

**URBIS**

# **PLANNING PROPOSAL - REQUEST FOR REZONING REVIEW**

Derriwong Road, Dural

Prepared for  
**LEGACY PROPERTY**  
5 April 2023

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Report Number	Final

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# EXECUTIVE SUMMARY

On behalf of Legacy Property (**the Proponent**), we request a Rezoning Review of a Planning Proposal submitted to the Hills Shire Council on 20 September 2022, pertaining 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**).

This request for a Rezoning Review has been prepared in accordance with Section 5.1 of 'A guide to preparing local environmental plans'.

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 Planning Proposal is consistent with the Metropolitan Rural Area (**MRA**) because it represents small-scale development as a logical expansion of Dural Village that is not meeting regional or district-scale housing demand and is an appropriate placed-based outcome that is consistent with the values of the MRA. 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.

The Planning Proposal would provide a limited amount of additional housing within the walking catchment surrounding the existing Dural Primary School and help to alleviate existing safety issues associated with drop-off/pick-up on Old Northern Road. The additional housing will assist in supporting the school by providing a range of suitable housing typologies for families with young children.

The Planning Proposal also includes the augmentation of existing utility services where required including sewer and water to ensure the site is readily capable of accommodating a modest low-density housing development. Augmentation of the sewer services would also deliver a sewer connection to the boundary of the Dural Primary School site available for future connection.

The Planning Proposal aligns with aspects of The Hills Shire Local Strategic Planning Statement, The Hills Shire Council Local Housing Strategy and Rural Strategy, and the Dural Urban Capacity and Capability Assessment.

In particular the Planning Proposal:

- Provides for limited expansion of a rural village.
- Relates to land that was identified as being capable of urban development.
- Reserves a road corridor that supports future realisation of the Round Corner Bypass.

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 as being an appropriate outcome. In particular:

- The Independent Planning Commission (**IPC**) recognised the benefits of future residential development and recommended that the (majority of the) site should be included for urban development in the Central City District Plan.
- The Department of Planning & Environment (the **Department**) issued a Gateway Determination for the for a similar planning proposal to proceed, and importantly established a framework 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.'
- Council staff and the Local Planning Panel both recommended that the Planning Proposal should proceed to Gateway Determination.

## 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).

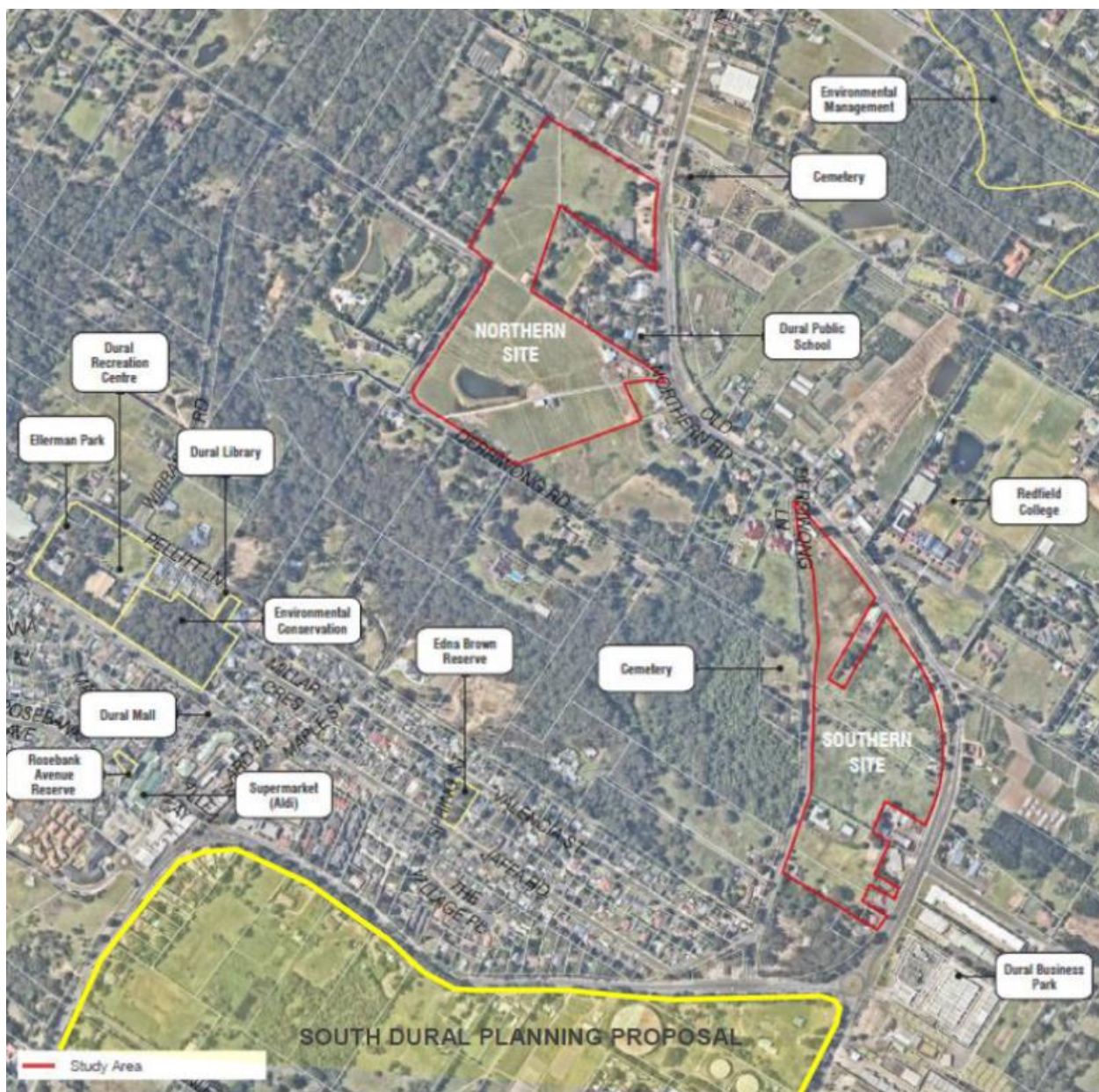
- Reduce the minimum lot size requirement from two hectares to between 600m<sup>2</sup> and 2,000m<sup>2</sup>.
- Reduce the maximum height of building control from 10 metres to nine metres.

## BACKGROUND AND HISTORY

There is considerable history associated with a prior planning proposal seeking to rezone the site and additional land to the south of the site, yet the fundamental merit of the site accommodating urban development has consistently been supported by independent assessment and past decisions of The Hills Shire Council (**the Council**).

The prior Planning Proposal (23/2016/PLP) submitted to the Council in May 2016 related to a larger land holding than the subject of the current Planning Proposal as shown outlined in red in **Figure 1**. For context the location of the regionally significant South Dural Planning Proposal is also shown.

**Figure 1** - 2016 Planning Proposal Boundary Map



Source: Urbis

In July 2019 the Council resolved to submit the 2016 Planning Proposal to the Department for Gateway assessment. A Gateway Determination was subsequently issued by the Department in April 2020 stating that the 2016 Planning Proposal should not proceed to public exhibition.

A Gateway Review was submitted by the then Proponent and the 2016 Planning Proposal was referred to the IPC. In September 2020, the IPC resolved that the 2016 Planning Proposal demonstrated considerable site-specific merit, and that in particular the northern site should be considered for urban development. However, it was acknowledged that the Proponent would need to demonstrate further strategic merit before further consideration of the northern site. Importantly, the IPC agreed with the Proponent that the future development is likely to have a minimal impact on the local and regional road network and is unlikely to trigger the need for improvements to the State Road network.

A further Gateway Determination was issued by the Department in July 2021, which was subject to a series of conditions to be satisfied prior to the Planning Proposal proceeding to public exhibition. In April 2022 the Department wrote to the Proponent of the 2016 Planning Proposal to advise that it would be unlikely that the conditions of the Gateway Determination could be satisfied in the timeframe set and therefore decided to alter the Gateway Determination so that the 2016 Planning Proposal did not proceed further.

The Department noted that the 2016 Planning Proposal Proponent may wish to consider a new proposal for just the northern site, including the provision of a local bypass corridor as an alternative to a regional bypass corridor in response to feedback received from Transport for NSW.

Accordingly, a new Planning Proposal (the subject Planning Proposal) was submitted to the Council on 20 September 2022, which only relates to the northern site with one additional lot (614 Old Northern Road, Dural) included within the site boundary. In preparing the current Planning Proposal, the Proponent has responded to the previous issues raised by both the Department and the IPC.

While the Proponent acknowledges that there is still further work to occur including to reach a final position that sufficiently aligns the views of Council, Transport for NSW (**TfNSW**), and School Infrastructure NSW (**SINSW**) particularly in relation to the proposed bypass corridor through the site, the Proponent has made significant progress on this issue and is confident it will be appropriately resolved following Gateway Determination.

It is important to note that the Planning Proposal does not rely on implementation of the broader Round Corner Bypass; rather, it offers the opportunity to secure a portion of the bypass corridor at no cost of Government that supports future implementation of the bypass.

## COMMUNITY BENEFITS OF PLANNING PROPOSAL

Importantly, the current 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 community benefits to the Dural locality including:

- Land dedication and embellishment of 4,000sqm 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 meets demand 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 was accompanied by a public benefit offer to enter into a Voluntary Planning Agreement (VPA) with the Council to deliver key public benefits.

## SUMMARY OF PLANNING MERITS OF THE PROPOSAL

The proposed amendments to the THLEP 2019 can satisfy the strategic merit and site-specific merit tests, and enable an appropriate development outcome and generate significant community benefit as described below:

- The Planning Proposal is consistent with the MRA because it represents small-scale development as a logical expansion of Dural Village that is not meeting regional or district-scale housing demand and is an appropriate placed-based outcome that is consistent with the values of the MRA. 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.
- The purpose of the MRA is to support agricultural uses and other uses that support the city whilst also ensuring that local housing needs are met. The MRA does allow for limited residential growth that caters for local housing demand. The Planning Proposal represents a small-scale rezoning which seeks to provide additional housing opportunities in a logical location that wraps around the existing Dural Primary School. In this regard, the proposal meets housing local demand in accordance with the Local Housing Strategy (LHS) and Hills Shire Rural Strategy (2019), which allows for limited residential expansion in rural villages such as Dural.
- The Planning Proposal aligns with Council's regional transport objectives (in securing a portion of a future bypass corridor) and provides a unique opportunity to allow for some additional housing within the catchment surrounding the Dural Public School, without creating a precedent of similar outcomes within the rural area.
- The site has not been used for agricultural purposes for a significant period of time and the potential use of the site for agricultural purposes is unviable, in part due to the potential for land use conflict with the adjoining Dural Public School. There has been a gradual decline in agricultural land uses in the locality and the proposed rezoning would permit low density residential development which facilitates the orderly and economic use of a site that is otherwise under-utilised.
- 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 residential areas and is not in conflict with a desired transition to and retention of the viable agricultural rural lands north of Dural.
- The Planning Proposal maximises the use of existing infrastructure sustainably 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).
- The Planning Proposal does not seek to play a role in meeting any Regional or District scale demand for residential growth. Rather, this Planning Proposal seeks to facilitate the ongoing planning and management of Dural and need to respond to local demand for growth, the local character of Dural and the surrounding landscape and rural activities. The proposal is therefore most appropriately characterised as a small-scale 'greenfield infill site' which seeks to cater for local demand that is consistent with the LHS.
- As outlined in this Planning Proposal, there is a demand for low-density housing specifically in Dural which is anticipated by the Department (2022) to grow generally at a lower-than-average rate than Greater Sydney given a lack of development opportunities. The District Plan acknowledges the need that limit change is required in rural towns and villages, and that '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 MRA'.
- The Planning Proposal responds to a change in circumstances that has not been recognised by the existing strategic planning framework. The Planning Proposal demonstrates considerable strategic merit particularly in the context of the existing local planning controls which are based on background studies

that are now as a result of changing local and regional circumstances. The Greater Sydney Region Plan and Central City District Plan were published in 2017, which makes these documents now 6 years old. The background studies that informed the establishment of the MRA predate this. These strategic documents are currently under review by the Department and will be updated later this year. The degree of weight and relevance given to District Plan in this circumstance is therefore lessened.

- The infrastructure facilitated by the Planning Proposal is site-specific and responds to the needs of the existing and future community. In this regard, the Planning Proposal is consistent with the Dural Urban Capacity and Capability Assessment (**DUCCA**) 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.

The 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 larger rural lifestyle lots with no productive agricultural uses due to existing site constraints.
- There would be no contribution to the local housing needs or 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 safer pick up and drop off zones.
- Existing road and pedestrian safety issues pertaining to Old Northern Road would remain unresolved.
- There would be no reservation of part of the future bypass corridor.
- The existing consolidated land holding is likely to 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.

# 1. INTRODUCTION

## 1.1. OVERVIEW

On behalf of Legacy Property (**the Proponent**), we are requesting a Rezoning Review of a Planning Proposal submitted to The Hills Shire Council on 20 September 2022, pertaining 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**).

This request for a Rezoning Review has been prepared in accordance with Section 5.1 of 'A guide to preparing local environmental plans'.

The intent of the Planning Proposal is to permit the delivery of low-density residential dwellings, local open space, and local roads including a future bypass connection. The LEP amendments would allow for the use of the site for low-density residential development by rezoning the land from RU6 Transition to R2 Low Density Residential and SP2 Infrastructure (Local Road).

The rezoning of the land for urban purposes would permit redevelopment of currently underutilised and poor-quality agricultural land for low density residential development. The objectives of the Planning Proposal align with broad direction and intent of Metropolitan Rural Area (**MRA**), The Hills Shire Council Local Housing Strategy and The Hills Shire Rural Strategy 2019 to support the modest expansion of rural villages.

The Planning Proposal will deliver a modest expansion to the existing Dural village with a maximum of 110 residential lots, representing limited growth. The proposal will support the housing needs of the local community on a site which is longer suitable or viable agricultural use.

Significant work has been completed to support the rezoning of the site between 2016 and 2022. In preparing the current Planning Proposal, the Proponent has responded to the previous advice of the Department of Planning and Environment (**Department**) and the Independent Planning Commission (**IPC**) whilst maintaining the key components of the 2016 Planning Proposal that demonstrated site-specific and strategic merit.

The Council officers and Local Planning Panel (**LPP**) recently recommended the Planning Proposal proceed to Gateway, however the elected Councillors on 21 February 2023 resolved that the Planning Proposal not proceed to gateway determination.

## 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 600m<sup>2</sup> and 2,000m<sup>2</sup> with the larger lots being adjacent to Old Northern Road
- Reduce the maximum height of building control from 10 metres to nine metres.

The amendments to THLEP 2019 reflect the positive urban design outcomes 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 undesirable for agricultural purposes.
- Limited environmental attributes on the site.
- Delivery of a range of public benefits at no-cost to Council and government.
- Consistency with the MRA, 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 at a site which is longer suitable or viable agricultural use.
- The Planning Proposal does not create an undesirable precedent of development within the MRA identified within the Central City District Plan.

- A subdivision design and minimum lot sizes that have been informed by a consideration of market demands and needs, the physical characteristics of the land, and measures to mitigate visual impacts from key road corridors and ridgelines. Specifically, the proposed subdivision includes large lot sizes on the periphery of the site, fronting Old Northern Road, and provision of new local open space adjacent to the Dural Primary School.

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

- Dedication and embellishment of 4,000sqm of land for use as a local park.
- Dedication and embellishment of 141sqm 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 towards a 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.

Refer to **Figure 2** for an extract of the Concept Plan. Further details of the Planning Proposal are contained within **Attachment A** *Planning Proposal Report prepared by Urbis*.

### 1.3. SUPPORTING DOCUMENTATION

This request for a Rezoning Review is supported by the following attachments:

- **Attachment A** - The Planning Proposal Report prepared by Urbis and supporting Appendices
- **Attachment B** – 2016 Planning Proposal Background
- **Attachment C** – Council Meeting Agenda and Resolution (21 February 2023)
- **Attachment D** – Relevant Correspondence with SINSW and TfNSW
- **Attachment E** – Draft site specific DCP
- **Attachment F** – Public benefit offer
- **Attachment G** - Dural Public School Safe System Assessment

Figure 2 – Concept Plan



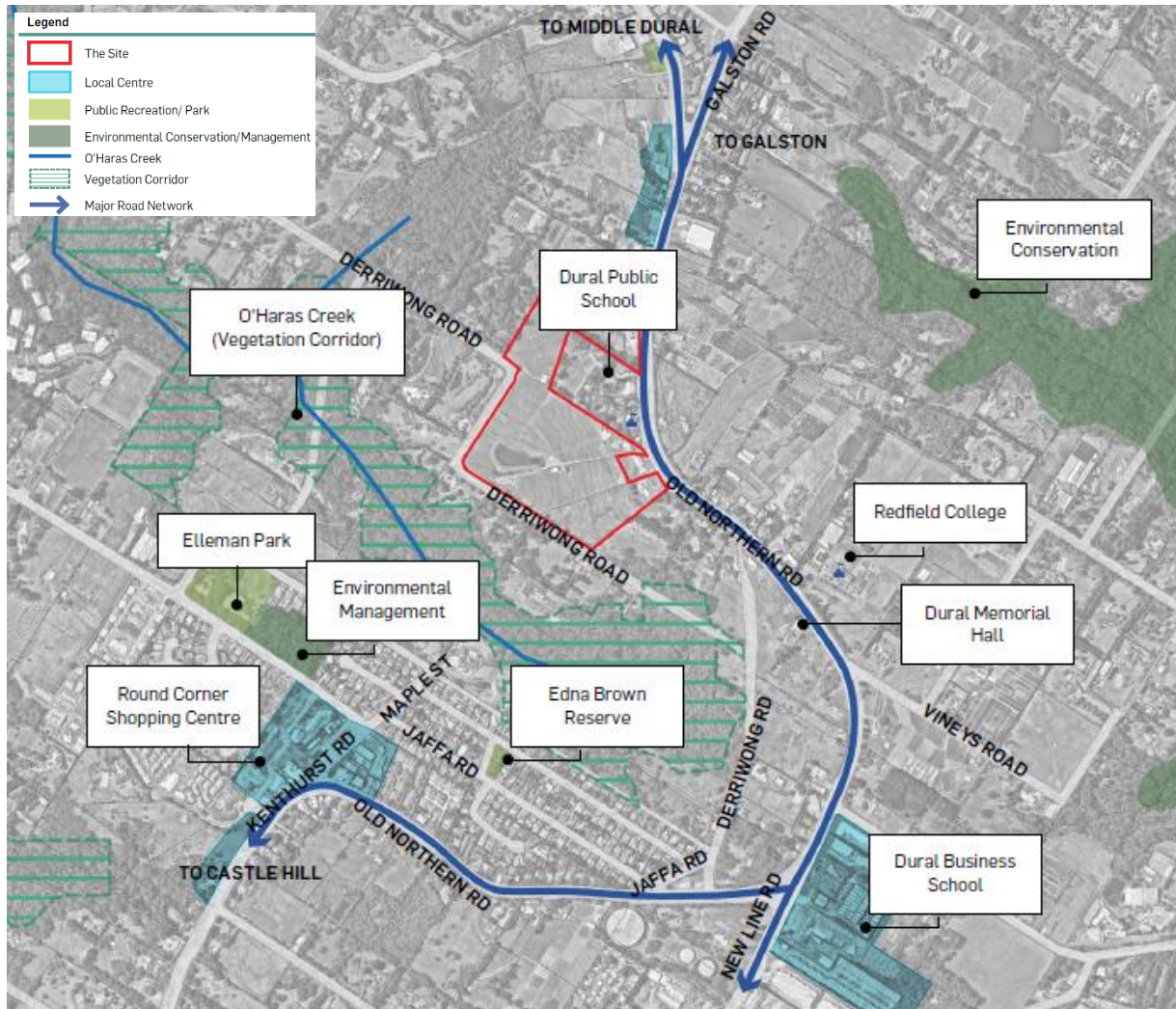
Source: Urbis 2022

## 2. SITE AND SURROUNDING 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 these unconsolidated land holdings is shown in **Figure 3** and a summary of the property details are included in **Table 1**. **Figure 3** also identifies other key land uses and characteristics in the locality.

**Figure 3 – Aerial View of Site and Surrounding Context**



Source: Urbis 2022

**Table 1 – 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
	<b>Total area: 12.88 hectares (128,790m<sup>2</sup>)</b>

## 2.2. PHOTOGRAPHIC REVIEW

Photographs of the site and surrounding context are provided in **Figure 4**.

**Figure 4** – Site photographs



Picture 1 – View towards the south-west of the site



Picture 2 – Dural Public School – southern boundary



Picture 3 – Bushland along eastern site boundary



Picture 4 – View towards the north of the site



Picture 5 – Old Northern Road

*Source: Urbis 2022*



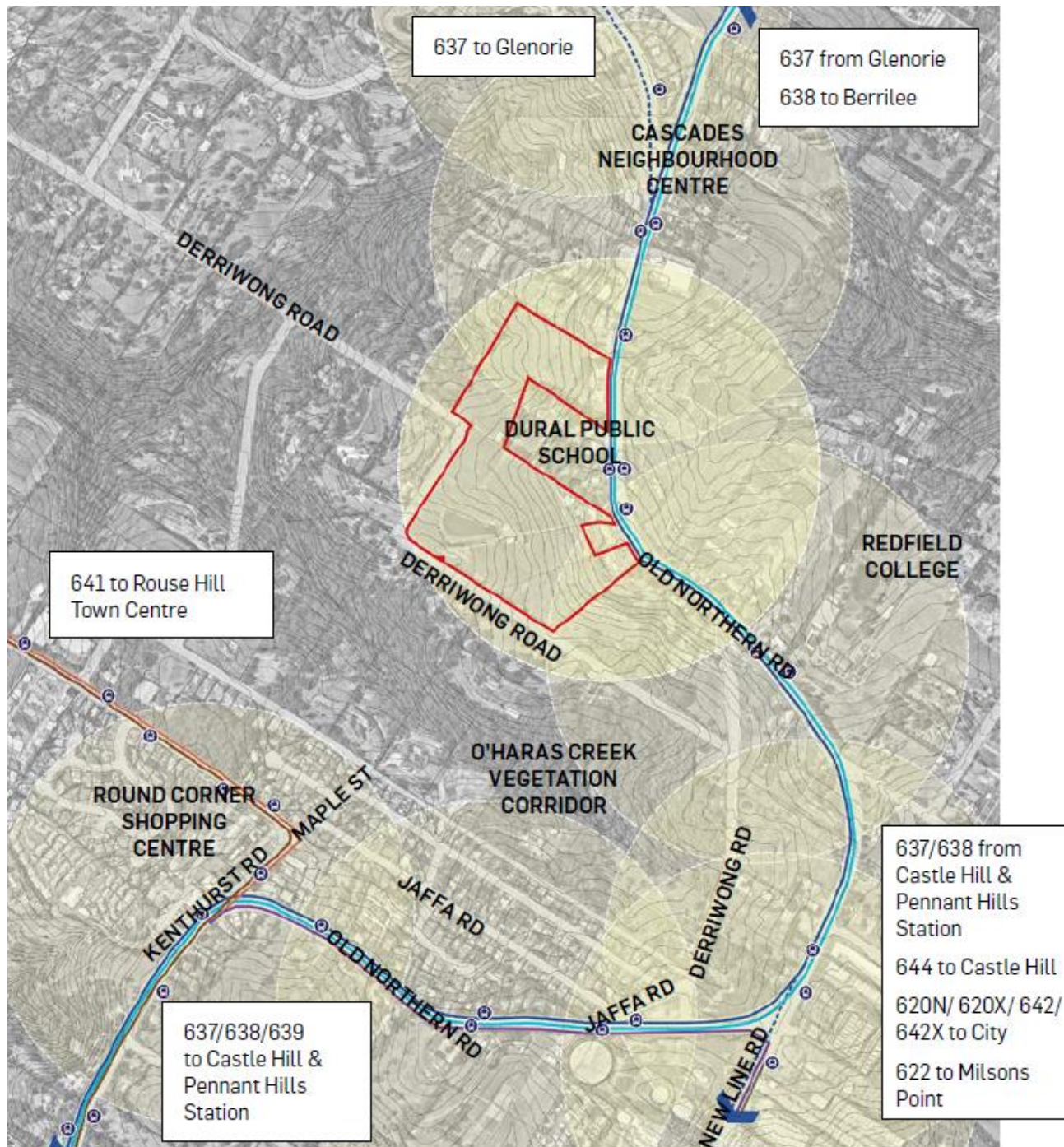
Picture 6 – Aerial view of the site

## 2.3. ACCESS AND MOVEMENT

### 2.3.1. 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 location of bus stops along Old Northern Road in relation to the site is shown in **Figure 5** while **Figure 8** provides an overview of the regional public transport networks available.

**Figure 5** – Public Transport Connections and Bus Routes Servicing the Site

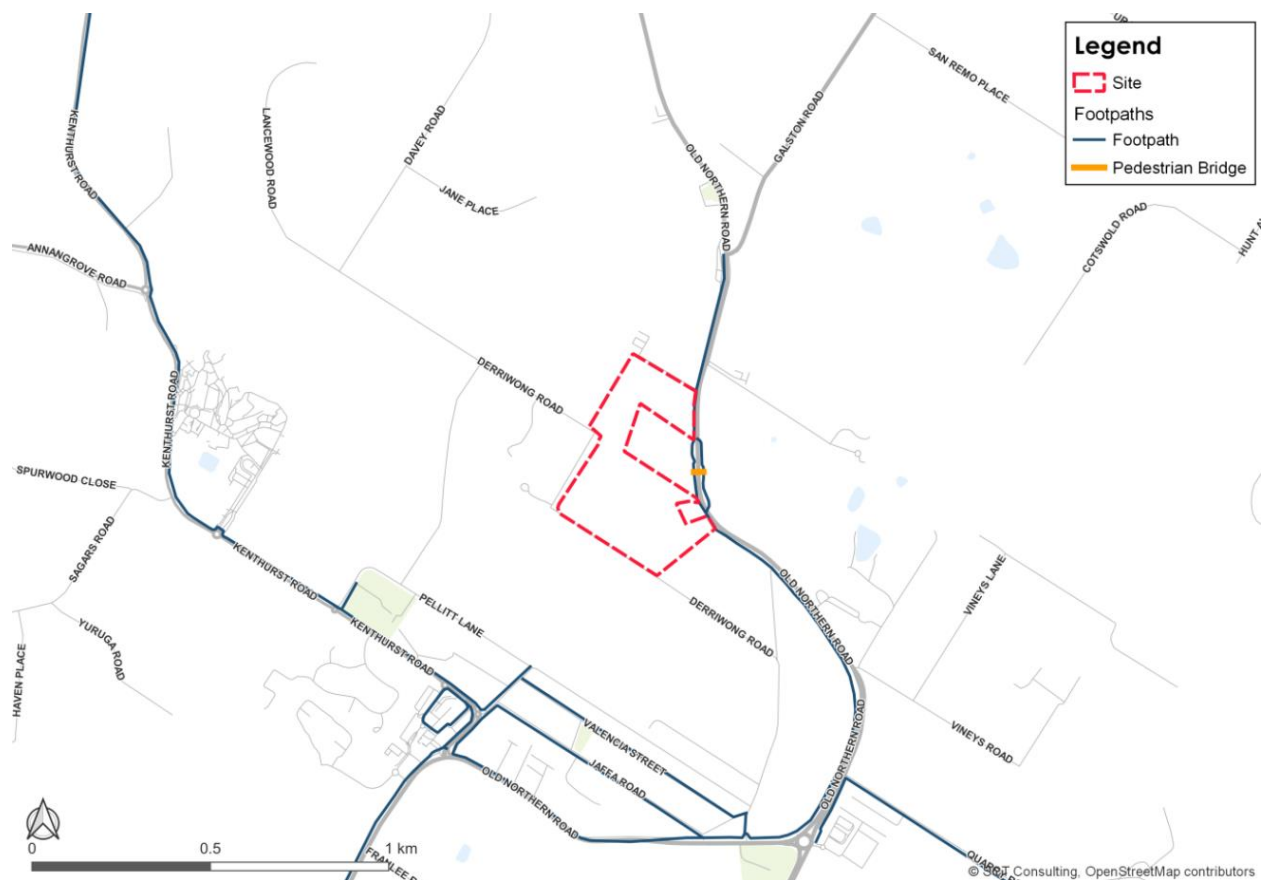


Source: Urbis 2022

### 2.3.2. Pedestrian and Cycleway Access

As shown in **Figure 6**, formal pedestrian footpaths are provided along the western side of Old Northern Road, connecting the site to Round Corner and the Memorial Hall in the south and Dural Public School to the north. There is currently no footpath provision on Derriwong Road.

**Figure 6** – Pedestrian Network Map



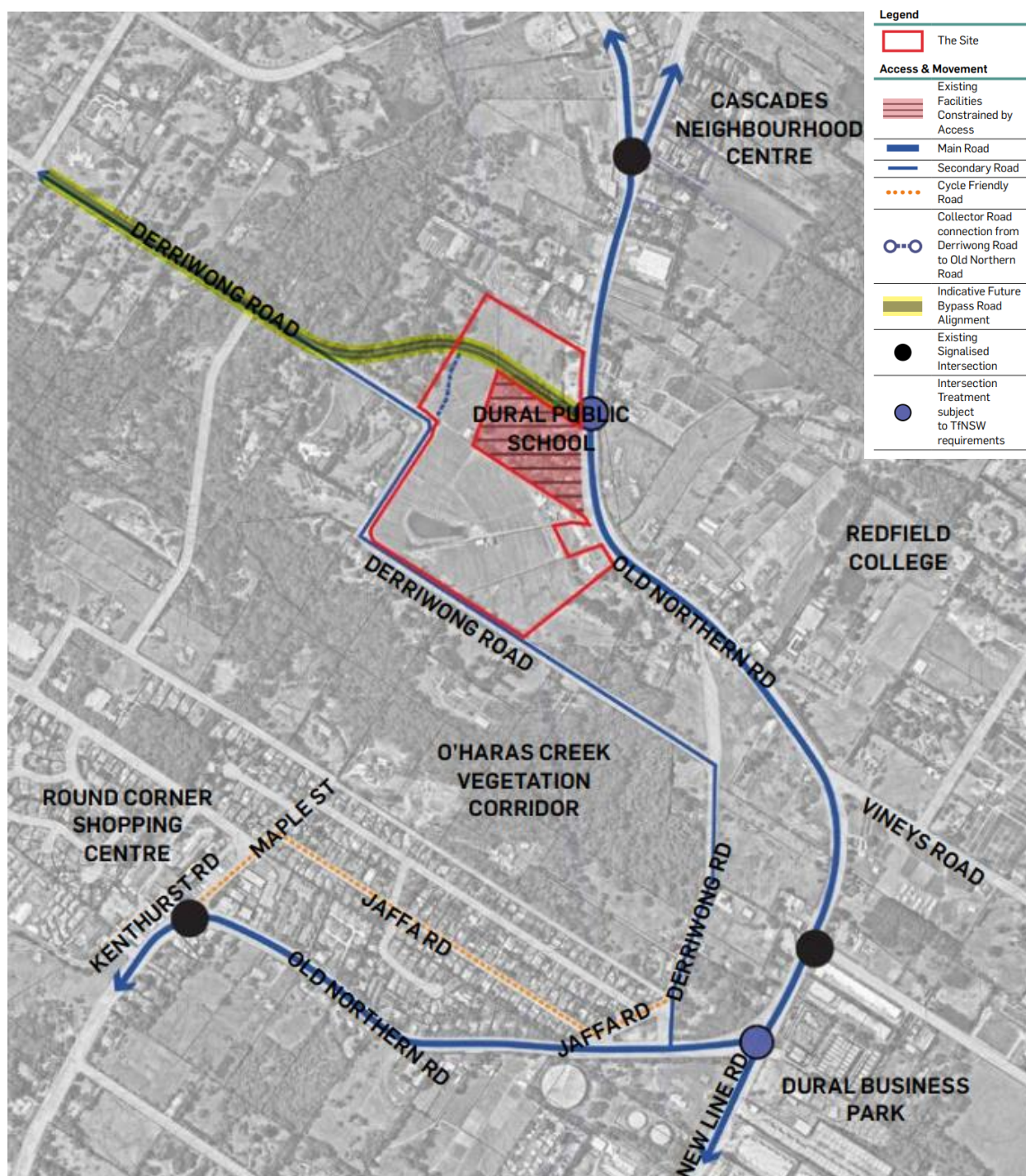
Source: STC 2022

### 2.3.3. Vehicle Access

As shown in **Figure 7**, the existing local road network currently supports the following vehicle access 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 and Future Road Network (Source: Urbis, 2022)



Source: Urbis 2022

## 2.4. SOCIAL INFRASTRUCTURE

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

- Banking institutions (Commonwealth Bank Branch);
- A post office;
- A range of specialty retail premises; and
- A 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.

## 2.5. SERVICES AND UTILITIES

Preliminary investigations into the availability of services and utilities have been undertaken by Group Development Services detailed in the Planning Proposal (refer to **Attachment A**). 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 and to provide a connection to the site boundary of the Dural Public School.
- 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.

## 2.6. SURROUNDING LOCALITY

### 2.6.1. Regional Context

The site the subject to the Planning Proposal which is best described as peri-urban land, is located in the north-western region of Greater Sydney, in The Hills Shire local government area (**LGA**), approximately 30 kilometres from the Sydney CBD.

The Hills Shire LGA covers an area of approximately 40km<sup>2</sup> and is home to approximately 191,876 people (ABS, 2021), reflecting a population density of 498.3 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.

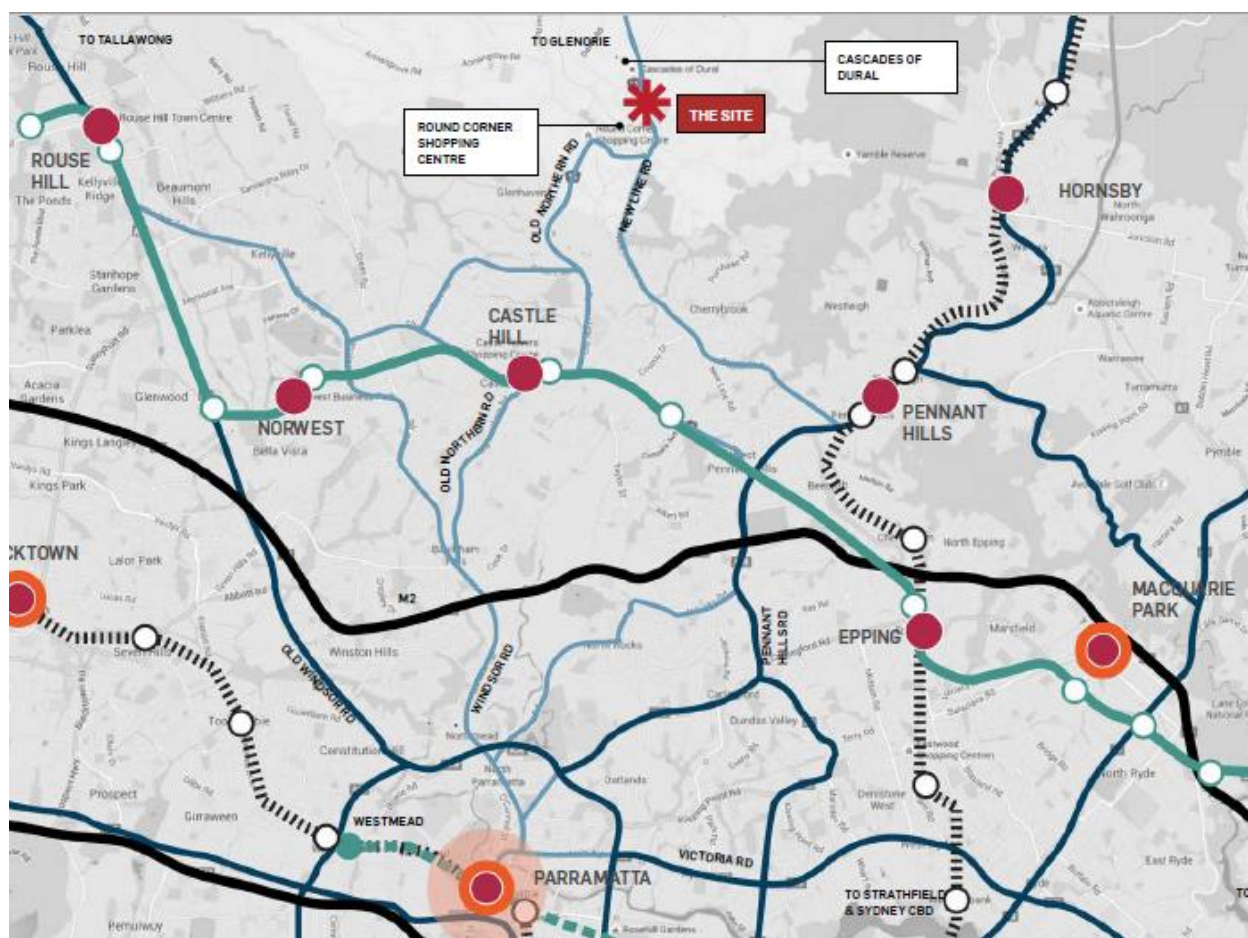
While the ABS (2021) reported growth in high and medium density housing over the period of 2011 to 2021, single dwellings dominated accounting for 58% of housing growth in the LGA, a high percentage of which (77%) are owner occupied.

This is likely to change following the completion of the Sydney Metro Northwest, which will encourage increased densities within the established centres and around key future transport nodes.

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) compared to 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 between 2020 and 2021 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.

**Figure 8 – Regional Context of the Site**



Source: Urbis 2022

## 2.6.2. Local Context

Dural covers an area of approximately 1,462 hectares (or 15km<sup>2</sup>) 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 9 – Dural Locality Map



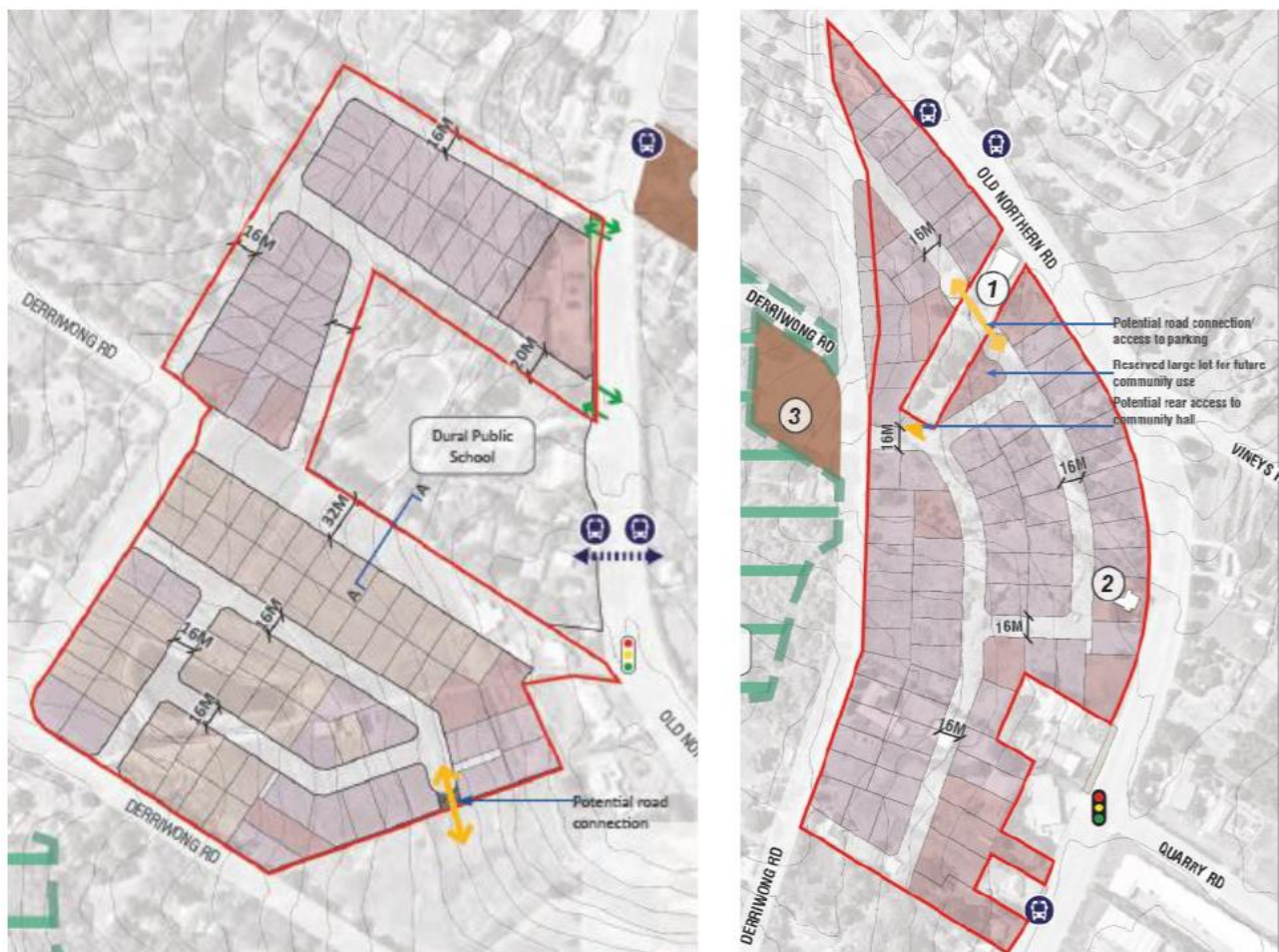
## 3. BACKGROUND TO PLANNING PROPOSAL

### 3.1. 2016 PLANNING PROPOSAL

The following discussion provides an overview of the 2016 Planning Proposal which was the precursor to the current Planning Proposal the subject of this Rezone Review. For a complete summary to the background of the 2016 Planning Proposal, refer to **Attachment B**.

- **19 May 2016** - A Planning Proposal (23/2016/PLP) was previously submitted to the Council seeking the rezoning of the majority of the site to R2 Low Density Residential and amendments to the minimum lot size and maximum building height development standards. The 2016 Planning Proposal included a northern and a southern site which would yield a total of approximately 181 residential allotments (refer to **Figure 10**). It should be noted that the current Planning Proposal only relates to the northern site.

**Figure 10 – 2016 Concept Plan**



Source: Urbis

- **4 November 2016** – An amended 2016 Planning Proposal was resubmitted to address Council's request to accommodate a regional road reserve partially on the northern site and remove the medical, seniors living, and aquatic centre uses from the masterplan.
- **4 February 2017** – Council failed to determine the Planning Proposal for a period exceeding 90 days. The Proponent submitted a formal rezoning review of the 2016 Planning Proposal to the Department.
- **20 April 2017** – The Sydney West Central Planning Panel (**Panel**) concluded the 2016 Planning Proposal had strategic merit, however found that the proposal was not supported by adequate physical and social infrastructure and therefore deemed the proposal as premature and should not proceed before completion of the strategic study programmed for the area. The Panel determined therefore that the 2016 Planning Proposal should not be submitted for Gateway Determination.

- **18 March 2018** – The Greater Sydney Commission (**GSC**) released the finalised Central City District Plan.
- **15 March 2019** – Phase 1 of the 'Dural Urban Capacity and Capability Assessment' completed by Council's consultant. The Assessment concluded that while some land is environmentally capable of accommodating development, there is insufficient infrastructure capacity to facilitate development uplift in the Dural locality at this time.
- **26 March 2019** – In response to the findings from Phase 1 of the 'Dural Urban Capacity and Capability Assessment', Council resolved that:
  - *Council will discontinue any further investigations with respect to the rezoning of rural land for urban development within the Dural locality at this time.*
  - *If the proponent of any future planning proposal to rezone land within the Dural locality is able to demonstrate that they can deliver the required local and regional infrastructure upgrades at no cost to Council, Council consider such a planning proposal and review its position with respect to rezoning within the Dural locality at that time.*
- **19 June 2019** – Council officer's report to the LPP recommended that the Planning Proposal be forwarded to the Department for consideration and Gateway Assessment. However, the LPP recommended that the Planning Proposal should not proceed to Gateway.
- **9 July 2019** – Council staff presented an assessment report supporting the Planning Proposal and recommended that the Council support the submission of the Planning Proposal to the Department for Gateway Determination.
- **26 July 2019** – The Proponent submitted a second request for a rezoning review to the Department.
- **19 April 2020** – The Department recommended the Planning Proposal should not proceed as it did not demonstrate sufficient strategic or site-specific merit.
- **4 September 2020** – A Gateway Review was subsequently submitted and referred to the IPC. The IPC supported the overall proposal and acknowledged the site-specific merit but noted that strategic merit matters had not been resolved.
- **9 July 2021** – Gateway Determination was issued by the Department subject to conditions.
- **16 February 2022** – After protracted delays in arranging meetings with the relevant State agencies a meeting was held attended by the Council, the Department, TfNSW and SINSW to present two options for the alignment of a new road proposed to traverse through the site, in accordance with the Gateway conditions. The new road was designed to provide an east-west connection through the site from Derriwong Road to Old Northern Road.
- **5 April 2022** – Despite the Proponent satisfying the majority of the conditions of the Gateway determination (having separately worked with Council on the provisions of a draft DCP, submitted details of a public benefit offer and having refreshed the technical reports), the Department advised that a significant amount of work was still required to progress the Planning Proposal to exhibition and adoption. The Gateway Determination was subsequently revised to state that the Planning Proposal should not proceed.

In preparing the current Planning Proposal, the Proponent has responded to the previous issues raised during the preparation of the 2016 Planning Proposal. Importantly, the current Planning Proposal is supported by a meaningful public benefit offer that ensures the development will provide appropriate contributions towards local infrastructure whilst still maintaining the key components of the 2016 Planning Proposal that demonstrated both site-specific and strategic merit.

## 3.2. CURRENT PLANNING PROPOSAL

### 3.2.1. Lodgement of Current Planning Proposal

- **20 September 2022** – A new Planning Proposal for the site was lodged on 20 September 2022 on behalf of the current Proponent, Legacy Property. In preparing this Planning Proposal request, the Proponent has noted the previous advice of the Department and the IPC and has maintained the key components of the Planning Proposal that demonstrated site-specific and strategic merit. Further, the Proponent has addressed the previous 2021 Gateway Determination conditions as outlined in **Table 2**.

**Table 2 – Gateway conditions**

2021 Gateway Conditions	Comment
<p>1) <i>Prior to public exhibition, the planning proposal is to be updated to:</i></p> <p>(a) <i>Update all supporting studies to refer solely to land subject to this proposal</i></p>	<p>The supporting studies have been appropriately updated to reflect the land subject to the Planning Proposal. Notably this includes the previously referred to 'northern site' plus one additional allotment identified as 614 Old Northern Road, Dural.</p>
<p>(b) <i>Preparation of a development control plan to support the development including any outcomes from specialist reports and consultation with agencies</i></p>	<p>The preparation of a draft site-specific DCP provided at <b>Attachment E</b> has been informed by pre-lodgement consultation with Transport for NSW, the Council and Schools Infrastructure NSW.</p>
<p>(c) <i>Amend the Minimum Lot Size map to consider minimum lot size of 1,000m<sup>2</sup>-2,000m<sup>2</sup> on the periphery of the site and along the Old Northern Road ridgeline</i></p>	<p>The proposed minimum lot size map includes three minimum lot sizes across the site, 600m<sup>2</sup> through the centre of the site, 1,000m<sup>2</sup> on the periphery of the site, and 2,000m<sup>2</sup> along the ridge line of Old Northern Road.</p>
<p>(d) <i>Give further consideration to how the local infrastructure demands generated by the proposal will be met</i></p>	<p>The Planning Proposal includes the delivery of a new neighbourhood park with a minimum area of 4,000m<sup>2</sup>. The Planning Proposal will also facilitate delivery of stormwater and sewerage infrastructure upgrades across the site, including the provision of a sewer service up to the adjacent public-school boundary. Further, the Planning Proposal includes local and regional road network upgrades and benefits by proposing 'drop-off and pick-up' car parking spaces adjacent to the school (relocating the drop off/pick up from Old Northern Road reducing congestion on the road), and a 32m wide corridor through the site to connect Old Northern Road to Derriwong Road, as part of a Council's strategic plan to connect to Annangrove Road.</p> <p>The Public Benefit Offer also includes monetary contributions towards community facilities and active open space.</p>
<p>(e) <i>Include a letter of support for the broader road upgrades being proposed from Transport for NSW</i></p>	<p>Consultation with Transport for NSW occurred in early 2022 and no objection was raised to the concept of a local (not regional) bypass road through the site. The Council staff have supported the provision of a local bypass through the site to enable the future realisation of Council's objective to deliver an Annangrove Road bypass to alleviate traffic impacts in the local area from development in the North West Growth Area. This local bypass road is detailed in the Planning Proposal.</p>

2021 Gateway Conditions	Comment
<p>(f) <i>Give further consideration as to consistency with the objectives, actions and priorities for the Metropolitan Rural Area in the District plan, and a response to matters raised in Section 4.1.3 of this report.</i></p>	<p>The Planning Proposal has been assessed against the objectives, actions, and priorities of the Greater Sydney Region Plan – A Metropolis of Three Cities and the Central City District Plan in <b>Section 5.1.1</b>.</p>
<p>2) <i>Prior to public exhibition, consultation is required with Transport for NSW And Schools Infrastructure NSW. Both agencies must provide certainty regarding the infrastructure requirements as outlines in the Assessment Report (Section 6.2). If this is not provided, the proposal cannot proceed to exhibition.</i></p>	<p>Pre-lodgement consultation was and is continuing to be undertaken with TfNSW and SINSW.</p>
<p>3) <i>Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:</i></p> <p>(a) <i>the planning proposal must be made publicly available for a minimum of 28 days; and</i></p> <p>(b) <i>the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).</i></p>	<p>The 2016 Planning Proposal did not reach the stage of satisfying this Gateway Determination condition. It is anticipated that this Planning Proposal will be the subject of similar Gateway Determination conditions.</p>
<p>4) <i>Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions</i></p> <ul style="list-style-type: none"> <li>▪ <i>NSW Rural Fire Service</i></li> <li>▪ <i>Public utility providers such as Sydney Water, Endeavor Energy</i></li> </ul> <p><i>Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.</i></p>	<p>The 2016 Planning Proposal did not reach the stage of satisfying this Gateway Determination condition. It is anticipated that this Planning Proposal will be the subject of similar Gateway Determination conditions.</p> <p>It is noted that an updated Bushfire Strategic Study and Preliminary Infrastructure Review (refer to <b>Attachment A</b>) have been prepared, which have been informed by previous consultation with the relevant public authorities.</p>
<p>5) <i>A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example,</i></p>	<p>The 2016 Planning Proposal did not reach the stage of satisfying this Gateway Determination condition. It is anticipated that this Planning Proposal will be the subject of similar Gateway Determination conditions.</p>

2021 Gateway Conditions	Comment
<i>in response to a submission or if reclassifying land).</i>	
6) <i>The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:</i>  (a) <i>the planning proposal authority has satisfied all the conditions of the Gateway determination;</i>	The 2016 Planning Proposal did not reach the stage of satisfying this Gateway Determination condition. It is anticipated that this Planning Proposal will be the subject of similar Gateway Determination conditions.
(b) <i>the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and</i>	The 2016 Planning Proposal did not reach the stage of satisfying this Gateway Determination condition; however, it is noted that the Planning Proposal is consistent with the relevant section 9.1 Directions as outlined in Planning Proposal report provided at <b>Attachment A</b> .
(c) <i>there are no outstanding written objections from public authorities.</i>	The 2016 Planning Proposal did not reach the stage of satisfying this Gateway Determination condition. It is anticipated that this Planning Proposal will be the subject of similar Gateway Determination conditions.

### 3.2.2. Assessment of Current Planning Proposal

- **21 December 2022** - The LPP considered the Planning Proposal and noted that it would be able to demonstrate strategic merit if the following factors were resolved:
  - The proposed corridor can be delivered in the proposed location, to serve a bypass function, with an intersection at Old Northern Road;
  - The road to be dedicated is a regional corridor width;
  - The issues raised by SINSW can be addressed without compromising the function of the future bypass road.
- LPP advice recognised that the best pathway for these matters to be addressed was through the Gateway Determination process, which would allow for further consultation and negotiation to occur with the relevant Government agencies with respect to this site and the achievement of Council's transport objectives.
- **21 February 2023** - After assessing the Planning Proposal, Council's assessing officers prepared a report recommending support to proceed to Gateway. Council's resolution was, in part, to "proceed with Option 1 as set out in this Report." For reference, "Option 1" was:

*"Given the strategic alignment of the proposal with Council's regional transport objectives and the reservation of part of a future bypass corridor, it would be justifiable to forward the planning proposal for Gateway Determination with a view to 'future-proofing' and achieving Council's long-term strategic vision. This would also reflect the strong site-specific merit demonstrated by the proposal, the advice of the IPC with respect to the previous proposal pertaining to the potential benefits and would remain largely consistent with Council's previous decisions with respect to the previous planning proposal.*

*While TfNSW has expressed a consistent view to date, which does not support the funding or provision of a regional bypass corridor by Government, Council may deem it appropriate to*

secure this first part of the corridor at this time, to ensure flexibility remains in the future for the bypass road to be delivered if either:

- Government changes its current position and agrees to funding the design, acquisition and construction of the broader corridor as a regional bypass road; or
  - Council opts to pursue the design, acquisition and construction of the broader corridor as a local bypass road.
  - If neither of these outcomes was to eventuate, the proposed corridor would remain in Council's ownership as a local collector road primarily servicing the development."
- **21 February 2023** - Contrary to the recommendation by Council planning officers and the LPP that the Planning Proposal proceed to Gateway, the elected Councillors resolved to proceed with *Option 2 – Not Proceed to Gateway Determination*.

### 3.2.3. Consultation with SINSW

In response to ongoing consultation with SINSW, a Safe System Assessment (refer to **Attachment G**) has been prepared by ARRB to further support the rezoning review.

This assessment has analysed the crash risk associated with the road environment surrounding the Dural Public School as currently constructed (base case). This crash risk was then compared against two proposed development options which include a new Local Road to the north of the school, intersecting with Old Northern Road.

The key findings of the assessment are provided below:

- *As indicated by the current arrangement review, the primary crash risk at the site is head-on collisions, based on the limited separation between opposing lanes and the interaction of through traffic with vehicles entering/exiting/queuing at the kerbside parallel parking facility on the western side of Old Northern Road. These interactions also increase the risk of other crash types, mostly consisting of rear-end and sideswipes. The provision for pedestrians as a whole is considered reasonable, with a separated set-down area on the eastern side of Old Northern Road and a pedestrian footbridge. The primary risk to pedestrians under the current provision is exiting vehicles from the right-hand side (vehicle parked on the western side of Old Northern Road), encroaching on live lanes and non-compliance.*
- *Option 2B, as presented by Legacy Property, introduces the collector road with a seagull intersection along Old Northern Road. The introduction of this intersection will increase the intersection and motorcycle crash risk comparative to the current arrangement, as it will introduce a merge point at which motorcycles are at risk of being unnoticed by merging vehicles. The major benefit in terms of crash risk for Option 2B is moving the 'kiss and drop' facility to the collector road and the opportunity for vehicles to turn around, rather than performing a U-turn.*
- *The introduction of the collector road with a signalised intersection, as presented in Option 2A, provides the greatest reduction in crash risk overall, with significant reductions in head-on, intersection, other and pedestrian crash types. These reductions are attributed to moving the 'kiss and drop' facility to the collector road, decreased operating speeds, controlled intersection movements and provision for vehicles to turn around. There is no merge point associated with the intersection and as such, there is no increased risk to motorcycles, unlike Option 2B. Further to that Option 2A increases the provision of pedestrian crossing facilities, especially for users unable to use stairs.*
- *It should be noted that neither Option 2A or Option 2B produce scores of 32 or higher for any of the seven crash types, and as such, none of these crash types are considered as high risk.*
- *The installation of a permanent 30 km/h zone along the collector road would further reduce crash risk, however when compared to the more common approach of a 40 km/h school zone limit, it is not essential to achieving a reduced risk outcome from the current environment. The main benefit of the 30 km/h zone is the reduction of speeds in line with the Safe System Assessment process for crashes with vulnerable road users.*
- *The implementation of a signalised intersection at Old Northern Road / new collector road compared with a seagull intersection arrangement results in a greater risk reduction compared to the implementation of*

*a 30 km/h speed limit, and therefore securing a signalised intersection outcome is considered the higher priority from a safety and risk perspective accompanied by the new 'kiss and drop' facility.*

## 4. SUMMARY OF THE PLANNING PROPOSAL

The purpose of the Planning Proposal is to amend THLEP 2019 and rezone existing rural transition zoned land for urban purposes to allow future development for residential use.

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 residential community and a local park to support and compliment the Dural community.

The Urban Design Study submitted as part of the Planning Proposal at **Attachment A** demonstrates that the rezoning and development of the site:

- Delivers a new centrally located local park that is accessible by the community.
- Provides a mix of residential lot types of average 600m<sup>2</sup>, 1,000m<sup>2</sup> and 2,000m<sup>2</sup> lot sizes.
- Improves Dural Public School access and school operational activities during school hours.
- Provides the 32m wide road reserve that is able to accommodate the future bypass road.
- Improves vehicular and pedestrian permeability between Derriwong Road and Old Northern Road.

An extract of the Concept Plan is provided at **Figure 2**. The Planning Proposal is also accompanied by a draft site specific DCP (refer to **Attachment E**).

### 4.1. 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.

#### 4.1.1. Mapping Amendments

The proposed amendments to the adopted planning maps are set out in **Table 3**.

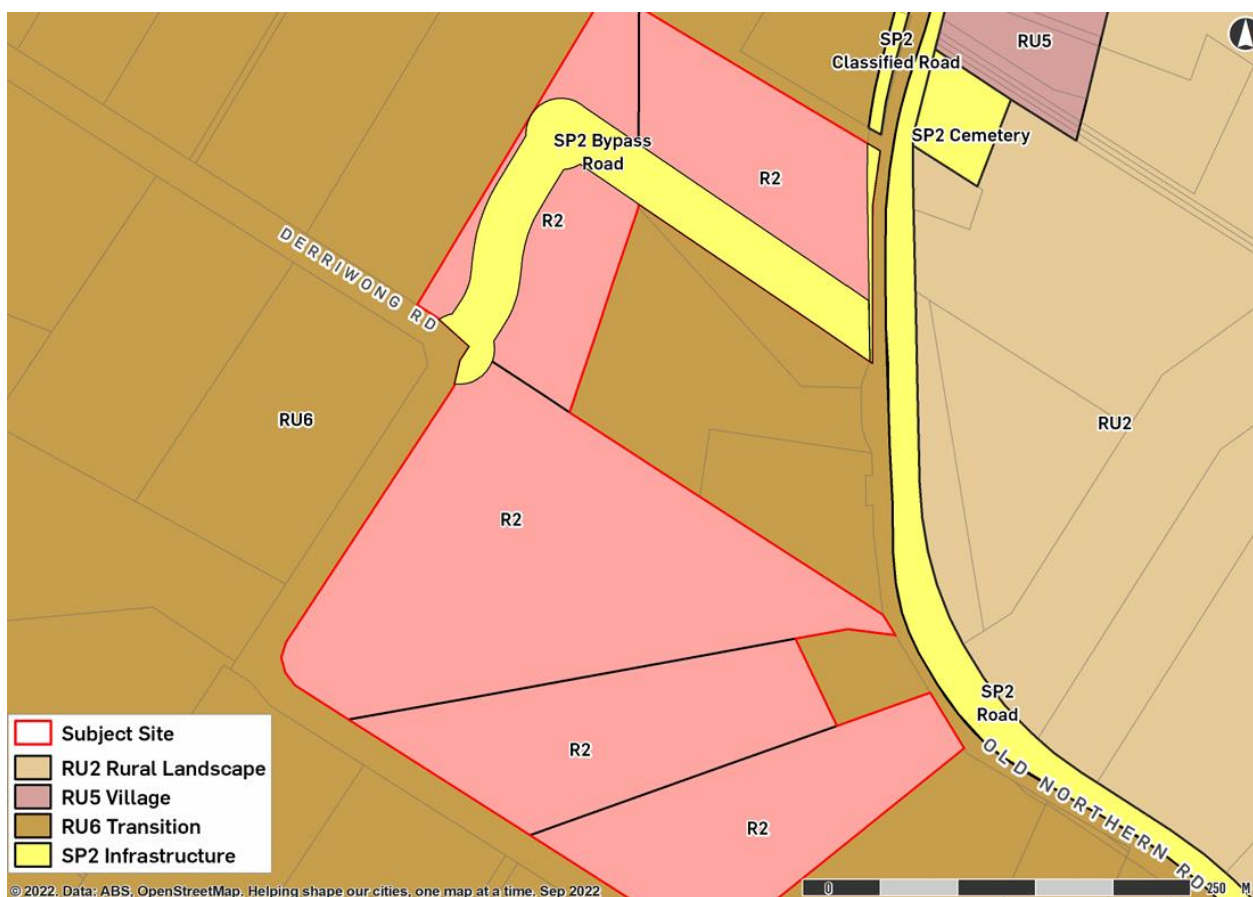
**Table 3** – Summary of the Planning Proposal

	Existing	Proposed
<b>Zone</b>	RU6 Transition	Part R2 Low Density Residential and part SP2 Infrastructure (Local Road) zone
<b>Minimum Lot Size</b>	20,000m <sup>2</sup> (2 ha)	The proposed minimum lot sizes across the site are varied between 600m <sup>2</sup> , 1,000m <sup>2</sup> , and 2,000m <sup>2</sup> under the subdivision layout plan as shown on <b>Figure 13</b> . The proposed 600m <sup>2</sup> 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 R2 Low Density Residential zoned land at Round Corner. The larger 1000m <sup>2</sup> and 2000m <sup>2</sup> minimum lot sizes are both in response to Council's previous requests for larger lots on the permit and provide a variety of lot sizes.
<b>Height of Buildings</b>	10 metres	9 metres

	Existing	Proposed
		The 9-metre height of building control is consistent with the adopted development standards for residential development at Round Corner.

The Proponent has prepared the necessary planning maps. Extracts of the proposed LEP mapping is provided at **Figure 11 - Figure 13**.

**Figure 11 - Proposed Zoning Map**



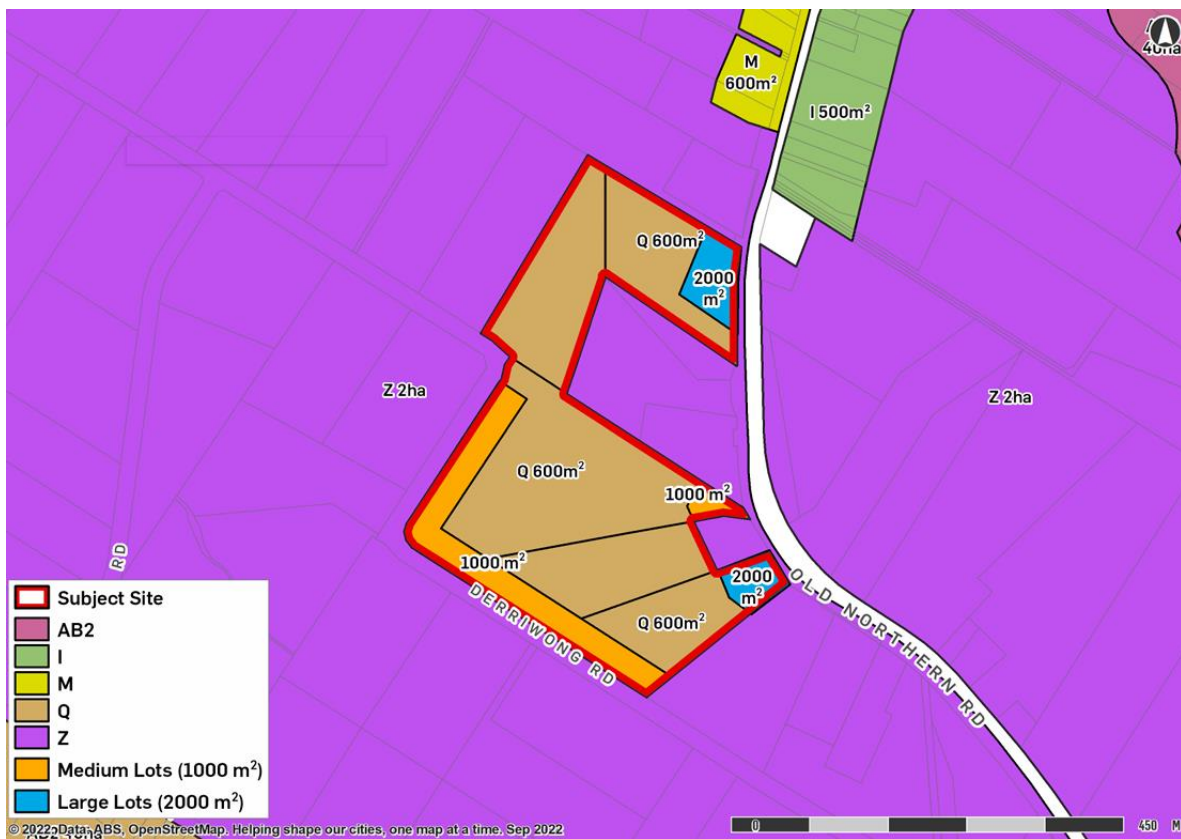
Source: Urbis GIS

**Figure 12 - Proposed Height of Buildings Map**



Source: Urbis GIS

**Figure 13 - Proposed Minimum Lot Size Map**



Source: Urbis GIS

### 4.1.2. Amendments to the Written Instrument

It is proposed that a site-specific clause is provided in THLEP 2019 to limit residential development on the site to a maximum 110 residential lots, which is the yield achieved based on the proposed subdivision configuration that achieves a diversity of sized lots. The Proponent will work with the Council on the precise wording to be included in the THLEP 2019 to limit the maximum lot yield for the site.

## 4.2. SITE SPECIFIC DCP

The Planning Proposal is accompanied by a draft site specific DCP 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.*

The site's primary frontage is to Old Northern Road to the east of the site, and secondary frontage to Derriwong Road to the south and west of the site. The site is at the interface of the boundary between The Hills Shire and Hornsby Shire Council boundary, 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 Neighbourhood Centre. 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

## 4.3. PUBLIC BENEFIT OFFER

It is noted that as part of the proposed local infrastructure works and the broader master plan concept, the following benefits to the community are identified:

- The provision of the local collector 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 and northern edge 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 Planning Proposal request is accompanied by a site-specific development control plan and a public benefit offer to enter into a VPA with the Council to deliver key public benefits including:

- Dedication and embellishment of 4,000sqm of land for use as a local park.
- Dedication and embellishment of 141sqm 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 towards a 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.

## 5. JUSTIFICATION FOR THE REZONING REVIEW

Section 5.1 of *A guide to preparing local environmental plans* outlines the test in determining whether the Planning Proposal has merit and should be submitted for a determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979 (EP&A Act)* (Gateway Determination). The Planning Proposal must demonstrate both strategic merit and site-specific merit.

As identified 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 demonstrated in the following sections of this report.

### 5.1. STRATEGIC MERIT

The Planning Proposal clearly demonstrates strategic merit in that it would positively contribute to the achievement of State and Local Government strategic planning goals, including the *Greater Sydney Region Plan, Central District Plan, Hills Future 2036: Local Strategic Planning Statement*, and *The Hills Shire Council Housing Strategy*.

In summary, the Planning Proposal demonstrates strategic merit as:

- The Planning Proposal is consistent with the MRA because it represents small-scale development as a logical expansion of Dural Village that is not meeting regional or district-scale housing demand and is an appropriate place-based outcome that is consistent with the values of the MRA. 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.
- The purpose of the MRA is to support agricultural uses and other uses that support the city whilst also ensuring that local housing needs are met. The MRA does allow for limited residential growth that caters for local housing demand. The Planning Proposal represents a small-scale rezoning which seeks to provide additional housing opportunities in a logical location that wraps around the existing Dural Primary School. In this regard, the proposal meets housing local demand in accordance with the Local Housing Strategy (LHS) and Hills Shire Rural Strategy (2019), which allows for limited residential expansion in rural villages such as Dural.
- The Planning Proposal aligns with Council's regional transport objectives (in securing a portion of a future bypass corridor) and provides a unique opportunity to allow for some additional housing within the catchment surrounding the Dural Public School, without creating a precedent of similar outcomes within the rural area.
- The site has not been used for agricultural purposes for a significant period of time and the potential use of the site for agricultural purposes is unviable, in part due to the potential for land use conflict with the adjoining Dural Public School. There has been a gradual decline in agricultural land uses in the locality and the proposed rezoning would permit low density residential development which facilitates the orderly and economic use of a site that is otherwise under-utilised.
- 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 residential areas and is not in conflict with a desired transition to and retention of the viable agricultural rural lands north of Dural.
- The Planning Proposal provides a logical outcome to deliver new housing supply and choice that meets local demand in accordance with the LHS and Rural Strategy 2019, which allows for limited residential expansion in rural villages such as Dural. The Planning Proposal is consistent with the eight criteria for rural village expansion outlined in the Rural Strategy 2019 in that it:
  - 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.
  - Adopts appropriate bushfire mitigation measures through the implementation of APZs.
  - Represents the reasonable use of natural resources, and 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.
- The Planning Proposal maximises the use of existing infrastructure sustainably 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).
  - The Planning Proposal does not seek to play a role in meeting any Regional or District scale demand for residential growth. Rather, this Planning Proposal seeks to facilitate the ongoing planning and management of Dural and need to respond to local demand for growth, the local character of Dural and the surrounding landscape and rural activities. The proposal is therefore most appropriately characterised as a small-scale 'greenfield infill site' which seeks to cater for local demand that is consistent with the LHS.
  - As outlined in this Planning Proposal, there is a demand for low-density housing specifically in Dural which is anticipated by the Department (2022) to grow generally at a lower-than-average rate than Greater Sydney given a lack of development opportunities. The District Plan acknowledges the need that limit changed is required in rural towns and villages, and that '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 MRA'.
  - The Planning Proposal responds to a change in circumstances that has not been recognised by the existing strategic planning framework. The Planning Proposal demonstrates considerable strategic merit particularly in the context of the existing local planning controls which are based on background studies that are now as a result of changing local and regional circumstances. The Greater Sydney Region Plan and Central City District Plan were published in 2017, which makes these documents now 6 years old. The background studies that informed the establishment of the MRA predate this. These strategic documents are currently under review by the Department and will be updated later this year. The degree of weight and relevance given to District Plan in this circumstance is therefore lessened.
  - The infrastructure facilitated by the Planning Proposal is site-specific and responds to the needs of the existing and future community. In this regard, the Planning Proposal is consistent with the Dural Urban Capacity and Capability Assessment (**DUCCA**) 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.

More generally speaking, the Planning Proposal has merit as:

- The Planning Proposal will not dilute the importance of adjacent urban centres or result in ribbon development along Old Northern Road. Conversely the realisation of the Planning Proposal will reinforce and support the orderly development and the modest expansion of existing centres.
- The rezoning reflects a logical minor extension of the existing urban village and is unique in its relationship to the Dural Public School and the opportunity to deliver local open space.
- The proposed density of residential land facilitated by the rezoning responds to demographic trends of the Dural area, providing choice for existing residents to downsize within their existing community and/or younger families to enter the market in an area dominated by large lot residential land that is unaffordable.
- The Planning Proposal will promote the viability of the rural village and 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.
- The Planning Proposal will facilitate the delivery of key infrastructure upgrades and extensions aimed at alleviating existing traffic constraints and improve road safety around Dural Public School through the inclusion of safer drop off zones replacing the congested access now available on Old Northern Road.

- The Planning Proposal complies with the relevant local environment plan making provisions under the *Environmental Planning & Assessment Act 1979*.
- The Planning Proposal complies with the Department of Planning & Environment's '*A guide to preparing local environmental plans*'.

The 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 larger rural lifestyle lots with no productive agricultural uses due to existing site constraints.
- There would be no contribution to the local housing needs or 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 safer pick up and drop off zones.
- Existing road and pedestrian safety issues pertaining to Old Northern Road would remain unresolved.
- There would be no reservation of part of the future bypass corridor.
- The existing consolidated land holding is likely to be sold off, returning the site to fragmented ownership and foregoing the opportunity for a master planned outcome.

The *Planning Proposal Report* prepared by Urbis (refer to **Attachment A**) provides a detailed assessment and demonstrates the strategic planning merit of the Planning Proposal, against each of the criteria established by the Department. A summary is provided in the following sub sections of this report.

### 5.1.1. Consistency with relevant District Plan within the Greater Sydney Region

#### Greater Sydney Regional Plan

In March 2018, the 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 4**.

**Table 4** – Assessment against Greater Sydney Region Plan

Greater Sydney Region Plan	Planning Proposal Response
<b>Direction 1: A city supported by infrastructure</b>	
<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 site is located between two local neighbourhood centres, in walking distance to public transport, and proximate to local shops, restaurants, a medical centre, a pharmacy, a primary school, a secondary school, a business park with multiple business and retail premises, recreation space, and community centres.</p> <p>The Planning Proposal seeks to permit low density residential dwellings within an area of high accessibility to existing cultural,</p>

Greater Sydney Region Plan	Planning Proposal Response
	<p>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.</p> <p>The Planning Proposal delivers new public open space (4,000sqm) 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 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, 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 intersection (subject to ongoing consultation with TfNSW) 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 provision of or augmentation to water, sewerage and electricity services to meet the needs of the proposed 110 allotments.</p> <p>The Planning Proposal also facilitates the undergrounding of overhead powerlines across the Dural Public School site representing additional community benefit.</p> <p>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 augmentation as 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"> <li>▪ Preliminary Infrastructure Review, Group Development Services (GDS), Version 2, 6<sup>th</sup> September 2022.</li> </ul>

Greater Sydney Region Plan	Planning Proposal Response
	<ul style="list-style-type: none"> <li>▪ Traffic Impact Assessment, SCT Consulting, Version 1, 26<sup>th</sup> August 2022.</li> </ul> <p>The Planning Proposal will deliver additional 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. For instance, the Planning Proposal provides local open space, road and pedestrian infrastructure, including pick-up and drop-off facilities for the public school, and utilities infrastructure which will also service the existing community.</p> <p>Further, it is noted that the public benefit offer that accompanies 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 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> <p>The public benefit offer therefore facilitates the delivery of infrastructure to not only support the existing local community but also represents the first step in new infrastructure provision to improve local connectivity and to forward plan for strategic connections.</p>
<b>Direction 4: Housing the City</b>	
<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 will be the fastest growing district over the next 20 years. The Hills Shire is expected to grow by 125,350 additional people by 2036. The 20-year forecast for the Central District: is a requirement to deliver 207,500 additional homes.</p> <p>Notwithstanding the above, <b><u>this Planning Proposal does not seek to play a role in meeting any Regional or District scale demand for residential growth.</u></b> Rather, the Planning Proposal is for a modest expansion of additional dwellings to an existing rural village (Dural) in a well-served location adjacent to existing essential services and which responds to local housing demand in Dural.</p>

Greater Sydney Region Plan	Planning Proposal Response
	<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 subdivision proposal as shown in <b>Figure 2</b> can therefore 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 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>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 Low Density Residential 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> <p>Due to the site location on the peri-urban fringe, access to broader jobs and services within the Sydney metropolitan area and locally is readily accessible. As such the location of the future housing is consistent with Planning Priority C5 to deliver the right housing in the right locations.</p>
<b>Direction 5: A city of great places</b>	
<p><i>Objective 12: Great places that bring people together</i></p>	<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 mechanisms to secure needed public benefits of the community early, while respecting the desired low-density character of the area.</p>

## Central District Plan (2018)

The site is located within the Central City District of Greater Sydney. The Central 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. The District Plan contains strategic directions and planning priorities that implement the objectives of the Region Plan. The District 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 provided in **Table 5**.

**Table 5** – Assessment against the Central District Plan

Central District Plan	Consistency
<p><b>Planning Priority C1</b> – Planning for a city supported by infrastructure</p> <p><b>Planning Priority C1</b> – 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>The site is located between two local centres, in walking distance to public transport, local shops, restaurants, a medical centre, a pharmacy, a primary school, a secondary school, a business park (with multiple business and retail premises), and community spaces. The Planning Proposal which seeks to permit low density residential dwellings within an area of high accessibility to existing cultural, health, transport, and social infrastructure is entirely appropriate and supports the priority to maximise the use of existing infrastructure. Permitting low density 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>Planning Priority C1 states 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 but also support the surrounding broader community. The public benefit offer proposes to deliver a sewerage connection to the Dural Public School, currently unfunded by the school or the NSW Department of Education.</p> <p>The Planning Proposal will deliver new public open space (4,000sqm) fronting Derriwong Road directly adjacent to the Dural Public School which would be available to both the school</p>

Central District Plan	Consistency
	<p>as well as the broader community. The public benefit offer also proposes 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.</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"> <li>▪ Preliminary Infrastructure Review, Group Development Services (GDS), Version 2, 6<sup>th</sup> September 2022</li> <li>▪ Traffic Impact Assessment, SCT Consulting, Version 1, 26<sup>th</sup> August 2022</li> </ul> <p>The Planning Proposal will deliver modest population growth that caters for local housing demand, and which is supported by new infrastructure investment not only to meet demands from the proposed development, but to improve services and infrastructure within the existing community. This infrastructure investment is specific to the place the subject of the Planning Proposal and is aligned to support the proposed growth.</p>
<p><b><i>Planning Priority C5-- Providing housing supply, choice and affordability with access to jobs, services and public transport</i></b></p>	<p>Planning Priority C5 responds to the Region 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 represents a modest expansion to the existing village of Dural with a maximum of 110 residential lots only, representing limited growth. The proposal will support the housing needs of the local community at a site which is longer suitable or viable 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'.</p> <p>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. The site's physical characteristics make it suitable to support low density residential development that can maximise use of existing infrastructure and deliver new infrastructure to support the residential development and the broader community.</p>

Central District Plan	Consistency
	<p>The Planning Proposal will deliver new housing that meets the local housing demand for different housing types and price points. 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 Low Density Residential zoning and minimum lot sizes will provide a scale of development which is aligned with the existing surrounding context, noted by the existing 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> <p>Due to the site location on the peri-urban fringe, access to broader jobs and services within the Sydney 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></p> <p>While low-density residential development will be delivered by the Planning Proposal it follows that the Council is in the best position to confirm which parts of the LGA are suited to the form of development proposed (low density detached dwellings) under the Planning Proposal. The District Plan notes that the varied housing markets within the District mean that providing supply in one market demand area may not satisfy demand in another. As such, meeting housing needs within this local housing market is appropriate and consistent with the District Plan, as considered in the Council resolution of 9 July 2019.</p> <p>It is noted that guidance contained within the District Plan states that as part of the investigations for the inclusion of new infill housing Councils should consider the following:</p> <ul style="list-style-type: none"> <li>▪ <b>transitional areas between urban renewal precincts and existing neighbourhoods.</b></li> </ul> <p>The site is located between two existing neighbourhoods that each feature urban land uses and R2 Low Density Residential zoned land. The scale of future development on the site, being for low density residential housing maintains a transition from the business and R3 Medium Density Residential zoning to the south and towards the rural character that is further north of the Dural neighbourhood centre.</p>

Central District Plan	Consistency
	<ul style="list-style-type: none"> <li>▪ <b>residential land around local centres where links for walking and cycling help promote a healthy lifestyle.</b></li> </ul> <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> <ul style="list-style-type: none"> <li>▪ <b>areas with good proximity to regional transport where more intensive urban renewal is not suitable due to challenging topography or other characteristics.</b></li> </ul> <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 yield of 110 dwellings can be supported by the local infrastructure, without undermining the low density and transitioning to rural-residential character of the area.</p> <p>The Planning Proposal provides a logical outcome to deliver new housing supply, choice, and affordability within a readily accessible area that accommodates jobs and services that can support various demographic groups. For these reasons and those above the Planning Proposal is consistent with the Planning Priority 5 of the District Plan.</p> <p>Further 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. Further water bodies and topography limit expansion of the site to the south-west.</p> <p>Any future planning proposal for the rezoning of RU6 Transition Land would be required to demonstrate site-specific and</p>

Central District Plan	Consistency
	<p>strategic merit and demonstrate in accordance with the Council endorsed recommendation that new residential zoned land would be delivered at no-cost to Government. As such, 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><b>Planning Priority C6 - Creating and renewing great places and local centres, and respecting the District's heritage</b></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> <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. 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 neighbourhood 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><b>Planning Priority C18 - Better managing rural areas</b></p>	<p>Objective 29 of the Region Plan seeks to ensure that the environmental, social and economic values in rural areas are protected and enhanced.</p>

Central District Plan	Consistency
	<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>The Planning Proposal is consistent with the MRA because it represents small-scale development as a logical expansion of Dural Village that is not meeting regional or district-scale housing demand and is an appropriate place-based outcome that is consistent with the values of the MRA. 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> <p>As outlined in this Planning Proposal, there is a demand for low density housing specifically in Dural which is anticipated by the Department (2022) 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 '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'.</p> <p>Planning Priority C18 notes that planning for local centres within the Metropolitan Rural Area 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>As evidenced through the Cardno Dural Land Capability Assessment (prepared for the Council) and the technical assessments submitted with this 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 site as having a rural character nor as viable agricultural land. Specifically, more intensive rural and agricultural operations on the site are restricted by the proximity of schools, residential dwellings (including heritage-listed dwellings), and commercial businesses in the locality. The existing urban uses</p>

Central District Plan	Consistency
	<p>within proximity of the site therefore precludes the use of the site for economically viable agricultural uses.</p> <p>As stated by the Department in the Gateway Determination Report dated July 2021, in this instance the Planning Proposal can represent the chance to deliver economic outcomes, in the form of a type of housing for which there is a need for and through the delivery of infrastructure to support the broader area.</p> <p>Further in the Gateway Determination Report prepared by the Department, it is stated that while the site is not located within an 'urban investigation area' in the District Plan, it is important to look at the policy hierarchy holistically. In this regard the Department considered limited growth in the Metropolitan Rural Area supportable, where the Planning Proposal is otherwise consistent with the District Plan and will result in a good planning outcome and public benefit.</p> <p>Specifically, the Department note 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"> <li>▪ <i>An endorsed Local Strategic Planning Statement;</i></li> <li>▪ <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></li> <li>▪ <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></li> </ul> <p>The Hills Shire Rural Strategy (2019) 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"> <li>▪ Facilitates the timely provision of utilities, transport, open space and communication infrastructure across the site.</li> <li>▪ Includes access to a range of transport options that allow efficient travel between homes, jobs and services.</li> <li>▪ Facilitates the delivery of a range of housing types, including the provision of low-density housing which is desired by the local market.</li> <li>▪ 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.</li> </ul>

Central District Plan	Consistency
	<ul style="list-style-type: none"> <li>Adopts appropriate bushfire mitigation measures through the implementation of APZs.</li> <li>Represents the reasonable use of natural resources, and efficient use of land.</li> <li>Does not adversely impact biodiversity, air quality, heritage items, or waterways.</li> <li>Provides housing with access to education and other essential services.</li> </ul> <p>Further, the Planning Proposal:</p> <ul style="list-style-type: none"> <li>Is consistent with all other relevant priorities and actions of the District Plan,</li> <li>Delivers targeted environmental, social and economic outcomes that are specific to the needs and characteristics of the local area,</li> <li>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</li> <li>The Planning Proposal is for a modest expansion with a maximum of 110 residential lots only, representing limited growth, of the local neighbourhood centres to the north of the site.</li> </ul> <p>As such, 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 residential areas and is not in conflict with a desired transition to and retention of the viable agricultural rural lands north of Dural.</p>

### 5.1.2. Consistency with a relevant local Council strategy that has been endorsed by the Department

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

- Hills Future 2036: Local Strategic Planning Statement* (as detailed in **Table 6**)
- Housing Strategy – The Hills Shire Council* (as detailed in **Table 7**)

**Table 6** – Consistency with Hills Future 2036

Planning Priority	Consistency
P4: Retain and manage the Shire's rural productive capacity	Planning Priority 4 aims to give effect to the District Plan Priority 18 – 'Better manage rural areas' and seeks to

Planning Priority	Consistency
	<p data-bbox="699 226 1294 293">maintain the desired character of rural lands when considering future rural subdivision and dwellings.</p> <p data-bbox="699 315 1414 495">When considering the actual identity, character and function of the site, it is not appropriate to characterise the site as having rural productive capacity. Specifically, the Economic Impact Analysis supporting the Planning Proposal states the following regarding the agricultural capacity of the site:</p> <ul data-bbox="746 517 1430 1872" style="list-style-type: none"> <li data-bbox="746 517 1401 584">▪ The site is relatively small in scale for agriculture at 12.8 hectares.</li> <li data-bbox="746 607 1410 719">▪ The historic agricultural use of the subject site was as a peach orchard, which ceased operation in mid-2014.</li> <li data-bbox="746 741 1426 1032">▪ 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 compared to other adjacent landholdings, the subject site has the most significant crossfalls and as such stands out as a site not suitable for agricultural production.</li> <li data-bbox="746 1055 1426 1279">▪ When assessed against the NSW land classifications the subject 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.</li> <li data-bbox="746 1301 1406 1480">▪ The potential gross margins per hectare (GM/Ha) of the subject site (as per the NSW DPI) indicate the potential agriculture uses on the subject site (which are at the lower range of indicative gross margins) are not financially sustainable.</li> <li data-bbox="746 1503 1394 1659">▪ The subject site is directly adjacent to Dural Public School with recommended barriers between most agricultural operations and adjacent uses representing a barrier to agricultural uses.</li> <li data-bbox="746 1682 1394 1872">▪ Other key barriers 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 a larger size more suitable for agriculture production.</li> </ul> <p data-bbox="699 1895 1426 2033">The Planning Proposal therefore is consistent with the desired character 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</p>

Planning Priority	Consistency
	<p>and retention of the viable agricultural rural lands north of Dural.</p> <p>The proposed development on the site will also drive economic benefits for the local economy including:</p> <ul style="list-style-type: none"> <li>▪ The future development is expected to support 67 direct jobs (mainly construction workers) and 98 indirect jobs (supply-chain).</li> <li>▪ The estimated 341 additional residents from the proposed 110 lots is projected to bring an additional \$5.84 million per annum of retail spending to the economy.</li> </ul> <p>This retail spending benefits will benefit the nearby Dural Village and Dural Mall shopping centres (and their surrounds) as well as other retail centres throughout the LGA in terms of both spending and vibrancy.</p> <p>More vibrant centres will help drive business investment in the LGA, which would in turn support even more ongoing jobs in the local economy.</p>
<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'.</p> <p>The Planning Proposal seeks to permit new low-density residential dwellings which caters for local demand. Notwithstanding the existing land use zoning, the character of the locality is peri-urban. The site's physical characteristics make it suitable to support low density residential development that is able to maximise use of existing infrastructure.</p> <p>The Planning Proposal addresses the need for supportive infrastructure through a public benefit offer which includes delivering new public open space (4,000sqm) 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 incorporate a new drop-off and pick-up zone for the public school.</p> <p>The low-density residential development will be accompanied by the provision of or augmentation to water, sewerage and electricity services to meet the needs of the proposed 110 allotments.</p>

Planning Priority	Consistency
	<p>One of the key actions in Priority 7 is to investigate opportunities for limited residential expansion in rural villages in line with the criteria recommended in the Rural Strategy 2019. The proposed R2 Low Density Residential zoning and minimum lot sizes will provide a scale of development which is aligned with Rural Strategy 2019 and the existing surrounding context including 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> <p>The Planning Proposal provides a logical outcome to deliver new housing supply and choice that meets local demand in accordance with the Local Housing Strategy, which allows for limited residential expansion in rural villages such as Dural,</p> <p>The proposed 110 lot subdivision is modest in scale and is supported by the housing market with the larger lots to fill a gap in the market for larger residential lots for local families. For these reasons the Planning Proposal is consistent with the Priority 8.</p>
P9: Renew and create great places	<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 has it has taken a site-specific 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>
P11: Plan for convenient, connected and accessible public transport	<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 Planning Proposal which seeks to permit low density residential dwellings within an area of high accessibility to existing cultural, health, transport, and social infrastructure is entirely appropriate and supports the priority to maximise the use of existing infrastructure.</p>
P15: Provide new and upgraded passive and active open spaces	<p>The Planning Proposal delivers new public open space (4,000sqm) 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.</p>

Planning Priority	Consistency
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.’</p> <p>The Planning Proposal represents a modest expansion to the existing village of Dural with a maximum of 110 residential lots only, representing limited growth. The proposal will support the housing needs of the local community at a site which is longer suitable or viable 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’.</p> <p>When considering the character and function of the land surrounding the site, it is not appropriate to characterise the locality as having a rural character nor as viable agricultural land. The existing character of the immediate site context is peri-urban, bound by environmental, business, infrastructure, and residential zones. The transitional nature of the existing zoning is not appropriate in this location, as it does not effectively provide a transition from urban to rural lands, rather is the break between urban uses.</p> <p>The site is not suitable for agricultural purposes due to its location adjacent to an existing and permitted primary school and residential dwellings. Sensitive land uses and human receptors are present within a 1km radius of the sites, such that they already restrict agricultural uses as per the interim guideline for ‘Buffer Zones to Reduce Land Use Conflict with Agriculture’ on the land zoned RU2 within Hornsby LGA and on the sites themselves.</p> <p>As noted by Gary White (2020) in support of the 2016 Planning Proposal:</p> <p style="text-align: center;"><i>“A small residential subdivision proposed at this peri-urban locality, impacted upon by a complicated mix of other urban and non-rural uses, does not equate to a collapse or major shift of the Urban Growth boundary.”</i></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 7** – Consistency with Housing Strategy – The Hills Shire Council

Planning Priority	Consistency
<p><b>Plan for new housing to support Greater Sydney's growing population</b></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 provide provides a unique opportunity for infrastructure improvements in proximity to the Dural Public School and existing neighbourhood and local centres.</p> <p>The Planning Proposal addresses the need for infrastructure to support housing growth through a public benefit offer which includes delivering new public open space (4,000sqm) 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.</p>
<p><b>Plan for new housing in the right locations</b></p> <p><i>Relates to Planning Priority 7 in Hills Future 2036</i></p>	<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>
<p><b>Plan for diversity of housing</b></p> <p><i>Relates to Planning Priority 8 in Hills Future</i></p>	<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 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>
<p><b>Renew and create great places</b></p> <p><i>Relates to Planning Priority 9 in Hills Future</i></p>	<p>The site is identified as RU6 Transition Land and beyond the Urban Growth Boundary. However, the nature and intensity of agricultural uses surrounding the site suggests that the existing RU6 Transition zoning is not appropriate.</p>

Planning Priority	Consistency
	The proposed R2 Low Density Residential zoning and minimum lot sizes will provide a scale of development which is aligned with Rural Strategy 2019 and the existing surrounding context, including 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.
<b>Provide social infrastructure and retail services to meet resident' needs.</b>  <i>Relates to Planning Priority 10 in Hills Future</i>	The subject site is uniquely positioned within proximity to the existing Dural Public School. The proposed residential lots, along with the infrastructure improvements that directly benefit the school, will encourage human connection and social interaction within the locality.

### 5.1.3. 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 5.1.1** and **Section 5.1.20** 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.

This includes demographic trends that have contributed to a string of recent strategic planning decisions to rezone land in the immediate locality and development approvals for urban development contributing to a change in character of the locality and a trend towards urbanisation.

Of note, the Greater Sydney Region Plan and Central City District Plan were published in 2017, which makes these documents now 6 years old. The background studies that informed the establishment of the MRA predate this. These strategic documents are currently under review by the Department and will be updated later this year.

Studies undertaken by the Proponent and forming part of the Planning Proposal considered by the Council, identify that local and regional circumstances have changed and the existing planning controls and local planning studies are no longer appropriate or relevant.

### Demographic and Land Use Trends

Unlike most areas of Sydney and The Hills, the population of Dural has not grown since 2001. As identified in the Economic Impact Assessment submitted as part of the Planning Proposal (refer to **Attachment A**), 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

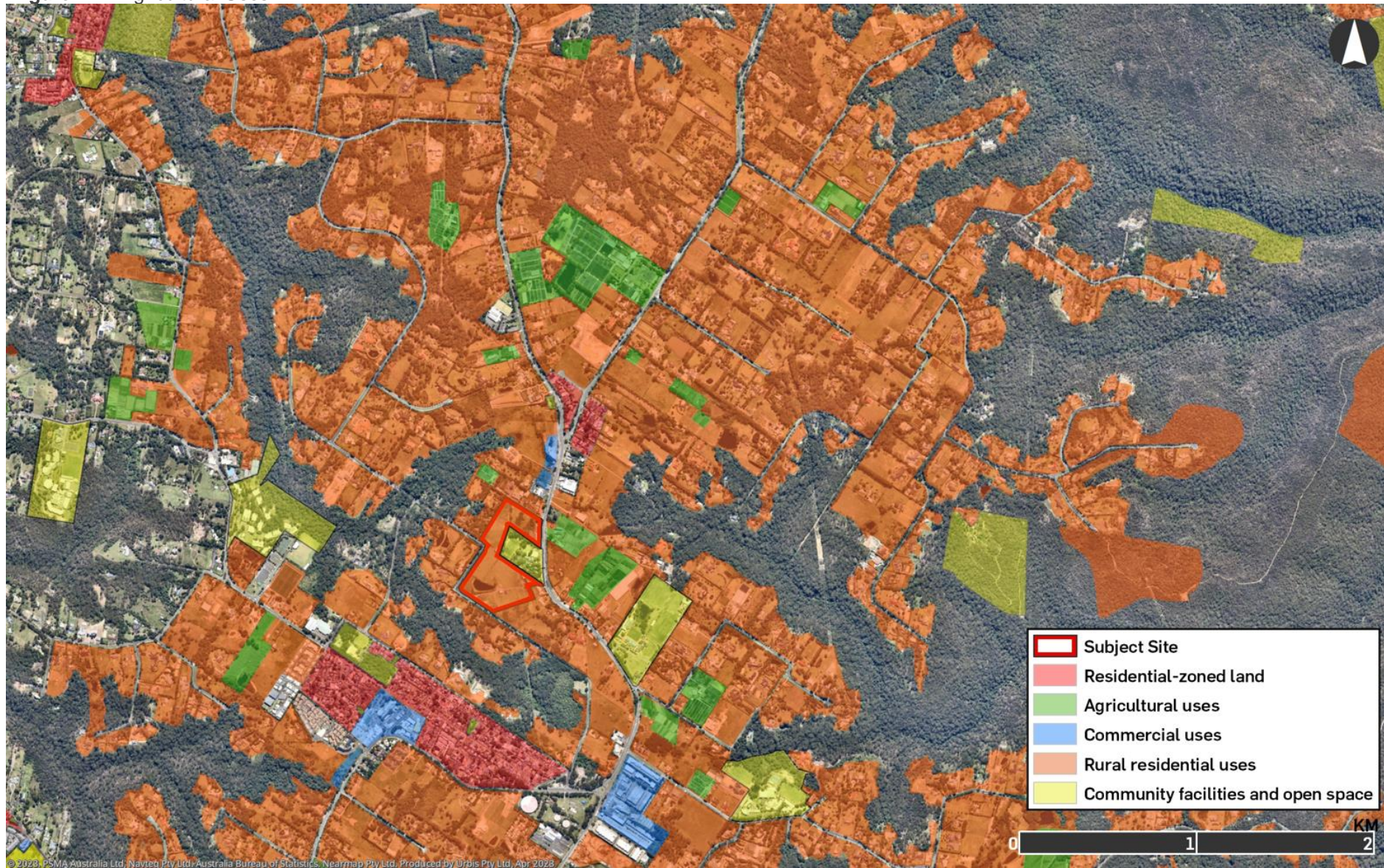
being limited residential development opportunities in Dural due to limited zoned land that is for the most part fully developed. The proposed development of the site is an opportunity to strengthen and deliver local population growth across Dural.

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 14**, 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 14 – Agricultural Uses



Source: Urbis 2016

## 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 15 years ago on 10 June 2008, which informed the preparation of the former *Hills Shire Local Environmental Plan 2012*. The Hills Shire Local Housing Strategy 2019 replaced this document but is almost up for review at the end of 2023.

An up-to-date Residential Market Assessment was prepared as part of the Economic Impact Assessment submitted as part of the Planning Proposal (refer to **Attachment A**) 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 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 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 of 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 have undertaken an assessment of new agricultural viability for the site, as part of the Economic Impact Assessment submitted as part of the Planning Proposal (refer to **Attachment A**), 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 nature and intensity of agricultural uses surrounding the site suggests that the existing RU6 Transition zoning is not appropriate. This is consistent with Council's own findings as set out in the Information Assessment and Recommendation Report for the Rezoning Review for the Planning Proposal for the adjoining Timber Mill site. In the review report the Department agreed with the Proponent that *the proposed residential zone is more compatible with the surrounding and likely future land uses than the existing RU6 zoning and existing timber mill*". The site adjoins the Timber Mill site (identified in the below map) and shares the same context.

## 5.2. SITE-SPECIFIC MERIT

As well as demonstrating consistency with established strategic planning objectives and directions under the strategic merit test, a Proponent seeking a Rezoning Review must also establish that the Planning Proposal demonstrates site specific merit in relation to the following matters:

- *the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards).*
- *existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates.*
- *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.*

Each of the identified site-specific merit tests are addressed in the following sections.

### 5.2.1. The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources, hazards).

The Planning Proposal provides comprehensive consideration to the site's environmental values and constraints. Site investigations have been undertaken to inform the Planning Proposal with regards to the following key considerations:

- Hydrology and water quality;
- Site Contamination;
- Bushfire;
- Ecology; and
- Bushfire.

#### 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.

#### Site Contamination

JBS&G Australia Pty Ltd has undertaken Detailed Site Investigations (DSI) for all the individual title lots that make up the site of the subject of this Planning Proposal.

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.

## Ecology

Kingfisher Australia undertook a Flora and Fauna Assessment (refer to **Attachment A**) of the site and broader locality, 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 that confirmed the presence of the following surrounding the site:

- Two plant community types (**PCT**) were identified, including:
  - Northern Foothills Blackbutt Grassy Forest, listed as an Endangered Ecological Community (**EEC**) under the Biodiversity Conservation Act 2016
  - Sydney Turpentine Ironbark Forest listed as 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 to 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.

## Bushfire

ELA has undertaken a Bushfire Strategic Study (refer to **Attachment A**) 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 2019 (**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.

### 5.2.2. The existing uses, approved uses, and likely future uses of land in the vicinity of the site

The Dural locality is undergoing predominantly used for residential purposes due to the unsuitability and unviability of the site for agricultural purposes that would be permitted within the zone. The prevailing residential use of the site and the ongoing transformation of the area by recent development approvals and rezonings are contributing to the urbanisation of the broader area.

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.

- As discussed within the Economic Impact Assessment submitted with the Planning Proposal (refer to **Attachment A**), 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 from existing nearby residential uses impacts on the useable areas of the subject land for intensive 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 development which increases local housing choice.
- During the preparation of the 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.

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 study. 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.

### **5.2.3. The 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.**

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 currently provided along the western side of Old Northern Road, connecting the site to Round Corner in the south and the Memorial Hall and Dural Public School to the north. As detailed within the Traffic and Transport Assessment undertaken by SCT Consultants, internal pedestrian paths will be connected to existing footpaths allowing pedestrians to reach existing bus stops in the area. It is envisioned that the internal road network will allow for cyclists to share the roadways with general traffic.

## 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 is situated at Old Northern Road and 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.

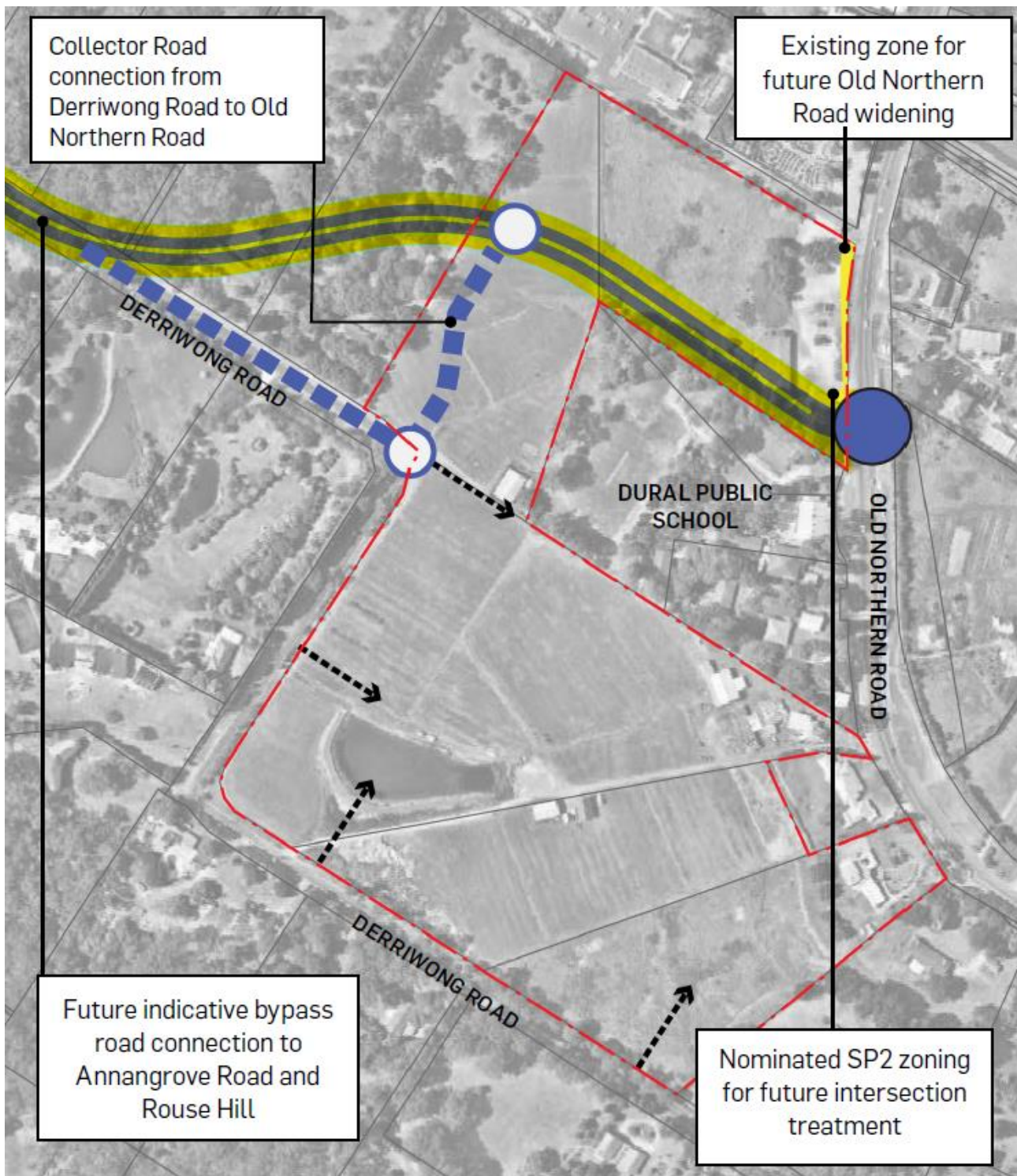
A design lead approach relating to site access and internal access has informed the preparation of the Planning Proposal. The road network has been designed to consider local traffic issues to minimise network congestion and improve local and regional permeability. As such, the Planning Proposal demonstrates 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 15**.

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 15** - 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:

- 4,000m<sup>2</sup> neighbourhood park to be dedicated to the Council; and
- Monetary contribution towards active open space as outlined in the Public Benefit Offer (refer to **Attachment F**).

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

## 6. CONCLUSION

This report has been prepared in support of a Rezoning Review request to the Department in relation to the Proponent-initiated Planning Proposal pertaining to land at 614 Old Northern Road, 618 Old Northern Road, 626 Old Northern Road, 21 Derriwong Road, and 27 Derriwong Road, Dural.

The Planning Proposal seeks an amendment to THLEP 2019 to establish planning controls that would enable low-density residential development at the site.

Specifically, the intended outcome of the Planning Proposal is to amend the 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 2,000m<sup>2</sup> and 600m<sup>2</sup>.
- Reduce the maximum height of building control from 10 metres to nine metres.

It is also proposed that a site-specific clause is provided in THLEP 2019 to limit residential development on the site to a maximum 110 residential lots, which is the yield achieved based on the proposed subdivision configuration that achieves a diversity of sized lots. The Proponent will work with the Council on the precise wording to be included in the THLEP 2019 to limit the maximum lot yield for the site.

The Planning Proposal aligns with the broad direction and intent of The Hills Shire Council Local Housing Strategy and Rural Strategy which support the modest expansion of rural villages.

The Planning Proposal represents a logical land use outcome responding to the attributes of the site and its context. While it is acknowledged that there are some potential inconsistencies with the strategic planning framework for the broader MRA, the fundamental merit of allowing urban development on the site has been consistently recognised. In particular:

- The IPC recognised the benefits of the proposal and recommended that the site should be included for urban development in the Central City District Plan.
- The Department issued a Gateway Determination for the prior Planning Proposal to proceed, and importantly established a framework 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.*'
- Council staff and the LPP both recommended that the Planning Proposal should proceed to Gateway Determination.

The Planning Proposal aligns with key aspects of Council's local strategic planning framework and delivers a range of public benefits. In balancing the various considerations associated with the Planning Proposal, Council staff concluded that:

*Clearly, there are different views and objectives within the applicable layers of the strategic planning framework which are somewhat conflicting in this instance. While the planning proposal does not align with the blanket policy position in the Region Plan relating to the Urban Growth Boundary, there are nonetheless logical grounds to consider an exception in this specific instance, having regard to the strong alignment of the proposal with Council's regional transport objectives (in securing a portion of a future bypass corridor) and the unique opportunity to allow for some additional housing within the catchment surrounding the Dural Public School, without creating a precedent of similar outcomes within the rural area.*

Noting Council's position, this Planning Proposal requests an independent review from the Sydney Central Planning Panel.

The Planning Proposal has carefully considered and detailed the site-specific merit for repurposing the site for residential uses, namely the site's proximity to existing urban areas. The Planning Proposal represents the logical infill of underutilised peri-urban land located between two existing villages.

We consider the proposed amendments to the THLEP 2019 satisfy the strategic merit and site-specific merit tests and would enable an appropriate development outcome and generate significant community benefit.

The compelling reasons justifying the proposed amendments as requested in this Planning Proposal include:

- The Planning Proposal aligns with aspects of The Hills Shire Local Strategic Planning Statement, The Hills Shire Council Local Housing Strategy and Rural Strategy, and the Dural Urban Capacity and Capability Assessment. In particular the Planning Proposal:
  - Provides for limited expansion of rural villages.
  - Relates to land that was identified as being capable of urban development.
  - Reserves a road corridor that supports future realisation of the Round Corner Bypass, which is identified as a regional transport priority.
- The rezoning of the land for urban purposes would permit redevelopment of currently underutilised and poor-quality agricultural land for low density residential lots. The objectives of the Planning Proposal align with broad direction and intent of the MRA, the Council's Local Housing Strategy and The Hills Shire Rural Strategy 2019 to support the modest expansion of rural villages.
- The Planning Proposal will deliver a modest expansion to the existing village with a maximum of 110 residential lots only, representing limited growth. The proposal will support the housing needs of the local community on a site which is longer suitable or viable agricultural use.
- The current policy framework guiding and informing development on the peri-urban fringe around Round Corner is not consistent with demographic trends or demand for residential accommodation in the area.
- The rezoning reflects a logical extension and infill of urban land uses, bookended between two existing centres that are the subject of continuing growth and development.
- The site is not presently used for agricultural purposes and the potential use of the site for agriculture is constrained due to the proximity of urban land and the potential for intensive agriculture to generate adverse environmental impacts. The Planning Proposal therefore represents orderly and economic use of otherwise underutilised land that cannot be used for meaningful agricultural production.
- The residential subdivision will deliver new residential land to meet the local demand of existing residents, in an identified market gap for "downsizers" and young families.

As evidenced by the submitted documentation, this Planning Proposal has considerable strategic and site-specific merit as outlined in "*A Guide to Preparing Local Environmental Plans*" and thus warrants the Panels' support to proceed to Gateway for public exhibition.

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