

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2020 – Comprehensive Review of The Hills Local Environmental Plan

ADDRESS OF LAND: All land to which The Hills Local Environmental Plan 2019 applies, being the majority of the Shire, excluding the growth centres precincts of Box Hill and North Kellyville.

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

Whilst the proposal does not directly provide for additional jobs or dwellings, it supports the priorities and actions of the *Hill Future 2036: Local Strategic Planning Statement* which envisages that The Hills can provide an additional 38,000 dwellings and 50,000 jobs to 2036.

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environment Planning Policies
Attachment B	Assessment against Section 9.1 Local Planning Directions.
Attachment C	Proposed Mapping Changes
Attachment D	Local Planning Panel Report and Resolution, 18 September 2019
Attachment E	Council Report and Minute, 26 November 2019
Attachment F	Draft The Hills Local Environmental Plan 2020
Attachment G	Assessment of Local Strategic Planning Statement against the actions in the Central City District Plan
Attachment H	Draft <i>Hills Future 2036: Local Strategic Planning Statement</i>
Attachment I	Draft Housing Strategy 2019
Attachment J	Productivity & Centres Strategy 2019
Attachment K	Integrated Transport & Land Use Strategy 2019
Attachment L	Recreation Strategy 2019
Attachment M	Rural Strategy 2019
Attachment N	Environment Strategy 2019

BACKGROUND:

Legislative Requirements

Under the provisions of Clause 3.8 of the *Environmental Planning and Assessment Act, 1979* Council is required to review its local environmental plan (LEP) to give effect to the Central City District Plan. In addition Clause 3.21 requires councils to keep their LEPs under regular and periodic review for the purpose of ensuring the objects of the Act are achieved.

The initial timeframe for completion of amendments to the LEP to give effect to the district plan was three years; however The Hills was successful in obtaining funding as part of the NSW Government's Accelerated LEP Review Funding Program. This funding is subject to contractual conditions and includes a timeframe of June 2020 for submission of a final planning proposal to the Department of Planning, Industry and Environment to be made.

In efforts to reach the June 2020 timeframe, the following milestones have been identified:

Report to Council on draft LEP (seeking referral to Gateway)	26/11/2019
Gateway Determination for draft LEP (subject to Department timing)	Feb 2020
Exhibition of draft LEP 2020	Mar 2020
Report to Council – Post exhibition draft LEP 2020	May 2020
Send planning proposal to Department for finalisation	June 2020
-	

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to reset the regulatory basis for decisions surrounding land use planning and management, as seen through the lens of the new Local Strategic Planning Statement (LSPS) and the regional and district plans. The proposal also seeks to bring the planning framework up to date, noting that Council's current LEP was first notified in October 2012 and has since been amended more than 80 times.

PART 2 EXPLANATION OF THE PROVISIONS

The key amendments to the LEP arising from strategic work relate to the relationship with higher level strategic plans, the role of our strategic centres, rural zones, residential zones and neighbourhood centres. There are also a number of changes that are more administrative or housekeeping in nature.

The key proposed amendments to the LEP arising from the strategic work seek to:

- Include an additional aim and local provision to demonstrate the relationship between the LEP and the hierarchy of strategic plans.
- Protect the role and function of strategic centres by:
 - managing serviced apartment outcomes in employment zones;
 - applying the prevailing approved controls for Castle Towers and Rouse Hill centre pending owner initiated planning proposals or completion of precinct planning scheduled for 2021.
- Grow productive capacity, support services and tourism in rural zones by introducing new permitted land uses and inserting a local clause that requires consideration of land use conflict between existing and proposed development when considering applications for subdivision or dwellings.
- Manage impacts on character and amenity in the RU6 Transition zone by adding a local objective and prohibiting public administration buildings and certain more intensive rural industries.
- Recognise prevailing character and manage future character in residential zones by introducing a Local Character Map for Showground Station Precinct, rezoning certain land in Kellyville/Rouse Hill locality from R3 Medium Density Residential to R2 Low Density Residential and increasing minimum lot size mapping for two locations in West Pennant Hills.
- Facilitate land uses consistent with the small scale nature of the B1 Neighbourhood Centre zone by removing shops from permissible uses (neighbourhood shops and neighbourhood supermarkets will remain permitted) and allowing for artisan food and drink industries.

Noting that LEP 2012 has been in place since October 2012 a raft of administrative and housekeeping changes are proposed that primarily update the LEP zones and controls to reflect changed cadastre, correct anomalies and ensure public owned land is correctly zoned. More notable housekeeping changes include:

- Revert to underlying zoning in the deferred matters area of Showground Station Precinct whilst precinct planning for Cattai Creek West area is being finalised;
- Amend clause 5.3 (rubber band clause) to exclude residential zones and the E4 Environmental Living zone from the operation of the clause to prevent inappropriate use to enable higher density development than intended;
- Adjust the zoning of some land zoned SP2 Infrastructure (stormwater management) to the relevant adjacent zone to match cadastral boundaries of land acquired by Sydney Water;
- Remove Land Reservation Acquisition mapping from open space, drainage and certain road reservation land where this is now in public ownership;
- Rezone two parcels RE1 Public Recreation that form part of Council's reserves;
- Rezone land and amend relevant controls in Grey Gums Estate North Kellyville to reflect built form; and
- Include exempt development provisions for boundary retaining walls in Schedule 2.

In support of the planning proposal Attachment C provides information on the range of mapping changes proposed to the LEP and Attachment F provides a marked up version of Draft The Hills LEP 2020 with changes highlighted yellow. Whilst suggested new clauses have been drafted, changes will be subject to legal review and drafting.

Note:- The mark ups have been made to Draft The Hills LEP 2019 which is currently with the Department of Planning, Industry and Environment for finalisation. The LEP 2019 proposal is for the administrative split of planning controls from the City of Parramatta following the State wide council boundary review process. There are a number of planning proposals ready to be finalised that will amend LEP 2019 following the Governor's approval. These amendments (when completed) will also need to be incorporated into draft LEP 2020 prior to exhibition.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

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

Yes, the planning proposal is a result of the strategic work undertaken for the preparation of the Local Strategic Planning Statement. The Local Strategic Planning Statement is supported by a suite of six strategies including:

- Housing Strategy;
- Productivity and Centres Strategy;
- Integrated Transport and Land Use Strategy;
- Recreation Strategy;
- Rural Strategy; and
- Environment Strategy.

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

Yes, the planning proposal is considered to be the best way to achieve the intended outcomes. Rather than adopting a piecemeal approach which would see changes made to the LEP at the completion of each of the background strategies, the preparation of the LSPS and supporting Strategies have allowed Council to undertake a comprehensive review of the Local Environmental Plan.

SECTION 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, a discussion of consistency is provided below.

- **Greater Sydney Region Plan and Central City District Plan**

The release of the Greater Sydney Region Plan and Central City District Plan in March 2018 established the future vision for Greater Sydney to 2056. Also in March 2018, amendments to the EP&A Act came into force with requirements for councils to make local strategic planning statements and also to review and amend their local environmental plans.

It is proposed that the aims of the LEP (Clause 1.2) are updated to better reflect the themes of The Hills Shire Plan and the Draft local Strategic Planning Statement. An additional aim is proposed that acknowledges the relationship with the LSPS, the regional and district plan.

In addition a proposed new local provision (Clause 7.15) seeks to ensure implementation of the priorities of the LSPS by requiring that development applications have regard to the LSPS. These amendments recognise that the LSPS and supporting strategies provide the strategic justification for Council's planning controls and can assist in decision making on development applications. An Assessment of Local Strategic Planning Statement against the actions in the Central City District Plan is included in Attachment G. The draft LSPS and associated strategies are contained in Attachments H to N.

The planning proposal was presented to the Local Planning Panel on 19 September 2019, the LPP were generally supportive of the proposal and advised that Council should consider softening a proposed local provision to say that development should have regard to, rather than comply with, the principles of the LSPS. The draft clause has been amended accordingly.

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes, a discussion of consistency is provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Direction articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

It is proposed that the aims of the LEP (Clause 1.2) are updated to better reflect the themes of The Hills Shire Plan and the Draft Local Strategic Planning Statement. An additional aim is proposed that acknowledges the relationship of the LEP with the LSPS, the regional and district plan.

- **Local Strategic Planning Statement**

The Draft Local Strategic Planning Statement establishes 23 planning priorities and related actions for the next 5 years grouped around the themes of Council's Community Strategic Plan (refer Figure 1). It is intended to support future planning decisions and how population, housing and economic growth is managed in the Shire. Together with the supporting strategies, the LSPS demonstrates sufficient capacity in existing zoned and strategically identified land to meet housing and job growth targets to 2036.



Figure 1
Planning Priorities Hills Future 2036.

Where the LSPS identifies growth potential, such as strategic centres, station precincts and rural villages, further detailed planning and infrastructure investigations are required to inform changes to zonings, amendments to development controls and the preparation of developer contribution plans. This precinct planning work is expected to be completed over the next 5 years. Notwithstanding, there are a number of actions that do not require precinct planning or further investigations that are relevant to the current comprehensive review of Council's LEP, including:

- Protect the extent, role and function of strategic centres and employment lands through land use zones and objectives (Planning Priority 1 and 3).
- Investigate and implement measures to manage serviced apartment outcomes in employment zones (Planning Priority 2).
- Review our planning controls and permissible uses in rural zones to minimise land use conflict and maintain desired character (Planning Priority 4).

- Investigate use of the optional Standard Instrument Local Environmental Plan clause 5.16 to ensure consideration of existing rural uses when assessing applications for rural subdivision (Planning Priority 4).
- Review planning controls and permissible uses in rural zones to facilitate land uses that will support and serve rural industry and encourage tourism in appropriate locations (Planning Priority 5).
- Review residential zonings, objectives and provisions to ensure the planning framework effectively provides for a diversity of housing in the right locations, with a specific focus on the capacity of land currently zoned R3 Medium Density Residential (Planning Priority 8).
- Investigate and implement a mechanism for local character in the Local Environmental Plan (Planning Priority 9).
- Review permissible uses in the B1 Neighbourhood Centre zone to ensure they are in keeping with the small scale objective of neighbourhood centres (Planning Priority 9).

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

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A. A discussion on the consistency of the proposal with the relevant Policies is provided below.

- **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008**

The proposed inclusion of additional exempt development requires consideration of consistency with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* which has different standards for retaining walls to that proposed to be included in Schedule 2 of LEP 2020.

The proposed maximum height of 500mm under draft LEP 2020 reflects the maximum heights for retaining walls contained in Council's Development Control Plan. Whilst this height is more restrictive than the height achievable under the Exempt and Complying Development SEPP (600mm), the reduced height acknowledges the additional impacts associated with locating retaining walls on or directly adjacent to site boundaries and seeks to limit those impacts by permitting a reduced retaining wall height.

As such the proposal is not considered to undermine the aims of the SEPP. Rather it supplements the provisions of the SEPP by identifying development of minimal environmental impact that may be carried out without the need for development consent.

- **State Environmental Planning Policy (Infrastructure) 2007**

The planning proposal seeks to rezone small portions of land from SP2 Infrastructure to match the adjoining zones based on current cadastral boundaries. The changes correspond to recent acquisitions for road widening or stormwater management and reflect final subdivision boundaries relating to these acquisitions.

The proposal is consistent with the aims of the SEPP in that the land being re-zoned is not specifically required for infrastructure purposes and therefore does not inhibit the effective and efficient delivery of infrastructure. The changes serve to more accurately identify land which is required for, or being used for infrastructure purposes.

- **Sydney Regional Environmental Plan No. 9 – Extractive Industry (No. 2 – 1995)**

The proposed changes to permissible land uses in the RU1 Primary Production zone are wholly consistent with the aims and objectives of the SREP. The proposed changes to permissible uses do not impact on the permissibility or ongoing operation of any extractive industry, nor prohibit consideration of any future application for extractive industry.

6. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

Yes. The consistency of the planning proposal with the s. 9.1 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 1.1 Business and Industrial Zones**

This Direction requires that a planning proposal must retain areas and locations of existing business and industrial zones and must not reduce the total floor space area for employment uses in business zones.

The proposed changes to Castle Hill and Rouse Hill strategic centres do not involve any changes to zones, however they introduce height controls for Rouse Hill where none currently apply under LEP 2012 and increase the height and floor space ratio controls for Castle Towers site to reflect approved development.

These changes are an interim measure pending more detailed precinct planning or submission of a planning proposal. They are entirely consistent with the objectives of the Direction to encourage employment growth, protect employment land and support the viability of identified centres. They seek to reflect and preserve current conditions and expected development outcomes whilst necessary investigations, including the appropriate extent of residential development, are completed.

- **Direction 2.1 Environmental Protection Zones**

The Direction requires that a draft LEP include provisions that facilitate the protection and conservation of environmentally sensitive areas and that land within an environment protection zone shall not reduce the environmental protection standards that apply to the land. The planning proposal seeks to re-zone a small portion of land, forming part of the access to two existing lots, from R2 Low Density to E4 Environmental Living to match cadastral boundaries (refer Figures 2 and 3).



Figure 2
Existing Zoning Map



Figure 3
Proposed Zoning Map

Further, the planning proposal seeks to amend clause 5.3 (rubber band clause) to exclude residential zones and the E4 Environmental Living zone from the operation of the clause to prevent inappropriate use to enable higher density development than intended.

The planning proposal also seeks to apply the E2 Environmental Conservation zone over portions of land at Grey Gums Estate. The land subject to the proposed zoning change is currently owned and managed by Council and is subject to a Biobanking agreement for ongoing management and protection. The proposed application of the E2 Environmental Conservation zone reflects the environmental values and protection status of the land and is considered to be entirely consistent with the objectives of the Direction.

- **Direction 3.1 Residential Zones**

This Direction aims to encourage a variety and choice of housing, make efficient use of infrastructure and minimise impact on the environment.

The proposal seeks to zone a number of identified areas in Kellyville and Rouse Hill from R3 Medium Density Residential to R2 Low Density Residential as well as amending minimum lot size in two identified areas of West Pennant Hills to better reflect prevailing character (see part 4 for proposed Mapping changes).

The proposed amendments reflect existing built form and infrastructure capacity in the identified areas and have been informed by the development of the Local Strategic Planning Statement and Housing Strategy which give consideration to the objectives of this Direction.

The proposed zoning changes are intended to make best use of existing infrastructure and services. The areas identified have been developed within the last 20 years. The majority of housing stock is comprised of 3 to 4 bedroom detached dwellings in a typically low density setting. The age of housing stock and location away from mass transit stations is such that it is unlikely that the identified areas will be attractive as a redevelopment option for the foreseeable future.

Key to Council's approach is facilitating a diversity of housing in the right locations and delivering infrastructure to meet resident's needs. Under current controls the locations have developed as low density, with an existing dwelling density of 13 dwellings per hectare. The areas are not within any identified mass transit precinct and have varying degrees of regular bus servicing. Change to higher density outcomes has not been planned for as part of current infrastructure planning. Better reflecting the prevailing built form and lot size will maintain the accessibility to infrastructure and services as well as protecting amenity currently enjoyed by existing residents.

The proposed changes to minimum lot size in West Pennant Hills similarly reflect existing subdivision patterns and seek to maintain residential amenity and preserve established character in these areas. The changes do not seek to amend land zoning and are considered to be minor in nature.

- **Direction 3.4 Integrating Land use and Transport**

This Direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

The planning proposal is considered to be consistent with the subject Direction. The proposed changes to residential zones at Kellyville, Rouse Hill and West Pennant Hills reflect the role and nature of the areas identified as being low density residential areas. The areas are not within close proximity to mass transport options and have varying degrees of servicing by bus. The proposed changes ensure that zoning and controls reflect existing and planned levels of infrastructure and service.

- **Direction 4.3 Flood Prone Land**

This Direction requires that a planning proposal must not rezone land within flood planning areas from special use to a residential zone to ensure development of flood prone land is consistent with Government Policy for Flood Prone Land and the principles of the Floodplain Development Manual 2005.

The planning proposal seeks to rezone portions of land zoned SP2 Infrastructure (Stormwater Management) to the adjoining residential zone to match the cadastral boundaries of land acquired by Sydney Water. The land acquired is based on more recent flood modelling by Sydney Water than the flooding work that informed the original location of the SP2 Infrastructure zone.

The proposed changes will not result in any changes to the way Council identifies flood prone land, or to any of the controls currently applicable to flood control lots.

- **Direction 5.9 North West Rail Link Corridor Strategy**

This Direction applies to any planning proposal for land in the rail corridor and requires it to be consistent with the proposals of the Government's Corridor Strategy including growth projections and future character. The objectives are to promote transit oriented development and manage growth around the stations.

The current planning proposal includes amendments located within station precincts including:

- Cattai Creek West Master Plan area (Showground Station Precinct) – reinstatement of underlying zoning
-
- Rouse Hill strategic centre – height mapping and capping of dwelling numbers in northern frame reflect approved precinct plans
- Castel Hill strategic centre – amendment of height and floor space ratio controls reflect approved development on the Castle Towers site

In all cases the proposed changes are interim measures pending completion of precinct planning or lodgement of planning proposals. The measures are intended to provide certainty pending completion of investigations and finalisation of necessary planning processes. They recognise the prevailing controls and will not prevent any future changes being made that are cognisant of the proposals in the corridor strategy or any other changes made subject to detailed precinct planning. As such they are considered to be of minor significance and consistent with the objectives of the Direction.

Cattai Creek West deferred area (Hills Showground Station Precinct)

On December 2017 the NSW Government rezoned the Showground Precinct for high and medium density development. While the majority of the land has been rezoned an area along Cattai Creek was deferred. This area was deferred to allow further work to ensure a mixed use outcome that will facilitate key public benefits including revitalisation of the Creek and access, to be funded through development.

The master planning process has been led by the Department of Planning, Industry and Environment since 2017 and whilst it is intended to be finalised shortly there is no certain timeframe for completion. Given the time that has elapsed and the need for a new planning proposal process once the work is complete, it is proposed to lift the deferred matter and reinstate the underlying zoning.

This is intended as an interim measure and is considered to be of minor significance. Reinstating the underlying zoning does not undermine the North West Rail Line Corridor strategy nor does it prevent, delay or compromise the outcomes of the Cattai Creek Masterplan or subsequent planning proposal. Rather, this measure is intended to provide certainty in the interim whilst plans for the area are being finalised.

Rouse Hill Strategic Centre

Changes proposed for Rouse Hill Strategic Centre include the application of a Height of Buildings Map and introduction of a Key Sites map and local provision applying to the Northern Precinct of Rouse Hill. The proposed local provision will cap the maximum number of dwellings at 375. Both proposed changes are consistent with the approved Masterplan and Precinct Plan for the Regional Centre.

These changes do not prevent future precinct planning consistent with the North West Rail Link Corridor Strategy and are considered to be minor in nature. The purpose of the changes is to align with existing master planning and provide certainty of outcomes until such time as more detailed precinct planning and subsequent planning proposals are able to be completed.

Castle Hill Strategic Centre

Changes proposed for Castle Hill Strategic Centre seek to amend the Height of Buildings Map and Floor Space Ratio Map to reflect approved development on the Castle Towers site. The proposed amendment does not prevent any future changes being made in line with the Corridor Strategy or any other changes made subject to detailed precinct planning.

Refer to Part 4 of the Planning Proposal for Mapping changes.

• **Direction 6.2 Reserving Land for Public Purposes**

The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and remove any reservations of land for public purposes where the land is no longer required for acquisition. The Direction requires that a draft LEP shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).

The proposed LEP amendments include changes to the Land Reservation Acquisition Map. As part of the planning proposal process, Council will work with the relevant consent authorities (in this case being Sydney

Water and NSW Transport Cluster) to identify land to be zoned and identified for acquisition in the Land Reservation Acquisition Map and the land that is no longer required to be identified.

The proposed LEP amendments include changes to the Land Acquisition Map. Sites where acquisition liabilities are proposed to be changed are:

Location	Public purpose	Current acquisition authority	Revised acquisition authority
Lot 38 DP 1153570	Drainage / Public Reserve	Council and Sydney Water	Sydney Water
Carrington Rd and Showground Rd Castle Hill	Classified Road	Council	Transport for NSW (Roads and Maritime Services)

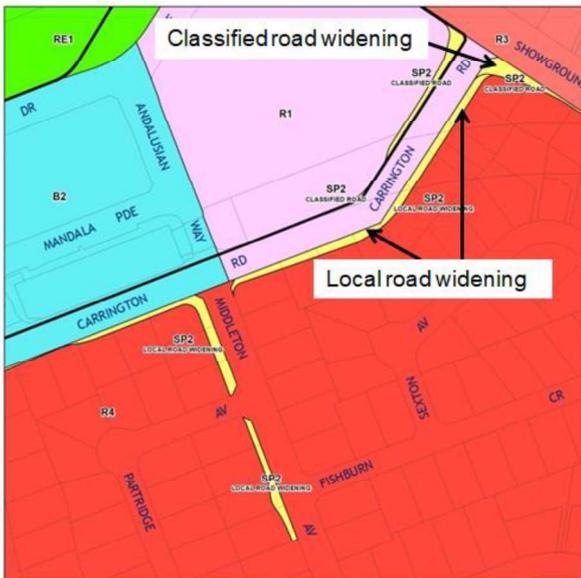


Figure 4

Road widening intersection of Showground and Carrington Road

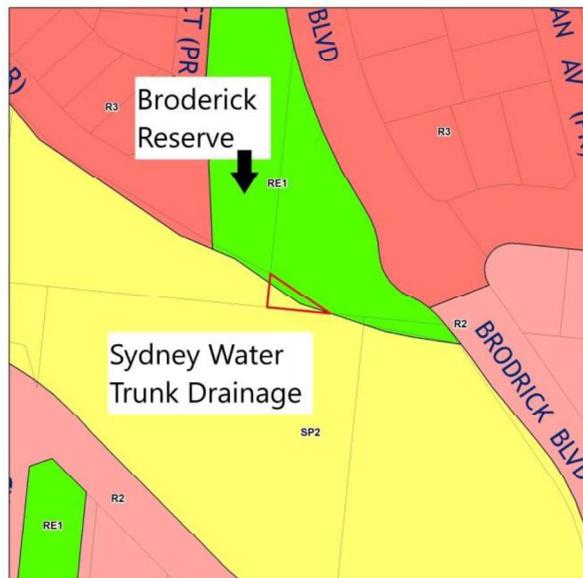


Figure 5

Lot 38 DP 115570 Broderick Boulevard

As part of the planning proposal process, Council will work with the relevant consent authorities (in this case being Sydney Water and NSW Transport Cluster) to confirm existing land identified for acquisition and obtain written consent where liabilities are proposed to be changed.

• **Direction 6.3 Site Specific Provisions**

The proposed site specific clause for Rouse Hill Strategic Centre in Part 7 of the LEP, will cap the maximum number of dwellings for mapped land at 375 (refer Part 4 for Mapped area) . The Local Provision is consistent with the approved Precinct Plan for the Northern Frame of the Regional Centre. This is an interim measure required to ensure residential development does not occur prior to master planning and the identification of how much retail and commercial floor space is required to support existing and future residents. It is noted that whilst the draft LEP contains proposed wording for the clause that any new clause will be subject to legal drafting.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. *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, the planning proposal primarily relates to established urban land. The proposal does not seek to facilitate development which would directly impact on environmentally sensitive land which could result in adverse impacts on critical habitat or threatened species, populations or economical communities and their habitats.

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

The planning proposal is unlikely to directly result in any other environmental effects. The proposed changes primarily reflect existing built form and subdivision patterns and do not seek to facilitate development of environmentally sensitive lands. None of the proposed changes result in any significant increase in residential dwelling density, nor involve the re-zoning of any environmentally sensitive lands.

The proposal will result in a positive environmental effect by applying appropriate environmental zoning to land within the Grey Gums Estate at North Kellyville which is subject to a biobanking agreement.

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

The planning proposal reflects the outcomes of the Local Strategic Planning Statement and seeks to make changes which will provide positive environmental, social and economic effects. The proposal includes measures in rural, residential and employment zones aimed at preserving character and supporting economic growth as outlined below:

Neighbourhood Centres

The planning proposal seeks to support appropriate economic activities in the B1 Neighbourhood Centre zone. Changes are proposed to remove shops as a permitted use (neighbourhood shops and neighbourhood supermarkets will remain permitted). This amendment will ensure future development is consistent with the desired scale and character of the zone.

It is also proposed to introduce artisan food and drink industries as a permitted use in this zone. Commercial areas within rural villages are zoned B1 Neighbourhood Centre and could benefit from the introduction of artisan food and drink industries as they are in keeping with the small scale of these centres and could contribute to the vibrancy and appeal of these local centres.

Changes in rural zones

The proposal seeks to amend permissible land uses in rural zones with the aim of supporting the growing tourism industry, protecting agricultural enterprise and preserving rural character. Artisan food and drink industries are proposed to be included in all rural zones to reflect the changing nature of boutique food and drink operations and support local growers in showcasing their goods. Other changes include the addition of rural industries and service stations in the RU1 Primary Production Zone to help provide agricultural enterprises with access to convenient, localise support industries.

It is proposed to insert artisan food and drink industries and markets as permitted land uses in the land use table for the RU2 Rural Landscape zone. This change seeks to encourage tourism in the rural area as well as the provision of farm produce directly to the public.

It is proposed to add a new local objective to the RU6 Transition zone to ensure that development does not have a detrimental impact on the rural and scenic character of the land. Proposed changes to the land use table in the RU6 zone are to insert rural industries, markets, cellar door premises and artisan food and drink industry as permitted uses and prohibit places of public worship (current planning proposal), public administration buildings, livestock processing industries, sawmill or log processing works and stock and sale yards.

These changes are to clarify the types of land uses that are consistent with prevailing character, as well as encouraging rural support industries and tourism.

The proposal recommends the inclusion of Standard Instrument Clause 5.16. This clause (Part 5) seeks to minimise potential land use conflict between existing and proposed residential land uses and other rural land uses, and would apply to applications for dwellings or subdivision for dwellings in the rural and environmental zones.

The clause would require consideration of existing and approved surrounding land uses, as well as whether the proposal would significantly impact or be incompatible with land uses that predominate. The changes seek to better manage the Shire's rural productive capacity.

Introduction of Local Character Map

This proposed change would initially introduce a new Local Character Map for Showground Station Precinct which could ultimately be applied in other suitable locations throughout the Shire. Character areas nominated on the map would be subject to a clause containing place specific objectives related to existing or desired future character. Whilst the draft LEP contains a suggested clause it is noted that any new clause will be subject to legal drafting.

For Showground Precinct the proposed objectives have been adapted from the character articulated in the Precinct Planning and the adopted development control plan and give greater weight to the intended outcomes.

The proposed character areas have been identified based on zone locations and the Structure Plan for the precinct:

- HS_01 – Hills Showground Mixed Use
- HS_02 – Hills Showground Residential
- HS_03 – Hills Showground Residential Terraces
- HS_04 – Hills Showground Light Industrial
- HS_05 – Hills Showground Business

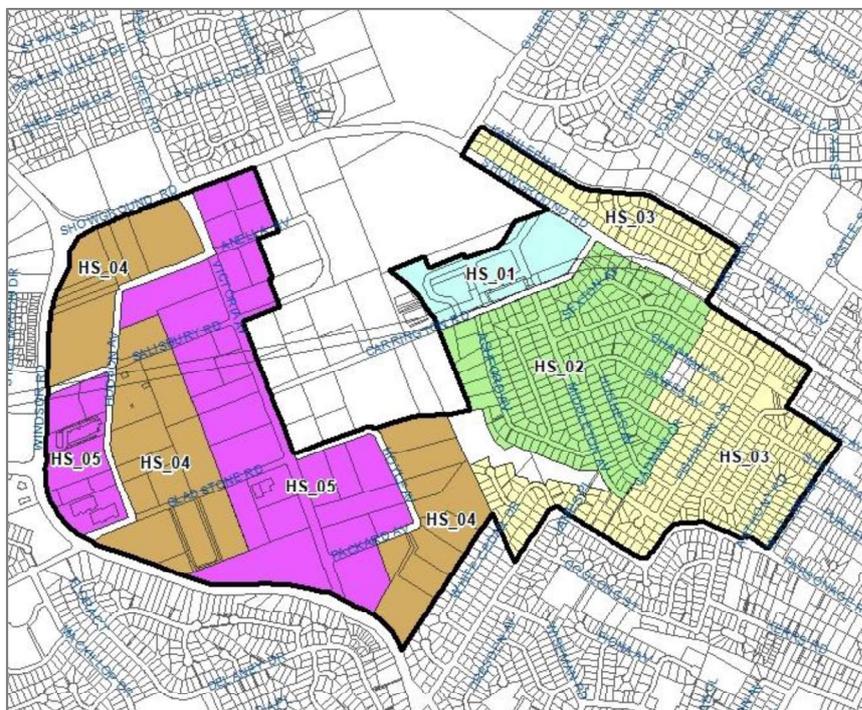


Figure 6

Proposed Character Areas – Showground Station Precinct

Note: to be read in conjunction with draft clause in Part 7 of marked up written instrument (Attachment F)

Serviced Apartments

The draft LEP contains a proposed clause 7.15 which would apply to land zoned B4 Mixed Use and B7 Business Park and seeks to encourage employment opportunities in higher order employment areas by ensuring that a minimum proportion of the available floor space is provided for commercial purposes. It also seeks to prevent substandard residential accommodation occurring through the conversion of serviced apartments to a residential flat building where permitted (B4 zone).

It is noted that whilst the draft LEP contains proposed wording for the clause that any new clause will be subject to legal drafting.

Exempt standards for boundary retaining walls

The draft LEP contains a proposed new clause within schedule 2 which will respond to challenges being faced particularly in growth locations where retaining walls are generally required on or directly adjacent to

property boundaries. Such walls are not permitted as exempt development under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* which requires a minimum setback for retaining walls of 1m from property boundaries.

Prior to the adoption of LEP 2012 the previous Baulkham Hills Local Environmental Plan 2005 contained an exempt development clause which permitted the construction of retaining walls with a maximum height of 600mm above or below natural ground level as exempt development without specifying a minimum setback.

The proposed clause will not restrict the location of retaining walls however it will include a number of conditions including a maximum height or depth of 500mm, compliance with all relevant Australian Standards, written consent from the adjoining land owner, and a requirement that it not occur on environmentally sensitive land, land subject to inundation, land containing a heritage item, nor restrict natural stormwater flows.

It is noted that whilst the draft LEP contains proposed wording for the clause that any new clause will be subject to legal drafting.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

Yes, the planning proposal does not increase the density of any land and therefore does not require any additional services.

11. 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 anticipated the following public agencies will be consulted on the planning proposal:

- NSW Rural Fire Service Headquarters
- Adjoining and Central City District LGAs
- Water NSW
- Department of Communities and Justice NSW
- Aboriginal Affairs NSW
- Heritage NSW
- NSW Health
- Office of Sport
- Roads and Maritime Services
- Transport for NSW
- RailCorp
- Destination NSW
- Environment, Energy and Sciences Group
- Sydney Water
- Endeavour Energy
- Fire and Rescue NSW
- NSW Police
- Crown lands office
- Forestry Corporation
- NSW Land Registry Services

A list of all relevant agencies would be determined as part of the Gateway Determination. Following the Gateway Determination, all relevant agencies will be consulted.

PART 4 MAPPING

The planning proposal seeks to amend the following maps of *The Hills Local Environmental Plan 2019*:

- Land Zoning;
- Additional Permitted Uses;
- Sydney Metro Northwest;
- Height of Buildings;
- Key Sites;
- Floor Space Ratio;
- Land Reservation Acquisition;
- Lot Size; and
- Heritage

The proposal also seeks to create a new 'Local Character Map' and associated local provision.

An overview of mapping changes is provided below, with additional detail provided in **Attachment C**.

Land Zoning

The planning proposal seeks to make a number of changes including a review of land zoned SP2 Infrastructure, review of land zone RE1 Public Recreation, review of zoning at Grey Gums estate and review of residential land zoned R3 Medium Density.

Review of land zoned SP2 Infrastructure (Stormwater Management)

The SP2 Infrastructure zone boundaries are proposed to be adjusted to match cadastral boundaries where land has been acquired for stormwater management by Sydney Water. The changes are primarily in the Balmoral Road Release Area and an example is provided in the figure below (all locations of proposed change are shown in Attachment C). Where a zone boundary is adjusted, corresponding changes are also proposed to other relevant map sheets including height of buildings and land reservation acquisition mapping.



Figure 7

Example of changes to SP2 Infrastructure (Stormwater Management) zone
Fairway Drive area (existing on left and proposed on right)

Review of land zoned RE1 Public Recreation

Review of Council reserves has been completed to ensure the zoning matches the intended open space function and Council ownership. There are two locations where rezoning is proposed from residential to RE1 Public Recreation. This is at Appian Circuit at William Joyce Reserve, Baulkham Hills and Caballo Street, Ironbark Ridge Reserve at Rouse Hill.

In both cases land was formerly zoned residential to ensure land acquisition liability was not triggered, noting land was intended for dedication. The land at Rouse Hill was identified under the planning agreement for the

regional centre and the land at Appian Circuit includes a drainage basin managed by Council and dedicated as part of the larger residential subdivision (1422/2010/ZA). Both parcels are now in Council's ownership and are classified as community land.

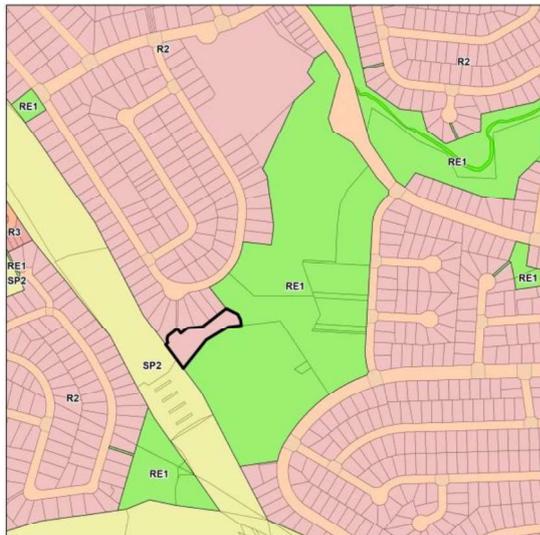


Figure 8
William Joyce Reserve

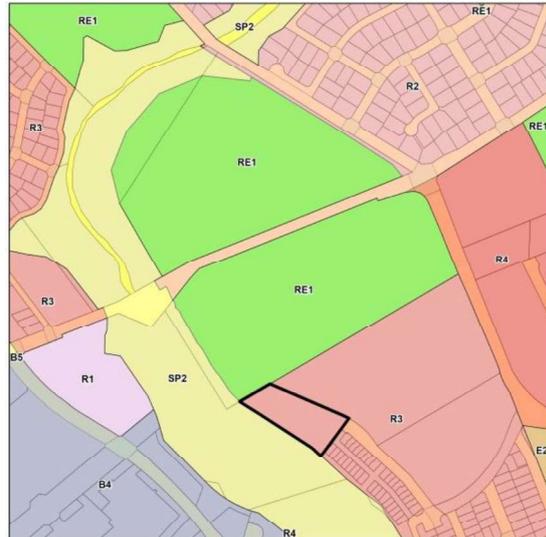


Figure 9
Ironbark Ridge Reserve

Review of zoning and controls Grey Gum Estate North Kellyville

Grey Gums estate resulted from four staged subdivisions eventually resulting in the creation of a residential estate comprising a mix of low density and high density dwellings as well as land reserved for environmental conservation. The two lots created for environmental conservation are subject to a biobanking agreement and are owned and managed by Council.

At the time that the applications for the creation of individual residential lots were being considered, preparation of draft LEP 2010 (now LEP 2012) was well underway. At that time whilst the site had been provisionally zoned as R4 High Density Residential, it was acknowledged that this would be reviewed subject to the approval and development of the subdivision. The proposed changes reflect existing and approved built form and recognise the function of the site in delivering a diversity of housing types.

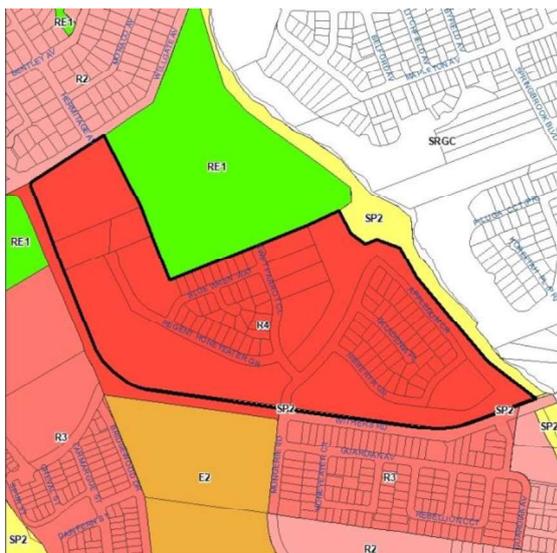


Figure 10
Existing Land Zone map
Grey Gums Estate

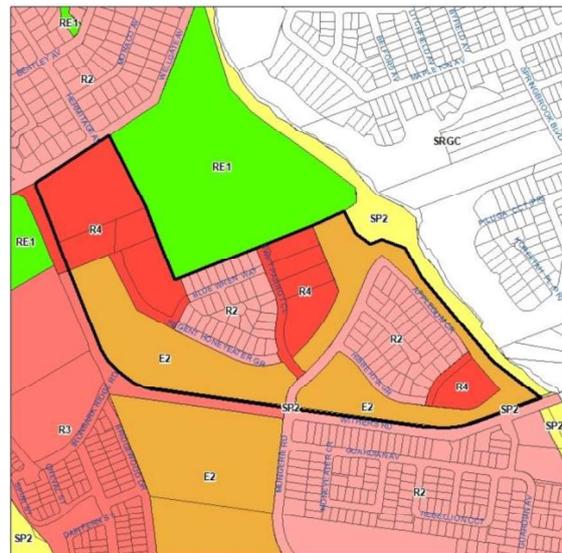


Figure 11
Proposed Land Zone Map
Grey Gums Estate

Review of land zoned R3 Medium Density Residential

A change of zone from R3 Medium Density Residential to R2 Low Density Residential is proposed in a number of locations throughout Rouse Hill, Beaumont Hills and Kellyville. The proposed changes seek to ensure the planning framework effectively provides for a diversity of housing in the right locations, with a specific focus on the capacity of land zoned R3 Medium Density Residential.

More information on this proposed change is included in Section B of the Planning proposal under the heading Direction 3.1 Residential Zones.

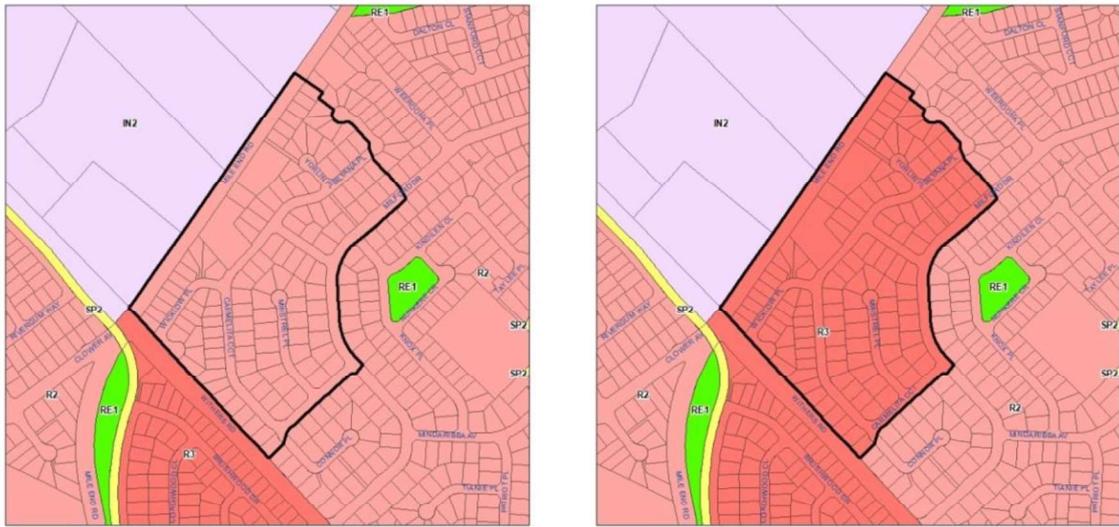


Figure 12
Proposed change of R3 Medium Density Residential to R2 Low Density Residential – Rouse Hill

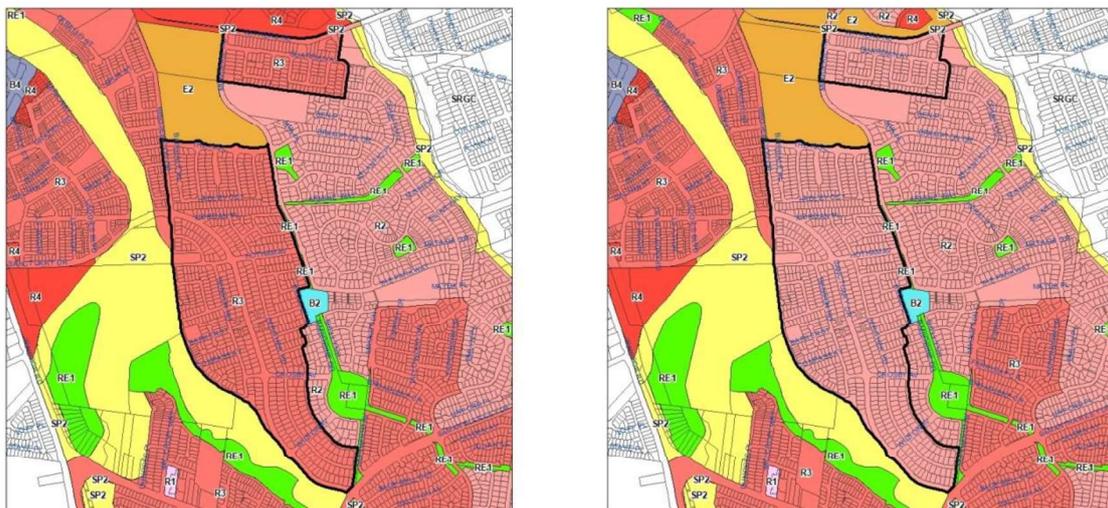


Figure 13
Proposed change of R3 Medium Density Residential to R2 Low Density Residential – Beaumont Hills

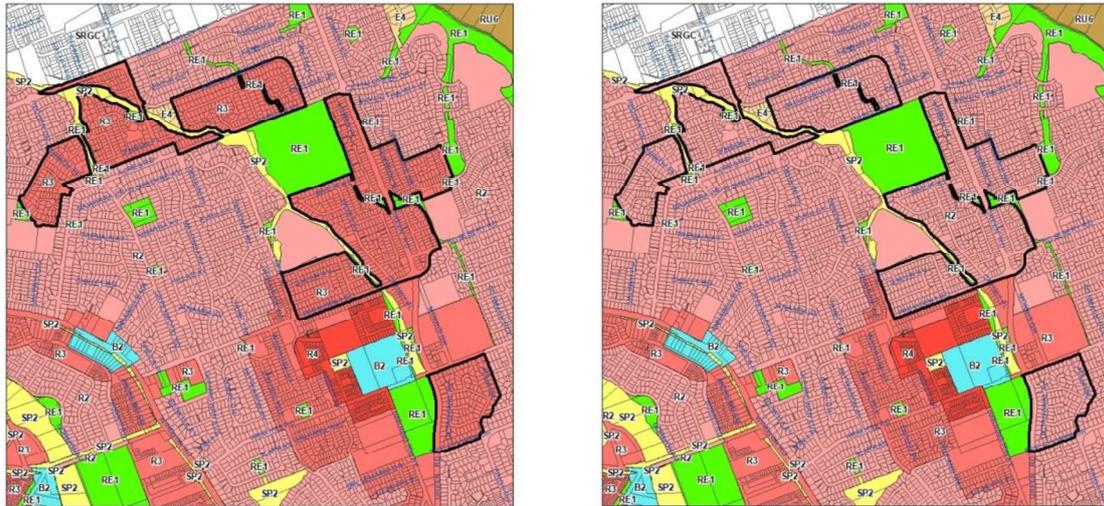


Figure 14
Proposed change of R3 Medium Density Residential to R2 Low Density Residential – Kellyville

Cattai Creek West deferred area (Showground Station precinct)

It is proposed to lift the deferred matter so that the underlying zoning will continue to apply. This is an interim measure pending a new planning proposal once the master planning process led by the Department of Planning, Industry and Environment is complete.

More information on this proposed change is included in Section B of the Planning proposal under the heading Direction 5.9 North West Rail Link Corridor Strategy.

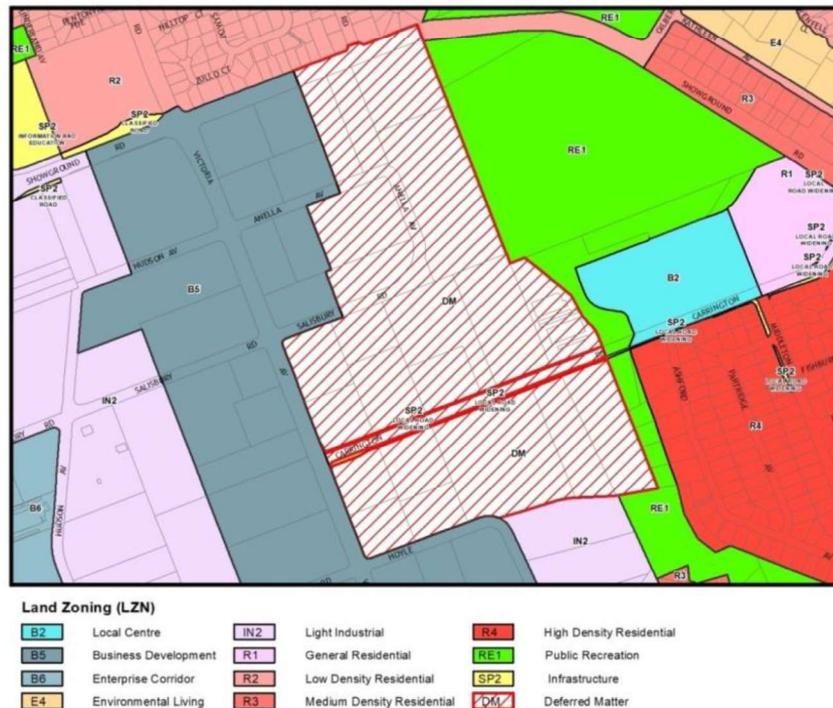
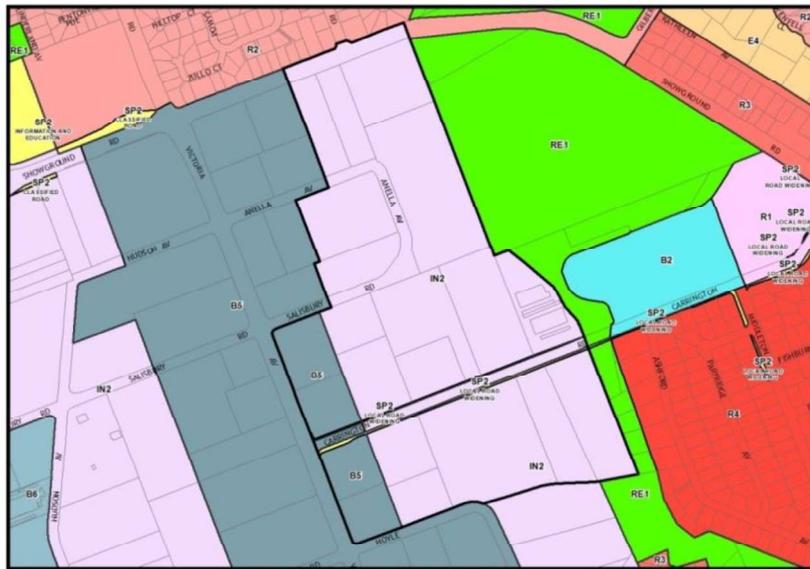


Figure 15
Existing LEP mapping Cattai Creek West



Land Zoning (LZN)

B2	Local Centre	IN2	Light Industrial	R4	High Density Residential
B5	Business Development	R1	General Residential	RE1	Public Recreation
B6	Enterprise Corridor	R2	Low Density Residential	SP2	Infrastructure
E4	Environmental Living	R3	Medium Density Residential		

Figure 16
Proposed LEP mapping Cattai Creek West

Height of Buildings, Floor Space Ratio and Key Sites Maps

The most significant proposed changes to the Height of Buildings, Floor Space Ratio and Key Sites maps are related to changes proposed at Castle Hill and Rouse Hill to reflect existing, approved or planned built form.

Rouse Hill strategic centre

Proposed changes to the height of buildings map for Rouse Hill reflect the those approved for the Northern Precinct Plan (354/2013/HB) and the Town Core Precinct Plan (1581/05/HB) (refer Figures 19-20).

A concept development application (1614/2019/JP) has been lodged for a revised Master Plan and Precinct Plan that proposes significant change to the built form and land use outcomes identified under the approved plans relating to the Northern Precinct. The landowners have agreed that a planning proposal is the most effective pathway for consideration of changes proposed for this location and is engaging in discussions with Council officers as to the planning proposal requirements. Should such a proposal not come to fruition, the current LEP review process offers an opportunity to put in place the maximum building height and dwelling numbers envisaged under the tiered approval process.

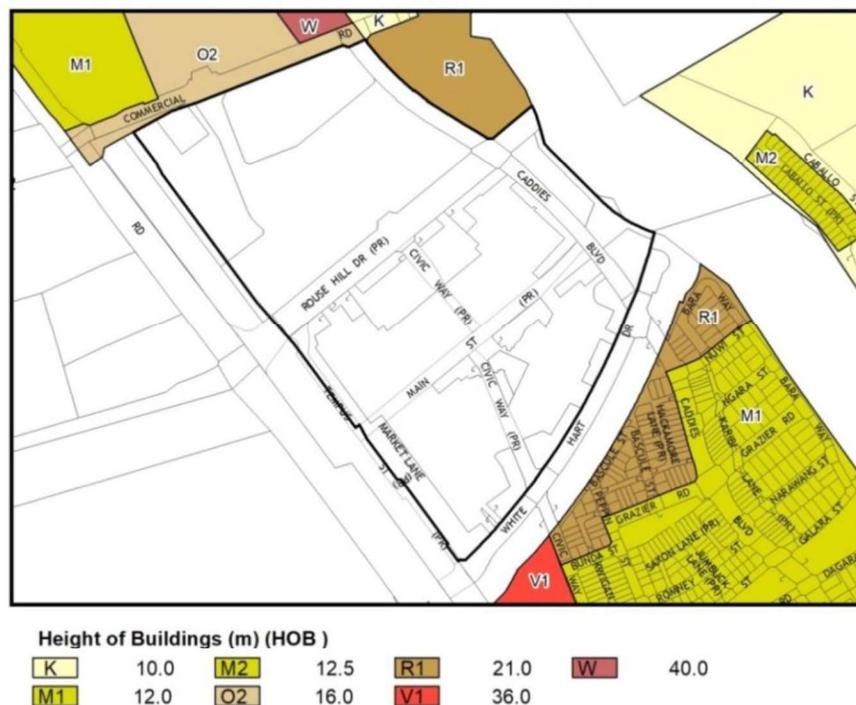
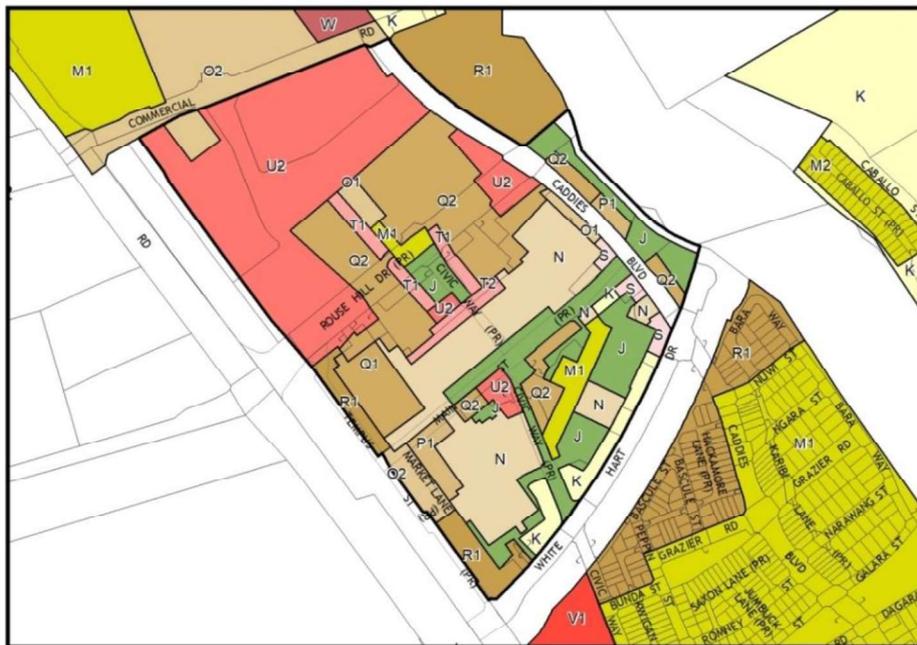


Figure 19
Existing Height of Buildings Map - Rouse Hill

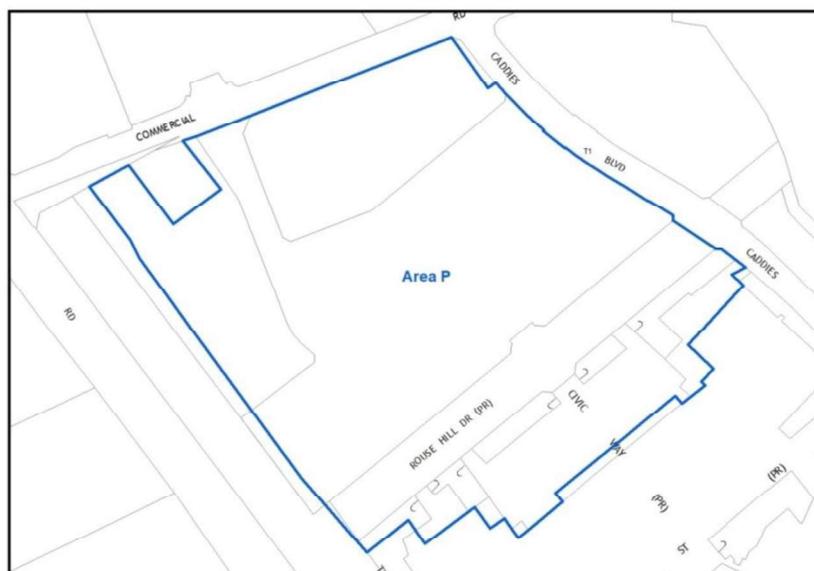


Height of Buildings (m) (HOB)

J	9.0	N	14.0	Q1	19.0	T1	25.0	W	40.
K	10.0	O1	15.0	Q2	20.0	T2	27.0		
M1	12.0	O2	16.0	R1	21.0	U2	32.0		
M2	12.5	P1	17.0	S	23.0	V1	36.0		

Figure 20
Proposed Height of Buildings Map - Rouse Hill

Introduction of a Key Sites Map and local provision (clause 7.16) applying to the Northern Precinct of Rouse Hill that caps the number of dwellings at 375, consistent with the scale of development approved under the process for the regional centre (refer Figure 21).

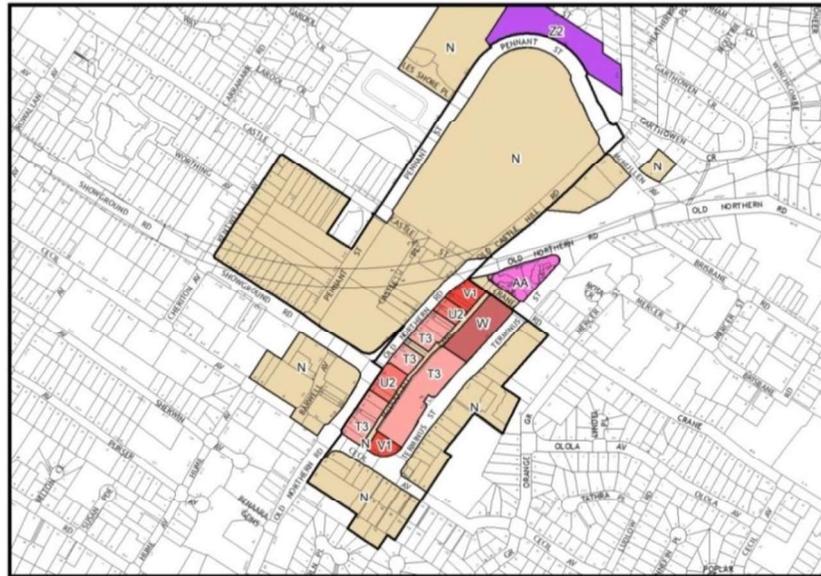


Key Sites Map
Area P

Figure 21
Proposed key sites map – location for dwelling cap Rouse Hill

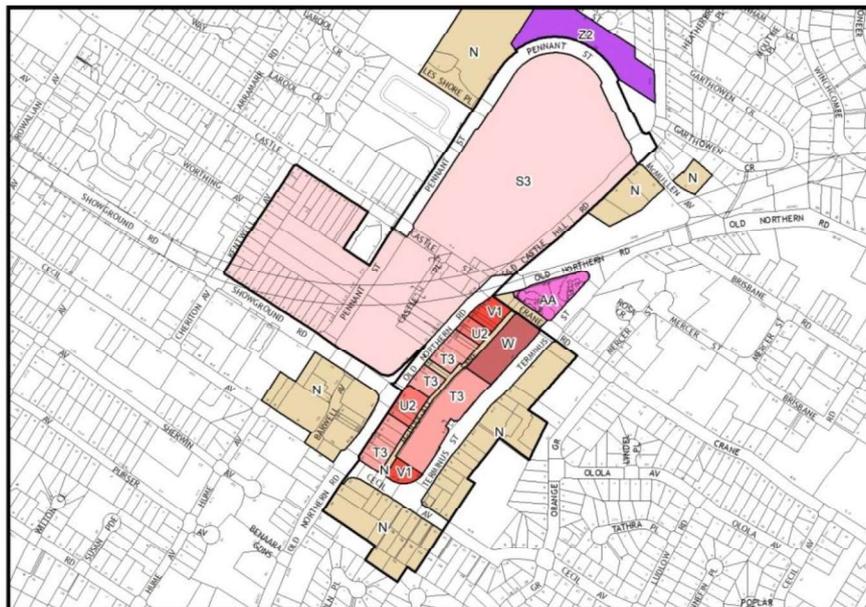
Castle Hill strategic centre

It is proposed to amend maximum height and floor space ratio mapping for Castle Hill to reflect the approval for Stage 3 expansion of Castle Towers (864/15/JP/B). Existing buildings on the Castle Towers development site exceed the current maximum floor space ratio and height controls, requiring considerable regulatory process and cost for even minor changes to the shopping centre. Amending the LEP to reflect the existing development consent brings the controls for this site up to date and recognises the role and function of the centre, pending further detailed planning.



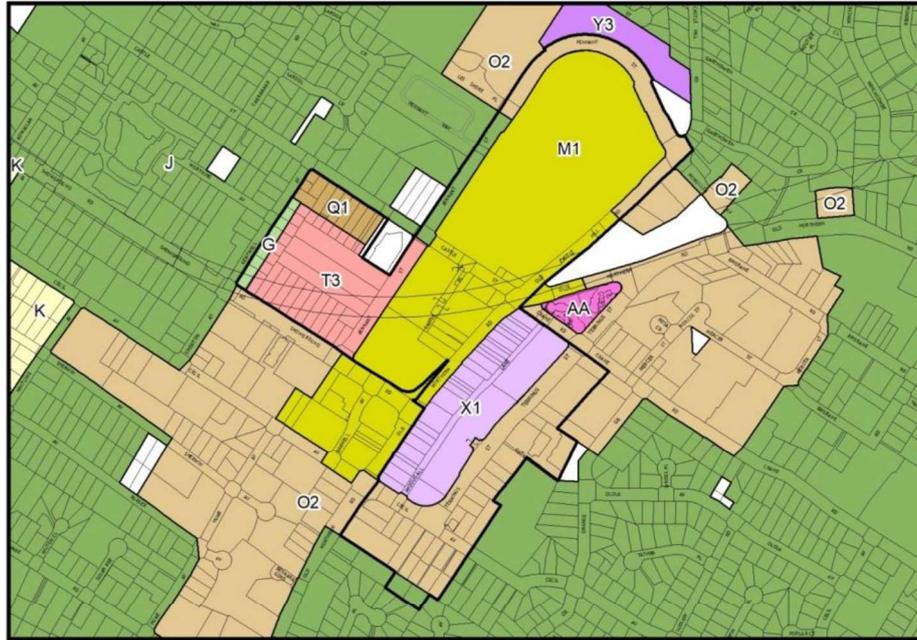
Maximum Floor Space Ratio (FSR) (n:1)							
N	1.0	U2	2.7	W	3.8	AA	6.4
T3	2.3	V1	3.0	Z2	5.5		

Figure 22
Existing Floor Space Ratio Map - Castle Hill



Maximum Floor Space Ratio (FSR) (n:1)							
N	1.0	T3	2.3	V1	3.0	Z2	5.5
S3	1.9	U2	2.7	W	3.8	AA	6.4

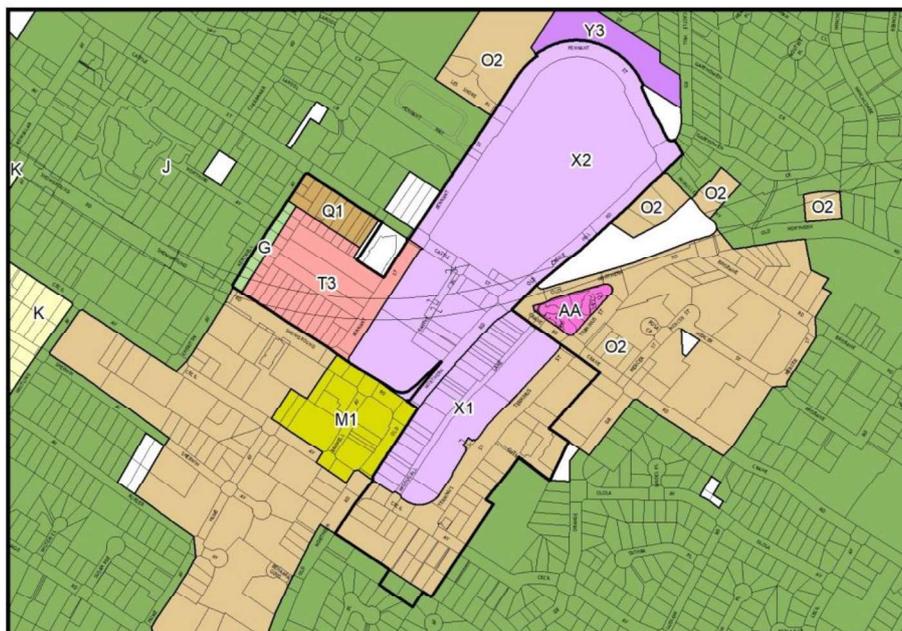
Figure 23
Proposed Floor Space Ratio Map – Castle Hill



Height of Buildings (m) (HOB)

G	7.0	M1	12.0	T3	28.0	AA	68.0
J	9.0	O2	16.0	X1	45.0		
K	10.0	Q1	19.0	Y3	54.0		

Figure 24
Existing Height of Buildings Map – Castle Hill



Height of Buildings (m) (HOB)

G	7.0	M1	12.0	T3	28.0	Y3	54.0
J	9.0	O2	16.0	X1	45.0	AA	68.0
K	10.0	Q1	19.0	X2	46.0		

Figure 25
Proposed Height of Buildings Map – Castle Hill

Land Reservation Acquisition and Lot Size Maps

Where land currently identified in the land Reservation Acquisition map has been acquired and has been confirmed to be in public ownership, this is proposed to be removed from the Land Reservation Acquisition Map. In most cases these changes relate to land acquired by Sydney Water for trunk drainage purposes as previously discussed in this proposal.

Corresponding changes have been made to the Lot Size Map to reflect cadastral boundaries.

A review of prevailing lot size and character has resulted in a proposed change to the lot size map affecting two areas in West Pennant Hills. The review was in response to the subdivision of land occurring in West Pennant Hills where there is an established, consistent pattern of development that contributes significantly to streetscape character yet the mapped minimum lot sizes permit subdivision into three or more lots which would significantly alter existing streetscape qualities.

It is proposed to amend the minimum lot size for the identified locations from 700m² to 2,000m². The proposed 2,000m² minimum lot size reflects the prevailing lot size at the subject locations and will assist in preserving established streetscape character as well as supporting a diversity of housing types in the established urban area.

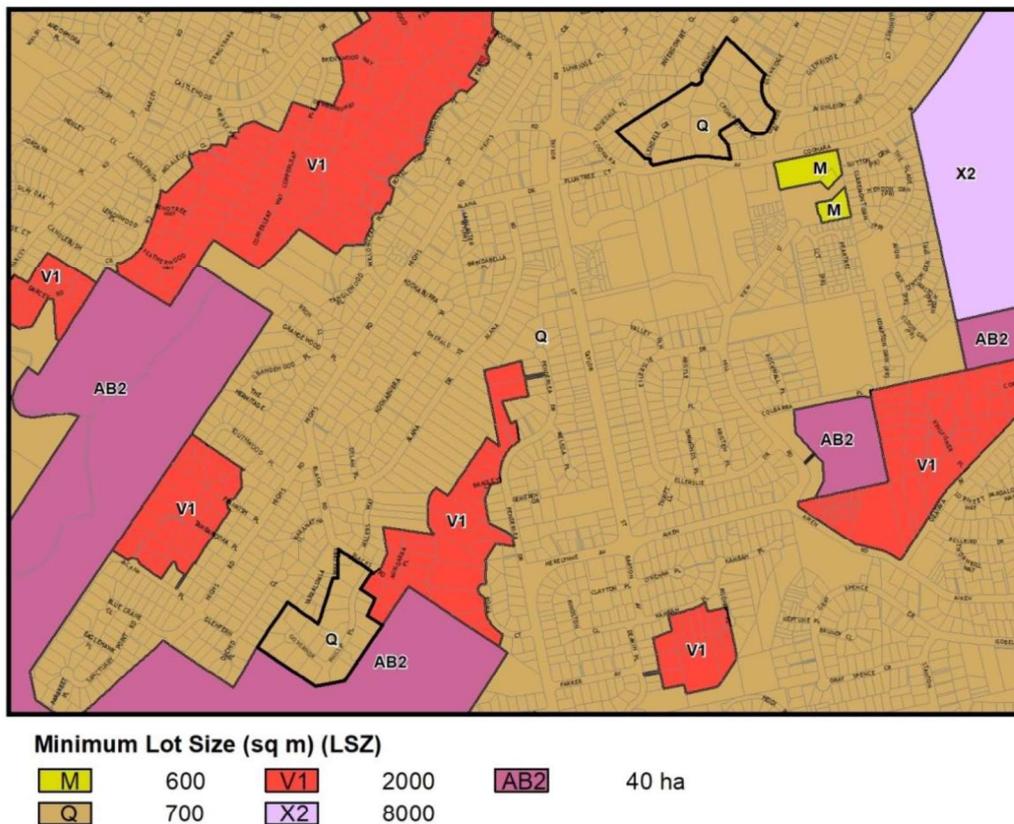
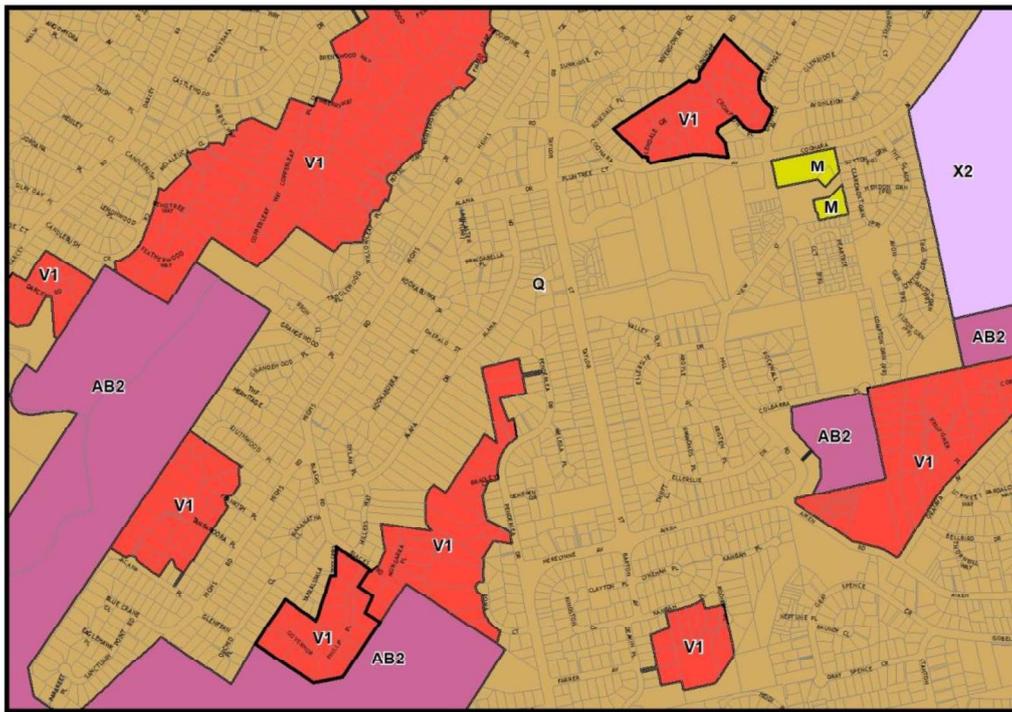


Figure 26
Existing Minimum Lot Size Map – West Pennant Hills



Minimum Lot Size (sq m) (LSZ)

M	600	V1	2000	AB2	40 ha
Q	700	X2	8000		

Figure 27
Proposed Minimum Lot Size Map – West Pennant Hills

Heritage Map

Minor amendments to the Heritage Map have been proposed to align the boundaries of heritage items with current cadastral boundaries following recent subdivisions as per the example below.

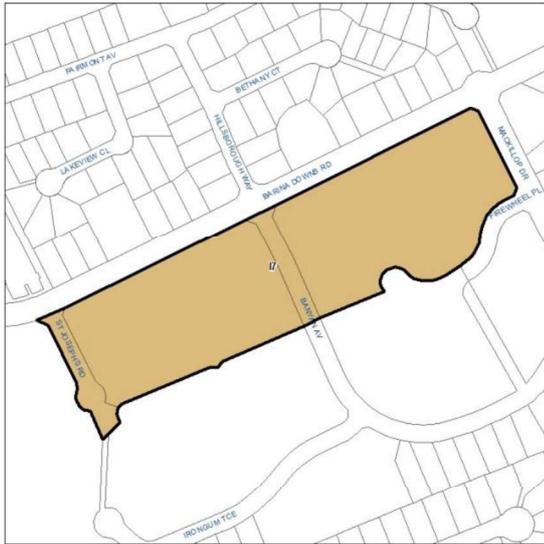


Figure 28

Existing boundaries of heritage item 17

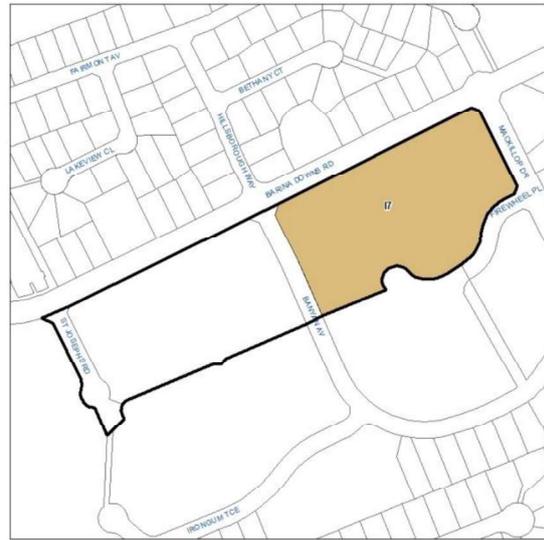


Figure 29

Proposed boundaries of heritage item 17

PART 5 COMMUNITY CONSULTATION

Exhibition of the subject planning proposal will require extensive community consultation and engagement.

Recommended engagement strategies include:

- Mail out to affected landowners;
- Dedicated 'Have Your Say' page on Council's website;
- Community Drop-in sessions at Council Libraries, Shopping Centres and community events;
- Advertisements in newspapers and community magazines;
- Advertisements on social media platforms; and
- Meetings with affected landowners as requested.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	February 2020
Government agency consultation	March 2020
Commencement of public exhibition period (28 days)	March 2020
Completion of public exhibition period	April 2020
Timeframe for consideration of submissions	April 2020
Timeframe for consideration of proposal post exhibition	April 2020
Report to Council on submissions	May 2020
Planning Proposal to PCO for opinion (if delegated)	June 2020
Date Council will make the plan (if delegated)	June 2020
Date Council will forward to department for notification (if not delegated)	June 2020