

Rezoning of 77-87 Old Bells Line of Road, Kurrajong

Proposal Title : **Rezoning of 77-87 Old Bells Line of Road, Kurrajong**

Proposal Summary : **The Planning Proposal seeks to rezone 6 lots of land at Kurrajong township to Business General 3(a) to enable development of the land for retail/commercial purposes. The land is currently zoned Housing under Hawkesbury LEP 1989.**

PP Number : **PP_2012_HAWKE_001_00** Dop File No : **12/01197**

Proposal Details

Date Planning Proposal Received : **11-Jan-2012** LGA covered : **Hawkesbury**

Region : **Sydney Region West** RPA : **Hawkesbury City Council**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **77-87 Old Bells Line of Road**

Suburb : **Kurrajong** City : Postcode : **2758**

Land Parcel : **Lots 11-12 DP1003591, Lots 16-18 DP581895, Lot 1 DP715623**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Derryn John**

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Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : **Metro North West subregion** Consistent with Strategy : **Yes**

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MDP Number :		Date of Release :	
Area of Release (Ha) : 0.61		Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots : 6		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 :

Supporting notes

Internal Supporting Notes : **LOBBYIST STATEMENT**
At this point in time, to the best of the regional team's knowledge, this Planning Proposal is compliant with the Department of Planning and Infrastructure's Code of Practice in relation to communication and meetings with lobbyists.

External Supporting Notes : **The main part of the retail/commercial core of the Kurrajong neighbourhood centre is located directly opposite the site and is zoned Business General 3(a). Given the existing and continued operation of the subject land as part of the retail core for many years and its location within the heart of the neighbourhood centre, the Planning Proposal to rezone the land is considered the most appropriate means of achieving the expansion of the existing commercial centre.**

Adequacy Assessment

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

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

Comment : **The objective is to rezone the subject land from Housing to Business General 3(a) to enable redevelopment of the land for retail/commercial purposes and expansion of the commercial centre. This statement of objectives is considered adequate.**

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

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

Comment : **Council has advised that the Proposal would involve an amendment to the zoning map in the Hawkesbury LEP 1989 (HLEP) and an amendment to the definition of "the map" in HLEP to refer to this instrument.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

**1.1 Business and Industrial Zones
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
6.1 Approval and Referral Requirements**

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6.3 Site Specific Provisions

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 : **No**

d) Which SEPPs have the RPA identified? **SEPP No 55—Remediation of Land**

e) List any other matters that need to be considered : **See assessment section.**

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

If No, explain : **There is an inconsistency of the Planning Proposal with section 117 Direction 3.1 Residential Zones but the inconsistency has been explained and justified by Council as follows:**

The Planning Proposal seeking rezoning of the land from Housing to Business General 3(a) is inconsistent with the above Direction because it reduces the zoned land available for residential development. However, the Direction does permit inconsistency if justified in accordance with the provisions of that Direction. Given the location of the land within the retail/commercial core of the centre, its use for business/retail purposes and operation as part of the retail/commercial core of Kurrajong for many years, the proposed Business General 3(a) zone is considered appropriate. The current Housing zoning of the land prohibits most commercial/business uses as well as the choice of housing types. It is therefore considered that the Planning Proposal's inconsistency with this direction is minor and justifiable.

For the Panel's convenience, the objectives of the Direction are reproduced hereunder:
(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.

Council has identified State Environmental Planning Policy No. 55 - Remediation of Land as relevant to the Planning Proposal.

According to Council's records the site has been used for various business/retail and residential purposes for over thirty years and there are no records of previous approvals or use of the land for activities that may cause contamination. Given there was no adequate information or evidence on the use of the subject site prior to the 1980s, there may be a potential that the site may be contaminated. It is considered that a detailed contamination assessment can be undertaken at development application stage in order for Council to be assured that the land is suitable for any proposed future use.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has indicated that upon receipt of the Gateway Determination to proceed, Council will consult the relevant public authorities and the community on the Planning Proposal in accordance with the requirements of the Gateway Determination and the Environmental Planning and Assessment Act, 1979.**

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The rezoning:

- (a) is consistent with the surrounding land use;
- (b) is consistent with the strategic framework;
- (c) presents no infrastructure issues;
- (d) is not a Principal LEP; and
- (e) does not reclassify land,

hence it is considered "low impact" and a community consultation period of 14 days is recommended.

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? No

If No, comment : **The Hawkesbury Principal LEP is scheduled to be made by the end of March 2012. Given this status, it would be more appropriate for the Planning Proposal to be prepared as an amendment to the Principal LEP. In this case the plan should be prepared to rezone the land to B1 - Neighbourhood Centre (equivalent to Business General 3(a) zone), consistent with adjoining lands.**

Proposal Assessment

Principal LEP:

Due Date : **March 2012**

Comments in relation to Principal LEP : **The draft PLEP has been exhibited and reported to Council under section 68. The draft LEP is currently with the Department for review.**

Council has indicated that the Planning Proposal if issued with a Gateway Determination, could be either in the form of an amendment to the current Hawkesbury LEP 1989 or in the equivalent zone in the draft Hawkesbury Local Environmental Plan 2011 (dLEP2011).

It is recommended that the plan be prepared as an amendment to the PLEP, with a proposed B1 Neighbourhood Centre zone.

Assessment Criteria

Need for planning proposal : **The Planning Proposal is seeking to rezone the subject land from Housing to Business General 3(a) under Hawkesbury LEP 1989. The current zone permits a number of land uses including bed and breakfast accommodations, boarding houses, dwelling houses, professional and commercial chambers and tourist facilities but commercial premises, refreshment rooms and shops are not permitted in this zone. Notwithstanding this zone, the subject site has been continuously used for a range of approved business/retail purposes over many years. The Planning Proposal seeks a rezoning of the land to Business General 3(a) thus permitting, with Council's consent, commercial premises, refreshment rooms and shops.**

Consistency with strategic planning framework : **The Planning Proposal is consistent with Council's Community Strategic Plan 2010-2030 and Hawkesbury Employment Lands Strategy 2008.**

The Planning Proposal will enable increased business, retail opportunities on the land and boost the Hawkesbury LGA's economic activities and employment opportunities, and therefore it will be an appropriate tool in the implementation of the Directions and Strategies contained in the Community Strategic Plan and the recommendations of the Employment Lands Strategy.

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Environmental social
economic impacts :

In environmental terms, the site contains some remnant trees but there is not enough continuous vegetation to classify it as a community. However any future development proposal would require preparation of a report addressing the significance, habitat, structural integrity and amenity of the trees on site to assess under Section 79 of the Environmental Planning and Assessment Act 1979.

The subject land is also identified as bush fire prone land. Accordingly, Council will be required to consult with the Commissioner of the NSW Rural Fire Service following a Gateway Determination (if issued) and prior to undertaking any community consultation in accordance with section 57 of the Act, and take into account any comments made.

As far as social and economic impacts are concerned, the Planning Proposal would enable improved access to local retail/commercial facilities and services jobs and training opportunities within a reasonable walking distance from the surrounding residential area. It also capitalises on the existing infrastructure and enables economical use of the land and increased local business activities to sustain economic viability of the Kurrajong township.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 Month	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage NSW Rural Fire Service Transport for NSW - Roads and Maritime Authority		

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

For any future development proposal there needs to be a report addressing the significance, habitat, structural integrity and amenity of the trees on site under section 79 of the Environmental Planning and Assessment Act.

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 : **No significant change to infrastructure requirements.**

Documents

Document File Name	DocumentType Name	Is Public
Council's covering letter.pdf	Proposal Covering Letter	No
Planning Proposal.pdf	Proposal	No

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Council's resolution and zoning map.pdf
Consultant's report supporting rezoning.pdf

Map
Study

No
No

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.4 Planning for Bushfire Protection
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **Preparation of the Planning Proposal is supported, subject to the following conditions:**

- 1. Council is to prepare the Planning Proposal as an amendment to the Principal LEP with a B1 - Neighbourhood Centre zone.**
- 2. Council is to consult with the NSW Rural Fire Service regarding the site being designated as bushfire prone land.**
- 3. Council is to consult with the Transport NSW - Roads and Maritime Services (formerly RTA) regarding possible intensification of vehicular traffic and pedestrian safety issues along this section of Old Bells Line of Road, normally associated with an increase in retail/commercial land use.**
- 4. Public exhibition of the Planning Proposal in the printed and electronic media is to be carried out for a period of not less than 14 days.**

Supporting Reasons : **The Planning Proposal should proceed for the following reasons:**

- 1. The current Housing zone is no longer appropriate for the land, given the proximity of the land to the existing retail/commercial zoning of the land opposite the site on the northern side of Old Bells Line of Road.**
- 2. The rezoning would enable the increased use of the site for retail/commercial purposes and to strengthen the retail/commercial viability of other part of Kurrajong township.**
- 3. The rezoning would provide a potential for retail/commercial development thereby enhancing employment opportunities for Kurrajong to be promoted as a potential "Small Village Centre" in the centres hierarchy.**
- 4. The rezoning will result in a net community benefit by providing the local community with increased choice, convenience and employment opportunities within a reasonable distance from their residences.**
- 5. There is no other potential and appropriately zoned land within or adjacent to the existing retail/commercial core at Kurrajong to allow future expansion of the retail/commercial activities in the neighbourhood centre.**

Signature:



Printed Name:

PERRY JOHN

Date:

31/1/2012