

### 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**

### 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.

**STATE ENVIRONMENTAL PLANNING POLICIES**

**SEPP 44 - Koala Habitat Protection**

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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.

## Panel Recommendation

Recommendation Date : 27-Feb-2014

Gateway Recommendation : Passed with Conditions

Panel

Recommendation :

1. Prior to undertaking public exhibition, Council is to undertake the following work:

- (a) Studies on flora and fauna, including analysis of State Environmental Planning Policy (SEPP) No. 44 Koala Habitat Protection with identification of any core koala habitat in the area and provisions to protect such areas as provided in clause 15 of the SEPP;
- (b) Studies on heritage, bushfire, infrastructure requirements, economic impact and a traffic and transport management plan;
- (c) Master plan for the proposed development, including proposed zoning, lot size, height of buildings, floor space ratio and any other changes proposed to the existing Hornsby LEP 2013 maps;
- (d) Details of the proposed number of dwellings and commercial floor space;
- (e) Infrastructure strategy and business plan including assessment of all infrastructure requirements, demonstrating that the development can be undertaken at no cost to government. The means of infrastructure provision should be detailed in a State Infrastructure Contribution or other funding mechanism; and,
- (f) Preliminary Investigation in accordance with the requirements of SEPP 55 Remediation of Land.

2. The following additional information addressing relevant S117 Directions is to be publicly exhibited with the planning proposal:

- (a) A study to justify the inconsistency of the proposal with Direction 1.2 Rural Zones;
- (b) Studies and necessary planning work to address the requirements of Direction 2.1 Environmental Protection Zones;
- (c) A Heritage Study to address the requirements of Direction 2.3 Heritage Conservation;
- (d) Details addressing the requirements of Direction 3.2 Caravan Parks and Manufactured

Home Estates, in particular the zoning and development controls for the caravan site on New Line Road;

(e) Amendment to the planning proposal to clearly identify whether the existing reservations for road widening are to be retained in order to address Direction 6.2 Reserving Land for Public Purposes; and,

(f) Amendment to the planning proposal 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 in order to address Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036.

3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and  
(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Planning & Infrastructure 2013).

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:

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

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

5. Once the relevant information has been obtained and consultation with public authorities has been undertaken, Council is to update its consideration of S117 Directions to reflect the outcomes of the work and consultation undertaken. Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 36 months from the week following the date of the Gateway determination.

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The Minister delegated his plan making powers to councils in October 2012. Due to the nature of the planning proposal being for a major rezoning an authorisation for council to exercise delegation should not be issued.

Signature: 

Printed Name: JAMES MATTHEWS Date: 5/3/14.