

It is noted that the site is identified for medium density residential development under the Structure Plan for the Kellyville precinct. 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.

The planning proposal is consistent with this direction as 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.

- **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.

The planning proposal is consistent with this direction since it does not include provisions requiring the concurrence or referral of future applications to a Minister or public authority.

- **Direction 6.3 Site Specific Provisions**

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

The planning proposal is consistent with this direction since, through the use of Schedule 1 - Additional Permitted Uses, it will allow future development for the purposes of a *landscaping materials supplies* and/or *garden centre* in order to facilitate the relocation of the Baulkham Hills Landscape Supplies/Amber business to this site.

- **Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

The strategic plan prepared by the NSW Government titled 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.

The planning proposal is consistent with the strategic directions and key policy settings of the strategy since it will contribute to local employment opportunities close to future residential growth areas. The site is well-located to utilise existing services and infrastructure including the future Kellyville Rail Station.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. 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?

No, the land that is subject to the planning proposal is currently developed and contains a mix of business uses. It has not been identified as containing any biodiversity areas, riparian corridors, or areas of significant vegetation and therefore is considered unlikely that the proposal will have any impact on critical habitat or threatened species, populations or ecological communities and their habitats.

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

The site is not identified as being subject to natural hazards such as flooding or landslip. However, there is a potential for a landscaping material supplies and/or garden centre business to have impacts on the surrounding area particularly in regard to noise and dust, vehicular movements (both car and trucks).

An amendment to The Hills Development Control Plan 2012 Part B Section 6 Business is recommended to include appropriate controls relating to noise, dust, odour, setbacks, landscaping and access.

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

The planning proposal is not anticipated to have any negative social or economic impacts on the locality. The planning proposal would provide the necessary legislative changes to permit a *landscaping materials supplies and/or garden centre* to relocate on the site whilst maintaining the residential zoning consistent with the objectives of The Hills LEP 2012.

The subject site has two street frontages, with entry/exit points to the site currently available from Wilkins Avenue (via Millcroft Way) and Windsor Road. To minimise amenity impacts to residents in the Millcroft Way and Wilkins Avenue, it is proposed that access be limited to Windsor Road only.

In addition, amendment to The Hills Development Control Plan 2012 Part B Section 6 - Business is also recommended to ameliorate the potential impacts of the proposed development on the surrounding residential area. A number of controls are recommended to address the potential impacts including:

- Setback of 3 metres to adjoining residential properties
- Setback of 6 metres to Wilkins Avenue to allow for landscaping
- Setback of 2 metres to the adjacent Kellyville Pets development
- Noise attenuation measures
- Provision of acoustic fencing to residential properties and Kellyville Pets
- Provision of access and egress to Windsor Road only to the satisfaction of Council and the Roads and Maritime Services

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

Yes, future development for a landscaping material supplies and/or garden centre will be supported by the necessary services including electricity, telecommunication, gas, water, sewer and stormwater drainage. These services are currently available on the site.

There must also be enough room on the site for the proposed development and for any associated water management facility. This may mean a dam, pond, tank or some other gross pollutant trap which can be assessed at the development application stage.

11. 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? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)

The views of the State and Commonwealth Public Authorities will not be known until after the Gateway Determination. An initial list of public authorities to be consulted includes, but is not limited to the following:

- NSW Rural Fire Service
- NSW Roads and Maritime Services

PART 4 MAPPING

The planning proposal seeks to amend Schedule 1 "Additional Permitted Uses" of *The Hills Local Environmental Plan 2012* and identify the subject area of land with a black outline on the Additional Permitted Uses Map.



Additional Permitted Uses (APU)

 refer to schedule 1

Figure 5
Additional Permitted Uses Map

PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in local newspapers and on display at Council's administration building and Castle Hill and Rouse Hill Libraries. The planning proposal will also be made available on Council's website. In addition, letters will be issued to adjoining and nearby property owners and stakeholders within the locality advising them of the proposed amendments. If required, resident information sessions may be arranged.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	February 2014
Government agency consultation	March 2014
Commencement of public exhibition period (14 days)	March 2014
Completion of public exhibition period	April 2014
Timeframe for consideration of submissions	April 2014
Timeframe for consideration of proposal post exhibition	April 2014
Report to Council on submissions	May 2014
Planning Proposal to PCO for opinion	June 2014
Date Council will make the plan (if delegated)	July 2014
Date Council will forward to department for notification (if delegated)	July 2014

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
No. 1	Development Standards	NO	NO	-
No. 4	Development without Consent and Miscellaneous Exempt & Complying Development	NO	NO	-
No. 6	Number of Storeys in a Building	NO	NO	-
No. 14	Coastal Wetlands	NO	NO	-
No. 15	Rural Landsharing Communities	NO	NO	-
No. 19	Bushland in Urban Areas	NO	NO	-
No. 21	Caravan Parks	NO	NO	-
No. 22	Shops and Commercial Premises	NO	NO	-
No. 2NO6	Littoral Rainforests	NO	NO	-
No. 29	Western Sydney Recreation Area	NO	NO	-
No. 30	Intensive Agriculture	NO	NO	-
No. 32	Urban Consolidation (Redevelopment of Urban Land)	YES	NO	-
No. 33	Hazardous and Offensive Development	NO	NO	-
No. 36	Manufactured Home Estates	NO	NO	-
No. 39	Spit Island Bird Habitat	NO	NO	-
No. 41	Casino Entertainment Complex	NO	NO	-
No. 44	Koala Habitat Protection	NO	NO	-
No. 47	Moore Park Showground	NO	NO	-
No. 50	Canal Estate Development	NO	NO	-
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	NO	-
No. 55	Remediation of Land	YES	NO	-
No. 59	Central Western Sydney Regional Open Space and Residential	NO	NO	-
No. 60	Exempt and Complying	NO	NO	-
No. 62	Sustainable Aquaculture	NO	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
Affordable Rental Housing (2009)		YES	NO	-

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE	RELEVANT ? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Building Sustainability Index: BASIX 2004	YES	NO	-
Exempt and Complying Development Codes (2008)	YES	NO	-
Housing for Seniors or People with a Disability (2004)	YES	NO	-
Infrastructure (2007)	YES	YES	CONSISTENT
Kosciuszko National Park – Alpine Resorts (2007)	NO	NO	-
Kurnell Peninsula (1989)	NO	NO	-
Major Development (2005)	NO	NO	-
Mining, Petroleum Production and Extractive Industries (2007)	NO	NO	-
Rural Lands (2008)	NO	NO	-
SEPP 53 Transitional Provisions (2011)	NO	NO	-
Sydney Drinking Water Catchment (2011)	NO	NO	-
Sydney Region Growth Centres (2006)	NO	NO	-
Temporary Structures (2007)	YES	NO	-
Urban Renewal (2010)	NO	NO	-
Western Sydney Employment Area (2009)	NO	NO	-
Western Sydney Parklands (2009)	NO	NO	-
Deemed SEPPs			
SREP No.9 – Extractive Industry (No 2 – 1995)	NO	NO	-
SREP No.18 – Public Transport Corridor	NO	NO	-
SREP No.19 – Rouse Hill Development Area	NO	NO	-
SREP No.20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	YES	CONSISTENT

ATTACHMENT B: LIST OF SECTION 117 DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	YES	YES	CONSISTENT
1.2	Rural Zones	NO	NO	-
1.3	Mining, Petroleum Production and Extractive Industries	NO	NO	-
1.4	Oyster Aquaculture	NO	NO	-
1.5	Rural Lands	NO	NO	-
2. Environment and Heritage				
2.1	Environment Protection Zone	YES	NO	-
2.2	Coastal Protection	NO	NO	-
2.3	Heritage Conservation	YES	NO	-
2.4	Recreation Vehicle Area	YES	NO	-
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	YES	CONSISTENT
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3	Home Occupations	YES	NO	-
3.4	Integrating Land Use and Transport	YES	YES	CONSISTENT
3.5	Development Near Licensed Aerodromes	NO	NO	-
3.6	Shooting Ranges	NO	NO	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	NO	NO	-
4.2	Mine Subsidence and Unstable Land	NO	NO	-
4.3	Flood Prone Land	NO	NO	-
4.4	Planning for Bushfire Protection	YES	YES	CONSISTENT
5. Regional Planning				
5.1	Implementation of Regional Strategies	NO	NO	-
5.2	Sydney Drinking Water Catchment	NO	NO	-
5.3	Farmland of State and Regional Significance on the SNW Far North Coast	NO	NO	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	NO	-
5.8	Second Sydney Airport:	NO	NO	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
	Badgerys Creek			
5.9	North West Rail Link Corridor Strategy	YES	YES	CONSISTENT
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	YES	CONSISTENT
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	YES	CONSISTENT
7. Metropolitan Planning				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	YES	YES	CONSISTENT

ORDINARY MEETING OF COUNCIL

10 DECEMBER, 2013

ITEM-4	PLANNING PROPOSAL - 1- 15 MILLCROFT WAY, RMB 104, 104A AND 105 WINDSOR ROAD, 1-3, 5 AND 7 WILKINS AVENUE, BEAUMONT HILLS 4/2014/PLP
THEME:	Balanced Urban Growth
OUTCOME:	7 Responsible planning facilitates a desirable living environment and meets growth targets.
STRATEGY:	7.2 Manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations.
GROUP:	STRATEGIC PLANNING
AUTHOR:	PRINCIPAL FORWARD PLANNER RAQUEL RICAFORT-BLEZA
RESPONSIBLE OFFICER:	MANAGER FORWARD PLANNING STEWART SEALE

EXECUTIVE SUMMARY

This report recommends that Council forward a planning proposal to amend Schedule 1 'Additional Permitted Uses' of The Hills Local Environmental Plan 2012 (LEP 2012) to permit *landscaping material supplies* on RMB 104, RMB 104A and RMB 105 Windsor Road and 1-3 Wilkins Avenue, Beaumont Hills to the Department of Planning and Infrastructure for Gateway Determination.

The proposal is supported on the basis that it is consistent with strategic planning objectives related to employment growth. Rather than rezoning the site from part R1 General Residential and part R3 Medium Density Residential to B6 Enterprise Corridor in LEP 2012, as sought by the proponent, an amendment to Schedule 1 'Additional Permitted Uses' of LEP 2012 is proposed as an alternative method to ensure that the site maintains the current residential zoning while allowing the particular development type, being *landscaping material supplies* on the site.

Amendment to the Hills Development Control Plan 2012 Part B section 6 Business is also recommended to ameliorate the potential impacts of the proposed development on the adjacent residential area.

APPLICANT

UPDM Pty Ltd

OWNERS

1/1-15 Millcroft Way
2/1-15 Millcroft Way
3/1-15 Millcroft Way
RMB 104 Windsor Road
RMB 104A Windsor Road

NSW Animal Hospitals P/L
Grima Investments P/L
Grima Investments P/L
Mr D and Ms H Kam
Mr D and Ms H Kam

RMB 105	Mr J Cann
1-3 Wilkins Avenue	Mr J Cann
5 Wilkins Avenue	Mr J Sultana
7 Wilkins Avenue	Mr A Locaputo and Ms V Sokalik

THE HILLS LOCAL ENVIRONMENTAL PLAN 2012

Zones:	Part R1 General Residential Part R3 Medium Density Residential
Minimum Lot Size:	R1 zone – 450m ² R3 zone – 450m ²
Maximum Floor Space Ratio:	R1 zone – 1:1 R3 zone – No applicable FSR
Maximum Height of Buildings:	10m

POLITICAL DONATIONS

Nil

HISTORY

19/09/1989	Rural industry approved for RMB104A Windsor Road (D89/248)
14/05/1991	Rural industry approved at RMB104 Windsor Road (D90130/1990)
23/09/2002	Real estate agency approved at RMB105 Windsor Road (224/2003/HA)
28/10/2013	Subject planning proposal was lodged.
03/12/2013	Planning proposal presented to a Councillor Workshop.

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 majority of the subject site with the intention of relocating the business there as soon as possible.

The subject site 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.

Previous owners of the subject site (with the exception of 5 and 7 Wilkins Avenue) 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. It was considered at this time that the R3 Medium Density Residential zone should be retained.

REPORT

The purpose of this report is to consider an amendment to The Hills Local Environmental Plan 2012 (LEP 2012) to permit *landscaping material supplies* on land at RMB 104, RMB 104A and RMB 105 Windsor Road and 1-3, 5 and 7 Wilkins Avenue, Beaumont Hills to facilitate the relocation of Baulkham Hills Landscape Supplies/Amber.

1. THE SITE

The subject site consists of seven (7) properties known as RMB104, RMB104A and RMB105 Windsor Road and 1-3, 5 and 7 Wilkins Avenue, Beaumont Hills and has a total area of 1.493 hectares.

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 approximately 400m to the east of Old Windsor Road and 800m to the north of the future Kellyville Railway Station.

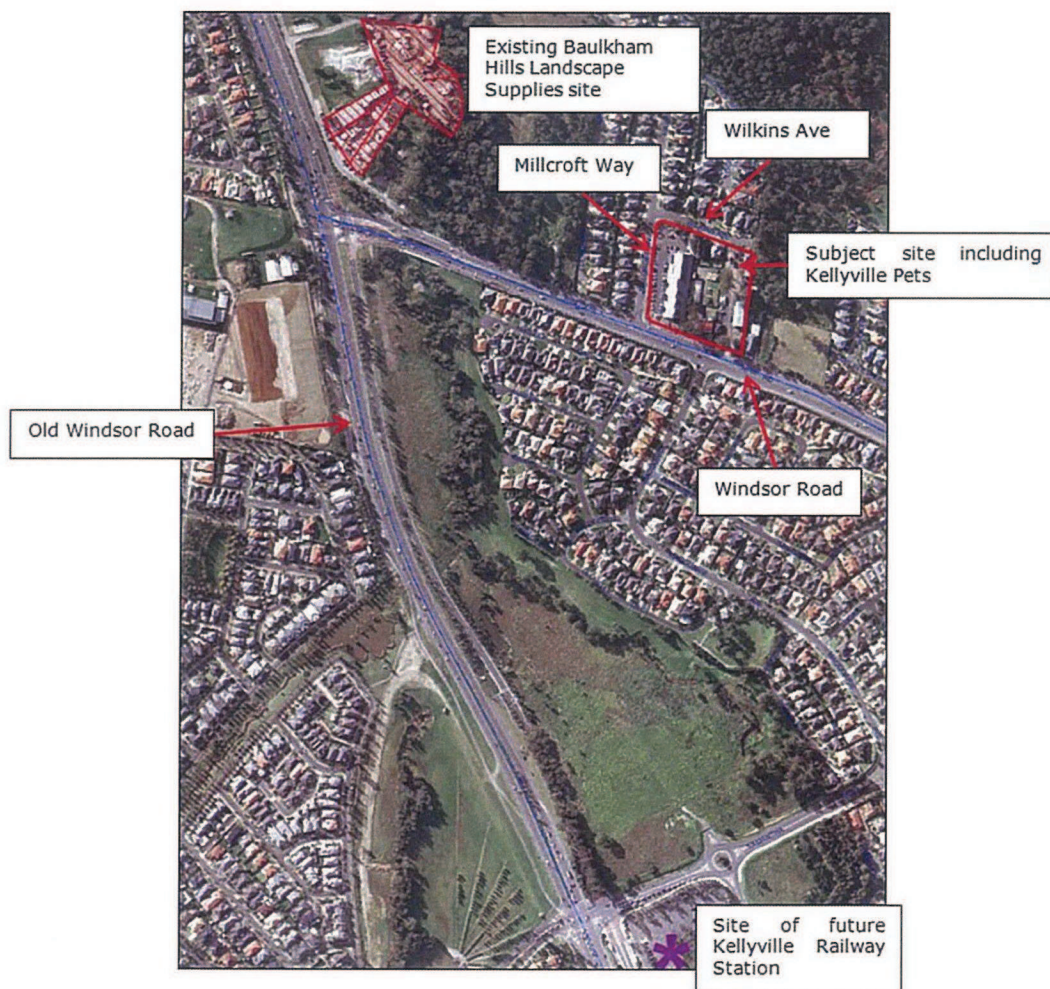


Figure 1
Site and its surrounds

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 due in part to vegetation (endangered ecological community) concerns.

The site consists of residential and non-conforming commercial uses, some of which may benefit from existing use rights as follows:

Property Address	Description	Land Area
1-15 Millicroft Way	Kellyville Pets, Veterinary Practice and Grooming Salon, Pet Food Shop and Café. (DA Approved 3221/2002/HA)	6062m ²
RMB104 Windsor Road	Industrial shed, plant and equipment storage (DA Approved 90130/1990/Z_BK for rural industrial building)	2030m ²
RMB104A Windsor Road	Building (Site office) and plant and equipment storage and repairs to trucks, plant and machinery (DA Approved D89/248 for rural industry).	2320m ²
RMB105 Windsor Road	Real estate agency, plant and equipment storage and repairs to trucks, plant and machinery (DA Approved 224/2003/HA for a real estate agency).	1293m ²
1-3 Wilkins Avenue	Plant and equipment storage and repairs to trucks, plant and machinery (No development application is specific to this site however it previously formed part of RMB105 Windsor Road).	2065m ²
No. 5 Wilkins Avenue	Single storey dwelling	535.7m ²
No. 7 Wilkins Avenue	Two storey dwelling	482.3m ²

Table 1
Existing Land uses

2. PLANNING PROPOSAL

The planning proposal is seeking an amendment to The Hills Local Environmental Plan 2012 to rezone the subject land from R1 General Residential and R3 Medium Density residential to B6 Enterprise Corridor on land at RMB104, RMB104A and RMB105 Windsor Road and 1-3, 5 and 7 Wilkins Avenue, Beaumont Hills. The reason for such is that the B6 Enterprise corridor zone permits *landscaping material supplies* which would allow the relocation of Baulkham Hills Landscape Supplies/Amber to the subject site.