

R T P

ROCKEMAN TOWN PLANNING

No. 582 and 582A Old Northern Road, Dural

Planning Proposal for the amendment to Zoning and
Minimum Lot Size



Updated May 2015

Version 1.2

Prepared on behalf of
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Introduction and History

Introduction

This Planning Proposal has been prepared by Rockeman Town Planning on behalf of **Centaran Holdings Pty Ltd** and is submitted to Hills Shire Council for consideration.

The Planning Proposal has been prepared in accordance with section 55 of the Environmental Planning and Assessment Act, 1979, and the relevant Department of Planning and Infrastructure guidelines including *'A Guide to Preparing Local Environmental Plans'* and *'A Guide to Preparing Planning Proposals'*, 2012.

The subject Planning Proposal is for Lot 2 DP 565718 and Lot 1 DP 656034, known as No. 582 and 582A Old Northern Road, Dural, and is located within The Hills Shire (THS) Local Government Area (LGA). The subject site is land bound by Derriwong Road and Old Northern Road, Dural. The subject site is surrounded by a mix of land uses including low density housing, a service station, rural land and a light industrial, commercial and retail precinct. The subject site extends north-east from Round Corner Town Centre.

This Planning Proposal seeks amendments to Hills Shire Local Environmental Plan (HSLEP) 2012, for the subject site, to allow for:

- a change of zoning from RU6 Transition to R3 Medium Density Residential; and
- a change in minimum lot size from 2Ha to 700m²

Amended Planning Proposal

The Planning Proposal has been amended to include the adjoining site at 582A Old Northern Road, Dural. The property was purchased on 28 March 2015 and is intended to square off the development to create a holistic development approach to the land and an overall improved design outcome that aims at creating a balance between a feasible and environmentally sensitive development.

The applicant has been part of vigorous discussions and negotiations with THS Council regarding a change in zoning and minimum lot size to accommodate a compatible use for the site and create an optimum outcome within the current and future local context. The following Planning Proposal is the result of these discussions.

Relevant History

THS Council has recently adopted a planning proposal to facilitate the expansion of Round Corner Town Centre (1/2013/PLP). The report recommended the development concept to rezone 488-494 Old Northern Road, Dural from RU6 - Transition to part B2 - Local Centre and part R3 -Medium Density Residential and introduce a floor space ratio of 0.75:1 over the part of the site to be zoned B2 Local Centre. The purpose of the Round Corner expansion is to facilitate growth of the centre and to encourage revitalisation in the area to accommodate a growth in the locality, including the potential for up to 3,000 new dwellings and a small local centre in the South Dural precinct.

The South Dural Precinct is located on the opposite side of Old Northern Road and is within the Hornsby LGA. The master plan for this site would accommodate a change in zoning and minimum lot size requirements to enable denser living options.

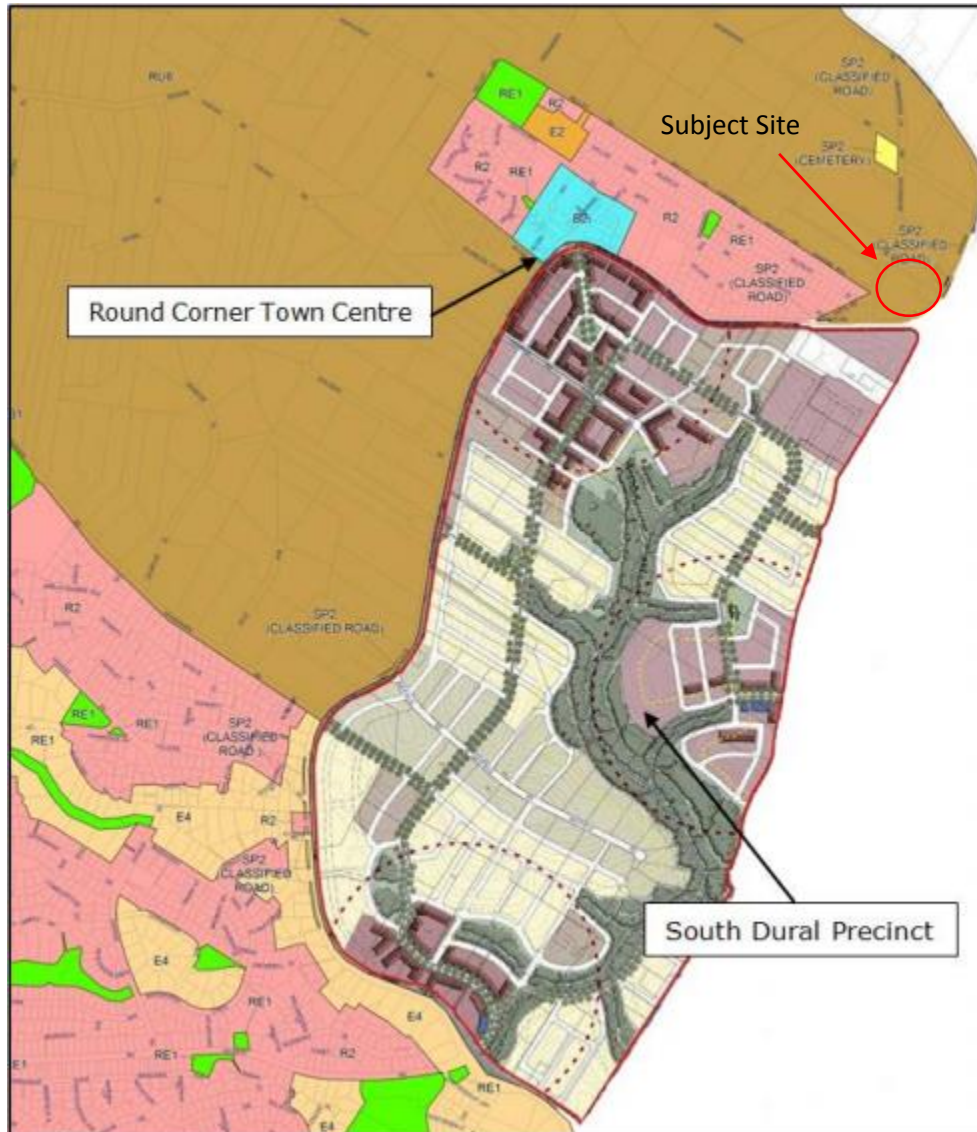


Figure 1: Potential South Dural Precinct

Should the South Dural project proceed the surrounding locality around the subject site will be subject to change. The rural interface and low density housing existing opposite the site will become a precinct of low to medium density options, retail space and a change in street layout and subdivisions. Therefore a change in zoning to the subject site should be considered a positive outcome for the local area because it allows for a more compatible use in such a prime location at a central intersection within Dural.

Site Locality and Description

Site Locality

The subject Planning Proposal is for Lot 2 DP 565718 and Lot 1 DP 656034, known as No. 582 and 582A Old Northern Road, Dural, located within THS LGA. The subject site has a cumulative area of 1.888 hectares. The site is bound by Old Northern Road to the south and to the east, Derriwong Road to the west and adjoining rural properties to the north. The site is located north-west of the local town centre, Round Corner Dural, and is bound by land within the Hornsby LGA on the opposite side of Old Northern Road. Dural is located north-west of Sydney's CBD and is identified within Sydney's north-west sub region in the Draft Metropolitan Strategy, 2031.



Figure 2: Aerial map of locality

Source: Six Maps NSW

Site Description

The subject site at No. 582 is mostly undeveloped vacant land and contains Sydney Timber Mill, a timber mill currently operating on site with various associated sheds, a warehouse and building structures. The adjoining site at 582A accommodates a single storey dwelling (used as a home business) and detached garage with driveway access closest to its northern boundary. Both sites are heavily vegetated with large mature trees existing along the perimeter of the site along Old Northern Road. Shale Sandstone Transition Forest (SSTF), a critically endangered ecological community under the NSW Threatened Species Conservation Act 1995 (TSC Act) and the Commonwealth Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act), exists on the site ranging from a very low to a low to moderate condition. The north-western portion of No.582 is bushfire prone for 40 metres internally. Within this

catchment a natural watercourse runs through the topography of the land. An amended site survey plan is attached as Appendix A within the proposal. An aerial map and images of the subject site are below:



Figure 3: Aerial map of subject site

Source: Six Maps NSW



Figure 4: Image of timber mill currently operating on site
Source: RTP



Figure 5: Southern view from Old Northern Road
Source: RTP



Figure 6: Eastern view of the site

Source: RTP



Figure 7: Subject site – No. 582A

Source: RTP



Figure 8: Western view from Derriwong Road
Source: RTP



Figure 9: Adjoining property along Derriwong Road
Source: RTP



Figure 10: Adjoining property (single storey dwelling) along Old Northern Road
Source: RTP



Figure 11: View of adjoining properties/business along Old Northern Road
Source: RTP



Figure 12: Adjoining petrol station on Old Northern Road

Source: RTP

Surrounding Locality

The subject site is located at a main intersection between Old Northern Road and New Line Road. The immediate surrounding locality exists as follows:

To the south of the site, on the opposite side of Old Northern Road, is a large rural lot operated by the Salvation Army;

To the west of the site is a low density residential zoning consisting of single and two storey dwellings on an average lot size of 700m², wide streets and on-street car parking;

To the east of the site, on the opposite side of Old Northern Road, is the Hornsby LGA;

The lots located to the north of the site are rural land zoned RU6 Transition and are large rural lots with low density residential dwellings;

The subject site is located approximately 1.5 kilometers from Round Corner Dural, the local town centre which services the local community.

The following locality map identifies the sites surrounding context.



Figure 13: Locality Map

Source: RTP

Images of the surrounding locality are shown below:



Figure 14: Images of surrounding locality in context to site
Source: RTP

Surrounding the subject site are various zones and land uses that provides a composite landscape for Round Corner Dural and its vicinity around it. The site is immediately surrounded by a RU6 – Rural Landscape zone, to the north provides a rural estate and wide rural landscape and further along Old Northern Road a cemetery. To the north east of the site are commercial uses, such as a Real Estate agent and Hills District Farm Equipment. To the east on the opposite side of New Line Road and Old Northern Road is a commercial precinct with fast food chains such as McDonalds and KFC, large shopping complex and a bus depot. On the south west a petrol station. Immediately beyond the nominal rural landscaped zone is a low density residential zone extending approximately one (1) kilometer to Round Corner Dural. The residential lots have an average subdivision of 700m², consistent streetscape and setbacks, wide roads and on-street parking. Round Corner Dural is zoned B2 – Local Centre and R3 – Medium Density to allow for the expansion of Round Corner Dural and accommodate more dwellings in an area previously zoned RU6 – Rural Transition. A site analysis of the surrounding land uses is attached within Appendix B.

Local Planning Framework

Hills Shire Local Environmental Plan, 2012

The subject Planning Proposal proposes an amendment to the Hills Shire Local Environmental Plan (LEP), 2012, to amend the zoning, FSR and minimum lot size for the subject site at No.582 and 582a Old Northern Road, Dural.

Below are the existing planning controls for the subject site:

Zone: RU6 Transition

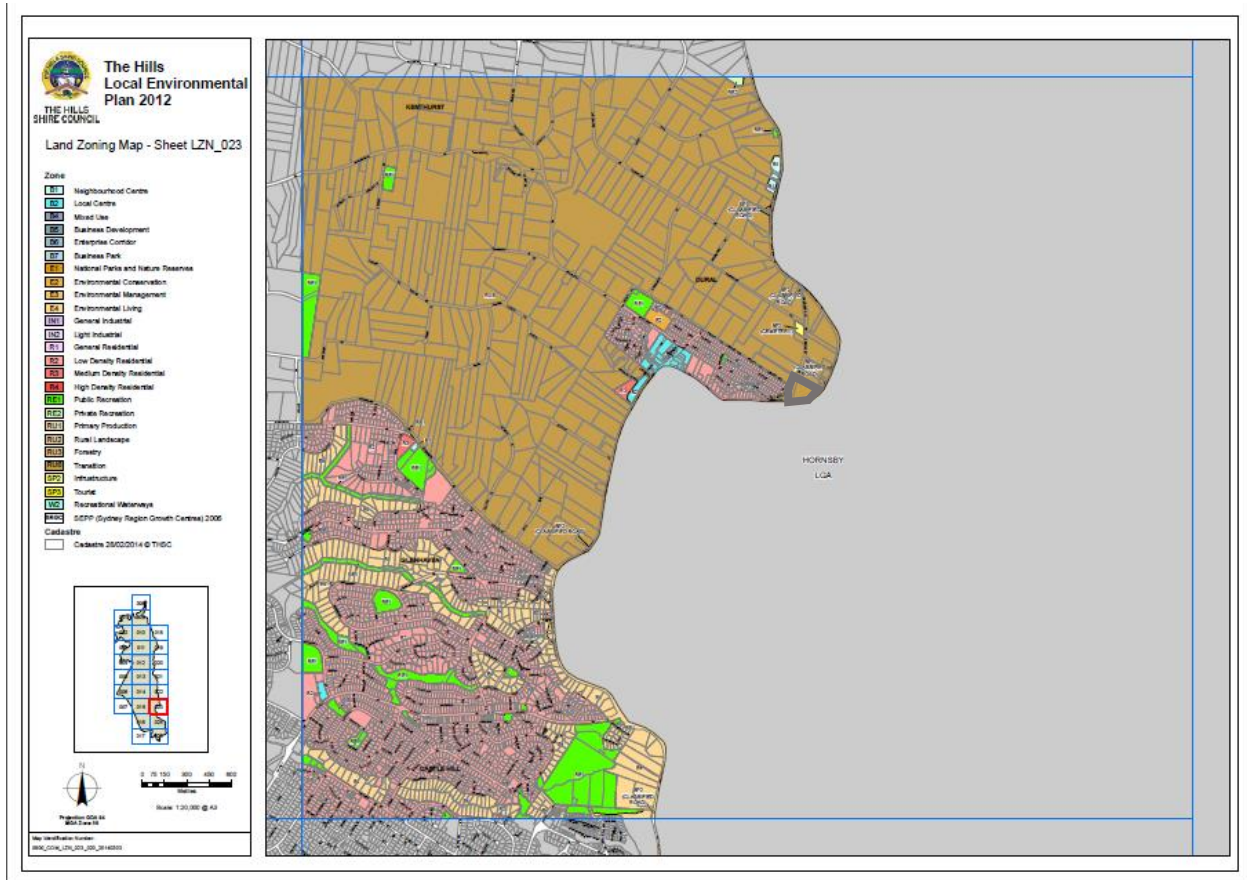


Figure 15: The Hills LEP Land Zoning Map

Minimum lot size: 2 Ha

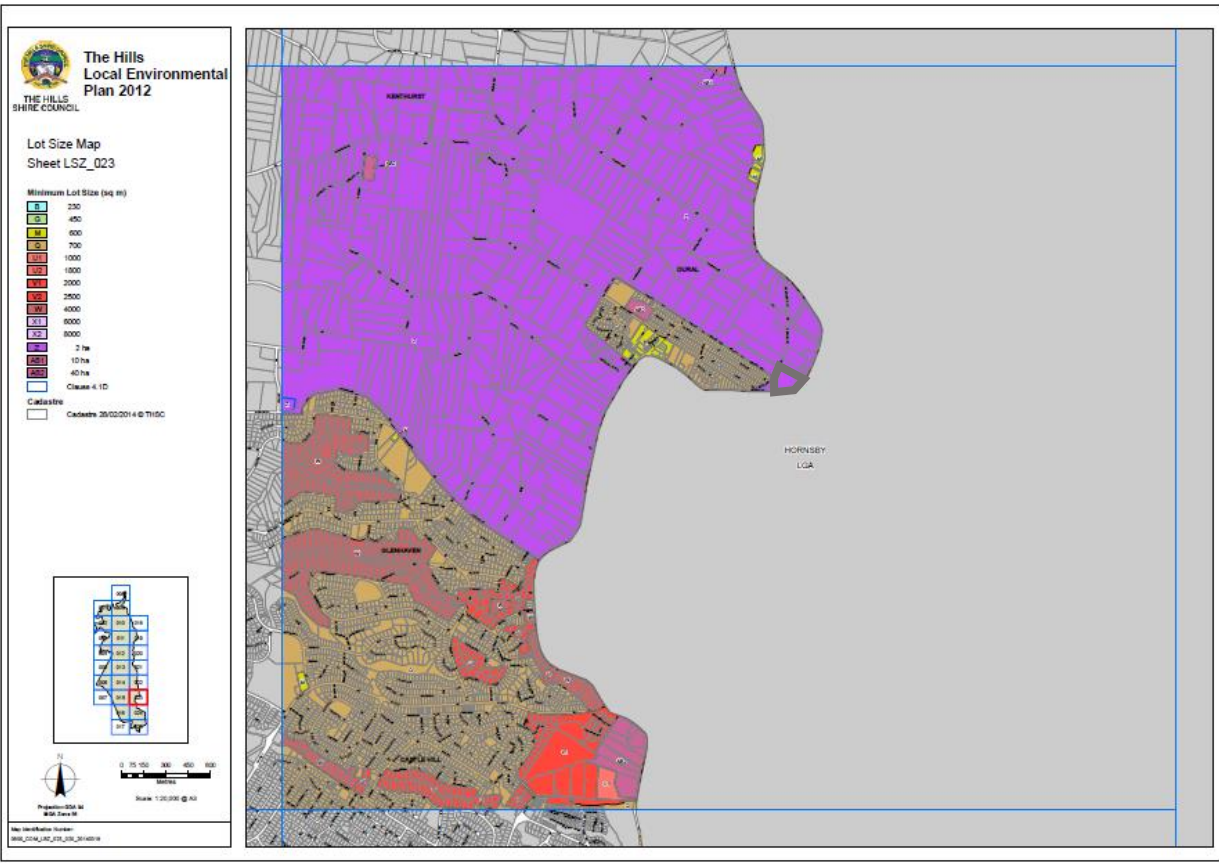


Figure 16: The Hills LEP Minimum lot size Map

FSR: Not Applicable



Figure 17: The Hills LEP FSR Map

Height of Buildings: 10 metres

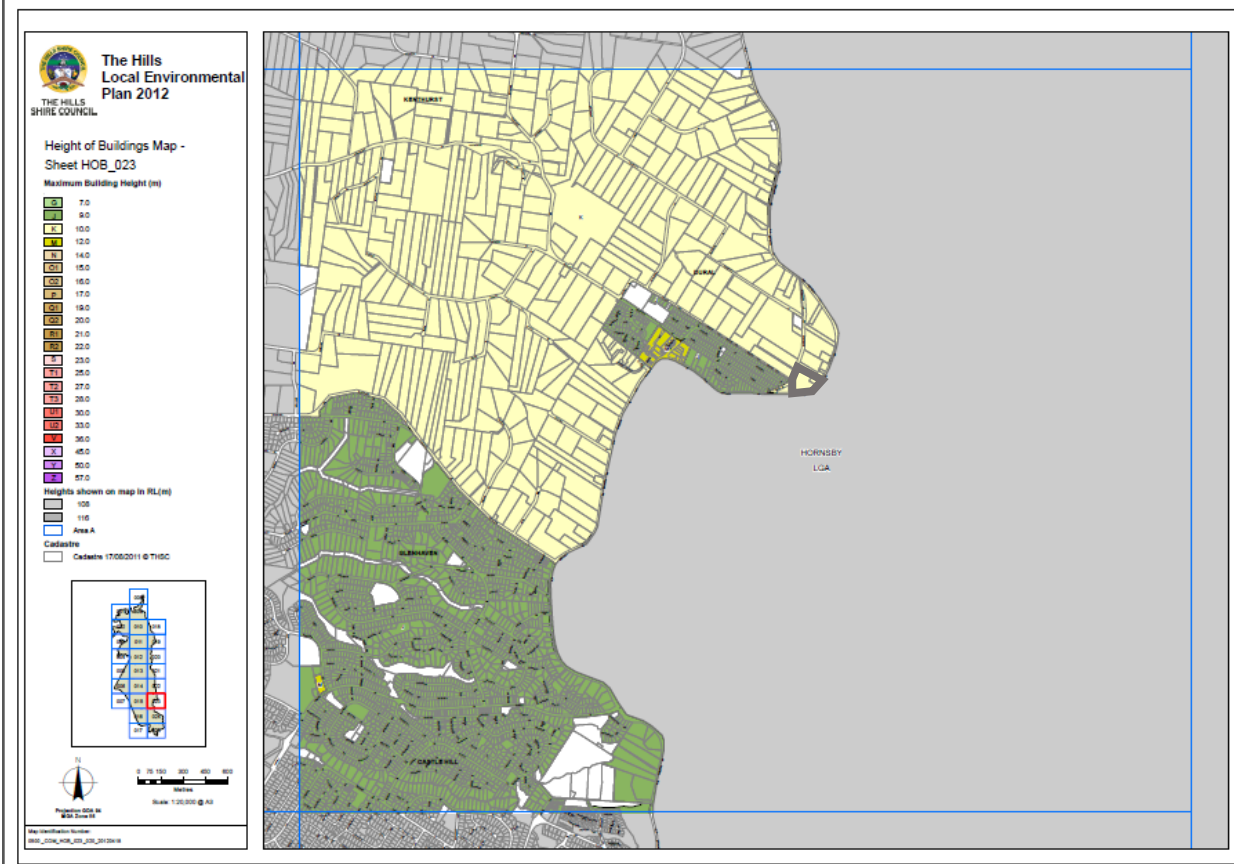


Figure 18: The Hills LEP Height of Buildings Map

The Planning Proposal

Part 1 – Objectives or Intended Outcomes

This section of the Planning Proposal defines the objectives or intended outcomes of the Planning Proposal.

The objectives of the Planning Proposal are:

- Provide for alternative uses of the site that can meet future demands of population growth within The Hills Shire whilst balancing sensitive environmental factors unique to the site;
- Create a compatible land use within the surrounding locality;
- To enable appropriate subdivisions that would create additional dwelling entitlements;
- Encourage housing diversity without adversely impacting on the existing residential amenity;
- Provide for the orderly economic development of land within the existing environmental context; and
- Encourage development that supports the objectives of the *Metropolitan Plan for Sydney 2036*, the *North West Subregion Draft Subregional Strategy* and a Plan for Growing Sydney.



Figure 19: Concept subdivision plan

Source: Nuovo Design Studio



Figure 20: Artist impression of possible A3 dwelling styles



Figure 21: Artist impression of possible A3 dwelling styles along Old Northern Road

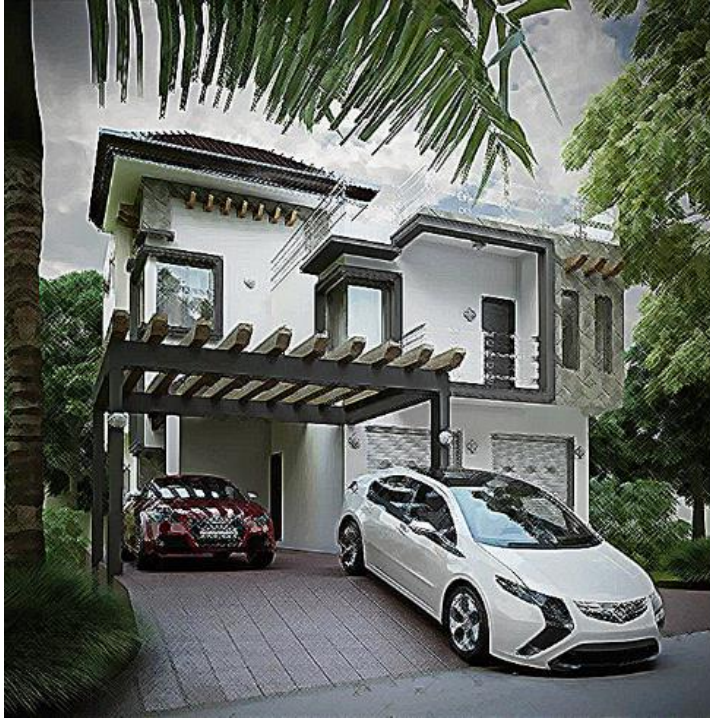


Figure 22: Artist impression of possible A4 dwelling styles along the northern boundary

Dwelling Yield

The concept master plan for the subject site will offer a mix of dwelling types and will include:

- Six (6) x two (2) bedroom townhouses
- 47 x three (3) bedroom townhouses
- Four (4) x four (4) bedroom townhouses

Concept Design Theory

The objective of the Proposal is to propose a zoning that will allow for a broader mix of housing types to cater for the changing household and population needs within the North West. The proposal has been specifically designed to create a functional, sympathetic and environmentally sensitive development taking in to consideration the environmental constraints of the land, Council's Development Control provisions for Multi-dwelling Housing and the results of site specific assessments on the land.

Locational Advantages

The site is located at a main corner intersection between Old Northern Road and Newline Road. The site is surrounded by a mix of development uses including residential, commercial, industrial and rural. The site is located approximately one kilometer away from the main town centre, Round Corner, and is located within a precinct undergoing urban transition to reduce minimum lot sizes and create the ability to provide broader household types.

Site Advantages and Opportunities

The site is being used as a timber mill and has been operating for approximately 50 years. Over time the some parts of the site have been extensively cleared and the understory of most tree species are destroyed, principally for the use and transport within and around the site. The site has three street frontages and is heavily vegetated with mature trees along the perimeter of most of the site.



Figure 23: Existing mature vegetation on site

Source: Nuovo Design Studio

Site Constraints

As discussed above, the site is subject to a critically endangered tree species known as Shale Sandstone Transition Forest (SSTF). A site survey by EcoLogical Australia Pty Ltd has confirmed that the SSTF community on site is in low condition (discussed further in Question 7). The north western section of the site is categorised as bushfire prone land for 40 meters internally and a natural watercourse runs diagonally through at natural topology.

Applied Buffers

As a result of Council discussion it was agreed that the mature vegetation buffer that surrounded the site would be retained. The amended concept takes in to consideration further environmental buffers and road setback to create an accurate depiction of a medium density development. The mature vegetation buffer is retained around the perimeter of the site and applies a ten (10) metre setback along the Old Northern Road boundaries, as this is a primary road and the concept applies a five (5) metre road setback and vegetation buffer along the Derriwong Road boundary, being the secondary road, and in conjunction with the DCP requirements a ten (10) metre setback would be retained along the Old Northern Road boundary, being the primary boundary, a five (5) metre setback along the Derriwong Road boundary, secondary boundary, to create an aesthetic buffer to screen the development from the street and adjoining northern neighbours. Along the northern boundary further environmental analysis and consideration has meant the previous buffers in the original concept have been amended. To the north west remains exotic plants and a bush fire prone area so a five (5) metre buffer has been applied on this part of the northern boundary adjacent to the two A3 dwellings. On the north and north east boundary an Environmental Protection Zone (EPZ) has been introduced to retain the highest quality SSTF species. Creating an EPZ area will allow for a barricaded section that is maintained through a vegetation management plan (VMP) will ensure a long term and viable sustainable community.

After acquiring the adjoining land, No.582A, a survey of the site revealed that a ten (10) metre strip of SSTF of low to moderate condition existed on the northern boundary and low condition SSTF exists on the eastern boundary. On the opposite side of the EPZ on the north –eastern boundary a vegetation buffer of 10m is proposed adjoining the common open space to screen the area and retain low condition SSTF species. The proposed concept has attempted to retain as many scattered SSTF tree as possible without compromising road functionality and lot layout design. Figure 2 below illustrates the vegetation buffer and EPZ proposed on the site.



Figure 24: Applied Buffers and Environmental Protection Zone

Source: Nuovo Design Studio

Lot Layout

The lot layouts have been designed to maintain the natural shape of the cumulative site whilst creating a simple, functional and environmental sympathetic approach to a townhouse development. A mix of attached and detached style dwellings are proposed and range from two (2), three (3) and four (4) bedrooms. The attached dwellings are located along the Old Northern Road and Derriwong Road boundary because an intensified development density would pose less of an impact on to main roads than adjoining residential dwellings on the northern interface. The part of the site currently being used for site access for the timber mill is cleared area and is proposed to be used as common open space.

A reduction in density occurs as the development steps towards the northern interface of the site, reducing the dwellings to larger four bedroom style detached dwellings with bigger private open spaces dedicated to each lot creating a reduction of built form and massing along the boundary. This has been designed to create a lower, denser character and style towards this part of the site to remain harmonious with the residential dwelling on the adjoining northern rural lot.

The middle of the site has been designed in a rectangular shape with a mix of attached and detached three bedroom townhouses with their private open space backing on to each other, similar to low density built forms in the local area. The two 4 bedroom dwellings located within the adjacent irregular, triangular space allows for the area to be completely utilized whilst creating a break in density.



Figure 25: Proposed lot layout and subdivision

Source: Nuovo Design Studio

Common Open Space

The proposal includes three designated areas of common open space. Considering the sites shape, width and number of dwellings proposed it was considered necessary to create more than one space that could be enjoyed by residents that within walking distance from each of their homes. The DCP requires 10m² of designated common open space per dwelling, requiring a cumulative area of 570m² and minimum dimensions of 12m. The proposal has provided 2081.36m². The largest designated area, 851.52m², is in the north eastern section of the site which adjoins the EPZ area. The largest common open space and nine (9) visitor parking spaces are proposed in this part of the site so as to deter built form from the highest quality SSTF. A second designated common open space area of 844.78m² with 12 visitor parking spaces is proposed within the bushfire prone area and has a natural watercourse running through the area. This area was considered a potential hazard for residents and its development potential was reduced, therefore this space is best suited for common area. The third area is the south western part of the site that is currently being used for site access. The area is cleared for road access and is located in a position that could not potentially meet setback requirements for dwellings. A common area of 385.06m² is proposed in this location. All common open space areas can be accessed through pedestrian and road linkages.

Road Access

The traffic report conducted by Varga Traffic Planning required the main site access from Derriwong Road and not adjacent to Jaffa Road and Old Northern Road to alleviate traffic congestion and impacts on to the primary roads. The main entrance has been proposed approximately three quarters down the

sites Derriwong Road boundary. Council comments in their letter dated 18 December required the road to correlate with the natural watercourse however the traffic report recommendations required the road run perpendicular to Derriwong Road. At further development stages, the common open space areas can be reconfigured to allow for a redesign of the estate entrance based on Council traffic comments and further development detail. The existing driveway is proposed to be removed from property No.582A along Old Northern Road. All road widths and design comply with Australian Standards and provide for pedestrian paths.

Infrastructure

Transport – The site is located in an area serviced by bus transit routes and is located less than one kilometer to Round Corner Dural. The bus services provide transit oriented routes to Railway Stations, Castle Hill main shopping precinct and Hornsby.

Sewerage Connection and Treatment – A feasibility letter has been received from Sydney Water for a sewerage connection to the subject site. Sydney Water has confirmed that the site can connect to adjacent waste water systems and will be adequate enough to service the site.

Energy – Discussions with energy providers can be made at development application stage to arrange the supply of electricity to the properties.



Figure 26: Site analysis

Part 2 – Explanation of Amended Provisions

This section defines how the objectives described in Part 1 – Objectives or Intended Outcomes will be achieved.

The Planning Proposal seeks to amend the existing zoning and minimum lot size controls for the subject site within Hills Shire LEP, 2012:

Zoning: amend HSLEP 2012 Zoning Map to rezone the subject site from RU6 Transition to R3 Medium Density Residential to allow for medium density residential.

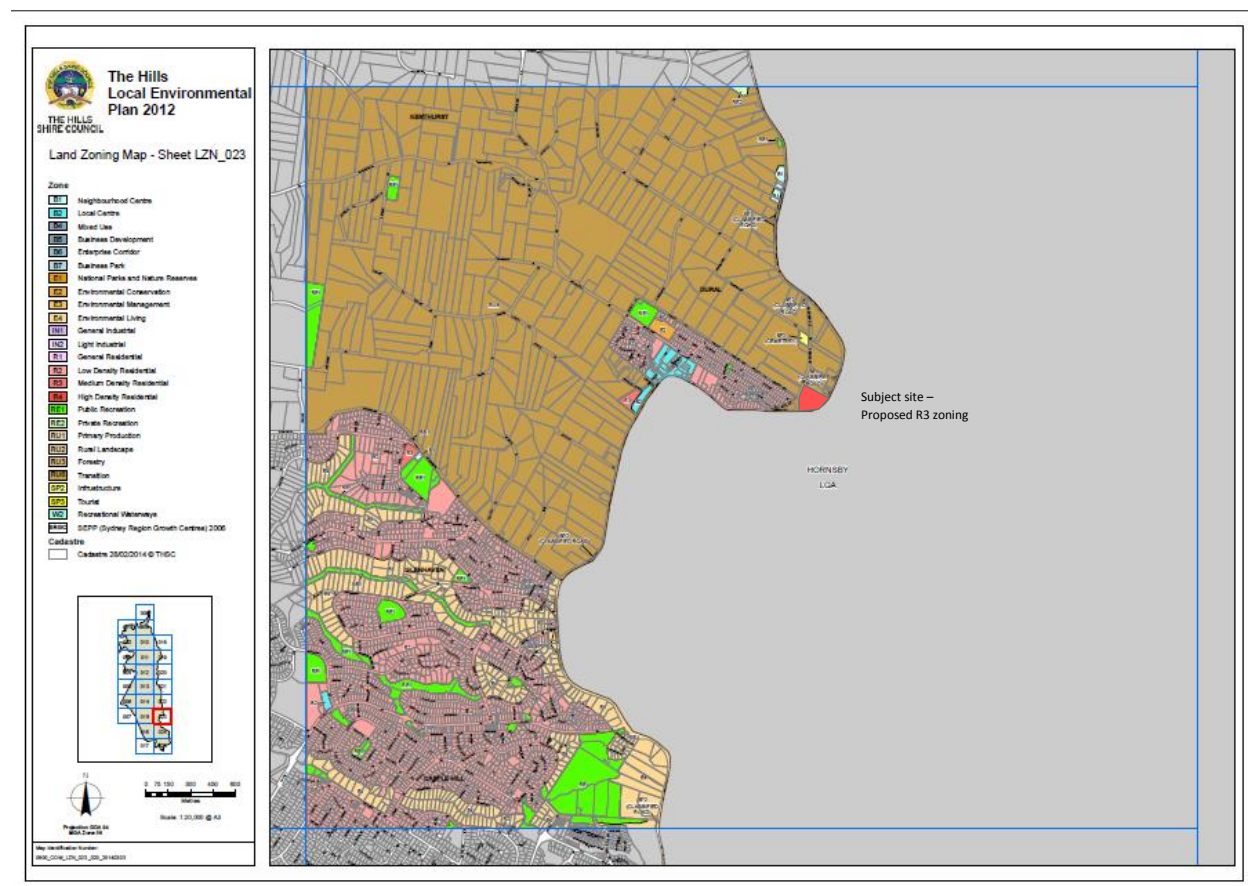


Figure 27: Proposed zoning amendment

Minimum Lot Size: amend HSLEP 2012 Minimum Lot Size map to change the minimum lot size from 2Ha to 700m² to allow a multi dwelling housing development.

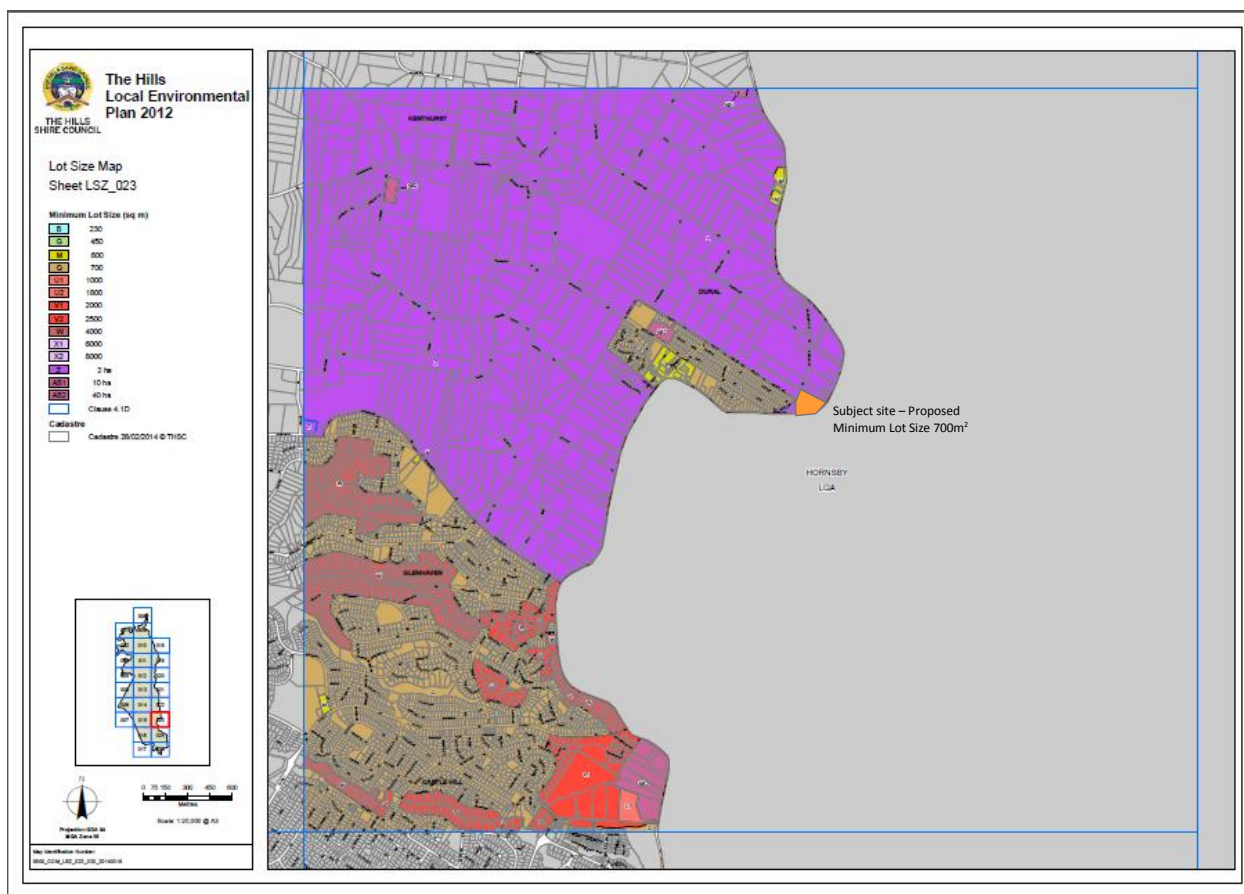


Figure 28: Proposed Minimum lot size amendment

Part 3 – Justification

Sites Current Zone and its Use

The Residential Direction Strategy 2009 is a plan that defines the future growth of the Hills Shire Council. The Strategy outlines the future trends, directions and strategies Council must consider in order to accommodate the changing needs of population trends. The objectives of the Residential Direction Strategy 2009 is to create balanced growth, well located housing closer to services supported by appropriate infrastructure, diversity of housing choice and sustainable living. One strategy imposed by the Residential Direction Strategy 2009, in conjunction with the Hills Shire LEP 2012, is the land use zones hierarchy. The proposal incorporates a change in zoning from RU6 – Rural Transition to R3 – Medium Density. The Residential Direction Strategy 2009 zoning hierarchy framework describes that medium density development needs to be located in close proximity to a Centre. However in order to discuss the sites suitability to the proposed zoning it is imperative to consider the history of the sites zoning and the existing zoning in its current and future context.

The subject site has been operating a timber mill for more than 50 years. The surrounding area was known as Middle Dural and was settled for timber mill purposes that serviced greater Sydney and the Hunter region. As land became more expensive and residential development more common in the North West of Sydney the rural character started to move further to the fringe encouraging rural uses such as timber mills to move out. Sydney Timber Mill is one of the last timber mills operating in the area. The suitability of the site as an RU6 zone would have been acceptable 50 years ago considering the surrounding area as a whole was used for the same purposes or rural uses, but as residential subdivisions began to occur in Dural the impacts of the sites current use on the local area can be questioned. Considering the timber mill has been operating for such an extensive time on the same land it would have been inevitable for surrounding low density developments in the last fifty years to have been constructed after the operation of the timber mill began. Therefore as planning maps and controls were implemented over time the zoning on the subject site would have been directly correlated with the use of the timber mill on the site, applying a zoning that links with the current use. As the character of the area changed, and judging by the smaller residential subdivisions occurring in the nearby vicinity, if the timber mill wasn't in operation there another zoning or use such as residential or commercial could have been easily applied considering the boundary lot sizes are not big enough to cater for rural uses and surrounding developments nearby. Considering the sites prime locality at a main intersection, close proximity to Round Corner Dural, lot boundaries, isolation from rural activities, neighbouring residential, commercial and industrial development and being surrounded by neighbouring sites marked for transition from rural lands to residential within Hornsby Council the site could have easily been rezoned to any other zoning in the local vicinity when the standard LEP was adopted. However the site was not included in the master plan for the area and this could be considered because of the longevity of the timber mill not the suitability of the use in its current context. Today it could be questioned how suitable the timber mill is in the current area and the impact on residential amenity such as; noise, smells and the number of trucks it attracts along Old Northern Road.

Further question needs to be raised about the suitability of the current zone in the locality's future context. The Residential Direction Strategy 2009 outlines that the objectives for the Hills Shire is to create balanced growth, well located housing closer to services supported by appropriate infrastructure, diversity of housing choice and sustainable living. The Residential Direction Strategy 2009 discusses how

“demographic trends provide smaller household sizes and an increase in an aging population and varying household types require a shift in lot size trends and dwelling sizes”. However a timber mill in a prime location approximately one kilometer from Round Corner town Centre, which is currently being rezoned for an increase in density, is contradictory of achieving the objectives of the Strategy. Creating a site that accommodates medium density dwellings on smaller lot sizes, provides parking provisions and a residential amenity that complements the surrounding streetscape allows for an affordable option for smaller and ageing household structures without compromising their ‘Dural’ lifestyle choice. Furthermore, the Strategy describes the key factors in determining suitable locations for higher density housing are proximity to jobs, transports and services and the need for suitable transitions from more intense uses. Considering the sites close proximity to Round Corner Town Centre, major shopping precincts in Castle Hill, local bus services and a service based precinct on the opposite side of Old Northern Road the site can be serviced by jobs, transport and service requirements. The need for a suitable transition to a more intensive use stems from the objectives of the Residential Direction Strategy 2009 and the Metropolitan Strategy 2036 (discussed further in this report).

Therefore although the proposed R3 zone is inconsistent with the zoning hierarchy framework the rezoning proposal is consistent with the objectives of the Strategy and is located in a position that is aimed for progressive change and transformation to cater for an increasing and changing population trend. The amended rezoning proposal, with the inclusion of site No. 582A, would be able to create a multi dwelling housing development that promotes diversity of housing choice and affordability, well located housing supported by appropriate infrastructure, sustainable living that manages environmental factors on site and a residential development that reflects the existing surrounding built form and principles relating to location, sustainability and consistent residential amenity with adjacent residential zones.

Suitability of the proposed zoning

The planning proposal has been subject to vigorous discussions between the applicant and THS strategic planning staff. Question has been raised in regard to the suitability of the proposed R3 – Medium Density zoning on the subject site and recommendation to explore a low density option has been raised. Considering the site area of 1.888ha, the sites location on a main corner intersection and the adjoining properties to the north being single dwellings and commercial premises further to the north, the opportunity to create a low density development was limited. The minimum lot size area for low density housing is 700m², the sites position along a primary road would require additional setbacks and reduce the number of dwellings being able to access driveways from Old Northern Road, the irregular lot size and shape would affect road functionality and the retention of the critically endangered tree species (SSTF) would limit the feasibility and overall design and function of the site. Therefore a low density development would not be an option for this particular site. Discussion has also been raised to an industrial zoning for the site, however creating an industrial zoning and achieving maximum feasibility on the site would mean attracting a tenant or land use that requires large, bulky warehouse style structures, removal of many trees on site and the likelihood of damaging the SSTF species, which in turn will create a very low probability of retaining a sustainable vegetation community. A commercial zoning was also proposed through discussions with Council staff however the existence of a large serviced based commercial and industrial area on the opposite side of Old Northern Road to the east, within Hornsby Council, exists and the need for supermarkets or retail spaces is not warranted considering the close proximity the site has to Round Corner Town Centre. An R3 – Medium Density zoning has been proposed for the site because of the sites prime position on a main corner intersection, the size and irregular nature of the site and

consideration of the environmental constraints present necessitates the need for a structured, maintained and functional development that is compatible with the surrounding land uses and presents a reflection of the local character. An R3 – Medium Density zoning will allow for a multi-dwelling development on site that will retain a large portion of the mature trees and allow for a maintained and barricaded environmental protection area to retain the SSTF on site and sustain its associated vegetation community. Overall an R3 – Medium Density zoning will allow for a more compatible development on site than the current timber mill use and will provide more affordable, diverse housing with a balanced and sustained environmental outcome.

Furthermore, the potential 'isolation of the petrol station' has been raised by Council staff in their preliminary assessment. The site and the petrol station are both located along Old Northern Road to the south but are on opposite sides of Derriwong Road. Derriwong road services the residential and rural properties further to the north and runs parallel to Old Northern Road (east). Question has been raised to the isolation of the petrol station site as an RU6 zoned property however there would not be an opportunity to link the subject site with the petrol station site because of their physical position and road divide. The lack of physical connection between the two sites means the subject proposal will not have an impact on the petrol station site and a change in zoning to the petrol station should be considered to remain consistent with the petrol stations adjoining residential uses to the north.



Figure 29: Petrol Station in relation to subject site

Source: Google Maps

Strategies to alleviate impacts of a zoning change

A concept master plan for the subject site has been prepared by Nuovo Design Studio. The master plan has been prepared to demonstrate that the subject site is suitable for an R3 – Medium Density zoning by creating a functional, environmentally sensitive and aesthetically pleasing development that will not create further impacts on the surrounding area including traffic, improve the vegetation community of the SSTF species and addressing the northern interface through a reduction in density. The concept plan has been designed to:

- Centre and align the proposed dwellings along the natural boundaries of the site to drive development to the most useable part of the land;
- Provide a master plan that complies with Part B Section 4 – Multi Dwelling Housing of the Hills Shire Development Control Plan 2012 including setbacks, building separation, minimum lot size, private open space, landscaping requirements and common open space. The only variation to the DCP that is proposed is not providing a central location of common open space in the middle of the site. The variation is proposed in order to use the area in the middle for dwellings because that part of the site is cleared or mostly exotic plant species and providing common open space in the north east quadrant of the site will deter built form from nearby the SSTF species in highest quality condition and its long term retention;
- Provide road widths that comply Australian Standard specifications;
- Exceeds common open space requirements and provides three locations around the site to provide accessible areas for all occupants;
- Provides a reduction in density from south to north to maintain maximum building intensity along road boundaries and detached, larger landscaped dwellings on the northern boundary with an applied 5m and 10m vegetation buffer to alleviate privacy impacts on to the northern neighbours;
- Provides a 10m vegetation buffer along the Old Northern Road boundary and a 5m buffer along the Derriwong Road boundary to screen the development from the road and maintain an aesthetic rural reflection of the area;
- Provides sufficient visitor parking spaces adjacent to common open space designated areas;
- Provides an entrance point along Derriwong Road so as to alleviate traffic impacts on to Old Northern Road;
- Provides an Environmental Protection Zone within the north-east quadrant of the site to retain the highest quality SSTF species and maintain a tree trail that will encourage foraging habitats and a sustainable vegetation community;
- Provides a functional road network that links the entire site and provides a connective pedestrian network;
- Removes dwellings from bushfire prone land designated area within the north-west quadrant of the site and dedicates that area to common open space to alleviate potential bushfire impacts on site; and
- Retains the natural watercourse running through the north-west quadrant.

Therefore it can be concluded that the proposed zoning is suitable for the subject land within the current and future context of the area and a concept master plan has been designed to demonstrate that an R3 – Medium Density zoning can be achieved through minimal environmental conflict and sympathetic environmental value whilst reducing any impacts on adjoining neighbours or the surrounding area as a whole. The proposal has been designed to create an aesthetically pleasing and functional development that achieves balanced growth and diverse housing options for a changing population.

Technical Studies

Preliminary Contamination Report – A Preliminary Contamination report has been prepared by Aargas Pty Ltd for the rezoning of the subject site under Clause 6 of State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land. Clause 6 states:

6 Contamination and remediation to be considered in zoning or rezoning proposal

(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

- (a) the planning authority has considered whether the land is contaminated, and*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.

(2) Before including land in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

The findings of the Preliminary Contamination report indicated the following potential environmental concerns:

- *Potential importation of uncontrolled fill that may contain various contaminants;*
- *Current or past use of pesticides;*
- *AST area where petroleum leaks and spills from refilling activities may have occurred;*
- *Southwest corner of the warehouse where oil leaks and spills from sawmill machinery operations may have occurred;*
- *Substation in the southeast corner of the warehouse where leaks and spills from hazardous insulating materials, conductor fluids and other contaminants within the substation equipment may have occurred;*
- *Former historical activities such as agricultural uses; and*
- *Asbestos based building materials.*

*The **contaminants** that may be present in some of these areas were considered to be of **moderate to high significance in terms of risk to the human and environmental receptors identified**. Therefore, a **Detailed Site Investigation (DSI)**, including an **intrusive groundwater investigation**, is required to confirm the presence and extent of contamination in order to determine the suitability of the site for proposed development at the DA stage, and to address the data gaps identified. It is also recommended that **a hazardous material assessment be undertaken followed by an asbestos clearance certificate**.*

Considering the numerous environmental hazards located on site the report concluded that a Stage 2 – Detailed Site Investigation (DSI) be conducted to confirm the presence and extent of contaminants on site.

Stage 2 DSI – A Stage 2 DSI was conducted on site and the results of the report indicated the following environmental concerns on site:

- *Cu concentrations in BH2 exceeded site-derived EILs*
- *Zn concentrations in BH2, BH12, BH14, BH17, BH19, BH21, BH24, BH25 and BH26 exceeded site-derived EILs*
- *Ni concentrations in BH7 exceeded site-derived EILs*
- *Chrysotile and Amosite asbestos fibres were detected in BH11 (0.0 - 0.1m), and was above the assessment criteria for Friable and Fibrous Asbestos Materials, and Asbestos Fines.*

The Stage 2 report further identified that the presence and quality of groundwater in the site is currently unknown and may be impacted by contaminated fill on site or migration of contaminated groundwater from potential off-site sources.

The Stage 2 report concluded that the site is considered suitable for the proposed residential use subject to an appropriate remedial / management strategy being developed in accordance with EPA guidelines, in regards to the removal of contaminated fill from the site.

Flora and Fauna Assessment - The most recent mapping of the remnant vegetation within the amended study area identified the vegetation as Shale Sandstone Transition Forest (SSTF) (Low Sandstone Influence) in THSC vegetation map. As discussed above SSTF is identified as a critically endangered ecological community in NSW and therefore clearance of the species would require approval. Eco Logical Australia Pty Ltd (ELA) was commissioned in March 2014 and again in March 2015 to confirm the presence, extent and the condition of SSTF on the subject site. The Flora and Fauna Assessment report concluded that the site was mostly dominated by weed species, the dominant tree species and soil profile were considered to conform to Shale/Sandstone Transition Forest (low sandstone influence). Further assessment to the extent and condition of SSTF on site and the way the endangered species will be managed will be discussed in Section C – Question 7 of the Planning Proposal.

Traffic Report – A traffic report has been prepared as requested by Councils planning staff by Varga Traffic Planning. The traffic report has assessed the Council letter for additional information dated 18 December, 2014, and reviews the road network in the vicinity of the site, and the traffic conditions on that road network, estimates the traffic generation potential of the development proposal, and assigns that traffic generation to the road network serving the site, assesses the traffic implications of the development proposal in terms of road network capacity, reviews the geometric design features of the proposed car parking facilities for compliance with the relevant codes and standards, assesses the adequacy and suitability of the quantum of off-street car parking provided on the site.

The traffic report concludes *“it is likely that the proposed development will result in a nett increase in the traffic generation potential of the site of approximately 31 vehicles per hour (vph) and the projected increase in the traffic generation is minimal and will clearly not have any unacceptable traffic implications in terms of road network capacity. Also Preliminary concept plans, which have been prepared for the purposes of this Planning Proposal indicate that the required number of car parking spaces can ultimately be provided on the site in accordance with Council’s Parking Code requirements. It is clear that the off-street car parking requirements applicable to the developments envisaged by the Planning Proposal can be provided on the site as specified in both Council’s Parking Code as well as the Australian Standards and it is therefore concluded that the Planning Proposal will not have any unacceptable parking implications.”*

The traffic report concludes that a proposed development similar to that of the concept plan will have an acceptable traffic impact on site and within the surrounding area.

Bushfire Assessment Report – A bushfire assessment report has been prepared by Ecological Australia Pty LTD for the proposed rezoning. The bushfire assessment reveals that the *“100 m bushfire prone land buffer extends into the property for approximately only 40 m in the north-western corner. Only the future lot(s) in that area impacted by the 100 m bushfire prone land buffer will be eligible to apply 10/50. Depending on how the future boundary lines are designed and the size of those lots containing the buffer, the eligibility of clearing under 10/50 can be greatly reduced from what it is currently. For example, if the buffer is contained within one, smaller lot then only dwellings within that lot will have eligibility to clear under 10/50. Any 10 m building setback from the proposed landscape screen to prevent clearing of the trees under 10/50 should only be applied to dwellings within those lots impacted by the buffer. A setback won’t be required in the remaining lots not impacted by the buffer”.*

The bushfire assessment demonstrates that the subject site is capable of accommodating future subdivision and land development with the appropriate bushfire protection measures. The concept plan does not propose any dwellings in the bushfire prone land within the north-west corner of the site and therefore no lots would be impacted. The bushfire prone land has been dedicated to common open space and visitor car parking to mitigate impacts on to dwellings.

Section A – Need for the Planning Proposal

Q.1 Is the Planning Proposal a result of any strategic study or report?

The Planning Proposal has arisen as a request from the applicant. However the Planning Proposal responds to the outcomes and objectives of state planning strategies, which include;

- Dwelling Target Analysis
- Metropolitan Plan for Sydney 2036
- North West Subregion Draft Subregional Strategy
- Draft Metropolitan Strategy for Sydney to 2031

The Department of Planning has established dwelling targets to 2031 for all local government areas in Metropolitan Sydney as part of its strategic planning vision for Global Sydney. The draft strategy has set the Hills Shire a target of an additional 36,000 dwellings by 2031. In addition to ensuring sufficient zoned land to accommodate housing targets, Council also has a role in considering proximity to public transport when planning for new dwellings to respond to State Plan targets for jobs closer to home.

Although the site is zoned RU6- Rural Transition the uses of land in the sites surrounding context does not provide a typical rural landscape. This in turn does not persuade a rural use for the site to be pursued due to the future direction and vision for the Shire and the North West precinct set within State strategies. Although a timber mill is currently operating on the site from the outset it presents a compatible use to the northern rural lands, however as populations increase in Sydney and minimum lot sizes are encouraged to be reduced throughout new release areas, uses such as timber mills in prime locations near town centres will become redundant and future residential allotments will be pressured to move forward to respond to population growth and housing demands as a residential landscape becomes increasingly desired. A change in zoning provides an opportunity to create a progressive and forward thinking approach to the use of land surrounded by future growth, arterial roads and various land uses.

Taking in to consideration the various land uses immediately surrounding the subject site various zoning options could be considered. Zoning changes require the proposed zone to be compatible with the current and future surrounding locality to ensure planning issues and environmental factors do not conflict. Overall the surrounding area will be undergoing a change in its urban and environmental landscape to accommodate an increase in population growth and the ability to cater for different household structures. Considering the sites corner position along Old Northern Road a shift in zoning will not impact the rural landscape from the north as changes to the use can be activated from the south and west of the site and landscaping strategies to create a compatible use have been proposed to ensure impacts to the northern adjoining sites are alleviated. Notwithstanding, the site has been subject to vigorous discussions over the past eight (8) months between the applicant and Council staff regarding the future of the site. Council acknowledges that growth and change is required within South Dural, hence the master plan and amendment to development standards for Round Corner Dural, and further acknowledges that the site was not included from the master plan not because the site does not have potential to change but presents environmental conditions, such as the presence of Shale Sandstone Transition Forest species, which will require greater research as to the potential for the site.

The applicant has completed a Flora and Fauna Assessment Report conducted by EcoLogical Australia Pty Ltd (ELA), and has revealed that although the Shale Sandstone Transition Forest species is present on site, the current use of the timber mill and other factors over time have reduced the quality and presence of

the species than what is noted by Councils mapping data. The majority of the SSTF is in low condition and the highest quality sections of the species is located along the north and north east sections of the site (further discussed in Section C, Question 7). The applicant has further invested in potential strategies to accommodate a new use for the site whilst retaining the highest quality of the SSTF. A strategy was introduced by ELA to create a Perimeter Buffer Plan and EPZ that suffices Council requirement to maintain a landscape buffer around the perimeter of the site to retain the mature vegetated trees, although mostly of no habitat significance, and aim at retaining the highest quality of SSTF existing on the site (see Perimeter Buffer Plan). Also a further mitigation option is the introduction of a Vegetation Management Plan (VMP) to create a long term maintenance strategy for the retention and sustainability of the endangered species.

Residential Zoning

A change in zoning and lot size will allow for denser development and various housing options that can attract a change in population group such as first home owners and young families. Housing accessibility is becoming more difficult in Sydney as property demand is struggling to match housing supply available and therefore housing choice is imperative in areas undergoing transition. A medium density residential zone is considered to provide a compatible land use that meets the objectives of population growth, housing affordability and accessibility by providing smaller lots than what was previously offered in Dural. The proposed medium density zone will be considered highly compatible with the master plan strategy for South Dural conducted by Hornsby Shire Council.

Providing a residential zone enables Council to set controls and requirements for developers to meet to ensure that the increase in housing on the site can be adequately catered for by controlling impacts such as traffic and parking, accessibility, noise and landscaping. Creating a residential development will allow Council to set development controls which will control building density and sensitive environmental factors unique to the site. The proposed rezoning of the subject site to R3 – Medium Density Residential will allow for a denser and more compatible accommodation option to be provided on site. The future potential of the site if it were rezoned can accommodate a changing and growing population, more affordable and denser dwellings, whilst creating more jobs through the construction process. The concept design demonstrates how the subdivision and residential allotments could occur on the site should the Planning Proposal be successful. The concept is an image of how a medium density residential development could occur on the site whilst retaining and respecting the unique and sensitive landscape context.

Q.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The main objectives or intended outcomes of the Planning Proposal are to permit higher density development and an opportunity to change the use on the subject site, considering its close proximity to the town centre.

An alternative opportunity may have been provided to potentially change the zoning and development standard controls for the subject site during the exhibition of the HSLEP 2012 when the LEP was translated in to the Standard Template as required by the Department of Planning, however the

ambiguity of the potential environmental impacts because of its current use as a timber mill and the existence of the SSTF on the site makes it difficult to rezone without a site specific analysis.

After a comprehensive review of the site and potential development options that has been discussed with Council's strategic staff there is general agreement that with good urban design and vigilant and sensitive treatment of SSTF the proposal to accommodate an R3 – Medium Density Residential zone could become a compatible and complimentary land use within the area.

Section B – Relationship to Strategic Planning Framework

Q.3 Is the Planning Proposal consistent with the objectives and actions of 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 titled 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 Metropolitan Strategy states that *“Sydney’s population is growing faster than previously expected. Revised NSW forecasts show Sydney’s population is expected to grow by 1.7 million people between 2006 and 2036 to 6 million—an average annual rise of 56,650”*. THS Council will be subject to new services and infrastructure associated with the proposed North West Rail Link and new train stations. Higher density development in proximity to railway stations will encourage greater use of public transport. The proposal to increase the residential density of the area is consistent with the plan.

Draft Metropolitan Strategy for Sydney 2031

The Draft Metropolitan Strategy for Sydney was released in March 2013 for public comment. Once finalised, the draft Strategy will replace the Metropolitan Plan for Sydney 2036. The Draft Metropolitan Strategy for Sydney to 2031 is a draft strategy that identifies key places to focus new housing and jobs and transport connections to provide for an expected population increase of 1.3 million people by 2031. The strategy seeks to provide 545,000 new homes and 625,000 new jobs across Sydney. The draft strategy seeks to deliver the following five outcomes across Sydney:

- *balanced growth*
- *a livable city*
- *productivity and prosperity*
- *healthy and resilient environment*
- *accessibility and connectivity*

The applicable sub-regional strategy to this Planning Proposal is the North West Subregional Strategy. The North West Subregional Strategy applies to THS and its purpose is to deliver the objectives of 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. It was exhibited in December 2007 through to March 2008 and is currently being reviewed by the Department of Planning and Infrastructure.

The proposal is consistent with the plan as it will allow denser residential accommodation within close proximity to services, jobs and existing and planned transport infrastructure than the current zoning would provide for.

Q.4 Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Local Strategy – Residential Direction

Council's Residential Direction under the Local Strategy provides the overall strategic planning context for the desired approach to guide the planning, protection and management of the Shire's residential development through the following four Key Directions:

- Accommodating population growth
- Respond to changing housing needs
- Provide a sustainable living environment
- Facilitate quality housing outcomes

As Dural and the greater North West precinct undergoes changes to accommodate population growth and meeting housing targets the overall strategy and planning controls for specific sites will undergo change to allow for denser living options that are more accessible and affordable for different household structures. The planning proposal will allow for the site to create a compatible outcome for the surrounding locality that will be undergoing change in the future to allow for 3,000 dwellings within the South Dural Precinct. Considering the sites prime location at a main intersection in Dural and its slight isolation from the low density residential area to the west through Derriwong Road and the large nature of the site isolating any building structures from the street and the rural interface behind a unique, denser development could be provided within the site without affecting the streetscape. Further measures such as landscaping retention and building setbacks will ensure the amenity of the site upon Old Northern Road is not affected facilitating a sustainable living environment.

Overall the proposal responds to the key directions and objectives set out in the Residential Directions component of the Local Strategy.

Local Strategy - Rural Land Strategy

Council's Rural Land Strategy provides the overall strategic planning context for the aims of the Shire's Rural Land. The objectives of the Rural Lands Study are to:

- Protect and enhance a sustainable future for the rural lands;
- Involve the community and other stakeholders in the Study process, to ensure acceptance and ownership; and
- Generate a sustainable land use strategy and environmental planning instruments for the study area.

The study states that “the main issues affecting rural fringe areas like Baulkham Hills Shire are the need to preserve the environment, the retention of agriculture and the pressure for subdivision of agricultural areas or the re-subdivision of existing rural residential land.” Taking in to consideration the sites zoning, RU6 – Rural Transition, the site is actually in an area of transition. The sites physical location is on the corner of two arterial roads within the LGA and is surrounded by various land uses that are not all zoned rural. There is agreement that rural lands are valuable to the economy and the landscape of the LGA except this site does not pose rural features. It is being occupied by a timber mill, surrounded by residential and commercial uses and is one (1) kilometer away from the local town centre.

Notwithstanding, the Rural Lands Strategy further indicates that rural lands issue can be grouped in to two headings; Environmental opportunities and constraints and Social and Economic factors. The proposal is providing an ecological sustainable solution for the site that achieves the objectives of urban growth for the North West precinct whilst maintaining the heavily vegetated landscape it currently possesses and works at creating a viable outcome for the highest quality of native vegetation on the site through SSTF retention and a Vegetation Management Plan. The objectives of this Proposal are to provide a compatible land use that respects and responds to the unique environmental state of the site whilst not impacting on other land uses and is being achieved through the Perimeter Buffer Plan provided and the retention of low to moderate SSTF existing on site. Council needs to recognise the site is not rural land in its typical sense and a more 'transitioned' use that is more compatible with the future direction of South Dural is being proposed.

The Planning Proposal is responding to the directions of the Rural Land Strategy by achieving an outcome for the site that is progressive in providing appropriate housing for the local community, respecting the rural identity of the nearby area along the northern part of Old Northern Road, and provides opportunity for the viable existence of SSTF existing on site.

Overall the Planning Proposal aims at achieving an integrated approach that promotes the most viable environmental, social and economic outcome for the site that responds to the community and future directions of government.

Q.5 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

Should the Planning Proposal be supported, relevant State Environmental Planning Policies (SEPPs) will apply to the redevelopment of the land. The SEPPs include:

- State Environmental Planning Policy No. 55 – Remediation of Land – a Preliminary Contamination report and Stage 2 - Detailed Site Investigation (DSI) has been prepared (see Annexure 2) which identifies the presence and extent of likely contaminants on site and the sites suitability for residential development.
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 – BASIX will require all future residential development on this site to achieve mandated levels of energy and water efficiency.

Q.6 Is the Planning Proposal consistent with the applicable Ministerial Directions (S.117 directions)?

The following is a list of Directions issued by the Minister for Planning to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*. The following assessment provides an assessment against the Ministerial Directions:

Table 1 – Section 117 Directions

Direction	Comment
1. Employment and Resources	
1.1 Business and Industrial Zones	Not Applicable
1.2 Rural Zones	The objective of this direction is to: <i>protect the agricultural production value of rural land.</i> The site is zoned rural transition and has a timber mill operating on site. As the surrounding locality of the site is subject to change and transition the operation of the timber mill would be considered an incompatible land use with the emerging residential, retail and local centres landscape. The objective of the zone is to protect the agricultural value of rural land and although the site is zoned RU6- Rural Transition the site does not pose a rural character. The site is located on the corner of a main intersection in South Dural and is surrounded by various built forms and land uses such as residential, commercial and industrial. Furthermore the site is located in an area of transition where a large portion of rural lands extending from the site about 1km to Round Corner town centre will be rezoned to a mix of residential and retail uses. The subject site adjoins, commercial, residential and residential dwellings on rural land to the north. The site is occupied by a timber mill and is 1.888ha in area. Considering the nature and irregularity of the site, the existence of SSTF species, adjoining land uses and being located in an area marked for population growth and housing diversity the area land is not a typical

rural site and would not be able to provide agricultural value without impacting the surrounding locality. The proposal provides the site with structure and a functional concept that retains the environmental value of the land and works at introducing a residential use that reflects the local and future character of the area.

The proposal is consistent with the objectives of the North West sub-regional plan as it will allow denser residential accommodation within close proximity to services, jobs and existing and planned transport infrastructure than the current zoning would provide for.

1.3 Mining, Petroleum Production & Extractive industries

Not Applicable

1.4 Oyster Aquaculture

Not Applicable

1.5 Rural Lands

The objectives of this direction are to:

(a) protect the agricultural production value of rural land,

(b) facilitate the orderly and economic development of rural lands for rural and related

purposes.

Considering the sites location, current surrounding context and future potential developments nearby a change in zoning to address the change in the urban and environmental landscape undergoing within Dural and the greater Hills Shire. As the Council moves forward to meet the objectives and outcomes set by the State Government lots sites are changing and housing densities and options are increasing. A change in zoning to allow medium density residential on the site will create a compatible outcome that meets the objective of local and state plans.

2. Environment and Heritage

2.1 Environment Protection Zones

The objective of this direction is to:

protect and conserve environmentally sensitive areas.

The proposal includes extensive research about the SSTF presence on site and provides a strategic outcome to maintain the highest quality of SSTF on the north-east portions of the site whilst still providing a compatible land use that responds and respects the environmentally sensitive state of the land. The proposal introduces an Environmental Protection Zone within the highest quality area of SSTF to conserve the highest quality of the species and provide an orderly vegetation management plan to maintain and restore the species. Allowing a residential use on site will mean that the built form can be deterred from the environmentally sensitive areas and add value to the vegetation community through constant support and mitigation measures.

2.2 Coastal Protection

Not Applicable

2.3 Heritage Conservation

The objective of this direction is to:

conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Old northern Road, formerly known as Great Northern Road, was the first road that signified the opening of trade links between Sydney and the Northern Hinterland creating a famous trade route to the Hunter region. The road is a locally listed archeological heritage item because of its indigenous value. The road cutting technology used to develop the road extends about 1.6km along Old Northern Road and is considered of historic value. The planning proposal will not have an impact on Old Northern Road and will only introduce new roads within the estate area.

2.4 Recreation Vehicle areas

The objective of this direction is to:

protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.

The proposal does not provide potential for recreation vehicles and environmentally sensitive portions of land will be along the 15m perimeter of the north and north-east sections of the site.

3. Housing, Infrastructure and Urban Development

3.1 Residential Zones

The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

The proposed rezoning will allow for denser living options in an area categorized by large lot sizes and low density development. The proposal will allow for greater housing choice and affordability options.

The subject site has water connection and a feasibility application has been made to Sydney Water that confirms a waste water system can be connected from adjacent waste water systems.

Electricity, gas and other utilities can be arranged at DA stage.

3.2 Caravan Parks and manufactured home estates

The objectives of this direction are:

- (a) to provide for a variety of housing types, and*

(b) to provide opportunities for caravan parks and manufactured home estates.

The proposal does not include a caravan park and manufactured home estates.

3.3 Home occupations

The objective of this direction is to:

encourage the carrying out of low-impact small businesses in dwelling houses.

Currently there are no dwellings on site and this could need to be considered further once dwellings are constructed.

3.4 Integrating Lands Use and Transport

The objective of this direction is to:

ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

(a) improving access to housing, jobs and services by walking, cycling and public transport, and

(b) increasing the choice of available transport and reducing dependence on cars, and

(c) reducing travel demand including the number of trips generated by development and the

distances travelled, especially by car, and

(d) supporting the efficient and viable operation of public transport services, and

(e) providing for the efficient movement of freight.

All these components can be assessed in more detail at development application stage for subdivisions and future dwellings on site.

3.5 Development near licensed Aerodromes

Not Applicable

3.6 Shooting ranges Not Applicable

4. Hazard and Risk

4.1 Acid Sulphate Soils Not Applicable

4.2 Mine subsidence and unstable land Not Applicable

4.3 Flood Prone Land Not Applicable

4.4 Planning for Bushfire Protection

The objectives of this direction are:

(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and

(b) to encourage sound management of bush fire prone areas.

The site is not located within a bushfire prone area but a slight portion to the north-west of the site is within the 100m buffer zone. Bushfire effects on to dwellings can be taken in to consideration in the design and construction criteria of dwellings in accordance with Bushfire Prone Land developments. Measures could include specific construction materials such as fire rated glass and reduced vegetation in that section of the site.

5. Regional Planning

5.1 Implementation of Regional Strategies The objective of this direction is to:

give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional strategies.

The Planning proposal is consistent with the objectives of the Draft North West Subregional Planning Strategy.

5.2 Sydney's Drinking Water Catchments Not Applicable

5.3 Farmland of State or Regional Significance Not Applicable

5.4 Commercial and Retail development along the Pacific Highway	Not Applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	Not Applicable
5.6 Sydney to Canberra corridor	Not Applicable
5.7 Central Coast	Not Applicable
5.8 Second Sydney Airport	Not Applicable

6. Local Plan Making

6.1 Approval and Referral Requirements	This is an administrative requirement of Council.
6.2 Reserving Land for Public Purposes	Not Applicable
6.3 Site Specific Provisions	The Planning Proposal seeks to rezone the land to an existing zone contained within the HSLEP 2012. Specific residential development controls regarding setbacks, storey limits and landscaping requirements can be provided for the site through a site specific DCP. The planning proposal is for the zoning and minimum lot size changes only and does not provide details of future potential developments on the site as the developments will be based on subdivision and urban design requirements that will all be set after Gateway determination.

7. Metropolitan Planning

7.1 Implementation of A Plan for Growing Sydney (amended 14 January 2015)	A Plan for Growing Sydney set out goals to be achieved in order to cater for Sydney's increasing population and changing needs and lifestyles. Goal 2: A city of housing choice, with homes that meet our need and lifestyle has directions and actions that focus on providing more housing, with a greater choice of dwelling types in well-serviced locations, "Residents should be able to age at home, if they wish, live close to families and friends, and travel easily to work, education and social activities. New housing will be supported by local infrastructure and services that reflect the
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demographic needs of a community”. The actions relevant to the subject planning proposal include:

- Accelerate housing supply and local housing choices.
- Deliver more housing by developing surplus or under-used Government land.
- Undertake urban renewal in transport corridors which are being transformed by investment and around strategic centres.
- Require local housing strategies to plan for a range of housing types.
- Enable the subdivision of existing homes and lots in areas suited to medium density housing.
- Deliver more opportunities for affordable housing
- Deliver greenfield housing supply in the North West and South West Growth Centres.

This Planning Proposal directly aligns with the directions and actions outlined in the Plan for Growing Sydney strategy. The Plan encourages medium density development, establishing new sites for development and more affordable housing on smaller lot sizes. The concept for medium density development on the subject site allows for smaller lot sizes to create medium density development without the adverse impacts on the environmental value of the site. The concept maintains the rural character and aesthetic benefits the site already provides but provides opportunity for more affordable housing, an ageing population and allowing for the next generation to live near their families with more affordable and diverse housing options. The site is centrally located, transit-oriented and is serviced by local and major retail precincts. The subject Planning Proposal accelerates housing supply by adding a potential 57 new homes in the

local area, enabling denser living options and providing and opportunity for balanced growth.

Section C – Environmental, Social and Economic Impact

Q.7 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habits, will be adversely affected as a result of the proposal?

The most recent mapping of the remnant vegetation within the amended study area identified the vegetation as Shale Sandstone Transition Forest (SSTF) (Low Sandstone Influence) in THSC vegetation map. As discussed above SSTF is identified as a critically endangered ecological community in NSW and therefore clearance of the species would require approval. ELA was commissioned in March 2014 and again in March 2015 for the additional adjacent lot (No.582A) to confirm the presence, extent and the condition of SSTF on the subject site. The Flora and Fauna Assessment report concluded that the vegetation breakdown of the site is as follows:

- Cleared (0.65 ha)
- Exotics (0.32 ha)
- Shale/Sandstone Transition Forest (scattered trees) (very low condition) (0.26 ha)
- Shale/Sandstone Transition Forest (low condition) (0.52 ha)
- Shale/Sandstone Transition Forest (low to moderate condition) (0.14 ha)



Figure 30: Vegetation breakdown on subject site

Source: ELA, 2015

The flora and fauna assessment concluded *“The site is currently used for sawmilling and storage of timber but also contains around 0.92 ha of Shale Sandstone Transition Forest, an endangered ecological community listed under NSW and Commonwealth legislation. The community is in low condition due to the absence of an under-story and mid-story for the majority of the site. Whilst there are some mature trees on the site they are presumably regrowth as there are no mature trees with hollows. Vegetation on the site does not contain roosting habitat for threatened species.*

The planning proposal aims to find a balance between development and retention of the best quality SSTF on the site as well as maintaining canopy connection through retention of trees within the buffer zones and within the street landscape where possible.” After lengthy discussions with between the applicant and Council’s Strategic staff it was concluded that although the SSTF was not in a high to moderate condition category and is unlikely to support a viable SSTF population the existence of the endangered ecological community was still valuable to the site and surrounding locality and the heavily vegetated site accommodated large mature trees that enhanced the landscape of the site and provided a buffer to the street. It was agreed that the loss of mature vegetation would impact the amenity of the site and the retention of a landscaped buffer zone around the perimeter of the site would be a valuable asset for the development, the streetscape and provide a rural interface with the adjoining lots to the north. Council staff provided an opportunity for the applicant to apply a landscaping solution that would offset the impact of the removal of SSTF existing on site and maintain a vegetated landscape.

ELA was further commissioned by the applicant to provide a landscaping vegetation buffer with the objective of retaining vegetation around the perimeter of the site, retaining the SSTF that is in the highest quality and provide a suitable site to landscape balance that still allows the site to be feasible.

ELA created an option named the Perimeter Buffer that retains a vegetative buffer around the perimetre of the site. This option would provide natural aesthetics for residents in the adjoining properties and future residences of the proposed subdivision. The amended Planning Proposal has created a specific Concept plan to replace the Perimetre Buffer Plan which further investigates the environmental constraints on site and take further measure to mitigate impacts on to highest quality SSTF. The vegetative buffer includes the retention of mature trees 5m wide along Derriwong Road and 10m along Old Northern Road and varies along the northern boundary. Furthermore an EPZ has been proposed within the plan within the north-eastern corner to capture the highest quality portion of SSTF on site. The larger buffer zone to the north also provides an adequate interface between the residential lots and the rural lot to the rear. The Perimeter Buffer option allows for *approximately 0.15 ha of SSTF will be retained and managed within the Environmental Protection Zone (EPZ). This includes the majority (0.13 ha) of the highest quality SSTF (low to moderate condition) as well as smaller area of SSTF (low condition). In addition, approximately 0.15 ha of SSTF (very low condition and low condition) will be retained within the vegetation buffers.* The following image illustrates the landscape vegetation buffer over layered on to the sites concept plan:



Figure 31: Perimeter buffer plan

Source: ELA, 2015

The proposed Concept plan option satisfies the requirements of Council and maintains a suitable site to develop a feasible subdivision and residential development option. The Concept Plan provides a feasible site option that creates a sustainable and compatible outcome for the subject site and surrounding locality without compromising the existing environmental factors. Notwithstanding, it is acknowledged that the proposal will create a loss of SSTF and overall internal vegetation on site however a Vegetation Management Plan to mitigate or offset the impact of this loss is proposed. The Vegetation Management Plan includes planting of vegetation consistent with SSTF, site preparation works, mulching, and labour hire including bush regeneration works over a five year period. A VMP to complete the rehabilitation works will be estimated between \$50,000 and \$100,000 over five years. The Vegetation Management Plan would be prepared at development application stage.

The updated Flora and Fauna Assessment is attached as Appendix F within this application. .

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

Bushfire Prone Land - The bushfire assessment demonstrates that the subject site is capable of accommodating future subdivision and land development with the appropriate bushfire protection measures. The concept plan does not propose any dwellings in the bushfire prone land within the north-west corner of the site and therefore no lots would be impacted. The bushfire prone land has been dedicated to common open space and visitor car parking to mitigate impacts on to dwellings.

Streetscape – The site is currently heavily vegetated with large mature trees existing along the perimeter of the site creating a vegetated buffer from the street. The site within its current form allows for the timber mill to be mostly screened from Old Northern Road and Derriwong Road. As discussed above, the application in its current form allows for the Perimeter Buffer to maintain a 5-10m landscaped canopy maintaining the screened landscape appearance from the streetscape. Therefore the proposed residential zone will be screened to ensure that there is minimal impact on to the street.

Traffic – As discussed above, a traffic report prepared in conjunction with the proposed concept plan concludes that the nett increase of traffic will have an acceptable impact on the road network capacity and can provide the required number of on-street and off-street parking for in accordance with Council Car Parking Policy. The traffic report concludes that a proposed development similar to that of the concept plan will have an acceptable traffic impact on site and within the surrounding area.

Contamination – The planning proposal includes a Preliminary Phase 1 Contamination report that identifies the contaminants on site and a Stage 2 DSI report that identifies the extent of each contaminant and concludes that the site is permissible for residential use.

Q.9 Has the Planning Proposal adequately addressed any social and economic effects?

The proposal will involve some economic impact through the loss of the timber mill. However this impact will be mitigated by a change in zoning to allow for denser development that will create the development potential for a compatible and complimentary housing choice that will achieve a change in amenity, increased housing choice and affordability and implement strategic planning objectives that are outlined within the Draft Metropolitan Strategy, North West Central Subregional Strategy and the Local Strategy.

Section D – State and Commonwealth Interests**Q.10 Is there adequate public infrastructure for the planning proposal?**

The site is served by existing utility infrastructure and is within close proximity to a range of infrastructure and services existing within the town centre. However should the Planning Proposal be successful to change the zoning from RU6 – Rural Transition to R3 – Medium Density Residential an increase of residents would occur on the site. A Traffic Report has been prepared for the application and concludes the road network is capable of accommodating additional capacity proposed in the concept plan.

Furthermore, infrastructure upgrades may be required regarding waste management, recycling and utilities. Consultation will be required with Council and the Department of Planning and other major utility providers to upgrade utilities and public infrastructure as identified by the gateway determination when dwelling numbers and subdivision is finalised. A feasibility assessment for the sites ability to connect to sewer utilities has been arranged by the proponent with Sydney Water. A feasibility letter indicated that the site can connect to waste water from adjacent waste water systems and can adequately service the site.

Q.11 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

At this stage the appropriate State and Commonwealth public authorities have not been identified and consulted. This will occur following the Gateway Determination and are likely to include:

- Energy Australia
- Roads and Maritime Service
- Sydney Water

Part 4 – Mapping

The Planning Proposal is supported by mapping to identify the subject site using aerial imagery and maps, current planning control maps and proposed amended control maps to The Hills Shire council LEP, 2012. Figures and concept plans have also been used to illustrate the intent of the Planning Proposal and the environmental, social and economic effects on the subject site and surrounding locality. A list of the figures and their titles are below:

Table 2: Map References found within Planning Proposal:

Map Reference	Title
Figure 01	Potential South Dural Precinct
Figure 02	Aerial Map of locality
Figure 13	Aerial Map of subject site
Figure 15	Locality Map
Figure 16	The Hills LEP Land Zoning Map
Figure 17	The Hills LEP Minimum Lot Size Map
Figure 18	The Hills LEP FSR Map
Figure 19	The Hills LEP Height of Building Map
Figure 14	Possible concept subdivision plan
Figure 21	Applied perimeter buffer plan and EPZ
Figure 23	Proposed Zoning amendment
Figure 24	Proposed Minimum lot size amendment
Figure 25	Vegetation breakdown on subject site
Figure 26	Vegetation Perimeter Buffer

Part 5 – Community Consultation

Community Consultation will be undertaken in consultation with Council. Council's consultation and exhibition of Planning Proposals is subject to the impact likely to occur from the outcome of a Planning Proposal. In this instance the Planning Proposal will be exhibited for 28 days.

Furthermore, if the Planning Proposal requires more detail at the Community Consultation stage the applicant and associates are willing to provide stakeholder meetings and community information days to allow interested parties to obtain more information, ask questions and raise concerns.

Part 6 – Project Timeline

The project timeline and assessment of completion will be administered by THSC and as required by the Department of Planning and Infrastructure.

Conclusion

This Planning Proposal seeks amendments to HSLEP 2012 for the subject site, to allow for a change of zoning from RU6 Transition to R3 Medium Density Residential; and a change in minimum lot size from 2Ha to 700m². The planning proposal aims to create a more compatible land use and provide for alternative uses of the site that can meet future demands of population growth within The Hills Shire and respect the unique environmental condition of the site.

The planning proposal provides a feasible site option that creates a sustainable and compatible outcome for the subject site and surrounding locality without compromising the sites existing environmental factors. To enable appropriate subdivisions that would create additional dwelling entitlements. The planning proposal encourages development that supports the objectives of the *A Plan for a Growing Sydney, Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy 2031* and the *North West Subregion Draft Subregional Strategy*. It is therefore recommended that Council proceed with the requested planning proposal and forward it to the Department of Planning and Infrastructure.