



The Hills LEP 2012 - Planning proposal to prohibit animal boarding in RU6 Transition zone

Proposal Title : The Hills LEP 2012 - Planning proposal to prohibit animal boarding in RU6 Transition zone

Proposal Summary : The proposal seeks to prohibit animal boarding or training establishments in the RU6 Transition zone throughout The Hills local government area.

PP Number : PP_2017_THILL_001_00

Dop File No : 17/02052

Proposal Details

Date Planning Proposal Received : 23-Jan-2017

LGA covered : The Hills Shire

Region : Metro(Parra)

RPA : The Hills Shire Council

State Electorate : BAULKHAM HILLS
CASTLE HILL
HAWKESBURY

Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : Various

Suburb : Various

City : The Hills

Postcode : 2300

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : Chris Browne

Contact Number : 0298601508

Contact Email : chris.browne@planning.nsw.gov.au

RPA Contact Details

Contact Name : Isaac Kensell

Contact Number : 0298430480

Contact Email : ikensell@thehills.nsw.gov.au

DoP Project Manager Contact Details

Contact Name : Adrian Hohenzollern

Contact Number : 0298601505

Contact Email : adrian.hohenzollern@planning.nsw.gov.au

Land Release Data

Growth Centre :

Release Area Name :

Regional / Sub

Consistent with Strategy :

Regional Strategy :

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The purpose of the planning proposal is to prohibit animal boarding or training establishments in the RU6 Transition zone.**

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The proposal seeks to amend the land use table of The Hills LEP 2012 by deleting the land use, 'Animal boarding or training establishments' from the 'Permitted with consent' section of the RU6 Transition zone.**

Prohibited uses in the zone include any development not specified as permitted without consent or permitted with consent, so animal boarding or training establishments will therefore be prohibited as an innominate use.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.2 Rural Zones

* May need the Director General's agreement

1.5 Rural Lands

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 30—Intensive Agriculture

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

1.2 Rural Zones

The planning proposal does not seek to rezone rural land, and nor does it seek to significantly alter the development potential of land zoned for rural purposes. It is therefore consistent with this Direction.

1.5 Rural Lands

The planning proposal is unlikely to have any significant impact on rural lands, and is likely to assist in protecting the production value of rural lands. As such, it is consistent with this Direction.

7.1 Implementation of A Plan for Growing Sydney

The proposal seeks to minimise land use conflict between animal boarding and training establishments and other land uses in the RU6 zone. In doing so, it is in keeping with the protection of the mixture of land uses which constitute the Metropolitan Rural Area. As such, it is broadly consistent with A Plan for Growing Sydney.

It should be noted that the planning proposal has not addressed the question of consistency with the West Central District Plan. Prior to finalisation, the planning proposal should be updated to include a discussion of this.

SEPP No 30—Intensive Agriculture

The planning proposal is not likely to have any impact on the operation of those intensive agricultural pursuits that are the subject of the SEPP. As such, it is not inconsistent with the SEPP.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The planning proposal seeks to achieve its objective via an amendment to the land use table in The Hills LEP 2012, and no change to mapping is proposed. Mapping is therefore not required for the purposes of issuing a Gateway determination.

However, the planning proposal applies to specific and easily defined land (ie. all land within The Hills LGA that is zoned RU6 Transition), and it would be beneficial for the transparency of the community consultation process if indicative maps could be incorporated into the planning proposal to show the extent of land affected. It is recommended that the planning proposal be updated accordingly prior to public exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has proposed a 14-day community consultation period. Given the minor nature of the planning proposal, this is considered appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Hills LEP 2012 is a Principal LEP.**

Assessment Criteria

Need for planning proposal :

The planning proposal is not the result of any strategic study or report. It came about as a result of an amendment process to the The Hills Development Control Plan 2012 Part B Section 1 Rural. During the consultation process for the DCP amendments, seventeen submissions were received which raised concerns regarding the impacts of animal boarding establishments on amenity of other land uses in the RU6 Transition zone. In response to these submissions, following adoption of the DCP amendments, Council resolved to prepare a planning proposal to prohibit animal boarding and training establishments in the zone.

Consistency with strategic planning framework :

The State strategic planning framework (draft West Central District Plan, A Plan for Growing Sydney, draft North West Subregional Strategy) is silent on the subject of animal boarding and training facilities. Generally these documents promote the provision and protection of jobs and housing, and this planning proposal will not have any significant impact on either. Similarly, the strategic planning framework generally supports the protection of rural land for rural purposes in the Metropolitan Rural Area; the planning proposal is consistent with this aim in that it will reduce land use impacts for rural workers' accommodation, making this a more viable land use. In this regard, the planning proposal is also consistent with Council's adopted draft Rural Lands Strategy (2008), which explicitly promotes supporting accommodation for rural workers.

Environmental social economic impacts :

There are currently eight animal boarding or training establishments in The Hills LGA, four of which are situated in the RU6 Transition zone. There are no development applications in progress for new establishments. Further, the subdivision pattern within the RU6 transition zone tends toward long, thin lots, and the setback requirements in the DCP for animal boarding or training establishments render the majority of the lots in the zone unsuitable for this type of development.

As such, the practical impact of the planning proposal will be extremely minor. Should the planning proposal actually prevent the development of any animal boarding or training establishments within the zone, this is likely to have no significant environmental effect, as the proposed establishments are likely to instead be developed in another rural zone, and in any case do not result in significant environmental impacts compared to other rural land uses.

Likewise, should there be any practical result to the planning proposal, it is likely to be socially beneficial, in that it will reduce land use conflict and assist in the provision of accommodation for rural workers.

There may be a slight negative economic impact due to animal boarding and training facilities needing to be located further from existing centres and therefore potentially less viable, but, given the small number of such establishments in the LGA, this impact is again likely to be extremely minor.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **NSW Department of Primary Industries - Agriculture**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.2 Rural Zones**
1.5 Rural Lands
7.1 Implementation of A Plan for Growing Sydney

Additional Information : **1. Prior to finalisation, the planning proposal is to be updated to address consistency with the draft West Central District Plan.**

2. Prior to community consultation, the planning proposal is to be updated to include indicative mapping showing the subject land in context.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
(a) the planning proposal must be made publicly available for a minimum of 14 days; and
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made

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publicly available along with planning proposals as identified in section 5.5.2 of 'A Guide to Preparing Local Environmental Plans' (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Department of Primary Industries - Agriculture

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the Plan is to be 6 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is broadly consistent with the strategic planning framework, and is likely to have little to no impact on land use in the RU6 Transition zone.

Signature:



Printed Name:

Adrian Hokenzollern

Date:

15 / 2 / 17