

## Greater Sydney, Place and Infrastructure

IRF20/1042

### Plan finalisation report

**Local government area:** The Hills Shire

#### 1. NAME OF DRAFT LEP

The Hills Local Environmental Plan 2019 (Amendment No 11).

#### 2. SITE DESCRIPTION

The planning proposal (**Attachment A**) relates to all land zoned R3 Medium Density Residential where manor houses will be permissible under The Hills LEP 2019.

#### 3. PURPOSE OF PLAN

The draft LEP (**Attachment LEP**) seeks to amend Clause 4.1A of the Hills Local Environmental Plan (LEP) 2019 to introduce a minimum lot size of 900m<sup>2</sup> for manor houses in the R3 Medium Density Residential zone.

#### 4. STATE ELECTORATE AND LOCAL MEMBER

The affected area falls within the Hawkesbury, Castle Hill and Baulkham Hills electorates. Ms Robyn Preston MP is the State Member for Hawkesbury, Mr Ray Williams MP is the State Member for Castle Hill, and Mr David Elliot MP is the State Member for Baulkham Hills.

Hon Alex Hawke MP is the Federal Member for Mitchell.

To the Central (Western) team's knowledge, no MP has made any written representations regarding the proposal.

**NSW Government Lobbyist Code of Conduct:** There have been no meetings or communications with registered lobbyists with respect to this proposal.

**NSW Government reportable political donation:** There are no donations or gifts to disclose and a political donation disclosure is not required.

#### 5. GATEWAY DETERMINATION

The Gateway determination issued on 11 January 2019 (**Attachment B**) determined that the proposal should proceed subject to conditions. The Gateway determination was altered on 29 October 2019 to grant an extension of the timeframe for the LEP to be made (**Attachment C**).

The LEP is due to be made 11 October 2020. The draft LEP has been prepared in response to the introduction of the Low Rise Medium Density Housing Code (the Code) under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP). The Hills Shire Council has been granted deferral of the Code by the Minister for Planning until 1 July 2020.

In line with the Standard Instrument LEP Amendment (Low Rise Medium Density Housing) Order 2017, manor houses will be mandated as development that is permitted with consent in the R3 Medium Density Residential zone on commencement of the Code.

The draft LEP has been prepared to introduce a minimum lot size development standard applicable for manor houses to accompany the commencement of the Low Rise Medium Density Housing Code.

## **6. PUBLIC EXHIBITION**

In accordance with the Gateway determination (**Attachment B**), the proposal was publicly exhibited by Council from 19 February 2019 to 22 March 2019.

One submission was received from a community member and in summary raised the following concerns:

- a) Permissibility of manor houses within the R3 Medium Density Residential zone;
- b) The proposed minimum lot size;
- c) Amenity impacts;
- d) Traffic; and
- e) Loss of vegetation.

Council made post-exhibition amendments to the proposal's accompanying new Development Control Plan section to further strengthen the controls in response to community matters raised and all concerns have been adequately resolved.

The planning proposal was referred to local planning panel under section 2.19(1)(b) prior to submitting the proposal to the Department for Gateway.

## **7. ADVICE FROM PUBLIC AUTHORITIES**

Council was not required to consult any public authorities as part of the public exhibition process.

## **8. POST-EXHIBITION CHANGES**

No post-exhibition changes were made to the planning proposal. As discussed earlier in this report, some post-exhibition changes were made to the DCP.

## **9. ASSESSMENT**

The draft LEP is required to facilitate the orderly development of manor houses in the R3 Medium Density Residential zone by applying a minimum lot size in The Hills LEP 2019. The proposed minimum lot size would facilitate manor houses on sites over 900m<sup>2</sup> with development consent. This would provide diversity of housing and an additional type of dwelling for the Hills community. It would sit between residential flat buildings that require a minimum of 4,000 m<sup>2</sup> and manor houses that will be permissible without consent as complying development on lots greater than 600m<sup>2</sup>.

### **9.1 State environmental planning policies**

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

The Hills Shire Council local government area was subject to a temporary deferral of commencement for the SEPP (Exempt and Complying Development Codes) 2008 - Part 3B Low Rise Medium Density Housing Code. It is expected to commence on 1 July 2020.

The draft LEP to introduce a minimum lot size of 600 m<sup>2</sup> for manor homes has a deferred commencement. It will come into effect on 26 June 2020 to complement the commencement of the Low Rise Medium Density Housing Code.

The draft LEP will not restrict the development of manor houses from being carried out under the Codes SEPP, as the proposed minimum lot size of 900m<sup>2</sup> only applies to developments lodged under a Development Application. The minimum lot size of 600m<sup>2</sup> will

continue to apply to manor houses which are developed as complying development under the Codes SEPP.

## **9.2 State, regional and district plans**

### Central City District Plan

The draft LEP is consistent with the Central City District Plan and Planning Priority C5 – Providing housing supply, choice and affordability with access to jobs, services and public transport.

The draft LEP is consistent with Council's draft Housing Strategy and the proposed amendments would contribute to key principles of housing supply, diversity, market demand, amenity, good design and local character. The Strategy is under review by the Department.

## **10. MAPPING**

There are no mapping amendments associated with the draft LEP.

## **11. CONSULTATION WITH COUNCIL**

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment D**). Council officers confirmed on 30 April 2020 the draft was satisfactory and it could be made (**Attachment D**).

## **12. PARLIAMENTARY COUNSEL OPINION**

On 20 May 2020 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

## **13. RECOMMENDATION**

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- It enables orderly development of manor houses in the R3 Medium Density Residential zone by applying a minimum lot size in The Hills LEP 2019;
- It complements the commencement of the Low Rise Medium Density Housing Code for The Hills Shire; and
- It is consistent with the strategic planning framework.



**5 June 2020**  
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