



IRF24/2229

Gateway determination report – PP-2023-1414

West Gables Precinct (1,260 dwellings)

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans

Attachment A&B Section 3 34 Planning Proposal (Pre-Gateway Determination) - West Gables - 1 2024 PLP

Attachment C - Local Planning Panel Report and Advice - 17 April 2024_PP-2023-1414

Attachment D - Council Report and Minute, 23 July 2024_PP-2023-1414

Attachment E – Proponent's Planning Proposal Report_PP-2023-1414

Attachment F - Urban Design Report and Indicative Layout Plan_PP-2023-1414

Attachment G - Owners Consent - 149 Boundary Road, Gables_PP-2023-1414

Attachment H - Biodiversity Certification Assessment Report and supporting appendices_PP-2023-1414

Attachment I - Water Cycle Management and Flood Management Study_PP-2023-1414

Attachment J - Preliminary Site Investigation_PP-2023-1414

Attachment K - Geotechnical Study_PP-2023-1414

Attachment L - Traffic Impact Assessment_PP-2023-1414

Attachment M - Aboriginal Heritage Archaeological Assessment_PP-2023-1414

Attachment N - Bushfire Strategic Study_PP-2023-1414

Attachment O - The Gables Services Infrastructure Plan_PP-2023-1414

Attachment P - Social Infrastructure Needs Assessment_PP-2023-1414

Attachment Q - Economic Lot Size Analysis_PP-2023-1414

Attachment R – not provided*

Attachment S - Infrastructure Delivery Plan_PP-2023-1414

Attachment T - Preliminary Assessment Feedback Letter - West Gables Precinct (6)_PP-2023-1414 (1)

Attachment U - Lot Testing Package_PP-2023-1414

Attachment V - Request for Information Response Summary Letter, 15 March 2024_PP-2023-1414

Attachment W - Draft Site-Specific DCP_PP-2023-1414

Attachment X - Flood Modelling Assessment_PP-2023-1414

Attachment Y - Transport Impacts Letter_PP-2023-1414

Attachment Z - Altogether Servicing Letter_PP-2023-1414

Relevant reports and plans

Attachment AA Biodiversity Letter_PP-2023-1414

Attachment AB - West Gables - Covering and Summary Letter (Letter of Offer & RFI Response)_PP-2023-1414

Attachment AC - GLN memo response to West Gables RFI_PP-2023-1414 (1)

Attachment AD - Draft Letter of Offer - Allam - West Gables_PP-2023-1414

Attachment AE - Draft Letter of Offer - Stockland - West Gables_PP-2023-1414

Attachment AF - Council Officer LPP Advice and Further RFI Letter_PP-2023-1414

Attachment AG - RESPONSE TO COUNCIL RFI_1.2024.PLP_PP-2023-1414

Attachment AH - GLN Response_PP-2023-1414 (1)

Attachment AI - ELA Response Package_PP-2023-1414

Attachment AJ - Zoning Options (Northern and Southern Parks)_PP-2023-1414)

Attachment AK - DCCEEW Preliminary Advice Letter_PP-2023-1414 (1)

Attachment AL - RESPONSE TO COUNCIL RFI_1.2024.PLP (1)_PP-2023-1414

Attachment AM – ELA Response Package_PP-2023-1414

Attachment AN - Proposed Zoning Plans 'Options' (Parks)_PP-2023-1414

The documents above have been labelled to be consistent with the Planning Proposal list of appendices.

**Attachment R was not available at the time of the report being prepared.*

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	The Hills
PPA	The Hills Shire Council
NAME	West Gables Precinct (1,260 dwellings)
NUMBER	PP-2023-1414
LEP TO BE AMENDED	The Hills LEP 2019
ADDRESS	93-105 & 109-113 Old Pitt Town Road, Gables NSW, 1, 2 & 4 Cataract Road, Gables NSW and 145 & 151 Boundary Road, Gables NSW
Description	Lot 11 DP 593517, Lots 19 and 20 DP 255616, Lots 13 and 14 DP 255616, Lot 12 DP 1157044, Lots 2-6 DP 39157, Lot 2 DP 1213569, Lots 20 and 21 DP 609902 and PT Lot 10A DP 39157.
RECEIVED	20/08/2024
FILE NO.	IRF24/2229
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives or Intended Outcome

The primary objective of the planning proposal is to facilitate the expansion of the existing Gables suburb by continuing the pattern of urban development into the adjacent pocket of rural residential land.

The proposal seeks to facilitate the delivery of a new residential community comprising of approximately 1,260 dwellings. The proposal also includes the delivery of open space, stormwater drainage basins, preservation of endangered ecological communities and continuation of a riparian corridor running east/west from the adjacent Gables suburb. **Figure 1** shows the draft indicative layout plan (ILP). The ILP shows the location of land uses, and potential distribution of different sized residential lots.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.



Figure 1 draft Indicative Layout Plan (source: Local Planning Panel Report).

1.3 Explanation of provisions

The planning proposal seeks to amend The Hills LEP 2019 per the changes in Table 3 below.

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	RU6 Transition	R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation and C2 Environmental Conservation.
Building height	10m	No change
Floor space ratio	N/A	N/A
Minimum lot size	2 hectares	300m ² – 450m ² on R3 land per proposed local provision 450m ² + on R3 land per the MLS map (without the proposed local provision) 700m ² + on R3 land per the MLS map (without the proposed local provision)

Control	Current	Proposed
Number of dwellings	14	1,260
Additional local provision	N/A	<ul style="list-style-type: none"> Dwelling cap of 1,260 dwellings. Allow a Minimum Lot Size of 300m² with the submission of a building envelope plan for development applications proposing subdivision of three or more lots. Satisfactory arrangements clause.

Dwelling cap

The proposal includes a dwelling cap of 1,260 dwellings. The planning proposal is supported by an Infrastructure Delivery Plan (**Attachment S**) that is directly linked to assessing the impact of this number of dwellings on demand for infrastructure.

Minimum lot size provisions

The planning proposal includes several planning mechanisms to achieve various minimum lot sizes. These are summarised below:

- Between 300m² and 450m² – new local provision in this planning proposal that requires a building envelope plan for development applications proposing subdivision of three or more lots.
- 450m² or greater – new minimum lot size mapping for residential subdivision in the proposed R3 Medium Density Residential zone.
- 700m² or greater – new minimum lot size mapping for residential subdivision in the proposed R2 Low Density Residential zone.

Proposed satisfactory arrangements clause

Council officers have flagged the need to secure infrastructure contributions (either by site specific contributions plan or VPA) before finalisation. The proponent seeks to address this via a VPA for their land and apply a 'satisfactory arrangements clause' to the remaining land outside of their ownership. This would ensure development applications for the purposes of residential subdivision can only be approved if the consent authority is satisfied that an appropriate contributions mechanism is in place over the land to which the DA applies.

Since the introduction of the Housing and Productivity Contribution (HPC), satisfactory arrangements clauses have been removed from LEPs and are no longer enforceable, therefore this provision is to be removed from the planning proposal. It is recommended the Gateway includes a condition to this effect.

If an acceptable mechanism for local infrastructure contributions is not agreed between the proponent and Council, Council could choose to only proceed to finalisation of the planning proposal with respect to areas that have an infrastructure contributions mechanism in place at the time of finalisation.

Draft site specific DCP and VPA letters of offer

The planning proposal is also accompanied by:

- A draft site specific DCP (**Attachment W**) to guide development outcomes on the site, built form and desired future character.
- Draft letters of offer from both proponents, Allam and Stockland, to enter into a voluntary planning agreement (VPA) with Council (**Attachment AD and AE**). The draft offers include

construction and dedication of water cycle management infrastructure, open space, cycle paths, transport upgrades and monetary contributions towards upgrades of open space and community facilities elsewhere in the LGA.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject site comprises sixteen (16) large lot residential land parcels totalling 78 hectares. It is bound by Boundary Road to the north-west and Old Pitt Town Road to the south-west. The site boundary and planning proposal excludes the Endeavour Energy substation.

The site is characterised by the following features:

- Topography – The site grades downward in a north-south direction, sloping towards the existing riparian corridors. The riparian corridors run east-west, with a single corridor located at a low point immediately south of Cataract Road. Ridge lines are evident along Old Pitt Town Road, and also immediately north of Cataract Road running east west. The site inclines significantly to these high points.
- Vegetation - areas of vegetation are along the southern border of the site following Old Pitt Town Road. Towards the centre of the site immediately north of Cataract Road, is an extensive area of vegetation surrounding an east west ridge line and a large waterbody.
- Flooding and hydrology - The site contains several waterbodies. An existing first order watercourse enters the subject site from the west, continues east into Gables and north into Cataract Creek tributary. This watercourse has partially been formalised into a riparian corridor as part of the Gables development. The post-development case features seven major catchments and associated discharge locations throughout the site.
- Bushfire - The site itself is identified as bushfire prone land. A Strategic Bushfire Study has been prepared in accordance with Direction 4.4 of Planning for Bushfire Protection 2019 (PBP). The report concludes that the proposal is suitable for the use of the land in the context of bushfire threat.

The surrounding locality comprises a mix of emerging new residential communities and existing agricultural and rural residential land.

- West of Boundary Road is Hawkesbury Local Government Area (LGA) and is generally zoned for RU4 Primary Production. The land is primarily rural residential lots and small-scale agriculture.
- North, east and south of the site are developing residential communities, including schools, open space and supporting facilities.



Figure 2 Subject site and surrounding context (source: NearMaps 2024).

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to The Hills LEP 2019 maps, which are suitable for community consultation.

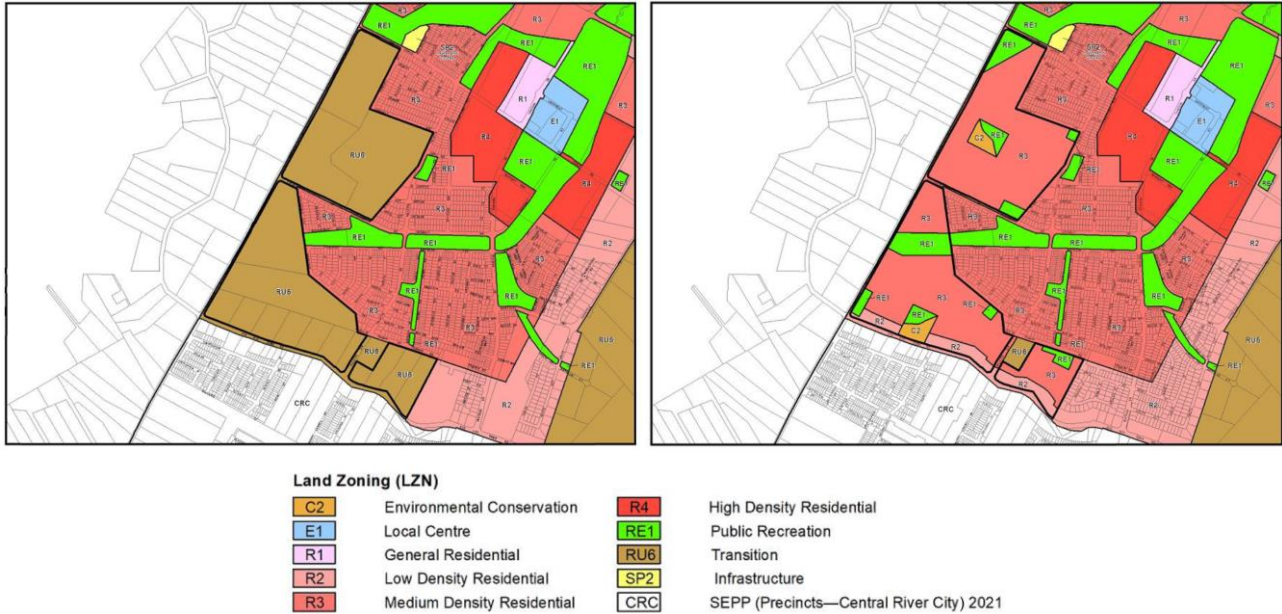


Figure 3 Existing land zoning map (L) and proposed land zoning map (R) (source: Planning Proposal dated August 2024).

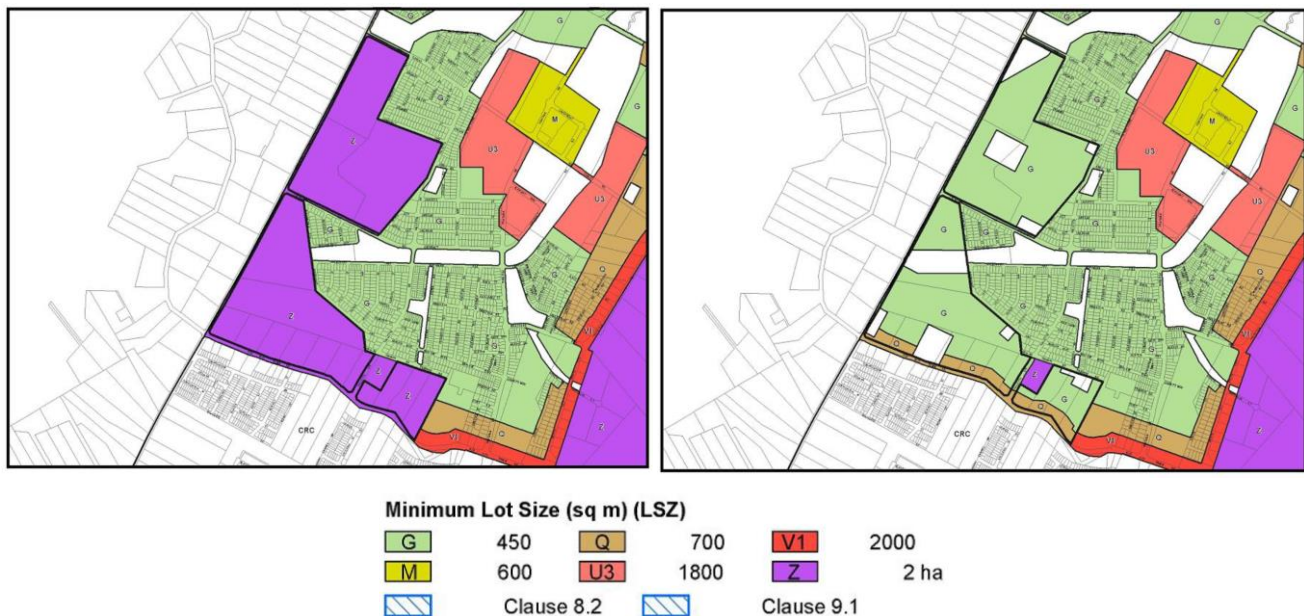


Figure 4 Existing minimum lot size map (L) and proposed minimum lot size map (R) (source: Planning Proposal dated August 2024).

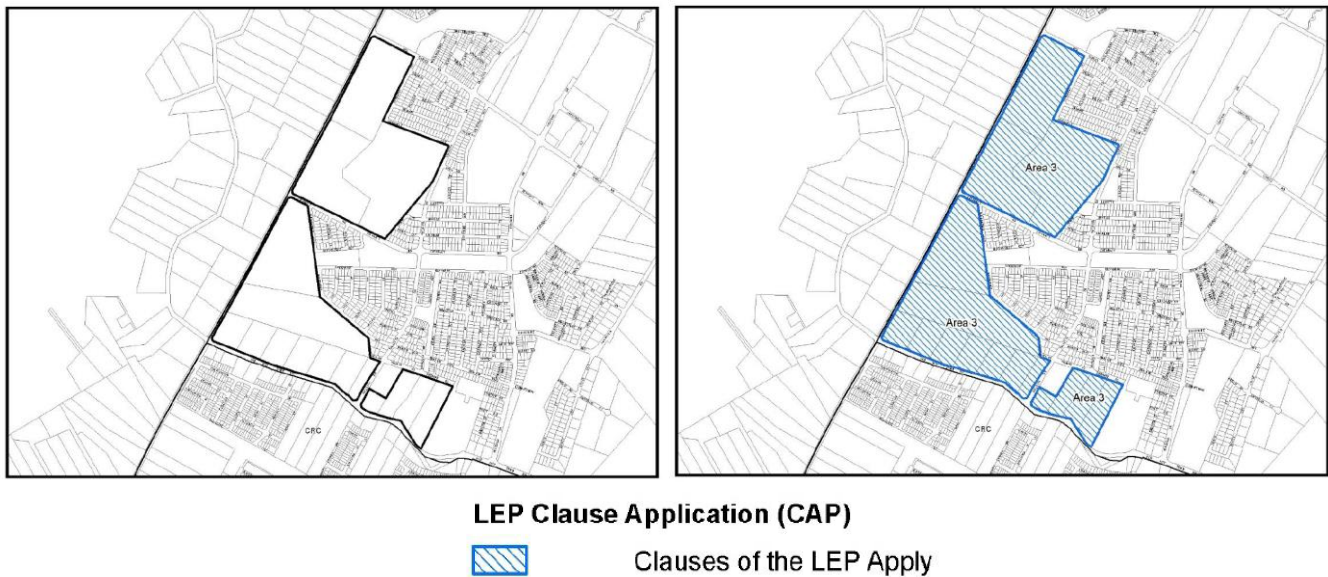


Figure 5 Existing LEP clause application map (L) and proposed LEP clause application map (R)
(source: Planning Proposal dated August 2024).

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

No. The site is identified in the Department endorsed Local Housing Strategy (LHS) as appropriate for urban development, subject to a master planned proposal that includes detailed investigation of infrastructure needs and land capability assessment and applies to all identified lots. The proposal, initiated by the Proponent, applies to the LHS identified lots, and presents a consolidated approach to planning for the site.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The planning proposal is the best way to achieve the intended outcomes.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – a metropolis of three cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. The proposal is inconsistent with the Region and District Plan priorities relating the Metropolitan Rural Area (MRA). The inconsistency with the MRA and District Plan is assessed in further detail in sections 3.2 and 3.5 below.

3.2 District Plan

The site is within the Central River City District and the former Greater Sydney Commission released the Central River City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The Department is satisfied the planning proposal generally gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* and demonstrates consistency with the priorities for infrastructure and collaboration, liveability and sustainability. Where the proposal is inconsistent with priorities relating to the MRA, these are considered justified, as discussed below.

The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 3 District Plan assessment.

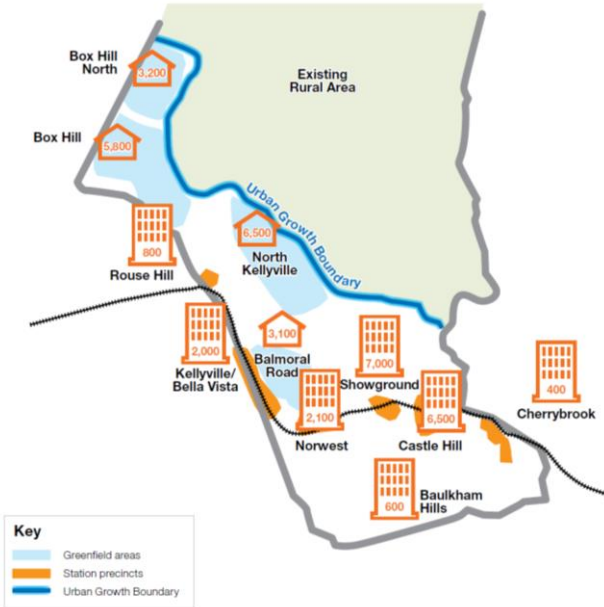
District Plan Priorities	Justification
Planning Priority C1 Planning for a city supported by infrastructure.	<p>This priority outlines the importance of providing infrastructure alongside housing growth and existing infrastructure is optimised.</p> <p>The proposed development will be serviced by existing buses along Old Pitt Town Road and new public open space to ensure dwellings are within short walking distance of passive recreation.</p> <p>The proposal includes a draft indicative layout plan (ILP) to demonstrate how 1,260 dwellings may be delivered on the subject site. The ILP depicts local roads, open space, and water management infrastructure. The Infrastructure Delivery Plan (Attachment S) identifies what the proponent will deliver as enabling infrastructure and where monetary contributions will be made to Council to address the additional demand created by the projected population on community infrastructure such as community centres and library floor space.</p> <p>Council has indicated the proponent's infrastructure offer and the appropriate mechanism is subject to further ongoing discussions with the proponent and state agencies. Notwithstanding, the proposal has the potential to be consistent with the objective of aligning infrastructure with growth.</p>
Planning Priority C5 Providing housing supply, choice and affordability with access to jobs, services and public transport.	<p>This priority encourages increased housing supply and affordability in the Central City District.</p> <p>The proposal seeks to deliver a mix of diverse housing typologies including detached and attached medium density dwellings and detached large dwellings. The Urban Design Report (Attachment F) provides indicative floor plans for small, standard and large residential lots to demonstrate the housing product that can be achieved under the proposed provisions. Through a variety of lot sizes, a range of housing options will be made available.</p> <p>The draft VPA letters of offer (Attachment AD and AE) do not include any contributions to affordable housing.</p> <p>The proposal is generally consistent with this priority as it will increase housing options in The Hills Shire.</p>

District Plan Priorities	Justification
<p>Planning Priority C15 Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes.</p>	<p>This priority seeks to ensure biodiversity is protected, and urban bushland and remnant vegetation is enhanced. For the Central City District, conservation planning will focus on opportunities to protect and enhance areas of endangered ecological communities such as Cumberland Plain Woodland.</p> <p>The Biodiversity Certification Assessment Report (BCAR) (Attachment H) identified the presence of Cumberland Plain Woodland and Shale Sandstone Transition Forest. Both species are identified as threatened ecological communities under the Biodiversity Conservation Act 2016.</p> <p>The proponent has lodged a BCAR to DCCEE to certify where impacts will occur to the present endangered communities and where endangered communities will be retained as 'avoided land.' The avoided land is proposed to be incorporated into two open spaces (Northern and Southern Park) with split zoning of C2 Environmental Conservation and RE1 Public Recreation and smaller pocket parks zoned RE1 Public Recreation.</p> <p>The zoning approach for these lands and the implications for its final use (i.e. as recreation or conservation) are to be resolved (see section 4.1 for further discussion).</p> <p>The proposal is generally consistent with this priority as it has identified the presence of endangered ecological communities and seeks to incorporate these outcomes in a rezoning and ILP.</p>
<p>Planning Priority C18 Better managing rural areas.</p>	<p>This priority limits urban development to the defined Urban Area and states it is not consistent with the values of the Metropolitan Rural Area (MRA). The MRA is recognised for its scenic and cultural landscapes, agricultural productivity, recreation and low scale rural residential developments.</p> <p>The subject site is within the MRA boundary in the Region and District Plans and is therefore inconsistent with this priority.</p> <p>This inconsistency is justified for the following reasons:</p> <ul style="list-style-type: none"> • Council identified this as a mapping anomaly as the MRA included Box Hill North, which is an established urban release area designated for urban development. This anomaly has been rectified in the Local Strategic Planning Statement which was endorsed by the Greater Cities Commission (see further discussion in section 3.3 below). • The proposal presents a holistic masterplan for an isolated area of rural land situated between two rapidly developing urban release area precincts. • The Department has taken over the responsibilities of the former Greater Cities Commission (GCC) and is currently reviewing the Greater Sydney Region Plan including MRAs. • Redevelopment of the site is the next logical development front of Box Hill North and positively contributes to and aligns with the future local character of the area.

3.3 Local

The proposal states that it is consistent with Council's local strategic planning framework. An assessment of the proposal against the objectives of Council's Local Strategic Planning Statement and Local Housing Strategy is outlined in the table below.

Table 6 Local strategic planning assessment

Local Strategies	Justification
<p>Hills Future 2036 – Local Strategic Planning Statement (LSPS) and The Hills Local Housing Strategy.</p>	<p>Council's LSPS recognises the urban zoning of the existing Gables Precinct and incorporates both the precinct and subject site into an Urban Growth Boundary (see Figure 6 below). The site, whilst zoned for rural purposes, is not located within any of the identified Agricultural Cluster Zones in the LGA.</p> <p>Figure 19: Housing growth locations (to 2036)</p>  <p>Figure 6 Extract from The Hills LSPS.</p> <p>Council's Housing Strategy acknowledges there is merit in considering urban development on the subject site as it is the only area of rural zoned land within the entire Shire which has potential for urban development and additional housing within the strategic framework, primarily on account of its location, wedged between two urban growth precincts.</p> <p>Council's Housing Strategy identifies the need for any rezoning of the site to be considered as part of a master-planned approach, which relates to the entirety of this area as one single application and proposal. The planning proposal broadly satisfies this as it has been lodged as a single application to amend the planning framework for the entire area and demonstrates how the future development would occur in a holistic manner.</p>

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

3.4 Local planning panel (LPP) recommendation

The planning proposal was referred to Council's Local Planning Panel (LPP) meeting on 17 April 2024 (**Attachment C**). The LPP supported the proposal to proceed to Gateway subject to resolution of several matters. These are summarised below.

- *Planning provisions*
 - *Minimum lot size* - 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.
 - *Dwelling cap* - 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.
 - *Infrastructure contributions mechanism* - 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.
- *Biodiversity*
 - Land intended to be dedicated to Council for open space must not contain any proposed 'avoided areas' (for the purpose of Biodiversity Certification).
 - The Proponent's application for Biodiversity Certification should be updated to account for above dot point and then lodged and progressed DCCEEW. The Proponent will need to obtain Biodiversity Certification of the land, prior to the finalisation of any rezoning.
 - If 'avoided areas' are retained on the site, the Bushfire Strategic Study needs to address the bushfire hazard presented by more dense vegetation formations.
- *Draft DCP*
 - 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.
- *Transport*

- 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.
- *Schools Infrastructure NSW*
 - 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 to support additional housing.

In response to the Local Planning Panel advice and Council's further request for information letter (**Attachment AF**), the proponent subsequently provided the following documentation:

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

The planning proposal was updated in response to the LPP recommendations. The changes included removing minimum lot size of 225m², removal of controls for rear lane access, and suggestion of providing a funding source to Council for the ongoing management of avoided areas to be retained (see discussion in section 4.1).

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Justifiably inconsistent	<p>The objective of this Direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The proposal is inconsistent with this Direction as the subject site is located within the Metropolitan Rural Area (MRA), which seeks to limit urban development. The inconsistency is justified as the proposal will achieve the overall intent of the Region Plan, specifically the following objectives:</p> <ul style="list-style-type: none"> • Objective 4: Infrastructure use is optimised – the development site is a logical expansion of the urban release areas to the west and south of the site. The proposal therefore capitalises on existing investment in the area to facilitate residential development. • Objective 10: Greater Housing Supply – the proposal will contribute to the Central City's housing targets. • Objective 11: Housing is more diverse and affordable – the proposal includes a range of lot sizes and housing types to satisfy a diverse range of housing needs. • Objective 13: Environmental heritage is identified, conserved and enhanced – biodiversity certification will be undertaken concurrent with the planning proposal to identify ecological communities to be retained and offset where impacts are unavoidable. <p>The Department is satisfied that the inconsistency with section 9.1 Direction 1.1 Implementation of Regional Plans Zones is justified.</p>
3.1 Conservation zones	Consistency not yet demonstrated.	<p>The objective of this Direction is to protect and conserve environmentally sensitive areas. A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.</p> <p>This Direction applies as the Biodiversity Certification Assessment Report (Attachment H) has identified the presence of threatened ecological communities to become 'avoided land' and thus retained in the precinct. The proposal seeks to apply the E2 Environmental Conservation and RE1 Public Recreation zones to the land however this zoning approach is not resolved.</p> <p>The proposal will also result in clearing native vegetation which will require purchase of biodiversity credits off the market or paying into a Biodiversity Conservation fund.</p> <p>Consistency with this Direction remains unresolved as the final use of the avoided lands, determined by the zoning, is undecided and the Department is unable to determine whether the final proposal will adequately facilitate the protection and conservation of environmentally sensitive areas.</p> <p>It is recommended that a condition is included in the Gateway determination to require agency consultation with Department of Climate Change, Energy, the Environment and Water (DCCEEW) to ensure that the proposed land zone is appropriate for its intended use.</p>

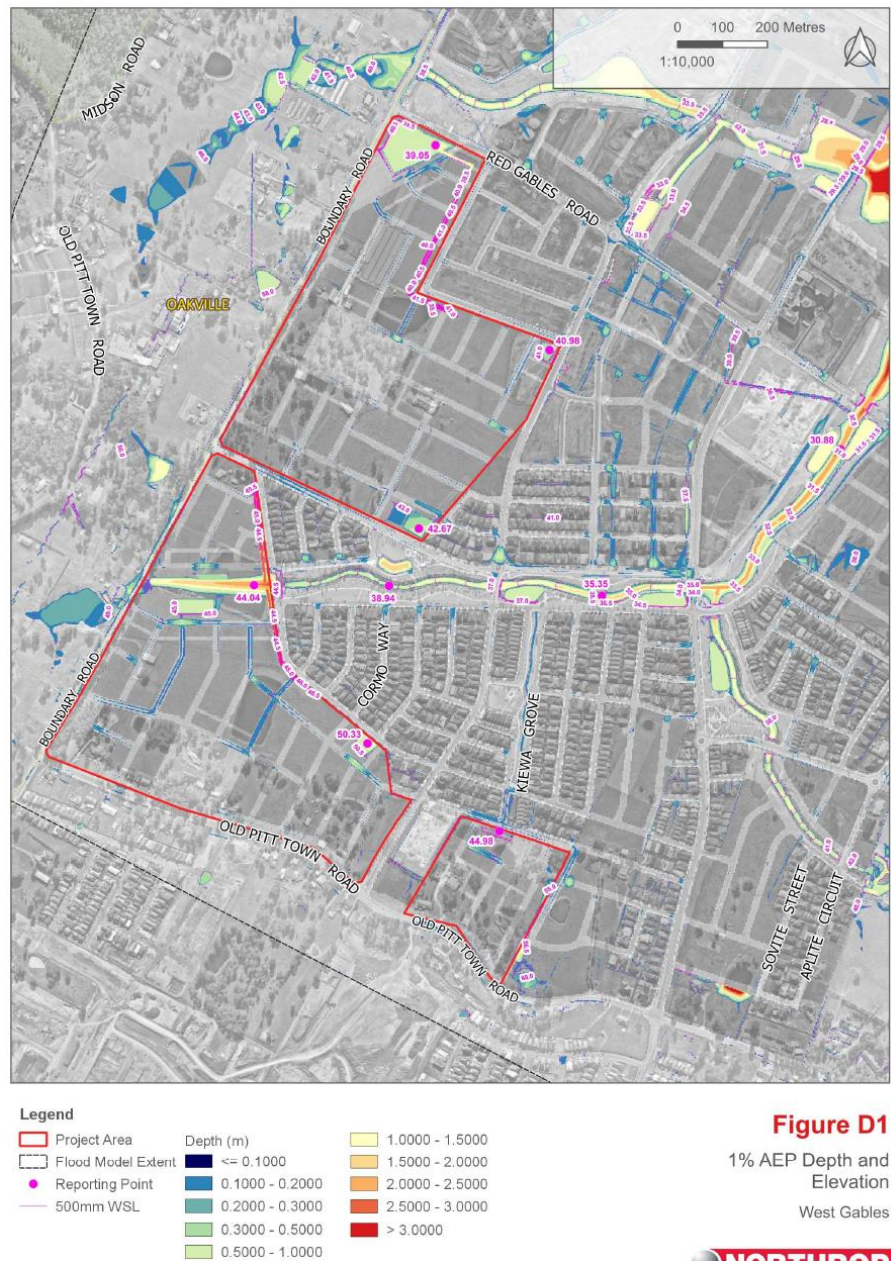
Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
3.6 Strategic conservation planning	Consistency not yet demonstrated.	<p>The objective of this Direction is to protect, conserve or enhance areas of high biodiversity value. A planning proposal authority must be satisfied a planning proposal that applies to avoided land or a strategic conservation area is consistent with the protection or enhancement of native vegetation, riparian corridors, koala habitat and corridors, matters of national environmental significance and the protection of threatened ecological communities, threatened species and their habitats.</p> <p>The proposal seeks to identify new land as 'avoided land' through the Biodiversity Certification process, concurrent with the rezoning of the site. This process will determine whether the BCAR (Attachment H) prepared by the Proponent has appropriately identified areas for protection and conservation, and subsequently implemented appropriate protection measures through the planning proposal mechanisms.</p> <p>It is recommended that a condition is included in the Gateway determination to require agency consultation with Department of Climate Change, Energy, the Environment and Water (DCCEEW). Feedback from DCCEEW is to consider the management of biodiversity within the proposed zones and whether the zones are appropriate for its intended use. As such, the Direction will remain unresolved pending further consultation.</p>

4.1 Flooding

Justifiably
inconsistent

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.

The Flood Modelling Assessment (**Attachment X**) indicates the site is affected by the 1% AEP. Flooding is mainly contained to the existing riparian corridor running east-west through the southern site, proposed roads and pockets of vegetation. The flood hazard ranges from H1-H3 throughout the roads and vegetation, with the highest H5 hazard contained to the riparian corridor.



The report concludes the proposed development will not produce any significant increases in flood levels over the properties upstream or

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
		<p>downstream in the 1% Annual Exceedance Probability (AEP) and 39.35% AEP flood events, subject to the implementation of the following localised works to address runoff and water quality:</p> <ul style="list-style-type: none"> • 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. <p>The subject site is within the Flood Planning Area, and as such, the provisions of the NSW Flood Prone Land Policy and Floodplain Development Manual are applicable. The planning proposal is consistent with the relevant provisions as:</p> <ul style="list-style-type: none"> • The masterplan incorporates detention basins to mitigate the anticipated loss of flood storage and • Detention has been incorporated which generally results in a reduction in flood levels from the currently approved condition. <p>The proposal therefore demonstrates that flood risk will be managed to the existing community and increases in flood risk will be limited.</p> <p>The planning proposal seeks to rezone land from rural to residential in the flood planning area. This is considered justified as the proposal adequately demonstrates consistency with Ministerial Direction 4.1.3 for the following reasons:</p> <ul style="list-style-type: none"> • The 1%AEP flood primarily impacts the road corridors and proposed open spaces and where the 1% AEP traverses the future residential lots, the hazard category is H1. • The topography has been modified to locate development outside the floodway. • Detention has been incorporated so as to not result in significant flood impacts to other properties. • The development is an extension of the existing land release development in Gables and the wider catchment. It is unlikely to significantly impact on the need for increased government spending on infrastructure.

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
4.3 Planning for bushfire protection	Unresolved	<p>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.</p> <p>The site is identified as being within 'bushfire prone land,' affected by Category 3 (Grassland) vegetation and associated buffer on the western boundary and Category 2 (low risk) vegetation and associated buffer on the northern boundary. 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.</p> <p>The Strategic Bushfire Study (Attachment N) adequately addresses the provisions of the Direction.</p> <ul style="list-style-type: none"> • The proposed masterplan has been assessed against the requirements of the Planning for Bushfire Protection 2019 and demonstrates compliance. • The site is in a low bushfire risk area. 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. • Whilst it should not be required, the site is connected to existing arterial and local road networks to accommodate evacuation. • The indicative development layout does not preclude the incorporation of compliant asset protection zones. <p>The proposal cannot be consistent with this Direction until consultation with NSW Rural Fire Service (RFS) has occurred.</p>
4.4 Remediation of contaminated land	Consistent	<p>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.</p> <p>The Preliminary Site Investigation (Attachment J), noted at the time of investigation the site was in use for rural residential purposes, low scale crop production and grazing land and most properties contained dams. The report found isolated impacts that require management have been identified at the site, however they did not identify potential gross or widespread contamination that would preclude rezoning. The identified impacts are typical of the site's low-intensity agricultural historical land uses.</p> <p>In the absence of gross or widespread contamination, the relevant requirements of the <i>Managing Land Contamination: Planning Guidelines</i>, have been satisfied, noting that recommendations for targeted detailed site investigations and remediation works will be undertaken as part of future development applications.</p>

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
5.1 Integrating land use and transport	Consistent	<p>This Direction aims to improve access to housing, jobs and services by co-locating development with walking, cycling and public transport options.</p> <p>The subject site is considered an appropriate location for low and medium density housing given the proximity to Gables Town Centre, the proposed expanded bus servicing network and other nearby services including a high school and future primary school. Further, it will facilitate the delivery of a local road network and walking and cycle paths that will service local traffic and integrate with Gables and surrounding transport networks. As such, the proposal is consistent with this Direction.</p>
6.1 Residential zones	Consistent	<p>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 is consistent with this Direction as it will enable development of up to 1,260 dwellings in a master-planned approach.</p>
9.1 Rural zones	Justifiably inconsistent	<p>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.</p> <p>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.</p> <p>The inconsistency is considered justified as the proposed rezoning is consistent with Council's Local Strategic Planning Statement and Local Housing Strategy, both endorsed by the Department (see assessment in section 3.3).</p>

Directions	Consistent / Not Applicable	Reasons for Consistency or Inconsistency
9.2 Rural lands	Consistent	<p>Direction 9.2 Rural Lands 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.</p> <p>The planning proposal adequately addresses the Direction as summarised below.</p> <ul style="list-style-type: none"> • 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 • The proposal identifies potential conservation areas, as well as riparian and creek lines to be preserved as drainage corridors throughout the site. <p>The proposal is consistent with Council's Local Strategic Planning Statement and supporting Housing Strategy, which was endorsed by the Department and specifically identifies the subject land as being suitable for conversion to urban residential development. As such, the proposal is consistent with the Direction.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021.	Chapter 4 – Remediation of land	Consistent	<p>The Preliminary Site Investigation (PSI) concluded in the absence of gross or widespread contamination, the relevant requirements of the <i>Managing Land Contamination: Planning Guidelines</i>, have been satisfied, noting that recommendations for targeted detailed site investigations and remediation works will be undertaken as part of future development applications.</p> <p>Detailed Site Investigations (DSI) will be undertaken at future DA phases, for 2 & 4 Cataract Road and 99, 101 and 109-113 Old Pitt Town Road. An Asbestos Management Plan and Hazardous Materials Surveys will also be undertaken at the DA phase to manage potential risks and implement controls to prevent contamination during future demolition.</p>

4 Site-specific assessment

4.1 Environmental

4.1.1 Biodiversity

Biodiversity impacts

The proponent commissioned a Biodiversity Certification Assessment Report (BCAR) to undertake Biodiversity Certification of the land in association with the planning proposal. This requires an application for Biodiversity Certification with the NSW Department of Climate Change, Energy, the Environment and Water (DCCEE).W).

The BCAR includes a Serious and Irreversible Assessment for threatened Ecological communities under the NSW Biodiversity Conservation Act 2016 and Environmental Protection Biodiversity Conservation Act 1999. The relevant species identified in the field surveys and the anticipated impact are summarised in the table below.

Table 4 Threatened ecological communities and the anticipated impact of the development.

Plant species	Total area to impacted.	Total area to be avoided.
PCT 849 - <i>Grey Box - Forest Red Gum grassy woodland on flats of the Cumberland Plain, Sydney Basin Bioregion</i> (Cumberland shale plains woodland).	0.41 ha	0.74 ha

Plant species	Total area to impacted.	Total area to be avoided.
PCT 1395 - <i>Narrow-leaved Ironbark</i> - <i>Broad-leaved Ironbark</i> - <i>Grey Gum</i> open forest of the edges of the Cumberland Plain, Sydney Basin Bioregion (Cumberland shale - sandstone Ironbark forest).	6.27ha	3.14ha

The BCAR identifies areas of land within the precinct as ‘avoided land,’ where the vegetation would need to be protected and maintained in perpetuity. This is proposed as a measure that would allow for other areas in the precinct to receive Biodiversity Certification and therefore be cleared and developed (see **figure 8** below). The planning proposal identifies the avoided land to be zoned RE1 Public Recreation and dedicated to Council for use as open space. It is unclear how the avoided lands can be used for recreation purposes as this would be subject to biodiversity certification and its requirements. For example, it may limit opportunities for using these lands for passive recreation.



Figure 8 Biodiversity certification assessment area (BCAA) and the location of areas to be certified, offset and avoided (source: Biodiversity Certification Assessment Report).

The proponent has put forward an alternative option to split the zoning of the Northern and Southern Parks as C2 Environmental Conservation and RE1 Public Recreation. The C2 zoned land would contain the ‘avoided areas’ and allow the RE1 land to be biodiversity certified and therefore suitable for embellishment. The Proponent indicated that C2 and RE1 zoned land would be dedicated to Council, with financial support to Council to manage these lands.



Figure 9: Northern park (L) and Southern park (R) (referenced in figure 7 above) where dark green indicates conservation (C2 zoning) and light green indicates public recreation (RE2 zoning) (source: Planning proposal).

Fauna

Three threatened microchiropteran bats were also identified and an additional four threatened microbat species were also deemed to be potentially present. The report indicates offsets will be required for impacts to the habitats of these species. These will be met by either purchasing biodiversity credits off the market or paying into the Biodiversity Conservation Fund.

Department comment

Zoning

The proponent has not provided a revised BCAR that supports the reduced area of ‘avoided land,’ due to the split RE1/C2 zoning. There is also no commentary on whether this zoning approach will also apply to the other RE1 lands throughout the precinct.

The Department recommends the following Gateway condition: Clarify the proposed zoning for avoided lands and provide an updated BCAR and planning proposal to reflect this.

Contributions

The proposal needs to clarify ownership of the proposed C2 land and the mechanism to provide any ongoing maintenance financial support should this be acceptable to Council.

The Department recommends the following Gateway condition: Clarify ownership of the proposed C2 land, if it will be publicly accessible and how it will be managed to protect and conserve the biodiversity.

Timing of biodiversity certification

Council’s resolution 3(c) (**Attachment D**) has requested that biodiversity certification be obtained prior to finalisation of the rezoning. It is not recommended that this be a condition on the Gateway determination as the timing of the biodiversity certification, which is uncertain at this stage, should not be tied to the rezoning. This does not preclude Council and the Proponent pursuing biodiversity certification concurrent to the planning proposal.

4.1.2 Open space

Passive open space

The proposal generates the need for at least 6.2 hectares of passive open space. The original planning proposal identified 6.15Ha of passive open space. The total 6.15Ha included land

intended to be used for protection of biodiversity and 'avoided land' for the purpose of Biodiversity Certification.

The revised planning proposal identifies that 2.6Ha of land previously identified for passive open space and zoned RE1 Public Recreation is now proposed to be zoned C2 Environmental Conservation. Therefore, the current provision of passive open space is 3.55Ha.

The adequacy of the overall proposed passive open space provision is contingent on being able to deliver the items required for a local suburban park in the 3.55Ha RE1 land remaining. Further investigations are needed to determine whether the passive recreation offer is appropriate to deliver facilities in accordance with Council's Recreation Strategy.

Active open space

The proposed dwelling yield would generate demand for 2 additional playing fields based on the benchmarks in Council's Recreation Strategy.

The proposal does not include any on site active open space facilities. Instead, the proponent has offered to make monetary contributions toward active open space facilities that Council will deliver.

The nearest site that could potentially service the West Gables development with active open space facilities is the 'Horseworld' property, at 191 Maguires Road and currently in Council ownership. Given the proximity of this future facility to the precinct (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. The Proponent group has offered to provide \$11,300,000 in monetary contributions towards this **(Attachment AC)**.

Department comment

The final quantity of open space to be provided within the subject site is subject to resolving the RE1 and C2 zoning. The Department recommends including a Gateway condition to clarify how open space and recreational needs will be met if the 'avoided area' cannot be used for open space and recreation.

4.2 Social and economic

Social impacts

The proposal is supported by a social infrastructure needs assessment **(Attachment P)** that outlines the positive social impacts of the proposal on the immediate and broader community. In summary:

- Potential to deliver approximately 1,200-1,300 new dwellings. The concept accommodates a variety of lot typologies and dwellings.
- Increased diversity of housing to meet demographic and cultural change. In particular, the provisions of small and large format lots in an area characterised by a variety of social and commercial facilities which are easily accessible.
- the proposal will provide 3.55Ha of passive open space and monetary contributions towards the upgrade of active open space at the 'Horseworld' site.

Economic impacts

The proposal is supported by an Economic Lot Size Analysis **(Attachment Q)** that outlines the positive economic impacts of the proposal to the locality and the broader region. In summary, the proposal will have the following economic benefits:

- The proposal will result in direct and indirect jobs during the construction phase of the project.

- Dwelling growth in the Hills Shire is currently inhibited by significant fragmentation that is preventing land from being developed efficiently. By unlocking the site, future subdivision will ensure the site maximises its contribution to housing supply and the local economy.
- The provision of additional housing in the LGA will in turn stimulate investment. The proposal has the potential to raise the profile of the Hills LGA and support a wide range of economic multipliers which would support investment in associated industries.

4.3 Infrastructure

4.3.1 Utilities

The proposal includes a Services Infrastructure Plan (**Attachment O**) to demonstrate the capacity of existing utilities and where upgrades will be required to service the development.

- Gas: Jemena do not currently have sufficient capacity within its network to cater for the development. The Proponent has decided not to supply gas reticulation.
- Electricity: Endeavour Energy has advised the Gables Zone substation is currently under construction and was expected to be commissioned by December 2023.
- Telecommunications: NBN has confirmed there is capacity in the existing network to service the entire development.
- Potable Water: Sydney Water released its updated Growth Services Infrastructure Plan in 2023, and the subject site was excluded. Further consultation is required to determine how potable water will be provided to the site.
- Recycled water/wastewater: Altogether Group is the primary supplier of recycled water and pressure sewer of the Box Hill North/Gables area. Altogether has advised there is sufficient capacity to service the development.

The Proponent has demonstrated the subject site is capable of being adequately serviced, except for potable water which will require further consultation with Sydney Water.

4.3.2 Transport

Traffic impacts

The proposal includes a Transport Impact Assessment (**Attachment L**) completed in 2022. Council officers provided comments in 2023, and a supplementary Transport Impacts Letter (**Attachment Y**) from the Transport consultant summarises the proponent's response. A key point in Council's assessment was that intersection assumptions utilised in the Transport Impact Assessment are now outdated. The supplementary letter provided an updated SIDRA model for the Boundary Road/ Old Pitt Town Road intersection to reflect planned upgrades to make it signalised and did not include the remaining intersections. The latest assessment of intersection performance is summarised in the table below.

The remaining intersection upgrades may require updated modelling subject to further consultation with Transport for NSW to determine the appropriate assumptions, surrounding road network improvements and relevant intersection upgrade designs to underpin the model.

Table 5 Impacts on intersection performance.

	Impact of full development to 2036	
Intersection	AM Peak	PM Peak

	Impact of full development to 2036	
Boundary Road/Old Pitt Town Road	Transport Impact Assessment - LOS D Updated modelling factoring in planned upgrades – LOS C	Transport Impact Assessment - LOS D Updated modelling factoring in planned upgrades – no change.
Old Pitt Town Road/Valletta Drive	LOS F	LOS C
Boundary Road/Red Gables Road	LOS A	LOS E The LOS will reduce to E due to background growth, notwithstanding the proposed rezoning.
Boundary Road/Cataract Road	LOS B	LOS C

Public transport

The existing transport network includes several bus stops along Boundary Road, Cataract Road and Old Pitt Town Road. The proposal proposes an expansion to the existing bus network to enable future residents to be within a 400m walking catchment to a bus stop. The proposal includes the delivery of a new bus stop on the Hills Shire Council side of Boundary Road however the final location is subject to consultation with TfNSW.

Active transport

The planning proposal will facilitate the delivery of pedestrian and cycle paths that will integrate with the riparian corridor, bushland and parks within West Gables and link to the broader active transport network within Gables.

Delivery of transport upgrades

The transport infrastructure upgrades to be delivered by the proponent is yet to be determined. Council's Local Planning Panel Report (**Attachment C**) includes a list of transport infrastructure to be provided by the proponent. The proponent's infrastructure contributions consultation has provided a response (**Attachment AC**). The list of items and the proponent's latest position is summarised in the table below.

As discussed in relation to traffic impacts, updated modelling may be required in consultation with TfNSW. This will assist in determining nexus and apportionment between the proposed development and future transport upgrades.

Table 6 Summary of Council requested transport infrastructure upgrades required and proponent response.

Item	Contribution and upgrades required (listed in Attachment C)	Proponent response (Attachment AC)
Boundary Road	Widening to 2 lanes in each direction between Old Pitt Town Road and Red Gables Road (land and capital).	Not agreed. The development will make provision for the kerb, guttering, asphalt upgrade works and a 3m shared pathway along the full frontage of the West Gables site to Boundary Road.
Old Pitt Town Road	Widening to 2 lanes in each direction between Boundary Road and Valetta Drive (noting that development on southern side in Box Hill Precinct will undertake half width construction).	Not agreed. Future developments will provide kerb and gutter upgrades across the frontages to Old Pitt Town Road via the development application process.
Old Pitt Town Road/Terry Road/Fontana Drive	Contribution towards intersection upgrade to signals	Not agreed. This item is already identified in CP15 and the proposal generates insufficient demand to warrant a 10% contribution towards the upgrade of this intersection.
Mt Carmel Drive/Old Pitt Town Road/Valetta Drive	Contribution towards capital works to upgrade signals.	Not agreed. The proposal includes enhancements to the existing planned intersection upgrades (delivered by others) including second right turn lane from Old Pitt Town Road into Valetta Drive, left turn slip lane from Valetta Drive into Old Pitt Town Road east, and left turn slip lane from Old Pitt Town Road west into Valetta Drive, including land dedication associated with these works.
Boundary Road/Old Pitt Town Road	Land and capital.	Partially agreed. The proposal will include the dedication of land to facilitate the planned upgrades and signalisation of the intersection of Boundary Road and Old Pitt Town Road.
Boundary Road/Cataract Road	Intersection treatment	Not agreed. The rezoning does not trigger the need for these intersection treatments. Land take may also be required on the Hawkesbury LGA frontage to facilitate ultimate intersection designs. This is out of scope for the planning proposal.
Boundary Road/Red Gables Road	Intersection treatment	

Item	Contribution and upgrades required (listed in Attachment C)	Proponent response (Attachment AC)
Pedestrian Bridge over drainage land.	Construction and delivery.	Agreed.

Department comment

The Department agrees with Council that an updated Traffic Study is required to further understand the impact of the proposed development on the surrounding road network and has been conditioned accordingly. This should be undertaken in consultation with TfNSW to determine the most appropriate parameters for the transport modelling.

5 Consultation

5.1 Community

The planning proposal is categorised as a complex under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- NSW Rural Fire Service
- Transport for NSW
- Department of Climate Change, Energy, the Environment and Water;
- Department of Planning, Housing and Infrastructure – Strategic Planning and Policy
- Endeavour Energy
- Sydney Water
- Jemena
- NBN
- School Infrastructure NSW

6 Timeframe

Council proposes a 14 month time frame to complete the LEP with a finalisation date of 31 March 2026.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a complex

The Department agrees with Council's recommended timeframe and it is recommended to include an LEP completion date of 31 March 2026. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal requires further work on local infrastructure and open space needs, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal's inconsistency with the Region and District Plans in relation to facilitating urban development in the Metropolitan Rural Area and 9.1 Direction Rural Zones is considered justified as the site is identified for potential development in Council's local strategic planning framework and the MRA boundary is currently under review.
- The proposal's inconsistency with 9.1 Direction 4.1 Flooding is considered justified as the 1%AEP flood primarily impacts the road corridors and proposed open spaces and where the 1% AEP traverses the future residential lots, the hazard category is H1. Furthermore, mitigation measures, such as detention, will be implemented to ensure the development does not result in significant flood impacts to other properties.
- The proposal is consistent with the priorities of the Central City District Plan as they relate to increasing housing supply and diversity.
- The proposal presents a holistic masterplan for an isolated area of rural land situated between two rapidly developing urban release area precincts.
- Redevelopment of the site is the next logical development front of Box Hill North and positively contributes to and aligns with the future local character of the area.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Remove the proposed satisfactory arrangements clause.
- Clarify the proposed zoning for avoided lands and provide an updated BCAR and planning proposal to reflect this.
- Clarify ownership of the proposed C2 land, if it will be publicly accessible and how it will be managed in order to protect and conserve the biodiversity.
- Clarify how open space and recreational needs will be met if the 'avoided area' cannot be used for open space and recreation.
- Prepare an updated Traffic Impact Assessment following consultation with Transport for NSW.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 1.1 Implementation of Regional Plans, 4.1 Flooding and 9.2 Rural Zones is minor and justified.
- Note that the consistency with section 9.1 Directions 3.1 Conservation Zones, 3.6 Strategic Conservation Planning and 4.3 Planning for Bushfire Protection is unresolved and will require justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

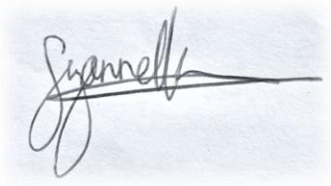
The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, the planning proposal is to be updated to:
 - a) Remove the proposed satisfactory arrangements clause.
 - b) Clarify the proposed zoning for 'avoided lands' and update relevant planning proposal documentation, including Biodiversity Certification Assessment Report (BCAR) to reflect this.
 - c) Clarify ownership of the proposed C2 Environmental Conservation land, if it will be publicly accessible and how it will be managed to protect and conserve the biodiversity.
 - d) Clarify how open space and recreational needs will be met if the 'avoided area' cannot be used for open space and recreation.
 - e) If 'avoided areas' are retained on the site, the Bushfire Strategic study needs to address the bushfire hazard presented by more dense vegetation formations.
 - f) Prepare an updated Traffic Impact Assessment in consultation with Transport for NSW.

Council is to submit the updated planning proposal and supporting studies to the Department in accordance with Condition 1 for endorsement prior to community consultation.

2. Prior to community consultation, consultation is also required with the NSW Rural Fire Service.
3. Consultation is required with the following public authorities:
 - Transport for NSW
 - NSW Department of Planning, Housing and Infrastructure – Strategic Planning and Policy
 - NSW Department of Climate Change, Energy, the Environment and Water;
 - Endeavour Energy
 - Sydney Water
 - Jemena
 - NBN
 - Altogether Group
 - School Infrastructure NSW
4. The planning proposal should be made available for community consultation for a minimum of 30 working days.
5. Prior to finalisation the following must be resolved:
 - a) Ensure there is a mechanism in place for the delivery of local infrastructure; and
 - b) Ensure there is a mechanism in place which facilitates the intended urban design public domain outcomes;

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 31 March 2026 be included on the Gateway.



7 January 2025

Suzanne Wren
Manager, Local Planning and Council Support



9 January 2025

Tina Chappell
Director, Local Planning (Central, West and South)

Assessment officer

Gabrielle Coleman
Senior Planning Officer