

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to apply a floor space ratio of 1.22:1 to the part of the site zoned B2 Local Centre and apply a maximum height of buildings of 18 metres to the southern portion of the B2 Local Centre zoned land and 14 metres for the northern portion of the B2 Local Centre zoned land at 488-494 Old Northern Road Dural.

ADDRESS OF LAND: 488-494 Old Northern Road Dural (Lot 2 DP 839151)

SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	0	80	80
Jobs	0	118	118

SUPPORTING MATERIAL:

Attachment A Assessment Against State Environmental Planning Policies
Attachment B Assessment Against Section 117 Ministerial Directions

THE SITE:

The site is at the corner of Old Northern Road and Stonelea Court and forms the southern gateway to Round Corner Town Centre. The Mountainview Retreat Retirement Village and BUPA nursing home complex are located directly to the north-west of the site and the residential areas of the village are located to the north. The land is also adjacent to the potential future urban release area of South Dural, located within the Hornsby Shire Local Government Area. An aerial photograph of the subject site and the existing land zoning map are shown in the following figures.

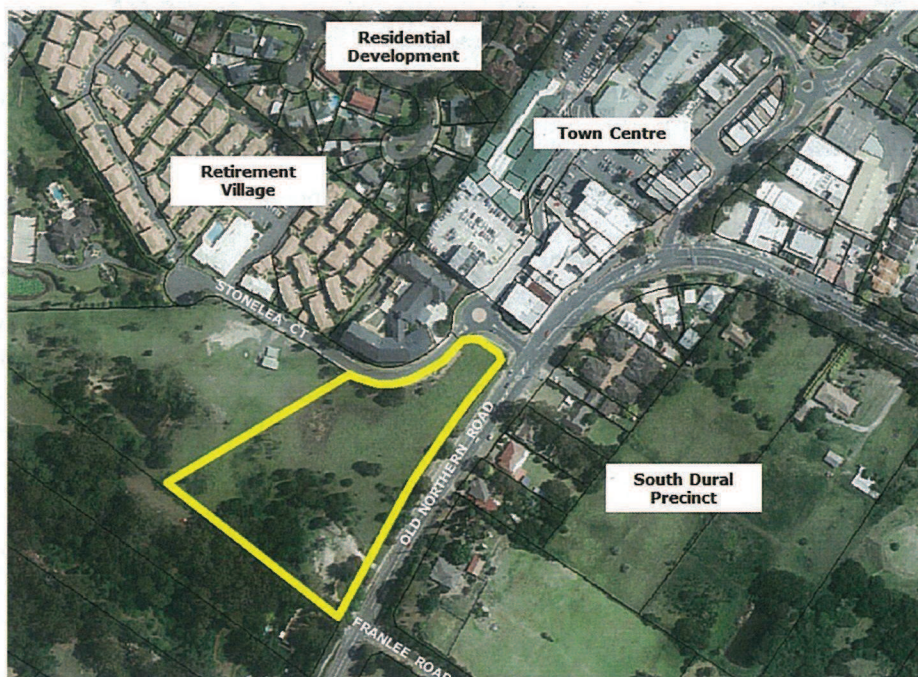


Figure 1
Site and Surrounds

BACKGROUND:

A previous planning proposal for the site was lodged by Brown Consulting (now Calibre Consulting) to facilitate a mixed use development of the site. The original development concept provided for 9,000m² retail floor area at the front of the site comprising 3,000m² of supermarket floor space and a restaurant and specialty shops across two levels together with 22 townhouses behind the mixed use development.

Following exhibition, a revised development concept was submitted to respond to concerns raised during the exhibition including connectivity and access, view corridor preservation, the provision of active and civic space and gateway opportunities. The revised concept provided for a mixed use development including 6,500m² retail floor area comprising 2,500m² of supermarket floor space, 1,600m² of specialty shops and 2,400m² of commercial floor space together with 21 townhouses. Key features of the revised concept included a central civic space, view corridor preservation across the Shire and beyond to the Blue Mountains and active uses at ground level (Figure 2).

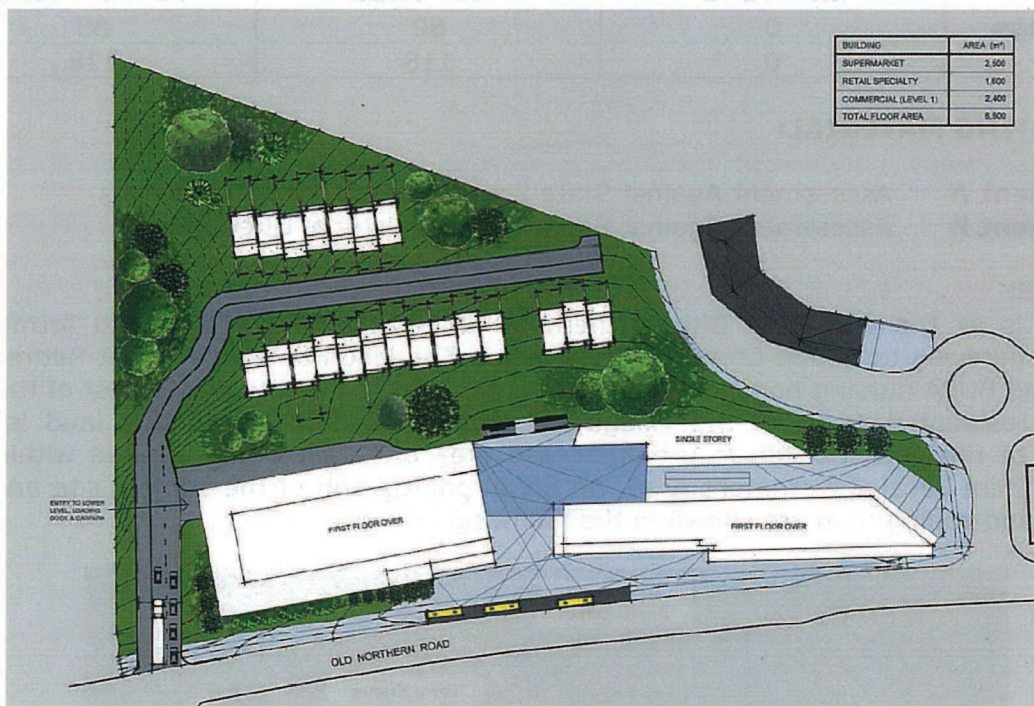


Figure 2
Indicative Site Plan – previous concept

Council at its meeting of 25 February 2014 supported the planning proposal as it provided for an appropriate and logical expansion of the Town Centre and provided for central civic space that would allow for both community interaction and preservation of significant views. Additionally, accessibility by way of a controlled four-way intersection at the southernmost end of the site was seen to facilitate safe and efficient access for the site. It was resolved that the planning proposal proceed to finalisation and that draft development controls for the site be exhibited.

The site was rezoned from RU6 Transition to part B2 Local Centre and part R3 Medium Density Residential on 11 July 2014 and a maximum floor space ratio of 0.75:1 was applied to the part of the site zoned B2 Local Centre. Site specific development controls were also adopted to guide future character and built form, ensure the provision of civic space, and secure the future delivery of traffic signals on the corner of Old Northern Road and Franlee Road, and public bus facilities along the frontage of the site.

The current planning proposal changes the development concept for the site by consolidating retail and commercial floor space in the northern portion of the site and

allowing for the construction of a residential flat building of up to five storeys at the southern end of the site. The revised concept includes a 4,500m² retail/commercial building at the northern end of the site comprising a supermarket, specialty stores, office suites, restaurant and central plaza area.

The previous concept for the site identified all vehicular access (residential, retail and truck loading) via the future road connection at the intersection of Old Northern Road and Franlee Road. The architectural plans have been amended to show the southern intersection for residential and retail use (including customer parking) and a separate loading dock access off Stonelea Court for delivery and waste trucks.

As a separate access lane is no longer required from the southern entry point to the loading dock, there will be additional space for a new roadway to be located further down the site to service the future townhouses on the land zoned R3 Medium Density Residential. The relocation of the loading dock would include a turntable within the loading dock which was not possible with the previous design. The turntable ensures that all reversing movements are contained within the building which will assist in alleviating any acoustic impact on adjoining residential uses.

A site plan of the proposed concept and photomontages elevations are included in the following figures.



Figure 3
Site Plan of Proposed Concept



Figure 4
Development concept view from Old Northern Road looking south



Figure 5
Plaza view



Figure 6
Elevation view - Old Northern Road

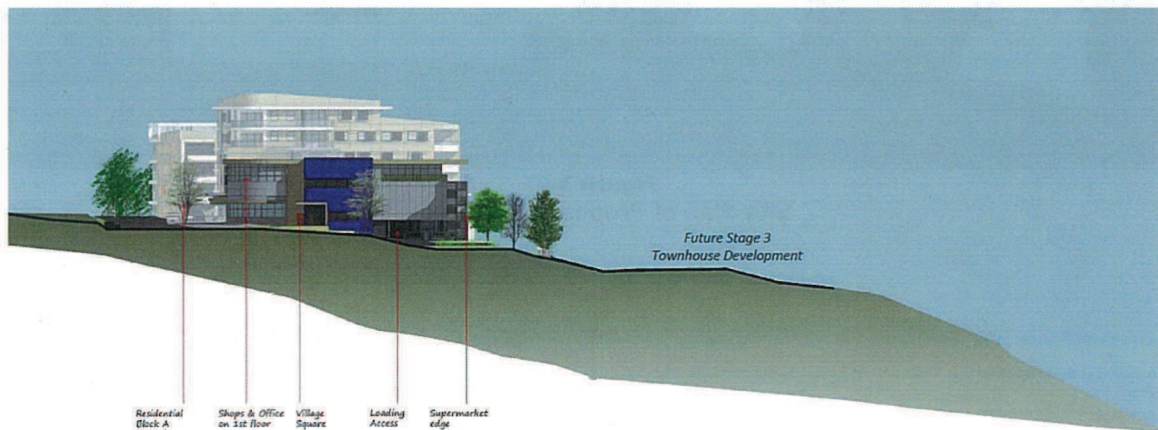


Figure 7
Northern Elevation

To ensure that the residential outcome is consistent with the proponent's concept and Council's requirements, a provision is proposed to be included within the Local Environmental Plan 2012 to allow up to 80 apartments where they will meet Council's unit size, unit mix and car parking controls. Amendments to the Development Control Plan include separation and access controls to ensure appropriate amenity outcomes are achieved for future occupiers of the adjoining townhouse development on the site as well as changes necessary to reflect the revised concept outcome for the site.

PART 1 OBJECTIVES OR INTENDED OUTCOME

The purpose of the proposal is to facilitate an amended development concept for a part four (4) and part five (5) storey residential flat building and ground floor retail uses on the southern portion of the site. Residential flat buildings are permitted with consent in the B2 Local Centre zone. The revised concept includes a 4,500m² retail/commercial building at the northern end of the site comprising a supermarket, specialty stores, office suites, restaurant and central plaza area. All customer and residential parking areas are proposed to be contained within three (3) levels of basement parking. The submitted concept also integrates the development of 21 townhouses at the rear of the development on the adjacent R3 Medium Density Residential zoned land.

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcomes will be achieved by:

- Amend the Height of Buildings Map from 10 metres to 18 metres for the southern portion of the land zoned B2 Local Centre and 14 metres for the northern portion of the land zoned B2 Local Centre;
- Amend the Floor Space Ratio Map from 0.75:1 to 1.22:1 across the whole of the land zoned B2 Local Centre;
- Amending *The Hills Local Environmental Plan 2012* Key Sites Map to identify the site as "Area C"; and
- Amending Part 7 of *The Hills Local Environmental Plan 2012* to include a new local provision which ensures that future development on the site does not exceed a yield of 80 dwellings and that, in order to achieve this yield, development must comply with Council's standards for apartment mix, apartment size and car parking.

The additional local provision is provided below:

Part 7 Additional Local Provisions

7.10 Residential Development Yield

(1) *The objectives of this clause are as follows:*

- (a) *To ensure that residential flat building development does not over-tax existing and planned services, facilities and infrastructure;*
- (b) *To provide opportunities for a suitable density housing form that is compatible with existing development and the future character of the surrounding area;*
- (c) *To ensure the provision of a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets; and*
- (d) *To promote development that suits larger household sizes and family household structures which are expected for The Hills Shire into the future.*

(2) *This clause applies to land identified as "Area C" on the Key Sites Map.*

(3) Residential development on whole of the land specified in Column 1 of the Table is not to exceed the criteria and standards specified in Column 2.

or

(4) Residential development on the whole of the land specified in Column 1 of the Table may be less or equal to that specified in Column 3, where the development complies with all criteria and standards specified in Column 4.

Column 1	Column 2	Column 3	Column 4																											
Land zoned B2 – Local Centre on Lot 2 DP 839151, known as 488-494 Old Northern Road, Dural	30 dwellings and a maximum building height of 10 metres and a floor space ratio of 0.75:1.	80 dwellings and a maximum height and floor space ratio as shown on the "Height of Buildings Map" and "Floor Space Ratio Map".	Apartment mix No more than 25% of the dwelling yield is to comprise either studio or one bedroom units. No less than 10% of the dwelling yield is to comprise units with three or more bedrooms. Internal floor areas The minimum internal floor area for each unit, excluding common passageways, car parking spaces and balconies shall not be less than the following: <table><tr><td colspan="2">Type 1</td></tr><tr><td>1 bedroom</td><td>50m²</td></tr><tr><td>2 bedroom</td><td>70m²</td></tr><tr><td>3 or more bedrooms</td><td>95m²</td></tr><tr><td colspan="2">Type 2</td></tr><tr><td>1 bedroom</td><td>65m²</td></tr><tr><td>2 bedroom</td><td>90m²</td></tr><tr><td>3 or more bedrooms</td><td>120m²</td></tr><tr><td colspan="2">Type 3</td></tr><tr><td>1 bedroom</td><td>75m²</td></tr><tr><td>2 bedroom</td><td>110m²</td></tr><tr><td>3 or more bedrooms</td><td>135m²</td></tr></table> Type 1 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments. Type 2 apartments shall not exceed 30% of the total number of 1, 2 and 3 bedroom apartments. All remaining apartments are to comply with the Type 3 apartment sizes. Car parking The provision of car parking shall not be less than the following: <table><tr><td>1 space per 1 bedroom unit</td></tr><tr><td>2 spaces per 2 or 3 bedroom unit</td></tr><tr><td>2 visitor spaces per 5 units</td></tr></table>	Type 1		1 bedroom	50m ²	2 bedroom	70m ²	3 or more bedrooms	95m ²	Type 2		1 bedroom	65m ²	2 bedroom	90m ²	3 or more bedrooms	120m ²	Type 3		1 bedroom	75m ²	2 bedroom	110m ²	3 or more bedrooms	135m ²	1 space per 1 bedroom unit	2 spaces per 2 or 3 bedroom unit	2 visitor spaces per 5 units
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PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

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

No, the planning proposal is not a result of any strategic study or report.

However, it is considered that the current proposal will result in a better outcome for the site by locating the commercial and retail components closer to the existing town centre, and will provide for an increased diversity of housing types in a location close to the existing services and facilities of Round Corner.

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 is considered to be the best way to achieve the intended outcomes for the site. The amendments will facilitate an improved retail and commercial development outcome on the site that is consistent with overall objectives for the revitalisation of Round Corner Town Centre. The provision of a residential flat building on the southern portion of the site will act as entry marker to the town centre, increase housing diversity and choice to the locality and support existing and new business activity through increased population.

Amendment of Height of Buildings Map

The proposal seeks to amend the Height of Buildings Map from 10 metres to 18 metres for the southern portion of the land zoned B2 Local Centre and 14 metres for the northern portion of the land zoned B2 Local Centre. The 18 metre height restriction on the southern portion of the site would facilitate a 4-5 storey residential flat building. The increase in the height restriction on the northern portion of the land zoned B2 Local Centre is also required as the preliminary concept seeks ground floor retail and first floor commercial uses which will slightly breach the existing height 10 metre height restriction.

Amendment to the Floor Space Ratio Map

The proposal seeks to increase the Floor Space Ratio applying to the B2 Local Centre zoned land from 0.75:1 to 1.22:1. This floor space ratio will ensure that the overall quantum of floor space provided on the site is appropriate and delivers the desired identified as outlined within the amended concept for the site.

Amendment of Key Sites Map and Inclusion of Associated Local Provision

The proposed amendments to the Key Sites Map as well as the inclusion of an associated local provision will ensure that future development on the site can only reach 80 dwellings where Council's controls relating to apartment mix, apartment size and car parking will be met. This will promote housing development that suits the family demographic expected for the Shire into the future and will also ensure the development is adequately supported by planned services, facilities and infrastructure.

SECTION 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)?

Yes, the planning proposal is generally consistent with the strategic planning framework. Where there is an inconsistency, a detailed justification is provided below.

- **A Plan for Growing Sydney**

On 14 December 2014, the NSW Minister for Planning released Sydney's updated Metropolitan Strategy, 'A Plan for Growing Sydney'. The Plan is intended to guide land use planning decisions for the next 20 years and presents a way forward for accommodating Sydney's forecast population growth over this time. The Plan sets out four (4) main goals, being:

- A competitive economy with world-class services and transport;
- A City of housing choice with homes that meet our needs and lifestyles;
- A great place to live with strong, healthy and well-connected communities, and;
- A sustainable and resilient City that protects the natural environment and has a balanced approach to the use of land and resources.

In relation to centres, The Plan identifies the importance of creating mixed-use environments that provide a convenient focus for daily activities. In addition there is a focus on creating centres that are vibrant and well connected, have an interesting street life and an improved public domain.

As the planning proposal seeks to facilitate the delivery of additional housing, retail facilities and civic space within a town centre it is consistent with the key goals and outcomes of the plan.

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

Yes, a discussion of consistency is provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Plan articulates the community and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. The planning proposal is considered to be consistent with the following Hills Future Community Outcomes:

- Vibrant Communities – Public spaces area attractive, safe and well maintained providing a variety of recreational and leisure activities to support active lifestyle;
- Vibrant Communities – A connected and supported community with access to a range of services and facilities that contribute to health and wellbeing; and
- Balanced Urban Growth – Responsible planning facilitates a desirable living environment and meets growth targets.

- **Draft Local Strategy**

Council's Draft Local Strategy was adopted in 2008, and is the principal document for communicating the future planning of the Shire. It includes the objectives of longer term planning projects of the State Government as well as responding to, and planning for, local needs such as employment, housing and transport. The Strategy identifies a demand for 36,000 dwellings to meet the Shire's needs by 2031.

With respect to Round Corner, the Centres Direction promotes the revitalisation and redevelopment of the centre to address issues of appearance, fragmentation, accessibility and connectivity. Master planning work for the centre to address these matters is ongoing, however the proposal is consistent with overall principles to improve and revitalise the centre, particularly through new development, civic space and an improved public domain.

The proposed residential flat building will support the economic functioning of Round Corner by providing for an increase in residential population directly within the main trade area of the centre.

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

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A.

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

Yes, the planning proposal is consistent with the relevant s.117 Ministerial Directions. The consistency of the planning proposal with the s.117 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 1.1 Business and Industrial Zones**

The original concept of the site proposed approximately 6,500m² retail floor area comprising 2,500m² of supermarket floor space, 1,600m² of specialty shops and 2,400m² of commercial floor space. Assuming an employment ratio of around 38m² per employee, this extent of retail floor space could have generated approximately 171 jobs. The amended concept for the site proposes 4,500m² retail/commercial building at the northern end of the site comprising a supermarket, specialty stores, office suites, restaurant and central plaza area. Based on the same employment ratio, this extent of floor space could generate approximately 118 jobs, which is a reduction of approximately 53 jobs.

Whilst the new concept proposes less retail/commercial floor space, the proposal in itself is considered to be consistent with the objectives of this Direction as it is not proposing to amend the extent of land zoned B2 Local Centre. The proposal is only seeking to amend the Floor Space Ratio and Height of Buildings to facilitate a revised development concept, including a residential flat building. The approach being pursued retains the extent and locations of the existing business zone and does not reduce the potential floor space area for employment uses in the B2 Local Centre zone.

The new concept is also considered to result in an improved urban design outcome by locating the commercial and retail components closer to the existing town centre, and will provide for an increased diversity of housing types in a location close to the existing services and facilities of Round Corner. Having a higher building element toward the south of the site will also enable the site to act as a Gateway to the town centre.

- **Direction 3.1 Residential Zones**

This Direction applies when a planning proposal will affect land within any zone in which significant residential development is proposed to be permitted. This Ministerial Direction is applicable in this instance as the proposal affects land within a zone in which significant residential development is permitted or proposed to be permitted. The objectives of the Direction are:

- *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*

- to minimise the impact of residential development on the environment and resource lands.

The planning proposal is considered to be consistent with this Direction as it will broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services, and reduce the consumption of land for housing and associated urban development on the urban fringe.

The proposed local provision is entirely consistent with this Direction as it responds to the expected future demographics of The Hills Shire and aims to ensure housing product is provided which is appropriate for this demographic to meet the specific future housing needs of the area.

• **3.4 Integrating Land Use and Transport**

This Direction aims to ensure that development improves access to housing, jobs and services, increase choice of available transport, reduce travel demand, and provide for the efficient movement of freight. A planning proposal must locate zones for urban purposes and include provisions that are consistent with the aims, objectives and principles of *Improving Transport Choice – Guidelines for planning and development* (DUAP 2001) and *The Right Place for Business and Services – Planning Policy* (DUAP 2001).

The proposal will facilitate a mixed use commercial/residential outcome within close proximity to an existing town centre. The proposal is considered to be consistent with this Direction as it will facilitate development which meets the following key objectives:

- a) Improve access to housing, jobs and services by walking, cycling and public transport; and
- b) Increase the choice of available transport and reducing dependence on cars; and
- c) Reduce travel demand including the number of trips generated by development and the distances travelled, especially by car; and
- d) Support the efficient and viable operation of public transport services.

• **4.4 Planning for Bushfire Protection**

This direction applies when a relevant planning authority prepares a planning proposal that has land mapped as bushfire prone land. The objective of this Direction is to protect life, property and the environment from bushfire hazards. The majority of the site is situated within bushfire prone land on Council's Bushfire Prone Land Map (see following figure).



Figure 8
Bushfire Prone Land Map

Any planning proposal for land which is identified as being bushfire prone on a Bushfire Prone Land Map must be consistent with Ministerial Direction 4.4 Planning for Bushfire Protection. The Direction requires that planning proposals:

- (a) have regard to Planning for Bushfire Protection Guideline 2006;
- (b) introduce controls that avoid placing inappropriate developments in hazardous areas; and
- (c) ensure that bushfire hazard reduction is not prohibited within the APZ.

The Direction requires that Council undertake consultation with the Commissioner of the NSW Rural Fire Service following receipt of a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), and prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act. Council will need to take into consideration any comments received as part of this consultation.

Clause 5.11 of LEP 2012 requires that bush fire hazard reduction work authorised by the *Rural Fires Act 1997* may be carried out on any land without consent. This provision ensures that bush fire hazard reduction work is not prohibited within Asset Protection Zones.

• **6.1 Approval and Referral Requirements**

The purpose of this Direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development by minimising the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. The proposal is considered to be consistent with this Direction as it does not include any concurrence, consultation or referral provisions and does not identify any development as designated development.

• **7.1 Implementation of A Plan for Growing Sydney**

A Plan for Growing Sydney replaces the Metropolitan Plan for Sydney 2036 and seeks to make Sydney a 'strong global city, a great place to live'. The State Government's goals

include making Sydney a city of housing choice with homes that meet our needs and lifestyles. The planning proposal is consistent with the following directions:

Direction 2.1: Accelerate housing supply across Sydney: This Direction recognises that providing more housing and different types of housing as the population grows reduces the pressure on rising house prices. The planning proposal will increase housing supply in The Hills Shire and will improve local housing choice within an existing centre. It will also assist in achieving the State Government's target of providing an additional 664,000 new dwellings by 2031.

Direction 2.3: Improve housing choice to suit different needs and lifestyles: This Direction recognises that as Sydney's population changes the city's stock of homes needs to adapt to suit. The planning proposal will provide an alternative style of living and greater choice of housing than currently exists within the area. Future residential development at the site will contribute to housing diversity and will provide a unique housing option as residents will have direct access to the business and commercial services within the Round Corner Village.

SECTION 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?

No, the land that is subject to the planning proposal does not contain critical habitats or threatened species, populations or ecological communities, or their habitats.

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

No, there are no other likely environmental impacts likely to arise from the proposal.

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

• Residential Yield

The scheme, as submitted, would yield 80 apartments which would generally comply with Council's size and mix controls within the development control plan. The size and mix of the proposed apartments is considered appropriate in the context of the surrounding Dural and Kenthurst localities which have a high proportion of family households.

In order to ensure these outcomes are achieved at the development application stage, and to allow for some flexibility in the overall design, it is proposed to insert a provision within the Local Environmental Plan, consistent with that recently proposed for the site at Spurway Drive, Baulkham Hills to cap the overall number of apartments on the site to 80 consistent with the outcome proposed by the applicant. The clause will ensure that future apartment development proposed on the site is either:

- Limited to the yield achievable under current controls (being 30 dwellings under a height of buildings of 10 metres and floor space ratio of 0.75:1); or
- A maximum of 80 dwellings and the maximum height and floor space ratio where the dwellings are compliant with Council's standards for apartment mix, size and car parking.