

PLANNING PROPOSAL

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

1. OBJECTIVES OF THE PROPOSED LOCAL ENVIRONMENTAL PLAN

The objective of the proposed Local Environmental Plan (LEP) is to rezone 77 – 87 Old Bells Line of Road from Housing to Business General 3(a) under the provisions of Hawkesbury Local Environmental Plan 1989 (LEP 1989) or the equivalent zone in the draft Hawkesbury Local Environmental Plan 2011 (dLEP 2011).

2. PROVISIONS TO BE INCLUDED IN PROPOSED LEP

The proposal involves an amendment to LEP 1989 or dLEP 2011 to allow rezoning of the subject site for a range of small scale retail, business uses consistent with the current land uses on the site and surrounding development.

3. JUSTIFICATION OF THE PLANNING PROPOSAL

A. Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report

The Planning Proposal is a result of an application from Falson and Associates Pty Ltd seeking rezoning of the subject site from Housing to Business General 3(a) under the provisions of LEP 1989 or the equivalent zone in dLEP 2011 (see Attachment 1).

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

The site is currently zoned Housing under LEP 1989. This 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 rezoning of the land to Business General 3(a) thus permitting, with Council's consent, commercial premises, refreshment rooms and shops.

The main part of the commercial/retail core of the 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 intended outcome allowing the increased use of the land for commercial/retail purposes not only to formally recognise and strengthen the current business/retail core but also to create increased employment opportunities for Kurrajong to be promoted as a potential 'Small Village Centre' in the centres hierarchy in future.

3. Is there are a net community benefit?

The proposed rezoning will result in a net community benefit by providing the local community with increased choice and number of employment and training opportunities within a reasonable walking distance from their residences.

The proposal will also enable improved retail/commercial services to meet the varying and changing needs of the community and ensure the viability of the existing Kurrajong Neighbourhood Centre.

B. Relationship to strategic planning framework

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?)

Metropolitan Plan for Sydney 2036

The aim of this strategic plan is to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036.

According to the centres hierarchy identified in the *Metropolitan Plan for Sydney 2036* Kurrajong can be classified as a 'Neighbourhood Centre' which is the smallest recognised centre type in this hierarchy containing a small group of shops and services serving up to 1,000 dwellings within a walking catchment radius of approximately 150-200 metres.

A number of objectives and actions have been identified in the *Metropolitan Plan for Sydney 2036* and the following objective and action is relevant to the Planning Proposal:

Objective B1 - To focus activity in accessible centres

Action B1.1 - Plan for centres to grow and change over time

"Development will occur within walking catchments of centres. In the case of commercial development (including retail premises), this should occur in the central part of the centre, in or adjacent to existing commercial areas. LEPs will be used to provide capacity for the desired growth."

Kurrajong is located within a reasonable walking distance with easy access from the surrounding population catchment. The subject land which is located within the existing business/retail core of the existing centre and has been used for business/retail activities for many years.

The Planning Proposal seeking rezoning of the land to Business General 3(a) to allow the continued and increased use of the land for business/retail purposes to cater for the varying and changing needs of the existing and future population within the 'Neighbourhood Centre' is consistent with the above objective and action of the Metropolitan Plan for Sydney 2036.

Draft North West Subregional Strategy

The draft North West Subregional Strategy 2007 identifies Kurrajong as a 'Neighbourhood Centre'.

The strategy provides a direction for local councils in preparing Local Environmental Plans (LEP). A general direction is to provide sufficient zoned and serviced employment land to meet the employment capacity targets within their local government areas. The Strategy contains a 3,000 new jobs target for Hawkesbury Local Government Area by 2031, and Council is required to plan for sufficient land and infrastructure to achieve this target.

The Planning Proposal seeking rezoning of the land to Business General 3(a) will enable additional employment zoned and serviced land increased local business/retail activities and employment opportunities. The Planning Proposal is therefore consistent with the strategy.

5. Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Planning Proposal is consistent with Hawkesbury Community Strategic Plan 2010 – 2030 and Hawkesbury Employment Lands Strategy 2008 as outlined below:

Hawkesbury Community Strategic Plan (2010 -2030)

The proposal is consistent with the Supporting Business and Local Jobs Direction statement:

- Plan for a range of industries that build on the strengths of the Hawkesbury to stimulate investment and employment in the region
- Offer an increased choice and number of local jobs and training opportunities to meet the needs of Hawkesbury residents and to reduce their travel times

and is also consistent with the strategy in the Community Strategic Plan being:

- Implement Employment Lands Strategy

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.

Hawkesbury Employment Lands Strategy 2008

In December 2008 Council adopted the Hawkesbury Employment Lands Strategy. The purpose of the strategy is to provide a planning framework for employment precincts (industrial, commercial, retail) and locations for a range of employment types to support and enhance the economic competitiveness of the Hawkesbury region.

The Employment Lands Strategy states that 1,339m² of additional retail floor space would need to be provided within 'Neighbourhood Centres' in the LGA. According to the draft North West Subregional Strategy, Bligh Park, Glossodia, Hobartville, Kurmond, Kurrajong, Pitt Town and Wilberforce are 'Neighbourhood Centres'. Whilst none of these are specifically identified in the Employment Lands Strategy as a potential centre to accommodate this additional retail floor space, the strategy highlights that additional floor space could be accommodated within these existing centres through minor expansion or a renewal of existing business/retail areas. Therefore, the Planning Proposal seeking rezoning of the subject land to allow increased business/retail opportunities is consistent with the Strategy.

6. Is the Planning Proposal consistent with applicable state environmental planning policies?

State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)

Clause 6 of SEPP 55 requires consideration of contamination issues when assessing Planning Proposals. According to Council's records the site has been used for various business/retail and residential purposes for over thirty (30) years and there are no records of previous approvals or use of the land for activities that may cause contamination and referred to in Table 1 - 'Some Activities that may Cause Contamination' of the Managing Land Contamination: Planning Guidelines. There are no records of any previous investigations, remediation plans/actions or land use restrictions on the subject land relating to possible 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. However, at present this has not been investigated by the proponent or by Council.

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.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

Applicable Ministerial Directions (s117 Directions) are as follows:

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

The Planning Proposal seeks to rezone the subject site from Housing to Business General 3(a) under HLEP 1989. This will enable the improved and economical use of the land for business and retail purposes, increased local employment opportunities and strengthen the viability of the 'Neighbourhood Centre' which can be easily accessed by the surrounding residential development. Also there is no other potential land available in the centre that is appropriately zoned for expansion of the centre in future. It is therefore considered that the Planning Proposal is consistent with this direction.

Direction 3.1 Residential Zones

The objectives of this Direction are to:

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

The Planning Proposal seeking rezoning of the land from Housing to Business General 3(a) is inconsistent with the above direction. However, the S117 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 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 acceptable.

Direction 3.4 Integrated Land Use and Transport

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,
- (b) increasing the choice of available transport and reducing dependence on cars,
- (c) reducing travel demand including the number of trips generated by development and the distances traveled, especially by car,
- (d) supporting the efficient and viable operation of public transport services, and
- (e) providing for the efficient movement of freight.

The Department of Planning's guidelines 'Integrated Landuse and Transport' seeks to improve the integration of land use and transport planning. The Planning Proposal will enable improved local services, business/retail activities and employment opportunities within a reasonable walking distance from the surrounding residential development thereby minimising likely travel demand and distance for shopping and employment activities. It is therefore considered that the proposed Planning Proposal is consistent with this Direction.

Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are:

- (a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and
- (b) to encourage sound management of bush fire prone areas.

The subject area is identified as bush fire prone land. Accordingly, Council is required to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in accordance with section 57 of the Act, and take into account any comments so made.

Direction 6.1 Approval and Referral Requirements

The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.

This Planning Proposal is consistent with this direction as it does not require the concurrence, consultation or referral of development applications to a Minister or public authority, and does not identify development as designated development.

Direction 6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessary restrictive site specific planning controls, such as those that currently apply to the land under the provisions of Schedule 3 of the LEP 1989. The proposal is consistent with this direction as it does not specify any restrictive provisions for future development on the land other than those already specified in LEP 1989 for the Business General 3(a) Zone.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

Consistency with the Metropolitan Plan has already been addressed in an earlier part of this Planning Proposal.

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?

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*.

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

The subject area is identified as bush fire prone land. Accordingly, Council is required to consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in accordance with section 57 of the Act, and take into account any comments so made.

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. However, at present this has not been investigated by the proponent or by Council. 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.

There are no other likely environmental effects as a result of the Planning Proposal.

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

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 population catchment. 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 'Neighbourhood Centre'.

D. State and Commonwealth interests

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

The site is serviced by water, electricity and telecommunication. The applicant indicates that sewage disposal will be via commercial pump-out service as currently exists for all commercial properties within the centre and augmentation of supply of electricity might be required depending on future land use activities on the land. Given the site has reasonable access to the required services it is not likely to place a significant demand on the existing services. A public bus service is also available between the Kurrajong 'Neighbourhood Centre' and Richmond Station.

12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Consultation on the Planning Proposal will be undertaken with those public authorities nominated in the gateway determination. Any proposed variations to the Planning Proposal identified in the submission received would be addressed following consultation and if any changes were made to the proposal the revised Planning Proposal will be submitted to the Minister for Planning & Infrastructure for a revised gateway determination.

4. DETAILS OF THE COMMUNITY CONSULTATION THAT IS TO BE UNDERTAKEN

The Planning Proposal will be advertised in the weekly local newspaper and Council's website and land owners and occupiers likely to be affected by the Planning Proposal will also be notified of the proposal following gateway determination. In accordance with Section 57(2) of the EP & A Act 1979, the Planning Proposal, gateway determination and other relevant documentation will be placed on public exhibition at Council Chambers for the period identified in the gateway determination.