



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
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29 May 2024

Felicity No
Director Local Planning and Council Support
Department of Planning, Housing, and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2150

Our Ref: 2/2024/PLP

Dear Ms No,

PLANNING PROPOSAL SECTION 3.34 NOTIFICATION

Proposed State Environmental Planning Policy (Precincts – Central River City) 2021 (Amendment No. #) – to rezone land from SP2 Infrastructure to R3 Medium Density Residential, apply a Height of Building standard of 14m, apply a Minimum Density of 18 dwellings per hectare and introduce a new local provision to apply a Maximum Density of 30 dwellings per hectare for part of 48 Terry Road, Box Hill

Pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), it is advised that Council has resolved to prepare a planning proposal for the above amendment. The planning proposal seeks to rezone part of 48 Terry Road, Box Hill, apply a Height of Building and Minimum Residential Density standard, as well as introduce a new local provision to apply a Maximum Residential Density for the R3 zoned land to facilitate the delivery of additional medium density housing.

Please find enclosed the information required in accordance with 'Local Environmental Plan Making Guideline' issued under Section 3.33(3) of the EP&A Act. The planning proposal and supporting material is enclosed with this letter for your consideration. Council is seeking delegation as the Local Plan Making Authority. Amendments to the Box Hill DCP and a VPA Letter of Offer are attached to the Council Report. The Proponent will submit a draft VPA (consistent with the VPA Letter of Offer). Once the draft VPA is submitted it will be legally reviewed and exhibited concurrently with the planning proposal and draft DCP amendments if a Gateway Determination is issued.

If a Gateway Determination is issued it is requested that a minimum of 9 months be provided for the finalisation of the planning proposal. Additionally, the matter will not be able to be exhibited and reported to Council prior to the 2024 Council elections because the time required to exhibit the proposal, coupled with the lead-in times for Council Reports, will simply not enable it to be reported prior to the mandated Caretaker Period. The earliest that Council officers will be able to report any matters to the newly elected Council will be around November-December 2024. It is therefore requested that this be factored into any milestone timeframes that may accompany the Gateway Determination, if issued. We have also sought to ensure that there is not a significant gap between when the matter is exhibited to the community and when it is ultimately reported to Council. The anticipated timeline for the proposal is provided within Part 6 of Attachment 1.

Following receipt by Council of the Department's written advice, Council will proceed with the planning proposal. Any future correspondence in relation to this matter should quote reference number 2/2024/PLP. Should you require any further information please contact Cathy Chung, Town Planner on 9843 0336.

Yours faithfully,

Nicholas Carlton

MANGER - FORWARD PLANNING

Attachment 1: Planning Proposal (including attachments)

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Draft State Environmental Planning Policy (Precincts – Central River City) 2021 (Amendment No (#)) – to rezone land from SP2 Infrastructure to R3 Medium Density Residential, apply a Height of Building standard of 14m, apply a Minimum Density of 18 dwellings per hectare and introduce a new local provision to apply a Maximum Density of 30 dwellings per hectare for part of 48 Terry Road, Box Hill.

STATUS: Pre-Gateway Determination

ADDRESS OF LAND: 48 Terry Road, Box Hill (Lot 30 DP 10157)

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Housing	1	53-87	+ 52-86
Jobs	n/a	n/a	n/a

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 (14 May 2024)
Attachment D	Local Planning Panel Report and Minute (21 February 2024)
Attachment E	Proponent's Planning Proposal and Supporting Material

BACKGROUND:

At its Ordinary Meeting of 14 May 2024, Council considered a planning proposal applicable to land at 48 Terry Road, Box Hill and resolved that:

- 1. Recognising the clear position of School Infrastructure NSW that the NSW Government will no longer be acquiring the land at 48 Terry Road, Box Hill for the purpose of a school, the planning proposal proceed to Gateway Determination, subject to the inclusion of a local provision which limits the density of future development on the site to a maximum of 30 dwellings per hectare.*
- 2. Draft amendments to the Box Hill Development Control Plan 2018 (Attachment 3) be publicly exhibited concurrent with the planning proposal.*
- 3. Council accept, in principle, the draft VPA Letter of Offer (Attachment 5). A draft VPA consistent with the terms of the Offer be prepared and be subject to legal review (at the cost of Proponent), updated in accordance with the recommendations of the legal review and subsequently placed on public exhibition concurrent with the planning proposal and draft Development Control Plan.*

A copy of the Council Report and Minute is provided as Attachment C.

In satisfaction of Council's Resolution (Point 3), the Proponent has been requested to submit a draft VPA consistent with the terms of the VPA Letter of Offer. Once submitted it will be subject to legal review. Once a Gateway Determination is issued, Council will update the planning proposal to reflect any conditions of the Gateway Determination and exhibit the package (planning proposal, DCP amendments and VPA).

THE SITE:

The site has a total area of approximately 4.4 hectares. It is one of three adjoining properties (48, 50 and 52 Terry Road) that are partly zoned SP2 Infrastructure (School) under SEPP (Precincts – Central River City) 2021, having been identified for this purpose by the Department during the precinct planning and release of the Box Hill Growth Centres Precinct. The western portion of the site is zoned RE1 Public Recreation and will form part of the future Sunny Hill Parkway Sports Complex.

Land directly to the south of the subject site (40-44 and 46 Terry Road) is also identified for a future school, however this land is not zoned for acquisition by Government and would likely comprise a private school if developed for education purposes in the future. This land is zoned R3 Medium Density Residential however the Indicative Layout Plan for the Box Hill Precinct identifies this land for a school.

The subject site is located to the north of the Box Hill Town Centre (located at the junction of Terry Road and Mason Road) and is predominantly surrounded by medium and low-density residential land. There is also an overland flow path traversing the site.



Figure 1: Aerial view of the site and surrounding locality

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to facilitate the medium density development, with a yield of between 53-87 lots or dwellings on the site, with lot size ranging between 225m² to 526m². Rezoning the land to permit residential development reflects the advice of SINSW that it no longer intend to acquire this land for the purpose of a school, as previously identified through the Government's Precinct Planning for Box Hill Precinct.

The Proponent has submitted 2 possible concepts, one comprising 58 lots and the other comprising 61 lots. However, these concepts were submitted to provide an indication of the possible development outcome on the site. The final yield would ultimately be subject to further detailed

design as part of a future development application which would need to comply with the minimum and maximum residential density standards proposed.

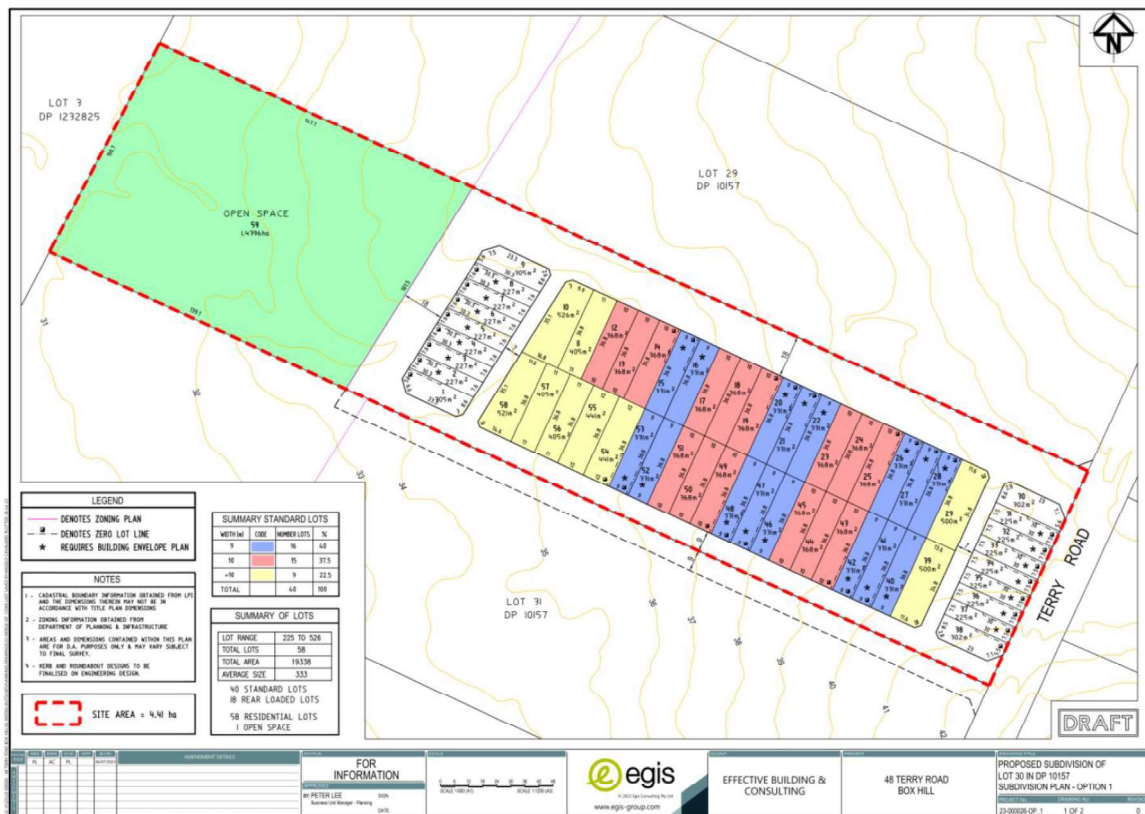


Figure 2: Development Concept (Option 1: 58 residential lots and one open space)

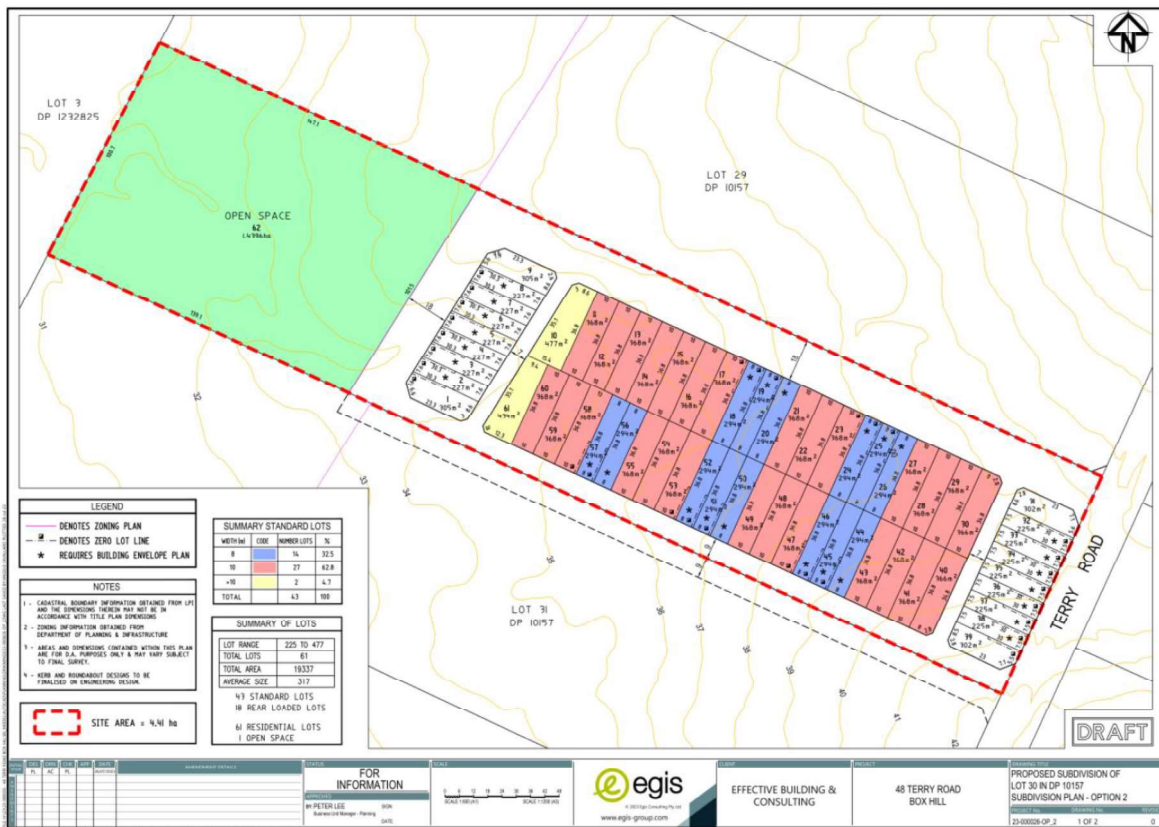


Figure 3: Development concept (Option 2: 61 residential lots and one open space)

PART 2 EXPLANATION OF THE PROVISIONS

The proposed planning outcomes, including the changes resolved by Council, will be achieved by amending the State Environmental Planning Policy (Precincts – Central River City) 2021 as follows:

- Rezone the eastern portion of the site from SP2 Infrastructure to R3 Medium Density Residential;
- Amend the Land Reservation Acquisition Map to delete the eastern portion of the site from being identified as School (SP2);
- Amend the Height of Buildings map to introduce a maximum building height of 14 metres for the R3 zoned land;
- Amend the Residential Density map to introduce a minimum density of 18 dwellings per hectare for the R3 zoned land; and
- Introduce a new local provision to limit the residential density for the R3 zoned land to a maximum of 30 dwellings per hectare. The following key site provision would be included as Clause 6.9 of Appendix 10 of the SEPP:

‘6.9 Development at 48 Terry Road, Box Hill

(1) This clause applies to land at 48 Terry Road, Box Hill, being Lot 30 DP 10157, identified as “Area H” on the Key Sites Map.

(2) Development consent must not be granted to development that results in a residential density of more than 30 dwellings per hectare.

The proposed outcomes will also require amendments to Figures 2, 3 and 14 within the Box Hill Development Control Plan (DCP) 2018 to identify the subject site as ‘Medium Density Residential’ and include a new local road on the northern boundary.

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, rather it is the result of a change in circumstances. It has been initiated by the Proponent, acting on behalf the landowner.

School Infrastructure NSW (SINSW) has advised that it no longer intends to acquire this land for the purpose of a K-12 school Accordingly, the most reasonable outcome is to rezone the SP2 zoned portion of the site to R3 Medium Density Residential, consistent with the surrounding land.

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 means to achieve the intended outcome. Rezoning the SP2 zoned portion of the site to R3 Medium Density Residential and amending the corresponding height of building and residential density maps to be consistent with the surrounding residential land will facilitate a medium density housing development on site in a manner that is consistent with the applicable zone objectives.

Council’s LSPS notes that Council will advocate for the implementation of maximum density controls across residential areas in the Box Hill Precinct to respond to an identified disconnect between anticipated yields occurring on land and the scale of development ultimately being delivered (being significant greater density than anticipated). In order to provide certainty to the community and ensure that the final outcome on this site generally reflects the intended development outcome submitted as part of the planning proposal, and reflects the appropriate density expected for R3 Medium Density Residential land in Box Hill, a maximum density of 30 dwellings per hectare is proposed via a local provision.

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 and Central City District Plan**

The Greater Sydney Region Plan and Central City District Plan articulate various objectives and planning priorities that guide Councils in planning and delivering growth. Key priorities and objectives relevant to this planning proposal are as follows:

- Objective 6 – Services and infrastructure meet communities' changing needs;
- Objective 10 – Greater housing supply;
- Priority C3 – Providing services and social infrastructure to meet people's changing needs; and
- Priority C5 – Providing housing supply, choice, and affordability, with access to jobs, services and public transport.

Objective 6 of the Region Plan and Planning Priority C3 of the District Plan seek to ensure that services and social infrastructure are provided to meet the changing needs of existing and new communities. When the Box Hill Precinct was rezoned by the State Government in 2011 it was expected to accommodate around 28,000 people. As a result of a range of Government reforms since rezoning of the Box Hill Precinct in 2011, it is now estimated that the precinct will accommodate around 49,000 additional people at full development. This yield is 75% more than the yield established by the State Government which underpinned the original infrastructure planning for the Precinct. Of this residential growth over 71% has already been approved.

The proposal would reduce the extent of land identified for regional infrastructure within Box Hill. However, SINSW has indicated that the adjoining SP2 zoned land at 50-52 Terry Road (with an area of nearly 5 hectares) will be sufficient to deliver the necessary school infrastructure to service growth within precinct. Council officers have requested information and justification to support this position, including confirmation that SINSW's service needs analysis take into account the most current population projections for the Precinct. This information has not been provided at this time, however SINSW (as the relevant authority for acquisition of the land) has unequivocally advised that they will no longer be acquiring this parcel of land.

Accordingly, it is reasonable to facilitate the rezoning of the site to an alternative zoning that has a viable development outcome for the landowner. As part of any future authority engagement SINSW will be requested to provide evidence for consideration by both Council and the community that the most up-to-date population figures for Box Hill are being utilised within their service needs analysis, which has informed their decision to reduce the extent of school land. Furthermore, evidence should be provided that the remaining land (being 50 and 52 Terry Road as well as other identified public school sites within the Precinct) will be sufficient to accommodate the necessary demand generated by existing and future residents of the precinct.

Objective 10 of the Region Plan and Planning Priority C5 of the District Plan seek to ensure an ongoing and diverse supply of housing in the right locations. As identified in these Plans, an additional 750,000 dwellings is required between 2016-2036 to accommodate Sydney's continued strong population growth whilst ensuring housing is provided in a range of types, tenures, and price points to meet the future demand.

As outlined in the District Plan, one way to provide greater housing variety is through local infill development such as the "missing middle" or medium density housing. The District Plan encourages Councils to investigate the most suitable locations for additional medium density opportunities. Notwithstanding concerns regarding the reduction in school land, if this position remains from SINSW, then the alternative zoning of R3 Medium Density Residential would align with these objectives by repurposing surplus school land and providing additional medium density dwellings in

an accessible location close to the Box Hill Town Centre, schools and open space (Sunny Hill Parkway Sports Complex).

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 Local Strategic Planning Statement**

The Hills Local Strategic Planning Statement (LSPS) outlines the Shire's 20-year vision regarding land use, planning, population, housing, economic growth, and environmental management. The planning proposal will give effect to the following relevant planning priorities of the LSPS:

- Planning Priority 6 – Plan for new housing to support Greater Sydney's growing population.
- Planning Priority 7 – Plan for new housing in the right locations; and
- Planning Priority 8 – Plan for a diversity of housing.

Planning Priority 6 of the LSPS seeks to plan for new housing to support Greater Sydney's growing population. The delivery of additional housing within the Box Hill Precinct would support this objective.

Planning Priorities 7 and 8 of the LSPS also seek to plan for a diversity of new housing in the right locations. The proposed alternative zoning of R3 Medium Density Residential is consistent with the prevailing character and density on the surrounding residential areas. The site is also centrally located within the Box Hill Precinct and is in close proximity to various services and transport. The proposal is therefore considered to support these objectives.

Planning Priority 6 addresses the previous Government review of density outcomes within Box Hill which sought to apply maximum dwelling densities for most residential land in the precinct. The review sought to respond to an identified disconnect between anticipated yields and the scale of development ultimately being delivered (being significant greater density than anticipated). In order to provide certainty to the community and ensure that the final outcome on the site generally reflects the intended development outcome submitted as part of the planning proposal, a new local provision is proposed to apply a maximum residential density of 30 dwellings per hectare to the land. This density is consistent with the upper density band for the R3 Medium Density zone which was exhibited by the Department of Planning, Housing and Infrastructure in 2017 in conjunction with the finalisation of the Land Use Infrastructure and Implementation Plan for the North West Growth Area.

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

Yes. An assessment of the planning proposal against the applicable State Environmental Planning Policies is provided in **Attachment A**.

A discussion on the consistency of the proposal with relevant Policies is provided below:

▪ **State Environmental Planning Policy (SEPP) (Biodiversity and Conservation) 2021**

The site is biodiversity certificated under the Growth Centres Biodiversity Certification Order 2006, which is consistent with the aims of this SEPP.

▪ **SEPP (Housing) 2021**

The proposal aligns with the principles of the policy as follows:

- ensuring new housing development provides residents with a reasonable level of amenity; a

- promoting the planning and delivery of housing in locations where it will make good use of existing and planned infrastructure and services.

The proposal overall supports the SEPP and contain appropriate provisions that encourage the abovementioned principles.

▪ **SEPP (Precincts – Central River City) 2021**

The SEPP aims to coordinate the release of residential land within the Central River City, provide for comprehensive planning of the North West Growth Area, provide for the orderly and economic provision of infrastructure and provide land use and development controls that will contribute to the conservation of biodiversity. Specifically, the aims of Appendix 10 The Hills Growth Centre Precincts are to ensure that development occurs in the manner envisaged by the growth centre structure plan for the Box Hill and Box Hill Industrial Precincts, delivers housing choice and affordability, guides bulk and scale, protects and enhances environmentally sensitive areas, and protects and enhances heritage.

The planning proposal seeks to amend Part 4 Appendix 10 of the SEPP to facilitate the proposed medium-density residential outcome. The proposal will also introduce a new local provision to limit the residential density for the R3 zoned land to a maximum of 30 dwellings per hectare. This would be located within Clause 6.9 of Appendix 10 of the SEPP. The proposal will enable more medium-density housing options within the North West Growth Centre, which is in line with the following overall objectives of the SEPP:

- to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity; and
- to guide the bulk and scale of future development within the Precincts.

The proposal supports the SEPP and does not contain provisions that would challenge or obstruct the application and objectives of the SEPP.

▪ **SEPP (Resilience and Hazards) 2021**

The proposed rezoning of the site to residential requires consideration of potential contamination under the Resilience and Hazards SEPP and Local Ministerial Direction. The applicant has submitted a Detailed Site Investigation, dated April 2023, which found that the site is suitable for future residential land use.

▪ **SEPP (Transport and Infrastructure) 2021**

The subject site will permit development on flood prone land. Further consultations with the State Emergency Service will be undertaken during post exhibition stage to ensure any adverse impacts associated with the future development on site will be mitigated. Matters relating to flooding are discussed below in response to Direction 4.1 Flooding.

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

Yes. The consistency of the planning proposal with the Section 9.1 Ministerial Directions is detailed within Attachment B and below.

▪ **Direction 1.6 Site Specific Provision**

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 Proponent has submitted 2 possible concepts, one comprising 58 lots and the other comprising 61 lots. However, these concepts were submitted to provide an indication of the possible development outcome on the site. A new local provision is proposed to apply a maximum residential density of 30 dwellings per hectare to the land. This density is consistent with the upper density band for the R3 Medium Density zone which was exhibited by the Department of Planning, Housing and Infrastructure in 2017 in conjunction with the finalisation of the Land Use Infrastructure and Implementation Plan for the North West Growth Area. The proposed minimum and maximum densities would ultimately facilitate a yield of between 53-87 dwellings which is generally consistent with the subdivision concepts submitted by the Proponent and consistent with the prevailing character of the R3 zoned land within the Precinct.

The intent of the proposed local provision is not considered to be unnecessary or unreasonable and is therefore considered to be a satisfactory provision within the planning proposal.

▪ **Direction 1.6 Implementation of Northwest Priority Growth Area Land Use Infrastructure and Implementation Plan**

This Direction requires relevant planning proposals to be consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy. This strategy was prepared in 2017 to provide a framework to support additional growth in the North West Growth Area, inform remaining rezonings and ensure the delivery of critical infrastructure and services to support the population.

Key actions of the strategy relevant to this site include:

- Action 1: provide more land supply for new homes; and
- Action 3: manage residential densities to align with infrastructure;

Consistent with Action 1, the proposed rezoning to R3 Medium Density Residential will utilise land no longer intended to be acquired by Government for the purpose of new housing to support population growth. In response to Action 3, the planning proposal seeks to include a new local provision which limits the density of future development on the site to a maximum of 30 dwellings per hectare. This will provide certainty to the community and ensure future growth is appropriate in scale density and can be supported by infrastructure.

▪ **Direction 4.1 Flooding**

The purpose of this Direction is to ensure that development of flood prone land is consistent with the NSW Government's flood related policies and consider potential flood impacts. The Direction applies to all planning proposals that seek to create, alter, or remove a zone or provision affecting flood prone land.

The subject site is identified as a flood control lot under The Hills DCP 2012 and flood affected land in the Box Hill Growth Centre Precincts DCP. Residential development on the land will generate an increased volume of runoff. It is located upstream of a sensitive waterway, the northern tributary of Killarney Chain of Ponds, and contains an overland flow path. In the ultimate developed scenario, the subject site (4.4 hectares) combined with the 21 hectares external catchment (to the east of the site) will generate a considerable volume of runoff. A map of the site along with the upstream catchment that drains through the site is shown in the following figure.



Figure 4: Flood Prone Land Map including internal upstream catchment that drains through the site

Flooding and Stormwater information submitted with the proposal concluded that the proposed future development is unlikely to have unacceptable flooding impacts, subject to the implementation of localised works to address runoff and water quality including:

- replacement of the existing farm dam with new temporary detention or raingarden basin to attenuate the stormwater runoff from the subject site and the properties immediately adjacent to the site; and
- basins to filter stormwater runoff from the proposed development to meet water quality pollution reduction targets.

Any future development application would need to include a site-specific flood study which demonstrates that:

- The development will not result in an increase in flood levels and flow velocities in the neighbouring properties, including the future Sunny Hill Parkway Sports Complex, due to alterations to flood conveyance, including the effect of fences and ground reshaping.
- Flood mapping, including flood inundation extents, hazard mapping and flood planning areas are established.
- Finished floor levels (FFL) of the habitable areas of affected dwellings are set at least 0.5m above the 1% AEP flood level.

Prior to undertaking a flood study, the applicant's consultant will need to liaise with Council regarding the modelling approach and parameters.

It is considered that the proposal is sufficient to proceed to exhibition based on the flooding and stormwater information submitted. A number of matters would ultimately need to be further addressed as part of any future development application. DPHI may also require updated flood analysis that includes an assessment against the Flood Risk Management Manual 2023 in order to technically satisfy the determination of consistency with Direction 4.1 Flooding. However, this is ultimately matter for DPHI to determine.

Overland Flow Path

Based on the Proponent's concept subdivision plans, most of the proposed dwellings are to be built where the existing overland flow path is currently located. As such, the proposed development will inevitably require filling of the overland flow path. The Box Hill DCP acknowledges that the filling of flood affected land will be required to facilitate the urban development of the Precinct. The following figure is an extract from the DCP which identifies flood affected land within the Precinct to be filled. The subject site is outlined in red. As can be seen, the DCP intends that the subject site would be filled to facilitate urban development.

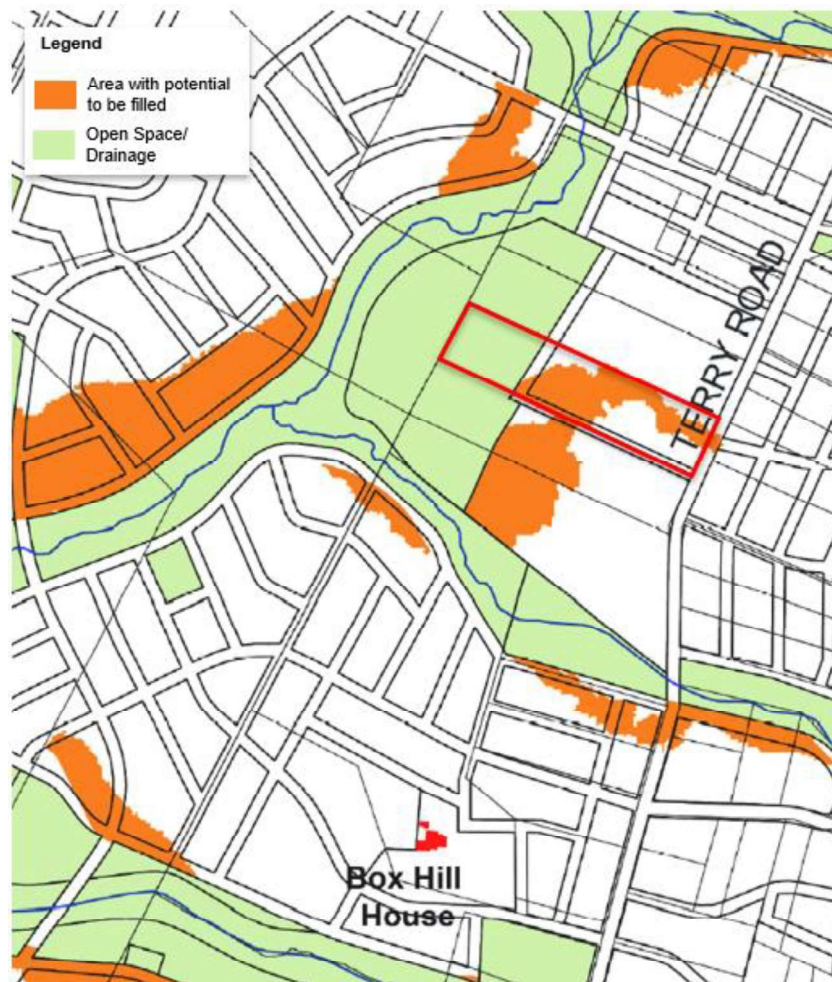


Figure 5: Flood Affected areas with Potential to be Filled

It is noted that the location of the local sag in Terry Road has been shifted southward from the junction of Terry Road/ Andromeda Parkway to the future junction of Terry Road/ Sunny Hill Parkway. The trunk drainage system will be required to convey both piped and overland flows. The piped component of the trunk drainage system will need to have a 5% AEP conveyance capacity at a minimum and will ideally be incorporated in the design of Sunny Hill Parkway. This will ensure that flows in excess of the pipe capacity will occur as overland flows within the road corridor.

As part of new residential development to the east of Terry Road (Development Applications 283/2022/ZA and 525/2020/ZA), a new outlet structure was built near the old sag of Terry Road. If the trunk drainage system is to be rerouted along the subject site's southern boundary (future Sunny Hill Parkway), modification works will be required to the existing outlet structure to suit the pipe alignment along Sunny Hill Parkway. The location of stormwater trunk drainage system that will need to service the subject site and external catchments is shown below.

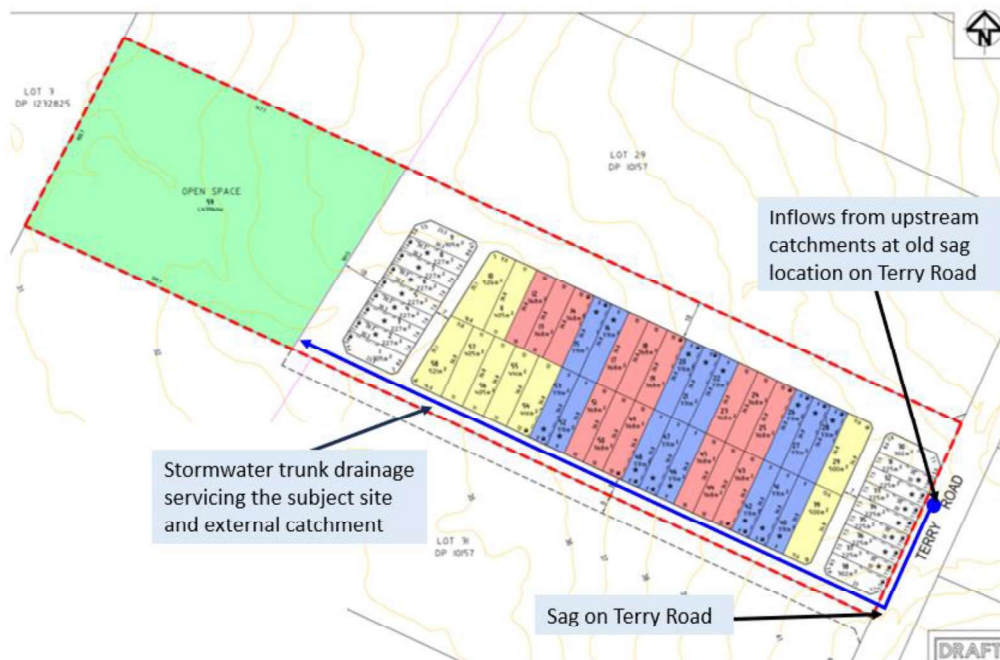


Figure 6: Stormwater trunk drainage system servicing the subject site and external catchments

Temporary Water Detention

There is an existing farm dam on the site which has been registered as a drainage easement to provide detention for stormwater runoff from the external catchment. The existing dam has been modified to improve active flood storage. As part of the redevelopment of the site the associated works will include road construction, earthworks and filling of the existing dam which will affect drainage management from adjoining subdivisions. In recognition of this, the proposal identifies that it will be necessary to provide a new temporary stormwater treatment and detention basin. The application identifies that the installation of a new Basin will attenuate peak flow for the rainfall event ranging from 2-year to 100-year ARI. The proposal identifies a temporary basin on the future open space zoned land.

It is anticipated that the Sunny Hill Parkway Sporting Complex will contain a wetland/ raingarden and detention basin which will address water quality and quantity treatment. However, the delivery of this facility is a number of years away and it is likely that redevelopment of the subject site will occur prior to the delivery of this facility. Accordingly, localised site works will be required as part of the redevelopment of the site to address water quality and quantity treatment.

The provision of temporary detention basins on RE1 zoned land to satisfy water quality and quantity treatment for an adjoining subdivision would not be supported, as it could impact on the operation and ability to use the site for future open space and may potentially result in increased cost for Council as part of the future embellishment of the site. Rather, it is generally required that each development include a temporary basin within the development on proposed lots. Once the regional basin system is completed, the temporary basis will no longer be required and the Developer can then convert these interim storage areas to residential lots.

Negotiations have commenced between Council and the landowner for Council to acquire the zoned RE1 land and as such, it is expected that the developable area of the site (proposed R3 zoned land) will need to cater for a temporary basin without reliance on the adjoining open space land. An alternative location will need to be considered as part of any future development application for the site.

▪ **Direction 4.4 Remediation of Contaminated Land**

The purpose of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are adequately considered as part of planning proposals, where relevant.

The proposed rezoning of the site to residential requires consideration of potential contamination under the Resilience and Hazards SEPP and Local Ministerial Direction. The applicant has submitted a Detailed Site Investigation, dated April 2023, which found that the site is suitable for future residential land use.

- **Direction 5.1 Integrating Land Use and Transport**

The objectives of this Direction aim to improve access to housing, jobs, and services by co-locating development with walking, cycling and public transport options.

Given that SINSW has advised that the land will no longer be acquired for infrastructure purposes, rezoning the subject site for medium density residential uses is the most suitable alternative outcome, consistent with the prevailing character and density on the surrounding lands. The site is considered a reasonable location for medium density housing given the relatively close proximity to Box Hill Town Centre, good bus accessibility via Terry Road and other nearby services including the future school and open space.

- **Direction 5.2 Reserving Land for Public Purposes**

This Direction seeks to facilitate the preservation of land for public services and facilities by reserving land for public purposes. It also seeks to enable the removal of reservations for public land where the land is no longer required for public uses. Planning proposals cannot alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary.

The proposal is consistent with this Direction as the land was previously earmarked for a school with the Minister for Education and Early Learning as the responsible acquiring authority. However, SINSW has advised in writing that the site is no longer required, and the Department has suggested that Council investigate an alternative suitable zoning for the land.

The western portion of the site will remain RE1 Public Recreation Zone to enable the land to be used for public open space / recreational purposes as originally planned.

- **Direction 6.1 Residential zones**

The objective of this Direction is to encourage a variety and choice of housing types, to provide for existing and future housing needs, and make efficient use of infrastructure and minimise the impact of residential development on the environment and resource lands.

The planning proposal would provide additional dwellings in a well serviced urban location and broaden the choice of building types available through the provision of more medium density residential dwellings within Box Hill.

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?

Council's vegetation mapping identifies the site as containing Cumberland Plain Woodland which is listed as a Critically Endangered Ecological Community. Notwithstanding this, the site is biodiversity certificated under the Growth Centres Biodiversity Certification Order 2006. Therefore, no biodiversity assessment or reporting requirements are needed for this planning proposal.

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

The subject site is mapped as flood-controlled lot and will require investigation at the development application stage. As mentioned, the site is mapped as being within biodiversity and conservation area or native vegetation protection areas, however the site is biodiversity certified land, as such, no further assessment are required for this proposal.

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

Development on the site will be supported by existing public transport infrastructure and serviced by nearby open space, Sunny Hill Parkway Sports Complex. The site is located approximately 250-300m walking distance from bus stops, which provide residents access to services and jobs.

Additionally, the proposal is accompanied by the VPA Letter of Offer which would ensure that critical local infrastructure including roads, open space, water management facilities can be funded and support for the future residents at 48 Terry Road. The VPA would also deliver a new road along the northern boundary, in conjunction with existing identified roads on the western and southern boundaries, which will facilitate suitable access and permeability for future development on the site and adjoining schools.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

School Infrastructure

Whilst the planning proposal inevitably reduces the land area for school infrastructure within Box Hill Precinct, it has been advised by SINSW that the remaining 2 properties to the north (being 50 and 52 Terry Road) will be sufficient to facilitate the delivery of the new school. Recognising that Government will no longer be acquiring the land for the purpose of a social infrastructure, the landowner is therefore left with no other option but to seek a rezoning of the land to the R3 Medium Density Residential zone, consistent with surrounding land.

As part of any future authority engagement SINSW will be requested to provide evidence for consideration by both Council and the community that the most up-to-date population figures for Box Hill are being utilised within their service needs analysis, which has informed their decision to reduce the extent of school land. Furthermore, evidence should be provided that the remaining land (being 50 and 52 Terry Road as well as other identified public school sites within the Precinct) will be sufficient to accommodate the necessary demand generated by existing and future residents of the Box Hill Precinct.

Road Network

The proposed road layout indicates the intention to provide a full width local road along the northern boundary of the site and half-width local road along the southern boundary (with the remaining half-width to be delivered as part of the redevelopment of the adjoining land to the south). This would result in 2 new local roads running east-west along the perimeter of the site between Sunny Hill Parkway Sports Complex and Terry Road (see figure below). These roads would also separate the residential development from potential future schools on either side of the development. This approach is considered reasonable from an urban design perspective.

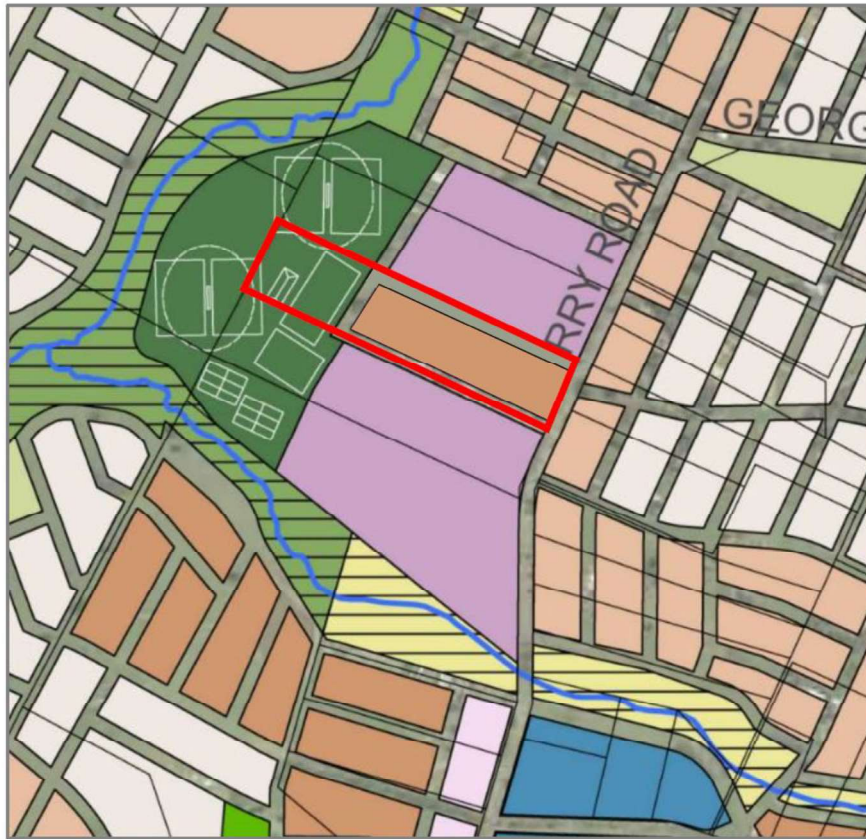


Figure 7: Proposed ILP (subject site highlighted in red)

Since the proposal is immediately adjacent to the future school, a key consideration for this proposal is to ensure the road network is designed to facilitate safe and efficient vehicular and pedestrian movements within the area.

Following lodgement of the planning proposal further investigation was undertaken on the operation of Terry Road which is to be upgraded to sub-arterial standard and will continue to carry higher volumes of traffic as the area continues to develop. As part of this investigation, it was identified that the proposed access points from the subject site onto Terry Road will likely need to be limited to 'left-in left-out' only. This is due to the need for a concrete median along the centre of Terry Road.

Traffic signals are also likely to be required at the intersection of Keeneland Street (which will run along the northern side of 52 Terry Road) and Terry Road to provide a safe crossing point for pedestrians including students attending the future public school. However, this traffic signal would ultimately need to be delivered by SINSW in conjunction with the school. No decision has been made on the funding or delivery of these signals at this time.

Vehicles from 48 Terry Road may be able to make a right turn onto Terry Road (and head southbound to Windsor Road) via Keeneland Street, once the section of Sunny Hill Parkway between 48 Terry Road and Keeneland Street (along the boundary between the school sites and Sunny Hill Parkway Sports Complex behind) has been constructed. However, if traffic signals are ultimately not pursued at the Keeneland intersection then vehicles would need to travel to the George Street/ Terry Road roundabout in order to turn right onto Terry Road.

The proposed road design concept for Terry Road is shown in the figure below. In order to facilitate the upgrade of Terry Road, around 328m² of road widening will be required from the frontage of the site (shaded orange).

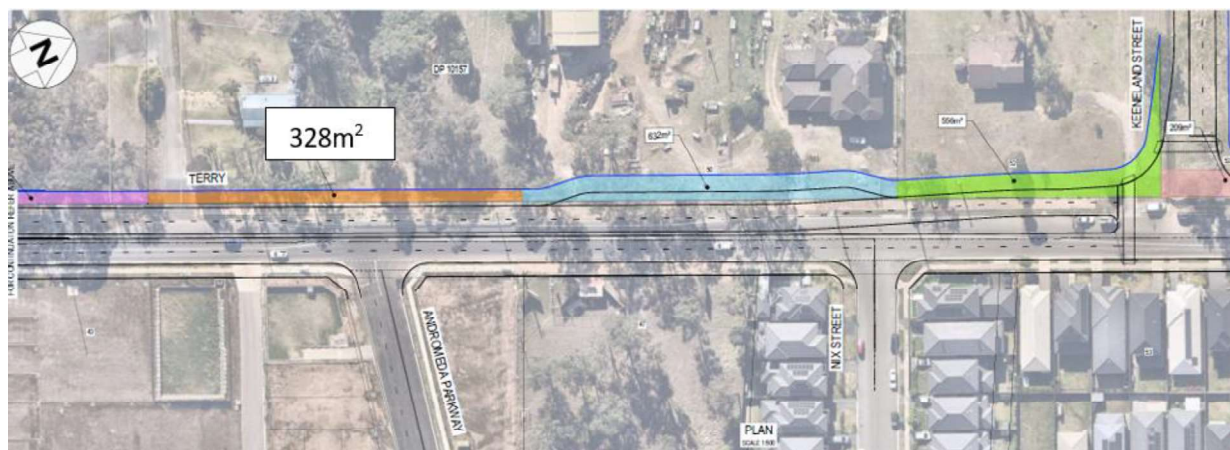


Figure 8: Draft Concept and Land Dedication

SINSW provided scoping comments on the proposal which requested the following key outcomes for the proposed road / access network:

- The new local road on the northern boundary of the site should be:
 - located entirely within the boundary of the subject site, at no additional cost to the Department; and
 - delivered with all necessary servicing and transport infrastructure required to support any future school (including a footpath on both sides and pedestrian crossing to the school and future playing fields).
- New local road infrastructure should be implemented prior to the delivery of the future school.
- Roads already included in the Box Hill DCP should remain.

The Proponent has included a proposed road on the site's northern boundary entirely within the boundary of the site, as requested by SINSW. The new road will be a 'local road' under the Box Hill DCP and would be required to provide a 1.2m footpath on *one* side only (refer figure below). All other existing roads on the Box Hill indicative layout plan are not proposed to change as part of this proposal. However, Council is not able to dictate the timing for the delivery of the road infrastructure associated with the site, as it is up to the current (or future) landowner when they choose to develop.

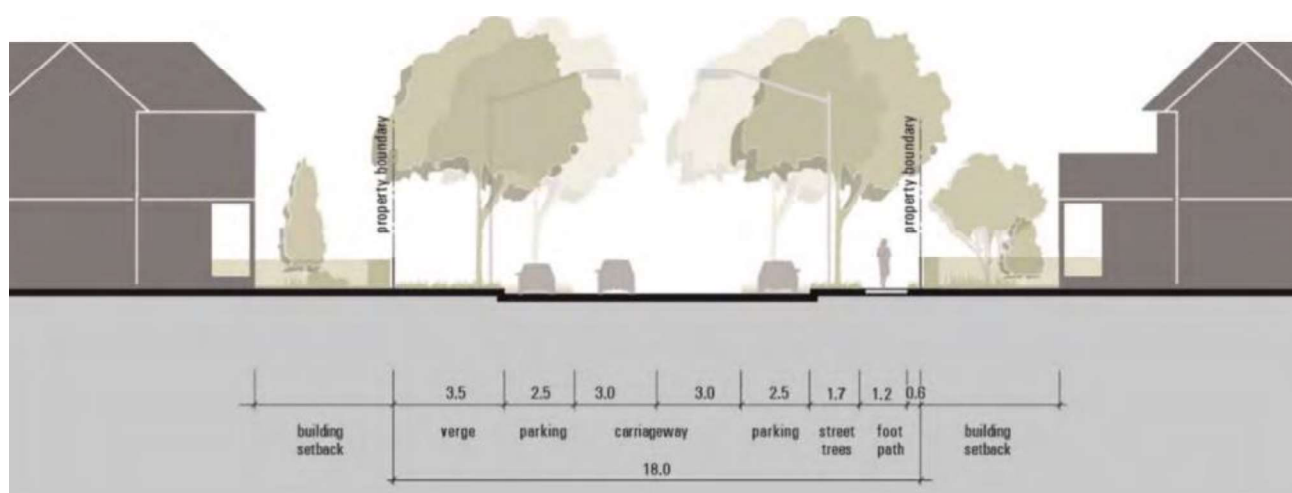


Figure 9: Local Road Profile – Box Hill DCP

Whilst school-specific infrastructure such as crossings may be desired by SINSW, it is not considered reasonable that this site fund or deliver the infrastructure as the demand for such infrastructure is associated with the school development and not the residential development on this site.

Traffic

The Proponent's Traffic and Parking Statement identifies that the proposed medium density outcome would generate approximately 55 to 57 vehicles per hour during peak times. Based on these numbers, the traffic generation will be moderate, and it is not anticipated to cause unacceptable traffic impacts on the surrounding road network.

Public Transport

The submitted Traffic and Parking Statement identifies that the site currently has connections to the regional public transport network with bus stops located approximately 300m north and 270m south of the site. The bus route runs along Terry Road fronting the subject site providing connection between Box Hill and nearby centres such as Rouse Hill.

Preliminary design work for Terry Road proposes to include a bus bay along the frontage of 50 Terry Road, primarily to service the future schools on either side of the site. The bus bay will provide a higher level of safety for bus passengers, whilst also reducing impacts on the flow of traffic along Terry Road. Consultation will be needed with Transport for NSW and SINSW regarding this outcome and some dedication of land within the school site will be required as part of the development of the school site. These discussions can occur as part of the public authority consultation for the planning proposal and as part of any future development application for the public school at 50 and 52 Terry Road.

Local Infrastructure Funding

The site is subject to Council's Contributions Plan No.15 – Box Hill Precinct (CP15). This plan levies development for the provision of traffic and transport, open space and drainage infrastructure to support the development of approximately 13,276 new dwellings. It is noted that a draft amendment to CP15 is nearing finalisation and would increase in the yield projection within the Precinct to 16,030 additional dwellings.

The material submitted with the planning proposal did not include a detailed infrastructure demand assessment and stated that future development would be subject to CP15 to fund open space, traffic and drainage works to support development.

The rates payable under CP15 would be appropriate to levy the marginal amount of residential development on this land towards the provision of new local infrastructure. However, it has also been identified that the rezoning of this land as proposed would create additional cost burdens for Council which are not currently identified or funded under CP15. When considering the planning proposal, the Local Planning Panel recommended that a suitable mechanism must be put in place to, at a minimum, ensure that no additional local infrastructure cost burdens are created for Council and the community as a result of the rezoning, including the new proposed local road along the northern boundary of the site and the additional land required to facilitate the upgrading of Terry Road along the site's frontage.

On 1 May 2024, the proponent submitted a formal VPA offer (included as Attachment 5 of the 14 May 2024 Council Report). The offer proposed the following:

- The VPA would *not* exclude future development from the payment of full monetary contributions under CP15, calculated as normal at the time of any future development consent.
- Capital works and land dedication for the future half width road on the northern boundary of the site (in addition to the half width adjoining the development site which would be the Developer's responsibility as part of orderly development of the land). This new road is proposed as part of the planning proposal which is not currently identified or funded under CP15 but would arise as a result of the rezoning.
- Dedication of 322m² of land along the Terry Road frontage of the site. This land is not currently identified as being required for road widening in either the Box Hill DCP or CP15. However, as part of Council's internal assessment of the planning proposal, it has been

identified that the land would be necessary to provide a safe access for pedestrians including students attending the future public school.

At its meeting of 14 May 2024 Council considered the VPA Letter of Offer and resolved that a VPA be submitted, be subject to legal review and exhibited concurrently with the planning proposal and DCP amendments.

The progression of the VPA alongside the planning proposal is critical to ensuring that the rezoning of this land does not result in an unfunded infrastructure burden on Council and the community.

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?

Should a Gateway Determination be issued, the public exhibition process will facilitate the opportunity for further consultation with relevant State agencies. It is anticipated that consultation with the following public authorities will be required:

- Transport for NSW;
- School Infrastructure NSW;
- NSW State Emergency Service;
- Endeavour Energy;
- Sydney Water;
- NSW Environment and Heritage.

PART 4 MAPPING

The planning proposal seeks to amend the Land Zoning Map, Height of Buildings Map, Residential Density Map, Land Reservation Acquisition Map, and Key Sites Map of *The State Environmental Planning Policy (Precincts – Central River City) 2021*, as shown below.

Existing Land Zoning Map



Land Zoning (LZN)

R2	LOW DENSITY RESIDENTIAL	SP2	INFRASTRUCTURE
R3	MEDIUM DENSITY RESIDENTIAL	RE1	PUBLIC RECREATION
R4	HIGH DENSITY RESIDENTIAL	E2	ENVIRONMENTAL CONSERVATION

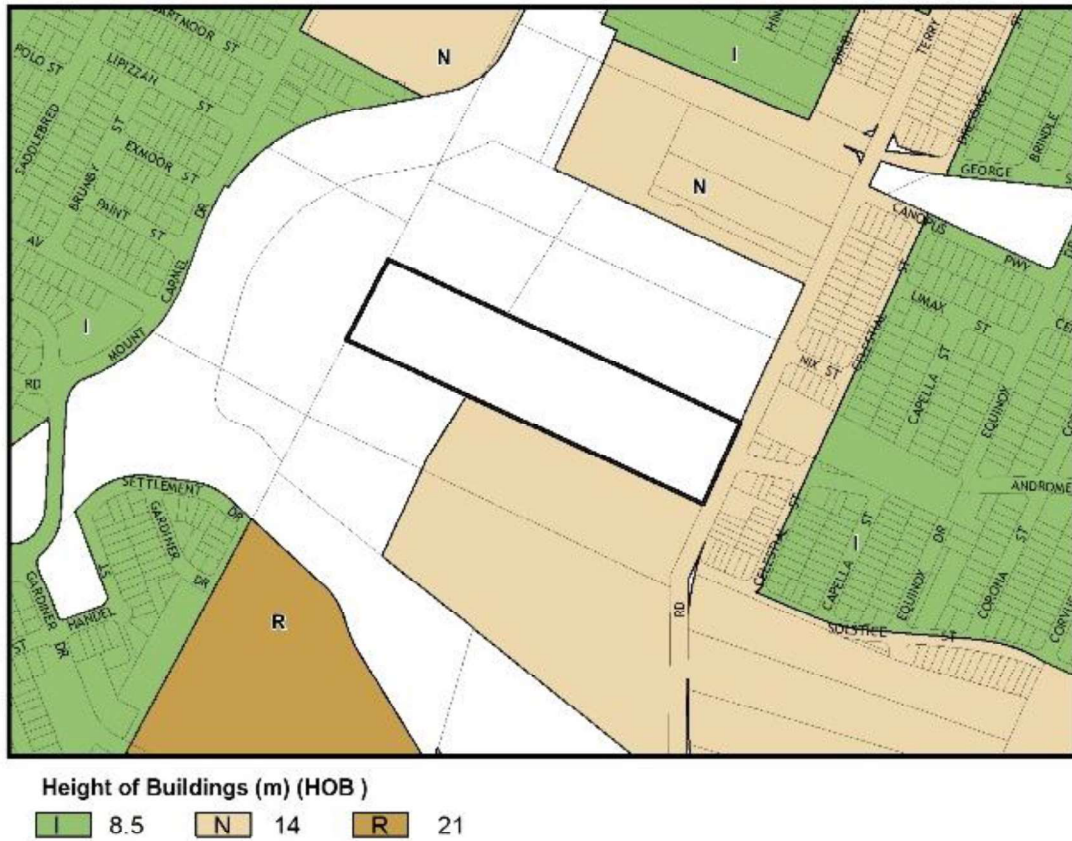
Proposed Land Zoning Map



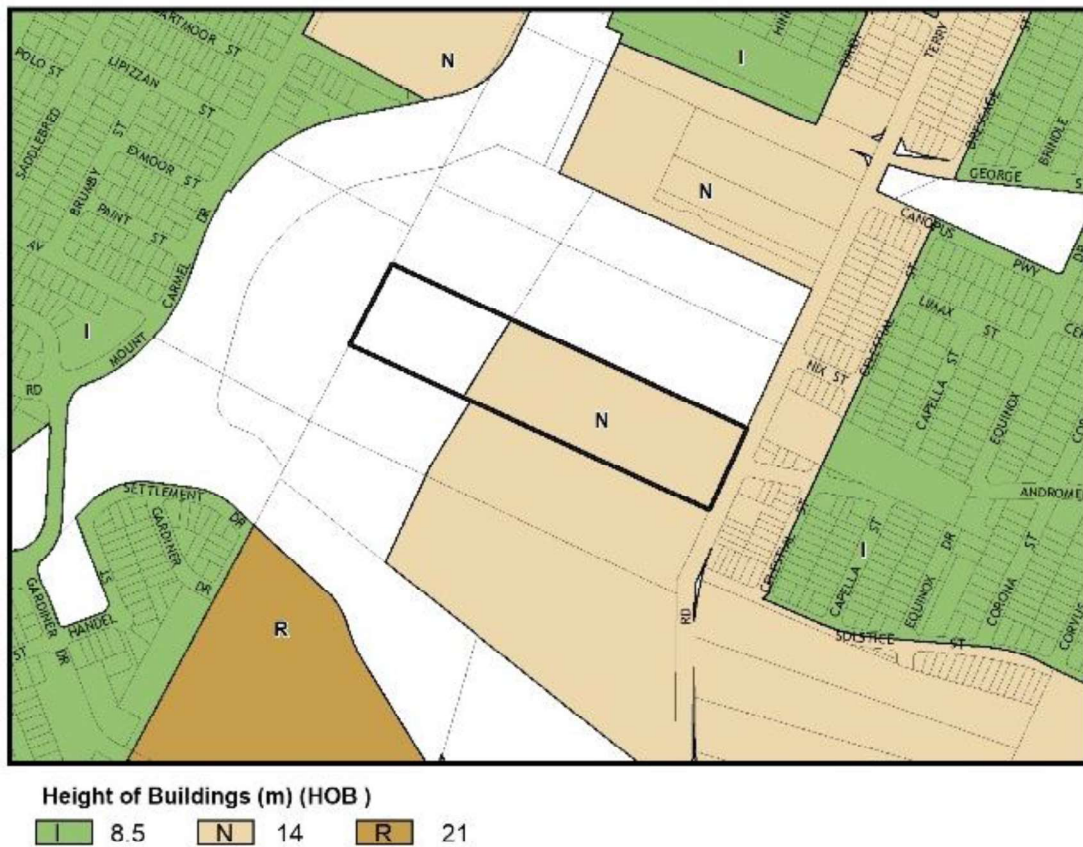
Land Zoning (LZN)

R2	LOW DENSITY RESIDENTIAL	SP2	INFRASTRUCTURE
R3	MEDIUM DENSITY RESIDENTIAL	RE1	PUBLIC RECREATION
R4	HIGH DENSITY RESIDENTIAL	E2	ENVIRONMENTAL CONSERVATION

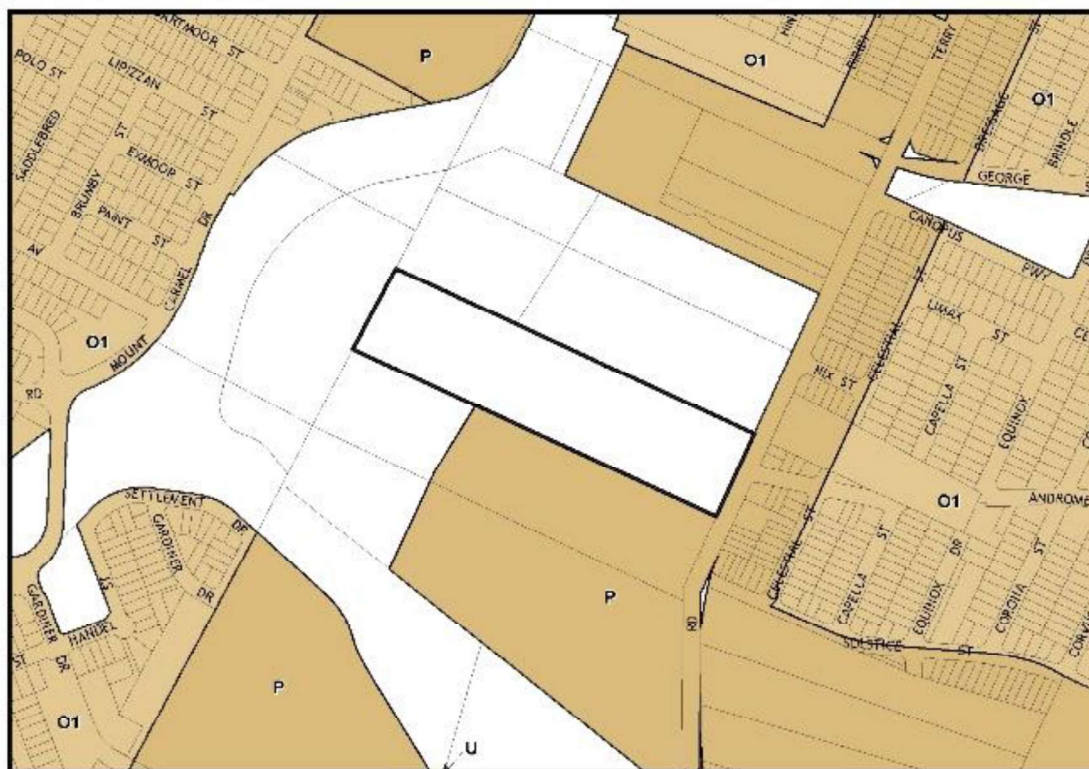
Existing Height of Buildings Map



Proposed Height of Buildings Map



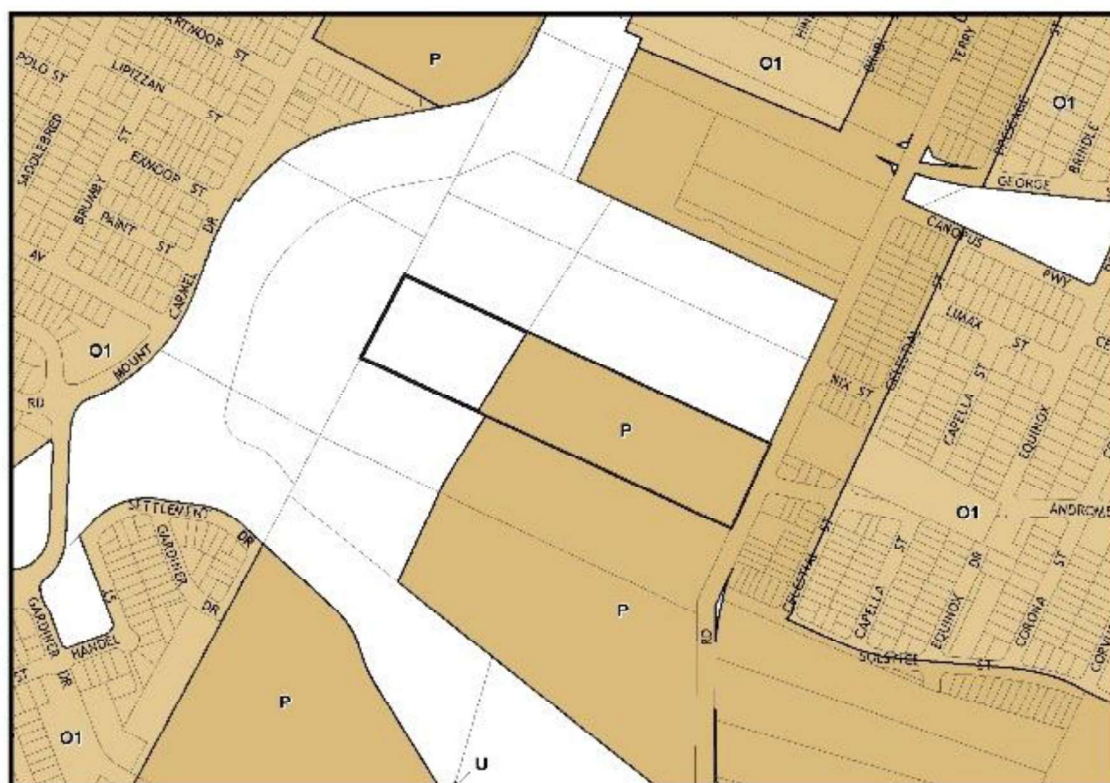
Existing Residential Density Map



Dwelling Density (per Hectare) (RDN)

O1 15 **P** 18 **U** 30

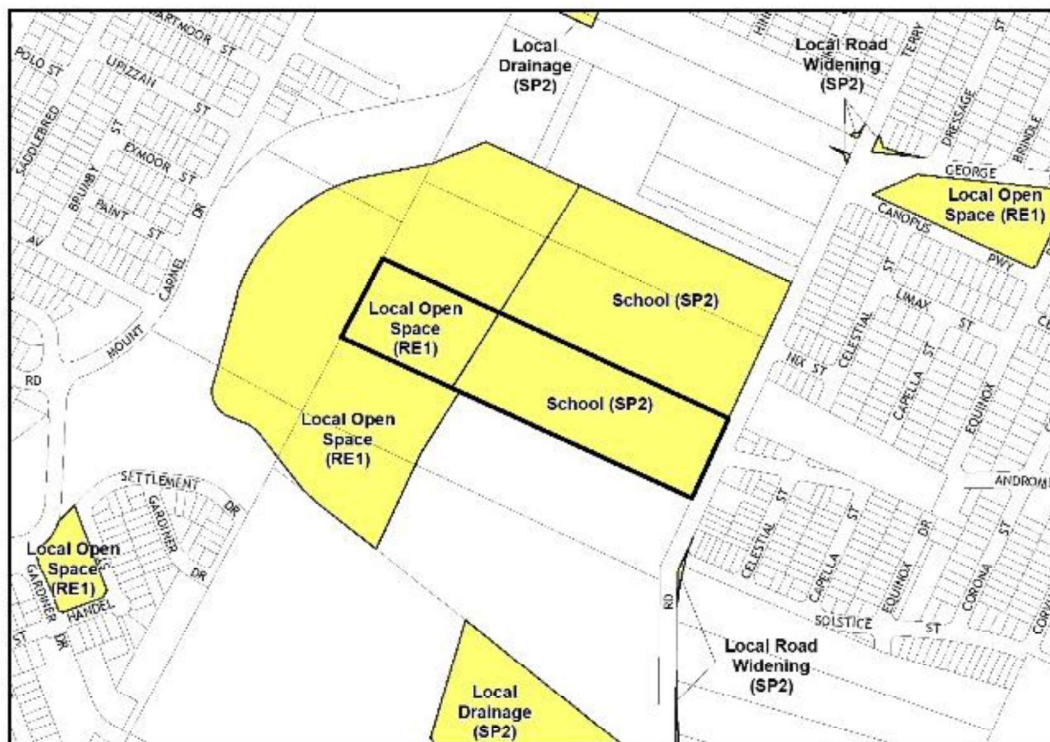
Proposed Residential Density Map



Dwelling Density (per Hectare) (RDN)

O1 15 **P** 18 **U** 30

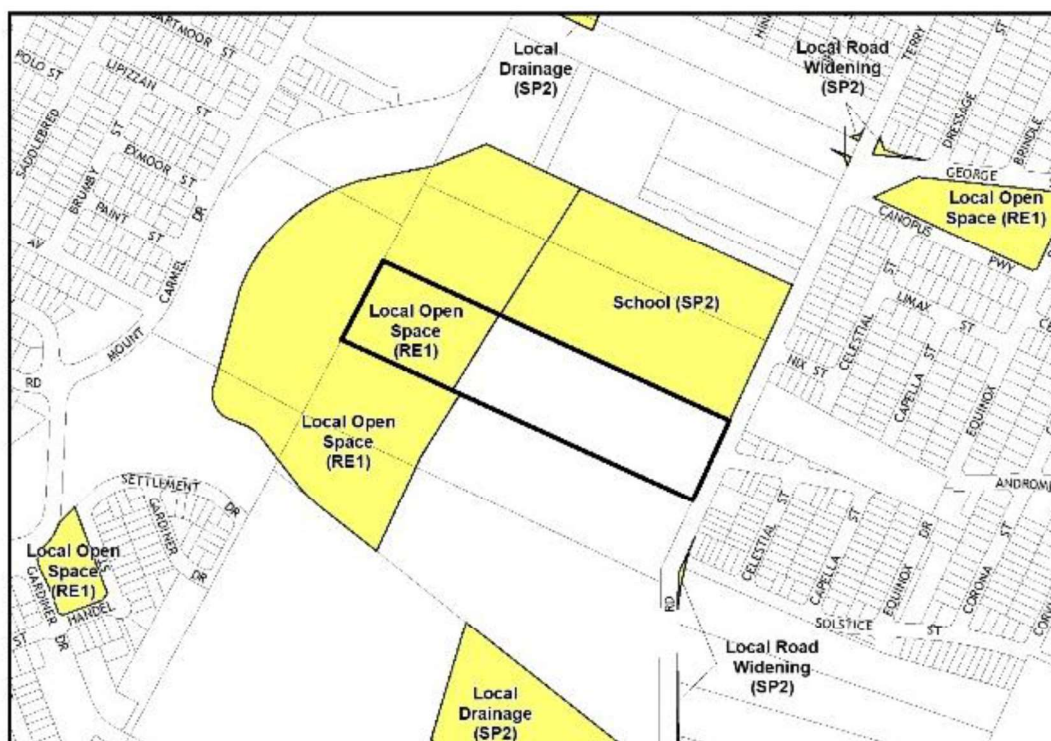
Existing Land Reservation Acquisition Map



Land Reservation Acquisition (LRA)

- | | |
|------------------------|---------------------------|
| Local Drainage (SP2) | Local Road Widening (SP2) |
| Local Open Space (RE1) | School (SP2) |

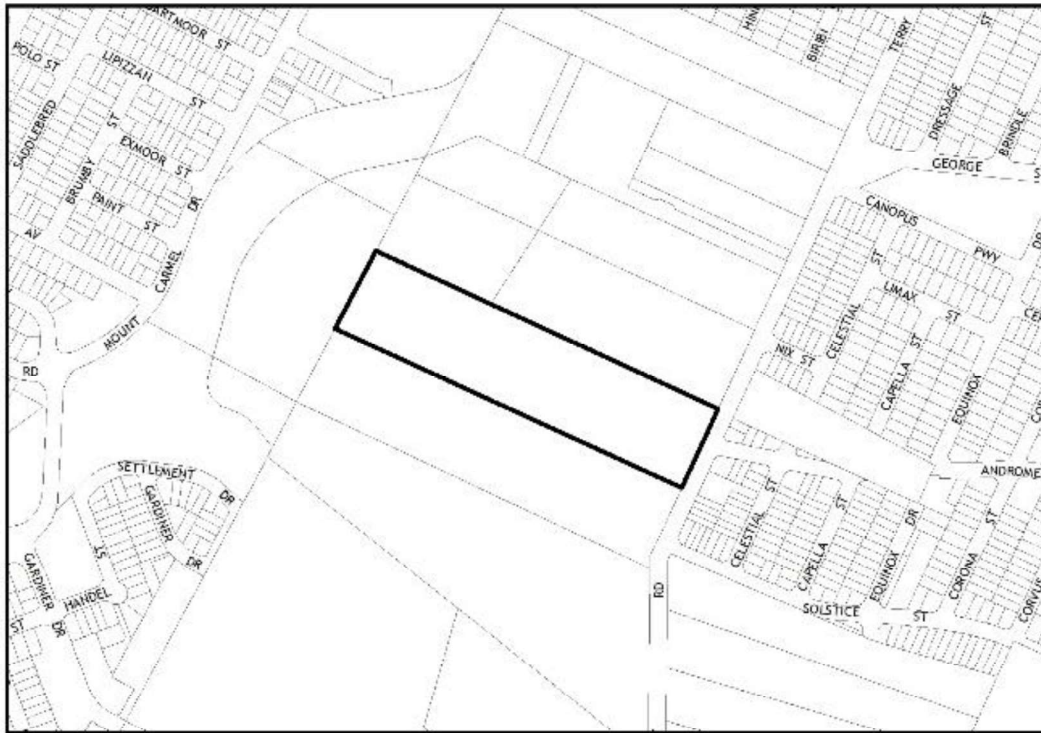
Proposed Land Reservation Acquisition Map



Land Reservation Acquisition (LRA)

- | | |
|------------------------|---------------------------|
| Local Drainage (SP2) | Local Road Widening (SP2) |
| Local Open Space (RE1) | School (SP2) |

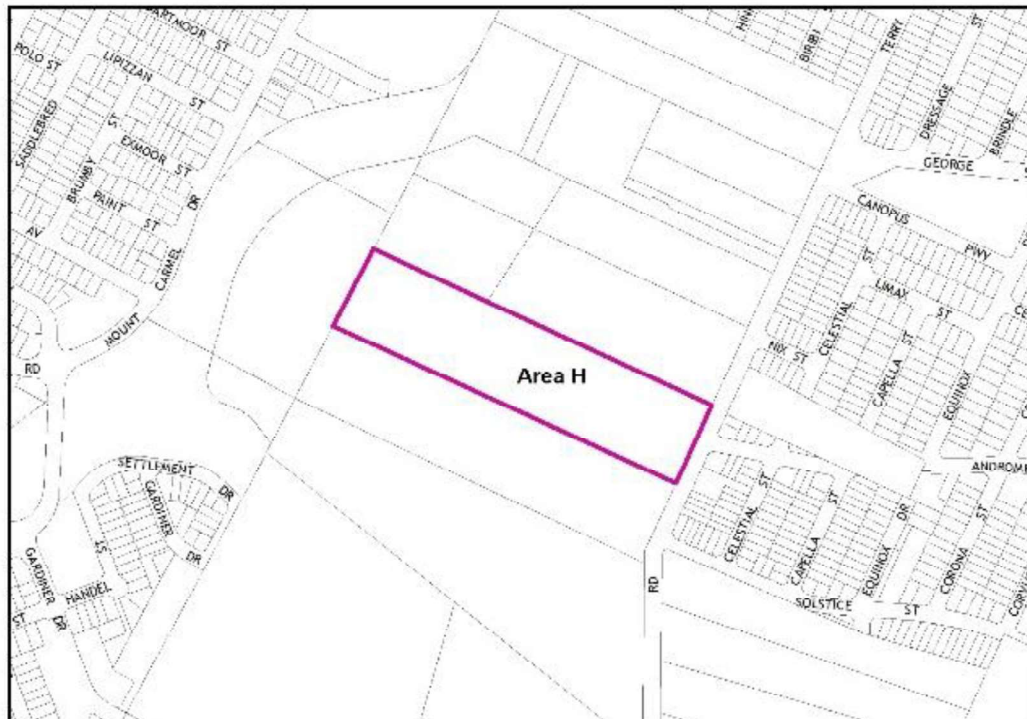
Existing Key Sites Map



Key Sites Map



Proposed Key Sites Map



Key Sites Map



The planning proposal will be advertised on Council's website and social media platforms. Adjoining landowners will be directly notified of the public exhibition period and will be invited to comment on the proposal.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	July 2024
Finalisation of VPA Legal Drafting for Exhibition	August 2024
Government agency consultation	July-August 2024
Commencement of public exhibition period	September 2024
Completion of public exhibition period	October 2024
Timeframe for consideration of submissions	November 2024
Timeframe for consideration of proposal post exhibition	November-December 2024
Report to Council on submissions	December 2024
Execution and registration of associated Voluntary Planning Agreement	January 2025
Planning Proposal to PCO for opinion	January 2025
Date Council will make the plan (if delegated)	February 2025
Date Council will forward to the Department for notification (if not delegated)	February 2025