

## PLANNING PROPOSAL

**LOCAL GOVERNMENT AREA:** The Hills Shire Council

**NAME OF PLANNING PROPOSAL:** Proposed The Hills Local Environmental Plan 2012 (Amendment No 61) – Amendment to Clause 4.1A introduction of minimum lot size for Manor House in the R3 Medium Density Residential zone

**ADDRESS OF LAND:** The Hills Shire Local Government Area – Land zoned R3 Medium Density Residential under LEP 2012

**SUPPORTING MATERIAL:**

- Attachment A**      Assessment against State Environment Planning Policies
- Attachment B**      Assessment against Section 9.1 Local Planning Directions.
- Attachment C**      Council Report and Resolution, 10 July 2018

**BACKGROUND:**

The Low Rise Medium Density Housing Code provides complying development standards for Dual Occupancies, Terraces and Manor Houses. Associated changes to the Standard Instrument LEP will introduce Manor Houses as a new land use term. The Hills Shire Council has been granted a deferral from the commencement of the Low Rise Medium Density Housing Code and the associated amendments to The Hills Local Environmental Plan 2012 to facilitate the preparation of a planning proposal to prepare controls for the new land use terms within the LEP. The deferral expires on 1 July 2019.

Clause 4.1A of The Hills Local Environmental Plan 2012 (LEP 2012) specifies minimum lot sizes for Dual Occupancy, Multi-Dwelling Housing and Residential Flat Buildings. As manor houses have not yet been introduced to The Hills LEP there is no minimum lot size specified for this use.

As Manor Houses are a form of Residential Flat Building, the minimum lot size for Residential Flat Buildings may be applied to a Development Application in zones where Residential Flat Buildings are permissible with consent.

As Residential Flat Buildings are not permitted in the in the R3 Medium Density residential zone, but manor houses will be; it is necessary to specify a minimum lot size to ensure the orderly development of the R3 zone.

At its ordinary meeting of 10 July 2018 Council resolved as follows:

*A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Clause 4.1A of LEP 2012 to include a minimum lot size of 900m<sup>2</sup> for Manor Houses in the R3 Medium Density Residential zone.*

## PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to facilitate the orderly development of manor houses in the R3 Medium Density Residential zone by applying a minimum lot size that:

- Reflects the nature of the land use and the impacts within established and developing areas;
- Provides sufficient area to accommodate a reasonable built form which respects the bulk and scale of established and developing areas;
- Provides increased opportunity for landscaping, improved solar access and provision of generous private open space consistent with the 'garden' Shire character.

## PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by amending Clause 4.1A to include a minimum lot size of 900m<sup>2</sup> for Manor Houses in the R3 Medium Density Residential zone.

The objectives of the R3 Medium Density zone are:

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To encourage medium density residential development in locations that are close to population centres and public transport routes.*

The Hills seeks to ensure that the medium density residential zone provides for the housing needs of the community whilst ensuring high levels of residential amenity and respecting local character. The proposed 900m<sup>2</sup> minimum lot size will provide sufficient space for siting of buildings to provide increased open space, adequate on-site parking for residents and visitors and equitable solar access in keeping with the established and desired character of The Hills.

The minimum lot size for residential flat buildings specified in Clause 4.1A is 4,000m<sup>2</sup>. It is recognised that whilst manor houses are a form of residential flat building, it is generally not appropriate or necessary to apply a minimum lot size of 4,000m<sup>2</sup> in the R3 Medium Density Residential Zone, based on the anticipated density and built form provided by this dwelling type being consistent with a medium density outcome.

The proposed minimum lot size of 900m<sup>2</sup> represents a compromise position between the Code and the minimum lot size for residential flat buildings. Within the R3 medium density residential zone, this approach will facilitate positive built form outcomes for development applications whilst not being so restrictive as to prohibit development or result in frequent requests to vary the minimum lot size.

The planning proposal does not seek to apply a specific minimum lot size for manor houses in the R1 General Residential, R4 High Density Residential, B2 Local Centre or B4 Mixed Use zones. In these zones it is proposed that the minimum lot size for Residential Flat Buildings of 4,000m<sup>2</sup> will apply to development applications for manor houses in these zones. The minimum lot size for residential flat buildings is such that it generally requires consolidation of a number of lots. Permitting manor houses as development applications within the R4 High Density, B2 Local Centre and B4 Mixed use zones on average dwelling lots of 900m<sup>2</sup> or less may compromise the ability to deliver residential flat buildings as an anticipated built form outcomes. Reducing opportunities for residential flat buildings in these zones will compromise Council's ability to deliver on housing targets and collect sufficient contributions towards vital infrastructure projects.

The draft changes to the clause are shown in red:

**4.1A Minimum lot sizes for dual occupancy, multi-dwelling housing, *manor houses* and residential flat buildings**

- (1) *The objective of this clause is to achieve planned residential density in certain zones.*
- (2) *Development consent may be granted to development on a lot in a zone shown in Column 2 of the Table to this clause for a purpose shown in Column 1 of the Table opposite that zone, if the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the Table.*

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<i>Dual occupancy (attached)</i>	<i>Zone RU1 Primary Production</i>	<i>10 hectares</i>
	<i>Zone RU2 Rural Landscape</i>	<i>10 hectares</i>
	<i>Zone RU6 Transition</i>	<i>2 hectares</i>
	<i>Zone R1 General Residential</i>	<i>1,800 square metres</i>
	<i>Zone R2 Low Density Residential</i>	<i>600 square metres</i>
	<i>Zone R3 Medium Density Residential</i>	<i>600 square metres</i>

	<i>Zone R4 High Density Residential</i>	<i>1,800 square metres</i>
	<i>Zone E4 Environmental Living</i>	<i>2,000 square metres</i>
<i>Dual occupancy (detached)</i>	<i>Zone R1 General Residential</i>	<i>1,800 square metres</i>
	<i>Zone R2 Low Density Residential</i>	<i>700 square metres</i>
	<i>Zone R3 Medium Density Residential</i>	<i>700 square metres</i>
	<i>Zone R4 High Density Residential</i>	<i>1,800 square metres</i>
<i>Multi dwelling housing</i>	<i>Zone R1 General Residential</i>	<i>1,800 square metres</i>
	<i>Zone R3 Medium Density Residential</i>	<i>1,800 square metres</i>
	<i>Zone R4 High Density Residential</i>	<i>1,800 square metres</i>
	<i>Zone B2 Local Centre</i>	<i>1,800 square metres</i>
<i>Manor House</i>	<i>Zone R3 Medium Density Residential</i>	<i>900 square metres</i>
<i>Residential flat building</i>	<i>Zone R1 General Residential</i>	<i>4,000 square metres</i>
	<i>Zone R4 High Density Residential</i>	<i>4,000 square metres</i>
	<i>Zone B2 Local Centre</i>	<i>4,000 square metres</i>
	<i>Zone B4 Mixed Use</i>	<i>4,000 square metres</i>

## PART 3 JUSTIFICATION

### SECTION A - NEED FOR THE PLANNING PROPOSAL

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

No, the planning proposal is not a result of any strategic study or report. Foreshadowed changes to the Standard Instrument LEP as a result of the introduction of the Medium Density Housing Code will introduce Manor Houses as a new land use term. The planning proposal responds to the introduction of the Code by specifying a minimum lot size for Manor Houses in the R3 zone to facilitate the development of Manor Houses lodged as a Development Application.

#### 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. Amending LEP 2012 to include a minimum lot size for Manor Houses in R3 Medium Density Residential zones ensures appropriate development controls are in place to accommodate any development applications lodged for Manor Houses in this zone. The introduction of a 900m<sup>2</sup> minimum lot size will allow for increased setbacks to create sufficient space for landscaping, communal and private open space as well as improving solar access to adjacent properties and the public domain, in keeping with the desired garden character of the shire.

Council has been granted a deferral from the operation of the Low Rise Medium Density Housing Code and associated amendments to the standard instrument LEP, specifically to enable the submission of a planning proposal to make any necessary preparations for the introduction of new land use terms to The Hills LEP. Therefore, a planning proposal is considered to be the best means of not only achieving the intended outcomes, but also meeting the conditions of the deferral.

A Development Control Plan will be prepared to provide guidance for the development of Manor Houses lodged as a Development Application.

## **SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or district plan?*

Yes, a discussion of consistency is provided below.

- **Greater Sydney Region Plan**

The Greater Sydney Region Plan is a 40-year vision that seeks to accommodate a growing and changing population within three cities, the Western Parkland City, the Central River City and the Eastern Harbour City. The Plan will inform district and local plans as well as the assessment of planning proposals. It will also facilitate the alignment of infrastructure planning to support anticipated growth. The delivery and implementation of the Plan is supported by 10 directions, which will facilitate an integrated approach to realising outcomes.

The planning proposal is consistent with the Greater Sydney Region Plan as it contributes to the supply of affordable and diverse housing options, and housing in strategic locations. The relevant objectives in the plan are discussed below:

Objective 10 – Greater Housing Supply

The plan recognises that providing ongoing housing supply and a range of housing types in appropriate locations will create more liveable neighbourhoods whilst supporting Greater Sydney's population growth. The delivery of a range of housing types and price points are needed to meet demand.

The planning proposal provides an opportunity to facilitate the delivery of a particular dwelling type (Manor Houses), contributing to greater housing diversity with the least impact to existing residential amenity. As the planning proposal applies to all land zoned R3 Medium Density under LEP 2012, it is considered that the proposal will facilitate capacity in appropriate locations that are close to existing and future centres and services.

Objective 11 – Housing is more Diverse and Affordable

The plan acknowledges that housing plays an important social and economic role by meeting changing demographic needs and providing stability in the housing market. Additionally, housing must provide choices for a range of purchasers.

The planning proposal provides an opportunity to reduce affordability challenges through facilitation of the delivery of a new medium density dwelling type. This allows the local market to cater for a range of buyer needs and incomes, and contributes to the availability of lower-cost housing close to centres and services available to key workers. By clearly articulating the desired design outcomes of Manor House products, a draft DCP supporting the planning proposal will ensure a high quality housing supply that caters to a range of households and their needs.

- **Central City District Plan**

The Central City District Plan is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning. The District Plan also assists councils to plan for and deliver growth and change, and align their local planning strategies to place-based outcomes. It informs infrastructure agencies, the private sector and the wider community of expectations for growth and change.

Of particular relevance to this planning proposal is planning priority C5 – Providing housing supply, choice and affordability with access to jobs, services and public transport. The District Plan highlights the far-reaching impacts of poor quality housing and housing choice. The planning proposal is consistent with this priority as it seeks to facilitate the delivery of a new type of dwelling that has been identified as being suitable within the R3 Medium Density Residential zone.

As Council develops its housing strategy and Local Strategic Planning Statement, this planning proposal will form part of a response to the key principles of housing supply under this priority including diversity, market demand, amenity, good design and local character.

*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 reflects the highest-priority issues raised by the community. These are grouped into 5 themes that summarise the Hills vision for the future. The direction is based on community aspirations gathered through extensive community engagement and consultation.

The planning proposal is consistent with the 'Shaping Growth' theme of Hills Future, and specifically to Outcome 5 – 'Well planned and liveable neighbourhoods that meet growth targets and maintain amenity.' The planning proposal ensures community needs and expectations are met through responsible planning and the facilitation of a desirable living environment by encouraging medium density development in appropriate locations with good access to centres, employment opportunities and services.

- **Local Strategy**

Council's adopted Local Strategy provides the basis for the future direction of land use planning in the Shire and within this context implements the key themes and outcomes of the 'Hills 2026 Looking Toward the Future'. The Residential Direction is the relevant component of the Local Strategy to be considered in assessing this application.

- Residential Direction

The Residential Direction indicates that there is sufficient capacity to accommodate growth targets based on the existing planning framework and current projects.

The planning proposal is consistent with this direction in that it assists in accommodating population growth in appropriate locations by facilitating the delivery of a new housing type that expands the range of options available to buyers.

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

Yes. The consistency of the planning proposal with State Environmental Planning Policies is detailed within Attachment A.

*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 3.1 Residential Zones**

The planning proposal is consistent with this direction as it encourages housing choices by broadening the range of dwelling types available to the housing market. The planning proposal will make efficient use of existing infrastructure and services by contributing to diverse housing choices in appropriate locations close to centres, employment opportunities and services. The planning proposal will also reduce the pressure of urban development on the fringe by facilitating appropriate outcomes in the right locations within the existing urban area. Given that there is currently no minimum lot size specified for Manor Houses in the R3 Medium Density Residential zone, the proposal will also not reduce the permissible residential density of land.

## **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 proposal would not create any adverse impacts on critical habitat or threatened species, populations or ecological communities and their habitats. As the planning proposal applies to all land zoned R3 Medium Density Residential, the planning proposal will affect land that is already established with minimal existing vegetation or associated ecological communities.

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 not considered likely to have any other environmental impacts. Any potential impacts will be assessed on a site-by-site basis upon lodgement of a development application.

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

The planning proposal seeks to facilitate residential development that addresses Greater Sydney's 'missing middle'. A growing population and changing demographics has emphasised the importance of diversity of housing choice, as well as the delivery of housing products that cater to a wide range of price points.

## **SECTION D - STATE AND COMMONWEALTH INTERESTS**

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

The planning proposal creates some demand for additional public infrastructure. This demand is only marginal however, with existing infrastructure likely to cope with any increase in density directly related to the development of Manor Houses in the R3 Medium Density Residential zone.

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?*

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

## **PART 4 MAPPING**

The amendment relates only to the written instrument. No amendments to any maps of *The Hills Local Environmental Plan 2012* would be required.

## **PART 5 COMMUNITY CONSULTATION**

The planning proposal will be advertised in local newspapers and on display at Council's administration building and Castle Hill Library, Vinegar Hill Memorial Library, Baulkham Hills Library and Dural Library. The planning proposal will also be made available on Council's website.

## **PART 6 PROJECT TIMELINE**

<b>STAGE</b>	<b>DATE</b>
Commencement Date (Gateway Determination)	November 2018
Government agency consultation	December 2018
Commencement of public exhibition period (14 days)	February 2019
Completion of public exhibition period	March 2019
Timeframe for consideration of submissions	April 2019
Timeframe for consideration of proposal post exhibition	April 2019
Report to Council on submissions	May 2019
Planning Proposal to PCO for opinion	June 2019

Date Council will make the plan (if delegated)	July 2019
Date Council will forward to department for notification (if delegated)	August 2019

**ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES**

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE TO THSC	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	NO	-	
No. 14	Coastal Wetlands	NO	-	
No. 19	Bushland in Urban Areas	YES	NO	
No. 21	Caravan Parks	YES	NO	
No. 26	Littoral Rainforests	NO	-	
No. 30	Intensive Agriculture	YES	NO	
No. 33	Hazardous and Offensive Development	YES	NO	
No. 36	Manufactured Home Estates	NO	-	
No. 44	Koala Habitat Protection	NO	-	
No. 47	Moore Park Showground	NO	-	
No. 50	Canal Estate Development	YES	NO	
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	
No. 55	Remediation of Land	YES	NO	
No. 62	Sustainable Aquaculture	YES	NO	
No. 64	Advertising and Signage	YES	NO	
No. 65	Design Quality of Residential Apartment Development	YES	NO	
No. 70	Affordable Housing (Revised Schemes)	YES	NO	
No. 71	Coastal Protection	NO	-	
Affordable Rental Housing (2009)		YES	NO	
Building Sustainability Index: BASIX (2004)		YES	NO	
Educational Establishments and Child Care Facilities (2017)		YES	NO	
Exempt and Complying Development Codes (2008)		YES	YES	CONSISTENT WITH PART 3B (Low Rise Medium Density Housing Code)
Housing for Seniors or People with a Disability (2004)		YES	NO	
Infrastructure (2007)		YES	NO	
Integration and Repeals (2016) (Policy is to be repealed on 6.8.2018)		YES	NO	
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	
Kurnell Peninsula (1989)		NO	-	
Mining, Petroleum Production and Extractive Industries (2007)		YES	NO	
Miscellaneous Consent Provisions (2007)		YES	NO	
Penrith Lakes Scheme (1989)		NO	-	
Port Botany and Port Kembla (2013)		NO	-	
Rural Lands (2008)		NO	-	
State and Regional Development (2011)		YES	NO	
State Significant Precincts (2005)		YES	NO	
Sydney Drinking Water Catchment (2011)		NO	-	
Sydney Region Growth Centres (2006)		YES	NO	
Three Ports (2013)		NO	-	
Urban Renewal (2010)		NO	-	
Vegetation in Non-Rural Areas (2017)		YES	NO	
Western Sydney Employment Area (2009)		NO	-	
Western Sydney Parklands (2009)		NO	-	
<b>Deemed SEPPs</b>				



STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE TO THSC	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
SREP No. 8 (Central Coast Plateau Areas)	NO	-	
SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	
SREP No. 16 – Walsh Bay	NO	-	
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	
SREP No. 24 – Homebush Bay Area	NO	-	
SREP No. 25 – Orchard Hills	NO	-	
SREP No. 26 – City West	NO	-	
SREP No. 30 – St Marys	NO	-	
SREP No. 33 – Cooks Cove	NO	-	
SREP (Sydney Harbour Catchment) 2005	YES	NO	

**ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS**

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
<b>1. Employment and Resources</b>				
1.1	Business and Industrial Zones	YES	NO	
1.2	Rural Zones	YES	NO	
1.3	Mining, Petroleum Production and Extractive Industries	YES	NO	
1.4	Oyster Aquaculture	YES	NO	
1.5	Rural Lands	NO	-	-
<b>2. Environment and Heritage</b>				
2.1	Environment Protection Zone	YES	NO	
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	NO	
2.4	Recreation Vehicle Area	YES	NO	
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NO	-	-
<b>3. Housing, Infrastructure and Urban Development</b>				
3.1	Residential Zones	YES	YES	CONSISTENT – see Section B above
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	
3.3	Home Occupations	YES	NO	
3.4	Integrating Land Use and Transport	YES	NO	
3.5	Development Near Licensed Aerodomes	YES	NO	
3.6	Shooting Range	NO	-	-
<b>4. Hazard and Risk</b>				
4.1	Acid Sulfate Soils	YES	NO	
4.2	Mine Subsidence and Unstable Land	YES	NO	
4.3	Flood Prone Land	YES	NO	
4.4	Planning for Bushfire Protection	YES	NO	
<b>5. Regional Planning</b>				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	YES	NO	
5.10	Implementation of Regional Plans	YES	NO	
<b>6. Local Plan Making</b>				
6.1	Approval and Referral Requirements	YES	NO	

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
6.2	Reserving Land for Public Purposes	YES	NO	
6.3	Site Specific Provisions	YES	NO	
<b>7. Metropolitan Planning</b>				
7.1	Implementation of A Plan for Growing Sydney	NO	-	-
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	YES	NO	
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	-	-