

The Hills LEP 2012 Draft Amendment No 15 - Rezoning at Hector Court, Kellyville

Proposal Title :	The Hills LEP 2012 Draft Amendment No 15 - Rezoning at Hector Court, Kellyville		
Proposal Summary :	To rezone part B1 Neighbourhood Centre, part R3 Medium Density and part R4 High Density Residential Zone to B2 Local Centre Zone with a maximum floor space ratio of 1:1, a maximum height of 12 metres and a minimum lot size of 600m ² , for land at 12 Memorial Avenue and Nos. 2, 2A and 2B Hector Court, Kellyville.		
PP Number :	PP_2013_THILL_008_00	Dop File No :	13/09282-1

Proposal Details

Date Planning Proposal Received :	30-May-2013	LGA covered :	The Hills Shire
Region :	Sydney Region West	RPA :	The Hills Shire Council
State Electorate :	BAULKHAM HILLS	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Lot 2 DP 1131540, part of Lot 2 DP 1087781 (No. 12 Memorial Avenue), Lot 8 DP 1128575 (No. 2 Hector Court), Lot 7 DP 1128575 (No. 2A Hector Court), part of Lot 214 DP 1123224, (No. 2B Hector Court), a section of Memorial Avenue road reserve and a section of Hector Court road reserve.		

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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes

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MDP Number :	NA	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	5,100.00	No of Jobs Created :	109

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

If No, comment : To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : The Department's Lobbyist Contact Register has been checked on 29 May 2013, and there have been no records of contact with lobbyists in relation to this proposal.

Supporting notes

Internal Supporting Notes :

THE SITE

The site is centrally located within the Balmoral Road Release Area (BRRA) and is identified for the future Memorial Avenue Neighbourhood Centre. It is bounded by drainage land (SP2 - Infrastructure 'Stormwater Management System') identified as flood prone to the east and Hector Court to the west (location map attached). Adjacent to the site to the south is a row of recently constructed two storey dwellings on Affleck Circuit, and an approved 127 lot subdivision, integrated housing development to the west of Hector Court.

The site slopes slightly away from Hector Court, with a steeper grade extending from the middle of the site toward the south eastern corner, near Severn Vale Drive.

BACKGROUND

The BRRA is expected to accommodate 6,000 dwellings and an additional population of 13,000 people when it is fully developed. The overall objectives for commercial development in the release area are to provide an appropriate level of retail floor space to meet the needs of the expected population.

The current B1 Neighbourhood Centre zone is to provide a range of small-scale retail, business and community uses that serve the daily needs of the surrounding neighbourhood. It was based on considerable strategic work from 2000 - 2009 including the structure planning for the BRRA and retail analysis which informed the hierarchy of centres contained within Council's Centres Direction.

A key consideration in planning for the release area was the provision of a 'transit centre' proposed between Memorial Road and Balmoral Road along Old Windsor Road associated with the future North West Rail Link. The 'transit centre' is to create a transport orientated urban centre with approximately 10,000 sqm of retail floor space and 70,000 sqm of commercial/employment floor space, based on the expected population and workforce of the release area and the transit centre. The 'transit centre' is one of the three major commercial nodes planned for the BRRA together with the existing Norwest Shopping

Centre and Kellyville village on Windsor Road to meet the retail needs of the expected population.

The 'transit centre' is now no longer proposed on this site given the relocation of the planned Kellyville Station to the intersection of Samantha Riley Drive and Old Windsor Road. This factor combined with proposals to promote higher density housing outcomes close to the new transport infrastructure will result in additional population, and thereby has created potential additional demand for retail expenditure in the area.

CURRENT ZONING

The site is zoned part R3 Medium Density Residential, part R4 High Density Residential and part B1 Neighbourhood Centre under The Hills LEP 2012. Zoning extract and maps are attached.

The Hills Development Control Plan 2012 provides for closure of Hector Court and extension of Severn Vale Drive to Memorial Avenue.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : The objective of the planning proposal is to rezone land at the planned neighbourhood centre at the corner of Hector Court and Memorial Avenue, Kellyville, from part B1 Neighbourhood Centre, part R3 Medium Density Residential and part R4 High Density Residential Zones to B2 Local Centre Zone to enable the development of a higher order retail facility to support the surrounding residential area.

A maximum floor space ratio of 1:1, a maximum height of 12 metres and a minimum lot size of 600 sqm are proposed, consistent with the standards applied to other land zoned B2 Local Centre in the LGA.

The proposed amendment will facilitate the development of a supermarket and specialty shops (5,100 sqm) on the subject site.

Council also proposes to amend The Hills Development Control Plan 2012 Part D Section 7 - Balmoral Road Release Area to reflect the changes to the road layout and to facilitate the delivery of traffic signals and road upgrades at Memorial Avenue, and the proposed extension of the NW Transitway (from Parklea to Castle Hill) by RMS.

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

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

Comment : The planning proposal is the outcome of the recent Council review of the centres hierarchy and consideration of the proposed/changed North West railway route, and the anticipated high density residential and mixed use development proposed around planned rail stations, particularly at Samantha Riley Drive to the west of the site.

Council considers that the site is centrally located, particularly in relation to existing and planned centres, existing and proposed transport infrastructure as well as within the Balmoral Road Release Area.

The Local Centre Zone will be able to capitalise on the increased demand for retail floor space, specifically supermarket floor space, within the locality because of the new rail and road upgrades.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

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 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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

RELEVANT S117 DIRECTIONS

1.1 BUSINESS AND INDUSTRIAL ZONES

The planning proposal will result in 109 additional jobs to the 126 estimated jobs under B1 Neighbourhood zoning, in a highly accessible location within the BRRA.

The planned centre is anticipated by the EIA for a turnover of up to \$43 million annually without unreasonably impacting on the existing or future viability of centres within the BRRA due to anticipated population growth and retail demand forecasts for the area. See discussion below on the EIA.

The planning proposal is consistent with this Direction.

6.1 APPROVAL AND REFERRAL REQUIREMENTS

The planning proposal is not inconsistent with this direction.

3.1 RESIDENTIAL ZONES

The proposed rezoning may result in a reduction in residential yield on the site, however, the proposed zone does not affect the permissibility of residential development. Dwelling houses, multi dwelling housing and shop top housing are permissible within the proposed B2 Zone.

The planning proposal has stated that the development concept submitted with the planning proposal provides for a medium density outcome (20 townhouses) and there will be potential to recover the shortfall of dwellings in other areas of the BRRA. Council is currently assessing a planning proposal for the land east of the subject site to increase the number of dwellings from approximately 31 to 110. Additional dwelling densities are also anticipated within the North West Rail Link (NWRL) corridor in the longer term.

The loss of approximately 7,450 sqm of land zoned for high density residential to the south of the site is considered minor given future gains in dwelling numbers as a result of other proposals for increased density.

The inconsistency of the development with this direction is considered to be of minor significance and the Director General's (or his delegate) approval is required.

3.4 INTEGRATING LAND USE AND TRANSPORT

The location of the proposed local centre is readily walkable, located close to dwellings and also accessible by public transport. The planning proposal will facilitate the development of a viable retail facility and residential development in a location that will benefit from and support planned public transport and road improvements in the

vicinity. These include the six-lane Memorial Avenue upgrade, road improvements, extension of the North West Transitway from Parklea to Castle Hill and the NWRL.

It is considered that the planning proposal is consistent with the direction.

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036 (and DRAFT METROPOLITAN STRATEGY FOR SYDNEY TO 2031)

The planning proposal is consistent with both the strategy and draft strategy as it will provide housing choices and employment in a planned centre, with good access to bus routes and significant transport infrastructure within the Balmoral Road Release Areas (BRRA) and is located in an area exposed to passing trade.

CONSISTENCY WITH DRAFT NORTH WEST SUBREGIONAL STRATEGY

The Draft North West Subregional Strategy plans to accommodate some 130,000 jobs and 140,000 dwellings within the North West Subregion by 2031. Of these, 47,000 jobs (36%) and 36,000 dwellings (26%) are to be accommodated within The Hills Shire. Objectives of the draft Subregional Strategy is for dwelling and employment growth to be concentrated within centres and near to public transport nodes. In this regard the planning proposal is considered to be generally consistent with the draft Subregional Strategy.

CONSISTENCY WITH THE DRAFT BELLA VISTA STATION STRUCTURE PLAN

The planning proposal is also consistent with the draft Bella Vista Station Structure Plan prepared as part of the proposed NW Rail Link (NWRL) Project. The site is proposed to accommodate a mixed use area to support the key metropolitan planning outcomes such as providing more jobs closer to home, building more homes in an existing urban area, and enabling residential and employment growth in areas where there is available or planned public transport. See diagrams from the draft Bella Vista Station Structure Plan.

SEPP 55 – REMEDIATION OF LAND

It is considered that the requirement to undertake a preliminary site investigation can be appropriately addressed at the development stage.

CONSISTENCY WITH THE LOCAL STRATEGIES

Council has advised that the planning proposal is consistent with The Hills 2026 Community Strategic Plan and the Hills Shire Local Strategy (including residential, integrated transport, employment lands and centres directions of the strategy) (refer to pages 4 and 5 of the planning proposal).

DEVELOPMENT CONTROL PLAN

The existing controls in The Hills DCP addresses the closure of Hector Court and incorporation of the closed road with development on adjoining lands. There are also existing measures for setbacks, loading facilities and noise attenuation for adjacent residential development.

Council has proposed amendments to the DCP to address key issues of concern including noise attenuation buffer, the RMS strategic design for Memorial Avenue intersection and upgrade, deletion of special provisions relating to the transit centre development site, provisions for pedestrian/cycle links and the objectives and principles

related to achieving a quality public domain.

TRAFFIC

A Traffic Report by Gennaoui Consulting Pty Ltd was prepared in support of the planning proposal.

Development of the subject site for a supermarket and specialty retail will necessitate delivery of 2 traffic signals to ensure the safety of vehicle and pedestrian movements at the Memorial Avenue/Arnold Avenue/ Severn Vale Drive intersection. The delivery of these signals, need and the timing are to be addressed in the Council's s94 Contribution Plan for the area.

Memorial Avenue is to be upgraded to six lanes incorporating dedicated bus lanes to extend the North West Transitway from Parklea to Castle Hill, as part of the existing Roads and Maritime Services (RMS) strategy.

It is recommended that Council consult with Transport for NSW and Roads and Maritime Services.

ENVIRONMENTAL IMPACT ASSESSMENT

The EIA submitted with the planning proposal models the economic impacts on existing and planned centres. The study identifies the turnover associated with the enlarged centre at \$43m in 2016, which is redirected from a range of existing and planned centres in the surrounding trade area.

The EIA summarised that:

- there will be low to moderate impacts (except for Windsor Road, Kellyville which is high) on existing centres within the immediate trade area;
- a Village Centre could be accommodated in the subject location; and
- all centres in the trade area will experience growth in trade between 2011-2016 even with the development of a village centre on the site because of the significant population increase that will occur in the wider area of BRRA.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council intends to advertise the planning proposal in local newspapers and on Council's website. Adjoining property owners are also to be advised of the proposed rezoning.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment : Council proposes to publicly exhibit the draft plan in September 2013, report it to Council in November, 2013 and to finalise the plan in January, 2014.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : The Hills LEP 2012 is an SI LEP.

Assessment Criteria

Need for planning proposal : Since the centre was identified as a neighbourhood centre in the planning for the release area, there have been a number of recent changes, primarily arising from the delivery of the proposed North West Rail Link (NWRL). As discussed in the earlier sections, there are other proposals seeking to promote higher density housing outcomes close to the new transport infrastructure which will result in additional population, and create additional retail expenditure. The planning proposal (and changes proposed to the development controls) is to permit and facilitate the development of a viable retail facility that meets weekly convenience shopping needs to support the surrounding residential area.

The planning proposal is supported by an Economic Impact Assessment (EIA) and Traffic Report.

Consistency with strategic planning framework : The planning proposal is not in accordance with a strategy approved by the Director General, however, is consistent with the applicable strategic planning framework for the area as discussed under 'Justification' section.

Environmental social economic impacts : Water management

Council has advised that flooding associated with Strangers Creek adjacent to east of the site is contained wholly within the Sydney Water land zoned SP2 Infrastructure and identified as 'stormwater management system'. There are no additional flooding requirements that would apply as a result of the rezoning over and above the requirements contained with The Hills Development Control Plan 2012.

Noise impact

Amendments to the Balmoral DCP map will be made to relocate the noise attenuation buffer further to the south to ensure residential development is treated to minimise noise disturbance for future residents.

The potential land use conflict between future residential development and the retail facility due to noise and hours of operation are considered to be matters which can be managed through the DA process.

Vegetation

The subject site comprises vacant land, single dwellings, outbuildings and mature sized trees. There are no likely or known threatened species or habitats on the site. The redevelopment of the site poses no threat in this regard.

The proposed rezoning is unlikely to result in any adverse environmental impacts.

Assessment Process

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

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

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

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

It is agreed with Council that that the site:

- **is centrally located within the Balmoral Road Release Area within walking distance to the surrounding residential areas; and**
- **is readily accessible by current and planned public transport and presents the opportunity to provide a range of retail and other uses to meet the weekly convenience shopping needs of residents with a scale in keeping with the surrounding residential character.**

Further, the rezoning:

- **is considered appropriate given the locational characteristics and the expected retail demand resulting from recent public infrastructure investments in the area such as Parklea to Castle Hill Transitway, proposed Memorial Road upgrades and NW Rail Link;**
- **will result in an additional 109 jobs in a highly accessible location within the BRRA;**
- **is consistent with relevant strategic planning framework for the area; and**
- **together with amendments to development standards and development control plan will facilitate an appropriate development outcome for the site.**

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Site_location.pdf	Map	Yes
Zoning_and_Land_Use_Table.pdf	Map	Yes
Planning_Proposal_Covering_letter.pdf	Proposal Covering Letter	Yes
Council_report.pdf	Proposal	Yes
Current_and_Proposed_Zoning, FSR, Height_maps.pdf	Map	Yes
Diagrams_from_the_draft_Bella_Vista_Station_Structure_Plan.pdf	Map	Yes
6_June_2013_Planning_Proposal.docx	Proposal	Yes

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
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the proposal proceeds with the following conditions:**

- (1) The Director General's delegate agrees that the inconsistency with section 117 direction 3.1 Residential Zones is of minor significance:**
- (2) Community consultation for 28 days;**
- (3) Consultation with Transport for NSW, Integral Energy, Roads and Maritime Services and Sydney Water;**
- (4) The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.**

Supporting Reasons : **It is considered that the site:**

- **is centrally located within the Balmoral Road Release Area within walking distance to the surrounding residential areas; and**
 - **is readily accessible by current and planned public transport and presents the opportunity to provide a range of retail and other uses to meet the weekly convenience shopping needs of residents with a scale in keeping with the surrounding residential character;**
- and the rezoning:**
- **is considered appropriate given the locational characteristics and the expected retail demand resulting from recent public infrastructure investments in the area such as Parklea to Castle Hill Transitway, proposed Memorial Road upgrades and NW Rail Link;**
 - **will result in an additional 109 jobs in a highly accessible location within the BRRA;**
 - **is consistent with relevant strategic planning framework for the area; and**
 - **together with amendments to development standards and development control plan will facilitate an appropriate development outcome for the site.**

Signature:

Demya Sohn

Printed Name:

PERRYN JOHN

Date:

7 JUNE 2013