

Mr Michael Edgar  
General Manager  
The Hills Shire Council  
PO Box 7064  
NORWEST NSW 2153

  
Dear Mr Edgar

**Planning proposal PP\_2018\_THILL\_002\_00 to amend The Hills Local Environmental Plan 2012**

I refer to the Minister for Planning's recent decision to defer The Hills local government area from the Low Rise Medium Density Housing Code. A deferral from the Code provides Council with the opportunity to review the application of the Code to your residential zones.

The deferral also provides an opportunity for Council to review the planning proposal to amend The Hills Local Environmental Plan 2012 *Clause 4.1B Exceptions to minimum lot sizes for certain residential development* to require a minimum lot size for small-lot housing development to consider the consistencies between the Code and this planning proposal.

I understand that Council's desire, as part of the planning proposal, is to ensure development outcomes, such as desirable amenity and streetscape, while increasing housing choice in strategic locations.

The Department of Planning and Environment considers that the proposal has the potential to deliver good built form outcomes for medium-density housing in The Hills area and complement the provisions and best-practice principles of the Code.

However, the Department considers that further investigations are required to demonstrate the potential impact of the proposed controls in terms of housing delivery, how the proposed minimum allotment size of 1800m<sup>2</sup> was derived and whether this minimum lot size can be reduced as a result of further urban design testing.

As such, as delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

The Department would like to work with Council to ensure the planning proposal is undertaken in a timely manner, there is a full understanding of the implications of changing the planning controls for small-lot housing in the R3 Medium Density Residential and R4 High Density Residential zones, and to understand how this form

of housing contributes to housing diversity. The Gateway conditions also require a comprehensive community consultation process to enable all landowners affected by the proposal to have their say on the proposal.

Please note that Council will need to obtain the agreement of the Department's Secretary to comply with the requirements of section 9.1 Direction 3.1 Residential Zones.

I have also considered the nature of this planning proposal, and given the implications this proposal may have on state policy, have decided not to issue Council with plan-making authority.

The proposal will need to be finalised by 1 July 2019, in time for the end of the deferral period for the Code. Therefore, Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date. Therefore, Council should aim to commence the exhibition of the planning proposal as soon as possible.

Should you have any further enquiries about this matter, I have arranged for Ms Ann-Maree Carruthers, Director Sydney Region West, to assist you. Ms Carruthers can be contacted on 9274 6270.

Yours sincerely

 31 July 2018  
**Stephen Murray**  
Executive Director, Regions  
Planning Services

Encl: Gateway determination