

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No. (#)) – planning proposal to amend the floor space ratio provisions for centres in the Box Hill and North Kellyville Growth Centre Precincts and to require a minimum amount of non-residential floor space for shop top housing in the Box Hill Town Centre Interface Area zoned R1 General Residential to facilitate an appropriate scale of development and built form outcomes.

ADDRESS OF LAND:

- All land zoned B1 Neighbourhood Centre and B2 Local Centre within the North Kellyville Precinct under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- All land zoned B2 Local Centre (except the Windsor Road / Box Hill Inn Village centre) within the Box Hill Precinct under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
- All land zoned R1 General Residential within the Box Hill Precinct under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.



Land to which Planning Proposal Applies

 North Kellyville Sites

Figure 1

Land to which planning proposal applies – North Kellyville



Land to which Planning Proposal Applies

 Box Hill Sites

Figure 2

Land to which planning proposal applies – Box Hill

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environmental Planning Policies
Attachment B	Assessment against Section 117 Local Planning Directions
Attachment C	Existing and Proposed Clauses
Attachment D	Maps of subject properties identified as Flood Controlled Land
Attachment E	Maps of subject properties identified as Bush Fire Prone Land
Attachment F	Council Report and Resolution of 13 December 2016

BACKGROUND:

Council adopted its Centres Direction in 2009 to provide a clear strategy to protect and manage the Shire's centres to 2031. The Direction established a network of centres to provide places for residents to shop, work, and have social interaction and recreational opportunities. Centres are classified according to a centres hierarchy, providing a framework for their scale, location and function. This ensures that the population has access to a range of centres that meet their needs and are appropriate in scale and design for their location. A Retail Floor Space and Demand Analysis undertaken by Hill PDA in 2008 addressed supply and demand for retail floor space and found that there was sufficient land and opportunities available within existing and proposed centres to meet retail demand.

The precinct planning for the North Kellyville and Box Hill Release Areas was finalised by the State Government in 2008 and 2013 respectively. In order to encourage uptake of development opportunities in the growth centres, considerable flexibility has been provided within the Growth Centres planning framework to achieve the State Government initiatives of boosting housing delivery and affordability across Sydney. However, it has had the unintended consequence of facilitating significant additional density beyond what was anticipated and planned for. A number of recent proposals for higher density development across the growth centres have proposed outcomes that are inconsistent with the intended density and character of the locality, and have the potential to compromise the retail and employment role of centres by including relatively small amounts of retail and business floor space and higher than

expected residential densities. The SEPP (Sydney Region Growth Centres) 2006 is based on the Standard Instrument LEP format and currently permits shop top housing in centres as well as the R1 General Residential zone in the North Kellyville Release Area, and in the R1 General Residential zone, the R2 Low Density Residential zone and the R3 Medium Density Residential zone in the Box Hill Release Area.

To address these issues, Council commenced a planning proposal to ensure that the type, scale and location of shop top housing and mixed use development is appropriate and that developments reflect the role of centres established within Council's Centres Hierarchy. This was achieved by limiting the height of shop top housing and mixed use developments, requiring a minimum provision of non-residential floorspace within business zones, and by prohibiting shop top housing in certain residential zones in the North Kellyville and Box Hill release areas. This planning proposal (11/2016/PLP) related to land within the Hills LEP 2012 and the North Kellyville and Box Hill Growth Centre Precincts under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. At its meeting of 13 December 2016, Council resolved:

1. The planning proposal to amend The Hills Local Environmental Plan 2012 and State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in relation to shop top housing and mixed use developments, including post-exhibition amendments, progress to finalisation.
2. Draft amendments to The Hills Development Control Plan, the North Kellyville Development Control Plan and the Box Hill Growth Centre Precincts Development Control Plan, including post exhibition amendments, be adopted and come into force when the planning proposal is notified on the NSW Legislation website.
3. A planning proposal be sent to the Department of Planning and Environment for a Gateway Determination to amend:
 - a) the Floor Space Ratio Map in relation to certain land in the Box Hill and North Kellyville Precincts;
 - b) Clause 4.4A 'Development of Certain Land within the Zone R1 General Residential or Zone B2 Local Centre – Additional Floor Space Ratio' in Appendix 11 The Hills Growth Centre Precinct Plan 2013 (relating to Box Hill) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006; and
 - c) Clause 4.4 'Floor Space Ratio' in Appendix 2 North Kellyville Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

The planning proposal and development control plan changes referred to in items 1 and 2 of the Council resolution above were referred to the Department of Planning and Environment for finalisation on 23 December 2016 and are yet to be made.

The subject planning proposal is a consequence of item 3 (above) in Council's resolution of 13 December 2016. A copy of the Council Report and Resolution of 13 December 2016 is provided as Attachment F.

This planning proposal will remove provisions applicable to centres within the Box Hill and North Kellyville Growth Centre Areas that allow additional floor space for residential development. An amendment to the Floor Space Ratio Map for those centres is also proposed to ensure that the applicable floor space ratio applies to all development on the site and facilitates an appropriate scale of development consistent with the built form outcomes envisaged by the relevant Development Control Plans.

The planning proposal will also ensure that a suitable amount of commercial floor space is provided as part of a development application for shop top housing within the R1 General Residential zoned land located opposite the Box Hill Town Centre (the town centre 'interface area') as intended by the Box Hill Growth Centre Precincts DCP.

Land within the Windsor Road / Box Hill Inn Village centre has not been included in this planning proposal as the 'bonus' shop top housing floor space ratio provisions in Clause 4.4A of Appendix 11 The Hills Growth Centre Precincts Plan in SEPP (Sydney Region Growth Centres) 2006 did not apply to this centre.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to better align the provisions of the Growth Centres SEPP with the new controls relating to shop top housing that were introduced by Planning Proposal 11/2016/PLP (yet to be finalised). The planning proposal will ensure that future built form outcomes within centres for the North Kellyville and Box Hill Precincts more accurately reflect what is articulated in the respective DCPs for those precincts. This will be achieved by an amendment to the 'bonus' floor space clauses for centres in the Growth Centre Precincts (Clause 4.4A for Box Hill and 4.4 for North Kellyville) and amendments to the floor space ratio maps.

Also, a new provision will be included within proposed clause 6.8 'Additional controls applying to shop top housing' within the Box Hill Precinct Plan in the Growth Centres SEPP. This clause is to be introduced by planning proposal 11/2016/PLP which is currently with the Department of Planning and Environment for finalisation. The proposed amendment to the new Clause 6.8 will require that a development application for a building containing shop top housing includes at least 50% of the total floor area of the building as non-residential uses for land zoned R1 General Residential within the Box Hill Town Centre interface area ('Area F' on the proposed Key Sites Map).

PART 2 EXPLANATION OF THE PROVISIONS

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The following amendments are proposed:

North Kellyville Growth Centre Precinct

The following amendments are proposed to Appendix 2 North Kellyville Precinct Plan of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*:

- Amend Clause 4.4 'Floor space ratio' to delete provision 4.4 (2A) and the associated objective and include a new objective to ensure built form is consistent with the role of local and neighbourhood centres.

The proposed clause will be as follows:

"4.4 Floor space ratio

(1) *The objectives of this clause are as follows:*

(a) *to control the bulk and scale of future development in the North Kellyville Precinct,*

(b) *to provide for a built form that is compatible with the role of local and neighbourhood centres.*

(2) *The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map."*

- Amend the Floor Space Ratio Map to identify an amended floor space ratio for the Hezlett Road Neighbourhood Centre from 0.5:1 to 1:1 and for the Stringer Road Neighbourhood Centre from 0.5:1 to 1:1.

Whilst this change will increase the mapped FSR for the two centres, the removal of provision 4.4 (2A) will ensure that the mapped FSR applies to all development and does not exclude the residential component.

No change is proposed to the floor space ratio map for the North Kellyville Local Centre given the existing floor space ratio is 1:1 which is consistent with that applied to local centres under LEP 2012.

Box Hill Growth Centre Precinct

The following amendments are proposed to Appendix 11 The Hills Growth Centre Precincts Plan (known as the Box Hill Precincts) of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*:

- Amend Clause 4.4A 'Development of certain land within Zone R1 General Residential or Zone B2 Local Centre—additional floor space ratio' as follows:
 - delete provisions 4.4A (2A), 4.4A (2B), 4.4A (2C) and 4.4A (3)
 - amend provision 4.4A (1) so that the maximum floor space ratio for the Box Hill Town Centre is 2:1 if the site area for the development application is 3 hectares or more.

The amended clause will be as follows:

"4.4A Development of certain land within Zone R1 General Residential or Zone B2 Local Centre—additional floor space ratio

(1) *Despite clause 4.4 (2), the maximum floor space ratio for a building on land shown hatched red and lettered "A" on the Floor Space Ratio Map is 2:1 if the site area is 3 hectares or more.*

(2) *In this clause, site area has the same meaning as it has in clause 4.5 (3)."*

- Amend the Floor Space Ratio Map to delete the hatching for land designated "B" and "C" on the map.
- Amend the Floor Space Ratio Map to amend the floor space ratio for the Box Hill Town Centre from 0.5:1 to 1.5:1 and for the Nelson Road and Mt Carmel Road villages from 0.5:1 to 1:1.

Whilst this change will increase the mapped FSR for the three centres, the amendment of provision 4.4A will ensure that the mapped FSR applies to all development and does not exclude the residential component.

- Include a new provision within proposed Clause 6.8 'Additional controls applying to shop top housing' to require that a development application for a building containing shop top housing includes at least 50% of the total floor area of the building as non-residential uses for land zoned R1 General Residential within the Box Hill Town Centre interface area ('Area F' on the proposed Key Sites Map). (Note: the proposed clause 6.8 is introduced via planning proposal 11/2016/PLP).

The addition to the proposed clause (shown in blue) will be as follows:

"6.8 Additional controls applying to shop top housing

(1) *The objectives of this clause are as follows:*

- (a) *To reinforce Council's established centres hierarchy and ensure centres are appropriate in scale and design for their location; and*
- (b) *To ensure shop top housing is compatible with the prevailing character and amenity of surrounding land.*

Key Sites D (B2 Local Centre Zone - Other than the Box Hill Town Centre)

(1) *This sub-clause applies to land identified as Area D on the Key Sites Map under this plan.*

(2) *Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, that would result in the building having a building height exceeding 10 metres.*

(3) *Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, unless at least 50% of the total floor area of the building is intended for non-residential uses.*

Key Sites E (B2 Local Centre Zone - Box Hill Town Centre)

(1) *This sub-clause applies to land identified as Area E on the Key Sites Map under this plan.*

(2) *Despite any other provision of this plan, consent shall not be granted for a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, that would result in the building having a building height exceeding 20 metres.*

(3) *Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, unless at least 50% of the total floor area of the building is intended for non-residential uses.*

Key Sites F (R1 General Residential Zone)

(1) *This sub-clause applies to land identified as Area F on the Key Sites Map under this plan.*

(2) *Despite any other provision of this plan, consent shall not be granted to a development application on land to which this sub-clause applies, where that development application relates to a building containing shop top housing, unless at least 50% of the total floor area of the building is intended for non-residential uses."*

- Amend the Key Sites Map that was introduced via planning proposal 11/2016/PLP to include the 'Area F' for land in the Box Hill Town Centre Interface area.

Existing and proposed draft clauses are provided as Attachment C. Snapshots of the proposed Floor Space Ratio Maps and the proposed Key Sites Map are provided in Part 4 'Mapping' of this Planning Proposal.

Note regarding the identification of Key Sites: Key sites A, B and C were established via planning proposal 11/2016/PLP (yet to be finalised) and relate to centres in the North Kellyville Release Area.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

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

The planning proposal is a result of a strategic review of shop top housing and mixed use developments across The Hills Shire. The outcomes of the review were reported to Council on 15 December 2015 for an earlier planning proposal (11/2016/PLP). The planning proposal also seeks to facilitate strategic outcomes as envisaged within Council's Local Strategy, Residential Direction (2008) and Centres Direction (2009).

The need for amendments to the floor space ratio controls within the Growth Centre Precincts was addressed in the Council Report of 13 December 2016 in relation to planning proposal 11/2016/PLP. As detailed in the Council report (provided as Attachment F) it was identified that amendments to floor space ratio clauses are required to ensure the consistency of provisions and to facilitate an appropriate scale of development that is consistent with the built form outcomes envisaged by the relevant Development Control Plans.

This planning proposal will better align the provisions of the Growth Centres SEPP with the new controls relating to shop top housing (as introduced by planning proposal 11/2016/PLP) and ensure that future built form outcomes for the North Kellyville and Box Hill Precincts more accurately reflect what is articulated in the respective DCPs for those precincts. A detailed justification for the planning proposal and its background is provided below.

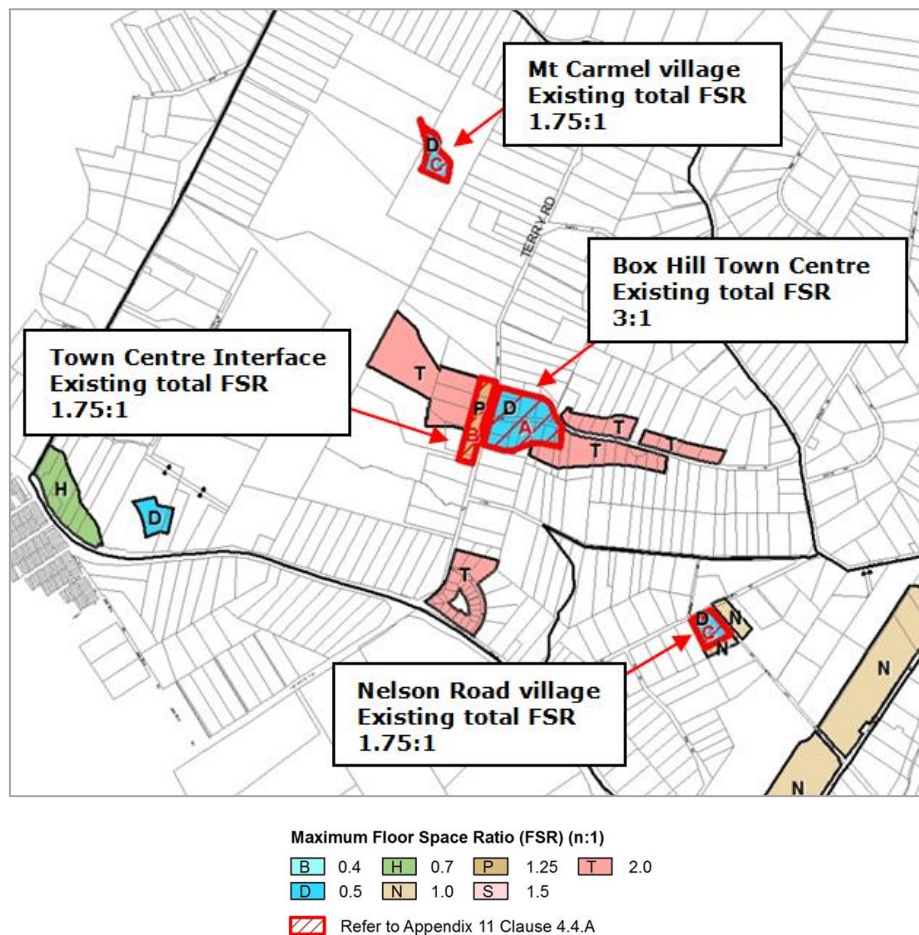
Review of provisions for Box Hill Centres

Clause 4.4A of the Box Hill Precinct Plan allows a 'bonus' floor space ratio for the Box Hill Town Centre, Mt Carmel Village centre and Nelson Road Village centre, as well as the town centre 'interface' which is zoned R1 General Residential and adjoins the town centre. The purpose of the bonus is to encourage site amalgamation over 3 hectares for the town centre and also to encourage the uptake of shop top housing opportunities. The clause as it is currently written does not align with the objectives and provisions of the already submitted planning proposal (11/2016/PLP) that seeks to ensure at least half of the floor space within the centres is for retail, employment and related services, rather than residential.

An extract of the existing clause 4.4A and floor space ratio map are provided below.

4.4A Development of certain land within Zone R1 General Residential or Zone B2 Local Centre—additional floor space ratio

- (1) Despite clause 4.4 (2), the maximum floor space ratio for a building on land shown hatched red and lettered "A" on the Floor Space Ratio Map is 1:1 if the site area is 3 hectares or more.*
- (2) Despite clause 4.4 (2), the maximum floor space ratio for the shop top housing component of a building containing shop top housing:*
 - (a) on land shown hatched red and lettered "A" on the Floor Space Ratio Map, is 2:1, and*
 - (b) on land shown hatched red and lettered "B" on the Floor Space Ratio Map, is 0.5:1, and*
 - (c) on land shown hatched red and lettered "C" on the Floor Space Ratio Map, is 1.25:1.*
- (3) Subclause (1) is subject to subclause (2) (a).*
- (4) In this clause, site area has the same meaning as it has in clause 4.5 (3).*



Box Hill centres – existing floor space ratio map including 'bonus' for shop top housing and site amalgamation under Clause 4.4A

It is noted that the current wording of Clause 4.4A which refers to the 'shop top housing component of a building containing shop top housing' is unclear and difficult for the community to interpret. Given the complex nature and wording of the clause, a more simple and clear approach is recommended that better aligns with the proposed Clause 6.8 'Additional controls applying to shop top housing' which requires a minimum of 50% of the total floor space to comprise non-residential uses in the Box Hill centres.

This planning proposal will delete the bonus shop top housing provisions within Clause 4.4A for land designated "A", "B" and "C" on the Floor Space Ratio Map and amend the Floor Space Ratio Map as described below:

- Delete the hatching for land designated "B" and "C" on the map. Land designated "A" will remain to identify that additional floor space of 0.5:1 will be permitted in the town centre where a site area is 3 hectares or more. This bonus is considered reasonable to encourage site amalgamation and encourage development of the centre in a coordinated manner to achieve high quality urban design outcomes.
- Amend the maximum floor space ratio for each centre (except the Windsor Road / Box Hill Inn Village centre) which will now apply to all development to ensure the built form aligns with the outcomes intended by the Box Hill DCP.

Further discussion of the existing and proposed floor space ratios for each centre is provided below.

Box Hill Town Centre

The Box Hill DCP describes the town centre as having a mixed use character with a range of building heights up to a maximum of six (6) storeys and up to 30,000m² of retail/commercial floor space. To achieve this, the existing floor space ratio map under the Growth Centres SEPP

allows a maximum floor space ratio of 0.5:1 which would facilitate approximately 30,000m² of retail/commercial space (however is not limited to the provision of such uses). In addition, the existing Clause 4.4A of the SEPP allows an additional 0.5:1 of floor space if the site area is 3 hectares or more and an additional 2:1 for the 'shop top housing component of a building containing shop top housing'.

If the bonus floor space ratios are added to the mapped floor space ratio, as suggested by the ambiguous drafting of Clause 4.4A, the total allowable floor space ratio would be 3:1. This floor space ratio could facilitate a scale of development in excess of nine (9) storeys which is a significant departure from the outcomes envisaged by the DCP. A total floor space ratio of 2:1 is considered more appropriate to facilitate the desired site amalgamation and mixed use outcomes and better aligns with the built form outcomes of approximately six (6) storeys as envisaged by the Box Hill DCP.

Accordingly, it is proposed to remove the provision allowing a 'bonus' floor space ratio of 2:1 for shop top housing and amend the floor space ratio map from 0.5:1 to 1.5:1. Whilst this will actually increase the mapped floor space ratio, the total allowable floor space ratio for the site would decrease from 3:1 to 2:1. A floor space ratio of 2:1 would only be achievable if the site area is 3 hectares or more, otherwise a maximum floor space ratio of 1.5:1 would apply. A summary of the existing and proposed floor space ratio provisions for the town centre are provided below.

FSR Provision	Current	Proposed
Mapped FSR	0.5:1	1.5:1
Bonus for 3ha plus site	0.5:1	0.5:1
Bonus for shop top housing	2.0:1	Nil
Total allowable FSR	3.0:1	2.0:1

Summary of existing and proposed allowable floor space – Box Hill Town Centre

Going forward, the permissible mix of development will be subject to the proposed shop top housing clause which requires a minimum of 50% of the total floor space to comprise non-residential uses. A minimum floor space ratio of 1:1 would need to be provided as non-residential uses to achieve the maximum residential floor space of 1:1. This provides an opportunity for additional retail and commercial development beyond the 30,000m² envisaged to address demand from unanticipated residential densities currently being proposed and delivered within the precinct.

Town Centre Interface (R1 General Residential zone)

The intent for the Town Centre Interface to the west of the town centre as noted within the Box Hill DCP is for offices and ancillary services such as child care centres and medical centres. There is no specific guidance on intended built form outcomes within the DCP.

Similar to the Box Hill Town Centre, if the mapped floor space ratio for the interface area of 1.25:1 is added to the existing bonus floor space ratio of 0.5:1, the total floor space could be in excess of six (6) storeys. This height is not consistent with the existing maximum height under the Growth Centres SEPP of 16m, which could comfortably facilitate a four (4) storey mixed use building.

To address this inconsistency, it is proposed to remove the provision allowing a 'bonus' floor space ratio of 0.5:1 for shop top housing and retain the existing mapped floor space ratio of 1.25:1 as this better aligns with the existing height limit of 16m. A summary of the existing and proposed floor space ratio provisions are provided below.

FSR Provision	Current	Proposed
Mapped FSR	1.25:1	1.25:1
Bonus for shop top housing	0.5:1	Nil
Total allowable FSR	1.75:1	1.25:1

Summary of existing and proposed allowable floor space – Town Centre Interface

Further, to ensure a suitable amount of commercial development is provided as intended by the DCP, a new provision is proposed to be included within the shop top housing clause to identify a minimum amount of non-residential uses required. It is considered appropriate that at least 50% of the total floor space within future developments be required as non-residential uses consistent with the adjacent Box Hill Town Centre and the Box Hill DCP which identifies a predominantly business outcome for this land. The proposed mix also reflects the relevant zone objectives for this land which encourage housing as well as uses that support adjoining/nearby commercial centres.

Nelson Road and Mount Carmel Road villages

The Nelson Road and Mt Carmel Road villages are intended as smaller scale centres for the precinct providing local retail, business and community uses. The Box Hill DCP, as gazetted, includes a maximum built form of three (3) storeys for Nelson Road village and four (4) storeys for Mt Carmel Road village. It is noted as part of the DCP amendments made in conjunction with the earlier planning proposal 11/2016/PLP (yet to be finalised) that the height for Mt Carmel village is proposed to be reduced to three (3) storeys, consistent with the proposed height of 10m for shop top housing and with the Nelson Road village and other villages throughout the Shire. There are no specific provisions within the Box Hill DCP that encourage residential uses in these centres, though such uses are permissible and at a reasonable scale and density would help to achieve the DCP objectives for vibrant, mixed use villages. The revised SEPP clause will encourage development and built form outcomes that more accurately reflect what is articulated in the Box Hill DCP.

If the mapped floor space ratio of 0.5:1 is added to the bonus floor space ratio of 1.25:1 for each centre, the total floor space ratio would equal 1.75:1 which could facilitate a scale of development significantly exceeding the outcomes envisaged in the DCP (i.e. in excess of five (5) storeys rather than 3-4 storeys).

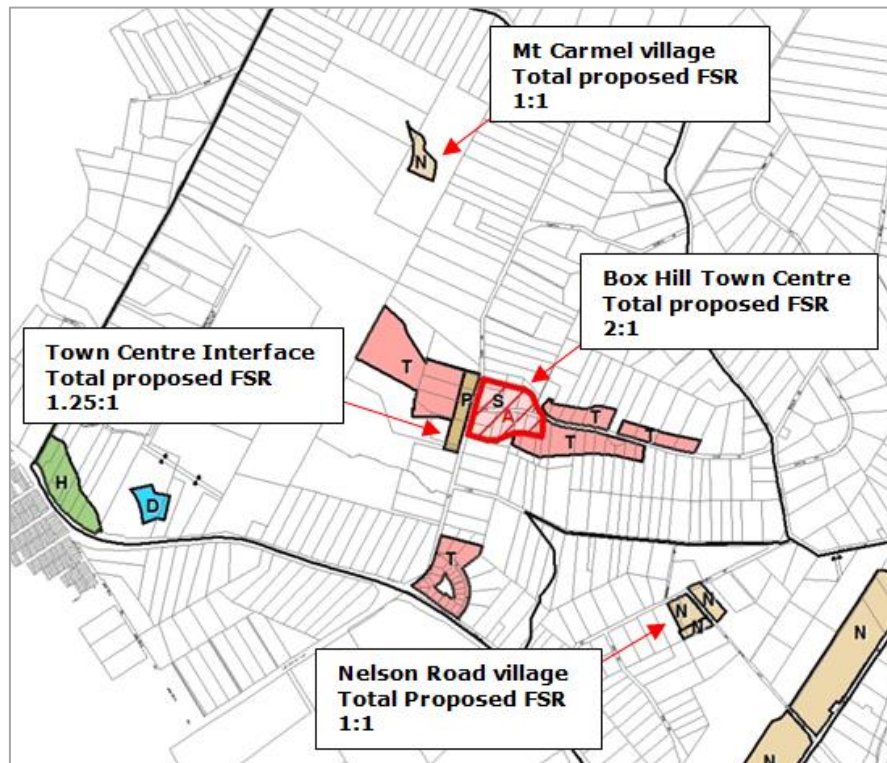
It is therefore recommended to remove the 'bonus' floor space ratio of 1.25:1 and amend the floor space ratio map for both centres from 0.5:1 to 1:1. Whilst this will actually increase the mapped floor space ratio, the total allowable floor space ratio for the site would decrease from 1.75:1 to 1:1. It will also ensure consistency with the total floor space ratio allowable within other village centres within the Shire under LEP 2012 such as Kellyville and Rouse Hill villages. A summary of the existing and proposed floor space ratio provisions are provided below.

FSR Provision	Current	Proposed
Mapped FSR	0.5:1	1.0:1
Bonus for shop top housing	1.25:1	Nil
Total allowable FSR	1.75:1	1.0:1

Summary of existing and proposed allowable floor space – Nelson Road & Mt Carmel Road villages

Going forward, the permissible mix of development will be subject to the proposed shop top housing clause which requires a minimum of 50% of the total floor space to comprise non-residential uses. A minimum floor space ratio of 0.5:1 would need to be provided as non-residential uses to achieve the maximum residential floor space of 0.5:1, which is consistent with the anticipated provision of retail floor space for these centres.

A map of the proposed floor space ratios for each of the centres is provided below.



Maximum Floor Space Ratio (FSR) (n:1)

B	0.4	H	0.7	P	1.25	T	2.0
D	0.5	N	1.0	S	1.5		

 Refer to Appendix 11 Clause 4.4.A

Box Hill centres – proposed floor space ratio map including 'bonus' for site amalgamation under Clause 4.4A

Land within the Windsor Road / Box Hill Inn Village centre has not been included in this planning proposal as the 'bonus' shop top housing floor space ratio provisions in Clause 4.4A of Appendix 11 The Hills Growth Centre Precincts Plan in SEPP (Sydney Region Growth Centres) 2006 did not apply to this centre.

Review of provisions for North Kellyville centres

To ensure the provisions for Box Hill and North Kellyville align as closely as possible with each other and with LEP 2012, a review was also undertaken of the floor space ratio provisions in North Kellyville.

Currently in North Kellyville, centres are subject to mapped floor space ratios of 0.5:1 (land zoned B1 Neighbourhood Centre) or 1:1 (land zoned B2 Local Centre). Additionally, Clause 4.4 'Floor space ratio' in the Growth Centres SEPP for the North Kellyville Precinct provides that any part of a building in Zone B1 Neighbourhood Centre or Zone B2 Local Centre used for residential accommodation is not to be included in the calculation of floor space ratio (refer clause and figure below).

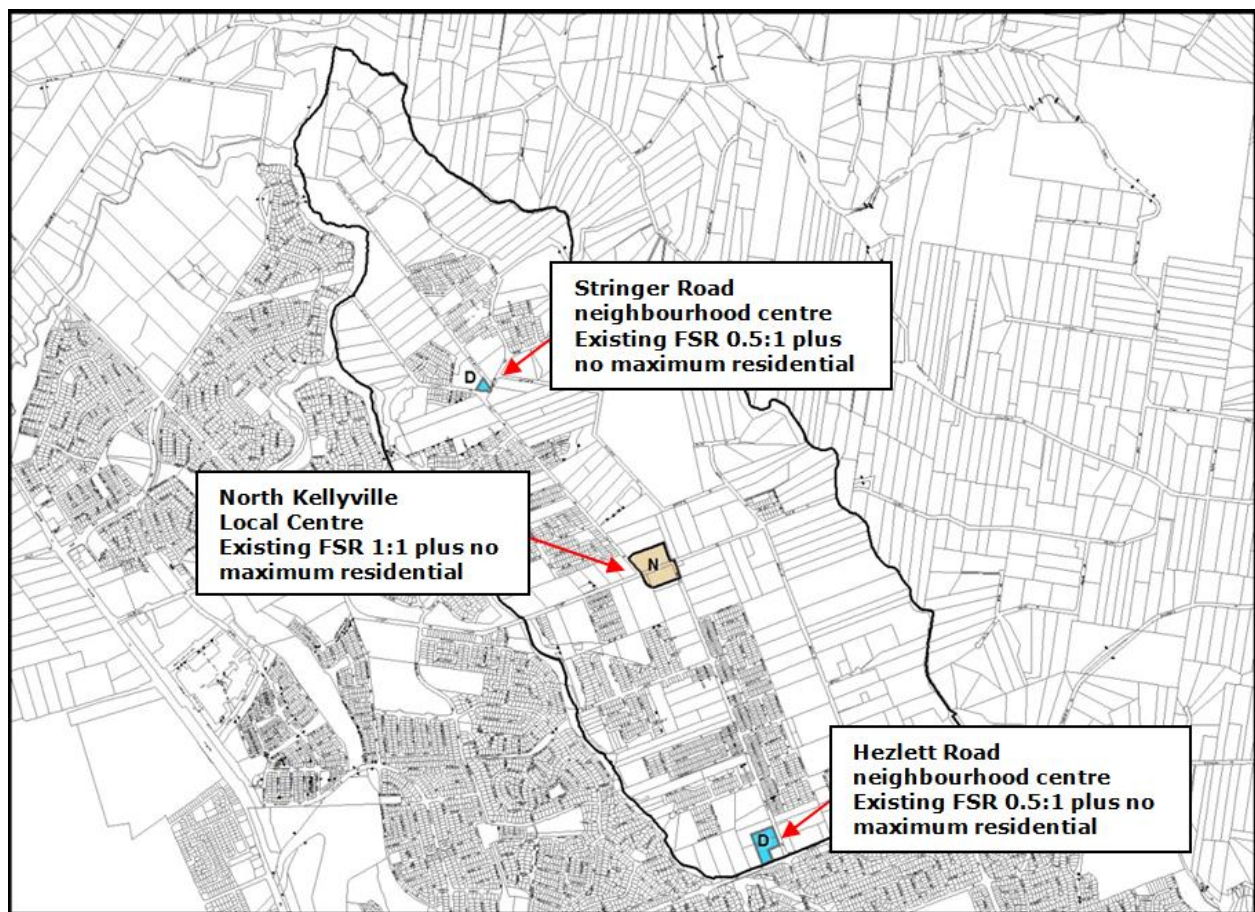
4.4 Floor space ratio [EXISTING CLAUSE]

(1) The objectives of this clause are as follows:

- (a) to control the bulk and scale of future development in the North Kellyville Precinct,
- (b) to ensure that control of the bulk and scale in the business zones does not restrict the provision of shop top housing.

(2) The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

(2A) Despite any other provision of this Precinct Plan, any part of a building in Zone B1 Neighbourhood Centre or Zone B2 Local Centre used for residential accommodation is not to be included in the calculation of floor space ratio.



Maximum Floor Space Ratio (FSR) (n:1)

D 0.5 **N** 1.0

North Kellyville centres – existing floor space ratio map including note re:
no maximum residential floor space

Stringer Road Neighbourhood Centre

The existing floor space ratio Clause 4.4(2A) provides insufficient certainty for the community as to the future character and built form outcomes, in particular for the Stringer Road neighbourhood centre for which no development application has yet been lodged. It is also inconsistent with the floor space ratio for neighbourhood centres under LEP 2012 and the

proposed approach for Box Hill Centres where the mapped floor space ratio applies to all development on the site.

It is proposed that Clause 4.4(2A) and the associated objective be deleted and a new objective be included to require that the future built form is consistent with the role of local and neighbourhood centres. It is further proposed that the Floor Space Ratio Map be amended from 0.5:1 to 1:1. Whilst this will actually increase the mapped floor space ratio, the total allowable floor space ratio for the site will be capped at 1:1 (rather than no maximum for residential development as is currently the case). The proposed floor space ratio of 1:1 is consistent with that applied to neighbourhood centres under LEP 2012 and provides greater certainty of built form outcomes by capping the total amount of development possible for the centre.

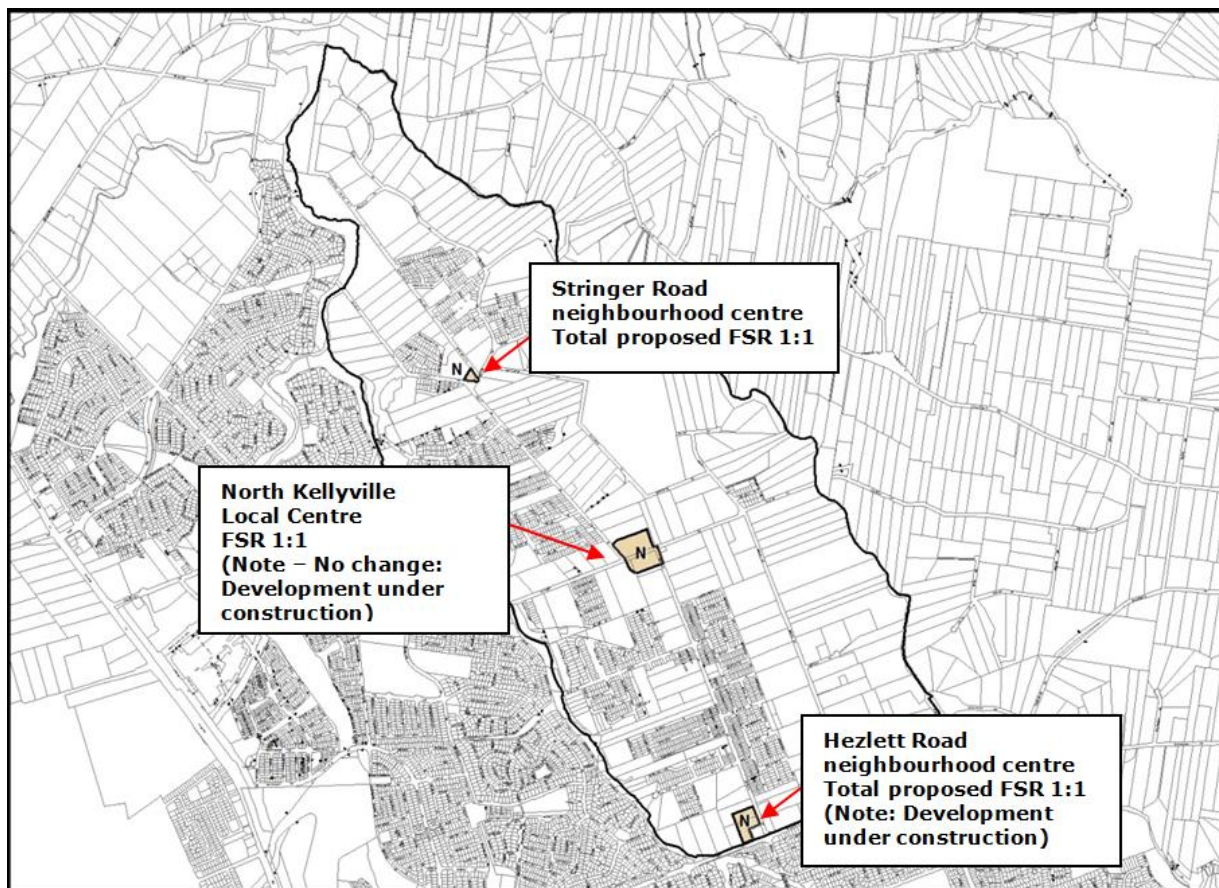
North Kellyville Local Centre and Hezlett Road Neighbourhood Centre

Approvals have already been issued for mixed use developments in the North Kellyville Local Centre and the portion of the Hezlett Road centre zoned B1 Neighbourhood Centre and development is currently under construction. However, it is considered appropriate to make amendments for these centres similar to Stringer Road to ensure consistency of controls across the precinct and align the controls more closely with LEP 2012 to facilitate the future integration of the Growth Centres SEPP and DCPs into Council's LEP 2012 and DCP 2012. The proposed controls, once in force, will also apply should any modifications or additions be proposed for either centre in the future.

In addition to the removal of Clause 4.4(2A), it is proposed to retain the existing floor space ratio of 1:1 for the Local Centre and amend the floor space ratio from 0.5:1 to 1:1 for Hezlett Road Centre. This would make the total allowable floor space ratio 1:1 for all centres in North Kellyville consistent with that applied to neighbourhood and local centres under LEP 2012.

Going forward, the permissible mix of development within the North Kellyville Local Centre will be subject to the shop top housing clause (that was proposed under planning proposal 11/2016/PLP) which requires a minimum of 50% of the total floor space to comprise non-residential uses. A minimum floor space ratio of 0.5:1 would need to be provided as non-residential uses to achieve the maximum residential floor space of 0.5:1, which is consistent with the anticipated provision of retail floor space for the centre.

A map of the proposed floor space ratios for each of the centres is provided below.



North Kellyville centres – proposed floor space ratio map

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 centres in the North Kellyville and Box Hill Growth Centres. The proposal will help to ensure that developments are of a suitable scale for their location and reflect the desired land use outcomes for zones within which they are located.

The precinct planning for the North Kellyville and Box Hill Growth Centres was finalised over eight years ago for North Kellyville and three years ago for Box Hill, which was prior to the strong market conditions for high density development. Appropriate densities for the precincts were determined based on historic development patterns which had shown relatively low construction of higher density housing types and typically little or no residential development within local and neighbourhood centre business zones. In order to encourage uptake, considerable flexibility was provided within the Growth Centres planning framework to achieve State government initiatives of boosting housing delivery and affordability across Sydney. However, it has had the unintended consequence of facilitating significant additional density beyond what was anticipated and planned for. The Development Control Plans for the Growth Centres provide guidance on intended built form outcomes which recommend a scale of development that has been significantly exceeded by recent development proposals that generally meet existing planning controls under the Growth Centres SEPP.

A number of recent development applications and development enquiries to undertake shop top housing and mixed use developments within the Hills Shire have proposed significant residential densities in commercial areas that are well beyond the scope of what was intended

for shop top housing, and where significant residential densities were neither anticipated nor required to meet State government housing targets. Some applications have proposed a scale of development that is excessive in the context of surrounding lower scale residential development, impacting on the established density, character and amenity of these localities.

The proposed amendments to 'bonus' floor space ratio controls within the Growth Centre Precincts will ensure that future developments are in keeping with the intended scale and character for the locality whilst maintaining the primary business and employment role of centres. The current 'bonus' floor space clauses within the Growth Centres SEPP are unclear and difficult for the community to interpret. This planning proposal will ensure that built form outcomes more accurately reflect what is articulated for centres in the respective DCPs for the North Kellyville and Box Hill Growth Centres.

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.

• A Plan for Growing Sydney

On 14 December 2014, the NSW Minister for Planning released A Plan for Growing Sydney. The Plan is intended to guide land use planning decisions for the next 20 years and presents a strategy for accommodating Sydney's forecast population growth over this time. To achieve the Government's vision for Sydney as a "strong global City, a great place to live", the Plan sets out four (4) main goals, for Sydney to be:

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

The Plan identifies targets for the future growth of Sydney including the delivery of 664,000 additional homes and accommodating 689,000 new jobs by 2031.

Key principles contained within the Plan are to provide housing and employment in and around centres and encourage urban renewal in established areas. The Plan also notes that growth must be supported by essential infrastructure including transport, utilities and social infrastructure such as schools, child care centres, health facilities, open space and recreation.

It is considered that the planning proposal is consistent with the objectives of the Plan as it will facilitate a reasonable level of commercial and residential development within centres which will contribute to the State's economy. It will also contribute to the achievement of vibrant, attractive and well-designed centres that serve the needs of the community whilst ensuring that outcomes are in keeping with the anticipated scale of development and ensure that new development does not place undue pressure on public infrastructure.

The planning proposal will not impact on the Shire's capacity to meet established housing targets, given that sufficient land has been identified in appropriate locations where it is supported by the necessary infrastructure to accommodate growth. Instead, the planning proposal aims to achieve development that reflects the built form outcomes envisaged in the relevant development control plans and to create centres that meet the diverse retail, employment and social needs of the community.

• Draft West Central District Plan

The draft West Central District Plan was released by the Greater Sydney Commission for public exhibition on Monday 21 November 2016. The draft District Plan proposes a 20-year vision for the West Central District, which includes the local government areas of Blacktown, Cumberland (parts of the former Auburn, Parramatta and Holroyd), Parramatta (parts of former Parramatta, The Hills, Auburn, Holroyd and Hornsby) and The Hills. The plans provide district level planning that connects local planning with the longer-term metropolitan planning for Greater Sydney.

The planning proposal is consistent with the following key actions:

- *Direction 3.4.6 Planning for retail floor space provision and demand in the West Central District.* This Direction recognises the importance of reinforcing the strong focus on centres and the need to support the expansion of existing centres to accommodate the growth in demand for retail and associated services. It also recognises the importance of investigating opportunities for new centres to be formed in locations that are supported by transport and other important forms of infrastructure.
- *Direction 3.5 Improving access to a greater number of jobs and centres within 30 minutes.* This Direction recognises the importance of increasing the range of jobs and other opportunities that people can access within 30 minutes, which relies on better transport connections and strong centres.

The Planning Proposal is also considered to be consistent with the following Priorities for the West Central District:

- Productivity Priority 3: '*Manage Growth and change in strategic and district centres and, as relevant, local centres*' which requires Councils to consider opportunities for existing centres to grow and new centres to be planned to meet forecast demand across a range of retail types, to reinforce the suitability of centres for retail and commercial uses while encouraging a competitive market, and to consider the commercial requirements of retailers. Councils are required to demonstrate how their planning for centres will meet a range of outcomes including meeting the retail and service needs of the community and managing the transition between the higher intensity activities in and around a centre and the lower intensity activity that frames a centre.

The subject planning proposal seeks to plan for development within centres that meets the retail, service and employment needs of the community, whilst ensuring greater consistency of the provisions that apply to centres in the Growth Centres. It also seeks to facilitate development outcomes within centres that are of an appropriate scale and are consistent with the built form outcomes envisaged by the respective Development Control Plans.

- Productivity Priority 8: '*Prioritise the provision of retail floor space in centres*' which requires Councils to consider matters including the existing and future supply and demand for retail floor space within the District, and the accessibility of different types of retail and commercial floor space to communities when preparing a planning proposal. Councils are also required to consider the impacts of new retail and commercial proposals on the viability and vitality of existing and planned centres, and the net social, economic and environmental benefits of new supply within different centres.

This planning proposal recognises the importance of prioritising the provision of retail floor space in centres whilst ensuring that future built form outcomes for the Box Hill and North Kellyville Growth Centre Precincts more accurately reflects what is articulated in the respective DCPs for those precincts.

- Liveability Priority 2: '*Deliver housing diversity*' which requires Councils to consider the needs of the local population base on their local housing strategy, to align local planning controls to address housing diversity that is relevant to the needs of the existing and future housing market, and to deliver quality design outcomes for both buildings and places.

There is sufficient capacity in appropriate locations within the Shire to meet the State Government's housing targets. This planning proposal seeks to ensure that outcomes achieved under the Growth Centres SEPP better align with the built form outcomes that are articulated in the respective development control plans for the North Kellyville and Box Hill Precincts.

It is considered that the planning proposal is consistent with the draft West Central District 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 is provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Plan 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 plan 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 help to achieve key strategic outcomes of the Plan, specifically the provision of a modern local economy, vibrant communities and balanced urban growth by ensuring that:

- Through responsible planning, the Hills Shire will become the vibrant key business centre in the region;
- Responsible planning facilitates a desirable living environment and meets growth targets;
- Developments do not compromise the provision of infrastructure and facilities for existing and future residents; and
- New development is managed through a robust framework of policies and plans that are in accordance with community needs and expectations.

- **Local Strategy**

Council's adopted Local Strategy provides the basis for the future direction of land use planning in the Shire and within this context implement the key themes and outcomes of the 'Hills 2026 Looking Toward the Future'. The Residential Direction and Centres Direction are the relevant components of the Local Strategy which have relevance to this Planning Proposal.

- **Residential Direction**

The Residential Direction reflects Council's desired approach to guide the planning, protection and management of the Shire's residential development. It establishes opportunities and mechanisms for ensuring residential development is planned and managed appropriately. Four key Directions have been established for the Shire's residential development including:

- R1 Accommodate population growth
- R2 Respond to changing housing needs
- R3 Provide a sustainable living environment
- R4 Facilitate quality housing outcomes

The Direction includes a target for an additional 36,000 dwellings within the Shire to 2031 based on the State's North West Subregional Strategy. It also demonstrates sufficient capacity to meet this target within existing and proposed residential and mixed use zones. Therefore,

significant residential densities as currently being proposed within the Shire's business zones are neither expected nor required to meet State government dwelling targets.

The objectives of the Residential Direction that are relevant to the planning proposal include the provision of balanced growth, well located housing supported by infrastructure and a diversity of housing choice appropriate to resident needs. It is considered that the proposal is consistent with these objectives as it seeks to clarify existing 'bonus' floor space provisions within the Growth Centres and ensure that built form outcomes are as anticipated in the relevant development control plans and align with community expectations. For land in the Box Hill Town Centre interface area, the planning proposal seeks to achieve a balance between residential and business uses to ensure that a suitable amount of commercial development is provided as intended by the DCP.

It is therefore considered that the proposal is consistent with this Direction.

- Centres Direction

The Centres Direction seeks to establish a network of centres that provides places for residents to shop, work, and have social interaction and recreational opportunities. The Direction includes a centres hierarchy which provides a framework for the scale, location and function of centres. This ensures that the population has access to a range of centres that meet their needs and are appropriate in scale and design for their location.

The Centres Direction identifies a hierarchy and desired typology and scale for each centre and planned centre in the Shire. A summary of the typology for neighbourhood and local centres as articulated within the Centres Direction is provided in the table below.

Centre type	Typology
Neighbourhood Centre	- Local bus stop - Low scale strip retailing. Retail meets daily needs on a small scale. Medium to large supermarkets are not appropriate - Low density residential development - Services include post box, public phone, public open space - Child care centre, primary school, general practitioner, community centre/facility within vicinity of centre
Village Centre	- Local bus stop - Low scale built form - Retail serves local residents' weekly shopping needs - Medium density housing such as town houses - Services and facilities may include child care centre, public open space, health care, ATM - Schools, private recreation within vicinity of centre
Town Centre	- Local transport node - Local scale built form with civic amenity - Retail meets weekly shopping needs - Medium and higher density housing including seniors living, affordable housing - Services and facilities include Council library branch, banks, post office, private recreation (e.g. gym), community centre. - Pedestrian accessible and convenient car parking - Schools, medical practitioners within vicinity of centre

Typology of local and neighbourhood centres under Centres Direction

The planning proposal will help to facilitate development outcomes which better align with the typologies outlined in the Centres Direction. The proposal will ensure greater consistency with the floor space ratio controls allowable within other centres in the Hills Shire, and contribute towards the achievement of vibrant, mixed use centres. It is therefore considered that the proposal is consistent with this Direction.

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

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A. A discussion on the consistency of the proposal with the relevant Policies is provided below.

- **State Environmental Planning Policy No. 19 – Bushland in Urban Areas**

The SEPP seeks to protect and preserve bushland within the urban area and requires consent from Council to disturb or remove bushland. Council's vegetation mapping indicates that there may be remnant native bushland on some urban land to which the planning proposal applies as outlined in the following table.

Subject Land	Vegetation Type
Stringer Road Neighbourhood Centre	Shale Sandstone Transition Forest
Box Hill Town Centre	Cumberland Plain Woodland
Mt Carmel Road Village centre	Cumberland Plain Woodland

Subject land containing native bushland

The planning proposal will not facilitate the removal of any bushland on the above properties and the necessary approvals will continue to be required to remove vegetation on any land to which the proposal applies. Notwithstanding this, it is noted that the land identified in the table above is biodiversity certified under the Growth Centres SEPP which allows the removal of this vegetation without obtaining the usual consent required under NSW legislation. The proposal is therefore consistent with the objectives of SEPP No. 19 – Bushland in Urban Areas.

- **State Environmental Planning Policy No. 55 – Remediation of Land**

The SEPP seeks to promote the remediation of land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. It requires that contamination and remediation be considered in a zoning or rezoning proposal. A planning authority must consider whether the land is contaminated, and if so, whether it would be suitable after remediation, for all uses permitted within a zone.

The planning proposal will apply to land that may have been previously used for agricultural activities that are referred to in Table 1 to the contaminated land planning guidelines. However, the planning proposal seeks to only amend development standards under the SEPP and does not rezone land. The proposal is therefore not considered to be inconsistent with the objectives of SEPP No.55 – Remediation of Land.

- **State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development**

This SEPP aims to improve the design quality of residential apartment development in NSW and applies to residential flat buildings, shop top housing or mixed use developments with a residential component if a building is at least 3 or more storeys and contains at least 4 or more dwellings. This planning proposal seeks to achieve high quality urban design outcomes that meet community needs in centres that are attractive places to live, work and visit. Accordingly, it is considered that the planning proposal is consistent with the aims of the SEPP.

- **State Environmental Planning Policy (Affordable Rental Housing) 2009**

This SEPP aims to provide a consistent planning regime for the provision of affordable rental housing, to support local business centres by providing affordable rental housing for workers close to places of work, and to facilitate the effective delivery of new affordable rental housing. The planning proposal retains the opportunity to provide an appropriate scale of shop top

housing that is in keeping with the outcomes anticipated in the respective development control plans and will not undermine the SEPP.

- **State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The SEPP provides for the coordinated release of land for residential, employment and other urban development in the North West and South West growth centres of the Sydney Region (in conjunction with the *Environmental Planning and Assessment Regulation 2000* relating to precinct planning). The North Kellyville and Box Hill Precincts are zoned under the SEPP and form part of the North West Growth Centre. The aims of the SEPP are as follows:

- (a) *to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre, the South West Growth Centre and the Wilton Priority Growth Area,*
- (b) *to enable the Minister from time to time to designate land in growth centres as ready for release for development,*
- (c) *to provide for comprehensive planning for growth centres,*
- (d) *to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high quality local amenity,*
- (e) *to provide controls for the sustainability of land in growth centres that has conservation value,*
- (f) *to provide for the orderly and economic provision of infrastructure in and to growth centres,*
- (g) *to provide development controls in order to protect the health of the waterways in growth centres,*
- (h) *to protect and enhance land with natural and cultural heritage value,*
- (i) *to provide land use and development controls that will contribute to the conservation of biodiversity.*

The proposal will help to meet the wider vision and objectives for development within the Growth Centres Precincts. The proposal will provide for vibrant and sustainable centres that meet the needs of the community and contain an appropriate mix of uses with a high level of amenity. The proposal will help to ensure that future development within the centres will achieve the form of orderly development that is articulated in the respective development controls for the growth centres.

Accordingly, it is considered that the planning proposal will assist in achieving the aims of the SEPP.

6. *Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?*

Yes. The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 1.1 – Business and Industrial Zones**

This Direction seeks to encourage employment growth in suitable locations, to protect employment land in business and industrial zones, and to support the viability of identified strategic centres. It applies when a planning proposal will affect land within an existing or proposed business or industrial zone. It requires that a planning proposal must give effect to the objectives of the Direction, retain the areas and locations of existing business and industrial zones, not reduce the total floor space area for employment uses in business zones, and not reduce the total potential floor space area for industrial uses in industrial zones.

The planning proposal will amend the floor space ratio provisions for land within the growth centres to ensure that future development is in keeping with the outcomes articulated in the North Kellyville and Box Hill Development Control Plans, and will require a minimum percentage of non-residential floor space to be provided for any shop top housing

developments in the Box Hill Town Centre Interface Area. Amendments to the floor space ratio will not reduce the total floor space area available for employment uses and related public services, but rather clarifies that the applicable floor space ratio applies to all development on a site (as opposed to the floor space 'bonus' that is currently available to encourage the uptake of shop top housing opportunities).

It is considered the proposal is consistent with the objectives of this Direction.

- **Direction 2.3 Heritage Conservation**

This Direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance and applies when a planning authority prepares a planning proposal. Under this Direction a planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area. A planning proposal must also facilitate the protection of Aboriginal areas, objects, places and landscapes that have been identified by an Aboriginal heritage survey.

This planning proposal will affect land at 10 - 32 Terry Road, Box Hill. Schedule 5 Environmental Heritage of SEPP (Sydney Region Growth Centres) 2006 identifies Box Hill House at 10 Terry Road, Box Hill as being of State significance. The location of the heritage item is shown in Figure 3 below. The planning proposal will apply to land zoned R1 General Residential, as shown in Figure 4 below.

The planning proposal does not seek to rezone land but instead aims to achieve development outcomes that are in accordance with the relevant development control plan. The Box Hill Growth Centre Precincts DCP 2016 envisages that the town centre interface area on the western side of Terry Road will be in the form of offices and ancillary services such as child care centres and medical centres. The proposed amendment to the floor space ratio for land in the Town Centre Interface (the R1 General Residential zone) which removes the 'bonus' floor space ratio provisions for shop top housing, in association with the new provision that requires at least 50% of the total floor space within future developments be required as non-residential uses, will not impact on the heritage significance of Box Hill House.



Figure 3

State Significant Heritage Item at 10-32 Terry Road, Box Hill

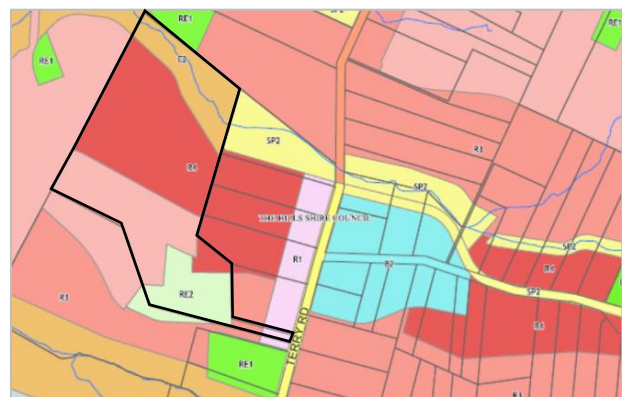


Figure 4

Land zoned R1 General Residential in the Box Hill Town Centre Interface Area

Also, the future Nelson Road Village is located opposite 'Marklye' at 18 Nelson Road, Box Hill. 'Marklye' is an item of local significance and is identified in Schedule 5 'Environmental heritage' of Appendix 11 The Hills Growth Centre Precincts Plan in SEPP (Sydney Region Growth Centres) 2006. This planning proposal will have no adverse heritage impacts on this item. The potential heritage impacts associated within future developments within the Nelson Road Village will be considered at the development assessment stage.

The heritage item 'Yalta' (including the house and immediate garden) is listed as a locally significant heritage item in Schedule 5 'Environmental heritage' in Appendix 2 North Kellyville Precinct Plan in SEPP (Sydney Region Growth Centres) 2006. This heritage item is located in the vicinity of the North Kellyville Local Centre. This planning proposal will have no adverse impacts on the heritage significance of this item.

The planning proposal is considered to be consistent with this Direction as it will not impact on the significance of a heritage item, area, object or place of environmental or indigenous significance. The planning proposal seeks to ensure that the scale of future development is in keeping with the scale envisaged in the development control plan. Accordingly, the planning proposal is not considered to be inconsistent with this Direction.

- **Direction 3.1 – Residential Zones**

This Direction applies when a planning proposal will affect land within an existing or proposed residential zone or any zone in which significant residential development is permitted or is proposed to be permitted. The objectives of the Direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services to 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.

Where this Direction applies, a planning proposal must include provisions that will broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development on the urban fringe, and encourage the provision of housing that is of good design. Planning proposals must contain a requirement that residential development is not permitted until land is adequately serviced and not contain provisions which will reduce the permissible residential density of land.

The planning proposal seeks to ensure that future development within centres in the Box Hill and North Kellyville release areas is of high quality and in keeping with the built form outcomes envisaged by the respective development control plans. The planning proposal will not impact upon the choice of building types and locations available in the housing market, and does not involve the rezoning of land.

The proposed amendments to the floor space ratio map and changes to the bonus floor space ratio provisions in the SEPP (Sydney Region Growth Centres) 2006 for land in Box Hill and North Kellyville will ensure that planning provisions better align with changes introduced by planning proposal 11/2016/PLP which require at least half of the floor space within centres to be used for retail, employment and related services, rather than residential.

The proposed amendments to the existing 'bonus' floor space ratio provisions (which sought to encourage the provision of shop top housing) and amendments to the floor space ratio map will reduce the potential for development outcomes that exceed what was anticipated within centres as articulated in the respective development control plans. It also seeks to achieve high quality developments that do not place excessive pressure on infrastructure and services and will assist with achieving zone objectives.

In relation to the Box Hill Town Centre Interface Area (Area 'F' on the proposed Key Sites Map), the proposed requirement that at least 50% of the floor space in a shop top housing development consist of non-residential uses will assist with achieving the zone objectives. The planning proposal will ensure that such development achieves a suitable balance between meeting housing needs and providing facilities and services that meet the day to day needs of residents in the locality.

Accordingly the proposal is not considered to be inconsistent with this Direction.

- **Direction 3.4 – Integrating Land use and Transport**

This Direction aims to ensure that development improves access to housing, jobs and services, increases the choice of available transport, reduces travel demand and dependence on cars, supports the viable operation of public transport services and provides for the efficient movement of freight. A planning proposal must locate zones for urban purposes and include provisions that are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2001). The Direction applies when a planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

The land use planning approach implemented through the Direction is to encourage future growth within areas that are well located to public transport, services and employment opportunities. This planning proposal aims to ensure that development within centres is of an appropriate scale and supports a diverse range of land uses that will meet the needs of the community, thereby reducing the need to travel greater distances for necessary services elsewhere. Accordingly, the proposal is not considered to be inconsistent with this Direction.

- **Direction 4.3 – Flood Prone Land**

This Direction applies when a planning proposal creates, removes or alters a zone or a provision that affects flood prone land and requires the planning proposal to include provisions that give effect to, and are consistent with, the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*).

This Direction requires that planning proposals must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection zones to a Residential, Business, Industrial, Special Use or Special Purpose zone. The subject planning proposal does not involve the rezoning of land.

The Direction also requires that planning proposals must not permit development in floodway areas or development that will result in significant flood impacts to other properties, permit a significant increase in the development of land in flood planning areas, or result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services.

Some land to which this proposal applies is identified as a flood control lot under Council's Flood Controlled Land Map (see maps in Attachment D). However, the proposed amendments are not likely to increase the scale of development on land to which this planning proposal applies and are therefore unlikely to have any adverse flooding impact beyond what may occur under existing controls.

The Hills Development Control Plan Part C Section 6 Flood Controlled Land contains controls that apply to all flood controlled land within the Hills Local Government Area. These controls have been prepared in accordance with the NSW Government's Flood Prone Land Policy.

It is not envisaged that the planning proposal will require any additional flood mitigation measures and therefore the proposal is considered to be consistent with the strategic directions and key policy settings of this Direction.

- **Direction 4.4 – Planning for Bushfire Protection**

Any planning proposal for land which is identified as being bushfire prone on a Bushfire Prone Land Map must be consistent with Ministerial Direction 4.4 Planning for Bushfire Protection. The Direction requires that planning proposals must:

- (a) have regard to Planning for Bushfire Protection 2006,*
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas, and*
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.*

Whilst the planning proposal applies to land mapped as or in proximity to land mapped as bushfire prone land (see maps in Attachment E), it is unlikely that the proposal will facilitate any intensification of development on the subject land beyond what is currently permitted under existing planning controls. However, in accordance with this Direction the NSW Rural Fire Service will be consulted as part of the public agency consultation for this planning proposal. Accordingly, it is considered that the planning proposal is consistent with this Direction.

- **Direction 6.1 Approval and Referral Requirements**

The objective of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The planning proposal is consistent with this Direction as it does not include provisions that require the concurrence, consultation or referral of future development applications to a Minister or public authority.

- **Direction 6.3 Site Specific Provisions**

The objective of this Direction is to discourage unnecessarily restrictive site specific planning controls and it applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

The planning proposal does not seek to rezone land or to alter the land uses that are currently permissible on the subject sites. The amendments to the floor space ratio relate to existing development standards in the SEPP (Sydney Region Growth Centres) 2006.

In relation to land zoned R1 General Residential in the Box Hill Town Centre Interface Area (Area F on the proposed Key Sites Map), the proposed requirement that where a development application relates to a building containing shop top housing, that at least 50% of the total floor area of the building must contain non-residential uses will ensure that future development achieves the zone objectives of providing for the housing needs of the community as well as providing for facilities, services and land uses that will support the adjoining Box Hill Town Centre. Accordingly, the proposal is not considered to be inconsistent with this Direction.

- **Direction 7.1 Implementation of a Plan for Growing Sydney**

In accordance with the Department of Planning and Environment Fact Sheet "Commencement of the *Greater Sydney Commission Act 2015* and what it means for councils", this Direction no longer has effect. Consideration of 'A Plan for Growing Sydney' has been addressed in Section B 'Relationship to Strategic Planning Framework' of this planning proposal.

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?

The planning proposal will apply to some land that contains small areas of threatened species, as identified in Council's 2008 vegetation mapping. This includes the following centres:

- Box Hill Town Centre: part of 9 – 11 Mason Road, Box Hill (Cumberland Plain Woodland)
- Mt Carmel Road Village centre: part of 109 – 119 Boundary Road, Box Hill (Cumberland Plain Woodland)
- Stringer Road centre: 1 Hillview Road, Kellyville (Shale / Sandstone Transition Forest)

Much of the land in the North Kellyville and Box Hill Release Areas is subject to biodiversity certification. As the planning proposal does not involve the rezoning of land or changes to densities, it is considered unlikely that there will be adverse impacts on any critical habitat or threatened species, populations or ecological communities, or their habitats. Should any future developments be proposed on land with critical habitat or threatened species, populations or ecological communities, or their habitats, this would need to be appropriately managed at the development application stage, as is currently the case.

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

The planning proposal is considered unlikely to result in any other adverse environmental impacts.

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

The planning proposal supports the economic viability of centres by ensuring that a sustainable balance is achieved between residential and non-residential development on land within centres. By ensuring that development in centres more accurately reflects what is articulated in the North Kellyville and Box Hill Development Control Plans, the planning proposal will facilitate the provision of vibrant and attractive centres that are suited to their location and maintain a high level of amenity for residents.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

The proposal is unlikely to place additional demand on public infrastructure given that no increase to the current densities is proposed.

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? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)

It is recommended that consultation be undertaken with the following public authorities if a Gateway Determination is issued by the Department of Planning and Environment:

- NSW Rural Fire Service
- State Emergency Service
- Transport for NSW
- Roads and Maritime Services
- Endeavour Energy
- Sydney Water
- Telstra
- Office of Environment and Heritage – Heritage Branch
- Department of Planning and Environment – Land Release Team

A list of all relevant agencies would be determined as part of the Gateway Determination. Following the Gateway determination, all relevant agencies will be consulted.

PART 4 MAPPING

The planning proposal seeks to make the following mapping amendments:

(a) Floor Space Ratio Map

The planning proposal seeks to amend the North West Growth Centre Floor Space Ratio Map in *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

(b) Key Sites Map

A new Key Sites Map is to be introduced into *Appendix 11 The Hills Growth Centre Precincts Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006* for the Box Hill Release Area via planning proposal 11/2016/PLP. This planning proposal is currently with the Department of Planning and Environment for finalisation.

This subject planning proposal will amend the future Key Sites Map to include land within the Box Hill Town Centre Interface area as "Key Site F" in *Appendix 11 The Hills Growth Centre Precincts Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

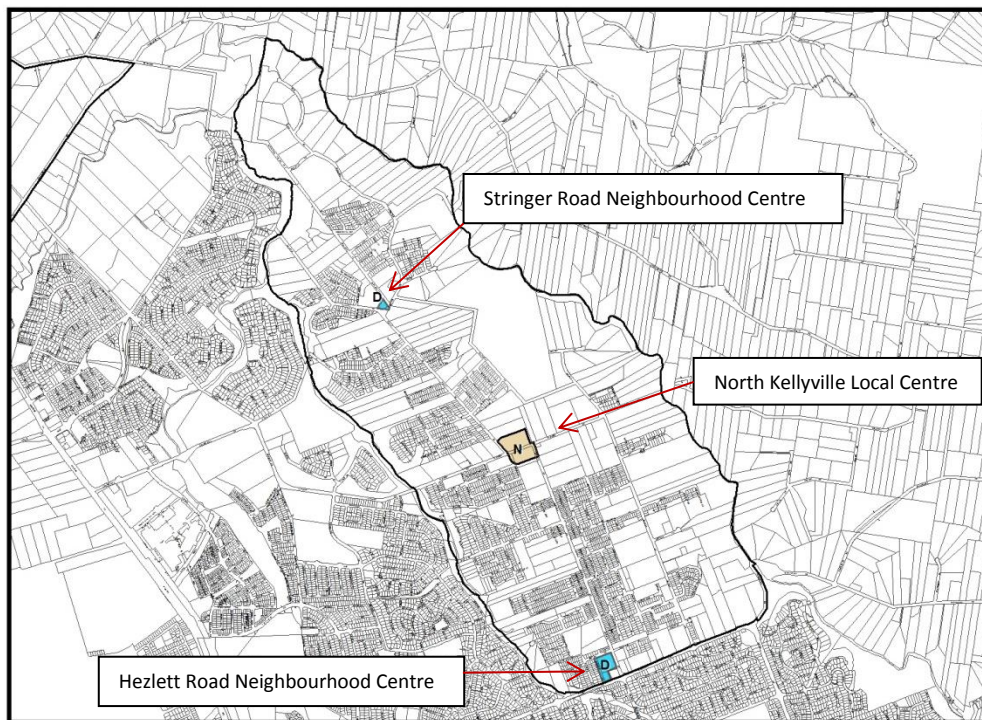
Snapshots of the proposed Floor Space Ratio Map and the proposed Key Sites Map under the Growth Centres SEPP are provided below.

A portion of the subject land is identified as either flood controlled land or bush fire prone land under existing planning controls. Maps of these properties are provided as Attachments D and E, respectively. No change is proposed to existing mapping for flood controlled land or bush fire prone land.

FLOOR SPACE RATIO MAPS

NORTH KELLYVILLE GROWTH CENTRE PRECINCT

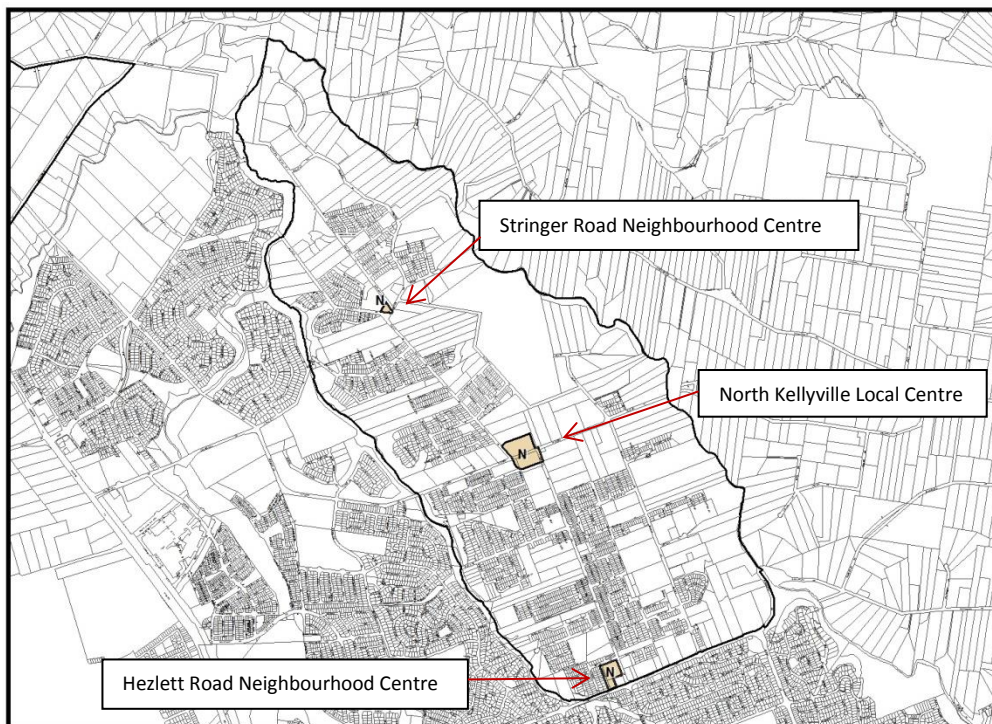
EXISTING FLOOR SPACE RATIO MAP (WHOLE PRECINCT):



Maximum Floor Space Ratio (FSR) (n:1)

D 0.5 **N** 1.0

PROPOSED FLOOR SPACE RATIO MAP (WHOLE PRECINCT):



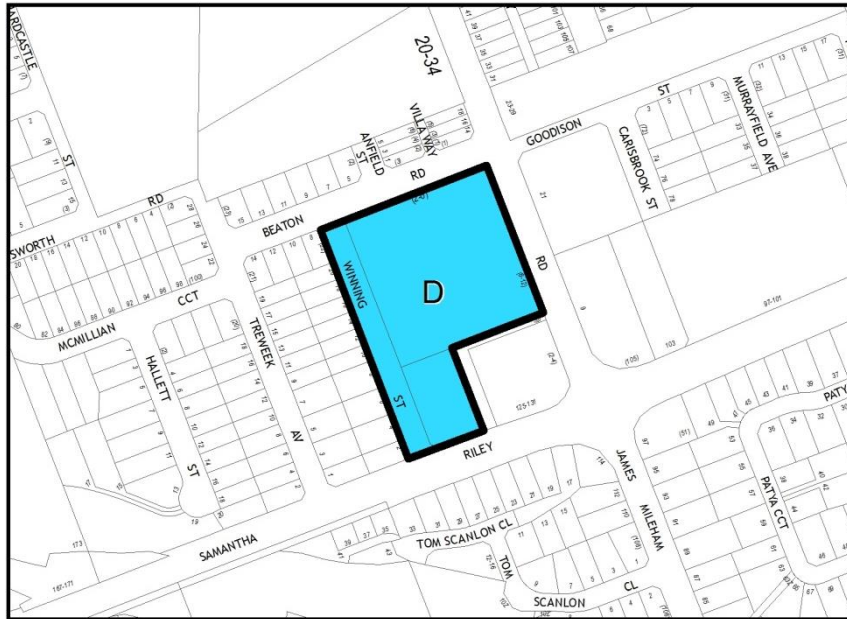
Maximum Floor Space Ratio (FSR) (n:1)

N 1.0

NORTH KELLYVILLE GROWTH CENTRE PRECINCT

B1 NEIGHBOURHOOD CENTRE ZONE – HEZLETT ROAD NEIGHBOURHOOD CENTRE

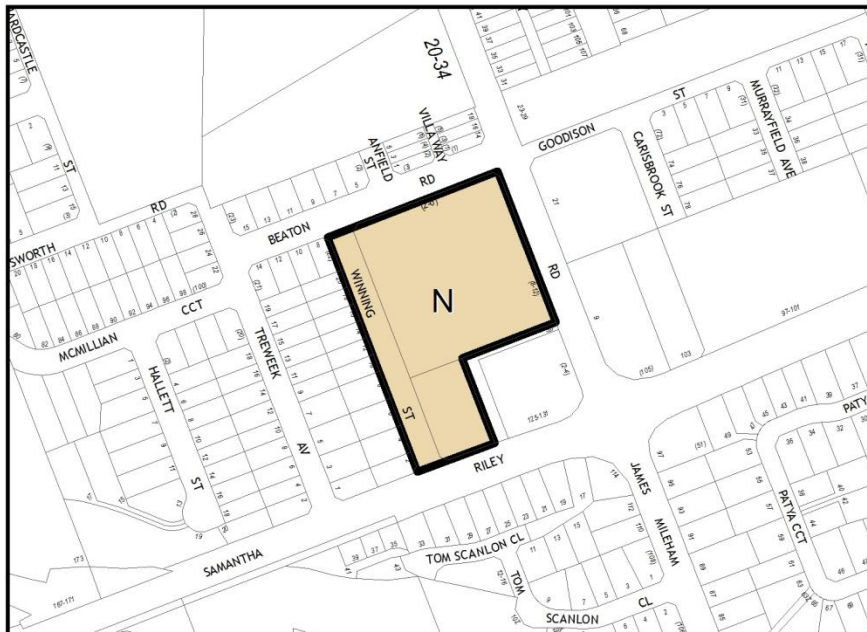
EXISTING FSR:



Maximum Floor Space Ratio (FSR) (n:1)

D 0.5

PROPOSED FSR:



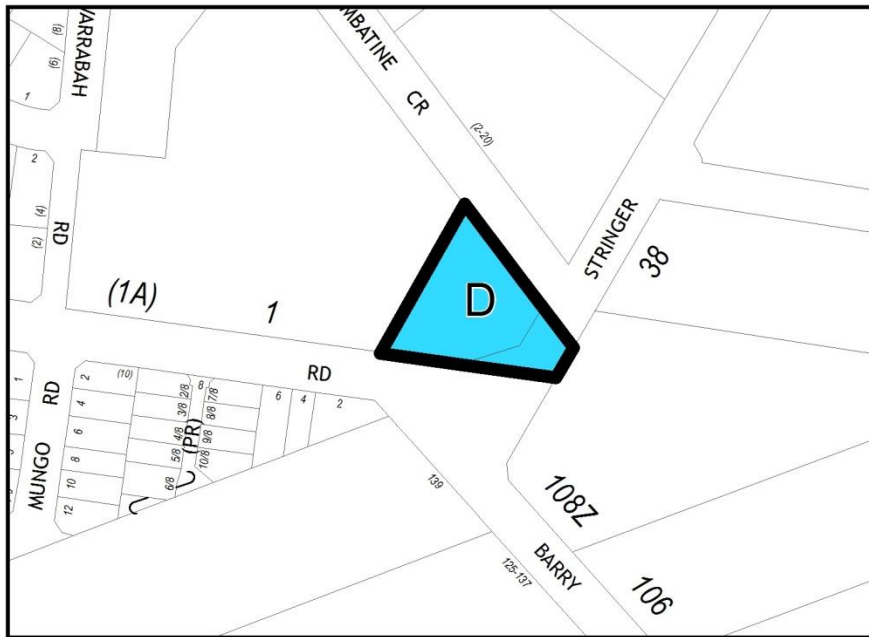
Maximum Floor Space Ratio (FSR) (n:1)

N 1.0

NORTH KELLYVILLE GROWTH CENTRE PRECINCT

B1 NEIGHBOURHOOD CENTRE ZONE – STRINGER ROAD NEIGHBOURHOOD CENTRE

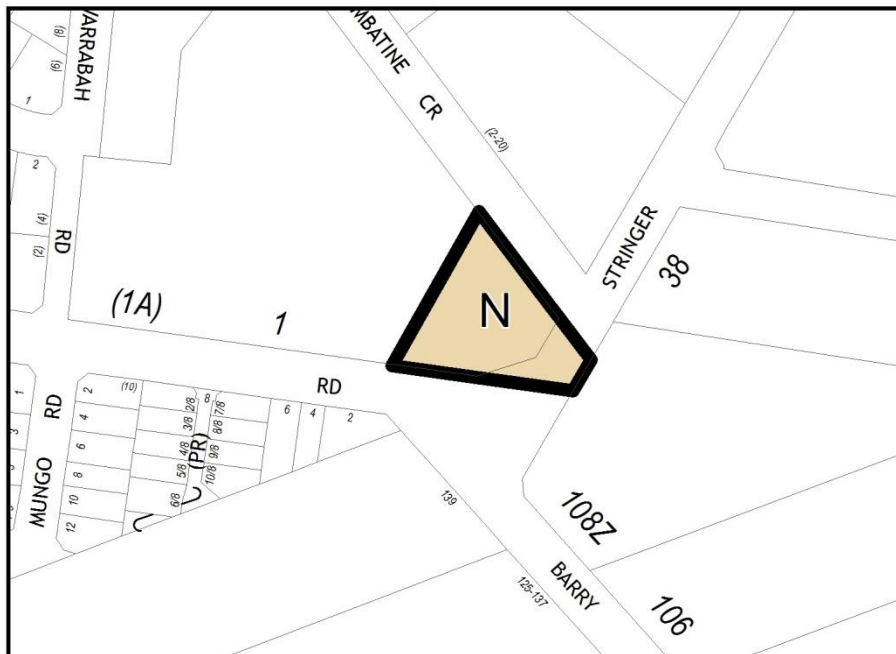
EXISTING FSR:



Maximum Floor Space Ratio (FSR) (n:1)

D 0.5

PROPOSED FSR:

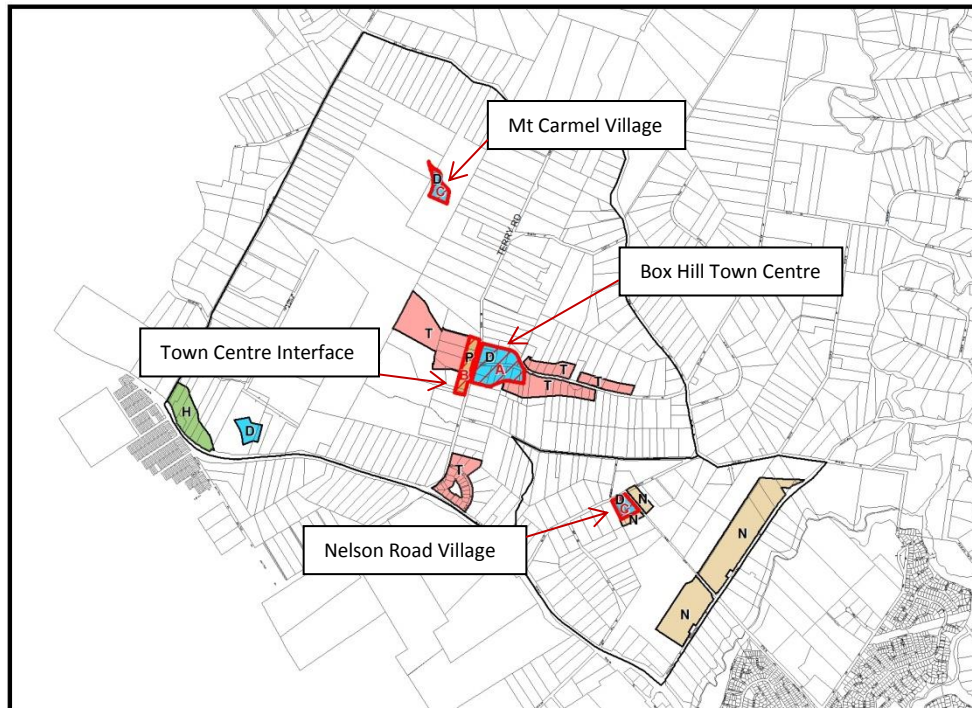


Maximum Floor Space Ratio (FSR) (n:1)

N 1.0

BOX HILL GROWTH CENTRE PRECINCT

EXISTING FLOOR SPACE RATIO MAP (WHOLE PRECINCT):

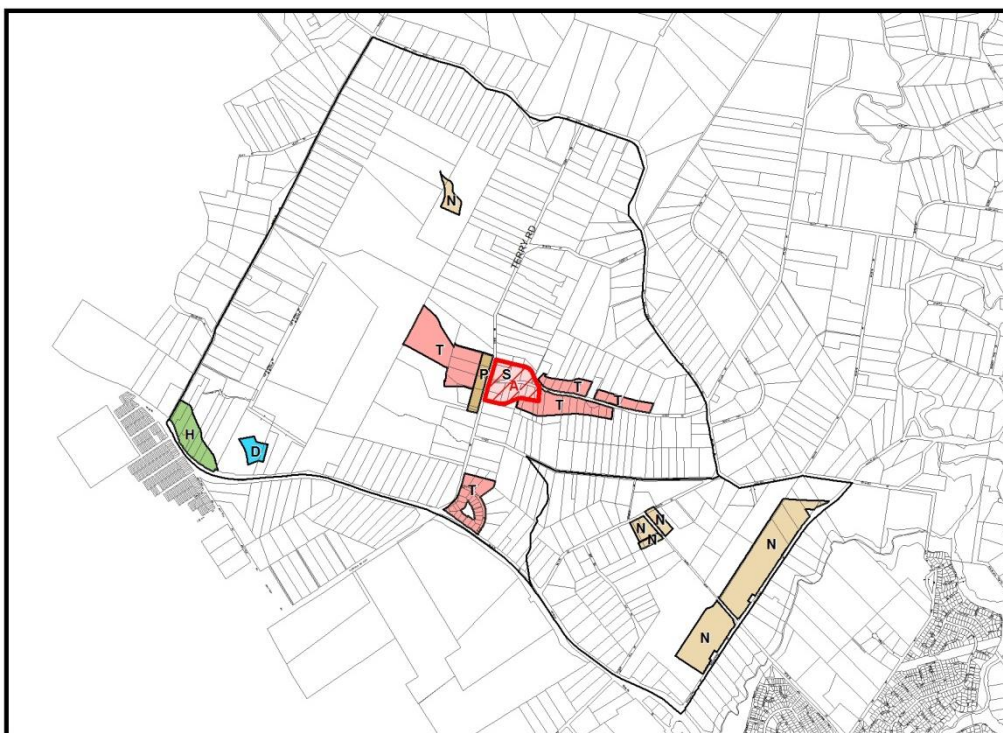


Maximum Floor Space Ratio (FSR) (n:1)

D 0.5 H 0.7 N 1.0 P 1.25 T 2.0

 Refer to Appendix 11 Clause 4.4.A

PROPOSED FLOOR SPACE RATIO MAP (WHOLE PRECINCT):



Maximum Floor Space Ratio (FSR) (n:1)

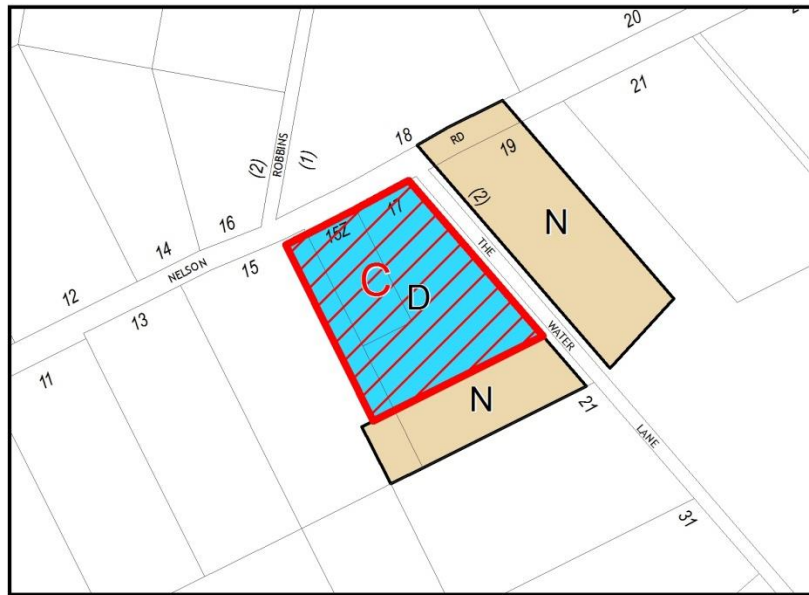
D 0.5 H 0.7 N 1.0 P 1.25 T 2.0

 Refer to Appendix 11 Clause 4.4.A

BOX HILL GROWTH CENTRE PRECINCT

B2 LOCAL CENTRE ZONE – NELSON ROAD VILLAGE

EXISTING FSR:

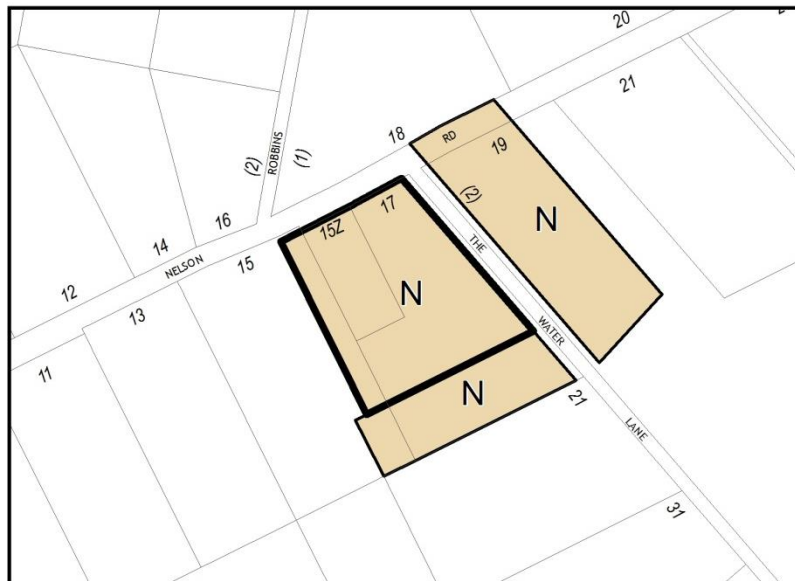


Maximum Floor Space Ratio (FSR) (n:1)

D 0.5 N 1.0

/ / / Refer to Appendix 11 Clause 4.4.A

PROPOSED FSR:



Maximum Floor Space Ratio (FSR) (n:1)

N 1.0

EXISTING FSR:

 Refer to Appendix 11 Clause 4.4.A

BOX HILL GROWTH CENTRE PRECINCT

B2 LOCAL CENTRE ZONE – MT CARMEL ROAD VILLAGE

EXISTING FSR:

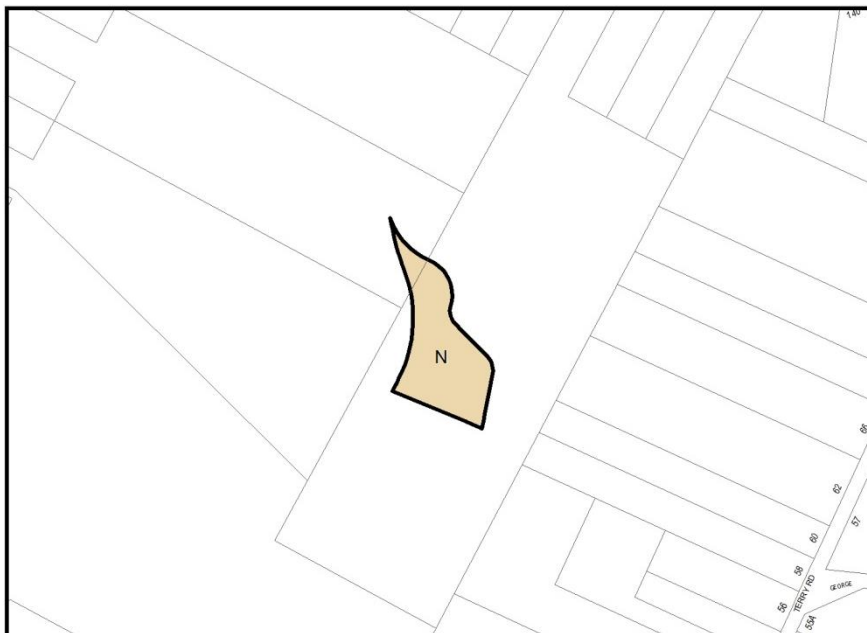


Maximum Floor Space Ratio (FSR) (n:1)

D 0.5

C Refer to Appendix 11 Clause 4.4.A

PROPOSED FSR:



Maximum Floor Space Ratio (FSR) (n:1)

N 1.0

KEY SITES MAP

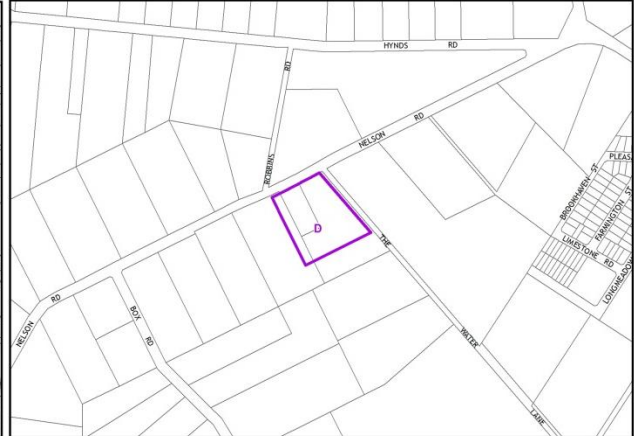
BOX HILL GROWTH CENTRE PRECINCT

KEY SITES MAP PROPOSED VIA PLANNING PROPOSAL 11/2016/PLP (not yet finalised)



Key Sites Map

Area D Area E



Key Sites Map

Area D

PROPOSED KEY SITES MAP UNDER THE SUBJECT PLANNING PROPOSAL:



Key Sites Map

Area D Area E Area F

PART 5 COMMUNITY CONSULTATION

The planning proposal will be exhibited for public comment in accordance with the Gateway Determination requirements.

The planning proposal will be advertised in local newspapers and placed on display at Council's administration building and the Vinegar Hill Memorial Library in Rouse Hill. The planning proposal will also be made available on Council's website. Council will also write to landowners of all properties to which the proposed amendments apply and to the public authorities listed below:

- NSW Rural Fire Service
- State Emergency Service
- Transport for NSW
- Roads and Maritime Services
- Endeavour Energy
- Sydney Water
- Telstra
- Office of Environment and Heritage – Heritage Branch
- Department of Planning and Environment – Land Release Team

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	June 2017
Government agency consultation	July 2017
Commencement of public exhibition period	July 2017
Completion of public exhibition period	August 2017
Timeframe for consideration of submissions	September 2017
Timeframe for consideration of proposal post exhibition	September 2017
Report to Council on submissions	October 2017
Date of submission to Department for finalisation	November 2017