



22 February 2021

Ms Jane Grose
Director, Central (Western)
Place, Design and Public Spaces
Department of Planning, Industry and Environment
Level 4, 10 Valentine Avenue
PARRAMATTA NSW 2150

Our Ref: 23/2016/PLP

Dear Ms Grose

AMENDED PLANNING PROPOSAL SECTION 3.34 NOTIFICATION

Proposed The Hills Local Environmental Plan 2012 (Amendment No. #) – Amendments to Land Zone Map, Height of Building Map, Minimum Lot Size Map and introduction of a local provision for land at Derriwong Road and Old Northern Road, Dural (23/2016/PLP)

I refer to correspondence received from the Department of Planning, Industry and Environment (DPIE) on 8 November 2020 with respect to the outcome of the Gateway Determination Review for the above planning proposal. It is noted that a final determination had not been made on the proposal and Council was encouraged to work with the Proponent to satisfy concerns raised by the Independent Planning Commission (IPC) to allow DPIE to consider a revised planning proposal. More specifically, Council was asked to turn its mind to the strategic merit as distinct from the site specific merit which it is agreed that the proposal meets.

Council subsequently considered a report on a revised planning proposal, which now relates to the 'Northern Site' only, and resolved as follows:

1. *Council proceed with Option 1 as set out in this Report.*
2. *Council proceed with discussions with the Proponent to prepare a draft Voluntary Planning Agreement to secure a contribution towards infrastructure improvements.*
3. *Council consider a further report on the draft Voluntary Planning Agreement and a Draft Development Control Plan for the site, prior to any public exhibition of the planning proposal.*

A copy of the Council report and minute is provided as Attachment G to the enclosed planning proposal document.

In making this decision, Council considered the strategic merit outlined in the report and made its own observations in the debate about the matter. If Council was to summarise, the following points seem relevant to support the strategic merit of the proposal.

1. Council was already satisfied as to the strategic merit of this rezoning in its decision to seek a gateway approval in the first instance. The applicant has now reduced the area/scale of the proposed development to be now only concerned with the land within the walkable catchment of the existing school (commonly referred as the northern site). Given the land uses available in the RU6 zone as evident on its northern boundary, the District Plan may have missed an opportunity to consider the most appropriate land use around the Public School and the rigid application of the Metropolitan Rural Land boundary drawn at a high strategic level should not be the sole determiner of strategic merit. The scale of this proposal is insignificant having regard to the land form and the opportunity provided by the existence of state school infrastructure which in itself, serves to address any concerns of precedence. The proposed housing is an appropriate land use, scale and character to surround the school.

2. The proposal addresses a number of existing infrastructure shortcomings in the immediate vicinity where the NSW Government has no committed solution. The Council and the IPC recognises the proposal has considerable public benefits. The proposal will provide sewerage services to the area and will provide access and traffic improvements to the school that addresses the current traffic and access safety concerns. The proposal also provides local open space and a sensible road network.
3. The proposal will provide serviced large lot housing that will provide further housing choice to our Shire. It will provide larger lots at its periphery to serve as a transition back into the 2 hectare character of the RU6 zone.
4. The Council is under significant community pressure to do something about the road network which is principally under pressure due to the rezoning of land in the North West Growth Centre in the Blacktown, Hawkesbury and Hills LGA's. This housing growth is putting significant pressure on Windsor Road and the regional community is utilising Annangrove Road, Kenthurst Road, Old Northern Road and New Line Road as a "regional bypass". It is this regional traffic that has put pressure on the rural road network and a by-pass of Dural/Round Corner town centre is now needed. Council has recognised this need and has indicated the need to Government in multiple strategic documents and comments of Council for a number of years. This proposal seeks to begin a corridor discussion with the NSW Government, the community and proposes land dedication to solve this problem.
5. Council understands its current LSPS and Housing Strategy however, it has undertaken an Urban Capability Assessment carried out by Cardno for land around Dural/Round corner. This assessment was considered by Council formally in 2019 and it since resolved to proceed with the strategic initiative offered by this planning proposal. The outcome will be appropriately reflected in the next version of Council's LSPS and Housing Strategy following your completion of updates of the Metropolitan and District Planning frameworks including reconsideration no doubt of the metropolitan-rural growth boundary.
6. Council was unable to include this proposal in its current LSPS under the assurance process and there is no meaningful mechanism to consider opportunities outside of the 5 year cycle.
7. The traffic impact on the regional state road network of this modified proposal is minimal and considered insignificant when compared to the volumes of traffic using these roads from the North West Growth centre and beyond and the opportunity for the proposal to positively contribute to much needed solutions and improvements.
8. It is appropriate for this proposal to progress through the Gateway process and be afforded the opportunity of formal agency consultation and input in order to properly consider a number of important and related strategic issues at the regional level.

I trust that the attached material and the additional consideration and strategic intent of Council addresses the strategic merits of this proposal. The proposal is now of such a small scale that, with the exception of the public benefits proposed, it is not strategically significant enough to impact on the delivery of outcomes anticipated under the Region Plan. Council considered that if developed as envisaged, it represents a sensible town planning outcome for this particular locality. This aspect was directly reflected on during the course of the meeting in which Council considered this revised proposal.

In accordance with Council's resolution, the revised planning proposal is enclosed for your consideration. The revised proposal should be read in conjunction with the Council report and resolution (9 February 2021) and the additional information submitted by the Proponent (January 2021).

Any future correspondence in relation to this matter should quote reference number 23/2016/PLP. Should you require further information, please contact Kayla Atkins, Senior Town Planner on 9843 0404.

Yours faithfully



Nicholas Carlton
MANAGER – FORWARD PLANNING

Attachment 1: Planning Proposal (including attachments)

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Proposed The Hills Local Environmental Plan 2019 (Amendment No (#)) – Amendments to Land Zone Map, Height of Building Map, Minimum Lot Size Map and introduction of a local provision for land at Derriwong Road and Old Northern Road, Dural.

ADDRESS OF LAND: 618 Old Northern Road, 626 Old Northern Road, 21 Derriwong Road and 27 Derriwong Road, Dural

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environment Planning Policies
Attachment B	Assessment against Section 9.1 Local Planning Directions.
Attachment C	Council Report and Resolution, 9 July 2019
Attachment D	Local Planning Panel Report and Minute, 19 June 2019
Attachment E	Proponent's Planning Proposal and Supporting Material, May 2016
Attachment F	Proponent's Revised Planning Proposal Material, January 2021
Attachment G	Council Report and Resolution, 9 February 2021

THE SITE:

The subject site comprises four individual lots known as 618 and 626 Old Northern Road and 21 and 27 Derriwong Road, Dural. The land is bound by Old Northern Road and Derriwong Road and is approximately 10.8 hectares in size (refer to Figure 1). The land falls in a southwest direction towards Derriwong Road and O'Hara's Creek beyond. The land is predominantly cleared of any substantial vegetation.

The site adjoins The Hills Shire and Hornsby Shire Council boundary, along Old Northern Road. The land is surrounded by large rural properties, Dural Public School and various commercial uses. The area is predominantly zoned RU6 Transition under The Hills Local Environmental Plan 2019. The land opposite the site is zoned RU2 Rural Landscape within the adjoining Hornsby Shire Council area (under the Hornsby Local Environmental Plan 2013). Land in the broader locality (especially in Hornsby LGA) is presently being used for agricultural uses.

The existing uses on the land subject to the planning proposal include single dwellings and rural residential development. Desktop analysis suggests parts of the site were used for agricultural purposes as recently as 2014, whilst other parts of the site have been used for small businesses and home businesses.

The area of land commonly referred to as South Dural (within the Hornsby Shire Council area) was considered by Hornsby Council for urban release as a "land owner initiated" planning proposal. However, in February 2018 the Department of Planning and Environment advised that it did not support the rezoning proposal and on 11 April 2018, Hornsby Council resolved not to proceed with this planning proposal.

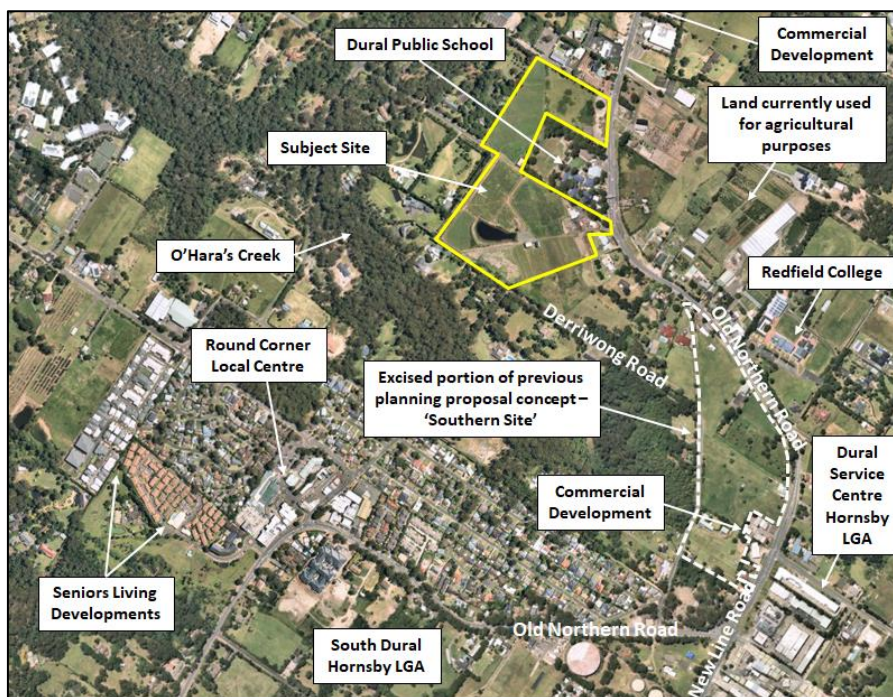


Figure 1
Locality Plan – Planning Proposal 23/2016/PLP (outlined in yellow)

BACKGROUND:

Detailed background with respect to the proposal is provided within the Reports to Council's Ordinary Meeting of 9 July 2019 (Attachment C) and 9 February 2021 (Attachment G).

PART 1 OBJECTIVES OR INTENDED OUTCOME

The planning proposal seeks to enable a low density residential development outcome on the site.

PART 2 EXPLANATION OF THE PROVISIONS

To facilitate the proposed development outcome, the following amendments to LEP 2019 are proposed:

1. Amend the Land Zone Map to rezone the site from RU6 Transition to R2 Low Density Residential;
2. Amend the Height of Building Map to reduce the maximum height of building from 10 metres to nine (9) metres;
3. Amend the Minimum Lot Size Map to reduce the minimum lot size from two (2) hectares to 700m²; and
4. Introduce a local provision enabling a minimum lot size of 600m² on the 'northern' site, with a yield capped at 101 dwellings.

A draft local provision would also be included, drafted as follows:

"7.XX Residential development yield on certain land in Dural

(1) *The objectives of this clause are as follows:*

(a) *To facilitate the provision of a road reserve to accommodate future road networks,*

(b) *To ensure development does not place an unreasonable burden on the provision of services, facilities and infrastructure in the area to which this clause applies.*

(2) *This clause applies to land identified as "Area M" on the Key Sites Map.*

(3) *The consent authority may consent to the subdivision of land to provide a maximum of 101 residential lots.*

(4) *Development consent must not be granted to the subdivision of land to which this clause applies if the development has minimum lot sizes of less than 600m²*

Note: This clause is draft only and will be subject to legal review.

In resolving to proceed with the planning proposal, Council identified that should a Gateway Determination be issued enabling the proposal to proceed, it should include conditions which require resolution of the following matters:

- The need to increase the proposed minimum lot size at key locations, in order to soften the impact of the development on the Old Northern Road ridgeline and enable better visual transition between the development and surrounding land;
- Access arrangements and relationship between proposed residential lots and the planned arterial bypass road;
- Establishment of a mechanism to ensure that the proposed amendments would not facilitate a proliferation of seniors housing development proposals on adjoining rural land; and
- 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.

It is noted that the resolution of these matters may result in some changes to the specific LEP amendments proposed, albeit with a view of enabling the same intended development outcome.

It is also noted that the proliferation of seniors housing development proposals on adjoining rural land is no longer a relevant concern in light of recent amendments to State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004, which removed the SEPP's application from the Metropolitan Rural Area (MRA).

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

1. *Is the planning proposal a result of any strategic study or report?*

No, the planning proposal is not a result of any strategic study or report. It is the result of an owner-initiated application.

2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Generally, the planning proposal is the best means of achieving the objectives or intended outcomes. However there may be some amendments to the proposal required in order to resolve concerns relating to minimum lot size provisions and the transition of development to the adjoining rural character.

Should a Gateway Determination be issued, further investigation may be required in consultation with the State Government into alternative LEP amendments which achieve the intended outcome.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

A discussion of the current strategic planning framework is provided below.

- **Greater Sydney Region Plan and Central City District Plan**

The Greater Sydney Region Plan and Central City District Plan were released in March 2018. Objective 29 of the Greater Sydney Region Plan seeks to ensure that the environmental, social and economic values in rural

areas are protected and enhanced. Under Planning Priority C18, Better Managing Rural Areas, there are two actions that Council is required to consider in land use planning:

- Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes; and
- Limit urban development to within the Urban Area.

The Plan acknowledges the essential retail and community services provided by rural villages and towns, but does not advocate for them to become part of the urban area. The Plan states that maintaining and enhancing the distinctive rural village character is a high priority and that further rural residential or urban development is generally not supported. However, the benefits of strengthening rural villages and ensuring that these areas grow with the rural communities should also be considered, noting that the planning proposal enables some development to occur surrounding Dural Public School, close to the Dural neighbourhood village. The proposal would promote the viability of these rural villages and partially contribute to the resolution of some regional infrastructure issues, through the reservation of part of a future arterial bypass road connection from Annangrove Road to Old Northern Road and New Line Road.

In response to the concerns raised by the IPC, the Proponent states that the proposal demonstrates strategic merit as the site is not viable agricultural land and the proposal will not result in land use conflicts. The site will support the viability of the nearby rural village through the provision of low scale housing. The Proponent submits that the scale of the proposed development is commensurate with surrounding residential areas and will therefore not result in a conflict between the new urban and surrounding rural land. Further, the public benefit offer will deliver infrastructure that is required by the existing local community. The Proponent has stated that the design-led, place-based approach to planning for the site is consistent with the District Plan's approach to the better management of rural areas.

4. Is the planning proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

A discussion of consistency is provided below.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Direction articulates the vision, values, aspirations and priorities with reference to other local government plans, information and resourcing capabilities. It is a direction that creates a picture of where the Hills would like to be in the future. The direction is based on community aspirations gathered throughout months of community engagement and consultation with members of the community. The planning proposal could facilitate an outcome that is consistent with The Hills Future Strategic Plan as it may contribute to the delivery of key regional infrastructure and support the viability of the Dural Round Corner village.

- **Local Strategic Planning Statement and Supporting Strategies**

In order to give effect to the planning priorities of better management of rural areas and their protection from encroaching residential development, Council's LSPS provides for the implementation of an Urban Growth Boundary to delineate the existing urban area from the Metropolitan Rural Area. While the subject site is located above the Urban Growth Boundary, the planning proposal does not represent a fundamental structural shift in the Urban Growth Boundary, as the proposal seeks to deliver an extension of the existing rural village of Round Corner and activity centre of Dural Public School, which would support the ongoing viability of the centre. The proposal also seeks to align the proposed residential growth with significant infrastructure investment in the locality.

The LSPS emphasises the importance of providing a transition between the interface of existing urban and rural areas. Council's resolution to progress the planning proposal identified the need to ensure that the development integrates with the surrounding area through increased minimum lot size provisions at the periphery of the site. This outcome would better respond to the scenic landscape and ridgeline views from Old Northern Road.

With respect to rural villages, the LSPS has identified the need to protect the role and function of these areas while providing opportunities for limited expansion to meet the needs of the rural community. The planning proposal seeks to deliver this opportunity through the provision of low scale housing, as well as critical infrastructure that is required to meet the needs of existing residents in the area. Council's resolution to progress the planning proposal requires the commencement of discussions with the Proponent in relation to

a draft Voluntary Planning Agreement that would address local infrastructure needs. The Gateway Assessment process also allows DPIE and TfNSW to give detailed consideration to the appropriateness of the proposed reservation of a bypass corridor.

The planning proposal would facilitate an additional 101 residential lots and contribute to the diversity of housing product available within the locality. The Proponent has completed residential market analysis as part of their supporting material for the planning proposal, to demonstrate that the proposed residential development is consistent with market trends.

- **Dural Urban Capacity and Capability Study**

Council recently commissioned an Urban Capacity and Capability Assessment for the Dural/Round Corner locality. The need for this assessment arose, in part, due to a number of land-owner initiated planning proposals which were submitted to Council in the absence of any holistic or coordinated approach to planning for the area. This subject planning proposal was held in abeyance pending the outcome of these strategic investigations.

Figure 2 below provides the location of the investigation area that was examined in this study. The approximate location of the land affected by the planning proposal is shown in yellow.

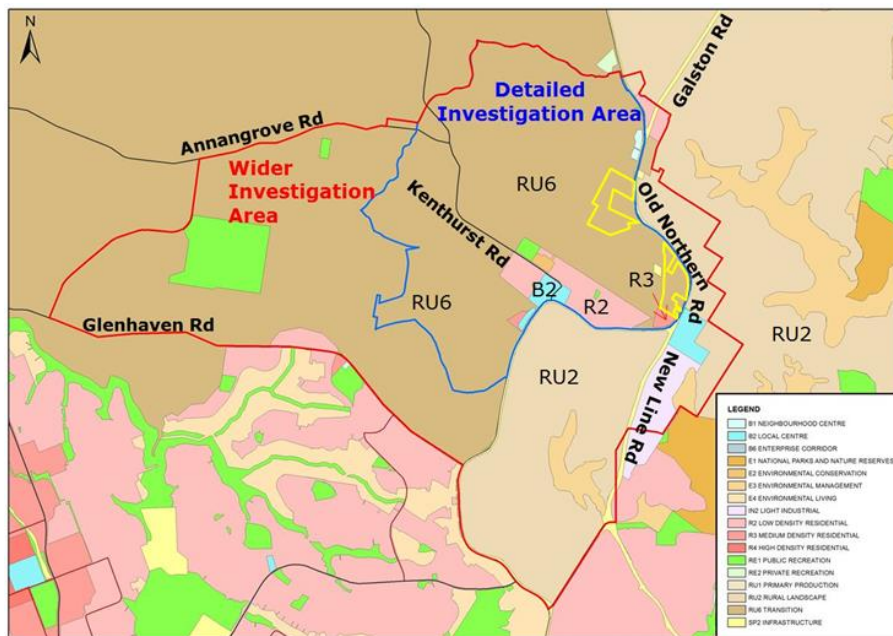


Figure 2
Dural Investigation Areas, Original Planning Proposal Sites (Yellow) and Current Zoning

The Assessment reached the following conclusions about the Investigation Area:

- *There are no government plans to encourage additional growth in the investigation area.*
- *The investigation area has some physical capability for development uplift.*
- *Constraints arising from lack of capacity in transport and service infrastructure would be likely to preclude any development uplift in the investigation area. At this time there is no government will to invest in upgrades to these services. Private investment in infrastructure would be necessary to facilitate any substantial development uplift.*

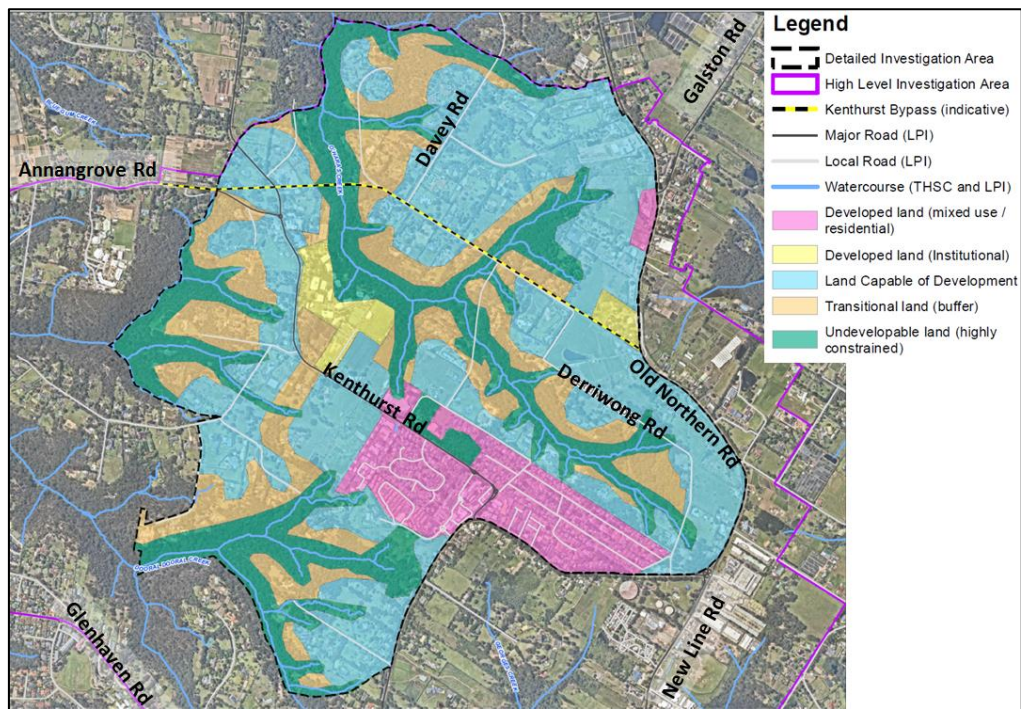


Figure 3
Outcomes of Environmental Study

On 26 March 2019, Council considered a report on the outcomes of the Dural Urban Capacity and Capability Assessment and resolved as follows:

1. Council receive the report outlining the outcomes of the Urban Capability and Capacity Assessment for the Dural locality;
2. Council discontinue any further investigations with respect to the rezoning of rural land for urban development within the Dural locality at this time;
3. If the proponent of any future planning proposal to rezone land within the Dural locality is able to demonstrate that they can deliver the required local and regional infrastructure upgrades at no cost to Council, Council consider such a planning proposal and review its position with respect to rezoning within the Dural locality at that time;
4. Invite Hornsby Shire Council to join with The Hills Shire Council in lobbying the State Government for the funding of essential upgrades to Old Northern Road / New Line Road to address existing road capacity problems in Dural;
5. Approach the Roads and Maritime Services for the re-classification of Annangrove Road from a sub-arterial road to an arterial road to recognise the higher traffic volumes that are expected on Annangrove Road in the near future; and
6. Lobby the State Government for the reservation of a corridor that will facilitate a future bypass road between Annangrove Road and Old Northern Road, plus a funding commitment for the construction of a bypass road that will be needed as a consequence of population increase in the North West Growth Centre.

A copy of the Council report and resolution are provided within Attachment C to this planning proposal.

The strategic planning framework outlines the benefits of strengthening rural villages and ensuring that these areas grow with the rural communities. The planning proposal provides for some development to occur surrounding Dural Public School, close to the Dural neighbourhood village. It would also partially contribute to the resolution of some of the regional infrastructure issues, through the reservation of part of a future arterial bypass road connection from Annangrove Road to Old Northern Road and New Line Road.

The Gateway Assessment process provides an opportunity for a broader discussion to occur around the delivery of local and regional infrastructure upgrades required to remove the impediments to urban

development within this locality. Should the Department, in consultation with the relevant State Government agencies, determine that the proposal has strategic merit to proceed, some amendments may be required to ensure that the proposed development outcome remains consistent with the rural character of the surrounding locality.

In particular, further investigation would be required around the opportunity to include some larger lot sizes on the periphery of the subject site and along the Old Northern Road ridgeline. Larger minimum lot sizes at these key locations would result in the retention of more vegetation, better integration into the surrounding rural character and a reduction of density and bulk along the ridgeline. Larger lots at the periphery of the development transitioning into the existing rural area would also reinforce the boundary of the centres (and the proposal). These site-specific outcomes could be guided through the preparation of a site specific Development Control Plan.

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

An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A. A discussion on consistency with each relevant SEPP is provided below.

- **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004**

This Policy aims to encourage the provision of housing to increase the supply and diversity of residences that meet the needs of seniors or people with a disability. The planning proposal does not seek to facilitate seniors housing development. Previous concerns with respect to the proliferation of seniors housing as a result of this planning proposal are no longer of concern, given recent amendments to the Seniors SEPP which exclude its application to the Metropolitan Rural Area.

- **State Environmental Planning Policy (Primary Production and Rural Development) 2019**

This Policy aims to facilitate the orderly economic use and development of lands for primary production, reduce land use conflicts by balancing primary production, residential development and environmental constraints and values. The proponent has submitted that the site has minimal capacity to accommodate agricultural uses. Should the a Gateway Determination be issued, further consultation with NSW Department of Primary Industries should be required with respect to the viability of agricultural uses on this land.

6. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 Directions)?

The consistency of the planning proposal with the s. 9.1 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **Direction 1.2 Rural Zones**

The Rural Zones Direction requires that a planning proposal must not rezone land from rural to a residential, business, industrial, village or tourist zone, or contain provisions that will increase the permissible density of land within a rural zone. A planning proposal may be inconsistent with the Direction if the Director-General of the Department is satisfied that the inconsistencies are justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this Direction.

The planning proposal seeks to facilitate a low density residential outcome, complementary with the surrounding land uses. The planning proposal would provide complementary development around Dural Public School. The Dural Urban Capacity and Capability Study identifies that the land has physical capability to accommodate residential development. Further, the Proponent has advised that the land has limited capacity to accommodate agricultural uses and has prepared a study titled 'Assessment of new agricultural enterprise viability in Dural' in support of the proposal. This study is provided within Attachment E to this planning proposal.

- **Direction 2.3 Heritage Conservation**

This Direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A planning proposal must contain provisions that facilitate conservation of the environmental heritage of the area.

The land subject to the amended proposal is not heritage listed and does not adjoin any heritage items. However, there are a number of heritage items to the south of the planning proposal. Any future

development should ensure that views and vistas to these items are not impeded by development. However it is considered that any impact would be unlikely given the distance of the land from the heritage items.

- **Direction 2.6 Remediation of Contaminated Land**

This Direction seeks to minimise the risk to human health and the environment by effectively managing contamination and remediation. In this instance, the Direction applies given that agricultural activities were previously carried out on the site.

The Proponent's preliminary site investigations have concluded that while the presence of contaminants have been detected, all sites are capable of being made suitable for their intended future purpose of residential development.

- **Direction 3.1 Residential Zones**

This Direction seeks to encourage a variety of choice and housing types to provide for existing and future housing needs. A planning proposal must include provisions that broaden the choice of building types and locations available in the housing market, make more efficient use of existing infrastructure and services, reduce the consumption of land for housing and associated urban development on the urban fringe, and be of good design. A planning proposal must also contain a requirement that residential development is not permitted until land is adequately serviced.

The planning proposal seeks to facilitate a range of lot sizes from 600m² to 1,000m². The exploration of further provision of larger lot sizes is required to demonstrate an appropriate transition to surrounding rural land and larger acreage. In support of the planning proposal, the Proponent has submitted residential market analysis to ensure that the proposed development is consistent with market trends and demand. The detailed dwelling design will be a matter for consideration at the development application stage.

The use of existing infrastructure and services and any potential upgrades required should be further investigated as part of this planning proposal process, including consultation with the required utility providers as a condition of any Gateway Determination issued.

- **Direction 4.4 Planning for Bushfire Protection**

This Direction requires a planning proposal to have regard to *Planning for Bush Fire Protection* and ensure the adequate provision of Asset Protection Zones, two-way access roads linking to perimeter roads and/or fire trail networks, adequate water supply for fire-fighting purposes, minimisation of the area of land directly interfacing with the hazard and controls regarding combustible materials in Inner Protection Areas. A planning proposal may only be inconsistent with this Direction if written advice is obtained from the Commissioner of the NSW Rural Fire Service (NSW RFS) does not object to the proposal's progression.

Parts of the site are identified as Vegetation Buffer on the 2019 Bush Fire Prone Land Mapping. The Proponent has submitted a bushfire assessment in support of the planning proposal to demonstrate how the proposed development can meet the requirements of *Planning for Bush Fire Protection*. It is anticipated that NSW RFS would be consulted as a condition of any Gateway Determination issued.

- **Direction 6.3 Site Specific Provisions**

This Direction seeks to discourage unnecessarily restrictive site specific planning controls. A planning proposal must either allow the proposed land use to be carried out in the zone the land is situated on, rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or 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 planning proposal seeks to introduce a site specific clause to facilitate a 600m² minimum lot size and a cap of 101 lots on the site. These controls are to be implemented as proposed by the Proponent and are critical to ensuring delivery of the intended development outcome.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No, the proposal is unlikely to create any adverse impacts on critical habitat or threatened species, populations or ecological communities and their habitats. The subject site is substantially cleared of vegetation.

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

Parts of the site are mapped as Vegetation Buffer under 2019 Bush Fire Prone Land mapping. A bushfire assessment has been submitted with the planning proposal to determine how the proposal will comply with the requirements of *Planning For Bush Fire Protection*.

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

There will be limited social effects of the proposal, as the introduction of increased residential dwellings in the locality is unlikely to create any antisocial behaviour or concerns.

With respect to potential economic effects, the RU6 Transition Zone provides a buffer between urban land and rural areas where agricultural activities can develop and grow without being restricted due to land use conflict. The Hills Shire's agricultural productivity is high, and the area's local and regional output values continue to increase despite growing pressure to rezone rural land. In 2015-16 the total value of agricultural output in The Hills Shire was \$32 million. Nurseries and cut flowers accounted for around three-quarters of the Shire's total agricultural output in value terms (ABS, 2016).

The Proponent has advised that the land has limited capacity to accommodate agricultural uses and has prepared a study titled 'Assessment of new agricultural enterprise viability in Dural' to justify the transition of the site from rural to residential. Should the Department determine that the planning proposal should progress, in order to retain the area's rural character and mitigate against potential land use conflicts, it is recommended that the proposal be amended to include larger lot sizes on the periphery of the site and along Old Northern Road. This would ensure that the density of development decreases at the periphery of the site. A Development Control Plan would also be required to guide future development.

SECTION D - STATE AND COMMONWEALTH INTERESTS

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

The current regional road network for west-east vehicle movement between the growing North West Growth Centre and the localities of Pennant Hills and Hornsby follows Annangrove Road, Kenthurst Road, Old Northern Road and New Line Road. This route bisects the Round Corner town centre and traffic volumes are expected to increase as development continues within the North West Growth Centre.

The Urban Capacity and Capability Assessment included detailed traffic analysis of the existing road network in the Dural locality. The Assessment concluded that road capacity and traffic issues are already being experienced in Dural, with further delays to be expected as planned development occurs within the North West Growth Centre, unless upgrade works are undertaken to cater for increased demand.

It is noted that the recently announced 2019/2020 Federal Budget included funding of \$10 million towards a business case to investigate the upgrade of New Line Road to a four lane divided carriageway. The investment from the Australian Government is expected to be on a 50/50 basis with the New South Wales Government.

Business cases are used by the Australian Government to manage the priority of various projects nationwide and remain informed on the appropriate investments required to support future development. Business case planning occurs in the preliminary stages of a project, prior to full funding commitments for projects or detailed planning and construction (if justified by the business case).

The inclusion of business case funding with respect to the upgrade of New Line Road does indicate some movement at a Federal level towards securing the necessary upgrades to New Line Road and the preparation of a business case for the upgrade of this regional road is supported. The resolution of the existing regional infrastructure issues will ultimately require further funding by Government, following the completion of the business case.

In addition to the upgrade of Old Northern Road and New Line Road, the resolution of regional traffic issues would also require reclassification of Annangrove Road from a sub-arterial road to an arterial road (transferring ownership to the State Government) and further exploration of a new arterial road link from Annangrove Road to Old Northern Road that bypasses Round Corner. This would improve traffic flows and reduce congestion within Round Corner and improve the efficiency of the broader regional road network.

The planning proposal and public benefit offer includes the reservation of a 32 metre wide road corridor on the southern boundary of Dural Public School, which would form part of the potential bypass road. The public benefit offer submitted as an addendum to the planning proposal indicates the developer is offering this land at no cost to Council or Government and is intending to construct the portion of the road in this location.

The proposed reservation of a corridor through the site for a future bypass road is supported, however endorsement of this location and profile would be required by relevant State Government agencies, culminating in a commitment from State Government to the identification and funding of a bypass road. There is an opportunity to secure a portion of the future bypass road through this proposal, which should be considered by the State Government.

Social infrastructure is important for new communities where links between neighbours are not yet established. Based on the 101 lots proposed (approximately 323 persons) the following local infrastructure would be required using Council's current benchmark rates:

- 10% of a local community centre;
- 1% of a branch library;
- 16% of an active open space facility (playing field); and
- 5,234m² of passive open space (based on 1.62 ha per 1,000 people).

It is noted that the minimum lot size would permit dual occupancies on the lots, which could generate infrastructure demand beyond the above calculations. Any future Voluntary Planning Agreement should ensure that all future dwellings are levied for local infrastructure.

The provision of 10% of a community centre or 16% of a playing field would be difficult, especially in the absence of any broader critical mass of urban development within the locality. Accordingly, should the Department determine that the proposal has strategic merit through the Gateway process, the Proponent would need to address how the demand for additional local infrastructure could be resolved. Further consideration would be required with respect to the ability for Council to actually deliver additional facilities using these contributions in the absence of any critical mass of similar development within the locality also making an apportioned contribution towards future infrastructure.

The Proponent has made a preliminary public benefit offer which is detailed within Attachments C and E of this planning proposal. The two key items of public benefit contained within the offer are the dedication of land for and construction of a portion of an arterial road bypass from Annangrove Road to Old Northern Road and the dedication of land for local open space within the Northern Site and adjacent to Dural Memorial Hall (subject to further negotiation).

The proposed road connection would contribute to the objective of providing a future arterial bypass road to fulfil the key strategic need for better traffic movement throughout the north-west, by enabling better access from the growth centres better access to services and jobs to the east. However, the bypass road will need the support of State Government agencies, such as Roads and Maritime Services, in order to ensure the remaining portions of the road can also be funded and delivered.

The provision of local passive open space would support the planning proposal in terms of providing infrastructure to meet the demands generated by the increased density facilitated by the planning proposal. This public benefit offer does not address the need for active open space, community facilities or libraries. Should the planning proposal be progress to Gateway Determination, further negotiations would be required with the Proponent with respect to the public benefit offer and addressing the demand for additional local infrastructure.

With respect to utility capacity, advice provided to the Proponent by Utility providers suggests that there is sufficient capacity within the existing water and electricity networks to service the proposed development (101 dwellings). While the development may be able to be serviced with electricity, gas and potable and waste water have little remaining capacity in the locality or are dependent upon economic viability. The

Proponent has demonstrated that extending such utilities to service the proposed 101 new lots is possible. The viability of doing so is a commercial matter for the Proponent to consider should the proposal progress.

As part of the supporting material for the planning proposal, infrastructure servicing strategies have been completed to determine whether the existing networks are capable of accommodating additional demand generated from the residential uplift. Local utility authorities will also be consulted as part of any public exhibition period or Gateway Determination issued.

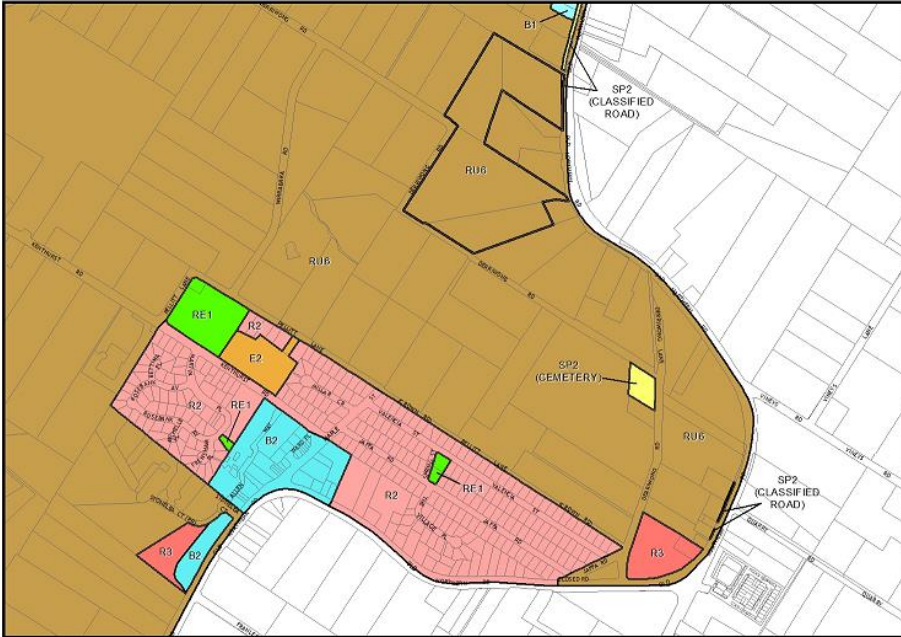
11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

This planning proposal has been forwarded to the Department for Gateway Assessment to determine the level of commitment by State Government to the funding required for essential traffic infrastructure in the locality. If a Gateway Determination is issued, a list of all relevant agencies would be determined and consulted accordingly.

PART 4 MAPPING

The planning proposal seeks to amend the Land Zone Map, Height of Buildings Map, Minimum Lot Size Map and Key Sites Map of *The Hills Local Environmental Plan 2019*.

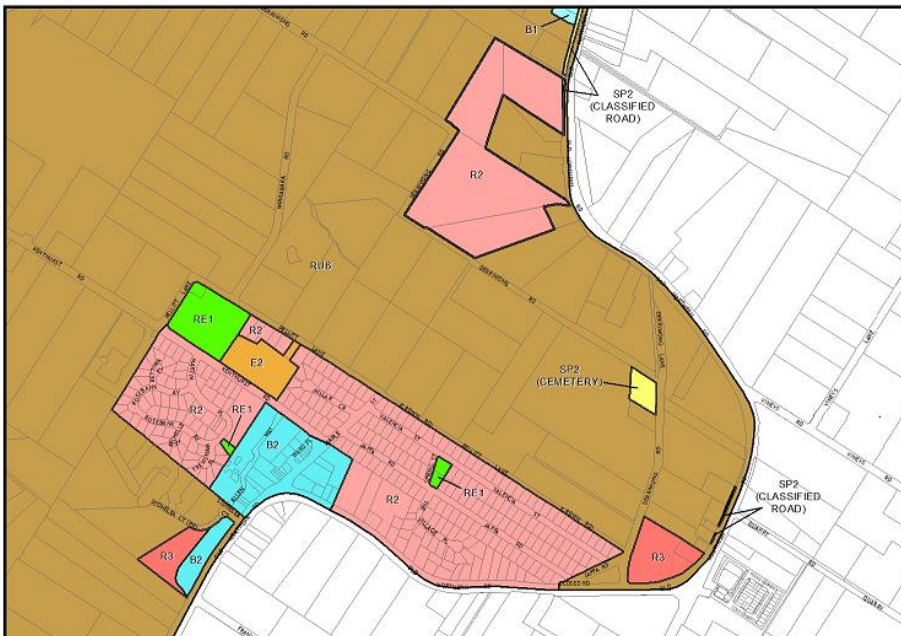
Existing Land Zone Map



Land Zoning (LZN)

B1	Neighbourhood Centre	R2	Low Density Residential	RE2	Private Recreation
B2	Local Centre	R3	Medium Density Residential	RU6	Transition
E2	Environmental Conservation	RE1	Public Recreation	SP2	Infrastructure

Proposed Land Zone Map



Land Zoning (LZN)

B1	Neighbourhood Centre	R2	Low Density Residential	RE2	Private Recreation
B2	Local Centre	R3	Medium Density Residential	RU6	Transition
E2	Environmental Conservation	RE1	Public Recreation	SP2	Infrastructure

Existing Height of Buildings Map



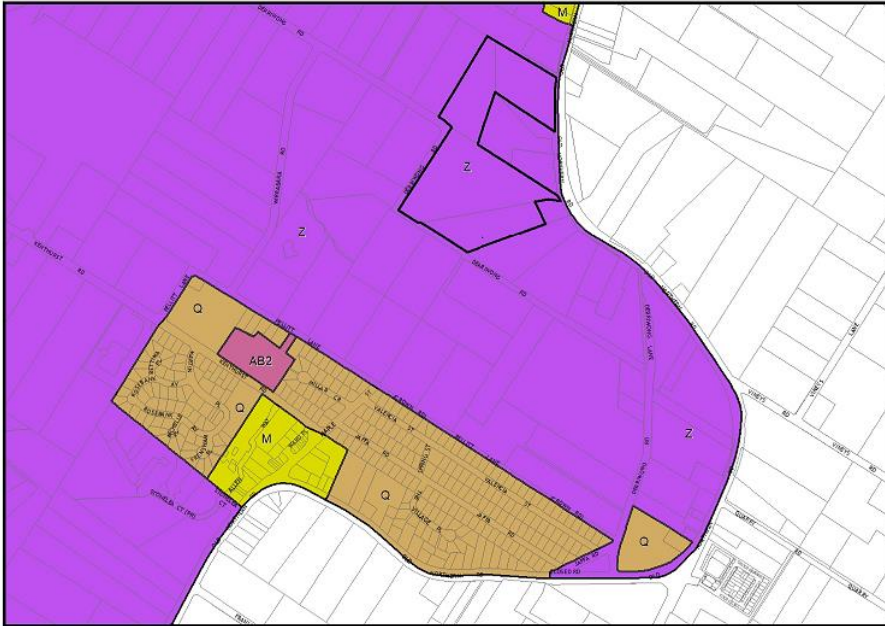
Height of Buildings (m) (HOB)
J 9.0 K 10.0 M1 12.0

Proposed Height of Buildings Map



Height of Buildings (m) (HOB)
J 9.0 K 10.0 M1 12.0

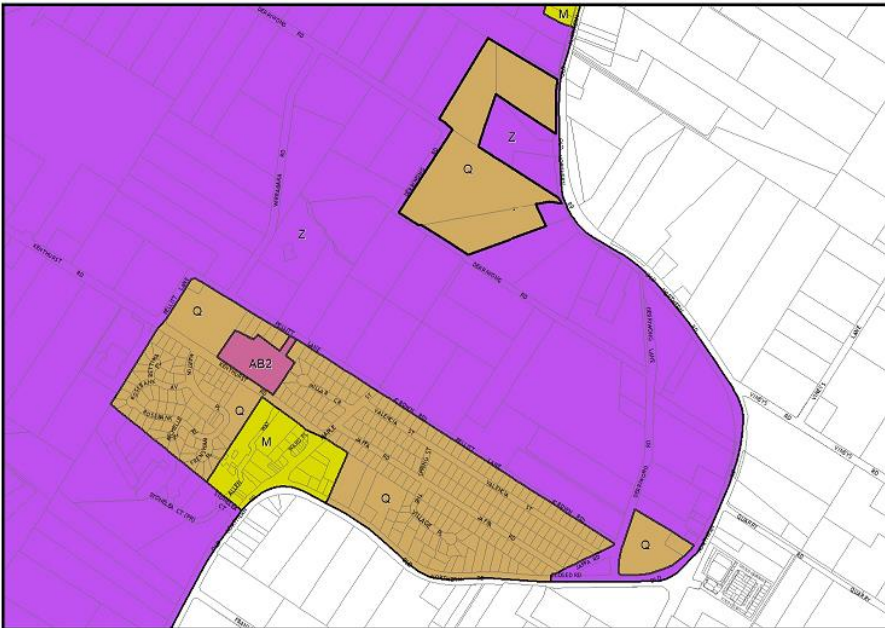
Existing Minimum Lot Size Map



Minimum Lot Size (sq m) (LSZ)

M 600 **Q** 700 **Z** 2 ha **AB2** 40 ha

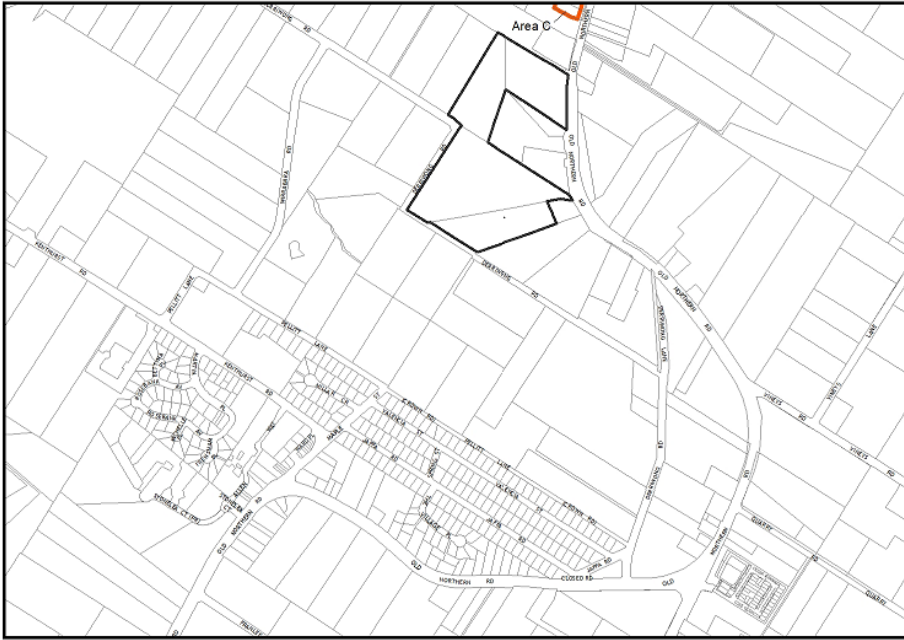
Proposed Minimum Lot Size Map




Minimum Lot Size (sq m) (LSZ)

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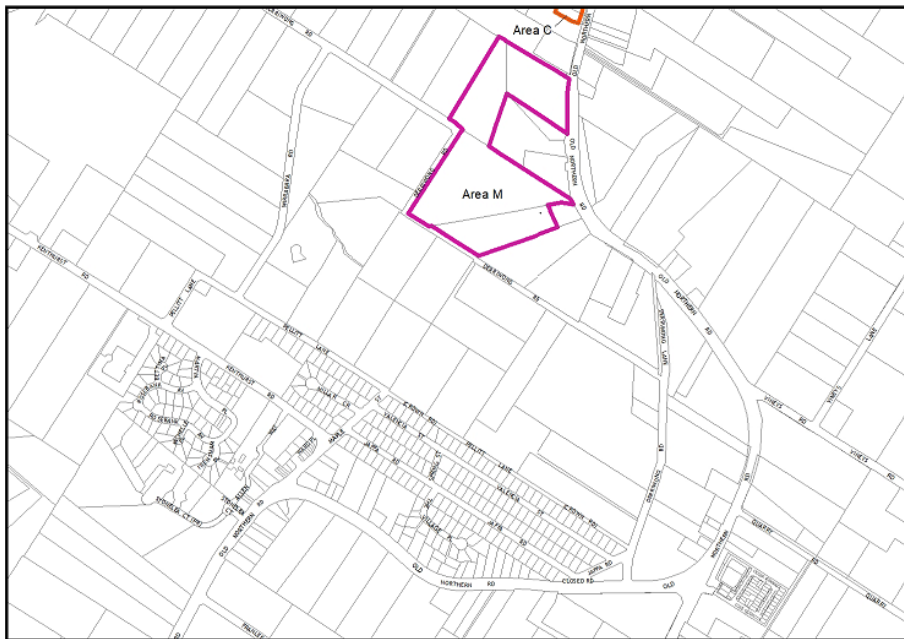
Existing Key Sites Map



Key Sites Map

 Area C

Proposed Key Sites Map



Key Sites Map

 Area C  Area M

PART 5 COMMUNITY CONSULTATION

It is anticipated that any Gateway Determination issued would require community consultation. This would involve advertisements on Council's website and letters would be sent to adjoining and nearby property owners and stakeholders.

PART 6 PROJECT TIMELINE

STAGE	DATE
Commencement Date (Gateway Determination)	March 2021
Government agency consultation	April - July 2021
Commencement of public exhibition period (28 days)	August 2021
Completion of public exhibition period	September 2021
Timeframe for consideration of submissions	October 2021
Timeframe for consideration of proposal post exhibition	Nov-Dec 2021
Report to Council on submissions	February 2022
Planning Proposal to PCO for opinion	February 2022
Date Council will make the plan (if delegated)	March 2022
Date Council will forward to department for notification (if delegated)	March 2022

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)		APPLICABLE TO THSC	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
No. 19	Bushland in Urban Areas	YES	NO	
No. 21	Caravan Parks	YES	NO	
No. 33	Hazardous and Offensive Development	YES	NO	
No. 36	Manufactured Home Estates	NO	-	
No. 47	Moore Park Showground	NO	-	
No. 50	Canal Estate Development	YES	NO	
No. 55	Remediation of Land	YES	NO	
No. 64	Advertising and Signage	YES	NO	
No. 65	Design Quality of Residential Apartment Development	YES	NO	
No. 70	Affordable Housing (Revised Schemes)	YES	NO	
	Aboriginal Land (2019)	NO	NO	
	Activation Precincts (2020)	NO	NO	
	Affordable Rental Housing (2009)	YES	NO	
	Building Sustainability Index: BASIX (2004)	YES	NO	
	Coastal Management (2018)	NO	-	
	Concurrences and Consents (2018)	YES	NO	
	Educational Establishments and Child Care Facilities (2017)	YES	NO	
	Exempt and Complying Development Codes (2008)	YES	NO	
	Gosford City Centre (2018)	NO	-	
	Housing for Seniors or People with a Disability (2004)	YES	YES	CONSISTENT
	Infrastructure (2007)	YES	NO	
	Koala Habitat Protection (2020)	NO	NO	
	Kosciuszko National Park – Alpine Resorts (2007)	NO	-	
	Kurnell Peninsula (1989)	NO	-	
	Major Infrastructure Corridors (2020)	NO	NO	
	Mining, Petroleum Production and Extractive Industries (2007)	YES	NO	
	Miscellaneous Consent Provisions (2007)	YES	NO	
	Penrith Lakes Scheme (1989)	NO	-	
	Primary Production and Rural Development (2019)	YES	NO	
	State and Regional Development (2011)	YES	NO	
	State Significant Precincts (2005)	YES	NO	
	Sydney Drinking Water Catchment (2011)	NO	-	
	Sydney Region Growth Centres (2006)	YES	NO	
	Three Ports (2013)	NO	-	
	Urban Renewal (2010)	NO	-	
	Vegetation in Non-Rural Areas (2017)	YES	NO	
	Western Sydney Aerotropolis (2020)	NO	NO	
	Western Sydney Employment Area (2009)	NO	-	
	Western Sydney Parklands (2009)	NO	-	
	Deemed SEPPs			
	SREP No. 8 (Central Coast Plateau Areas)	NO	-	
	SREP No. 9 – Extractive Industry (No. 2 – 1995)	YES	NO	
	SREP No. 16 – Walsh Bay	NO	-	
	SREP No. 20 – Hawkesbury – Nepean River (No 2 – 1997)	YES	NO	
	SREP No. 24 – Homebush Bay Area	NO	-	

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE TO THSC	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/CONSISTENT
SREP No. 26 – City West	NO	-	
SREP No. 30 – St Marys	NO	-	
SREP No. 33 – Cooks Cove	NO	-	
SREP (Sydney Harbour Catchment) 2005	YES	NO	

ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Employment and Resources				
1.1	Business and Industrial Zones	YES	NO	
1.2	Rural Zones	YES	YES	Refer Section B Part 6
1.3	Mining, Petroleum Production and Extractive Industries	YES	NO	
1.4	Oyster Aquaculture	YES	NO	
1.5	Rural Lands	NO	-	-
2. Environment and Heritage				
2.1	Environment Protection Zone	YES	NO	
2.2	Coastal Protection	NO	-	-
2.3	Heritage Conservation	YES	NO	CONSISTENT
2.4	Recreation Vehicle Area	YES	NO	
2.5	Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	NO	-	-
2.6	Remediation of Contaminated Land	YES	YES	CONSISTENT
3. Housing, Infrastructure and Urban Development				
3.1	Residential Zones	YES	YES	CONSISTENT
3.2	Caravan Parks and Manufactured Home Estates	YES	NO	
3.3	Home Occupations	YES	NO	
3.4	Integrating Land Use and Transport	YES	NO	-
3.5	Development Near Licensed Aerodomes	YES	NO	
3.6	Shooting Range	NO	-	-
3.7	Reduction in non-hosted short term rental accommodation period	NO	-	-
4. Hazard and Risk				
4.1	Acid Sulfate Soils	YES	NO	
4.2	Mine Subsidence and Unstable Land	YES	NO	
4.3	Flood Prone Land	YES	NO	
4.4	Planning for Bushfire Protection	YES	YES	CONSISTENT
5. Regional Planning				
5.1	Implementation of Regional Strategies	NO	-	-
5.2	Sydney Drinking Water Catchment	NO	-	-
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
5.9	North West Rail Link Corridor Strategy	NO	-	-
5.10	Implementation of Regional Plans	YES	NO	
5.11	Development of Aboriginal Land Council land	NO	-	

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
6. Local Plan Making				
6.1	Approval and Referral Requirements	YES	NO	
6.2	Reserving Land for Public Purposes	YES	NO	
6.3	Site Specific Provisions	YES	YES	CONSISTENT
7. Metropolitan Planning				
7.1	Implementation of A Plan for Growing Sydney	NO	-	-
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	YES	NO	
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	-	-
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	NO	-	-
7.9	Implementation of Bayside West Precincts 2036 Plan	NO	-	-
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	NO	-	-
7.11	Implementation of St Leonards and Crows Nest 2036 Plan	NO	-	-
7.12	Implementation of Greater Macarthur 2040	NO	-	-
7.13	Implementation of the Pyrmont Peninsula Place Strategy	NO	-	-