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**URBIS**

# **PLANNING PROPOSAL REQUEST**

Derriwong Road, Dural

Prepared for  
**LEGACY PROPERTY**  
29 February 2024



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| Project Code      | PO51870              |
| Report Number     | Final                |

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# CONTENTS

|  |           |
|--|-----------|
| <b>Executive Summary</b>                       | <b>5</b>  |
| Proposed LEP Changes                           | 6         |
| Background and History                         | 6         |
| Site Specific and Strategic merit              | 6         |
| Community Benefits of the Planning Proposal    | 9         |
| <b>1. Introduction</b>                         | <b>10</b> |
| 1.1. Overview                                  | 10        |
| 1.2. Summary of the Planning Proposal          | 10        |
| 1.3. Report Structure                          | 12        |
| 1.4. Project Team                              | 13        |
| <b>2. Site Context</b>                         | <b>14</b> |
| 2.1. Site Description                          | 14        |
| 2.1.1. Topography                              | 15        |
| 2.1.2. Hydrology                               | 15        |
| 2.1.3. Local Geology                           | 16        |
| 2.1.4. Flora and Fauna                         | 17        |
| 2.1.5. Bushfire                                | 17        |
| 2.1.6. Access and Movement                     | 18        |
| 2.1.6.1. Public Transport                      | 18        |
| 2.1.6.2. Vehicle Access                        | 19        |
| 2.1.6.3. Pedestrian and Cycleway Access        | 21        |
| 2.1.7. Social Infrastructure                   | 21        |
| 2.1.8. Services and Utilities                  | 21        |
| 2.2. Surrounding Locality                      | 22        |
| 2.2.1. Regional Context                        | 22        |
| 2.2.2. Local Context                           | 23        |
| 2.3. Photographic Review                       | 24        |
| <b>3. Project Background</b>                   | <b>25</b> |
| 3.1. 2016 Planning Proposal                    | 25        |
| 3.2. 2022 Planning Proposal                    | 27        |
| <b>4. The Planning Proposal</b>                | <b>36</b> |
| 4.1. Overview                                  | 36        |
| 4.2. Details of Proposed LEP Amendments        | 36        |
| 4.2.1. Mapping Amendments                      | 36        |
| 4.2.2. Amendments to the Written Instrument    | 37        |
| 4.3. Site Specific DCP                         | 37        |
| 4.4. Public Benefit Offer                      | 38        |
| <b>5. Statutory Context</b>                    | <b>39</b> |
| 5.1. The Hills Local Environmental Plan 2019   | 39        |
| 5.1.1. Zoning and Land Use                     | 39        |
| 5.1.2. Floor Space Ratio                       | 40        |
| 5.1.3. Height of Buildings                     | 41        |
| 5.1.4. Heritage                                | 42        |
| 5.1.5. Minimum Lot Size                        | 43        |
| <b>6. Planning Proposal Assessment</b>         | <b>44</b> |
| 6.1. Part 1 - Objectives and Intended Outcomes | 44        |
| 6.1.1. Objective                               | 44        |
| 6.1.2. Intended Outcomes                       | 44        |
| 6.2. Part 2 - Explanantion of Provisions       | 45        |
| 6.2.1. Land to which the Plan will Apply       | 45        |
| 6.2.2. Proposed LEP Amendments                 | 45        |

|          |  |           |
|----------|--|-----------|
| 6.2.2.1. | Land Use Zoning .....  | 45        |
| 6.2.2.2. | Building Height .....  | 45        |
| 6.2.2.3. | Minimum Lot size.....  | 45        |
| 6.2.2.4. | Draft Site Specific DCP .....  | 45        |
| 6.3.     | Part 3 - Justification .....   | 45        |
| 6.3.1.   | Section A – Need for the planning proposal.....  | 45        |
| 6.3.2.   | Section B – Relationship to strategic planning framework .....   | 46        |
| 6.3.2.1. | Greater Sydney Region Plan – A Metropolis of Three Cities (2018) .....   | 47        |
| 6.3.2.2. | Central City District Plan (2018) .....  | 50        |
| 6.3.2.3. | Responding to a change in circumstances that has not been recognised<br>by the existing strategic planning framework ..... | 58        |
| 6.3.3.   | Section C – Environmental, Social and Economic Impact .....  | 75        |
| 6.3.3.1. | Ecology .....  | 75        |
| 6.3.3.2. | Urban design, layout, and form .....   | 77        |
| 6.3.3.3. | Non-Aboriginal Heritage .....  | 78        |
| 6.3.3.4. | Aboriginal Archaeology.....  | 79        |
| 6.3.3.5. | Traffic and Transport .....  | 79        |
| 6.3.3.6. | Acoustic Impacts .....   | 82        |
| 6.3.3.7. | Bushfire .....   | 82        |
| 6.3.3.8. | Hydrology and Water Quality .....  | 83        |
| 6.3.3.9. | Site Contamination .....   | 83        |
| 6.3.4.   | Section D – Infrastructure (Local, State and Commonwealth) .....   | 84        |
| 6.3.5.   | Section E – State and Commonwealth interests .....   | 87        |
| 6.4.     | Part 4 - Maps .....  | 87        |
| 6.4.1.   | Land Use Zoning .....  | 88        |
| 6.4.2.   | Building Height .....  | 89        |
| 6.4.3.   | Minimum Lot size.....  | 89        |
| 6.5.     | Part 5 - Community Consultation .....  | 91        |
| 6.6.     | Part 6 - Project Timeline .....  | 91        |
| 7.       | <b>Conclusion .....</b>  | <b>92</b> |
|          | <b>Disclaimer .....</b>  | <b>94</b> |

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

## FIGURES

|  |    |
|--|----|
| Figure 1 Indicative Layout Plan .....                      | 12 |
| Figure 2 Aerial View of Site and Surrounding Context ..... | 14 |
| Figure 3 Local Topography and Hydrology Lines.....         | 16 |
| Figure 4 Extract of Bushfire Planning Map .....            | 18 |

|   |    |
|---|----|
| Figure 5 Public Transport Connections and Routes Servicing the Site ..... | 19 |
| Figure 6 Existing Road Network .....                                      | 20 |
| Figure 7 Pedestrian Network Map .....                                     | 21 |
| Figure 8 Regional Context Map .....                                       | 22 |
| Figure 9 Dural Locality Map .....   | 23 |
| Figure 10 Photographic Review of Site .....                               | 24 |
| Figure 11 2016 Planning Proposal Boundary Map .....                       | 25 |
| Figure 12 2016 Indicative Layout Plan .....                               | 26 |
| Figure 13 Existing Land Zoning Map .....                                  | 39 |
| Figure 14 Existing Floor Space Ratio Map .....                            | 40 |
| Figure 15 Existing Height of Building Map .....                           | 41 |
| Figure 16 Heritage Map .....  | 42 |
| Figure 17 Minimum Lot Size Map .....                                      | 43 |
| Figure 21 Agricultural Uses .....   | 60 |
| Figure 19 Level of Service Definition .....                               | 79 |
| Figure 20 Base year intersection performance .....                        | 80 |
| Figure 21 SIDRA Intersection Layout .....                                 | 81 |
| Figure 22 Predicted road noise levels at residential facades .....        | 82 |
| Figure 23 Bypass Road Alignment .....                                     | 86 |
| Figure 24 Proposed Zoning Map .....                                       | 88 |
| Figure 25 Proposed Height of Buildings Map .....                          | 89 |
| Figure 26 Proposed Minimum Lot Size Map .....                             | 90 |

## PICTURES

|   |    |
|---|----|
| Picture 1 View towards the south-west of the site ..... | 24 |
| Picture 2 Dural Public School – southern boundary ..... | 24 |
| Picture 3 Bushland along eastern site boundary .....    | 24 |
| Picture 4 View towards the north of the site .....      | 24 |
| Picture 5 Old Northern Road .....                       | 24 |
| Picture 6 Aerial view of the site .....                 | 24 |

## TABLES

|   |    |
|---|----|
| Table 1 Planning Proposal Project Team .....                              | 13 |
| Table 2 Summary of Landholdings .....                                     | 14 |
| Table 3 Gateway conditions (2021) .....                                   | 27 |
| Table 4 Summary of the Planning Proposal .....                            | 36 |
| Table 5 Assessment against LEP Making Guideline .....                     | 46 |
| Table 6 Assessment against Greater Sydney Region Plan .....               | 47 |
| Table 7 Assessment against the Central District Plan .....                | 51 |
| Table 8 Consistency with Hills Future 2036 .....                          | 62 |
| Table 9 Consistency with Housing Strategy – The Hills Shire Council ..... | 66 |
| Table 10 Consistency with State Environmental Planning Policies .....     | 67 |
| Table 11 Consistency with Section 9.1 Directions .....                    | 69 |
| Table 12 Summary of Heritage items by LGA .....                           | 78 |
| Table 13 Peak traffic volumes on Old Northern Road .....                  | 79 |
| Table 14 Anticipated Project Timeline .....                               | 91 |

# EXECUTIVE SUMMARY

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

The primary intent of this Planning Proposal is to rezone the site from RU6 Transition to part R2 Low Density Residential and part SP2 Infrastructure (Local Road) to permit the delivery of low-density residential development that meets local housing demand in a location which is longer suitable or viable for agricultural use.

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

This Planning Proposal request identifies the augmentation of existing utility services where required including sewer and water to ensure the site is readily capable of accommodating a modest low-density housing development.

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

In particular the Planning Proposal:

- Provides for limited expansion of a rural village.
- Relates to land that was identified in a local strategic study as being capable of urban development.
- Reserves a road corridor that supports future realisation of the Round Corner Bypass, which is identified as a transport priority.

The Central City District Plan (**District Plan**), prepared in 2017 is an outdated plan, pre-dates the Dural Urban Capacity and Capability Assessment, and while it is under review (as required under the relevant planning framework) the current provisions are not reflective of recent local strategic studies and should be given lesser weight when considering the strategic merit of the Planning Proposal.

The objectives and outcomes of the Planning Proposal are consistent with the broad objectives for the Metropolitan Rural Area (**MRA**) set out in the District Plan as the residential development that will be facilitated by the Planning Proposal is a small-scale development and can be viewed as a logical expansion of Dural Village. The proposed housing is not designed to meet a regional or district-scale housing demand and the subdivision layout presents as an appropriate placed-based outcome that will not create potential land use conflict with established rural, mineral or extractive industries in the region and will not adversely impact on areas of ecological significance or sensitivity.

The Planning Proposal represents a logical land use outcome responding to the attributes of the site and its context and the fundamental merit of allowing urban development on the site has been consistently recognised. In particular:

- The Independent Planning Commission (**IPC**) recognised the benefits of a 2016 Planning Proposal and recommended that the site should be identified for urban development in the District Plan.
- The Department of Planning, Housing and Infrastructure (the **Department**) issued a Gateway Determination for the prior Planning Proposal to proceed, and importantly established a framework to *'consider limited growth in the Metropolitan Rural Area where the proposal is otherwise consistent with the District Plan and will result in a good planning outcome and public benefit.'*
- Council staff and the Local Planning Panel both recommended that previous planning proposals should proceed to Gateway Determination.

Legacy Property engaged with the former Greater Cities Commission to progress the IPC's recommendation that the site be identified in the District Plan for future urban development. In November 2023, the Greater Cities Commission advised that:

*‘...the Greater Cities Commission is currently reviewing the Greater Sydney Region Plan 2018 and Central City District Plan and preparing a new draft Six Cities Region Plan and draft Central River City Plan... The IPC advice will be considered in the preparation of these plans in the context of broader planning for the region’.*

The merit of the future residential development of the site appears to have been acknowledged by the Greater Cities Commission.

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

The Planning Proposal is supported by an Urban Design Study which demonstrates the compatibility of the proposed land use zones and future development outcomes with the surrounding site context, by delivering low density housing with large lot sizes positioned ridgelines and main roads. The Urban Design Study demonstrates the merits of the proposed residential subdivision layout which supports the delivery of local open space in an accessible location, and future road connections that can provide longer-term strategic functions as a bypass corridor.

## PROPOSED LEP CHANGES

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

- Change the zoning of the land from RU6 Transition to part R2 Low Density Residential and part SP2 Infrastructure (Local Road).
- Reduce the minimum lot size requirement from two hectares to between 600m<sup>2</sup> and 2,000m<sup>2</sup>.
- Reduce the maximum height of building control from 10 metres to nine metres.

## BACKGROUND AND HISTORY

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

Where technical matters have been raised in relation to the earlier planning proposals or subdivision master plans these matters have been addressed in the preparation of this Planning Proposal request.

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

## SITE SPECIFIC AND STRATEGIC MERIT

The Planning Proposal and the proposed amendments to THLEP 2019 demonstrate both strategic merit and site-specific merit tests, and will deliver a sustainable development outcome for the site and the broader locality as demonstrated below:

- The Planning Proposal provides a logical outcome to deliver new housing supply and choice that meets local demand in accordance with the Local Housing Strategy (**LHS**) and the 2019 The Hills Shire Rural Strategy (**Rural Strategy**) which allows for limited residential expansion in rural villages such as Dural. The Planning Proposal is consistent with the eight criteria for rural village expansion outlined in the Rural Strategy in that it:
  - Facilitates the timely provision of utilities, transport, open space and communication infrastructure across the site.



- Includes access to a range of transport options that allow efficient travel between homes, jobs and services.
  - Facilitates the delivery of a range of housing types, including the provision of low-density housing which is desired by the local market.
  - Avoids land use conflicts by positioning new housing adjacent to existing urban uses in the RU6 Transition zone, on land that is currently already precluded from agricultural uses.
  - Adopts appropriate bushfire mitigation measures through the implementation of APZs.
  - Represents the reasonable use of natural resources, and efficient use of land.
  - Does not adversely impact biodiversity, air quality, heritage items, or waterways.
  - Provides housing with access to education and other essential services.
- From a strategic perspective 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 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. This residential accommodation will be delivered with and supported by a range of public benefits.
  - The Planning Proposal does not seek to play a role in meeting any Regional or District scale demand for residential growth. Rather, this Planning Proposal seeks to facilitate the ongoing planning and management of Dural and provides a response to local demand for housing without detracting from the local character of Dural and the surrounding landscape. The proposal is therefore most appropriately characterised as a small-scale 'greenfield infill site' which seeks to cater for local demand that is consistent with the LHS.
  - The site is not located proximate to productive rural, mineral, or extractive industry land uses, these are located to the north and north-east in Maroota, Middle Dural, Galston and Arcadia. The site context is characterised by a range of education, commercial and residential developments.
  - The infrastructure facilitated by the Planning Proposal is site-specific and responds to the needs of the existing and future community. The Planning Proposal is consistent with the Dural Urban Capacity and Capability Assessment (**DUCCA**) which states that where land is environmentally capable of accommodating urban development, and where the Proponent is able to demonstrate that they can deliver the required local and regional infrastructure upgrades at no cost to Council – a Planning Proposal for rezoning can be considered.
  - The Greater Sydney Region Plan and the District Plan were prepared in 2017. The background studies that informed the establishment of the MRA within these documents predate this. It is acknowledged that these strategic documents are currently under review by the Department of Planning, Housing and Infrastructure (**DPHI**) the outcome of the review is unknown, but it would be reasonable to assume that the review will consider and be informed by local planning studies including the DUCCA, LHS, Local Strategic Planning Statement (**LSPS**) and Rural Strategy.
  - In November 2023, the Greater Cities Commission advised that:
 

*'the Greater Cities Commission is currently reviewing the Greater Sydney Region Plan 2018 and Central City District Plan and preparing a new draft Six Cities Region Plan and draft Central River City Plan... The IPC advice will be considered in the preparation of these plans in the context of broader planning for the region'*
  - The objectives and outcomes of the Planning Proposal are consistent with the broad objectives for the MRA set out in the District Plan as the residential development that will be facilitated by the Planning Proposal is a small-scale development and can be viewed as a logical expansion of Dural Village. The proposed housing is not designed to meet a regional or district-scale housing demand and the subdivision layout presents as an appropriate place-based outcome that will not create potential land use conflict with established rural, mineral or extractive industries in the region and will not adversely impact on areas of ecological significance or sensitivity.
  - The District Plan identifies a need to provide important rural industries within the MRA with certainty and ensure their operation can continue without encroachment from incompatible land uses and to support

the protection of biodiversity and secure the rehabilitation of exhausted resource extraction areas. The objectives are supported are not in conflict with the outcomes of the Planning Proposal.

- At a District scale the rural lands generally support or contribute to habitat and biodiversity, productive agriculture, provide mineral and energy resources and sustain local rural towns and villages. The site however is largely unproductive vacant land with a few scattered rural dwelling houses and does not support biodiversity, productive agriculture nor contain mineral and energy resources. In its present state the site does not support the Dural village. However, the site if able to be developed sensitively as detailed in the Urban Design Report, will support economically and socially the Dural Village and the local school community.
- The scale of the residential development proposed is not that of an urban release area but instead has the character or infill housing to meet a local demand rather than seeking to deliver Greater Sydney's future housing needs. The minor increase in residential occupation and development will not detract from the distinctive character of the village and will not impose upon the broader rural vistas and landscape of the locality.
- The District Plan recognises the need to allow for limited residential growth that caters for local housing demand. The Planning Proposal represents a small-scale rezoning which seeks to provide local housing opportunities that wraps around and supports the existing Dural Primary School. In this regard, the proposal meets housing local demand and will facilitate housing diversity in accordance with the LHS and Rural Strategy, which allows for limited residential expansion in rural villages such as Dural.
- The Planning Proposal outcomes will maximise the use of existing infrastructure sustainably which will service the proposed residential accommodation and will be extended to support and service the Dural Public School.
- The Planning Proposal aligns with Council's regional transport objectives (in securing a portion of a future Round Corner bypass corridor) and provides a unique opportunity to allow for some additional housing within the catchment surrounding the Dural Public School, without creating a precedent elsewhere.
- The site has not been used for agricultural purposes for a significant period of time and the potential use of the site for agricultural purposes is commercially unviable. In addition, intensive and other agricultural pursuits if sought to be undertaken on the site would present a land use conflict with existing sensitive land uses such as the Dural Public School and the ability to provide necessary buffers is limited. The proposed rezoning would permit low density residential development to meet a local demand, and which facilitates the orderly and economic use of land that is otherwise under-utilised. The subdivision layout is an urban design outcome for the site that can incorporate complementary landscape and open space elements in an otherwise denuded area.
- As outlined in this Planning Proposal, there is a demand for low-density housing specifically in Dural which is anticipated by the Department (2022) to grow generally at a lower-than-average rate than Greater Sydney given a lack of development opportunities. The District Plan acknowledges the need that limit changed is required in rural towns and villages, and that '*...limited growth of residential development could be considered where there are no adverse impacts on the amenity of the local area and where the development provides incentives to maintain and enhance the environmental, social and economic values of the MRA*'.

The Planning Proposal has merit as:

- The Planning Proposal will not dilute the importance of adjacent urban centres or result in ribbon development along Old Northern Road. Conversely the realisation of the Planning Proposal will reinforce and support the orderly development and the modest expansion of existing centres.
- The rezoning of the site reflects a logical minor extension of the existing urban village and is unique in its relationship to the Dural Public School and the opportunity to deliver local open space and strategic road infrastructure through the reservation of part of a future bypass road connection from Annangrove Road to Old Northern Road.
- The proposed residential density facilitated by the Planning Proposal responds to demographic trends of the Dural area, providing choice for existing residents to downsize (from large rural residential properties) and continue within their existing community and enable younger families to enter the market in an area that is differentiated from the medium and higher density living options elsewhere in The Hills Shire.

- The Planning Proposal will promote the viability of the Dural rural village and nearby Round Corner local centre.
- The Planning Proposal will facilitate the delivery of key infrastructure upgrades and extensions aimed at alleviating existing traffic constraints and improve road safety around Dural Public School through the inclusion of well-designed and safe drop off zones replacing the congested access on Old Northern Road currently servicing the school community.

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

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

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

The Planning Proposal complies with the relevant local environment plan making provisions under the *Environmental Planning & Assessment Act 1979*.

The Planning Proposal complies with the Department of Planning & Environment's '*A guide to preparing local environmental plans*'.

## **COMMUNITY BENEFITS OF THE PLANNING PROPOSAL**

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

# 1. INTRODUCTION

## 1.1. OVERVIEW

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

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

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

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

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

## 1.2. SUMMARY OF THE PLANNING PROPOSAL

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

- Change the zoning of the site from RU6 Transition to part R2 Low Density Residential and part SP2 Infrastructure (Local Road).
- Reduce the minimum lot size requirement from two hectares to between 600m<sup>2</sup> and 2,000m<sup>2</sup> with the larger lots being adjacent to Old Norther Road
- Reduce the maximum height of building control from 10 metres to nine metres.

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

- The orderly and economic use of the land that is otherwise under-utilised and unsuitable for agricultural purposes.
- Limited environmental attributes and constraints within the site.
- Delivery of a range of public benefits at no-cost to Council or government.
- Consistency with the LHS and Rural Strategy, in that it will deliver a modest expansion to the existing village of Dural and a variety of housing typologies which supports local housing demand.
- The Planning Proposal does not create an undesirable precedent of development of land within the MRA identified within the Central City District Plan (**District Plan**).
- A subdivision design that has been informed by a consideration of market demands and needs, the physical characteristics of the land, and measures to minimise visual impacts from key road corridors and ridgelines. The proposed subdivision layout includes large lot sizes on the periphery of the site, fronting Old Northern Road, and provision of new local open space adjacent to the Dural Primary School.

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

- Dedication and embellishment of 4,000m<sup>2</sup> of land for use as a local park.
- Dedication and embellishment of 141m<sup>2</sup> of land for use as a pedestrian link to provide permeability for residents.
- Provision of a monetary contribution to Council of \$363,305.80 towards active regional open space.
- Land dedication towards a Round Corner bypass road and works in kind for the delivery of a local collector road.
- Provision of a monetary contribution to Council of \$101,242.90 towards community facilities.
- Delivery of stormwater management facilities.

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

Refer to **Figure 1** for an extract of the Indicative Layout Plan.

Figure 1 Indicative Layout Plan



Source: Urbis, 2024

### 1.3. REPORT STRUCTURE

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

The relevant sections of this report are listed below:

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

- **Section 7:** Conclusion and justification.

## 1.4. PROJECT TEAM

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

Table 1 Planning Proposal Project Team

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



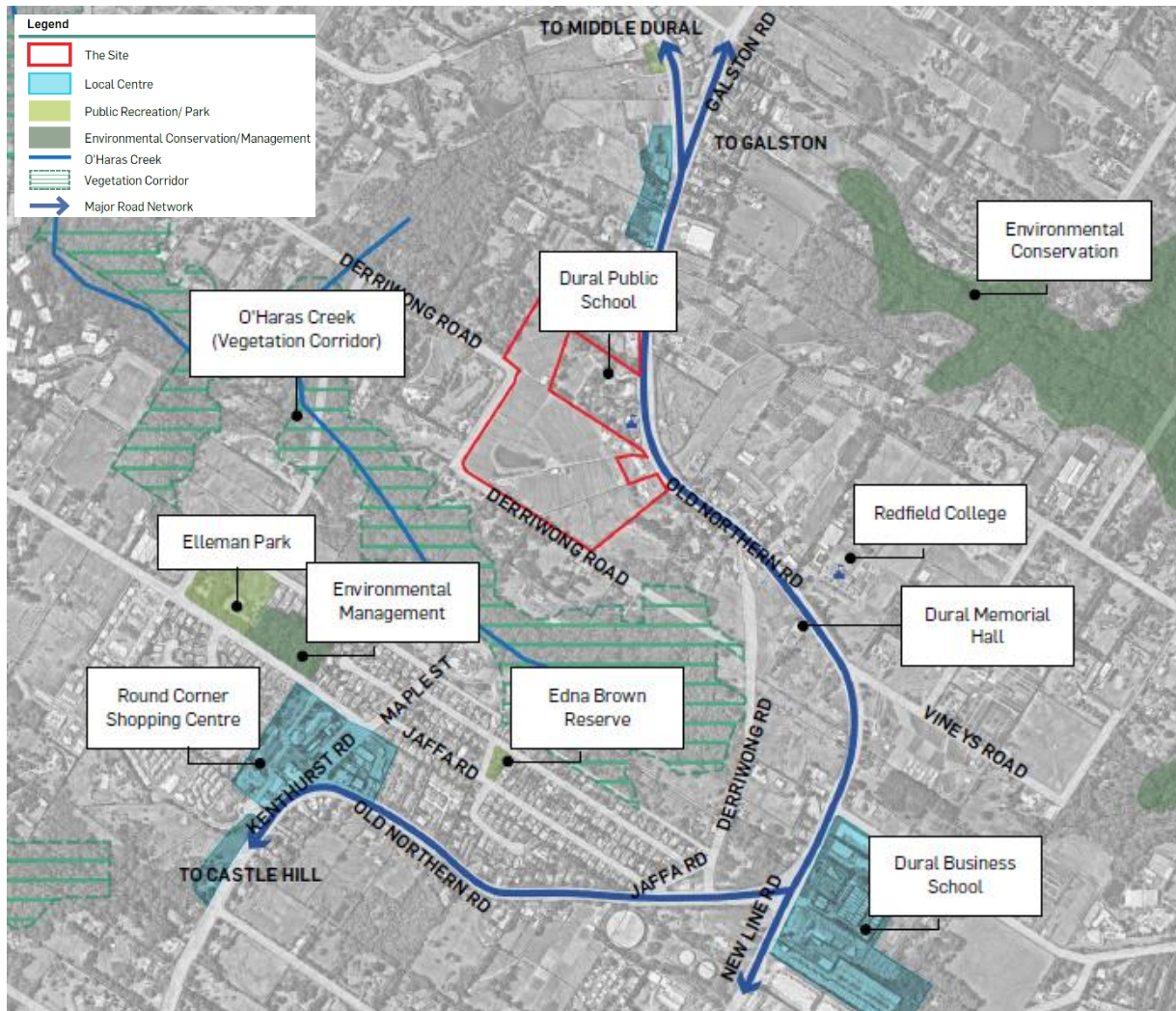
## 2. SITE CONTEXT

### 2.1. SITE DESCRIPTION

The land to which the Planning Proposal relates is made up of multiple individual land parcels. The general location of these unconsolidated holdings is shown in **Table 2**.

Figure 2 and property details are included in Table 2.

Figure 2 Aerial View of Site and Surrounding Context



Source: Urbis, 2024

Table 2 Summary of Landholdings

| Address                      | Allotment                           |
|------------------------------|-------------------------------------|
| 626 Old Northern Road, Dural | Lot 2 in DP 541329 (2.023 hectares) |
| 27 Derriwong Road, Dural     | Lot 9 in DP 237576 (2.025 hectares) |
| 618 Old Northern Road, Dural | Lot X in DP 501233 (4.777 hectares) |
| 21 Derriwong Road, Dural     | Lot 2 in DP 567995 (2.023 hectares) |
| 614 Old Northern Road, Dural | Lot Y2 in DP 91653                  |



| Address | Allotment   |
|---------|---|
|         | Total area: 12.88 hectares (128,790m <sup>2</sup> ) |

### 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

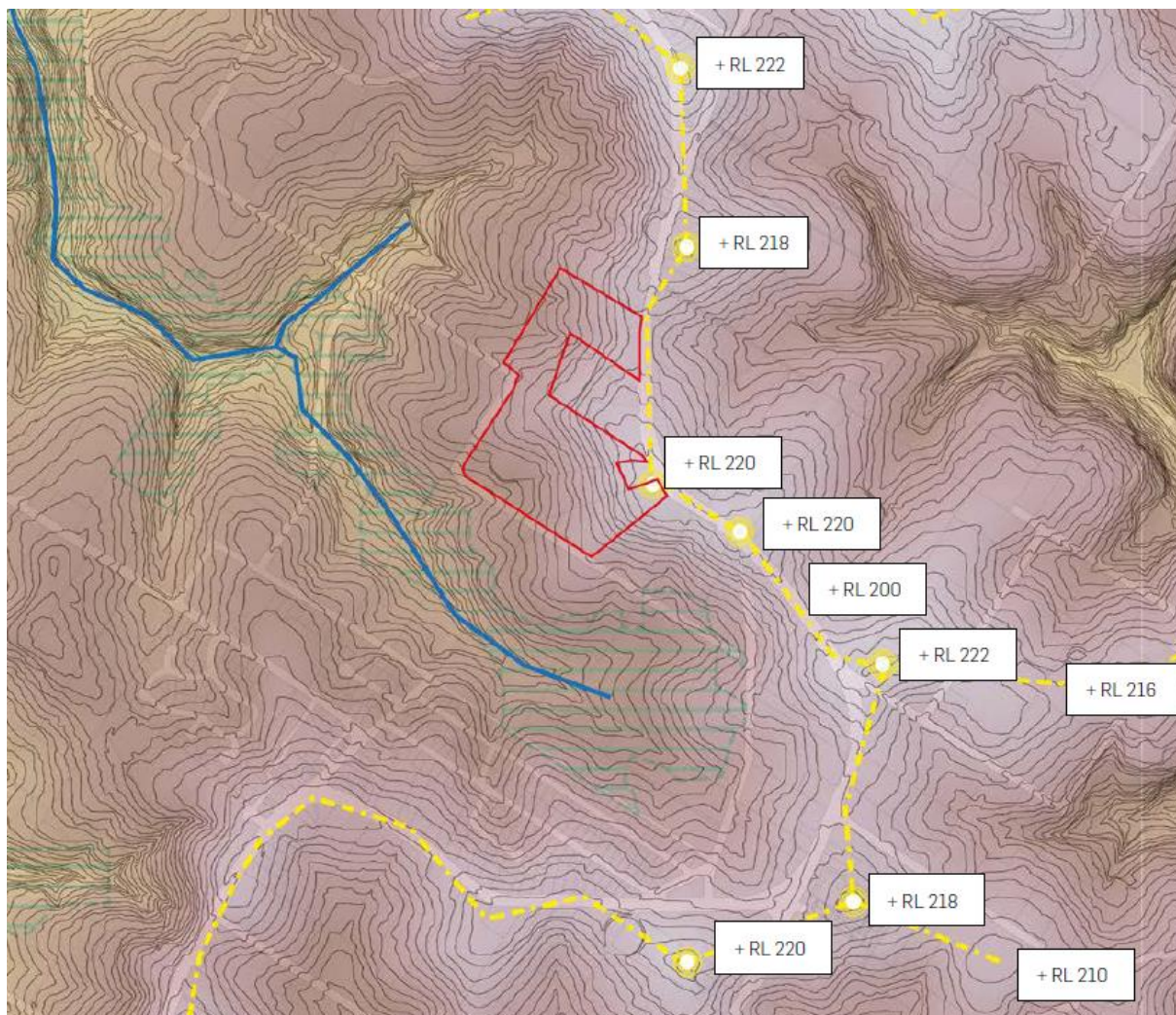
#### Surface Water Flow

As identified above the land generally slopes away from Old Northern Road in a west, southwest direction towards the natural drainage lines and permanent water courses. Kingfisher has undertaken an Ecological Assessment of the site and the surrounding lands (refer to **Appendix C**), identifying that several tributaries of the O'Hara's Creek drain away from the site and converge at O'Hara's Creek to the west and south-west of the site. O'Hara's Creek is identified as a "major creek" line by Kingfisher, the creek flows in a north-west direction (**Figure 3**) and is buffered by existing and established native vegetation.

#### Groundwater Flows

The presence of groundwater flows is anticipated given the presence of a series of streams and creek lines within the immediate context of the site. The Detailed Site Investigation (**DSI**) prepared by JBS&G (refer to **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 3 Local Topography and Hydrology Lines



Source: Urbis, 2024

### 2.1.3. Local Geology

#### Soils

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

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

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

#### Acid sulphate soils

The site is not identified on the LEP mapping as containing a class of acid sulphate soils.

## 2.1.4. Flora and Fauna

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

### Flora (Species and Vegetation Communities)

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

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

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

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

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

### Fauna

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

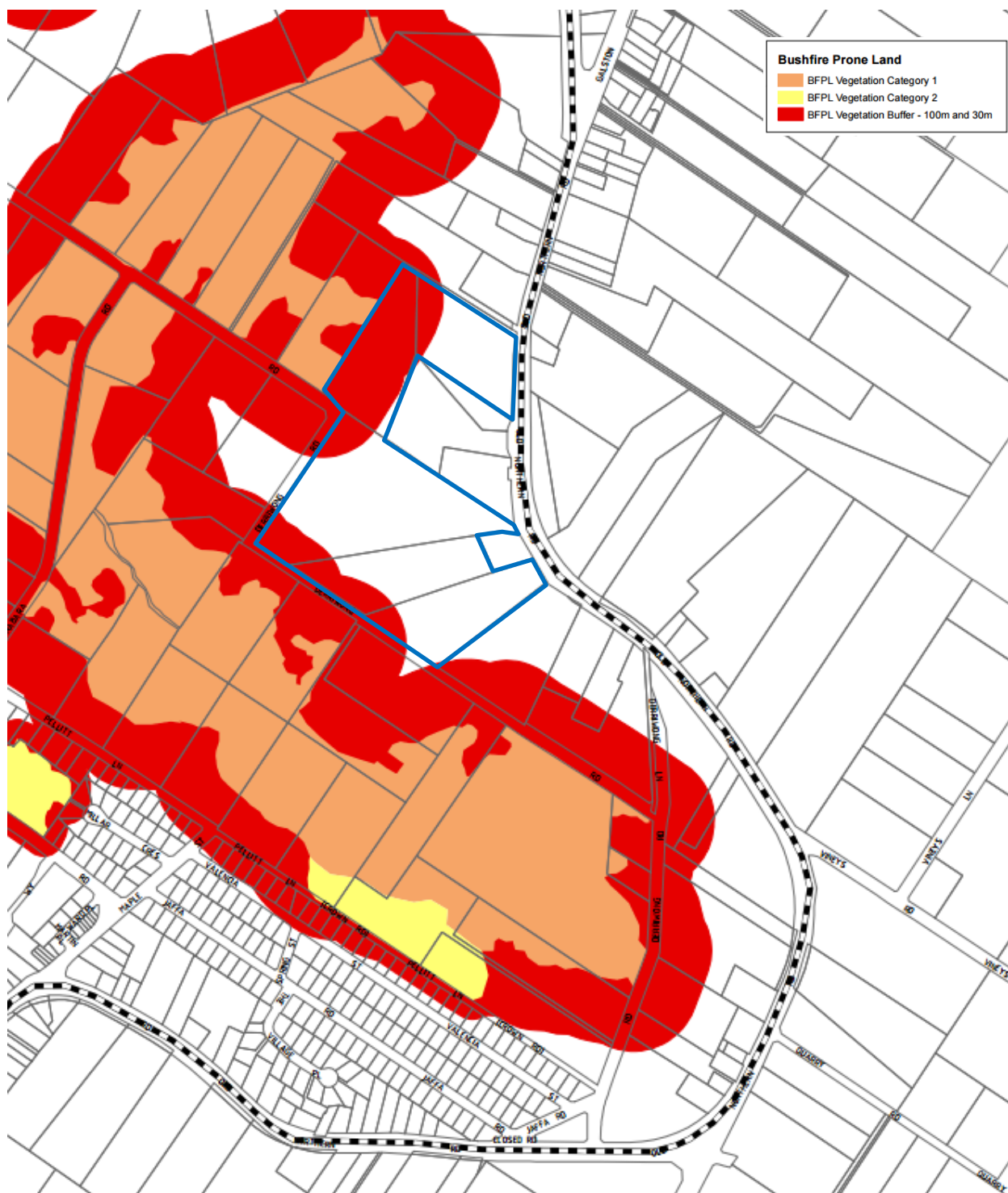
- Limited availability (presence) of farm dams, canopy and hollow bearing trees recorded within the site; and
- Limited presence of native species in the under or canopy storey layers limiting the generation of leaf litter and woody debris to provide faunal habitat.

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

## 2.1.5. Bushfire

Parts of the site are identified as being located within the vegetation buffer (100 metres and 30 metres) on Council's adopted bushfire prone land planning maps (refer to **Figure 4**).

Figure 4 Extract of Bushfire Planning Map



Source: The Hills Shire Council, 2023

## 2.1.6. Access and Movement

### 2.1.6.1. Public Transport

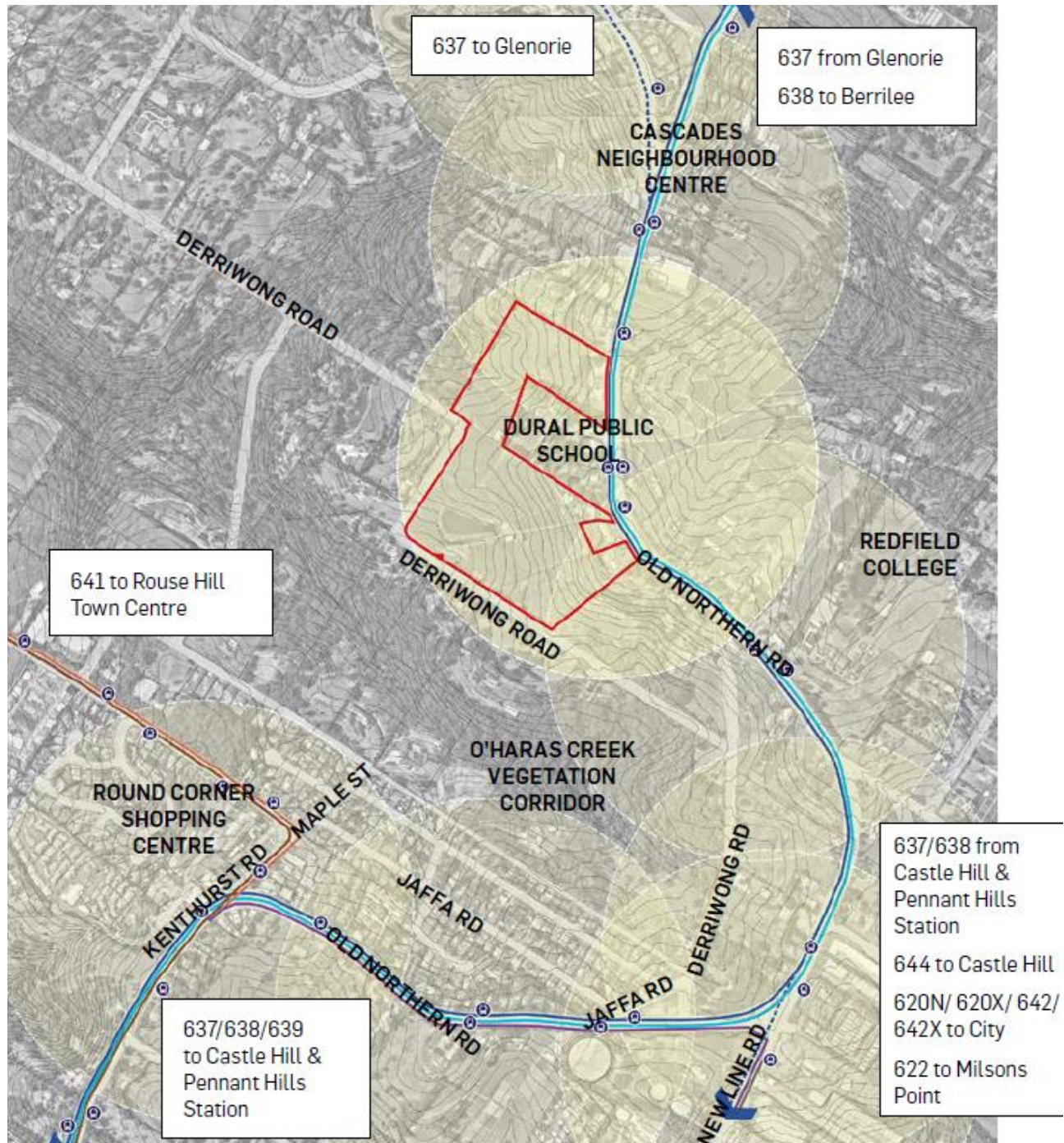
The site is readily accessible via public transport, with regular bus services available along Old Northern Road. These bus services provide connections south to Castle Hill and Cherrybrook Metro stations as well as Pennant Hills train station. Pennant Hills train station is located on the T9 Northern Line which provides connections to Sydney CBD. The 620X and 642X bus routes provide alternative connections for commuters travelling to Sydney CBD including Wynyard and Town Hall. These services provide excellent connections for residents to access essential services, jobs and education.



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

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

Figure 5 Public Transport Connections and Routes Servicing the Site



Source: Urbis, 2024

## 2.1.6.2. Vehicle Access

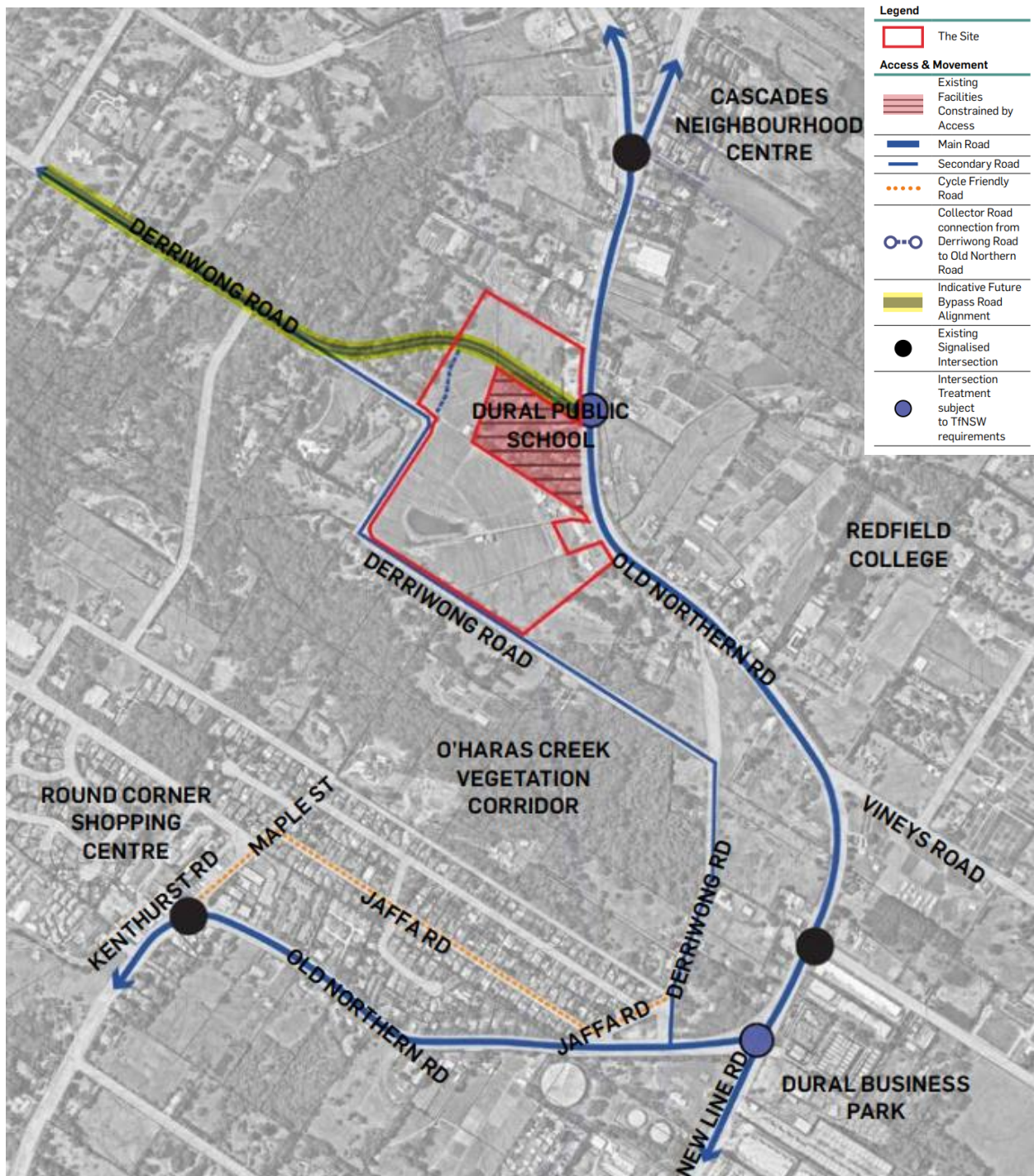
The existing local road network currently supports the following vehicle access, egress and movements:

- **Old Northern Road/New Line Road:** A two-way, classified road, serving and the main vehicle movement route into and out of Dural and connecting the site to Round Corner and Dural Centres.



- **Derriwong Road** is a minor two-way collector/local road to the west of the site that is accessed via Old Northern Road.

Figure 6 Existing Road Network

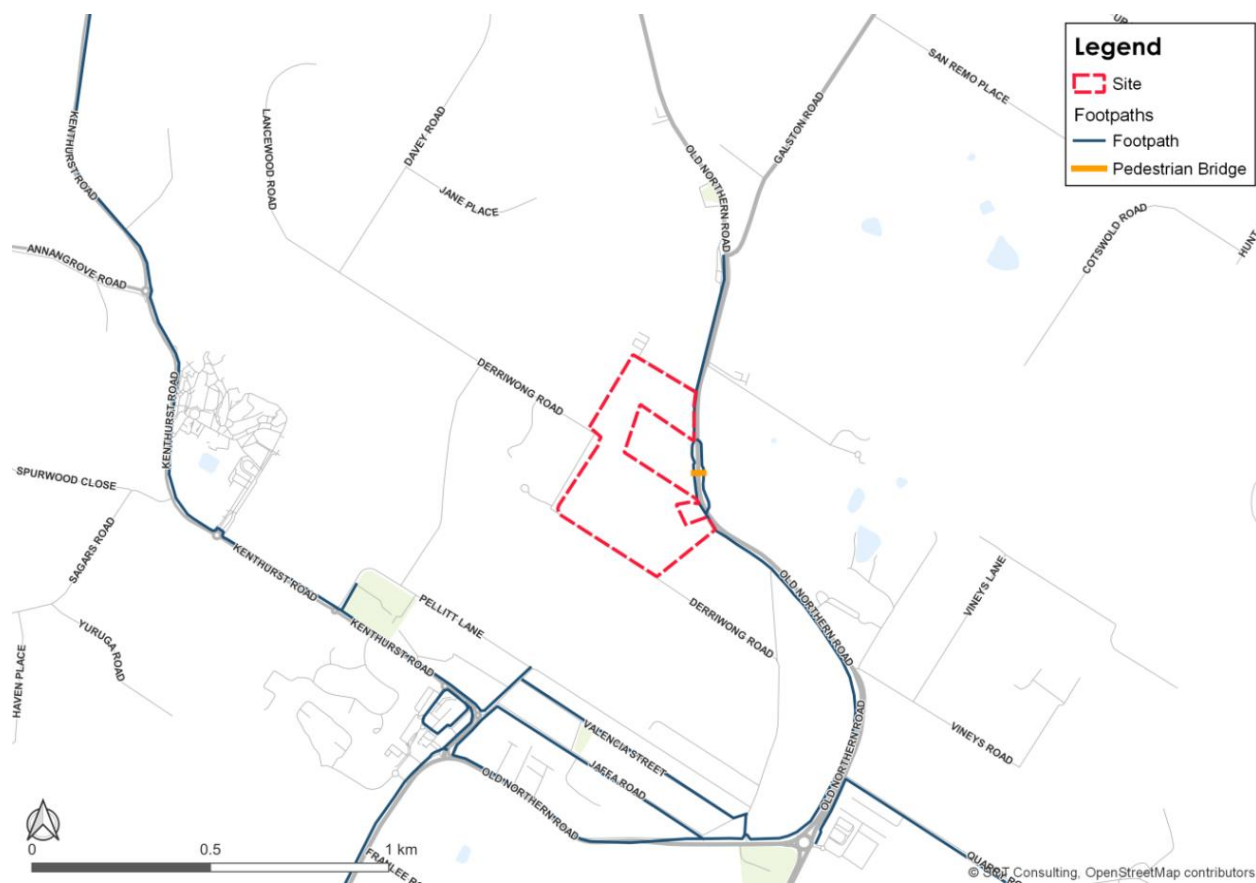


Source: Urbis, 2024

### 2.1.6.3. Pedestrian and Cycleway Access

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

Figure 7 Pedestrian Network Map



Source: STC, 2024

### 2.1.7. Social Infrastructure

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

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

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

### 2.1.8. Services and Utilities

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

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



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

## 2.2. SURROUNDING LOCALITY

### 2.2.1. Regional Context

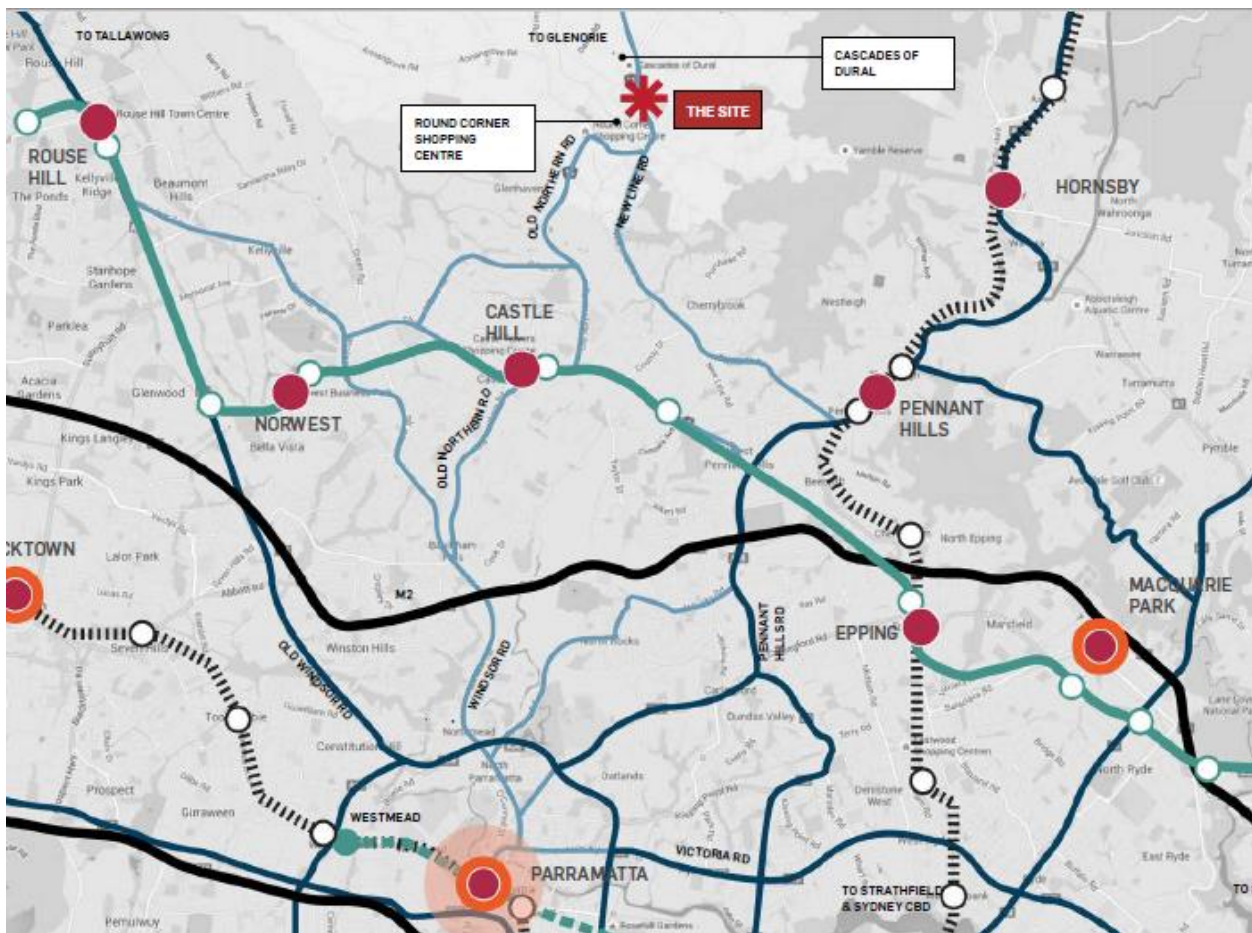
The site is located the north-western region of Greater Sydney, adjacent to the urban fringe in The Hills Shire LGA, approximately 30 kilometres from the Sydney CBD.

The Hills Shire LGA covers an area of approximately 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 given the completion of the Northwest rail link, which will encourage increased densities within the established centres and around key future transport nodes.

Figure 8 Regional Context Map



Source: Urbis, 2024

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

Population growth in The Hills Shire LGA over 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.

## 2.2.2. Local Context

Dural covers an area of approximately 1,462 hectares (or 15km<sup>2</sup>) and in 2021 was home to an estimated 3,322 residents with a population density of 227.2 persons per square km. In general, the population of Dural has remained relatively stable since 2001 due to the limited residential land stock 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 with the LGA is used mainly for hobby farms, nurseries and orchards, especially citrus fruits.

Figure 9 Dural Locality Map



Source: Urbis, 2024



## 2.3. PHOTOGRAPHIC REVIEW

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

Figure 10 Photographic Review of Site



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. PROJECT BACKGROUND

The following discussion provides an overview of the 2016 Planning Proposal and 2022 Planning Proposal which informed the preparation of the current Planning Proposal the subject of this request.

#### 3.1. 2016 PLANNING PROPOSAL

- **19 May 2016** - A Planning Proposal (23/2016/PLP) was submitted to the Council seeking the rezoning of the majority of the site to R2 Low Density Residential and amendments to the minimum lot size and maximum building height development standards. The 2016 Planning Proposal included a northern and a southern site which would yield a total of approximately 181 residential allotments (refer to **Figure 11** and **Figure 12**). It should be noted that the current Planning Proposal only relates to the northern site.

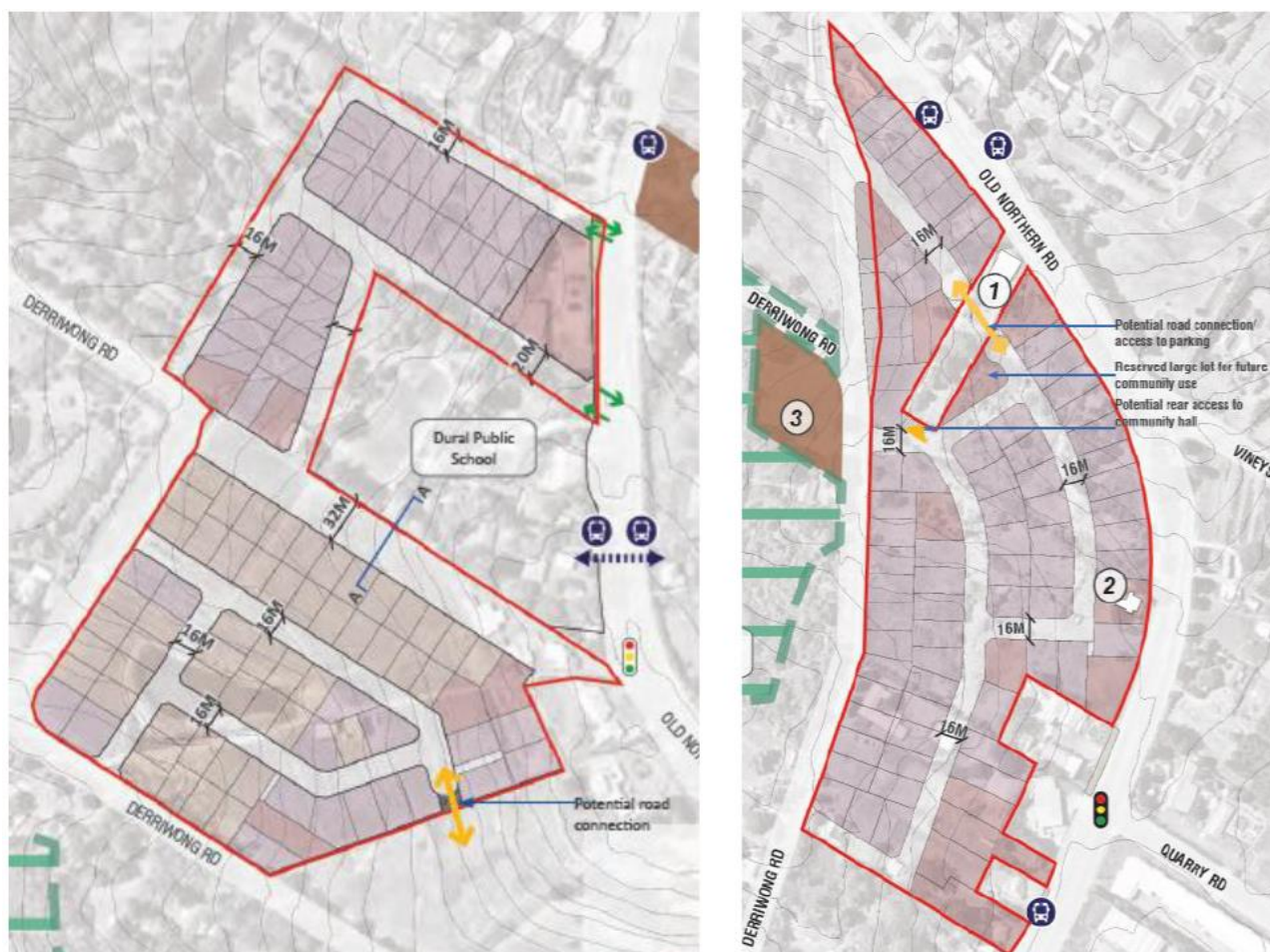
Figure 11 2016 Planning Proposal Boundary Map



Source: Urbis, 2016



Figure 12 2016 Indicative Layout Plan



Source: Urbis, 2016

- **4 November 2016** – An amended Planning Proposal was submitted to address Council’s request to accommodate a regional road reserve partially on the northern site and remove the medical, seniors living, and aquatic centre uses from the masterplan.
- **February 2017** – Council failed to determine the Planning Proposal and the Proponent submitted a formal review of the proposal by the then Department of Planning (the Department).
- **20 April 2017** – The Sydney West Central Planning Panel concluded that the proposal had strategic merit, especially meeting the demand for larger lot residential land in a rural setting. However, the Panel found that the proposal was not supported by adequate physical and social infrastructure and therefore deemed the proposal as premature and should not proceed before completion of the strategic study programmed for the area which the Panel anticipated to be complete the end of 2017. As such the Rezoning review determined that the Planning Proposal should not be submitted for Gateway Determination.
- **19 June 2019** – Council officer’s report to the Local Planning Panel recommended that the Planning Proposal be forwarded to the Department for consideration and Gateway Assessment. However, the Local Planning Panel recommended that the Planning Proposal should not proceed to Gateway.
- **9 July 2019** – Council officers referred the Local Planning Panel recommendation to the Council supporting the Planning Proposal and recommended to the Council to support the submission of the Planning Proposal to the Department for Gateway Determination
- **26 July 2019** – Planning Proposal sent to the Department with a request for Gateway Determination.
- **19 April 2020** – The Department recommended the Planning Proposal should not proceed as it did not demonstrate sufficient strategic or site-specific merit.

- **4 September 2020** - A Gateway Review was submitted and referred to the Independent Planning Commission (IPC). The IPC supported the overall proposal but noted that it was not possible to determine if the proposal had strategic merit.
- **9 July 2021** – Gateway determination was issued by the Department subject to conditions.
- **July 2021 to March 2022** – The proponent liaised with the Council, Schools Infrastructure, Transport for NSW and a range of other agencies to address the Gateway conditions.
- **5 April 2022** – Despite the Proponent satisfying the majority of the conditions of the Gateway determination (having separately worked with Council on the provisions of a draft DCP, details of a public benefit offer and having refreshed the technical reports), the Department wrote to the Proponent to advise that it was considered that there was a significant amount of work still required to progress the Planning Proposal to exhibition and adoption. The Gateway Determination was revised to state that the Planning Proposal should not proceed.

In preparing the current Planning Proposal, the Proponent has responded to the conditions of the Gateway Determination. Importantly, the current Planning Proposal is supported by a meaningful public benefit offer that provides appropriate contributions towards local infrastructure whilst still maintaining the key components of the 2016 Planning Proposal that demonstrated both site-specific and strategic merit in the grant of the Gateway Determination.

## 3.2. 2022 PLANNING PROPOSAL

- **20 September 2022** - A subsequent Planning Proposal (PP-2022-3364) for the site was submitted on behalf of the current Proponent, Legacy Property. In preparing that Planning Proposal request, the Proponent and the project team noted and responded to the previous advice of the Department and the IPC. and addressed the previous 2021 Gateway Determination conditions as outlined in **Table 3**.

Table 3 Gateway conditions (2021)

| 2021 Gateway Conditions  | Comment   |
|--|---|
| 1) <i>Prior to public exhibition, the planning proposal is to be updated to:</i>   | The supporting studies included as part of this proposal have been appropriately updated to reflect the land subject to the Planning Proposal. Notably this includes the previously referred to 'northern site' plus one additional allotment identified as No. 614 Old Northern Road, Dural.               |
| (a) <i>Update all supporting studies to refer solely to land subject to this proposal</i>  |   |
| (b) <i>Preparation of a development control plan to support the development including any outcomes from specialist reports and consultation with agencies</i>                          | The preparation of a draft site-specific DCP provided at <b>Appendix L</b> has been informed by pre-lodgement consultation with Transport for NSW, the Council and Schools Infrastructure NSW.  |
| (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> | 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.  |
| (d) <i>Give further consideration to how the local infrastructure demands generated by the proposal will be met</i>  | The Planning Proposal includes the delivery of a new neighbourhood park with a minimum area of 4,000m <sup>2</sup> . The Planning Proposal also includes stormwater and sewerage infrastructure upgrades across the site, including the provision of the service up to the adjacent public-school boundary. |

| 2021 Gateway Conditions  | Comment  |
|--|--|
|  | <p>Further, the Planning Proposal includes local and regional road network upgrades and benefits by proposing 'drop-off and pick-up' car parking spaces adjacent to the school, and a 32m wide corridor through the site to connect Old Northern Road to Derriwong Road, as part of a Council's strategic plan to connect to Annangrove Road.</p> <p>The Public Benefit Offer also includes monetary contributions towards community facilities and active open space.</p>   |
| (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 occurred in early 2022 where they indicated that there was no objection to the concept of a local (not regional) bypass road through the site. The Council staff have supported the provision of a local bypass through the site to enable the future realisation of 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 Planning Proposal has been assessed against the objectives, actions, and priorities of the Greater Sydney Region Plan – A Metropolis of Three Cities and the Central City District Plan in <b>Section 6.3</b> of this report.</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>Consultation was and is continuing to be undertaken with TfNSW and SINSW.</p> <p>In response to ongoing consultation with SINSW, a Safe System Assessment (refer to <b>Appendix O</b>) has been prepared by ARRB in relation to Dural Public School to understand the traffic safety issues facing the school in the current road configuration and the road configuration adjacent to the school that would facilitate the proposed residential development adjacent.</p> <p>Following preparation of this assessment, the Proponent provided a copy to SINSW in July 2023. SINSW subsequently provided a response (refer to <b>Appendix P</b>) confirming that SINSW provides in principle support of proceeding with Option 2A and which now fully resolves an agreed approach to the bypass road.</p> |

| 2021 Gateway Conditions   | Comment   |
|---|---|
| <p>3) <i>Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:</i></p> <p>(a) <i>the planning proposal must be made publicly available for a minimum of 28 days; and</i></p> <p>(b) <i>the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment, 2018).</i></p> | <p>The 2016 Planning Proposal and 2022 Planning Proposal did not reach the stage of public exhibition or post exhibition evaluation.</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 and 2022 Planning Proposal did not reach the stage of public exhibition or post exhibition evaluation.</p> <p>It is noted that an updated Bushfire Strategic Study and Preliminary Infrastructure Review (refer to <b>Appendix D</b> and <b>Appendix H</b>) have been prepared, 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 and 2022 Planning Proposal did not reach the stage of public exhibition or post exhibition evaluation.</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 and 2022 Planning Proposal did not reach the stage of public exhibition or post exhibition evaluation.</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 and 2022 Planning Proposal did not reach the stage of public exhibition or post exhibition evaluation. ; however, it is should be noted that the Planning Proposal is</p>   |

| 2021 Gateway Conditions   | Comment   |
|---|---|
|   | consistent with the relevant section 9.1 Directions as outlined in <b>Section 6.3</b> of this report.                             |
| (c) <i>there are no outstanding written objections from public authorities.</i> | The 2016 Planning Proposal and 2022 Planning Proposal did not reach the stage of public exhibition or post exhibition evaluation. |

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

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

*While TfNSW has expressed a consistent view to date, which does not support the funding or provision of a regional bypass corridor by Government, Council may deem it appropriate to secure this first part of the corridor at this time, to ensure flexibility remains in the future for the bypass road to be delivered if either:*

  - *Government changes its current position and agrees to funding the design, acquisition and construction of the broader corridor as a regional bypass road; or*
  - *Council opts to pursue the design, acquisition and construction of the broader corridor as a local bypass road.*
  - *If neither of these outcomes was to eventuate, the proposed corridor would remain in Council's ownership as a local collector road primarily servicing the development."*
- **21 February 2023** - Contrary to the recommendation by Council planning officers and the LPP that the Planning Proposal proceed to Gateway, the elected Councillors resolved to proceed with *Option 2 – Not Proceed to Gateway Determination*. No reasons were given for this decision.
- **17 April 2023** - A Rezoning Review (RR-2023-7) was submitted in response to the Council resolution.
- **18 July 2023** - The Sydney Central City Planning Panel resolved that the Planning Proposal not be submitted for a Gateway determination as in their view it did not demonstrate strategic merit. In outlining its reasoning for the decision, the Panel conceded '*that the land use appears to be undergoing transition rather than being preserved as a buffer zone*'. Further the Panel acknowledged that the Greater Sydney Regional Plan and District Plan is currently undergoing review by the GCC. A response to the reasons for the decision is discussed in the following table.



| Panel reasons for the decision  | Response   |
|---|--|
| <p>Greater Sydney Region Plan and Central City District Plan</p> <p>The Region and District Plans encourage maintain and enhancing the rural village character. In particular the Region Plan identifies the land as Metropolitan Rural Area and states that urban development is not consistent with the value of the Metropolitan Rural Area.</p> | <p>The District Plan, prepared in 2017 is an outdated plan, pre-dates the Dural Urban Capacity and Capability Assessment, and while it is under review (as required under the relevant planning framework) the current provisions are not reflective of recent local strategic studies and should be given lesser weight when considering the strategic merit of the Planning Proposal.</p> <p>From a strategic perspective 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 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. This residential accommodation will be delivered with and supported by a range of public benefits.</p> <p>Notwithstanding, the objectives and outcomes of the Planning Proposal are consistent with the broad objectives for the MRA set out in the District Plan as the residential development that will be facilitated by the Planning Proposal is a small-scale development and can be viewed as a logical expansion of Dural Village.</p> <p>The proposed housing is not designed to meet a regional or district-scale housing demand and the subdivision layout presents as an appropriate place-based outcome that will not create potential land use conflict with established rural, mineral or extractive industries in the region and will not adversely impact on areas of ecological significance or sensitivity.</p> <p>The Planning Proposal is consistent with the Dural Urban Capacity and Capability Assessment (<b>DUCCA</b>) which states that where land is environmentally capable of accommodating urban development, and where the Proponent is able to demonstrate that they can deliver the required local and regional infrastructure upgrades at no cost to Council – a Planning Proposal for rezoning can be considered.</p> <p>Further, the Planning Proposal aligns with key aspects of The Hills Shire LSPS, The Hills Shire Local Housing Strategy (<b>LHS</b>) and The Hills Shire Rural Strategy (<b>Rural Strategy</b>).</p> <p>In particular the Planning Proposal:</p> <ul style="list-style-type: none"> <li>▪ Provides for limited expansion of a rural village.</li> <li>▪ Relates to land that was identified in a local strategic study as being capable of urban development.</li> <li>▪ Reserves a road corridor that supports future realisation of the Round Corner Bypass, which is identified as a transport priority.</li> </ul> <p>The Planning Proposal provides a logical outcome to deliver new housing supply and choice that meets local demand in accordance with</p> |

| Panel reasons for the decision   | Response  |
|--|---|
|  | <p>the LHS and the Rural Strategy which allows for limited residential expansion in rural villages such as Dural. The Planning Proposal is consistent with the eight criteria for rural village expansion outlined in the Rural Strategy in that it:</p> <ul style="list-style-type: none"> <li>– Facilitates the timely provision of utilities, transport, open space and communication infrastructure across the site.</li> <li>– Includes access to a range of transport options that allow efficient travel between homes, jobs and services.</li> <li>– Facilitates the delivery of a range of housing types, including the provision of low-density housing which is desired by the local market.</li> <li>– Avoids land use conflicts by positioning new housing adjacent to existing urban uses in the RU6 Transition zone, on land that is currently already precluded from agricultural uses.</li> <li>– Adopts appropriate bushfire mitigation measures through the implementation of APZs.</li> <li>– Represents the reasonable use of natural resources, and efficient use of land.</li> <li>– Does not adversely impact biodiversity, air quality, heritage items, or waterways.</li> <li>– Provides housing with access to education and other essential services.</li> </ul> <p>The fundamental merit of allowing urban development on the site has been consistently recognised. In particular:</p> <ul style="list-style-type: none"> <li>▪ The Independent Planning Commission (<b>IPC</b>) recognised the benefits of a 2016 Planning Proposal and recommended that the site should be identified for urban development in the District Plan.</li> <li>▪ The Department of Planning, Housing and Infrastructure (the Department) issued a Gateway Determination for the prior Planning Proposal to proceed, and importantly established a framework to ‘consider limited growth in the Metropolitan Rural Area where the proposal is otherwise consistent with the District Plan and will result in a good planning outcome and public benefit.’</li> <li>▪ Council staff and the Local Planning Panel both recommended that previous planning proposals should proceed to Gateway Determination.</li> </ul> <p>Consistency with the Region Plan and District Plan is discussed further in <b>Section 6.3.2.1</b> and <b>Section 6.3.2.2</b>.</p> |
| <p>The Hills Local Environmental Plan 2019</p> <p>The LEP identifies RU6 Transition zone as a buffer</p> | <p>The site is identified as RU6 Transition Land and is located beyond the Urban Growth Boundary. However, the residential nature which characterises the surrounding locality and the separation to agricultural</p>   |

| Panel reasons for the decision  | Response   |
|---|--|
| <p>between urban rural areas. The site is located within this buffer zone.</p>  | <p>land uses some 30 km to the north of the site supports a change from the existing RU6 Transition zoning.</p> <p>When considering the character and function of the land surrounding the site, it is not appropriate to characterise the locality as a buffer zone. As demonstrated in this Planning Proposal and the supporting appendices, the site is not suitable for agricultural purposes due to its location adjacent to an existing and permitted primary school and rural residential dwellings. Sensitive land uses and human receptors are present within a 1km radius of the site, such that they already restrict agricultural uses as per the interim guideline for 'Buffer Zones to Reduce Land Use Conflict with Agriculture' on the land zoned RU2 within Hornsby LGA and on the sites themselves.</p> <p>The Planning Proposal represents a modest expansion to the existing village of Dural with a maximum of 110 residential lots only, representing limited growth. The proposal will support the housing needs of the local community at a site which is longer suitable or viable agricultural use. The Planning Proposal is not transformational. Rather it is modest in scale and not intended to facilitate 'regional or district-scale demand for residential growth'.</p> <p>The scale of the residential development proposed is not that of an urban release area but instead has the character or infill housing to meet a local demand rather than seeking to deliver Greater Sydney's future housing needs. The minor increase in residential occupation and development will not detract from the distinctive character of the village and will not impose upon the broader rural vistas and landscape of the locality.</p> <p>This Planning Proposal does not seek to pre-empt any broader strategic planning review of the metropolitan area. The proposal relates to a unique site due to its proximity to both Dural village and Dural Public School, and its ability to deliver significant public benefits ensures that it will not create a precedent.</p> |
| <p>The Hills Future 2023 Local Strategic Planning Statement</p> <p>The LSPS seeks to establish an urban growth boundary to limit residential growth to within existing and planned Council urban areas. The site is outside of this boundary.</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.</p> <p>The intent of the limiting residential outside the urban growth boundary is to retain land for agricultural purposes. 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 much of the site was as a peach orchard, which ceased operation in mid-2014.</li> </ul>   |

| Panel reasons for the decision | Response  |
|--------------------------------|---|
|                                | <ul style="list-style-type: none"> <li>▪ Topography and slope maps show that the 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 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 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 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 to agricultural pursuits include climate change (rising temperatures and lower rainfall) and the protected vegetation of surrounding landholdings preventing the possibility of the site expanding its size to achieve a larger land holding to facilitate a form of agriculture production.</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>As previously stated, the Planning Proposal is consistent with the DUCCA which states that where land is environmentally capable of accommodating urban development, and where the Proponent is able to demonstrate that they can deliver the required local and regional infrastructure upgrades at no cost to Council – a Planning Proposal for rezoning can be considered.</p> <p>Consistency with the LSPS is discussed further in <b>Section 6.3.1</b>.</p> |

- **August 2023 – February 2024** – The Proponent and the project team continued to liaise with Schools Infrastructure NSW, Council Transport for NSW in relation to the opportunity to deliver housing and community benefits through a planning proposal. In response to ongoing consultation with SINSW, a Safe System Assessment (refer to **Appendix O**) was prepared by ARRB in relation to Dural Public School to understand the traffic safety issues facing the school in the current road configuration and the road configuration adjacent to the school that would facilitate the proposed residential development adjacent. .

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

The key findings of the assessment are provided below:

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

Following preparation of this assessment, the Proponent provided a copy to SINSW in July 2023. SINSW has subsequently provided a response (refer to **Appendix P**) confirming that SINSW provides in principle support of proceeding with Option 2A and which now fully resolves an agreed approach to the bypass road.

## 4. THE PLANNING PROPOSAL

### 4.1. OVERVIEW

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

The amendments are influenced by a number of key factors which are discussed throughout this report and have been addressed in full within the Planning Proposal.

The Planning Proposal has investigated the opportunities to develop the site for a low-density large lot residential neighbourhood and a local park to support and compliment the Dural community.

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

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

An extract of the Indicative Layout Plan provided at **Figure 1**. The Planning Proposal is also accompanied by a draft site specific DCP (refer to **Appendix L**) which provides design guidance for a future master planned residential neighbourhood.

### 4.2. DETAILS OF PROPOSED LEP AMENDMENTS

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

#### 4.2.1. Mapping Amendments

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

Table 4 Summary of the Planning Proposal

|                            | Existing                    | Proposed   |
|----------------------------|-----------------------------|--|
| <b>Zone</b>                | RU6 Transition              | Part R2 Low Density Residential and part SP2 Infrastructure (Local Road) zone  |
| <b>Minimum Lot Size</b>    | 20,000m <sup>2</sup> (2 ha) | The proposed minimum lot sizes across the site are varied between 600m <sup>2</sup> , 1,000m <sup>2</sup> , and 2,000m <sup>2</sup> under the subdivision layout plan as shown on <b>Figure 13</b> . The proposed 600m <sup>2</sup> minimum lot sizes are consistent with the minimum lot size adopted under the provision of THLEP 2019 for residential land within the Dural neighbourhood centre and R2 Low Density Residential zoned land at Round Corner. The larger 1000m <sup>2</sup> and 2000m <sup>2</sup> minimum lot sizes are both in response to Council's previous requests for larger lots on the permit and to provide a variety of lot sizes. |
| <b>Height of Buildings</b> | 10 metres                   | 9 metres   |

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

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

## 4.2.2. Amendments to the Written Instrument

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

## 4.3. SITE SPECIFIC DCP

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

The objectives of the draft site specific DCP are:

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

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

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

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

- Subdivision of land
- Road network improvements
- Vehicle access
- Public open space and landscaping
- Bushfire hazard management

- Stormwater management
- Utilities provision and location
- Dwelling design and siting

## 4.4. PUBLIC BENEFIT OFFER

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

- The provision of the local collector road which includes a drop off and pick up facility adjacent to Dural Public School and widened verges to accommodate future expansion.
- Provision of sewer infrastructure up to the boundary of Dural Public School and undergrounding of overhead powerlines across the school site.
- Potential for the school to utilise the public park and benefit from improved pedestrian connectivity and access to the school via the park.
- The ability to install and upgrade pedestrian pathways to the school site's frontage and northern edge to mitigate potential impacts on existing pedestrian entrances.
- Provision of a new intersection at Old Northern Road to support improved traffic distribution within the locality in north-south movements and more broadly around the school.

The Planning Proposal request is accompanied by a public benefit offer (refer to **Appendix M**) to enter into a VPA with the Council to deliver key public benefits including:

- Dedication and embellishment of 4,000m<sup>2</sup> of land for use as a local park.
- Dedication and embellishment of 141m<sup>2</sup> of land for use as a pedestrian link to provide permeability for residents.
- Provision of a monetary contribution to Council of \$363,305.80 towards active open space.
- Land dedication towards a Round Corner bypass road and works in kind for the delivery of a local collector road.
- Provision of a monetary contribution to Council of \$101,242.90 towards community facilities.
- Delivery of stormwater management facilities.



## 5. STATUTORY CONTEXT

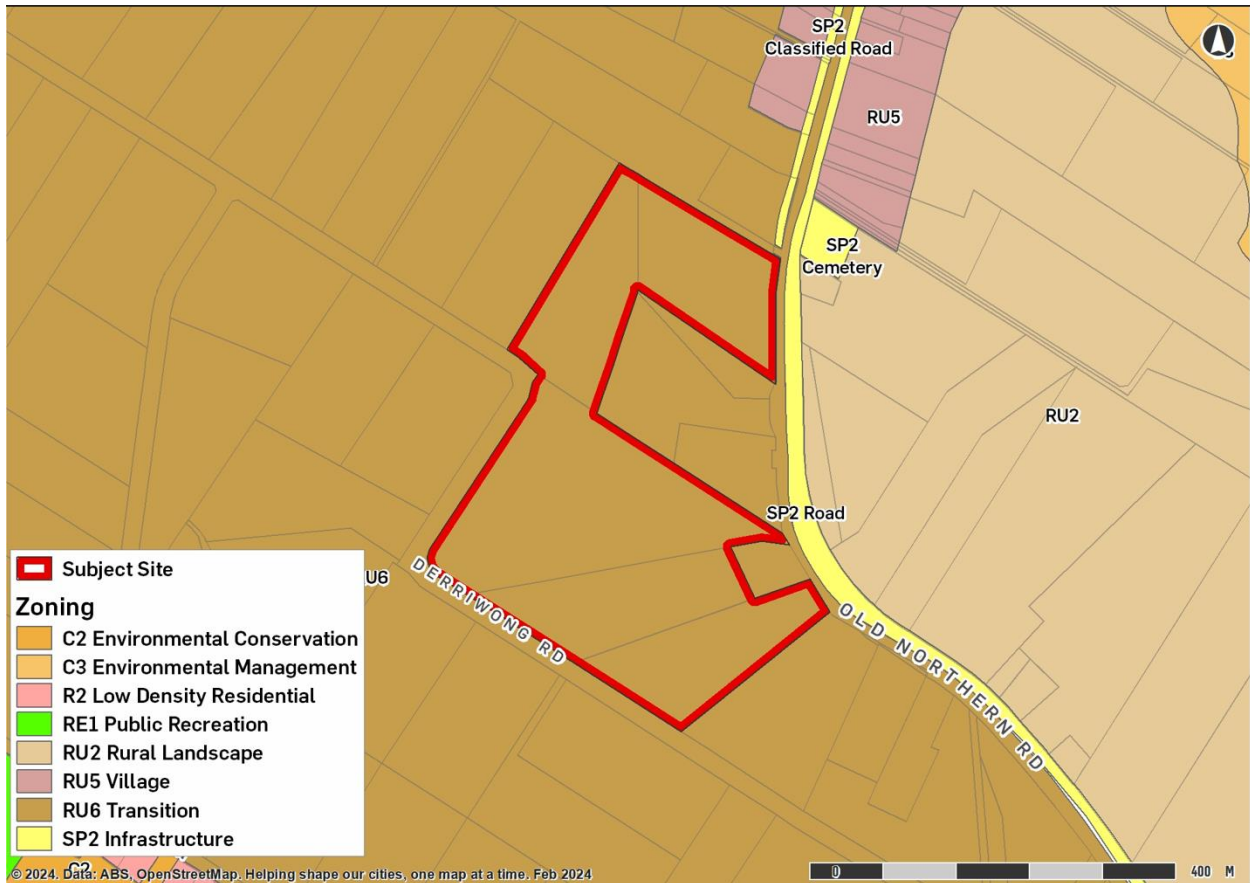
### 5.1. THE HILLS LOCAL ENVIRONMENTAL PLAN 2019

The following clauses of (THLEP 2019) are relevant to the site and the Planning Proposal and the proposed amendments.

#### 5.1.1. Zoning and Land Use

As shown in **Figure 13** the site is currently zoned RU6 Transition. Land to the north of the site is zoned 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, and E1 Local Centre.

Figure 13 Existing Land Zoning Map



Source: Urbis GIS, 2024

### 5.1.2. Floor Space Ratio

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

Figure 14 Existing Floor Space Ratio Map



Source: Urbis GIS, 2022

### 5.1.3. Height of Buildings

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

Figure 15 Existing Height of Building Map



Source: Urbis GIS, 2022

## 5.1.4. Heritage

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

Figure 16 Heritage Map



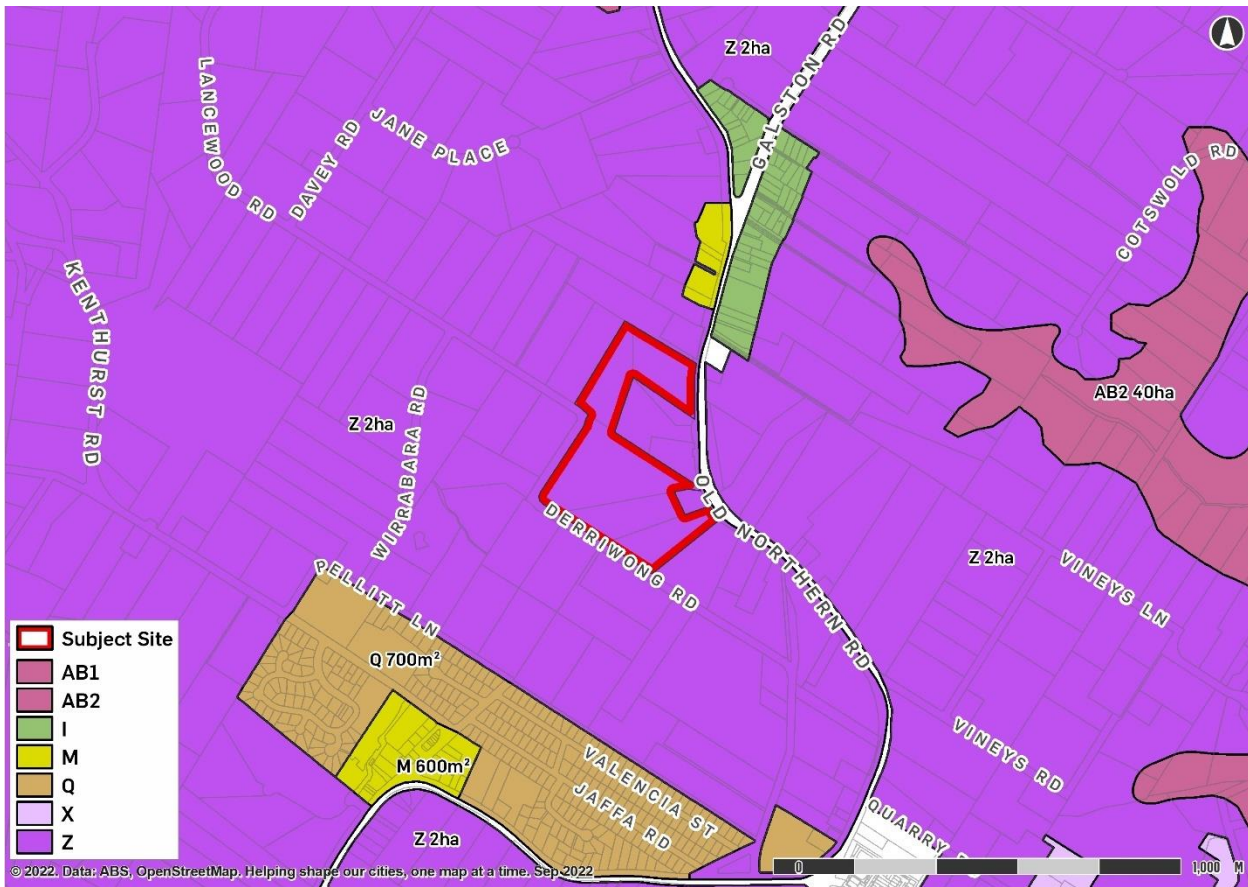
Source: Urbis GIS, 2022



### 5.1.5. Minimum Lot Size

As shown in **Figure 17**, 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 village 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>.

Figure 17 Minimum Lot Size Map



Source: Urbis GIS, 2022

## 6. PLANNING PROPOSAL ASSESSMENT

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

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

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

### 6.1. PART 1 - OBJECTIVES AND INTENDED OUTCOMES

#### 6.1.1. Objective

The primary objectives of the Planning Proposal are to:

- Rezone the land from rural to urban purposes to allow for the delivery of low-density residential lots.
- Secure a 32m local road corridor that supports Council's proposed Round Corner Bypass.
- Support orderly and economic use of otherwise underutilised rural land.
- Provide a height of building control that responds appropriately to the variable development forms while ensuring compatibility with the transitioning context of the site and locality.
- Deliver improved housing diversity to support the changing needs of the community.
- 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.

#### 6.1.2. Intended Outcomes

The intended outcomes of the Planning Proposal are to:

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

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

## 6.2. PART 2 - EXPLANATION OF PROVISIONS

### 6.2.1. Land to which the Plan will Apply

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

### 6.2.2. Proposed LEP Amendments

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

#### 6.2.2.1. Land Use Zoning

The proposed amendment seeks to a rezone the site from RU6 Transition zone to part R2 Low Density Residential and part SP2 Infrastructure (Local Road). This outcome can be achieved by amending the LEP map Sheet LZN\_023 Map. Refer to **Figure 24** in **Section 6.4**.

#### 6.2.2.2. Building Height

The proposed amendment seeks a maximum permissible nine metre limit height across the site. The nine-metre height of building control is consistent with the adopted development standards for residential development at Round Corner. This outcome can be achieved by amending the LEP map Sheet HOB\_023 map. Refer to **Figure 25** in **Section 6.4**.

#### 6.2.2.3. Minimum Lot size

Amendments to the THLEP 2019 minimum lot size map are illustrated in **Figure 26** in **Section 6.4**. 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**. The variation on allotment sizes 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 R2 Low Density residential zone land in Dural village.

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 in the urban design report and so achieves a diversity of allotment sizes.

#### 6.2.2.4. Draft Site Specific DCP

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

## 6.3. PART 3 - JUSTIFICATION

As identified by Council staff in the assessment report presented to the LPP and Council for the 2022 Planning Proposal, the site and accompanying Planning Proposal does have strategic and site-specific merit as demonstrated in the following sections of this report. The current Planning Proposal as supported by the Appendices is explained in the following sections and as discussed demonstrate site specific and strategic merit and is appropriate to be referred for Gateway Determination and proceed to public exhibition.

### 6.3.1. Section A – Need for the planning proposal

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

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

Cardno on behalf of the Council entitled ‘*Urban Capability and Capacity Assessment of the Dural Locality*’ dated 15 March 2019 (**Dural 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?***

**Yes.** The Planning Proposal is the best means of achieving the objectives and intended outcomes of facilitating the delivery of a low-density residential neighbourhood to meet the local demand for housing diversity. As identified by the IPC in its consideration of the 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 then reflect the outcomes sought by the Planning Proposal but are not essential to the adoption and progression of the Planning Proposal.

It is noted that the proposal is consistent with the existing Local Strategic Planning Statement (**LSPS**) which identifies the need to promote limited expansion of rural villages and does not promote unreasonably restricting any future development within rural zones such that they are treated as a conservation area.

### 6.3.2. Section B – Relationship to strategic planning framework

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

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

Table 5 Assessment against LEP Making Guideline

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



| Provision  | Consistency   |
|--|---|
| <i>Respond to a change in circumstances that has not been recognised by the existing planning framework</i>  | <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. The proposed 110 lot subdivision will meet the growing demand for additional housing supply in the Dural locality, and in a typology that has strong market demand and can respond to the low-density character of the area.   |
| Does the proposal have site-specific merit? Does it give regard and assess impacts to:   |   |
| <p><i>The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)</i></p> <p><i>Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates.</i></p> <p><i>Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision</i></p> | <p><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 detailed in <b>Section 6.3.3</b> of this report.</p> |
| The site-specific merit of the Planning Proposal is discussed further in <b>Section C – Environmental, social and economic impacts</b> .   |   |

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

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

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

Table 6 Assessment against Greater Sydney Region Plan

| Greater Sydney Region Plan                                     | Planning Proposal Response  |
|--|---|
| <b>Direction 1: A city supported by infrastructure</b>         |   |
| <i>Objective 2: Infrastructure aligns with forecast growth</i> | The Planning Proposal maximises the use of existing infrastructure by co-locating housing in close proximity to existing infrastructure and |

| Greater Sydney Region Plan                                 | Planning Proposal Response   |
|--|--|
| <p><i>Objective 4: Infrastructure use is optimised</i></p> | <p>supporting the longevity of that infrastructure (e.g., utilising existing capacity at Dural Public School).</p> <p>The site is located between two local neighbourhood centres, in walking distance to public transport, and proximate to local shops, restaurants, a medical centre, a pharmacy, a primary school, a secondary school, a business park with multiple business and retail premises, recreation space, and community centres.</p> <p>The Planning Proposal seeks to permit low density residential dwellings within an area of high accessibility to existing cultural, health, transport, and social infrastructure, which is appropriate and supports the priority to maximise the use of existing infrastructure. Permitting residential development on the site will maximise the use of this infrastructure, and in the case of retail and business premises that provide services to the local community, improve their long-term viability.</p> <p>The Planning Proposal will deliver a range of infrastructure to the future residential neighbourhood as well as to the Dural Public School. Specifically, the public benefit offer proposes a sewerage connection to the boundary of the Dural Public School, currently unfunded by the school or the NSW Department of Education. This benefit removes a potential health and safety hazard to the school and will improve access to and useability of open space within the school site.</p> <p>The Planning Proposal delivers new public open space (4,000m<sup>2</sup>) fronting Derriwong Road directly adjacent to the Dural Public School which would be available to both the school as well as the broader community with ease of access from Derriwong Road.</p> <p>The public benefit offer also proposes improvements to the local road network around the public school which will facilitate a future bypass of The Round Corner local centre, incorporate a new drop-off and pick-up zone for the public school to alleviate road congestion along Old Northern Road, provide for a new intersection (subject to ongoing consultation with TfNSW) supporting improved traffic distribution north and south to improve traffic flow in the locality generally and around the school specifically.</p> <p>The Planning Proposal will deliver a range of residential dwellings that will be connected to local services and infrastructure. The low-density residential development will be accompanied by the provision of or augmentation to water, sewerage and electricity services to meet the needs of the proposed 110 allotments.</p> <p>The Planning Proposal also facilitates the undergrounding of overhead powerlines across the Dural Public School site representing additional community benefit.</p> <p>The infrastructure facilitated by the Planning Proposal is site-specific and responds to the needs of the existing and future community.</p> <p>The Planning Proposal has demonstrated that existing infrastructure can with augmentation as required support the proposed residential</p> |

| Greater Sydney Region Plan  | Planning Proposal Response   |
|---|--|
|   | <p>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 (refer to <b>Appendix H</b>)</li> <li>▪ Traffic Impact Assessment (refer to <b>Appendix B</b>)</li> </ul> <p>The Planning Proposal will deliver additional housing that caters for local housing demand, and which is supported by new infrastructure investment not only to meet demands of the future residents, but to enhance the existing services and infrastructure within the existing community. For instance, the Planning Proposal provides local open space, road and pedestrian infrastructure, including pick-up and drop-off facilities for the public school, and utilities infrastructure which will also service the existing community.</p> <p>Further, it is noted that the public benefit offer that accompanies the Planning Proposal includes delivery of part of a longer-term solution to road infrastructure challenges in the District. This is achieved through the reservation of an appropriate corridor that supports the proposed Round Corner Bypass identified by Council. This will be the first stage of a long-term strategic road corridor to alleviate existing and future traffic from the north-west growth centre to Sydney's Central City. The first stage of this strategic project is to be delivered by the Proponent at no cost to government and avoids a future land acquisition requirement to connect the corridor to Old Northern Road.</p> <p>The public benefit offer facilitates the delivery of infrastructure to not only support the existing local community but also represents the first step in new infrastructure provision to improve local connectivity and to forward plan for strategic connections.</p> |
| <b>Direction 4: Housing the City</b>  |  |
| <p><i>Objective 10: Greater housing supply</i></p> <p><i>Objective 11: Housing is more diverse and affordable</i></p> | <p>The NSW Government has identified a need for 725,000 additional homes by 2036 to meet demand based on current population projections of an additional 1.7 million people in Greater Sydney. As part of this an unprecedented level of supply, including a range of housing types, tenures, and price points will be needed to meet demand.</p> <p>The Central City District will be the fastest growing district over the next 12 years. The Hills Shire is expected to grow by 125,350 additional people by 2036. The 20-year forecast for the Central District: is a requirement to deliver 207,500 additional homes. It is anticipated that the majority of these dwellings will be located proximate to existing urban centres in medium and high-density design configuration.</p> <p>Notwithstanding the above, <b><u>this Planning Proposal does not seek to play a role in meeting any Regional or District scale demand for residential growth</u></b>. Rather, the Planning Proposal is for a modest expansion of additional dwellings to an existing rural village (Dural) in a</p>  |

| Greater Sydney Region Plan  | Planning Proposal Response  |
|---|---|
|   | <p>well-serviced location adjacent to existing essential services and which responds to local housing demand in Dural.</p> <p>The Planning Proposal seeks to facilitate the ongoing planning and management of Dural and the need to respond to local demand for residential accommodation, the local character of Dural and the surrounding landscape and rural activities. The Indicative Layout Plan as shown in <b>Figure 1</b> can therefore appropriately be regarded 'greenfield infill' development which seeks to cater for local demand that is consistent with Council's LHS.</p> <p>Despite the existing land use zoning, the character of the locality is peri-urban which supports a range of land uses including large lot rural residential and local service uses. The site's physical characteristics make it suitable to support low density residential development that is able to maximise use of existing and augmented infrastructure.</p> <p>The Planning Proposal will deliver new housing that meets local demand for different housing types and price points, and preferred locations. The District Plan states that while persons per household and household sizes are set to reduce, households comprised of couples with children will remain the highest proportion of households in the District.</p> <p>The proposed R2 Low Density Residential zoning and minimum lot sizes will provide a scale of development which is aligned with the nearby residential neighbourhood, and existing smaller lot sizes within the RU5 Village zoned land to the immediate north-east of the site, and of the R2 Low Density Residential and R3 Medium Density Residential zoned land to the south and south-west of the site.</p> <p>Due to the site location on the peri-urban fringe, access to broader jobs and services within the Sydney metropolitan area and locally is readily accessible. As such the location of the future housing is consistent with Planning Priority C5 to deliver the right housing in the right locations.</p> |
| <b>Direction 5: A city of great places</b>                          |   |
| <p><i>Objective 12: Great places that bring people together</i></p> | <p>It is noted that <i>To create great places, the mechanisms for delivering public benefits need to be agreed early in the planning process.</i> The Planning Proposal is consistent with this objective, as it has taken a local place-based approach to planning, reviewing the actual local characteristics and infrastructure needs of a local place, and proposing mechanisms to secure needed public benefits of the community early, while respecting the desired low-density character of the area.</p>  |

### 6.3.2.2. Central City District Plan (2018)

The site is located within the Central City District of Greater Sydney. The Central City District Plan (**District Plan**) was adopted in March 2018 and sets out a 20-year vision to manage growth in the context of economic, social, and environmental matters relevant at that time. The District Plan contains strategic directions and planning priorities that implement the objectives of the 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 District Plan identifies a housing target of an additional 207,500 dwellings by 2036. Consistency between the Planning Proposal and the relevant provisions of the District Plan is discussed in **Table 7**.

Table 7 Assessment against the Central District Plan

| Central District Plan  | Consistency   |
|--|---|
| <p><b>Planning Priority C1</b><br/>– Planning for a city supported by infrastructure</p> <p><b>Planning Priority C1</b><br/>– Providing services and social infrastructure to meet people’s changing needs</p> | <p>Planning Priority C1 is underpinned by the notion of delivering the right infrastructure, in the right location, at the right time. It responds to objectives of the Region Plan that infrastructure use is optimised, that infrastructure aligns with growth, and that infrastructure adapts to meet future needs. Planning Priority C1 states that aligning land use and infrastructure planning will maximise the use of existing infrastructure. The Planning Proposal maximises the use of existing infrastructure sustainably by co-locating housing in proximity to existing infrastructure and supporting the longevity of that infrastructure (e.g. sewerage upgrades, road upgrades).</p> <p>The site is located between two local centres, in walking distance to public transport, local shops, restaurants, a medical centre, a pharmacy, a primary school, a secondary school, a business park (with multiple business and retail premises), and community spaces. The Planning Proposal which seeks to permit low density residential dwellings within an area of high accessibility to existing cultural, health, transport, and social infrastructure is entirely appropriate and supports the priority to maximise the use of existing infrastructure. Permitting low density residential development on the site will maximise the use of this infrastructure, and in the case of retail and business premises that provide services to the local community, improve their long-term viability.</p> <p>Planning Priority C1 states that planning decisions need to support new infrastructure in each city – including cultural, education, health, community and water infrastructure – to fairly balance population growth with infrastructure investment. Decisions are required to equitably enhance local opportunities, inclusion and connection to services.</p> <p>The Planning Proposal will deliver a range of infrastructure and infrastructure upgrades that will support both the proposed residential neighbourhood but also support the surrounding broader community. The public benefit offer proposes to deliver a sewerage connection to the Dural Public School.</p> <p>The Planning Proposal will deliver new public open space (4,000m<sup>2</sup>) 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</p> |

| Central District Plan   | Consistency  |
|---|--|
|   | <p>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 (refer to <b>Appendix H</b>)</li> <li>▪ Traffic Impact Assessment (refer to <b>Appendix B</b>)</li> </ul> <p>The Planning Proposal will deliver modest population growth that caters for local housing demand, and which is supported by new infrastructure investment not only to meet demands from the proposed development, but to improve services and infrastructure within the existing community. This infrastructure investment is specific to the place the subject of the Planning Proposal and is aligned to support the proposed growth.</p>   |
| <p><b>Planning Priority C5–</b><br/> <i>- Providing housing supply, choice and affordability with access to jobs, services and public transport</i></p> | <p>Planning Priority C5 responds to the District Plan objectives to deliver greater housing supply and housing that is more diverse and affordable. Planning Priority C5 seeks new housing to be delivered in the right places that are supported by or coordinated with infrastructure, to meet demand for different housing types, tenure, price points, preferred locations and design.</p> <p>The Planning Proposal represents a modest expansion to the existing village of Dural with a maximum of 110 residential lots, representing limited growth. The proposal will support the housing needs of the local community at a site which is not suitable or viable for agricultural use. The Planning Proposal is not transformational. Rather it is modest in scale and not intended to facilitate ‘regional or district-scale demand for residential growth’.</p> <p>The character and land use zoning of the site and locality is peri-urban which supports a range of land uses including large lot rural residential and local service uses. The site’s physical characteristics make it suitable to support low density residential development that can maximise use of existing infrastructure and deliver new infrastructure to support the residential development and the broader community.</p> <p>The Planning Proposal will deliver new housing that meets the local housing demand for different housing types and price points. The District Plan states that while persons per household and household sizes are set to reduce, households comprised of couples with children will remain the highest proportion of households in the District.</p> <p>The proposed R2 Low Density Residential zoning and minimum lot sizes will provide a scale of development which is aligned with the surrounding context, noted by the existing lot sizes within the RU5 Village zoned land to the north east of the site, and of the R2 Low Density Residential and R3 Medium Density Residential zoned land to the south and south west of the site.</p> <p>Due to the site location on the peri-urban fringe, access to broader jobs and services within the Sydney basin is readily accessible. It is considered that the site is able to deliver the right housing in the right location.</p> <p>The District Plan states that <i>Councils are in the best position to investigate and confirm which parts of their local government areas are suited to additional medium density opportunities.</i></p> |

| Central District Plan | Consistency   |
|-----------------------|---|
|                       | <p>While low-density residential development will be delivered by the Planning Proposal it follows that the Council is in the best position to confirm which parts of the LGA are suited to the form of development proposed (low density detached dwellings) under the Planning Proposal. The District Plan notes that the varied housing markets within the District mean that providing supply in one market demand area may not satisfy demand in another. As such, meeting housing needs within this local housing market is appropriate and consistent with the District Plan, as considered in the Council resolution of 9 July 2019.</p> <p>It is noted that guidance contained within the District Plan states that as part of the investigations for the inclusion of new infill housing Councils should consider the following:</p> <ul style="list-style-type: none"> <li>▪ <b>transitional areas between urban renewal precincts and existing neighbourhoods.</b></li> </ul> <p>The site is located between two existing neighbourhoods (Round Corner to the south and Dural village to the north) that each feature urban land uses. The scale of future development on the site, being for low density residential housing maintains a transition from the E1 Local Centre and R2 Low Density Residential zoned land to the south and the RU5 Village and R2 Low Density Residential zoned land to the north.</p> <ul style="list-style-type: none"> <li>▪ <b>residential land around local centres where links for walking and cycling help promote a healthy lifestyle.</b></li> </ul> <p>The site is located within walking distance of a number of local services and proposed infrastructure including new open space as outlined earlier, promoting a healthy lifestyle in proximity to existing local centres.</p> <ul style="list-style-type: none"> <li>▪ <b>areas with good proximity to regional transport where more intensive urban renewal is not suitable due to challenging topography or other characteristics.</b></li> </ul> <p>The site is readily accessible via public transport, with regular bus services available along Old Northern Road. These bus services provide connections south to Castle Hill and Cherrybrook Metro stations as well as Pennant Hills train station. Pennant Hills train station is located on the T9 Northern Line which provides connections to Sydney CBD. The 620X and 642X bus routes provide alternative connections for commuters travelling to Sydney CBD including Wynyard and Town Hall. These services provide excellent connections for residents to access essential services, jobs and education.</p> <p>The site has a gentle slope away from Old Northern Road which will provide topographic interest and an outlook to the mountains beyond in any future residential subdivision. The site does not have any physical characteristics that would make it unsuitable for the low-density residential development proposed. The proposed yield of 110 dwellings can be supported by the local infrastructure, without undermining the low density and transitioning to rural-residential character of the area.</p> <p>The Planning Proposal provides a logical outcome to deliver new housing supply, choice, and affordability within a readily accessible area that</p> |

| Central District Plan   | Consistency   |
|---|---|
|   | <p>accommodates jobs and services that can support various demographic groups. For these reasons and those above the Planning Proposal is consistent with the Planning Priority 5 of the District Plan.</p> <p>Further the Planning Proposal does not represent a precedent for the ongoing expansion of urban land uses within the MRA. Specifically, the geographic boundaries of the site are limited to the east by Old Northern Road, to the north by the Dural Neighbourhood Centre, and to the west by environmental features including steep topography and vegetation buffers to fire prone land. Further water bodies and topography limit expansion of the site to the south-west.</p> <p>Any future planning proposal for the rezoning of RU6 Transition Land would be required to demonstrate site-specific and strategic merit and demonstrate in accordance with the Council endorsed recommendation that new residential zoned land would be delivered at no-cost to Government. As such, the Planning Proposal does not create an undesirable precedent of rezoning RU6 Transition Zone land within the LGA to urban uses, as there are limited opportunities geographically and for proposals that can deliver equivalent required public benefits as the current proposal.</p>   |
| <p><b>Planning Priority C6</b><br/>- Creating and renewing great places and local centres, and respecting the District's heritage</p> | <p>Planning Priority C6 of the District Plan notes that <i>Greater Sydney's cities, centres and neighbourhoods each have a unique combination of local people, history, culture, arts, climate, built form and natural features creating places with distinctive identities and functions. Great places build on these characteristics to create a sense of place that reflects shared community values and culture.</i></p> <p>Planning Priority C6 also notes that <i>To create great places, the mechanisms for delivering public benefits need to be agreed early in the planning process.</i></p> <p>The Planning Proposal is consistent with these statements, as it has taken a place-based approach to planning, reviewing the actual local characteristics and infrastructure needs of a local place, and proposing mechanisms to secure needed public benefits of the community early, while respecting the desired low-density character of the area.</p> <p>The District Plan acknowledges the essential retail and community services provided by rural villages and towns but does not advocate for them to become part of the urban area. The District Plan identifies that maintaining and enhancing the distinctive rural village character is a high priority and that further rural residential or urban development is generally not supported.</p> <p>However, the benefits of strengthening rural villages and ensuring that these areas grow with the rural communities should also be considered, noting that the Planning Proposal enables some limited residential development to occur surrounding Dural Public School, close to the Dural village. The Planning Proposal would promote the viability of Dural rural village and the nearby Round Corner local centre and contribute to the resolution of some regional infrastructure issues, through the reservation of part of a future bypass road connection from Annangrove Road to Old Northern Road.</p> |



| Central District Plan   | Consistency  |
|---|--|
| <p><b>Planning Priority C18</b><br/>- Better managing rural areas</p> | <p>Priority C18 notes that the ongoing planning and management of rural towns and villages will need to respond to local demand for growth, the character of the town or village, and the surrounding landscape and rural activities.</p> <p>The Planning Proposal is consistent with the MRA because it represents small-scale development as a logical expansion of Dural Village that is not meeting regional or district-scale housing demand and is an appropriate placed-based outcome that is consistent with the values of the MRA. The Planning Proposal is not transformational for the character of the broader Dural area and does not create a precedent for broader expansion of the urban boundary.</p> <p>As outlined in this Planning Proposal, there is a demand for low density housing specifically in Dural which is anticipated by the Department to grow generally at a lower-than-average rate than Greater Sydney given a lack of development opportunities. While it is acknowledged that rural towns and villages will not play a role in meeting regional or district scale demand for residential growth, they also should not be left to decline and/or sit idle. As such the District Plan also states that <i>'limited growth of residential development could be considered where there are no adverse impacts on the amenity of the local area and where the development provides incentives to maintain and enhance the environmental, social and economic values of the Metropolitan Rural Area'</i>.</p> <p>Planning Priority C18 notes that planning for local centres within the Metropolitan Rural Area (<b>MRA</b>) 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 any sensitive 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.</p> <p>The Central City District Plan (District Plan), prepared in 2017 is an outdated plan, pre-dates the Dural Urban Capacity and Capability Assessment, and while it is under review (as required under the relevant planning framework) the current provisions are not reflective of recent local strategic studies and should be given lesser weight when considering the strategic merit of the Planning Proposal.</p> <p>The objectives and outcomes of the Planning Proposal are consistent with the broad objectives for the MRA set out in the District Plan as the residential development that will be facilitated by the Planning Proposal is a small-scale development and can be viewed as a logical expansion of Dural Village. The proposed housing is not designed to meet a regional or district-scale housing demand and the subdivision layout presents as an appropriate placed-based</p> |

| Central District Plan | Consistency   |
|-----------------------|---|
|                       | <p>outcome that will not create potential land use conflict with established rural, mineral or extractive industries in the region and will not adversely impact on areas of ecological significance or sensitivity.</p> <p>The Planning Proposal represents a logical land use outcome responding to the attributes of the site and its context and the fundamental merit of allowing urban development on the site has been consistently recognised. In particular:</p> <ul style="list-style-type: none"> <li>▪ The Independent Planning Commission (<b>IPC</b>) recognised the benefits of a 2016 Planning Proposal and recommended that the site should be identified for urban development in the District Plan.</li> <li>▪ The Department of Planning, Housing and Infrastructure (the Department) issued a Gateway Determination for the prior Planning Proposal to proceed, and importantly established a framework to ‘consider limited growth in the Metropolitan Rural Area where the proposal is otherwise consistent with the District Plan and will result in a good planning outcome and public benefit.’</li> <li>▪ Council staff and the Local Planning Panel both recommended that previous planning proposals should proceed to Gateway Determination.</li> </ul> <p>As stated by the Department in the Gateway Determination Report dated July 2021, in this instance the Planning Proposal can represent the chance to deliver economic outcomes, in the form of a type of housing for which there is a need for and through the delivery of infrastructure to support the broader area.</p> <p>Further in the Gateway Determination Report prepared by the Department, it is stated that while the site is not located within an ‘urban investigation area’ in the District Plan, it is important to look at the policy hierarchy holistically. In this regard the Department considered limited growth in the MRA supportable, where the Planning Proposal is otherwise consistent with the District Plan and will result in a good planning outcome and public benefit.</p> <p>Specifically, the Department noted that a proposal for urban land within the MRA may be supportable if the local planning policy framework provides strategic merit for the Planning Proposal in the following documents:</p> <ul style="list-style-type: none"> <li>▪ <i>An endorsed Local Strategic Planning Statement;</i></li> <li>▪ <i>A Council-endorsed Local Housing Strategy, that identifies the need for housing outside of the Urban Area, and investigates infrastructure required to support that growth.</i></li> <li>▪ <i>A Council-endorsed Rural Lands Strategy that finds that the area is no longer required or not viable for agricultural uses, or does not have sufficient environmental, local, social or heritage significance to warrant its inclusion in the MRA.</i></li> </ul> <p>The Hills Shire Rural Strategy (2019) outlines eight criteria for rural village expansion. The Planning Proposal is consistent with these eight criteria as it:</p> <ul style="list-style-type: none"> <li>▪ Facilitates the timely provision of utilities, transport, open space and communication infrastructure across the site.</li> </ul> |

| Central District Plan | Consistency   |
|-----------------------|---|
|                       | <ul style="list-style-type: none"> <li>▪ Includes access to a range of transport options that allow efficient travel between homes, jobs and services.</li> <li>▪ Facilitates the delivery of a range of housing types, including the provision of low-density housing which is desired by the local market.</li> <li>▪ Avoids land use conflicts by positioning new housing adjacent to existing urban uses in the RU6 Transition zone, on land that is currently already precluded from agricultural uses.</li> <li>▪ Adopts appropriate bushfire mitigation measures through the implementation of APZs.</li> <li>▪ Represents an efficient use of land.</li> <li>▪ Does not adversely impact biodiversity, air quality, heritage items, or waterways.</li> <li>▪ Provides housing with access to education and other essential services.</li> </ul> <p>Further, the Planning Proposal:</p> <ul style="list-style-type: none"> <li>▪ Is consistent with all other relevant priorities and actions of the District Plan,</li> <li>▪ Delivers targeted environmental, social and economic outcomes that are specific to the needs and characteristics of the local area,</li> <li>▪ Through a diversity of lot sizes, and a sensitive subdivision pattern, the Planning Proposal will have no adverse impacts on the amenity of the local area, and</li> <li>▪ The Planning Proposal will deliver a modest expansion of the Dural village with a maximum of 110 residential lots proposed to be delivered, representing limited growth.</li> </ul> <p>As recommended by the District Plan, the application of a local 'place-based planning focus' should prevail over the District Plan's nominated MRA boundary. The Planning Proposal proposes a scale of development that can deliver significant public benefits, in a low-density configuration that is commensurate with surrounding rural villages and landscapes and is not in conflict with a desired transition to and retention of the viable agricultural rural lands north of Dural.</p> <p>The Central City District's broader rural areas to the north and west of the site contribute to habitat and biodiversity, support productive agriculture, provide mineral and energy resources, and sustain local rural towns and villages. They are part of the larger MRA and are not located proximate to the site and will not be prejudiced by this Planning Proposal.</p> <p>The Central City District's rural areas include bushland, areas of productive agriculture, and rural residential communities at Middle Dural, Kenthurst and Annangrove located to the north and north west of the site.</p> <p>The District Plan identifies that <i>Given the proximity to nearby townships, the southern parts of the Dural rural area that do not contain areas of ecological</i></p> |

| Central District Plan | Consistency   |
|-----------------------|---|
|                       | <p><i>significance and are not capable of supporting viable agriculture activity should be investigated by the Council for opportunities to support limited residential development. Land with demonstrated ecological significance or subject to a conservation agreement is to be excluded from investigations.</i> The Council's Rural Land Capability Study identifies the capability of the site to accommodate small scale low density residential development without impacting areas of ecology or viable agricultural land.</p> <p>The District, has two agricultural clusters: a multiuse cluster horticulture (vegetable and tree fruits) at Maroota; and part of the multi-use cluster horticulture (vegetable and tree fruits) at Middle Dural, Galston and Arcadia (within the North District).</p> <p>There are extractive industries based on construction material resources in the north and west of the District, with a major concentration of construction sand around Maroota, Maroota South and Glenorie. Maintaining local supplies of construction materials will support the growth of the District and Greater Sydney.</p> <p>These productive clusters are a priority to be protected and enhanced for their environmental, social or economic values. The Planning Proposal will not threaten the viability of these areas.</p> <p>In identifying investigation areas, the District Plan identifies that it must be demonstrated that future rural residential or residential development will have no adverse impacts on the local area and that the outcomes will maintain and enhance the environmental, social and economic values of the broader MRA.</p> |

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

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

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

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

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

Of note, the Greater Sydney Region Plan and Central City District Plan were published in 2017. The background studies that informed the establishment of the MRA predate this. These strategic documents are currently under review by the Department, and it is expected they will be updated later this year.

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

### **Demographic and Land Use Trends**

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

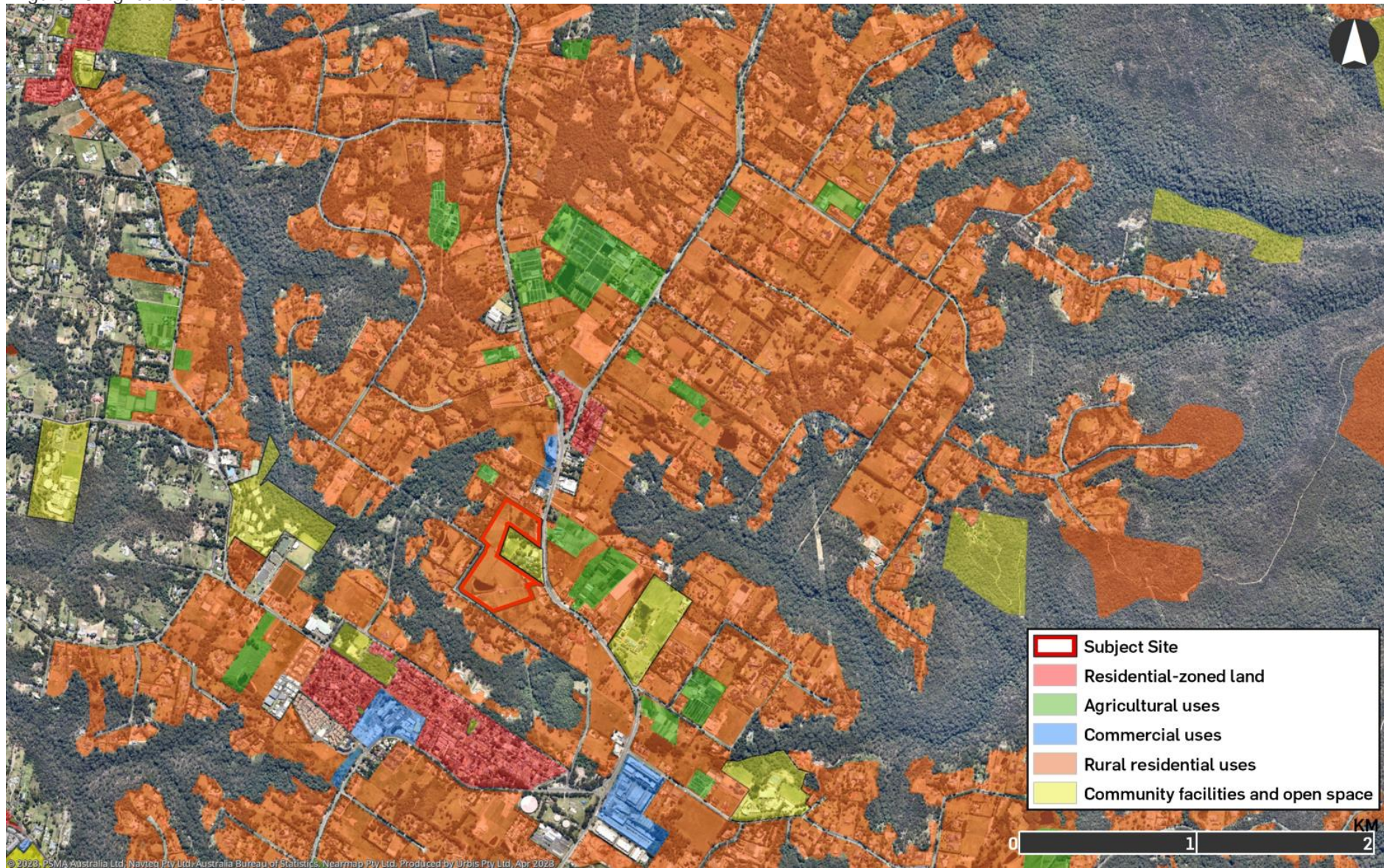
The average household size in the catchment is projected to fall from 3.1 in 2021 to 3.0 in 2036 due to the increase of couple only and lone person households. These changes mean that more dwellings are required per additional resident in the catchment, and as such the change in demographics is expected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

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

As demonstrated in **Figure 18**, the use of land for agricultural purposes is limited in the surrounding Dural locality with most blocks primarily used for rural residential living. Limited agricultural pursuits including hobby farms, nurseries and orchards occur in sporadically in some restricted locations however the Dural locality is generally characterised as rural-residential with limited agricultural activity occurring.



Figure 18 Agricultural Uses



Source: Urbis, 2022



## **Housing Demand**

Local demographics and the housing market have changed considerably since the preparation of the current planning controls. Council's residential strategy 'Residential Direction' was adopted by Council on 10 June 2008, which informed the preparation of the former *Hills Shire Local Environmental Plan 2012*. The Hill's Shire Local Housing Strategy 2019 replaced this document and was scheduled for review in 2023.

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

- Between 2022 and 2036, Dural is shown to experience very limited population growth, which is mostly below the Greater Sydney average. From 2021-2036, Dural is expected to grow from 8,077 residents to 8,429 residents, equating to an increase of 352 residents (or an average of 0.3% p.a.).
- This slow forecast population growth is reflective of there being limited residential development opportunities in Dural due to inadequate zoning. The proposed development at the subject site is an opportunity to strengthen population growth across Dural.
- The projected population growth across the catchment from around 183,900 residents 2021 to around 267,600 residents by 2036 reflects an average annual growth rate of 2.5% per annum. This growth is well above the expected growth in Dural and the Greater Sydney average.
- Population growth in the catchment will largely be driven by several greenfield release areas and station precincts (around the new metro stations) which are outlined in The Hills Shire Council Housing Strategy.
- Through an increase in children from 28,600 in 2021 to 50,800 in 2036, there is expected to be strong demand from young families, a key demand driver of separate houses in new estates.
- The average household size in the catchment is projected to fall from 3.1 in 2021 to 3.0 in 2036 due to the increase of couple only and lone person households. These changes mean that more dwellings are required per additional resident in the catchment, and as such the change in demographics is expected to create an increased need for additional dwellings to cater for the expected population growth across the catchment.

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

## **Suitability and Demand for Agricultural Land**

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

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

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

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

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

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

- The site is bookended by urban development. The “infill” of this area reflects a logical extension of existing urban areas on land that has otherwise been deemed unsuitable for meaningful agricultural purpose.
- The topography of the site limits the nature of agricultural uses which could be applied to the site. This environmental factor may reduce any potential income generated, putting into question the viability of operating the property as an agricultural enterprise.
- The proximity of the site to adjacent sensitive land uses such as the Dural Public School impacts on the useable areas available within the site for agricultural purposes.
- There is demand for additional housing in the Dural area and there is an identified market gap for “downsizers” and young families who do not want to leave the Dural area. The Planning Proposal will facilitate a modest level of residential; development to meet local demand and increase local housing choice.
- During the preparation of the original Planning Proposal, Council indicated that a new bypass road running east-west through the site would reduce existing traffic congestion through Round Corner. Infrastructure upgrades such as this would not only alleviate existing traffic issues but would service any future residential activities on the site. That concept forms part of the Planning Proposal and master planned layout the design of which has been endorsed by Schools Infrastructure.

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

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

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

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

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

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

Table 8 Consistency with Hills Future 2036

| Planning Priority   | Consistency   |
|---|---|
| P4: Retain and manage the Shire’s rural productive capacity | <p>Planning Priority 4 aims to give effect to the District Plan Priority 18 – ‘Better manage rural areas’ and seeks to maintain the desired character of rural lands when considering future rural subdivision and dwellings.</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 much of the 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 show that the 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 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 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 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 to agricultural pursuits include climate change (rising temperatures and lower rainfall) and the protected vegetation of surrounding landholdings preventing the possibility of the site expanding its size to achieve a larger land holding to facilitate a form of agriculture production.</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:</p> <ul style="list-style-type: none"> <li>▪ The future development is expected to support 67 direct jobs (mainly construction workers) and 98 indirect jobs (supply-chain).</li> <li>▪ The estimated 341 additional residents from the proposed 110 lots is projected to bring an additional \$5.84 million per annum of retail spending to the economy.</li> </ul> <p>This retail spending benefits will benefit the nearby Dural Village and Dural Mall shopping centres (and their surrounds) as well as other retail centres throughout the LGA in terms of both spending and vibrancy.</p> <p>More vibrant centres will help drive business investment in the LGA, which would in turn support even more ongoing jobs in the local economy.</p> |

| Planning Priority  | Consistency   |
|--|---|
| <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 development which caters for local demand. Notwithstanding the existing land use zoning, the character of the locality is peri urban. The site's physical characteristics make it suitable to support low density residential development that is able to maximise use of existing infrastructure.</p> <p>The Planning Proposal addresses the need for supportive infrastructure through a public benefit offer which includes delivering new public open space (4,000m<sup>2</sup>) 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 notably the RU5 Village zoned Dural village to the north east of the site, and the location of larger allotments fronting Old Northern Road and the site perimeter to protect the general rural vistas across the site.</p> <p>The Planning Proposal provides a low impact solution to deliver new housing supply and choice that meets local demand in accordance with the Local Housing Strategy, which allows for limited residential expansion in rural villages such as Dural,</p> <p>The proposed 110 lot subdivision is modest in scale and is supported by the housing market with the larger lots to fill a gap in the market for larger residential lots for local families. For these reasons the Planning Proposal is consistent with the Priority 8.</p> |
| <p>P9: Renew and create great places</p>   | <p>Planning Priority 9 aims to give effect to District Plan priority B6 – 'Creating and renewing great places and local centres and respecting the District's heritage.'</p> <p>The Planning Proposal respects and will not impact upon items of local heritage in proximity to the site. The Urban Design report includes a master planned subdivision layout that reflects the site constraints and opportunities, that integrates into the landscape and locality and will provide an economic boost to the Dural village and introduce new population base to support the adjacent Dural Public school which has</p>  |



| Planning Priority   | Consistency  |
|---|--|
|   | capacity to accommodate increased student number. The masterplan has taken a site-specific approach to planning, reviewing the actual local characteristics and infrastructure needs of the place, and proposing mechanisms to secure needed public benefits of the community early, while respecting the desired low-density character of the area.   |
| P11: Plan for convenient, connected and accessible public transport | <p>Planning Priority 11 seeks to give effect to the District Plan priority C1 – ‘Planning for a city supported by infrastructure’ and respond to the Region Plan with growth and adapts to meet future needs.</p> <p>The Planning Proposal which seeks to permit low density residential development within an area of high accessibility to existing cultural, health, transport, and social infrastructure is entirely appropriate and supports the priority to maximise the use of existing infrastructure.</p>   |
| P15: Provide new and upgraded passive and active open spaces        | The Planning Proposal delivers new public open space (4,000m <sup>2</sup> ) fronting Derriwong Road directly adjacent to the Dural Public School which would be available to both the school as well as the broader community given its location immediately adjacent to the Dural neighbourhood centre. In addition, the public benefit offer includes a contribution towards the provision of active regional open space facilities.   |
| P16: Manage and protect the rural/ urban interface                  | <p>Planning Priority 16 aims to give effect to Plan Priority C18 of the District Plan – ‘Better managing rural areas.’</p> <p>The Planning Proposal represents a modest expansion to the existing village of Dural with a maximum of 110 residential lots only, representing limited growth. The proposal will support the housing needs of the local community at a site which is longer suitable or viable agricultural use. The Planning Proposal is not transformational. Rather it is modest in scale and not intended to facilitate ‘regional or district-scale demand for residential growth’.</p> <p>When considering the character and function of the land surrounding the site, it is not appropriate to characterise the locality being of high ecological value nor one that supports active or intensive agricultural land uses.</p> <p>The site is not suitable for agricultural purposes due to its location adjacent to an existing and permitted primary school and rural residential dwellings. Sensitive land uses and human receptors are present within a 1km radius of the site, such that they already restrict agricultural uses as per the interim guideline for ‘Buffer Zones to Reduce Land Use Conflict with Agriculture’ on the land zoned RU2 within Hornsby LGA and on the sites themselves.</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</i></p> |

| Planning Priority | Consistency  |
|-------------------|--|
|                   | <p><i>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 9 Consistency with Housing Strategy – The Hills Shire Council

| Planning Priority  | Consistency   |
|--|---|
| <p><b>Plan for new housing to support Greater Sydney's growing population</b></p> <p><i>Relating to Planning Priority 6 in Hills Future 2036</i></p> | <p>This Planning Priority identifies the challenge of matching housing growth with infrastructure as current funding mechanisms do not allow upfront delivery of local facilities. The Planning Proposal provides a unique opportunity for infrastructure improvements in proximity to the Dural Public School and existing village 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 (4,000m<sup>2</sup>) fronting Derriwong Road directly adjacent to the Dural Public School which would be available to both the school as well as the broader community. The public benefit offer also proposes improvements to the local road network around the public school which will facilitate a future bypass of The Round Corner local centre and incorporates a new drop-off and pick-up zone for the public school. The low-density residential development will also be accompanied by the provision of or augmentation to water, sewerage and electricity services to meet the needs of the proposed 110 allotments and sewer services will be extended to the school site boundary enabling the school to connect at a future time.</p> |
| <p><b>Plan for new housing in the right locations</b></p> <p><i>Relates to Planning Priority 7 in Hills Future 2036</i></p>                          | <p>The Planning Priority states that <i>"creating capacity for new housing in the right locations is about optimising existing infrastructure and maximising investment in new infrastructure."</i> As outlined above, the Planning Proposal seeks to invest in infrastructure improvements to create capacity for new housing.</p> <p>The site's physical characteristics being peri-urban, make it suitable to support low density residential development that is able to maximise use of existing infrastructure and proposed infrastructure improvements as part of the Planning Proposal.</p>   |
| <p><b>Plan for diversity of housing</b></p> <p><i>Relates to Planning Priority 8 in Hills Future</i></p>   | <p>The Planning Priority states that planning for housing needs to consider the type of dwellings required to respond to expected changes in household structures and demographics. The Planning Proposal provides a logical outcome to deliver new housing supply, choice, and affordability within a readily accessible area that accommodates jobs and services that can support various demographic groups. The proposed 110 lot</p>  |

| Planning Priority   | Consistency   |
|---|---|
|   | subdivision is supported by the market with the larger lots to fill a gap in the market for larger residential lots for local families.   |
| <b>Renew and create great places</b><br><br><i>Relates to Planning Priority 9 in Hills Future</i>   | <p>The site is identified as RU6 Transition Land and is located beyond the Urban Growth Boundary. However, the residential nature which characterises the surrounding locality and the separation to agricultural land uses some 30 km to the north of the site supports a change from the existing RU6 Transition zoning.</p> <p>The proposed R2 Low Density Residential zoning and minimum lot sizes will provide a scale of development which is aligned with 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.</p> |
| <b>Provide social infrastructure and retail services to meet resident' needs.</b><br><br><i>Relates to Planning Priority 10 in Hills Future</i> | <p>The site is uniquely positioned adjacent to the existing Dural Public School. The proposed residential lots, along with the infrastructure improvements that directly benefit the school, will encourage and social interaction within the locality.</p>   |

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

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

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

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

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

Table 10 Consistency with State Environmental Planning Policies

| SEPP  | Consistency   |
|---|---|
| <i>State Environmental Planning Policy (Housing) 2021</i> | <p>The objective of the <i>State Environmental Planning Policy (Housing) 2021</i> (<b>Housing SEPP</b>) is to incentivise the supply of affordable and diverse housing in the right places.</p> <p>While the Planning Proposal will deliver a modest increase in housing to meet local demand with a greater diversity of form, it does not rely upon the provisions of the Housing SEPP.</p> |

| SEPP   | Consistency  |
|--|--|
| <i>State Environmental Planning Policy (Industry and Employment) 2021</i>                | 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.   |
| <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 (refer to <b>Appendix G</b>) 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 considered to have been satisfied and can proceed, provided that measures are in place to the ensure that the potential for contamination and the suitability of the land for any proposed use are again assessed once detailed proposals are made.</p> |
| <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> | The Planning Proposal does not contain provisions that would contradict or hinder the application of this SEPP.  |
| <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i>           | The SEPP provides a consistent planning regime for the provision of infrastructure and services and prescribes requirements for consultation with relevant public authorities during the development application assessment process. Some provisions of the SEPP will be applicable to any infrastructure works associated with physical development of the site and the assessment of the development applications for example the provisions of Division 17 of Part 2 of the SEPP as it relates to the delivery of roads and road infrastructure.  |
| <i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i>          | The provisions of the SEPP will be addressed in a future development application. The Ecological Assessment (refer to <b>Appendix C</b> ) prepared to support the Planning Proposal has demonstrated that there are no areas of biodiversity significance on the site.   |
| <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>                  | <p>The SEPP supports the <i>Environmental Planning and Assessment Regulation 2021</i> to encourage the delivery of sustainable residential development. The SEPP requires residential development to achieve mandated levels of energy and water efficiency.</p> <p>Demonstration of sustainability outcomes is required at future development application stage.</p>  |
| <i>State Environmental Planning Policy (Primary Production) 2021</i>                     | This Policy aims to facilitate the orderly economic use and development of lands for primary production, reduce land use conflicts by balancing  |

| SEPP   | Consistency   |
|--|---|
|  | <p>primary production, residential development and environmental constraints and values.</p> <p>The site has minimal capacity to accommodate agricultural uses as outlined in the Economic Impact Assessment provided 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 site has minimal capacity to be used for primary production purposes due to topography, land size and proximity to the Dural Public School.</p>   |
| Proposed State Environmental Planning Policy (Transport Oriented Development)              | <p>From April 2024, a new Transport Oriented Development SEPP will amend planning controls within 400 metres of 31 well-located metro and rail stations. This will allow for the development of new and affordable housing within walking distance of public transport.</p> <p>It is expected, based on the explanation of intended effects that the proposed SEPP will not apply to the site. The intention of this SEPP is to enable significant uplift in residential densities near transport nodes and is part of the initiatives to meet metropolitan housing demands</p> |

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

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

Table 11 Consistency with Section 9.1 Directions

| Local Planning Directions                       | Assessment  | Consistency |
|---|---|-------------|
| <b>Focus area 1: Planning Systems</b>           |   |             |
| 1.1 Implementation of Regional Plans            | The proposal is consistent with the land use strategy, goals, directions and actions contained within the Central City District Plan as discussed within Question 3.  | Yes         |
| 1.2 Development of Aboriginal Land Council Land | The site is not identified within the land application area of the <i>State Environmental Planning Policy (Aboriginal Land) 2019</i> .  | N/A         |
| 1.3 Approval and Referral Requirements          | This direction aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The relevant requirements of this direction have been considered in the preparation of this Planning Proposal and proposed LEP amendments. | Yes         |

| Local Planning Directions   | Assessment  | Consistency |
|---|---|-------------|
| 1.4 Site Specific Provisions  | The objective of the direction is to discourage unnecessarily restrictive site-specific planning controls. This has been prepared in accordance with the provisions of the Standard Instrument and in a manner consistent with THLEP 2019. Where appropriate, site-specific provisions are supported by a draft site-specific DCP which provides guidance for future development on the site. | Yes         |
| 1.4A Exclusion of Development Standards from Variation  | Not applicable to this Planning Proposal.   | N/A         |
| <b>Focus area 1: Planning Systems – Place-based</b>   |   |             |
| 1.5 Parramatta Road Corridor Urban Transformation Strategy  | Not applicable to this Planning Proposal.   | N/A         |
| 1.6 Implementation of North West Priority Growth Area Interim Land Use and Infrastructure Implementation Plan         | Not applicable to this Planning Proposal.   | N/A         |
| 1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan | Not applicable to this Planning Proposal.   | N/A         |
| 1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor   | Not applicable to this Planning Proposal.   | N/A         |
| 1.10 Implementation of the Western Sydney Aerotropolis Plan   | Not applicable to this Planning Proposal.   | N/A         |
| 1.11 Implementation of Bayside West Precincts 2036 Plan   | Not applicable to this Planning Proposal.   | N/A         |
| 1.12 Implementation of Planning Principles for the Cooks Cove Precinct  | Not applicable to this Planning Proposal.   | N/A         |
| 1.13 Implementation of St Leonards and Crows Nest 2036 Plan   | Not applicable to this Planning Proposal.   | N/A         |



| Local Planning Directions                                     | Assessment  | Consistency |
|---|---|-------------|
| 1.14 Implementation of Greater Macarthur 2040                 | Not applicable to this Planning Proposal.   | N/A         |
| 1.15 Implementation of the Pymont Peninsula Place Strategy    | Not applicable to this Planning Proposal.   | N/A         |
| 1.16 North West Rail Link Corridor Strategy                   | Not applicable to this Planning Proposal.   | N/A         |
| 1.17 Implementation of the Bays West Place Strategy           | Not applicable to this Planning Proposal.   | N/A         |
| 1.18 Implementation of the Macquarie Park Innovation Precinct | Not applicable to this Planning Proposal.   | N/A         |
| 1.19 Implementation of the Westmead Place Strategy            | Not applicable to this Planning Proposal.   | N/A         |
| 1.20 Implementation of the Camellia-Rosehill Place Strategy   | Not applicable to this Planning Proposal.   | N/A         |
| 1.21 Implementation of South West Growth Area Structure Plan  | Not applicable to this Planning Proposal.   | N/A         |
| 1.22 Implementation of the Cherrybrook Station Place Strategy | Not applicable to this Planning Proposal.   | N/A         |
| <b>Focus area 2: Design and Place</b>                         |   |             |
| <b>Focus area 3: Biodiversity and Conservation</b>            |   |             |
| 3.1 Conservation Zones  | The Ecological Assessment (refer to <b>Appendix C</b> ) prepared to support the Planning Proposal has demonstrated that there are no areas of biodiversity significance on the site.  | N/A         |
| 3.2 Heritage Conservation                                     | There are no local or state heritage items located within the precinct. The Planning Proposal is consistent with the Ministerial Directions and does not seek to remove existing provisions to protect items of environmental heritage. A Heritage Impact Statement is provided at <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. | Yes         |

| Local Planning Directions   | Assessment   | Consistency |
|---|--|-------------|
|   | An Aboriginal Archaeology Assessment has been prepared by Kelleher Nightingale Consulting Pty Ltd (refer to <b>Appendix N</b> ) to ensure that any future development of the site has considered any items of Aboriginal significance within the site.   |             |
| 3.3 Sydney Drinking Water Catchments  | Not applicable to this Planning Proposal.  | N/A         |
| 3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs | Not applicable to this Planning Proposal.  | N/A         |
| 3.5 Recreation Vehicle Areas  | Not applicable to this Planning Proposal.  | N/A         |
| 3.6 Strategic Conservation Planning   | Not applicable to this Planning Proposal.  | N/A         |
| 3.7 Public Bushland   | Not applicable to this Planning Proposal.  | N/A         |
| 3.8 Willandra Lakes Region  | Not applicable to this Planning Proposal.  | N/A         |
| 3.9 Sydney Harbour Foreshores and Waterways Area                                      | Not applicable to this Planning Proposal.  | N/A         |
| 3.10 Water Catchment Protection   | Not applicable to this Planning Proposal.  | N/A         |
| <b>Focus area 4: Resilience and Hazards</b>   |  |             |
| 4.1 Flooding  | Not applicable. The site is not identified as flood prone land under any SEPP or LEP.  | N/A         |
| 4.2 Coastal Management  | Not applicable to this Planning Proposal.  | N/A         |
| 4.3 Planning for Bushfire Protection  | Future development is capable of achieving adequate protection in accordance with the guidelines Planning for Bushfire Protection. A detailed bushfire assessment has been undertaken and is provided at <b>Appendix D</b> . The master planned subdivision layout has been prepared having regard to the assessment.  | Yes         |
| 4.4 Remediation of Contaminated Land  | The Detailed Site Investigation ( <b>DSI</b> ) prepared by JBS&G Consulting ( <b>Appendix G</b> ) 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 considered to have been satisfied and can proceed, provided that measures are in place to the ensure | Yes         |

| Local Planning Directions                                     | Assessment  | Consistency |
|---|---|-------------|
|   | 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  | As stated in the DSI ( <b>Appendix G</b> ), the probability of acid sulfate soils on site is low.   | Yes         |
| 4.6 Mine Subsidence and Unstable Land                         | Not applicable to this Planning Proposal.   | N/A         |
| <b>Focus area 5: Transport and Infrastructure</b>             |   |             |
| 5.1 Integrating Land Use and Transport                        | The Planning Proposal seeks to permit low density residential development in a way that is consistent with the Ministerial Direction. A detailed Urban Design Study (refer to <b>Appendix A</b> ) has been prepared and provides an appropriate urban structure and form to support the residential development that is close to public transport routes along Old Northern Road and is located in close proximity to the Dural village centre and will have access to the range of services and facilities available in the Round Corner retail and commercial precincts. All future residents are located within a 400m walking catchment of bus stops along Old Northern Road that connect to large urban centres such as Castle Hill. | Yes         |
| 5.2 Reserving Land for Public Purposes                        | This Planning Proposal is consistent with this direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.  | Yes         |
| 5.3 Development Near Regulated Airports and Defence Airfields | Not applicable to this Planning Proposal.   | N/A         |
| 5.4 Shooting Ranges   | Not applicable to this Planning Proposal.   | N/A         |
| <b>Focus area 6: Housing</b>                                  |   |             |
| 6.1 Residential Zones   | <p>The Planning Proposal is consistent with the Direction as outlined below:</p> <p>The Planning Proposal would facilitate an additional 110 residential lots ranging from 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 proposed residential development is consistent with market trends.</p>   | Yes         |

| Local Planning Directions  | Assessment  | Consistency |
|--|---|-------------|
|  | <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>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 to this Planning Proposal.   | N/A         |
| <b>Focus area 7: Industry and Employment</b>                       |   |             |
| 7.1 Business and Industrial Zones                                  | Not applicable to this Planning Proposal.   | N/A         |
| 7.2 Reduction in non-hosted short-term rental accommodation period | Not applicable to this Planning Proposal.   | N/A         |

| Local Planning Directions  | Assessment   | Consistency |
|--|--|-------------|
| 7.3 Commercial and Retail Development along the Pacific Highway, North Coast | Not applicable to this Planning Proposal.  | N/A         |
| <b>Focus area 8: Resources and Energy</b>                                    |  |             |
| 8.1 Mining, Petroleum Production and Extractive Industries                   | Not applicable to this Planning Proposal.  | N/A         |
| <b>Focus area 9: Primary Production</b>                                      |  |             |
| 9.1 Rural Zones  | The nature and intensity of remnant scattered agricultural uses in the broader Dural locality suggests that the existing RU6 Transition zoning is not appropriate if the intention is to protect the land for agricultural purposes. This Planning Proposal will not create a precedent for wholesale change but rather support a logical expansion of the Dural village.  | Yes         |
| 9.2 Rural Lands  | It is not appropriate to characterise the locality as one that supports primary agricultural production, rural or extractive industries. The existing urban land uses activities within close proximity of the site, including the adjacent Dural public school, the size, configuration and topography of the site precludes the use of the site for economically viable 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. | Yes         |
| 9.3 Oyster Aquaculture   | Not applicable to this Planning Proposal.  | N/A         |
| 9.4 Farmland of State and Regional Significance on the NSW Far North Coast   | Not applicable to this Planning Proposal.  | N/A         |

### 6.3.3. Section C – Environmental, Social and Economic Impact

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

#### 6.3.3.1. Ecology

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

**6.3.3.2. Urban design, layout, and form**

An Urban Design Report has 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 of Dural village.

**Land use distribution**

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

**Access and movement**

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

- A local 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 height of building control retains and reinforces the low scale nature and character of the locality.

### **Open Space and Public Domain**

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

- A 4,000m<sup>2</sup> 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 1,200m<sup>2</sup> – 1,500m<sup>2</sup> for each.

### **6.3.3.3. Non-Aboriginal Heritage**

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

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

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

Table 12 Summary of Heritage items by LGA

| <b>The Hills Shire</b>   | <b>Hornsby Council</b>   |
|--|--|
| <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 site also lies within the vicinity of Archaeological item A38, 'Old Northern Road'. However, it is assessed that the proposal would not impact the significance of A38 nor involve any direct works to this item.

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

- The proposed residential development in the vicinity of the listed item will not obscure the historic and rural character the heritage items. Furthermore, the proposed zoning for the area would be in keeping with the existing development pattern in the district.
- The allotments comprising the site were formed as a part of a series of subdivisions from the mid-late 20th Century. The current allotments do not reflect any heritage significant subdivision patterns. Further subdivision of these allotments would not alter any identified historic subdivision pattern.
- The structures and landscaping elements are remnant features from the mid-late 20th Century. A preliminary assessment of these elements indicates they are not of heritage significance.

- No physical works are proposed to any item of heritage significance. As such, there is no identified risk of harm to Old Northern Road, which is identified in part as an archaeological item under THLEP 2019.

#### 6.3.3.4. Aboriginal Archaeology

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

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

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

#### 6.3.3.5. Traffic and Transport

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

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

##### Traffic Volumes

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

Table 13 Peak traffic volumes on Old Northern Road

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

##### Existing Traffic Performance

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

Intersection Level of Service (**LoS**) is a typical design tool used by traffic engineers to identify when roads are congested. The Level of Service as defined in TfNSW Traffic Modelling Guidelines is provided in **Figure 19**.

Figure 19 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

Source: SCT Consultants, 2022

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

Figure 20 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<br>(Priority intersection) | 27.9s                              | <b>B</b> | 0.39 | 16.3s           | <b>B</b> | 0.58 |

Source: SCT Consultants, 2022

### Road Network Impacts

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

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

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

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

### Traffic Growth

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

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

## Trip Generation

The Roads and Maritime's Guide to Traffic Generating Developments: Updated traffic surveys (TDT 2013/04a) 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:

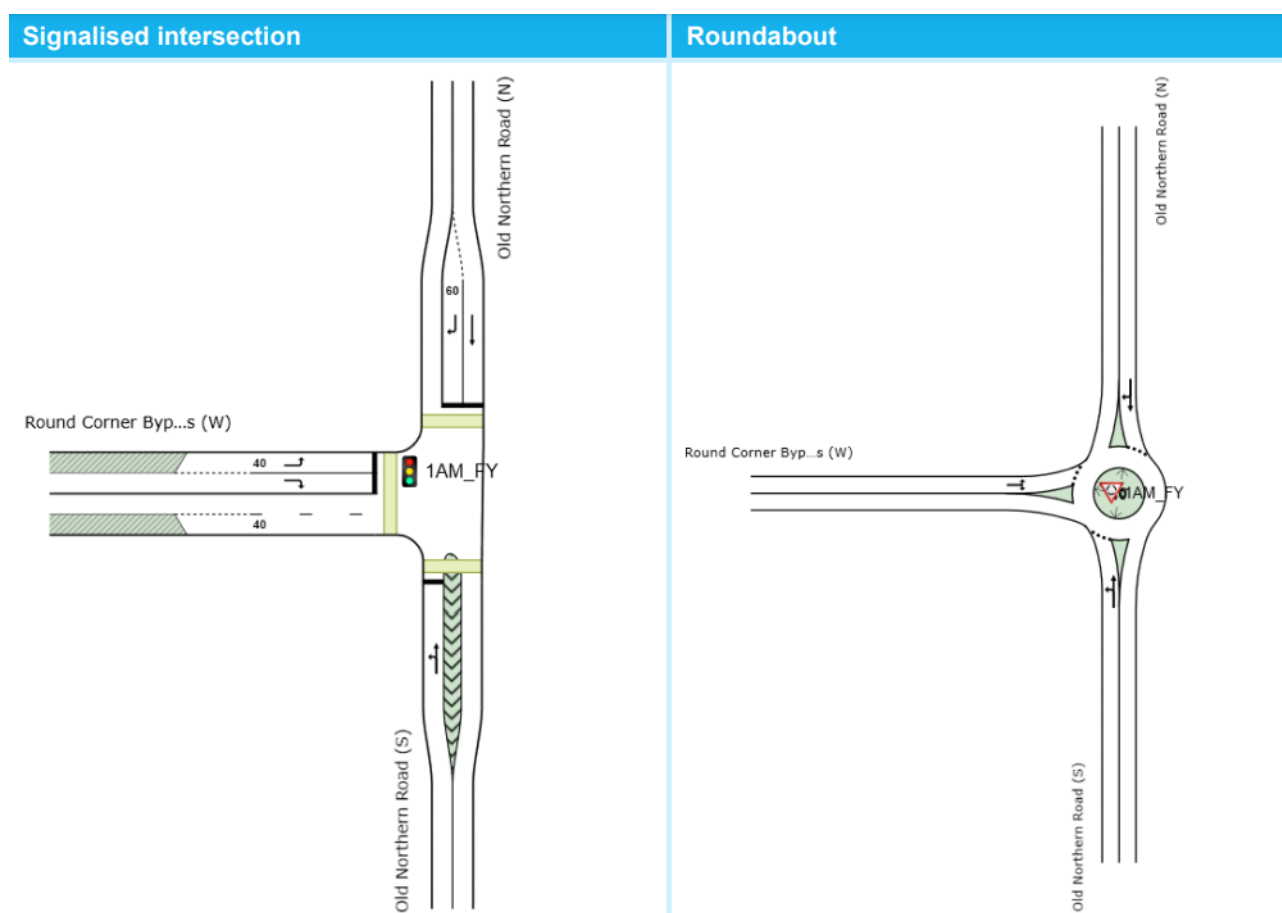
- Old Northern Road – 67% AM and 75% PM
- Derriwong Road – 33% AM and 25% PM

## 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 21 SIDRA Intersection Layout



Source: SCT Consultants 2022

## Transport and Accessibility

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

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

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

### 6.3.3.6. Acoustic Impacts

An Acoustic Assessment has been undertaken by Rodney Stevens Acoustic (refer to **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 22** below, is the noise levels predicated at residential facades.

Figure 22 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.

### 6.3.3.7. Bushfire

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

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

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



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

- Does not trigger the “inappropriate development” exclusion requirements of PBP.
- That the Acceptable Solution bushfire protection measures within PBP can be met by the future development contemplated and that there is opportunity for protection measures beyond the minimum compliance under PBP.
- Compliance with PBP is not reliant on the intervention/response by emergency services or hazard management on adjoining land.
- The rezoning proposal will not adversely impact the bushfire safety of occupants of nearby existing development and wherever possible, will actually lower the risk.

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

#### **6.3.3.8. Hydrology and Water Quality**

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

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

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

#### **6.3.3.9. Site Contamination**

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

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

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

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

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

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

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

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

- Land dedication and embellishment of 4,000m<sup>2</sup> of land for use as a local park for the future residents and current school community of Derriwong Public School.
- Delivery of new housing that services local need for different housing types and price points which is supported by infrastructure.
- A new road layout that supports a high level of permeability and connectivity and safety for vehicles and pedestrians including:
  - A local collector road with two roundabouts to provide connection between Old Northern Road and Derriwong Road with the proposed local road reservation for the future bypass corridor.
  - A new intersection at Old Northern Road and future bypass road to facilitate safe pedestrian access to the school and future residential neighbourhood from Old Northern Road.
  - A 'drop-off and pick-up' zone adjacent to the school to alleviate road congestion during drop off and pick up times currently experienced on Old Northern Road.
- Provision of sewer infrastructure up to the boundary of Dural Public School and undergrounding of overhead powerlines across the school site.

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

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

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

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

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

#### **Public Transport**

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

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

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

#### **Pedestrian and Cycle Infrastructure**

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

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

#### **Road Network and Vehicle Movement**

The primary point of access for vehicle movement is via Old Northern Road. Old Northern Road has a major role in the local context of the site, with its role as a high frequency bus corridor and provide direct connection towards major roads and motorway including New Line Road, Windsor Road and M2 Motorway further South.

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

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

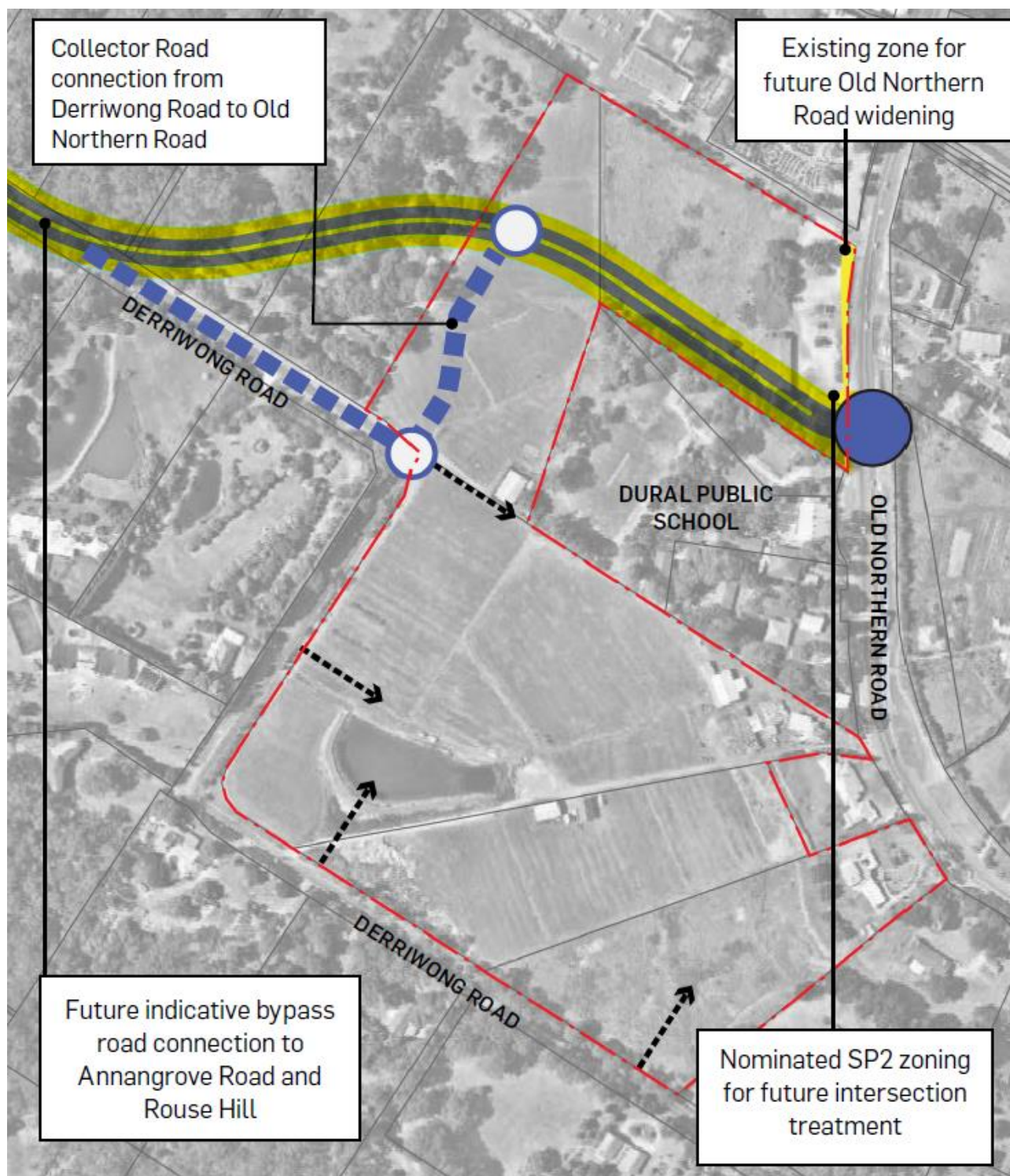
A design lead approach relating to site access and internal access has informed the preparation of the Planning Proposal. The road network has been designed to consider local traffic issues to minimise network congestion and improve local and regional permeability. As such, the Planning Proposal demonstrates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

### **Future Bypass Road Alignment**

Council has identified that a minimum 32m wide road reservation is required to accommodate the future bypass road providing connection between Old Northern Road and Annangrove Road to the west through Derriwong Road. This is proposed to run through Derriwong Road and the land along the northern boundary of Dural Public School, shown in **Figure 23**.

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

Figure 23 Bypass Road Alignment



Source: Urbis 2022

### Infrastructure and Utilities

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

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

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

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

### **Social Infrastructure**

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

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

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

## **6.3.5. Section E – State and Commonwealth interests**

### ***Q11. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?***

It is anticipated that 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.

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

## **6.4. PART 4 - MAPS**

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

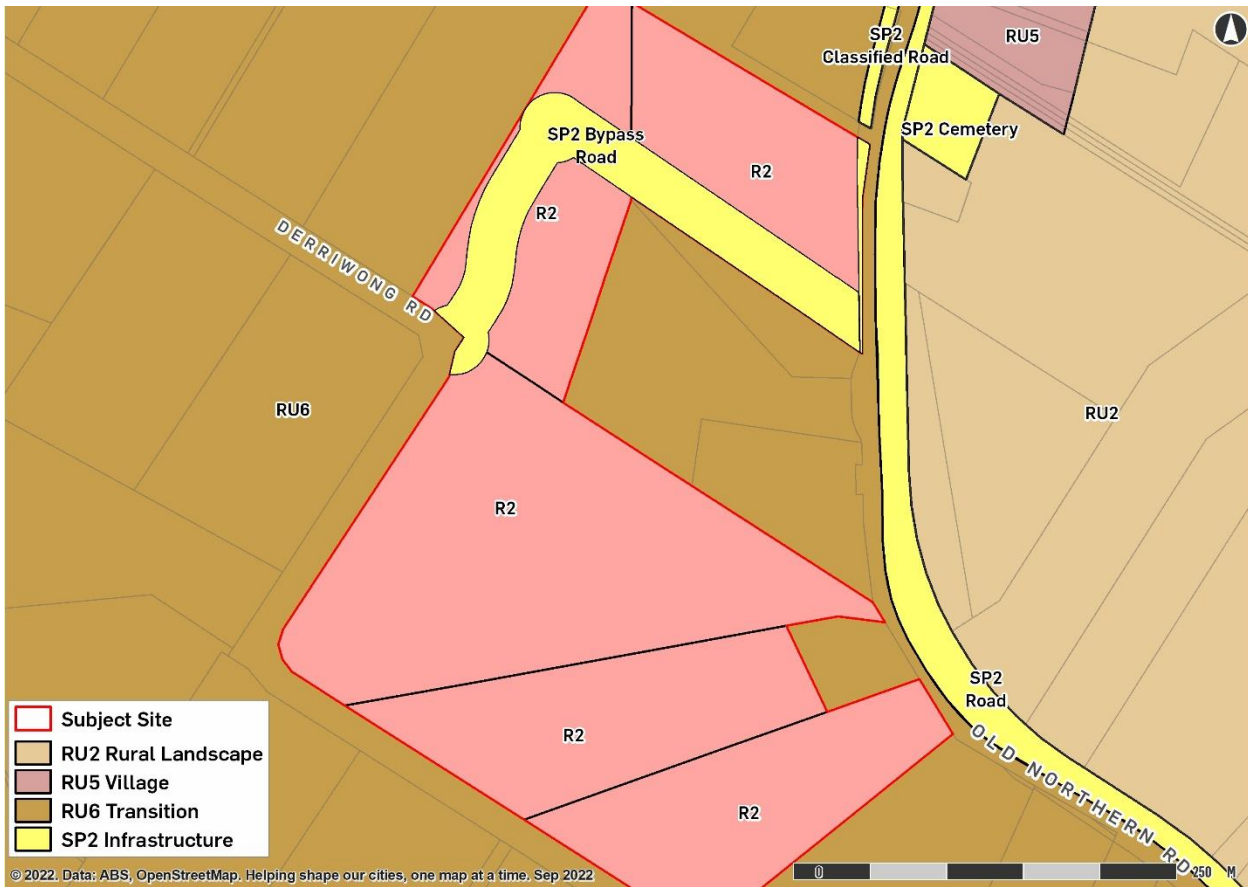
- Land Zoning.
- Height of Buildings.
- Minimum Lot Sizes.
- Key Sites.

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

### 6.4.1. Land Use Zoning

The proposed amendment seeks to a rezone the existing RU6 Transition zone to part R2 Low Density Residential and part SP2 Infrastructure (Local Road) zones. This outcome can be achieved by amending the LEP map Sheet LZN\_023 map as shown in **Figure 24**.

Figure 24 Proposed Zoning Map



Source: Urbis GIS, 2023



## 6.4.2. Building Height

The proposed amendment seeks a maximum permissible 9 metre limit height across the site. The 9-metre height control is consistent with the adopted development standards for residential development at Round Corner. This outcome can be achieved by amending the LEP map Sheet HOB\_023 map as shown in **Figure 25**.

Figure 25 Proposed Height of Buildings Map



Source: Urbis GIS, 2023

## 6.4.3. 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> as shown in the Indicative Layout Plan as shown in **Figure 1**. 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



## 6.5. PART 5 - COMMUNITY CONSULTATION

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

- Publishing of the proposal and supporting technical reports on The Hills Shire Council website;
- Publishing of a Public Notice in 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 DPHI Guidelines for a complex Planning Proposal. Exhibition material will be made available on Council's Website and at Council's administration centre.

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

## 6.6. PART 6 - PROJECT TIMELINE

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

Table 14 Anticipated Project Timeline

| Process                             | Indicative Timeframe         |
|-------------------------------------|------------------------------|
| Council decision                    | March - July 2024            |
| Gateway Determination               | July 2024                    |
| Pre-exhibition                      | September 2024               |
| Public exhibition period            | October 2024                 |
| Consideration of submissions        | December 2024 - January 2025 |
| Council decision                    | February 2025                |
| Submission to DPHI for finalisation | April 2025                   |
| Gazettal of LEP amendment           | May 2025                     |

## 7. CONCLUSION

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

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

Specifically, the intended outcome of the Planning Proposal is to amend the THLEP 2019 as follows:

- Change the zoning of the land from RU6 Transition to part R2 Low Density Residential and part SP2 Infrastructure (Local Road).
- Reduce the minimum lot size requirement from two hectares to between 2,000m<sup>2</sup> and 600m<sup>2</sup>.
- Reduce the maximum height of building control from 10 metres to nine metres.

The Planning Proposal aligns with the broad direction and intent of The Hills Shire Council Local Housing Strategy and Rural Strategy which support the modest expansion of rural villages, as well as the with Council's Dural Urban Capacity and Capability Assessment which identifies that the site can accommodate urban development.

The Central City District Plan (District Plan), prepared in 2017 is an outdated plan, pre-dates the Dural Urban Capacity and Capability Assessment, and while it is under review (as required under the relevant planning framework) the current provisions are not reflective of recent local strategic studies and should be given lesser weight when considering the strategic merit of the Planning Proposal.

The objectives and outcomes of the Planning Proposal are consistent with the broad objectives for the Metropolitan Rural Area (**MRA**) set out in the District Plan as the residential development that will be facilitated by the Planning Proposal is a small-scale development and can be viewed as a logical expansion of Dural Village. The proposed housing is not designed to meet a regional or district-scale housing demand and the subdivision layout presents as an appropriate placed-based outcome that will not create potential land use conflict with established rural, mineral or extractive industries in the region and will not adversely impact on areas of ecological significance or sensitivity.

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

In particular:

- The Independent Planning Commission (**IPC**) recognised the benefits of a 2016 Planning Proposal and recommended that the site should be identified for urban development in the District Plan.
- The Department of Planning, Housing and Infrastructure (the **Department**) issued a Gateway Determination for the prior Planning Proposal to proceed, and importantly established a framework to *'consider limited growth in the Metropolitan Rural Area where the proposal is otherwise consistent with the District Plan and will result in a good planning outcome and public benefit.'*
- Council staff and the Local Planning Panel both recommended that previous planning proposals should proceed to Gateway Determination.

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

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

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

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

This Planning Proposal does not seek to pre-empt any broader strategic planning review of the metropolitan area. The proposal relates to a unique site due to its proximity to both Dural village and Dural Public School, and its ability to deliver significant public benefits ensures that it will not create a precedent.

Accordingly, it is **recommended** the Planning Proposal is endorsed by Council to enable a Gateway determination by the DPHI.

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## **APPENDIX A**

## **URBAN DESIGN REPORT**

## **APPENDIX B**

# **TRAFFIC AND TRANSPORT IMPACT ASSESSMENT**

## **APPENDIX C**

## **ECOLOGICAL ASSESSMENT**

## **APPENDIX D**

## **BUSHFIRE STRATEGIC STUDY**

## **APPENDIX E**

## **ECONOMIC IMPACT ASSESSMENT**

## **APPENDIX F**

## **HERITAGE IMPACT ASSESSMENT**

## **APPENDIX G**

## **DETAILED SITE INVESTIGATION**



## **APPENDIX H**

## **PRELIMINARY INFRASTRUCTURE REVIEW**

# APPENDIX I

# SURVEY PLAN

## **APPENDIX J**

## **ACOUSTIC ASSESSMENT**

## **APPENDIX K**

## **LEP MAPPING**

## **APPENDIX L**

## **DRAFT SITE SPECIFIC DEVELOPMENT CONTROL PLAN**

## **APPENDIX M**

## **PUBLIC BENEFIT OFFER**

## **APPENDIX N**

## **ABORIGINAL HERITAGE ASSESSMENT**



## **APPENDIX O**

## **DURAL PUBLIC SCHOOL SAFE SYSTEM ASSESSMENT**

## **APPENDIX P**

## **SINSW CORRESPONDENCE**

