



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

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8 July 2019

Angela Hynes
Acting Team Leader
Sydney Region West
Place, Design and Public Places
Department of Planning, Industry and Environment
GPO Box 39
SYDNEY NSW 2001

Our Ref: 12/2019/PLP

Dear Ms Hynes,

PLANNING PROPOSAL SECTION 3.34 NOTIFICATION

Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to amend Clause 5.4(9) of The Hills Local Environmental Plan 2012 to include maximum size criteria for secondary dwellings in rural zones.

Pursuant to Section 3.34 of the Environmental Planning and Assessment Act 1979 (EP&A Act), it is advised that at the Ordinary Council meeting of 30 April 2019, Council resolved to prepare a planning proposal for the above amendment as follows:

A planning proposal to amend The Hills Local Environmental Plan 2012 to provide appropriate maximum size criteria for secondary dwellings in rural zones be forwarded to the Department of Planning and Environment for Gateway Determination. The planning proposal shall seek to amend LEP 2012 as per 'Option A' within this report and also include an alternative option ('Option B' within this report), should the Minister and Department be more supportive of this approach.

Option A

(9) Secondary dwellings in urban zones

If development for the purposes of a secondary dwelling is permitted in an urban zone under this Plan, the total floor area of the dwelling (excluding any area for parking) must not exceed whichever of the following is greater:

- a) 60 square metres,*
- b) 20% of the total floor area of the principal dwelling.*

(10) Secondary dwellings in rural zones

If development for the purposes of a secondary dwelling is permitted in a rural zone under this Plan, the total floor area of the dwelling must not exceed 110 square metres for habitable rooms plus an optional garage up to 20 square metres (total permitted 130 square metres).

Option B

(9) Secondary dwellings

If development for the purposes of a secondary dwelling is permitted under this Plan, the total floor area of the dwelling (excluding any area for parking) must not exceed whichever of the following is greater:

- a) 60 square metres,
- b) 20% of the total floor area of the principal dwelling.
- c) Notwithstanding (a) and (b), the gross floor area of a secondary dwelling within a rural zone must not exceed 110 square metres, plus an optional garage up to 20 square metres.

The proposal seeks to ensure that secondary dwellings can be feasibly provided within rural areas, in a form which is compatible with the character of the rural locality. The proposal would facilitate increased potential for housing mix and choice within the Shire.

The proposal seeks to achieve this outcome by amending The Hills LEP 2012 to specify that in rural zones, the gross floor area of secondary dwellings must not exceed 110 square metres for habitable rooms plus an optional garage of up to 20 square metres (total permitted 130 square metres). There would be two potential approaches to amending the clause to achieve this, as demonstrated above.

This matter was subsequently considered by The Hills Local Planning Panel on 19 June 2019 who unanimously recommended that the Planning Proposal proceed to Gateway Determination.

Please find enclosed the information required in accordance with the guidelines 'A guide to preparing local environmental plans' issued under Section 3.33(3) of the Environmental Planning and Assessment Act 1979.

Following receipt by Council of the Department's written advice, Council will proceed with the planning proposal. Any future correspondence in relation to this matter should quote reference number 12/2019/PLP. Should you require further information please contact Piers Hemphill, Strategic Planning Coordinator on 9843 0511.

Yours faithfully



Nicholas Carlton
MANAGER FORWARD PLANNING

Attachment 1: Section 3.34 Planning Proposal (12/2019/PLP) incorporating:

- Attachment A: List of State Environmental Planning Policies
- Attachment B: Assessment Against Section 9.1 Ministerial Directions
- Attachment C: Council Report and Minute (30 April 2019)
- Attachment D: The Hills Local Planning Panel Report and Minute (24 June 2019)