

THE HILLS SHIRE COUNCIL

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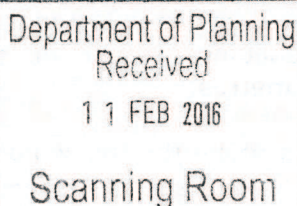
ABN No. 25 034 494 656



PCU064056

29 January 2016

Ms Rachel Cumming
Department of Planning & Environment
GPO Box 39
SYDNEY NSW 2001



Our Ref: 11/2016/PLP

Dear Ms Cumming

PLANNING PROPOSAL SECTION 56 NOTIFICATION

The Hills Local Environmental Plan 2012 (Amendment No. (#)) and State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No. (#)) – planning proposal to limit building height and require a minimum provision of retail or business premises for shop top housing and mixed use developments and prohibit shop top housing in certain zones in the Box Hill Release Area (11/2016/PLP)

Pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), it is advised that Council has resolved to prepare a planning proposal for the above amendments.

Please find enclosed the information required in accordance with the guidelines 'A guide to preparing planning proposals' issued under Section 55(3) of the EP&A Act. The planning proposal and supporting materials is enclosed with this letter for your consideration. It would be appreciated if all queries by the panel could be directed to Council's Principal Forward Planner Janelle Atkins on 9843 0266.

The planning proposal seeks to make the following amendments to The Hills Local Environmental Plan 2012:

- Include a new provision, 7.11 'Additional controls for shop top housing' under Part 7 Additional Local Provisions providing that the maximum height of buildings for shop top housing within the B1 Neighbourhood Centre zone is 7 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 7.11 'Additional controls for shop top housing' under Part 7 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the B2 Local Centre zone is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.

The planning proposal also seeks to make the following amendments to Appendix 2 North Kellyville Precinct Plan of State Environmental Planning Policy (Sydney Region Growth Centres) 2006:

- Include a new provision, 6.6 'Additional controls for shop top housing' under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the B1 Neighbourhood Centre zone is 7 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 6.6 'Additional controls for shop top housing' under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the B2 Local Centre zone is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 6.6 'Additional controls for shop top housing' under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing and residential flat buildings as part of mixed use developments within the R1 General Residential zone is 7 metres.

The planning proposal also seeks to make the following amendments to Appendix 11 The Hills Growth Centre Precincts Plan (known as the Box Hill Precincts) of State Environmental Planning Policy (Sydney Region Growth Centres) 2006:

- Include a new provision, 6.8 'Additional controls for shop top housing' under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing within the B2 Local Centre zone, apart from Box Hill Town Centre, is 10 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Include a new provision, 6.8 'Additional controls for shop top housing' under Part 6 Additional Local Provisions providing that the maximum height of buildings for shop top housing within the Box Hill Town Centre is 20 metres and that a development application shall not result in less than 50% of the total floor area on the subject land comprising non-residential floor area.
- Prohibit shop top housing within the R2 Low Density Residential and R3 Medium Density Residential zones.

The planning proposal and associated DCP amendments seek to ensure that the type and scale of shop top housing and mixed use development is appropriate and that developments reflect the role of centres established within Council's Centres Hierarchy.

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 11/2016/PLP. Should you require further information please contact Alicia Iori – Town Planner on 9843 0396.

Yours faithfully



Janelle Atkins

ACTING MANAGER FORWARD PLANNING

Enclosed CD containing:

1. Planning Proposal and Attachments

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No. (#)) and State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Amendment No. (#)) – planning proposal to limit building height and require a minimum provision of retail or business premises for shop top housing and mixed use developments and prohibit shop top housing in certain zones in Box Hill Release Area

ADDRESS OF LAND:

- Land zoned B1 Neighbourhood Centre under The Hills Local Environmental Plan 2012.
- Land zoned B2 Local Centre identified within the proposed Key Sites Map under The Hills Local Environmental Plan 2012.
- Land zoned B1 Neighbourhood Centre, B2 Local Centre and R1 General Residential under Appendix 2 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (North Kellyville Precinct).
- Land zoned B2 Local Centre, R2 Low Density Residential and R3 Medium Density Residential under Appendix 11 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Box Hill Precincts).

SUPPORTING MATERIAL:

Attachment A	Existing and proposed Key Sites Maps
Attachment B	Maps of subject properties identified as Flood Controlled Land
Attachment C	Maps of subject properties identified as Bushfire Prone Land
Attachment D	Assessment against State Environment Planning Policies
Attachment E	Assessment against Section 117 Local Planning Directions
Attachment F	Council Report and Minute, 15 December 2015

BACKGROUND:

Council adopted its Centres Direction in 2009 to provide a clear strategy to protect and manage the Shire's centres to 2031. The Direction established a network of centres to provide places for residents to shop, work, and have social interaction and recreational opportunities. Centres are classified according to a centres hierarchy, providing a framework for their scale, location and function. This ensures that the population has access to a range of centres that meet their needs and are appropriate in scale and design for their location. A key issue facing centres as identified in the Direction is the provision of sufficient retail space to meet the needs of the community. A Retail Floor Space and Demand Analysis undertaken by Hill PDA in 2008 assessed supply and demand for retail floor space and found that there was sufficient land and opportunities available within existing and proposed centres to meet retail demand.

Council's Standard Instrument LEP came into force in October 2012. The Standard Instrument provides a consistent format for all new principal LEPs in NSW. It sets out certain mandated permissible land uses and identifies shop top housing as a mandated use within certain residential and business zones. Since LEP 2012 came into force, Council has experienced a growing number of shop top housing proposals across the Shire, predominantly due to recent market conditions and pressure to provide residential development to ease Sydney's housing shortage.

A number of recent development applications and development enquiries to undertake shop top housing and mixed use developments have proposed outcomes that are not in keeping with the objectives of Council's business and residential zones, are not compatible with surrounding development and compromise the retail and employment role of centres. Most of these have proposed relatively small amounts of retail/business floor space and higher than expected residential densities raising concern regarding the ability of centres to serve surrounding populations and the capacity of existing infrastructure in these locations to support additional population.