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15 March 2024

Megan Munari
Principal Coordinator, Forward Planning
Hills Shire Council
Via NSW Planning Portal

Dear Megan,

PRELIMINARY ASSESSMENT RESPONSE – 1/2024/PLP

1. INTRODUCTION

This letter has been prepared by Urbis Ltd on behalf of Stockland Development and Allam Property Group (the proponent group) in relation to the West Gables Planning Proposal (1/2024/PLP) and the proposed amendment to the Hills Shire Local Environmental Plan (HLEP 2019), relating to land at 93-105 & 109-113 Old Pitt Town Road, 1, 2 & 4 Cataract Road, and 145 & 151 Boundary Road, Gables.

Following the receipt of the outcomes of the preliminary assessment letter from Council on 8 December 2023, along with additional comments received via email on 22 February 2024, the applicant has prepared a response addressing the matters raised. The following response table (overleaf) should be read in conjunction with the below attached documents:

- **Appendix A** – Lot Testing Package
- **Appendix B** – Draft Site-Specific DCP (& Appendix 1)
- **Appendix C** – Flood Modelling Assessment
- **Appendix D** – Transport Letter
- **Appendix E** – Altogether Servicing Letter
- **Appendix F** – Owner's Consent for 99 Old Pitt Town Road.
- **Appendix G** – Biodiversity Letter

2. LOT SIZE PROVISIONS

To summarise, and as amended in response to Council's preliminary assessment letter, the following site-specific minimum lot size provisions are proposed for the West Gables:

Amend the Minimum Lot Size control under Clause 4.1 from 2 hectares to:

- To a minimum lot size of 700m² for land zoned R2 Low Density Residential, and
- A minimum lot size of 450m² for land zoned R3 Medium Density Residential

To enable this, it is proposed to insert a new site-specific additional local provision clause under Part 7 that:

- Allows an exception to clause 4.1 and the delivery of lots in between 300m² and 450m² through the submission of a building Envelope Plan. The clause is proposed as such:

7.(TBC) Development on certain land at Gables

(1) The objectives of this clause are as follows –

(a) To provide for flexibility in the application of the minimum lot size standard for residential development in the R3 Medium Density Residential Zone

(b) To encourage a diversity of housing and allotment types that promotes residential amenity consistent with the suburb of Gables

(c) To ensure development is consistent with the capacity of public utility infrastructure

(2) This clause applies to land identified as “Area X” on the “Clause Application Map”

(3) Despite Clause 4.1, land zoned R3 Medium Density Residential may be subdivided with development consent, to create a lot(s) less than 450m² (but not less than 300m²) if –

(a) The consent authority is satisfied that the lot can contain a building envelope, to enable the erection of a dwelling house, and

(b) The subdivision is for more than 3 lots, and

(c) No more than 4 contiguous lots in a row will have the same frontage width

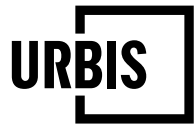
- Also allows an exception to Clause 4.1 to allow the delivery of lots equal to or greater than 225m² under the above-mentioned site-specific clause, through the 'Integrated Development Application Pathway'. As a response to Council's preliminary feedback letter, the clause is now written as such:

(4) Notwithstanding Clause 4.1B (3) (b), development consent may be granted to a single development application for the subdivision on land zoned R3 Medium Density Residential for a lot equal to or greater than 225 square metres, however, that development consent must not be granted under this clause, unless:

The development application is for both of the following:

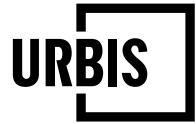
- i. The subdivision of land into 3 or more lots, and*
- ii. the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision*
- iii. the consent authority is satisfied that the development application addresses Clause 4.1B (4) (a-e) and,*
- iv. That the subdivision is appropriate having regard to the impact on the residential amenity and streetscape in the area*

It is acknowledged that as part of this Planning Proposal, that State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, that the Department of Planning, Housing and Infrastructure, will facilitate an update to the application to the Greenfield Housing Code Area Map, as done for Gables.



3. RESPONSE SUMMARY

Responses to Councils RFI items are provided in the following table:

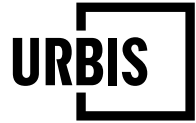


RESPONSE

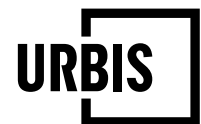
Matter	Council Comment	Response
LEP Mechanisms		
Dwelling Cap	<p>The planning proposal report includes a draft local provision imposing a total dwelling cap of 1,260 dwellings. The urban design report comprises a proposed LEP map that apportions the dwelling cap across three sites however this is not reflected in any of the proposed LEP amendments. It is unclear how the dwelling cap would respond to the range of housing typologies that are permitted in the land use zone, specifically secondary dwellings and dual occupancies. These land uses would permit more than one dwelling on a parcel of land, which would in turn lead to a scenario where the dwelling cap precludes the ability to facilitate a dwelling on every proposed lot within the master plan, particularly as development rolls out in stages across the Precinct and subsequent landowners seek to undertake modifications to their property. Similarly, the variation in minimum lots sizes could also lead to this scenario. Periodic review and lifting of the cap over time would result in cumulative infrastructure implications that are not currently captured as part of the consideration of this rezoning proposal and is therefore not a suitable resolution to this issue. Consideration should be given to how the proposed dwelling cap will be administered and upheld with certainty and how it</p>	<p>Acknowledging Council's feedback on the dwelling cap, it is proposed to remove the dwelling cap as an LEP mechanism, and rather include the dwelling cap within the Voluntary Planning Agreement (VPA). This will enable Council to control dwelling numbers within the precinct and ensure that social infrastructure is delivered as required to support the incoming population. In accordance with this direction from Council, a Letter of Offer is currently being drafted by the proponent group and GLN Planning.</p>



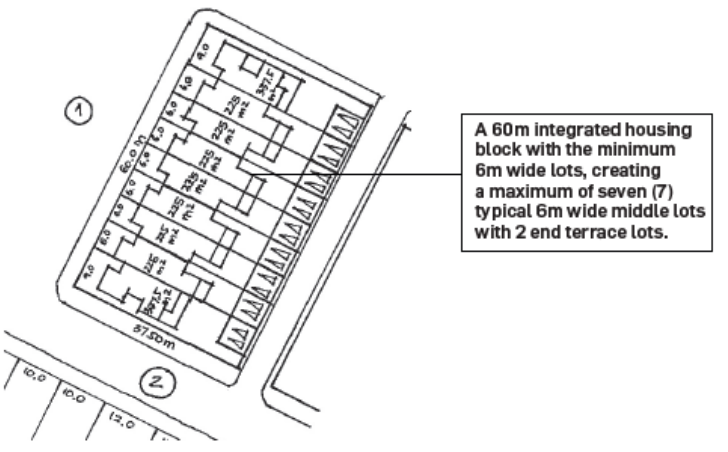
Matter	Council Comment	Response
	interrelates with the range of permissible residential dwelling typologies and minimum lots sizes under the LEP.	
Minimum Lot Size	<p><u>Subclause 4</u></p> <p>The proposed minimum lot size to be mapped within the LEP would permit lot sizes down to 450m². A number of concerns are raised with respect to the supporting local provisions: - With respect to the proposed “Sub Clause 4”, the entire West Gables Precinct is mapped as the area where a minimum lot size of 225m² could occur, through the proposed provision. Concern is raised with the lack of certainty regarding how frequently these lot size reductions would occur across the Precinct and where in particular these outcomes would be possible. The master plan indicates some specific locations where this outcome is intended however the planning controls are broader and do not provide any certainty with respect to the location of these small lots. It is acknowledged that this outcome may be appropriate in certain locations (for example, fronting larger open space areas) and it is therefore recommended that you refine the application of the local provision to more accurately reflect and apply to the areas where this outcome is intended, rather than the entirety of the West Gables Precinct.</p>	<p>A West Gables Lot Testing Package (Lot Testing Package) has been prepared demonstrating indicative subdivision patterns and dwelling typologies for typical street blocks (Areas 1, 2 & 3) across West Gables. The Lot Testing Package, provided as Appendix A to this letter, should be read in conjunction with the below response.</p> <p>The following points demonstrate why Sub-Clause 4 and the reduction in lot size down the 225m² could not be frequently used.</p> <p>DA Requirements</p> <p>The proposed planning pathway for 225m² lots under Sub-Clause 4 is for a Development Application (DA) only. This is because the clause requires a subdivision alongside dwelling construction, under the same application. A CDC pathway for the erection of a detached, attached, or semi-detached dwelling is not possible on lots with an area less than 300m² in accordance with Sub-Clause 4.</p> <p>Further, the following specific mechanisms will prevent applicants from frequently reducing the lot size down to 225m².</p> <p><u>Indicative Layout Plan:</u> The permissible reduction in lot size down to 225m² is only intended for the areas identified in the ILP for integrated housing. Development Applications will need to demonstrate consistency with the ILP</p>



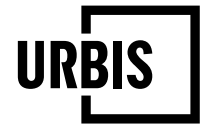
Matter	Council Comment	Response
		<p>in accordance with the controls. Therefore, a blanket application of 225m² lots would be inconsistent with the land use arrangement in the ILP.</p> <p><u>Zoning:</u> The Gables is already an established medium density residential environment. West Gables has been designed to function as an extension of Gables, whilst also being a distinct community in its own right. Despite the R3 zoning, housing and lot sizes in Gables have tended to skew towards detached housing and larger lots as a result of demand, with attached housing and smaller lots occurring less frequently. These same market conditions are expected to prevail over West Gable as well. Regardless, when assessing applications for 225m² integrated housing lots, Council will need to have regard to the objectives of the zone, which are:</p> <ul style="list-style-type: none">▪ To provide for the housing needs of the community within a medium density residential environment▪ To provide a variety of housing types within a medium density residential environment <p>Therefore, the assessment of the application will need to determine whether it contributes to a “<i>medium density residential environment</i>” and a “<i>variety of housing types</i>”. Therefore, applications proposing an excessive amount of 225m² integrated housing lots, would be inconsistent with the objectives of the R3 Zone and not in the public interest as it would, for example, not result in a variety of housing types.</p> <p>Urban Design Analysis</p>




Matter	Council Comment	Response
		<p>As evidenced in the Lot Testing Pack, a blanket use of the 225m² integrated housing lot size is not achievable across the various typical street blocks across West Gables. This is namely due to the street block widths, depths and road layout.</p> <p>The deepest lots within West Gables are typically 35m, meaning that future lots cannot have a drastically narrow lot width when compared to the proposed standard residential lots (300m² – 700m²) which will make up the majority of West Gables in accordance with the ILP. The Integrated housing lots, in most instances, will have a width greater than 6m (in between 7-9m), with a lot size in between 225m² and 285m².</p> <p>For example, in Area 1 under Scenario D in the Lot Testing Pack (refer Figure 1 below), a 60m street block identified for integrated housing under the ILP is shown. A subdivision of this block would likely result in a maximum of seven (7) typical 6m wide lots, 225m² in size, with two larger lots on the corners, at 9m wide and 335m² in size.</p> <p>Figure 1: Area 1, Scenario D</p>

Matter	Council Comment	Response
		<p>AREA 1 - SCENARIO D</p>  <p>It was also intended that all the requirements under Clause 4.1B of the HLEP 2019 would apply to subdivisions seeking a reduction in lot size down to 225m² in accordance with Sub-Clause 4. Therefore, to clarify, it is proposed to insert the following text under the Sub-Clause 4 (new text in red):</p> <p>(a) Notwithstanding Clause 4.1B (3) (b), development consent may be granted to a single development application for the subdivision on land zoned R3 Medium Density Residential for a lot equal to or greater than 225 square metres, however, that development consent must not be granted under this clause, unless: The development application is for both of the following:</p> <p>(i) The subdivision of land into 3 or more lots, and</p>

Matter	Council Comment	Response
		<p>(ii) the erection of an attached dwelling or a dwelling house on each lot resulting from the subdivision</p> <p>(iii) the consent authority is satisfied that the development application addresses Clause 4.1B (4) (a-e) and</p> <p>(iv) That the subdivision is appropriate having regard to the impact on the residential amenity and streetscape in the area.</p> <p>It is intended that Sub-Clause 4 replicates the provisions under Clause 4.1B as it currently exists under the HLEP 2019. The difference in the permitted minimum lot size between the clauses is 15m² which would be imperceptible from the public domain and the streetscape. Therefore, the proposal is unlikely to result in a radically different subdivision layout beyond what currently Clause 4.1B enables.</p> <p>In addition, given the identical integrated housing requirements under Clause 4.1B, it would not be feasible from a resourcing and risk perspective to pursue this planning pathway frequently.</p>
	<p>Subclause 3</p> <p>With respect to the proposed “Sub Clause 3”, this would effectively reduce the level of detail required as part of future applications that seek minimum lot sizes below 450m², in comparison to the existing requirements of LEP 2019. Council officers are still considering the appropriateness of this request. The Urban Design Report submitted only provides details of dwelling typologies for lots between 300-700m² however does not provide any differentiation within this (for example 300-450m² lots and 450-700m² lots). Further details regarding the</p>	<p>It is noted that Council is still considering the appropriateness of the request for Sub Clause 3 made under the West Gables Planning Proposal.</p> <p>The ILP and Urban Design Report have been updated to reflect more clearly the differentiation in lot size. It is considered unnecessary to differentiate between the lots within the standard residential lot area in the ILP. Lots within this area will range from 300-450m² and 450m² and 700m² in size, and will all accommodate a form of detached housing. The only differentiator between these lots are that at the DA stage, building envelope plans will need to be submitted for lots between 300m²-450m².</p>



Matter	Council Comment	Response
	dwelling products that would fit within a building envelope on a 300-450m ² lot are requested to assist in our consideration of this element of the proposal.	As part of the Lot Testing Pack, detail has been provided illustrating the type of dwelling products that would fit within a building envelope on a 300-450m ² 'standard' lot. The standard lots will typically be 30m in depth and range in between 10m-15m in width. This will encourage a range of namely detached housing typologies of varying bulks and scales (Refer Figure 2), which would be further encouraged by the requirement that only a maximum of 4 contiguous lots in a row can have the same lot width.

Matter	Council Comment	Response
		<p data-bbox="1155 421 1536 448"><i>Figure 2: 300-450m² examples</i></p> 
	<p data-bbox="371 1246 1111 1372">Further information is also required with respect to how these lot size reductions would be administered and monitored in the context of the proposed dwelling cap for the Precinct. It is considered likely that the lot size reductions could result in</p>	<p data-bbox="1155 1246 2074 1313">As requested by Council, this is to be discussed and agreed upon through the negotiation of a VPA. A dwelling cap will be contained within the VPA which</p>



Matter	Council Comment	Response
	exceedance of the dwelling cap prior to the Precinct being fully developed.	will ensure that appropriate social infrastructure is delivered to service the incoming population.
Draft Development Control Plan	The draft Development Control Plan (DCP) appears to amend the current Part D Section 17 – Box Hill North. Given the planning proposal is an extension of this existing Precinct, it is potentially appropriate to amend this existing section of the DCP to incorporate the land subject to this planning proposal.	<p>Noted. The intention is for West Gables to function as an extension to Gables. Only additional controls are proposed as part of the West Gables Planning Proposal.</p> <p>A Draft Site-Specific DCP, as an instructor document, (Appendix B) has been prepared outlining how the proposed additional controls should be inserted into the existing Box Hill North DCP.</p>
	However, the draft DCP, as submitted, appears to remove the current Box Hill North DCP from applying to the existing areas of the Box Hill North (Gables) Precinct. It is assumed that this was inadvertent and the draft DCP should be revised and resubmitted to ensure the current controls that relate to the Precinct are retained so that development can continue to occur in line with the existing adopted DCP. Any amendments to Part D Section 17 – Box Hill North to facilitate the planning proposal outcomes should be drafted as additional controls relating to the West Gables Area rather than replacement of the existing DCP controls applicable to the Box Hill North Precinct.	<p>Noted. The removal of the Box Hill North DCP application to the existing areas of Box Hill was inadvertent. For clarity, a separated site-specific DCP document has been prepared. It clarifies that the proposed controls for West Gables, are only addition to the existing controls under the Box Hill North DCP. It also provides instructions on where the proposed additional controls should be inserted into the existing Box Hill North DCP.</p> <p>For ease of reference, Gables and West Gables are proposed to be referred to individually as Precinct A and Precinct B, moving forward within the Box Hill North DCP. It will be made clear that the proposed additional controls under this Site-Specific DCP, will apply to Precinct B.</p>
	The following matters will need to be addressed:	The following is noted:



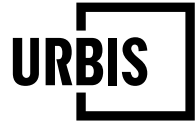
Matter	Council Comment	Response
	<p>Roads and laneways must be designed to ensure safe waste collection can be achieved by the standard 12.5m long Heavy Rigid Vehicle (AS2890.2).</p> <p>Bin collection must be proposed to the front kerb area of each dwelling along the wider Local Streets. That is, as per current DCP controls for residential developments, the location of the bin storage area (within each lot) must allow the bins to be wheeled to the street kerb (of the Local Street) over flat or ramped surfaces with a maximum grade of 7% and not over steps, landscape edging or gutters or through the dwelling.</p> <p>Dwellings with rear laneway access must also propose bin collection to the front kerb area along the wider Local Streets.</p>	<p>No changes are proposed to road and laneway design. Existing road and laneway designs and cross sections under the existing Box Hill North DCP that apply to Gables, will also apply to West Gables.</p> <p>The Box Hill North DCP controls that apply to bin collection will apply to West Gables</p> <p>The site-specific DCP will require that applicants identify a bin location pad for plans submitted as part of the DA.</p>
	<p>Finally, the NSW State Government has mandated that all councils must implement a FOGO (Food Organic Garden Organic) collection service by 2030. Council has resolved that when a FOGO service is introduced the following collection schedule will be adopted:</p> <ul style="list-style-type: none"> ▪ Garbage collected once weekly ▪ FOGO collected once weekly, ▪ Recycling collected once fortnightly. <p>This means that on one particular bin day cycle there will be 3 bins presented from each property. Each residential lot/dwelling</p>	<p>Noted. As evidenced by the Lot Testing Pack, each residential lot will have a minimum clearance of 2.74m for the collection of 3 bins concurrently.</p>



Matter	Council Comment	Response
	must have a minimum of 2.74m clear length along the kerbside to present 3 bins for collection concurrently.	
Existing Master Plan	Further information about the intended approval pathway is requested, particularly how the West Gables precinct will integrate with the existing master plan consent 1397/2015/JP. Consideration should be given to a DCP amendment to incorporate the master plan controls contained with Appendix A into the DCP.	The Approved Box Hill Masterplan Controls (under Appendix A of the Box Hill North DCP) will apply to West Gables. However, there are instances where a lot size in West Gables is proposed in accordance with the site-specific clauses. Appendix A, as it currently exists, does not provide corresponding detailed dwelling design controls (i.e., for 225m ² sized lots). Therefore, additional tables containing dwelling design controls are proposed to be inserted into Appendix A (refer Draft Site-Specific DCP)
Open Space	The passive open space provision appears consistent with the objectives of Council's Recreation Strategy in providing access to parks and reserves within walking distance (400m-500m) for all residences identified within this proposal. As outlined in the proposal, there is no active open space infrastructure identified within the precinct. The West Gables planning proposal, with the expected population of 4,400 people, will generate demand for the provision of two playing fields, in accordance with Council's Recreation Strategy.	<i>Subject to separate response.</i>
	It is noted that the Infrastructure Delivery Plan indicates that a monetary contribution will be offered to Council toward off-site active open space. This will need to be negotiated to ensure that an adequate contribution toward open space is made to service the future residents of West Gables. Other contributions plans in the locality require contributions valued between	<i>Subject to separate response.</i>



Matter	Council Comment	Response
	\$20,000 to \$25,000 per dwelling toward open space to deliver the necessary infrastructure. This value should be used as an indication of the likely cost to provide appropriate levels of open space for the West Gables precinct.	
Flooding and Stormwater	<p>Background</p> <p>The below flooding and stormwater comments have been considered and addressed by Northrop Consulting. Please also refer to the attached Flood Modelling Assessment prepared by Northrop Consulting (attached as Appendix C)</p>	
	It is recommended that the strategy include in the discussion that the tributary catchment for the combined on-line detention basin includes areas to the west of Boundary Road that belongs to Hawkesbury City Council LGA. The design for this basin will assume the 'ultimate' development flows coming from this external catchment will be attenuated by a separate detention system west of Boundary Road.	<p>Gables Integrated Water Cycle Management and Flood Management Strategy' prepared by Enspire (December 2022) has been reviewed by Northrop Consulting. Northrop have prepared a Flood Modelling Assessment (attached as Appendix C)</p> <p>It includes a discussion on how the tributary catchment for the combined on-line detention basin includes areas to the west of Boundary Road that belong to Hawkesbury City Council LGA.</p> <p>No change in the 'ultimate' development flows are anticipated.</p>
	A bund is proposed to form the on-line detention basin. However, Figure D1 shows the depth within the basin can reach up to 3m in a 1% AEP flood event, which would require an engineered embankment rather than just an earth bund. This embankment needs to be designed by a geotechnical engineer and a geotechnical investigation to be undertaken to inform the design. Due to its significant storage capacity of	<p>In accordance with Council's requirements, the intention is to have an engineered embankment. Further detail, including civil design, geotechnical and dam break assessment will be provided at the detailed DA stage.</p> <p>The residential land uses down stream from the site are noted, and it was determined that there are mitigation measures that could be incorporated into the Dam Design, if declared by Dams Safety NSW. This includes, within the</p>



Matter	Council Comment	Response
	<p>24,300m³ and the existence of residential areas downstream, a dam break assessment will be required by Council to ensure the safety of the public and protection of downstream infrastructure.</p>	<p>geotechnical design of the embankment and the inclusion of a spillway to pass the Acceptable Flood Capacity (AFC) of the Dam. The design of the spillway will be undertaken at the detailed DA stage, and it is considered that there is feasible geometry and riparian corridor width that will be able to accommodate the AFC.</p>
	<p>During the 1% AEP flood event, there are areas next to roads and within residential areas that have high flood hazard (H4 and H5) rating. No public access to these swales/channels is to be allowed.</p>	<p>This is noted and will be considered as part of design at the detailed DA phase. This outcome is consistent with the downstream riparian corridor arrangement and is therefore considered acceptable.</p>
	<p>Floodplain Development Manual 2005 had been replaced by Flood Risk Management Manual. All references should use or refer to the latter instead of the former manual.</p>	<p>The Flood Development Manual 2005 was the most current document when the Planning Proposal and associated technical reports were being prepared.</p> <p>Future documentation prepared in support of detailed DAs will reference the most recent Flood Risk Management Manual.</p>
	<p>At the Development Application stage, Council will require a flood study report and the associated hydrologic and hydraulic modelling files for review purposes. The review and approval of the predeveloped (base case) and post-developed flood models are generally undertaken by Council in a staged manner, that is the flood modelling of the post-developed scenario will not proceed until the 'base case' flood model is approved by Council.</p>	<p>Noted. At the Detailed DA phase, flood studies, and associated modelling will be provided to Council.</p> <p>It's noted that copies of the modelling and existing base case scenarios have been previously supplied to Council.</p>

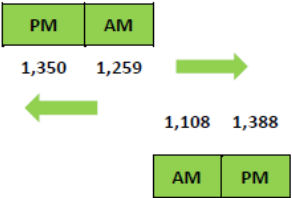


Matter	Council Comment	Response
Traffic and Road Network	<p><u>Background</u></p> <p>The below traffic and transport comments from Council have been considered and addressed by Positive Traffic, and are also detailed in a separate letter response (Appendix D)</p>	
	<p>A review of the Traffic Impact Assessment Report, prepared by Positive Traffic Pty Ltd and dated December 2022, has been undertaken. It is noted that the report utilised a number of previous reports to determine the assumptions underpinning the traffic impact assessment for 2036. These assumptions are subject to approval from TfNSW, and some of the proposed intersection layouts used for the analysis are outdated and have been superseded. It is recommended that, following confirmation of the matters outlined below, a comprehensive revision of the Sidra model be undertaken with a specific focus on analysing the intersections as a network model.</p>	<p>Hills Shire Council has advised that a response from TfNSW has not been received. Thus, as advised at the recent meeting with Council potential future modelling requirements will not be fully known until a response is received from TfNSW.</p> <p>It would not be considered prudent to undertake further 'network' modelling on two separate occasions at this stage until such time as the potential scope of additional modelling work is understood following a review by TfNSW. In particular, network modelling which includes the Windsor Road corridor.</p> <p>There has been extensive future year modelling work on the key intersections with Old Pitt Town Road by the proponent group, along with studies commissioned by Council which show satisfactory future year operation conditions with intersection arrangements as currently designed. This will ensure Council is able to consider the current Planning Proposal on its merit, as future modelling will be undertaken at the detailed DA phase.</p> <p>Regardless, and as requested by Council, the SIDRA modelling prepared to date has been revised to accommodate the current intersection design arrangement. Therefore, the assessment is consistent with the approach undertaken by Council. This being that single site SIDRA assessments of</p>

Matter	Council Comment	Response																																		
		<p>future year conditions of enhanced intersections along Old Pitt Town Road have been considered.</p> <p>The original traffic report intersection operating conditions of Old Pitt Town Road / Boundary</p> <p>Road (previous arrangements) versus the expanded intersection arrangement as provided by Hills Shire Council is provided below in Table 1.</p> <p>Table 1 – Existing vs 2036 Weekday AM / PM Intersection Operating Conditions With & Without Development</p> <table><tr><th rowspan="2">Intersection</th><th rowspan="2">Control</th><th colspan="2">Morning Peak</th><th colspan="2">Evening Peak</th></tr><tr><th>Avg Delay</th><th>LOS</th><th>Avg Delay</th><th>LOS</th></tr><tr><td colspan="6">2036 With Development – Original TIA Report</td></tr><tr><td>Boundary Rd / Old Pitt Town Rd</td><td>Signals</td><td>50.5</td><td>D</td><td>32.6</td><td>C</td></tr><tr><td colspan="6">2036 With Development – Expanded Intersection</td></tr><tr><td>Boundary Rd / Old Pitt Town Rd</td><td>Signals</td><td>39.4</td><td>C</td><td>28.9</td><td>C</td></tr></table> <p>Avg Delay (sec/veh) is over all movements at signals, and for worst movement at priority and roundabouts</p> <p>From Table 1 it is noted that in 2036 following full development of the Box Hill Precinct and the subject site the expanded intersection of Old Pitt Town Road / Boundary Road as currently proposed where land has been set aside to accommodate by the proposal, would operate with improved intersection operating conditions than originally modelled.</p>	Intersection	Control	Morning Peak		Evening Peak		Avg Delay	LOS	Avg Delay	LOS	2036 With Development – Original TIA Report						Boundary Rd / Old Pitt Town Rd	Signals	50.5	D	32.6	C	2036 With Development – Expanded Intersection						Boundary Rd / Old Pitt Town Rd	Signals	39.4	C	28.9	C
Intersection	Control	Morning Peak			Evening Peak																															
		Avg Delay	LOS	Avg Delay	LOS																															
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Boundary Rd / Old Pitt Town Rd	Signals	39.4	C	28.9	C																															



Matter	Council Comment	Response
		<p>However, as requested by Council the SIDRA modelling prepared to date have been revised to accommodate the current intersection design arrangements as advised by Council so at this stage of the assessment, a consistent assessment in line with the approach of other reports provided by Council has been undertaken. That is, single site SIDRA assessments of future year conditions of enhanced intersections along Old Pitt Town Road.</p>
	<p>The Fontana Drive, Terry Road and Old Pitt Town Road intersection is to be upgraded to signals. The warrant study has been approved by TfNSW and the updated intersection layout is provided below:</p> <p>This intersection is currently partially funded through a combination of contributions from the existing Box Hill North VPA and Box Hill Contributions Plan (CP15). Noting that Old Pitt Town Road is a flood evacuation route, that future residents of West Gables will need to utilise to safely evacuate in the event of a flood, it is appropriate for development that would be permitted through this planning proposal to also contribute to the upgrade to signals. Land acquisition costs are already funded through CP15, therefore only contributions toward capital works would be needed. It is estimated that</p>	<p>It is noted that the number of intersection connections to Old Pitt Town Road from Gables was previously 3 (three) in the form of dual lane roundabouts which have not been reduced to two (2) signalised intersections as of yet.</p> <p>The Planning Proposal will support an additional 1,100 – 1,200 dwellings in addition to the land release in Gables. The additional dwellings will therefore provide Council with additional monetary contributions not previously considered that can fund intersection upgrades along Old Pitt Town Road.</p> <p>As shown in Figures 42, 43, 44 and 45 of the Traffic Impact Assessment prepared in support of the Planning Proposal, the potential traffic generation through the intersection of Old Pitt Town Road / Fontana Drive / Terry Road was in the order of 70 vehicles per hour two way. The forecast 2036 traffic volumes modelled in the Thompson Stanbury Traffic Signal Warrant Assessment report of Old Pitt Town Road / Valetta Drive at the intersection of Old Pitt Town Road / Fontana Drive are shown below:</p>

Matter	Council Comment	Response
	<p>approximately 10% of the capital works should be apportioned to the development facilitated by this planning proposal.</p>	<p>Table 2 - Old Pitt Town Road at Fontana Drive 2036 Forecast Traffic Flows</p>  <p>Therefore, the potential additional traffic impact of the Planning Proposal would only represent a 2.5 – 3.0% increase in traffic through the intersection along Pitt Town Road. As a result, a negligible change in future year intersection operating conditions is anticipated, even after accounting for the potential traffic generation from the Planning Proposal and without any further change to Council's current design.</p> <p>It is also considered that the imposition of a 10% contribution for the works at this intersection is not justified and it is expected that the monetary contributions which arise for the additional 1,100 – 1,200 lots would provide Council with more than the requested 10% contribution that would be allocated towards the delivery of this signalised intersection.</p>
	<p><u>Valetta Drive, Mt Carmel Road and Old Pitt Town Road intersection</u></p> <p>This intersection is to be upgraded to signals. The traffic report provided with the planning proposal indicates additional turn lanes and slip lanes beyond the current intersection design are required. This will require additional lanes, service relocations</p>	<p>As discussed, the Planning Proposal would contribute to both the land and infrastructure costs to provide the additional lanes at the intersection of Old Pitt Town Road / Valetta Drive given the intersection is funded by the existing contributions plan without the lands subject to this rezoning application included as a monetary source for these works.</p>

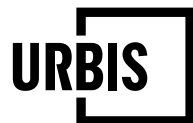


Matter	Council Comment	Response
	<p>and land on the north side of Old Pitt Town Road. Noting that the proposal generates the need for the redesign of this intersection and Old Pitt Town Road is the flood evacuation route, it is appropriate that contribution be made toward this intersection upgrade. The updated intersection layout is shown below:</p>	
	<p><u>Old Pitt Town Road</u></p> <p>The Traffic Impact Assessment Report indicates that the forecast 2036 conditions have assumed that Old Pitt Town Road is widened to 2 lanes in each direction. The section of Old Pitt Town Road where the upgrade to 4 lanes has been assumed needs to be clarified. It is assumed that this would include the section between Boundary Road and Fontana Drive, fronting the planning proposal land. It is noted that development in the Box Hill precinct, to the south, will complete half road width construction along this section of Old Pitt Town Road. Accordingly, this planning proposal should ensure delivery of the remaining half road width construction and any associated land for road widening for the northern half of Old Pitt Town Road, between Boundary Road and Fontana Drive.</p>	<p>As discussed at a recent meeting with Council, the designs provided for Old Pitt Town Road / Boundary Road, Old Pitt Town Road / Valetta Drive and Old Pitt Town Road / Fontana all include the provision of four (4) lanes in Old Pitt Town Road. Thus, the Traffic Impact Assessment, as it includes 2036 future year conditions as the basis of the assessment, assumed these works would be completed following full completion of housing delivery in Box Hill.</p> <p>As also stated, the Planning Proposal would facilitate the ‘missing works’ between the signalised intersections listed above in terms of kerb and gutter / asphalt roadway across the frontages in Old Pitt Town Road in their ultimate positions to accommodate four (4) travel lanes. These works would include provision of a shared pedestrian / cycleway along between Boundary Road and the eastern boundary of the site fronting Old Pitt Town Road where such facilities are currently not provided.</p> <p>However, these works would not extend the full distance between Boundary Road to Fontana Drive as land holdings subject to this Planning Proposal do not extend for that full length. It would be expected that the remaining parcels of land fronting Old Pitt Town Road between Valetta Drive and Fontana Drive</p>




Matter	Council Comment	Response
		would be required to also deliver kerb and gutter / asphalt road construction part of future rezonings.
	<p><u>Proposed new road and Old Pitt Town intersection</u></p> <p>There is a new proposed road accessing Old Pitt Town on the western side of the proposed open space land. This intersection is located approximately 235m from Boundary Road. The Traffic Impact Assessment Report notes that this intersection is to be left-in/left-out. In this case, a central median island may be required and some additional land will be required to provide the median island across the intersection. It is requested that the treatment of this intersection be clarified/confirmed and the necessary infrastructure items to deliver the intersection detailed.</p>	<p>As discussed, the left in / left out arrangements of this intersection would be achieved through the provision of a central triangular island which would physically constrain the intersection to left in / left out without the need for a central island in Old Pitt Town Road and changes to the kerb alignment to accommodate such an island.</p> <p>The centre island would include provision for pedestrians / cyclists to provide a crossing facility linking the shared pedestrian / cycleway along the frontage of the site in Old Pitt Town Road as described above.</p> <p>This central island design would be provided as part of a future development application for the subdivision.</p>
	<p><u>Boundary Road and Old Pitt Town Road intersection</u></p> <p>This intersection is to be upgraded to signals. Additional land is likely required, in accordance with the attached preliminary intersection design (additional land take shown shaded in red). It is requested that the intersection design be accommodated in the indicative layout plan and planning proposal. This item would be suitable for inclusion in any infrastructure offer.</p>	<p>The Planning Proposal and associated Indicative Layout Plan support future subdivisions that would account for the land provision requirements to accommodate the ultimate signalised intersection of Old Pitt Town Road / Boundary Road as provided in plan by Hills Shire Council.</p>
	<p><u>Boundary Road</u></p>	<p>It is acknowledged that the provision of four (4) trafficable lanes in Boundary Road between Old Pitt Town Road along the boundary of West Gables is</p>

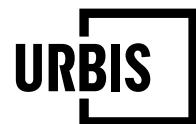
Matter	Council Comment	Response
	<p>The Traffic Impact Assessment Report indicates that the forecast 2036 conditions have assumed that Boundary Road is widened to 2 lanes in each direction. It is assumed that this refers to the section of Boundary Road along the West Gables precinct boundary, between the intersections with Old Pitt Town Road and Red Gables Road to be delivered in association with this planning proposal. This needs to be clarified and confirmed.</p>	<p>predicated to be delivered alongside the rezoning of land on the opposite of Boundary Road, within the Hawkesbury Shire Council LGA.</p> <p>The responsibility of this Planning Proposal is to facilitate the provision of kerb and gutter / asphalt road works along the full frontage of the site in Boundary Road which has been agreed upon. These works would include the provision of a 2.5m – 3.0m shared pedestrian pathway which would link with the shared pedestrian pathway along the site frontage in Old Pitt Town Road as described above.</p> <p>As noted in the approved Traffic Impact Assessment report prepared by GTA for The Gables precinct, 2036 traffic conditions in isolation of rezoned land within the Hawkesbury Council LGA only require a single travel lane in each direction along Boundary Road through the priority-controlled intersections of Red Gables Road and Cataract Road in order to accommodate the full 2036 traffic generation of The Gables.</p> <p>As also confirmed in the Traffic Impact Assessment report prepared for this Planning Proposal by Positive Traffic Pty Ltd, the single lane in each direction along the Boundary Road priority controlled intersections with Red Gables Road / Cataract Road would continue to operate at a satisfactory level of service in 2036 in their current form without a need for any upgrade to accommodate the full development of this Planning Proposal.</p>
	<p><u>Boundary Road and Cataract Road Intersection</u></p> <p>The Cataract Road and Boundary Road intersection is shown as priority controlled, with a seagull treatment and single lanes</p>	<p>As stated above and confirmed with Council, the provision of four (4) trafficable lanes along Boundary Road relies on an additional land being provided as part of any rezoning of lands within the Hawkesbury Council</p>



Matter	Council Comment	Response
	<p>in Boundary Road. Boundary Road is to be upgraded to two lanes in either direction so this intersection layout will need to be amended. It may potentially be safer and more efficient to provide either a dual lane roundabout or traffic signals at this intersection which will likely require additional land to be utilised for the intersection.</p>	<p>LGA, which is beyond the scope of this Planning Proposal to consider and provide.</p> <p>Further, the intersection arrangements on Red Gables Road and Cataract Road are noted to be in their ultimate position which at some time in the future could facilitate dual lane roundabouts as part of a rezoning proposal for lands opposite West Gables, within the Hawkesbury Council LGA.</p> <p>However, and as also stated above, the future development would need to provide kerb and gutter works with a 3.5m nature strip to accommodate the potential future four (4) lane arrangement of Boundary Road across the full frontage of the site. It is considered that the works delivered as part of this Planning Proposal, future proofs the anticipated arrangements for Boundary Road.</p>
	<p><u>Boundary Road and Red Gables Road intersection</u></p> <p>The Red Gables Road and Boundary Road intersection is shown as priority controlled, with a seagull treatment and single lanes on Boundary Road. Boundary Road is to be upgraded to two lanes in either direction so this intersection layout will need to be amended. It may potentially be safer and more efficient to provide a dual lane roundabout or traffic signals at this intersection which will likely require additional land to be utilised for the intersection.</p>	<p>It is noted that Council is seeking a potential improvement to safety for pedestrians crossing Boundary Road from the existing bus stop near Cataract Road northbound. The location of this bus stop relative to the existing intersection arrangements is shown below.</p>

Matter	Council Comment	Response
		<p data-bbox="1151 475 1899 507">Figure 3: Existing Northbound Bus Stop in Boundary Road</p> <p data-bbox="1256 539 1704 563">- Existing Northbound Bus Stop in Boundary Road</p>  <p data-bbox="1151 1129 2040 1273">The provision of a central pedestrian facility would be better located on the northern side of the intersection which only requires pedestrians to cross a single lane of traffic at a time compared if such a facility was located on the southern side of the intersection where the right turn bay is located.</p> <p data-bbox="1151 1297 2056 1401">It would require the removal of the acceleration lane and given little to no traffic turns right from this intersection, on the basis a reduction in speed limit could be supported by a pedestrian refuge which would be considered the</p>

Matter	Council Comment	Response
		<p>best interim option to provide a safe crossing facility along Boundary Road at the intersection with Cataract Road. The arrangements are shown below and could form a future condition of consent at the detailed DA phase. Refer to below.</p> <p>Figure 4: Potential location for pedestrian refuge in Boundary Road at Cataract Road linking bus stops</p> 
Infrastructure Demand	<p>The Infrastructure Delivery Plan indicates a number of items are to be delivered via a future contributions plan. Noting the discussions that have occurred since lodgement of the proposal, could you please confirm whether you are still anticipating a contributions plan will be required. It is the view of Council officers that a Planning Agreement for West Gables will</p>	<p><i>Subject to separate response.</i></p>



Matter	Council Comment	Response
	likely be a simpler and far more expedient mechanism for securing the necessary infrastructure. Concern is raised that if pursued, the preparation of a contributions plan (and in particular the timeframes associated with IPART and DPE assessment) would likely cause significant delays to the progression of the planning proposal.	
	Irrespective of the mechanism pursued, it is anticipated that the development that would be permitted through the planning proposal should, at a minimum, contribute toward the following items:	<i>Subject to separate response.</i>
	<p><u>Traffic and Transport</u></p> <p>Boundary Road – widening the carriage way to 2 lanes in each direction between Old Pitt Town Road and Red Gables Road (this is likely to involve land and capital costs);</p> <p>Old Pitt Town Road – widening the carriageway to 2 lanes in each direction between Boundary Road and Valetta Drive (noting that development on the southern side in Box Hill Precinct will undertake half width construction);</p> <p>Intersections</p> <ul style="list-style-type: none"> Old Pitt Town Road/Terry Road/Fontana Drive (contribution to intersection upgrade to signals) 	<i>Subject to separate response.</i>



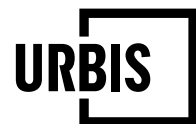
Matter	Council Comment	Response
	<ul style="list-style-type: none"> ▪ Mt Carmel Drive/Old Pitt Town Road/Valetta Drive (contribution to capital works to upgrade to signals, as land is already obtained via Contributions Plan No.15) ▪ Boundary Road/Old Pitt Town Road (land and capital) ▪ Boundary Road/Cataract Road (intersection treatment) ▪ Boundary Road/Red Gables Road (intersection treatment) ▪ Pedestrian Bridge over drainage land, as noted on the masterplan. 	
	<p><u>Open Space</u></p> <p>Passive Open Space – The passive open space provision proposed within the material appears consistent with the objectives of Council’s Recreation Strategy.</p> <p>Active Open Space – It is noted in the Infrastructure Delivery Plan that active open space demand would be met by a monetary contribution to be determined. While it would be ideal for a development to meet the demand generated within the site, via the allocation of land and capital works, it is noted that this is not proposed for West Gables.</p>	<i>Subject to separate response.</i>
	<p>Alternatives for meeting the demand generated by the proposal include monetary contributions towards facilities outside of the</p>	<i>Subject to separate response.</i>



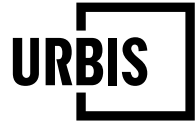
Matter	Council Comment	Response
	boundary of West Gables. The nearest potential site that could potentially service the West Gables development with active open space facilities is the old 'Horseworld' property. Council is currently considering options for this land, some of which include active open space facilities. The site requires servicing to be developed in this capacity. There may be opportunity to secure public benefits and cost efficiency in association with the West Gables development involving the completion of this servicing to assist in providing facilities to meet the demand generated by the proposal.	
	<u>Community Facilities</u> The Infrastructure Delivery Plan that community centre and library floor space are to be provided via a future contributions plan. This would be an appropriate item to include in a future planning agreement.	<i>Subject to separate response.</i>
	<u>Drainage</u> It is noted in the Infrastructure Delivery Plan that there are 7 basins proposed and works in the trunk drainage land, to be delivered by the developer. At this stage this appears satisfactory and the works and land for these items should form part of the Planning Agreement.	<i>Subject to separate response.</i>
	If there is a willingness to progress with a Planning Agreement as the mechanism to secure the necessary infrastructure	<i>Subject to separate response.</i>



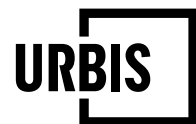
Matter	Council Comment	Response
	outcomes and contributions, it is requested that you provide a detailed letter of offer, in accordance with Council's Planning Agreement Policy, which can be found at the following link: Policy Register (nsw.gov.au) to enable further negotiations regarding infrastructure delivery to occur.	
Servicing	A number of existing properties within Gables, that are not owned by Stockland, have been advised that the existing Sewage Treatment Plant, operated by Altogether Group, does not have capacity to service their sites. This planning proposal has indicated that the land to be rezoned for urban purposes can be serviced from the existing Sewage Treatment Plant, through an augmentation of the plant and series of new recycled water and pressure sewer mains. However, the Infrastructure Delivery Plan notes that wastewater lead in and internal reticulation works would be owned by Sydney Water. Could you please clarify the proposed delivery and ownership of the wastewater infrastructure for the planning proposal and identify how the properties currently zoned for urban purposes in the release area can also be serviced with wastewater infrastructure.	The existing Gables wastewater system will have increased capacity to support the dwellings proposed as part of this Planning Proposal. This is subject to design and agreement with the final service provider. A letter of advice from Altogether Group is appended to this response letter (Appendix E).
Owners' Consent	Owners' consent remains outstanding for 99 Old Pitt Town Road. Council's Planning Proposal Policy requires the submission of owners' consent for planning proposal applications, to provide certainty that the future outcomes will be delivered holistically as represented in the planning proposal	Please see attached and accompanying this letter response, Owner's consent for 99 Old Pitt Town Road (Appendix F).



Matter	Council Comment	Response
	<p>material. Further, Council's LSPS emphasises that any planning proposal to rezone this area specifically, should include all identified properties and present a master planned approach. This is due to the nature of these sites being the only remaining rural-zoned land located below the Urban Growth Boundary. While Council officers have not delayed assessment of the proposal on account of this outstanding owners' consent, this is a critical piece of information that should be provided urgently.</p>	
Additional Comments from Council		
Horse-world	<p>With respect to the Horseworld land uses, the elements that I can discuss the future wastewater servicing for are as follows:</p> <p>Indoor Recreation centre (repurpose of existing equestrian facility), comprising 4 basketball/indoor courts, gymnastics centre and gym space, including change facilities and toilets to serve these uses and a café (the facility is around 7,500m2 in size); and</p> <p>4 full size outdoor playing fields and amenities building with change facilities and toilets (for each field) and including a kiosk.</p> <p>These outcomes take up about 60%-70% of the land area so there is a possibility that there would be additional servicing demand if the remainder of the land was developed in some</p>	<p>Discussions are underway with Altogether to confirm capacity of the Sewage Treatment Plant. An update on progress with discussions will be provided shortly to Council.</p>



Matter	Council Comment	Response
	<p>form, however it is very unclear what the intent for this is so far. Is there a possibility that in undertaking the calculations a generic assumption about outcomes on this land could be used, like low density residential subdivision for around 30 lots that the modelling can account for until we have more information?</p>	
Biodiversity	<p><u>Background</u></p> <p>Prior to responding to Council's Biodiversity Comments (below) the following correspondence is noted:</p> <p>Prior to lodgement of the Planning Proposal Council agreed in principle to the proposed open space locations, noting that they appeared quite suitable from a catchment and access perspective.</p> <p>Council also agreed in principle to the pathway for Biodiversity Certification. This was identified as Council's preferred pathway</p> <p>The dual provision of open space and vegetation retention was acknowledged by Council to be consistent with both the Environment and Open Space teams approach to conservation in Equinox Park and a number of regional parks across the National Parks and Wildlife Service Estate, such as Rouse Hill Regional Park</p> <p>The proponent group emphasises that the negotiation of more detailed biodiversity outcomes is still subject to the formal assessment of the Planning Proposal. Given the prior in principle support given to the proponent group's biodiversity approach, it is requested that more detailed biodiversity outcomes and planning are conducted later in the assessment, such as alongside agency submissions.</p> <p>The below biodiversity comments have been considered and addressed by EcoLogical Australia and are also addressed in a separate letter (Appendix G)</p>	



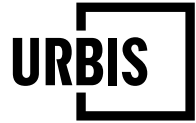
Matter	Council Comment	Response
	<p>With respect to biodiversity, I note the responses provided below about the timing. It is recommended that the biodiversity certification assessment report is reviewed by the Department before commencing formal consultation with Council. This opportunity is flagged in the biodiversity certification fact sheet number 2 – General Consultation and undertaking this preliminary consultation may avoid delays with the formal process in the future.</p>	<p>Biodiversity Certification Fact Sheet #2 recommends consultation with Council and DCCEEW prior to formal lodgement of an application for biodiversity certification. Council then has 42 days to respond to the formal application.</p>
	<p>The preliminary assessment of the proposal has identified that the land proposed to be zoned RE1 and utilised as passive open space is the same as the land identified as ‘avoided areas’ in the biodiversity certification assessment report. Essentially, all ‘avoided areas’ are identified in the master plan as local parks. Generally speaking, Council may be supportive of the retention of some native vegetation in and adjacent to our local parks and have other examples of this in the Shire (for example Equinox Park in Box Hill and the Withers Road Park in North Kellyville). However, it should be noted that both of these examples occurred on bio-certified land, where Council had more flexibility to balance the biodiversity/tree retention and recreation outcomes rather than having the recreation outcomes reduced or eliminated to protect biodiversity or vice versa.</p>	<p>Noted that Council may be supportive of retaining native vegetation in parks. It is acknowledged that the other examples provided by Council were biodiversity certified land, however the point here is that the outcome should be the same. Parks can provide protection of high biodiversity values through good design of park facilities, management of biodiversity values and public ownership.</p>

Matter	Council Comment	Response
	<p>The “Biodiversity Certification Fact Sheet #1: Avoiding and minimising impacts” indicates that “biodiversity values on land that has been avoided when designing areas for development should be protected from future impacts” and as such Council would expect the Proponent to have considered the amount of these ‘avoided areas’ that are to be protected and those that can contain structures, paths, play equipment etc. This is not evident in the material provided.</p>	<p>Detailed design of the parks has not yet been undertaken. However figures below shows indicative concept for the parks. The following principles would apply:</p> <ul style="list-style-type: none"> ▪ Locate kick-about spaces and amenities in existing cleared areas. If any native vegetation is proposed to be impacted, it would not be classified as ‘avoided’. ▪ Micro-site footpath locations so that they avoid removal of mature trees. Footpaths should be low impact construction, and have down lighting to minimise light spill. ▪ Bushfire Asset Protection Zones should not be located within the Park ▪ A Vegetation Management Plan is to be prepared and implemented for weed removal and rehabilitation of native vegetation.
	<p>Further, the biodiversity certification assessment report should be updated to include the following key additional information:</p> <p>How the knowledge of threatened vegetation and biodiversity has informed the location and design of future development to avoid and mitigate impacts on the entities at risk of SAIL;</p> <p>Opportunities to provide enhanced corridors and increase connectivity between patches of threatened vegetation. The VMP must also consider avoidance of impacts from stormwater and stormwater infrastructure; and</p>	<p>Noted. The final BCSR will provide additional information on these matters. A response is provided against (a) – (c) below.</p> <p>(a) See below comments on avoiding impacts in the biodiversity certification assessment area.</p> <p>(b) The site has very limited connectivity for biodiversity as land to the north, east and west has minimal vegetation. Vegetation to the west is separated by Boundary Road.</p> <p>(c) Hollow bearing trees can be included in the final BCAR, although we note this is strictly a requirement of the BAM which only required HBT to be identified in plot data.</p>

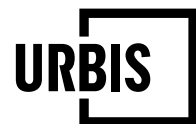
Matter	Council Comment	Response
	Location of all hollow bearing trees on the subject land.	
	<p>Avoiding impacts in the biodiversity certification assessment area</p> <p>The requirement to avoid and minimise impacts on biodiversity values in Chapter 7 of the BAM refines the area of land proposed for biodiversity certification within the biodiversity certification assessment area. Applications for biodiversity certification are expected to deliver biodiversity outcomes that would not be available at a site scale, therefore it is expected that the application clearly demonstrates how impacts on biodiversity have been avoided and then minimised in designing for land use change. Areas proposed for development must avoid and then minimise encroachment on land with existing biodiversity values and where this cannot be achieved, justification must be provided as to why impacts on existing biodiversity values can't be avoided.</p> <p>Whilst lands containing biodiversity values are included in the biodiversity certification assessment area, important biodiversity values have not been prioritised for avoidance. Avoided areas must be protected from future impacts and this must be discussed in the BCAR. (Please note: if conservation</p>	<p>Biodiversity Certification Fact Sheet #1 'Avoiding and minimising impacts' sets out the process and principles that should be followed for biodiversity certification. The fact sheet establishes the process as:</p> <ul style="list-style-type: none"> ▪ Establish a biodiversity certification area. ▪ Identify land with existing biodiversity values. ▪ Identify land proposed for development. ▪ Justify why any impacts to existing biodiversity values cant be avoided <p>The principles are:</p> <ul style="list-style-type: none"> ▪ Land proposed to be avoided must be within the biodiversity certification assessment area. ▪ Important values should be prioritised for avoidance. ▪ Certain values should always be avoided (large areas of intact vegetation, vegetation in the best condition, habitat for species with high biodiversity risk rating, threatened ecological communities or highly cleared plant types). ▪ Land proposed to be avoided must be additional. ▪ Avoided land should be protected from future development. <p>The Planning Proposal and associated BCAR has followed the process described above. A Biodiversity Certification Area has been identified, biodiversity values have been established with that area and land proposed</p>

Matter	Council Comment	Response
	<p>measures are not applied to avoided land, it will default to 'retained 'land).</p> <p>Whilst the Department is the authority that will evaluate efforts to avoid impacts when determining if the biodiversity certification application adequately addresses biodiversity impacts. THSC Ecology Team are of the opinion that the current design and location of the application has failed to demonstrate efforts to avoid and then minimise impacts on biodiversity in line with the key considerations that include:</p> <p>Compatibility with the principles for avoiding biodiversity impacts.</p> <p>Biodiversity values present in avoided land compared to land identified for development.</p> <p>Protections proposed for avoided land with biodiversity values.</p> <p>Knowledge of biodiversity values must inform the design and location of the development. It is expected that the design and location of the proposal avoids impacts on the entities at risk of SAIL. Furthermore, it is expected that efforts to provide connective corridors are also considered and applied to the development. Co-locating Open Space Areas within areas identified as avoided land is not supported as an avoidance measure, as the ability to appropriately retain and protect and enhance vegetation is unlikely to be achievable in perpetuity.</p>	<p>for development has been identified. An overview of the biodiversity values is provided below.</p> <p>The information below also provides rationale for how the avoid and minimise principles were followed. It is acknowledged that the Planning Proposal does have impacts to biodiversity values and that the final BCAR application will need to provide further information on the rationale for avoidance and minimising biodiversity impacts.</p> <p>STAGE 1 BIODIVERSITY ASSESSMENT</p> <p><u>Literature review</u></p> <p>Historical aerial photos from 1955, 1978 and 1994 were reviewed to identify potential remnant vegetation. This showed that the site predominately being for agriculture through these periods, with the most significant stand of vegetation being in the north of the site (approximately where the local park is proposed), although scattered paddock trees existed through these time periods. Bionet atlas records of threatened species recorded within 5km of the site were obtained.</p> <p><u>Field survey</u></p> <p>Field survey of Plant Community Types, their condition and their status (eg; endangered, critically endangered) were undertaken in July 2021 and May 2022. The majority of vegetation was mapped as Critically Endangered Ecological Community and therefore is high conservation value, however the vegetation is fragmented and in either low or moderate condition. The figure</p>

Matter	Council Comment	Response
	<p>Furthermore, infrastructure proposed within the open space, conflicts with the intent to avoid impacts on biodiversity.</p> <p>The proposal must:</p> <p>Design and locate the development to avoids impacts on entities at risk of SAI (including low condition vegetation), and</p> <p>Identifies the ability to protect, enhance and retain native vegetation, including entities at risk of SAI (including areas biodiversity is proposed for retention in Open Space Areas) ;and</p> <p>Provide supporting evidence for the protection of these proposed areas, such as a draft Vegetation Management Plan and Biodiversity Management Plan</p>	<p>from the BCAR is provided below (Figure 1 in ELA Letter). The vegetation on site has little off-site connectivity.</p> <p>Threatened flora species survey was undertaken in 2022. No threatened flora were recorded.</p> <p>Survey for Green and Golden Bell Frog, threatened micro-bats, Cumberland Plain Land Snail, squirrel glider and greater glider was undertaken in March-April 2022. Survey recorded presence of several threatened microbats, but not the other species.</p> <p>STAGE 2 IMPACT ASSESSMENT</p> <p><u>Avoid and minimise</u></p> <p>The location of the development was based on consideration of biodiversity and non-biodiversity related matters such as proximity to existing development and infrastructure.</p> <p>In terms of biodiversity, the location chosen is approximately 80 ha and has approximately 11.1 ha of native vegetation, of which 7.83 ha is native vegetation in low condition, with the remainder in moderate condition.</p> <p>Following supply of the biodiversity values information, re-design of the concept plan was undertaken (see figures 2, 3 and 4 in ELA letter) which:</p> <ul style="list-style-type: none"> Increased the size of parks and riparian corridor which provided for an avoidance of more native vegetation. The proposal avoids impacts to 4 ha of native vegetation by retaining vegetation in parks. Further justification for the use of 'avoidance' in the parks is provided below.



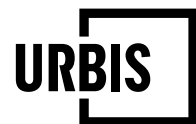
Matter	Council Comment	Response
		<ul style="list-style-type: none">▪ Provided retention of trees in a road buffer (see figure 5 in ELA letter)
	<p>Prescribed Impacts</p> <p>The proposal must identify opportunities to provide enhanced corridors and increase connectivity between patches of vegetation including vegetation that is an entity at risk of SAIL or contains habitat for entities at risk of SAIL. There must be no impacts that decrease habitat connectivity and opportunities to increase connectivity between patches of native vegetation containing entities at risk of SAIL, must be discussed in the BCAR.</p> <p>Impacts are proposed on the water quality, water bodies and hydrological processes that sustain threatened entities. The BCAR cites that proposed development within the Biocertification area will not require substantial sub-surface works that would alter ground flow or hydrological processes that affect the long-term viability of the vegetation communities outside of the BCAA. Urban barriers such as subdivisions and roads sperate the BCAA from adjacent vegetation communities, however it is noted that substantial earthworks are proposed to redesign the riparian corridor. Further details on the prescribed impacts on water quality , waterbodies and hydrological process must be discussed in the BCAR. Impacts from stormwater and stormwater infrastructures must also be considered in the BCAR.</p>	<p>Noted. The final BCAR will include additional information on prescribed impacts such as water quality and hydrology.</p>



Matter	Council Comment	Response
	<p>Hollow-bearing trees</p> <p>It is unclear how many hollow bearing trees are present within the subject land. Table 30 identifies that all hollow-bearing trees within the footprint are assumed to be removed. The loss of hollow-bearing trees and removal of dead wood and dead trees are listed as a Key Threatening Process. The BCAR must accurately identify all hollow bearing trees located within the subject land.</p>	<p>Noted. Final BCAR to include map of all HBT.</p>
	<p>Determination of entities at risk of SAI</p> <p>The determination of a serious and irreversible impact on biodiversity values is to be made by the decision-maker in accordance with the principles set out in clause 6.7 of the BC Regulation. Whilst Council is not the Decision Maker, the following comments have been provided with consideration of the Assessment for SAI on Biodiversity Values.</p> <p><u>Entity at Risk of SAI – Cumberland Plain Woodland (CPW)</u></p> <p>The SAI Assessment, contained within Section 7.1 (including Table 34) of the BCAR, for the entity at risk of SAI, Cumberland Plain Woodland (CPW), has identified that 0.41ha of Cumberland Plain Woodland would be directly impacted and that 0.74ha of Cumberland Plain Woodland would be avoided.</p>	<p>Councils comment is noted. In the case of Biodiversity Certification, SAI matters are determined by the Minister. The role of the accredited ecologist is to present information for assessment.</p>



Matter	Council Comment	Response
	<p>The area of 0.74ha containing the entity at risk of SAIL, CPW, proposed to be avoided, is identified in the BCAR as being retained in Public Open Space Areas. No further information has been provided that identifies how the entity at risk of SAIL will be retained, protected, and enhanced in perpetuity and it is unclear if this could be achieved where ancillary structures and alternative uses for public open space may conflict with conservation, in perpetuity, of retained areas of CPW.</p> <p>The NSW Scientific Committees final determination for Cumberland Plain Woodland in the Sydney Basin Bioregion – critically endangered ecological community listing, identifies in Point 17 of the listing, that changes in the structure contribute to a very large reduction in the ecological function of Cumberland Plain Woodland and almost all remaining areas of the community is regrowth and woodland from past clearing activities. Therefore, the Accredited Assessor must identify the iterative process considered, in the first instance, that avoids impacts on the entity at risk of SAIL, noting that knowledge of biodiversity must inform decisions on the location and design of the proposal. It is expected that avoidance of CPW, in all condition states, ranging from low to high is considered when designing and locating the development.</p> <p>Point 16 of the NSW Scientific Committees final determination for Cumberland Plain Woodland in the Sydney Basin Bioregion – critically endangered ecological community listing, recognizes</p>	



Matter	Council Comment	Response
	<p>that fragmentation of habitat with clearing has resulted in a very large reduction in the ecological function of Cumberland Plain Woodland. The remaining area of the community is severely fragmented, with more than half of the remaining tree cover mapped by Tozer (2003) occurring in patches of less than 80ha and half of all mapped patches being smaller than 3ha. Clearing and continuing degradation of patches of CPW reduces the likelihood for species to persist therefore in the first instance, emphasis on avoiding impacts on the entire entity, and increasing connectivity, must be considered. Furthermore, regards to factors influencing the extinction risk of the entity should influence decisions when designing and locating the development, noting that the ecological community, CPW, is currently a rapid rate of decline (Principle 1) and CPW, is an ecological community with a very small population size.</p> <p>The proposed loss of 0.41ha of the entity at risk of SAIL, Cumberland Plain Woodland, and the lack of further information in the BCAR, required to identify the proposed retention, protection, and enhancement of 0.74ha of the entity at risk of SAIL, Cumberland Plain Woodland, within proposed public open space has not been considered or provided in the BCAR (noting that areas of public open space may have multiple proposed future uses, including installation of ancillary structures and stormwater impacts). It is expected that land-based conservation measures be applied to avoided land to</p>	

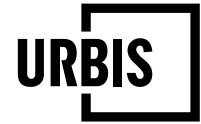


Matter	Council Comment	Response
	<p>allow the biodiversity values of avoided lands to be recognized in the analysis of whether the proposed conservation measures adequately address the biodiversity impacts of the certification. It is therefore considered by THSC Ecology Team, that the extent and severity of the impact on the entity at risk of SAIL, with consideration to the principles set out in clause 6.7 of the Biodiversity Conservation Regulations 2017, will be a Serious and Irreversible Impact on the entity at risk of SAIL, Cumberland Plain Woodland.</p> <p><u>Entity at Risk of SAIL – Shale Sandstone Transition Forest (SSTF)</u></p> <p>The SAIL Assessment, contained within Section 7.1 (including Table 36) of the BCAR, for the entity at risk of SAIL, Shale Sandstone transition Forest (SSTF), identifies that the proposal will avoid 3.14ha of SSTF and the development is proposed to directly impact on 6.27ha of SSTF.</p> <p>The area proposed in the BCAR as avoided contains 3.14ha of the entity at risk of SAIL, SSTF, however the avoided areas is proposed to be co-located within Public Open Space Areas. No further information has been provided in the BCAR that identifies how the entity at risk of SAIL will be retained, protected, and enhanced in perpetuity, and it is unclear if this could be achieved where ancillary structures and alternative</p>	

Matter	Council Comment	Response
	<p>uses for public open space may conflict with conservation of avoided areas of SSTF.</p> <p><u>Entity at Risk of SAIL – Shale Sandstone Transition Forest (SSTF)</u></p> <p>The SAIL Assessment, contained within Section 7.1 (including Table 36) of the BCAR, for the entity at risk of SAIL, Shale Sandstone transition Forest (SSTF), identifies that the proposal will avoid 3.14ha of SSTF and the development is proposed to directly impact on 6.27ha of SSTF.</p> <p>The area proposed in the BCAR as avoided contains 3.14ha of the entity at risk of SAIL, SSTF, however the avoided areas is proposed to be co-located within Public Open Space Areas. No further information has been provided in the BCAR that identifies how the entity at risk of SAIL will be retained, protected, and enhanced in perpetuity, and it is unclear if this could be achieved where ancillary structures and alternative uses for public open space may conflict with conservation of avoided areas of SSTF.</p> <p>The NSW Scientific Committees final determination for Shale Sandstone Transition Forest in the Sydney Basin Bioregion – critically endangered ecological community listing, identifies in Point 3.1.3 of the listing, that Shale Sandstone Transition Forest is among the most fragmented of vegetation types occurring in the Sydney region and threats to SSTF include</p>	



Matter	Council Comment	Response
	<p>clearing associated with urban development and physical damage from recreational activities.</p> <p>Therefore, the Accredited Assessor must identify the iterative process considered, in the first instance, that avoids impacts on the entity at risk of SAI, noting that knowledge of biodiversity must inform decisions on the location and design of the proposal. It is expected that avoidance of vegetation in all condition states for SSTF, ranging from low to high must be considered for avoidance when designing and locating the development.</p> <p>The proposed loss of 6.17ha of the entity at risk of SAI, Shale Sandstone Transition Forest, and the lack of further information required to identify the proposed retention, protection, and enhancement of 3.14ha of the entity at risk of SAI, SSTF, within proposed public open space, has not been appropriately considered or provided in the BCAR (noting that areas of public open space may have multiple proposed future uses, including installation of ancillary structures and stormwater impacts). It is expected that land-based conservation measures be applied to avoided land, and biodiversity values of the proposed avoided lands be recognised in the analysis to ensure conservation measures adequately address the biodiversity impacts of the certification.</p>	



Matter	Council Comment	Response
	<p>It is therefore considered by THSC Biodiversity Team, that the extent and severity of the impact on the entity at risk of SAIL, with consideration to the principles set out in clause 6.7 of the Biodiversity Conservation Regulations 2017, will be a Serious and Irreversible Impact on the entity at risk of SAIL, Shale Sandstone Transition Forest.</p> <p>The application must be designed and located to avoid impacts on the entities at risk of SAIL, provide additional connectivity between patches of the entities at risk of SAIL and provide information on how the entity at risk of SAIL will be retained, protected, enhanced, and managed in perpetuity by providing supporting documentation, including a Vegetation Management Plan (VMP), a Biodiversity Management Plan (BMP).</p>	

4. CONCLUSION

This letter and the accompanying documentation have been prepared in response to the matters raised by The Hills Shire Council.

We trust that the information contained within this letter and the supporting suite of documentation adequately responds to the matters raised by Council and will enable the assessment to be finalised and progressed to the DPHI for a Gateway Determination.

Should you wish to discuss further, please do not hesitate to contact the undersigned.

Kind regards,

A handwritten signature in black ink, appearing to read "Andrew Hobbs". The signature is fluid and cursive, with a large initial "A" and "H".

Andrew Hobbs
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