

The Hills LEP 2012 (Amendment No. xx) - Box Hill North Precinct

Proposal Title : The Hills LEP 2012 (Amendment No. xx) - Box Hill North Precinct

Proposal Summary : The proposal seeks to create an urban residential precinct by rezoning land within Box Hill Precinct from RU6 Transition to a combination of R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, B2 Local Centre and RE1 Public Recreation.

PP Number : PP_2013_THILL_015_00 Dop File No : 13/18156

Proposal Details

Date Planning Proposal Received : 16-Oct-2013 LGA covered : The Hills Shire

Region : Sydney Region West RPA : The Hills Shire Council

State Electorate : HAWKESBURY Section of the Act : 55 - Planning Proposal

LEP Type : Precinct

Location Details

Street :

Suburb : City : Postcode :

Land Parcel : Box Hill North Precinct

DoP Planning Officer Contact Details

Contact Name : Chris Browne

Contact Number : 0298601108

Contact Email : chris.browne@planning.nsw.gov.au

RPA Contact Details

Contact Name : Bronwyn Smith

Contact Number : 0298430269

Contact Email : bsmith@thehills.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Derryn John

Contact Number : 0298601505

Contact Email : derryn.john@planning.nsw.gov.au

Land Release Data

Growth Centre : N/A Release Area Name : N/A

Regional / Sub Regional Strategy : Metro North West subregion Consistent with Strategy : Yes

The Hills LEP 2012 (Amendment No. xx) - Box Hill North Precinct

MDP Number :		Date of Release :	
Area of Release (Ha) :	380.00	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	4,100	No. of Dwellings (where relevant) :	4,100
Gross Floor Area :	10,000.00	No of Jobs Created :	286

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : The Department's Lobbyist Contact Register has been checked on 31 October 2013, and there have been no records of contact with lobbyists in relation to this proposal.

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **BACKGROUND**

The site was the subject of a submission to the State Government's Potential Home Sites Program in 2011. The Department's evaluation of the site recognised its long term potential for housing, but concluded that it was not at present an appropriate site for urban development. The evaluation raised significant concerns regarding servicing, isolation and ownership fragmentation.

THE SITE

The precinct occupies 380 hectares of rural land immediately to the north of the Box Hill Precinct of the North West Growth Centre. It generally consists of cleared land with very little slope (1% to 3%) being used for low intensity farming.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The proposal seeks primarily to facilitate the development of a 4100-dwelling residential precinct with a retail/commercial town centre.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The proposal seeks to rezone the subject site from RU6 Transition to a combination of R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential, R4 High Density Residential, E2 Environmental Conservation, E3 Environmental Management, E4 Environmental Living, B2 Local Centre and RE1 Public Recreation. (It should be noted that the proponent's proposal did not include the R2 and R4 zones, but instead included

additional permitted uses in the R3 and RE1 zones; Council did not support this.)

The proposal also seeks to apply a range of minimum lot sizes in the residential zones from 125m² to 2000m² and a range of building heights from 10m to 16m across the site, as well as a floor space ratio of 1:1 and a minimum lot size of 600m² for the land zoned B2 Local Centre.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

2.1 Environment Protection Zones

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

SEPP (Sydney Region Growth Centres) 2006

SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

1.1 Business and Industrial Zones

The proposal seeks, among other things, to rezone an area of land from RU6 Transition to B2 Local Centre. The purpose of this is to support the primary aim of the proposal, which is to create a new residential precinct. As such, this is an intensification of business uses in an appropriate location, and is not likely to have an adverse impact on the viability of nearby identified strategic centres.

The proposal is therefore consistent with this Direction.

1.2 Rural Zones

The proposal seeks to rezone land from a rural zone (RU6 Transition) to a combination of residential, business, recreation and environmental zones, and is therefore inconsistent with this Direction.

This inconsistency is based on the loss of 380 hectares of rural land, and cannot therefore be said to be of minor significance. Neither is it justified by a strategy which gives consideration to the objectives of the Direction, identifies the subject land and has been agreed to by the Director General. Neither is it justified by a supporting study which has been prepared in support of the proposal and gives consideration to the objectives of the Direction. Thus, under the terms of the Direction, the only way in which the inconsistency may be permitted is if it is in accordance with the relevant Subregional Strategy.

The proposal does not include sufficient discussion of the draft North West Subregional Strategy to establish whether it is in accordance with the draft Strategy and thus justify its inconsistency with this Direction. The RPA should therefore be required to establish this justification prior to public exhibition of the planning proposal.

2.1 Environment Protection Zones

The proposal seeks, among other things, to rezone land from RU6 Transition to a number of environment protection zones.

As such, it is consistent with this Direction.

3.1 Residential Zones

The proposal seeks to facilitate 4100 new dwellings with a mix of styles and densities on what is currently rural land. As such, it is generally consistent with this Direction.

The Direction requires (among other things) that such a proposal must contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the RPA have been made to service it). The Hills LEP 2012 contains a clause (6.1 Urban release areas) which provides for such contingencies; the proposal's consistency with this Direction will be ensured by application of the clause via inclusion of the subject land on the Urban Release Area map.

3.3 Home Occupations

The planning proposal will have no effect on the permissibility of home occupations, and is thus consistent with this Direction.

3.4 Integrating Land Use and Transport

The proponent has included a Transport and Access Impact Assessment undertaken by GTA Consultants, and this concludes that it is possible to provide adequate transport to service the needs of the proposed development. The site's proximity to the North West Growth Centre means that it will be close to existing transport routes, but the capacity of existing and planned services to provide for an additional 4100 dwellings is uncertain.

Given the scale of the proposal, its consistency with this Direction can only be adequately established through consultation with Transport for NSW, and particularly with Roads and Maritime Services and Sydney Trains.

4.4 Planning for Bushfire Protection

Parts of the site are identified on Council's bushfire-prone land maps as buffer. As such, the Direction requires Council to obtain written advice from the Commissioner of the NSW Rural Fire Service to the effect that the Service does not object to the progression of the Planning Proposal.

6.1 Approval and Referral Requirements

The proposal does not identify any development as designated development, and nor does it include any concurrence, consultation or referral provisions. As such, it is consistent with this Direction.

6.2 Reserving Land for Public Purposes

This Direction requires, among other things, that a planning proposal must not create

reservations of land for public purposes without the approval of the relevant public authority and the Director General. The proposal seeks to reserve land zoned RE1 Public Recreation by dedicating it to Council, as well as a 2.2 hectare site for the purposes of a school (to be dedicated to the Department of Education and Communities).

To ensure consistency with this Direction, Council must obtain the approval of the Department of Education and Communities, and the Director General must then agree that the proposal is consistent with the Direction. (The Council report indicates Council's willingness to administer the RE1 land.)

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The proposal is broadly consistent with the Metropolitan Plan. For more information, see the discussion of consistency with the strategic planning framework in the Assessment section of this report.

SEPP No 19—Bushland in Urban Areas

An ecological assessment of the site has been undertaken, and has identified threatened ecological communities. The assessment's recommendation is that the proposal's impact be addressed via a combination of in situ conservation and off-site offsetting.

Council has expressed doubt concerning the accuracy of the consultant's findings, and has suggested that the consultant may have underestimated the proposal's impact.

To ensure consistency with the SEPP, the Office of Environment and Heritage (OEH) must be consulted, and any further studies required by OEH must be carried out prior to exhibition of the planning proposal.

SEPP No 55—Remediation of Land

A preliminary site investigation has been carried out and has identified potential for subsurface contamination. To ensure consistency with the SEPP, a detailed site investigation must be carried out prior to exhibition of the planning proposal, and the resulting report must be included in the exhibition materials.

SEPP No 65—Design Quality of Residential Flat Development

The draft indicative layout plan and development control plan have been prepared with regard to the SEPP, and the proposal is therefore consistent.

SEPP (Exempt and Complying Development Codes) 2008

The proposal is not inconsistent with the SEPP.

SEPP (Infrastructure) 2007

The proposal is not inconsistent with the SEPP.

SEPP (Sydney Region Growth Centres) 2006

The subject land is adjacent to the Box Hill Precinct of the North West Growth Centre. Given that the Growth Centres will receive priority in infrastructure servicing, and the proposal's population increase may assist with the viability of employment uses in the Box Hill Precinct, the proposal is not inconsistent with the SEPP.

SREP No. 20 - Hawkesbury-Nepean River (No.2 - 1997)

The Hills LEP 2012 (Amendment No. xx) - Box Hill North Precinct

Given the substantial intensification of land uses on the site, the proposal has the potential to significantly impact the environment of the Hawkesbury-Nepean River system. The Hawkesbury-Nepean Catchment Management Authority must be consulted to ensure consistency with the SREP.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has providing maps showing proposed and existing zoning, height of buildings, minimum lot size and floor space ratio. In addition to these, an urban release area map must be drafted and included with the exhibition materials.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has stated that, in addition to a mail-out, the proposal will be advertised in local newspapers, displayed at Council's administration building and made available on Council's website.

Council has not specified the length of the exhibition period, but the scale of the proposal necessitates an exhibition of at least 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

The Hills LEP 2012 is a Principal LEP.

Assessment Criteria

Need for planning proposal :

The proposal is not the result of any strategic study or report, and nor is it part of the North West Growth Centre. Rather, it is the result of an application by a developer.

Residential development was proposed for the site in an application to the State Government's Potential Home Sites Program, but the application was rejected on the grounds that infrastructure servicing would take too long to be viable, at least until after servicing of the North West Growth Centre is complete. This notwithstanding, it was recognised that the area has long-term potential for housing.

Consistency with strategic planning framework :

STATE STRATEGIC FRAMEWORK (Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney 2031 and Draft North West Subregional Strategy)

The State strategic documents contain two main areas of objectives that are relevant to the proposal: the provision of housing and the protection of rural land. The proposal seeks to provide housing at the cost of rural land, so it is consistent with one broad objective and inconsistent with the other.

The draft North West Subregional Strategy contains a housing target for The Hills LGA of 36,000 new dwellings and 47,000 new jobs by 2031. Council has indicated that the proposal is not necessary for meeting either of these targets.

In spite of this, the advantages to the public in providing a broad range of housing in a location close to existing transport and the North West Growth Centre are considered to outweigh the disadvantages to the public from the loss of rural land.

LOCAL STRATEGIC FRAMEWORK (The Hills 2026 Community Strategic Direction and The Hills Local Strategy)

The proposal is consistent with the Balanced Urban Growth objective of the Community Strategic Direction, and will help deliver the aims of the Residential Direction, the Integrated Transport Direction, the Employment Lands Direction and the Centres Direction of the Local Strategy. As with the State strategic framework, the proposal is not consistent with the Local Strategy's Rural Lands Strategy, but it is considered that the advantages to the public outweigh the disadvantages.

Environmental social economic impacts :

ENVIRONMENTAL

As with any development of this size on rural land, there is considerable potential for adverse environmental effects. The proponent has carried out a flora and fauna assessment, a preliminary site contamination investigation and a bushfire constraints assessment. These have all raised issues that will need to be further explored before finalisation of the planning proposal.

To ensure that environmental risks are properly addressed, consultation is necessary with a number of agencies prior to public exhibition, including the Office of Environment and Heritage, the Hawkesbury-Nepean Catchment Management Authority, the Office of Water and the Rural Fire Service.

SOCIAL

In addition to providing a school within the precinct, the proposal aims to utilise social infrastructure planned for the Box Hill and Box Hill Industrial Precincts of the North West Growth Centre. It is not entirely clear whether this planned infrastructure will be sufficient to meet the demand created by 4100 new dwellings, so it will be necessary to consult the social infrastructure providers prior to public exhibition. These include the Department of Education and Communities, the Ambulance Service, Fire & Rescue NSW, the NSW Police Force, the State Emergency Service and NSW Health.

An Aboriginal Heritage Assessment Report, submitted with the proposal, has identified four Aboriginal archaeological sites on the subject land. It is therefore recommended that the Deerubbin Local Aboriginal Land Council be consulted prior to exhibition of the planning proposal.

ECONOMIC

Given the scale of the development (4,100 dwellings and 10,000m2 of retail/commercial floor space), considerable positive economic impact is expected as a result of the proposal. The proposed town centre will provide for roughly 286 jobs, but the majority of the resident workforce is expected to be employed in surrounding areas. This may assist with the viability of proposed nearby employment areas.

The Hills LEP 2012 (Amendment No. xx) - Box Hill North Precinct

Assessment Process

Proposal type : Precinct Community Consultation Period : 28 Days

Timeframe to make LEP : 18 months Delegation : DDG

Public Authority Consultation - 56(2)(d) : Ambulance Service of NSW
Hawkesbury - Nepean Catchment Management Authority
Department of Education and Communities
Office of Environment and Heritage
NSW Department of Primary Industries - Agriculture
Integral Energy
Transport for NSW
Fire and Rescue NSW
Department of Health and Ageing
NSW Police Force
NSW Rural Fire Service
Transport for NSW - RailCorp
Transport for NSW - Roads and Maritime Services
State Emergency Service
Sydney Water
Telstra
Other

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Agency consultation may result in a requirement that further studies be carried out.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? Yes

If Yes, reasons : Given the scale of the proposal, it will necessitate significant increases in infrastructure. The Department's Growth Infrastructure Funding and Monitoring team has been consulted, and has indicated that the satisfactory arrangements provisions in Clause 6.1 of The Hills LEP 2012 must be applied to the proposal.

Documents

Document File Name	DocumentType Name	Is Public
Cover letter and planning proposal.pdf	Proposal	Yes
Council Report.docx	Proposal	Yes
Council Resolution.docx	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

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

Additional Information : It is recommended that the proposal proceed subject to the following conditions.

(1) Prior to exhibition, the RPA must undertake consultation with the following agencies and update the proposal accordingly:

- a) Office of Environment and Heritage,
- b) Hawkesbury - Nepean Catchment Management Authority,
- c) Department of Education and Communities,
- d) Deerubbin Local Aboriginal Land Council,
- e) Office of Water,
- f) Ambulance Service of NSW,
- g) Department of Primary Industries - Agriculture,
- h) Endeavour Energy,
- i) Transport for NSW,
- j) Fire and Rescue NSW,
- k) Department of Health and Ageing,
- l) NSW Police Force,
- m) NSW Rural Fire Service,
- n) Transport for NSW - RailCorp,
- o) Transport for NSW - Roads and Maritime Services,
- p) State Emergency Service,
- q) Sydney Water, and
- r) Telstra.

With the exception of d) and g) above, the consultation must include a request for advice on the necessary public infrastructure requirements for the development.

(2) Prior to exhibition, the proposal must be updated to include justification of inconsistencies with section 117 directions:

- 1.2 Rural Zones,
- 3.4 Integrating Land Use and Transport (following the drafting of a TMAP in consultation with Transport for NSW),
- 4.4 Planning for Bushfire Protection (following consultation with the Rural Fire Service) and
- 6.2 Reserving Land for Public Purposes (following consultation with the Department of Education and Communities);

(3) Prior to exhibition, the proposal must be updated to include the subject land on the Urban Release Area Map and ensure that Clause 6.1 (Arrangements for designated State public infrastructure) applies;

(4) Community consultation for 28 days; and

(5) The timeframe for completing the local environmental plan is to be 18 months from the week following the date of the Gateway Determination.

Supporting Reasons : While there is currently no need for a residential precinct of this size in this location, Sydney's population growth is unlikely to abate in the future, and the proposal is capable of meeting a long-term need.

The Hills LEP 2012 (Amendment No. xx) - Box Hill North Precinct

Rezoning for residential development on the subject site has previously been considered inappropriate due to the cost and timing of infrastructure servicing, but Council has indicated that infrastructure will be provided at no cost to government.

Signature:

Derryn John

Printed Name:

DERRYN JOHN

Date:

8 NOV. 2013