



## **Planning Proposal Report**

### **Amendment to The Hills Local Environmental Plan 2012**

### **Precinct B of The Gables Box Hill North**

**Prepared by Willowtree Planning Pty Ltd on behalf of  
Celestino Developments Pty Ltd**

**March 2018**

## PLANNING PROPOSAL

Amendment to The Hills Local Environmental Plan 2012  
Precinct B of The Gables – Box Hill North

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## EXECUTIVE SUMMARY

This Planning Proposal Report (report) has been prepared by Willowtree Planning Pty Ltd on behalf of Celestino Developments Pty Ltd, and seeks to amend *The Hills Local Environmental Plan 2012* (THLEP2012) to relocate R3 Medium Density Residential and R4 High Density Residential zoned land within Precinct B of Box Hill North (The Gables). The allotments subject to this Planning Proposal, are currently described as 5 Red Gables Road and Lot 2211 Peperino Street, Box Hill (Lots 45 and 46 DP 255616; and Lot 2211 DP 1217661).

The proposed rezoning involves a “zone swap” of R3 and R4 zoned land within Precinct B, with the area of land in each zone preserved. The proposal also warrants amendments to the minimum lot size and height of buildings maps to correspond with each zone.

The LEP amendments subject to this Planning Proposal intend to facilitate the relocation of the high density residential land closer to the future town centre and away from the nominated school site. This amendment shall facilitate a more harmonious siting and interface between the school, town centre, surrounding collector roads and higher density housing. The proposal will create a more amenable transition of built form density. The ultimate vision is to deliver a legible town centre that maximises appropriate connectivity between density and amenity to the commercial core, community facilities and open space.

The proposed amendments to THLEP2012 are considered appropriate for the following reasons:

- Overall the proposed land use scenario would maximise access and connectivity between the places people live and the town centre, open space and school, thereby promoting enhanced amenity and convenience for residents, encouraging active living, facilitating passive surveillance and providing sensitive built form transitions.
- By relocating R3 and R4 zoned areas of land within Precinct B, a transition would be provided between lower density housing to the south and the higher density residential areas of Precinct B with positive aesthetic and functional connotations associated with the effective integration of built form development with the surrounding context.
- The proposal is largely consistent with the approved Box Hill North Masterplan and Indicative Layout Plan. The proposed zoning amendment is minor in nature and will preserve the range of approved land uses.
- The proposed amendments to the Zoning, Minimum Lot Size and Height of Buildings Maps preserve the net land areas for each zone, minimum lot size and building height. The proposed amendments to the maps results in a swap of these areas and as such includes no measurable change to the ultimate development outcome in terms of development yield, floor space, or land use.
- The proposal will maintain the current and approved balance of residential accommodation within Precinct B. The overall dwelling yield for Precinct B will therefore be maintained following the rezoning of land, and as such the total yield for Box Hill North will remain unaffected. This will ensure that the Box Hill North Planning Agreement is adhered to.

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- The proposal is considered to align with the strategic intent of state, regional and local policies for the reasons outlined as follows:
  - In accordance with the NSW State Priorities, the proposal will increase housing supply by protecting the net area of land within Box Hill North that is allocated for medium and high density residential accommodation and thereby ensuring that previously-approved dwelling yields remain achievable.
  - The proposal will also achieve the principles and directions of A Plan for Growing Sydney, namely through the provision of new housing in direct proximity of the future town centre (employment opportunities), thus promoting housing availability, choice and affordability, walkability and high standards of living for future residents.
  - Similarly, the Directions for a Greater Sydney are responded to through the continued delivery of diverse new housing within a masterplanned community that is supported by all the infrastructure and services required to make a great place for people.
  - Whilst continuing to provide diverse new housing supply and thereby retaining The Gables' contribution to dwelling targets for the Central City (as established in the draft Greater Sydney Region Plan and draft Central City District Plan), the proposed exchange of R3 and R4 zoned land will allow a higher degree of liveability to be achieved. Namely this will be realised through the location of a greater number of residents closer to the town centre and the provision of a more appropriate transition between high, medium and low density areas, the town centre, public open space, the school and riparian corridors.
  - The proposed rezoning, new lot sizes and building heights, achieve the relevant objectives of THLEP2012 and will facilitate the optimal development of the site.
  - The proposal is consistent with the objectives of the Box Hill North DCP as it supports the development of a vibrant mixed-use community defined by appropriate densities of housing in walking distance of the town centre, public open space and schools.

In summary, the site is considered to be highly commensurate with the desired future direction of the site, Box Hill North and the wider Sydney region.

- The proposal will not exhibit any adverse environmental impact. Rather the proposal will enable the appropriate use of land that has been formerly designated for development, whilst protecting any nearby sensitive environments.

The subject sites are therefore considered highly suitable for the proposed amendment to THLEP2012. Accordingly, it is requested that the Planning Proposal is supported.

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It is acknowledged that the proposed amendment to THLEP 2012 shall trigger the requirement to amend the Box Hill North Development Control Plan (DCP) including the following figures:

- Indicative Layout Plan (Figure 2);
- Indicative Street Layout Plan (Figure 3);
- Indicative Pedestrian and Cycle Network Plan (Figure 7); and
- Riparian Corridor Protection Areas (Figure 8).

The drafting of these amendments shall occur concurrently with the Gateway Determination Process.

The Planning Proposal is structured in accordance with the following:

- Part A Land to Which the Planning Proposal Applies
- Part B Objectives or Intended Outcomes
- Part C Explanation of Provisions
- Part D Justification for Proposed LEP
- Part E Community Consultation
- Part F Conclusion



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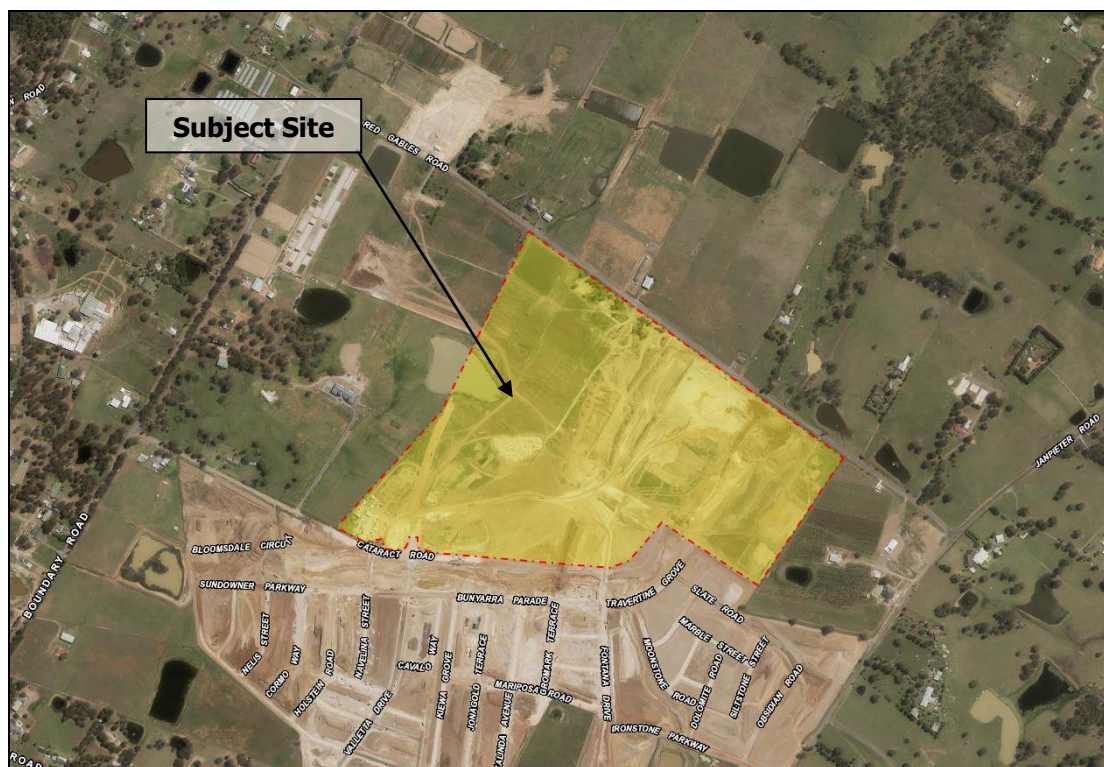
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## PART A LAND TO WHICH THIS PLANNING PROPOSAL APPLIES

### 1.1 PROPERTY DESCRIPTION AND EXISTING DEVELOPMENT

- The proposal relates only to R3 and R4 zoned land within Precinct B of The Gables. The allotments subject to the proposal are currently described as 5 Red Gables Road and Lot 2211 Peperino Street, Box Hill (Lots 45 and 46 DP 255616; and Lot 2211 DP 1217661). The subject site also spans over part of Precinct C to the east.
- The broader site covers an area of 47ha with frontages to Red Gables Road to the north and Cataract Road to the south.
- In its existing state the site is generally cleared as a result of previously approved bulk earthworks across the site to accommodate future urban development.
- Based on the approved Box Hill North Masterplan which applies to the subject site and surrounding suburb of The Gables, Precinct B comprises land designated for low, medium and high density residential development, public open space and a riparian corridor. The Gables town centre will be developed to the north of Red Gables Road, directly opposite the existing playing fields site.

The subject site can be seen in **Figure 1** and **Figure 2** below.

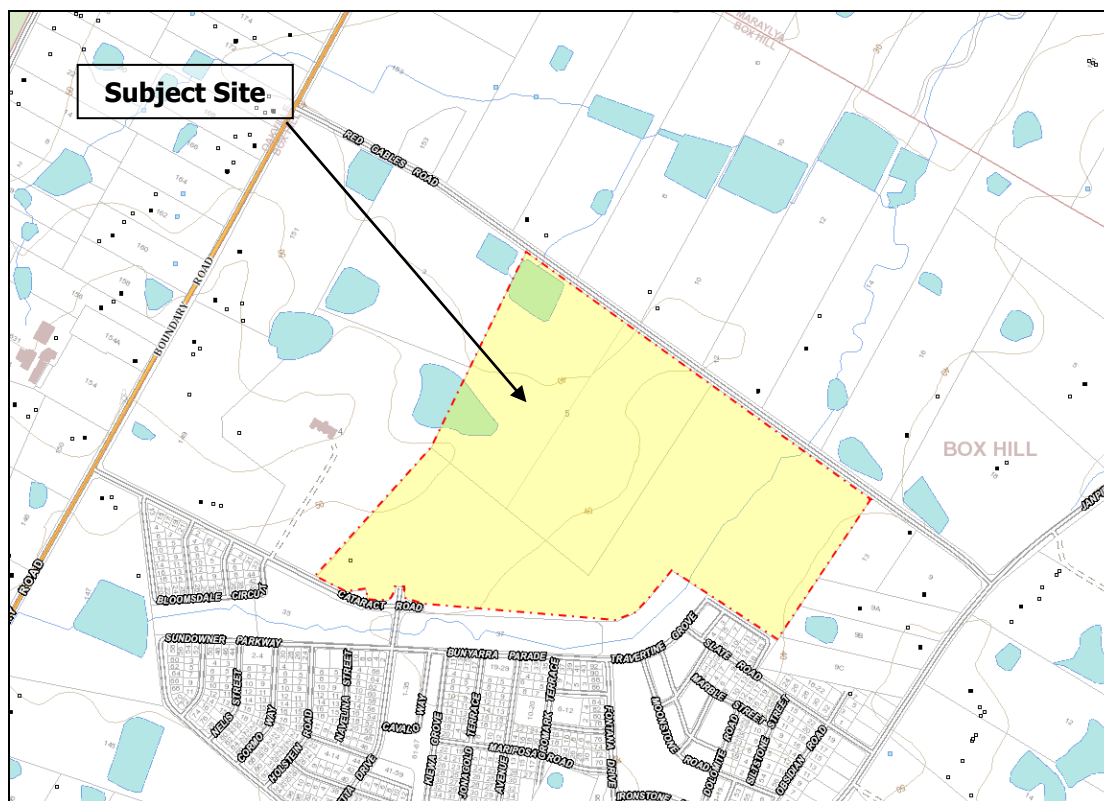


**Figure 1. Existing Site (SIX Maps, 2018)**



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**Figure 2. Cadastral Map (SIX Maps, 2018)**

### 1.2 LOCAL AND REGIONAL CONTEXT

- The site is located within the existing suburb of Box Hill which is situated approximately 25km north-west of Parramatta, 48km north-west of the Sydney Central Business District and 30km north-east of Penrith.
- The character of the area surrounding the site is currently 'rural residential', defined by large lot rural-residential development and low intensity agricultural land uses.
- The Box Hill North Precinct comprises an area of approximately 380ha and is located on the urban fringe of the Shire, directly north of the Box Hill Growth Centres Precinct. Box Hill north is bounded by Old Pitt Town Road to the south, Boundary Road to the west, Maguires Road to the north and Janpieter Road to the east.
- Windsor Road (approximately 2.6km south) serves as the main classified road of the locality and connects to Terry Road providing connectivity to the Box Hill North Precinct.

The Site Context Map in **Figure 3** below illustrates the site's location and surrounding areas, whilst the Regional Context Map in **Figure 4** shows that site in respect of the wider Sydney area.

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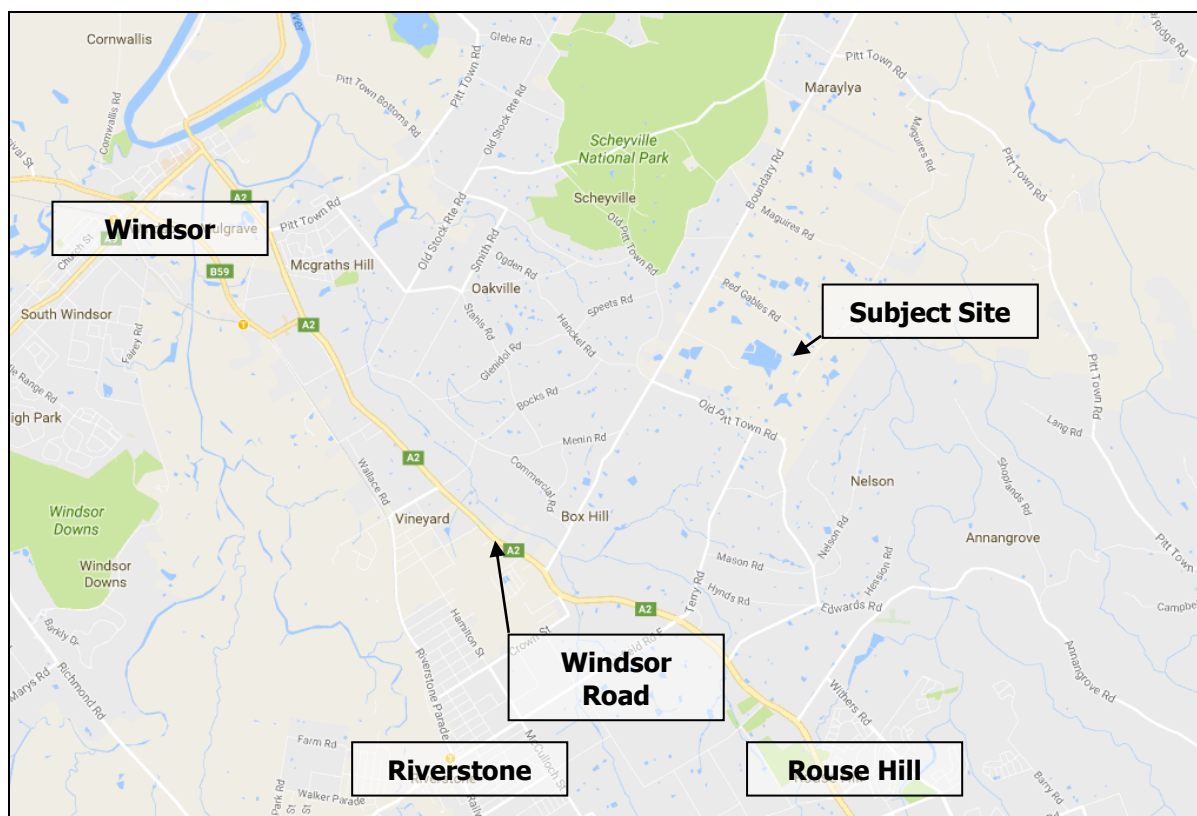


Figure 3. Site Context Map (Google Maps, 2018)

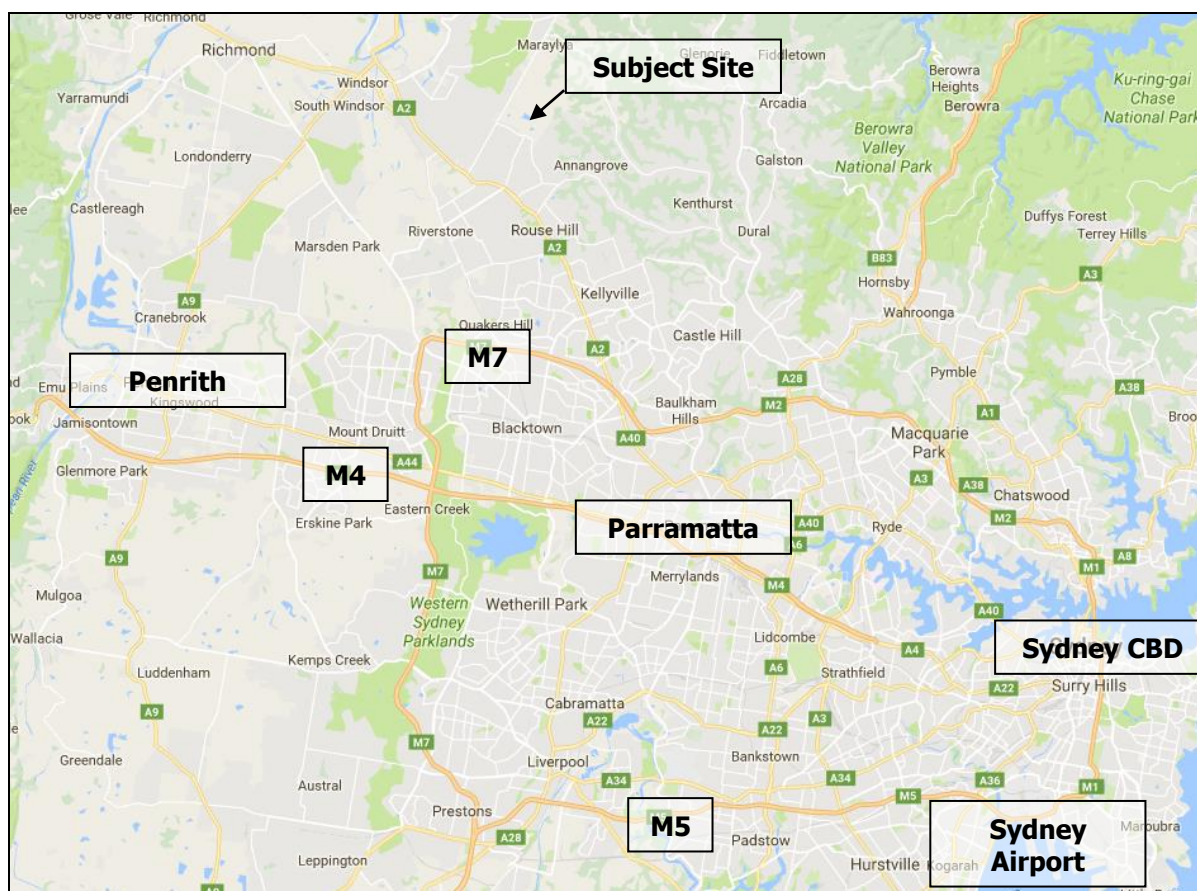


Figure 4. Regional Context Map (Google Maps, 2018)



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### 1.3 BOX HILL NORTH MASTERPLAN

As described above, the site is located within the Box Hill North Precinct and accordingly is subject to the Box Hill North Masterplan and Staging Plan, as shown in **Figures 5** and **6**.

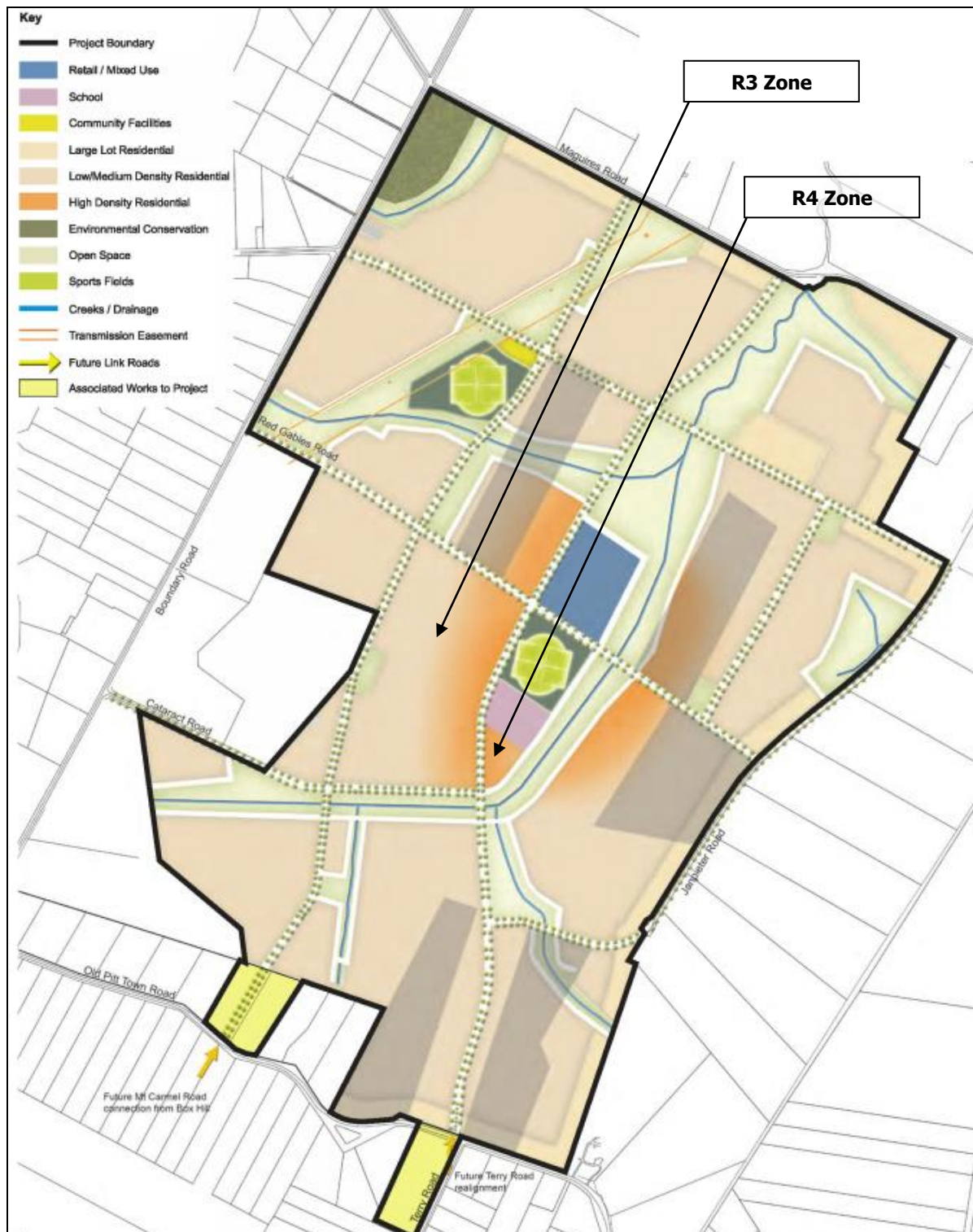
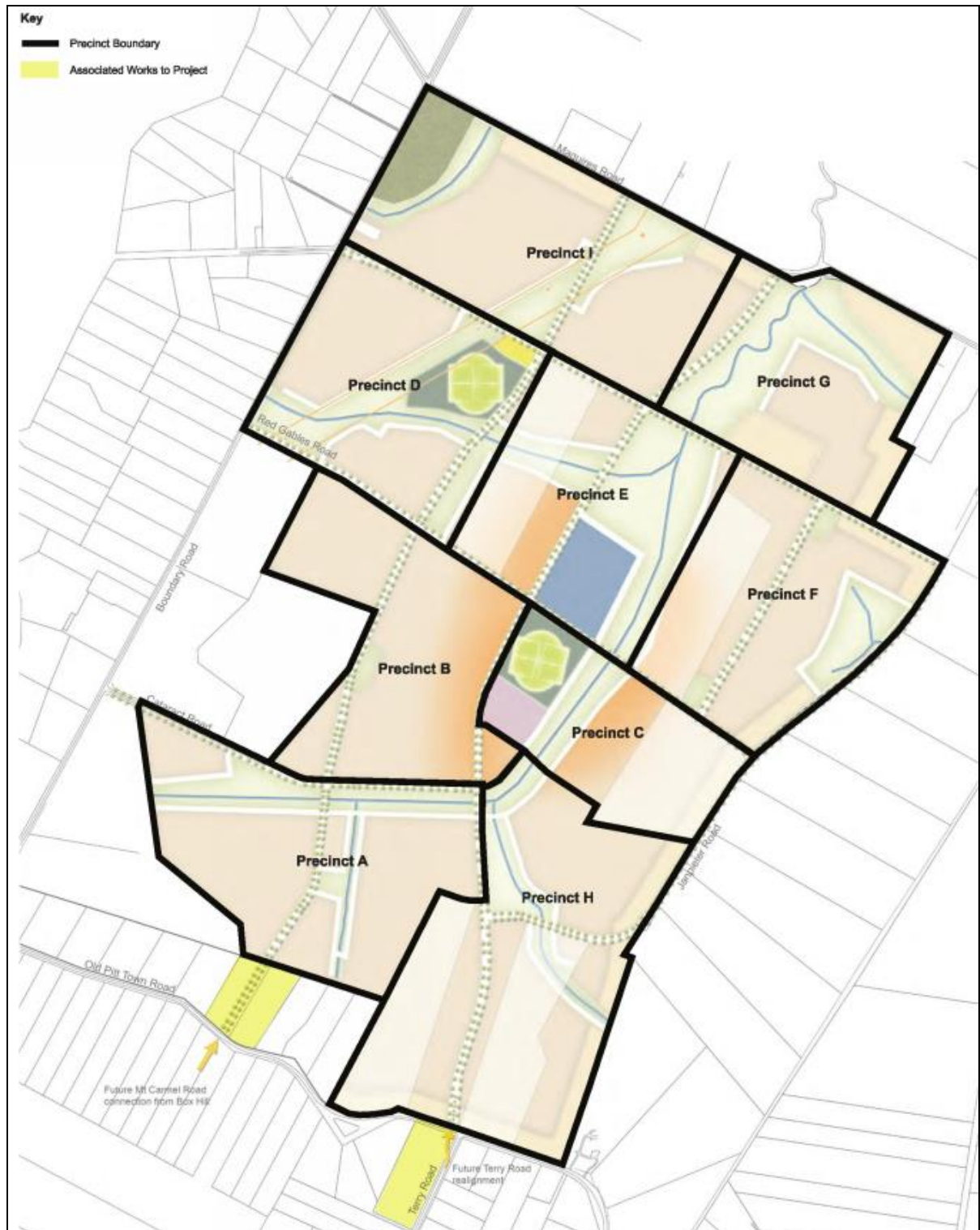


Figure 5. Box Hill North Masterplan (Urbis, 2016)

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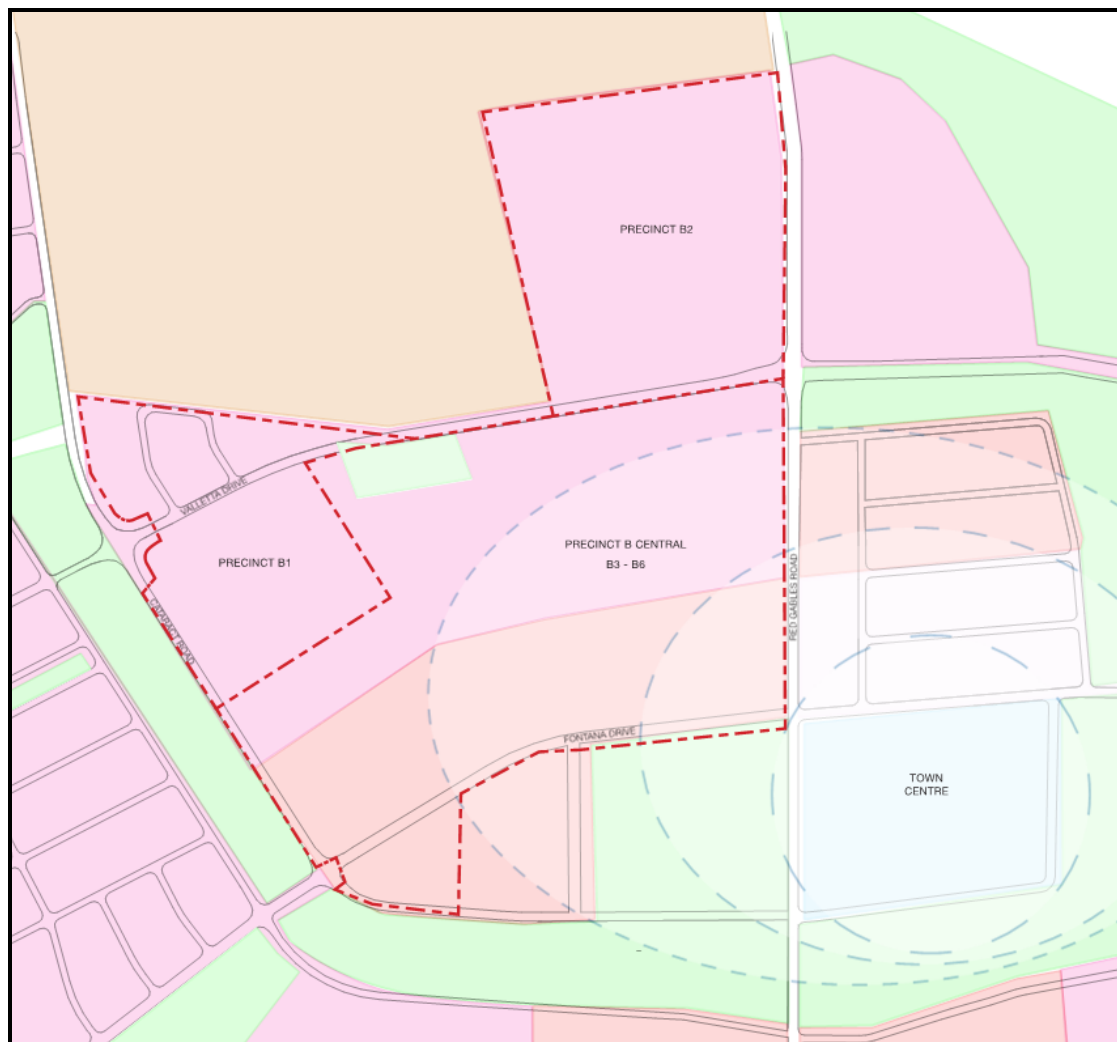


**Figure 6. Box Hill North Staging Plan (Box Hill North DCP, 2012)**

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The zoning site plan below (**Figure 7**) illustrates the current zoning and border of Precinct B outlined in the red hatched line. Subdivision for Stage B1 (228/2018/ZB) has been approved and the Stage B2 subdivision (1407/2018/ZB) is currently under assessment.



**Figure 7. Zoning Site Plan (Rothelowman, 2018)**



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### 1.4 PLANNING CONTEXT

#### 1.4.1 ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979

A rezoning application must have consideration of the objectives of the Environmental Planning and Assessment Act 1979 (the Act). The objectives are as follows:

*(a) to encourage:*

- (i) the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
- (ii) the promotion and co-ordination of the orderly and economic use and development of land,*
- (iii) the protection, provision and co-ordination of communication and utility services,*
- (iv) the provision of land for public purposes,*
- (v) the provision and co-ordination of community services and facilities, and*
- (vi) the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) ecologically sustainable development, and*
- (viii) the provision and maintenance of affordable housing, and*

*(b) to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*

*(c) to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

This submission is consistent with, and has considered the objects of the Act which have been addressed in the various sections of this report and summarised as follows:

- The subject site is not identified in proximity of any area of biodiversity and accordingly the proposal will not exhibit any adverse impact on the natural environment. Rather the proposal relates to land that has already been approved for development.
- The proposal will facilitate the orderly and economic use and development of land by suitably locating medium and high density residential development in proximity of The Gables future town centre, recreational facilities and school.
- The proposal will support surrounding communities by providing suitable densities of residential accommodation in appropriate locations.



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### 1.4.2 THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

The site is subject to the provisions of *The Hills Local Environmental Plan 2012* (THLEP2012).

The aims of THLEP2012 are:

- (a) to guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,*
- (b) to provide strategic direction and urban and rural land use management for the benefit of the community,*
- (c) to provide for the development of communities that are liveable, vibrant and safe and that have services and facilities that meet their needs,*
- (d) to provide for balanced urban growth through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,*
- (e) to preserve and protect the natural environment of The Hills and to identify environmentally significant land for the benefit of future generations,*
- (f) to contribute to the development of a modern local economy through the identification and management of land to promote employment opportunities and tourism.*

The proposal is consistent with the aims of THLEP2012 as it supports the orderly and sustainable development of The Gables ensuring the fostering of liveable communities, as per the previous approvals for the Masterplan.

Relevant zoning and development standards are summarised in the subsequent sections.

#### ***Zoning and Permissibility***

The subject site contains the R3 Medium Density Residential zone and R4 High Density Residential zone under the THLEP2012 (**Figure 8**).

The objectives of these zones are as follows:

##### R3 Medium Density Residential

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage medium density residential development in locations that are close to population centres and public transport routes.*

Part of the R3 zoned portion of the site in the northern section of Precinct B is proposed to be developed for high density residential accommodation. Given this use is more consistent with the objectives of the R4 zone, it is proposed to rezone this portion of the site.

An equivalent area of land in the south of Precinct B is however proposed to be rezoned to the R3 zone such that it may be developed for medium density housing that is entirely consistent with the objectives of the R3 zone.

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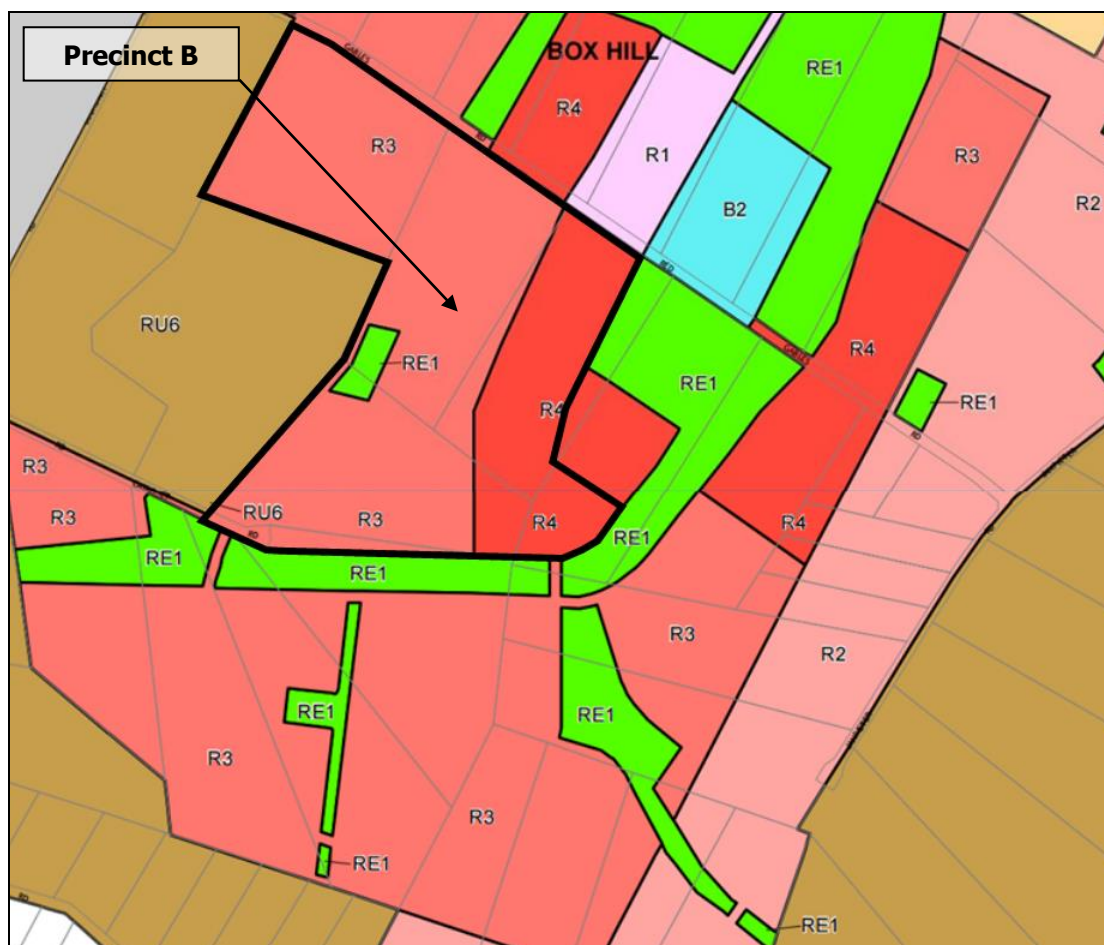
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### R4 High Density Residential

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage high density residential development in locations that are close to population centres and public transport routes.*

The area proposed to be rezoned to the R4 zone is intended to be developed for high density housing types to meet the existing housing demand. The relocated R4 zone will concentrate density in close proximity of the town centre and thereby close to key facilities, services and population centres.

Further to the above, this exchange of R3 and R4 zoned land will enable medium density housing in the south of Precinct B to provide a transition between low density areas and high density areas, and also between the school and riparian corridor. This will be compensated by the expansion of the R4 zoned area in the north of Precinct B to ensure the attainment of dwelling yields and a suitable dwelling mix according with previous approvals. The provision of higher density development in the proposed region will allow density to radiate from the town centre and also create opportunities for mid-block green links and pedestrian links to extend from the town centre and sports field through the residential area.



**Figure 8. The Hills Local Environmental Plan 2012 Zoning Map (NSW Legislation, 2012)**

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### ***Minimum Lot Size***

The portion of the site currently zoned R3 is subject to a 450m<sup>2</sup> minimum lot size and the part of the land corresponding with the R4 zone is subject to a 1,800m<sup>2</sup> minimum lot size.

In conjunction with the R3/R4 zone swap, it is proposed to also reallocate the minimum lot size standard such that the proposed R3 zone is complemented by a 450m<sup>2</sup> minimum lot size and the proposed R4 zone is subject to a 1,800m<sup>2</sup> minimum lot size.

The net area of land subject to the 450m<sup>2</sup> and 1,800m<sup>2</sup> minimum lot sizes respectively, will not be altered.

### ***Height of Buildings***

The portion of the site currently zoned R3 is subject to a 10m maximum building height and the part of the land corresponding with the R4 zone is subject to a 16m maximum building height.

In conjunction with the R3/R4 zone swap, it is proposed to also reallocate the height control such that the proposed R3 zone is complemented by a 10m maximum building height and the proposed R4 zone is subject to a 16m maximum building height.

The net area of land subject to the 10m and 16m maximum building heights respectively, will not be altered.

### ***Floor Space Ratio***

The Floor Space Ratio (FSR) Maps do not identify the site as being subject to an FSR standard.

### ***Heritage Conservation***

The site is not identified as an item of environmental heritage, nor is it located within close proximity of an item of environmental heritage. The proposal will not result in any impact on the heritage significance of The Hills Local Government Area.

### ***Bush Fire Hazard Reduction***

The Hill Bushfire Prone Land Map (**Figure 9**) does not identify the site as being bushfire prone.

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**Figure 9. The Hills Bushfire Prone Map (The Hills Bushfire Prone Maps, 2015)**

### ***Urban Release Areas***

The subject site is identified as being within an 'Urban Release Area' under THLEP2012. Arrangements for the adequate connection of Precinct B to services and infrastructure for water, electricity and the disposal and management of sewage have been addressed under previous development applications and will be again considered in respect of future applications.

### ***Public Utility Infrastructure***

Arrangements for the adequate connection of Precinct B to services and infrastructure for water, electricity and the disposal and management of sewage have been addressed under previous development applications and will be again considered in respect of future applications.

### ***Acid Sulfate Soils***

The Acid Sulfate Soils Maps do not identify the subject site as containing Acid Sulfate Soils.

### ***Landslide Risk***

The Landslide Risk Map does not identify the subject site as being subject to potential land movement or slip.

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### 1.4.3 THE HILLS DEVELOPMENT CONTROL PLAN 2012

The Hills Development Control Plan 2012 (THDCP2012) provides a comprehensive framework for development in The Hills, the objectives of which are considered to be achieved through the proposal, as outlined below:

#### ***Box Hill North Development Control Plan (Part D Section 17)***

The Box Hill North DCP was created through approval of Planning Proposal 1/2014/PLP to communicate the planning, design and environmental objectives and controls applicable for the precinct.

The objectives of the Box Hill North DCP are as follows:

- (i) To focus business and community activities in and around the Town Centre with a mix of retail, commercial and community uses.*
- (ii) To create a mixed use Town Centre which has main street characters, is pedestrian friendly and offers high levels of amenity for residents, workers and visitors.*
- (iii) To accommodate up to 10,000m<sup>2</sup> of non-residential floor space principally within the Town Centre.*
- (iv) Accommodate approximately 4,000 dwellings within a range of housing products and densities.*
- (v) Promote innovative housing types/design.*
- (vi) Encourage walking and cycling and use of public transport.*
- (vii) Provide a hierarchy of roads and paths with links to the surrounding area.*
- (viii) Create safe and walkable neighbourhoods.*
- (ix) Provide community and social infrastructure including schools, local parks, district sporting fields that provide for a range of facilities and opportunities.*
- (x) Accommodate water sensitive urban design measures, including the use of recycled water and integrated options for water supply, wastewater and stormwater servicing.*
- (xi) Protect and rehabilitate waterways and riparian corridors as natural systems.*

The proposal is consistent with the objectives of the Box Hill North DCP as it supports the development of a vibrant mixed-use community incorporating appropriate densities of housing in walking distance of the town centre.

The more detailed provisions of the Box Hill North DCP will be considered at the DA stage for each respective component of development.

Any potential departure from the road layout demonstrated in the ILP will continue to provide an efficient road network serving the various land uses and future community of The Gables.

It is acknowledged that the proposed amendment to THLEP 2012 shall trigger the requirement to amend the Box Hill North Development Control Plan (DCP) including the following figures:

- Indicative Layout Plan (Figure 2);
- Indicative Street Layout Plan (Figure 3);
- Indicative Pedestrian and Cycle Network Plan (Figure 7); and
- Riparian Corridor Protection Areas (Figure 8).

The drafting of these amendments shall occur concurrently with the Gateway Determination Process.

## **PART B      OBJECTIVES OR INTENDED OUTCOMES**

### **2.1      OBJECTIVES AND INTENDED OUTCOMES**

The key objective of the proposed rezoning is to redistribute medium and high density residential areas within Precinct B of The Gables in order to provide more appropriate interfaces between various land uses, create a transition in built form scale and density, and to enhance connectivity between housing, the town centre and open space. The intended outcome will be achieved with respect to the following secondary objectives:

- Rezone land in the north of Precinct B from R3 to R4.
- Rezone land in the south of Precinct B from R4 to R3.
- Land areas of R3 and R4 zoned land within Precinct B to remain the same, being 31.3ha and 9.3ha respectively.
- Amend Minimum Lot Size and Height of Buildings LEP Maps accordingly.
- Amend location of 31.3ha R3 zoned land and 9.3ha R4 zoned land within Precinct B as currently illustrated within the Box Hill North Development Control Plan (DCP) and Indicative Layout Plan (ILP).
- Provide an improved density transition between low, medium and high density residential areas, the town centre, active recreation spaces, the school and the riparian corridor.
- Reduce density adjacent to the school and riparian corridor.
- Consolidate density on either side of Red Gables Road.
- Share traffic impacts equally across the local road network and minimise entry/exit to collector roads.
- Create opportunities for communally-accessible mid-block green links and pedestrian links, enhancing permeability and walkability between the town centre, public open space and residential areas.
- Ensure State and Council executed VPA obligations are capable of being achieved.
- Demonstrate that total VPA dwellings yields can be achieved throughout Precinct B.
- Demonstrate departure from original ILP and justify.
- Demonstrate orderly development of residential land within Precinct B.

The future development of the sites for residential accommodation will be subject to separate approval under either a CDC or DA as appropriate in respect of THLEP2012.



## **PART C EXPLANATION OF PROVISIONS**

### **3.1 OVERVIEW**

It is proposed to rezone the site through an amendment to *The Hills Local Environmental Plan 2012* (THLEP2012) in order to permit the exchange of R3 and R4 zoned land within Precinct B.

### **3.2 AMENDMENT TO THLEP2012**

To facilitate the attainment of the above objectives, the following amendments to THLEP2012 are proposed:

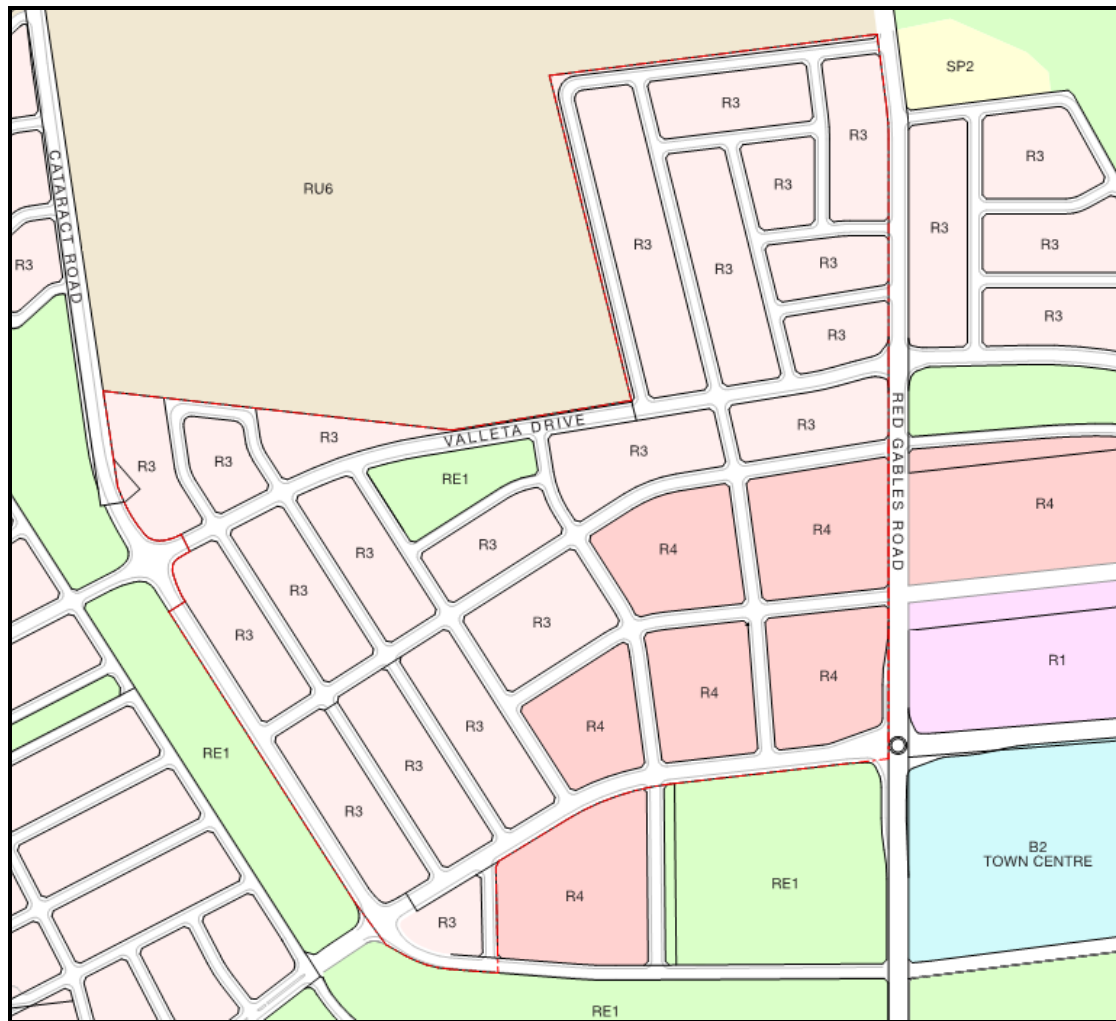
- Land Zoning Map – Sheet LZN\_005 and Sheet LZN\_006:
  - Rezone existing R4 zoned-area (9.3ha) adjacent to the southern boundary of Precinct B to R3 zone, and rezone an equivalently-sized area of the R3 zone in the northern section of Precinct B to R4 zone.
  - Rezone existing R3 zoned-area (31.3ha) adjacent to the northern boundary of Precinct B to R4 zone, and rezone an equivalently-sized area of the R4 zone in the southern section of Precinct B to R3 zone.
- Lot Size Map – Sheet LSZ\_005 and Sheet LSZ\_006:
  - Amend proposed R3 zone adjacent to the southern boundary of Precinct B to impose minimum lot size of 450m<sup>2</sup>.
  - Amend proposed R4 zone in the northern section of Precinct B to impose minimum lot size of 1,800m<sup>2</sup>.
- Height of Buildings Map – Sheet HOB\_005 and HOB\_006:
  - Amend proposed R3 zone adjacent to the southern boundary of Precinct B to impose maximum building height of 10m.
  - Amend proposed R4 zone in the northern section of Precinct B to impose maximum building height of 16m.

These proposed amendments are visually demonstrated in the Urban Design Report provided at **Appendix 2**, and the extract provided at **Figure 10** below.

Additionally, the proposed zoning, lot size and building height maps are provided at **Appendix 3** and in **Figures 11-16**.

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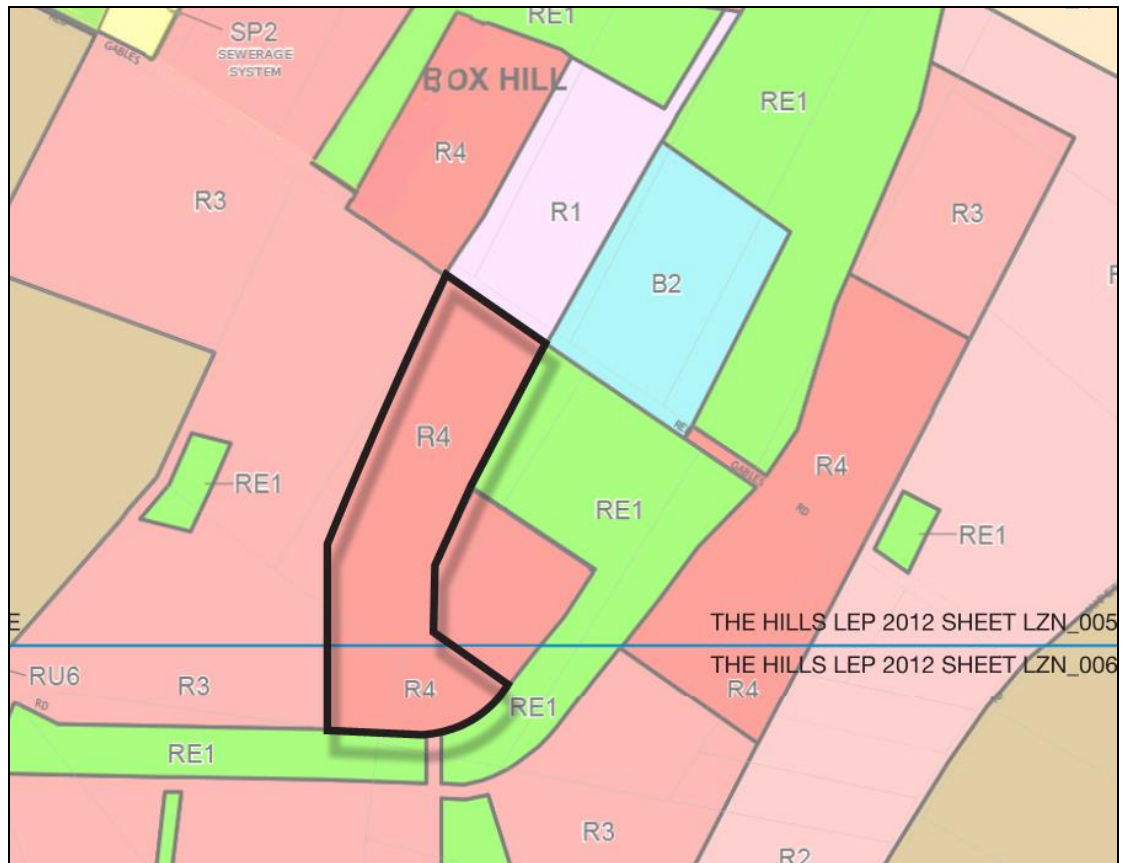
Amendment to The Hills Local Environmental Plan 2012  
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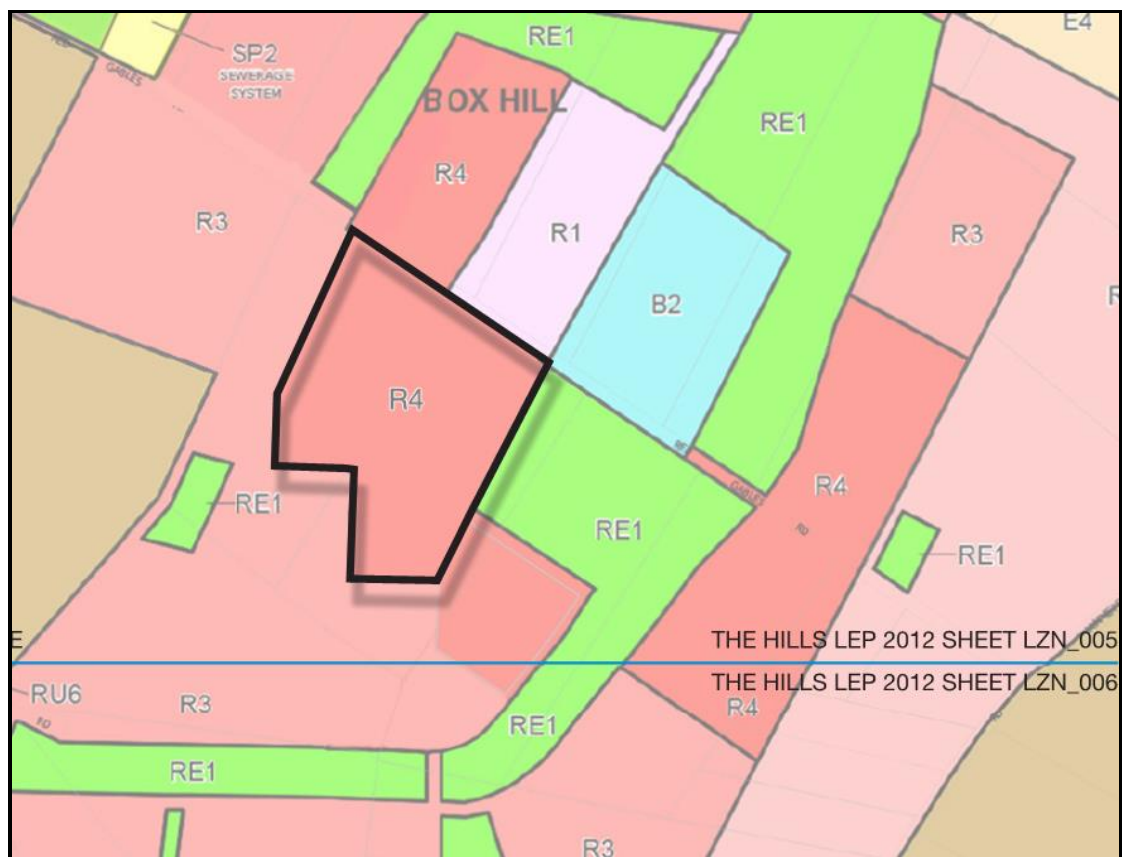
**Figure 10. Proposed Masterplan (Rothelowman, 2018)**

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**Figure 11. Existing Zoning Map (Rothelowman, 2018)**



**Figure 12. Proposed Zoning Map (Rothelowman, 2018)**

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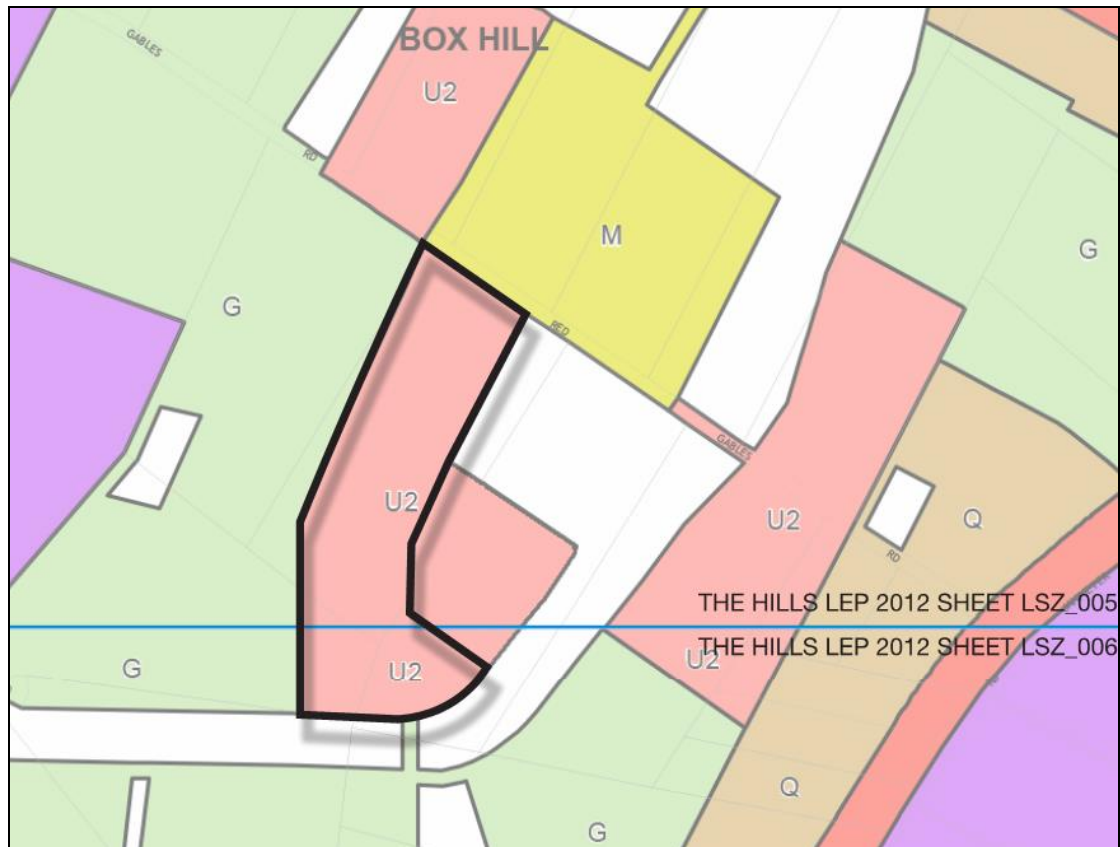


Figure 13. Existing Lot Size Map (Rothelowman, 2018)

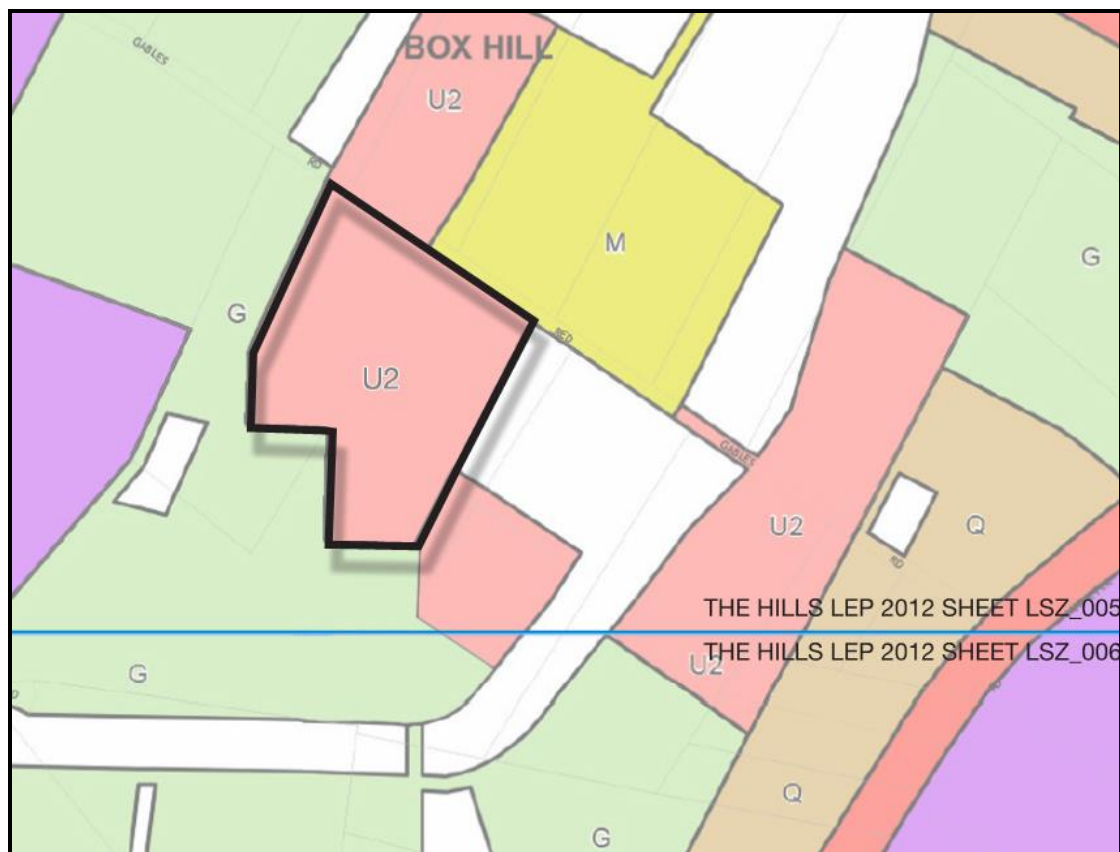
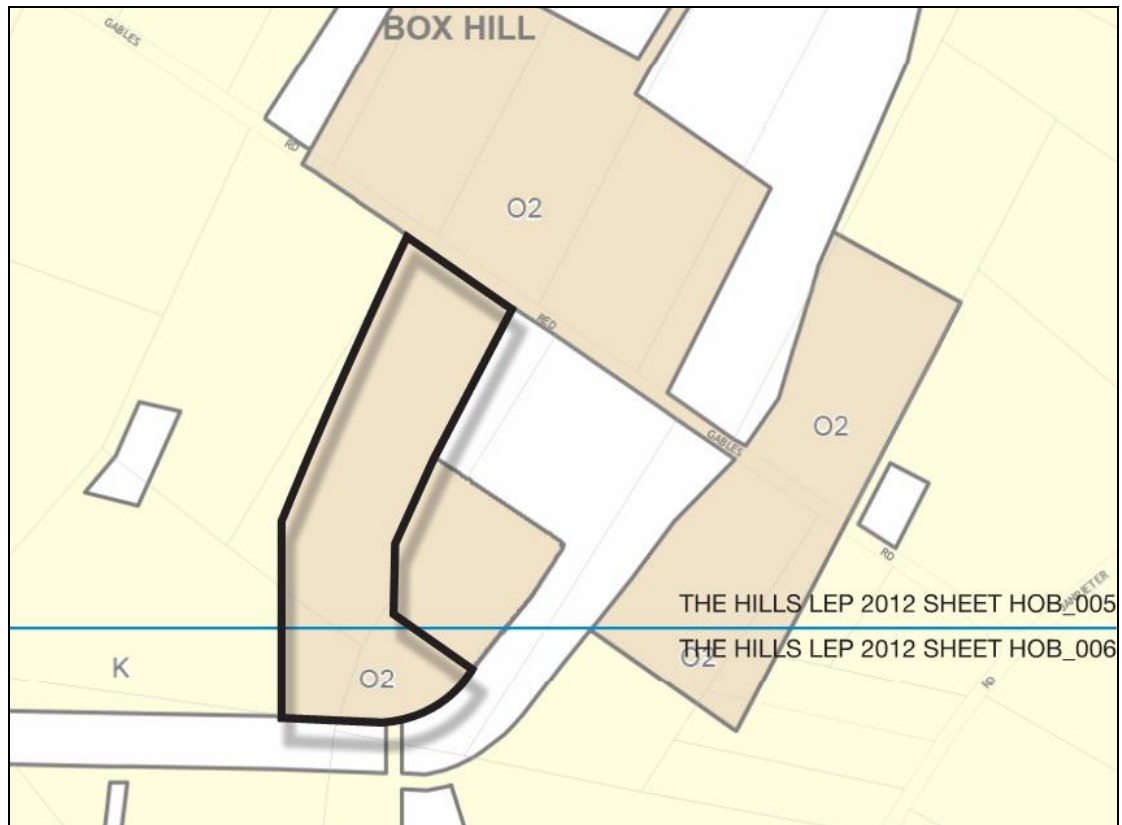


Figure 14. Proposed Lot Size Map (Rothelowman, 2018)

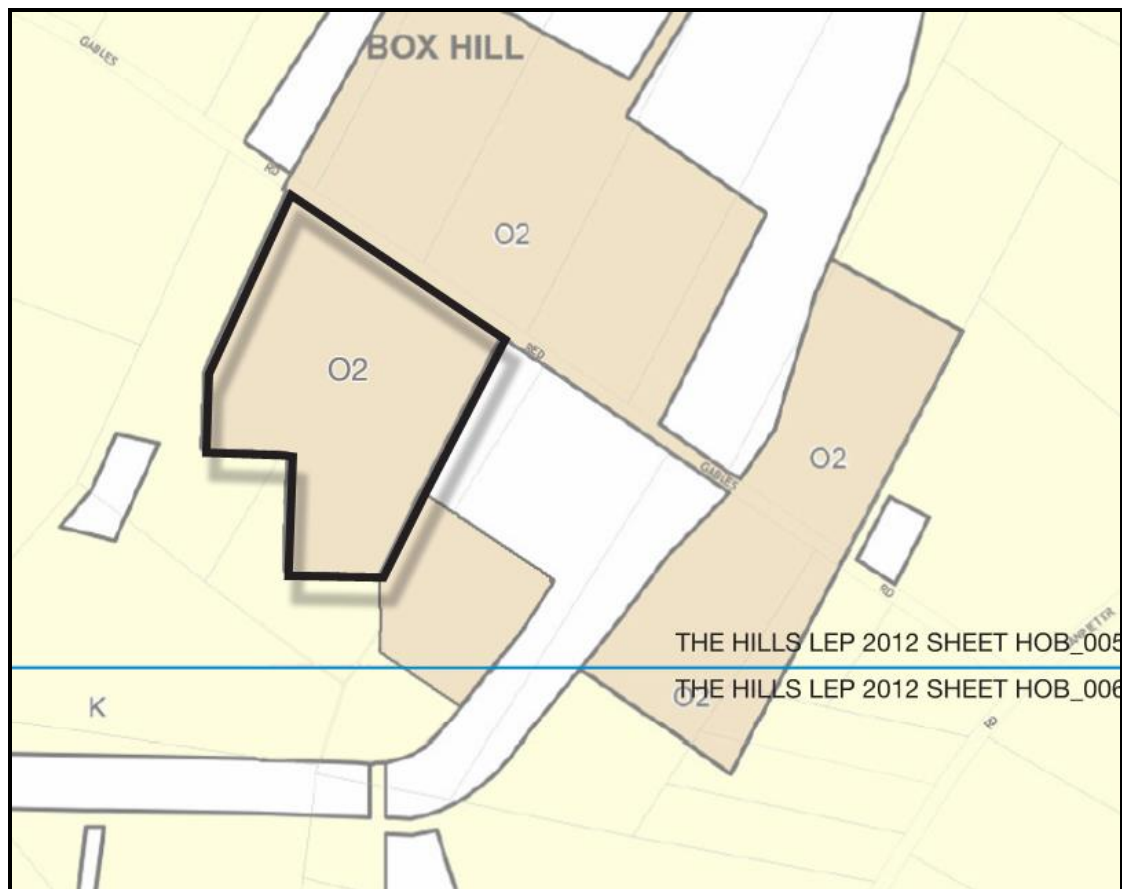


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**Figure 15. Existing Building Height Map (Rothelowman, 2018)**



**Figure 16. Proposed Building Height Map (Rothelowman, 2018)**

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In accordance with the objectives outlined in Section 2.1 of this report, the redistribution of R3 and R4 zoned land would provide for an improved interface between various land uses, including areas designated for low, medium and high density housing, the town centre, public open space, the school and riparian corridors. The concentration of density in proximity of the town centre and open space, radiating out to the lower density areas reflects an efficient model of planning for centres and secures high levels of amenity for the more sensitive low density housing. The reduction of density adjacent to the riparian corridor and school would similarly protect sensitive environments.

High density housing creates opportunities for the development of communally-accessible mid-block green links and pedestrian links. Thereby the relocation of high density residential zones adjacent to the town centre and public open space would enhance permeability, walkability and connectivity between key activity centres and population catchments.

The exchange of R3 and R4 zones also facilitates the equal sharing of traffic impacts across the local road network and minimises entry/exit to collector roads.

Importantly, the net balance of R3 and R4 zoned land would remain consistent with the approved masterplan. As such, the proposal will maintain the current and approved balance of residential accommodation within Precinct B and not affect the attainment of dwelling yields for the precinct.

### 3.4 BOX HILL NORTH MASTERPLAN

The Box Hill North Masterplan was approved under 1397/2015/JP on 9 February 2016 to guide the future development of the site. Development carried out within the Box Hill North precinct is to be in accordance with the Masterplan Conditions of Consent. The following Conditions of Consent are considered to be specifically relevant to the proposed exchange of R3 and R4 zoned areas:

- **Condition 1: Development in Accordance with Submitted Plans**

*The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.*

#### REFERENCED PLANS AND DOCUMENTS

Description	Dated
Box Hill Master Plan (9 pages)	23 September 2015
Box Hill North Design Guidelines (7 pages)	Submitted 4 November 2015

*No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.*

- **Condition 2: Compliance with Masterplan**

*Approval is granted for the proposed Masterplan in accordance with the plans and details provided with the application to provide guidance for future development of the site. All Stages of works the subject of the Masterplan will require the submission and approval by the relevant authority of an application as required by the relevant legislation including all external authorities with the exception of the Office of Environment and Heritage in relation to flora and fauna impacts which have been assessed as part of this application.*



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As the approved plans show the former locations of the R3 and R4 zones, modification to Condition 1, Condition 2 and the stamped plans of the Box Hill North Masterplan will be required. This may be achieved through a Section 4.55 Modification application to facilitate the development of the site in accordance with the proposed LEP amendment under this Planning Proposal.

### **3.5 BOX HILL NORTH VPA**

The Box Hill North Planning Agreement was executed on 12 March 2015 between The Hills Shire Council and EJ Cooper & Son Pty Ltd (the developer) in respect of the Planning Proposal for the rezoning of the land.

Given that no net change to the area of R3 and R4 zoned land with Precinct B is proposed, the dwelling yield for the precinct will not be affected by the proposal. No variations to the VPA are therefore required.

### **3.6 SCHOOL/STATE VPA**

The Box Hill North Precinct Planning Agreement was executed on 6 May 2015 between the Minister for Planning and EJ Cooper & Son Pty Limited (the developer) and makes provision for the provision of infrastructure for public purposes by the developer, in connection with the Planning Proposal for Box Hill North. No changes to the State VPA are required to support the exchange of R3 and R4 zoned land.

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## PART D JUSTIFICATION FOR PROPOSED LEP AMEDMENT

### 4.1 NEED FOR THE PLANNING PROPOSAL

The Department of Planning and Environment document "*A Guide to Preparing Planning Proposals*" includes the following questions in describing the need for the Planning Proposal.

#### 4.1.1 IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

The Planning Proposal is not the direct result of a strategic study or report. The proposed amendment to THLEP2012 to facilitate the exchange of R3 and R4 zoned areas does however align with a number of state and regional strategic studies and reports including:

##### 4.1.1.1 NSW STATE PRIORITIES

18 state priorities are being actioned by the NSW Government to *make this state of ours even better*. The priorities have been categorised under the following headings:

- Strong budget and economy
- Building infrastructure
- Protecting the vulnerable
- Better services
- Safer communities

The priority of *increasing housing supply* is relevant to the proposal, given it relates to the provision of land for new housing development. By protecting the net area of land within Box Hill North that is allocated for medium and high density residential accommodation and thereby ensuring that previously-approved dwelling yields remain achievable, the proposal will contribute toward increased housing supply.

Importantly, this supply of residential-zoned land forms part of the master-planned community of The Gables and will be supported by new and recently-delivered infrastructure, including roads, essential services and community facilities.

For these reasons, the proposal also aligns with the Premier's Priorities of *making housing more affordable*, given that the additional supply may place downward pressure on prices.

##### 4.1.1.2 A PLAN FOR GROWING SYDNEY

A Plan for Growing Sydney sets four (4) overarching goals as its vision for Sydney:

1. *A competitive economy with world class services and transport.*
2. *A city of housing choice, with homes that meet our needs and lifestyles.*
3. *A great place to live with communities that are strong, healthy and well connected.*
4. *A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.*

These goals are guided by three (3) key principles:

- *Principle 1: Increasing housing choice around all centres through urban renewal in established areas.*
- *Principle 2: Stronger economic development in strategic centres and transport gateways.*
- *Principle 3: Connecting centres with a networked transport system.*

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The proposed exchange of R3 and R4 zoned land would achieve these principles by:

- Providing higher housing in direct proximity of the approved town centre and playing fields, thus promoting housing availability, choice and affordability.
- Providing medium density housing as an interface to low density areas, the school and riparian corridor, thus protecting amenity for more sensitive land uses.
- Supporting the role of the approved town centre by providing a population base in its immediate vicinity and creating an attractive mixed use community characterized by a range of complementary land uses and high quality environments to attract people to the area.
- Promoting active transport modes through the strategic co-location of high density housing, shops, services and public open space.

The following outlines in greater detail a number of key directions identified in the Plan for Growing Sydney that the proposed relocation of the R3 and R4 zones can demonstrate alignment to.

<b>Table 1 - Strategic Directions (A Plan for Growing Sydney, 2014)</b>	
<b>Strategic Direction</b>	<b>Strategic Justification Of The Proposal</b>
Direction 2.1 – Accelerate housing supply across Sydney	The proposed rezoning will maintain the net area of medium-density and high-density residentially zoned land within The Gables and will ensure the attainment of approved dwelling yields in Precinct B. The proposal therefore accords with directions pertaining to housing supply and choice.
Direction 2.3 – Improve housing choice to suit different needs and lifestyles	As per the above, the proposal will retain suitable area for medium and higher density residential development strategically located in proximity of retail, community, educational and recreational facilities. The proposal will therefore improve housing choice and promote a high standard of living for future residents.
Direction 2.4 – Deliver timely and well planned greenfield precincts and housing	As per the Box Hill North Masterplan and other approvals for the site, the proposal will contribute to the delivery of a new community supported by all essential infrastructure, services and facilities to support sustainable lifestyles characterized by convenience and accessibility. The relocation of medium and high density housing areas represents a better model of planning, achieving a more harmonious interface between various land uses.
Direction 3.2 – Create a network of interlinked, multipurpose open and green spaces across Sydney	The location of higher density housing in close proximity of the town centre will create opportunities for communally-accessible mid-block green links and pedestrian links, enhancing permeability and walkability between the town centre, public open space and residential areas.

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Direction 3.3 – Create healthy built environments	The proposal will support the creation of a healthy built environment that integrates a range of uses including public open space, to encourage community interaction, promote walkability and provide for the needs of the community.
West Central Subregion	<p>The West Central Subregion has been identified as an area with significant focus on infrastructure investment and intensive growth over the next 20 years. The strategy focuses on the provision of a network of centres to support the Greater Parramatta region.</p> <p>The priorities for the West Central Subregion are as follows:</p> <ul style="list-style-type: none"><li>▪ <i>A competitive economy;</i></li><li>▪ <i>Accelerate housing supply, choice and affordability and build great places to live; and</i></li><li>▪ <i>Protect the natural environment and promote its sustainability and resilience.</i></li></ul> <p>The Box Hill North Precinct is consistent with the West Central Subregion Strategy in that it will:</p> <ul style="list-style-type: none"><li>▪ contribute to the increased housing opportunities of The Hills LGA with the provision of over 4,000 new residential lots/dwelling;</li><li>▪ contribute to achieving housing targets within the West Central Subregion; and</li><li>▪ protect the existing natural environment within the precinct and its surrounds.</li></ul> <p>In accordance with the previous approvals for Box Hill North, the proposed R3-R4 zone exchange will preserve opportunities for the provision of housing and creation of great places to live.</p>

Demonstrated by the alignment of the proposal with key strategic directions, the relocation of the R3 and R4 zones is highly commensurate with A Plan for Growing Sydney.

### 4.1.1.3 DIRECTIONS FOR A GREATER SYDNEY

Directions for a Greater Sydney outlines a set of common guiding principles that will help navigate the future of Greater Sydney and ensure it is a great place to live, for us and future generations.

The ten (10) key directions include:

- A city supported by infrastructure
- A city for people
- Housing the city
- A city of great places

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- Jobs and skills for the city
- A well connected city
- A city in its landscape
- An efficient city
- A resilient city
- A collaborative city

In accordance with these directions, the proposed exchange of R3 and R4 zoned land will continue to provide the housing supply and diversity previously-approved as part of the Box Hills North Masterplan. The proposal will therefore contribute to housing Sydney's growing population. Given that housing on the subject land and the numeric dwelling yields have been previously approved, the infrastructure currently being delivered throughout Box Hill North will appropriately support the future community.

The relocation of R3 and R4 zoned land within the precinct will provide a greater place for people. Higher density housing in close proximity of the town centre and public open space will provide a greater number of people with better access to the day-to-day activities and services they require. Opportunities will also be created for the extension of green links and pedestrian links from the town centre and playing fields, through residential areas, enhancing walkability, permeability and connectivity. Simultaneously, by providing medium density housing typologies adjacent to low density areas, the school and the riparian corridor, a more appropriate transition will be provided and a greater level of amenity preserved for these sensitive land uses.

### 4.1.1.4 DRAFT GREATER SYDNEY REGION PLAN

The draft Greater Sydney Region Plan has been prepared by the Greater Sydney Commission to set a 40-year vision (up to 2056) and establish a 20-year plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters. The plan envisages Greater Sydney as a metropolis of three (3) cities (**Figure 17**) with a population that lives within 30 minutes of their jobs, education and health facilities, services and great places. Liveability, productivity and sustainability will be pursued through integrated land use and transport planning.

Box Hill North forms part of the Central River City, which is envisaged as a world-class centre of health, education and research, a centre for finance, business and administration, and a focus for urban renewal and new neighbourhoods complemented by quality public places, green spaces and infrastructure.

In accordance with the vision for the creation of new neighbourhoods within the Central City and the target for 53,500 houses by 2021 and 207,500 houses by 2036 within the Central City, the proposal will enable the achievement of previously-approved dwelling yields in Precinct B of Box Hill North by retaining the net area of land zoned for medium and high density housing, respectively.

This also accords with the overall objectives of the Plan as they relate to improving liveability throughout Greater Sydney by delivering a range of housing types, tenures and price points. The housing provision that will be achieved through this Planning Proposal will contribute to the creation of The Gables as a liveable neighbourhood where residents live in close proximity of the new town centre, services, community facilities, public open space and transport infrastructure.

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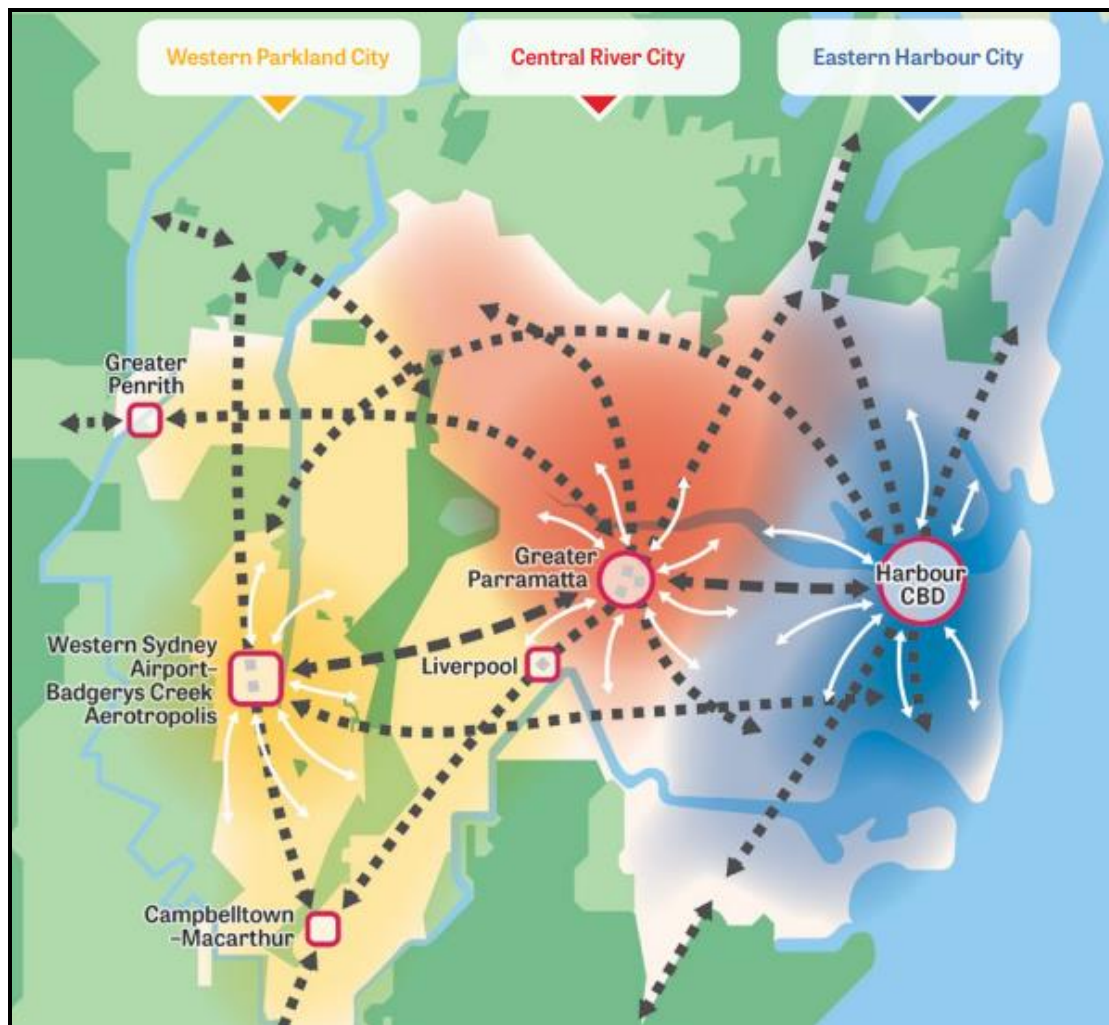


Figure 17. Three Cities (Draft Greater Sydney Region Plan, 2017)

### 4.1.1.5 DRAFT CENTRAL CITY DISTRICT PLAN

The draft Central City District Plan (revised October 2017) guides *the transition of the District within the context of Greater Sydney's three cities to improve the District's, social, economic and environmental assets*. The District is recognised as *one of the most dynamic and rapidly growing regions in Australia...an economic and employment powerhouse, a core hub for transport and services, and the home of vibrant and diverse centres and communities*.

The Plan establishes a number of priorities and actions to guide growth, development and change, relating to infrastructure & productivity, liveability, productivity and sustainability. The priorities and actions relevant to the subject site and proposed rezoning are discussed as follows.

#### **Liveability Priorities**

Additional housing and new neighbourhoods to improve choice, diversity and affordability, coordinated with transport, jobs, centres, waterways and parks, are required in response to population growth and demographic change.

By ensuring the delivery of the previously-approved dwelling yields, the proposed exchange of R3 and R4 zoned land will support the provision of housing to accommodate growth. The relocation of higher density housing areas closer to the town centre and public open space



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will provide a greater number of residents with better access to day-to-day services and facilities. At the same time, the relocated medium density housing area will provide a more suitable interface to low density housing, the school and riparian corridor. The proposal will therefore support the creation of The Gables as a liveable new community.

### ***Productivity Priorities***

Growth in employment, including in knowledge-intensive jobs, will be complemented by investment in transport infrastructure and the enrichment of local centres to provide more people with better access to jobs and services close to where they live.

The proposal will support efficient and productive use of land associated with the development of Box Hill North, thereby contributing to the creation of a new neighbourhood in proximity of strategic and district centres within Greater Sydney's north-west. The dedication of land for high density residential development will provide more residents with better access to the local services and facilities incorporated within the adjacent town centre.

### ***Sustainability Priorities***

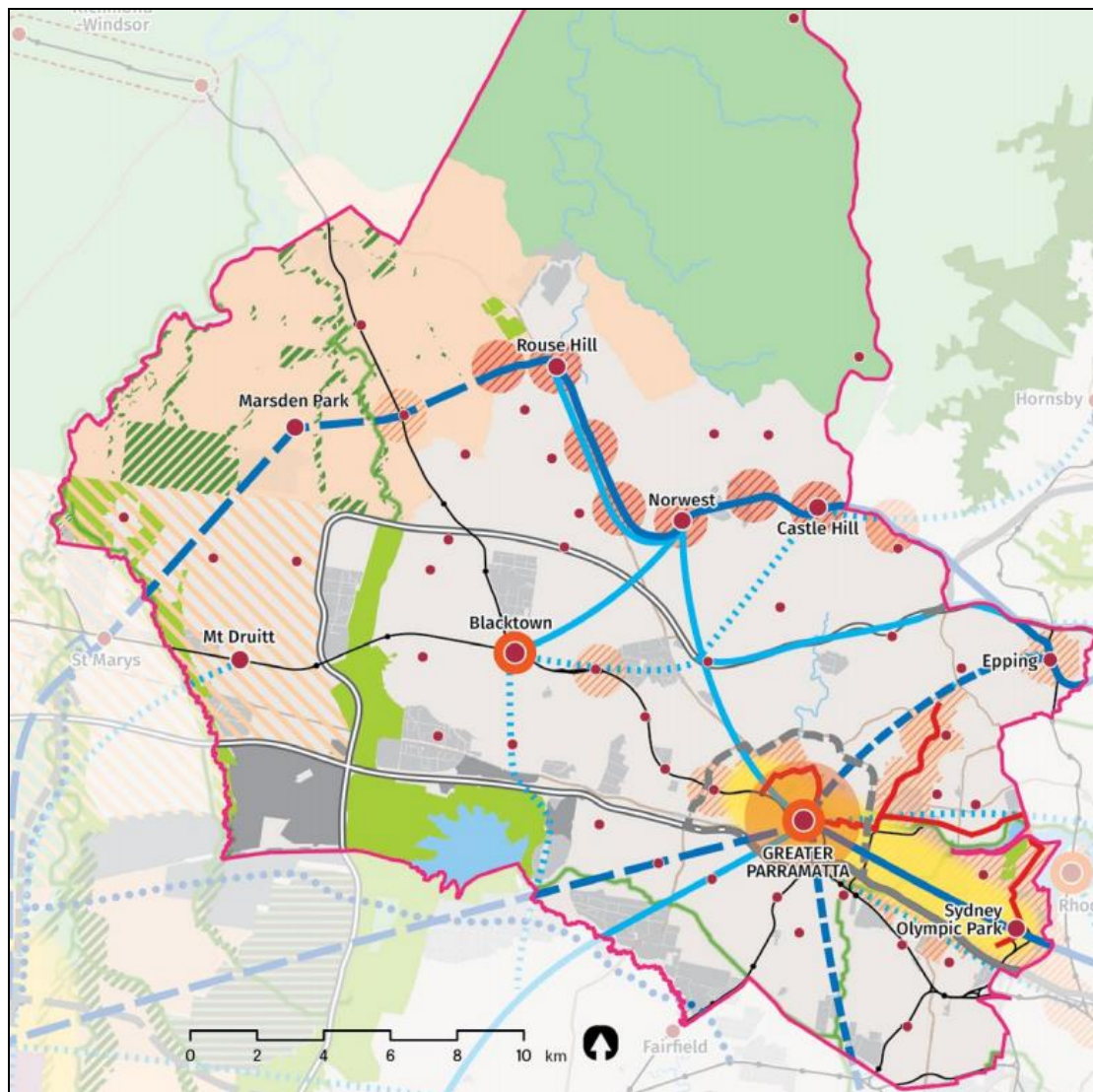
As well as growing, social, cultural and environmental assets should be protected and enhanced. Specifically, rivers are to be protected, green spaces integrated with residential areas and access provided to the Western Sydney Parklands.

The proposed relocation of R3 and R4 zones will protect the environment given only land that has been previously approved for development in conjunction with the creation of The Gables will be affected.

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**Figure 18. Central City Structure Plan (Draft Central City District Plan, 2017)**

### **4.1.2 IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES OR IS THERE A BETTER WAY?**

It is considered that the Planning Proposal is the best means of achieving the objectives stipulated in Section 2 of this report.

The proposed layout of land zoned for medium and high density residential accommodation provides a more harmonious interface and appropriate transition between low, medium and high density housing, the town centre, public open space, the school and riparian corridors.

Therefore, an amendment to THLEP2012 is required to permit the intended future provision of medium and high density housing in appropriate locations to service the new community of The Gables.

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### 4.1.3 IS THERE A NET COMMUNITY BENEFIT?

Net community benefit has been assessed in accordance with relevant guidelines and as outlined in the following table.

<b>Table 2 - Net Community Benefit</b>		
<b>Criteria</b>	<b>Y/N</b>	<b>Proposal</b>
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	<p>The proposal is consistent with key elements of NSW State Priorities, A Plan for Growing Sydney, Directions for a Greater Sydney, the draft Greater Sydney Region Plan and the draft Central City District Plan, as discussed above.</p> <p>Required modifications to the approved Box Hill North Masterplan will be separately pursued in order to ensure consistency between all plans applicable to the sites.</p>
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Y	<p>The sites are located within the Box Hill North precinct being the subject of an approved Masterplan (DA 1397/2015/JP) for 4,100 residential dwellings, 10,000m<sup>2</sup> GFA of retail/commercial space, a town centre, primary school and open space across nine (9) precincts.</p> <p>Consistent with this Masterplan (with the exception of the precise siting of R3 and R4 zoned land) and other policies applicable to the precinct, this proposal will support the delivery of medium and high density housing in appropriate locations to complement the creation of The Gables.</p>
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	N	<p>The proposed rezoning will facilitate the relocation of the approved R3 and R4 zoned areas within the Box Hill North precinct. Given land has been previously designated for these uses and that the scope of modification is very minor, no precedent or changing expectations will be created.</p>
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	<p>The sites form part of The Gables being a 9-precinct subdivision for a town centre, residential development, open spaces and community facilities. The rezoning to facilitate this new community was approved on 25 February 2015 under Planning Proposal 1/2014/PLP. The subject proposal responds to this previous rezoning in order to support the delivery of the precinct through the more appropriate location of R3 and R4 zoned land.</p>
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Y	<p>The proposal will preserve the quantity of land designated for medium and high density residential development, and will not affect the level of employment generated by the approved Masterplan.</p>

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Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	N	There will be no net change in the quantity of land zoned R3 and R4 respectively, and accordingly previously-approved dwelling yields will be capable of being achieved. As such the supply of residential land will not be impacted by the proposal.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Y	The proposed R3 and R4 sites will be serviced by all essential services and road infrastructure, to be delivered through separate approvals relating to the precincts. The availability and capacity of infrastructure has been confirmed in respect of the Masterplan approval which designated land for medium and high density housing.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N	The relocation of R4-zoned land in proximity of the town centre and public open space may create new opportunities for mid-block green links and pedestrian links extending from the town centre through residential areas. This would enhance permeability, walkability and connectivity.
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	The proposal is for the relocation of R3 and R4 zoned areas, and given land for their provision has been previously designated, no additional government investment or infrastructure will be required.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	N	The subject land has been previously designated for residential development, and therefore the proposal will not affect any land that may require protection or that exhibits biodiversity value. The sites are therefore highly appropriate for their proposed uses.
Will the LEP be compatible/complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Y	<p>Future medium and high density housing will be highly compatible with adjoining and surrounding land uses including the town centre, playing fields, school, lower density suburbs and riparian corridor, as confirmed through the previous approval of land for these uses.</p> <p>The redistribution of R3 and R4 zoned land would provide for an improved interface between various land uses. The concentration of density in proximity of the town centre and open space, radiating out to the</p>

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		lower density areas reflects an efficient model of planning for centres and secures high levels of amenity for the more sensitive low density housing. The reduction of density adjacent to the riparian corridor and school would similarly protect sensitive environments.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N	The proposal relates to land zoned for residential purposes and will in no way affect any retail or commercial premises.
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N	The proposed R3-R4 exchange is not a standalone proposal but rather forms part of the staged development of Box Hill North in accordance with the approved Box Hill North Masterplan. Accordingly, the proposal will assist in the creation of The Gables.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	Y	<p>The proposed exchange of R3 and R4 zoned land is entirely in the public interest in that it will provide an improved transition of built form and more complementary land use interface, whilst still ensuring the delivery of a variety of new housing types and supply to support The Gables community.</p> <p>Were the proposal not to proceed at this time, medium and high density housing would be developed in the formerly-approved locations, forgoing the opportunity to create a more harmonious interface between the town centre, school, playing fields and residential accommodation.</p>

## 4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

### 4.2.1 IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUBREGIONAL STRATEGY (INCLUDING THE SYDNEY METROPOLITAN PLAN AND EXHIBITED DRAFT STRATEGIES)?

As previously discussed in Section 4.1, the Planning Proposal is consistent with NSW State Priorities, A Plan for Growing Sydney, Directions for a Greater Sydney, the draft Greater Sydney Region Plan and the draft Central City District Plan.

### 4.2.2 IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN OF OTHER LOCAL STRATEGIC PLAN?

#### 4.2.2.1 THE HILLS LOCAL STRATEGY

The Local Strategy forms The Hills Shire Council's strategic plan and establishes a vision for 2026 of *resilient leadership creating vibrant communities, balancing urban growth, protecting our environment and building a modern local economy.*



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The Local Strategy is also supported by a suite of key directions focusing on employment, centres, residential development, integrated transport, rural lands, environment & leisure and waterways.

In accordance with the Local Strategy, the proposed exchange of R3 and R4 zoned land will support the creation of The Gables as a vibrant and sustainable community that provides for the residential, employment, educational and recreational needs of the Shire's growing population.

### 4.2.2.2 THE HILLS CENTRES DIRECTION

The Centres Direction supports The Hills Local Strategy by providing an overall strategic context for the planning, management, growth and development of the Shire's centres to 2031. The five (5) key directions identified for centres are outlined as follows:

- *Create vibrant centres that meet the needs of the community*
- *Make centres more attractive places to visit*
- *Make centres accessible to the community*
- *Improve the functioning and viability of existing centres*
- *Plan for new centres in new areas*

In accordance with these key directions and their underpinning objectives, the proposed exchange of R3 and R4 zoned land will provide a more positive interface with the future town centre, thereby enhancing its vibrancy, attractiveness, accessibility, functionality and ultimately its ability to effectively meet the needs of the future community and contribute to the creation of a highly amenable place to live.

In supporting the future town centre, the proposal will assist in creating the one (1) town centre and seven (7) neighbourhood centres envisaged by the Centres Direction for Box Hill. This in turn will contribute to satisfying the demand forecast by the Centres Direction.

### 4.2.3 IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs), as outlined in **Table 3**.

**Table 3 - State Environmental Planning Policies**

<b>Policy</b>	<b>Details</b>
SEPP 1 – Development Standards	The Planning Proposal will not contain provisions that will contradict or hinder the application of the SEPP.
SEPP 55 – Remediation of Land	<p>As recommended in their Detailed Site Investigation (DSI) in 2014, JBS&amp;G Australia Pty Ltd (JBS&amp;G) have prepared a Remediation Action Plan (RAP). Following the outcomes of the DSI identifying the state of the site and potential contamination, the RAP has provided Possible Remedial Options as well as Preferred Remediation Options. JBS&amp;G confirm that as the Masterplan for the site has been divided into nine Precincts, the remedial strategies can be applied across the site as a whole, or on a staged basis.</p> <p>JBS&amp;G conclude that <i>subject to the successful implementation of the measures detailed in this RAP and subject to the limitations in Section 15, it is considered that the identified impacted soils can be remediated and</i></p>

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	<p><i>validated without the need for further management.</i></p> <p>Given the findings and recommendations of the DSI and RAP, the subject sites are considered suitable for residential accommodation. Furthermore, given the current site conditions and recommended remedial actions the proposal is considered to adequately satisfy the objectives of SEPP No. 55.</p>
SEPP (Infrastructure) 2007	<p>State Environmental Planning Policy (Infrastructure) 2007 provides for certain proposals, known as Traffic Generating Development, to be referred to NSW Roads and Maritime Services (RMS) for concurrence.</p> <p>Referral may be required for the erection of new premises, or the enlargement or extension of existing premises where their size or capacity satisfy certain thresholds. Schedule 3 lists the types of development that are defined as Traffic Generating Development.</p> <p>Details of the development of the site will be confirmed at the DA stage ensuing the rezoning of the land and any requirement for the referral of the application to RMS confirmed at this stage.</p>

### 4.2.4 IS THE PLANNING PROPOSAL CONSISTENT WITH THE APPLICABLE MINISTERIAL DIRECTIONS (S117 DIRECTIONS)?

The Planning Proposal has been assessed against the s117 Ministerial Directions and is consistent with each of the relevant matters, as outlined below.

**Table 4 – S117 Ministerial Directions**

<b>Direction</b>	<b>Comment</b>
<b>1. Employment and Resources</b>	
1.1 Business and Industrial Zones	Not Applicable
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Not Applicable
<b>2. Environment and Heritage</b>	
2.1 Environment Protection Zones	Not Applicable
2.2 Coastal Protection	Not Applicable
2.3 Heritage Conservation	Not Applicable

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2.4 Recreation Vehicle Areas	Not Applicable
<b>3. Housing, Infrastructure and Urban Development</b>	
3.1 Residential Zones	The net balance of R3 and R4 zoned land would remain consistent with the approved masterplan. As such, the proposal will maintain the current and approved balance of residential accommodation within Precinct B and not affect the attainment of dwelling yields for the precinct.
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable
3.3 Home Occupations	Not Applicable
3.4 Integrating Land Use and Transport	Both the existing and approved R3 and R4 zoned areas will be serviced by new roads delivered in conjunction with the development of Box Hill North.
3.5 Development Near Licensed Aerodromes	Not Applicable
3.6 Shooting Ranges	Not Applicable
<b>4. Hazard and Risk</b>	
4.1 Acid Sulfate Soils	The site is not known to contain acid sulfate soils.
4.2 Mine Subsidence and Unstable Land	The site is not known to contain mine subsidence or unstable land.
4.3 Flood Prone Land	The site is not known to be flood-prone, as confirmed within the Flood Impact Assessment, which states that <i>the subject site is considered flood free from a flood planning point of view. Therefore, the proposed rezoning is supported by an existing flood assessment, and no further flood assessment is required to support the rezoning process.</i>
4.4 Planning for Bushfire Protection	The site is not identified as bushfire-prone land.
<b>5. Regional Planning</b>	
5.1 Implementation of Regional Strategies.	Not Applicable
5.2 Drinking Water Catchments	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable

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5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	Not Applicable
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	Not Applicable
5.8 Second Sydney Airport: Badgerys Creek	The site is not located in proximity of the proposed Badgerys Creek Airport.
5.9 North West Rail Link Corridor Strategy	The site is not located in proximity of the NSW Rail Link Corridor.
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	Not Applicable
6.2 Reserving Land for Public Purposes	Not Applicable
6.3 Site Specific Provisions	No other restrictive site specific planning controls are proposed.
<b>7. Metropolitan Planning</b>	
7.1 Implementation of A Plan for Growing Sydney	Section 4.1 of this planning proposal identifies the proposal's consistency with the relevant Regional Strategies including NSW State Priorities, A Plan for Growing Sydney, Directions for a Greater Sydney, the draft Greater Sydney Region Plan and the draft Central City District Plan
7.2 Implementation of Great Macarthur Land Release Investigation	Not Applicable

### **4.3 ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

#### **4.3.1 IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OF THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?**

The subject sites have been designated for development in conjunction with Box Hill North which is the approved subject of a new residential subdivision, town centre and complementary land uses. The sites may therefore be reasonably concluded as suitable for the intended future residential development, from an environmental perspective.

This is supported by a Species Impact Statement previously prepared for the Box Hill North Precinct and which, based on surveys, has not recorded any threatened species as occurring within the study area. A Vegetation Management Plan has also been prepared previously for the precinct and confirms that Precinct B does not comprise any critically endangered ecological communities.

The proposal will therefore not affect any critical habitats, populations or ecological communities.

#### **4.3.2 ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?**

##### ***Traffic and Parking***

- As described within the Traffic Impact Assessment prepared by Ason Group and provided at **Appendix 4**, the Planning Proposal is supportable on traffic grounds.
- In particular, no net traffic volume increase will be generated as a result of the proposed changes, and as such there will be no additional traffic intensity experienced within the precinct or on the external road network. Accordingly, traffic generation will remain consistent with the original modelling undertaken in conjunction with the master planning of The Gables.
- Further to the above, the relocation of higher density development near the town centre is seen as a primary benefit linked to increased walk trips and the use of public transport.
- Further to this overview, full details are provided within the Traffic Impact Assessment at **Appendix 4**.

##### ***Heritage***

- The site is not identified as a heritage item or conservation area and is not identified in proximity of any items or areas of heritage significance. Therefore, the proposal will not affect the heritage of The Hills.

##### ***Construction and Operational Management***

- Technical investigations as well as consultation outputs will be used to inform a Construction and Operation Management Plan for the proposed development. Draft documents will form part of the initial development applications.



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### ***Waste Management***

- A comprehensive Waste Management Plan will be prepared as part of any future development application process. This plan will aim to minimise waste and will detail measures to address waste disposal through all phases of the development.

### ***Contamination and Geotechnical Investigations***

- The site has been previously designated for development and is suitable for the proposed residential uses from a contamination perspective as confirmed by the Detailed Site Investigation (DSI) previously undertaken by JBS&G Australia Pty Ltd (JBS&G).
- No geotechnical investigations are considered necessary to support the use of the sites for residential accommodation given they have been previously earmarked for similar uses.

### ***Bush Fire***

- The site is not identified as bushfire prone land within THLEP2012 maps.

### ***Flooding***

- As confirmed within the Flood Impact Assessment, *the subject site is considered flood free from a flood planning point of view.*
- Whilst some isolated pockets of flooding within previously assumed road reserves were identified in previous flood mapping, future flood modelling reflecting the updated road and lot grading will ensure that appropriate freeboard above the 1% AEP flood event is provided. Additionally, the street drainage design will ensure that stormwater runoff from the development is collected and conveyed to an appropriate discharge location.
- *Therefore, the proposed rezoning is supported by an existing flood assessment, and no further flood assessment is required to support the rezoning process.*

#### **4.3.3 HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED SOCIAL AND ECONOMIC EFFECTS?**

The proposed redistribution of R3 and R4 zoned areas is considered to generate the following positive social and economic effects:

- The proposal will continue to support the delivery of a variety of housing types and will achieve the dwelling yield for Precinct B. The proposal is therefore key to meeting the housing needs of the future community in terms of dwelling diversity and supply.
- The reallocation of medium and high density zones will provide a more appropriate interface with surrounding land uses and will augment the level of amenity and environmental protection offered to the future community.
- The extension of green links and pedestrian links from the town centre and playing fields through the relocated high density zone will enhance walkability, thereby promoting active lifestyles and additional opportunities for spontaneous social interaction amongst members of the new community.

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- The proposal will provide direct employment during the construction of housing, as well as wider and longer term economic benefits associated with the new population base within Box Hill North.

### **4.4 STATE AND COMMONWEALTH INTERESTS**

#### **4.4.1 IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?**

Arrangements for the adequate connection of Precinct B to services and infrastructure for water, electricity and the disposal and management of sewage have been addressed under previous development applications and will be again considered in respect of future applications.

The proposal is for the relocation of R3 and R4 zoned areas only, and given land for their provision has been previously designated, no additional public infrastructure will be required.

#### **4.4.2 WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH GATEWAY DETERMINATION?**

The Hills Shire Council has been included in discussions pertaining to the intention to lodge a Planning Proposal to amend THLEP2012.

No consultation with Commonwealth authorities has been carried out to date.

It is acknowledged that The Hills Shire Council will consult with relevant public authorities following the Gateway determination.

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### PART E COMMUNITY CONSULTATION

Division 2.6 of the Environmental Planning and Assessment Act 1979 requires the relevant planning authority to consult with the community in accordance with the Gateway Determination. It is anticipated that the Planning Proposal will be required to be publicly exhibited for 28 days in accordance with the requirements of the Department of Planning and Environment guidelines '*A guide to preparing local environmental plans*'.

It is anticipated that the public exhibition would be notified by way of:

- A public notice in local newspaper(s).
- A notice on The Hills Shire Council website.
- Written correspondence to adjoining and surrounding landowners.

The Gateway determination, Planning Proposal and specialist studies would be publicly exhibited at Council's offices and any other locations considered appropriate to provide interested parties with the opportunity to view the submitted documentation.

## **PART F CONCLUSION**

The proposed amendment to *The Hills Local Environmental Plan 2012* (THLEP2012) to rezone the site will enable the future provision of medium and high density residential accommodation in highly appropriate locations within Box Hill North/The Gables.

The proposed rezoning of the site has demonstrated it is appropriate for the following reasons:

- Whilst land has already been designated for a medium and high density housing within The Gables, a more positive outcome may be facilitated through the location of higher density areas closer to the town centre where more residents may be provided with better access to day-to-day services and facilities. The relocation of R4 zoned land in proximity of the town centre and public open space may also create new opportunities for mid-block green links and pedestrian links extending from the town centre through residential areas, enhancing permeability, walkability and connectivity. In turn, the relocated R3 zoned land would provide a more amenable interface between low density residential areas, the school and riparian corridor.
- Overall the proposed land use scenario would maximise access and connectivity between the places people live and the town centre, open space and school, thereby promoting enhanced amenity and convenience for residents, encouraging active living, facilitating passive surveillance and providing sensitive built form transitions.
- Given land for the provision of medium-high density residential accommodation has been previously designated, no additional public infrastructure will be required.
- By relocating R3 and R4 zoned areas of land within Precinct B, a transition would be provided between lower density housing to the south and the higher density residential areas of Precinct B with positive aesthetic and functional connotations associated with the effective integration of built form development with the surrounding context.
- The proposal is largely consistent with the approved Box Hill North Masterplan, which designates land for medium and high density residential accommodation, amongst other uses. The proposed relocation is minor in nature and will preserve the range of approved land uses.
- The proposal will maintain the current and approved balance of medium and high density residential accommodation within Precinct B. The overall dwelling yield for Precinct B will therefore be achieved through the rezoning of land, and as such the total yield for Box Hill North will remain unaffected. This will ensure that the Box Hill North Planning Agreement is adhered to.
- The proposal is considered to align with the strategic intent of state, regional and local policies for the reasons outlined as follows:
  - In accordance with the NSW State Priorities, the proposal will increase housing supply by protecting the net area of land within Box Hill North that is allocated for medium and high density residential accommodation and thereby ensuring that previously-approved dwelling yields remain achievable.
  - The proposal will also achieve the principles and directions of A Plan for Growing Sydney, namely through the provision of new housing in direct proximity of the future town centre (employment opportunities), thus

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promoting housing availability, choice and affordability, walkability and high standards of living for future residents.

- Similarly, the Directions for a Greater Sydney are responded to through the continued delivery of diverse new housing within a masterplanned community that is supported by all the infrastructure and services required to make a great place for people.
- Whilst continuing to provide diverse new housing supply and thereby retaining The Gables' contribution to dwelling targets for the Central City (as established in the draft Greater Sydney Region Plan and draft Central City District Plan), the proposed exchange of R3 and R4 zoned land will allow a higher degree of liveability to be achieved. Namely this will be realised through the location of a greater number of residents closer to the town centre and the provision of a more appropriate transition between high, medium and low density areas, the town centre, public open space, the school and riparian corridors.
- The proposed rezoning, new lot sizes and building heights, achieve the relevant objectives of THLEP2012 and will facilitate the optimal development of the site.
- The proposal is consistent with the objectives of the Box Hill North DCP as it supports the development of a vibrant mixed-use community defined by appropriate densities of housing in walking distance of the town centre, public open space and schools.

In summary, the site is considered to be highly commensurate with the desired future direction of the site, Box Hill North and the wider Sydney region.

- The proposal will facilitate the orderly and economic use and development of land by providing medium and high density housing in appropriate locations to complement the development of The Gables for new housing, a town centre and other supporting land uses.
- The proposal will not exhibit any adverse environmental impact. Rather the proposal will enable the appropriate use of land that has been formerly designated for development, whilst protecting any nearby sensitive environments.

It is acknowledged that several documents supporting the development of Box Hill North will be required to be amended to facilitate the proposed amendments to THLEP 2012. These include:

- Box Hill North Development Control Plan (DCP) and Indicative Layout Plan (ILP); and
- Masterplan DA.

The drafting of these amendment will occur concurrently with the Gateway Determination Process.

It is therefore recommended that the Planning Proposal is approved by The Hills Shire Council and that the necessary steps are pursued to enable it to proceed to Gateway Determination under Section 3.34 of the EP&A Act.