

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 – to redistribute areas of R3 Medium Density Residential and R4 High Density Residential zoned land within 'Precinct B' of the Box Hill North Precinct ('The Gables' development). The proposal seeks to 'swap' the location of some medium density and high density residential land, with the total of each land use zone within the Precinct remaining unchanged.

ADDRESS OF LAND: 5 Gables Road, Box Hill (Lot 45 and 46 DP255616) and Lot 2211 Peperino Street, Box Hill (Lot 2211 DP1217661).

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	897	897	897
Jobs	0	0	0

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environment Planning Policies
Attachment B	Assessment against Section 9.1 Local Planning Directions
Attachment C	Council Report and Minute, 22 May 2018
Attachment D	Planning proposal documentation submitted by applicant: <ul style="list-style-type: none">- Planning Report (April 2018)- Survey Plan (April 2018)- Urban Design Analysis (April 2018)- Amended LEP Maps (April 2018)- Traffic Review (April 2018)

THE SITE:

The proposal applies to land consisting of two (2) allotments, being 5 Red Gables Road, Box Hill (Lot 45 and 46 DP 255616) and Lot 2211 Peperino Street, Box Hill (Lot 2211 DP 1217661). It is within 'Precinct B' of the Box Hill North Precinct, which covers an area of 47 hectares with frontages to Red Gables Road to the north and Cataract Road to the south. The site has been cleared under the existing approval for bulk earthworks to accommodate future residential development.

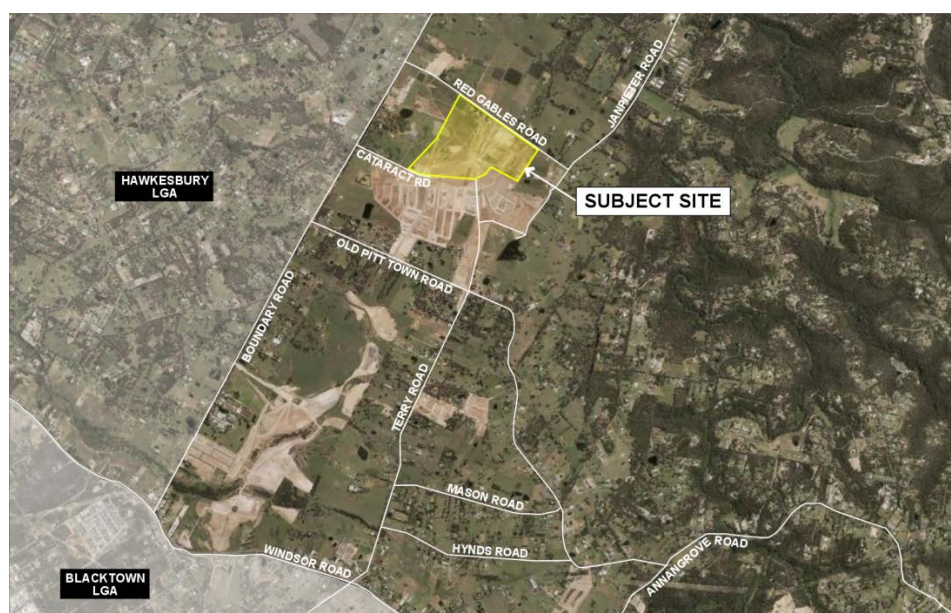


Figure 1
Aerial view of subject site

BACKGROUND:

The planning proposal was submitted to Council in April 2018 and on 22 May 2018, at an Ordinary Meeting, Council resolved to forward the proposal to the Department of Planning and Environment for a Gateway Determination.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to redistribute the areas of R3 Medium Density Residential and R4 High Density Residential land within 'Precinct B' to locate the future high density development in closer proximity to the planned town centre. The proposal does not seek to change the total residential yield for 'Precinct B'.

PART 2 EXPLANATION OF THE PROVISIONS

To achieve the intended outcome, the planning proposal seeks to amend The Hills LEP 2012 as follows:

- 1) Land Zoning Map – Sheet LZN_005 and Sheet LZN_006:
 - a) Rezone approximately 9 hectares of land within Lot 2211 DP 1217661 (adjacent to the southern boundary of Precinct B) from R4 High Density Residential to R3 Medium Density Residential and rezone an equivalent-sized area of land within Lots 45 and 46 DP 255616 (in the northern section of Precinct B) from R3 Medium Density Residential to R4 High Density Residential.
 - b) Rezone approximately 31 hectares of land within Lots 45 and 46 DP 255616 (adjacent to the northern boundary of Precinct B) from R3 Medium Density Residential to R4 High Density Residential and rezone an equivalent-sized area of land within Lot 2211 DP 1217661 (in the southern section of Precinct B) from R4 High Density Residential to R3 Medium Density Residential.
- 2) Lot Size Map – Sheet LSZ_005 and Sheet LSZ_006:
 - a) Amend the Minimum Lot Size Map to identify a minimum lot size of 450m² to land proposed to be zoned R3 Medium Density Residential and a minimum lot size of 1,800m² to land proposed to be zoned R4 High Density Residential (consistent with the current minimum lot sizes applicable to these zonings).
- 3) Height of Buildings Map – Sheet HOB_005 and Sheet HOB_006:
 - a) Amend the Height of Buildings Map to identify a maximum building height of 10 metres to land proposed to be zoned R3 Medium Density Residential and a maximum height of 16 metres to land proposed to be zoned R4 High Density Residential (consistent with the current maximum building heights applicable to these zonings).

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

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

No, the planning proposal is not a result of any strategic study or report. It is in response to an application lodged by the landowner/developer. However, the proposed amendment to The Hills LEP 2012 to facilitate the exchange of R3 and R4 zoned areas aligns with a number of state and regional strategic studies and reports.

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

Yes, the planning proposal is considered to be the best way to achieve the intended outcomes for the site.

The proposal is considered the best means of achieving the objectives specified in Section 1 of this report.

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

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

Yes, a discussion of consistency is provided below.

- **Greater Sydney Region Plan**

The Greater Sydney Region Plan is a 40-year vision that seeks to accommodate a growing and changing population within three cities, the Western Parkland City, the Central River City and the Eastern Harbour City. The Plan will inform district and local plans as well as the assessment of planning proposals. It will also facilitate the alignment of infrastructure planning to support anticipated growth. The delivery and implementation of the Plan is supported by 10 directions, which will facilitate an integrated approach to realising outcomes.

In accordance with the vision for the creation of new neighbourhoods within the Central City and the target for 207,500 dwellings by 2036 within the Central City, the proposal would enable the achievement of previously-approved dwelling yields in Precinct B of Box Hill North through the retention of net area of land zoned for medium and high density residential housing. Additionally, the redistribution of medium and high density housing contributes to the creation of The Gables as a liveable neighbourhood with residents living in close proximity to the new town centre, community facilities, services, public open space and public transport infrastructure.

- **Central City District Plan**

The Central City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning. The District Plan also assists councils to plan for and deliver growth and change, and align their local planning strategies to place-based outcomes. It informs infrastructure agencies, the private sector and the wider community of expectations for growth and change.

The proposed exchange of R3 and R4 zoned land will support the provision of housing to accommodate growth. The proposed relocation of higher density housing areas closer to the town centre and public open space will provide a greater number of residents with greater access to day-to-day services and facilities and therefore, support the creation of The Gables as a liveable new community. The proposal is therefore considered consistent with the objectives of the Plan.

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

Yes, a discussion of consistency with the relevant policies and plans are provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Direction articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local

government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The planning proposal will assist in realisation of The Hills Future outcome of balanced urban growth through the provision of Vibrant Communities through the relocation of High Density Residential closer to services and amenities within the town centre. Additionally, the proposal contributes to the objective of Balanced Urban Growth as higher density is located closer to accessible public transport options that enable movement through and within the Shire.

- **Local Strategy**

Council's Draft Local Strategy was adopted in 2008, it is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport.

The draft Local Strategy was adopted principally as a land use planning document to guide local planning and reflect the following five key themes of "Hills 2026 Community Strategic Direction: Looking Towards the Future":

- Resilient Local Leadership;
- Vibrant Communities;
- Balanced Urban Growth;
- Protected Environment; and
- Modern Local Economy.

The Local Strategy continues to provide a clear statement of the overall strategic land use management and planning objectives for the Hills Shire. However, it is noted that the dwelling and job growth targets detailed within the Local Strategy represent Council's projected growth targets as at June 2008.

The key directions and objectives of the Local Strategy relevant to this proposal are:

- R1 Accommodate population growth;
 - R1.2 Accommodate population growth

An intention of this objective is to provide for well-located housing close to services, which is supported by appropriate infrastructure. Relevant actions include determining suitable locations for high density residential development. The planning proposal seeks to redistribute R4 High Density Residential from the southern section of Precinct B to be located within close proximity to the town centre, and subsequently be located to services and public transport.

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

The planning proposal is consistent with the relevant State Environmental Planning Policies (SEPPs) as outlined in the following.

- SEPP 1 – Development Standards

The Planning Proposal will not contain provisions that would contradict or hinder the application of the SEPP.

- SEPP 55 – Remediation of Land

JBS&G Australia Pty Ltd (JBS&G) has prepared a Remediation Action Plan (RAP) identifying the state of the site and potential contamination. The RAP has indicated Possible Remedial Options

as well as Preferred Remediation Options. JBS&G conclude that subject to the successful implementation of the measures outlined in the RAP, the subject sites are considered suitable for residential accommodation and considered to adequately satisfy the objectives of SEPP No. 55. It is noted that the use of the land for residential purposes has already been approved and is envisaged under the current framework. The proposal simply seeks to redistribute the location of medium and high density residential areas within the Precinct.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The consistency of the planning proposal with the s.9.1 Ministerial Directions is detailed within Attachment A. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 3.1 Residential Zones**

The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment and resource lands.

The net balance of R3 and R4 zoned land would remain consistent with the approved masterplan for The Gables. Given this, the proposal would maintain the current and approved balance of residential accommodation within Precinct B and not reduce the residential development potential within the precinct.

- **Direction 3.4 Integrating Land Use and Transport**

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision, and street layouts achieve the following planning objectives:

- a) improving access to housing, jobs and services by walking, cycling and public transport; and
- b) increasing the choice of available transport and reducing dependence on cars, and
- c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- d) supporting the efficient and viable operation of public transport services, and
- e) providing for the efficient movement of freight.

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.

- **Direction 4.3 Flood Prone Land**

The objectives of this Direction are to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.

The site is not known to be flood-prone, as identified in Box Hill North Water Cycle & Flood Management Strategy Report (2013), prepared by J. Wyndham Prince which states that the subject site is flood free from a flood planning point of view. It is noted that the land has already been identified for residential purposes through the existing framework and approvals.

- **Direction 6.3 Site Specific Provisions**

This Direction applies *“when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out”* and requires that a planning proposal must either:

- a) allow that land use to be carried out in the zone the land is situated on, or
- b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
- c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls. The proposal does not promote unnecessarily restrictive site specific planning controls and does not propose to rezone the site to allow for additional residential yield. No other site specific planning controls are proposed.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

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

A Biodiversity Assessment prepared by NGH Environmental (2013) for the Box Hill North Precinct has not recorded any threatened species as existing within the study area. Additionally, a Vegetation Management Plan (as part of the Biodiversity Assessment) has been prepared for the precinct which confirms that Precinct B does not compromise any critical habitats, threatened species, populations or ecological communities or their habitats. It is noted that the existing framework and approval already allows for residential development on the land.

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

Relevant matters to the proposal are addressed in detail in the attached Council report. Given the relevant matters discussed in the attached Council report, the planning proposal would not likely result in environmental effects or natural hazards. While sections of Box Hill North have been identified as flood prone land, Precinct B is not affected. The subject site is not identified as being within bushfire, landslide or biodiversity sensitive areas. Further, the existing approval and framework already allows for residential development on this land.

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

The planning proposal seeks to redistribute previously approved R3 and R4 zoned land and would not result in adverse social or economic impacts.

The planning proposal will continue to support the anticipated variety of housing types and dwelling yield for Precinct B. Precinct B will deliver a significant portion of dwellings for The Gables. Additionally, the relocation of medium and high density zoning within the Precinct provides a better transition to surrounding land uses and increases the level of amenity for residents of the high density zoning. The extension of green and pedestrian links from the town centre and open space fields enhances walkability and opportunities for active lifestyles.

Given the above, the proposal seeks to redistribute previously approved residential zoning for the Precinct in order to facilitate a better outcome that will provide the highest level of amenity for the residents of the Precinct, and by extension improve the social and economic amenity for the area.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

Adequate connection of Precinct B to services and public infrastructure for water, electricity and the disposal and management of sewage have been addressed under previous development applications. The proposal is for the redistribution of R3 and R4 zoned land only, and therefore no additional public infrastructure is required.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

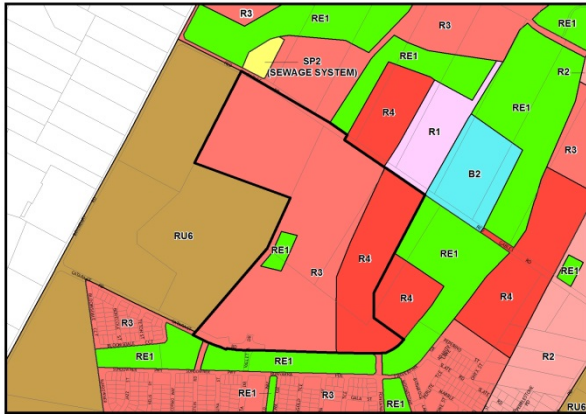
Any Gateway Determination issued will specify relevant agencies to be consulted, which may include:

- Endeavour Energy;
- Transport for NSW; and
- Transport for NSW - Roads and Maritime Services.

PART 4 MAPPING

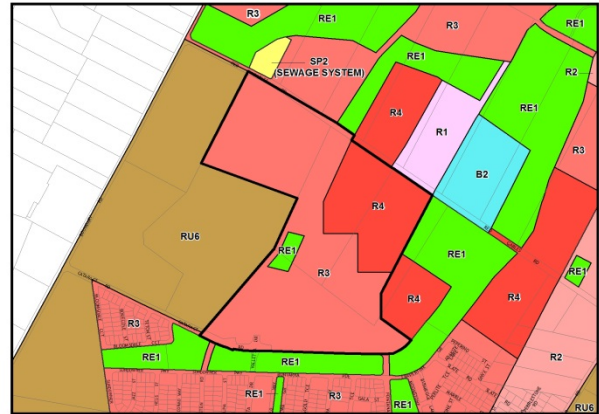
The planning proposal seeks to amend the Land Zoning Map, Height of Buildings Map and Minimum Lot Size Map of *The Hills Local Environmental Plan 2012*.

Existing Land Zoning Map



Land Zoning (LZN)			
B2 Local Centre	R3 Medium Density Residential	RU6 Transition	
R1 General Residential	R4 High Density Residential	SP2 Infrastructure	
R2 Low Density Residential	RE1 Public Recreation		

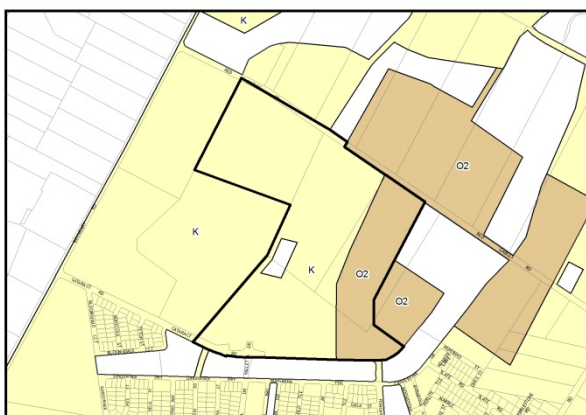
Proposed Land Zoning Map



Land Zoning (LZN)			
B2 Local Centre	R3 Medium Density Residential	RU6 Transition	
R1 General Residential	R4 High Density Residential	SP2 Infrastructure	
R2 Low Density Residential	RE1 Public Recreation		

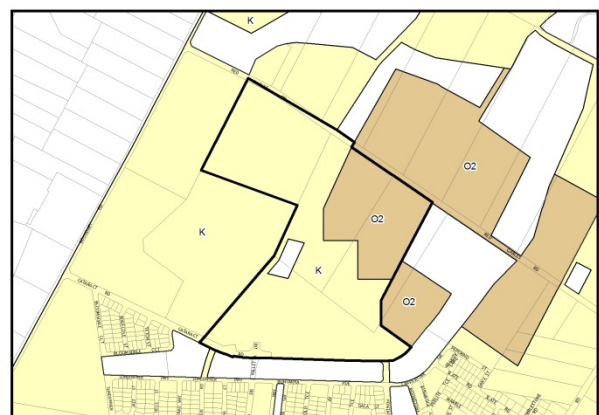
Figure 3
Current and Proposed Land Zoning Map

Existing Height of Buildings Map



Height of Buildings (m) (HOB)		
K 10.0	O2 16.0	
Heights shown on map in RL(m)		

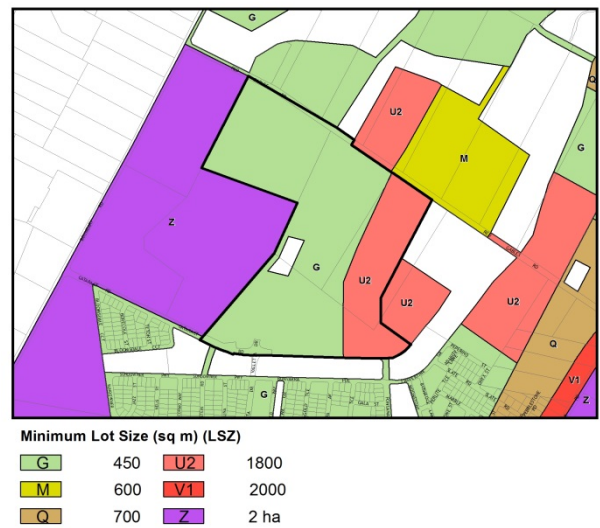
Proposed Height of Buildings Map



Height of Buildings (m) (HOB)		
K 10.0	O2 16.0	
Heights shown on map in RL(m)		

Figure 4
Current and Proposed Height of Buildings Map

Existing Minimum Lot Size Map



Proposed Minimum Lot Size Map

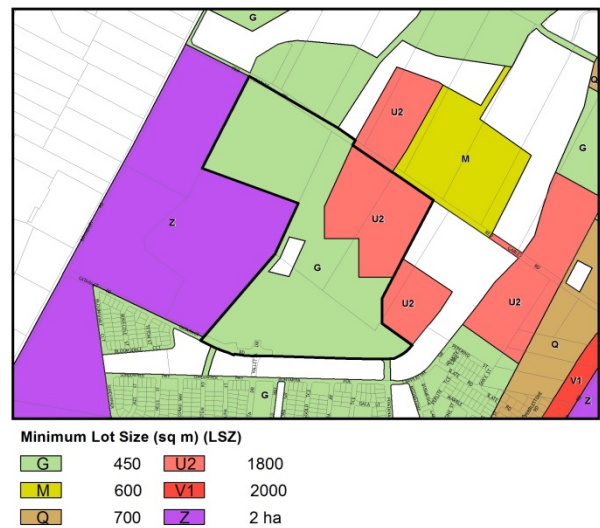


Figure 5
Current and Minimum Lot Size Map

PART 5 COMMUNITY CONSULTATION

It is considered appropriate that any Gateway Determination issued require public exhibition of the Planning Proposal for a minimum of 28 days, in accordance with the requirements of the *Environmental Planning and Assessment Regulation 2000*.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	June 2018
Government agency consultation	July 2018
Commencement of public exhibition period (28 days)	August 2018
Completion of public exhibition period	September 2018
Timeframe for consideration of submissions	October 2018
Timeframe for consideration of proposal post exhibition	October 2018
Report to Council on submissions	November 2018
Planning Proposal to PCO for opinion	November 2018
Date Council will make the plan (delegated)	December 2018
Date Council will forward to department for notification (delegated)	December 2018

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
No. 1	Development Standards	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	NO	-	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	NO	-	-
No. 70	Affordable Housing (Revised Schemes)	NO	-	-
Affordable Rental Housing (2009)		NO	-	-
Building Sustainability Index: BASIX 2004		NO	-	-
Coastal Management (2018)		NO	-	-
Education Establishments and Child Care Facilities (2017)		YES	NO	-
Exempt and Complying Development Codes (2008)		YES	NO	-
Housing for Seniors or People with a Disability (2004)		YES	NO	-
Infrastructure (2007)		YES	NO	-
Integration and Repeals (2016)		NO	-	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Mining, Petroleum Production and Extractive Industries (2007)		YES	NO	
Miscellaneous Consent Provisions (2007)		YES	NO	-
Penrith Lakes Scheme (1989)		NO	-	-
Rural Lands (2008)		NO	-	-
State and Regional Development (2011)		YES	NO	-
State Significant Precincts (2005)		YES	NO	-
Sydney Drinking Water Catchment (2011)		NO	-	-
Sydney Region Growth Centres (2006)		NO	-	-
Three Ports (2013)		NO	-	-
Urban Renewal (2010)		NO	-	-
Vegetation in Non-Rural Areas (2017)		YES	NO	-
Western Sydney Employment Area (2009)		NO	-	-
Western Sydney Parklands (2009)		NO	-	-
Deemed SEPPs				

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
SREP No. 8 (Central Coast Plateau Areas)	NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	-
SREP No. 16 – Walsh Bay	NO	-	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	NO	-	-
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	NO	-	-

ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	YES	NO	-
1.2	Rural Zones	YES	NO	-
1.3	Mining, Petroleum Production and Extractive Industries	YES	NO	-
1.4	Oyster Aquaculture	YES	NO	-
1.5	Rural Lands	NO	-	-
2. Environment and Heritage				
2.1	Environment Protection Zone	YES	NO	-
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	NO	-	-
2.4	Recreation Vehicle Area	YES	NO	-
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NO	-	-
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	YES	CONSISTENT
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3	Home Occupations	YES	NO	-
3.4	Integrating Land Use and Transport	YES	YES	CONSISTENT
3.5	Development Near Licensed Aerodomes	YES	NO	-
3.6	Shooting Ranges	YES	NO	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	YES	NO	-
4.2	Mine Subsidence and Unstable Land	YES	NO	-
4.3	Flood Prone Land	YES	YES	CONSISTENT
4.4	Planning for Bushfire Protection	YES	NO	-
5. Regional Planning				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8	Second Sydney Airport: Badgerys	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
	Creek			
5.9	North West Rail Link Corridor Strategy	NO	-	-
5.10	Implementation of Regional Plans	YES	YES	CONSISTENT
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	NO	-
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	YES	CONSISTENT
7. Metropolitan Planning				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES	CONSISTENT
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	NO	-	-
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	-	-