

Planning Services

Gateway determination report

LGA	The Hills Shire
PPA	The Hills Shire Council
NAME	Prohibit places of public worship in the RU6 Transition zone (0 homes, 0 jobs)
NUMBER	PP_THILL_2017_012_00
LEP TO BE AMENDED	The Hills Local Environmental Plan 2012
ADDRESS	All land zoned RU6 Transition
DESCRIPTION	All land zoned RU6 Transition
RECEIVED	26 October 2018
RECORD NUMBER	IRF18/3126
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1. INTRODUCTION

1.1 Description of planning proposal

The proposal seeks to amend The Hills Local Environmental Plan (LEP) 2012 to prohibit places of public worship in the RU6 Transition zone.

1.2 Site description

The proposal applies to all land zoned RU6 Transition in The Hills local government area (LGA). There are 8255ha of RU6-zoned land in the LGA.

1.3 Existing planning controls

The RU6 Transition zone in The Hills LEP 2012 permits places of public worship. Other zones within the LEP that permit places of public worship include:

- RU1 Primary Production;
- RU2 Rural Landscape;
- R1 General Residential;
- R2 Low Density Residential;
- R3 Medium Density Residential;
- R4 High Density Residential;
- B1 Neighbourhood Centre;
- B2 Local Centre;
- B4 Mixed Use;

- B5 Business Development;
- B6 Enterprise Corridor;
- B7 Business Park;
- IN1 General Industrial;
- IN2 Light Industrial; and
- SP3 Tourist.

1.4 Summary of recommendation

The proposal is considered to have merit and is supported to proceed subject to it being updated to include a new savings transition clause to ensure the proposed amendments do not affect any lodged development applications or appeal processes.

2. PROPOSAL

2.1 Objectives or intended outcomes

The proposal seeks to prohibit places of public worship in the RU6 Transition zone to prevent land-use conflict. The objectives and intended outcome are stated in the proposal.

2.2 Explanation of provisions

Part 2 of the proposal includes the following amendment:

- delete the words ‘place of public worship’ under Permitted with Consent in the RU6 Transition zone.

2.3 Mapping

No mapping amendments are required.

3. NEED FOR THE PLANNING PROPOSAL

The Hills Shire Council notes in its proposal that prohibiting places of public worship from the RU6 Transition zone is the best way to protect the rural-residential and scenic characteristics of land within the zone.

Council is seeing increased pressure for urban development in rural areas and aims to provide certainty to people who live in these areas. Council considers places of public worship as an incompatible use in the RU6 Transition zone and suggests they would be better located in urban areas in the LGA.

Council considers that the controls in its development control plan are not sufficient to mitigate the impacts of places of public worship in the zone.

4. STRATEGIC ASSESSMENT

4.1 Central City District Plan

The proposal has been assessed against the following objectives and planning priorities of the Central City District Plan:

- Planning Priority C1 – Planning for a city supported by infrastructure;
- Objective 6 – Services and infrastructure meet communities’ changing needs;
- Planning Priority C4 – Fostering healthy, creative, culturally rich and socially connected communities; and
- Planning Priority C18 – Better managing rural areas.

The proposal is generally consistent with the district plan as it seeks to ensure that rural lands are appropriately protected to avoid incompatible development. The Department requested further justification from Council to demonstrate how places of public worship

hinder the management of rural areas when uses of similar development intensity are permissible within the same zone. Council's justification was sufficient to demonstrate consistency with the district plan.

4.2 Hills Future 2017-2021 Community Strategic Plan

Council noted that the proposal is not a result of any local strategic study or report. The proposal has been assessed against Council's community strategic plan, including:

- Outcome 1 – A connected and inclusive community with access to a range of services and facilities that contribute to health and wellbeing;
- Outcome 7 – Our community infrastructure is attractive, safe and well maintained; and
- Outcome 8 – Infrastructure meets the needs of our growing Shire.

The proposal is considered to be generally consistent with the above outcomes.

4.3 Rural Lands Strategy

Council's Rural Lands Strategy was used to inform The Hills LEP 2012. The strategy identified several 'rural living mixed uses' in the LGA including Glenorie, Middle Dural, Dural, Glenhaven, Kenthurst, Annangrove, Nelson and Box Hill. The RU6 Transition zone was applied to these areas as it provides a buffer between more intensive agricultural uses in the north and the urban areas to the south.

While the proposal is generally consistent with the strategy as it aims to provide certainty to people who live in rural areas, it prioritises preserving rural-residential character and the amenity of residents in the RU6 zone over the transitional nature of the zone.

4.4 Section 9.1 Ministerial Directions

The proposal is consistent with the relevant section 9.1 Directions.

4.5 State environmental planning policies (SEPPs)

The proposal is consistent with all relevant SEPPs and deemed SEPPs.

5. SITE-SPECIFIC ASSESSMENT

The Department requested further information from Council to enable the Department to finalise its assessment of the proposal. The key issues assessed are discussed below:

Justification for only prohibiting places of public worship in the RU6 Transition zone and not in adjoining rural areas

The proposal seeks to prohibit places of public worship in the RU6 Transition zone as Council considers the use inconsistent with the zone objectives.

The Department questioned why places of public worship are proposed to be prohibited in the RU6 zone while remaining permissible in the adjoining RU2 Rural Landscape zone. The objectives of both zones are generally similar and the approach to prohibit places of public worship in one rural zone and not the adjoining rural zone is considered inconsistent. The transitional nature of the RU6 Transition zone is also a key consideration.

Council responded by noting that places of public worship will be retained in the RU2 Rural Landscape zone to ensure the distance travelled to places of worship is not too great for rural localities (Figure 1, below).

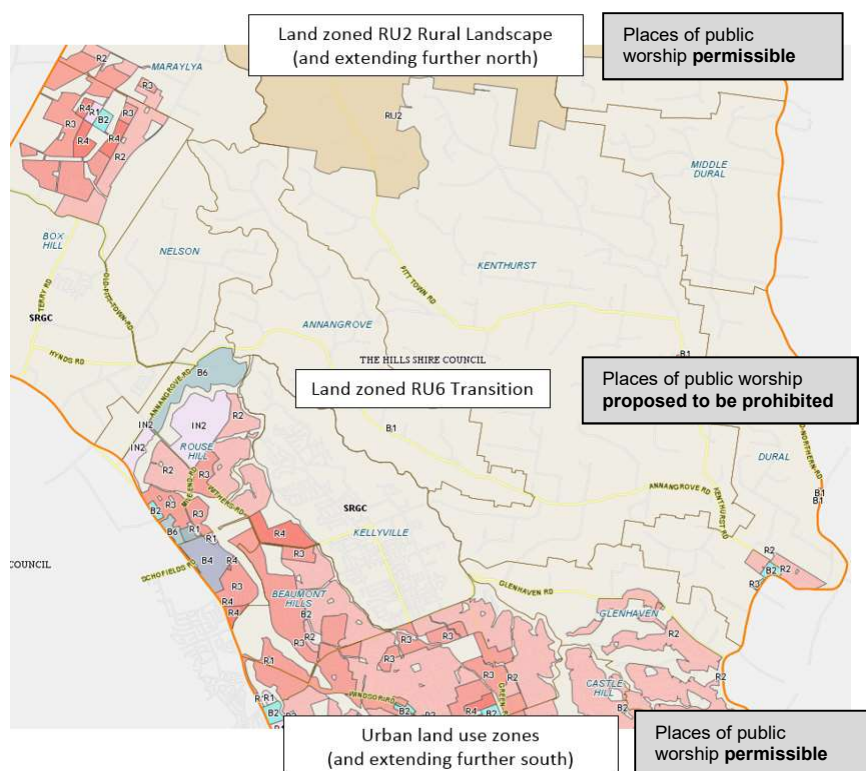


Figure 1: Land-use zones surrounding the RU6 Transition zone.

Justification for why other comparable uses are not also prohibited

The Department requested further justification as to why only places of public worship are proposed to be prohibited while other land uses with comparable impacts will remain permitted. Other comparable uses in the RU6 zone include community facilities, eco-tourist facilities, garden centres, landscaping material supplies, plant nurseries, recreation facilities (outdoor), restaurants and cafes, and veterinary hospitals.

Council noted a 2017 planning proposal in the LGA (PP_2017_THILL_001_00) where animal boarding or training establishments were prohibited in the RU6 zone and therefore it is not unreasonable to change the permissibility of places of public worship in the RU6 zone.

Impact on current and future needs of the community for places of public worship

The impact on the current and future needs of the community for places of public worship needs to be carefully considered. While the Central City District Plan is silent on the provision of places of public worship, the Department considers it to be a land use that plays an important role in providing social support for the community.

Council has demonstrated that places of public worship will be permissible in 65% of the LGA, covering an area of 34,435ha. Many of the zones in which places of public worship are permitted are considered by Council to be more appropriate locations.

The Department notes that the proposal will prevent places of public worship in the rural transition zone, while retaining opportunities for places of public worship in better located areas.

There is one development application relating to a place of public worship in the RU6 Transition zone. It is located at 1 Larapinta Place, Glenhaven (DA1867/2018/JP). This development application was deferred by the Sydney Central City Planning Panel to enable the applicant to provide information relating to traffic impacts. Council is collating the updated information and will send it to the Panel Secretariat two weeks before the panel meeting scheduled for 22 August 2019.

The prohibition of places on public worship will only apply to future development applications in the RU6 Transition zone, as savings provisions will apply so that any amendment will not be applied retrospectively to development applications already lodged with Council and not determined. Prior to community consultation, Council is to update the proposal to include in the explanation of provisions that a savings transition clause will be provided to ensure that the proposed amendment does not affect any development applications or appeal processes lodged with Council prior to the amendment being finalised.

5.1 Environmental

The proposal is not anticipated to have adverse impacts on any critical habitats or threatened species.

5.2 Infrastructure

There are no relevant state infrastructure considerations applicable to the proposal.

6. CONSULTATION

6.1 Community

A 28-day community consultation period is considered appropriate for this proposal.

6.2 Agencies

Consultation with agencies is not required.

7. TIME FRAME

The proposal indicates a four-month time frame for completion. The Department recommends a six-month time frame from the date of the Gateway determination.

8. LOCAL PLAN-MAKING AUTHORITY

The Department recommends that Council should be authorised to be the plan-making authority to make this plan as it is a matter of local significance.

9. CONCLUSION

It is recommended that the proposal be supported to proceed and that a Gateway determination be issued subject to conditions. The proposal is generally consistent with strategic planning policy.

10. RECOMMENDATION

It is recommended that the Minister's delegate determine that the proposal should proceed subject to the following conditions:

- The proposal should be made available for community consultation for a minimum of 28 days.
- A public hearing is not required to be held into the matter.
- The time frame for completing the LEP is to be six months from the date of the Gateway determination.
- Given the nature of the proposal, Council should be authorised to be the local plan-making authority to make this plan.
- Prior to community consultation, council is to update the proposal to include in the explanation of provisions that a savings transition clause will be provided to ensure that the proposed amendment does not affect any development applications or appeal processes lodged with Council prior to the amendment being finalised.

A handwritten signature in blue ink, appearing to read 'C Gough', with a stylized flourish at the end.

**Christine Gough
Acting Director,
Sydney Region West**