

PLANNING PROPOSAL – DERRIWONG ROAD AND OLD NORTHERN ROAD, DURAL

OPINION

(Liability limited by a scheme approved under Professional Standards Legislation.)

1. Antunes, my instructing lawyers, act for the proponents of a Planning Proposal at Derriwong Road and Old Northern Road, Dural in the Hills Shire [‘Planning Proposal’].
2. I am asked to advise ‘Whether there is any legal basis for the comment made by the Department during the meeting that took place on 19 November 2019, that is, that any growth of local villages within the Metropolitan Rural Area are to support background growth which the GSC predict is within 1-1.5% of existing dwelling / population.’
3. In summary, the comment ought to be given very little weight for the reasons stated by McClellan CJ of the Land and Environment Court in *Stockland Development Pty Ltd v Manly Council* [2004] NSWLEC 472 ; (2004) LGERA 254 [‘Stockland’] at paragraph 91 and following.

Analysis

4. McClellan CJ identified six matters that are to be considered when determining the weight to be given to a policy such as that identified in the question asked by Antunes and set out above.
5. The six matters are set out at paragraph [92] in *Stockland* :

[92] ... *the matters which are relevant when determining the weight to be given to a planning policy adopted by a council are as follows:*

- *the extent, if any, of research and public consultation undertaken when creating the policy;*
- *the time during which the policy has been in force and the extent of any review of its effectiveness;*
- *the extent to which the policy has been departed from in prior decisions;*
- *the compatibility of the policy with the objectives and provisions of relevant environmental planning instruments and development control plans;*
- *the compatibility of the policy with other policies adopted by a council or by any other relevant government agency;*
- *whether the policy contains any significant flaws when assessed against conventional planning outcomes accepted as appropriate for the site or area affected by it.*

6. I have had the considerable benefit of being provided with a detailed analysis from Ms Ashleigh Ryan, an Associate Director at Urbis, in a letter dated 19 December 2019, of each of the six *Stockland* matters considered in the context of the Hills Shire [‘Urbis analysis’]. A copy of the Urbis analysis is attached to this opinion.

7. The first matter for consideration is *the extent, if any, of research and public consultation undertaken when creating the policy.*

The Urbis analysis¹ states that the 1-1.5% policy is not referenced in any Strategic Planning document that has been the subject of public consultation. The Urbis analysis also states that the relevant draft District and Regional Plans and their supporting documentation does not provide a numeric restriction to the growth of rural villages within the Metropolitan Rural Area.

8. The fact that there was no public consultation in relation to the policy provides strong support for the proposition that little weight ought to be given to the policy. Similarly, the fact that the relevant draft District and Regional Plans and their supporting documentation does not provide a numeric restriction to the growth of rural villages within the Metropolitan Rural Area provides strong support for the proposition that little weight ought to be given to the policy.
9. The first Stockland matter for consideration points strongly in favour of giving little weight to the policy, for the reasons set out above.

10. The second matter for consideration is *the time during which the policy has been in force and the extent of any review of its effectiveness.*

The Urbis analysis² states that the 1-1.5% policy has not been in force and therefore has not been applied to any planning proposals within the Metropolitan Rural Area. The Urbis analysis provides a Table which demonstrates that fact.

11. The fact that the policy has not been applied provides strong support for the proposition that little weight ought to be given to the policy.
12. The second Stockland matter for consideration points strongly in favour of giving little weight to the policy, for the reasons set out above.
13. The third matter for consideration is *the extent to which the policy has been departed from in prior decisions.*

The Urbis analysis³ states that there are limited examples of large-scale planning proposals made in the Metropolitan Rural area and accordingly in such circumstances there is limited evidence to suggest the policy has either been adhered to or departed from.

¹ Urbis analysis at paragraph 1.1 pages 2,3 and 4.

² Urbis analysis at paragraph 1.2 pages 4,5,6,7,8,9.

³ Urbis analysis at paragraph 1.3 pages 10 and 11.

14. The above fact means that the third matter for consideration is neutral, that is, the third matter provides no guidance as to the weight that ought to be given to the policy. Having said that, it is important to note that the neutrality of the third consideration is not a matter in favour of giving weight to the policy. Rather, the third matter neither adds weight to the policy nor does it detract weight from the policy.
15. The fourth matter for consideration is *the compatibility of the policy with the objectives and provisions of relevant environmental planning instruments and development control plans*.
16. The Urbis analysis⁴ states that the policy is not explicitly inconsistent with any Environmental Planning Instruments or development control plans.
16. The above fact means that the fourth matter for consideration is neutral, that is, the fourth matter provides no guidance as to the weight that ought to be given to the policy. Having said that, as noted above, the neutrality of the fourth consideration is not a matter in favour of giving weight to the policy. Rather, the fourth matter neither adds weight to the policy nor does it detract weight from the policy.
17. The fifth matter for consideration is *the compatibility of the policy with other policies adopted by Council or by any other relevant Government agency*.
18. The Urbis analysis⁵ notes that the Hills Shire Council's Local Strategic Planning Statement [LSPS] was endorsed by the Hills Shire Council on 22 October 2019. The LSPS is accompanied by the Rural Strategy 2019 and the Environment Strategy 2019. Urbis notes that the growth anticipated in the Rural Strategy 2019 is greater than the growth of 1-1.5% stated in the policy. This suggests to me that, for the purposes of the fifth Stockland matter for consideration, the policy cannot be described as being compatible with the LSPS or the Rural Strategy 2019.
19. Further, the Urbis analysis notes⁶ that the LSPS predicts a population increase of more than 12% in the Hills rural area between 2016 to 2036. This suggests to me that, for the purposes of the fifth Stockland matter for consideration, the policy ought not to be described as being compatible with the LSPS or the Rural Strategy 2019.
20. Another relevant matter noted by the Urbis analysis⁷ is that on 9 July 2019 the Hills Shire Council resolved to submit the Planning Proposal to the NSW DPIE for Gateway Assessment. This suggests to me that Council has formed the view that the rate of growth attributable to the implementation of the Planning Proposal is compatible with Council's policies, or at least is sufficiently compatible to justify the Council resolution. I understand that the growth attributable to the implementation of the Planning Proposal will exceed the upper limit of 1.5% in the policy. In such circumstances, this suggests to

⁴ Urbis analysis at paragraph 1.4 pages 12 and 13.

⁵ Urbis analysis at paragraph 1.5 pages 13 to 15.

⁶ Urbis analysis at paragraph 1.5 in the last sentence on page 14.

⁷ Urbis analysis at paragraph 1.5 in the last paragraph of 1.5.

me that, for the purposes of the fifth Stockland matter for consideration, the policy cannot be described as being compatible with Council's policies.

21. In such circumstances, and for the reasons set out above, the fifth Stockland matter for consideration points towards giving little weight to the policy.
22. The sixth matter for consideration is *whether the policy contains any significant flaws when assessed against conventional planning outcomes accepted as appropriate for the site or area affected by it.*
23. The Urbis analysis⁸ expresses the view that 'By restricting the growth of these areas to only 1-1.5% would not deliver the infrastructure upgrades otherwise identified within the Dural Urban Capability Assessment'. In such circumstances, it seems to me that the policy is arguably flawed when assessed against the conventional planning outcome identified as appropriate in the Dural Urban Capability Assessment. That is a matter which counts against giving weight to the policy.
24. The Urbis analysis also expresses the view⁹ that 'The provision of rural village expansion beyond 1-1.5% would unlikely deliver housing diversity sufficient to alleviate housing affordability or notably provide a housing product that is suitable and affordable for young persons and families'. In such circumstances, for the purposes of the sixth Stockland matter for consideration, the policy appears to contain a significant flaw, namely the antipathetic approach of the policy toward the delivery of housing diversity via rural village expansion beyond 1-1.5%.
25. In such circumstances, and for the reasons set out above, the sixth Stockland matter for consideration points towards giving little weight to the policy.
26. Having set out and considered each of the six Stockland matters, it is my opinion that the policy fares poorly in relation to matters 1,2,5 and 6. I have explained above why I have formed that view. Stockland matters 3 and 4 are neutral and provide no indication of weight one way or the other, for the reasons I have explained above. Importantly for present purposes, not one of the Stockland matters provides support for the attribution of weight to the policy. In such circumstances it would be in accordance with the law as stated by McClellan CJ in Stockland to attribute little or no weight to the policy.

C.J. Leggat SC

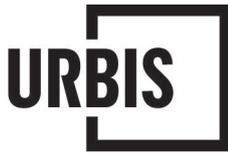


Martin Place Chambers 20 December 2019

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⁸ Urbis analysis at paragraph 1.6 on page 16.

⁹ Urbis analysis at paragraph 1.6 on page 16.



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05 February 2020

Ms Catherine Van Laeren
A/ Executive Director
Department of Planning, Industry, and Environment
via email: Catherine.VanLaeren@planning.nsw.gov.au

Dear Catherine,

PLANNING PROPOSAL | DERRIWONG ROAD & OLD NORTHERN ROAD, DURAL (PP_2019_THILL_005_00)

1. SUMMARY

Thank you again for your time on 19 November 2019 in respect to the above Planning Proposal (the Proposal) at Derriwong Road and Old Northern Road, Dural (PP_2019_THILL_005_00).

We understand that the Department of Planning, Industry and Environment (DPIE) and Transport for NSW (RMS) have reservations that the rezoning of the site could generate significant additional vehicle trips within the locality, prior to a government commitment for the comprehensive upgrade of the supporting road network, including New Line Road.

While we note that Federal and State Government funding has been provided for the investigation of upgrades to New Line Road and surrounds (the current New Line Road Study), we understand the concerns expressed by the DPIE around the need for timely delivery of infrastructure to support proposed development.

Accordingly, we write to inform the DPIE that the proponent would accept a Conditional Gateway Determination on the Proposal which would in effect excise the "Southern Parcel" from the Proposal until more certainty has been established around the upgrade to New Line Road. Such a condition on the Gateway Determination, would enable the delivery of the "Northern Parcel" in its current form, resulting in the overall reduction of the indicative dwelling yield from 181 to 99 dwellings and consequential total vehicle trips generated from 161 to approximately 85 during the PM (max.) peak hour.

All public benefits included within the Proposal for the "Northern Parcel" will continue to be delivered. Importantly, this includes the proposed drop-off and pick-up zone for Dural Public School which will also significantly offset any traffic impact in the short-term, and the provision of a regional road corridor across the site which will deliver long-term regional traffic improvements.

2. BACKGROUND

On 9 July 2019, the Proposal was endorsed by The Hills Shire Council to be forwarded to the DPIE for Gateway Determination.



On 19 November 2019, the proponent team met with Catherine Van Laeren, Gina Metcalf and Angela Hynes from DPIE together with Council Representatives (Nicholas Carlton and Stewart Seale) in respect to the Proposal. We note various issues were discussed which include the Metropolitan Rural Area Boundary and regional infrastructure including road infrastructure.

On 20 December 2019, we provided DPIE with an opinion from Craig Leggat SC with regard to the comments made by GSC of restricting rural village expansion within the Metropolitan Rural Area to 1-1.5% of existing population/dwellings.

3. CONDITIONAL GATEWAY DETERMINATION

3.1. REMOVAL OF SOUTHERN PARCEL

Based on our understanding of the issue in respect to regional infrastructure and in response to the traffic comments raised by the RMS and DPIE, the proponent is willing to defer the development of the “Southern Parcel” until there is more certainty around progress on New Line Road.

The proponent would proceed with the “Northern Parcel” in the short-medium term as this portion of the Proposal will deliver several public benefits that, among other factors, improves the road infrastructure in the locality above what would otherwise be expected by the increase in dwelling density proposed. Further the “Northern Parcel” maintains site-specific and strategic merit, given the limited site constraints and natural western, eastern, and northern boundary, adjacency to the Dural Public School and proximity to B1 Neighbourhood Centre zone, and position opposite RU5 Village zone (with minimum lot sizes of 500sqm under *Hornsby Local Environmental Plan 2013*).

The net result would be a reduction in the proposed indicative dwelling numbers from 181 new dwelling lots over the entire Proposal site to approximately 99 new lots within the “Northern Parcel” only.

Aecom’s Traffic Report predicted only 161 car movements per peak period generated by the Proposal across the Northern and Southern Parcels (181 lots). By limiting the Proposal to the “Northern Parcel” and so to 99 lots, the corresponding car movements per peak period are estimated to be approximately 85. Furthermore, the modest increase in 85 vehicle trips during peak hour will be offset by the proposed drop-off and pick-up zone for the school (see Public Benefits below) which will improve traffic congestion on Old Northern Road.

3.2. PUBLIC BENEFITS PROPOSED

The public benefit associated with the “Northern Parcel” is set out in our “Public Benefit Offer” issued to Council on the 24 April 2019, a summary of the key elements are as follows:

Public Benefit	Description
New Drop-off and Pick-off zone for Dural Public School radically improving safety for children and parents	Excise of approximately (subject to survey detail) 3,364sqm of land area from the Northern Parcel and dedication to The Hills Shire Council for an additional drop-off/pick-up parking facility (as public road) to service the adjacent Dural Public School away from Old Northern Road.



Dedication of approx. 9,900m ² of land to the Hills Shire Council for future Regional Road (Annangrove Rd Bypass)	Excise of approximately (subject to survey detail) 9,900sqm of land area from the Northern Parcel and dedication to The Hills Shire Council for the purposes of a New Regional Road with a 32m wide road reserve to provide a future link from Annangrove Road to Old Northern Road.
New public open space (4,000m ²) to be dedicated Council	Dedication of approximately 4,000sqm land area within the Northern Parcel to The Hills Shire Council for the purpose of local open space (available for use by the school as additional open area).
New traffic lights on Old Northern Rd	Construction of signalised intersection at the eastern boundary of the site and Old Northern Road.
Rectification of sewer connection issues for Dural Public School	<p>Connection of the Northern Parcel and the adjacent Dural Public School to the existing sewerage pumping station via a pressure sewerage system as indicatively proposed within 'Old Northern Road, Dural – Precinct 1 Sewerage and Water Supply Strategy', prepared by ARUP, dated 21 December 2017.</p> <p>It is noted that no upgrades are required to the potable water supply to service the development of the Northern Parcel, or the sewage pumping station and pressure main on the Northern Parcel.</p>

We note that currently the traffic loads to Old Northern Road generated by the Dural Public School are considerable and are compounded by the existing drop-off zone and parking areas located directly on Old Northern Road. The congestion and safety concerns are caused by vehicles arriving and departing the school, parents waiting to pick-up children and parents leaving their cars on the eastern side of Old Northern Road (crossing the road) to retrieve children. The identified public benefits will assist in alleviating this congestion.

Further, the existing septic system servicing the school is not adequate for the current school loading and as a result the seepage from time to time contaminates the playground and runs across the lower oval at the rear of the school site and onto the land behind the school. The proposed secure sewer connection included in the public benefit offer would alleviate this issue.

4. CONCLUSION

If requested by DPIE to inform the finalisation of the Gateway Determination, the proponent would welcome a further meeting to discuss the refinement of the Planning Proposal to be attended by the Proponent, the RMS, Urbis, AECOM and The Hills Shire Council.

Should we be able to satisfy the issues raised, we seek the support of DPIE to proceed with issuing a Conditional Gateway Approval based on the revisions outlined in this letter.



Yours sincerely,

A handwritten signature in black ink, appearing to read "Clare Brown".

Clare Brown
Director

CC Gina Metcalfe, DPIE
 Angela Hynes, DPIE
 Michael Edgar, The Hills Shire Council
 David Reynolds, The Hills Shire Council
 Nick Carlton, The Hills Shire Council



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11 March 2020

Ms Catherine Van Laeren
A/ Executive Director
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via email: Catherine.VanLaeren@planning.nsw.gov.au

Dear Catherine,

PLANNING PROPOSAL | DERRIWONG ROAD & OLD NORTHERN ROAD, DURAL (PP_2019_THILL_005_00)

We are writing with regards to the Planning Proposal at Derriwong Road and Old Northern Road, Dural (PP_2019_THILL_005_00).

We understand that the Department of Planning, Industry and Environment (DPIE) have reservations regarding the level of infrastructure in the area, and the required upgrades of the supporting road network, to progress the Planning Proposal.

Further to our letter dated 05 February 2020, we note that the updated Planning Proposal has a significantly reduced traffic impact compared to the original proposal (181 dwellings reduced to 99 dwellings), while it retains the overall suite of public benefits offered.

In addressing the DPIE reservations regarding the surrounding road infrastructure, we note that in addition to providing a reservation for a future regional road through the site, the proposed drop-off zone provides a significant benefit to the operation of the surrounding road network in the locality that should not be undervalued as described below.

- There is an existing problem of buses blocking or partially blocking the vehicle carriageway of Old Northern Road, through insufficient layover length and collocation of existing parking and drop-off zones. This is demonstrated in the photos and video provided at **Attachment A**, taken on 09 March 2020 immediately in front of the public school for your reference.
- This causes traffic to cross the unbroken lines on the crest of a hill, on a bend in front of Dural Primary School. This is a significant safety risk that the proponent and the Council are trying to mitigate and eliminate. This is an outcome welcomed and supported by the school P&C.
- The proposed new drop-off zone (on the site) for the public school will enable functional bus parking and layover on both sides of Old Northern Road, unimpeded by school drop-off and vehicle parking. This will facilitate the safe transit of bus passenger's as well as remove a traffic block on a key arterial road.
- By removing these drop-off vehicles from Old Northern Road, the impact of bus layovers on the traffic flow on the carriageway is mitigated. There are also safety benefits of removing drop-off of children from Old Northern Road relating to children disembarking cards in the unmade verge of a heavily trafficked road, vehicles crossing solid lines to overtake and so forth.
- In order to access the new drop-off zone, cars will enter a new local or regional road adjacent to the school via a new controlled intersection to be delivered as part of the proposed Public Benefit



Offer, as generally illustrated in the Northern Precinct Masterplan submitted with the Planning Proposal. The detailed design of this intersection and functionality of the drop-off zone will be subject of the detailed development application.

We trust that this additional information provided at **Attachment A** provides a greater understanding of the problems faced by the Council, which is proposed to be mitigated by the revised Planning Proposal.

We consider that the merits of the Planning Proposal are clear as well as the public benefit that will be delivered to the community in particular the resolution of a vehicle-pedestrian conflict which is adversely impacting o the traffic flows in the Old Northern Road.

Should we be able to satisfy the issues raised, we seek the support of DPIE to proceed with issuing a Conditional Gateway Approval based on the revisions outlined in this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Clare Brown".

Clare Brown
Director

CC Gina Metcalfe, DPIE
 Angela Hynes, DPIE
 Michael Edgar, The Hills Shire Council
 David Reynolds, The Hills Shire Council
 Nick Carlton, The Hills Shire Council

APPENDIX A – PHOTOGRAPHS AND VIDEO (SEPARATE FILE)



Figure 1 – Old Northern Road, looking north



Figure 2 – Old Northern Road, looking north



Figure 3 – Old Northern Road, looking south



Figure 4 – Old Northern Road, looking south



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19 March 2020

Ms Catherine Van Laeren
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via email: Catherine.VanLaeren@planning.nsw.gov.au

Dear Catherine,

PLANNING PROPOSAL | DERRIWONG ROAD & OLD NORTHERN ROAD, DURAL (PP_2019_THILL_005_00)

We are writing with regards to the Planning Proposal at Derriwong Road and Old Northern Road, Dural (PP_2019_THILL_005_00).

We understand that the Department of Planning, Industry and Environment (DPIE) have reservations regarding the level of infrastructure in the area, and the required upgrades of the supporting road network, to progress the Planning Proposal.

Further to our letters dated 05 February 2020 and 11 March 2020, we note that the updated Planning Proposal has a significantly reduced traffic impact compared to the original proposal (181 dwellings reduced to 99 dwellings), while it retains the overall suite of public benefits offered.

Please find attached advice (**Attachment A**) received from the project traffic engineer, AECOM, which outlines the likely traffic generation of the reduced yield, and the benefits of the proposed drop-off zone on both the surrounding road network and road safety generally.

Further, we attached additional video evidence (**Attachment B**) taken on Monday 16 March 2020 to provide a greater understanding of the problems faced by the Council, which is proposed to be mitigated by the revised Planning Proposal.

We consider that the merits of the Planning Proposal are clear as well as the public benefit that will be delivered to the community in particular the resolution of a vehicle-pedestrian conflict which is adversely impacting on the traffic flows in the Old Northern Road.

Should we be able to satisfy the issues raised, we seek the support of DPIE to proceed with issuing a Conditional Gateway Approval based on the revisions outlined in this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read "A. Ryan".

Ashleigh Ryan
Associate Director



CC Gina Metcalfe, DPIE
 Angela Hynes, DPIE
 Michael Edgar, The Hills Shire Council
 David Reynolds, The Hills Shire Council
 Nick Carlton, The Hills Shire Council

19 March 2020

Ms Catherine Van Laeren
A/ Executive Director
Department of Planning, Industry, and Environment
via email: Catherine.VanLaeren@planning.nsw.gov.au

Dear Catherine,

**PLANNING PROPOSAL | DERRIWONG ROAD & OLD NORTHERN ROAD, DURAL
(PP_2019_THILL_005_00)**

1.0 Background

AECOM was commissioned by Urbis to prepare a Traffic Impact Assessment (TIA) to support the above proposed development in the Dural area. The TIA was prepared to describe the likely impacts of the vehicular trips generated by the Dural development on the surrounding local road network.

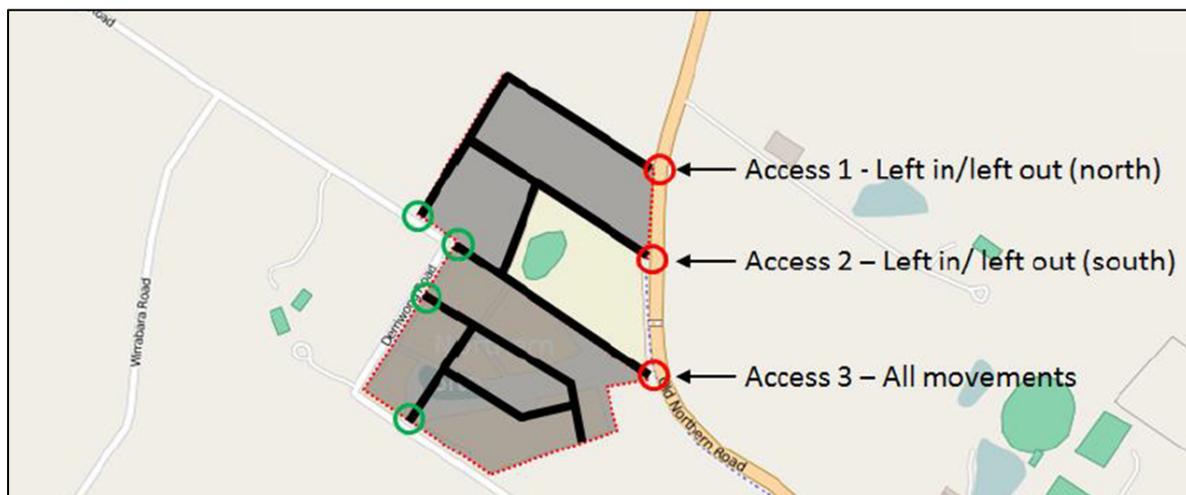
We understand that the Department of Planning, Industry and Environment (DPIE) have raised concerns regarding the general lack of road infrastructure in the area and sought road upgrades to progress the development. It is further understood that an updated Planning Proposal was submitted by the proponent for consideration, which describes a reduced development yield compared to the original proposal, while retaining the overall suite of public benefits.

In order to support the revised Planning Proposal, AECOM have undertaken a high-level review of the updated development to identify the impacts on the surrounding road network and potential wider benefits being offered.

2.0 Project context

It is understood that based upon consultations held between the proponent, DPIE and Transport for New South Wales (TfNSW, formerly Roads and Maritime), the proponent has now decided to request a Conditional Gateway Determination on its revised planning proposal. This will enable the delivery of the Northern Site, which is located between Derriwong Road and Old Northern Road as presented in Figure 1. The Northern Site is proposed to have three access points onto the Old Northern Road and four access points onto Derriwong Road. The updated Planning Proposal describes a reduced development yield compared to the original proposal, by reducing the overall number of dwellings to 99 from 181.

Figure 1 Proposed development – Northern site



3.0 Existing site conditions

Site observations indicated that the bus bays do not comply with current design guidance and have insufficient width and length. As a result, buses stopped in the bus zone partially block the carriageway of Old Northern Road. Traffic passing buses then uses the chevron area next to the bus zone (located on a curve) in front of Dural Primary School. This arrangement represents a significant safety risk to the road users. The proponent’s development seeks to eliminate this risk. It is also noted that this road improvement within the proposal is supported by the Council and school P&C.

4.0 Project benefits and infrastructure improvements

The updated Planning Proposal provides four significant areas of benefit to the community and also responds to the concerns raised by DPIE:

- The proposed new drop-off zone (on the site) for the public school will now enable bus parking and layover on both sides of Old Northern Road, unimpeded by school drop-off and vehicle parking. This will facilitate the safe transit of bus passengers as well as alleviate a traffic bottleneck on the Old Northern Road. The relocation of the drop-off facility for children from Old Northern Road also helps improve safety for children by allowing drop-off activity away from an arterial road.
- The new drop-off zone will be accessed using a new signalised intersection, which will be delivered by the proponent as part of the updated Planning Proposal. This allows a safer and more efficient movement for cars accessing the drop-off area, compared to the existing arrangements. The detailed design of this intersection and functionality of the drop-off zone will be subject of the detailed development application.
- The updated Planning Proposal dedicates approx. 9,900m² of land to the Hills Shire Council for a future Regional Road (Annangrove Rd Bypass), with a 32m wide road reserve to provide a future link from Annangrove Road to Old Northern Road. This is expected to assist with the traffic operations and augment road capacity in the area.
- The updated Planning Proposal also includes the construction of a signalised intersection at the eastern boundary of the site and Old Northern Road (Access 3 as presented in Figure 1). This will allow safe movements for the vehicles accessing the Northern Site through this access.

5.0 Traffic generation

Based on the updated planning proposal, the traffic generation from the development is expected to reduce significantly compared to the TIA. A summary of traffic generation based on original and revised Planning Proposal are presented in Table 1. The revised traffic generation is expected to be 45% lower than the estimates reported in the TIA.

Table 1 Traffic generation

Scenario	Dwellings	Traffic Generation	
		AM Peak	PM peak
Original (as per TIA dated 17-Nov-2016)	181	156	161
Revised (Urbis letter dated 05-Feb-2020)	99	85	88
		Difference	-73 (-45%)

The PM peak hour (3:15 to 4:15pm) is expected to offer the maximum demand on the road network, combining both development traffic and background network traffic. An assessment was undertaken for the future year 2026, to estimate the level of increased traffic at intersections in the study area due to the addition of development traffic. It is estimated that the traffic flow increases on the Old Northern Road in the PM peak hour by about 1%. This is a nominal increase in traffic and is generally not expected to result in any significant adverse impacts on the local area network and would typically be less than daily variation in peak hour traffic.

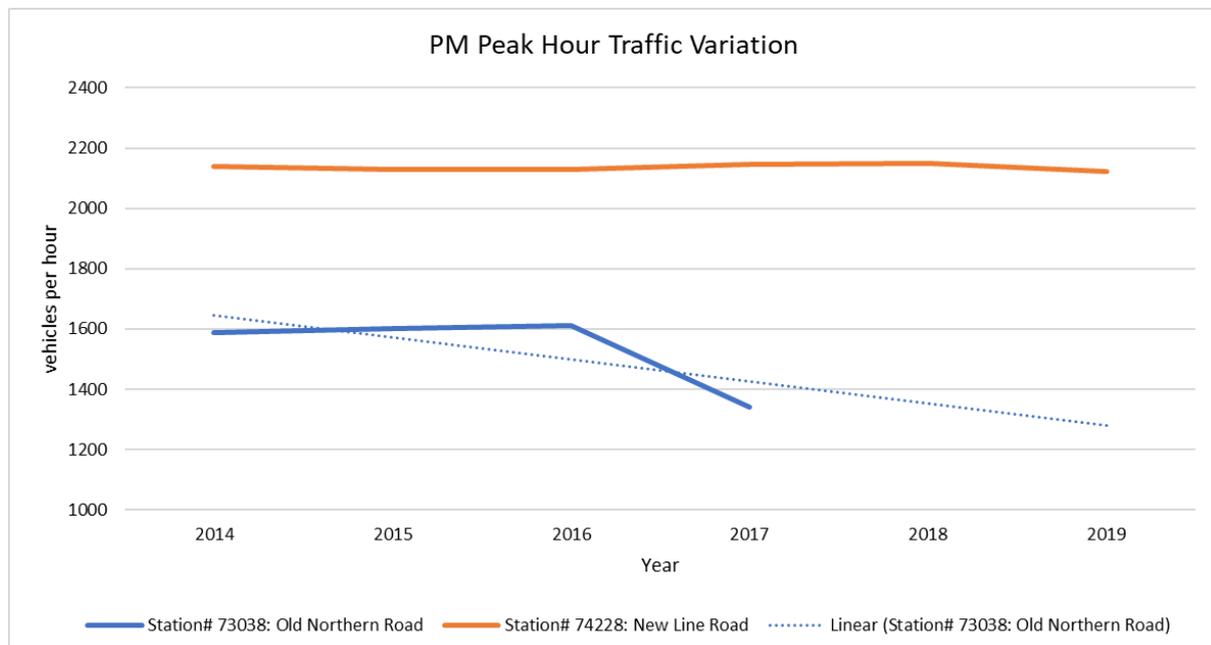
6.0 Background traffic growth

There are two permanent traffic counters, installed by TfNSW, in the vicinity of the proposed development site as follows:

- Station #73038: Old Northern Road, near Malabar Road, Round Corner
- Station #74228: New Line Road, east of Purchase Road, Cherrybrook

The average weekday PM peak hour traffic flow pattern at these two permanent counters over the last five years were reviewed to understand the changes in traffic flow and is presented in Figure 2.

Figure 2 Average weekday PM peak hour traffic profile



It is observed that average weekday PM peak hour traffic at the Old Northern Road site is showing a declining trend at an average rate of 5.1% per year (indicated by the trendline shown in blue dots). The New Line Road site on the other hand is following a relatively flat profile for the last four years but is expected to go downwards at an average rate of 0.15% per year.

7.0 Traffic impacts

In order to understand potential traffic impacts without intersection upgrades in place, a high-level intersection assessment was undertaken considering the updated Planning Proposal. The future year 2026 traffic models for the PM peak hour at the intersections along Old Northern Road was taken from the TIA assessments. Existing year 2020 and future year 2026 traffic was projected from the 2015 traffic counts based on traffic growths detailed in Section 6.0. Revised development traffic as per Section 5.0 was then added for the future year 2026 to assess the impacts. These were modelled for

the future base case 2026 without development and with revised development traffic. Intersection layouts were maintained as per existing to determine the future impacts without any road upgrades.

The assessments were undertaken only for the PM peak hour and are presented in Table 2.

Table 2 Intersection performance – PM peak hour

Intersection	Without intersection upgrades (PM peak hour)			
	Existing delay 2020 (seconds)	Future year 2026 base (seconds)	Future year 2026 with revised development traffic (seconds)	Change in delay
Old Northern Rd/Derriwong Rd	71	35	36	+3%
Old Northern Rd/New Line Road	19	16	16	-
Old Northern Rd/Vineys Road	81	33	34	+3%

Note: Growth rates as per historical trends used to obtain projected future traffic

The assessments suggest that addition of development traffic is expected to cause minimal impacts on the study area intersections during the future year 2026, with less a 3% or less increase in average delays at the intersections.

8.0 Summary

Based on the above assessment undertaken for the updated Planning Proposal, the outcomes for the surrounding road network are summarised as follows:

- The additional road infrastructure described in section 4 above provides four significant areas of benefit to the community and also responds to the concerns raised by DPIE.
- The updated Planning Proposal has proposed a reduced development yield compared to the original proposal by reducing the overall number of dwellings to 99 instead of 181. The revised traffic generation is expected to be 45% lower than the estimates reported in the TIA.
- A range of infrastructure improvements as described in Section 4.0 offering a range of benefits including enhanced road safety, additional network capacity and improved performance.
- The average increase in traffic along Old Northern Road arising from the development during the PM peak hour is expected to be about 1% of the future background traffic. This is well within the average daily peak hour traffic variation.
- It is observed that average weekday PM peak hour traffic at the Old Northern Road site is showing a declining trend at an average rate of 5.1% per year. The New Line Road site on the other hand is following a relatively flat profile for the last four years but is expected to go downwards at an average rate of 0.15% per year. This suggests that the future background traffic during the PM peak hour is expected to be lower than the existing conditions.
- The assessments indicate that addition of development traffic is expected to cause minimal impacts on the study area intersections during the future year 2026, with a 3% of less increase in average delays at the intersections.

In view of the above, it is concluded that the updated Planning Proposal responds to the concerns of DPIE, offers significant benefits and opportunities for enhancing capacity of the road network and cause minimal negative impacts on the surrounding road network.

We seek the support of DPIE to proceed with issuing a Conditional Gateway Approval based on the assessments outlined in this letter.

Yours Sincerely

Steven Kemp
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