



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
3 Columbia Court, Norwest NSW 2153
PO Box 7064, Norwest 2153
ABN 25 034 494 656 | DX 9966 Norwest

23 February 2023

Secretary
Department of Planning, Housing and Infrastructure
Locked Bag 5022
PARRAMATTA NSW 2124

Our Ref: FP85, FP243

Dear ,

Explanation of Intended Effect – Changes to Create Low and Mid-Rise Housing

At its Ordinary Meeting of 20 February 2024, The Hills Shire Council considered a report on the impact of the NSW Governments proposed changes to create low and mid-rise housing and resolved as follows:

- 1. Council endorse the content of the draft submission (Attachment 2) and supporting mapping recommendations (Attachment 4) in response to the exhibition of the Explanation of Intended Effect for lodgement to the Department of Planning, Housing and Infrastructure, together with a copy of the Report.*
- 2. Council requests that the Department of Planning, Housing & Infrastructure provide Council with an exemption to the application of this SEPP as the Hills Shire Council has already zoned and planned for 50,000 dwellings through the Shire and Council is meeting those targets.*
- 3. The Department & Planning, Housing and Infrastructure be requested to consult with Council about revised housing targets before rezoning any further land to avoid unattended consequences, land speculation and community dissatisfaction.*

A copy of the report is provided as an attachment to this letter. This letter is Council's endorsed submission.

Council appreciates the opportunity to comment on proposed changes to planning laws to create low and mid-rise housing. As a growth Council in Sydney's northwest growth corridor, The Hills Shire Council has been successfully planning and delivering housing and employment uses for Sydney's growth for over 100 years. The Hills Shire Council understands the current housing issues and considers itself an expert in planning and delivering housing growth.

The problem of insufficient housing supply is a product of many things mostly unrelated to the planning land use zone and approval system. In Council's experience, it is made worse through a lack of investment in basic infrastructure and a population growth rate that is too high for state agencies, housing providers, contracting companies and even Council to keep up. This problem has highlighted the current disconnect between Federal and State population and housing policy.

The reforms you are putting forward are reinforcing the master servant relationship between State agencies and Council and the effect will be quite different from what you intend. Council believes these

reforms will produce detrimental effects in our Shire, especially in our R2 Low Density Residential Zones, undoing the goodwill between Council and its residents in its low-density areas. Further, the intensification of single lot housing sites to multiple dwellings without proper off-street parking, is going to lead to a frustrating outcome for residents, visitors and the functioning of neighbourhoods will be questionable.

The Hills Shire Council has adopted and implemented a Housing Strategy for over 30 years, with the most recent iteration formally made in 2020. The Housing Strategy is based upon the principles outlined in the proposed reforms. Council identified and worked through the strategic capacity of its centres often with little visibility of the capacity of utilities, transport, roads and the like. It identified centres with high amenity, access to services and transport connections and implemented a hierarchy of land use zones from the core of the centre to the periphery around those centres. The Housing Strategy uses the R2 Low Density Residential zone for housing outcomes outside of these areas and this approach results in a diversity of housing options and puts density and intensity in the right locations.

The R2 Low Density Residential zone is predicated on accommodating lower density housing in areas outside the walkable catchment to the Metro stations, with the only exception being legacy dwellings and relatively recent low-density developments that came before 2012, when the O'Farrell NSW Government finally committed to the Sydney Metro Northwest link after decades of "on again - off again" policy. Notably, as part of precinct planning processes for Station Precincts, consideration has been given to the condition and age of existing dwellings and the likelihood (or not) of land being redeveloped. There have been numerous studies and planning work undertaken around the Sydney Metro Northwest Stations, some exhibited as recently as 2023. The North West Rail Link Corridor Strategy and related Structure Plans released by the NSW Government in 2013 in fact establishes the blueprint and is given statutory weight by Ministerial Direction. Council believes that the age, value and characteristics of these R2 lands will be highly unlikely to be redevelopable in the next two decades meaning the proposed SEPP will not "unlock" housing as intended. It will instead lead to uncertainty, speculation, increased rates and taxes for no benefit.

Our low-density residential areas are important to the Shire and are a big reason why people choose to live in The Hills, particularly noting our unique family-dominated demographic. Protecting and maintaining the local character of these areas gives people genuine choice to live a suburban lifestyle, albeit outside of the walkable catchment of employment and entertainment opportunities. This diversity of housing is what makes The Hills such a great place to live. Our approach to date has been to concentrate density around the Station Precincts that offer high levels of amenity and transport connectivity, while still offering suburban living in our low-density areas. This has resulted in a "pact" with our residents in that they are more accepting of densities in the centres and their low density zones are then protected. We are concerned that this hierarchy of density and residential zoning will be eroded under the proposed reforms, compromising the planning work already undertaken here in The Hills. This policy call by the NSW Government really shows that local government has no say in planning outcomes unless the State agrees.

Council is committed to planning for a diversity of housing, to ensure that new housing meets a range of budgets and lifestyles. We introduced a housing diversity clause in 2016 that requires at least 30 per cent of new apartment dwellings to be suitable for families, with a greater proportion of apartments with three or more bedrooms and larger living areas. This approach was before its time with recent research carried out for the Government Architect NSW (and articulated in the Department's EIE) finding that smaller apartment developments with larger interior sizes, greater sense of community and smaller strata schemes are the most preferred building type among apartment purchasers. This demand is now playing out in the Hills as new larger apartments are coming to fruition with the market recognising that high quality amenity is a key feature buyers are looking for.

The housing targets set for The Hills Shire are aggressive, yet this council is one of the very few councils that has met its targets in terms of housing delivery and unlocked land through zoning to accommodate 50,000 dwellings, with a further 10,000 strategically identified dwellings beyond this. These dwellings are within the NSW Government's means to provide infrastructure support and are backed up by development controls for sensible growth and contributions plans that make sure the developer also provides the open space, drainage and community facilities that will be required. This is best practice planning, that is targeted to the local level, and we should not be using the current immigration led population crisis to trash our suburbs by jamming in even more housing without a plan to support it. Even

if the policy succeeds, adding more dwellings without more schools, parks, road upgrades and the like will add significant financial burden onto the State and Council.

While it is acknowledged that not all Local Government Areas have made the same level of progress towards meeting housing demand, The Hills Shire Council has long been focused on providing housing and jobs to service the growing population of Sydney. Council has worked hard to build trust with the community who are more concerned about overdevelopment than the affordability/supply problem. We have successfully planned for and are delivering housing growth that consistently exceeds the targets set for the Local Government Area. Accordingly, Council believes these reforms are unnecessary in The Hills Shire, and we therefore ask the Government reward Council by ensuring the reforms are switched off for The Hills Shire. If it really is a situation that, notwithstanding the careful planning by Council, NSW Government has not accommodated sufficient housing growth, then tell us the target. We can then work with Government to properly evaluate the real capacity (beyond sewer, water and transport) of these suburbs.

Planning reforms should neither be rushed nor panoptic. From our experience, the worst housing and development outcomes that exist in our Shire have arisen from poor planning policy by successive NSW Governments. For example, in our growth centre suburbs far from transport nodes, there are 4 to 5 storey apartment buildings with a density of around 200 dwellings per hectare in an area the NSW Government planned for approximately 20-30 dwellings per hectare. Further, nearly 65% of all Complying Development Certificates (CDC's) that Council examines should not have been issued raising real fraud and corruption risks. Our community holds Councillors to blame for these planning outcomes and Council is concerned the changes to low density zones will result in a degradation in urban character and community dissatisfaction that Council will wear the reputational damage.

The Hills Shire has been growing at a phenomenal rate for over a decade. So fast that even Government agencies such as Transport for NSW (TfNSW), Schools Infrastructure, Health Infrastructure, Attorney General and State Emergency Services have not been able to keep up. It is that lack of investment in schools, roads, emergency services, hospitals, recreational facilities and other urban support systems that will lead to a downturn in supply and contributes to community frustration and our residents feeling overwhelmed with congestion.

The solution does not simply lie in planning controls, rather investment in infrastructure to unlock development. The Hills Shire Council is ready to complete local infrastructure to unlock housing however the lag funding mechanism adopted under the Developer Contributions model creates a bottleneck of projects due to cash flow. An example in our local area is the approximately 250 dwelling lots in the Government's own Box Hill precinct that are unable to be developed until in-stream stormwater infrastructure is constructed. This infrastructure will not be able to be delivered until the regional detention basins have been delivered. The rate of development within these growth centres will decline as a result, as infrastructure delivery will simply be unable to keep pace. Box Hill, which has been performing well, will need approximately \$100M on top of Local Contributions to deliver drainage solutions. Council has internally borrowed to support Box Hill to the tune of \$80M.

The Former Government's AIF funding and SIC funding models assisted with expediting the delivery of 'shovel ready' projects within The Hills and stimulate development activity and the local economy. These funding initiatives were of great benefit to The Hills as they provided either partial or full funding for Councils to deliver critical infrastructure works to ultimately unlock plans for the development of homes and employment lands. They also placed downward pressure on contribution rates. It worked and Council would encourage the Government to target expenditure to continue their support.

Below are some suggestions as to what Council believes should be the focus of the NSW Government in dealing with the population led housing crisis:

1. The frequency of media announcements and constant policy reforms from Government creates uncertainty, fuels further investment speculation and increases development costs. Landowners re-value their land factoring in greater potential uplift. Similarly, developers are stalling their short-term development activity and land banking their development sites and approvals to await potential further gains from ongoing reforms. Any such rezoning should have a sunset provision to avoid the many examples we have of land banking.

2. Council should be asked to show how it can accommodate more housing. The community is concerned with how housing growth is rolled out and there is a clear need to build confidence in the system through consistency, exemplary development and sufficient supporting infrastructure. When surveyed, our residents are concerned with over development and congestion.
3. There is increasing evidence that the true barriers to the delivery of new housing within NSW are unrelated to the planning system, approvals or zoned capacity. There should be a clear focus on delivering the currently zoned housing supply, remembering there is existing zoned capacity for over 50,000 houses in the Hills Shire alone. The focus should be on State investment in roads, schools, water, power and sewer and private investment will inevitably follow.
4. Consideration should be given to the full range of factors that influence housing supply, including migration policy, taxation policy, financing arrangements, availability and cost of construction materials, skills and capacity of the construction industry.
5. Regulatory reform to discourage land banking and not delivering on approved planning proposals or consents should be developed. By way of example, since 2016, Council has approved around 22,670 dwellings however, over this period, only 15,550 new dwellings have been completed by the market. It remains our view that within The Hills, further increasing the capacity of land and/or the number of dwellings approved is very much a secondary issue to the more fundamental problem of approved development not progressing to construction and completion by the market.
6. The planning system should enable Council's to introduce sunset provisions for planning proposals that are not acted upon by the Proponent. There are many examples of proposals land banked or "flipped" once gazetted. Further, planning proposals are usually supported by ambitious architectural impressions that are not guaranteed when the principal planning instrument boils the proposal down to FSR, land use and height controls. It is requested the regulation reconsider what constitutes a physical commencement of construction and allow for LEP's to accommodate masterplans with a sunset provision (use it or lose it).
7. NSW Government through Landcom has a number of approvals that could be funded/accelerated to boost housing supply. Government could also look to develop its own land holdings to boost supply.
8. The NSW Government must remain focused on the timely provision of sewer, water and power to support existing zoned areas as a priority to identifying any new release areas. It is efficient and orderly to support existing zoned supply.
9. In the NSW Government's Box Hill Release Area, a similar funding model to the Accelerated Infrastructure Fund of the previous government should be provided to enable the early delivery of drainage lands, corridors and supporting infrastructure. This will support the continual delivery of housing in the precinct.
10. The NSW Government needs to consider reforms to the legislation to support investors of apartment buildings. There are now numerous examples of newly contracted buildings with serious defects that fall on homeowners to repair. Better certification, assurance and consumer protection is necessary to restore investment confidence in these developments. The powers of the NSW Building Commissioner are inadequate and respond too slowly to identified problems and changes to contract terms around completion of sales in new buildings are required.

Notwithstanding Council's objection to the application of the reforms to The Hills Shire, it is acknowledged that the reforms are backed by a whole of Government cabinet decision and the Department of Planning, Housing and Industry will be tasked with implementation. The following key recommendations are provided for consideration:

Recommendation 1: Councils such as The Hills Shire Council should be rewarded for their long held commitment to housing supply and should be exempt from these reforms. If Council has the benefit of knowing its new housing targets, capacity of water, sewer, power and roads, Council could, with

the help of Government, put forward a proper plan of controls to reflect the best way to achieve it without a blanket approach.

Recommendation 2: Limit application of the reforms to the Precincts and Centres with legitimate public transport connectivity and services, being Strategic Centres, Town Centres and Transit Centres as identified under Council's established Centres Hierarchy. Again, it would be useful to understand the housing target so that it's profitable for Council to identify the areas that could change if supported by the right investment.

- While the Government's terminology refers to increasing housing opportunities surrounding "stations and town centres", the proposed changes are largely based on land use zoning (areas surrounding land zoned E1 Local Centre or MU1 Mixed Use), rather than references to specific centres which are legitimately well-located or serviced. The reforms as currently drafted would impact all of Council's centres including village centres, neighbourhood centres and areas within the Metropolitan Rural Area, which do not exhibit a scale, character, function or level of service or transport connectivity to warrant application of these reforms.
- It is requested that if the reforms do proceed, the Department identify specific locations and centres, having regard for Council's hierarchy of centres, rather than a blanket approach based on land use zoning and criteria around the level of goods, services and amenities which is open to interpretation and likely to be misused to achieve uplift in unsuitable locations. Specifically, it is requested that the reforms only apply to the following locations, categorised as Strategic Centres, Transit Centres or (certain) Town Centres:
 - Cherrybrook Station Precinct (*Note: Government to note this Precinct in part is already subject to Parliamentary Inquiry and allegedly, an ICAC investigation*).
 - Castle Hill Station Precinct (within Castle Hill Strategic Centre)
 - Showground Station Precinct (within Norwest Strategic Centre)
 - Norwest Station Precinct (within Norwest Strategic Centre)
 - Bella Vista Station Precinct (within Norwest Strategic Centre)
 - Rouse Hill Strategic Centre (within Rouse Hill Strategic Centre)
 - Kellyville Station Precinct
 - Baulkham Hills Town Centre
- Consideration should also be given to limiting the application of the reforms to a maximum walkable catchment of 400m in locations where there is *not* a high frequency heavy rail, metro or light rail station. These locations typically feature lower scale developments than that found in Station Precincts. For The Hills Shire, this approach is recommended for areas identified in the centre's hierarchy as Town Centres.
- Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services. For the avoidance of any doubt, it is recommended that the reforms should clearly specify that they do not relate to any land within the Metropolitan Rural Area (above the urban growth boundary).
- Various centres within the Shire cross municipality boundaries. Therefore, it is recommended that consultation be undertaken with the adjoining Councils to ensure a consistent approach.

Recommendation 3: Calculate walkable catchments from the central transport node within a Precinct or Centre, rather than based on land use zoning boundaries.

- The proposed methodology for calculating the "walkable catchment" is based on distance from land zoned E1 Local Centre / MU1 Mixed Use. Concern is raised with this methodology as this means that the walkable catchments could be construed as the distance from the "edge" of the centre, rather than the walking distance to the transport node within that centre. In practice, this extends the reforms to areas that are clearly not within walking distance or accessible to high frequency public transport, with extensive catchment areas in some centres.

It is recommended that the calculation of walkable catchments reflect this intent and be tied to an entry point to a station (for Station Precincts) or key transport hub (for identified town centres).

For example, in the Castle Hill Strategic Centre, when the walkable catchment is calculated from the edge of the fairly extensive MU1 zoned area surrounding the station (rather than the Castle Hill Metro Station itself), these reforms would potentially permit residential flat buildings up to 1.6km to 2km away from the Castle Hill Metro Station.

We would welcome the opportunity to work with the Department to determine the exact points to measure the walkability catchments from as part of the drafting phase.

Recommendation 4: Provide for development application approval pathways and exclude the reforms from Clause 4.6 variation.

- The EIE does not contain sufficient detail of how the changes will be implemented. It is requested that development applications be required to assess these applications, rather than Complying Development pathways. There are inherent conflicts of interest, fraud and corruption risks with CDCs and the variation of development standards.
- The definitions within the Standard Instrument Local Environmental Plan (LEP) do not include manor houses or multi dwelling houses (terraces) as separately defined terms with permissibility currently regulated under the Codes SEPP. Reviewing the Standard Instrument and allowing councils to consider permissibility of these land uses in appropriate locations by a development application planning pathway would remove confusion and ambiguity for landowners and developers.
- Given the significant uplift being granted in some areas and resultant tension that will arise between development yield and character, amenity and liveability outcomes, it is recommended that the development standards under these reforms be excluded from variations under Clause 4.6 of the Standard Instrument Local Environmental Plan.

Recommendation 5: In partnership with Council, once our housing targets are known identify projects that facilitate actual delivery of housing by the targeted use of the \$520M community infrastructure funding. Consider in more detail the funding, location and provision of essential infrastructure to support growth.

- The proposed reforms will generate significant additional demand for local and state infrastructure, which has not been planned for under the existing contributions framework within The Hills (or the State more broadly). No evidence has been provided that the potential cumulative uplift that these reforms would permit has been calculated or considered, either in isolation or in combination with the social and affordable density bonuses (30%) which were introduced by the State Government in December 2023.
- More needs to be done to identify and fund the necessary State infrastructure such as schools, hospitals and roads. There are already insufficient schools, hospitals and roads for existing development and growth precincts. The Hills Shire Council is not opposed to development or growth, but it is committed to responsibly planning for growth that can be appropriately accommodated by infrastructure in the right places. Some critical infrastructure which desperately needs funding to unlock housing and employment growth includes:
 - New Schools to support planned development in Showground, Norwest, Bella Vista, Kellyville, Cherrybrook and Box Hill Precincts;
 - Regional Road upgrades in Box Hill (Annangrove Road, The Water Lane and Withers Road);
 - Caddies Creek Regional Open Space (transfer of Government land to Council);
 - Mass Transit measures from Norwest to Parramatta and bus priority along Old Northern Road between Castle Hill and Baulkham Hills Town Centre;
 - Signalisation of intersections along Norwest Boulevard;
 - Upgrade of Old Windsor Road;
 - Upgrade of Withers Road between Commercial Road and Mile End Road;
 - Upgrade of Commercial Road between Withers Road and McCombe Avenue;
 - Public Transport Corridor between Box Hill and Rouse Hill;

- Bridge over Smalls Creek between Edwards Road (North Kellyville) and Annangrove Road;
 - Upgrade of Windsor Road (between Showground Road and Memorial Avenue);
 - Round Corner Bypass between Annangrove Road and New Line Road;
- While Council does have a suite of Section 7.11 Contributions Plans in force across its development areas, these Plans did not anticipate the level of growth proposed under the reforms and to keep contribution rates as low as possible, they do not build in any surplus capacity (or “buffer”) into the planned infrastructure network. These plans are established based on forecasts and planning analysis for each local area. Even if these Plans were to be amended, this would take years to complete and Council would be unable to recover these costs fully given the amount of development already approved. It would also likely place an unfair cost burden on those yet to build as the costs for infrastructure would be substantially higher noting we would be needing to “squeeze in” (if we can) the infrastructure to cater for the growth.
 - Concern is also raised that many of the locations earmarked as part of these reforms are only covered by Council’s Section 7.12 Contributions Plan, which envisages minor and incremental uplift under the current planning controls, rather than the significant densities that could occur under the proposed reforms. In many instances, the cumulative impact of the potential ad-hoc growth that might occur across various locations will be difficult to cater for.
 - Alternatively, if the Government does not intend to resolve the abovementioned issues, it should be honest and upfront with the community about the implications of its policy decisions and namely, that the current reforms will inevitably have a significant and adverse impact on levels of service and liveability in their communities.

Recommendation 6: Revise the non-refusal standards and be transparent with the community.

- In many cases, the proposed non-refusal standards would allow for development outcomes that are unable to comply with Council’s Development Control Plan controls relating to setbacks, landscaping, building separation, solar access and interface requirements with the public domain.
- Remove the proposal to ‘turn off’ minimum site area and width requirements for mid-rise housing. This is contrary to the principles of place-based planning. Site amalgamations facilitate more orderly and holistic master planned outcomes.
- The density of development that will be allowed under the non-refusal FSR standards be subject to detailed urban design modelling, substantially reduced and minimum lot sizes be included.
- There should also remain a role for local character controls and objectives within a Council’s DCP to have some weight in the assessment of new development within an area.
- While it is noted that there are maximum setback requirements, concern is raised that the EIE is silent on minimum setback requirements for mid-rise housing and it is recommended that these be included.
- It is important that the Department’s pursuit of increased density and housing supply is not at the expense of other competing outcomes in relation to amenity, character, landscaping, tree canopy, access to infrastructure / services and ultimately the liveability of our communities.

Recommendation 7: Consider the design outcomes that will result from height and floor space ratio mismatch in the proposed controls and blanket application of standards.

- There is a substantial mismatch between the proposed FSR and building height controls (an FSR of 3:1 with maximum building heights of 21 metres / 6 storeys and an FSR of 2:1 with maximum building heights of 16 metres / 4 storeys). In our experience, to achieve a density of 3:1 a built form of far greater than 6 storeys would be required. The combination of the FSR and building height non-refusal standards proposed will lead to extremely high site coverage with associated poor urban design and amenity outcomes.

This is particularly concerning given the Department has flagged its intention to permit variations to the minimum base standards set out in the Apartment Design Guide.

It is requested that localised planning controls be introduced that are nuanced to each area.

Recommendation 8: Reconsider the application of proposed dual occupancy changes, containing changes to minimum lot size and allowance for subdivision to the R3 Medium Density Residential zone.

- Concern is raised at the proposed reforms permitting smaller lot sizes and the subdivision of dual occupancies across all residential zones. The current controls under Council's LEP have been put in place to assist with managing impacts on residential character and respond to the implications for infrastructure planning and delivery. The recommended small minimum lot size of 450m² and allowance for subdivision in low density areas will result in degradation of the urban character and erode community confidence in the planning system and does not increase the dwelling yield.
- It is requested that such changes be contained to the better suited R3 Medium Density Residential zoned land only, noting also that the proposal could lead to increased land fragmentation in the R1 General Residential and R4 High Density Residential zoned locations, potentially precluding the achievement of the higher density housing forms envisaged in key locations.

Other Comments for Consideration

- With the proposed increase in density, the proposed tree canopy requirements are insufficient and do not align with other stated Government priorities and objectives. It is recommended that this requirement be increased. However, it is also noted that small block sizes with minimal private open space will be incredibly restrictive for any form of tree planting on site. This will be further exacerbated by the difficulty in accommodating street tree planting on 3.5m wide verges where the trees are competing for available space with concrete footpaths and underground services.
- Concern is raised with the limited requirements for communal open space and clarification is sought on whether communal open spaces are intended to be landscaped. Minimum setbacks are required to facilitate adequate landscaping and street tree planting. Deep soil targets should be increased and minimum dimensions be required (being 1.5m x 1.5m for low rise housing and 6m x 6m for mid-rise housing).
- Further investigation into the impacts on stormwater is required. The dedicated section on flooding in the EIE, it is very high level and does not drill into the level of detail needed to support the density envisaged under the reforms. Denser housing means more impervious surfaces leading to higher stormwater yield from a catchment putting more pressure on existing ageing drainage infrastructure systems that are generally limited in conveyance capacity. A Flood Impact Assessment should be required to ensure future proposed housing development does not have any flooding impact elsewhere.
- Council would also welcome the opportunity to discuss further with the Department the potential exclusion of high-risk flood areas, which may not be suitable to accommodate denser forms of development.
- Clarification is sought on the proposed vehicle access requirements for mid-rise housing. The EIE is vague on what is considered a 'large' vehicle. Controls should require that vehicle access accommodates Council's waste collection vehicles for waste collection wholly within the site. Kerbside collection is better suited to single dwellings and less significant developments than would be permitted under these reforms.
- Objection is raised to the proposed parking controls that will override Council's parking controls in some areas, which are based on detailed analysis and investigations of travel behaviours, modal split and community expectations. The lower rates that will be permitted by the reforms (for example, 0.5 spaces per dwelling) will likely result in increased demand for on-street parking from future residents of dwellings that do not have any parking spaces, as well as visitors. This is especially the case for areas which may be up to 2km from the actual transport node within the centre. The competition for space within the road reserve is too great between vehicle movement, utilities, transport infrastructure

(pathways), landscaping and parking and will lead to disorderly development and substandard public domain and amenity outcomes.

While we understand the Department is responsible to implement these reforms, we would appreciate the opportunity to meet and work through suggested improvements so that the final outcome better responds to the housing crisis. Should you have any enquiries, or wish to discuss this submission, please contact me on

Yours faithfully,

GENERAL MANAGER

CC:

Attachments:

1. Council Report – 20 February 2024 - Item 3 Explanation of Intended Effect – NSW Government changes to create Low and Mid-Rise Housing (FP85)

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 20 February 2024

ITEM 3 EXPLANATION OF INTENDED EFFECT – NSW GOVERNMENT CHANGES TO CREATE LOW AND MID-RISE HOUSING (FP85)

7.33pm Mayor having declared a Pecuniary Conflict of Interest for Item 3 (family owns property in the area) signed the Conflict-of-Interest Register and left the meeting

7.33pm Councillor having declared a Pecuniary Conflict of Interest for Item 3 (owns property in the area) signed the Conflict-of-Interest Register and left the meeting.

7.33pm Councillor having declared a Pecuniary Conflict of Interest for Item 3 (owns property in the area) signed the Conflict-of-Interest Register and left the meeting.

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7.33pm Councillor having declared a non-pecuniary, less than significant conflict of interest for Item 3 (owns property in this area) signed the Conflict-of-Interest Register and remained in the meeting.

7.33pm Councillor having declared a non-pecuniary, less than significant conflict of interest for Item 3 (family owns property in this area) signed the Conflict-of-Interest Register and remained in the meeting.

A MOTION WAS MOVED BY COUNCILLOR AND SECONDED BY COUNCILLOR THAT Council elect a Councillor to Chair the meeting as the Mayor and Deputy Mayor declared a Pecuniary Interest and left the meeting.

THE MOTION WAS PUT AND CARRIED.

42. RESOLUTION

Council elected Councillor to Chair the meeting.

A MOTION WAS MOVED BY COUNCILLOR AND SECONDED BY COUNCILLOR THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED UNANIMOUSLY.

43. RESOLUTION

1. Council endorse the content of the draft submission (Attachment 2) and supporting mapping recommendations (Attachment 4) in response to the exhibition of the Explanation of Intended Effect for lodgement to the Department of Planning, Housing and Infrastructure, together with a copy of the Report.

MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 20 February 2024

2. Council requests that the Department of Planning, Housing & Infrastructure provide Council with an exemption to the application of this SEPP as the Hills Shire Council has already zoned and planned for 50,000 dwellings through the Shire and Council is meeting those targets.
3. The Department & Planning, Housing and Infrastructure be requested to consult with Council about revised housing targets before rezoning any further land to avoid unattended consequences, land speculation and community dissatisfaction.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr
Clr
Clr
Clr
Clr
Clr
Clr
Clr

VOTING AGAINST THE MOTION

None

ABSENT FROM THE ROOM

Mayor
Clr
Clr
Clr
Clr

7.59pm Mayor returned to the meeting at the start of Call of the Agenda and resumed the Chair.

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR AND SECONDED BY COUNCILLOR THAT items 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 19, 20, 21, 22 and 23 be moved by exception and the recommendations contained therein be adopted.

THE MOTION WAS PUT AND CARRIED.

44. RESOLUTION

Items 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 18, 19, 20, 21, 22 and 23 be moved by exception and the recommendations contained therein be adopted.

ITEM 3 **EXPLANATION OF INTENDED EFFECT – NSW GOVERNMENT CHANGES TO CREATE LOW AND MID-RISE HOUSING (FP85)****THEME:** Shaping Growth**MEETING DATE:** **20 FEBRUARY 2024**

COUNCIL MEETING

GROUP: **SHIRE STRATEGY****STRATEGIC PLANNING COORDINATOR****AUTHOR:****RESPONSIBLE** **MANAGER – FORWARD PLANNING**
OFFICER:

PURPOSE

The Department of Planning, Housing and Infrastructure (the Department) is currently publicly exhibiting an Explanation of Intended Effect relating to planning controls aimed at encouraging more low and mid-rise housing across the Six Cities Region. This report provides an overview of the policy, discusses the key matters, application and potential implications for The Hills Shire and recommends that Council make a submission to the Department.

RECOMMENDATION

1. Council endorse the content of the draft submission (Attachment 2) and supporting mapping recommendations (Attachment 4) in response to the exhibition of the Explanation of Intended Effect for lodgement to the Department of Planning, Housing and Infrastructure, together with a copy of the Report.
 2. Council requests that the Department of Planning, Housing & Infrastructure provide Council with an exemption to the application of this SEPP as the Hills Shire Council has already zoned and planned for 50,000 dwellings through the Shire and Council is meeting those targets.
 3. The Department & Planning, Housing and Infrastructure be requested to consult with Council about revised housing targets before rezoning any further land to avoid unattended consequences, land speculation and community dissatisfaction.
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IMPACTS**Financial**

This matter has no direct financial impact upon Council's adopted budget or forward estimates

Strategic Plan - Hills Future

The formulation of a submission on the Explanation of Intended Effect seeks to represent the Hills community and promote land use planning outcomes at a local level that provides for balanced urban growth and desirable living environments.

LINK TO HILLS SHIRE PLAN**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.

Outcomes:

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

LEGISLATIVE CONTEXT

It is understood these reforms will take effect in 2024 and will be facilitated through a new State Environmental Planning Policy (SEPP) that will override Council's local planning controls within The Hills Local Environmental Plan.

EXECUTIVE SUMMARY

This report recommends that Council make a submission to the Department of Planning, Housing and Infrastructure (the Department) in response to the exhibition of the Explanation of Intended Effect on changes to create low and mid-rise housing in NSW. A copy of the Explanation of Intended Effect is provided as Attachment 1 to this report. A copy of the draft submission is provided as Attachment 2.

The NSW Government is currently exhibiting amendments to the planning system with the stated aim of delivering a wider range of housing choice in areas with good transport connectivity in the Six Cities Region, including the following locations:

- 800m walking distance of a heavy rail, metro or light rail station.
- 800m walking distance of land zoned E2 Commercial Centre or SP5 Metropolitan Centre (no land in the Hills Shire is currently zoned E2 or SP5).
- 800m walking distance of land zoned E1 Local Centre or MU1 Mixed Use, but only if the zone contains a wide range of frequently needed goods and services such as full-line supermarkets, shops and restaurants.

The proposed changes relate to "low-rise" and "mid-rise" housing and seek to:

Low-Rise Housing

- Permit dual occupancies on land zoned R2 Low Density Residential in NSW.
- Permit manor houses and multi-dwelling housing (such as townhouses and terraces) on land zoned R2 Low Density Residential within Station Precincts and Town Centres.
- Introduce new standards which override local planning controls for building height, lot size, lot width, floor space ratio and carparking.
- Introduce new provisions which override local planning controls to enable subdivision under the development approval pathway for multi-dwelling housing (terraces) and dual occupancies.

Mid-Rise Housing

- Permit residential flat buildings on land zoned R3 Medium Density Residential within Station Precincts and Town Centres.
- Introduce new standards which override local planning controls for building height and floor space ratio to support 3-6 storey apartment developments (this would also apply to Shop Top Housing where permitted). The standards differ for 'inner' (within 400m) and 'outer' (from 400m to 800m) walking catchments around Stations and Town Centres.
- Turn off minimum site area and width standards to allow merit assessment on a case-by-case basis.
- Introduce standalone controls that vary the requirements of the Apartment Design Guide.

While it is recognised that there are issues regarding housing supply and affordability within NSW, it is the view of Council officers that these reforms are unnecessary in the Hills Shire and it is questioned whether the Department's blanket approach of permitting higher density land uses within existing low and medium density zones without full consideration of local character, context or infrastructure needs is the most appropriate or effective way to boost housing supply. Council has long been focused on providing housing and jobs to service the growing population of Sydney and has worked hard to build trust with the community. This includes planning for the necessary infrastructure to support growth and establishing a hierarchy of zones and development standards based on well thought out studies and planning work. The reforms will produce detrimental effects in our Shire especially in the R2 Low Density Residential areas where changes are likely to cause a degradation in urban character and undo the level of community satisfaction Council is working hard to build.

Many of the issues relating to housing supply and affordability predominately hinge upon the market delivering housing opportunities that are already available, rather than any lack of capacity or approvals under the current planning controls. The Department has not provided any real justification as to how further broadening of land use permissibility and increases to density will overcome these more fundamental and macro-level barriers that are contributing to the current "housing crisis" and are outside of the scope of the planning system.

The submission, as recommended by this report, objects to the progression of these reforms in the first instance. However, noting that the Government and Department's indications are that these reforms will be progressing in some form irrespective of any opposition from local Government and local communities, the submission suggests some issues for consideration.

1. BACKGROUND

A. Housing In The Hills

The NSW Government, Councils and the community have spent years doing the necessary strategic planning work to plan for growth in future housing to 2036 and beyond. This has been directed by Government strategies and directions (such as the District, Region Plan and housing targets) which has culminated in each Council's Local Strategic Planning Statement and Housing Strategy.

Council's adopted strategies demonstrate that The Hills Shire has significant zoned capacity in our greenfield areas and along the Sydney Metro Northwest Corridor for approximately 50,000 dwellings. These opportunities are *already* zoned and available for the delivery of housing to meet and exceed Council's 20-year housing supply targets. However, Council does not construct or

deliver housing and as such, the timing of achievement of these opportunities is ultimately dictated by the market. There is also a further capacity for 10,000 additional dwellings which is strategically identified and which Council is working to unlock through its Precinct Planning work for Rouse Hill, Norwest and Castle Hill Strategic Centres (these 10,000 additional dwellings are over and above the capacity for 50,000 additional dwellings which already exists within the planning controls).

Around 22,670 new dwellings have been approved in The Hills since 2016, with 15,550 new dwellings completed over this same period. This rate of approval and development means The Shire remains well on track to meet and exceed its 10-year housing supply targets that were established under the Central City District Plan and Council’s LSPS, being 18,500 dwellings by 2026. This target assumed the annual delivery of around 1,850 dwellings per year by the market. In contrast, we have seen an average of around 2,400 dwellings completed per year over the past 5 years (a total of 12,000 dwellings).

These housing delivery and capacity outcomes within The Hills are shown in the following figures.

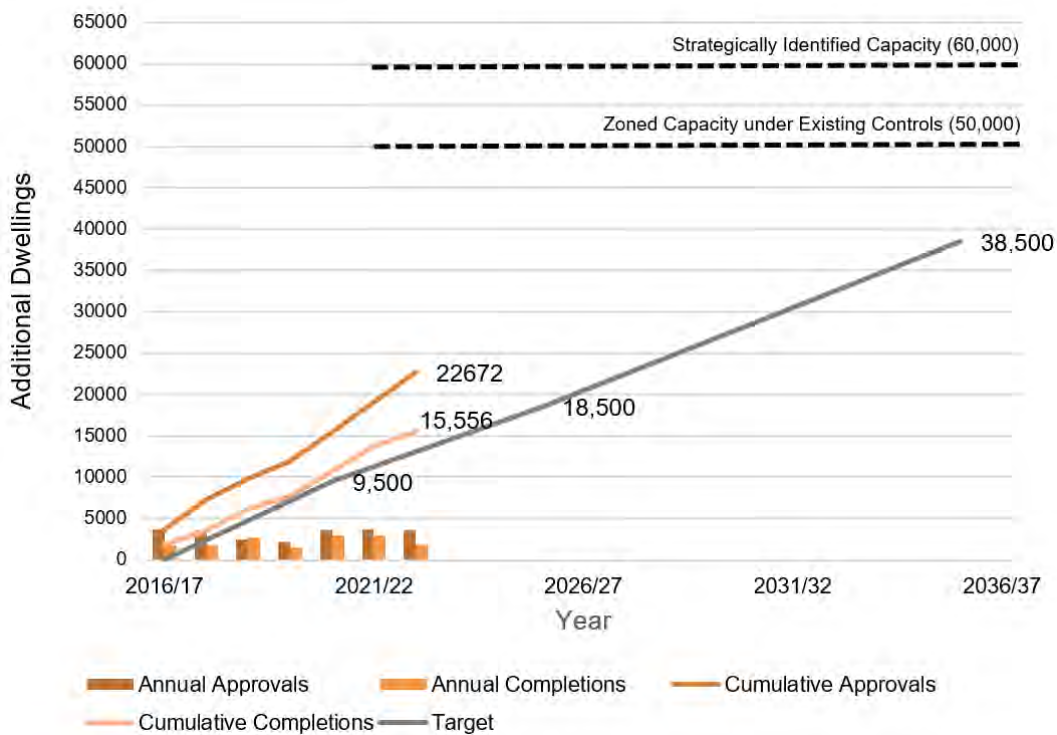


Figure 1
Comparison of Approvals and Completions – 2016 Onwards

As shown in Figures 2 and 3, multi-unit housing and residential flat buildings represent an increasing proportion of new dwellings approved within The Shire, which will continue to flow through into completed housing product as development occurs over the next 5 years.

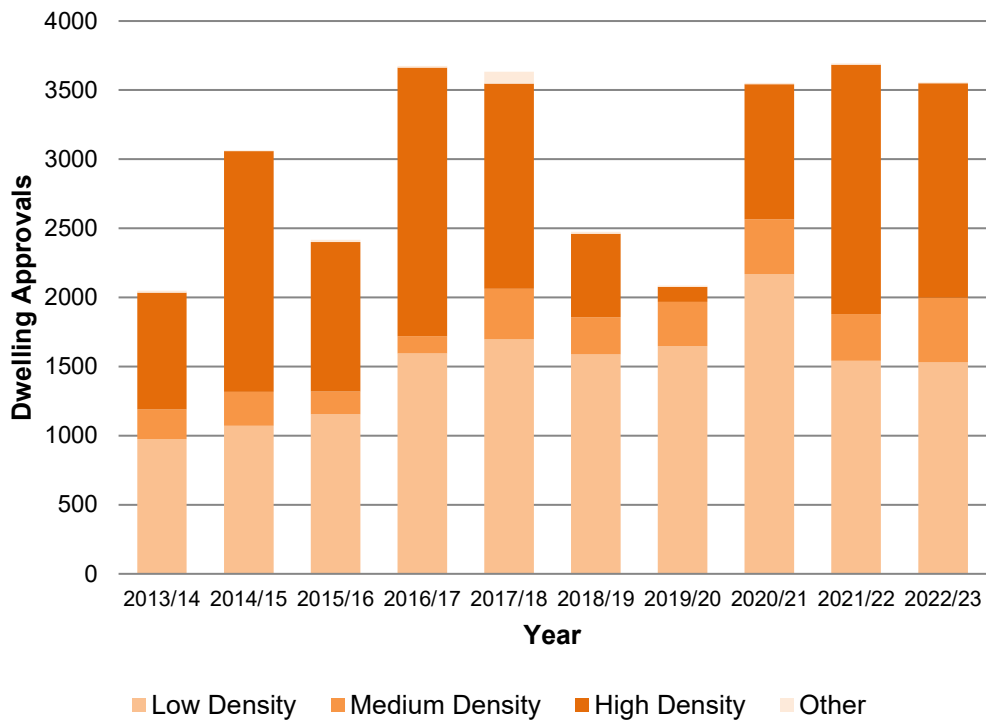


Figure 2
Overview of Approvals (10-year period)

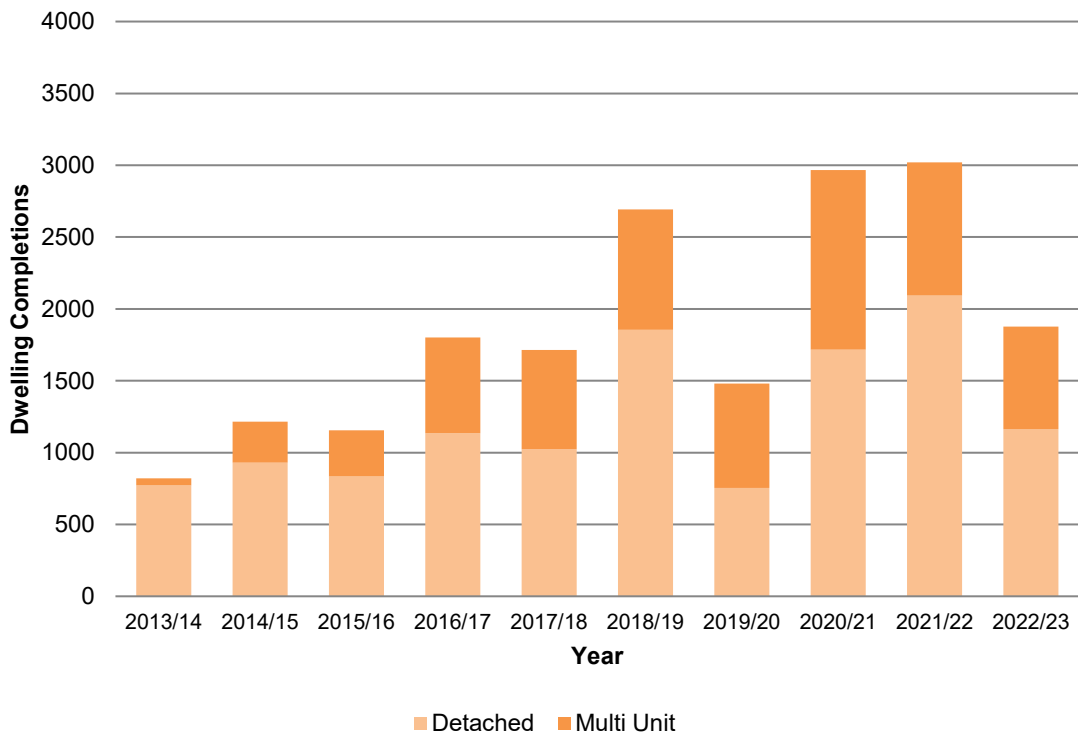


Figure 3
Overview of Completions (10-year period)

It should also be noted that the data reflected in these Figures (being the ABS Census Data and State Government Urban Development Program Dashboard) significantly underestimates the amount of 'missing middle' product being delivered in The Hills, as it accounts for small lot

housing outcomes as traditional low density dwellings. For example, investigations have revealed that in Box Hill Precinct alone around 1,600 of the new lots recorded (27% new lots) are smaller than 300m², despite not being accurately reflected the State Government dashboard and data as a medium density product.

Council currently has a large quantum of residential zoned land within The Hills Shire, with substantial remaining capacity for development of new housing. Under Council's existing local planning controls, medium density housing outcomes (such as townhouses and terraces) are already permitted on 27% of all residential zoned land, being every residential zone except for the R2 Low Density Residential zone. This is marked contrast to the 12% figure quoted by the Department for the Six Cities region, demonstrating the need for a more nuanced and localized response to the 'missing middle'.

ZONE	LEP 2019	BOX HILL	NORTH KELLYVILLE	TOTAL
R1 General Residential	67.8	2.8	32.6	102.2
R2 Low Density Residential	3,448.5	464.1	311.3	4,223.9
R3 Medium Density Residential	1,047.1	149.2	7.7	1,204.0
R4 High Density Residential	227.8	34.0	NA	261.8
TOTAL	4,790.2	650.1	351.6	5,791.9

Table 1

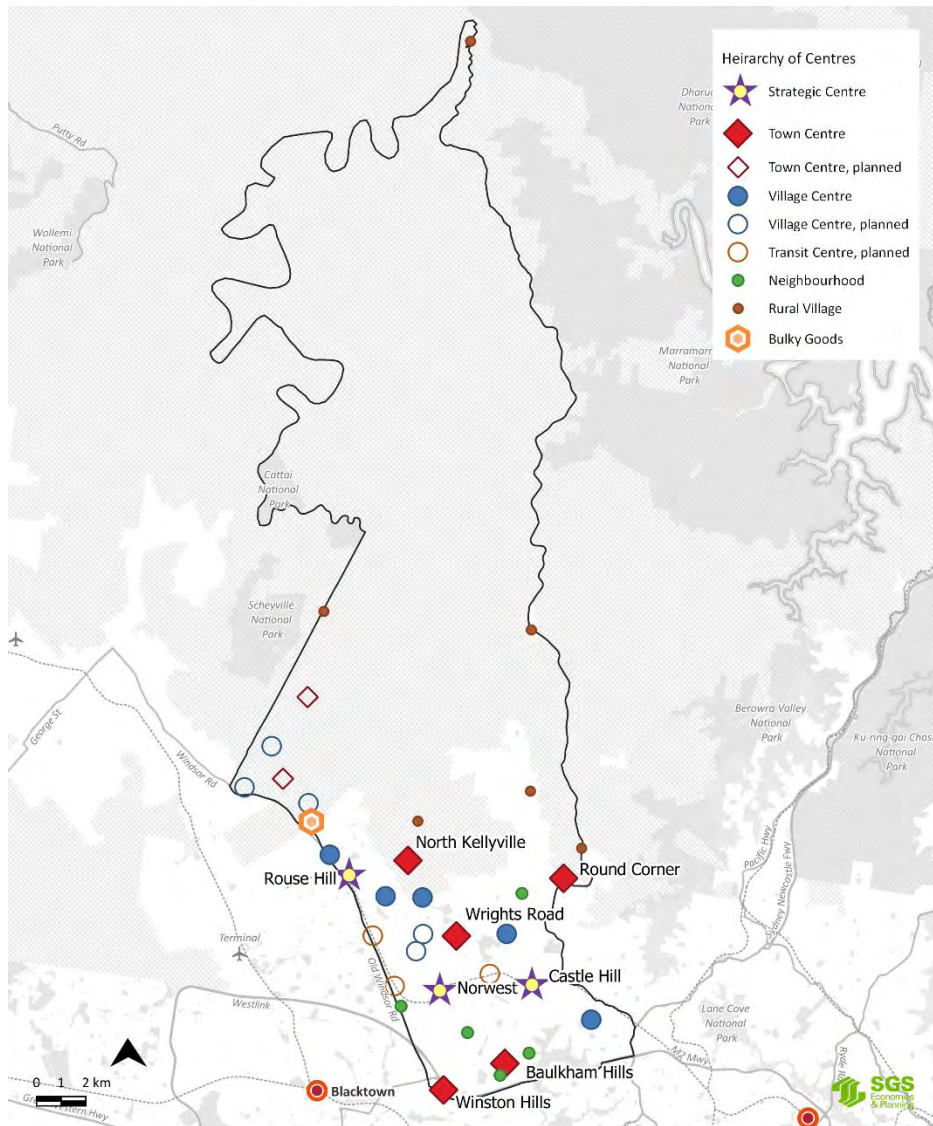
Summary of Residential Zoned Land in The Hills Shire
(zones where medium density housing is permitted highlighted in grey)

B. Council's Hierarchy of Centres

The Hills Shire has a strong and distinguishable hierarchy of retail and commercial centres in accordance with the District and Region Plan and enshrined in Council's local strategies and policies. This ranges from Norwest, Castle Hill and Rouse Hill as major Strategic Centres to smaller neighbourhood centres such as Arthur Street in Baulkham Hills that service the day-to-day needs of nearby residents.

The hierarchy identifies each centre based on its size, geographic area of influence and role and function in relation to other centres. As a framework for land use decision-making, the centres hierarchy supports orderly and sustainable development throughout the Shire, and the development of centres that are appropriate in scale, design and function for their location. Using the hierarchy of centres helps us to plan for vibrant, viable and diverse centres, with minimal impacts on surrounding land uses. An overview of the hierarchy of centres is provided in Table 3.

The established hierarchy of centres was examined by SGS Economics and Planning in February 2021 as part of the suite of consultant work to provide a robust evidence base to assist precinct planning for strategic centres. This work found the current centre classification across the Shire's retail hierarchy to be appropriate and suitable for the level of growth projected.



TO STRIVE FOR BETTER THINGS

Hierarchy	Location	Typology
Strategic Centres	<ul style="list-style-type: none"> ▪ Norwest ▪ Castle Hill ▪ Rouse Hill 	<ul style="list-style-type: none"> ▪ Transport interchange. ▪ Higher order retail and destination shopping. ▪ Strong civic presence. ▪ Higher density residential and mixed use developments (only where it does not constrain identified retail and commercial outcomes). ▪ Community facilities including major libraries, police station, government offices. ▪ Pedestrian activity day and night. ▪ Recreation and entertainment facilities including restaurants and cafes, bars and/or cinemas that will facilitate daytime and night-time trading.
Town Centres	<ul style="list-style-type: none"> ▪ Baulkham Hills ▪ North Kellyville ▪ Round Corner, Dural ▪ Wrights Road, Kellyville ▪ Box Hill (planned) ▪ Box Hill North (planned) ▪ Winston Hills 	<ul style="list-style-type: none"> ▪ Local transport node. ▪ Retail meets weekly shopping needs. ▪ Will typically accommodate large supermarkets and specialty fresh produce. ▪ Medium and higher density housing. ▪ Community services and facilities including library branch, post office, banks, private recreation, medical and health practices. ▪ Recreation and entertainment facilities including restaurants, cafes or children’s play areas that will provide opportunities for planned and casual social interactions.
Transit Centres	<ul style="list-style-type: none"> ▪ Kellyville Station (planned) ▪ Bella Vista Station (planned) ▪ Showground Station (planned) 	<ul style="list-style-type: none"> ▪ Rail hub. ▪ Retail for local residents. ▪ Civic spaces. ▪ Higher density residential around rail station. ▪ Typically a metro-scale supermarket. ▪ Services like a dry cleaner, post box, cafe, medical or health care services.
Village Centres	<ul style="list-style-type: none"> ▪ Beaumont Hills ▪ Coonara Avenue ▪ Hezlett Road, Kellyville ▪ Knightsbridge ▪ Mile End Road, Rouse Hill ▪ Windsor Road, Kellyville (planned transition) ▪ Nelson Road, Box Hill (planned) ▪ Mt Carmel Road, Box Hill (planned) ▪ Windsor Road, Box Hill (planned) ▪ Memorial Avenue, Kellyville (planned) ▪ Circa, Norwest (transitioning) 	<ul style="list-style-type: none"> ▪ Local bus stop with high frequency services. ▪ Retail serves local residents’ and workers’ weekly to daily shopping needs. ▪ Supermarket size varies from small to large depending on catchment area and physical size of centre. ▪ Medium density housing around town centre. ▪ Services and facilities including childcare centre, public open space, health care, ATM. ▪ Recreation facilities usually limited to small-scale cafes due to the floor area.

TO STRIVE FOR BETTER THINGS

Hierarchy	Location	Typology
Neighbourhood Centres	<ul style="list-style-type: none"> ▪ Arthur Street, Baulkham Hills ▪ Bella Vista ▪ Crestwood ▪ Cross Street, Baulkham Hills ▪ Glenhaven ▪ Windsor and Wager Roads, Norwest (planned) ▪ Stringer Road, Kellyville (planned) 	<ul style="list-style-type: none"> ▪ Local bus stop. ▪ Retail meets daily needs with a small-scale supermarket. ▪ Low density residential. ▪ Services include post box, childcare centre, medical or health care services. ▪ Recreation facilities usually limited to small-scale cafes due to the floor area.
Rural Villages	<ul style="list-style-type: none"> ▪ Annangrove ▪ Glenorie ▪ Kenthurst ▪ Maraylya ▪ Dural ▪ Wisemans Ferry 	<ul style="list-style-type: none"> ▪ Low density rural-residential development. ▪ Services may include post office or post box, health care services, public phone, service station or convenience store. ▪ Higher order villages may also include retail for daily needs with a small-scale supermarket or cafes.
Specialised Retail Clusters	<ul style="list-style-type: none"> ▪ Victoria Avenue, Castle Hill ▪ Rouse Hill (transitioning) ▪ Annangrove Road Employment Area 	<ul style="list-style-type: none"> ▪ Combination of commercial and specialised retail. ▪ Dense employment area. ▪ Services that meet workers' daily needs including cafes or takeaway shops, post box or newsagency.

Table 2
Overview of Centres Hierarchy

C. Government Reforms

A range of different reforms focused on housing supply have been the subject of Government media releases and announcements over the past 9 months, including:

- Density Bonuses to Encourage Social and Affordable Housing;
- Transit Oriented Development Program; and
- Changes to create low and mid-rise housing (the subject of this report).

This report only relates to the changes to create low and mid-rise housing which are currently on public exhibition. However, for context, an overview of each of these major reforms is provided below.

- Social and Affordable Housing

The Social and Affordable Housing reforms related principally to the Housing SEPP and other supporting legislation. These reforms were gazetted by Government on 14 December 2023.

There were a number of changes introduced at this time, however the key change was the introduction of a floor space and height bonus (ranging from 20-30%) above the local planning controls for development which includes 10-15% affordable housing.

A new state significant development (SSD) application pathway was also introduced for residential development with a capital investment value of over \$75 million in Greater Sydney

(and \$30 million outside Greater Sydney), where the development includes at least 10% affordable housing.

- ***Transit Oriented Development Program***

In December 2023, the Government announced its “Transit Oriented Development Program”. Whilst limited detail has been provided to date on the measures the Department is considering, a number of centres across Sydney and the broader Six Cities Region have been identified and categorised in two ‘tiers’, as detailed below:

Tier 1 – Accelerated Precincts (including Bella Vista and Kellyville Precincts)

8 Sydney Transport Hubs have been identified by Government for accelerated rezoning for the delivery of up to 47,800 new high and mid-rise homes over the next 15 years:

- Bankstown,
- Bays West,
- **Bella Vista / Kellyville Precincts,**
- Crows Nest,
- Homebush,
- Hornsby, and
- Macquarie Park.

Based on the information available to date, these precincts will all be subject to Department-led rezonings by November 2024, to provide significant uplift and support new homes within 1,200m of each Metro and rail station.

Bella Vista and Kellyville Precincts within The Hills have been identified as “Tier 1” Precincts, despite having already been rezoned by Government in 2017 and receiving SSDA approval in December 2022 for the development of Government land for significant new housing supply. It is uncertain what changes are now being considered by the Department to the controls applying to this land and Council officers are awaiting further information from the Department.

Tier 2 – “Snap” Rezonings (No Precincts Identified in The Hills)

The Government also announced that it will implement “snap” rezonings at 31 locations across NSW to allow for 138,000 new homes to be created within 400m of metro or suburban rail stations and town centres.

The Department has indicated that in these centres, a new SEPP will be introduced that permits residential apartments buildings in **all** residential zones as well as local centre and commercial centre zones that are located within 400m of the station. The SEPP will override local planning controls and permit a maximum FSR of 3:1 and a maximum building height of 21 metres (approx. 6 storeys) on this land.

None of the 31 centres identified are located within The Hills Shire.

- ***Explanation of Intended Effects – Changes to Create Low and Mid-rise Housing***

This is the subject of the current public exhibition (and this report) and focuses on changes to land use permissibility and zoning, generally within:

- 800m walking distance to a heavy rail, Metro or light rail station;
- 800m walking distance to land zoned E2 Commercial Centre or SP5 Metropolitan Centre (no land in the Hills Shire is currently zoned E2 or SP5);
- 800m walking distance to land zoned E1 Local Centre or MU1 Mixed Use.

An overview of these changes is provided in Section 2 of this report.

2. OVERVIEW OF CHANGES TO CREATE LOW AND MID-RISE HOUSING

The Department’s Explanation of Intended Effect (EIE) is on public exhibition until **23 February 2024**. It explains a suite of proposals to encourage more low and mid-rise housing options for households within NSW. The key proposed changes are detailed below and a copy of the EIE is provided as Attachment 1 to this report for reference.

a) Mid-Rise Housing

- It is proposed that residential flat buildings will be permitted on all R3 Medium Density Residential zoned land in “well located areas”. For The Hills, this means land within 800m walking distance of a Metro Station or within 800m walking distance of land zoned E1 Local Centre or MU1 Mixed Use (but only if the zone contains a wide range of frequently needed goods and services such as full line supermarkets, shops and restaurants).
- The Department is seeking input from Councils to determine which E1 Local Centre and MU1 Mixed Use centres within their Local Government Areas contain an appropriate level of goods, services and amenities to be included. Recommendations based on Council’s adopted Centres hierarchy (refer to Section 1B of this report) are contained in the submission provided as Attachment 2 to this report.
- The Department is seeking to introduce “non-refusal” standards that will apply wherever residential flat buildings or shop top housing are permitted within Station and Town Centre Precincts (that is, development could not be refused on these grounds if it complies with the respective standards). The standards are designed to allow more density in the inner part of the Precincts (within 400m) and less density in the outer parts of the Precincts (from 400m to 800m). The proposed standards are:

	Maximum Building Height	Maximum Floor Space Ratio
Inner Catchment <i>(within 400m)</i>	21m (6 storeys)	3:1
Outer Catchment <i>(from 400m to 800m)</i>	16m (4 storeys)	2:1

Table 3
Proposed Non-Refusal Standards for Residential Flat Buildings and Shop Top Housing in Station Precincts and Town Centres

- It is noted that the Department is also proposing to “switch off” minimum site area and width standards in LEPs as they apply to these areas as part of these reforms. This is intended to enable the individual merits of mid-rise developments to be considered on a case-by-case basis within the context of the site at the development assessment stage.
- The proposed mid-rise housing reforms are intended to be supported by design criteria that will vary some provisions contained within the Apartment Design Guide (ADG) for development in these areas. These changes relate to building separation, setbacks, vehicle access, visual privacy, communal open space, landscaping and car parking.

While the EIE flags the intent of the proposed changes to the design criteria, detail regarding the proposed design criteria have not been released by the Department so the extent of variation to the ADG is unknown at this time.

- The existing in-fill affordable housing bonus provisions within the Housing SEPP will continue to apply for developments under the proposed mid-rise housing reforms in station precincts and town centres. That is, development would be eligible to obtain a 20-30% bonus above these standards where it includes 10-15% affordable housing, as a result of separate reforms by Government in December 2023. The EIE also flags that the Department is proposing to work with Councils to introduce affordable housing contribution schemes (inclusionary zoning) on more land across the Six Cities Region where there has been sufficient value uplift. Further consultation on this is expected in 2024.

b) Low-Rise Housing

- It is proposed that multi-dwelling housing (such as townhouses and terrace housing) and manor houses will be permitted with consent in the R2 Low Density Residential zone within station and town centre precincts. For The Hills, this means land within 800m walking distance of a Metro Station or within 800m walking distance of land zoned E1 Local Centre or MU1 Mixed Use (but only if the zone contains a wide range of frequently needed goods and services such as full line supermarkets, shops and restaurants).
- The Department is seeking input from Councils to determine which E1 Local Centre and MU1 Mixed Use centres within their Local Government Areas contain an appropriate level of goods, services and amenities to be included. Recommendations based on Council's adopted Centres hierarchy (refer to Section 1B of this report) are contained in the submission provided as Attachment 2 to this report.
- Under the proposed reforms, manor houses will be characterised as 2-storey residential flat buildings (excluding any habitable roof), rather than being limited to 3 or 4 dwellings as they are currently defined under the Codes SEPP.
- The Department is seeking to introduce "non-refusal" standards that will apply wherever multi dwelling housing and manor houses are permitted within Station and Town Centre Precincts (that is, development cannot be refused on these grounds if it complies with the respective standards). These include the following:

	Multi Dwelling Housing (Terraces)	Multi Dwelling Housing	Manor Houses
Maximum Building Height	9.5m	9.5m	9.5m
Maximum Floor Space Ratio	0.7:1	0.7:1	0.8:1
Minimum Site Area	500m ²	600m ²	500m ²
Minimum Lot Width	18m	12m	12m
Minimum Car Parking	0.5 space per dwelling	1 space per dwelling	0.5 space per dwelling

Table 4

Proposed Non-Refusal Standards for Multi-Dwelling Housing (terraces), Multi-Dwelling Housing and Manor Houses in Station Precincts and Town Centres

- It is proposed that torrens subdivision of multi-dwelling housing (terraces) and dual occupancies will be permitted, provided the proposed lots meet appropriate size, width and access requirements.
- It is proposed that dual occupancies will be permitted in all R2 Low Density Residential zones across NSW.
- The Department is seeking to introduce “non-refusal” standards that will apply wherever dual occupancies are permitted across Greater Sydney. These include the following:

	Dual Occupancies
Maximum Building Height	9.5m
Maximum Floor Space Ratio	0.65:1
Minimum Site Area	450m ²
Minimum Lot Width	12m
Minimum Car Parking	1 space per dwelling

Table 5

Proposed Non-Refusal Standards for Dual Occupancies in Greater Sydney

- It is noted that the existing in-fill affordable housing bonus provisions of the Housing SEPP will continue to apply for development under the proposed low-rise housing provisions.

c) Flooding

- The EIE indicates that Council’s current flooding controls will continue to apply to all development where the low-rise and mid-rise housing reforms are proposed. In areas of particularly high risk, the Department will work with Council’s to exclude the relevant areas from the application of the proposed reforms.

d) Infrastructure Contributions

- The EIE notes that it is important to ensure that Councils have sufficient revenue to fund any new or upgraded local infrastructure that may be required. It notes that some changes may be needed to existing contributions frameworks to allow for anticipated growth. The Department is seeking feedback from Councils on their preferred approach to identifying and addressing additional infrastructure needs that arise as a result of the proposed changes.

The Department's Fact Sheet indicates that the NSW Government will be introducing a State Environmental Planning Policy (SEPP) to enact these changes. It also notes that at the same time, it will encourage Councils to add these types of dwellings to their own planning rules within their LEPs. If a Council's planning rules match or go further than the state policy, it is understood that the new NSW Government policy will no longer apply (that is, whichever controls give greater development yields will take precedence).

3. APPLICATION OF REFORMS TO THE HILLS

While the proposed reforms will apply across the Six Cities Region, the key changes as they apply to the Hills Shire include:

- Reduction of minimum lot size for dual occupancies in all residential zones and allowance for subdivision, which is currently prohibited under clause 4.1C of The Hills LEP 2019. Dual occupancies are currently permitted within all residential zones in The Hills, however they have minimum lot size requirements ranging from 600m² to 1,800m² (depending on the zone). The proposed reforms would allow for dual occupancies (and subdivision) to occur in these zones with a minimum lot size of 450m² (the potential implications of this change are discussed further in Section 4 of this report).
- Allowance for low and mid-rise housing in certain parts of the Shire where currently not permitted. While the Government's terminology often refers to increasing housing opportunities surrounding "stations and town centres", there is not sufficient clarity on the "town centres" affected by the proposed changes. The Department is seeking input on which E1 Local Centre or MU1 Mixed Use centres should be included, noting their proposed criteria is land within 800m walking distance of such zones, but only if it contains a wide range of frequently needed goods and services such as full line supermarkets, shops and restaurants.
- Council has an established hierarchy of centres which provides a basis for determining the application of reforms. The Hills currently has 3 identified "strategic centres", 7 identified "town centres" and 3 identified "transit centres", which generally reflect the areas with the highest level of transport connectivity (such as metro stations or frequent bus services) and services. However, the reforms (as currently drafted) would potentially impact all of Council's centres more broadly, including village centres and neighbourhood centres, which are not of the same scale, character or function. It is recommended that Council's submission seek to contain the application of these reforms to higher order centres only (metro station precincts and 5 of its town centres as defined within the Productivity and Centres Strategy. It is recommended that Round Corner Dural Town Centre be excluded, noting this is located within the Metropolitan Rural Area with limited public transport accessibility. It is also recommended that Winston Hills be excluded, noting that the M2 Motorway poses a significant barrier to walkability and amenity for residential zoned land in the Hills Shire (this would not preclude the application to land within City of Parramatta subject to consultation with that Council). It

is also recommended that smaller town centres be excluded from the reforms that are smaller and less accessible to public transport, including Box Hill Town Centre, Gables Town Centre, North Kellyville Town Centre and Wrights Road Town Centre.

- Multi-dwelling housing (such as townhouses and terrace housing) and manor houses (effectively 2 storey residential flat buildings) would become permitted uses on land currently zoned R2 Low Density Residential that is within the 800m walkability catchments of certain centres. Under the reforms as drafted, there are areas of R2 Low Density Residential land which would be impacted surrounding 13 of Council's Station Precincts and Town Centres:
 - Cherrybrook Station Precinct
 - Castle Hill Strategic Centre
 - Showground Station Precinct
 - Norwest Station Precinct
 - Bella Vista Station Precinct
 - Rouse Hill Strategic Centre
 - Kellyville Station Precinct
 - Baulkham Hills Town Centre
 - Box Hill Town Centre
 - Gables Town Centre
 - North Kellyville Town Centre
 - Winston Hills Town Centre
 - Wrights Road Town Centre

Maps showing the zoning and walkable catchments around each of Council's centres are provided as Attachment 3 for further reference and consideration.

- Residential flat buildings would become permitted on land zoned R3 Medium Density Residential within the 800m walkability catchments of certain centres, with floor space ratio of up to 3:1 (within 400 metres) and 2:1 (within 400-800 metres). There are areas of R3 Medium Density Residential land which would be impacted surrounding 11 of Council's Station Precincts and Town Centres:
 - Castle Hill Strategic Centre
 - Showground Station Precinct
 - Norwest Station Precinct
 - Bella Vista Station Precinct
 - Rouse Hill Strategic Centre
 - Kellyville Station Precinct
 - Baulkham Hills Town Centre
 - Box Hill Town Centre
 - Gables Town Centre
 - North Kellyville Town Centre
 - Wrights Road Town Centre

Maps showing the zoning and walkable catchments around each of Council's centres are provided as Attachment 3 for further reference and consideration. It is noted that Cherrybrook Station Precinct and Winston Hills Town Centre do not include any land zoned R3 Medium Density Residential in the Hills Shire and therefore would not be impacted by this change.

- There are various other centres within The Hills that could also potentially be impacted by the reforms, depending on whether or not the Department agrees to limit the application of these reforms to Council's higher order centres only. These include Council's neighbourhood and village centres, which are envisaged to be of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services. These 17 lower order centres which could potentially be impacted by the reforms include:
 - Beaumont Hills
 - Coonara Avenue, West Pennant Hills
 - Hezlett Road, North Kellyville
 - Knightsbridge, Castle Hill
 - Mile End Road, Rouse Hill
 - Windsor Road, Kellyville
 - Nelson Road, Box Hill
 - Mount Carmel Road, Box Hill
 - Windsor Road, Box Hill
 - Memorial Avenue, Kellyville
 - Arthur Street, Baulkham Hills
 - Bella Vista
 - Crestwood
 - Cross Street, Baulkham Hills
 - Glenhaven
 - Windsor and Wager Roads, Norwest
 - Stringer Road, North Kellyville

Maps showing the zoning and walkable catchments around each of Council's centres are provided as Attachment 3 for further reference and consideration.

- The proposed methodology for calculating the "walkable catchment" for the application of these reforms is based on distance from the edge of the E1 Local Centre / MU1 Mixed Use zoning boundaries **and** the Metro Station. This means that the walkable catchments could be construed as the distance from the "edge" of the centre, rather than the distance to the transport node within that centre. In practice, this would mean that areas earmarked for change are not accessible to high frequency public transport, with extensive catchment areas in some centres.
- For example, in the Castle Hill Strategic Centre, when the walkable catchment is calculated from the edge of the fairly extensive MU1 zoned area (rather than the Castle Hill Metro Station), these reforms would potentially permit residential flat buildings up to 1,600m-2km away from the Castle Hill Metro Station (as shown in the following figure). These are essentially peripheral areas of the Precinct which are not within walkable catchment of the actual transport node and which are beyond the walkable distance from a station where behavioural change and modal shift towards public transport is typically observed. It is recommended that walkable catchments should continue to be calculated only as walking distance from the specific transport node within each centre, rather than the edge of the zoning boundary of the centre.

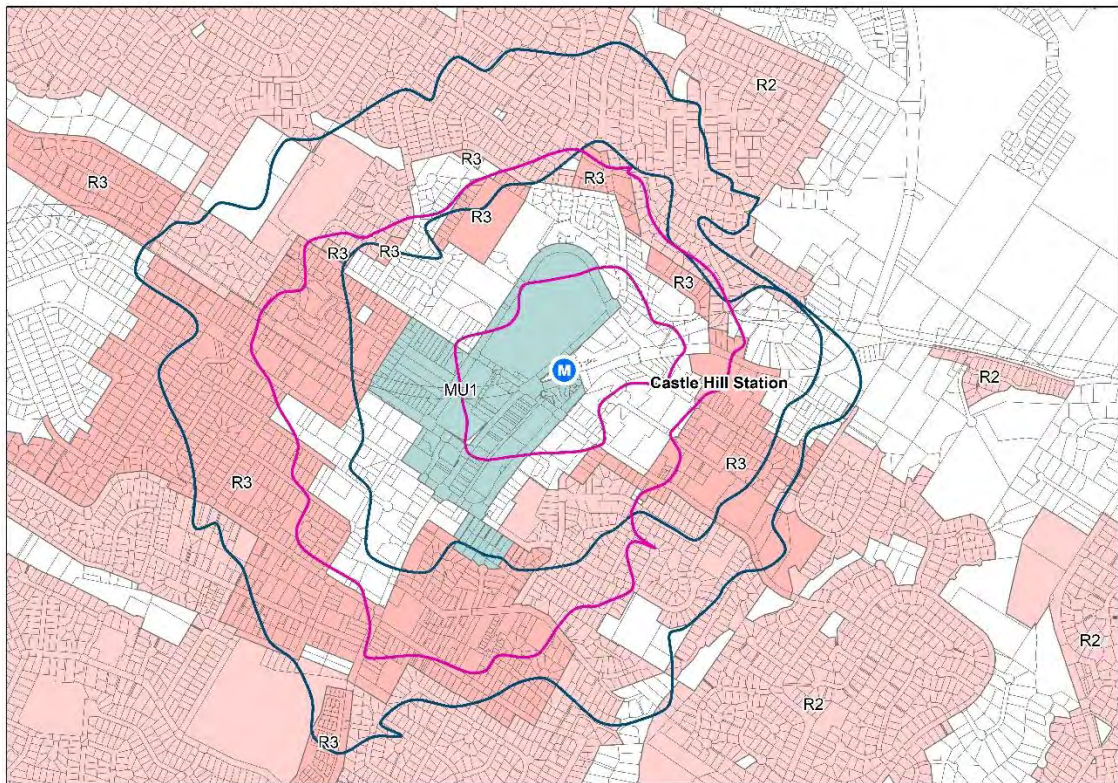


Figure 5
Walkability Catchments for Castle Hill Strategic Centre

4. KEY IMPLICATIONS FOR THE HILLS

A summary of the key potential implications in the context of The Hills Shire LGA are provided below:

a) Poor built form outcomes

- The proposed “non-refusal” standards for residential flat buildings in station precincts and town centres will allow for substantially more density and built form compared to the outcomes currently achievable under the current LEP controls. For example, the Baulkham Hills Town Centre currently has maximum FSR controls ranging from around 1:1 to 3:1, with the highest densities reserved for gateway locations at the junction of Windsor Road, Old Northern Road and Seven Hills Road. This will be substantially increased under the proposed reforms, with residential flat buildings to be permitted in R3 Medium Density Residential zoned areas with an FSR of 3:1 (within a 400m walkability catchment) or 2:1 (within an 800m walkability catchment). In other areas zoned R3 Medium Density within the catchment of these centres, the reforms would see an increase in maximum permissible outcomes from a 2-3 storey townhouse or terrace product to a 4-6 storey residential flat building.
- There is a substantial mismatch between the proposed FSR and building height controls proposed within the reforms (FSR of 3:1 with maximum building heights of 21 metres / 6 storeys and an FSR of 2:1 with maximum building heights of 16 metres / 4 storeys). Achievement of a density of 3:1 would typically require a building height far greater than 6. For example, in the Showground Station Precinct (which was rezoned by the Department in 2017), areas with an FSR of 3:1 were identified as requiring a maximum building height of 16 storeys in order to allow for this extent of density to be achieved

whilst also achieving other amenity and urban design objectives. The combination of the FSR and building height non-refusal standards proposed under the reforms will likely lead to downward pressure on building heights and in turn, extremely high site coverage outcomes with associated poor urban design and amenity outcomes such as:

- Minimal setbacks
- Minimal building separation
- Long and bulky buildings with large floor plates
- Inadequate landscaped open space, ground plane common areas and deep soil zones for mature planting
- Excessive overshadowing of open space and adjoining sites

It is unclear what urban design modelling, if any, has been completed by the Department to justify how the combination of controls (3:1 FSR and 6 storey height) will lead to acceptable urban design outcomes. Unfortunately, it may be the case that the Department has recognised this particular issue already but rather than pursuing acceptable urban design outcomes, will instead permit variation to the minimum base standards set out in the Apartment Design Guidelines in these areas (although details with respect to the nature of variation to the ADG within these areas have not yet been released by the Department at this time).

b) Slows down the roll out of planned Precincts

- The NSW Government, Councils and the community have spent years doing the necessary strategic planning work to prepare growth locations for future housing. In The Hills, many of the precincts surrounding the stations have been through years of planning work and are just now at the point where development and the delivery of housing can commence. Rather than allowing this planned development (and significant housing supply) to come to fruition, these reforms will now undermine the planning work, create further speculation and increase development costs as landowners reconsider the value of their land and factor in the increase in the highest and best use before sale of development lots.
- It is recommended that Council continue to advocate for areas that have been subject to recent (or nearly completed) strategic planning processes and rezonings to be recognised and exempt from the application of these reforms, so that the high yield development outcomes already permitted (based on technical studies and detailed examination of infrastructure and built form capacity) can be allowed to eventuate.

c) Degradation of urban character

- The proposed relaxation of controls relating to dual occupancies and the allowance for medium density housing forms and manor houses in the R2 Low Density Residential zone is likely to fundamentally change the character of low density areas which currently provide a lifestyle choice for many residents. Council's housing strategy implemented for over 30 years is a deliberate approach (based upon the same principles outlined in the proposed reforms) that transitions residential density from the core of centres with high amenity, access to services and transport connections to lower densities at the periphery. Low density housing outcomes outside of these areas provides for a diversity of housing options and puts density and intensity in the right locations. Allowing for dual occupancy and associated subdivision on lots substantially smaller than the prevailing lot size in low density areas will erode community confidence in the planning system and what it is intended to achieve.

- Furthermore, under The Hills LEP 2019 the current minimum lot sizes for dual occupancies seek to reinforce the hierarchy of residential zones and, by way of larger 1800m² minimum lot sizes, seek to promote higher density housing in the R1 General Residential and R4 High Density Residential zone. The proposed reforms to reduce minimum lot sizes for dual occupancies in these locations could be counterproductive to achieving the intended high density housing in these locations as it would lead to further fragmentation of the landholdings in these areas, making it less attractive for redevelopment. It is recommended that proposed dual occupancy changes to minimum lot size and allowance for subdivision be contained to the R3 Medium Density Residential zone only.
- There is no evidence that the Department has calculated the potential cumulative uplift that these reforms would permit in either Greater Sydney or any individual local areas, in isolation or in combination with the social and affordable density bonuses (30%) which were introduced by the State Government in December 2023. The material released by the Department does not include any evidence of investigations into likely yield outcomes or the character or infrastructure impacts of these changes on the local areas which are most likely to be affected.
- In many cases, the proposed non-refusal standards would allow for development outcomes that is unable to comply with Council's Development Control Plan controls relating to setbacks, landscaping, building separation, solar access and interface requirements with the public domain. The standards proposed by the Department are unlikely to achieve acceptable urban design outcomes and will lead to an overall loss in design quality and amenity. The Government's standards will take precedence over Council's DCP controls in the case of any inconsistency.
- The proposed controls will override Council's parking controls in some areas, which are based on detailed analysis and investigations of travel behaviours, modal split and community expectations. The lower rates that will be permitted by the reforms (for example, 0.5 spaces per dwelling) will likely result in increased demand for street parking from future residents of dwellings that do not have any parking spaces, as well as visitors. This is especially the case for areas which may be up to 2km from the actual transport node within the centre and where a standard single detached dwelling with standard street frontage width could theoretically be redeveloped for between 4-8 units within a residential flat building.

d) Exacerbates infrastructure challenges

- The Hills already has sufficient capacity zoned for around 50,000 additional dwellings which are yet to be taken up by the market. There are already major barriers to identifying, funding and delivering sufficient infrastructure to service this amount of planned growth, let alone the significant additional (and undefined) dwelling yields over and above this that will be permitted by the reforms.

Overall it is likely that rather than encouraging the construction and completion of new housing within The Hills, the current Government's constant reform agenda and associated uncertainty is having the effect of stifling development activity where it is already permitted and approved, as landowners and developers rationally stall their short term development activity to speculate and await potential further windfall gains as a result of these reforms. It is recommended that the Government focus its reform efforts on some of the more fundamental and impactful issues which are delaying housing delivery, many of which are outside of the planning system.

5. DRAFT SUBMISSION

A draft submission on the reforms has been prepared and is provided as Attachment 2 to this report for Council's consideration. An overview of the proposed mapping and recommended locations is provided as Attachment 4 to this report for Council's consideration.

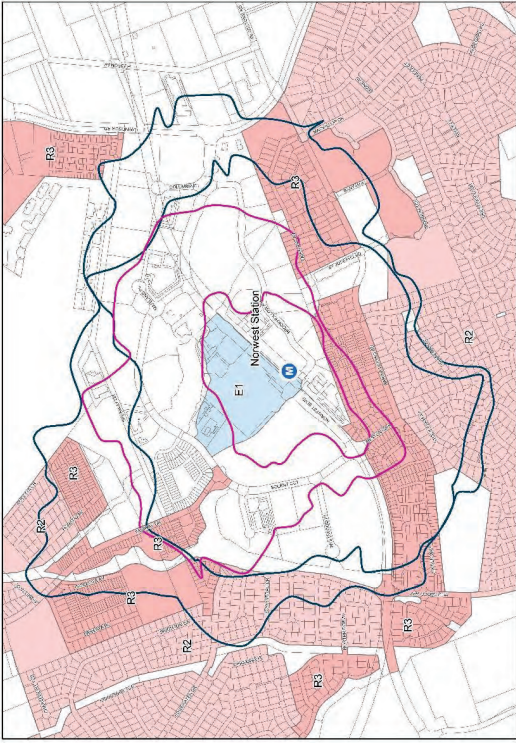
The submission, as recommended by this report, objects to the progression of these reforms in the first instance. It outlines Council's well-established approach to housing supply and the priorities on which it is founded and flags matters other than the planning system that could be better addressed in dealing with the housing crisis. However, noting that the Government and Department's indications are that these reforms will be progressing in some form irrespective of any opposition from local Government and local communities, the submission also suggests some issues and recommendations for consideration if the Department continues to progress with these reforms.

More information on these and other matters is provided in the Draft Submission prepared by Council Officers attached to this report (Attachment 2).

ATTACHMENTS

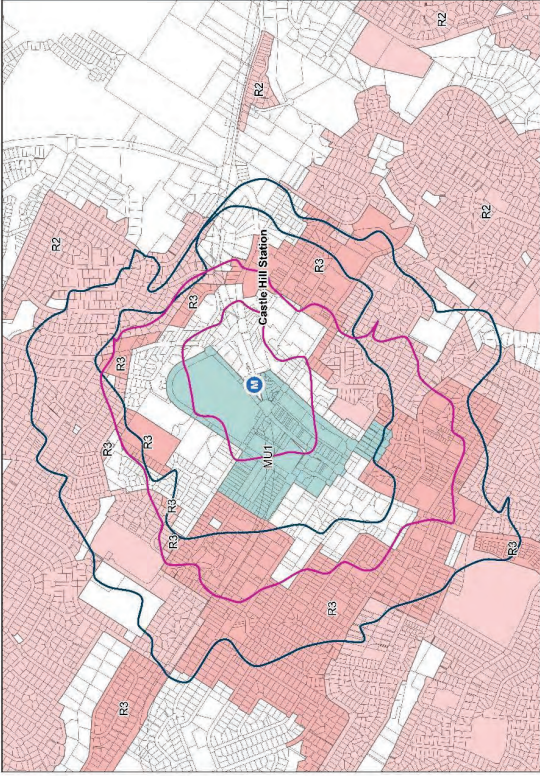
1. Explanation of Intended Effect (42 pages)
2. Draft Submission on Proposed Reforms (9 pages)
3. Mapping Overview of Zoning and Walkable Catchments (31 pages)
4. Proposed Mapping and Recommended Locations (31 pages)

Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Strategic Centre	Norwest	E1 Local Centre	Yes		<p>✓</p>	<p>✓</p>	<p>In the first instance, it is recommended that this centre be excluded from the reforms on the basis that it has been subject to recent precinct planning processes.</p> <p>However, it is recognised that it is defined as a 'Strategic Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is a centre where the reforms are intended to be applied, being an area with high levels of transport connectivity and services.</p> <p>Both the low and mid-rise reforms would apply noting there is both R2 Low Density Residential and R3 Medium Density Residential zoned land.</p> <p>It is recommended that walkable catchments be calculated from the transport node within the centre, rather than based on land use zoning boundaries.</p>

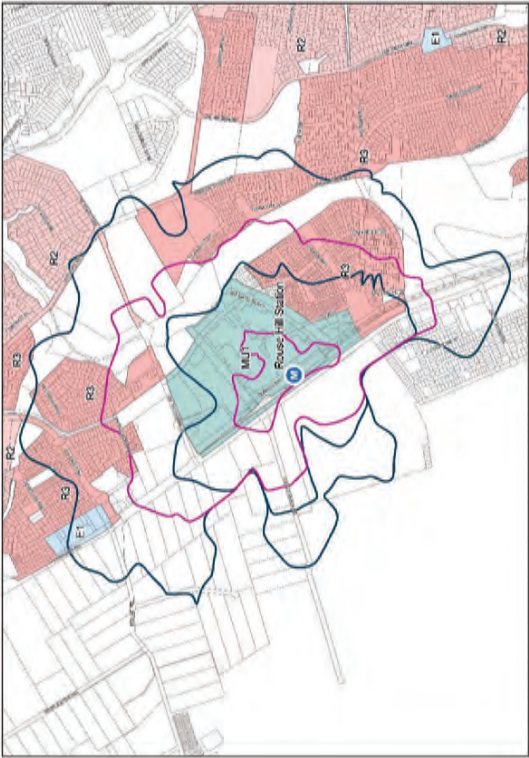
Note - 400m walkability catchments shown in pink and 800m walkability catchments shown in blue, showing distance based on Station entrances and/or distance based on edge of centre zone boundaries

Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Strategic Centre	Castle Hill	MU1 Mixed Use	Yes		<p>✓</p>	<p>✓</p>	<p>In the first instance, it is recommended that this centre be excluded from the reforms on the basis that it has been subject to recent precinct planning processes.</p> <p>However, it is recognised that it is defined as a 'Strategic Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is a centre where the reforms are intended to be applied, being an area with high levels of transport connectivity and services.</p> <p>Both the low and mid-rise reforms would apply noting there is both R2 Low Density Residential and R3 Medium Density Residential zoned land.</p> <p>It is recommended that walkable catchments be calculated from the transport node within the centre, rather than based on land use zoning boundaries.</p>

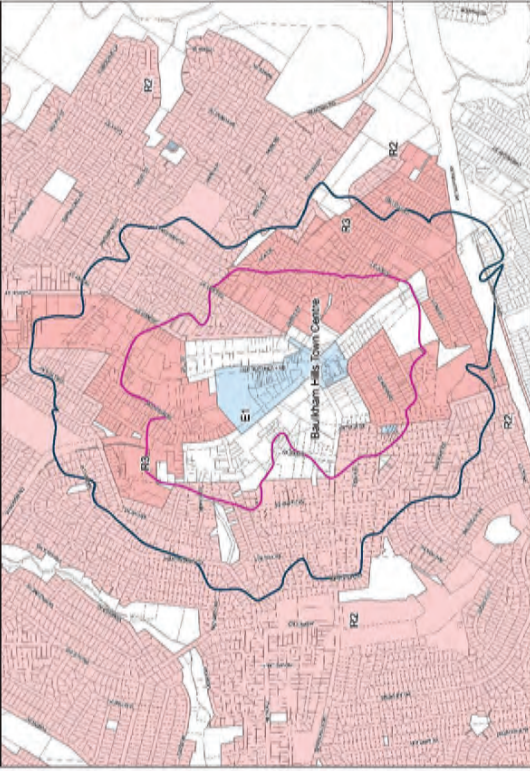
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Strategic Centre	Rouse Hill	MU1 Mixed Use	Yes		X	✓	<p>In the first instance, it is recommended that this centre be excluded from the reforms on the basis that it has been subject to recent precinct planning processes.</p> <p>However, it is recognised that it is defined as a 'Strategic Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is a centre where the reforms are intended to be applied, being an area with high levels of transport connectivity and services.</p> <p>Only the mid-rise reforms would apply noting there is only R3 Medium Density Residential zoned land within the walkable catchment (when calculated from the station).</p> <p>It is recommended that walkable catchments be calculated from the transport node within the centre, rather than based on land use zoning boundaries.</p>

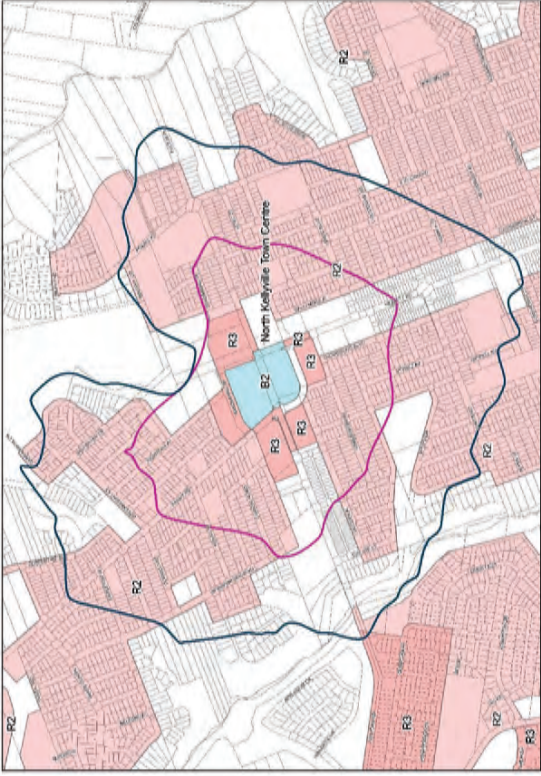
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Town Centre	Baukham Hills	E1 Local Centre	No		✓	✓	<p>This centre is defined as a 'Town Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is a centre where the reforms are intended to be applied, being an area with high levels of transport connectivity and services.</p> <p>Both the low and mid-rise reforms would apply noting there is both R2 Low Density Residential and R3 Medium Density Residential zoned land.</p> <p>It is recommended that walkable catchments be calculated from the transport node within the centre, rather than based on land use zoning boundaries (as shown).</p>

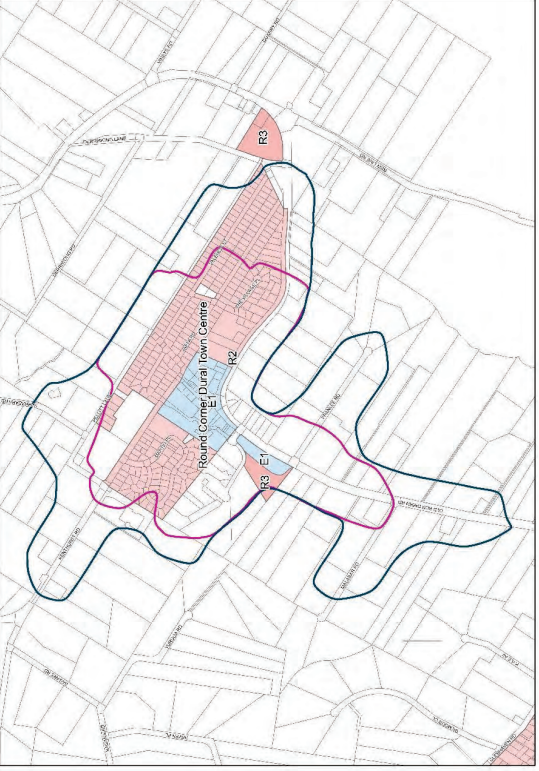
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Town Centre	North Kellyville	B2 Local Centre	No		X	X	<p>In the first instance, it is recommended that this centre be excluded from the reforms on the basis that it has been subject to recent precinct planning processes.</p> <p>This centre is defined as a 'Town Centre' within Council's Centres Hierarchy. However, it is not considered appropriate for the reforms to be applied to this centre, given it is of a much smaller size and scale to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p> <p>Therefore, it is recommended that the reforms not apply to this centre.</p>

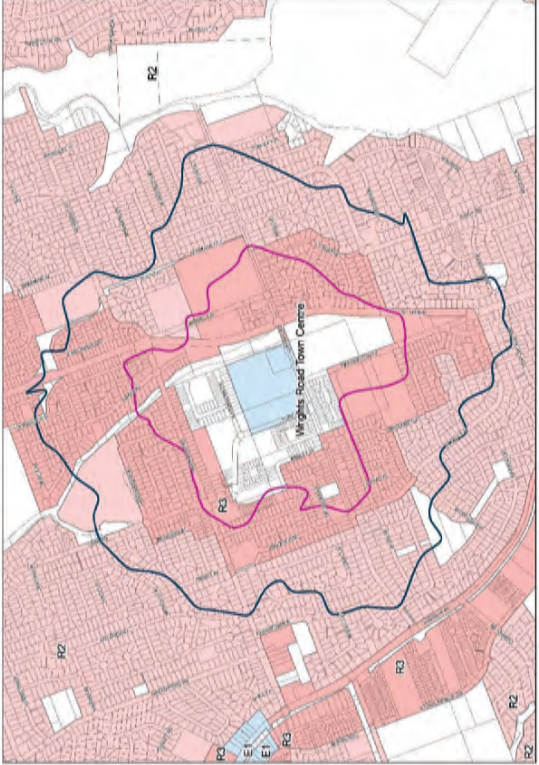
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Town Centre	Round Corner, Dural	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Town Centre' within Council's Centres Hierarchy. However, it is noted that this centre is located within the Metropolitan Rural Area and is not well serviced from a public transport perspective.</p> <p>Therefore, it is recommended that the reforms not apply to this centre.</p>

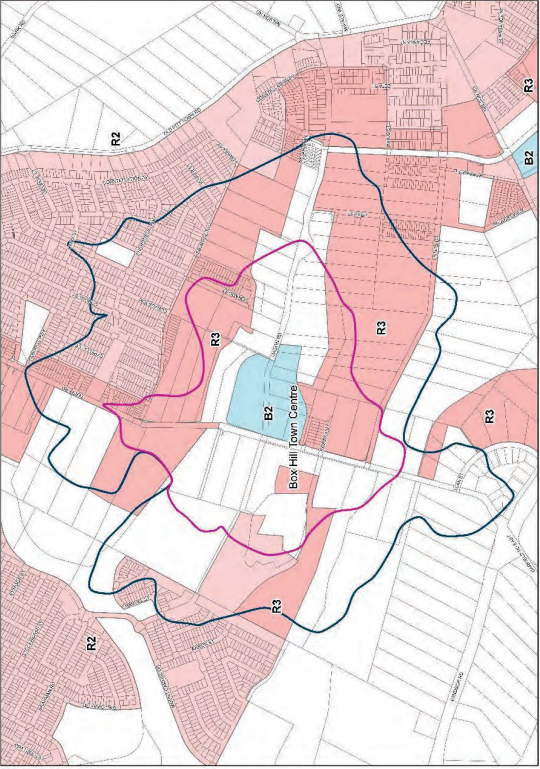
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Town Centre	Wrights Road, Kellyville	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Town Centre' within Council's Centres Hierarchy. However, it is not considered appropriate for the reforms to be applied to this centre, given it is of a much smaller size and scale to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p> <p>Therefore, it is recommended that the reforms not apply to this centre.</p>

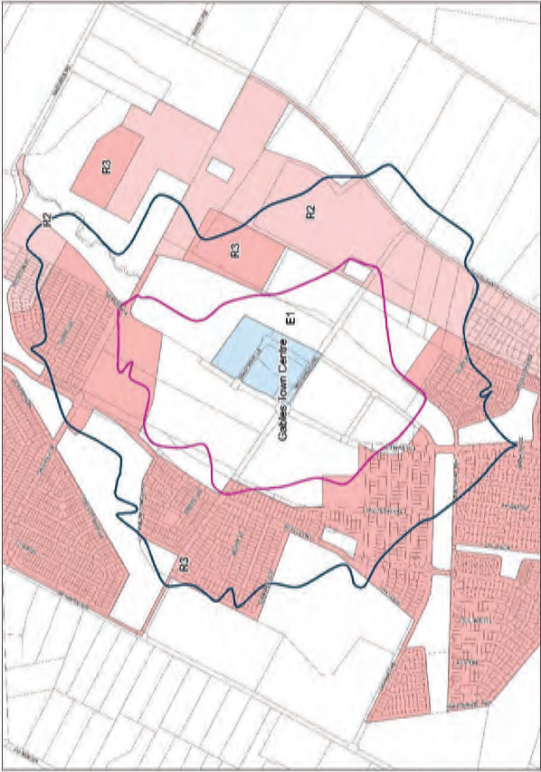
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Town Centre	Box Hill	B2 Local Centre	No		X	X	<p>In the first instance, it is recommended that this centre be excluded from the reforms on the basis that it has been subject to recent precinct planning processes.</p> <p>This centre is defined as a 'Town Centre' within Council's Centres Hierarchy. However, it is not considered appropriate for the reforms to be applied to this centre, given it is of a much smaller size and scale to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p> <p>Therefore, it is recommended that the reforms not apply to this centre.</p>

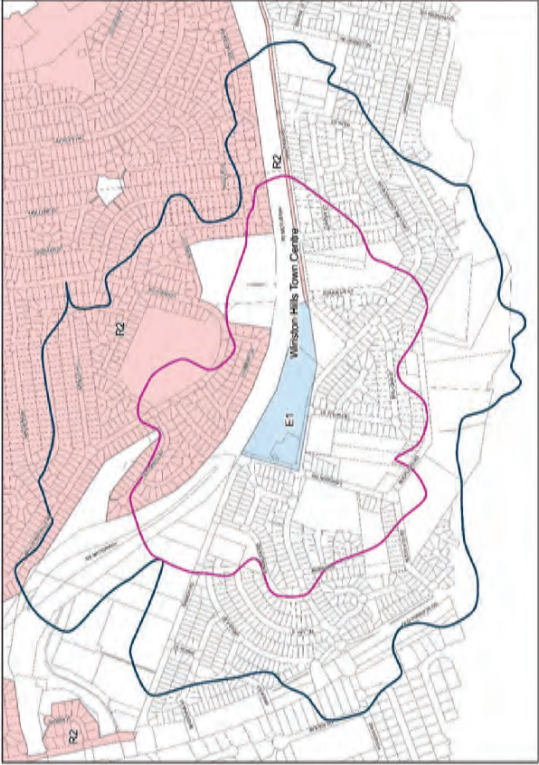
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Town Centre	Gables (Box Hill North)	E1 Local Centre	No		X	X	<p>In the first instance, it is recommended that this centre be excluded from the reforms on the basis that it has been subject to recent precinct planning processes.</p> <p>This centre is defined as a 'Town Centre' within Council's Centres Hierarchy. However, it is not considered appropriate for the reforms to be applied to this centre, given it is of a much smaller size and scale to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p> <p>Therefore, it is recommended that the reforms not apply to this centre.</p>

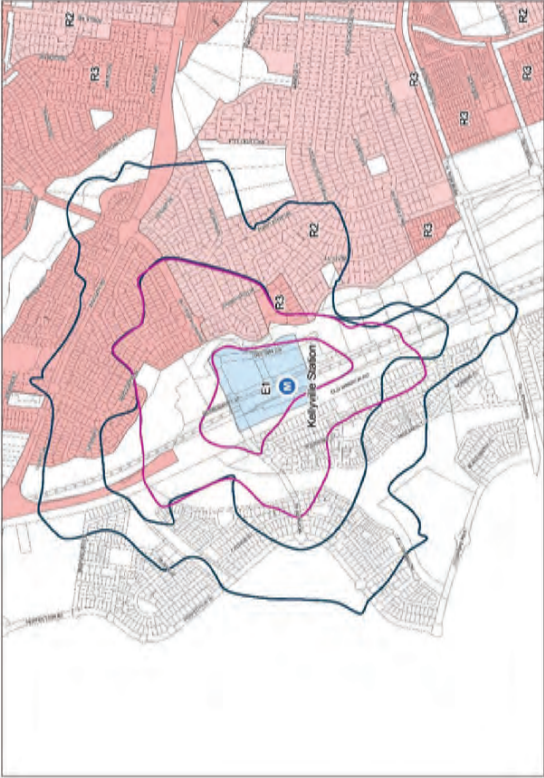
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Town Centre	Winston Hills	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Town Centre' within Council's Centres Hierarchy. However, it is noted that connectivity within the Hills Shire is limited given the significant barrier posed by the M2 Motorway and potential noise and amenity impacts.</p> <p>Therefore, it is recommended that the reforms not apply to this centre.</p>

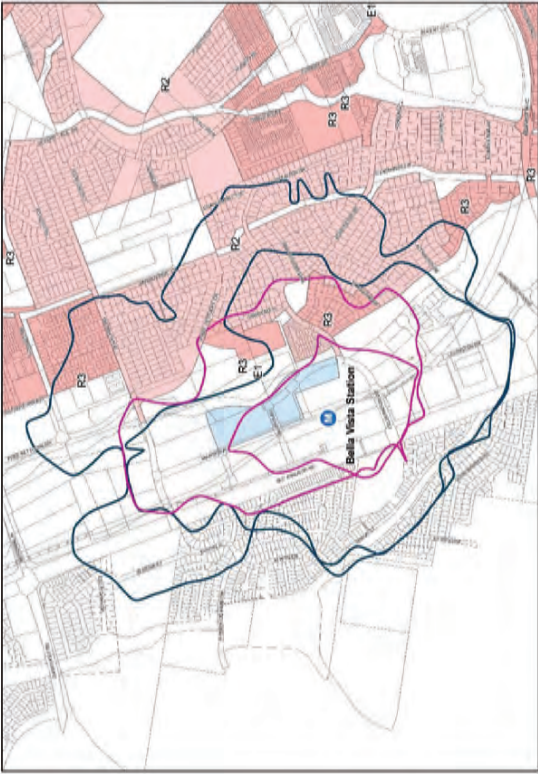
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Transit Centre	Kellyville Station	E1 Local Centre	Yes		<p>✓</p>	<p>✓</p>	<p>In the first instance, it is recommended that this centre be excluded from the reforms on the basis that it has been subject to recent precinct planning processes.</p> <p>However, it is recognised that it is defined as a 'Transit Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is a centre where the reforms are intended to be applied, being an area with high levels of transport connectivity and services.</p> <p>Both the low and mid-rise reforms would apply noting there is both R2 Low Density Residential and R3 Medium Density Residential zoned land.</p> <p>It is recommended that walkable catchments be calculated from the transport node within the centre, rather than based on land use zoning boundaries.</p>

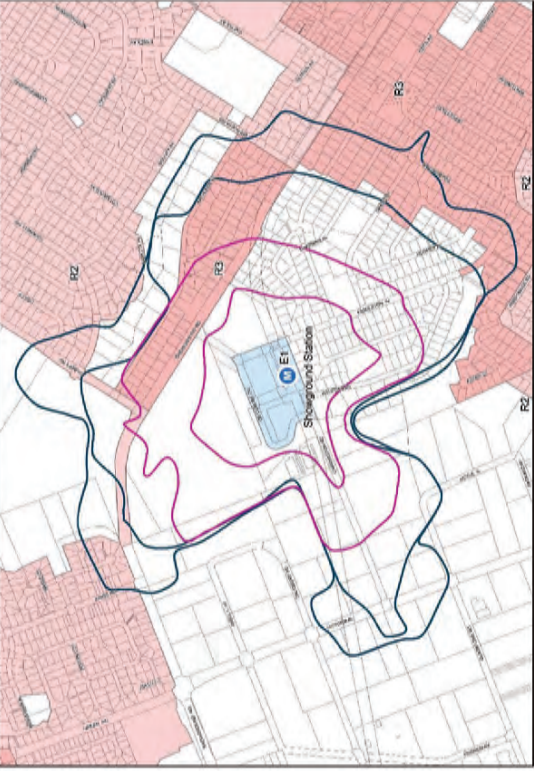
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Transit Centre	Bella Vista Station	E1 Local Centre	Yes		<p>✓</p>	<p>✓</p>	<p>In the first instance, it is recommended that this centre be excluded from the reforms on the basis that it has been subject to recent precinct planning processes.</p> <p>However, it is recognised that it is defined as a 'Transit Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is a centre where the reforms are intended to be applied, being an area with high levels of transport connectivity and services.</p> <p>Both the low and mid-rise reforms would apply noting there is both R2 Low Density Residential and R3 Medium Density Residential zoned land.</p> <p>It is recommended that walkable catchments be calculated from the transport node within the centre, rather than based on land use zoning boundaries.</p>

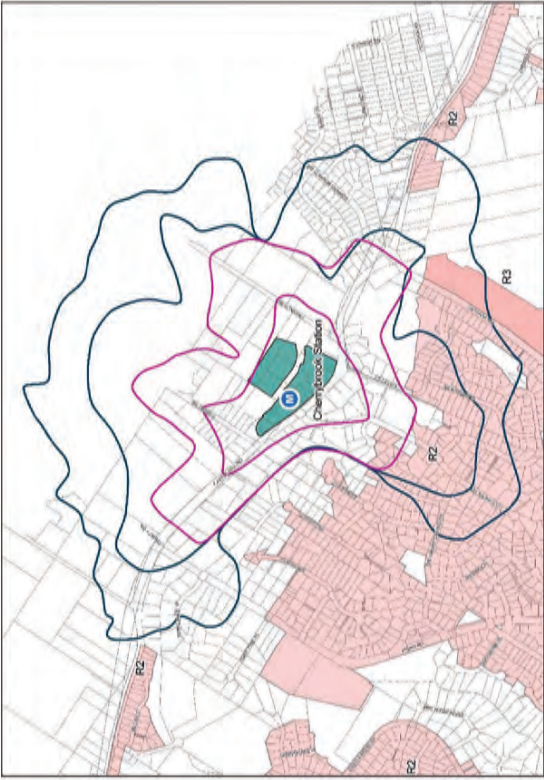
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Transit Centre	Showground Station	E1 Local Centre	Yes		X	✓	<p>In the first instance, it is recommended that this centre be excluded from the reforms on the basis that it has been subject to recent precinct planning processes.</p> <p>However, it is recognised that it is defined as a 'Transit Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is a centre where the reforms are intended to be applied, being an area with high levels of transport connectivity and services.</p> <p>Only the mid-rise reforms would apply noting there is only R3 Medium Density Residential zoned land within the walkable catchment (when calculated from the station).</p> <p>It is recommended that walkable catchments be calculated from the transport node within the centre, rather than based on land use zoning boundaries.</p>

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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Transit Centre	Cherrybrook Station	MU1 Mixed Use	Yes		<p>✓</p>	<p>✓</p>	<p>In the first instance, it is recommended that this centre be excluded from the reforms on the basis that it has been subject to recent precinct planning processes.</p> <p>However, it is recognised that it is recognised as a Transit Centre (albeit outside The Hills LGA). Based on Council's Department's intent, this is a centre where the reforms are intended to be applied, being an area with high levels of transport connectivity and services. It is recommended that consultation be undertaken with Hornsby Shire Council.</p> <p>Both the low and mid-rise reforms would apply noting there is both R2 Low Density Residential and R3 Medium Density Residential zoned land.</p> <p>It is recommended that walkable catchments be calculated from the transport node within the centre, rather than based on land use zoning boundaries.</p>

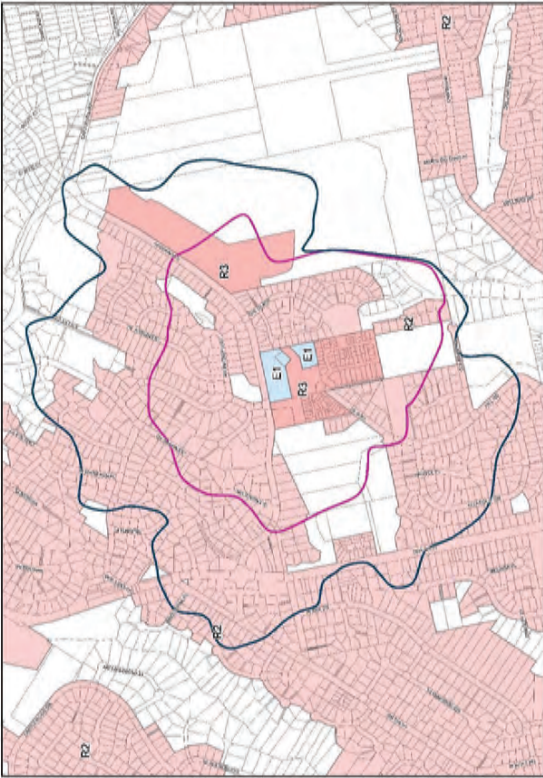
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Village Centre	Beaumont Hills	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Village Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

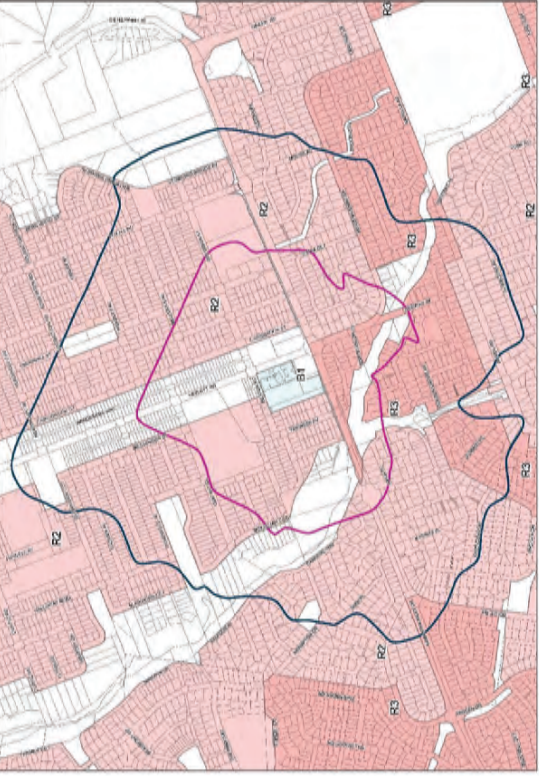
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Village Centre	Coonara Avenue	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Village Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

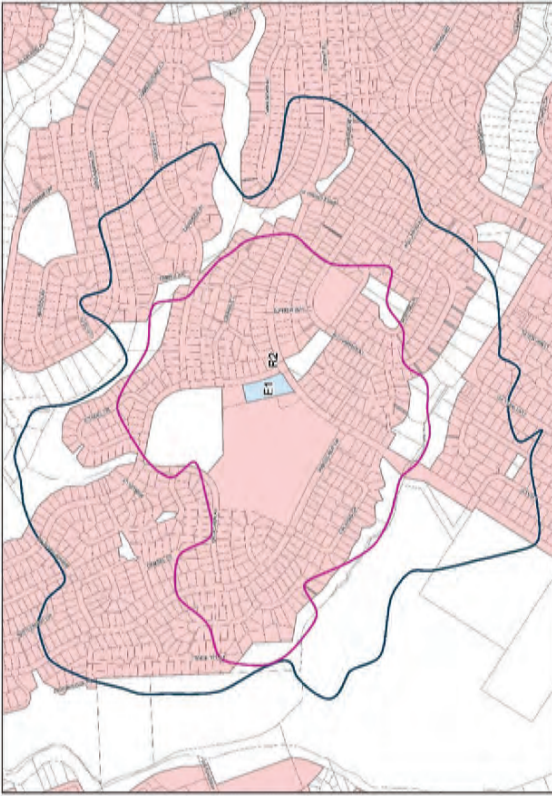
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Village Centre	Hezlett Road, North Kellyville	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Village Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Village Centre	Knightsbridge, castle Hill	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Village Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

Note: 400m walkability catchments shown in pink and 800m walkability catchments shown in blue, showing distance based on Station entrances and/or distance based on edge of centre zone boundaries

Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Village Centre	Mile End Road, Rouse Hill	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Village Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

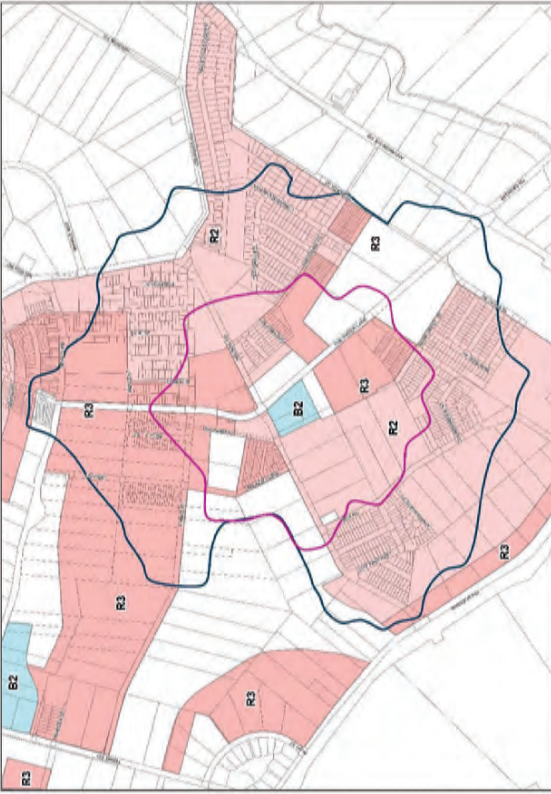
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Village Centre	Windsor Road, Kellyville	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Village Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Village Centre	Nelson Road, Box Hill	B2 Local Centre	No		X	X	<p>This centre is defined as a 'Village Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

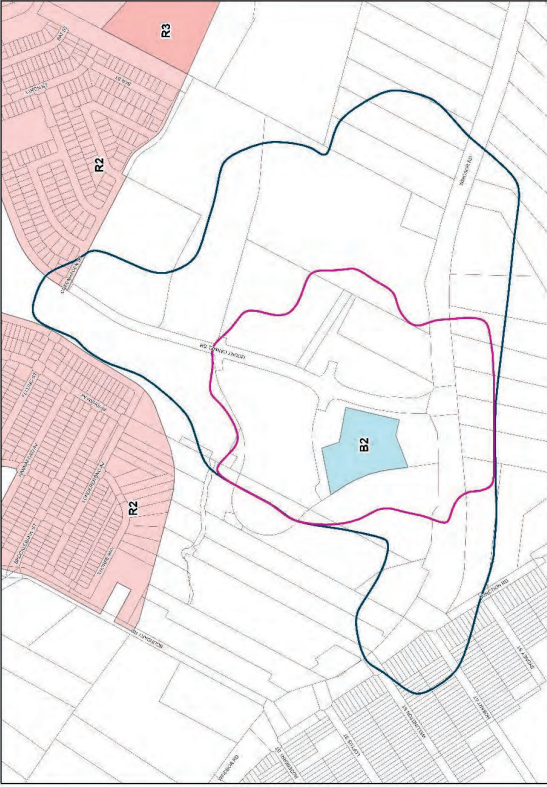
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Village Centre	Mount Carmel Road, Box Hill	B2 Local Centre	No		X	X	<p>This centre is defined as a 'Village Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Village Centre	Windsor Road, Box Hill	B2 Local Centre	No		X	X	<p>This centre is defined as a 'Village Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Village Centre	Memorial Avenue, Kellyville	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Village Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Neighbourhood Centre	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
						Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
		Arthur Street, Baukham Hills	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Neighbourhood Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

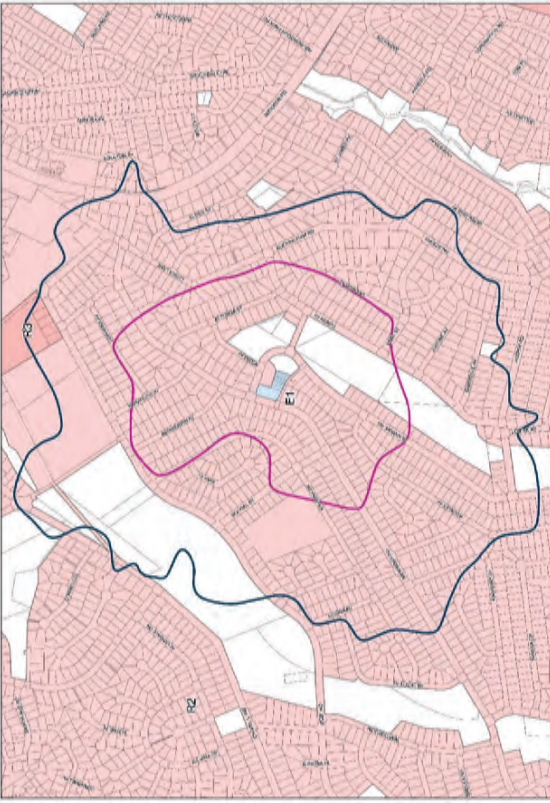
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Neighbourhood Centre	Bella Vista	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Neighbourhood Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

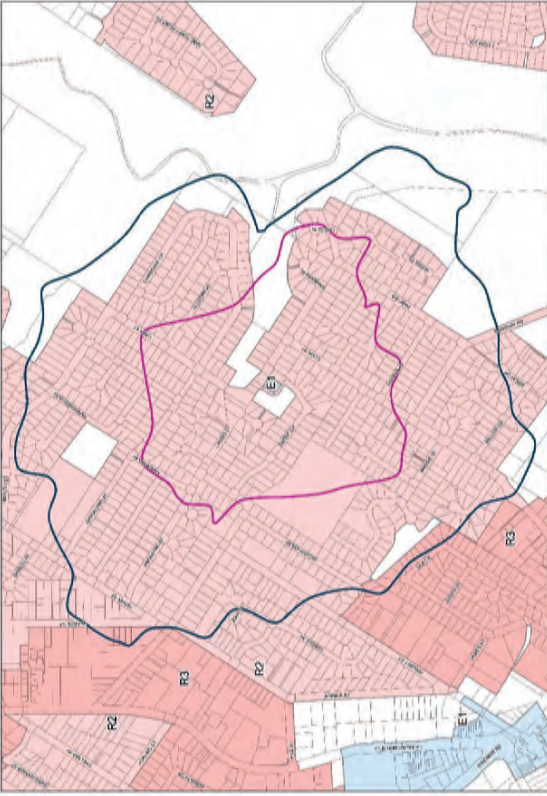
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Neighbourhood Centre	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
						Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
		Crestwood	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Neighbourhood Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

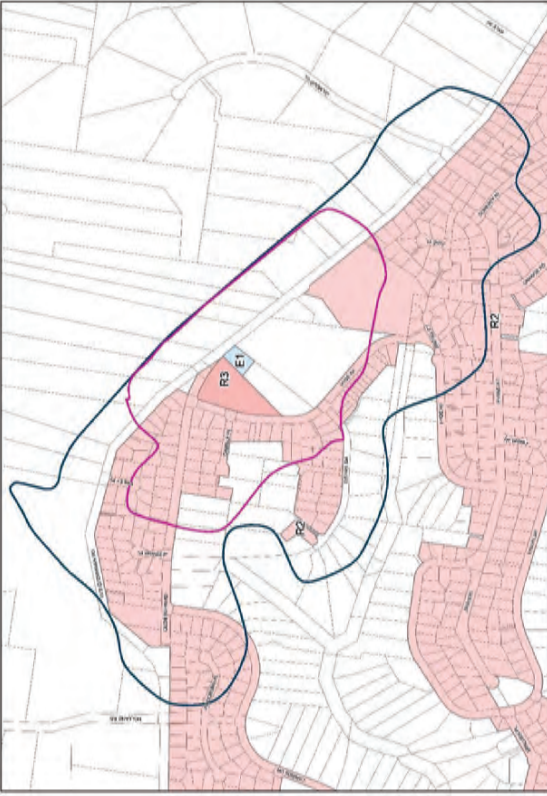
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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Neighbourhood Centre	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
						Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
		Cross Street, Baukham Hills	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Neighbourhood Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Neighbourhood Centre	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
						Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
		Glenhaven	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Neighbourhood Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Neighbourhood Centre	Windsor and Weger Roads, Norwest	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Neighbourhood Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

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Overview of Recommended Application of Low and Mid-Rise Housing Reforms

Hierarchy	Centre	Zone	Metro Station	Map	Council Recommendation		Comment
					Low-Rise Housing Reforms	Mid-Rise Housing Reforms	
Neighbourhood Centre	Stringer Road, North Kellyville	E1 Local Centre	No		X	X	<p>This centre is defined as a 'Neighbourhood Centre' within Council's Centres Hierarchy. Based on Council's understanding of the Department's intent, this is not a centre where the reforms are intended to be applied.</p> <p>Council's identified village and neighbourhood centres are not considered appropriate for the application of these reforms, given these lower order centres are of a much smaller size and scale, many of which have a quaint feel and simply function to meet the basic day-to-day needs of surrounding residents, rather than accommodating transport nodes or providing substantial services.</p>

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