

**PLANNING PROPOSAL FOR THE REZONING OF
RESIDENTIAL LAND- WINDSOR ROAD, KELLYVILLE
(PLP 9/2012)**

RESPONSIBLE OFFICER: **MANAGER – FORWARD PLANNING**
STEWART SEALE

Group Development Services Pty Ltd
Suite 3a
265-271 Pennant Hills Road
Thornleigh NSW 2120

OWNERS

Lot 1	DP 135989	Mrs Katrina Louise Collins
Lot 2	DP 135989	J & M McNamee Holdings Pty Ltd
Lot 3	DP 135989	Mr Michael Lombardo
		Mrs Gabriella Lombardo
		Mr George Joseph Papallo
Lot 122	DP 1113037	Mrs Silvana Iezza
		Mr Mario Iezza
Lot 1001	DP 1132811	Mrs Patricia Joan Kelly

ZONE

The Hills Local Environmental Plan 2012: Part R2 Low Density Residential and part R3 Medium Density Residential.

POLITICAL DONATIONS

No disclosures

HISTORY

- 18/06/2012** Planning Proposal received from the Group Development Services for the rezoning of residential land – Windsor Road Kellyville (09/2012/PLP).
- 5/10/2012** Council's principal Local Environmental Plan 2012 was gazetted which rezoned the subject land from 2(b1) to R2.

BACKGROUND

In 1998 the State Government listed the Balmoral Release Area on New South Wales Urban Development Program, thus allowing environmental investigations to be undertaken to determine the area's potential for urban development.

In 2003 the Balmoral Road Release Area Structure Plan designated areas for various forms of low, medium and high density forms of housing in order to meet the required target of 6,150 dwellings based on 15 dwellings per hectare.

The vision of the Structure Plan was to create a high quality integrated and ecologically sustainable urban environment with good public transport accessibility, open space, community facilities and employment opportunities.

In 2005, Amendment No.5 to the Baulkham Hills Local Environmental Plan 2005 rezoned the subject sites from Rural 1(a) to part Residential 2(a2) and part Residential 2(b1) in association with the remainder of the release area. The existing zone boundary between the 2(b1) and 2(a2) zone is defined by the proposed internal road layout which provides for an even apportionment of medium density land adjoining Windsor Road and low density land adjoining the existing Kellyville Park. The rationale for this layout relates to access to public transport and the high amenity gained from easy access to open space.

In 2007 Council issued a Development Consent (DA1362/2007/ZA) and Construction Certificate for the subdivision of Lot 1, DP 135989 located on the corner of Memorial Avenue and Windsor Road into 8 Torrens title allotments which has been substantially

commenced. The consent created eight (8) housing lots of approximately 700m² each and three (3) residue lots. A subdivision certificate has not yet been issued.

REPORT

The purpose of this report is to consider a planning proposal request lodged by Group Development Services Pty Ltd that proposes the rezoning of part Lots 1-3 in DP 135989; Lot 122 in DP 1113073 and Lot 1001 in DP 1132811 Windsor Road, Kellyville.

PLANNING PROPOSAL

The planning proposal only applies to those parts of the subject sites that are zoned R2 Low Density Residential, being the rear portion of each of the allotments. The planning proposal seeks to amend the existing R2 Low Density Residential zone to R3 Medium Density Residential zone under the Hills Environmental Plan 2012. The rezoning will permit, with development consent, multi dwelling housing (attached or detached) and small lot housing with a minimum lot size of 240m².

The proposal is supported by a traffic report prepared by Thompson Stanbury Associates dated June 2012 and signed support from affected landowners.

THE SITE

The subject site is located on the eastern fringe of the Balmoral Road Release Area, and is located on the corner of Windsor Road and Memorial Avenue.

The site is vacant, generally void of vegetation and significant trees. The site is well serviced by existing and planned public transport infrastructure, shops, parks, schools and community facilities within 800 metres walking distance.

The site is bounded by Memorial Avenue to the north, Windsor Road to the east, Kellyville Park to the west and Fairway Drive to the south. Windsor Road forms a natural ridgeline and the site gently slopes down to the west towards Kellyville Park and Strangers Creek (See Figures 1 and 2).

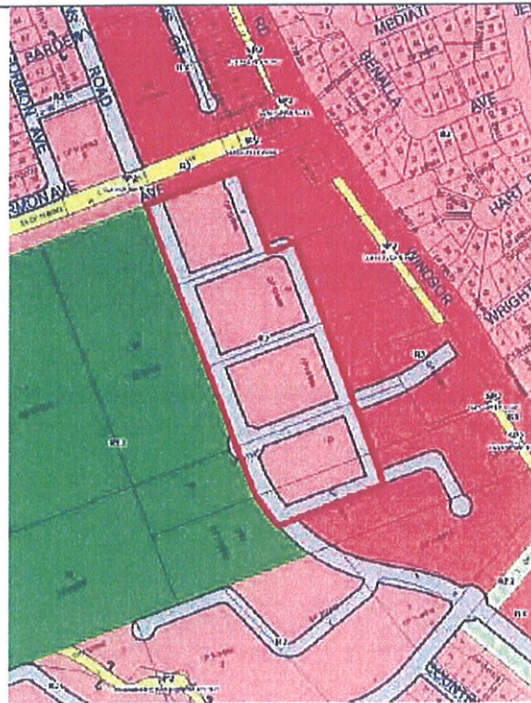


Figure 1. LEP 2012 and DCP Road Layout



Figure 2. The subject site

The site is within 400 metres of bus route T64 (Rouse Hill to Parramatta) and 800 metres from bus route 610 (Rouse Hill to Railway Square). These existing bus services provide connections to the various centres in the locality and beyond, including Parramatta, Baulkham Hills, Castle Hill and the Sydney Central Business District (See figure 3).

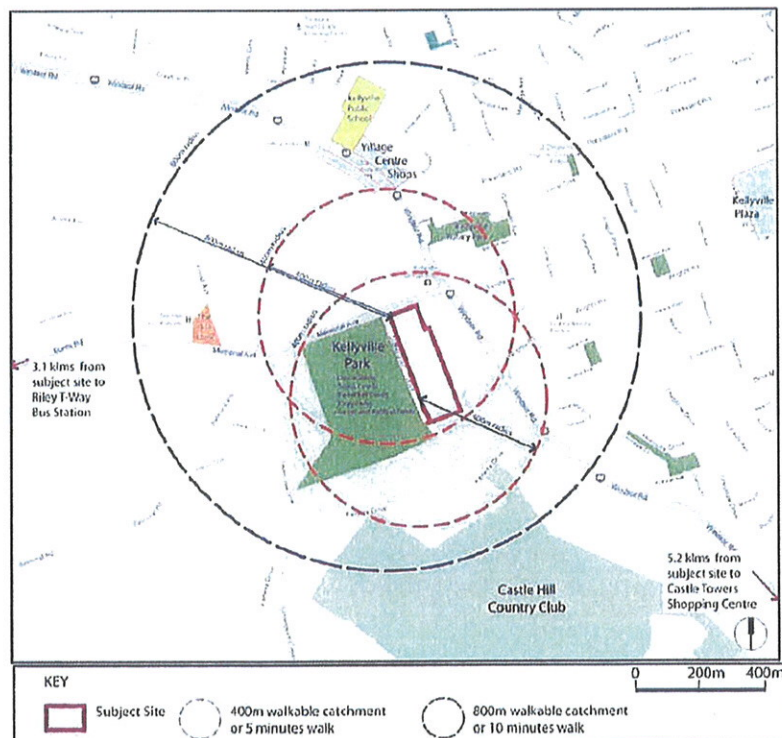


Figure 3. Walkable catchment from the site.

Planning Instruments**The Hills Local Environmental Plan 2012**

The proposed rezoning from R2 Low Density Residential to R3 Medium Density Residential will increase the permissible forms of housing on the site. The current zoning allows for detached dwellings and dual occupancy development. The proposed zoning will permit with development consent, attached dwellings, multi dwelling housing and small lot housing where the design of the house and subdivision permits smaller lots down to 240m² on an individual lot of land.

The current minimum lot size as shown on the Lot Size Map is 700m² for the subject site. This planning proposal does not require an amendment to the map by virtue of Clause 4.1B of LEP2012. This clause enables Council consider an application to subdivide land into 3 or more lots where the erection of a dwelling on each lot is proposed as part of the application.

Site Specific Development Control Plan

A draft site specific development control plan is not considered necessary for the subject site because the controls contained within The Hill Local Environmental Plan 2012 and The Hills Development Control Plan 2011 Part D Section 7 Balmoral Road Release Area appropriately address the proposed land uses.

MATTERS FOR CONSIDERATION:

The following matters are relevant to the consideration of the planning proposal:

1. Increased density

The adopted strategy of Council to achieve the overall density of 15 dwellings per hectare by providing a mix of low, medium and high density development has informed the current zoning pattern of the precinct. The success of this strategy is demonstrated by the construction of approximately 300 dwellings on both conventional 700m² lots and small lot integrated sites.

Despite this take up, development for other uses such as a hospital and senior living development in locations set-aside for medium density housing has left a gap in the potential mix of housing available. A mix of housing types is important to match the delivery of infrastructure already committed such as local playing fields for younger families with children.

To proposal to rezone the subject sites from part R2 Low Density Residential to Part R3 Medium Density Residential will not result in a change to the minimum lot size map which will remain at 700m². However, the R3 zone permits a wider range of residential uses such as multi dwelling housing up to a maximum of 95 persons per hectare, which is equivalent to 35 dwellings per hectare. This has the potential to increase the number of dwellings from approximately 31 to a maximum of 110 on the sites.

Given that the sites are already part zoned R3 and are located between Kellyville Park and Windsor Road, they are well contained and not likely to establish a precedent for similar applications. Furthermore, the amenity afforded by the proximity to Kellyville Park can suit higher density development that is well designed.

Recent examples of good quality small lot housing within the BRRA such as 1 Hector Court and 16 Memorial Avenue has generated additional interest in this form of housing.

Home buyers find this form of development appealing as settlement on contracts for sale are often linked to the full completion of the works and the issuing of the Occupation Certificate. This greatly improves the affordability to the purchaser without compromising the quality of the development.

2. Traffic, road pattern and Access Arrangements

A traffic report has been submitted with the planning proposal prepared by Thompson Stanbury Associates dated June 2012.

The report concludes that the additional traffic results from the development, is projected to have negligible impacts on the general operation of the surrounding local and arterial road network and can be accommodated within the existing built and planned road network.

Within the boundary of the site is the proposed extension to Wrights Road from Stone Mason Drive. The intersection of Wrights Road and Stone Mason Drive is proposed to be managed via a roundabout. The construction of these roads will allow the closure of Fairway Drive between Windsor Road and Stone Mason Drive and will divert traffic through the subject site via the proposed road pattern.

There is no access to be provided from Windsor Road, all access will be via Memorial Road, Kellyville.

3. Contamination

State Environmental Planning Policy – Remediation of Land requires a Council, in rezoning land to be satisfied that the land can be made suitable for residential development. As the land is already zoned for a residential purpose, the requirement to undertake a preliminary site investigation may be appropriately addressed at the development stage. Such an investigation has already occurred on Lot 1 DP135989 as part of DA1362/2007/ZA and will be required for the remaining lots.

STRATEGIC CONTEXT

Metropolitan Plan for Sydney 2036

The Metropolitan Strategy '*Cities of Cities: A Plan for Sydney's Future*' was launched by the Department of Planning in December 2005.

According to the Metropolitan Strategy, Sydney's population is expected to grow by about 1.1 million people to a total of 5.3 million people, resulting in a need for an additional 640,000 new dwellings by 2031. In order to ensure an adequate supply of land and sites for residential development, the Metropolitan Strategy seeks to provide 30- 40% of new housing in land release areas and 60-70% of new housing in existing urban areas. This is to be achieved by the setting of subregional housing capacity targets.

Part C of the Metropolitan Strategy addresses housing, with the vision being to ensure the supply of appropriate and well located housing with over three quarters of new housing located in centres and corridors within walking distance of shops, jobs and other services concentrated around public transport nodes.

The planning proposal represents a minor change in land use zoning and is consistent with the Metropolitan plan for Sydney.

Draft North West Subregional Strategy

On a more localised level, the North West Sub-Regional Strategy takes guidance from the Metropolitan Plan and recognises that 140,000 of the new dwellings required will have to be constructed in the North West Sector and many of these should ideally be located close to existing centres and transport hubs. This policy also aims to strengthen the smaller centres and make them lively attractive places to live through careful planning of increased densities.

The subject land is serviced and located within walking distance of Kellyville shopping centre. The rezoning of the subject land in the manner proposed is consistent with the policy of appropriately providing opportunities for density in locations that are close by and can take advantage of existing infrastructure and amenities.

Local Strategy

The Residential, Integrated Transport and Centres Directions are the relevant components of the Local Strategy to be considered in assessing this application.

Residential Direction

The North West Subregional Strategy sets a target for the Shire to contribute an additional 36,000 dwellings from 2004 to 2031 to accommodate a share of Sydney's population growth. A total of 14,500 dwellings are to be located within the North West Growth centre with the balance to be infill housing, located in existing urban areas and other release areas such as Kellyville/Rouse Hill and Balmoral Road release areas. The Residential Direction indicates that there is sufficient capacity to accommodate these targets based on the existing framework and current projects.

Whilst the subject land is not specifically identified in the Residential Direction, overriding objectives relate to providing for housing choice in locations that are supported by infrastructure that allows residents access to transport, shopping and employment. Whilst the delivery of the 700m² product in the BRRA is highly valued and currently delivering quality homes, the proposed rezoning will improve housing choice and affordability consistent with the objectives of the Residential Direction.

Transport Direction

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network.

The site is within a 400 metre radius from the existing bus route T64 (Rouse Hill to Parramatta) and in 800 metre radius from bus route 610 (Rouse Hill to Railway Square). These existing bus services provide public transport services and linkages to the various centres in the locality and beyond, including Parramatta, Baulkham Hills, Castle Hill and the Sydney Central Business District (See Figure 4).

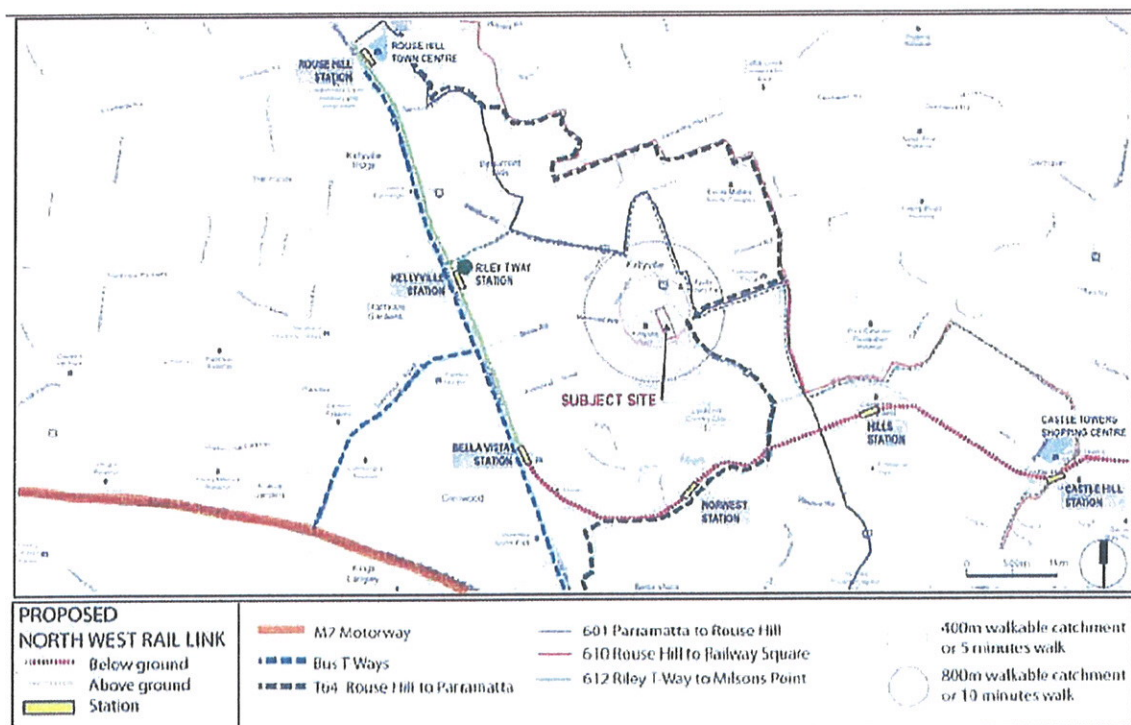


Figure 4. Existing and planned public transport network

NEXT STEPS

Should Council resolve to support the planning proposal, it will be forwarded to the Department of Planning and Infrastructure for Gateway Determination. The Gateway Determination is likely to contain conditions that will need to be satisfied before exhibition can commence. Once the planning proposal is exhibited for public comment it will be reported back to Council for determination.

CONCLUSION

It is considered that the Planning Proposal is compatible with surrounding land uses and the existing area of land already zoned R3 Medium Density Housing. The realignment of the zone boundary to Kellyville Park is a logical location that will not impact on existing or proposed low density residential uses and is unlikely to set a precedent for similar applications.

As good examples of multi dwelling housing and small lot housing permissible in the R3 Medium Density Zone are already built or under construction in the BRRA, the planning proposal does not require any additional site specific controls. Accordingly, it is recommended that the planning proposal be forwarded to the Department of Planning and Infrastructure for a Gateway Determination.

IMPACTS**Financial**

In accordance with Council's Fees and Charges for the 2012/2013 Financial Year, a fee of \$21,812.00 has been paid to enable lodgement of the planning proposal. Should Council resolve not to support the planning proposal, a refund of 50% of the fee will apply.

There are no other financial implications associated with the subject planning proposal.

HILLS 2026

In accordance with the delivery programs working towards meeting the goals of the Hills 2026, the zoning contributes towards achieving the needs of the broader community, offering flexibility and better usage of existing land and infrastructure while providing more housing through effective land use planning.

RECOMMENDATION

The planning proposal to rezone part Lots 1-3 in DP 135989; Lot 122 in DP 1113073 and Lot 1001 in DP 1132811 Windsor Road, Kellyville, from part R2 Low Density Residential to R3 Medium Density Residential be forwarded to the Department of Planning and Infrastructure for a Gateway Determination.

ATTACHMENTS

- 1 Planning Proposal (21 pages)
- 2 Traffic Report by Thompson Stanbury (24 pages)

**GROUP
DEVELOPMENT
SERVICES PTY LTD**

GDS

ABN 25 084 110 209

POSTAL ADDRESS:

P.O. Box 498

Pennant Hills NSW 2120

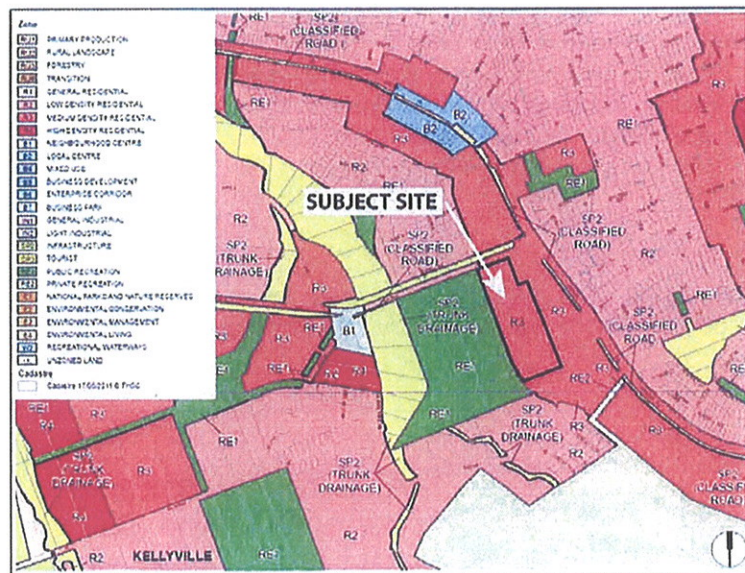
TELEPHONE: 9980 1000

Facsimile 9484 0355

Email: info@gdsland.com.au

Project Management
Development Managers
Surveyors
Planners

PLANNING PROPOSAL For the rezoning of Residential land



Extract of draft Hills Local Environmental Plan 2010 detailing proposed zoning

Part of:

Lots 1-3, DP135989; Lot 122, DP 1113073 and Lot 1001, DP 1132811
Windsor Road, Kellyville

June 2012



Table of Contents

1.0	Introduction	3
2.0	Site Analysis	3
3.0	Existing Zoning	11
4.0	Proposed Zoning	13
5.0	Planning Assessment – A Guide to Preparing Planning Proposals	14
6.0	Conclusion	21

Supporting Documentation

Attachment A – Traffic Report by Thompson Stanbury

Appendix B – Signed support from affected landowners/Interested parties



1.0 Introduction

GDS Pty Ltd has been engaged by a group of landowners within the Balmoral Road Release Area to prepare a planning proposal for the rezoning of their land from Residential 2(b1) to Residential 2(a2) under the Baulkham Hills Local Environmental Plan 1995, or R2 to R3 under the Hills draft Local Environmental Plan 2010. The purpose of the rezoning is to permit, with development consent, the construction of multi-unit housing on the site, as opposed to the current zoning, which permits low density residential development with a minimum allotment size of 700m².

The purpose of this Planning Proposal is to justify the rezoning and demonstrate that the site is suitable for the intended increase in density and it will not have a detrimental impact on the locality. One meeting has been held with Hills Shire Council Forward Planning officers to discuss the rezoning. This meeting was held primarily to discuss the rezoning of a singular site, being Lot 1, DP 135989, located on the corner of Windsor Road and Memorial Avenue, and it was at this meeting that it was suggested that all of the land currently zoned 2(b1) may be suitable to be rezoned to allow multi-unit housing. As a result of this meeting, the affected landowners were contacted and in principle support was given to the rezoning of their land.

By way of background, Lot 1, DP 135989, located on the corner of Memorial Avenue and Windsor Road, has previously been issued Development Consent and Construction Certificates for the subdivision of the subject land into 8 Torrens title allotments. The construction of the civil infrastructure, bulk earthworks and servicing has been substantially commenced. It is proposed to seek a rezoning on the subject site to take advantage of the excellent public facilities and amenities in the locality, as will be demonstrated in this Report.

We are now seeking Council's endorsement of the Planning Proposal so that it may be forwarded to the Department of Planning to enter the Gateway Process. This particular area of land within the Balmoral Road Release Area has been stagnant due to issues associated with vehicular access and the viability of development due to low density yields. It is anticipated that a positive outcome with regard to the rezoning will allow the urban development of this locality and aid in meeting the housing needs of the Hills Shire.

2.0 Site Analysis

2.1 The Subject Site

The location of the site is shown in **Figure 1**. The site is generally bound by Memorial Avenue, Windsor Road, Kellyville Park and Fairway Drive. Stonehaven Drive is the name given to the proposed road located along the western boundary of the subject properties that connects Memorial Drive to Fairway Drive. Also within the boundary of the site is the proposed extension to Wrights Road from Stonehaven Drive. The intersection of Wrights Road and Stonehaven Drive is proposed to be managed via a roundabout. The construction of these roads will allow the closure of Fairway Drive between Windsor Road and Stonehaven Drive and will divert traffic



through the subject site via the proposed road pattern. This is an important traffic management initiative for the whole of the locality which cannot currently be implemented.

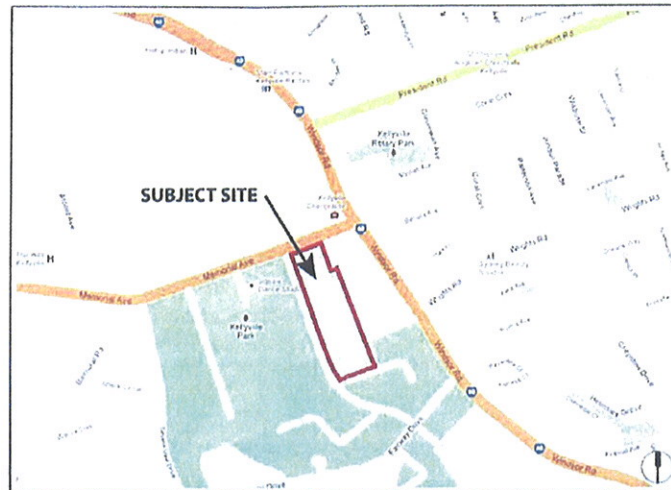


Figure 1: The subject site. The roads shown within the site are proposed DCP roads and are not yet constructed. (Courtesy: Google Maps)



Photograph from Northern side of Memorial Avenue looking South across subject site



The proposal incorporates the following properties. All of these properties have vehicular access to Windsor Road. In accordance with the existing planning policies, vehicular access from Windsor Road will be restricted to all these properties when the land is developed for urban development:

Part of:

- Lot 1, DP135989;
- Lot 2, DP 135989;
- Lot 3, DP 135989;
- Lot 122, DP 1113073; and
- Lot 1001, DP 1132811

All of the properties are already part zoned for multi-unit housing. The current proposal only applies to those parts of the properties that are zoned for 2(b1) low density housing. The following table provides an analysis of the total land areas, including the overall allotment size, the area of the allotment that is proposed to be rezoned, and the developable area of the allotment which excludes areas of the existing planned DCP roads.

Property Description	Total Land Area of subject site (m2)	Land area to be rezoned (m2)	Land area excluding planned DCP roads (m2)
Lot 1, DP 135989	19131.27	10477	6401
Lot 2, DP 135989	23279.94	13524	9162
Lot 3, DP 135989	21378.70	13202	8683
Lot 122, DP 1113073	12470.46	8249	5063
Lot 1001, DP 1132811	21145.03	4937	2107
TOTAL	97,405.40m2	50,389m2	31,416m2

Source: Hills Shire GIS mapping

Windsor Road forms a natural ridgeline and the site is gently sloping downhill to the west towards Kellyville Park and Strangers Creek. Due to the site's proximity to the ridgeline, it does enjoy distant views to the Blue Mountains as demonstrated in the following photographs. The slope of the land will allow multi-unit housing to be developed that shares these distant views. The site enjoys immediate access to Kellyville Park and as such, enjoys a high level of amenity to open space and community facilities. Kellyville Shops are within 800 metres walking distance of the shops as are excellent public transport facilities. The included site analysis demonstrates all of these features and highlights the sites' suitability for multi-unit housing.

The site is generally void of vegetation and significant trees and represents open grasslands. There is a large telecommunications tower within the adjoining Kellyville Park. The whole of the site is to be drained to Council's trunk drainage system, which is located on the western side of Kellyville Park. The proposed construction and dedication of Stonehaven Drive will allow the collection of stormwater runoff from the subject land and the subsequent diversion of this stormwater to the trunk drainage system via existing drainage culverts within Kellyville Park.

GDS

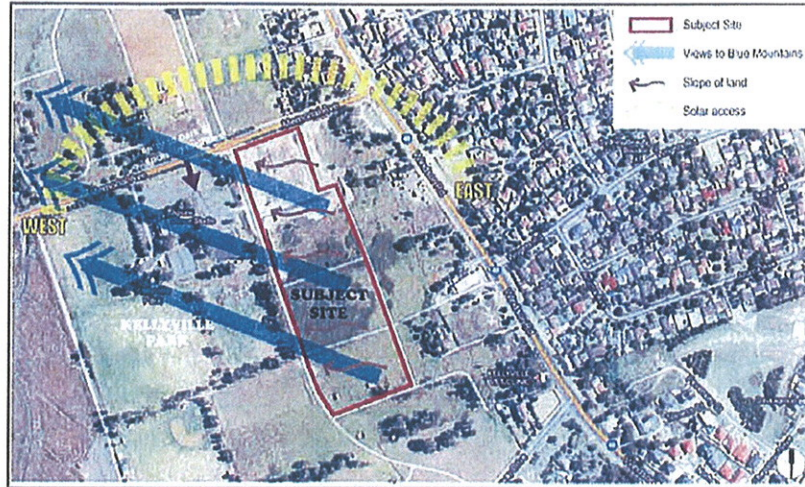


Figure 2: Site Analysis of Geographical Features of the site (Courtesy: Google Maps)



Photograph of subject site showing distant mountain views

GDS

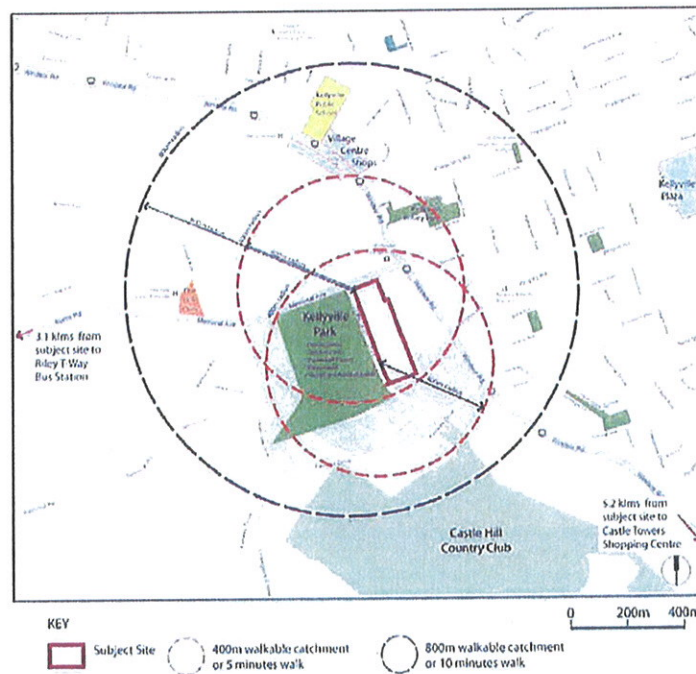


Figure 3: Walkable Catchments from the site showing access to Kellyville Village, Kellyville Park, the Hills Clinic and Kellyville Public School (Courtesy: Google Maps)

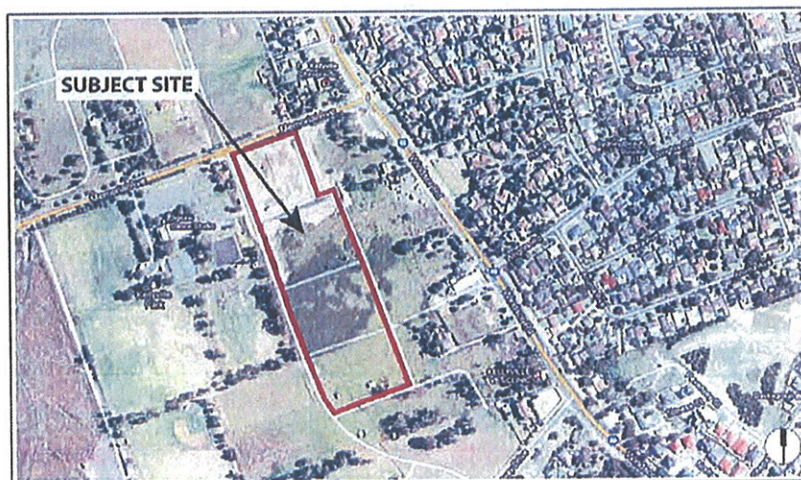


Figure 4 – Aerial view of the subject site. It is clear from the aerial that the site is largely devoid of vegetation and is in close proximity to Windsor Road and existing urban development.

GDS

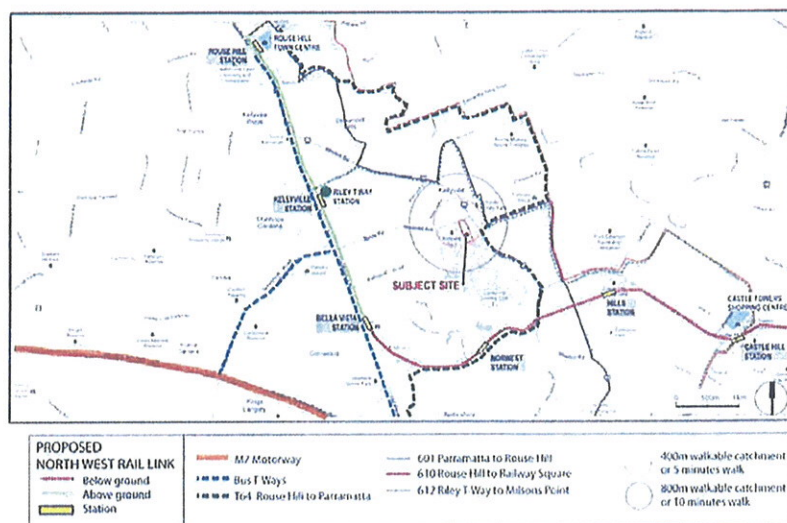


Figure 5: Existing and Proposed Transport links available in close proximity to the site (Courtesy: Google Maps)



Photograph looking from Kellyville Park across to Subject site

GDS



Looking East across subject site towards Windsor Road

The photograph below shows the construction works that have started as part of the development approval on Lot 1. The road shown will eventually form part of Stonehaven Drive and will be maintained in any subsequent development proposal.



Photograph looking South along Western boundary of subject site.
Note: Telecommunications Tower in the distance.

GDS



Photograph showing Western boundary of subject site



The Hills Clinic situated on Memorial Avenue between Windsor Road and Old Windsor Road

GDS



Photograph showing subject site viewed from northern side of Memorial Avenue

3.0 Existing Zoning

Under the Baulkham Hills Local Environmental Plan 2005 (BHLEP 2005) the site is zoned 2(b1). Within this zone, multi-unit housing is not permitted and the minimum allotment size for a detached dwelling house is 700m². An extract of BHLEP 2005 is provided in **Figure 6** below.

As can be seen in the included extract of the zoning plan, the subject land is isolated from other land zoned for low density residential housing. There are many factors that contribute to the site not being readily suitable for the existing zoning, these being:

- Proximity to Windsor Road, Memorial Avenue and the proposed collector roads of Stonehaven Drive and Wrights Road;
- Being surrounded by the medium density housing zone. It is clear from the Council planning of the locality that one of the key planning outcomes was to provide for medium density housing opportunities along arterial roads. It is considered that this site satisfies this criteria and is ideally suited to contain multi-dwelling housing; and
- The relatively small area of land zoned for low density housing in an isolated location means it is difficult to generate a neighbourhood and community.

Under the Hills draft LEP 2010, the site is proposed to be zoned R2, which maintains the same development standards as that which exist under BHLEP 2005 in relation to minimum allotments sizes. An extract of the draft Hills LEP 2010 is provided in **Figure 7** below.

GDS

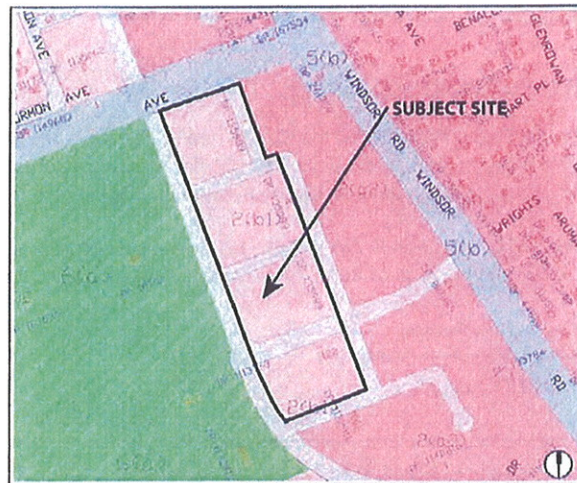


Figure 6: Existing Zoning BHLEP 2005— It is clear from this plan that the subject site is surrounded by land zoned 2(a2).

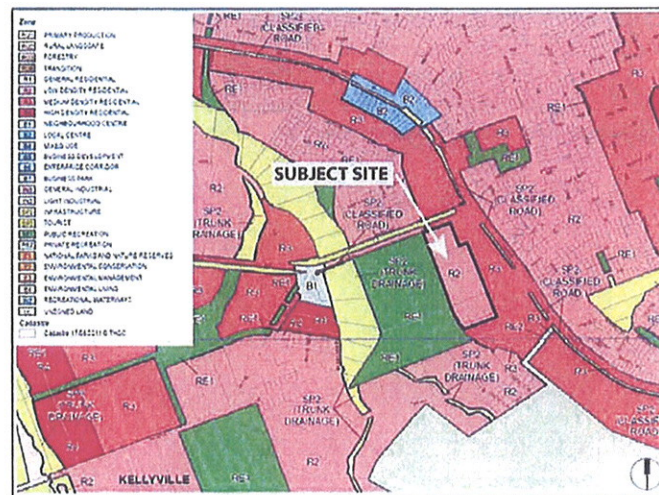


Figure 7: extract of draft LEP 2010 which clearly shows the existing land uses and surrounding development. The planning policy to create opportunities for multi-unit housing along Windsor Road and Memorial Avenue is demonstrated by the extent of land zoned R3 in the locality.



4.0 Proposed Zoning

The purpose of this report is to request that Council rezone the subject site from 2(b1) under BHLEP 2005 to 2(a2), or alternatively, if the draft LEP 2010 has been gazetted, to rezone the subject land from R2 to R3, as shown in **Figure 8** below.

Changing the zoning in this manner will allow the landowners greater flexibility in the development of their land, in so far as the following housing types will become permissible:

- Villa's and townhouses;
- Small lot integrated housing; and
- Integrated Housing.

Discussions with various real estate agents operating in the area suggest that small lot integrated housing is very popular in the locality, particularly lots of approximately 300m² with a frontage of between 11-13 metres and a lot depth of 25-30 metres. This type of housing product is required to comply with Council's development control plan, so there are suitable controls in place to ensure a high level of amenity. It is further anticipated that villas and townhouses may be a suitable housing product in closer proximity to Windsor Road and Memorial Avenue and there is a demand for this type of housing. There is general consensus that the large lot housing in this location is not sustainable or economically viable, in comparison to the more favourable locations for these large lot residential subdivisions in the remainder of the Balmoral Road Release Area.

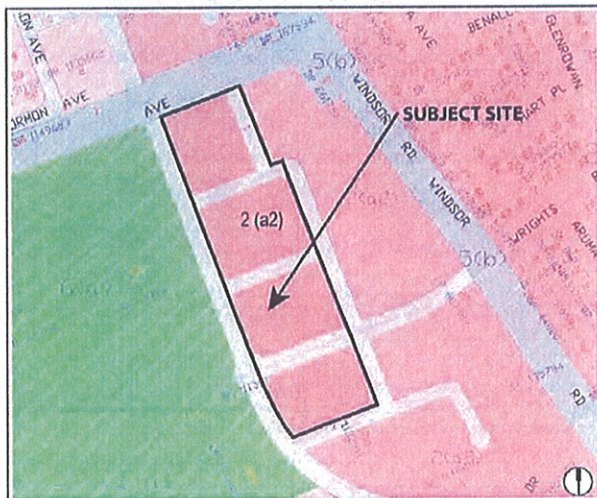


Figure 8: It is proposed to rezone the subject land so that it complements the surrounding land. Under the draft LEP 2010, the proposed zone would be R3, which is shown in the Figure on the cover page of this planning proposal.



The location of the subject site isolates it from other land zoned for low density residential housing and it appears to be an anomaly when taken in the context of the other surrounding land zones. The proximity to major roads, amenities and infrastructure, makes it ideal for a typical medium density style of housing product. In addition, the sites' isolation from the majority of land zoned for low density residential housing in the Release Area makes it an appropriate locality to generate population increases with excellent proximity to infrastructure and facilities.

It is suggested that the existing DCP road pattern be maintained in its current form at this point in time, however, if the rezoning is approved, the increase in density will require a finer network of roads and therefore, may be subject to change during the subsequent development assessment process. It is considered feasible to maintain the existing road network given it represents a workable grid pattern that can be manipulated to suit different housing styles and subdivision proposals. For example, the existing grid pattern enables the creation of 'superlots' that meet the minimum allotment size of 1800m² for multi-unit housing, providing a number of options for the existing landowners. It is appreciated that rezoning the land to enable multi-unit housing requires the eventual developer of the land to not only subdivide but provide an 'integrated' development with associated housing product.

Following our discussions with the landowners, developers, home builders and real estate agents operating in the area, it is believed that a development yield of 25-35 dwellings per hectare could be considered for the subject site, which takes account of the desire and need for a mix of housing styles and choices within the site. It is anticipated that the majority of dwellings would contain three bedrooms. From a planning perspective this is also considered an appropriate yield to enable the implementation of the Council's Development Controls for multi-unit housing and in particular, meet and satisfy the numerical controls within this Policy.

5.0 Planning Assessment – A Guide to Preparing Planning Proposals

The following provides an assessment of the proposed development in respect the criteria to be considered in the NSW Department of Planning's "A Guide to Preparing Planning Proposals".

5.1 *Part 1 – Objectives or Intended Outcomes*

The objective of this Planning Proposal is to rezone the subject land from R2 to R3 under the draft Hills Local Environmental Plan 2010 (or 2(b1) to 2(a2) under the BHLEP 2005). The intended outcome is to enable the development of multi-unit housing on the site in the form of small lot integrated housing and villas and townhouses. It is anticipated that the rezoning would enable an increase in density from approximately 10 dwellings per hectare to between 25-35 dwellings per hectare.



5.2 Part 2 – Explanation of Provisions

To facilitate the proposed amendment, it will be necessary to amend the zoning map by changing the colour of the map and labelling it 2(a2) to match the zoning on the remainder of the subject properties. If the draft LEP 2010 has been gazetted, it will require a zoning map colour change and relabelling the site R3. There are appropriate development controls in place within the Balmoral Road Release Area to ensure high quality multi-unit housing can be achieved through the Development Application process.

5.3 Part 3 – Justification

This section addresses the questions that the Department of Planning apply to Gateway Determinations for the rezoning of land.

Section A – Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not the subject of any State Government or Council endorsed strategic study or report. The site is surrounded by land zoned for multi-unit housing and is well serviced by public transport, shops, parks, schools and community facilities. The announcement by the State Government of the construction of the North West Rail link only serves to strengthen the argument for increasing densities in the locality. There is a strong demand for high quality small lot housing in the Balmoral Road Release Area, as evidenced by sales of similar product in the immediate vicinity.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The need for the Planning Proposal arose due to the unsuitability of the subject site for low density residential development. The landowners sought some level of flexibility in the application of the minimum allotment size of 700m² within the Balmoral Road Release Area. It is understood by the landowners that 700m² allotments in this locality are not considered to equate to the economic development of their land and therefore, the land has remained stagnant. There was no flexibility offered to the landowners to reduce the allotment sizes within this zone down to 400-550m² or less through an objection to the minimum allotment size development standard under SEPP 1 (or the new provisions in the Standard LEP Instrument). Therefore, it was felt the most practical way to approach this issue was to rezone the land to allow multi-unit housing. This means rezoning the land to 2(a2) or R3.

Rezoning the land also provides a level of continuity over the whole of each of the sites and provides far more opportunities to deliver a mix of housing choice between Windsor Road and Kellyville Park. This level of continuity has been provided to all other landowners fronting Windsor Road, as can be seen by the surrounding land use zone, which is predominantly 2(a2). It was felt that maintaining the 2(b1) zone of the site was a severe handicap due to the sites proximity to main roads and being surrounded by a higher density land use zone. The commercial reality of this made the land economically unviable to develop. Rezoning the land



as per this planning proposal also provides positive outcomes with regard to removing land use conflicts.

3. Is there a net community benefit?

It is considered that there is a net community benefit in relation to the rezoning in so far as the rezoning of the subject site will allow the ultimate development of the land, which is in a highly desirable location in relation to access to transport and employment opportunities in the growing business parks and industrial areas in the North West sector. The failure of the proposed development on the corner of Memorial Avenue and Windsor Road is a key indicator that unless the land is rezoned, there will be reduced potential for the development of the subject site. All of the properties within the subject site rely on the successful development of each property to obtain vehicular access and services infrastructure.

Without the rezoning, this land has the potential to remain stagnant and therefore, the community will be disadvantaged. There is strong demand for high quality multi-unit housing in the Hills district. The location of the subject site is well placed to provide new housing stock in an area that is already serviced with necessary public utility services. In this regard there is a net community benefit to ensuring that this land, which is serviced, and has the infrastructure in place, is able to be developed without further delay. The single most important factor in considering the release of land is the ability to provide public infrastructure. Given this site already has this infrastructure, it is considered there is a public benefit in capitalising on the money that has already been invested to ensure the land is developed to its optimum potential. We consider the proposed rezoning to be consistent with this principal.

In addition, and continuing with this principal, the site is located within walking distance of bus routes and the development of the site for multi-unit housing will generate demand for the existing and proposed public transport infrastructure in the locality.

Section B – Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable Regional and Sub-regional Strategy (including the Sydney Metropolitan Strategy and exhibited Draft Strategy)?

The Sydney Metropolitan Strategy has identified that by the year 2036, Sydney will have grown by an additional 1.7 million people to a population of just under 6 million. A key principal of the Sydney Metropolitan Strategy is to provide new housing stock around public transport nodes and within areas close to public transport, retail and commercial centres. Furthermore, the Metropolitan Strategy recognises that while the population will grow, the household population is set to decrease, resulting in the need for smaller and more affordable dwellings. It is clearly stated on the NSW Department of Planning website that,

"A well designed mix of medium density development in centres of all sizes will improve urban amenity, stimulate local economies and deliver new, energy efficient homes more suited to Sydney's changing population profile."



The subject site is well placed within walking distance of Kellyville, which is a small village, but provides important amenities for a growing population. In addition, the site has ready access to many public transport options, including the existing bus network and the proposed North West Rail Link.

The Metropolitan Strategy recognises that, by 2036, *'Sydney will need to generate and accommodate 760,000 additional jobs, with half in Western Sydney, where much of the future population growth will be focused.'* It is important to note that in order to support the growth in jobs, there needs to be a mix of housing types and affordability. In this case there is a strong argument in favour of higher densities due to the proximity of the Norwest Business Park.

As demonstrated in the site analysis, it is considered that the subject site satisfies all the relevant criteria within the Metropolitan Strategy and importantly, will provide housing choice and increase density in a location that is suited to multi-unit housing because it is located close to public transport and close to neighbourhood and commercial centres. When viewed on a purely numerical basis, maintaining the existing land zoning would allow the addition of 31 new dwellings within the subject land based on a yield of 10 dwellings per hectare. The rezoning of the land would provide for between 78 and 110 new dwellings which is considered to be a positive outcome having regard to the principles in the Metropolitan Strategy.

On a more localised level, the North West Sub-Regional Strategy takes guidance from the Metropolitan Plan and recognises that 140,000 of the new dwellings required will have to be constructed in the North West Sector and many of these should ideally be located close to existing centres and transport hubs. This policy also aims to strengthen the smaller centres and make them lively attractive places to live through careful planning of increased densities. As previously stated, the subject land is already readily serviced and located within walking distance of Kellyville shopping centre. The rezoning of the subject land in the manner proposed is consistent with the policy of appropriately increasing density in areas that can take advantage of existing infrastructure and amenities.

5. Is the Planning Proposal consistent with the local community strategic plan or other local strategic plan?

It is considered that the proposal maintains continuity with the previous planning for the site with regard to the residential use of the land. The site has been deemed as suitable for residential development under the existing planning policies that apply to the land. The current proposal seeks to increase the permissible densities on the site and take advantage of the suitability of the site for multi-unit housing.

It is considered that the proposal is consistent with the Hills Local Strategy, which consists of a Local Strategy and a suite of Strategic Directions intended to guide planning and development within the Hills. The four key directions and objectives within the Residential Direction are to:

- Accommodate population growth;
- Respond to changing housing needs;



- Provide a sustainable living environment; and
- Facilitate quality housing outcomes.

Within the Local Strategy, Kellyville has been identified as a village centre and the subject site is within an area nominated for residential growth. The subject land is surrounded by land zoned for multi-unit housing and the current planning proposal represents an extension of this land use zone that will not cause any amenity conflicts, either real or perceived. It is therefore considered that the planning proposal is consistent with the local strategic plan.

6. Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

State Environmental Planning Policy No. 55 – Remediation of Land applies to Planning Proposals in so far as determining whether the site is suitable for development. Lot 1, DP 135989 has had DA approval for subdivision and SEPP 55 was considered as part of this approval and cleared for residential development. The remaining properties within the subject land have had similar previous land uses to those on Lot 1 and the background studies for the Balmoral Road Release Area did not raise any concerns regarding the residential use of the land. Therefore it is considered that the Planning Proposal is not inconsistent with the provisions of SEPP 55. Any DA lodged on the subject site will require further consideration of the SEPP.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (S117 Directions)?

It is considered that the Planning Proposal is consistent with all applicable S117 Directions, as discussed below:

Direction 3.1 – Residential Zones

This direction applies when a planning proposal is prepared that will affect land within an existing residential zone. The objectives of the direction are:

- (a) To encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) To minimise the impact of residential development on the environment and resource lands.*

This Planning Proposal has already discussed the suitability of the site to accommodate an increased density and the objectives of the Direction only serve to reinforce this. An increase in residential density in this locality will make efficient use of the existing infrastructure and further enhance housing choice in the locality. The site is considered suitable for multi-dwelling housing and the impact on the environment is considered to be negligible when compared to low density residential housing.



It is considered that the Planning Proposal is compatible with surrounding land uses and will complement the existing land zoned for multi-unit housing in the vicinity. Furthermore, given this site is isolated from other low density housing, it is not considered that the proposal will create an undesirable precedent in relation to creating or changing expectations of other landholders in the vicinity. The existing zoning plan clearly illustrates the isolation of the land zoned for low density housing and there is a clear justification for the rezoning due to the proximity to main roads, the availability of public transport links and the village of Kellyville being in walking distance. All affected landowners have given their support to the rezoning and there is a common desire to realise the potential of the land.

If this Direction applies, the planning proposal must include provisions that will,

- (a) *'broaden the choice of building types and locations available in the housing market, and*
- (b) *make more efficient use of existing infrastructure and services, and*
- (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) *be of good design.'*

It is considered that the Planning Proposal does include these provisions, as previously discussed. In addition, it is considered that the Planning Proposal is supported by appropriate policy to ensure good design is an outcome should the planning proposal be adopted. The Balmoral Road Development Control Plan contains suitable land use controls to ensure that any subsequent Development Application submitted contains dwellings that are of good design and meet the needs of the future population.

A planning proposal must, in relation to land to which this direction applies:

- (a) *'contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) *not contain provisions which will reduce the permissible residential density of land.'*

It is considered that the planning proposal is consistent with this requirement and the overall objectives of the Section 117 Direction for Residential zones.

Direction 3.4 – Integrating Land Use and Transport

1. *The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*
 - (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
 - (b) *increasing the choice of available transport and reducing dependence on cars, and*
 - (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
 - (d) *supporting the efficient and viable operation of public transport services, and*



(e) providing for the efficient movement of freight.

It has already been discussed in this Planning Proposal that the subject site is capable of accommodating increased densities and is well sited to take advantage of the proximity to the existing village of Kellyville and public transport links. Thomson Stanbury and Associates have provided a report on the impact of the planning proposal on traffic and transport in the locality, which is attached to this Planning Proposal. It is considered that this type of development, which creates opportunities for the use of public transport and provides housing choice close to jobs should be supported as the traffic issues associated with the whole of the North West Sector are a well known problem, which will not be significantly exacerbated by this Proposal.

Direction 7.1 – Implementation of the Metropolitan Plan for Sydney 2036

The consistency of the Planning Proposal with the Metropolitan Plan for Sydney has been previously discussed in this Report.

Section C – Environmental, social and economic impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Given the Planning Proposal only intends to increase the permissible density over a site through changing the zoning, there is no change as to how this issue would be addressed as part of the development of the site. Notwithstanding this, the site is largely cleared of vegetation and contains open pastures, therefore it is considered unlikely that there would be any impact in this regard.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The only likely impact that would occur as a result of the planning proposal would be an increase in traffic generation. This matter has been addressed in the report prepared by Thompson Stanbury and Associates, which is attached to this Planning Proposal.

It is not considered that there are any other likely environmental effects that cannot be addressed and mitigated through the development application assessment process.

10. How has the planning proposal adequately addressed any social and economic effects?

It is considered that the proposal will have positive social and economic effects as a result of allowing the viable development of land and increasing housing choice and affordability in a readily accessible locality.



Section D – State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

This matter has been discussed previously and has been highlighted as one of the reasons why the Planning Proposal should be supported. The subject land is appropriately serviced with public infrastructure. In addition, the increase in density will allow for the generation of additional Section 94 funds to enable the implementation of the Section 94 Plan for the Balmoral Road Release Area.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section will be completed following consultation with State and Commonwealth Public Authorities identified in the gateway determination.

5.4 Part 4 – Community Consultation

The community consultation required as part of the planning proposal will be determined in accordance with the document "A guide to preparing local environmental plans." It is suggested that the Planning Proposal may be considered to be low impact, however, this is for the Council to determine. The gateway determination will confirm the public consultation that must be undertaken.

6.0 Conclusion

This Planning Proposal has provided a detailed justification in support of the proposed rezoning of the subject site in accordance with the criteria within "A Guide to preparing Planning Proposals". The Planning Proposal includes a comprehensive site analysis and Traffic Report which intend to demonstrate that the subject site is suitable for the proposed rezoning and can support an increase in density.

The Planning Proposal has the support of all the affected landowners. Accordingly, it is considered appropriate that the site be rezoned to R3 Residential in the draft Hills LEP to facilitate the urban development of the land and it is recommended that this Planning Proposal be forwarded to the Department of Planning for a Gateway Determination.

Office:
Suite 15/9 Hoyle Ave., Castle Hill NSW 2154

All Correspondence:
75 Gindarra Ave, Castle Hill NSW 2154

Telephone: (02) 8850 2788
Facsimile: (02) 8850 2799
E-mail: david@thompsonstanbury.com.au
morgan@thompsonstanbury.com.au
www.thompsonstanbury.com.au

MOBILE PHONES:

David Thompson: 0418 262 125

Morgan Stanbury: 0410 561 848

**THOMPSON
STANBURY
ASSOCIATES**

ABN: 79 943 737 368

**TRANSPORT ASSESSMENT
PROPOSED REZONING
MEMORIAL AVENUE
NORTH KELLYVILLE**

Ref: 12-046

JUNE 2012

COPYRIGHT: The concepts and information contained within this document are the property of Thompson Stanbury Associates. Use or copying of this document in whole or in part without the written permission of Thompson Stanbury Associates constitutes an infringement of copyright.

TABLE OF CONTENTS

1. INTRODUCTION.....	3
2. SITE DETAILS.....	4
2.1 SITE LOCATION.....	4
2.2 SITE DESCRIPTION	4
2.3 EXISTING USES	4
2.4 SURROUNDING USES.....	4
3. EXISTING PLANNING CONTROLS	6
3.1 BAULKHAM HILLS LEP 2005.....	6
3.2 THE HILLS DRAFT LEP 2010	6
3.2.1 <i>Land Use Zoning</i>	6
3.2.2 <i>Minimum Lot Size</i>	8
3.3 BAULKHAM HILLS DEVELOPMENT CONTROL PLAN.....	8
4. PROPOSED REZONING	11
4.1 NATURE OF REZONING.....	11
4.2 YIELD INCREASE.....	12
5. BALMORAL ROAD RELEASE AREA TRAFFIC REPORT.....	13
5.1 EXISTING CONDITIONS.....	13
5.2 FUTURE TRAFFIC CONDITIONS.....	13
5.3 DISCUSSION ON FUTURE CONDITIONS.....	15
5.4 PLANNED ROAD UPGRADES SUBSEQUENT TO THE TRAFFIC REPORT	16
6. TRAFFIC IMPACTS OF SUBJECT PROPOSAL	18
6.1 TRAFFIC GENERATION	18
6.2 DISCUSSION ON IMPACTS	18
6.3 INTERNAL CONSIDERATIONS.....	19
7. NON CAR TRANSPORT CONSIDERATIONS.....	20
7.1 EXISTING TRANSPORT LINKS	20
7.2 PLANNED TRANSPORT LINKS	20
7.3 WALK	21
7.4 SUMMARY.....	22
8. CONCLUSION	23

1. INTRODUCTION

The Practice of Thompson Stanbury Associates has been commissioned by Group Development Services Pty Limited on behalf of a group of landowners in the Balmoral Road Release Area to report on the potential transport implications associated with the proposed rezoning of land situated on the southern side of Memorial Avenue, west of its intersection with Windsor Road.

The rezoning application with The Hills Shire Council seeks to rezone the subject land from Low Density 2(b1) to Residential 2(a2) under Baulkham Hills Local Environmental Plan, or R2 to R3 under the Hills Draft Local Environmental Plan 2010.

The purpose of the rezoning is to permit, with development consent, the construction of multi-unit housing on the site, as opposed to the current zoning, which permits low density residential development with a minimum allotment size of 700m².

This report undertakes an assessment of the likely transport implications associated with the higher development yield permissible under a medium density residential zoning.

2. SITE DETAILS**2.1 Site Location**

The land that is the subject of the rezoning application is situated on the southern side of Memorial Avenue approximately 50m west of its intersection with Windsor Road, Kellyville (the "subject site"). This location is represented in **Figure 1** overleaf.

2.2 Site Description

The subject site is legally identified as:

- Lots 1 – 3 within DP 135989;
- Lot 122 within DP 1113073; and
- Lot 1001 within DP 11132811.

The site is generally bounded by Memorial Avenue, Windsor Road, Kellyville Park and Fairway Drive to the north, east, west and south respectively. All of the existing properties have access to Windsor Road.

The total site area is in the order of 97,405m².

The eastern section of the properties fronting Windsor Road is already zoned for multi-unit housing. The current proposal only applies to those parts of the properties that are zoned for 2(b1) low density housing. The land area proposed to be rezoned (excluding planned DCP roads is 31,416m².

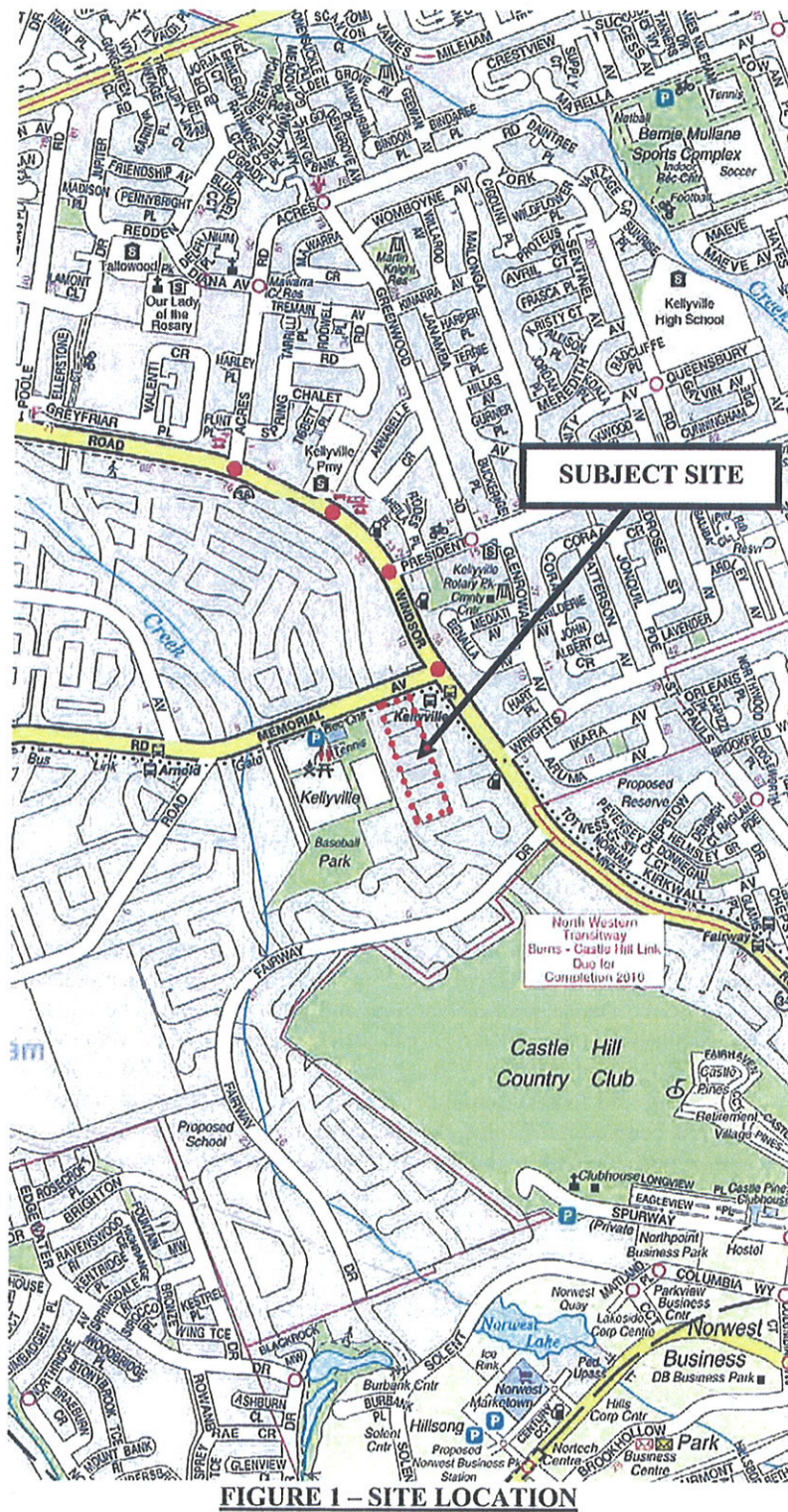
2.3 Existing Uses

The subject site is currently vacant.

2.4 Surrounding Uses

The surrounding area in general is currently in a transition from former rural residential land uses to low and medium density residential density development and associated urban land uses. In this regard, land to the immediate east and south is either vacant or accommodates rural residential development, however, both areas are identified for future urban development.

Land to the immediate west of the subject site comprises public open space accommodating various sporting fields, amenities buildings and associated at grade car parking facilities. To the north, across Memorial Avenue, land is in the process of being subdivided for residential purposes.



3. EXISTING PLANNING CONTROLS

3.1 Baulkham Hills LEP 2005

The subject site is currently zoned Residential 2(b1) pursuant to Baulkham Hills Local Environmental Plan 2005 (BHLEP 2005). An extract from BHLEP 2005 is included below illustrating the current land use zoning (Figure 2).

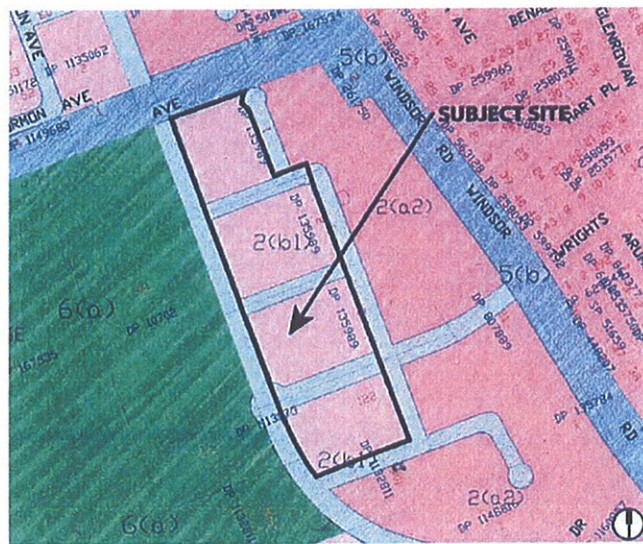


FIGURE 2 – EXISTING ZONING BHLEP 2005

3.2 The Hills Draft LEP 2010

Like many NSW Councils, The Hills Shire Council is currently in the process of finalising an updated LEP to be consistent with the standard instrument template being implemented by the Department of Planning and Infrastructure. The Hills Draft Local Environmental Plan 2010 (DLEP 2010) was publicly exhibited between 29 March, 2011 and 13 May, 2011, and has been forwarded to the Department of Planning and Infrastructure for finalisation. Given its advanced state, DLEP 2010 has been adopted for the purposes of this transport assessment as the applicable environmental planning instrument currently affecting the subject land.

3.2.1 Land Use Zoning

Under the draft LEP, the subject land is zoned R2 Low Density Residential. An extract from DLEP 2010 is included below illustrating the proposed land use zone of the subject land under this draft environmental planning instrument (Figure 3).

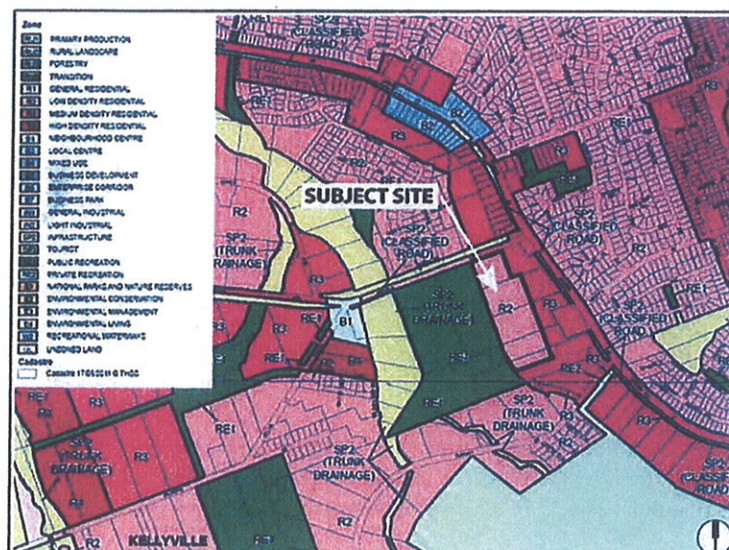


FIGURE 3 – PLANNED ZONING DLEP 2010

The land use table for the R2 Low Density zone identifies the following:

2 Permitted without consent

Home-based child care; Home business; Home occupations

3 Permitted with consent

Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Dual occupancies; Dwelling houses; Group homes; Health consulting rooms; Roads.

Any other development not specified in item 2 and 4.

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; Child care centres; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Health services facilities; Heavy industrial storage establishments; Home occupations (sex services); Industrial training facilities; Industries; Industrial retail outlets; Information and education facilities; Marinas; Moorings; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (outdoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Respite day care centres; Restricted premises; Rural industries; Service

stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck Depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies.

3.2.2 Minimum Lot Size

In accordance with the requirements of the standard template, DLEP 2010 includes minimum lot sizes for land throughout the LGA. The subject land has a minimum lot size of 700m², being delineated Q within the draft Minimum Lot Size Map.

With an overall site area of 31,416m², the subject land has a maximum development yield of 31 residential lots under the controls contained in DLEP 2010 (based on an advised yield of 10 dwellings per hectare).

3.3 Baulkham Hills Development Control Plan

Baulkham Hills Development Control Plan (BHDCP) came into effect in December, 2011 and provides more detailed guidelines for development throughout the Local Government Area.

Part E, Section 17 of BHDCP applies to the Balmoral Road Release Area, of which the subject site forms part of. **Figure 4** below is an extract from BHDCP and identifies the boundaries of the Balmoral Road Release Area.

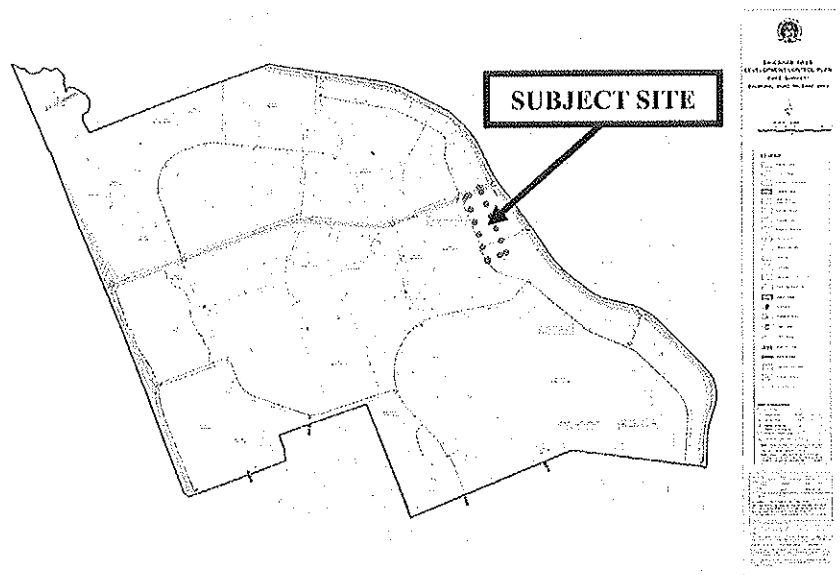


FIGURE 4 – BALMORAL ROAD RELEASE AREA BOUNDARIES

BHDCP identifies the future road network and broad road pattern to facilitate the orderly development of the release area. **Figure 5** below identifies the proposed road network in the immediate vicinity of the subject site.

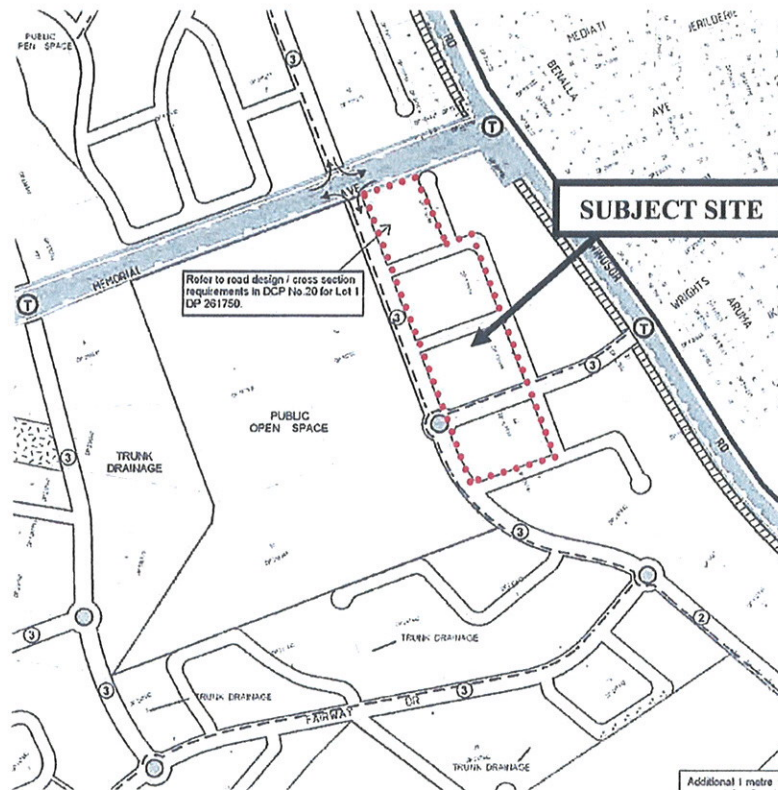


FIGURE 5 – PLANNED ROAD NETWORK IN THE SUBJECT VICINITY

The proposed road hierarchy, as presented in **Figure 5** above, identifies the following:

- Windsor Road maintains its status as a main arterial road in Sydney's north west; and
- Memorial Avenue is elevated to a Classified Road providing a vital link between Windsor Road and Old Windsor Road.

The Development Control Plan provides an altered road network in the immediate vicinity. This road network is proposed to incorporate a new north-south route along the western boundary of the site (running parallel to Windsor Road) to be known as Stonehaven Drive. Stonehaven Drive is planned to intersect with Memorial Avenue in the vicinity of the north-western corner of the site under major / minor priority control with right turn movements being

prohibited through the construction of a central median within Memorial Avenue.

Adjacent to the southern portion of the site, Stonehaven Drive is also proposed to intersect under roundabout control with a new east-west route which forms an extension of Wrights Road, intersecting with Windsor Road under traffic signal control. Further to the south, Stonehaven Drive is proposed to intersect under roundabout control with Fairway Drive, the eastern extremity of which (currently connecting with Windsor Road) is to be deleted.

Construction of the road network has commenced, with part of Stonehaven Drive completed adjacent to the northern portion of the subject site, as is the east/west local road and north/south cul-de-sac.

Section 5 of this Report further discusses the road hierarchy and traffic controls proposed by Council to allow the orderly development of the Balmoral Road Release Area.

4. PROPOSED REZONING

4.1 Nature of Rezoning

The subject rezoning application seeks to amend the zoning of the subject land from R2 Low Density under DLEP 2010 to R3 Medium Density. Permissible uses within the R3 Medium Density zone include:

2 Permitted without consent

Home-based child care; Home occupations; Home businesses.

3 Permitted with consent

Attached dwellings; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Seniors housing.

Any other development not specified in item 2 or 4.

4 Prohibited

Agriculture; Air transport facilities; Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Commercial premises; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Entertainment facilities; Environmental facilities; Extractive industries; Farm buildings; Forestry; Function centres; Freight transport facilities; Heavy industrial storage establishments; Home occupation (sex services); Industrial training facilities; Industries; Industrial retail outlets; Information and education facilities; Marinas; Moorings; Mooring pens; Mortuaries; Open cut mining; Passenger transport facilities; Public administration buildings; Recreation facilities (indoor); Recreation facilities (outdoor); Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; Restricted premises; Rural industries; Service stations; Sewerage systems; Sex services premises; Signage; Storage premises; Tourist and visitor accommodation; Transport depots; Truck Depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse or distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies.

It is noted that the change from the R2 zone to R3 permits the subject land to be used for "multi dwelling housing", typically recognised as medium density villa/terrace/townhouse development.

4.2 Yield Increase

Clause 4.1(3) of DLEP 2010 states that the size of any lot created under a subdivision is not to be less than the minimum size shown on the Lot Size Map. We note that land adjoining the subject site zoned R3 Medium Density Residential under DLEP 2010 is denoted Q under the Lot Size Map, having a minimum lot size of 700m². Clause 4.1 (4) however, states that the minimum lot size does not apply to the subdivision of individual lots in a strata or community title scheme, which would be the typical subdivision form of multi dwelling housing.

Clause 4.1B of DLEP 2010 identifies that Council may grant consent to multi dwelling housing on land zoned R3 Medium Density Residential where the area of the land is at least 1800m² (prior to subdivision of the individual dwellings).

Having regard to the above, it would appear that there is no numerical minimum size for individual lots created in a multi dwelling housing development (apart from the 1800m² site area requirement prior to subdivision of the individual dwellings).

We have been informed by our client that a density of between 25-35 dwellings (say 10% one bedroom dwellings, 30% two bedroom dwellings and 60% three bedroom dwellings) per net developable hectare is envisaged for the subject land. Based on a developable area of 31,416m² or 3.1416 hectares (assumed to be the site area in this instance) a yield of 78 - 110 medium density dwellings could be expected from the subject land.

It has been identified that under the R2 Low Density residential zoning, a yield of approximately 31 single dwellings could be expected, while up to 110 medium density dwellings could be expected under the proposed R3 Medium Density zone. A net increase of 79 dwellings could therefore be expected as a result of the rezoning.

5. BALMORAL ROAD RELEASE AREA TRAFFIC REPORT

As part of the strategic planning process for the Balmoral Road Release Area, The Hills Shire Council prepared a Traffic Impact Report in June 2006 (*Traffic Impact Report: Balmoral Road Release Area DCP 20*). This report provided assessment of the overall traffic generating potential of the Balmoral Road Release Area and considered the impact of the additional traffic demand on the surrounding arterial / sub-arterial road network at mid-block locations and critical intersections. The following sub-sections of this report provide a summary of the findings of that report with respect to the total release area and specifically, the subject land.

5.1 Existing Conditions

The report presented the following existing (2005) operational traffic conditions within the immediate vicinity of the site:

- Windsor Road (south of Memorial Avenue) provides north and southbound levels of service of A and F respectively during the morning peak period;
- Windsor Road (south of Memorial Avenue) provides north and southbound levels of service of F and D respectively during the afternoon peak period;
- Memorial Avenue provides east and westbound levels of service of F and C respectively during the morning peak period;
- Memorial Avenue provides motorists with in both directions with a level of service of D during the afternoon peak period;
- The signalised junction of Windsor Road and Memorial Avenue provides a level of service of E and F during the morning and afternoon peak periods respectively; and
- The signage controlled junction of Windsor Road and Wrights Road provides a level of service F during both morning and afternoon peak periods.

5.2 Future Traffic Conditions

The Traffic Impact Report determined future traffic conditions through an assessment of the future land uses yet to be developed, the level of traffic to be generated by these developments, the distribution and assignment of trips generated and consideration of the future road network.

In addition to the new road network changes within the Balmoral Road Release Area, the following changes along the arterial road network were taken into consideration:

- The widening of Burns Road / Memorial Avenue to a 4 lane divided carriageway including upgrading the Windsor Road / Memorial Avenue junction to provide dual left and right turn lanes within Windsor Road and four approach lanes within Memorial Avenue;
- Providing traffic signals at the following intersections along Burns Road / Memorial Avenue:
 - Arnold Avenue (west); and
 - The realignment of Arnold Avenue (east) & Balmoral Road.
- Signalising the junction of Windsor Road and Wrights Road (to include a new fourth western approach) involving the following:
 - An exclusive left turn slip lane from the southern Windsor Road approach to the new western Wrights Road approach;
 - Exclusive right turn lanes within Windsor Road servicing both the new and existing Wrights Road approaches; and
 - Three lanes within the new western Wrights Road approach.

The release areas were split into a number of discrete traffic zones. Zone 3 primarily incorporating the subject site comprising the parcel of land bounded by Memorial Avenue, Windsor Road, the Wrights Road extension and Kellyville Park to the north, east, south and west respectively.

Zone 3 was assigned to accommodate 29 detached dwellings and 63 townhouses (comprising 31 one and two bedroom dwellings and 32 three plus bedroom dwellings).

The following traffic generation rates were applied to the residential dwellings:

- 1.1 peak hour trips per detached dwelling;
- 0.35 peak hour trips per two or less bedroom medium density dwelling; and
- 0.5 peak hour trips per three or more bedroom medium density dwelling.

Zone 3 was therefore projected to generate 59 peak hour vehicle trips.

Between 15 – 25% of the trips generated by the Balmoral Road Release Area were assumed to be internal trips within the area (involving local shopping, schools and local social visits), thereby not creating any impact on the adjoining arterial or sub-arterial road network.

The following trips assignment was applied:

- 10% to the east via Showground Road;
- 20% to the south-east via Windsor Road;

- 40% to the south-west via Old Windsor Road and the M7 Motorway;
- 10% to the west via Sunnyholt Road; and
- 20% to the north via Windsor Road.

The report presented the following future (2016) operational traffic conditions within the immediate vicinity of the site:

- Windsor Road (south of Memorial Avenue) is projected to provide north and southbound levels of service of F during the morning and afternoon peak periods;
- Memorial Avenue is projected to provide east and westbound levels of service of A and C during the morning and afternoon peak periods;
- The signalised junction of Windsor Road and Memorial Avenue is projected to provide a level of service of E and F during the morning and afternoon peak periods respectively;
- The new Wrights Road western approach to Windsor Road is projected to accommodate two directional traffic volumes of approximately 1,100 and 800 vehicles during the morning and afternoon peak periods respectively; and
- The signalised intersection of Windsor Road and Wrights Road provides a level of service F during both morning and afternoon peak periods.

The Traffic Impact Report concluded that consideration may need to be given to the provision of dual right turn lanes within Windsor Road to maintain a reasonable level of service at its intersection with Wrights Road.

5.3 Discussion on Future Conditions

Detailed inspection of Council's Traffic Impact Report indicated that the future four-way signalised intersection of Windsor Road and Wrights Road was modelled to operate with split approach side street phasing. Such signal phasing generally results in decreased overall intersection performance however is generally provided at locations where right turn volumes from the side street approaches are very high and / or sight distance between the two side street approaches is limited. It is not considered that the projected right turning traffic volumes or indeed the horizontal and vertical alignment of the side street approaches warrant split approach phasing.

Accordingly, it is considered most unlikely that the Roads & Maritime Services will approve / implement the abovementioned split approach side street phasing at the subject location. It is envisaged that the future signalised intersection would be more appropriately controlled by double diamond overlap phasing which commonly facilitates more efficient intersection operation. In this regard, it is expected that the future four-way intersection of Windsor Road and Wrights

Road will provide significantly improved operational conditions than that projected within Council's Traffic Impact Report.

5.4 Planned Road Upgrades Subsequent to the Traffic Impact Report

It is understood from discussions with Council's Infrastructure Manager, Mr Andrew King that Council is currently liaising with the Roads & Maritime Services in relation to the planned upgrading of Windsor Road within the subject vicinity. It is further understood from these discussions, that Windsor Road is planned to be upgraded to provide a six lane divided carriageway with additional turning lanes provided at major intersections.

The intersection of Windsor Road and Wrights Road is currently planned to provide the following design characteristics:

- The Windsor Road northbound approach is to be widened to provide three through lanes in conjunction with an exclusive right turn lane and a left turn slip lane servicing the eastern and western Wrights Road approaches respectively;
- The Windsor Road southbound approach is to be widened to provide three through lanes in conjunction with exclusive left and right turn lanes servicing the Wrights Road approaches;
- The new eastbound Wrights Road approach is to be widened from that originally planned to provide two right turn approach lanes, an exclusive through approach lane in conjunction with an exclusive left turn slip lane; and
- The originally planned westbound Wrights Road approach is planned to be maintained to provide two lanes.

In regard to the above, preliminary SIDRA modelling of the originally planned and upgraded intersection arrangements has been undertaken of the subject intersection. The following provides a summary of results of this analysis whilst full details are available upon request:

- The intersection degree of saturation is projected to reduce by approximately 55% and 20% during the morning and afternoon peak periods respectively; and
- The projected average vehicular delay is estimated to be approximately 25% and 40% of that which was modelled under the originally planned intersection arrangement during the morning and afternoon peak periods respectively.

Whilst it was not known at the time of writing this report the exact timing of such upgrading works, it is considered that these works, in conjunction with the implementation of the appropriate signal phasing arrangement, will greatly assist in the accommodation of future traffic demands associated with the planned development of the Balmoral Road Release Area, including the subject site.

6. TRAFFIC IMPACTS OF SUBJECT PROPOSAL

6.1 Traffic Generation

This Practice has been advised that the proposed rezoning is likely to increase the development yield from 31 detached dwellings to a maximum of 110 medium density dwellings (assumed to comprise 11 one bedroom dwellings, 33 two bedroom dwellings and 66 three bedroom dwellings). It has however been previously presented that Council's Traffic Impact Report for the Balmoral Road Release Area based its assessment on the assumption that the subject site would only accommodate 29 detached dwellings (being two less than that advised by the client).

Based on the previously presented Council adopted traffic generation rates of 1.1 peak hour trips per detached dwelling, 0.35 peak hour trips per two or less bedroom medium density dwelling and 0.5 peak hour trips per three or more bedroom medium density dwelling, the following originally planned and proposed traffic generation capacities are calculated:

- The subject site was originally planned to generate 32 peak hour vehicle trips; and
- The subject site is projected to generate 49 peak hour vehicle trips.

The subject proposal is therefore projected to generate an additional 17 hourly vehicle trips to and from the site during peak periods.

6.2 Discussion on Impacts

It has been calculated that the subject proposal is capable of generating an additional 17 hourly vehicle trips to and from the site during peak hours. This equates to one additional vehicle movement every three to four minutes during peak periods. Such a level of additional traffic is not considered significant in terms of the notable demands projected to be accommodated throughout the surrounding road network.

Based on a conservative estimate that 15% of the above trips will be internal trips within the release area, it can be expected that only 14 of the abovementioned additional trips will be accommodated by the surrounding arterial and sub-arterial road network.

Based on the trip assignment provided within Council's Traffic Impact Report for the release area, approximately 50% (or 7 vehicles) of the above trips are projected to be required to negotiate the planned signalised intersection of Windsor Road and Wrights Road, whilst the remaining 50% are projected to utilise the local road network to access Memorial Avenue, whether it be via Stonehaven Drive or via the realigned Arnold Avenue (east) / Balmoral Road.

Considering that the new western Wrights Road approach is projected to accommodate between 800 and 1,100 peak hourly vehicles, the addition of 7

peak hour vehicles is not anticipated to have a noticeable impact on future operational traffic conditions. The same conclusion is reached with respect to the greater road network based on the insignificant additional traffic projected to be generated by the proposal with respect to the notable future traffic demands of the general road network. .

6.3 Internal Considerations

It is considered that the existing DCP road pattern can be maintained in its current form. The planned internal road network represents a workable grid pattern that can be manipulated to suit different housing styles and subdivision proposals. The existing grid pattern enables the creation of 'superlots' that meet the minimum allotment size of 1800m² for multi-unit housing, providing a number of options for the existing landowners.

Notwithstanding the above, if the rezoning is approved, any potential minor alterations to the internal road layout would be subject to change during the subsequent development assessment process.

There are certainly no alterations considered to be required to the planned connections of the local road network to the adjoining arterial roads in Windsor Road and Memorial Avenue.

7. NON CAR TRANSPORT CONSIDERATIONS

A primary consideration with respect to the suitability or otherwise of a site for medium density development is the proximity of the site to public transport infrastructure. The following sub-sections of this report provide an assessment of the existing and planned non-car travel modes in close proximity to the site.

7.1 Existing Transport Links

HillsBus operate a number of services in the immediate vicinity of the subject site as follows:

- Route 601 – Parramatta to Rouse Hill Town Centre. This service travels along Glenrowan Avenue and Wrights Road providing a frequency of approximately 20 minutes during commuter peaks;
- Route 612 – Kellyville to Milsons Point. This service travels along Glenrowan Avenue and Wrights Road providing a frequency of 10 – 20 minutes during commuter peaks; and
- Route 615 – Kellyville to The City. This service travels along Glenrowan Avenue, Wrights Road and Windsor Road providing a frequency of approximately 10 minutes during commuter peaks.

The closest bus stops associated with these services are located within Wrights Road, Windsor Road and Glenrowan Avenue.

These services provide efficient connections to established transport interchanges at Rouse Hill, Parramatta, North Sydney and The City.

Further to the above, the site is located approximately 2.5km to the east of the North-West T-way, operating along the eastern side of Old Windsor Road. The North-West T-way is a bus rapid transit line linking Rouse Hill to Parramatta as well as Parklea to Blacktown.

7.2 Planned Transport Links

The State Government has recently announced the construction of the North West Rail link, with construction due to commence in 2014. The North West Rail link will run 23km from Epping to beyond Rouse Hill. Twin tunnels will be provided between Epping and Bella Vista whilst an elevated sky train structure is planned between Bella Vista and Rouse Hill.

Eight new stations are planned at Cherrybrook, Castle Hill, Hills Centre, Norwest, Bella Vista, Kellyville, Rouse Hill and Cudgegong Road, the closest of which is Kellyville (Riley Street), located approximately 3km to the north-west of the site).

Figure 6 overleaf provides a map showing the proximity of the site to the various existing and planned transport links.

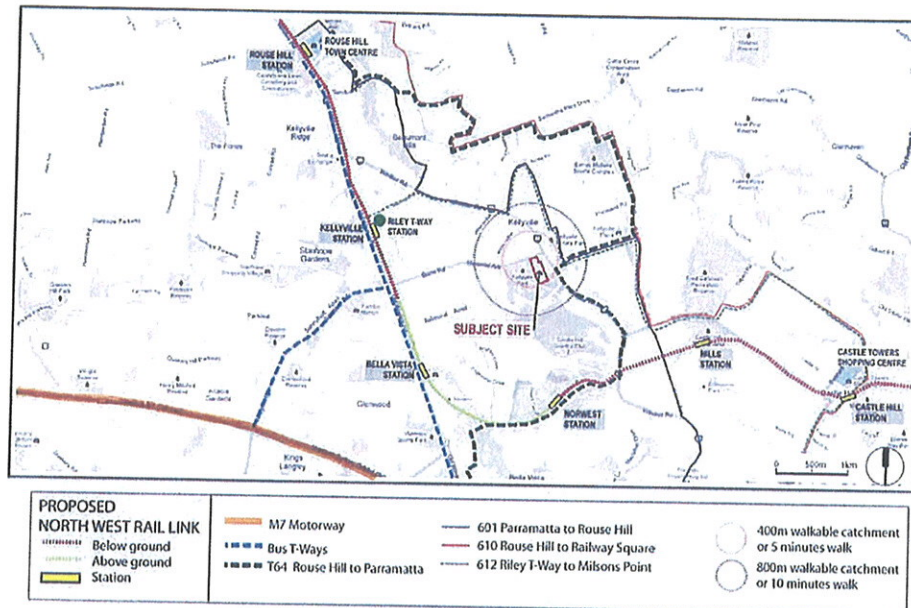


FIGURE 6 – MAP OF EXISTING AND PLANNED TRANSPORT LINKS
(Courtesy: Google Maps)

The subject site is therefore considered to be provided with good connectivity to existing and planned transport links.

7.3 Walk

The site enjoys immediate access to Kellyville Park and as such, enjoys a high level of amenity to open space and community facilities. Kellyville Shops are within 800m walking distance. Figure 7 overleaf provides a map illustrating the proximity of the site to existing and proposed recreational, shopping and transport links.

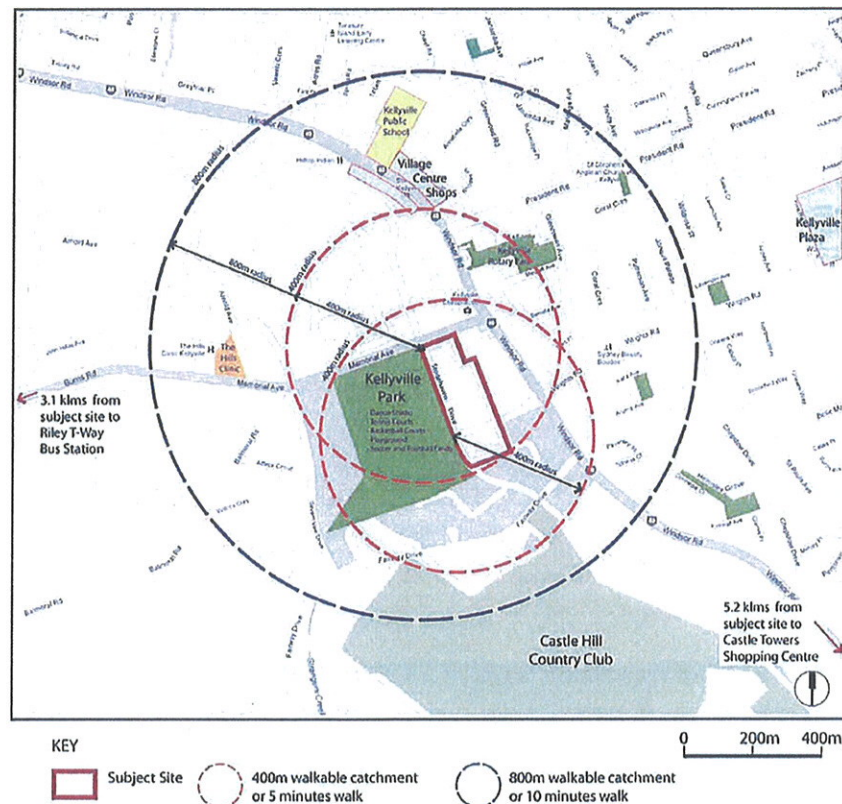


FIGURE 7 – WALKABLE CATCHMENTS FROM THE SITE
(Courtesy: Google Maps)

7.4 Summary

The site is well serviced by existing and planned public transport infrastructure, shops, parks, schools and community facilities. The announcement by the State Government of the construction of the North West Rail link only serves to strengthen the argument for increasing densities in the locality.

The abovementioned proximity to amenities and infrastructure as well as major roads makes the site ideal for typical medium density housing.

The subject land is surrounded by land zoned for multi-unit housing and the current planning proposal simply represents an extension of this land use zone.

8. CONCLUSION

This report undertakes an assessment of the likely transport implications associated with a proposal to rezone a parcel of land located on the southern side of Memorial Avenue to the west of Windsor Road to facilitate the accommodation of medium density residential zoning. Having regard to the findings of this report, the following conclusion is provided:

- The surrounding local and arterial road network is projected to be upgraded significantly to accommodate the significant level of additional traffic demand associated with the planned redevelopment of the Balmoral Road Release Area;
- Even incorporating the planned road upgrading measures, the surrounding arterial road network is projected to operate close to capacity incorporating the redevelopment of the release area;
- Notwithstanding this, it is understood that the Roads & Maritime Services are currently planning for a further upgrade of Windsor Road in the subject vicinity, to form a six lane divided carriageway, including improved exclusive turning facilities at major intersections;
- The incorporation of this further upgrading works will assist in the accommodation of the additional traffic projected to be generated by the Balmoral Road Release Area;
- The application seeks to rezone the subject land from Low Density 2(b1) to Residential 2(a2) under Baulkham Hills Local Environmental Plan, or R2 to R3 under the Hills Draft Local Environmental Plan 2010;
- The purpose of the rezoning is to permit, with development consent, the construction of multi-unit housing on the site, as opposed to the current zoning, which permits low density residential development with a minimum allotment size of 700m²;
- The rezoning application is expected to increase the development yield within the subject land from 31 detached dwellings to up to 110 medium density residential dwellings;
- Whilst this increase in development yield appears significant on face value, the lower traffic generating ability of medium density residential development compared to low density development is such that the proposal is only expected to result in an increase in the traffic generation potential of the subject land of 17 peak hour trips;
- Such a level of additional traffic is projected to have negligible impacts on the general operation of the surrounding local and arterial road network;

- The planned internal road network is projected to continue to be suitable to accommodate the proposed altered development yield and no alterations to the planned arterial road network connections are considered to be required; and
- The site is well serviced by existing and planned public transport infrastructure, shops, parks, schools and community facilities making it ideal for typical medium density housing.

Having consideration to the abovementioned conclusions, it is considered that there is no internal traffic or transport related issues that should prevent approval of the subject planning proposal.

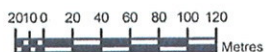


THE HILLS SHIRE COUNCIL

Locality Map



The Hills Shire Council (THSC) does not give any guarantee concerning the accuracy, completeness or currency of its spatial and textual information held in or generated from its database. THSC therefore takes no responsibility for errors, omissions or inaccuracies on information found or provided. Base cadastre copyright remains the property of Land and Property Management Authority NSW (LPSMA) Year 2008. Contour and aerial photography copyright remains the property of Department of Environment and Climate Change (DECC) and THSC. Cadastre modifications including Council generated data is subject to THSC copyright.



SCALE: 1:5,000 Date: 10/12/2012