

The Hills Local Environmental Plan 2012 - Amendment No. 18 - to increase the height of buildings and decrease the minimum lot size applicable to certain residential development in the Rouse Hill Regional Centre

Proposal Title : The Hills Local Environmental Plan 2012 - Amendment No. 18 - to increase the height of buildings and decrease the minimum lot size applicable to certain residential development in the Rouse Hill Regional Centre

Proposal Summary : The proposal seeks to amend the planning controls applicable to specific locations within the Southern, Eastern and Central Residential Precincts of the Rouse Hill Regional Centre, restoring the controls that applied to these areas prior to the introduction of The Hills LEP 2012.

PP Number : PP_2013_THILL_009_00 Dop File No : 13/09106

Proposal Details

Date Planning Proposal Received : 30-May-2013 LGA covered : The Hills Shire

Region : Sydney Region West RPA : The Hills Shire Council

State Electorate : HAWKESBURY Section of the Act : 55 - Planning Proposal

LEP Type : Precinct

Location Details

Street : Various streets

Suburb : Rouse Hill City : The Hills Postcode : 2155

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : Chris Browne

Contact Number : 0298601108

Contact Email : chris.browne@planning.nsw.gov.au

RPA Contact Details

Contact Name : Alicia Jenkins

Contact Number : 0298430396

Contact Email : ajenkins@thehills.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Derryn John

Contact Number : 0298601505

Contact Email : derryn.john@planning.nsw.gov.au

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Land Release Data

Growth Centre :		Release Area Name :	Rouse Hill Regional Centre
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	52
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 29 May 2013, and there have been no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes : **THE SITE**

The Rouse Hill Regional Centre is a mixed use town centre surrounded by residential areas of varying densities. It is divided into precincts, and Council's proposal is to increase building height limits in specific locations yet to be developed in the Southern, Eastern and Central Residential Precincts.

It should be noted that the proponent's proposal also included a change to clause 4.1B of the LEP (Exceptions to minimum lot sizes for certain residential development) to allow subdivision down to, and residential development on, lots as small as 160m²; this would apply across the entire Rouse Hill Regional Centre. Council has not adopted this change as part of its proposal. This issue is further discussed in the Adequacy and Assessment sections of this report.

BACKGROUND

The Rouse Hill Regional Centre is the result of a rigorous planning process dating back to the late 1980s. A Regional Environmental Plan, SREP 19 (Rouse Hill Development Area), was gazetted in 1989, and led to the development of a Master Plan for the site. The proponent claims that a number of the Master Plan's controls were not clearly translated to The Hills LEP 2012 at the time of its publication, and the proponent lodged this planning proposal with Council in order to update these.

EMPLOYMENT AND HOUSING DELIVERY

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The planning proposal will allow for increased residential density. It is unclear at this stage how many extra dwellings will be provided as a result. The above figure of 52 new dwellings is an estimate based on the height increase and the land area affected. Should the proponent's desired addition to clause 4.1B be adopted, the housing delivery is likely to be significantly higher.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The purpose of the planning proposal as lodged by Council is to increase the maximum building height for a number of identified sites in the residential precincts of the Rouse Hill Regional Centre. The small site in the Southern Precinct will see an increase from 15m to 21m, the site in the Eastern Precinct will see an increase from 10m to 12.5m, and the site in the Central Precinct will see an increase from 12m to 21m.

It should be noted that the proponent's proposal also included a reduction in minimum lot size for certain residential development (across the Regional Centre) from 240m² to 160m². Council did not adopt this in its submission to the Department. (This issue is discussed further throughout this report.)

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Council has provided a table showing the intended increase in building heights (from 15m to 21m in the Southern Precinct, from 10m to 12.5m in the Eastern Precinct, and from 12m to 21m in the Central Precinct), and has identified the three relevant sites on a map.

Council has also provided details of the proponent's desired minimum lot size change, which Council has not adopted. This change was to have occurred as an additional subclause in 4.1B(3) of The Hills LEP 2012, allowing for development consent to be granted to a single development application within an R3 or R4 zone within the Rouse Hill Regional Centre that is both the subdivision of land into three or more lots and the erection of an attached dwelling or a dwelling house on each resulting lot if the size of each lot is equal to or greater than 160m². (Clause 4.1B already contains this provision, LGA-wide, for lots equal to or greater than 240m² in R3 and R4 zones.)

Both Council and the proponent have made it clear that development on lots smaller than 240m² is intended. Council's stated intent in not adopting the above subclause is that such development can still be approved via Clause 4.6 of the LEP (Exceptions to development standards), and the added rigour of this approach will ensure that the outcome is justified in terms of providing a functional product with good amenity.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

2.3 Heritage Conservation

3.1 Residential Zones

* May need the Director General's agreement

3.3 Home Occupations

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified? **SEPP (Infrastructure) 2007**
SREP No. 19 - Rouse Hill Development Area
SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **2.3 Heritage Conservation**

A State heritage item, Mungerie House, falls within the proposal's ambit. The approved Rouse Hill Master Plan identifies a 70m curtilage around this item, limiting building height to one storey. The proposal does not include any development that is inconsistent with this curtilage.

While it is probable that the proposal is consistent with the Direction, any potential inconsistency should be addressed by Council consulting the Office of Environment and Heritage.

3.1 Residential Zones

The proposal is consistent with this Direction. It will increase residential density and will provide a greater range of housing choice.

3.3 Home Occupations

The proposal is consistent with this Direction. Home occupations are permissible in residential zones.

3.4 Integrating Land Use and Transport

The proposal is consistent with this Direction. It will intensify residential development close to transport, shops and services, thus reducing the need for trips by car.

6.1 Approval and Referral Requirements

The proposal as lodged by Council is not consistent with this Direction. Should the proponent's preferred approach of applying a minimum lot size of 160m² to the subject land not proceed, the proponent will continue to lodge development applications for lots smaller than the minimum lot size of 240m². Each of these development applications will require the Director General's concurrence under clause 4.6 of The Hills LEP 2012.

If the planning proposal includes the proponent's changes to Clause 4.1B, it will be consistent with the Direction.

6.3 Site Specific Provisions

The proposal does not contain site-specific provisions, and is therefore generally consistent with this Direction.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The proposal is consistent with this Direction. The proposal is consistent with the

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Metropolitan Plan's housing objectives, particularly in terms of providing housing choice, and providing medium density housing close to centres. It also assists in meeting Growing and Renewing Centres Action B1.3 (Aim to locate 80 per cent of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport).

SEPP (Infrastructure) 2007

Nothing in the proposal is inconsistent with the Infrastructure SEPP. The proponent will need to ensure that future development is consistent with the SEPP.

SREP No. 19 - Rouse Hill Development Area

The proposal will assist in delivering the objectives of the SREP, and is therefore consistent with it.

Aim (1)(a) of SREP No 19—Rouse Hill Development Area is "to accommodate part of the long-term growth of the Sydney Region by providing a mechanism for identifying land suitable for urban purposes and by providing for the orderly and economic development of that land". Aim (1)(e)(i) of the SREP is "to provide accommodation, including a variety in housing type, tenure, price and location".

While these aims are served to a certain extent by the proposal as lodged by Council, they will be better facilitated if the proponent's 160m2 provision in Clause 4.1B(3) of the LEP is included in the planning proposal.

SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

Given that the proposed development intensification is within the scope of the approved Rouse Hill Master Plan, it is unlikely to have a significant negative impact on the environment of the Hawkesbury-Nepean River system. It is therefore unlikely to be inconsistent with the SREP. To ensure consistency, it is recommended that the RPA consult the Hawkesbury–Nepean Catchment Management Authority.

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment :

The Hills Shire Council proposes to:
- advertise the proposal in local newspapers;
- exhibit the proposal at Council's administration building;
- publish the proposal on Council's website; and
- write to owners of adjoining properties.

Council has not specified an intended exhibition period, but has indicated that it will comply with the Gateway Determination.

Additional Director General's requirements

Are there any additional Director General's requirements? Yes

If Yes, reasons : As stated previously, Council's planning proposal does not include a provision of the

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proponent's proposal, namely an addition to Clause 4.1B(3) of The Hills LEP 2012 to allow certain residential development to occur on lots as small as 160m².

Council and the proponent agree that development on lots smaller than 240m² is intended, but Council did not initially explain by what mechanism it intended to carry this out. Council was asked for an explanation, and stated that its intent is to apply Clause 4.6 (Exceptions to development standards), meaning that every such development application will need to be referred to the Director General for concurrence. This approach is inconsistent with section 117 Direction 6.1 (Approval and Referral Requirements), and is undesirable in terms of rational planning and efficient process.

Aim (1)(a) of SREP No 19—Rouse Hill Development Area is "to accommodate part of the long-term growth of the Sydney Region by providing a mechanism for identifying land suitable for urban purposes and by providing for the orderly and economic development of that land". Aim (1)(e)(i) of the SREP is "to provide accommodation, including a variety in housing type, tenure, price and location". These aims will be better facilitated by the inclusion of the proponent's 160m² provision in Clause 4.1B(3) of the LEP.

It is therefore recommended that the Gateway Determination include a condition requiring Council to reinstate the 160m² provision in the planning proposal.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Hills LEP 2012 is a Principal LEP.

Assessment Criteria

Need for planning proposal : The planning proposal is the result of an application by the proponent to increase building height and decrease minimum lot size. The Rouse Hill Masterplan, approved by Council and mandated by the DCP, includes a target of 1,800 new dwellings, and the proposal will assist in meeting this target.

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Consistency with strategic planning framework :

METROPOLITAN PLAN FOR SYDNEY 2036 and DRAFT NORTH WEST SUBREGIONAL STRATEGY

The proposal is consistent with the Metropolitan Plan's housing objectives, particularly in terms of providing housing choice, and providing medium density housing close to centres. It also assists in meeting Growing and Renewing Centres Action B1.3 (Aim to locate 80 per cent of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport).

The draft North West Subregional Strategy sets a target of 36,000 new dwellings by 2031, and focuses on the need to provide these dwellings in close proximity to jobs, transport and other infrastructure. The proposal will assist in meeting these requirements.

DRAFT METROPOLITAN STRATEGY FOR SYDNEY TO 2031

The draft Metropolitan Strategy builds on and is generally consistent with the existing Metropolitan Plan. The one significant difference for the purposes of this proposal is that the draft Strategy acknowledges the future North West Rail Link, which will greatly increase public transport capacity in the subregion, providing greater support for growth such as this proposal entails.

LOCAL STRATEGIC PLANNING DOCUMENTS

The Hills 2026 Community Strategic Direction and The Hills Shire Local Strategy (Residential Direction, Integrated Transport Direction and Centres Direction) includes themes of promoting housing development and variety close to existing infrastructure, particularly transport. Rouse Hill is identified as a Planned Major Centre under the Centres Direction, and the proposal's intensification of residential development will support this status.

Environmental social economic impacts :

ENVIRONMENTAL

The proposal is unlikely to have any significant negative environmental impact. The majority of the subject land is currently vacant, and does not contain critical habitat or threatened species, populations or ecological communities or their habitats. The exception to this is the Caballo Street site in the Eastern Precinct; a Vegetation Management Plan has been prepared as part of the approved Master Plan, and will prevent any adverse effects.

SOCIAL

The proposal is likely to have an overall positive social impact. It will help to meet Sydney's and the North West Subregion's housing needs, it will improve the diversity of housing products in The Hills Shire, and it will increase residential density in proximity to both physical and social infrastructure.

Given the proposal's intent of increasing residential density, it is likely that it will result in increases in traffic movement. Roads and Maritime Services should be consulted to ensure the viability of these increases.

ECONOMIC

The proposal is likely to have an overall positive economic impact. An intensification of residential development in close proximity to shops and transport is likely to stimulate economic growth.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Hawkesbury - Nepean Catchment Management Authority
Office of Environment and Heritage
Landcom
Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning proposal.pdf	Proposal	Yes
Cover letter.pdf	Proposal Covering Letter	Yes
Council report.pdf	Determination Document	Yes
Council report - part 2.pdf	Determination Document	Yes
DGP extract.pdf	Study	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 2.3 Heritage Conservation**
 - 3.1 Residential Zones**
 - 3.3 Home Occupations**
 - 3.4 Integrating Land Use and Transport**
 - 6.1 Approval and Referral Requirements**
 - 6.3 Site Specific Provisions**
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the proposal proceed subject to the following conditions:**

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(1) Consultation with (a) Roads and Maritime Services, (b) the Office of Environment and Heritage, (c) the Hawkesbury-Nepean Catchment Management Authority, and (d) Urban Growth NSW (formerly Landcom);

(2) The Director General's delegate agrees that any inconsistencies with section 117 directions 2.3 Heritage Conservation and 6.1 Approval and Referral Requirements are justified and/or of minor significance;

(3) Inclusion of the proponent's intended addition to Clause 4.1B(3) of The Hills LEP 2012, to ensure that certain residential development is permissible on lots as small as 160m²;

(4) Community consultation for 28 days; and

(5) The timeframe for completing the local environmental plan is to be 9 months from the week following the date of the Gateway Determination.

Supporting Reasons :

The planning proposal will ensure consistency with the Rouse Hill Master Plan, which is the result of an extensive strategic planning process. Adoption of the proponent's intended addition to Clause 4.1B(3) will greatly assist in meeting the Master Plan's target of 1,800 new dwellings. Further, the proposal will provide for intensification of residential development in a planned Major Centre, close to shops, services and transport.

Signature:



Printed Name:

DERRYN JOHN

Date:

7 JUNE 2013

