

Planning proposal to rezone No.301 Samantha Riley Drive, Kellyville to enable mixed use business and residential apartment development.

Proposal Title :	Planning proposal to rezone No.301 Samantha Riley Drive, Kellyville to enable mixed use business and residential apartment development.		
Proposal Summary :	The Planning Proposal seeks to rezone Lots 101 and 103 DP 122070, No. 301 Samantha Riley Drive, Kellyville from Employment Area 10(a) (Business Park) zone to the R1 General Residential zone under the draft The Hills LEP 2010 or the 2(a4)(Town Centre) zone under Baulkham Hills LEP 2005 to enable mixed use business and residential apartment development.		
PP Number :	PP_2011_THILL_018_00	Dop File No :	11/21530

Proposal Details

Date Planning Proposal Received :	21-Nov-2011	LGA covered :	The Hills Shire
Region :	Sydney Region West	RPA :	The Hills Shire Council
State Electorate :	HAWKESBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Samantha Riley Drive		
Suburb :	Kellyville	City :	The Hills
Postcode :	2155		
Land Parcel :	Lots 101 and 103 DP 1122070		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :	0	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with :

If No, comment : **LOBBYIST STATEMENT**

At this point of time, to the best of the Regional team's knowledge, this planning proposal is compliant with the Department of Planning's Code of Practice in relation to communication and meeting with lobbyists.

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment :

Supporting notes

Internal Supporting Notes : **POLITICAL DONATIONS DISCLOSURE STATEMENT**

Political donation disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations of gifts for certain circumstances relating to the Planning System.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such application."

Planning Circular PS08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statement for this Planning Proposal.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the Planning Proposal is to rezone privately owned land being Lots 101 and 103 DP 122070, No.301 Samantha Riley Drive, Kellyville to enable a mixed use business and residential apartment development.**

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Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : To rezone privately owned land being Lots 101 and 103 DP 122070, No. 301 Samantha Riley Drive, Kellyville from Employment Area 10(a)(Business Park) zone to the R1 General Residential zone under the draft The Hills LEP 2010 or the 2(a4)(Town Centre) zone under the Baulkham Hills 2005. In addition, it proposes to establish a maximum floor space ratio of 1.6:1 and building height of 28 metres to accommodate a future 8 storey development.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

The RPA indicates that the Planning Proposal is consistent with all applicable Section 117 Directions except for:

1.1 BUSINESS AND INDUSTRIAL ZONES

The objective of the direction is to retain the area zoned for business and industrial purposes, and not reduce the total permissible floor space for employment uses. However, this planning proposal is inconsistent with this direction as it will introduce a larger component of residential development which may result in the loss of employment land. Under the current zoning, the subject site with "an area of 22,900sqm could be expected to yield in the order of 342 jobs, assuming a floor space ratio of 0.75:1".

It is noted that the "development concept" for the site will retain a component of business and office space (approximately 6,000sqm) as well as neighbourhood shops. As indicated in the Council's report, commercial land uses "offer a higher employment yield per square metre of floor space, therefore it would be expected that 6,000sqm of commercial floor space" would yield approximately 240 jobs. The proposed rezoning will likely result in the loss of approximately 100 jobs. The jobs loss is considered to be minimal and any jobs losses over the subject site are "easily offset by the demonstrated capacity elsewhere within the LGA. The rezoning of the site will not prevent the Hills Shire to achieve the overall employment targets (set out in draft North West Subregional Strategy) due to the projected surplus of 8,574 jobs.

Considering the above factors, the inconsistency is considered of a minor significance.

STATE ENVIRONMENTAL PLANNING POLICY NO.55 – REMEDIATION OF LAND

Clause 6 of State Environmental Planning Policy No.55 – Remediation of Land requires the consent authority to consider whether land is contaminated prior to rezoning land.

The site is currently vacant and zoned for urban purposes (i.e. Employment Area 10(a) (Business Park) zone). On 9 June 2009, the Hills Shire Council approved a development application (DA716/2009/HC) for a new mixed commercial development including offices, restaurants and serviced hotel suites on the subject site. A Stage 1

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Contamination Audit was also submitted as part of the development application to support to proposed uses. Furthermore, this matter can be further assessed at the development application stages.

SYDNEY REGIONAL PLAN NO.20 – HAWKESBURY-NEPEAN RIVER

The intent of the Sydney Regional Plan No. 20 is “to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context”. The subject site is not located in close proximity to the Hawkesbury-Nepean River and it is noted an approval for the development a new mixed commercial development was given by the Hills Shire Council. Hence, the proposed rezoning is not inconsistent with the Sydney Regional Plan No. 20.

STATE ENVIRONMENTAL PLANNING POLICY NO.65 - DESIGN OF RESIDENTIAL FLAT BUILDINGS

Any development application for a residential flat building on the site would need to comply with the provision of State Environmental Planning Policy No.65 – Design of Residential Flat Buildings.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **As discussed above, the Planning Proposal is inconsistent with Direction 1.1 - Business and Industrial zones as the proposed rezoning will result in the loss of business and industrial land. However, the inconsistency is of a minor significant and has been adequately justified by the RPA.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **A zoning map has been submitted as part of the proponent's report prepared by Don Fox Planning. The map clearly indicated the proposed zoning and Lot and DP number of the property. However, the maps must form part of the Planning Proposal prepared by Council. Hence, the regional team requests separate maps clearly indicating the existing and proposed zoning of the site with property description and height of building be submitted (i.e. not as contained in the proponent's report prepared by Don Fox Planning). The maps are to be submitted prior to community consultation.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Community consultation has been proposed by Council but no community consultation periods have been proposed.**

The Regional Team considers the proposal as “high impact” and recommends a community consultation period of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **As discussed previously, the Planning Proposal is inconsistent with Direction 1.1 - Business and Industrial zones as the proposed rezoning will result in the loss of business and industrial land. This inconsistency is considered of a minor significant and seeks the Director-General's approval.**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The Planning Proposal meets the adequacy criteria. However, the following additional information is to be incorporated in the revised Planning Proposal:**

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1. An existing and proposed zoning and height of building map are to be provided as part of the Planning Proposal.

Proposal Assessment

Principal LEP:

Due Date : December 2011

Comments in relation to Principal LEP : The Principal LEP (PLEP) was exhibited from 29 March 2011 to 30 May 2011. It is expected that the PLEP will be finalised by late 2011 or early 2012.

As noted from the proposed zoning under the draft The Hills Local Environmental Plan 2010, the subject site is proposed to be B7 Business Park which is equivalent to 10(a) Employment Area (Business Park) under the Baulkham Hills Local Environmental Plan 2005. The proposed B7 Business zone prohibits all forms of residential accommodation meaning that the land is likely to be developed for commercial premises.

The Planning Proposal also proposes to establish a maximum floor space of 1.6:1 and building height of 28 metres. The FSR and height controls proposed under this Planning Proposal are inconsistent with the controls under the exhibited PLEP for this site (namely 1:1 and 12 metres). It is noted that the proposed maximum floor space and building height are generally consistent with other R1 General Residential as exhibited in draft The Hills Local Environmental Plan 2010. Hence, the proposed zoning, maximum floor space and building height are supported.

Assessment Criteria

Need for planning proposal :

1. IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

The Planning Proposal is not the subject of any strategic report or study and it is a result of an application lodged by Centro Holding Pty Ltd seeking to rezone the subject site from Employment Area 10(a)(Business Park) zone to the R1 General Residential zone.

Council resolved at its meeting on the 8 November 2011 to submit a Planning Proposal for Gateway Determination.

2. IS THE PLANNING PROPOSAL THE BEST MEAN OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?

A Planning Proposal is the only mean to achieve the proposed rezoning of land and establish a maximum floor space ratio of 1.6:1 and building height of 28 metres.

3. IS THERE A NET COMMUNITY BENEFIT?

The intent of the Planning Proposal to enable a mixed use business and residential apartment development as well as neighbourhood shop. It is noted that the Planning Proposal provided a Net Community Benefit Test for proposed rezoning. However, the net community benefit test was not prepared in accordance with the evaluation criteria set out in the Draft Centre Policy. Hence, the regional team recommended a revised Net Community Benefit, in accordance with the evaluation criteria set out in the Draft Centre Policy, is to be submitted prior to community consultation.

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Consistency with strategic planning framework :

METROPOLITAN PLAN FOR SYDNEY 2036 AND NORTH WEST SUBREGIONAL STRATEGY

The aim of the Metropolitan Plan for Sydney 2036 to provide a framework for the growth and development of the Sydney region to 2036.

The Planning Proposal is consistent with the objectives of integrating land use and transport planning as it will provide jobs and living opportunities in a location highly accessible by public transport, walking and cycling.

Similarly, the North West Subregional Strategy forecasts that the Hill Shire LGA will require an additional 47,000 jobs and 21,500 dwellings by 2031. In particular, the following actions apply to the site:

- o Action A3.2 – Increase integration of employment and housing markets;
- o Action B1.2 – Establish employment capacity targets for strategic centre;
- o Action B2.1 – Plan for housing in centres consistent with their employment role;
- o Action C1.3 – Plan for increased housing capacity targets in existing area; and
- o Action C2.3 – Provide a mix of housing;

The Planning Proposal is consistent with the draft strategy as it contributes to both the employment and housing targets, capitalises on its close proximity to the public transport system (i.e. North West T-Way) and offers a new housing type to the locality.

LOCAL COUNCIL'S COMMUNITY STRATEGIC PLAN AND OTHER LOCAL STRATEGIC PLAN.

The planning proposal is consistent with the Hills 2026 Community Strategic Direction; draft Local Strategy; Residential Direction; Employment Land Directions; Centre Direction and Integrated Transport Direction. Refer to page 3 of Council's Planning Proposal for further information.

Environmental social economic impacts :

CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES

The subject site does not contain any critical habitat or threatened species, populations or ecological communities, or their habitats.

The environment impacts of future development would be addressed during the assessment of the development application.

TRAFFIC

No traffic impact assessment report has been submitted as part of the Planning Proposal. The Regional Team is unable to appropriately consider the potential traffic impact the neighbourhood centre would have on the area. Hence, it is recommended that the Roads and Maritime Services be consulted.

The subject site is located adjacent to zone SP2 (Railway Corridor) and therefore, it is recommended that the Department of Transport be consulted.

Detail traffic impact assessment will be undertaken by Council during the assessment of the development application.

NOISE

No acoustics report has been submitted as part of the Planning Proposal.

It is unlikely that the proposed development will have significant adverse noise impacts on the locality and neighbouring properties and detail noise impact assessment will be undertaken by Council during the assessment of the development application.

HERITAGE

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The subject site is not Heritage listed in the Hills LEP 2005, nor on the State Heritage Register, is not identified on the Commonwealth/National heritage registers.

In addition, these matters can be addressed in any future assessment process.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 Month** Delegation : **DDG**

Public Authority **Department of Transport**
Consultation - 56(2)(d) **Department of Transport - Roadas and Traffic Authority**
:

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional study is required.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the Planning Proposal proceed with the following conditions**

CONDITIONS

Planning proposal to rezone No.301 Samantha Riley Drive, Kellyville to enable mixed use business and residential apartment development.

1. The Planning Proposal is to be amended prior to community consultation with the following changes:

(a) Separate existing and proposed zoning maps with property description and height of building and floor space ratio maps.

(b) A revised Net Community Benefit Test, in accordance with the evaluation criteria set out in the Draft Centre Policy, is to be submitted prior to community consultation.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act:

- Roads and Maritime Services
- Office of Transport

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

1. The rezoning will assist in achieving employment and housing targets in the North West Subregion.
2. The rezoning of the sites is consistent with both State and local strategic framework and will have minimal environmental, social and economic on the locality.
3. The rezoning will allow for a mixed use business and residential development in close proximity to public transport services.

Signature:



Printed Name:

Stuart Withington

Date:

1/12/2011