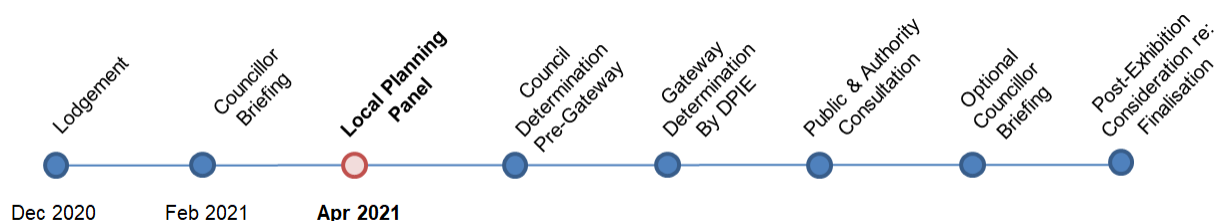


LOCAL PLANNING PANEL MEETING 21 APRIL, 2021

THE HILLS SHIRE

ITEM-1	LOCAL PLANNING PANEL – PLANNING PROPOSAL – 9 PALARAN AVENUE, NORTH KELLYVILLE (3/2021/PLP)
THEME:	Shaping Growth
OUTCOME:	5 Well planned and liveable neighbourhoods that meets growth targets and maintains amenity.
STRATEGY:	5.1 The Shire's natural and built environment is well managed through strategic land use and urban planning that reflects our values and aspirations.
MEETING DATE:	21 APRIL 2021 LOCAL PLANNING PANEL
AUTHOR:	TOWN PLANNER GIDEON TAM
RESPONSIBLE OFFICER:	MANAGER – FORWARD PLANNING NICHOLAS CARLTON

Proponent	ROBERT MOORE & ASSOCIATES
Owner	DR GEOFFREY MORGANS MRS DIANNE MORGANS
Consultants	SUTHERLAND & ASSOCIATES PLANNING
Site Area	2.02 HECTARES
List of Relevant Strategic Planning Documents	GREATER SYDNEY REGION PLAN CENTRAL CITY DISTRICT PLAN SECTION 9.1 MINISTERIAL DIRECTIONS LOCAL STRATEGIC PLANNING STATEMENT AND SUPPORTING STRATEGIES
Political Donation	NONE DISCLOSED
Recommendation	THAT THE PLANNING PROPOSAL PROCEED TO GATEWAY DETERMINATION



EXECUTIVE SUMMARY

This report provides a summary and assessment of the planning proposal applicable to land at 9 Palaran Avenue, North Kellyville. The planning proposal, as submitted by the Proponent, seeks to rezone a portion of the site from E4 Environmental Living to R2 Low Density Residential and reduce the minimum lot size from 4,000m² to 600m², to facilitate the subdivision of the land into 22 residential lots, one residue lot and an internal road system. It is considered that the proposal should proceed to Gateway Determination, on the basis that:

- a) The planning proposal will make efficient use of land on the E4 Environmental Living portion of the site. Adjoining residential developments on E4 zoned land to the site's east and south have isolated the site and effectively disassociated it from the values and objectives of the E4 zone, as they relate to the environmental and scenic qualities of the Caddies Creek Riparian Corridor.
- b) The proposed controls and indicative subdivision layout will facilitate development outcomes that are consistent with the existing low density residential development and deliver road links that have been indicated in the North Kellyville DCP.
- c) The proposed development outcomes will not have any significant ecological impacts and are considered unlikely to represent a bushfire risk, subject to the submission of a Bushfire Assessment Report.

This Report recommends that in addition to the amendments sought by the Proponent, a local provision which specifies a maximum yield of 7 dwellings be applied to the portion of the site currently zoned E4 Environmental Living (which is proposed to be rezoned), in order to secure desirable and orderly development outcomes on the site.

SEPP (SYDNEY REGION GROWTH CENTRES) 2006

The planning proposal seeks to amend *State Environmental Planning Policy (Growth Centres) 2006* as follows:

	Current (SEPP Growth Centres 2006)	Planning Proposal
Zone	Part R2 Low Density Residential Part E4 Environmental Living	R2 Low Density Residential
Maximum Height of Building	9m	No Change
Maximum Floor Space Ratio	N/A	N/A
Minimum Lot Size	Part 4,000m ²	Part 600m ²

Table 1
Proposed SEPP Amendments

REPORT

This report presents the subject planning proposal to the Local Planning Panel for advice, in accordance with Section 2.19 of the *Environmental Planning and Assessment Act 1979*.

1. THE SITE

The site is known as 9 Palaran Avenue, North Kellyville (Lot 3 DP 249675). It has an area of approximately two hectares and currently contains a single storey residential dwelling and associated structures (as shown in Figure 1). This is generally cleared with vegetation sparsely distributed at the site's north. The site has frontages to Palaran Avenue, Eden Road

and Roland Garros Crescent (south). Sections of Barabati Road and Roland Garros Crescent (north) presently terminate at the site's northern boundary.



Figure 1

Aerial view of subject site (outlined in red) and surrounding locality

A recently constructed low density residential development adjoins the site to the north and east. A 21 lot community title residential subdivision is currently under construction to the south of the site. No application has yet been lodged with respect to the large lot adjoining the west of the site. The site is presently zoned part R2 Low Density Residential (15,270m²) and part E4 Environmental Living (4,960m²), as shown in Figure 2 below.

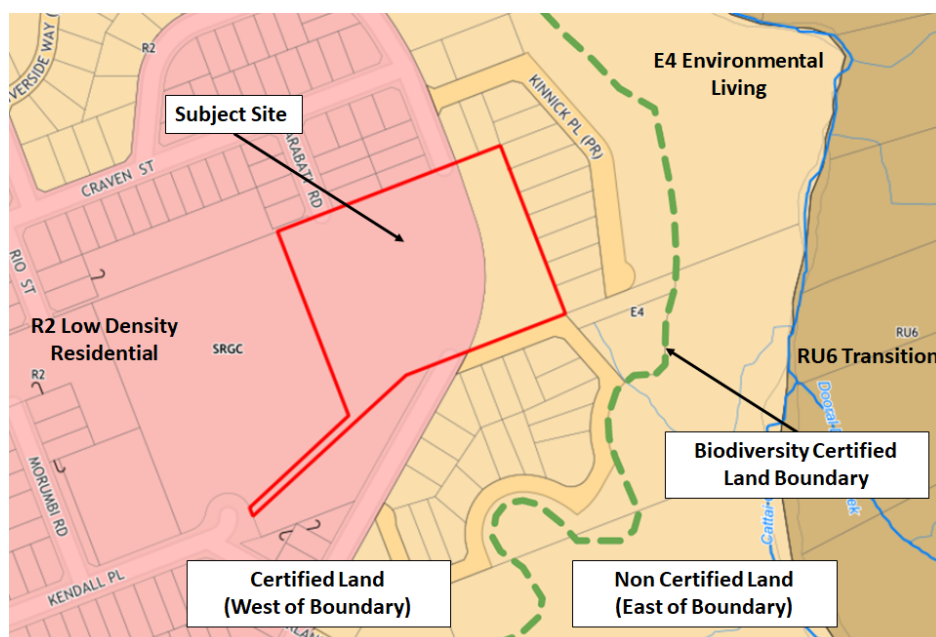


Figure 2

Zoning of the subject site (outlined in red) and surrounding locality

The current SEPP provisions applicable to the E4 Environmental Living portion of the site would facilitate the subdivision of this area into one Torrens Title lot or three Community Title lots. Surrounding development activity has resulted in the isolation of the E4 Environmental Living portion of the site. This has prompted the submission of the planning proposal and is discussed in further detail in Section 3 (b) of this report.

2. DESCRIPTION OF THE PLANNING PROPOSAL

The proposal seeks to facilitate the subdivision of the subject site into 22 residential lots ranging in size from 465m² to 600m², one residue lot with an area of 3.1ha and associated road network (as shown in Figure 3). The residential lots would consist of 14 lots on the existing R2 Low Density Residential zoned land (which could already be achieved under the current controls) and eight lots on the portion of the site currently zoned E4 Environmental Living with a minimum lot size of 600m².



Figure 3

Indicative subdivision plan and road layout

To facilitate the proposed development outcome, the planning proposal, as submitted by the Proponent, seeks to amend the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP) as follows:

- Rezone a portion of the site from part E4 Environmental Living to R2 Low Density Residential; and
- Reduce the minimum lot size applicable to the existing E4 Environmental Living portion of the site from 4,000m² to 600m².

The planning proposal does not seek to amend the existing controls applying to the portion of the site currently zoned R2 Low Density Residential. Specifically, the current SEPP would permit low density residential subdivision with a minimum lot size of 360m² on the existing R2 Low Density Residential portion of the land and the planning proposal does not seek to amend this outcome.

Proposed zoning map amendments are illustrated in Figures 4 and 5.

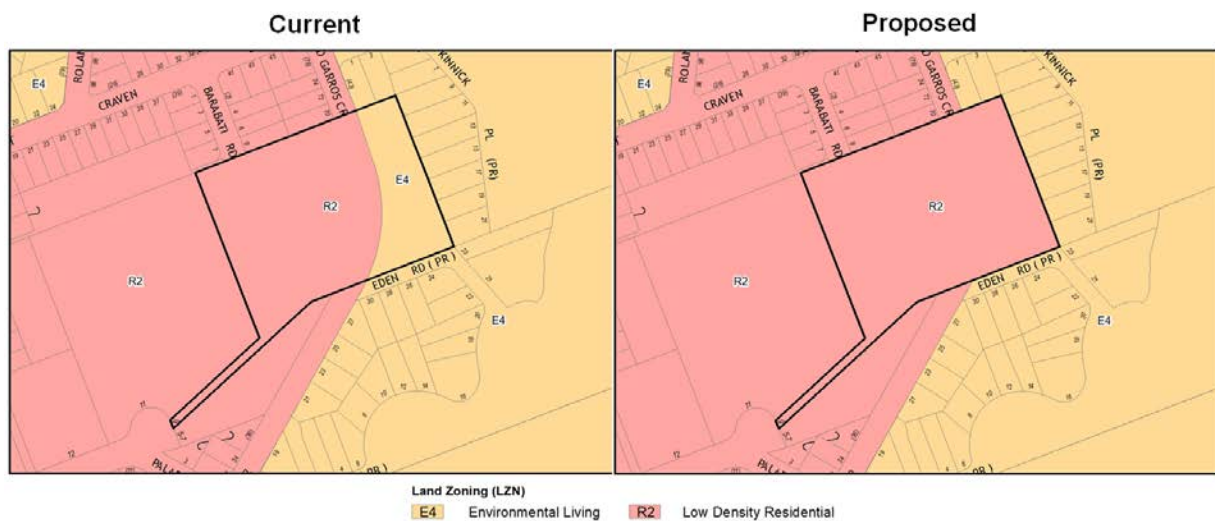


Figure 4
Existing (left) and proposed (right) zone maps

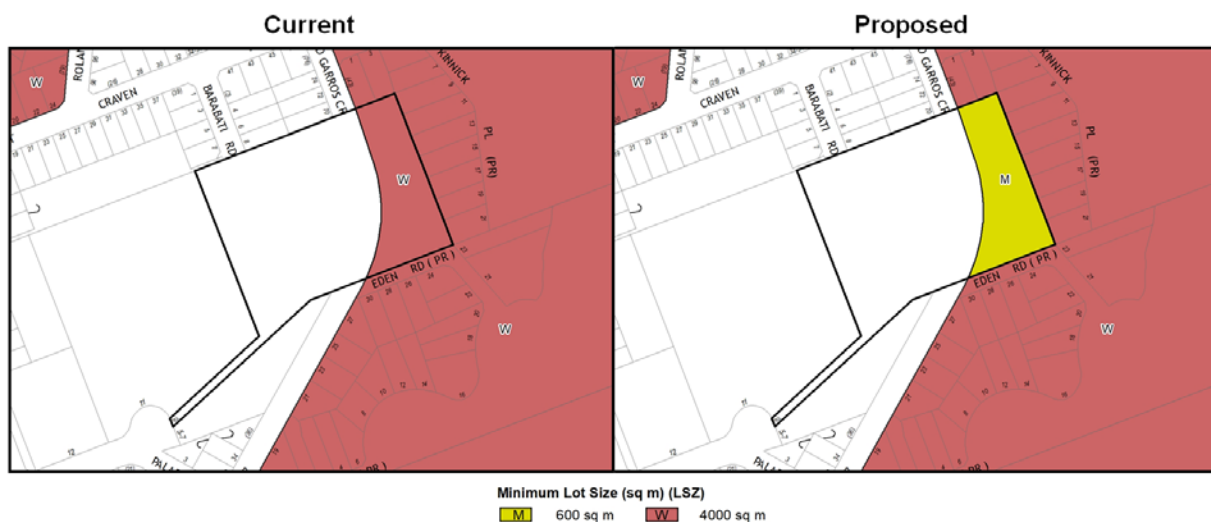


Figure 5
Existing (left) and proposed (right) minimum lot size maps

3. MATTERS FOR CONSIDERATION

The planning proposal requires consideration of the following matters:

- Strategic Context;
- Orderly Development;
- Suitability of Planning Mechanism;
- Infrastructure and Access; and
- Environmental Constraints.

a) Strategic Context

Greater Sydney Region Plan and Central City District Plan

The Greater Sydney Region Plan and Central City District Plan seek to provide liveable communities through various directions and objectives. Those relevant to this planning proposal are as follows:

- Objective 10 – Greater Housing Supply

- Objective 27 – Biodiversity is protected, urban bushland and remnant vegetation is enhanced
- Objective 28 – Scenic and cultural landscapes are protected
- Priority C5 – Providing housing supply, choice and affordability with access to jobs, services and public transport; and
- Priority C15 – Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes.

The planning proposal seeks to facilitate the delivery of 22 residential lots, with eight lots situated within the portion of the site currently zoned E4 Environmental Living. Objectives of the zone are to protect environmental values and facilitate low impact residential development, which reflects the objectives and priorities of the Region and District plans.

The current SEPP provisions applicable to the E4 Environmental Living portion of the site would facilitate the subdivision of the site into one Torrens Title lot or three Community Title lots. In comparison, the proposed development outcome would facilitate considerably more development on the subject site, which is potentially inconsistent with Objective 27 and Priority C15. However, given the site does not contain threatened vegetation and is isolated from Caddies Creek and the associated environmental corridor, these inconsistencies are considered minor. Further, the land has been biodiversity certified for development to occur and as such, the loss of vegetation on this land has already been contemplated through the biodiversity certification process undertaken for the broader North Kellyville Precinct.

The site is sparsely vegetated and due to its isolation from the creek corridor, is no longer able to contribute to the planned scenic and cultural landscape of the corridor (Objective 28 and Priority C15). The proposed development outcome sought through the planning proposal would better align with the emerging subdivision pattern surrounding the site, as opposed to the outcome which could be achieved under the current planning controls which would represent a disorderly development outcome.

The District Plan articulates that housing is to be delivered in the right locations and anticipates that future housing supply will be provided within the North Kellyville release area. It refers specifically to Councils' Housing Strategies to guide residential growth. The Strategy anticipates 6,500 additional dwellings be delivered in North Kellyville by 2036, which is further discussed in this report. Bus stops are located within 320 to 500 metres walking distance from the site, which provide future residents access to services and jobs. Therefore, the planning proposal is considered consistent with Objective 10 and Priority C5 of the Region and District plans.

Section 9.1 Ministerial Directions

- Direction 2.1 Environmental Protection Zone

The objective of this direction is to protect and conserve environmentally sensitive areas. It also states that land identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).

Although a portion of the site is zoned E4 Environmental Living, it is not identified as containing native vegetation in the Native Vegetation Protection Map nor is it located within the Riparian Protection Area Map of the Growth Centre's SEPP and is Biodiversity Certified. As such, any inconsistency with this Direction is considered minor and justifiable given the isolation of the site as a result of surrounding development activity.

- **Direction 2.6 Remediation of Contaminated Land**

The Proponent's planning proposal report articulates that the land is not within an investigation area within the meaning of the Contaminated Land Management Act nor is it on land which development is being, or is known to have been, carried out.

Further, the planning proposal relates to land zoned E4 Environmental Living which already permits residential living, albeit in a lower density form. The subject site already contains an occupied residential dwelling. 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 encourage a variety and choice of housing types, make efficient use of infrastructure and minimise the impact of residential development on the environment and resource lands. Under the current provisions, the E4 zoned portion of the site limits the subdivision of the site to one Torrens Title lot or three Community Title lots with the intent to protect any environmental values on site. As the proposal would marginally reduce the area of E4 Environmental Living within the North Kellyville Precinct, it could technically be considered to be inconsistent with this direction.

However, given the site only contains sparsely distributed vegetation to the north, does not contain threatened vegetation and is already biodiversity certified, any technical inconsistencies are considered minor and justifiable. Having regard to the isolated nature of the E4 Environmental Living portion of the site, the proposal would not adversely impact on any environmental or scenic values in the locality. Further, the proposal would facilitate a more orderly development outcome which better aligns with the surrounding character, whilst also making more efficient use of public transport infrastructure and facilitating a dwelling typology that is appropriate to the local demographic.

- **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 travelled, especially by car;
- d) Supporting the efficient and viable operation of public transport services; and
- e) Providing for the efficient movement of freight.

The planning proposal is consistent with the objectives of this Direction as the site is in walking distance to public transport, which provides access to services and jobs, and thus reduces car dependency. Further, it will ensure the delivery of the local road network within this locality, including missing road links between Barabati Road and Roland Garros Crescent, which will service local traffic and extend existing walking path connections, in accordance with The North Kellyville DCP.

- Direction 4.4 Planning for Bushfire Protection

The objectives of this direction are to protect life, property and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses in bushfire prone areas and to encourage sound management of bush fire prone areas. The Direction also states that a planning proposal must have regard to *Planning for Bushfire Protection 2019*.

The site is located within a Vegetation Buffer Zone (bushfire prone land) and as such, the direction requires that a Bushfire Assessment Report be submitted as part of the planning proposal which addresses the requirements of *Planning for Bushfire Protection 2019*. As discussed in Section 3 (d), it is unlikely that future development on the site would be subject to bushfire risk given the site is surrounded by existing and approved low density residential subdivision. However, a bushfire study would nonetheless be required to verify this as a technical requirement of the Direction. Formal consultation with the Rural Fire Service would also be required should the proposal receive a Gateway Determination.

- State Environmental Planning Policy (Sydney Regions Growth Centres) 2006

The Growth Centres SEPP aims to coordinate the release of residential land, provide for comprehensive planning of the growth centres, provide for the orderly and economic provision of infrastructure and provide land use and development controls that will contribute to the conservation of biodiversity.

The aims of *Appendix 2 North Kellyville Precinct* are to ensure development controls create good design outcomes and protect and enhance the environmentally sensitive areas. It is considered that the proposal is consistent with the aforementioned objectives as the proposed subdivision layout is consistent with surrounding subdivision character and will facilitate orderly development. It will also assist in delivery of the local road network identified within the North Kellyville DCP. The subject site is also not considered environmentally sensitive given it is not identified as containing native vegetation in the Native Vegetation Protection Map, is not located within the Riparian Protection Area Map under the Growth Centre's SEPP and has been Biodiversity Certified.

The Hills Local Strategic Planning Statement

Council's Local Strategic Planning Statement: Hills Future 2036 (LSPS) outlines the Shire's 20-year vision for land use planning, population, housing, economic growth and environmental management. Accompanying the LSPS are key strategies that outline guiding principles, of which the draft Housing Strategy is of relevance to the proposal. In particular, the site is located within the North Kellyville Release Area, which the LSPS and draft Housing Strategy anticipate an additional 6,500 dwellings be delivered by 2036. It articulates the continued delivery of low and medium density housing be supported by existing and planned infrastructure.

The proposed development would allow for the delivery of 22 residential lots which are consistent with the established low density character, and are supported by proximate public transport options and a local park. Although a portion of the site is presently zoned E4 Environmental Living, the subject site does not contain threatened vegetation and is biodiversity certified, and is therefore not considered to have high environmental values or significance. Given the isolated nature of the E4 zoned portion of land, the rezoning of the land to permit further low density residential subdivision (7 additional lots) is acceptable.

For the reasons detailed above, the planning proposal is considered to be consistent with Priority 7 – Plan for new housing in the right locations and Priority 17 – Protect areas of high environmental values and significance of the LSPS.

b) Orderly Development

Given the alignment of the lot boundary in comparison to the boundary between the R2 and E4 zones, the orderly development of this E4 zoned portion of land was originally contingent on amalgamation with one of the larger adjoining E4 zoned parcels.

It is noted that discussions occurred between the landowners in association with development applications for both of the adjoining subdivisions (zoned E4 Environmental Living) at Lot 4 DP 249675 and Lot 11 DP 582310 (DA 635/2019/ZD) and Lot B DP 156194 (DA 294/2016/ZD), with respect to orderly development. However, agreement could not be reached for amalgamation of the land on both occasions. Development on both of these adjoining parcels is now complete (to the east) or underway (to the south) and as such, amalgamation is no longer possible, as shown in Figure 6.

Both adjoining sites have now been subdivided utilising a community title scheme, whereby part of the site is subdivided into residential lots and the remainder of the site is a community association lot. Resulting community association lots are typically located adjacent to the creek, which allows for the achievement of the objectives of the E4 Environmental Living zone by providing larger consolidated areas of environmental and scenic quality along the creek corridor. These community association lots generally comprise a common internal road and land utilised for bushfire and environmental management purposes (as intended for under Section 3.7 of the North Kellyville DCP) (see Figure 6).

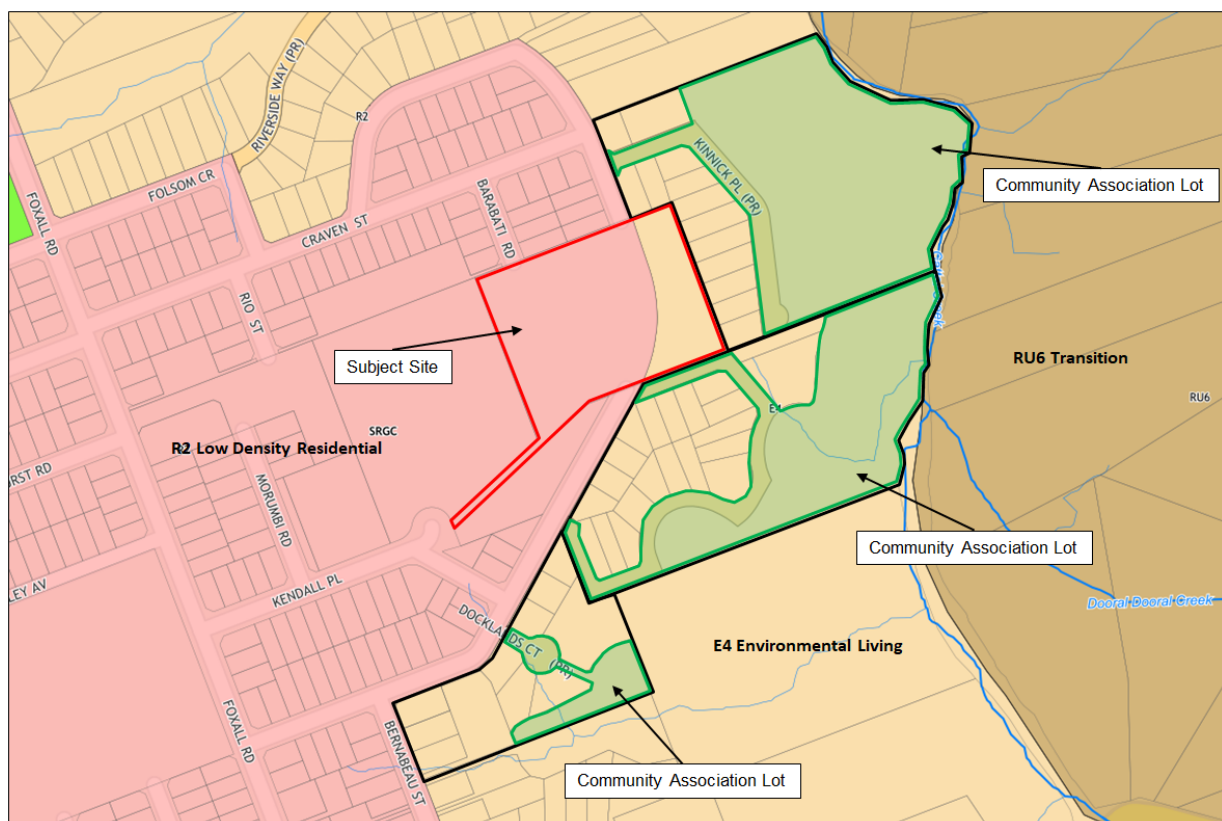


Figure 6
Adjoining Community Title subdivisions and isolation of subject site

Under the current controls set out in Clause 6.5 of Appendix 2 of the Growth Centres SEPP, subdivision of the isolated E4 zoned area within 9 Palaran Place could achieve one Torrens Title lot or three Community Title lots with a community association lot. Figure 7 below provides an example of how development could occur under this current provision.



Figure 7
Permitted Potential Community Title Subdivision

The Proponent's planning proposal report articulates both of these outcomes would be inconsistent with the emerging pattern of adjoining subdivisions and the proposed development outcome would better facilitate orderly development. This is primarily due to the isolation of the E4 zoned portion of the site by adjoining smaller residential lots, with no further ability for any community association lot to connect into the Creek Corridor. Further, it would be inappropriate for Barabati Road and Roland Garros Crescent to be under a neighbourhood scheme, given existing sections of both roads are public.

In comparison to these potential outcomes under the current planning controls, it is considered that a reduction in the minimum lot size applying to the E4 portion of the site is warranted and would ensure a more logical subdivision pattern in terms of orderly development and alignment with the prevailing character of the locality (refer to Figure 8 below).

**Figure 8**

Proponent's Indicative subdivision plan and road layout

Notwithstanding this, having regard to the Proponent's indicative subdivision plan (Figure 8 above), it is considered that a preferable subdivision pattern on this particular part of the site and within a new greenfield subdivision would avoid the inclusion of battle-axe allotments and instead, ensure that each new lot and dwelling will have street frontage. As a result, a maximum yield of 7 dwellings on the area of the site current zoned E4 Environmental Living would be preferable to the configuration of 8 dwellings submitted by the Proponent. This would also promote more flexible and desirable building footprints on the site. A discussion on the suitability of the proposed planning mechanism and consideration of alternative mechanisms is provided in the next section of the Report.

c) Suitability of Planning Mechanism

There would be a range of planning mechanisms available to achieve the intent of the planning proposal. The following table provides a discussion on these potential mechanisms and associated implications for the development of the subject site.

	Planning Mechanism	Comment
Option 1	<ul style="list-style-type: none"> Retain the existing E4 Environmental Living Zone and apply a 600m² minimum lot size 	<ul style="list-style-type: none"> A 600m² minimum lot size is consistent with surrounding subdivision pattern. However, reducing the minimum lot size within the E4 zone would likely set an undesirable precedent for other land within the North Kellyville Growth Centre zoned E4 that has not yet been developed. It would also permit a development outcome which is inconsistent with the applicable zone objectives, given that the basis on which the land was originally zoned E4 (being the management of the nearby vegetation corridor as part of a Community Title arrangement) is no longer applicable or achievable. The DCP also contains more stringent controls for building platform and minimum lot width requirements in the E4 zone and the proposed minimum lot size and layout would be unable to achieve compliance with these DCP controls. This approach would not preclude the battle-axe arrangement as shown in the Proponent's indicative subdivision layout. This Option would not impact on the permissibility of the key land uses that could be developed on the resulting lots, with

		both single dwellings and dual occupancies permitted in the E4 zone.
Option 2	<ul style="list-style-type: none"> Retain E4 Environmental Living Zone and apply a minimum lot size ranging from 700-800m² 	<ul style="list-style-type: none"> The larger lot size would improve the ability for the subdivision to achieve required building platform controls within the DCP. However, reducing the minimum lot size within the E4 zone would likely set an undesirable precedent for other land within the North Kellyville Growth Centre zoned E4 that has not yet been developed. It would also permit a development outcome which is inconsistent with the applicable zone objectives, given that the basis on which the land was originally zoned E4 (being the management of the nearby vegetation corridor as part of a Community Title arrangement) is no longer applicable or achievable. While this approach would not strictly preclude the battle-axe arrangement as shown in the Proponent's indicative subdivision layout, the larger lot sizes would limit the yield on this portion of the site to no more than 7 lots. However, given the configuration of the land and significant variation in lot depth that could be achieved, a blanket application of a minimum lot size of 700m² is unlikely to achieve the most orderly development outcome. This Option would not impact on the permissibility of the key land uses that could be developed on the resulting lots, with both single dwellings and dual occupancies permitted in the E4 zone.
Option 3 (Proposed by Proponent)	<ul style="list-style-type: none"> Rezone land to R2 Low Density Residential and apply a 600m² minimum lot size 	<ul style="list-style-type: none"> Rezoning the land to R2 would ensure that the proposed development outcome can align with the applicable zone objectives and prevailing local character. The proposed minimum lot size would be consistent with surrounding subdivision pattern and would facilitate an outcome capable of complying with the DCP controls. As demonstrated in the Proponent's indicative subdivision concept, this Option would facilitate a total of 8 lots on this portion of the site. A preferable subdivision pattern would be limited to 7 lots to avoid the need for a battle-axe allotment and instead, ensure that each new lot and dwelling will have street frontage.
Option 4 (Council Officer Recommended)	<ul style="list-style-type: none"> Rezone land to R2 Low Density Residential and apply a 600m² minimum lot size as well as a maximum dwelling cap of 7 	<ul style="list-style-type: none"> As per Option 3, however, the application of a local provision which limits the maximum yield on this portion of the site to 7 dwellings would more effectively discourage the sub-optimal battle-axe allotment outcome. The application of a 600m² minimum lot size would still provide the developer with flexibility to determine the most orderly subdivision layout in response to the configuration of the land and significant variation in lot depth.
Option 5	<ul style="list-style-type: none"> Rezone land to R2 Low Density Residential and apply a minimum lot size ranging from 700-800m² 	<ul style="list-style-type: none"> Rezoning the land to R2 would ensure that the proposed development outcome can align with the applicable zone objectives and prevailing local character. While this approach would not strictly preclude the battle-axe arrangement as shown in the Proponent's indicative subdivision layout, the larger lot sizes would limit the yield on this portion of the site to no more than 7 lots. However, given the configuration of the land and significant variation in lot depth that could be achieved, a blanket application of a minimum lot size of 700m² is unlikely to achieve the most orderly development outcome.

Having regard to the above, it is considered that Option 4 achieves the most effective balance between the related planning controls (appropriate zoning and minimum lot size controls). It would remove the need for a battle-axe allotment and ensure an outcome more consistent with the local character, streetscape and objectives of the R2 Low Density Residential zone.

Option 4 would require a local provision to be applied to the site, to specify a maximum yield of 7 dwellings. The drafting of such a provision would be subject to consultation with the Department of Planning, Industry and Environment as part of the Gateway Determination process.

d) Infrastructure and Access

The proposed development will be well serviced by public transport infrastructure and public open space. The site is located approximately 560 metres to 650 metres walking distance from a local park. It is also located in close proximity to bus stops that are within 320 metres to 500 metres walking distance from the site.

The proposed development outcome will result in the delivery of a new road link, which will extend the existing Barabati Road and Roland Garros Crescent (north) to Roland Garros Crescent (south). Although a traffic study has not been prepared as part of this application, notwithstanding the additional yield of approximately 7 dwellings, the proposed 22 residential lots is unlikely to substantially increase traffic volume on local and regional road infrastructure from what has been anticipated within the *North Kellyville Traffic and Transport Assessment 2008* (prepared by Maunsell Australia). The existing Indicative Layout Plan of the North Kellyville DCP has been developed upon the findings of the Traffic and Transport Assessment and this has been reflected in the proposed indicative road layout for the Precinct. The need to ensure that the planned local road network is achieved at this location is considered to outweigh any negligible impacts associated with 7 additional dwellings.

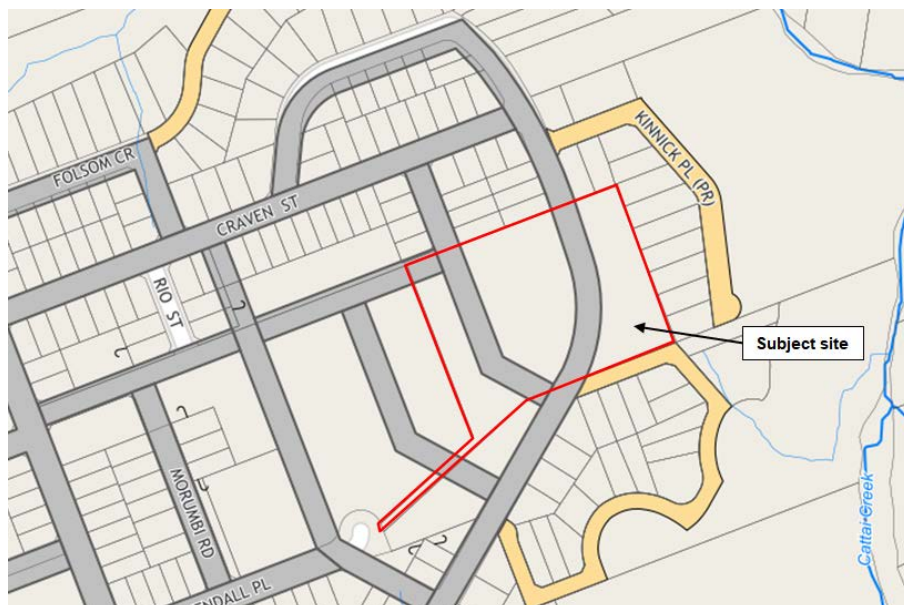


Figure 11
North Kellyville DCP – Indicative Layout Plan

The indicative road layout for the proposed development reflects the Indicative Layout Plan in the North Kellyville DCP (as shown in Figure 11) and will facilitate orderly development. The completion of this extension will require subdivision of the adjoining property at Lot 1 DP

1262623. It is noted that the site is currently subject to a staged Development Application (554/2021/ZB) that is under assessment. The completion of the intersection will be subject to a subsequent associated Development Application. Should the subdivision be delayed or associated works to Barabati Court not be delivered, temporary arrangements will need to be made to facilitate appropriate access from Roland Garros Crescent to Barabati Road at the Development Application stage.

In this instance, it is considered reasonable for the additional yield of up to 7 residential lots sought through this planning proposal to be levied contributions under the existing Contributions Plan No. 13 – North Kellyville Precinct, which identifies and funds the new and upgraded local infrastructure required to support all development within the entire North Kellyville Precinct.

e) Environmental Constraints

Biodiversity and Bushfire

The planning proposal applies specifically to the E4 Environmental Living zoned portion of the site, which only permits low impact residential development to minimise impacts on environmental values. It is noted that the E4 zoned areas of the North Kellyville Precinct (as identified by the Growth Centres Commission) correspond with the broader North Kellyville bushfire Asset Protection Zones and Native Vegetation Map, which generally share the boundary of the Caddies Creek Riparian Corridor (as shown in Figures 12 and 13).

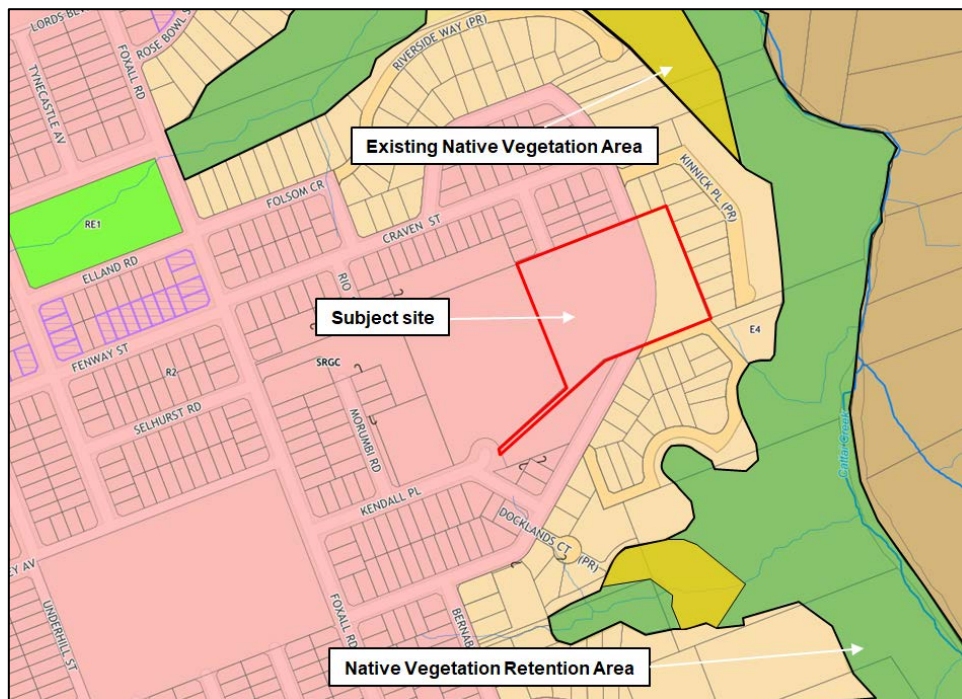


Figure 12
Relationship with E4 Environmental Living Zoning with Native Vegetation Map



Figure 13
North Kellyville Asset Protection Zones

Whilst the site contains sparsely distributed vegetation, it does not contain any threatened species or native vegetation. Further, the adjoining residential developments on E4 zoned land to the site's east and south have isolated the site and effectively disassociated it from the values and objectives of the E4 zone, as they relate to the environmental and scenic qualities of the Caddies Creek Riparian Corridor. In short, the objectives and intended designation of the E4 Environmental Living zone throughout the Kellyville Precinct (as explained in Section 3.7 of the DCP) no longer reflect the characteristics and context of this particular subject site.

The E4 zoned portion of the site is located within the Vegetation Buffer Zone, however as the site is sparsely vegetated and surrounded by existing and approved low density residential subdivision (some of which has been approved in closer proximity to vegetation/fuel load), there is unlikely to be substantial bushfire risk on this site. Notwithstanding this, progression of the planning proposal would still require a bushfire study that addresses Planning for Bushfire Protection 2019 to satisfy the technical requirements of Section 9.1 Ministerial Direction 4.4.

Stormwater and Flooding

An on-site stormwater detention (OSD) will be required to compensate any increase in stormwater runoff due to the increase in impervious surfaces resulting from the proposed development. This will need to be located at the site's south eastern corner. An easement may need to be created within the downstream properties through which the pipe will run. The site's OSD system's high-flow bypass weir can discharge into Eden Road, utilising the road system as overland flow path. Given Eden Road is privately owned and maintained, permission to discharge and use the road as an overland flow path will require negotiations with the relevant land owners.

It is noted that Council does not have a flood study or flood mapping available for the site. In the ultimate developed scenario, this two hectare catchment will generate a reasonable volume of runoff. Therefore, a site-specific flood study will need to be prepared at the Development Application stage. A stormwater quality treatment or water sensitive urban design (WSUD) strategy needs to be incorporated in an associated stormwater management plan. It will also need to demonstrate how the increased erosive potential for minor flows and their potential impact to the tributary of Cattai Creek is going to be addressed. It is expected

that inter-allotment drainage shall be provided to lots that could not drain directly to the proposed roadways or to a lawful point of discharge.

The preparation of the Flood Study and associated stormwater management plan at the Development Application stage will need to be in accordance with Council's Stormwater and Waterways Design Requirements and other relevant guidelines.

CONCLUSION

The planning proposal generally aligns with the relevant strategic planning framework and, subject to the recommended maximum dwelling cap, will enable the subdivision of the land into 21 residential lots and the delivery of the anticipated local road network. The proposed development outcome will facilitate orderly development and the future development will reflect the objectives of an R2 Low Density Residential Zone and align with the prevailing character of the surrounding locality.

It is considered appropriate for the proposal to be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination in accordance with the recommended Option 4. Prior to Council's consideration of the planning proposal, the Proponent should submit a Bushfire Assessment Report that demonstrates compliance with Planning for Bush Fire Protection 2019, in satisfaction of the technical requirement under Section 9.1 Ministerial Direction 4.4.

RECOMMENDATION

The planning proposal for land at 9 Palaran Avenue, North Kellyville is suitable to be forwarded to the Department of Planning, Industry and Environment for Gateway Determination, subject to the following:

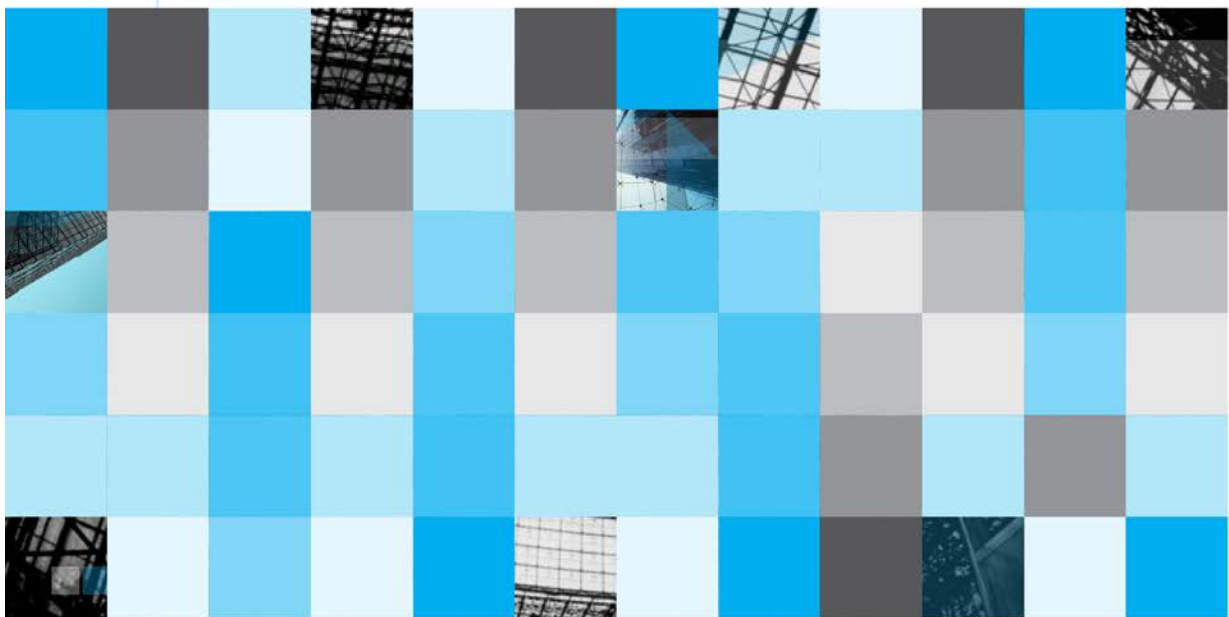
- a) The planning proposal be amended to include a local provision that would apply a maximum cap of 7 dwellings to the portion of land currently zoned E4 Environmental Living; and
- b) Prior to Council's consideration of the planning proposal, the Proponent should submit a Bushfire Assessment Report that demonstrates compliance with Planning for Bush Fire Protection 2019, in satisfaction of the technical requirement under Section 9.1 Ministerial Direction 4.4.

ATTACHMENTS

- 1. Planning Proposal Report (34 Pages)

ATTACHMENT 1

**SUTHERLAND
& ASSOCIATES
PLANNING**



9 Palaran Avenue, North Kellyville

Planning Proposal

SUTHERLAND & ASSOCIATES PLANNING

ABN 14 118 321 793 ACN 144 979 564

Planning Proposal

9 PALARAN AVENUE, NORTH KELLYVILLE

December 2020

Prepared by

[Amy Sutherland](#)

B Planning UNSW (Hons)

amy@sutherlandplanning.com.au

Tel: 0402 852 034

PO BOX 814 BOWRAL NSW 2576

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1.0 INTRODUCTION

This Planning Proposal has been prepared by Sutherland & Associates Planning Pty Ltd in relation to land at 9 Palaran Avenue, North Kellyville (formerly known as 4 Kendall Place, Kellyville).

9 Palaran Avenue, North Kellyville is part zoned R2 Low Density Residential and part zoned E4 Environmental Living pursuant to Appendix 2 North Kellyville Precinct Plan of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

The objectives of the E4 zone are to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values.

The site itself does not contain any Existing Native Vegetation or Native Vegetation Retention Areas as shown on the North West Growth Centre Native Vegetation Protection Map. The entire site is also located on 'biodiversity certified land' and no further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation. In addition, the site is now permanently disconnected from land which does contain vegetation that needs to be managed and conserved.

Accordingly, the part of the site zoned E4 Environmental Living does not have special ecological, scientific or aesthetic values and therefore there is no longer any basis for the eastern part of the subject site to remain zoned E4 Environmental Living. This part of the site should be zoned the same as the balance of the site which is already zoned R2 Low Density Residential given the objectives of the R2 zone are more appropriate and relevant to the land.

In accordance with Clause 4.1C(3)(b) of Appendix 2 of the Growth Centres SEPP any allotment created from a subdivision of land within the E4 Environmental Living zone must not be less than the minimum size shown on the Lot Size Map. A 4,000 square metre minimum lot size applies to the E4 Environmental Living zoned part of the subject site. Notwithstanding this, Clause 6.5 allows subdivision of land in the Zone E4 Environmental Living with a minimum lot size of 600 square metres, however, this is only on a Community title basis in accordance with the *Community Land Development Act 1989* for a neighbourhood scheme. The objectives for Clause 6.5 are to provide for residential development that takes account of the special values of land in Zone E4 Environmental Living and to ensure the land is managed and conserved in a holistic and sensitive manner. Clause 6.5 only allows subdivision on a Community title basis because it anticipates that sensitive land and bushfire asset protection zones in a development will be protected as a neighbourhood allotment, as explained in Section 3.7 of the North Kellyville Precinct Development Control Plan 2018 (DCP 2018).

As detailed above the part of the site zoned E4 Environmental Living does not contain any land that has special environmental values and has become isolated and disconnected from any other lots with special ecological, scientific or aesthetic values as a result of recent development approvals to the north, south and east of the site. Accordingly, the objectives of clause 6.5 have little relevance. Also, the small size of the E4 zoned parcel of land (4,960.7 square metres) and street frontage that will be provided to this land is such that there is no need for any new internal roads. Accordingly, the requirement for a neighbourhood allotment in a subdivision of the site is redundant and there is no need for a requirement for subdivision on a Community title basis.

Whilst Torrens title subdivision of the E4 Environmental Living zoned part of the site is possible, this is only on the basis of a minimum lot size of 4,000 square metres which is inconsistent with the emerging pattern of subdivision surrounding the site.

Given the emerging pattern of subdivision surrounding the site and the size of the E4 zoned parcel of land, the objectives and subdivision controls applicable to E4 zoned land are no longer relevant or appropriate and require amendment to deliver an orderly pattern of development on this part of the site.

On this basis, the subject Planning Proposal seeks the following amendments to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, which are the basis for the assessment in this Planning Proposal:

- Amend the North West Growth Centre Lot Size Map to change the minimum lot size that applies to part of the site from 4,000 square metres to 600 square metres; and
- Rezone the subject site from E4 Environmental Living to R2 Low Density Residential.

The purpose of the Planning Proposal is to allow the orderly and economic development of the subject site by facilitating subdivision of the part of the site currently zoned E4 Environmental Living in a manner which more appropriately reflects the site characteristics and surrounding context.

This outcome is in the public interest because it allows for an orderly pattern of development to be achieved that is consistent with the pattern and density of the surrounding development.

The Planning Proposal demonstrates the strategic merit of the proposed amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and seeks to commence the statutory process to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as requested.

The Planning Proposal has been prepared in accordance with Section 3.33 of the Environmental Planning & Assessment Act 1979 (EP&A Act). As required by Section 3.33 of the EP&A Act this Planning Proposal includes the following:

- a statement of the objectives or intended outcomes of the proposed instrument,
- an explanation of the provisions that are to be included in the proposed instrument,
- the justification for those objectives, outcomes and provision and the process for their implementation,
- if maps are to be adopted by the proposed instrument – a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument, and
- details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

The Planning Proposal has also been prepared having regard to the 'Guide to Preparing Planning Proposals' developed by the NSW Department of Planning and Environment. The report addresses the Proposal's consistency with Greater Sydney Region Plan - A Metropolis of Three Cities, the Central City District Plan, strategic plans and assesses the consistency of the Planning Proposal against relevant State Environmental Planning Policies and Ministerial Directions.

The Planning Proposal is also supported by a conceptual plan of subdivision prepared by Robert Moore & Associates Surveyors.

2.0 SITE DESCRIPTION AND LOCATION

2.1 Locality Description

The land to which the Planning Proposal relates is situated within The Hills Shire Local Government Area in the suburb of North Kellyville.

North Kellyville currently comprises rural residential development interspersed with large areas of land undergoing redevelopment consistent with the North Kellyville growth centre release area plan. The area was identified as a growth centre release area and was rezoned in 2008 by the Minister for Planning and Infrastructure for urban development and is referred to as 'North Kellyville Precinct'. This area is undergoing a rapid transformation and is earmarked to deliver approximately 4,500 new dwellings.

The vision for North Kellyville is the creation of vibrant neighbourhoods that provide a range of dwelling types and opportunities for social interaction for a diverse population in centres, parks and community facilities. The North Kellyville Precinct will contain three centres that will become the focal points for social interaction, community uses and retailing. An integrated public transport, cycle and pedestrian network will facilitate improved access within the Precinct and to the surrounding areas, particularly to Rouse Hill Regional Centre. The interface of the built form and the design of the public domain will create an attractive place to live.

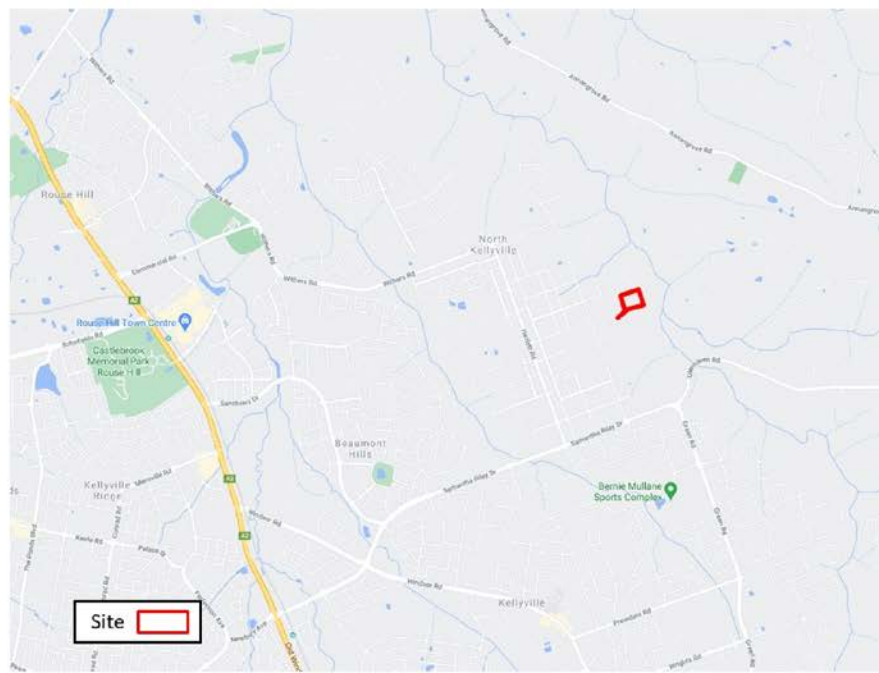


Figure 1:

Location plan: (Source: Google Maps 2020)

2.2 Site Description and Surrounding Context

This Planning Proposal relates to land legally described as Lot 3 DP 249675 and known as 9 Palaran Avenue, North Kellyville. The site was originally a battleaxe allotment with an access handle providing frontage to the cul-de-sac of Kendall Place, such that the site was previously known as 4 Kendell Place. However, with the delivery of the street network as anticipated by the North Kellyville Precinct Development Control Plan 2018, the site is now also accessed via Palaran Avenue which meets the southern boundary of the subject site and Roland Garros Crescent and Barabati Road which meet the northern boundary of the site. Roland Garros Crescent and Barabati Road will ultimately extend through the subject site.

The context surrounding the site is rapidly changing.

Immediately to the north of the subject site are new detached houses on allotments of approximately 380 to 440 square metres in area. These allotments have their street address to Craven Street, Roland Garros Crescent and Barabati Road and are on land zoned R2 Low Density Residential.

Immediately to the east of the subject site are new detached houses on allotments of approximately 600 square metres in size which have their street address to Kinnick Place further to the east. Kinnick Place is a neighbourhood allotment which also includes bushland to the east. This land is zoned E4 Environmental Living.

The land immediately to the south of the subject site is currently under construction for a subdivision creating 21 community title residential lots, one association lot and one residue lot including a new road as approved under Development Consent 635/2019/ZD. The road within the neighbourhood lot is immediately adjacent to the southern boundary of the subject site. The residential allotments are all approximately 600 square metres in size. This land is zoned E4 Environmental Living.

The land immediately to the west of the subject site is known as 11 Palaran Avenue and is an original allotment of approximately 2 hectares in size. The site currently contains a detached dwelling, large open areas and some vegetation. 11 Palaran is zoned R2 Low Density Residential and it is likely that it will be redeveloped in the near future for detached residential housing on allotments ranging from approximately 450 to 550 square metres in area.

The subject site contains an original single storey dwelling on the western portion of the site which is accessed via a driveway from the cul-de-sac of Palaran Avenue. To the east of the dwelling is a swimming pool and outbuilding. To the west of the dwelling is another outbuilding. The majority of the site consists of cleared grass areas, some garden areas, and some limited larger vegetation along the boundaries of the site and in the north-eastern corner.

The subject site does not contain vegetation mapped as either Existing Native Vegetation Area or Native Vegetation Retention Area on the Native Vegetation Protection Map. Furthermore, the entire site is also located on 'biodiversity certified land' according to the Order to confer biodiversity certification on the State Environmental Planning Policy Sydney Region Growth Centres 2006. Under s126(l) of the Threatened Species Conservation Act 1995 development on biodiversity certified land is taken to be development that is not likely to significantly affect any threatened species, population or ecological community or its habitat. A consent authority is not required to take into consideration the likely impact of the development on biodiversity values (despite any provision of the EP&A Act or any regulation or instrument made under that Act).



Figure 2:

Aerial View of the Site and Surrounds (Source: Six Maps, Department of Lands 2020)



Photograph 1:

The existing entrance driveway to the site from Palaran Avenue



Photograph 2:

View from the eastern end of the site facing west with the southern boundary on the left



Photograph 3:

View from the site facing east with the southern boundary on the right



Photograph 4:

View from the southern end of the site facing north-east towards the eastern boundary

Planning Proposal - 9 Paloran Avenue, North Kellyville



Photograph 5:

View of the existing dwelling
and pool facing north-west

Photograph 6:

View of the northern boundary
of the site from the north-
eastern corner



Photograph 7:

View towards the western
boundary of the site taken from
the northern part of the site



Planning Proposal - 9 Palbram Avenue, North Kellyville



Photograph 8:

View of western adjacent site at 11 Palaran Avenue which is yet to be developed



Photograph 9:

View of southern adjacent site which is currently under construction



Photograph 10:

Emerging context in Palaran Avenue

Planning Proposal - 9 Palaran Avenue, North Kellyville

3.0 LOCAL PLANNING PROVISIONS

3.1 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 applies to the site. Key provisions applying to the site are identified below:

3.1.1 Zoning and Permissibility

The majority of the site is zoned R2 Low Density Residential and a small area of the site is zoned E4 Environmental Living pursuant to Appendix 2 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006. An extract of the Land Zoning Map is included as Figure 3.



The objectives of the R2 Low Density Residential zone are:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for a variety of housing types but primarily low density detached housing.
- To support the wellbeing of the community, including educational, recreational, community, religious and other activities if there will be no adverse effect on the amenity of the proposed or existing nearby residential development.

The following uses are permitted with consent in the R2 Low Density Residential zone:

Centre-based child care facilities; Community facilities; Drainage; Dual occupancies; Dwelling houses; Earthworks; Educational establishments; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Health consulting rooms; Home businesses; Information and education facilities; Recreation areas;

Respite day care centres; Roads; Secondary dwellings; Semi-detached dwellings; Seniors housing; Studio dwellings; Water recycling facilities; Waterbodies (artificial)

The objectives of the E4 Environmental Living zone are:

- To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.
- To ensure that residential development does not have an adverse effect on those values.

The following uses are permitted with consent in the E4 Environmental Living zone:

Bed and breakfast accommodation; Drainage; Dual occupancies; Dwelling houses; Earthworks; Electricity generating works; Environmental facilities; Environmental protection works; Flood mitigation works; Group homes; Health consulting rooms; Home businesses; Home industries; Horticulture; Recreation areas; Recreation facilities (outdoor); Roads; Swimming pools; Water recreation structures; Water recycling facilities; Waterbodies (artificial.)

3.1.2 Lot Size

Clause 4.1C(3)(b) establishes a minimum lot size of 4,000 square metres for the part of the site which is zoned E4 Environmental Living. An extract of the Lot Size map is included as Figure 4.



Figure 4:

Extract from the SEPP
(SRGC) 2006 Lot Size
Map

The objectives of the clause are:

- (a) to provide for the subdivision of lots that are within Zone R2 Low Density Residential and Zone E4 Environmental Living but cannot be subdivided under clause 4.1,

(b) to ensure that the subdivision occurs in a manner that promotes suitable land use and development,

(c) to ensure that the subdivision will not compromise the environmental values of land in Zone E4 Environmental Living.

3.1.3 Preservation of trees or vegetation

Clause 5.9 relates to the preservation of the amenity of the area through the preservation of trees and other vegetation.

Clauses 6.2 and 6.3 of the Growth Centres SEPP contains controls for the clearing of Existing Native Vegetation and Native Vegetation Retention Areas as shown on the Native Vegetation Protection Map. However, the subject site does not contain vegetation mapped in either of these categories and therefore has no further restriction of clearing of vegetation as illustrated in Figure 5 below.



Figure 5:

Extract from SEPP
Native Vegetation
Protection Map

The entire site is also located on 'biodiversity certified land' according to the Order to confer biodiversity certification on the State Environmental Planning Policy Sydney Region Growth Centres 2006 as depicted in Figure 6 below.

Under s126(l) of the Threatened Species Conservation Act 1995 development on biodiversity certified land is taken to be development that is not likely to significantly affect any threatened species, population or ecological community or its habitat. A consent authority is not required to take into consideration the likely impact of the development on biodiversity values (despite any provision of the EP&A Act or any regulation or instrument made under that Act). Therefore, it is understood that no further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation.



Figure 6:

Biodiversity certified
land

3.1.4 Subdivision of land in Zone E4 Environmental Living

Clause 6.5 provides the following in relation to the subdivision of land in zone E4 Environmental Living:

- (1) The objectives of this clause are as follows—
 - (a) to provide for residential development that takes account of the special values of land in Zone E4 Environmental Living,
 - (b) to encourage development that will ensure the land is managed and conserved in a holistic and sensitive manner,
 - (c) to promote high quality residential amenity in the urban environment,
 - (d) to encourage an innovative and contemporary approach to building design and location that is appropriate to the special values of the land.
- (2) This clause applies to land in Zone E4 Environmental Living.
- (3) The consent authority may grant development consent for the subdivision of land to which this clause applies, only if—
 - (a) the land is subdivided in accordance with the Community Land Development Act 1989 for a neighbourhood scheme, and
 - (b) each lot, other than a lot comprising neighbourhood property, to be created by the subdivision will have an area of not less than 600 square metres, and
 - (c) the subdivision will not result in more than 7.5 development lots per hectare.

4.0 PLANNING PROPOSAL

4.1 Overview

In accordance with Section 3.33(2) of the Environmental Planning and Assessment Act 1979 (the EP&A Act) a Planning Proposal is to be comprised of five (5) parts:

- Part 1 – A statement of the objectives and intended outcomes of the proposed instrument.
- Part 2 – An explanation of the provisions that are to be included in the proposed instrument.
- Part 3 – The justification for those objectives, outcomes and the process for their implementation.
- Part 4 – Maps, where relevant, to identify the intent of the Planning Proposal and the area to which it applies.
- Part 5 – Details of the community consultation that is to be undertaken on the Planning Proposal.

Section 3.33(3) of the Act allows the Secretary to issue requirements with respect to the preparation of a Planning Proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the Planning Proposal
- A project timeline to detail the anticipated timeframe for the plan making process for each Planning Proposal.

The project timeline forms Part 5 of a Planning Proposal.

Section 4 of this report addresses and responds to the matters for consideration detailed within 'Planning Proposals - A Guide to Preparing Planning Proposals' (NSW Department of Planning and Environment, August 2016).

4.2 Part 1: Objectives or Intended Outcomes

The objective of the Planning Proposal is to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as follows:

- Amend the North West Growth Centre Lot Size Map to change the minimum lot size that applies to part of the site from 4,000 square metres to 600 square metres; and
- Rezone part of the subject site from E4 Environmental Living to R2 Low Density Residential.

The purpose, or intended outcome, of the Planning Proposal is to allow the orderly and economic development of the subject site by facilitating subdivision of the part of the site currently zoned E4 Environmental Living in a manner which more appropriately reflects the site characteristics and surrounding context.

4.3 Part 2: Explanation of Provisions

4.3.1 Proposed Changes to State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The amendments proposed to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 are as follows:

- Amend the North West Growth Centre Lot Size Map (Sheet LSZ_012) to change the minimum lot size that applies to part of the site at 9 Palaran Avenue, North Kellyville from 4,000 square metres to 600 square metres; and

- Rezone part of the subject site at 9 Palaran Avenue, North Kellyville from E4 Environmental Living to R2 Low Density Residential. This requires an amendment to the North West Growth Centre Land Zoning Map (Sheet LZN_012A)

4.3.2 Concept Plan of Subdivision

The Planning Proposal is accompanied by a conceptual plan of subdivision prepared by Robert Moore & Associates Surveyors which illustrates the intended future subdivision of the overall site which would be facilitated by the proposed amendments to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. This is shown in Figure 7 below and included as Appendix A.



Figure 7:

Conceptual plan of subdivision prepared by Robert Moore & Associates Surveyors

4.4 Part 3: Justification

This Part of the Planning Proposal sets out the case for the proposed amendments to the minimum lot size and E4 Environmental Living zones which currently apply to the eastern part of the subject site pursuant to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

4.4.1 Need for the Planning Proposal

Is the Planning Proposal the result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report.

However, the proposed amendment is not inconsistent with the intended outcomes of the various planning controls which influenced the application of the E4 Environmental Living zone that applied to

the site with the introduction of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

In particular, the current planning regime being the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and also the North Kellyville Precinct Development Control Plan, anticipated that the E4 Environmental Living part of the site would be amalgamated with the E4 Environmental Living land adjacent to the east of the site.

Such an amalgamated outcome would logically lend itself to a Community title subdivision as anticipated by the planning controls, with the protected vegetation further to the east being retained and managed as a neighbourhood lot. However, this outcome has already been achieved as a result of the approved redevelopment and subdivision of the site immediately to the east, on a standalone basis.

As a result, the subject site has become isolated from any land containing vegetation that needs to be managed and conserved, such that there is no longer a need for a neighbourhood allotment and for subdivision of the site to be on a Community title basis.

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

The objectives of the E4 zone are to provide for low-impact residential development in areas with special ecological, scientific or aesthetic values and to ensure that residential development does not have an adverse effect on those values.

The site itself does not contain any Existing Native Vegetation or Native Vegetation Retention Areas as shown on the North West Growth Centre Native Vegetation Protection Map. The entire site is also located on 'biodiversity certified land' and no further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation.

In addition, the site is now permanently disconnected from land which does contain vegetation that needs to be managed and conserved.

Accordingly, the part of the site zoned E4 Environmental Living does not have special ecological, scientific or aesthetic values and therefore there is no longer any basis for the eastern part of the subject site to remain zoned E4 Environmental Living. This part of the site should be zoned the same as the balance of the site which is already zoned R2 Low Density Residential given the objectives of the R2 zone are more appropriate and relevant to the land.

In accordance with Clause 4.1C(3)(b) of Appendix 2 of the Growth Centres SEPP any allotment created from a subdivision of land within the E4 Environmental Living zone must not be less than the minimum size shown on the Lot Size Map. A 4,000 square metre minimum lot size applies to the E4 Environmental Living zoned part of the subject site. Notwithstanding this, Clause 6.5 allows subdivision of land in the Zone E4 Environmental Living with a minimum lot size of 600 square metres, however, this is only on a Community title basis in accordance with the *Community Land Development Act 1989* for a neighbourhood scheme. The objectives for Clause 6.5 are to provide for residential development that takes account of the special values of land in Zone E4 Environmental Living and to ensure the land is managed and conserved in a holistic and sensitive manner. Clause 6.5 only allows subdivision on a Community title basis because it anticipates that sensitive land and bushfire asset protection zones in a development will be protected as a neighbourhood allotment, as explained in Section 3.7 of the North Kellyville Precinct Development Control Plan 2018 (DCP 2018).

As detailed above the part of the site zoned E4 Environmental Living does not contain any land that has special environmental values and has become isolated and disconnected from any other lots with special ecological, scientific or aesthetic values as a result of recent development approvals to the north, south and east of the site. Accordingly, the objectives of clause 6.5 have little relevance. Also, the small size of the E4 zoned parcel of land (4,960.7 square metres) and street frontage that will be provided to this land is such that there is no need for any new internal roads. Accordingly, the requirement for a neighbourhood allotment in a subdivision of the site is redundant and there is no need for a requirement for subdivision on a Community title basis.

Whilst Torrens title subdivision of the E4 Environmental Living zoned part of the site is possible, this is only on the basis of a minimum lot size of 4,000 square metres which is inconsistent with the emerging pattern of subdivision surrounding the site.

Given the emerging pattern of subdivision surrounding the site and the size of the E4 zoned parcel of land, the objectives and subdivision controls applicable to E4 zoned land are no longer relevant or appropriate and require amendment to deliver an orderly pattern of development on this part of the site.

In order to facilitate this outcome, there are two potential avenues for amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006, as follows:

Option 1	Option 2
<ul style="list-style-type: none"> Amend the North West Growth Centre Lot Size Map to change the minimum lot size that applies to part of the site from 4,000 square metres to 600 square metres. The 600 square metre lot size is consistent with the size of lots on the immediately adjoining land to the north, east and south. Rezone the subject site from E4 Environmental Living to R2 Low Density Residential. The R2 zone already applies to the majority of the site. The objectives of the R2 zone are more relevant to the land than those that apply to the E4 zone. 	<ul style="list-style-type: none"> Amend the North West Growth Centre Lot Size Map to remove the 4,000 square metre affectation which applies to part of the site; and Amend Clause 6.5 to exempt this site from the application of the clause.

In considering the two options, it is considered that Option 1 is superior because it avoids the need for a bespoke provision in Clause 6.5 of Appendix 2 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to specifically exempt its application from the subject site. Option 1 is also superior as the objectives of the R2 zone are more closely aligned with the characteristics of the land. The provision of a 600 square metre lot size for the eastern part of the site will also ensure that the pattern of subdivision relates to the lot sizes on the immediately adjoining land.

The rezoning of the eastern part of the site to R2 Low Density Residential would also remove the application of Clause 6.5 to the future subdivision of the site. This is appropriate given that the objective of Clause 6.5, being to provide for residential development that takes account of the special values of land in Zone E4 Environmental Living and to ensure the land is managed and conserved in a holistic and sensitive manner, is no longer relevant to the subject site.

The alternative approach of simply leaving the eastern part of the site zoned E4 Environmental Living and allowing Torrens title subdivision to lots of less than 4,000 square metres is considered inferior as the E4

Environmental Living zone no longer reflects the site characteristics and context. Furthermore, this approach would require a bespoke amendment to Clause 6.5 of Appendix 2 to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 which is undesirable given it creates further complexity that can be avoided by adopting a more appropriate zone for the land.

For these reasons the Planning Proposal is the best means of achieving the objectives and intended outcomes for the site.

4.4.2 Relationship to Strategic Planning Framework

Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Greater Sydney Region Plan – A Metropolis of Three Cities

In March 2018 the Greater Sydney Region Plan - A Metropolis of Three Cities was released. The Plan sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney. The vision for Greater Sydney is a metropolis of three cities — the Western Parkland City, the Central River City and the Eastern Harbour City where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The Plan sets out 10 Directions which set out the aspirations for the region and objectives to support the Directions. The 10 Directions are:

- A city supported by infrastructure
- A collaborative city
- A city for people
- Housing the city
- A city of great places
- A well-connected city
- Jobs and skills for the city
- A city in its landscape
- An efficient city
- A resilient city

The Plan provides 40 objectives related to these directions and the themes of infrastructure and collaboration, liveability, productivity, sustainability and implementation. The following table summarises the proposals consistency with relevant objectives of the Plan:

Objective	Comment	Consistent
Housing the city		
Objective 10 Greater Housing Supply	NSW Government has identified that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections. The proposed amendments will facilitate a residential density for the eastern part of the site is consistent with the density of the adjoining development to the east. This will result in	Yes

Objective	Comment	Consistent
	an improvement, albeit relatively minor, to the housing supply which is capable of being delivered by the subject site. This supply is appropriate having regard to the site characteristics and circumstance, and consistent with the housing supply which will occur on the balance of the subject site and within the visual catchment of the site.	
A city in its landscape		
Objective 27 Biodiversity is protected, urban bushland and remnant vegetation is enhanced Objective 28 Scenic and cultural landscapes are protected	Objectives 27 and 28 are concerned with the protection of biodiversity and scenic landscapes. However, the subject site itself does not contain any Existing Native Vegetation or Native Vegetation Retention Areas as shown on the North West Growth Centre Native Vegetation Protection Map, and furthermore, the entire site is also located on 'biodiversity certified land' and no further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation. Accordingly, the proposed amendments do not result in any change in relation to the protection of biodiversity and scenic landscapes beyond the existing circumstance.	Yes

Central City District Plan

The Central City District Plan was also released in March 2018 and sets out a 20-year vision for the Central City District, which includes Blacktown, The Hills, Parramatta and Cumberland local government areas.

The Central City District Plan sets out priorities and actions for the growth and development of the Central District. The Plan provides the district level framework to implement the directions, objectives, strategies and actions outlined in the Greater Sydney Region Plan.

The Central City District is identified as one of the most dynamic and rapidly growing regions in Australia and one which plays a pivotal role in Greater Sydney's future as an economic and employment powerhouse, a core hub for transport and services, and the home of vibrant and diverse centres and communities.

The following table summarises the Planning Proposal's consistency with relevant components of the Central City District Plan:

Chapter	Comment	Consistent
Infrastructure and Collaboration	The site is within close proximity to the recently completed Kellyville metro station and the proposed amendments to the SEPP will allow for the appropriate development of the site for a commensurate density to that which is consistent with the immediately adjoining land to the east. This will maximise the benefit provided by the recently completed infrastructure.	Yes

Chapter	Comment	Consistent
Liveability	The proposed amendments will facilitate a residential density for the eastern part of the site which is consistent with the density of development on the surrounding land, without the restrictions which apply to sensitive land which contains vegetation which needs to be conserved and managed. This will result in an improvement, albeit relatively minor, to the housing supply which is capable of being delivered by the subject site. This supply is appropriate having regard to the site characteristics and circumstance, and the supply of housing which will occur on the balance of the subject site and within the visual catchment of the site.	Yes
Sustainability	Planning Priority C15 is concerned with protecting and enhancing bushland, biodiversity and scenic and cultural landscapes. However, the subject site itself does not contain any Existing Native Vegetation or Native Vegetation Retention Areas as shown on the Native Vegetation Protection Map, and furthermore, the entire site is also located on 'biodiversity certified land' and no further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation. Accordingly, the proposed amendments do not result in any change in relation to protecting and enhancing bushland, biodiversity and scenic and cultural landscapes.	Yes

Is the Planning Proposal consistent with a Council's local strategy or other local strategic plan?

The Hills Shire Council Local Strategic Planning Statement (LSPS) identifies priorities for new housing in the right locations and a diversity of housing. In particular, the LSPS identifies:

The greenfield areas of North Kellyville, Box Hill, Box Hill North and Balmoral Road will continue to provide low and medium density housing, supported by existing and planned infrastructure, to meet demand for detached dwellings, which have been the core of The Hills housing market to date.

It is noted that the site is in a 'Greenfield Area' and not a 'Metropolitan Rural Area' under the LSPS. The focus for Greenfield Areas is for low and medium density housing, whilst protection of rural lands and bushland, biodiversity and scenic landscapes is relevant to the Metropolitan Rural Areas which does not include the subject site.

The Hills Shire Council Housing Strategy specifically identifies a planned 80 per cent increase in population by 2036, with the population of 290,900 people needing a mix of housing. The Strategy specifically identifies that Greenfield areas such as North Kellyville will accommodate most of the Shire's supply of detached homes.

The Planning Proposal is consistent with the identified role of North Kellyville as a Greenfield area which is intended to accommodate a large proportion of the Shire's supply of detached housing, which is a form of housing that the Shire is well known for and which attracts families to the area. This Planning Proposal demonstrates that the current zone and minimum lot size requirement for the eastern portion

of the subject site have become redundant as a result of the pattern of development that has occurred surrounding the site, such that it has become permanently isolated from any land required environmental management. Accordingly, the subject Planning Proposal allows the site to appropriately fulfil its role in the Greenfield area to deliver detached low-density housing.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is of no consequence in relation to any other State Environmental Planning Policies beyond the proposed amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

Is the Planning Proposal consistent with applicable Ministerial Directions (s9.1 directions)?

The following table summarises the Planning Proposal's consistency with applicable Ministerial Directions:

S.9.1 Direction No. and Title	Comment	Consistent
Employment and Resources		
1.1 Business and Industrial zones	Not applicable.	N/a
1.2 Rural Zones	Not applicable.	N/A
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable.	N/A
1.4 Oyster Aquaculture	Not applicable.	N/A
1.5 Rural Lands	Not applicable.	N/A
Environmental and Heritage		
2.1 Environment Protection Zones	The Planning Proposal does not impact on any environmentally sensitive areas.	Yes
2.2 Coastal Protection	Not applicable.	N/A
2.3 Heritage Conservation	Not applicable.	N/A
2.4 Recreation Vehicle Areas	Not applicable.	N/A
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPS	Not applicable.	N/A
2.6 Remediation of contaminated land	The land is not within an investigation area within the meaning of the Contaminated Land Management Act nor is it on land which	Yes

S.9.1 Direction No. and Title	Comment	Consistent
	<p>development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out.</p> <p>The Planning Proposal relates to land zoned E4 Environmental Living. This zone permits residential development. The proposed R2 zoning of this land will also permit residential development and so no change of use of land is proposed.</p>	
Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p>The objectives of this direction are:</p> <ul style="list-style-type: none"> (a) To encourage a variety and choice of housing types to provide for existing and future housing needs, (b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) To minimise the impact of residential development on the environment and resource lands. <p>This Planning Proposal demonstrates that the current zone and minimum lot size requirements for the eastern portion of the subject site have become redundant as a result of the pattern of development that has occurred surrounding the site, such that it has become permanently isolated from any land requiring protection or environmental management. Accordingly, the subject Planning Proposal allows the site to appropriately fulfil its role in the Greenfield area to deliver detached low density housing which is a housing type which is well suited to the future housing needs in the area.</p> <p>The Proposal makes efficient use of existing infrastructure and services, including the recently completed Kellyville metro station.</p> <p>As the Proposal is for a site with no biodiversity protection requirements, there is no adverse impact on the environment and resource lands.</p>	N/A
3.2 Caravan Parks and Manufactured Home Estates	Not applicable.	N/A
3.3 Home Occupations	Not applicable.	N/A
3.4 Integrating land use and transport	This Direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.	Yes

S.9.1 Direction No. and Title	Comment	Consistent
	<p>In accordance with the direction a planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</p> <p>(a) <i>Improving Transport Choice – Guidelines for planning and development</i> (DUAP 2001), and</p> <p>(b) <i>The Right Place for Business and Services – Planning Policy</i> (DUAP 2001).</p> <p>The <i>Improving Transport Choice – Guidelines</i> provide advice on how the development industry, state agencies, other transport providers, and the community can:</p> <ul style="list-style-type: none"> better integrate land use and transport planning and development provide transport choice and manage travel demand to improve the environment, accessibility and liveability. <p>The <i>Right Place for Business and Services – Planning Policy</i> plans for a better arrangement of land uses in support of centres and the transport systems which serve them.</p> <p>The planning proposal seeks to facilitate the redevelopment of land for low density housing. The density proposed is appropriate having regard to the density of the surrounding allotments and proximity to public transport.</p>	
3.5 Development Near License Aerodromes	This Direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome. This Direction is not applicable to the Planning Proposal.	N/A
3.6 Shooting Ranges	Not applicable.	N/A
3.7 Reduction in non-hosted short term rental accommodation period	Not applicable.	N/A
Hazard and Risk		
4.1 Acid Sulfate Soils	Not applicable.	N/A
4.2 Mine Subsidence and Unstable Land	Not applicable.	N/A
4.3 Flood Prone Land	The site is not identified as Flood Prone Land.	N/A
4.4 Planning for Bushfire Protection	The site is identified as Bushfire Prone land and is specifically a 'vegetation buffer'. However, the land immediately to the east contains recently constructed low density housing, such that the development of the site for low density residential housing is unlikely to be incompatible with planning for Bushfire Prone Land.	Yes

S.9.1 Direction No. and Title	Comment	Consistent
	The detailed assessment of bushfire impact is a matter to be addressed in a subsequent Development Application.	
Regional Planning		
5.1 Implementation of Regional Strategies (Revoked)	Not applicable.	N/A
5.2 Sydney Drinking Water Catchments	Not applicable.	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	Revoked.	N/A
5.6 Sydney to Canberra Corridor	Revoked.	N/A
5.7 Central Coast	Revoked	N/A
5.8 Second Sydney Airport: Badgerys Creek	Not applicable.	N/A
5.9 North West Rail Link Corridor Strategy	Not applicable.	N/A
5.10 Implementation of Regional Plans	This direction applies to land to which a Regional Plan has been released by the Minister for Planning. No specific regional plan applies to the site.	N/A
5.11 Development of Aboriginal Land Council Land	Not applicable.	N/A
Local Plan Making		
6.1 Approval and Referral Requirements	<p>The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>In accordance with the direction the Proposal does not include provisions that require the concurrence, consultation or referral of</p>	Yes

S.9.1 Direction No. and Title	Comment	Consistent
	development applications to a Minister or public authority. Further the Proposal does not identify future development on the site as designated development.	
6.2 Reserving Land for Public Purposes	The Planning Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes.	Yes
6.3 Site Specific Provisions	<p>The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. The direction applies when a relevant planning authority prepares a Planning Proposal that will allow a particular development to be carried out.</p> <p>The proposed amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006, referred to as Option 1 in the introduction, are preferred in comparison to Option 2 as they avoid the need for site specific provisions in the SEPP.</p>	Yes
Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	In accordance with this direction Planning Proposals shall be consistent with the NSW Government's A Plan for Growing Sydney published in December 2014. As already discussed, the Planning Proposal is consistent with the relevant provisions of A Plan for Growing Sydney (now known as the Greater Sydney Region Plan - A Metropolis of Three Cities) as it will facilitate additional housing supply in an appropriate location.	Yes
7.2 Implementation of Greater Macarthur Land Release Investigation	Not applicable.	N/A
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable.	N/A
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	The Proposal is not within the North West Priority Growth Area and therefore this direction does not apply	N/A
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.	N/A
7.6 Implementation of Wilton Priority Growth	Not applicable.	N/A

S.9.1 Direction No. and Title	Comment	Consistent
Area Interim Land Use and Infrastructure Implementation Plan		
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.	N/A
7.8 Implementation of the Western Sydney Aerotropolis Plan	Not applicable.	N/A
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable.	N/A
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.	N/A
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable.	N/A
7.12 Implementation of Greater Macarthur 2040	Not applicable.	N/A

4.4.3 Environmental, Social and Economic Impact

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 Planning Proposal will not adversely impact any critical habitat, threatened species, populations or ecological communities, or their habitats. The site itself does not contain any Existing Native Vegetation or Native Vegetation Retention Areas as shown on the North West Growth Centre Native Vegetation Protection Map. The entire site is also located on 'biodiversity certified land' and no further assessment of impacts to threatened species, populations or ecological communities is required under NSW legislation.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

There are no negative environmental effects which would arise as a result of the Planning Proposal. There are no hazards that impact the site or environmental effects resulting from the future redevelopment of the site that would preclude consideration of the Planning Proposal. The proposed amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 will support the redevelopment of the eastern portion of the subject site in an appropriate manner which is commensurate with that which

is possible on the balance of the site and also within the visual catchment of the site. Therefore, the proposed amendment will not give rise to any adverse environmental effects.

[Has the Planning Proposal adequately addressed any social and economic effects?](#)

The Planning Proposal has no expected negative social effects. The Planning Proposal demonstrates a commitment to improving housing diversity and supply in the locality and providing housing that responds to the lifestyle and values of the local community.

4.4.4 State and Commonwealth Interests

[Is there adequate public infrastructure for the Planning Proposal?](#)

Required electricity, telecommunication, gas, water, sewer and drainage services are available to the site.

The site is well served by public transport infrastructure in that the site is within close proximity to the recently completed Kellyville metro station as well as other services and facilities such as the Rouse Hill shopping centre.

The future subdivision of the site will include a \$7.11 contribution to be paid to assist Council to provide the appropriate public facilities which are required to maintain and enhance amenity and service delivery in the area. Furthermore, the future subdivision of the site will also include the requirement for the payment of a special infrastructure contribution in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011.

[What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?](#)

Relevant public authorities will be consulted following the Gateway determination.

4.5 Part 4: Mapping

The Planning Proposal will require the amendment of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006:

- North West Growth Centre Lot Size Map - Sheet LSZ_012 to change the minimum lot size that applies to part of the site from 4,000 square metres to 600 square metres affectation which applies to part of the site, as illustrated in Figure 8;
- North West Growth Centre Land Zoning Map - sheet LZN_012A to Rezone the subject site from E4 Environmental Living to R2 Low Density Residential, as illustrated in Figure 9 below.

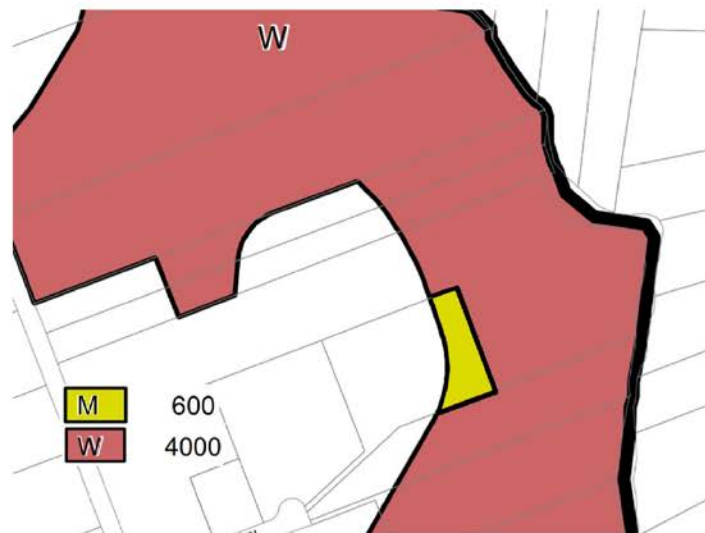
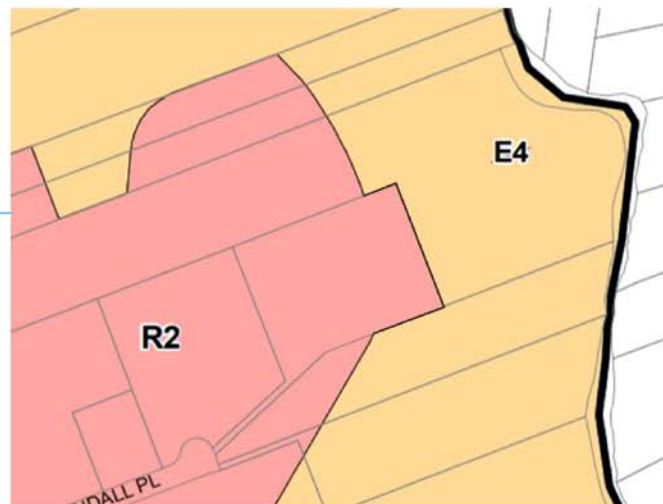


Figure 8:

Proposed
amended Lot
Size Map

Figure 9:

Proposed amended
Land Zoning Map

4.6 Part 5: Community Consultation

'A guide to preparing local environmental plans' produced by the NSW Department of Planning and Environment sets out the community consultation requirements for Planning Proposals.

The guide indicates that consultation will be tailored to specific Proposals. The exhibition for low impact Planning Proposals will generally be 14 days and all other Planning Proposals will be 28 days.

A low impact Planning Proposal is described as a Planning Proposal that, in the opinion of the person making the gateway determination is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic planning framework; presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify public land.

It would be appropriate to exhibit the Planning Proposal for 14 days as it is considered to be a low impact Planning Proposal because it is consistent with the pattern of surrounding land use zones, consistent with the strategic planning framework, and presents no issues with regard to infrastructure servicing.

Community consultation to be commenced by giving notice of the public exhibition of the Planning Proposal in a local newspaper, on the Council website and in writing to adjoining landowners.

The written notice of the Planning Proposal will:

- give a brief description of the objectives or intended outcomes of the Planning Proposal
- indicate the land affected by the Planning Proposal
- state where and when the Planning Proposal can be inspected
- give the name and address of the relevant planning authority (Canterbury Bankstown Council) for the receipt of submissions
- indicate the last date for submissions
- confirm whether delegation for making the LEP has been issued to the relevant planning authority.

4.7 [Part 6: Project Timeline](#)

The project timeline will be determined by The Hills Shire Council.

5.0 CONCLUSION

9 Palaran Avenue, North Kellyville is part zoned R2 Low Density Residential and part zoned E4 Environmental Living pursuant to Appendix 2 North Kellyville Precinct Plan of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

In accordance with Clause 4.1C(3)(b) of Appendix 2 of the Growth Centres SEPP any allotment created from a subdivision of land within the E4 Environmental Living zone must not be less than the minimum size shown on the Lot Size Map. A 4,000 square metre minimum lot size applies to the E4 Environmental Living zoned part of the subject site. Notwithstanding this, Clause 6.5 allows subdivision of land in the Zone E4 Environmental Living with a minimum lot size of 600 square metres, however, this is only on a Community title basis in accordance with the *Community Land Development Act 1989* for a neighbourhood scheme. The objectives for Clause 6.5 are to provide for residential development that takes account of the special values of land in Zone E4 Environmental Living and to ensure the land is managed and conserved in a holistic and sensitive manner. Clause 6.5 only allows subdivision on a Community title basis because it anticipates that sensitive land and bushfire asset protection zones in a development will be protected as a neighbourhood allotment, as explained in Section 3.7 of the North Kellyville Precinct Development Control Plan 2018 (DCP 2018).

The part of the site zoned E4 Environmental Living does not contain any land that has special environmental values and has become isolated and disconnected from any other lots with special ecological, scientific or aesthetic values as a result of recent development approvals to the north, south and east of the site. Accordingly, the objectives of the E4 zone and clause 6.5 have little relevance. Also, the small size of the E4 zoned parcel of land (4,960.7 square metres) and street frontage that will be provided to this land is such that there is no need for any new internal roads. Accordingly, the requirement for a neighbourhood allotment in a subdivision of the site is redundant and there is no need for a requirement for subdivision on a Community title basis.

Whilst Torrens title subdivision of the E4 Environmental Living zoned part of the site is possible, this is only on the basis of a minimum lot size of 4,000 square metres which is inconsistent with the emerging pattern of subdivision surrounding the site.

Given the emerging pattern of subdivision surrounding the site and the size of the E4 zoned parcel of land, the objectives and subdivision controls applicable to E4 zoned land are no longer relevant or appropriate and require amendment to deliver an orderly pattern of development on this part of the site.

The purpose of the Planning Proposal is to allow the orderly and economic development of the subject site by facilitating subdivision of the part of the site currently zoned E4 Environmental Living in a manner which more appropriately reflects the site characteristics and surrounding context.

On this basis, the subject Planning Proposal seeks the following amendments to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006:

- Amend the North West Growth Centre Lot Size Map to change the minimum lot size that applies to part of the site at 9 Palaran Avenue from 4,000 square metres to 600 square metres; and
- Rezone the part of the subject site at 9 Palaran Avenue, North Kellyville which is currently zoned E4 Environmental Living to R2 Low Density Residential.

For the reasons outlined in this report it is appropriate for The Hills Shire Council, as the relevant planning authority, to support the Planning Proposal.

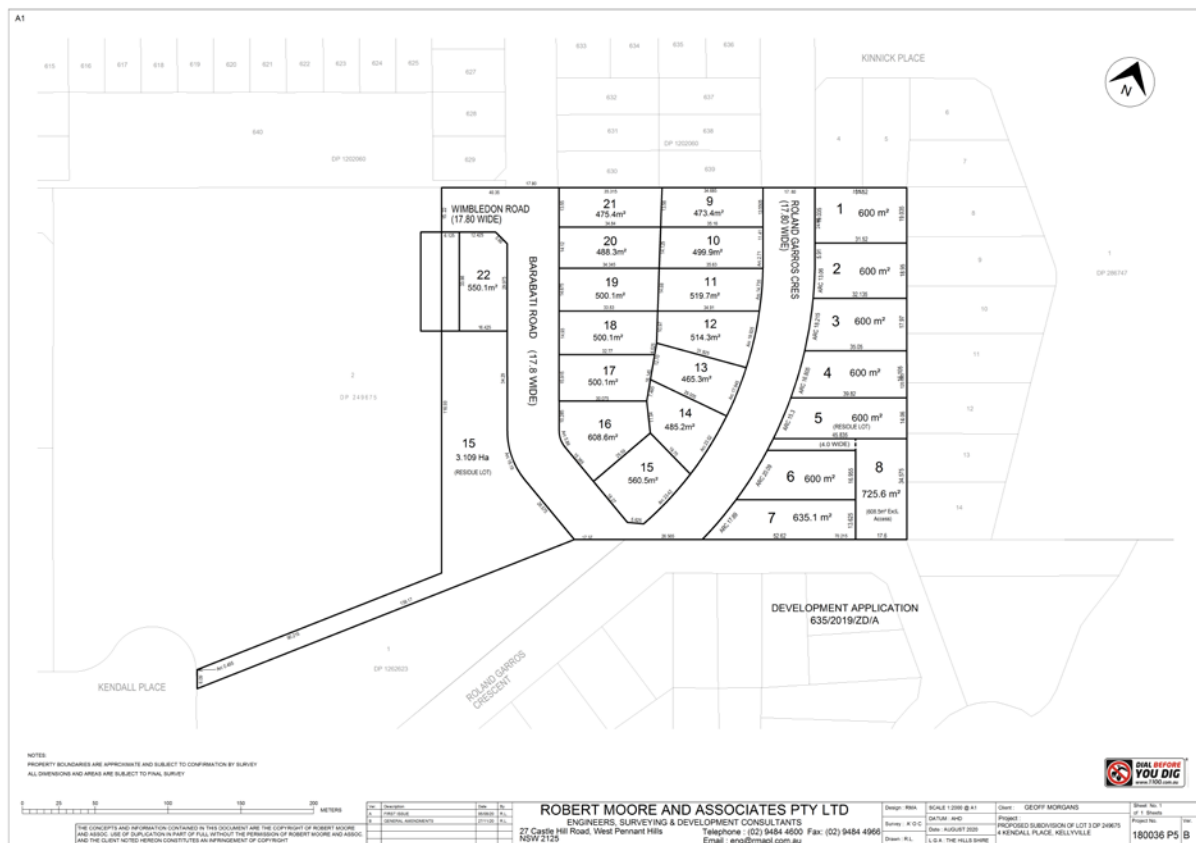
SUTHERLAND & ASSOCIATES PLANNING

APPENDIX A

Robert Moore & Associates

CONCEPT PLAN OF SUBDIVISION

A



LOCAL PLANNING PANEL – THE HILLS SHIRE COUNCIL

DETERMINATION OF THE LOCAL PLANNING PANEL ON 22 APRIL 2021 – DETERMINATION MADE ELECTRONICALLY

PRESENT:

Julie Walsh	Chair
Penny Holloway	Expert
Heather Warton	Expert
Damian Kelly	Community Representative

DECLARATIONS OF INTEREST:

Nil Disclosed

COUNCIL STAFF:

The Panel were briefed by the following Council Staff on 21 April 2021:

David Reynolds	-	Group Manager – Shire Strategy, Transformations & Solutions
Nicholas Carlton	-	Manager – Forward Planning
Megan Munari	-	Principal Coordinator, Forward Planning
Kayla Atkins	-	Strategic Planning Coordinator
Gideon Tam	-	Town Planner

**ITEM 1: LOCAL PLANNING PANEL – PLANNING PROPOSAL – 9
PALARAN AVENUE, NORTH KELLYVILLE (3/2021/PLP)**

COUNCIL OFFICER’S RECOMMENDATION:

The planning proposal for land at 9 Palaran Avenue, North Kellyville is suitable to be forwarded to the Department of Planning, Industry and Environment for Gateway Determination, subject to the following:

- a) The planning proposal be amended to include a local provision that would apply a maximum cap of 7 dwellings to the portion of land currently zoned E4 Environmental Living; and
- b) Prior to Council's consideration of the planning proposal, the Proponent should submit a Bushfire Assessment Report that demonstrates compliance with Planning for Bush Fire Protection 2019, in satisfaction of the technical requirement under Section 9.1 Ministerial Direction 4.4.

PANEL’S ADVICE:

The planning proposal for land at 9 Palaran Avenue, North Kellyville is suitable to be forwarded to the Department of Planning, Industry and Environment for Gateway Determination, subject to the following:

- a) The planning proposal be amended to include a local provision that would apply a maximum cap of 7 dwellings to the portion of land currently zoned E4 Environmental Living; and
- b) Prior to Council's consideration of the planning proposal, the Proponent should submit a Bushfire Assessment Report that demonstrates compliance with Planning for Bush Fire Protection 2019, in satisfaction of the technical requirement under Section 9.1 Ministerial Direction 4.4.

VOTING:

Unanimous