



Rezoning of South Dural precinct to permit urban development

Proposal Title :	Rezoning of South Dural precinct to permit urban development		
Proposal Summary :	The proposal is to rezone land at South Dural from rural to a residential zone, and potentially a business zone, with corresponding changes to minimum lot size and maximum height of buildings.		
PP Number :	PP_2014_HORNS_002_00	Dop File No :	14/01691

Proposal Details

Date Planning Proposal Received :	06-Jan-2014	LGA covered :	Hornsby
Region :	Sydney Region West	RPA :	The Council of the Shire of Horn
State Electorate :	HAWKESBURY	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :			
Suburb :		City :	Postcode :
Land Parcel :	Land bounded by Old Northern Road, New Line Road and Hastings Road, in the suburbs of Dural, Glenhaven and Castle Hill.		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North subregion	Consistent with Strategy :	No

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	1,500	No. of Dwellings (where relevant) :	3,000
Gross Floor Area :	1,000.00	No of Jobs Created :	3,000

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **Estimates of number of lots and dwellings, and of commercial floor space and jobs, are based on previous concept plans for the precinct. The current planning proposal does not include sufficient detail to enable estimation of the potential yields, although they are likely to be of a similar order of magnitude.**

External Supporting Notes : **The proposal is to rezone the South Dural precinct to permit urban development. The precinct is the area bounded by New Line Road and Hastings Road to the east, and by Old Northern Road to the north, west and south. Previous studies have shown a potential capacity of 2,500 to 3,000 dwellings.**

Most of the precinct is currently zoned RU2 Rural Landscape in Hornsby LEP 2013. Some areas are zoned E3 Environmental Management. New Line Road and Old Northern Roads are zoned SP2 Infrastructure. The SP2 zone includes some parts of adjoining land which are set aside for acquisition for future road widening.

Most of the site is used for rural residential uses. There is a significant area of native vegetation in the Georges Creek corridor, with other smaller patches of native vegetation. Other land uses within the precinct include a seniors living complex, major plant nursery and garden centre, hotel-motel, caravan park, service station and water supply reservoirs.

The site adjoins existing urban development on three sides, with Round Corner to the north, Dural Service Centre and existing residential areas in Dural and Castle Hill to the east, and Glenhaven to the south and south west.

Hornsby Shire Council is seeking a conditional Gateway determination to allow further studies to be undertaken and the proposal to be further developed. A revised proposal would be submitted for a revised Gateway determination prior to exhibition.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the proposal is to facilitate the comprehensive urban development of the land for residential and mixed use development and employment purposes in an integrated manner in accordance with its environmental capacity and including the delivery of new infrastructure to support growth.**

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Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

It is proposed to amend Hornsby LEP 2013 as follows:

- 1. Changes to the Land Zoning Map to reflect a residential (and potentially business) zone to permit urban development.**
- 2. Changes to the Lot Size Map to reflect a residential density.**
- 3. Changes to the Height of Buildings Map to reflect the density and housing types proposed.**

The explanation of provisions does not include any details of the proposed zones or development controls. It also does not include provision for any environmental protection zones, although Part 3 of the proposal identifies a need to protect some areas of significant ecological value, including habitat for several threatened species.

There is no indication as to whether the existing E3 Environmental Management zone for the Georges Creek corridor will continue to apply, nor is the existing biodiversity overlay addressed.

In addition to the lot size and height of buildings map, the floor space ratio map will also require amendment if any business zones are to be included. Hornsby LEP 2013 does not apply floor space controls for residential zones, but they are applied to all land zoned for business purposes.

The explanation of provisions does not address whether the existing SP2 Infrastructure zones, including proposed acquisitions for road widening, are to be retained.

The proposal refers only to residential and possibly business zones. There is no indication of the need for other zones likely to be required in a major urban development, including public recreation and infrastructure zones. This issue is discussed later in this report.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

6.2 Reserving Land for Public Purposes

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SREP No. 20 - Hawkesbury—Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

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Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

S.117 DIRECTION 1.2 RURAL ZONES

The planning proposal notes that it is not consistent with this direction and that justification is required. The direction provides that a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone, as proposed for South Dural.

As noted in the proposal, such inconsistency may be justified by a study prepared in support of the planning proposal which gives consideration to the objectives of the direction. It will be necessary for the relevant planning authority to undertake such a study, and it is recommended that this be a condition of the Gateway determination.

S.117 DIRECTION 2.1 ENVIRONMENTAL PROTECTION ZONES

The proposal states that it complies with this direction, as biodiversity studies will be carried out to ensure that the proposal contains provisions that facilitate the protection and conservation of environmentally sensitive areas.

The Department is of the view that the planning proposal in its current form is not consistent with this direction, in particular the requirements that:

- A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.
- A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land.

As noted in Part 3 of the proposal (page 8), the precinct includes areas of significant ecological value, including habitat for a number of threatened species. However the Explanation of Provisions in Part 2 of the proposal does not provide for any protection for these areas.

Parts of the precinct along the Georges Creek corridor are currently zoned E3 Environmental Management in Hornsby LEP 2013, while other areas are subject to a biodiversity overlay. This is not acknowledged in the planning proposal, which does not give any indication as to whether this environmental protection will be retained.

It is recommended that the Gateway determination include a condition which requires the necessary studies to be undertaken and the requirements of this Direction to be addressed prior to exhibition. In particular the proposal should clearly indicate whether the existing E3 zone and biodiversity overlay are to be retained.

S.117 DIRECTION 2.3 HERITAGE CONSERVATION

The proposal states that it complies with this direction, as a heritage study will be undertaken.

The Department is of the view that the planning proposal in its current form is not consistent with the direction. Until a heritage study is undertaken it is not possible to ascertain the need for provisions to facilitate the conservation of heritage items.

It is recommended that the Gateway determination include a condition which requires the undertaking of a heritage study, and that the planning proposal be modified to address the requirements of this direction prior to exhibition.

S.117 DIRECTION 3.2 CARAVAN PARKS AND MANUFACTURED HOME ESTATES

The planning proposal states that this direction is not applicable to the proposal.

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The Department is of the view that this direction does apply, as the precinct includes an existing caravan park on New Line Road. The direction includes a requirement that a planning proposal must retain the zonings of existing caravan parks. It is noted that the current RU2 Rural Landscape zone does not appear to permit caravan parks, but it is assumed that existing use rights apply.

It is recommended that the Gateway determination include a condition that the planning proposal should be amended prior to exhibition to address this direction and the future zoning of the caravan park site.

S.117 DIRECTION 4.4 PLANNING FOR BUSHFIRE PROTECTION

The proposal states that it complies with this direction, as the Rural Fire Service will be consulted following receipt of the Gateway determination.

The Department is of the view that the planning proposal in its current form is not consistent with the direction, as it does not include sufficient information about the proposed provisions to enable consistency with this direction to be addressed.

It is recommended that the Gateway determination include a requirement for consultation with the Rural Fire Service, and that the planning proposal be modified prior to exhibition to address the requirements of this direction.

S.117 DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

The proposal states that it complies with this direction.

The Department is of the view that the planning proposal in its current form is not consistent with the requirement that a planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning.

The South Dural area covered by the planning proposal includes a number of areas identified for road widening along Old Northern Road and New Line Road. These are shown on the Land Reservation Acquisition Map of Hornsby LEP 2013, and marked SP2 Classified Road. The acquisition authority is Roads and Maritime Services.

The Explanation of Provisions in Part 2 of the planning proposal does not include any provision to retain the SP2 zoning, and thus is not consistent with the direction.

The scale of the proposed development is such that land acquisition for other public facilities, such as schools, may be required. These will need to be identified following studies and consultation with the relevant agencies.

It is recommended that the Gateway determination include conditions requiring that:

- The planning proposal be modified prior to public exhibition to clearly identify if the existing reservations for road widening are to be retained.
- Relevant public agencies be consulted regarding future land acquisition requirements, and that these be included in the planning proposal, in accordance with this direction, prior to public exhibition.

S.117 DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal states that it is consistent with this direction, because the Metropolitan Plan promotes housing in and around urban centres, and the protection of rural and resource lands.

The Department is of the view that the proposal may not be consistent with this

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direction. The precinct is not identified as a future urban area in the map on page 106 of the Metropolitan Strategy. Its development for urban purposes is not consistent with Objective F1, to contain Sydney's urban footprint, and Action F1.1, to focus land release in Growth Centres.

Such an inconsistency can be justified if it is demonstrated that the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions. It is recommended that the Gateway determination include a condition requiring that the planning proposal be modified to address this direction prior to exhibition.

SEPP 44 - KOALA HABITAT PROTECTION

The planning proposal states that it complies with the SEPP, as the identification of core koala habitat will be investigated in the biodiversity study.

It is recommended that the Gateway determination include a condition that a study be undertaken to identify any core koala habitat in the area, and that the planning proposal include provisions to protect any such area as provided in clause 15 of SEPP 44.

SEPP 55 - REMEDIATION OF LAND

The planning proposal states that it complies with the SEPP, as a preliminary investigation report would be prepared in the progression of the planning proposal.

Past activities on the site include agriculture, which is an activity which may cause contamination. A preliminary investigation in accordance with the SEPP 55 guidelines is therefore required. It is recommended that the Gateway determination include a condition that a preliminary investigation be undertaken in accordance with the requirements of SEPP 55, and the planning proposal be modified as necessary to take into account the results of that study prior to public exhibition.

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment : The planning proposal includes only a map showing the boundaries of the South Dural precinct. There are no maps showing the proposed land use zones or other development controls. It is proposed that these will be produced following further studies.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Public consultation for a period of two months is proposed. This would occur after the completion of studies and submission of a revised planning proposal to the Department.

Additional Director General's requirements

Are there any additional Director General's requirements?

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? No

If No, comment : The proposal as currently submitted does not contain sufficient information to allow meaningful community consultation. However Council is seeking a conditional Gateway determination to allow further studies and development of the proposal. It would be re-submitted for a revised Gateway determination prior to exhibition.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Hornsby LEP 2013 is a Standard Instrument LEP which commenced on 11 October 2013.

Assessment Criteria

Need for planning proposal :

A planning proposal is required to rezone the land and to amend the height and minimum lot size provisions applying to the precinct.

Consistency with strategic planning framework :

The planning proposal is not the subject of any strategic study or report.

The precinct was nominated and assessed as part of the Government's Potential Home Sites Program. This assessment concluded that the site should not be progressed under that program due to multiple land owners, high fragmentation, long lead times and potential cost of infrastructure to government.

However the assessment concluded that the precinct was a strategic location for housing due to Council support and urban proximity. It was highly rated in terms of Objective 3 - Strategic Fit. The evaluation notes that it is not consistent with strategies, but is an urban fringe site with potential to contribute to a planned pattern of growth. In particular the site is highly accessible. It meets NSW 2021 Goal 20 in relation to public transport accessibility to major centres due to its proximity to Castle Hill and to the planned North West Rail Link stations at Castle Hill and Cherrybrook.

The site is not identified for urban development in the "Metropolitan Plan for Sydney 2036", the "North Subregion Draft Subregional Strategy" or the "Draft Metropolitan Strategy for Sydney to 2031". However it adjoins existing urban development.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

Previous studies provided as attachments to the planning proposal show that the area includes threatened flora and fauna species and endangered ecological communities. Further studies and more detailed planning will be required to identify how these matters are to be addressed. It is recommended that the Gateway determination include conditions requiring such studies and planning.

While not identified in the planning proposal, the proposed rezoning is likely to have an impact of the volume of runoff and water quality in Georges Creek and downstream in Berowra Creek. The planning proposal should address these issues prior to public exhibition.

SOCIAL AND ECONOMIC IMPACTS

The planning proposal indicates that a business plan will be required to address the cost of infrastructure to provide for urban development on the site. It is recommended that this be a condition of the Gateway determination.

The proposal states that a business zone will be considered for parts of the site, and previous plans have identified some sites for business use. The proposal currently does not identify the location or scale of the proposed business uses, and does not address the economic impact on existing businesses.

The planning proposal does not address the social impact of the proposal, including the impact on existing residents.

INFRASTRUCTURE

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The assessment for the Potential Homesites program identified a number of infrastructure issues which need to be addressed. These include capacity of the water supply reservoirs, capacity of the Hornsby West Sewage Treatment Plant, and capacity on major roads.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **24 months** Delegation :

Public Authority Consultation - 56(2) (d) : **Office of Communities - Aboriginal Affairs
NSW Aboriginal Land Council
Hawkesbury - Nepean Catchment Management Authority
Department of Education and Communities
Office of Environment and Heritage
Family and Community Services - Housing NSW
NSW Department of Primary Industries - Agriculture
Landcom
Transport for NSW
Office of Environment and Heritage - NSW National Parks and Wildlife Service
Fire and Rescue NSW
Department of Health
NSW Police Force
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
State Emergency Service
Sydney Water
Telstra
Transgrid
Adjoining LGAs**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Heritage

Bushfire

Economic

Other - provide details below

If Other, provide reasons :

Other studies required are:

- **Infrastructure and servicing strategy, including a business plan to demonstrate how the development can proceed at no cost to Government; and**
- **Traffic study and transport management and accessibility plan.**

Identify any internal consultations, if required :

Residential Land Release (MDP)

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Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The scale and location of the proposed rezoning will require upgrading of a range of infrastructure, including water supply, sewerage and roads, There may also be a requirement for an additional school and other facilities.**

Documents

Document File Name	DocumentType Name	Is Public
South_Dural_Cover_letter.pdf	Proposal Covering Letter	Yes
South_Dural_Planning_Proposal.pdf	Proposal	Yes
Appendix E - Flora and Fauna Investigation.pdf	Study	Yes
Appendix F - Bushfire Investigation.pdf	Study	Yes
Appendix G - Infrastructure Report.pdf	Study	Yes
Appendix H - Traffic, Transport and Accessibility Assessment.pdf	Study	Yes
Appendix I - Retail and Commercial Potential Study.pdf	Study	Yes
Appendix J - Indicative Concept Plan.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 1.2 Rural Zones**
- 2.1 Environment Protection Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 6.2 Reserving Land for Public Purposes**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **RECOMMENDATION AND GATEWAY CONDITIONS**

It is recommended that the planning proposal should proceed subject to the following conditions:

Prior to public exhibition, the Relevant Planning Authority is to undertake the following steps and submit a revised planning proposal for consideration for a revised Gateway determination:

- Undertake studies, or update and revise existing studies, on flora, fauna, heritage, bushfire, traffic and transport management plan, infrastructure requirements and economic impact.

- Prepare a master plan for the proposed development, including proposed zoning lot size and height of buildings maps, and any other changes proposed to the existing Hornsby LEP 2013 maps.

- Provide an estimate of the number of dwellings and proposed commercial floor space expected in the proposed development.

- Prepare an infrastructure strategy and business plan which assesses all infrastructure requirements, demonstrates that the development can be undertaken at no cost to government, and sets out a means to fund the provision of infrastructure through a State Infrastructure Contribution or other funding mechanism.

- All studies are to be completed and a revised planning proposal is to be submitted for a Gateway determination within 24 months from the week following the date of this

Gateway determination.

CONSULTATION WITH PUBLIC AUTHORITIES

Consultation with the following public authorities is required:

- Office of Communities - Aboriginal Affairs
- NSW Aboriginal Land Council
- Hawkesbury - Nepean Catchment Management Authority
- Department of Education and Communities
- Office of Environment and Heritage
- Family and Community Services - Housing NSW
- NSW Department of Primary Industries - Agriculture
- UrbanGrowth NSW
- Transport for NSW
- Office of Environment and Heritage - NSW National Parks and Wildlife Service
- Fire and Rescue NSW
- Department of Health
- NSW Police Force
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- State Emergency Service
- Sydney Water
- Telstra
- Ausgrid
- Adjoining LGAs

SECTION 117 DIRECTIONS

Direction 1.2 Rural Zones

The relevant planning authority is required to undertake a study to justify the inconsistency of the proposal with this Direction.

Direction 2.1 Environmental Protection Zones

The relevant planning authority is required to undertake the necessary studies and planning work, and modify the proposal to address the requirements of this direction prior to exhibition.

Direction 2.3 Heritage Conservation

The relevant planning authority is required to undertake a heritage study and modify the proposal to address the requirements of this direction prior to exhibition.

Direction 3.2 Caravan Parks and Manufactured Home Estates

The planning proposal should be amended prior to exhibition to address the requirements of this direction and the future zoning of the caravan park site on New Line Road.

Direction 6.2 Reserving Land for Public Purposes

The planning proposal should be modified prior to public exhibition to clearly identify if the existing reservations for road widening are to be retained. The relevant public agencies should be consulted regarding future land acquisition requirements, and these should be included in the planning proposal prior to public exhibition.

Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036

The planning proposal should be modified prior to public exhibition to demonstrate that the proposal achieves the overall intent of the Metropolitan Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

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STATE ENVIRONMENTAL PLANNING POLICIES

SEPP 44 - Koala Habitat Protection

The recommended flora and fauna studies should include identification of any core koala habitat in the area, and the planning proposal should be revised to include provisions to protect such areas as provided in clause 15 of SEPP 44.

SEPP 55 - Remediation of Land

A preliminary investigation should be undertaken in accordance with the requirements of SEPP 55, and the planning proposal should be modified as necessary to take into account the results of that investigation prior to public exhibition.

DELEGATION TO COUNCIL

Hornsby Shire Council has not requested delegation of the plan-making function. Given the regional significance of the proposed development, delegation to Council is not recommended.

Supporting Reasons :

Hornsby Shire Council is seeking a conditional Gateway determination to allow further studies to be undertaken and the proposal to be further developed. A revised proposal would be submitted for a revised Gateway determination prior to exhibition.

However the assessment in the Governemnt's Review of Potential Home Sites concluded that the precinct was a strategic location for housing due to Council support and urban proximity. It was highly rated in terms of Objective 3 - Strategic Fit. The evaluation notes that it is not consistent with strategies, but is an urban fringe site with potential to contribute to a planned pattern of growth. In particular the site is highly accessible. It meets NSW 2021 Goal 20 in relation to public transport accessibility to major centres due to its proximity to Castle Hill and to the planned North West Rail Link stations at Castle Hill and Cherrybrook.

The site is surrounded on three sides by existing urban development, and it appears that, subject to further studies and planning, that large parts are suitable for urban development and would make a contribution to meeting Sydney's future housing needs.

Signature:

S Nugent

Printed Name:

SHANE NUGENT

Date:

21/2/14

ACTING TEAM LEADER