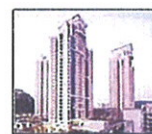
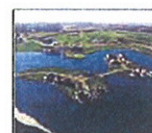




**PLANNING PROPOSAL
TO REZONE**

**LOT 2 DP 839151
NO. 488 - 498 OLD NORTHERN ROAD
ROUND CORNER**

July 2012
Report No. X11039
Prepared for
Australian United Securities Pty Ltd



ORDINARY MEETING OF COUNCIL

11 DECEMBER, 2012

Planning Proposal
Round Corner

Prepared for Australian United Securities Pty Ltd



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July 2012

DOCUMENT CONTROL

X11039

Issue	Date	Issue Details	Author	Checked	Approved
A	August 2011	Draft Report	EK	PL	
B	15 December 2012	Final Report	EK	PL	
C	10 July 2012	Revised Report	EK	PL	PL

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1 INTRODUCTION

This Planning Proposal supports the proposed rezoning of Lot 2 in Deposited Plan 839151, No. 488-498 Old Northern Road, Round Corner for Australian United Securities Pty Ltd. The Planning Proposal seeks the support from The Hills Shire Council to rezone the subject site from Rural 1(c), under the Baulkham Hills Local Environmental Plan (BHLEP) 2005, and as RU4 Rural Small Holdings under The Hills Shire Draft Local Environmental Plan 2010 (DLEP) to part 3 (a) and 2(a) under the existing planning instrument and part Business B2 and Residential R3 medium density under DLEP 2010.

This proposal will assist Round Corner to grow to its full potential as a town centre by strengthening the commercial presence within the area. The potential development will enhance the character of the area by acting as a landmark to create a gateway to Round Corner and to the northern suburbs of The Hills Shire Local Government Area (LGA), alleviating traffic congestion in the local area. This will be achieved by creating a bus interchange plaza and facilitating future commercial development, whilst incorporating the picturesque views to their full potential within the development.

This rezoning submission is supported by the following studies and plans:

- Traffic & Transport Assessment Report undertaken by Brown Consulting which assessed existing traffic and transport conditions, potential access arrangements and future traffic conditions in the event of development on the subject site. The findings of this report found that the traffic generated by the rezoning and potential subsequent development would not markedly impact on existing traffic conditions;
- A Retail Study undertaken by Hill PDA which examined the implications of a proposed rezoning adjacent to the existing Round Corner centre in Dural. The study includes a retail hierarchy review, demand for retail floorspace review, sequential test analysis, retail impact assessment and economic benefits of a new commercial development in the area; and
- A Design Concept which depicts an indicative form of commercial development should the rezoning proceed.

The Planning Proposal is submitted to Council for review and consideration. If supported the Proposal is to be submitted to the Department of Planning and Infrastructure for a Gateway determination as per the Department's circular PS 09-015 July 2009 provisions for preparing and assessing Local Environmental Plans and associated amendments.

All strategic and statutory instruments such as The Hills Shire Council Centres Direction, The Hills Community Strategic Plan, The Sydney Metropolitan Strategy, Baulkham Hills Local Environmental Plan 2005, The Hills Local Environmental Plan 2010, Section 117 Directions, and State Environmental Planning Policies have been taken into consideration for this rezoning submission.

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2 THE SITE

2.1 SITE DETAIL & CONTEXT

Round Corner is situated within the northern part of The Hills Shire LGA, as the gateway to the rural areas and comprising of a mixture of residential, business, rural and open space land uses. Round Corner has an existing small business centre which contains basic services. The map below shows the subject site in relation to Castle Hill (a major centre) and to other town centres such as Baulkham Hills and Cherrybrook.

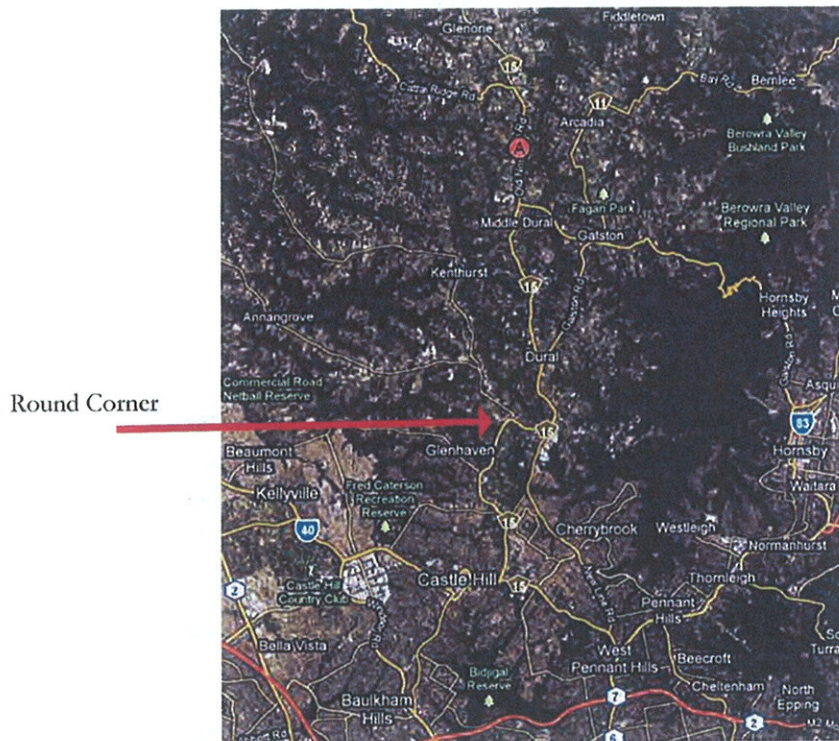


Figure 1 Context of Round Corner Aerial photo (Source: googlemaps)

Round Corner is identified in Council's Centres Direction as a town centre which is defined as:

"...a transport node and contains local scale built form with civic amenity. It includes services and community facilities with retailing meeting weekly shopping needs".

Presently, Round Corner functions as a town centre although experiences a number of problems hindering the centre from reaching its full potential. The Hills Shire Council Centres Direction identifies that Round Corner town centre will be subject to economic difficulty in the future as a result of poor visual appearance and streetscape, age of building stock, shop vacancies, public

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domain space that requires upgrading and experiences a lack of connectivity between areas within the centre. Problems experienced in the area include traffic congestion along Old Northern Road, lacking a visual gateway to Round Corner which are both recognised in Council's strategic direction to be resolved. Council's Centres Direction states that "accessibility with the Round Corner town centre warrants improvement" and we propose that with the rezoning of the subject property that our site can offer significant improvements for access to the Round Corner shopping centre.

Round Corner is in a unique location within The Hills Shire as it is one of the first northern areas within the LGA to transition from a residential land use to rural through a RU4 Rural Small Holdings zoning. The Hills Shire has a distinct land use split, which can be seen from the zoning and aerial maps, between rural and residential areas.

To the north of Round Corner, the area is characterised by small rural holdings and further north are the villages at Middle Dural and Galston. To the south of the site, denser residential development exists in areas such as Glenhaven which then extends into the southern part of the Shire and Castle Hill. The area south of Round Corner in Hornsby Shire LGA is subject to a proposal to rezone an area known as South Dural rezoning, in the area between Old Northern, New Line and Hastings Road currently awaiting determination for inclusion in the NSW's Government Metropolitan Development Program (MDP). This site is discussed further in Section 3.7 of this Planning Proposal.



Figure 2 Locality Plan

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*Smart Consulting***2.2 LAND TO WHICH THIS PLANNING PROPOSAL APPLIES**

The subject site is situated on the corner of Old Northern Road and Stonelea Court, adjacent to a nursing home, retirement village and the existing Round Corner shopping centre including a Woolworths supermarket. The site of approximately 2 hectares is largely vacant with a dwelling situated near the southern edge. This property slopes towards the western property boundary, coinciding with a concentration of vegetation on the southern edge of an otherwise sparsely vegetated site. Figure 3 shows the boundaries of the subject site and a survey plan is included in Appendix A.



Figure 3 Subject Site (Source: SIX Viewer)

Currently, the site is zoned Rural 1(c) under the Baulkham Hills LEP 2005 (Figure 4) and RU4 Rural Small Holdings under the DLEP 2010 (Figure 5).

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As Round Corner is a town centre, the surrounding zones vary from a commercial centre (3(a) BHLEP 2005 and B2 zone DLEP 2010) to the north, enclosed by low density residential land (2(a3) BHLEP 2005 and R2 DLEP 2010) and rural land (1(c) BHLEP 2005 and RU4 DLEP 2010) to the south and west of the site.

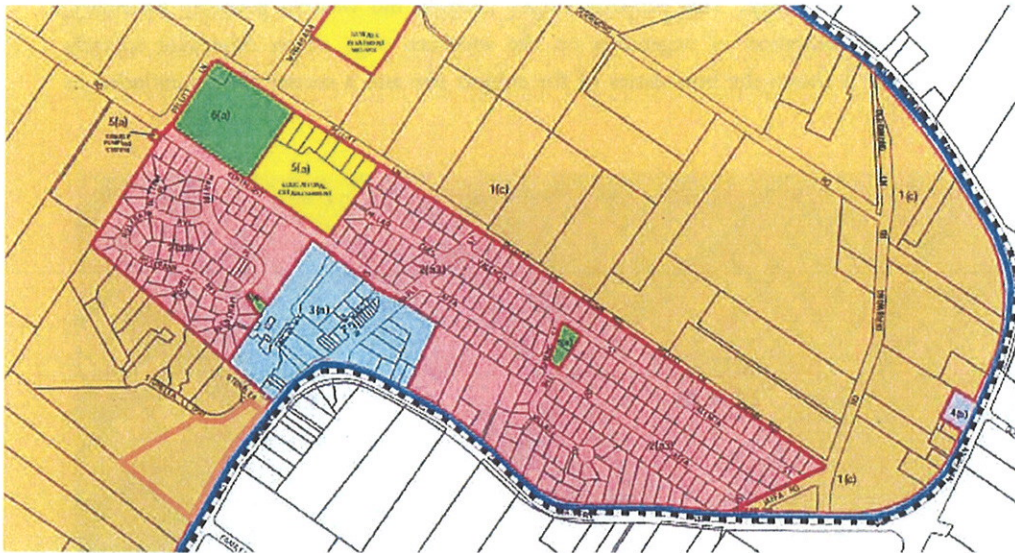


Figure 4 Excerpt from BHLEP 2005 Zoning

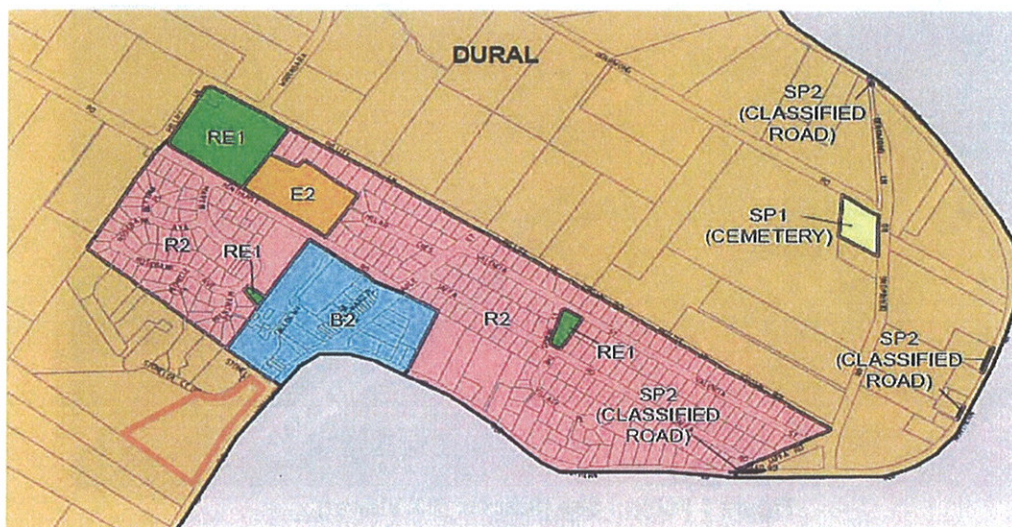


Figure 5 Excerpt from The Hills Shire Draft LEP 2010 Zoning

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**3 PLANNING PROPOSAL**

This Planning Proposal has been prepared in accordance with the NSW Department of Planning and Infrastructure's Guide to Preparing Local Environmental Plans (July 2009). The Proposal addresses the relevant matters for the rezoning under Sections 3-7 inclusive.

3.1 OBJECTIVES OF THE PROPOSED REZONING

The purpose of the rezoning is to rezone the subject property being Lot 2, DP 839151, No. 488 – 498 Old Northern Road, Round Corner Dural currently zoned Rural 1(c) under BHLEP 2005 to part 3(a) Business and 2(a) Residential to part B2 Business and R3 Residential under DLEP 2010 to expand the business centre.

The benefits of the rezoning are as follows:

- i. The development of the site has potential to act as a gateway into the Round Corner town centre;
- ii. The commercial development would revitalise the streetscape to create landmark gateway development to the town centre accompanied by the use of aesthetically pleasing architecture in a plaza area to act as part of a bus transport hub;
- iii. A major aspect of this rezoning would be to provide a facility along Old Northern Road for buses and to alleviate the current lack of appropriate car parking spaces by providing additional within the commercial development;
- iv. The commercial development would not threaten the viability of any other centre beyond the normal competitive range (as demonstrated in the Retail Study) but provide greater choice of products and encourage price competition; and
- v. The proposed development would contribute towards the aims and objectives of relevant strategic policies by supporting the role of centres, supporting the creation of new jobs in The Hills Shire and promote economic development.

The particular aims of this draft LEP amendment are as follows:

- i. Ensure Round Corner retains its valued traditional qualities, character and scenic landscapes while providing for sustainable business and urban growth;
- ii. Ensure the new development enhances and integrates with the existing neighbourhood character;
- iii. New developments contribute to the social, environmental and economic sustainability of Round Corner;
- iv. Establish a landmark gateway for Round Corner;
- v. Permit residential development in areas of low visual sensitivity;
- vi. Expand the existing business centre to enable Round Corner to reach its potential as a town centre;
- vii. Improve shopper convenience and price competition;

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- viii. Improve current bus interchange arrangements with additional bus facilities; and
- ix. Contribute to achieving important objectives and directions in Government planning strategies and policies by providing future growth in the Round Corner town centre.

The indicative concept is depicted in a Design Concept plan attached at Appendix B.

3.2 SITE CONSTRAINTS & OPPORTUNITIES

The site is located within the Round Corner Town Centre with the main frontage Old Northern Road, which is classified as an arterial road. The site is an irregular shaped allotment, situated on a slope surrounded by rural land to the west, and holds a prominent location on the ridgeline of Old Northern Road with significant views to the mountains, adding value to the site. The property is suitable for development as it is not constrained by any environmental protection or biodiversity areas.

The site is unique as it forms the edge of Round Corner town centre and lends itself favourably towards retail expansion of the Round Corner town centre as it is situated adjacent to the commercial area. The existing commercial area contains a number of small land holdings making it difficult to amalgamate sites for new commercial development, while the subject property provides a large single holding with significant potential for the area. No other sites within the centre are suitable for retail expansion. The site will allow for the expansion of the town centre and business opportunities, with additional land for commercial/retail development assisting in providing greater choice of products and encourage price competition.

The site's location leans itself favourably towards a landmark entrance to Round Corner as it acts as a gateway entrance to Round Corner. This will significantly add value to the town centre and provide an improved bus interchange arrangements along Old Northern Road.

The site has good existing access to road infrastructure as well as possible connections for water and sewer services. In terms of existing access to the shopping centre, pedestrian and cyclist connections are considered satisfactory for the area.

A rezoning would be complementary to the development of Round Corner and any possible expansion of the residential area.

“Do Nothing” Approach

In the event that the rezoning should not progress further, Round Corner will continue to struggle with inadequate road access to the shopping centre contributing to the traffic congestion experienced within the area. Part of the rezoning submission and the subsequent development includes a potential bus interchange which would alleviate traffic congestion. Public benefits such as

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improving the public domain to the south of the shopping centre, as part of the potential bus interchange, will be a missed opportunity unless the business/ residential development occur.

Currently, there is a noticeable shortage of parking areas, particularly concerned with the existing adjacent nursing home. Cars are forced to park illegally on the subject site. This rezoning submission can offer a solution to allow for parking spaces to be used by visitors to the nursing home, therefore, removing any illegal parking in the area.

3.3 PROVISIONS TO BE INCLUDED IN LEP AMENDMENT

The Planning Proposal applies to the site formally known as Lot 2 in Deposited Plan 839151.

The proposal is intended to amend BHLEP 2005 and DLEP 2010 to allow a rezoning for commercial and medium density residential development on the property.

The Planning Proposal aims to revitalise Round Corner, in terms of upgrading the streetscape and traffic management facilities, and for the site to act as a gateway into Round Corner. This proposal encourages Round Corner to grow to its full potential as a town centre, enhancing the public domain, improving retail opportunities and providing an aesthetically pleasing commercial development.

3.4 LEGAL DRAFTING – AMENDMENT TO LEP

Name BHLEP 2005 (Amendment No.X)

Amendment Baulkham Hills Local Environmental Plan 2005

Subject Lot 2 DP 839151 No. 488-498 Old Northern Road

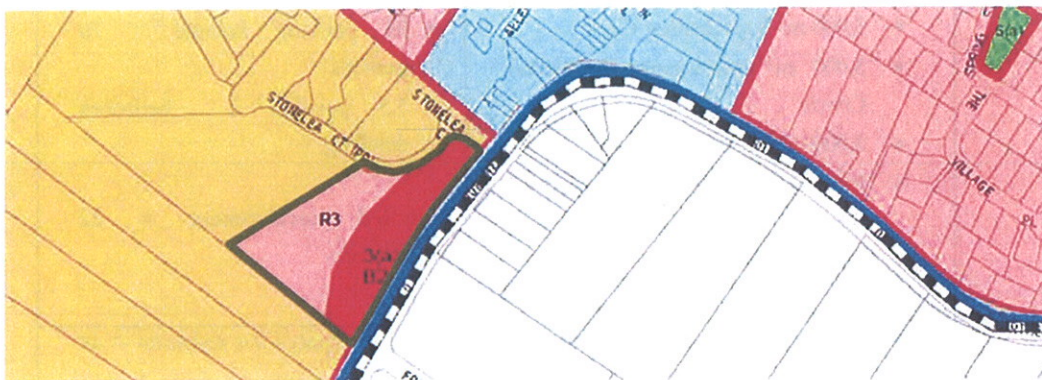


Figure 6 Proposed Zoning for subject site

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3.5 PROPOSED CONCEPT DESIGN

The subject site provides a unique opportunity to develop a land mark gateway to Round Corner. The prominent position of the property lends itself to commercial development along the Old Northern Road frontage in the top most section to take advantage of the significant views. While in the lower section of the property, development is suited for residential medium density development in close proximity to the local centre.

Preliminary concept designs have been prepared for the site based on the following parameters

- Commercial development: 60% site area (12,000m²)
- Residential medium density: 40% site area (8,000m²)
- Plaza area on the corner of Old Northern Road and Stonelea Court as a public domain facility;
- Bus shelter and bus bay on Old Northern Road;
- 2 level commercial development with opportunity for small supermarket, speciality shops and restaurants/reception centre;
- Intersection treatment with Franlec Road;
- All basement car parking with no ground level parking; and
- Medium density town house development stepped down the slope from the commercial development.

The development data for the preliminary concept is based on the following details:

Figure 7 Development Data for the Concept Design

	Commercial Development	R3 Medium Density development
Area	• Site Area 12,000m² • 3,000 m² Supermarket GFA • 3,000 m² Restaurant/ Reception Centre • 3,000 m² Speciality shops • Proposed development = 9,000 m² GFA • FSR 0.75:1	• Site Area 8,000m² • 95 person/ hectare = 76 persons • 3.5 persons x bedroom dwelling Proposed development = 22 townhouses
Car parking	• 6,000 m² x 1/18.5 m² = 324 cars ▪ 3,000 m² x 1/25 m² = 120 cars ▪ Max 350 based on dual use for restaurant.	22 x 2 car spaces for residents = 44 cars Visitor parking = 10 spaces.

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Two options have presented as preliminary concepts for development of the site:

Option 1

- Commercial Development will all access from Old Northern Road;
- Limited parking to address current nursing home parking from Stonelea Court; and
- Medium density development from Stonelea Court.

Option 2

- Commercial development with all access from Old Northern Road/ Franlee Road; and
- Medium Density development will all access from Old Northern Road.

3.6 DEVELOPMENT CONTROL PLAN PRINCIPLES

The proposed rezoning and subsequent development for 488-498 Old Northern Road incorporates the following development control principles:

- **Plaza for Bus Interchange**

The proposal for a potential bus interchange has two main public benefits including upgrading the existing public domain to the south of the shopping centre in the form of a bus interchange plaza, which also alleviates traffic congestion in the area. In regard to the plaza, it would serve to upgrade the public domain while simultaneously improving the visual aesthetics of the area, and contributing to the civic amenity demanded of a town centre. The concept proposed incorporates a bus shelter with a new pedestrian plaza on the southern side of the Old Northern Road & Stonelea Court intersection.

- **Traffic Problems**

As mentioned above, the plaza for a bus interchange will not only serve to improve the public domain but also alleviate the traffic congestion by creating bus interchange.

Traffic and access opportunities exist via Stonelea Court and separate intersection improvements on Old Northern Road. A traffic report accompanies this submission (Appendix C).

- **Extension of Business village**

The subject site offers a unique business opportunity to expand the commercial centre because of its location, being in one ownership and adjacent to the existing centre. The extension of the business village would offer competition to the existing commercial centre and also facilitating future commercial development.

The type of development would include potential for a small supermarket, speciality shops and restaurants/ reception centre. Restaurants/ reception centre would take advantage of the views towards the Blue Mountains.

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- **Public Domain**

The subject site has significant views to the mountains increasing the value of the site. The proposal aims to incorporate these views in the public domain area with a forecourt opening onto the centre, and taking advantage of the major view point.

- **Residential Development**

On the lower half of the site, we propose medium density R3 residential development so as to allow a transition from commercial development to medium density housing to low density housing. To support this, an R3 zone is required. The medium density development would provide a visual buffer to the unobtrusive commercial development from the west of the site.

3.7 ANY OTHER RELEVANT MATTERS FOR CONSIDERATION

The Planning Proposal submission is supported by two studies being the Traffic and Transport Study (attached at Appendix C) and a Retail Study (attached at Appendix F). Both reports provide a balanced argument as to the effects of the proposed rezoning and impacts of the possible development on the locality.

Another matter for consideration is the State Government's review of potential housing opportunities on sites nominated by landowners. There are two sites in close proximity to the proposed rezoning at Round Corner being South Dural and Glenhaven. These sites are undergoing further evaluation to determine the site's ability to deliver housing in the short to medium term, infrastructure requirements, impacts on agricultural land and the environment, and access to jobs.

The South Dural site mentioned in Section 2.1 of this Planning Proposal could yield an estimated 3,000 dwellings. The Glenhaven North site is situated west of Old Northern Road and generally comprising land adjoining Glenhaven Road, Old Glenhaven Road, Mills Road, Logie Road, Robson Road, Kylie Avenue and Edgecliff Road, Glenhaven. The estimated residential yield on this site is 2,000 dwellings.

At this stage, these sites are being considered by the Department of Planning & Infrastructure and may not yield residential development. However, the retail study considers potential future populations in the area and the associated impacts on the existing commercial development and demand for retail floorspace. The findings from the retail study are discussed in Section 7 of this report.

4 JUSTIFICATION

This rezoning submission addresses the provisions outlined in the Department of Planning and Infrastructure's Circular 09-015 '*Commencement of certain provisions of the EP&A Amendment Act 2008 and EP&A Amendment (Plan Making) Regulation 2009*'. This circular outlines the new procedures for preparing LEPs.

4.1 NEED FOR THE PLANNING PROPOSAL

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

The Planning Proposal is a result of an application on behalf of the land owner seeking to rezone the subject site from Rural 1(c) to part 3(a) Business and 2(a) Residential under BHLEP 2005, and from proposed zoning RU4 Rural Small holdings to part B2 Business and R3 Residential under DLEP 2010. No strategic study or report has been commissioned in respect to the property.

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

Yes – the Planning Proposal to rezone the subject site is considered the most appropriate means of achieving the intended outcomes.

Is there a net community benefit?

Yes – the proposed rezoning will result in a net community benefit by providing the following opportunities as a result of commercial and residential development:

- Improve traffic congestion along Old Northern Road through providing bus interchanges to allow traffic to flow smoothly;
- Improve the car parking situation along Stonelea Court, currently used by BUPA Care's staff and visitors where cars are currently parking informally. The landowner is willing to negotiate under licence an arrangement in respect to car parking off Stonelea Court to assist the current situation;
- Increase the potential for business competition and employment opportunities at Round Corner;
- Potential to upgrade the intersection at Franlee Road and Old Northern Road to service the indicative development;
- The rezoning and indicative future development of the site is in accordance with State, regional and local strategic directions for the area (as discussed in Section 4.2); and
- The rezoning and indicative future development of the site will provide a diversity of housing choice in the Round Corner town centre, supported by existing transport infrastructure.

A community benefit test is detailed in Section 5.

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4.2 RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies?)

- Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 identifies 9 challenges facing Sydney ranging from a growing population, housing, more jobs closer to home, efficient transport, efficient infrastructure delivery, and a more sustainable Sydney. The Strategy contains a number of strategic directions and key policies to address these challenges. The rezoning is consistent with a number of underlying objectives of the Metropolitan Strategy particularly with the strategic direction focusing on Growing and Renewing Centres and providing more efficient use of transport facilities.

Centres are identified as building blocks of the city, providing a focus for activity and public transport. Centres increase opportunities for a greater diversity of dwellings and communities while encouraging collaboration, healthy competition and innovation among businesses through clustering. Although Round Corner is identified as a smaller local centre (village) in the North West Subregional strategy, the definition of centres is still relevant to Round Corner Dural. This definition supports the Planning Proposal in that the commercial development is ideally placed to strengthen the focus of business activity within Round Corner. The Planning Proposal encourages collaboration, healthy competition and innovation among businesses through strengthening the commercial component of the centre.

The Planning Proposal acknowledges that supporting the existing public transport infrastructure and improving it to cater for future demand is appropriate for a centre. The Planning Proposal includes upgrading the existing infrastructure through providing bus interchanges along Old Northern Road to ease traffic congestion and also by upgrading the intersection at Franlee Road and Old Northern Road. These upgrades will improve the current traffic situation and also cater for future demand resulting from a growing centre with the possible expansion of residential development in the vicinity of Round Corner.

The Metropolitan Plan has numerous aims for Sydney's centres to assist in achieving growth and renewal in centres. Two of the aims support the Planning Proposal which include:

- Focusing activity in accessible centres and limiting out-of-centre commercial development; and
- Planning for centres to grow and change over time.

The Planning Proposal aims to improve accessibility to the centre by strengthening the public transport infrastructure and upgrading the public domain, which will assist in facilitating future residential and commercial growth in the Round Corner centre. The expansion of the commercial precinct of Round Corner is seen as appropriate considering the subject site's location. The Planning

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Proposal is also supporting the aim of planning for centres to grow and change over time through encouraging the appropriate expansion of the commercial centre, allowing for future growth while upgrading an intersection and public transport infrastructure to cater for a future increase in demand.

- North West Subregional Strategy

Subregional strategies are a key planning tool for Local Government to assist in implementing the Metropolitan Plan. As mentioned above, Round Corner is classified as a village being part of a smaller local centre category. In the context of the background information for strategic centres in subregional planning, it is identified that renewing existing centres may provide justification for expanding local public transport services or increasing frequency of existing services. The Planning Proposal supports this by expanding the commercial component of the centre, providing collaboration, healthy competition and innovation, assisting in renewing the centre. In regard to expanding local public transport services or increasing frequency of existing services, part of the Planning Proposal aims to upgrade the existing bus interchange to alleviate traffic congestion and also upgrade the traffic infrastructure at the intersection of Franlee Road and Old Northern Road.

The Planning Proposal also supports the aim of the subregional strategy (B4) of concentrating activity near public transport and in particular concentrating retail activity in centres, business development zones and enterprise corridors (B4.1). As identified in the subregional strategy, retail activity plays an important role in the economy and functioning of centres, and they are a major trip-generating activity. While the emphasis is on main retail destinations, this aim is relevant to Round Corner as retail development would influence the amount of trip generating activity of the centre. The Planning Proposal concentrates the retail activity within Round Corner, which is also near public transport infrastructure.

Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

- The Hills Shire Council Centres Direction

The Hills Shire Council Centres Direction is part of a suite of local strategies that supports The Hills Shire Local Strategy that provides an outline for the future planning of the Shire. The Centres Direction focuses on providing an overall strategic context for the planning, management, growth and development of existing and future centres with The Hills Shire LGA till 2031. This document identifies 5 key directions and objectives for the future for Centres in The Hills Shire, 4 of which are relevant to the Planning Proposal at Round Corner. The key direction that is irrelevant to this Planning Proposal concerns the development of centres in new areas.

The following key Centres directions and objectives support our rezoning.

C1) Create vibrant centres that meet the needs of the community

- *Ensure that planning and future development reinforces the hierarchy of centres within the Shire*

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The Planning Proposal is in accordance with the Centre's hierarchy, with Round Corner identified as a town centre. The Planning Proposal assists Round Corner to fulfil its potential as a town centre by creating a vibrant centre that is attractive, sustainable and more convenient for people through the following attributes:

- Local transport node (upgraded bus interchange facility);
- Local scale built form with civic amenity (new public domain and quality urban design commercial development);
- Retail meets weekly shopping needs (new commercial development);
- Medium and higher density housing (new medium density housing); and
- Pedestrian accessibility and convenient car parking (new car parking facilities).

C2) Make centres more attractive places to visit

Achieve centres that are safe, vibrant and active

- Improve public domain and streetscape within centres.

"The Centres direction seeks to encourage the development of vibrant and successful centres throughout the Shire. Important aspects include achieving the right mix of uses within centres (such as cafes and supermarkets that attract customers throughout the day) and making centres an attractive place to visit by improving design quality and the embellishment of community space" (Centres Direction, p. 58).

The Planning Proposal supports this direction as the commercial development and upgrade to the public domain encourage a more attractive and vibrant centre, through embellishing the public domain and the urban design of the area. The commercial development would encourage the use of the town centre during the day, for weekly retail needs, and after hours through restaurants.

The Centre's Direction highlights that Round Corner requires assistance to improve the centre in terms of appearance, amenity and accessibility (p.58). As outlined above, the Planning Proposal will improve the appearance of the town centre, the amenity through the new public domain plaza, and accessibility through upgrading the traffic management facilities. The Centre's Direction also identifies that Round Corner town centre would *"benefit from a process of targeted revitalisation or redevelopment of the building stock to improve economic performance to meet the needs of the surrounding residents"* (p.48).

A focus of the Centre's direction is to achieve centres that are vibrant, attractive places to visit whilst achieving their full potential in serving the retail needs of the community. The Planning Proposal, as outlined above, supports this aim.

C3) Make centres accessible to the community

- Encourage appropriate transport infrastructure to serve, support and connect centres
- Improve accessibility within centres

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The Planning Proposal will provide upgrades to the bus interchange facilities, improving access to the centre.

C4) Improve the functioning and viability of existing centres

- Guide the revitalisation and redevelopment of existing centres
- Facilitate and promote the revitalisation and redevelopment of existing centres

Round Corner town centre is identified as a centre that should be given particular consideration for the redevelopment and revitalisation of existing centres. The Centre's Direction outlines that improving the urban design quality within centres can provide economic and social benefits for the community, with potential to improve the use of existing services and infrastructure. Centres requiring redevelopment and revitalisation projects display factors such as poor streetscape appeal and amenity, insufficient range of retail mix, ageing building stock, shop vacancies and poor connectivity. Round Corner is identified as a centre that requires particular attention for redevelopment projects. This Planning Proposal targets some of these factors.

- The Hills Shire Council Residential Direction

The Planning Proposal's focus is on the commercial component of the site, with an associated residential component. The Planning Proposal meets all of The Hills Shire Council's Strategic Residential Direction key objectives and directions. The Proposal's residential component, with an indicative townhouse development, accommodates population growth while responding to the changing housing needs, by providing a diversity of housing choice for residents in Round Corner with dwellings close to facilities, services and transport supported by appropriate infrastructure. The residential development is well placed in terms of being in close proximity to public transport facilities. Round Corner has a bus interchange with numerous services running into Sydney's CBD. The Proposal also provides for a sustainable living environment, improving the public domain spaces and connectivity from residential areas through the creation of the public plaza and integrating the commercial and residential development on the site. This will contribute to the development of communities that offer a sense of place and community connection within Round Corner town centre. The Proposal also facilitates quality housing outcomes as the indicative design of the residential development will protect and enhance the residential character and streetscape within the area.

The form of the residential development follows the topography of the site, with unobtrusive townhouse designs which will complement the existing medium density development in the area. The residential development will promote design outcomes sympathetic to the existing character and streetscape through housing designs and forming a seamless transition from the residential to the commercial development on the site.

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- Baulkham Hills Rural Lands Study 2003

This study investigates the rural areas within The Hills Shire LGA and provides guidance for future development while maintaining the existing character of the rural villages. Round Corner has site specific design guidelines to produce the desired building form unique to this village. The following development requirements are of relevance to this Planning Proposal and associated commercial development (p.11.8):

- (g) *"encourage commercial development along the southern extent along Old Northern Road. Integrate the retirement village precinct in Stonelea court with an extended village precinct towards Malabar Road;*
- (h) *encourage commercial development along the southern extent along Old Northern Road that promote a distinctive visual landmark relationship between the hub of the commercial and recreational centres. The redevelopment of these sites may consider the future potential for two storey structures;*
- (k) *encourage a vibrant mixed-use local centre by permitting land south of the central commercial precinct to be used for a mix of professional, commercial and residential uses. This will better integrate the surrounding retirement village into a mixed commercial, community and recreational village centre".*

The above development requirements support the Planning Proposal and the associated development. The Planning Proposal is seeking a minor extension of commercial development along the southern extent of Old Northern Road, promoting a distinctive visual landmark, and encouraging a vibrant mixed-used local centre for a mix of professional, commercial and residential land uses. One of the aims mentioned above is to integrate the surrounding retirement village into a mixed commercial, community and recreational village centre. The Planning Proposal is in-line with this development requirement as the residential component of the Proposal enables a smooth transition from commercial development to surrounding residential development.

The Planning Proposal is in-line with Council's aims and objectives for building design requirements for Round Corner.

Is the Planning Proposal consistent with the applicable statement environmental planning policies (SEPP)?

The relevant SEPPs, and the Planning Proposal's compliance with these SEPPs, are outlined in Appendix E.

Is the Planning Proposal consistent with the application Ministerial Directions (s.117 directions)?

Section 117 of the Environmental Planning and Assessment Act 1979 (the EP&A Act) contains directions to be taken into consideration regarding the content of LEPs to achieve particular principles, aims, and objectives of direction. Appendix D contains the relevant Section 117 Directions and the Planning Proposals compliance with them.

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**4.3 ENVIRONMENTAL, SOCIAL & ECONOMIC IMPACTS**

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?

No. The property is suitable for development as it is not constrained by any environmental protection or biodiversity areas.

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 other likely environmental effects or natural hazards, such as flooding, land slip or bushfire hazard, constraining the site.

How has the Planning Proposal adequately addressed any social and economic effects?

The Planning Proposal would not result in any social or adverse economic effects from the commercial/ residential development that may occur. It is, however, contended that the retail stores in Round Corner centre are difficult to amalgamate for significant redevelopment purposes. The competition of the new commercial development will revitalise the retail market, with the introduction of new restaurants contributing to this revitalisation. This will also draw a potential wider catchment of consumers to the centre.

4.4 STATE & COMMONWEALTH INTERESTS

Is there adequate public infrastructure for the Planning Proposal?

This question applies to Planning Proposals that may result in a residential subdivision in excess of 150 lots, substantial urban renewal or infill development. This Planning Proposal will not result in such development, however, the following comments are provided in regard to infrastructure provision.

If the Planning Proposal results in a commercial/ medium density residential development, satisfactory arrangements will be made for the provision of public infrastructure addressed within a subsequent development application to Council. This Planning Proposal would be likely to result in only minor additional demands on public infrastructure. Given the urban context the subject site is in, the site will have adequate accessibility to public infrastructure including a full range of utility services such as electricity, telecommunication, gas, water, sewer and stormwater drainage. Detailed servicing infrastructure structure investigation would occur with the rezoning.

There is a sufficient level of existing essential services provided in the area such as health, education and emergency services to accommodate for the minor increase in population that may result from this Planning Proposal.

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The subject site will utilise existing public transport infrastructure, namely the bus services and interchange facility at Round Corner shopping centre. The Planning Proposal includes upgrades to these facilities to improve existing traffic congestion along Old Northern Road and to accommodate for future increased patronage that may result from the Planning Proposal.

What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. The determination will identify State and Commonwealth agencies to be consulted regarding the rezoning proposal.

The Roads and Maritime Authority (RMS previously RTA) were the only Public Authority consulted prior to the gateway determination regarding intersection upgrades to allow access to the subject site. Comments from the RMS were in favour of upgrading the intersection at Franlee Road and Old Northern Road to service the subject site as a four way intersection. This Authority preferred this option rather than upgrading Stonelea Court to create a 'seagull' traffic management device or the installation of traffic lights, as this intersection is too close to Old Northern Road and Kenthurst Road.

4.5 COMMUNITY CONSULTATION

It is expected that the preparation of a Planning Proposal, and if supported an LEP amendment, to enable commercial and residential land use on an existing rural site be subject to normal statutory consultation with the community. The gateway determination will confirm the degree of community consultation. The Department of Planning & Infrastructure's document 'A guide to preparing local environmental plans' outlines the community consultation requirements for a low impact Planning Proposal, being an exhibition period of 14 days. This Planning Proposal is considered as 'low impact' as it is consistent with the following characteristics of a low impact Planning Proposal:

- Consistent with the pattern of surrounding land use zones and/or land uses;
- Consistent with the strategic planning framework;
- Does not have any issues regarding infrastructure servicing;
- Not a principal LEP; and
- Does not reclassify public land.

The community consultation will be carried out in accordance with the standards outlined in the 'A guide to preparing local environmental plans' including guidelines for public exhibition notices and exhibition material.

Community consultation was undertaken prior to the submission of this Planning Proposal with the adjoining owners to the north of the property. Discussions were held on two separate occasions being 31 October 2011 and the 9 November 2011 with the BUPA Care Nursing Home and

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Mountainview Retreat Retirement Village respectively. These two owners are in a strata plan for the aged care facility.

It should be noted that Stonelea Court, west of the roundabout, is a right of carriageway and easement (private road) in Common Property in SP 56551. This right of carriageway and easement is under the ownership of Mountainview Retirement Village to the benefit of the other properties in terms of access and drainage.

Discussions were held with the General Manager - BUPA Care, and Managing Director and representatives of the aged care facilities - Mountainview Retreat. Both of these facilities are located on Stonelea Court, with BUPA Care situated closer to Old Northern Road. The proposed rezoning was discussed, along with the future development that could potentially take place. The meetings provided an opportunity for neighbouring developments to raise any concerns regarding the rezoning.

The following concerns were raised from both parties regarding the proposal. Concerns were mostly directed towards the commercial development that could potentially occur after the rezoning:

BUPA Care

The outcome of the meeting with BUPA Care was positive in that no serious objections were raised regarding the rezoning submission. It was agreed that the directors of BUPA Care will consider allowing the owner access rights to Stonelea Court, in return for the owner considering a commercial agreement regarding car spaces for BUPA Care staff and visitors within the proposed commercial development. The current inadequate situation of a lack of car spaces and the traffic congestion experienced at the intersection of Stonelea Court and Old Northern Road were major concerns for BUPA Care. Improvements to both these situations were looked upon favourably. The current situation is that cars associated with the nursing home are utilising the area adjoining the private road for parking, which is on the subject site.

Mountainview Retreat Retirement Village

The overall sentiment from this meeting was that the proposal would not be supported. Although the traffic benefits associated with the proposed development were outlined to the group, objections were still raised to the commercial development. Main concerns included:

- An increase in noise from delivery trucks entering the commercial development
- The loss of nature as a result of an imposing commercial development, that could become an eye sore. There was a concern that the development would be overbearing from the bottom of Stonelea Court because of the steep gradient towards Old Northern Road.

The commercial development would destroy the rural feel of the place.

This group were more supportive of a seniors living development rather than a commercial development, citing traffic and visual aesthetics as main issues. The two concept options presented in Section 3.5 Proposed Concept Design have had regard to be issues raised during consultation.

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5 COMMUNITY BENEFIT TEST

A Net Community Benefit Test is used to assess the merits of a rezoning to judge whether the rezoning would produce a net community benefit which would determine if the proposal proceeded through the rezoning process. The following criteria are from the Department of Planning Draft Centres Policy, 'Planning for Retail and Commercial Development' 2009.

Evaluation Criteria	Rezoning Planning Proposal	Existing Rural Land
Will the LEP be compatible with agreed State and Regional strategic direction for development in the area?	Yes. The planning proposal supports and encourages the growth of Round Corner as a town centre.	This site with a rural zoning would not assist Round Corner to develop as a town centre.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other land holders?	No. The planning proposal is a site specific amendment.	The proposal is site specific and unique because of its size, close proximity to the business centre, the role of Round Corner as a town centre, and its inability to be utilised for agricultural purposes.
Have the cumulative effects of other spot rezoning proposals been considered?	The planning proposal is a site specific amendment with the surrounding context unique to the subject site with no agricultural potential. There are no planning proposals that have set a precedent.	The planning proposal is a site specific amendment with the surrounding context unique to the subject site with no agricultural potential. There are no planning proposals that have set a precedent.
Will the LEP facilitate a permanent employment generating activity?	Yes, if the planning proposal results in commercial development. An estimated 326 full and part time jobs on site post-development (Hill PDA 2012).	The employment activity will be limited to the business centre development opportunities.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	The planning proposal will increase the supply of residential land insignificantly. This minor increase will broaden the housing choice within Round Corner. The small number of additional dwellings proposed will not significantly affect the housing supply and affordability.	This site with a rural zoning would not impact the supply of residential land.
Is the existing infrastructure	Yes. The subject site is within	Adequate provisions are

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capable of servicing the proposed site?	an urban context, adjacent to both commercial and residential development.	available for infrastructure.
Will the proposal result in changes in car distances travelled by customers, employees and suppliers?	No. The commercial development will reduce the need for residents to travel for the purposes of shopping (Hill PDA 2012).	No.
Are there significant government investments in infrastructure or services in the area whose patronage will be affected by the proposal?	No.	No.
Will the proposal impact on land that the government has identified a need to protect or have other environmental impacts?	No. The subject site does not contain any biodiversity protection areas, biodiversity constraints or natural hazards.	The site is not constrained by flooding or by biodiversity values.
Will the LEP be compatible/complementary with surrounding land uses?	The planning proposal's proposed commercial and medium density residential land uses will consistent with the surrounding land uses in Round Corner town centre.	Currently, the rural land on the subject site is not suitable for agricultural purposes because of the site's characteristics such as the steep slope and because the site is surrounded by commercial and residential land uses.
Will the proposal increase choice?	Yes, both in terms of retail stores, restaurants and for medium density housing.	The proposal provides for an alternative offer for residential housing and business opportunities.
What are the public interest reasons for preparing the draft Plan?	Creating a unique opportunity to revitalise the streetscape, public domain, commercial development in Round Corner town centre. To provide an opportunity for Round Corner to reach its potential as a town centre, and to improve the existing car parking situation and upgrade the existing bus interchange facilities. Improve shopper convenience and price competition (Hill PDA 2012).	The outcomes are significantly more difficult to achieve without the rezoning for commercial/residential development.

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This Draft Centres Policy dictates that rezoning applications are required to undertake a sequential approach to site selection where the availability of in-centres is first assessed, as they are the preferred location for new retail development. If there are no existing in-centre sites for new retail development, only then should edge-of-centre sites be considered. A sequential test is examined in Section 6 below.

6 SEQUENTIAL TEST

As part of the Retail Study, a sequential approach test was undertaken in accordance with the Draft Centres Policy requirements for all rezoning applications proposed for edge or out-of-centre sites. The following considerations quoted from the Draft Centres Policy - Planning for Retail and Commercial Development (p.24 2009) are examined:

- *"It must first be demonstrated that there are no suitably zoned sites within the existing centre. Where the zoning is flexible – such as a mixed use zone – there will be more options available to proponents. It is recognised that acquiring appropriately zoned sites within existing centres may not always be practical or feasible particularly if large format sites are required.*
- *If there are no suitably zoned sites in the existing centre, it must then be demonstrated that there are no suitable sites in an edge-of-centre location. Where available, edge-of-centre sites will generally be supported particularly if good connections can be established with the existing centre.*
- *Out-of-centre stand-alone sites will generally not be supported unless it has been demonstrated that there are no suitable within-centre or edge-of-centre sites and there is a demonstrated net community benefit".*

The retail study concludes that there are no obvious sites of sufficient size currently suitable or available to accommodate the proposed development. The fragmented ownership is also problematic in securing a site with sufficient size to accommodate the proposed development. The study recommends that *"on this basis, the next most suitable option is to accommodate retail expansion is at the edge of the centre. In this regard, the subject site is suitable given that it is immediately adjacent to the existing centre and directly connected to it"* (p.35).

7 RETAIL STUDY

The Retail Impact Assessment undertaken by Hill PDA (Appendix F) examined the implications of a proposed rezoning which may result in a commercial development with an indicative 3,000m² of supermarket floorspace, 3,000m² for the purpose of a restaurant and 3,000m² for the purpose of speciality shops.

The study comprises of a series of reviews including:

- a planning and policy review relating to commercial development in The Hills Shire Council;
- a retail hierarchy review to understand the existing retail situation within The Hills Shire LGA;

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- a review of demand for retail floorspace;
- sequential test analysis;
- retail impact assessment and economic benefits of additional retail floorspace.

The key findings of the economic impacts of additional commercial development in Round Corner include:

- Provide greater choice of products;
- Promoting price competition without threatening the viability of any other existing centre beyond normal competitive range;
- Reducing the need for residents to travel for the purposes of shopping and encouraging shopper convenience;
- Supporting the role of centres, the creation of new jobs and promoting economic development; and
- No obvious sites within the existing centre that could accommodate the size of floorspace proposed. This site is the next best location for retail expansion.

In regard to determining the economic impact, a NSW Land & Environment Court judgment provides some guidance for Councils (*Fabrot Pty Ltd v Hawkesbury City Council* (97) LGERA and *Cartier Holdings Pty Ltd v Newcastle City Council and Anor* [2001] NSWLEC 170).

“Councils should not be concerned about competition between individual stores as this is a matter of fair trading. It should however concern itself with the impacts in the locality (p.36)”.

The retail assessment concludes that impacts on Dural, Middle Dural and Glenhaven are quite low, as the proposed commercial development is not “jeopardising the vitality or viability of any existing centre and are within the normal competitive range (p.8)”.

The retail study also examines possible future populations within the area and evaluates the impact of two sites that have the potential to deliver 15,000 additional residents within the suburbs of Dural, Middle Dural and Kenthurst once developed. The study concludes that if the rezonings were to proceed, there would be an undersupply of supermarket floorspace, even with the proposed development at Round Corner. As these rezonings may not proceed, no additional allowance has been made for these potential new residents within the study.

As a result of the Retail Study, Hill PDA’s recommends that “there are no grounds to refuse the rezoning on the basis of adverse economic impact (p.8)”.

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**8 CONCLUSION**

This Planning Proposal has been prepared to support the proposed rezoning of 488 - 498 Old Northern Road, Round Corner from Rural 1(c) BHLEP and Rural Small Holdings RU4 DLEP, to part 3(a) Business and 2(a) Residential under BHLEP and B2 Business and R3 Residential under DLEP. This rezoning is to provide Round Corner town centre with a unique opportunity to encourage and support Round Corner as a developing town centre within The Hills Shire, and to revitalise the existing public domain, transport infrastructure and commercial hub within the centre.

The Planning Proposal has provided a possible outcome for the development of the site and how the subject site would be integrated within the surrounding landholdings. The proposed planning controls, and suggested concept plan have addressed the site constraints and linkages with the adjoining landholdings.

The development of the subject site does not contradict the overall vision, aims or intent of the Sydney Metropolitan Strategy, the North West subregional strategy or The Hills Shire Strategic policies. The indicative commercial development and revitalisation of Round Corner is in accordance with the aims and objectives outlined in The Hills Shire Council strategic Centres Direction for the growth of Round Corner.

The indicative commercial development is supported by a Retail Study which examines the economic implications of a proposed rezoning adjacent to the existing Round Corner centre. This study provides a balanced analysis regarding the economic impacts of a new commercial development on the subject site. The Retail Study also commented on the two significant rezonings being South Dural and Glenhaven which are part of the State Government's land owner nominated sites for potential housing release. If these rezonings are pursued, there would be an undersupply of supermarket floorspace even with the proposed commercial development at Round Corner. The Retail Study concluded that there are no grounds to refuse the rezoning on the basis of adverse economic impact.

The benefits of the rezoning are as follows:

- The development of the site has potential to act as a gateway into the Round Corner town centre;
- The commercial development would revitalise the streetscape to create landmark gateway development to the town centre accompanied by the use of aesthetically pleasing architecture in a plaza area to act as part of a bus transport hub;
- A major aspect of this rezoning would be to provide a facility along Old Northern Road for buses and to alleviate the current lack of appropriate car parking spaces by providing additional parking within the commercial development;

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- The commercial development would not threaten the viability of any other centre beyond the normal competitive range (as demonstrated in the Retail Study) but provide greater choice of products and encourage price competition;
- The proposed development would contribute towards the aims and objectives of relevant strategic policies by supporting the role of centres, supporting the creation of new jobs in The Hills Shire and promote economic development; and
- The Planning Proposal and proposed development is in-line with Council's Rural Land Strategy for the form of development envisaged for Round Corner village.

This submission has addressed the relevant matters for consideration as requested by Council. Council are requested to prepare the LEP Amendment for the Gateway approval process to rezone 488 – 498 Old Northern Road, Round Corner as commercial and medium density residential land.

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9 APPENDICES

Appendix A	Survey Plan/ Report
Appendix B	Concept Options
Appendix C	Traffic Impact Assessment Report
Appendix D	State Environmental Planning Policies
Appendix E	Section 117 Directions
Appendix F	Retail Study