

WEST GABLES PRECINCT REZONING



Rezoning of Old Pitt Town Road and
Boundary Road, West Gables

ACKNOWLEDGEMENT OF COUNTRY

Urbis acknowledges the Traditional Custodians of the lands we operate on.

We recognise that First Nations sovereignty was never ceded and respect First Nations peoples continuing connection to these lands, waterways and ecosystems for over 60,000 years.

We pay our respects to First Nations Elders, past and present.

Title: Sacred River Dreaming
Artist: Hayley Pigram
Darug Nation
Sydney, NSW





PRESENTATION OBJECTIVES

Provide a summary overview of the following:

- Social infrastructure triggered by the proposal.
- 'Avoid and minimise' approach to biodiversity.
- Passive open space and biodiversity.
- Council and DEECCW assessment / comments.



SOCIAL INFRASTRUCTURE TRIGGERED BY PP

APPROACH TO ASSESSING SOCIAL INFRASTRUCTURE AND OPEN SPACE NEEDS

A Social Infrastructure Needs Assessment was prepared with Planning Proposal to inform the potential demographic and social infrastructure needs of the site. The report notes the following:

There are two main ways of considering the quantity of open space provided in a location – **by proportion and by area**.

- Historically, NSW has taken an area-based approach. For example, the superseded Growth Centres Development Code (2006) contained a benchmark of 2.83ha per 1,000 people for 'open space and recreation'. While the benchmark is framed in the Code as a 'guiding threshold', and is caveated with a note stating '*may be refined through specific studies*', the 2.83ha per 1,000 people benchmark has been widely used in open space planning in NSW, including by The Hills Shire Council.
- The 2.83ha per 1,000 people provision rate is based on patterns of recreation from the UK over 100 years ago. There is no evidence base for the use of this rate as a default standard in 21st century Australia, despite its frequent use in NSW.
- Using a proportion-based approach, and a site NDA of 64.18, the Social Infrastructure Needs Assessment identified that **6.4ha (10% of NDA) of the site should be allocated as public open space**, as this is the most contemporary and evidenced based approach currently available.
- In addition, minimum park sizes contained in Council's Recreation Strategy and the 400m accessibility catchment recommended in the Draft Greener Places Guide and in Council's Recreation Strategy are used as benchmarks.

SOCIAL INFRASTRUCTURE NEEDS ASSESSMENT

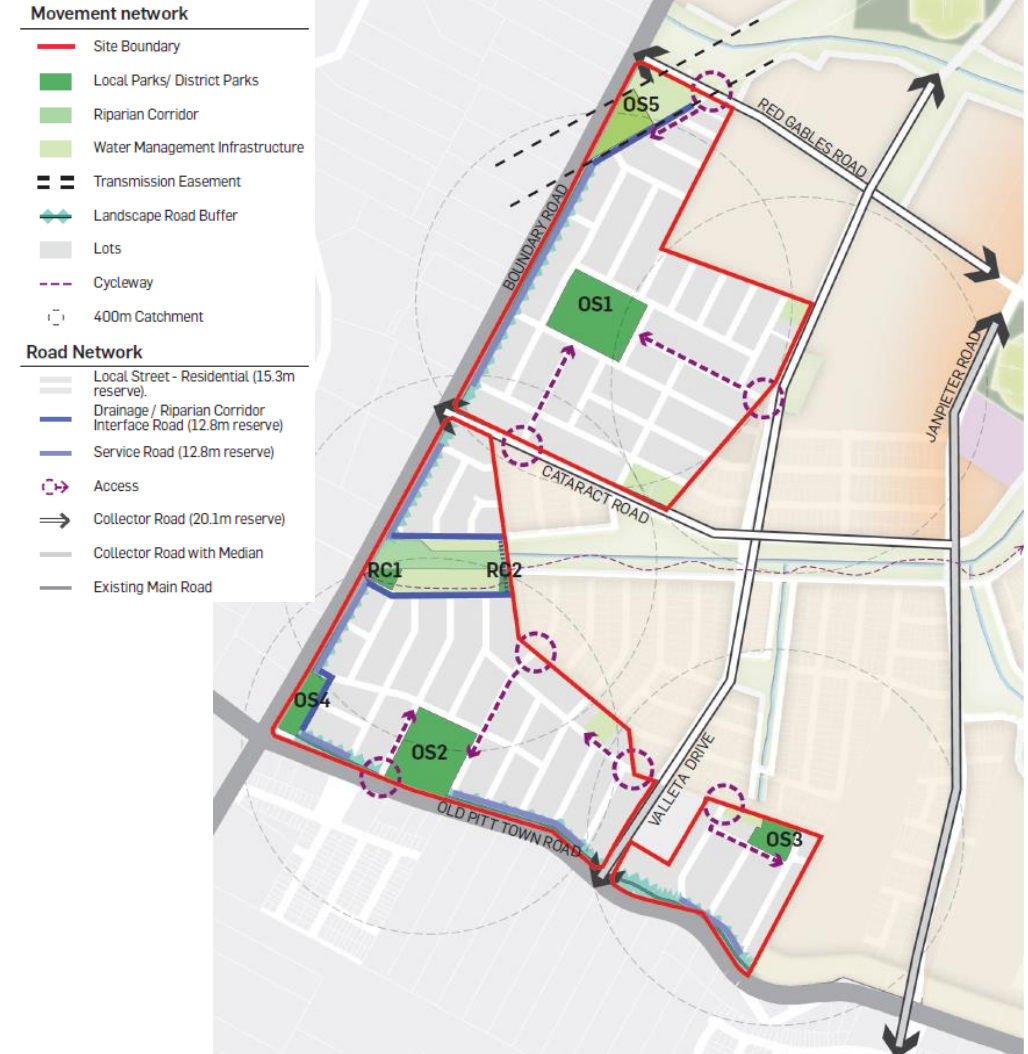
The Master Plan adopts a 400m-catchment rule in locating open spaces to create a series of interconnected neighbourhood areas across the Precinct.

The Master Plans approximately 6.15ha of open space (9% of the Net Developable Area) provided as local parks that will accommodate passive or unstructured recreation. There are four main parks proposed:

- Northern Park – OS1 (2.34ha)
- Southern Park – OS2 (2.23ha)
- Eastern Park – OS3 (0.58ha)
- Western Park – OS4 (0.66ha)

There is also an additional 3.63ha of open space consisting of easements, riparian corridors, landscape buffers (to Boundary and Pitt Town Roads), drainage and water management areas. Of this approximately 1.44ha is considered ‘useable’ (see next slide). It is intended this will be included ‘in addition to’ the proposed 9% calculation.

The Master Plan does not include any open space provision for active or structured sport and recreation or any other forms of social infrastructure, as these will be provided off-site (likely within proximity to the site on corner of Macguires and Janpieter Road), in consultation with Council.



ADDITIONAL USEABLE OPEN SPACE

Whereas the ILP has nominated 9% NDA to four main parks to deliver passive and unstructured recreation, additional useable space is proposed across the site, within areas designated as:

- Riparian Corridors
- Transmission easements

Consideration of whether areas are defined as ‘useable’, has looked at the physical ability for embellishments to be included on the land, without inhibiting heir designated function, or placing undue risk to the intended future users of the land (such as flooding).

This practice is currently utilised across NSW, with a more recent example being Ardenes Park, located in Edmondson Park in SW Sydney (photos included).

Concept designs of these additional spaces has been prepared by Urbis.

	Area(ha)	%of Useable OS (Above 1%AEP)	Area of Useable OS (ha)
Riparian Corridors	1.4	39%	0.54
Water Management Area	4.06	-	-
Landscape Buffer	1.33	-	-
Transmission Easements	0.9	100%	0.9
TOTAL	7.69		1.44





BIODIVERSITY APPROACH - AVOID AND MINIMISE

SITE SELECTION

KEY CONSIDERATIONS

- Protect critically endangered ecological communities, particularly vegetations with high and medium quality within the site, where practical.
- Provide quality open spaces that build upon the unique landscape experience offered by the riparian corridor.
- Co-locate the proposed open spaces in areas with sensitive vegetations to preserve the ecological character of the site.

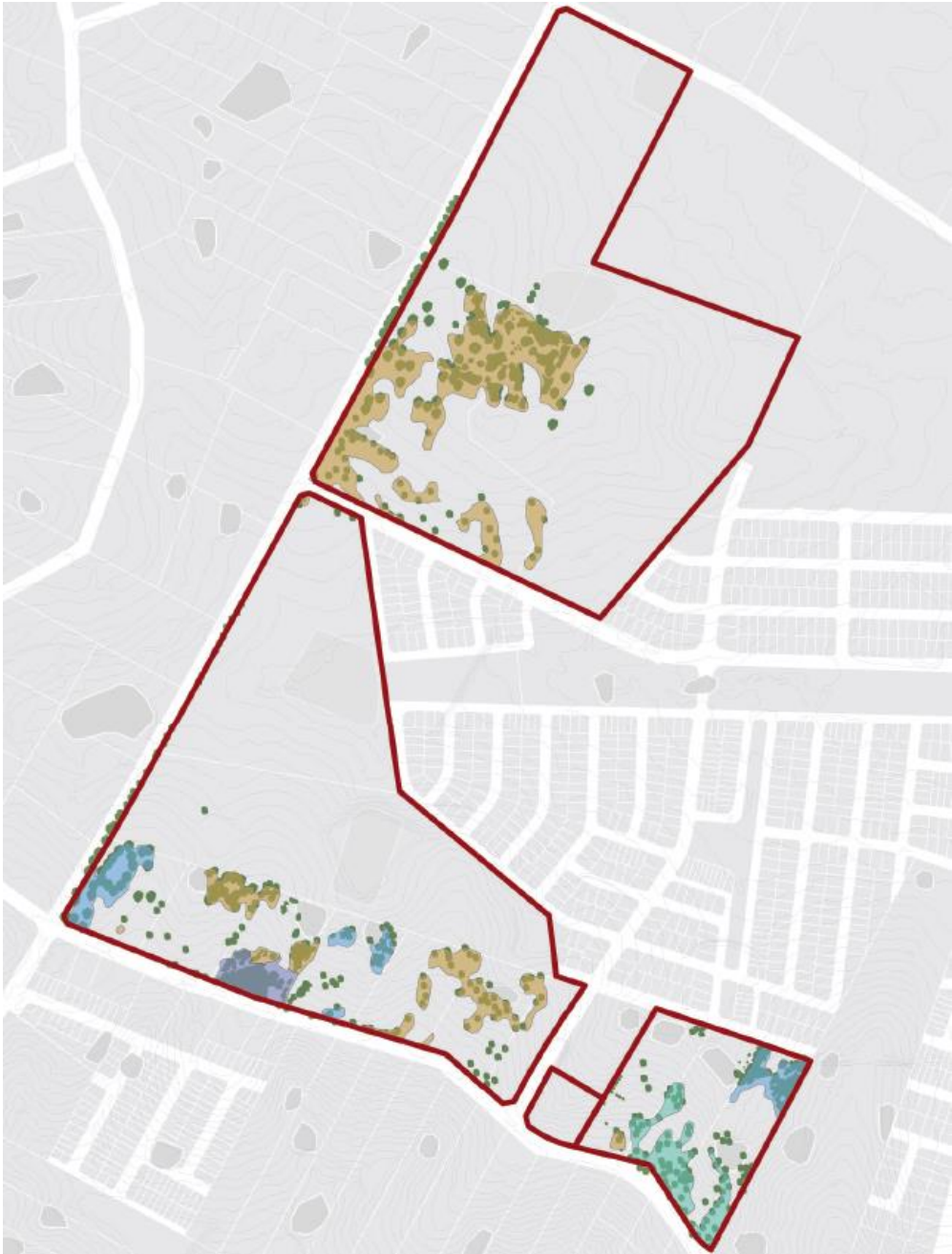
LEGEND

- Existing Trees
- Impacted Area (from ELA) - High Quality
- Impacted Area (from ELA) - Medium Quality
- Impacted Area (from ELA) - Low Quality
- Impacted Area (from ELA) - Other

EXISTING SITE CONDITIONS



EXISTING SITE CONDITIONS





BIODIVERSITY VALUES

Flora

The Biodiversity Certification Assessment Report (BCAR) prepared by ELA submitted with the Planning Proposal indicates that the Biodiversity Certification Assessment Area (BCAA) predominantly comprises exotic grasslands, and scattered remnant and regrowth vegetation including three vegetation community types:

- PCT 849 – Grey Box – Forest Red Gum grassy woodland
- PCT 1395 – Narrow-leaved Ironbark – Broad-leaved ironbark
- PCT 1071 – *Phragmites australis* and *Typha orientalis* coastal freshwater wetlands of the Sydney Basin Bioregion

No threatened flora species were recorded during the targeted surveys.

Fauna

Three threatened microchiropteran bats were recorded as present across the BCAA during surveys including the Eastern Coastal Free-tailed Bat, Large Bent-winged Bat and Southern Myotis. An additional four threatened microbat species were also deemed to be potentially present on the site. A hollow bearing tree was also identified in the southwestern portion of the BCAA and was assumed to provide habitat for Owl species.

While portions of remnant vegetation are proposed for retention in open space areas, the clearing of native vegetation will require offset provisions. Ecosystem credits will be required for PCT 849, 1395 and 1071, as well as the Southern Myotis, Barking Owl, Powerful Owl, Masked Owl and Sooty Owl.

Summary

- Site selection for the parks are based on mapping of biodiversity values – where areas with higher conservation value are retained.
- Biodiversity Assessment concludes proposal results in an acceptable impact to ecological communities.



OPEN SPACE / AVOID AND MINIMISE

- The original PP proposed to co-locate 'passive open space' in areas where biodiversity value was present.
- This 'dual function' of land, intended to both avoid and minimise impacts to vegetation, while also providing passive open space for future residents.
- Locations nominated met both site selection requirements for biodiversity (previous slide), as well as adopting a 400m-catchment rule suggested in the Social Infrastructure Needs Assessment.
- Within the two primary (district) parks (OS 01, and OS 02), paths, BBQs and nature place equipment were proposed, all with minimal footprint. Lesser impactful embellishments also proposed on OS 3 and OS4.
- A 'soft touch' was always intended for any hard infrastructure, ensuring the retention of existing vegetation and biodiversity value.
- All four primary open space parks were proposed to be biodiversity certified. That is, the value of each park was proposed to be retained and managed.
- No financial proposition was put forward for the management of these parks, with the intention being to hand over all four to Council.



COUNCIL RFI_s – OPEN SPACE/BIODIVERSITY



COUNCIL'S RFI - DUAL USE OF LAND

The proponent group understands that Council has the following concerns:

- Approach of 'avoided land' also providing for passive open space inhibiting the proper use of this land for recreation purposes.
- Dual use of land will restrict the level of embellishment with local park facilities like playground equipment, paths, seating and shade structures, and prevent unfettered access to this land by the community for recreation.
- Ongoing maintenance and financial burden to Council and the community associated with maintaining this land in accordance with the requirements of any Biodiversity Certification Order.
- DCCEEW also provided feedback to the Proponent on this matter which aligned with the advice of Council officers. *"DCCEEW raised serious concerns in response to the Proponent's intention to use "avoided land" for the purpose of public open space and appear to expect more strict protection of the vegetation on 'avoided land', which is inconsistent with the approach of co-locating open space and 'avoided land'."*



REVISED APPROACH – RESPONDING TO COUNCIL

“In ELAs opinion, the parks can deliver protection of the Cumberland Shale Sandstone Ironbark Forest over the long term whilst also providing recreational opportunities that do not compromise those values. The proponent group considered the use of Biodiversity Stewardship Agreements to secure management actions for the parks, however BSAs are not a suitable mechanism for this scale of conservation and ELA is not aware of any BSAs for conservation areas of this size.”

PROPOSED DUAL-USE OF LAND

Zoning

- Four main parks to be zoned RE1, with bio-certified areas designated for play spaces and the like.
- Additional LEP clause / mapping to be drafted, added a layer of environmental protection to the parks at an LEP level (such as [Clause 7.4](#) of the Hills LEP, and more recently, that found in North Kellyville [here](#))
- Additional covenant/restriction to be placed on title, linking directly to the Vegetation Management Plan.
 - VMP will be inclusive of a 2-year implementation period, 3-year maintenance period and a source of ongoing funding to be provided.

Recreational objectives will be achieved by

- Identification of open space areas sufficient to meet level of service objectives identified Council's Recreation Strategy.
- Providing bushland area where Cumberland Shale Sandstone Ironbark Forest is restored, enabling connecting to nature as a recreational alternative.

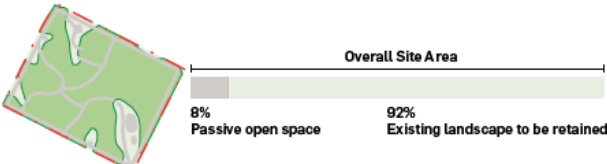
Conservation objectives achieved by

- Retention of trees and rehabilitation in accordance with a Vegetation Management Plan. The VMP is to be prepared in consultation with Council and to be implemented by the proponent group. In terms of the VMP:
 - VMPs are typically applied to areas where ecological restoration is the goal. They are generally not applied to areas which are designed as play spaces.
 - VMPs identify zones which require different treatment for restoration.
 - Each zone will have a schedule for species and planting density, as well as identification of weed treatments
 - The VMP will have performance targets and a monitoring schedule to track achievement of the restoration goals

Note: Refer to landscape design pack prepare by Urbis dated 4 November 2024

NORTHERN PARK

(DISTRICT PARK)



BBQ + shelter

Outdoor fitness equipment pods.

Protect and retain existing trees. Retain and restore native understorey planting.

Low impact walking trails around TPZ, through the retained bushland area.

Seating

Regenerated bushland conservation. Restore native groundcover.

Kick-about area.

Pedestrian paths to perimeter of park + connect to surrounding streets. Porous paving for areas within TPZ.

Nature play with soft fall. Proposed bio-certified play spaces.

Bollards to edge of conservation area.



1:500 @ A4



NORTHERN PARK

LEVEL OF SERVICE -

PASSIVE RECREATION: DISTRICT PARK

The Hills Council Recreation Strategy Requirement	Proposed (Yes/No)
Included (Core)	
Internal pathways/connections	Yes
On-site car parking	Street parking proposed
Public amenities	Yes
Playground & soft fall	Yes
Playground shade structure	Yes
Outdoor fitness equipment	Yes
Shelter and seating	Yes
BBQ facilities (electric)	Yes
Rubbish bins and collection	Yes
Drinking water	Yes
Tap/water connection	Yes
Park lighting	Yes
Park signage	Yes
Landscaping/tree planting	Yes
Open space kick-about area	Yes
Fencing - safety only	
Playground fencing	Yes

SOUTHERN PARK

(DISTRICT PARK)



LEVEL OF SERVICE -

PASSIVE RECREATION: DISTRICT PARK

The Hills Council Recreation Strategy Requirement	Proposed (Yes/No)
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Included (Core)

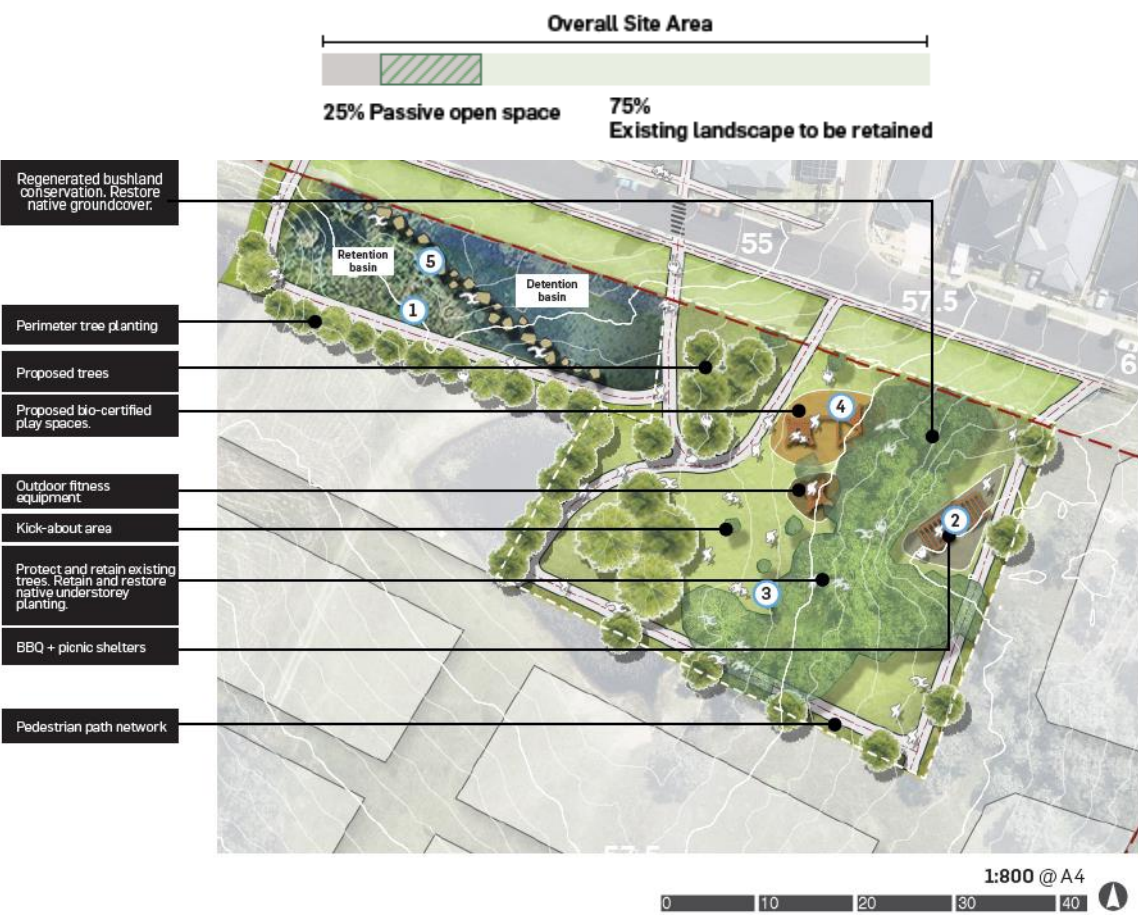
Internal pathways/ connections	Yes
On-site car parking	Street parking proposed
Public amenities	Yes
Playground & soft fall	Yes
Playground shade structure	Yes
Outdoor fitness equipment	Yes
Shelter and seating	Yes
Bbq facilities (electric)	Yes
Rubbish bins and collection	Yes
Drinking water	Yes
Tap/water connection	Yes
Park lighting	Yes
Park signage	Yes
Landscaping/tree planting	Yes
Open space kick- about area	Yes

Fencing - safety only

Playground fencing	Yes
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WESTERN & EASTERN PARKS

(LOCAL PARKS)





COUNCIL'S GATEWAY REPORT & RECOMMENDATION

***NOTE: THIS WILL LIKELY NOT BE PRESENTED, AND RATHER IS INCLUDED FOR
COMPLETENESS***

KEY TAKE-OUTS

Note: **Bold** and underline added for emphasis

Council Officers Report, Page 19

*“Council officers raised significant concerns to the Proponent with this approach, on the basis that the restrictions applied to ‘avoided land’ as a condition of Biodiversity Certification would likely **inhibit the proper use of this land for recreation purposes, restrict the level of embellishment with local park facilities like playground equipment, paths, seating and shade structures** and prevent unfettered access to this land by the community for recreation. This approach would also **create an ongoing maintenance and financial burden to Council and the community associated** with maintaining this land in accordance with the requirements of any Biodiversity Certification Order.*

DCCEEW also provided feedback to the Proponent on this matter which aligned with the advice of Council officers. DCCEEW raised serious concerns in response to the Proponent’s intention to use “avoided land” for the purpose of public open space and appear to expect more strict protection of the vegetation on ‘avoided land’, which is inconsistent with the approach of co-locating open space and ‘avoided land’.”

DCCEEW Advice, dated 23 May 2024

“I refer to the preliminary consultation meeting held with the Biodiversity, Conservation and Science Group (BCS) of the Department of Climate Change, Energy, the Environment and Water (DCCEEW) on 30 April 2024 for the proposed biodiversity certification associated with the West Gables Planning Proposal (PP).

***BCS has not reviewed the Biodiversity Certification Assessment Report (BCAR) prepared by Eco Logical Australia (dated 6 December 2022).** BCS advise that an assessment of the BCAR will not be undertaken until the PP has been submitted to the Department of Planning, Housing and Infrastructure (DPHI) for Gateway determination and a biodiversity certification application submitted which is consistent with the PP.*

...

BCS does not support the proposed use of avoided land for recreation purposes including but not limited to BBQ/picnic areas, basketball courts and kick-around areas, which would be inconsistent with the retention of biodiversity values.”

SUMMARY OF KEY TAKE-OUTS

- Council have generally agreed to the proposed quantum of passive open space (6.15ha) (page 34 of Council's report), noting however this approach subject to agreement of dual-use approach.
- DCCEEW have not reviewed the BCAR, therefore have not provided comment on the amount of land proposed to be 'avoided. This represents an outstanding risk item. Notably, their assessment will be wholly reliant on both their and Council's willingness to accept a dual use of land for biodiversity and passive open space. Currently, both are citing a position from one another as to a contributing reason as to why they don't support the approach.
- The scheme/approach which DCCEEW provided comment on in May 2024 is outdated, despite being the advice Council are relying on in their Gateway recommendation report.
- Both Council and DEECCW believe that land designated for passive open space should **only** facilitate embellishment, such as BBQs, basketball courts, playground equipment, impervious paths, seating and shade structures. The proponent group contend this is outdated thinking which does not respond to the geographic characteristics of the area. Rather, with careful planning and consideration, there is the ability to deliver both biodiversity retention, while delivering embellishment to enable to the dual use of the spaces to the benefit of future residents of the area.
- Additionally, Council has only provided support for the proposed quantum of passive open space (assuming the percentage put forward remains). Comment has not been provided on the quantum of 'avoided land' from an ecological perspective, however this may be being left for DEECCW to comment on.
- In summary, the overall Master Plan is wholly reliant on the role of the green spaces to provide both passive open space and deliver avoided land from an ecological perspective.