

## Planning Services

### Gateway Determination Report

<b>LGA</b>	The Hills
<b>PPA</b>	The Hills Shire Council
<b>NAME</b>	Box Hill North Town Centre (25 additional dwellings, 100 additional jobs)
<b>NUMBER</b>	PP_2018_THILL_012_00
<b>LEP TO BE AMENDED</b>	The Hills Local Environmental Plan 2012
<b>ADDRESS</b>	10, 12, 14 Red Gables Road, Box Hill in The Hills local government area
<b>DESCRIPTION</b>	Lots 25, 26 and 27 DP 255616
<b>RECEIVED</b>	21 November 2018 (additional information received 11 December 2018)
<b>FILE NO.</b>	IRF18/6624
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

### INTRODUCTION

#### Description of planning proposal

The planning proposal seeks to amend The Hills Local Environmental Plan (LEP) as it applies to the Box Hill North Town Centre to increase the maximum floor space ratio from 1:1 to a range of 1:1 to 2:1, and increase the maximum height of buildings from 16m (approximately 4-5 storeys) to a range of 16m to 27m (up to 8 storeys).

The current controls would permit approximately 64,000m<sup>2</sup> of gross floor area within the Town Centre (comprising residential, retail and commercial floor space with the final composition subject to detailed design and development assessment).

In comparison, the planning proposal would permit approximately 86,000m<sup>2</sup> of gross floor area within the Town Centre which would comprise:

- 50,384m<sup>2</sup> of residential floor area;
- 15,590m<sup>2</sup> of commercial floor area; and
- 20,000m<sup>2</sup> of floor area for the purpose of a school.

The primary purpose of the planning proposal is to facilitate the development of a new school within the Town Centre.

## Site description

The land subject to the planning proposal is zoned B2 Local Centre and applies to three rectangular shaped allotments, being 10, 12 and 14 Red Gables Road, Box Hill (Lot 25, 26 and 27 DP 255616) within the Box Hill North Town Centre (known as 'The Gables'). It is within 'Precinct E' of the Box Hill North urban release area, which covers an area of approximately 64,000m<sup>2</sup>.

The Gables is a master planned community consisting of a town centre, retail facilities, public primary school, approximately 4,100 dwellings, recreational facilities pedestrian and cycle networks, and associated roads and infrastructure.

The boundary of the Box Hill North Precinct and the subject land are shown in **Figure 1**.



**Figure 1:** Boundary of the Box Hill North Precinct (left) and Town Centre site (right) (Source: Planning proposal document).

## Existing and proposed planning controls

The existing and proposed planning controls under The Hills LEP 2012 applicable to the subject land are summarised in **Table 1**:

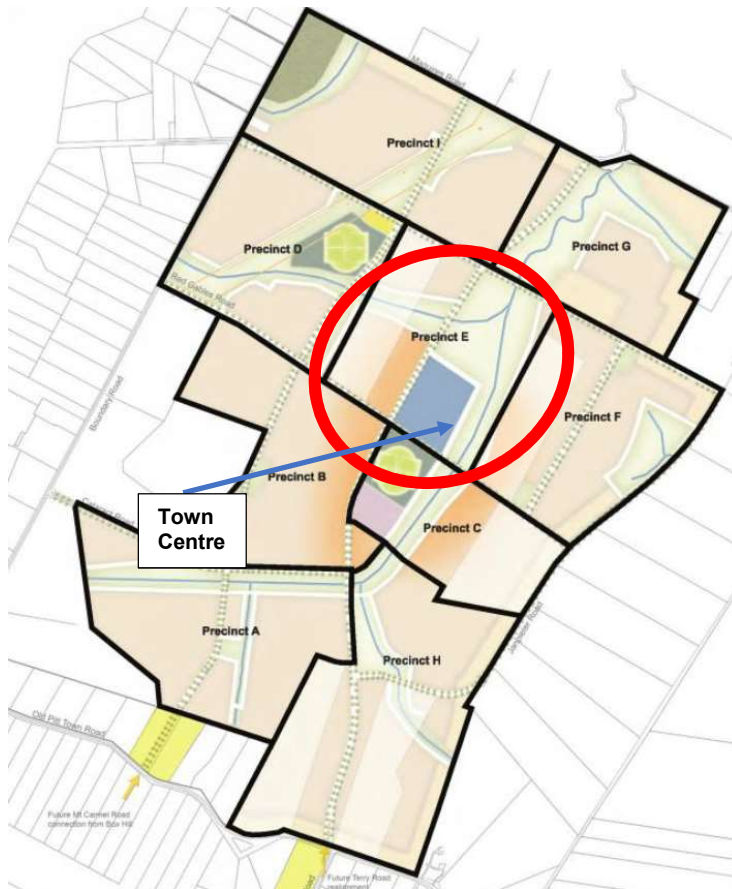
10, 12, 14 Red Gables Road, Box Hill (Lots 25, 26 and 27 DP 255616)	Land use zoning	Maximum building height	Minimum lot size	Maximum FSR
Existing	B2 Local Centre	16m	600m <sup>2</sup>	1:1
Proposed	No change	16m – 27m	No change	1:1 – 2:1

**Table 1:** Existing and proposed planning controls

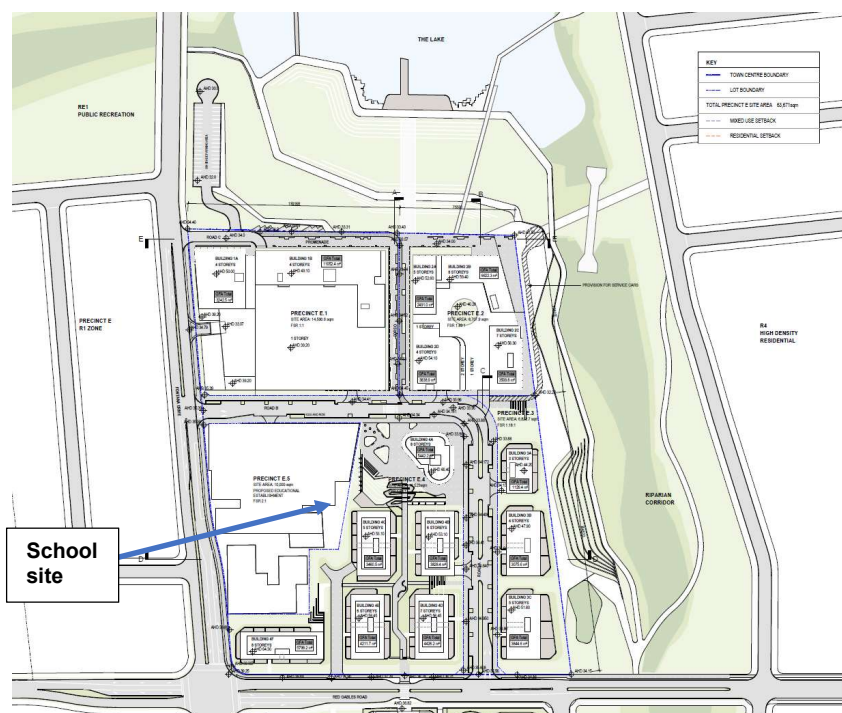
## Surrounding area

Precinct E of the Box Hill North urban release area is approximately 39 kilometres northwest of the Sydney CBD, 7.5 kilometres from Rouse Hill Town Centre and 23 kilometres northeast of Penrith. The site has an area of 63,652m<sup>2</sup> and is surrounded by riparian corridor to the north and east and R3 residential to the west (**Figure 2**).

Redevelopment of several of the surrounding precincts has commenced and planning is underway for the delivery of a riparian corridor, public parks, and street network.



**Figure 2:** Box Hill North Precincts (Box Hill North DCP 2012) (Precinct E circled red)



**Figure 3:** Town Centre masterplan (Source: Planning proposal document).

The future uses of the town centre masterplan include low, medium and high density residential development, a school site, public open space and a riparian corridor (**Figure 3**).

Supporting the proposal is a preliminary development concept for a school site within the town centre which achieve 4,630m<sup>2</sup> (ground level) and 1,900m<sup>2</sup> (roof top) play space within the future new school, as shown in **Figure 4**. Provisions to secure these play areas within the future school site will be implemented through amendments to The Hills DCP 2012 Part D Section 17 Box Hill North.



**Figure 4:** Development concept of proposed new open space within school site (Source: Planning proposal document).

## Summary of recommendation

The planning proposal has merit and is supported to proceed. The proposal is consistent with state, district and local strategic planning objectives; provides Council and the community with certainty for the delivery of a future school within the Box Hill North Town Centre; has the potential to represent a positive urban design outcome for the precinct; and will not affect existing commercial, retail and residential development yields.

## PROPOSAL

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### Objectives or intended outcomes

As noted in the planning proposal (**Attachment A**), the objective of the proposal is to enable the inclusion of a new school on a portion of land within the Box Hill North Town Centre and redistribute the commercial and residential floor space 'entitlement' from this land to the remainder of the town centre site.

The objective of the planning proposal is specific enough to identify a basis for proposing the LEP amendment.

### Explanation of provisions

In summary the proposed amendments to The Hills LEP 2012 include:

- increase the maximum Floor Space Ratio from 1:1 to a range of 1:1 to 2:1; and



- increase the maximum Height of Buildings from 16 metres (approximately 4-5 storeys) to a range of 16 metres to 27 metres (up to 8 storeys).

The details of the planning proposal are specific enough to clearly identify the intent of the proposal, yet flexible enough to enable Council to determine the most appropriate development standards to achieve the desired outcome at a later stage of the process.

## Mapping

Mapping is provided with the planning proposal as follows (Figures 5 to 6).



**Figure 5:** Current and proposed FSR map



**Figure 6:** Current and proposed Height of Building map

The floor space ratio and height of building mapping extracts provided with the planning proposal are suitable for community consultation.

## Background

The current controls would permit approximately 64,000m<sup>2</sup> of gross floor area within the town centre (comprising residential, retail and commercial floor space with the final composition subject to detailed design and development assessment). In comparison, the proposal would permit approximately 86,000m<sup>2</sup> of gross floor area within the town centre. Of the additional 22,000m<sup>2</sup> sought through the proposal, 20,000m<sup>2</sup> would be allocated for the purpose of a new K-12 non-government school and approximately 2,000m<sup>2</sup> would be allocated to additional development yield (likely to comprise 20-25 additional residential units).

At its meeting of 13 November 2018 Council considered a report on the planning proposal and resolved to:

- forward the planning proposal to amend The Hills LEP 2012 to the Department for a Gateway determination; and

- amend The Hills DCP 2012 Part D Section 17 – Box Hill North Precinct, for exhibition concurrently with the planning proposal.

A request for Secretary Environmental Assessment Requirements (SEARS) for a 15,000m<sup>2</sup> new school on the future school site was submitted with the Department's School Infrastructure Assessments branch on 28 November 2018 (SSD 9772).

## **NEED FOR THE PLANNING PROPOSAL**

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The planning proposal is in response to an owner-initiated request (Celestino Pty Ltd) to increase the development potential of the Town Centre. The proposed re-distribution of height and FSR is intended to provide Council and the community with certainty for the delivery of a future school within the Town Centre.

Under the current provisions the provision of a 20,000m<sup>2</sup> school would reduce existing residential, retail and commercial floor space from 64,000m<sup>2</sup> to 44,000m<sup>2</sup> (33%).

While the additional 22,000m<sup>2</sup> of floor area for the purpose of a school was not previously anticipated under the current controls, it is noted that the SSD application for new school is for 15,000m<sup>2</sup>.

As the planning proposal is responding to a change in circumstances associated with investment in a new school, the proposed amendment is considered to be the best way to achieve the intended outcome for the site.

## **STRATEGIC ASSESSMENT**

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### **Greater Sydney Region Plan**

The Greater Sydney Region Plan provides a 40-year vision for the Greater Sydney region. The following directions, objectives and strategies/actions are considered relevant for the planning proposal:

- Direction: A city for people.
  - Objective 6: Services and infrastructure meet communities changing need.
  - Objective 7: Communities are healthy, resilient and socially connected.
- Direction: Housing the city.
  - Objective 10: Greater housing supply.

Council's planning proposal notes the proposed amendment will assist in maximising housing supply within the Central City District and promote development that supports an active, resilient and socially connected community.

### **Central City District Plan**

The Central City District Plan was released in March 2018. The following planning priorities of the Central City District Plan are relevant to the proposal:

- Planning Priority C3: Providing services and social infrastructure to meet people's changing needs.
- Planning Priority C4: Fostering healthy, creative, culturally rich and socially connected communities.

- Planning Priority C5: Providing housing supply, choice and affordability with access to jobs, services and public transport.
- Planning Priority C10: Growing investment, business opportunities and jobs in strategic centres.
- Planning Priority C17: Delivering high quality open space.

The planning proposal is consistent with the Regional Plan and District Plan as it will facilitate increased residential densities within the Central City District and deliver a co-located educational establishment within the planned town centre. Further the proposal does not reduce the amount of floorspace dedicated to commercial, retail and housing to be delivered in the Box Hill North Growth Area.

Therefore, it is considered that the planning proposal has the potential to give effect to the District Plan.

## **Local**

### The Hills Future Community Strategic Plan

The following key outcomes and strategies from The Hills Future Community Strategic Plan are relevant to this proposal:

- Outcome 7: Responsible planning facilitates a desirable living environment and meets growth targets
  - Strategy 7.1: The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.

The proposal is consistent with the local community strategic plan as it will ensure balanced urban growth through the relocation of high-density residential housing closer to services and amenities within the Town Centre and is consistent with the objectives of the broader strategic planning framework.

### Local Strategy

There is no relevant local strategy for The Hills LGA that has been endorsed by the Department.

## **Section 9.1 Ministerial Directions**

The planning proposal is considered to be consistent with all Section 9.1 Directions, except Direction 4.4 – Planning for Bushfire Protection as the proposal is in proximity to land mapped as bushfire prone land. This inconsistency remains unresolved until consultation with the Rural Fire Service (RFS) is undertaken. In accordance with the Direction, the planning proposal authority must consult with the RFS following receipt of Gateway determination.

## **State environmental planning policies**

The planning proposal is considered to be consistent with all relevant State Environmental Planning Policies. The future school will be assessed against the SEPP (Educational Establishments and Child Care Facilities) 2017 and will be required to demonstrate consistency with this Policy.



## **SITE-SPECIFIC ASSESSMENT**

### **Social**

The planning proposal seeks to redistribute the amount of planned floor space within the Town Centre to accommodate a new school site and would result in a negligible increase in residential floor space (20-25 dwellings). The proposal will achieve positive social impacts through facilitating floor space for the development of new school.

As discussed previously, the development application for the school has a reduced floor area than that proposed under the planning proposal (15,000m<sup>2</sup> under the development application compared to 20,000m<sup>2</sup> under the planning proposal). This would in turn allow additional residential floor space than that outlined in the planning proposal (an additional 50-60 dwellings).

As it is unclear how the delivery of the school will be secured, it is recommended that prior to community consultation the planning proposal is updated to outline the maximum number of dwellings that could be delivered in the event that the floor area of the school is reduced or not delivered. This should include an assessment of the impact of any changes to the distribution of floor space such as traffic impacts or the need for any additional infrastructure. The Gateway determination has been conditioned accordingly.

### **Environmental**

#### Urban design and amenity

The current controls would result in a consistent 4-5 storey built form outcome across the entire town centre. In comparison, the planning proposal will facilitate a range of built form outcomes from 2 to 8 storeys.

The proposed built form represents a positive urban design outcome, with greater variation in height and the ability to concentrate higher densities on key locations within the Town Centre (allowing for lower density and scale in other sections of the Town Centre). It is not considered that the proposal would not result in adverse amenity impacts.

#### Bushfire

The site includes land classified as bushfire prone on Council's adopted bushfire prone land planning maps.

A bushfire assessment of the site was undertaken by Eco Logical (August 2018) to assess suitability of the site.

The bushfire assessment confirms that design, management and protection measures can be provided on the site to demonstrate compliance with Planning for Bushfire Protection 2006 and detailed assessment of bushfire protection considerations for the site will be subject to a detailed merit assessment as part of a future development application.

#### Impact on Critical Habitats or Threatened Species

The planning proposal is not anticipated to have any adverse impacts on critical habitats or threatened species.

## Hazards

While sections of Box Hill North have been identified as flood prone land, Precinct E is not affected. The subject land is not identified as being a landslide sensitive area. Further, the existing approval and framework already allows for residential development on the land.

## **Economic/Infrastructure**

As discussed in the planning proposal documentation (**Attachment A**), the redistribution of density within the town centre core will not impact upon the Precinct's commercial and retail development yields and will support employment generation through increased opportunities for additional jobs at the new school.

## **CONSULTATION**

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### **Community**

The planning proposal outlines a community consultation process that is consistent with *A Guide to Preparing Local Environmental Plans (2016)*.

Council has indicated a 28 day period to exhibit the proposal which in accordance with is considered to be appropriate.

### **Agencies**

It is recommended that Council consult with the Rural Fire Service and Department of Education. Consultation with other state agencies is not considered necessary as the proposal will not increase demands on infrastructure, nor does it have the potential to impact on the natural environment or heritage values.

## **TIME FRAME**

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Council has proposed to finalise the plan within 9 months, which is considered a satisfactory timeframe.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council has requested plan making delegations in relation to this proposal. Given the minor nature of the proposal, it is considered appropriate for authorisation to be issued in this instance.

## **CONCLUSION**

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Subject to conditions of Gateway, the planning proposal has merit and is supported to proceed for the following reasons:

- it is consistent with state, regional and local strategic planning objectives and has the potential to give effect to the District Plan;
- it provides Council and the community with opportunities for the delivery of a new proposed new school within the Box Hill North Town Centre;
- it represents a positive urban design outcome for the Precinct; and
- the redistribution of density within the town centre will not impact upon commercial and retail development yields and support employment generation.

## RECOMMENDATION

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It is recommended that the delegate of the Secretary:

1. note that the inconsistency with Direction 4.4 - Planning for Bushfire Protection remains unresolved.

It is recommended that the delegate of the Minister for Planning, determine that the planning proposal should proceed subject to the following conditions:

2. Prior to undertaking community consultation, Council:
  - updates the planning proposal to identify the maximum number of dwellings that the proposed controls would allow in the event that the floor area for the school is reduced or the school is not delivered. This should include an assessment of the impacts of any change to the distribution of floor space including traffic impacts and the need for additional infrastructure; and
  - is required to refer the planning proposal to the Rural Fire Service and update the proposal in accordance with any comments received.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. Consultation is required with the following public authorities:
  - NSW Rural Fire Service; and
  - Department of Education.
5. The time frame for completing the LEP is to be **9 months** from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should be the local plan-making authority.



21/12/2018

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22/01/2019

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