

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.

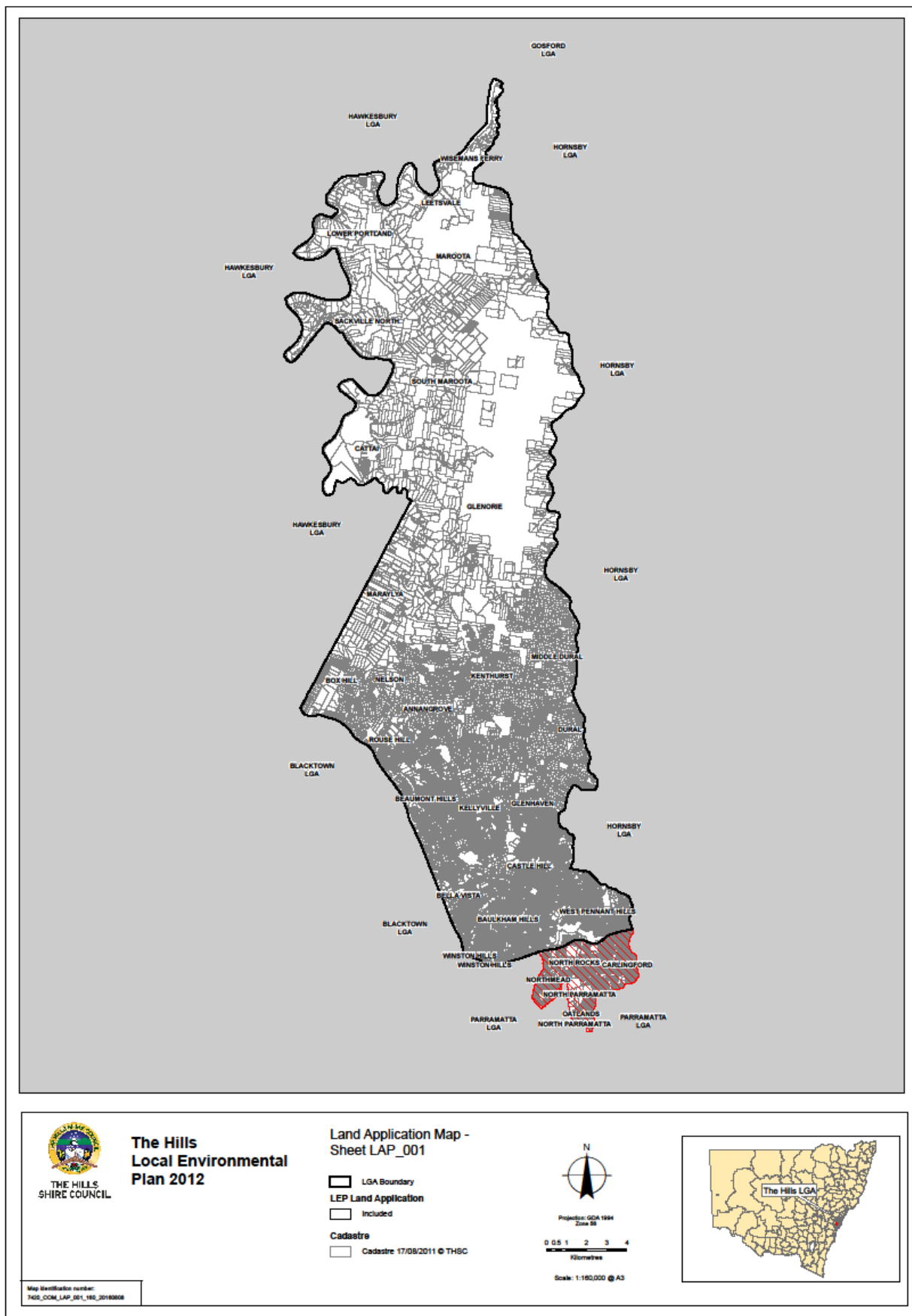


Figure 1
The former Hills Shire Council Area showing land transferred to City of Parramatta Council in red hatching

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'.

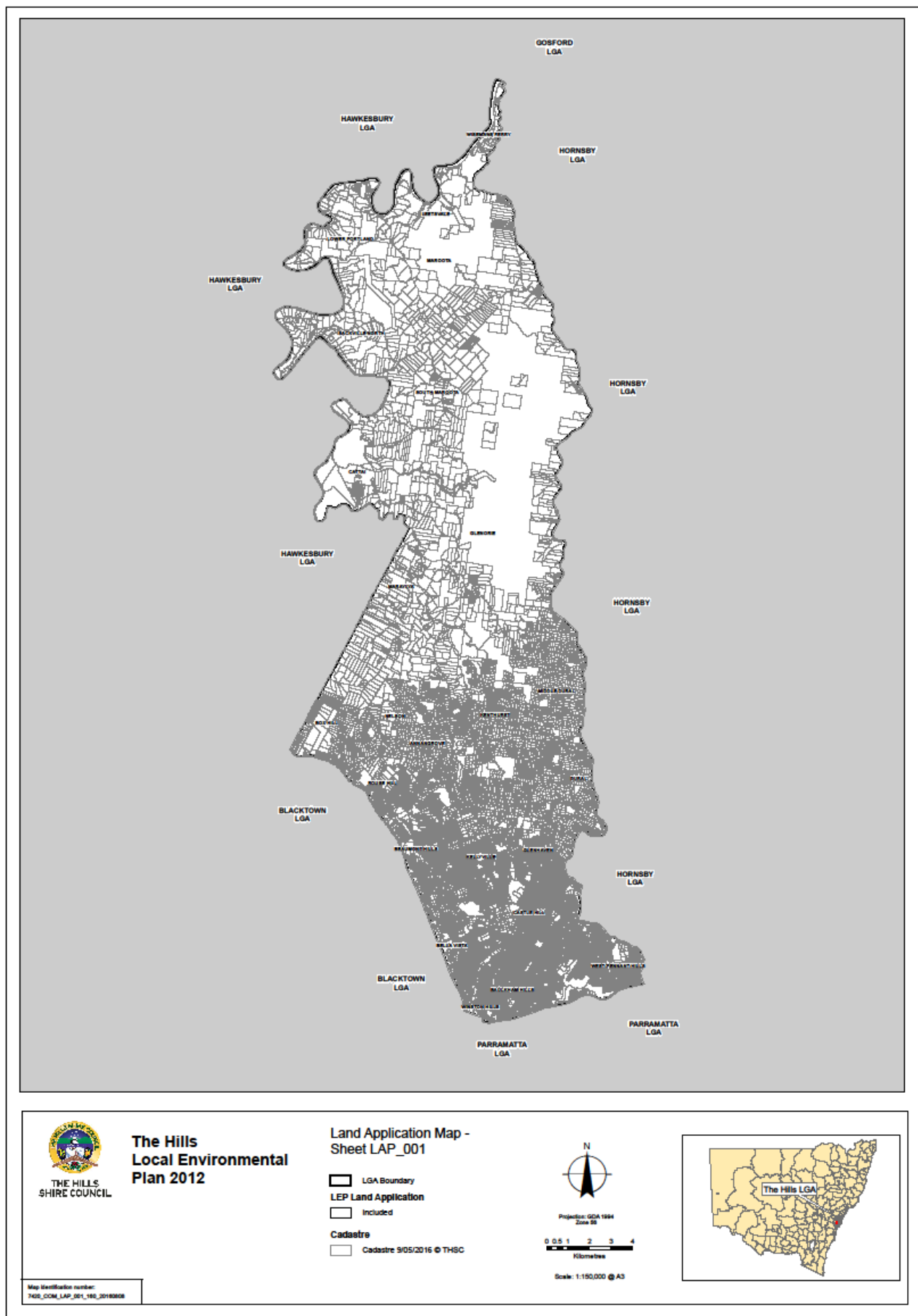


Figure 2
Land to remain in The Hills Shire

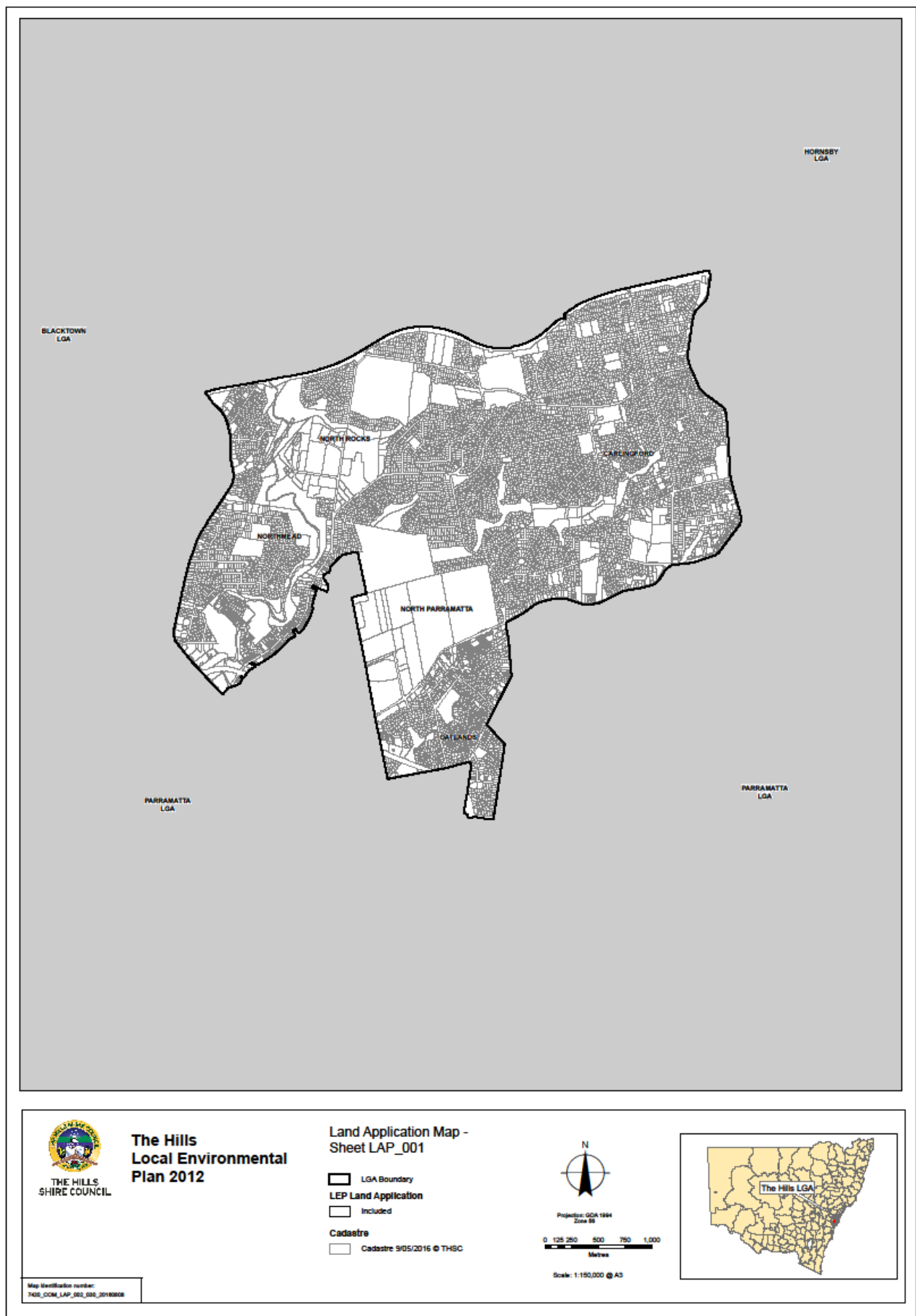


Figure 3
Land transferred to the City of Parramatta

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	-	-