

ITEM-4	POST EXHIBITION - PLANNING PROPOSAL - 10, 12 AND 14 RED GABLES ROAD, BOX HILL (2/2019/PLP)
THEME:	Shaping Growth
OUTCOME:	5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity.
STRATEGY:	5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.
MEETING DATE:	10 SEPTEMBER 2019 COUNCIL MEETING
GROUP:	SHIRE STRATEGY, TRANSFORMATION AND SOLUTIONS
AUTHOR:	STRATEGIC PLANNING COORDINATOR PIERS HEMPHILL
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING NICHOLAS CARLTON

EXECUTIVE SUMMARY

This report recommends that the planning proposal to amend LEP 2012 as it relates to the Box Hill North Town Centre (10, 12 and 14 Red Gables Road, Box Hill) be forwarded to the Department of Planning, Industry and Environment for finalisation. The proposal seeks to facilitate the inclusion of a new school on a portion of land within the Box Hill North Town Centre and redistribute the previously anticipated commercial and residential floor space from this land to the remainder of the Town Centre.

The planning proposal and associated draft Development Control Plan were publicly exhibited from 23 July 2019 to 23 August 2019 in accordance with the requirements of the Gateway Determination. Council received 3 submissions comprising 2 public authority submissions (NSW Rural Fire Service (RFS) and the Department of Education - School Infrastructure) and 1 public submission from the Proponent.

The RFS requested that the Proponent make amendments to the bush fire report and revise the concept plan to provide for a perimeter access road. As detailed in Section 5 of this report, the Proponent provided additional information in response to RFS submission and following further review, the RFS confirmed on 17 July 2019 that they were now satisfied with the proposal.

The Department of Education (School Infrastructure) stated that the proposed changes to the planning controls are not expected to have any substantive impact on the nominated Government school site in Box Hill North and on this basis raised no objection to the planning proposal.

The submission from the Proponent requested minor post-exhibition amendments to reflect adjustments to the boundary of the future school site, which slightly increase the site area of the school from 10,000m² (as exhibited) to 11,413m² (+1,413m²). This change has also

prompted corresponding adjustments to marginally increase the FSR applicable to a small portion of the remaining town centre, in light of the enlarged school site area. The FSR adjustment sought by the Proponent is simply to ensure that the intended development outcomes of the planning proposal can be achieved despite the enlarged school site area. The adjustments would not result in any material increase in total floor space potential or anticipated built form within the Town Centre and as such are considered reasonable and appropriate.

The Catholic Education Diocese of Parramatta has lodged a State Significant Development Application (SSDA) with the Department of Planning, Industry and Environment seeking approval for the new school. The SSDA seeks to provide a school with a floor area of around 15,000m², being less than the 20,000m² originally identified as part of the planning proposal. However, the SSDA does seek approval for a 6 storey outcome on the school site, rather than the 5 storey outcome originally identified as part of the concepts submitted with the planning proposal. It is noted that SSDAs for new schools are not required to comply with development standards imposed under any environmental planning instrument (in this case LEP 2012), and as such the progress and potential approval of the SSDA for the proposed school is not reliant on the outcomes of the planning proposal or the proposed application of a FSR to the land under LEP 2012.

The Gateway Determination issued by the Department of Planning, Industry and Environment raised concern with respect to the potential development densities which could be permitted as a result of the proposed application of an FSR of 2:1 to the future school site, in the unlikely event that the school is not delivered.

Following consideration of the matters raised within the Department's Gateway Determination as well as the submissions received, it is recommended that the planning proposal proceed to finalisation, subject to the following post-exhibition amendments:

- Amend the Floor Space Ratio and Height of Buildings Maps to reflect the refined lot boundary of the proposed school site, as established by subdivision approval 571/2018/ZB;
- Amend the proposed Floor Space Ratio Map to no longer increase the FSR applicable to the school site from 1:1 (existing) to 2:1 (as exhibited). Given the SSDA for the school will be assessed by the Department under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, retaining the existing applicable FSR of 1:1 to the school site will not inhibit the planned provision of a school. It will however restrict any potential for unanticipated residential and commercial floor space on the site in the unlikely event that the school is not delivered; and
- Amend the Floor Space Ratio Map to increase the FSR applying to a small portion of the Town Centre (known as sub-precinct E.4B) from 1.64:1 (exhibited) to 2.3:1 (refer to Figure 7). The amendment will also adjust the alignment of the FSR and Height of Building mapping applicable to sub-precinct E.4B in the south-western corner of the Town Centre to remove a slight curve would have traversed through the identified footprint of the proposed 8 storey building fronting Red Gables Road and inhibited the achievement of the planned built form outcome. The amendment will straighten the mapping at this location to match to the revised boundaries of the individual sub-precincts/future development sites and facilitate achievement of the intended built form outcome.

These amendments will not result in any material increase in the overall floor space potential or built form on the site and will ensure that the outcomes and objectives of the planning proposal are still achievable, despite the marginal expansion of the school site area within the Town Centre.

It is also recommended that the associated amendments to The Hills DCP 2012 (Part D Section 17 – Box Hill North) which articulate anticipated outcomes within the Town Centre be adopted, subject to post-exhibition amendments to reflect the new boundaries of the school site.

APPLICANT

Willowtree Planning Pty Ltd on behalf of Celestino Developments Pty Ltd

OWNERS

Celestino Developments Pty Ltd

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

	Current	Exhibited
Zone:	B2 Local Centre	No change
Maximum Floor Space Ratio:	1:1	1:1 – 2:1
Maximum Height:	16m	16m – 27m
Minimum Lot Size:	600m ²	No change
Dwellings:	545	570
Jobs:	400	500

POLITICAL DONATIONS

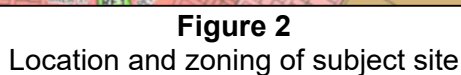
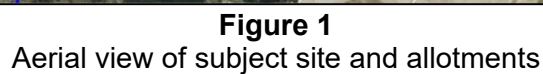
Nil disclosures by the Proponent

REPORT

The purpose of this report is to consider the outcomes of the public authority consultation and public exhibition of the planning proposal for land within the Box Hill North Town Centre (10, 12 and 14 Red Gables Road, Box Hill).

1. THE SITE

The subject site is the Town Centre within the Box Hill North Precinct ('The Gables'). It is rectangular in shape and comprises portions of 3 separate allotments. The land affected by the proposal has a total area of approximately 64,000m².



The Box Hill North Precinct was rezoned in February 2015 and in association with the rezoning, the Developer entered into a Voluntary Planning Agreement which requires the Developer to deliver all local infrastructure required to support urban development within the Precinct.

2. SUMMARY OF PROPOSAL

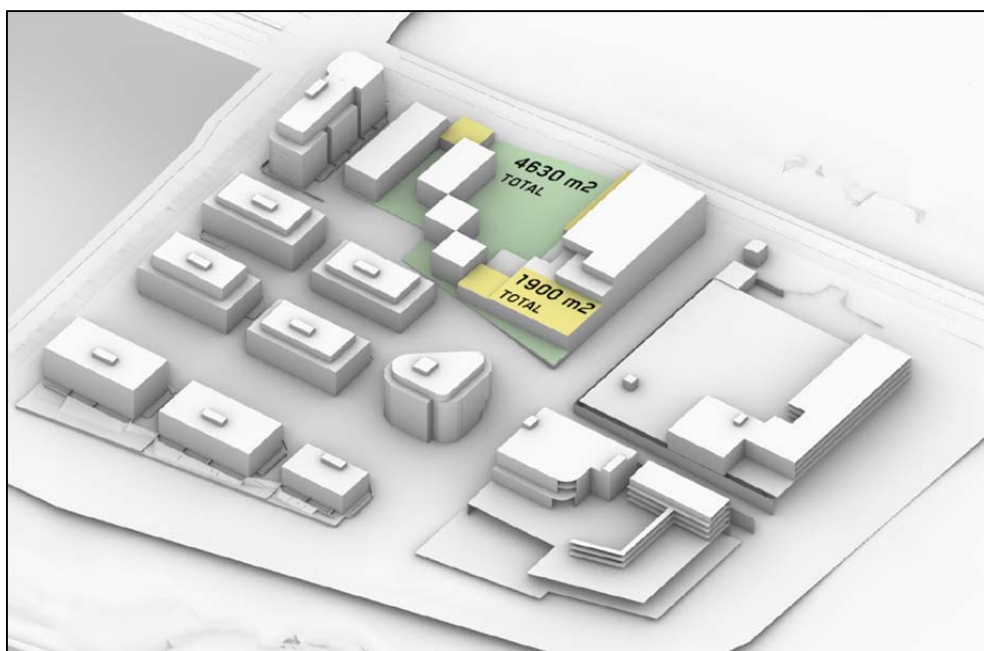
The proposal seeks to facilitate the inclusion of a new school on a portion of land within the Box Hill North Town Centre and redistribute the commercial and residential floor space 'entitlement' from this land to the remainder of the Town Centre. To achieve this outcome, the exhibited proposal sought to amend LEP 2012 to increase the maximum floor space ratio applicable to the Box Hill North Town Centre from 1:1 to a range of 1:1 to 2:1 and increase the maximum building height from 16 metres (4-5 storeys) to a range of 16 metres to 27 metres (up to 8 storeys).

The current controls would permit approximately 64,000m² of gross floor area within the Town Centre (comprising residential, retail and commercial floor space - final composition subject to detailed design and development assessment). In comparison, the exhibited proposal sought to permit approximately 86,000m² of gross floor area within the Town Centre, with 20,000m² of the additional 22,000m² allocated for the purpose of a new K-12 private school and approximately 2,000m² available for additional development yield (potentially 20-25 additional residential units – subject to detailed design and development assessment).



Figure 3

Box Hill North Town Centre Development Concept
(Left: Submitted by Proponent, Right: Diagram drawn by Council officer)

**Figure 4**

Box Hill North Town Centre Development Concept identifying potential play space within School

Amendments to the Box Hill North DCP (as it relates to the Box Hill North Town Centre) were also prepared and exhibited in association with the proposal. The key changes involved amendments to the Indicative Layout Plan for the Town Centre to reflect the proposed school and inclusion of additional objectives and controls relating to the proposed new school (including specification of a minimum amount of outdoor play space).

The planning proposal is largely consistent with the applicable State and Local strategic planning framework and planned outcomes for the Box Hill North Precinct. The proposal would facilitate the provision of a new school to service growth within the Box Hill North and Box Hill Precincts, without compromising the commercial and residential outcomes anticipated for the future Town Centre. The proposal would also facilitate an improved urban design outcome, enabling greater variation and modulation of built form within the Town Centre. The potential increase in residential yield of 20-25 units can be adequately catered for within the extensive local infrastructure network planned for the Box Hill North Precinct (to be delivered by the Developer under the existing Box Hill North VPA).

3. STATE SIGNIFICANT DEVELOPMENT APPLICATION – SANTA SOPHIA SCHOOL

In May 2019, the Catholic Education Diocese of Parramatta lodged a State Significant Development Application (SSDA) with the Department of Planning, Industry and Environment for a new K-12 Catholic school accommodating approximately 1,980 students.

Based on the plans submitted as part of the SSDA, the Santa Sophia School would provide approximately 15,000m² of GFA across 6 levels, including car parking for 110 vehicles, 4,630m² of play space on the ground floor and 1,900m² of play space on rooftops (total play space of 6,530m²).



Figure 5
Santa Sophia Development Concept

Compared to the outcomes anticipated at the time of originally assessing the planning proposal, the SSDA currently under assessment by the Department seeks approval for marginally less floor area (15,000m² compared with 20,000m²) and a marginally taller built form (6 storeys compared with 5 storeys). The proposed provision of ground level play space represents approximately 45% of the site area, consistent with the outcome envisaged under the planning proposal and draft DCP.

The SSDA is currently under assessment by the Department. Critically, SSDAs for new schools are not required to comply with the development standards under the applicable environmental planning instrument (in this case LEP 2012). Accordingly, the progress and potential approval of the SSDA for the proposed school is not reliant on the outcomes of the planning proposal or the proposed application of an FSR of 2:1 to the land.

4. GATEWAY DETERMINATION

On 22 January 2019 Council received a Gateway Determination to proceed with the planning proposal and authorisation to exercise its delegation to make the plan. The Gateway Determination required that:

- Prior to undertaking community consultation, Council:
 - Refer the planning proposal to the NSW Rural Fire Service and update the proposal in accordance with any comments received; and
 - Update the planning proposal to identify the maximum number of dwellings that the proposed controls would allow in the event that the floor space for the school is reduced or the school is not delivered, and include an assessment of the associated traffic and infrastructure demand.
- The planning proposal be publicly exhibited for 28 days; and
- Consultation be undertaken with the NSW RFS and the Department of Education.

In accordance with the conditions of the Gateway Determination, NSW RFS was consulted prior to exhibition and the proponent submitted additional information satisfying the issues

raised by RMS. Further details with respect to consultation with NSW RFS are included in Section 6 of this report.

The planning proposal documentation was updated prior to exhibition to include discussion of the potential impacts associated with the proposal, in the event that a school was not delivered as intended. The outcome of this analysis demonstrated that if the school is not delivered, as anticipated, the proposed planning controls could potentially allow for additional development yield of approximately 220 dwellings, beyond that envisaged as part of the planning proposal.

As mentioned previously within this report the uplift proposed on the remainder of the Town Centre is intended to facilitate the redistribution of commercial and residential yields, on the basis that a portion of the Town Centre would be occupied by a school. In response to the matters raised by Department, it is considered prudent to amend the planning proposal post-exhibition to no longer increase the maximum floor space ratio applicable to the school site. Given the SSDA for the school has been lodged and can be assessed and progressed by the Department irrespective of the applicable floor space ratio under LEP 2012, this amendment would not inhibit the ability for the provision of a school on this land. However, it would address the matter raised within the Department's Gateway Determination and mitigate against a potential scenario where unanticipated residential or commercial yield is achieved on this portion of the Town Centre in the event that plans for the school no longer proceed.

All conditions of the Gateway Determination have now been satisfied.

5. EXHIBITION DETAILS

The planning proposal and draft DCP were exhibited from Tuesday 23 July 2019 to Friday 23 August 2019. The material was made available for viewing at Vinegar Hill Memorial Library, Council's Administration Complex and on Council's website. The public exhibition was advertised in Hills Shire Times and Rouse Hill Times on 23 July 2019 and 6 August 2019 and all landowners within the vicinity of the site were notified and invited to comment on the draft package. Council also consulted with the public authorities specified in the Gateway Determination. Three submissions were received, comprising 2 public authority submissions (NSW Rural Fire Service (RFS) and the Department of Education - School Infrastructure) and 1 public submission from the Proponent.

6. PUBLIC AUTHORITY CONSULTATION

The NSW RFS requested that the development concept plan be revised to provide for a perimeter access road between the proposed buildings and the bushfire hazard on the eastern interface of the town centre. The RFS also requested that the bush fire consultant's report be updated to be compliant with Planning for Bush Fire Protection 2006. In response to the RFS' submission the Proponent provided a 'perimeter access plan' and an amended bush fire report on 27 June 2019. This additional information was forwarded to the RFS, who confirmed on 17 July 2019 that they were now satisfied with proposal.

The NSW Department of Education (School Infrastructure) provided a written submission on 23 August 2019 which stated that the proposed changes to the built form controls are not expected to have any substantive impact on the nominated Government school site in this locality and on this basis raised no objection to the planning proposal.

7. SUMMARY OF PUBLIC SUBMISSION

One submission was received from the Proponent, requesting minor post exhibition amendments to reflect the revised boundary of the land identified for the school, which is to

be transferred to the Catholic Education Diocese. Based on an approved subdivision of the land (571/2018/ZB), the overall area of the school site has now increased from 10,000m² (as exhibited) to 11,413m² (+1,413m²).

The submission also requests that as a result of the school site being enlarged, FSRs be adjusted within 'Precinct E.4B' (developable land neighbouring the school site) in order to enable the originally envisaged density and built form to be delivered despite the marginal reduction in the site area of the development site. The revised area of each sub-precinct within the town centre as well as corresponding floor space calculations are shown below.

Precinct	Exhibited			Proponent's Submission			Difference
	Site area	FSR	Achievable Floor Area	Site area	FSR	Achievable Floor Area	Achievable Floor Area
E.1	14,500.6m ₂	1:1	14,500.6m ₂	14,535.0m ₂	1:1	14,535.0m ₂	+34.4m ²
E.2	8,707.9m ²	1.89:1	16,457.9m ₂	8,707.9m ²	1.89:1	16,457.9m ₂	Nil
E.3	6,822.7m ²	1.18:1	8,050.8m ²	6,822.7m ²	1.18:1	8,050.8m ²	Nil
E.4A	16,523.0m ₂	1.64:1	27,097.7m ₂	12,533.0m ₂	1.7:1	27,095.0m ₂	-2.3m ²
E.4B				2,506.0m ²	2.31:1		
Sub-Total	46,554.2m₂		66,107m²	45,104.6m²		66,138.7m₂	+31.7m²
School	10,000.0m ₂	2:1	20,000.0m ₂	11,413.0m ₂	2:1	22,826.0m ₂	+2,826.0m ² *
Total	56,554.2m₂		86,107.0m₂	56,517.6m₂		88,964.7m₂	+2,857.7m² *

Table 1

Exhibited and Post exhibition proposed Floor Space

*It is noted that the SSDA for the school only seeks to achieve a gross floor area of 15,000m².

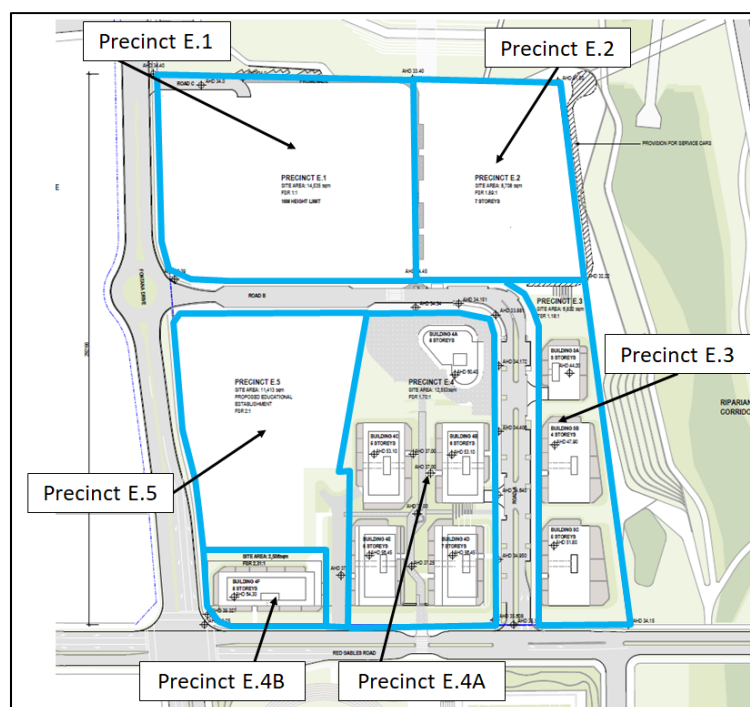


Figure 6
Site Plan (Identifying Sub-precincts)

As demonstrated above, the proposed adjustments to the FSR for Precinct E.4 would negligibly decrease the overall gross floor area permitted within Precinct E.4 (comprising E.4A and E.4B) by 2.7m². The achievable gross floor area within the proposed 8 storey building south of the school (within sub-precinct E.4B) would continue to be approximately 5,800m².

An 8 storey building at this location is consistent with the original concepts which were considered by Council, submitted for Gateway and exhibited with the proposal. It is considered that this outcome is acceptable given the intended character and built form of the broader Town Centre. The proposal will facilitate a reasonable relationship and upward transition of height between the proposed 6 storey school and Red Gables Road. This will also assist in emphasising the highly prominent corner and providing a strong visual sense of arrival to the Town Centre.

It is recognised that the proposed 8 storey building is located between the proposed school site (to the north) and future open space (to the south – on the opposite site of Red Gables Road). As part of the future detailed design and assessment of the building at this location, careful consideration will need to be given to managing potential impacts on these sensitive uses.

It is anticipated that the proposed controls would enable development on this portion of the town centre without any significant visual or amenity impacts on the open space to the south, especially noting that there will be adequate separation of more than 30 metres. As the school to the north will have a similar high density built form (around 6 storeys), a proposed 8 storey building at this location will maintain a similar scale and character and is unlikely to negatively impact on the future school. Furthermore as the school is located to the north it will not be subject to any overshadowing from the proposed 8 storey building.

The post-exhibition amendments requested by the Proponent are considered reasonable in this instance as they will not facilitate an increase in the overall development yield or built form within the town centre. Essentially, the requested adjustment would ensure that the development outcomes which the planning proposal seeks to facilitate can still be achieved, despite a marginal decrease in the amount of developable land within the Town Centre (which results from a marginal increase in the site area of the school).

8. POST-EXHIBITION AMENDMENTS

Following consideration of the matters raised within the Department's Gateway Determination as well as the submissions received, it is recommended that the planning proposal proceed to finalisation subject to the following post-exhibition amendments:

- Amend the Floor Space Ratio and Height of Buildings Maps to reflect the refined lot boundary of the proposed school site, as established by subdivision approval 571/2018/ZB (refer to Figures 7 and 8);
- Amend the proposed Floor Space Ratio Map to no longer increase the FSR applicable to the school site from 1:1 (existing) to 2:1 (as exhibited). Given the SSDA for the school will be assessed by the Department under the State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017, retaining the existing applicable FSR of 1:1 to the school site will not inhibit the planned provision of a school. It will however restrict any potential for unanticipated residential and commercial floor space on the site in the unlikely event that the school is not delivered (refer to Figure 7); and
- Amend the Floor Space Ratio Map to increase the FSR applying to a small portion of the Town Centre (known as sub-precinct E.4B) from 1.64:1 (exhibited) to 2.3:1 (refer to Figure 7). The amendment will also adjust the alignment of the FSR and Height of Building mapping applicable to sub-precinct E.4B in the south-western corner of the Town Centre to remove a slight curve would have traversed through the identified footprint of the proposed 8 storey building fronting Red Gables Road and inhibited the achievement of the planned built form outcome. The amendment will straighten the mapping at this location to match to the revised boundaries of the individual sub-precincts/future development sites and facilitate achievement of the intended built form outcome.

These amendments will not result in any material increase in the overall floor space potential or built form on the site and will ensure that the outcomes and objectives of the planning proposal are still achievable, despite the marginal expansion of the school site area within the Town Centre.

The exhibited and proposed post-exhibition Floor Space Ratio and Height of Buildings Maps are shown below.

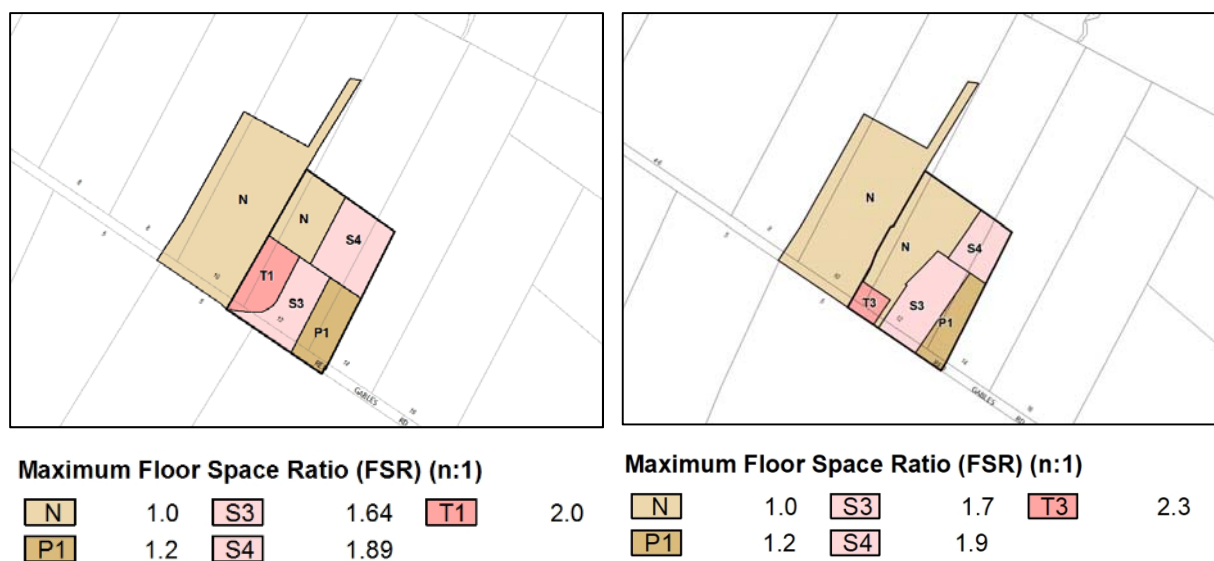


Figure 7
Exhibited (Left) and Post Exhibition (Right) Floor Space Ratio Maps

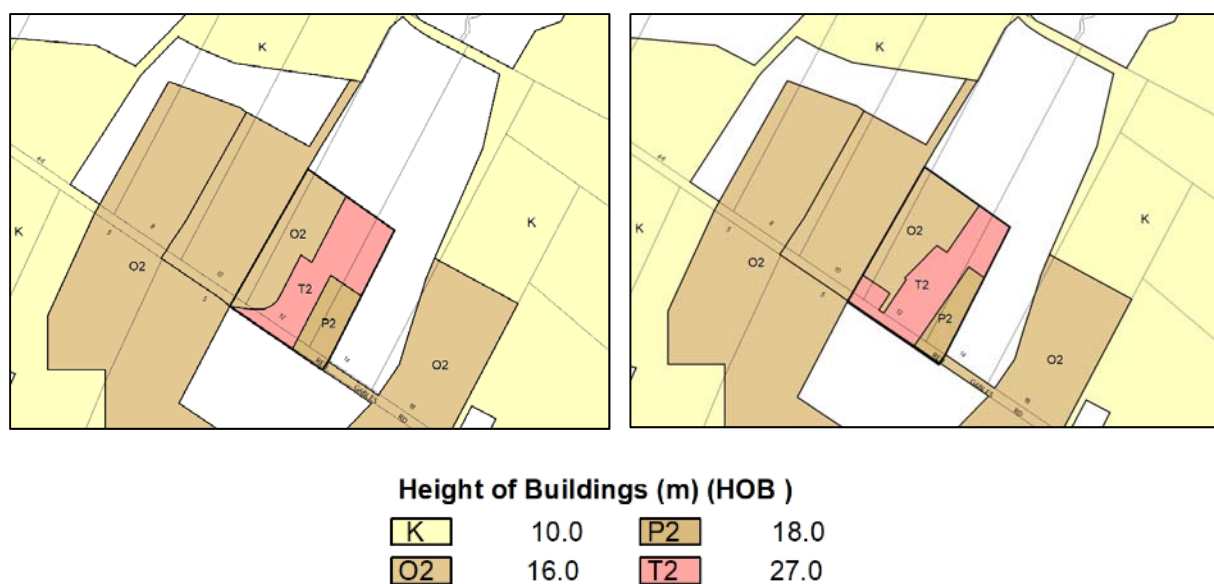


Figure 8
Exhibited (Left) and Post Exhibition (Right) Height of Buildings Maps

To reflect the post-exhibition amendments (in particular, changes to the boundaries of the sub-precincts within the Town Centre), associated changes to the draft DCP would also be required to replace the draft Indicative Layout Plan for the Box Hill North Town Centre with the following Indicative Layout Plan.

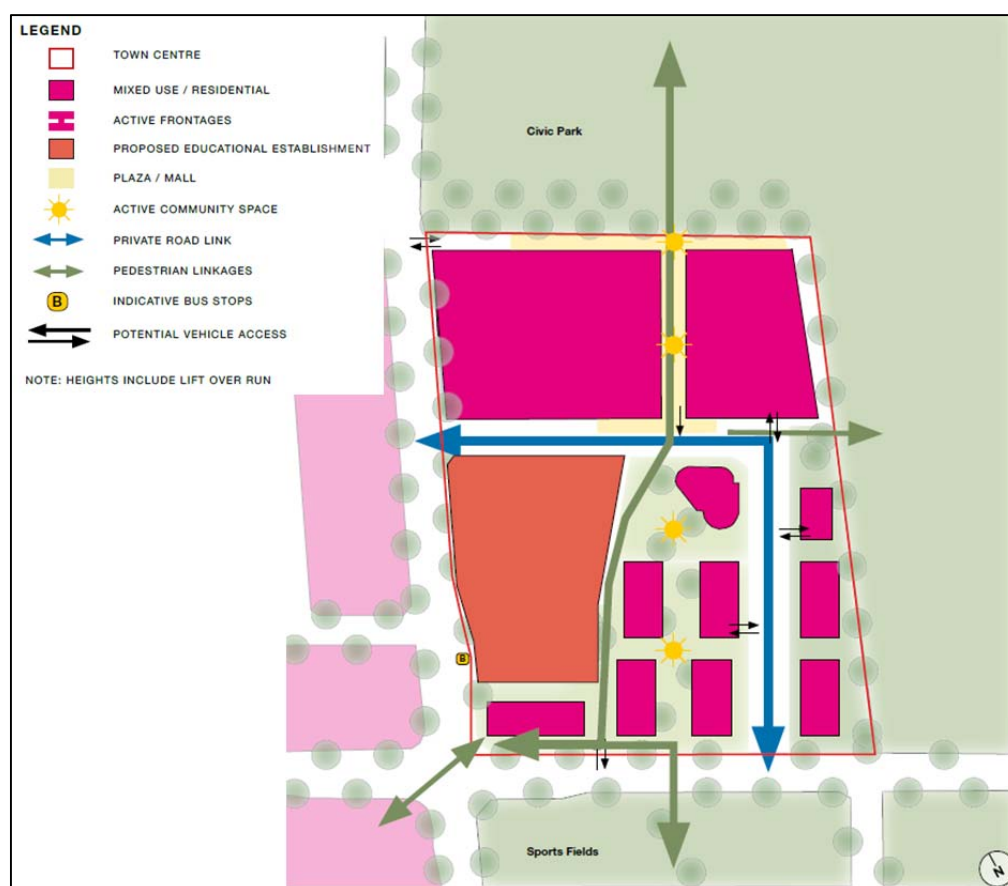


Figure 9
Amended Indicative Layout Plan

IMPACTS

Financial

This matter has no direct financial impact upon Council's adopted budget or forward estimates.

Strategic Plan - Hills Future

The planning proposal seeks to promote better usage of existing land by enabling a mixed-use development outcome comprising a range of commercial, residential, educational and community land uses with an emphasis on urban design and a walkable streetscape.

RECOMMENDATION

1. The planning proposal for land at 10, 12 and 14 Red Gables Road, Box Hill (2/2019/PLP) be progressed to finalisation, subject to post-exhibition amendments to the Floor Space Ratio and Height of Buildings Map as detailed within Section 8 and Figures 7 and 8 of this Report.
2. Draft The Hills DCP 2012 (Part D Section 17 – Box Hill North), incorporating post-exhibition amendments detailed within this report (Attachment 1) be adopted and come into force at the time the associated planning proposal (2/2019/PLP) is finalised and published on the NSW Legislation website.

ATTACHMENTS

1. The Hills DCP 2012 (Part D Section 17 – Box Hill North) (35 Pages)