

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF DRAFT LEP: The Hills Local Environmental Plan 2012 (Amendment No.)

ADDRESS OF LAND: This plan applies to the Rouse Hill Regional Centre Commercial Precincts (Town Centre Core and Northern Frame)

SUMMARY OF HOUSING YIELD: No additional yield proposed beyond the total 1,800 dwellings across the Centre as indicated by the Master Plan

MAPS:

- **MAP A** Current Land Use Zoning under The Hills LEP 2012
- **MAP B** Current Minimum Lot Size Map under The Hills LEP 2012
- **MAP C** Current Floor Space Ratio Map under The Hills LEP 2012
- **MAP D** Current Heritage Map under The Hills LEP 2012
- **MAP E** Current Building Height Map under The Hills LEP 2012
- **MAP F** Proposed Building Height Map (The Hills LEP 2012 Amendment No.)

SUPPORTING MATERIAL:

- **Attachment A** Assessment against State Environmental Planning Policies
- **Attachment B** Assessment against Section 117 Ministerial Directions
- **Attachment C** Council Report and Resolution 25 June 2013

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The purpose of the plan is to remove the maximum height standard applying to the commercial precincts (Town Centre Core and Northern Frame) of the Rouse Hill Regional Centre under The Hills Local Environmental Plan 2012. The amendment will help to facilitate the development concept envisaged for the precincts and restore flexibility that was available under Council's LEP 2005.

Additionally, the plan seeks to restore flexibility that was available under Council's LEP 2005 relating to minimum lot sizes for multi dwelling housing and residential flat buildings, by including a flexibility provision similar to Clause 20 of LEP 2005 into The Hills LEP 2012. The amendment will facilitate timelier processing of applications where justification exists for varying minimum lot sizes and is in keeping with the overall objectives of simplifying and deregulating the planning system.

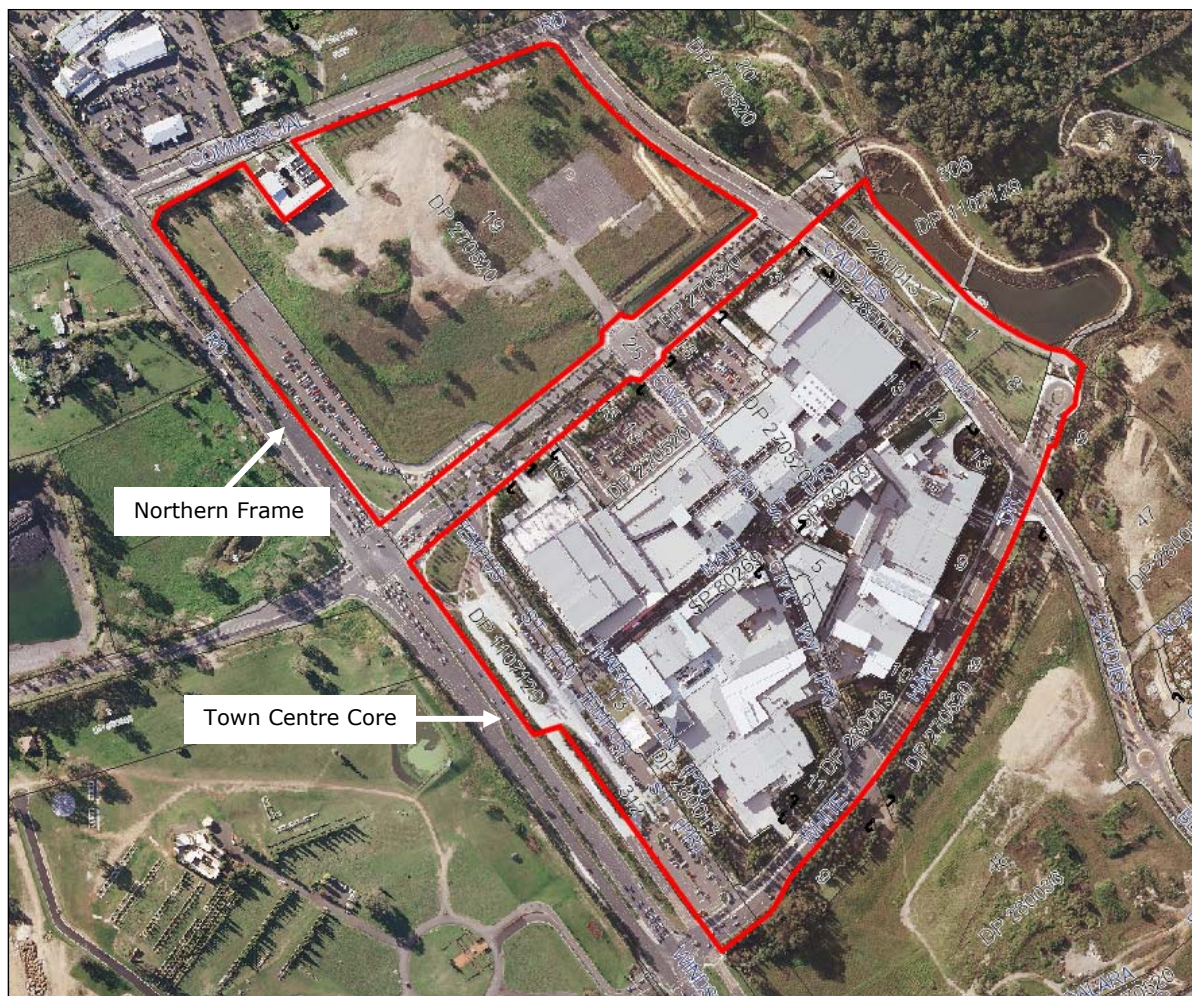


Figure 1 – Aerial Photograph

PART 2 EXPLANATION OF THE PROVISIONS

It is proposed to amend the Building Height Map under The Hills LEP 2012 to remove the maximum height standard applying to the Town Centre Core and Northern Frame.

Additionally, it is proposed to amend Clause 4.1A *Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings* under The Hills LEP 2012 to restore flexibility relating to minimum lot sizes for multi dwelling housing and residential flat buildings across The Hills Shire. The inclusion of provision (3) is proposed, as shown below:

4.1A *Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings*

- (1) *The objective of this clause is to achieve planned residential density in certain zones.*
- (2) *Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.*

Column 1	Column 2	Column 3
Dual occupancy (attached)	Zone RU1 Primary Production	10 hectares
	Zone RU2 Rural Landscape	10 hectares
	Zone RU6 Transition	2 hectares
	Zone R1 General Residential	1,800 square metres

	Zone R2 Low Density Residential	600 square metres
	Zone R3 Medium Density Residential	600 square metres
	Zone R4 High Density Residential	1,800 square metres
	Zone E4 Environmental Living	2,000 square metres
Dual occupancy (detached)	Zone R1 General Residential	1,800 square metres
	Zone R2 Low Density Residential	700 square metres
	Zone R3 Medium Density Residential	700 square metres
	Zone R4 High Density Residential	1,800 square metres
Multi dwelling housing	Zone R1 General Residential	1,800 square metres
	Zone R3 Medium Density Residential	1,800 square metres
	Zone R4 High Density Residential	1,800 square metres
	Zone B2 Local Centre	1,800 square metres
Residential flat building	Zone R1 General Residential	4,000 square metres
	Zone R4 High Density Residential	4,000 square metres
	Zone B2 Local Centre	4,000 square metres
	Zone B4 Mixed Use	4,000 square metres

(3) Despite subclause (2), development consent may be granted for multi dwelling housing or residential flat buildings where the area of the lot is less than the area specified for that purpose and shown in Column 3 of the Table to subclause (2), if Council is satisfied that:

- (a) The form of the proposed structures is compatible with adjoining structures in terms of their elevation to the street and building height, and**
- (b) The design and location of rooms, windows and balconies of the proposed structures, and the open space to be provided, ensures acceptable acoustic and visual privacy, and**
- (c) The dwellings are designed to minimise energy needs and utilise passive solar design principles, and**
- (d) Significant existing vegetation will be retained and landscaping is incorporated within setbacks and open space areas.**

PART 3 JUSTIFICATION

A. Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report

No – This planning proposal is a result of an application from BBC Consulting Planners on behalf of the GPT Group. The planning proposal, as submitted, sought to permit additional land uses, make provision for small lot housing, reduce minimum lot sizes for the subdivision of dwelling houses, allow for increased building height and provide flexibility in the minimum lot size for residential flat buildings developments.

Council considered a report on the planning proposal at its Ordinary Meeting of 25 June 2013 (Attachment C) and resolved in part:

- 1. Council not proceed with the parts of the planning proposal to permit exhibition villages, dwellings, dual occupancies and semi-detached dwellings and to introduce small lot housing provisions for the commercial precincts because such land uses are inconsistent with the role of Rouse Hill as a Major Centre and will fail to maximise densities and capitalise on the strategic location of the site.
- 2. A planning proposal be forwarded to the Department of Planning and Infrastructure for a gateway determination for amendment to the Building

Height Map to remove the maximum height standard for the commercial precincts and to include provision to consider smaller allotment sizes for residential flat building and multi unit housing development consistent with the previous policy contained with Clause 20 of LEP 2005.

The report concluded that removing the building height standard applying to the commercial precincts will help to facilitate the development concept envisaged for the precincts and restore flexibility that was available under Council's LEP 2005. Additionally, including a flexibility provision to consider smaller lot sizes for multi dwelling housing and residential flat buildings is considered to facilitate timelier processing of applications where justification exists for varying minimum lot sizes and is in keeping with the overall objectives of simplifying and deregulating the planning system.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes – The amendments to the Building Height Map and Clause 4.1A *Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings* are considered to be the most effective way to restore flexibility and facilitate the development concept envisaged for the commercial precincts.

Removal of the building height standard

Council's LEP 2005 did not provide building heights for the Rouse Hill Regional Centre. Building heights were determined by Council's DCP, the approved Master Plan and individual Precinct Plans (where approved).

The master plan for the Town Centre Core indicated a range of building heights ranging from a two (2) storey minimum to a nine (9) storey landmark structure adjoining the town square. The master plan for the Northern Frame indicated a range of building heights ranging from two (2) storeys to a maximum of six (6) storeys with a landmark element at the southern corner of the precinct.

In a practice note released by the Department of Planning and Infrastructure in 2008, guidance was given on the use of building height and floor space provisions within the State Government's Standard Instrument LEP Template. It was noted that the inclusion of these standards was optional, however it is the Department's policy that building height and floor space ratio controls be applied to strategic centres and be set out within LEPs rather than DCPs. This provides certainty with respect to the expected bulk and scale of development.

In preparing Council's Standard Instrument LEP, Council staff undertook a review of the existing planning controls to ensure that development opportunities within the Regional Centre under LEP 2005, the Master Plan and Precinct Plans could continue. Based on the approved Master Plan and Precinct Plan, the height for the Town Centre Core was set at 36 metres allowing for four (4) metres per storey. Based on the Master Plan, the height for the Northern Frame was set at 25 metres which also allowed for approximately 4 metres per storey.

The built form for the Regional Centre has been predominantly guided by the approved Master Plan and Precinct Plans. The Master Plan involved extensive work to develop an appropriate character, scale and height for the Centre. Building heights were chosen to reflect location and proximity to the Town Centre Core as well as provide diversity and amenity through transition and a range of building heights.

The Master Plan includes a number of principles relating to built form. The planning proposal will assist in achieving these principles which include:

- To reflect proximity to the Town Centre in terms of higher density housing and mix of housing types;
- To maximise higher density residential development within a walkable distance to existing and future public transport; and
- To be flexible to adapt to changing uses as the region grows.

The Precinct Plans provide a more detailed breakdown of heights including individual block heights as well as general building massing envelopes. The Precinct Plans aim to establish appropriate relationships between buildings to ensure heights are coherent, coordinated and integrated. Buildings of visual prominence, place-making and landmark identity are also highlighted by the 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. Deletion of the building height standard will help to facilitate the overall objectives for the Centre and provide flexibility to adapt to changing conditions as the Centre grows and develops. As such, it provides opportunity for achievement of increased housing densities in proximity to existing and future transport infrastructure and services.

Inclusion of a flexibility provision for minimum lot sizes

There is no equivalent clause to Clause 20 of LEP 2005 within The Hills LEP 2012. Clause 20 allowed consideration of smaller development lots for multi dwelling housing and residential flat buildings where streetscape, privacy, solar access and landscaping criteria were addressed.

However, Clause 4.6 *Exceptions to development standards* of the LEP is a model local provision of the State Government's Standard Instrument LEP Template and provides opportunity to justify a variation to a development standard provided that compliance with the standard is unreasonable or unnecessary and that there are sufficient planning grounds to justify a contravention of the standard. Clause 4.6 is considered to be an appropriate mechanism to justify a variation to a development standard. However, it does not provide specific planning criteria upon which to assess a variation relating to minimum lot sizes for multi dwelling housing and residential flat buildings.

Given that Clause 20 of LEP 2005 was a previously supported policy of Council, it is considered appropriate to include a similar clause into LEP 2012. By addition of the proposed subclause (3) to Clause 4.1A, the same level of flexibility will be made available for any developments for multi dwelling housing and residential flat buildings across the Shire.

The inclusion of this clause will provide specific grounds upon which to argue and assess a variation to minimum lot sizes and will assist in facilitating timelier processing of development applications. This is in keeping with overall objectives of simplifying and deregulating the planning system promoted by the State Government's 'A New Planning System for NSW – White Paper' released on 16 April 2013.

B. Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes – The planning proposal is consistent with the applicable regional and subregional strategies as detailed below.

Metropolitan Plan for Sydney 2036

The strategic plan prepared by the NSW Government entitled *The Metropolitan Plan for Sydney 2036* aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 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 to allow for increased building height within the commercial precincts and provide flexibility with respect to lot sizes for multi dwelling housing and residential flat buildings is considered to be consistent with the Metropolitan Plan as it provides the opportunity to boost housing supply close to existing and future transport infrastructure.

Draft North West Subregional Strategy

The *Draft North West Subregional Strategy* was prepared by the NSW Government to implement the Metropolitan Plan for Sydney and the NSW State Plan. It was exhibited in December 2007 through March 2008. Within the Hills Shire, the Strategy identifies Norwest (a Specialised Centre), Castle Hill and Rouse Hill (Major Centres) as being among the six Strategic Centres in the North West Subregion.

The draft Strategy sets targets for the Hills Shire for an additional 36,000 dwellings by 2031 of which 21,500 are identified for existing urban areas and release areas such as Kellyville, Rouse Hill and the Balmoral Road Release Area. 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 (predominately in the retail industry) across the region.

The planning proposal will facilitate an increase in housing by allowing higher building height as well as smaller lot sizes for medium and high density housing. In turn, this will help to achieve the objectives of the Strategy by maximising residential densities close to jobs and services and promoting principles of transit oriented development.

Draft Metropolitan Strategy for Sydney to 2031

On 18 March 2013, the NSW Department of Planning and Infrastructure released the draft *Metropolitan Strategy for Sydney to 2031* for public exhibition.

The draft Strategy is a growth plan which is underpinned by transport and infrastructure initiatives to deliver an adequate supply of housing and employment opportunities through to 2031. The draft strategy is integrated with the NSW Long Term Transport Master Plan and State Infrastructure Strategy as part of an overarching framework for Sydney's growth. The draft strategy seeks to provide at least 545,000 new homes across Sydney along with at least 625,000 new jobs to 2031, as well as introducing short term housing and employment targets to 2021. The draft Strategy seeks to align economic and housing growth and emphasises the importance of the North West Rail Link Corridor, identifying it as one of nine 'city shapers'.

The draft Strategy prioritises the creation of liveable centres that are well integrated with adjacent neighbourhoods and best practice principles of transit orientated design. Consistent with the current Metropolitan Plan, Rouse Hill is

identified as a planned Major Centre and the draft strategy sets out a priority to strengthen the centre as a high intensity, mixed use Major Centre serving new communities of the North West Growth Centre and surrounds via the North West rail link.

As set out in comments on the Metropolitan Plan and Draft North West Subregional Strategy, 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 Rail Link Corridor Strategy – Rouse Hill Precinct

The NWRL includes a new station at Rouse Hill which will be located on the west side of Rouse Hill Town Centre shopping complex, near the intersection of Rouse Hill Drive and Tempus Street.

Rouse Hill is designated as a Major Centre serving the North-West, comprising employment, retail, and services under the Metropolitan Plan for Sydney. It is an important shopping and business centre for the region, which is to include higher density residential development within 1km to the centre. In this regard, the Metropolitan Plan supports residential intensification within a walkable catchment of the train station and recognises that any forward planning for the Rouse Hill study area and its surrounds will need to consider the future requirements for office buildings, retailing opportunities, education, community and cultural facilities.

The NWRL has the potential to strengthen Rouse Hill's role as a Major Centre by supporting growth in and around the centre. This will help achieve key policy settings of the Metropolitan Plan for Sydney such as building more homes in an existing urban area, enabling residential growth in areas where there is available or planned public transport capacity and providing jobs closer to home.

It has been identified within the draft structure plan that the existing planning controls do not promote growth of Rouse Hill as a Major Centre, with little additional capacity for jobs and only a moderate increase in housing.

Promoting a high density focus within the commercial precincts will ensure there is sufficient, well located housing to support the viability of the future rail. The planning proposal presents a good opportunity to boost housing by increasing flexibility with respect to building heights and providing flexibility for multi dwelling housing and residential flat building development lot sizes.

Local Strategy and Directions

Council's Local Strategy provides long term guidance on strategic land use planning in the Shire and reflects the key themes of the Hills 2026 Community Strategic Direction. The Local Strategy highlights the importance of the Shire's centres developing with a mixed use focus that provide the services and facilities needed by the community, as well as a range of higher density and other housing options.

The Residential, Integrated Transport and Employment Lands Directions are the relevant components of the Local Strategy to be considered in assessing this proposal.

- Residential Direction

The draft North West Subregional Strategy sets a target for the Shire to contribute an additional 36,000 by 2031 to accommodate a share of Sydney's population growth. The Residential Direction indicates that there is sufficient

capacity to accommodate these targets but highlights that a strategic focus is needed to ensure that current and future opportunities are realised and reflect desired planning outcomes in terms of location and sustainability. The Residential Direction identifies a target of 21,500 dwellings to be located in the existing urban release areas such as Rouse Hill.

The site is well placed to accommodate higher density housing in a location which is supported by infrastructure, allowing residents access to transport, shopping and employment. Removing the height standard applying to the commercial precincts and reinstating flexibility for minimum lot sizes for higher density development types will facilitate an increase in residential density.

- Integrated Transport Direction

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. Relevant actions include promoting the delivery of key rail infrastructure and planning for a concentration of and/or intensity of land use activities around major public transport nodes.

The planning proposal is seeking to provide flexibility with respect to building height and minimum lot sizes which provides the opportunity for greater density and will facilitate the development of a centre supported by existing and future transport infrastructure.

- Centres Direction

Rouse Hill is identified as a planned Major Centre under the Centres Direction, which encourages a mix of business, retail, residential and community uses. Built form such as height reflects the role of the Centre as a primary retail and commercial hub and built form of eight (8) or more storeys is identified for commercial development within the Centre.

The planning proposal is consistent with the future status of Rouse Hill as a Major Centre.

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

Yes – The planning proposal is consistent with the relevant state policies as detailed below.

State Environmental Planning Policy (Infrastructure) 2007

The Infrastructure SEPP aims to facilitate the delivery of infrastructure across the State including identifying matters to be considered for development adjacent to different types of Infrastructure.

Future development of the site will be required to consider the provisions of the Infrastructure SEPP and as part of the planning proposal it is envisaged that consultation will be required with the relevant public authorities including Transport for NSW and Roads and Maritime Services.

Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River

The aim of SREP No. 20 (No. 2 – 1997) is to protect the environment of the Hawkesbury – Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. This requires consideration of the impacts of the development on the environment, the feasibility of alternatives and consideration of specific matters such as environmentally sensitive areas, water

quality, water quantity, flora and fauna, riverine scenic quality, agriculture, and metropolitan strategy.

The commercial precincts are currently zoned B4 Mixed Use where a range of urban land uses are already permitted. Furthermore, appropriate controls are in place to ensure that future development does not adversely impact the riverine environment. Accordingly, it is considered that the planning proposal achieves satisfactory compliance with the provisions of SREP No. 20.

5. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes – The plan is consistent with the relevant Ministerial Directions as outlined below.

Direction 2.3 Heritage Conservation

This Direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction requires that a planning proposal must contain provisions that facilitate the conservation of environmental heritage.

The planning proposal applies to land which is located in the vicinity of two (2) heritage items listed under the State Heritage Register known as 'Windsor Road, Baulkham Hills to Box Hill' and 'The Royal Oak Inn' (now 'The Mean Fiddler') (refer Map D). Whilst it is not envisaged that the planning proposal will create any adverse impacts on these heritage items, future development of the site would have to consider any potential impacts and this should be undertaken as part of future development applications.

Direction 3.1 Residential Zones

The purpose of this direction is to encourage variety and choice of housing, make efficient use of infrastructure and services, and minimise the impact of residential development on the environment.

Removal of the building height standard and introduction of flexibility for minimum lot sizes 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 purpose of this Direction is to permit home occupations to be carried out in dwellings without the need for development consent.

Home occupations are proposed to be a permissible use without consent.

Direction 3.4 Integrating Land Use and Transport

The purpose of this direction is to ensure that housing and jobs are easily accessible through a variety of means including walking, cycling and public transport, reliance on private vehicle use is minimised, and that development supports the viable operation of public transport.

Facilitating a high density outcome for the commercial precincts is considered to be consistent with the direction, as it will provide additional housing in a strategic location, encourage public transport patronage and support the viability of existing and future transport services.

The purpose of this direction is to protect life, property and the environment from bushfire hazards by discouraging the establishment of incompatible land uses in bushfire prone areas and encourage sound management of bushfire prone areas.

 BFPL Vegetation Category 1
  BFPL Vegetation Buffer - 100m and 30m

Figure 2 – Bushfire Prone Land Map

This Direction aims to minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Strategy.

This direction requires that planning proposals shall be consistent with the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010.

As set out in comments on the Metropolitan Plan and Draft North West Subregional Strategy, the planning proposal is considered to be consistent with this Direction.

C. Environmental, social and economic impact

6. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No – Land to which the planning proposal relates is predominantly vacant, generally void of vegetation and significant trees. Therefore, it is considered that the planning proposal is unlikely to create any adverse impacts on critical habitat or threatened species, populations or ecological communities or their habitats.

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

No – There are no other likely environmental impacts as a result of the planning proposal.

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

The proposed amendment to the Building Height Map and Clause 4.1A *Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings* are not anticipated to have any negative social or economic impacts. The proposals will assist in achieving the Master Plan objectives, reinstate the flexibility that was available under Council's LEP 2005 and provide opportunity for achievement of increased housing densities in proximity to employment, retail and services supported by a future rail station.

D. State and Commonwealth interests

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

It will be necessary to ensure that future residential development will be supported by the necessary services such as electricity, telecommunication, gas, water, sewer and stormwater drainage. The Gateway determination will identify if any study is required in this regard.

10. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

It is envisaged that consultation will be required with agencies including Transport for NSW, Roads and Maritime Services, Hawkesbury-Nepean Catchment Management Authority, Urban Growth NSW and the Rural Fire Service.

Following the Gateway determination, all relevant agencies will be consulted. Any proposed variations to the planning proposal would be addressed in the submission following the consultation period.

PART 4 MAPPING

A summary of the existing development standards applying to the commercial precincts is given in Maps A – E.

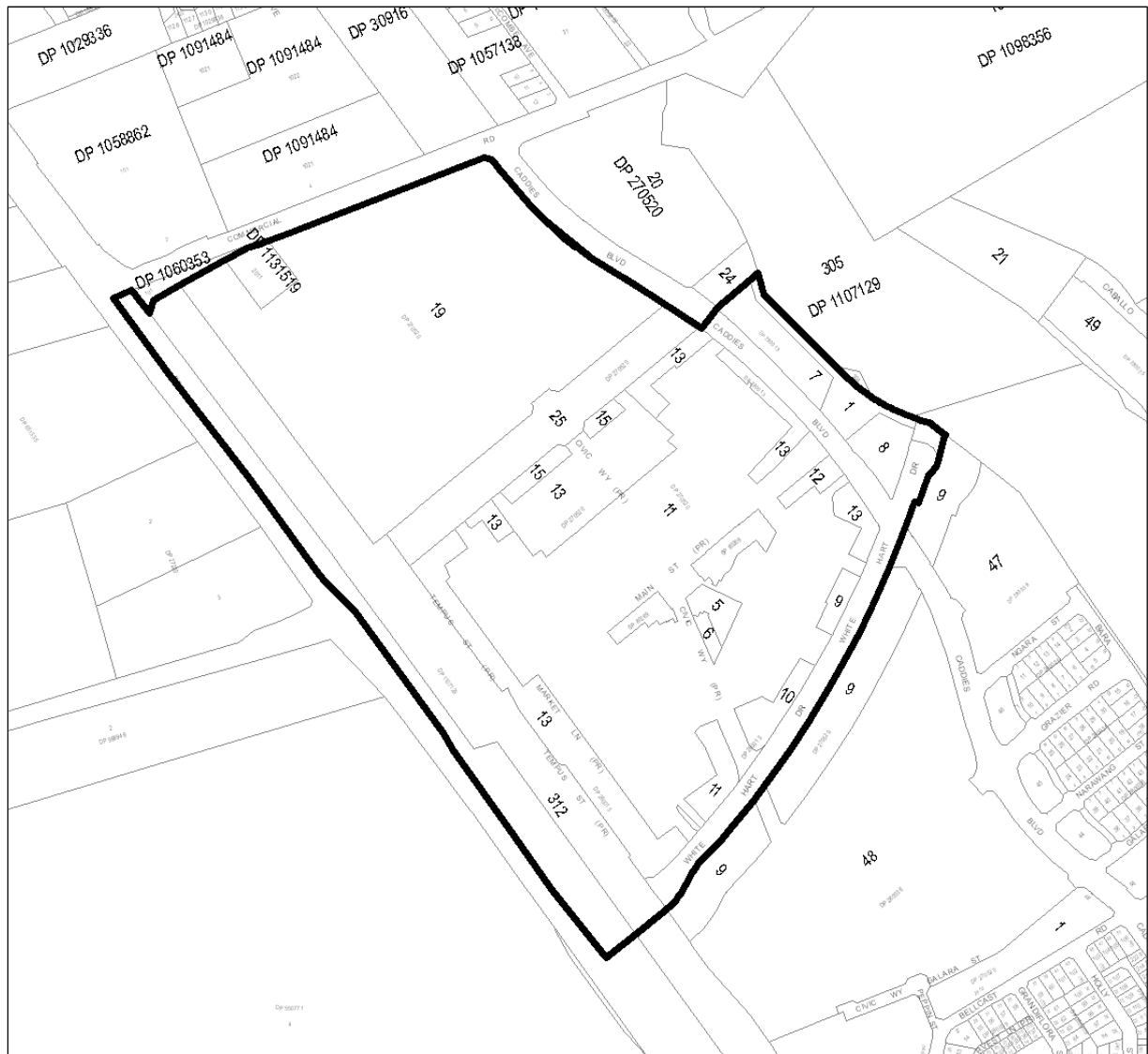
Mixed Use

A minimum lot size of 600m² currently applies to the commercial precincts.



Map C – Current Floor Space Ratio Map

No floor space ratio currently applies to the commercial precincts.



No Floor Space Ratio (FSR) (n:1)

 Not applicable

The Heritage Map indicates that two (2) heritage items are located within the vicinity of the subject site.



A building height of 36m currently applies to the Town Centre Core and a building height of 25m currently applies to the Northern Frame.



36.0

The Building Height Map will be updated to reflect no maximum building height over the Town Centre Core and Northern Frame.

☐ Not applicable

PART 5 COMMUNITY CONSULTATION

It is intended to advertise the proposed amendments in local newspapers. The exhibited material will be on display at Council's Administration Building located at 129 Showground Road, Castle Hill between the hours of 8.30am to 4.30pm Monday to Friday as well as at Castle Hill Library and Rouse Hill Library. The exhibition material will also be made available on Council's website. In addition, letters will be issued to adjoining property owners advising them of the proposed rezoning.

The Gateway determination will identify any additional consultation required.

PART 6 PROJECT TIMELINE

The following project timeline provides an estimated timeframe (9 months) for each stage of the planning proposal.

STAGE	ESTIMATED DATE
Estimated Commencement Date (Gateway Determination)	August 2013
Estimated Completion of Required Studies (if any required)	September 2013
Estimated pre exhibition Government Agency Consultation	October 2013
Estimated commencement of Public Exhibition Period	November 2013
Estimated completion of Public Exhibition Period	December 2013
Estimated timeframe for consideration of submissions	January 2014
Estimated timeframe for consideration of proposal post exhibition – Report to Council	February 2014
Estimated date Council will make the Plan (if delegated)	March 2014