



Planning,
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IRF 21/2757

Gateway determination report – PP-2021-4415

618 and 626 Old Northern Road and 21 and 27
Derriwong Road, Dural (101 dwellings)

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1 Introduction

1.1 Overview of planning proposal

The planning proposal is supported by the following reports and plans:

- Council Planning Proposal
- Council Report and Resolution - 9 February 2021
- Proponent's Revised Planning Proposal - January 2021
- Proponent's Planning Proposal - May 2016

Table 1 Planning proposal details

LGA	The Hills Shire
PPA	The Hills Shire Council
NAME	Old Northern Road & Derriwong Roads, Dural (101 dwellings)
NUMBER	PP-2021-4415
LEP TO BE AMENDED	The Hills LEP 2019
ADDRESS	618, 626 Old Northern Road and 21, 27 Derriwong Road, Dural
DESCRIPTION	Lot X DP 501233, Lot 2 DP 541329, Lot 2 DP 567995, Lot 9 DP 237576
RECEIVED	22/02/2021
FILE NO.	IRF21/2757
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Site description and surrounding area

The subject site comprises of four individual lots, is approximately 10.8 hectares in size and is bound by Old Northern Road and Derriwong Road (**Figure 1**). The land falls in a southwest direction towards Derriwong Road and O'Hara's Creek. The land is predominantly cleared of any substantial vegetation and contains single dwellings supporting 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 site is located within The Hills Shire Local Government Area (LGA) but adjoins the Hornsby Shire LGA due to its frontage to 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 under the Hornsby Local Environmental Plan 2013. Land in the broader

locality (particularly in Hornsby LGA) is presently being used for agricultural uses. The site is within the Metropolitan Rural Area (MRA), as identified in the Central City District Plan.

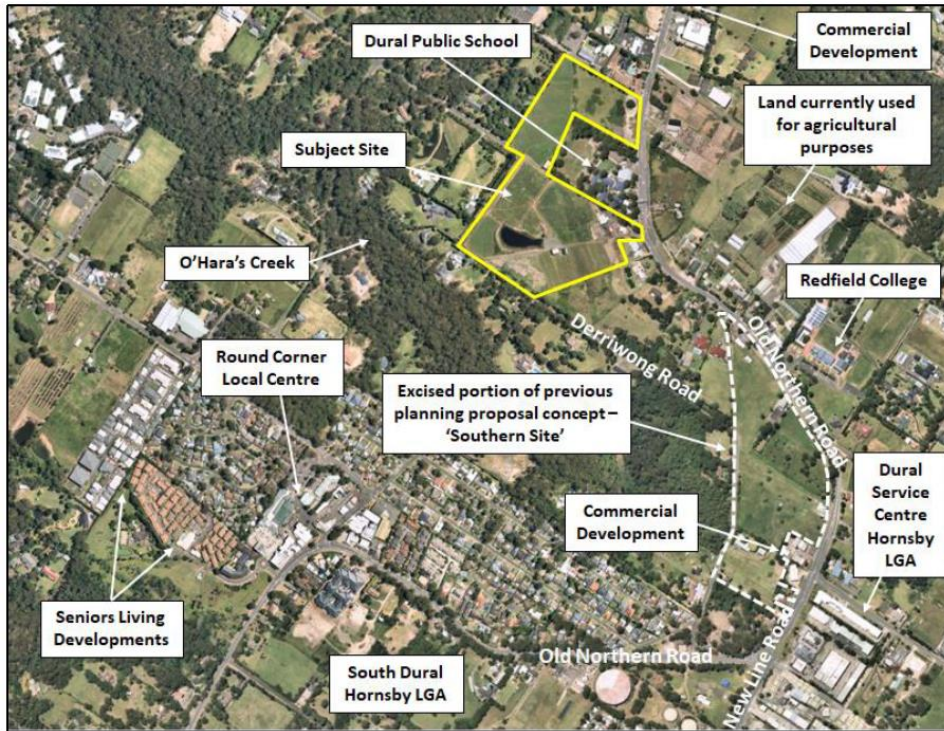


Figure 1 Subject site (source: Council Planning Proposal)

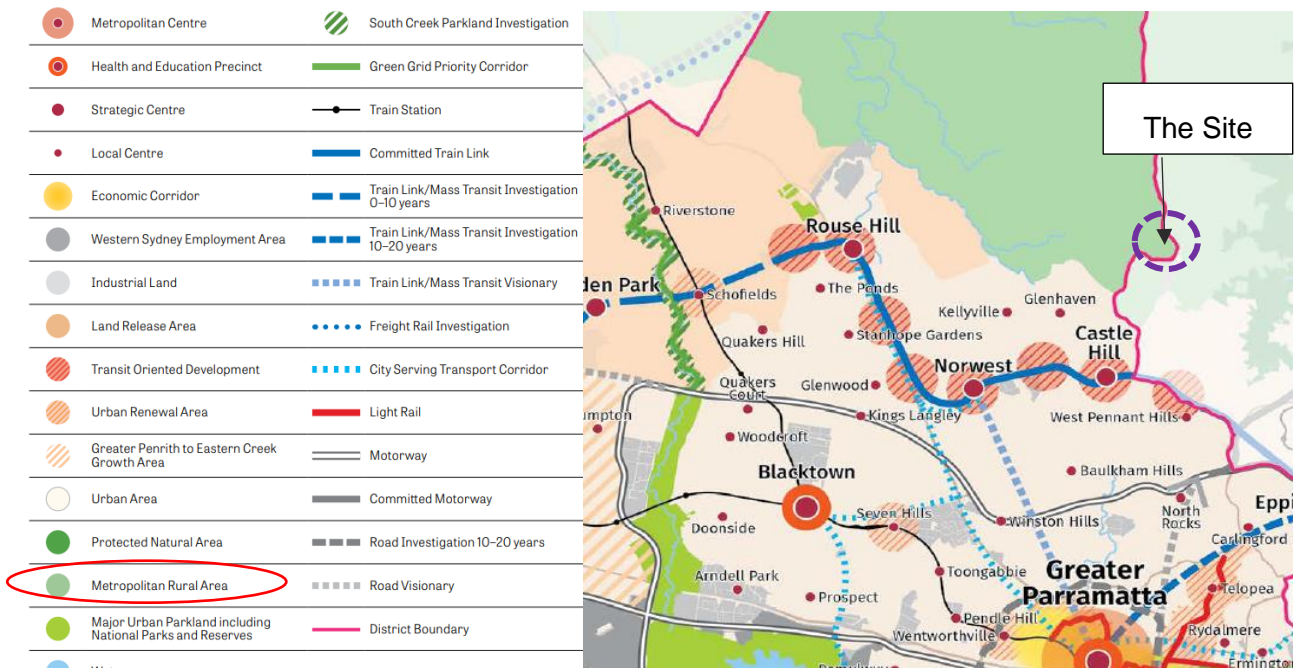


Figure 2 Site context, Central City District Plan

2 Proposal

2.1 Objectives or intended outcomes

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objective of the planning proposal is to enable a low density residential development outcome on the site.

2.2 Explanation of provisions

The planning proposal seeks to amend The Hills Local Environmental Plan 2019 (LEP) per the changes below:

Table 2 Current and Proposed controls

Control	Current	Proposed
Zone	RU6 Transition	R2 Low Density Residential
Maximum height of the building	10m	9m
Minimum lot size	2ha	700m ²
Number of dwellings	N/A	101
Local Provision	N/A	Minimum lot size of 600m ² and a dwelling cap of 101 dwellings. This is supported by identifying the sites on the Key Sites Map.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

2.3 Mapping

The planning proposal includes mapping showing the proposed changes to the Land Use Zone, Height of Buildings, Minimum Lot Size and Key Sites maps, which are suitable for community consultation. No updates are required, see **Attachment A** for existing and proposed LEP maps.

3 Need for the planning proposal

The planning proposal is not a result of any strategic study or report. It is the result of an owner-initiated application. Generally, the proposal is the best means of achieving the objectives or intended outcomes.

Council has requested some amendments to the proposal in order to resolve concerns relating to minimum lot size provisions and the transition of development to the adjoining rural character. This forms a condition of the Gateway.

3.1 Proposal background

The background of the subject planning proposal is as follows:

- May 2016 – proponent’s original planning proposal (**Attachment D1**) was lodged with the Council. The proposal sought to rezone two areas of land, with the ‘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. The proposal sought to:
 - 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.
- 13 December 2016 – The Council resolved that the planning proposal be held in abeyance until wider Dural area investigations were completed.
- 10 February 2017 – The proponent sought a Rezoning Review on the basis that the Council had failed to indicate its support for the planning proposal after 90 days.
- 20 April 2017 – The Sydney West Central Planning Panel considered the Rezoning Review and determined that the planning proposal should not proceed. The Panel found that the proposal was consistent with a number of aspects of the former ‘A Plan For Growing Sydney’ and draft District Plan. However, the overall strategic context, particularly the demand for and supply of the physical and social infrastructure needed to support this development and other development in the LGA and the adjoining LGA, and the implications for the urban-rural interface were in the view of the Panel unresolved.
- 29 May 2017 – Council wrote to the proponent to acknowledge that despite the decision of the Panel, Council will still hold the planning proposal in abeyance until further investigations of the Dural area were completed.
- 26 March 2019 – Council considered the outcomes of the Dural Urban Capacity and Capability Assessment and resolved that if any planning proposal is able to demonstrate it can deliver the required local and regional infrastructure upgrades at no cost to Council, Council will consider such a planning proposal and review its position with respect to rezoning within the Dural locality at that time.
- 19 June 2019 – Council’s Local Planning Panel issued advice that the planning proposal should not proceed to Gateway determination (**Attachment G**).
- 9 July 2019 – Council resolved to submit the proposal to the Department of Planning, Industry and Environment (the Department) for a Gateway determination, provided that if the proposal was to proceed, a number of matters should be resolved prior to exhibition (**Attachment F**).
- 19 April 2020 – The Department issued a Gateway determination that outlined that the planning proposal should not proceed (**Attachment E**).
- 7 May 2020 – The proponent submitted a Gateway Determination Review.
- 3 August 2020 – The Department referred the Gateway Determination Review to the Independent Planning Commission.
- 4 September 2020 – The Independent Planning Commission provided advice regarding the proposal and noted the history of the site and its location in the Metropolitan Rural Area, as well as providing views on the site specific merit of the proposal. The Commission recommended that the Northern Site, be considered for urban development and inclusion in

the Central City District Plan when it is reviewed and updated in 2023 and that any subsequent review of Council's Local Strategic Planning Statement and Local Housing Strategy be updated accordingly (**Attachment H**).

- 8 November 2020 – The Department wrote to Council and the proponent and recommended there is a need for Council to provide advice on the Commission's recommendations as the proponent states it can address the requirements of the District Plan, as well as respond to the Department's concerns over the potential for regional traffic generation. Further, the proponent has argued the development of the site will assist to address both local traffic and safety issues at the local school. It was advised that if Council can better justify the strategic and site specific merits of a revised proposal for the northern site only, the Department will consider a revised gateway assessment (**Attachment I**).
- 9 February 2021 – Council resolved to lodge the revised planning proposal with the Department for Gateway assessment (**Attachment B**).

4 Strategic assessment

4.1 District Plan

The site is within the Central City District Plan (the District Plan), which was released by the Greater Sydney Commission on 18 March 2018. The District Plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The Department considers that the planning proposal has the potential to demonstrate consistency with the District Plan in accordance with section 3.8 of the Environmental Planning and Assessment Act 1979. Relevant planning priorities are outlined below.

4.1.1 Planning Priority 1 Planning for a city supported by infrastructure

This priority aims to ensure infrastructure provision aligns with forecast growth and adapts to future needs. The proposal (**Attachment A**) notes while the site is not identified in an area contemplated for additional urban development within the District Plan or the Local Strategic Planning Statement (discussed below), the proposal has considered the need to prioritise and align investment in infrastructure and residential growth.

The proposal states it is likely to have minimal impact on the local and regional road network and is unlikely to trigger the need for improvements to the State road network. This position was also supported by the Council which during the Gateway Review application expressed views that the reservation of a 32-metre wide road corridor between Old Northern Road and Derriwong Road to be used as a bypass of Round Corner local centre formed part of the public benefit offering and is a key reason for pursuing the planning proposal.

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.

The public benefit offer supporting this proposal aims to deliver the first stage of this road corridor, as indicated above, at no cost to government in lieu of a likely future land acquisition requirement to deliver this corridor. The public benefit offer also includes:

- a sewerage connection to the Dural public school;

- a new public open space (4,000sqm) fronting Old Northern Road directly adjacent to the Dural public school which would be available to both the school as well as the broader community given its location immediately adjacent to the Dural neighbourhood centre; and
- improvements to the local road network around the public school which will facilitate a future bypass of The Round Corner local centre, incorporate a new drop-off and pick-up zone for the public school to alleviate road congestion along Old Northern Road, provide for installation of traffic lights enabling improved traffic distribution north and south.

Further, the proposal notes the site maximises the use of existing infrastructure sustainably by co-locating housing in proximity to existing infrastructure and is 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 space, and community centres.

To demonstrate consistency with this planning priority, commitment from Transport for NSW that this corridor, with the proposal alignment, will be delivered is required before this proposal can proceed. In addition, the proponent needs to give further consideration as to how the local infrastructure demands as generated by the proposal can be met. This is discussed further in Sections 5.3 and 6.2 below.

4.1.2 Planning Priority 5 Providing housing supply, choice and affordability, with access to jobs and services

This priority aims to provide greater housing supply and diversity and affordability through well designed, well located housing and a variety of housing stock to suit all stages of life.

The proposal notes the site is generally contiguous with the Dural Neighbourhood Village, and the development of the site is likely to support the centre with access to jobs and services. The proposal states it gives effect to Planning Priority 5 for the following key reasons:

- The proposal is to permit new low-density residential dwellings on the site which is supported by infrastructure. Notwithstanding the existing land use zoning, the character of the locality is peri-urban which supports a range of land uses including large lot rural residential and local service uses. The site's physical characteristics make it suitable to support low density residential development that is able to maximise use of existing infrastructure.
- The rezoning will facilitate new housing that meets demand for different housing types, price points, and preferred locations to that available in the immediate locality or that which is being delivered in the primarily medium and high density development precincts in The Hills Shire.
- Within the Dural locality and within release precincts in the District, there is a plurality of new development between large houses on large lifestyles lots, and high-density residential dwellings near new metro stations. While each of these dwelling types may be appropriate in their context, there remains a demand for smaller residential allotments for residents desiring a low density lifestyle, that can be delivered in a more affordable manner to suit the demographic trends noted in the Central City District Plan (that while persons per household and household sizes are set to reduce, households comprised of couples with children will remain the highest proportion of households in the District).

4.1.3 Planning Priority 18 Better managing rural areas

The Central City District Plan states that 'urban development is not consistent with the values of the Metropolitan Rural Area. A Metropolis of Three Cities takes a strategic approach to delivering Greater Sydney's future housing needs within the current boundary of the Urban Area, including existing growth areas.'

The District Plan also seeks to maintain and enhance the distinctive character of each rural and bushland town and village. Ongoing planning and management of rural towns and villages will need to respond to local demand for growth, the character of the town or village and the surrounding landscape and rural activities. Rural and bushland towns and villages will not play a role in meeting regional or district-scale demand for residential growth and further rural residential or urban development of a larger scale is generally not supported. The District Plan specifically notes that the Dural rural area is increasingly under pressure for urban development.

The District Plan also states that ‘limited growth of rural residential development could be considered where there are no adverse impacts on the amenity of the local area and where the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area. This could include the creation of protected biodiversity corridors, buffers to support investment in rural industries and protection of scenic landscapes’.

The proposal notes that more intensive rural and agricultural operations in the subject rural zone are restricted by the proximity of schools, residential dwellings (including heritage-listed dwellings), and commercial businesses in the locality.

Action 73 of the District Plan is “Maintain or enhance the values of the Metropolitan Rural Area using place-based planning to deliver targeted environmental, social and economic outcomes.” In this instance the planning proposal could represent the chance to deliver economic outcomes, in the form of a type of housing for which there may be a need for and through the delivery of infrastructure to support the broader area.

The test for rezoning development from rural uses to other uses in the MRA

The District Plan states that:

Urban development in the Metropolitan Rural Area will be considered only in the urban investigation areas identified in A Metropolis of Three Cities. Urban investigation areas have been identified as part of a structured approach to managing the long-term growth of Greater Sydney in a deliberate and carefully planned way, where land use is integrated with major transport corridors.

There are no urban investigation areas in the Central City District. The appropriate strategic planning process to consider urban development in the MRA is to amend of the District Plan to identify the site as Urban Area or an Investigation Area.

However, given the process and time required to review the District Plan (with the first review due to be completed late 2023), and the importance of looking at the policy hierarchy holistically, the Department has considered how it might consider limited growth in the MRA where the proposal is otherwise consistent with the District Plan and will result in a good planning outcome and public benefit.

Where a site is not identified as an Investigation Area in the District Plan, the Department might consider if the local planning policy framework provides strategic merit for the proposal, in particular, that the site is specifically identified for investigation for other uses in the following documents:

- An endorsed Local Strategic Planning Statement
- A Council-endorsed Local Housing Strategy, that identifies the need for housing outside of the Urban Area, and investigates infrastructure required to support that growth.
- A Council-endorsed Rural Lands Strategy that finds that the area is no longer required or not viable for agricultural uses, or does not have sufficient environmental, local, social or heritage significance to warrant its inclusion in the MRA.

If identified in the above, the planning proposal would also need to satisfy the Department that:

- The proposal is consistent with all other relevant priorities and actions of the District Plan.

- The proposal will deliver targeted environmental, social and economic outcomes (in accordance with Action 73 of the District Plan).
- The proposal will have no adverse impacts on the amenity of the local area (Page 115, District Plan).
- The development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area (Page 115, District Plan).
- The amount of Urban development is 'limited growth' (Page 115, District Plan). This should be considered both in terms of the quantum of growth in that particular village, the quantum of growth in the MRA for that LGA, whether this proposal would establish an undesirable precedent and potential cumulative impacts of the proposed rezoning.

This approach has not been endorsed by the Greater Sydney Commission, who will need to be formally consulted on the matter of development in the MRA. Depending on the particular merits of a proposal and the outcomes of consultation with the Commission, the above framework for considering development in the MRA may not be appropriate.

As discussed below, more evidence is required prior to, and during public exhibition to demonstrate consistency with these considerations.

4.2 Local

In terms of this proposal being reflected in the local planning policy framework, while the proposal is inconsistent with the strategic objectives of The Hills Local Strategic Planning Statement, particularly regarding the Metropolitan Rural Area, the proposal states these factors were considered as part of the Council's 2019 Dural Urban Capacity and Capability Assessment which should have informed the preparation of The Hills Local Strategic Planning Statement.

Council notes although the Local Strategic Planning Statement does not identify the site as part of an Urban Investigation Area, ongoing management and planning for the area needs to respond to local issues such as demand for growth, character, landscape and rural activities. Council is 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. Council notes that the planning proposal should proceed to Gateway to determine the State Government agency views on the merits of the proposal, particularly with regards to the reservation and delivery of a portion of a proposed new 'Round Corner bypass' road connection from Annangrove Road to Old Northern Road and New Line Road.

Enabling the proposal to progress would provide 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 and to ensure that the proposed development outcome remains consistent with the rural character of the surrounding locality.

However, Council note that further investigation would be required around the opportunity to include some larger lot sizes, in the order of 1,000m² to 2,000 m², on the periphery of the subject sites 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 growth accommodated on the subject site. This has been conditioned as part of the Gateway.

4.3 Local planning panel (LPP) recommendation

The original planning proposal was considered by The Hills Local Planning Panel on 19 June 2019 (**Attachment G**). The panel reviewed the planning proposal and resolved that it should not proceed to Gateway Determination for the following reasons:

- the proposal does not demonstrate strategic merit;
- the proposal is not consistent with the Greater Sydney Commission Central Sydney City Plan, specifically planning priority C18 “Better Managing Rural Areas”;
- the proposal is not consistent with Section 9.1 Ministerial Direction 1.2 Rural Zones;
- 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 Panel’s advice was considered by Council staff and addressed at the Council Meeting dated 9 July 2019 (**Attachment F**). Despite the Panel’s advice, Council are able to consider whether there is merit in progressing the proposal to the Department for consideration and Gateway Assessment in order to determine State Government agency views on the merits of the planning proposal and associated public benefits proposed. The proposal has been amended to delete the southern site from the proposal.

4.4 Section 9.1 Ministerial Directions

The planning proposal’s consistency with relevant section 9.1 Directions is discussed below:

Direction 1.2 Rural Zones

This Direction seeks to protect the agricultural production value of rural land and applies to this proposal as it will affect land within the existing RU6 Transition rural zone. The Direction states a planning proposal must not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.

The proposal is inconsistent with this Direction as the planning proposal seeks to rezone land from RU6 Transition to R2 Low Density Residential. The Direction states a proposal can be inconsistent with the Direction provided that the inconsistency is justified by a strategy or the Central City District Plan. The proposal is supported by Council’s 2019 Dural Urban Capacity and Capability Assessment. Further work is required before and during public exhibition to satisfy the Department that this rezoning for urban development in the MRA is consistent with the District Plan.

Further, the proposal states it is consistent with this Direction as it does not undermine the viability of rural lands to contribute to the agricultural or industrial productive land within the District.

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 heritage items.

There are a number of heritage items and archaeological sites adjoining the site that are listed under Schedule 5 of The Hills LEP 2019 and Hornsby LEP 2013 as listed in Table 3 (below).

Table 3 Heritage Items

The Hills LEP 2012 – heritage items	Hornsby LEP 2013 – heritage items
Item 86: The Dural Soldiers Memorial, located at 604 Old Northern Road	Item 348: Dwelling, located at 857 Old Northern Road
Item 85: Dwelling, located at, located at 600A Old Northern Road	Item 349: Dwellings located at 873 Old Northern Road, Dural
Item 81: Uniting Church Cemetery, Derriwong Road	Item 448: Street Trees located along the eastern side of Old Northern Road
Item A12 (Archaeological item): Old Northern Road, between Dural and Wiseman's Ferry	

The Direction states a planning proposal may be inconsistent with the Direction if the Department is satisfied the potential inconsistency is of minor significance. The proposal and supporting Heritage Impact Statement (**Attachment D4**) states that the development outcome of the site would be in keeping with other development in the area and would not impact on views or the heritage significance of heritage items in the vicinity. Further detailed provisions can be included in a site-specific development control plan supporting the proposal and has been conditioned as part of the Gateway.

Direction 2.6 Remediation of Contaminated Land

This Direction applies as the proposal seeks to enable residential uses on land which may have been previously used for agricultural/horticultural activities (a permissible land use under the current RU6 zoning). Agricultural/horticultural activities are listed as a land use that may cause contamination under the contaminated land planning guidelines.

The Direction notes that a LEP permitting a change of use/zoning cannot be made unless the planning proposal authority has considered whether the land is contaminated and any suitable mitigation measures if required.

Council (the planning proposal authority) does not consider or address land contamination in the planning proposal or Council report, although the proponent did prepare preliminary site investigations and lodged them with Council. The preliminary investigation (**Attachment D2 & D3**) notes there is the potential for contaminants of concern to pose a low risk to the proposed future users of the site and that a detailed site investigation is required. The preliminary investigation also notes it is likely that any contamination detected during further investigations (if present) will be capable of being remediated such that the site is suitable for the proposed land use.

Given it is a requirement for appropriate contamination investigation to be carried out prior to making an LEP, rather than at the gateway assessment stage, it is considered any inconsistencies with this Direction are of minor significance.

Direction 3.1 Residential Zones

This Direction seeks to encourage a variety of housing types in areas supported by infrastructure to support existing and future housing needs while minimising residential development in environmental lands. This Direction applies to the proposal as it seeks to enable significant residential development.

The proposal states it is consistent with this Direction as the development of the site represents a logical expansion of the surrounding urban area and as stated earlier, the proposal represents a place-based planning outcome supported by infrastructure.

Direction 4.4 Planning for Bushfire Protection

This Direction seeks to protect life, property and the environment from bushfire hazards. In accordance with the terms of the Direction, a planning proposal must have regard to Planning for Bush Fire Protection 2006 and introduce controls that avoid placing inappropriate developments in hazardous areas. The site is identified as Vegetation Buffer on the 2019 Bush Fire Prone Land Mapping.

A planning proposal may only be inconsistent with this Direction if the council has obtained written advice from the Commissioner of the NSW Rural Fire Service (RFS) that it does not object to the proposal. Council anticipates that NSW RFS will be consulted as a condition to any gateway determination.

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. As NSW RFS is yet to be consulted, the planning proposal is inconsistent with Direction 4.4 Planning for Bushfire Protection.

Direction 6.3 Site Specific Provisions

This Direction seeks to discourage unnecessarily restrictive site-specific planning controls. The planning proposal aims to introduce a local provision for a cap of 101 lots. Council states these controls are to be implemented as proposed by the Proponent and are critical to ensuring delivery of the intended development outcome

4.5 State environmental planning policies (SEPPs)

The proposal is consistent with all relevant SEPPs.

5 Site-specific assessment

5.1 Environmental

The site is substantially cleared of vegetation, it is unlikely the proposal will create any adverse impacts on critical habitat or threatened species, populations or ecological communities and their habitats.

5.2 Social and economic

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.

To assist with the transition of the site from rural to residential and 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 will ensure the density of development decreases at the periphery of a site. The Gateway has been conditioned accordingly.

Consultation with Schools Infrastructure NSW (Department of Education) will be required to understand its views on a proposed arterial road bypass being in close proximity to a school.

5.3 Infrastructure

Utilities

As part of the supporting material for the planning proposal, infrastructure servicing strategies have been completed determining there is sufficient capacity within the existing water and electricity networks to service the proposed development.

The Gateway has been conditioned to require consultation with local utility authorities.

Local

Council has identified the proposal would require the following local infrastructure based on 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).

As mentioned previously in this report, the proposal includes a public benefit. However, the proponent will need to address how the demand for additional local infrastructure as identified by Council's benchmarks can be resolved. This has been conditioned within the Gateway.

Regional

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.

To improve the efficiency of the broader regional road network, improve traffic flows and reduce congestion within Round Corner, further exploration of a new arterial road link from Annangrove Road to Old Northern Road that bypasses Round Corner is warranted. This is in addition to the upgrade of Old Northern Road and New Line Road and reclassification of Annangrove Road from a sub-arterial road to an arterial road.

The proposal's public benefit offering includes the dedication of land for and construction of a portion of an arterial road bypass from Annangrove Road to Old Northern Road. This 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 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 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 and better access to services and jobs to the east.

Council supports the reservation of a corridor through the site for a future bypass road 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.

Given the importance of this bypass road to the proposal proceeding, assurance from Transport for NSW will need to be provided demonstrating the commitment to the delivery of the entire bypass road, prior to exhibition, in order for the proposal to progress.

Given that this is not an endorsed or funded road project, it is also important that the Planning Agreement confirm that the dedication of this land would be in addition to any other required regional infrastructure contribution amounts.

6 Consultation

6.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

6.2 Agencies

It is recognised that the public benefit offering supporting this proposal is a key reason that it is proceeding. It is crucial that State agencies provide certainty that the regional bypass road will be delivered and its alignment.

It is recommended that Transport for NSW and Schools Infrastructure (Department of Education) are consulted on this proposal prior to public exhibition. These agencies are to provide comment on the following aspects of this proposal:

- The proposed lot layout and location/alignment of the corridor. Provide comments regarding future access restrictions that need to be considered as part of the draft development control plan
- The location and proximity of the bypass alignment (as per the proposal) to the public school
- The proposed alignment of the bypass corridor. Provide confirmation on whether the alignment is correct including width, provide assurance that there is commitment from the State Government to deliver the bypass road

7 Timeframe

The Department recommends a time frame of 9 months for the LEP amendment to be completed. A condition to the above effect is recommended in the Gateway determination.

8 Local plan-making authority

Considering the nature of the proposal, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

9 Recommendation

It is recommended that the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.2 Rural Zones, 2.3 Heritage Conservation, 2.6 Remediation of Contaminated Land, 3.1 Residential Zones and 6.3 Site Specific Provisions are minor or justified and
- Note that the inconsistency with section 9.1 Directions 4.4 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - Update all supporting studies to refer solely to land subject to this proposal
 - Preparation of a development control plan to support the development including any outcomes from specialist reports and consultation with agencies
 - Amend the Minimum Lot Size map to consider a minimum lot size of 1,000-2,000m² on the periphery of the site and along the Old Northern Road ridgeline
 - Give further consideration to how the local infrastructure demands generated by the proposal will be met
 - Includes a letter of support for the broader road upgrades being proposed from Transport for NSW
 - Give further consideration as to consistency with the objectives, actions and priorities for the Metropolitan Rural Area in the District plan, and a response to matters raised in Section 4.1.3 of this report
2. Prior to public exhibition, consultation is required with the following public authorities:
 - Transport for NSW
 - Schools Infrastructure NSW
 - NSW Rural Fire Service

Transport for NSW and Schools Infrastructure must provide certainty regarding the infrastructure requirements as outlined in the Assessment Report (Section 6.2). If this is not provided, the proposal cannot proceed to exhibition.
3. Prior to community consultation, the planning proposal is to be revised to address conditions 1 and 2.
4. Consultation is required with the following public authorities:
 - Public utility providers such as Sydney Water, Endeavour Energy
5. The planning proposal should be made available for community consultation for a minimum of 28 days.
6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



_____ (Signature)

___9 July 2021_____

(date)

Brett Whitworth
Deputy Secretary, Greater Sydney, Place and Infrastructure