

**INQUIRY INTO ALLEGATIONS OF IMPROPRIETY
AGAINST AGENTS OF THE HILLS SHIRE COUNCIL AND
PROPERTY DEVELOPERS IN THE REGION**

Name: Name suppressed
Date Received: 22 January 2023

Partially
Confidential

To the Panel,

I request that the panel investigate the actions leading to the approval of the planning proposal and the rezoning of 55 Coonara Ave West Pennant Hills from business park to residential. The approval of 252 apartments and 166 townhouses/houses at the site has received huge opposition from local residents, the people of NSW and also from some Councillors of the Hills Shire Council. The planning proposal to rezone the site was presented at a Hills Shire Council meeting on the 29/11/2019. The planning proposal received 4130 submissions from the community mostly objections. At that meeting the proposal was voted down by a slim majority of Hills Shire Councillors (26/11/2019).

Despite this massive opposition to the development the site was placed on the Urban Task force "shovel ready list" in 2020 with the planning proposal approved by the State Government. I request that this Inquiry investigate the method by which the site was entered into the shovel ready list and to investigate the involvement of Bay Warburton, the previous Chief of Staff of Mike Baird (former Liberal MP and Premier of NSW). Bay Warburton was the Mirvac "Head of Stakeholder Relations" at the time the site at 55 Coonara Ave was added to the shovel ready list. Investigations must include attaining copies of all the draft lists which potentially did not include the Mirvac site.

I request that the Inquiry investigate the contradictory actions of former Councillor Alan Haselden, and all potential corrupt involvement in the approval of the Mirvac planning proposal and associated DA's for the site at 55 Coonara Ave West Pennant Hills.

At a Hills shire Councillor meeting on the 25/07/2017 Clr Haselden voted against the motion to send the Mirvac Planning Proposal for 55 Coonara Ave West Pennant Hills to the Dept of Planning and Environment for a Gateway Determination to facilitate a high density development. The motion was carried by the votes below

From the Council meeting 25/07/2017

VOTING FOR THE MOTION

Clr Y D Keane
Clr R A Preston
Clr R K Harty OAM
Clr Dr J N Lowe
Clr Dr P J Gangemi

VOTING AGAINST THE MOTION

Clr R M Tracey
Clr Dr M R Byrne
Clr A N Haselden

ABSENT

Clr A J Hay OAM
Clr M G Thomas

At the Local Government elections in September 2017 Clr Haselden, nominating for another term in council told voters that that he voted against the planning proposal at 55 Coonara Ave West Pennant Hills in order to gain voter support.

Clr Haselden is re-elected for another term of Council as a Councillor for East ward which contains the site at 55 Coonara Ave West Pennant Hills. The planning proposal for 55 Coonara Ave returns to Hills Shire Council for endorsement. This time, instead of voting against the planning proposal, Clr Haselden votes for the planning proposal (26/11/2019) despite the Council receiving 4130 submissions from the community (mostly objections to the site and associated traffic). Clr Haselden had also been recently promoted to the position of deputy Mayor (27/09/2018) and is now a lead supporter of development at 55 Coonara Ave (despite telling voters on polling day 2017 that he voted against the planning proposal). Due to a slim majority of Councillors opposing the planning proposal, the motion was this time lost.

Clrs Uno and Haselden appear to be the main supporters of the motion which is inside the ward they represent, East Ward. This seems unusual considering the opposition to the development by The West Pennant Hills Valley Progress Association, along with opposition from other residents and people of NSW.

From the Council meeting on 26/11/2019

A MOTION WAS MOVED BY COUNCILLOR UNO AND SECONDED BY COUNCILLOR HASELDEN THAT the Recommendation contained in the report be adopted.

THE MOTION WAS PUT AND LOST.

Being a planning matter, the Mayor called for a division to record the votes on this matter

VOTING FOR THE MOTION

Clr R A Preston
Clr A N Haselden
Clr J Jackson
Clr E M Russo
Clr F P De Masi
Clr S P Uno

VOTING AGAINST THE MOTION

Mayor Dr M R Byrne (**Casting**)
Clr R Jethi
Clr M G Thomas
Clr A J Hay OAM
Clr R M Tracey
Clr Dr P J Gangemi

MEETING ABSENT

Clr B L Collins OAM

An alternative motion was put by Clr Tracey and carried.

A MOTION WAS MOVED BY COUNCILLOR THOMAS AND SECONDED BY COUNCILLOR TRACEY THAT

1. The planning proposal for land at 55 Coonara Avenue, West Pennant Hills not progress to finalisation. Council write to the Minister for Planning and Public Spaces and request that the Minister determine that the planning proposal not proceed.
2. Draft The Hills DCP Part D Section 22 – 55 Coonara Avenue, West Pennant Hills (Attachment 4) not be adopted.
3. The draft Voluntary Planning Agreement (Attachment 5) not be entered into.

THE MOTION WAS PUT AND CARRIED.

Shortly after this vote a newspaper published an article suggesting that Clr Uno and Clr Haselden would raise a rescission motion at the next Council meeting to reverse the vote that did not go in their favour. Due to community outrage this did not occur. However the site was later approved by the State Government and added to the Urban Task Force Shovel ready list in 2020.

In 2022 Mr Haselden (did not contest the 2021 Council elections) joined the Mirvac Community Reference Group (a consultation group for the development at 55 Coonara Ave). I request the Inquiry investigate the involvement of Clr Haselden with Mirvac, potential property investments on the site, and how this has influenced his voting on the site at Council meetings.

Dedication of the C2 zoned forest at 55 Coonara Ave is going to the Minister for Planning and not Forestry Corp

For 4 years the community and The Hills Shire Council staff were told that the C2/E2 zoned Blue Gum High Forest and Sydney Turpentine Ironbark forest areas on the site would be dedicated to Forestry Corp. However in 2022 the VPA was released which stated that the forest dedication would be to the Ministry (Minister of planning) and includes clauses which allows the minister to vary the boundaries of the C2 zoned area at any time, without due consultation. This will open the door to development on this area of critically endangered blue gum high forest. I request that the Inquiry investigate the actions which led to this VPA and the legality of the VPA itself.

The Hills Shire Council involvement with UBM Ecological Consultants

It does appear at times to residents that the Council preferred ecologist group for flora and fauna surveys do not conduct thorough surveys or write reports which include key species of endangered fauna. There were surveys done by UBM Ecological Consultants at Colbarra Place reserve in West Pennant Hills. The reports did not include the detection of echidnas or the endangered Dural Land Snail at the reserve. In 2022, Council proposed development of part of the reserve into an off leash dog park. However this received much opposition from local residents who often see echidnas and Dural land snails at the reserve, with echidnas crossing between the reserve and a local bushland area.

I request that the Inquiry investigate the interactions between consultant ecology groups and Council staff and Councillors because it is unusual that local residents, not trained in ecology can spot endangered species in an area which ecological consultancies selected by The Hills Shire Council cannot find evidence of.

Strategy plan for Cherrybrook precinct –inclusion/exclusion of 55 Coonara Ave West Pennant Hills (WPH) and other development sites

I also request that the Inquiry investigate the inclusion/exclusion of 55 Coonara Ave and also other sites in the Cherrybrook precinct which are owned by the developer who is the focus of this Inquiry. After viewing different versions of the plan, it became apparent that 55 Coonara Ave was included in the exhibited draft Cherrybrook precinct plan in July 2022 (Figure 1), while other development sites were excluded. Later in the finalised Cherrybrook Precinct Plan December 2022, 55 Coonara Ave was excluded while previously hatched development sites were included (Figure 2). One possible explanation is that the DA's for 55 Coonara Ave include plans for up to 8-9 storeys while the Cherrybrook precinct includes plans for up to 5 storeys, therefore by excluding 55 Coonara Ave from the plan, it would not be subject to a

lower height limit. However it now becomes contradictory that a site further from the station is allowed up to 8-9 storeys while sites closer to the station are allowed up to 5 storeys.

It is further questionable, the purpose for originally excluding other development sites in the draft plan and including them in the final plan. In 2022 The Hills Shire Councillors voted to hand over planning powers to the State Government for the Cherrybrook Precinct. The Panel must investigate the reason for the hand-over and whether it was due to involvement with developers interested in the site.

Finally I thank and support the panel for making these investigations into The Hills Shire Council.

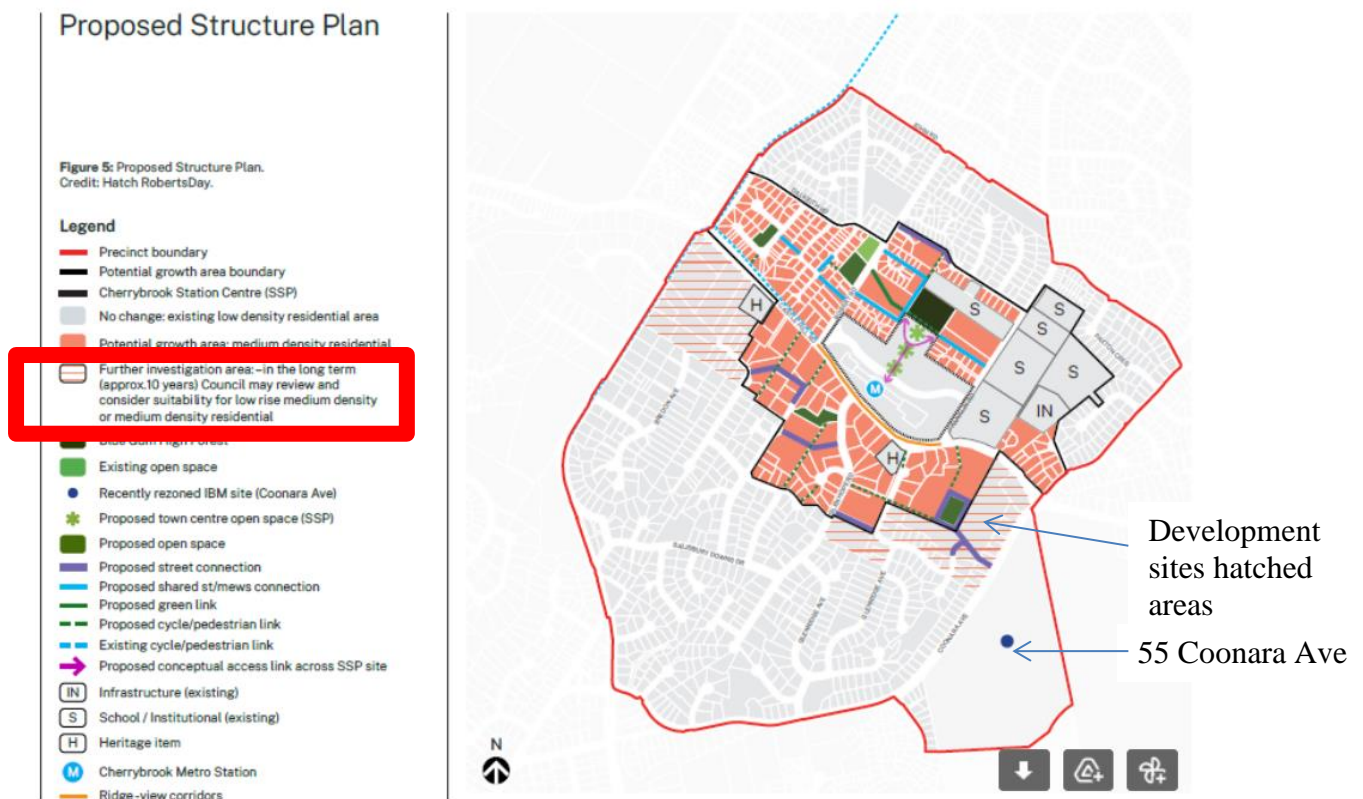


Figure 1. Exhibited draft Cherrybrook precinct plan in July 2022



Figure 2. Finalised Cherrybrook Precinct Plan December 2022: 55 Coonara Ave with higher approved height limit excluded and hatched areas associated with developers to be included now and not in 10 years time (above).