



**THE HILLS**  
Sydney's Garden Shire

**THE HILLS SHIRE COUNCIL**  
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8 December 2023

Mr Adrian Villella  
Director  
Urbis Pty Ltd  
Level 7, 6 Hassall Street  
PARRAMATTA NSW 2150

Via Email: [avillella@urbis.com.au](mailto:avillella@urbis.com.au)

Our Ref: 1/2024/PLP

Dear Mr Villella

### **OUTCOMES OF PRELIMINARY ASSESSMENT – WEST GABLES PRECINCT (1/2024/PLP)**

I refer to the above matter which was formally lodged with Council on 29 August 2023. Council Officers have completed their preliminary assessment of the planning proposal documentation and the following advice is provided with respect to your application. The submission of additional information and resolution of issues raised within this letter will enable Council Officers to continue with their assessment of the proposal and commence preparation of a report to the Local Planning Panel for advice.

#### **LEP Mechanisms**

- *Dwelling Cap*

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 reflect 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 interrelates with the range of permissible residential dwelling typologies and minimum lots sizes under the LEP.

- *Minimum Lot Size*

The proposed minimum lot size to be mapped within the LEP would permit lot sizes down to 450m<sup>2</sup>. 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 225m<sup>2</sup> 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.

- 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 450m<sup>2</sup>, 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 300-700m<sup>2</sup> however does not provide any differentiation within this (for example 300-450m<sup>2</sup> lots and 450-700m<sup>2</sup> lots). Further details regarding the dwelling products that would fit within a building envelope on a 300-450m<sup>2</sup> lot are requested to assist in our consideration of this element of the proposal.

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 exceedance of the dwelling cap prior to the Precinct being fully developed.

### **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.

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.

In addition, the DCP should contain controls to ensure that future development can accommodate waste services. The following matters will need to be addressed:

- 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).
- 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.

- Dwellings with rear laneway access must also propose bin collection to the front kerb area along the wider Local Streets.

If bins cannot be wheeled to the front Local Streets due to site specific constraints such as excessive level differences that cannot achieve a compliant 7% grade, bin collection may be proposed within the laneways.

If laneway collection is proposed, laneways must have a 6m trafficable carriageway with 2m verges on both sides at minimum as reflected in the Small Lot Housing DCP. This is to ensure there is sufficient space for the safe collection of bins when bins are lifted by the side-arm of the collection vehicle. It is noted that the Indicative Layout Plan shows laneways with a 6m carriageway and 1m verges on both sides. The 1m verges are not suitable for waste collection. If any laneway waste collection is proposed, any roadway bends within laneways must ensure that the standard B85 passenger vehicle (AS2890.1) can safely pass the standard 12.5m long Heavy Rigid Vehicle (AS2890.2).

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:

- a. Garbage collected once weekly,
- b. FOGO collected once weekly,
- c. Recycling collected once fortnightly.

This means that on one particular bin day cycle there will be 3 bins presented from each property. Each residential lot/dwelling 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.

## **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.

The provision of these playing fields is critical to ensuring that an appropriate level of service is provided for new residents, with respect to active open space opportunities. It would be ideal for a greenfield development to provide new active open space facilities within the development site, however it is noted that there may be the possibility of utilising nearby land in Council ownership to service the development, subject to Council's consideration.

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 \$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**

The 'West Gables Integrated Water Cycle Management and Flood Management Strategy' prepared by Enspire (December 2022) has been reviewed.

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.

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 24,300m<sup>3</sup> 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.

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.

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.

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 pre-developed (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. The flood study report will need to consider the following:

1. Standard modelling requirements, as used in The Gables precinct submissions, are required to be followed. Additional details are included in guidelines named 'THSC Stormwater and Waterways Design Requirements' as listed under Item 7 below.
2. All future modelling must ensure that there are no net changes in flood levels in downstream areas, including the Gables area, the main lake, and downstream of the Gables.
3. Removal of existing farm dams needs to be considered in the context of the original concept used during the Gables precinct development. Changes to spillway levels of existing farm dams need to be supported using surveyed details.
4. The Proponent is to calculate the post-developed Stream Erosion Index (SEI) and demonstrate that it is no greater than 3.5, to ensure the stability of receiving waterways downstream of the development.
5. During the design stage for stormwater management strategy elements, the following Council documents are to be used as reference:
  - a. *THSC Stormwater and Waterways Design Requirements*
  - b. *THSC Development Control Plan (DCP) 2012, Part D, Section 17, Box Hill North* (until a precinct specific DCP is available for West Gables)

## **Traffic and Road Network**

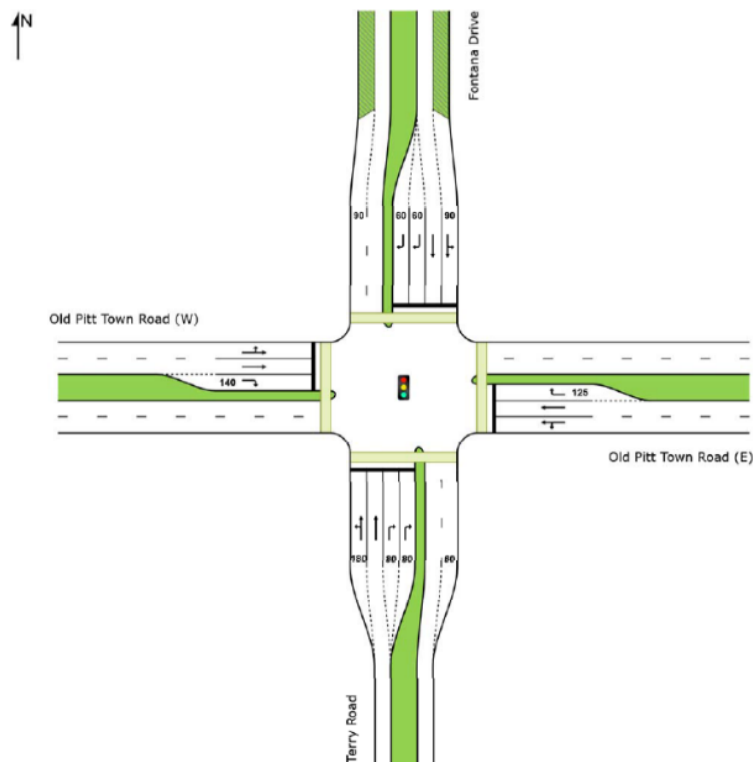
- *Traffic Impact Assessment Report*

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.

- *Intersection and Road Upgrades*

- Fontana Drive, Terry Road and Old Pitt Town Road intersection

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:

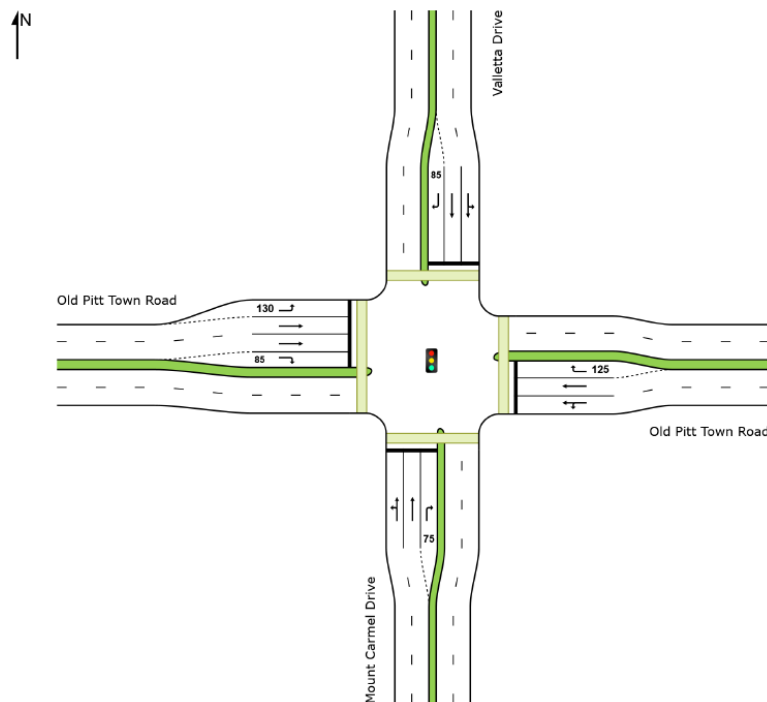


This intersection is currently partially funded through a combination of contributions from the existing Box Hill North VPA and Box Hill Contributions Plan (CP15). Noting that Old Pitt Town Road is a flood evacuation route, that future residents of West Gables will need to utilise to safely evacuate 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 approximately 10% of the capital works should be apportioned to the development facilitated by this planning proposal.

- Valetta Drive, Mt Carmel Road and Old Pitt Town Road intersection

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 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:



- Old Pitt Town Road

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.

- Proposed new road and Old Pitt Town intersection

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.

- Boundary Road and Old Pitt Town Road intersection

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.

- Boundary Road

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.

- Boundary Road and Cataract Road intersection

The Cataract Road and Boundary Road intersection is shown as priority controlled, with a seagull treatment and single lanes 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.

- Boundary Road and Red Gables Road intersection

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.

### **Infrastructure Demand**

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 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:

#### **1. Traffic and Transport**

- a. 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);
- b. 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);
- c. Intersections
  - i. Old Pitt Town Road/Terry Road/Fontana Drive (contribution to intersection upgrade to signals)
  - ii. 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)
  - iii. Boundary Road/Old Pitt Town Road (land and capital)
  - iv. Boundary Road/Cataract Road (intersection treatment)
  - v. Boundary Road/Red Gables Road (intersection treatment)
- d. Pedestrian Bridge over drainage land, as noted on the masterplan.

#### **2. Open Space**

- a. Passive Open Space – The passive open space provision proposed within the material appears consistent with the objectives of Council's Recreation Strategy.

- b. 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.

Alternatives for meeting the demand generated by the proposal include monetary contributions towards facilities outside of the 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.

3. Community Facilities – 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.
4. Drainage – 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.

If there is a willingness to progress with a Planning Agreement as the mechanism to secure the necessary infrastructure 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 \(nsw.gov.au\)](https://www.nsw.gov.au/policy-register) 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.

### **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 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.

It is requested that you please provide the information requested in this letter by no later than Friday 2<sup>nd</sup> February 2024.



Following the submission of additional information, Council Officers will prepare a report on the planning proposal to the Local Planning Panel for advice. You will be provided with a copy of the advice received from the Panel, prior to reporting the matter to Council for a decision on whether or not to submit the proposal for Gateway Determination.

All future correspondence in relation to this proposal should quote 1/2024/PLP. Should you wish to discuss this matter further, please contact me on 9843 0407.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Megan', with a long horizontal stroke extending to the right.

**Megan Munari**  
**PRINCIPAL COORDINATOR FORWARD PLANNING**

**ATTACHMENTS**

1. Old Pitt Town Road/Boundary Road Preliminary Intersection Design