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# **PLANNING PROPOSAL**

Derriwong Road, Dural

Prepared for  
**LEGACY PROPERTY**  
September 2022

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# EXECUTIVE SUMMARY

This Planning Proposal has been prepared on behalf the Legacy Property of 614 Old Northern Road, 618 Old Northern Road, 626 Old Northern Road, 21 Derriwong Road, and 27 Derriwong Road, Dural (the site). This Planning Proposal provides justification to The Hills Shire Council to commence the process of transforming rural land into urban land for the purposes of delivering additional residential dwellings and open space.

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

The land naturally grades in a south, southwest direction towards Derriwong Road and O'Hara's Creek beyond. The site is predominantly cleared of any substantial vegetation with only sporadic and fragmented vegetation patches remaining. Existing uses are predominantly rural residential in nature, with the majority of the land zoned RU6 Transition under *The Hills Local Environmental Plan 2019* (THLEP 2019).

The Planning Proposal seeks to change the zoning of the land from RU6 Transition to part R2 Low Density Residential and part SP2 Infrastructure (local road). Combined with the change in land use zoning, the Planning Proposal seeks to amend the following development standards applying to the land:

- Reduce the minimum lot size requirement from 2 hectares to between 2,000m<sup>2</sup> and 600m<sup>2</sup>.
- Reduce the maximum height of building control from 10 metres to 9 metres.

The Planning Proposal is supported by an urban design study which demonstrates the compatibility of the proposed land use zones with the surrounding site context, including delivering low density and large lot sizes on ridgelines and main roads. The urban design study demonstrates that a suitable residential subdivision layout can be delivered on the site which accommodates local open space in an accessible location, and future road connections that can provide longer-term strategic functions as a bypass corridor.

The Planning Proposal presents an opportunity to increase the diversity of residential land/development options within Dural, responding to market demand of both an aging demographic looking to downsize and young families seeking a more affordable residential option. The subdivision layout prepared in support of the Planning Proposal is a logical use of the peri-urban existing context. The subdivision responds to conditions of a prior Gateway Determination which was granted by the Department of Planning and Environment in 2021 that supported the rezoning of land from rural to urban uses.

The proposed amendment will make a positive contribution to the growth and revitalisation of the local area in a manner that contributes to housing variety and affordability. Further it represents an efficient and orderly use of land that is otherwise not suitable for agricultural and other functions due to proximity to a school and other urban land uses.

The proposal further creates the opportunity to deliver local infrastructure to an existing community including local open space, sewer reticulation, undergrounding of overhead power lines, drop-off and pick-up facilities for school vehicular movements, and other local road connections. Further, the proposed local road bypass enables the Council to deliver a Round Corner bypass road in the future to address growing capacity constraints in the regional road network. These public benefits are outlined within an offer to enter into a Voluntary Planning Agreement with the Council upon gazettal of the proposed amendments to THLEP 2019.

Support for this Planning Proposal is further justified based on the following:

- The proposed rezoning is consistent with the existing peri-urban character of the area and the pattern of density for development within adjacent centres including Round Corner town centre and Dural neighbourhood centre.
- Compatibility and integration of the proposal with adjacent patterns of subdivision and provision for future connectivity with adjacent lands.
- The site is contained by a number of physical and natural barriers that limit further expansion of the urban footprint.

- The land is not currently used for agricultural purposes. The potential use of the land for agriculture is constrained due to the proximity of urban land and adjacent sensitive land uses such as Dural Primary School and the potential for intensive agriculture to generate adverse environmental impacts.
- The rezoning and future redevelopment would support the continued economic viability of Dural Village Centre and Round Corner through increasing proximate residential dwellings.
- The future residential development will not dilute the primacy of adjacent urban centres, but reinforce and support their growth through the increased residential and worker populations within existing retail catchments.
- The rezoning presents a logical extension and infill of urban land uses, located between two existing neighbourhood and town centres.
- The residential subdivision will deliver new residential land to meet demand of existing and potential residents, in an identified market gap for “downsizers” and young families.
- The opportunity to utilise existing capacity at Dural Public School by increasing the residential population in its catchment.
- In considering a prior planning proposal, the Independent Planning Commission supported the merit of urban development on this site.

It is requested that Council endorse the Planning Proposal and request the Department of Planning and Environment to issue a gateway determination to commence the process to amend the relevant planning maps of THLEP 2019 to permit the logical use of the land for low density residential development and facilitate the delivery of local open space and a new bypass road.



# 1. INTRODUCTION

## 1.1. OVERVIEW

This report has been prepared by Urbis Pty Ltd on behalf of Legacy Property (**the Proponent**) to initiate a Planning Proposal request to The Hills Shire Council (**Council**) to amend *The Hills Local Environmental Plan 2019 (THLEP 2019)* in relation to the landholdings set out in **Table 2 (the site)**.

The intent of the request is to rezone the land to permit the delivery of low-density residential dwellings, local open space, and local roads including a future bypass connection. The amendment would allow for the use of the site as 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 underutilised and poor-quality agricultural land for low density residential lots.

The envisaged future development is consistent with the proposed R2 Low Density Residential and SP2 Infrastructure (local road) zoning, which aligns with broad direction and intent of The Hills Shire Council Local Housing Strategy and Rural Strategy to support the modest expansion of rural villages.

The Planning Proposal request has been prepared in accordance with the *Environmental Planning and Assessment Act 1979 (EP&A Act)* and *Environmental Planning and Assessment Regulation 2021 (Regulations)* and has regard to guidelines published by the NSW Department of Planning and Environment (**DPE**) including the Local Environmental Plan Making Guideline (**LEP Making Guideline**) (September 2022).

## 1.2. PROPOSED LEP AMENDMENTS

The Planning Proposal requests amendments to the land use zone, minimum lot sizes and height of building development standards applying to the site under THLEP 2019.

A structure plan has been prepared for the site to demonstrate how the local road connections and future open space proposed for the site connect and relate to surrounding urban areas. The proposed changes to the adopted provisions of THLEP 2019 are outlined in Parts 2 Explanation of Provisions and Part 4 Mapping, contained within this report.

The amendments to THLEP 2019 reflect the desired urban design outcomes 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.
- Demonstrating no additional or new impacts on the ecological sensitivities of the site or the surrounding and adjacent land.
- Demonstrating the proposal delivers a range of public benefits and can be delivered at no-cost to Council and government.
- Achieving key directions for the area and locality as expressed in the metropolitan plan “A Plan for Growing Sydney”, in particular an increase in the quantum of housing and variety of housing typologies to support changing demographics and to support the delivery of infrastructure.
- Demonstrating the proposal does not create an undesirable precedent of development within the Metropolitan Rural Area.
- 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 land, including to Old Northern Road, and location of new local open space adjacent to existing local roads and the Dural Primary School.

The Planning Proposal request is accompanied by a site-specific development control plan and an offer to enter into a Voluntary Planning Agreement with the Council to deliver key public benefits including:

- Land dedication and embellishment of 4,000sqm of land for use as a local park.

- Land dedication and embellishment of 141sqm of land for use as a pedestrian link.
- 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 towards delivery of a local collector road.
- Provision of a monetary contribution to Council of \$101,242.90 towards community facilities.
- Dedication to Council and embellishment of two stormwater detention basins.

Further the proposal facilitates the delivery of improvements to the regional road network by proposing a drop-off and pick-up facility on the site for the adjoining (Dural Public School) school vehicular movements, to remove conflicts between these vehicle movements, and bus stops along Old Northern Road that when functioning together currently cause delays and congestion, and safety concerns along Old Northern Road.

### 1.3. REPORT STRUCTURE

This report is structured to provide the following information and addresses the key requirements of a planning proposal set out in section 3.33 of the EP&A Act:

- Overview of the site history, description of the site and its context.
- Outline of the statutory and strategic planning context.
- Description of the proposed amendment to the LEP and intended effects of the amendments.
- Statement of the objectives and intended outcomes of the proposal.
- Explanation of the provisions that are to be included in the LEP.
- Summary of the justification of the proposal, including an environmental assessment.
- Description of the community consultation process that would be expected to be undertaken before consideration is given to making of the planning instrument.
- Indicative project timeline.
- Conclusion and justification.

### 1.4. ACCOMPANYING DOCUMENTATION

The Planning Proposal is accompanied by the following consultant documentation.

**Table 1** – Planning Proposal Documentation

Document	Consultant	Appendix
Urban Design Study	Urbis	Appendix A
Traffic Impact Assessment	SCT Consulting	Appendix B
Ecological Assessment	Kingfisher Urban Ecology and Wetlands	Appendix C
Bushfire Strategic Study	Eco Logical Australia	Appendix D
Economic Impact Assessment	Urbis	Appendix E
Heritage Impact Statement	Urbis	Appendix F
Detailed Site Investigations Report.	JBS&G	Appendix G

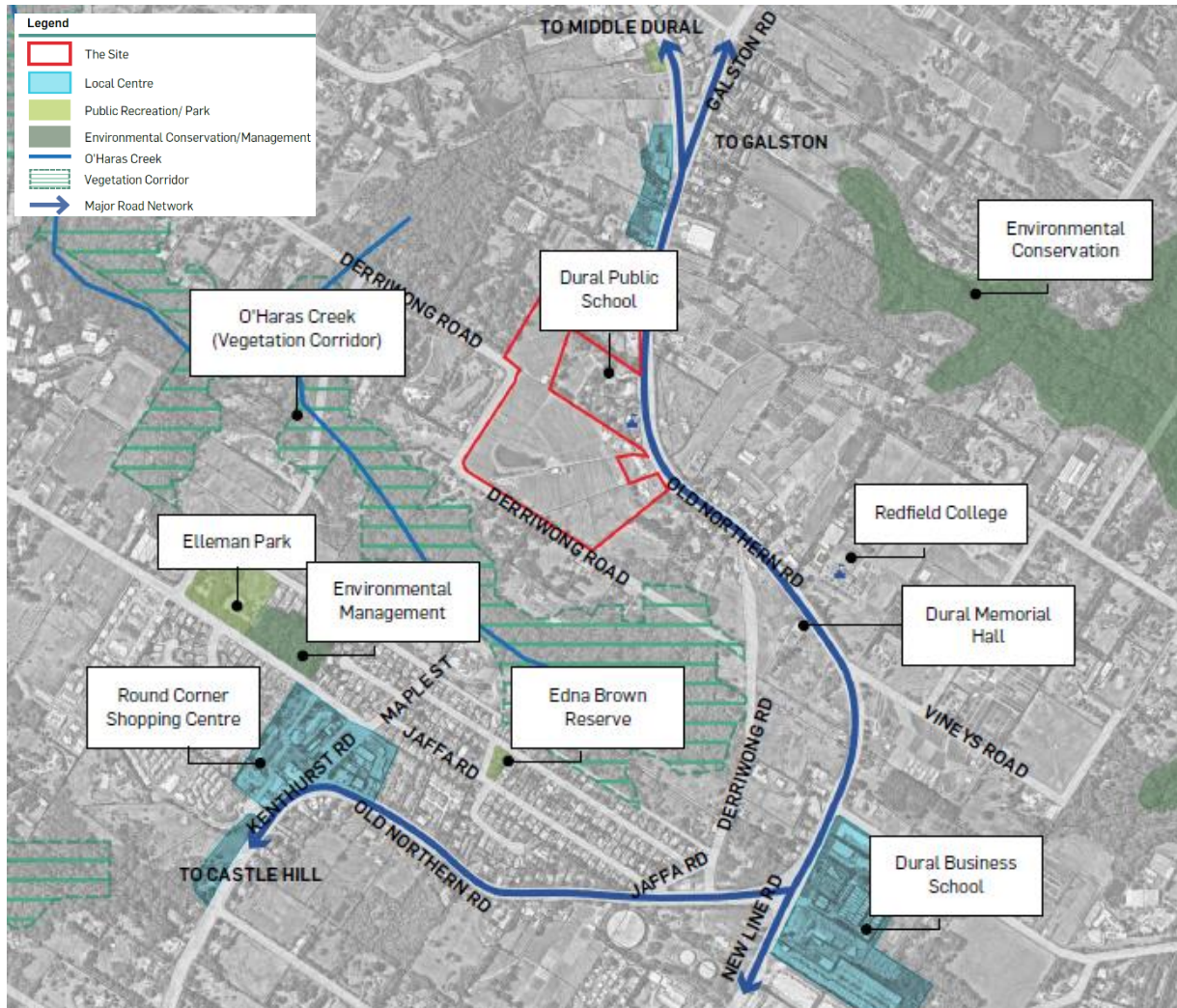
<b>Document</b>	<b>Consultant</b>	<b>Appendix</b>
Preliminary Infrastructure Review Report	Group Development Services	Appendix H
Survey Plan	Land Partners	Appendix I
Acoustic Assessment	Rodney Stevens Acoustic	Appendix J
LEP Mapping	Urbis	Appendix K
Site-specific Development Control Plan	Urbis	Appendix L
Public Benefit Offer	Legacy Property	Appendix M
Aboriginal Heritage Assessment	Kelleher Nightingale	Appendix N

## 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 holdings is shown in **Figure 1** and property details are included in **Table 2**

**Figure 1** – Aerial View of Site and Surrounding Context



Source: Urbis 2022

**Table 2** – Summary of Landholdings

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



### 2.1.1. Topography

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

### 2.1.2. Hydrology

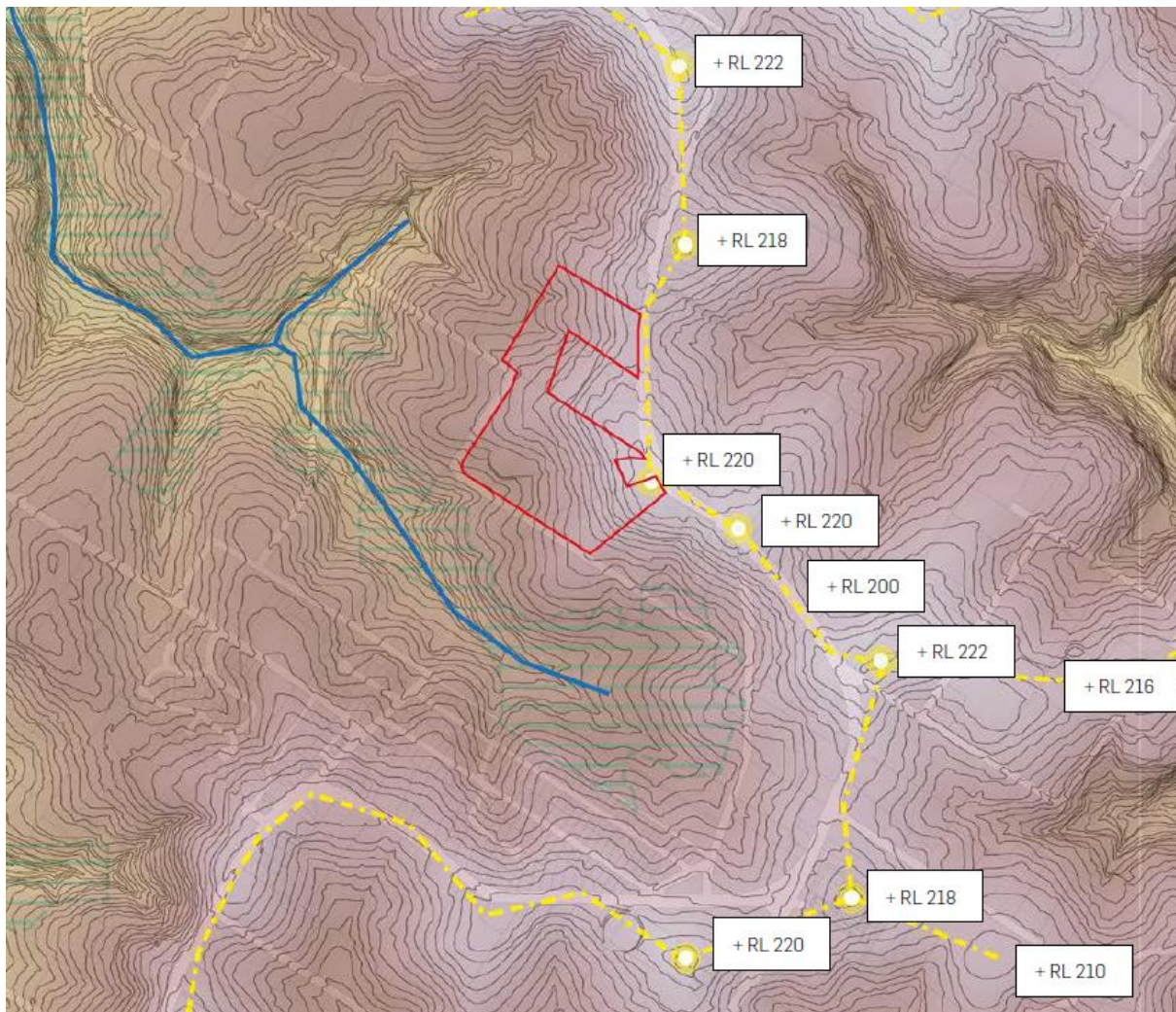
#### SURFACE WATER FLOW

As outlined in Section 2.2.1 the land generally slopes away from Old Northern Road in a west, south west direction towards the natural drainage lines and permanent water courses. Kingfisher has undertaken an assessment of the site and the surrounding lands, identifying that several tributaries of the O'Hara's Creek drain away from the site and converge at O'Hara's Creek to the west and south-west of the site. O'Hara's Creek is identified as a "major creek" line by Kingfisher (refer to **Appendix D**), the creek flows in a north-west direction (**Figure 2**) and is buffered by existing and established native vegetation refer to **Figure 8**.

#### GROUNDWATER FLOWS

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

**Figure 2** – Local Topography and Hydrology Lines



Source: Urbis, 2022

### 2.1.3. Local Geology

#### SOILS

JBS&G have undertaken detailed site investigations and determined that the site is located on a Glenorie Soil Landscape (gn) as indicated on the Sydney Soil Landscape Map prepared by the NSW Office of Environment and Heritage.

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

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

#### ACID SULPHATE SOILS

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

### 2.1.4. Flora and Fauna

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

#### 2.1.4.1. Flora (Species and Vegetation Communities)

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

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

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

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

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

#### 2.1.4.2. Fauna

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

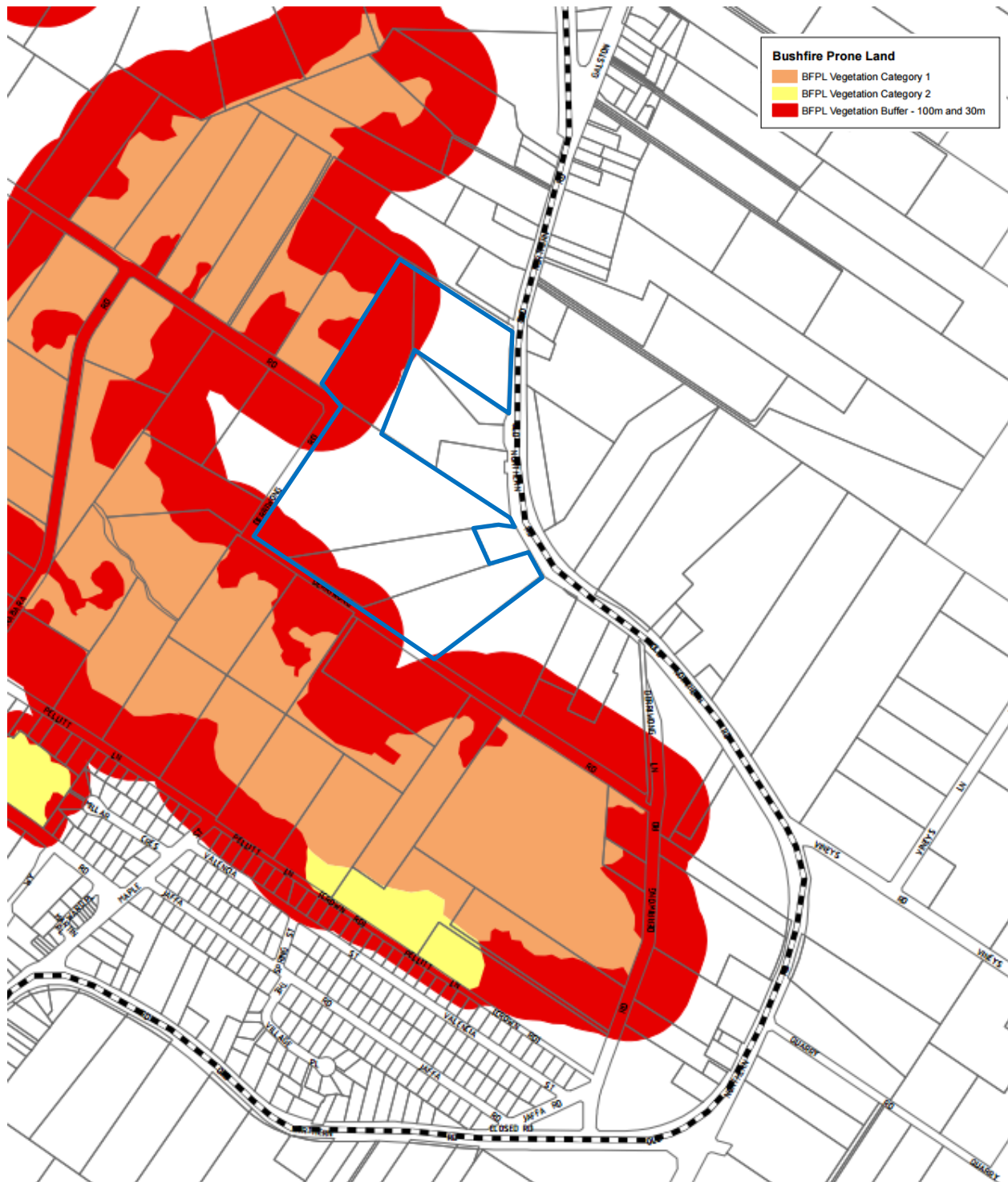
- Limited availability (presence) of farm dams, canopy and hollow bearing trees recorded within the site; and
- Limited presence of native species in the under or canopy storey layers limiting the generation of leaf litter and woody debris to provide faunal habitat.

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

### 2.1.5. Bushfire

Parts of the site are identified as being located within the vegetation buffer (100 metres and 30 metres) on Council's adopted bushfire prone land planning maps (**Figure 3**).

**Figure 3** – Extract of Bushfire Planning Map



Source: The Hills Shire Council



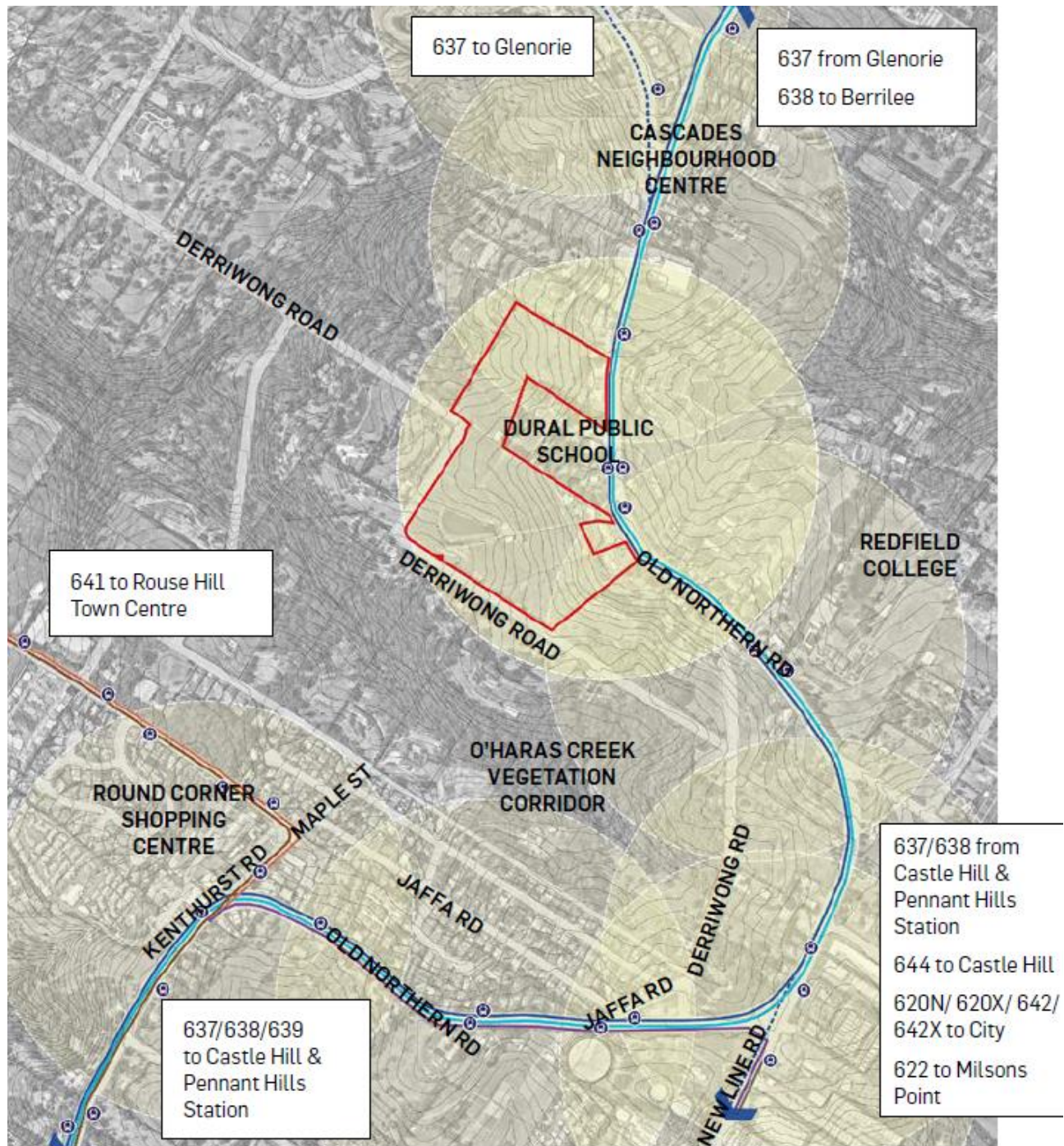
## 2.1.6. Access and Movement

### 2.1.6.1. Public Transport

The site is accessible via public transport, with regular bus services available along Old Northern Road. The site is immediately adjacent to the north bound service stop with south bound services available on the opposite side of Old Northern Road accessible via the pedestrian over pass or traffic controlled intersection. South bound services connect to Pennant Hills and Castle Hill. While the north bound service connects to Glenorie.

The location of bus stops along Old Northern Road in relation to the site is shown in **Figure 4**.

**Figure 4** – Public Transport Connections and Routes Servicing the Site



Source: Urbis 2022

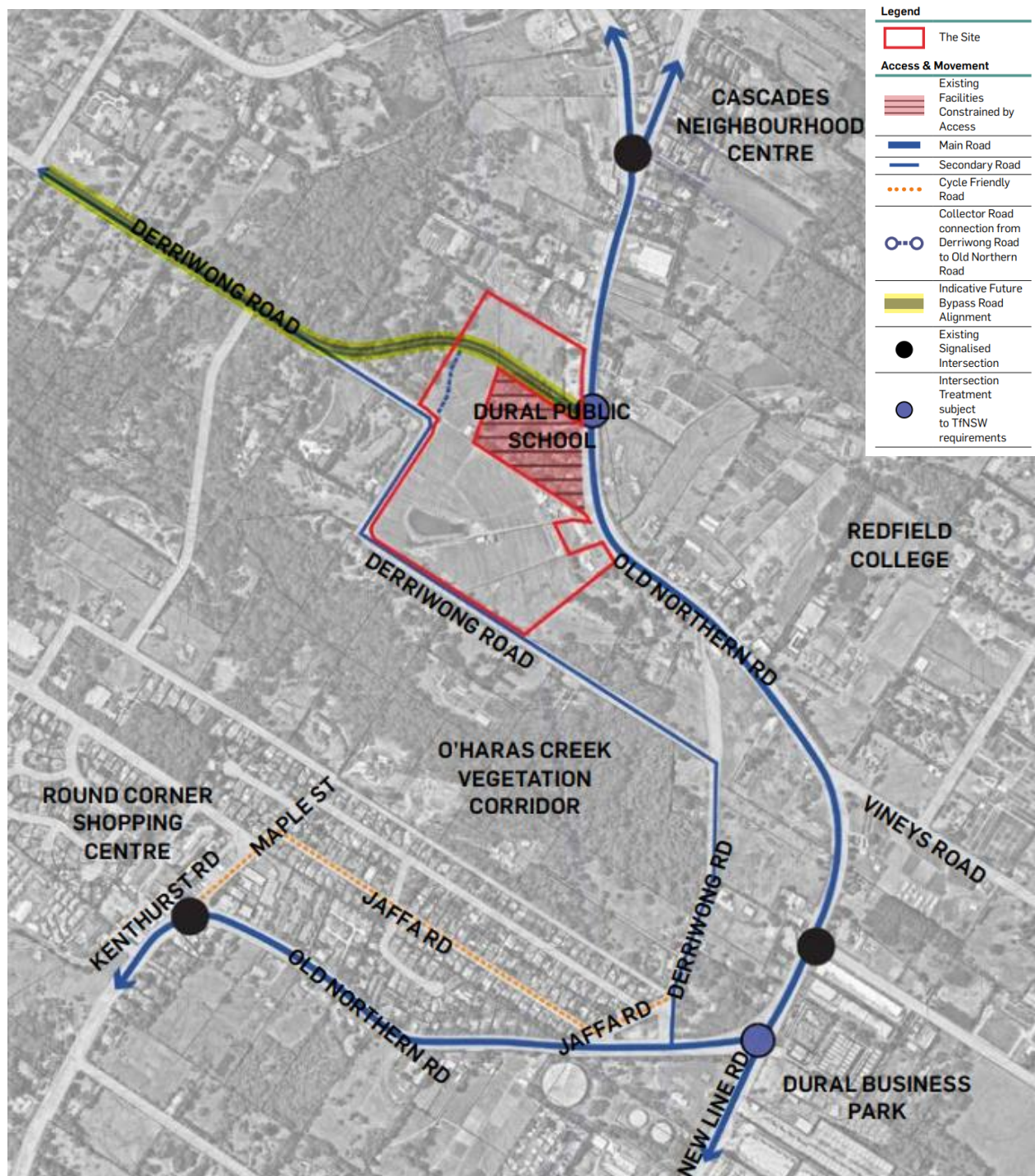


### 2.1.6.2. Vehicle Access

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

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

**Figure 5 – Existing Road Network** (Source: Urbis, 2022)

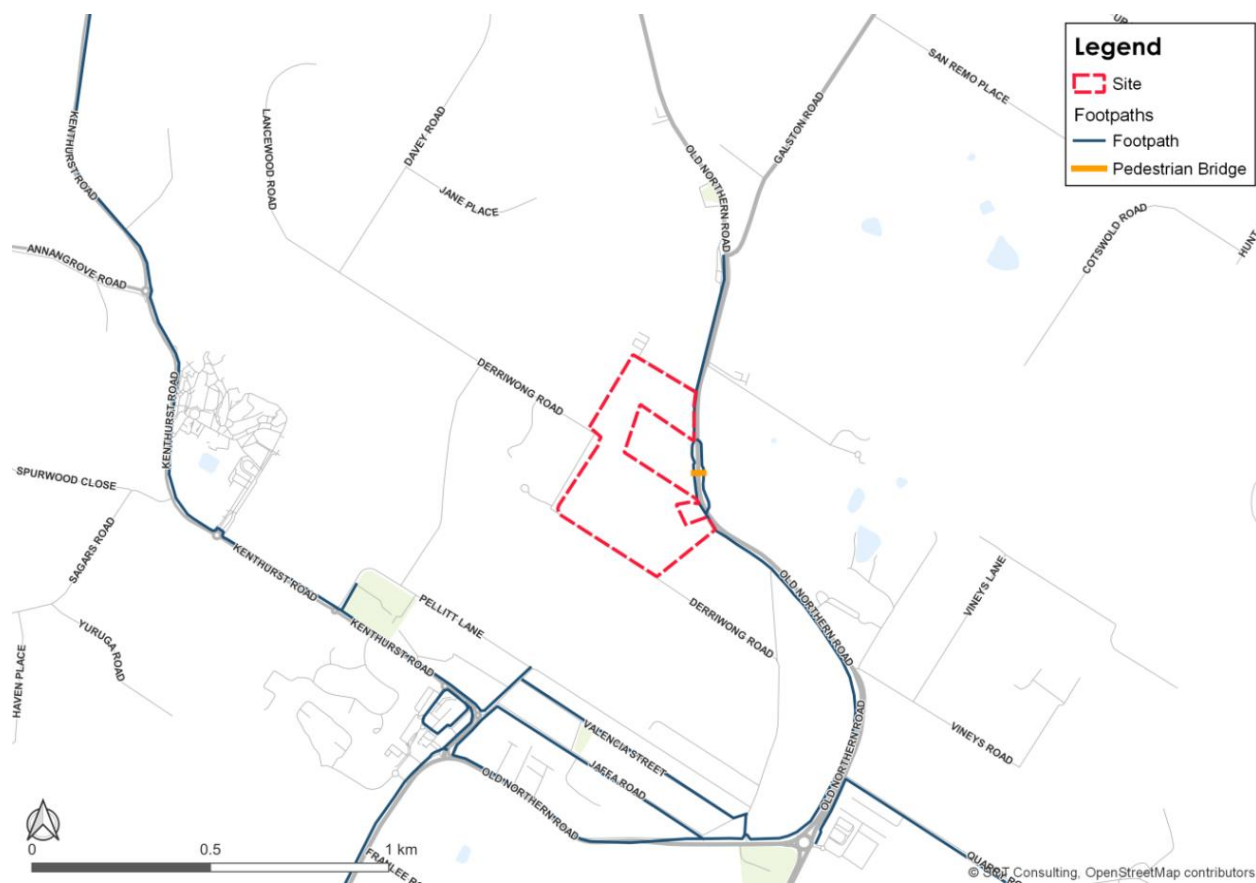


Source: Urbis 2022

### 2.1.6.3. Pedestrian and Cycleway Access

Formal pedestrian footpaths are 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. There is currently no footpath provision on Derriwong Road.

**Figure 6** – Pedestrian network map



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

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

### 2.1.8. Services and Utilities

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

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



- Electricity is available to the site, the utility can be upgraded to meet anticipate additional loads.
- Gas is currently available within the area, by Jemena.
- Telecommunications cables are currently available.

## 2.2. SURROUNDING LOCALITY

### 2.2.1. Regional Context

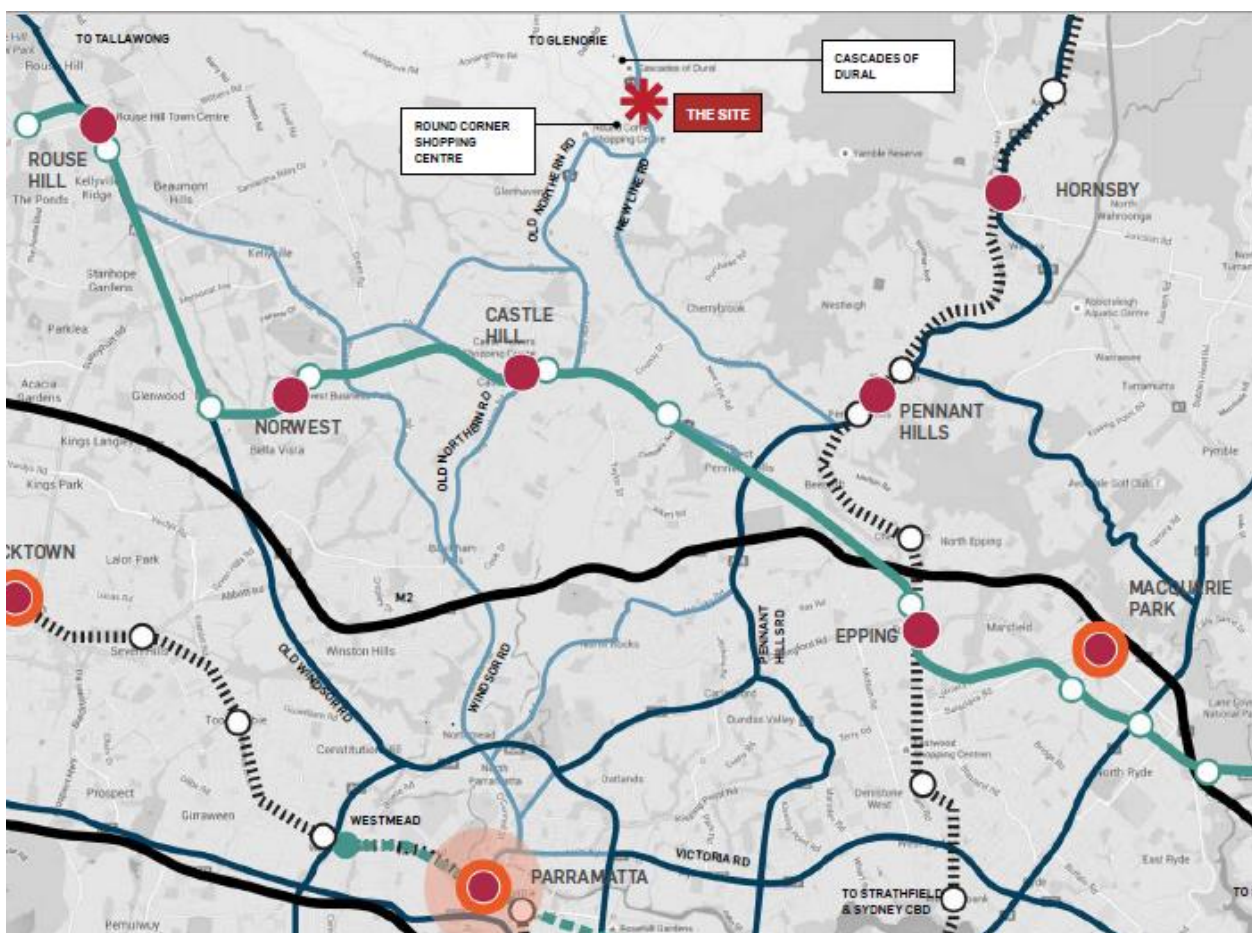
The site the subject to the Planning Proposal, is located the north-western region of Greater Sydney, adjacent to the urban fringe in The Hills Shire LGA, approximately 30 kilometres from the Sydney CBD (GPO).

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 are still preferred, accounting for 58% of housing growth in the LGA, a high percentage of which (77%) are owner occupied.

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

**Figure 7 – Regional Context of the Site**



Source: Urbis 2022

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

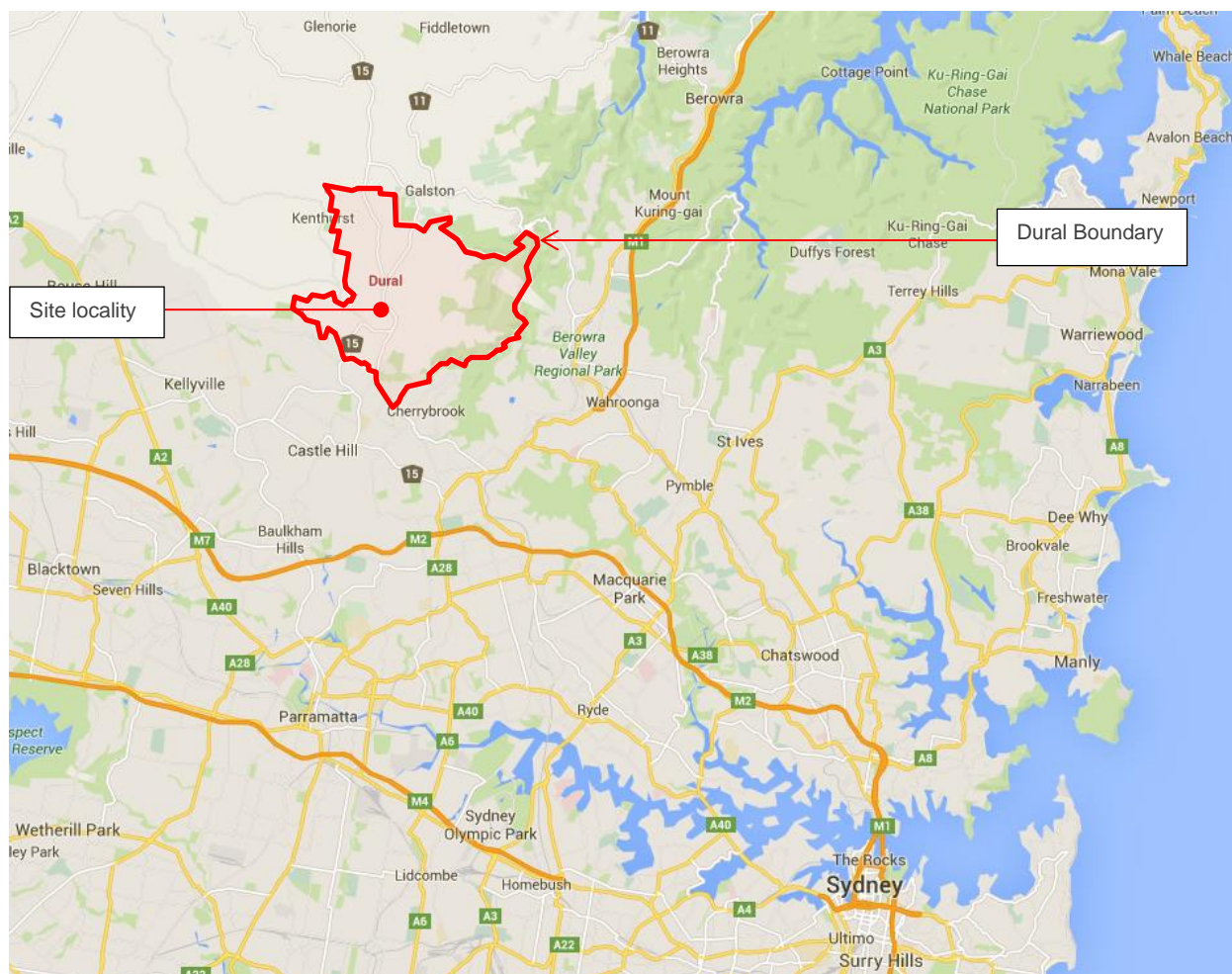
Population growth in The Hills Shire LGA over the past year was 3.39%. Between 2016 and 2036, the population for The Hills Shire LGA is forecast to increase by 88,446 persons (54.42% growth), at an average annual change of 2.20%. The number of dwellings in The Hills Shire LGA is forecast to grow from 52,391 in 2016 to 82,571 in 2036

## 2.3. 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 and release. 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 within the LGA is used mainly for hobby farms, nurseries and orchards, especially citrus fruits.

**Figure 8 – Dural Locality Map**



## 2.4. SURROUNDING ROAD, RAIL, AND BUS NETWORK

### Metro/Rail Network

The site is accessible via a 20 minute bus journey to Castle Hill which provides further connections through the Northwest Metro line. The Northwest Metro provides connections from surrounding areas of Castle Hill and Cherrybrook accessible by bus from Dural. These bus connections also provide access to Pennant Hills Station along the T9 Northern Train line travelling south towards the CBD.



## Bus Network

The site is in close proximity to multiple bus routes that are located outside and adjacent from Dural Public allowing passengers to travel south to Castle Hill and Cherrybrook Metro Stations as well as Pennant Hill Train Station. The 620X and 642X routes which travel during the week at peak times just south of the site provide connections for commuters to travel to Sydney CBD including Wynyard and Town Hall. These services provide excellent connections for residents to access essential services, jobs and education.

## 2.5. PHOTOGRAPHIC REVIEW

Photographs of the site and surrounding context are provided in **Figure 10**.

**Figure 9** – 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

### 3. BACKGROUND

A Planning Proposal (23/2016/PLP) was submitted to the Council on 19 May 2016 seeking the rezoning of the majority of the site to R2 Low Density Residential. This 2016 Planning Proposal sought a variety of changes to the former *The Hills Local Environmental Plan 2012* including amendments to the minimum lot size and maximum building height development standards. This 2016 Planning Proposal sought to achieve fundamentally the same development outcome on the site as the current planning proposal request, being the redevelopment of the site for low density housing and open space, and the delivering of new road corridors through the site.

Notably however the 2016 Planning Proposal included a northern and a southern site and would yield a total of approximately 181 residential allotments. The current Planning Proposal includes only the 'northern site', with one additional lot (at 614 Old Northern Road, Dural) included within the site boundary compared to the 2016 Planning Proposal and will yield 110 residential allotments. This is an approximately 40% reduction in total residential yield compared to the 2016 Planning Proposal.

On 9 July 2019 the Council resolved to submit the 2016 Planning Proposal to the Department of Planning and Environment (DPE) for gateway assessment, after the Sydney West Central Planning Panel in June 2019 recommended the planning proposal not proceed to gateway.

A Gateway Determination was issued by DPE on 19 April 2020. The Gateway Determination stated that the proposal should not proceed to public exhibition.

A Gateway Review was subsequently submitted and referred to the Independent Planning Commission (IPC). The IPC supported the proposal but noted that they couldn't resolve that it had strategic merit as:

- *It is inconsistent with the locational housing objectives of State, regional and local strategic plans given it is not located in an area clearly delineated for additional urban development; and*
- *It is inconsistent with the rural management objectives of State, regional and local strategic plans and environmental planning instruments which aim to maintain the rural character of the MRA [Metropolitan Rural Area] and the rural areas of Dural by allowing limited residential growth around rural villages.*

Notwithstanding, the IPC agreed with the proponent of the 2016 Planning Proposal 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. The IPC further considered that the public benefits offered by the 2016 Planning Proposal, which are notably maintained in the current proposal, are significant and generally offset and improve the planning proposal's impact on local and regional service infrastructure.

The IPC further stated that there is merit in investigating the inclusion of the northern site within a future Council housing strategy. The IPC also found that the proposal had considerable site-specific merit, particularly the former northern site as:

- *It would secure a key contribution to Council's Round Corner bypass.*
- *It would provide a number of key economic and social improvements by delivering local infrastructure improvements benefiting the school and the local community.*
- *The capability of the subject land to be used for agricultural pursuits is comprised by the proliferation uses in the area and along Old Northern Road.*
- *The Northern Site is generally contiguous with the Dural Neighbourhood Village and if developed would provide additional housing, choice, and affordability and would likely support the Dural Neighbourhood Village Centre with access to jobs and services*
- *The view and vista impacts can be overcome with site specific design and planning.*
- *The development of the Northern Site is unlikely to have a significant impact on the local and regional road network.*

Notably the current Planning Proposal retains the above site-specific merits including securing a bypass road through the site, delivering key economic and social improvements including local infrastructure benefitting

the local school and community, delivering housing supply and diversity, and including sensitive design and planning that mitigates visual impacts and incorporates local open space.

A Gateway Determination was subsequently issued by DPE on 09 July 2021. In determining this Gateway Determination, DPE took into consideration the comments from the IPC and reversed the initial 2020 Gateway Determination and resolved that the proposal **should** proceed to public exhibition, subject to a series of conditions outlined in **Table 3**.

On 5 April 2022 DPE wrote to the proponent of the 2016 Planning Proposal to advise that it was considered that there was a significant amount of work required to progress the Planning Proposal and it 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.

DPE noted that the proponent may wish to consider a new proposal for 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. In doing so the proponent will be required to update the planning proposal including maps, draft site-specific development control plan (**DCP**), and letter of offer to enter into a Voluntary Planning Agreement (**VPA**) and submit a new planning proposal application to the Council.

This advice from DPE has informed the preparation of this Planning Proposal request. Significant work has been completed to support the rezoning of the site from RU6 Transition to R2 Low Density Residential between 2016-2022. In preparing this Planning Proposal request, the proponent has noted the previous advice of DPE and the IPC and has maintained the key components of the Planning Proposal that demonstrated site-specific and strategic merit. Further, the proponent has continued to address the previous 2021 Gateway Determination conditions as outlined in **Table 3**.

**Table 3 – Gateway conditions**

<b>2021 Gateway Conditions</b>	<b>Comment</b>
<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 included as part of this proposal have been appropriately updated to reflect the land subject to the 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 included at <b>Appendix L</b> has been informed by pre-lodgement consultation with Transport for NSW (refer Section 3.1.1), the Council (refer Section 3.1.2) and Schools Infrastructure NSW (refer Section 3.1.3).</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 proposal includes the delivery of a new neighbourhood park with a minimum area of 4,000m<sup>2</sup>. The proposal also includes stormwater and sewerage infrastructure upgrades across the site, including the provision of the service up to the adjacent public-school boundary. Further, the proposal includes local and regional road network</p>



2021 Gateway Conditions	Comment
	<p>upgrades and benefits by proposing 'drop-off and pick-up' car parking spaces adjacent to the school, and a 32m wide bypass 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>Where the proposal does not include works in-kind on the site, the proposal is accompanied by a Public Benefit Offer which includes contributions towards meeting the other local infrastructure demands generated by a total 110 residential lots.</p>
(e) <i>Include a letter of support for the broader road upgrades being proposed from Transport for NSW</i>	<p>Consultation with Transport for NSW in early 2022 when it was indicated that there was no objection to the concept of a local (not regional) bypass road through the site. The Council staff have also supported the provision of a local bypass through the site to enable the future realisation of their plans 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>
(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>The 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 Section 8.2.</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>Pre-lodgement consultation was undertaken with Transport for NSW (refer Section 3.1.1.) and Schools Infrastructure NSW (refer Section 3.1.3).</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</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
<p><i>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>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 is provided at <b>Appendix D</b>, and an updated Preliminary Infrastructure Review is provided at <b>Appendix H</b> which has been informed by previous consultation with the relevant public authorities/ organisations.</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, in response to a submission or if reclassifying land).</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>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></p> <p>(a) <i>the planning proposal authority has satisfied all the conditions of the Gateway determination;</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>(b) <i>the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and</i></p>	<p>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 <b>Table 7</b>.</p>
<p>(c) <i>there are no outstanding written objections from public authorities.</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>

## 3.1. PRE-LODGEEMENT CONSULTATION

### 3.1.1. Transport for NSW

Pre-lodgement consultation with Transport for NSW (TfNSW) was held on the 30th of June 2022. Subsequent written feedback from TfNSW on the Planning Proposal request including the draft Round Corner bypass alignment was received on 28 July 2022. The key matters raised are summarised below:

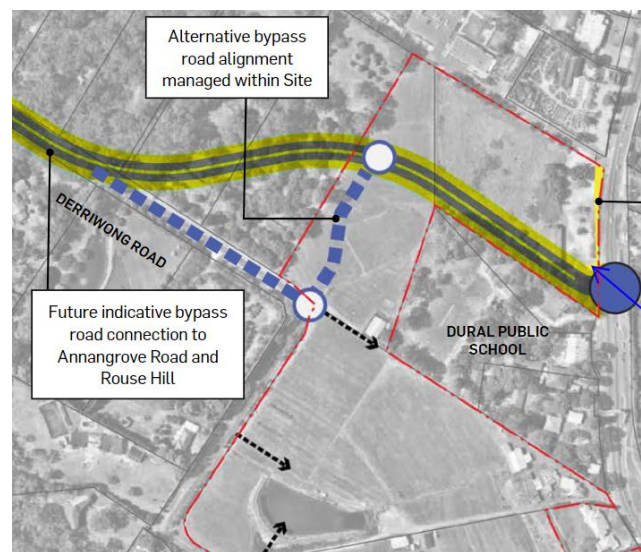
- TfNSW's key concerns relate to the future corridor design and reservation being identified only within the subject site, separate to the remaining corridor. It was suggested that the Council should identify and design the entire corridor.
- TfNSW reiterated the suggestion that a regional land use and transport assessment be prepared by the Council to assess future development uplift and associated traffic and transport improvements required to support housing growth in the area. TfNSW advised that this should be a pre-requisite to the consideration of future planning proposals in this locality. TfNSW stated that the Council should undertake this work, not the Proponent.
- Consultation with Schools Infrastructure NSW (SINSW) should be undertaken prior to the lodgement of a planning proposal.

In response to the above, the proponent has illustrated two options for the bypass corridor, each of which is consistent with the proposed subdivision configuration and proposed 32m wide road reserve. The first option is contained within the site boundary and therefore can be delivered solely through this Planning Proposal. However, it requires a 'dog leg' configuration due to the existing site boundaries.. The second option addresses the engineering design requirements for an arterial road through a gently curved alignment but would require further property acquisition to the west of the site. Both options support a connection to Old Northern Road and provide a significant contribution to achieving Council's desired Round Corner Bypass. Each of these options are illustrated in the Figure below.

**Figure 10** – Options for bypass road configuration



Picture 7 – Local Road Bypass Interim Option



Picture 8 – Local Road Bypass Possible Future configuration

The proponent does not agree with the suggestion made by TfNSW that the Council prepare a regional land use and transport assessment for the locality, given there is no other housing growth proposed for the area within Council's current strategic planning documents. The proposal does not present a precedent for other land in the locality to be rezoned to R2 Low Density Residential given the unique site-specific merits of the proposal.

The geographic boundaries of the site are limited to the east by Old Northern Road and existing vegetation on sites located to the immediate south-east of the site boundary, 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. As such, the

proposal has logical geographical boundaries and unique site-specific merit that does not create an undesirable precedent of rezoning RU6 Transition Zone land within the LGA to urban uses. As such, a regional land use and transport assessment would be at this stage entirely theoretical.

Notwithstanding, in response to comments from TfNSW, a second stage of expanded traffic modelling is proposed to be undertaken if the proposal receives Council endorsement and a Gateway Determination to proceed. This second stage of traffic modelling is intended to assess broader traffic implications of Council's proposed Round Corner Bypass. While this does not entail the full extent of a regional land use and traffic assessment as suggested by TfNSW, the modelling scope is appropriate to better understand the traffic implications associated with the Round Corner Bypass, noting that the Planning Proposal is not reliant on nor proposes to deliver the full scope of a regional bypass road.

In addition to this addition modelling, it is worth noting that as identified by SCT Consulting in the Traffic and Transport Assessment (**Appendix B**), the proposal delivers a number of key public benefits from a traffic perspective for the regional and local road network including:

- Delivering a corridor reservation and interim collector road that facilitates part of the Council's desired Round Corner Bypass by connecting Old Northern Road to Derriwong Road;
- Relocating the school drop-off and pick up functions off Old Northern Road to a dedicated area which can accommodate 25 'kiss 'n drop' spaces to improve traffic flow on Old Northern Road and safety in school hours; and
- Facilitating rear access to existing dwellings on Old Northern Road that will allow removal of driveway access with resulting safety benefits.

Pre-lodgement consultation has occurred with SINSW as outlined in Section 3.1.3.

### 3.1.2. Hills Shire Council

Pre-lodgement consultation with the Council was held on 28 July 2022 and the following comments were made by Council:

- **Road Reservation Width**

Council officers reiterated that the bypass corridor was key to the strategic merit of the proposal, despite comments from TfNSW. Council officers had previously flagged the need for a road reservation of wider than 32m, in reflection of the Northwest Growth Centre Road Framework report, which identified Annangrove Road as being upgraded to a Principal Arterial Road, with a 47m wide road corridor. A lesser road reservation width of 32m adjoining the subject site may be capable of accommodating an arterial road link in the future, however it is expected that this width would be the minimum width possible to satisfy this requirement and further engineering work would be required to justify that the road profile for an arterial road could be accommodated within this reservation width.

Further consideration was given on the width of the bypass road corridor in response to this feedback and the proposal now includes a 32m wide bypass road corridor, to be zoned SP2 Infrastructure (local road), through the site.

- **Potential Inclusion of Adjoining property at 614 Old Northern Road, Dural**

Council officers indicated that the technical studies would need to be updated to include this land and the Planning Proposal would need to demonstrate and justify why this is a more appropriate boundary and how it provides a superior outcome.

As stated above, the site including 614 Old Northern Road, Dural is bound by existing geographic and environmental factors which limit the expansion of the proposed residential subdivision. The land at 614 Old Northern Road has no environmental factors that limit the ability to deliver low-density housing and as such it is considered logical to expand the site boundary to this unencumbered site. Land further to the south-east of the site is impacted by significant existing vegetation and therefore presents a logical boundary for the proposed Planning Proposal.

All technical studies provided at Appendix A – Appendix N include the full site area, being the site previously referred to as the 'northern site' and 614 Old Northern Road, Dural.

- **Local Environmental Plan. Development Control Plan Mechanisms**

It is the view of Council officers that controls relating to the zone, minimum lot size and maximum building height must all be included in the Local Environmental Plan. Each of these development standards are proposed to be amended as part of this Planning Proposal, and as outlined in the mapping at **Appendix K**.

It was agreed by Council officers that it may be appropriate to zone the proposed bypass road corridor as SP2 Infrastructure, on the basis that the dedication of this land to Council at no cost is secured through the public benefit offer/VPA, thereby ensuring there is no acquisition liability over the land for Council. The dedication of land to the Council for the purposes of the bypass road to be zoned SP2 Infrastructure (Local Road) is included within the Public Benefit Offer at **Appendix M**.

Council also flagged that other planning mechanisms and policy reform may now need to be addressed as part of the revised Planning Proposal, including the recent amendments to the Housing SEPP and the potential this creates for seniors housing development on the land, if the zoning is amended to R2 Low Density Residential. Refer to **Table 9** which provides an assessment against *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)*.

The Council reiterated the need for the draft site-specific DCP to be fully formed and submitted as part of the initial submission of the planning proposal application so that it could be considered concurrently with the Planning Proposal and public benefit offer as one single package. The draft site-specific DCP is included with this Planning Proposal at **Appendix L**.

- **Public Benefit Offer**

Council advised that active open space requirements were unlikely to be able to be resolved on site through the Planning Proposal and as such, a monetary contribution towards active open space would likely be required which would enable Council, over time, to collect contributions toward a new facility that would cater for unplanned growth.

Council's Recreation Strategy identifies that passive recreation (local parks) should be provided within 400m of dwellings and have an area of 0.5-1ha. It was suggested that further consideration be given to the potential for a local park within the site in order to ensure future residents have adequate access to public open space. It was reiterated that it will be necessary for the public benefit offer to be fully formed and submitted as part of the initial submission of the planning proposal application which will then be considered concurrently with the Planning Proposal and DCP amendments as one single package.

The proposed subdivision pattern outlined at **Appendix A** includes the delivery of a new neighbourhood park within the site with a minimum area of 4,000m<sup>2</sup>. This size and regular dimension of local open space is considered appropriate to support the proposed and existing neighbourhood population and is consistent with the quantum previously supported by the Council, DPE, and IPC for a neighbourhood park on the site. The commitment to delivery of this new neighbourhood park is outlined within the Public Benefit Offer at **Appendix M**. The Public Benefit Offer also includes a monetary contribution towards the delivery of 'active open space' that is not able to be delivered in-kind on the site.

- **Agency Consultation**

Council advised that it is not in the position to fund a regional land use and transport assessment as requested by TfNSW and confirmed Council's previous position is that rezonings in the locality must be at no cost to Council (including costs associated with further investigations). The "*Urban Capability and Capacity Assessment of the Dural Locality*," prepared by Cardno in 2019, is not considered adequate to respond to the study sought by TfNSW in July 2022 due to the specific nature of TfNSW's requirements. The future regional bypass corridor and the need for further work and investigations remains to be reconciled with Council's previously adopted position.

As outlined in Section 3.1.1, the proponent concurs with the Council that a regional land use and transport assessment is not required to support this Planning Proposal. While the proposal includes a 40% reduction in residential yield compared to the 2016 Planning Proposal, it is worthwhile noting that the IPC found that even the previous proposal was 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. Further, the IPC stated that the public benefits offered by the 2016 Planning Proposal, which are maintained in the current proposal, are significant and generally offset and improve the local and regional road infrastructure.

As such the inclusion of the 32m wide bypass corridor provides the Council the opportunity to provide a Round Corner Bypass from Old Northern Road to Annangrove Road if pursued in the future.

### 3.1.3. School Infrastructure NSW

Pre-lodgement consultation with SINSW was held on 23 August 2022. An overview of the revised subdivision layout and the location of the bypass road was tabled and discussed. SINSW was generally comfortable with the proposal but sought clarification on or raised the following matters for consideration:

- Impact of the road works on vegetation on the school site.
- The need to install/upgrade pedestrian pathways to the site frontage and northern edge and any potential impact on existing pedestrian entrances.
- Confirmation of future provision of sewer infrastructure to the school's site boundary and the undergrounding of power lines across the school site is maintained within the current proposal.
- Potential to include a pedestrian path to the school across the proposed new neighbourhood park.
- Need to consider noise impacts on adjoining residential lots shown in the subdivision concept layout from the school operations.
- The proposed bypass road was preferred to the geometry shown in the previous Planning Proposal.
- The residential allotments will increase viability of the school.
- Suggest that we consult with School Principal prior to lodgement of the Planning Proposal.

The above feedback has informed the proposed subdivision layout and location of the proposed bypass road, local park and pedestrian connections, and drop-off and pick-up car parking spaces adjacent to the school.

## 4. EXISTING STATUTORY PLANNING CONTEXT

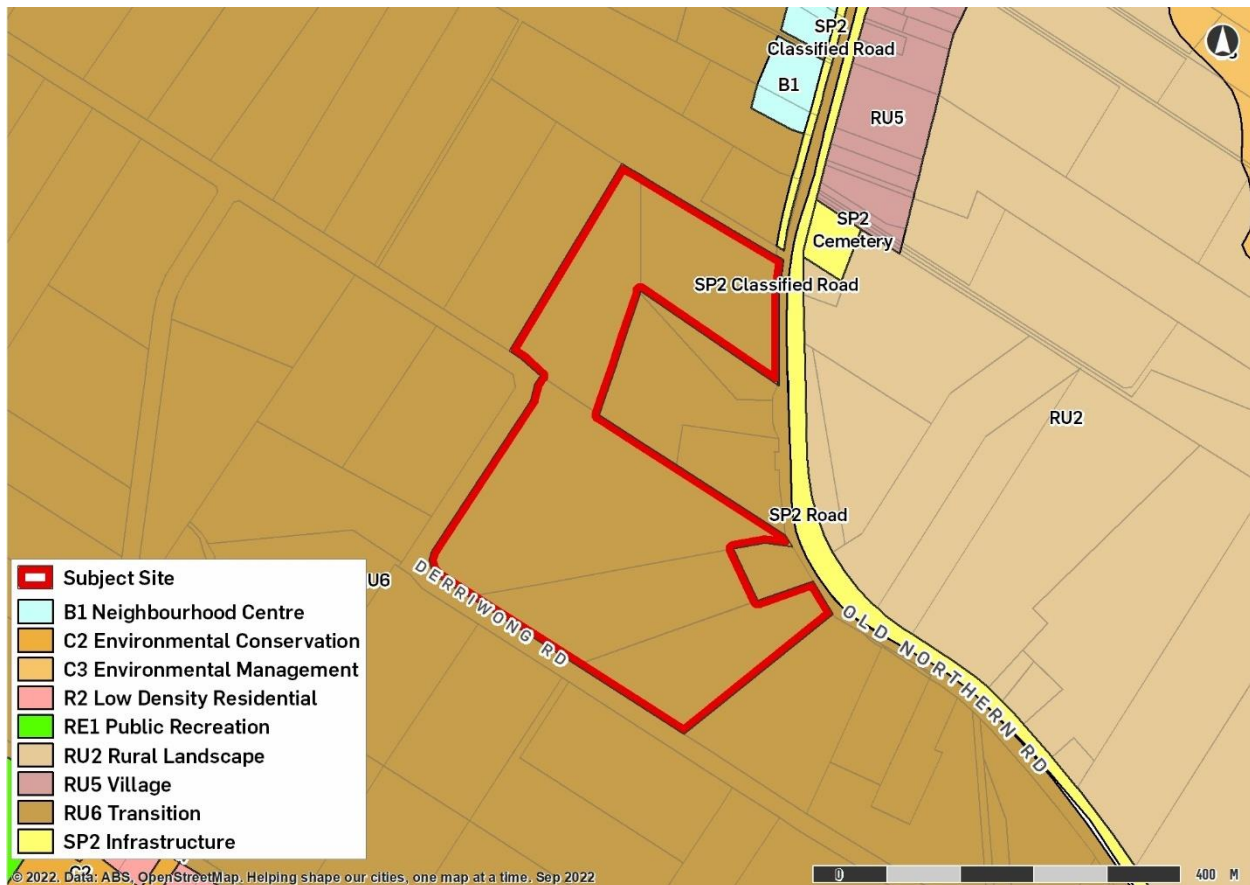
### 4.1. THE HILLS LOCAL ENVIRONMENTAL PLAN 2019

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

#### 4.1.1. Zoning and Land Use

As shown in **Figure 11** the site is currently zoned RU6 Transition. Land to the north of the site is zoned B1 Neighbourhood Centre, and RU5 Village. Land further to the south and south-east of the site at Round Corner is zoned R2 Low Density Housing, R3 Medium Density Housing, B2 Local Centre.

**Figure 11** – Extract of Land Zoning Map (THLEP 2019 and Hornsby LEP 2013)





### 4.1.2. Floor Space Ratio

As shown in **Figure 12** land for residential purposes is unconstrained by FSR controls, land within the RU5 Village zone is subject to a maximum FSR of 0.5:1 and land within the B1 Neighbourhood Centre zone is subject to a maximum FSR of 1:1.

**Figure 12** – Extract of FSR Development Standard Map (THLEP 2019 and Hornsby LEP 2013)





### 4.1.3. Height of Buildings

The Height of Buildings planning map permits buildings up to 10 metres on the site. Urban land to the northeast of the site in the Dural neighbourhood centre, and south of the site in Round Corner centre is permitted building of between 8.5 metres and 12 metres in height, with the variable heights reflecting the change in land use with higher building forms up to 12 metres permitted on land zoned B2 Local Centre.

**Figure 13** – Extract of Maximum Height of Building Map (THLEP 2019 and Hornsby LEP 2013)



## 4.1.4. Heritage

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

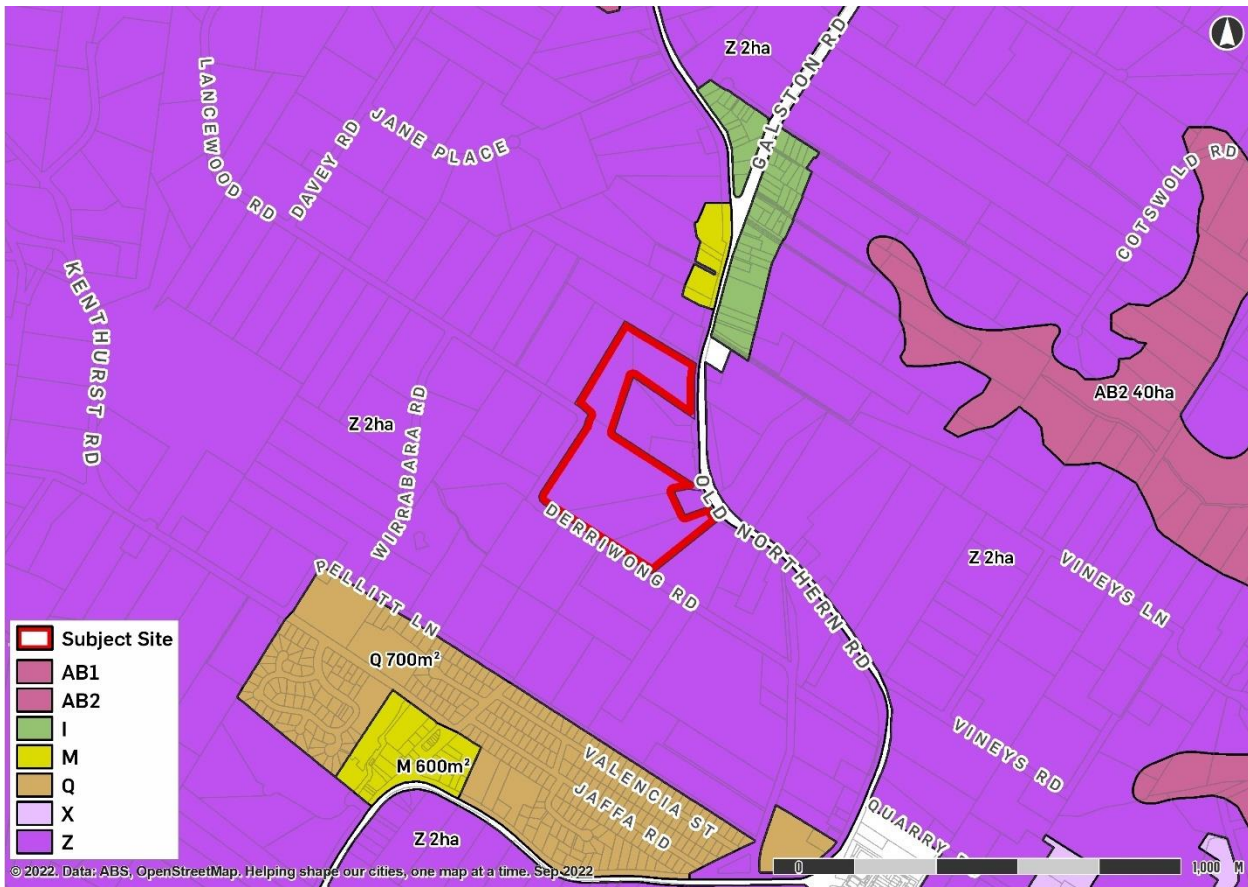
**Figure 14 – Extract of Heritage Planning Map (THLEP 2019 and Hornsby LEP 2013)**



### 4.1.5. Minimum Lot Size

The minimum lot size applying to the land is 2 ha (20,000m<sup>2</sup>). Land to the north of the site at the Dural neighbourhood centre has a minimum lot size of 500m<sup>2</sup> and 600m<sup>2</sup>. Land to the south of the site in Round Corner is permitted to be a minimum of between 600m<sup>2</sup> and 700m<sup>2</sup>. Refer to **Figure 15**.

**Figure 15** – Extract of Minimum Lot Size Map (THLEP 2019 and Hornsby LEP 2013)



## 5. PLANNING PROPOSAL ASSESSMENT

The Planning Proposal has been prepared in accordance with section 3.33 of the EP&A Act and the *Local Environmental Plan Making Guideline (LEP Making Guideline)* published by NSW Department of Planning and Environment (DPE) in December 2021.

Accordingly, the Planning Proposal is assessed in the following parts:

- **Part 1** – A statement of the objectives and intended outcomes.
- **Part 2** – An explanation of the provisions that are to be included in the proposed LEP.
- **Part 3** – The justification of strategic and site-specific merit.
- **Part 4** – Mapping.
- **Part 5** – Details of community consultation that is to be undertaken for the planning proposal.
- **Part 6** – Project timeline.

Discussion for each of the above parts is outlined in the following sections.

## **6. PART 1 – OBJECTIVES AND INTENDED OUTCOMES**

### **6.1. OBJECTIVE OF PLANNING PROPOSAL**

The primary objectives of the Planning Proposal are to:

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

### **6.2. INTENDED OUTCOMES**

The intended outcomes of the Planning Proposal are to:

- Rezone the site from rural to urban to facilitate the delivery of additional residential accommodation; and
- Amend the relevant development standard maps, for height of buildings and minimum lot size shown at Part 2 of this Planning Proposal.

The intended outcome of the Planning Proposal is to facilitate the redevelopment of the site to accommodate low density residential uses which will aid in meeting housing demand and whilst also contributing to housing diversity within the locality. In doing so, the proposal will contribute to the NSW State Government's vision to increase the delivery of housing within proximity to existing centres aimed at strengthening their economic viability and growth. The residential development will be supported by required services and will deliver local open space and road upgrades.



## 7. PART 2 – EXPLANATION OF PROVISIONS

### 7.1. LAND TO WHICH THE PLAN WILL APPLY

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

### 7.2. PROPOSED LEP AMENDMENTS

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

This section is to be read in conjunction with **Section 9** of this report, which contains the proposed amended LEP maps for the land use zoning and development standards and controls.

#### Land Use Zoning

The proposed amendment seeks to a rezone the existing RU6 Transition zone to part R2 Low Density Residential and part SP2 Infrastructure (Local Road) zones.

This outcome can be achieved by amending the LEP map Sheet LZN\_023 map. Refer to **Figure 24** in **Section 9**.

#### Building Height

The proposed amendment seeks a maximum permissible 9 metre limit height across the site. The 9 metre height control is consistent with the adopted development standards for residential development at Round Corner.

This outcome can be achieved by amending the LEP map Sheet HOB\_023 map. Refer to **Figure 25** in **Section 9**.

#### Minimum Lot size

Amendments to the THLEP 2019 minimum lot size map are illustrated in **Figure 26** in **Section 9**. 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 **Figure 16** seeks to achieve the Council's stated objectives to ensure built form transitions to the surrounding lower densities permitted in the RU6 Transition zone.

The proposed minimum lot sizes are consistent with the minimum lot size adopted under the provision of THLEP 2019 for residential land within the Dural neighbourhood centre and R2 Low Density Residential zoned land at Round Corner.

It is proposed that a site-specific clause is provided in THLEP 2019 to limited 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.

A draft clause under Part 7 is provided as follows:

## 8. PART 3 – JUSTIFICATION

### 8.1. SECTION A - NEED FOR THE PLANNING PROPOSAL

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

The Planning Proposal is a proponent-initiated application. The environmental capabilities of the site to accommodate urban land uses has been verified through an urban capability capacity study prepared by Cardno on behalf of the Council entitled ‘*Urban Capability and Capacity Assessment of the Dural Locality*’ dated 15 March 2019 (Dural Land Capability Assessment). The Dural Land Capability Assessment examined the suitability of the site and other land in the immediate locality (including the southern site which was part of the originally submitted planning proposal) for future urban development opportunities.

#### Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Generally, the Planning Proposal is the best means of achieving the objectives or intended outcomes. As identified by the IPC in its consideration of the original planning proposal the site should be considered for inclusion in the Central District Plan, identified in any future update of the Council’s Local Strategic Planning Statement and Local Housing Strategy. These updates can be undertaken as parallel and complementary tasks which would be consistent with the Planning Proposal but not essential to its progression.

Specifically, it is noted that the proposal is consistent with the existing Local Strategic Planning Statement which identifies the need to promote limited expansion of Rural Villages and does not promote unreasonably restricting any future development within rural zones such that they are treated as a conservation area.

### 8.2. SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK.

#### 8.2.1. Guide to Preparing Planning Proposals – Assessment Criteria

The Planning Proposal demonstrates both strategic and site-specific planning merit in accordance with the Assessment Criteria of the *Local Environmental Plan Making Guideline 2022 (Guideline)*. **Table 4** contains an assessment of the planning proposal against the Guideline.

**Table 4** - Assessment against LEP Making Guideline

Assessment Criteria	Response
<b>Strategic Merit</b>	
<i>Does the proposal:</i> <ul style="list-style-type: none"><li>▪ Give effect to the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, and/or corridor/precinct plans applying to the site. This includes any draft regional, district or corridor/precinct plans released for public comment or a place strategy for a strategic precinct including any draft place strategy; or</li></ul>	<b>Yes.</b> The planning proposal is consistent with the objectives and actions of the following: <ul style="list-style-type: none"><li>▪ Greater Sydney Region Plan (<b>Table 5</b>); and</li><li>▪ Central District Plan (<b>Table 6</b>).</li></ul>
<ul style="list-style-type: none"><li>▪ Demonstrate consistency with the relevant LSPS or strategy that has been endorsed by the Department or required as part of a regional or district plan; or</li></ul>	<b>Yes.</b> The Planning Proposal is consistent with the objectives and actions of the following: <ul style="list-style-type: none"><li>▪ Hills Future 2036 – Local Strategic Planning Statement</li></ul>

Assessment Criteria	Response
<ul style="list-style-type: none"> <li>Respond to a change in circumstances that has not been recognised by the existing planning framework</li> </ul>	<p><b>Yes.</b> As outlined in <b>Appendix E</b>, the Covid-19 pandemic has had a positive impact on residential lot demand in The Hills Shire LGA. However, DPE data still anticipate slow population growth from FY11 to FY36 for Dural, mostly below the Greater Sydney average, given the limited residential development opportunities in Dural. Given the demand for single dwelling homes in the Greater Sydney region following the Covid-19 pandemic, the proposed 110 lot subdivision will contribute to delivering much needed housing supply that aligns with demand for housing in this locality, and in a typology that has strong market demand and can respond to the low-density character of the local area.</p>
<b>Site-Specific Merit</b>	
<p><i>Does the proposal give regard and assess impacts to:</i></p> <ul style="list-style-type: none"> <li><i>the natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)</i></li> <li><i>existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates</i></li> <li><i>services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i></li> </ul>	<p><b>Yes.</b> The planning proposal has site-specific merit having regard to the following matters:</p> <ul style="list-style-type: none"> <li>the natural environment;</li> <li>existing, approved, and likely future uses; and</li> <li>available and proposed services and infrastructure.</li> </ul> <p>The site-specific merits of the planning proposal are assessed in <b>Section 8.3</b> of this report.</p>



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

**Yes.** The Planning Proposal gives effect to the objectives of the following regional and district plans:

- Greater Sydney Region Plan – *A Metropolis of Three Cities*; and
- Central District Plan.

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

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

The Region Plan repositions Sydney as a metropolis of three cities, being the Western Parkland City, Central River City (within which The Hills Shire LGA is located), and Eastern Harbour City. The Region Plan presents a strategy for managing growth, change, and infrastructure delivery over the next 40 years and establishes policy directions to achieve identified goals and principles, with each direction underpinned by actions. Consistency of the Planning Proposal with the directions and actions of the Region Plan are provided in **Table 5**.

**Table 5** – 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 sustainably by co-locating housing in 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 and neighbourhood 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, recreation space, and community centres. 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 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 that is specifically required by the existing local community and enhances local opportunities, inclusion and connection to services. 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</p>

Greater Sydney Region Plan	Planning Proposal Response
	<p>which would be available to both the school as well as the broader community with ease of access from Derriwong Road. 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 consultation with transport for NSW) 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. The Planning Proposal also facilitates the undergrounding of overhead powerlines across the Dural public school site for added 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 supports 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 population growth supported by new infrastructure investment not only to meet demands from the proposed development, but to enhance the existing services and infrastructure within the existing community. For instance, the 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</p>

Greater Sydney Region Plan	Planning Proposal Response
	<p>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>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 <b>207,500 additional homes</b>.</p> <p>The Planning Proposal will permit new low-density residential dwellings on the site which is supported by infrastructure. Notwithstanding 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 infrastructure.</p> <p>The Planning Proposal will deliver new housing that meets demand for different housing types, price points, and preferred locations to that available in the immediate locality or that which is being delivered in the primarily medium and high-density development precincts in the LGA. The Central City 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>Within the Dural locality and within release precincts in the District, there is a plurality of new development between large houses on large lifestyles lots, new housing estates with lots now typically ranging from 250-240sqm, and high-density residential dwellings near new metro stations. While each of these dwelling types may be appropriate in their context, there remains a significant unmet demand for new residential lots that are larger than typically delivered in new housing estates for residents desiring a low-density lifestyle, that can be delivered in a more affordable manner</p>

Greater Sydney Region Plan	Planning Proposal Response
	<p>to suit the demographic trends noted in the Central City District Plan.</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 urban fringe, access to broader jobs and services within the Sydney metropolitan area and locally is readily accessible.</p> <p>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 “To create great places, the mechanisms for delivering public benefits need to be agreed early in the planning process”. The Planning Proposal is consistent with this objective, 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>

## Central District Plan (2018)

The site is located within the Central City District of Greater Sydney. The Central 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 Plan contains strategic directions and planning priorities that implement the objectives of the Greater Sydney Region Plan. The Plan identifies key centres, economic and employment locations, land release and urban renewal areas, and existing and planned transport infrastructure to deliver future growth.

The Central 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 Central District Plan is provided in **Table 6**.

**Table 6** – 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</p>

Central District Plan	Consistency
	<p>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 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 population growth 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>Planning Priority C5 - Providing housing supply, choice and affordability with access to jobs, services and public transport</b></p>	<p>Planning Priority C5 of the 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 is to permit new low-density residential development on the site which is supported by infrastructure. 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 is able to maximise use of existing infrastructure and deliver new infrastructure to support the residential development and the broader community.</p> <p>The Planning Proposal will deliver new housing that meets demand for different housing types, price points, and in an alternate location to the medium and high-density developments</p>

Central District Plan	Consistency
	<p>in the LGA major centres. 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>There is a plurality of new development between large houses on large lifestyles lots, and high-density residential dwellings near new metro stations. While each of these dwelling types may be appropriate in their context, there remains a demand for smaller residential allotments providing a low-density lifestyle, that can be delivered in a more affordable manner to suit the demographic trends noted in the District Plan.</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 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 “Councils are in the best position to investigate and confirm which parts of their local government areas are suited to additional medium density opportunities.”</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 local 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 Central City 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</p>

Central District Plan	Consistency
	<p>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> <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 the subject of the planning proposal 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 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 character of the local 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 proposal does not represent a precedent for the ongoing expansion of urban land uses within the Metropolitan Rural Area. 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 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 proposal does not create an undesirable precedent of rezoning RU6 Transition Zone land within the LGA to urban uses, as</p>



Central District Plan	Consistency
	<p>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</b> - <i>Creating and renewing great places and local centres, and respecting the District's heritage</i></p>	<p>Planning Priority C6 of the District Plan notes that:</p> <p><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>. 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 states 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 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.</p>
<p><b>Planning Priority C18</b> - <i>Better managing rural areas</i></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> <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>

Central District Plan	Consistency
	<p>As outlined in this Planning Proposal, there is a demand for low density housing specifically in Dural which is anticipated by DPE (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 rural 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 within proximity of the site therefore precludes the use of the site for economically viable agricultural uses.</p> <p>As stated by DPE 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 DPE, 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 DPE considered limited growth in the Metropolitan Rural Area supportable, where</p>

Central District Plan	Consistency
	<p>the proposal is otherwise consistent with the District Plan and will result in a good planning outcome and public benefit.</p> <p>Specifically, DPE note that a proposal for urban land within the Metropolitan Rural Area may be supportable if the local planning policy framework provides strategic merit for the 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:</p> <ul style="list-style-type: none"> <li>▪ The proposal facilitates the timely provision of utilities, transport, open space and communication infrastructure across the site.</li> <li>▪ The proposal includes access to a range of transport options that allow efficient travel between homes, jobs and services.</li> <li>▪ The proposal facilitates the delivery of a range of housing types, including the provision of low density housing which is desired by the 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> <li>▪ Bushfire risks can be avoided by the sensitive location of dwellings and subdivision pattern.</li> <li>▪ The proposal presents the reasonable use of natural resources, and efficient use of land.</li> <li>▪ The proposal does not adversely impact biodiversity, air quality, heritage items, or waterways.</li> <li>▪ The proposal provides housing with access to education and other essential services.</li> </ul> <p>Further, the Planning Proposal:</p>

Central District Plan	Consistency
	<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 proposal will have no adverse impacts on the amenity of the local area, and</li> <li>The 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>

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

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

- Hills Future 2036: Local Strategic Planning Statement (as detailed in **Table 7**).
- Housing Strategy – The Hills Shire Council (as detailed in **Table 8**)

**Table 7** – Consistency with Hills Future 2036

Planning Priority	Consistency
P4: Retain and manage the Shire's rural productive capacity	<p>Planning Priority 4 aims to give effect to the District Plan Priority 18 – 'Better manage rural areas' and seeks to maintain the desired character of rural lands when considering future rural subdivision and dwellings.</p> <p>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 style="list-style-type: none"> <li>The site is relatively small in scale for agriculture at 12.8 hectares.</li> <li>The historic agricultural use of the subject site was as a peach orchard, which ceased operation in mid-2014.</li> </ul>

Planning Priority	Consistency
	<ul style="list-style-type: none"> <li>▪ 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>▪ 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>▪ 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>▪ 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>▪ 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>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 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>



Planning Priority	Consistency
	<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 on the urban fringe which provides access to broader jobs and services within the Sydney basin. 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> <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>

Planning Priority	Consistency
	<p>The planning proposal provides a logical outcome to deliver new housing supply and choice 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 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>
<p>P9: Renew and create great places</p>	<p>Planning Priority 9 aims to give effect to District Plan priority B6 – ‘Creating and renewing great places and local centres and respecting the District’s heritage.’</p> <p>The Planning Proposal 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>
<p>P11: Plan for convenient, connected and accessible public transport</p>	<p>Planning Priority 11 seeks to give effect to the District Plan priority C1 – ‘Planning for a city supported by infrastructure’ and respond to the Region Plan with growth and adapts to meet future needs.</p> <p>The 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>
<p>P15: Provide new and upgraded passive and active open spaces</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 given its location immediately adjacent to the Dural neighbourhood centre.</p>
<p>P16: Manage and protect the rural/ urban interface</p>	<p>Planning Priority 16 aims to give effect to Plan Priority C18 of the District Plan – ‘Better managing rural areas.’</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>

Planning Priority	Consistency
	<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><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 8 – 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.</p> <p>The 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</p>

Planning Priority	Consistency
	augmentation to water, sewerage and electricity services to meet the needs of the proposed 110 allotments.
<b>Plan for new housing in the right locations</b> <i>Relates to Planning Priority 7 in Hills Future 2036</i>	<p>The Planning Priority states that “<i>creating capacity for new housing in the right locations is about optimising existing infrastructure and maximising investment in new infrastructure.</i>” As outlined above, the Planning Proposal seeks to invest in infrastructure improvements to create capacity for new housing.</p> <p>Additionally, the Planning Proposal seeks to permit new low-density residential dwellings on the urban fringe which provides access to broader jobs and services within the Sydney basin. 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 proposal.</p>
<b>Plan for diversity of housing</b> <i>Relates to Planning Priority 8 in Hills Future</i>	<p>The Planning Priority states that planning for housing needs to consider the type of dwellings required to respond to expected changes in household structures and demographics. The planning proposal provides a logical outcome to deliver new housing supply, choice, and affordability within a readily accessible area that accommodates jobs and services that can support various 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>
<b>Renew and create great places</b> <i>Relates to Planning Priority 9 in Hills Future</i>	<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> <p>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.</p>
<b>Provide social infrastructure and retail services to meet resident’ needs.</b>	<p>The subject site is uniquely positioned within proximity to the existing Dural public school. The proposed</p>

Planning Priority	Consistency
<i>Relates to Planning Priority 10 in Hills Future</i>	residential lots, along with the infrastructure improvements that directly benefit the school, will encourage human connection and social interaction within the locality.

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

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

The planning proposal includes a public benefit offer that proposes improvements to the local road network around the public school which will facilitate a future bypass of the Round Corner local centre, and incorporates a new drop-off and pick-up zone for the public school that will ease road congestion along Old Northern Road. The proposal therefore meets the desires of the Strategy in actively providing a solution to foster improved connections.

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

**Yes.** The Planning Proposal is consistent with relevant State Environmental Planning Policies (**SEPPs**), as demonstrated in **Table 8** below.

**Table 9 – Consistency with State Environmental Planning Policies**

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



SEPP	Consistency
	suitability of the land for any proposed use are assessed once detailed proposals are made.
<i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i>	The Planning Proposal does not contain provisions that would contradict or hinder the application of this SEPP.
<i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>	The SEPP provides a consistent planning regime for the provision of infrastructure and services and prescribes requirements for consultation with relevant public authorities during the development application assessment process. Some provisions of the SEPP will be applicable to any infrastructure works associated with physical development of the site and the assessment of the development applications for example the provisions of Division 17 of Part 2 of the SEPP as it relates to the delivery of roads and road infrastructure.
<i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>	The provisions of the SEPP will be addressed in a future development application.
<i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i>	<p>The SEPP supports the <i>Environmental Planning and Assessment Regulation 2021</i> to encourage the delivery of sustainable residential development. The SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>Demonstration of achieving the sustainability outcomes is required at future development application stage.</p>
<i>State Environmental Planning Policy (Primary Production) 2021</i>	<p>This Policy aims to facilitate the orderly economic use and development of lands for primary production, reduce land use conflicts by balancing primary production, residential development and environmental constraints and values.</p> <p>The proponent has submitted that the site has minimal capacity to accommodate agricultural uses as outlined at the Economic Impact Assessment at <b>Appendix E</b>.</p>
<i>State Environmental Planning Policy (Primary Production and Rural Development) 2019</i>	<p>This Policy aims to facilitate the orderly economic use and development of lands for primary production, reduce land use conflicts by balancing primary production, residential development and environmental constraints and values.</p> <p>The proponent has submitted that the site has minimal capacity to accommodate agricultural uses as outlined at the Economic Impact Assessment at <b>Appendix E</b>.</p>

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

Yes. The planning proposal has been assessed against the applicable Section 9.1 Ministerial Directions and is consistent with each of the relevant matters, as outlined in **Table 9**.

**Table 10** – Assessment against Section 9.1 Directions

Section 9.1 Direction	Consistency
1.1 Implementation of the Minister's Planning Principles	It is understood that the Principles issued by the Minister in December 2021 are no longer applicable.
1.2 Implementation of Regional Plans	The Planning Proposal is consistent with this Direction, as discussed within <b>Question 3</b> .
1.3 Development of Aboriginal Land Council land	Not applicable
1.4 Approval and Referral Requirements	This is an administrative requirement for Council.
1.5 Site Specific Provisions	The planning proposal has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with the THLEP 2019. Where appropriate, site-specific provisions are supported by a draft site-specific DCP which provides guidance for future development on the site.
1.6 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
1.7 Implementation of Northwest Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
1.8 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.9 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
1.10 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
1.11 Implementation of the Western Sydney Aerotropolis Plan	Not applicable
1.12 Implementation of Bayside West Precincts 2036 Plan	Not applicable
1.13 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable

Section 9.1 Direction	Consistency
1.14 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
1.15 Implementation of Greater Macarthur 2040	Not applicable
1.16 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable
1.17 North West Rail Link Corridor Strategy	Not applicable
<b>Focus Area 2 – Design and Place</b>	
<b>Focus Area 3 – Biodiversity and Conservation</b>	
3.1 Conservation Zones	Not applicable
3.2 Heritage Zones	The Planning Proposal is consistent with the Ministerial Directions and does not seek to remove existing provisions to protect items of environmental heritage. A Heritage Impact Statement is provided at <b>Appendix F</b> to demonstrate that new low-density housing on the site would not adversely impact the significance of heritage items in the locality.
3.3 Sydney Drinking Catchment	Not applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
3.5 Recreation Vehicle Areas	Not applicable
<b>Focus Area 4 – Resilience and Hazards</b>	
4.1 Flooding	Not applicable
4.2 Coastal Management	Not applicable
4.3 Planning for Bushfire Protection	Future development is capable of achieving adequate protection in accordance with the guidelines Planning for Bushfire Protection. A detailed bushfire assessment has been undertaken and is provided at <b>Appendix D</b> .
4.4 Remediation of Contaminated Land	The Detailed Site Investigation prepared by JBS&G Consulting (Appendix G) demonstrates that there is an the absence of gross or widespread contamination and therefore, the requirements of the DUAP/EPA (1998) for this type of rezoning are

Section 9.1 Direction	Consistency
	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.
4.5 Acid Sulfate Soils	Not applicable
4.6 Mine Subsidence and Unstable Land	Not applicable
<b>Focus Area 5 – Transport and Infrastructure</b>	
<p>5.1 Integrating Land Use and Transport</p> <p><i>The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</i></p> <p><i>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</i></p> <p><i>(b) increasing the choice of available transport and reducing dependence on cars, and</i></p> <p><i>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</i></p> <p><i>(d) supporting the efficient and viable operation of public transport services, and</i></p> <p><i>(e) providing for the efficient movement of freight</i></p>	Yes. The Planning Proposal to create new urban land is consistent with the Ministerial Direction. A detailed Urban Design Study ( <b>Appendix A</b> ) has been prepared and provides an appropriate urban structure and form that is close to public transport routes along Old Northern Road and is located adjacent to an existing town centre. All future residents are located within a 400m walking catchment of bus stops along Old Northern Road that connect to large urban centres such as Castle Hill.
5.2 Reserving Land for Public Purposes	Not applicable – the site was not previously used for public purposes.
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable
5.4 Shooting Ranges	Not applicable
<b>Focus Area 6: Housing</b>	
<p>6.1 Residential Zones</p> <p>(1) The objectives of this direction are:</p>	The planning proposal is consistent with the Direction as outlined below.
<i>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</i>	The planning proposal would facilitate an additional 110 residential lots ranging from 600m <sup>2</sup> to 2,000m <sup>2</sup> . The Proponent has completed residential market analysis as part of their supporting material for the planning proposal, to demonstrate that the

Section 9.1 Direction	Consistency
	proposed residential development is consistent with market trends.
<i>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</i>	<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>
<i>(c) to minimise the impact of residential development on the environment and resource lands.</i>	<p>As evidenced through the Cardno Dural Land Capability Assessment (2019) and the technical assessments submitted with the planning proposal, the site is physically and environmentally capable of accommodating low density housing including consideration of bushfire protection, protection of ecology and biodiversity, and consideration of slope, geotechnical and potential contamination constraints.</p> <p>When considering the actual identity, character and function of the land surrounding the site, it is not appropriate to characterise the locality as having a rural character nor as viable agricultural land. The existing urban uses within close proximity of the site, including the Dural public school, precludes the use of the site for economically viable agricultural uses. Further, more intensive rural and agricultural operations in nearby rural zones are already restricted by the existence of schools, residential dwellings (including heritage-listed dwellings), and commercial businesses in the locality.</p>
6.2 Caravan Parks and Manufactured Home Estates	Not applicable
<b>Focus Area 7: Industry and Employment</b>	
7.1 Business and Industrial Zones	Not applicable
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable



Section 9.1 Direction	Consistency
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
<b>Focus Area 8: Resources and Energy</b>	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable
Focus area 9: Primary Production	Not applicable
9.1 Rural Zones	The nature and intensity of agricultural uses surrounding the site suggests that the existing RU6 Transition zoning is not appropriate. This is consistent with the Council's own findings as set out in the Information Assessment and Recommendation Report for the Rezoning Review for the Planning Proposal for the former Timber Mill site to the south-east of the site. In the review report the DPE agreed with the relevant proponent that <i>"the proposed residential zone is more compatible with the surrounding and likely future land uses than the existing RU6 zoning and existing timber mill"</i> .
9.2 Rural Lands	It is not appropriate to characterise the locality as having a rural character nor as viable agricultural land. The existing urban uses within close proximity of the site, including the Dural public school, precludes the use of the site for economically viable agricultural uses. Further, more intensive rural and agricultural operations in nearby rural zones are already restricted by the existence of schools, residential dwellings (including heritage-listed dwellings), and commercial businesses in the locality.
9.3 Oyster Aquaculture	Not applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable

## 8.3. SECTION C - ENVIRONMENTAL, SOCIAL, AND ECONOMIC IMPACTS

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

Kingfisher Australia undertook a flora and fauna assessment of the site and broader locality, including an on-ground survey that took place on 01 August 2022, to determine the likelihood, presence and absence of critical habitat, threatened species or populations or ecological communities or their habitats.

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

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

### **Vegetation, communities and flora species**

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 Ecological Assessment at **Appendix C**.

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.

### **Fauna and habitat**

Based on the Kingfisher assessment (**Appendix C**) 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 Kingfisher Australia 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 proposal, on the basis of the following:

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

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

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

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

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

**Urban design, layout and form**

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

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

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

The residential subdivision plan responds to the existing site context, in addition to facilitating future connections within the site and to surrounding sites. As detailed below, the subdivisional plan and landscaping treatments have been designed to ensure high levels of future residential amenity and to be an extension to the low-density residential neighbourhood and urban centre of Round Corner.

**Figure 16 – Concept Plan**



Source: Urbis 2022

### Land Use Distribution

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

## Access and Movement

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

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

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

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

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

## Building heights

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

## Open Space and Public Domain

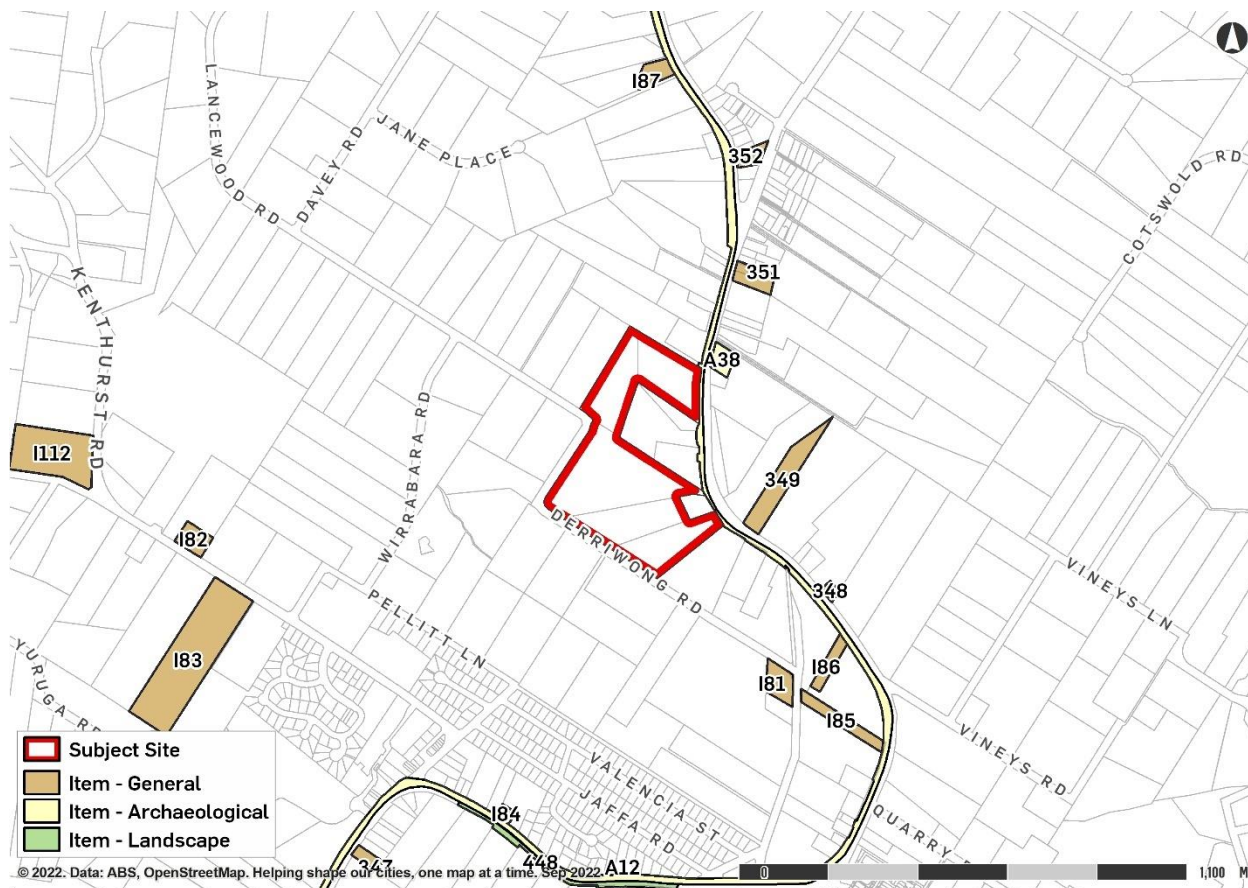
The key open space public domain outcomes for the site includes:

- A 4,000sqm local park situated at the centre and flattest land of the site to be accessible to the community
- Two pedestrian through site links including to the north-eastern corner of the site providing connection to Old Northern Road and between Derriwong Road, Dural Public School and the southern residential lots through the local park.
- 400m local park catchment.
- Two stormwater basins situated along the western boundary and to the south of the site with an area between 1,200sqm – 1,500sqm for each.

## Heritage

As outlined in Section 1, Old Northern Road forms the LGA boundary between The Hills Shire and Hornsby Council. Accordingly, the site is located within proximity to environmental heritage items listed under THLEP 2012 2019 and the *Hornsby Local Environmental Plan 2013* (HLEP 2013) as indicated in the heritage map extract at **Figure 17**. The proposal will be in keeping with the existing development pattern in the district, whilst not obscuring the historic and rural character of the heritage properties in the vicinity of the site.

**Figure 17** – Extract of THLEP 2019 Heritage Map



A Heritage Impact Statement (HIS), prepared by Urbis (Heritage) (**Appendix F**) has considered the relationship of future built form of the land and relevant heritage items. The HIS addresses all heritage items within proximity to the site, shown in **Figure 17** and summarised by LGA in **Table 10**.

**Table 11** – Summary of Heritage items by LGA

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

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

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

- The proposed residential development in the vicinity of the listed item will not obscure the historic and rural character the heritage items. Furthermore, the proposed zoning for the area would be in keeping with the existing development pattern in the district.



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

## Aboriginal Archaeology

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

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

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

## Traffic and Transport

The Dural Planning Proposal will facilitate the delivery of the following:

- The Site is proposed to consist of up to 110 low density residential lots and land for future open space.

Delivery of the expanded urban zone will also involve the construction of new road networks and connections to Old Northern Road, altering and contributing to local traffic flows.

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

### Traffic Volumes

Traffic count data was collected on Old Northern Road outside Dural public school on Thursday 18 August 2022. The peak traffic volumes during the AM and PM periods are summarised in **Table 11** below. In both peak periods, the traffic volume in the peak direction approaches 1,000 vehicles per hour, indicating that Old Northern Road is currently close to capacity.

**Table 12 – Peak traffic volumes on Old Northern Road**

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

### Existing Traffic Performance

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

Intersection Level of Service (LoS) is a typical design tool used by traffic engineers to identify when roads are congested. The Level of Service as defined in TfNSW Traffic Modelling Guidelines is provided in Figure 23.

**Figure 18 – Level of Service Definition**

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

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

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

**Figure 19 – Base year intersection performance**

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

### Road Network Impacts

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

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

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

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

### Traffic Growth

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

As a result, infrastructure changes were required to support the increased traffic volumes. A conversion from a priority give-way intersection to a left-in left-out only intersection is suggested. This treatment prevents drivers from travelling southbound along Old Northern Road from Derriwong Road and thus access to the southbound movement must be replaced. This will be provided by allowing drivers to turn right from Round Corner Bypass onto the southbound direction of Old Northern Road as part of this planning proposal.

### Trip Generation

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

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

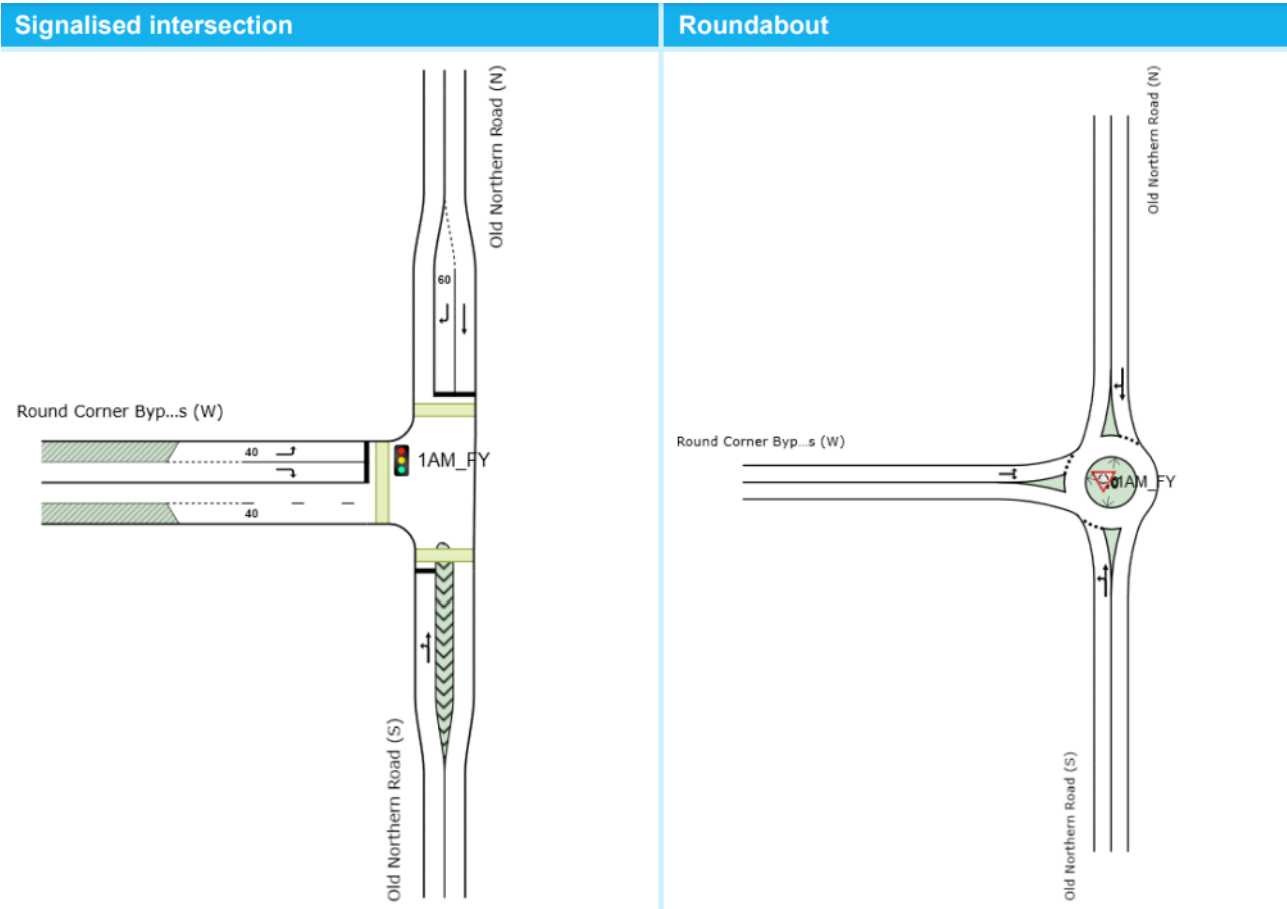
- **Old Northern Road** – 67% AM and 75% PM
- **Derriwong Road** – 33% AM and 25% PM

### Proposed Intersection Layout

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

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

**Figure 20** – SIDRA Intersection layout



Source: SCT Consultants 2022

## Transport and Accessibility

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

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

It is also anticipated that new bus connections to the NWRL stations will be established that are accessible from the study area. Local and Regional Road Infrastructure is capable of being upgraded to meet the increased demands of additional traffic flows.

## Acoustic Impacts

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

The Australian Standards assign a satisfactorily internal noise level for residential properties as 30 dBA. Contained within the table at **Figure 21** below, is the noise levels predicated at residential facades.

**Figure 21** – Predicted road noise levels at residential facades

Development site and land use	Setback from boundary, metres	Distance to Old Northern Road, metres	Predicted level at façade, dBA $L_{eq}$ period		Required reduction to meet internal noise goal, dBA
			Day 7am – 10pm	Night 10pm – 7am	
Northern	14	39	63	59	29

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

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

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

## Bushfire

ELA has undertaken a Bushfire Strategic Study 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 (**Appendix D**).

In accordance with the NSW Policy of Planning for Bushfire Protection (BPB), the predominant vegetation class and effective slope of the site as key indicators of bushfire threat have been determined to establish potential bushfire affectation and risk, expressed as “Bushfire Attack Levels” (BAL). The outcome of this assessment is summarised in **Figures 27** and **28**.



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.

**Figure 22 – BAL and APZ Requirements**

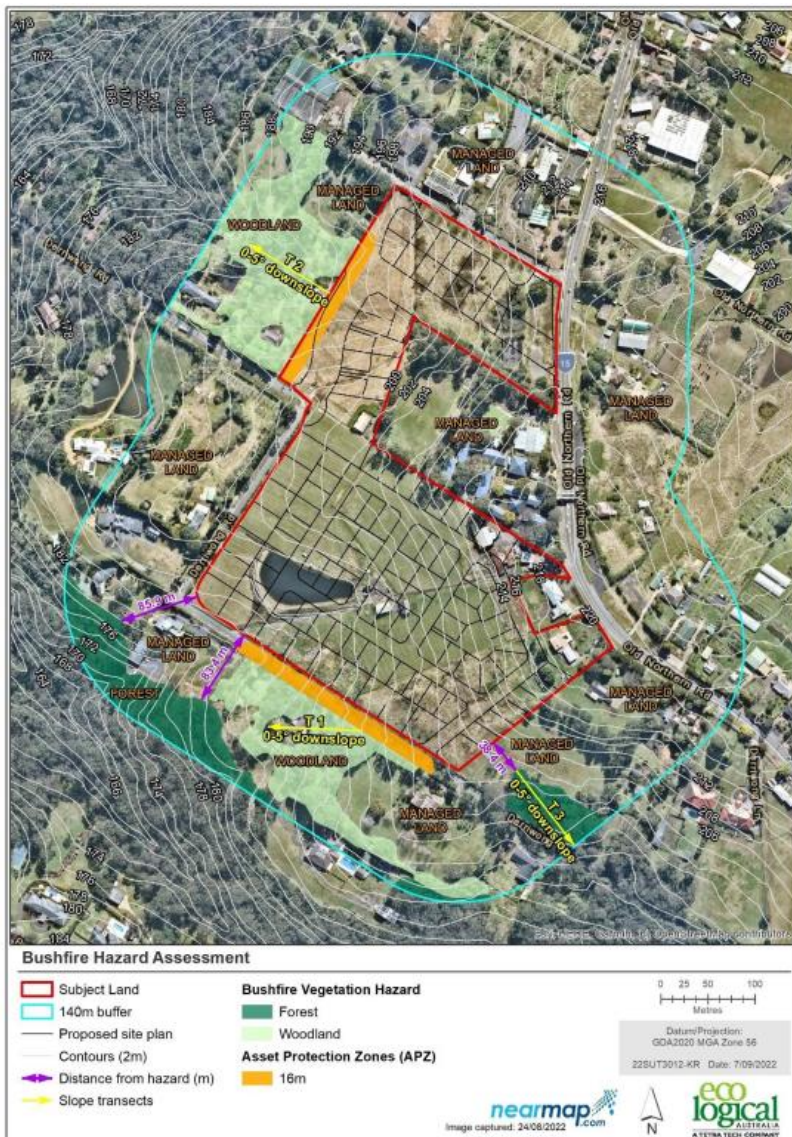
Transect	Slope <sup>1</sup>	Vegetation Formation <sup>2</sup>	PBP required residential APZ (m) <sup>3</sup>
1	Downslope >0 to 5 degrees	Woodland	16 m
2	Downslope >0 to 5 degrees	Woodland	16 m
3	Downslope >0 to 5 degrees	Forest	29 m

<sup>1</sup> Slope most significantly influencing the fire behaviour of the site having regard to vegetation found as per PBP.

<sup>2</sup> Predominant vegetation is identified, according to PBP.

<sup>3</sup> Assessment according to Table A1.12.2/A1.12.5 of PBP 2019.

**Figure 23 – Recommended APZs**



Source: ELA 2022

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.

## 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. A summary of each is provided in **Table 13**.

**Table 13** – Summary of DSI Findings

Lot No. & DP	Findings
Lot 2 in DP 567995 (No. 21 Derriwong Road)	<ul style="list-style-type: none"> <li>▪ An asphalt sealed driveway bound the northern length of the western portion of the property.</li> <li>▪ Overgrown vegetation was observed in areas of mounding in the southwest (former mulch stockpile area) and northeast (levelled area) of site, with mulch scattered around the areas.</li> <li>▪ A stockpile of bitumen, gravelly clay and mulch was located in the northwest side of the site, adjacent to the driveway.</li> <li>▪ A residence and workshop shed were located in the central northern portion of the site. The residence was surrounded by a concrete slab, and an asphalt/gravel driveway/carpark was present between the structures.</li> <li>▪ The workshop was built on raised fill material, and anthropogenic material was present along the southern boundary with a septic tank adjacent.</li> </ul>
Lot 9 in DP 237576 (No. 27 Derriwong Road)	<ul style="list-style-type: none"> <li>▪ A residence was located in the southeast portion of the property, with potential ACM eaves.</li> <li>▪ A septic tank was present west of the residence, obscured by thick grass cover.</li> </ul>

Lot No. & DP	Findings
614 Old Northern Road, Dural (Lot Y2 DP91653)	<ul style="list-style-type: none"> <li>▪ Most of the site was dedicated to grass paddocks, with an ephemeral drainage path to the west through the centre of the site (leading to O'Hara's Creek further west).</li> <li>▪ A concrete driveway led from Old Northern Road through a turfed front yard to the residence, with a gravel parking area on the western side of the residence. A residence was located in the eastern portion of the property, with potential ACM panels and eaves.</li> <li>▪ Corrugated metal sheds and piles of brick and wood were located southwest of the residence.</li> <li>▪ A backfilled and turfed swimming pool was noted north of the residence. A septic tank was present west of the residence, with no areas of saturation/overflow noted.</li> <li>▪ A north to south orientated stone retaining was observed west of the residence. General household waste (carboard, plastic, fabric, glass, grass clippings, bricks etc) was stored against the wall.</li> <li>▪ An overgrown pile of waste was located immediately west of the retaining wall, with a mattress, frame and stone bricks, and charcoal observed at the base. A stone pile was also located in the area.</li> <li>▪ The western portion of the property was thickly covered with high vegetation and sporadic piles of stone.</li> <li>▪ The ground level at the western end of the northern boundary was built up to at least 2 m above the neighbouring property</li> <li>▪ Most of the property was dedicated to grass or weed covered.</li> </ul>
618 Old Northern Road, Dural (Lot X DP501233)	<ul style="list-style-type: none"> <li>▪ The northern length and most of the southern length of the property included asphalt sealed driveways.</li> <li>▪ The eastern portion of the site included a residence, outhouse and two main sheds. Potential ACM sheeting was noted in the residence eaves, the outhouse and in a small southern section of the southern shed.</li> <li>▪ A raised, levelled area was present immediately west of the southern shed, with a large area of discarded anthropogenic waste.</li> <li>▪ A large dam was located in the western portion of the property. The western and southern walls were raised, approximately 5 m high at the highest point. A potential collapsed former shade structure, chemical storage shed and discarded anthropogenic waste were located north of the dam. A small section of potential ACM containing pipe was observed at the end of a PVC drainage outlet, in the south-eastern corner of the dam.</li> <li>▪ A stockpile of shaley clay, assumed to have been excavated from the dam edge, was located immediately west of the chemical storage shed. An ACM fragment was observed at this location.</li> </ul>



Lot No. & DP	Findings
	<ul style="list-style-type: none"> <li>▪ Anthropogenic waste was located around a tree at the western end of the area A gravel covered pavement area was present east of the dam and 2 ACM fragments were observed to be associated with the gravel.</li> <li>▪ Staining was observed during the intrusive investigation east of the anthropogenic stockpile at the location of an historic aboveground storage tank (AST) The area was observed to be covered by thick vegetation in June 2022.</li> </ul>
626 Old Northern Road, Dural (Lot DP541329)	<ul style="list-style-type: none"> <li>▪ A gravel carpark was located on the eastern length of the property with shrubs and overgrown grass and weeds.</li> <li>▪ A vacant run-down concrete building was present west of the carpark.</li> <li>▪ Most of the site was a grassed paddock, located west of the building and carpark, and sloped downward to the west.</li> <li>▪ Anthropogenic material was mounded and buried immediately west of the building.</li> </ul>

## Recommendations

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

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

### ***Q10. Has the Planning Proposal adequately addressed any social and economic effects?***

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

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

## 8.4. SECTION D - STATE AND COMMONWEALTH INTERESTS

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

#### **INFRASTRUCTURE AND UTILITIES**

The proposal will require the expansion, augmentation and upgrade to existing public infrastructure, including:

- Electricity;
- Telecommunications;
- Sewer; and
- Water.

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 investigation report, identifying the location of current services and connections points are provided in **Appendix H**, with details of the options for connection, expansion and upgrade. 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 at **Appendix N**.

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

### ***Q12. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?***

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

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

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

## 9. PART 4 – MAPS

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

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

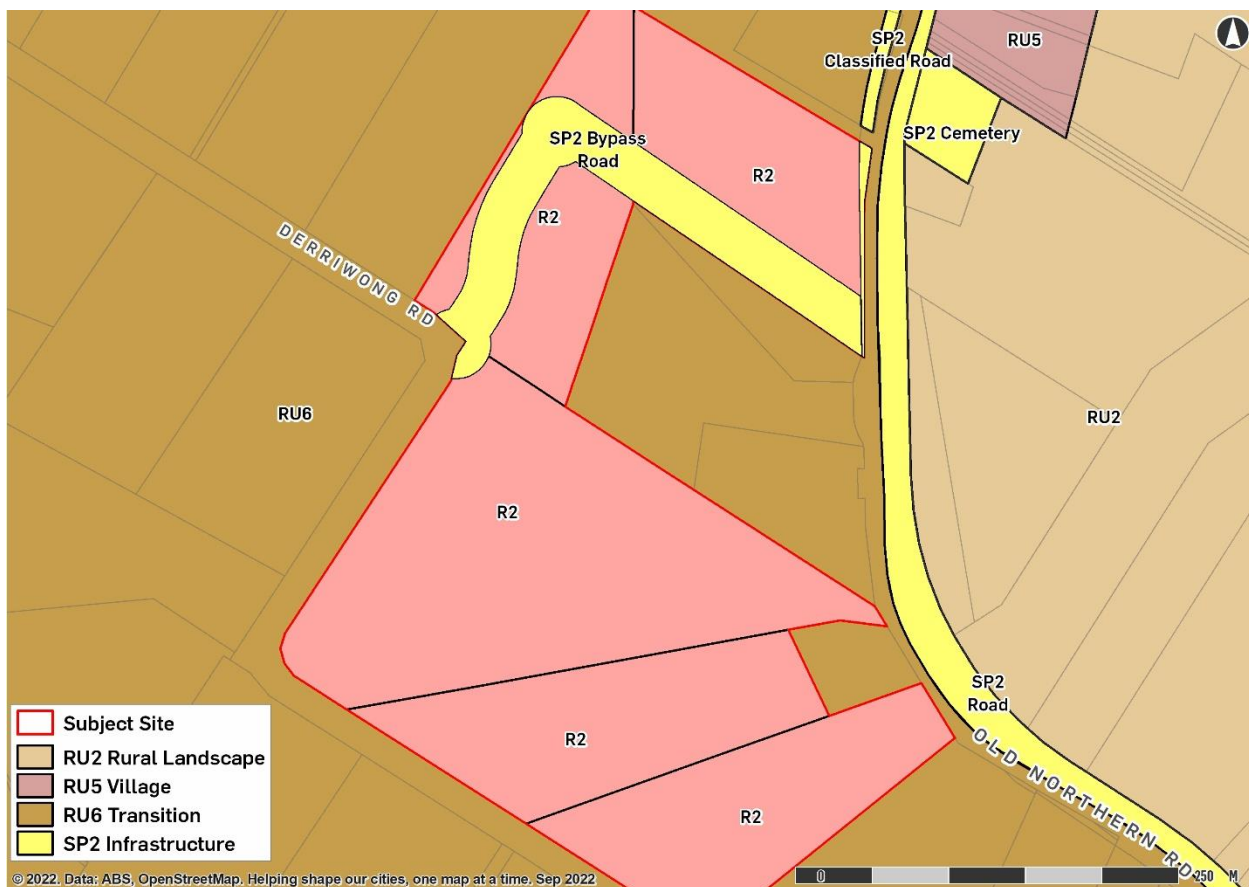
The objectives and intended outcomes of the Planning Proposal will be achieved by amending the zoning, minimum lot size and height of building maps of THLEP 2019 as they apply to the site, as detailed below.

### Land Use Zoning

The proposed amendment seeks to a rezone the existing RU6 Transition zone to part R2 Low Density Residential and part SP2 Infrastructure (Local Road) zones.

This outcome can be achieved by amending the LEP map Sheet LZN\_023 map (refer to **Figure 24** below)

**Figure 24 – Proposed Zoning Map**



## Building Height

The proposed amendment seeks a maximum permissible 9 metre limit height across the site. The 9 metre height control is consistent with the adopted development standards for residential development at Round Corner.

This outcome can be achieved by amending the LEP map Sheet HOB\_023 map (refer to **Figure 25**).

**Figure 25** – Proposed Height of Buildings Map



## Minimum Lot size

Amendments to the THLEP 2019 minimum lot size map are illustrated in **Figure 26**. 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 in **Figure 16**. This is to achieve the Council's stated objectives to ensure built form transitions to the surrounding lower densities permitted in the RU6 Transition zone.

This outcome can be achieved by amending the LEP map Sheet Lot Size Map\_023 map.

Figure 26 – Proposed Minimum Lot Size Map



## 10. PART 5 – COMMUNITY CONSULTATION

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

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

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

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

# 11. PART 6 – PROJECT TIMELINE

It is anticipated that the LEP amendment will be completed within 12 months. An indicative project timeframe is provided below.

**Table 14 – Project Timeline**

Stage	Timeframe and / or Date
Planning Proposal submitted to the Council	September 2022
Preliminary review and consideration by Council	September – October 2022
Local Planning Panel recommend the Planning Proposal be submitted to DPE for Gateway Determination	November 2022
Planning Proposal referred to DPE for Gateway Determination	December 2022
DPE issue Gateway Determination	February 2023
Proponent response to matters in Gateway Determination	March 2023
Public exhibition and agency consultation	April 2023
Post exhibition review of submissions	May-June 2023
Council endorsement of Planning Proposal	July 2023
Submission to DPE for finalisation	July 2023
Legal drafting of amendment to LEP	August-September 2023
Gazettal of amendment to LEP	September 2023



## 12. CONCLUSION

The Planning Proposal has been prepared in accordance with section 55 of the EP&A Act and the relevant guidelines prepared by the NSW Department of Planning including A Guide to Preparing Local Environmental Plans and A Guide to Preparing Planning Proposals.

The Planning Proposal provides a comprehensive justification of the proposed amendment to THLEP 2019, and is supported on the following grounds:

- The proposed rezoning is consistent with the existing peri-urban character of the area and the pattern of density for development within adjacent centres including Round Corner town centre and Dural neighbourhood centre.
- Compatibility and integration of the proposal with adjacent patterns of subdivision and provision for future connectivity with adjacent lands.
- The site is contained by a number of physical and natural barriers that limit further expansion of the urban footprint.
- The land is not currently used for agricultural purposes. The potential use of the land for agriculture is constrained due to the proximity of urban land and adjacent sensitive land uses such as Dural Primary School and the potential for intensive agriculture to generate adverse environmental impacts.
- The rezoning and future redevelopment would support the continued economic viability of Dural Village Centre and Round Corner through increasing proximate residential dwellings.
- The future residential development will not dilute the primacy of adjacent urban centres, but reinforce and support their growth through the increased residential and worker populations within existing retail catchments.
- The rezoning presents a logical extension and infill of urban land uses, located between two existing neighbourhood and town centres.
- The residential subdivision will deliver new residential land to meet demand of existing and potential residents, in an identified market gap for “downsizers” and young families.
- The opportunity to utilise existing capacity at Dural Public School by increasing the residential population in its catchment.
- In considering a prior planning proposal, the Independent Planning Commission supported the merit of urban development on this site.

Overall, it is considered that the Planning Proposal has a range of positive benefits, and it is requested The Hills Shire Council take the necessary steps to enable it to proceed to Gateway Determination under Section 56 of the EP&A Act.

## 13. DISCLAIMER

This report is dated 14 September 2022 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of Urbis Pty Ltd (**Urbis**) opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of LegPro 73 Pty Ltd (**Instructing Party**) for the purpose of Planning Proposal (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

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

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

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

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

## **APPENDIX A**

## **URBAN DESIGN STUDY**

## **APPENDIX B**

## **TRAFFIC AND TRANSPORT IMPACT ASSESSMENT**

## **APPENDIX C**

## **ECOLOGICAL ASSESSMENT**

## **APPENDIX D**

## **BUSHFIRE HAZARD REPORT**

## **APPENDIX E**

## **ECONOMIC IMPACT ASSESSMENT**



## **APPENDIX F**

## **HERITAGE IMPACT STATEMENT**

## **APPENDIX G**

## **DETAILED SITE INVESTIGATIONS REPORT**

## **APPENDIX H**

## **SERVICES CONNECTIONS REPORT**

## **APPENDIX I**

## **SURVEY PLAN**

## **APPENDIX J**

## **ACOUSTIC ASSESSMENT**

## **APPENDIX K**

## **LEP MAPPING**

## **APPENDIX L**

## **SITE-SPECIFIC DEVELOPMENT CONTROL PLAN**

## **APPENDIX M**

## **PUBLIC BENEFIT OFFER**



## **APPENDIX N**

## **ABORIGINAL HERITAGE ASSESSMENT REPORT**

