



Purpose: To request that the Independent Planning Commission review the Gateway determination, taking into account information provided by the Proponent and to provide advice regarding the merit of the review request.

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| Dept. Ref. No: | PP_2019_THILL_005_00 |
| LGA | The Hills Shire |
| LEP to be Amended: | The Hills LEP 2019 |
| Address/ Location: | Old Northern Road and Derriwong Road, Dural |
| Proposal: | To amend The Hills LEP 2019 as follows: <ul style="list-style-type: none"> • rezone land from RU6 Transition to R2 Low Density Residential; • amend the maximum height of buildings standard from 10m to 9m; • amend the minimum lot size standard from 2ha to 700m²; and • introduce a new local provision in Part 7 of the LEP to enable a minimum lot size of 600m² on the 'Northern' site where there is appropriate infrastructure in place with a maximum cap of 101 residential lots. |
| Review request made by: | <input type="checkbox"/> The council <input checked="" type="checkbox"/> A proponent |
| Reason for review: | <input checked="" type="checkbox"/> A determination has been made that the planning proposal should not proceed. |
| | <input type="checkbox"/> A determination has been made that the planning proposal should be resubmitted to the Gateway. |
| | <input type="checkbox"/> A determination has been made that has imposed requirements (other than consultation requirements) or makes variations to the proposal that the proponent or council thinks should be reconsidered. |

Background information

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| <p>Details of the planning proposal</p> | <p>Site Description</p> <p>The planning proposal (Attachment A) applies to two areas of land that are separated by existing large lot residential properties, comprising (Figure 1):</p> <ul style="list-style-type: none"> • 'Northern Site': 10.848ha over four separate lots known as 21 and 27 Derriwong Road and 618 and 626 Old Northern Road; and • 'Southern Site': 10.617ha over eight separate lots known as 5 and 7 Derriwong Road and 584, 590, 600, 600A, 602, and 606 Old Northern Road. <p>These sites are located north of Round Corner, Dural Town Centre and south of the Dural Rural Village, in a peri-urban area that is defined by a mix of urban and rural characteristics. The land is surrounded by large rural properties, Dural Public School, Redfield College and various commercial uses. Land in the broader locality is presently being used for agricultural uses (particularly within the bordering Hornsby LGA). The primary access to the sites are from the Old Northern Road to the east and Derriwong Road to the west. The land falls in a southwest direction towards Derriwong Road and O'Hara's Creek beyond, and is predominantly cleared of any substantial vegetation.</p> <p>Both the Northern and Southern sites are zoned RU6 Transition, with a maximum building height standard of 10m and minimum lot size standard of 2ha. Part of the Southern site is identified as a local heritage item (600A Old Northern Road, item no. 185 - dwelling). The combined sites are in proximity to seven local heritage items as well as the Old Northern Road extending along the eastern boundary which is listed as an item of archaeological significance. The sites are not identified as being within a heritage conservation area.</p> |
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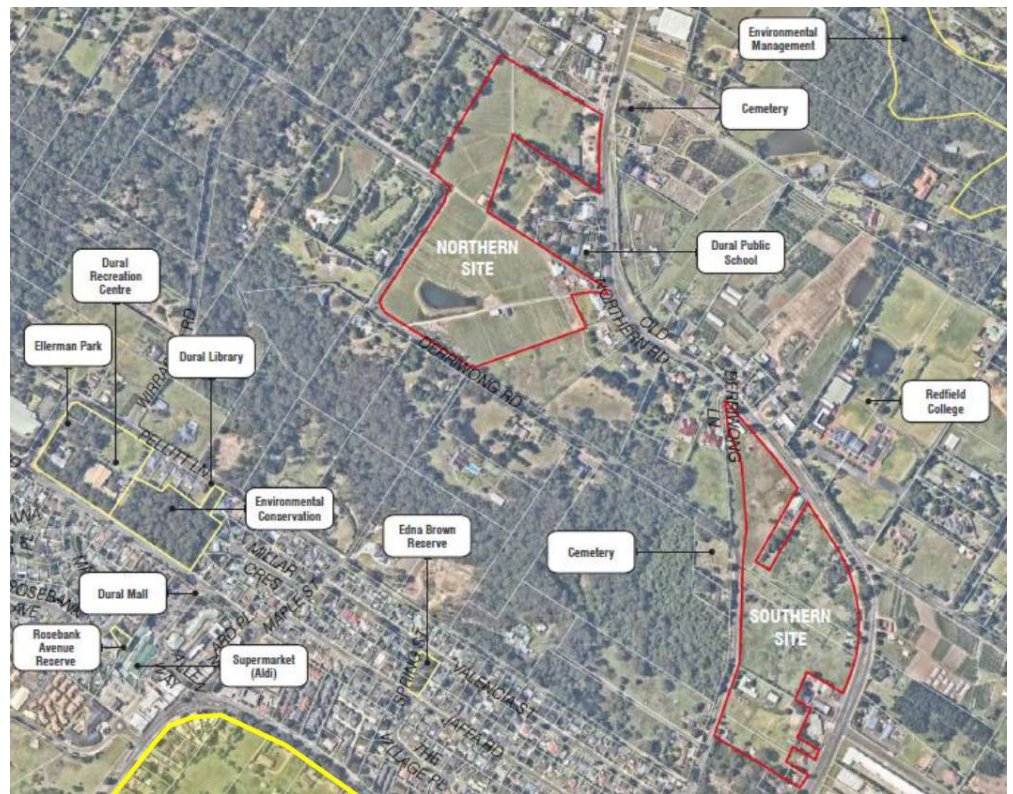


Figure 1 – Site context (*Urbis*)

Planning proposal

The proponent's planning proposal sought to increase the development potential of the site by amending The Hills LEP 2019 as follows:

- rezone land from RU6 Transition Zone to a mixture of R2 Low Density Residential, RE1 Private Recreation, and RE2 Public Recreation;
- include a site-specific clause in Schedule 1 permitting Seniors Housing, Health Services Facility and ancillary retail associated with the Health Services Facility;
- amend the maximum height of buildings from 10m to a mixture of 9m and 12m, and insert a new site-specific provision within Clause 4.3A to permit the land subject to the 9m maximum building height control to be redeveloped up to 12m in height where development is for the purposes of Seniors Housing; and
- amend the minimum lot size standard from 2ha to 700m².

The planning proposal (**Attachment A**) seeks to facilitate the delivery of 181 residential lots, a day surgery/medical centre with a café, community centre/indoor recreation facility, seniors housing in the form of a residential aged care facility and independent living units, and a public park.

The intended overall outcome is to facilitate the redevelopment of the site to accommodate a mix of residential typologies and increased range of permissible land uses.

The planning proposal was referred to The Hills Shire Local Planning Panel in accordance with Section 3.34 of the EP&A Act and the Ministerial Direction issued on 27 September 2018. The Planning Panel recommended not to proceed with the planning proposal for Gateway determination for the following reasons (**Attachment D**):

- The proposal does not demonstrate strategic merit;
- The proposal is not consistent with the Central City District Plan, specifically C18 'Better Managing Rural Areas';
- The proposal is not consistent with Council's Rural Lands Strategy;

- The proposal has the potential to generate conflict with the RU2 zoned land in the Hornsby Local Government Area; and
- The proposal will have an adverse impact on the character of the Dural Precinct.

The planning proposal (**Attachment A** and **Attachments E5-E8**) was supported by a concept scheme, which identified the following key features in the potential redevelopment of the site:

- Northern Site (Figure 2): accommodating 101 residential lots ranging from 600m² to 1,000m², perimeter roads and a 32m wide road reservation on the southern boundary of Dural Public School to form part of the potential future arterial road link from Annangrove Road to Old Northern Road.
- Southern Site (Figure 3): accommodating 80 residential lots ranging from 700m² and 1,000m² and one large lot for the retention of heritage item I85, and the dedication of 1,177m² of land for passive open space.

The proposal also includes a public benefit offer from the proponent to provide for local infrastructure contributions including:

- Sewerage system upgrades in the immediate locality around the site enabling the removal of septic systems from the playground of the adjacent Dural Public School.
- Road widening to enable safer drop-off and pick-up of students at Dural Public School and to form part of a potential bypass road (see Figure 4), subject to a commitment from the State Government on the preferred route and funding of the remaining sections of the bypass road. The need for a bypass road was identified in Council's Urban Capacity and Capability Assessment (**Attachment F4**) developed for Dural/Round Corner.
- Provision of local open space.

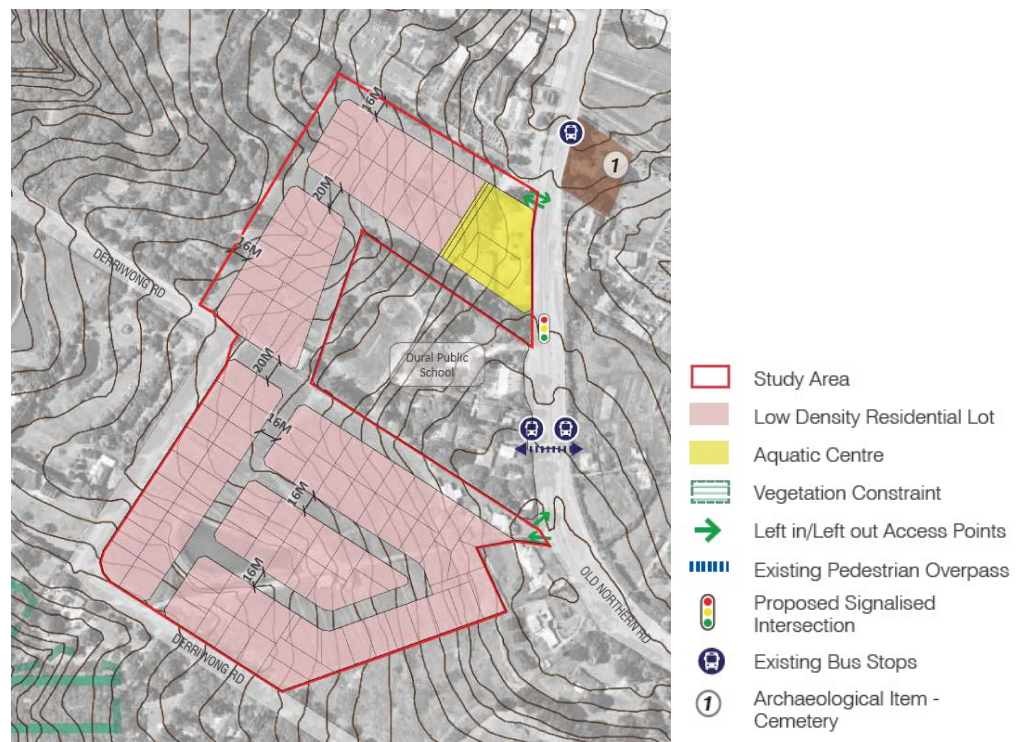


Figure 2 – The Northern Site (Urbis)

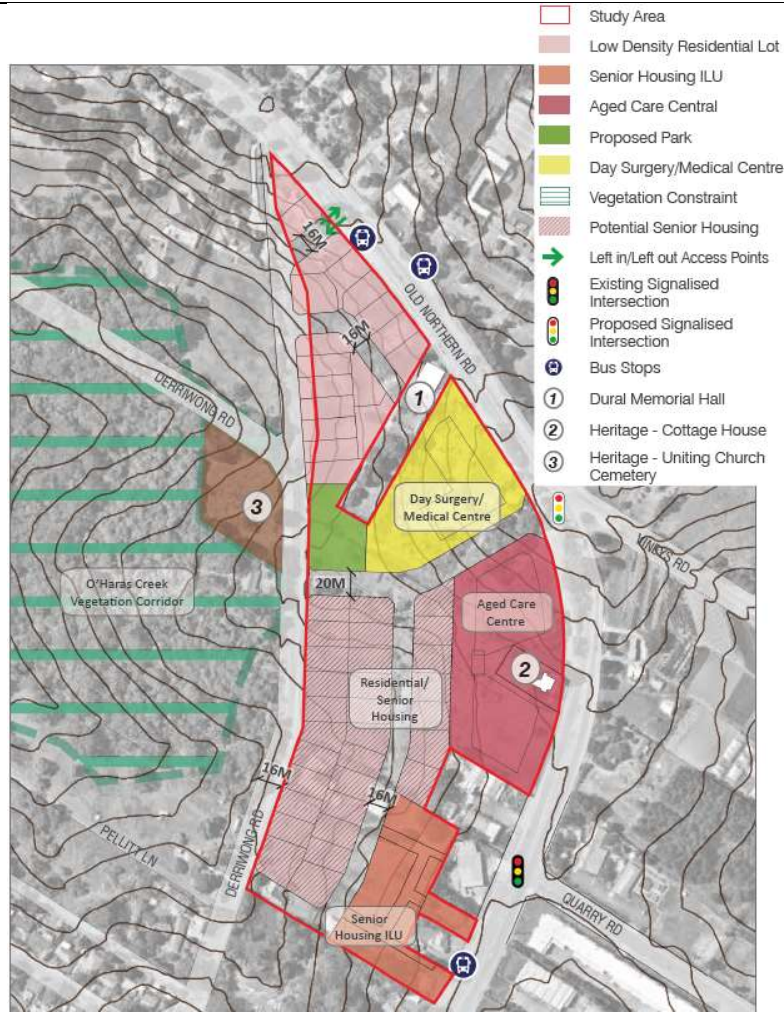


Figure 3 – The Southern Site (Urbis)

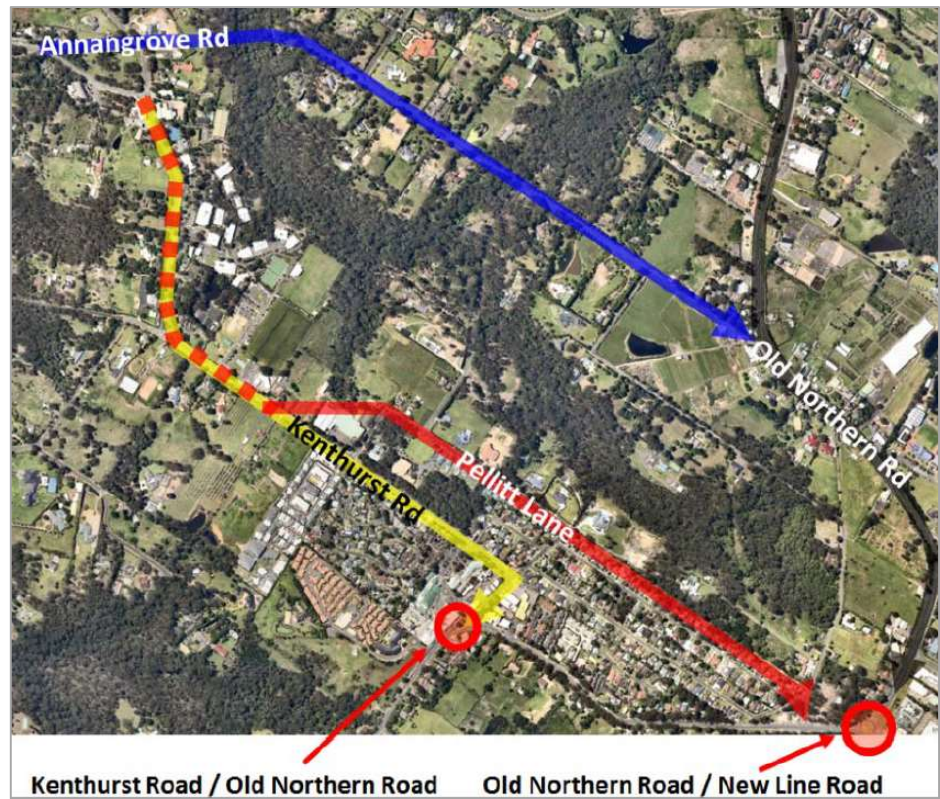


Figure 4 – Potential Round Corner bypass road options, with the planning proposal to contribute to a portion of the blue alignment (*The Hills Shire Council*)

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| | <p>The planning proposal was amended by Council in resolving to proceed with the proposal and forward to the Department for Gateway Assessment (9 July 2019 – Attachment F2). The submitted Gateway documents (Attachment A and Attachments E5-E8) identified the following amendments to The Hills LEP 2019:</p> <ul style="list-style-type: none"> • rezone land from RU6 Transition to R2 Low Density Residential; • amend the maximum height of buildings standard from 10m to 9m; • amend the minimum lot size standard from 2ha to 700m²; and • introduce a new local provision in Part 7 of the LEP to enable a minimum lot size of 600m² on the ‘Northern’ site where there is appropriate infrastructure in place and restricted to a maximum of 101 residential lots. <p>It was also requested by Council, in the event of a Gateway determination being issued, that the planning proposal be conditioned to address the following prior to exhibition:</p> <ul style="list-style-type: none"> • The need to increase the proposed minimum lot size standard at key locations to soften the impact of the development on the Old Northern Road ridgeline and enable better visual transition between the development and surrounding land. • Resolution of the access arrangements and relationship between proposed residential lots and the planned arterial bypass road that would enable better east-west access from the growth areas, such as North Kellyville, and would be under the control of the State Government. • Establishment of a mechanism to ensure that the proposed amendments would not facilitate a proliferation of seniors housing development proposals on adjoining rural land. • The ability to service the proposed residential yield with new local and regional infrastructure, at no cost to Council. This would include further resolution of ongoing discussions with State and Federal Government surrounding the funding of required regional road upgrades. <p>In subsequent information issued in February 2020 (Attachment E4), the proponent identified a willingness to defer the Southern Site and proceed only with the Northern Site (and reduce from 101 to 99 residential lots), in response to the need for the timely delivery of infrastructure to support the development enabled by the proposal. The proponent stated the merit of a conditional Gateway determination for the Northern Site is as follows:</p> <ul style="list-style-type: none"> • All public benefits identified in the preliminary offer would continue to be delivered. • The Northern Site will generate an increase of 85 vehicle trips during peak hour, intended to be offset by the proposed drop-off and pick-up zone for the school to be delivered through a voluntary planning agreement. The traffic loads to Old Northern Road generated by the Dural Public School are identified as being considerable and compounded by the existing drop-off zone and parking areas located directly on Old Northern Road. The identified public benefits will assist in alleviating this congestion. • The Northern Site better responds to the urban fringe, being adjacent to the Dural Public School and proximity to B1 Neighbourhood Centre zone, and position opposite RU5 Village zone. |
| Reason for Gateway determination | <p>The Gateway (Attachment B) determined that the planning proposal should not proceed for the following reasons:</p> <ol style="list-style-type: none"> 1. <i>The proposal does not give effect to the Central City District Plan, in particular:</i> <ul style="list-style-type: none"> • <i>Priority 1 Planning for a City Supported by Infrastructure;</i> There are currently no plans or funding to increase capacity on the surrounding road network or the remainder of the proposed bypass road, to facilitate any part of the proposal, and as such the proposal does not align forecasted growth with infrastructure. Significant improvements to the State road network are required and a contribution from this proposal towards the cost is unlikely to bring forward investment. • <i>Priority 5 Providing housing supply, choice and affordability, with access to jobs and services;</i> |

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| | <p>Proposed growth is not located within an identified growth area or planned precinct and does not support the role of any Strategic Centre with access to jobs and services. The Hills Draft Housing Strategy 2019 states Council does not intend to rezone additional land for residential uses unless exemplary development and community outcomes are achieved and demonstrates housing targets can be met in existing residential zoned areas.</p> <ul style="list-style-type: none"> • <i>Priority 18 Better managing rural areas.</i> The planning proposal does not maintain or enhance the values of the rural village character of the area. There is insufficient information to confirm that the subject land is no longer able to be used for agricultural activities. Any expansion of rural towns and villages is also to take into consideration the local demand for growth, the existing character, and the surrounding landscape. The Hills Draft Rural Land Strategy is silent on demographic demand for growth in Dural and the Strategy prioritises future place-based planning for the villages of Kenthurst, Annangrove, and Glenorie. Future place-based planning for these villages may identify opportunities for local growth. <p>2. <i>The proposal contains unresolved inconsistencies with the Section 9.1 Directions 1.2 Rural Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.4 Planning for Bushfire Protection, and 6.3 Site Specific Provisions.</i></p> <ul style="list-style-type: none"> • Direction 1.2 Rural Zones: the planning proposal is not justifiably inconsistent with this Direction to retain rural lands, as it has not adequately demonstrated that it is consistent with the Central City District Plan or The Hills Shire Council Local Strategic Planning Statement and supporting strategies. • Direction 2.3 Heritage Conservation: Council's Rural Lands strategy identifies the site as Rural Living Mixed Use, which aims to preserve the open rural landscape and its cultural heritage values. There are a number of heritage items and archaeological sites adjoining the site. There is insufficient evidence to ensure that the planning proposal would not result in adverse impacts on heritage items. • Direction 3.1 Residential zones: the planning proposal would enable the consumption of land for housing and associated urban development on the urban fringe which is against the requirements of this Direction. • Direction 4.4 Planning for Bushfire Protection: A bushfire report was submitted in support of the planning proposal to demonstrate how the proposed development can meet the requirements of Planning for Bush Fire Protection. No consultation has been completed with NSW RFS at this time, and as such it cannot be demonstrated that the Commissioner does not object to the planning proposal in accordance with this Direction. It is noted that this could be addressed in the event of a Gateway determination enabling the public exhibition of the planning proposal. • Direction 6.3 Site Specific Provisions: the planning proposal does not demonstrate alternative solutions to the new site-specific provision in the LEP to limit the density of development in the Northern Site to 101 dwellings (subsequently proposed to be amended to 99 dwellings), and the local provision for site-specific lot sizes (600m²), and is inconsistent with this Direction. <p>3. <i>There are no plans or funding to increase capacity on the surrounding road network to facilitate this proposal. Although the proposal does offer some local benefits such as:</i></p> <ul style="list-style-type: none"> ○ <i>sewerage system upgrades in the immediate locality around the site, enabling the removal of septic systems from the playground of the adjacent Dural Public School;</i> ○ <i>road widening to enable safer drop-off and pick-up of students at Dural Public School; and</i> ○ <i>provision of local open space;</i> <p><i>it makes an insufficient contribution toward improving State infrastructure as the site in isolation cannot adequately secure the scale of improvement required in the road network.</i></p> |
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| | <ul style="list-style-type: none"> • The Urban Capacity and Capability Assessment in the Dural Locality (Attachment F4) concluded while some land is environmentally capable of accommodating development, there is insufficient infrastructure capacity to facilitate development uplift in the Dural locality. • Transport studies undertaken by Transport for NSW (TfNSW) and proponents of the South Dural catchment identified that substantial upgrades to Old Northern Road and New Line Road would be required prior to any significant development occurring in the area. TfNSW estimated the cost for the two road upgrades would exceed \$300 million. • The Federal Government has announced a capped \$10 million contribution to fund a major business case to investigate the potential upgrade to New Line Road with the NSW Government matching the \$10 million for the planning phase. Concept design and final business case is roughly a three-year timeframe. There is no commitment to funding and implementing any upgrades at this time. TfNSW has also identified that the focus for these upgrades will be the southern end (Cherrybrook), and not Dural. • Regional traffic issues would also require the reclassification of Annangrove Road and further exploration of a new arterial road link from Annangrove Road to Old Northern Road that bypasses Round Corner. While a portion of this new road link can be delivered on the site, the planning proposal cannot wholly fund the necessary regional road upgrades and Council has determined that it is not willing to fund infrastructure delivery in the area. • The planning proposal does not sufficiently demonstrate site-specific merit for the delivery of required funding and upgrades to the wider area's road infrastructure needs. <p>4. <i>The proposal does not adequately demonstrate the site has no potential to accommodate agricultural uses under its current zoning and land use conflict will not arise as a result.</i></p> <ul style="list-style-type: none"> • Desktop analysis suggests parts of the site were used for agricultural purposes (orchards) as recently as 2014 when the land was significantly cleared. There is no evidence that the ceasing of agricultural uses occurred because it was no longer suitable for agricultural uses or rural activities, and that this land remains unviable for these purposes. • The existing RU6 land use zone enables agricultural activities to occur without conflicting with urban areas, acting as a buffer between urban and more intensive agricultural areas. The planning proposal does not sufficiently address the extent or mitigation measures for the potential land use conflicts resulting from rezoning this land to R2 and enabling residential uses of an urban scale, which may be affected by noise, odour and servicing from potential nearby livestock and other agriculture uses. |
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Council's justification

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| <p>Details of justification:</p> | <p>The proponent sought the Gateway determination review on 29 May 2020 (refer to the discussion in the section below). Council submitted a letter on 29 May 2020 (Attachment E2) reiterating Council's position in respect of the proposal on the understanding that the proponent has indicated the intent to lodge a Gateway review request to the Department. The following comments were provided:</p> <ul style="list-style-type: none"> • An Urban Capacity and Capability Assessment of the Dural Locality prepared by Cardno on behalf of Council (Attachment F4) for the Dural/Round Corner locality identified that while the locality may have some physical capability for more intense development, infrastructure provision is an impediment to orderly urban development within this locality at this time. • Council considered the outcomes of this Assessment in March 2019 and resolved to discontinue further investigations into urban development within Dural unless a proponent can demonstrate the delivery of local and regional infrastructure at no cost to Council. • Council is supportive of the proposal to contribute to the expansion of Round Corner, enabling some compatible development to occur including sewer and frontage improvements. It would partially contribute to the resolution of some identified regional infrastructure issues through the reservation of part of a |
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| | <p>future arterial bypass road connection from Annangrove Road to Old Northern Road and New Line Road.</p> <ul style="list-style-type: none"> • However, a future bypass road would require the endorsement of the proposed location and profile which would ultimately be required by relevant State Government agencies, along with a commitment from the State Government to the identification and funding of the remaining sections of the bypass road. • Reiterating Council's resolution at its meeting on 9 July 2019 that several matters should be resolved prior to exhibition, including increasing minimum lot sizes at key locations, access arrangements, mechanisms regarding additional seniors housing development proposals and ability to service the residential yield with new local and regional infrastructure at no cost to Council. <p>A subsequent response to the Gateway determination review was issued by Council on 1 July 2020 (Attachments F1-F6) providing further context to the decision to support the planning proposal:</p> <ul style="list-style-type: none"> • Council was satisfied that on balance, the planning proposal has adequate strategic merit to progress to Gateway determination, noting the benefits of strengthening rural villages and ensuring that these areas grow with rural communities. Council identifies that the interface with agricultural development is a key matter for consideration, and provides that a solution may be to investigate larger lots sizes on the periphery of the subject sites and along the Old Northern Road ridgeline. • The Urban Capacity and Capability Assessment found that the current regional road network for east-west vehicle movement between the growing North West Growth Centre and the localities of Pennant Hills and Hornsby was at capacity in the Dural locality. Council has consistently advocated for regional traffic upgrades in the Dural locality, including the reclassification of Annangrove Road from a sub-arterial to an arterial road and further exploration of a new arterial road link from Annangrove Road to Old Northern Road that bypasses Round Corner. • Council identifies that Government investment in regional roads at this location is already necessary to address existing issues and account for future growth that is yet to occur within the North West Growth Centre. Accordingly, it may be appropriate for State Government to review its assumptions around the timing of infrastructure investment in this area and carefully consider the need to start securing a corridor for a future bypass road. • The planning proposal and public benefit offer includes the opportunity to reserve a 32 metre wide road corridor on the southern boundary of Dural Public School, which could form part of a potential bypass road. |
| Material provided in support of application/proposal: | Council's letter recognising the Gateway review application is provided at Attachments F1-F6 . Council does not propose any further amendment to the planning proposal. |

Proponent's view

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| Details of justification: | <p>The proponent sought the Gateway determination review on 29 May 2020 (Attachments E1-E9). A letter prepared by the proponent addresses the reasons listed in the Gateway determination that the planning proposal not proceed to exhibition, and reiterating the merit of the assessment undertaken and provided to date. A Strategic Bushfire Study was provided as additional information to address <i>Planning for Bushfire Protection 2019 (Attachment E9)</i>.</p> <p>The proponent identifies that the planning proposal has sufficient strategic merit to enable further consultation and public exhibition as follows:</p> <ol style="list-style-type: none"> 1. <i>The proposal does not give effect to the Central City District Plan, in particular:</i> <ul style="list-style-type: none"> • <i>Priority 1 Planning for a City Supported by Infrastructure;</i> The proponent affirms that the planning proposal maximises the use of existing infrastructure as well as delivering new infrastructure. The sites are located between two local centres, in walking distance to public transport, local shops, restaurants, a medical centre, a pharmacy, a primary school, a secondary school, a business park with multiple business and retail premises, recreation |
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space, and community centres. The public benefit offer will renew the sewerage connection to the local public school, provide public open space, provide a new drop-off and pick-up zone for the public school along Old Northern Road, and dedicating part of an east to west connection (Annangrove Road Bypass). The infrastructure proposed aims to improve the amenity of the locality, and offers new infrastructure to plan for long-term growth. The proponent considers that the planning proposal aligns land use and infrastructure planning.

- *Priority 5 Providing housing supply, choice and affordability, with access to jobs and services*

In summary, the proponent states (**Attachment E1**) the proposal is consistent with this Priority as:

- The sites are located between two existing neighbourhoods that each feature urban land uses and R2 Low Density Residential zoned land. The scale of development maintains a transition from the business and R3 Medium Density Residential zoning to the south and towards the rural character north of the Dural neighbourhood centre.
- The planning proposal is located within walking distance of local services and infrastructure as outlined earlier within this section, promoting a healthy lifestyle and not expanding limitless residential subdivisions.
- The proposed density can be supported by local infrastructure, without undermining low density character and enabling the transition to rural character.
- The proposal will contribute to an extension of the metropolitan boundary into current rural lands, but the site and its context is bookended by urban zoned centres and the infill of this area reflects a logical extension of the existing urban areas.

- *Priority 18 Better managing rural areas*

In summary, the proponent states (**Attachment E1**) the proposal is consistent with this Priority as:

- The Central City District Plan and supporting strategic documents do not provide a numerical restriction to the growth of a rural village within the Metropolitan Rural Area.
- The locality is characterised as a rural setting, noting that the southern portion of the locality it is currently characterised by urban features, and local centres zoned for urban uses and medium density housing. The proposal represents place-based-planning by proposing a scale of development that can be delivered alongside infrastructure.
- The land is not presently used for agricultural purposes and its proximity to Round Corner and other urban activities make it unsuitable for agriculture use due to the potential for land use conflict associated with noise, odour, dust and the like. The rezoning of the site is not considered to contribute to a loss of commercially viable or productive agricultural lands.

2. *The proposal contains unresolved inconsistencies with the Section 9.1 Directions 1.2 Rural Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.4 Planning for Bushfire Protection, and 6.3 Site Specific Provisions.*

In summary, the proponent states (**Attachment E1**) the proposal is consistent with Section 9.1 Directions as:

- The planning proposal seeks to rezone existing rural land which is not currently used for agricultural purposes. The proposed inconsistency with Direction 1.2 Rural Zones (by rezoning a rural zone) would be enabled by the Central City District Plan through a place-based planning outcome. The proponent asserts the potential for agricultural uses has been constrained due to the proximity of urban land, conflicting land uses and the potential for intensive agricultural uses to generate adverse environmental impacts.
- The planning proposal does not seek any changes to the heritage listing of any items within the boundaries of the sites, and can be further detailed through

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| | <p>recommended development control plan provisions prior to the exhibition of the planning proposal to ensure development is consistent with the surrounding locality. The planning proposal recommends lower-scale residences (one to two storey) in the vicinity of the heritage items.</p> <ul style="list-style-type: none"> • The proposal is a logical extension of the urban fringe within an area which has already transitioned to urban land, and represents a place-based planning outcome enabled under the Central City District Plan. • The revised assessment provided by the proponent addresses the updated legislation, and will be subject to the review of the NSW RFS during the exhibition period. • Proposed site specific lot sizes have been based on market trends and various demographics and provide Council certainty and clarity that a mix of lot sizes will be provided across the sites. As such, the site-specific lot sizes are appropriate. <p>3. <i>There are no plans or funding to increase capacity on the surrounding road network to facilitate this proposal. Although the proposal does offer some local benefits such as:</i></p> <ul style="list-style-type: none"> ○ <i>sewerage system upgrades in the immediate locality around the site enabling the removal of septic systems from the playground of the adjacent Dural Public School;</i> ○ <i>road widening to enable safer drop-off and pick-up of students at Dural Public School; and</i> ○ <i>provision of local open space;</i> <p><i>it makes an insufficient contribution toward improving State infrastructure as the site in isolation cannot adequately secure the scale of improvement required in the road network.</i></p> <p>In summary, the proponent states (Attachment E1):</p> <ul style="list-style-type: none"> • The traffic assessments prepared to support the planning proposal indicate that the development is expected to cause minimal impact on the study area intersections. The planning proposal does not rely upon any plans or funding to increase capacity on the surrounding road network. While it is noted that the locality does have broader road infrastructure challenges, this proposal does not trigger any upgrades that are not already offered through the public benefit offer. • The scale of the planning proposal does not trigger the demand for improvements to the State road infrastructure. It cannot be reasonably concluded that a ‘sufficient contribution’ to the improvement of State infrastructure has not been provided given the scale of the proposed development (181 dwellings) and the public benefits can predominantly be delivered as part of the northern site only (99 dwellings). • The planning proposal is not entirely inconsistent with The Hills Local Strategic Planning Statement and supporting Rural Strategy and Environmental Strategy or the Section 9.1 Direction for Rural Zones as the proposal includes the provision of infrastructure as was identified within the Dural Urban Capability Assessment (Attachment F4). <p>4. <i>The proposal does not adequately demonstrate the site has no potential to accommodate agricultural uses under its current zoning and land use conflict will not arise as a result.</i></p> <p>In summary, the proponent states (Attachment E1):</p> <ul style="list-style-type: none"> • The site could only be suitable for low yield agricultural uses due to landform and proximity to established urban land uses. As such, the sites would continue to be used primarily for rural residential purposes or would remain vacant. • A review of existing land uses within the RU6 Transition zoned land identifies that the predominant uses within the locality are rural residential and the nearest intensive agricultural uses are located to the north beyond the Glenorie in Maroota approximately 30km away. Existing sensitive land uses and human receptors exist commonly within a 1km radius of the sites, and are a constraint to more intensive agricultural uses. <p>The planning proposal does not restrict less intensive agricultural land uses to continue to operate, or for land to be developed for less intensive agricultural</p> |
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| | purposes as is currently permitted within proximity to other dwellings or Redfield College. |
| Material provided in support of application/proposal: | <p>The proponent has provided the following documents to support its Gateway Review request:</p> <ul style="list-style-type: none"> • Letter of intent to request a Gateway Review; • Gateway Review Request Application Form; • Planning proposal, including information submitted during the Gateway determination process; • Council's letter to DPIE in relation to the Gateway Review; and • Strategic Bushfire Study. |

Assessment summary

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| Department's assessment | <p>The Department's position on the Gateway determination review application is that the Gateway should remain unchanged. The Department has considered both the Council and proponent submissions and continues to maintain that the proposal does not achieve the necessary site-specific, strategic and environmental merit outlined as follows.</p> <p>Managing rural lands The site is mapped as being within the Metropolitan Rural Area under the Central City District Plan, an Agricultural Cluster Zone under the Hills Shire Council Local Strategic Planning Statement and supporting Rural Strategy. The District Plan identifies that the ongoing planning and management of rural towns and villages will need to respond to local demand for growth, but that urban development in the Metropolitan Rural Area will be considered only in the urban investigation areas, none of which are identified in the Central City District.</p> <p>A priority of Council's strategic plans is to retain and manage the Shire's rural productive capacity and minimise conflicts between urban land uses and agricultural uses through the use of the RU6 Transition Zone. The planning proposal does not adequately demonstrate that the site is no longer able to support agricultural uses or activities, and that the extension of urban areas in this location would not further conflict with or undermine agricultural uses and rural activities in the surrounding area.</p> <p>While larger lot sizes are suggested by Council as a possible solution for retaining visual character on the peripheries of the sites and better managing the transition to urban areas, insufficient evidence has been provided on how urban development will not conflict with the intensification and operation of agricultural uses/activities and associated amenity impacts. The planning proposal confirms there are already conflicts preventing intensive agricultural uses in this location and immediate surrounds, which would mean that repurposing the site to urban uses would further erode this essential buffer created by the existing RU6 Transition Zone.</p> <p>Housing in the right locations The Central District Plan identifies the need to create capacity for new housing in the right locations. Opportunities for capacity are to align with infrastructure and should be realised in urban renewal, local infill developments and land release areas. Council's Local Strategic Planning Statement further confirms that residential growth to 2036 will occur mainly in existing greenfield areas or within defined precincts close and around Sydney Metro Northwest stations, and that given the amount of land already zoned residential or identified for rezoning, there is no envisaged need to convert rural land for residential uses.</p> <p>The planning proposal would facilitate urban development outside of the areas already identified as being appropriate for uplift and in a location that does not benefit from adequate infrastructure to support growth (discussed further below). It represents the consumption of land for housing and associated urban development on the urban fringe. The planning proposal has not sufficiently demonstrated that it represents an appropriate and logical growth scenario.</p> |
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Infrastructure capacity

Council's Urban Capability and Capacity Assessment (**Attachment F4**) for the Dural/Round Corner locality confirms that while there is land capable of accommodating urban development, there are infrastructure capacity issues in the locality that if unresolved would prevent such development from occurring in an orderly and feasible manner. It was recommended that Council discontinue further investigations for rezoning and continue discussions to resolved infrastructure capacity issues. The Central City District Plan and Council's Local Strategic Planning Statement support growth in areas that can take advantage of existing services and infrastructure or will be adequately supported by new infrastructure.

The planning proposal does not demonstrate how the proposed growth can be supported by adequate infrastructure. The assessment of the road network in particular, identifies that road capacity and traffic issues are experienced in Dural, with further delays expected as planned development occurs within the North West Growth Area. While the proponent will contribute to a portion of a future bypass road and has suggested only pursuing conditional gateway with the Northern Site, which will reduce overall demand, the development will ultimately not significantly contribute towards the total cost of the required infrastructure to bring forward investment such that it could be argued as a reason to support the proposal. The site in isolation cannot adequately secure the scale of improvement required, and the partial funding of infrastructure, including necessary commitments to new social infrastructure (noting some local open space was included as part of the proposal), requires the proliferation of further development in this area or a commitment to funding from Council or the State Government.

The further expansion of urban zoned land to create additional funding for transport infrastructure upgrades is not consistent with local or District strategic planning outcomes, and there are no commitments from State Government agencies to fund or deliver additional road upgrade works beyond those contained in the proponent's offer. There is no certainty that additional transport infrastructure improvements can be delivered to meet the needs of the proposal.

Recommendation

The proposal does not sufficiently justify that development which would be enabled by the rezoning can be adequately serviced and is appropriate in this location, as concluded in the Gateway determination issued on 19 April 2020. No change in the existing Gateway determination is recommended. The following reasons remain applicable:

1. *The proposal does not give effect to the Central City District Plan, in particular:*
 - *Priority 1 Planning for a City Supported by Infrastructure;*
 - *Priority 5 Providing housing supply, choice and affordability, with access to jobs and services; and*
 - *Priority 18 Better managing rural areas.*
2. *The proposal contains unresolved inconsistencies with the Section 9.1 Directions 1.2 Rural Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.4 Planning for Bushfire Protection, and 6.3 Site Specific Provisions.*
3. *There are no plans or funding to increase capacity on the surrounding road network to facilitate this proposal. Although the proposal does offer some local benefits such as:*
 - *sewerage system upgrades in the immediate locality around the site enabling the removal of septic systems from the playground of the adjacent Dural Public School;*
 - *road widening to enable safer drop-off and pick-up of students at Dural Public School; and*
 - *provision of local open space;**it makes an insufficient contribution toward improving State infrastructure as the site in isolation cannot adequately secure the scale of improvement required in the road network.*

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|-------------|---|
| | 4. <i>The proposal has not adequately demonstrated that the site is incapable of accommodating agricultural uses under its current zoning and that land use conflict will not arise as a result.</i> |
| Attachments | Attachment A – Planning proposal submitted by Council for Gateway determination Attachment B – Gateway determination Attachment C – Gateway determination assessment report Attachment D – The Hills Local Planning Panel Report and Resolution 19 June 2019 Attachment E1-E9 – Gateway determination review request package Attachment F1-F6 - Council response to Gateway determination review |

COMMISSION'S RECOMMENDATION

Reason for review: A determination has been made that the planning proposal should not proceed.

| | | |
|-----------------|--------------------------|---|
| Recommendation: | <input type="checkbox"/> | The planning proposal should not proceed past Gateway. <input type="checkbox"/> no amendments are suggested to original determination. <input type="checkbox"/> amendments are suggested to the original determination. |
| | <input type="checkbox"/> | The planning proposal should proceed past Gateway in accordance with the original Determination. |

Any additional comments:

Nil

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