

6 PLANNING PROPOSAL - 679 - 685 OLD NORTHERN ROAD, DURAL

EXECUTIVE SUMMARY

- An owner-initiated Planning Proposal has been received which seeks to amend the *Hornsby Local Environmental Plan (HLEP) 2013* to permit a health services facility as an additional permitted land use at Property Nos. 679-685 Old Northern Road, Dural. It also seeks to increase the maximum building height on the site from 10.5 metres to 14 metres.
- The Planning Proposal is attached. Supporting documents, concept plans, ecological, social, traffic, heritage and infrastructure reports are available on Council's website.
- A Letter of Offer to enter a Voluntary Planning Agreement has been submitted, with community benefits including accessibility and traffic works in the area. These items have not been formally considered by Council and would be subject to future negotiations.
- In accordance with Council practice, the proposal was placed on preliminary (non-statutory) exhibition from 27 April to 13 May 2022. Council received three submissions raising objections based on traffic, infrastructure and amenity issues. Submissions from The Hills Shire Council and Transport for NSW were also received outlining matters to be addressed.
- It is recommended that Council not support progression of the proposal to Gateway determination due to inconsistencies with the North District Plan, Ministerial Directions, Local Strategic Planning Statement, Employment Lands Study and Rural Land Study. There are also site-specific merit issues relating to traffic, road infrastructure, landscaping and built form.

RECOMMENDATION

THAT Council not support the progression of the Planning Proposal for Nos. 679-685 Old Northern Road, Dural to permit a health services facility as an additional permitted use and increased building height under the Hornsby Local Environmental Plan 2013, for the following reasons:

1. Inconsistency with the Greater Sydney Regional Plan and the North District Plan.
2. Inconsistency with Section 9.1 Ministerial Directions.
3. Inconsistency with the Hornsby Local Strategic Planning Statement.
4. Inconsistency with the Hornsby Employment Lands Study.
5. Inconsistency with the Rural Lands Study.
6. The proposed land use is incompatible with the rural zone setting.
7. There are potential amenity impacts with the built form on adjoining properties.
8. There are potential traffic impacts on the surrounding road network.

PURPOSE

The purpose of this Report is to present an owner-initiated Planning Proposal for property Nos. 679-685 Old Northern Road, Dural for Council to determine whether the proposal should be supported for progression to the Department of Planning and Environment for a Gateway Determination.

BACKGROUND

On 28 July 2020, a pre-lodgement planning proposal meeting was held to discuss the lodgement of a Planning Proposal seeking to allow a 'health care facility' as an additional permitted use on the rural zoned site. The concept design proposed a health services facility development comprising four storeys, three basement parking levels and a building height of 18.5m. At the meeting, Council officers discussed the strategic work being undertaken by Council, including the Local Strategic Planning Statement (LSPS), Employment Lands Study, the Economic Development and Tourism Study and the (then draft) Rural Lands Study.

The proponent was provided formal advice noting concerns with respect to the inconsistency with Council's strategic plans and overall strategic merit of the proposal to change planning controls to permit an additional permitted use on the rural zoned property. The advice also noted that the height, bulk and scale of the proposal as indicated in concept plans would represent an over development of the site.

In April and July 2021, informal meetings were held between the proponent and Council officers. Advice to the proponent included requirements to address the strategic need for health services in the locality and evaluation of other appropriately zoned sites, consistency with State and local strategic plans, consultation with The Hills Shire Council and analysis of impacts on Round Corner, traffic and parking issues and the public benefit of the proposed changes to planning controls.

On 9 December 2021, a further pre-lodgement planning proposal meeting was held to discuss the lodgement of an amended Planning Proposal seeking to allow a 'health care facility' as an additional permitted use and an increase in the maximum building height to 14 metres on the rural zoned site. The concept design proposed a health services facility comprising three storeys, two basement parking levels and a building height of 14m. At the meeting, Council officers discussed the findings and recommendations of key strategic documents endorsed by Council, including the Local Strategic Planning Statement (LSPS), Employment Lands Study, the Economic Development and Tourism Study, and the (now finalised) Rural Lands Study.

The proponent was provided formal advice noting concerns with respect to the inconsistency with State and Council strategic plans and overall strategic merit of the proposal to change planning controls to permit an additional permitted use on the rural zoned property.

A presentation was provided by the proponent to Councillors at an informal workshop on 6 April 2022. At the workshop, the proponent identified that the Planning Proposal is appropriate as it would respond to the need for health-related services within metropolitan rural lands of Hornsby and The Hills Shire and would be compatible with the emerging character of the Round Corner Town Centre and surrounding area.

The planning proposal was subsequently submitted to Council on 8 April 2022.

DISCUSSION

This report considers the merits of the Planning Proposal (attached) in relation to State and local planning policies and the potential impacts of the proposal. Preliminary consultation and submissions received are also summarised.

1. The Site

The site comprises two allotments, identified as Lot 3 DP395437, Property Nos. 679-681 Old Northern Road, Dural and Lot 1, DP120004, Property Nos. 683-685 Old Northern Road, Dural. The site is located on the eastern side of Old Northern Road, and to the south of the Round Corner Town Centre (within The Hills Shire).

The site is rectangular in shape with an area of approximately 3,471m². The site has a frontage of 48.85 metres to Old Northern Road and a depth of 90 metres. The site experiences a fall of 10% from the Old Northern Road frontage to the eastern, rear corner boundary.

Property Nos. 679-681 Old Northern Road contains a two-storey dwelling house and in-ground swimming pool. Property Nos. 683-685 Old Northern Road contains a single storey dwelling house centrally located within the allotment.

The site contains vegetation predominantly within the southern portion of the property and within the frontage along Old Northern Road, comprising a combination of native and exotic species including Southern Blue Gum (*Eucalyptus bicostata*) and Smooth-barked Apple (*Angophora costata*). Remnant vegetation along Old Northern Road and within adjacent private lands has been mapped as Sydney Turpentine Ironbark Forest (STIF) which is listed as a Critically Endangered Ecological Community under the *NSW Biodiversity Conservation Act 2016*.

Site access for pedestrians and vehicles is via Old Northern Road along the western boundary of both allotments. Vehicle access to the allotments is via two separate driveways at Nos. 679-681 and Nos. 683-685 Old Northern Road. An existing pedestrian footpath located along the Old Northern Road frontage and a pedestrian refuge island located directly to the west of the subject site provide pedestrian access to, and from, the Round Corner Commercial Centre and adjoining properties. An existing bus stop accommodating regular Sydney Bus Services is located directly south-west of the subject site.

Adjoining land uses include a veterinary hospital to the north (Nos. 687-689 Old Northern Road), a seniors housing development to the east (Nos. 705-717 Old Northern Road) and dwelling houses to the south (Nos. 675-677 Old Northern Road). To the west of the site, within The Hills Local Government Area, the existing vacant land (Nos. 488-494 Old Northern Road, Dural) is zoned B2 Local Centre and R3 Medium Density Residential and permits a maximum building height of 18m. Development consent for a mixed-use development accommodating two-storeys of retail/commercial space and two basement level carparks on the site was approved in 2021.

A heritage listed dwelling (Heritage item No. 347) is located at Nos. 671-673 Old Northern Road to the south of the site.

2. The Planning Proposal

The Planning Proposal seeks to amend the HLEP by:

- Amending Schedule 1 – Additional Permitted Uses, to permit the development of a health services facility at Nos. 679-685 Old Northern Road, Dural.
- Amending the Additional Permitted Uses map to identify the site.
- Amending the Maximum Building Height map to reflect a maximum building height of 14 metres for the site.

The concept plans submitted with the application include a three-storey, diversified health services facility comprising the following:

- 19 specialist consulting rooms.

- A 16-room medical centre.
- Pathology collection area.
- Medical imaging centre.
- 172m² of ancillary retail space.
- Medical laboratories.
- Day surgery with 4 operating rooms.
- 20 recovery bays.
- 15 short stay beds.
- An ambulance bay.
- Two basement car parking levels accommodating 164 motor vehicles spaces.

The proposed vehicular access to, and from, Old Northern Road would comprise a left-only entrance driveway at the northern frontage of the site and a left-only exit driveway at the western frontage of the site, separated by a 29m wide vegetated nature strip. The concept plan indicates an internal road where vehicles would cross the front of the building then one-way traffic would circulate in an anti-clockwise direction around the building, crossing the front of the building again to reach the exit driveway. Drop off areas are proposed at the western frontage of the building with access to the basement car park and loading dock to the rear at the eastern building elevation.

The proposal identifies that over 30 trees are located on site, of which 24 would be removed to deliver the concept plan.

A letter of offer to enter a voluntary planning agreement has been submitted with the planning proposal, with public benefits comprising public domain and pedestrian accessibility works. These works are proposed to be integrated with the surrounding public domain works associated with development at No. 660 Old Northern Road, Dural and Nos. 488-494 Old Northern Road, Dural (within The Hills LGA). The following items of public benefit are identified:

- A footpath along the frontage of the site, as well as footpath upgrades along the eastern side of Old Northern Road north of the site to connect the existing signalised pedestrian crossing at the Kenthurst Road intersection.
- Road works along Old Northern Road, including the refurbishment of the pedestrian refuge island directly to the west of the site.
- Street planting along the eastern side of Old Northern Road between the site and Kenthurst Road intersection.
- Relocation of the existing bus shelter to the south of the site.

Supporting documentation and technical studies submitted in support of the proposal include:

- Architectural Plans (Health Projects International, 8 April 2022)
- Site Survey (Richard & Loftus, 22 February 2022)
- Urban Design & VIA (Architectus, December 2019)
- Landscape Plan (John Chetham & Associates, 25 January 2022)
- Sieving Assessment (Architectus, 2 February 2022)

- Market Assessment (Health Projects International, 8 March 2022)
- Agricultural Viability Assessment (Edge Land Planning, March 2022)
- Traffic & Transport Assessment (The Transport Planning Partnership, 9 March 2022)
- Arboricultural Assessment (EcoLogical Australia, 7 April 2022)
- Flora & Fauna Assessment (EcoLogical Australia, 16 December 2021)
- Aboriginal Heritage Assessment (Extent Heritage, 18 January 2022)
- Heritage Impact (Extent Heritage, 4 February 2022)
- Acoustic Assessment (Norrebro Design, 7 February 2022)
- Preliminary Site Inspection (Geotechnique Pty Ltd, 22 December 2021)
- Civil Plans & Stormwater Assessment (CHRISP Consulting, 14 February 2022)
- Bushfire Advice (EcoLogical Australia, 16 December 2021)
- Infrastructure & Services Assessment (Diversi Consulting, 18 November 2021)
- Economic Viability Impact Assessment (Atlas Urban Economics, March 2022)
- Voluntary Planning Agreement (Healing ONR, 2 March 2022)
- Strategic Planning Framework (Keylan Consulting, March 2022)
- Design Statement (Health Projects International, 18 February 2022)
- Stakeholder Consultation – (Various)
- Sewage Report (CHRISP Consulting, 2 March 2022)

The Planning Proposal is attached to this report and the above listed documents can be viewed at <https://www.hornsby.nsw.gov.au/property/build/policies/planning-proposals/Planning-Proposal-for-679-685-Old-Northern-Road,-Dural>.

The concept plans have been submitted to seek to demonstrate that the proposed use could reasonably be accommodated on the site. Should the Planning Proposal be progressed, the development of a health services facility would not be limited to the design shown on the concept plans. Development would be the subject of a future development application.

3. Strategic and Statutory Context

Relevant policies and legislation are discussed below. The proponent has submitted a Strategic Planning Framework Assessment which suggests that the proposal demonstrates strategic merit with reference to aspects of the Greater Sydney Region Plan, the North District Plan, Section 9.1 Local Planning Directions, the Hornsby Local Strategic Planning Statement, Hornsby Employment Land Study and the Hornsby Rural Land Study. The proponent's comments are outlined below where they differ from Council's assessment of strategic merit.

Greater Sydney Region Plan - A Metropolis of Three Cities and North District Plan

A Metropolis of Three Cities – the Greater Sydney Region Plan (GSRP) has been prepared by the NSW State Government to guide land use planning decisions for the next 40 years (to 2056). The North District Plan (NDP) is a guide for implementing the Greater Sydney Region Plan at a District level and is a bridge between regional and local planning.

The plans set key strategies and actions for accommodating Sydney's future population growth and identifies several objectives or planning priorities under five key themes including infrastructure and collaboration, liveability, productivity, sustainability and implementation.

The planning priorities of NDP and objectives of the GSRP most relevant to the proposal are addressed below. These are addressed in order of relevance.

Planning Priority N10: Growing investment, business opportunities and jobs in strategic centres

In the North District Plan, under *Planning Priority N10: Growing investment, business opportunities and jobs in strategic centres*, there is one action that Council is required to consider in land use planning that are relevant to the proposal:

- Action 43. *Strengthen Hornsby through approaches that: (in part):*
 e. support health-related land uses and infrastructure around Hornsby-Ku-ring-gai Hospital

This action aligns with Objective 22 of the Greater Sydney Region Plan that seeks investment and business activity in centres.

Proponent Assessment: The proponent states that the proposed health services facility would be a compatible land use within an identified town centre (Round Corner) according to The Hills Shire LSPS. The proposed health services facility would assist in meeting an identified shortfall in health-related services for an ageing and growing rural population in the Metropolitan Rural Area (MRA), and benefit the trading potential of the Round Corner Town Centre and surrounding land uses.

Response: Council's Employment Land Study addresses the above action through directions to support sustainable growth, particularly around the Hornsby Town Centre. The location of the proposed health services facility in Dural would decentralise a health-related land use away from the area around the Hornsby Ku-ring-gai Hospital which is inconsistent with the Greater Sydney Region Plan, North District Plan and its actions for growing investment, business opportunities and jobs in strategic centres.

Planning Priority N9: Growing and investing in health and education precincts

In the North District Plan, under *Planning Priority N9: Growing and investing in health and education precincts*, there is one action that Council is required to consider in land use planning that are relevant to the proposal:

- Action 29. *Facilitate health and education precincts that:*
 a. create the conditions for the continued co-location of health and education facilities, and services to support the precinct and growth of the precincts

This action aligns with Objective 21 of the Greater Sydney Region Plan seeks to develop internationally competitive health, education, research and innovation precincts.

Proponent Assessment: The proponent submits that although the proposal does not form part of an identified health precinct, it responds to an identified gap of day surgeries and hospitals in the market within the Round Corner/Dural locality. Due to Round Corner's poor public transport connectivity to established health precincts within Hornsby and The Hills Shire LGAs, the surrounding aged care and seniors housing land uses and an undersupply of acute private hospital beds within the region, the proposed development would result in a more equitable distribution of health services throughout Hornsby Shire.

Response: Council's Employment Land Study addresses the above action through directions to create a health and social services precinct in and around the Hornsby Ku-ring-Gai Hospital. The location of the proposed health services facility in Dural would locate an incompatible land use away from the designated Hornsby health and social services precinct resulting in an isolated development removed from vital services and limiting connectivity to associated land uses. Accordingly, the proposal is inconsistent with the North District Plan and its actions for creating conditions to grow and invest in health and education precincts with appropriate services and facilities.

Planning Priority N18: Better managing rural areas

In the North District Plan, under *Planning Priority N18: Better Managing Rural Areas*, there are two actions that Council is required to consider in land use planning that are relevant to the proposal:

Action 69. *Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.*

Action 70. *Limit Urban Development to within the Urban Area.*

This action aligns with Objective 29 of the Greater Sydney Region Plan that seeks to ensure that the environmental, social and economic values in rural areas are protected and enhanced.

Proponent Assessment: The proponent acknowledges that the site is located within land identified as the Metropolitan Rural Area (MRA), however suggests that the site is within the urbanised footprint of Round Corner Town Centre which has low scenic value and existing site constraints with limited opportunities for agricultural land uses. The proponent also suggests that the site is no longer able to meet its 'highest and best use' due to the shift to urban development in the locality. Further, the Planning Proposal would not result in a precedent for similar developments in the vicinity due to the rural zoning being retained.

Response: Council has recently finalised a Rural Lands Study that has addressed the above actions through a place-based planning approach (see below under the heading Rural Lands Study). Council's assessment notes that the site is not located within the Round Corner Town Centre and the proposed health services facility on a rural zoned property is inconsistent with the GSRP and the North District Plan as it would not enhance the values of the rural area and does not limit urban development to urban areas.

The proponent's Strategic Framework Assessment has addressed a number of other planning priorities in the NDP and objectives of the GSRP which are of lesser relevance to the Planning Proposal – this can be viewed at <https://www.hornsby.nsw.gov.au/property/build/policies/planning-proposals/Planning-Proposal-for-679-685-Old-Northern-Road,-Dural>.

Section 9.1 Local Planning Directions

Section 9.1 of the *EP&A Act* allows the Minister for Planning (the Minister) to provide direction to Council in relation to the preparation of draft local environmental plans. The directions considered for the planning proposal commenced on 1 March 2022.

Direction 1.1 – Implementation of Regional Plans

The objective of the direction is to give legal effect to the vision, land use strategy, goals, directions, and actions contained in Regional Plans (e.g. the Greater Sydney Region Plan). The direction requires a planning proposal to be consistent with a Regional Plan released by the Minister for Planning.

Proponent Assessment: The proponent notes that the planning proposal is consistent with the Greater Sydney Region Plan, and as a result would be consistent with this Direction.

Response: Council's assessment identifies that the Planning Proposal would result in a health services facility on rural zoned land in proximity to the Round Corner Town Centre, with limited access to infrastructure and associated services in a pedestrian catchment.

The location of the proposed health services facility in Dural would decentralise a health-related land use away from the area around the Hornsby Ku-ring-gai Hospital and would not give effect to the North District Plan and its actions for growing investment, business opportunities and jobs in strategic centres.

The Planning Proposal is inconsistent with the Planning Priorities of the Greater Sydney Region Plan and North District Plan, particularly those related to Objective 21 (develop internationally competitive health, education, research, and innovation precincts) and Objective 29 (ensure that the environmental, social, and economic values in rural areas are protected and enhanced).

Direction 1.4 – Site Specific Provisions

The objective of the direction is to discourage unnecessarily restrictive site-specific planning controls. The direction prescribes that a planning proposal must either:

- a) *Allow that land use to be carried out in the zone the land is situated on, or*
- b) *Rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in the zone*
- c) *Allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

The proponent has submitted indicative concept plans to identify the potential built form envisaged on the site to be facilitated by the proposed changes to planning controls. Further, the proponent notes that they are open to preparing a site specific DCP following a Gateway Determination as the current provisions within the Hornsby DCP 2013 do not provide appropriate built form controls for a health services facility on the site.

The proponent acknowledges that the planning proposal is inconsistent with this Direction, however they consider the inconsistency to be minor in nature and justifiable as it provides greater certainty on the form and function for future development on the site.

The proposal seeks a health services facility as an additional permitted use as it would provide certainty of the future use on the site without adding the land use to the permissible uses in the RU2 zone generally or rezoning the site. Additional site specific development controls would be appropriate to address matters relating to build form, site access, setbacks and design.

The inclusion of a health services facility as a permitted land use in rural zones would not be recommended due to built form incompatibility, lack of appropriate services and infrastructure within the vicinity, and issues related to conflicting land uses. Further, it would be inconsistent with the outcomes of the Rural Lands Study (see discussion below under the heading Rural Lands Study).

Rezoning of the site to a business zone (in which health services facilities are currently permitted in the HLEP) would also not be appropriate, as this would provide greater opportunities for development of a range of commercial activities within an otherwise rural area. Allowing a business zoned site

within the broader surrounding rural zoned lands would result in land use conflicts with adjoining properties, including interfacing issues and amenity impacts.

Direction 3.2 - Heritage Conservation

The objective of the direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. The direction requires planning proposals contain provisions that facilitate the conservation of items of heritage significance to the area.

The property is not listed as a heritage item and is not located within a Heritage Conservation Area (HCA) under Schedule 5 of the Hornsby Local Environmental Plan (HLEP) 2013. The property is however, located within the vicinity of:

- Heritage item No. 347 - House at Nos. 671-673 Old Northern Road, Dural
- Heritage item No. 488 – Roadside Trees, Old Northern Road
- Archaeological item No. A12 (*The Hills Shire LEP 2019*) – Old Northern Road, between Dural and Wisemans Ferry

The proponent submitted a Statement of Heritage Impact and Aboriginal Heritage Assessment which identifies that the future development of the site would have no direct impact on any local heritage items in the vicinity or impacts on significant historic views and settings.

Council's heritage evaluation of the proponent's technical reports and description of proposed changes to the subject site concurs that the planning proposal would have no direct impact on the significant aspects of the adjacent heritage or archaeological items. Accordingly, the planning proposal is consistent with this direction.

Direction 4.3 - Planning for Bushfire Protection

The objective of the direction is to protect life, property, and the environment from bushfire hazards, by discouraging the establishment of incompatible land uses and encouraging sound management of bushfire prone areas. The direction applies to planning proposals that would affect, or are located in proximity to, bushfire prone land.

The proponent submitted a Bushfire Advice Statement which identifies that the site is not identified as bushfire prone land and as a result this direction is not applicable.

It is acknowledged that the site is not identified as bushfire prone land however, it is located approximately 89m north-east and 110m north-west of land identified as a bushfire risk buffer zone. Should a gateway determination be issued, the NSW Rural Fires Service would be consulted prior to undertaking community consultation to determine whether the proposal is acceptable with respect to bushfire risk and whether further information, such as a bushfire risk assessment is required.

Direction 4.4 – Remediation of Contaminated Land

The objective of the direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered. The direction prescribes that a change of use/zoning cannot be made unless the planning proposal authority has considered whether the land is contaminated and any suitable mitigation measures if required.

The proponent submitted a Preliminary Site Investigation which identifies the subject site has potential for contamination and further investigation would be required to ensure the site is appropriate for the proposed use and to ensure consistency with this direction.

The site is located in a rural zone and appears to have been previously used for agriculture. The *Managing Land Contamination: Planning Guidelines – SEPP 55 Remediation of Land* indicate that agricultural activities may result in land contamination.

The technical report and associated documentation identify that the concept plans submitted with the proposal indicate extensive excavation across the site for the purposes of underground parking which would likely mitigate any potential contaminants onsite.

Direction 5.1 – Integrating Land Use and Transport

The objective of the direction is to ensure that urban structures, building forms, land use locations, development designs, subdivisions and street layouts achieve planning objectives regarding improving access, increasing transport choice, reducing travel demand and distance travelled and supporting public transport operation.

The objective requires planning proposals to be consistent with the aims, objectives and principles of:

- *Improving Transport Choice – Guidelines for planning and development (DUAP 2001).*
- *The Right Place for Business and Services – Planning Policy (DUAP 2001).*

Proponent Assessment: The proponent acknowledges that the locality of the site and surrounding Round Corner Town Centre is disconnected from proposed health-related land use precincts, namely the Hornsby Ku-ring-gai Hospital and Health precinct (Hornsby Shire) and the planned Rouse Hill Hospital (The Hills Shire), without public transport connections. However, the planning proposal would allow a health services facility within an accessible catchment for local residents of Round Corner enabling ageing in place, improved walkability and diversity of employment opportunities and services within the broader area.

Response: It is acknowledged that the planning proposal would increase permissible commercial density within a walkable catchment of the Round Corner Town Centre and a serviced Sydney Bus line. However, a health services facility would encourage and be largely reliant on private vehicle usage to access the services provided.

The planning proposal for an out of centre, vehicle generating land use is generally inconsistent with the direction.

Direction 9.1 – Rural Zones

The objective of the direction is to protect the agricultural production value of rural land. The direction prescribes that a planning proposal does not rezone land from a rural to a residential, business, industrial, village or tourist zone and not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

Proponent Assessment: The proponent indicates that the planning proposal is consistent with this direction because the proposal does not seek to rezone the site from a rural zone, and the increase in maximum building height on the site relates to the locality within an existing town centre (i.e. Round Corner Town Centre) and it is not inconsistent with the surrounding urban context. Further, the proponent submitted an Agricultural Viability Assessment that identifies that the site is no longer suitable for intensive agriculture due to its land size, topography, soil quality and locality on the fringe of an existing town centre.

Response: It is acknowledged that the planning proposal does not propose a rezoning. However, it proposes a health service facility as an additional permitted use on a rural zoned lot. Health services facilities are currently permitted in business zones.

A health services facility as an additional permitted use would have a similar impact to a rezoning of the site to business as it would facilitate an urban use and an increase in the density of development permitted on the site. Accordingly, the planning proposal is generally inconsistent with the direction.

Hornsby Local Strategic Planning Statement

Hornsby's Local Strategic Planning Statement (LSPS) sets out a 20-year vision for land use in Hornsby Shire, identifying the special character and community values that are to be preserved as well as how Council will manage growth and change. These matters are considered under the themes of Liveable, Sustainable, Productive and Collaborative.

Under the theme of 'Productive', the LSPS identifies that Council will investigate options to enhance the provision of the local health and education services and ensure that any new health and education facilities and services are delivered alongside any expected growth. For health facilities in particular, the LSPS states:

"Locating health and other social infrastructure within the Hornsby Town Centre has a number of advantages including proximity to larger health providers, high accessibility for people of all ages and abilities and clustering services that cater to people's needs at different stages of life."

Further, the relevant priorities and actions in the LSPS include:

- Action SA11: Finalise the Rural Lands Study
- Action SP8: Maintaining and enhancing the environmental, economic and scenic values of the Metropolitan Rural Areas of Hornsby
- Action PP3: Focussing economic development in and around existing centres and employment precincts in the Shire, with a key focus on the strategic centre

Proponent Assessment: In addressing Action SP8, the proponent suggests that the site is unable to deliver an agricultural land use, as it is located within an urbanised area of the rural lands with low visual significance, and the site-specific proposal would result in a better planning outcome for the area.

Response: The Rural Lands Study has recently been finalised and will inform future amendments to the LSPS which include identification of landscape areas and new actions relating to managing rural lands. Although it is acknowledged that rural activities may not be sustainable on the site, the George's Creek landscape area does not recommend further urban or commercial land uses within rural zoned land (see below under the heading Rural Lands Study).

Proponent Assessment: In addressing Action PP3, the proponent suggests that the majority of Hornsby's resident workforce is employed outside of the Shire which impedes on the lifestyle of commuting residents. As health services are to be provided alongside future areas of population growth and public transport connectivity to identified health precincts within the Hornsby Ku-ring-Gai Hospital and Rouse Hill Hospital is poor, the planning proposal would meet an identified shortfall in the locality, contribute to urban revitalisation of the town centre and boost the health sector for Hornsby Shire.

Response: Actions relating to focusing economic development in, and around, strategic centres (PP3) are supplemented by the recommendations and actions outlined in the adopted Employment Land Study (discussed further below). Although it is acknowledged that a significant portion of the Hornsby Shire resident workforce is employed outside the local government area, the ELS recommends that health service facilities be developed around Hornsby Ku-ring-gai Hospital, to ensure services are

located in designated growth areas (Hornsby Town Centre) and that appropriate access is facilitated in well serviced areas of the Shire.

A site-specific planning proposal for a health services facility on rural zoned is generally inconsistent with LSPS actions.

The proponent has addressed a number of other priorities of the Hornsby LSPS which are of lesser relevance to the Planning Proposal, however they are included in the attached document for consideration.

Employment Lands Study

Council's *Employment Lands Study* (ELS) provides a strategic framework to facilitate and accommodate future employment growth within Hornsby Shire in the context of the North District Plan. The ELS was endorsed by Council in May 2021.

The ELS identifies health care and social services as a standout growth industry for Hornsby Shire over the ten-year period to 2016, with a concentration of this land use type focused around key employment centres including Hornsby and Asquith. The ELS also identifies that Hornsby Shire has experienced an ageing of the population, comprising 84% of the net growth in the LGA, which would increase the demand for health-related services to be provided in and around Hornsby's commercial centres and hospital precincts.

The ELS recommends several strategies related to employment lands. The following are most relevant to the Planning Proposal:

- Strategy 4.2: Support the growth of agriculture, manufacturing and tourism
- Strategy 4.4: Partnerships with the health and social services industry
- Strategy 5.1: Road networks are appropriate to accommodate growth

Proponent Assessment: The proponent's Agricultural Viability Assessment identifies that the site has been sterilised by its size, slope, and surrounding urban uses, as well as the underlying property value shift due to its existing residential use. It is suggested that redevelopment of the site would assist address land conflict issues in the locality and expansion of the Round Corner Town Centre.

Response: The ELS recommends protecting and supporting the productivity of rural lands, including undertaking meaningful engagement with local producers and industries to determine pathways to further support the productivity of rural lands as part of the Rural Land Study and Economic Development and Tourism Strategy. The Planning Proposal to permit a health services facility on a rural zoned lot would introduce a large-scale commercial operation into a low scale area with a rural context and not align with the Council's strategic approach to rural lands and economic development.

Proponent Assessment: In addressing Strategy 4.4, the proponent suggests that the future redevelopment of the site as a health services facility may facilitate partnerships between the health and social services industry sectors.

Response: The ELS recommends focusing health and social service industries in, and around, the current Hornsby Hospital site, to encourage a concentration of health-related land uses that are accessible and well serviced. The Planning Proposal intends to provide a diversified health services facility on rural zoned lands within Dural/Round Corner area, approximately 8.6 kilometres west of the Hornsby Hospital. This location is decentralised from compatible land uses resulting in an increased reliance on motor vehicle use and travel for associated services.

Proponent Assessment: The proponent's Traffic and Transport Assessment concludes that the traffic generated by the proposed development would have a minor impact on the surrounding road network

relative to the substantial development and growth expected in the areas, including level of service ratings at all intersections.

Response: The ELS notes that several road networks within Hornsby Shire are at or nearing capacity resulting in congestion, limiting vehicle movement efficiency and commercial growth. The ELS recommends a Transport and Traffic Study be undertaken to identify priority areas and work with Transport for NSW to assist in easing the capacity on key road networks, including New Line Road. The site adjoins the State arterial road of Old Northern Road under the jurisdiction of Transport for NSW (TfNSW) and the proposed health services facility would result in increased vehicular movements to and from the site, along Old Northern Road and increase pressure on the Dural Road network more broadly.

The Planning Proposal would result in an outcome that is inconsistent with the ELS.

Rural Lands Study

The Rural Lands Study (RLS) has been prepared to set the strategic direction for the rural lands within Hornsby Shire. It addresses actions in the North District Plan to use place-based planning to maintain the values of the area and deliver targeted environmental, social and environmental outcomes. The RLS was finalised by Council in June 2022.

The place-based planning approach involves the identification of landscape areas and a character statement for each. A landscape area is a place with shared characteristics such as landform, vegetation, land uses and other unique qualities. The place-based approach enables the Study to provide recommendations specific to each landscape area, having regard to the unique landscape qualities and opportunities.

The Study identifies 13 landscape areas and a character statement for each.

The site is located within the Georges Creek landscape area, which comprises land within the suburbs of Dural and Glenhaven, bounded by Old Northern Road, New Line Road and Hastings Road. The character statement for Georges Creek is:

‘Georges Creek winds through this landscape area and provides a densely treed backdrop which lends a green and rural feel to the area. In this location, remnant native vegetation is tall, and the dominant vegetation communities are Blackbutt Gully Forest, Turpentine Ironbark Forest and Blue Gum High Forest.

There is a wide variety of land uses in this landscape area, including urban services (garden centre, auto repairs), retirement living, and rural lifestyle properties. These activities are clustered along Old Northern Road and New Line Road, across from the South Dural Service Centre. The feel along main roads is one of mixed uses, while travelling down smaller local roads gives a sense of arrival in a rural lifestyle area.

The landscape area abuts nearby urban areas of Glenhaven and Castle Hill. The open space and scattered vegetation, marks a transition to Hornsby Shire's rural area.’

The Study recommends preserving non-urban breaks between villages by avoiding ribbon development on major roads. This may include collaboration with the Hills Shire Council to manage the boundary between the landscape area and urban areas, as well as updating the DCP to include design details for retail and commercial development adjoining Old Northern Road to ensure it is sympathetic to surrounding landscape.

The Study also recommends that Georges Creek landscape area be retained for productive agricultural land and that additional land uses be introduced to support primary production activities including agribusinesses, rural industry and tourism.

Proponent Assessment: The proponent states that the site is sterilized by surrounding urban development and the proposed redevelopment would be compatible with the locality and support the expansion of the Round Corner Town Centre. The proponent contends that a health services facility on the site would provide a pedestrian accessible service in close proximity to a local centre, while also supporting a need for health services within the rural areas of Hornsby and The Hills Shires.

Response: In accordance with the Rural Lands Study, a 'health services facility' is not recommended as a permitted use in conjunction with agricultural activities in the Georges Creek landscape area. It is further noted that The Hills Shire Council has indicated that the planned expansion site at Nos. 488-494 Old Northern Road, Dural will service future retail demand in the area, no further expansion is planned for the Round Corner Town Centre and suitably zoned land that permits a health services facility is located either within the Round Corner Town Centre or around the Rouse Hill Hospital site.

A site-specific planning proposal for a health services facility is inconsistent with the Rural Land Study.

Economic Development and Tourism Strategy 2021-2026

The *Economic Development and Tourism Strategy 2021-2026* has been prepared to provide Hornsby Shire Council, in its role as a promoter and a facilitator of economic development, with a well-articulated plan of action to support the vibrancy, diversity and sustainability of the Hornsby Shire. The Strategy was endorsed by Council in May 2021.

As highlighted in the Strategy, Hornsby Shire currently hosts approximately 9000 jobs in Health Care and Social Assistance sector, provided by over 1000 businesses. The local employment capacity in the Health Care and Social Assistance sector is approximately 0.8 – which suggests that the new jobs created by the development would benefit local people working in the sector who are currently travelling outside of the Shire to work. The industry added value of Health Care and Social Assistance is more than \$600 million per annum - which is 12% of total industry added value – highlighting the importance of the sector to the local economy.

However, the Economic Development and Tourism Strategy recommends several actions for health-related land uses and the Hornsby Shire rural lands. The following are most relevant to the Planning Proposal:

- Action 2.12: Investigate opportunities for a university campus and / or broader education and health hub to be incorporated into the Hornsby Town Centre revitalisation.
- Action 3.3: Support Hornsby Shire's rural and river communities through delivery of the Rural Lands Strategy – including, potentially, the development of a separate Destination Management Plan.

Proponent Assessment: The proponent acknowledges that the health care and social assistance sector is one of the most important employment and value-adding industries for Hornsby Shire's economy and is a foundation for future economic growth and development in the LGA. The proponent suggests that the proposed health services facility aligns with the Strategy as it will *"generate further economic value, boost employment opportunities and provide sustainable growth in the health care sector to support economic growth of the LGA"* including 180 additional full-time jobs and annual economic activity of \$34.9 million in output.

Response: The proposal seeks to establish a health services facility which may build on the economic strengths of the Health Care and Social Assistance sector within Hornsby Shire. However, the proposal would be counterproductive to supporting opportunities to grow a health hub/precinct within

the Hornsby Town Centre and would introduce a large-scale commercial operation into an area with a low scale and rural context.

The proposal would result in an outcome that is inconsistent with the Economic Development and Tourism Strategy.

Hornsby Local Environmental Plan 2013

The proposal does not propose to change the zoning of the site from RU2 Rural Landscape or SP2 Infrastructure – Road. The objectives of the RU2 (Rural Landscape) zone are:

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*
- *To encourage land uses that support primary industry, including low-scale and low-intensity tourist and visitor accommodation and the provision of farm produce direct to the public.*
- *To ensure that development does not unreasonably increase the demand for public infrastructure, services or facilities.*

The objectives of the SP2 (Infrastructure - Road) zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

There are a range of land uses permitted in the RU2 zone that are considered compatible with the zone objectives. These include (but are not limited to) aquaculture, animal boarding or training establishments, community facilities, dwelling houses, eco-tourist facilities, extractive industries, farm buildings, garden centres, intensive livestock agriculture, intensive plant agriculture, roadside stalls, bed and breakfast accommodation and farm stay accommodation. The SP2 land is identified in the HLEP Land Acquisition map for road widening.

The Planning Proposal seeks to add the site to Schedule 1 – Additional Permitted Uses to permit a health services facility on the site, which is currently prohibited within the RU2 and SP2 land uses zones. The definition for health services facility is provided below.

health services facility means a building or place used to provide medical or other services relating to the maintenance or improvement of the health, or the restoration to health, of persons or the prevention of disease in or treatment of injury to persons, and includes any of the following –

- a) *A medical centre.*
- b) *Community health service facilities.*
- c) *Health consulting rooms.*
- d) *Patient transport facilities, including helipads and ambulance facilities.*
- e) *Hospital.*

The Planning Proposal also seeks to

- Amend the Additional Permitted Use map to identify the site; and

- Amend the Height of Buildings map to increase the maximum building height from 10.5m to 14m.

This proposal would not require a change to the zoning or application of Floor Space Ratio for the site, however a change to development standards for height would occur. Should a Gateway Determination be issued, the proposed amendment to Schedule 1 should not apply to that part of the land that is zoned SP2 (Infrastructure – Road).

Hornsby Development Control Plan 2013

The Hornsby Development Control Plan 2013 (HDCP) applies to all land within Hornsby Shire and is a comprehensive framework for the development of land. The HDCP aims to outline procedures, processes and responsibilities to ensure that development is consistent with Council's vision of maintaining an environment which is sustainable and liveable. Future development applications would be considered in the context of the provisions of the HDCP.

The relevant Parts of the HDCP that would be applicable to the Planning Proposal are *Part 1 – General* and *Part 2 Rural*.

Part 1 - General identifies controls concerning the Built Environment (such as car parking and effluent disposal), Natural Environment (such as biodiversity and stormwater management) and hazards (such as bushfire and flooding).

Part 2 - Rural also applies to the subject land and identifies controls concerning the scale and design of rural dwellings/buildings and controls for rural land uses such as agriculture and tourism.

Part 4 – Business: Includes controls concerning the scale, setbacks, landscaping, traffic management work and vehicle access and parking for business lands. Although this does not directly apply to the site, the controls within this section can be considered as a guide for the proposed land use.

Should a gateway determination be issued, further consideration of site specific HDCP controls for the health services facility would be required. HDCP controls would be necessary to control the built form, scale, vehicular access and landscape outcome of a future development.

4. Impacts of the Proposal

The potential impacts of the Planning Proposal are discussed below, along with the supporting documentation and technical studies submitted by the proponent in support of the proposal.

Traffic

Old Northern Road is a classified State arterial road under the jurisdiction of Transport for NSW (TfNSW). The requirements of the State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP) should be considered as the proposed land use (commercial premise) is identified as a traffic-generating development under Clause 104 and the subject site adjoins a road that is subject to Clause 101(2a) of the Infrastructure SEPP. Concurrence with TfNSW would be required for the proposal to progress.

A portion of the proposed development site (Nos. 679 – 681 Old Northern Road) along the front, north-western portion of the site is zoned SP2 Infrastructure and is identified for road widening on Council's Land Reservation Map for the purpose of Classified Road. The proposal does not propose any works to occur within the SP2 portion of the site. However, further consultation with TfNSW would be required regarding the proposed timing, works involved and design requirements along the site frontage for road widening.

The proponent's Traffic and Transport Assessment considers traffic generation of the proposed development with estimated hourly vehicle movements during the morning peak, afternoon peak and

Saturday peak using the TfNSW Trip Generation Surveys – Medical Centres Analysis Report. Based on these figures, it is estimated that the proposed development would generate between 117 and 131 vehicles per hour during peak periods. Concern is raised with the adopted trip generation rates for the proposed development based on TfNSW's Trip Generation Surveys – Medical Centres Analysis Report. A higher trip generation rate such as that cited for the Dural Medical Centre is more appropriate and the submitted Traffic Report should be updated accordingly because it is more representative of a health facility outside a commercial centre/urban setting.

The proponent's Traffic and Transport Assessment also provides future traffic growth using estimates based on TfNSW's 'Sydney's Travel and Forecast Model' (STFM) and the potential impact on the surrounding road network using SIDRA Intersection modelling. The proponent's modelling assumes that majority of visitors/customers for the site would arrive from the north, via Kenthurst Road and Old Northern Road, and exit the site southbound via Old Northern Road and utilising various routes to travel northbound. Estimated traffic generated by approved developments (at Nos. 488-494 Old Northern Road and 669 Old Northern Road) utilising the surrounding Old Northern Road network have also been considered within future modelling scenarios.

The proponent's analysis concludes that the resulting unrelated background growth in traffic from surrounding approved developments at Nos. 488-494 Old Northern Road and 669 Old Northern Road, as well as generalised population growth in the Round Corner area, would result in the road network nearing capacity. The proponent states that the additional traffic generated by the proposed development is expected to have a minor impact on the road network. This assessment undervalues the localised impacts of the proposed development, particularly the flow on effect of left-in/left-out access to the site on surrounding streets such as Franlee Road and Stonelea Circuit.

Should a Gateway Determination be issued, the proponent should be requested update their Traffic and Transport Assessment with revised traffic generation for the site using the recommended trip rates from TfNSW Trip Generation Surveys – Medical Centres Analysis Report.

Parking

The proponent's concept plans and traffic assessment suggests the provision of 164 car parking spaces as part of the future development.

The car parking requirements for the indicative concept plan have been assessed against the Hornsby DCP 2013, The Hills DCP 2012 and the RMS Guide to Traffic Generating Developments 2002, as parking rates for a health services facility are not specifically prescribed under any of the applicable planning instruments or guides. The proponent's Traffic and Transport Assessment proposes that a total of 170 car parking spaces would be required according to applicable parking rates. The proponent notes the use of a combination of parking rates for associated land uses, including medical centre, health consulting rooms, retail and day surgery, prescribed within the Hornsby and The Hills DCP's. The proponent also notes that parking rates within the RMS Guide were not used as the only appropriate land use (private hospital) defined number of beds as a factor for the parking rate formula.

The proponent has recommended the shortfall of 6 car parking spaces is acceptable as the retail parking provisions would accommodate retail staff only and anticipate that the retail uses would be utilised by patients, visitors and staff of the proposed health services facility. Due to the limited opportunities for on-street parking in the vicinity of the subject site, reductions in parking supply would be considered post-Gateway as part of a refinement of the proposal.

Vehicular Access

The indicative concept design proposes the construction of a left-only entrance driveway at the northern frontage of the site and a left-only exit driveway at the western frontage of the site, separated by a 29m wide vegetated nature strip. The concept plan indicates an internal road where vehicles would cross the front of the building then one-way traffic circulating in an anti-clockwise direction around the building. Drop off areas are proposed at the western frontage of the building with access to the basement car park and loading dock to the rear at the eastern building elevation.

The Traffic and Transport Assessment identifies the proposed development would be a Class 3 parking facility that would need to be designed as a Category 4 Access according to the Australian Standards 2004 Parking Facilities, which specifies a 6-8m entry and exit width with a separation between driveways of 1-3m. Accordingly, the proposed entrance and exit driveways have been designed in accordance with Australian Standards.

Concerns are raised with the proposed planning and design of the separate driveways, cross over of traffic at the front of the site and the anti-clockwise vehicular movement leading to another cross over of traffic at the front if the site before reaching the exit driveway. Should a Gateway Determination be issued, the proponent would be requested to amend the concept design to allow a consolidated left-in/left-out driveway located near the southern boundary of Nos. 679-681 Old Northern Road with a 1-3m separation (in accordance with Australia Standards) and further detail on how a vehicle may safely circulate using the proposed internal road design.

Built form and Scale

The proponent has submitted Indicative Architectural Plans, an Urban Design and Visual Impact Statement, Landscape Plan and Design Statement providing an overview of the proposed health services facility development at the site. The proponent's indicative concept design includes:

- A three-storey building with a maximum building height of 14 metres.
- Two-below ground levels of basement carparking accommodating 164 car spaces.
- A left in-only entrance driveway and left-out only exit driveway with a perimeter driveway surrounding the whole building.
- Indicative only building setbacks for all boundaries.

The proposed increase in maximum building height to 14 metres is considered excessive and inconsistent with the surrounding character and rural setting of the southern side of Old Northern Road. In conjunction, the indicative building setbacks for all boundaries would indicate setback encroachments and site coverage that would exceed provisions for rural zoned lots outlined in Part 2.1.1 and 2.1.2 of the HDCP. Further, the proposed perimeter driveway surrounding the building, setback encroachments of the basement level carpark areas and on-slab planter boxes would limit the opportunity for deep soil planting or achieving a landscape setting on the site.

The resulting development would have direct amenity impacts on the adjoining dwelling houses to both the north-east and south-west of the site, as well as articulation to the Old Northern Road frontage. These amenity impacts include, but are not limited to, reduced solar access at Nos. 675-677 Old Northern Road, compromised privacy and views for low density dwelling houses in close proximity to the site, limited design excellence considerations and increased noise generation and light spill for sensitive receivers adjoining the site.

A community submission raises concern with the amenity impacts on adjoining properties, incompatibility with surrounding character and land uses on the eastern side of Old Northern Road, overdevelopment of the site, increased impervious surfaces and possible precedence for similar developments within the rural areas of Hornsby Shire.

Based on the submitted plans and technical reporting, the proposed development is excessive in height for a rural zoned lot, has unacceptable developmental and amenity impacts and is generally considered to be an overdevelopment of the site.

Should a Gateway Determination be issued, the proponent should be requested to amend the following:

- Provide an appropriate design and setback response for amenity and landscaping.
- Increase deep soil opportunities within all landscape setback areas.
- Reduce amount of on slab planting.
- Retain significant trees on site.
- Reduce hard surfaces surrounding the building by revision of traffic and parking arrangements.
- Improve streetscape frontage streetscape, including single vehicular entry/ egress, boundary treatments and increased depth of planting within front boundary setback.

Heritage

The property is not listed as a heritage item or located within a Heritage Conservation Area (HCA) listed under Schedule 5 of the HLEP.

The property is however located within the immediate vicinity to:

- Heritage item No. 347 – House at No. 671-673 Old Northern Road, Dural.
- Heritage item No. 488 – Roadside Trees, Old Northern Road.

The proponent has submitted a Heritage Impact Statement (HIS) and Aboriginal Heritage Assessment (AHA) discussing impacts. Both the HIS and AHA identify that the planning proposal and proposed development design would have no significant impact on the adjacent heritage items or any aboriginal heritage discovered during development.

Considering changes to the subject site would have no direct impact on the significant aspects of the adjacent heritage items, the subject Planning Proposal is acceptable in accordance with the heritage provisions outlined in Part 9.4 of the HDCP.

Natural environment

The site contains some vegetation including native and exotic species. Native species include Spotted Gum (*Corymbia maculata*) and Southern Blue Gum (*Eucalyptus bicostata*) with Smooth-barked Apple (*Angophora costata*) within the road reserve on Old Northern Road. This patch of vegetation provides habitat and connectivity with other patches of vegetation in the area.

Remnant vegetation is found along Old Northern Road and within adjacent private lands (including within Franlee Road) to the east which has been mapped as Sydney Turpentine Ironbark Forest (STIF) which is listed as a Critically Endangered Ecological Community under the NSW Biodiversity Conservation Act 2016.

The proponent's Flora and Fauna Report identifies that the proposal would remove an estimated 0.08 ha of planted native and 0.06 ha of exotic vegetation. It is understood that a Tree Application (No. 37/2021) has previously been approved for removal of five trees in the site, identified in the proponent's Arboricultural Impact Assessment (AIA) as T13, T19, T22, T25 and T26. The AIA identifies that a further 26 trees were assessed on site, with an additional 19 trees required to be removed to accommodate the proposed concept design on site. Several other trees are

recommended for retention, further investigations and root mapping during development application stage.

The proposal does not require the removal or modification of a significant area of vegetation or habitat, is generally consistent with the Biodiversity element of HDCP 2013 and would not have a significant impact on matters listed under the NSW Biodiversity Conservation Act 2016. However, Tree 1 (*Angophora costata*) identified in the AIA is the single native canopy species identified for potential retention and priority should be given to its retention as the only native canopy tree to be retained on the site.

The proponent's Indicative Landscape Plan identifies the intention to create a green corridor on the site through a combination of additional street plantings and use of a mix of natives and native cultivars throughout the site. However, however deep soil planting opportunities are limited. Consideration should be given to retaining the existing green corridor along the rear, eastern boundary providing a vegetated buffer between the subject and adjoining sites. Due to the limited opportunities to offset the removal of trees on site with new native plantings, there may be scope to consider additional provisions within a VPA to offset tree loss.

Land Contamination

The rural land use zoning of the subject site indicates that agricultural/horticultural activities may have occurred on site.

The proponent has submitted a Preliminary Site Investigation discussing the potential land contamination on the site. The Preliminary Site Investigation identifies that the site has potential for contamination due to past and present activities, and that sampling and testing could be carried out during development application stage to address potential contaminants.

Should a Gateway Determination be issued, sampling and testing would need to be undertaken prior to lodgement of any development application. A Detailed Site Investigation and a Remedial Action Plan, if remediation is required to make the site suitable for the proposed use, would be required as part of any future development application.

Sewage Management

The subject site is located within the metropolitan rural area of Sydney and is not connected to reticulated sewerage infrastructure provided by Sydney Water.

The proponent has submitted a Sewage Letter and Report providing the following four sewage management options:

- Sewage Management Option 1 – Installation of an on-site septic tank system with a pressurised rising main to be installed along the eastern verge of Old Northern Road which would cross Old Northern Road towards an existing gravity sewer main on the western side.
- Sewage Management Option 2 – Installation of an onsite septic tank system with a pressurised rising main which would cross Old Northern Road towards an existing pressurised rising main on the western side.
- Sewage Management Option 3 – Installation of gravity main network which would cross Old Northern Road towards the western side.
- Sewage Management Option 4 – Installation of gravity main network to be installed along the eastern verge of Old Northern Road which would cross Old Northern Road towards an existing gravity sewer main within Kenthurst Road.

The Sewage Letter and Report recommends that Sewage Management Option 1 or 3 be investigated further for inground services and feasibility.

Should a Gateway Determination be issued, a feasibility study for the preferred sewage management option would be requested, including a feasibility letter from Sydney Water demonstrating connection to Sydney Water infrastructure is achievable. It is noted that other developments of a similar scale within the vicinity of the subject site have been unable to connect to Sydney Water infrastructure.

Further, concurrence from Transport for NSW would also be required for any proposed sewerage infrastructure works within the subject verge, road reserve, or that would impact on the operation and condition of Old Northern Road.

Stormwater Management

The proponent has submitted Civil Plans and Stormwater Assessment identifying the following three stormwater management options:

- Stormwater Management Option 1 – Installation of a 70m³ maximum on-site detention tank along the rear, south-eastern boundary and discharged via a level spreader within the site at approved pre-development flows.
- Stormwater Management Option 2 – Installation of an on-site detention tank with a maximum 1200mm depth along the rear, south-eastern boundary and discharged via a level spreader within the site at approved pre-development flows.
- Stormwater Management Option 3 – Discharged through a trapezoidal drainage swale along a proposed easement through the adjoining rear properties, at 705-717 and 719-729 Old Northern Road, Dural, into an existing drainage basin (the existing drainage basin may require a size increase to accommodate additional stormwater from the site).

Stormwater Management Option 3 would be the preferred option, with the easement to drain water to be created in favour of the proposed development site up to the existing natural watercourse. However, if an easement through the adjoining properties cannot be obtained, the remaining two options may be considered. The design of the on-site detention system would be required to be in accordance with Council's Specification for On-Site Stormwater Detention and the permissible discharge rate would be restricted to the 5 year ARI storm for the pre development site conditions for all storms up to the 50 year ARI storm.

A community submission raises concerns with stormwater management option 3, as no agreement has been reached with the owner of the adjoining property at Nos. 705-717 Old Northern Road, Dural.

Should a Gateway Determination be issued, an agreement with the adjoining properties affected by the proposed easement would be required for consideration by Council's engineers.

Acoustics

A health-related land use on the rural zoned allotment would adjoin sensitive residential receivers to the north-east and south-west of the site. The proposed development would include retail tenancies with outdoor seating, as well as 23-hour hospital services accommodating an ambulance bay.

The proponent has submitted an Acoustic Assessment that identifies the acoustic criteria stipulated in the relevant codes and guidelines can be met at the proposed location in terms of noise emissions towards adjacent properties. The Assessment found that the existing noise levels were generally high and any future mechanical plant could be acoustically treated to achieve compliance. A full Acoustic Assessment Report would be required for the Development Application Stage.

However, the measurements and assumptions contained in the Acoustic Assessment for the proposed development do not consider the implications of the operation of the health services facility and its impacts on surrounding sensitive receivers during potential night-time operation.

Should a Gateway Determination be issued, an Acoustic Report prepared in accordance with the Noise Policy for Industry, inclusive of long-term noise monitoring in locations representative of all sensitive receivers and noise impacts with the adjacent road corridor, would be requested for consideration.

CONSULTATION

Preliminary Notification by the proponent

The proponent has undertaken engagement activities during the preparation of the Planning Proposal, as described in the proponent's Stakeholder Consultation document. The document includes several letters of support received from Adventist Healthcare, Thompson Health Care, Centuria Healthcare, Mind Connections Specialist Health Services, Dural Chamber of Commerce, Maronite Church, Dural Veterinary Clinic and the property owners at No. 671 and Nos. 675-677 Old Northern Road, Dural. Key matters identified in the letters of support provided include:

- The location of the proposal would assist the ageing population in the area.
- The proposed development would address a service gap and contribute to business growth in Dural and surrounding area.
- The proposed development would reduce waiting period for urgent health needs and travel times/distances in The Hills District.
- The proposed public domain improvements would improve connectivity between adjoining properties and the Round Corner Town Centre.
- Consideration should be given to parking and traffic infrastructure.
- Potential for negative construction impacts.
- Built form should respond to amenity and aesthetics of adjoining properties.

Preliminary Notification by Council

In accordance with the *Hornsby Community Participation Plan*, preliminary exhibition of owner initiated planning proposals is undertaken prior to consideration by Council or the Department of Planning and Environment (DPE). The notification is not intended to fulfil the requirements of the *EP&A Act* for public exhibition, but rather to obtain feedback from the local community and relevant agencies to assist Council in deciding whether to support progression of the Planning Proposal to gateway determination.

The proposal was placed on preliminary (non-statutory) exhibition from 27 April 2022 until 13 May 2022. The proposal was available for viewing on Council's Have Your Say and Planning Proposal webpages. Letters were sent to over 650 property owners within Hornsby and The Hills Shire inviting comment on the proposal. Public authorities invited to comment as part of the preliminary notification included The Hills Shire Council, Transport for NSW (RMS) and Sydney Water.

In response, 3 community submission were received objecting to the proposal in its current form. Submissions were also received from Transport for NSW and The Hills Shire Council. The issues are summarised below.

Community Submissions

One submission raises concern with the stormwater management options that propose to discharge stormwater over the adjoining property at Nos. 705-717 Old Northern Road, Dural. The submissions notes that no agreement has been reached between the two property owners.

An additional two submissions raise concerns and issues with the following aspects of the planning proposal:

- Amenity impacts, including proposed building height, on properties adjoining or within the vicinity.
- Incompatibility with surrounding character and land uses on the eastern side of Old Northern Road.
- Precedence for similar developments within the rural areas of Hornsby Shire.
- Traffic implications related to the development on the site.
- Pedestrian access and safety within the area, particularly for school children accessing the proposed bus stop within the frontage of the site.
- Inadequate public transport and associated services for customers and residents in the area.
- Additional impacts on the inadequate electrical supply infrastructure within the area.
- Impacts on sensitive receivers from increased noise and lighting generation related to a health services facility.
- Lack of sewage infrastructure for the site.
- Environmental impacts due to the proposed removal of significant trees on site.
- Overdevelopment of the site and increased hard stand surfaces.

Public Authority Submissions

Submissions from public authorities outline matters that should be addressed if the planning proposal were to proceed to Gateway determination.

Transport for NSW

TfNSW raises concerns with the Planning Proposal as follows:

- The application of trip generation rates for the planning proposal, using the RMS Trip Generation Surveys Medical Centres – Analysis Report, are not representative or appropriate for adoption at the site and a higher rate should be applied.
- TfNSW is not supportive of the proposed two separate driveways and would prefer a consolidated left-in/left-out driveway located near the southern boundary of Nos. 679-681 Old Northern Road with a separation in accordance with Australia Standards.
- The proposed relocation of the existing south-bound bus stop to the frontage of the subject site is not appropriately justified. TfNSW notes that a bus stop indentation should be considered and investigated given the existing southbound passing lane fronting the site is anticipated to be utilised by traffic once it is extended south to the Franlee Road intersection.
- While the proposal expects development traffic would arrive from the north based on the catchment area, any traffic generated from the south would travel northbound along Old Northern Road and make a U-turn in Stonelea Circuit resulting in any development traffic turning right out of Stonelea Circuit exacerbating existing traffic and safety issues in the area.

- The use of Sydney's Strategic Travel Forecast Model (STFM) data for estimated future traffic growth should not be referenced in the traffic report because it was provided for a different past project under an Access Agreement.
- The future year scenarios modelling does not account for a future scenario where surrounding approved developments and Old Northern Road/Franlee Road intersection upgrades have not been completed, limiting scope of the impact of the subject development traffic.

Should a Gateway Determination be issued, TfNSW requests the following amendments to the Indicative Architectural Plans and Traffic and Transport Assessment be provided during public exhibition for further consideration:

- Indicative Concept Plans:
 - Sufficient details regarding relocation of existing road infrastructure (i.e. sign posts, traffic signal posts, street lights, power poles, construction of retaining walls, etc.) to accommodate the proposed footpath along the Old Northern Road frontage between Kenthurst Road and the subject site.
 - A consolidated left-in/left-out driveway with a separation in accordance with Australia Standards. Sufficient details and sight distance assessment is required with respect to any proposed driveway.
 - Appropriate justification for the proposed bus relocation and further details regarding the design of the bus stop area.
 - Minimised opportunity for any right-turn movements into/out of the site by upgrading the pedestrian refuge to a barrier kerb and constructing a concrete median within the chevron markings on Old Northern Road in vicinity of the site.
- Traffic and Transport Assessment:
 - Table 5.1 of the Traffic and Transport Assessment should be updated with revised traffic generation for the site using recommended trip rates.
 - STFM data used in Appendix C should be deleted regardless if growth rates on the surrounding road network have seen minimal change since the provision of the STFM data in 2019.
 - An additional modelling scenario should be undertaken for future year scenarios without considering cumulative traffic generated from approved developments to assess the impact of 35% of the subject development traffic using existing priority-controlled Old Northern Road/Franlee Road intersection on a standalone basis.
 - SIDRA modelling files for the five intersections on surrounding road network modelling should be provided to TfNSW.

The Planning Proposal documentation indicates that initial consultation with TfNSW has commenced. However, TfNSW's submission notes no record of consultation with the proponent regarding the Planning Proposal.

The Hills Shire Council

The Hills Shire Council (THSC) raises concerns with the appropriateness of the site for the proposed land use, having regard for other sites that may already be zoned to permit a health services facility.

THSC acknowledges that The Hills LSPS identifies Round Corner as a town centre and the planned expansion site at Nos. 488-494 Old Northern Road, Dural will service future retail demand in the area. THSC also confirms that no further expansion is planned for the Round Corner Town Centre.

THSC notes that a planned hospital is to be delivered at Rouse Hill, approximately 8.8 km west of the subject site, which is expected to service the health-related needs for much of the growth in new release areas and potentially a catchment within the Hornsby Shire. THSC's precinct planning is investigating ways to support the delivery of the hospital and it requested that the proponent give consideration to locating health facilities land uses within close proximity to the proposed Rouse Hill Hospital.

THSC raises concerns with the potential traffic implications of the planning proposal development on the capacity of Old Northern Road and the surrounding road network, including traffic travelling from Box Hill and North Kellyville Growth Centres on Kenthurst Road and vehicular movements accessing the site from the south on Stonelea Court, Kenthurst Road and Maple Street.

The submission notes that the comments are from technical officer level and have not been reported to the elected Hills Council for a formal view or resolution.

Proponent consultation during assessment

Following lodgement of the Planning Proposal, the proponent has sought clarification from Council regarding certain aspects of the proposal, including requesting a copy of the submissions received during the preliminary exhibition period. Submissions were unable to be provided due to the ongoing assessment of the planning proposal. However, the proponent was provided a summary of the key matters raised in the five submissions received for consideration.

The proponent was given the opportunity to lodge a response to the submission summary and on 15 June 2022, a letter was received (copy attached to this report) which addresses the matters raised in community and agency submissions. The proponent states that the majority of issues raised have already been addressed through the original documents submitted with the Planning Proposal or can be addressed post-Gateway Determination/Development application stage and reiterates that their position that the proposal has clear site-specific and strategic merit for progression to Gateway Determination.

STATUTORY CONSIDERATIONS

The preparation of a Planning Proposal is the first step in the process of requesting changes to a planning instrument. Should Council resolve to proceed with the Proposal to Gateway Determination, the DPE would confirm whether any technical studies are required and relevant parts of the Planning Proposal to be updated or amended prior to public exhibition.

As part of the Gateway Authorisation process, Section 2.4 of the EP&A Act allows the Minister and the Director-General to delegate functions to a Council and/or an officer or employee of a Council. When submitting a Planning Proposal, Council is required to identify whether it wishes to Exercise Delegation (the Authorisation). Authorisation delegates the following plan making powers to Council:

- To make and determine not to make an LEP.
- To defer inclusion of certain matters.
- To identify which matters must be considered and which stages of the plan making process must be carried out again.

Should Council resolve to progress the planning proposal, it is recommended that Council identify that it intends to delegate the plan making functions to the General Manager.

BUDGET

Costs associated with this Planning Proposal are covered through the application fee. The matter has no direct financial impact upon Council's adopted budget or forward estimates.

POLICY

The *Local Planning Panels Direction – Planning Proposals* requires that the Local Planning Panel must give its advice on the Planning Proposal before Council considers whether or not to forward it to the Minister or Greater Sydney Commission in accordance with Section 9.1 clause (2)(b1) of the EP&A Act.

Local Planning Panel Advice

A briefing was provided to Hornsby's Local Planning Panel on 25 May 2022. The Panel considered the strategic merit of the proposal including concerns regarding the consistency of the proposal with state and local strategic plans and the precedent for rural lands. The Panel also noted site-specific concerns, including built form impacts and scale and intensity of the development, the lack of opportunities for deep soil landscaping and character impacts. The Panel also considered that there were issues with traffic and access to the site and noted that suitability zoned sites were already available in close proximity within the Hills Shire.

The Panel advised that it does not support the progression of the Planning Proposal to Gateway Determination because it does not have strategic merit or site specific merit.

CONCLUSION

This report presents an owner-initiated Planning Proposal for 679-685 Old Northern Road, Dural. The Planning Proposal seeks to:

- Amend Schedule 1 of the *Hornsby Local Environmental Plan 2013* to permit a health services facility as an additional permitted use
- Increase the maximum building height from 10.5 metres to 14 metres.

Preliminary exhibition of the proposal resulted in 3 community submissions generally objecting to the proposal due to traffic, amenity impacts and built form. Transport for NSW and The Hills Shire Council also submitted responses generally raising concerns with the proposal.

Based on the assessment of the proposal, it is considered that the proposal lacks strategic merit due to inconsistencies with the Greater Sydney Regional Plan, North District Plan, Section 9.1 Ministerial Directions, the Hornsby LSPS, the Hornsby Employment Land Study, and the Hornsby Rural Lands Study and should not be progressed. It is also considered that the proposal lacks site-specific merit due to impacts on surrounding traffic infrastructure, amenity impacts and built form.

The Local Planning Panel has reviewed the proposal and advised that progression of the proposal is not supported.

Accordingly, it is recommended that Council not support the progression of the Planning Proposal for submission to the Department of Planning and Environment for Gateway Determination.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is Katherine Vickery - who can be contacted on 9847 6744.

KATHERINE VICKERY
Manager - Strategic Landuse Planning
Planning and Compliance Division

JAMES FARRINGTON
Director - Planning and Compliance
Planning and Compliance Division

Attachments:

1. PP/2/2022 - Planning Proposal - 679-685 Old Northern Road, Dural - PP 2022 -1256
2. Response to Submissions - 679-685 Old Northern Road Dural - PP/2/2022

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