

THE HILLS SHIRE COUNCIL

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PCU51046

30 January 2014

Ms Rachel Cumming
Director, Metropolitan Delivery (Parramatta)
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

Our Ref: 4/2014/PLP

Dear Ms Cumming

PLANNING PROPOSAL SECTION 56 NOTIFICATION

The Hills Local Environmental Plan 2012 (Amendment No.) – Proposed amendment to Schedule 1 "Additional Permitted Uses" to permit *landscape material supplies* and/or *garden centre* on RMB104, 104A and RMB 105 Windsor Road and part of 1-3 Wilkins Avenue, Beaumont Hills (4/2014/PLP)

Pursuant to Section 56 of the *Environmental Planning and Assessment Act 1979*, it is advised that Council has resolved to prepare a planning proposal for the above amendment.

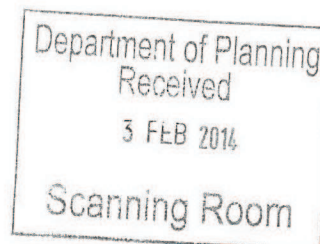
Please find enclosed the information required in accordance with the guidelines 'A guide to preparing planning proposals' issued under Section 55(3) of the EP&A Act. The planning proposal and supporting materials are enclosed with this letter for your consideration. It would be appreciated if an officer of Council can be contacted at the time the planning proposal is being considered by the panel to respond to any questions that may arise. In this regard, please contact Council's Principal - Planning Reform and Policy, Raquel Ricafort-Bleza on 9843 0560.

In considering the planning proposal, Council at its meeting of 10 December 2013 agreed to support the planning proposal by limiting access to Windsor Road to minimise amenity impacts to residents in Millcroft Way and Wilkins Avenue. Subsequent to the Council meeting, Council received advice from the Roads and Maritime Services (RMS) that it raises no objection to the planning proposal subject to ingress and egress for the development to be via Millcroft Way and/or Wilkins Avenue. RMS further added that, if required, RMS may consider left-out only access onto Windsor Road from the development. It is therefore requested that, as part of any gateway determination, specific consideration be given to the need to resolve access issues to both the satisfaction of Council and the RMS.

Following receipt by Council of the Department's written advice, Council will proceed with the planning proposal. Any future correspondence in relation to this matter should quote reference number 4/2014/PLP. Should you require further information please contact Raquel Ricafort-Bleza on 9843 0560.

Yours faithfully

Janelle Atkins
ACTING MANAGER - FORWARD PLANNING



PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to amend Schedule 1 "Additional Permitted Uses" to permit *landscaping material supplies* and/or *garden centre* on RMB104, 104A and RMB 105 Windsor Road and part of 1-3 Wilkins Avenue, Beaumont Hills (4/2014/PLP).

ADDRESS OF LAND: RMB104, 104A and RMB 105 Windsor Road and part of 1-3 Wilkins Avenue, Beaumont Hills

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	1 cottage on RMB104A	None proposed	0
Jobs	37	37	37

SUPPORTING MATERIAL:

Attachment A Assessment Against State Environmental Planning Policies
Attachment B Assessment Against Section 117 Ministerial Directions
Attachment C Council Report and Resolution, 10 December 2013

THE SITE:

The subject site consists of four properties known as RMB104, 104A and RMB 105 Windsor Road and part of 1-3 Wilkins Avenue, Beaumont Hills and has a total area of approximately 7501m².

The site is bound by Windsor Road to the south, Millcroft Way to the west, Wilkins Avenue to the north and undeveloped residentially zoned land to the east. It is sited 400m to the east of Old Windsor Road and approximately 1.4km north of the future Kellyville Railway Station.

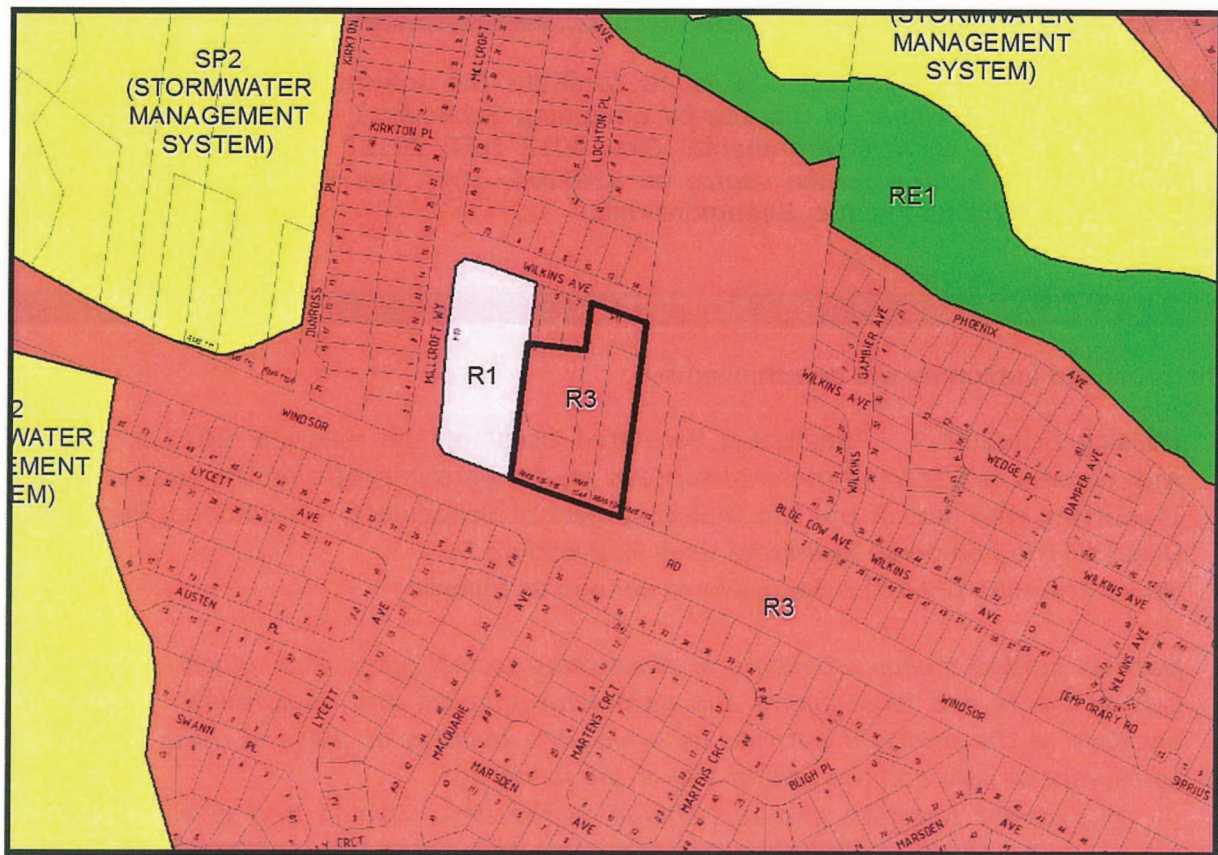


Figure 1
Site and its surrounds

The surrounding locality is generally characterised by single and two storey residential dwelling houses. Adjoining the site to the east is RMB103 Windsor Road occupied by a dwelling and Lot 32 DP 1121593 Windsor Road which is currently vacant and heavily vegetated. Lot 32 was the subject of a subdivision application (389/2011/ZB) proposing 30 residential lots and was refused on 5 February 2013 due in part to vegetation (endangered ecological community) concerns.

The site is currently zoned R3 Medium Density Residential which is to be retained (Figure 2). The planning proposal is seeking an amendment to The Hills Local Environmental Plan 2012 (LEP 2012) to amend Schedule 1 "Additional Permitted Uses" to permit *landscaping material supplies* and/or *garden centre* on RMB104, RMB104A and RMB105 Windsor Road and part of 1-3 Wilkins Avenue, Beaumont Hills. The reason for such is that this will allow the site to maintain the current residential zoning while allowing the

particular development type being *landscaping material supplies* and/or *garden centre* which would allow the relocation of Baulkham Hills Landscape Supplies/Amber to the subject site.



Land Zoning (LZN)

R1	General Residential	RE1	Public Recreation
R3	Medium Density Residential	SP2	Infrastructure

Figure 2
Existing Zoning (LEP 2012)

BACKGROUND:

Baulkham Hills Landscape Supplies/Amber has been operating at its current site on the corner of Windsor Road and Old Windsor Road, Beaumont Hills for the past 35 years. The property was recently acquired by Transport for NSW for the extension of the North West Rail Link, necessitating its closure and relocation by September 2014.

To facilitate operational continuity, the owners have already purchased the subject site with the intention of relocating the business there as soon as possible.

The subject site currently includes various properties containing uses that are prohibited in the R3 Medium Density Residential zone, including a real estate agent and plant and equipment storage and repairs which are subject to historical approvals.

The previous owners of the subject site made submissions during the exhibition of Draft The Hills Local Environmental Plan 2010 requesting it be zoned B6 Enterprise Corridor

zone instead of R3 Medium Density Residential. However, it was considered at this time that the R3 Medium Density Residential zone should be retained as it is consistent with the density provisions in the Kellyville Rouse Hill Development Control Plan.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The objective of the proposed LEP is to facilitate the relocation of Baulkham Hills Landscape Supplies/Amber to the site by amending Schedule 1 - "Additional Permitted Uses" of The Hills Local Environmental Plan 2012 (LEP 2012) to permit *landscaping material supplies* and/or *garden centre* on RMB104, 104A and RMB105 Windsor Road and part of 1-3 Wilkins Avenue, Beaumont Hills.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcomes will be achieved by:

- Utilising Schedule 1 - "Additional Permitted Uses" of The Hills LEP 2012 to permit with consent *landscaping material supplies* and/or *garden centre* on the subject site.
- Identifying that part of the site that is subject to Schedule 1 - "Additional Permitted Uses" on the Additional Permitted Uses Map (Figure 5).
- Under The Hills LEP 2012 the uses are defined as follows:

garden centre means a building or place the principal purpose of which is the retail sale of plants and landscaping and gardening supplies and equipment. It may, if ancillary to the principal purpose for which the building or place is used, include a restaurant or café and the sale of any of the following:

- a) Outdoor furniture and furnishings, barbecues, shading and awnings, pools, spas and associated supplies, and items associated with the construction and maintenance of outdoor areas,
- b) Pets and pet supplies,
- c) Fresh produce.

landscaping material supplies means a building or place used for the storage and sale of landscaping supplies such as soil, gravel, potting mix, mulch, sand, railway sleepers, screening, rocks and the like.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

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

No, the planning proposal is not a result of any strategic study or report. The planning proposal is considered a practical solution to facilitate the relocation of Baulkham Hills Landscape Supplies/Amber from their current site to the subject site to ensure business continuity and maintain employment opportunities within The Hills Shire.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes, the planning proposal is considered to be the best way to ensure that the development and operation of a *landscaping material supplies* and/or *garden centre* in this location.

An amendment to Schedule 1 - "Additional Permitted Uses" of The Hills LEP 2012 is proposed to ensure that the site maintains the current residential zoning while allowing the particular development types, being *landscaping material supplies* and/or *garden centre* only on the mapped portion of the site.

The use of a Schedule 1 amendment is preferred to a rezoning to B6 Enterprise Corridor, as sought by the proponent, as this would permit a variety of other business uses, some of which have the potential to impact on the amenity of existing residential development in the locality.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Draft Metropolitan Strategy for Sydney and exhibited draft strategies)?*

Yes, a discussion of consistency is provided below.

• Metropolitan Plan for Sydney 2036

The strategic plan prepared by the NSW Government entitled the *Metropolitan Plan for Sydney 2036* aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036.

Being located approximately 1.4km from the future Kellyville Railway Station and within an area characterised by increasing residential development, the site is well-placed to contribute to employment opportunities close to a residential area.

• Draft Metropolitan Strategy for Sydney 2031

The *Draft Metropolitan Strategy for Sydney* was released in March 2013 for public comment. Once finalised, the draft Strategy will replace the Metropolitan Plan for Sydney 2036. The draft Strategy establishes a vision with key objectives, policies and actions to guide the growth of Sydney to 2031 and is underpinned by the following key outcomes:

- Balanced growth;
- A liveable city;
- Productivity and prosperity;
- Healthy and resilient environment; and
- Accessibility and connectivity.

The draft Metropolitan Strategy policy puts a focus on strategic centres providing medium and high density housing and business and commercial growth with supporting infrastructure.

The planning proposal is generally consistent with the Strategy given its close proximity to Rouse Hill Major Centre and the North West Growth Centre precincts which will provide for the housing needs of a growing community. The site is suitably located to accommodate employment growth.

- **Draft North West Subregional Strategy**

The draft *North West Subregional Strategy* was prepared by the NSW Government to implement the Metropolitan Plan and the State Plan. The draft 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. An overarching theme of the strategy is for dwelling and employment growth to be concentrated within centres and near to public transport hubs.

As discussed above, the proposal is generally consistent with the strategy which aims to locate jobs close to transport connections and areas of population growth.

- **North West Rail Link Corridor Strategy**

The Department of Planning & Infrastructure has produced a Corridor Strategy, adopted in September 2013 to guide future development around the eight (8) new stations of the North West Rail Link. The introduction of the North West Rail Link (NWRL) and a station at Kellyville has the potential to increase Kellyville's role as a residential area, origin station and Village Centre within the North West Subregion.

The Corridor Strategy (Figure 3) provides a vision for how the areas surrounding the railway stations could be developed to integrate new homes and jobs. Whilst the subject site is identified as an opportunity site for medium density housing development under the Strategy, it is important to note that detailed planning has yet to be undertaken and the particular constraints applying to the subject site need to be considered. In this regard, the existence of commercial type uses on the subject land is likely to inhibit the delivery of medium density housing outcomes in the short term. There is considered to be opportunity to transition the uses of the site to residential purposes in the longer term if the proposed use as *landscaping material supplies* and/or *garden centre* is allowed as additional permitted uses and the underlying R3 Medium Density Residential zone maintained.

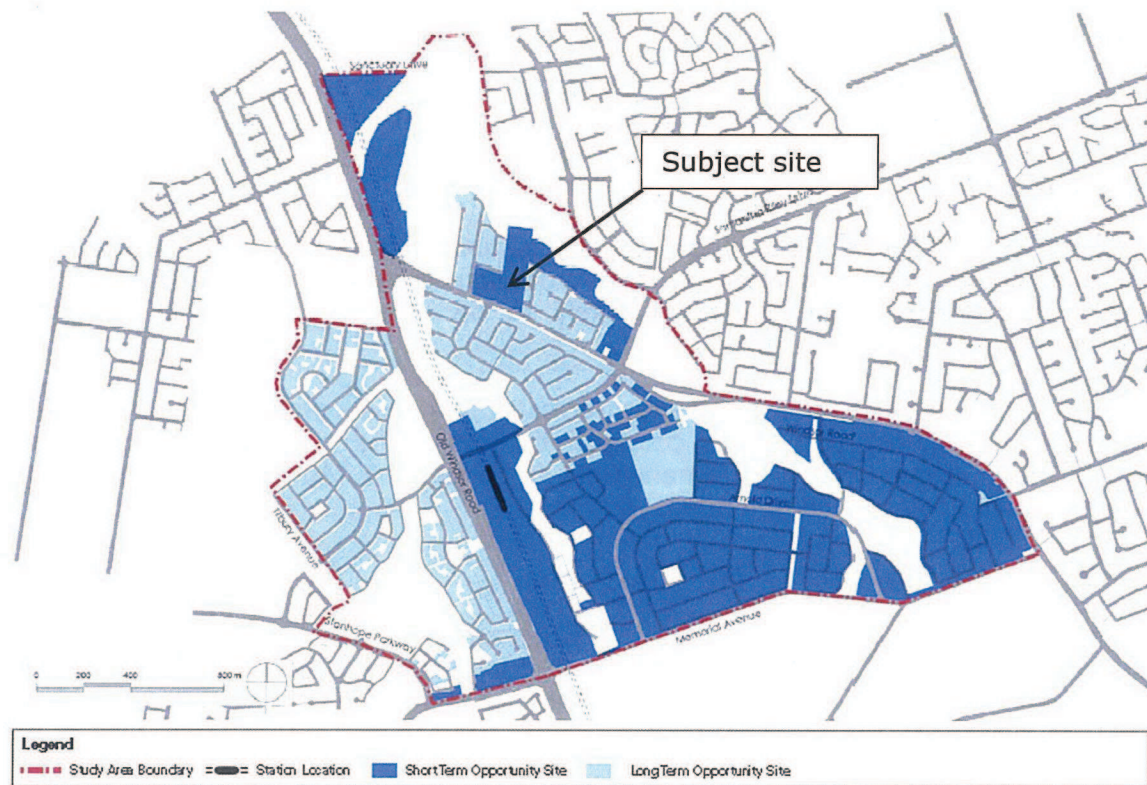


Figure 3
Location of Opportunity Sites (short term)
North West Rail Link Corridor Strategy Sept 2013

4. *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?*

Yes, a discussion of consistency is provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Direction articulates the community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where The Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The planning proposal will assist in the realisation of The Hills Future outcome of balanced urban growth through proposing land uses that will promote economic activity in the locality.

- **The Hills Shire Local Strategy**

The Residential and Employment Lands Directions are the relevant components of the Local Strategy to be considered in assessing this application.

- Residential Direction

The *North West Subregional Strategy* sets targets for the Shire to contribute additional housing to accommodate a share of Sydney's population growth. The Residential Direction indicates that there is sufficient capacity to accommodate these targets based on the existing planning framework and current projects.

It is acknowledged that the planning proposal as submitted would result in a reduction in the availability of residential zoned land. As previously stated however, the short term delivery of residential development is likely to be constrained by the existence of commercial type uses on the subject land.

In order to maintain the potential for future residential development in proximity to the future rail station, the applicant's proposal to rezone the subject land for business purposes was not supported. An amendment to Schedule 1 "Additional Permitted Uses" of The Hills LEP 2012 is recommended.

- Employment Lands Direction

The *North West Subregional Strategy* establishes an employment capacity target for the Shire from 2001 to 2031 of 47,000 jobs. The Employment Lands Direction demonstrates that there is capacity to meet this target with capacity for 55,574 additional jobs to 2031. The Direction also seeks to promote local business and employment opportunities and enhance the use and viability of existing employment lands.

The planning proposal would formalise the use of the site for *landscaping material supplies* and/or *garden centre* thereby contributing to employment opportunities in the Shire.

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A. A discussion on the consistency of the proposal with the relevant policies is provided below.

- **State Environmental Planning Policy No. 55 – Remediation of Land**

This policy aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any aspect of the environment.

This policy requires a planning authority to consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.

The site and surrounds have been developed for a mix of business and residential purposes. Given that the proposed land use (i.e. landscaping material supplies and/or garden centre) is consistent with some of the current uses (e.g. plant and equipment storage and repairs to plant and machinery) it is considered that any further requirements of SEPP 55 can be satisfactorily addressed at the development application stage should the planning proposal proceed.

- **State Environmental Planning Policy (Infrastructure) 2007**

The aim of this Policy is to facilitate the effective delivery of infrastructure across the State by:

- a) improving regulatory certainty and efficiency through a consistent planning regime for infrastructure and the provision of services, and
- b) providing greater flexibility in the location of infrastructure and service facilities, and
- c) allowing for the efficient development, redevelopment or disposal of surplus government owned land, and
- d) identifying the environmental assessment category into which different types of infrastructure and services development fall (including identifying certain development of minimal environmental impact as exempt development), and
- e) identifying matters to be considered in the assessment of development adjacent to particular types of infrastructure development, and
- f) providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing.

Windsor Road is a major arterial road with a four-lane divided carriageway. The planning proposal proposes access be limited to Windsor Road only to minimise amenity impacts on the residents in Millcroft Way and Wilkins Avenue.

Any future development within the precinct will need to be in accordance with the provisions of the Policy, specifically in relation to development on or along a classified road.

- **Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River**

The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

The site is located in close proximity to Strangers Creek to the north east and Smalls Creek to the west. Assessment of the proposed future development will require consideration of matters such as the potential impacts on environmentally sensitive areas, water quality, water quantity, scenic quality, agriculture and metropolitan strategy.

The site is not identified impacted by flooding. However, any future development will need to address stormwater and associated water quality. It is considered that any further requirements of SREP 20 can be appropriately addressed at the development application stage.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 1.1 Business and Industrial Zones**

The objectives of this Direction are to encourage employment growth in suitable locations, protect employment lands in business and industrial zones and support the viability of identified strategic centres. In considering this planning proposal, the planning authority must, in part, give effect to the objectives of this direction, and retain areas and location of existing business and industrial zones.

It is not considered that the planning proposal would significantly affect the viability of any strategic centre. It is considered that the planning proposal is consistent with this Direction.

- **Direction 3.1 Residential Zones**

The objectives of this Direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services and to minimise the impact of residential development on the environment.

The planning proposal is considered consistent with this Direction since it maintains the future residential development potential secondary to the proposed business/commercial functions of the site. The existing zoning provides for a range of housing opportunities including dwelling houses, dual occupancies and multi-dwelling housing.

- **Direction 3.4 Integrating Land Use and Transport**

The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, and 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 reducing travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- (c) supporting the efficient and viable operation of public transport services, and providing for the efficient movement of freight.

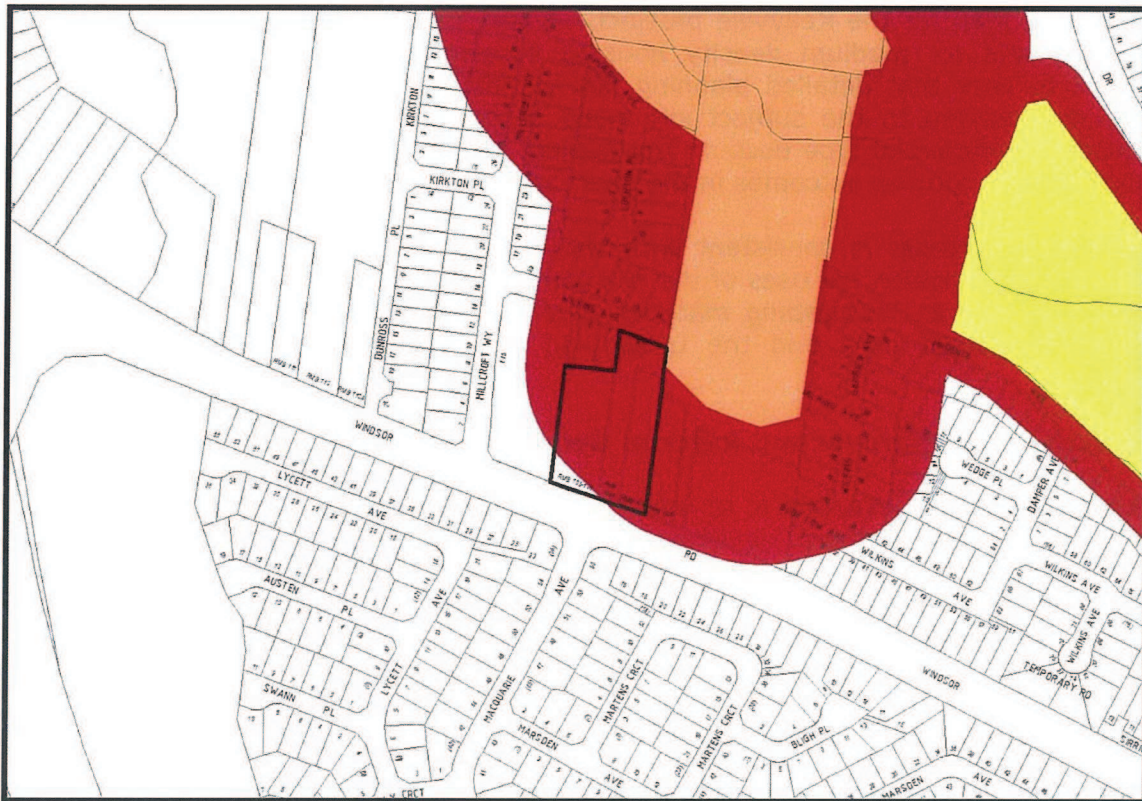
This Direction is applicable since it proposes changes to the provisions applying to land zoned R3 Medium Density Residential.

The planning proposal is consistent with this Direction since the site is located within an established business precinct (Kellyville Pets, Café and Veterinary Hospital) with access to public transport (buses and future railway) and infrastructure. It will provide opportunities for employment in an area that will accommodate future residential growth and the future Kellyville Rail Station.

- **Direction 4.4 Planning for Bushfire Protection**

The objectives of this Direction are to protect life, property and the environment from bushfire hazards through sound management of bushfire prone areas.

Part of the site is identified as bushfire prone land (Figure 4).



BUSHFIRE PRONE LAND (BFPL)

- BFPL Vegetation Category 1
- BFPL Vegetation Category 2
- BFPL Vegetation Buffer - 100m and 30m

Figure 4
Bushfire Prone Land Mapping

The direction requires that planning proposals:

- a) have regard to *Planning for Bushfire Protection 2006*;
- b) introduce controls that avoid placing inappropriate development in hazardous areas; and
- c) ensure that bushfire hazard reduction is not prohibited within the Asset Protection Zone (APZ).

Future development will need to have regard to the provisions of the *Planning for Bushfire Protection 2006* document and relevant legislation both under the *Environmental Planning and Assessment Act 1979* and *Rural Fires Act 1997*.

Should the planning proposal proceed, this matter will be further addressed at the development application stage, including referral to the NSW Rural Fire Service. The planning proposal is therefore consistent with this direction.

• **Direction 5.9 North West Rail Link Corridor Strategy**

The objectives of this Direction are to promote transit-oriented development and manage growth around the eight train stations of the North West Rail Link (NWRL) and ensure that development within the NWRL corridor is consistent with the proposals set out in the NWRL Corridor Strategy and precinct Structure Plans