



Department of
Infrastructure, Planning and Natural Resources

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Mr Alex Davidson
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Our ref: DGC 03/992
Your ref:
File: P99/00193/002

27 October 2003

Dear Mr Davidson

Ms Jennifer Westacott, the Director General of the Department of Infrastructure Planning and Natural Resources has asked me to respond to your letter which seeks to clarify the position concerning a proposal to exhibit a draft local environmental plan for rural lands within the Baulkham Hills Shire. I apologise for the delay in replying.

I understand that Baulkham Hills Council has resolved to prepare a draft local environmental plan to implement a sustainable rural lands strategy following the preparation of a rural lands study. During the preparation of the study, the Department provided Council with comments to assist in the study's preparation.

Generally, the Department supported the direction of the draft rural lands strategy, which sought to protect agriculturally viable and environmentally sensitive land by limiting rural residential development and housing, generally, to within or adjacent to established village centres. As a principle, the Department does not support fragmentation of rural areas. This principle is documented in the Department's publication 'Shaping Western Sydney' and I enclose an extract of the relevant page of the publication for your information.

In regard to the issue of a section 65 certificate to allow a draft plan to be exhibited, a Council may exercise the Director General's delegation provided the draft plan is in accordance with the delegation. In particular, a council may not issue a certificate under delegation where a draft local environmental plan introduces controls to permit rural residential development unless a rural residential strategy has been agreed to by the Director General.

Initiation of the draft plan currently lies with Baulkham Hills Council and should Council refer the proposal to the Department, among other things, the ability of Council to exercise the delegation will be determined taking into consideration the strategy and study prepared by Council.

I trust my advice has clarified the position.

Yours sincerely

Stephen Driscoll
Regional Planning Coordinator
Sydney Region West