



Mr Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
NORWEST NSW 2153

Via email m.edgar@thehills.nsw.gov.au

Dear Mr Edgar

The Hills Local Environmental Plan 2019 – LSPS LEP Review

I refer to your letter requesting for the Department of Planning, Industry and Environment (the Department) to finalise the planning proposal to amend The Hills Local Environmental Plan (LEP) 2019 to align with the Central City District Plan and Council's Local Strategic Planning Statement.

As the Minister for Planning and Public Space's delegate, I have made the plan under section 3.36(2)(a) of the *Environmental Planning and Assessment Act 1979*, and under section 3.24(5) it will take effect when published on the NSW Legislation website. As part of the finalisation process, the Department has a number of post-exhibition changes.

The Department and Council officers have been in discussions regarding the proposed local character statement provisions for the Showground Precinct and the naming and structure for the new LEP, and we thank you for your letter of 1 June 2021 on these matters. The Department is unable to support the inclusion of the local character statement because the Department is due to release standard LEP provisions for implementing local character statements, and once this has been finalised the provisions can be made. I am satisfied that the impact of not including these provisions are low because there are relatively recent LEP controls and Development Control Plan controls that will largely achieve the outcomes being sought.

In terms of the structure of the new LEP, the Department is of the view that the nature of the proposed amendments being sought is more appropriately made as an amendment to the existing instrument. There are no impacts associated with the operation of the controls as a result of this decision, but we understand that this does present some challenges in terms of communication with the community, who were expecting a new comprehensive instrument. It is anticipated that precinct planning for Norwest, Castle Hill and Rouse Hill may result in comprehensive changes that would implement some of the big moves from the District plan and Local Strategic Planning Statement, and these amendment are likely to trigger the need for a new comprehensive LEP.

Officers have also been in discussions about how Council can have more certainty about planning outcomes for Rouse Hill, where the controls were primarily in the adopted master plan and development control plan. I am satisfied that the inclusion of maximum building height controls for the undeveloped, 'Northern Frame' area will provide this certainty for Council and Transport for NSW during this time while the precinct is subject to precinct planning.

The Department has amended the plan to remove the proposed exempt development provisions for retaining walls, following advice from Parliamentary Counsel that Clause 1.9(1) of the Codes SEPP means the proposed LEP exempt development provisions cannot apply to development where that development is specified in the Codes SEPP as exempt development. The Department will continue to discuss the issue with officers and Legal Services, and it may be possible, if appropriate, for the Minister's delegate to make this change to the plan in the future as an administrative amendment.

The Department has made further amendments to the planning proposal to not include the proposed rezoning of areas of Beaumont Hills, Kellyville and Rouse Hill from R3 Medium Density Residential to R2 Low Density Residential; rezoning from R4 High Density to R2 Low Density in parts of the Grey Gums estate and the increases in minimum lot sizes for parcels in West Pennant Hills. It is noted that the Local Strategic Planning Statement provides an action to: "*8.1 Review residential zonings, objectives and provisions to provide for a diversity of housing in the right locations, with a focus on the capacity of land zoned R3 Medium Density Residential (June 2020)*", and the Department accepts that there may be value in reviewing the controls for the above areas. However, given that proposed rezoning may impact property values, will reduce the capacity to deliver housing in the established serviced areas, and the number of objections to these amendments, further investigations are required before these amendments can be made.

A future planning proposal for these changes would need to clearly establish the desired future character for these areas, the particular land use, built form and landscape characteristics that define it, test options for implementing this desired character and provide evidence that the objections to the proposal represent a minority view, if that is the case. I acknowledge the significant amount of work Council has already undertaken and the multiple stages of consultation undertaken with the community both in the preparation of the Local Strategic planning Statement and the planning proposal. In light of this, the Department would be pleased to discuss options to potentially expedite a future planning proposal for these amendments, including for example, the potential for reduced formal consultation requirement, if this is considered appropriate by the Minister's delegate at the time.

I would like to take the opportunity to thank you and Council's planning officers for the significant amount of work undertaken to support this planning proposal and for their support and advice in the final stages of assessment. We look forward to working together on the significant precinct planning projects on the horizon and continuing to improve the way we support councils in local plan making.

If you have any questions in relation to this matter, I have arranged for Ms Jane Grose, Director Central (Western) to assist you. Ms Grose can be contacted on 9274 6070.

Yours sincerely



13 July 2021

Brett Whitworth
Deputy Secretary
Greater Sydney, Place and Infrastructure

CC:

dreynolds@thehills.nsw.gov.au

ncarlton@thehills.nsw.gov.au