

## PLANNING PROPOSAL

**LOCAL GOVERNMENT AREA:** The Hills Shire Council

**NAME OF PLANNING PROPOSAL:** Proposed The Hills Local Environmental Plan 2012 (Amendment No (#)) – to amend zoning and minimum lot size standards applicable to land at 582 and 582a Old Northern Road, Dural (7/2015/PLP).

**ADDRESS OF LAND:** 582 and 582a Old Northern Road, Dural (Lot 1 DP 656034 and Lot 2 DP 56718).

### SUMMARY OF HOUSING AND EMPLOYMENT YIELD:

	EXISTING	PROPOSED	NET CHANGE
<b>Dwellings</b>	1	57	+56
<b>Jobs</b>	3	0	-3

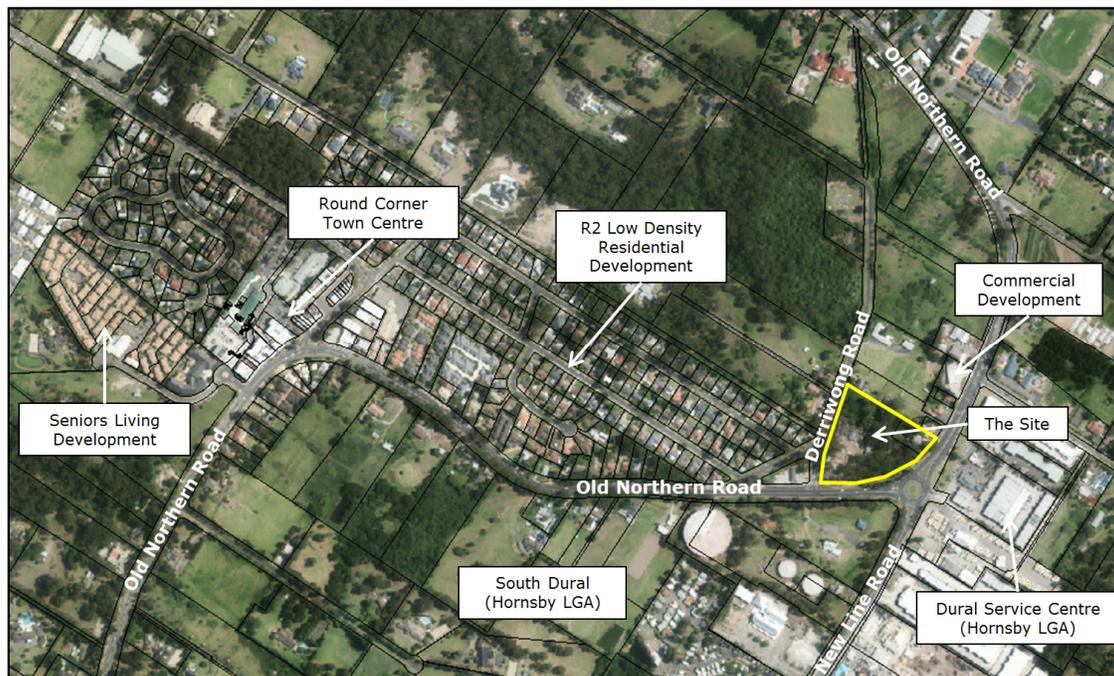
### SUPPORTING MATERIAL:

- Attachment A** Assessment against State Environment Planning Policies
- Attachment B** Assessment against Section 117 Local Planning Directions
- Attachment C** Council Report and Minute, 11 April 2017
- Attachment D** Proponent's Planning Proposal

### THE SITE:

The site has a primary frontage to Old Northern Road and a secondary frontage to Derriwong Road. It is located adjacent to the major roundabout junction of New Line and Old Northern Roads and has an area of approximately 1.89 hectares.

The site is located approximately one (1) kilometre from the Round Corner Dural Town Centre and is occupied by a timber supplies business and a dwelling house/home business.



**Figure 1**  
Locality Map (site outlined in yellow)

## **BACKGROUND:**

On 28 June 2016, Council considered a report and resolved to defer the planning proposal to undertake a holistic study into the current and future land use of the Dural Round Corner Precinct, with Hornsby Shire Council. The proponent then sought a rezoning review which was subsequently forwarded to the Sydney West Central Planning Panel for a detailed review. On 1 February 2017, the Panel recommended that the planning proposal should proceed to Gateway Determination.

In its letter dated 15 March 2017, The Department of Planning and Environment invited Council to be the Relevant Planning Authority and gave 40 days to submit a planning proposal. At its meeting on 11 April 2017, Council resolved to accept the role as Relevant Planning Authority and prepare a planning proposal to submit to Gateway Determination. A copy of the Report and Minute is included in Attachment C.

## **PART 1 OBJECTIVES OR INTENDED OUTCOME**

The objective of the planning proposal is to facilitate development on the site comprising 57 residential dwellings (53 townhouses and four (4) single dwelling lots).

## **PART 2 EXPLANATION OF THE PROVISIONS**

The planning proposal seeks to amend LEP 2012 as follows:

- Rezone the site from RU6 Transition to R3 Medium Density Residential; and
- Reduce the minimum lot size from two (2) hectares to 700m<sup>2</sup>.

## **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 the result of any strategic study or report. The planning proposal has been initiated by a private landowner.

*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, as sought by the proponent. Rezoning the site for urban purposes, rather than facilitating the development through an additional permitted use on the site, ensures that incompatible land uses do not operate concurrently on the site. Additionally, adjoining land use conflicts could be identified and mitigated through future master planning.

### **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?*

Yes, a discussion of consistency is provided below.

- **A Plan for Growing Sydney**

The NSW Government has identified a need for an additional 664,000 new dwellings by 2031. Much of this new growth will be concentrated in the North West and South West Growth Centres and in appropriate urban infill areas close to employment centres and transport. The proposal is in general alignment with the directions and actions outlined in the Plan as it encourages medium density development, establishes a new site for development and has potential to provide more affordable housing on smaller lots.

The subject site is located on the periphery of the Round Corner Dural Town Centre within an area intended to provide a transition between rural and other land uses of varying intensities. The subject site's location at the intersection of two major roads, and the adjoining business and low density residential land uses, make it a suitable location for more intensive urban uses than the current rural use.

- **Draft West Central District Plan**

The site is located within the Metropolitan Rural Area, however the site's proximity to urban areas (including the Round Corner Town Centre and Dural Service Centre) may make the site more suitable for urban development. While the draft District Plan discourages urban development in the Metropolitan Area unless they are consistent with strategic planning undertaken for the area, Council is currently undertaking an investigation into the wider area for urban development due to its proximity to urban development and driven by the need for affordable housing options. Although the planning proposal seeks to rezone rural zoned land for urban purposes, there are a number of factors that make the site more suitable for urban development than agricultural uses.

The site presents an opportunity to redevelop in a manner similar to the adjoining Dural Service Centre and surrounding urban development. The site is discretely located close to existing urban development and the existing character of the locality is a mix of rural-residential, rural/commercial (i.e. service stations, real estate, tractor/mower sales) and low density housing. Given its proximity to residential development, agricultural uses on the site would result in land use conflicts such as noise and odour. Urban development on the site would reduce the possibility for land use conflicts and would deliver a more compatible development outcome.

Further, the sites location on the rural-urban boundary has less potential to impact on the values of the Metropolitan Rural Area. In recognition of the above, the subject site lends itself to contribute to housing targets by adding to housing diversity in an area that is predominately characterised by low density residential and rural-residential development. The planning proposal is considered to be generally consistent with the liveability objectives of the draft District 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 Hills Shire community's and Council's shared vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community.

The planning proposal is consistent with the outcomes and strategies of The Hills Future as it would contribute to housing diversity and supply in the area and offer downsizers options to remain in the area.

- **Local Strategy**

The Residential Direction sets out Council's planned approach to guide the planning and management of the Shire's residential development. Key directions of the plan include accommodating population growth through well-located housing, close to services and

supported by appropriate infrastructure, providing for a diversity of housing choice appropriate to residents' needs and high quality housing outcomes.

The proponent in their proposal has stated that to retain the existing timber mill use on the site would be contradictory to achieving the objectives of the Residential Direction. The proposal seeks to maintain the existing natural character of the site whilst contributing to housing supply.

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

The consistency of the planning proposal with State Environmental Planning Policies is detailed within Attachment A. A discussion on the consistency of the proposal with the relevant Policy is provided below.

- **State Environmental Planning Policy No. 55 – Remediation of Land**

If the planning proposal proceeds, State Environmental Planning Policy No 55 – Remediation of Land will apply to any future urban development on the site. The Department's Assessment Report states that consultation with the Environmental Protection Authority (EPA) will be required to ensure the proposed development is in accordance with the EPA Guidelines.

The planning proposal is supported by a Contamination Report prepared by Aargus dated 4 April 2014 and is included in Attachment D. The report recommends that a remedial/management strategy is to be developed, culminating in preparation of a Remedial Action Plan (RAP) in accordance with EPA guidelines, in regards to the removal of contaminated soil from the site.

*6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 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 1.2 Rural Zones**

The objective of this Direction is to protect agricultural production value of rural land and requires that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone. The planning proposal rezones rural land to a residential zone. Agricultural production land uses on the subject site would result in land use conflicts with the adjoining low density residential development. The inconsistency with this Direction is considered to be of minor significance given the sites location on the rural-residential boundary, the site specific characteristics that prevent cumulative impacts such as further rezoning and that the site is considered to be an unsuitable location for agricultural production purposes.

- **Direction 3.1 Residential Zones**

The objective of this Direction is to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services, and to minimise the impact of residential development on the environment and resource lands. The proposed development would provide a medium density dwelling type that is currently in short supply in the Hills Shire, and the site may not be appropriate for agricultural/ resource land uses. The impact of urban development on this site to the environment can be minimised by preserving existing vegetation on the site and managed through a vegetation management plan. Additionally, as the site is small and located on the periphery of rural/ urban development, it is unlikely to impact resource lands.

- **Direction 3.4 Integrated Land Use**

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 medium density outcome within proximity to an existing town centre. The site is in walking distance to several bus stops with services to Castle Hill Town Centre, Rouse Hill Town Centre, Pennant Hills Train Station, Milsons Point and the City. 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.

The planning proposal is supported by a Traffic and Parking Assessment Report prepared by Varga Traffic Planning Pty Ltd dated 21 May 2015 and is included in Attachment D. Consultation with the Roads and Maritime Services will be required, should the planning proposal proceed.

- **Direction 4.4 Planning for Bushfire Protection**

The objectives of this Direction is to protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas. As a portion of the subject site is located within a bushfire buffer zone this Direction applies and the planning proposal is required to be consistent with *Planning for Bushfire Protection 2006* standards. The planning proposal was supported by a Bushfire Assessment Report prepared by Eco Logical dated 6 March 2015, and states that the subject site is capable of accommodating urban development, subject to appropriate bushfire protection measures prescribed by s.117(2) Direction 4.4 – Planning for Bush Fire Protection. A copy of this report is included in Attachment D. Should the planning proposal proceed, consultation with the Rural Fire Service would be required.

- **Direction 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. As the proposal does not contain provisions that require concurrence, consultation or referral to a Minister or public authority, the planning proposal is considered to be consistent with this Direction.

## **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?*

The site contains remnant Shale Sandstone Transition Forest which is a Critically Endangered Ecological Community under the NSW Threatened Species Conservation Act 1995 and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC 1999). The planning proposal is supported by a Flora and Fauna Assessment Report prepared by Eco Logical, dated May 2015. The report states that the existing vegetation is in low to moderate condition. Under the EPBC 1999, the degraded condition of the vegetation does not diminish its significance nor its protection. Additionally, the planning proposal requires off-site work to

service the site which may result in a further loss of significant vegetation, identified on Council's Terrestrial Biodiversity Map.

The Department's Pre-Gateway Review – Information Assessment and Recommendation Report, dated 4 November 2016 (attached to the Council Report of 11 April 2017) states that consultation with the Office of Environment and Heritage would need to be undertaken and that the planning proposal would need to be amended in accordance with this consultation, prior to public exhibition. The West Central Planning Panel's advice, dated 1 February 2017 (attached to the Council Report) further states that the progression of the planning proposal is contingent on consultation with the Office of Environment and Heritage.

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

The planning proposal report prepared by Rockeman Town Planning dated May 2015 notes streetscape and traffic as potential additional environmental impacts that may occur as a result of the redevelopment of the site. Streetscape impacts have been managed through a landscaped buffer around the perimeter of the site. The Report states that the nett increase in traffic will have an acceptable impact on the road network capacity and off-street parking will be provided on the site in accordance with Council's Parking Development Control Plan.

Consultation with the Roads and Maritime Services will be required to address impacts on road and transport infrastructure.

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

The proposal will involve some economic impact through the loss of employment land (timber mill). However this impact will be mitigated by a change in zoning to allow for denser development that will contribute to housing choice in the area.

## **SECTION D - STATE AND COMMONWEALTH INTERESTS**

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

The proposed development is considered to be small scale and is in close proximity to Round Corner Town Centre. It is unlikely that the proposed development will place significant demand on public infrastructure. Notwithstanding this, the current capacity of public infrastructure and its ability to meet the demand, whatever scale, requires further assessment. Consultation with public authorities will provide a better understanding of what infrastructure upgrades will be required.

*11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (Note: The views of State and Commonwealth Public Authorities will not be known until after the initial gateway determination. This section of the planning proposal is completed following consultation with those public authorities identified in the gateway determination.)*

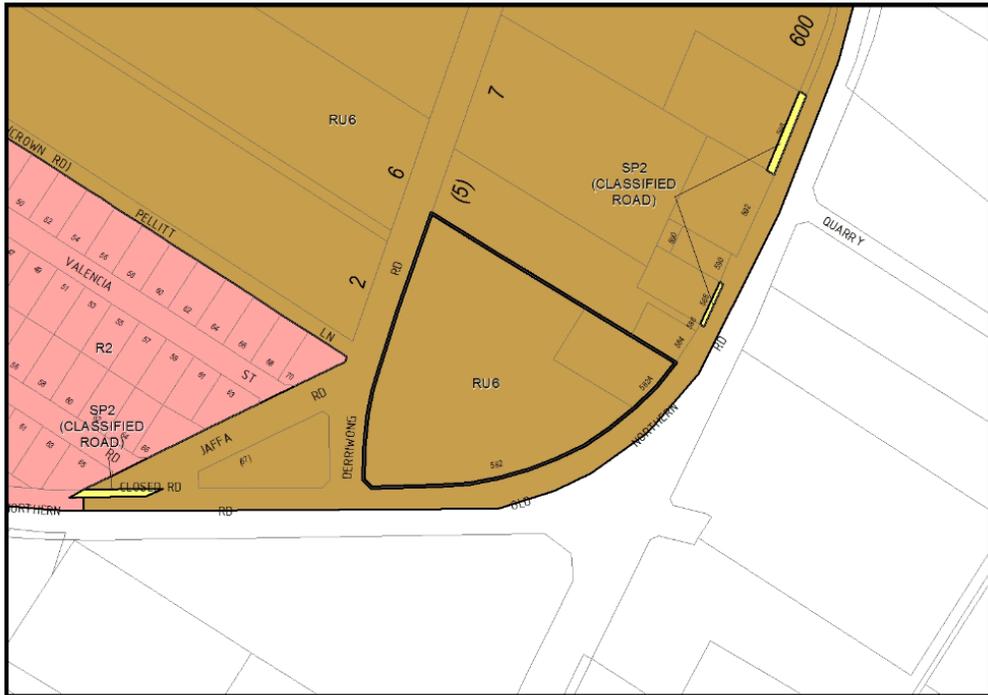
It is envisaged that the following public authorities will be consulted as the planning proposal progresses:

- Transport for NSW;
- Roads and Maritime Services;
- Office of Environment and Heritage;
- Rural Fire Service;
- Environmental Protection Authority;
- Endeavour Energy; and
- Sydney Water.

A list of all relevant agencies would be included as part of the Gateway Determination.

**PART 4 MAPPING**

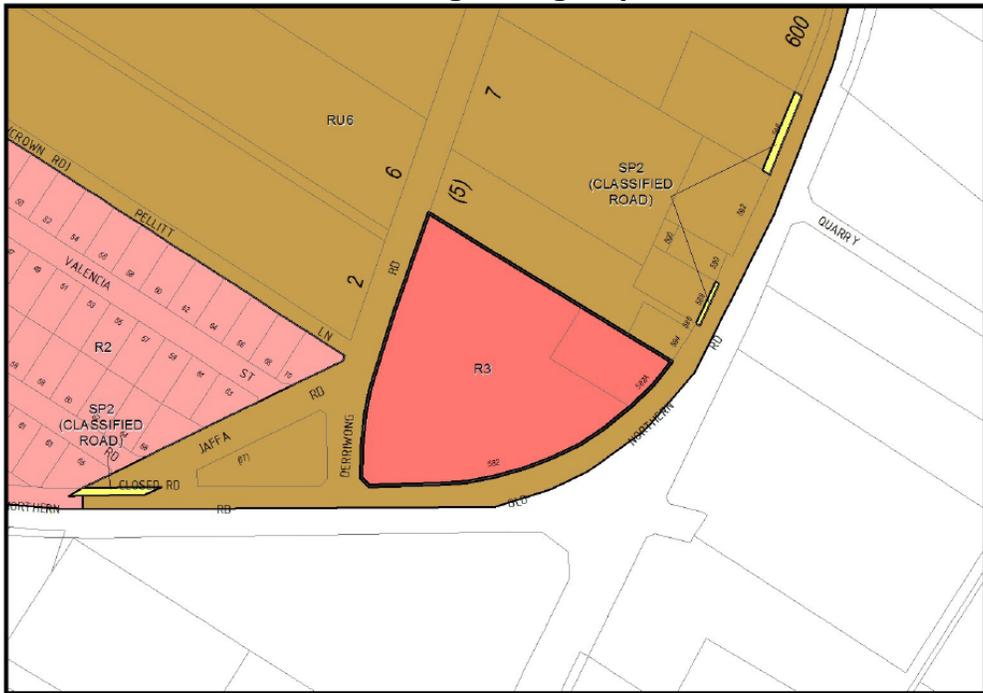
The planning proposal seeks to amend the following maps:



**Land Zoning (LZN)**

- R2 Low Density Residential
- RU6 Transition
- SP2 Infrastructure

**Existing Zoning Map**



**Land Zoning (LZN)**

- R2 Low Density Residential
- R3 Medium Density Residential
- RU6 Transition
- SP2 Infrastructure

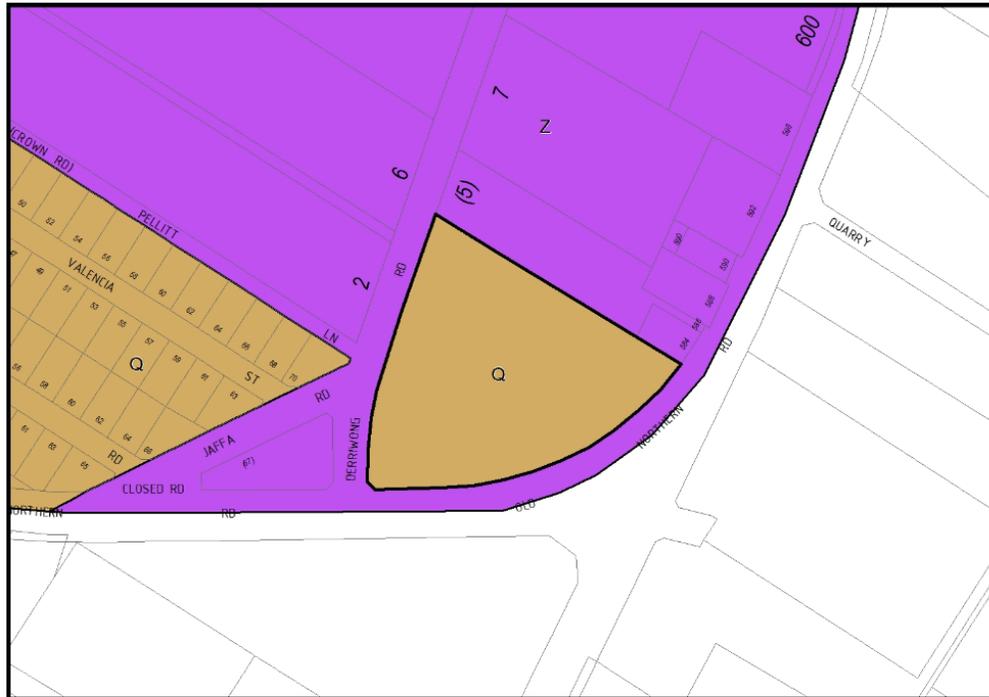
**Proposed Zoning Map**



Minimum Lot Size (sq m) (LSZ)

**Q** 700      **Z** 2 ha

**Existing Minimum Lot Size Map**



Minimum Lot Size (sq m) (LSZ)

**Q** 700      **Z** 2 ha

**Proposed Minimum Lot Size Map**

## **PART 5 COMMUNITY CONSULTATION**

The planning proposal would be advertised in local newspapers and on display at Council's administration building and Dural Library. The planning proposal would also be made available on Council's website.

## **PART 6 PROJECT TIMELINE**

<b>STAGE</b>	<b>DATE</b>
Commencement Date (Gateway Determination)	June 2017
Government agency consultation	July 2017
Commencement of public exhibition period (14 days)	August 2017
Completion of public exhibition period	September 2017
Timeframe for consideration of submissions	October 2017
Timeframe for consideration of proposal post exhibition	October 2017
Report to Council on submissions	November 2017
Planning Proposal to PCO for opinion	December 2017
Date Council will make the plan (if delegated)	December 2017
Date Council will forward to department for notification (if delegated)	December 2017

**ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES**

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 1	Development Standards	NO	-	-
No. 14	Coastal Wetlands	NO	-	-
No. 19	Bushland in Urban Areas	YES	NO	-
No. 21	Caravan Parks	YES	NO	-
No. 26	Littoral Rainforests	NO	-	-
No. 30	Intensive Agriculture	YES	NO	-
No. 33	Hazardous and Offensive Development	YES	NO	-
No. 36	Manufactured Home Estates	NO	-	-
No. 44	Koala Habitat Protection	NO	-	-
No. 47	Moore Park Showground	NO	-	-
No. 50	Canal Estate Development	YES		
No. 52	Farm Dams and Other Works in Land and Water Management Plan Areas	NO	-	-
No. 55	Remediation of Land	YES	YES	
No. 62	Sustainable Aquaculture	YES	NO	-
No. 64	Advertising and Signage	YES	NO	-
No. 65	Design Quality of Residential Flat Development	YES	NO	-
No. 70	Affordable Housing (Revised Schemes)	YES	NO	-
No. 71	Coastal Protection	NO	-	-
	Affordable Rental Housing (2009)	YES	NO	-
	Building Sustainability Index: BASIX 2004	YES	NO	-
	Exempt and Complying Development Codes (2008)	YES	NO	-
	Housing for Seniors or People with a Disability (2004)	YES	NO	-
	Infrastructure (2007)	YES	NO	-
	Integration and Reveals (2016)	NO	-	-
	Kosciuszko National Park – Alpine Resorts (2007)	NO	-	-
	Kurnell Peninsula (1989)	NO	-	-
	Mining, Petroleum Production and Extractive Industries (2007)	YES	NO	-
	Miscellaneous Consent Provisions (2007)	YES	NO	-
	Penrith Lakes Scheme (1989)	NO	-	-
	Rural Lands (2008)	NO	-	-
	State and Regional Development (2011)	YES	NO	-
	Sydney Drinking Water Catchment (2011)	NO	-	-
	Sydney Region Growth Centres (2006)	NO	-	-
	Three Ports (2013)	NO	-	-
	Urban Renewal (2010)	NO	-	-
	Western Sydney Employment Area (2009)	NO	-	-
	Western Sydney Parklands	NO	-	-
<b>Deemed SEPPs</b>				
	SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	-

**ATTACHMENT B: ASSESSMENT AGAINST SECTION 117 MINISTERIAL DIRECTIONS**

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
<b>1. Employment and Resources</b>				
1.1	Business and Industrial Zones	YES	NO	-
1.2	Rural Zones	YES	YES	INCONSISTENT See Question 6
1.3	Mining, Petroleum Production and Extractive Industries	YES	NO	-
1.4	Oyster Aquaculture	YES	NO	-
1.5	Rural Lands	NO	-	-
<b>2. Environment and Heritage</b>				
2.1	Environment Protection Zone	YES	NO	-
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	NO	-
2.4	Recreation Vehicle Area	YES	NO	-
2.5	Application of E2 and E3 zones and Environmental Overlays in Far North Coast LEPs	NO	-	-
<b>3. Housing, Infrastructure and Urban Development</b>				
3.1	Residential Zones	YES	YES	CONSISTENT See Question 6
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
3.3	Home Occupations	YES	NO	-
3.4	Integrating Land Use and Transport	YES	YES	CONSISTENT See Question 6
3.5	Development Near Licensed Aerodromes	YES	NO	-
3.6	Shooting Ranges	YES	NO	-
<b>4. Hazard and Risk</b>				
4.1	Acid Sulfate Soils	YES	NO	-
4.2	Mine Subsidence and Unstable Land	YES	NO	-
4.3	Flood Prone Land	YES	NO	-
4.4	Planning for Bushfire Protection	YES	YES	CONSISTENT See Question 6
<b>5. Regional Planning</b>				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail	NO	-	-

<b>DIRECTION</b>		<b>APPLICABLE</b>	<b>RELEVANT? (YES/NO)</b>	<b>(IF RELEVANT) INCONSISTENT/ CONSISTENT</b>
	Development along the Pacific Highway, North Coast			
5.8	Second Sydney Airport: Badgerys Creek	NO	-	-
5.9	North West Rail Link Corridor Strategy	YES	NO	-
5.10	Implementation of Regional Plans	NO	-	-
<b>6. Local Plan Making</b>				
6.1	Approval and Referral Requirements	YES	YES	CONSISTENT See Section B Question 6
6.2	Reserving Land for Public Purposes	YES	NO	-
6.3	Site Specific Provisions	YES	NO	-
<b>7. Metropolitan Planning</b>				
7.1	Implementation of the Metropolitan Plan for Sydney 2036	N/A	N/A	N/A
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	-	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-