

The Hills Local Environmental Plan 2012 (Amendment No. X) – Rouse Hill Regional Centre, commercial precincts and smaller lot sizes for dual occupancy, multi dwelling housing and residential flat buildings.

Proposal Title :	The Hills Local Environmental Plan 2012 (Amendment No. X) – Rouse Hill Regional Centre, commercial precincts and smaller lot sizes for dual occupancy, multi dwelling housing and residential flat buildings.		
Proposal Summary :	The proposal aims to: 1. Remove the maximum height standard that applies to the Town Centre Core (currently 36m) and the Northern Frame (currently 25m) of the Rouse Hill Regional Centre Commercial Precincts. 2. Restore flexibility relating to minimum lot sizes for dual occupancy, multi-dwelling housing and residential flat buildings across The Hills Shire.		
PP Number :	PP_2013_THILL_014_00	Dop File No :	13/12752

Proposal Details

Date Planning Proposal Received :	12-Aug-2013	LGA covered :	The Hills Shire
Region :	Sydney Region West	RPA :	The Hills Shire Council
State Electorate :	BAULKHAM HILLS	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Land zoned RU1, RU2, RU6, R1, R2, R3, R4, E4, B2 and B4 within The Hills Local Environmental Plan 2012.		

DoP Planning Officer Contact Details

Contact Name :	Lillian Charlesworth
Contact Number :	0298601101
Contact Email :	Lillian.Charlesworth@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Janelle Atkins
Contact Number :	0298430266
Contact Email :	JAtkins@thehills.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Derryn John
Contact Number :	0298601505
Contact Email :	Derryn.John@planning.nsw.gov.au

The Hills Local Environmental Plan 2012 (Amendment No. X) – Rouse Hill Regional Centre, commercial precincts and smaller lot sizes for dual occupancy, multi dwelling housing and residential flat buildings.

Land Release Data

Growth Centre :	Sydney North West	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) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

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

If Yes, comment : **The regional team is not aware of any meetings or communication with registered lobbyists concerning this planning proposal.**

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The northern frame area is largely vacant except for an energy substation and informal car parking for staff of the centre.**

Council proposes to amend the maximum building height map for the residential precincts of the Rouse Hill Regional Centre as part of a separate Planning Proposal.

The planning proposal is the result of an application from BBC Consulting on behalf of the GPT Group.

The planning proposal will assist in achieving the overall dwelling target for the Rouse Hill Regional Centre of 1,800 dwellings.

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The proposal intends to restore the flexibility that was available under Local Environmental Plan (LEP) 2005 by:**

a. Removal of the maximum building height for the Rouse Hill Regional Centre Commercial Precincts to facilitate the development concept envisaged for the Precincts; and

b. Including a provision for minimum lot sizes similar to clause 20 of LEP 2005. This will facilitate faster processing of applications where justification exists for varying minimum

The Hills Local Environmental Plan 2012 (Amendment No. X) – Rouse Hill Regional Centre, commercial precincts and smaller lot sizes for dual occupancy, multi dwelling housing and residential flat buildings.

lot sizes.

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

Is an explanation of provisions provided? **Yes**

Comment : **The Planning Proposal seeks to:**
 1. Amend the building height map under The Hills LEP 2012 to remove the maximum height standard applying to the Rouse Hill Regional Centre - Town Centre Core and Northern Frame.
 2. Amend clause 4.1A Minimum Lot Sizes for dual occupancy, multi dwelling housing and residential flat buildings of The Hills LEP 2012 to include a more flexible provision to enable development of smaller lots, such as the draft clause outlined in Part 2 of the Planning Proposal.

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

* May need the Director General's agreement

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 65—Design Quality of Residential Flat Development

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

S117 Directions identified

2.3 Heritage Conservation.

The Planning Proposal is consistent with this Direction as any potential impacts on two State listed heritage items ('Windsor Road, Baulkham Hills to Box Hill' and 'The Royal Oak Inn'), that are located in the vicinity of land to which the Planning Proposal applies, will be considered as part of future development applications.

3.1 Residential Zones

The Planning Proposal is consistent with this Direction as it will provide opportunity for a greater range of housing options and achievement of increased housing densities in proximity to existing and future transport infrastructure and services.

3.3 Home Occupations

The Planning Proposal is consistent with this Direction as home occupations are permissible without consent.

3.4 Integrating Land Use and Transport

The Planning Proposal is consistent with this Direction as it will facilitate a high density outcome for the commercial precincts, allow additional housing in a strategic location and encourage public transport patronage, thereby supporting the viability of existing and future transport services.

4.4 Planning for Bushfire Protection

A small portion of land to the east of the Town Centre Core, is classified as bushfire

The Hills Local Environmental Plan 2012 (Amendment No. X) – Rouse Hill Regional Centre, commercial precincts and smaller lot sizes for dual occupancy, multi dwelling housing and residential flat buildings.

prone land (Category 1) – Buffer Zone. Council is therefore required, in accordance with this Direction, to consult with the Commissioner of the NSW Rural Fire Service, prior to public exhibition, and take into consideration any comments received.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The Plan identifies Rouse Hill as a “Planned Major Centre” and outlines its future direction to continue to develop as a liveable centre with employment, retail and services supported by a future rail station and higher density housing.

The proposed amendments are consistent with the Metropolitan Plan as it provides the opportunity to increase housing supply close to existing and future transport infrastructure.

SEPPs identified

SEPP (Infrastructure) 2007

The Planning Proposal is consistent with the SEPP. Future development will be required to consider the provisions of the SEPP.

SEPP20 – Hawkesbury Nepean River

The Planning Proposal is consistent with this SEPP as the commercial precincts are already zoned B4 Mixed Use, where a range of urban land uses are already permitted. Appropriate controls are already in place to ensure that future development does not adversely impact on the riverine environment.

There are no inconsistencies with any SEPPs, deemed SEPPs or s117 Directions.

OBJECTION FROM THE APPLICANT

BBC Consulting Planners, on behalf of the developer, GPT Group, have requested that those matters not supported by Council and removed from their original planning proposal, be reinstated by the LEP Review Panel. The following matters formed part of the original planning proposal, as submitted to Council:

- a. Permit dwelling houses, dual occupancies and semi-detached dwellings in the B4 zone; and
- b. Remove the minimum lot size for attached dwellings and integrated housing in the B4 zone or reduce the standard to 160sqm.

The applicant argues that these amendments should be made as:

- it would reinstate the provisions which previously existed under LEP 2005; and
- these provisions would not prevent the achievement of the overall dwelling and density targets for the centre

Council's decision not to support the inclusion of these matters within the planning proposal is supported as:

- i. Dwelling houses, attached and detached dual occupancies were not permissible within the equivalent Business 3(a) zone under LEP 2005.
- ii. Permitting the above uses is not consistent with the objectives of the B4 Mixed Use zone.
- iii. Permitting lower density residential uses within the commercial precincts of the Rouse Hill Regional Centre commercial precincts is inconsistent with the following State policies:

The Hills Local Environmental Plan 2012 (Amendment No. X) – Rouse Hill Regional Centre, commercial precincts and smaller lot sizes for dual occupancy, multi dwelling housing and residential flat buildings.

- Metropolitan Plan for Sydney 2036;
- Draft Metropolitan Plan for Sydney to 2031;
- Draft North West Subregional Strategy;
- Draft North West Rail Link Corridor Strategy - Rouse Hill Precinct;
- S117 Direction 3.4 Integrating Land Use and Transport; and
- S117 Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036.

The reasons for inconsistency with each of the above are similar and can be summarised together. Rouse Hill is identified as a planned major centre in the Draft Metropolitan Strategy, which sets a priority to strengthen the centre as a high intensity, mixed use, major centre. Maintaining a high density focus for the centre in line with the current planning proposal will help support the viability of the commercial centre as well as future rail transport. Whilst current dwelling targets for the centre are on track, introducing lower density uses does not capitalise on the opportunities afforded by this strategic location.

Permitting lower density uses, as proposed by GPT Group, in a location in proximity to public transport (North West Rail Link) and employment is inconsistent with promoting the strategic role of Rouse Hill as a viable major centre.

LAND TO WHICH THE PLAN APPLIES

The front page of the planning proposal states that the plan applies only to the Rouse Hill Regional Centre commercial precincts, yet Part 2 Explanation of Provisions states that minimum lot sizes for multi dwelling housing and residential flat buildings across The Hills Shire will be affected.

Prior to public exhibition, the planning proposal needs to be amended to ensure that the land to which the plan applies is correctly stated.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : An indicative map included within the Planning Proposal showing the proposed change to the maximum height of buildings map is suitable for exhibition purposes. There are no proposed changes to the minimum lot size map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council will advertise the Planning Proposal in the local newspapers, send letters to adjoining owners as well as make the information available on its website, at Rouse Hill Library, Castle Hill Library and the Council administration building.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

The Hills Local Environmental Plan 2012 (Amendment No. X) – Rouse Hill Regional Centre, commercial precincts and smaller lot sizes for dual occupancy, multi dwelling housing and residential flat buildings.

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 :

A Practice Note issued by the Department of Planning and Infrastructure in 2008 advised that the use of height and floor space provisions within a Standard Instrument LEP is optional, except in the case of strategic centres where these provisions should be within an LEP to provide certainty.

Council's LEP 2005 did not provide building heights for the Rouse Hill Regional Centre as building heights were determined by Council's Development Control Plan (DCP), the approved Master Plan and individual Precinct Plans. Given the extensive guidance and certainty provided by the Master Plan and Precinct Plans, it is considered appropriate to remove the building height standard over the commercial precincts within The Hills LEP 2012. This will provide flexibility to adapt to changing conditions as the Centre grows and develops. Although this approach is inconsistent with the Department's position regarding inclusion of these controls within an LEP, the Proposal is justified on the grounds that it promotes economic feasibility and is in keeping with the overall objectives of simplifying and deregulating the planning system.

Clause 4.6 Exceptions to development standards is a model local provision that provides the opportunity to justify a variation to a development standard provided compliance would be unreasonable or unnecessary and the variation can be justified on planning grounds. However, clause 4.6 does not provide specific planning criteria upon which to assess a variation to minimum lot sizes. Inclusion of the proposed clause regarding flexible lot size will provide specific grounds upon which to argue and assess a variation to minimum lot sizes and will improve the processing times for affected development applications.

The Hills Local Environmental Plan 2012 (Amendment No. X) – Rouse Hill Regional Centre, commercial precincts and smaller lot sizes for dual occupancy, multi dwelling housing and residential flat buildings.

Consistency with strategic planning framework :

Draft Metropolitan Strategy for Sydney to 2031

The Planning Proposal is consistent with this Strategy which sets a priority to strengthen Rouse Hill as a high density, mixed use Major Centre serving new communities within the North West Growth Centre and surrounds via the north west rail link. The Planning Proposal will reinforce the role of Rouse Hill as a Major Centre by facilitating higher densities in a strategic location close to employment and services.

Draft North West Subregional Strategy

The draft Strategy emphasises the role of Rouse Hill in contributing to housing growth in the north west as well as providing for employment opportunities and services across the region. The Proposal is consistent with this Strategy as it will facilitate an increase in residential densities by allowing higher building height as well as smaller lot sizes for medium and high density housing.

Draft North West Rail Link Corridor Strategy – Rouse Hill Precinct

The proposed North West Rail Link includes a new station at Rouse Hill which will be located on the western side of the Rouse Hill Town Centre shopping complex. The Strategy promotes a high density focus within the commercial precincts to ensure there is sufficient, well located housing to support the viability of the future rail.

Local Strategy – The Hills 2026 Community Strategic Direction

The Planning Proposal is consistent with the Residential Direction, Integrated Transport Direction and Centres Direction components of the strategy. The Strategy highlights the importance of centres developing with a mixed use focus that provides the services and facilities needed by the community, as well as a range of higher density and other housing options.

Environmental social economic impacts :

The Planning Proposal is not anticipated to result in any adverse social, economic or environmental impacts. The Proposal will assist in achieving the Master Plan objectives, reinstate the flexibility that was available under LEP 2005 and provide opportunity for achievement of increased housing densities in proximity to employment, retail and services supported by a future rail station.

Assessment Process

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

Timeframe to make LEP : **12 months** Delegation : **DDG**

Public Authority Consultation - s56(2)(d) : **NSW Rural Fire Service
Transport for NSW
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 :

The Hills Local Environmental Plan 2012 (Amendment No. X) – Rouse Hill Regional Centre, commercial precincts and smaller lot sizes for dual occupancy, multi dwelling housing and residential flat buildings.

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
01.Cover Letter.pdf	Proposal Covering Letter	Yes
3 2013 PLP - Planning Proposal to DoPI for Gateway.pdf	Proposal	Yes
Objection from BBC Consulting.pdf	Proposal	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
 4.4 Planning for Bushfire Protection
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **DELEGATION**

The Hills Shire Council have not requested the use of delegations for this planning proposal. As the proposal affects the Rouse Hill Regional Centre and an objection has been lodged on behalf of The GPT Group, it is recommended that the matter not be delegated to Council.

It is recommended that the Planning Proposal proceed subject to the following conditions:

1. Prior to placing the Planning Proposal on public exhibition:
 - a. Consultation is to occur with the Commissioner of the NSW Rural Fire Service, in accordance with s117 Direction 4.4 Planning for Bushfire Protection and any comments received taken into account; and
 - b. The planning proposal is to be amended to ensure that the land to which the plan applies is correctly stated as per Part 2.
2. The Planning Proposal is to be exhibited for 28 days;
3. Consultation with the following State Agencies take place during the public exhibition period;
 - Transport for NSW; and
 - Transport for NSW (NSW Roads and Maritime Services); and
4. The Planning Proposal should be completed in 12 months from the week

The Hills Local Environmental Plan 2012 (Amendment No. X) – Rouse Hill Regional Centre, commercial precincts and smaller lot sizes for dual occupancy, multi dwelling housing and residential flat buildings.

following the date of the Gateway Determination.

Supporting Reasons : The Planning Proposal is supported as it will implement both local, regional and State strategic objectives in terms of supporting the development of Rouse Hill as a Major Centre as well as implementing housing targets and improving housing choice in an area well serviced by employment, retail, community facilities, bus and future rail transport.

Signature:



Printed Name:

DERRYN JOHN

Date:

15 AUGUST 2013

