



Professor Mary O’Kane AC
Chair
Independent Planning Commission
Level 3, 201 Elizabeth Street
SYDNEY NSW 2000

Dear Professor O’Kane

Request for Gateway determination review – PP_2019_THILL_005_00

I am writing to advise that the Department of Planning, Industry and Environment has received a Gateway determination review request for the abovementioned planning proposal. The reason for the review was that a determination had been made that the planning proposal should not proceed. Details of the planning proposal are summarised below:

Dept. Ref. No	GR_2020_THILL_002_00
LGA	The Hills Shire Council
LEP to be amended	The Hills Local Environmental Plan 2019
Address/location	584, 586, 590, 600, 602, 606, 618 and 626 Old Northern Road and 7, 11, 21 and 27 Derriwong Road, Dural
Proposal	<p>The planning proposal sought to enable low density residential (181 dwellings) for multiple properties at Old Northern Road and Derriwong Road, Dural, by:</p> <ul style="list-style-type: none">• rezoning the sites from RU6 Transition to R2 Low Density Residential;• reducing the maximum height of building from 10 metres to 9 metres;• reducing the minimum lot size from 2 hectares to 700m²; and• introducing a local provision enabling a minimum lot size of 600m² on the ‘northern’ site, with a yield capped at 101 dwellings. <p>The Gateway determined that the planning proposal should not proceed for the following reasons:</p> <ol style="list-style-type: none">1. The proposal does not give effect to the Central City District Plan, in particular:<ol style="list-style-type: none">(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.

	<p>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.</p> <p>3. There are no plans or funding to increase capacity on the surrounding road network to facilitate this proposal.</p> <p>4. Although the proposal does offer some local benefits such as:</p> <ul style="list-style-type: none"> • 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; <p>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; and</p> <p>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.</p>
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The Minister for Planning’s delegate determined on 19 April 2020 that the proposal should not proceed.

The proponent has requested a review of the Gateway determination. The Commission is requested to review the planning proposal and prepare advice concerning the merits of the review request. The advice should include a clear and concise recommendation to the Minister’s delegate confirming whether, in its opinion, the Gateway determination issued on 19 April 2020 should be overturned and given a Gateway to proceed or not.

The advice and recommendation would usually be requested to be provided within 28 days of receipt of this letter and sent to the Department of Planning, Industry and Environment at Locked Bag 5022, Parramatta NSW 2124. It is understood that in the current pandemic conditions that you may not be able to meet this timeframe. It would be appreciated if you could contact the Department to discuss how this matter may progress.

The Department’s justification assessment and recommendation report are enclosed and includes a number of supporting attachments.

The Department’s ‘A guide to preparing local environmental plans’ provides advice on procedures for the various stages in the independent review process. The guide is available on the Department’s website at planning.nsw.gov.au/Plans-for-your-area/Local-Planning-and-Zoning/Resources.

Should you have any enquiries about this matter, I have arranged for Ms Gina Metcalfe, Acting Director, Central (Western), at the Department to assist you. Ms Metcalfe can be contacted on 02 9860 1542.

Yours sincerely



03/08/20

Catherine Van Laeren
Executive Director
Central River City and Western Parkland City