

ITEM 2: LOCAL PLANNING PANEL – PLANNING PROPOSAL – WEST GABLES (1/2024/PLP)

COUNCIL OFFICER'S RECOMMENDATION:

The planning proposal proceed to Gateway Determination.

PANEL'S ADVICE:

1. The Panel advises that the site has a lot of potential to deliver additional housing, however this should not be in the absence of appropriate mechanisms to ensure the infrastructure to support future residents will be efficiently provided.
2. The planning proposal is capable of demonstrating adequate strategic and site-specific merit to warrant progression to Gateway Determination, subject to the following matters being resolved to Council's satisfaction:
 - a) Achievement of minimum lot sizes of less than 300m² should 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 240m² (rather than 225m² as requested by the Proponent), consistent with other areas of The Shire and adjoining Gables development.
 - b) Land intended to be dedicated to Council for open space must not contain any proposed 'avoided areas' (for the purpose of Biodiversity Certification).
 - c) The Proponent's application for Biodiversity Certification should be updated to account for 1 b) above and then lodged and progressed DCCEEW. The Proponent will need to obtain Biodiversity Certification of the land, prior to the finalisation of any rezoning.
 - d) If 'avoided areas' are retained on the site, the Bushfire Strategic Study needs to address the bushfire hazard presented by more dense vegetation formations.
 - e) The proposed site-specific clause should be revised to give greater certainty with respect to how the total yield of 1,260 dwellings will be achieved across the various lot size ranges proposed. This should be resolved prior to the planning proposal being reported to Council for determination.
 - f) The draft site-specific Development Control Plan prepared by the Proponent, which amends the existing Part D Section 17 of the Hills DCP – Box Hill North Precinct to incorporate the subject land be amended by Council officers to Council's satisfaction and as outlined in Council Officer's report and reported to Council concurrent with the planning proposal.
 - g) Establishment of a mechanism that secures adequate and proportionate contributions from future development of the subject land to address the demand for new local infrastructure arising from the proposal. This should be resolved prior to the planning proposal being reported to Council for determination.
 - h) The additional information submitted on 5 April 2024 includes an approach that has not been utilised in other locations for local infrastructure and relies on an amendment to the *Environmental Planning and Assessment Regulation 2021*, which is outside of Council's control. More work is required to establish an appropriate mechanism for

infrastructure delivery as what has been proposed does not give Council sufficient certainty or reasonable belief that the infrastructure mechanism will be in place at the time a rezoning occurs.

- i) An updated SIDRA analysis should be prepared as part of any public agency consultation with TfNSW, should a Gateway Determination be issued for the proposal.
3. The Panel advises that the lack of school infrastructure in the locality is a critical issue. The Panel's support for the progression of the planning proposal is contingent upon certainty that this infrastructure will be delivered. This is a key issue for this locality, that currently has a high public profile and needs to be addressed in order for additional housing to be supported.

VOTING:

Unanimous

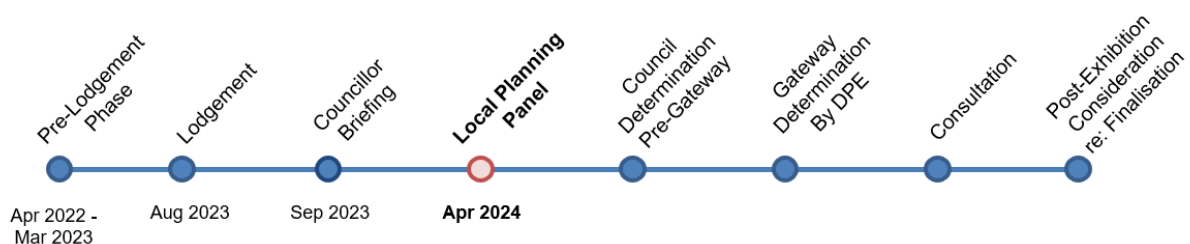
ITEM-2 LOCAL PLANNING PANEL – PLANNING PROPOSAL – WEST GABLES (1/2024/PLP)**THEME:** Shaping Growth**MEETING DATE:** 17 APRIL 2024

LOCAL PLANNING PANEL

GROUP: SHIRE STRATEGY**SENIOR TOWN PLANNER****AUTHOR:** DRAGANA STRBAC**RESPONSIBLE OFFICER:** **MANAGER – FORWARD PLANNING**
NICHOLAS CARLTON**PURPOSE**

This report presents the planning proposal for the remaining isolated areas of rural land located between the Box Hill Precinct and Gables Precinct, along Old Pitt Town Road, Boundary Road and Cataract Road, Gables (1/2024/PLP) to the Local Planning Panel (LPP) for advice, in accordance with Section 2.19 of the *Environmental Planning and Assessment Act 1979* (the Act).

The planning proposal seeks to rezone the land from RU6 Transition to part R2 Low Density Residential, R3 Medium Density Residential and RE1 Public Recreation and amend corresponding minimum lot size controls, consistent with the surrounding land. It aims to complete the urban development footprint in this locality and will facilitate a residential development outcome comprising 1,260 low and medium density dwellings, open space areas, riparian corridors and land reserved for biodiversity conservation.

**RECOMMENDATION**

1. The planning proposal is capable of demonstrating adequate strategic and site-specific merit to warrant progression to Gateway Determination, subject to the following matters being resolved to Council's satisfaction:
 - a) Achievement of minimum lot sizes of less than 300m² should 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 240m² (rather than 225m² as requested by the Proponent), consistent with other areas of The Shire and adjoining Gables development.

- b) Land intended to be dedicated to Council for open space should not contain proposed 'avoided areas' (for the purpose of Biodiversity Certification). This may increase the requirement for the purchase of ecosystem and species credits.
- c) The Proponent's application for Biodiversity Certification should be updated to account for 1 b) above and then lodged and progressed DCCEEW. The Proponent will need to obtain Biodiversity Certification of the land, prior to the finalisation of any rezoning.
- d) The proposed site-specific clause should be revised to give greater certainty with respect to how the total yield of 1,260 dwellings will be achieved across the various lot size ranges proposed. This should be resolved prior to the planning proposal being reported to Council for determination.
- e) The draft site-specific Development Control Plan prepared by the Proponent, which amends the existing Part D Section 17 of the Hills DCP – Box Hill North Precinct to incorporate the subject land be amended by Council officers to Councils satisfaction and as outlined in this report and reported to Council concurrent with the planning proposal.
- f) Establishment of a mechanism that secures adequate and proportionate contributions from future development of the subject land to address the demand for new local infrastructure arising from the proposal. This should be resolved prior to the planning proposal being reported to Council for determination.
- g) An updated SIDRA analysis should be prepared as part of any public agency consultation with TfNSW, should a Gateway Determination be issued for the proposal.

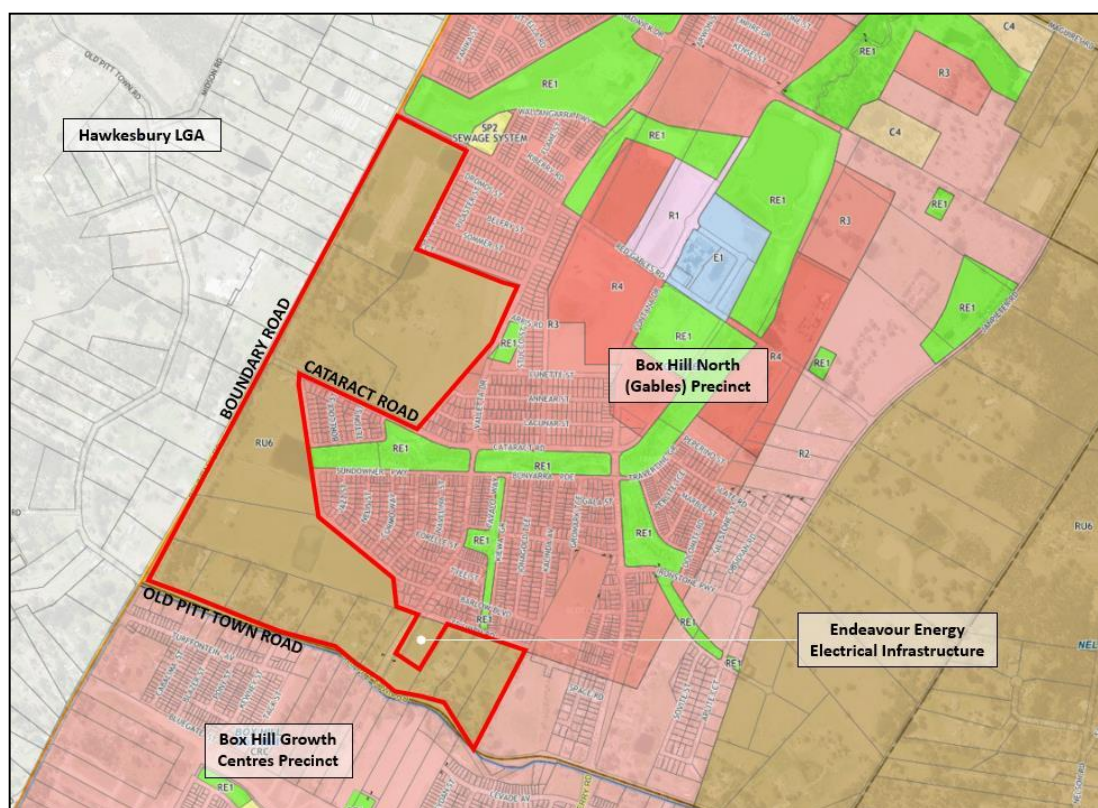
Proponent	Stockland Development Pty Ltd Allam Homes
Owners	Mr J Sultana & Mrs J Sultana Mr J Zahra & Mrs E Zahra Mr L Iemma & Mrs L Iemma Mr D Regoli Mrs P M D'Anastasi Southern Cross Care (NSW & ACT) Limited Mr T Dimech & Mr P Dimech Mrs C M Galdes & Mr G Galdes AW Bidco 4 Pty Limited Mr L Cremona & Mrs F Cremona Mr A Durant Mr P A Bonnici & Mrs A Bonnici Mr G Zlomislic & Mrs M Zlomislic Mrs T Dimech & Mr P Dimech Mr T Els & Mrs A M Els
Planning Consultant & Urban Designer	Urbis Pty Ltd
Geotechnical Consultant	PSM (Pells Sullivan Meynink)

Site Investigation Consultant	JBS&G Australia
Traffic Consultant	Positive Traffic Pty Ltd
Flooding & Infrastructure Servicing Consultant	Enspire Solutions Pty Ltd
Biodiversity & Aboriginal Heritage Consultant	Eco Logical Australia Pty Ltd
Bushfire Consultant	Blackash Bushfire Consulting Pty Ltd
Infrastructure Delivery Consultant	GLN Planning
Site Area	78 Hectares
List of Relevant Strategic Planning Documents	Greater Sydney Region Plan Central City District Plan Local Strategic Planning Statement and Supporting Strategies Section 9.1 Ministerial Directions
Political Donations	None disclosed

1. THE SITE

The proposal applies to a large area of approximately 78 hectares comprising 16 land parcels that are in individual private ownership. The site is the entire remaining area of RU6 Transition rural land located between the 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 rural development on larger lot sizes 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

2. DESCRIPTION OF PLANNING PROPOSAL

The planning proposal was lodged on 14 August 2023. Following initial feedback from Council, an amended proposal was received on 15 March 2024. The proposal seeks to expand the Gables Precinct and facilitate residential development comprising approximately 1,260 low and medium density dwellings, open space areas and riparian corridors.

The residential lots are proposed to be delivered within 3 categories:

- 'Small Residential Lots' <300m²;
- 'Standard Residential Lots' between 300m²-700m²; and
- 'Low Density Residential Lots' >700m².

A comparison between the existing and proposed controls under The Hills Local Environmental Plan 2019 (LEP 2019) is provided in the table below.

Planning Control	Existing	Proposed
Land Zone	RU6 Transition	R2 Low Density Residential R3 Medium Density Residential RE1 Public Recreation
Height of Building	10m	10m
Minimum Lot Size	2 ha	450m ² and 700m ²
Floor Space Ratio	N/A	N/A
Local Provision	N/A	Small lot minimum lot size of 225m ² .

Table 1

Existing and proposed development controls under LEP 2019

The indicative layout plan and proposed LEP map amendments are shown below. The indicative layout plan demonstrates the future road network, location of land uses and potential distribution of the different sized residential lots (with smaller lots and some rear lane terrace housing generally proposed to be located fronting riparian corridors and local parks).



Figure 2
Indicative Layout Plan

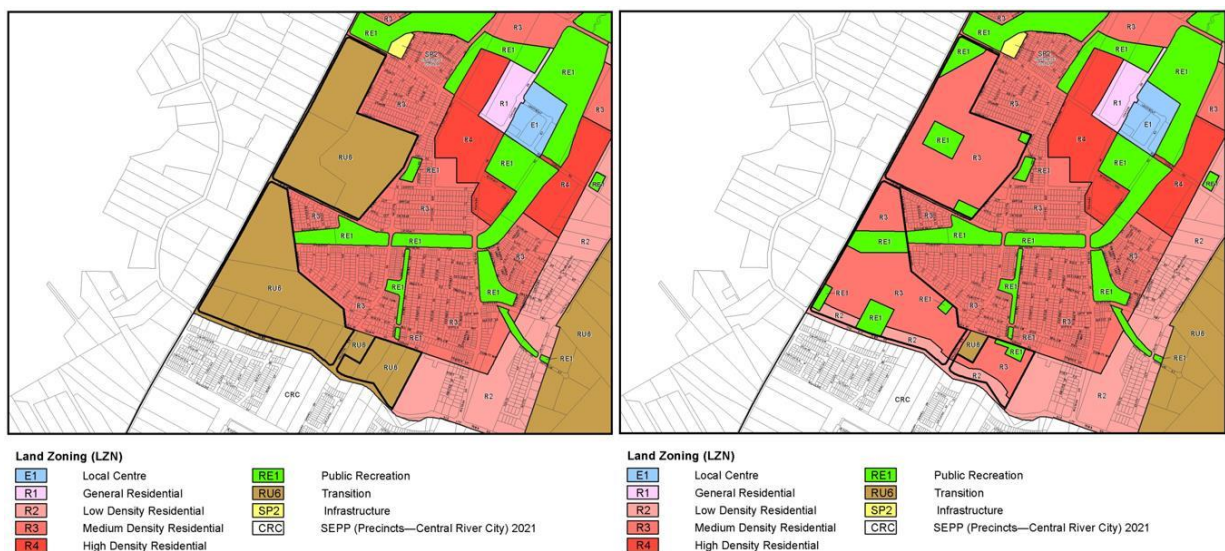


Figure 3
Existing (left) and proposed (right) land zone map



Figure 4

Existing (left) and proposed (right) minimum lot size map

Development Control Plan

In support of the planning proposal, the Proponent has prepared draft amendments to the Hills Development Control Plan 2012 Part D Section 17 to guide development outcomes on the subject site and ensure that the intended built form and desired future character are achieved, consistent with the outcomes currently present in the Gables.

It is proposed that the redevelopment of the subject land will primarily rely on the existing set of controls within this section of the DCP which currently apply to the Gables, however a number of site-specific controls and adjustments have been proposed to reflect the proposed indicative layout plan and design controls for different housing typologies. These design controls include lot size dimensions, setbacks and building envelope plan design requirements.

Further commentary on the draft DCP and the most appropriate approach to implementing these new site-specific controls is contained within Section 4 (g) of this report.

Voluntary Planning Agreement

The planning proposal material includes an Infrastructure Delivery Plan, which sets out preliminary infrastructure servicing requirements for the development, a staging schedule for infrastructure roll out and identifies potential items that may be included within a planning agreement or a contributions plan. A preliminary letter of offer has not yet been submitted by the Proponent however it is understood that it is the intention of the Proponent to submit such an offer and this is currently the subject to ongoing discussions between the Proponent and Council Officers.

It would be necessary for an appropriate infrastructure mechanism (either contribution plan amendment or voluntary planning agreement) to be reported to the Council alongside the planning proposal application so that a decision can be made on both of these related matters concurrently. It is understood that the Proponent intends to pursue a Voluntary Planning Agreement, rather than a Contributions Plan amendment. Infrastructure and potential contributions mechanisms are discussed further in Section 4(i) of this report.

3. STRATEGIC MERIT CONSIDERATIONS

The planning proposal has been assessed having regard to relevant strategic merit considerations as outlined in the following policies:

- a) Greater Sydney Region Plan and Central City District Plan;
- b) Hills Future 2036 - Local Strategic Planning Statement and Housing Strategy 2019; and
- c) Section 9.1 Ministerial Directions.

A discussion on the proposal's consistency with these policies is provided below.

a) Greater Sydney Region Plan and Central City District Plan

The following objectives of the Greater Sydney Region Plan and planning priorities of the Central City District Plan are relevant to the subject proposal:

- Objective 1 Infrastructure supports the three cities;
- Objective 2 Infrastructure aligns with forecast growth;
- Objective 10 Greater housing supply;
- Objective 11 Housing is more diverse and affordable;
- Objective 27 Biodiversity is protected, urban bushland and remnant vegetation is enhanced;
- Objective 29 Environmental, social and economic values in rural areas are protected and enhanced;
- Planning Priority C1 Planning for a city supported by infrastructure;
- Planning Priority C5 Providing housing supply, choice and affordability with access to jobs, services and public transport;
- Planning Priority C15 Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes; and
- Planning Priority C18 Better managing rural areas.

The Metropolitan Rural Area is one of four major landscape types used in the Region Plan to categorise land throughout Greater Sydney. It is described as having diverse farmland, mineral resources and distinctive towns and villages in rural and bushland settings. The MRA is recognised for its scenic and cultural landscapes that create a range of attractive visual settings. It is also recognised for its agricultural productivity, recreation and tourism locations and low scale rural residential developments.

The Greater Sydney Region Plan and Central City District Plan seek to protect land within the Metropolitan Rural Area (MRA) from residential development and prevent its conversion to more intensified urban land uses. The Plans specifically state that urban development is not consistent with these values of the MRA, and that there is sufficient land to deliver housing needs within the current urban areas of Greater Sydney.

The subject land is identified within the Region and District Plans as being within the MRA, with the boundary running along Old Pitt Town Road (along the south of the subject site). However, this is largely a result of mapping inaccuracies by the Greater Cities Commission in this particular location, which failed to recognise the Box Hill North (Gables) Precinct urban release area (which is also to the north of Old Pitt Town Road and is similarly shown as being within the Metropolitan Rural Area).

Adjustment of the Metropolitan Rural Area to account for the existing Gables urban release area to the north of the subject land, would lead to inclusion of the subject land as *within* the Urban Growth Boundary. As detailed further in Section 3 b) below, Council recognised this mapping anomaly and sought to rectify this in its own identification of the Metropolitan Rural

Area boundary within its Local Strategic Planning Statement, which was subsequently endorsed by the Greater Cities Commission.

Importantly, the subject land parcels were *not* excluded from the rezoning of Box Hill North (Gables) Precinct due to any strategic reasons, identified values of the MRA or site-specific constraints. Rather, it is understood that this was a result of inability for the Proponent of the original rezoning to reach commercial agreements with the various landowners for these areas to form part of the owner-initiated rezoning application at that time. As a result, the subject site is a small area of rural zoned land which is wedged between two urban release areas and which was generally intended to be reconsidered for urban rezoning in due course. As such, it is considered that the inconsistency with the Region and District Plan with respect to managing the rural area and preventing the encroachment of urban development is justified in this limited and unique instance.

With respect 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 sets a 20-year strategic housing target of 207,500 dwellings for the Central City District. The Hills also has a 5-year housing target from 2016-2021 of 8,550 dwellings, which Council has met and exceeded and is on track to meet its 2021-2026 housing target.

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.

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 4 of this report. Council would need to be satisfied of this at the time of determining the planning proposal.

b) Hills Future 2036 – Local Strategic Planning Statement and Housing Strategy 2019

In contrast to the Region and District Plans, Council's adopted Local Strategic Planning Statement (LSPS) recognises the urban zoning of the Gables Precinct and as a result, adjusts the location of the Urban Growth Boundary (UGB) to run along the northern edge of the Box Hill North (Gables) Precinct. This means that under Council's LSPS, both the Gables Precinct

and the isolated area of remaining rural land (this subject site) are shown as being *within* the urban growth area of The Shire. The subject site, whilst zoned for rural purposes, is not located within any of the identified Agricultural Cluster Zones throughout the Shire.

The Urban Growth Boundary reinforces the objectives of the Region and District Plan to limit housing supply and intensified development to within the confines of the existing urban area. In this instance, the strategy appropriately identifies the Gables precinct and the subject residual rural land as being within the boundaries of the Shire's urban area. Importantly, the Greater Cities Commission endorsed Council's LSPS, which contains this adjusted MRA boundary (in comparison to the boundary depicted in the Region and District Plans).

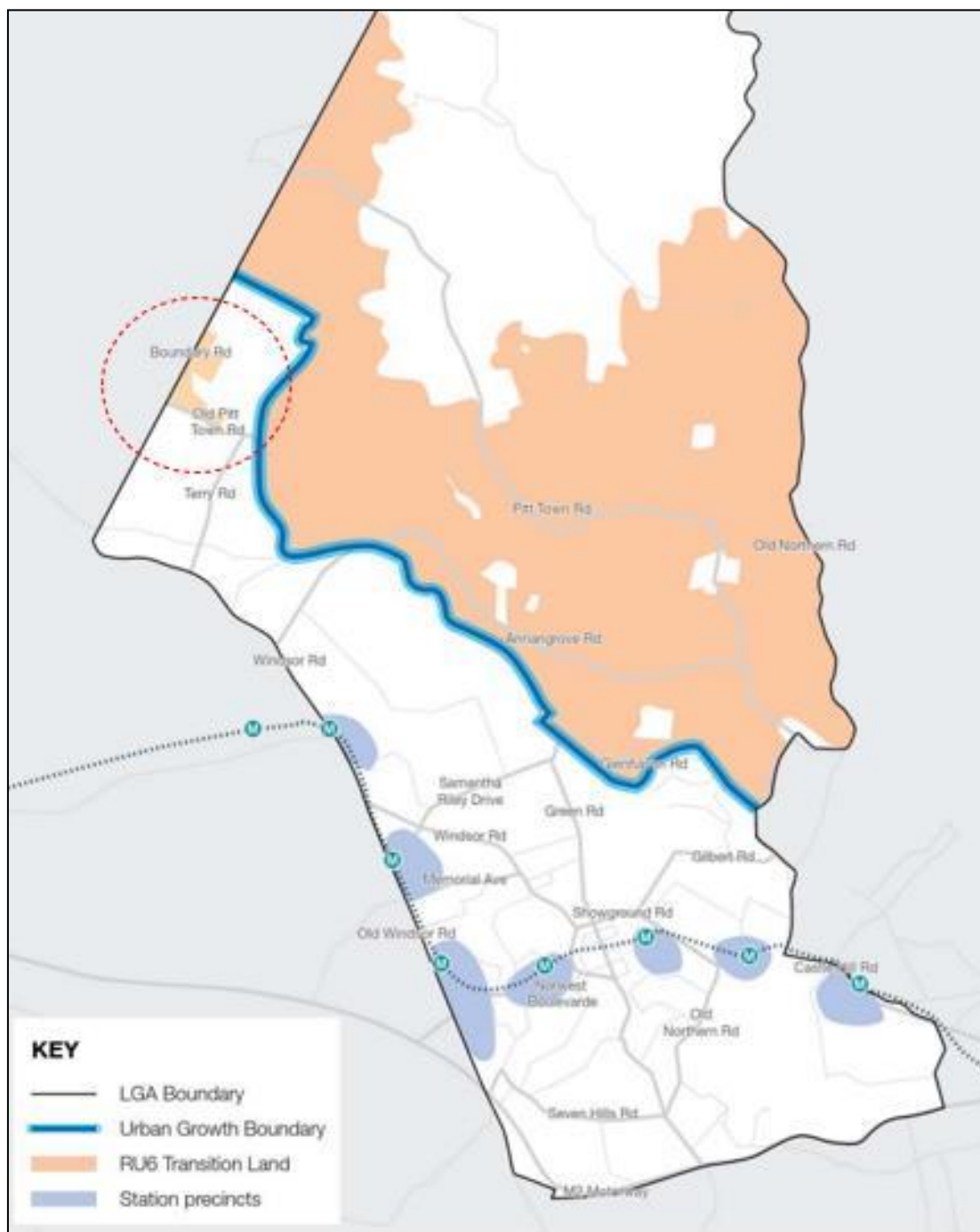


Figure 5

Urban Growth Boundary per Council's LSPS and Housing Strategy (with subject site circled red)

Council's adopted Housing Strategy (which is a supporting strategy of the LSPS) acknowledges that there is merit in considering urban development on the subject site and this area of land is the *only* area of rural zoned land within the Shire which is identified as having potential for urban development and additional housing within the strategic framework, primarily on account of its isolated location wedged between two urban growth precincts.

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. An extract of the relevant section from Council's Housing Strategy is provided below for reference.

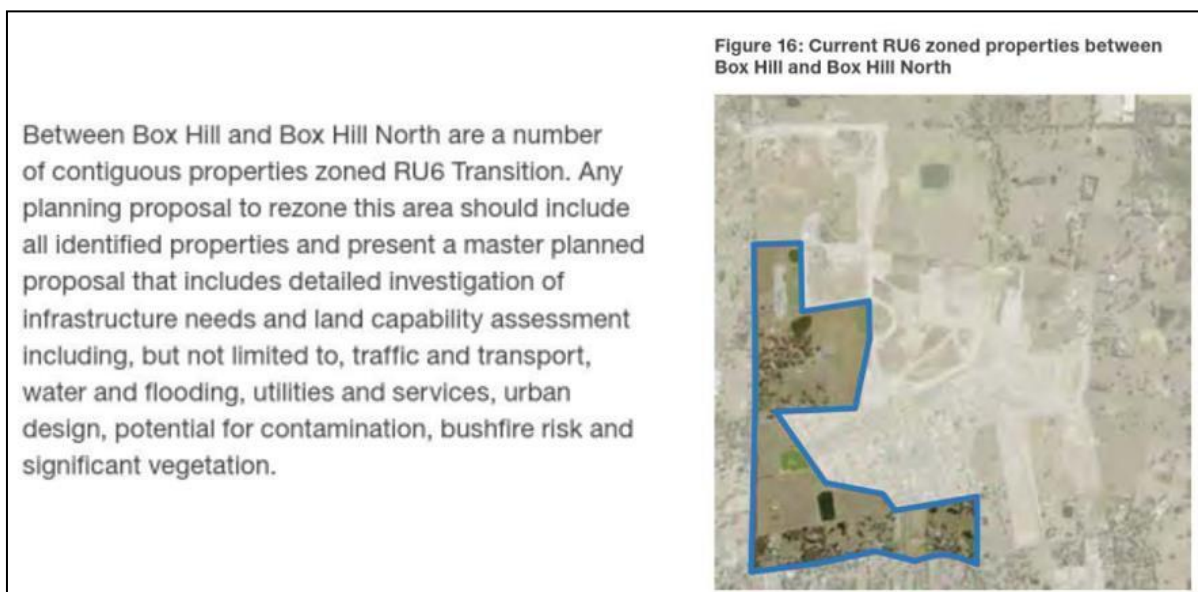


Figure 6
Extract from Council's Housing Strategy

The planning proposal is consistent with Council's LSPS and satisfies the criteria identified within Council's Housing Strategy as it includes all identified land parcels between Box Hill and the Box Hill North (Gables) Precincts, includes the detailed investigations of the land's capability for development (further discussed within Section 4 of the Report) and seeks to enable a master planned and holistic rezoning of these remaining rural land areas wedged between the two urban release areas. The urban development of this area is a logical, orderly and expected expansion of the existing Gables Precinct to complete the urban development footprint in this locality.

c) Section 9.1 Ministerial Directions

The following Section 9.1 Ministerial Directions are applicable to the subject planning proposal:

- 4.1 Flooding;
- 4.3 Planning for Bushfire Protection;
- 4.4 Remediation of Contaminated Land;
- 5.1 Integrating Land Use and Transport;
- 6.1 Residential Zones; and
- 9.1 Rural Zones.

A discussion on consistency with the Ministerial Directions are provided below.

▪ *Direction 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.

An existing first order watercourse enters the subject site from the west and continues east into Gables and eventually north into the Cataract Creek tributary. This watercourse has been formalised downstream into a riparian corridor as part of the Gables development. There are five existing ridgelines that define the major catchments of the site which convey stormwater runoff to several large existing farm dams. These large farm dams are located both online and offline to the existing watercourse. There are also a number of smaller farm dams dispersed throughout the subject site. A map showing the subject site along with the dams and watercourse that drains through the site is shown in the following figure.

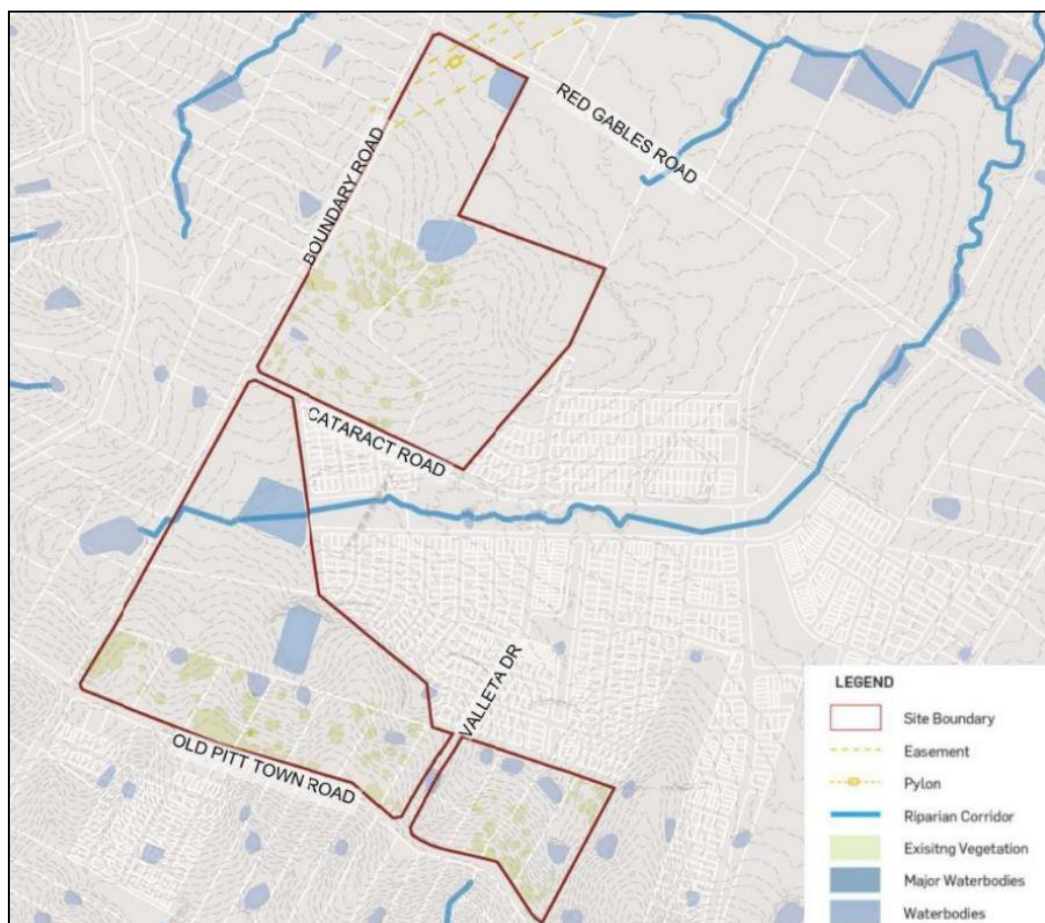


Figure 7
Hydrology Map

In recognition of the flooding constraints on the site, an Integrated Water Cycle Management and Flood Management Strategy was submitted with the proposal (provided as Attachment 5 to this report). This Strategy has been informed by previous strategies and assessments undertaken for Gables, directly downstream of the subject site, at the time of its rezoning application in 2013 and later in 2019.

The Strategy considers the impact of the proposal on the site and the broader catchment. It concludes that the proposed development will not produce any significant increases in flood levels over the properties upstream or downstream in the 1% 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 also 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.

A number of the basins within the “West Gables” development are proposed to discharge directly into the Gables network directly east of the site. These discharge points sit upstream of the water quality infrastructure for Gables and therefore there is an opportunity to utilise redundancies in downstream control measures to reduce treatment requirements for West Gables and provide an optimised treatment train for the wider consolidated precinct.

As part of the lodgement of any future development application, a flood study report will also be required to ensure that:

- The development will not result in the increase in flood levels in downstream areas, including the Gables area, the main lake, and the downstream of the Gables.
- Flood mapping, including flood inundation extents, hazard mapping and flood planning areas are established.
- Existing farm dams are removed and changes to spillway levels of existing farm dams are supported using surveyed details.

In March 2024, the Proponent submitted an additional information package, which includes a Flood Modelling Assessment for Council’s preliminary consideration and assessment. The Assessment undertakes a review of existing modelling and consents, proposed design layouts and surfaces and amends the TUFLOW model to assess the impacts of the development design from the top of the upstream catchment of Old Pitt Town Road to approximately 2km downstream of the existing Gables Lake and detention basin.

It is noted that the Assessment includes the modelling of existing farm dams as full to their lowest spill level and also includes on-site detention in order to offset the removal of a farm dam upstream of Boundary Road and replicate existing conditions. The Flood Modelling Assessment concludes that it is feasible to incorporate detention within the development to mitigate downstream impacts on the Gables Lake and surrounding properties. It also concludes that the master plan development is able to contain the 1% Annual Exceedance

Probability (AEP) within the riparian corridors throughout the development, consistent with the previously approved master plan for the existing Gables Precinct.

The Flood Modelling Assessment is currently under assessment by Council to determine the appropriateness of how the flooding characteristics have been modelled. Should the proposal progress and result in any development application in the future, the Proponent's consultant will need to further liaise with Council regarding the modelling approach and inputs based on the already established base modelling scenario for the broader Gables area.

The proposal is considered to be acceptable with respect to this Ministerial Direction, noting there is already an established baseline modelling scenario for the broader Gables area that will need to be relied upon for future flood modelling work relating to development of the subject land. The subject proposal also seeks to utilise similar principles to Gables in relation to co-location of land zoned RE1 Public Recreation across the main creek tributaries.

- *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 10) 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.

- *Direction 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 a reasonable location for low and medium density housing given the relatively close proximity to Gables Town Centre, the proposed expanded bus servicing network (with all dwellings being located within 400m walking distance to local/regional bus services), 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.

Further information with respect to servicing the development is provided within Section 4 f) of this report.

- *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, following the resolution of outstanding infrastructure servicing issues (as discussed further within this report). 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 which 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 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, it is considered that 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 for conversion to urban residential development.

4. SITE SPECIFIC MERIT CONSIDERATIONS

The planning proposal requires consideration of the following site-specific matters:

- a) Traffic and Transport;
- b) Stormwater and Flooding;
- c) Ecology;
- d) Open Space;
- e) Proposed Planning Mechanisms;
- f) Development Control Plan;
- g) Servicing Capacity; and
- h) Local Infrastructure Demand and Funding Mechanisms.

a) Traffic and Transport

Road Network

The Indicative Layout Plan (ILP) for the subject site includes a series of new connecting local roads to service the new release area. This new network will integrate with the planned and existing road network for the broader Gables Precinct which surrounds the subject site, with linkages to Cataract Road, Red Gables Road and Haden Road, as well as Sundowner Parkway and Bloomsdale Circuit on either side of the creek corridor running through the site. The proposed road layout is shown in the figure below.



Figure 8
Connections to existing road network

There are no proposed new direct road intersections with Boundary Road or Old Pitt Town Road, which will assist in managing traffic flows along these key regional routes. There are also a number of future upgrades that will be undertaken along Boundary Road and Old Pitt Town Road that will limit direct access points off these roads into the site. As such, the Indicative Layout Plan demonstrates an internal road layout with a landscaped road buffer between Boundary and Old Pitt Town Roads and the new collector roads within the proposal area generally accessed via the planned internal road network of the Gables Precinct. This is shown in an extract of the Indicative Layout Plan below.

**Figure 9**

Proposed landscape road buffer adjoining sub-arterial roads

There are some concerns with the proposed laneways at the rear of the small lot housing outcomes. Council has difficulty with the collection of waste from rear laneways that do not have an adequate design to accommodate waste vehicles and space for waste collection to occur. Further, the urban design outcome of the rear lanes is often poor, with minimal landscaping, difficulties with maintenance and compromised private open space outcomes. It is recommended that the road layout plan be amended to remove the rear laneways and include lots with front loaded access only. This would comprise alterations to the draft amendment to the DCP which is discussed in Section 4(f) of this report.

Generally, the proposed internal road layout is considered to result in an acceptable outcome, that facilitates orderly development and minimises impact on traffic flows within the broader regional road network. The proposal road layout integrates appropriately with the planned and existing road network within the surrounding Gables Precinct and demonstrates a logical completion to the planned road network for the urban footprint of this locality.

Traffic Generation

The Proponent has provided a Parking and Traffic Study prepared by Positive Traffic Pty Ltd. The study examines existing road network conditions (including peak hour traffic volumes and the operation of major approach roads and critical intersections) and considers the potential impact of 1,300 additional dwellings within the precinct.

The Traffic Study also reviewed all current public and draft traffic modelling assessments for the surrounding precincts of Box Hill, Box Hill Industrial and Gables Precincts, and provides an updated assessment to account for the additional yield approved in these Precincts since they were originally rezoned, along with the proposed additional 1,300 dwellings that will be facilitated by the subject planning proposal. The modelling takes into account the majority of planned road and intersection upgrades within the locality associated with the Gables and Box

Hill development areas (and respective contributions plans and voluntary planning agreements).

The traffic study indicates that when all growth to 2036 within these Precincts is factored in for the intersection of Boundary Road and Old Pitt Town Road, the proposed rezoning of the subject land to accommodate up to 1,300 dwellings would worsen the intersection's performance in the AM peak from Level of Service C to Level of Service D. The performance of the intersection of Old Pitt Town Road and Valletta Drive in the AM peak in 2036 will be worsened from Level of Service D to Level of Service F as a result of the proposed rezoning. The proposed development would also increase wait times at the intersections of both Boundary Road / Red Gables Road and Boundary Road / Cataract Road, however the overall performance of these intersections would not be worsened from Level of Service A and B respectively in the AM peak in 2036, when all other growth in the area is factored in.

With respect to the PM peak, the planning proposal would worsen the anticipated 2036 Level of Service for the intersections of Boundary Road / Old Pitt Town Road from Level of Service C to Level of Service D. The planning proposal will not worsen the anticipated 2036 Level of Service for the Boundary Road / Red Gables Road intersection although the rezoning will result in a minor increase in wait times at this intersection. It is noted that the intersection of Boundary Road / Red Gables Road will operate at a failing Level of Service E in 2036 both with and without the proposed rezoning of West Gables. The proposed rezoning will worsen the anticipated 2036 Level of Service for the intersections of both Boundary Road / Cataract Road and Old Pitt Town Road / Valletta Drive from Level of Service B to Level of Service C.

In response to these findings, the Proponent has invested in concept designs (including concept intersection designs, signals warrant assessment and an indicative cost schedule) for further traffic upgrades in the locality which respond to the above impacts, to enable further discussions with Transport for NSW and inform the preparation of a VPA that would result in traffic upgrades that mitigate these impacts.

In undertaking a review of the existing and draft traffic models for the surrounding precincts, some of the intersection assumptions utilised in the Proponent's traffic study have become outdated since further work has been undertaken in consultation with TfNSW. The Proponent will also need to redesign some key intersections to account for upgrades identified in their traffic report, such as the widening of Boundary Road to two lanes in each direction, which has ramifications for the design of its intersection with Cataract Road and Red Gables Road. The Proponent has been requested to provide an updated traffic report that reflects more recent work undertaken for all future upgraded intersection layouts. It is anticipated that updated modelling which accounts for these updated designs would likely identify a lesser extent of adverse impact on levels of service than the current traffic modelling submitted.

The following updates were requested to the traffic report to reflect updated intersection layouts (for planned upgrades) as well as additional upgrades identified within the Proponent's traffic study to specifically address development of the subject land. This should be accompanied by a revised SIDRA analysis which focuses on analysis of these intersections as a network model:

- Upgrade of Fontana Drive, Terry Road and Old Pitt Town Road intersection to signals;
- Upgrade of Valletta Drive, Mt Carmel Road and Old Pitt Town Road intersection to signals;
- Widening of section of Old Pitt Town Road along West Gables Precinct boundary to achieve two lanes in each direction;
- Proposed new road accessing west of Old Pitt Town Road intersection;
- Upgrade of Boundary Road and Old Pitt Town Road intersection to signals;

- Widening of section of Boundary Road along West Gables Precinct boundary to achieve two lanes in each direction;
- Upgrade of Boundary Road and Cataract Road intersection to account for the upgrade of Boundary Road to two lanes in each direction (revised intersection layout subject to further design); and
- Upgrade of Boundary Road and Red Gables Road intersection to account for the upgrade of Boundary Road to two lanes in each direction (revised intersection layout subject to further design).

The Proponent provided a revised SIDRA model for the Old Pitt Town Road / Boundary Road intersection to reflect the most updated intersection layout. When compared with the original modelling, the results from the revised SIDRA model indicate that the updated intersection would continue to operate at Level of Service C during the PM peak and would operate with improved conditions during the AM peak, from Level of Service D to Level of Service C, as shown in Table 2 below. This therefore means that the planning proposal will not worsen the anticipated 2036 Level of Service for the intersection of Boundary Road / Old Pitt Town Road noting that it currently operates at Level of Service D during the AM peak and Level of Service C during the PM peak.

Intersection	Control	Morning Peak		Evening Peak	
		Av Delay	LOS	Av Delay	LOS
2036 With Development – Original TIA Report					
Boundary Rd / Old Pitt Town Rd	Signals	50.5	D	32.6	C
2036 With Development – Expanded Intersection					
Boundary Rd / Old Pitt Town Rd	Signals	39.4	C	28.9	C

Avg Delay (sec/veh) is over all movements at signals, and for worst movement at priority and roundabouts

Table 2
2036 Weekday AM / PM Intersection Operating Conditions
(Comparison of Original Modelling and Revised Modelling)

Revised SIDRA models are yet to be provided by the Proponent for the remaining intersections. However, the Proponent has advised that future modelling requirements will not be known for these intersections until such time as Transport for NSW provide further certainty on the intersection upgrade designs. Accordingly, it is expected that if the planning proposal proceeds, further SIDRA analysis would be required in consultation with TfNSW.

A copy of the Parking and Traffic Study submitted with the Planning Proposal and additional information letter has been provided as Attachments 8 and 21 to this report.

It is considered that the proposed upgrades identified above are necessary and appropriate to cater for the increased demand on the road network that will be generated by the planning proposal. While these matters have not yet been resolved in their entirety, further analysis in the form of a revised traffic study and SIDRA analysis will inform ongoing discussions with the Proponent and TfNSW with respect to an appropriate apportionment of funds to be contributed by the Proponent towards these upgrades. The Proponent will need to contribute funding towards some of these upgrades as well as complete some of the works where appropriate.

There is sufficient certainty that any land take required for these proposed upgrades (insofar as they relate to the Proponent's landholdings) can be appropriately accommodated within the subject site and the associated Indicative Layout Plan. Infrastructure delivery, including funding of upgrades to the road network, is further discussed in Section 4 h) of this report.

Public and Active Transport

The existing transport network includes a number of bus stops located along Boundary Road, Cataract Road and Old Pitt Town Road. The planning proposal proposes an expansion to the existing network to ultimately enable all future residents of the proposed development to be within 400m walking distance to local/regional bus services, however this is subject to approval from TfNSW. Should the planning proposal progress to Gateway Determination, further discussions with TfNSW will occur with respect to the proposed expansion of the bus network.

The planning proposal will also facilitate the delivery of pedestrian and cycle paths that will integrate with the riparian corridor, bushland and parks within the West Gables Precinct and link to and complete the broader active transport network within Gables (including provision of the missing link between Sundowner Parkway and Bloomsdale Circuit).

b) Stormwater and Flooding

Previous discussion on flooding is contained within Section 3 c) of this report.

The Proponent has submitted a Flood Management Study as part of their supporting material. The study analyses the impact of the proposed development on stormwater flows and identifies measures for appropriately managing the quantity and quality of stormwater. The study concludes that it is feasible to incorporate detention within the development to mitigate impacts on the Gables Lake and downstream properties. It also concludes that the development is able to contain the 1% Annual Exceedance Probability (AEP) to within the identified riparian corridors through the site, which is similar to the outcomes previously approved as part of the master plan development for the adjoining Gables Precinct.

With respect to flood modelling, a 'baseline' scenario must first be established in order to determine the extent of impact that will result from the proposed development. Given the widespread level of growth that is incrementally occurring throughout Box Hill and Gables and the extent of flood modelling already completed in associated with these development areas, a baseline flood scenario and its standard modelling inputs have already been agreed upon and utilised broadly throughout the existing Gables Precinct. The model is periodically reviewed and updated as development rolls out throughout the precinct to reflect the current catchment characteristics.

The Proponent has been liaising with Council's Waterways Team with respect to updates to the baseline scenario. As part of a future development application, Council will require a flood study report and the associated hydrologic and hydraulic modelling files for review purposes. The review and approval of the pre-developed (base case) and post-developed flood models will be undertaken by Council in a staged manner.

In March 2024, the Proponent submitted an additional information package, which includes a Flood Modelling Assessment for Council's preliminary consideration and assessment. This is discussed earlier within this report in response to Section 9.1 Ministerial Direction 4.1 Flooding.

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.

There is adequate certainty, sufficient for the planning proposal assessment stage, that all stormwater and flooding matters will be capable of resolution as part of the future detailed design of the development.

At the development application stage, a flood study report will need to consider the following:

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

c) Ecology

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). Council has been advised that the Proponent has not yet submitted their proposal to the DCCEEW for any preliminary consultation, however it is anticipated that the biodiversity certification application would run in parallel with the planning proposal, with the aim to exhibit concurrently.

A Biodiversity Certification Assessment Report (BCAR) (prepared by Ecological Australia Pty and dated December 2022) was submitted with the original planning proposal. The BCAR findings indicate 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.

Council provided preliminary comments regarding the Proponent's BCAR and indicated that further information would be required. The Proponent responded to Council subsequently (refer to Attachment 24) largely reiterating the information contained within the original BCAR. The Proponent has not addressed the concerns raised by Council nor made any changes to the planning proposal as a result. In particular, unresolved concerns remain in relation to the areas of land which the Proponent has identified as "avoided areas", also being intended to be used for the purpose of public open space.

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

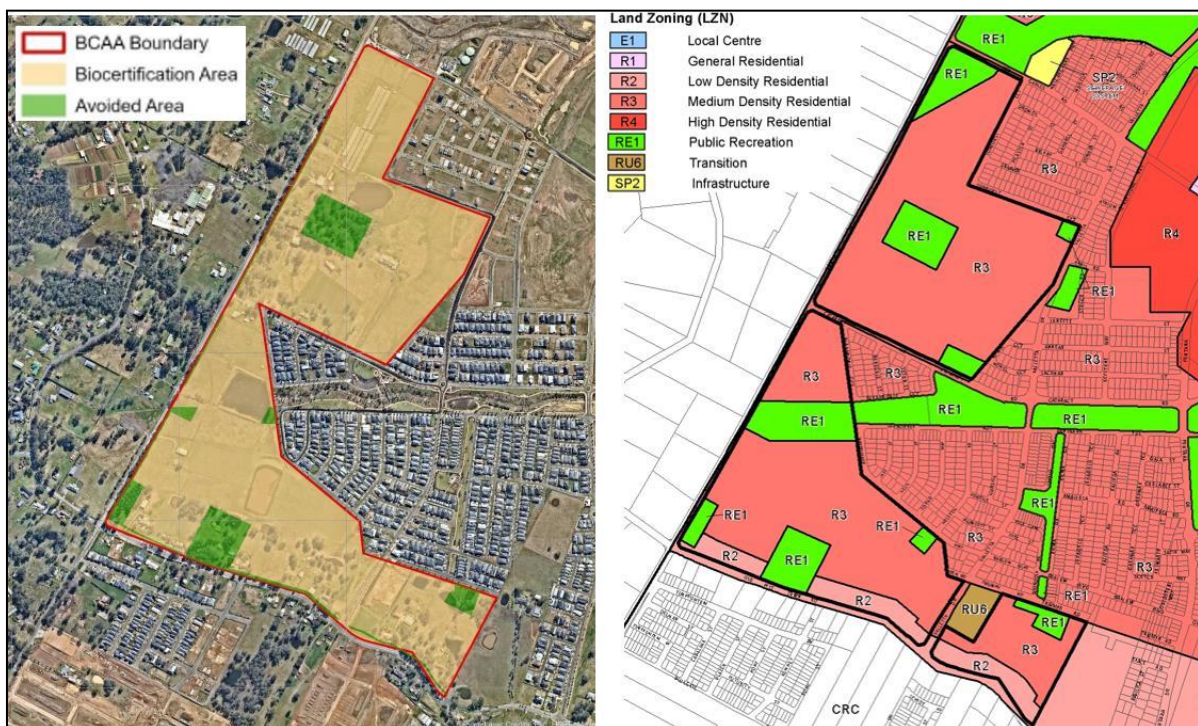
are intended to be addressed by the Proponent through the Biodiversity Certification process. Areas that are shown as hatched (with blue colouring) were not found to have any biodiversity value.



Figure 10

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

The BCAR documentation of Stage 2 of the Biodiversity Assessment Method (BAM) states that the areas of high biodiversity value are to be zoned as park (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. A comparison between the proposed 'avoided areas' and future public open space is provided below.

**Figure 11**

Avoided areas correlate with passive open space land proposed to be zoned RE1

As shown above, it appears that the intention is for “avoided areas” to be identified to allow for urban development. These “avoided areas” would then be dedicated to Council, with Council unable to fully utilise these areas for their intended open space function and with Council also taking on the associated burden of complying with any conditions of the Biodiversity Certification with respect to maintenance of these areas. This approach is problematic and unable to be supported by Council.

Avoidance requires careful site selection, as well as actions taken through the design, planning, construction, and operational phases of the development to completely prevent impacts on biodiversity values, or certain areas of biodiversity. This would appear to be at odds with the need to embellish these areas for recreation outcomes.

This matter has been raised with the Proponent. The Urban Design Report and supplementary response provided by the Proponent include some high-level park designs, however these do not demonstrate how the biodiversity values of the land will be protected. The designs include pathways and structures being constructed through the “avoided area” vegetation. The Proponent indicates in their supplementary letter that if any native vegetation is proposed to be impacted, it would then not be classified as ‘avoided area’, however this is inconsistent with the approach in the BCAR which indicates these areas are evidence of actions and measures to avoid the direct and indirect impacts.

**Figure 12**

Illustrative plans of the northern park (left) and southern park (right)

The Proponent has been provided with the opportunity to present a solution where biodiversity and recreation outcomes are not in conflict, however the Proponent has not been able to demonstrate a suitable outcome can be achieved, noting the plans in Figure 12 above would be unlikely to comply with the conditions for the protection of “avoided areas”. The Proponent’s view is that parks can provide protection of high biodiversity values through good design of park facilities, management of biodiversity values and public ownership.

The Proponent cites other examples of this in the Shire (for example Equinox Park in Box Hill and the Withers Road Park in North Kellyville) where this has occurred. However, it is critical to differentiate that these parks are located on biodiversity certified land (that is, land that was able to be clear entirely, but where Council has chosen to retain vegetation as part of the park design). This is an extremely different scenario to the Proponent’s proposal of having “avoided areas” (that must be retained and protected) within local parks. In these examples, Council had more flexibility to balance biodiversity and tree retention objectives with the recreation outcomes, rather than having the recreation outcomes dictated, reduced or eliminated in order to comply with conditions of the Biodiversity Certification and protect biodiversity values on ‘avoided areas’.

Council officers do not accept that the transfer of ‘avoided areas’ and the associated maintenance burden to Council in order to facilitate the Proponent’s urban development outcomes, at the expense of useable local parks, is appropriate. It would be placing an unreasonable cost and maintenance burden on Council, in perpetuity. Unfortunately, Council does not have the resources to take on vegetation retention areas associated with new development. By comparison, other release areas in the locality (including the existing Gables development) do not require Council to take ownership of any retained vegetation and instead, they seek alternatives to preserving vegetation such as in community title lots or purchasing additional biodiversity credits offsite. The approach of co-locating ‘avoided areas’ and local parks is not supported. The Proponent will need to consider alternative approaches to obtaining biodiversity certification, 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.

The BCAR currently calculates the ecosystem credits that would be required for the Biodiversity Certification Area (excluding the ‘avoided areas’), for both flora and fauna impacts, being 276 ecosystem credits for the vegetation communities and 149 species credits for the fauna species. The planning proposal material identifies the intent to meet this credit

obligation by purchasing credits off the market or paying into the Biodiversity Conservation Fund. The amount of credits may need to be increased to address the issues raised above.

At this time, the application material submitted by the Proponent has not demonstrated that biodiversity is conserved in accordance with the Biodiversity Conservation Act and relevant planning policies and legislation. It is recommended that the Proponent resolve the following matters:

- Land intended to be dedicated to Council for open space should not contain any proposed 'avoided areas';
- Following rectification of the above, it would be necessary to identify the necessary ecosystem and species credits; and
- Amendments should be made to the planning proposal material and Proponent's application for Biodiversity Certification, which should be submitted to DCCEEW. The Proponent will need to obtain Biodiversity Certification of the land, prior to the finalisation of any rezoning.

d) Open Space

The planning proposal includes the zoning of land as RE1 Public Recreation for the purpose of passive open space and drainage, consistent with the zoning framework of the existing Gables urban area. The urban design report further breaks down the uses of the land proposed to be zoned RE1 Public Recreation, in accordance with the figure below:



Figure 13
Location of open space

- Passive open space

The proposal includes a network of passive open spaces, in some instances co-located with drainage land, that provides reasonable access to parks and reserves. All new homes within the development areas would be within approximately 400m to 500m walking distance of passive open space.

The urban design report provided indicates 6.15Ha of land is to be provided as 'local parks', as distinct from drainage land, landscape buffers, riparian corridors and infrastructure easements.

The provision of 6.15Ha and proposed distribution of passive open space in the proposal is broadly consistent with the passive open space objectives in Council's Recreation Strategy (noting a benchmark of 1.62Ha per 1,000 people for passive recreation, which would require 7.1Ha of land for this purpose), noting also the added utility that the additional drainage land, landscape buffers, riparian corridors and infrastructure easements also contribute as well as connectivity that will be provided to access the existing and planned open space network within the adjoining Gables precinct.

If the land identified for local parks was capable of being used entirely for passive recreation and embellished without any significant constraint, the provision of passive open space facilities as proposed by the Proponent is considered satisfactory.

However, the identification of "avoided areas" (for the purpose of biodiversity certification) within these proposed open spaces is not supported. However, 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. Furthermore, it is not considered reasonable that Council take on the additional burden of maintaining "avoided areas" of vegetation. This is discussed in detail in Section 4 (c) above.

Council's Recreation Strategy identifies that local suburban parks should contain (at a minimum) internal pathways, a playground, a playground shade 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.

The adequacy of the proposed passive open space provision would be entirely contingent on the Proponent being able to resolve the issues identified in Section 4(c) above. 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).

- Active open space

The proposal does not include any on site active open space facilities. Instead, the proposal indicates that the Proponent will make monetary contributions toward active open space facilities that Council will deliver. The proposed dwelling yield facilitated by the rezoning proposal would generate demand for 2 additional playing fields based on the adopted benchmarks in Council's Recreation Strategy. While it would be ideal for the development to meet the demand for active open space generated by the development within the site, via the allocation of land and capital works, this has not been proposed for the subject proposal.

The nearest site that could potentially service the West Gables development with active open space facilities is the 'Horseworld' property, located on Maguires Road and currently in Council ownership. Council is currently considering options for the use of this land, some of which include active open space facilities. However, the site requires servicing to be developed in this capacity and the embellishment of this land for recreation outcomes is currently not funded by Council or in any Contributions Plan. The location of the 'Horseworld' site in relation to West Gables is shown in the figure below.

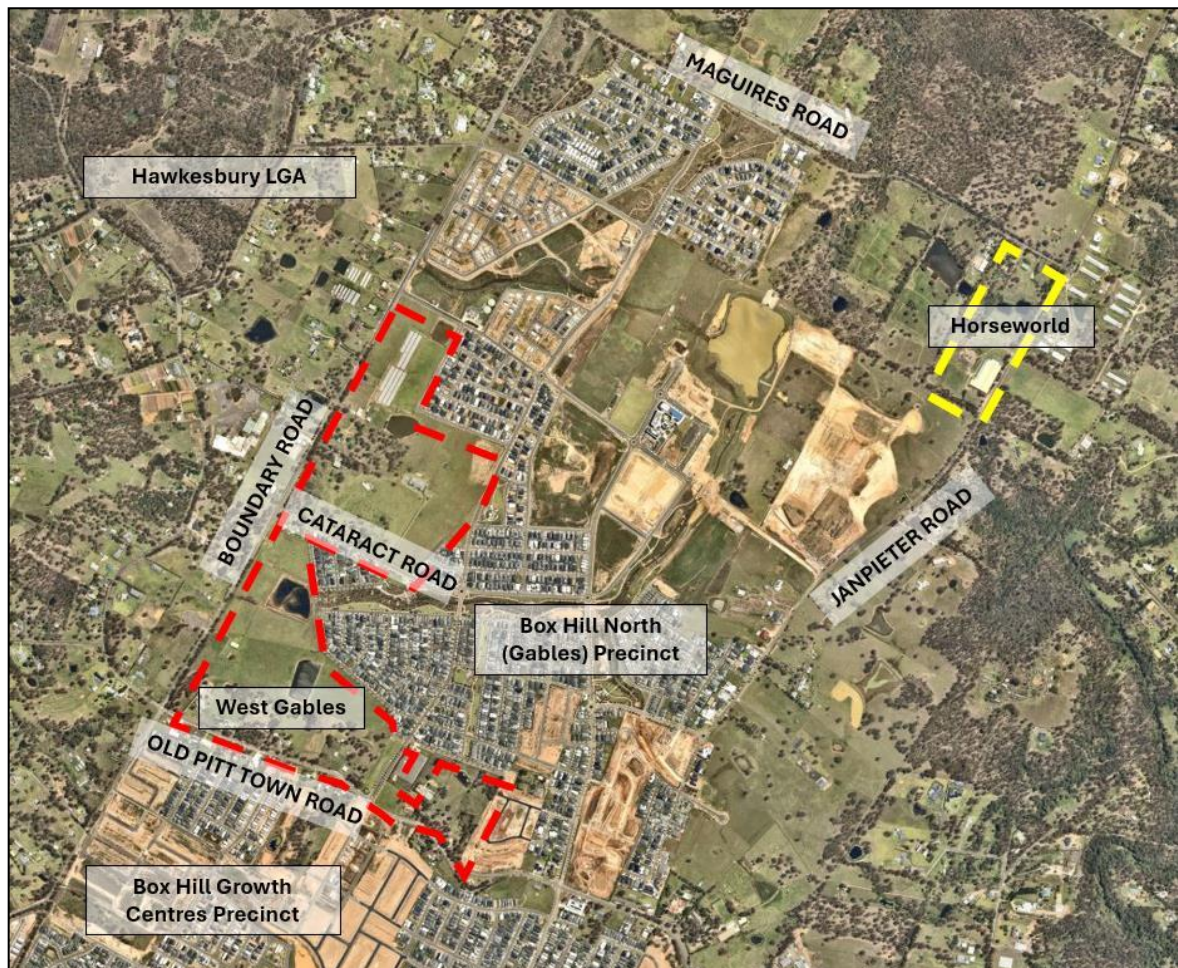


Figure 14
Subject site (red) and 'Horseworld' site (yellow)

Given the proximity of this future facility to the development area (both Gables and West Gables), it may be reasonable to consider the "Horseworld" site as a logical solution to the active open space demands generated by this proposal, however this would be contingent on the Developer contributing sufficiently to the funding and/or provision of these outcomes through monetary contributions and/or works in kind. The Developer has indicated a willingness to make such contributions and Council officers are currently negotiating the details of this potential option with the Proponent.

- Pedestrian and cycle paths

The planning proposal material indicates that pedestrian and cycle paths will be delivered that will integrate with the riparian corridor, bushland and parks, to link to the broader network within Gables (including the missing link between Sundowner Parkway and Bloomsdale Circuit). These items will facilitate active transport and connectivity between

open spaces in the locality and are supported as a logical and orderly completion of the broader pedestrian and cycle network in this locality.

The preliminary assessment of the proposal indicates that there is sufficient land available and flexibility within the broader subject site to accommodate a suitable passive open space and pedestrian and cycle network, subject to the Proponent addressing issues in relation to the identified “avoided areas” (for the purpose of Biodiversity Certification) within proposed passive open spaces. There is also scope for the Proponent to address the additional demand for active recreation through contributions towards the embellishment of the “Horseworld” site for active recreation outcomes. These matters would ultimately need to be resolved in full through agreement between Council and the Proponent, as discussed further in Section 4(i) of this report. These matters should be resolved to Council’s satisfaction prior to (or concurrent with) Council determination of the planning proposal.

e) Proposed Planning Mechanisms

The planning proposal seeks to reduce the mapped minimum lot sizes down to 700m² for land proposed to be zoned R2 Low Density Residential and 450m² for land proposed to be zoned R3 Medium Density Residential. This generally reflects the minimum lot size controls applicable to these same zones within the adjoining Gables Precinct.

In addition to this, the planning proposal seeks to include a new site-specific local provision (under Part 7 of the LEP) that enables further reductions in minimum lot size in areas zoned R3 Medium Density Residential, below the mapped control of 450m². The clause is intended to facilitate the delivery of:

- Lots with a size ranging from 225m² – 300m² through the ‘Integrated Development Application Pathway’, whereby a single development application grants consent to both the subdivision of land *and* the erection of the dwelling on each resulting lot. This clause would operate in the same manner as the existing integrated development pathway under Clause 4.1B of Council’s LEP which currently allows lot sizes down to 240m² (in contrast to the proposed lot size of 225m² for R3 land in West Gables); and
- The subdivision of land into 3 or more lots ranging between 300m² and 450m², subject to Council being satisfied that each lot can contain a building envelope and would not result in more than 4 contiguous lots in a row with the same frontage width. This pathway would require approval of a building envelope concurrently with the subdivision, but not a specific dwelling. As result, there would be some flexibility in terms of the future dwelling design by each purchaser of a lot, within the parameters of the defined envelope.

Minimum Lot Size of 225m² – 300m²

Under LEP 2019, Clause 4.1B establishes a framework for small lot residential development, allowing for attached dwellings or dwelling houses on lots down to 240m² in R3 Medium Density and R4 High Density Residential zones where development is undertaken as integrated development (that is a single application for both the subdivision *and* the erection of a dwelling house or attached dwelling on each resulting lot). These existing provisions have proven to be an effective mechanism for the assessment and delivery of small lot housing product within The Shire, including in the adjoining Gables Precinct. These outcomes are generally able to be achieved successfully as part of a holistic master planned outcome for a larger landholding (such as the subject site), as opposed to piecemeal infill development sites.

The Proponent is seeking to utilise this same clause, however to allow for the delivery of slightly smaller lot sizes down to 225m². Some examples and design analysis of the potential outcomes have been submitted by the Proponent.



Figure 15
Streetscape image for 225m² lots

The Proponent has provided a site plan of a proposed 225m² lot and block layout. This is shown in the figure below.

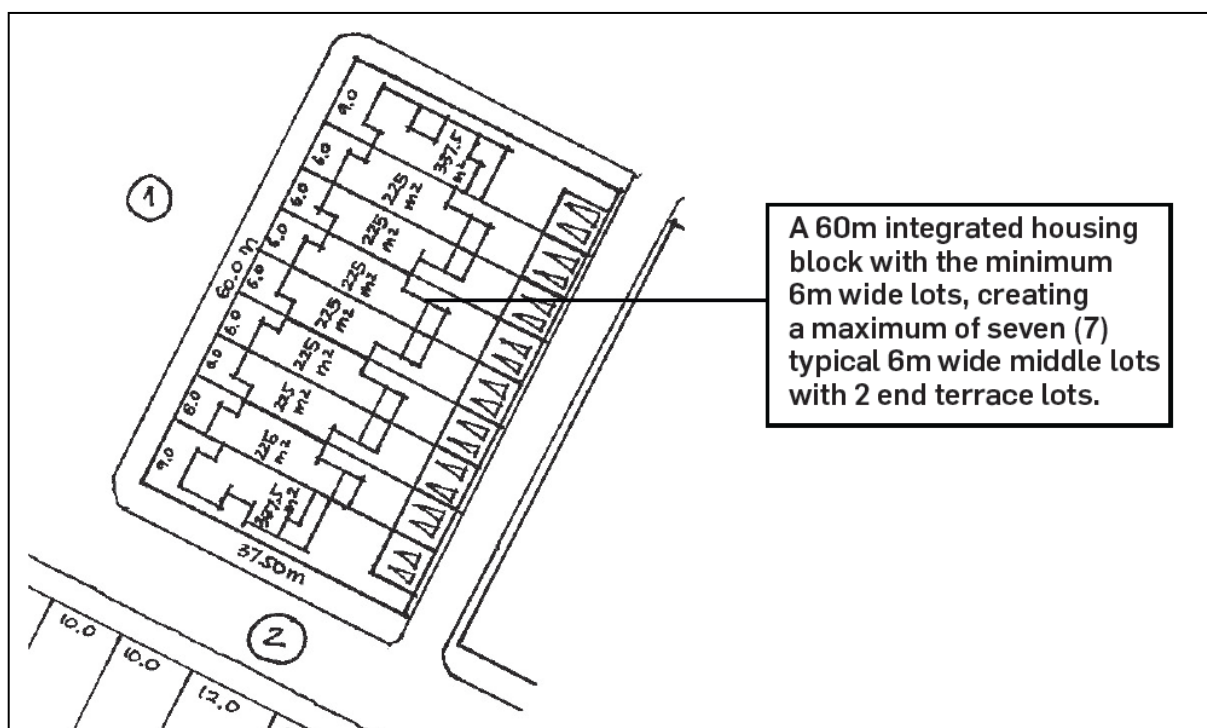


Figure 16
Site plan and block layout for 225m² lots

It is considered that there is insufficient evidence provided with the application to demonstrate that the proposed planning mechanism for these lot sizes provides a superior outcome to that already being delivered by the existing Clause 4.1B, that allows for lots with a minimum size of 240m². The reduction in minimum lot size from 240m² to 225m² 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 recommended that the

achievement of minimum lot sizes of less than 300m² should 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 240m² (rather than 225m² as requested by the Proponent), consistent with other areas of The Shire and adjoining Gables development.

Further, 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. The Proponent has been advised of the required laneways depth and require space for waste collection and has responded by stating that they wish to continue with the existing controls for Gables (which 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 in the next few years).

It is recommended that DCP controls be prepared to remove the ability for the developer to provide dwellings with rear lane access, instead requiring all dwelling products be front loaded, with a minimum lot width of 7m. The minimum lot width of 7m will enable 3 bins to be presented per lot and provide sufficient space for bin presentation and collection.

The following image demonstrates where the proposed smaller lots would be delivered within the Precinct (shown in dark red).

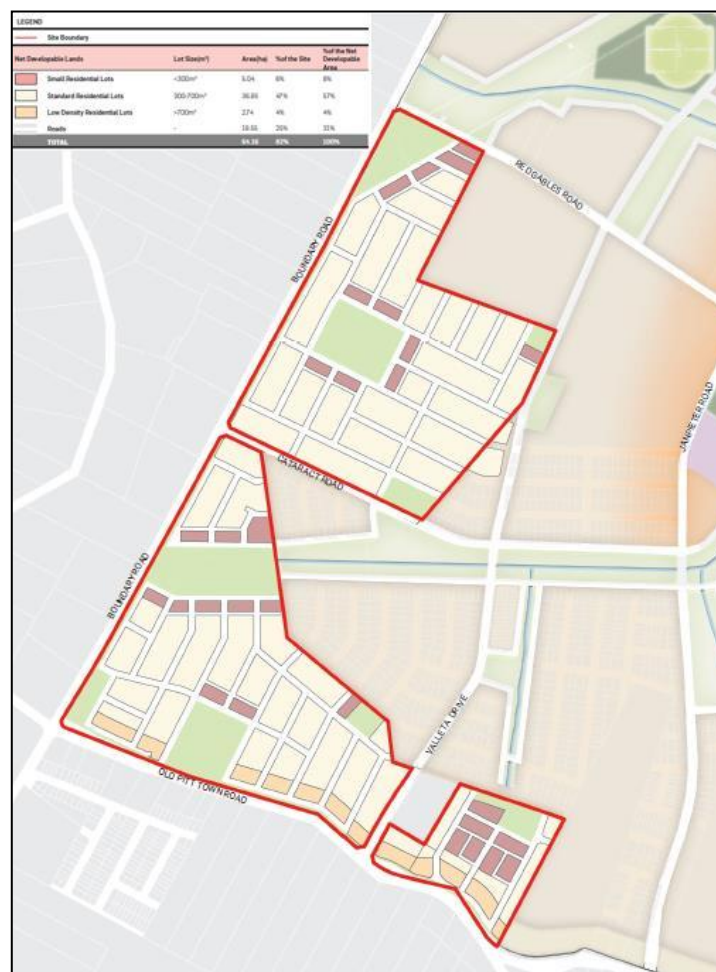


Figure 17
Indicative location of proposed lot typologies

The proposed location of the smaller (240m²) lots is generally supported, as the more dense smaller lots are co-located in the areas of highest amenity, adjacent to riparian and open space corridors and public parks. This allows for a greater number of residents to be located in close proximity to these areas where they can benefit from the provision of passive recreation. This is generally a sound urban design approach to this type of housing product.

Council officers do remain concerned about the certainty of many lots will be provided within each of the different lot size ranges across the entire West Gables Precinct. This could have implications for how the total dwelling cap for the area would be applied, administered and upheld over the longer-term development horizon. This is discussed further below.

Minimum Lot Size of 300m² – 450m²

The Proponent is seeking to enable subdivision between 300m² and 450m² with a building envelope plan only (rather than an integrated subdivision and built form development application as currently required elsewhere in the Shire under Clause 4.1B of the LEP).

The Proponent has provided details of document requirements for a Building Envelope Plan for Council's consideration. The Building Envelope Plan would be required to include:

- A drawing title, north point, scale and labels such as street names and lot numbers;
- Maximum permissible building envelopes including setbacks, storeys, articulation zones, consistent with the DCP;
- A minimum 150m² building footprint, with a minimum dimension of 6m clear of any restrictions or building line setbacks;
- Principal private open space location;
- Indicative landscaping;
- Garage size (single or double) and location of zero lot line boundaries;
- Special fencing requirements;
- Easement and sewer lines;
- Retaining walls;
- Entry and frontage location (for corner lots);
- Access denied frontages; and
- Electricity kiosks or substation.

The provision of this information on a Building Envelope Plan, to be approved with a subdivision, is considered acceptable in terms of providing Council with certainty that lots between 300m² and 450m² can reasonably accommodate a dwelling without the need for a concurrent subdivision and dwelling approval.

Dwelling Cap

The original proposal included a total dwelling cap of 1,260 dwellings in the site-specific clause for the entirety of the subject site ("West Gables"). However, concerns were raised with the administration of the dwelling cap over the course of the development, given the variety of lot sizes that are proposed. Council officers were concerned that the information provided did not give sufficient certainty that the dwelling cap was accurate and that an over or under estimation of the number of dwellings would create problems with implementation in the future, as well as insufficient infrastructure. In response, the Proponent has 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.

The total yield of 1,260 is considered to be an appropriate outcome, having regard to the outcomes depicted in the Indicative Layout Plan and consideration of the serviceability of development and necessary infrastructure upgrades in Sections 4 (h) and (i) of this report. 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 Proponents suggestion of including additional contribution requirements in the Voluntary Planning Agreement should the dwelling cap be exceeded.

The site-specific clause proposes lot sizes down to 225m² (however as noted above, it is recommended that lot size reductions be limited to 240m²) and 300m²-450m² respectively. The break down and proposed location of these lot categories are shown in the following images.



Figure 18
Proposed Housing Diversity Plan






LEGEND					
 Site Boundary					
Net Developable Lands	Lot Size(m ²)	Area(ha)	%of the Site	%of the Net Developable Area	
 Small Residential Lots	<300m ²	5.04	6%	8%	
 Standard Residential Lots	300-700m ²	36.85	47%	57%	
 Low Density Residential Lots	>700m ²	2.74	4%	4%	
 Roads	-	19.55	25%	31%	
TOTAL		64.16	82%	100%	

Figure 19
Proposed Breakdown of Lot Typologies

However, there is no certainty within the clause, the Indicative Layout Plan or the Housing Diversity Plan with respect to enforcing these outcomes or how many lots within each of the size categories will be achieved. In part, this is intended to provide the Proponent with suitability to respond to the market in the future. However, in practice, it could enable a situation where the full 1,260 dwellings could theoretically be achieved (in smaller lots sizes) within a small portion of the rezoned development area. This could in turn lead to areas of remaining urban zoned land that could not be developed (as a result of the dwelling cap) and future requests from the Developer (to either Council or Government) to lift the dwelling cap to enable the orderly development of the remainder of the Precinct, which would have implications for development servicing, infrastructure upgrades and provision of diverse and varied housing stock, not properly considered or resolved as part of this application. A similar outcome occurred within the Showground Residential Precinct recently where Government removed the dwelling cap from Council's LEP without properly resolving the outstanding infrastructure issues which led to the imposition of the cap in the first place.

While this is not the intended development outcome currently depicted by the Developer and will not necessarily occur, it would nonetheless be prudent to amend the site specific clause slightly to give a greater certainty with respect to how the total yield of 1,260 dwellings will be apportioned across the various lot size ranges. This could still be done in a manner that provides the Proponent with sufficient flexibility to tailor their development and dwelling stock as the development progresses, but would at the same provide greater certainty that the intent of the dwelling cap will be achieved and upheld over the longer term development horizon and that development rolls out in accordance with infrastructure and servicing requirements and the anticipated built form outcomes illustrated in the Indicative Layout Plan.

This concern was raised in Council's Preliminary Feedback Letter to the Proponent. In response, the Proponent has sought to delete the dwelling cap as an LEP mechanism altogether and instead utilise a Voluntary Planning Agreement to control the dwelling numbers as development rolls out across the Precinct. This was not the intent of Council officer's feedback and while the use of the VPA in providing certainty on the development outcomes and roll out of dwelling numbers is supported, it should be utilised *in tandem with* an appropriate LEP clause, not *instead of* a dwelling cap as an LEP mechanism.

The Proponent has indicated that lot sizes down to 225m² (or 240m² as recommended by Council officers) will not be widely taken up across the Precinct, as the clause requires both the subdivision *and* construction of a dwelling under the same application. The achievement of lot sizes between 300m² and 450m² requires an application for the subdivision *only* (along with a building envelope plan). The Proponent submits that this is a more attractive development option that will be used more broadly across the Precinct as it will enable the sale of vacant land whereby future purchasers have the flexibility to determine their dwelling

design, more so than is currently enabled through a combined house and land package. The Proponent has also submitted that Council could refuse development applications that seek blanket utilisation of 225m² lot sizes (or 240m² as recommended by Council officers) on the basis that they are inconsistent with the objectives of the R3 zone, which include “*to provide a variety of housing types*”.

While it is agreed that this may be how development will roll out across the Precinct, it does not adequately address the concerns raised by Council officers with respect to lack of certainty of lot size take up. It is also considered that future refusal of development applications based on their inconsistency with the zone objective to provide a variety of housing types is highly unlikely to be successfully upheld.

It remains the view of Council officers that the local provision should include a mechanism that apportions the total dwelling cap as a percentage of the three lot size types under the Proponent’s Housing Diversity Plan. This will ensure flexibility for the Proponent in terms of where these lot sizes can occur throughout the West Gables Precinct, whilst also providing certainty to Council that the incremental roll out of development across the Precinct will not result in residual undeveloped land that will necessitate the need to lift the dwelling cap in future.

The re-drafting of the proposed local provision to achieve this greater level of certainty should be discussed further with the Proponent before the planning proposal application is reported to Council for determination.

f) Development Control Plan

The Proponent had originally submitted a new site-specific DCP in support of the planning proposal. However, given future development within the subject site is intended to align with the character and built form outcomes already established for the Gables precinct, it is more logical and appropriate for the existing section of Council’s DCP which applies to the Gables precinct (Part D Section 17 - Box Hill North) to be expanded to also apply to this land. This would also mean that rather than duplicating all controls which are already within this part of Council’s DCP, there would only be a need to include *additional* controls relating to the current proposal, where they differ from those already in place.

The Proponent has since supplied documentation to support an amendment to the existing controls within Part D Section 17 – Box Hill North of the DCP, to enable it to continue to apply to the existing Gables development and apply to the subject site, including controls that relate to road design, public domain, stormwater management, visual character, safety, car parking, landscaping, solar access and dwelling design. Amendments to the following maps and figures within the existing Part D Section 17 - Box Hill North, to include the desired outcomes for the West Gables Precinct have been provided:

- ‘Land to which this section of the DCP applies’ Map;
- Indicative Layout Plan; and
- Indicative Street Layout Map.

A number of other maps and diagrams will be required to be updated for inclusion in the amended DCP, which will be requested from the Proponent.

A number of additional controls specific to West Gables have been drafted and submitted by the Proponent, including:

- Lot dimensions and setbacks for lots:

- equal to or greater than 225m² and smaller than 300m²;
 - equal to or greater than 300m² and smaller than 450m²;
 - equal to or greater than 450m² and smaller than 700m²; and
 - equal to or greater than 700m² and less than 2,000m²
- Requirements for a Building Envelope Plan for lots equal to or larger than 300m² and smaller than 450m², as per the Proponent's submitted specifications.
 - Dwelling controls for each lot size range, generally consistent with those already applicable under the Concept DA 1397/2015/JP that applies to the Gables.

Council had requested that the Proponent update the draft DCP to reflect the requirements for waste servicing, for both local street and rear laneway collection, as well as designing lot widths to accommodate the presentation of 3 bins concurrently, requiring a minimum 2.74m clear kerbside length, as a result of the mandatory implementation of a FOGO (Food Organic Garden Organic) collection service, which will commence in the Hills Shire in the next few years. Council gave advice about the necessary depth for bins to be presented in laneways, being 2m, however the Proponent has provided updated information indicating a 1m wide verge would be provided in laneways where bin collection is proposed, consistent with the existing Gables DCP.

Unfortunately, the existing Gables area has experienced issues with waste collection under these settings. These issues within the existing Gables have prompted Council to reconsider laneways as appropriate for waste collection.

Therefore, it is recommended that the draft DCP controls provided by the Proponent be altered to remove the ability for the developer to provide dwellings with rear lane access. This will require the master plan to be amended removing the rear laneways, with reference to rear loaded or rear accessed dwellings and associated controls being deleted. The DCP will instead require all dwelling products in West Gables be front loaded, with the minimum lot width for 240m² lots to remain at 7m.

The preliminary assessment of the draft DCP indicates that appropriate development controls can be applied to ensure the character of the existing Gables development is continued within West Gables. It is recommended that a draft DCP which amends Part D Section 17 - Box Hill North to address the above matters be considered by the Council concurrently with the planning proposal.

g) Servicing Capacity

The Proponent has submitted a Services Infrastructure Plan in support of the planning proposal to demonstrate the extent of utilities servicing available to the site and the potential need to upgrade, extend or alter services to accommodate the additional growth proposed. The following key conclusions are included in the Services Infrastructure Plan:

- *Gas Services:* Jemena do not currently have sufficient capacity within its network to cater for the subject land without augmentation. As a result, the Proponent has decided not to supply gas reticulation for the development. This is a commercial decision of the Proponent and would not hinder the development outcome proposed.
- *Electrical Infrastructure:* Endeavour Energy has advised that the Gables Zone Substation is currently under construction and is expected to be commissioned by December 2023. Subject to timing of the development, the first stage of the development will need to be supplied from existing feeders. Further consultation with Endeavour Energy will occur should the planning proposal proceed, however it is

unlikely that the development will occur prior to the completion of the Gables Zone substation and it is anticipated that once this substation has been completed, sufficient electricity supply will be available for the future West Gables development.

- *Potable Water:* The potable water reservoirs in the study area do not have sufficient spare capacity to accommodate development on the subject site. The proponent is currently liaising with Sydney Water to determine the augmentation works required for potable water. Further consultation with Sydney Water will occur should the planning proposal progress and this would need to be adequately resolved before any rezoning is finalised for the land.
- *Wastewater:* Altogether Group is the primary supplier of recycled water and pressure sewer of the Box Hill North/Gables Precinct and has confirmed that there is sufficient capacity to service the site from the existing sewage plant through an augmentation of the plant and series of new recycled water and pressure sewer mains. Council officers have been advised that planning for the augmentation of the facility has commenced and recycled water and sewerage services will be available to future development.
- *Telecommunications:* NBN has confirmed that fibre capacity to service the entire development is available. With live networks available within the vicinity, there will be no backhaul charges required. This is considered satisfactory, subject to further consultation with telecommunications providers as the proposal progresses.

The Proponent's Services Infrastructure Plan has been provided as Attachment 11 to this report.

The Proponent has adequately demonstrated that the subject land is capable of being serviced with the required utilities infrastructure through a combination of existing capacity as well as extension and augmentation of facilities. However, further confirmation will be required from Sydney Water as part of the public agency consultation to confirm the augmentation works required for potable water.

h) Local Infrastructure Demand & Funding Mechanisms

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, as well as a range of traffic, transport and drainage infrastructure discussed earlier within this report.

The Hills Section 7.12 Contributions Plan currently applies to the subject site. However, this plan is generally intended to levy minor and incremental redevelopment of land under the current planning framework, and it does not plan or cater for significant rezoning areas or the residential development outcome being proposed through this proposal. As such, a new mechanism will be required to identify and fund the infrastructure required to support the proposed development.

The Proponent has submitted an Infrastructure Delivery Plan (IDP), which identifies infrastructure items that are required to service the development. The IDP indicates that the Proponent intends to make a Voluntary Planning Agreement (VPA) offer and progress with a Planning Agreement as the mechanism to address the additional demand for public

infrastructure generated by the proposal. The IDP identifies the following items for inclusion in a planning agreement:

- Internal collector/local roads and intersections;
- 4 local parks, totalling 57,912m²;
- A monetary contribution toward active open space facilities;
- 7 detention basins and connection to the truck stormwater works in the road reserves;
- A monetary contribution toward community centre floor space; and
- A monetary contribution toward library floor space.

The IDP also identifies other infrastructure items to be discussed with Council, noting that these items are *partly* funded by other Contributions Plan and Planning Agreements. These items include:

- Signalised intersection of Old Pitt Town Road and Boundary Road;
- Signalised intersection of Old Pitt Town Road and Valetta Drive;
- Widening of Boundary Road to 2 lanes in each direction; and
- Widening of Pitt Town Road to 2 lanes in each direction.

Council Officers are generally satisfied that the Proponent has identified the required infrastructure categories necessary to support the proposed development. However, as no monetary values or letter of offer has been provided, Council officers are not yet in the position to form a view with respect to whether fair, reasonable and proportionate contributions towards these infrastructure outcomes will be secured, such that the cost of servicing the development is not subsidised by other development areas or the broader rate-base of The Hills Shire.

Council officers have been in discussions with the Proponent to ensure that an appropriate contribution (whether it be works, land or monetary contributions or a combination of all three) is made toward each infrastructure category and have held a number of meetings to discuss the infrastructure items identified and appropriate mechanisms to deliver such infrastructure.

It is anticipated that a Letter of Offer will be submitted by the Proponent in due course, prior to the planning proposal being reported to Council for consideration. It is the view of Council officers that this letter of offer should, at a minimum, include the following:

– *Traffic and Transport Infrastructure items*

- a. Boundary Road – widening the carriage way to 2 lanes in each direction between Old Pitt Town Road and Red Gables Road (likely to involve land and capital costs);
- b. Old Pitt Town Road – widening the carriageway to 2 lanes in each direction between Boundary Road and Valetta Drive (noting that development on the southern side in Box Hill Precinct will undertake half width construction);
- c. Intersections
 - i. Old Pitt Town Road/Terry Road/Fontana Drive (contribution towards intersection upgrade to signals)
 - ii. Mt Carmel Drive/Old Pitt Town Road/Valetta Drive (contribution towards capital works to upgrade to signals, noting the land for this is already obtained via Contributions Plan No.15 – Box Hill Precinct)

- iii. Boundary Road/Old Pitt Town Road (land and capital)
 - iv. Boundary Road/Cataract Road (intersection treatment)
 - v. Boundary Road/Red Gables Road (intersection treatment)
- d. Pedestrian Bridge over drainage land, as noted on the Proponents masterplan.
- *Open space infrastructure items*
- a. Passive Open Space – Embellishment and dedication of all land identified for passive open space within the subject site. The quantity and distribution of land identified for passive open space appears generally consistent with the objectives of Council’s Recreation Strategy. However, all of the land identified for passive recreation is also identified as proposed ‘avoided areas’ (for the purpose of Biodiversity Certification). If this land is identified as an ‘avoided area’ and the Biodiversity Certification places restrictions on the type of uses that can be carried out on this land, it is unlikely to be able to support the necessary recreation outcomes, such as the construction of play equipment, soft fall, kick about grassed areas, BBQ areas, paths, seating, shelters, lighting and the like.
- This will need to be resolved through further discussions with the Proponent and any future letter of offer will need to be clear regarding what land is identified for passive open space and what land will be ‘avoided area’ in terms of biodiversity certification.
- b. Active Open Space – The proposal would generate demand for 2 additional playing fields, based on the benchmarks in Council’s Recreation Strategy. While it would be ideal for a development to meet the demand generated within the site, via the allocation of land and capital works, the Proponent’s Infrastructure Delivery Plan indicates that active open space demand would be met by a monetary contribution, towards facilities outside of the boundary of West Gables.

The nearest site that could potentially service the West Gables development with active open space facilities is the ‘Horseworld’ property, located on Maguires Road and currently in Council ownership. Council is currently considering options for the use of this land, some of which include active open space facilities. However, the site requires servicing to be developed in this capacity and the full embellishment of this land (or its acquisition) is currently not funded in any Contributions Plan.

Given the proximity of this future facility to the development area (both Gables and West Gables), it may be reasonable to consider the “Horseworld” site as a logical solution to the active open space demands generated by this proposal, however this would be contingent on the Developer contributing sufficiently to the land and capital costs of providing these outcomes, through a combination of monetary contributions and/or works in kind. The Developer has indicated a willingness to make such contributions and Council officers are currently negotiating the details of this potential option with the Proponent.

Other Contributions Plans in the locality calculate that the cost of servicing residential development within this locality with open space is between \$20,000 to \$25,000 per dwelling. The Proponent has been advised that this value

should be used as an indication of the likely cost to provide appropriate levels of open space for the West Gables precinct also. This contribution could however be satisfied through the completion of works on behalf of Council by the Developer (for example, completion of embellishment of the “Horseworld” facility for active recreation).

A future letter of offer would need to detail any proposed works or land dedication proposed, as well as any monetary contributions for Council to use toward other facilities to meet the demand for active open space facilities.

– *Community facilities*

- a. The proposal identifies that there will be increased demand for community centre floor space as a result of the proposal. Based on industry benchmarks of 1 community centre per 6,000 people, the proposal would generate demand for 75% of a local community centre. It is noted that no community centre is proposed in the material provided and it is understood that the Proponent intends to make proportionate monetary contributions toward the provision of community centre upgrades to support the proposed development.
- b. The proposal identifies that there will be increased demand for library floor space as a result of the proposal. Based on industry benchmarks of 1 branch library per 33,000 people, the proposal would generate demand for 13% of a branch library. It is noted that no library floor space is proposed in the material provided and it is understood that the Proponent intends to make proportionate monetary contributions toward the provision of community centre upgrades to support the proposed development.

– *Drainage and stormwater infrastructure*

- a. The Proponent’s Flood Management Strategy identifies:
 - i. One (1) online storage infrastructure provided within the proposed riparian corridor;
 - ii. Five (5) offline detention basins; and
 - iii. Six (6) water quality basins.
- b. The Infrastructure Delivery Plan refers to 7 individual basins (as many include both water quantity and water quality treatment) which aligns with the Water Cycle Management report.
- c. It is indicated that works in the trunk drainage land will be delivered by the developer and at this stage the proposed strategy appears satisfactory. All land and capital costs associated with these items should be included in the letter of offer.

While there is not yet sufficient detail provided at this time to confirm definitively that the proposal is supported by appropriate infrastructure, the material provided to date indicates that there are no significant barriers that would prevent the provision of sufficient infrastructure to service the proposed development. However, it is critical that if the planning proposal does progress, this only occurs concurrent with a suitable mechanism that clearly identifies the schedule of infrastructure to be provided and requires the developer to proportionately contribute to the funding and provision of these outcomes (through a combination of monetary

contributions, land dedication and works in kind). Council officers are engaged in positive discussions with the Proponent on this matter and it is understood that the Proponent intends to submit a letter of offer to enter into a Voluntary Planning Agreement shortly.

It is recommended that if the Council resolves to proceed with the planning proposal, this should only occur once the Council is also satisfied that the above infrastructure outcomes can be resolved and captured in an appropriate mechanism (such as a Voluntary Planning Agreement) that will progress concurrently with the planning proposal.

CONCLUSION

The planning proposal generally aligns with the relevant strategic planning framework and will facilitate the logical completion of the urban footprint in this locality, as an extension of the existing Gables precinct comprising 1,260 low and medium density dwellings, open space and riparian corridors.

It is the view of Council officers that the planning proposal is capable of demonstrating adequate strategic and site-specific merit to warrant progression to Gateway Determination, subject to the resolution of a number of outstanding matters detailed within this report prior to the matter being considered by Council for determination.

ATTACHMENTS (UNDER SEPARATE COVER)

Original Submission

1. Planning Proposal Report (92 pages)
2. Appendix A Urban Design Report and Indicative Layout Plan (71 pages)
3. Appendix B Owner's Consents (8 pages)
4. Appendix C Biodiversity Certification Assessment Report and Supporting Appendices (169 pages)
5. Appendix D Water Cycle Management and Flood Management Study (124 pages)
6. Appendix E Preliminary Site Investigation Report (970 pages)
7. Appendix F Geotechnical Study (227 pages)
8. Appendix G Traffic Impact Assessment (193 pages)
9. Appendix H Aboriginal Heritage Archaeological Assessment (69 pages)
10. Appendix I Bushfire Strategic Study (37 pages)
11. Appendix J Services Infrastructure Plan (18 pages)
12. Appendix K Social Infrastructure Needs Assessment (46 pages)
13. Appendix L Economic Lot Size Analysis (20 pages)
14. Appendix M Draft Box Hill North DCP and Appendix (37 pages)
15. Appendix N Prelodgement Letter (5 pages)
16. Appendix O Infrastructure Delivery Plan (38 pages)

Additional Information

17. Request for Information Response Summary Letter (46 pages)
18. Appendix A Lot Testing Package (8 pages)
19. Appendix B Draft Site-Specific Development Control Plan and Appendix (23 pages)
20. Appendix C Flood Modelling Assessment (66 pages)
21. Appendix D Transport Impacts Letter (18 pages)
22. Appendix E Altogether Servicing Letter (2 pages)
23. Appendix F Owner's Consent Letter for 99 Old Pitt Town Road (1 page)
24. Appendix G Biodiversity Letter (8 pages)