

MINUTES OF THE MEETING OF CITY OF PARRAMATTA COUNCIL HELD IN THE
JUBILEE ROOM, PARRAMATTA TOWN HALL, CENTENARY SQUARE,
PARRAMATTA ON MONDAY, 12 SEPTEMBER 2016 AT 6.06PM

PRESENT

Amanda Chadwick – Administrator

- 8.2 SUBJECT Endorsement of a draft Planning Proposal to separate the
Planning Controls in The Hills Local Environmental Plan
2012 into two new plans based on the new LGA
boundaries
- REFERENCE F2016/02245 - D04368396
- REPORT OF Project Officer
- 217 RESOLVED (Chadwick)

That Council endorse the Planning Proposal (as drafted by The Hills Shire Council, and included at Attachment 1) to amend The Hills Local Environmental Plan 2012 to create two new LEPs and map sets based on the new boundary between the two Councils. This endorsement will allow forwarding of the Planning Proposal to the Department of Planning & Environment for Gateway Determination.

ECONOMY

ITEM NUMBER	8.2
SUBJECT	Endorsement of a draft Planning Proposal to separate the Planning Controls in The Hills Local Environmental Plan 2012 into two new plans based on the new LGA boundaries
REFERENCE	F2016/02245 - D04368396
REPORT OF	Project Officer

PURPOSE:

The purpose of this report is to seek Council's endorsement of a Planning Proposal to formally separate The Hills Local Environmental Plan 2012 into two documents and map sets (one containing the controls that currently apply to the City of Parramatta and the other containing the controls applying to The Hills Shire), for the purposes of seeking a Gateway Determination by the Department of Planning & Environment. There are no changes proposed to the planning controls as part of this process; the existing controls will be maintained in the two new plans.

RECOMMENDATION

That Council endorse the Planning Proposal (as drafted by The Hills Shire Council, and included at Attachment 1) to amend The Hills Local Environmental Plan 2012 to create two new LEPs and map sets based on the new boundary between the two Councils. This endorsement will allow forwarding of the Planning Proposal to the Department of Planning & Environment for Gateway Determination.

BACKGROUND

1. On Thursday 12 May 2016, extensive Council boundary changes occurred as part of the state-wide review of local government. Under the new boundaries, a new City of Parramatta Council was created following transfer of Woodville Ward to the newly created Cumberland Council (formerly Auburn and Holroyd), and merging of the remainder of the former Parramatta City Council area with parts of The Hills, Hornsby, Auburn and Holroyd Local Government Areas (LGAs).
2. City of Parramatta Council is currently working with neighbouring councils under Transitional Service Agreements to transfer strategic planning projects to and from other councils, as appropriate under the new boundary arrangements.
3. As part of the Proclamation (clause 20) that was enacted on 12 May 2016, the planning controls on the date of Proclamation continue to apply regardless of the boundary change. This means that The Hills Local Environmental Plan 2012 (HLEP2012) and associated Development Controls Plans (DCPs) and development contributions plans in place prior to the Proclamation continue to apply to land in areas that have transferred from The Hills LGA into the City of Parramatta LGA.
4. Advice received from the Department of Planning & Environment's "Guidance for Merged Councils on Planning Functions" (May 2016) indicates that councils operating with an Administrator should be preparing background analysis for presentation to the newly-elected Council after the September 2017 elections. The State Government has clearly indicated that it will not be the role of

Administrators to **consolidate** different planning instruments that may now apply across a newly-formed LGA. The proposed process is that existing controls will continue to apply until a newly-elected Council is in place to make the policy decisions needed to consolidate all existing planning controls into one new policy document.

WORK COMPLETED SO FAR

5. Council was approached by The Hills Shire Council with a proposal to **split** the existing The Hills LEP 2012 into two new LEP documents and map sets based on the new LGA boundaries. The proposal was for an administrative split only; there was no proposal to change the planning controls that will apply to the land within the City of Parramatta. This was in order to comply with the State Government direction on the consolidation of LEPs (discussed previously).
6. Council resolved its in-principle support of the proposal on 25 July 2016 (Minute no. 139). This support is contingent upon the Planning Proposal being an administrative amendment only, meaning that no changes to planning controls within City of Parramatta area take place. The 25 July Council Report and related Council Minute are at **Attachments 2 and 3** of this report.
7. The Hills Shire Council is willing to undertake all the administrative work to prepare the document and plans necessary to progress the separation of the existing The Hills LEP 2012 into two separate LEPs and map sets. Therefore, it is envisaged that the process will involve:
 - a. Preliminary confirmation that Council agrees in principle to splitting The Hills LEP 2012 (as resolved 25 July 2016);
 - b. Council's endorsement of a Planning Proposal prepared by The Hills Council and attached to this report as **Attachment 1 (subject of this report)**;
 - c. Notification of residents during any exhibition phase (if required by the Department of Planning and Environment) to confirm the change is administrative only and does not involve any change to the current planning controls; and
 - d. Endorsement of the Planning Proposal post-exhibition after consideration of any submissions to allow the matter to be sent to the Department of Planning and Environment for finalisation.
8. Preliminary discussions held with the Department of Planning and Environment suggested they are supportive of the administrative change proposed, subject to the existing planning controls being retained in the new LEPs and map sets.

NEXT STEPS

9. Following endorsement by City of Parramatta, the next steps will be forwarding the Planning Proposal for Gateway Determination, public exhibition (as required by the Gateway Determination), endorsement by both Councils of the Planning Proposal post-exhibition, preparation of final written instruments and map sets, and gazettal of the two new LEPs.
10. As noted above, City of Parramatta's role in the next steps will be to assist with public notification, consideration of any submissions arising from exhibition,

final endorsement of the Planning Proposal post-exhibition, and coordination regarding the written instrument and map sets.

11. The Hills Shire Council has indicated that it will undertake to write to all residents in the area which is now part of City of Parramatta Council to inform them of this administrative change. This communication may raise the potential for residents to provide feedback suggesting changes to planning controls; as outlined earlier in this report, this is necessarily outside the scope of this administrative-only exercise. Therefore, Council officers will request that communication from The Hills Shire Council be clear that planning control changes are not a part of the present process. Council officers will also request that this communication include information about future LEP consolidation processes to take place under the newly-elected Council next year (as outlined in paragraph 4 of this report), as that will be the appropriate stage to consider any potential changes to planning controls.
12. As a result of the merger there are also parts of Auburn, Holroyd and Hornsby LEPs that apply to land now located within City of Parramatta boundaries. Further discussion with adjoining Councils will be progressed to determine whether similar arrangements to split these LEPs are appropriate. Should a proposal to split these LEPs be deemed appropriate, it will be reported to Council for endorsement before any formal actions are taken.
13. It is proposed that the name of the new LEP applying to land formerly part of The Hills LGA is "*City of Parramatta [Former The Hills LGA Land] 2016*" or something similar as agreed with Parliamentary Counsel during the instrument drafting process. This will allow for a consistent naming system should similar processes eventuate for former Auburn, Holroyd and Hornsby areas (as outlined in the previous paragraph).

CONCLUSION

14. It is recommended that the draft Planning Proposal (**Attachment 1**) put forward by The Hills Shire Council be endorsed as it will deliver administrative efficiencies for both Councils and reduce the potential for complex and confusing clauses being placed in the existing LEP to enact changes that only apply to land located in The Hills but not to land located in the City of Parramatta (or vice versa). This endorsement will facilitate sending of the draft Planning Proposal to the Department of Planning & Environment for Gateway Determination.

Sarah Baker

Project Officer – Land Use Planning

Robert Cologna

Service Manager – Land Use Planning

Sue Weatherley

Director Strategic Outcomes and Outcomes

Sue Coleman

Director City Services

ATTACHMENTS:

- | | | |
|----------|---|----------|
| 1 | Draft Planning Proposal prepared by The Hills Council | 14 Pages |
| 2 | Council Report on this matter 25 July 2016 | 3 Pages |
| 3 | Council Minute (no. 139) on this matter 25 July 2016 | 1 Page |

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council and the City of Parramatta Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to amend The Hills Local Environmental Plan 2012 to split the areas applying to The Hills Shire and the City of Parramatta into separate planning instruments. No planning controls will change as a result of this amendment.

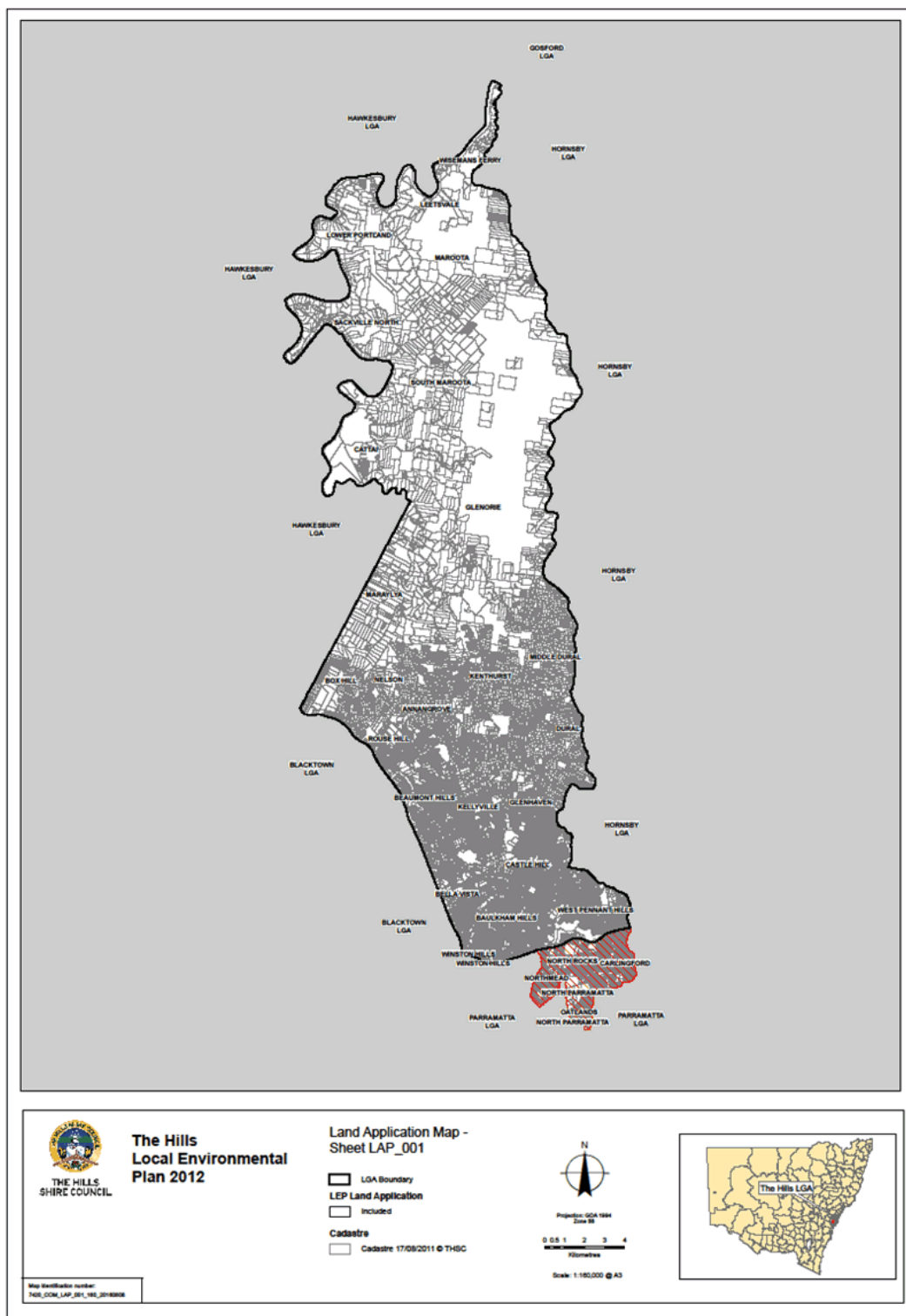
ADDRESS OF LAND: The Hills and part City of Parramatta Local Government Areas

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environment Planning Policies
Attachment B	Assessment against Section 117 Local Planning Directions
Attachment C	The Hills Shire Council Report and Minute, 12 July 2016
Attachment D	The City of Parramatta Council Report and Minute, 12 September 2016

THE SITE:

The planning proposal applies to land located within The Hills Shire and City of Parramatta local government areas. As a result of the State-wide Council Boundary Review process extensive Council boundary changes occurred. Under the new boundaries, The Hills Shire Council area has been split in two, with part of The Hills Shire becoming part of the new City of Parramatta Council area.

**Figure 1**

The former Hills Shire Council Area showing land transferred to City of Parramatta Council in red hatching

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the planning proposal is to reduce red tape and the administrative burden on The Hills Shire and the new City of Parramatta Councils in administering The Hills LEP2012.

As a result of the State-wide Council Boundary Review process extensive Council boundary changes occurred. Under the new boundaries, The Hills Shire Council area has been split in two, with part of The Hills Shire becoming part of the new City of Parramatta Council area.

The Proclamation states that planning controls for land subject to merger proposals will stay the same until such time as new comprehensive local environmental plans are prepared. The Hills Shire is not subject to any other merger proposals and will not be making a new comprehensive plan in the foreseeable future. As outlined in the Department of Planning's *Guidance for merged councils on planning functions (May 2016)*, the new City of Parramatta Council elected in September 2017 will need to approve any prospective Planning Proposal for a consolidated LEP; this means it will also be some time before consolidated planning controls in the City of Parramatta are finalised. Until such time as a new comprehensive plan is prepared for the City of Parramatta, the two councils would need to negotiate over all planning proposals taking place within the transferred land area as well as over any changes made to planning controls that apply across the entire Land Application area of the current Hills LEP2012. This creates additional red tape in the plan making process and an administrative burden on both Councils.

This planning proposal seeks to enable both the Hills Shire and the City of Parramatta to administer their LEPs independently. The planning proposal meets the objectives of the Proclamation as it is only administrative and will not change the planning controls that apply to land.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcomes will be achieved by the following amendments to The Hills Local Environmental Plan 2012 (LEP 2012):

- Duplicating the written instrument of The Hills LEP2012, to have one LEP apply to The Hills Shire and the other LEP apply to the City of Parramatta local government area. No planning controls are proposed to change in the written instrument. The name "City of Parramatta [Former Hills LGA Land] 2016" or something similar is suggested, to be agreed with Parliamentary Counsel during the instrument drafting process.
- Splitting the existing Hills LEP 2012 map sets into two, one set showing all existing planning controls for The Hills Shire and the other showing the existing controls for part of the City of Parramatta. No planning controls are proposed to change on the maps. The name "The Hills Local Environmental Plan 2016" or something similar is suggested, to be agreed with Parliamentary Counsel during the instrument drafting process.

PART 3 JUSTIFICATION**SECTION A - NEED FOR THE PLANNING PROPOSAL**

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

The planning proposal is not the result of a strategic study or report. It is a response to the State-wide local government boundary review that has effectively split the administration of The Hills LEP 2012 between two Council areas. The amendment will allow The Hills Shire and the new City of Parramatta to administer their own local environmental plans, rather than negotiating over amendments until the new City of Parramatta makes a comprehensive local environmental plan.

The amendment is purely administrative and will not change any planning controls that apply to the land.

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

Yes, the planning proposal is considered to be the best way to achieve the intended outcomes for both local government areas.

Proclamation states that planning controls need to stay the same. This planning proposal meets this requirement as it is only administrative and will not change the planning controls that apply to land.

The Hills Shire is not subject to any other merger proposals and will not be making a new comprehensive plan in the foreseeable future. The Hills Shire would need to negotiate with the City of Parramatta over all planning proposals until such time as the City of Parramatta make a new comprehensive plan. As outlined in the Department of Planning's *Guidance for merged councils on planning functions (May 2016)*, the new City of Parramatta Council elected in September 2017 will need to approve any prospective Planning Proposal for a consolidated LEP; this means it will also be some time before consolidated planning controls in the City of Parramatta are finalised.

There is no alternative to achieve the intended outcomes of reducing red tape and reducing administrative burden on both Councils in the short term. Given the expected time frame for the new City of Parramatta to prepare a comprehensive LEP, the planning proposal is the best means of achieving the intended outcome.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

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

Yes, the planning proposal is consistent with the objectives and actions contained in the applicable strategies. The planning proposal itself is purely administrative as it does not change the planning controls that apply to the land. The planning proposal seeks to reduce red tape and the administrative burden on both Councils by avoiding the sharing of an LEP. This will enable both Councils to continue to deliver the actions and objectives of A Plan for Growing Sydney in the most efficient manner possible.

4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes, a discussion of consistency is provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Direction articulates The Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The planning proposal will assist in the realisation of The Hills Future outcome of balanced urban growth through the provision of well-located housing, employment and facilities to serve existing and future Hills Shire residents.

- **The Hills Shire Local Strategy**

The Hills Shire Council's Local Strategy was adopted in 2008. It is the principal document for communicating the future planning of the Shire and includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The Strategy identifies a demand for an additional 36,000 dwellings and 47,000 jobs to meet the Shire's needs by 2031.

The Local Strategy is supported by seven Strategic Directions, those of relevance to this proposal being the Residential Direction, Centres Direction and Integrated Transport Direction. A summary of the consistency of the planning proposal with these Directions is provided below.

- **City of Parramatta Community Strategic Plan**

In line with the Proclamation, City of Parramatta is currently undertaking preparation of its first Community Strategic Plan for review by the newly elected council by 1 July 2018. This Community Strategic Plan will provide a foundation for the review and consolidation of multiple LEPs currently applying to City of Parramatta LGA. The administrative 'splitting' of the Hills LEP as described in this Planning Proposal will facilitate the efficient review and consolidation of these planning controls into a new comprehensive local environmental plan, the content of which will respond to the Community Strategic Plan which City of Parramatta Council is currently preparing.

In the interim, this Planning Proposal will help the City of Parramatta Council to maintain clear information and efficient services for its community during the transitional period.

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

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

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is generally consistent with the applicable s.117 Ministerial Directions. Attachment B outlines that while many s.117 Ministerial Directions are applicable to the planning proposal, none of the requirements of the directions are relevant, as no planning controls are proposed to change.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The planning proposal does not change any applicable planning controls and will not adversely affect any critical habitat or threatened species, populations or ecological communities or their habitats.

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

The planning proposal does not change any applicable planning controls and will not create any other environmental impacts.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

The planning proposal does not change any applicable planning controls and will not generate the need for any public infrastructure.

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

Following receipt of a Gateway determination, all relevant agencies will be consulted.

PART 4 MAPPING

The planning proposal seeks to split the land within The Hills Shire and the City of Parramatta into two separate LEPs. The map tile sheets will change however the planning controls applicable to sites within the current The Hills LEP 2012 will not change as part of the administrative 'split'.

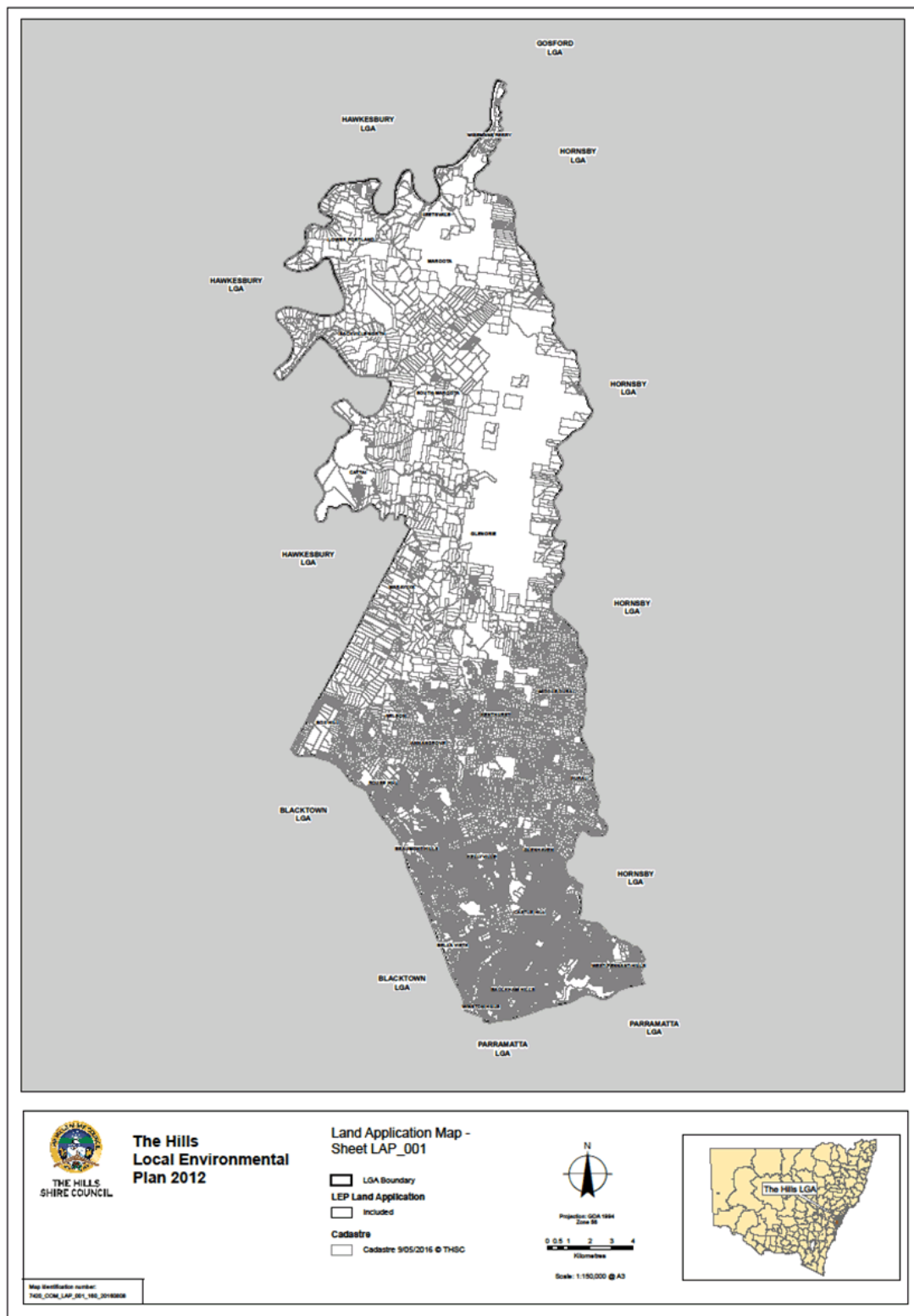


Figure 2
Land to remain in The Hills Shire

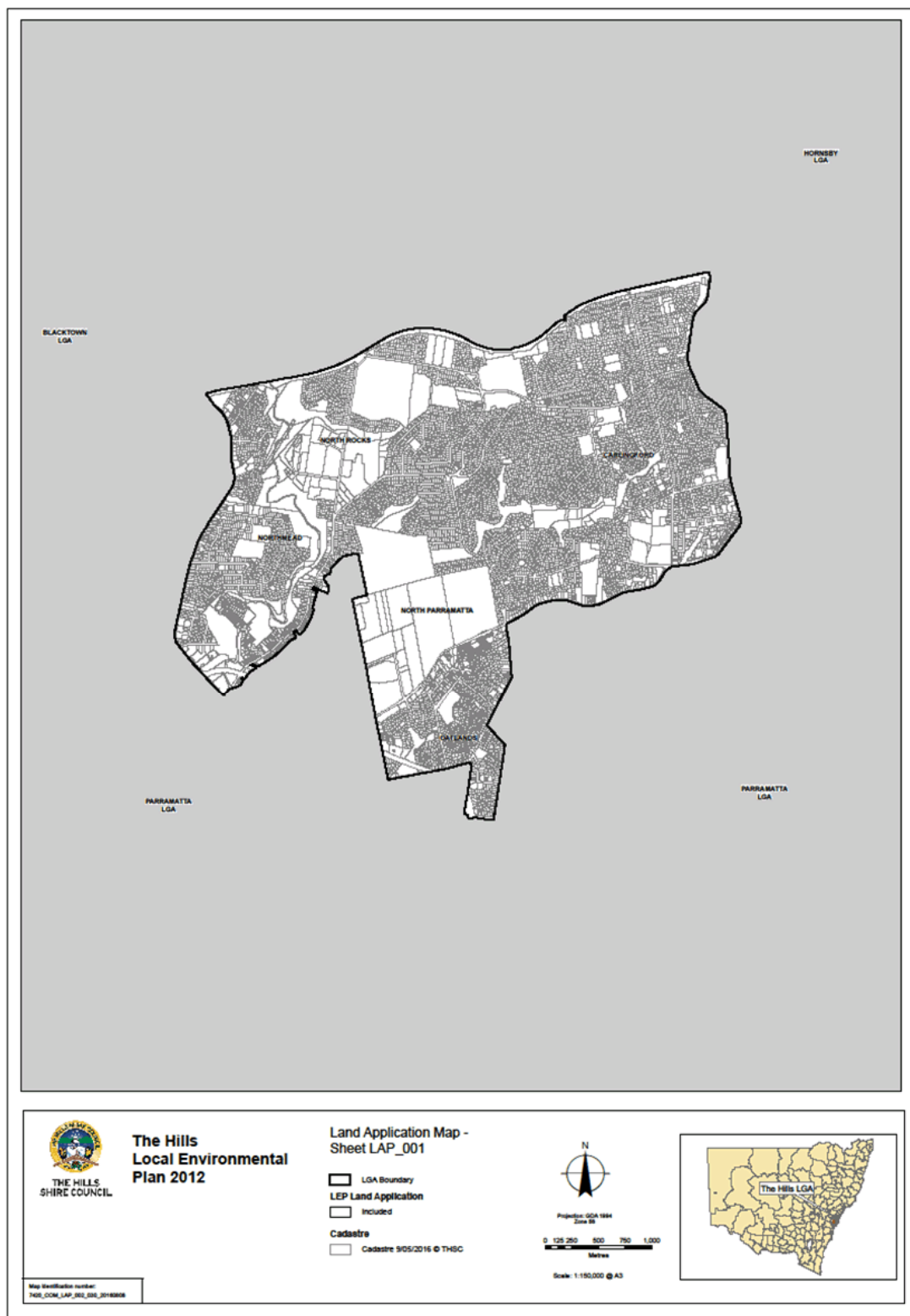


Figure 3
Land transferred to the City of Parramatta

PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in local newspapers and on display at The Hills Shire and City of Parramatta Council's administration buildings and Carlingford Library. The planning proposal will also be made available on both Council's websites. In addition, letters will be issued to property owners within the area that has been transferred from The Hills Shire Council to The City of Parramatta Council.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	October 2016
Government agency consultation	November 2016
Commencement of public exhibition period	November 2016
Completion of public exhibition period	December 2016
Timeframe for consideration of submissions	January 2017
Timeframe for consideration of proposal post exhibition	January 2017
Report to Council on submissions	February 2017
Planning Proposal to PCO for opinion	March 2017
Date Council will make the plan (if delegated)	April 2017
Date Council will forward to department for notification (if delegated)	April 2017

ATTACHMENT A: ASSESSMENT AGAINST STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	NO	-	-
No. 14	Coastal Wetlands	NO	-	-
No. 15	Rural Landsharing Communities	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 29	Western Sydney Recreation Area	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 39	Spit Island Bird Habitat	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	YES	NO	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	NO	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	-	-
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Apartment Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
Affordable Rental Housing (2009)		YES	NO	-
Building Sustainability Index: BASIX 2004		YES	NO	-
Exempt and Complying Development Codes (2008)		YES	NO	-
Housing for Seniors or People with a Disability (2004)		YES	NO	-
Infrastructure (2007)		YES	NO	-
Kosciuszko National Park – Alpine Resorts (2007)		NO	-	-
Kurnell Peninsula (1989)		NO	-	-
Major Development (2005)		YES	NO	-
Mining, Petroleum Production and Extractive Industries (2007)		YES	NO	-
Miscellaneous Consent Provisions		YES	NO	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
(2007)			
Penrith Lakes Scheme (1989)	NO	-	-
Port Botany and Port Kembla (2013)	NO	-	-
Rural Lands (2008)	NO	-	-
SEPP 53 Transitional Provisions (2011)	NO	-	-
State and Regional Development (2011)	YES	NO	-
Sydney Drinking Water Catchment (2011)	NO	-	-
Sydney Region Growth Centres (2006)	NO	-	-
Three Ports (2013)	NO	-	-
Urban Renewal (2010)	NO	-	-
Western Sydney Employment Area (2009)	NO	-	-
Deemed SEPPs			
SREP No. 8 (Central Coast Plateau Areas)	NO	-	-
SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	-
SREP No. 16 – Walsh Bay	NO	-	-
SREP No. 18 – Public Transport Corridors	NO	-	-
SREP No. 19 – Rouse Hill Development Area	NO	-	-
SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	-
SREP No. 24 – Homebush Bay Area	NO	-	-
SREP No. 25 – Orchard Hills	NO	-	-
SREP No. 26 – City West	NO	-	-
SREP No. 30 – St Marys	NO	-	-
SREP No. 33 – Cooks Cove	NO	-	-
SREP (Sydney Harbour Catchment) 2005	NO	-	-

ATTACHMENT B: ASSESSMENT AGAINST SECTION 117 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	YES	NO	-
1.2	Rural Zones	YES	NO	-
1.3	Mining, Petroleum Production and Extractive Industries	NO	-	-
1.4	Oyster Aquaculture	NO	-	-
1.5	Rural Lands	NO	-	-
2. Environment and Heritage				
2.1	Environment Protection Zone	YES	NO	-
2.2	Coastal Protection	YES	NO	-
2.3	Heritage Conservation	YES	NO	-
2.4	Recreation Vehicle Area	YES	NO	-
2.5	Application of E2 and E3 Zones and Environmental Overlays in far North Coast LEPS	NO	NO	-
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	NO	-
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3	Home Occupations	YES	NO	-
3.4	Integrating Land Use and Transport	YES	NO	-
3.5	Development Near Licensed Aerodomes	YES	NO	-
3.6	Shooting Ranges	YES	NO	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	YES	NO	-
4.2	Mine Subsidence and Unstable Land	YES	NO	-
4.3	Flood Prone Land	YES	NO	-
4.4	Planning for Bushfire Protection	YES	NO	-
5. Regional Planning				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific	NO	-	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
	Highway, North Coast			
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	YES	NO	-
5.10	Implementation of Regional Plans	NO	-	-
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	NO	-
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	NO	-
7. Metropolitan Planning				
7.1	Implementation of A Plan for Growing Sydney	YES	NO	-
7.2	Implementation of Greater Macarthur Land Release investigation	NO	-	-

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ECONOMY

ITEM NUMBER	7.7
SUBJECT	Preparation of a Planning Proposal to Separate the Planning Controls in The Hills Local Environmental Plan 2012 into Two New Plans Based on the New LGA Boundaries
REFERENCE	F2016/02245 - D04303060
REPORT OF	Student Project Officer

PURPOSE:

The purpose of this report is to allow Council to consider a proposal from the Hills Shire Council for an administrative amendment to The Hills Local Environmental Plan 2012 to formally separate it into two plans and map sets: one containing the controls that currently apply to the City of Parramatta and the other containing the controls applying to The Hills. There are no changes proposed to the planning controls as part of this process; the existing controls will be maintained in the two new plans.

RECOMMENDATION

That Council support in principle the proposal to amend The Hills Local Environmental Plan 2012 to create two new LEPs and map sets based on the new LGA boundary between the two Councils. This support is subject to the plan that applies to the new City of Parramatta boundaries retaining the existing planning controls that apply under the current The Hills LEP 2012.

BACKGROUND

1. On Thursday 12 May 2016, extensive Council boundary changes occurred as part of the state-wide Council Boundary Review process. Under the new boundaries, Parramatta City Council became City of Parramatta Council, transferred Woodville Ward to the newly created Cumberland Council (formerly Auburn and Holroyd), and received portions of The Hills, Hornsby, Auburn and Holroyd Local Government Areas (LGAs).
2. City of Parramatta Council is currently working with neighbouring councils under Service Agreements to transfer strategic planning projects to and from other councils, as appropriate under the new boundary arrangements.
3. As part of the Proclamation (clause 20) that was enacted on 12 May 2016, the planning controls on the date of Proclamation continue to apply regardless of the boundary change. This means that The Hills Local Environmental Plan 2012 (HLEP2012) and associated Development Controls Plans (DCPs) and development contributions plan in place prior to the Proclamation continue to apply to land in areas that have transferred from The Hills LGA into the City of Parramatta LGA.
4. Advice received from the Department of Planning's "Guidance for Merged Councils on Planning Functions" (May 2016) indicates that Councils operating with an Administrator should be preparing background analysis for presentation to the newly-elected Council after the September 2017 elections. The State Government has clearly indicated that it will not be the role of Administrators to

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consolidate different planning instruments that may now apply across a newly-formed LGA. The proposed process is that existing controls will continue to apply until a newly-elected Council is in place to make the policy decisions needed to consolidate all existing planning controls into one new policy document.

THE PROPOSAL

5. Council have been approached by The Hills Council with a proposal to **split** the existing HLEP2012 into two new LEP documents and map sets based on the new LGA boundaries. The proposal is for an administrative split only; there is no proposal to change the planning controls that will apply to the land within the City of Parramatta. This is in order to comply with the State Government direction on the consolidation of LEPs (discussed previously in this report).
6. If this proposal is pursued, City of Parramatta Council would have an LEP and map set that covers only the land formerly part of The Hills LGA, but now located in City of Parramatta. This new LEP and map set would contain the existing planning controls for this area.
7. The reason for this request from The Hills is a desire to minimise the administrative burden of sharing an LEP across two LGAs. The Hills Council is not expected to be the subject of further boundary changes or mergers. The Councillors at the Hills remain in place, and they continue to make decisions on behalf of their community.
8. The existing LEP arrangement means that if The Hills wish to make an amendment to HLEP2012, they would need to liaise with City of Parramatta Council and obtain its agreement to and endorsement of the changes proposed. Under the existing arrangement, if the City of Parramatta is not supportive of the proposed change, but The Hills Council wishes to proceed, HLEP2012 would have to be amended so that any changes The Hills wish to pursue only apply to land located in The Hills LGA. (This situation would also apply in reverse if City of Parramatta wished to make a change to HLEP2012, i.e. in the case of a Planning Proposal). This would add a layer of complexity to HLEP2012 that would make it more difficult for residents and landowners in both council areas to interpret.
9. If the existing LEP is split as proposed by The Hills, then The Hills would be able to make amendments to the planning controls in The Hills LGA without the need to negotiate an agreed position with the City of Parramatta. The Hills may still need to consult with City of Parramatta as an adjoining Council and stakeholder as part of the Post-Gateway process. However, they would not need to pursue City of Parramatta's endorsement at all key steps, which would be necessary if the existing shared LEP arrangement remains in place. (This situation would also apply in reverse if City of Parramatta wished to make a change to controls within the City of Parramatta LGA.) This would minimise the administrative burden on both Councils, and make it easier for residents and landowners in both Council areas to interpret planning controls.
10. The Hills have advised that they are willing to undertake all the administrative work to prepare the document and plans necessary to progress the separation of the existing The Hills LEP 2012 into two separate LEPs and map sets. It is envisaged that the process for the City for Parramatta will involve:

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- a. Preliminary confirmation that Council agrees in principle to splitting HLEP2012 (as recommended in this report);
 - b. Endorsement of a Planning Proposal and associated documents by Council once they have been prepared by The Hills Council;
 - c. Notification of residents during any exhibition phase (if required by the Department of Planning and Environment) to confirm the change is administrative only and does not involve any change to the current planning controls; and
 - d. Endorsement of the Planning Proposal post-exhibition after consideration of any submissions to allow the matter to be sent to the Department of Planning and Environment for finalisation.
11. Preliminary discussions held with the Department of Planning and Environment suggests they are supportive of the administrative change proposed, subject to the existing planning controls being retained in the new LEPs and map sets.
 12. As a result of the merger there are also parts of Auburn LEP 2010, Holroyd LEP 2013, and Hornsby LEP 2013 that apply to land now located within City of Parramatta boundaries. Further discussion with adjoining Councils will be progressed to determine whether similar arrangements to split these LEPs are appropriate. Should a proposal to split these LEPs be deemed appropriate, it will be reported to Council for endorsement before any formal actions are taken.

CONCLUSION

13. It is recommended that the request put forward by The Hills be supported in principle as it will deliver administrative efficiencies for both Councils and reduce the potential for complex and confusing clauses being placed in the existing LEP to enact changes that only apply to land located in The Hills but not to land located in the City of Parramatta (or vice versa).

Sarah Baker

Student Project Officer

ATTACHMENTS:

There are no attachments for this report.

REFERENCE MATERIAL