development proposed increases housing supply, however the proposal exceeds the anticipated growth for a single site under the Housing Strategy.

#### **The Hills Productivity and Centres Strategy 2019 (Supporting strategy of LSPS)**

The Productivity and Centres strategy acknowledges that the character of Baulkham Hills is changing rapidly with an increase in apartment living close to the key bus corridor to the CBD and Parramatta. It highlights the need for regional transport connections to be in place at the right time to support growth, in particular, regional road and rail links (including grade separation at Seven Hills Road and Windsor Road, Baulkham Hills). These kinds of infrastructure investments require early investigation, identification and commitment to ultimately realise identified employment capacity.



The Strategy states that future uplift in the Baulkham Hills town centre would only be supported once investment in infrastructure is secured. The Strategy also flags a targeted approach to identify strategic investigation sites that have development opportunity in the longer term, pending resolution of infrastructure issues.

The planning proposal is inconsistent with the Strategy, in that it proposes an increase in development potential in Baulkham Hills town centre ahead of resolving the traffic issues with the regional road network.

c) Does the proposal respond to a change in circumstances that has not been recognised by the existing planning framework:

There has been no material change in circumstances such as investment in new infrastructure or changing demographic trends. Council's strategic framework (LSPS and Housing Strategy) clearly demarcates where future growth will be accommodated within The Hills. While limited residential growth is anticipated within the Baulkham Hills Town Centre, the subject proposal seeks to achieve more of this housing target than is considered appropriate for the site's context and in the context of the known cumulative regional infrastructure impacts in this location.

The Hills is one of few metropolitan Councils that has met its 5-year 2016-2021 housing target and is one of few Councils already on track to meet and exceed its 2021-2026 housing target. Given this, there is no shortage of strategically consistent and contextually appropriate opportunities for increased housing density.

It has long been acknowledged that The Hills' population is ageing and recent investigations by the Greater Sydney Commission into the supply and demand for seniors housing within the Shire has demonstrated that there is sufficient supply and capacity under existing controls in areas that are within close proximity to the required services and infrastructure to meet demand generated by expected population growth. The introduction of the Sydney Metro Northwest does not benefit this site given that it is well outside of what would be considered a walkable catchment from any of the Metro stations.

## **5. SITE SPECIFIC MERIT ASSESSMENT**

a) the natural environment (including known significant environmental values, resources or hazards)

The site adjoins two local heritage items, being 'Creasey's' to the north and 'Baulkham Hills Tramway Cutting' within George Suttor Reserve to the south. Council Officers' technical assessment (provided within Attachment 1) concludes that the level of impact will be acceptable with respect to 'Baulkham Hills Tramway Cutting' to the south, given that there is limited visibility to the item currently and the identified heritage curtilage is confined to George Suttor Reserve.

With respect to 'Creasey's' to the north of the site, the Council Officer's assessment (provided within Attachment 1) concludes that the Proponent's amendments to the proposal (submitted in August 2021) to increase the setback to Old Northern Road to 6 metres for the parts of the building which are closest to heritage item would enable the view lines to the heritage item from Old Northern Road (on approach from the south) to remain and this increased setback is generally considered acceptable from a heritage perspective.

b) the built environment, social and economic conditions

With respect to the proposed planning mechanism to facilitate the intended development outcome, the Proponent has sought to rely on additional permitted uses, rather than amending the land zone map as there are limited options for land zones where all proposed uses are permitted, aside from B2 Local Centre. Further, the proposed retention of the RE2 Private Recreation zone more closely aligns with a primary intent of the land, being the ongoing function of the existing Hills Club.

Having regard to the location of the site within the Baulkham Hills Town Centre, the additional permitted uses are considered to be appropriate to support the ongoing viability and revitalisation of the existing Hills Club. More detailed discussion on these proposed uses is provided within the Council Officer Assessment Report to the Local Planning Panel, provided within Attachment 1.

If the planning proposal was to proceed, additional mechanisms should be included in the Schedule 1 clause, to ensure an appropriate balance of uses on the site and the delivery of key outcomes detailed in the planning proposal material (such as a limit on the number of dwellings and a requirement for a minimum amount of club floor space and retail/commercial floor space, based on the concept plans submitted by the Proponent).

With respect to built form outcomes, the Council Officer Assessment Report (provided within Attachment 1) provides detailed analysis on the development concept and concludes that the proposal would result in some unacceptable impacts in terms of bulk and scale, solar access and heritage. The Report to Council's meeting on 27 September 2022 provides a summary comparison between the different iterations of the revised concepts submitted by the Proponent in attempts to address previous feedback.

Key built form issues that remain unresolved in the planning proposal (as considered and determined by Council) are summarised as follows:

- The site's location in the Baulkham Hills Town Centre is not the most appropriate location for a maximum of 18 storeys (the tallest building element across the town centre) and would set an undesirable precedent for the future scale of development in the town centre.
- The proposed development would result in excessive bulk and scale, resulting from the combination of the proposed height, building length, podium height, footprint size and lack of building recess and articulation. The proposed 18 storey Tower A (being 2 storeys higher than the concept originally assessed by Council officers and the LPP) continues to present as a visually dominant and bulky building, when the combination of height, length, orientation, floor plate and lack of articulation are considered holistically. These key metrics are addressed in further detail in Attachment 1.
- The proposed development has been unable to demonstrate consistency with the Apartment Design Guide (ADG) requirements for minimum building separation (12m proposed where 18m is the minimum distance required and 21.8m proposed where 24 metres is the minimum distance required).
- The planning proposal does not achieve compliance with the Hills DCP 2012 requirements for minimum solar access to private communal open space. However, it does achieve compliance with the less onerous ADG requirement (minimum 4 hours between 9am and 3pm on 21 June compared to ADG requirement of minimum 2 hours to only 50% of the space in the same time period).
- The common open space has not been designed to achieve key design criteria recommended by the Hills Local Planning Panel as follows:
  - Be designed to be seen from the street between buildings (which also reduces perceived building bulk);
  - Present as a private area for use by residents only (the concept does not adequately separate the private common open space from the intended future use of the bowling green for future club members);
  - Have a northerly aspect where possible (a northerly aspect is possible on the site however this has not been incorporated into the Proponent's scheme). This would resolve solar access issues identified above.
- The proposed setbacks would reduce the area for landscaping within the streetscape, would create an inconsistent streetscape on Jenner Street and disrupt the landscape character of the street. The proposed reduction in the front setback to 6m is not supported and should remain at 10m.
- The Proponent seeks to include hardscape areas (such as driveway areas) in the calculation of landscaped areas. Landscaping should be provided in accordance with the current adopted and accepted mechanism of calculation soft landscaping, to minimise stormwater runoff and ensure a high standard of environmental quality, visual amenity and character of the neighbourhood.

- While the proposed development complies with the minimum ADG requirements for common open space provision, it does not comply with Council's DCP provision requiring 20m<sup>2</sup> of common open space per dwelling. Given the size of the site and the opportunities for a master planned outcome, it is reasonable to expect the future development of the site to meet the Hills DCP requirements for common open space provision. The proposed common open space control in the proposed DCP (minimum ADG requirements) is not supported and should remain at Council's current minimum required provision.
- Subterranean apartments should not be permitted and Council's development controls specifically prevent these types of dwellings due to their poor outcomes in terms of access, street address and solar access. Subterranean apartments should be removed from the proposed development.

c) the existing uses, approved uses and likely future uses of land in the vicinity of the proposal

As detailed earlier in this response, the Draft Baulkham Hills Town Centre Masterplan was exhibited for public comment in August and September 2014. The master plan envisaged future residential development uplift on the site in a more modest form of 4-5 storeys and a total of 80 dwellings. The concept proposal presents a higher dwelling density of 228 dwellings at a height of 18 storeys. The draft master plan was ultimately not adopted by Council as there is sufficient redevelopment capacity under the current controls that has not been realised broadly across the Baulkham Hills Town Centre.

It is acknowledged that some development uplift should occur on the site to facilitate the sustainable redevelopment and rejuvenation of a valued community facility within the Town Centre. However, the scale of uplift sought is out of character in terms of the existing and strategically identified future density and character of the Baulkham Hills Town Centre. The development would set an undesirable precedent for the rest of the Town Centre and is not the most contextually appropriate location within the centre to permit this scale of development.

The above concerns are further exacerbated by the known existing regional traffic issues through the town centre and the cumulative worsening of these impacts that is expected to occur with new development. This has informed Council's strategic policy setting with respect to securing a regional infrastructure solution prior to the granting of any additional residential or commercial development uplift in the Town Centre.

d) the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The Proponent has offered to enter into a VPA with Council to deliver works and monetary contributions on and within the vicinity of the site. The VPA offer comprises the following contributions:

- Two (2) northern and southern pedestrian through-site links and easements connecting Jenner Street and Old Northern Road totalling approximately 1,600m<sup>2</sup> (suggested value of \$3.15 million by the Proponent);
- Traffic works with a suggested value of \$1 million, comprising:
  - A new signalised pedestrian crossing at the intersection of Old Northern Road and Olive Street;
  - An elongated roundabout at the intersections of Jenner, Railway and James Streets;
- Monetary contributions of \$650,000 towards upgrades of George Suttor Reserve; and
- Monetary contributions of \$2,850,000 towards future local infrastructure upgrades such as local roads, parks and community facilities.

The Proponent has valued their offer at \$7.65 million, which would equate to approximately 5.2% of the total cost of works, or 4.8% of the cost of works of the non-residential component and \$29,000 per dwelling for the residential component of the development. With respect to the draft VPA offer, the following is noted:

- The contributions offered through the draft VPA would be in lieu of the application of Council's Shire wide Section 7.12 Contributions Plan, which levies incremental development at a rate of 1% of the cost of development. While this Plan is not appropriate intended to cater for uplift of this scale, for comparison purposes, it is estimated that the Proponent would pay approximately \$1.46 million if the development were levied under this Plan.

- The planning proposal would enable 228 additional dwellings beyond what is anticipated or catered for with respect to local infrastructure planning within the Baulkham Hills Town Centre. The VPA represents an appropriate mechanism to secure contributions to address the demand for local infrastructure likely to be generated by this additional yield.
- The traffic works proposed to be undertaken by the Developer with respect to a signalised pedestrian crossing at the intersection of Old Northern Road and Olive Street, and an elongated roundabout at Jenner, Railway and James Streets are appropriate and positive public benefits that would be provided in response to the increased traffic and safety concerns associated with the planning proposal uplift.
- The proposed monetary contribution towards embellishment and public domain upgrades at George Suttor Reserve would result in improved outcomes to public park infrastructure on Council-owned land. The expenditure of these funds by Council in the future would result in improved passive open space outcomes for future residents of the adjoining Hills Club site and existing residents more broadly within Baulkham Hills.
- The \$2.85 million local infrastructure contribution is proposed to be utilised at Council's discretion on local roads, parks and community facilities within and around Baulkham Hills Town Centre. Council could potentially allocate a portion of this contribution towards traffic infrastructure upgrades in the form of safety improvements at Hill Street and Old Northern Road, and/or traffic lights at Cross Street and Old Northern Road. The VPA offer is flexible in terms of the items and timing for expenditure and would have regard to any planned upgrades as part of Council's future Capital Works program.

Council officers formed the view that the VPA offer is considered to be fair and reasonable, and adequate to address the local infrastructure demand likely to be generated by the proposed development. The VPA offer is the key mechanism that solidifies the proposal's consistency with the strategic planning framework as it relates to the alignment of infrastructure with growth. However, the VPA did not progress as a result of the determination that the planning proposal should not proceed to Gateway Determination. If the planning proposal was to proceed, in any form, it is submitted that the VPA should continue to form part of the planning framework and Council and the Proponent should have the opportunity to continue these negotiations in order to ensure an appropriate infrastructure contributions mechanism can be in place to support any increased development yields.

Any regional infrastructure contributions would need to be separately identified and funded outside of this local infrastructure offer in consultation between the Proponent and the NSW Government (including Transport for NSW). The regional infrastructure issues relating to traffic and transport within the locality have been detailed throughout the strategic assessment of the proposal earlier in this response.

## **6. CONCLUSION**

The planning proposal is broadly consistent with the objectives of the strategic planning framework. 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.

The current planning controls applicable in the majority of the Baulkham Hills Town Centre reflect the available services and location of the centre and provide appropriate redevelopment opportunities for land that can be pursued through the lodgement of Development Applications. However, the Hills Club site does not benefit from these controls or any real redevelopment potential under the current framework. Given its unique nature and land use, this site was not considered to be a typical redevelopment scenario and changes to the controls in Baulkham Hills Town Centre to date have not enabled increased development potential on the site. In part, the planning work to date has assumed that future outcomes on this site would best be dealt with as part of a site-specific planning proposal, which should deal with the land as a strategic site and seek to retain the private recreation facilities as an important land use within the Baulkham Hills Town Centre.

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.

The subject site is a large, single land holding which transitions from the town centre to a low scale residential environment at the rear. Master planning for the site should be able to demonstrate an appropriate development that is consistent with the character of the locality, blending into the Jenner Street streetscape and contributing to the activity of Baulkham Hills Town Centre along Old Northern Road. However, as detailed throughout this response, there are numerous elements of the planning proposal, development concept and proposed DCP controls that indicate that the master planning opportunity presented with the redevelopment of this site has not been capitalised on in this proposal and that the density sought is beyond the built form capacity of the site.

The positive aspects of the redevelopment the bowling club such as increased activity and vibrancy for the centre are acknowledged. While not a technical planning matter, the opportunity to retain some social infrastructure in the form of the club within a town centre location is desirable and is an offering and outcome that is unique to this individual site. Council is not in a position to provide this kind of social infrastructure and relies on private delivery of sporting and social clubs to contribute to the overall fabric of the community and vibrancy of an area. It is evident that while the extent of residential yield being sought is resulting in difficulties accommodating the redevelopment within an ideal built form outcome on the site, this yield and constrained site planning is intended to support the feasible redevelopment of the site and the retention of the club and its bowling facilities at this location.

A balanced consideration of these various factors is required, and the opportunity to retain the Club should not necessarily be at the expense of the high quality, high amenity residential development and landscape character that is expected in the Hills Shire. Reconsideration of the site planning is needed to better respond to the site constraints, context and local character.

Council officers were of the view that the Voluntary Planning Agreement letter of offer submitted by the Proponent represented a fair and reasonable contribution towards local infrastructure upgrades that is commensurate with the anticipated impact generated by the proposed development. If the proposal was to proceed, in any form, it should be accompanied by a draft VPA which secures these contributions. However, negotiations have not been further progressed to the point where a draft VPA document has been submitted, given the unresolved issues with respect to strategic and site-specific merit that have ultimately resulted in Council Officers' recommendation that the planning proposal should not proceed. Furthermore, the elected Council did not form a view with respect to the adequacy of the contributions offered by the Proponent on account of resolving not to proceed with the planning proposal.





13 August 2020

Ms Rebecka Groth  
Suite 2, Level 1  
1 Rialto Lane  
MANLY NSW 2095

Our Ref: FP211 and FP66

Dear Ms Groth

**Request for Feedback on Potential Planning Proposal – The Hills Bowling Club Master Plan**

I refer to your request for feedback with respect to a potential planning proposal for The Hills Bowling Club at 6-18 Jenner Street, Baulkham Hills. Thank you for meeting with Council Officers on 22 July 2020 to present your preliminary concept for the site.

I understand that you are intending to submit a planning proposal to facilitate the redevelopment of the existing bowling club including:

- 3,050m<sup>2</sup> Bowling Club with open air and covered bowling greens;
- 29,800m<sup>2</sup> of residential floor space comprising 250-260 apartments (a portion which may be used for seniors housing);
- 250m<sup>2</sup> of retail floor space adjoining Old Northern Road;
- 600m<sup>2</sup> of residential facilities; and
- 380m<sup>2</sup> of seniors facilities.

The following preliminary comments are provided by Council officers to assist with the preparation of your application:

**a) Strategic Planning Framework**

Any planning proposal for this site should address consistency with the strategic planning framework, with particular regard to the Greater Sydney Region Plan, the Central City District Plan, The *Hills Future 2036* Local Strategic Planning Statement and the draft Baulkham Hills Town Centre Master Plan. Any deviation from the strategic planning framework should be supported by compelling justification.

The relevant strategic planning framework articulates the following objectives for this site:

- *The Hills Local Strategic Planning Statement (LSPS)*

The Hills Local Strategic Planning Statement articulates that commercial and residential uplift in the Baulkham Hills Town Centre should only be supported by Council once State Government investment in infrastructure is secured and persisting transport and traffic constraints are resolved to facilitate the Town Centre as a transit link between Norwest and Parramatta (reflecting the Government's *Future Transport 2056* document). Specifically, Council's LSPS contains the

following objective: *'Discourage commercial and residential uplift in Baulkham Hills town centre until transport and traffic issues are resolved'*.

- *Draft Baulkham Hills Town Centre Master Plan*

The draft Baulkham Hills Town Centre Master Plan which was exhibited in August and September 2014 identifies the site as a 'Strategic Investigation Site' and articulates a number of design principles that would need to be addressed as part of any future proposal to amend The Hills Local Environmental Plan 2019. Preliminary analysis undertaken as part of the master plan determined that the site may be suitable to accommodate up to 200 dwellings and 4,000m<sup>2</sup> of retail and commercial floor space, noting that future yield would be subject to detailed design as part of a future planning proposal.

It is noted that the Draft Master Plan has not been adopted by Council. However, should you wish to submit a planning proposal on the site, your application should have regard to the following design principles identified within the Draft Master Plan:

- Land Use;
- Heritage Conservation;
- Transport and Access;
- Parking and Servicing;
- Treatment of Interfaces;
- Built Form;
- Open Space and Communal Facilities;
- Public Domain; and
- Environmental Performance.

**b) Proposed Built Form**

The proposed maximum height of 21 storeys exceeds that envisaged for the Baulkham Hills Town Centre. Further consideration should be given to a more appropriate maximum building height, having regard to the following factors:

- It is anticipated that the tallest buildings within the Town Centre will be located at the key gateway to the Precinct, being the intersection of Old Northern Road, Windsor Road and Seven Hills Road, with a maximum height of 15 storeys;
- The subject site adjoins a recently constructed 6 storey residential building to the north and low density residential to the east, both of which are expected to remain unchanged in the future. Consideration should be given to whether 21 storeys is appropriate at this location, having regard to the context of the site and the existing and future character of the locality;
- The height of any future building on the subject site should facilitate a downward transition from the Windsor Road intersection to the 6 storey residential development at 13 Old Northern Road;
- The proposed development should not compromise solar access for the open air bowling greens, George Suttor Reserve and adjoining development; and
- Careful consideration should be given to the bulk and scale of the proposed development and achieving an excellent and interesting design outcome.

It is recommended that your planning proposal be accompanied by a site-specific DCP to provide certainty of the proposed built form outcomes across the site. The DCP would need to cover key matters including site layout, building height, setbacks, interface with adjoining residential development, through-site links, plaza and communal spaces, heritage, views, site coverage,

landscaped area, solar access, traffic, access and parking, materials and finishes and wind impacts.

**c) Residential and Commercial Yield**

The planning proposal should provide clarification on the quantum of residential yield and whether housing for seniors is included within the indicative yield of 250–260 dwelling yield cited. Further information is required on what is intended for areas shown as ‘seniors facilities’ and ‘residential facilities’. The planning proposal should demonstrate compliance with Council’s apartment size and mix criteria as articulated in Clause 7.11 of The Hills Local Environmental Plan 2019:

- Minimum of 20% 3 or more bedroom apartments;
- Maximum 25% 1 bedroom or studio apartments;
- Minimum of 40% of the 2 bedroom apartments to be larger than 110m<sup>2</sup>; and
- Minimum of 40% of the 3 bedroom apartments to be larger than 135m<sup>2</sup>.

**d) Traffic and Access**

There are currently significant regional and local traffic issues within the Baulkham Hills Town Centre which impede the Centre’s capacity to accommodate additional development yield and density. The intersection of Windsor Road, Seven Hills Road and Old Northern Road in particular is subject to substantial regional traffic congestion and to date, there is no State Government funding commitment to rectifying these existing issues. From a traffic and transport perspective, it is difficult to justify any significant increase in residential or commercial yield within the Town Centre until these existing issues are resolved.

Loading and carpark access via Old Northern Road near Olive Street should be the subject of discussions with Transport for NSW. Consideration should be given to restricting access from Old Northern Road as pedestrian only.

Parking rates should be consistent with Council’s ‘centres rate’ within The Hills Development Control Plan.

The draft Baulkham Hills Master Plan identifies a pedestrian link along the southern boundary of the site to George Sutton Reserve. Justification should be provided for the proposed relocation of this pedestrian link and how this would result in a superior outcome.

**e) Community Floor Space and Public Infrastructure**

While the merits of a rejuvenated bowling club are recognised, the planning proposal would need to address future demand on local community infrastructure (including traffic and transport, community facilities, passive and active open space) generated by the proposed 250-260 dwellings. The provision of bowling facilities on the site does not negate the need to establish a fair and reasonable contribution to address local infrastructure demand driven by growth.

**f) Information required to be submitted with a Planning Proposal**

The following supporting studies would be required (as a minimum) with any planning proposal:

- Owners Consent and completed Political Donations forms;
- A Planning Proposal Report, which addresses the Department of Planning, Industry and Environment’s *Guide to Preparing Planning Proposals* and *Guide to Preparing Local Environmental Plans* and the matters outlined in this letter;
- Architectural drawings that include a site and concept plan;
- Urban Design Report and photomontages;
- Traffic, Parking and Accessibility Report;
- Social Infrastructure Assessment;
- Shadow Diagrams;

- Heritage Impact Statement which addresses potential impacts on the heritage significance of the adjoining heritage item; and
- Acoustics Report.

Once lodged, Council may require further information to be submitted should matters arise from the detailed assessment process.

The subject proposal would be categorised as “Major”, with an associated fee of \$69,235. A copy of Council’s Schedule of Fees and Charges for the 2020-2021 Financial Year can be accessed on Council’s Website here: <https://www.thehills.nsw.gov.au/Council/Documents-Reports-Registers-and-Policies/The-Hills-Shire-Plan-Archive>

You may also wish to view Council’s Planning Proposal Policy, which can be accessed via the following link: <https://www.thehills.nsw.gov.au/Council/Documents-Reports-Registers-and-Policies/Policy-Register>

I trust that the above information will be of assistance as you prepare your application. Council officers would be happy to discuss the matters raised further at our upcoming meeting on 18 August 2020. Should you have any queries regarding the matters raised in this letter, please contact Gideon Tam, Town Planner on 9843 0188.

Yours faithfully



**Nicholas Carlton**  
**MANAGER – FORWARD PLANNING**



26 July 2021

Mr Ken Carroll  
The Hills District Bowling Club  
6-18 Jenner Street, Baulkham Hills NSW 2153

Our Ref: 7/2021/PLP

C/- Pdraig Scollard – Keylan Consulting

Dear Mr Carroll,

## **PLANNING PROPOSAL 7/2021/PLP**

### **THE HILLS BOWLING CLUB - 6-18 JENNER STREET, BAULKHAM HILLS**

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I refer to the abovementioned planning proposal for land at 6-18 Jenner Street, Baulkham Hills (Lot 4 DP1108855). The planning proposal has been briefed to Councillors at a Workshop and Council officers have now completed a preliminary assessment of the proposal.

As you would be aware, the next step in the process will be for the matter to be reported to the Local Planning Panel for advice. Council is required, by a Ministerial Direction, to report planning proposals to the Local Planning Panel prior to consideration by the elected Council. For reference, the key steps in the planning proposal process are identified in the timeline below.



The purpose of this letter is to provide you with the opportunity to consider and address a number of matters which have been identified through the Council officer assessment process, prior to the matter being report to the Local Planning Panel for advice.

In this regard, the following matters are raised for your consideration:

#### **a) Strategic Framework and Density**

The site is identified as a Strategic Investigation Site under the draft Baulkham Hills Town Centre Master Plan. While it is acknowledged that the planning proposal seeks to facilitate the viable redevelopment of the Hills District Bowling Club, the FSR of 2.5:1 (275 dwellings) represents a density which is in excess of the outcomes envisaged for the residential development on the site under the draft Master Plan, which indicates approximately 80 dwellings.



The Hills Housing Strategy 2019 identifies a target of 600 additional dwellings to be provided by 2036 across the Baulkham Hills Town Centre. The subject application (including seniors housing) proposes almost half of this target on a singular site, which would lead to exceedance of the anticipated density for Baulkham Hills Town Centre. Critically, any increase in residential population on the site would require commensurate infrastructure improvements to support the incoming population.

## **b) Built Form and Height**

The draft Baulkham Hills Town Centre Master Plan anticipates a 4-5 storey built form on the site and the Baulkham Hills DCP identifies future landmark feature buildings with a maximum height of buildings of 30m. The majority of the centre comprises buildings of approximately 20m in height, with the tallest building currently permitted in Baulkham Hills being 50 metres in height (16 storeys above the podium), located on the corner of Seven Hills Road and Windsor Road.

With respect to the proposed tower on the site, concern is raised that the maximum height of buildings of 68 metres (21 storeys) would be substantially taller than any other approved built form at this location and would alter the planned urban structure of the town centre, where the highest buildings were intended to be located around the junction of Windsor Road, Seven Hills Road and Old Northern Road. Furthermore, concern is raised with respect to the bulk of the overall tower envelope, which should be refined having regard to Council's recently established controls for higher density residential towers in areas such as Showground Station Precinct and Castle Hill North Precinct. For example, I would note the following requirements:

- Maximum building length of 65 metres, with any building greater than 30 metres in length to be separated into at least two parts by a significant recess or projection.
- Tower floor plates in excess of 8 storeys must be limited to 750m<sup>2</sup> of gross floor area per storey.

It is noted that the proposal does not specify the floor plate area or the overall length and width dimensions of the development blocks and tower floor plates. However, the residential tower and podium appear to present as greater than 65 metres length fronting Old Northern Road and are massed as a singular continuous structure. It is recommended that the design be refined having regard to these key urban design requirements and that updated plans be submitted which detail an ability for compliance as part of future development to comply with.

It is recommended that consideration be given to reducing the maximum building height of the proposed tower building, to better align with the planned urban structure and demonstrate the ability to achieve an excellent design outcome within the planning controls sought. This may also result in a marginal reduction in density which is more in keeping with the outcomes identified for this site within the relevant strategies.

With respect to the proposed building heights proposed fronting Jenner Street, the Planning Proposal and draft DCP notes that these buildings will be 4-6 storeys however the Urban Design Response indicates that these buildings will be 8 storeys in height. Building heights along Jenner Street should be consistent with the existing prevailing heights, in the order of 4 storeys, potentially with some 6 storey elements if this allows for reduced building footprints and increased setbacks from boundaries in comparison to a 4 storey built form.

The Planning Proposal indicates that a 'blanket' maximum height limit is proposed for the entirety of the site, while the DCP points to the more specific location of building forms. Concern is raised that this approach does not provide sufficient certainty that building heights will be appropriately limited at key locations, including the interface with lower scale developments. Following reconsideration of the proposed maximum heights across the site in light of the comments above, it

is considered appropriate for the proposal to more specifically nominate and map these different heights across the site within the LEP amendments sought.

### **c) Landscaping**

The concept development plans provided with the application indicate that there is limited deep soil landscaped area proposed. The development concept is comparable in bulk and scale to a residential flat building (and contains a number of residential flats as part of the mixed use development), which would require 50% deep soil landscaped area to comply with existing DCP controls. In addition, State Environmental Planning Policy (Housing for seniors or People with a Disability) 2004, contains minimum deep soil landscape ratios for seniors housing developments that are greater than what is shown in the concept design.

Further consideration should be given to providing increased deep soil landscaping on site. It is recommended that the concept be revisited to reduce hardstand areas and increase setbacks where deep soil planting can occur. The depth of soil for plantings should demonstrate compliance with The Hills Development Control Plan 2012.

### **d) Development Control Plan**

The application includes an outline of a future proposed site specific DCP, however the draft DCP has not yet been submitted to Council. It is requested that a draft site specific DCP be prepared and submitted to Council for assessment and consideration by Council concurrently with the planning proposal. The draft DCP is an important supporting document which is relevant to Council's determination of the planning proposal.

### **e) Traffic, Vehicular Access and Engineering**

The net traffic increase based on the data provided in the Traffic Impact Assessment will result in an additional 111 AM and 189 PM peak trips to the site. While this number of additional trips is not significant in isolation, existing traffic volumes on the Old Northern Road and the intersection with Seven Hills Road and Windsor Road are close to or at capacity and consideration must also be given to any cumulative impact associated with other uplift within Baulkham Hills Town Centre over the longer term.

In recognition of the existing regional traffic issues at Baulkham Hills Town Centre, Council's LSPS contains the action that Council will *"discourage commercial and residential uplift in Baulkham Hills town centre until transport and traffic issues are resolved"*. This action reflects that irrespective of whether an application can address the impacts of incremental uplift on an individual site, concerns remain around permitting *any* uplift within the centre until such time as existing traffic and transport issues are resolved.

It should be noted that this action is one of a number of LSPS actions that relate to Council's planning for town centres, with all of these actions having weight in Council's assessment and consideration of the planning proposal. For reference, with respect to planning for town centres, the LSPS also states that Council will:

- *Prioritise place-making in new and emerging neighbourhoods;*
- *Promote the economic benefits of centre redevelopment to businesses and landowners;*
- *Only encourage planning proposals for local centres that align with our master plan for the centre and protect its primary role to provide goods and services, or be a place for new or evolving employment functions;*
- *Protect items of Aboriginal and European cultural heritage significance from the impacts of development;*
- *Investigate measures to encourage land uses that will promote vibrancy in higher density residential zones; and*

- *Work with the community to extend local character mapping to identified areas of significant local character, and develop local character statements to guide development in these areas.*

Notwithstanding the range of relevant factors, regional traffic will nonetheless be a major consideration and for any proposal to successfully progress, these issues would need to be resolved. It is anticipated that if Council is supportive of the proposal progressing to Gateway Determination, it would be necessary for public agency consultation be undertaken with TfNSW prior to any public exhibition, with a requirement for support and commitment from TfNSW to the resolution of the existing regional traffic issues.

In terms of technical vehicle access and engineering matters, the following is identified for your consideration:

- It is noted that access for service vehicles is proposed from Old Northern Road. Council officers understand that initial informal consultation with TfNSW has been undertaken in preparation of the Planning Proposal. However, it is noted that the documentation does not provide any indication of TfNSW feedback or willingness to agree to access to the development from Old Northern Road. TfNSW is the roads authority for Old Northern Road and their concurrence will be required for vehicular access from Old Northern Road into the development.
- Vehicular access to the site carpark should be designed to facilitate Heavy Rigid Vehicles entering and exiting the site, compliant with the relevant Australian Standards;
- Vehicular access to the site, including the internal ramps, should be designed to provide a two-way traffic movement;
- Stormwater Management will require Onsite Stormwater Detention (OSD) facilities and Water Sensitive Urban Design (WSUD) measures within the development; and
- The Jenner Street drainage will need to be extended from the existing drainage network to the southern side of the development frontage.

#### **f) Local Infrastructure and Contributions**

The planning proposal is accompanied by a letter of offer to enter into a Voluntary Planning Agreement. While a comprehensive internal review of the offer is still underway, the following preliminary feedback is provided below for your consideration:

- The offer to embellish George Suttor Reserve and the connection from the development into the reserve is a positive design response, however the demolition of the existing early childhood health centre and its re-construction within the development may not be appropriate. While the Baulkham Hills Public Domain Plan does include a concept plan that indicates the early childhood health centre may no longer be located on the site, this is only a concept for the longer term outcome at this location. At this time, the facility is not at a point where demolition is warranted, nor has the Council resolved for this to occur. This would ultimately be a longer-term decision to be made by Council and as such, is unlikely to be an outcome which could be agreed to at this point in time through the VPA.
- Further information is sought regarding the traffic and pedestrian improvements identified in the VPA offer. These monetary contributions have been valued at \$1 million, however there is no rationale included in the offer to verify the value of this contribution. The offer includes possible intersections to expend the funds, such as Old Northern Road/Hill Street, Jenner/Railway Streets and Hill/Jenner Streets, however the Traffic Impact Assessment does not identify any upgrades necessary for these intersections.

- The total value of the contribution offered (based on the expected value of the development being \$150 million) is approximately 2.1% of the cost of future development. This value is substantially lower than the contributions payable under VPAs in association with other residential developments of this scale within the Shire, which range from approximately \$26,000 to \$38,000 per residential dwelling and approximately 3% of the cost of development in association with non-residential components of the development.

**Next Steps**

The next step in the process is for the matter to be reported to the Local Planning Panel for advice and following this, a Council Meeting for a decision on whether the matter should progress to a Gateway determination.

Council officers are tentatively working towards reporting the current proposal to the Local Planning Panel meeting in August 2021. However, following your consideration of the matters raised within this letter, please advise if you wish to delay reporting of the matter to enable you to revise your application and/or submit additional information.

Should you wish to discuss the proposal further, please don't hesitate to contact Tamara West, Senior Town Planner, on 9843 0511.

Yours faithfully



**Nicholas Carlton**  
**MANAGER – FORWARD PLANNING**