

**State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - North
Kellyville Precinct Plan Amendment**

Proposal Title : **State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - North Kellyville Precinct Plan Amendment**

Proposal Summary : **The proposal seeks to provide greater flexibility for subdivision of all lots which are zoned part E4 Environmental Living and part R2 Low Density Residential in the North Kellyville precinct.**

PP Number : **PP_2013_THILL_004_00** Dop File No : **13/05592**

Proposal Details

Date Planning Proposal Received : **09-May-2013** LGA covered : **The Hills Shire**

Region : **Sydney Region West** RPA : **The Hills Shire Council**

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

LEP Type : **Precinct**

Location Details

Street :
Suburb : City : Postcode :

Land Parcel : **All lots which are zoned part E4 Environmental Living and part R2 Low Density Residential in the North Kellyville precinct. (See attached Indicative Layout Plan for location.)**

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre : **Sydney North West** Release Area Name : **North Kellyville**

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) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	96	No. of Dwellings (where relevant) :	48
Gross Floor Area :	0	No of Jobs Created :	0

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

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 9 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 proposal applies to 96 lots within the North Kellyville Precinct of the North West Growth Centre. These lots are 'split-zoned', meaning that part of each lot is zoned R2 Low Density Residential, and part is zoned E4 Environmental Living.

BACKGROUND

The North Kellyville Precinct is subject to a Precinct Plan (Appendix 2) under SEPP (Sydney Region Growth Centres) 2006. The Department's Strategies and Land Release group, responsible for administering the SEPP, has identified that the split zoning of these 96 lots is problematic, as the minimum lot size that applies to the E4 Environmental Living zone is obstructing orderly subdivision of these split-zoned lots.

At the instigation of Strategies and Land Release, The Hills Shire Council has addressed this by lodging the planning proposal, whose intent is to allow for subdivision of the split-zoned lots without altering the minimum lot size for subdivision in the E4 zone.

EMPLOYMENT AND HOUSING DELIVERY

The proposal's intent is to improve the flexibility of subdivision in the precinct. As such, it has the potential to allow for increased housing yield, but is not guaranteed to do so.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The proposal seeks to amend SEPP (Sydney Region Growth Centres) 2006 to allow greater**

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subdivision flexibility and promote orderly development. It aims to achieve this by providing the consent authority with a mechanism to consider the subdivision of lots that are zoned part E4 and part R2 in situations where the boundaries of the proposed lots do not conform to the zone boundaries.

The R2-zoned land in North Kellyville generally has a minimum lot size of 360 square metres, while the E4-zoned land has a range of minimum lot sizes from 1500 square metres to 4000 square metres.

While it is currently permissible to subdivide 'split-zoned' lots, any subdivision is limited to developments which comply with the minimum subdivision lot size for each zone (ie. a lot cannot be created that is mostly zoned R2 and conforms to the minimum lot size for R2 but also contains a portion of E4 land that is smaller than the minimum lot size for E4). It is desirable to be able to subdivide these lots in a way that produces further lots which may contain both zones without these lots being restricted by the larger minimum subdivision lot size for E4 Environmental Living.

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

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

Comment : **The proposal seeks to insert a clause in Part 4 (Principal development standards) of Appendix 2 (North Kellyville Precinct Plan) to SEPP (Sydney Region Growth Centres) 2006, allowing for subdivision of 'split-zoned' lots under certain circumstances.**

The clause will allow a lot comprising both R2 Low Density Residential land and E4 Environmental Living land to be subdivided in a way that produces a lot (or lots) that also contains both zones, the E4 portion of which may be smaller than the minimum lot size applicable to the E4 zone. Any other subdivision will continue to be subject to the existing provisions under clause 4.1 of the Precinct Plan.

Strategies and Land Release is working with the Department's Legal Services Branch to draft the intended clause. It is likely that this will be drafted in time for exhibition of the planning proposal; the clause itself is likely to be the clearest means of communicating the intent of the amendment.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

3.1 Residential Zones

* May need the Director General's agreement

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

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

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SREP No. 20 - Hawkesbury--Nepean River (No. 2 - 1997)

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

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

If No, explain :

2.1 Environment Protection Zones

The proposal will not remove any land zoned for environmental protection, and is therefore not inconsistent with this Direction.

3.1 Residential Zones

By improving the flexibility of subdivision in North Kellyville, the proposal will assist in providing breadth of housing choice in the Precinct. It is therefore consistent with the Direction.

3.3 Home Occupations

Home occupations are permissible in residential zones; the proposal is likely to result in an increased residential lot yield, and will therefore increase the opportunities for home occupations. It is thus consistent with this Direction.

3.4 Integrating Land Use and Transport

The proposal intends to improve housing choice and increase the dwelling yield in an area well served by transport, shops, utilities and services. It is therefore consistent with this Direction.

4.3 Flood Prone Land

The planning proposal will not have any effect on planning measures relating to flood-prone land. The proposal is therefore not inconsistent with this Direction.

4.4 Planning for Bushfire Protection

The planning proposal will not have any effect on planning measures relating to bushfire-prone land. The proposal is therefore not inconsistent with this Direction.

6.1 Approval and Referral Requirements

The proposal does not introduce provisions requiring concurrence, consultation or approval, nor does it nominate any site as designated development. It is therefore consistent with this Direction.

6.3 Site Specific Provisions

One of the aims of the proposal is to remove the need for a spot rezoning to amend the minimum lot size map each time a particular type of subdivision is called for. The proposal applies to the entire precinct, rather than to individual sites; as such, it seeks to reduce site-specific provisions, and is therefore consistent with the Direction.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The proposal, being for a North West Growth Centre Precinct, will assist in meeting the Metropolitan Plan's objective of locating 30% of new housing in new release areas. In addition, it provides for improved housing flexibility and orderly development. As such, it is consistent with the implementation of the Metropolitan Plan and thus with the Direction.

Under the draft Metropolitan Strategy, North Kellyville is situated at the interface of the Metropolitan Rural Area and the Metropolitan Urban Area, and the orderly division of residential and rural land uses promoted by this proposal assists in recognising this.

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

The planning proposal is unlikely to have any impact on planning measures relating to

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protection of the environment of the Hawkesbury-Nepean River system. The proposal is therefore not inconsistent with this SREP. The SREP is however still relevant, and the Hawkesbury-Nepean Catchment Management Authority should therefore be consulted on the planning proposal.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **A map is not necessary in this case.**

The amendment is to work via insertion of a clause in Appendix 2 (North Kellyville Precinct Plan) of SEPP (Sydney Region Growth Centres) 2006. The relevant land is to be identified by the fact that it is all lots within the North Kellyville Precinct which are zoned part R2 and part E4.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council intends to advertise the planning proposal in the local newspaper, and make the exhibition material available at Council's Administration Building and on Council's website.**

Council has not specified a timeframe for exhibition; 14 days is likely to be appropriate.

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 : **The planning proposal was initially received on 19 March 2013, but was inadequate owing to insufficient information in Part 2: Explanation of Provisions.**

A revised Explanation of Provisions was received on 9 May 2013, and this provides adequate detail to progress the planning proposal.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Hills LEP 2012 is a Principal LEP. It does not, however, apply to the North Kellyville Precinct, which is instead subject to SEPP (Sydney Region Growth Centres) 2006.**

Assessment Criteria

Need for planning proposal : **The planning proposal has been instigated by Council at the urging of the Department's Strategies and Land Release branch. Its purpose is to improve order and flexibility in subdivision and to eliminate the need for multiple amendments to the minimum lot size map. As such, it will provide for improved housing choice and will cut red tape.**

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Consistency with strategic planning framework :

METROPOLITAN PLAN FOR SYDNEY 2036 AND DRAFT NORTH WEST SUBREGIONAL STRATEGY

The proposal, being for a North West Growth Centre Precinct, will assist in meeting the Metropolitan Plan's objective of locating 30% of new housing in new release areas. In addition, it provides for improved housing flexibility and orderly development. As such, it is consistent with the implementation of the Metropolitan Plan and draft North West Subregional Strategy.

Under the draft Metropolitan Strategy, North Kellyville is situated at the interface of the Metropolitan Rural Area and the Metropolitan Urban Area, and the orderly division of residential and rural land uses promoted by this proposal assists in recognising this.

COUNCIL'S STRATEGIC DOCUMENTS

The proposal will assist in delivering the objectives of The Hills 2026 Community Strategic Direction and the Residential Direction within The Hills Shire Local Strategy. Within the Community Strategic Direction, the flexibility provided by the proposal will assist in delivering "Key Direction BUG 2 - Lifestyle options that reflect our natural beauty" and "Key Direction BUG 2.1 - Facilitate the provision of diverse, connected and sustainable housing options through integrated land use planning". Within the Residential Direction of The Hills Shire Local Strategy, the proposal will assist in meeting the target of 36,000 new dwellings by 2031.

Environmental social economic impacts :

ENVIRONMENTAL

The proposal is likely to result in the creation of a number of lots which are of a typical size for residential subdivision but which contain land zoned E4 Environmental Living as well as land zoned R2 Low Density Residential. This may result in greater fragmentation of E4 land than would otherwise occur. Given the relatively small areas involved, however, it is unlikely that this fragmentation would have any significant effect on the area's environmental values.

Conversely, the proposal is likely to encourage the creation of lots which are zoned entirely E4 Environmental Living, and this delineation of development types should have a positive effect on environmental factors.

Due to the potential for environmental effects, the Office of Environment and Heritage should be consulted on the planning proposal.

SOCIAL

The proposal will allow for more orderly development and for greater choice in housing types, which will have a positive social impact.

ECONOMIC

The proposal is likely to allow for a more efficient subdivision pattern, which will allow more complete use of the subject land, having a positive economic impact.

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Assessment Process

Proposal type : **Routine** Community Consultation Period : **14 Days**

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

Public Authority **Hawkesbury - Nepean Catchment Management Authority**
Consultation - 56(2)(d) **Office of Environment and Heritage**

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 :

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 : **The plan is unlikely to have a significant material difference to the infrastructure requirements of the North Kellyville Precinct. Any difference will be restricted to slight increases in load on transport networks and utilities, but these are likely to be offset by a more efficient subdivision pattern.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal.pdf	Proposal	Yes
Cover letter - s56 notification.pdf	Proposal Covering Letter	Yes
Explanation of provisions.docx	Proposal	Yes
Council report.pdf	Proposal	Yes
Indicative Layout Plan North Kellyville.pdf	Map	Yes

Planning Team Recommendation

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

- S.117 directions:
- 2.1 Environment Protection Zones**
 - 3.1 Residential Zones**
 - 3.3 Home Occupations**
 - 3.4 Integrating Land Use and Transport**
 - 4.3 Flood Prone Land**
 - 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**

Additional Information : **It is recommended that the proposal proceed subject to the following conditions:**

- (1) Consultation with (a) the Department of Planning and Infrastructure's Strategies and Land Release branch, (b) the Office of Environment and Heritage and (c) the Hawkesbury-Nepean Catchment Management Authority;**
- (2) Community consultation for 14 days; and**
- (3) 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 : **The proposal will have little if any negative impact, and will streamline administrative processes for providing more orderly development and improving housing choice.**

Signature: _____ 

Printed Name: PERRIN JOHN Date: 10 MAY 2013