

**THE HILLS SHIRE COUNCIL**

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3 July 2017

Evelyn Ivinson  
 Team Leader  
 Housing Land Release  
 NSW Department of Planning & Environment  
 Level 4, 10 Valentine Avenue  
 Parramatta NSW 2150

Our Ref: FP142  
 FP183

Dear Ms Ivinson,

**North West Draft Exhibition Package and North West Priority Growth Area Land Use and Infrastructure Implementation Plan**

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Thank you for the opportunity to provide feedback on the draft amendments to the Growth Centres SEPP 2006. On 27 June 2017, Council has considered a report on the matter and resolved that:

A submission be made to the Department of Planning and Environment on the draft amendments to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan*, raising the following:

- a) Requesting additional information, in the form of a draft statutory instrument, to Council allow for a more detailed review of the proposed amendments;
- b) Requesting the rectification of issues within the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan* relating to the erroneous identification of "Urban Employment" areas within the Box Hill Precinct and omission of the planned vehicular connection and extension of Edwards Road to Ross Place;
- c) Providing support for the inclusion of maximum residential density limits and requesting the incorporation of the proposed *density bands* within the Growth Centres SEPP as a matter of urgency, subject to the following changes:
  - Application of a density range of 7 to 12 dwellings per hectare to recently rezoned land within the Box Hill Precinct adjoining Annangrove Road and Edwards Road (currently identified for a minimum residential density of 7 dwellings per hectare under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*; and
  - Removal of information relating to the "Probable Maximum Flood Level";
- d) Requesting the Government to 'switch on' Council's apartment DCP controls to provide better guidance on setbacks, common open space, site coverage and the like to ensure future apartment developments in the Growth Centres achieve good amenity and quality of life outcomes for future residents and the existing community.

- e) Providing support for the inclusion of statutory maps indicating minimum subdivision lot sizes for all residential land, subject to the following changes:
- Retention of the existing minimum lot size requirement of 700m<sup>2</sup> currently applicable to land within the Box Hill Precinct adjoining Annangrove Road and Edwards Road under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*;
- f) Raising concern with the proposed minimum lot size for residential flat buildings within the Box Hill and North Kellyville Precincts and requesting the application of a minimum lot size of 4,000m<sup>2</sup> for residential flat buildings in all zones, consistent with the controls applicable across the remainder of the Shire under Council's Local Environmental Plan;
- g) Requesting that the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan* be updated to:
- Identify specific timing, responsible agency and funding source for the delivery of key State infrastructure;
  - Include additional traffic infrastructure items, as detailed within this report;
  - Include Box Hill Utility Services to be delivered by Sydney Water within the delivery schedule;
- h) Advise that until such time as the funding arrangements for local infrastructure within the Box Hill Precinct are resolved, Council is unable to deliver key infrastructure required to support the original growth planned and the additional growth identified within the Implementation Plan. The ongoing delay in endorsing the Box Hill Contributions Plan is contrary to the stated objectives of the Implementation Plan to coordinate infrastructure delivery with housing development, and requires urgent resolution.

Please find the attached Council's report and minute, dated 27 June 2017 for a detailed discussion on the matters listed above. The Council report should be considered as part of Council's submission on this matter. Should you require further information please contact Jane Kim, Senior Town Planner on 9843 0185.

Yours faithfully



**Janelle Atkins**  
**ACTING MANAGER FORWARD PLANNING**

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 ORDINARY MEETING OF COUNCIL

27 JUNE, 2017

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**ITEM-4 EXHIBITION OF PLANNING CHANGES NORTH WEST PRIORITY GROWTH AREA (FP142 & FP183)**

<b>THEME:</b>	Balanced Urban Growth.
<b>OUTCOME:</b>	7 Responsible planning facilitates a desirable living environment and meets growth targets.
<b>STRATEGY:</b>	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
<b>MEETING DATE:</b>	<b>27 JUNE 2017</b> COUNCIL MEETING
<b>GROUP:</b>	<b>STRATEGIC PLANNING</b>
<b>AUTHOR:</b>	<b>SENIOR TOWN PLANNER</b> JANE KIM
<b>RESPONSIBLE OFFICER:</b>	<b>ACTING GROUP MANAGER STRATEGIC PLANNING</b> STEWART SEALE

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**EXECUTIVE SUMMARY**

This report recommends that a submission be forwarded to the Department of Planning and Environment in response to the release of the *North West Land Use and Infrastructure Implementation Plan* and public exhibition of associated statutory amendments to the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*. The Implementation Plan and associated statutory amendments relate to the North West Priority Growth Area (which includes the North Kellyville and Box Hill Precincts within The Hills Shire).

The Implementation Plan was released by the Minister for Planning in May 2017 and seeks to update the planning framework for the North West Priority Growth Area in light of the extent of urban development and demand for housing that has occurred since the release of the original North West Growth Centre Structure Plan in 2006. It affects land within The Hills Shire, Blacktown and Hawkesbury Local Government Areas. The elements of the Implementation Plan and proposed amendments to the Growth Centres SEPP which are of particular relevance to The Hills Shire are:

1. Amendments to the Growth Centres SEPP to:
  - Introduce *Density bands* with upper and lower limits for residential development. These 'density bands' would replace the existing *minimum* density requirements for residential development which has resulted in substantially higher yields than anticipated within release areas;
  - Apply minimum subdivision lot sizes in all residential areas, consistent with the Standard Instrument Local Environmental Plan; and
  - Apply minimum lot size requirements for types of residential development.

2. Update of development forecasts for release area precincts and proposed infrastructure schedule identifying State level utilities, roads and social infrastructure required by 2026 and beyond to serve the projected future population.

The submission as recommended, provides support for the introduction of maximum residential density limits, but raises concern with respect to a number of critical issues concerning the liveability and visual character of the North Kellyville and Box Hill Precincts. As part of this submission, concern should also be raised about lack of certainty with respect to the delivery of key state and local infrastructure to support growth (including the ability for Council to fund such infrastructure given the constraints imposed by the NSW Government under the current Section 94 Contributions Planning framework).

## HISTORY

- 28/07/2006** State Environmental Planning Policy (Sydney Region Growth Centres) 2006 ('Growth Centres SEPP') gazetted.
- 19/12/2008** North Kellyville Precinct rezoned for urban development including 4,500 dwellings.
- 05/04/2013** Box Hill and Box Hill Industrial Precinct Plan rezoned for urban development including 10,000 dwellings.
- 29/08/2013-  
14/10/2013** NSW Government publicly exhibit draft amendments to the Growth Centres SEPP ('Housing Diversity Package'), intended to deliver greater housing diversity and more affordable housing. This included the imposition of minimum density targets for residential development within the Growth Centres.
- Council made a submission on this exhibition raising a number of concerns including the potential for housing densities to significantly increase in locations remote from facilities and services, the undermining of Council's residential hierarchy and the lack of justification for the significant reduction in lot sizes for medium and high density development types. Council's submission stated that:
- 'It is unreasonable to expect the Hills Shire to accommodate the potential for significant additional housing without detailed consideration of availability and capacity of infrastructure to serve that population'*
- 11/08/2014** Amendments to the Growth Centres SEPP gazetted, which incorporated the NSW Government's 'Housing Diversity Package'.
- 2015 - 2016** Correspondence from Council to the Department of Planning and Environment raising concern with the significant increase in housing capacities enabled by the 'Housing Diversity Package', the inability to provide adequate infrastructure to service the anticipated growth and the need for urgent amendments to the Growth Centres SEPP to introduce '*density bands*' (including a maximum density limit).

- 08/08/2016** Meeting held with Minister Stokes raising issues with housing densities and infrastructure shortfalls in Growth Centre precincts.
- 08/11/2016, and  
06/12/2016** Letters sent from Council to Minister Stokes requesting urgent action to be taken to set maximum densities for residential development in release areas and finalise Section 94 Planning for the Box Hill Precinct to enable Council to claim 'contribution gap' funding and ensure sufficient funding for local infrastructure provision.
- 08/05/2017** Release of the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan*.
- 08/05/2017-  
27/06/2017** Public exhibition of draft amendments to the Growth Centres SEPP.

## **BACKGROUND**

The introduction of the NSW Government's 'Housing Diversity Package' in August 2014 has allowed for development and growth within the North Kellyville and Box Hill Precinct, of a density and scale that is beyond that anticipated within the Precinct Planning. The increased yield is inconsistent with the desired character for these precincts and has not been planned for in terms of infrastructure (such as roads, parks and playing fields). Since these amendments, Council has been requesting that the NSW Government introduce a cap on residential density within these areas, to provide certainty with respect to anticipated population and infrastructure requirements.

Council has also raised issues relating to local infrastructure delivery within the Box Hill Precinct, which are still unresolved nearly six (6) years after the rezoning of the Precinct by the Department. In particular, the Department is yet to endorse Contributions Plan No.15 – Box Hill Precinct, to enable Council to claim 'contribution gap' funding. The unreasonable delay caused by the Department has serious ramifications for the orderly development of the Box Hill Precinct and has resulted in a funding liability and shortfall of nearly \$50 million to date, which threatens Council's ability to deliver key infrastructure required to support the supply of new housing within the Box Hill Precinct.

## **REPORT**

The purpose of this report is to provide an overview of the key elements of the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan* and draft SEPP amendments relevant to The Hills Shire, consider the implications and provide recommendations for a submission.

### **1. DRAFT AMENDMENTS TO THE GROWTH CENTRES SEPP**

The draft amendments to the Growth Centres SEPP currently on public exhibition are proposed to implement the actions within the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan*. The public exhibition material is limited to a draft Explanation of Intended Effect and fails to include detailed draft legislative amendments to review. It is considered that copies of the draft legislation should be provided to Council allow for a more detailed review of the proposed amendments.

Notwithstanding, based on the Explanation of Intended Effect, the following proposed amendments to the Growth Centres SEPP are relevant to The Hills Shire:

- (a) Insert a new 'structure plan' for the North West Priority Growth Area;
- (b) Set minimum and maximum densities ('density bands') for residential areas;
- (c) Set minimum subdivision lot sizes for residential areas; and
- (d) Set minimum lot sizes for some residential land uses.

These draft amendments are outlined below together with comments on the potential implications.

#### **(a) Proposed Structure Plan**

The proposed amendments will change the definition of the 'Growth Centre Structure Plan' under the Growth Centres SEPP to include reference to the *North West Priority Growth Area Land Use and Implementation Plan*. As a result, the original consolidated Structure Plan (2006) for the Growth Centres would be replaced with a suite of new individual figures within the Implementation Plan relating to Land Use, Public Transport Corridors, Pedestrian and Cycle Network, Open Space Connections and Infrastructure Strategy (Transport and Utilities).

The key changes between the 2006 Structure Plan and the new figures within the Implementation Plan are:

- Identification of urban and non-urban land (consistent with established zonings);
- Update of the alignment of the Sydney Metro Northwest Corridor;
- Identification of future public transport corridor from Cudgegong Rd to Marsden Park;
- Identification of the regional pedestrian and cycle network (along Terry Road in Box Hill Precinct and Withers Road in North Kellyville Precinct); and
- Identification of a 'potential green connection' along Cattai Creek, Caddies Creek, Strangers Creek and Second Ponds Creek.

These changes are largely supported given they relate to regionally significant transport corridors and are required to reflect the progress in planning for these corridors since the original Structure Plan was prepared. Further, the transformation of a single (consolidated) Structure Plan into individual figures relating to key planning matters is supported on the basis that it provides greater details and clarity for the community.

However, it is recommended that the figures within the Implementation Plan be updated to rectify the following issues:

- The Land Use Plan incorrectly identifies areas within Box Hill Precinct as 'Urban Employment' areas, despite having been rezoned to residential in September 2016;
- The Land Use Plan and Infrastructure Strategy omit the planned vehicular connection and extension of Edwards Road to Ross Place (including Bridge over Smalls/Second Ponds Creek) between Annangrove Road (Box Hill Precinct) and Wither Roads (within North Kellyville Precinct).

#### **(b) Proposed density bands**

As outlined in the background of this report over recent years Council has been requesting that the NSW Government introduce a cap on residential density within the growth centres, to provide certainty with respect to anticipated population and infrastructure requirements. To this end, the proposed amendment will replace the existing Minimum Residential Density map with a new Residential Density Ranges map.

The following density bands are proposed:

*North Kellyville Precinct*

<b>Zone</b>	<b>Existing density</b> (Minimum dwg/ha)	<b>Proposed density band</b> (Minimum dwg/ha – Maximum dwg/ha)
R1	12.5	15-35
R2	10	10-15
R3	20	20-100

**Table 1**  
Existing and Proposed Residential Density Bands North Kellyville

*Box Hill Precinct*

<b>Zone</b>	<b>Existing density</b> (Minimum dwg/ha)	<b>Proposed density band</b> (Minimum dwg/ha – Maximum dwg/ha)
R1	-	20-80
R2 - Old Pitt Town Rd	5	Density controlled by minimum 2000m <sup>2</sup> lot size
R2 - Balance of R2 Land	15	15-20
R3	18	15-30
R4 - Around Nelson Rd Centre	20	20-80
R4 - Balance of R4 Land	30	30-100

**Table 2**  
Existing and Proposed Residential Density Bands Box Hill

A comparison of the existing and proposed mapping for residential density controls within the Box Hill and North Kellyville Precincts is provided as Attachment 2 to this report.

The introduction of density bands with both minimum and maximum density limits for residential development is consistent with ongoing representations made by Council to the Minister and Department of Planning and Environment since mid-2015. Given the time that has elapsed since the implications of Housing Diversity changes were raised with the Department, the strong residential market conditions and the number of approved development applications, the proposed density bands are only expected to have marginal impact in North Kellyville. For Box Hill Precinct however, the proposed density bands will enable better management of future growth, in particular they will:

- Provide Council and the community with certainty with respect to anticipated yields;
- Allow Council to better plan for the provision of local infrastructure to cater for additional growth; and
- Ensure that development (including apartment development) is limited to a more appropriate scale and character, consistent with the outcomes envisaged within the Precinct Planning for these areas and community expectations.

It is important to note that the Explanation of Intended Effect provides that the changes will not apply to development applications lodged before 22 May 2017 (commencement of exhibition). For Box Hill there are currently four applications under assessment that include apartments that provide for a total of 725 dwellings at densities up to 230 dwellings per hectare. Subject to the changes being made without delay however, future applications for apartments will be limited to maximum densities of 80 or 100 dwellings per hectare, depending on location. Such a density is generally consistent with

the density controls for apartments contained within The Hills Development Control Plan of 175 persons per hectare.

A further measure that has previously been requested by Council is the 'switching on' of Council's DCP for apartments. The Growth Centres DCP for these developments is inadequate to achieve good amenity and quality of life outcomes and it would be appropriate for the Government to 'switch on' Council's apartment DCP controls to provide better guidance on setbacks, common open space, site coverage and the like.

It is recommended that the proposed density bands be supported and the Department be requested to incorporate the density bands within the Growth Centres SEPP as a matter of urgency, subject to the rectification of the following issues:

- The Residential Density Ranges Map incorrectly applies a range of 15 dwellings per hectare to 20 dwellings per hectare to residential land in the Box Hill Precinct adjoining Annangrove Road and Edwards Road (this is standard across all R2 Low Density Residential Land within Box Hill Precinct). This area was recently rezoned to residential in September 2016 and as part of this proposal, a minimum residential density of 7 dwellings per hectare was applied to facilitate the delivery of a larger lot product in this area and provide appropriate transition between this area of urban development and adjoining rural areas. The application of a density range of 15 to 20 dwellings per hectare would undermine the significant recent strategic planning work through the planning proposal process and it is recommended that a density range of 7 to 12 dwellings per hectare be applied in this area; and
- The Residential Density Ranges Map includes the identification of a 'Probable Maximum Flood Level'. While this information is an important input into the Precinct Planning Process, it is unclear why this has been included in the Residential Density Ranges Map, especially in the absence of any associated controls within the Growth Centres SEPP. It is recommended that this information be removed from the statutory map to avoid confusion amongst the community and developers.

### **(c) Proposed minimum lot sizes for subdivision**

The proposed amendments seek to include minimum subdivision lot sizes as follows:

#### *North Kellyville Precinct*

- 300m<sup>2</sup> for the R1 General Residential and R3 Medium Density Residential zones; and
- 360m<sup>2</sup> for the R2 Low Density Residential Zone

#### *Box Hill Precinct*

- 300m<sup>2</sup> for the R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential zones.

A comparison between the existing and proposed mapping for minimum subdivision lot sizes within the Box Hill and North Kellyville Precincts is provided as Attachment 2 to this report.

Since the introduction of the 2014 Housing Diversity amendments, minimum lot sizes for the growth centres have been linked to the minimum residential density applicable to land. Reverting back to statutory maps indicating minimum lot sizes for all residential land will ultimately not change the minimum subdivision lot size requirements; however it will ensure that the planning framework for the growth centres better aligns with Council's Local Environmental Plan. It is recommended that this component of the amendments be supported, subject to the rectification of the following:



- The Minimum Lot Size Map incorrectly applies a minimum lot size of 300m<sup>2</sup> to residential land in the Box Hill Precinct adjoining Annangrove Road and Edwards Road. This area was recently rezoned to residential in September 2016 and as part of this proposal, a minimum lot size of 700m<sup>2</sup> was applied to ensure the delivery of a larger lot product in this area and provide appropriate transition between this area of urban development and adjoining rural areas. The application of a minimum lot size of 300m<sup>2</sup> to this area would undermine the significant recent strategic planning work through the planning proposal process and a minimum lot size of 700m<sup>2</sup> should be retained.

**(d) Proposed minimum lot sizes for certain residential development**

The proposed amendments seek to include minimum lot sizes for certain residential development as follows:

*North Kellyville Precinct*

Zone	Density bands (dwg/ha)	Type of development	Minimum Lot Size
R1	15-35	Dual Occupancy	600m <sup>2</sup>
		Attached Dwelling	1500m <sup>2</sup>
		Multi Dwelling Housing	1500m <sup>2</sup>
		Residential Flat Buildings	4000m <sup>2</sup>
R2	10-15	Dual Occupancy	600m <sup>2</sup>
		Dual Occupancy	500m <sup>2</sup>
R3	20-100	Attached Dwelling	375m <sup>2</sup>
		Multi Dwelling Housing	375m <sup>2</sup>
		Manor Home	600m <sup>2</sup>
		Residential Flat Buildings	2000m <sup>2</sup>

**Table 3**

Proposed minimum lot sizes for certain residential development in North Kellyville

*Box Hill Precinct*

Zone	Density bands (dwg/ha)	Type of development	Minimum Lot Size
R1	20-80	Dual Occupancy	500m <sup>2</sup>
		Attached Dwelling	1500m <sup>2</sup>
		Multi Dwelling Housing	1500m <sup>2</sup>
		Manor Home	600m <sup>2</sup>
		Residential Flat Buildings	600m <sup>2</sup>
R2	5	Dual Occupancy	500m <sup>2</sup>
		Attached Dwelling	1500m <sup>2</sup>
		Multi Dwelling Housing	1500m <sup>2</sup>
R2	10-15	Dual Occupancy	500m <sup>2</sup>
		Attached Dwelling	1500m <sup>2</sup>
		Multi Dwelling Housing	1500m <sup>2</sup>
R3	15-30	Dual Occupancy	500m <sup>2</sup>
		Attached Dwelling	1500m <sup>2</sup>
		Multi Dwelling Housing	1500m <sup>2</sup>
R4	20-80	Attached Dwelling	300m <sup>2</sup>
		Multi Dwelling Housing	375m <sup>2</sup>
		Manor Home	600m <sup>2</sup>
		Residential Flat Buildings	600m <sup>2</sup>
			1000m <sup>2</sup>

**Table 4**

Proposed minimum lot sizes for certain residential development in Box Hill Precinct

Council has previously raised concern with respect to inadequate minimum lot sizes for residential flat buildings within the Box Hill Precinct (600m<sup>2</sup> to 1,000m<sup>2</sup>) and requested that minimum lot sizes for residential flat buildings across the Growth Centres be consistent with those across the remainder of the Shire (4,000m<sup>2</sup>). These concerns have not been addressed as part of these proposed amendments.

The proposed minimum lot sizes for residential flat buildings (600m<sup>2</sup> and 1000m<sup>2</sup> within the Box Hill Precinct and 2,000m<sup>2</sup> for land zoned R3 Medium Density Residential within the North Kellyville Precinct), are considered to be inadequate on the basis that they are insufficient to:

- Promote the achievement of amalgamated and master planned development outcomes;
- Moderate site coverage to enable appropriate built form and character outcomes;
- Allow for adequate landscaped setbacks; and
- Create a positive pedestrian experience of the public domain and promote the 'liveability' goal of the Draft West Central District Plan.

Accordingly, it is recommended that the minimum lot sizes for residential flat buildings within the Box Hill Precinct and North Kellyville Precinct be increased to 4,000m<sup>2</sup>, across all residential zones. This will promote improved built form and character outcomes within these areas and ensure consistency with the minimum lot size requirements for residential flat buildings across the remainder of the Shire under Council's Local Environmental Plan.

## 2. LAND USE AND INFRASTRUCTURE IMPLEMENTATION PLAN

The Implementation Plan identifies capacity for the North West Priority Growth Area to accommodate 90,000 dwellings (20,000 more dwellings than identified within the original Precinct Planning work). As demonstrated in Table 5 below, the North Kellyville and Box Hill Precincts are expected to accommodate a total of 21,017 dwellings, being 6,517 more dwellings more than originally identified within the Precinct Planning process.

	NSW Govt. Projection (2006)	Council Projection (Contributions Plan)	Revised NSW Govt. Projection (2017)	Increase (2006 to 2017)
North Kellyville	4,500	5,185	7,741	3,241 (72%)
Box Hill	10,000	10,224	13,276	3,276 (33%)
<b>Total</b>	14,500	15,409	21,017	<b>6,517 (45%)</b>

**Table 5**  
Comparison of Housing Capacity Projections since 2006

While the Implementation Plan is not currently on public exhibition, it is considered appropriate for Council to make comment on this Plan in association with its submission on the proposed amendments to the Growth Centres SEPP.

### (a) State Infrastructure Provision

The Implementation Plan highlights the importance of ensuring that infrastructure has enough capacity to support new communities and includes an infrastructure schedule identifying State level utilities, roads and social infrastructure required by 2026. Key items identified within the Plan and relevant to The Hills Shire area are:

Item	Timing/ Delivery	Funding Source
Terry Road upgrade (Windsor Road to Mason Road)	2022	"Special Infrastructure Contributions or other satisfactory arrangements"
Withers Road (Mile End Road to Annangrove Road)	TBA	"Special Infrastructure Contributions or other satisfactory arrangements"
The Water Lane (Annangrove Road to Nelson Road)	TBA	"Special Infrastructure Contributions or other satisfactory arrangements"
Nelson Road (Windsor Road to The Water Lane)	TBA	"Special Infrastructure Contributions or other satisfactory arrangements"
Sydney Metro Northwest	2019	"Transport for NSW"
Box Hill Zone substation	2020	"Endeavour Energy or other provider"
North Box Hill Zone substation	2020	"Endeavour Energy or other provider"
Existing Sewer Pumping to North Kellyville	Capacity reached – 2024	"Requires additional capacity to support expected growth"
New school infrastructure at North Kellyville	TBC – may be required post-2026	"Department of Education or Private Provider"

Table 6

State Infrastructure identified in Implementation Plan relevant to Hills Shire

While the identification of State infrastructure requirements is supported, the Plan lacks sufficient detail to provide certainty regarding the timing, funding and responsibility to the delivery of this critical infrastructure. It is recommended that the Department be requested to include additional information within the Implementation Plan to address the following:

- The Plan fails to identify specific timing for the delivery of a number of key traffic works to support growth and weakens the responsibility for certain State Government agencies to provide and fund the required infrastructure, incorporating words such as *"or other satisfactory arrangements"* and *"Department of Education or Private Provider"*. Given the scale and rate of future growth anticipated within these areas, the failure to specifically identify a clear time, funding source and agency responsibility for the delivery of critical infrastructure required within the next 10 years is considered to be unsatisfactory.
- The Plan fails to include any additional traffic or regional open space infrastructure to cater for the additional 6,517 dwellings anticipated within the Box Hill and North Kellyville Precincts. At a minimum, the following items should be included within the Plan and identified for funding from State Government agencies (including Special Infrastructure Contributions):
  - Withers Road (Mile End Road to Commercial Road);
  - Commercial Road (Withers Road to Caddies Creek Boulevard);
  - Boundary Road (Windsor Road to Old Pitt Town Road);
  - Extension of Edwards Road between Ross Place and Annangrove Road (including Bridge over Smalls/Second Ponds Creek);
  - Windsor Road upgrade and signalisation of intersections with Mount Carmel Road, Box Road, Terry Road, Nelson Road and Boundary Road; and
  - Annangrove Arterial Link.

- While it is acknowledged that there is an existing water and sewer servicing plan for the Box Hill Precinct, the Plan's omission of Box Hill from the Utility Services infrastructure delivery schedule may lead to the misinterpretation with respect to Sydney Water's obligatory role in supporting the urban release of Box Hill precinct.

**(b) Local Infrastructure Funding**

The Implementation Plan fails to acknowledge the additional demand for local infrastructure generated by the additional 6,517 dwellings anticipated across the North Kellyville and Box Hill Precincts. While this would not ordinarily be the responsibility of the State Government, it will trigger the need for significant amendments to Council's relevant Contributions Plans which is subject to the NSW Government imposed 'cap' on development contributions (\$30,000 per lot/dwelling) and will require NSW Government funding in order to deliver the required local infrastructure.

In the case of the Box Hill Precinct, as a result of the NSW Government imposed 'cap' on development contributions (\$30,000 per lot/dwelling), Council is only able to collect sufficient funds to provide approximately 50% of the local infrastructure required to service development within the Box Hill Precinct (as identified by the Department). In response to this, the NSW Government committed to funding the deficit (the difference between the 'capped' amount of \$30,000 per lot/dwelling and the *full* contribution rate established under the applicable Contributions Plan – approximately \$69,000 per lot/dwelling) through the Local Infrastructure Growth Scheme.

In order to be eligible for this funding, Council must first obtain 'endorsement' of the Contributions Plan from the Department. It has now been over 12 months since IPART completed an assessment of Contributions Plan No.15 – Box Hill Precinct and provided this to the Department to inform their advice to Council, however Council is yet to receive any advice from the Department endorsing the Plan or advising of amendments which must be made in order for Council to gain this endorsement.

The unreasonable delay caused by the Department has serious ramifications for the orderly development of the Precinct and has resulted in a funding liability and shortfall of nearly \$50 million to date. It is recommended that the Department be advised that until such time as the funding arrangements for local infrastructure within the Box Hill Precinct are resolved, Council is unable to deliver key infrastructure required to support not only the originally planned growth, but also any additional growth identified within the Plan. The ongoing delay in endorsing the Box Hill Contributions Plan is contrary to the stated objectives of the Implementation Plan to coordinate infrastructure delivery with housing development, and requires urgent resolution.

**(c) Risk of Flooding**

The Water Management and Flooding assessment conducted in support of the Implementation Plan (Cardno 2015) states that key flood considerations to be taken into account include setting flood planning levels for different land use types, management of stormwater, minimisation of flood risk and particularly flood evacuation.

The Plan indicates that the Department in collaboration with Infrastructure NSW (INSW), Roads Maritime Services (RMS) and the NSW State Emergency Services (SES) are involved in the preparation of the Hawkesbury-Nepean River Flood Risk Strategy to inform the preparation of evacuation response plans for the Precincts. However, the Plan does not incorporate sufficient details to with respect to the implications for each precinct within the North West Priority Growth Area in the case of the 100 year ARI event and the PMF event.

Notwithstanding, it is difficult to ascertain from the Plan whether this investigation will further inform the relevant controls applicable to flood prone land within the Precinct and the extent of the land which will be affected by the future strategy. Further information should be provided to fully assess this matter.

## **IMPACTS**

### **Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates. However, Contribution Plan No.15 – Box Hill Precinct has not yet been approved by the Minister and as such, is not eligible to receive 'contribution gap' funding. Without approval for 'contribution gap' funding, Council will be unable to deliver adequate local infrastructure required to support growth within the Box Hill precinct.

Greater certainty is also required regarding funding arrangements for a number of State infrastructure items listed in the infrastructure schedule within the Implementation Plan as well as a number of other critical items omitted from the schedule.

### **The Hills Future - Community Strategic Plan**

Community Strategic Direction 7.2 requires Council to manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations. This submission will ensure that Council's views are effectively represented and that there is input into legislation that affects local issues.

## **RECOMMENDATION**

A submission be made to the Department of Planning and Environment on the draft amendments to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan*, raising the following:

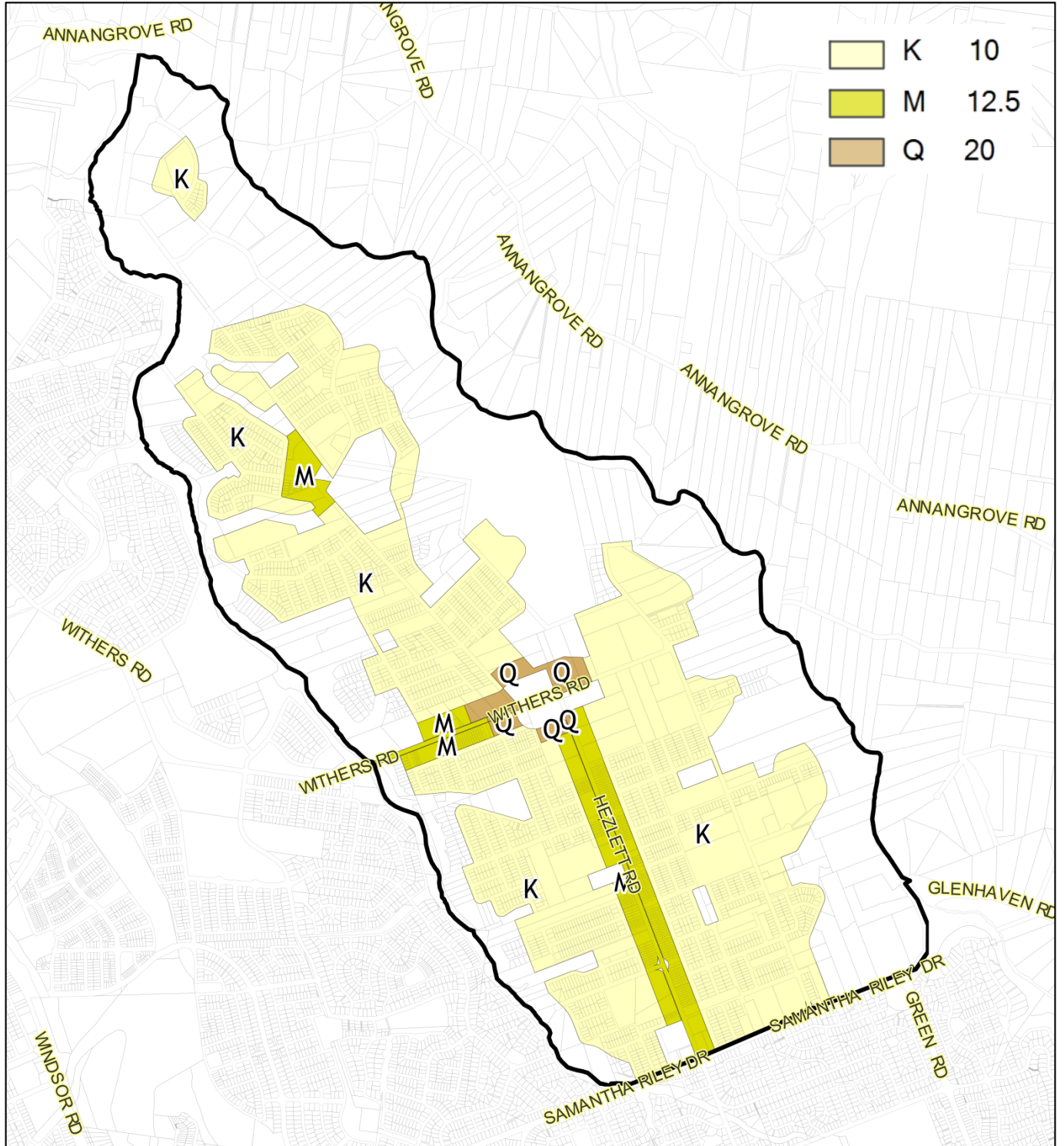
- a) Requesting additional information, in the form of a draft statutory instrument, to Council allow for a more detailed review of the proposed amendments;
- b) Requesting the rectification of issues within the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan* relating to the erroneous identification of "Urban Employment" areas within the Box Hill Precinct and omission of the planned vehicular connection and extension of Edwards Road to Ross Place;
- c) Providing support for the inclusion of maximum residential density limits and requesting the incorporation of the proposed *density bands* within the Growth Centres SEPP as a matter of urgency, subject to the following changes:
  - Application of a density range of 7 to 12 dwellings per hectare to recently rezoned land within the Box Hill Precinct adjoining Annangrove Road and Edwards Road (currently identified for a minimum residential density of 7 dwellings per hectare under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*; and
  - Removal of information relating to the "Probable Maximum Flood Level";
- d) Requesting the Government to 'switch on' Council's apartment DCP controls to provide better guidance on setbacks, common open space, site coverage and the like to ensure future apartment developments in the Growth Centres achieve good amenity and quality of life outcomes for future residents and the existing community.

- e) Providing support for the inclusion of statutory maps indicating minimum subdivision lot sizes for all residential land, subject to the following changes:
- Retention of the existing minimum lot size requirement of 700m<sup>2</sup> currently applicable to land within the Box Hill Precinct adjoining Annangrove Road and Edwards Road under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*;
- f) Raising concern with the proposed minimum lot size for residential flat buildings within the Box Hill and North Kellyville Precincts and requesting the application of a minimum lot size of 4,000m<sup>2</sup> for residential flat buildings in all zones, consistent with the controls applicable across the remainder of the Shire under Council's Local Environmental Plan;
- g) Requesting that the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan* be updated to:
- Identify specific timing, responsible agency and funding source for the delivery of key State infrastructure;
  - Include additional traffic infrastructure items, as detailed within this report;
  - Include Box Hill Utility Services to be delivered by Sydney Water within the delivery schedule;
- h) Advise that until such time as the funding arrangements for local infrastructure within the Box Hill Precinct are resolved, Council is unable to deliver key infrastructure required to support the original growth planned and the additional growth identified within the Implementation Plan. The ongoing delay in endorsing the Box Hill Contributions Plan is contrary to the stated objectives of the Implementation Plan to coordinate infrastructure delivery with housing development, and requires urgent resolution.

**ATTACHMENTS**

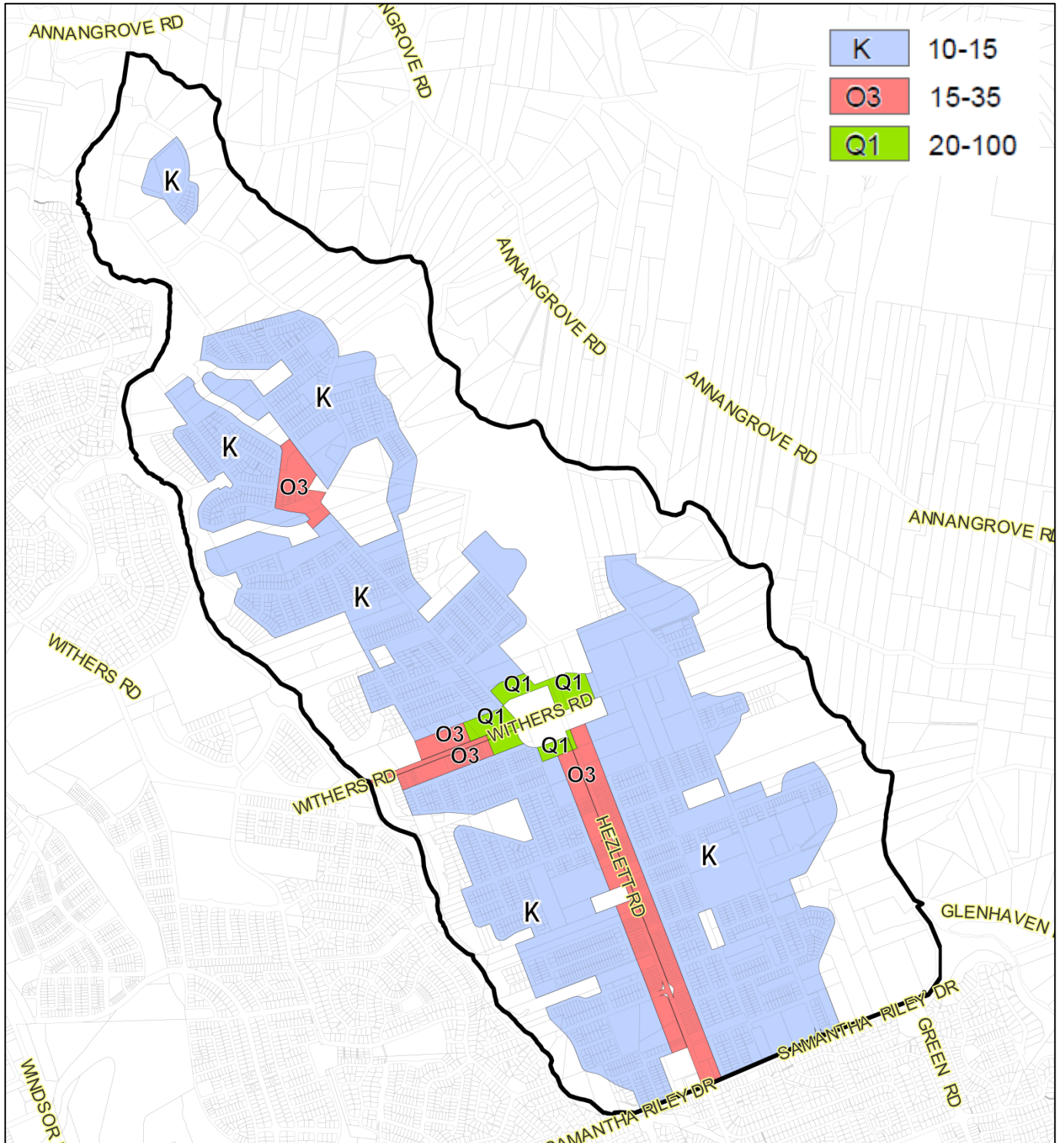
1. Existing and Proposed Residential Density Maps (4 Pages)
2. Proposed Minimum Lot Size Maps (4 Pages)

**ATTACHMENT 1**



Existing Residential Density - North Kellyville Precinct

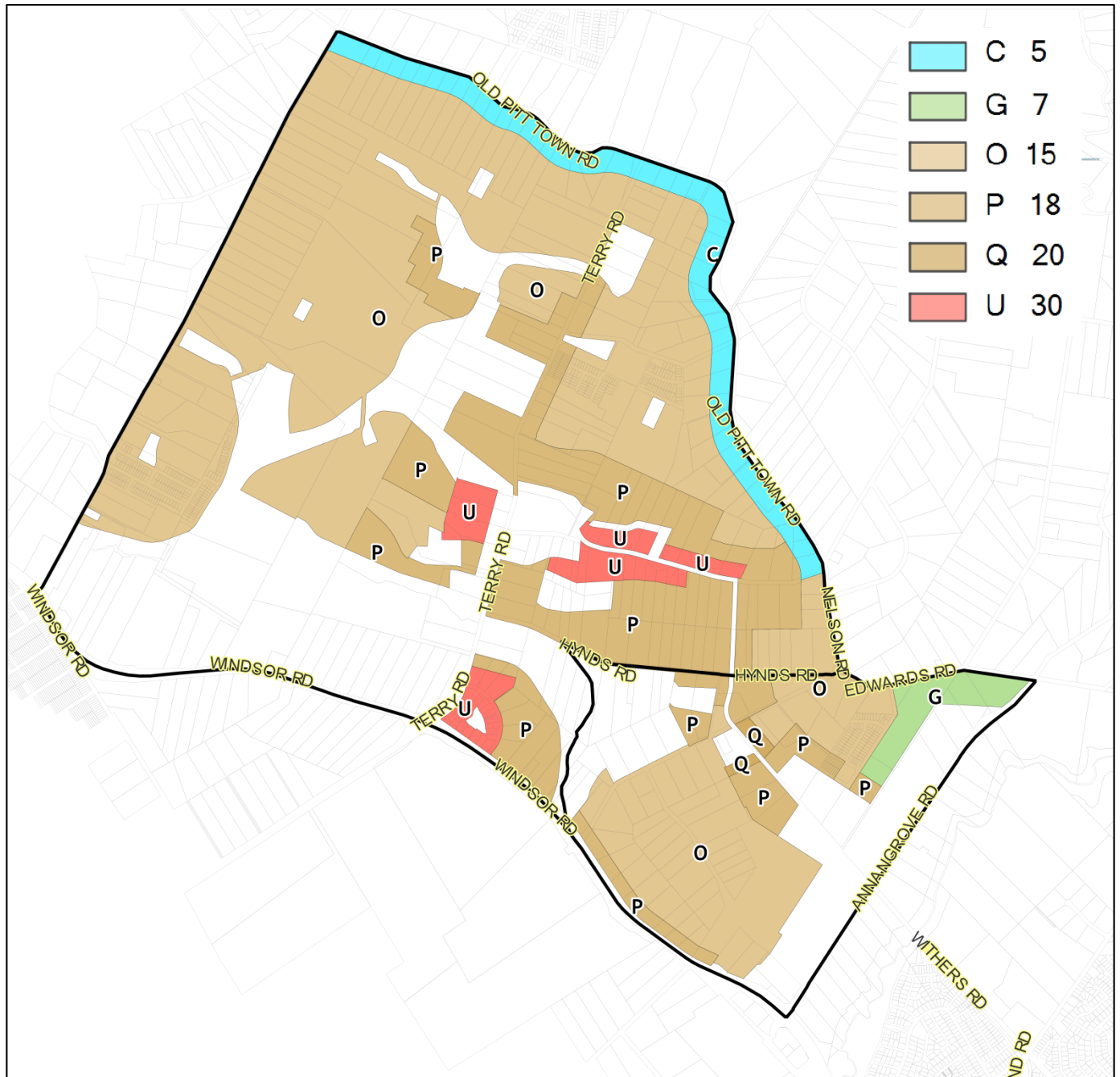
**ATTACHMENT 1**



Proposed Residential Density - North Kellyville Precinct

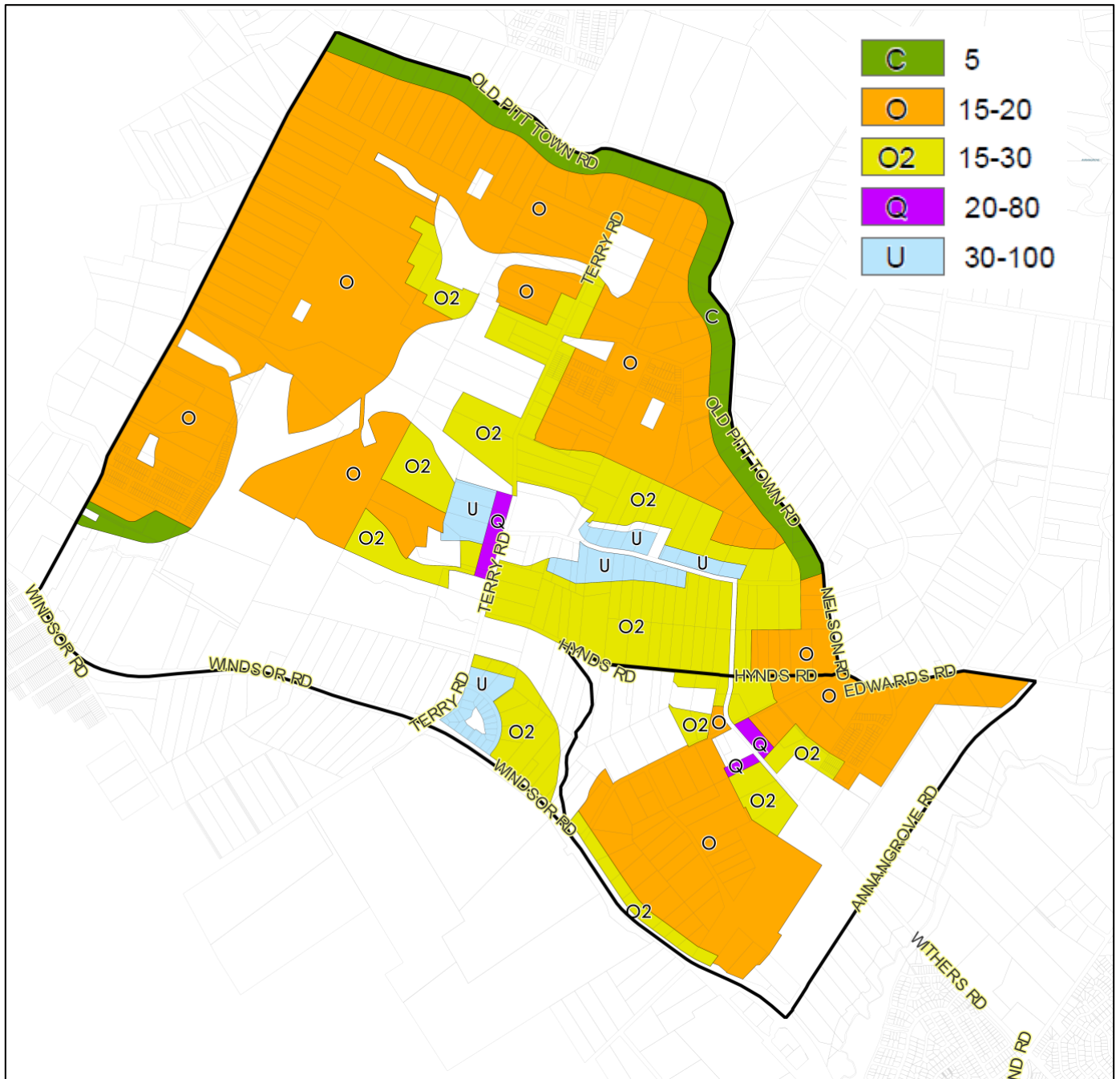


**ATTACHMENT 1**



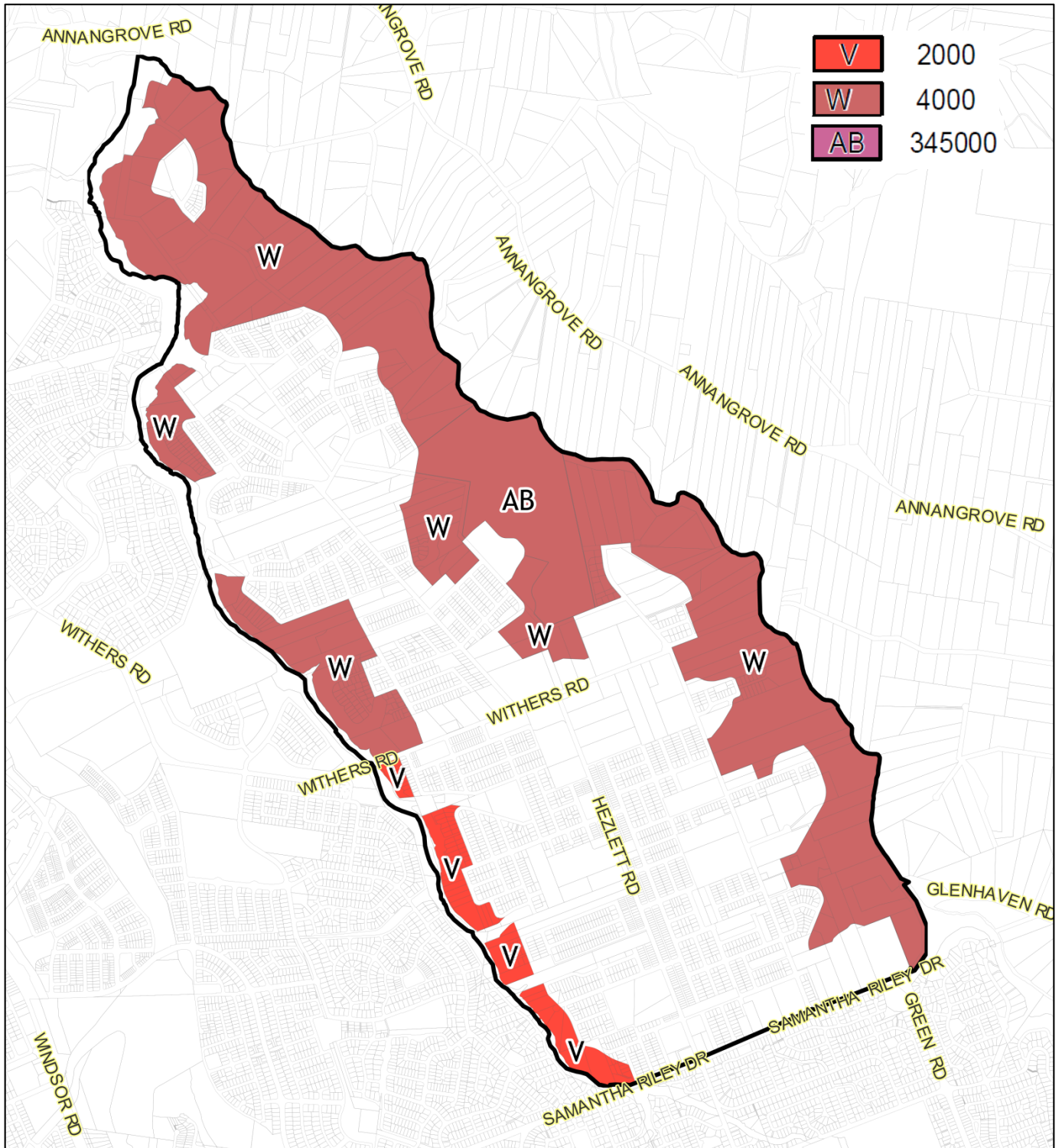
Existing Residential Density - Box Hill Precinct

**ATTACHMENT 1**



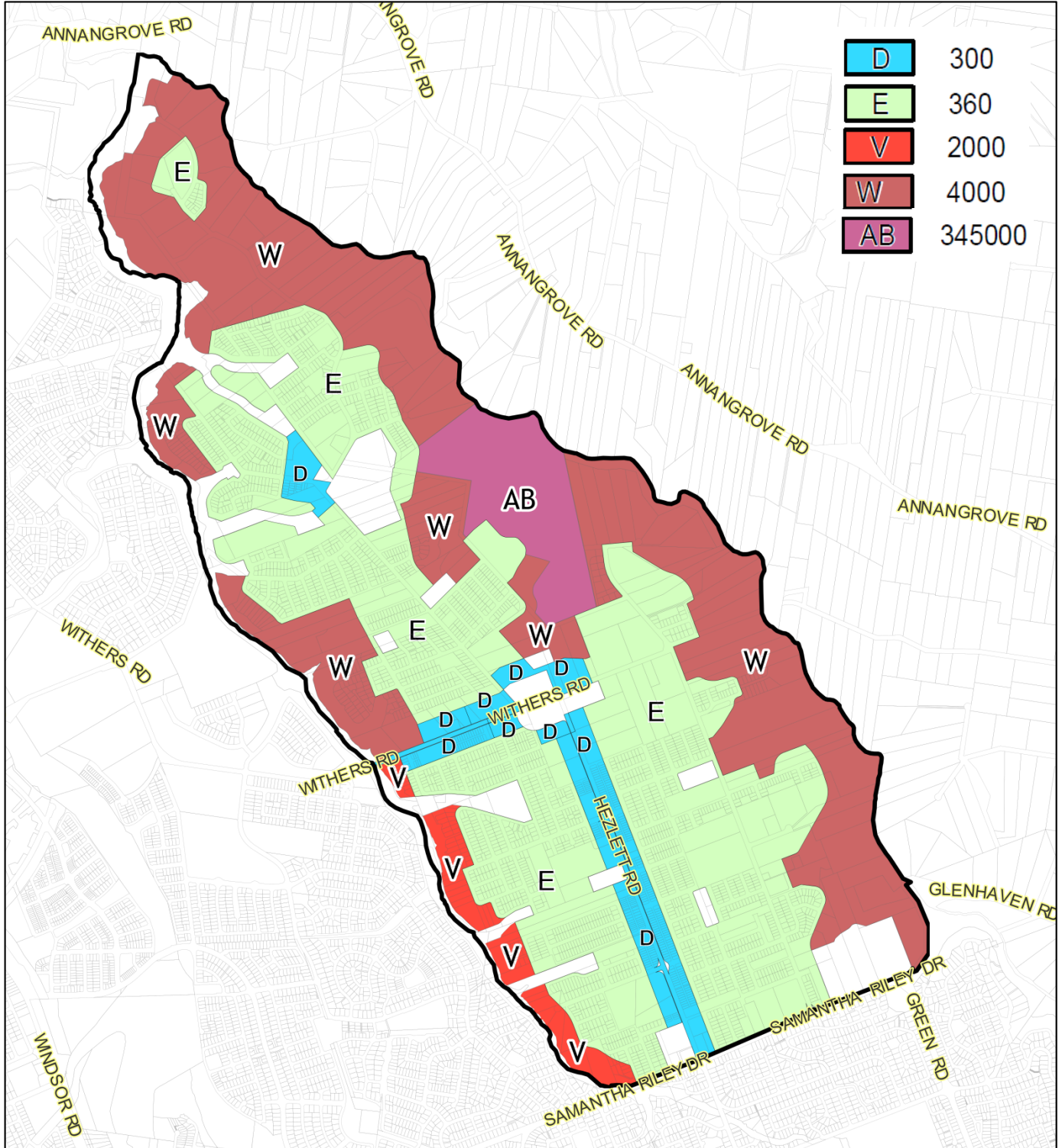
Proposed Residential Density - Box Hill Precinct

**ATTACHMENT 2**



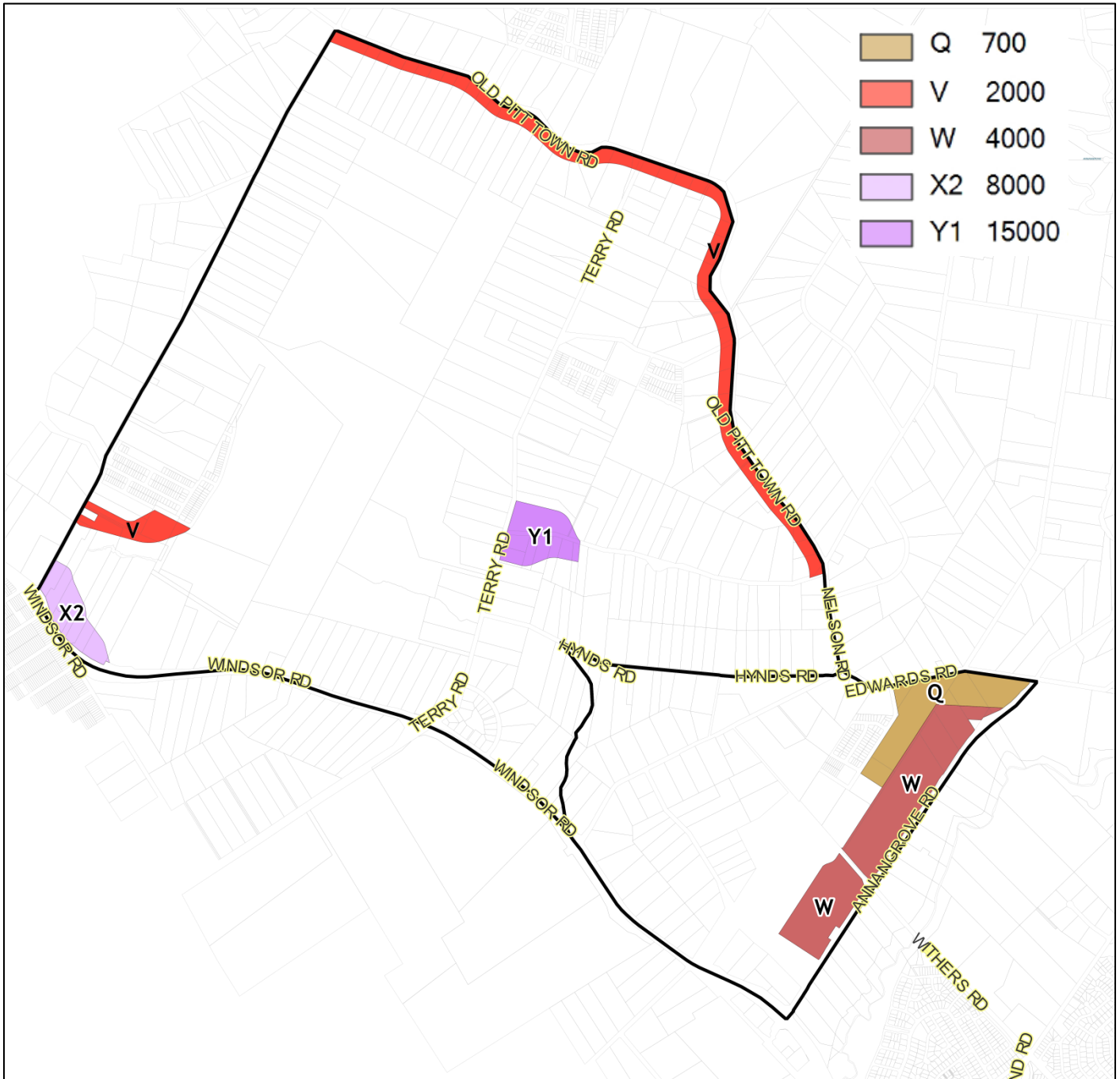
Existing Minimum Lot Size - North Kellyville Precinct

**ATTACHMENT 2**



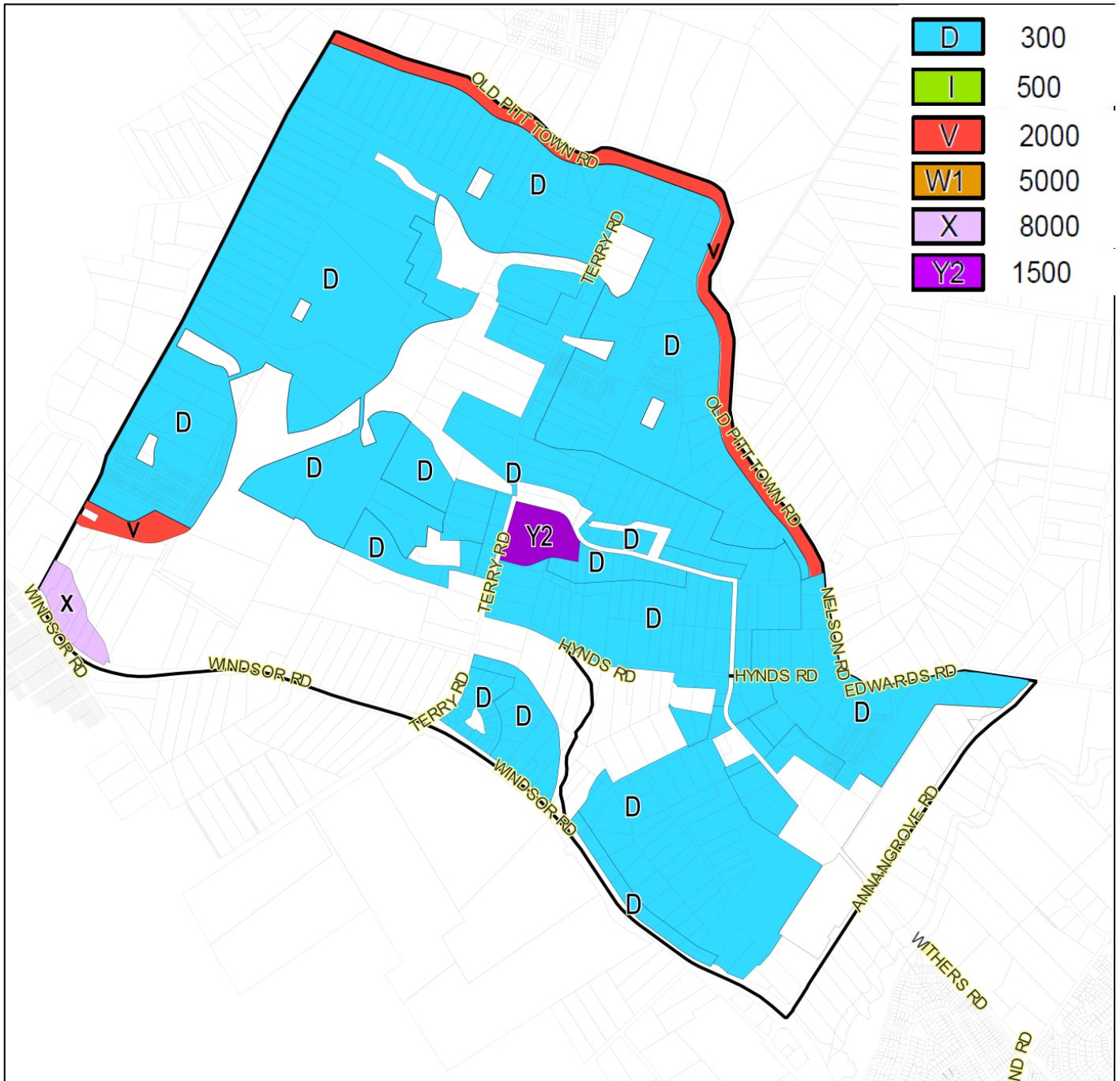
Proposed Minimum Lot Size - North Kellyville Precinct

**ATTACHMENT 2**



Existing Minimum Lot Size - Box Hill Precinct

**ATTACHMENT 2**



Proposed Minimum Lot Size – Box Hill Precinct

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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 June 2017**

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**ITEM-4 EXHIBITION OF PLANNING CHANGES NORTH WEST PRIORITY GROWTH AREA (FP142 & FP183)**

A MOTION WAS MOVED BY COUNCILLOR HASELDEN AND SECONDED BY COUNCILLOR HARTY OAM THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

**303 RESOLUTION**

A submission be made to the Department of Planning and Environment on the draft amendments to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan*, raising the following:

- a) Requesting additional information, in the form of a draft statutory instrument, to Council allow for a more detailed review of the proposed amendments;
- b) Requesting the rectification of issues within the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan* relating to the erroneous identification of "Urban Employment" areas within the Box Hill Precinct and omission of the planned vehicular connection and extension of Edwards Road to Ross Place;
- c) Providing support for the inclusion of maximum residential density limits and requesting the incorporation of the proposed *density bands* within the Growth Centres SEPP as a matter of urgency, subject to the following changes:
  - Application of a density range of 7 to 12 dwellings per hectare to recently rezoned land within the Box Hill Precinct adjoining Annangrove Road and Edwards Road (currently identified for a minimum residential density of 7 dwellings per hectare under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*; and
  - Removal of information relating to the "Probable Maximum Flood Level";
- d) Requesting the Government to 'switch on' Council's apartment DCP controls to provide better guidance on setbacks, common open space, site coverage and the like to ensure future apartment developments in the Growth Centres achieve good amenity and quality of life outcomes for future residents and the existing community.
- e) Providing support for the inclusion of statutory maps indicating minimum subdivision lot sizes for all residential land, subject to the following changes:
  - Retention of the existing minimum lot size requirement of 700m<sup>2</sup> currently applicable to land within the Box Hill Precinct adjoining Annangrove Road and Edwards Road under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*;
- f) Raising concern with the proposed minimum lot size for residential flat buildings within the Box Hill and North Kellyville Precincts and requesting the application of a minimum lot size of 4,000m<sup>2</sup> for residential flat buildings in all zones, consistent with the controls applicable across the remainder of the Shire under Council's Local Environmental Plan;

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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 27 June 2017**

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g) Requesting that the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan* be updated to:

- Identify specific timing, responsibly agency and funding source for the delivery of key State infrastructure;
- Include additional traffic infrastructure items, as detailed within this report;
- Include Box Hill Utility Services to be delivered by Sydney Water within the delivery schedule;

h) Advise that until such time as the funding arrangements for local infrastructure within the Box Hill Precinct are resolved, Council is unable to deliver key infrastructure required to support the original growth planned and the additional growth identified within the Implementation Plan. The ongoing delay in endorsing the Box Hill Contributions Plan is contrary to the stated objectives of the Implementation Plan to coordinate infrastructure delivery with housing development, and requires urgent resolution.

*Being a planning matter, the Mayor called for a division to record the votes on this matter*

**VOTING FOR THE MOTION**

Clr Dr M R Byrne  
Clr Thomas  
Clr Preston  
Clr Keane  
Clr A N Haselden  
Clr Harty OAM  
Clr Hay OAM  
Clr Tracey  
Clr Dr Lowe

**VOTING AGAINST THE MOTION**

None

**ABSENT**

Clr Dr Gangemi

**CALL OF THE AGENDA**

A MOTION WAS MOVED BY COUNCILLOR HARTY OAM AND SECONDED BY COUNCILLOR DR LOWE THAT Items 5, 7, 9 and 10 be moved by exception and the recommendations contained in the reports be adopted.

THE MOTION WAS PUT AND CARRIED.

**304 RESOLUTION**

Items 5, 7, 9 and 10 be moved by exception and the recommendations contained in the reports be adopted.