

ITEM

PLANNING PROPOSAL - BOX HILL NORTH (1/2014/PLP)

THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
GROUP:	STRATEGIC PLANNING
AUTHOR:	PRINCIPAL FORWARD PLANNER BRONWYN SMITH
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that the planning proposal to release rural land known as Box Hill North for urban development be forwarded to the Department of Planning and Infrastructure for a Gateway Determination.

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, following assessment and as set out in the report 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. These changes are considered warranted as they align with how the Local Environmental Plan 2012 zones have been used elsewhere in the Shire.

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.

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.

The planning proposal for Box Hill North is supported because the area is located within close proximity to the Rouse Hill Regional Centre and the proposed North West Rail Link, is generally in one land ownership and will provide future residents with access to a range of housing options and jobs. The proponent has also offered to provide financial assistance to Council so that resources may be allocated to such a large project. This could be managed through similar arrangements to those used between Council and the former Growth Centre Commission for other Urban Release Areas.

APPLICANT

APP Corporation Pty Ltd on behalf of E.J.Cooper and Son Pty Ltd

OWNERS

The planning proposal known as Box Hill North comprises thirty-seven (37) lots, E.J.Cooper and Son Pty Ltd owns thirty-one (31) lots.

Attachment 1 shows which properties are not owned by the applicant.

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

Zone:	RU6
Minimum Lot Size:	2 ha
Maximum Height:	10 m
Maximum Floor Space Ratio:	N/A

POLITICAL DONATIONS

Nil disclosures

HISTORY

12/12/2011	Letter received from Department of Planning and Infrastructure inviting Council to comment on the land owner nominated sites.
00/03/2013	Evaluation Report issued by State Government for sites nominated under Potential Home Sites Program in 2011.
26/07/2013	Planning Proposal lodged with Council.
03/09/2013	Councillors Briefing.

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 1).

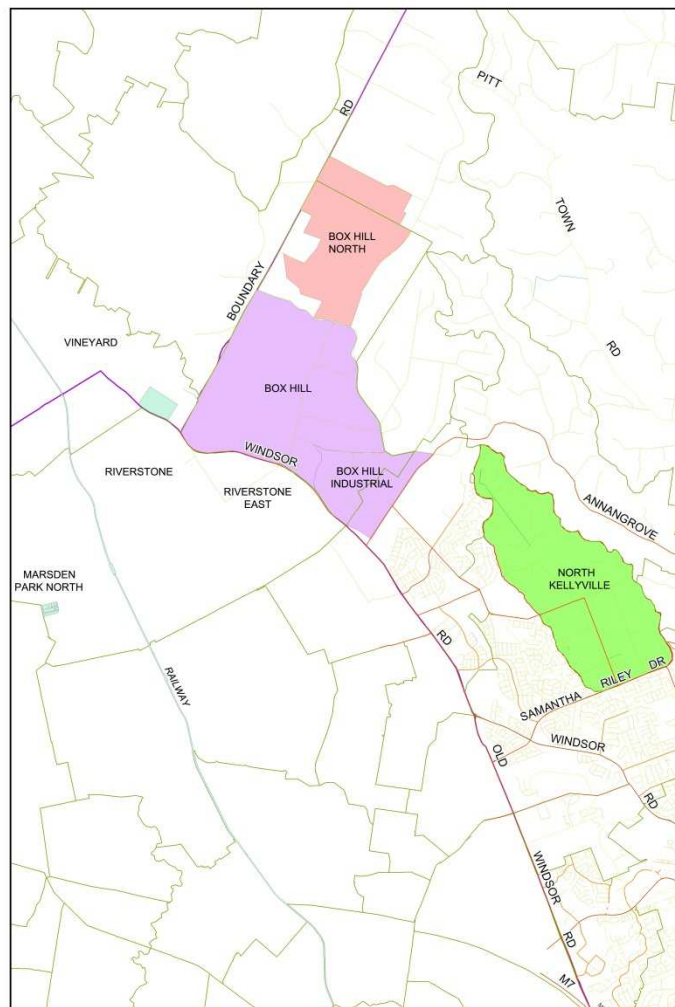


Figure 1
Locality Map – Box Hill North

REPORT

The purpose of this report is to consider a planning proposal submitted by APP Consultants Pty Ltd on behalf of E.J.Cooper and Son Pty Ltd to release rural land known as Box Hill North for urban development. This will involve rezoning land 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.

The report examines the strategic context and other matters for consideration including impacts on:- the hierarchy of centres, housing targets, the environment, traffic and access, orderly development, the amenity of surrounding rural area, to achieve an attractive and accessible urban environment for residents.

(a) DESCRIPTION OF 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 2).

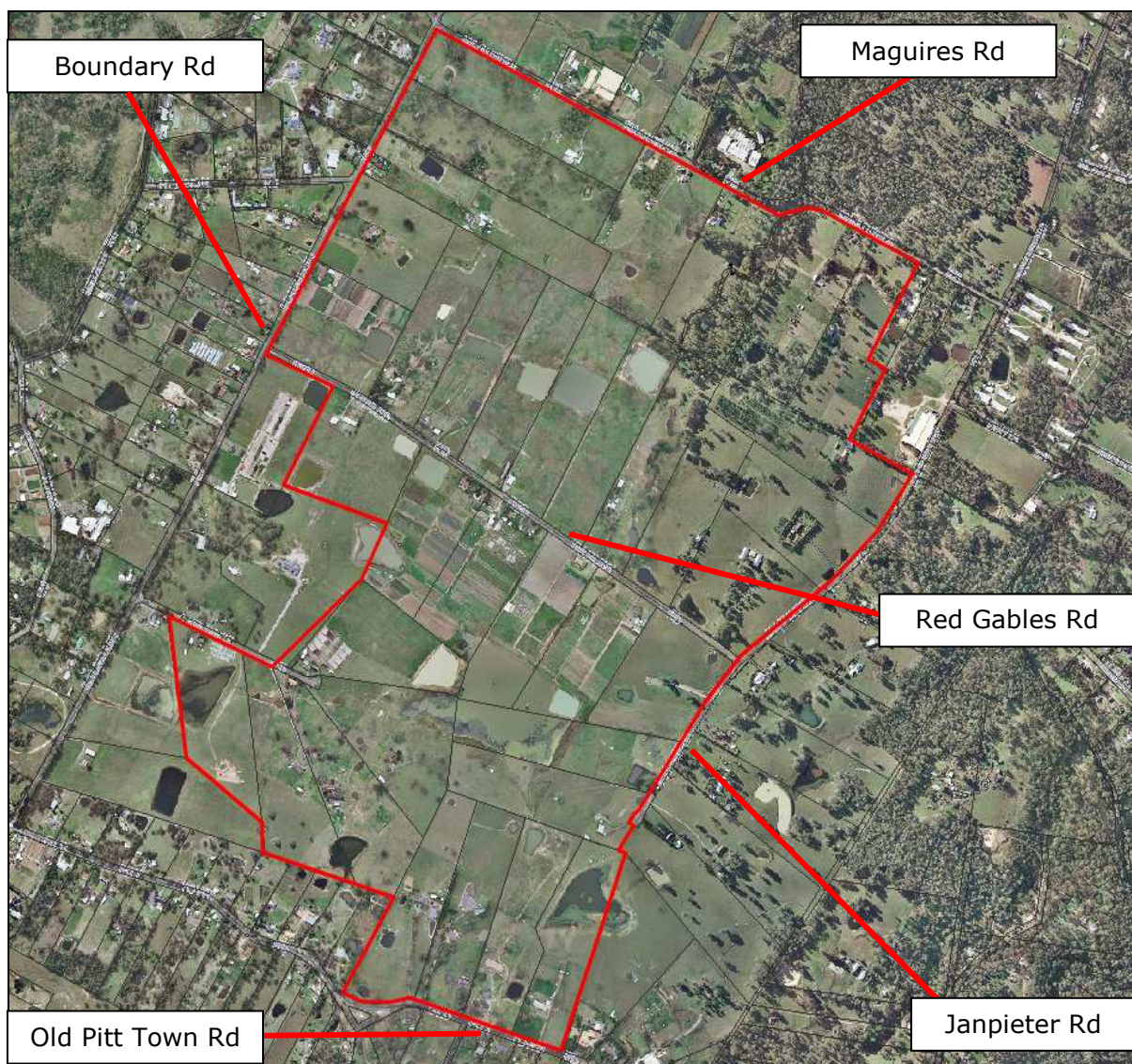


Figure 2
Planning Proposal - Subject Land

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.

(b) PLANNING PROPOSAL

The proponent has identified the following objectives for the planning proposal:

- 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

The planning proposal is supported by the following documents:

Study	Consultant
Flora and Fauna	NGH Environmental / Cumberland Ecology
Retail / Economic Analysis	Location IQ
Traffic and Transport	GTA Traffic Consultants
Social Planning	Elton Consulting
Water and Flooding	JWP
Utilities and Services	JWP
Urban Design	Design IQ
Contamination	JBS Environmental
Indigenous Archaeology	Kelleher Nightingale
Bushfire	NGH Environmental
Planning Proposal , DCP/VPA and S.94 Plan	APP Corporation

(a) Local Environment Plan 2012 - Amendment

The planning proposal seeks to deliver the vision expressed by the Indicative Layout Plan through an amendment to Local Environmental Plan 2012. The proposed change from the existing RU6 Transition Zone to zones suitable for urban development is illustrated in Figure 4 below:

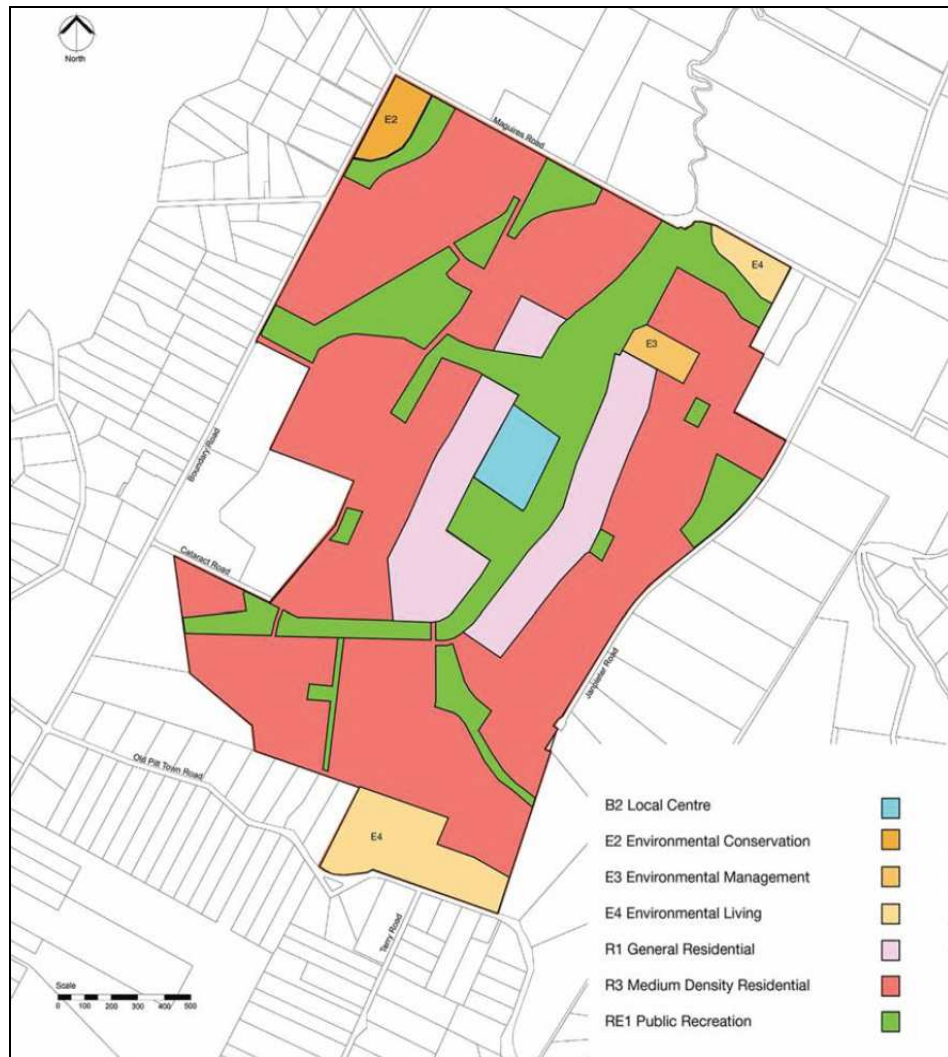


Figure 4
Planning Proposal – Draft Land Use Zoning Map

Minimum allotment sizes for subdivision are proposed 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. There is no minimum lot size proposed for the B2 Local Centre Zone. Maximum building height is proposed to be increased from 10 metres to heights ranging between 10 and 18 metres. Maps proposed by the applicant for maximum height of buildings and minimum lot size are provided in Attachment 2 to this report.

The planning proposal also seeks to amend Schedule 1 – Development for Certain Additional Purposes in the following ways:

- to enable the use of land proposed to be zoned RE1 Public Recreation within Box Hill North for drainage, and
- to enable the use of land proposed to be zoned R3 Medium Density Residential for 'residential flat buildings', 'secondary dwellings', 'semi-detached dwellings', 'shop top housing' and 'sewerage systems'.

The following additional amendments to LEP 2012 are proposed to facilitate the urban development of the precinct in accordance with the objectives of the planning proposal:

- Addition of land proposed to be zoned RE1 Public Recreation to the Land Reservation Acquisition Map (to be dedicated to Council – refer VPA)
- Addition of a 2.2 hectare portion of land that comprises the school site to the Land Reservation Acquisition Map (to be dedicated to the Department of Education & Communities – refer VPA)
- 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 planning proposal does not include a maximum floor space ratio for the precinct or a minimum residential density standard.

(b) Development Control Plan 2012 - Amendment

The proponent has provided a precinct specific section to amend Council's Development Control Plan that provides design principles and controls with supporting maps and diagrams to guide the future built form. Controls correlate with the Precinct Indicative Layout Plan.

(c) Local Infrastructure

The proposal to rezone the land for urban development incorporates a full range of urban support infrastructure such as recreation facilities, water management facilities, transport infrastructure and schools. As the Planning Proposal includes 5 properties that are not under the control of E.J. Cooper it is proposed to deliver local infrastructure through a combination of contributions, works-in-kind and dedication of land.

Section 94 Contributions

The Planning Proposal package contains a draft Section 94 Contributions Plan that covers the following elements:

- Open Space and Recreation Facilities;
- Community Facilities;
- Transport Facilities;
- Water Cycle Management; and
- Administration.

The draft Plan proposes a contribution rate of \$1,079,196 per hectare.

Voluntary Planning Agreement

The Planning Proposal package contains a draft Voluntary Planning Agreement that deals with the dedication of land for open space and schools. As a result the proposed VPA is a tripartite agreement between the Applicant, Council and the Department of Education and Communities

The provision and delivery of infrastructure and the levels of service are discussed further in Section 4 of this report.

(c) STRATEGIC CONTEXT

(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 4,000 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) Section 117 Directions

Section 117(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) enables the Minister for Planning and Infrastructure to issue directions that councils must address when preparing planning proposals for a new LEP. The relevant Section 117 Directions are:-

- Direction 1.1 - Business and Industrial Zones
- Direction 1.2 - Rural Zones
- Direction 2.1 - Environmental Protection Zones
- Direction 3.1 - Residential Zones
- Direction 3.3 - Home Occupations
- Direction 3.4 - Integrating Land Use and Transport
- Direction 4.4 - Planning for Bushfire Protection
- Direction 6.1 - Approval and Referral Requirements
- Direction 6.2 - Reserving Land for Public Purposes
- Direction 7.1 - Implementation of the Metropolitan Plan for Sydney 2036

The planning proposal is generally consistent with these directions.

(d) 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.

(e) 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. This is discussed further in Section 4 of the report.

4. MATTERS FOR CONSIDERATION

Consideration is required of the potential implications in terms of the environment, traffic and access and achievement of a development that is orderly and well-functioning with minimal impacts on surrounding residents. Therefore the following key matters are considered:

- a) Housing
- b) Employment and Centres
- c) Open Space & Recreation
- d) Traffic & Transport
- e) Environment, Bushfire, Flora and Fauna, Contamination
- f) Planning Instruments & Controls
- g) Suitability of proposed development standards
- h) Local infrastructure provision
- i) Provision of Services
- j) Aboriginal Heritage

(a) Housing

The Residential Direction provides for the planning and management of residential development and growth in the Shire to 2031. It provides for the implementation of outcomes identified in the Hills 2026 Community Strategic Direction. The Direction also forms part of Council's response to State Government planning policies and demonstrates that there is sufficient residential capacity to accommodate the North West Subregional Strategy dwelling targets. It also contains strategies and actions to address a number of housing objectives such as balanced growth, diversity of housing choice, community building, environmental sustainability, design quality and protection of heritage, streetscape and character.

The planning proposal provides for 4,100 dwellings as part of the development of Box Hill North this will help to achieve the State Government objectives of meeting population and housing growth targets not only within Sydney but also within The Hills Shire.

(b) Employment & Centres

The Planning Proposal is supported by a Retail Analysis prepared by LocationIQ. The findings of this analysis indicated that:

- i. The main trade area population for Box Hill North is estimated at 2,940 in 2011 and is projected to increase substantially to 20,950 persons by 2031. Indicative population estimates prepared by Elton Consulting indicate that upon completion some 13,223 persons could be accommodated within Box Hill North.
- ii. The 2013 Box Hill North main trade area population of 3,000 persons could support 4,800m² of retail floorspace. This is projected to increase substantially to around 33,520m² by 2031, reflecting the growth within the Box Hill North main trade area.
- iii. A large proportion of main trade area residents' retail requirements will be serviced by the existing and future centres including at Rouse Hill as well as the proposed Box Hill Town Centre to the south of the precinct. As such, it is unlikely that all of the demanded retail floorspace would be provided at the proposed Box Hill North activity centre.
- iv. At least 30%, should be provided within the Box Hill North main trade area. The remaining 70% of retail floorspace would be provided for by larger non-food destinations, including surrounding sub-regional and regional shopping centres. This would equate to around 1,440m² of supportable retail floorspace currently, with this provision increasing to 10,056m² by 2031.
- v. In Australia, one major full-line supermarket is typically provided for every 8,000-9,000 persons. As a result, with the primary sector population (Box Hill North release area) projected to increase to 12,410 persons by 2031 and further to 13,233 upon completion, it can be seen that there is potential for a full-line supermarket in the immediate Box Hill North release area in the longer term.
- vi. Based on the future population growth within the region, a retail centre of around 7,000 – 8,000m² would be supportable at a future activity centre. The retail component should be anchored by a full-line supermarket of 4,000m².
- vii. Based on the proposed population projections and take-up rate provided by APP and Elton Consulting, it is our view that a supermarket based centre would be supportable at Box Hill North by 2021 at the earliest, with the centre likely to trade at more successful levels once the population is more established by 2026.

The plans for the future Box Hill North activity centre indicate that the retail precinct will be located in the central precinct of the release area and along a future major road within the locality. The centre will be positioned in close proximity to higher density residential and with good access. Overall the assumptions and findings of the retail analysis are considered reasonable. The proposed centre will serve the future population within the catchment and would primarily cater for the convenience and day to day shopping needs of the local residents, anchored by a full-line supermarket. Box Hill North trade area residents would continue to utilise retail centres within the broader region including Rouse Hill or the future Box Hill Town Centre for their higher order shopping needs, particularly non-food shopping.

(c) Open Space & Recreation

The planning proposal would provide a total of over 67 hectares of active and passive open space zoned RE1 Public Recreation including two (2) sportsgrounds (each containing a double playing field) and 57.54 hectares of open space for informal recreation. Based on an expected population of 12,860 people, this equates to approximately 5.2 hectares per 1,000 persons and is well in excess of the standard benchmark of 2.83 hectares per 1,000 people as contained within the Growth Centres Development Code.

Despite the foregoing, there appears to be a slight under provision of active open space and an over provision of passive open space. The provision of a large open space area in the centre of the release area that is primarily a detention basin / lake will provide passive recreational value. There also is a reasonable distribution of local open space with good connectivity between the open space locations (with the exception of access from the proposed district park to the town centre).

Clarification is required particularly the base module of the playing fields used in determining the size of the active open space. Council's standard for multi-use fields is 120 x 80 metres. Additionally, it is not clear what court sports are proposed with a requirement for at least 6 tennis courts within the release area. Additionally the co-location of sports fields and the electricity easement may complicate the location and quality of flood lighting for the proposed fields and would exclude the availability of these fields for sports such as AFL or Rugby. Should Council decide to support the planning proposal these matters will continue to be discussed with the applicant to achieve an appropriate area of land for the delivery of playing fields.

Whilst the amount of passive open space appears to be significant this is because land that would normally be identified by an environmental living zone has been identified by the applicant as RE1 Private Recreation. There is no objection in principle to this approach given that the intention is for infrastructure to be provided at no cost to Council. However further discussion and negotiation will be necessary to ensure that the costs of the additional passive open space are not included within the section 94 calculations as this would unfairly burden future development on land not controlled by E.J. Cooper within Box Hill North. In this regard the draft Section 94 Contributions Plan identifies costs in the order of \$70m for land acquisition for open space including approximately \$45m for acquisition of 76.5 hectares of passive open space land.

(d) Traffic & Transport

A Traffic Report prepared by GTA Consultants has been submitted in support of the planning proposal. The Traffic Report sets out an assessment of the anticipated transport implications of the planning proposal, including consideration of the following:

- Existing and base year (2036) traffic conditions surrounding the site;
- The traffic generating characteristics of the planning proposal; and
- The transport impact of the planning proposal on the surrounding road network.

The assessment has identified transport infrastructure improvements required in addition to those already planned and funded through the North West Growth Centre planning

framework to accommodate the increased population proposed for the Box Hill North Precinct. With the existing and planned future local transport connections through the Box Hill and Box Hill Industrial Precinct, Box Hill North will ultimately have adequate connections to the regional transport networks.

The Box Hill North Indicative Layout Plan indicates that vehicular access to Box Hill North will be predominately from Boundary Road to the west and Old Pitt Town Road to the south. The internal road layout proposes three (3) north-south collector roads through the site with connections to the north-south collector road proposed within the Box Hill Precinct. East-west collector roads seek to utilise the existing road alignments through the Precinct. The collector road system is supported by a local road network.

The traffic report identifies that the residential component of Box Hill North could potentially generate 3,145 vehicle movements in a peak hour. The traffic generation rates applied as part of the assessment were sourced from the Roads and Maritime Services '*Guide to Traffic Generating Development*'. As a result, when fully developed the Box Hill North Precinct will have the following key impacts on the capacity of the surrounding road network:

- Windsor Road eastbound and Old Pitt Town Road eastbound (between Boundary Road and Terry Road) would operate at a level of service of F;
- Windsor Road westbound and Terry Road southbound (between Old Pitt Town Road and Mason Road) would operate at a level of service of E; and
- Terry Road southbound (between Mason road and George Street) would operate at a level of service of F;

Further, it is anticipated that a number of intersections will experience operational constraints and will require capacity improvements to maintain to an acceptable future level of service. The following intersections will operate at a level of service of F:

- Old Pitt Town Road/ Boundary Road (from LOS C)
- Old Pitt Town Road/ Terry Road (from LOS C)
- Windsor Road/ Nelson Road (from LOS D);
- Windsor Road/ Box Road (from LOS B); and
- Windsor Road/ Annangrove Road (from LOS D).

A number of traffic improvements will be required to support the projected traffic volume resulting from the full development of the Box Hill North Precinct. These improvements will include the construction of dual-lane roundabouts at all four (4) intersections along Old Pitt Town Road, the extension of turning lane lengths along five (5) of the six (6) intersections along Windsor Road (between Boundary Road and Annangrove Road), and pavement widening along Boundary Road to accommodate left turning lanes.

Notwithstanding the findings of the proponent's assessment, any determination on proposed upgrades can only occur following consultation with the Roads and Maritime Services (RMS). It is recommended that as part of any Gateway Determination, consultation with RMS should be required. This will enable the RMS to provide comment on the broader implications of future traffic generation on the road network and comment the appropriateness of the infrastructure upgrades identified within the assessment.

(e) Environment

The key areas related to environmental constraints are:

- Bushfire
- Flora & Fauna;
- Contamination

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).

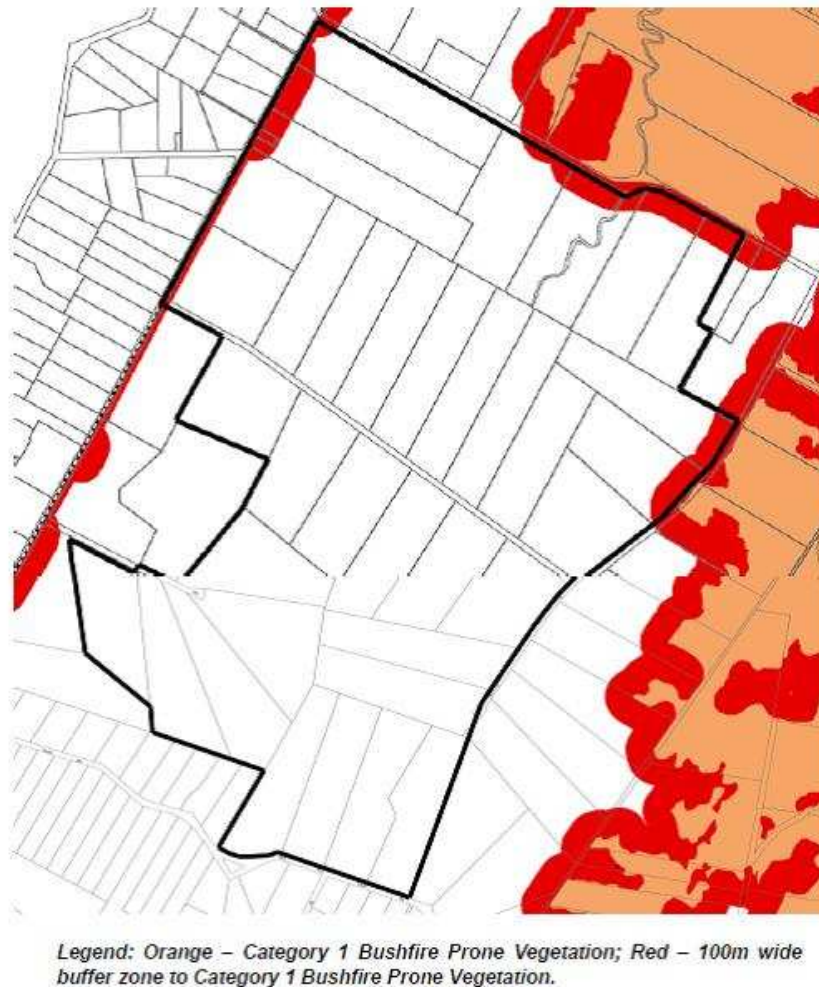


Figure 5
Extract from The Hills Bushfire Prone Land Map

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.

Flora and Fauna

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 6 identifies the important stands of vegetation in the Precinct and categorizes them as either low or moderate condition.



Figure 6
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.

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.

(f) Planning Instrument and Controls

The planning proposal seeks to rezone the Precinct from the existing RU6 Transition zone under LEP 2012 to the following land use zones, as illustrated within Figure 3 of this report:

- R1 General Residential;
- R3 Medium Density;
- E2 Environmental Conservation;
- E3 Environmental Management;
- E4 Environmental Living;
- B2 Local Centre; and
- RE1 Public Recreation.

The planning proposal also seeks amend Schedule 1 – Additional Permitted Uses of the LEP 2012 as detailed below:

- To enable the use of land proposed to be zoned RE1 Public Recreation within Box Hill North for drainage, and
- To enable the use of land proposed to be zoned R3 Medium Density for 'residential flat buildings', 'secondary dwellings', 'semi-detached dwellings', 'shop top housing' and 'sewerage systems'.

Concern is raised with respect to the selection and extent of a number of land use zones and the proposed application of Schedule 1 – Additional Permitted Uses of LEP 2012. These concerns are detailed below along with a number of recommended changes to the proposed zoning. An amended Land Zoning map is included in Attachment 3 to the report.

B2 Local Centre

The proposed location of the B2 Local Centre zone is considered to be appropriate as it will provide for a range of retail, business and community uses to serve the needs of the residents within the local area.

R1 General Residential Zone

The proposed R1 General Residential zone allows for a range of uses including a mix of housing types, business and office premises, restaurants and cafes and is generally applied to land which directly adjoins commercial centres. The range of land uses which are permitted within this zone enables the provision of services to meet the day to day needs of residents and also provides a high density residential population within close proximity to a commercial centre.

The application of this zone to the land adjoining the north-west boundary of the future centre is generally consistent with the application of this zone under Council's LEP 2012. However it is considered that the extent of the proposed R1 General Residential zone is excessive and it is recommended that the land to the south of the centre be zoned R4 High Density Residential between the centre and the open space corridor to the south.

It is also recommended land to the north and east of the centre be amended from the proposed R1 General Residential zone to the R3 Medium Density Residential zone as these areas will become significantly disconnected from the local centre as a result of the open space corridor. Under LEP 2012 the R3 Medium Density Residential zone has been used as a transition zone between high and low density residential zones, and therefore, the use of the R3 Medium Density Residential zone is considered to be more appropriate within these locations.

E3 Environmental Management

It has been proposed that the E3 Environmental Management zone be applied to the areas of Shale Sandstone Transition Forest which have been assessed as being of low quality. These areas are intended to be a transition zone between the areas of Shale Sandstone Transition Forest that are in better condition and the more intense development envisaged within the R3 Medium Density Residential zone.

During the preparation of LEP 2012 the E3 Environmental Management zone was applied to the areas of the Shire which are subject to geotechnical constraints. Land which was considered to have special ecological or aesthetic significance was zoned E4 Environmental Living. The application of the E4 Environmental Living zone was considered to be more appropriate as it would allow for residential development whilst protecting the specific environmental qualities of these areas.

The use of the E3 Environmental Management zone is not considered to be appropriate in this instance as it is inconsistent with the approach adopted as part of the preparation of LEP 2012. Therefore it is recommended that these areas be zoned E4 Environmental Living to ensure that the unique environmental characteristics of these locations is appropriately maintained whilst not unnecessarily restricting future development.

Schedule 1 - Additional permitted uses

The planning proposal seeks to allow 'shop top housing' and 'residential flat buildings' be listed as additional permitted uses within the R3 Medium Density Residential zone. This approach is not supported as it would be inconsistent with the objectives of the R3 Medium Density Residential zone which seek to 'provide for the housing needs of the community within a medium density residential environment'. The justification which has been used is that it would provide flexibility for future development to adapt to changing market demand and will avoid the need for spot rezoning. This justification is not supported as it would effectively permit residential flat buildings and shop top housing

within most of the Precinct, which would result in an undesirable planning outcome and would undermine Council's established zone hierarchy.

Further, this approach is inconsistent. The Department of Planning and Infrastructure's draft Practice Note on the application of Schedule 1 'Additional Permitted Uses' of the Standard Instrument Local Environmental Plan. The draft Practice Note highlights that land use permissibility should preferably be controlled through zoning and the Land Use Table. Whilst it does provide that where it is not possible and the intended outcome is adequately justified, the use of Schedule 1 may be acceptable. This would only be considered in exceptional circumstances. As this would effectively result in a sub-zone, it is recommended that this approach not be pursued.

With respect to the using Schedule 1 of LEP 2012 to permit 'stormwater management systems' within the RE1 Public Recreation zone, State Environmental Planning Policy (Infrastructure) 2007 provides that development for the purpose of 'stormwater management systems' may be carried out by or on behalf of a public authority without consent on any land. Accordingly, the proposal to identify 'drainage' as an additional permitted land use within the RE1 Public Recreation zone will not be required.

Under State Environmental Planning Policy (Infrastructure) 2007 'sewerage system' is defined as means 'a *biosolids treatment facility, sewage reticulation system, sewage treatment plant, water recycling facility, or any combination of these*'. The SEPP provides that these facilities may be carried out in a prescribed zone. Rather than using Schedule 1 of LEP 2012 to permit this use in the R3 Medium Density Residential zone, it is recommended that a prescribed zone such as SP2 Infrastructure be used to enable the permissibility of these uses to be covered by the SEPP.

Interface with Adjoining Rural Land

The proposal does not appropriately address the interface between the proposed medium density residential areas and the adjacent rural lots fronting Janpieter Road. In order to provide an appropriate interface it is recommended that the land to the east of the Precinct be zoned R2 Low Density Residential with a minimum lot size of 2,000m². This will ensure that an appropriate transition of residential densities is provided within this portion of the Precinct and will also contribute to housing diversity within the Precinct and will provide a mix of low, medium and high density residential housing.

Dedication of Land to Council

Whilst it is proposed that the land zoned RE1 Public Recreation and E2 Environmental Conservation be dedicated to Council at no cost, matters relating to the cost of ongoing maintenance of these areas will need to be further investigated.

(g) Suitability of proposed development standards

As set out in Section 2 of this report the planning proposal seeks to introduce a range of minimum allotment sizes, 125m² for land zoned R1 General residential and R3 Medium Density Residential. It is also proposed that a range of maximum building heights be applied across different zones ranging from 10 to 18 metres.

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. The planning proposal indicates that this housing form would be provided along sub-arterial roads and laneways, however the indicative layout plan includes neither.

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.

The current height limit of 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.

It is noted that no specific floor space ratio or minimum lot size controls are proposed for the proposed local centre. It is considered that those applying to other B2 Local Centre zoned sites throughout the Shire should be applied including a maximum floor space ratio of 1:1 and a minimum allotment size of 600m². In order to provide a reasonable level of flexibility to achieve a viable outcome for the site the application of development standards consistent with other local centres is considered appropriate.

Given the foregoing comments it is recommended that:

- 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, carparking, privacy and solar access and promotes a high quality design and a marketable housing product envisaged for The Hills.
- Minimum lot size controls for each residential accommodation type and the maximum height controls be consistent with Council's Local Environmental Plan 2012.
- The application of clause 4.1B *Exceptions to minimum lot sizes for certain residential development* be maintained as it provides an appropriate framework for consideration of smaller lot development down to 240m².
- A maximum floor space ratio of 1:1 and a minimum allotment size of 600m² applied to the B2 Local Centre zoned site.

(h) Local Infrastructure Provision

Mechanism for the provision of Local Infrastructure

It is proposed that the required local infrastructure is delivered through a combination of works-in-kind, dedication of land and Section 94 contributions. The draft Section 94 Contributions Plan submitted by the applicant identifies \$313,808,469 of local infrastructure (land acquisition and capital works) required within the Box Hill North Precinct including water cycle management works, open space, community facilities and traffic management.

The draft Voluntary Planning Agreement requires the provision of the local infrastructure and dedication of the land identified within the draft Section 94 Contributions Plan by E.J. Cooper at no cost to Council and provides that as a result, Section 94 or 94A contributions cannot be levied with respect to future development on land subject to the draft Voluntary Planning Agreement (that is, the land within Box Hill North controlled by E.J. Cooper).

Future development on the 5 properties not under the control of E.J. Cooper (and not subject the draft Voluntary Planning Agreement) would be required to pay Section 94 Contributions to Council in accordance with the draft Section 94 Contributions Plan. The draft Voluntary Planning Agreement specifies that Council would then be required to pay any Section 94 Contributions levied to E.J. Cooper as a "recoupment".

While this approach is considered satisfactory, the draft Section 94 Contributions Plan proposes a contribution rate of \$1,079,196 per hectare. This translates to the following contributions rates based on the lot size of residential development:

Lot Size	Contribution Fee
240m ²	\$25,900.70
450m ²	\$48,563.82
1,000m ²	\$107,919.60
2,000m ²	\$215,839.20

Accordingly, future development contributions levied with respect to the 5 properties not under the control of E.J. Cooper would be capped at \$30,000 per lot pursuant to the Section 94E Ministerial Direction and Council would be required to apply for funding from the Housing Acceleration Fund (formerly Priority Infrastructure Funding) for the difference between the full contribution rate and the \$30,000 capped amount paid by developers per lot. This would mean that the NSW Government would be required to contribute to the provision of infrastructure within Box Hill North (through the Housing Acceleration Fund) and the provision of such infrastructure would no longer be at no cost to government. It would also complicate and significantly delay the payment of Section 94 Contributions levied from Council to E.J. Cooper as a "recoupment" in accordance with the draft Voluntary Planning Agreement.

Further, to be eligible for Housing Acceleration Funding, the draft Section 94 Contributions Plan relevant Contributions Plan would first need to be reviewed and approved by IPART. To ensure that Council has no future liability for the difference between the full contribution rate and the \$30,000 capped amount paid by developers per lot, it is recommended that the draft Contributions Plan be reviewed and approved by IPART prior to the release/rezoning of any land within Box Hill North and that a guarantee is provided that Housing Acceleration Funding can be obtained for the life of the draft contributions plan.

Comments on proposed open space and traffic infrastructure are provided in previous sections of the report. The following comments are provided with respect to the remaining local infrastructure proposed to be provided within Box Hill North:

Water Cycle Management

A Water Cycle and Flood Management Strategy Report prepared by J Wyndham Prince Pty Ltd (July 2013) was submitted in support of the planning proposal. The report identifies the need for the following stormwater management infrastructure:

- Twenty (20) bio-retention systems and raingardens (total area of 23,210m²);
- Six (6) detention basins (total volume of 183,700m³);
- Four (4) swales with a total length of approximately 925m; and
- Proprietary GPT units at each stormwater discharge point.

It is considered reasonable that the draft Section 94 Contributions Plan identifies \$33,162,867 of land acquisition and capital works associated with stormwater management within the precinct.

Community Facilities

The planning proposal identifies the need to provide a community centre of approximately 1,020m² within Box Hill North to service the additional expected population. This level of provision is consistent with the level adopted within the North Kellyville Precinct of approximately 77m² per 1,000 persons.

The draft Section 94 Contributions Plan includes the provision of a multi-purpose community centre which can support a range of social, leisure and cultural activities. The draft plan includes the following costs for the provision of community facilities within Box Hill North:

- \$360,000 land acquisition for the community centre;
- \$5,700,000 capital works for the construction of the community centre; and

While the provision of a multi-purpose community facility within Box Hill North is supported, the "essential works list" released by the Department of Planning and Infrastructure (Practice Note of 16 September 2010) would prohibit Council from levying for funds under Section 94 for the purpose of capital works associated with community facilities within Box Hill North. Accordingly, the \$360,000 cost associated with land acquisition for the community centre could remain in the draft Section 94 Contributions Plan however the applicant would be required to entirely fund the \$5,700,000 of capital works associated with provision of the community centre.

The draft Section 94 Contributions Plan also includes a cost of \$3,942,000 for land acquisition for a school. It is noted that Council is not the relevant land acquisition authority for education facilities and as such this cost should not be included within the Section 94 Contributions Plan.

(i) Provision of Services

A number of investigations that have been undertaken as part of this planning proposal for utility servicing, as follows;

- Electricity Services;
- Sewerage and Water Services;
- Gas (Natural) Services; and
- Telecommunications Services.

The investigations undertaken by the proponent have found and concluded that the servicing of the development is feasible. While the proponent has engaged with the relevant service providers and has achieved support for the transition of Box Hill North from rural land to an urban release area, a requirement of the Gateway Determination process will be consultation with State Agencies and Service Providers to obtain formal sign off on the delivery of the necessary infrastructure to cater for housing and services in this area.

(j) 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.

5. RECOMMENDED AMENDMENTS TO THE HILLS LEP 2012

The following summary is provided of the recommended changes to LEP 2012, following the assessment of the planning proposal as submitted.

- Areas that are proposed to be zoned E3 Environmental Management are to be amended to be zoned E4 Environmental Living.
- Land to the north and east of the Local Centre is to be amended from the proposed R1 General Residential zone to the R3 Medium Density Residential zone.
- A minimum lot size of 450m² is to be applied for the majority of the precinct.
- Minimum lot size controls for each residential accommodation type and the maximum height controls be consistent with Council's Local Environmental Plan 2012.
- The application of clause 4.1B *Exceptions to minimum lot sizes for certain residential development* be maintained as it provides an appropriate framework for consideration of smaller lot development down to 240m².
- A maximum floor space ratio of 1:1 and a minimum allotment size of 600m² applied to the B2 Local Centre zoned site.
- Land which addresses Janpieter Road, is to be zoned R2 Low Density Residential with a minimum lot size of 2,000m².
- Schedule 1 amendments are not supported.
- A prescribed zone such as SP2 Infrastructure be used to enable the permissibility of sewerage systems under the Infrastructure SEPP once a final location is determined.

Should Council support the planning proposal it is recommended that the request for gateway determination include a request for consultation with the Office of Environment and Heritage NSW Bush Fire Service, Deerubbin Local Aboriginal Land Council and further investigation be undertaken to assess the extent of contamination.

It is also recommended that the draft Contributions Plan be reviewed and approved by IPART prior to the release/rezoning of any land within Box Hill North and that a guarantee is provided that Housing Acceleration Funding can be obtained for the life of the draft contributions plan. The Development Control Plan, Section 94 Contribution Plan and the Voluntary Planning Agreement are to be further investigated and amended prior to exhibition.

NEXT STEPS

Should Council resolve to support the planning proposal for the site, it will then be forwarded to the Department of Planning and Infrastructure for a Gateway Determination. The Gateway Determination is likely to contain conditions which must be satisfied before

public exhibition can commence. Following exhibition, the matter will be reported back to Council for determination.

CONCLUSION

The planning proposal seeks to rezone land within Box Hill North Precinct from RU6 Transition to partly, R1 General Residential, R3 Medium Density, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, B2 Local Centre and RE1 Public Recreation. However, it is more appropriate that a R4 High Density Zone be provided around the town centre, and the proposed E2 Environmental Conservation and E3 Environmental Management zones, and the proposed schedule 1 amendments to the R3 Medium Density and RE1 Public Recreation zones not be supported.

The planning proposal for Box Hill North is supported because the area is located within close proximity to the Rouse Hill Regional Centre and the proposed North West Rail Link, is generally in one land ownership and will provide future residents with access to a range of housing options and jobs. The proponent has also offered to provide financial assistance to Council so that resources may be allocated to such a large project. This could be managed through similar arrangements to those used between Council and the former Growth Centre Commission for other Urban Release Areas.

However, there are a number of proposed recommendations/changes, and further studies/investigations to be carried out prior to exhibition. However the planning proposal should proceed to Gateway for Determination and as part of the gateway determination further consultation should be undertaken with but not limited to Office of Environment and Heritage, NSW Bush Fire Service, Deerubbin Local Aboriginal Land Council.

IMPACTS

Financial

As the applicant states that the planning proposal will be at no cost to Local or State Government this matter should have no direct financial impact upon Council's adopted budget or forward estimates. However, further investigations are to be undertaken regarding the dedication of public land to Council as well as the Voluntary Planning Agreement.

Hills 2026

The Hills 2026 vision for vibrant communities and balanced urban growth will be realised through this rezoning and subsequent development. The proposal allows for the provision of retail facility which will meet future demand for services due to planned population growth. This proposal will ensure that there are shopping facilities that the residents can enjoy, ensuring success of the local centre.

RECOMMENDATION

1. A planning proposal be forwarded to the Department of Planning and Infrastructure for a Gateway Determination to rezone land within Box Hill North Precinct from RU6 Transition to urban zones and to include development standards as described in the report.

ATTACHMENTS

1. Owners Details Map (1 page)
2. Proposed Building Heights Map and Lot Size Map as provided by applicant (2 pages)
3. Proposed Zoning Map, Building Heights Map and Lot Size Map as recommended (3 pages)

