

PP_THILL_2017_012_00 (IRF17/66)

Mr Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
BAULKHAM HILLS BC 2153

Dear Mr Edgar *Michael*

Planning proposal PP_THILL_2017_012_00 to amend The Hills Shire Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the Environmental Planning and Assessment Act 1979 in respect of the planning proposal seeking to introduce new zone objectives, prohibit places of public worship, and introduce site coverage requirements for the RU6 Transition land use zone under The Hills Local Environmental Plan (LEP).

I understand Council's desire, as part of the planning proposal, is to clarify the objectives of the RU6 zone to ensure the rural and scenic values of the area are maintained, remove places of worship as a permissible land use due to potential impacts of this type of development on local communities and introduce new site coverage controls to manage the scale of development.

In reviewing the request I note that these objectives are already included in other existing zones under the LEP, such as RU2 Rural Landscape, E4 Environmental Living and R5 Large Lot Residential which provide for the protection of rural and scenic character. Objectives should be specific for each land use zone to ensure that the community has a greater level of certainty on the character and type of uses that could be expected for each land use zone. It is not clear how the adoption of these same objectives in the RU6 zone achieve that certainty.

Additionally, I note that Council is proposing to continue to allow a range of land uses in the RU6 zone that would have comparable impacts to places of public of worship.

Before the Department can finalise its assessment of the planning proposal further information is required on:

- why the proposed objectives are suitable for the RU6 zone given that the RU6 zone is to provide a transition between suburban areas and rural and scenic areas of the Shire;

- how the proposal may impact on the current and future needs of the community for places of public worship;
- why site coverage controls currently located in Council's Development Control Plan (DCP) should be duplicated into the LEP but this LEP control would apply only to the RU6 zone and not other zones where the DCP provisions apply; and
- why places of public worship should be prohibited in the RU6 zone, while they remain permissible in adjoining zones and while other uses in the RU6 zone that would have comparable impacts to places of public workshop should not also be prohibited in the zone.

Consistent with the Government's practice the proposal will need to include saving provisions so that the new local plan would not be applied retrospectively to development applications already lodged with Council.

The Department is available to discuss these matters in more detail and I have arranged for Ms Ann-Maree Carruthers, Director Sydney Region West to assist you. Ms Carruthers can be contacted on 9274 6270.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

11/05/2018