



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 750m² 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

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



26 May 2022

Mr Padraig Scollard
Principal Planner
Keylan Consulting Pty Ltd
1 Rialto Lane
MANLY NSW 2095

Via Email: padraig@keylan.com.au

Our Ref: 7/2021/PLP

Dear Padraig

**LOCAL PLANNING PANEL ADVICE – PLANNING PROPOSAL
THE HILLS CLUB – 6-18 JENNER STREET, BAULKHAM HILLS (7/2021/PLP)**

On Wednesday 18 May 2022, The Hills Local Planning Panel considered the abovementioned planning proposal. The Council Officer's recommendation to the Panel was that the Planning Proposal, in its current form, should not proceed to Gateway Determination.

The Panel 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 750m²;*
 - *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.

The Minutes of the Local Planning Panel meeting are attached for your information and can be viewed on Council's website at <https://www.thehills.nsw.gov.au/Council/Meeting-Agendas-Minutes/Local-Planning-Panel-LPP#section-5>.

The next step in the Planning Proposal process is for the application to be reported to Council for a decision on whether or not to progress the proposal to the Department of Planning and Environment (DPE) for a Gateway Determination.

Council's Planning Proposal Policy provides the opportunity for Proponents to give a presentation on their planning proposal at a Councillor briefing session, before the matter is reported to a public meeting for determination by the elected Council. While it is noted that you previously presented at the Councillor Workshop on 4 May 2021, a number of new Councillors have been elected since this time, who were not involved in the previous briefing session. Given this, it is considered appropriate that you be provided with the opportunity to re-present your proposal to the current Councillors.

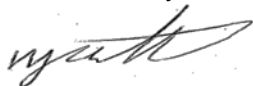
Accordingly, you are invited to present your proposal at the upcoming Councillor Workshop to be held on 5 July 2022, from 7pm. Workshops are held virtually and Proponents are required to submit a short presentation video (maximum 10 minutes) 2 weeks prior to the Workshop date, which will be played for Councillors during the meeting and followed by a period during which the Proponent will be able to respond to any questions from Councillors.

Please advise whether you wish to accept or decline this invitation by no later than 7 June 2022. Should you wish to accept, an electronic presentation relating to your **current** planning proposal scheme is required to be submitted to Council Officers by no later than Tuesday 21 June 2022.

Following the Councillor Briefing session, a report to Council will be prepared by officers and you will be notified when the matter is scheduled for an upcoming meeting.

Should you wish to discuss this matter further, please contact Kayla Atkins, Strategic Planning Coordinator, on 9843 0404 or at katkins@thehills.nsw.gov.au.

Yours faithfully



Nicholas Carlton
MANAGER FORWARD PLANNING

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

**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:
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 - 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;
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 - 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