



Mr Michael Edgar  
General Manager  
The Hills Shire Council  
PO Box 7064  
NORWEST NSW 2153

  
Dear Mr Edgar

**Planning proposal PP\_2019\_THILL\_005\_00 to amend The Hills Local Environmental Plan 2012 – Old Northern Road and Derriwong Road, Dural**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 13 August 2019 in respect of the planning proposal to enable low density residential at 584, 586, 590, 600, 602, 606, 618 and 626 Old Northern Road and 7, 11, 21 and 27 Derriwong Road, Dural.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should not proceed as it is inconsistent with the strategic planning framework and specifically does not give effect to the Central City District Plan in relation to protecting the Metropolitan Rural Area and minimising land use conflicts.

I have considered the proposal and conclude that the inconsistency of the proposal with Section 9.1 Directions 1.2 Rural Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.4 Planning for Bushfire Protection, and 6.3 Site Specific Provisions are not justified as it proposes to introduce additional rural residential opportunities in the rural zone, adjacent to heritage items, within a bushfire prone area and Council has not demonstrated to the NSW Rural Fire Service that the proposal could comply with Planning for Bush Fire Protection 2006, and site specific provisions.

I also note there are no plans or funding to increase capacity on the surrounding road network to facilitate this proposal and the site, in isolation, cannot adequately secure the scale of improvement required to the road network.

I have not taken this decision lightly and I can assure Council that I have fully considered all the planning merits and advice. I recognise that infrastructure road improvements are needed. The Department would encourage you and Hornsby Council to look at opportunities to develop a strategic approach to this corridor.

Should you have any further enquiries about this matter, I have arranged for Ms Gina Metcalfe, Acting Director of Central (Western) to assist you. Ms Metcalfe can be contacted on 9860 1542.

Yours sincerely



19 April 2020

**Brett Whitworth**  
**Deputy Secretary**  
**Greater Sydney, Place and Infrastructure**

Encl: Gateway determination



## Gateway Determination

**Planning proposal (Department Ref: PP\_2019\_THILL\_005\_00):** to amend The Hills Local Environmental Plan 2012 to enable low density residential at 584, 586, 590, 600, 602, 606, 618 and 626 Old Northern Road and 7, 11, 21 and 27 Derriwong Road, Dural.

I, the Deputy Secretary, Greater Sydney, Place and Infrastructure at the Department of Planning, Industry and Environment, as delegate of the Minister, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to The Hills Local Environmental Plan 2012 to rezone the subject site from RU6 Transition to R2 Low Density Residential; reduce the maximum height of buildings from 10 metres to 9 metres; reduce the minimum lot size from 2 hectares to 700m<sup>2</sup>; and introduce a local provision enabling a minimum lot size of 600m<sup>2</sup> on the 'northern' site, with a yield capped at 101 dwellings should not proceed for the following reasons:

1. The proposal does not give effect to the Central City District Plan, in particular:
  - (a) Priority 1 Planning for a City Supported by Infrastructure;
  - (b) Priority 5 Providing housing supply, choice and affordability, with access to jobs and services; and
  - (c) Priority 18 Better managing rural areas.
2. The proposal contains unresolved inconsistencies with the Section 9.1 Directions 1.2 Rural Zones, 2.3 Heritage Conservation, 3.1 Residential Zones, 4.4 Planning for Bushfire Protection, and 6.3 Site Specific Provisions.
3. There are no plans or funding to increase capacity on the surrounding road network to facilitate this proposal.
4. Although the proposal does offer some local benefits such as:
  - sewerage system upgrades in the immediate locality around the site enabling the removal of septic systems from the playground of the adjacent Dural Public School;
  - road widening to enable safer drop-off and pick-up of students at Dural Public School; and
  - provision of local open space;

it makes an insufficient contribution toward improving State infrastructure as the site in isolation cannot adequately secure the scale of improvement required in the road network.

5. The proposal does not adequately demonstrate the site has no potential to accommodate agricultural uses under its current zoning and land use conflict will not arise as a result.

Dated 19<sup>th</sup> day of April 2020.



**Brett Whitworth  
Deputy Secretary  
Greater Sydney, Place and  
Infrastructure  
Department of Planning, Industry and  
Environment**

**Delegate of the Minister for Planning  
and Public Spaces**