

Planning proposal to rezone certain land on Windsor Road, Kellyville

Proposal Title : **Planning proposal to rezone certain land on Windsor Road, Kellyville**

Proposal Summary : **The planning proposal seeks to amend The Hills Local Environmental Plan 2012 to rezone part of Lots 1-3 in DP 135989, Lot 122 in DP 1113073 and Lot 1001 in DP 1132811 Windsor Road, Kellyville from R2 Low Density Residential to R3 Medium Density Residential.**

PP Number : **PP_2013_THILL_001_00** Dop File No : **13/01710**

Proposal Details

Date Planning Proposal Received : **17-Dec-2012** LGA covered : **The Hills Shire**

Region : **Sydney Region West** RPA : **The Hills Shire Council**

State Electorate : **BAULKHAM HILLS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Windsor Road**

Suburb : **Kellyville** City : **The Hills** Postcode : **2155**

Land Parcel : **Part of Lot 1-3 in DP 135989**

Street : **Windsor Road**

Suburb : **Kellyville** City : **The Hills** Postcode : **2155**

Land Parcel : **Part of Lot 122 in DP 1113073**

Street : **Windsor Road**

Suburb : **Kellyville** City : **The Hills** Postcode : **2155**

Land Parcel : **Part of Lot 1001 in DP 1132811**

Planning proposal to rezone certain land on Windsor Road, Kellyville

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Land Release Data

Growth Centre :	N/A	Release Area Name :	Balmoral Road
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :	N/A	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	
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 : Yes

If No, comment :

Have there been meetings or communications with registered lobbyists? : No

If Yes, comment : **LOBBYIST STATEMENT**
The Department's Lobbyist Contact Register was checked on 15 January 2013. At this time, to the best of the Regional Team's knowledge, there have been no meetings or communications with lobbyists regarding this planning proposal.

Supporting notes

Internal Supporting Notes : **BACKGROUND TO PLANNING PROPOSAL**
This planning proposal is the outcome of an application received by Council from Group Development Services Pty Limited in June 2012, which sought the rezoning of the rear portion of Lots 1-3 in DP 135989, Lot 122 in DP 1113073 and Lot 1001 in DP 1132811 Windsor Road, Kellyville, to allow for the future development of multi dwelling housing and small lot housing.

This matter was considered by Council at its Ordinary Meeting on 13 November 2012 (A

copy of the Council report is attached).

On 10 December 2012, Council wrote to the Regional Director of the Department's Sydney West Office, advising of its resolution to proceed with this planning proposal, to seek the rezoning of the above mentioned land on Windsor Road, Kellyville, for medium density residential purposes.

This planning proposal was received by the Department's Regional team on 17 December 2012, for Gateway Determination. A copy of Council's covering letter, planning proposal, report, supporting maps and transport assessment are attached.

It is noted in the Council Report, that the affected land owners have indicated their support for the planning proposal (See page 40 of the attached Council Report).

(Further background information relating to this proposal can be found in the Planning Proposal and on pages 39-40 of the attached Council Report).

SITE DESCRIPTION

This planning proposal applies to part (being the rear portion) of Lots 1-3 in DP 135989, Lot 122 in DP 1113073 and Lot 1001 in DP 1132811. These allotments are all privately owned.

The land subject to the proposed rezoning is predominantly vacant (refer to aerial photograph included on page 10 of the planning proposal).

The subject land is situated within the Balmoral Road Release Area (as identified in Part D Section 7 of The Hills Development Control Plan (DCP) 2011), and is currently zoned R2 Low Density Residential with a minimum lot size provision of 700m², under The Hills Local Environmental Plan (LEP) 2012.

The current zoning of the subject land under The Hills LEP 2012 is essentially a translation of the zoning under the former Baulkham Hills LEP 2005 [being part Residential 2(a2) and part Residential 2(b1)], which was informed by the Balmoral Road Release Area Structure Plan 2003.

The subject land is surrounded by medium density residential zoned land (to the north, east and south/south-east), and the Kellyville Memorial Park, which is zoned for public recreational purposes (to the west), and is located in close proximity to the bus services which operate along Windsor Road, Wrights Road and Glenrowan Avenue).

It is noted that a Development Consent (DA1362/2007/ZA) and Construction Certificate for the subdivision of Lot 1 in DP 135989 was issued by Council in 2007 for the subdivision of this land into 8 Torrens Title allotments.

No subdivision certificate has been issued to date (see pages 39-40 of the attached Council Report).

External Supporting
Notes :

POLITICAL DONATIONS DISCLOSURE STATEMENT

The political donation disclosure laws commenced on 1 October, 2008. The legislation requires public disclosure of donations or 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 applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 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).

No disclosures were provided for this planning proposal.

Adequacy Assessment

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

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

Comment : The planning proposal contains the following objective:

"The purpose of the plan is to rezone privately owned land being lots 1-3 in DP 135989; lot 122 in DP 1113073 and lot 1001 in DP 1132811 Windsor Road, Kellyville, currently, zoned R2 Low Density with a minimum allotment size of 700m2."

It is considered that the 'statement of objectives' needs to be revised to include specific reference to the application of this proposal to only 'part' of the above mentioned allotments, and to better clarify the intended outcome of the proposed land use rezoning, which is to permit (with consent) the future development of multi-dwelling and small lot housing (with minimum lot size of 240m2) on the subject land.

This will ensure the intent of the proposal is clearly communicated.

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

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

Comment : The application contains an adequate explanation of provisions (refer to page 3 of the attached proposal).

An indicative map of the proposed land use rezoning is included on page 9 of the attached proposal.

It is noted that no change to the minimum lot size map is proposed, as clause 4.1B 'Exceptions to minimum lot sizes for certain residential development' under The Hills LEP 2012, provides for the development of land zoned R3 Medium Density Residential into 3 or more lots, and the erection of an attached dwelling or dwelling house on the resulting lots, if the lot is equal to or greater than 240m2 (refer to page 42 of Council's report).

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.3 Home Occupations

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

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?

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

SECTION 117 DIRECTIONS:

***3.1 RESIDENTIAL ZONES**

This proposal is consistent with this Direction as the proposed land use rezoning seeks to increase the permissible residential density of the subject land, which will assist in maximising the efficient use of nearby infrastructure and the public transport services which operate along Windsor Road.

The proposal will also encourage a variety and choice of housing to accommodate existing and future housing needs by expanding the types of housing permissible within

the subject site, and minimise impacts to the environment and resource lands by permitting (with consent) medium density infill residential development on the site.

Council has estimated that the proposed site rezoning has the potential to yield 110 dwellings (Refer to page 42 of the attached Council Report).

***3.3 HOME OCCUPATIONS**

The planning proposal is considered consistent with this Direction. The proposed rezoning will not impact the current permissibility of 'home-occupations' within the subject land, as development for the purpose of a 'home occupation' is permitted without consent in the proposed R3 Medium Density Residential zone, under The Hills Local Environmental Plan 2012.

***3.4 INTEGRATING LAND USE & TRANSPORT**

The planning proposal is considered consistent with this Direction as it will assist in improving access to housing by public transport and subsequently encourage public transport usage, as the proposal seeks to increase the permissible residential density of the site, which is located within walking distance of the existing bus services which operate along Windsor Road and connect to Parramatta, Baulkham Hills, Castle Hills and the Sydney Central Business District. It is considered that the proposed rezoning will support the efficient and viable operation of the existing public transport services.

***6.1 APPROVAL & REFERRAL REQUIREMENTS**

It is considered that this proposal is generally consistent with this Direction as it does not contain additional provisions which require concurrence, consultation or referral of development applications for the subject land, to a Minister or public authority.

***7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036**

This planning proposal is generally consistent with the Metropolitan Plan for Sydney 2036 as it seeks to provide for an increase and variety of housing opportunities within an existing urban area; on a site which is accessible by public transport and is located in proximity to services and employment opportunities within the nearby Major Centre of Castle Hill (located south-east of the site) and the Norwest Business Park (to the south).

COMPLIANCE WITH RELEVANT STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs) AND SYDNEY REGIONAL ENVIRONMENTAL PLANS (DEEMED SEPPs):

Part 3 of the planning proposal indicates that the proposal is not inconsistent with any relevant SEPP or SREP (Deemed SEPPs).

*** SEPP No.55 - REMEDIATION OF LAND** Clause 6 (1) of SEPP No.55 states that:

'..in preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless.. the planning authority has considered whether the land is contaminated...'

Council consider it more appropriate for land contamination issues to be addressed in any subsequent development application for the site, given that the site is already zoned for a residential purpose under The Hills LEP 2012 (refer to page 43 of the attached Council Report [dated 13 November 2012]).

This approach is supported by the Regional Team as the proposal does not seek to change the use of the land, rather it seeks to increase the density of the residential uses permitted (with consent) within the subject site.

*** SREP No.20 – HAWKESBURY/NEPEAN RIVER (No 2 – 1997)**

It is not expected that this planning proposal will generate any likely impacts on the Hawkesbury-Nepean River System, given the intent of the proposal is to seek the

Planning proposal to rezone certain land on Windsor Road, Kellyville

rezoning of land that has already been identified for a residential purpose, to a zone that is generally compatible with the surrounding land.

STANDARD INSTRUMENT (LEPs) ORDER 2006

It is considered that this planning proposal is generally consistent with the Standard Instrument (Local Environmental Plans) Order 2006.

PROJECT TIMELINE

A project timeline has not been included in the proposal. On 17 January 2013, the Department requested that Council submit a 'project timeline' for inclusion in this proposal. This additional information has not yet been received.

In this regard, it is recommended that, prior to exhibition (in the event that this proposal is granted approval at Gateway to proceed), Council is to revise the planning proposal to include a project timeline. This project timeline is to be prepared in accordance with the requirements outlined in the latest version of the Department's 'Guide to Preparing Planning Proposals'.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has submitted a number of maps and an aerial photograph in support of this planning proposal, which is included on pages 8-10 of the attached proposal.

These maps identify the location of the site, as well as the current and proposed zoning of the site under The Hills LEP 2012.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council intends to notify the public exhibition of this proposal through advertisements in the local paper and distribution of letters to adjoining property owners, with the exhibited material to be publicly displayed at Council's Administration Building at 129 Showground Road, Castle Hill and on Council's website (see page 7 of the attached proposal).

Details relating to Council's proposed timeframe for exhibition of this proposal have not been included however, the Regional team considers the application of a 28 day public exhibition period to be appropriate.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : It is considered that this planning proposal has merit to progress to Gateway Determination.

It is recommended that this planning proposal proceed, subject to the conditions listed in the 'Recommendations' section of this report.

Planning proposal to rezone certain land on Windsor Road, Kellyville

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Hills Local Environmental Plan (LEP) 2012 came into effect on Friday 5 October 2012.

This planning proposal seeks to amend The Hills LEP 2012, to rezone certain land at Windsor Road, Kellyville, for medium density residential purposes.

Assessment Criteria

Need for planning proposal :

The need for the planning proposal has been adequately addressed in Part 3 of the attached proposal.

This planning proposal is the outcome of an application received by Council from Group Development Services Pty Limited in June 2012, which sought to amend The Hills LEP 2012, to rezone the subject land from R2 Low Density Residential to R3 Medium Density Residential.

The proposed rezoning seeks to increase the permissible density and type of residential development on the site, which is located within an identified release area (Balmoral Road Release Area), and in close proximity to infrastructure and services.

The proposed rezoning will ensure consistency with the predominantly residential zoning of land adjacent to the site.

Consistency with strategic planning framework :

The planning proposal is generally consistent with the strategic planning framework, including the Metropolitan Plan for Sydney 2036 and the draft North West Subregional Strategy, as the proposal will provide for an increase supply and mix of housing on the site which is located within an existing urban area, is well served by public transport and is in relative proximity to the proposed North West Rail Link corridor (a priority rail infrastructure project for the NSW Govt.), services and employment within the nearby major centre of Castle Hill and the Norwest Business Park (Refer to pg.4 of the attached proposal).

The proposed rezoning will assist in accommodating population growth, respond to the changing household needs, and assist Council in its achievement of the dwelling targets prescribed for The Hills LGA, under the draft North West Subregional Strategy.

Environmental social economic impacts :

It is not expected that the planning proposal will generate any likely environmental impacts, as the subject site is vacant land and has not been identified to contain any critical habitat or threatened species, populations, ecological communities or their habitats (see pg. 6 of the proposal).

The proposal will provide many social and economic benefits which include increasing the availability, affordability and diversity of housing within the LGA, on a site that is located in proximity to services, recreational land (ie.Kellyville Park) and transport facilities (ie.bus services operating in the immediate vicinity, along Windsor Road, Wrights Road and Glenrowan Avenue to the east)(See pages 6-7 of the proposal).

It is not anticipated that the proposed zoning will generate any additional amenity impacts, as the adjacent land (with the exception of Kellyville Park) is predominantly zoned for medium density residential purposes under The Hills LEP 2012. Notwithstanding this, it is considered that any potential impacts arising from the subsequent development of the site will be mitigated at the development assessment stage, as future development applications for this land will be required to have regard to the provisions of The Hills Development Control Plan (DCP) 2011, including Part D Section 7 of this DCP, which prescribes controls to ensure the orderly development of the Balmoral Road Release Area.

As outlined in the attached proposal, Thompson Stanbury Associates were engaged to

Planning proposal to rezone certain land on Windsor Road, Kellyville

undertake an an assessment of the potential traffic impacts of the proposal (A copy of this Traffic Report [June 2012] is attached). This study found the expected development yield arising from the proposed site rezoning would have 'negligible impacts on the general operation of the surrounding local and arterial network'(See page 68 of the attached Council report).

Assessment Process

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

Timeframe to make LEP : **12 Month** Delegation : **DDG**

Public Authority : **Transport for NSW**
Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services**

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 :

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 : **The planning proposal indicates the existing public infrastructure is capable of servicing the subject site (see page 7 of the attached proposal).**

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal_December 2012.pdf	Proposal	Yes
Council Report_13 November 2012.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
3.3 Home Occupations
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal proceed, subject to the following**

Planning proposal to rezone certain land on Windsor Road, Kellyville

conditions:

1. Prior to exhibition, Council amends the 'statement of objectives' of the planning proposal to include specific reference to the application of this proposal to only 'part' of the above mentioned allotments, and to better clarify the intended outcome of the proposed land use rezoning to permit (with consent) the future development of multi-dwelling and small lot housing (with minimum lot size of 240m²) on the subject land.

2. Prior to exhibition, Council is to revise the planning proposal to include a 'project timeline'. This project timeline is to be prepared in accordance with the requirements outlined in the latest version of the Department's 'Guide to Preparing Planning Proposals'.

3. Community consultation is required for a period of 28 days.

4. The planning proposal is to be completed within 12 months.

Further, Council be required to consult with the relevant public authorities, under section 56(2)(d) of the Environmental Planning and Assessment Act 1979, as identified in this report.

Supporting Reasons : It is considered that this planning proposal has merit for progression.

Signature:



Printed Name:

Chris Browne

Date:

18 Jan 2013