

Attachment D – Rezoning Review Site – Planning Proposal History



RR-2024-31 (PP-2024-450)

2019 Planning Proposal – PP_2019_THILL_005_00	
Date	Matter
19 May 2016	<p>Planning Proposal was submitted to the Council seeking rezone 584, 586, 590, 600, 602, 606, 618 and 626 Old Northern Road and 7, 11, 21 and 27 Derriwong Road, Dural to R2 Low Density Residential and amendments to the minimum lot size and maximum building height development standards.</p> <p>The 2016 Planning Proposal included a northern and a southern site which would yield a total of approximately 181 residential allotments. The planning proposal subject to this rezoning review generally relates to the northern site of this former proposal.</p>
20 April 2017	<p>Sydney West Central Planning Panel (as it was known then) considered the rezoning and determined that it should not proceed as it did not demonstrate strategic merit, particularly as the implications for the urban-rural interface were unresolved.</p>
29 May 2017	<p>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.</p>
18 March 2018	<p>The Greater Sydney Commission released the finalised Central City District Plan, which contains priorities relating to better management of rural areas, including limiting urban development to the urban areas.</p>
15 March 2019	<p>Phase 1 of the 'Dural Urban Capacity and Capability Assessment' completed. The Assessment concluded that while some land is environmentally capable of accommodating development, there is insufficient infrastructure capacity to facilitate development uplift in the Dural locality at this time.</p>
26 March 2019	<p>In response findings from Phase 1 of the 'Dural Urban Capacity and Capability Assessment', Council determined planning proposals for the Dural area are required to deliver local and regional infrastructure upgrades at no cost to Council.</p>
19 June 2019	<p>Council officer's report to the LPP recommending the planning proposal be forwarded to the Department for a Gateway determination.</p> <p>The LPP recommended that the planning proposal should not proceed for a Gateway determination for reasons including the proposal is not consistent with the Central Sydney City Plan, specifically planning priority C18 "Better Managing Rural Areas".</p>
9 July 2019	<p>Council officer's report to Council recommended that the planning proposal be forwarded for a Gateway determination.</p> <p>Council resolved that the planning proposal should be progressed for a Gateway determination. Council also resolved if a Gateway determination to proceed is issues, the following matters should be resolved prior to any exhibition, including:</p> <ul style="list-style-type: none"> the need to increase the proposed minimum lot size at key locations to

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	<p>soften the impact of the development;</p> <ul style="list-style-type: none"> access arrangements and relationship with the planned arterial bypass road; establishment of a mechanism to ensure a proliferation of seniors housing development proposals on adjoining rural land does not occur; and the ability to service the proposed residential yield with new local and regional infrastructure, at no cost to Council.
19 April 2020	The Department issued a Gateway Determination that the planning proposal should not proceed as it did not demonstrate sufficient strategic or site-specific merit.
4 September 2020	<p>A proponent initiated Gateway Determination Review was lodged. The review was considered by the NSW Independent Planning Commission (IPC).</p> <p>The IPC advised that the planning proposal should not proceed to Gateway determination (Attachment E), noting:</p> <ul style="list-style-type: none"> the proposal did not have strategic merit being inconsistent with the locational housing and rural management objectives of the strategic planning framework. However, this matter could be reconsidered by Government and Council as part of the next review of the Greater Sydney Region Plan and Local Strategic Planning Statement; and the proposal (specifically the 'Northern Site', which approximates the current subject site) demonstrated considerable site-specific merit for a number of reasons.
8 November 2020	The Department wrote to Council advising if it can better justify the strategic and site specific merits of a revised proposal for the northern site only (location of current proposal), the Department will consider a revised Gateway assessment.

2021 Planning Proposal – PP-2021-4415	
Date	Matter
9 February 2021	Council resolved to submit a revised planning proposal for a Gateway determination.
9 July 2021	<p>The Department issued a Gateway Determination for the planning proposal to proceed subject to conditions, including:</p> <ul style="list-style-type: none"> consultation with State agencies prior to exhibition. TfNSW were required to provide a letter of support for the proposed broader road upgrades; and TfNSW and SINSW were also required to provide certainty regarding the

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2021 Planning Proposal – PP-2021-4415	
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	infrastructure requirements, including the location of the bypass adjoining the public school and commitment to delivery of the bypass by State Government.
August 2021 - March 2022	<p>Extensive consultation occurred between the Department, Council, proponent, TfNSW and SINSW to satisfy the Gateway determination such that it could proceed to exhibition.</p> <p>The Department's Place based team and Planning Delivery Unit undertook significant consultation with TfNSW in particular, and SINSW, regarding the regional bypass road proposed as part of this proposal.</p>
5 April 2022	<p>The Department issued a Gateway alteration for the planning proposal not proceed, for reasons including the Gateway determination required the planning proposal to be finalised within 9 months of the determination, being by April 2022. Considering the significant work required in order for the proposal to proceed, it is unlikely this proposal will be finalised within a timely manner consistent with the NSW Government's commitment to reduce the time taken to complete LEPs.</p> <p>The Department's Gateway alteration also included:</p> <ul style="list-style-type: none">• Council and the proponent may wish to consider a new proposal with the provision of a local bypass corridor as an alternative to a regional bypass corridor. There are several implications for the proposal if Council and the proponent wish to proceed with this alternative including the additional work required to support a new proposal with a local bypass corridor. If pursued, a new proposal will need to clearly define the local bypass corridor as Council's responsibility, ensuring infrastructure requirements including design, alignment, land dedication and delivery is to Council's satisfaction. The proposal cannot include any reference to 'land banking' for future State government dedication, acquisition or delivery; and• the Department would also need to form the view that the new planning proposal has strategic merit with a local bypass corridor.

2022 Planning Proposal – PP-2022-3644	
Date	Matter
20 September 2022	<p>A new planning proposal for the site seeking to amend The Hills LEP 2019 was lodged with Council, including:</p> <ul style="list-style-type: none">• an increase from 101 lots to 110 lots; and• a local bypass corridor to the north of Dural Public School. <p>This planning proposal introduced 614 Old Northern Road, Dural.</p>

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2022 Planning Proposal – PP-2022-3644	
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21 December 2022	<p>The LPP considered a recommendation by Council officers that the planning proposal proceed for a Gateway determination.</p> <p>In response, the LPP recommendation to Council included:</p> <p><i>‘1. The planning proposal has not yet satisfied the strategic merit test. It may be able to demonstrate strategic merit if the following factors were resolved:</i></p> <ul style="list-style-type: none"><i>a. The proposed corridor can be delivered in the proposed location, to serve a bypass function, with an intersection at Old Northern Road;</i><i>b. The road to be dedicated is a regional corridor width;</i><i>c. The issues raised by SINSW can be addressed without compromising the function of the future bypass road.</i> <p><i>2. The planning proposal should however proceed to Gateway Determination to allow for the above factors to be progressed.</i></p> <p><i>3. The Panel acknowledges the engagement with agencies that has been undertaken to date on this and previous iterations of planning proposals for this site and notes that they have been unable to resolve issues raised by agencies and that progressing to Gateway Determination appears to be the only way to continue to resolve the issues.’</i></p>
21 February 2023	<p>Council considered an officer recommendation that the planning proposal be submitted for a Gateway determination.</p> <p>Council resolved that it should not proceed to Gateway Determination because basis of the proposal’s technical inconsistencies with the Regional Plan, District Plan and LSPS having regard to the treatment of land with the MRA</p>
17 April 2023	<p>Rezoning Review request lodged by proponent with the then Department of Planning and Environment.</p>
18 July 2023	<p>The Sydney Central City Planning Panel (The Panel) decided that the planning proposal did not demonstrate strategic merit (Attachment H).</p>