



**REZONING REVIEW
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the
SYDNEY CENTRAL CITY PLANNING PANEL

DATE OF DETERMINATION	18 July 2023
DATE OF DECISION	13 July 2023
PANEL MEMBERS	Abigail Goldberg (Chair), Glennis James, Sue Francis, Cynthia Dugan & Jarrod Murphy
APOLOGIES	None
DECLARATIONS OF INTEREST	Jarrod Murphy advised that in his previous role as an estate agent 4 to 5 years ago he had been involved in marketing of the site, however was not the listing agent and did not have much involvement with the owners but rather prospective purchasers. Jarrod advised that he did not now know the owners by name or on a personal level. The Chair noted this historical relationship and that ownership of the site had changed since that time. As such, she considered that there was no conflict of interest, however she requested that the matter be noted for reasons of transparency. Janelle Atkins, Brent Woodhams and Robert Buckham declared a conflict of interest as they have dealt previously with the planning proposal as The Hills Council officers.

REZONING REVIEW

RR-2023-7 – The Hills LGA – PP-2022-3364- at 614, 618 & 626 Old Northern Road and 21 & 27 Derriwong Road, Dural (As described in Schedule 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel recommends that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
- ☒ not demonstrated strategic merit
- ☐ has demonstrated strategic merit but not site specific merit

The decision was **unanimous**.

REASONS FOR THE DECISION

The Panel assessed the strategic merit of the planning proposal in accordance with the LEP Making Guideline November 2022 and in particular, the strategic merit test assessment criteria.

The Panel noted the assertion of the proponent that the site is unique and of strategic merit in that it represents small-scale development and the modest expansion of Dural village. However, the Panel considered that the site is not unique and moreover as it is not proximate to Dural village it cannot be regarded as an extension to the village.

In addition, the Panel considered that the proposal did not demonstrate strategic merit as it does not effectively address key elements of the current strategic planning context, including the following primary strategic State and Local Planning Policies and Instruments:

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

The Region and District Plans encourage maintaining and enhancing the rural village character. In particular the Greater Sydney Region Plan identifies the land as Metropolitan Rural Area and states that urban development is not consistent with the values of the Metropolitan Rural Area.

- **The Hills Local Environmental Plan (LEP) 2019**

The LEP identifies RU6 Transition zone as a buffer between urban and rural areas. The site is located within this buffer zone.

- **The Hills Future 2023 Local Strategic Planning Statement (LSPS)**

The LSPS seeks to establish an urban growth boundary to limit residential growth to within existing and planned Council urban areas. The site is outside of this boundary.


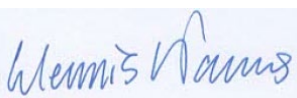



The Panel also noted that the issue of transport infrastructure for the locality remains unresolved, with disagreement between Council and Transport for NSW regarding traffic capacity as well as the need for a regional bypass route, including the matter of funding for such infrastructure.

The Panel considers that the planning proposal does not respond to a change in circumstances that has not been recognised by the existing planning framework.

MATTERS FOR CONSIDERATION GOING FORWARD

The Panel notes that the locality currently presents as a mixed-use outlook that includes shopping centres, shopping villages, seniors housing and large format housing as well as garden centres and market stalls. The land use appears to be undergoing transition rather than being preserved as a buffer zone.

The Panel understands that the Greater Sydney Region Plan and the Central City District Plan, are currently undergoing review by the Greater Cities Commission. The Panel recommends that as part of this review process the transitional nature of the area should be acknowledged and managed through comprehensive area-wide strategic planning that takes into account infrastructure requirements, including transport infrastructure, for the district.

PANEL MEMBERS	
 Abigail Goldberg (Chair)	 Glennis James
 Sue Francis	 Cynthia Dugan
 Jarrod Murphy	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-7 – The Hills LGA – PP-2022-3364 614, 618 & 626 Old Northern Road and 21 & 27 Derriwong Road, Dural
2	LEP TO BE AMENDED	The Hills Local Environmental Plan 2019
3	PROPOSED INSTRUMENT	<p>LEP amendments include:</p> <ul style="list-style-type: none"> • rezone from RU6 Transition to part R2 Low Density Residential and part SP2 Infrastructure (Local Road) • decrease maximum height of building (HOB) from 10m to 9m; and • decrease minimum lot size (MLS) control from 2ha to 600m², 1,000m² and 2,000m².
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Proponent rezoning review request documentation (various documents including those dated September 2022 and April 2023) • Proponent presentation (July 2023) • Council Report and Minute including Appendices (February 2023) • Briefing report and presentation from Department of Planning and Environment (July 2023)
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> • Site inspections were undertaken individually <ul style="list-style-type: none"> ○ Sue Francis – 10 July 2023 ○ Abigail Goldberg – 11 July 2023 ○ Glennis James – 11 July 2023 • Briefing with Department of Planning and Environment (DPE): 10:30am - 11:00am, 13 July 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Abigail Goldberg (Chair), Glennis James, Sue Francis, Cynthia Dugan & Jarrod Murphy ○ DPE staff in attendance: Jazmin Van Veen, Tharani Yoganathan, Jorge Alvarez, Doug Cunningham, Srishti Jagdale, Jasper Allenby, Lisa Kennedy, Sharon Edwards, Adam Williams & Elliot Brown ○ Key issues discussed: <ul style="list-style-type: none"> • Background to, and chronology of, the planning proposal • Site description and context, including relationship to Dural Village which is not immediately proximate to the site • Proposal summary and concept plan • Arguments for and against strategic merit • Arguments for and against site specific merit • Briefing with The Hills Council: 11:00am - 11:40am, 13 July 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Abigail Goldberg (Chair), Glennis James, Sue Francis, Cynthia Dugan & Jarrod Murphy ○ DPE staff in attendance: Jazmin Van Veen, Tharani Yoganathan, Jorge Alvarez, Doug Cunningham, Srishti Jagdale, Jasper Allenby, Lisa Kennedy, Sharon Edwards, Adam Williams & Elliot Brown ○ Council representatives in attendance: David Reynolds, Nicholas Carlton, Megan Munari, Kayla Atkins & Emma Langan ○ Key issues discussed:

	<ul style="list-style-type: none"> • Some potential to demonstrate site specific merit however strategic merit is not demonstrated. • The Hills Council are already delivering their required housing numbers within identified areas. Additional housing is not encouraged outside of strategically planned areas where infrastructure is provided for. • The site is in ‘transitional land’ that is not intended as rural land waiting to transition to urban land, but a buffer between urban and rural land. • Development on the site would inhibit rural uses. • The issue of traffic capacity and the need for a regional bypass route persists and has not been resolved. The alignment suggested in the planning proposal appears unviable from both a traffic and schools (SINSW) perspective. • Council’s response to the Independent Planning Commission review. • Councils concern regarding the way in which approval of this site would create a precedent for this and other areas not approved or suitable for housing. <ul style="list-style-type: none"> • Briefing with Urbis Consulting (Proponent): 11:45am – 12:25pm, 13 July 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Abigail Goldberg (Chair), Glennis James, Sue Francis, Cynthia Dugan & Jarrod Murphy ○ DPE staff in attendance: Jazmin Van Veen, Tharani Yoganathan, Jorge Alvarez, Doug Cunningham, Srishti Jagdale, Jasper Allenby, Lisa Kennedy, Sharon Edwards, Adam Williams & Elliot Brown ○ Proponent representatives in attendance: Christopher Croucamp, Kate Riley, Clare Brown, Mike Williams & Darren Flynn ○ Key issues discussed: <ul style="list-style-type: none"> • Project vision and site context. Unique characteristics of the site • Planning history • Summary of planning proposal. • Proposed layout and location of larger lots on ridge areas as set out in the draft DCP • Connection of the site to Dural Village (<i>not proximate</i>) and Round Corner Village (<i>distant</i>) • Relocation of bypass road is to a position that is preferred by the school and interferes less with areas of high ecological value • Argument for strategic merit • Argument for site specific merit. • Panel Discussion: 12:25pm – 12:45pm, 13 July 2023 <ul style="list-style-type: none"> ○ Panel members in attendance: Abigail Goldberg (Chair), Glennis James, Sue Francis, Cynthia Dugan & Jarrod Murphy ○ DPE staff in attendance: Jazmin Van Veen, Tharani Yoganathan, Jorge Alvarez, Doug Cunningham, Srishti Jagdale, Jasper Allenby, Lisa Kennedy, Sharon Edwards, Adam Williams & Elliot Brown
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