

URBIS

PLANNING PROPOSAL REQUEST (PP-2024-450)

Derriwong Road, Dural

Prepared for
LEGACY PROPERTY
31 July 2025

URBIS STAFF RESPONSIBLE FOR THIS REPORT WERE:

Director	Clare Brown
Associate Director	Christopher Croucamp
Project Code	P0051870
Report Number	Final

Urbis acknowledges the important contribution that Aboriginal and Torres Strait Islander people make in creating a strong and vibrant Australian society.

We acknowledge, in each of our offices, the Traditional Owners on whose land we stand.

All information supplied to Urbis in order to conduct this research has been treated in the strictest confidence. It shall only be used in this context and shall not be made available to third parties without client authorisation. Confidential information has been stored securely and data provided by respondents, as well as their identity, has been treated in the strictest confidence and all assurance given to respondents have been and shall be fulfilled.

© Urbis Ltd
50 105 256 228

All Rights Reserved. No material may be reproduced without prior permission.

You must read the important disclaimer appearing within the body of this report.

urbis.com.au

CONTENTS

Contents	2
Executive Summary.....	6
Proposed LEP Changes.....	7
Site Specific and Strategic Merit	7
Community Benefits of the Planning Proposal.....	8
1. Introduction	9
1.1. Overview	9
1.2. Summary of the Planning Proposal	9
1.3. Report Structure.....	12
1.4. Project Team.....	12
2. Site Context	14
2.1. Site Description	14
2.1.1. Topography	15
2.1.2. Hydrology	15
2.1.3. Local Geology.....	16
2.1.4. Flora and Fauna	16
2.1.5. Bushfire	17
2.1.6. Access and Movement	18
2.1.6.1. Public Transport	18
2.1.6.2. Vehicle Access	19
2.1.6.3. Pedestrian Access.....	21
2.1.7. Social Infrastructure.....	21
2.1.8. Services and Utilities	21
2.2. Surrounding Locality	22
2.2.1. Regional Context.....	22
2.2.2. Local Context.....	23
2.3. Photographic Review	24
3. Rezone Review	25
4. The Planning Proposal	30
4.1. Overview	30
4.2. Details of Proposed LEP Amendments	31
4.2.1. Mapping Amendments.....	31
4.2.2. Amendments to the Written Instrument.....	31
4.3. Site Specific DCP.....	31
4.4. Public Benefit Offer	32
5. Statutory Context	34
5.1. The Hills Local Environmental Plan 2019	34
5.1.1. Zoning and Land Use	34
5.1.3. Floor Space Ratio.....	35
5.1.4. Height of Buildings.....	36
5.1.5. Heritage	37
5.1.6. Minimum Lot Size	38
6. Planning Proposal Assessment	39
6.1. Part 1 - Objectives and Intended Outcomes.....	39
6.1.1. Objective.....	39
6.1.2. Intended Outcomes	39
6.2. Part 2 - Explanation of Provisions.....	40
6.2.1. Land to which the Plan will Apply	40
6.2.2. Proposed LEP Amendments	40
6.2.2.1. Land Use Zoning	40

6.2.2.2.	Building Height	40
6.2.2.3.	Minimum Lot size.....	40
6.2.2.4.	Site Specific Dwelling Cap	40
6.2.2.5.	Draft Site Specific DCP	40
6.3.	Part 3 - Justification	40
6.3.1.	Section A – Need for the planning proposal.....	40
6.3.2.	Section B – Relationship to strategic planning framework	41
6.3.2.1.	Greater Sydney Region Plan – A Metropolis of Three Cities (2018)	43
6.3.2.2.	Central District Plan (2018)	46
6.3.2.3.	Responding to a change in circumstances that has not been recognised by the existing strategic planning framework	52
6.3.3.	Section C – Environmental, Social and Economic Impact	69
6.3.3.1.	Ecology	69
6.3.3.2.	Urban design, layout, and form	70
6.3.3.3.	Development on Sloping Land	71
6.3.3.4.	Engineering Considerations	73
6.3.3.5.	Non-Aboriginal Heritage	74
6.3.3.6.	Aboriginal Archaeology.....	75
6.3.3.7.	Traffic and Transport	75
6.3.3.8.	Acoustic Impacts	79
6.3.3.9.	Bushfire	79
6.3.3.10.	Hydrology and Water Quality	80
6.3.3.11.	Site Contamination	80
6.3.4.	Section D – Infrastructure (Local, State and Commonwealth)	81
6.3.5.	Section E – State and Commonwealth interests	84
6.4.	Part 4 - Maps	84
6.4.1.	Land Use Zoning	85
6.4.2.	Building Height	85
6.4.3.	Minimum Lot size.....	85
6.5.	Part 5 - Community Consultation	86
6.6.	Part 6 - Project Timeline	86
7.	Conclusion	88
	Disclaimer.....	89

Appendix A	Urban Design Report
Appendix B	Traffic and Transport Impact Assessment
Appendix C	Ecological Assessment
Appendix D	Bushfire Strategic Study
Appendix E	Economic Impact Assessment
Appendix F	Heritage Impact Assessment
Appendix G	Detailed Site Investigation
Appendix H	Preliminary Infrastructure Review
Appendix I	Survey Plan
Appendix J	Acoustic Assessment
Appendix K	LEP Mapping
Appendix L	Draft Site Specific Development Control Plan
Appendix M	Public Benefit Offer
Appendix N	Aboriginal Heritage Assessment
Appendix O	Dural Public School Safe System Assessment
Appendix P	SINSW Correspondence
Appendix Q	Preliminary Geotechnical Assessment

FIGURES

Figure 1 Indicative Layout Plan	11
---------------------------------------	----

Figure 2 Aerial View of Site and Surrounding Context	14
Figure 3 Site Topography	15
Figure 4 Local Topography and Hydrology Lines	16
Figure 5 Extract of Bushfire Planning Map	18
Figure 6 Public Transport Connections and Routes Servicing the Site	19
Figure 7 Existing Road Network	20
Figure 8 Pedestrian Network Map	21
Figure 9 Regional Context Map	22
Figure 10 Dural Locality Map	23
Figure 11 Photographic Review of Site	24
Figure 12 Revised Indicative Layout Plan	30
Figure 13 Existing Land Zoning Map	34
Figure 14 Existing Floor Space Ratio Map	35
Figure 15 Existing Height of Building Map	36
Figure 16 Heritage Map	37
Figure 17 Minimum Lot Size Map	38
Figure 18 Agricultural Uses	55
Figure 19 Slope Analysis	73
Figure 20 Level of Service Definition	76
Figure 21 Base year intersection performance	76
Figure 22 SIDRA Intersection Layout	77
Figure 23 Predicted road noise levels at residential facades	79
Figure 24 Bypass Road Alignment	83
Figure 25 Zoning Maps	85
Figure 26 Height of Building Maps	85
Figure 27 Minimum Lot Size Maps	86

PICTURES

Picture 1 Original Layout Plan	11
Picture 2 Revised Layout Plan	11
Picture 3 View towards the south-west of the site	24
Picture 4 Dural Public School – southern boundary	24
Picture 5 Bushland along eastern site boundary	24
Picture 6 View towards the north of the site	24
Picture 7 Old Northern Road	24
Picture 8 Aerial view of the site	24
Picture 9 Existing Zoning Map	85
Picture 10 Proposed Zoning Map	85
Picture 11 Existing Height of Building Map	85
Picture 12 Proposed Height of Building Map	85
Picture 13 Existing Minimum Lot Size Map	86
Picture 14 Proposed Minimum Lot Size Map	86

TABLES

Table 1 Planning Proposal Project Team	12
Table 2 Summary of Landholdings	14
Table 3 Response to Panel Recommendations (January 2025)	26
Table 4 Summary of the Planning Proposal	31
Table 5 Assessment against LEP Making Guideline	41

Table 6 Assessment against Greater Sydney Region Plan 43

Table 7 Assessment against the Central District Plan 46

Table 8 Consistency with Hills Future 2036 57

Table 9 Consistency with Housing Strategy – The Hills Shire Council 59

Table 10 Consistency with State Environmental Planning Policies 61

Table 11 Consistency with Section 9.1 Directions 63

Table 12 Summary of Heritage items by LGA 74

Table 13 Peak traffic volumes on Old Northern Road 75

Table 14 Anticipated Project Timeline 86

EXECUTIVE SUMMARY

This revised Planning Proposal request report has been prepared on behalf of Legacy Property (the **Proponent**) in relation to land at 614 Old Northern Road, 618 Old Northern Road, 626 Old Northern Road, 21 Derriwong Road, and 27 Derriwong Road, Dural (the **site**).

The primary intent of the Planning Proposal is to rezone the site from RU6 Transition to part R2 Low Density Residential and part SP2 Infrastructure (Local Road) to permit the delivery of low-density residential development that meets local housing demand in a location which is longer suitable or viable for agricultural use. The intended outcome of the Planning Proposal is to provide a limited amount of additional housing within the walking catchment of the Dural Public School. The additional housing will support the local community by providing a range of suitable housing typologies for families with young children while freeing up larger homes on rural residential properties in the locality.

In February 2024, a pre-lodgement meeting was held between The Hills Shire Council (**Council**) and the Proponent. Council officers noted that the Planning Proposal was seeking outcomes consistent with previously lodged proposals for the site and, as such, the findings of earlier assessments were expected to remain applicable. The strategic merit of the site accommodating urban development had been consistently supported by independent assessments and past decisions of Council. Where technical matters were raised in relation to earlier proposals, they have been addressed and are also reflected in this Planning Proposal request.

On 15 March 2024, Planning Proposal PP-2024-450 was submitted to Council. On 19 June 2024, the Hills Shire Council Local Planning Panel (**LPP**) considered a Council officer report recommending that the proposal proceed to Gateway Determination. However, the LPP recommended that Council not support the proposal. On 23 July 2024, despite Council officers maintaining their support, Council resolved not to proceed, citing perceived inconsistencies with the Greater Sydney Regional Plan (**Region Plan**), Central City District Plan (**District Plan**), and Metropolitan Rural Area (**MRA**) mapping.

Relevantly, on the same day, the Minister for Planning and Public Spaces wrote to Council acknowledging that the current strategic planning framework had failed to adequately meet Sydney's housing supply needs.

A Rezoning Review request was lodged with the Department of Planning, Housing and Infrastructure (the **Department**) on 4 September 2024. On 23 January 2025, the Sydney Central City Planning Panel (the **Panel**) determined that the Planning Proposal demonstrated strategic merit and, subject to further changes, site-specific merit. The Panel recommended the proposal proceed to Gateway Determination, subject to additional analysis of lot sizes and configuration to address the site's sloping topography, avoid excessive cut and fill, and retain the natural landform. The Panel also requested that consideration be given to enhancing pedestrian access through the site to Dural Public School. The Planning Proposal was to be revised and resubmitted to the Panel for further review prior to Gateway submission.

In response, a revised Planning Proposal was submitted to the Department on 30 April 2025. This version incorporated the Panel's requested updates and was reviewed by the Department's Urban Design team. Following further feedback from the design team, the Proponent prepared a suite of revised layout options, including a preferred Option 1, which was submitted to the Panel in June 2025.

On 24 July 2025, the Panel issued a formal Record of Decision confirming that the Planning Proposal should be submitted to the Department for Gateway Determination. The Panel recommended that:

- The lot layout and minimum lot sizes described in *Option 1* be adopted;
- A site-specific dwelling cap of 110 dwellings be included; and
- The Planning Proposal and supporting documentation be updated to reflect these changes.

The Planning Proposal has been revised accordingly to adopt the *Option 1* layout and incorporate a dwelling cap of 110 dwellings. All supporting documentation has also been updated to reflect this position. These refinements do not alter the overall number of proposed lots, with changes limited to lot configuration and layout. A comprehensive response to the Panel's feedback is provided in **Table 3**.

The Panel's decision reinforces the strategic and site-specific merit of the proposal and provides a clear pathway for progression to the next stage of the plan-making process.

PROPOSED LEP CHANGES

The intended outcome of the Planning Proposal is to amend *The Hills Local Environmental Plan 2019* (THLEP 2019) as follows:

- Change the zoning of the land from RU6 Transition to part R2 Low Density Residential and part SP2 Infrastructure (Local Road).
- Reduce the minimum lot size requirement from two hectares to between 600m² and 2,000m².
- Reduce the maximum height of building control from 10 metres to nine metres.
- Introduce a site-specific clause to limit residential development on the site to a maximum 110 residential dwellings.

SITE SPECIFIC AND STRATEGIC MERIT

Merit assessment, and especially strategic merit of a planning proposal, must be considered through the State Government's clear priorities for housing supply.

This change in circumstances as advised in the Minister's correspondence of 23 July 2024, combined with the outdated District Plan and MRA policy framework, provide a compelling basis to support the proposal to deliver local housing supply supported by significant public benefits and local infrastructure.

The Independent Planning Commission (IPC), the Department, and Council staff have each recognised the inherent value of the Planning Proposal at various times. This acknowledgment is now further reinforced by the alignment with the Government's policy priorities, in addition to the Panel's recommendation that the Planning Proposal be submitted for a Gateway Determination. The strategic and site-specific merits of the proposal are detailed throughout this report:

- The Planning Proposal aims to deliver new housing that meets local demand as per The Hills Shire Local Housing Strategy (LHS) and The Hills Shire Rural Strategy (Rural Strategy), allowing for limited residential expansion in rural villages like Dural. It maintains a low-density configuration to align with nearby residential areas and supports the transition to and retention of viable agricultural lands north of Dural. The accompanying indicative layout plan is designed as a small-scale 'greenfield infill site' that addresses local housing needs without impacting the local character.
- The District Plan acknowledges the need for limited residential development that enhances local environmental, social, and economic values without adversely impacting the amenity. Infrastructure facilitated by the proposal is site-specific and adheres to the Dural Urban Land Capability Assessment (DUCCA), which supports limited rezoning when proponents can manage infrastructure upgrades at no cost to the Council.
- Both the Region Plan and the District Plan are currently under review, will likely incorporate insights from local planning studies. The Planning Proposal maintains distance from productive rural lands, thus aligning with the District Plan's objectives to protect rural industries, biodiversity, and resource extraction areas.
- The site, largely unproductive and historically unused for agriculture, would if used for agricultural purpose present potential land use conflicts with sensitive uses such as the adjacent Dural Public School. The Planning Proposal promotes orderly and economical land use, enhancing the Dural Village and local school community through sensitive development that includes complementary landscape and open space elements.
- A modest increase in residential development in the locality will enhance the viability of Dural rural village and nearby Round Corner local centre, without detracting from the village's distinctive character or the broader rural landscape. It provides additional housing near Dural Public School without setting a precedent for broader urban development.
- The proposed residential density caters to local demographic trends by providing downsizing options for existing residents and enabling young families to enter the market in a setting distinct from denser residential areas in The Hills Shire Local Government Area (LGA). The Planning Proposal also includes strategic road infrastructure planning and key infrastructure upgrades aimed at alleviating traffic constraints and improving road safety around the Dural Public School.

- The supporting indicative layout plan has been carefully developed to respond to the site's natural landform and semi-rural setting while facilitating a high-quality, low-density residential community. Additional urban design analysis undertaken demonstrates how the urban design response effectively balances the need for residential development with the preservation of the site's environmental and natural character.

An alternative outcome to the Planning Proposal is to retain the existing zoning, representing a 'no change' outcome. In this scenario:

- The site will remain as largely unoccupied rural lots with no productive agricultural activity.
- There would be no contribution to meeting the local housing needs or broader housing choice and diversity.
- There would be no public benefits arising for the Dural Public School including the provision of additional open space, the connection of sewer infrastructure up to the boundary of school, the undergrounding of overhead powerlines across the school site, and the inclusion of safe pick up and drop off zones.
- Existing road and pedestrian safety issues adjacent to the Dural Public School on Old Northern Road would remain unresolved.
- The opportunity to reserve part of the future bypass corridor would be lost.
- The existing consolidated land holding would be sold off, returning the site to fragmented ownership and foregoing the opportunity for a master planned outcome.

On this basis, the Planning Proposal represents a significantly improved outcome compared to the existing context that delivers little if any public benefit.

COMMUNITY BENEFITS OF THE PLANNING PROPOSAL

The Planning Proposal is supported by a public benefit offer to enter into a Voluntary Planning Agreement (**VPA**) with the Council to deliver works in kind, land dedication and monetary contributions towards local infrastructure. This includes the provision of a local park, pedestrian links to provide permeability for residents, a monetary contribution to Council towards regional active open space and community facilities, works in kind for the delivery of a local road and road corridor, and the delivery of local stormwater management facilities.

The range of benefits that are proposed for Dural Public School are particularly significant, noting that there is currently no allocated funding to address these existing safety and servicing issues. The benefits include:

- Provision of a 160m kiss and drop zone located on the new collector/bypass road, off Old Northern Road, to help alleviate the significant existing congestion and safety issues
- Provision for connection to sewer, allowing removal of the existing septic system servicing the school (which currently overflows after heavy rainfall events)
- Removal of the overhead powerlines and associated easement that traverse the school oval. The physical removal of the powerlines provides a visual benefit and reduces potential exposure to electromagnetic radiation, while removal of the easement will increase future flexibility for uses of this area.

These direct benefits to Dural Public School are complemented by the provision of new, public open space directly adjoining the school (with potential for a direct connection), along with the provision of a new residential catchment to support future enrolments.

1. INTRODUCTION

1.1. OVERVIEW

This revised Planning Proposal request report has been prepared by Urbis Ltd on behalf of Legacy Property (the **Proponent**) to request to The Hills Shire Council (**Council**) to amend *The Hills Local Environmental Plan 2019* (**THLEP 2019**) in relation to land at Dural identified in **Table 2** (the **site**).

The primary intent of the Planning Proposal is to rezone the site from RU6 Transition to part R2 Low Density Residential and part SP2 Infrastructure (Local Road) to permit the delivery of low-density residential development that meets local housing demand in a location which is longer suitable or viable for agricultural use. The intended outcome of the Planning Proposal is to provide a limited amount of additional housing within the walking catchment of the Dural Public School. The additional housing will support the local community by providing a range of suitable housing typologies for families with young children while freeing up larger homes on rural residential properties in the locality.

The rezoning of the site for urban purposes would permit redevelopment of currently underutilised and poor-quality rural land for low-density residential development. The objectives of the Planning Proposal align with the broad direction and intent of the MRA and local planning policies including the Hills Shire Council LHS and Rural Strategy which seek to facilitate the modest expansion of rural villages.

Importantly, the Minister has explicitly directed all councils and planning panels to consider the housing crisis and prioritise housing supply as part of merit considerations. There is an acute housing crisis in Sydney and government must not wait for a new Region Plan and District Plan to be released prior to granting approval for projects what will deliver new housing in a location that has demonstratable merit.

The site is bound to the east and west (front and rear) by Old Northern Road and Derriwong Road, respectively, and is located to the north of Round Corner town centre. Old Northern Road forms the boundary between The Hills Shire LGA and Hornsby Shire LGA.

The land naturally slopes downward in a south, southwest direction towards Derriwong Road and O'Hara's Creek beyond. The site is predominantly cleared of any substantial vegetation with only sporadic and fragmented vegetation patches remaining. Existing uses are predominantly rural residential in nature, with the majority of the land being cleared with little or no productive use. The site is zoned RU6 Transition under THLEP 2019.

The Planning Proposal will deliver a modest expansion to the Dural village with a maximum of 110 residential dwellings proposed. The proposal will meet the housing needs of the local community on a site which is longer suitable or viable for agricultural land uses.

Significant work has been completed to support the rezoning of the site between 2016 and 2024. In preparing the current Planning Proposal, the Proponent has responded to the previous advice of the Department and the IPC, School Infrastructure NSW (**SINSW**) and Transport for NSW (**TfNSW**) whilst maintaining the key components of the previous proposals that demonstrated site-specific and strategic merit.

1.2. SUMMARY OF THE PLANNING PROPOSAL

The intended outcome of the Planning Proposal is to amend *The Hills Local Environmental Plan 2019* (**THLEP 2019**) as follows:

- Change the zoning of the land from RU6 Transition to part R2 Low Density Residential and part SP2 Infrastructure (Local Road).
- Reduce the minimum lot size requirement from two hectares to between 600m² and 2,000m² with the larger lots being adjacent to Old Northern Road.
- Reduce the maximum height of building control from 10 metres to 9 metres.
- Introduce a site-specific clause to limit residential development on the site to a maximum 110 residential dwellings.

The amendments to THLEP 2019 reflect the positive urban design outcomes developed for the site and the locality which have been influenced by several key factors including:

- The orderly and economic use of the land that is otherwise under-utilised and unsuitable for agricultural purposes.
- Limited environmental attributes and constraints within the site.
- Delivery of a range of public benefits at no-cost to Council or government.
- Consistency with the LHS and Rural Strategy, in that it will deliver a modest expansion to the existing village of Dural and a variety of housing typologies which supports local housing demand.
- The Planning Proposal does not create an undesirable precedent of development of land within the MRA identified within the District Plan.
- A subdivision layout that responds to market demand, the physical characteristics of the land, and the need to minimise visual impacts from key road corridors and ridgelines. The design has been informed by geotechnical and urban design analysis, resulting in larger lots positioned on steeper parts of the site to reduce cut and fill and better integrate with the natural landform. The layout also provides new local open space adjacent to Dural Public School, contributing to improved community amenity and landscape outcomes.

The Planning Proposal request is accompanied by a draft site-specific development control plan (**DCP**) and a public benefit offer to enter into a VPA with the Council to deliver key public benefits including:

- Dedication and embellishment of 4,000m² of land for use as a local park.
- Dedication and embellishment of 387m² of land for use as a pedestrian link to provide permeability for residents.
- Provision of a monetary contribution to Council of \$363,305.80 towards active regional open space.
- Land dedication of 13,300m² of land towards the future Round Corner bypass road and works in kind for the delivery of a local collector road.
- Provision of a monetary contribution to Council of \$101,242.90 towards community facilities.
- Delivery of stormwater management facilities.

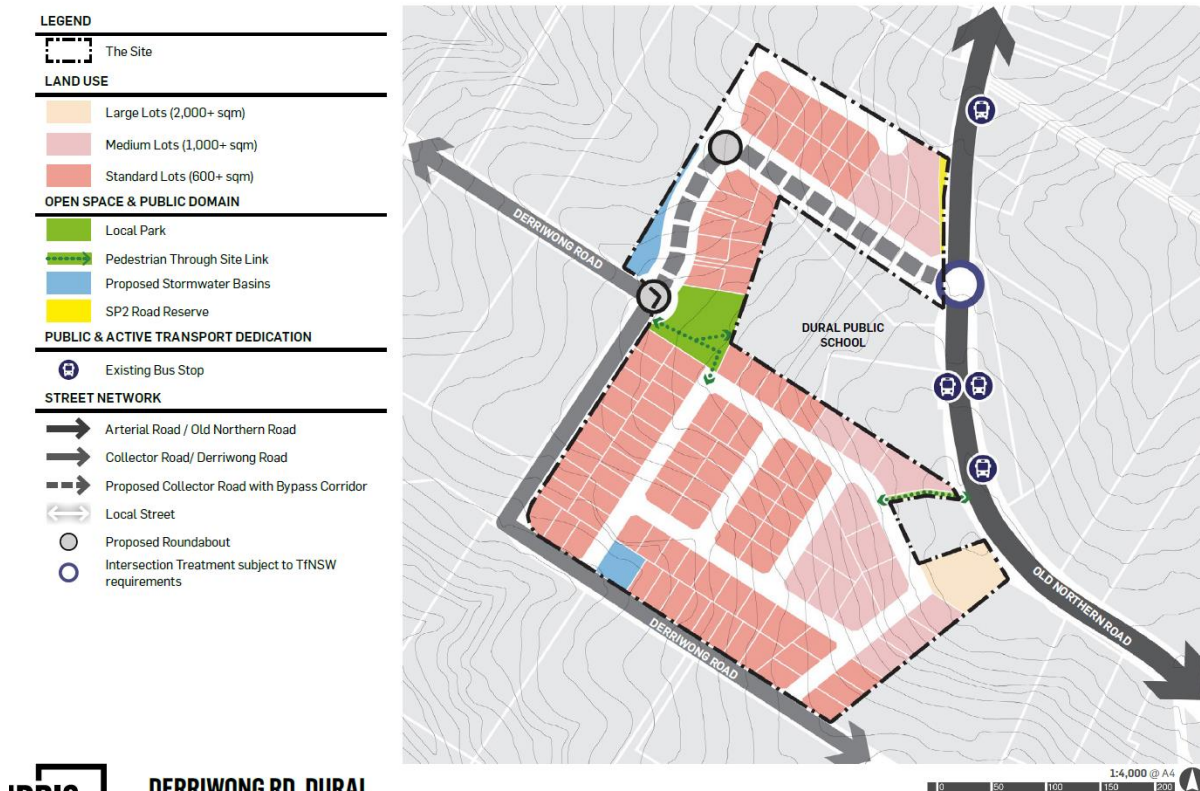
Further the subdivision concept facilitates the delivery of improvements to the local and regional road network by proposing a drop-off and pick-up facility for the adjoining Dural Public School within the new road network adjacent to the school relocating this function away from Old Northern Road. Formalisation of arrangements away from Old Northern Road will remove conflicts between vehicle movements (dropping off and collecting children), and bus stops along Old Northern Road that currently cause delays and congestion, and safety concerns along Old Northern Road. The proposal will also facilitate sewer connection to the school and the relocation of power lines.

Refer to **Figure 1** for an extract of the original and revised indicative layout plan.

Figure 1 Indicative Layout Plan



Picture 1 Original Layout Plan



indie **DERRIWONG RD. DURAL**
Picture 2 Revised Layout Plan

Source: Urbis, 2025

1.3. REPORT STRUCTURE

This Planning Proposal request has been prepared in accordance with Section 3.33 of *the Environmental Planning and Assessment Act 1979 (EP&A Act)* and the Department's '*Local Environmental Plan Making Guidelines*' dated August 2023 (**Guidelines**).

The relevant sections of the report are listed below:

- **Section 2:** Detailed description of the site, the existing development and local and regional context.
- **Section 3:** Planning Proposal background.
- **Section 4:** Key features of the proposed indicative layout plan which is intended to be delivered as an outcome of the Planning Proposal.
- **Section 5:** Existing statutory context of the site.
- **Section 6:** Comprehensive description and assessment of the requested Planning Proposal in accordance with the Department guidelines.
- **Section 7:** Conclusion and justification.

1.4. PROJECT TEAM

This Planning Proposal has been prepared through collaboration with the project team and is supported by a range of technical inputs as shown in **Table 1** below.

Table 1 Planning Proposal Project Team

Technical Input	Consultant	Appendix
Urban Design Report and Indicative Layout Plan	Urbis	Appendix A
Traffic Impact Assessment	SCT Consulting	Appendix B
Ecological Assessment	Kingfisher Urban Ecology and Wetlands	Appendix C
Bushfire Strategic Study	Eco Logical Australia	Appendix D
Economic Impact Assessment	Urbis	Appendix E
Heritage Impact Statement	Urbis	Appendix F
Detailed Site Investigation	JBS&G	Appendix G
Preliminary Infrastructure Review Report	Group Development Services	Appendix H
Survey Plan	Land Partners	Appendix I
Acoustic Assessment	Rodney Stevens Acoustic	Appendix J
LEP Mapping	Urbis	Appendix K
Draft Site-specific Development Control Plan	Urbis	Appendix L
Public Benefit Offer	Legacy Property	Appendix M
Aboriginal Heritage Assessment	Kelleher Nightingale	Appendix N

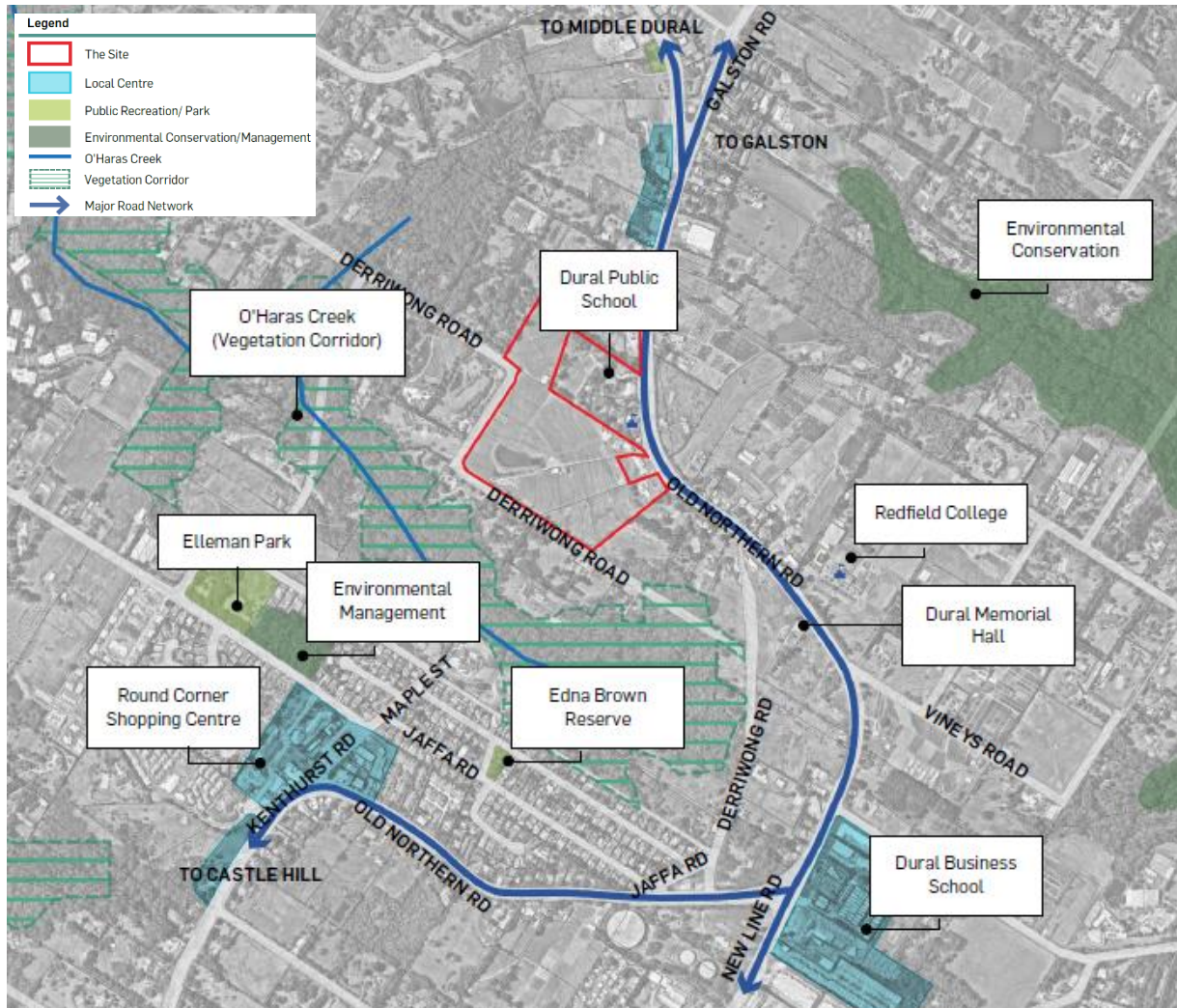
Technical Input	Consultant	Appendix
Dural Public School Safe System Assessment	ARRB	Appendix O
SINSW correspondence		Appendix P
Preliminary Geotechnical Report	Vinculum Advisory	Appendix Q

2. SITE CONTEXT

2.1. SITE DESCRIPTION

The land to which the Planning Proposal relates is made up of multiple individual land parcels. The general location of the unconsolidated holding is shown in **Figure 2** and property details are included in **Table 2**.

Figure 2 Aerial View of Site and Surrounding Context



Source: Urbis, 2024

Table 2 Summary of Landholdings

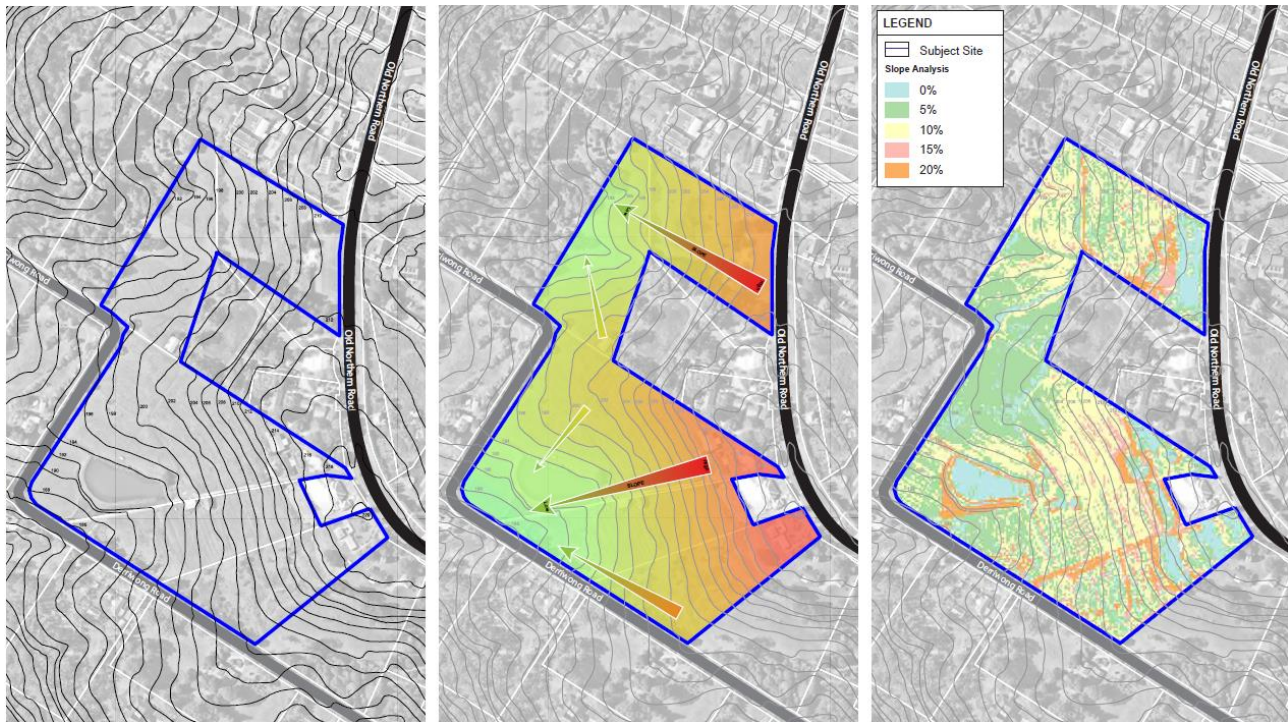
Address	Allotment
626 Old Northern Road, Dural	Lot 2 in DP 541329 (2.023 hectares)
27 Derriwong Road, Dural	Lot 9 in DP 237576 (2.025 hectares)
618 Old Northern Road, Dural	Lot X in DP 501233 (4.777 hectares)
21 Derriwong Road, Dural	Lot 2 in DP 567995 (2.023 hectares)
614 Old Northern Road, Dural	Lot Y2 in DP 91653
	Total area: 12.88 hectares (128,790m²)

2.1.1. Topography

The site slopes away from Old Northern Road towards Derriwong Road with a variable gradient ranging between 6-8%. A detailed survey showing local landform of each of the lots is provided at **Appendix I**.

As shown in **Figure 3**, the site contains sections of relatively flat land adjacent to the Old Northern Road frontage. There is significant slope (10% to 20%) in the central portion of the site, with the steepest sections adjoining Dural Public School. These gradually transition into gentler slopes (5%) on the western side of the site, descending towards two low points in the north-west and south west.

Figure 3 Site Topography



Source: Design + Planning, 2025

2.1.2. Hydrology

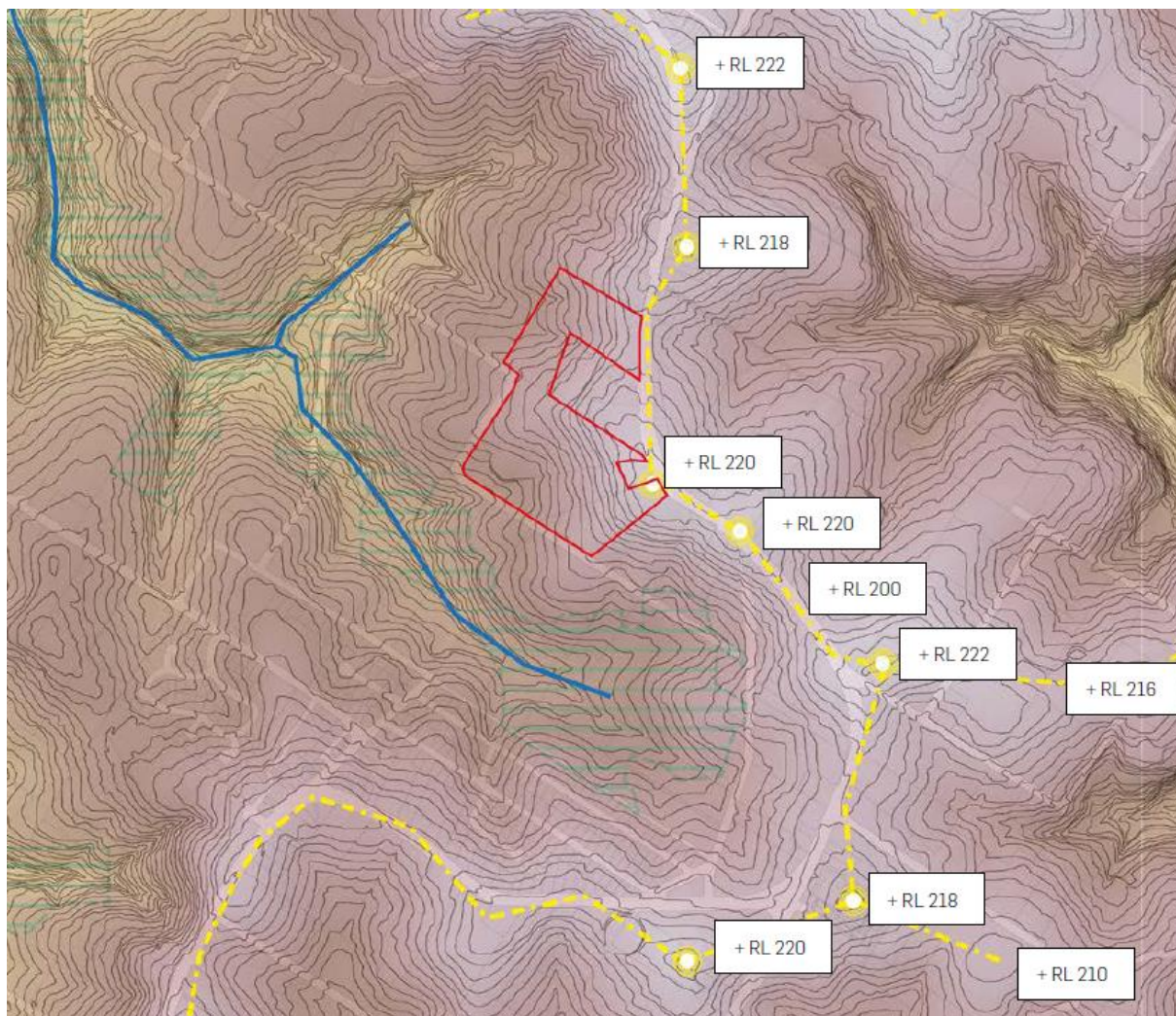
Surface Water Flow

As identified above the land generally slopes away from Old Northern Road in a west, southwest direction towards the natural drainage lines and permanent water courses. Kingfisher has undertaken an Ecological Assessment of the site and the surrounding lands (refer to **Appendix C**), identifying that several tributaries of the O'Hara's Creek drain away from the site and converge at O'Hara's Creek to the west and south-west of the site. O'Hara's Creek is identified as a "major creek" line by Kingfisher, the creek flows in a north-westerly direction (**Figure 4**) and is buffered by existing and established native vegetation.

Groundwater Flows

The presence of groundwater flows is anticipated given the presence of a series of streams and creek lines within the immediate context of the site. The Detailed Site Investigation (**DSI**) prepared by JBS&G (**Appendix G**) anticipates that local groundwater is likely to flow in a north-westerly direction towards O'Hara's Creek which is located approximately 200 metres to the west, flowing south to north.

Figure 4 Local Topography and Hydrology Lines



Source: Urbis, 2024

2.1.3. Local Geology

Soils

JBS&G have undertaken a DSI (refer to **Appendix G**) and determined that the site is located on a Glenorie Soil Landscape as indicated on the Sydney Soil Landscape Map prepared by the NSW Office of Environment and Heritage.

Soils of this landscape comprise shallow to moderately deep (200 cm) yellow podzolic soils and gleyed podzolic soils along drainage lines. Limitations of these soils include that they have a high soil erosion hazard, localised impermeable highly plastic soil, and that they can be moderately reactive.

The western portion of 21 Derriwong Road and 618 Old Northern Road and the southwest portion of 614 Old Northern Road are characterised by the Lucas Heights Soil Landscape. Soils of this landscape comprise moderately deep (50–150 cm), hard setting yellow podzolic soils and yellow soloths, and yellow earths on outer edges. Limitations of these soils include that it is stony soil, has low soil fertility, and has low available water capacity.

Acid sulphate soils

The site is identified on the adopted planning maps as low risk and unlikely to contain acid sulphate soils.

2.1.4. Flora and Fauna

The site has been substantially cleared and consist mainly of grassed land that is not currently utilised for any agricultural purposes.

Flora (Species and Vegetation Communities)

Assessment of existing vegetation mapping was undertaken by Kingfisher through inspections of the site. Land adjacent to and surrounding the site was also the subject of desk top review.

Kingfisher have concluded that while the majority of the site has been substantially modified to support historical use as market gardens, pockets of native vegetation are present both on the site and on land adjacent to and surrounding the site.

The majority of the site supports exotic species with the notable exception of occurrences of:

- Northern Foothills Blackbutt Grassy Forest listed as an Endangered Ecological Community under the *Biodiversity Conservation Act 2016*.
- Turpentine Ironbark Forest (STIF) listed as an Endangered Ecological Community under the *Biodiversity Conservation Act 2016* and Critically Endangered under the *Environment Protection and Biodiversity Conservation Act 1999*.

Despite the presence of protected vegetation communities, no individual threatened flora species were recorded.

Fauna

Kingfisher having undertaken a high-level mapping assessment of vegetation combined with field validation determined that the site contains limited faunal habitat or foraging availability owing to:

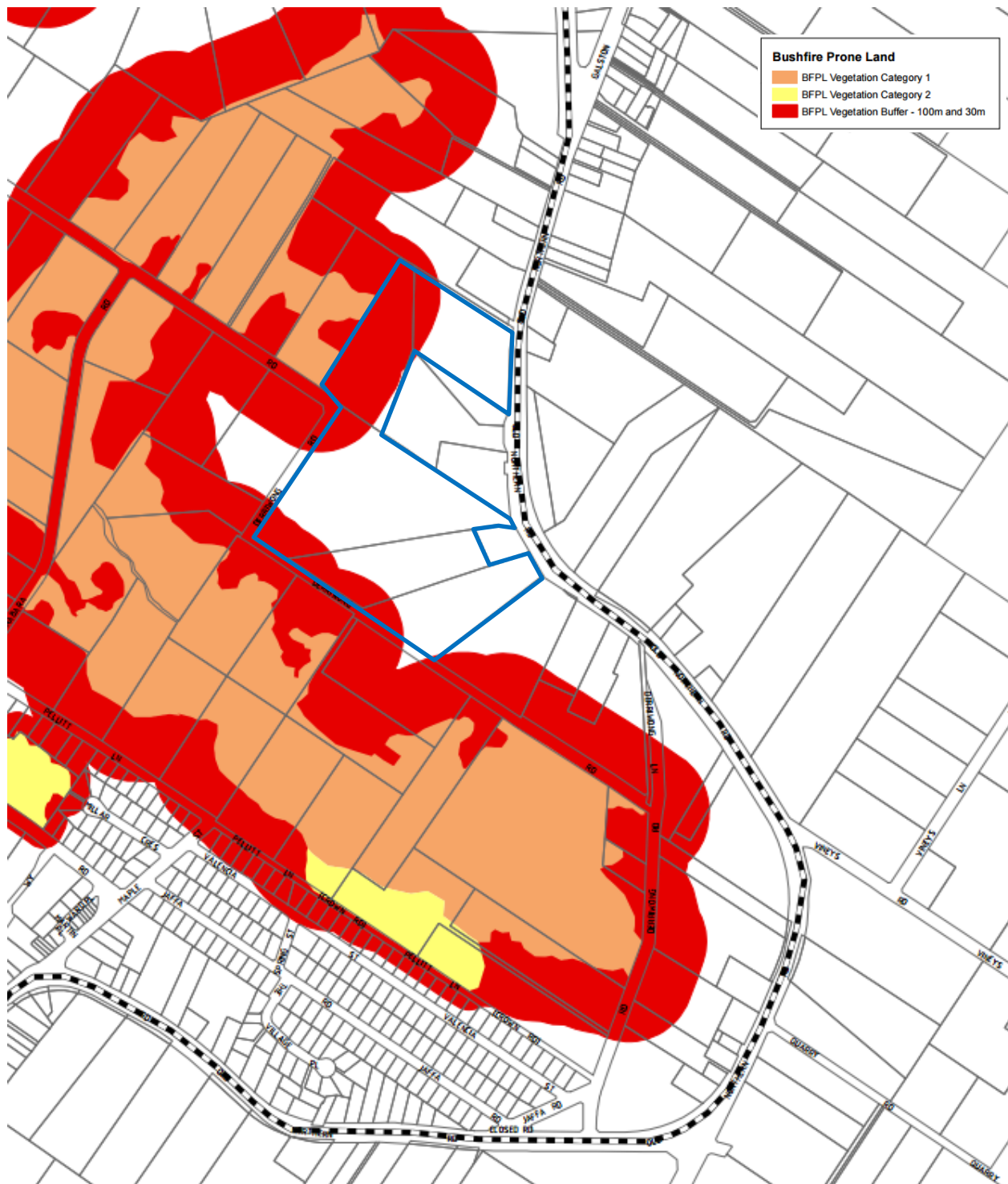
- Limited availability (presence) of farm dams, canopy and hollow bearing trees recorded within the site; and
- Limited presence of native species in the under or canopy storey layers limiting the generation of leaf litter and woody debris to provide faunal habitat.

Consequently, the site is unlikely to support significant permanent faunal species communities and where present they are likely to be highly mobile, such as threatened micro bats and birds (such as Little Eagle and various species of Cockatoo) that may utilise the area for occasional foraging and roosting.

2.1.5. Bushfire

Parts of the site are identified as being located within the vegetation buffer (100 metres and 30 metres) on Council's adopted bushfire prone land planning maps (refer to **Figure 5**).

Figure 5 Extract of Bushfire Planning Map



Source: The Hills Shire Council, 2023

2.1.6. Access and Movement

2.1.6.1. Public Transport

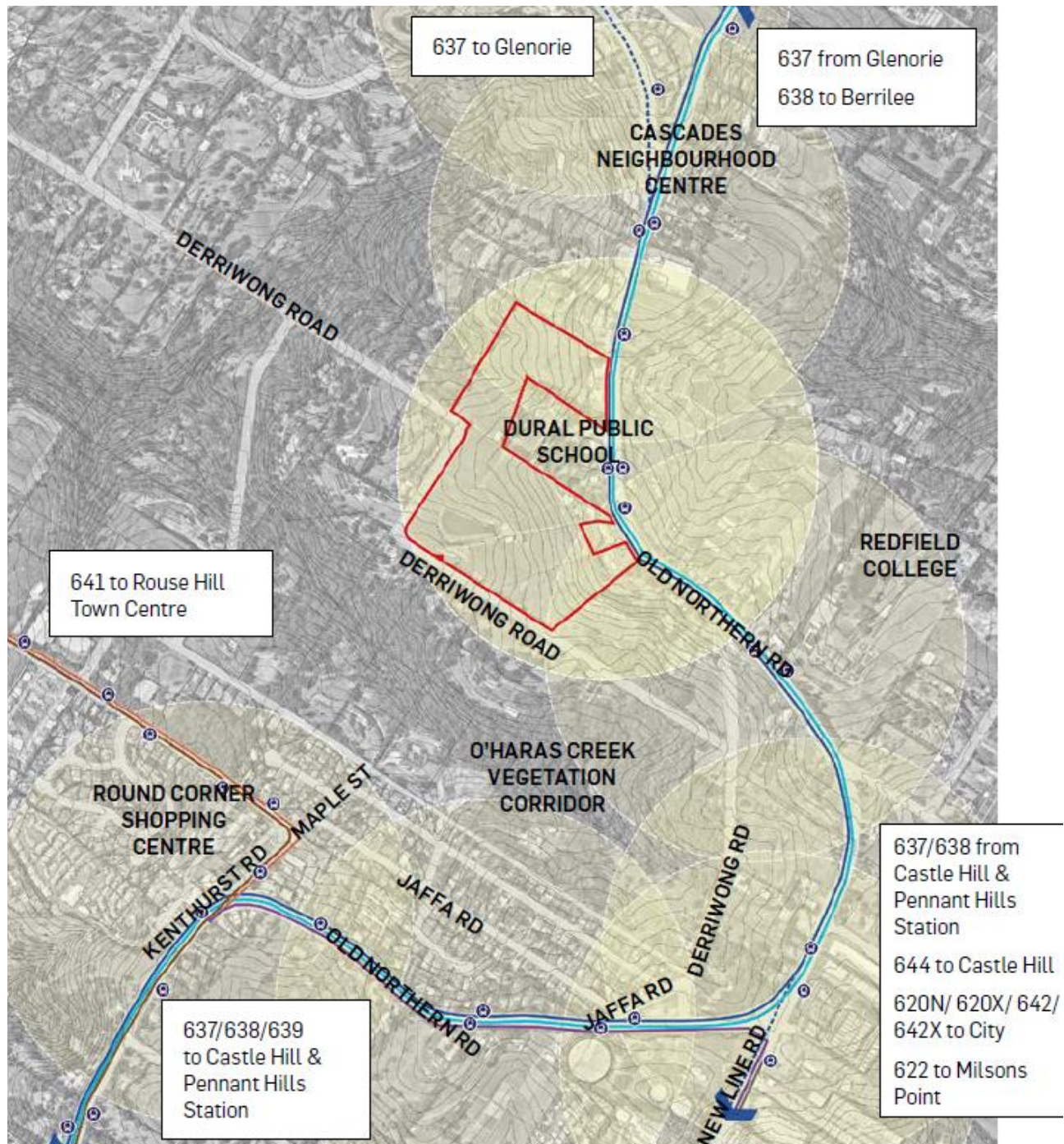
The site is readily accessible via public transport, with regular bus services available along Old Northern Road. These bus services provide connections south to Castle Hill and Cherrybrook Metro stations as well as Pennant Hills train station. Pennant Hills train station is located on the T9 Northern Line which provides connections to Sydney CBD.

The 620X and 642X bus routes provide alternative connections for commuters travelling to Sydney CBD including Wynyard and Town Hall. These services provide excellent connections for residents to access essential services, jobs and education.

The site is accessible via a 20-minute bus journey to Castle Hill which provides further connections through the Northwest Metro line. The Northwest Metro provides connections from surrounding areas of Castle Hill and Cherrybrook accessible by bus from Dural.

The location of bus stops along Old Northern Road in relation to the site is shown in **Figure 6**.

Figure 6 Public Transport Connections and Routes Servicing the Site



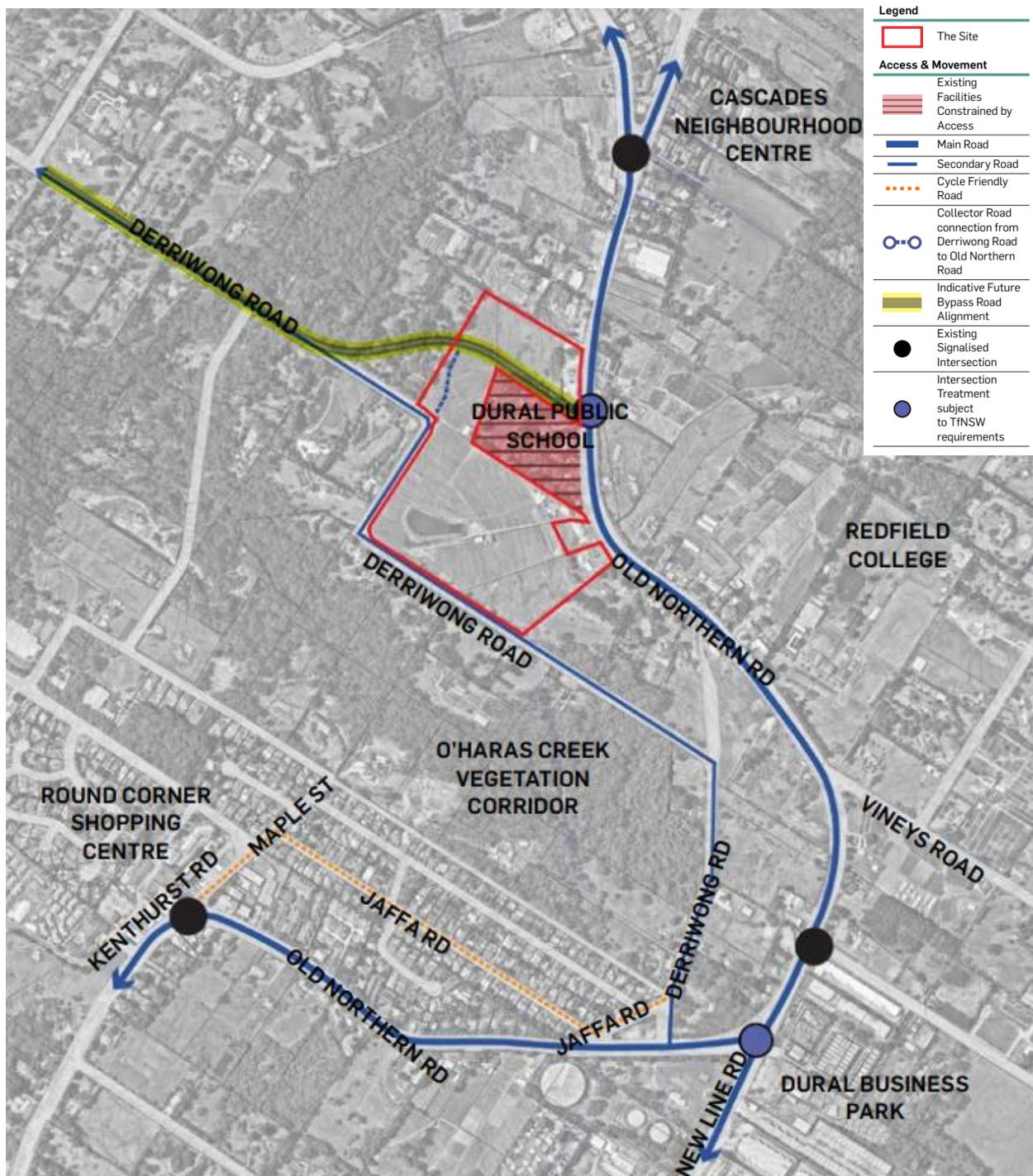
Source: Urbis, 2024

2.1.6.2. Vehicle Access

The existing local road network currently supports the following vehicle access, egress and movements:

- **Old Northern Road/New Line Road:** A two-way, classified road, serving and the main vehicle movement route into and out of Dural and connecting the site to Round Corner and Dural Centres.
- **Derriwong Road** is a minor two-way collector/local road to the west of the site that is accessed via Old Northern Road.

Figure 7 Existing Road Network

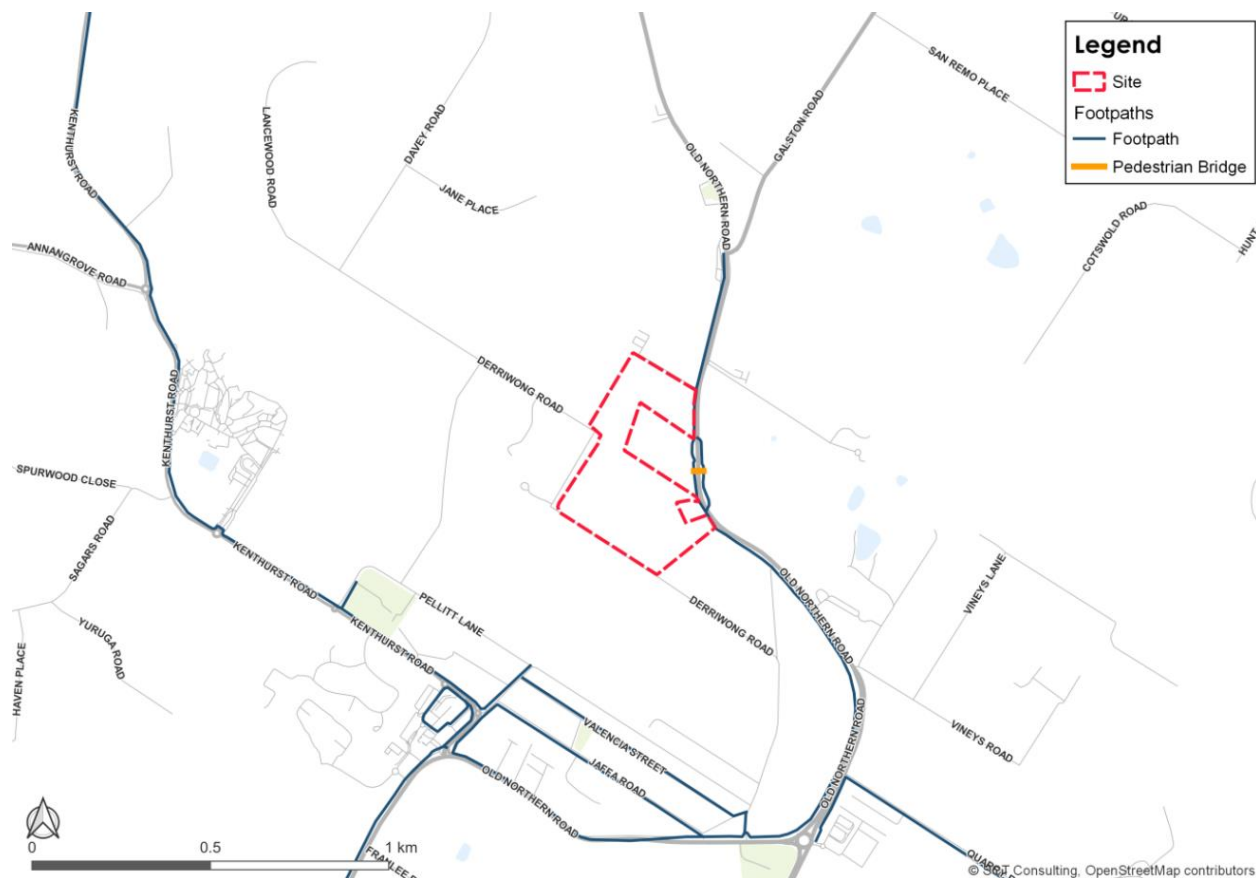


Source: Urbis, 2024

2.1.6.3. Pedestrian Access

Formal pedestrian footpaths are provided along the western side of Old Northern Road. There is currently no footpath provision on Derriwong Road.

Figure 8 Pedestrian Network Map



Source: STC, 2024

2.1.7. Social Infrastructure

The site is located between two urban centres, Round Corner to the south and the Dural village to the north. These centres offer a range of services including:

- Banking institution (Commonwealth Bank Branch);
- Post office;
- A range of specialty retail premises; and
- Supermarket.

Beyond the two centres, the site is well located with respect to local schools including, Dural Public School, Redfield College, The Hills Grammar and Pacific Hills Christian School.

2.1.8. Services and Utilities

Preliminary investigations into the availability of services and utilities have been undertaken by Group Development Services (**Appendix H**). The investigations identified the following:

- Water services are available within the area to service the site.
- The land is not presently serviced by sewer mains, existing services south of the site will need to be extended (and potentially) upgraded to support the new residential development.
- Electricity is available to the site; the utility can be upgraded to meet anticipate additional loads.

- Gas is currently available within the area, by Jemena.
- Telecommunications cables are currently available.

2.2. SURROUNDING LOCALITY

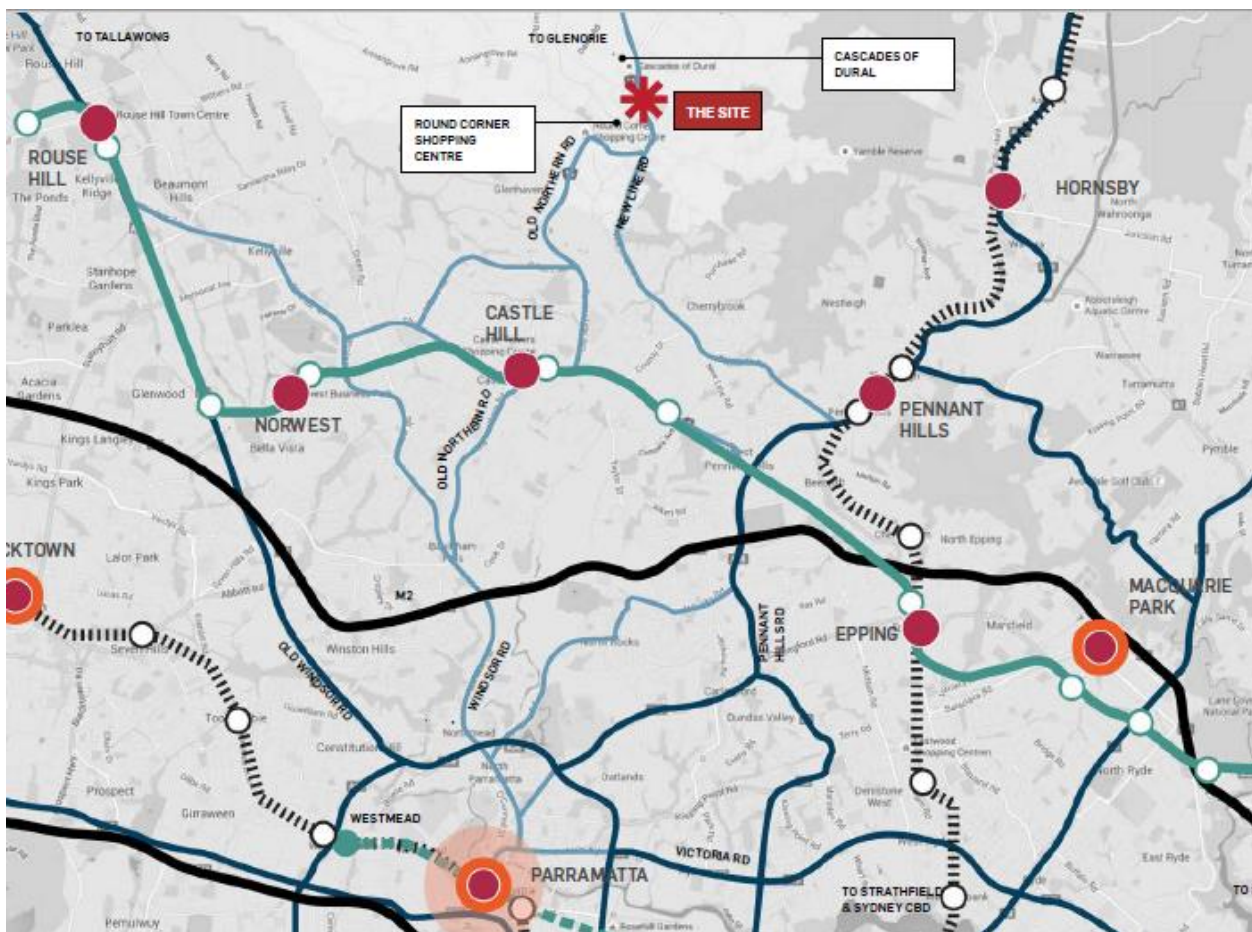
2.2.1. Regional Context

The site is located the north-western region of Greater Sydney, adjacent to the urban fringe in The Hills Shire LGA, approximately 30 kilometres from the Sydney CBD.

The Hills Shire LGA covers an area of approximately 40km² and is home to approximately 215,612 people (ABS, 2024), reflecting a population density of 558.1 persons per square kilometre. The predominant character of residential development across the LGA is low density housing, comprising separate houses with at least three or four bedrooms.

While the ABS (2021) reported growth in high and medium density housing over the period of 2011 to 2021, single dwellings are still preferred, accounting for 58% of housing growth in the LGA, a high percentage of which (77%) are owner occupied. This is likely to change given the completion of the Northwest rail link, which will encourage increased densities within the established centres and around key future transport nodes.

Figure 9 Regional Context Map



Source: Urbis, 2024

In 2021, The Hills Shire LGA had a higher proportion of children (under 18), younger workforce (25 to 34) and parents and homebuilders (35 to 49) than Greater Sydney. As with many areas throughout Sydney and NSW, there is a significant aging population, with approximately 20% of residents aged between 60 and 85+.

Population growth in The Hills Shire LGA over during 2023 was 3.39%. Between 2016 and 2036, the population for The Hills Shire LGA is forecast to increase by 88,446 persons (54.42% growth), at an average

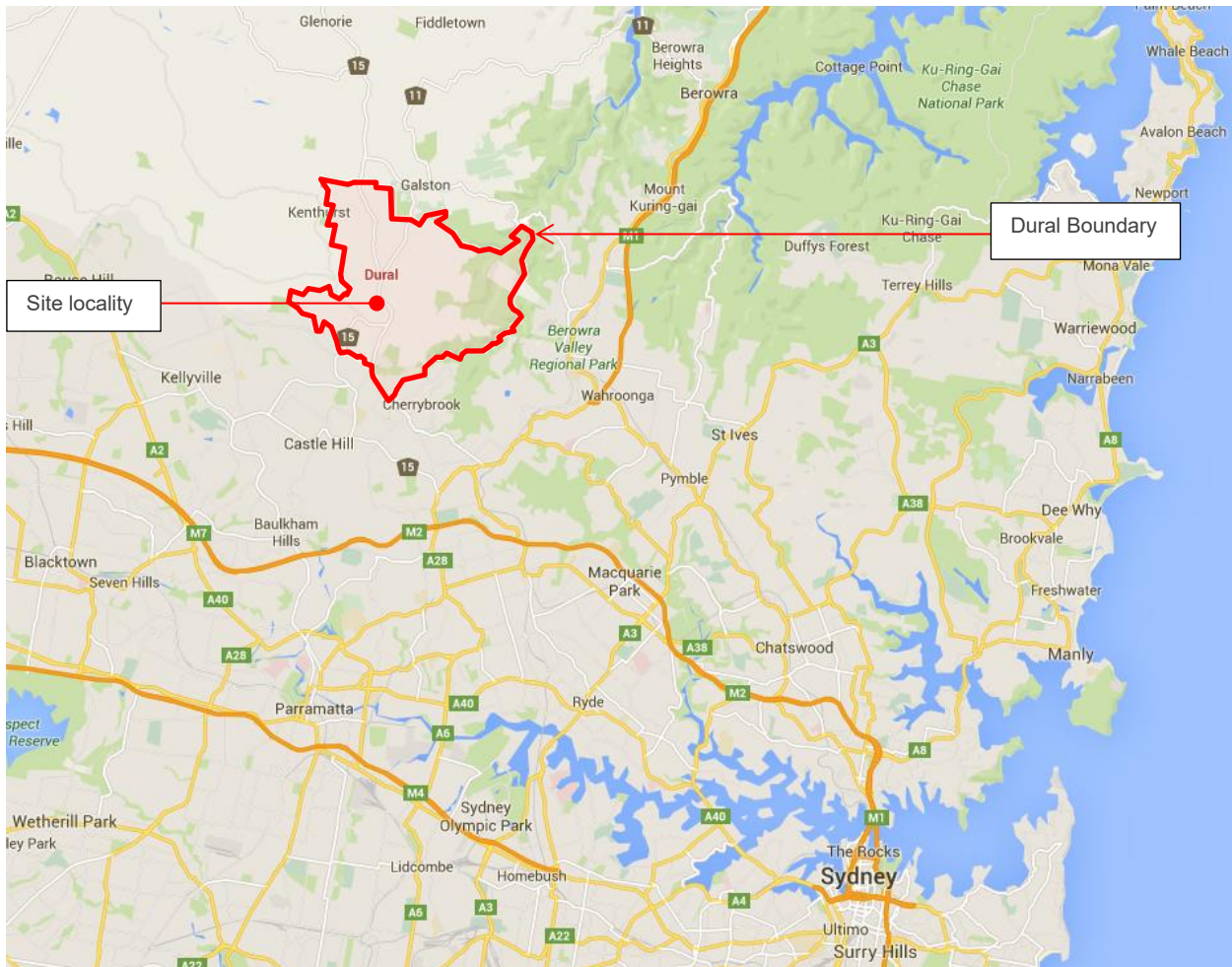
annual change of 2.20%. The number of dwellings in The Hills Shire LGA is forecast to grow from 52,391 in 2016 to 82,571 in 2036.

2.2.2. Local Context

Dural covers an area of approximately 1,462 hectares (or 15km²) and in 2021 was home to an estimated 3,322 residents with a population density of 227.2 persons per square km. In general, the population of Dural has remained relatively stable since 2001 due to the limited residential land stock. Approximately 76% of residents in Dural are private owner/occupiers.

In 2021, Dural had a lower proportion of children (under 18) and a higher proportion of persons aged 60 or older than the average for The Hills Shire LGA. Rural land with the LGA is used mainly for hobby farms, nurseries and orchards, especially citrus fruits.

Figure 10 Dural Locality Map



Source: Urbis, 2024

2.3. PHOTOGRAPHIC REVIEW

Photographs of the site and surrounding context are provided in **Figure 11**.

Figure 11 Photographic Review of Site



Picture 3 View towards the south-west of the site



Picture 4 Dural Public School – southern boundary



Picture 5 Bushland along eastern site boundary



Picture 6 View towards the north of the site



Picture 7 Old Northern Road

Source: Urbis, 2022



Picture 8 Aerial view of the site

3. REZONE REVIEW

The current Planning Proposal (PP-2024-450) was lodged on 15 March 2024. In preparing this request, the Proponent considered previous advice from the Department of Planning, Housing and Infrastructure (the Department) and the Independent Planning Commission (IPC) and retained the key elements of earlier proposals that had demonstrated both strategic and site-specific merit.

On 19 June 2024, the Hills Shire Council Local Planning Panel (LPP) considered the Planning Proposal and recommended that it not proceed to Gateway Determination. However, the Panel acknowledged:

The Panel acknowledges that the proposal may have some appeal in terms of local planning objectives, including securing part of a possible bypass route, improved access for the public school and provision of local open space. In that regard, the Panel recognises that in the absence of the Greater Cities Commission, the Gateway process may be a mechanism to secure clarification from State agencies.

It is noted that the matters raised by State agencies relating to the bypass corridor, school access, and open space were addressed to Council's satisfaction, as acknowledged in Council's assessment report.

On 23 July 2024, following assessment of the Planning Proposal, Council officers recommended that the proposal proceed to Gateway Determination. The report recommended "Option 1", being:

The Planning Proposal be submitted to the Department of Planning, Housing and Infrastructure for Gateway Determination.

Support for the officer's recommendation was based on the following:

- The Planning Proposal is extremely unique and will not create a precedent for similar rezoning in the MRA, noting it encompasses all of the land immediately surrounding the Dural Public School and has the opportunity to provide significant public benefits for the school.
- The Planning Proposal will contribute to the current objectives and priorities of the Government to increase housing supply.

Despite this recommendation, the elected Council resolved to proceed with "Option 2 – Not Proceed to Gateway Determination." In response to Council's refusal, a Rezoning Review (RR-2024-31) was lodged with the Department on 4 September 2024.

On 23 January 2025, the Sydney Central City Planning Panel (the **Panel**) determined that the proposal demonstrated strategic merit and, subject to further changes, site-specific merit. The Panel recommended the Planning Proposal proceed to Gateway Determination, contingent upon revisions being made prior to submission. Specifically, the Panel requested:

- Further analysis of the proposed lot sizes and configuration to address the impacts of development on the site's naturally sloping topography;
- Avoidance of excessive cut and fill, and retention of existing landform and landscape character; and
- Consideration of improved pedestrian access through the site to Dural Public School.

A detailed response to the Panel's January 2025 recommendations is provided in **Table 3**.

In response, a revised Planning Proposal was submitted to the Department on 30 April 2025, incorporating the required changes. The updated proposal was reviewed by the Department's Urban Design team, who provided further design feedback. The Proponent then prepared several layout options addressing this feedback, including a preferred *Option 1* layout, which was submitted to the Panel in June 2025.

On 24 July 2025, the Panel issued a Record of Decision confirming that the Planning Proposal should proceed to Gateway Determination, subject to the following:

- Adoption of the lot layout and minimum lot sizes set out in Option 1;
- Inclusion of a site-specific dwelling cap of 110 dwellings; and
- Updates to the Planning Proposal and supporting documentation to reflect this position.

Accordingly, the Planning Proposal has been amended to align with the Panel's recommendations.

Table 3 Response to Panel Recommendations (January 2025)

Panel Recommendations	Response
That the proposed SP2 zone corridor be zoned R2 Low Density Residential.	The proposed corridor for the local bypass road, initially designated as SP2 zone, has been amended to R2 Low Density Residential. A narrow strip of land along Old Northern Road frontage will remain zoned SP2 to accommodate future road widening.
Analyse the impacts of the proposed lot sizes and configuration on the naturally sloping topography of the site	<p>A geotechnical assessment was undertaken to provide a detailed understanding of the site's slope gradients, soil profile, and topography. This informed the urban design analysis requested by the Panel as part of the Rezoning Review process, with the aim of demonstrating how future development could better respond to the site's natural landform, minimise earthworks, and avoid excessive cut and fill. The findings of this analysis have been incorporated into the revised Planning Proposal and supporting documentation.</p> <p>The urban design analysis supported a series of refinements to the original subdivision layout, aimed at improving integration with topography, managing slope transitions, and enhancing amenity, landscape character, and access outcomes. A revised layout and supporting materials were submitted to the Department's Urban Design team for review, consistent with the Panel's recommendations.</p> <p>In its review, the Department's Urban Design team raised concerns regarding the location of 600m² lots on steeper parts of the site and recommended increasing minimum lot sizes to 1,000m² in areas with slopes exceeding 15%, excluding the portion over the existing farm dam where earthworks are already anticipated due to existing landform modification.</p> <p>In response, the Proponent's design team prepared two revised subdivision layout options, including a preferred Option 1. This layout incorporates:</p> <ul style="list-style-type: none"> ▪ Increased minimum lot sizes of 1,000m² in steeper areas of the site, as identified by the Department; ▪ Adjustments to internal road alignments to better follow the site's natural contours and reduce earthworks; ▪ Reorientation of lots to minimise reliance on retaining walls and improve integration with natural ground levels; and ▪ Improved interfaces with adjoining land and protection of key view corridors. <p>The Option 1 layout was submitted to the Panel in June 2025 for consideration. On 24 July 2025, the Panel issued a Record of Decision confirming that the Planning Proposal should proceed to Gateway Determination, subject to adoption of the Option 1 layout, retention of a site-specific dwelling cap of 110 dwellings, and updates to all supporting documentation. The Planning Proposal has since been amended accordingly.</p> <p>The Option 1 layout provides a more cohesive and topographically responsive subdivision design that maintains internal connectivity and supports high-quality landscape outcomes. The revised lot mix allows for slope-sensitive dwelling</p>

Panel Recommendations	Response
	<p>designs, including opportunities for split-level construction. Larger lots in steeper areas also provide greater capacity for landscaping, which will soften built form and reinforce the semi-rural character of the locality.</p> <p>Overall, the updated layout reflects a collaborative design process with the Department's Urban Design team and the Planning Panel. It demonstrates a considered response to the site's topography and delivers a more integrated, liveable, and resilient subdivision outcome.</p>
Avoid excessive cutting and, filling	<p>The revised layout minimises cut and fill to approximately $\pm 1\text{m}$ of existing levels, except in localised areas where natural topographical features necessitate greater adjustments for suitable grading. Some additional earthworks are required to fill existing low points to support engineering requirements for roads and drainage.</p> <p>There are two localised areas of greater cut that are required to remove existing 'man-made' features, such as an existing dam, and a retaining wall and associated fill to the rear of the dwelling on 614 Old Northern Road. It is the removal of these man-made elements that generates a small surplus of material to be exported from the site.</p>
Support maintaining the retaining of existing landscape and landform character	<p>The revised layout plan is designed to match existing levels at key locations, including Old Northern Road and Derriwong Road, meaning cut and fill is typically within 1m of existing levels which generally retains the existing sloping character of the site.</p> <p>Delivery of the proposed park, street trees and landscaping within the lots provide an opportunity to enhance the landscape character of the site, which is currently largely cleared.</p>
Consideration should also be given to promoting pedestrian access through the site to the school to limit unnecessary private vehicle trips	<p>The original layout plan included a pedestrian link along the northern boundary of the site. In response to further design development and consultation, this pedestrian connection has been relocated to the irregularly shaped lot on the southern side of Dural Public School, providing a more direct and accessible connection from the main residential catchment within the site to Old Northern Road and the school entry.</p> <p>This revised alignment improves walkability for future residents and encourages active transport to the school, supporting a reduction in private vehicle trips.</p> <p>Residents located in the northern portion of the site will also have access to footpaths along the new internal road network, enabling safe pedestrian movement to Old Northern Road and Dural Public School.</p> <p>Additionally, the proposed park which is located adjacent to the school has the potential to provide a future pedestrian connection to the school grounds. Formalisation of this access would be subject to the agreement of School Infrastructure NSW (SINSW).</p> <p>The proposed road alignment along the northern boundary of the Dural Public School was determined through detailed consultation with SINSW and Transport</p>

Panel Recommendations	Response
	<p>for NSW. SINSW expressly requested that the school not be fronted by roads along its eastern or southern boundaries, instead preferring a residential interface and open space to the south.</p> <p>The local park location was selected with this in mind and providing for a potential secondary pedestrian access to the school, consistent with SINSW's requirements and to support broader connectivity objectives</p>
<p>Inform appropriate lot sizes and dwelling yield in the LEP and any future DCP for the site</p>	<p>Two revised subdivision layout options were developed in consultation with the Department's Urban Design team. The primary difference between the options related to proposed lot sizes along the Derriwong Road frontage:</p> <ul style="list-style-type: none"> • <i>Option 1</i> included 600 m² lots and maintained the proposed yield of 110 lots. • <i>Option 2</i> included 800 m² lots along this frontage, resulting in a reduced yield of 105 lots. <p>Following review by the Department's Urban Design team and formal consideration by the Sydney Central City Planning Panel, <i>Option 1</i> was endorsed as the preferred planning outcome. In its Record of Decision dated 24 July 2025, the Panel recommended that <i>Option 1</i> be adopted, and the Planning Proposal has since been updated accordingly.</p> <p>Urban design analysis confirms that the proposed layout and lot sizes can support an appropriate development outcome, taking into account the site's topography, context, and desired character. The layout allows for slope-responsive design solutions, including split-level housing, which will be further guided through the preparation of a site-specific DCP.</p> <p>To provide certainty regarding the scale of development, a site-specific provision has been included in the Planning Proposal to cap the total number of dwellings at 110, consistent with the endorsed layout and yield. This provides additional comfort to Council and the community regarding future density outcomes.</p> <p>Outcomes of the urban design analysis including the identification of lots suitable for split-level housing and preliminary guidance on building envelope planning will be incorporated into the draft site-specific DCP prior to public exhibition. The final content of the DCP will be subject to further consultation and engagement with Council prior to adoption.</p>
<p>An updated reference scheme reflecting the outcomes of this analysis should be prepared and exhibited with the proposal</p>	<p>An updated reference scheme has been prepared to reflect the outcomes of the geotechnical and urban design analysis, including revised lot configurations, and larger lot sizes in steeper areas. This revised layout, identified as <i>Option 1</i>, demonstrates a more responsive and integrated subdivision design that minimises earthworks, supports slope-adaptive housing typologies, and enhances amenity and landscape outcomes.</p> <p>The reference scheme has been adopted as the basis for the revised Planning Proposal and will be exhibited alongside the Planning Proposal documentation to provide a clear and transparent representation of the intended future development pattern. It will also inform the preparation of a site-specific DCP,</p>

Panel Recommendations	Response
	which will guide future subdivision and built form outcomes in accordance with the principles established through this analysis.
That the planning proposal and supporting technical reports should be updated to address the current scheme and provisions.	The Planning Proposal and all supporting technical reports have been updated to address the adoption of the lot layout and minimum lot sizes set out in Option 1 and the inclusion of a site-specific dwelling cap of 110 dwellings; and
That during public exhibition, further consultation occurs with Council, SINSW, TfNSW, and the Rural Fire Service in relation to the proposed LEP amendments, public benefit offer and site specific DCP provisions.	Noted.

4. THE PLANNING PROPOSAL

4.1. OVERVIEW

The purpose of the Planning Proposal is to amend THLEP 2019 and rezone the site from RU6 Rural Transition zone to allow future residential development of the site.

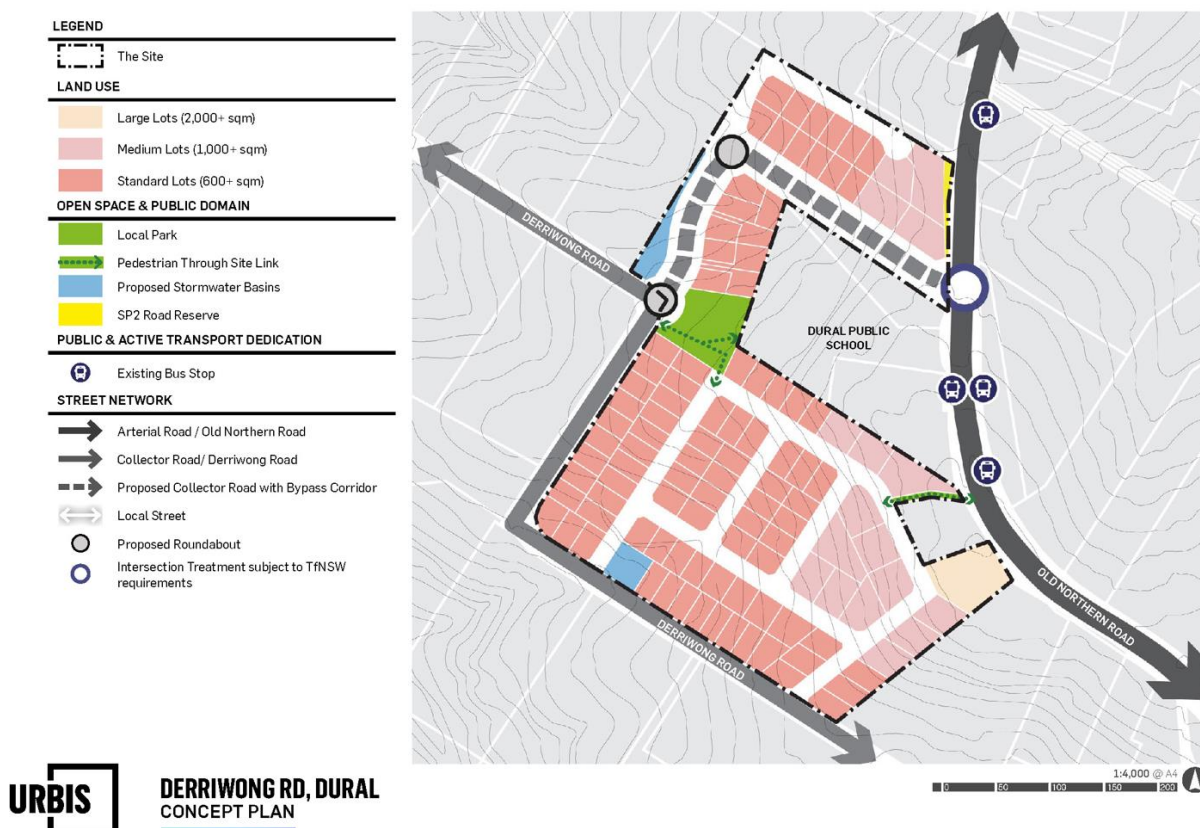
The amendments are influenced by a number of key factors which are discussed throughout this report and have been addressed in full within the Planning Proposal. The Planning Proposal has investigated the opportunities to develop the site for a low-density large lot residential neighbourhood and a local park to support and compliment the Dural community.

The Urban Design Report **Appendix A** includes an indicative subdivision layout plan that illustrates a potential development outcome for the site following rezoning. This layout includes:

- A new centrally located local park that is accessible by the community.
- A mix of residential lot sizes with a minimum of 600m², and others at 1,000m² and 2,000m².
- Improved Dural Public School access, services and amenity.
- Dedication of a 32m wide road reserve to Council that can accommodate a future collector road.
- Improved vehicular and pedestrian permeability between Derriwong Road and Old Northern Road.

An extract of the revised indicative layout plan provided at **Figure 12**. The Planning Proposal is also accompanied by a draft site specific DCP (**Appendix L**) which provides design guidance for a future master planned residential neighbourhood.

Figure 12 Revised Indicative Layout Plan



Source: Urbis, 2025

4.2. DETAILS OF PROPOSED LEP AMENDMENTS

The Planning Proposal seeks amendments to both the written instrument and supporting planning maps of THLEP 2019 to facilitate the delivery of low-density residential development, improvements to the local road network and delivery of open space.

4.2.1. Mapping Amendments

The proposed amendments to the adopted planning maps are set out in **Table 4**.

Table 4 Summary of the Planning Proposal

	Existing	Proposed
Zone	RU6 Transition	Predominantly zoned as R2 Low Density Residential, with a narrow strip of land designated as SP2 Infrastructure to facilitate future road widening along the Old Northern Road frontage.
Minimum Lot Size	20,000m ² (2 ha)	<p>The proposed minimum lot sizes across the site are varied between 600m², 1,000m², and 2,000m² under the indicative layout plan as shown in Figure 12. The proposed 600m² minimum lot sizes are consistent with the minimum lot size adopted under the provision of THLEP 2019 for residential land within the Dural neighbourhood centre and areas within the R2 Low Density Residential zoned land at Round Corner.</p> <p>The larger 1,000m² and 2,000m² lot sizes have been introduced to provide a greater diversity of housing opportunities and in direct response to topographical constraints. These larger lots are strategically located on steeper parts of the site where increased lot size allows for improved slope management, reduced reliance on retaining walls, and greater landscaping potential to reinforce the area's semi-rural character.</p>
Height of Buildings	10 metres	<p>9 metres</p> <p>The 9-metre height of building control is consistent with the adopted development standards for residential development at Round Corner.</p>

The Proponent has prepared the necessary planning maps which are provided in **Section 6.4** of this report.

4.2.2. Amendments to the Written Instrument

It is proposed that a site-specific clause is included in THLEP 2019 to limit residential development on the site to a maximum 110 residential dwellings, which is the yield achieved in the revised indicative layout plan (**Figure 12**) which achieves a diversity of lot sizes. The Proponent will work with the Council on the precise wording to be included in the THLEP 2019 to limit the maximum dwelling yield for the site.

4.3. SITE SPECIFIC DCP

The Planning Proposal is accompanied by a draft site-specific DCP (refer to **Appendix L**) which seeks to guide future development of the site for residential development.

The objectives of the draft site specific DCP are:

- a. To provide detailed design and environmental standards for the development of the Site.*
- b. To enable a low-density residential development outcome on the Site.*

- c. To ensure that any development on the Site is appropriate to the Site's context and enhances the surrounding natural and scenic characteristics of the locality.*
- d. To facilitate the provision of a suitable road reserve to accommodate a future bypass corridor.*
- e. To encourage a variety of choice and housing types within the locality to provide for existing and future housing needs.*
- f. To encourage a transition from rural land to the north and east of the Site to urban form south of the Site.*
- g. To provide a local park offering amenity for existing and future residents in the area.*
- h. To minimise land use conflict with adjoining rural land and ensure future development is sympathetic with the surrounding low density rural residential character.*
- i. To enable development on sloping land.*

The site's primary frontage is to Old Northern Road to the east, and secondary frontage to Derriwong Road to the south and west. The site is at the interface of the boundary between The Hills Shire and Hornsby Shire LGAs, along Old Northern Road. The land is surrounded by large rural residential properties, Dural Public School, Redfield College, and various commercial uses.

The site is a naturally contained precinct suitable for urban development around the existing Dural Public School and immediately south of the Dural village. The land opposite the site is zoned RU2 Rural Landscape within the adjoining Hornsby Shire LGA (under the *Hornsby Local Environmental Plan 2013*). Land in the broader locality is presently being used for rural residential and low intensity agricultural uses.

The draft DCP provides a series of detailed development controls in relation to:

- Subdivision of land
- Road network improvements
- Vehicle access
- Public open space and landscaping
- Bushfire hazard management
- Stormwater management
- Utilities provision and location
- Dwelling design and siting

The draft DCP will be subject to additional refinement to incorporate more detailed design guidance for development on sloping sites as detailed in the urban design analysis. This will be done in consultation with the Council prior to public exhibition.

4.4. PUBLIC BENEFIT OFFER

The Planning Proposal is supported by a Public Benefit Offer (**Appendix M**) to the Council which seeks to deliver a range of community benefits concurrent with the development of the site. Delivery of the following benefits to the community are identified:

- The provision of the local road which includes a drop off and pick up facility adjacent to Dural Public School and widened verges to accommodate future expansion.
- Provision of sewer infrastructure up to the boundary of Dural Public School and undergrounding of overhead powerlines across the school site.
- Potential for the school to utilise the public park and benefit from improved pedestrian connectivity and access to the school via the park.
- The ability to install and upgrade pedestrian pathways to the school site's frontage to mitigate potential impacts on existing pedestrian entrances.

- Provision of a new intersection at Old Northern Road to support improved traffic distribution within the locality in north-south movements and more broadly around the school.

The public benefit offer seeks to deliver the following works in kind, land dedication and monetary contributions:

- Dedication and embellishment of 4,000m² of land for use as a local park.
- Dedication and embellishment of 387m² of land for use as a pedestrian link to provide permeability for residents.
- Provision of a monetary contribution to Council of \$363,305.80 towards active open space.
- Land dedication of 13,300m² of land towards the future Round Corner bypass road and works in kind for the delivery of a local collector road.
- Provision of a monetary contribution to Council of \$101,242.90 towards the provision of broader community facilities.
- Delivery of stormwater management facilities.

5. STATUTORY CONTEXT

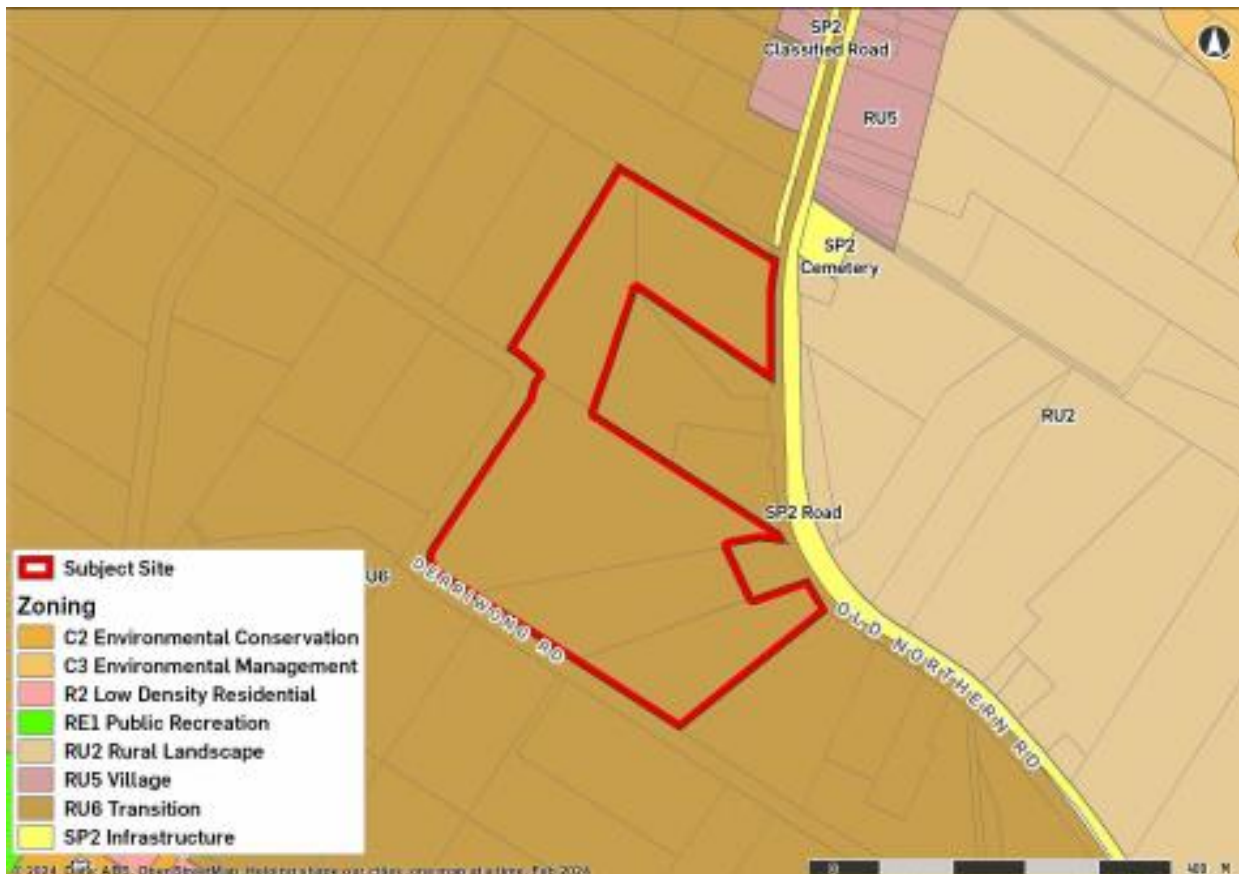
5.1. THE HILLS LOCAL ENVIRONMENTAL PLAN 2019

The following clauses of *The Hills Local Environmental Plan 2019* (THLEP 2019) are relevant to the land and the proposed amendments.

5.1.1. Zoning and Land Use

As shown in **Figure 13** the site is currently zoned RU6 Transition. Land to the north of the site is zoned E1 Local Centre, and RU5 Village. Land further to the south and south-east of the site at Round Corner is zoned R2 Low Density Housing, R3 Medium Density Housing, E1 Local Centre.

Figure 13 Existing Land Zoning Map



Source: Urbis GIS, 2024

5.1.3. Floor Space Ratio

As shown in **Figure 14** land within the RU6 Transition zoned is unconstrained by FSR controls, land within the RU5 Village zone is subject to a maximum FSR of 0.5:1 and 1:1.

Figure 14 Existing Floor Space Ratio Map



Source: Urbis GIS, 2022

5.1.4. Height of Buildings

As shown in **Figure 15**, the existing Height of Buildings map permits buildings up to 10 metres on the site. Urban land to the northeast of the site in the Dural village, and south of the site in Round Corner centre is permitted building of between 8.5 metres and 12 metres in height, with the variable heights reflecting the change in land use with higher building forms up to 12 metres permitted on land zoned E1 Local Centre.

Figure 15 Existing Height of Building Map

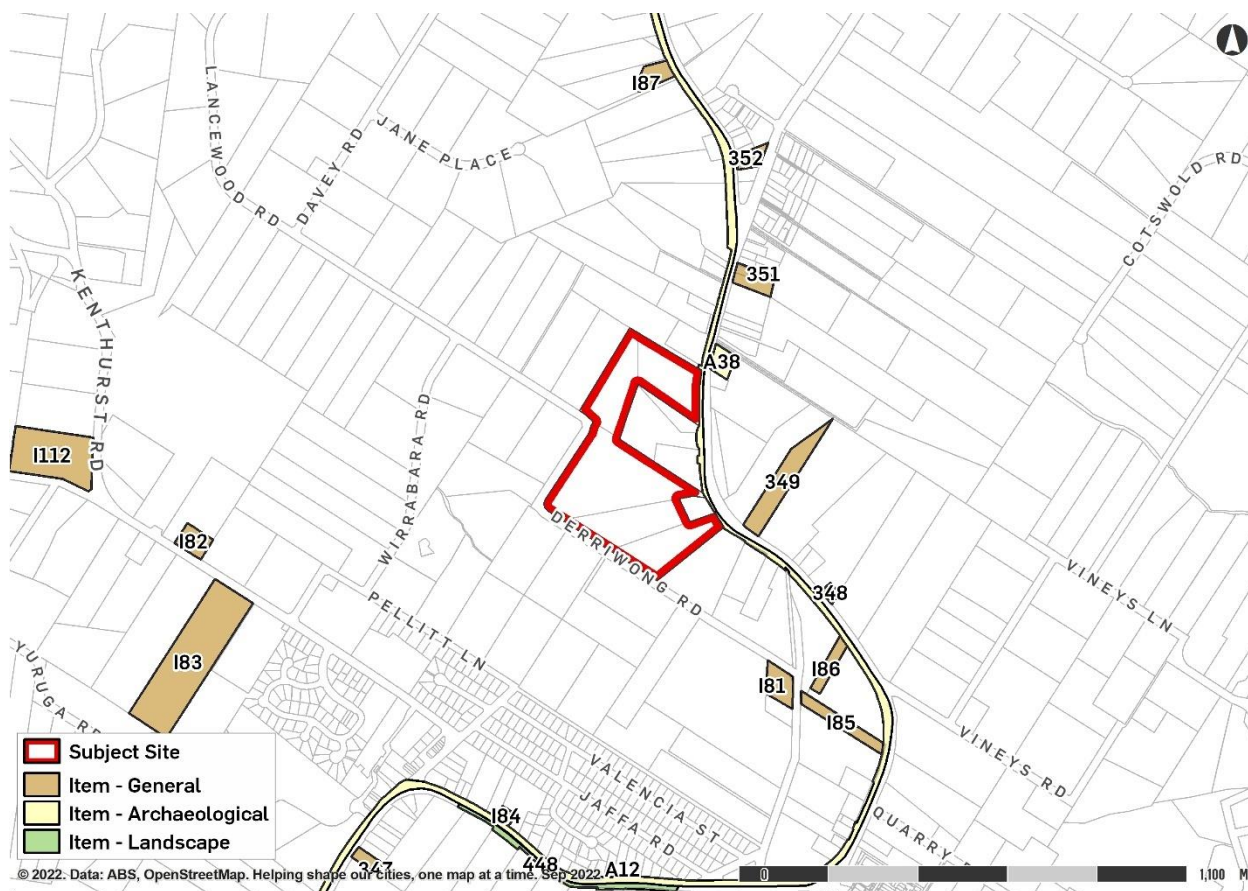


Source: Urbis GIS, 2022

5.1.5. Heritage

As shown in **Figure 16**, the site is located within proximity five identified heritage items as well as Old Northern Road extending along the eastern boundary, listed as an item of archaeological significance. The Planning Proposal does not seek to amend the heritage planning map.

Figure 16 Heritage Map

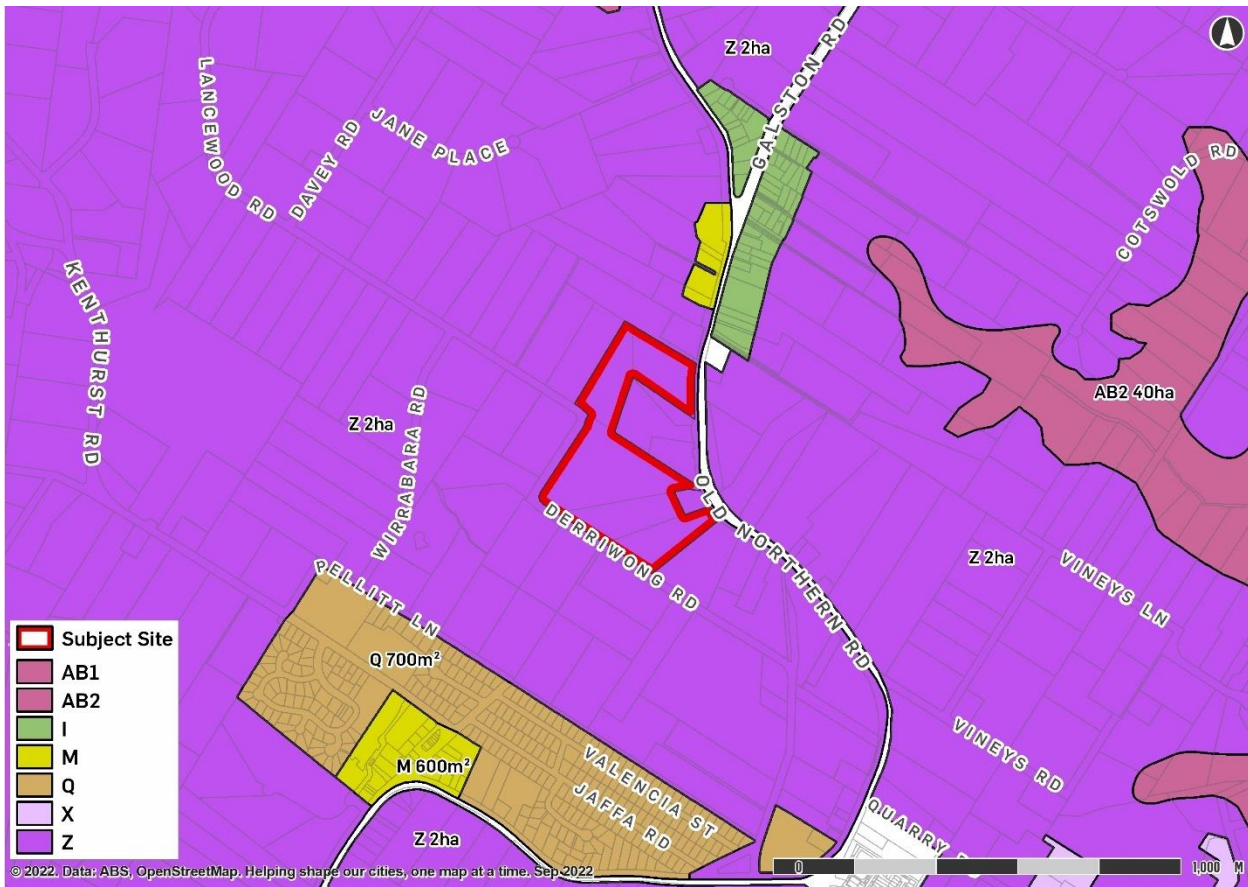


Source: Urbis GIS, 2022

5.1.6. Minimum Lot Size

As shown in **Figure 17**, the minimum lot size applying to the land is 2 ha (20,000m²). Land to the north of the site at the Dural neighbourhood centre has a minimum lot size of 500m² and 600m². Land to the south of the site in Round Corner is permitted to be a minimum of between 600m² and 700m².

Figure 17 Minimum Lot Size Map



Source: Urbis, 2022

6. PLANNING PROPOSAL ASSESSMENT

The Planning Proposal request has been prepared in accordance with Section 3.33 of the EP&A Act and the Department guidelines '*Local Environmental Plan Making Guidelines*' dated August 2023.

This section addresses each of the matters to be addressed as outlined in the guidelines, including:

- Objectives and intended outcomes.
- Explanation of provisions.
- Justification including need for proposal, relationship to strategic planning framework, environmental, social and economic impacts and State and Commonwealth interests.
- Draft LEP maps which articulate the proposed changes.
- Likely future community consultation.

6.1. PART 1 - OBJECTIVES AND INTENDED OUTCOMES

6.1.1. Objective

The primary objectives of the Planning Proposal are to:

- Rezone the land from rural to urban purposes to allow for the delivery of low-density residential lots.
- Secure a 32m local road corridor that supports Council's proposed Round Corner Bypass.
- Support orderly and economic use of otherwise underutilised rural land.
- Provide a height of building control that responds appropriately to the variable development forms while ensuring compatibility with the transitioning context of the site and locality.
- Deliver improved housing diversity to support the changing needs of the community.
- Ensure that new development is appropriate to the surrounding and likely future built form context and provides an acceptable transition to the (new) rural edge.
- Deliver a suitable urban layout and structure that responds to the opportunities and constraints of the site.
- Improve the access and safety of vehicle movements around the existing Dural Public School.
- Ensure that new development responds sensitively to the site's topography, minimises cut and fill, and integrates with the natural landscape character of the area.

6.1.2. Intended Outcomes

The intended outcomes of the Planning Proposal are to:

- Rezone the site from rural transition to low density residential to facilitate the delivery of additional residential accommodation.
- Amend the relevant development standard maps, for height of buildings and minimum lot size shown at Part 2 of this Planning Proposal.
- Limit the number of dwellings by introducing a site-specific dwelling cap of 110 dwellings.

The intended outcome of the Planning Proposal is to facilitate the development of the site to accommodate low density residential uses which will aid in meeting local housing demand and whilst also contributing to housing diversity within the locality. In doing so, the proposal will support the vitality and viability of the Dural Village. The residential development will be supported by required services and will deliver local open space and strategic road upgrades.

6.2. PART 2 - EXPLANATION OF PROVISIONS

6.2.1. Land to which the Plan will Apply

The land the subject of the Planning Proposal is identified as 614 Old Northern Road, 618 Old Northern Road, 626 Old Northern Road, 21 Derriwong Road, and 27 Derriwong Road, Dural. The legal property description of the respective allotments that comprise the site is Lot 2 in DP 541329, Lot 9 in DP237576, Lot X in DP 501233, Lot 2 in DP 567995, and Lot Y2 in DP 91653.

6.2.2. Proposed LEP Amendments

The objectives and intended outcomes of the Planning Proposal will be achieved by amending the zoning, minimum lot size and height of building maps of THLEP 2019 as they apply to the site, as detailed below. This section is to be read in conjunction with **Section 6.4** of this report, which contains the proposed amended LEP maps for the land use zoning and development standards and controls.

6.2.2.1. Land Use Zoning

The proposed amendment seeks to rezone the existing RU6 Transition zone to part R2 Low Density Residential and part SP2 Infrastructure (Local Road) zones. This outcome can be achieved by amending the LEP map Sheet LZN_023 map. Refer to **Figure 25** in **Section 6.4**.

6.2.2.2. Building Height

The proposed amendment seeks a maximum permissible nine metre limit height across the site. The nine-metre height of building control is consistent with the adopted development standards for residential development at Round Corner. This outcome can be achieved by amending the LEP map Sheet HOB_023 map. Refer to **Figure 26** in **Section 6.4**.

6.2.2.3. Minimum Lot size

Amendments to the THLEP 2019 minimum lot size map are illustrated in **Figure 27** in **Section 6.4**. The proposed minimum lot sizes across the site are varied between 600m², 1,000m², and 2,000m² as per the indicative layout plan as shown in **Figure 12**. Larger lots are predominantly located on steeper parts of the site to respond to topography and reduce earthworks. The proposed variation in allotment sizes also supports Council's objective of achieving an appropriate built form transition to the surrounding lower-density development permitted in the RU6 Transition zone. The proposed minimum lot sizes are consistent with the minimum lot size adopted under the provision of THLEP 2019 for R2 Low Density residential zone land in Dural village.

6.2.2.4. Site Specific Dwelling Cap

It is proposed that a site-specific clause is inserted in THLEP 2019 to limit residential development on the site to a maximum 110 residential dwellings. This reflects the yield of the revised subdivision layout.

6.2.2.5. Draft Site Specific DCP

The Planning Proposal is accompanied by a draft site-specific DCP which provides the detailed guidelines and controls for the delivery of the indicative concept. It is anticipated the draft DCP will be further developed in consultation with Council including inclusion of design details for development on sloping sites.

6.3. PART 3 - JUSTIFICATION

As directed in the Minister's letter the Planning Proposal has merit. Further, as identified by the Panel in its recommendation and by Council staff in the assessment report presented to the LPP and Council, the site and accompanying Planning Proposal does have strategic and site-specific merit as detailed in the following sections of this report.

6.3.1. Section A – Need for the planning proposal

Q1. *Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?*

Yes. The Planning Proposal is a proponent-initiated application. The environmental capabilities of the site to accommodate urban land uses has been verified through an urban capability capacity study prepared by

Cardno on behalf of the Council entitled ‘*Urban Capability and Capacity Assessment of the Dural Locality*’ dated 15 March 2019 (**Dural Urban Land Capability Assessment - DUCCA**). The DUCCA examined the suitability of the site and other land in the immediate locality (including the southern site which was part of the 2016 Planning Proposal) for future urban development opportunities.

Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

Yes. The Planning Proposal is the best means of achieving the objectives and intended outcomes of facilitating the delivery of a low-density residential neighbourhood to meet the local demand for housing diversity. As identified by the IPC in its consideration of the 2016 Planning Proposal the site should be considered for inclusion in the updated District Plan and identified in any future update of the Council’s LHS. These updates can be undertaken as parallel and complementary tasks which would be then reflect the outcomes sought by the Planning Proposal but are not essential to the adoption and progression of the Planning Proposal.

It is noted that the proposal is consistent with the existing LSPS which 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.

6.3.2. Section B – Relationship to strategic planning framework

Q3. *Will the planning proposal give effect to the objectives and actions of the applicable regional, of district plan or strategy (including any exhibited draft plans or strategies)?*

This section of the report has been prepared for completeness as called for by the Guidelines however as directed in the Minister’s letter the Planning Proposal has merit.

The Planning Proposal demonstrates both strategic and site-specific planning merit in accordance with the Assessment Criteria of the Guideline. **Table 5** contains an assessment of the planning proposal against the Guideline.

Table 5 Assessment against LEP Making Guideline

Provision	Consistency
Does the proposal have strategic merit? Does the proposal:	
<p><i>Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site.</i></p> <p><i>This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or</i></p>	<p>Yes. Notwithstanding the change in circumstances, the Planning Proposal is generally consistent with the objectives and actions of the following:</p> <ul style="list-style-type: none"> Greater Sydney Region Plan (refer to Table 6); and Central District Plan (refer to Table 7).
<p><i>Demonstrate consistency with the relevant LSPS or strategy has been endorsed by the Department or required as part of a regional or district plan; or</i></p>	<p>Yes. The Planning Proposal is consistent with the objectives and actions of the following:</p> <ul style="list-style-type: none"> Hills Future 2036 – Local Strategic Planning Statement (refer to Table 8); and Housing Strategy – The Hills Shire Council (refer to Table 9).

Provision	Consistency
<p><i>Respond to a change in circumstances that has not been recognised by the existing planning framework</i></p>	<p>Yes. As outlined in Section 6.3.2.3, the Planning Proposal responds to a change in circumstances that has not been recognised by the existing strategic planning framework. The proposal has previously been considered under the policy settings for the MRA within the District Plan. The District Plan is now significantly outdated and has not been updated in accordance with the legislated review timing. Importantly, the Minister has acknowledged that the current strategic planning framework for Sydney has failed to adequately to meet the housing supply needs of Sydney.</p> <p>Furthermore, the Australian Government has agreed to a National Housing Accord which seeks to include an initial aspirational target agreed by all parties to build 1.2 million new well-located homes over 5 years from mid-2024. NSW has committed to 377,000 new well-located homes over five years. This requires approximately 75,000 homes a year.</p> <p>Consistent with this framework, the Planning Proposal will facilitate the delivery of 110 new homes in close proximity to essential services, including local shops and educational facilities such as Dural Public School. The site is well-connected, with convenient access to public transport, health services, and employment opportunities, and is located within an area identified as capable of supporting additional housing growth.</p>
Does the proposal have site-specific merit? Does it give regard and assess impacts to:	
<p><i>The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)</i></p> <p><i>Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates.</i></p> <p><i>Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i></p>	<p>Yes. The Planning Proposal has site-specific merit having regard to the following matters:</p> <ul style="list-style-type: none"> ▪ the natural environment; ▪ existing, approved, and likely future uses; and ▪ available and proposed services and infrastructure. <p>The site-specific merits of the Planning Proposal are detailed in Section 6.3.3 of this report.</p>
The site-specific merit of the Planning Proposal is discussed further in Section C – Environmental, social and economic impacts .	

6.3.2.1. Greater Sydney Region Plan – A Metropolis of Three Cities (2018)

In March 2018, the Greater Sydney Commission (**GSC**) finalised the Greater Sydney Region Plan – *A Metropolis of Three Cities (Region Plan)*, as the NSW Government's metropolitan plan for Sydney.

The Region Plan repositions Sydney as a metropolis of three cities, being the Western Parkland City, Central River City (within which The Hills Shire LGA is located), and Eastern Harbour City. The Region Plan presents a strategy for managing growth, change, and infrastructure delivery over the next 40 years and establishes policy directions to achieve identified goals and principles, with each direction underpinned by actions. Consistency of the Planning Proposal with the directions and actions of the Region Plan are provided in Table 6.

Table 6 Assessment against Greater Sydney Region Plan

Greater Sydney Region Plan	Planning Proposal Response
Direction 1: A city supported by infrastructure	
<p><i>Objective 2: Infrastructure aligns with forecast growth</i></p> <p><i>Objective 4: Infrastructure use is optimised</i></p>	<p>The Planning Proposal maximises the use of existing infrastructure by co-locating housing in close proximity to existing infrastructure and supporting the longevity of that infrastructure (e.g., utilising existing capacity at Dural Public School).</p> <p>The Planning Proposal does not rely on infrastructure upgrades of roads, electricity, water and sewer by the Council or State government. It proposes and will deliver localised upgrades to support development of the site and improve access to local open space, local traffic conditions, access to Dural Public School, deliver sewer to the school and underground power lines for improved urban design outcome and school functionality.</p> <p>The Planning Proposal seeks to permit low density residential dwellings within an area of high accessibility to existing cultural, health, transport, and social infrastructure, which is appropriate and supports the priority to maximise the use of existing infrastructure. Permitting residential development on the site will maximise the use of this infrastructure, and in the case of retail and business premises that provide services to the local community, improve their long-term viability.</p> <p>The Planning Proposal will deliver a range of infrastructure to the future residential neighbourhood as well as to the Dural Public School. Specifically, the public benefit offer proposes a sewerage connection to the boundary of the Dural Public School, currently unfunded by the school or the NSW Department of Education. This benefit removes a potential health and safety hazard to the school and will improve access to and useability of open space within the school site. The Planning Proposal delivers new public open space (4,000m²) fronting Derriwong Road directly adjacent to the Dural Public School which would be available to both the school as well as the broader community with ease of access from Derriwong Road.</p> <p>The 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 a new</p>

Greater Sydney Region Plan	Planning Proposal Response
	<p>supporting improved traffic distribution north and south to improve traffic flow in the locality generally and around the school specifically.</p> <p>The Planning Proposal will deliver a range of residential dwellings that will be connected to local services and infrastructure. The low-density residential development will be accompanied by the augmentation to water, sewerage and electricity services to meet the needs of the proposed 110 dwellings.</p> <p>The Planning Proposal also facilitates the undergrounding of overhead powerlines across the Dural Public School site representing additional community benefit. The infrastructure facilitated by the Planning Proposal is site-specific and responds to the needs of the existing and future community.</p> <p>The Planning Proposal has demonstrated that existing infrastructure can with the augmentation as proposed support the proposed residential development on the site. This is documented in the following assessments which accompanied the Planning Proposal as follows:</p> <ul style="list-style-type: none"> ▪ Preliminary Infrastructure Review ▪ Traffic Impact Assessment <p>The Planning Proposal will deliver housing that caters for local housing demand, and which is supported by new infrastructure investment not only to meet demands of the future residents, but to enhance the existing services and infrastructure within the existing community.</p> <p>The Planning Proposal includes delivery of part of a longer-term solution to road infrastructure challenges in the District. This is achieved through the reservation of an appropriate corridor that supports immediate local traffic upgrades as well as the proposed Round Corner Bypass identified by Council. This will be the first stage of a long-term strategic road corridor to alleviate existing and future traffic from the north-west growth centre to Sydney's Central City. The first stage of this strategic project is to be delivered by the Proponent at no cost to government and avoids a future land acquisition requirement to connect the corridor to Old Northern Road.</p>
Direction 4: Housing the City	
<p><i>Objective 10: Greater housing supply</i></p> <p><i>Objective 11: Housing is more diverse and affordable</i></p>	<p>The NSW Government has identified a need for 725,000 additional homes by 2036 to meet demand based on current population projections of an additional 1.7 million people in Greater Sydney. As part of this an unprecedented level of supply, including a range of housing types, tenures, and price points will be needed to meet demand.</p> <p>The Central City District was targeted to be the fastest growing District with The Hills Shire expected to grow by 125,350 additional people by 2036. The Central District was required to deliver 207,500 additional homes. It was anticipated that the majority of these dwellings would be</p>

Greater Sydney Region Plan	Planning Proposal Response
	<p>located proximate to existing urban centres in medium and high-density design configuration.</p> <p>Notwithstanding the above, this Planning Proposal does not seek to play a role in meeting any Regional or District scale demand for residential growth. Rather, the Planning Proposal is for a modest expansion of additional dwellings to an existing rural village (Dural) in a well-serviced location adjacent to existing essential services and which responds to local housing demand in Dural.</p> <p>The Planning Proposal seeks to facilitate the ongoing planning and management of Dural and the need to respond to local demand for residential accommodation, the local character of Dural and the surrounding landscape and rural activities. The indicative layout plan as shown in Figure 12 can appropriately be regarded 'greenfield infill' development which seeks to cater for local demand that is consistent with Council's LHS.</p> <p>Despite the existing land use zoning, the character of the site and 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 and augmented infrastructure.</p> <p>With the majority of the growth under the Region Plan in the Central City District focused on medium and high-rise development in easing urban centres, the Planning Proposal presents an opportunity to deliver lower density housing alternatives meeting a local demand enabling families with established connections to stay in the locality.</p> <p>The Planning Proposal will deliver new housing that meets local demand for different housing types and price points, and preferred locations. The District Plan states 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.</p> <p>The proposed R2 zoning and minimum lot sizes will provide a scale of development which is aligned with the nearby residential neighbourhood, and existing smaller lot sizes within the RU5 Village zoned land to the immediate north-east of the site, and of the R2 Low Density Residential and R3 Medium Density Residential zoned land to the south and south-west of the site.</p>
Direction 5: A city of great places	
<i>Objective 12: Great places that bring people together</i>	<p>It is noted that <i>To create great places, the mechanisms for delivering public benefits need to be agreed early in the planning process.</i> The Planning Proposal is consistent with this objective, as it has taken a local place-based approach to planning, reviewing the actual local characteristics and infrastructure needs of a local place, and proposing</p>

Greater Sydney Region Plan	Planning Proposal Response
	<p>mechanisms to secure needed public benefits of the community early, while respecting the desired low-density character of the area.</p> <p>The submitted public benefit offer has been the subject of detailed conversations with Council in terms of quantum of open space, design and location of the local road bypass corridor and contribution towards open space and community facilities.</p>

6.3.2.2. Central District Plan (2018)

The site is located within the Central City District of Greater Sydney. The Central City District Plan (**District Plan**) was adopted in March 2018 and sets out a 20-year vision to manage growth in the context of economic, social, and environmental matters relevant at that time. The District Plan contains strategic directions and planning priorities that implement the objectives of the Region Plan. The Plan identifies key centres, economic and employment locations, land release and urban renewal areas, and existing and planned transport infrastructure to deliver future growth.

The District Plan identifies a housing target of an additional 207,500 dwellings by 2036. Consistency between the Planning Proposal and the relevant provisions of the District Plan is discussed in **Table 7**.

Table 7 Assessment against the Central District Plan

Central District Plan	Consistency
<p>Planning Priority C1 – Planning for a city supported by infrastructure</p> <p>Planning Priority C1 – Providing services and social infrastructure to meet people's changing needs</p>	<p>Planning Priority C1 is underpinned by the notion of delivering the right infrastructure, in the right location, at the right time. It responds to objectives of the Region Plan that infrastructure use is optimised, that infrastructure aligns with growth, and that infrastructure adapts to meet future needs. Planning Priority C1 states that aligning land use and infrastructure planning will maximise the use of existing infrastructure. The Planning Proposal maximises the use of existing infrastructure sustainably by co-locating housing in proximity to existing infrastructure and supporting the longevity of that infrastructure (e.g. sewerage upgrades, road upgrades).</p> <p>Planning Priority C1 identifies that planning decisions need to support new infrastructure in each city – including cultural, education, health, community and water infrastructure – to fairly balance population growth with infrastructure investment. Decisions are required to equitably enhance local opportunities, inclusion and connection to services.</p> <p>The Planning Proposal will deliver a range of infrastructure and infrastructure upgrades that will support both the proposed residential neighbourhood and the surrounding broader community. Essential services and community facilities will be augmented into delivery of housing on the site and in doing so will provide upgrades which will benefit the wider community.</p> <p>The Planning Proposal will deliver new public open space (4,000m²) fronting Derriwong Road directly adjacent to the Dural Public School which would be available to both the school as well as the broader community. The improvements to the local road network around the school and will facilitate a future bypass of The Round Corner local centre, incorporate a new drop-off and pick-up zone for the school to ease road congestion along Old Northern Road. The water and sewer infrastructure will be augmented to support the proposed</p>

Central District Plan	Consistency
	<p>residential development on the site. This is documented in the servicing assessments which accompanied the Planning Proposal.</p> <p>The Planning Proposal will deliver modest population growth that caters for local housing demand, and which is supported by private infrastructure investment to meet demands from the proposed development. This will improve services and infrastructure within the existing community. This infrastructure investment is specific to the Planning Proposal and is aligned to support the proposed growth and the community.</p>
<p>Planning Priority C5– <i>- Providing housing supply, choice and affordability with access to jobs, services and public transport</i></p>	<p>Planning Priority C5 responds to the District Plan objectives to deliver greater housing supply and housing that is more diverse and affordable. Planning Priority C5 seeks new housing to be delivered in the right places that are supported by or coordinated with infrastructure, to meet demand for different housing types, tenure, price points, preferred locations and design.</p> <p>The Planning Proposal will facilitate the delivery of up to 110 dwellings which will need a need in the local community which is not suitable or viable for agricultural use. The Planning Proposal is not transformational. Rather it is modest in scale and not intended to facilitate ‘regional or district-scale demand for residential growth’. The character and land use zoning of the site and locality is peri-urban which supports a range of land uses including large lot rural residential and local service uses.</p> <p>Due to the site location on the peri-urban fringe, access to broader jobs and services within the Central River City basin is readily accessible. It is considered that the site is able to deliver the right housing in the right location.</p> <p>The District Plan states that <i>Councils are in the best position to investigate and confirm which parts of their local government areas are suited to additional medium density opportunities</i>. In this respect, the Planning Proposal is consistent with Council’s DUCCA prepared in 2019 which states that where land is environmentally capable of accommodating urban development, and where the Proponent is able to demonstrate that they can deliver the required local and regional infrastructure upgrades at no cost to Council – a Planning Proposal for rezoning can be considered.</p> <p>The delivery of housing under the Planning Proposal is assessed against the guidance contained within the District Plan states that as part of the investigations for the inclusion of new infill housing as outlined below:</p> <ul style="list-style-type: none"> ▪ transitional areas between urban renewal precincts and existing neighbourhoods. <p>The site is located between two existing neighbourhoods (Round Corner to the south and Dural village to the north) that each feature urban land uses. The scale of future development on the site, being for low density residential housing maintains a transition from the E1 Local Centre and R2 Low Density Residential zoned land to the south and the RU5 Village and R2 Low Density Residential zoned land to the north.</p>

Central District Plan	Consistency
	<p>▪ residential land around local centres where links for walking and cycling help promote a healthy lifestyle.</p> <p>The site is located within walking distance of a number of local services and proposed infrastructure including new open space as outlined earlier, promoting a healthy lifestyle in proximity to existing local centres.</p> <p>▪ areas with good proximity to regional transport where more intensive urban renewal is not suitable due to challenging topography or other characteristics.</p> <p>The site is readily accessible via public transport, with regular bus services available along Old Northern Road. These bus services provide connections south to Castle Hill and Cherrybrook Metro stations as well as Pennant Hills train station. Pennant Hills train station is located on the T9 Northern Line which provides connections to Sydney CBD. The 620X and 642X bus routes provide alternative connections for commuters travelling to Sydney CBD including Wynyard and Town Hall. These services provide excellent connections for residents to access essential services, jobs and education.</p> <p>The site has a gentle slope away from Old Northern Road which will provide topographic interest and an outlook to the mountains beyond in any future residential subdivision. The site does not have any physical characteristics that would make it unsuitable for the low-density residential development proposed. The proposed 110 dwellings will be supported by the local infrastructure.</p> <p>The Planning Proposal does not represent a precedent for the ongoing expansion of urban land uses within the MRA. Specifically, the geographic boundaries of the site are limited to the east by Old Northern Road, to the north by the Dural Neighbourhood Centre, and to the west by environmental features including steep topography and vegetation buffers to fire prone land.</p> <p>Any future planning proposal for the rezoning of RU6 Transition Land would be required to demonstrate site-specific and strategic merit and demonstrate in accordance with the Council endorsed recommendation that new residential zoned land would be delivered at no-cost to Government. The Planning Proposal does not create an undesirable precedent of rezoning RU6 Transition Zone land within the LGA to urban uses, as there are limited opportunities geographically and for proposals that can deliver equivalent required public benefits as the current proposal.</p> <p>The Planning Proposal will deliver new housing supply, choice, and affordability within a readily accessible area that accommodates jobs and services that can support various demographic groups. The Planning Proposal is consistent with the Planning Priority 5 of the District Plan.</p>
<p>Planning Priority C6 - Creating and renewing great places and local centres, and</p>	<p>Planning Priority C6 of the District Plan notes that <i>Greater Sydney's cities, centres and neighbourhoods each have a unique combination of local people, history, culture, arts, climate, built form and natural features creating places with distinctive identities and functions. Great places build on these characteristics to create a sense of place that reflects shared community values and culture.</i></p>

Central District Plan	Consistency
<p><i>respecting the District's heritage</i></p>	<p>Further, Planning Priority C6 also notes that <i>To create great places, the mechanisms for delivering public benefits need to be agreed early in the planning process.</i></p> <p>The Planning Proposal is consistent with these statements, as it has taken a place-based approach to planning, reviewing the actual local characteristics and infrastructure needs of a local place, and proposing mechanisms to secure needed public benefits of the community early, while respecting the desired low-density character of the area.</p> <p>The District Plan acknowledges the essential retail and community services provided by rural villages and towns but does not advocate for them to become part of the urban area. The District Plan identifies that maintaining and enhancing the distinctive rural village character is a high priority and that further rural residential or urban development is generally not supported.</p> <p>However, the benefits of strengthening rural villages and ensuring that these areas grow with the rural communities should also be considered, noting that the Planning Proposal enables some limited residential development to occur surrounding Dural Public School, close to the Dural village. The Planning Proposal would promote the viability of Dural rural village and the nearby Round Corner local centre and contribute to the resolution of some regional infrastructure issues, through the reservation of part of a future bypass road connection from Annangrove Road to Old Northern Road.</p>
<p>Planning Priority C18 - <i>Better managing rural areas</i></p>	<p>Priority C18 notes that the 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.</p> <p>As outlined in this Planning Proposal, there is a demand for low density housing specifically in Dural which is anticipated by the Department to grow generally at a lower-than-average rate than Greater Sydney given a lack of development opportunities. While it is acknowledged that rural towns and villages will not play a role in meeting regional or district scale demand for residential growth, they also should not be left to decline and/or sit idle. As such the District Plan also states that <i>'limited growth of 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'</i>.</p> <p>Planning Priority C18 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.</p> <p>When considering the actual identity, character and function of the land surrounding the site, it is not appropriate to characterise the site as having a rural character nor as viable agricultural land. As evidenced through the DUCCA (prepared for the Council) and the technical assessments submitted with this</p>

Central District Plan	Consistency
	<p>Planning Proposal, the site is physically and environmentally capable of accommodating low density housing.</p> <p>The District Plan, prepared in 2017 is an outdated plan, pre-dates the DUCCA, and while it is under review (as required under the relevant planning framework) the current provisions are not reflective of recent local strategic studies and should be given lesser weight when considering the strategic merit of the Planning Proposal.</p> <p>Notwithstanding, the objectives and outcomes of the Planning Proposal are consistent with the broad objectives set out in the District Plan as the residential development that will be facilitated by the Planning Proposal is a small-scale development and can be viewed as a logical expansion of Dural Village.</p> <p>The Planning Proposal represents a logical land use outcome responding to the attributes of the site and its context and the fundamental merit of allowing urban development on the site has been consistently recognised by the IPC, the Department and Council. The Urban Design analysis has demonstrated that the current subdivision Concept Layout can achieve a balance between delivery of residential development with environmental protection creating a well-connected and cohesive residential neighbourhood.</p> <p>Specifically, the Department noted that a proposal for urban land within the MRA may be supportable if the local planning policy framework provides strategic merit for the Planning Proposal in the following documents:</p> <ul style="list-style-type: none"> ▪ <i>An endorsed Local Strategic Planning Statement;</i> ▪ <i>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.</i> ▪ <i>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.</i> <p>The Hills Shire Rural Strategy prepared by Council outlines eight criteria for rural village expansion. The Planning Proposal is consistent with these eight criteria as it:</p> <ul style="list-style-type: none"> ▪ Facilitates the timely provision of utilities, transport, open space and communication infrastructure across the site. ▪ Includes access to a range of transport options that allow efficient travel between homes, jobs and services. ▪ Facilitates the delivery of a range of housing types, including the provision of low-density housing which is desired by the local market. ▪ Avoids land use conflicts by positioning new housing adjacent to existing urban uses in the RU6 Transition zone, on land that is currently already precluded from agricultural uses.

Central District Plan	Consistency
	<ul style="list-style-type: none"> ▪ Adopts appropriate bushfire mitigation measures through the implementation of APZs. ▪ Represents an efficient use of land. ▪ Does not adversely impact biodiversity, air quality, heritage items, or waterways. ▪ Provides housing with access to education and other essential services. <p>Further, the Planning Proposal:</p> <ul style="list-style-type: none"> ▪ Is consistent with all other relevant priorities and actions of the District Plan, ▪ Delivers targeted environmental, social and economic outcomes that are specific to the needs and characteristics of the local area, ▪ Through a diversity of lot sizes, and a sensitive subdivision pattern, the Planning Proposal will have no adverse impacts on the amenity of the local area, and ▪ The Planning Proposal will deliver a modest expansion of the Dural village with a maximum of 110 residential dwellings proposed to be delivered, representing limited growth. <p>As recommended by the District Plan, the application of a local ‘place-based planning focus’ should prevail over the District Plan’s nominated MRA boundary. The Planning Proposal proposes a scale of development that can deliver significant public benefits, in a low-density configuration that is commensurate with surrounding rural villages and landscapes and is not in conflict with a desired transition to and retention of the viable agricultural rural lands north of Dural.</p> <p>The Central City District’s broader rural areas to the north and west of the site contribute to habitat and biodiversity, support productive agriculture, provide mineral and energy resources, and sustain local rural towns and villages. They are part of the larger MRA and are not located proximate to the site and will not be prejudiced by this Planning Proposal.</p> <p>The District Plan identifies that <i>“Given the proximity to nearby townships, the southern parts of the Dural rural area that do not contain areas of ecological significance and are not capable of supporting viable agriculture activity should be investigated by the Council for opportunities to support limited residential development. Land with demonstrated ecological significance or subject to a conservation agreement is to be excluded from investigations”</i>.</p> <p>The District has two agricultural clusters: a multiuse cluster horticulture (vegetable and tree fruits) at Maroota; and part of the multi-use cluster horticulture (vegetable and tree fruits) at Middle Dural, Galston and Arcadia (within the North District). These productive clusters are a priority to be protected and enhanced for their environmental, social or economic values. The Planning Proposal will not threaten the viability of these areas.</p>

Central District Plan	Consistency
	<p>In identifying investigation areas, the District Plan identifies that it must be demonstrated that future rural residential or residential development will have no adverse impacts on the local area and that the outcomes will maintain and enhance the environmental, social and economic values of the broader MRA.</p> <p>The Planning Proposal is consistent with this priority as it represents small-scale development as a logical expansion of Dural Village that is not meeting regional or district-scale housing demand. The Planning Proposal is not transformational for the character of the broader Dural area and does not create a precedent for broader expansion of the urban boundary.</p>

6.3.2.3. Responding to a change in circumstances that has not been recognised by the existing strategic planning framework

Planning Circular PS 22-003 sets out three possible tests to demonstrate that a Planning Proposal has strategic merit and should proceed to Gateway. These tests require the Proponent to demonstrate consistency with one of the following criteria:

- *Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *Demonstrate consistency with the relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or*
- *Respond to a change in circumstances that has not been recognised by the existing strategic planning framework.*

Whilst the Planning Proposal has demonstrated consistency with the first and second strategic merit test as demonstrated in **Section 6.3.2.1** and **Section 6.3.2.2** of this report, it is also consistent with the third strategic merit test, in responding to a change in circumstances that has not been recognised by the existing strategic planning framework.

The proposal has previously been considered under the policy settings for the MRA within the District Plan. The District Plan is now outdated and while it is subject to review it has not been updated in accordance with the legislated review timing. Importantly, the Minister has acknowledged that the current strategic planning framework for Sydney has failed to adequately to meet the housing supply needs of Sydney:

it's clear to me that past strategic plans didn't anticipate or account for the scale of housing crisis we now face.'

(Minister for Planning and Public Spaces, letter to The Hills Shire Council, 5 August 2023)

The Minister has explicitly directed councils and planning panels to consider the housing crisis and prioritise housing supply:

'I am asking councils and planning panels to factor this into their decision-making and prioritise the delivery of housing when assessing development applications and rezoning schemes, so that the entire planning system is geared to addressing the housing shortfall.'

(Minister for Planning and Public Spaces, letter to The Hills Shire Council, 5 August 2023)

An earlier iteration of the Planning Proposal was considered by the IPC through a Gateway Review. While the IPC acknowledged strategic inconsistency with the MRA at the time, the IPC clearly acknowledged the overarching merit of the proposal:

The Commission finds that the Proposal has considerable site-specific merit.... The Commission recommends that the Site...be seriously considered for urban

development and inclusion in the Central City District Plan when it is reviewed and updated in 2023.

Further, the Department recognised the inherent merit of the proposal in issuing a Gateway Determination for the prior planning proposal to proceed. As part of its determination, the Department acknowledged that it was appropriate to:

‘...consider limited growth in the Metropolitan Rural Area where the proposal is otherwise consistent with the District Plan and will result in a good planning outcome and public benefit.’

The IPC recommendation which would provide certainty for a land use outcome on the site has not been implemented. Given the Region Plan and District Plan have not been updated as required, and there is ongoing uncertainty about any timeframe for updates, guidance is provided to the Regional Planning Panel in the Minister’s clear statement of priorities for housing supply:

‘While I await the publication of updated region and cities plans by the Greater Cities Commission, I ask that you and your council teams prioritise the opportunity to deliver homes as part of merit considerations’

‘The Strategic Merit Test...exists for such times and provides a framework for responding to a change in circumstances’

Accordingly, the outdated District Plan policy setting must now be considered in light of the Minister’s clear request to prioritise housing supply.

While the idea of broader, area-wide strategic planning may have some logic, the Proponent argues that such a view can no longer be justified to defer a sensible outcome for this site in light of the Minister’s clear priorities for housing supply and given that the fundamental merit of the proposal has previously been recognised by the IPC and the Department, and consistently supported by the Council staff.

This change in circumstances is reflected in the Panel’s recent decision to support to the Planning Proposal. In its decision, the Panel noted that ***“the proposal has strategic merit, based on its delivery of housing supply on a site and in a location otherwise suitable for housing development”***. The Panel further concluded that the proposal has strategic merit ***“based on the modest addition to housing supply and the public benefits it offers, particularly in relation to the adjoining school”***.

The delivery of housing on the site is consistent with the National Housing Accord and the NSW commitment to deliver 377,000 new well-located homes over five years from 2024. This requires approximately 75,000 homes a year.

The Planning Proposal will facilitate the delivery of 110 new homes in close proximity to essential services, including local shops and educational facilities such as Dural Public School. The site is well-connected, with convenient access to public transport, health services, and employment opportunities, and is located within an area identified as capable of supporting additional housing growth

Demographic and Land Use Trends

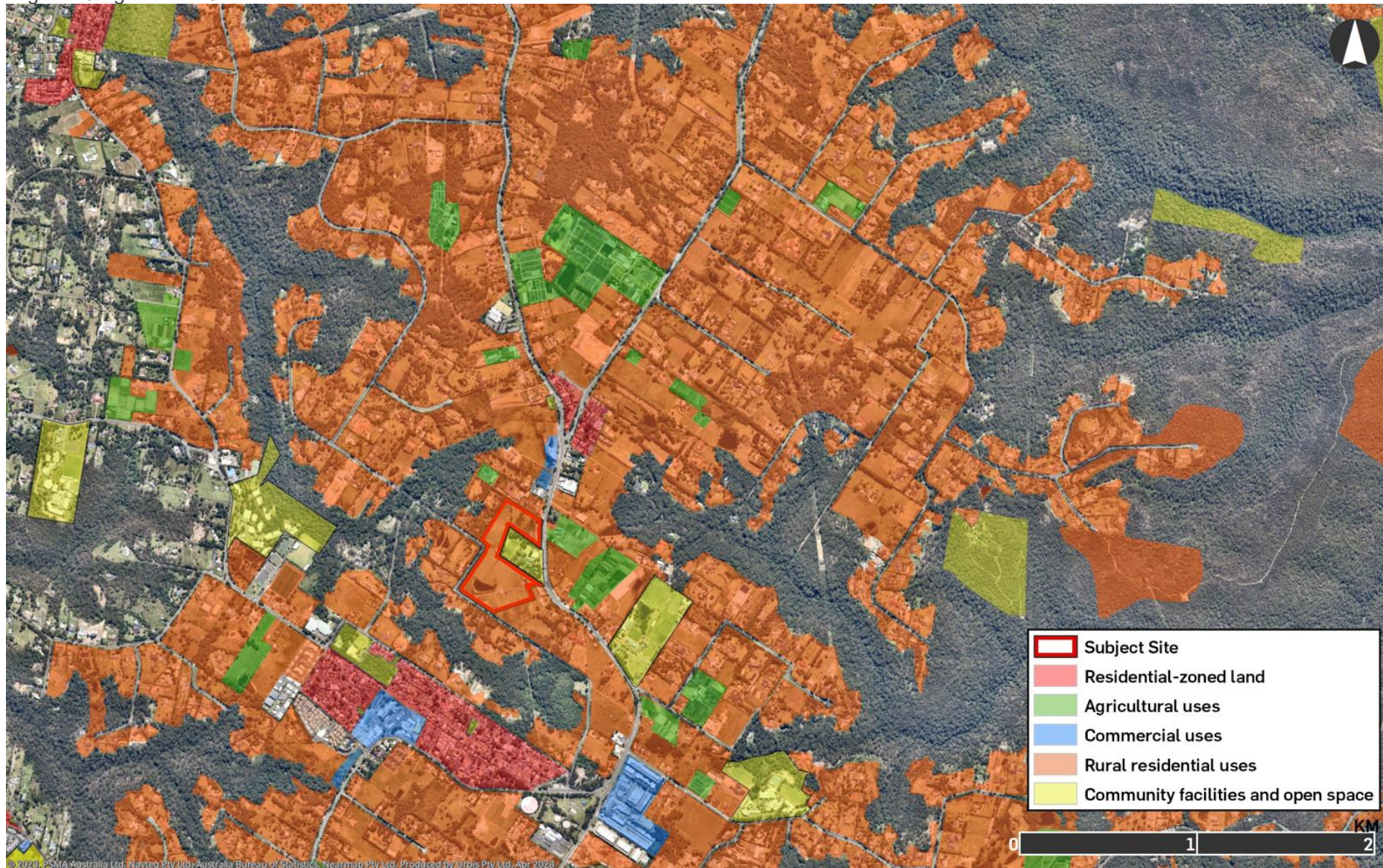
Unlike most areas of Sydney and The Hills, the population of Dural has not grown significantly since 2001. As identified in the Economic Impact Assessment submitted as part of the Planning Proposal (refer to **Appendix E**), Dural is expected to grow from 8,077 residents to 8,429 residents, equating to an increase of 352 residents (or an average of 0.3% p.a.) from 2021 to 2036. This slow forecast population growth is reflective of there being limited residential development opportunities in Dural due to limited zoned land that is for the most part fully developed. The proposed development of the site is an opportunity to strengthen and deliver local population growth across Dural.

The average household size in the catchment is projected to fall from 3.1 in 2021 to 3.0 in 2036 due to the increase of couple only and lone person households. These changes mean that more dwellings are required per additional resident in the catchment, and as such the change in demographics is expected to create an increased need for additional dwellings to cater for the expected population growth across the catchment.

The dominance of large lot rural residential blocks serves as a barrier to young families or couples looking to enter the market and older people looking to downsize. Notwithstanding the limited availability of stock and homogeneity, Dural is a high demand suburb with housing market platforms indicating a 33 per cent higher demand than other properties in the Sydney Metropolitan Region.

As demonstrated in **Figure 18**, the site is not located near any productive agricultural land and the Planning Proposal will not threaten the viability of these areas. The use of land for agricultural purposes is limited in the region with most blocks primarily used for rural residential living. Limited rural pursuits including hobby farms, nurseries and orchards occur in sporadically in some restricted locations however the region is generally characterised as rural-residential with limited agricultural activity occurring.

Figure 18 Agricultural Uses



Source: Urbis, 2022

Housing Demand

Local demographics and the housing market have changed considerably since the preparation of the current planning controls. Council's residential strategy 'Residential Direction' was adopted by Council on 10 June 2008, which informed the preparation of the former *Hills Shire Local Environmental Plan 2012*. The Hill's Shire LHS replaced this document and was scheduled for review in 2023.

A Residential Market Assessment has been prepared as part of the Economic Impact Assessment submitted with the Planning Proposal to identify current housing trends. The assessment found:

- Between 2022 and 2036, Dural is shown to experience very limited population growth, which is mostly below the Greater Sydney average. From 2021-2036, Dural is expected to grow from 8,077 residents to 8,429 residents, equating to an increase of 352 residents (or an average of 0.3% p.a.).
- This slow forecast population growth is reflective of there being limited residential development opportunities in Dural due to inadequate zoning. The proposed development at the subject site is an opportunity to strengthen population growth across Dural.
- The projected population growth across the catchment from around 183,900 residents 2021 to around 267,600 residents by 2036 reflects an average annual growth rate of 2.5% per annum. This growth is well above the expected growth in Dural and the Greater Sydney average.
- Population growth in the catchment will largely be driven by several greenfield release areas and station precincts (around the new metro stations) which are outlined in The Hills Shire Council Housing Strategy.
- Through an increase in children from 28,600 in 2021 to 50,800 in 2036, there is expected to be strong demand from young families, a key demand driver of separate houses in new estates.

The Planning Proposal will rezone land and satisfy the local housing demand in a constrained local market that is dominated by a homogenous rural residential typology.

Suitability and Demand for Agricultural Land

The site is currently predominately zoned RU6 Transition under THLEP 2019. While land to the east of Old Northern Road, in the Hornsby LGA, is a mix of RU5 Rural Village; R2 Low Density Residential; B2 Local Centre and RU2 Rural Landscape.

The intent of the RU6 Transition zone under the THLEP 2019 is to provide a buffer between agricultural practices and residential land uses. A review of existing land uses within the RU6 Transition zoned land within the site and the locality identifies that the predominant uses within the locality are rural residential and the nearest intensive agricultural uses are located to the north beyond Glenorie and Maroota approximately 30 kilometres away.

Urbis has undertaken an assessment of new agricultural viability for the site to determine the potential impact of its loss. Consideration has also been given to the potential for future redevelopment of the site for urban purposes to affect any nearby agricultural uses.

The outcome of the above reviews suggest that the site could only be suitable low yield agricultural uses due to landform and proximity established urban land uses that would contribute to amenity impacts. As such, based on the current zoning the site would continue to be used primarily for rural residential purposes or remain vacant.

The "agricultural" uses identified to be operating close to the site include commercial nurseries, a Christmas tree farm and a flower farm. These uses do not present any potential significant amenity or health risks to future residents on the site. There are no dairy or poultry sheds located within the 500 metres and one-kilometre buffers required by these land uses and as indicated above, they are unlikely to establish due to the proximity of existing residential properties and the urban fringe.

The future use of the site for rural purposes is considered limited due to the following key considerations:

- The site is bookended by urban development. The "infill" of this area reflects a logical extension of existing urban areas on land that has otherwise been deemed unsuitable for meaningful agricultural purpose.
- The topography of the site limits the nature of agricultural uses which could be applied to the site. This environmental factor may reduce any potential income generated, putting into question the viability of operating the property as an agricultural enterprise.

- The proximity of the site to adjacent sensitive land uses such as the Dural Public School impacts on the useable areas available within the site for agricultural purposes.
- There is demand for additional housing in the Dural area and there is an identified market gap for “downsizers” and young families who do not want to leave the Dural area. The Planning Proposal will facilitate a modest level of residential development to meet local demand and increase local housing choice.
- During the preparation of the 2016 Planning Proposal, Council indicated that a new bypass road running east-west through the site would reduce existing traffic congestion through Round Corner. Infrastructure upgrades such as this would not only alleviate existing traffic issues but would service any future residential activities on the site. That concept forms part of the Planning Proposal and master planned layout the design of which has been endorsed by Schools Infrastructure.

The increasing urbanisation of the area driven by demand, recent development approvals and proposed significant amendments to the zoning of adjacent land indicates that the likely future use of land immediately adjacent and surrounding the site is for urban purposes.

As a consequence of established urban land uses to the north, south and east of the site there is limited viability for rural uses within the area and the site is unlikely to constrain or threaten any operating intensive agricultural uses due to distance and separation.

The development of the indicative masterplan and broader zoning options were informed and are supported by a range of technical studies and an Urban Design Report. The outcome of which supports the logical expansion of Dural rural village, demonstrating compatibility of future land use zones (on land not included in this request) and a suitable urban layout and form that accommodates future road connections.

Q4. *Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?*

Yes. The Planning Proposal is consistent with the following endorsed local strategic plans:

- Hills Future 2036: Local Strategic Planning Statement (as detailed in **Table 8**)
- Housing Strategy – The Hills Shire Council (as detailed in **Table 9**)

Table 8 Consistency with Hills Future 2036

Planning Priority	Consistency
P4: Retain and manage the Shire's rural productive capacity	<p>Planning Priority 4 aims to give effect to the District Plan Priority 18 – ‘Better manage rural areas’ and seeks to maintain the desired character of rural lands when considering future rural subdivision and dwellings. The site does not have rural productive capacity. Specifically, the Economic Impact Analysis supporting the Planning Proposal states the following regarding the agricultural capacity of the site:</p> <ul style="list-style-type: none"> ▪ The site is relatively small in scale for agriculture at 12.8 hectares. ▪ The historic agricultural use of the subject site was as a peach orchard, which ceased operation in mid-2014. ▪ Topography and slope maps of the subject site show that the subject site does not have a uniform slope (with some slopes over a 20% gradient), while also comprising strong crossfall ridgelines. ▪ When assessed against the NSW land classifications the site does not uniformly fit into Classes 1 to 3, which are the more suitable classes for agricultural uses. It instead mostly aligns with Class 4 which fits into the broader category of land not being capable of being regularly cultivated.

Planning Priority	Consistency
	<ul style="list-style-type: none"> ▪ The potential gross margins per hectare (GM/Ha) of the site (as per the NSW DPI) indicate the potential agriculture uses on the site (which are at the lower range of indicative gross margins) are not financially sustainable. ▪ The site is not suitable for agricultural purposes due to its location adjacent to an existing primary school and rural residential dwellings. Sensitive land uses and human receptors are present within a 1km radius of the site, 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. ▪ Other key barriers to agricultural pursuits include climate change (rising temperatures and lower rainfall) and the protected vegetation of surrounding landholdings preventing the possibility of the site expanding its size to achieve a larger land holding to facilitate a form of agriculture production.
<p>P6: Plan for new housing to support Greater Sydney's growing population</p> <p>P7: Plan for new housing in the right locations</p> <p>P8: Plan for a diversity of housing</p>	<p>Planning Priority 6, 7 and 8 aim to give effect to the District Plan Priority 5 – 'Providing housing supply, choice and affordability, with access to jobs, services and public transport'. Consistency with the District Plan is addressed in Table 6.</p>
<p>P9: Renew and create great places</p>	<p>Planning Priority 9 aims to give effect to District Plan priority B6 – 'Creating and renewing great places and local centres and respecting the District's heritage.'</p> <p>The Planning Proposal respects and will not impact upon items of local heritage in proximity to the site. The Urban Design report includes a master planned subdivision layout that reflects the site opportunities, that integrates into the landscape and locality and will provide an economic boost to the Dural village and introduce new population base to support the adjacent Durl Public school which has capacity to accommodate increased student number. The masterplan has taken a site-specific approach to planning, reviewing the actual local characteristics and infrastructure needs of the place, and proposing mechanisms to secure needed public benefits of the community early, while respecting the desired low-density character of the area.</p>
<p>P11: Plan for convenient, connected and accessible public transport</p>	<p>Planning Priority 11 seeks to give effect to the District Plan priority C1 – 'Planning for a city supported by infrastructure' and respond to the Region Plan with growth and adapts to meet future needs.</p> <p>The site is readily accessible via public transport, with regular bus services available along Old Northern Road. These bus services provide connections south to Castle Hill and Cherrybrook Metro stations as well</p>

Planning Priority	Consistency
	as Pennant Hills train station. Pennant Hills train station is located on the T9 Northern Line which provides connections to Sydney CBD. The 620X and 642X bus routes provide alternative connections for commuters travelling to Sydney CBD including Wynyard and Town Hall. These services provide excellent connections for residents to access essential services, jobs and education.
P15: Provide new and upgraded passive and active open spaces	The Planning Proposal delivers new public open space (4,000m ²) fronting Derriwong 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. In addition, the public benefit offer includes a contribution towards the provision of active regional open space facilities.
P16: Manage and protect the rural/ urban interface	<p>Planning Priority 16 aims to give effect to Plan Priority C18 of the District Plan – ‘Better managing rural areas.’ As shown in Figure 18, the site is not located near any existing productive land.</p> <p>The District has two agricultural clusters: a multiuse cluster horticulture (vegetable and tree fruits) at Maroota; and part of the multi-use cluster horticulture (vegetable and tree fruits) at Middle Dural, Galston and Arcadia (within the North District). The Maroota productive cluster is located approximately 30km north of the site while the closest cluster (Middle Dural) is located approximately 7km north of the site. The Planning Proposal will not threaten the viability of these areas.</p> <p>The Planning Proposal is not transformational. Rather it is modest in scale and not intended to facilitate ‘regional or district-scale demand for residential growth’. When considering the character and function of the land surrounding the site, it is not appropriate to characterise the locality being of high ecological value nor one that supports active or intensive agricultural land uses.</p> <p>The Planning Proposal supports this priority of the District Plan, by proposing a scale of development that can deliver significant public benefits in a low-density configuration that does not conflict with a desired transition to and retention of the viable agricultural rural lands north of Dural.</p>

Table 9 Consistency with Housing Strategy – The Hills Shire Council

Planning Priority	Consistency
<p>Plan for new housing to support Greater Sydney’s growing population</p> <p><i>Relating to Planning Priority 6 in Hills Future 2036</i></p>	<p>This Planning Priority identifies the challenge of matching housing growth with infrastructure as current funding mechanisms do not allow upfront delivery of local facilities. The Planning Proposal provides a unique opportunity for infrastructure improvements in proximity to the Dural Public School and existing village centres.</p> <p>The Planning Proposal will deliver small scale in fill housing adjacent to Dural Village which caters for local housing demand. The proposal</p>

Planning Priority	Consistency
	addresses the need for infrastructure to support housing growth through a public benefit offer which includes delivering new public open space (4,000m ²) fronting Derriwong Road directly adjacent to the Dural Public School which would be available to both the school as well as the broader community. The public benefit offer also proposes improvements to the local road network around the public school which will facilitate a future bypass of The Round Corner local centre and incorporates a new drop-off and pick-up zone for the public school. The low-density residential development will also be accompanied by the provision of or augmentation to water, sewerage and electricity services to meet the needs of the proposed 110 allotments and sewer services will be extended to the school site boundary enabling the school to connect at a future time.
Plan for new housing in the right locations <i>Relates to Planning Priority 7 in Hills Future 2036</i>	<p>The Planning Priority states that “<i>creating capacity for new housing in the right locations is about optimising existing infrastructure and maximising investment in new infrastructure.</i>” As outlined above, the Planning Proposal seeks to invest in infrastructure improvements to create capacity for new housing.</p> <p>The site’s physical characteristics being peri-urban, make it suitable to support low density residential development that is able to maximise use of existing infrastructure and proposed infrastructure improvements as part of the Planning Proposal.</p>
Plan for diversity of housing <i>Relates to Planning Priority 8 in Hills Future</i>	<p>The Planning Priority states that planning for housing needs to consider the type of dwellings required to respond to expected changes in household structures and demographics. 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 local demographic groups. The proposed 110 lot subdivision is supported by the market with the larger lots to fill a gap in the market for larger residential lots for local families.</p>
Renew and create great places <i>Relates to Planning Priority 9 in Hills Future</i>	<p>The site is identified as RU6 Transition Land and is located beyond the Urban Growth Boundary. However, the residential nature which characterises the surrounding locality and the separation to agricultural land uses some 30 km to the north of the site supports a change from the existing RU6 Transition zoning.</p> <p>The proposed R2 Low Density Residential zoning and minimum lot sizes will provide a scale of development which is aligned with The Hills Shire Rural Strategy and the existing surrounding context, including lot sizes within the RU5 Village zoned land to the immediate north east of the site.</p>
Provide social infrastructure and retail services to meet resident’ needs.	<p>The site is uniquely positioned adjacent to the existing Dural Public School. The proposed residential lots, along with the infrastructure improvements that directly benefit the school, will encourage and social interaction within the locality.</p>

Planning Priority	Consistency
<i>Relates to Planning Priority 10 in Hills Future</i>	

Q5. *Is the planning proposal consistent with applicable State and regional studies or strategies?*

Yes. The Planning Proposal is consistent with the Future Transport Strategy 2056. The Strategy outlines the vision to grow the Greater Sydney and regional NSW road networks with a key focus on providing better road connections between regional NSW and key centres.

The Planning Proposal includes a public benefit offer that proposes improvements to the local road network around the public school which will facilitate a future bypass of the Round Corner local centre and incorporates a new drop-off and pick-up zone for the public school that will ease road congestion along Old Northern Road. The Planning Proposal is consistent with the principles of the District and Region Plan which permits well planned limited expansion of rural villages. The proposal therefore meets the desires of the Strategy in actively providing a solution to foster improved connections.

Q6. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

Yes. The Planning Proposal is consistent with relevant State Environmental Planning Policies (**SEPPs**), as demonstrated in **Table 10** below.

Table 10 Consistency with State Environmental Planning Policies

SEPP	Consistency
<i>State Environmental Planning Policy (Housing) 2021</i>	<p>The objective of the <i>State Environmental Planning Policy (Housing) 2021 (Housing SEPP)</i> is to incentivise the supply of affordable and diverse housing in the right places.</p> <p>While the Planning Proposal will deliver a modest increase in housing to meet local demand with a greater diversity of form, it does not rely upon the provisions of the Housing SEPP.</p>
<i>State Environmental Planning Policy (Industry and Employment) 2021</i>	<p>Assessment of compliance with the relevant provisions of this SEPP as they relate to advertising and signage are appropriately addressed as part of future development applications.</p>
<i>State Environmental Planning Policy (Resilience and Hazards) 2021</i>	<p>Chapter 4 of the SEPP sets out the statutory planning framework to manage the remediation of contaminated land. In the context of a development application a consent authority is required to consider whether land is contaminated and if it is contaminated whether the site can be made suitable for the proposed development prior to granting development consent.</p> <p>The Detailed Site Investigation prepared by JBS&G Consulting (refer to Appendix G) demonstrates that there is an absence of gross or widespread contamination and therefore, the requirements of the DUAP/EPA (1998) for this type of rezoning are considered to have been satisfied and can proceed, provided that measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detailed proposals are made.</p>

SEPP	Consistency
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	The Planning Proposal does not contain provisions that would contradict or hinder the application of this SEPP.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The SEPP provides a consistent planning regime for the provision of infrastructure and services and prescribes requirements for consultation with relevant public authorities during the development application assessment process. Some provisions of the SEPP will be applicable to any infrastructure works associated with physical development of the site and the assessment of the development applications for example the provisions of Division 17 of Part 2 of the SEPP as it relates to the delivery of roads and road infrastructure.
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	The provisions of the SEPP will be addressed in a future development application. The Ecological Assessment (refer to Appendix C) prepared to support the Planning Proposal has demonstrated that there are no areas of biodiversity significance on the site.
<i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>	<p>The SEPP supports the <i>Environmental Planning and Assessment Regulation 2021</i> to encourage the delivery of sustainable residential development. The SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>Demonstration of achieving the sustainability outcomes is required at future development application stage.</p>
<i>State Environmental Planning Policy (Primary Production) 2021</i>	<p>This Policy aims to facilitate the orderly economic use and development of lands for primary production, reduce land use conflicts by balancing primary production, residential development and environmental constraints and values.</p> <p>The proponent has submitted that the site has minimal capacity to accommodate agricultural uses as outlined in the Economic Impact Assessment provided at Appendix E.</p>
<i>State Environmental Planning Policy (Primary Production and Rural Development) 2019</i>	<p>This Policy aims to facilitate the orderly economic use and development of lands for primary production, reduce land use conflicts by balancing primary production, residential development and environmental constraints and values.</p> <p>The site has minimal capacity to be used for primary production purposes due to topography, land size and proximity to the Dural Public School.</p>

Q7 *Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?*

Yes. The Planning Proposal is consistent with relevant Ministerial directions under section 9.1 of the EP&A Act as identified and summarised in **Table 11**.

Table 11 Consistency with Section 9.1 Directions

Local Planning Directions	Assessment	Consistency
Focus area 1: Planning Systems		
1.1 Implementation of Regional Plans	The proposal is consistent with the land use strategy, goals, directions and actions contained within the Central District Plan as discussed within Question 3.	Yes
1.2 Development of Aboriginal Land Council Land	The site is not identified within the land application area of the <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> . Not applicable to this Planning Proposal.	N/A
1.3 Approval and Referral Requirements	This direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The relevant requirements of this direction have been considered in the preparation of this Planning Proposal and proposed LEP amendments.	Yes
1.4 Site Specific Provisions	The objective of the direction is to discourage unnecessarily restrictive site-specific planning controls. This has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the THLEP 2019. Where appropriate, site-specific provisions are supported by a draft site-specific DCP which provides guidance for future development on the site.	Yes
1.4A Exclusion of Development Standards from Variation	Not applicable to this Planning Proposal.	N/A
Focus area 1: Planning Systems – Place-based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable to this Planning Proposal.	N/A
1.6 Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable to this Planning Proposal.	N/A
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land	Not applicable to this Planning Proposal.	N/A

Local Planning Directions	Assessment	Consistency
Use and Infrastructure Implementation Plan		
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable to this Planning Proposal.	N/A
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable to this Planning Proposal.	N/A
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable to this Planning Proposal.	N/A
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable to this Planning Proposal.	N/A
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable to this Planning Proposal.	N/A
1.14 Implementation of Greater Macarthur 2040	Not applicable to this Planning Proposal.	N/A
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable to this Planning Proposal.	N/A
1.16 North West Rail Link Corridor Strategy	Not applicable to this Planning Proposal.	N/A
1.17 Implementation of the Bays West Place Strategy	Not applicable to this Planning Proposal.	N/A
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable to this Planning Proposal.	N/A
1.19 Implementation of the Westmead Place Strategy	Not applicable to this Planning Proposal.	N/A
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable to this Planning Proposal.	N/A
1.21 Implementation of South West Growth Area Structure Plan	Not applicable to this Planning Proposal.	N/A

Local Planning Directions	Assessment	Consistency
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable to this Planning Proposal.	N/A
Focus area 2: Design and Place		
Focus area 3: Biodiversity and Conservation		
3.1 Conservation Zones	The Ecological Assessment (refer to Appendix C) prepared to support the Planning Proposal has demonstrated that there are no areas of biodiversity significance on the site.	Yes
3.2 Heritage Conservation	<p>There are no local or state heritage items located within the precinct. The Planning Proposal is consistent with the Ministerial Directions and does not seek to remove existing provisions to protect items of environmental heritage. A Heritage Impact Statement is provided at Appendix F to demonstrate that new low-density housing on the site would not adversely impact the significance of heritage items in the locality.</p> <p>An Aboriginal Archaeology Assessment has been prepared by Kelleher Nightingale Consulting Pty Ltd (refer to Appendix N) to ensure that any future development of the site has considered any items of Aboriginal significance within the site.</p>	Yes
3.3 Sydney Drinking Water Catchments	Not applicable to this Planning Proposal.	N/A
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable to this Planning Proposal.	N/A
3.5 Recreation Vehicle Areas	Not applicable to this Planning Proposal.	N/A
3.6 Strategic Conservation Planning	Not applicable to this Planning Proposal.	N/A
3.7 Public Bushland	Not applicable to this Planning Proposal.	N/A
3.8 Willandra Lakes Region	Not applicable to this Planning Proposal.	N/A
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable to this Planning Proposal.	N/A

Local Planning Directions	Assessment	Consistency
3.10 Water Catchment Protection	Not applicable to this Planning Proposal.	N/A
Focus area 4: Resilience and Hazards		
4.1 Flooding	Not applicable. The site is not identified as flood prone land under any SEPP or LEP.	N/A
4.2 Coastal Management	Not applicable to this Planning Proposal.	N/A
4.3 Planning for Bushfire Protection	Future development is capable of achieving adequate protection in accordance with the guidelines Planning for Bushfire Protection. A detailed bushfire assessment has been undertaken and is provided at Appendix D . The master planned subdivision layout has been prepared having regard to the assessment.	Yes
4.4 Remediation of Contaminated Land	The DSI prepared by JBS&G Consulting (Appendix G) demonstrates that there is an absence of gross or widespread contamination and therefore, the requirements of the DUAP/EPA (1998) for this type of rezoning are considered to have been satisfied and can proceed, provided that measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detailed proposals are made.	Yes
4.5 Acid Sulfate Soils	As stated in the DSI (Appendix G), the probability of acid sulfate soils on site is low.	Yes
4.6 Mine Subsidence and Unstable Land	Not applicable to this Planning Proposal.	N/A
Focus area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	The Planning Proposal seeks to permit low density residential development in a way that is consistent with the Ministerial Direction. A detailed Urban Design Report (refer to Appendix A) has been prepared and provides an appropriate urban structure and form to support the residential development that is close to public transport routes along Old Northern Road and is located in close proximity to the Dural village centre and will have access to the range of services and facilities available in the Round Corner retail and commercial precincts. All future residents are located within a 400m walking catchment of bus	Yes

Local Planning Directions	Assessment	Consistency
	stops along Old Northern Road that connect to large urban centres such as Castle Hill.	
5.2 Reserving Land for Public Purposes	This Planning Proposal is consistent with this direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.	Yes
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable to this Planning Proposal.	N/A
5.4 Shooting Ranges	Not applicable to this Planning Proposal.	N/A
Focus area 6: Housing		
6.1 Residential Zones	<p>The Planning Proposal is consistent with the Direction as outlined below.</p> <p>The Planning Proposal would facilitate an additional 110 residential lots ranging from 600m² to 2,000m². The Proponent has completed residential market analysis as part of their supporting material for the planning proposal, to demonstrate that the proposed residential development is consistent with market trends.</p> <p>The Planning Proposal has demonstrated that existing infrastructure can with augmentation if required support the proposed residential development on the site. This is documented in the following assessments which accompanied the planning proposal as follows:</p> <ul style="list-style-type: none"> ▪ Preliminary Infrastructure Review, Group Development Services (GDS), Version 2, 6th September 2022 ▪ Traffic Impact Assessment, SCT Consulting, Version 1, 26th August 2022. <p>As evidenced through the DUCCA and the technical assessments submitted with the Planning Proposal, the site is physically and environmentally capable of accommodating low density housing including consideration of bushfire protection, protection of ecology and biodiversity, and consideration of slope, geotechnical and potential contamination constraints.</p> <p>When considering the actual identity, character and function of the land surrounding the site, it is not appropriate to characterise the locality as having a</p>	Yes

Local Planning Directions	Assessment	Consistency
	rural character nor as viable agricultural land. The existing urban uses within close proximity of the site, including the Dural public school, precludes the use of the site for economically viable agricultural uses. Further, more intensive rural and agricultural operations in nearby rural zones are already restricted by the existence of schools, residential dwellings (including heritage-listed dwellings), and commercial businesses in the locality.	
6.2 Caravan Parks and Manufactured Home Estates	Not applicable to this Planning Proposal.	N/A
Focus area 7: Industry and Employment		
7.1 Business and Industrial Zones	Not applicable to this Planning Proposal.	N/A
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable to this Planning Proposal.	N/A
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable to this Planning Proposal.	N/A
Focus area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable to this Planning Proposal.	N/A
Focus area 9: Primary Production		
9.1 Rural Zones	The nature and intensity of remnant scattered agricultural uses in the broader Dural locality suggests that the existing RU6 Transition zoning is not appropriate if the intention is to protect the land for agricultural purposes. This Planning Proposal will not create a precedent for wholesale change but rather support a logical expansion of the Dural village.	Yes
9.2 Rural Lands	It is not appropriate to characterise the locality as one that supports primary agricultural production, rural or extractive industries. The existing urban land uses activities within close proximity of the site, including the adjacent Dural public school, the size, configuration and topography of the site precludes the use of the site for economically viable	Yes

Local Planning Directions	Assessment	Consistency
	agricultural uses. Further, more intensive rural and agricultural operations in nearby rural zones are already restricted by the existence of schools, residential dwellings (including heritage-listed dwellings), and commercial businesses in the locality.	
9.3 Oyster Aquaculture	Not applicable to this Planning Proposal.	N/A
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable to this Planning Proposal.	N/A

6.3.3. Section C – Environmental, Social and Economic Impact

Q8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

6.3.3.1. Ecology

Kingfisher Australia has undertaken an Ecological Assessment of the site and broader locality (refer to **Appendix C**), including an on-ground survey that took place on 1 August 2022, to determine the likelihood, presence and absence of critical habitat, threatened species or populations or ecological communities or their habitats.

The ecological assessment was based on preliminary desktop searches and follow-up site surveys the confirmed the presence of the following surrounding the site:

- Two plant community types (**PCT**) were identified, including:
 - Northern Foothills Blackbutt Grassy Forest, listed an Endangered Ecological Community (**EEC**) under the *Biodiversity Conservation Act 2016*
 - Sydney Turpentine Ironbark Forest listed an Endangered Ecological Community (**EEC**) under the *Biodiversity Conservation Act 2016* and critically endangered under the *Environmental Protection and Biodiversity Conservation Act 1999*.
- Due to the lack of important habitat features (i.e. hollow-bearing trees and intact native vegetation) the subject site is unlikely to support significant habitat for threatened fauna species.
- No threatened flora species were recorded within the subject site during the field surveys. Furthermore, threatened flora are considered unlikely to occur within the subject site, due its predominately disturbed nature and thereby lack of potential habitat.
- The potential for the following fauna species to be present:
 - Highly mobile micro bats and bird species; and
 - The potential presence within the study area of a threatened invertebrate *Pommerhelix duralensis* (Dural land snail)

The distribution of the two plant community types (**PCTs**), combined with broader vegetation mapping for the sites and the broader locality is shown in the assessment.

It is evident from the vegetation map that the surveyed areas of ecological sensitivity are small patches that are highly fragmented and located within large and expansive areas of highly modified and altered landscapes dominated by exotic vegetation species. Kingfisher Australia has concluded that both EECs surveyed on site are in “poor condition”.

An attempt will be made for trees and vegetation along Derriwong Road to be retained. This can be worked with at the time of development application submission.

Removal will be restricted to include only the trees which are affected by the development footprint. Trees are typical of the community PCT 3250 and PCT 3262 and thus part of the Endangered Community. The potential impact on these trees would be assessed under a biodiversity assessment report at development application stage. That report may either follow the lines of a scattered tree assessment or the assessment of the patch of trees and land under the standard biodiversity assessment method.

Kingfisher recommend that offset planting occur on site post development and species should be selected from the local PCTs. A vegetation management plan would accompany the development application.

Based on the assessment the potential for the rezoning and future redevelopment to adversely affect fauna species is considered low, owing to the limited habitat value of the site.

The survey of the site identified extensive and dominant presence of exotic flora species combined with a lack of structural complexity within the vegetation surveyed (i.e., no canopy, mid and ground cover storey) reducing the availability of faunal habitat in the form of hollow bearing trees, leaf litter and woody debris.

Fauna identified as present or likely to be present by Kingfisher is unlikely to be adversely affected by the Planning Proposal, on the basis of the following:

- The site does not contain forest habitat to support the presence of the *Meridolum Cornerovirens* (Cumberland Plain Land Snail) and *Pommerhelix duralensis* (Dural land snail) and it is therefore considered unlikely to be present within the site.
- Roosting or foraging by highly mobile micro bats and birds is potentially limited by the significantly low number of trees present on the site. Particularly when viewed in the context of the large expanse of continuous trees and habitat to the south and southwest of the site along O'Hara Creek.

It is reasonable to conclude that where the potential for impact has been identified that there are suitable means and options for managing and potentially overcoming the effects of future redevelopment.

Q9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The preparation of the Planning Proposal to rezone the land has considered the potential effects of the proposal on the following environmental matters:

- Urban Design and Built Form;
- Land use interfaces;
- Heritage;
- Traffic and Transport;
- Water Quality;
- Bushfire; and
- Site Contamination.

6.3.3.2. Urban design, layout, and form

An Urban Design Report has been prepared by Urbis and provided in **Appendix A** which identifies:

- A future potential urban layout and form, including street network and subdivision pattern.
- Building footprint, open space and public domain areas and pedestrian/cycle linkages.
- Proposed building mass and heights.
- Street setbacks.

The detailed Urban Design Report outlines the design approach to the development at precinct and development site level to demonstrate the capability of the site and the potential connectivity to and consistency with the broader area.

The residential subdivision plan responds to the existing site context and topography, in addition to facilitating future connections within the site and to surrounding sites. As detailed below, the subdivisional plan and landscaping treatments have been designed to ensure high levels of future residential amenity and to be an extension of Dural village.

Land use distribution

The Planning Proposal will deliver 110 low density residential lots with a local park at the heart of the site. It provides a combination of lot typologies including large lots (2,000m²) situated along Old Northern Road which makes up 2.7% of the dwelling mix, medium lots (1,000m²) distributed along Derriwong Road which makes up 13.6% of the dwelling mix, and standard lots (600m²) distributed to the remainder of the Site which makes up 83.6% of the dwelling mix. This is to allow for a range of housing types, whilst remaining consistent with the peri urban nature of the locality. The 4,000m² new local park is to be located at the centre of the site and situated next to Dural public school.

Access and movement

The Planning Proposal seeks to provide local and regional road network upgrades through an access and movement strategy which will deliver the following:

- A local collector road with two roundabouts to provide connection between Old Northern Road and Derriwong Road with the proposed local road reservation for the future bypass corridor.
- A new intersection is proposed at Old Northern Road and future bypass road subject to the requirements of TfNSW.
- SP2 zoning along the Old Northern Road is proposed to allow for a future road widening.
- A 'drop-off and pick-up' zone adjacent to the school to alleviate road congestion during drop off and pick up times.
- Local streets through the site to provide connection to residential lots with multiple access points.
- Pedestrian links between local roads to Old Northern Road and through the local park in the centre.

The outcome of the access and movement strategy can be seen in the Urban Design Report provided at **Appendix A**.

The following street widths have been adopted to reinforce street hierarchy:

- Bypass corridor and reserve: 32m
- Local Street: 15.5m

Building Heights

The proposed 9-metre building height retains and reinforces the local character of existing low-density housing within the adjacent urban areas.

Open Space and Public Domain

The key open space public domain outcomes for the site includes:

- A 4,000m² local park situated at the centre and flattest land of the site to be accessible to the community.
- Two pedestrian through-site links including to the north-eastern corner of the site providing connection to Old Northern Road and between Derriwong Road, Dural Public School and the southern residential lots through the local park.
- Two stormwater basins situated along the western boundary and to the south of the site with an area between 1,200m² – 1,500m² for each.

6.3.3.3. Development on Sloping Land

In response to the Panel's recommendations, additional urban design and engineering analysis was undertaken to refine the 2024 Concept Layout. This process involved testing various subdivision and road layout options to identify a design that responds sensitively to the site's natural topography, minimises the extent of earthworks, and achieves high-quality built form outcomes consistent with the character of the area.

The site features moderate slopes of 6–9%, which are typical for new residential subdivisions and not considered a significant constraint to development. The refined layout adopts a comprehensive and context-sensitive planning approach that integrates with the natural landform and surrounding locality.

Key outcomes of the updated layout include:

- **Balanced Earthworks:** Cut and fill operations are generally limited to ± 1 m, with deeper excavation only in localised areas such as existing depressions or where removal of man-made structures (e.g. a dam and retaining wall) is required.
- **Responsive Lot Distribution:** Larger and medium-sized lots are located on steeper parts of the site to reduce excavation and accommodate level changes more efficiently. Smaller lots are concentrated in flatter areas to enable a more efficient subdivision pattern.
- **Strategic Retaining Strategy:** Select split-level lots and the use of landscaped retaining walls ensure sensitive transitions across the site, support appropriate grading, and minimise visual impacts.
- **Landscape Integration:** The layout responds to the site's west-southwest fall toward O'Hara's Creek, with natural drainage corridors and existing vegetation retained where possible to enhance visual amenity and reduce cut-and-fill requirements.
- **Public Realm and Liveability:** A centrally located public park provides a focal point for recreation, links to the adjacent school, and reinforces the site's landscape character.
- **Road Design and Access:** Proposed roads and driveways align with the natural slope to reduce grading, while lot orientation maximises solar access and enhances residential amenity.
- **Boundary Interface:** Where level transitions to adjoining properties cannot be matched, stepped sandstone retaining walls will provide a functional and visually integrated interface fully contained within the site boundary.

The revised layout has been further supported by slope and visual analysis (refer **Figure 19**), which demonstrates that the subdivision has been shaped to respect the site's terrain, avoid excessive landform alteration, and protect the locality's semi-rural character. The natural woodland setting, including dense riparian vegetation and established trees on neighbouring properties, provides a green buffer that visually screens the development and reduces its impact on surrounding areas.

To guide future built form outcomes and ensure consistency with the subdivision's intent, a draft site-specific DCP has been prepared. This will support delivery of a cohesive residential neighbourhood that respects the natural terrain, enhances landscape character, and aligns with Council's vision for the transition area.

Figure 19 Slope Analysis



Source: Design + Planning, 2025

6.3.3.4. Engineering Considerations

Due to the site's natural sloping topography, the revised indicative layout plan (**Figure 12**) has been designed to gradually step down from Old Northern Road to Derriwong Road. To achieve a well-integrated and functional outcome, careful engineering and site design considerations will be implemented with design guidance provided in a site specific DCP.

Dwellings will be strategically sited to follow the natural contours of the land, minimising the need for significant finished lot modifications. Where site gradients would otherwise require excessive excavation or fill, alternatives to slab-on-ground construction will be encouraged. These alternatives include:

- bearer and joist construction,
- deepened edge beams,
- split-level house designs, and
- suspended slab construction.

For lots with ultimate grading exceeding 10%, buildings will be stepped or split into the slope or utilise localised excavation and suspended floors to manage level changes, reducing the need for extensive cut and fill. Additionally, proposed split-level lots will require a Building Envelope Plan (**BEP**) to ensure appropriate design integration.

The site's topography is not considered a significant constraint, to residential development, except for localised areas where existing topographical features require greater variance to achieve suitable grading outcomes. Excavation and filling will be minimized to preserve the site's natural stability and visual character.

Cut and fill will generally be limited to $\pm 1\text{m}$ of existing levels, except in localised areas. Similarly, retaining walls will be less than 1.5 metres; however, tiered or split retaining walls along rear boundaries may be considered, subject to a BEP. Retaining walls along development boundaries will be designed to accommodate existing vegetation and neighbouring site levels, ensuring a sensitive and cohesive integration with the surrounding landscape.

Setback requirements will ensure proper site management, with cut areas set back at least 900mm from property boundaries and fill areas at least 1.5m. Lot grading batters will not exceed a 1:2 (vertical: horizontal)

slope unless geotechnical reports confirm long-term stability. To prevent erosion, both short term and long-term soil stabilization measures will be implemented.

The proposal involves removing two man-made structures, including a dam and retaining wall, that account for the excess fill that needs to be removed from the site. Earthworks will be designed in accordance with best-practice geotechnical and stormwater management principles to ensure long-term stability and minimise erosion risks.

Stormwater and surface water runoff will be carefully managed to prevent redirection onto adjoining properties in a way that could cause nuisance or instability. Drainage solutions will effectively channel water away from cut and fill batters, preserving soil integrity and reducing erosion potential.

Excavations exceeding 1m for driveways or basement garages may be permitted, provided they incorporate appropriate retaining structures and engineered drainage solutions. Additionally, filled areas will be strategically placed to prevent any adverse privacy impacts on neighbouring properties.

Dwellings are to be designed with careful consideration of scale, location, and height to recede into the natural landscape and preserve the visual amenity of the ridgeline. Strategic landscaping and tree planting will be integrated to soften visual impacts, particularly around retaining walls and slope transitions and within the public domain.

Additionally, a geotechnical assessment has informed detailed site grading and foundation designs, ensuring long-term structural integrity and integration with the surrounding landscape.

6.3.3.5. Non-Aboriginal Heritage

The site is located within proximity to environmental heritage items listed under THLEP 2019 and the *Hornsby Local Environmental Plan 2013 (HLEP 2013)* as indicated in the heritage map extract at **Figure 16**.

The proposal will be in keeping with the existing development pattern in the district, whilst not obscuring the historic and rural character of the heritage properties in the vicinity of the site.

A Heritage Impact Statement (HIS) prepared by Urbis (**Appendix F**) has considered the relationship of future built form of the land and relevant heritage items. The HIS addresses all heritage items within proximity to the site. These are summarised in **Table 12**.

Table 12 Summary of Heritage items by LGA

The Hills Shire	Hornsby Council
Item A12 (Archaeological item): Old Northern Road, between Dural and Wiseman's Ferry.	Item 349: Dwellings located at 873 Old Northern Road, Dural

The site also lies within the vicinity of Archaeological item A38, 'Old Northern Road'. However, it is assessed that the proposal would not impact the significance of A38 nor involve any direct works to this item.

The proposed development has been assessed to have no heritage impact on the pertinent heritage significance within the vicinity of the site. The assessment concludes the following:

- The proposed residential development in the vicinity of the listed item will not obscure the historic and rural character the heritage items. Furthermore, the proposed zoning for the area would be in keeping with the existing development pattern in the district.
- The subject site was formed as a part of a series of subdivisions from the mid-late 20th Century. The current allotments do not reflect any heritage significant subdivision patterns. Further subdivision of these allotments would not alter any identified historic subdivision pattern.
- The structures and landscaping elements are remnant features from the mid-late 20th Century. A preliminary assessment of these elements indicates they are not of heritage significance.
- No physical works are proposed to any item of heritage significance. As such, there is no identified risk of harm to Old Northern Road, which is identified in part as an archaeological item under THLEP 2019.

6.3.3.6. Aboriginal Archaeology

An Aboriginal Archaeology Assessment was undertaken by Kelleher Nightingale Consulting Pty Ltd (refer to **Appendix N**). A desktop search of AHIMS records and other databases, a review of previous archaeological investigations and an archaeological field survey was undertaken.

No Aboriginal objects (artefacts) or Aboriginal archaeological sites were identified within the study area. No significant Aboriginal cultural features were identified within the study area on the basis of background information review and heritage register searches.

An assessment of archaeological potential within the study area considered factors including landform context, slope gradient, erosion, solar aspect, distance to water and integrity of the ground surface / assessment of disturbance. The study area is considered to display low archaeological potential due to unsuitable landform (steep slopes) and a long history of land use disturbance. The Assessment concludes that the proposed development of the study area would not impact on any known Aboriginal archaeological heritage objects or sites, potential archaeological deposits or areas of Aboriginal archaeological sensitivity.

6.3.3.7. Traffic and Transport

The Planning Proposal will facilitate the delivery of up to 110 low density residential lots and land for future open space. Delivery of the expanded urban zone will also involve the construction of new road networks and connections to Old Northern Road, altering and contributing to local traffic flows.

A Traffic Impact Assessment has been prepared by SCT Consultants (**Appendix B**) which reviews the potential traffic and transport impacts of the proposal on the surrounding transport networks to inform the suitability of the site for the proposed land use and the offered contributions as part of the planning proposal. This includes an assessment of traffic impacts on road networks, as well as impacts on existing and future pedestrians.

Traffic Volumes

Traffic count data was collected on Old Northern Road outside Dural public school on Thursday 18 August 2022. The peak traffic volumes during the AM and PM periods are summarised in Table 13 below. In both peak periods, the traffic volume in the peak direction approaches 1,000 vehicles per hour, indicating that Old Northern Road is currently close to capacity.

Table 13 Peak traffic volumes on Old Northern Road

Peak Period	Northbound	Southbound	Total
7am to 8am	743	973	1,716
4pm to 5pm	981	768	1,749

Existing Traffic Performance

Base year intersection modelling was completed by AECOM to assess the existing traffic performance of Old Northern Road / Derriwong Road. This modelling was completed using SIDRA 6.1 in 2016 however remains relevant to this Planning Proposal and thus has been included below.

Intersection Level of Service (**LoS**) is a typical design tool used by traffic engineers to identify when roads are congested. The Level of Service as defined in TfNSW Traffic Modelling Guidelines is provided in **Figure 20**.

.

Figure 20 Level of Service Definition

Level of Service	Average delay per vehicle	Performance explanation
A	Less than 14.5s	Good operation
B	14.5s to 28.4s	Good with acceptable delays and spare capacity
C	28.5s to 42.4s	Satisfactory
D	42.5s to 56.4s	Operating near capacity
E	56.5s to 70.4s	At capacity. At signals incidents will cause excessive delays. Roundabouts require another control method.
F	70.5s or greater	At capacity. At signals incidents will cause excessive delays. Roundabouts require another control method.

Source: Roads and Maritime Services (2002), Traffic Modelling Guidelines

Source: SCT Consultants, 2022

Overall, the modelled intersection performance of Old Northern Road / Derriwong Road intersection performs well under traffic conditions observed in 2015.

Figure 21 Base year intersection performance

Intersection	2015 base year traffic performance					
	Delay	LoS	DoS	Delay	LoS	DoS
	Weekday AM Peak			Weekday PM Peak		
Old Northern Rd / Derriwong Rd (Priority intersection)	27.9s	B	0.39	16.3s	B	0.58

Source: SCT Consultants, 2022

Road Network Impacts

The previous assessment completed by AECOM in 2016 was based on a larger development with a yield of 181 lots. This yield has since been reduced to 110 lots and therefore the previous traffic modelling remains valid as a conservative assessment. SCT Consulting has conducted additional analysis to assess the capacity of the Old Northern Road / Round Corner Bypass intersection.

To assess the road network impacts of the development, traffic modelling was undertaken using SIDRA Intersection 9 of the Old Northern Road / Round Corner Bypass intersection. The following scenarios were modelled:

- 2031 Old Northern Road / Round Corner Bypass intersection (signalised)
- 2031 Old Northern Road / Round Corner Bypass intersection (priority)
- Demand sensitivity scenario.

No base year scenario was modelled as no intersection currently exists between the Old Northern Road and the Round Corner Bypass. Results from AECOM's assessment of Old Northern Road / Derriwong Road have also been included in this assessment.

Traffic Growth

The average daily traffic growth along New Line Road has shown little to no growth since 2009 (growth rate of 0%). The previous modelling completed by AECOM utilized a conservative 1.4% growth rate for traffic along Old Northern Road. Intersection performance on Old Northern Road / Derriwong Road worsened due to the increase in traffic demand from background growth.

As a result, infrastructure changes were required to support the increased traffic volumes. A conversion from a priority give-way intersection to a left-in left-out only intersection is suggested. This treatment prevents drivers from travelling southbound along Old Northern Road from Derriwong Road and thus access to the

southbound movement must be replaced. This will be provided by allowing drivers to turn right from Round Corner Bypass onto the southbound direction of Old Northern Road as part of this Planning Proposal.

Trip Generation

The Roads and Maritime's Guide to Traffic Generating Developments: Updated traffic surveys (TDT 2013/04a) were used to determine the trip generation for the proposed development. Overall, less than 110 trips are generated by this development in both peaks, which is less than the 157 PM peak generation assumed by the AECOM assessment.

Trip Distribution

Trip distribution and traffic assignment were determined based on the travel behaviour identified in the Method of Travel to Work data (ABS 2022). As the access to the site is split between Round Corner Bypass and Derriwong Road, the distribution of trips between these two roads is outlined below:

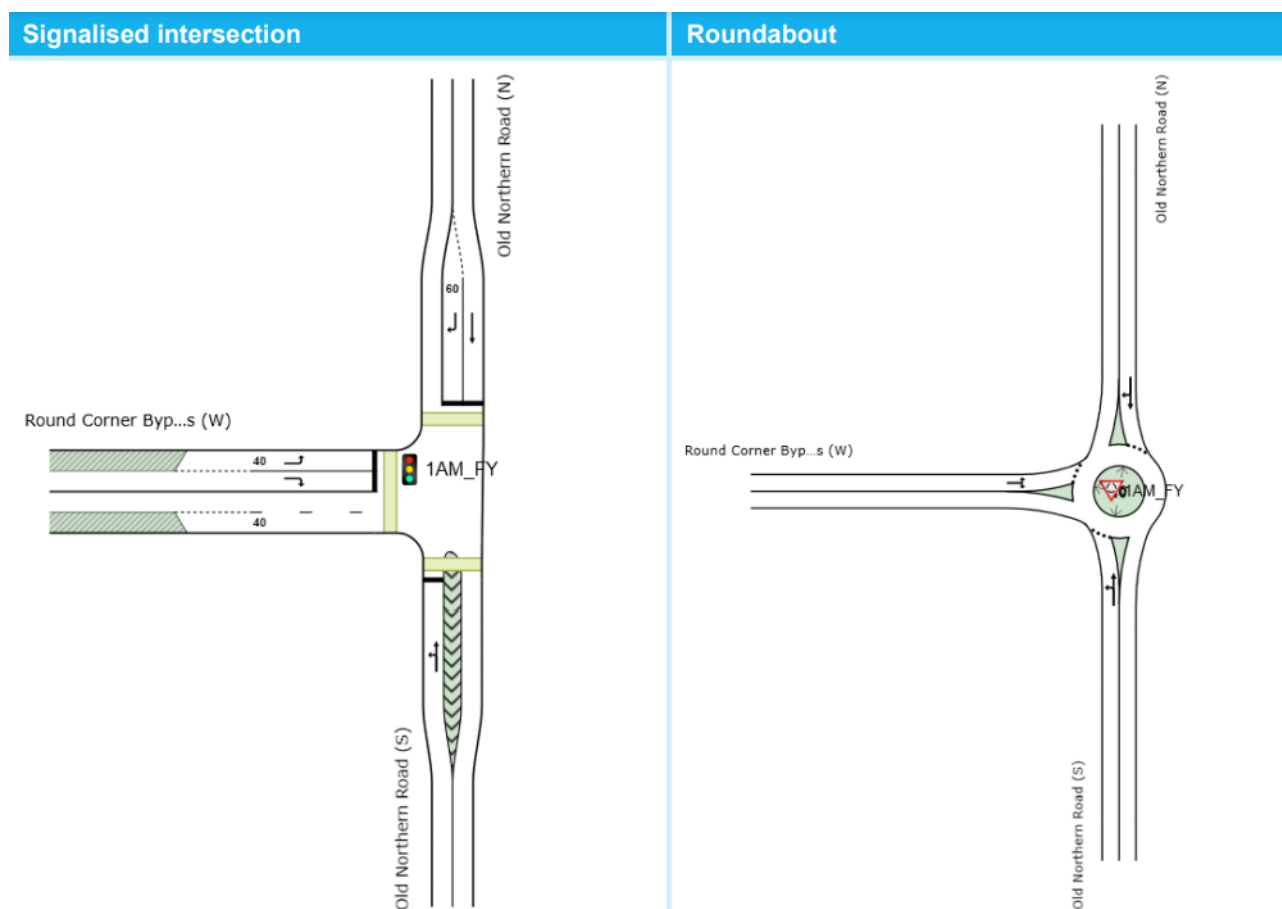
- Old Northern Road – 67% AM and 75% PM
- Derriwong Road – 33% AM and 25% PM

Proposed Intersection Layout

The following layouts were used for the Old Northern Road / Round Corner Bypass intersection. These are indicative layouts for traffic modelling purposes and are subject to the requirements of TfNSW.

The new intersection of Old Northern Road and Round Corner Bypass will perform at Level of Service A as a signalised intersection, however, the traffic conditions expected at this intersection do not meet signal warrant requirements. This development will contribute positively to pedestrian activity, particularly regarding student drop-off and pick-up activities around Dural public school.

Figure 22 SIDRA Intersection Layout



Source: SCT Consultants 2022

Transport and Accessibility

The proposed urban layout and street network has been designed to achieve the following:

- A new road network that supports safe and suitable movement for cars and cyclists,
- Promote an active walking catchment and use of public transport,
- A road layout that supports a high level of permeability and connectivity and safety for vehicles and pedestrians, and
- The majority of the site will be within the 400m catchment of current bus routes operating on Old Northern Road and New Line Road. Therefore, most of the residents will be within a 400m walking distance of an existing bus route linking to surrounding transport hubs.

It is also anticipated that new bus connections to the North West Metro stations will be established that are accessible from the study area. Local and regional road infrastructure is capable of being upgraded to meet the increased demands of additional traffic flows.

Pedestrian Connectivity & Access to the School

To promote walkability and reduce reliance on private vehicles, the revised indicative layout plan proposes dedicated pedestrian pathways that provide safe and direct access to Dural Public School from the proposed local park and the public road networks.

The original layout plan included a pedestrian link along the northern boundary of the site. In response to further design development and consultation, this pedestrian connection has been relocated to the irregularly shaped lot on the southern side of Dural Public School, providing a more direct and accessible connection from the main residential catchment within the site to Old Northern Road and the school entry.

School Safety Assessment

In response to ongoing consultation with SINSW, a Safe System Assessment (refer to **Appendix O**) was undertaken by ARRB to evaluate traffic safety impacts around Dural Public School under existing and proposed road configurations associated with the adjacent residential development.

The assessment compared crash risks under three scenarios:

- Base case (current configuration)
- Option 2B – new local road with a *seagull* intersection
- Option 2A – new local road with a *signalised* intersection

The key findings of the assessment are provided below:

- Current conditions: The main crash risks are head-on collisions due to minimal lane separation and interaction with kerbside parking. Rear-end and sideswipe crashes are also common. Pedestrian facilities are adequate, but risks remain, particularly from vehicles exiting parking spaces into traffic lanes.
- Option 2B (seagull intersection): Reduces risk by relocating the 'kiss and drop' facility to the new collector road and allowing safer turnaround movements. However, it introduces a motorcycle crash risk due to merging at the seagull intersection.
- Option 2A (signalised intersection): Provides the greatest overall reduction in crash risk. Benefits include:
 - Safer intersection movements
 - Lower vehicle speeds
 - No merge risks for motorcycles
 - Improved pedestrian facilities, including for mobility-impaired users
 - Safer, off-main-road 'kiss and drop' zone
- Crash risk summary: Neither Option 2A nor 2B presents high-risk scores (≥ 32) for any of the seven crash types assessed.

- Speed zones: A 30 km/h limit would reduce risk further but is not essential. A signalised intersection delivers greater safety benefit and is a higher priority.

Following completion, the assessment was provided to SINSW in July 2023. SINSW confirmed in-principal support for Option 2A (refer **Appendix P**), resolving the preferred approach for the bypass road.

6.3.3.8. Acoustic Impacts

An Acoustic Assessment has been undertaken by Rodney Stevens Acoustic (**Appendix J**). The assessment included logging unattended noise along Old Northern Road at locations representative of future residential development, incorporating the stipulated 14m site boundary setback. Noise was logged during the day (7am – 10pm) and in during the night (10pm – 7am).

The Australian Standards assign a satisfactorily internal noise level for residential properties as 30 dBA. Contained within the table at **Figure 23** below, is the noise levels predicated at residential facades.

Figure 23 Predicted road noise levels at residential facades

Development site and land use	Setback from boundary, metres	Distance to Old Northern Road, metres	Predicted level at façade, dBA <small>Leq period</small>		Required reduction to meet internal noise goal, dBA
			Day 7am – 10pm	Night 10pm – 7am	
Northern	14	39	63	59	29

As indicated within the above table, the survey locations indicate noise levels above the satisfactory noise goal. The above data represents ambient noise recordings, whereas the noise goal refers to internal areas. The report concludes that the internal noise goal can be met through the following mitigation measures:

- *Ground floor: 1.8 metre solid barrier, such as a Colorbond or a capped-and-lapped fence, on the boundary adjacent to Old Northern Road. Windows are to meet Rw 30 dB, which may be achieved using 6mm single glazing and sufficient seals to meet this rating.*
- *First floor: windows are to have sufficient seals and glazing to meet Rw 35 dB, which may be achieved using a double-glazed construction or 10mm single glazing.*

To provide a better streetscape appearance, the concept includes a landscaped earth mound adjacent to Old Northern Road, and within private property, in lieu of a fence.

6.3.3.9. Bushfire

ELA has undertaken a Bushfire Strategic Study (**Appendix D**) identifying all potential bushfire constraints to the future urban development within the study area, classification of hazard and planning requirements to ensure appropriate management and future asset protection.

In accordance with the NSW Policy of Planning for Bushfire Protection (**BPB**), the predominant vegetation class and effective slope of the site as key indicators of bushfire threat have been determined to establish potential bushfire affectation and risk, expressed as “Bushfire Attack Levels” (**BAL**).

The land, subject of this proposal, has been identified to having a BAL of 29. Within this zone primary focus is given to the protection of buildings from ember attack and burning debris ignited by wind borne embers and radiant heat. Impact may be managed through the establishment of Asset Protection Zones (**APZs**) providing separation between a potential source of fire threat and development.

The findings of this study in relation to the strategic planning principles of PBP indicate that rezoning within the precinct:

- Does not trigger the “inappropriate development” exclusion requirements of PBP.
- That the Acceptable Solution bushfire protection measures within PBP can be met by the future development contemplated and that there is opportunity for protection measures beyond the minimum compliance under PBP.

- Compliance with PBP is not reliant on the intervention/response by emergency services or hazard management on adjoining land.
- The rezoning proposal will not adversely impact the bushfire safety of occupants of nearby existing development and wherever possible, will actually lower the risk.

It is concluded that the Planning Proposal is consistent with Ministerial Direction 4.3 (Planning for Bushfire Protection) issued under section 9.1(2) of the EP&A Act and the requirements of PBP.

6.3.3.10. Hydrology and Water Quality

The Planning Proposal is unlikely to have adverse effects on local or catchment level water quality. Future redevelopment of the site would involve the integration of WSUD elements in accordance with the local development controls and connection of the land to reticulated sewer and stormwater systems.

The combination of these measures would feasibly improve water quality in relation to the removing sources of ground water contaminants (such as on-site effluent disposal systems) and reduce sediment and nutrient loads of run off reaching O'Hara's Creek.

Detailed design of water quality measures would be undertaken as part of a development application following gazettal of the Planning Proposal.

6.3.3.11. Site Contamination

JBS&G Australia Pty Ltd has undertaken DSI for all the individual title lots that make up the site of the subject of this Planning Proposal. Refer to **Appendix G**.

JBS&G recommends that a Hazardous Building Materials Survey (**HBMS**) be completed for all buildings at the site such that appropriate controls can be implemented to prevent contamination during future demolition. A Remedial Action Plan (**RAP**) should also be developed in accordance with the relevant regulatory requirements to address the identified impacts under the proposed land use. It is further recommended that an Asbestos Management Plan (**AMP**) is developed for the site to manage potential asbestos risks consistent with WHS Regulations until such time as the risks are removed.

The DSI concludes that there is an absence of gross or widespread contamination and therefore, the requirements of the DUAP/EPA (1998) for this type of rezoning are considered to have been satisfied and can proceed, provided that measures are in place to ensure that the potential for contamination and the suitability of the land for any proposed use are assessed once detailed proposals are made.

Q10. Has the planning proposal adequately addressed any social and economic effects?

Yes. The Planning Proposal is considered to make a positive social and economic contribution to the immediate locality and broader LGA. The positive implications associated with the amendment and likely future development is outlined in the following section.

The proposal will provide an increase in total dwelling yield and will diversify local housing typologies, contributing to increased housing choice. Residential redevelopment of the site, as facilitated by this Planning Proposal will deliver a number of social and economic benefits including greater housing choice, a new public street network and more pedestrian connections through the area which will encourage a more vibrant and activated public domain generally.

Importantly, the subject Planning Proposal is supported by a meaningful public benefit offer that ensures the development will provide appropriate contributions towards local infrastructure. This includes the provision of a local park, additional pedestrian links to provide permeability for residents, a monetary contribution to Council towards active open space and community facilities, works in kind for the delivery of a local road, and the delivery of stormwater management facilities.

The Planning Proposal will deliver significant social and economic benefits to the community of Dural locality:

- Land dedication and embellishment of 4,000m² of land for use as a local park for the future residents and current school community of Derriwong Public School.
- Delivery of new housing that services local need for different housing types and price points which is supported by infrastructure.
- A new road layout that supports a high level of permeability and connectivity and safety for vehicles and pedestrians including:

- A local collector road with two roundabouts to provide connection between Old Northern Road and Derriwong Road with the proposed local road reservation for the future bypass corridor.
- A new intersection at Old Northern Road and future bypass road to facilitate safe pedestrian access to the school and future residential neighbourhood from Old Northern Road.
- A 'drop-off and pick-up' zone adjacent to the school to alleviate road congestion during drop off and pick up times currently experienced on Old Northern Road.
- Provision of sewer infrastructure up to the boundary of Dural Public School and undergrounding of overhead powerlines across the school site.

The Planning Proposal is accompanied by a public benefit offer to enter into a VPA with the Council to deliver key public benefits.

6.3.4. Section D – Infrastructure (Local, State and Commonwealth)

Q11. *Is there adequate public infrastructure for the planning proposal?*

Yes. The Planning Proposal demonstrates that there are sufficient services and infrastructure to meet the demands arising from the residential use of the site. The following key services and infrastructure are discussed below:

- Public transport;
- Pedestrian and cycle infrastructure;
- Road network and vehicle movement;
- Social infrastructure; and
- Services and utilities.

Public Transport

The site is accessible by regular bus services along Old Northern Road. South bound services connect to Pennant Hills and Castel Hill. North bound services connect to Glenorie. The site is immediately adjacent to the north bound service bus stop. The south bound stops are located on the opposite side of Old Northern Road accessible via the pedestrian over pass or traffic-controlled intersection.

The majority of future residential lots will be within the 400m catchment of current bus routes operating on Old Northern Road and New Line Road. Therefore, most of the residents will be within a 400m walking distance of an existing bus route linking to surrounding transport hubs.

It is also anticipated that the new bus connections to the NWRL stations will be established. As demonstrated within the Planning Proposal, the Local and Regional Road Infrastructure is capable of being upgraded to meet the increased demands of additional traffic flows.

Pedestrian and Cycle Infrastructure

The road network has been designed to integrate with existing and planned pedestrian and cycle infrastructure. Road reserves have nominated widths capable of safely accommodating pedestrian and cycle movements.

Formal pedestrian footpaths are provided along both sides of Old Northern Road, with a pedestrian bridge connecting Dural Public School to the eastern side of Old Northern Road. There is currently no footpath provision on Derriwong Road.

The original layout plan included a pedestrian link along the northern boundary of the site. In response to further design development and consultation, this pedestrian connection has been relocated to the irregularly shaped lot on the southern side of Dural Public School, providing a more direct and accessible connection from the main residential catchment within the site to Old Northern Road and the school entry.

Road Network and Vehicle Movement

The primary point of access for vehicle movement is via Old Northern Road. Old Northern Road has a major role in the local context of the site, with its role as a high frequency bus corridor and provide direct

connection towards major roads and motorway including New Line Road, Windsor Road and M2 Motorway further South.

Dural Public School fronting Old Northern Road is currently restricted to one point of access and servicing. This results in traffic issues on school peak hours and special event days.

Derriwong Road is a local road that connects the site to the south-west of Old Northern Road, servicing primarily large lot residential west of the site and presents the potential to be a key access route to the site in order to divert traffic from Old Northern Road.

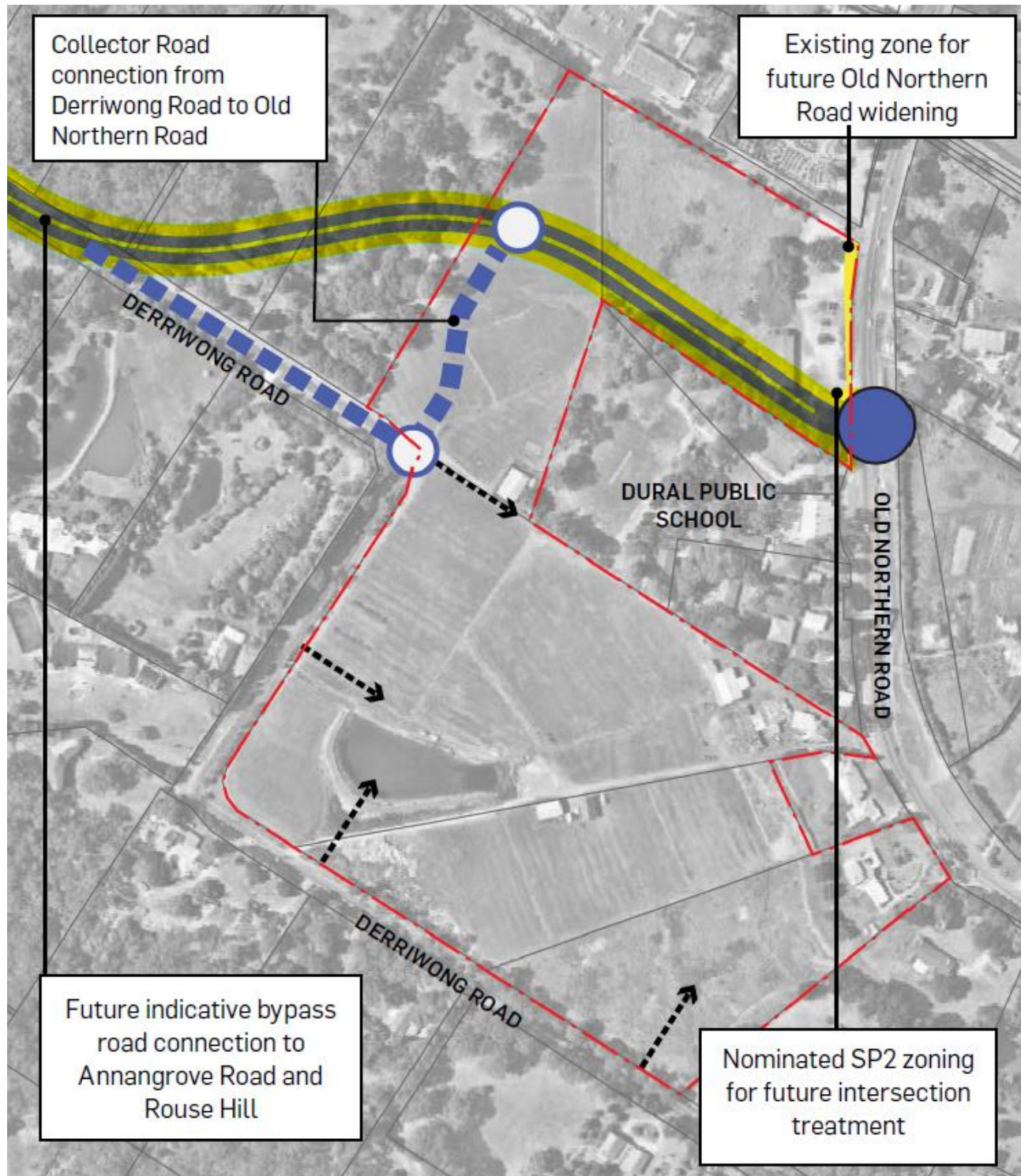
A design lead approach relating to site access and internal access has informed the preparation of the Planning Proposal. The road network has been designed to consider local traffic issues to minimise network congestion and improve local and regional permeability. As such, the Planning Proposal demonstrates that the site can accommodate new road infrastructure which will benefit the broader region.

Future Bypass Road Alignment

Council has identified that a minimum 32m wide road reservation is required to accommodate the future bypass road providing connection between Old Northern Road and Annangrove Road to the West through Derriwong Road. This is proposed to run through Derriwong Road and the site along the northern boundary of Dural Public School, shown in **Figure 24**

A new signalised intersection is proposed at Old Northern Road and future bypass road. Access from Old Northern Road will be provided from the new intersection subject to TfNSW requirements to the northeast corner of Dural Public School.

Figure 24 Bypass Road Alignment



Source: Urbis 2022

Infrastructure and Utilities

Preliminary investigations have been undertaken to determine available service connection points and identify potential service routes (where expended networks are required). These investigations have identified several options for the delivery of services to the land which are currently being discussed with service providers to confirm feasibility and support. The investigations identified the following:

- Water services are available within the area to service the site.

- The land is not presently serviced by sewer mains, existing services south of the site will need to be extended (and potentially) upgraded to support the new residential development.
- Electricity is available to the site; the utility can be upgraded to meet anticipate additional loads.
- Gas is currently available within the area, by Jemena.
- Telecommunications cables are currently available.

The Planning Proposal will therefore require the expansion, augmentation and upgrade to existing public infrastructure, including electricity, telecommunications, sewer and water. Group Development Services have concluded that all the land the subject of the Planning Proposal can be adequately serviced by the necessary infrastructure and utilities.

Social Infrastructure

The Planning Proposal can facilitate the delivery of future open space, including:

- 4,000m² neighbourhood park to be dedicated to the Council; and
- Monetary contribution towards active open space as outlined in the Public Benefit Offer (refer to **Appendix M**).

The delivery of expanded recreational opportunities to the local and wider community is considered to make a positive social impact.

6.3.5. Section E – State and Commonwealth interests

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Appropriate consultation with relevant government agencies would be undertaken by Council following a Gateway Determination. A preliminary list of agencies that would be consulted as part of the exhibition of the proposal is included below.

- Endeavour Energy;
- Telstra;
- Sydney Water;
- Roads and Maritime Services;
- Transport for New South Wales;
- Office of Environment and Heritage; and
- NSW Office of Water.

A final list of all relevant agencies will be determined as part of the Gateway Determination. Following the Gateway Determination, all relevant agencies will be consulted.

The Gateway Determination will advise the public authorities to be consulted as part of the ongoing Planning Proposal process. Any issues raised will be addressed and the Planning Proposal updated as may be required. incorporated into this Planning Proposal following consultation in the public exhibition period.

6.4. PART 4 - MAPS

This Planning Proposal seeks to amend the following planning maps contained in THLEP 2019 as they apply to the site:

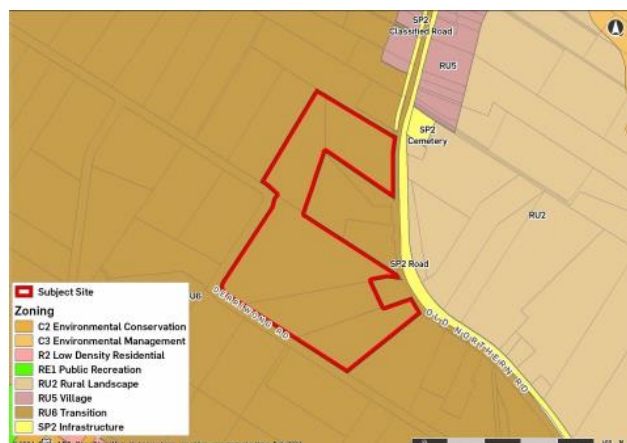
- Land Zoning.
- Height of Buildings.
- Minimum Lot Sizes.
- Key Sites.

The objectives and intended outcomes of the Planning Proposal will be achieved by amending the zoning, minimum lot size and height of building maps of THLEP 2019 as they apply to the site, as detailed below.

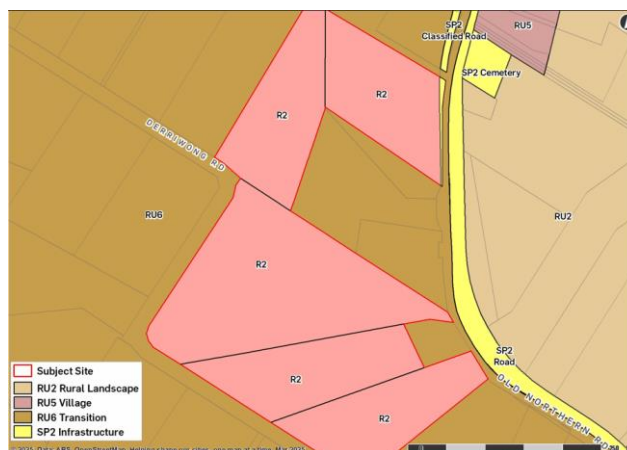
6.4.1. Land Use Zoning

The proposed amendment seeks to a rezone the existing RU6 Transition zone to part R2 Low Density Residential and part SP2 Infrastructure (Local Road) zones. This outcome can be achieved by amending the LEP map Sheet LZN_023 map as shown in **Figure 25**.

Figure 25 Zoning Maps



Picture 9 Existing Zoning Map



Picture 10 Proposed Zoning Map

Source: Urbis GIS, 2025

6.4.2. Building Height

The proposed amendment seeks a maximum permissible 9 metre limit height across the site. The 9-metre height control is consistent with the adopted development standards for residential development at Round Corner. This outcome can be achieved by amending the LEP map Sheet HOB_023 map as shown in **Figure 26**.

Figure 26 Height of Building Maps



Picture 11 Existing Height of Building Map



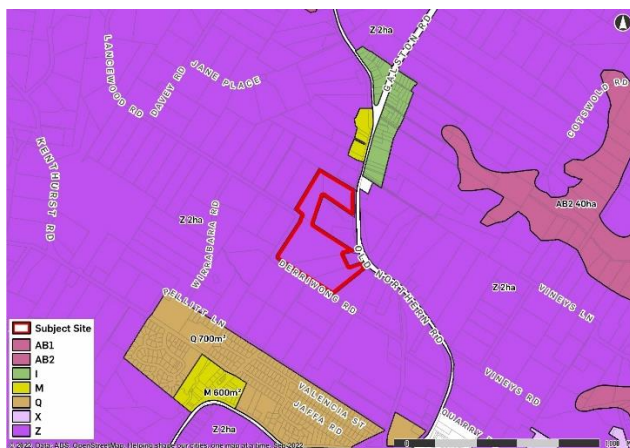
Picture 12 Proposed Height of Building Map

Source: Urbis GIS, 2025

6.4.3. Minimum Lot size

Amendments to the THLEP 2019 minimum lot size map are illustrated in **Figure 27**. The proposed minimum lot sizes across the site are varied between 600m², 1,000m², and 2,000m² as shown in the indicative layout plan as shown in **Figure 12**. This outcome can be achieved by amending the LEP map Sheet Lot Size Map_023 map.

Figure 27 Minimum Lot Size Maps



Picture 13 Existing Minimum Lot Size Map



Picture 14 Proposed Minimum Lot Size Map

Source: Urbis GIS, 2025

6.5. PART 5 - COMMUNITY CONSULTATION

Public consultation will be undertaken in accordance with the requirements of the EP&A Act and Council's policies for community consultation. It is anticipated that public exhibition of the Planning Proposal would involve:

- Publishing of the proposal and supporting technical reports on The Hills Shire Council website;
- Publishing of a Public Notice in the Sydney Morning Herald and/or a relevant local newspaper; and
- Direct Notice, in writing to the owners and occupiers of adjoining and nearby properties and relevant community groups.

The Planning Proposal will be publicly exhibited and assessed for a period of 30 days in accordance with the exhibition timeframes as outlined in the Department's Guidelines for a complex Planning Proposal. Exhibition material will be made available on Council's Website and at Council's administration centre.

The Proponent would welcome the opportunity to engage with Council following the lodgement of this Planning Proposal. This would include briefing councillors and Council staff to inform the process and to provide for a better understanding of the Planning Proposal prior to it being considered for gateway determination.

6.6. PART 6 - PROJECT TIMELINE

The following table sets out the anticipated project timeline in accordance with the Department guidelines. The key milestones and overall timeframe will be subject to further detailed discussions with Council and the Department.

Table 14 Anticipated Project Timeline

Process	Indicative Timeframe
Planning Proposal lodgement	March 2024
Council assessment and determination	April 2024 - December 2024
Panel referral for gateway determination	May 2025
Gateway Determination	July 2025
Pre-exhibition	September 2025

Process	Indicative Timeframe
Public exhibition period	October 2025
Consideration of submissions	November 2025 – January 2026
Finalisation of Planning Proposal by Department	February-March 2026
Gazettal of LEP amendment	April 2026

7. CONCLUSION

This Planning Proposal seeks to amend The *Hills Local Environmental Plan 2019 (THLEP 2019)* to rezone land at 614, 618 and 626 Old Northern Road, and 21 and 27 Derriwong Road, Dural to enable low-density residential development and the delivery of supporting infrastructure.

The proposal has been the subject of extensive design refinement and agency consultation. On 24 July 2025, the Sydney Central City Planning Panel confirmed that the proposal demonstrates both *strategic merit* and *site-specific merit* and recommended that it proceed to Gateway Determination. The proposal has been updated accordingly to adopt the Panel's preferred Option 1 layout and introduce a site-specific dwelling cap of 110 dwellings.

The strategic merit of the proposal is well established. It responds to the NSW Government's direction to prioritise housing supply in locations with demonstrated merit and aligns with the Hills Shire Local Housing Strategy and Rural Strategy, which support limited residential expansion in appropriate locations such as Dural. The site is no longer viable for agricultural use and presents a logical and contained extension to the existing village, directly adjacent to Dural Public School and within proximity to local services. The proposal provides housing diversity suited to local demographic needs and avoids land use conflict with surrounding rural activities.

The proposal also demonstrates clear site-specific merit. The revised layout has been informed by detailed urban design and engineering analysis and has been shaped to respond to the site's topography, minimise earthworks, and retain the natural landform. Larger and medium-sized lots are located on steeper parts of the site to facilitate slope-responsive development and reduce the need for extensive cut and fill. A mix of lot sizes between 600m² and 2,000m² is proposed, ensuring an appropriate transition to the surrounding rural landscape and established residential areas. The design supports improved solar access, view sharing, and landscape integration.

A site-specific clause is proposed to cap the total number of dwellings at 110, providing certainty regarding future development intensity and reinforcing the low-density character of the area. A draft site-specific DCP has also been prepared to guide future built form outcomes and ensure a consistent and high-quality urban design response.

The Planning Proposal is supported by a VPA offer that will deliver substantial public benefits, including:

- Dedication and embellishment of local open space adjacent to Dural Public School;
- A new pedestrian connection through the site;
- Provision of sewer infrastructure and undergrounding of power lines servicing the school;
- Delivery of a new local road and drop-off/pick-up zone to improve school safety;
- Dedication of land for a future bypass corridor and regional road upgrades.

The proposed rezoning represents an orderly and economic use of land that is currently underutilised, constrained in terms of ongoing rural use, and strategically located adjacent to existing infrastructure and services. The proposal facilitates a logical expansion of the Dural village, delivers measurable public benefit, and supports broader planning objectives related to housing supply, local infrastructure, and community wellbeing.

In light of the Panel's recommendation and the Minister's clear direction to prioritise housing delivery in locations with demonstrated merit, there is a strong and justified basis for the proposal to proceed to Gateway Determination.

DISCLAIMER

This report is dated 31 July 2025 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Legacy Property (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

In preparing this report, Urbis may rely on or refer to documents in a language other than English, which Urbis may arrange to be translated. Urbis is not responsible for the accuracy or completeness of such translations and disclaims any liability for any statement or opinion made in this report being inaccurate or incomplete arising from such translations.

Whilst Urbis has made all reasonable inquiries it believes necessary in preparing this report, it is not responsible for determining the completeness or accuracy of information provided to it. Urbis (including its officers and personnel) is not liable for any errors or omissions, including in information provided by the Instructing Party or another person or upon which Urbis relies, provided that such errors or omissions are not made by Urbis recklessly or in bad faith.

This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.

APPENDIX A

URBAN DESIGN REPORT

APPENDIX B

TRAFFIC AND TRANSPORT IMPACT ASSESSMENT

APPENDIX C

ECOLOGICAL ASSESSMENT

APPENDIX D

BUSHFIRE STRATEGIC STUDY

APPENDIX E

ECONOMIC IMPACT ASSESSMENT

APPENDIX F

HERITAGE IMPACT ASSESSMENT

APPENDIX G

DETAILED SITE INVESTIGATION

APPENDIX H

PRELIMINARY INFRASTRUCTURE REVIEW

APPENDIX I

SURVEY PLAN

APPENDIX J

ACOUSTIC ASSESSMENT

APPENDIX K

LEP MAPPING

APPENDIX L

DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN

APPENDIX M

PUBLIC BENEFIT OFFER

APPENDIX N

ABORIGINAL HERITAGE ASSESSMENT

APPENDIX O

DURAL PUBLIC SCHOOL SAFE SYSTEM ASSESSMENT

APPENDIX P

SINSW CORRESPONDENCE

APPENDIX Q

PRELIMINARY GEOTECHNICAL ASSESSMENT

