

**DERRIWONG ROAD
AND OLD NORTHERN
ROAD, DURAL
PLANNING PROPOSAL
IPC BRIEFING**

CLARE BROWN, DIRECTOR



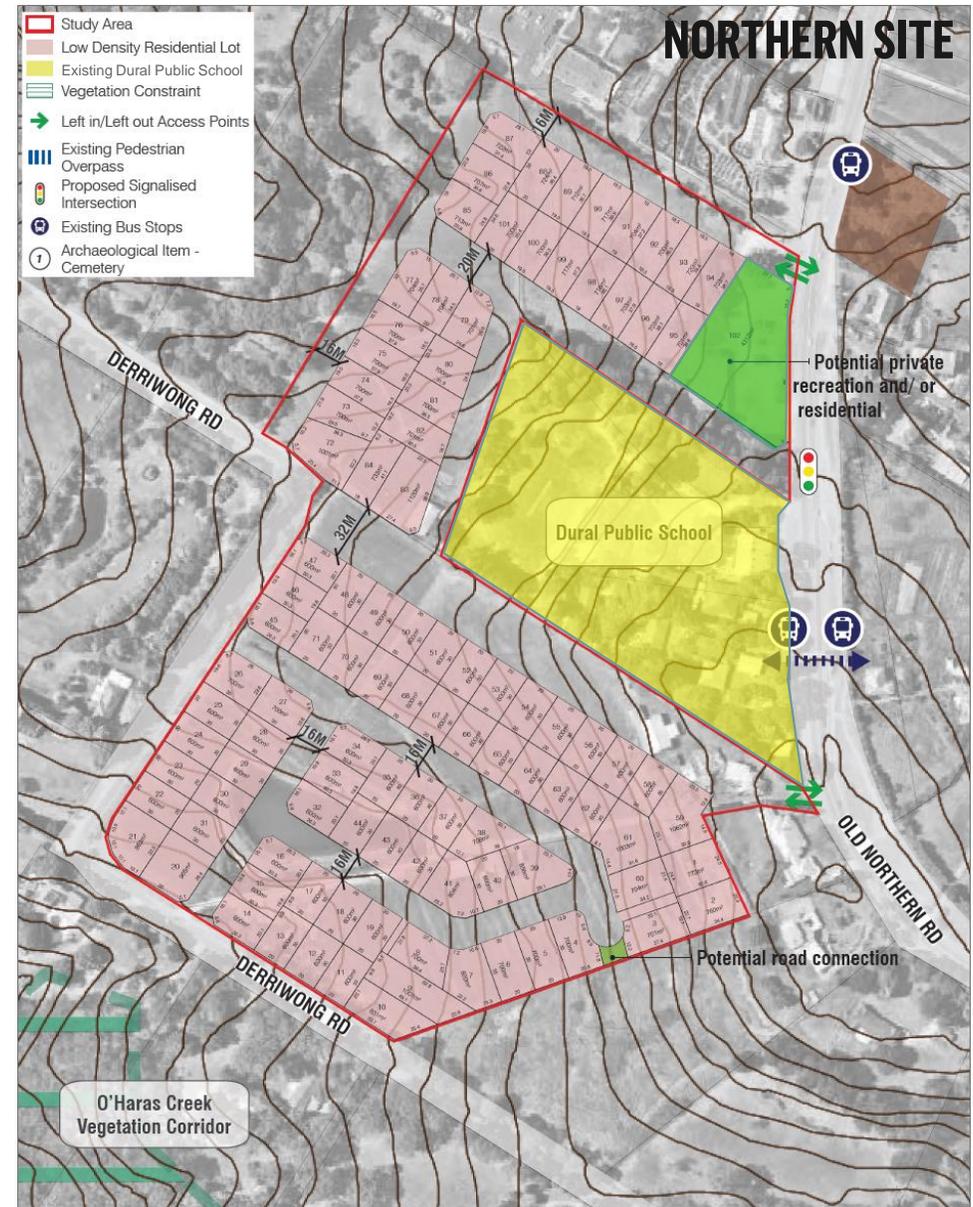
DETAIL OF THE PLANNING PROPOSAL

In summary, the planning proposal seeks to:

- Rezone the land from RU6 Transition to R2 Low Density Residential
- Reduce the height of building control from 10m to 9m
- Amend the minimum lot size from 2ha to 600sqm (Northern Site) and 700sqm (Southern Site)
- Introduce a site-specific mechanism to limit the residential yield of the Northern Site to maximum 101 lots
- Introduce a site-specific mechanism to deliver a new regional road reserve through the Northern Site
- Commit to delivering public benefits such a local open space, road widening and road reserves, a drop off area for Dural Public School and connecting the school to sewerage systems through a VPA
- Introduce a provision to restrict the ability for the site to be used for seniors living under *State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004*

GENERAL LAYOUT

- On 5 February 2020 the proponent advised the DPIE that if the scale of the development was a concern, that the proponent would accept a conditional Gateway determination which would in effect excise the “Southern Site” from the planning proposal until more certainty has been established around the upgrade to New Line Road.
- Such a condition on the Gateway determination, would enable the delivery of the “Northern Site” in its current form, resulting in the overall reduction of the indicative dwelling yield from 181 to approximately 99 dwellings.
- All critical public benefits included within the proposal will continue to be delivered.



PUBLIC BENEFITS

The public benefits associated with the northern site set out in the Public Benefit Offer issued to Council on the 24 April 2019, can be summarised as follows:

- **New drop-off and pick-off zone for Dural Public School radically improving safety for children and parents**

The traffic loads to Old Northern Road generated by the Dural Public School are considerable and are compounded by the existing drop-off zone and parking areas located directly on Old Northern Road.

The congestion and safety concerns are caused by vehicles arriving and departing the school, parents waiting to pick-up children and parents leaving their cars on the eastern side of Old Northern Road (crossing the road) to retrieve children. The identified public benefits will assist in alleviating this congestion.

- **New traffic lights, road widening and works to Old Northern Road**

The existing State road network is currently underperforming, and upgrades are required irrespective of this planning proposal including works to New Line Road and Old Northern Road. By limiting the proposal to the northern site and so to 99 lots, the corresponding peak hour vehicle are estimated to be approximately 85.

The modest increase in 85 vehicle trips (peak hour) will be offset by the proposed drop-off and pick-up zone for the school which will improve traffic congestion on Old Northern Road.

PUBLIC BENEFITS

- Dedication of approx. 9,900m² of land to the Hills Shire Council for future Regional Road (Annangrove Rd Bypass)
- New public open space (4,000m²) to be dedicated to the Hills Shire Council
- Upgrades to the Dural Public School septic system

The existing septic system servicing the school is not adequate for the current school loading and as a result the seepage from time to time contaminates the playground and runs across the lower oval at the rear of the school site and onto the land behind the school.

The proposal secures sewer connection to the school to alleviate this issue that is otherwise unfunded and a significant concern to the local community.

The proposed mechanism to secure the public benefits would be through a draft VPA, prepared in accordance with the Public Benefit Offer, prepared prior to exhibition of the Planning Proposal.

TIMELINE

- **The proposal was first submitted to Council on 19 May 2016.** The proposal pre-dates the strategic planning documents relied upon by the DPIE, however has been prepared collaboratively with Council for the past four years.
- On 13 December 2016 Council resolved to hold the proposal in abeyance until a wider Dural investigation area planning study could be completed.
- The evidence-based Dural Urban Capacity and Capability Assessment was completed on 15 March 2019. The Assessment concluded that the site is environmentally capable of accommodating development, however that infrastructure capacity would need to be resolved in the Dural area before significant redevelopment in the locality.
- On 26 March 2019 Council resolved that if a proponent is able to demonstrate that they can deliver required local and regional infrastructure upgrades at no cost to Council, Council would consider such a planning proposal.
- **On 9 July 2019 Council resolved that the proposal should be submitted to the DPIE for Gateway Assessment.**
- On 19 April 2020 the delegate of the Minister issued a Gateway determination that determined that the planning proposal should not proceed.

CONSISTENCY WITH CENTRAL CITY DISTRICT PLAN

Priority 1 Planning for a City Supported by Infrastructure:

- **The sites are located between two local centres.** Low density residential dwellings within an area of high accessibility to existing cultural, health, transport, and social infrastructure is entirely appropriate and supports the priority to maximise the use of existing infrastructure.
- **Permitting dwellings on the sites will maximise the use of this existing infrastructure, and in the case of local retail and business premises, improve their long-term viability.**
- Priority 1 states that planning decisions need to support new infrastructure in each city to fairly balance population growth with infrastructure investment. Decisions are required to equitably enhance local opportunities, inclusion and connection to services. **The Planning Proposal delivers infrastructure that will support and benefit the local community and enhance local opportunities, inclusion and connection to services.**
- The Planning Proposal delivers opportunities for the existing community and future residents to be connected to local services and infrastructure including to sewerage, open space, and road infrastructure.
- The Planning Proposal delivers population growth aligned with new infrastructure investment not only to support the proposed development, but to equitably **enhance the existing amenity, services, and infrastructure of the local community that is currently unfunded.**

CONSISTENCY WITH CENTRAL CITY DISTRICT PLAN

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

- The Planning Proposal provides a logical outcome to deliver new housing supply, choice, and affordability within a readily accessible area that accommodates jobs and services that can support various demographic groups.
- While across the District and Metropolitan Area housing targets are purported to be able to be met within existing ‘urban boundaries’, the question of delivering suitable, affordable housing cannot be claimed by government to be resolved.
- Large lot lifestyle blocks are prevalent in the locality, however there are also precedent for smaller lot sizes in the immediate proximity of the site, within the RU5 Village zoned land to the immediate north east of the northern site, and of the R2 and R3 zoned land to the south of the southern site.
- **The low-density scale of development is appropriate in a peri-urban locality** that is transitioning from adjacent higher density zones to rural transition areas north of the Dural neighbourhood centre.
- There is a genuine ‘missing middle’ housing supply in the Hills Shire LGA with new residents offered acreages or apartments. **The proposal seeks to deliver more affordable residential allotments whilst maintaining the character of the area and delivering upon the desire for low density housing.**

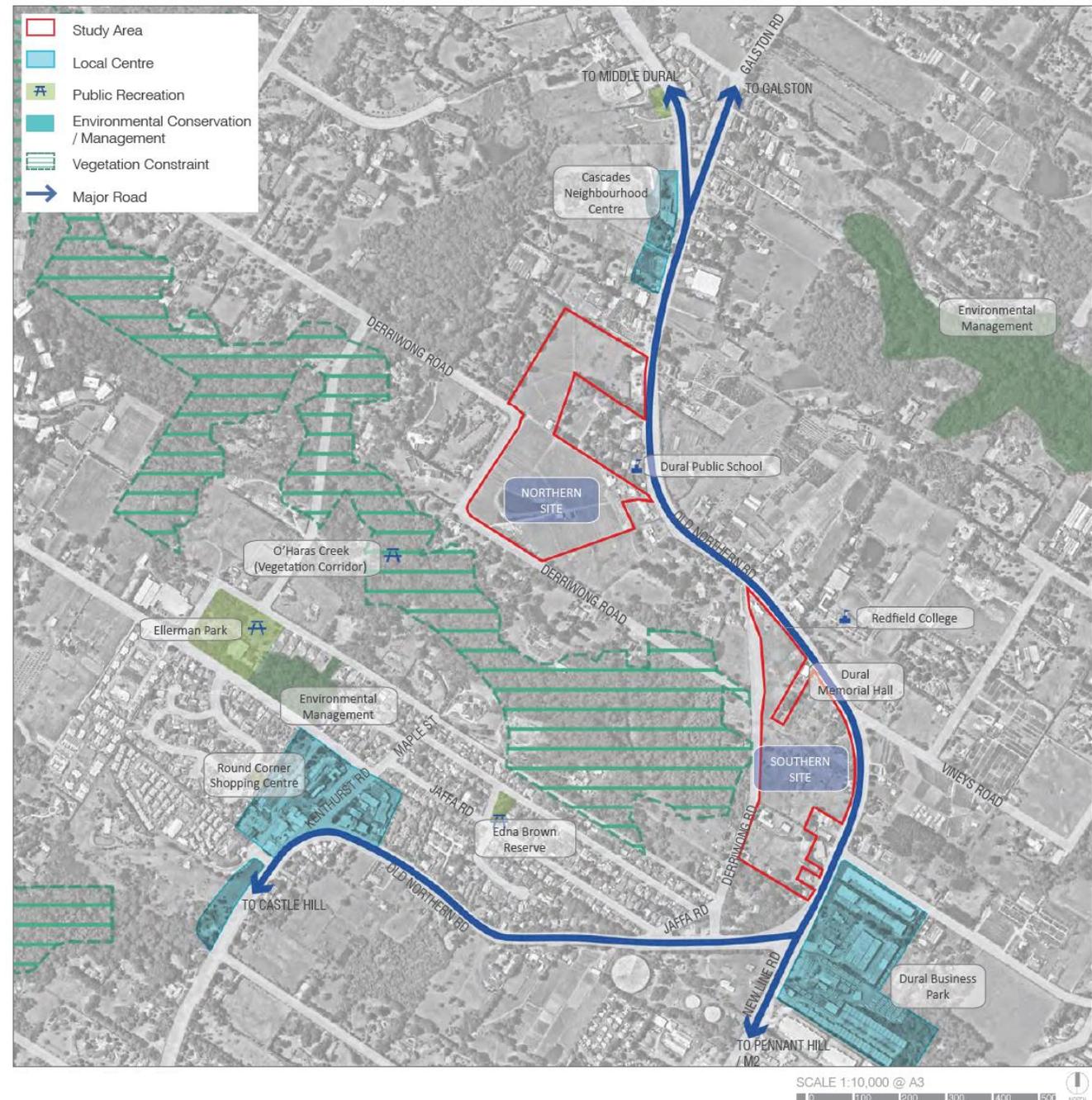
CONSISTENCY WITH CENTRAL CITY DISTRICT PLAN

Priority 18 Better managing rural areas:

- The District Plan notes that **planning for local centres within the MRA is required to be ‘design-led place-based planning’** to ensure the appropriate management of the local environmental, social and economic values of the land, maximise the productive use of land, and incentivise biodiversity protection for remnant vegetation.
- The Planning Proposal offers a place-based solution by proposing a **scale of development that can deliver significant public benefits, though in a density that is commensurate with surrounding local areas** and is not in conflict with a desired transition to rural lands north of Dural.
- The sites are located within a logical boundary bookended by urban uses and will not adversely impact on economically viable agricultural lands in the area, which are currently impacted by buffer zones to existing sensitive human receptors.
- The proposed lot sizes vary from 600sqm to 1ha. The low-density residential development can be designed to contribute to the character of the Dural locality.
- There is a **natural boundary of the site by geographic and environmental features** (slope, vegetation etc) that limit the expansion of the site.

SITE CONTEXT

- The site is not located near high value viable agricultural land or productive industrial land.
- The site is in close proximity to local services including primary and secondary schools, neighbourhood shops and local employment opportunities.
- There are urban land uses on both The Hills Shire Council and Hornsby Council sides of Old Northern Road. The site is not located in a pristine rural area, urban uses are prominent within the surrounding locality.
- Existing RU2 Rural Landscape zoned land near to the site is already impacted by existing sensitive land uses such as education premises and residential dwellings.



CONSISTENCY WITH LSPS

The Hills LSPS identifies the need to promote limited expansion of Rural Villages and does not promote unreasonably restricting any future development within rural zones such that they are treated as a conservation area:

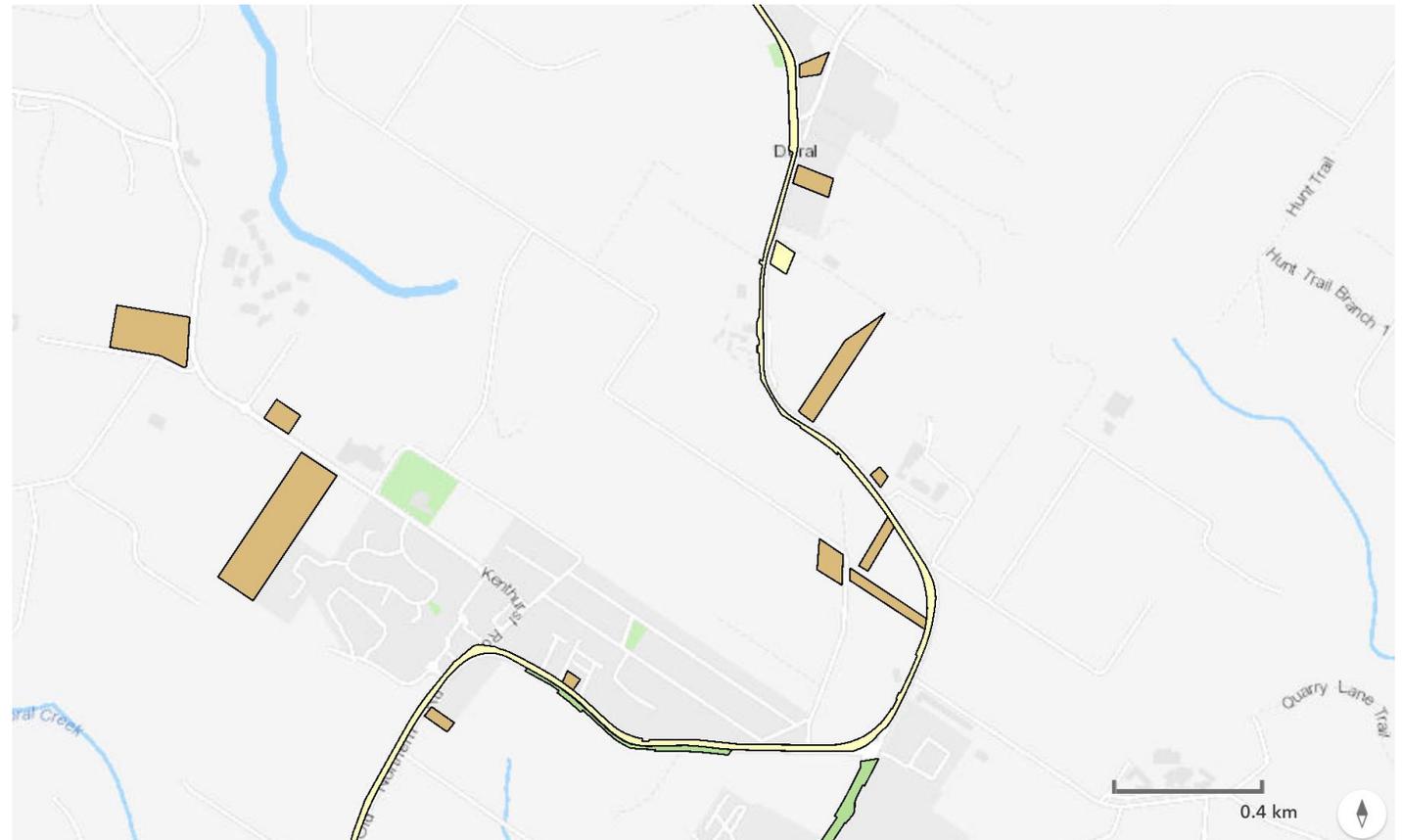
- “Rural villages are the lifeblood of rural communities; they provide a centre for the services necessary to support the people who live and work in rural areas. They are a hub of social activity and provide opportunities for connection and interaction through activities including education, recreation and employment.
- “As our population continues to evolve it is important to both protect the role and function of rural villages and **provide opportunities for limited expansion to meet the needs of the rural community**. Investigations should consider existing constraints and detail opportunities for balanced growth in line with criteria detailed in the Rural Strategy 2019”.
- “It is noted that sympathetic and coordinated village expansion and renewal will be better facilitated where there is less fragmentation of land. Consolidated larger lots enable better place outcomes as there is greater scope to plan on a wider scale rather than on a site by site basis. This also allows greater efficiency of infrastructure provision, especially for services such as potable water and electricity.”
- **“Investigate opportunities for limited residential expansion in rural villages in line with the criteria recommended in the Rural Strategy 2019.”** – Action 7.2, Draft LSPS

SECTION 9.1 DIRECTIONS – RURAL ZONES

- Direction 1.2 Rural Zones 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 Planning Proposal is supported by the evidenced-based study prepared by Cardno, the ‘Dural Urban Capacity and Capability Assessment’.**
- The Cardno report documented the outcomes of an environmental study and consequent urban capability analysis of land in Dural. The Cardno report found that some areas within the broader Dural locality (including the sites) were environmentally capable of accommodating development and identified that there is insufficient infrastructure capacity to facilitate substantial development uplift.
- As a result, the Planning Proposal was amended to clarify that the proposal delivered the infrastructure required to support the development at no cost to Government and as such was consequently supported by the Council.
- If the proposal was considered to be inconsistent with Direction 1.2 Rural Zones (by rezoning a rural land) it is supported by the Central City District Plan through a place-based planning outcome supported by infrastructure, meeting the needs of the community.
- **The existing character of the site’s immediate context is characterised as a peri-urban area, bounded by environmental, business, infrastructure, and residential zones.** The transitional nature of the existing zoning is not appropriate in this location, as it does not effectively provide a transition from urban to rural lands, rather is the break between urban uses.

SECTION 9.1 DIRECTIONS – HERITAGE CONSERVATION

- A Heritage Impact Statement prepared by Urbis was submitted with the Planning Proposal. This Heritage Impact Statement supports the Planning Proposal and notably recommends that if developed, that lower-scale residences (one to two storey) in the vicinity of the heritage items would be in keeping with other development in the area and would not impact on views and the heritage significance of the item.
- It is noted that if reduced to the northern site only, any concern regarding the interface with heritage items would be removed/diminished.



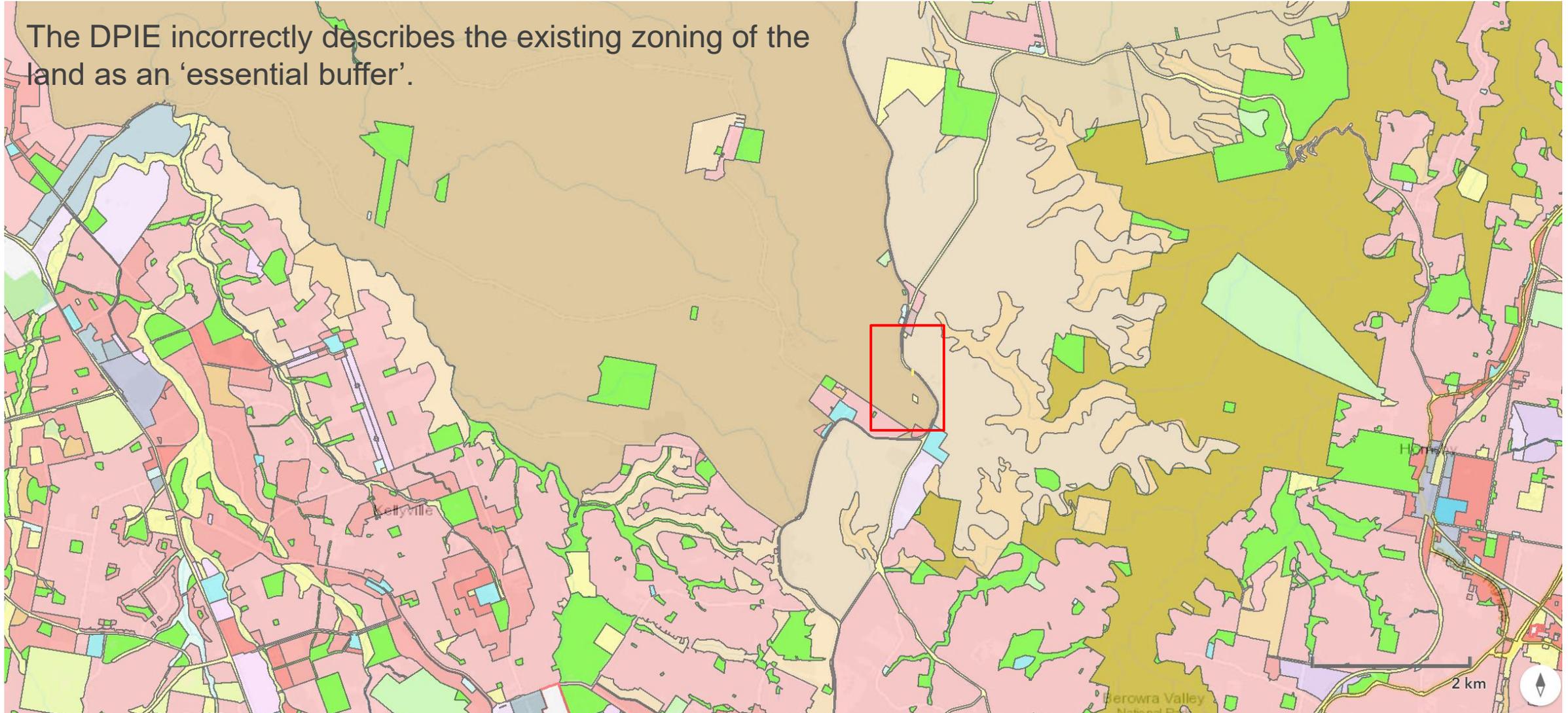
SECTION 9.1

DIRECTIONS – RESIDENTIAL ZONE

- The Gateway assessment claims that the Planning Proposal is inconsistent with this Direction as it increases consumption of land for housing and associated urban development on the urban fringe.
- **The Planning Proposal is a well-considered and logical approach to the extension of the urban fringe within an area which has already transitioned to urban land.**
- The Planning Proposal seeks to rezone unviable agricultural land to support the orderly growth and economic development of the locality through the provision of more affordable residential dwellings.
- The sites are bound by logical precinct borders of urban uses to the north and south, Old Northern Road to the east, and natural features to the west. As such, the Planning Proposal will not result in a sprawl of new housing.
- The Planning Proposal delivers additional choice of dwelling and building types available in the local housing market and makes efficient use of and will augment existing infrastructure and services, consistent with the Direction.
- Notwithstanding, the Direction states a proposal can be inconsistent with the Direction provided that the inconsistency is justified by a strategy or is the Central City District Plan as evidenced through the planning proposal and supporting documentation.

SECTION 9.1 DIRECTIONS

The DPIE incorrectly describes the existing zoning of the land as an 'essential buffer'.



SECTION 9.1 DIRECTIONS – BUSHFIRE PROTECTION

- The sites include small portions of land that are impacted by the Vegetation Buffer on the 2019 Bush Fire Prone Land Mapping. The Gateway assessment states that a Planning Proposal may only be inconsistent with this Direction if the council has obtained written advice from the Commissioner of the NSW RFS that it does not object to the proposal.
- The Planning Proposal was supported by a Bushfire Assessment prepared by Ecological Australia which demonstrated how the proposed development could meet the 2016 requirements of Planning for Bush Fire Protection and therefore meet the requirements of the NSW RFS.
- To avoid any doubt that the Planning Proposal can be made consistent with this Direction, a Strategic Bushfire Study was annexed to the Gateway review request providing an assessment of the Planning Proposal against Planning for Bushfire Protection 2019.
- It is concluded in the Strategic Bushfire Study that the Planning Proposal is consistent with Ministerial Direction 4.4 (Planning for Bushfire Protection) issued under section 9.1(2) of the EP&A Act and the requirements of the 2019 Guideline
- **The Gateway assessment notes that this item can be addressed in the event of a Gateway Determination enabling the exhibition of the Planning Proposal.**

IMPACT ON SURROUNDING ROAD NETWORK

- The Planning Proposal does not require nor rely upon plans or funding to increase capacity on the surrounding road network to facilitate development on the sites.
- **The Planning Proposal in its own right does not generate the need for any government funded road upgrades, and this proposal will deliver at no cost to government improvements to the road network.**
- This is evidenced by the minor augmentation to the road network proposed to support the indicative subdivision, the limited increase in traffic generated by the Planning Proposal and the negligible impact of this traffic on the road network and key intersections compared to background traffic volumes.
- Should the Minister or Independent Planning Commission have concerns regarding the capacity of the surrounding road network, it is reiterated that the applicant proposed to the DPIE in February 2020 that the Planning Proposal could be amended to contain the 'northern site' only, reducing the proposed residential yield to 99 dwellings (and commensurate reduction in traffic generation).
- With only 99 dwellings, the proposal results in additional 85 vehicle trips during peak hour only. In summary the proposal for the northern site will result in a 3% or less increase in average delays at surrounding intersections in 2026. However the proposal on the northern site is anticipated by Aecom to increase traffic flows on Old Northern Road in the PM peak by about 1% in 2026.
- **Notwithstanding the above, the proposal provides short-term and longer-term benefits to the regional road network.**

IMPACT ON SURROUNDING ROAD NETWORK

- For the delivery of 99 dwellings, the proposal offers substantial public benefits, public benefits that are needed now (not as a result of the proposal). As a result the Council and community support the proposal to deliver these needed public benefits.
- The proposal will deliver traffic and transport benefits such as local road widening, new road reserves to compliment planned road upgrades, and a drop off area for Dural Public School which will alleviate congestion and safety hazards on Old Northern Road.
- The Gateway assessments suggests that the additional development traffic is expected to cause minimal impacts on the study area intersections during the future to the year 2026, and yet traffic congestion is being used as justification for the Planning Proposal not to proceed.
- **The DPIE conclusion does not consider the benefits of the proposal on the road network, by removing traffic movements off Old Northern Road for the school drop off, in addition to providing a regional road reserve for a future by-pass, the proposal has both immediate and long-term benefits to the road network.**
- As such on balance the proposal improves the surrounding road network and the local benefits of the proposal should not be withheld on the basis of a broader road network concerns resulting from planned development within the north-west growth centre located to the further north-west of the site.

ROAD NETWORK FUNDING

- It is noted that the State and Federal governments have committed \$20 million to a study into traffic improvements along New Line Road, programmed to be completed in the 2020/2021 financial year.
- As noted by the Council this indicates some movement at the State and 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.
- **As such, the proposed road corridor through the site is a timely offering to government to look longer-term solutions to the capacity of the regional road network.**

METROPOLITAN RURAL AREA

- The DPIE claim that the proposal may have an adverse impact on agricultural uses and they will not support the expansion of this existing urban centre as it is technically within the ‘metropolitan rural area’.
- This does not however accurately characterise the land between Dural and Round Corner which features urban commercial uses and services, R2 Low Density and R3 Medium Density zoned land, and environmentally sensitive land which restrict agricultural uses in the locality already.
- **The site is not suitable for agricultural purposes due to its location adjacent to an existing and permitted primary school and residential dwellings.**
- Portions of the northern site were used for agricultural purposes (orchards) until 2008 when commercial operations ceased. Further, future agricultural land uses are unlikely to generate a sufficient return to warrant future investment in agricultural enterprises on the land. **As such the at this land remains unsuitable and economically unviable for these purposes.**
- Sensitive land uses and human receptors are present within a 1km radius of the sites, such that they already restrict agricultural uses as per the interim guideline for ‘Buffer Zones to Reduce Land Use Conflict with Agriculture’ on the land zoned RU2 within Hornsby LGA and on the sites themselves.
- As noted by Gary White (2020) in support of the Planning Proposal:
“A small residential subdivision proposed at this peri-urban locality, impacted upon by a complicated mix of other urban and non-rural uses, does not equate to a collapse or major shift of the Urban Growth boundary.”

CONCLUSION

- The Planning Proposal delivers population growth aligned with new infrastructure investment not only to support the proposed development, but to enhance the amenity, services, and infrastructure of the existing community.
- The sites are located within a logical boundary bookended by urban uses and will not adversely impact on economically viable agricultural lands in the area, which are currently impacted by buffer zones to existing sensitive human receptors.
- The low-density scale of development is appropriate in a peri-urban locality that is transitioning from adjacent higher density zones to rural transition areas north of the Dural neighbourhood centre. The proposed minimum lot sizes are consistent with the emerging and anticipated urban character of the area and the existing pattern and density of development within adjacent urban centres.
- The sites are not currently used for agricultural purposes and the potential use of the sites for agricultural purposes is generally commercially unviable and unsuitable due to adjacent existing sensitive uses. The Planning Proposal reflects the orderly and economic use of the sites that is otherwise under-utilised and undesirable for agricultural purposes.
- The Planning Proposal offers a place-based planning solution by proposing a scale of development that can deliver significant public benefits, though in a density that is commensurate with surrounding local areas and is not in conflict with a desired transition to rural lands north of Dural.

CONCLUSION

As noted by Gary White (2020) in his review of the proposal:

“given the **low impact** of the proposal planning, **the public benefit sort by Council** and the **strategic planning undertaken** by Council (i.e. the capacity and capabilities study), in my opinion the proposal demonstrates site specific and strategic merit.”