



Department of Planning and Environment

Mr Chris Broad
Director
Dural Land Holdings Pty Ltd
Suite 2, Level 8,
333 George Street,
SYDNEY NSW 2000

Our ref: PP-2021-4415 (IRF22/734)

Via email: cbroad@ausfinancegroup.com.au

Dear Mr Broad

Planning proposal PP-2021-4415 – Alteration of Gateway Determination

I refer to planning proposal PP-2021-4415 seeking to enable low density residential development at 618, 626 Old Northern Road and 21, 27 Derriwong Road, Dural through an amendment to *The Hills Local Environmental Plan 2019*.

The Department of Planning and Environment (the Department) has received a letter from The Hills Shire Council seeking advice following Transport for NSW's submission regarding the above planning proposal. The Department's Place based team and Planning Delivery Unit has undertaken significant consultation with Transport for NSW in particular, and Schools Infrastructure NSW, regarding the regional bypass road proposed as part of this proposal.

Transport for NSW has consistently maintained throughout its submission, follow up advice and discussions, that the State Government has no current plans, proposals or investigations for a regional bypass road that connects Annangrove Road to Old Northern Road. Transport for NSW is unable to provide certainty to the funding and delivery of the regional bypass road to enable the planning proposal to proceed within the parameters of the current Gateway determination conditions.

In addition to the above, the Department understands there is a significant amount of work required to progress the proposal such as complying with existing Gateway conditions, resolving Schools Infrastructure NSW concerns with a bypass corridor, preparation of a development control plan and ensuring the proposal is supported by appropriate local infrastructure.

The Gateway determination required the planning proposal to be finalised within 9 months of the determination, being by April 2022. Considering the significant work required in order for the proposal to proceed, it is unlikely this proposal will be finalised within a timely manner consistent with the NSW Government's commitment to reduce the time taken to complete LEPs. As such, I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination so that it does not proceed. The Alteration of Gateway determination is enclosed.

I have not taken this decision lightly. It is evident a considerable amount of work has been undertaken by both yourself and Council officers to reach this point.

Given Transport for NSW's final position, Council and the proponent may wish to consider a new proposal with the provision of a local bypass corridor as an alternative to a regional bypass corridor. There are several implications for the proposal if Council and the proponent wish to proceed with this alternative including the additional work required to support a new proposal with a local bypass corridor. If pursued, a new proposal will need to clearly define the local bypass corridor as Council's responsibility, ensuring infrastructure requirements including design, alignment, land dedication and delivery is to Council's satisfaction. The proposal cannot include any reference to 'land banking' for future State government dedication, acquisition or delivery.

Transport for NSW has provided preliminary advice on the additional information required if a local bypass corridor was to be considered including:

- A revised traffic assessment should be prepared assessing the site's traffic impacts to the surrounding transport network, the future local bypass road connection to Old Northern Road and its interface/connection with the school.
- Additional transport analysis of the cumulative traffic impacts of future development uplift identified in a precinct-scale structure plan (undertaken by Council) to determine if the future local bypass road connection to Old Northern Road is appropriate to accommodate the full extent of future development uplift planned for this area of Dural.
- The additional transport investigations are required prior to public exhibition.

The Department would also need to form the view that the new planning proposal has strategic merit with a local bypass corridor. As demonstrated in the Department's Gateway assessment, the Department recognised that the public benefit offering supporting this planning proposal, specifically the delivery of a segment of the regional bypass road, was a key reason for the proposal to proceed. This core element was reflected in the Gateway determination conditions and it was crucial that State agencies provided certainty on the regional bypass road alignment and that it would be delivered for the proposal to proceed.

If the proponent wishes to proceed with a new planning proposal with a local bypass corridor and should Council be in a position to support such a proposal, the Department is happy to meet to discuss further.

Should you have any enquiries about this matter, I have arranged for Jazmin van Veen to assist you. Ms van Veen can be contacted on 9373 2877.

Yours sincerely



Tim Raimond
Deputy Secretary
Planning and Land Use Strategy

5 April 2022

Encl: Alteration of Gateway Determination

Cc: cbrown@urbis.com.au

Alteration of Gateway Determination

Planning proposal (Department Ref:PP-2021-4415)

I, Deputy Secretary, Planning and Land Use Strategy, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 9 July 2021 for the proposed amendment to The Hills Local Environmental Plan 2019 to enable low density residential development at 618, 626 Old Northern Road and 21, 27 Derriwong Road, Dural as follows:

1. Change the description of the planning proposal from:

“I, the Deputy Secretary, Greater Sydney, Place and Infrastructure at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to The Hills Local Environmental Plan (LEP) 2019 to enable low density residential development at the subject site should proceed subject to the following conditions:”

and replace with:

“I, Deputy Secretary, Planning and Land Use Strategy, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* that an amendment to The Hills Local Environmental Plan 2019 to enable low density residential development at 618, 626 Old Northern Road and 21, 27 Derriwong Road, Dural should not proceed”

2. Delete:

Conditions 1 – 7.

Dated: 5 April 2022



Tim Raimond
Deputy Secretary
Planning and Land Use Strategy
Department of Planning and Environment

Delegate of the Minister for Planning and Homes