



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
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20 May 2022

Mr Adrian Villella
Associate Director – Urbis
Angel Place, Level 8, 123 Pitt Street
SYDNEY NSW 2000

Via Email: avillella@urbis.com.au

Our Ref: FP35

Dear Adrian

PRELODGEEMENT FEEDBACK – POTENTIAL PLANNING PROPOSAL – WEST GABLES

I refer to our meeting held on 6 April 2022 with respect to the above matter. Thank you for presenting your preliminary plans to Council Officers. The following matters are provided for your consideration following on from the pre-lodgement meeting discussions and our preliminary review of the submitted material.

- **Strategic Context**

The Greater Sydney Region Plan and Central City District Plan seek to protect land within the Metropolitan Rural Area from residential development and prevent its conversion to more intensified urban land uses. As the subject land is mapped as being within the Metropolitan Rural Area within the Region and District Plans, rezoning for urban development would technically be inconsistent with the Government's Region and District Plans and this would need to be adequately justified in order to satisfy the strategic merit test.

It is acknowledged that there is a disconnect between the District Plan and Council's adopted Local Strategic Planning Statement (LSPS) and supporting Housing Strategy, particularly with respect to this land. Council's policies reflect the urban zoning of the Gables Precinct and *do* identify the subject land (being remaining rural land between Box Hill and Gables Precincts) as being within the Urban Growth Boundary (UGB). Council's policies point to the merit of a master-planned approach to the rezoning of this particular land for residential development.

It is appreciated that the land subject to this potential planning proposal encompasses all remaining rural sites located between the North West Growth Centre Box Hill Precinct and the Gables Precinct. A holistic master planned approach to deal with all of this remaining rural land between the two urban precincts as one single proposal is critical to the merit of any rezoning application.

It should be noted that Council's LSPS and Housing Strategy demonstrate that The Hills is well-placed to meet its identified housing targets, as well as forecast housing demand to 2036 and beyond. In light of this, Council's LSPS states that Council will only support further rezoning for

residential purposes where a clear and substantial public benefit is provided, beyond the infrastructure upgrades that are generally required to support development uplift.

Consideration should be given to the justification for the proposal to provide additional housing in this context, and clearly demonstrate the tangible community and public benefits associated with any rezoning proposal. Any future planning proposal application should address all elements of the strategic context and not solely rely on the land being suitable for conversion to urban purposes.

- **Infrastructure Demand and Funding**

With the potential for 1,200 – 1,300 new dwellings based on the material submitted, detailed consideration of infrastructure capacity, required upgrades and potential funding mechanisms will be necessary.

It is recommended that you undertake early consultation with relevant public authorities. Prelodgement discussions identified that Transport for NSW and Schools Infrastructure NSW are two key State Government agencies that should be consulted as early as possible in the planning proposal process. The following contact details may assist you in your preliminary engagement.

Mr David Doyle
Director Strategic Transactions
Schools Infrastructure NSW
David.doyle29@det.nsw.edu.au
0408 226 812

Mr Steven Nguyen
Network & Safety Officer (Central River City)
Planning and Programs
Transport for NSW
Steven.nguyen@transport.nsw.gov.au
0427 121 791

The planning proposal should be accompanied by a Needs Assessment, having regard to existing and forecast local infrastructure capacity as well as the benchmark rates within Council's recreation Strategy. Consideration should be given to the cumulative impact of development, rather than the subject planning proposal's impact in isolation. This is particularly important with respect to traffic and access, which is discussed in further detail in a later section of this letter.

Any proposed new or upgraded local infrastructure will need to consider the ongoing financial maintenance burden that will be placed on Council in the longer term. While high quality amenity and embellishment outcomes are desirable, the ability to financially sustain new assets into the future should also be a central consideration. The establishment of a local association is a potential solution to avoid an undue burden on ratepayers elsewhere in the Shire.

Any proposed infrastructure funding mechanisms should be submitted to Council at the time of lodgement, to ensure a full assessment and resolution concurrent with the proposed planning outcomes.

- **Utilities Servicing**

The pre-lodgement discussion indicated that the proposed development would be capable of connecting to the existing privately operated water treatment plant on Red Gables Road, Gables. The supporting planning proposal material should demonstrate that this is possible and detail any plans for augmentation that may be required to accommodate the additional capacity. Demonstrating certainty on this matter is crucial to considering the appropriateness of any additional yield.

Should the private water treatment plan be unable to accommodate the proposed development, further discussions will likely be required with public utilities agencies and these authorities should be engaged as soon as possible.

- **Traffic and Access**

There are a number of planned intersection upgrades in the area that are relevant for the subject site and future development on the land should seek to integrate with these plans. Notably, there are proposed upgrades to the intersection of Valletta Drive and Old Pitt Town Road, as well as the intersection of Boundary Road and Old Pitt Town Road. The most recent preliminary and 80% design concepts are attached for your consideration with respect to these intersections, as well as the line marking and signposting plans for Boundary Road and Old Pitt Town Road. Please note that these plans are not publicly available information and should not be shared outside of this proposal.

As mentioned in prelodgement discussions, Old Pitt Town Road is a key evacuation route for the northern locality of The Hills and Hawkesbury areas. Given current circumstances, there are ongoing discussions within State Government with respect to the adequacy of this evacuation route and the subsequent impacts on future development capacity. While the subject land itself may not utilise this road for evacuation purposes in the same critical manner as land further north, any development that adds new users to this evacuation route will be further scrutinised in terms of its cumulative load impact.

In addition to meeting the current requirements of Ministerial Direction 4.1 Flooding, planning proposals are also required to seek additional flooding advice from DPE until such time as the findings from NSW Flood Inquiry are known. The planning proposal will need to be updated to address the Inquiry findings as no savings provisions will apply. It is therefore recommended that you commence early consultation with the relevant public authorities on this matter.

- **Targeted Consultation Sessions**

Given the large scale of the proposal, you have expressed your intent to arrange more targeted technical meetings within Council to focus on specific environmental or design matters. Following discussions at the prelodgement meeting, the following targeted meetings are considered to be beneficial:

- Civil Engineering, Subdivision and Waterways
- Traffic and Transport
- Open Space, Recreation, Civil Maintenance, Contributions and Infrastructure
- Environment, Biodiversity

It is noted that discussions have progressed with respect to these since our initial meeting and Council Officers are in the process of scheduling these targeted meetings.

Please note that these sessions seek to facilitate Officer-level technical discussions only. They should not be viewed as an indication of approval or acceptance with respect to the decision of the elected Councillors on whether to support the planning proposal's progression to Gateway Determination

- **Submission Requirements and Planning Proposal Process**

The following supporting studies would likely be required (as a minimum) with any planning proposal application:

- Application Form, Owners Consent and completed Political Donations forms;

- A Planning Proposal Report, which addresses the Department of Planning and Environment's *Local Environmental Plan Making Guideline* and the matters outlined in this letter;
- Master Plan/Structure Plan/Urban Design Report;
- Heritage Assessment Report;
- A draft Development Control Plan;
- Traffic, Parking and Accessibility Report;
- Environmental constraints reports (stormwater, flooding, biodiversity & bushfire);
- Economic and Residential Demand Analysis;
- Utilities Servicing Report;
- Local Infrastructure Analysis – which considers the impacts of the proposal on the demand for local infrastructure and recommends a suitable development contributions framework in association with any development uplift on the land; and
- Workshop presentation material for Councillor briefing session (refer to attached Planning Proposal Policy).

The subject proposal would be categorised as a “Precinct” application, with an associated fee of \$169,380. A copy of Council's Schedule of Fees and Charges for the 2021-2022 Financial Year can be accessed on Council's Website here: <https://www.thehills.nsw.gov.au/Council/Documents-Reports-Registers-and-Policies/The-Hills-Shire-Plan-Archive> Please note the fees and charges are under review and may change with the adoption of the next Hills Shire Plan and commencement of the new financial year.

A draft fee structure for the 2022-2023 Financial Year is currently on public exhibition and available for public viewing on Council's website. The draft fee structure includes a pre-lodgement and scoping fee of \$3,500 and revised planning proposal categories that seek to align with DPE's new Local Environmental Plan Making Guideline. Council Officers can confirm the applicable fees closer to the time of lodgement should the planning proposal be lodged in the 2022-2023 Financial Year.

It should be noted that the Department of Planning and Environment has implemented its Planning Reform Action Plan, which seeks to fast track planning proposal assessment timeframes and provides minimal opportunity to obtain timeframe extensions. Council is expected to determine whether or not a planning proposal will proceed to Gateway Determination within 120 working days of a proposal being lodged. This change in the planning proposal process means that detailed consideration of infrastructure, design or other technical matters can no longer be deferred to the post-Gateway stage, nor is there substantial opportunity to negotiate and revise elements of a proposal following formal lodgement.

For this reason, Council officers are happy to continue to work through technical matters with you prior to lodgement of the proposal, in order to enable submission of a holistic package of supporting documentation that will enable expedient and full assessment and reporting to be completed. Please be aware that following formal lodgement, Council officers will promptly progress with the following steps:

- You will be invited to provide a presentation to the elected Council at the next available Councillor Workshop, in accordance with Council's Planning Proposal Policy. Please note that a suitable presentation must be included as part of the planning proposal lodgement package;
- Council officers will complete a full technical assessment of the application, as submitted, and report this to the Local Planning Panel for advice; and
- Following the Local Planning Panel, Council officers will report the application to Council, as submitted, for a determination on whether or not to progress to Gateway Determination.

It is noted that there are two landowners and multiple organisations that will be involved in this planning proposal application. Your suggested approach of one consolidated point of contact is supported to ensure ease and clarity in communication throughout the application process.

Should you wish to discuss this matter further, please contact Kayla Atkins, Strategic Planning Coordinator, on 9843 0404 or at katkins@thehills.nsw.gov.au.

Yours faithfully



Megan Munari
PRINCIPAL COORDINATOR FORWARD PLANNING

ATTACHMENTS:

1. PRELIMINARY ROAD DESIGNS
2. PLANNING PROPOSAL POLICY