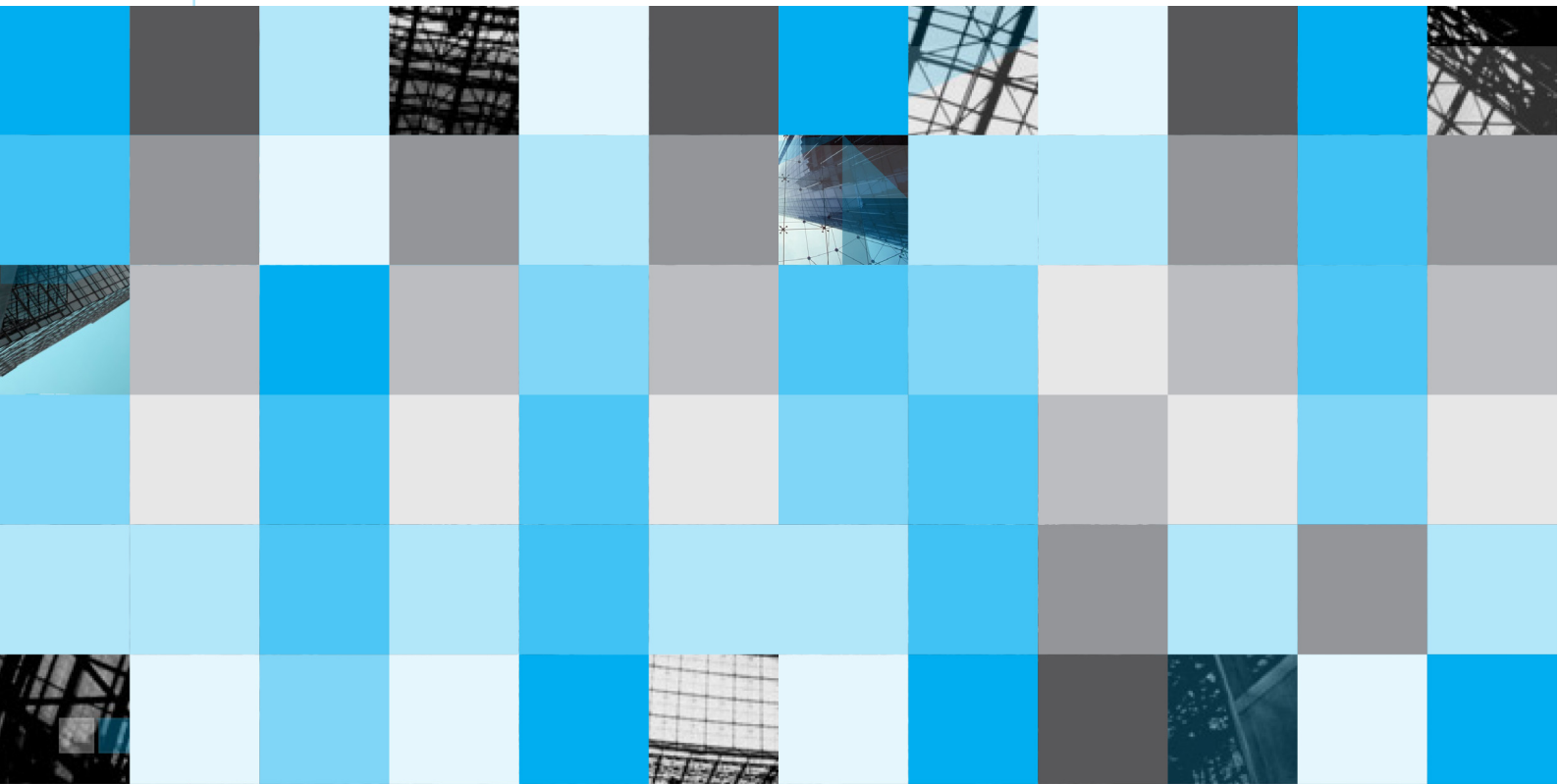


# SUTHERLAND & ASSOCIATES PLANNING



9 Palaran Avenue, North Kellyville

## Planning Proposal

# Planning Proposal

## 9 PALARAN AVENUE, NORTH KELLYVILLE

**December 2020**

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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.

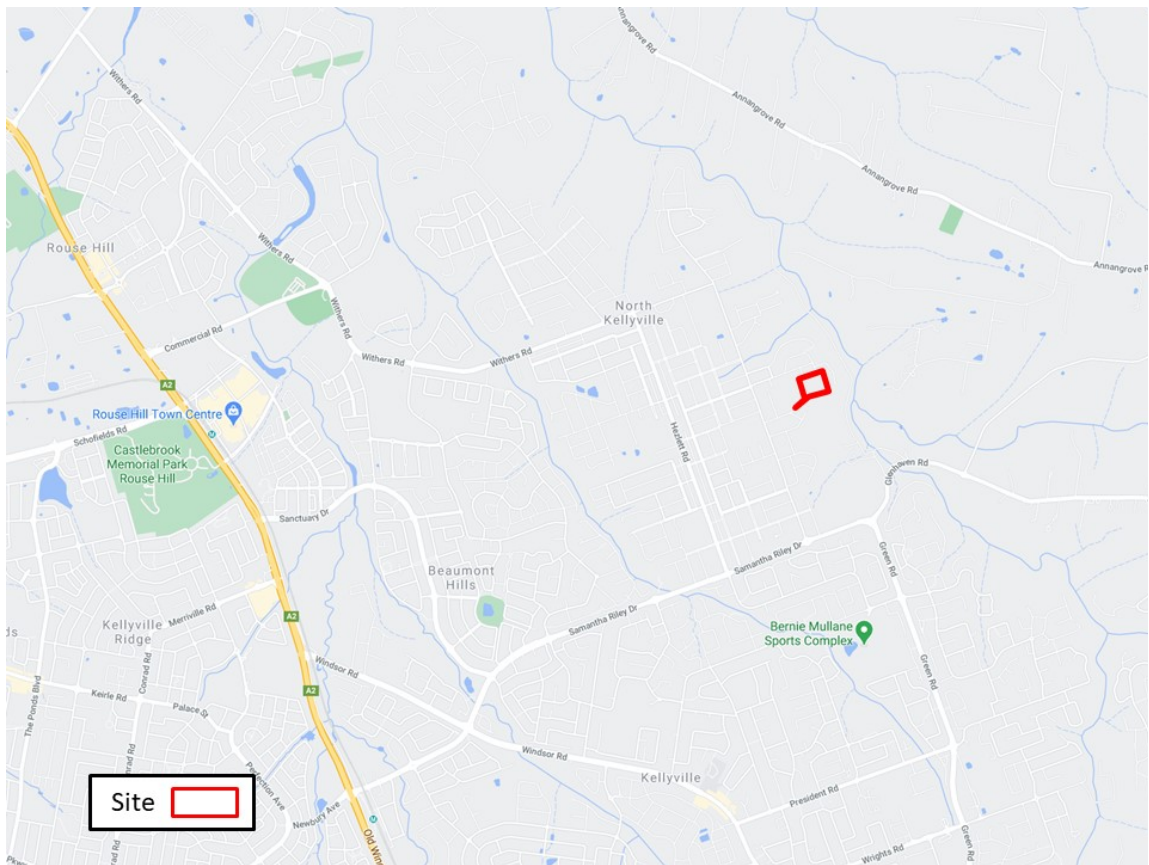


Figure 1:

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





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





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

## 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.

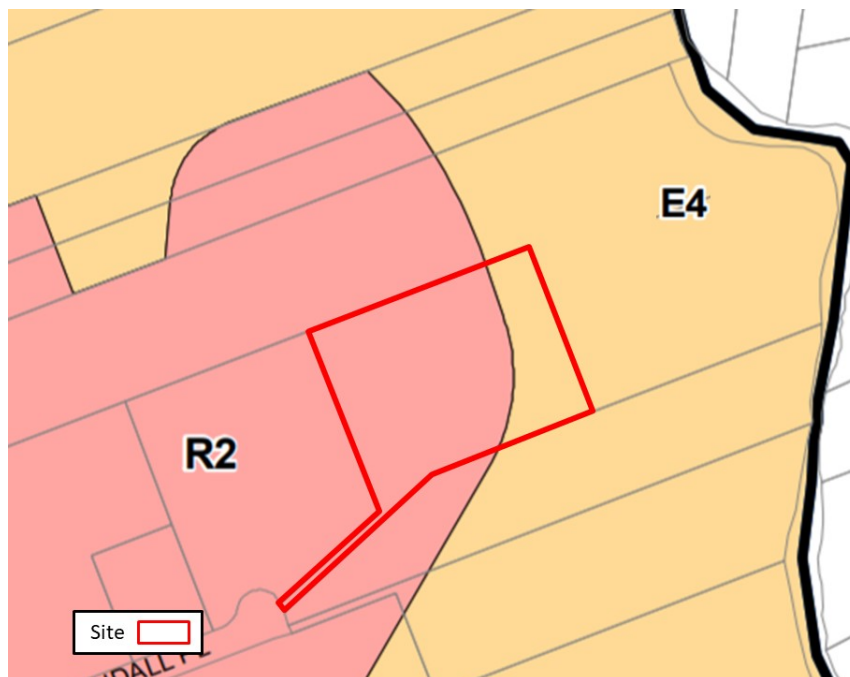


Figure 3:

Extract from SEPP  
(SRGC) 2006 Land  
Zoning Map

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:

- 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.

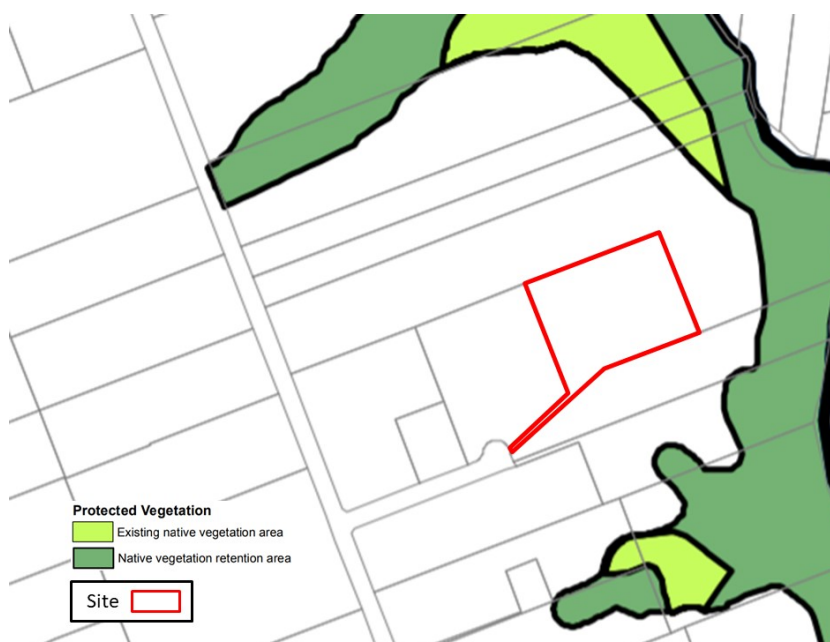


Figure 5:

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"> <li>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.</li> <li>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.</li> </ul>	<ul style="list-style-type: none"> <li>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</li> <li>Amend Clause 6.5 to exempt this site from the application of the clause.</li> </ul>

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
<b>Housing the city</b>		
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.	
<b>A city in its landscape</b>		
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"> <li>(a) To encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) To make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>(c) To minimise the impact of residential development on the environment and resource lands.</li> </ul> <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"> <li>• better integrate land use and transport planning and development</li> <li>• provide transport choice and manage travel demand to improve the environment, accessibility and liveability.</li> </ul> <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 S7.11 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.

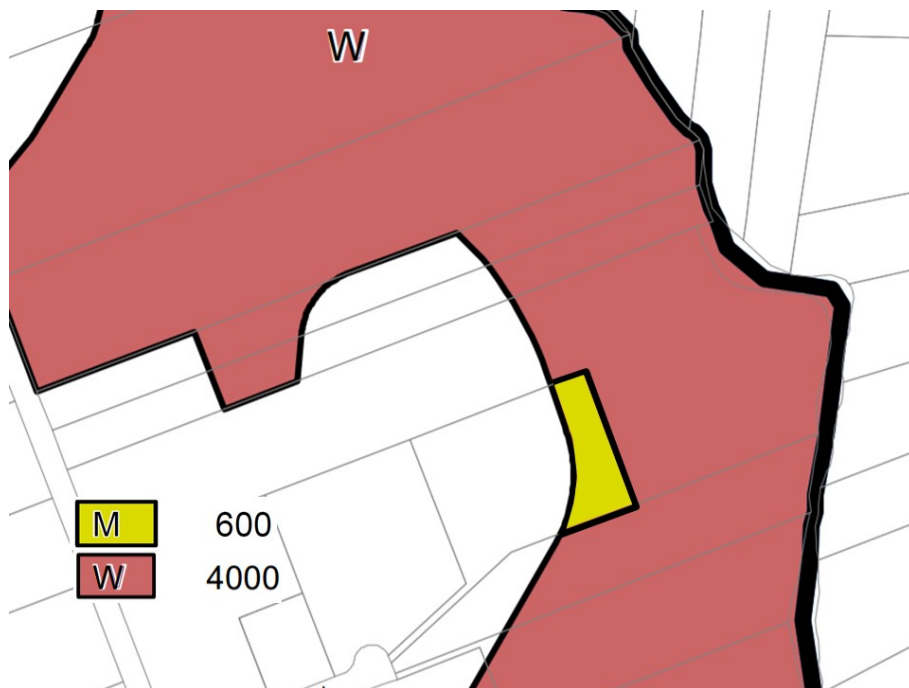
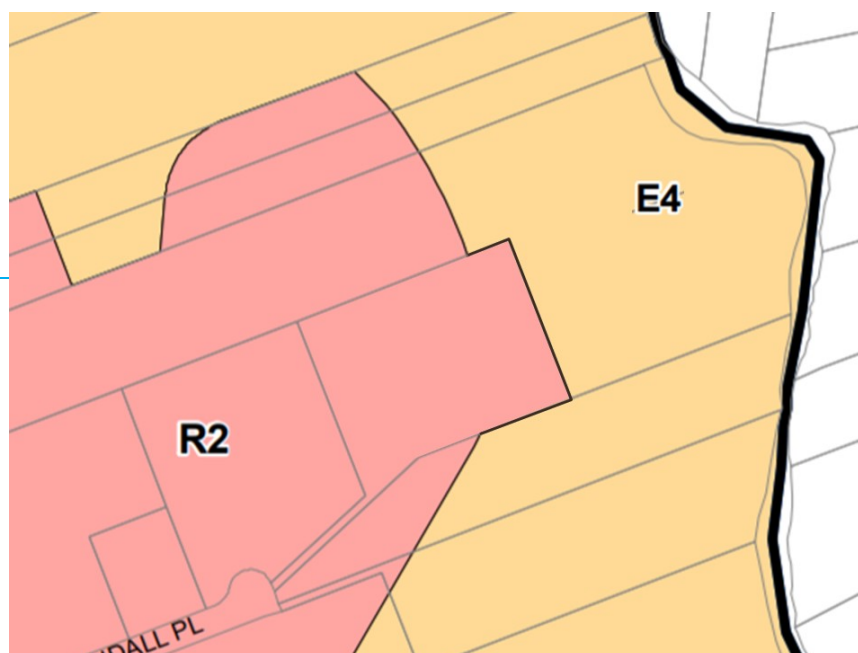


Figure 8:

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.

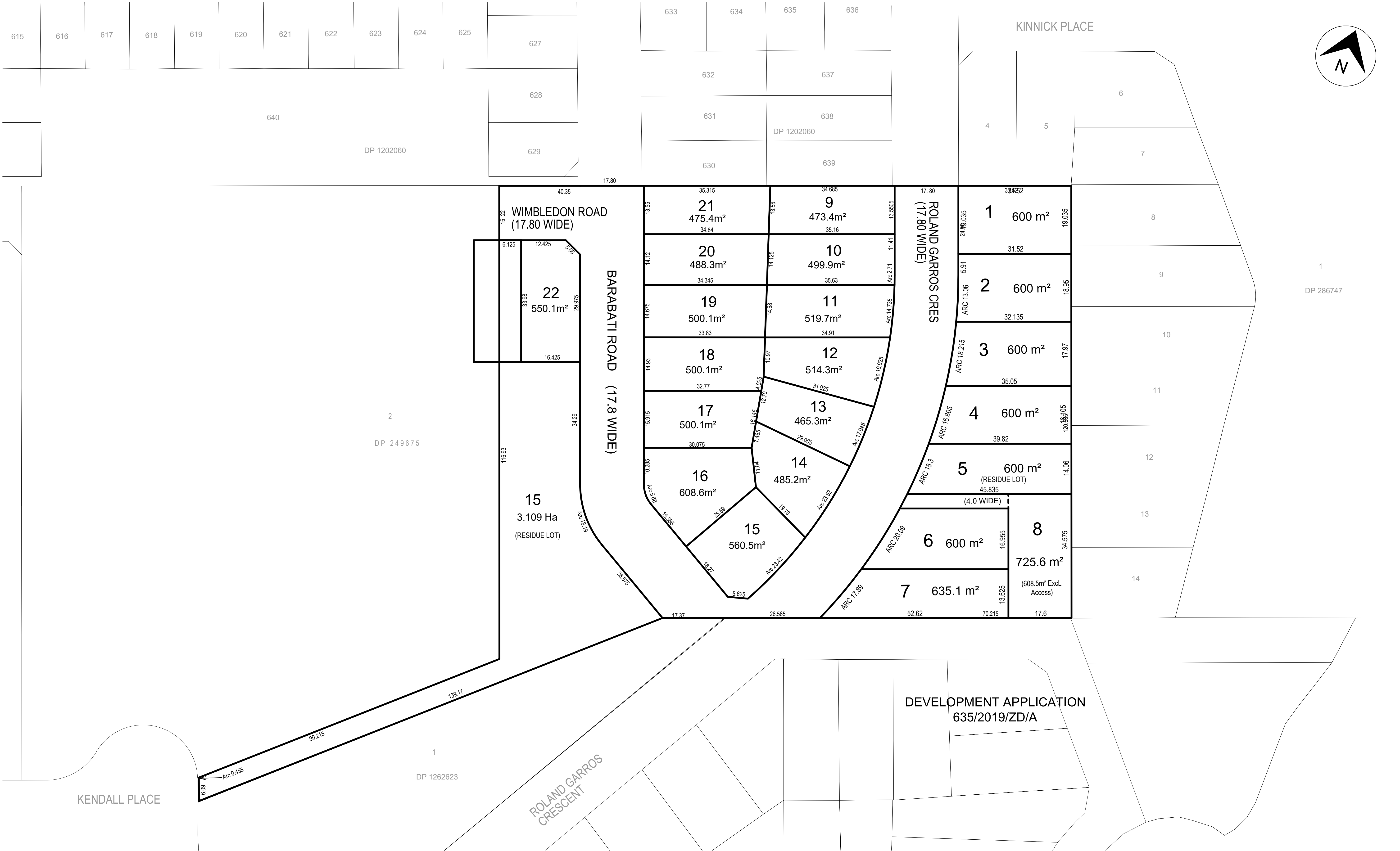
For the reasons outlined in this report it is appropriate for The Hills Shire Council, as the relevant planning authority, to support the Planning Proposal.

APPENDIX A

Robert Moore & Associates

CONCEPT PLAN OF SUBDIVISION

A



NOTES:  
PROPERTY BOUNDARIES ARE APPROXIMATE AND SUBJECT TO CONFIRMATION BY SURVEY  
ALL DIMENSIONS AND AREAS ARE SUBJECT TO FINAL SURVEY



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Ver.	Description	Date	By
A	FIRST ISSUE	06/08/20	R.L.
B	GENERAL AMENDMENTS	27/11/20	R.L.

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Design : RMA	SCALE 1:2000 @ A1	Client : GEOFF MORGANS	Sheet No. 1 of 1 Sheets
Survey : A' O C	DATUM : AHD	Project : PROPOSED SUBDIVISION OF LOT 3 DP 249675 4 KENDALL PLACE, KELLYVILLE	Project No. 180036 P5 Ver. B
Drawn : R.L.	Date : AUGUST 2020	L G A : THE HILLS SHIRE	