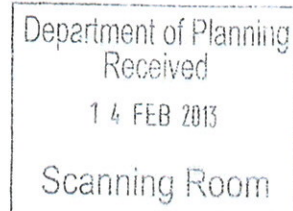




8 February 2013



Mr Peter Goth
Regional Director
Sydney West Region
Department of Planning and Infrastructure
Locked Bag 5020
PARRAMATTA NSW 2150



Our Ref: 1/2013/PLP

Dear Mr Goth

PLANNING PROPOSAL (SECTION 56 NOTIFICATION)
The Hills Local Environmental Plan 2012 (Amendment No.) - (Rezoning of Lot 2 in DP 839151, Nos. 488 – 494 Old Northern Road, Dural from RU6 Transition to Part B2 Local Centre and Part R3 Medium Density Residential)

Pursuant to Section 56 of the Environmental Planning and Assessment Act, 1979, it is advised that Council has resolved to prepare a Planning Proposal for the above amendment.

Please find enclosed the information required in accordance with the guidelines 'A guide to preparing local environmental plans' issued under Section 55(3) of the Environmental Planning and Assessment Act 1979, together with a locality map and Council's report on the matter.

Pursuant to clause (5)(d) of Local Planning Direction 1.2 Rural Zones, this section 56 notification also seeks the concurrence of the Director-General with respect to a minor inconsistency with this direction as detailed in the attached planning proposal.

Following receipt of the Department's written advice, Council will proceed with the planning proposal.

Any future correspondence in relation to this matter should quote reference number 1/2013/PLP. For further information please contact Alicia Jenkins on 9843 0396.

Yours faithfully

Stewart Seale
MANAGER - FORWARD PLANNING

Attachment 1: Planning Proposal

Aerial Photograph

PART 2 EXPLANATION OF THE PROVISIONS

The planning proposal involves an amendment to The Hills Local Environmental Plan 2012 to facilitate a mixed use development on the site. The site is currently zoned RU6 Transition zone and the proposal is seeking to rezone part of the site to B2 Local Centre to facilitate 9,000m² of commercial gross floor area (GFA). The remaining portion of the site is proposed to be zoned R3 Medium Density Residential to accommodate 8,000m² residential floor space comprising twenty-two (22) x three (3) bedroom townhouses.

The proposal also includes an amendment to the Floor Space Ratio Map to introduce a ratio of 0.75:1 in relation to that part of the site to be zoned B2 Local Centre.

PART 3 JUSTIFICATION

A. Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report

No – this planning proposal is a result of an application from Brown Smart Consulting to rezone the subject site from RU6 Transition to part B2 Local Centre and part R3 Medium Density Residential. Supporting information provided with the application included a Retail Study prepared by Hill PDA Pty Ltd dated June 2012 and a Traffic and Transport Study prepared by the applicant dated December 2011.

2. 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 outcome to develop a mixed use development. However, the rezoning will expand the existing centre at Round Corner and it is important to view Round Corner in the context of the wider South Dural Precinct.

Land capability study and a traffic study are being undertaken parallel to the planning proposal for the Round Corner Town Centre.

B. Relationship to strategic planning framework

3. 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 strategic plan prepared by the NSW Government entitled the *Metropolitan Plan for Sydney 2036* aims to integrate land use and transport planning to provide a framework for the growth and development of the Sydney region to 2036. The planning proposal is generally consistent with this direction as it would provide both jobs and living opportunities in a location which is highly accessible by public transport, walking and cycling. While zoned Rural, its close proximity to the Centre and the adjoining land uses does not result in the loss of productive agricultural land.

Metropolitan Development Program

The NSW State Government has prepared a Metropolitan Development Program (MDP) for Sydney which aims to plan for Sydney's growth until 2031. Outside the growth centres any proposed zone change from rural to urban is required to meet a set of sustainability criteria.

The MDP Strategy indicates the government will consider land release proposals outside the growth centres where they are of exceptional environmental performance and do not require major infrastructure. New land release proposals are only added to the MDP if they meet the sustainability criteria contained the Metropolitan Strategy.

Draft North West Subregional Strategy

The draft *North West Subregional Strategy* was prepared by the NSW Government to implement the Metropolitan Plan and the State Plan. The planning proposal is consistent with this draft strategy as it provides both employment and living opportunities and capitalises on public transport infrastructure.

4. *Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?*

Hills 2026 Community Strategic Direction

The Hills 2026 Community Strategic Direction is the first 20 year outlook for The Hills Shire. It is a direction that creates a picture of where The Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The proposed studies which are to be undertaken parallel with this planning proposal will consider the centre in a wider context in order to meet the objectives of Council's Community Strategic Direction.

The Hills Shire Local Strategy

- Residential Direction

The draft *North West Subregional Strategy* sets a target for the Shire to contribute an additional 36,000 dwellings from 2004 to 2031 to accommodate a share of Sydney's population growth. The Residential Direction indicates that there is sufficient capacity to accommodate these targets.

As the land is adjacent to the Round Corner Town Centre, the rezoning presents an opportunity to provide additional housing choice in an accessible and convenient location.

- Integrated Transport Direction

A key objective of the Integrated Transport Direction is to ensure that planning and future development supports the provision of an efficient transport network. Relevant actions include planning for a concentration and/or intensity of land use activities around major public transport nodes.

The proposal for a medium density residential outcome together with commercial/retail outcomes on the subject site is consistent with this objective.

More specifically, the subject site is located immediately adjacent to a bus interchange on Old Northern Road which is serviced by bus routes operated by Busways and Hillsbus. These bus services provide public transport services and linkages to the various centres in the locality and beyond, including Castle Hill, Rouse Hill, Baulkham Hills, Blacktown, M2 pickup/drop off points and direct to North Sydney/Milsons Point.

- Employment Lands Direction

The North West Subregional Strategy establishes an employment target for the Shire from 2001 to 2031 of 47,000 jobs. The Employment Lands Direction demonstrates that there is capacity to meet this target with capacity for 55,574 additional jobs to 2031. Much of this growth is to be accommodated in the Norwest Business Park, future Box Hill Industrial & Business Precinct and the major centres of Castle Hill and Rouse Hill.

Whilst Round Corner is not specifically identified under the Employment Lands Direction, smaller employment precincts have a role to play in delivering the required targets. According to a retail study submitted with the application, rezoning the subject site to accommodate 9,000m² of commercial GFA will contribute an estimated 326 full and part time jobs on site post-development. Further, the development will provide employment close to dwellings, services and transport infrastructure.

- Centres Direction

The Centres Direction aims to support the development of the Shire's Centres as places where the community have access to services, jobs, shopping and public transport. The Direction identifies that the Round Corner Town Centre requires assistance to improve the centre in terms of appearance, amenity and accessibility. The centre is spread over a wide area with walking between the various areas made difficult due to grade changes, lack of logical linkages and fragmented ownership.

The Direction also recommends that the Town Centre would benefit from a process of targeted revitalisation or re-development of the building stock to improve economic performance to meet the needs of incoming residents. The applicant suggests that the rezoning and development of the subject site would assist with meeting these outcomes.

Future retail demand of approximately 70 speciality shops by 2031 is identified by the Centres Direction as required to meet future demand in the Northern Sector of the Shire.

- Rural Strategy

The Rural Strategy includes strategies to plan for the future of the Shire's rural land and identifies Round Corner as a "village" with associated residential and commercial uses. The Strategy is supported by a Village Character Analysis which recommends that future expansion of Round Corner should be avoided to encourage existing uses to develop in a more coordinated manner.

As noted above, the planning proposal does not address existing issues within the centre. Notwithstanding this, the studies being undertaken parallel to this planning proposal will need to consider a wider range of issues including but not limited to the following:

- future boundary of the Round Corner Town Centre;
- potential for expansion of urban zoning and density;
- local traffic management including opportunity to bypass Kenthurst Road for regional traffic;
- utility service requirements; and
- establishment of a Business Improvement District as suggested in Council's Centres Direction.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The plan is consistent with the relevant State Environmental Planning Policies as indicated in **Attachment E**.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The plan is generally consistent with the relevant Ministerial Directions as outlined in **Attachment F** with the exception of 1.2 Rural Zones, as detailed below:

1.2 Rural Zones

The objective of 1.2 Rural Zones is to protect the agricultural production value of rural land. The direction states that a planning authority must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone unless the rezoning is supported by a study or is of minor significance.

The rezoning involves an amendment from a rural zone to part commercial and part medium density residential. Whilst this is a significant amendment, it is noted that the site has no agricultural production value due to the proximity of surrounding urban land and site constraints including topographical, vegetation and bushfire constraints. The site is considered appropriate for urban development on the basis that it is close to existing services and transport that support both commercial and residential development.

C. Environmental, social and economic impact

7. 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 site is predominantly vacant, generally void of vegetation and significant trees. Therefore, the planning proposal will not adversely affect critical habitat or threatened species, populations or ecological communities or their habitats.

There are a small number of native vegetation species on the eastern and southern boundaries of the site, adjacent to the building and forming regrowth within the grasslands. The concept plans submitted with the proposal indicate the potential removal of this vegetation and a flora and fauna report may be required.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

A significant portion of the site is identified as bushfire prone land, either as Category 1 or Buffer Zone on Council's Bush Fire Prone Land Map. Development on this site would be subject to the requirements of the *NSW Rural Fires Act 1997* and Asset Protection Zones would need to be provided where applicable. Should

the proposal proceed, consultation requirements with the NSW Rural Fire Service will be established by the Gateway determination.

9. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal is not anticipated to have any negative social or economic impacts on the locality. The rezoning will provide both housing and commercial floorspace immediately adjacent to an existing centre and facilitate transport oriented development.

A retail study submitted with the planning proposal indicates that any potential impact on trade for the existing Round Corner Town Centre is somewhat mitigated by the fact the site would form an extension to the existing centre and therefore increase the overall turnover of the centre.

D. State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The development of the site will increase demand for public amenities and services. Therefore it will be necessary to ensure that the rezoning will be supported by the necessary services such as electricity, telecommunication, gas, water, sewer and stormwater drainage. No utilities and services report was submitted with the planning proposal. However, the Gateway determination will identify if any study is required.

The site is located immediately adjacent to a bus interchange on Old Northern Road and is supported by good public transport infrastructure.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

Preliminary comments received from Roads and Maritime Services (RMS) are given in the Traffic and Transport Study submitted by the applicant. Preliminary advice suggests the RMS is supportive of the proposal subject to meeting relevant design standards such as the gradient of driveway access from the site to the proposed signalised intersection.

Consultation will be required with key agencies including the Roads and Maritime Services, the NSW Rural Fire Service and Sydney Water. Any other relevant agencies will be determined as part of the Gateway Determination.

Following the Gateway determination, all relevant agencies will be consulted. Any proposed variations to the planning proposal would be addressed in the submission following the consultation period.

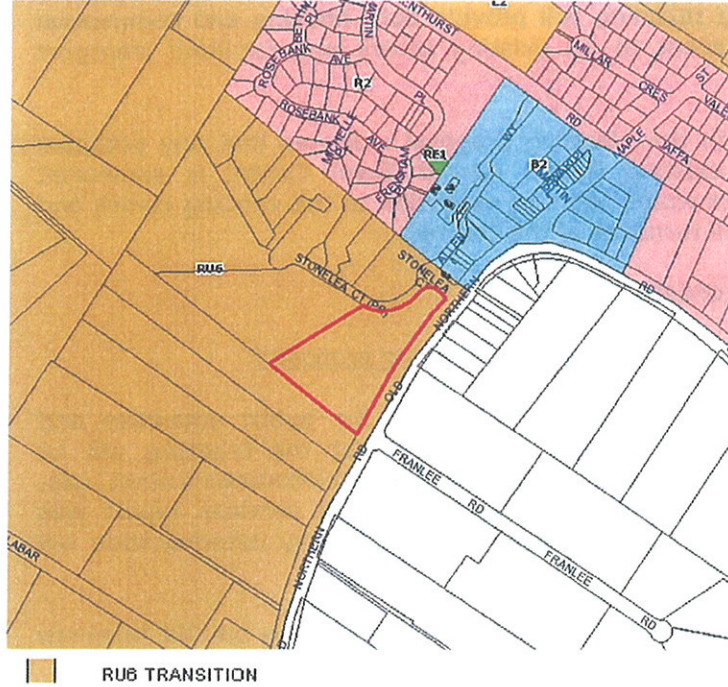
PART 4: MAPPING

Planning proposals should be supported by relevant and accurate mapping where appropriate. The mapping should be clear and accurately identify, at an appropriate scale, relevant aspects of the proposal including:

- the land subject to the planning proposal
- current land use zone/s applying to the land

- current development standards relating to the land (i.e. FSR, building height, minimum lot size)
- the proposed alternative zone, if a change in zone is proposed
- a map illustrating the extent of the proposed revised development standard, if a change to a development standard is proposed

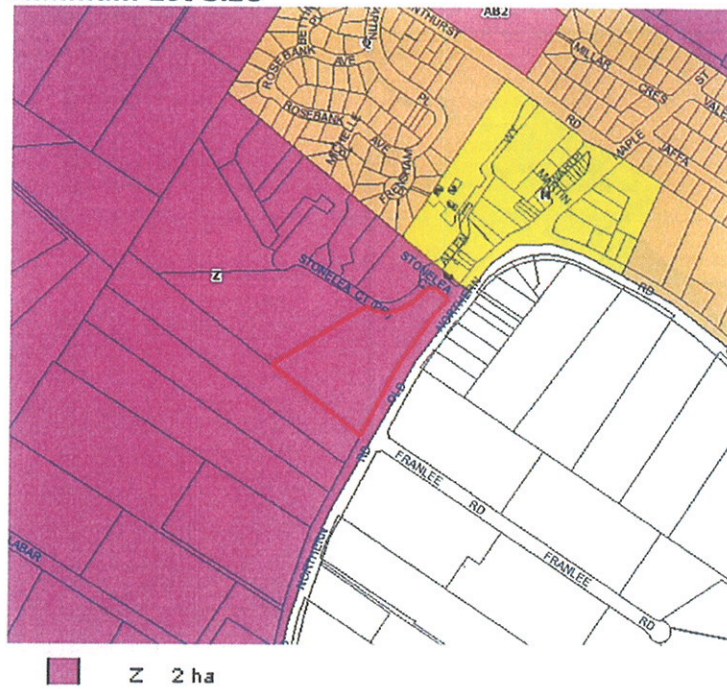
Current Land Use Zoning



Current Floor Space Ratio – N/A

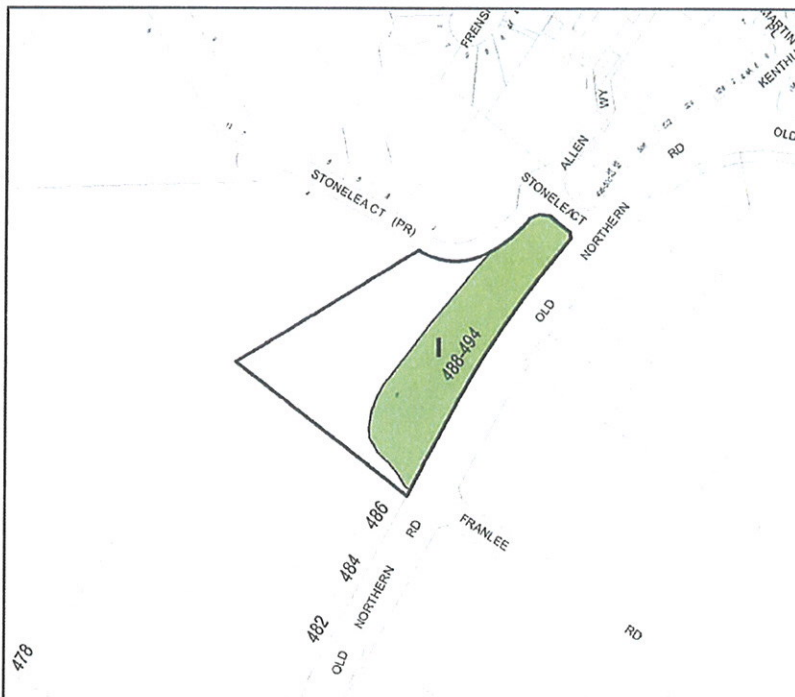


Minimum Lot Size



Building Height



Proposed Floor Space Ratio

I – Floor Space Ratio - 0.75:1

PART 5 COMMUNITY CONSULTATION

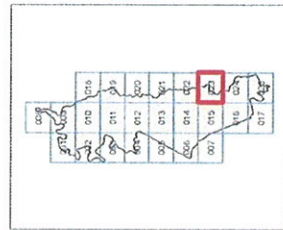
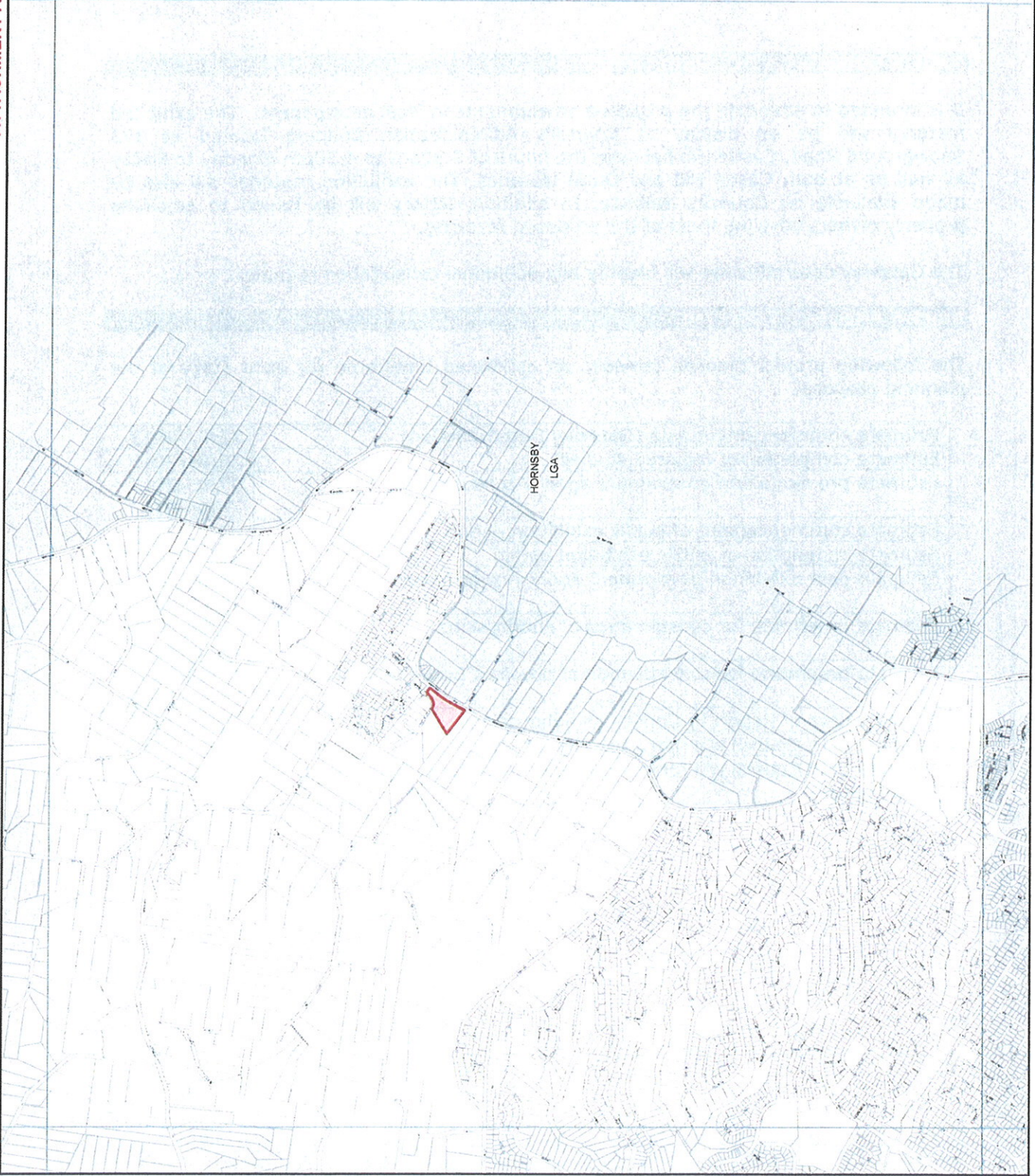
It is intended to advertise the proposed amendments in local newspapers. The exhibited material will be on display at Council's Administration Building located at 129 Showground Road, Castle Hill between the hours of 8.30am to 4.30pm Monday to Friday as well as at both Castle Hill and Dural Libraries. The exhibition material will also be made available on Council's website. In addition, letters will be issued to adjoining property owners advising them of the proposed rezoning.

The Gateway determination will identify any additional consultation required.

PART 6 PROJECT TIMELINE

The following project timeline provides an estimated timeframe for each stage of the planning proposal.

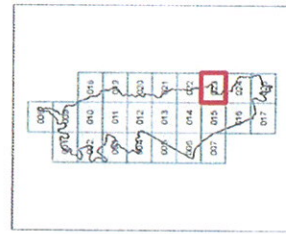
Estimate commencement date (Gateway Determination)	22/02/2013
Estimate completion of required studies	26/04/2013
Estimate pre exhibition government agency consultation	07/05/2013 - 7/06/2013
Estimate commencement of public exhibition period	09/07/2013
Estimate completion of public exhibition period	09/08/2013
Estimate post exhibition government agency consultation	16/08/2013 - 20/09/2013
Estimate timeframe for consideration of submissions	16/08/2013 - 13/09/2013
Estimate timeframe for consideration of proposal post exhibition	17/09/2013 - 25/10/2013
Estimate date of Report to Council on submissions	26/11/2013
Estimate date Council will make the plan (if delegated)	29/11/2013
Estimate date Council will forward to department for notification (if delegated)	21/02/2014



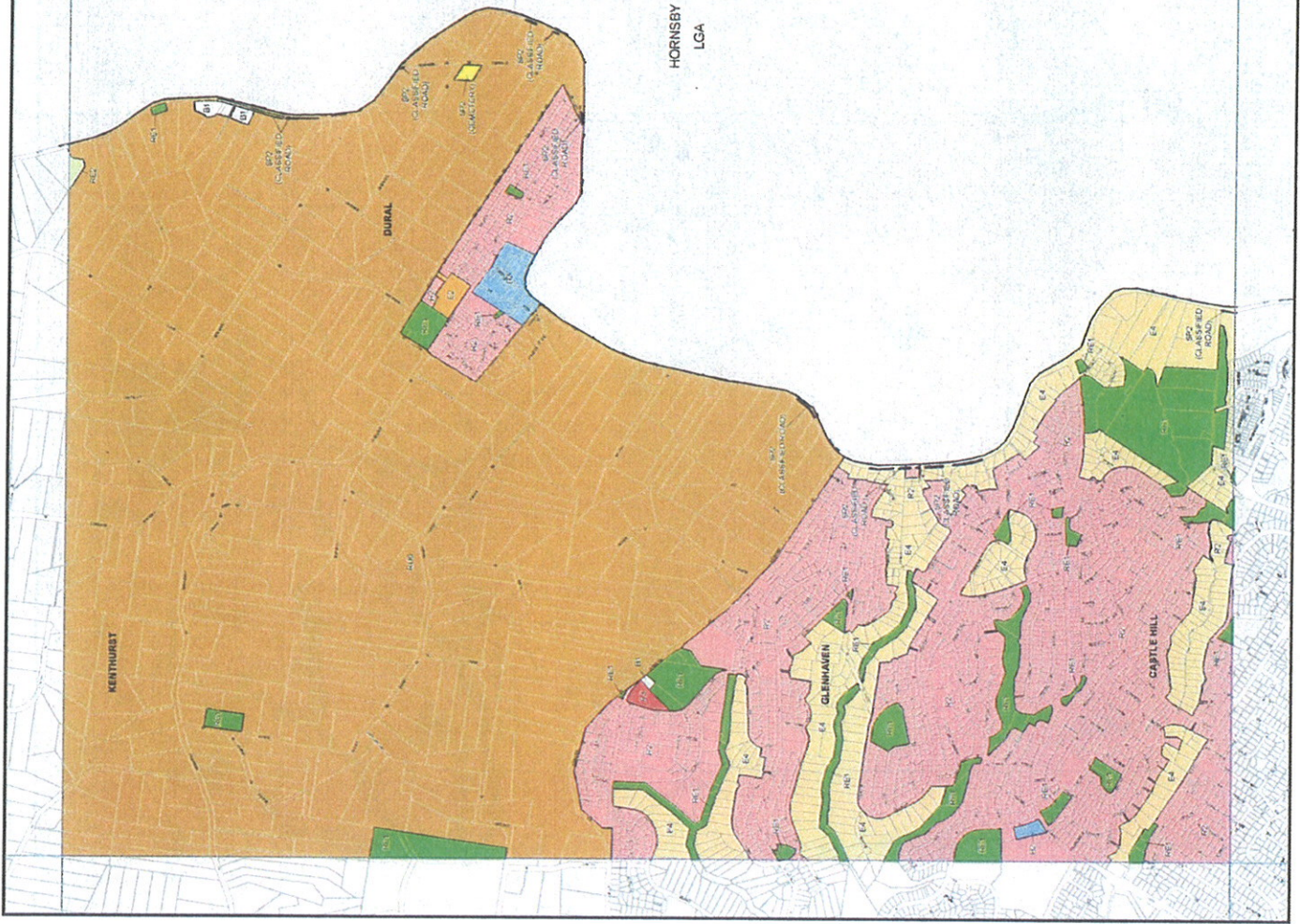
Land Zoning Map - Sheet LZN_023

- Zone**
- B1** Neighbourhood Centre
 - B2** Local Centre
 - B4** Mixed Use
 - B6** Business Development
 - B6** Enterprise Corridor
 - B7** Business Park
 - E1** National Parks and Nature Reserves
 - E2** Environmental Conservation
 - E3** Environmental Management
 - E4** Environmental Living
 - IN1** General Industrial
 - IN2** Light Industrial
 - R1** General Residential
 - R2** Low Density Residential
 - R2** Medium Density Residential
 - R2** High Density Residential
 - RE1** Public Recreation
 - RE2** Private Recreation
 - RU1** Primary Production
 - RU2** Rural Landscape
 - RU3** Forestry
 - SP2** Transition
 - SP2** Infrastructure
 - SP3** Tourist
 - W2** Recreational Waterways
 - W2** SEPP (Sydney Region Growth Centres) 2006
- Cadastre**

Cadastre 17/08/2011 © THSC



Projection GDA 84
Map Identification Number
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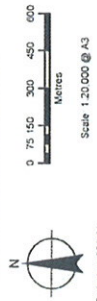
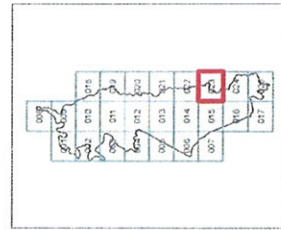


The Hills Local Environmental Plan 2012

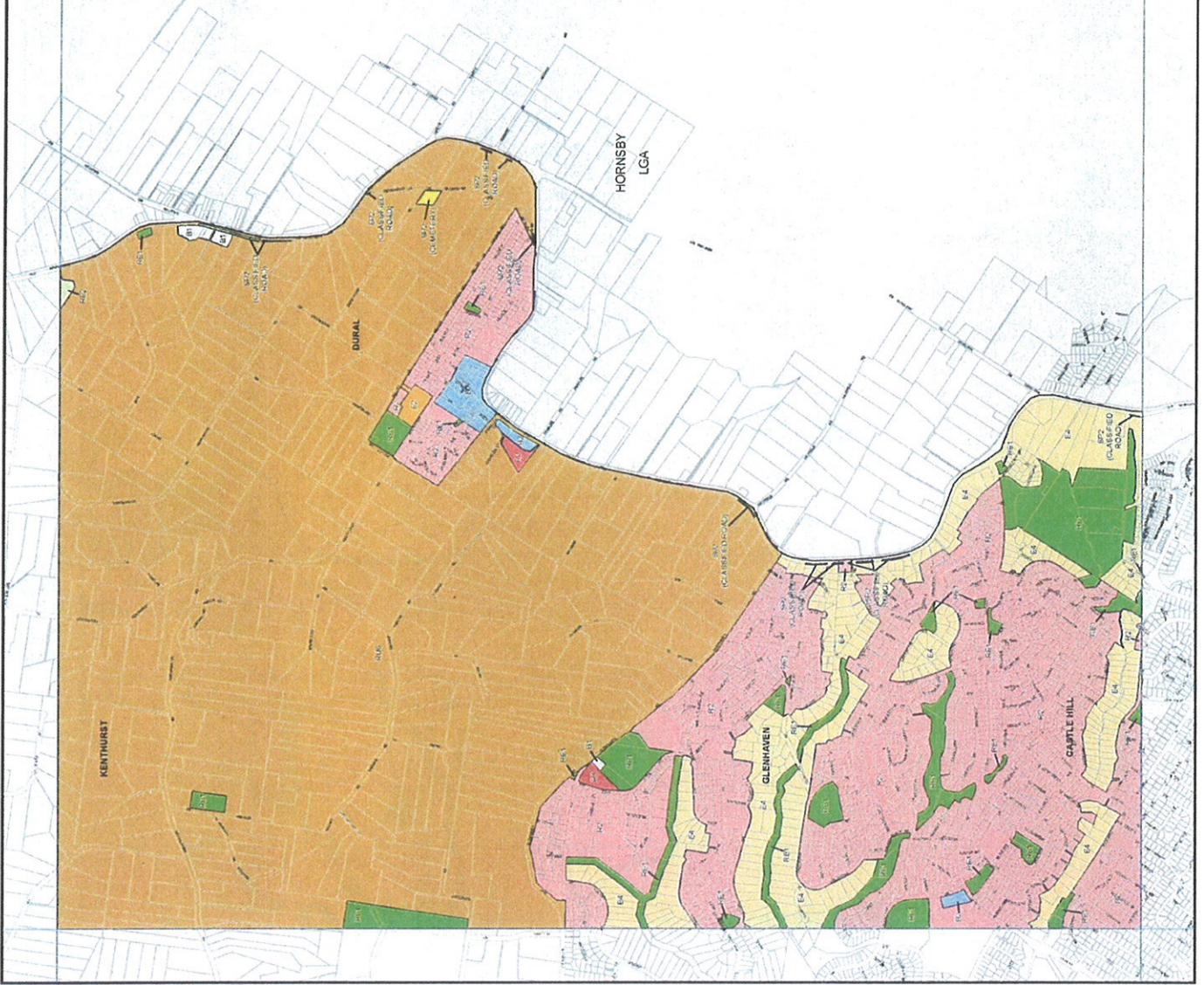
THE HILLS
SHIRE COUNCIL

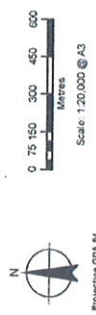
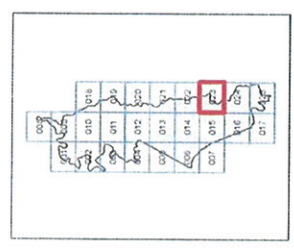
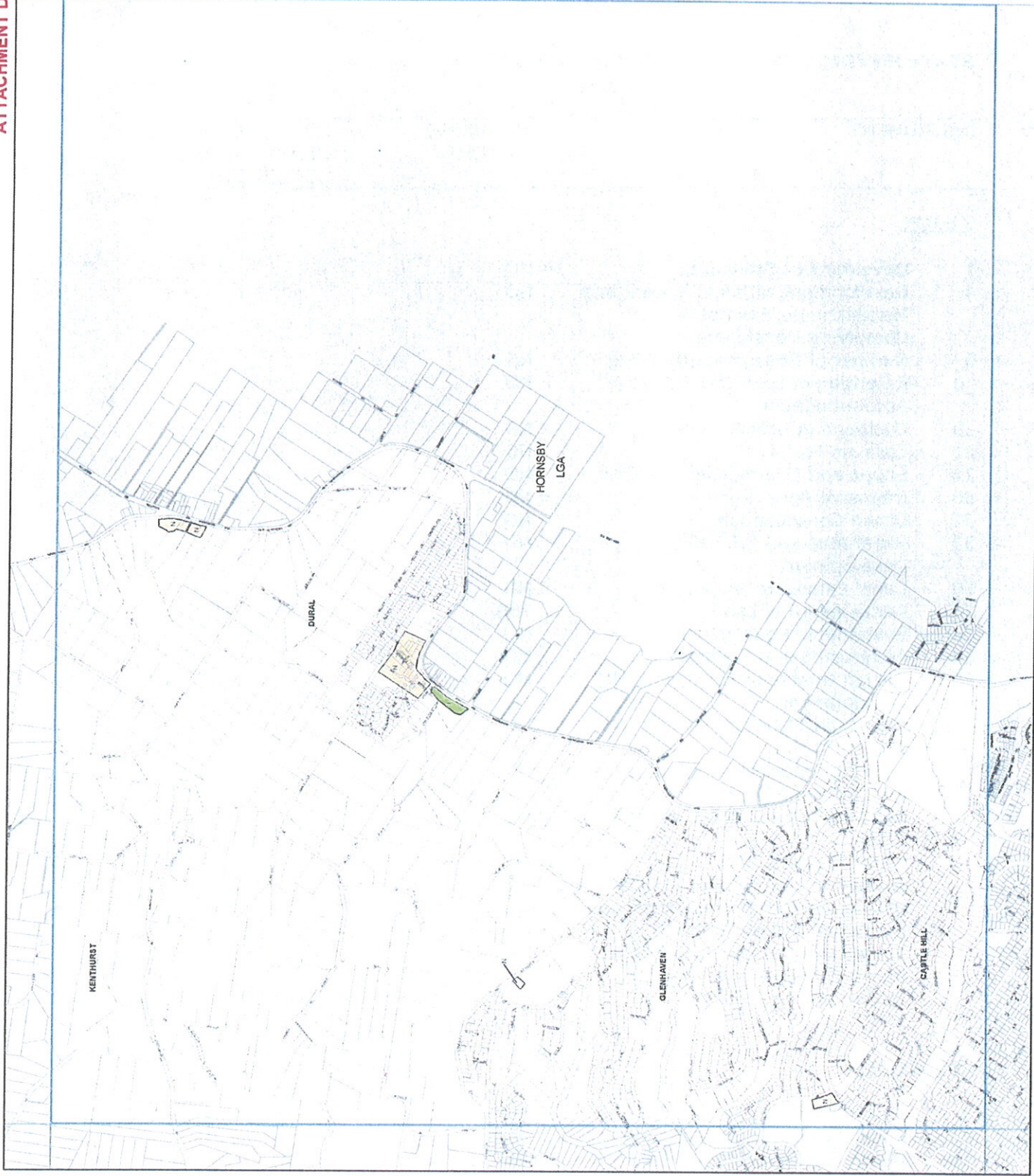
Land Zoning Map - Sheet LZN_023

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 - R3 Medium Density Residential
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 - RU2 Rural Landscape
 - RU3 Forestry
 - RU6 Transition
 - SP2 Infrastructure
 - SP3 Tourist
 - W2 Recreational Waterways
 - SNCC SEPP (Sydney Region Growth Centres) 2006
- Cadastre**
- Cadastre 11/10/2012 © THSC



Map Identification Number
0500_C004_LZN_023_000_20121212





STATE ENVIRONMENTAL PLANNING POLICIES

INSTRUMENT		RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
<u>S.E.P.P.</u>			
1	Development Standards	NO	
4	Development without Consent and Miscellaneous Exempt & Complying Development	NO	
6	Number of Storeys in a Building	NO	
10	Retention of Low-Cost Rental Accommodation	NO	
19	Bushland in Urban Areas	NO	
21	Caravan Parks	NO	
22	Shops and Commercial Premises	NO	
30	Intensive Agriculture	NO	
32	Urban Consolidation	NO	
33	Hazardous and Offensive Development	NO	
50	Canal Estate Development	NO	
55	Remediation of Land	YES	CONSISTENT
62	Sustainable Aquaculture	NO	
64	Advertising and Signage	NO	
65	Design Quality of Residential Flat Development	NO	
70	Affordable Housing (Revised Schemes)	NO	
	Housing for Seniors or People Living with a Disability (2004)	NO	
	Building Sustainability Index: BASIX 2004	NO	
	Major Projects 2005	NO	
	Sydney Region Growth Centres 2006	NO	
	Mining, Petroleum Production and Extractive Industries 2007	NO	
	Temporary Structures and Places of Public Entertainment (2007)	NO	
	Infrastructure (2007)	YES	CONSISTENT
<u>SYDNEY REP</u>			
9	Extractive Industry	NO	
18	Public Transport Corridors	NO	
19	Rouse Hill Development Area	NO	
20	Hawkesbury – Nepean River	YES	CONSISTENT

State Environmental Planning Policy No. 55 Remediation of Land

State Environmental Planning Policy No. 55 Remediation of Land (SEPP 55) requires a Council, in rezoning land, to be satisfied that the land can be made suitable for the intended purpose. To comply with SEPP 55 and the State Government's *Managing Land*

ATTACHMENT E

Contamination Guidelines a rezoning application must consider contamination and remediation.

The planning proposal application states that prior to future development of the site, appropriate investigations will be undertaken to ensure that any contamination of the site is identified and remediated. Any development application lodged with Council on the subject site will require a site history which identifies any past land use activity that could potentially result in contamination as listed in Table 1 of Managing Land Contamination, Planning Guidelines SEPP 55 Remediation of Land.

State Environmental Planning Policy (Infrastructure) 2007

State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) aims to facilitate the delivery of infrastructure across the State including identifying matters to be considered for development adjacent to different types of Infrastructure.

Future development of the site will be required to consider the provisions of the Infrastructure SEPP and as part of the planning proposal consultation with the Roads and Maritime Services (RMS) will be required on the grounds that Old Northern Road is a classified road.

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No 2 - 1997)

Sydney Regional Environmental Plan No. 20 - Hawkesbury-Nepean River (No 2 - 1997) (SREP No. 20) aims to ensure the impact of land uses within the Hawkesbury Nepean River Catchment are effectively managed. Matters such as contamination, drainage and effluent disposal must be considered where new development is proposed.

The planning proposal indicates that drainage will be controlled through a proposed detention basin prior to discharging from the site. Prior to future development, appropriate investigations would need to be undertaken to confirm the suitability of the proposed water management system and any additional requirements.

The planning proposal also indicates that investigation will be undertaken prior to future development to ensure that any contamination of the site is identified and remediated.

Other services such as sewerage and electricity may need to be considered as part of the planning proposal and this will likely be a requirement of the Gateway determination.

SECTION 117 DIRECTIONS

<u>S117(2) MINISTERIAL DIRECTIONS</u>		RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1.	Employment and Resources		
	1.1 Business and Industrial Zones	YES	CONSISTENT
	1.2 Rural Zones	YES	NOT CONSISTENT
	1.3 Mining, Petroleum Production and Extractive Industries	NO	
	1.4 Oyster Aquaculture	NO	
	1.5 Rural Lands	NO	
2.	Environment and Heritage		
	2.1 Environmental Protection Zones	NO	
	2.2 Coastal Protection	NO	
	2.3 Heritage Conservation	YES	CONSISTENT
	2.4 Recreation Vehicle Areas	NO	
3.	Housing, Infrastructure and Urban Development		
	3.1 Residential Zones	YES	CONSISTENT
	3.2 Caravan Parks and Manufactured Home Estates	NO	
	3.3 Home Occupations	YES	CONSISTENT
	3.4 Integrating Land Use and Transport	YES	CONSISTENT
	3.5 Development Near Licensed Aerodromes	NO	
4.	Hazard and Risk		
	4.1 Acid Sulfate Soils	NO	
	4.2 Mine Subsidence and Unstable Land	NO	
	4.3 Flood Prone Land	NO	
	4.4 Planning for Bushfire Protection	YES	CONSISTENT
5.	Regional Planning		
	5.1 Implementation of Regional Strategies	NO	
	5.2 Sydney Drinking Water Catchments	NO	
	5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NO	
	5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NO	
	5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	NO	
	5.6 Sydney to Canberra Corridor	NO	
	5.7 Central Coast	NO	
	5.8 Second Sydney Airport: Badgerys Creek	NO	
6.	Local Plan Making		
	6.1 Approval and Referral Requirements	YES	CONSISTENT
	6.2 Reserving Land for Public Purpose	NO	
	6.3 Site Specific Provisions	YES	CONSISTENT
7.	Metropolitan Planning		
	7.1 Implementation of the Metropolitan Plan for Sydney 2036	YES	CONSISTENT

1.1 Business and Industrial Zones

The subject site is located immediately adjacent to Round Corner and is a logical expansion of the centre. The planning proposal involves additional retail floorspace which will contribute to meeting demand in the Northern Sector of the Shire. Further, the rezoning will permit residential land in close proximity to the shops thus supporting the viability of the centre.

1.2 Rural Zones

The objective of 1.2 Rural Zones is to protect the agricultural production value of rural land. The direction states that a planning authority must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone unless the rezoning is supported by a study or is of minor significance.

The rezoning involves an amendment from a rural zone to part commercial and part medium density residential. Whilst this is a significant amendment, it is noted that the site has no agricultural production value due to the proximity of surrounding urban land and site constraints including topographical, vegetation and bushfire constraints. The site is considered appropriate for urban development on the basis that it is close to existing services and transport that support both commercial and residential development.

2.3 Heritage Conservation

The purpose of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Regulatory measures include heritage conservation provisions which detail when consent is required, the requirements for a heritage impact statement.

The planning proposal has no impact on the existing conservation provisions in LEP 2012.

3.1 Residential Zones

The purpose of this direction is to establish a range of housing types that capitalise on existing infrastructure and services whilst having a minimal impact on the environment.

The rezoning of the land to part R3 Medium Density Residential will contribute to the provision of a variety of housing types in close proximity to services and transport within Round Corner.

3.3 Home Occupations

Home occupations are proposed to be a permissible use in residential zones.

3.4 Integrating Land Use and Transport

The purpose of this direction is to ensure that urban development ensures that housing and jobs are easily accessible through a variety of means including walking, cycling and public transport, reliance on private vehicle use is minimised, and that development supports the viable operation of public transport.

The planning proposal to rezone land at this location is consistent with this direction through establishing a residential population adjacent to or within a business area and an area with high accessibility by public transport, cycling and walking.

4.4 Planning for Bushfire Protection

The majority of the site is situated within the bushfire prone land vegetation buffer of Council's Bushfire Prone Land Map. A small portion of the southern extent of the site is classified as Category 1 bushfire prone land. Development of the site would therefore require preparation of the bushfire report which may lead to the establishment of Asset Protection Zones (APZs).

6.1 Approval and Referral Requirements

The planning proposal is consistent with this direction.

6.3 Site Specific Provisions

The planning proposal does not require the provision of site specific planning controls.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The purpose of this Direction is to ensure zone amendments comply with the strategic objectives and actions of the *Metropolitan Plan for Sydney 2036*. Inconsistencies are possible only if they are minor or if the intent of the *Metropolitan Plan for Sydney 2036* is achieved.

The planning proposal satisfies objectives to provide residential dwellings within close proximity to public transport, and therefore consistent with the broad strategic and policy directions conveyed in the *Metropolitan Plan for Sydney 2036*.