

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan (LEP) 2019 Amendment No (#) – proposed new local provision for small lot housing (300m² to 450m²) for certain R3 and R4 zoned land within Gables.

STATUS: Pre-Gateway Determination

ADDRESS OF LAND:

Legal Description	Address	Owner
Lot 3096 DP1220535	82-90 Valletta Drive, Gables	Stockland
Lot 3095 DP1220535	92 Valletta Drive, Gables	Stockland
Lot 22 DP 1288928	Wayfarer Road, Gables	Stockland
Part Lot 2 DP 1319045	Chadwick Drive, Gables	Stockland
Lot 753 DP 1280026	Chadwick Drive, Gables	Stockland
Part Lot 750 DP 1280026	Fontana Road, Gables	Stockland
Lot 203 DP1256554	Red Gables Road, Gables	Stockland
Lot 134 DP1304086	Red Gables Road, Gables	Others
Lot 258 DP1230475	191 Boundary Road, Gables	Stockland
Lot 11 DP1286147	93 Fontana Drive, Gables	Stockland

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 Minute (14 October 2025)
Attachment D	Local Planning Panel Report and Minute (24 September 2025)
Attachment E	Draft The Hills DCP Part D Section 17 – Box Hill North
Attachment F	Proponent's Planning Proposal and Supporting Material

BACKGROUND:

At its Ordinary Meeting of 14 October 2025, Council considered a planning to provide a new local provision for a select number of remaining undeveloped R3 and R4 zoned sites within the Gables Precinct and resolved that:

- 1. The planning proposal be forwarded to the Department of Planning, Housing and Infrastructure for a Gateway Determination.*
- 2. Draft amendments to The Hills Development Control Plan 2012 Part D Section 17 – Box Hill North (Attachment 3) be publicly exhibited concurrent with the planning proposal.*

A copy of the Council Report and Minute is provided as Attachment C to this report.

THE SITE:

The proposal applies to a number of sites located in the existing Gables release area development, which 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. All lots subject to this proposal are zoned either R3 Medium Density Residential or R4 High Density Residential under The Hills Local Environmental Plan 2019 (LEP 2019). The relevant sites are shown in Figure 1.

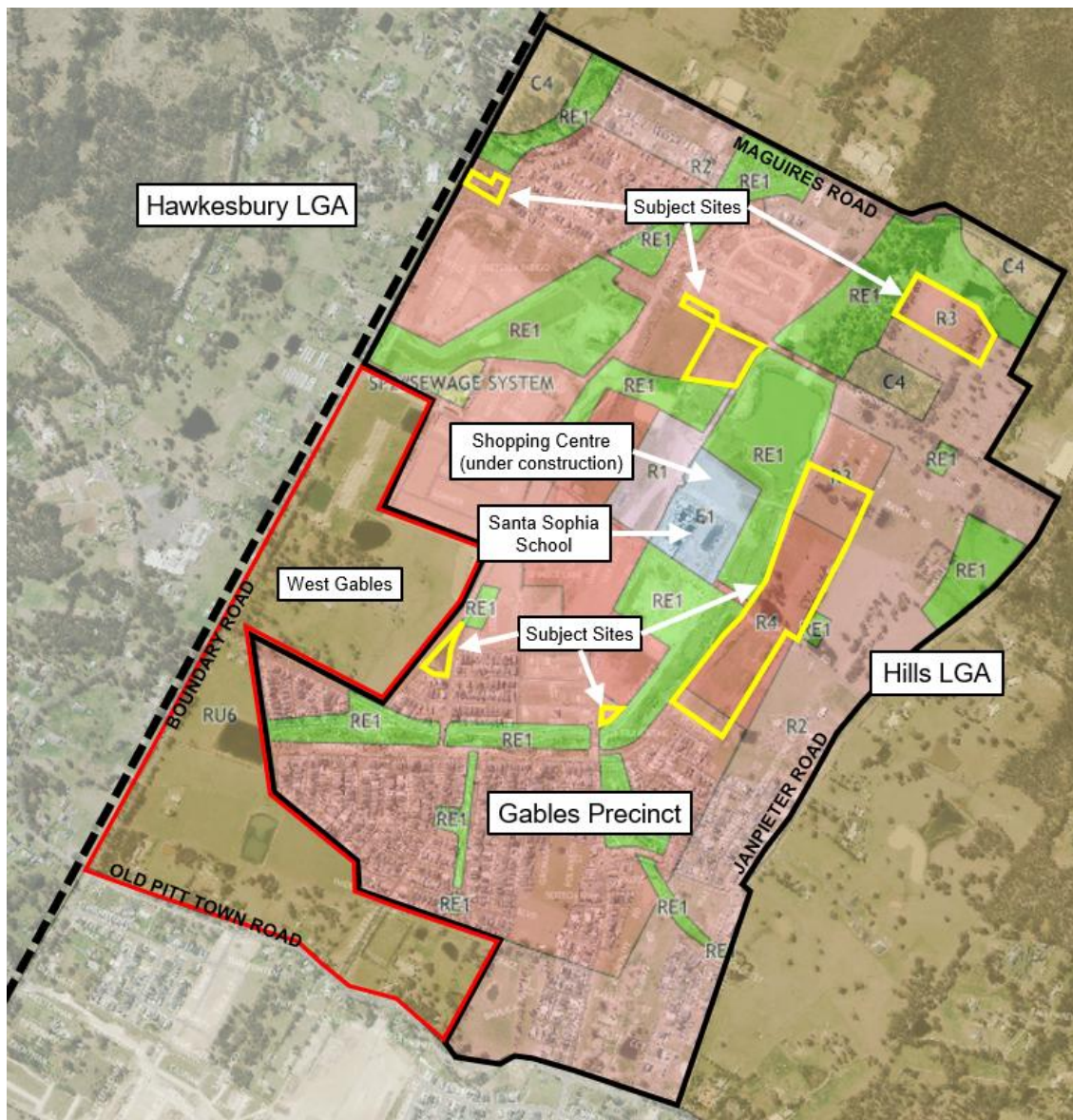


Figure 1
Aerial photo of the subject sites (outlined in yellow) and surrounding locality
with a transparent overlay of the LEP 2019 land zone map

PART 1 OBJECTIVES OR INTENDED OUTCOME

The proposal seeks to provide a new local provision for selected remaining undeveloped R3 and R4 zoned sites within the Gables Precinct, to provide an alternative approval pathway for small lot housing developments.

PART 2 EXPLANATION OF THE PROVISIONS

Under the current controls, the lot sizes ranging from 300m² to 450m² could only be approved under Clause 4.1B where both the subdivision and dwelling design are approved concurrently.

The planning proposal will introduce a new local provision under Part 7 of the LEP 2019, that allows for these lot sizes to be approved concurrent with a 'building envelope plan', rather than a full detailed dwelling design. The draft wording of the proposed local provision is as follows:

Exceptions to minimum lot size for certain residential development in Gables

- (1) The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.*
- (2) This clause applies to development on land identified in the Clause Application Map in the in the following zones —*
 - a. Zone R3 Medium Density Residential*
 - b. Zone R4 High Density Residential*
- (3) Development consent may be granted to the subdivision of land to which this section applies, zoned R3 Medium Density Residential and R4 High Density Residential, resulting in the creation of a lot that has an area less than or equal to 450m² (but not less than 300m²), if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot.*
- (4) This section does not apply to a subdivision that is the subject of a development application under section 4.1B.*

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. The application has been initiated by the Proponent who is the primary property owner of all sites, except one which they are acting on the behalf of.

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 for the sites.

The existing Clause 4.1B application pathway is becoming onerous in certain circumstances, where purchasers of the final lots are wanting to amend the built form elements of the consents, resulting in excessive modification applications and delays in commencing construction on the dwellings.

The proposed local provision will allow for greater flexibility for lots between 300sqm and 450sqm, where the impact on adjacent and surrounding properties is minimal. Purchasers of these lots will be able to customise the dwelling design, within the parameters of the approved building envelope plan.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes, a discussion of consistency is provided below.

- Greater Sydney Region Plan and Central City District Plan

The planning proposal is consistent with the objectives and priorities of the Greater Sydney Region Plan and Central City District Plan, as they relate to housing supply. The plans identify an additional 750,000 dwellings are required between 2016-2036 to accommodate Sydney's continued strong population growth whilst ensuring housing is provide in a range of types, tenures, and price points to meet the future demand. The planning proposal will reduce the time take for lots and dwellings to be approved and commence construction.

The proposal is consistent with the objectives of these plans as it provides a more flexible and efficient application pathway for some forms of low-rise medium density dwellings. It will also allow for greater diversity and flexibility in the design of the subsequent dwellings within the parameters of the building envelope plans for newly created lots.

It is noted that the plans identify the area north of Box Hill as within the Metropolitan Rural Area, however the Box Hill North Precinct (now known as Gables) was approved for urban development in 2015. The identification of this urban development precinct as being within the Metropolitan Rural Area is the result of mapping error in the Plan and as such, the Gables Precinct and the sites that this proposal relate to are part of the urban area of the Hills Shire. The correct location of the MRA boundary is reflected in Council's Local Strategic Planning Statement, which has been certified by Government.

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 Local Strategic Planning Statement and Supporting Strategies

The planning proposal is consistent with the objectives of the Hills Local Strategic Planning Statement (LSPS) and Housing Strategy as Box Hill North (Gables) as both plans identify the release area as within the Urban Growth Boundary (UGB) and acknowledge the area as having undergone a detailed master planned and holistic rezoning process.

Gables has been facilitated through a master-planned approach of which the LSPS and Housing Strategy recognises the release area as having capacity to deliver 3,200 dwellings by 2036 and an additional 1,800 beyond this. This proposal provides a less onerous approval pathway process for the delivery of small lot housing, aligning with these local strategies.

Both the LSPS and Housing Strategy also highlight the importance of matching growth with infrastructure. The planning proposal will not generate any additional dwellings in the Gables precinct in comparison to the outcomes already planned for within the existing infrastructure contributions mechanisms applicable to this area. Rather, it will facilitate delivery of these outcomes through a more efficient approval process, with some flexibility for future purchasers.

The proposal will not generate any additional demand for infrastructure and therefore will not require any amendments to any existing applicable Contributions Plans or Voluntary Planning Agreements. The sites the clause is to apply to are located in proximity to the future town centre, which is currently under construction, and future residents will have access to amenities and essential services. The proposal is therefore consistent with the objectives of the LSPS related to matching growth with infrastructure.

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

Yes, an assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A.

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

Yes. The consistency of the planning proposal with the Section 9.1 Ministerial Directions is detailed within Attachment B.

- Ministerial Direction 1.4 - Site Specific Provisions

This Direction aims to discourage unnecessarily restrictive site-specific planning controls including the imposition of additional standards or requirements (not already in the environmental planning instrument) where permitting a specific land use. The planning proposal is considered to be consistent with this Direction, as the planning controls are not imposing additional standards or requirements, but instead reducing some requirements for a certain form of development and creating additional flexibility in the approval pathways for small lot housing.

- Ministerial Direction 4.1 – Flooding

The purpose of this Direction is to ensure that planning proposals are consistent with the Government's flood related policies and consider potential flood impacts. The Direction applies to all planning proposals that seek to create, alter or remove a zone or provision affecting flood prone land. A number of the subject sites are identified as flood-controlled land under The Hills DCP 2012 and as such, this Direction applies and the provisions of the NSW Flood Prone Land Policy and Flood Risk Management Manual 2023 are applicable.

The proposal is considered to be consistent with this Ministerial Direction. There is already an established baseline modelling scenario for the broader Gables that takes into account urban development of a similar nature to what is proposed on the subject sites. The land is already rezoned for urban development and expected to accommodate small lot housing. The proposal would not change the urban development outcomes for this land and as such, would not result in any additional flooding impacts when compared to what is already permitted on the sites. Future development applications will consider flood impacts and be required to comply with the requirements of Hills DCP 2012 for flood control lots.

- Ministerial Direction 6.1 – Residential Zones

The objective of this Direction is to encourage a variety of housing typologies, to provide for existing and future housing needs, and make efficient use of infrastructure and minimise the impact of residential development on the environment and resource lands.

The planning proposal will assist in the delivery of dwellings on the subject sites which have been designated for residential development in the Gables masterplan. The proposal offers an alternative assessment process that intends to provide greater flexibility for the subsequent purchaser of the lot to adjust and customise the dwelling design, within the parameters of the approved building envelope plan. The proposal would ultimately contribute towards the provision of additional housing products within the Shire and is consistent with this Direction.

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 application proposes an alternative approval pathway towards the delivery of small lot housing on lots that have been designated for this purpose.

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

No, the development does not generate increased adverse environmental effects for the same reason discussed above.

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

This provision is likely to generate a positive social and economic outcome, as it is intended to allow for greater flexibility for the subsequent purchaser of the lot to adjust and customise the dwelling design, within the parameters of the approved building envelope plan.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

The Gables precinct is captured under an existing Contribution Plan and Voluntary Planning Agreement. The proposal will not generate any additional demand for infrastructure and therefore will not require any amendments to any existing applicable Contributions Plans or Voluntary Planning Agreements. The sites the clause is to apply to are located in proximity to the future town centre, which is currently under construction, and future residents will have access to amenities and essential services.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Consultation has not yet been undertaken with Public Authorities. Should a Gateway Determination be issued, the public exhibition process will facilitate the opportunity to consult with the relevant State agencies.

PART 4 MAPPING

The planning proposal seeks to create a new Clause Application Map Sheet for The Hills Local Environmental Plan 2019.

Proposed Clause Application Map



Clause Application Map

 Clauses of the LEP Apply

PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised on Council's website and social media platforms, in accordance with the condition of any Gateway Determination and the applicable Community Participation Plan.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	December 2025
Compliance with pre-exhibition Gateway Determination conditions	January 2026
Government agency consultation	February 2026
Commencement of public exhibition period	March 2026
Completion of public exhibition period	April 2026
Timeframe for consideration of submissions	May 2026
Timeframe for consideration of proposal post exhibition	June 2026
Report to Council on submissions	July 2026
Planning Proposal to DPHI for review/PCO	August 2026
Date Council will make the plan	September 2026

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE TO THSC	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Biodiversity and Conservation (2021)	YES	NO	-
Exempt and Complying Development Codes (2008)	YES	NO	-
Housing (2021)	YES	NO	-
Industry and Employment (2021)	YES	NO	-
Planning Systems (2021)	YES	NO	-
Precincts – Central River City (2021)	YES	NO	-
Precincts – Eastern Harbour City (2021)	NO	-	-
Precincts – Regional (2021)	NO	-	-
Precincts – Western Parkland City (2021)	NO	-	-
Primary Production (2021)	YES	NO	-
Resilience and Hazards (2021)	YES	NO	-
Resources and Energy (2021)	YES	NO	-
Sustainable Buildings (2022)	YES	NO	-
Transport and Infrastructure (2021)	YES	NO	-

ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Planning Systems				
1.1	Implementation of Regional Plans	YES	NO	-
1.2	Development of Aboriginal Land Council land	NO	-	-
1.3	Approval and Referral Requirements	YES	NO	-
1.4	Site Specific Provisions	YES	YES	CONSISTENT
1.4A	Exclusion of Development Standards from Variation	NO	-	-
1. Planning Systems – Place-based				
1.5	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	NO	-	-
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	-	-
1.10	Implementation of the Western Sydney Aerotropolis Plan	NO	-	-
1.11	Implementation of Bayside West Precincts 2036 Plan	NO	-	-
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	NO	-	-
1.13	Implementation of St Leonards and Crow Nest 2036 Plan	NO	-	-
1.14	Implementation of Greater Macarthur 2040	NO	-	-
1.15	Implementation of Pyrmont Peninsula Place Strategy	NO	-	-
1.16	North West Rail Link Corridor Strategy	NO	-	-
1.17	Implementation of the Bays West Place Strategy	NO	-	-
1.18	Implementation of the Macquarie Park Innovation Precinct	NO	-	-
1.19	Implementation of the Westmead Place Strategy	NO	-	-
1.20	Implementation of the Camellia-Rosehill Place Strategy	NO	-	-
1.21	Implementation of South West Growth Area Structure Plan	NO	-	-
1.22	Implementation of the Cherrybrook Station Place Strategy	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
2. Design and Place				
3. Biodiversity and Conservation				
3.1	Conservation Zones	YES	NO	-
3.2	Heritage Conservation	YES	NO	-
3.3	Sydney Drinking Water Catchments	NO	-	-
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs 26	NO	-	-
3.5	Recreation Vehicle Areas	YES	NO	-
3.6	Strategic Conservation Planning	NO	-	-
3.7	Public Bushland	YES	NO	-
3.8	Willandra Lakes Region	NO	-	-
3.9	Sydney Harbour Foreshores and Waterways Area	NO	-	-
3.10	Water Catchment Protection	NO	-	-
4. Resilience and Hazards				
4.1	Flooding	YES	YES	CONSISTENT
4.2	Coastal Management	NO	-	-
4.3	Planning for Bushfire Protection	YES	NO	-
4.4	Remediation of Contaminated Land	YES	NO	-
4.5	Acid Sulfate Soils	YES	NO	-
4.6	Mine Subsidence and Unstable Land	YES	NO	-
5. Transport and Infrastructure				
5.1	Integrating Land Use and Transport	YES	NO	-
5.2	Reserving Land for Public Purposes	YES	NO	-
5.3	Development Near Regulated Airports and Defence Airfields	NO	-	-
5.4	Shooting Ranges	NO	-	-
6. Housing				
6.1	Residential Zones	YES	YES	CONSISTENT
6.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
7. Industry and Employment				
7.1	Employment Zones	NO	-	-
7.2	Reduction in non-hosted short-term rental accommodation period	NO	-	-
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
8. Resources and Energy				
8.1	Mining, Petroleum Production and Extractive Industries	YES	NO	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
9. Primary Production				
9.1	Rural Zones	NO	NO	-
9.2	Rural Lands	NO	NO	-
9.3	Oyster Aquaculture	YES	NO	-
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-