

THE HILLS SHIRE COUNCIL

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PCU048697



Ms Rachel Cumming
Acting Regional Director
Department of Planning and Infrastructure
Sydney West Region
Locked Bag 5020
PARRAMATTA NSW 2124

Our Ref: 1/2014/PLP

14 October 2013

Dear Ms Cumming

PLANNING PROPOSAL SECTION 56 NOTIFICATION

The Hills Local Environmental Plan 2012 (Amendment No. xx) – to rezone land within Box Hill North Precinct from RU6 Transition to a combination of R1 General Residential, R3 Medium Density Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, B2 Local Centre and RE1 Public Recreation, as well as amendments to Schedule 1 of the Local Environmental Plan 2012 to allow additional uses within zones R3 and RE1,– (1/2014/PLP).

Pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), it is advised that Council has resolved to prepare a planning proposal for the above amendment.

Please find enclosed the information required in accordance with the guidelines 'A guide to preparing planning proposals' issued under Section 55(3) of the EP&A Act. The planning proposal and supporting materials is enclosed with this letter for your consideration. It would be appreciated if an officer of Council can be contacted at the time the planning proposal is being considered by the panel to respond to any questions that may arise. In this regard please contact Council's Principal Forward Planner, Bronwyn Smith on 9843 0269.

Following receipt by Council of the Department's written advice, Council will proceed with the planning proposal.

Any future correspondence in relation to this matter should quote reference number 1/2014/PLP. Should you require further information please contact Bronwyn Smith, Principal Forward Planner on 9843 0269.

Yours faithfully

Stewart Seale
MANAGER FORWARD PLANNING



PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: The Hills Local Environmental Plan 2012 (Amendment No (xx)) seeks to rezone land within Box Hill North Precinct from RU6 Transition to a combination of R1 General Residential, R3 Medium Density Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, B2 Local Centre and RE1 Public Recreation, as well as amendments to Schedule 1 of the Local Environmental Plan 2012 to allow additional uses within zones R3 and RE1. (1/2014/PLP).

ADDRESS OF LAND

Box Hill North – Refer to map

SUMMARY OF HOUSING AND EMPLOYMENT YIELD

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	0	4,100	4,100

SUPPORTING MATERIAL:

Attachment A Assessment against State Environmental Planning Policies

Attachment B Assessment against Section 117 Ministerial Directions

Attachment C Council Report and Resolution, 8 October 2013

Attachment D Planning Proposal

THE SITE

The Box Hill North precinct is located on the urban fringe of the Shire, with an area of approximately 380 hectares and is located to the north of the recently gazetted Box Hill and Box Hill Industrial Precinct. The area lies approximately 48km to the north west of Sydney CBD. Box Hill North is generally bound by Maguires Road to the north, Boundary Road to the west, Janpieter Road to the east and Old Pitt Town Road to the south (see Figure 1).

The site consists of undulating land with slopes generally within a range of 1% to 3%. It is generally cleared, consisting mainly of grassed land and is currently used for low intensity farming, primarily grazing land for cattle, horse stables and a small number of market gardens. The site contains a number of rural residences, numerous farm dams and outbuildings.

There are a number of drainage lines that cross the site, connecting with farm dams and flowing into Cataract and Cattai Creeks. An 85 metre wide electricity transmission corridor transects the north-west portion of the site.

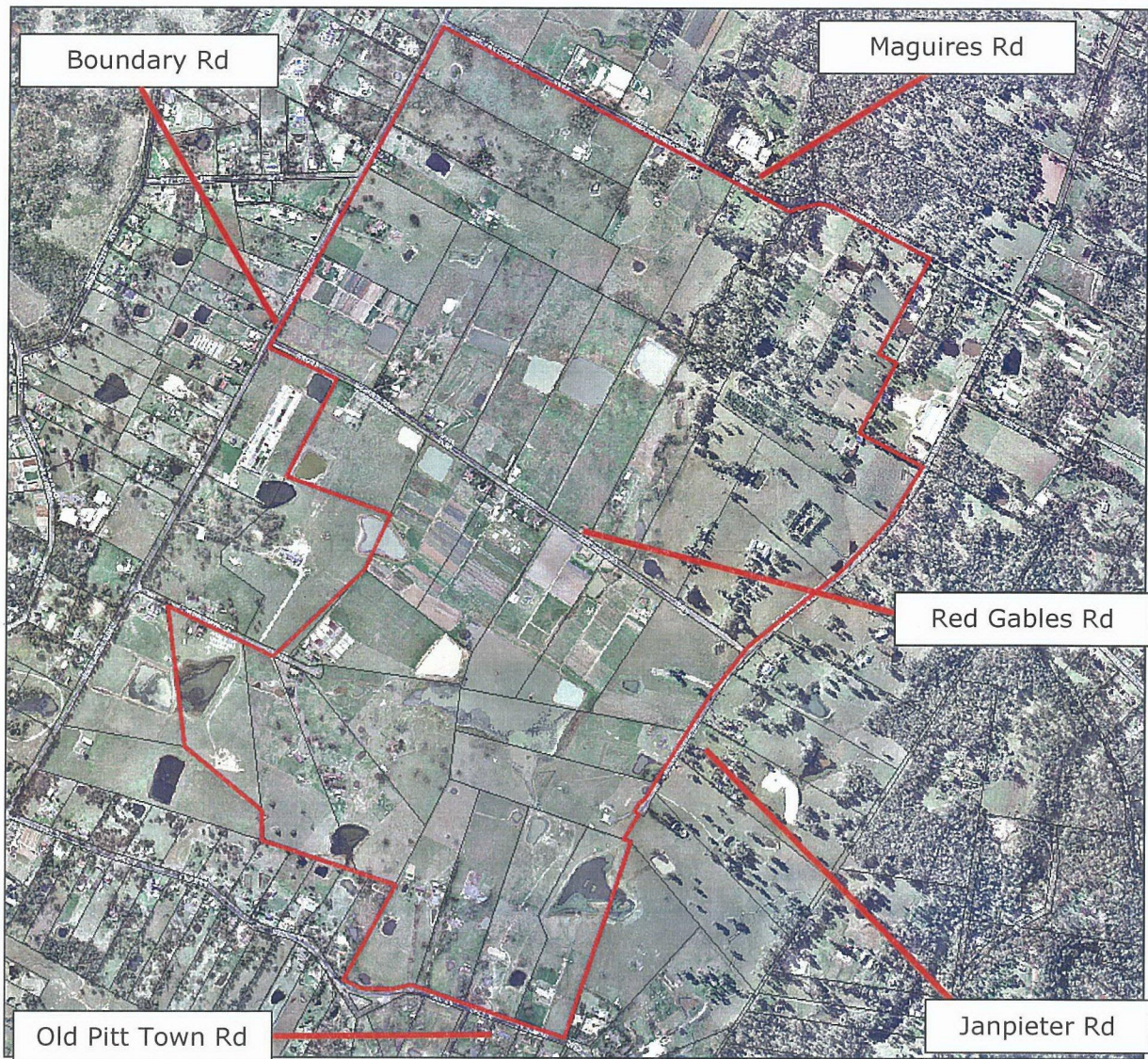


Figure1
Planning Proposal - Subject Land

BACKGROUND

The area was the subject of a proposal under the State Governments Potential Home Sites Program in 2011. In March 2013, the State Government issued an Evaluation Report which announced the outcomes of the review into potential housing opportunities. The evaluation assessed whether the land was appropriate for housing and the ability deliver quickly by focusing on the broad questions of:

- The suitability of the site for urban development
- Infrastructure planning and cost (no additional cost to government)
- The ability of nominees to deliver housing, and
- The appropriateness of the location.

The evaluation report identified that Box Hill North was:

"...not an appropriate location for housing at this time although council recognises long term potential. Currently there are no enabling services and long lead times. Multiple landowners pose a challenge for delivery. Until Box Hill develops it will be isolated."

While the report indicates that the location is not considered appropriate at this time, it does identify Box Hill North as a 'strategic investigation' site and as a 'strategic fit' in terms of planned growth and urban policy which is potentially suitable for urban development. However, the lack of enabling services and long lead times and fragmented ownership is highlighted as a challenge for delivery.

Box Hill North is located adjacent to Box Hill Urban Release Area including Box Hill Industrial which was rezoned on 5 April 2013 (see Figure 2).

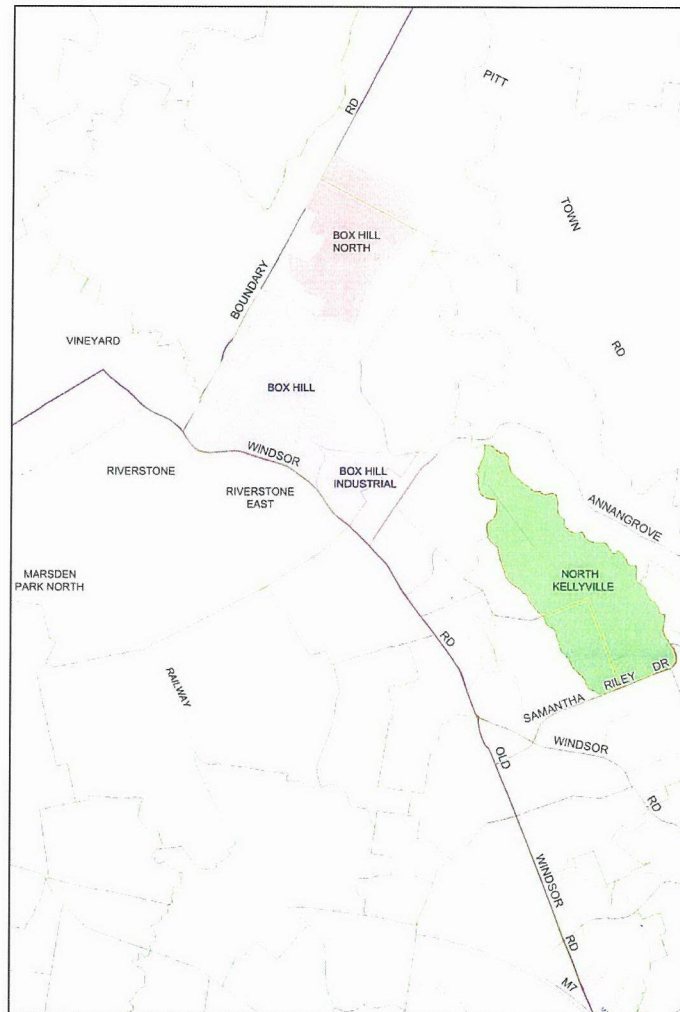


Figure 2
Locality Map of Box Hill North

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objectives of the proposed LEP amendment are to;

- Facilitate redevelopment of Box Hill North in a coordinated fashion and in doing so achieve the site's highest and best use;
- Accommodate 4,100 dwellings and a 5.5 hectare town centre comprising up to 10,000m² of retail/commercial floor space;
- Deliver a design that integrates community, transport, environmental and economic outcomes;
- Create a diverse community that is demographically balanced, responds to changing life cycle, lifestyle and work requirements over time;
- Reserve land for environmental conservation;

- Develop an open space network including active playing fields, and a connecting trail network of passive recreational spaces that capture riparian and amenity qualities; and
- Identify 2.2 hectares of land for a new primary school site.

A masterplan/indicative layout plan has been provided that will guide future development and the delivery of the key elements in the objectives (see Figure 3). This Plan informs the development of the statutory provisions in LEP 2012, the specific development controls and the local infrastructure contributions plan.



Figure 3
Masterplan/ Indicative Layout Plan

PART 2 EXPLANATION OF THE PROVISIONS

The planning proposal as submitted seeks to rezone land within Box Hill North Precinct from RU6 Transition to a combination of R1 General Residential, R3 Medium Density Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, B2 Local Centre and RE1 Public Recreation, as well as amendments to Schedule 1 of the Local Environmental Plan 2012 to allow additional uses within zones R3 and RE1.

However, it is considered more appropriate to include an R2 Low Density Residential zoning for the land that interfaces with rural properties along Janpieter Road, an R4 High Density Residential zoning for some of the land around the town centre and limitation of the R1 General Residential zone to land immediately adjoining the town centre. Further, the proposed Schedule 1 amendments to both the R3 Medium Density and RE1 Public Recreation zones are not supported.

The planning proposal also seeks to apply minimum allotment sizes for subdivision ranging from 125m² to 2000m² to facilitate and encourage the provision of a range of dwelling types within the R1 General Residential and R3 Medium Density Residential zones, and to increase the maximum building height from 10 metres to a height ranging between 10 and 16 metres. It is recommended that the existing minimum lot size of 450m² for small lot housing be retained on the basis that it provides adequate space for a small dwelling, open space, landscaping, car parking, privacy and solar access and promotes a high quality design and a marketable housing product envisaged for The Hills. Further it is considered that minimum lot size controls for each residential accommodation type and the maximum height controls should be consistent with Council's Local Environmental Plan 2012. Likewise a maximum floor space ratio of 1:1 and a minimum allotment size of 600m² is recommended for the B2 Local Centre zoned site.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report

No, the planning proposal is not a result of any strategic study or report. Box Hill North is not currently identified within the North West Growth Centre, however, will form a natural extension to the recently gazetted Box Hill and Box Hill Industrial Precinct. Whilst the Box Hill North is not a Growth Centre precinct which is being released by The Department of Planning and Infrastructure, the area is being developed as a release area by a private developer providing the entire necessary infrastructure at no cost to Local or State Government.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the best means of achieving the objectives and intended outcomes given it provides the opportunity for Council to continue with their strategic direction of facilitating the timely delivery of residential development to assist in accommodating a share of Sydney's population growth.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

(a) Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 released in 2010 sets the framework for Sydney's future with respect to population forecasts, housing and employment needs, sustainability, affordability liveability and equity. The primary objective of the Metropolitan Plan for Sydney is to ensure that there is an adequate supply of land to enable the delivery of housing to accommodate the forecast population growth. The strategy seeks to encourage the provision of housing near jobs, transport and services, to improve housing affordability, upgrade the quality of new development and encourage urban renewal.

The Planning Proposal aims to provide approximately 4,100 new dwellings, a neighbourhood/town centre, parks, cycleways and community facilities. It will also provide housing within a 30 minute commute of major centres such as Norwest, Rouse Hill, Castle Hill and the future Box Hill Business Park. Improvements will occur to local bus routes/frequency and linkages to regional bus corridors including the Transitway from Parramatta to Rouse Hill.

The Planning Proposal is considered to be consistent with the Metropolitan Plan.

(b) Draft Metropolitan Strategy for Sydney 2031

The Draft Metropolitan Strategy for Sydney was released in March 2013 for public comment. Once finalised, the draft Strategy will replace the Metropolitan Plan for Sydney 2036. The draft Strategy establishes a vision with key objectives, policies and actions to guide the growth of Sydney to 2031 and is underpinned by the following key outcomes:

- Balanced growth;
- A liveable city;
- Productivity and prosperity;
- Healthy and resilient environment; and
- Accessibility and connectivity.

The Strategy categorises the land within the Sydney Region into Metropolitan Urban Area and Metropolitan Rural Area within which the subject site is located. The Strategy identifies that the Metropolitan Rural Area will be managed to provide for local growth and to maximise the productivity of businesses, enterprises and resources that benefit the longer-term future of the city.

The provision of 4,100 dwellings as a result of the planning proposal is considered to be consistent with the Strategy since it will provide residents with housing options and jobs close to home.

(c) Draft North West Subregional Strategy

The Draft North West Subregional Strategy was prepared in December 2007 by the NSW Government and outlines how the key actions contained within the Metropolitan Strategy 2005 were to be implemented at the subregional level. The Subregional Strategy has set a target for The Hills Shire to provide an additional 36,000 dwellings by 2031 and 47,000 additional jobs. A key direction of the draft Strategy is also to protect rural lands.

By its very nature the proposed planning proposal is transforming a rural location to an urban location. However when considering whether the proposal is consistent with the Strategy regard needs to be given to implications for the surrounding rural character. By providing for larger minimum lot sizes on the periphery of the release area, and maintaining significant vegetation it is considered an appropriate transition from rural.

The Planning Proposal aims to provide approximately 4,100 new dwellings, a neighbourhood/town centre, parks, cycleways and community facilities. Whilst the precinct won't necessarily provide employment beyond a local centre, it will provide housing within a 30 minute commute of major centres such as Norwest, Rouse Hill, Castle Hill and the future Box Hill Business Park. Improvements will occur to local bus routes/frequency and linkages to regional bus corridors including the Transitway from Parramatta to Rouse Hill.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

(a) Hills 2026 Community Strategic Direction

The Hills Future Community Strategic Direction articulates The Hills Shire community and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The planning proposal will assist in the realisation of The Hills Future outcome of balanced urban growth that will provide a quality new development and jobs close to home.

(b) The Hills Local Strategy

The Residential, Integrated Transport, Centres and Employment Lands Directions are the relevant components of the Local Strategy to be considered in assessing this application.

Residential Direction

The Direction demonstrates the Shire's existing planning framework has sufficient capacity to accommodate housing targets of 21,500 dwellings across the release areas within the Shire.

The planning proposal will result in an increase in the dwelling yield within the Shire. This increased residential yield has potential to alter the infrastructure planning and delivery (open space, transport facilities, drainage facilities and community facilities) for the Box Hill North Precinct. As previously mentioned the required infrastructure is to be provided by the proponent at no cost to Council. The planning proposal provides the opportunity for Council to continue with their strategic direction of facilitating the timely

delivery of residential development to assist in accommodating a share of Sydney's population growth.

Integrated Transport Direction

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. It seeks to ensure that housing and jobs are easily accessible through a variety of means including walking, cycling and public transport, reliance on private vehicle use is minimised, and that development supports the viable operation of public transport.

The planning proposal is generally consistent with this Direction. As previously mentioned it will provide for housing within a reasonable commute of major centres such as Norwest, Rouse Hill, Castle Hill and the future Box Hill Business Park. Improvements will occur to ensure availability to local and regional bus routes.

Employment Lands Direction

Council's Employment Lands Direction demonstrates that there is sufficient zoned and capable land to provide for 55,574 additional jobs to 2031 across the Shire. In addition to the contribution towards anticipated employment targets, the Direction seeks to provide employment close to home, services and transport infrastructure.

The planning proposal is generally consistent with this Direction. Whilst minimal long term employment will be provided within the subject area, future residents will have employment opportunities nearby, to be provided by the Box Hill business park and other employment lands. The additional population will support the viability and growth of these employment lands.

Centres Direction

The Centres Direction seeks to establish a network of centres that provides places for residents to shop, work, and have social interaction and recreational opportunities. The Direction included a centres hierarchy which provides a framework for the scale, location and function of centres. This ensures that the population has access to a range of centres that meet their needs and are appropriate in scale and design for their location.

Box Hill North is not specifically mentioned within the Centres Direction as it was not envisaged as an urban location at the time the Centres Direction was prepared. However the retail economic analysis provided with the planning proposal identified the need for a local centre within the precinct to support the future population. This is proposed to be centrally located within the precinct and would be expected to serve the needs of the community, consistent with the principles in the Centres Direction.

Rural Lands Strategy

The Rural Lands Strategy provides the strategic framework for the Shire's rural lands to, amongst other objectives:

- protect and enhance the existing and future rural economy – including employment and future investment opportunities;
- avoid and manage land use conflict; and
- respond to social needs and preserve social values of the rural community.

By its very nature the proposed planning proposal is transforming a rural location to an urban location. In considering whether the proposal is consistent with the Strategy regard needs to be given to implications for the surrounding rural character. By

providing for larger minimum lot sizes on the periphery of the release area and appropriate transition from residential to rural residential uses should be maintained.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies

State Environmental Planning Policies

A number of State Environmental Planning Policies are applicable to the planning and development of this area as future urban release area. The relevant SEPPs are:

- SEPP (Sydney Region Growth Centres) 2006
- SEPP (Infrastructure) 2007
- SEPP Exempt and Complying Development
- SEPP 19 – Bushland in Urban Areas
- SEPP 55 – Remediation of Land
- SEPP 65 – Design Quality of Residential Flat Development
- Draft SEPP Housing Diversity in Sydney's Growth Centre

All existing Regional Environmental Plans are now deemed State environmental planning policies (SEPPs). The former Regional Environmental Plan relevant to the planning and development of this area as future urban release area is:

- Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean River (No.2 – 1997)

The planning proposal is generally consistent with these SEPPs.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Section 117 Directions

The consistency of the planning proposal with the Section 117 Ministerial Directions is detailed within Attachment B. a discussion on the consistency of the proposal with each relevant Direction is provided below:

- Direction 1.1 - Business and Industrial Zones

The objectives of this Direction are to encourage employment growth, protect employment lands and support the viability of strategic centres. The Direction requires that where relevant a draft LEP shall:

- (a) Give effect to the objectives of this direction;
- (b) Retain business areas and locations of existing business and industrial zones;
- (c) Not reduce the total potential floor space area for employment uses and related public services in business zones;
- (d) Not reduce the total potential floor space for industrial uses in industrial zones; and
- (e) Ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.

- Direction 1.2 - Rural Zones

The objective of this direction is to protect the agricultural production value of rural land.

By its very nature the proposed planning proposal is transforming a rural location to an urban location, however, land zoned E4 Environmental Living will ensure that the

unique environmental characteristics of these locations is appropriately maintained whilst not unnecessarily restricting future development.

- Direction 2.1 - Environmental Protection Zones

The objective of this Direction is to protect and conserve environmentally sensitive areas and applies to all councils preparing a planning proposal. The Direction requires that a planning proposal includes provisions that facilitate the protection and conservation of environmentally sensitive areas and that land within an environment protection zone shall not reduce the environmental protection standards that apply to the land.

- Direction 3.1 - Residential Zones

The aim of this Direction is to encourage a variety of housing choice, make efficient use of existing infrastructure and services and minimise the impact on the environment and resource lands.

It is considered that the planning proposal meets the aim of this direction by providing an additional 4,100 dwelling throughout the precinct.

- Direction 3.3 - Home Occupations

The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.

It is considered that the planning proposal would meet this direction.

- Direction 3.4 - Integrating Land Use and Transport

This Direction aims to ensure that development improves access to housing, jobs and services, increase choice of available transport, reduce travel demand, and provide for the efficient movement of freight. A planning proposal must locate zones for urban purposes and include provisions that are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

The precinct is considered to be well situated being within close proximity to the Rouse Hill Major Centre, the North Kellyville Precinct to the south-east, and the proposed Box Hill and Box Hill Industrial Precincts to the north-west. The precinct will also benefit from the delivery of the North West Rail Link and the District and Regional bus routes proposed as part of the planning for the North West Growth Centre.

- Direction 4.4 - Planning for Bushfire Protection

Any planning proposal for land which is identified as being bushfire prone on a Bushfire Prone Land Map must be consistent with Ministerial Direction 4.4 Planning for Bushfire Protection. The Direction requires that planning proposals:

- (a) have regard to Planning for Bushfire Protection Guideline 2006;
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas; and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

The Direction also requires that Council undertake consultation with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act. Council will need to take into consideration any comments received as part of this consultation.

Clause 5.11 of LEP 2012 requires that bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent. This provision

ensures that bush fire hazard reduction work is not prohibited within Asset Protection Zones.

This direction aims to protect life, property, and the environment from bushfire hazards through the sound management of bush fire prone areas. A planning proposal to which this direction applies must consult with the NSW Rural Fire Service following receipt of a gateway determination, have regard to Planning for Bushfire Protection 2006 and where development is proposed, comply with provisions including Asset Protection Zones.

- Direction 6.1 - Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal is consistent with this direction since it does not include provisions requiring the concurrence or referral of future applications to a Minister or public authority.

- Direction 6.2 - Reserving Land for Public Purposes

The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.

- Direction 7.1 - Implementation of the Metropolitan Plan for Sydney 2036

The strategic plan prepared by the NSW Government titled the Metropolitan Plan for Sydney 2036 aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036. The planning proposal is consistent with the strategic directions and key policy settings of the strategy since it will contribute to local employment and provide housing choice.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Yes, there is a likelihood that critical habitat or threatened species, populations or ecological communities or habitats may be adversely affected as a result of the proposal. An ecological assessment of the Precinct has been prepared by Cumberland Ecology, which has identified a number of areas containing threatened ecological communities and several threatened and migratory species have been recorded in the area. Figure 4 identifies the important stands of vegetation in the Precinct and categorizes them as either low or moderate condition.

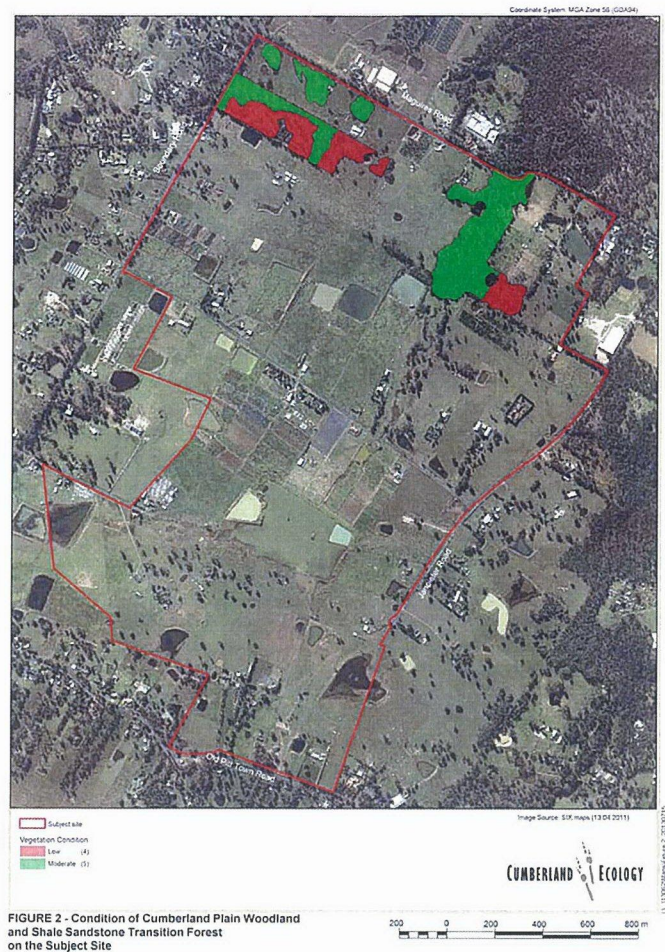


Figure 4
Condition of important vegetation in the precinct

The consultant recommends that a combination of in situ conservation and off site offsetting be used in the development of this area for urban purposes.

The Precinct is located adjacent to an area identified as Priority Conservation Lands in the Cumberland Plain Woodland Recovery plan. The potential impacts of the proposed development on these lands must be adequately addressed.

The planning proposal has not adequately identified all areas of vegetation that would constitute threatened ecological communities as the scientific descriptions of the Communities include areas with highly disturbed understorey and mid-storey. The survey methods did not include seasonal variation which is likely to alter survey outcomes. As a result it is likely the amount of threatened ecological communities present within the Precinct is underestimated. This indicates that the required offsetting or conservation requirements would also be underestimated.

Given the identification of threatened fauna species and significant trees future development of the site may require preparation of a Species Impact Statement in accordance with Section 5A of the Environmental planning and Assessment Act, 1979.

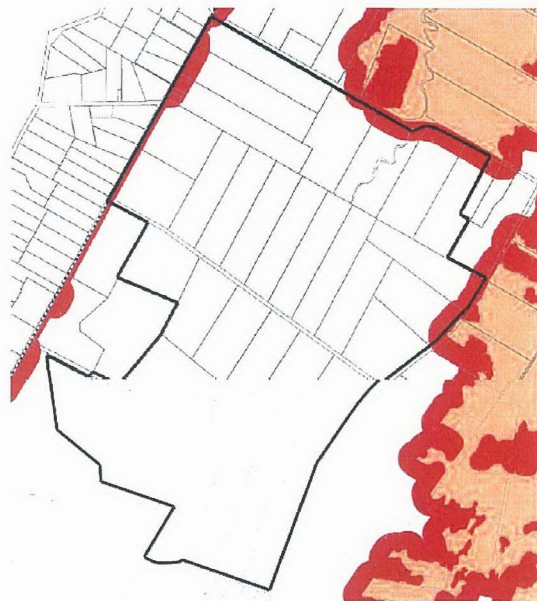
However, in the context of the overall Precinct there is limited vegetation and it is considered possible to utilise a combination of in situ conservation and off site offsetting to address a balance between conservation and urban development. Due to the presence of threatened ecological communities the Office of Environment & Heritage will

have a role in determining conservation values and offsetting measures. It is recommended that as part of any Gateway Determination, consultation with the Office of Environment & Heritage (OEH) should be required. This will enable OEH to review the implications of the proposed urban development in this Precinct and provide formal sign off on the delivery of housing and urban facilities in this area.

8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Bush Fire

The Hills Bushfire Prone Land Map identifies land around the fringe of the Precinct as within the 100m buffer zone around Category 1 Bushfire Prone Vegetation (refer Figure 5).



Legend: Orange – Category 1 Bushfire Prone Vegetation; Red – 100m wide buffer zone to Category 1 Bushfire Prone Vegetation.

Figure 5

Extract from The Hills Bushfire Prone Land Map

A bushfire constraints report prepared by Australian Bushfire Protection Planners Pty Ltd in support of the planning proposal indicates the land within the buffer zone as managed land and therefore the risk of bushfire is significantly reduced. It also states that the majority of the Category 1 vegetation in the area surrounding the Precinct has been modified further reducing the risk of loss due to bushfire.

As only a small portion of the Precinct is identified on The Hills Bushfire Prone Land Map the potential risk to life or property is limited. However, it is recommended that as part of any Gateway Determination, consultation with the Rural Fire Service (RFS) should be required. This will enable the RFS to review the implications of the proposed urban development in this Precinct and provide formal sign off on the delivery of housing and urban facilities in this area.

Contamination

A Preliminary Site Investigation has been prepared by JBS Environmental, and based on the results of this investigation, there is potential for subsurface contamination to be present within the Precinct as a result of current and previous site usage (i.e.

agriculture). Based on the site observations and agriculturally related site activities, it is considered that the potential for widespread contamination across the site is low, with the possible exception of asbestos.

The report recommends that a Detailed Site Investigation be completed to assess the extent of contamination prior to future detailed development. It is also recommended that, based on the age of the structures identified within the Precinct, and the presence of suspected asbestos containing material, a hazardous materials building inspection be conducted for all structures located on the site to enable appropriate management.

It is recommended that as part of any Gateway Determination, further investigation be undertaken to assess the extent of contamination.

Aboriginal Heritage

An Aboriginal Heritage Assessment Report was prepared by Kelleher Nightingale Consulting Pty Ltd (Archaeological and Heritage Management) and submitted as part of the planning proposal.

The assessment has identified four Aboriginal archaeological sites within the study area. Sites consist of a grinding groove site (BHN 1), two open artefact scatters (BHN 2 and BHN 3) and one isolated find (BHN 4). Sites BHN 2-4 do not pose a constraint to development but will require a process of further assessment, consultation and mitigation to comply with relevant legislation and associated requirements. The assessment recommends that site BHN 1, grinding groove, should be conserved.

Further as part of the planning proposal a letter from the Deerubbin Local Aboriginal Land Council has been submitted as part of the planning proposal which recommends that further investigation be undertaken before any development proceeds.

The report recommends that an Aboriginal Heritage Impact Permit (AHIP) will be required for future development. The AHIP should cover the entire study area to allow impacts to be identified and potential archaeological deposits on site. It is also recommended that further studies be undertaken in accordance with the Deerubbin Local Aboriginal Land Council.

9. How has the planning proposal adequately addressed any social and economic effects?

Social Effects

Consistent with its current rural residential uses, there is no existing social infrastructure within Box Hill North. There is also little in the way of existing social infrastructure in the surrounding areas at present, although this will change shortly as development of the Box Hill and Box Hill Industrial Area Precincts gets underway.

New social infrastructure proposed for inclusion within Box Hill and Box Hill Industrial Area includes new schools, child care facilities, open space, sport and recreation facilities, emergency services and cultural and community facilities.

While the needs of Box Hill North have been factored into Box Hill and Box Hill Industrial, some of the proposed facilities may nevertheless help to meet needs generated from Box Hill North. This applies especially those provided on a commercial basis, where the additional population from Box Hill North will help to make viable a variety of shops, services and entertainment facilities.

Economic Effects

Council's Employment Lands Direction demonstrates that there is sufficient zoned and capable land to provide for 55,574 additional jobs to 2031 across the Shire. In addition

to the contribution towards anticipated employment targets, the Direction seeks to provide employment close to home, services and transport infrastructure.

The planning proposal is generally consistent with this Direction. Whilst minimal long term employment will be provided within the subject area, future residents will have employment opportunities nearby, to be provided by the Box Hill business park and other employment lands. The additional population will support the viability and growth of these employment lands.

SECTION D - STATE AND COMMONWEALTH INTERESTS

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal is required to provide infrastructure to ensure that future development lots are appropriately serviced. In this regard consultation is recommended with the following service providers:

- Water & Sewerage Services
Consultation with Sydney Water Corporation and Office of Water will be required following receipt of the Gateway Determination.
- Electricity Services
Consultation with TransGrid and Endeavour Energy will be required following receipt of the Gateway Determination.
- Traffic Generation and Management
Consultation with the Roads and Maritime Service will be required following receipt of the Gateway Determination.
- Gas Services
Consultation with Jemena will be required following receipt of the Gateway Determination.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)

The views of the State and Commonwealth Public Authorities will not be known until after the Gateway Determination. An initial list of public authorities to be consulted includes, but is not limited to the following:

- Transport for NSW;
- Office of Water;
- NSW Roads and Maritime Services;
- Sydney Water Corporation;
- Aboriginal Land Council;
- Office of Environment and Heritage;
- Endeavour Energy; and
- TransGrid

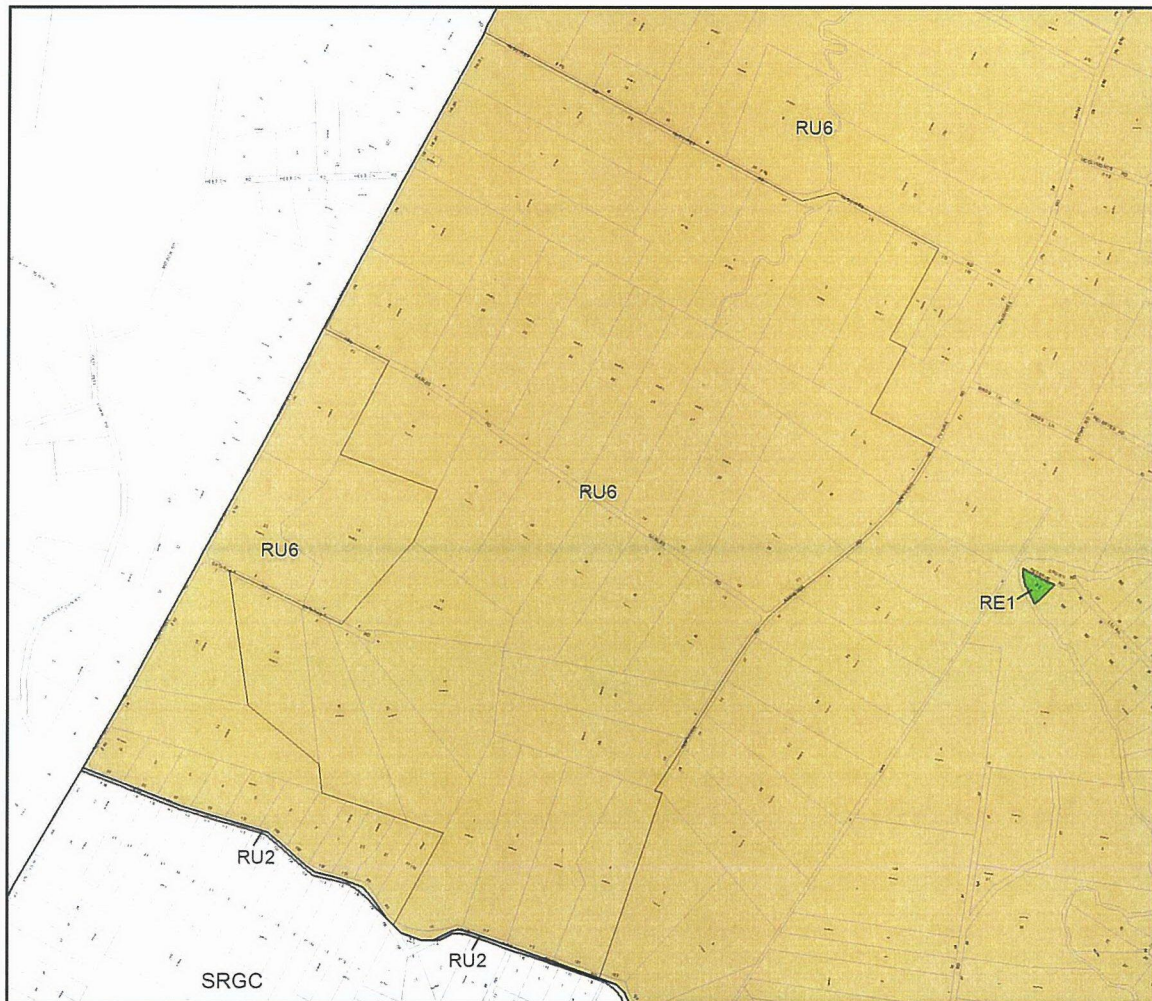
PART 4 MAPPING

The planning proposal seeks to amend Land Use Zone Map, Building Height Map and Floor Space Ratio Map of *The Hills Local Environmental Plan 2012*.

It is also noted that given the extension of the site area to incorporate a portion of Council road reserve, the mapping proposed changes incorporate an extension of Area A identified on the height of buildings map (relating to Clause 7.7 Design Excellence of LEP 2012 as it applies to the site).

Existing Land Use Zoning Map

The site is currently zoned RU6 Transition.



Land Zoning (LZN)



Public Recreation

Rural Landscape



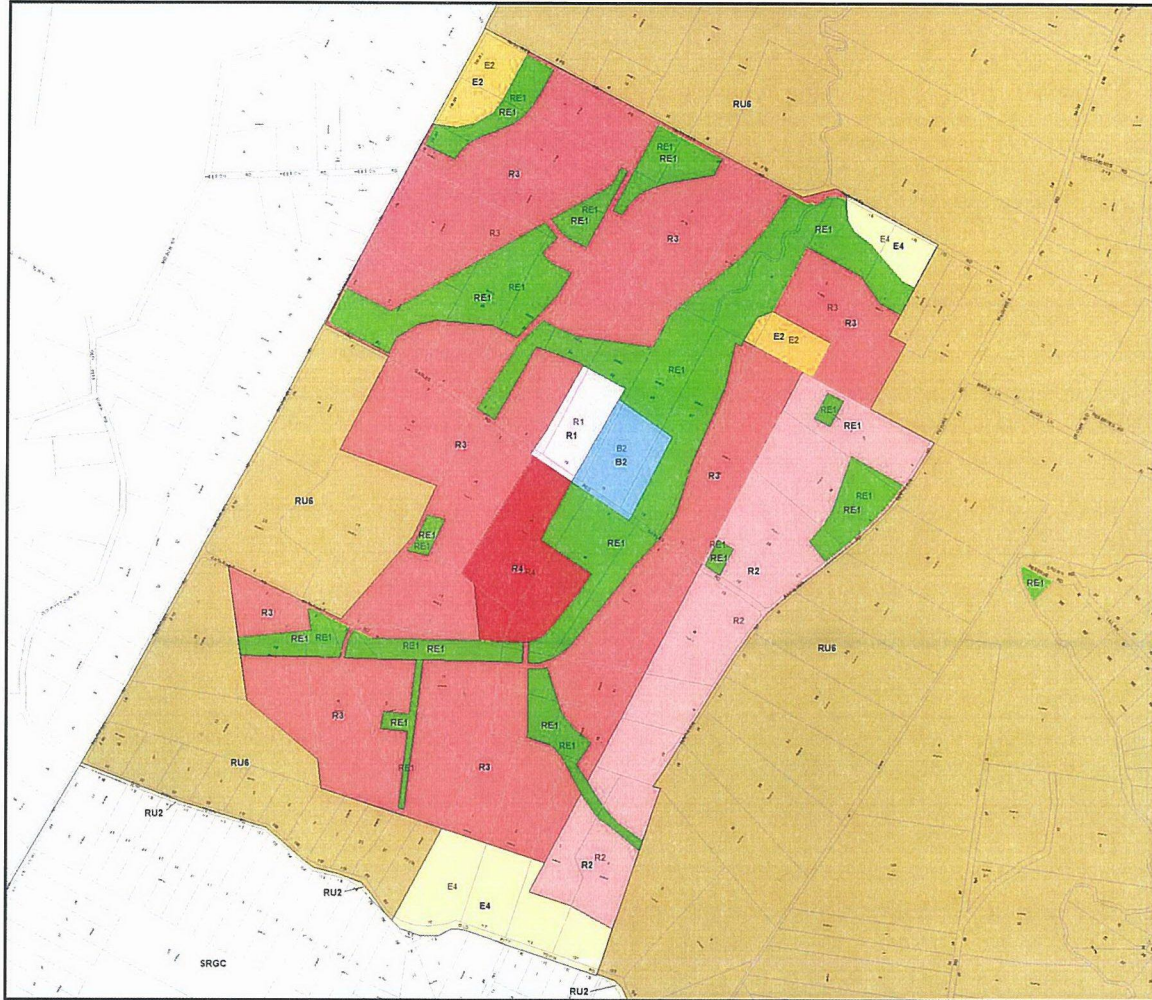
Transition

SEPP (Sydney Region Growth Centres) 2006

Map Document S:\Projects\PlanServ\Zoning\PLP_Draft\LEP2014\01_2014_PLP1_2014_PLP_LZN_Extst_Extract.mxd

Proposed land use zoning map

The planning proposal seeks to rezone the site from RU 6 to a combination of R1 General Residential, R3 Medium Density Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, B2 Local Centre and RE1 Public Recreation, as well as amendments to Schedule 1 of the Local Environmental Plan 2012 to allow additional uses within zones R3 and RE1.



Land Zoning (LZN)

B2 Local Centre	R2 Low Density Residential	RU2 Rural Landscape
E2 Environmental Conservation	R3 Medium Density Residential	RU6 Transition
E4 Environmental Living	R4 High Density Residential	SRGC SEPP (Sydney Region Growth Centres) 2006
R1 General Residential	RE1 Public Recreation	

Map Document: S:\Projects\PlanServ\Zoning\PLP_DraftLEP\2014\01_2014_PLP\1_2014_PLP_LZN_Prop_Extract.mxd

Existing Minimum Lot Size

Currently the minimum lot size is 2ha.



Minimum Lot Size (sq m) (LSZ)

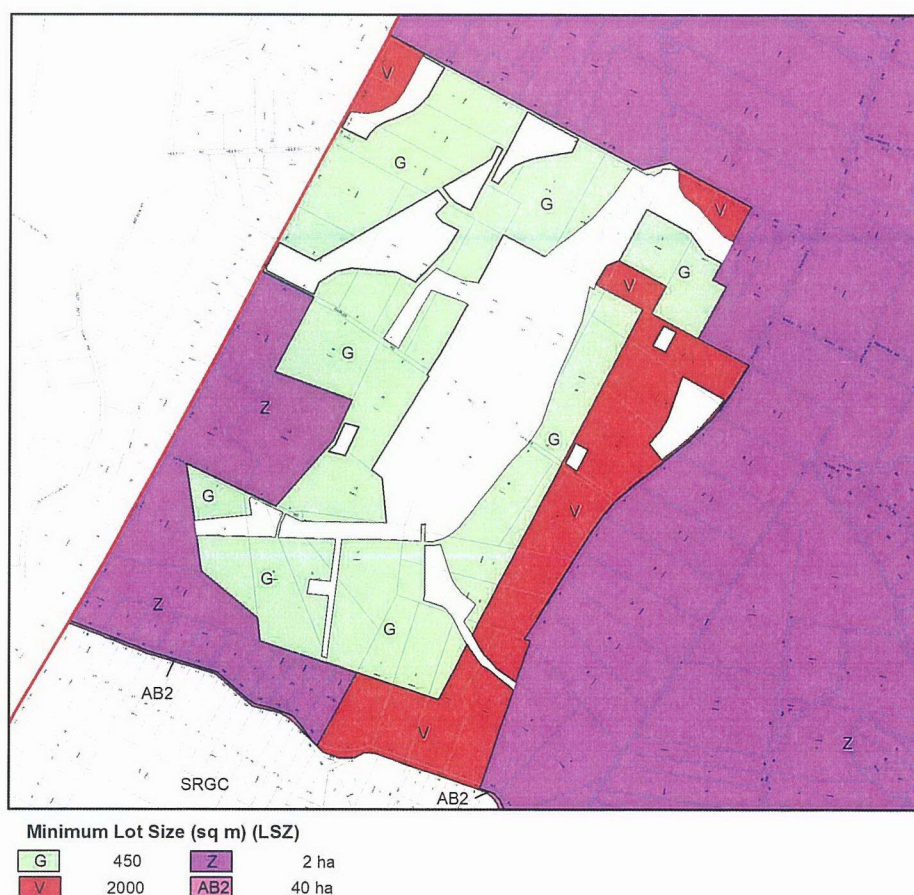
Z	2 ha	AB2	40 ha
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Proposed Minimum Lot Size

The planning proposal seeks to introduce a range of minimum allotment sizes, 125m² for land zoned R1 General residential and R3 Medium Density Residential. A minimum lot size of 125m² is considered to be too small, the planning proposal refers to 5m wide terrace style housing which would not comply with the proposed built form controls. It is considered that a minimum lot size of 450m² would be more appropriate. The applicant has sought exclusion of clause 4.1B *Exceptions to minimum lot sizes for certain residential development* to development within Box Hill North on the basis that it discourages the development of smaller lot housing. The purpose of this clause is to enable integrated housing development down to lot sizes of 240m² where details of the dwelling design are provided with the subdivision application. It is considered that this framework should be maintained for Box Hill North as it provides surety to Council that housing outcomes have regard to private open space, solar access, amenity and streetscape considerations.

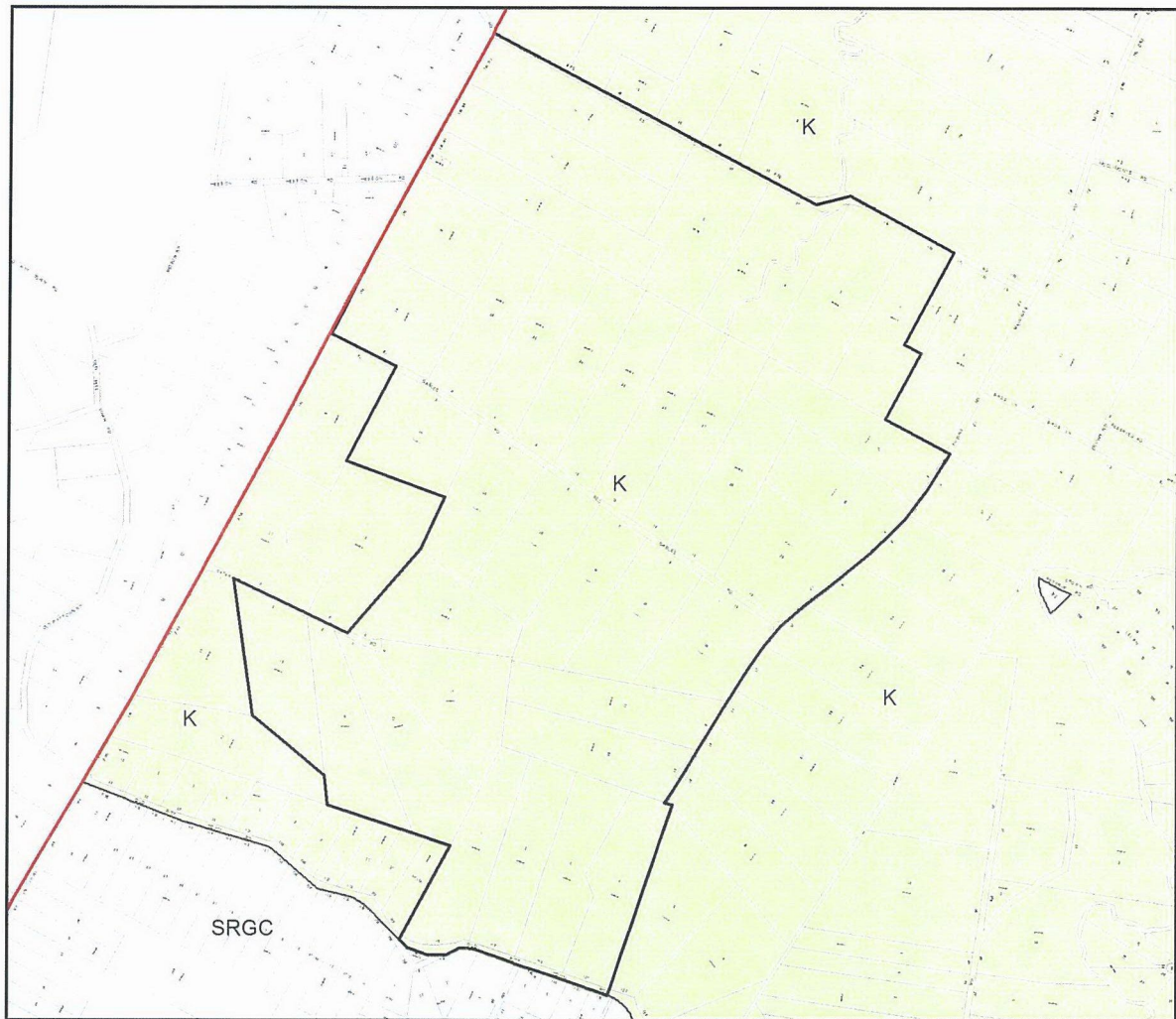
The planning proposal has included a list of minimum development lot size controls for each residential accommodation type. Council is not supportive of reductions in lot sizes below the minimum specified, given that Council's LEP was gazetted in October 2012 and a consistent approach has been undertaken all for development since the gazettal.



Map Document 5 Projects PlanServZoning PLP_DraftLEP2014-01_2014_PLP1_2014_PLP_LSZ_Prop_Extract.mxd

Existing maximum building heights

The site currently has a prescribed maximum building height of 10 metres.



Height of buildings (m) (HOB)

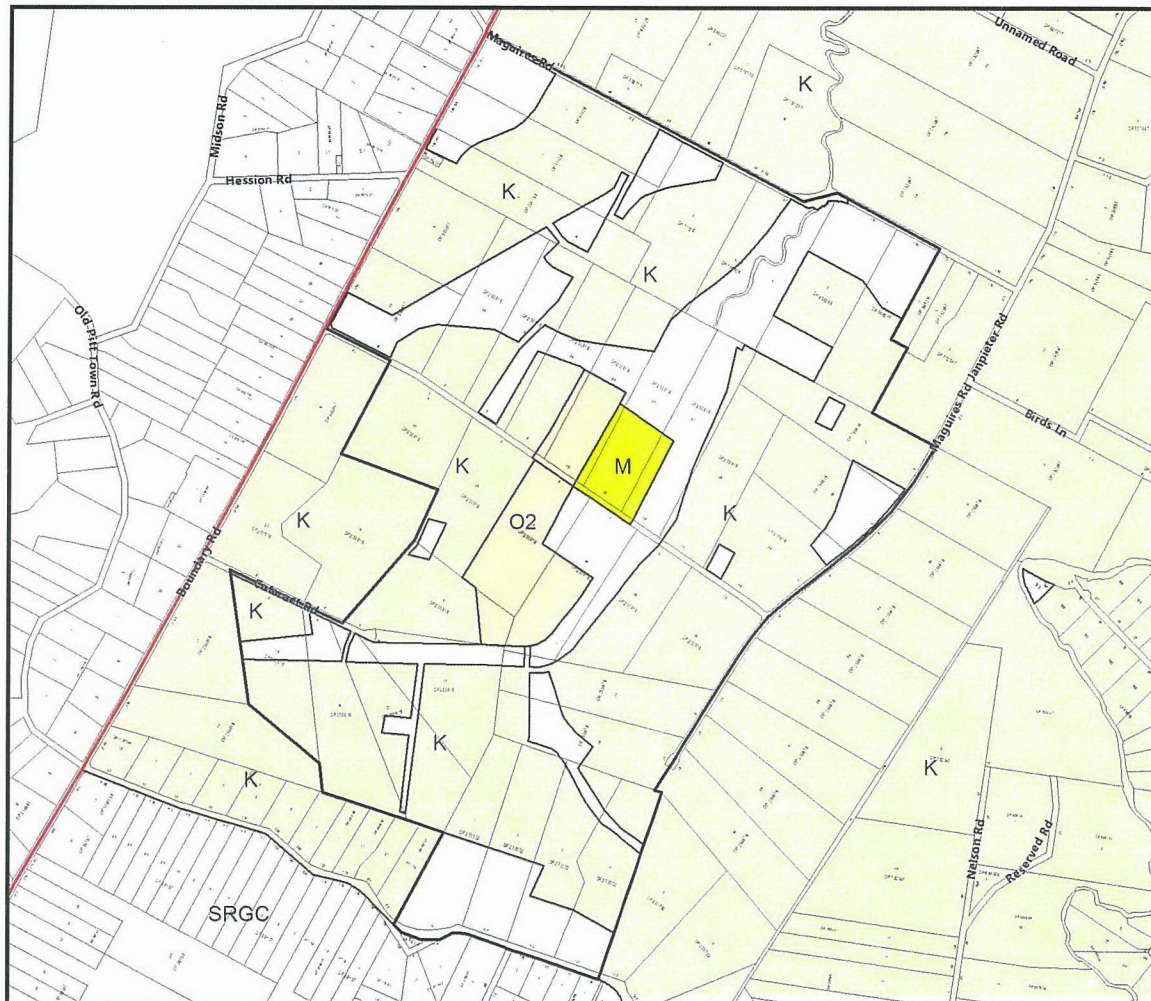
K

10.0

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Proposed maximum building heights

The planning proposal seeks to amend the maximum building height applying to the site from 10m within The Hills LEP 2012 is generally adequate to achieve two and three storey development. The planning proposal has included a list of minimum building heights controls for each residential accommodation type. Increases in building height controls beyond those identified for the same zones across the rest of the Shire, are not considered warranted.



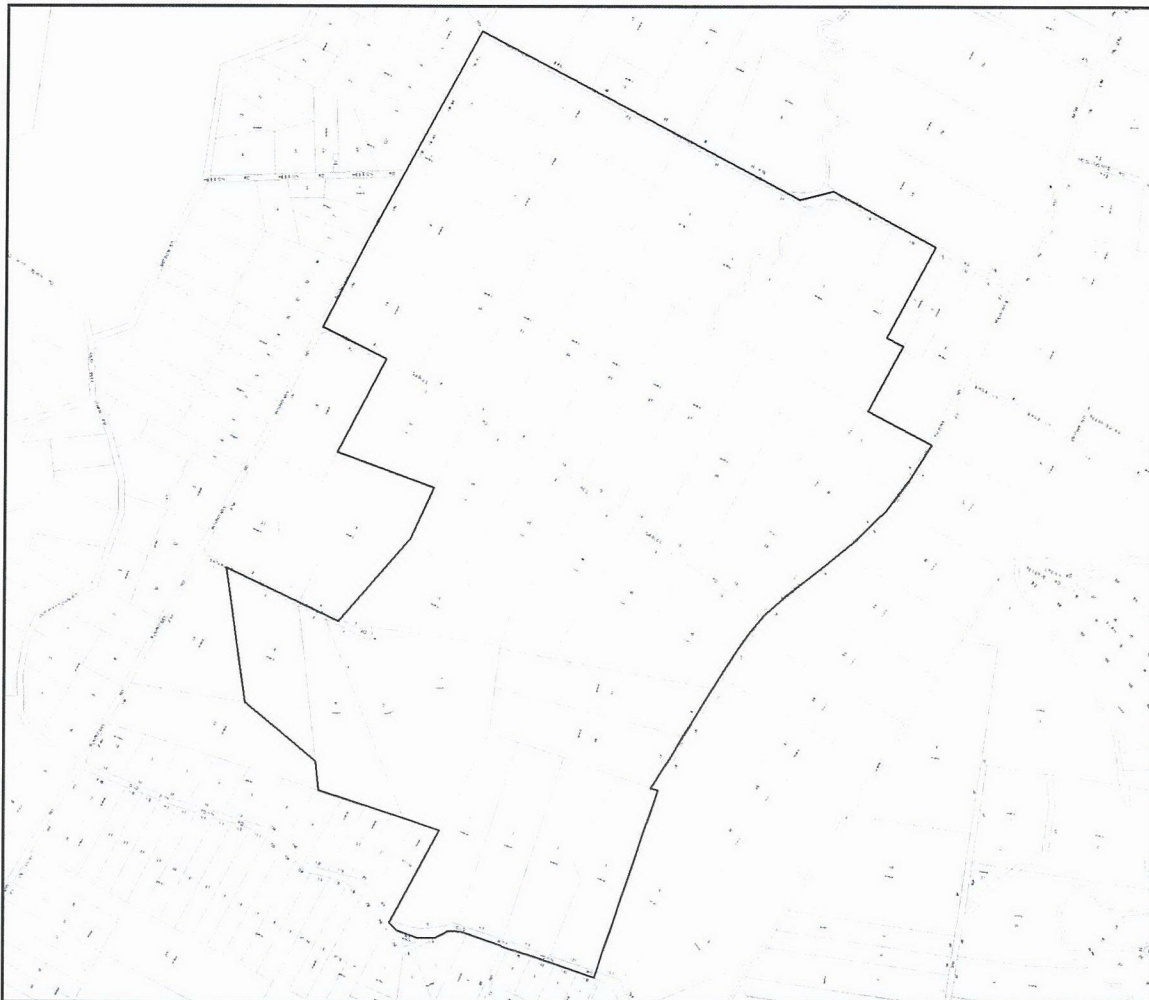
Height of buildings (m) (HOB)

K 10.0 M 12.0 O2 16.0

Map Document S:\Projects\PlanServ\Zoning\PLP_DraftLEP\2014\01_2014_PLP\1_2014_PLP_HOB_Prop_Extract.mxd

Existing maximum floor space ratio

Currently there is no floor space ratio applying to the site.

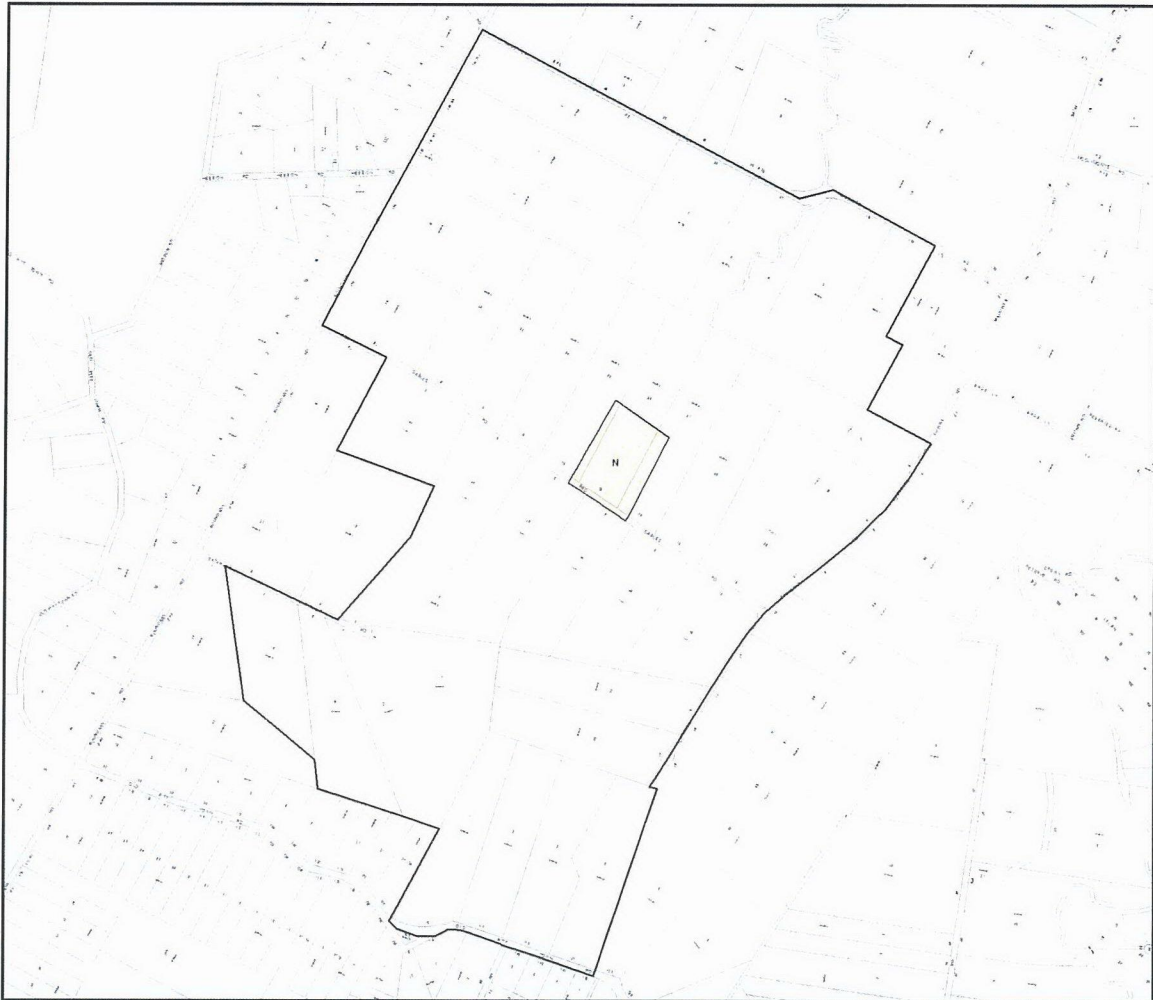


Floor Space Ratio (FSR)

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Proposed maximum floor space ratio

The planning proposal seeks to apply a floor space ratio of 1:1.



Floor Space Ratio (FSR)

N 1.0

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PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in local newspapers and on display at Council's administration building located at No.129 Showground Road, Castle Hill and Castle Hill Library located at the Corner of Castle and Pennant Streets, Castle Hill. The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners advising them of the planning proposal.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	November 2013
Commencement of government agency consultation and public exhibition	December 2013
Completion of public exhibition period	February 2014
Timeframe for consideration of submissions	March 2014
Timeframe for consideration of proposal post exhibition	April 2014
Report to Council on submissions	May 2014
Date Council will make the plan (if delegated)	June 2014
Date Council will forward to department for notification (if delegated)	July 2014

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
No. 1	Development Standards	NO	NO	-
No. 4	Development without Consent and Miscellaneous Exempt & Complying Development	NO	NO	-
No. 6	Number of Storeys in a Building	YES	NO	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 22	Shops and Commercial Premises	NO	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 41	Casino Entertainment Complex	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	YES	NO	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 60	Exempt and Complying	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
Affordable Rental Housing (2009)		YES	NO	-
Building Sustainability Index: BASIX 2004		YES	NO	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Exempt and Complying Development Codes (2008)	YES	NO	-
Housing for Seniors or People with a Disability (2004)	YES	YES	CONSISTENT
Infrastructure (2007)	YES	NO	-
Kosciuszko National Park – Alpine Resorts (2007)	NO	-	-
Kurnell Peninsula (1989)	NO	-	-
Major Development (2005)	NO	NO	-
Mining, Petroleum Production and Extractive Industries (2007)	NO	NO	-
Rural Lands (2008)	NO	-	-
SEPP 53 Transitional Provisions (2011)	NO	-	-
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)	NO	NO	-
Temporary Structures (2007)	YES	NO	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Western Sydney Parklands (2009)	NO	-	-
Deemed SEPPs			
SREP No.9 – Extractive Industry (No 2 – 1995)	YES	NO	-
SREP No.18 – Public Transport Corridor	NO	-	-
SREP No.19 – Rouse Hill Development Area	NO	-	-
SREP No.20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	-

ATTACHMENT B: LIST OF SECTION 117 DIRECTIONS

DIRECTION	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources			
1.1 Business and Industrial Zones	YES	NO	-
1.2 Rural Zones	YES	YES	CONSISTENT
1.3 Mining, Petroleum Production and Extractive Industries	YES	NO	-
1.4 Oyster Aquaculture	NO	-	-
1.5 Rural Lands	NO	-	-
2. Environment and Heritage			
2.1 Environment Protection Zone	YES	NO	-
2.2 Coastal Protection	NO	-	-
2.3 Heritage Conservation	YES	NO	-
2.4 Recreation Vehicle Area	YES	NO	-
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	YES	YES	CONSISTENT
3.2 Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3 Home Occupations	YES	NO	-
3.4 Integrating Land Use and Transport	YES	NO	-
3.5 Development Near Licensed Aerodromes	YES	NO	-
3.6 Shooting Ranges	YES	NO	-
4. Hazard and Risk			
4.1 Acid Sulfate Soils	YES	NO	-
4.2 Mine Subsidence and Unstable Land	YES	NO	-
4.3 Flood Prone Land	YES	NO	-
4.4 Planning for Bushfire Protection	YES	YES	CONSISTENT
5. Regional Planning			
5.1 Implementation of Regional Strategies	NO	-	-
5.2 Sydney Drinking Water Catchment	NO	-	-
5.3 Farmland of State and Regional Significance on the SNW Far North Coast	NO	-	-
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8 Second Sydney Airport:	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Badgerys Creek				
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	YES	CONSISTENT
6.2	Reserving Land for Public Purposes	YES	YES	CONSISTENT
6.3	Site Specific Provisions	YES	NO	-
7. Metropolitan Planning				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES	CONSISTENT