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INDEPENDENT PLANNING COMMISSION

MEETING WITH DEPARTMENT OF PLANNING, INDUSTRY AND ENVIRONMENT

RE: DURAL GATEWAY – PROJECT #: 12346-11

PANEL: **CHRIS WILSON
SOO-TEE CHEONG**

ASSISTING PANEL: **STEPHEN BARRY
CALLUM FIRTH**

**DEPARTMENT OF
PLANNING,
INDUSTRY AND
ENVIRONMENT:** **GINA METCALFE
ANGELA HYNES**

DATE: **2.33 PM, THURSDAY, 13 AUGUST 2020**

MR C. WILSON: Before we begin, I would like to acknowledge the traditional owners of the land on which we meet. I would also like to pay my respects to their elders, past and present, and to the elders from other communities who may be here today. Welcome to the meeting today. Urbis, on behalf of the proponent, Dural
5 Landholding, has lodged a request for the commission to review the gateway determination for a planning proposal seeking to amend The Hills Local Environment Plan 2019. The rezoning would facilitate the development of some 181 low-density residential dwellings on multiple properties at Old Northern Road and Derriwong Road, Dural.

10 My name is Chris Wilson. I am the chair of the IPC panel. Joining me is my fellow commissioner Soo-Tee Cheong. The other attendees of this meeting are Stephen Barry and Callum Firth from the Office of the Independent Planning Commission. In the interest of openness and transparency and to ensure the full capture of
15 information, today's meeting is being recorded, and a full transcript will be produced and made available on the commission's website. This meeting is one part of the commission's consideration of this matter and will form one of several sources of information upon which the commission will base its advice.

20 It is important for the commissioners to ask questions of attendees and to clarify issues whenever it is considered appropriate. If you are asked a question and are not in a position to answer, please feel free to take the question on notice and provide any additional information in writing which we will then put on our website. I request that all members here today introduce themselves before speaking for the
25 first time and for all members to ensure that they do not speak over the top of each other to ensure accuracy of the transcript. We will now begin. It's probably worthwhile that we – that the department gives a bit of an overview of the processing of the planning proposal to date before we talk about the key reasons for the determination.

30 MS G. METCALFE: Thank you. It's Gina Metcalfe, acting director of Central (Western) with the department. So the department received the planning proposal and fully considered it and declined to issue gateway for the proposal to proceed. The commission has asked us to address a number of matters including our reasons
35 for determining that the proposal should not proceed. Would you like us to talk through those reasons?

MR WILSON: Yes, I think it's worthwhile, Gina, and we can just – we can – if you don't mind, we'll just ask questions as we go along.

40 MS METCALFE: Okay. By way of overview, as the commission is aware, the district plan clearly delineates the urban and rural areas of the city. The subject site is within the Metropolitan Rural Area or the MRA. The Greater Sydney region plan and district plan identify areas for urban investigation and the circumstances under
45 which rural village expansion can be considered. The areas contemplated for urban development and housing include existing urban areas and release areas within the

north and southwest growth areas and existing urban centres. This site is within the MRA and not within any of those areas contemplated for urban development. So that is an overarching rationale for our determination that the proposal does not give effect to the district plan.

5

MR C. FIRTH: Hey, Chris. You're muted.

MR WILSON: So the plan, Gina, directs people towards the expectation where – or an expectation that housing occurs in those areas that are designated. Does it
10 necessarily then conversely say that you shouldn't have or you can't have or other residential developments shouldn't happen in other areas in the MRA?

MS METCALFE: The focus of the plan is to align growth with infrastructure and to provide a 30-minute city which provides homes and jobs within proximity of one
15 another. The plan doesn't explicitly say there cannot be any homes within the metropolitan rural area, but it firmly guides the department and council to focus on existing and identified urban investigation areas for future housing. The reason for that is that the district and region plan is accompanied by Future Transport 2056 - - -

20 MR WILSON: Yes.

MS METCALFE: - - - which is a comprehensive transport study and allows the state to prioritise investment in transport improvements aligned with growth areas and planned precincts. One of those is the government's investment in the Metro
25 Northwest, and therefore the district and region plan and local strategic planning statements focus on appropriate growth around transport corridors. This is not one of those places.

MR WILSON: Okay. Just – one of the objectives – I think it's objective 29 of the
30 relevant district plan – suggests that local villages could have some limited growth which would strengthen those communities. Can you talk to that a bit.

MS METCALFE: Yes. Indeed, the plan does contemplate that rural villages should thrive and continue to provide for local needs. In guiding the councils to interpret
35 the district and region plan, the Greater Sydney Commission has provided, through a technical working group, advice on how that might be met. The intention is that background growth and local growth be catered for. So the background level of growth in Sydney, taking away other population pressures, is about 1.5 per cent per annum, and so Dural, at the scale of approximately 500 dwellings, is a small number
40 of dwellings per year. It's not anticipating - - -

MR WILSON: Okay.

MS METCALFE: - - - major urban growth. So there is a process for that.
45 Council's local strategic planning statements are the opportunity for council to identify priorities to investigate enhancement and support of local villages going forward.

MR WILSON: Okay. That's a good point for the next question actually because I guess there has been commentary that the council wasn't – or unable to, I guess, include certain studies in their local strategic planning study or strategy, particularly the capability assessment that was undertaken for Dural, because it was in MRA
5 land; is that right?

MS METCALFE: Could you clarify the question. You – I think you mentioned the council could not include its study.

10 MR WILSON: Okay. So I think my understanding was that council was advised when they were preparing their local planning strategy that they couldn't – it wouldn't be contemplated – the strategy wouldn't be accepted if it included any rezoning of MRA land.

15 MS METCALFE: That may be a question best directed to the GSC, but the plan is quite clear that the urban expansion opportunities are identified in the district and region plan and the MRA is carefully protected by the district and regional plan.

MR WILSON: Okay. So there's an expectation - - -
20

MS METCALFE: The next iteration - - -

MR WILSON: Yes.

25 MS METCALFE: Yes. The opportunity for councils to put forward urban investigation opportunities is through the next iteration of the district and region plan. So they will be renewed - - -

MR WILSON: When is that?
30

MS METCALFE: - - - periodically. I think they're – approximately five years is the current interval. So as the next district and region plan approaches, councils can participate in that consultative and collaborative process run by the GSC to identify initiatives for urban expansion of existing centres or villages or in other locations.
35 That provides the state government with the opportunity to consider the implications of that in the next version of future transport or other infrastructure-based analyses supporting district and region planning.

MR WILSON: Okay. Thanks. So I'm just trying – the timeframe for that – so it's
40 not five years. So it's – when was the district plan? That was a year and a half ago, wasn't it, or - - -

MS METCALFE: March 2018. So - - -

45 MR WILSON: Yeah, well, okay.

MS METCALFE: - - - there's another one in June - - -

MR WILSON: Yeah. Yeah.

MS METCALFE: - - - 2023.

5 MR WILSON: Okay. All right. Thanks for that. I'm sorry to interrupt you, Gina. I just – these things come up as you're talking because you're talking about the things I'm thinking of.

MS METCALFE: No worries.

10

MR WILSON: So you want to – do you want to continue?

MS METCALFE: Look, I'm happy to answer questions, Chris. I think we've covered the high-level reasons for the department having concerns about the
15 proposal. So - - -

MR WILSON: Okay. Let me ask a question about the council's capability assessment which was the Cardno assessment report. You're familiar with that report?

20

MS METCALFE: Yes, that's correct.

MR WILSON: The documentation supporting the planning proposal clearly states – and I'm suggesting that's the case. I'm – that's why I'm asking you – it clearly
25 states that that assessment or that study identifies that this site is suitable for residential development; is that your understanding?

MS METCALFE: My understanding is that the study identifies that the site has urban capability, and much of Sydney has urban capability through that test. It can
30 be converted for housing. Whether it's suitable for urban development is a separate question. So I would disagree that the study demonstrates suitability for urban development at this time.

MR WILSON: Okay. And – Soo-Tee, sorry, you were saying?
35

MR S. CHEONG: I just – when you say “suitability”, the statement that I read in one of the report, it does say it is suitable for future residential development. That's what their argument is.

MR WILSON: Yes. But that report also concludes that there are infrastructure impediments to residential development in the area. Okay. So just in coming – in making your determination, Gina – or in recommending the determination, were discussions had – I understand there's the transport plan. Were any discussions
40 had with Transport New South Wales?

45

MS METCALFE: Yes, we did refer the proposal to Transport for New South Wales, and we have regular discussion forums with senior transport planners and

advisors in Transport for New South Wales. So we discussed this proposal at one of those forums and received advice from Transport for New South Wales.

5 MR WILSON: Was that written advice, or was it verbal?

MS METCALFE: I believe it was written advice leading up to the determination. Angela would be able to comment.

10 MR WILSON: Is there any reason we can't have a copy of that or we could view that?

MS A. HYNES: I'll have to confirm we received written advice that we can spend on to the IPC.

15 MR WILSON: Okay. All right. No, that would be useful.

MS METCALFE: Thanks, Angela.

20 MR WILSON: The other issue, Gina, there's – council has raised the issue of the bypass at Round Corner and that – and there's a public – as you're aware, there's a public benefit package that goes with the proposal. And part of that is the reservation of what might be a future bypass of Round Corner. Is that identified in any state plans or regional plans that you're aware of?

25 MS METCALFE: The department doesn't retain a particular region plan for this part of The Hills Shire. It's possibly identified in the North West Growth Area Transport Plan. If I could take that on notice and come back to it.

30 MR WILSON: Yes. No, that would be good.

MS METCALFE: It may or may not be identified in a road network strategy of Transport for New South Wales. That would need to be referred to Transport for comment.

35 MR WILSON: Sure. There's also the proposal to upgrade Old Northern Road. Soo-Tee, you know this – details. The – I think the Commonwealth has committed \$10 million, and the state may have met that \$10 million. Is that correct, Soo-Tee?

40 MR CHEONG: Yes, so the federal has approved 10 million for a study – I think that's what it said – and the state is matching it.

MR WILSON: Are you aware of that, Gina? Are you aware of what that commitment and what that study might entail and why it's necessary?

45 MS METCALFE: Yes, I'm aware of the commitment to investigate the corridor, the corridor from Dural to Cherrybrook. It's recognised in a number of places, including council's local strategic planning statement and in the assessment study

that was done, that the corridor is congested and needs to cater for growth, and so there is a commitment at state and federal level to investigate road improvements. There were earlier estimates that those road improvements were in the order of \$300 million and that the priority for works would be at the southern end of the corridor.

5

MR WILSON: Where's the southern end of the corridor? Excuse my ignorance.

MS METCALFE: Towards Cherrybrook.

10 MR WILSON: Okay.

MS METCALFE: Closer to the urban centres, yes.

15 MR WILSON: I got you. Yes. Yes. Okay. All right. And – but there's no timeframe for that study – or is there a timeframe?

MS METCALFE: I'm not aware of one, but we can take that on notice and - - -

20 MR WILSON: Yes. No, that would be good too.

MS METCALFE: - - -

MR WILSON: Okay. Soo-Tee, have you got any questions?

25 MR CHEONG: Yes, I just question how important are the two corridors in the overall planning is your understanding that play a part in allowing the development in that area.

30 MS METCALFE: I think the corridors are important in catering for existing growth that is planned and contemplated in existing planning instruments in the region, and they would be equally important in supporting any significant growth of Dural Village. So we do recognise that the proposal made significant public benefit offers towards securing local and regional improvements, but the scale of contribution was not sufficient to outweigh the local impacts that this would create as a result of
35 rezoning.

MR WILSON: Those local impacts: you mean predominantly on the road network?

40 MS METCALFE: Yes, any urban development in this locality would bring with it traffic movement and residents that would need to journey to work. There is not a strategic centre accessible easily by public transport to Dural. So by virtue of urban expansion, residents would need to journey to work to the nearest centre by road. So the proposal would seem to contribute to worsening congestion rather than resolving
45 local congestion.

MR WILSON: We were also talking earlier. What's the – do you know does the school have capacity? I know that's something if it was to proceed, that would need to be considered, but do you know if the school has capacity?

5 MS METCALFE: It's not something that we - - -

MR WILSON: Would normally - - -

10 MS METCALFE: - - - consulted education with because there were other fundamental reasons for refusing the proposal. If it - - -

MR WILSON: Yes. Okay.

15 MS METCALFE: - - - did proceed through gateway, we would need to consult School Infrastructure New South Wales.

MR WILSON: Sure.

20 MS METCALFE: I would imagine, looking at the school's site, that it could easily be adapted to accommodate additional students. That - - -

MR WILSON: Yes.

25 MS METCALFE: I don't think that would be a constraint to the proposal proceeding.

MR WILSON: Okay. Soo-Tee?

30 MR CHEONG: No, I'm fine, thanks.

MR WILSON: So then we will just go on further. So we've covered – so maybe we could talk a bit about the inconsistencies that still – that we – that remain unresolved from the department's perspective: the rural zones, heritage conservation, residential zones, bushfire protection, site specific provisions.

35 MS METCALFE: Thank you.

40 MR WILSON: We've covered funding. We've covered the strategic context in a sense and, yes, those, and then – the last thing we could talk about is the agricultural viability of the land. So just – so, Gina, just the inconsistencies with the current directions and then the viability of the land and what really – what's expected in terms of agricultural viability.

45 MS METCALFE: That's a good question in relation to agricultural viability. Planning itself can't incentivise or require land that was productive to return to productivity, but what it can do is not worsen the interface issues for other productive agriculture in the region. So we accept that the former orchards were cleared on the

site – on one of the sites and are no longer operating as productive agricultural land; however, the metropolitan rural area has a broader function where land is not necessarily productive in its own right but provides a transition from urban areas to allow other productive land to continue. So there's no evidence presented in the
5 proposal documentation that this land could not in future return to productivity.

MR WILSON: Okay. It's an interesting zoning, isn't it? The transition zone: it's sort of – some people interpret it as a natural transition from rural – or intensive rural to urban. It's almost like a buffer zone, isn't it, like the – but it's - - -
10

MS METCALFE:

MR WILSON: - - - used quite extensively through The Hills District as opposed to – if you look next door in Hornsby, they adopt an RU2 zone; whereas, particularly
15 around Dural to the north, up until, I guess, you get to Maroota and places like that, this transitional zone is used quite holistically.

MS METCALFE: Yes, it is an interesting zone, and I think it has application in certain locations. Not all of metropolitan area is a land bank for future housing. So
20 it's important that we recognise the metropolitan rural area has scenic qualities, it has environmental capability and, indeed, still maintains productive local agriculture.

MR WILSON: I'm going to – the planning proposal also uses the word quite liberally “logical extension” of those two neighbourhoods. Can the department
25 comment on that or not? It may not figure fundamentally in your determination. So if you don't want to, that's all right.

MS METCALFE: Look, I can comment on it. The village is obviously a reasonably dense urban form relative to the surrounding land use. It has been
30 expanded through seniors housing approvals to the west. Interestingly, seniors housing proposals will no longer be permitted in the metropolitan rural area in relation to a recent decision taken by the Minister for Planning.

MR WILSON: Yes. housing diversity yes.
35

MS METCALFE: The department when considering expansion of rural villages does support logical and contiguous expansion for the reasons that future residents could walk to local services and the broader metropolitan rural area is then protected from urban expansion. So one could argue that there is some logic to a contiguous
40 expansion of the village - - -

MR WILSON: Okay.

MS METCALFE: - - - at a small scale.
45

MR WILSON: All right. Okay. I don't have too much more. Just – you might want to talk to those – just those – the inconsistencies with – the unresolved inconsistencies with the - - -

5 MS METCALFE: Yes.

MR WILSON: - - - directions, and I think then – then I think we're – I think that's probably about it, Gina.

10 MS METCALFE: Happy to do that. Most of those inconsistencies are not insurmountable. They are inconsistencies that could be addressed if the proposal proceeded to gateway through further consideration. The department is not in the habit of asking for additional justification or studies where a fundamental reason for not proceeding to gateway is apparent, but should the commission determine that the
15 proposal should proceed to gateway, those issues could be addressed in more detail.

MR WILSON: Okay. Just another matter. Council – we met with – we've met with the applicant. We've met with the proponent. We've met with the council. We've looked at the site. Council yesterday said they – you know, they really want
20 to start this dialogue about regional infrastructure and the concerns they have in that area about the provision of that regional infrastructure, and it seems this planning proposal is a bit of a focus for that. How – notwithstanding what the commission may decide, I mean, how can those talks progress?

25 MS METCALFE: One avenue is through the project collaboration group that we have recently established with The Hills Council. That group is attended by our deputy secretary and also by senior members of Transport for New South Wales. That's an opportunity for council to put strategic issues on the agenda and to get a focus at state government level on infrastructure challenges. The other avenue, as I
30 mentioned before, is as the Greater Sydney Commission approaches the next iteration of the district and region plan, there will be consultation through that process. Council has also submitted the local strategic planning statement implementation planning proposal to the department. That is post gateway and will be determined – will be finalised later this year. Council has other initiatives in its
35 local strategic planning statement including examining rural villages, and the department can work with council on implementing the local strategic planning statement through other planning proposals in future.

MR WILSON: Okay. So notwithstanding what we might determine here, it's
40 possible for council to consider this along with infrastructure provision in the future. What's that statement? Are they updated annually, three years or - - -

MS METCALFE: They are required to be updated a minimum of every seven years and, certainly, after - - -

45

MR WILSON: Okay.

MS METCALFE: - - - the next district and region plan, but The Hills Shire Council statement includes a number of actions.

MR WILSON: Right.

5

MS METCALFE: And looking at rural villages is one of those actions, and councils may choose to update them more frequently especially where there is a change in circumstances or a change in regional infrastructure opportunities would prompt an earlier revision.

10

MR WILSON: Okay. All right. Okay. Thanks. Look, I think that's all I have, Gina. Soo-Tee, do you have anything else?

MR CHEONG: Just one point. Just wondered whether the department can clarify or shed a bit more light on the southern parcel of the southern site that was approved for medium density development. What is the department view on that sort of development that was only recently approved, I think?

MS METCALFE: Was that approved after our gateway determination?

20

MR CHEONG: No. No. That was before.

MS METCALFE: I'm not aware of that determination. I'm happy to look at that and come back to you on notice.

25

MR CHEONG: Yes.

MR WILSON: Yes, just immediately to the south. The only other - - -

30 MR CHEONG:

MR WILSON: Sorry.

MR CHEONG: If it was approved, I just want to see the reason for its approval.

35

MS METCALFE: Are you referring to a seniors housing proposal?

MR CHEONG: housing – I believe they call it medium density housing.

40 MR WILSON: Yes, I think - - -

MS METCALFE:

MR WILSON: - - - it might be seniors housing, Gina. So we should probably - - -

45

MS METCALFE: Yes.

MR WILSON: - - - subject to a

MS METCALFE: Okay. If it is a seniors housing, under the seniors housing set, that has now changed so that any future proposals will not be received in the
5 metropolitan rural area. There is obviously the existing urban footprint of the Dural Village, and there are current site capability certificates and approvals within that urban footprint. So there are previous decisions of the department and planning panels that will be implemented over time, but the current policy is that urban development, including seniors housing, is not compatible with the metropolitan
10 rural area.

MR WILSON: Right. Okay. I don't think I have any more, Gina. There was – well, I'm sorry. There is one other aspect. I guess it's the – and I don't think your answer – I don't think you can answer this because it's more to do with what the
15 proponents put forward. I think in your determination you concern wasn't necessarily with the local impacts of the development as such. It was more in relation to, for instance, they've come back with and muted a possible dislocation of the south from the north proceeding with the north which has most of the public benefits. Do you have a view on that?

20 MS METCALFE: Yes, the proponents provided a series of information to the department throughout the process, and we considered those in our final report. It would be a matter for council to consider a new planning proposal that was for a single part of the site, one or the other.

25 MR WILSON: That's the legal process, isn't it? Council must consider – they can only refer a planning proposal – it has to be considered by council. You can't consider amendments.

30 MS METCALFE: The department can provide gateway conditions on any proposal to remove sites, to reduce the impact or require council to consider alternatives.

MR WILSON: Right. Okay. All right. So it doesn't have to go back to council for resolution.

35 MS METCALFE: Not necessarily, but it's our preference that if council puts forward a proposal and it's modified significantly on foot, that it returns to the elected representatives and the local planning panel for consideration.

40 MR WILSON: Okay. All right. Okay. All right. No, that answers all my questions. Soo-tee?

MR CHEONG: No more questions from me, thanks.

45 MR WILSON: Gina, we will confirm those couple of questions you took on notice. Callum, have you got those? Can we just – do you want to just run through what they are?

MR FIRTH: So we've got the written advice from Transport for New South Wales, whether the bypass corridor is identified in the North West Growth Area plan or any other state strategies, the timeline for road upgrade investigations in The Hills and if there's anything on the planning proposal south of the southern site.

5

MR WILSON: Yes, that's it. Excellent. Thank you very much both of you.

MS METCALFE: Thank you. Thanks for your time.

10 MR WILSON: We will see you again soon.

MS HYNES: Thank you.

UNIDENTIFIED MALE:

15

MS METCALFE: Good afternoon.

MR WILSON: Bye. Thank you, Auscript.

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[3.02 pm]