

Gateway Determination

Planning proposal (Department Ref: PP_2018_THILL_002_00): to amend *The Hills Local Environmental Plan 2012 Clause 4.1B Exceptions to minimum lot sizes for certain residential development*.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to *The Hills Local Environmental Plan (LEP) 2012* to amend *Clause 4.1B Exceptions to minimum lot sizes for certain residential development* should proceed subject to the following conditions:

1. Council is to amend the planning proposal to include:
 - (a) the total area of land zoned R3 Medium Density Residential and R4 High Density Residential in the LGA;
 - (b) a summary of the number of small-lot housing developments approved under clause 4.1B in the past five years, the minimum development lot size and the number of small housing lots produced;
 - (c) a summary of the number of multi-dwelling housing developments approved in the R3 and R4 zones under clause 4.1A in the past five years;
 - (d) include a new saving transition clause to ensure that proposed amendments do not affect any development applications or appeal processes;
 - (e) provide further evidence to demonstrate how the proposed minimum parent lot size of 1800m² was derived and whether this minimum lot size can be reduced as a result of further urban design testing. The planning proposal should also address how housing diversity in the R3 and R4 zones will be achieved if small lot housing can no longer be constructed on development lots less than 1800m²; and
 - (f) consideration of the consistency of the planning proposal with the provisions and best-practice guide within the Low Rise Medium Density Housing Code, and an analysis of the implications associated with proposing a minimum parent lot size for small lot housing. Where inconsistencies are identified, the planning proposal should include information demonstrating why the revised minimum lot size and development controls would result in a better design outcome.
2. The revised planning proposal is to be forwarded to the Department for review and approval prior to exhibition.

3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days;
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016); and
 - (c) Council is to write to all affected landowners about the exhibition of the proposal explaining how to make a submission, the proposed amendments and how they affect the future provision of small lot housing.
4. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.
5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
6. The LEP is to be completed by 1 July 2019.

Dated 31st day of July 2018.



Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission