



THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL
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16 August 2024

Rukshan De Silva
Director Metro Central/West/South
Department of Planning, Housing and Infrastructure
4 Parramatta Square
PARRAMATTA NSW 2150

Our Ref: 1/2024/PLP

Dear Rukshan,

PLANNING PROPOSAL SECTION 3.34 NOTIFICATION

Proposed The Hills Local Environmental Plan 2019 (Amendment No. (#)) – to rezone from RU6 Transition to R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and C2 Environmental Conservation, amend the minimum lot size from 2 hectares to 450m² and 700m², introduce a new local provision and a satisfactory arrangements clause

Pursuant to Section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act), it is advised that Council has resolved to prepare a planning proposal for the above amendment.

The planning proposal seeks to facilitate expansion of the existing Gables Precinct and facilitate additional urban development comprising approximately 1,260 low and medium density dwellings, open space areas and riparian corridors.

At its Ordinary Meeting of 23 July 2024, Council resolved as follows:

1. *The planning proposal proceed to Gateway Determination.*
2. *Council officers engage in discussions with the Proponent, Department of Planning, Housing and Infrastructure and the Department of Climate Change, Energy, the Environment and Water (DCCEEW) with respect to the Proponent's application to DCCEEW for Biodiversity Certification of the subject land and DCCEEW's views on public open space and conservation outcomes on the same land, as outlined in their letter dated 23 May 2024. Any finalisation of the proposal would be contingent on the Proponent obtaining Biodiversity Certification for the planning proposal area. Council's position is that it will not accept the dedication of land which is identified as "avoided land" or zoning of these areas as RE1 Public Recreation.*
3. *As part of the Gateway Assessment process, Council officers engage in discussions with the Department of Planning, Housing and Infrastructure with respect to the likely need for Gateway conditions which:*
 - a. *Require amendments to the documentation prior to public exhibition, to respond to any conditions of the Gateway Determination and reflect the most current version of the planning proposal, noting that a number of amendments which were made to the planning proposal during the assessment phase are not accurately reflected across all application documentation.*

- b. *Remove the proposed satisfactory arrangements clause. Council's position is that such a clause is unlikely to be accepted at the legal drafting stage of the process or have legal effect with respect to local infrastructure provision. Finalisation of the proposal with respect to any or all of the subject land will be entirely contingent on an appropriate infrastructure mechanism being in place for that land, at that time, not the use of satisfactory arrangement provisions;*
 - c. *Identify the need for the Proponent to obtain Biodiversity Certification of the planning proposal area by way of an application through DCCEEW, prior to any finalisation of the planning proposal;*
 - d. *Review the proposed zoning of public open space areas and "avoided land", in consultation with DCCEEW. Council's position is that the use of the C2 Environmental Conservation zone is only supported in instances where the land will not be dedicated to Council and where a mechanism is in place to ensure that no acquisition liability is created for Council. Council will not accept the dedication of "avoided land" or the zoning of this land as RE1 Public Recreation.*
4. *Prior to public exhibition of the planning proposal, Council consider a further report regarding:*
- a. *Draft amendments to The Hills DCP 2012 that reflect the updated planning proposal and any conditions of the Gateway Determination, with draft amendments to be exhibited concurrently with the planning proposal; and*
 - b. *Appropriate infrastructure contributions mechanism/s which relate to all land subject to the planning proposal and all local infrastructure required to support the development and provide adequate certainty that the necessary local infrastructure will be provided at no cost to Council or the community.*

Please find enclosed the information required in accordance with the 'Local Environmental Plan Making Guideline' issued under Section 3.33(3) of the EP&A Act. The planning proposal and supporting material is enclosed with this letter for your consideration. Council is seeking delegation as the Local Plan Making Authority for this planning proposal.

As part of the Gateway Assessment process, it is requested that DPHI convene a meeting with the relevant agencies (DCCEEW, Council, the Proponent and DPHI staff) with respect to Point 2 of Council's resolution.

The support of DCCEEW and the outcomes of the Biodiversity Certification application will directly inform the planning proposal amendments (specifically with respect to appropriate land zones and their mapped extent on the Land Zone Map) and will also affect the areas to be dedicated to Council under the draft Voluntary Planning Agreement. As such, it is critical that the Proponent's Biodiversity Certification application is considered in a timely manner concurrent with the Gateway Assessment process and with the early involvement of all relevant agencies to ensure that it can be accurately reflected in subsequent updates to the planning proposal material, draft VPA and draft DCP.

It is also requested that a separate meeting be arranged between DPHI staff and Council officers only with respect to Point 3 of Council's resolution.

Following receipt by Council of the Department's written advice, Council will proceed with the planning proposal. Any future correspondence in relation to this matter should quote reference number 1/2024/PLP.

Should you require any further information please contact Dragana Strbac, Senior Town Planner on 9843 0269.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Munari', with a small dot above the 'i'.

Megan Munari
PRINCIPAL COORDINATOR – FORWARD PLANNING

Attachment 1: Planning Proposal (including attachments)

PLANNING PROPOSAL

LOCAL GOVERNMENT AREA: The Hills Shire Council

NAME OF PLANNING PROPOSAL: Draft The Hills Local Environmental Plan 2019 (Amendment No (#)) – Proposed amendments to rezone from RU6 Transition to R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and C2 Environmental Conservation, amend the minimum lot size from 2 hectares to 450m² and 700m², and introduce a local provision and a satisfactory arrangements clause.

STATUS: Pre-Gateway Determination

ADDRESS OF LAND: West Gables Precinct (Lot 11 DP 593517, Lots 19 and 20 DP 255616, Lots 13 and 14 DP 255616, Lot 12 DP 1157044, Lots 2-6 DP 39157, Lot 2 DP 1213569, Lots 20 and 21 DP 609902 and PT Lot 10A DP 39157)

SUMMARY OF RESIDENTIAL YIELD:

	EXISTING	PROPOSED	TOTAL YIELD
Dwellings	14	1,260	+1,246

SUPPORTING MATERIAL:

Attachment A	Assessment against State Environment Planning Policies
Attachment B	Assessment against Section 9.1 Local Planning Directions
Attachment C	Local Planning Panel Report and Advice, 17 April 2024
Attachment D	Council Report and Minute, 23 July 2024
Attachment E	Proponent's Planning Proposal Report, July 2023
Attachment F	Urban Design Report and Indicative Layout Plan, July 2023
Attachment G	Owner's Consents
Attachment H	Biodiversity Certification Assessment Report and Supporting Appendices, July 2023
Attachment I	Water Cycle Management and Flood Management Study, July 2023
Attachment J	Preliminary Site Investigation Report, July 2023
Attachment K	Geotechnical Study, July 2023
Attachment L	Traffic Impact Assessment, July 2023
Attachment M	Aboriginal Heritage Archaeological Assessment, July 2023
Attachment N	Bushfire Strategic Study, July 2023
Attachment O	Services Infrastructure Plan, July 2023
Attachment P	Social Infrastructure Needs Assessment, July 2023
Attachment Q	Economic Lot Size Analysis, July 2023
Attachment R	Council Officer Prelodgement Letter, 20 May 2022
Attachment S	Infrastructure Delivery Plan, July 2023
Attachment T	Council Officer Preliminary Assessment Feedback Letter, 7 December 2023
Attachment U	Lot Testing Package, February 2024
Attachment V	Request for Information Response Summary Letter, 15 March 2024
Attachment W	Draft Site-Specific Development Control Plan and Appendix, March 2024
Attachment X	Flood Modelling Assessment, March 2024
Attachment Y	Transport Impacts Letter, March 2024
Attachment Z	Altogether Servicing Letter, March 2024
Attachment AA	Biodiversity Letter, March 2024
Attachment AB	RFI Further Response & Summary Letter, 5 April 2024
Attachment AC	Infrastructure and Contributions RFI response, 4 April 2024
Attachment AD	Draft VPA Letter of Offer, Allam Homes, April 2024
Attachment AE	Draft VPA Letter of Offer, Stockland, April 2024

Attachment AF	Council Officer LPP Advice & Further RFI Letter, 26 April 2024
Attachment AG	RFI Further Response Letter, 20 May 2024
Attachment AH	Further Infrastructure and Contributions Response, 20 May 2024
Attachment AI	ELA Response Package, 20 May 2024
Attachment AJ	Park Zoning Options, 20 May 2024
Attachment AK	DCCEEW Preliminary Advice Letter, 23 May 2024
Attachment AL	Further RFI Response to Council, 5 June 2024
Attachment AM	Further ELA Response Package, 5 June 2024
Attachment AN	Further Park Zoning Options, 5 June 2024

BACKGROUND:

At its Ordinary Meeting of 23 July 2023, Council considered the planning proposal applicable to land at West Gables and resolved that:

1. *The planning proposal proceed to Gateway Determination.*
2. *Council officers engage in discussions with the Proponent, Department of Planning, Housing and Infrastructure and the Department of Climate Change, Energy, the Environment and Water (DCCEEW) with respect to the Proponent's application to DCCEEW for Biodiversity Certification of the subject land and DCCEEW's views on public open space and conservation outcomes on the same land, as outlined in their letter dated 23 May 2024. Any finalisation of the proposal would be contingent on the Proponent obtaining Biodiversity Certification for the planning proposal area. Council's position is that it will not accept the dedication of land which is identified as "avoided land" or zoning of these areas as RE1 Public Recreation.*
3. *As part of the Gateway Assessment process, Council officers engage in discussions with the Department of Planning, Housing and Infrastructure with respect to the likely need for Gateway conditions which:*
 - a. *Require amendments to the documentation prior to public exhibition, to respond to any conditions of the Gateway Determination and reflect the most current version of the planning proposal, noting that a number of amendments which were made to the planning proposal during the assessment phase are not accurately reflected across all application documentation.*
 - b. *Remove the proposed satisfactory arrangements clause. Council's position is that such a clause is unlikely to be accepted at the legal drafting stage of the process or have legal effect with respect to local infrastructure provision. Finalisation of the proposal with respect to any or all of the subject land will be entirely contingent on an appropriate infrastructure mechanism being in place for that land, at that time, not the use of satisfactory arrangement provisions;*
 - c. *Identify the need for the Proponent to obtain Biodiversity Certification of the planning proposal area by way of an application through DCCEEW, prior to any finalisation of the planning proposal;*
 - d. *Review the proposed zoning of public open space areas and "avoided land", in consultation with DCCEEW. Council's position is that the use of the C2 Environmental Conservation zone is only supported in instances where the land will not be dedicated to Council and where a mechanism is in place to ensure that no acquisition liability is created for Council. Council will not accept the dedication of "avoided land" or the zoning of this land as RE1 Public Recreation.*
4. *Prior to public exhibition of the planning proposal, Council consider a further report regarding:*

- a. Draft amendments to The Hills DCP 2012 that reflect the updated planning proposal and any conditions of the Gateway Determination, with draft amendments to be exhibited concurrently with the planning proposal; and
- b. Appropriate infrastructure contributions mechanism/s which relate to all land subject to the planning proposal and all local infrastructure required to support the development and provide adequate certainty that the necessary local infrastructure will be provided at no cost to Council or the community.

A copy of the Council Report and Minute is provided as Attachment D.

THE SITE:

The proposal applies to 16 parcels of land with a total combined area of approximately 78 hectares. The land is partially in the ownership of the Proponent group and partially in individual private ownership. The subject site is the entire remaining area of land zoned RU6 Transition located between the urban release areas of Box Hill Growth Centre Precinct and the Box Hill North (Gables) Precinct, with the exception of one parcel of land that contains the Box Hill Zone substation and is owned by Endeavour Energy.

The site is surrounded by low and medium density residential development to the north, east and south and larger lot rural development to the west (within Hawkesbury Local Government Area). The subject site and the surrounding context are shown outlined in Figure 1 below.

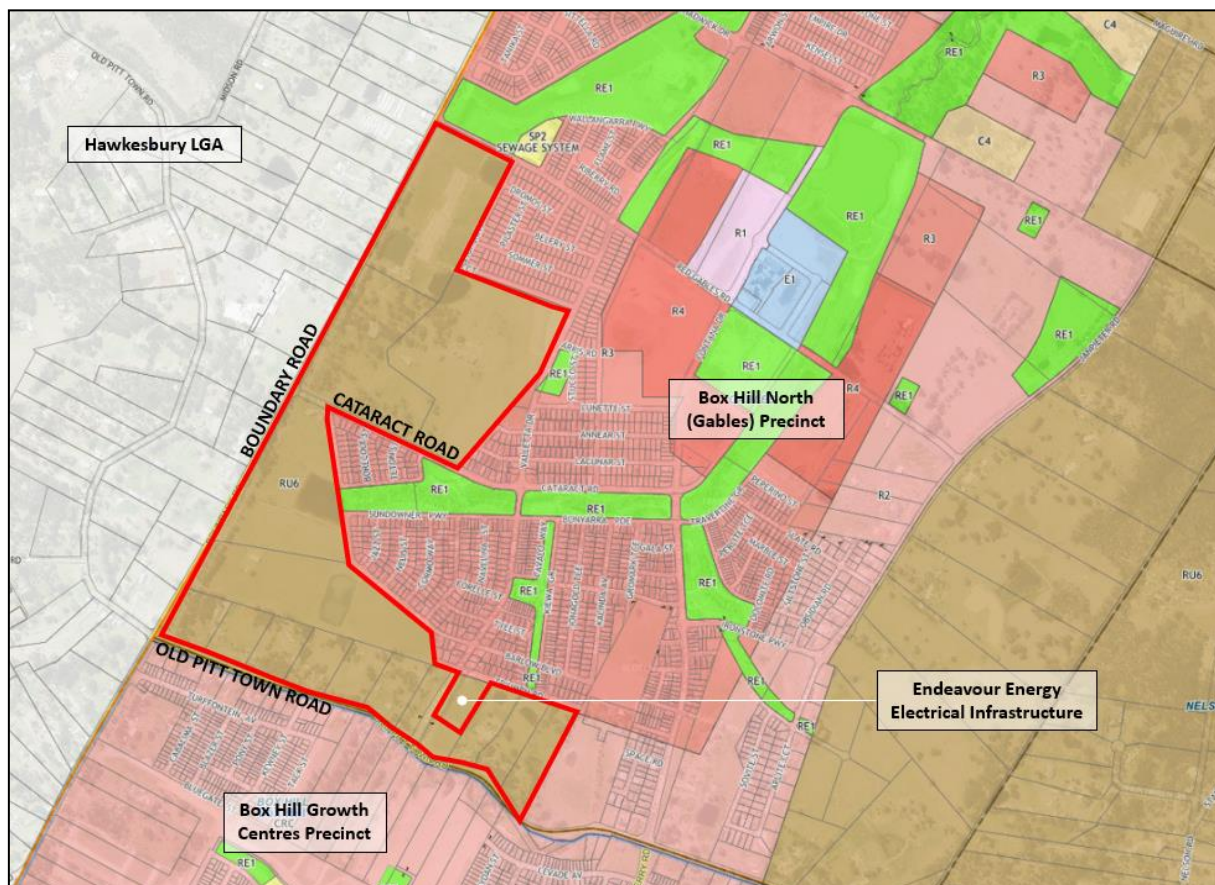


Figure 1
Aerial view of subject site (outlined in red) and surrounding locality

PART 1 OBJECTIVES OR INTENDED OUTCOME

The proposal seeks to expand the Gables Precinct and complete the urban development footprint in this locality, by facilitating residential development comprising approximately 1,260 low and medium density dwellings, open space areas and riparian corridors. A range of varied lot sizes are proposed from 240m² to in excess of 700m².

PART 2 EXPLANATION OF THE PROVISIONS

The proposed outcome will be achieved by amending The Hills Local Environmental Plan 2019 as follows:

1. Amend the Land Zone Map from RU6 Transition to R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and C2 Environmental Conservation;
2. Amend the Minimum Lot Size from 2 hectares to 700m² and 450m²;
3. Introduce a new Local Provision which caps the total number of dwellings at 1,260 and allows a Minimum Lot Size of 300m² with the submission of a building envelope plan for development applications proposing subdivision of three or more lots; and
4. Introduce a Satisfactory Arrangements Clause which prevents the granting of development consent on land until such time as the consent authority is satisfied that an appropriate infrastructure solution (being a Contributions Plan or VPA) is in place.

The draft wording of the proposed local provision is provided below:

7.X 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 3” 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.

(4) Development consent must not be granted to development that would result in the total number of dwellings within “Area 3” exceeding a maximum of 1,260 dwellings.

Note: this clause is draft only and is subject to legal drafting.

The proposed wording of the Satisfactory Arrangements Clause is as follows:

Development consent must not be granted unless the consent authority is satisfied that a contributions plan or planning agreement applies to the land.

Note: this clause is draft only and is subject to legal drafting.

Council's resolution to support the planning proposal's progression to Gateway Determination included discussion with the Department of Planning, Housing and Infrastructure with respect to the removal of reference to a Satisfactory Arrangements Clause. It is the view of Council officers that this approach is unlikely to be enforceable, nor does it satisfactorily provide certainty of infrastructure provision associated with the rezoning. Council is currently in discussions with the Proponent with respect to an infrastructure mechanism that adequately addresses the infrastructure demand generated by the planning proposal.

The Proponent has included a draft site-specific Development Control Plan (DCP) to guide development outcomes on the site and ensure that the intended built form and desired future character are achieved, consistent with the outcomes currently present in Gables. Council will consider the draft DCP as part of a future report to Council, prior to public exhibition of the planning proposal.

PART 3 JUSTIFICATION

SECTION A - NEED FOR THE PLANNING PROPOSAL

1. Is the planning proposal a result of any strategic study or report?

Yes. The area is the *only* area of rural land within the Shire that is specifically identified in Council's adopted Local Strategic Planning Statement as appropriate for urban development and additional housing, on account of it being an isolated pocket of remaining rural land wedged between two urban release areas.

Council's Housing Strategy identifies the need for any rezoning of this land to be considered as part of a master-planned approach, which relates to the entirety of this area as one single application and proposal. The planning proposal broadly satisfies this criteria as it has been lodged as a single landowner-initiated application which seeks to amend the planning framework for the entire area and demonstrates how the future development would occur in a holistic manner.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Generally, the planning proposal is the best way to achieve the intended outcomes for the site, with the exception of the Satisfactory Arrangements clause.

The proposed local provision would enable lot sizes ranging between 300m² and 450m² to be approved with a "building envelope plan" concurrently with the subdivision, rather than a specific dwelling design (as is currently the case under Clause 4.1B of the Hills LEP). This approach would provide some flexibility in the dwelling outcomes for the developer and purchaser, whilst also providing Council and the consent authority with certainty that lots between 300m² and 450m² can reasonably accommodate a dwelling, without the need for a concurrent subdivision and dwelling approval.

This mechanism is preferable to individually mapping the varied lot sizes on the Minimum Lot Size Map, which could result in variations required at the development application stage. The associated dwelling cap will provide certainty for the overall number of dwellings to be provided within the area, ensuring that a variety of lot sizes are achieved within the 300m²-450m² range.

The proposed satisfactory arrangements clause is not considered to be an appropriate solution to infrastructure contributions, given this clause is unlikely to have legal effect for *local* infrastructure provision. The inability of the Proponent to provide an infrastructure mechanism that secures all of the infrastructure identified in the planning proposal concurrent with the planning proposal is not acceptable and will need to be further negotiated with the Proponent. Should the planning proposal

progress to Gateway Determination, it is recommended that this clause be removed. This is discussed further in Section D.

SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

3. *Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes, a discussion of consistency is provided below.

▪ Greater Sydney Region Plan and Central City District Plan

The planning proposal is consistent with the objectives and priorities of the Greater Sydney Region Plan and Central City District Plan, as they relate to housing supply. The Plans identify an additional 750,000 dwellings are required between 2016-2036 to accommodate Sydney's continued strong population growth whilst ensuring housing is provided in a range of types, tenures, and price points to meet the future demand.

The District Plan also includes housing principles that should be considered in the provision of new housing supply. These include diversity in typology, opportunities to improve amenity, contributing to local character and alignment of infrastructure. The planning proposal will facilitate varied typologies and lot sizes, including dwellings that are unique to the existing Gables Precinct. It also includes opportunities to improve amenity by reserving land for public parks and recreation areas. The proposal will result in redevelopment of an isolated area of rural land situated between two rapidly developing urban release area precincts and would therefore reflect orderly development outcomes and positively contribute to and align with the future local character of the area.

The subject land is identified within the Region and District Plans as being within the Metropolitan Rural Area (MRA). The Plans specify that increased housing supply and intensification of land should not occur within the MRA. The planning proposal is technically inconsistent with these Plans as they relate to the management of rural land.

However, it is noted that during the development of the Region and District Plans, the then Greater Sydney Commission had not recognised the suburb of Box Hill North, which is also identified within the MRA despite being a new urban release area. This was rectified and acknowledged in Council's Local Strategic Planning Statement which implemented an Urban Growth Boundary above Box Hill North and therefore incorporating the subject site into the existing urban area of the LGA. Council's LSPS was subsequently endorsed by the Greater Sydney Commission despite its technical inconsistency with the boundary of the Metropolitan Rural Area.

With respect to infrastructure, the Region and District Plans articulate the importance of ensuring that future growth can be accommodated by infrastructure that will meet the needs of the current and future population. The proposed development will be serviced by public transport options and public open space, with local parks and bus stops within short walking distance of dwellings within the subject site. A number of infrastructure upgrades will be required to support the proposed development, including contributions towards active open space and traffic and transport infrastructure upgrades. The proposal has the potential to be consistent with these objectives of the Plan, subject to further ongoing discussions with the Proponent with respect to their infrastructure offer.

While the proposal has not yet demonstrated that the development can be appropriately serviced by infrastructure, these discussions are ongoing and it is considered that the proposal does have the potential to be consistent with the objectives of aligning infrastructure with growth, subject to the conclusion of these discussions and resolution of issues detailed in Section C and D.

▪ The Hills Local Strategic Planning Statement

Council's LSPS and Council's adopted Housing Strategy acknowledge that there is merit in considering urban development on the subject site. The site is the *only* rural land within the Shire which has been identified for urban development and additional housing within the strategic framework, primarily on account of its location, wedged between two existing urban growth precincts.

The subject site is considered a reasonable location for low and medium density housing. The urban development of the site is a logical expansion of the existing Gables Precinct to complete the urban development footprint in this locality, consistent with Council's LSPS and Housing Strategy. It will facilitate the delivery of a new local road network and walking and cycle paths that will service local traffic and integrate with Gables and surrounding transport networks. It will improve amenity by reserving land for public parks and recreation areas.

Council's Housing Strategy identifies the need for any rezoning of this land to be considered as part of a master-planned approach, which relates to the entirety of this area as one single application and proposal. The planning proposal broadly satisfies this criteria as it has been lodged as a single application which seeks to amend the planning framework for the entire area and demonstrates how the future development would occur in a holistic manner. There remain a number of outstanding issues relating to the holistic delivery of infrastructure associated with this growth, however these discussions are ongoing with the Proponent and will require a further report to Council on the infrastructure solution.

- **The Hills Future Community Strategic Plan**

The Hills Future Community Strategic Plan aims to manage new and existing development with a robust framework of policies, plans and processes that is in accordance with community needs and expectations. The planning proposal seeks to provide for additional and desirable housing options, consistent with the Strategic Plan. West Gables is an appropriate location for low and medium density housing given the close proximity to the Gables Town Centre and the ability to expand the relevant services and infrastructure network in the Gables. The development will be supported by a new local road network and walking and cycle paths that will integrate with the Gables and surrounding transport networks.

4. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. An assessment of the planning proposal against applicable State Environmental Planning Policies is provided in Attachment A.

The Biodiversity and Conservation SEPP (2021) applies and is relevant to the planning proposal. Detailed consideration of the relevant provisions of the SEPP will be required during the development application stage of the development.

5. Is the planning proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?

Yes. The consistency of the planning proposal with the Section 9.1 Ministerial Directions is detailed within Attachment B. A discussion on the consistency of the proposal with each relevant Direction is provided below.

- **3.1 Conservation Zones**

The objective of this Direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

The planning proposal has the potential to be consistent with this Direction, however further consultation is required with DCCEEW through the Biodiversity Certification process to determine

whether the BCAR prepared by the Proponent has appropriately identified areas for protection and conservation, and subsequently implemented appropriate protection measures through the planning proposal mechanisms. This is discussed further in Section C.

▪ 3.6 Strategic Conservation Planning

The objective of this Direction is to protect, conserve or enhance areas of high biodiversity value. A planning proposal authority must be satisfied that a planning proposal that applies to avoided land or a strategic conservation area is consistent with the protection or enhancement of native vegetation, riparian corridors, koala habitat and corridors, matters of national environmental significance and the protection of threatened ecological communities, threatened species and their habitats.

The planning proposal seeks to identify new land as 'avoided land' through the Biodiversity Certification process, concurrent with the rezoning of the site. The planning proposal has the potential to be consistent with this Direction, however further consultation is required with DCCEEW through this process in order to obtain Biodiversity Certification. This process will determine whether the BCAR prepared by the Proponent has appropriately identified areas for protection and conservation, and subsequently implemented appropriate protection measures through the planning proposal mechanisms. This is discussed further in Section C.

▪ 4.1 Flooding

The purpose of this Direction is to ensure that planning proposals are consistent with the Government's flood related policies and consider potential flood impacts. The Direction applies to all planning proposals that seek to create, alter or remove a zone or provision affecting flood prone land. A transitional provision has recently been introduced to this Ministerial Direction to reflect the new Flood Risk Management Manual 2023 which replaces the Floodplain Development Manual 2005. In order to demonstrate consistency with this Direction, the planning proposal is required to address the principles and guidelines of the Flood Risk Management Manual 2023.

The subject site is identified as flood-controlled land under The Hills DCP 2012 and as such, the provisions of the NSW Flood Prone Land Policy and Flood Risk Management Manual 2023 are applicable.

The Proponent has submitted a Flood Management Study as part of their supporting material. It concludes that the proposed development will not produce any significant increases in flood levels over the properties upstream or downstream in the 1% Annual Exceedance Probability (AEP) and 39.35% AEP flood events, subject to the implementation of the following localised works to address runoff and water quality:

- Removal of existing farm dams and establishment of riparian corridor where existing online dams are located;
- Detention basins for each of the seven catchments to manage increased stormwater runoff in the post development case; and
- Water quality controls including bio-retention and proprietary devices for each of the seven catchments.

The Strategy proposes the following stormwater management measures:

- One (1) online storage infrastructure provided within the proposed riparian corridor;
- Five (5) offline detention basins;
- Six (6) water quality basins; and
- Ten (10) gross pollutant traps.

The proposal has demonstrated that flooding impacts will be able to be mitigated throughout the site as part of future development, to a satisfactory extent for this stage of the planning process (planning proposal). The creek line and riparian corridor have been identified as RE1 Public Recreation, along with additional open space for water management infrastructure and local parks. This follows the same land use management approach as applied in the existing Gables area and there is sufficient land within the West Gables site to appropriately manage flooding and build in detention infrastructure as needed.

Given the above, the proposal is considered to be acceptable with respect to this Ministerial Direction and there is adequate certainty that all stormwater and flooding matters will be capable of resolution as part of the future detailed design of the development.

- *Direction 4.3 Planning for Bushfire Protection*

The purpose of this Direction is to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas. Parts of the subject site adjoin land mapped as Category 3 Medium Risk and Category 2 Lowest Risk. These areas are largely located within the areas of established cleared and managed lands, or broken up by dwellings, sheds and roads, and therefore do not present a continuous unimpeded bushfire hazard.

A Bushfire Strategic Study prepared by Blackash Consulting was submitted with the planning proposal (Attachment N) and concludes that the subject site meets the requirements for Planning for Bushfire Protection 2019 and does not rely on alternative or performance-based solutions to achieve compliance. Vegetation within the site is limited to a narrow band of low-risk riparian vegetation as well as two isolated pockets of passive open space and grassland areas. They therefore present as low bushfire risk. Similarly, an assessment of the effective slope throughout the area is less than 5 degrees, which would not significantly influence bushfire travel behaviour.

Substantial bushland areas approximately 1km to the north and northeast of the site have been impacted by bushfires in the past, however the previous fire history does not suggest concern for the site or the proposed development within. There are sufficient existing connections to the arterial and local road networks that service the region and are capable of accommodating the evacuation of residents and concurrently responding emergency services if required. The Bushfire Strategic Study also concludes that the site has sufficient room to provide compliant APZs and practical building envelopes across the site.

As such, it is considered that the proposed development is capable of meeting the requirements of Planning for Bush Fire Protection 2019 and achieving compliance with this Direction. Should the planning proposal progress to Gateway Determination, the NSW Rural Fire Service will be further consulted with respect to bush fire risk.

- *Direction 4.4 Remediation of Contaminated Land*

The purpose of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are adequately considered as part of planning proposals, where relevant.

The proposed rezoning of the site to residential requires consideration of potential contamination under the Resilience and Hazards SEPP and Local Ministerial Direction. The Proponent submitted a Detailed Site Investigation dated December 2022, which found that the site does not contain widespread contamination and is suitable for future residential land use. While some isolated impacts will require future management, these are typical of the site's history of low-intensity agricultural uses and can be readily dealt with as part of a future development application.

As such, it is considered that the proposal is satisfactory with respect to this Direction noting the need for remediation works to be undertaken as required, as part of a future development application for the land.

- *5.1 Integrating Land Use and Transport*

This Direction aims to improve access to housing, jobs and services by co-locating development with walking, cycling and public transport options.

The subject site is considered an appropriate location for low and medium density housing given the relatively close proximity to Gables Town Centre, the proposed expanded bus servicing network and other nearby services including a high school and future primary school. Further, it will facilitate the delivery of a local road network and walking and cycle paths that will service local traffic and integrate with Gables and surrounding transport networks. The urban development of this area is a logical expansion of the existing Gables Precinct to complete the urban development footprint in this locality.

- *Direction 6.1 Residential Zones*

The objective of this Direction is to encourage a variety and choice of housing types, to provide for existing and future housing needs, and make efficient use of infrastructure and minimise the impact of residential development on the environment and resource lands.

The planning proposal seeks to minimise environmental impacts by identifying native vegetation to be conserved within future public open space areas. The planning proposal will facilitate additional dwellings through increased residential density and will broaden the choice of building types available through the provision of a range of lot sizes and resulting dwelling typologies that would contribute to the provision of more 'missing middle' housing product within the Shire.

The planning proposal is considered to be a logical extension of Gables that builds on the established character of the area and will contribute to increased choice of housing options. It is also proposed to be serviced by augmentation to existing infrastructure services in the locality.

- *Direction 9.1 Rural Zones*

Direction 9.1 Rural Zones seeks to protect the agricultural production value of rural land. The direction requires that a planning proposal must not contain provisions that will rezone land from rural to residential or that will increase the permissible density of development within a rural zone. A planning proposal may be inconsistent with this Direction if it is justified by a strategy approved by the Planning Secretary which gives consideration to the objectives of this Direction and identifies the land which is the subject of the planning proposal.

The planning proposal is inconsistent with this Direction as it seeks to rezone rural land for residential purposes and increase the permissible density on the land. The studies that have been completed and submitted by the Proponent indicate that the land subject to this planning proposal is capable of accommodating urban development in the form proposed. It is noted however that these studies have not been endorsed by the Planning Secretary.

However, the proposal's inconsistency is justified by Council's Housing Strategy, which is a supporting strategy of the Local Strategic Planning Statement and has been endorsed by the Department of Planning in July 2021.

As discussed earlier in this report, the subject land is specifically identified in Council's Housing Strategy as the only rural land that is suitable for rezoning for more intensified urban residential purposes. This is due to its location below the Urban Growth Boundary within the LSPS and Housing Strategy, as well as the site's isolated location between the two large urban release areas of Box Hill and Gables Precincts. No other land is identified in Council's strategies for this purpose, and the

implementation of the Urban Growth Boundary seeks to protect and reinforce the importance of the remainder of the Metropolitan Rural Area, as identified in the Region and District Plans.

As such, it is considered that the proposal's inconsistency with this Direction is wholly justified by virtue of a strategy which has been endorsed by the Department of Planning, Housing and Infrastructure and would not set a precedent for other rural land elsewhere to be rezoned throughout the Shire.

- *Direction 9.2 Rural Lands*

Similarly, Direction 9.2 Rural Lands also seeks to protect the agricultural production value of rural land, facilitate orderly and economic use and development of rural lands for rural purposes, promote the social and economic values of rural lands and ensure their ongoing agricultural viability, and minimise potential land fragmentation or land use conflicts in rural areas, particularly between residential and other rural uses. It also seeks to support the NSW Right to Farm Policy and requires planning proposals to be consistent with any applicable strategic plan endorsed by the Planning Secretary, including any applicable Local Strategic Planning Statement.

Under this Direction, proposals need to consider the agricultural significance of the land, identify and protect environmental values and the physical constraints of the land. Proposals that change the existing minimum lot size must demonstrate that it will minimise land fragmentation and land use conflicts and will not adversely affect the operation and viability of existing and future rural land uses.

While the planning proposal would result in the loss of rural land that could potentially be utilised for agricultural purposes, it would result in improved land use management through the minimisation of land use conflicts between rural and residential land. The subject site is an isolated pocket of rural land between two large urban release areas. As such, the retention of this remnant rural land surrounded by urban development is not prudent land use management and has the potential to create land use conflicts. This land would be highly undesirable for future agricultural purposes or investment, given it is surrounded by urban release areas.

While there are a small number of active agricultural practices on nearby land within the Hawkesbury Shire LGA, the proposal would only marginally reduce the distance between these properties and the proposed residential dwellings. Furthermore, planned future dwellings within the existing Box Hill and Gables release areas are already permitted in closer proximity to some of these agricultural practices than would result from this planning proposal.

As such, the loss of rural land resulting from the planning proposal is considered justified. Further, the application is consistent with this Direction through its identification and preservation of conservation areas, as well as riparian and creek lines to be preserved as drainage corridors throughout the site. The proposal is also consistent with Council's adopted Local Strategic Planning Statement and supporting Housing Strategy, which was endorsed by the Department of Planning and specifically identifies the subject land as being suitable for conversion to urban residential development.

SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

6. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The Biodiversity Certification Assessment Report (BCAR) (prepared by Ecological Australia Pty and dated December 2022) submitted with the planning proposal indicates the presence of scattered remnant and regrowth vegetation within the identified Biodiversity Certification Assessment Area (BCAA) including Cumberland Plain Woodland and Shale Sandstone Transition Forest which are listed as Critically Endangered Ecological Communities.

The Proponent is intending to undertake Biodiversity Certification of the land in association with the planning proposal, by lodging an application for Biodiversity Certification with the Department of Climate Change, Energy, the Environment and Water (DCCEEW).

Based on the Proponent's BCAR, the Serious and Irreversible Impact (SII) Assessment for Cumberland Plain Woodland, has identified that 0.41ha of Cumberland Plain Woodland would be directly impacted and that 0.74ha of Cumberland Plain Woodland would be avoided. For Shale Sandstone Transition Forest, it identifies that 6.27ha of Shale Sandstone Transition Forest would be directly impacted and 3.14ha of Shale Sandstone Transition Forest would be avoided.

The directly impacted areas are shown as hatched (without blue colouring and where trees are visible in the aerial image) within the Figure below and the impacts in these areas are intended to be addressed by the Proponent through the Biodiversity Certification process. Areas that are shown as hatched (with blue colouring) were not found to have any biodiversity value.

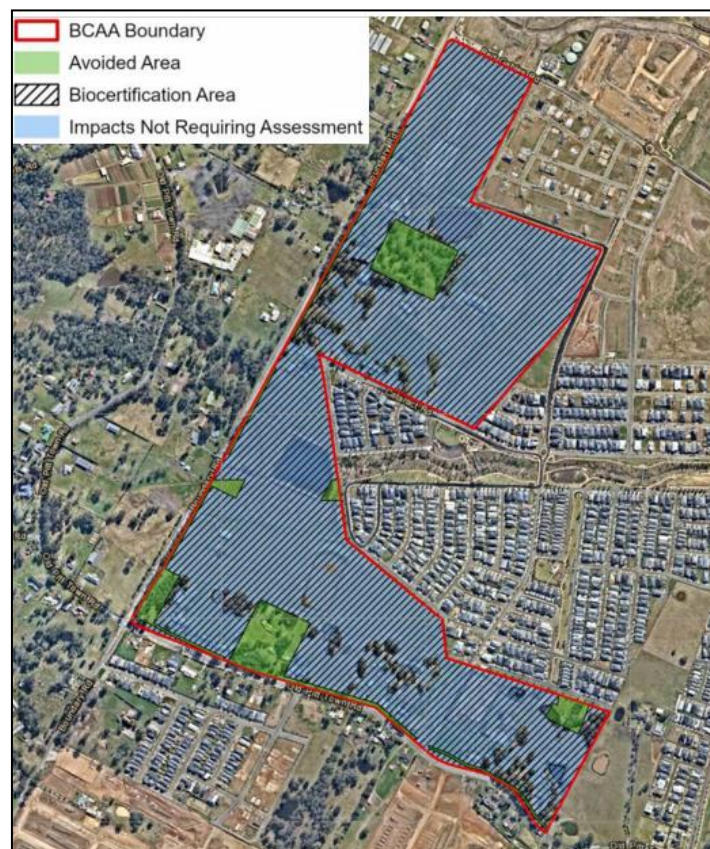


Figure 2

Identification of avoided areas, Biodiversity Certification areas and areas not requiring assessment

The BCAR documentation of Stage 2 of the Biodiversity Assessment Method (BAM) proposed that the areas of high biodiversity value be zoned as RE1 Public Recreation to ensure retention, including amendments to the proposal in the design phase to increase the size of a park to retain more vegetation. These are referred to as “avoided areas” or “avoided land” for the purpose of Biodiversity Certification. A comparison between the proposed ‘avoided areas’/‘avoided land’ and future public open space in the original proposal is provided below.

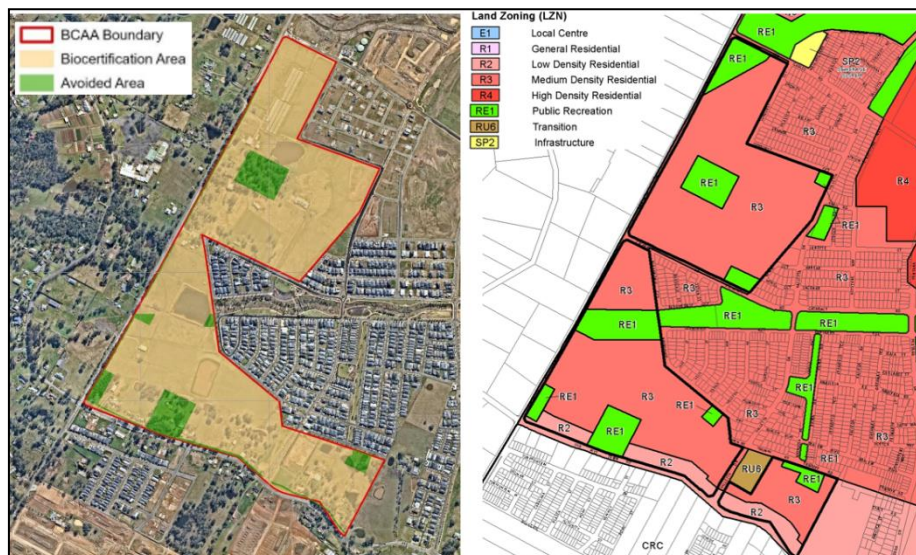


Figure 3

Avoided areas correlate with passive open space land proposed to be zoned RE1 (original proposal)

The intention was for the ‘avoided land’ to be dedicated to Council for use as open space. However, it is uncertain as to whether the community would be able to fully utilise the ‘avoided land’ for open space and passive recreation needs, as land with vegetation would need to be protected in accordance with any future biodiversity certification order that applies to the land. This could largely limit Council’s ability to embellish these spaces for passive recreation purposes or even allow public access for the community. It would also create an ongoing maintenance burden at the cost of Council and the community.

In response to these concerns raised by Council officers, the Proponent submitted additional information which proposed a split zoning for the northern and southern parks, being a combination of C2 Environmental Conservation and RE1 Public Recreation, as shown in the figures below.



Figure 4

Northern Park (left) and Southern Park (right) - Proposed uses
(dark green – biodiversity conservation and light green – recreation)

The Proponent has identified that the RE1 Public Recreation land would be biodiversity certified and therefore suitable for works, embellishment and if needed, removal of some vegetation to deliver appropriate open space and recreation facilities. The C2 zoned land is proposed to sit alongside the RE1 land and would contain the ‘avoided areas’. The Proponent has not stated the intent in terms of biodiversity certification for other land proposed to be zoned RE1 and identified in the current BCAR as ‘avoided land’. As demonstrated in these images submitted by the Proponent, the recreational capacity of these spaces for use by the community would be limited by the identified ‘avoided land’ although it is not clear exactly what those limitations are at this stage.

The Proponent is yet to provide a revised BCAR that supports the reduced area of 'avoided land' or identifies any additional credits required to be retired to facilitate this outcome.

Concurrent with submitting this information to Council, the Proponent submitted their proposal to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) for preliminary consultation. DCCEEW provided the following comments:

The Biodiversity, Conservation and Science Group of the DCCEEW does not support the proposed use of avoided land for recreation purposes including but not limited to BBQ/picnic areas, basketball courts and kick-around areas, which would be inconsistent with the retention of biodiversity values. Furthermore, BCS understands that The Hills Shire Council does not support the approach of avoided land being dedicated to Council when that land is intended to meet the recreation needs of the future development. At its meeting of 17 April 2024, the Hills Shire Council Local Planning Panel determined in part that "Land intended to be dedicated to Council for open space must not contain any proposed 'avoided areas' (for the purpose of Biodiversity Certification)."

A copy of DCCEEW's submission is provided as Attachment AK. DCCEEW's comments align with and reinforce Council officer's feedback on the proposed approach, which raised significant concern with areas of land identified as 'avoided land' being dedicated to Council and utilised for the purpose of public open space.

DCCEEW have advised that they will not undertake a review of the BCAR until the planning proposal is submitted for Gateway and a formal biodiversity certification application is submitted which is consistent with the planning proposal.

There is a need for further engagement between the Proponent, Council and DCCEEW to review the proposed zoning of public open space areas and "avoided land". Council officers will also engage in further discussions with the Proponent, DCCEEW and the Department of Planning, Housing and Infrastructure with respect to the Proponent's formal Biodiversity Certification Application (to be lodged by the Proponent separately to the planning proposal). In these discussions, Council officers will reiterate that all land proposed to be zoned RE1 Public Recreation for future public open space and dedication to (or acquisition by) Council should not be identified as "avoided land", must be Biodiversity Certified and capable of being utilised to its full capacity for recreational purposes for the community.

While it is appropriate for the planning proposal to proceed to Gateway Determination, the ultimate progression of the planning proposal to finalisation can only occur if Biodiversity Certification is obtained from DCCEEW by the Proponent. The outcomes of the Biocertification process will subsequently inform the nature of the LEP amendments as they relate to appropriate land zones and zone boundaries, and will also inform the items and areas that will be included within the draft VPA for dedication to Council. As such, it is critical that the Biocertification process commence and run concurrently as part of the Gateway Assessment process, to enable the subsequent updates to supporting planning proposal material to occur without unreasonably impacting on the timeframe for progressing to public exhibition.

7. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

In addition to ecology related constraints, the planning proposal has appropriately responded to the other environmental constraints present on the site which include flooding and bushfire protection.

The proposal has demonstrated that flooding impacts will be able to be mitigated throughout the site as part of future development, to a satisfactory extent for this stage of the planning process. The creek line and riparian corridor have been identified as RE1 Public Recreation, along with additional open space for water management infrastructure and local parks. This follows the same land use management approach that was applied to the existing Gables area and there is sufficient land within

the West Gables site to appropriately manage flooding and build in detention infrastructure as needed. There is adequate certainty that all stormwater and flooding matters will be capable of resolution as part of the future detailed design of the development.

With respect to bushfire protection, parts of the site adjoin land mapped as Category 3 Medium Risk and Category 2 Lowest Risk. However, these areas are largely located within the areas of established cleared and managed lands, or broken up by dwellings, sheds, and roads, and therefore do not present a continuous unimpeded bushfire hazard. The subject site presents as low bushfire risk and there are sufficient existing connections to the arterial and local road networks that service the region and are capable of accommodating the evacuation of residents and concurrently responding emergency services if required.

8. How has the planning proposal adequately addressed any social and economic effects?

The planning proposal will contribute additional opportunities for diverse housing choices within the Hills Shire. It will facilitate the delivery of a new local road network and walking and cycle paths that will service local traffic and integrate with Gables and surrounding transport networks. It will improve amenity by reserving land for public parks and recreation areas.

SECTION D - STATE AND COMMONWEALTH INTERESTS

9. Is there adequate public infrastructure for the planning proposal?

Infrastructure Demand

The planning proposal seeks to facilitate 1,260 dwellings (approximately 4,400 people), which would generate demand for local and regional infrastructure, much of which is not currently planned or catered for within the existing infrastructure contributions framework. It is crucial that any rezoning and future development of the land is serviced with an adequate level of local and regional infrastructure that meets the needs of local residents and workers.

The proposal would generate the need for 2 new playing fields, at least 6.2Ha of passive open space, 75% of a community centre, 13% of a library, a range of drainage and transport and traffic infrastructure.

At this point in the process, there is a need to resolve outstanding matters relating to the conflict between “avoided land” and use of passive open space and seek further input and feedback from TfNSW with respect to traffic upgrades, which can only occur as part of the Gateway process. Council officers and the Proponent will engage directly with DCCEW and TfNSW. The outcomes of this will refine the final infrastructure list required to support development in the Precinct and further discussions and negotiations can then occur with the Proponent and landowners to work towards achieving an infrastructure solution that adequately services the demand generated by the proposal.

Infrastructure Mechanism

The premise of this area being identified for potential urban release under Council’s LSPS was that one single rezoning application deals with the entire land area holistically, including a satisfactory and holistic local infrastructure solution.

While the Proponent has submitted letters of offer to enter into VPAs to address some of the infrastructure demand generated by the proposal, the VPAs do not cover the entirety of the land area to which the planning proposal applies, nor do they result in the funding or delivery of all infrastructure necessary to support the planning proposal. It is evident that the Proponents of the application do not own (or control) the entire area to which the application relates and not all landowners have provided consent for a VPA offer to be made in relation to their landholdings.

In response to this issue, the Proponent has suggested that a new Contributions Plan can be prepared with respect to the remaining areas that are not subject to a VPA. Noting the extensive time taken to prepare a new Contributions Plan, the Proponent has suggested that the rezoning

could proceed to finalisation with a 'satisfactory arrangements' clause that ensures development applications for the purposes of residential subdivision can only be approved if the consent authority is satisfied that an appropriate contributions mechanism is in place over the land to which the DA applies. This clause is not supported by Council and is unlikely to have legal effect for *local* infrastructure provision. The inability of the Proponent to provide an infrastructure mechanism that secures all of the infrastructure identified in the planning proposal concurrent with the planning proposal is not acceptable. Should the planning proposal progress to Gateway Determination, it is recommended that this clause be removed.

Further negotiations will need to take place with the Proponent (and all remaining landowners) during the Gateway process to ensure that a singular VPA can be negotiated and in put in place with respect to *all* land subject to the Proposal and *all* local infrastructure required to support the development, at no cost to Council. If the Proponent is unable to obtain control of all land that is the subject of the rezoning, Council could choose to only proceed to finalisation of the planning proposal with respect to areas that have an infrastructure contributions mechanism in place at the time of finalisation. This would still ensure a master planned approach with respect to outcomes in the Precinct, however practically would only allow for the land in the Proponent's ownership to progress to finalisation (subject to further negotiations and pending Council's acceptance of the VPA offers). In contrast, finalisation of the rezoning of the other landholdings in the Precinct (or "switching on" of the land for redevelopment) would be deferred at the finalisation stage, until such time as a similarly appropriate infrastructure mechanism is in place for that land.

10. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal?

The Proponent submitted their proposal to DCCEEW for preliminary consultation and a copy of DCCEEW's preliminary submission is provided as Attachment AK. DCCEEW raised serious concerns in response to the Proponent's intention to use "avoided land" for the purpose of public open space and appear to expect more strict protection of the vegetation on 'avoided land', which is inconsistent with the Proponent's initial approach of co-locating all open space and 'avoided land'. DCCEEW's feedback aligns with the advice of Council officers, as detailed in Section C.

DCCEEW have advised that they will not undertake a review of the BCAR unless and until the planning proposal is submitted for Gateway and a formal biodiversity certification application is submitted which is consistent with the planning proposal. The Proponent is also yet to provide a revised BCAR that supports the reduced area of 'avoided land' or identifies any additional credits required to be retired to facilitate this outcome.

As previously mentioned, there is a need for further engagement between the Proponent, Council, DPHI and DCCEEW to review the proposed zoning of public open space areas and "avoided land" and discuss the Proponent's formal Biodiversity Certification Application (to be lodged by the Proponent separately to the planning proposal). In these discussions, Council officers will reiterate that all land proposed to be zoned RE1 Public Recreation for future public open space and dedication to (or acquisition by) Council should not be identified as "avoided land", must be Biodiversity Certified and capable of being utilised to its full capacity for recreational purposes for the community.

The outcomes of the Biocertification process will subsequently inform the nature of the LEP amendments as they relate to appropriate land zones and zone boundaries, and will also inform the items and areas that will be included within the draft VPA for dedication to Council. As such, it is critical that the Biocertification process commence and run concurrently as part of the Gateway Assessment process, to enable the subsequent updates to supporting planning proposal material to occur without unreasonably impacting on the timeframe for progressing to public exhibition.

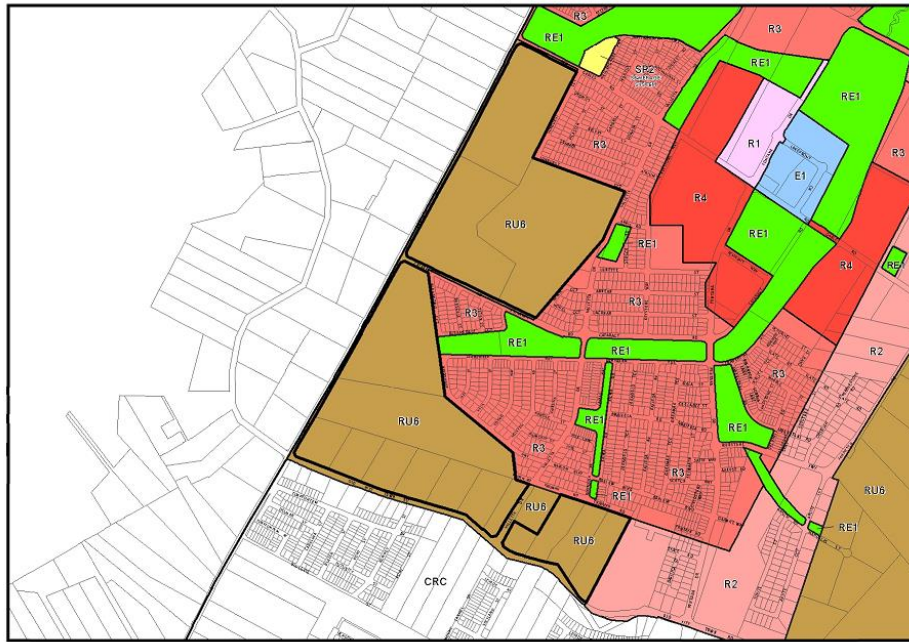
It is also necessary to seek further input and feedback from TfNSW during the Gateway process with respect to traffic upgrades. Consultation with both DCCEEW and TfNSW will need to occur prior to

reporting the Voluntary Planning Agreement and DCP to Council for their consideration and subsequent concurrent public exhibition with the planning proposal.

Should a Gateway Determination be issued, the public exhibition process will facilitate the opportunity to consult with the other relevant State agencies, including:

- Endeavour Energy;
- Sydney Water; and
- NSW Rural Fire Service.

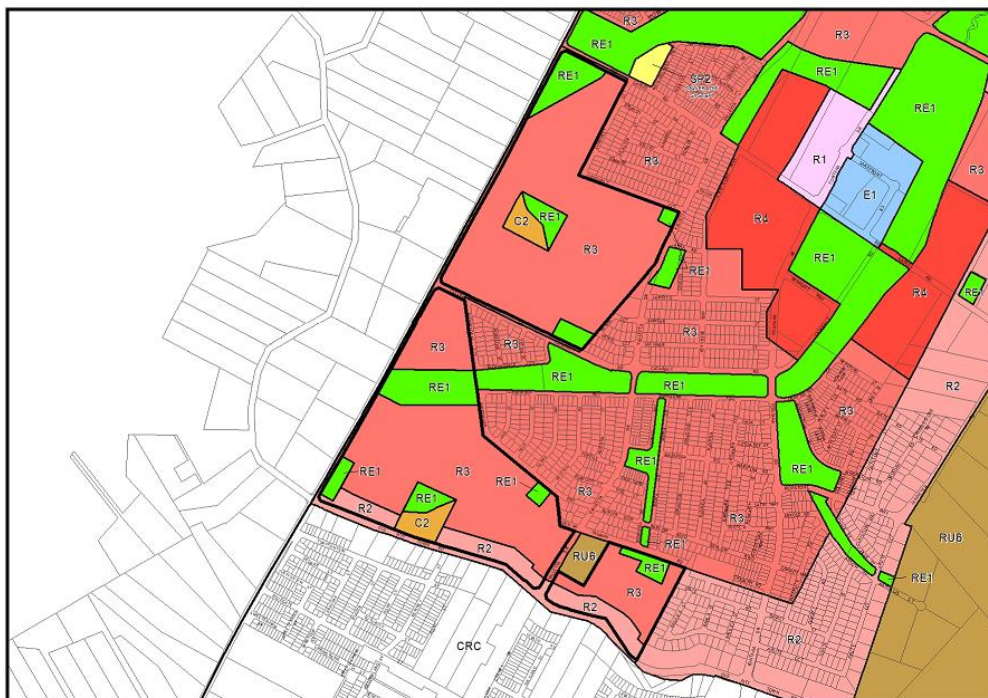
PART 4 MAPPING



Land Zoning (LZN)

E1	Local Centre	RE1	Public Recreation
R1	General Residential	RU6	Transition
R2	Low Density Residential	SP2	Infrastructure
R3	Medium Density Residential	CRC	SEPP (Precincts—Central River City) 2021
R4	High Density Residential		

Existing Land Zoning Map





Land Zoning (LZN)

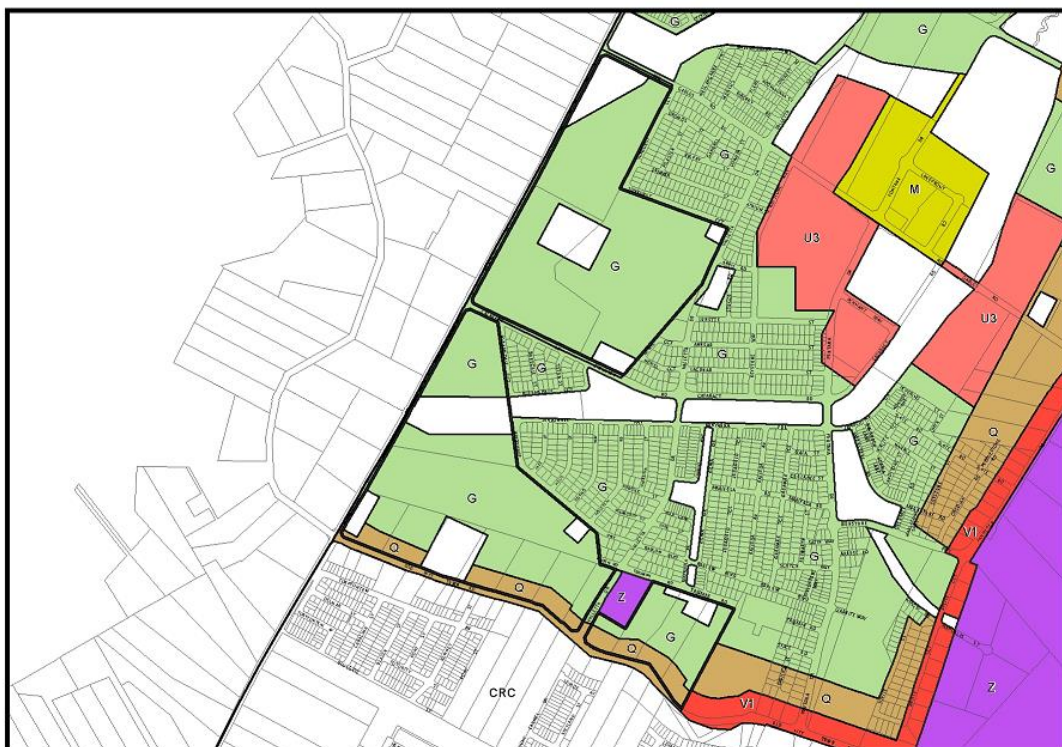
C2	Environmental Conservation	R4	High Density Residential
E1	Local Centre	RE1	Public Recreation
R1	General Residential	RU6	Transition
R2	Low Density Residential	SP2	Infrastructure
R3	Medium Density Residential	CRC	SEPP (Precincts—Central River City) 2021



Proposed Land Zoning Map



Minimum Lot Size (sq m) (LSZ)					
G	450	Q	700	V1	2000
M	600	U3	1800	Z	2 ha
	Clause 8.2		Clause 9.1		

Existing Minimum Lot Size Map



Minimum Lot Size (sq m) (LSZ)					
G	450	Q	700	V1	2000
M	600	U3	1800	Z	2 ha
	Clause 8.2		Clause 9.1		

Proposed Minimum Lot Size Map

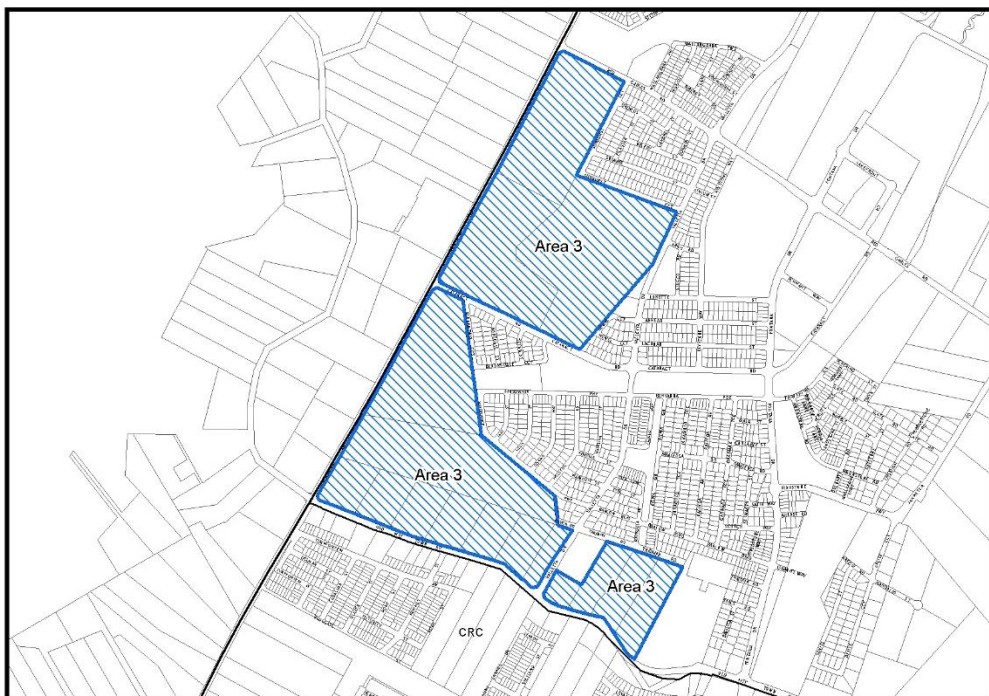


LEP Clause Application (CAP)



Clauses of the LEP Apply

Existing Clause Application Map



LEP Clause Application (CAP)



Clauses of the LEP Apply

Proposed Clause Application Map

PART 5 COMMUNITY CONSULTATION

The planning proposal will be advertised in accordance with Council's Community Participation Plan and any requirements of the Gateway Determination.

PART 6 PROJECT TIMELINE

There are a number of outstanding matters that will need to be resolved through further work, negotiations and public agency consultation during the Gateway process. These outstanding issues primarily relate to obtaining biodiversity certification for the Precinct, providing appropriate open space and recreation facilities and establishing a satisfactory infrastructure contributions mechanism.

The views of TfNSW and DCCEEW, as well as the outcomes of the biodiversity certification process are all critical inputs into the nature of the proposed LEP amendments and the content of both the site specific DCP and VPA. As such, it is important that these consultation processes occur as part of the Gateway Assessment process. This will enable sufficient time for updating the planning proposal material and subsequently reporting a site specific DCP and VPA to Council for their consideration and concurrent public exhibition alongside the planning proposal.

The project timeline below seeks to ensure there is sufficient time for these discussions and processes to occur and to enable subsequent amendments to the planning proposal material and VPA once these matters have been resolved.

STAGE	DATE
Commencement Date (Gateway Determination)	October 2024
Biodiversity Certification obtained	October 2024
Compliance with pre-exhibition Gateway Determination conditions	December 2024
Proponent updates to Planning Proposal Material	December 2024
Council report on draft VPA and DCP	February 2025
Completion of legal review of Voluntary Planning Agreement	May 2025
Government agency consultation	June 2025
Commencement of public exhibition period (28 days)	June 2025
Completion of public exhibition period	July 2025
Timeframe for consideration of submissions	August 2025
Timeframe for consideration of proposal post exhibition	September 2025
Report to Council post exhibition	November 2025
Planning Proposal to DPHI for review/PCO	December 2025
Execution and registration of associated Voluntary Planning Agreement	December 2025
Date Council will make the plan	January 2026

ATTACHMENT A: LIST OF STATE ENVIRONMENTAL PLANNING POLICIES

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	APPLICABLE TO THSC	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
Biodiversity and Conservation (2021)	YES	YES	CONSISTENT
Exempt and Complying Development Codes (2008)	YES	NO	-
Housing (2021)	YES	NO	-
Industry and Employment (2021)	YES	NO	-
Planning Systems (2021)	YES	NO	-
Precincts – Central River City (2021)	YES	NO	-
Precincts – Eastern Harbour City (2021)	NO	-	-
Precincts – Regional (2021)	NO	-	-
Precincts – Western Parkland City (2021)	NO	-	-
Primary Production (2021)	YES	NO	-
Resilience and Hazards (2021)	YES	NO	-
Resources and Energy (2021)	YES	NO	-
Sustainable Buildings (2022)	YES	NO	-
Transport and Infrastructure (2021)	YES	NO	-

ATTACHMENT B: ASSESSMENT AGAINST SECTION 9.1 MINISTERIAL DIRECTIONS

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
1. Planning Systems				
1.1	Implementation of Regional Plans	YES	NO	-
1.2	Development of Aboriginal Land Council land	NO	-	-
1.3	Approval and Referral Requirements	YES	NO	-
1.4	Site Specific Provisions	YES	NO	-
1.4A	Exclusion of Development Standards from Variation	NO	-	-
1. Planning Systems – Place-based				
1.5	Parramatta Road Corridor Urban Transformation Strategy	NO	-	-
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	YES	NO	-
1.7	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
1.8	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	-	-
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	NO	-	-
1.10	Implementation of the Western Sydney Aerotropolis Plan	NO	-	-
1.11	Implementation of Bayside West Precincts 2036 Plan	NO	-	-
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	NO	-	-
1.13	Implementation of St Leonards and Crow Nest 2036 Plan	NO	-	-
1.14	Implementation of Greater Macarthur 2040	NO	-	-
1.15	Implementation of Pyrmont Peninsula Place Strategy	NO	-	-
1.16	North West Rail Link Corridor Strategy	YES	NO	-
1.17	Implementation of the Bays West Place Strategy	NO	-	-
1.18	Implementation of the Macquarie Park Innovation Precinct	NO	-	-
1.19	Implementation of the Westmead Place Strategy	NO	-	-
1.20	Implementation of the Camellia-Rosehill Place Strategy	NO	-	-
1.21	Implementation of South West Growth Area Structure Plan	NO	-	-
1.22	Implementation of the Cherrybrook Station Place Strategy	YES	NO	-

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
2. Design and Place				
3. Biodiversity and Conservation				
3.1	Conservation Zones	YES	YES	POTENTIALLY CONSISTENT
3.2	Heritage Conservation	YES	NO	-
3.3	Sydney Drinking Water Catchments	NO	-	-
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs 26	NO	-	-
3.5	Recreation Vehicle Areas	YES	NO	-
3.6	Strategic Conservation Planning	YES	YES	POTENTIALLY CONSISTENT
3.7	Public Bushland	YES	NO	-
3.8	Willandra Lakes Region	NO	-	-
3.9	Sydney Harbour Foreshores and Waterways Area	NO	-	-
3.10	Water Catchment Protection	NO	-	-
4. Resilience and Hazards				
4.1	Flooding	YES	YES	CONSISTENT
4.2	Coastal Management	NO	-	-
4.3	Planning for Bushfire Protection	YES	YES	CONSISTENT
4.4	Remediation of Contaminated Land	YES	YES	CONSISTENT
4.5	Acid Sulfate Soils	YES	NO	-
4.6	Mine Subsidence and Unstable Land	YES	NO	-
5. Transport and Infrastructure				
5.1	Integrating Land Use and Transport	YES	YES	CONSISTENT
5.2	Reserving Land for Public Purposes	YES	NO	-
5.3	Development Near Regulated Airports and Defence Airfields	YES	NO	-
5.4	Shooting Ranges	NO	-	-
5.5	High Pressure Dangerous Goods Pipelines	TBC by DPHI	TBC by DPHI	-
6. Housing				
6.1	Residential Zones	YES	YES	CONSISTENT
6.2	Caravan Parks and Manufactured Home Estates	YES	NO	-
7. Industry and Employment				
7.1	Business and Industrial Zones	YES	NO	-
7.2	Reduction in non-hosted short-term rental accommodation period	NO	-	-
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	NO	-	-
8. Resources and Energy				

DIRECTION		APPLICABLE	RELEVANT? (YES/NO)	(IF RELEVANT) INCONSISTENT/ CONSISTENT
8.1	Mining, Petroleum Production and Extractive Industries	YES	NO	-
9. Primary Production				
9.1	Rural Zones	YES	YES	INCONSISTENT
9.2	Rural Lands	YES	YES	INCONSISTENT
9.3	Oyster Aquaculture	YES	NO	-
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	NO	-	-