



IRF25/2525

Gateway determination report – PP-2025-1117

Small Lot Housing in the Gables Precinct

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A: Planning Proposal
Attachment B: Draft DCP amendments
Attachment C: Council Report and Minutes 14 October 2025
Attachment D: Local Planning Panel report and minutes 24 September 2025

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	The Hills Shire
PPA	The Hills Shire Council
NAME	Small Lot Housing – The Gables Precinct
NUMBER	PP-2025-1117
LEP TO BE AMENDED	The Hills LEP 2019
ADDRESS	82-90,92 Valletta Drive, Wayfarer Road, Chadwick Drive, Fontana Road, Red Gables Road, 191 Boundary Road, 93 Fontana Drive, Gables
DESCRIPTION	Lots 3095 & 3096 DP 1220535, Lot 22 DP128898, Part Lot 2 DP1319045, Lot 753 & part Lot 750 DP 1280026, Lot 203 DP1256554, Lot 134 DP1304086, Lot 258 DP 1230475, Lot 11 DP 1286147
RECEIVED	7/11/2025
FILE NO.	IRF25/2525
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal's (**Attachment A**) objective is to provide an alternative approval pathway for small lot housing developments on selected undeveloped R3 Medium Density and R4 High Density zoned land within the Gables Precinct.

The objective of this planning proposal is clear and adequately explains the intent of the proposal.

1.3 Explanation of provisions

The planning proposal seeks to amend The Hills LEP 2019 by inserting a new local provision under Part 7 of The Hills LEP 2019 to permit lot sizes to be approved between 300m² and 450m² with a building envelope plan rather than a full dwelling design. The areas subject to the new local provision will be identified in a clause application map (see section 1.5 of this report).

No additional amendments to the LEP are required to support the proposal. The R3 Medium density residential zoned sites will retain the existing minimum lot size of 450m² and the R4 High density residential zoned sites will retain the existing 1,800m² minimum lot size.

The proposal would not result in any change to the overall development yield in the Precinct, the amendment focuses on providing flexibility to the approval pathway and application requirements.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

The planning proposal is supported by draft amendments to the relevant site specific DCP being Part D Section 17 (Box Hill North) of the Hills Development Control Plan. The draft DCP controls set out the items to be included in a building envelope plan (**Attachment B**).

1.4 Site description and surrounding area

The planning proposal applies to 6 undeveloped areas located in the Gables precinct, as shown in the figure below.

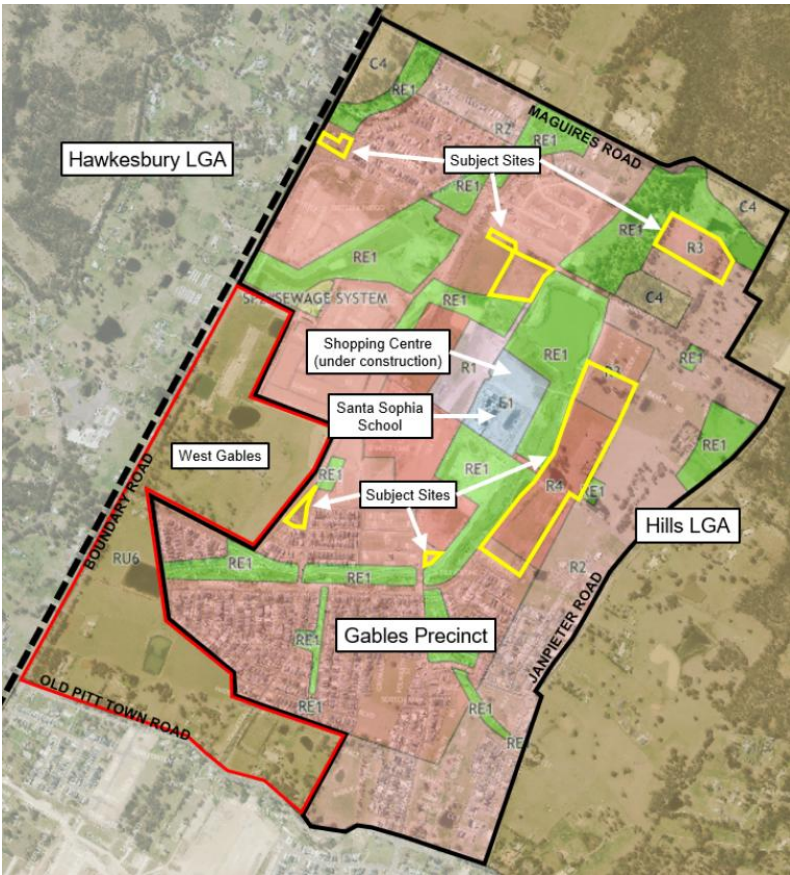


Table 3 Address details

Legal description	Address
Lot 3096 DP 1220535	82-90 Valetta Dr
Lot 3095 DP 1220535	92 Valetta Dr
Lot 22 DP1288928	Wayfarer Rd
Pt Lot 2 DP1319045	Chadwick Dr
Lot 753 DP1280026	Chadwick Dr
Pt lot 750 DP 1280026	Fontana Rd
Lot 203 DP1256554	Red Gables Rd
Lot 134 DP1304086	Red Gables Rd
Lot 258 DP 1230475	191 Boundary Rd
Lot 11 DP 1286147	93 Fontana Dr

Figure 1 Subject site (source: Att A Planning Proposal)

The majority of the sites are zoned R3 Medium Density Residential with one area including R4 High Density Residential zoned land.

The Gables Precinct, formally known as Box Hill North when it was rezoned in 2015, is transitioning from rural land to low and medium residential density development. The precinct is bound by Maguires Road to the north, Janpieter Road to the east, Old Pitt Town Road to the south and Boundary Road to the west.

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Clause Application Map sheets (CAP_005 and 006) (figure below), which is suitable for community consultation.



Clause Application Map

 Clauses of the LEP Apply

Figure 2 Proposed amendments to the Clause Application Map (Source: Attachment A Planning Proposal)

1.6 Background

- Clause 4.1B of The Hills LEP 2019 contains provisions that enable consent to be granted when an application seeks to subdivide land into 3 or more lots that have a minimum lot size of 240m² when supported by dwelling designs.
- The West Gables planning proposal (PP-2023-1414) included a similar provision to what is proposed in the subject planning proposal. The developer sought this outcome as the Clause 4.1B process was becoming onerous, with purchasers wanting to amend the built form elements of the consents, resulting in delays in commencing construction on the dwellings. The provision aims to allow the subsequent lot purchaser greater flexibility to adjust and customise the dwelling design, within the parameters of the approved building envelope plan.
- The Department supported the provision in the West Gables planning proposal when issuing the Gateway determination in January 2025.

2 Need for the planning proposal

Under the current controls, lot sizes ranging from 300m² to 450m² can only be approved under Clause 4.1B of LEP 2019, where both the subdivision and dwelling design are approved concurrently. The planning proposal is seeking to adjust this requirement to allow for these lot sizes to be approved concurrent with a 'building envelope plan', rather than a full detailed dwelling design.

The need of the planning proposal is due delays being experienced following the issue of consent for subdivision and dwelling to construction. Purchasers of the final lots want to amend the approved dwelling design resulting in excessive modification applications and delays in construction. A building envelope requirement for lots between 300m² to 450m² will provide the opportunity for purchasers to customise the dwelling design within the parameters of the approved building envelope.

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

No, the planning proposal is not the result of a strategic study or report. The proposal has been initiated by the primary property owner of all of the sites, except one property which they are acting on behalf of.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposal is the best means of achieving the objectives as an amendment to the LEP is required to introduce a more flexible approval pathway.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – a metropolis of three cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan.

3.2 District Plan

The site is within the Central River City District and the former Greater Sydney Commission released the Central River City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The proposal demonstrates consistency with a liveability priority, planning priority N5 Providing housing supply, choice and affordability, with access to jobs, services and public transport.

This priority encourages increased housing supply and choice in the Central City District. The Gables precinct is identified in Figure 1 Central City District future housing supply, with forecast dwelling completions 2016-2021. The planning proposal is consistent with this priority as the proposal will create a more efficient and flexible development application process for small lot housing developments in the Gables precinct.

It is noted the Gables precinct is identified within the Metropolitan Rural Area, however Box Hill North Precinct was approved for urban development in 2015. It appears the urban development precinct being identified within the Metropolitan Rural Area is in error.

3.3 Local

The proposal states that it is consistent with the Hills local strategic planning statement (LSPS) and supporting strategies.

Hills Future 2036 – local strategic planning statement and Council's housing strategy recognise urban development within the Gables precinct. The planning proposal is supporting the delivery of small lot housing in the Gables precinct.

3.4 Local planning panel (LPP) recommendation

The Local Planning Panel considered the planning proposal on the 24 September 2025. The Panel supported the proposal proceeding to Gateway determination as it demonstrates adequate strategic and site-specific merit (**Attachment D**). No further comments were provided.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 4 9.1 Ministerial Direction assessment

Directions	Consistency	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The direction's objective is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. The planning proposal is consistent with the Greater Sydney Region Plan – A Metropolis of Three Cities, as it supports diverse, housing supply.
1.4 Site Specific Provisions	Not applicable	The direction's objective is to discourage unnecessarily restrictive site specific planning controls. The direction applies to planning proposals that will allow a particular development to be carried out. Although the proposal applies to a number of sites in the Gables precinct, the proposal seeks to create flexibility in the approval pathway for small lot housing. As such, it is considered this Direction is not applicable to this proposal.
4.1 Flooding	Not applicable	The direction's objectives are to ensure that development of flood prone land is consistent with NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and to ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour. The planning proposal states a number of the sites included in the planning proposal are identified as flood-controlled land under The Hills DCP. The proposal is seeking to create flexibility in the approval pathway for small lot housing. It does not seek to amend the existing land use zones or the types of development to be approved. As such, it is considered the Direction is not applicable to this proposal.
4.3 Planning for Bushfire Protection	Inconsistent – unjustified	The direction's objectives are to discourage the establishment of incompatible land uses in bush fire prone areas, and to encourage sound management of bush fire prone areas. This direction applies to all planning proposals that will affect, or is in proximity to, land mapped as bushfire prone land. The following lots contain land identified as bushfire prone (vegetation buffer): • Pt lot 750 DP 1280026 • Lot 203 DP1256554 • Lot 134 DP1304086

		• Lot 258 DP 1230475 • Lot 11 DP 1286147 The direction requires consultation with the NSW RFS following the receipt of a Gateway determination. As such, the proposal will remain unjustifiably inconsistent until consultation with the RFS has occurred.
6.1 Residential Zones	Consistent	The direction's objectives are to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and minimise the impact of residential development on the environment and resource lands. This direction applies to all planning proposals that will affect land within an existing or proposed residential zone. The planning proposal is consistent with this direction as it will encourage the delivery of small lot housing through providing flexibility in the approval process for select undeveloped parcels of land in the Gables precinct.

3.6 State environmental planning policies (SEPPs)

Due to the nature of the planning proposal, only the State Environmental Planning Policy (Housing) 2021 is relevant to this proposal. The planning proposal is consistent with this SEPP as it would not impact the delivery of diverse, social or affordable housing.

4 Site-specific assessment

As the planning proposal seeks to add flexibility into the approval process for small lot housing development, the proposal does not have any significant adverse environmental or infrastructure impacts. No additional dwellings are anticipated to be facilitated through the proposed amendment.

It is considered the proposal would have a positive social and economic impact as it aims to provide greater flexibility for the subsequent purchaser of a lot to adjust and customise a dwelling design, within the parameters of the approved building envelope. This will assist in removing unnecessary modification applications and associated delays in started construction that are currently being experienced as a result of the existing approval pathway.

5 Consultation

5.1 Community

Council proposes community consultation will occur in accordance with a Gateway determination condition and the applicable Community Participation Plan.

The planning proposal is categorised as a standard under the LEP Making Guidelines (September 2022). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. Considering the nature of this planning proposal, no agencies or authorities (apart from NSW RFS to satisfy the Section 9.1 Direction) are required to be consulted on the planning proposal.

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 4 September 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is minor in nature the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It will add flexibility to the approval process for lot sizes between 300m² to 450m², supporting the delivery of small lot housing in the Gables precinct;
- It will enable purchasers of lots to customise their dwelling design within the parameters of a building envelope plan;
- The proposal gives effect to the Central City District Plan by supporting the planning priority for providing housing supply, choice and affordability. The proposal supports the delivery of housing in areas identified for housing in the Central City District Plan, Hills LSPS and Council's housing strategy;
- The proposal does not have any implications on infrastructure capacity as no additional dwellings are anticipated to be facilitated through this proposal; and
- The proposal does not have significant adverse environmental impacts.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, consultation is required with NSW RFS.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 4 September 2026 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 4 September 2026



14 November 2025

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