

The Hills Local Environmental Plan 2012 - Amendment - 488-494 Old Northern Road, Dural

Proposal Title : **The Hills Local Environmental Plan 2012 - Amendment - 488-494 Old Northern Road, Dural**

Proposal Summary : **The proposal seeks to rezone land at Lot 2 DP 839151 (488-494 Old Northern Road, Dural) from RU6 Transition to part B2 Local Centre and part R3 Medium Density Residential, and to apply a floor space ratio of 0.75 to the B2 portion of the site.**

PP Number : **PP_2013_THILL_003_00** Dop File No : **13/04245**

Proposal Details

Date Planning Proposal Received :	14-Feb-2013	LGA covered :	The Hills Shire
Region :	Sydney Region West	RPA :	The Hills Shire Council
State Electorate :	HAWKESBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	488-494 Old Northern Road		
Suburb :	City :	Postcode :	Dural 2158
Land Parcel :	Lot 2 DP 839151		

DoP Planning Officer Contact Details

Contact Name : **Chris Browne**
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RPA Contact Details

Contact Name : **Alicia Jenkins**
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DoP Project Manager Contact Details

Contact Name : **Derryn John**
 Contact Number : **0298601505**
 Contact Email : **derryn.john@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	1.70	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	1	No. of Dwellings (where relevant) :	22
Gross Floor Area :	17,000.00	No of Jobs Created :	326

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

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 8 March 2013, and there have been no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes : **THE SITE**

The site occupies 1.7ha at the southern edge of Round Corner village centre. It is bounded by Old Northern Road to the east, Round Corner village to the north, cleared land to the west and privately owned bushland to the south.

BACKGROUND

The planning proposal is the result of an application to Council by the land owner's planning consultants. The application was accompanied by a Retail Study and a Traffic and Transport Study.

The Hills Shire Council at its meeting of 11 December 2012 resolved to forward the planning proposal to the Department, contrary to the recommendation of the Council report, which was that the proposal be deferred "to allow consideration of (1) the outcome of the South Dural Residential Release through DP&'s Landowner Nominated Housing Supply process; and (2) the outcome of the wider study of the Land Capability and Traffic Study for Round Corner Town Centre."

EMPLOYMENT AND HOUSING DELIVERY

Council has indicated that the proposal will deliver 22 dwellings and approximately 326 full- and part-time jobs.

External Supporting Notes :

Adequacy Assessment

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

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

Comment : **The purpose of the proposal is to expand the Round Corner town centre by rezoning part**

of the site from RU6 Transition to B2 Local Centre and to provide additional housing by rezoning the remainder of the site to R3 Medium Density Residential.

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

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

Comment : **The proposal aims to amend the maps in The Hills LEP 2012 as follows:**
- Amend the zoning map to rezone 9,000m2 of the site fronting Old Northern Road to B2 Local Centre and the remaining 8,000m2 to R3 Medium Density Residential; and
- Amend the floor space ratio map to introduce a floor space ratio of 0.75:1 on the portion of the site to be zoned B2 Local Centre.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

1.2 Rural Zones

* May need the Director General's agreement

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

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

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

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

If No, explain :

1.1 Business and Industrial Zones

The proposal includes an increase in retail floorspace adjacent to an established town centre, and will aid the viability of this by increasing the housing supply surrounding the centre. It is therefore consistent with this direction.

1.2 Rural Zones

The objective of this direction is to protect the agricultural value of rural land. As this proposal seeks to rezone the subject site from rural to a mix of commercial and residential, it is inconsistent with the direction.

Due to a number of constraints (including proximity to urban land, vegetation, bushfire risk and slope), the RPA does not consider this land to have any agricultural production value, whereas it is appropriate for urban development by virtue of its proximity to existing services and transport infrastructure.

Subclause 5(c) of the direction states that an inconsistency with the direction may be justified if the proposal is 'in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction'. The proposal can be considered generally in accordance with the draft North West Subregional Strategy, given that its delivery of housing and jobs in line the Housing and Employment chapters of the

Strategy greatly outweighs any inconsistency with the Environment, Heritage and Resources chapter caused by the loss of potential agricultural land.

2.3 Heritage Conservation

The proposal is not likely to have any impact on heritage conservation, so this direction is not relevant.

3.1 Residential Zones

In rezoning part of the land from RU6 Transition to R3 Medium Density Residential, the proposal will increase the number and variety of dwellings in Dural. It is therefore consistent with this direction.

3.3 Home Occupations

The proposal's intent is to implement the R3 Medium Density Residential zone, which permits home occupations without consent. This is consistent with this direction.

3.4 Integrating Land Use and Transport

The proposal seeks to expand an existing town centre and introduce medium density residential development adjacent to it. The centre is pedestrian-friendly and well served by public transport, and the proposal is therefore in keeping with this direction.

4.4 Planning for Bushfire Protection

A small area at the southern end of the site is classified as Category 1 bushfire prone land, and a significant portion of the site is mapped as bushfire prone land vegetation buffer.

In order to comply with this direction, the relevant planning authority must, prior to exhibition, obtain written advice from the Commissioner of the NSW Rural Fire Service (RFS) to the effect that the RFS does not object to the proposal going ahead.

6.1 Approval and Referral Requirements

The proposal does not introduce provisions which require approval or referral of future applications. As such, it is consistent with the direction.

6.3 Site Specific Provisions

The proposal does not introduce site-specific provisions. As such, it is consistent with the direction.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The proposal aims to provide housing and retail floorspace adjacent to an existing, well serviced centre. As such, it is consistent with the Strategic Directions 'Growing and Renewing Centres', 'Housing Sydney's Population' and 'Growing Sydney's Economy'. Conversely, it will reduce the availability of rural land in The Hills, which is inconsistent with aspects of the Strategic Direction 'Balancing Land Uses on the City Fringe'.

It is considered that any inconsistency regarding the loss of potential agricultural land is outweighed by the public benefit of providing housing and retail adjacent to an existing, well serviced centre. Any such inconsistency is therefore of minor significance.

SEPP No 55 — Remediation of Land

The site has previously been agricultural land, which means that there is potential for contamination. The site and its surrounds are not being actively used for agriculture.

In order to satisfy SEPP 55, Council must, prior to adopting the draft Plan for finalisation, consider a report generated by a preliminary contamination investigation.

SEPP (Infrastructure) 2007

The site is located adjacent to a classified road (Old Northern Road). For consistency with the Infrastructure SEPP, Council must consult Roads and Maritime Services regarding the impact of the planning proposal on Old Northern Road.

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

The purpose of SREP 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.

As this proposal has the potential to have an impact on the Hawkesbury-Nepean catchment, the relevant planning authority must consult the Hawkesbury-Nepean Catchment Management Authority prior to exhibition.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has not specified an exhibition period, but intends to advertise the planning proposal in local newspapers, display exhibition materials at Council's Administration Building and at Castle Hill and Dural Libraries, make the exhibition materials available on Council's website, and issue letters to owners of adjoining properties.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Hills LEP 2012 is a Principal LEP.**

Assessment Criteria

Need for planning proposal : **The planning proposal is the result of an application from Brown Smart Consulting on behalf of the land owner. It will assist in providing dwellings and retail floor space, which is consistent with local and State strategic directions.**

Consistency with strategic planning framework :

METROPOLITAN PLAN FOR SYDNEY 2036

The proposal aims to provide housing and retail floorspace adjacent to an existing, well serviced centre. As such, it is consistent with the Strategic Directions 'Growing and Renewing Centres', 'Housing Sydney's Population' and 'Growing Sydney's Economy'. Conversely, it will reduce the availability of rural land in The Hills, which is inconsistent with aspects of the Strategic Direction 'Balancing Land Uses on the City Fringe'.

It is considered that any inconsistency regarding the loss of potential agricultural land is outweighed by the public benefit of providing housing and retail adjacent to an existing, well serviced centre. Any such inconsistency is therefore of minor significance.

DRAFT NORTH WEST SUBREGIONAL STRATEGY

The proposal will assist The Hills to meet its housing and employment targets under the draft Strategy. Additionally, it will assist in the growth of Round Corner, which is classified as a village in the draft Strategy's 'Centres and Corridors' chapter.

THE HILLS LOCAL STRATEGY

As with the State government strategies, the proposal's provision of retail and medium density residential development makes it consistent with those Directions in The Hills Adopted Draft Strategy which relate to housing, integrated transport, employment and centres.

The Strategy, however, also contains a Rural Lands Strategy, which identifies Round Corner as a village. The Strategy's Village Character Analysis recommends that expansion of Round Corner is problematic due to topography, clearance of native vegetation, land capability, traffic management and proximity to intensive agriculture. Most of these issues are adequately addressed in the planning proposal; the question of native vegetation should be addressed by consultation with the Office of Environment and Heritage, and the question of traffic management should be addressed by consultation with Roads and Maritime Services.

Environmental social economic impacts :

ENVIRONMENTAL

While the majority of the site is vacant, there is some native vegetation on the southern and eastern boundaries of the site, and the intended development may require removal of these. The Office of Environment and Heritage must be consulted prior to exhibition in order to establish the significance of this vegetation and whether any action should be taken.

In addition, there are bushfire constraints on the site (see earlier comment) which will require the concurrence of the NSW Rural Fire Service.

SOCIAL

The social impacts of the proposal are likely to be positive. The proposal will provide additional housing and housing choice, and the resulting population increase is likely to have a positive impact on the adjacent retail centre.

The site slopes down to the west from Old Northern Road, and its current unencumbered state allows views to the Blue Mountains from the road. The Council report notes that retention of this view corridor will be a priority in the assessment of any development application for the site.

ECONOMIC

The Retail Study submitted with the planning proposal suggests that any adverse impact on trade for Round Corner's existing businesses would be balanced by the fact that the new retail area would form an extension of the existing centre, boosting its overall retail

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- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the proposal proceed with the following conditions:

- (1) The Director General's delegate agrees that any inconsistencies with section 117 directions 1.2 (Rural Zones), 4.4 (Planning for Bushfire Protection) and 7.1 (Implementation of the Metropolitan Plan for Sydney 2036) are of minor significance;
- (2) The Relevant Planning Authority conducts a preliminary contamination investigation prior to public exhibition of the planning proposal;
- (3) The Relevant Planning Authority consults the Rural Fire Service, Roads and Maritime Services, The Office of Environment and Heritage, Sydney Water and Endeavour Energy prior to public exhibition of the planning proposal;
- (4) Community consultation for 14 days;
- (5) The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway Determination.

Supporting Reasons : While the proposal does constitute a loss of potential agricultural land, the site's agricultural potential appears to be severely limited, and the proposed delivery of retail and residential development is in keeping with the strategic direction of both State and local governments.

Signature:

Derryn John

Printed Name:

DERRYN JOHN

Date:

8 MARCH 2013

turnover.

Assessment Process

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

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

Public Authority Consultation - 56(2)(d) : **Hawkesbury - Nepean Catchment Management Authority
Office of Environment and Heritage
Integral Energy
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Water**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

A preliminary contamination investigation is required in order to comply with SEPP 55.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning proposal and Council's s56 cover letter.pdf	Proposal	Yes
Council report.pdf	Proposal	Yes
Maps.pdf	Map	Yes
Proponent's application.pdf	Proposal	Yes
Concept plan.pdf	Map	Yes
Traffic and transport study.pdf	Study	Yes
Retail study.pdf	Study	Yes

Planning Team Recommendation

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

- S.117 directions:
- 1.1 Business and Industrial Zones**
 - 1.2 Rural Zones**
 - 2.3 Heritage Conservation**
 - 3.1 Residential Zones**
 - 3.3 Home Occupations**
 - 3.4 Integrating Land Use and Transport**