

22 November 2019

NSW Department of Infrastructure, Planning and Environment
GPO Box 39
SYDNEY NSW 2000

Dear Sir/Madam,

RE: SSD-10343 KELLYVILLE STATION PRECINCT CONCEPT PROPOSAL - SUBMISSION

1.0 INTRODUCTION

This letter has been prepared on behalf of Woolworths Group Limited (Woolworths) as a formal submission to the exhibition of the Kellyville Station Precinct Concept Proposal – SSD-10343.

It is noted that this SSD is accompanied by several documents which seek to respond to the issued Secretary's Environmental Assessment Requirements.

This submission specifically raises a number of issues with respect to Appendix N – Economic Impact Assessment and Benefits Statement of the above SSD application.

2.0 ISSUES WITH ECONOMIC IMPACT ASSESSMENT AS SUBMITTED

SSD-10343 includes Appendix N being an "Economic Impact Assessment and Benefits Statement" prepared by Ethos Urban dated 29 May 2019, referred to in this submission as an "EIA".

The EIA as submitted with SSD-10343 states the application "will seek concept development approval for medium to high density residential with a retail offering but will not seek development consent for any physical works". Table 1 of the "Executive Summary" states the SSD involves 1,804 residential units and 10,047 square metres of retail gross floor area.

The Executive Summary also states under 1.1 Part A: Economic Impact Assessment:

This Economic Impact Assessment has found the following:

- *New retail floorspace at Kellyville would be expected to yield \$64.14 million in sales in 2036. Approximately 50% of this turnover would be drawn from sales that would have been achieved at nearby centres if the 6,500m² GLA at Kellyville was not constructed.*
- *Relative impacts of Kellyville on individual centres range from -8.0% to -1.8%. These impacts are within the range expected in circumstances of rapid trade area population growth, as will be case in the primary sector of the Kellyville trade area.*

The EIA includes at "5.0 Retail Trading Impacts" information to identify a "primary trade area" at pages 18, 19 and 20, including Figure 6 at page 20 and at page 24 Table 8 "Existing centres likely to be impacted by Kellyville".

2.1 Failure to consider ALL land within the EIA Primary Catchment zoned to permit "commercial premises"

The assessment summarised at dot point 2 above in the submitted EIA is not correct because:

1. The EIA has failed to consider the land owned by Fabcot, which is a wholly owned subsidiary of Woolworths, at the intersection of Memorial Avenue and Hector Court, Kellyville. The land owned by Woolworths on Memorial Avenue, Kellyville has a long strategic planning history. Importantly, this land has been zoned for business purposes to permit “commercial premises” which includes “shops” for over 13 years as detailed below;
2. The land at the intersection of Memorial Avenue and Hector Court, Kellyville has been zoned 3(b1) Neighbourhood Business which permitted “shops” including a supermarket since the *Baulkham Hills Local Environmental Plan 2005* (Amendment No 5) was gazetted on 13 April 2006 being the instrument covering all of the land in the Balmoral Road Release Area (BRR);
3. Council adopted its “Centres Direction” Policy at its meeting on 23 June 2009. The “centres Direction” set policy position of the Council. The Centres Direction is available on The Hills Shire Council website and was current at the time the EIA was prepared.
4. The Centres Direction indicates on page 27 in Figure 4 “The Hills Shire Centres Typology and Hierarchy”, the land owned by Woolworth being known as “Memorial Avenue, Kellyville (planned)” as a planned “neighbourhood centre”.
5. In addition, the Centres Direction includes an extract of the former *Baulkham Hill Local Environmental Plan 2005* zoning map at page 50 which covers all the land in the BRR which clearly shows the land at Memorial Avenue is zoned “business neighbourhood” and a detailed description of the “Balmoral Road Release Area” under the heading “Planning for New Centres”, as follows:

The Balmoral Road Release Area is a 522-hectare site and was rezoned in April 2006. The release area will ultimately accommodate an additional population of 13,000 people with an additional 5,600 dwellings. A range of dwelling types are proposed including high density apartments and town houses, as well as traditional suburban detached dwellings. The majority of development is targeted to occur between 2012 and 2021.

Earlier planning for this release area envisaged the creation of ‘walkable’ neighbourhoods through the creation of small local neighbourhood shops.

The release area currently identifies three areas of land zoned for retail uses: Windsor Road, Kellyville, Memorial Avenue, and Stone Mason Drive. Windsor Road currently functions as a neighbourhood centre and is planned to transition to a village centre in the future.

The Retail Analysis identified a significant demand in the Release Area sector over the next twenty years, particularly for additional supermarkets and specialty retail. Given the central location of the release area, surrounding centres are likely to provide the range of retail needs required by the incoming population. These centres include Windsor Road, Kellyville as it transitions to a village with a main line supermarket, Wrights Road Town Centre, Norwest Marketown (which has the potential to grow to a Town Centre) and Rouse Hill for higher order shopping as the emerging Major Centre.

Accordingly, the Retail Analysis recommended that “a range of specialty retail should be provided within the Balmoral Road Release Area Neighbourhood Centres in order to minimise the need for future residents to travel for their daily convenience needs. The retail provision should be of a scale however that does not generate significant traffic or compete with the higher order centres such as the surrounding / proposed village of Windsor Road and town centres such as Wrights Road.” (Retail Floorspace and Demand Analysis pp138).

The current area of business zoned land within the Balmoral Road Release Area should be carried over in LEP 2010.

6. This demonstrates it has been envisaged by Council as part of its long-term strategic planning for the BRR, the Memorial Avenue site would support a new centre and that the development of a new centre at Memorial Avenue would occur before 2021;
7. The land owned by Woolworths at the intersection of Memorial Avenue and Hector Court has been zoned B2 Local Centre since *The Hills Local Environmental Plan 2013* (THLEP) was published on 12 October 2012;
8. The amount of land zoned B2 Local Centre under THLEP at the intersection of Memorial Avenue with Hector Court, is in excess of 15,000 square metres;
9. The B2 Local Centre zone under THLEP permits “Commercial Premises”;
10. The Floor Space Ratio map under THLEP for the land at the intersection of Memorial Avenue and Hector Court indicates N = 1:1, and therefore more than 15,000 square metres is available to be developed;
11. Given the land at the intersection of Memorial Avenue and Hector Court has been a planned centre for over 13 years, the EIA should have had regard to its location and Council’s policy, however in its current form the EIA does not assess or consider the existing amount of zoned land within the primary catchment;
12. As detailed above the EIA as submitted did not consider all land zoned “Business” including the land at the intersection of Memorial Avenue with Hector Court which is zoned B2 Local Centre under THLEP and is located within the primary catchment identified in Figure 6;

2.2 Failure to consider ALL relevant Council Policies

13. As detailed above the EIA has failed to have consideration of The Hills Shire Council policy position as detailed in the “Centres Direction”;
14. In addition, Council has recently prepared and exhibited its Local Strategic Planning Statement (LSPS). The exhibited material included several studies and research to underpin the LSPS. Council at its meeting held on 22 October 2019 adopted “*The Hills Shire Council Productivity and Centres Strategy October 2019*”. The Executive Summary demonstrates that the purpose of the strategy is a strategic approach to protecting and managing the Shire’s economy, centres and employment related land uses as detailed below:

As the overall strategic approach to protecting and managing the Shire’s economy, centres and employment-related land uses, the Productivity and Centres Strategy 2019 also supports the commitments in our Community Strategic Plan, as expressed in the Hills Shire Plan, as well as the objectives of the higher-level Central City District Plan and Greater Sydney Region Plan.

15. The *Productivity and Centres Strategy* acknowledges Balmoral Road Release Area Village centre (Memorial Avenue) is a “Village Centre” with a typology “supermarket size varies from small to large depending on catchment area and physical size of centre” (refer to table 10 page 38) and at Table 15 has potential retail floorspace for “one additional supermarket” with the status “planned and part approved” with reference to Figure 18 on page 45 that acknowledges the recent approval issued by the Sydney Central City Planning Panel which is discussed in 2.3 below;
16. The EIA must have regard to Council’s adopted strategic planning policies which in its current form fails to recognise;

2.3 Failure to consider relevant approvals

17. Woolworths lodged a DA in December 2017 for a new shopping centre with originally over 8,000 square metres of GFA at the intersection of Memorial Avenue and Hector Court, Kellyville;
18. This DA was lodged long before this SSD and its EIA. The Sydney Central City Planning Panel (SCCPP) granted a deferred commence approval via Notice of Determination dated 31 July 2019 for a new shopping centre and infrastructure with a GFA of greater than 7,800 square metres;
19. This approval pre-dated the exhibition of the SSD but post-dates the EIA report, nonetheless a DA for the Woolworths centre was under assessment by Council and has now gained approval; and
20. The EIA does not consider this approval in its assessment and is therefore inadequate.

3.0 CONCLUSION

Given the above, Woolworths is not in a position at this time to be able to comment on whether the proposed SSD will have an adverse impact on existing approved retail development within the primary trade area until the EIA reflects the existing Council strategic planning policies and the approval at Memorial Avenue, Kellyville.

It is Woolworths' view that the EIA submitted with the SSD has not had adequate consideration of the existing land zoned B2 Local Centre within the primary catchment and approved retail developments within the primary catchment of this proposal, and consequently an assessment of the impacts of the proposed SSD on existing and approved retail developments in the primary catchment are not reliable or adequate. On this basis the application should not be supported in its current form.

The issues of concern as raised in this submission are equally applicable to the SSD application submitted for Bella Vista Station Precinct and a submission has been lodged on that SSD application.

Representatives from Woolworths and their experts welcome the opportunity and are available to meet with the Department to discuss the above concerns directly.

Should you have any queries or require clarification on any matters please do not hesitate to contact the undersigned on (02) 9929 4044.

Yours faithfully,



Marian Higgins
Planning Manager
Higgins Planning Pty Ltd