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20 May 2024

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

Dear Megan,

## **RESPONSE TO COUNCIL RFI | 1/2024/PLP**

### **1. INTRODUCTION**

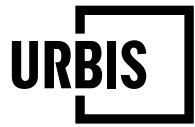
This letter has been prepared by Urbis Ltd on behalf of Stockland Development and Allam Property Group (the proponent group) in relation to the West Gables Planning Proposal (1/2024/PLP) and the proposed amendment to the Hills Shire Local Environmental Plan (HLEP 2019), relating to land at 93-105 & 109-113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

Specifically, this package has been prepared in response to Council's letter, dated 26 April 2024, which lists several issues which require resolution to enable Council to continue with the assessment of the proposal and commence preparation of a response (and recommendation) to the elected Council for determination to proceed to Gateway. The contents of this response have been informed by a discussion held with Council's officers on 16 May 2024.

Fundamental to Council's consideration and review of the enclosed response must be that the West Gables Planning Proposal has been prepared as a single masterplan from the outset. This is in line with Council's Local Strategic Planning Statement and Local Housing Strategy. The detailed technical investigations, and the preparation of a single draft Infrastructure Delivery Plan (and schedule) (**ISDP**) has been fundamental to this planning proposal process. The ISDP is the foundational mechanism for which Council and the proponent group have been (and will continue to) establish a robust contributions framework for the site. At this point in time, more than 60% of the local infrastructure (with a direct nexus to dwelling production by the proponent group) is captured by the draft letters of offer put forward. All endeavours remain to try and work with the remaining four landowners (and Council) to provide further security around the delivery of local infrastructure beyond the commitment(s) of the proponent group. Notwithstanding this, it must be noted that all landowners that make up the West Gables planning proposal area have provided landowners consent for the lodgement and processing of the planning proposal.

The below response table should be read in conjunction with the following attached documents:

RESPONSE TO COUNCIL RFI\_1.2024.PLP



- Attachment A – GLN Response Package
- Attachment B – ELA Response Package
- Attachment C – Proposed Zoning Plans 'Options' (Parks)

## **2. RESPONSE TABLE**

The following table has been prepared to respond to Council's letter, dated 26 April 2024.

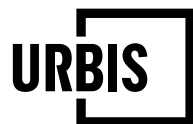
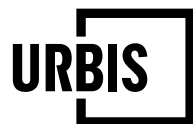


Table 1 Response Table

Council Comment	Response
<p><b>LEP Mechanism</b></p> <p><i>The 'Housing Lot Typology Package' has been reviewed by Council Officers.</i></p> <p><i>There is insufficient evidence provided within this material to demonstrate that the proposed planning mechanism that would enable lot sizes down to 225m<sup>2</sup> provides a superior outcome to that already being delivered by the existing Clause 4.1B, that allows for lots with a minimum size of 240m<sup>2</sup>. The reduction in minimum lot size from 240m<sup>2</sup> to 225m<sup>2</sup> will make it more difficult to comply with minimum private open space, solar access, privacy and amenity requirements in the DCP and is not considered necessary in the context of a greenfield release area, where there is ample flexibility to design for a range of varied lots sizes as part of a master planned development. This element of the proposal is not supported, and it is requested that the achievement of minimum lot sizes of less than 300m<sup>2</sup> continue to be managed under the existing provisions within Clause 4.1B of The Hills Local Environmental Plan, which allow for a minimum lot size of 240m<sup>2</sup> (rather than 225m<sup>2</sup>), consistent with other areas of The Shire and the adjoining Gables development.</i></p>	<p>Council's position on reducing lot sizes below 240sqm (225-240sqm) is noted.</p> <p>On review, the proponent group has elected to remove this request from the planning proposal.</p> <p>Accordingly, the proposal will seek a minimum lot size of 240sqm - 300sqm to continue to be managed via the existing provisions under Clause 4.1B of the Hills Local Environmental Plan 2019.</p> <p>The proponent group welcomes Council's agreement, as noted in their LPP Assessment Report, for the introduction of a new provision that requires a Building Envelope Plan to be approved with any subdivision for lots between 300sqm – 450sqm.</p>
<p><b>Dwelling Cap</b></p> <p><i>Council officers remain concerned about the certainty of how many lots will be provided within each of the different lot size ranges across the entire West Gables Precinct.</i></p>	<p>It is noted that the current planning proposal package (Planning Proposal Report prepared by Urbis dated July 2023) proposed a site-specific dwelling cap, via the inclusion of the following clause in the Hills LEP:</p> <p><i>7.Xx Development on certain land at Gables</i></p>

Council Comment	Response
<p><i>The original proposal included a total dwelling cap of 1,260 dwellings in the site-specific clause for the entirety of the subject site. Concerns were previously raised with the administration of the dwelling cap over the course of the development, given the variety of lot sizes that are proposed. In response, additional information was submitted which proposed to remove the dwelling cap from the suggested clause and indicated that the dwelling cap could form part of the Voluntary Planning Agreement, to ensure that appropriate infrastructure is provided should additional dwellings be achieved.</i></p> <p><i>While there are concerns with the longer-term enforcement of a dwelling cap given the extent of flexibility that could theoretically be achieved through the diversity of lot sizes, a dwelling cap control in the LEP is still considered appropriate, to provide certainty with respect to the final development yield and ensure that development rolls out throughout the Precinct commensurate with servicing and infrastructure planning limitations and expected built form outcomes. It is recommended to reinstate the dwelling cap control as a LEP mechanism in addition to the suggestion of including additional contribution requirements in the Voluntary Planning Agreement should the dwelling cap be exceeded.</i></p>	<p>...</p> <p><i>(5) Development consent must not be granted to development that would result in the total number of dwellings within Area X exceeding a maximum of 1,260 dwellings.</i></p> <p>It is proposed that this amendment request remains, and is a crucial amendment that will help facilitate the management of dwelling production, and also the implementation of concurrent infrastructure contribution mechanisms.</p> <p>It is proposed that in order to enable the most efficient and clear management of the corresponding infrastructure contribution mechanisms (i.e. via planning agreements and/or a contribution plan), a precinct wide cap is the most appropriate. This will remove any boundary discrepancies at the detailed subdivision design and indicative layout implementation phase.</p> <p>It is proposed that the dwelling cap clause is to be supported by the inclusion of a 'land/site' specific dwelling cap to be associated with individual proponent/land owner planning agreements. Such allowances have been made in the current Letters of Offer provided to Council as part of the response package dated March 2024.</p> <p>The proponent group is open to ongoing discussions with Council as to how further certainty can be built into the proposed Planning Agreements in relation to the management and implementation of the dwelling cap.</p>

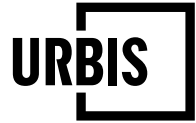


Council Comment	Response
<p><b>Rear Laneways</b></p> <p><i>It is requested that controls within The Hills Development Control Plan 2012 be prepared to remove the ability for the provision of dwellings with rear lane access, instead requiring all dwelling products be front loaded, with a minimum lot width of 7m.</i></p> <p><i>Council has experience with poor maintenance outcomes with respect to the verges fronting these rear loaded terrace type dwellings. In addition, the laneways with only garages fronting them are often an attractor for anti-social behaviour resulting in graffiti and social unrest, as there is poor passive surveillance without dwellings fronting the laneways. Council has also experienced difficulties in collecting waste from rear laneways that are undersized for the current fleet of waste collection vehicles. It is noted that as part of previous discussions Council, you were advised of the required laneways depth and space for waste collection. Your response indicated that you wish to continue with the existing controls for Gables. These controls were established in 2013 and are no longer suitable for the current fleet of waste vehicles, or the need to present 3 bins for collection from 2027 onwards in association with Council's adopted FOGO waste collection program and are therefore not supported.</i></p>	<p>While the proponent group, through the urban design testing undertaken as part of the original Planning Proposal Package, strongly believe this outcome can be suitably achieved, it is proposed that any ability for 'rear land access' to be achieved is to be removed from the planning proposal package entirely.</p>
<p><b>Biodiversity Certification</b></p> <p><i>It is not an appropriate outcome for Council to accept the transfer of 'avoided areas' and the associated maintenance burden to Council in order to facilitate</i></p>	<p><b>Maintenance Burden</b></p> <p>Council's comment regarding maintenance burden is noted and acknowledged. Accordingly, and as discussed below, the proponent proposes provide a</p>

Council Comment	Response
<p><i>the Proponent's urban development outcomes. This approach would place an unreasonable cost and maintenance burden on Council and the broader community in perpetuity. An alternative approach to obtaining biodiversity certification should be considered, which may include the need to purchase additional credits to offset all vegetation within the subject area, such that there are no "avoided areas" on land proposed to be dedicated to Council.</i></p> <p><i>At this time, the application material submitted has not demonstrated that biodiversity can be conserved in accordance with the Biodiversity Conservation Act 2016 and relevant planning policies and legislation. It is requested that following matters be resolved:</i></p> <ul style="list-style-type: none"> <li><i>▪ Land intended to be dedicated to Council for open space must not contain any proposed 'avoided areas';</i></li> <li><i>▪ Following rectification of the above, it would be necessary to revise the necessary ecosystem and species credits; and</i></li> <li><i>▪ Amendments are to be made to the planning proposal material, including the preparation and submission of an application for Biodiversity Certification to DCCEE. Biodiversity Certification of the land will need to be obtained prior to the finalisation of any rezoning.</i></li> </ul>	<p>funding source for the on-going management of any retained areas serving the dual purpose of passive open space and ecological restoration and management. This will remove any ongoing responsibility (cost or otherwise) of Council to manage these areas, thus removing completely Council's concerns.</p> <p>Eco Logical Australia (<b>ELA</b>) has provided a detailed response regarding the policy context for 'avoided land'. That is, land for which the ecological environment is proposed to be protected through the avoidance of impact. As outlined in ELA's review of the Biodiversity Conservation Act, Biodiversity Assessment Method 2020, Biodiversity Assessment Method 2020 Operational Manual Stage 2, Biodiversity Certification Fact Sheet 1 Avoiding and Minimising Impacts, and Biodiversity Conservation SEPP (2021), it is clear that:</p> <ul style="list-style-type: none"> <li>- Planning stages should consider biodiversity values.</li> <li>- Biodiversity impacts should be avoided and minimised where possible.</li> <li>- VMPs and conditions of consent are acceptable measures to demonstrate that biodiversity values are avoided. Whilst Biodiversity Stewardship Agreements are one option for managing 'avoided areas', they are not a requirement.</li> <li>- If vegetation can't be avoided, biodiversity certification can also classify the vegetation as retained.</li> </ul> <p>Critically, the proponent group is challenging Council's view of what 'avoided land' can contain relative to serving a dual function. To simply assume that</p>

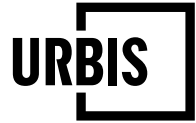


Council Comment	Response
	<p>avoided land is just that, avoided, disregards the framework discussed in ELAs response letter. Further, it is the proponent groups' contention that the having 'avoided' vegetation in the park is consistent with biodiversity related policy and can be achieved at no cost to Council and will not compromise passive recreational use of the park.</p> <p>The proponent group proposes an approach that is consistent with the above guidelines as well as address Councils concerns regarding financial burden and ability of parks to provide for the recreational uses. The approach is:</p> <ul style="list-style-type: none"><li>- Site selection for the parks based on mapping of biodiversity values and the identification of areas with higher conservation value such as larger patches of vegetation.</li><li>- The parks will be of sufficient size, design and management to provide for both biodiversity and recreational (passive open space) objectives.</li><li>- The recreational objectives will be achieved by:<ul style="list-style-type: none"><li>o Identifying an open space area that is sufficient for playground, shelter, seating, rubbish bins, drinking water, taps, signage, kick-around space and landscaping.</li><li>o Providing a micro-sited walking path through bushland areas, providing a peaceful forest experience</li></ul></li></ul>



Council Comment	Response
	<ul style="list-style-type: none"><li>○ Biodiversity certification of the above areas so that Council would not be constrained by vegetation management, although tree retention for shade purposes may be beneficial.</li><li>- The conservation objectives will be achieved by:<ul style="list-style-type: none"><li>○ Retention of trees in the remainder of the park and rehabilitation in accordance with a Vegetation Management Plan. The plan would have a two-year implementation period and a three-year maintenance period. The VMP is to be prepared in consultation with Council and to be implemented by the proponent group.</li><li>○ Showing these areas as avoided land or retained land in the criti Certification.</li><li>○ Providing a source of ongoing funding for vegetation management beyond the 5-year VMP.</li></ul></li><li>- The parks are to be zoned C2 Environment Conservation. If Council prefers that the parks be split zoned into C2 and RE1, this can be supported by the proponent group. Both options have been prepared and submitted with this response package.</li><li>- It is noted that in The Hills LEP, 'environmental facilities' is permitted with consent in the C2 zone. Environmental facilities is defined "<i>as a building or place that provides for the recreational use or scientific study of natural systems, and includes walking tracks, seating, shelters, board walks,</i></li></ul>

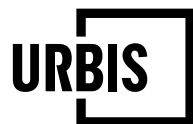




Council Comment	Response
	<p><i>observation decks, bird hides or the like, and associated display structures."</i></p> <p>The attached figures provide an indicative arrangement for the parks, with the pale green areas proposed for the recreation component and the darker green areas being the focus of avoidance and rehabilitation. These are preliminary sketches only and could be adjusted based on consultation with Council.</p> <p>In ELAs opinion, the parks can deliver protection of the Cumberland Shale Sandstone Ironbark Forest over the long term whilst also providing recreational opportunities that do not compromise those values. The Vegetation Management Plan will improve the condition of the vegetation via weed removal and re-planting where necessary. Footpaths through the conservation areas can be of low-impact construction (eg: crushed gravel) and be micro-sited to avoid trees. If appropriate, users can be kept on the path through low bollard and cable fencing. We believe this is a better ecological outcome that simply biodiversity certifying the park.</p> <p>The proponent group do not propose biodiversity certification on the C2 portions of the park as this:</p> <ul style="list-style-type: none"><li>- Reduces the biodiversity protection of the vegetation.</li><li>- Is unlikely to be supported by NSW DCCEEW. The proponent group had an initial meeting with DCCEEW at which they said they would be unlikely to support biodiversity certification of the parks.</li></ul>

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	<ul style="list-style-type: none"> <li>- Has a financial cost to the proponent group that is unnecessary since the vegetation is not proposed to be removed.</li> </ul> <p>Similar outcomes have been provided by the proponent group as part of the ‘Nakuru’ development, at Silverdale, where C2 land adjoins a new residential community with the intention of serving a dual function for conservation and passive open space.</p> <p>On the final point from the LPP (that biodiversity certification needs to be finalised prior to rezoning), the proponent group intend to progress biodiversity certification concurrently with the Planning Proposal. If the rezoning were not to proceed, there is no reason to pursue biodiversity certification. A legal agreement would be proposed to ensure that the land is biodiversity certified prior to the lodgement of a Development Application.</p>
<p><b>Open Space</b></p> <p><i>As outlined above, the identification of “avoided areas” (for the purpose of biodiversity certification) within the land proposed to be open space is not supported. Based on the information provided to date, there is not sufficient certainty that Council will be able to utilise or embellish these passive open space areas to a standard that is adequate to service development from a recreational perspective.</i></p> <p><i>Council’s Recreation Strategy identifies that local suburban parks should contain (at a minimum) internal pathways, a playground, a playground shade</i></p>	<p>As noted in Council’s Recreation Strategy 2019 (<b>the Strategy</b>), passive open space refers to areas of play and quiet relaxation and provides an opportunity to connect with the community and outdoor environment. Passive open space increases the attractiveness and liveability of our neighbourhoods and ultimately increases the quality of life of Hills residents.</p> <p>It is the intention of this planning proposal, to challenge the way in which passive recreation and open space is thought of. The Strategy directly states that parks and reserves must also play a role in conservation (Pg.3), however this cannot be achieved if all open space land is zoned RE1 and in the case of this project, bio-certified. The Strategy lists seven ‘functions’ for open spaces to</p>

Council Comment	Response
<p><i>structure, playground synthetic/soft fall rubber, shelter and seating, rubbish bins and collection areas, drinking water, tap, park signage, an open space kick around area and landscaping.</i></p> <p><i>If the land identified for passive open space was biodiversity certified and Council was not restricted in its ability to embellish these sites for passive recreation, the proposed provision of local parks would be considered satisfactory (noting that Council would still have the flexibility to retain some vegetation in these parks as part of their design, similar to Equinox Park and Withers Road Reserve).</i></p>	<p>ensure a range of recreation experiences in any given catchment. Concerningly however, of the seven functions listed, only one requires the protection of flora and fauna. Such an approach severely limit's Council's ability to restore and retain ecological value across not only current and proposed open space areas, but the broader LGA. The proponent group are of the view that enabling open space area that can provide interactions for people with nature, while also conserving ecological values, is in the community's best interest.</p> <p>Council's Recreation Strategy notes that of Council's 299 parks and reserves, 61 per cent is bushland, which serves an important passive recreational function. Thirty-seven parks are located on Crown Land and managed and controlled by Council. This in itself suggests that 'bushland', as defined in the Strategy as being "<i>open space areas reserved or provided for the protection of flora and fauna. They may include existing bushland, grassland, riparian zones, wetlands and waterways</i>", can serve a dual function of retaining ecological significance while also providing for passive recreational needs of the community.</p> <p>In summary, it is the proponent group's view that creating land with a dual function is undoubtably in the community's best interest. It is clear that the proposed arrangement can both retain and restore ecological value, while providing for the future residents of the area. This approach is not only sensible, but required to deliver a balanced outcome for the site.</p>



Council Comment	Response
<p><b>Infrastructure Mechanism</b></p> <p><i>Council Officers have reviewed the additional information package submitted on 5 April 2024 containing draft letters of offer from Stockland and Allam Homes.</i></p> <p><i>The letters of offer do not apply to the whole of the land to which the proposed rezoning and proposed infrastructure items relate. It is understood that there is an expectation that Council also prepare a new Contributions Plan to cover the planning proposal site to secure the infrastructure included in the planning proposal and introduce a ‘satisfactory arrangements’ clause within Part 7 of The Hills Local Environmental Plan (LEP).</i></p> <p><i>Council officers do not support the proposed approach. The proposed infrastructure solution does not give Council a reasonable level of certainty that an infrastructure mechanism would be in place for the subject land in its entirety and at the time that rezoning would occur.</i></p> <p><i>The Department’s Planning Circular PS 21-001 Improving Planning Agreements emphasises the importance of ensuring that infrastructure planning takes place concurrently to the rezoning process, particularly in areas experiencing major growth. The Planning Circular highlights the benefits of this approach, which enables the cost of growth infrastructure to be fairly apportioned, encourages confidence in the planning system, and reduces the need for ad hoc or reactive infrastructure solutions for individual developments. Further, a Practice Note on Planning Agreements released by the Department</i></p>	<p>GLN have prepared a detailed response package, contained with this response. The following is taken from their response.</p> <p>The detailed master planning and infrastructure planning for West Gables has been undertaken on a “whole of site” basis, assessing and incorporating the infrastructure requirements of all landholdings in the IDP which underpins the development.</p> <p>Stockland and Allam are unable to provide a consolidated planning agreement offer for the entire site as this time as they do not control all of the land, and this cannot practically be achieved at this stage of the Planning Proposal process.</p> <p>Instead, Stockland and Allam propose a “layered” infrastructure contributions approach to provide Council with sufficient certainty regarding infrastructure delivery. The approach includes:</p> <ul style="list-style-type: none"><li>- A draft costed infrastructure schedule for the development, and corresponding draft planning agreement offers for the Stockland and Allam landholdings.</li><li>- An offer for Stockland and Allam to fund and support the preparation of a local contributions plan for West Gables.</li><li>- The inclusion of a local satisfactory arrangements clause as discussed in Section 3.2 of this memo.</li></ul>

Council Comment	Response
<p><i>in February 2021 also emphasises the importance of integrating land use planning with strategic infrastructure planning concurrently, to ensure that contributions mechanisms are in place at the time that rezoning occurs.</i></p> <p><i>Additionally, Council's LSPS reiterates that a holistic master planned approach to deal with the subject land is critical to the merit of any rezoning application for this remaining pocket of rural land. This position has been clearly communicated to you early on in planning proposal process, including in pre-lodgement meetings, where holistic infrastructure solutions were discussed.</i></p> <p><i>In order for Voluntary Planning Agreements to be a suitable mechanism for the delivery of infrastructure, they need to cover all of the land to which the rezoning pertains. This ensures that the developer of the land is delivering the infrastructure required to support the development and not relying on Council to undertake these works. This would also ensure that land zoned for public purpose would be dedicated to Council at no cost and not expose Council to acquisition liability and escalating land costs associated with purchase in the future.</i></p> <p><i>Satisfactory arrangements clauses have not previously been utilised for local infrastructure. Further, all satisfactory arrangements clauses have since been deleted from Council's LEP following State Government changes to the contributions framework and are unlikely to be an option for infrastructure delivery in the future.</i></p>	<p>This approach provides Council with confidence that the infrastructure requirements for the proposal have been identified, and viable local contributions mechanisms are available. The VPA offers from Stockland and Allam include monetary contributions towards the embellishment of the offsite Horsecworld active open space site and the augmentation of community infrastructure floorspace, which cannot be included in a local contributions plan due to the "essential works list" which applies to contributions plans where IPART approval is required to levy above the \$30,000 per lot cap for development in a designated greenfield urban release area. Further, the inclusion of a local satisfactory arrangements clause in the LEP means that development cannot be approved prior to a contribution's mechanism being in place for the land. Thus, the financial and infrastructure delivery risk is essentially transferred from the Council to the developers.</p> <p>Stockland and Allam will continue to liaise with other landowners in West Gables and will advise Council if an updated VPA offer which includes other landowners is proposed.</p> <p>The NSW Government amended LEPs to remove satisfactory arrangements provisions relating to state contributions following the introduction of the HPC across six regions/catchments in NSW, however there are several examples of local satisfactory arrangements provisions currently in operation via LEPs.</p> <p>Example 1 - A local satisfactory arrangements clause was recently included in Amendment 30 to the Penrith LEP 2010 which was made on 30 June 2023. New clause 6.3A accompanied the making of a planning proposal for Glenmore</p>

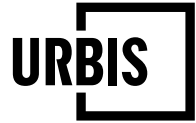
Council Comment	Response
<p><i>As such, both the proposed satisfactory arrangements clause and the VPA offers pertaining to only part of the site are not supported, and there is concern with respect to the strategic merit of the rezoning where it does not align infrastructure with growth and the Proponent does not have control of all land proposed to be rezoned. Council would not be able to prepare and adopt a contributions plan concurrently with the consideration of the planning proposal in the required timeframes, therefore a contributions plan not a reasonable option for infrastructure delivery at this point in the process.</i></p> <p><i>The mechanism for infrastructure delivery is a fundamental issue that needs to be resolved not only in terms of providing certainty of infrastructure delivery, but also for Council's concluding assessment for the merits of the rezoning in its entirety. It is requested that you amend your proposed infrastructure solution to address the above concerns. This would include an offer to either enter into a voluntary planning agreement or prepare a contributions plan for the subject land in its entirety for Council to consider. However, as discussed previously, a planning agreement is the preferred method to ensure that infrastructure is resolved at the time of the rezoning, noting that the lengthy process involved in establishing a contributions plan will delay the consideration of the planning proposal.</i></p>	<p>Park Stage 3 which is an urban release area. An extract of Clause 6.3A is included below:</p> <p><b>[6] Clause 6.3A</b> Insert after clause 6.3—</p> <p><b>6.3A Concurrence of Planning Secretary</b></p> <ol style="list-style-type: none"> <li>(1) Development consent must not be granted to development on land in an urban release area unless the consent authority has obtained the concurrence of the Planning Secretary.</li> <li>(2) In deciding whether to grant concurrence, the Planning Secretary must consider the following— <ol style="list-style-type: none"> <li>(a) the impact of the development on the relevant planning matters,</li> <li>(b) the steps taken to address the impacts, including whether a planning agreement has been, or will be, entered into to improve or contribute to the relevant planning matters.</li> </ol> </li> <li>(3) In this clause— <b>relevant planning matters</b> means the following— <ol style="list-style-type: none"> <li>(a) transport and traffic management,</li> <li>(b) water cycle management,</li> <li>(c) land used for public open space or recreational purposes.</li> </ol> </li> </ol> <p>It is noted that Clause 6.3A requires the concurrence of the Planning Secretary, however the clause could be drafted to require the Council to be satisfied, similar to Example 2 below.</p> <p>Example 2 - A local satisfactory arrangements clause which applies to urban release areas in the Camden LGA under the Camden LEP 2010 is included below:</p>



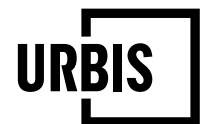
Council Comment	Response
	<p data-bbox="1144 470 1473 496"><b>6.2 Public utility infrastructure</b></p> <p data-bbox="1227 523 2051 638">(1) Development consent must not be granted for development on land in an urban release area unless the Council is satisfied that any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.</p> <p data-bbox="1227 665 2051 722">(2) This clause does not apply to development for the purpose of providing, extending, augmenting, <u>maintaining</u> or repairing any public utility infrastructure.</p> <p data-bbox="1133 759 2069 1050">DPHI's planning agreement practice note and LEP making guidelines state that infrastructure planning should occur concurrently with the rezoning process, and where possible, the contributions mechanism should be in place (or be ready for adoption/execution) when the rezoning occurs. These requirements were introduced to require proponents and the relevant planning authority to consider the infrastructure requirements of a proposal early in the rezoning process, rather than addressing matters retrospectively after a rezoning has occurred.</p> <p data-bbox="1133 1082 2069 1182">GLN contends that the infrastructure requirements for West Gables and appropriate contributions mechanisms for the development have been provided as follows:</p> <ul data-bbox="1133 1214 2040 1378" style="list-style-type: none"><li>- An IDP has been prepared for West Gables which outlines infrastructure requirements to support growth.</li><li>- Draft VPA offers have been made to Council for the Stockland and Allam landholdings, informed by a costed infrastructure schedule.</li></ul>

Council Comment	Response
	<ul style="list-style-type: none"> <li>- As outlined earlier in this memo, the proponents offer to prepare a site-specific contributions plan which will provide Council with a baseline contributions mechanism for levying contributions.</li> <li>- The inclusion of a local satisfactory arrangements clause in The Hills LEP 2019 which means that following the rezoning, the developer of any parcel will need to either negotiate a planning agreement with the Council, or await the adoption of a contributions plan.</li> </ul> <p>DPHI has allowed rezonings to proceed where an adequate assessment of infrastructure requirements has been undertaken during the rezoning process, but where the infrastructure mechanisms have not been finalised at gazettal.</p> <p>This outcome has been facilitated via local satisfactory arrangements provisions outlined in Section 3.2 of this memo, along with state satisfactory arrangements contained in Clause 66 of the Environmental Planning and Assessment Regulation 2021 shown below:</p> <p><b>66 Contributions plans for certain areas in Sydney—the Act, s 4.16(1)</b></p> <p><i>(1) A development application for development on the following land must not be determined by the consent authority unless a contributions plan has been approved for the land to which the application relates—</i></p>

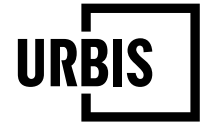




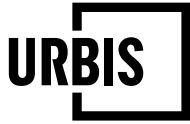
Council Comment	Response
	<p><i>(a) land in Zone IN1 General Industrial under State Environmental Planning Policy (Industry and Employment) 2021, Chapter 2,</i></p> <p><i>(b) land in a residential, business or industrial zone, Zone C4 Environmental Living or Zone 1 Urban Development under a Precinct Plan in State Environmental Planning Policy (Precincts—Central River City) 2021, Chapter 3 or State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 3,</i></p> <p><i>(c) land shown on the Land Application Map under State Environmental Planning Policy (Precincts—Western Parkland City) 2021, Chapter 4.</i></p> <p><i>(2) The consent authority may dispense with the requirement for a contributions plan if—</i></p> <p><i>(a) the consent authority considers the development application is of a minor nature, or</i></p> <p><i>(b) the developer has entered into a planning agreement for the matters that may be the subject of a contributions plan.</i></p> <p><i>(3) This section applies to a development application for development on land referred to in subsection (1)(b) that was made but not finally determined before 25 January 2019.</i></p>



Council Comment	Response
	<p>This approach recognises that the planning, design, and the commencement of the development approval processes for release areas should not be unnecessarily delayed whilst waiting for the finalisation of a contributions mechanism, as to do so would substantially delay land release and housing supply.</p> <p>It is noted that DPHI and Parliamentary Counsel have deliberately worded the satisfactory arrangements clauses in both the LEPs and the Regulation so that they apply to urban release areas, and not only a specific release area named in the instrument. This is a deliberate and ensures that where future rezonings have included an appropriate assessment of infrastructure requirements up-front in the planning proposal process, the Council and DPHI are able to progress the planning proposal in a timely manner and instead require the contributions mechanism to be finalised before development approvals are granted.</p> <p>The holistic approach to infrastructure planning for West Gables reflected in the IDP and broader planning proposal package provides Council and DPHI with certainty around the demand for local infrastructure generated by the development, and how that infrastructure can be provided.</p> <p>The making of draft planning agreement offers by Stockland and Allam, coupled with the offer to prepare an underlying local contributions plan and the inclusion of a local satisfactory arrangements clause, provides Council with</p>



Council Comment	Response
	certainty that contributions mechanisms must be in place before development approvals are granted.



### **3. CONCLUSION**

This letter and the accompanying documentation have been prepared in response to the matters raised by The Hills Shire Council's letter dated 26 April 2024.

We trust that the information pack 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".

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