



Mr Michael Edgar  
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The Hills Shire Council  
3 Columbia Court  
NORWEST, NSW, 2153

Via email: [medgar@thehills.nsw.gov.au](mailto:medgar@thehills.nsw.gov.au)

Dear Mr Edgar,

**Planning proposal Planning proposal PP-2021-4415 to amend The Hills Local Environment Plan 2019.**

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) in respect of the planning proposal to enable a low density outcome on land in Dural at 618 and 626 Old Northern Road and at 21 and 27 Derriwong Road, comprising Lot X DP501233, Lot 2 DP541329, Lot 2 DP567995 and Lot 9 DP237576.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

It is recognised that the public benefit offering supporting this proposal specifically, the delivery of a segment of the regional bypass road, is a key reason it is proceeding. It is crucial that State agencies provide certainty that the regional bypass road will be delivered and its alignment. It is recommended that Transport for NSW and Schools Infrastructure NSW are consulted on this proposal prior to public exhibition. A letter of support from Transport for NSW for the road upgrades being proposed is required to form part of the planning proposal package prior to the proposal proceeding to exhibition.

Council will still need to obtain the agreement of the Secretary to comply with the requirements of section 9.1 Direction 4.4 – Planning for Bushfire Protection.

The Department of Planning, Industry and Environment recommends that Council be authorised to be the local plan-making authority for this proposal.

The amending local environmental plan is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

The state government is committed to reducing the time taken to complete LEPs by

tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter please do not hesitate to contact me on 9274 6245.

Yours sincerely



9 July 2021

**Brett Whitworth**  
**Deputy Secretary**  
**Greater Sydney, Place and Infrastructure**  
**Place, Design and Public Spaces**

Encl: Gateway determination

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## Gateway Determination

**Planning proposal (Department Ref: PP-2021-4415): to amend The Hills LEP 2019 to enable low density residential development at 618, 626 Old Northern Road and 21, 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 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:

1. Prior to public exhibition, the planning proposal is to be updated to:
  - (a) Update all supporting studies to refer solely to land subject to this proposal
  - (b) Preparation of a development control plan to support the development including any outcomes from specialist reports and consultation with agencies
  - (c) Amend the Minimum Lot Size map to consider a 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
  - (d) Give further consideration to how the local infrastructure demands generated by the proposal will be met
  - (e) Include a letter of support for the broader road upgrades being proposed from Transport for NSW
  - (f) 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.
2. 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 outlined in the Assessment Report (Section 6.2). If this is not provided, the proposal cannot proceed to exhibition.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) 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).

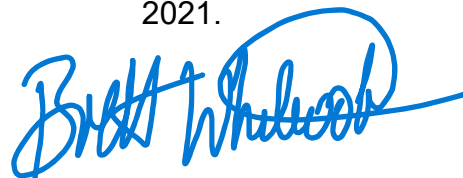
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Rural Fire Service
- Public utility provides such as Sydney Water, Endeavour Energy

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.

5. 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).
6. 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:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
  - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 9<sup>th</sup> day of July 2021.



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

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