

<b>ITEM-5</b>	<b>PLANNING PROPOSAL TO AMEND THE HILLS LOCAL ENVIRONMENTAL PLAN 2012 TO AMEND LAND USE PERMISSIBILITY, OBJECTIVES AND SITE COVERAGE STANDARDS WITHIN THE RU6 TRANSITION ZONE (6/2018/PLP)</b>
<b>THEME:</b>	Balanced Urban Growth.
<b>OUTCOME:</b>	7 Responsible planning facilitates a desirable living environment and meets growth targets.
<b>STRATEGY:</b>	7.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.
<b>MEETING DATE:</b>	<b>13 FEBRUARY 2018</b> COUNCIL MEETING
<b>GROUP:</b>	<b>STRATEGIC PLANNING</b>
<b>AUTHOR:</b>	<b>PRINCIPAL COORDINATOR FORWARD PLANNING</b> MEGAN MUNARI
<b>RESPONSIBLE OFFICER:</b>	<b>MANAGER – FORWARD PLANNING</b> STEWART SEALE

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### EXECUTIVE SUMMARY

The purpose of this report is to advise Council of feedback received from the Department of Planning and Environment and recommend a way forward with the planning proposal.

The Department of Planning and Environment have advised that they are not willing to issue a Gateway Determination for the planning proposal as a review of cemeteries is currently being undertaken and they do not want to make a decision regarding cemeteries until the review is complete.

It is open to Council to submit an amended planning proposal to the Department of Planning and Environment that removes the cemeteries component and seeks a Gateway Determination for the remainder of the proposal.

### BACKGROUND

At its meeting on 24 October 2017, Council resolved:

*The General Manager prepare and forward a planning proposal to the Department of Planning and Environment to amend our LEP in the following way:*

1. *Include two additional local objectives within the RU6 Transition zone of The Hills Local Environmental Plan 2012:*
  - *To maintain the rural and scenic character of the land*

- *To provide for a range of land uses compatible with the rural residential character*
- 2. *Remove the following land uses as permitted within the RU6 Transition zone of The Hills Local Environmental Plan 2012:*
  - *Cemeteries*
  - *Places of public worship*
- 3. *Introduce a local clause to reflect the DCP site coverage controls into our Local Environmental Plan.*

A planning proposal was sent to the Department of Planning and Environment on the 8<sup>th</sup> November 2017.

## **REPORT**

On the 20<sup>th</sup> December 2017 Council received a letter from the Deputy Secretary of the Department of Planning and Environment advising that a Gateway determination would not be issued for the planning proposal at this time (refer to Attachment 1).

The letter states that the Greater Sydney Commission is reviewing the need for land for cemeteries and crematoria in the Greater Sydney Region and to avoid pre-empting the outcomes of the review, any planning proposals that seek to amend or prohibit cemeteries and crematoria uses will not proceed to Gateway until the review is complete. Further advice was received from the Department of Planning and Environment on 29<sup>th</sup> January 2018 indicating that they are undertaking the review, not the Greater Sydney Commission.

Council's planning proposal is not going to proceed in its current form for an unspecified period of time. Council has two options with respect to the proposal:

1. Await the outcome of the review into cemeteries and crematoria (at which time a Gateway determination may or may not be granted); or
2. Forward an amended planning proposal to the Department of Planning and Environment that removes the prohibition of cemeteries in the RU6 zone in order to proceed with a majority of the proposal in the short term and revisit cemeteries following the completion of the review by State government.

Awaiting the outcome of the cemeteries review would leave the planning proposal without a certain timeframe for completion and would not allow new development proposals lodged in the near future to be assessed against the new objectives intended for the zone.

It is recommended that Council proceed with an amended planning proposal that does not prohibit cemeteries in the RU6 zone, but still seeks to include new zone objectives, prohibit places of public worship and include new site coverage controls in the Local Environmental Plan. The Environmental Planning and Assessment Act 1979 contains provisions (Section 58 (1)) that allow Council to amend planning proposals during the process for any reason. A revised planning proposal would enable the Department of Planning and Environment to assess the proposal for a Gateway Determination without the review of cemeteries holding up the process. Council could then revisit the permissibility of cemeteries following the completion of the review by the Department of Planning and Environment.

**IMPACTS****Financial**

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

**Strategic Plan - Hills Future**

The planning proposal is consistent with The Hills Future Community Strategic Plan as it provides for the effective and sustainable management of rural lands and the minimisation of unreasonable land use conflicts within these areas.

**RECOMMENDATION**

Council forward a revised planning proposal to the Department of Planning and Environment that removes the prohibition of cemeteries in the RU6 zone.

**ATTACHMENTS**

1. Letter from the Deputy Secretary of the Department of Planning and Environment (1 Page)

ATTACHMENT 1



IRF17/520

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

Dear Mr Edgar

*Michael***Planning proposal to amend The Hills Local Environmental Plan 2012**

I am writing in response to Council's request for a Gateway determination in respect of the planning proposal to prohibit cemeteries and places of public worship and to amend site coverage requirements for the RU6 Transition Zone under The Hills Local Environmental Plan 2012.

The Greater Sydney Commission is reviewing the need for land for cemeteries and crematoria in the Greater Sydney region. On completion of the review, the Commission has asked the Department of Planning and Environment to consult with it on appropriate strategic planning options for the provision of cemeteries and crematoria in the region.

To avoid pre-empting the outcomes of this work, any current planning proposals that seek to amend or prohibit existing cemeteries and crematoria uses will not proceed to Gateway until the review and strategic planning options have been completed.

I apologise for the delay regarding this matter and I assure Council that every effort will be made to move this matter forward as quickly as possible.

Should you have any further enquiries about this matter, I have arranged for Mr Adrian Hohenzollern of the Department's Sydney Region West team to assist you. Mr Hohenzollern can be contacted on 9860 1505.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Ray'.

Marcus Ray  
Deputy Secretary  
Planning Services

*20/12/2017*

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**MINUTES of the duly convened Ordinary Meeting of The Hills Shire Council held in the Council Chambers on 13 February 2018**

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

**VOTING FOR THE MOTION**

Mayor Dr M R Byrne  
Clr R A Preston  
Clr R M Tracey  
Clr R Jethi  
Clr A J Hay OAM  
Clr B L Collins OAM  
Clr E M Russo  
Clr F P De Masi  
Clr Dr P J Gangemi  
Clr R K Harty OAM  
Clr S P Uno  
Clr A N Haselden  
Clr M G Thomas

**VOTING AGAINST THE MOTION**

None

**ITEM-5**

**PLANNING PROPOSAL TO AMEND THE HILLS LOCAL ENVIRONMENTAL PLAN 2012 TO AMEND LAND USE PERMISSIBILITY, OBJECTIVES AND SITE COVERAGE STANDARDS WITHIN THE RU6 TRANSITION ZONE (6/2018/PLP)**

A MOTION WAS MOVED BY COUNCILLOR PRESTON AND SECONDED BY COUNCILLOR HASELDEN THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND CARRIED.

**19 RESOLUTION**

Council forward a revised planning proposal to the Department of Planning and Environment that removes the prohibition of cemeteries in the RU6 zone.

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

**VOTING FOR THE MOTION**

Mayor Dr M R Byrne  
Clr R A Preston  
Clr R M Tracey  
Clr R Jethi  
Clr A J Hay OAM  
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Clr M G Thomas

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**VOTING AGAINST THE MOTION**

Clr Dr P J Gangemi

8.44pm Mayor Dr Byrne left the meeting during Item 6 and Deputy Mayor Councillor Preston assumed the Chair.

8.46pm Mayor Dr Byrne returned to the meeting during Item 6 and resumed the Chair.

**ITEM-6**

**REVIEW OF SMALL LOT HOUSING (INTEGRATED HOUSING) (FP232)**

A MOTION WAS MOVED BY COUNCILLOR UNO AND SECONDED BY COUNCILLOR COLLINS OAM THAT

1. A planning proposal be forwarded to the Department of Planning and Environment for a Gateway Determination to amend Clause 4.1B of The Hills Local Environmental Plan 2012 in accordance with Option 2 in this report and Attachment 1 (ECM Doc. #171044598) with the exception that the land to be subdivided is not less than 1400 square metres.
2. Draft The Hills Development Control Plan 2012 Part F – Small Lot Housing (Integrated Housing (Attachment 2), Part G – Medium Density Residential (Terraces) (Attachment 3) and Part B Section 4 – Multi Dwelling Housing (Attachment 4) be exhibited concurrently with the planning proposal.

AN AMENDMENT WAS MOVED BY COUNCILLOR HAY OAM AND SECONDED BY COUNCILLOR PRESTON THAT the Recommendation contained in the report be adopted.

THE AMENDMENT WAS PUT AND CARRIED AND BECAME THE MOTION.

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

**VOTING FOR THE MOTION**

Mayor Dr M R Byrne

Clr R A Preston

Clr R M Tracey

Clr R Jethi

Clr A J Hay OAM

Clr F P De Masi

Clr S P Uno

**VOTING AGAINST THE MOTION**

Clr Dr P J Gangemi

Clr B L Collins OAM

Clr M G Thomas

Clr R K Harty OAM

Clr A N Haselden

Clr E M Russo

THE MOTION WAS PUT AND CARRIED.