

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

VOTING FOR THE MOTION

Clr Dr M R Byrne
Clr Tracey
Clr Thomas
Clr Dr Lowe
Clr Preston
Clr Dr Gangemi
Clr Haselden
Clr Jefferies
Clr Keane
Clr Harty OAM

VOTING AGAINST THE MOTION

None

ABSENT

Clr Hay OAM
Clr Taylor MP

CALL OF THE AGENDA

A MOTION WAS MOVED BY COUNCILLOR HARTY OAM AND SECONDED BY COUNCILLOR JEFFERIES THAT Items 5, 6, 8 and 9 be moved by exception and the recommendations contained in the reports be adopted.

THE MOTION WAS PUT AND CARRIED.

341 RESOLUTION

Items 5, 6, 8 and 9 be moved by exception and the recommendations contained in the reports be adopted.

ITEM-5

CLOSURE & TRANSFER OF TEMPORARY ROAD, 440A WINDSOR ROAD, BAULKHAM HILLS

342 RESOLUTION

Council authorise the closure of the temporary road being Lot 4 DP 1046599, 440A Windsor Road, Baulkham Hills and transfer of the land back to the original subdivider, Elmir Developments Pty Limited, or their successor in title with Transfer and Request documents authorised for execution under the seal of Council.

ITEM-4	PLANNING PROPOSAL - SEPARATION OF PARRAMATTA AND THE HILLS AREAS FROM LOCAL ENVIRONMENTAL PLAN 2012
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
MEETING DATE:	12 JULY 2016 COUNCIL MEETING
GROUP:	STRATEGIC PLANNING
AUTHOR:	PRINCIPAL FORWARD PLANNER MEGAN MUNARI
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that Council proceed with a planning proposal to make an administrative amendment to The Hills Local Environmental Plan 2012 (LEP 2012) to formally separate it into two plans that will reflect the change in local government area boundaries between The Hills Shire and City of Parramatta Councils. The intention is to duplicate the written instrument of LEP 2012 (so that the existing controls that apply to each local government area continue to apply) and creating two new map sets, one for the land remaining in The Hills Shire and the other for the land now located in the City of Parramatta.

Separation into two planning instruments would allow the City of Parramatta to amend controls applying to their area without the need to seek concurrence from The Hills and vice versa. This will also limit the risk of future changes, which are inconsistent with The Hills Local Strategy, being made within the City of Parramatta inadvertently applying to the whole of The Hills Shire. 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.

The separation of LEP 2012 into two plans will allow both Councils to manage the ongoing planning framework independently and will avoid the ongoing administrative burden of consultation between the two Councils.

HISTORY

6 / 1 / 2016

Minister for Local Government referred 35 merger proposals to the Chief Executive of the Office of Local Government for examination and report under the Local Government Act.

23/2/2016

Council considered a report on merger proposals and resolved:

1. *The Hills Shire Council make a submission to the Merger Proposal: Hawkesbury City Council and The Hills Shire Council (part) as outlined in this report.*
2. *The Hills Shire Council make a submission to the Merger Proposal: Parramatta City Council (part), Auburn City Council (part), The Hills Shire Council (part), Hornsby Shire Council (part) and Holroyd City Council (part) as outlined in this report.*
3. *The Mayor and General Manager are given authority to make minor editorial changes as may be necessary prior to sending the submissions.*
4. *The Minister consider the inclusion of parts of Dural, Castle Hill and Cherrybrook as per Council's initial submission to be part of the Hills Shire Council which will assist the Council financially with the costs as outlined in the report.*

12/5/2016

Proclamation made that land south of the M2 in The Hills Shire was to form part of the new City of Parramatta Council.

BACKGROUND

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.

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 LEP 2012 and The Hills Development Control Plan 2012 and Contributions Plans in place prior to Proclamation continue to apply to land in areas that have transferred from The Hills local government area into City of Parramatta local government area.

Advice received from the Department of Planning's "Guidance for Merged Councils on Planning Functions" (May 2016) indicates that Councils operating with an Administrator, such as the City of Parramatta, 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.

This means that LEP 2012 is now being administered by two Councils. The Hills Shire now needs to seek concurrence from City of Parramatta Council whenever an amendment to LEP 2012 is proposed. This creates administrative difficulties in completing amendments and continuing to provide quality outcomes for the community.

Given the State Government position regarding Administrators and creating new consolidated planning instruments for new Councils, this problem would be ongoing until such time as the City of Parramatta creates a new Local Environmental Plan for their new local government area, sometime after the September 2017 election.

REPORT

The purpose of this report is to consider a planning proposal to separate LEP 2012 into two new Local Environmental Plans to reflect the change in local government area boundaries between The Hills Shire and the City of Parramatta Councils.

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 Hills Shire or the City of Parramatta. This is in order to comply with the State Government direction on the consolidation of local environmental plans.

This planning proposal will reduce the administrative burden of sharing LEP 2012 across two different local government areas.

PLANNING PROPOSAL

This planning proposal would enable The Hills Shire Council to continue to manage planning controls that apply to land within The Hills Shire without seeking approval or concurrence from the new City of Parramatta.

The planning proposal involves duplicating the written instrument of LEP 2012 (so that the existing controls that apply to each local government area continue to apply) and creating two new map sets, one for the land remaining in The Hills Shire and the other for the land now located in the City of Parramatta.

The existing arrangement with respect to LEP 2012 means that if The Hills Shire Council wishes to make an amendment to LEP 2012, we need to obtain agreement and endorsement of the changes proposed from the City of Parramatta Council. This situation would also apply in reverse. If the City of Parramatta wished to make a change to LEP 2012, they would need to obtain agreement and endorsement of the changes proposed from The Hills Shire Council.

Under this arrangement, if one Council is not supportive of the proposed change, but the other Council wishes to proceed, LEP 2012 would have to be amended so that any changes either Council wish to pursue only apply to land located in the one local government area. This would add a layer of complexity to LEP 2012 that would make it more difficult for residents and landowners in both Council areas to interpret. This also creates an administrative burden for both Councils where any proposal from the other Council needs to be assessed and considered.

If LEP 2012 is split as recommended, then each Council would be able to make amendments to the planning controls in their local government area without the need to negotiate an agreed position with the other Council.

This does not remove the need for either Council to potentially consult with the other as an adjoining Council and stakeholder as part of the Post-Gateway process. However, they would not need to get the other Councils endorsement at all key steps, which would be necessary if the existing shared local environmental plan arrangement remains in place.

Preliminary discussions 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 local environmental plans.

The planning proposal would minimise the administrative burden on both Councils, and make it easier for residents and landowners in both Council areas to interpret planning controls.

CONCLUSION

LEP 2012 is now being administered by two Councils. The Hills Shire now needs to seek concurrence from the City of Parramatta Council whenever an amendment to LEP 2012 is proposed. This creates administrative difficulties and delays in completing amendments which impacts on Councils ability to provide quality outcomes for the community.

It is recommended to proceed with a planning proposal to split LEP 2012 into two new local environmental plans to reflect the change in local government area boundaries between The Hills Shire and the City of Parramatta Councils.

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 Hills Shire or the City of Parramatta. This is in order to comply with the State Government direction on the consolidation of local environmental plans.

The split into two local environmental plans will remove the need to obtain agreement and endorsement from the City of Parramatta for future planning proposals and amendments to the local environmental plan and will significantly reduce the administrative burden with respect to amending planning controls on both Councils.

IMPACTS**Financial**

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

The Hills Future - Community Strategic Plan

The proposed administrative split of LEP 2012 will provide Council and the community with a simpler process to manage and interpret planning controls.

RECOMMENDATION

1. Council write to the City of Parramatta Council to seek support to initiate a planning proposal to create two LEPs based upon the new Local Government Areas.
2. Once support is received from the City of Parramatta Council, prepare a Planning Proposal to split The Hills Local Environmental Plan 2012 into two new local environmental plans to reflect the change in local government area boundaries between The Hills Shire and the City of Parramatta Councils and forward it to the Department of Planning and Environment for a Gateway Determination.

ATTACHMENTS

Nil.