

**ANGEL PLACE
LEVEL 8, 123 PITT STREET
SYDNEY NSW 2000**

URBIS.COM.AU
Urbis Ltd
ABN 50 105 256 228

5 June 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 email, dated 24 May 2024, which lists several issues under two key headings 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 below response table should be read in conjunction with the following attached documents:

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

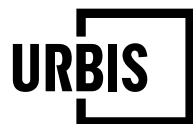
2. RESPONSE TABLE

The following table has been prepared to respond to Council's email dated 24 May 2024.

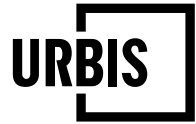


Table 1 Response Table

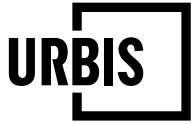
Council Comment	Response
<p>Biodiversity Certification</p> <p><i>The use of the C2 zone for land intended to be used for recreation is not supported, which appears to be consistent with the views of DEECCW. Previous comments on the RE1 land being the right size, well distributed and sufficient assumed that the land would be entirely used for recreation, not biodiversity conservation without any ability for that land to be used for recreation.</i></p> <p><i>Noting DEECCWs advice, Council suggests that the ‘avoided land’ should be considered as adjacent to, contiguous with and providing an outlook for the recreation land, rather than as serving a recreation function. It is Council’s understanding from the DEECCW letter that any recreation activities (potentially including opportunities for children to explore the bush) in ‘avoided’ land will not be supported by DEECCW. However, the designs provided to date appear to indicate pathways being provided through the land intended to be ‘avoided’. Further the Proponent group has challenged some of the positions in Council Recreation Strategy in terms of this land serving the purpose of protecting flora and fauna – it appears as though DEECCW do not agree with this position and would expect more strict protection of the vegetation on ‘avoided’ land which is inconsistent with the approach put forward in the additional information.</i></p> <p><i>Given this, it is again suggested that consideration be given to alternative arrangements for the avoided areas, ideally involving the retention of this on privately owned land</i></p> <p><i>If the Proponent group wishes to pursue the proposed split RE1/C2 zoning of the park land, it would need to be clear which land will be ‘biodiversity certified’ and which will be ‘avoided’ – ideally identifying the RE1 zoned land as biodiversity certified so that appropriate recreation outcomes can be achieved on this land. This would ensure that works (and removal of some vegetation) can occur on the RE1 zoned portion. Council would consider any land that is either zoned C2 or ‘avoided’ is not able to accommodate any works for</i></p>	<p>Following a review and discussions with Council, the proponent group make the following comments:</p> <ul style="list-style-type: none">• Confirm the proposed zoning split RE1 and C2 for the northern and southern park, as depicted in ELA’s letter, inclusive of areas proposed to site within each zone.• Confirm the RE1 zoned land will be biodiversity certified so that Council will not be constrained in their ability to embellish the parks.• Reiterate previous comments from ELA that the VMP will be prepared, inclusive of a 2-year implementation period, 3-year maintenance period and a source of ongoing funding to be provided. <p>Accordingly, the proponent group request the approach be supported and that Council recommend the Planning Proposal be submitted for Gateway Determination, noting resolution of</p>



Council Comment	Response
<p><i>recreation outcomes. This approach would need the material to demonstrate to Council that the land identified for recreation purposes is suitable for servicing the future population.</i></p> <p><i>Further, if Council is to consider accepting the C2 zone 'avoided' land, in addition to the recreation land, Council would need a clear understanding of what financial or other contributions are being offered and how this will be sufficient to ensure any and all management and maintenance costs associated with this land are covered in perpetuity.</i></p>	<p>the VMP funding must be agreed/in place prior to exhibition (or similar).</p>
<p>Voluntary Planning Agreement</p> <p><i>Council appreciates that the Proponent group has sought to identify all the required infrastructure necessary to support the development. However the approach put forward by the Proponent group exposes Council to having to acquire land and deliver works on the land not under the control of Stockland and Allam. The existing Gables VPA and CP approach works because the major developer controls all the land where the infrastructure is to be delivered and undertakes the delivery, and any contributions collected are simply passed on to the major developer. This approach would potentially be acceptable to Council for West Gables but at this stage is not being put forward, as the Proponent group is not able to dedicate all the land and deliver all of the works required. In order for the infrastructure mechanism to be appropriate the following needs to occur:</i></p> <p><i>a. The Proponent group needs to guarantee that the land and works identified in the planning proposal will be delivered by the Proponent group, not Council, even if the land is not under your control at this time. Council is struggling to resource the land acquisitions and delivery of works in our existing release areas and CPs and it will be difficult to convince Council to take on more of this. I do not agree that the SAC transfers the financial and infrastructure delivery risk the developer. If neither Stockland or Allam acquire the outstanding lots, the CP is left to operate and Council is left to negotiate with those landowners for acquisition (which in</i></p>	<p>Following a review and discussions with Council, the proponent group make the following comments:</p> <ul style="list-style-type: none"> • Note the response letter provided by GLN as part of the most recent RFI package which summarises the preferred approach to funding, however noting that discussions are continuing with landowners. • Reiterate that landowner's consent has been provided for all land parcels as part of the planning proposal package. • Recommend that the planning proposal be submitted for a Gateway Determination, noting that the proposed local infrastructure contributions mechanism(s) must be



Council Comment	Response
<p><i>Council's experience will cost more than what the CP allocates following the IPART process) and deliver the works on that land (subject to rising construction costs that won't be covered following the IPART process). As I understand it, Stockland is intending to acquire these lots and these issues may resolved as the process goes forward, but without this guarantee, Council is exposed to unacceptable risk especially given the request to progress with the rezoning in advance of having any CP in force.</i></p> <p><i>b. Council appreciates the offer to prepare the CP, however it is extremely unlikely that any CP for the planning proposal development would result in contributions per dwelling under \$30,000 so the Plan would have to go to IPART whether Council or the Proponent group prepares it. The contributions toward community facilities would not be able to be included in a CP so this is noted as an advantage of the VPAs. The contribution for active open space would be included in a CP and would be a key element that drives the value of contributions over the \$30,000 cap. The risk of the IPART process is a real concern for Council (and very fresh noting the recent review of CP15 for Box Hill) and is one of Councils key reasons for preferring the VPA pathway, along with the ability to ensure that a feasible infrastructure mechanism is in place alongside the rezoning.</i></p> <p><i>c. I note the suggestion that the satisfactory arrangements clause would have Council as the authority to be satisfied, not the Planning Secretary. While I appreciate the use of the Camden clause, the Hills LEP has a similar one for urban release areas and this only pertains to utilities, not local infrastructure. I am yet to see a SAC for local infrastructure where Council is the authority required to give concurrence and I have doubt over whether this approach would be supported by DPHI and Parliamentary Counsel. If the Proponent group is able to guarantee the delivery of the works, in combination with the SAC with Council as the concurrence authority, this may be sufficient to progress, however we would need certainty that this kind of SAC would be supported by DPHI and PC.</i></p>	<p>exhibited concurrently with the planning proposal</p>



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 24 May 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".

Andrew Hobbs
Associate Director
+61 2 8233 7697
ahobbs@urbis.com.au