

**ITEM****PLANNING PROPOSAL - COMPREHENSIVE  
REVIEW OF THE HILLS LOCAL  
ENVIRONMENTAL PLAN 2012 (FP250) -  
LOCAL PLANNING PANEL****THEME:**

Shaping Growth.

**OUTCOME:**

5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity.

**STRATEGY:**

5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.

**MEETING DATE:****18 SEPTEMBER 2019**

LOCAL PLANNING PANEL

**AUTHOR:****PRINCIPAL PLANNER**

JANELLE ATKINS

**RESPONSIBLE OFFICER:****PROJECT MANAGER – LSPS AND LEP**

STEWART SEALE

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Proponent	COUNCIL INITIATED
Owner	VARIOUS
Site Area	NOT APPLICABLE
List of Relevant Strategic Planning Documents	GREATER SYDNEY REGION PLAN CENTRAL CITY DISTRICT PLAN DRAFT LOCAL STRATEGIC PLANNING STATEMENT SECTION 9.1 MINISTERIAL DIRECTIONS STATE ENVIRONMENTAL PLANNING POLICIES
Political Donation	NOT APPLICABLE
Recommendation	THAT THE PLANNING PROPOSAL PROCEED TO GATEWAY DETERMINATION

## EXECUTIVE SUMMARY

It is recommended that a planning proposal to review The Hills Local Environmental Plan 2012 be forwarded to the Department of Planning, Industry and Environment for Gateway Determination. The proposal will implement a number of strategic changes informed by the Greater Sydney Region Plan, Central City District Plan, Local Strategic Planning Statement (LSPS) and associated strategies.

Proposed amendments that are strategy related include:

### *Relationship with strategic plans*

- Amend the aims of the LEP to make clear the relationship with the Region Plan, District Plan and Local Strategic Planning Statement (Clause 1.2).
- Insert a new local provision to give effect to the LSPS priorities as part of development application assessment - unless there are sufficient grounds to justify the inconsistency (proposed clause 7.15).

### *Approach for strategic centres*

- Insert a new local provision to manage serviced apartment outcomes in employment zones (proposed clause 7.16).
- Change to height and floor space ratio controls in Castle Hill strategic centre to reflect approved heights and floor space at Castle Towers Shopping Centre (mapping change only).
- Apply Height of Buildings mapping to over land at Rouse Hill Town Centre to reflect approved precincts plans for the northern precinct and town centre core (mapping change only).
- Insert a new local provision to cap the maximum number of dwellings in the northern precinct of Rouse Hill Town Centre 375, consistent with the approved precinct plan (Key Sites mapping and proposed clause 7.17).

### *Changes for rural zones- to grow productive capacity, support services, tourism and manage impacts on character and amenity*

- RU1 Primary Production zone: Remove 'educational establishment' as a permitted land use and insert 'artisan food and drink industry', 'rural industry', 'service station' as permitted uses and prohibit 'sawmill or log processing works' (land use table).
- RU2 Rural Landscape zone: Insert 'artisan food and drink industry' and 'markets' as permitted land uses (land use table).
- RU6 Transition zone: Remove 'places of public worship' (current planning proposal), 'public administration buildings' and 'restaurants or cafes' as permitted land uses, prohibit 'livestock processing industries', 'sawmill or log processing works', 'stock and sale yards' and insert 'rural industry', 'markets', 'cellar door premises', 'artisan food and drink industry' as permitted uses (land use table).
- Insert optional Standard Instrument clause relating to subdivision of, or dwellings on, land in certain rural, residential or environment protection zones, to minimise conflict between residential and rural land uses (proposed clause 5.16).

### *Changes for residential zones- to recognise prevailing character and manage future character*

- Introduce a Built Character Map and associated clause to specify place specific objectives relating to existing or desired future character. It will initially only apply to Showground Station Precinct where precinct planning process has been completed (mapping change and proposed clause 5.18).
- Rezoning of certain land from R3 Medium Density Residential to R2 Low Density Residential in Kellyville/Rouse Hill locality to respond to prevailing built form and low density character (mapping change only).

- Increase in minimum lot size mapping for two locations in West Pennant Hills from 700m<sup>2</sup> to 2,000m<sup>2</sup> to preserve established streetscape character (mapping change only).

*Changes for neighbourhood centres- to facilitate uses consistent with small scale nature*

- B1 Neighbourhood Centre Zone: Remove 'shops' from permissible uses (neighbourhood shops and neighbourhood supermarket will remain permitted) and insert 'artisan food and drink industry' (land use table).

*Housekeeping changes*

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 and classified. More notable housekeeping changes include:

- Revert to underlying zoning in the deferred matters area of Showground Station Precinct whilst precinct planning is being finalised (mapping change only).
- 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 (Clause 5.3).
- Adjust the zoning of some land zoned SP2 Infrastructure (stormwater management) to the relevant adjacent zone to match cadastral boundaries (mapping change only).
- Remove Land Reservation Acquisition mapping from land in public ownership (mapping change only).
- Rezone two parcels RE1 Public Recreation that form part of Council's reserves (mapping change only).
- Rezone land and amend relevant controls in Grey Gums Estate North Kellyville to reflect built form (mapping change only).
- Amend Schedule 4 Classification and reclassification of public land to identify publicly owned land in Terminus Street Castle Hill, to discharge trusts applying to the land as originally intended.

Further detail on each of the proposed changes is included in the report and attachments.

Draft Local Environmental Plan 2020 resets the base for future decisions surrounding land use planning and management for the Hills Shire as guided by the new Local Strategic Planning Statement and the regional and district plans. Forwarding the planning proposal for Gateway Determination is a significant milestone in the accelerated plan making process established by the NSW Government to implement upfront strategic planning and the provision of advice by the Panel will assist in reaching regulatory timeframes.

## **REPORT**

The purpose of this report is to present the proposal for comprehensive review of The Hills Local Environmental Plan to the Local Planning Panel for advice in accordance section 2.19 of the Environmental Planning & Assessment Act 1979 (EP&A Act). It provides the following information to assist Panel consideration of the proposal:

- Legislative and strategic framework;
- Overview of LSPS actions that are relevant to the review; and
- Description of planning proposal including changes to the LEP that arise from the strategy work and changes that are a result of housekeeping.

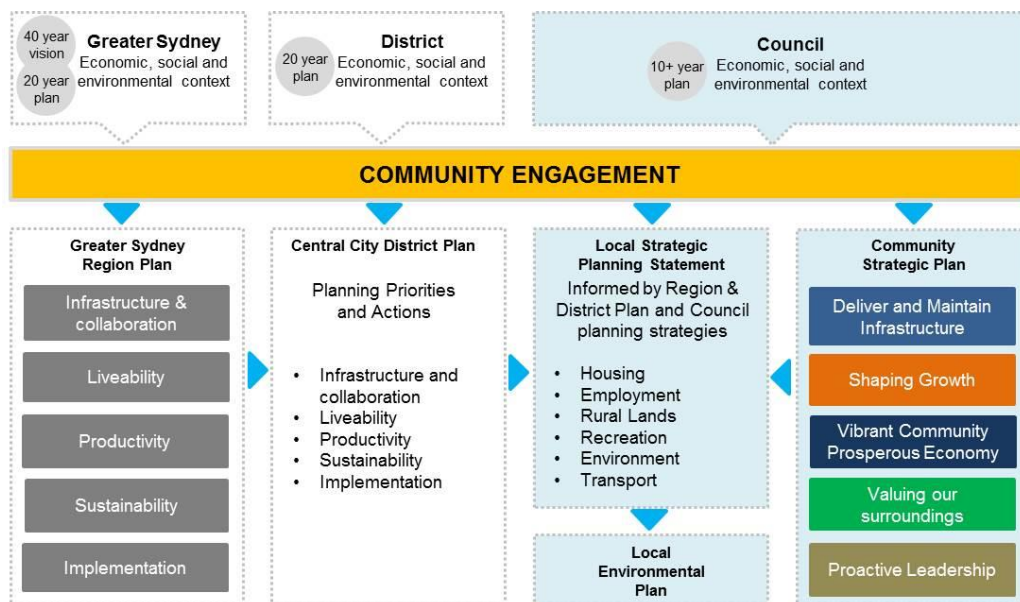
## 1. LEGISLATIVE & STRATEGIC FRAMEWORK

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.

### Local Strategic Planning Statement

Clause 3.9 of the Environmental Planning & Assessment Act (EP&A Act) establishes the requirement for councils to prepare a Local Strategic Planning Statement and review the statement at least every 7 years. The Statement must include:

- The basis for strategic planning in the area having regard to economic, social and environmental matters;
- The planning priorities consistent with any other strategic plan (Greater Sydney Region Plan and Central City District Plan) and Community Strategic Plan;
- The actions for achieving the planning priorities; and
- The basis on which Council is to monitor and report on the implementation.



**Figure 1**  
Relationship of LSPS to other strategic documents

The Hills draft Local Strategic Planning Statement provides details upon which to base planning decisions and drive future land use planning and the management of growth in the Shire. It links with Council's Community Strategic Plan to guide the use of land to achieve broader community goals. The draft LSPS and associated documents was considered by Council on 25 June 2019 when Council resolved to exhibit the LSPS, Implementation Plan and supporting strategies.

Exhibition occurred from 1 July 2019 until 9 August 2019 resulting in 80 public submissions and 9 public authority submissions. Evaluation of submissions is well progressed and it is anticipated the final draft LSPS will be reported to Council in October seeking endorsement. A preliminary review of submissions indicates that, whilst there will be refinements to clarify some actions and timing, there is not likely to be significant material change to the policy content of the final LSPS document.

A copy of the draft LSPS and supporting documents was mailed to all Local Planning Panel members on 5 August 2019 for their consideration in matters referred to the Panel for advice and also as a precursor to the current planning proposal for the comprehensive review of Council's local environmental plan (referred to as LEP 2020).

### **Accelerated LEP Review Program**

Under the provisions of Clause 3.8 of the EP&A Act Council is required to review LEP 2012 to give effect to the Central City District Plan. The initial timeframe for completion of amendments to the LEP 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 requirement for completion of the LEP review by June 2020.

### **Assurance Process**

Noting the accelerated timeframes for the completion of the strategic work and LEP review, the Greater Sydney Commission (GSC) established a three phase assurance program. The submission of an LEP Review document to the Commission in October 2018 represented the first phase of assurance and essentially examined how The Hills LEP aligned with the priorities and actions in the Central City District Plan and further investigations required to inform the preparation of an updated LEP. In December 2018 Council received confirmation that it had complied with Phase 1 Assurance.

On 28 March 2019 the draft LSPS was presented for the second phase of the assurance process. A number of outcomes were agreed and informed changes to the draft LSPS prior to exhibition including more information on the role of the different strategic centres, priorities for staging of growth and sequencing regional transport connections and clarification of the location of the urban growth boundary.

The third and final stage of the assurance process for the LSPS is intended for 6 November 2019. At this time Council will be required to provide to the GSC Assurance Panel a Council endorsed final draft of the LSPS and a summary of proposed LEP updates that will address the requirements of Clause 3.8 of the EP&A Act to give effect to the District Plan.

### **Timeframe for completion**

The timeline for finalisation of the LSPS and referral of the planning proposal to the Department of Planning, Industry & Environment is as follows:

Referral of planning proposal to Local Planning Panel	18/09/2019
Councillor Briefing – Post exhibition LSPS and new draft LEP	01/10/2019
LSPS Technical Health Check with GSC and agencies	02/10/2019
Report to Council to endorse LSPS for purpose of Assurance	22/10/2019
Endorsement of LSPS by GSC Assurance Panel	06/11/2019
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

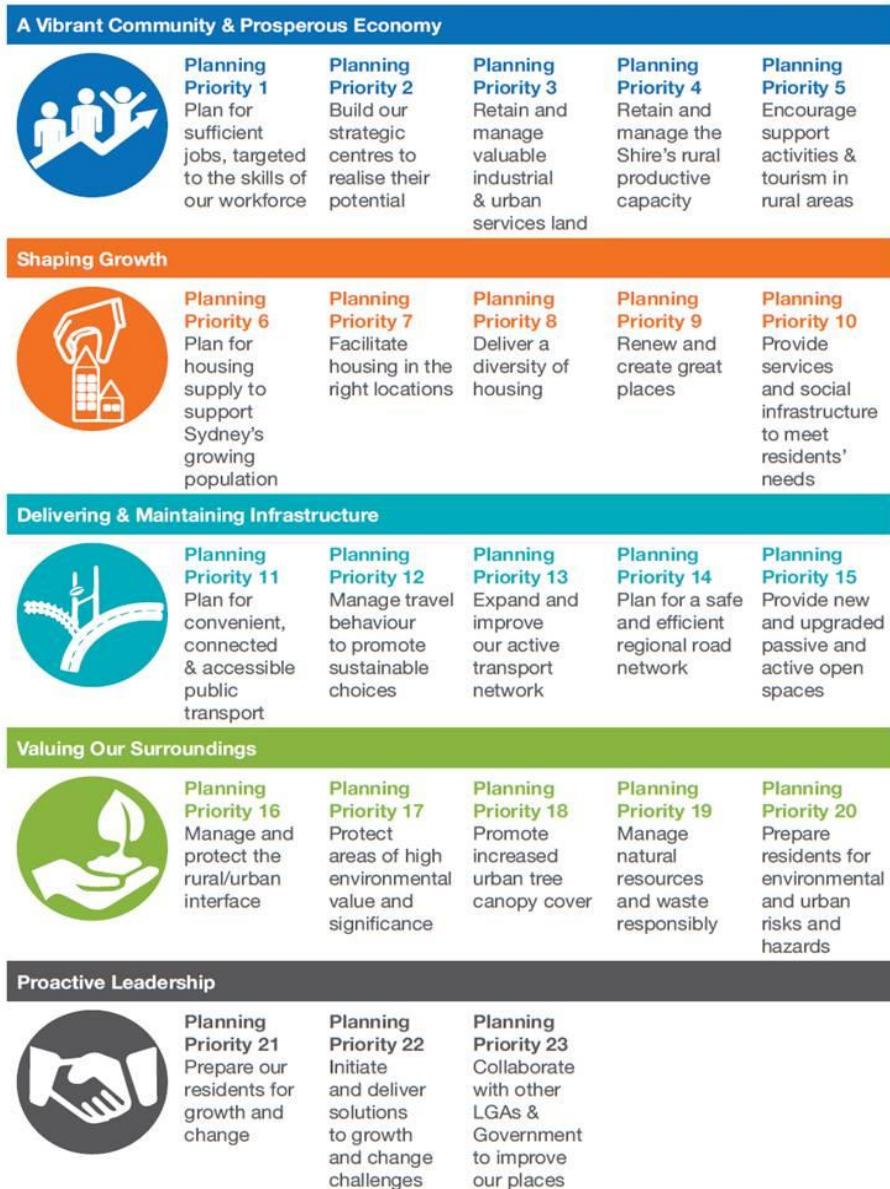
The receipt of Panel advice at this stage of the process will facilitate completion of the GSC assurance process as well as enabling progression of the planning proposal towards the June 2020 milestone.

## 2. LOCAL STRATEGIC PLANNING STATEMENT

The draft Local Strategic Planning Statement responds to the objectives and actions contained in the Greater Sydney Region Plan and Central City District Plan. It contains a number of priorities and actions for the next 5 years that will provide for housing, jobs, parks and services for the growing population.

### Our Planning Priorities

These planning priorities will guide our planning decisions over the next 5 years.



**Figure 2**  
LSPS themes and priorities

The draft LSPS and Implementation Plan inform changes to Council's land use planning framework including The Hills Local Environmental Plan 2012 which has been in place since 5 October 2012.

Specific actions relevant to the current review of Council's LEP are:

- 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).

### **3. PLANNING PROPOSAL**

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.

Attachment 1 provides a marked up version of Draft The Hills LEP 2020 with changes highlighted yellow. Whilst suggested new clauses have been drafted, it is noted that changes will be subject to legal review and drafting.

It is noted that the mark ups have been made to 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.

Attachment 2 provides information on the range of changes proposed to LEP maps. The following information is provided on the key written instrument and mapping changes as part of the current review process.

#### **a. Relationship with strategic 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 consent must not be granted for development inconsistent with the LSPS priorities unless there are sufficient grounds to justify the inconsistency. 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.

#### **b. Strategic Centres**

The draft LSPS contains a Structure Plan for each strategic centre to indicate where jobs and housing will be focussed. They are informed by 'Principles for Greater Sydney Centres' contained in the region and district plans. They set out desired land uses, accessibility and public domain to grow investment and jobs in strategic centres.

These plans represent the 20 year vision to be considered at the strategic planning level and will ultimately be implemented through precinct planning work to guide built form, improvements to transport, connectivity and accessibility and necessary infrastructure to support growth.

Pending the completion of the more detailed precinct planning there is opportunity to update the principal development standards for maximum height and floor space ratio (where relevant) to reflect the approvals to date. These changes are consistent with the action in Planning Priority 1 to protect the role and function of strategic centres and are an interim measure that will enable full urban capability assessment for each centre to occur, either by way of an owner initiated planning proposal or wider precinct planning.

The proposed changes are:

#### ***New Local Provision – serviced apartments***

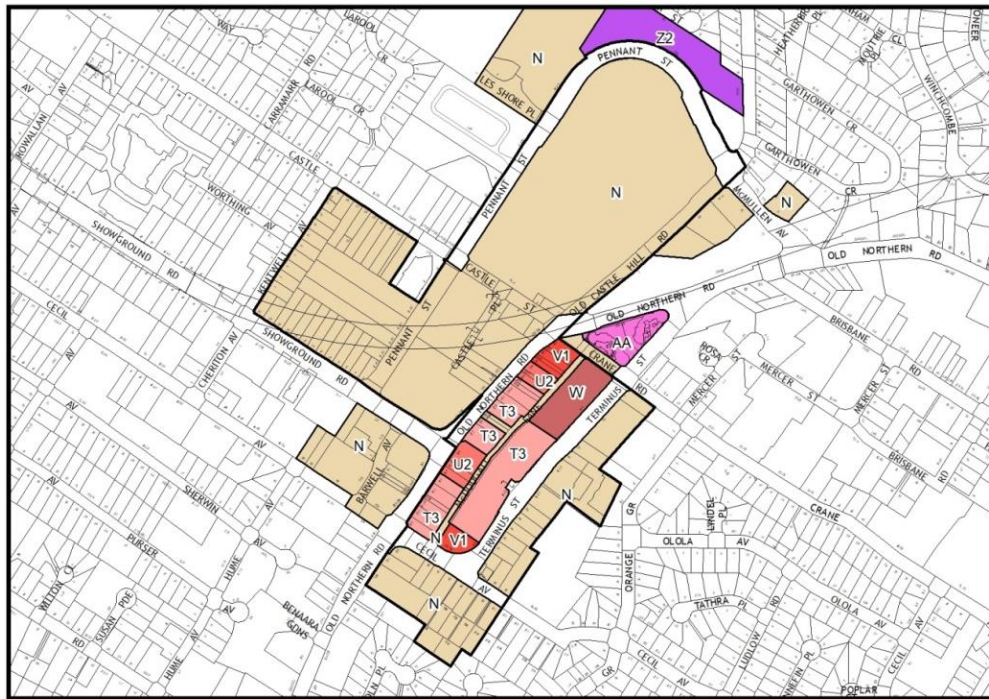
The proposed clause (Part 7) would apply to land zoned B4 Mixed Use and B7 Business Park and seeks to encourage employment opportunities in higher order employment areas by ensuring that a minimum proportion of the available floor space is provided for commercial purposes. It also seeks to prevent substandard residential accommodation occurring through the conversion of serviced apartments to a residential flat building where permitted (B4 zone).

#### ***Castle Hill strategic centre***

- Amendment of Height of Buildings Map and Floor Space Ratio Map for Castle Hill to reflect the approval for Stage 3 expansion of Castle Towers (864/15/JP/B). The current mapped maximum floor space ratio is 1:1 and the maximum height is 12 metres. The proposed maximum floor space ratio is 1.9:1 and the maximum height is 46 metres (refer Figures 3-6).

Existing buildings on the Castle Towers development site exceed the current maximum floor space ratio and height controls, requiring preparation of a clause 4.6 applications and regulatory process and cost for even minor changes to the shopping centre. The approved Stage 3 development has a maximum floor space ratio of 1.86:1 and a maximum height of 46 metres. 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 more detailed planning process.



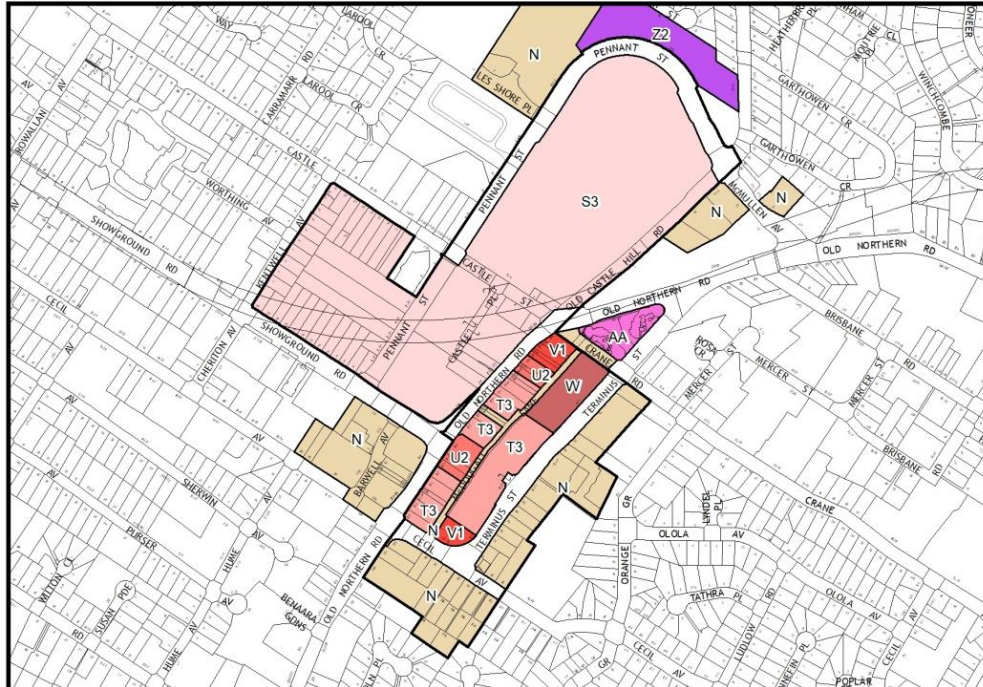


**Maximum Floor Space Ratio (FSR) (n:1)**

N	1.0	U2	2.7	W	3.8	AA	6.4
T3	2.3	V1	3.0	Z2	5.5		

**Figure 3**

Existing Floor Space Ratio Map - Castle Hill



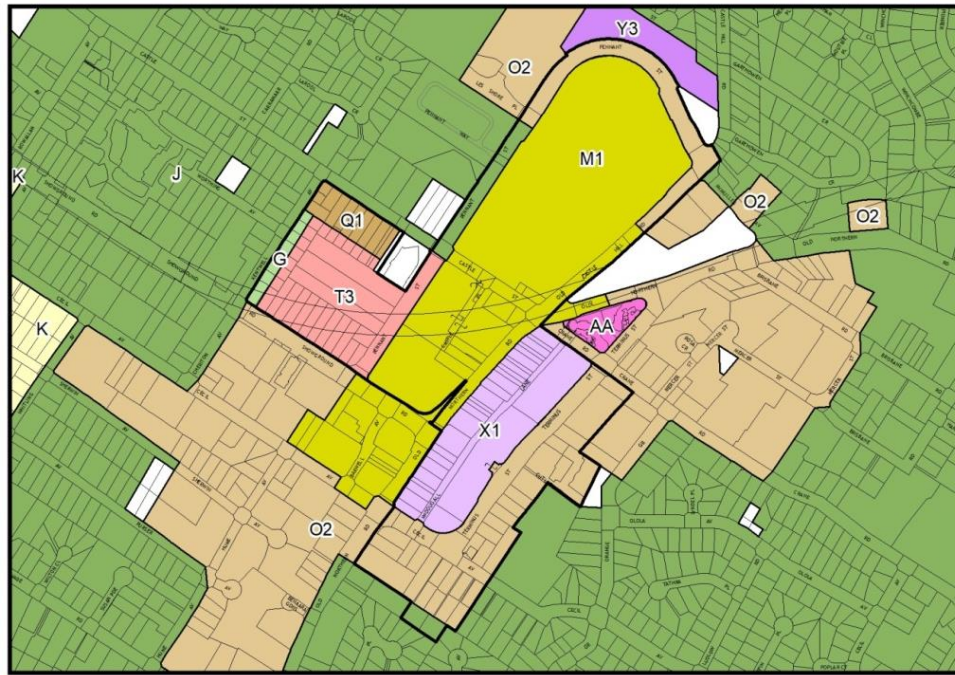
**Maximum Floor Space Ratio (FSR) (n:1)**

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 4**

Proposed Floor Space Ratio Map – Castle Hill

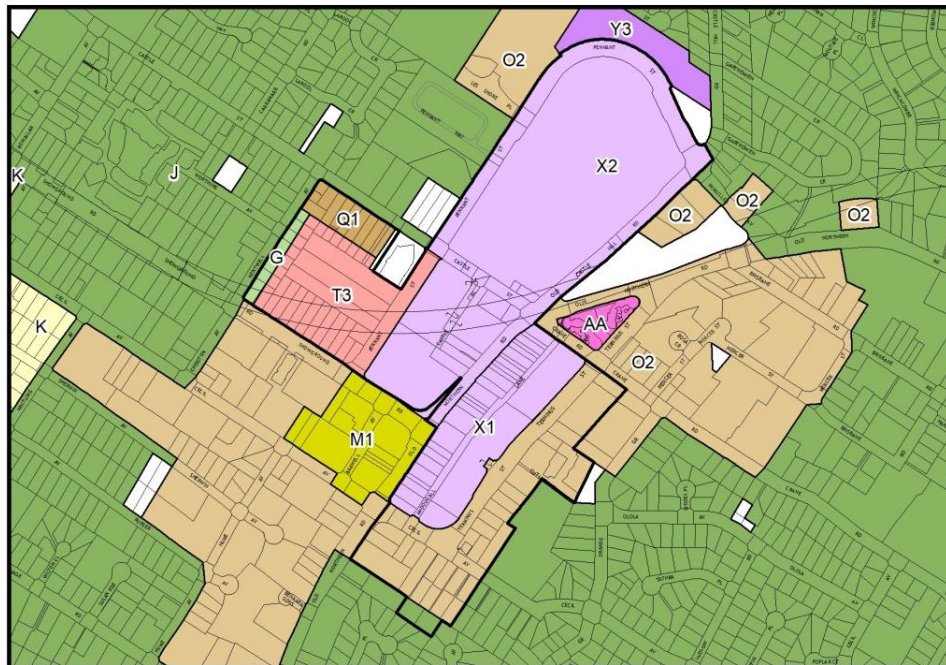




Height of Buildings (m) (HOB )

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 5**  
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 6**  
Proposed Height of Buildings Map – Castle Hill

### ***Rouse Hill strategic centre***

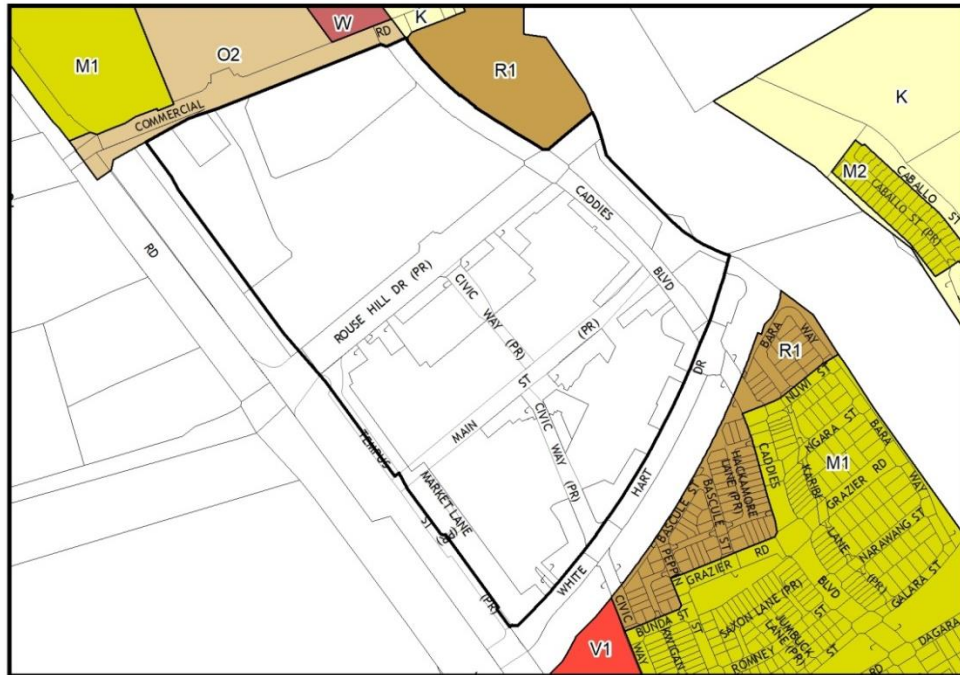
Since its planning in the early 2000s the approval for Rouse Hill Regional Centre has been a tiered process involving Level 1, Level 2 and Level 3 development applications. Level 1 is the Master Plan which sets the broad parameters for development of the centre, Level 2 is the Precinct Plan which provides further detail regarding the development of specific precincts and Level 3 applications are for specific sites and allow physical works to be undertaken. This framework was intended to provide certainty with respect to development outcomes, whilst also enabling some degree of flexibility to achieve optimal design outcomes as part of individual built form development applications.

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. Whilst it is recognised that there is opportunity for Rouse Hill to build on its role as a strategic centre, given the proximity to the new Rouse Hill station and the planned Rouse Hill hospital, further detailed investigations are needed to determine the appropriate outcomes in terms of residential density, employment potential, built form, and infrastructure and services to support growth.

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. In this circumstance the following changes would be considered:

- Application of Height of Buildings Map for Rouse Hill regional centre. The proposed maximum heights reflect those approved for the Northern Precinct Plan (354/2013/HB) and the Town Core Precinct Plan (1581/05/HB) (refer Figure 7-8).
- Introduction of a Key Sites Map and local provision applying to the Northern Precinct of Rouse Hill that caps the maximum number of dwellings at 375, consistent with the scale of development approved under the process for the regional centre (refer Figure 9).

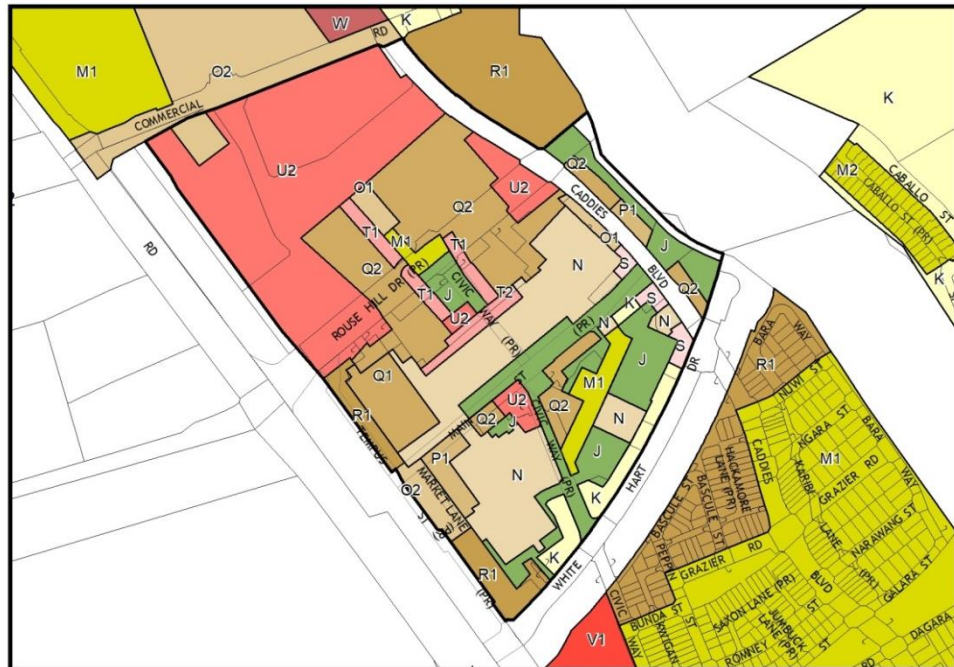




Height of Buildings (m) (HOB )

K	10.0	M2	12.5	R1	21.0	W	40.0
M1	12.0	O2	16.0	V1	36.0		

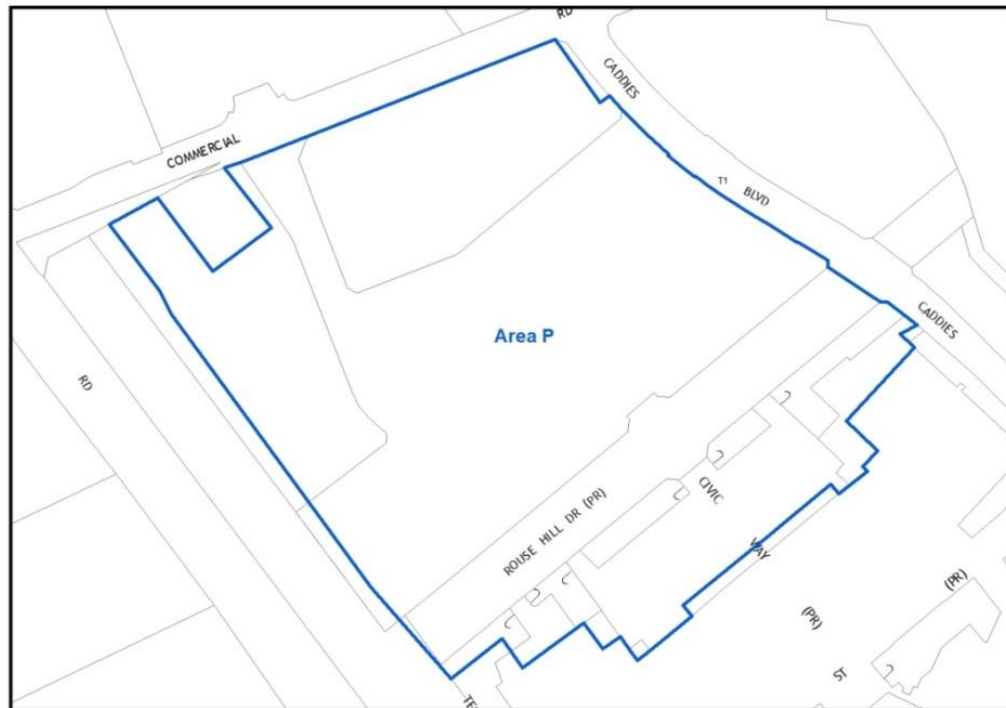
**Figure 7**  
Existing Height of Buildings Map - Rouse Hill



Height of Buildings (m) (HOB )

J	9.0	N	14.0	Q1	19.0	T1	25.0	W	40.0
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 8**  
Proposed Height of Buildings Map - Rouse Hill



### Key Sites Map

Area P

**Figure 9**

Proposed key sites map – location for dwelling cap Rouse Hill

### **c. Changes for rural zones**

Council's Draft LSPS and Rural Strategy include a focus on the Shire's rural productive capacity, noting that there is opportunity to play an increasingly important role in the region with strategic connections planned south to the Western Sydney International Airport and north to the Central Coast. There is also opportunity to grow rural support services and tourism to grow the local economy. At the same time it is recognised that the character and amenity offered by rural areas is highly valued and there is need to carefully manage land use outcomes.

To address the issues and opportunities in rural locations changes are proposed to the permitted uses in each of the zones as set out below.

#### ***RU1 Primary Production zone***

It is proposed to remove 'educational establishments' as permitted land uses and insert 'artisan food and drink industry', 'rural industry', 'service station' as permitted uses and prohibit 'sawmill or log processing works'.

It is noted that 'rural industry' is a group term under the Standard Instrument LEP that covers separately defined uses 'agricultural produce industries', 'livestock processing industries', 'stock and sale yards'. These land uses whilst removed from the land use table will continue to be permitted under the group term. The changes to the RU1 zone reflect a focus on primary production and rural economic activity and are consistent with LSPS Planning Priority 4: Retain and manage the Shires rural productive capacity.

## ***RU2 Rural Landscape zone***

It is proposed to insert 'artisan food and drink industry' and 'markets' as permitted land uses. This change encourages tourism in the rural area as well as encouraging provision of farm produce directly to the public. This approach is consistent with LSPS Planning Priority 4: Retain and manage the Shire's rural productive capacity (Action 4.1), and LSPS Planning Priority 5: Encourage rural support activities and tourism in rural areas (Action 5.2).

## ***RU6 Transition zone***

It is proposed to add a local objective 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 are to remove 'places of public worship' (current planning proposal), 'public administration buildings' and 'restaurants or cafes' as permitted land uses; prohibit 'livestock processing industries', 'sawmill or log processing works', 'stock and sale yards' and insert 'rural industry', 'markets', 'cellar door premises', 'artisan food and drink industry' as permitted uses.

These changes are to clarify the types of land use that are consistent with the prevailing character, as well as encouraging rural support industries and tourism. This approach is consistent with LSPS Planning Priority 5: Encourage rural support activities and tourism in rural areas (Action 5.2) and Planning Priority 4: Retain and manage the Shire's rural productive capacity (Action 4.1).

## ***Inclusion of optional 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 land in the rural and environmental zones.

The clause would require consideration of existing and proposed surrounding land uses, as well as whether the proposal would significantly impact on land uses that are likely to be preferred when assessing applications for the erection of dwelling houses or subdivision of land for the purposes of a dwelling in these zones.

The ability of council to consider whether a development would be incompatible with a preferred use would allow greater prominence to be given to agricultural and primary production use. This is consistent with LSPS Planning Priority 4: Retain and manage the Shire's rural productive capacity (Action 4.2)

### **d. Changes for residential zones**

The Hills is responding to a period of significant change as urban renewal occurs along the corridor of the Sydney Metro Northwest whilst greenfield development occurs in the North Kellyville and Box Hill release areas. In responding to the residential growth proposed there is a focus at both State and local level on place making and the character of urban areas. Council's LSPS and Housing Strategy seek to renew and create great places whilst delivering a diversity of housing in the right locations.

To address the issues and opportunities in residential locations changes are proposed that respond to the prevailing character of certain areas and to provide a mechanism that will assist with maintaining existing and guiding anticipated future character as outlined below.

## ***Introduction of Built Character Map***

This proposed change would introduce a new Built Character Map for Showground Station Precinct initially which could ultimately be applied in other suitable locations throughout the



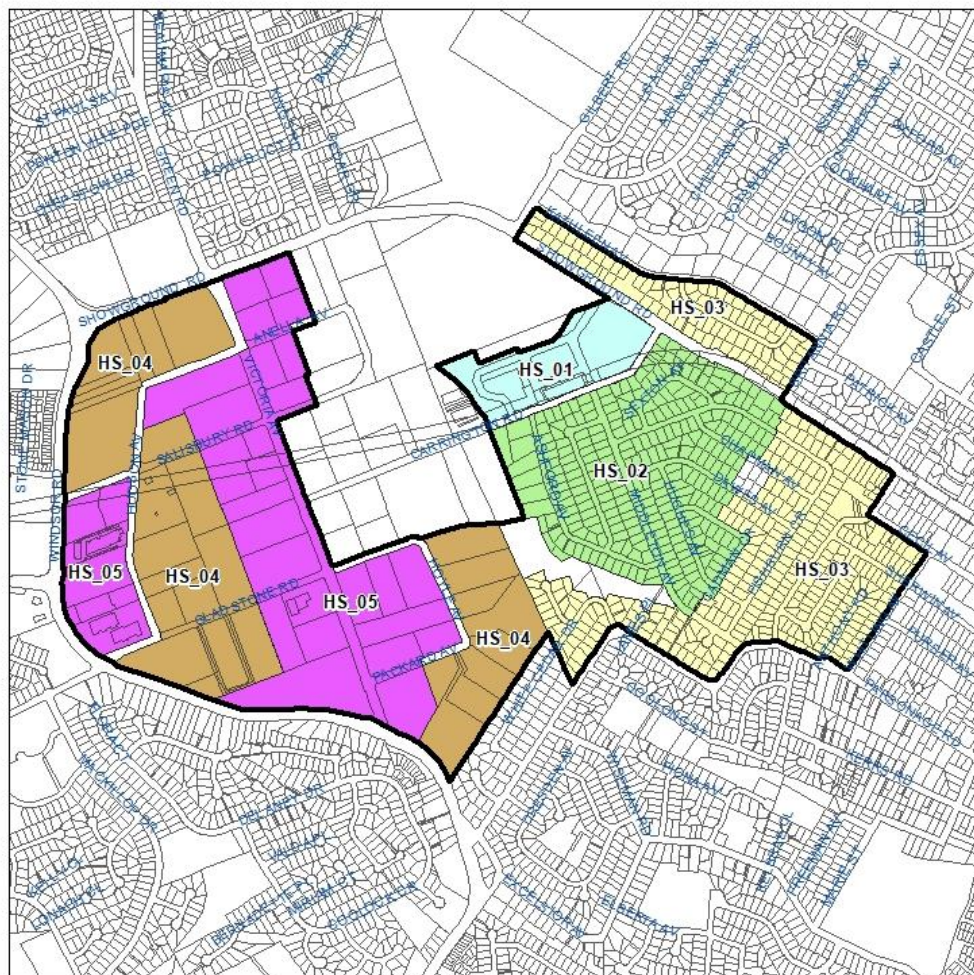
Shire. Character areas nominated on the map would be subject to a clause containing place specific objectives related to existing or desired future character.

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

The proposed change responds to LSPS Planning Priority 9: Renew and create great places. They are a new mechanism, flagged by the Department of Planning, Industry and Environment in an exhibited Discussion Paper in May 2019 and will assist in bringing about desired built form and public domain 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 10**

Proposed Character Areas – Showground Station Precinct

Note: to be read in conjunction with draft clause in Part 7 of marked up written instrument (Attachment 1)

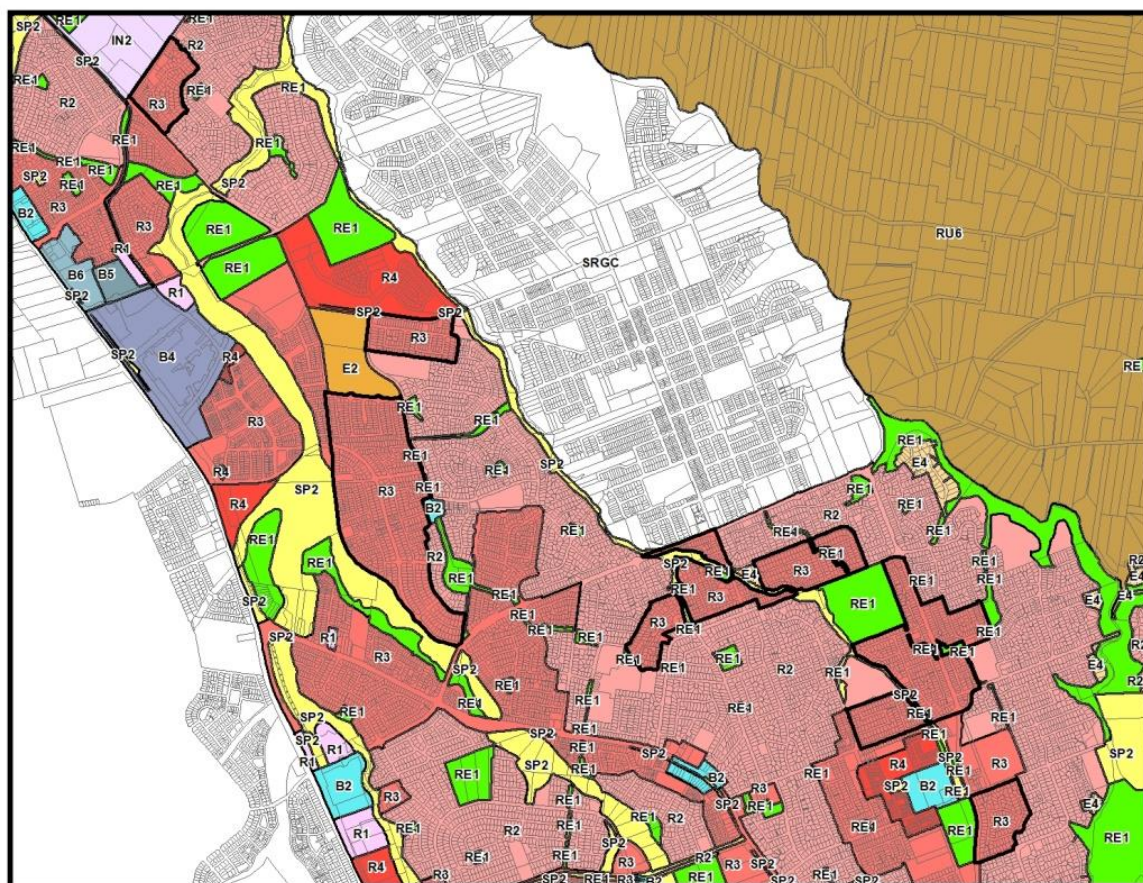


## Review of land zoned R3 Medium Density Residential

A change of zone from R3 Medium Density Residential to R2 Low Density Residential is proposed in a number of locations through Rouse Hill, Beaumont Hills and Kellyville. The proposed changes respond to LSPS Planning Priority 8 to deliver a diversity of housing, specifically the action to review residential zoning, 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 zoned R3 Medium Density Residential.

Development that has occurred in a significant part of the land zoned R3 Medium Density Residential in the Kellyville Rouse Hill Development Area is conventional single dwellings best suited to an R2 Low Density Residential zoning. In determining areas where an R2 zoning would be more appropriate, consideration was given to the following criteria:

- Age of existing building stock.
- Distance from centres.
- Prevailing built form and character and protection of amenity for residents.
- Capacity of existing infrastructure to accommodate significant change.

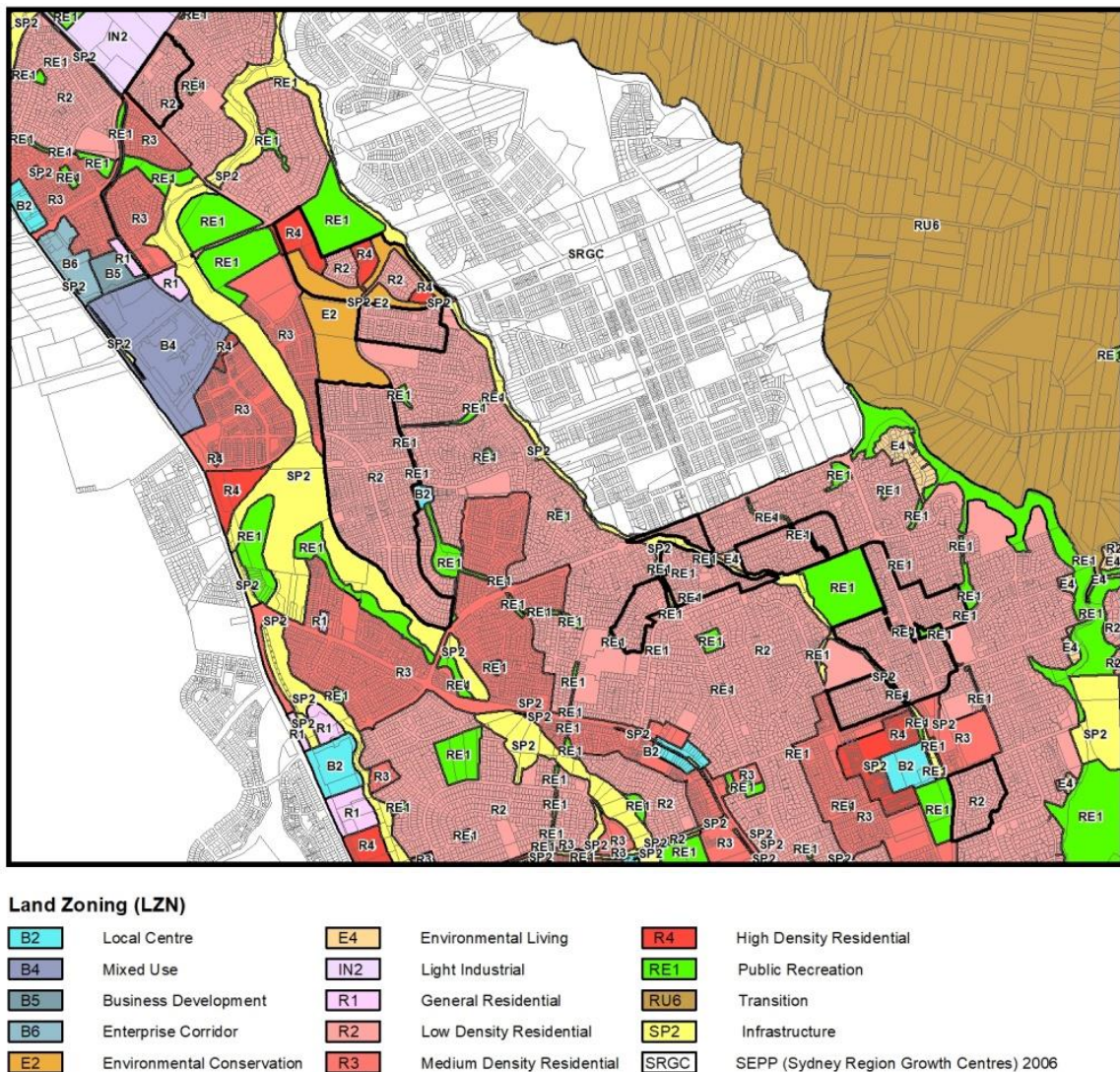


### Land Zoning (LZN)

<b>B2</b>	Local Centre	<b>E4</b>	Environmental Living	<b>R4</b>	High Density Residential
<b>B4</b>	Mixed Use	<b>IN2</b>	Light Industrial	<b>RE1</b>	Public Recreation
<b>B5</b>	Business Development	<b>R1</b>	General Residential	<b>RU6</b>	Transition
<b>B6</b>	Enterprise Corridor	<b>R2</b>	Low Density Residential	<b>SP2</b>	Infrastructure
<b>E2</b>	Environmental Conservation	<b>R3</b>	Medium Density Residential	<b>SRGC</b>	SEPP (Sydney Region Growth Centres) 2006

**Figure 11**  
Existing locations of R3 Medium Density Residential – Kellyville/Rouse Hill





**Figure 12**  
Proposed changes of R3 to R2 Low Density Residential – Kellyville/Rouse Hill

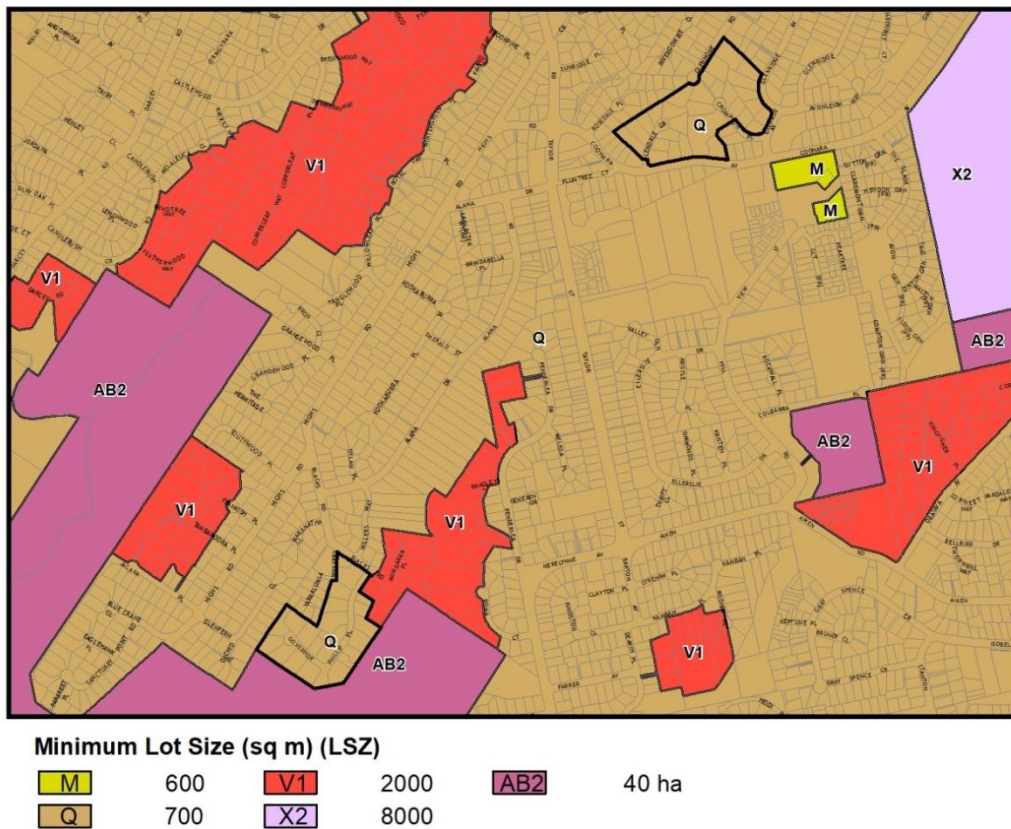
### ***Review of prevailing lot size and character***

In July 2017 Council resolved to undertake a review of lot size standards in The Hills LEP 2012 as they relate to streets with prevailing established character, specifically streets with lot sizes larger than the minimum specified in the LEP. 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.

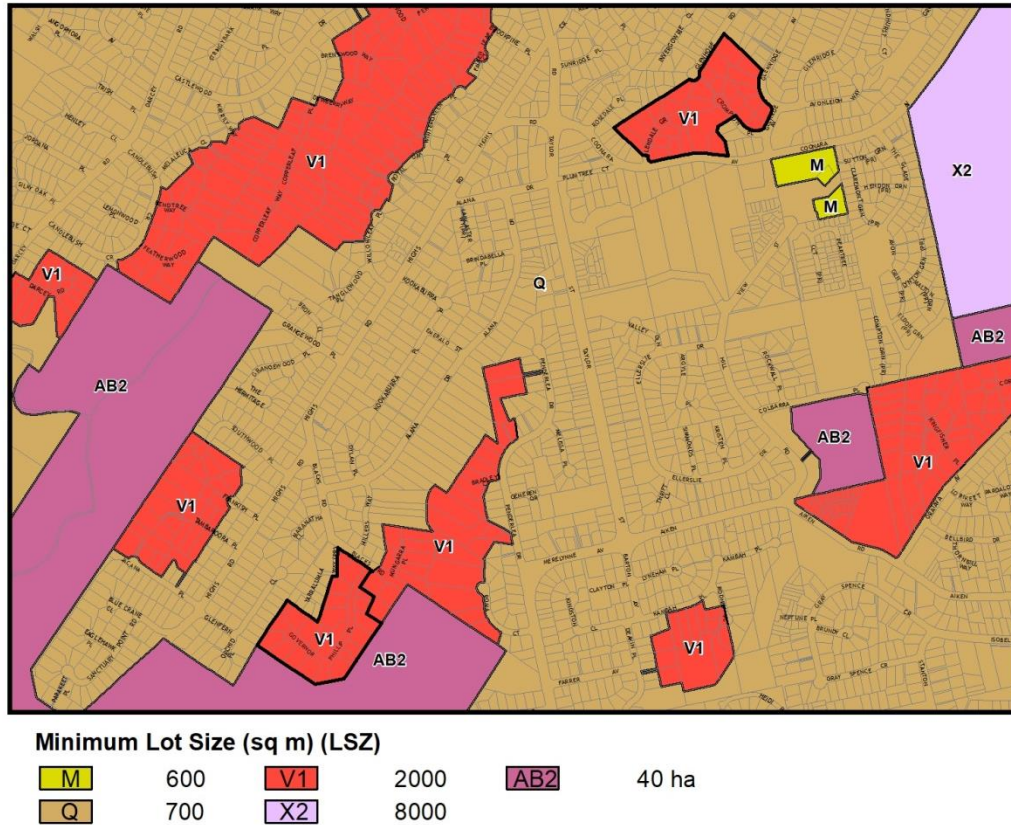
The review recommends two locations for change to minimum lot size mapping being Governor Phillip Place and land between Glendale Grove and Crompton Place, West Pennant Hills. These two areas were specifically developed as large lot estates to cater to a specific housing demand and is a housing product which still holds significant appeal in The Hills.

It is therefore proposed to amend the minimum lot size for the identified locations from 700m<sup>2</sup> to of 2,000m<sup>2</sup> (refer Figures 13 -14). The proposed 2,000m<sup>2</sup> 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 13**  
Existing Minimum Lot Size Map – West Pennant Hills locality



**Figure 14**  
Proposed Minimum Lot Size Map – West Pennant Hills locality

The foregoing proposed changes require consideration of Ministerial Direction – 3.1 Residential Zones which aims to encourage a variety and choice of housing, make efficient use of infrastructure and minimise impact on the environment. It requires that a draft LEP shall “(b) *not contain provisions which will reduce the permissible residential density of land*”.

Whilst the proposed changes to zone in Kellyville/Rouse Hill and lot size in West Pennant Hills will reduce the permissible residential density in certain locations, the inconsistencies are justified by Council's draft Local Strategic Planning Statement and Housing Strategy which give consideration to the objectives of this Direction.

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 and change to higher density outcomes has not been planned for as part of the infrastructure planning. Reverting to the prevailing built form and lot size will maintain the accessibility to infrastructure and services as well as protecting the amenity currently enjoyed by existing residents.

**e. Changes for neighbourhood centres**

Changes are proposed to permissible land uses in the B1 Neighbourhood Centre zone, noting that a new land use term neighbourhood supermarkets was introduced into the Standard Instrument LEP in August 2018. This land use is mandated as permissible in the B1 Neighbourhood centre zone and enable the removal of removal of 'shops' to ensure future development is consistent with the desired scale and character of the zone.

It is also proposed to introduce 'artisan food and drink industry' as a permitted use in this zone. This term was introduced in July 2018. Commercial areas within rural villages are zoned B1 Neighbourhood centre and could benefit from the introduction of 'artisan food and drink industry' use as they are in keeping with the small scale of these centres and could contribute to the creation of great places.

**f. Housekeeping changes**

A variety of housekeeping or administrative changes are also proposed to both the LEP maps and the written instrument.

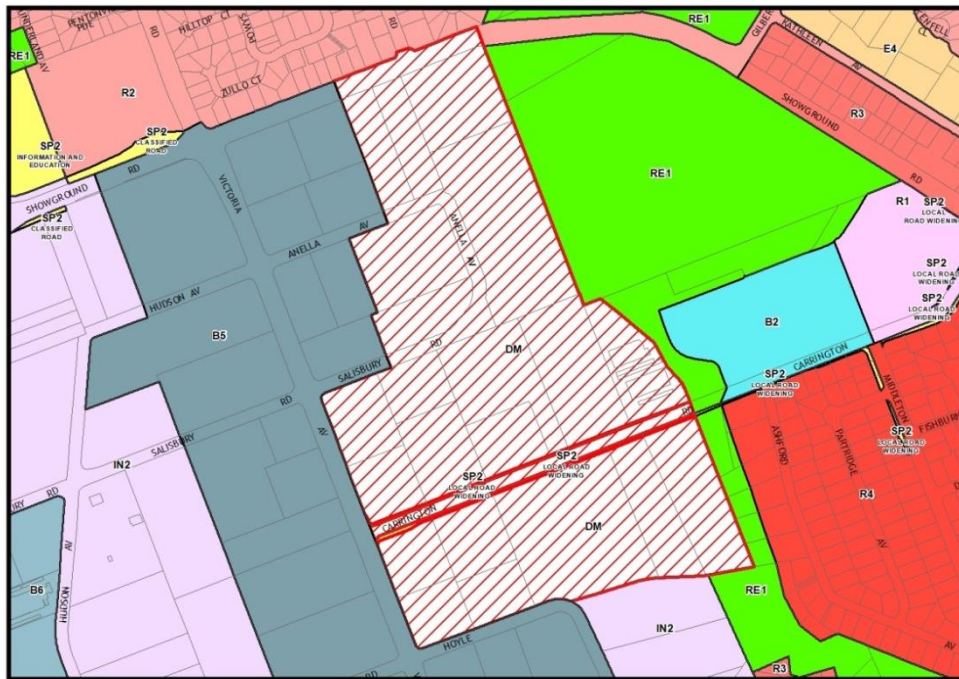
***Cattai Creek West deferred area (Showground Station precinct)***

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. This means the underlying zoning will continue to apply (refer Figures 15-16).

Should the planning proposal proceed to Gateway Determination, affected land owners will be advised that lifting of the deferred matter does not negate the master planning process and potential for review of zones and development controls applying to the land.

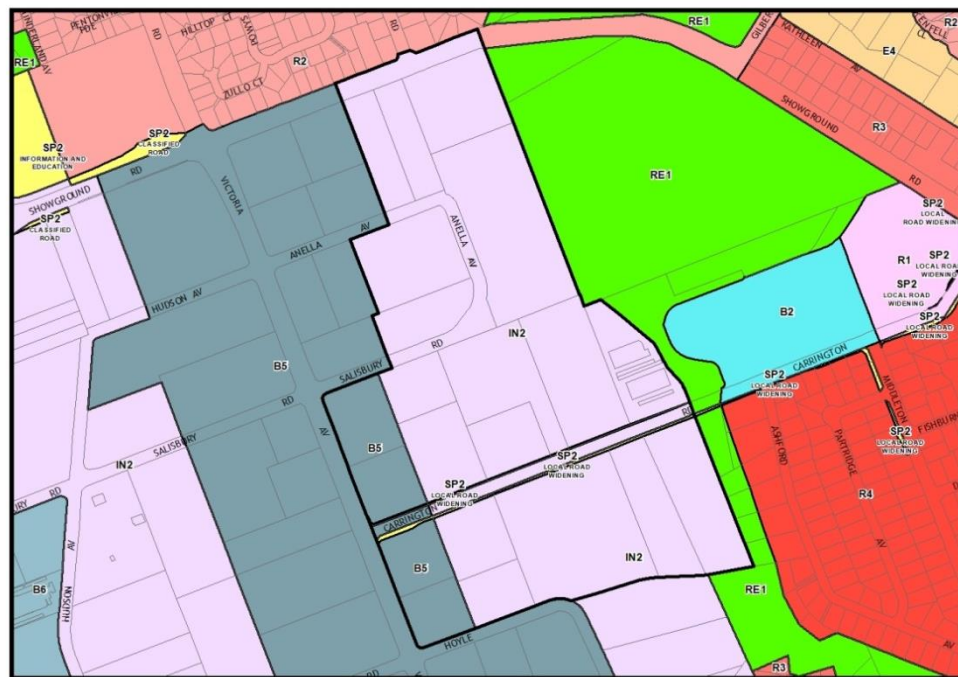




#### Land Zoning (LZN)

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	DM	Deferred Matter

**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

### ***Amendment of Clause 5.3 Development near zone boundaries***

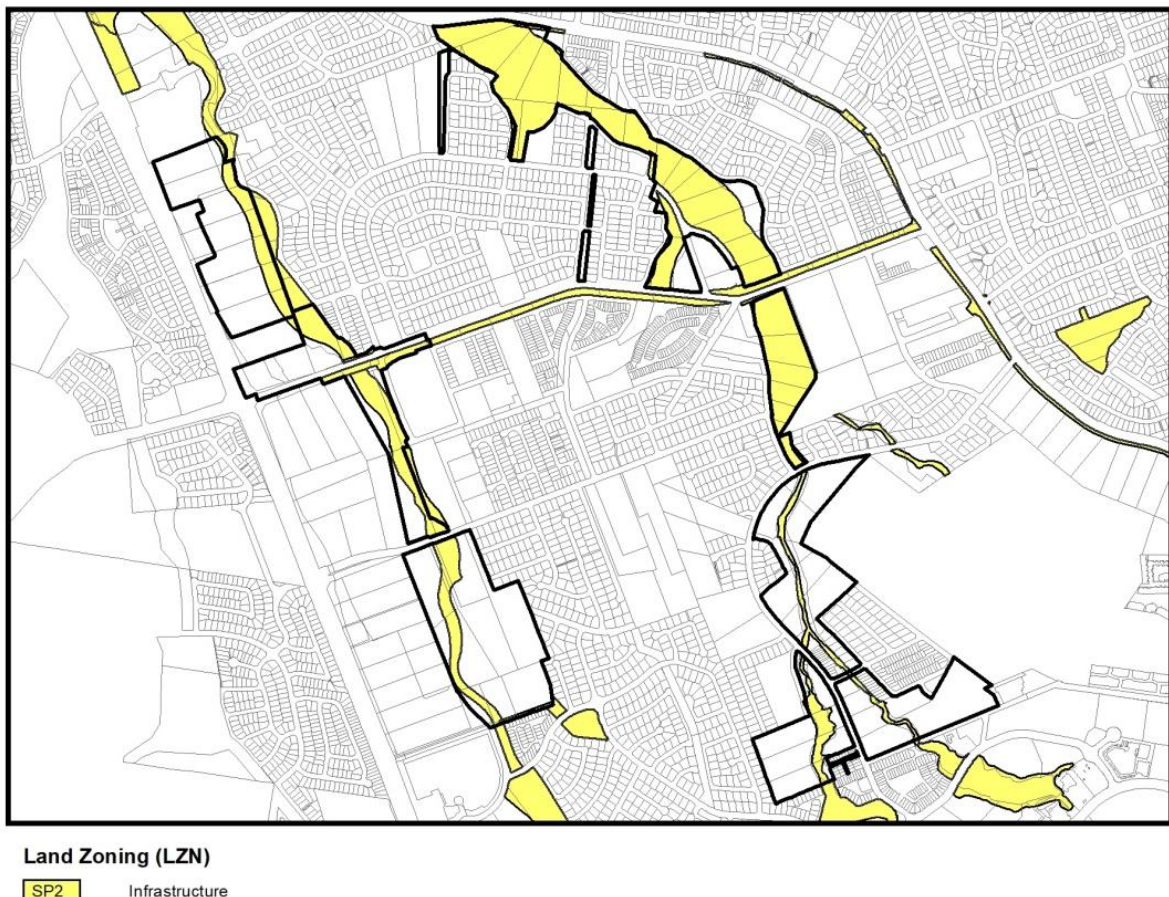
Clause 5.3 of the Standard Instrument LEP is an optional clause, commonly referred to as the 'rubber band' clause. It is intended to provide flexibility where a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

The clause is proposed to be amended to exclude residential zones and the E4 Environmental Living zone from the application of the clause to prevent inappropriate use of the clause to enable higher density residential outcomes than intended.

### ***Review of land zoned SP2 Infrastructure (Stormwater Management)***

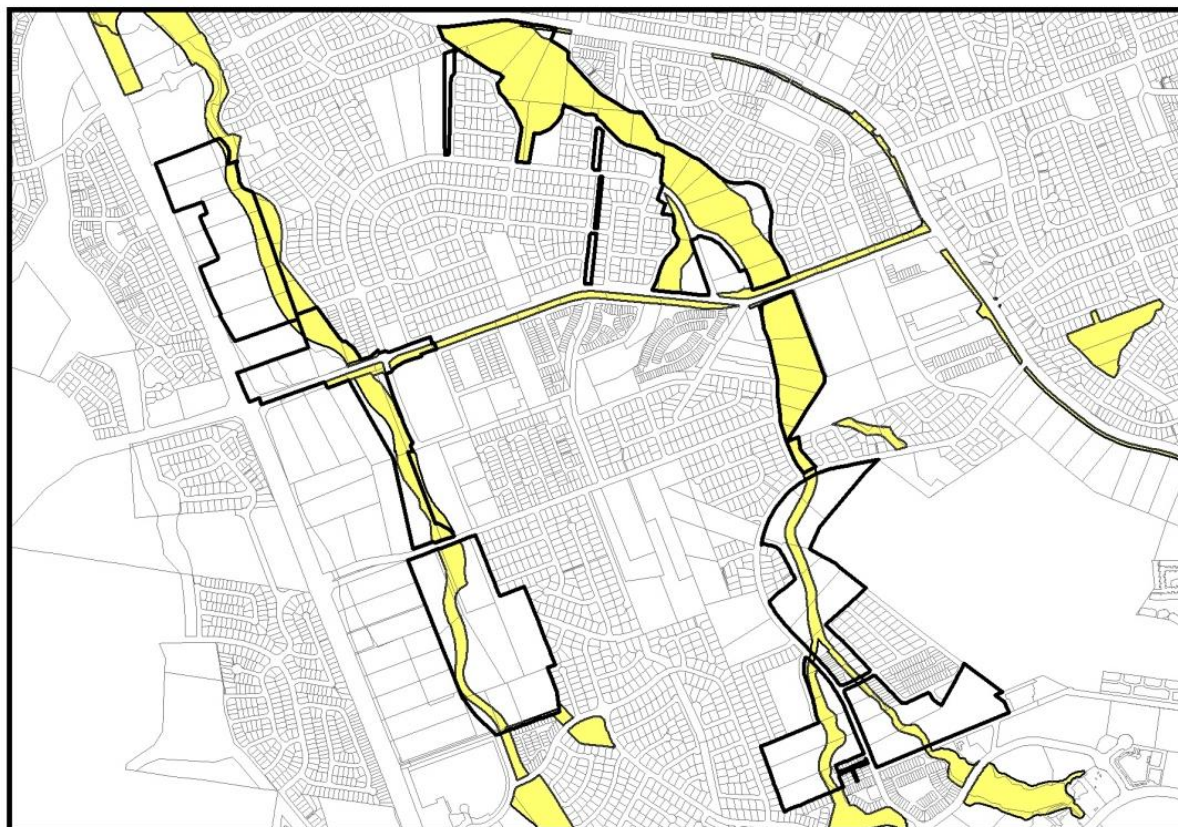
The SP2 zone boundaries are proposed to be adjusted to match cadastral boundaries where land has been acquired for stormwater management by Sydney Water. The changes are primarily in the Balmoral Road Release Area (refer Figures 17-18).

Corresponding changes are proposed to Height of Buildings Map, Land Reservation Acquisition Map and Floor Space Ratio Map where required.



**Figure 17**  
Existing SP2 Infrastructure (Stormwater Management) – BRRA





**Land Zoning (LZN)**  
 SP2 Infrastructure

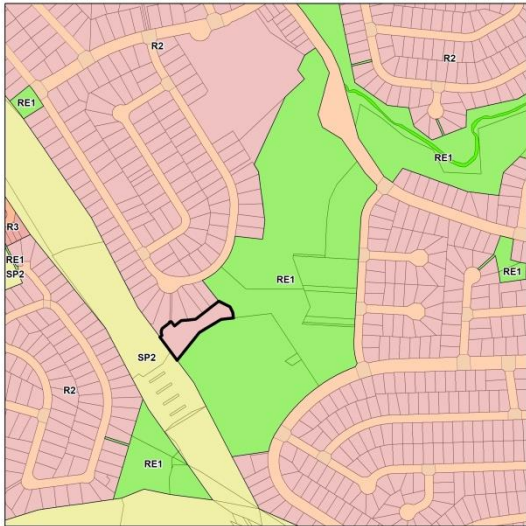
**Figure 18**  
 Proposed SP2 Infrastructure (Stormwater Management) - BRR

### ***Review of Land Reservation Acquisition Map***

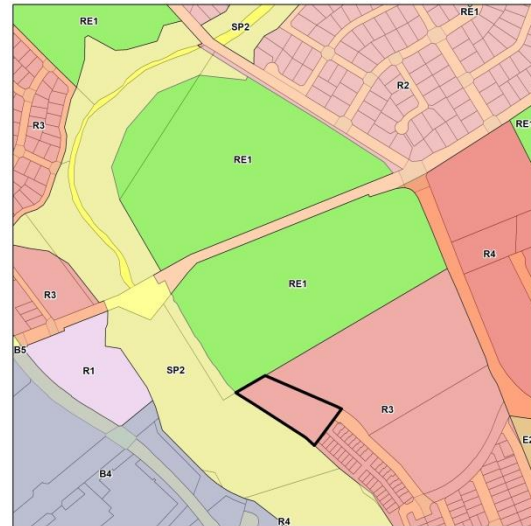
A number of lots identified for acquisition, whether by Council or State agencies, have been acquired since gazettal of LEP 2012. Lots that are now in public ownership are proposed to be removed from the map.

### ***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 William Joyce Reserve Baulkham Hills and Ironbark Ridge Reserve at Rouse Hill (refer Figures 19-20).



**Figure 19**  
William Joyce Reserve



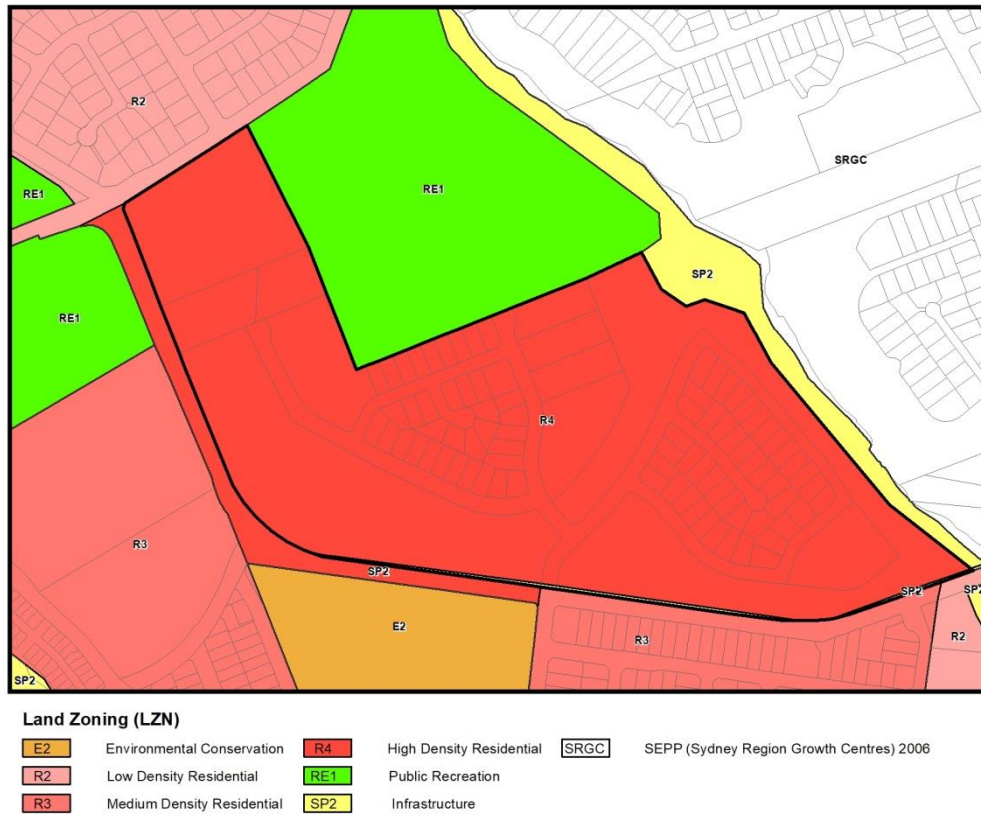
**Figure 20**  
Ironbark Ridge Reserve

### ***Review of zoning and controls Grey Gum Estate North Kellyville***

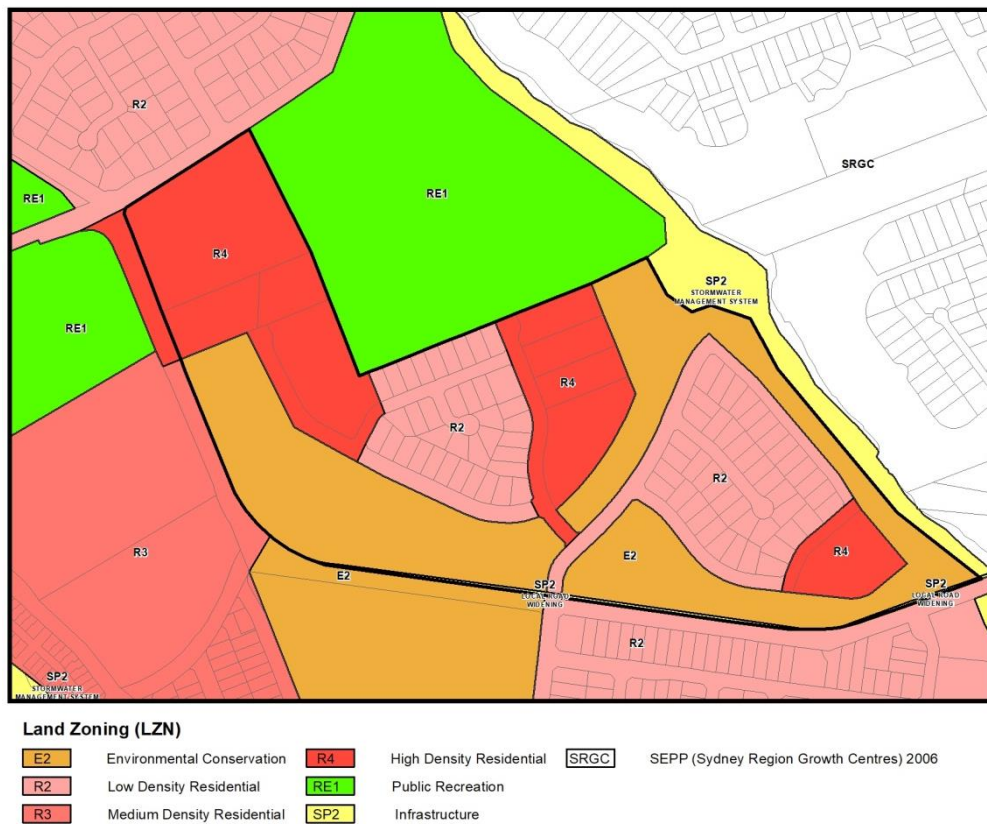
Grey Gums estate resulted from four staged subdivisions eventually resulting in the creation of a residential estate comprising a mix of low density and high density dwellings as well as land reserved for environmental conservation. The two lots created for environmental conservation are subject to a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

The site is almost fully developed. All of the low density residential lots have been developed and only a small number of high density lots remain, with approvals having been either granted for development or currently under assessment. An opportunity therefore exists to amend the zoning of the site to reflect built form and make subsequent amendments to height of building and lot size maps (refer Figures 21-22). The proposed changes reflect existing and approved built form and recognise the function of the site in delivering a diversity of housing types.



**Figure 21**  
Existing Land Zoning Map – Grey Gums Estate



**Figure 22**  
Proposed Land Zoning Map – Grey Gums Estate



### ***Minor zoning changes***

Mapping corrections based on identified anomalies to ensure that zoning reflects current cadastral boundaries where subdivision has occurred.

### ***Review of Schedules 1, 4 and 5 of the LEP***

- Amendments to property descriptions in Schedule 1 Additional permitted uses.
- Amendment to Schedule 4 Classification and reclassification of public land to identify land in Terminus Street Castle Hill. Council sought to reclassify the land as Operational land by Amendment No.69 to the 1991 LEP. Amendment No.69 was made on 4 June 1999. The land was classified as Operational, however the 1991 LEP does not provide for the discharge of the land from trusts etc. as the land was incorrectly listed in Part 1 of Schedule 4. The land should have been listed in Part 3 of Schedule 4 for the discharge of land from trust which required the approval of the Governor.
- Amendments to property descriptions in Schedule 5 Environmental Heritage and associated mapping where descriptions and parcels have changed owing to subdivision.

### **RECOMMENDATION**

1. A planning proposal for comprehensive review of LEP 2012 as outlined in this report and Attachments 1 and 2 be forwarded to the Department of Planning, Industry and Environment for Gateway Determination.

### **ATTACHMENTS**

1. Draft the Hills Local Environmental Plan 2020 with proposed changes highlighted (separate cover).
2. Table of proposed changes to LEP maps (separate cover).

## **LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL**

### **DETERMINATION OF THE LOCAL PLANNING PANEL ON THURSDAY, 19 SEPTEMBER 2019 - DETERMINATION MADE ELECTRONICALLY**

#### **PRESENT:**

Garry Fielding	Chair
Scott Barwick	Expert
Dr Morgan Wood	Community Representative

#### **DECLARATIONS OF INTEREST:**

None declared

The Panel were briefed by the following Council staff on 18 September 2019:

David Reynolds	Group Manager – Shire Strategy Transformation & Solutions
Nicholas Carlton	Manager – Forward Planning
Stewart Seale	Project Manager – LSPS & LEP
Janelle Atkins	Principal Planner
Megan Munari	Principal Coordinator Forward Planning
Rebecca Templeman	Coordinator Forward Planning
Alicia Iori	Senior Town Planner
Ashley Ascone	Senior Town Planner
Ellen McCormack	Town Planner

**ITEM 1:                   LOCAL PLANNING PANEL - PLANNING PROPOSAL -  
COMPREHENSIVE REVIEW OF THE HILLS LOCAL  
ENVIRONMENTAL PLAN 2012 (FP250)**

**COUNCIL OFFICER'S RECOMMENDATION:**

The Planning Proposal proceed to Gateway Determination.

**PANEL'S ADVICE**

The Panel have some reservations concerning the proposed local provision requiring Development Applications to achieve consistency with the Local Strategic Planning Statement and suggested this clause could be re-worded to require the consent authority to have regard to the Local Strategic Planning Statement and whether the applicant has adequately demonstrated consistency with the LSPS.

Similarly the Panel have some concerns over the wording of the proposed local character clause and suggested that this too could be softened to oblige applicants to consider character objectives rather than achieve consistency, given the difficulties in establishing a clear metric around character considerations.

The Panel noted that the proposed clause relating to serviced apartments, referencing State Policy and the Apartment Design Guide could benefit from 'future proofing' to include any successors of such documents.

Notwithstanding the above, it was noted that the wording of all proposed clauses is not final and is subject to drafting by Parliamentary Counsel which may address the matters raised by the Panel.

Overall the underlying strategic planning work was commended by the Panel and whilst there were some matters of technical drafting or implementation raised, it was felt that the planning proposal should proceed to Gateway Determination.

The Panel recommends a planning proposal for comprehensive review of LEP be forwarded to the Department of Planning, Industry and Environment for Gateway Determination.

**VOTING:**

Unanimous