

JOINT REGIONAL PLANNING PANEL (Sydney West Region)

JRPP No	2015SYW034
DA Number	998/2015/JP
Local Government Area	THE HILLS SHIRE COUNCIL
Proposed Development	CONSTRUCTION OF A BASEBALL FIELD, A MULTI-PURPOSE FOOTBALL FIELD, 2 MULTI-PURPOSE FOOTBALL FIELDS CO-LOCATED WITH A CRICKET FIELD, 2 AMENITIES BUILDINGS, 2 CAR PARKS AND ASSOCIATED ACCESS ROADS AND A SHARED PEDESTRIAN PATH NETWORK.
Street Address	LOT 2 DP 1129940, LOT 3001 DP 1038814, LOT 2 DP 1031575, LOT 309 DP 1184385, LOT 1 DP 1184385 - CADDIES CREEK SPORTS COMPLEX RESERVE NO. 413, MILLCROFT WAY, BEAUMONT HILLS
Applicant	THE HILLS SHIRE COUNCIL
Number of Submissions	Thirty-two
Regional Development Criteria (Schedule 4A of the Act)	Council related development - Capital Investment Value in excess of \$5 million
List of All Relevant s79C(1)(a) Matters	• List all of the relevant <u>environmental planning instruments</u>: s79C(1)(a)(i) • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy Infrastructure 2008 • State Environmental Planning Policy No 19 — Bushland in urban areas • State Environmental Planning Policy No 55 — Remediation of Land • The Hills Local Environmental Plan 2012 • List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the <u>consent authority</u>: s79C(1)(a)(ii) • Nil • List any relevant <u>development control plan</u>: s79C(1)(a)(iii) • DCP 2012 Part C Section 1 – Parking • DCP 2012 Part C Section 3 – Landscaping • DCP 2012 Part C Section 6 – Flood Controlled Land • DCP 2012 Part D Section 5 – Kellyville Rouse Hill Release area • List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv) • Nil

	• List any coastal zone management plan: s79C(1)(a)(v) • Nil • List any relevant <u>regulations</u>: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288 • Environmental Planning and Assessment Regulation 2000
List all documents submitted with this report for the panel's consideration	Submissions
Recommendation	Approval
Report by	Development Assessment Co-ordinator Robert Buckham

EXECUTIVE SUMMARY

The development application includes the construction of a baseball field, a multi-purpose football field, 2 multi-purpose football fields co-located with a cricket field, 2 amenities buildings, 2 car parks and associated access roads and a shared path network which will include 3 bridge crossings. In addition the proposal includes the subsurface drainage, collection and storage of water from the playing fields for irrigation and the lighting of the playing fields. Vehicular access is provided from Millcroft Way.

Playing fields have been planned at the end of Millcroft Way since the Kellyville / Rouse Hill Release Area Open Space Planning review was undertaken in 1991. Traffic signals are planned to be installed at the intersection of Millcroft Way and Windsor Road to assist with local resident access to the main road network, and right turn movements out of Millcroft Way will be permitted as a result.

32 submissions were received to the development application. The most common issue raised was the impact of traffic particularly the impact on Millcroft Way residents. Millcroft Way is proposed as the only vehicular access point as part of this application. Residents requested the provision of alternate or additional access points for the playing fields, namely from the western side of Caddies Creek at Sanctuary Drive or Windsor Road. These alternative access points would be across land not in the control of Council. However there are future opportunities for access from these points. Long term this land is also likely to provide alternate parking options for users of the sporting fields on the eastern side of Caddies Creek given the pedestrian pathways and bridges to be provided as part of this application, however sufficient parking is currently provided for the proposed uses.

Given the number of submissions received a conciliation conference was held and the applicant subsequently made an amendment to the application which involved road widening in the northern end of Millcroft Way to improve resident and road user safety.

There will be a significant increase in traffic in Millcroft Way but this road, which will be widened north of Phoenix Avenue, will be able to accommodate the increase. The fields will have a benefit to immediate residents in terms of recreational use and to the wider community given the demands for sporting fields in the Shire.

As the proposal is for a future Council asset, an independent town planning peer review of the application has been undertaken. The peer review concluded that the judgement and conclusions reached in this report are reasonably made and the conditions to be imposed are reasonable (refer Attachment 14).

The proposal is considered acceptable and approval is recommended.

BACKGROUND**MANDATORY REQUIREMENTS**

Owner:	The Hills Shire Council, Sydney Water, and Department of Planning and Environment.	1.	<u>Section 79C (EP&A Act)</u> - Satisfactory
Zoning:	RE1 Public Recreation and SP2 Infrastructure	2.	<u>The Hills LEP 2012</u> – Satisfactory
Area:	27.2Ha	3.	<u>State Environmental Planning Policy No 19 — Bushland in urban areas</u> - Satisfactory
Existing Development:	Vacant	4.	<u>State Environmental Planning Policy No 55 — Remediation of Land</u> - Satisfactory
		5.	<u>State Environmental Planning Policy Infrastructure 2008</u> - Satisfactory
		6.	<u>SREP No. 20 - Hawkesbury Nepean River</u> - Satisfactory
		7.	<u>The Hills DCP 2012</u> – Complies
		8.	<u>Capital Investment Value:</u> \$11,733,499

SUBMISSIONS**REASONS FOR REFERRAL TO JRPP**

1. Exhibition:	Yes, 31 Days	1.	Council related development - Capital Investment Value in excess of \$5 million
2. Notice Adj Owners:	Yes, 31 days		
3. Number Advised:	148		
4. Submissions Received:	32		

HISTORY

13/02/2015	Subject Development Application lodged.
06/03/2015	Comments received from Rural Fire Service.
27/03/2015	Further owner's consent received from Sydney Water.
09/04/2015	Briefing to Joint Regional Planning Panel.
09/04/2015	General Terms of Approval received from Office of Environment and Heritage.
16/04/2015	Conciliation Conference held.
21/04/2015	Comments received from Office of Water.
24/04/2014	Letter received from Council's Heritage consultant in response to Office of Environment and Heritage comments received on 9 April 2015.
29/04/2015	Comments received from Roads and Maritime Services.

02/07/2015

Letter sent to residents who made submissions advising that an amended traffic report and plans detailing road works within the northern section of Millcroft Way have been prepared and are available on Council's website for viewing.

PROPOSAL

The proposal is for a local sporting field complex which in summary will include the construction of:

- Multi-purpose football and cricket fields and a baseball field;
- Vehicular access road;
- Car parking areas;
- Pedestrian pathways;
- Amenities buildings;
- Flood lighting; and
- Environmental protection works

In detail the proposal will include:

Eastern side of Caddies Creek

- One multi-purpose playing field (two football fields co-located with a cricket oval) including flood lighting for training
- One multi-purpose football field including flood lighting for training
- Public amenities buildings including toilets and showers, change rooms, canteen and storage
- Car parking for 120 vehicles, including three accessible parking spaces
- Overflow parking for an additional 40 vehicles
- Environmental controls, including rain gardens, wetlands and water re-use system
- Passive recreation facilities such as barbecues and picnic areas
- A shared pedestrian and cycle network.

Western side of Caddies Creek

- One baseball field including flood lighting for training
- Public amenities buildings including toilets, canteen and storage
- Car parking for 40 vehicles, including one accessible parking space
- Environmental controls, including rain gardens and water re-use system
- A shared pedestrian / cycle network.

Vehicular and Pedestrian Access and associated roadworks

Vehicular access to the complex is provided via Millcroft Way. The proposed works include the realignment of Millcroft Way with access into and out of the existing cul-de-sac to be controlled as a give way intersection facilitated by line marking. It is proposed the carpark to the baseball field will be accessed by alternate vehicular access not yet available. Given this access is certain a carpark for 40 vehicles has also been proposed however users of the baseball fields will be required to park on the eastern side of Caddies Creek until the access is formalised.

The Development Application as originally lodged did not seek to widen the northern end of Millcroft Way. A plan has now been prepared (Refer Attachment 8) that details 2 metres of widening on the eastern side (outside bend) of Millcroft Way and in front of No. 38 Millcroft Way on the western side of Millcroft Way.

The application will also require the provision of Traffic lights at the intersection of Windsor Road and Millcroft Way prior to operation. These lights are partly funded by Council.

The application includes pedestrian links to be provided to the following external roads

- Millicroft Way
- Phoenix Avenue
- Benson Road
- Cradle Close
- Drummond Road
- Townsend Court

The footpath network through the site will be designed to be trafficable for light vehicles including Council utilities, mowers and the baseball club's golf cart. The proposed footbridge across Caddies Creek between the playing fields will also be trafficable by light vehicles to enable maintenance vehicles to access both sides of the creek. Portions of the footpath network are proposed to be lit by low level lighting to allow players and spectators to safely navigate from the site entry and car parks to each of the playing fields. This lighting will be turned off outside operational hours.

Operation

The operation of the complex will be controlled under the 'Sportsgrounds Generic Plan of Management'. The sporting fields will generally operate from 8.00am to 5.00pm on weekends and until 9.30pm on week nights for training. Flood lighting is turned off automatically at 9.30pm.

The proposed playing fields have generally been designed to provide protection against flooding in the 1 in 2 year average storm event, with the exception of the football field which has been designed to allow more frequent inundation. The playing fields will act as stormwater detention during flood events.

The baseball field is the only field to be fenced, however provision has been made for access of emergency vehicles and or maintenance vehicles onto the field adjacent the amenities building.

Environmental Protection Works and Aboriginal Artefact Salvage

The proposal requires some removal of threatened ecological communities but the majority will be retained and rehabilitated.

The proposal requires the removal of 1.30 hectares of native vegetation (0.26ha of Cumberland Plain Woodland and 1.04ha River-flat Eucalypt Forest). A total of 11.92 hectares of Cumberland Plain Woodland (CPW) and River-flat Eucalypt Forest RFEF in the study area would be retained as vegetated open space, and additional areas would be revegetated into the future as part of a staged revegetation program.

The application also foreshadows the complete or partial destruction of five known aboriginal sites. The sites subject to part destruction will also be subject to a salvage operation. These works require the approval of Office of Environment and Heritage under an Aboriginal Heritage Impact Permit.

Construction

It is anticipated that the construction of the complex will take approximately 24 weeks with earthworks taking approximately 12 weeks. Trucks delivering fill to the site will primarily access the site from Windsor Road through a temporary access point.

The proposal is defined as 'Integrated Development' under the provisions of Section 91 of the Environmental Planning and Assessment Act, 1979 as the proposal requires approval from the Office of Water under the Water Management Act 2000 and Office of Environment and Heritage under Section 90 of the National Parks and Wildlife Act 1974.

Applicant's Justification

Council has undertaken open space planning studies to plan for the recreation needs of the community in the Kellyville/Rouse Hill urban release area. The Kellyville/Rouse Hill Open Space and Recreation Plan was released in 1998. The purpose of the plan was to

ensure that adequate active and passive open space was provided for the predicted population growth in the release area of about 41,000 residents, and to determine the recreation facilities that would be required.

The 1998 plan identified the following needs within the area:

- *district playing fields (The Hills Centenary Park and Bruce Purser Reserve)*
- *two other local playing field sites, including Caddies Creek Reserve, incorporating fields, amenities, car parking and path networks*
- *the provision of a 'greenway' open space corridor along ridge tops for passive recreation and off-road connectivity creek corridors to offer connectivity for recreation, with a primary a drainage function.*

The Caddies Creek Reserve was one of the open spaces proposed by the Kellyville/Rouse Hill Open Space and Recreation Plan. It was anticipated that the reserve would provide important active and passive recreation facilities, as well as opportunities for enhancement and restoration of environmental values and social interaction for the growing community.

Sydney Water has responsibility for trunk drainage lands. This role and the defined extent of trunk drainage land are primarily to manage the potential for flooding impacts, and improve water quality and waterway amenity. In 2013, Sydney Water completed a plan of management for trunk drainage lands in the Rouse Hill development area. One of the recommendations of the plan of management was that a master plan should be prepared for Caddies Creek Reserve to guide future development of the site.

In May 2014, a Landscape Master Plan was prepared with input from Sydney Water and the Hills Shire Council. The Caddies Creek Landscape Master Plan Report identified a number of factors influencing the development of the site, including ownership, ecology, heritage (Aboriginal and European), hydrology, access and infrastructure.

Following the completion of the master plan, Council has prepared the subject Development Application.

CONCILIATION CONFERENCE

A Conciliation Conference was held on 16 April 2015. Issues discussed at the Conference include:

- Traffic Impacts;
- Acoustic Impacts; and
- Anti-social behaviour

The following outcomes were achieved:

- Council staff will consider the issues raised during the Conference and this will help inform their assessment.
- Council's Environmental Health Team will address specific acoustic concerns.
- Council's Traffic Team will consider where a section of Millcroft Way can be widened.
- Council's Traffic Team will consider specific concerns raised regarding traffic including cumulative impact factoring in other potential developments such as subdivisions of vacant land off Phoenix Avenue.

An amended traffic report and plans detailing road works within the northern section of Millcroft Way were prepared and residents advised that they could be viewed on Council's website.

ISSUES FOR CONSIDERATION

1. SEPP State and Regional Development 2011

Clause 20 of SEPP (State and Regional Development) 2011 and the Schedule 4A of the Environmental Planning and Assessment Act, 1979 provides the following referral requirements to a Joint Regional Planning Panel:-

Council related Development that has a capital investment value of more than \$5 million.

The proposed development has a capital investment value of \$11,733,499 thereby requiring referral to, and determination by the Joint Regional Planning Panel.

2. The Hills Local Environmental Plan 2012

a. Permissibility

The subject site is zoned RE1 Public Recreation and SP2 Infrastructure.

The proposal is defined as the following:

RE1 Public Recreation

“Recreation facilities (outdoor)” means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

“Environmental Protection Works” means works associated with the rehabilitation of land towards its natural state or any work to protect land from environmental degradation, and includes bush regeneration works, wetland protection works, erosion protection works, dune restoration works and the like, but does not include coastal protection works.

SP2 Infrastructure

Activities permitted with consent relate to the purpose shown on the land zoning map (stormwater management systems) and includes any development that is ordinarily incidental or ancillary to development for that purpose. Any other development is prohibited.

As the playing fields will continue to provide a stormwater management function, acting as stormwater detention during flood events, the proposal is permitted with consent in the SP2 zone. The development of dual use of trunk drainage land is not unusual and a standard practice across Sydney to optimise land and reduce the cost to the community in land release areas

It should be noted that if the proposal were entirely on land declared a public reserve under the control of or vested in the Council then the proposal would not require consent under the provisions of SEPP Infrastructure 2008. Given the subject site includes Sydney Water owned land, a Development Application was required to be lodged.

The zoning of the site under the previous Local Environmental Plan (LEP 2005 and 1991) also allowed the subject development.

b. Zone Objectives

The zone objectives of the RE1 Public Recreation zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The zone objectives of the SP2 Infrastructure zone are:

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

The proposal is considered to be consistent with the objectives in both zones. The proposal provides for the embellishment of land for recreation activities that is compatible with the natural environment and drainage use of the land.

c. LEP Special Provisions

The proposal has been considered against the relevant provision of the LEP. Specific regard has been given to Clauses:

- 5.9 Preservation of trees or vegetation;
- 5.10 Heritage conservation;
- 7.2 Earthworks;
- 7.3 Flood Planning; and
- 7.4 Biodiversity (Terrestrial)

The proposal has been considered against these provisions and satisfies each of the standards and objectives relating to each of the clauses.

3. The Hills Development Control Plan 2012

The proposal has been assessed against the provisions of The Hills Development Control Plan (THDCP) particularly:-

- Part C Section 1 – Parking
- Part C Section 3 – Landscaping
- Part C Section 6 – Flood Controlled Land
- Part D Section 5 – Kellyville Rouse Hill Release Area

The DCP has limited applicability to the subject proposal. The proposal has been designed with regard to the principles within each of the relevant Sections particularly Council's recently adopted Flood Controlled Land section of the DCP. The subject site is flood affected and in accordance with the DCP a site specific flood assessment has been undertaken to determine that the fill platform for the proposal will not have a detrimental impact on adjoining properties particularly residential properties up and down stream of the proposal.

The Kellyville Rouse Hill section of the DCP again has limited reference to the proposal however it should be noted that the land subject to this application was identified in the DCP as land for Open Space purposes. This land classified Open Space covers land zoned both RE1 Public Recreation and SP2 Infrastructure. This land was identified for Open Space as part of a report considered by Council on 9 June 1998 which sought adoption of the "Rouse Hill/Kellyville Open Space and Recreation Plan" which envisaged a sporting complex (conceptual), somewhat more intensive in this location. It was exhibited from 23 June to 23 July 1998. Access is shown in the vicinity of Millcroft Way but also to the west in the vicinity of Sanctuary Drive. The access way included causeway bridges or "dry weather access only". These types of crossings would not be supported now and flood free access would be required. Flood free access has been deemed unfeasible at this stage however alternative access will become available primarily to provide vehicular access to the baseball field. An extract of the DCP Map (Refer Attachment 4) and an extract of the Rouse Hill/Kellyville Open Space and Recreation Plan relating to the subject site are included (Refer Attachment 5).

4. Traffic Impacts and Alternate Access Points

The most common issue raised in the submissions to this application is the impact of traffic particularly the impact on Millcroft Way which is proposed as the only vehicular access point at this time. Residents requested the provision of alternate or additional access points for the playing fields, namely from the western side of Caddies Creek at Sanctuary Drive or Windsor Road. The following comments are provided in relation to the various potential alternative access points to the playing fields.

Access Sanctuary Drive and Caddies Boulevard

Traffic signals are planned at this intersection, but have not been approved by the RMS to date. Council will pursue these signals as part of adjacent development to land owned by the State Government, however the access cannot exist until that development by the State Government is completed. Council will ensure that the baseball field will obtain vehicle access from those signals. Access to the whole complex would require a creek crossing, this is not feasible.

Access from Windsor Road (Former entrance to Baulkham Hills Landscape supplies)

Access to the playing fields from the existing service road off Windsor Road near Old Windsor Rd will be pursued by Council as part of development plans by the State Government, however this access arrangement cannot be finalised until after the rail line construction has been completed in 2019. Again access to the entire complex from this location would require a creek crossing, this is not feasible.

Other Access Points

Any other access points to the complex would be across land not owned or controlled by Council (primarily Sydney Water land). This land is generally below the 1 in 20 flood planning level. Sydney Water will not support any permanent alternative vehicular access to the playing fields for general traffic from Windsor Road across the trunk drainage land because the site has been identified as environmentally sensitive and only pedestrian and cycleway access should be provided.

The following comments have been provided by Council's Traffic Coordinator in relation to the technical traffic related issues.

i) Existing Traffic Environment

This development application proposes the construction of a sporting facility comprising a baseball field, a multi-purpose football field, 2 multi-purpose football fields co-located with a cricket field, 200 (160 sealed/40 spillover/grass) off street parking spaces and associated amenity facilities on public recreation and trunk drainage lands north of Millcroft Way. All weather vehicular access is proposed via the northern end of Millcroft Way with a traffic report prepared by GHD Pty Ltd submitted in support of the application.

Millcroft Way is a 450m two way sealed road intersecting with Windsor Road (a State Arterial under the control of the Roads and Maritime Services) at an uncontrolled t-intersection at its southern extremity and terminating at a cul-de-sac adjacent to Caddies Creek Reserve to the north. The carriageway width of Millcroft Way ranges from 9.0m for the 300m section south of Phoenix Avenue to Windsor Road, and 7.0m wide for the 150m long northern section from Phoenix Avenue to the cul-de-sac. Millcroft Way would typically be classified as a local access street, however the southern section that also provides access to a number of adjoining side streets and a commercial development (Kellyville Pets) could be deemed as performing a minor collector road function within Council's road hierarchy.

Millcroft Way currently provides the only vehicular access for around 100 detached dwellings and a commercial development (Kellyville Pets) located on the south eastern corner of Windsor Road. Intersection counts undertaken by the consultant on a typical Saturday between 12:00 and 13:00 confirmed that the southern section of Millcroft Way sustains around 264 peak hour trips in both directions. It is normal traffic engineering practice, based on RMS survey data, to assume peak hour traffic generation from a detached dwelling to be in the order of 1 peak hour vehicle trip per dwelling. On this basis the traffic generation from the private residences will be around 100 peak hour trips and the remaining 164 vehicles accessing the driveway of Kellyville Pets within the southern section of Millcroft Way.

SIDRA analysis of the existing intersection of Windsor Road and Millcroft Way confirms that the current uncontrolled intersection operates at a very good Level of Service A-B with minimal delays and sufficient spare capacity.

There have been no specific environmental capacity calculations undertaken for Millcroft Way as part of *The Residential Development and Traffic Study* undertaken by TAR Technologies on behalf of Council in August 2005. Environmental capacity is the volume of moving vehicles that can be accommodated in a street having regard to traffic volume, composition and speed considered with the need to maintain a reasonable level of residential amenity considering factors such as pedestrian delay and safety and noise.

As referred in the consultant's report by referencing RMS Guidelines, a local access street, having similar characteristics in terms of carriageway width, grade, frontage setback and speed profile would typically have an environmental capacity in the order of 300 peak hour vehicle trips. A minor collector road with similar characteristics to the southern end of Millcroft Way would have an environmental capacity of around 400 - 450 peak hour vehicle trips. As referred above the traffic surveys undertaken at the Windsor Road intersection have established a total traffic flow of 264 vehicles on a Saturday at midday for the southern section of Millcroft Way. The section north of Phoenix Avenue servicing only 14 dwelling's, would experience considerably less traffic movements with a total Saturday midday peak of 14 vehicles per hour.

ii) Proposed Development – Traffic Generation

The Roads and Maritime Services (RMS) *Guide to Traffic Generating Developments* provides average traffic generation rates for a range of different land uses. As outlined in the consultant's report the guidelines however only provide peak hour vehicle trips (phvt) generated by recreational uses for developments such as tennis courts, squash courts, gymnasiums and not larger scale playing field type uses but rather suggests that surveys of similar activities or by analyzing the expected turnover of parking areas.

The traffic consultant has used Council's carparking rates to determine that the number of parking spaces required to service such a facility is 151 spaces. The proposal provides for 160 spaces exceeding the requirement by 9 spaces. Having established the required space numbers, and adopting a conservative approach of assuming each parking space on average turns over each hour (1 trip in 1 trip out) creating 2 peak hour vehicle trips per

space, the total peak hour vehicle trips is 302 trips for the entire facility. The demand parking will be lessened once development on the western side of Caddies Creek occurs and access formalised to a further 40 spaces for the baseball field.

iii) Cumulative Impact in Locality – Millcroft Way

The following table contains existing traffic volumes and the Environmental Capacity for northern and southern sections of Millcroft Way and the expected increase in traffic volumes that can be attributed to the proposed development. The northern section of Millcroft Way is classified as the part of Millcroft Way north of Wilkins Avenue.

Traffic Movements Sat Peak Hour	Environmental Capacity EC v/h	Existing Volumes v/h	% Existing relative to EC	Prop Increase v/h	Prop Volume v/h	% Increase relative to existing volume	% Increase Relative to EC
Millcroft Way (north)	300	14	5	302	316	2257	105
Millcroft Way (south)	450	264	59	302	566	214	126

Whilst the net % increase of traffic generated by the proposed development being distributed to the northern section of Millcroft Drive will be substantial compared to the very low existing traffic volumes, the increase when compared to the Environmental Capacity, is deemed to be within acceptable limits, particularly when taking into account the peak occurring only once a week on a Saturday, and not five days a week during normal AM and PM traffic peak hours. Similarly whilst the net % increase on the southern section of Millcroft Way, pushes the total expected traffic volumes above the Environmental Capacity as minor collector, as this again occurs on a Saturday only there should be no appreciable loss of amenity for the residents fronting this section of Millcroft Way.

iv) Need for Traffic Improvements in the Locality

As referred above the northern section of Millcroft Way is currently constructed with a 7.0m wide carriageway and roll top kerb fronting the private dwellings and barrier kerb fronting the public reserve. When vehicles park on both sides of a 7.0m carriageway, there is insufficient width to maintain two way traffic flow through the center of the road. To assist in maintaining two way traffic movements the pavement will be widened by 2.0m fronting House No's 37, 38 and 39. A concept plan detailing the extent of this widening has been prepared (Refer Attachment 8).

v) Traffic egress/ingress to arterial/sub-arterial roads

Whilst the net increase of 302 peak hour vehicle trips on a Saturday will not significantly alter the service levels of the surrounding road network or nearby intersections, the provision of traffic signals at the intersection of Windsor Road and Millcroft Way has previously been investigated as a means of enabling safe and efficient right turn access into and out of Millcroft Way as surrounding residential developments proceed, including the possible connection of both sides of Wilkins Avenue and Phoenix Avenue and the closure of the temporary access to Windsor Road at Wilkins Avenue implemented.

vi) Sight distance and other safety issues

Sight distance when entering or exiting the proposed access driveway to the development site exceeds the minimum safe intersection sight distance standards required under the Austroads Standards for vehicles traveling at 50km/h. Refer comments above with respect to pavement widening and maintaining two way traffic flow (including for passing buses) on the northern section of Millcroft Way.

5. SEPP 55 - Remediation of Land

Clause 7 (Contamination and remediation to be considered in determining development application) of SEPP 55 – Remediation of Land, states:

“(1) A consent authority must not consent to the carrying out of any development on land unless:

- (a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

The application has identified that two former dams on the site have previously been filled. The source of the fill is unknown. As such it is recommended that a preliminary Stage 2 Environmental Site Assessment (ESA). The ESA should target the Area of Environmental Concern (AEC) identified in the Tier 1 Risk Assessment (see attached Figure 3). If the AEC pose a risk to receptors, a Remediation Action Plan (RAP) should be prepared for the site. A condition has been imposed in this regard.

6. Issues Raised in Submissions

The proposal was exhibited and notified for 31 days. The issues raised in the submissions are summarised below.

ISSUE / OBJECTION	COMMENT	OUTCOME
Parts of Millcroft Way already exceed environmental capacity. The proposal seeks to increase the demand. The applicant needs to justify the departure.	These issues are addressed in the Traffic Section of this report. Environmental capacity is the volume of moving vehicles that can be accommodated in a street having regard to traffic volume, composition and speed considered with the need to maintain a reasonable level of residential amenity considering factors such as pedestrian delay and safety and noise. The minor exceedance of environmental capacity is not a reason to refuse the application particularly given that the application will result in local road widening in part of Millcroft Way and will result in the provision of Traffic lights at Windsor Road that will mitigate traffic impacts.	Issue addressed.

ISSUE / OBJECTION	COMMENT	OUTCOME
The traffic calculations have not considered many things including undeveloped land, the future landscape supply establishment, closure of existing temporary access point.	An amended traffic report has considered future land uses in the immediate locality including an anticipated 54 lots on vacant land between the exiting eastern and western sections of Wilkins Avenue and Phoenix Avenue.	Issue addressed.
Only senior games have been considered, junior games which would use half a field would generate twice as many persons using the facility.	The traffic reports have considered the use of full fields for both junior and senior events. Junior events will create a greater impact given the more frequent turnover given the shorter length of games. It is acknowledged that the use of half fields by juniors has not been considered in terms of parking numbers or traffic impacts. It is considered that the carparking for the proposal will cater for the predominant use of the complex. The parking will generally meet peak demands and will be further offset by the baseball field car park once access becomes available.	Issue addressed.
Peak demand is stated as Saturday only, however this fails to include peak demands on weekdays with training and other event traffic.	Analysis of like facilities demonstrates that peak demand will not occur during training periods during the week. The complex is unlikely to be able to cater for a high useage event such as a large tournament given the limited number of fields for each sport.	Issue addressed.
More than one access way has always been planned. The proposed access to the sporting facility is clearly the easiest and most cost effective location however the impacts caused by the additional traffic are unacceptable. Access should be from Sanctuary Drive or directly from Windsor Road.	The access to Millcroft Way has always been planned. It is acknowledged that other access points have been previously identified for access to the complex. Access was shown in the Rouse Hill/Kellyville Open Space and Recreation Plan in the vicinity of Sanctuary Drive. The access way included causeway bridges or "dry weather access only". These types of crossings would not be supported now and flood free access would be required. Flood free access has been deemed unfeasible at this stage. All other access points are not possible at this time given they traverse land owned by	Issue addressed.

ISSUE / OBJECTION	COMMENT	OUTCOME
	either Sydney Water or the Department of Planning and Environment. Development of the Department of Planning land to the west will result in an alternate access point either from Windsor Road or Sanctuary Drive however this is not part of the subject Development Application. However a condition is recommended that access be formalised when it becomes available.	
Concern is raised that the road (northern end of Millcroft Way) is not even wide enough for two passing buses.	The application now included the widening on the outside of the northern section of Millcroft Way by 2 metres (Refer Attachment 8).	Issue addressed.
On the weekends, it is already busy with cars visiting Kellyville Pets and there will soon be a landscape supplies establishment accessing via Wilkins Avenue.	The application will result in the provision of traffic lights at the intersection of Windsor Road and Millcroft Way. The traffic impacts associated with the development have been assessed in this report and deemed to be reasonable.	Issue addressed.
Off-street parking is insufficient.	The carpark accessed from Millcroft Way has been designed to cater for the expected use of the complex. The baseball field will be serviced from the western side of Caddies Creek in the future as part of the development of the Department of Planning and Environment Land.	Issue addressed.
Proposal fails to meet acoustic criteria under a number of controls, including offensive noise criteria.	The Offensive Noise Criteria is a subjective assessment. The assessment of the unreasonableness of the noise, takes into account the nature and source of the noise. Noise likely to be generated from the use of the facility is considered to be reasonable. Further comments in relation to the Offensive Noise Criteria are included in the Environmental Health Comments Section of this report.	Issue addressed.

ISSUE / OBJECTION	COMMENT	OUTCOME
Questions raised over the location of the noise logger and influence of other factors.	The acoustic assessment complies with the Industrial Noise Policy for implementation requirements and siting of data loggers as two data loggers were deployed at No. 8 Cradle Close and at the end of Millcroft Way. These two sites are considered to be the most affected noise sensitive locations.	Issue addressed.
Spectator noise modelling assumptions are not acceptable.	The spectator noise modelling used in the acoustic assessment (<i>Handbook of Acoustical Measurements and Noise Control</i> , Third Edition, Cyril M. Harris.) is consistent with other studies that provide values for spectator noise levels. Crowd noise levels have been studied by others. The levels that they report are lower than that are used by the acoustic consultant. Therefore, the spectator noise modelling assumptions are supported by scientific testing.	Issue addressed.
The 10dbA criteria should be a limit not a goal.	The noise impacts associated with a sporting facility are best controlled by the offensive noise criteria. A noise level of 'background + 10 dB' is not considered the most appropriate criteria due to the nature of noise and character of the use.	Issue addressed.
Council has failed to consider resident feedback from residents during the Sydney Water Masterplan consultation specifically that alternate recreational activities are wanted by the community rather than sporting fields.	There is significant demand within the Shire for playing fields. The facility will cater for some passive recreation use in addition to the sports facilities.	Issue addressed.
How will anti-social behaviour within the park be managed?	The management of sporting fields is controlled under the provisions of Council's Sportsground Plan of Management. Security firms engaged by Council will lock gates at night after training.	Issue addressed.
Concern regarding the location of pedestrian pathways.	The concern relating to pedestrian pathways primarily related to a path adjacent to Townsend Circuit. Consideration	Issue addressed.

ISSUE / OBJECTION	COMMENT	OUTCOME
	was given to relocating the pedestrian pathway to adjacent Barker Circuit in close proximity to the cycleway however this would require two creek crossing and create further impact on riparian land.	
A resident near Windsor Road requested Council consider rezoning properties to compensate for loss in amenity.	There are no plans to rezone any land in the immediate locality of the proposal.	Issue addressed.
The proposal will increase the Bushfire Risk.	The application was referred to the Rural Fire Service. No objection was raised to the proposal.	Issue addressed.

SUBDIVISION ENGINEERING COMMENTS

No objection subject to the recommended conditions being imposed.

SUSTAINABILITY COMMENTS

The proposal requires some removal of threatened ecological communities but the majority will be retained and rehabilitated which is likely to result in an overall better biodiversity outcome. The development application does not result in a significant impact on vegetation on the site.

The proposal requires the removal of 1.30 hectares of native vegetation (0.26ha of Cumberland Plain Woodland and 1.04ha River-flat Eucalypt Forest). A total of 11.92 hectares of Cumberland Plain Woodland (CPW) and River-flat Eucalypt Forest RFEF would be retained as vegetated open space, and additional areas would be revegetated into the future as part of a staged revegetation program. The proposed removal of native vegetation would be offset as both retained and planted CPW and RFEF would be managed to conserve and enhance biodiversity values under a Vegetation Management Plan (VMP). This would include measures for restricting public access, treatment of weed infestations and ongoing bush regeneration. This would increase the viability of native vegetation communities and may also improve potential habitat for a number of threatened species that have the potential to occur in the area.

The ecological report has acknowledged that surveys for some threatened species were not conducted under suitable conditions and have recommended preclearance surveys be undertaken to determine if specific mitigation measures are required during construction.

ENVIRONMENTAL HEALTH COMMENTS

A review has been undertaken of the contamination, salinity and acoustic reports. The recommendations of the reports are considered reasonable. A number of conditions are recommended in relation to these matters.

A comprehensive assessment of the acoustic report was carried out to determine appropriate noise levels in comparison to the assumptions provided in the acoustic assessment. Noise modelling was undertaken by the acoustical engineer and provided a worst case scenario. The scenario was all sports fields in operation, plus spectator noise, plant and equipment noise and traffic movements. The noise modelling appears to be acceptable and would not suggest the noise generated from the proposed site would unreasonably interfere with the comfort or report or cause harm.

Offensive Noise Assessment:

The offensive noise test can be applied to determine whether the proposal will be harmful or interfere unreasonably with the repose of a person outside the premises. The Protection of the Environment Operations Act 1997 defines offensive noise as:

offensive noise means noise:

- a) that, by reason of its level, nature, character or quality, or the time at which it is made, or any other circumstances:
 - (i) is harmful to (or is likely to be harmful to) a person who is outside the premises from which it is emitted, or
 - (ii) interferes unreasonably with (or is likely to interfere unreasonably with) the comfort or repose of a person who is outside the premises from which it is emitted, or
- b) that is of a level, nature, character or quality prescribed by the regulations or that is made at a time, or in other circumstances, prescribed by the regulations.

The Environmental Protection Authority has provided an offensive noise test in the *Noise Guide for Local Government (2013)*. The test considers a range of factors to determine whether the noise is offensive. Details of this assessment are:

1. *Is the noise loud either in absolute sense or relative to other noise in the area?*

Comment: A comparative of the noise modelling and average rating background noise levels reveals that the projected noise is relative to other noise in the area and does not appear to be loud.

2. *Is the noise well above background noise level?*

Comment: The scenario used for the noise modelling assessment is for all fields in operation plus spectator noise. The acoustic consultant provides a recommendation to achieve noise level to background + 10dB(A). There is only one exceedance which was 4dB(A) above the average rating background level for day time activities.

The average rating background level for the area is measured as:

Day:	37 dB(A)
Evening:	39 dB(A)
Night (10pm-7am)	32 dB(A)

3. *Does the noise include any tones, impulses or fluctuations in volume?*

Comment: No.

4. *Does the noise occur at times when unreasonable interference with comfort or repose occurs or is likely?*

Comment: The noise from the sports fields would be generated between the hours of 7am until 10pm. This does not interfere with the sleep disturbance criteria as defined in the Industrial Noise Policy (INP). Noise from the playing of sport and spectator noise would not unreasonably interfere with the comfort or repose of neighbours.

5. *How often does the noise occur?*

Comment: Noise can occur between the hours of 7am until 10pm across seven days. The noise would only be generated during the operation of the sports fields including instances of training and weekend competition.

6. *Is the volume, duration or character of the noise typical of the activity in question?*

Comment: The volume, duration and character of the noise is typical to that of sports fields. Modelling has considered competition playing, spectator noise, operation of plant and equipment and traffic movements on the site.

7. *Is the noise affecting or likely to adversely affect people's activities? (E.g. conversation, reading, studying, watching TV or sleeping?)*

Comment: No. The noise source would not adversely impact upon one's personal activities. The noise generated does not excessively exceed the background noise level and it would appear not to be unreasonable. The operation of the sports fields would not cause sleep disturbances given the hours of operation recommended. The noise could be considered as annoying, however this is not a measurable consideration. The land has been zoned for this type of land use and it is not uncharacteristic of typical uses.

8. *Is the noise typical of activities conducted in the area?*

Comment: The land use around the proposed sports field is residential. It is bound by Windsor Road to the West and residential in all other directions. The North-West Rain Link (sky rail) also traverses the most western boundary of the lot. Whilst there are no sports fields located in the area, the noise is not considered as typical for the area. However, based on the noise modelling, the noise is typical for a sports field setting.

HERITAGE COMMENTS

The proposed development will impact upon known Aboriginal artefacts / areas of significance within the site. This component of the application has been considered by the Office of Environment and Heritage (see comments below).

In relation to European Heritage, the site is in the vicinity of two (2) items of heritage interest including:

- Site of the Swan/White Hart Inn; and
- Wooden fence posts.

Both items are located outside the current proposed development area and will not be directly impacted.

NSW OFFICE OF ENVIRONMENT AND HERITAGE

General Terms of Approval have been provided from the Office of Environment and Heritage. The application involves the complete or partial destruction of five known aboriginal sites. The sites subject to part destruction will also be subject to a salvage operation. These works require the approval of Office of Environment and Heritage under an Aboriginal Heritage Impact Permit. Comments received from the Office of Environment and Heritage are included at Attachment 11 with a response from Council's applicant included at Attachment 12. In order for the works to commence, the applicant will be required to obtain approval from the Office of Environment and Heritage under an Aboriginal Heritage Impact Permit.

NSW OFFICE OF WATER

The application includes works within 40 metres of defined watercourses namely Caddies Creek, Strangers Creek, and an un-named tributary from the west. The Office of Water's comments are included at Attachment 13. No objection was raised and no further approval is required.

ROADS & TRAFFIC AUTHORITY COMMENTS

The application was referred to the Roads and Maritime Services under the provision of SEPP Infrastructure 2008. The RMS advised:

1. The proposed traffic signals at the intersection of Windsor Road/Millcroft Way shall be designed to meet Roads and Maritime requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au).

The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of a construction certificate by the Principle Certifying Authority or Council and commencement of road works.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works. The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans, a copy of the WADPack is available on www.rms.nsw.gov.au

2. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to the Principal Certifying Authority prior to the issue of a construction certificate.

Roads and Maritime has the following comments for Council's consideration in the determination of the application:

3. The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1-2004, AS2890.6-2009 and AS 2890.2 – 2002 for heavy vehicle usage.
4. Due to the nature of Millcroft Way being 7 metres in width, Council should consider installing "No Stopping" restrictions along Millcroft Way to ensure smooth traffic flow on game days.

Items 1, 2 and 3 have been incorporated into the recommended conditions of Consent. Item 4 has addressed through an amended plan relation to works in Millcroft Way.

RURAL FIRE SERVICE COMMENTS

The application was referred to the RFS given it included land identified as bushfire prone. The Service has reviewed the plans and documents received for the proposal and subsequently raise no concerns or issues in relation to bush fire.

NSW POLICE

The proposal was referred to the NSW Police Service under the Protocol between The Hills Shire Council and Castle Hill Police. The following matters were raised:

- CCTV be installed;
- Vegetation be maintained to prevent concealment;
- Provide effective lighting; and
- Minimise graffiti targets.

Comment:

The operation of the complex will be controlled under the 'Sportsgrounds Generic Plan of Management'. Council has proposed a security gate at the entrance to the carpark. The

gate is locked outside operation hours will provide protection from unauthorised access into the carpark. Generally council does not provide CCTV with its parks. Should any anti-social behaviour occur, measures will be put in place to mitigate anti-social behaviour like the rest of Council's reserves.

CONCLUSION

The proposed development has been assessed against the relevant heads of consideration under Section 79C of the Environmental Planning and Assessment Act, 1979, The Hills LEP 2012 and the provisions of The Hills DCP 2012 is considered satisfactory.

The issues raised in the submissions relating to traffic and amenity impacts, acoustic impacts, anti-social behaviour and general issues associated with the proposed use. These matters are addressed in the report and do not warrant refusal of the application.

Approval is recommended subject to conditions.

RECOMMENDATION

The Development Application be approved subject to the following conditions of consent

GENERAL MATTERS

1. Development in Accordance with Submitted Plans

The development being carried out in accordance with the following approved plans and details, stamped and returned with this consent except where amended by other conditions of consent.

REFERENCED PLANS AND DOCUMENTS

DRAWING NO.	DESCRIPTION	SHEET	REVISION	DATE
21-24027	Cover Sheet	G001	D	11/02/2015
21-24027	General Arrangement Plan	C001	D	11/02/2015
21-24027	Typical Sections Sheet 1 of 2	C005	C	11/02/2015
21-24027	Typical Sections Sheet 2 of 2	C006	C	11/02/2015
21-24027	Bulk Earthworks Plan	C011	C	11/02/2015
21-24027	Sediment and Erosion Control Plan	C015	C	11/02/2015
21-24027	Carpark 1 – Football Fields Plan Sheet 1 of 2	C021	C	11/02/2015
21-24027	Carpark 1 – Football Fields Plan Sheet 2 of 2	C022	C	11/02/2015
21-24027	Carpark 2 – Baseball Field Plan	C025	C	11/02/2015
21-24027	Lighting Plan	E001	C	11/02/2015
1408-017	Landscape Concept Plan – DA Site Extent Area	L001	B	28/01/2015
1408-017	Landscape Concept Plan – Sports Complex Area	L002	B	28/01/2015
1408-017	Landscape Cross Sections – Sheet 1	L003	B	28/01/2015

1408-017	Landscape Cross Sections – Sheet 2	L004	B	28/01/2015
-	Proposed road widening in Millcroft Way and on-street parking arrangements	-		24/07/2015
1431	Baseball Amenities Block - Plans	B01	B	15/12/2014
1431	Baseball Amenities Block - Elevations	B02	B	15/12/2014
1431	Baseball Amenities Block - Section	B03	B	15/12/2014
1431	Soccer Amenities Block - Plans	S01	B	15/12/2014
1431	Soccer Amenities Block - Elevations	S02	B	15/12/2014
1431	Soccer Amenities Block - Section	S03	B	15/12/2014

No work (including excavation, land fill or earth reshaping) shall be undertaken prior to the issue of the Construction Certificate, where a Construction Certificate is required.

2. Compliance with Office of Environment and Heritage Requirements

Compliance with the requirements of the Office of Environment and Heritage attached as Appendix A to this consent and dated 7 April 2015.

3. Compliance with Office of Water Requirements

Compliance with the requirements of the Office of Water attached as Appendix B to this consent and dated 16 April 2015.

4. Construction Certificate

Prior to construction of the approved development, it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans submitted with the Construction Certificate are to be amended to incorporate the conditions of the Development Consent.

5. Building Work to be in Accordance with BCA

All building work must be carried out in accordance with the provisions of the Building Code of Australia.

6. Management of Construction Waste

Waste materials must be appropriately stored and secured within a designated waste area onsite at all times, prior to its reuse onsite or being sent offsite. This includes waste materials such as paper and containers which must not litter the site or leave the site onto neighbouring public or private property. A separate dedicated bin must be provided onsite by the builder for the disposal of waste materials such as paper, containers and food scraps generated by all workers. Building waste containers are not permitted to be placed on public property at any time unless a separate application is approved by Council to locate a building waste container in a public place. Any material moved offsite is to be transported in accordance with the requirements of the Protection of the Environment Operations Act 1997 and only to a place that can lawfully be used as a waste facility. The separation and recycling of the following waste materials is required: metals, timber, masonry products and clean waste plasterboard. This can be achieved by source separation onsite, that is, a bin for metal waste, a bin for timber, a bin for bricks and so on. Alternatively, mixed waste may be stored in one or more bins and sent to a waste contractor or transfer/ sorting station that will sort the waste on their premises for

recycling. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them

7. Tree Removal & Fauna Protection

Approval is granted for removal of trees within the development footprint and up to two (2) metres from the outer perimeter of the development footprint. All other trees are to remain. Retained trees and native vegetation is to be protected in accordance with the approved Vegetation Management Plan.

During any tree removal, an experienced wildlife handler is to be present to re-locate any displaced fauna that may be disturbed during this activity (please note only appropriately vaccinated personnel are to handle bats). Any injured fauna is to be appropriately cared for and released on site when re-habilitated.

Trees shall be lopped in such a way that the risk of injury or mortality to fauna is minimised, such as top-down lopping, with lopped sections gently lowered to the ground, or by lowering whole trees to the ground with the “grab” attachment of a machine.

Potential habitat, including thick stands of Allocasuarina shall be searched for resident fauna such as ringtail possum dreys or other signs of fauna occupancy.

8. Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the formal approval of Council prior to works commencing onsite. Any unauthorized disposal of waste, which includes excavated material, is a breach of the Protection of the Environment Operations Act 1997 and subject to substantial penalties. Receipts of all waste/ recycling tipping must be kept onsite at all times and produced in a legible form to any authorised officer of the Council who asks to see them.

9. Acoustic Requirements

The recommendations of the Acoustic Assessment and Report prepared by GHD Pty Ltd, referenced as Caddies Creek Sports Facility, dated January 2015 and submitted as part of the Development Application are to be implemented as part of this approval. In particular: Section 6 – Recommendations:

- Time restrictions will be applied to operations of the proposal site, as per Council's 'Playing Fields Policy and Conditions of Hire (2013)':
 - No activity is to commence prior to 7.00 am on any day.
 - No competitive sport is to commence prior to 8.00 am on any day.
 - No playing field activity is to occur after 10.00 pm on any day.
 - Floodlights are to be turned off by 9.30 pm without exception.
- The quiet enjoyment of property owners adjoining reserves is not to be disturbed by excessive noise, offensive language or behaviour or any other activity likely to cause disturbance.
- Ensure players, trainers and other site users are aware of potential noise impacts and minimise the use of loud shouting and whistles as far as practicable.

10. Contamination Assessment & Site Remediation

The recommendations of the Site Assessment and Report prepared by Environmental Investigation Services Pty Ltd, referenced as E27876KBrpt, dated 27 November 2014 and submitted as part of the Development Application are to be implemented as part of this approval. In particular:

- Undertake a preliminary Stage 2 Environmental Site Assessment (ESA). The ESA should target the Area of Environmental Concern (AEC) identified in the Tier 1 Risk Assessment (see attached Figure 3). If the AEC pose a risk to receptors, a Remediation Action Plan (RAP) should be prepared for the site; and
- Undertake a soil and groundwater salinity assessment and prepare a site specific salinity management plan for the development.

11. Vehicular Access and Parking

The formation, surfacing and drainage of all driveways, parking modules, circulation roadways and ramps are required, with their design and construction complying with:

- a) AS/ NZS 2890.1
- b) AS/ NZS 2890.6
- c) AS 2890.2
- d) Council's DCP Part C Section 1 – Parking
- e) Council's Driveway Specifications

Where conflict exists the Australian Standard must be used.

The following must be provided:

- i. All driveways and car parking areas must be prominently and permanently line marked, signposted and maintained to ensure entry and exit is in a forward direction at all times and that parking and traffic circulation is appropriately controlled.
- ii. All driveways and car parking areas must be separated from landscaped areas by a low level concrete kerb or wall.
- iii. All driveways and car parking areas must be concrete or bitumen. The design must consider the largest design service vehicle expected to enter the site. In rural areas, all driveways and car parking areas must provide for a formed all weather finish.
- iv. All driveways and car parking areas must be graded, collected and drained by pits and pipes to a suitable point of legal discharge.

12. Protection of Public Infrastructure

Council must be notified of any damage to public infrastructure caused by the development. Adequate protection must be provided prior to work commencing and maintained during building operations. Any damage caused must be made good, to the satisfaction of Council, before an Occupation Certificate can be issued. Public infrastructure includes the road pavement, kerb and gutter, concrete footpaths, drainage structures, utilities and landscaping fronting the site.

PRIOR TO THE ISSUE OF A CONSTRUCTION CERTIFICATE

13. Approved Plans to be Submitted to Sydney Water

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, stormwater drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details – See building and Developing then Quick Check and
 - Guidelines for Building Over/Adjacent to /Sydney Water Assets – see Building and Developing then Building and Renovating.
- or telephone 13 20 92.

14. Vegetation Management Plan

A Vegetation Management Plan must be prepared for the areas of retained and rehabilitation areas in accordance with Council's *Vegetation Management Plan Guidelines* (available on Council's website <http://www.thehills.nsw.gov.au>). The Plan must be prepared by a suitably qualified bush regenerator or restoration ecologist with a minimum

Certificate III Natural Area Restoration. The Plan must be submitted to The Hills Shire Council's Manager – Environment and Health for approval.

The Vegetation Management Plan must include details relating to:

- The rehabilitation and management of native vegetation.
- The location and type of temporary and permanent protection fencing required.
- Mitigation measures required during the construction phase to protect existing biodiversity as specified in Chapter 6 of the Ecology Assessment prepared by GHD dated 2015.

15. Landscape Plan

The landscape plan is to be updated to provide details of all species proposed to be used for landscaping purposes. Plants are to be selected from the Cumberland Plain Woodland and/or River-flat Eucalypt Forest communities and be of local provenance. The list below provides a guide to suitable shade and feature trees species.

<i>Angophora floribunda</i>	Rough-barked Apple
<i>Angophora subvelutina</i>	Broad-leaved Apple
<i>Callistemon salignus</i>	Willow Bottlebrush
<i>Casuarina cunninghamiana</i> subsp. <i>cunninghamiana</i>	River Oak
<i>Melaleuca decora</i>	White Feather Honey myrtle
<i>Melaleuca linariifolia</i>	Flax-leaved Paperbark
<i>Melaleuca styphelioides</i>	Prickly-leaved Paperbark
<i>Tristaniopsis laurina</i>	Water Gum

16. Salinity Management Plan

A salinity assessment of soil and ground water must be undertaken for the development proposal and provided to Council for review.

Where salinity has been identified on the site, the report must also address these findings with regard to the impact of the development on the saline environment and the impact of the saline environment on the development.

Consideration should be given to all relevant Australian Standards or provisions referred to in the Building Code of Australia (BCA) that relate to the type and method of construction for all private and public assets proposed within to be constructed in the saline environment. An approach to address salinity treatments for the entire development site may be summarised in a Salinity Management Plan (SMP).

Where a SMP or salinity recommendations are provided in any assessment, the report shall address the impact of salinity on the approved development these works must be incorporated into the building specifications which are to be provided to the Consent Authority prior to the issuing of the Construction Certificate.

17. Works on Adjoining Land

Where the engineering works included in the scope of this approval extend into adjoining land, written consent from all affected adjoining property owners must be obtained and submitted to Council before a Construction Certificate is issued.

18. Works in Existing Easement

All adjoining properties either benefited or burdened by the existing easement must be notified of the proposed works within the easement in writing, including commencement and completion dates, before a Construction Certificate is issued.

19. Engineering Works and Design

The design and construction of the engineering works listed below must be provided for in accordance with the following documents and requirements:

- a) Council's Design Guidelines Subdivisions/ Developments
- b) Council's Works Specifications Subdivisions/ Developments

Variation from these documents can only be approved by Council's Manager – Subdivision and Development Certification.

Engineering works can be classified as either “subdivision works” or “building works” as categorised below:

1. Works within an existing or proposed public road, or works within an existing or proposed public reserve. These works can only be approved, inspected and certified by Council in accordance with the Roads Act 1993 and the Local Government Act 1993 respectively. For Council to issue this approval the following must be provided:
 - a) A completed application form.
 - b) An electronic copy of the design plans and accompanying documentation.
 - c) Payment of the applicable application and inspection fees.
 - d) Payment of any required security bonds.
2. Works within the development site, or an adjoining private property, that relates to existing or proposed Council infrastructure assets, such as the laying of a stormwater pipeline or the formation of an overland flow path within a public drainage easement. These works can only be approved, inspected and certified by Council because Council will have an ongoing risk exposure and management/ maintenance liability with respect to these assets once completed.

A “compliance certificate” as per Section 109(1)(a)(ii) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the detailed design for these works complies with the requirements listed and the above documents. This “compliance certificate” can be issued by Council's Manager – Subdivision and Development Certification and not a private certifier, as discussed. Once approved, the works must be carried out under the supervision of Council's Construction Engineer in accordance with the terms attached to the issued “compliance certificate”. Post construction, a further “compliance certificate” as per Section 109(1)(a)(i) of the Environmental Planning and Assessment Act 1979 can be issued certifying that the as-built infrastructure and associated works have been carried out to the satisfaction of Council's Construction Engineer. Alternatively, these works can be incorporated into any construction approval granted under category (1) above.

3. Works within the development site, or adjoining private properties, that do not relate to existing or proposed Council infrastructure assets, such as water sensitive urban design elements or inter-allotment drainage pipelines. Such works can be approved, inspected and certified by either Council or a private certifier, so long as the private certifier is accredited to do so.

This certification must be included with the documentation approved as part of any Construction Certificate. The designer of the engineering works must be qualified, experienced and have speciality knowledge in the relevant field of work.

The following engineering works are required:

i. Stormwater Management

In order to ensure the proposed development does not have adverse impact on the existing flood behaviour over the catchment and provision of adequate flood protection measures to the development based on best engineering practices of floodplain and water quality management, and infrastructure assets, works shall include the following but not limited to:

- Bulk Earth Works
- Finished levels of the sports complex and playing fields
- Vehicular Access Roads and Carparks

- Creeks Rehabilitation Works and associated structures
- Site Drainage and Water Sensitive Urban Design measures
- Shared Paths, Light Weight Vehicle and Pedestrian Bridges

All detailed design and construction drawings shall be prepared in accordance with:

- a) Caddis Creek Reserve Flood Assessment Report, prepared by GHD, February 2015
- b) Caddis Creek Reserve TUFLOW Models received by Council from GHD, 02 April 2015
- c) Caddis Creek Engineering Design Report, prepared by GHD, February 2015
- d) Caddis Creek Reserve – Engineering Design Drawings Ref: 21-24027-G001 Revision D and associated set of drawings prepared by GHD, February 2015
- e) Water Sensitive Urban Design – Technical Guidelines for Western Sydney, 2004, <http://www.wsud.org/tech.htm>; and
- f) Australian Runoff Quality – A Guide to Water Sensitive Urban Design, 2005, <http://www.ncwe.org.au/arq/>.

NOTE:

The re-vegetation proposal is not part of the current development application.

Flood impacts reported on by GHD with the revegetation scenario will be subject to further investigation, and consultation with Sydney Water and the adjoining site owned by the NSW State Government.

ii. Structural Certification

Certification from Structural Engineer is required confirming that all proposed structures are designed to withstand the forces of floodwater, debris and buoyancy up to and including Flood Planning Level (FPL) 3 (1 in 100 year ARI flood level).

iii. Flood Compatibility

Engineer's Certification is required confirming all structures have flood compatible building components below Flood Planning Level (FPL) 3 (1 in 100 year ARI flood level).

iv. Stormwater Drainage – Creek Outlets and Scour protection

Piped stormwater outlets/ connections to a natural watercourse must comply with the requirements of Council and the NSW Office of Water (as well as Sydney Water, in the case of stormwater management land).

v. External Water

Appropriate drainage measures including temporary/permanent piped drainage or grass swales must be installed to intercept, control and redirect surface stormwater runoff from upstream developed and/or undeveloped properties.

20. Flood Emergency Response Plan

Prior to the issue of Construction Certificate a site specific Flood Emergency Response Plan must be prepared and be made available onsite for implementation. The Flood Emergency Response Plan is to be specifically focused on the proposed landuse, various stages (construction and occupation) of the development and the site conditions in conjunction with flood behaviour up to and greater than the 100 year ARI flood event experienced at the site.

Preparation of the Flood Emergency Response Plan is to utilise information provided within the Flood Assessment carried out for the and rely on the State Emergency Service (SES) Floodsafe Toolkit for Recreational Activities, available at the SES website <http://www.ses.nsw.gov.au/topics/6471.html>, addressing specific actions in regard to:

- Preparing for a flood;
- Responding when a flood is likely;
- Responding during a flood; and
- Recovery after a flood.

NOTE: The site specific Flood Emergency Response Plan is to be certified by a suitably qualified emergency management specialist, experienced in emergency urban flash flooding response prior to submission.

21. Sediment and Erosion Control Plan

A sediment and erosion control plan prepared in accordance with Council's Works Specification Subdivision/ Developments must be submitted. The plan must include:

- a) Allotment boundaries;
- b) Adjoining roads;
- c) Contours;
- d) Existing vegetation;
- e) Existing site drainage;
- f) Critical natural areas;
- g) Location of stockpiles;
- h) Erosion control practices;
- i) Sediment control practices; and
- j) A maintenance program for the erosion and sediment controls.

22. Construction Management Plan

Prior to the issuing of a Construction Certificate a Construction Management Plan must be submitted to Council's Manager – Subdivision and Development Certification for approval. The Construction Management Plan must specifically address each of the following matters:

- Timing of the works.
- Staging of the works.
- Parking for construction traffic within and around the site during construction.
- Movements of construction vehicles associated with the earthworks.

23. Roads and Maritime Services – Traffic Signals

The proposed traffic signals at the intersection of Windsor Road/Millcroft Way shall be designed to meet Roads and Maritime requirements. The Traffic Control Signal (TCS) plans shall be drawn by a suitably qualified person and endorsed by a suitably qualified practitioner.

The submitted design shall be in accordance with Austroads Guide to Road Design in association with relevant Roads and Maritime supplements (available on www.rms.nsw.gov.au).

The certified copies of the civil design plans shall be submitted to Roads and Maritime for consideration and approval prior to the release of a construction certificate by the Principle Certifying Authority or Council and commencement of road works.

Roads and Maritime fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of works. The developer will be required to enter into a Works Authorisation Deed (WAD) for the abovementioned works. Please note that the WAD will need to be executed prior to Roads and Maritime assessment of the detailed civil design plans, a copy of the WADPack is available on www.rms.nsw.gov.au

PRIOR TO WORK COMMENCING ON THE SITE

24. Principal Certifying Authority

A sign is to be erected in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000.

25. Consultation with Service Authorities

Applicants are advised to consult with Telstra, NBN Co and Australia Post regarding the installation of telephone conduits, broadband connections and letterboxes as required.

Unimpeded access must be available to the electricity supply authority, during and after building, to the electricity meters and metering equipment.

The building plans must be submitted to the appropriate Sydney Water office to determine whether the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements. If the development complies with Sydney Water's requirements, the building plans will be stamped indicating that no further requirements are necessary.

26. Approved Temporary Closet

An approved temporary closet connected to the sewers of Sydney Water, or alternatively an approved chemical closet is to be provided on the land, prior to building operations being commenced.

27. Pre-Clearance Surveys

Prior to construction targeted surveys are to be undertaken by a qualified ecologist under appropriate conditions for the following species:

- Spiked Rice Flower (*Pimelea spicata*)
- Green and Golden Bell Frog (*Litoria aurea*)
- Cumberland Plain Land Snail (*Meridolum corneovirens*)

If these species are found to be present on site, suitable mitigation measures are to be developed and a sub-plan to the Vegetation Management Plan must be prepared to reduce the potential for adverse impacts on this species as a result of the proposal and to manage the species into the future. The sub-plan is to be provided to The Hills Shire Council's Manager – Environment and Health for approval.

28. Erosion and Sedimentation Controls

Erosion and sedimentation controls shall be in place prior to the commencement of site works and maintained throughout construction activities, until the site is landscaped and/or suitably revegetated. These requirements shall be in accordance with *Managing Urban Stormwater – Soils and Construction (Blue Book)* produced by the NSW Department of Housing.

This will include, but not be limited to a stabilised access point and appropriately locating stockpiles of topsoil, sand, aggregate or other material capable of being moved by water being stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

29. Traffic Control Plan

A Traffic Control Plan is required to be prepared and submitted to Council's Manager Infrastructure and Transport Planning for approval. The person preparing the plan must have the relevant accreditation to do so. Where amendments to the plan are required post approval, they must be submitted to Council for further approval prior to being implemented.

A plan that includes full (detour) or partial (temporary traffic signals) width road closure requires separate specific approval from Council. Sufficient time should be allowed for this to occur.

30. Erection of Signage – Supervision of Work

In accordance with Clause 98A(2) of the Environmental Planning and Assessment Regulations 2000, a sign is to be erected in a prominent position displaying the following information:

- a) The name, address and telephone number of the Principal Certifying Authority;
- b) The name and telephone number (including after hours) of the person responsible for carrying out the works;
- c) That unauthorised entry to the work site is prohibited.

This signage must be maintained while the subdivision work is being carried out and must be removed upon completion.

31. Contractors Details

In accordance with Section 109E(3) of the Environmental Planning and Assessment Act 1979, the contractor carrying out the subdivision works must have a current public liability insurance policy with an indemnity limit of not less than \$10,000,000.00. The policy must indemnify Council from all claims arising from the execution of the works. A copy of this insurance must be submitted to Council prior to works commencing.

32. Public Infrastructure Inventory Report

A public infrastructure inventory report must be prepared recording the condition of all public assets in the direct vicinity of the development site. This includes, but is not limited to, the road fronting the site along with any access route used by heavy vehicles. If uncertainty exists with respect to the necessary scope of this report, it must be clarified with Council before works commence. The report must include:

- a) Planned construction access and delivery routes; and
- b) Dated photographic evidence of the condition of all public assets.

DURING CONSTRUCTION

33. Delivery of Fill

Trucks delivering fill to the site are to primarily use alternate access through Sydney water land off Windsor Road. Fill trucks using Millcroft Way is to be avoided where possible and is not permitted on weekends.

34. Hours of Work

Work on the project to be limited to the following hours: -

Monday to Friday - 7.00am to 5.00pm;

Saturday – 8.00am to 1.00pm

No work to be carried out on Sunday or Public Holidays.

The builder/contractor shall be responsible to instruct and control sub-contractors regarding the hours of work. Council will exercise its powers under the Protection of the Environment Operations Act, in the event that the building operations cause noise to emanate from the property on Sunday or Public Holidays or otherwise than between the hours detailed above.

35. Compliance with Critical Stage Inspections and Other Inspections Nominated by the Principal Certifying Authority

Section 109E(3)(d) of the Act requires certain specific inspections (prescribed by Clause 162A of the Regulations) and known as “Critical Stage Inspections” to be carried out for building work. Prior to permitting commencement of the work, your Principal Certifying Authority is required to give notice of these inspections pursuant to Clause 103A of the Regulations.

N.B. An Occupation Certificate cannot be issued and the building may not be able to be used or occupied where any mandatory critical stage inspections or other inspections required by the Principal Certifying Authority are not carried out.

Where Council is nominated as Principal Certifying Authority, notification of all inspections required is provided with the Construction Certificate approval.

NOTE: You are advised that inspections may only be carried out by the PCA unless by prior agreement of the PCA and subject to that person being an accredited certifier.

36. Contamination

Ground conditions are to be monitored and should evidence such as, but not limited to, imported fill and/or inappropriate waste disposal indicate the likely presence of contamination on site, works are to cease, Council's Manager- Environment and health is to be notified and a site contamination investigation is to be carried out in accordance with *State Environmental Planning Policy 55 – Remediation of Land*.

The report is to be submitted to Council's Manager – Environment and Health for review prior to works recommencing on site.

37. Construction and Fit-out of Food Premises

To ensure that adequate provision is made for the cleanliness and maintenance of all food preparation areas, all work involving construction or fitting out of the premises shall comply with the requirements of *Australian Standard AS 4674-2004 – Design, construction and fit-out of food premises* and the provisions of the Food Standards Code (Australia). This includes, but is not limited to:

- The intersection of floors with walls and exposed plinths in food preparation, storage and serving areas are to be coved.
- All walls are to be solid construction. Solid construction is defined as brick, concrete blocks, structural fibrous cement or preformed panels that are filled with suitable material.
- Pipes and conduits adjacent to walls are to be set a minimum of 25mm off wall face with brackets. Pipes and conduits entering floors, walls or ceilings are to be fitted with a flange and all gaps fully sealed.
- Hand wash basins:
 - o Must be provided, not obstructed and accessible at bench height and no further than 5 metres from any place where open food is handled or prepared; and
 - o Must be fitted with a tap that operates hands free with a permanent supply of warm running potable water delivered through a single outlet.

Note: Copies of AS 4674-2004 may be obtained from www.saiglobal.com by visiting the website: www.saiglobal.com and copies of the Food Safety Standards Code (Australia) may be obtained from Food Standards Australia New Zealand by visiting the following website www.foodstandards.gov.au.

38. Standard of Works

All work must be carried out in accordance with Council's Works Specification Subdivisions/ Developments and must include any necessary works required to make the construction effective. All works, including public utility relocation, must incur no cost to Council.

PRIOR TO ISSUE OF AN OCCUPATION CERTIFICATE

39. Validation report

A validation report shall be submitted to the Principal Certifying Authority. The report shall include:

- The degree of contamination originally present; and

- The type of remediation processes that have been carried out.

40. Traffic Signals

Prior to the operation of the reserve for competitive sport, traffic signals at the intersection of Windsor Road and Millcroft Way must be operational.

41. Road Widening - Millcroft Way

Proposed Road widening of Millcroft Way must be completed prior to issue of occupation certificate. Refer: Design concept 'Millcroft Way – Road Widening Design Plan' dated 24 June 2015 prepared by The Hills Shire Council. . Owners of land affected by the proposed verge works are to be notified in accordance with Council's standard practice.

42. Completion of Engineering Works

An Occupation Certificate must not be issued prior to the completion of all engineering works covered by this consent, in accordance with this consent.

43. Works as Executed Plans

Works as executed (WAE) plans prepared by a suitably qualified engineer or registered surveyor must be submitted to Council when the subdivision works are completed. The WAE plans must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments.

The plans must be accompanied by pavement density results, pavement certification, concrete core test results, site fill results, structural certification, CCTV recording, signage details and a public asset creation summary, where relevant.

44. Confirmation of Pipe Locations

A letter from a registered surveyor must be provided with the WAE plans certifying that all pipes and drainage structures are located within the proposed drainage easements.

45. Public Asset Creation Summary

A public asset creation summary must be submitted with the WAE plans. A template is available on Council's website.

46. Stormwater CCTV Recording

All piped stormwater drainage systems and ancillary structures which will become public assets must be inspected by CCTV. A copy of the actual recording must be submitted electronically for checking.

47. Construction Certification of Bridge Structures

A certificate of structural adequacy prepared by a suitably qualified and practicing structural engineer must be submitted with the WAE plans certifying that the bridge has been built in accordance with the approved design. An itemised list detailing the quantity, length and tendered cost of each bridge component and associated works must also be submitted, along with a maintenance schedule.

48. Public Infrastructure Inventory Report - Post Construction

Before an Occupation Certificate is issued, an updated public infrastructure inventory report must be prepared to identify any damage to public assets and the means of rectification.

49. Flood Extent Map and Certifications

Flood protection measures as recommended in the Flood Assessment Report must be completed prior to the issuing of an Occupation Certificate.

The following documentation is required to be prepared and submitted upon completion of the above works and prior to a final inspection:

- a) A plan of survey prepared by a registered surveyor that shows the various storm events including 2 year, 20 year and 100 year ARI storm flood levels associated with creeks. The plan must reflect the works carried out as shown on the WAE plans for the development and clearly indicate the extent of inundation for the above storm event(s).

- b) A certificate from a suitably accredited engineer verifying that the floor levels comply with the approved plans, in accordance with the recommendation of the Flood Assessment report by GHD, February 2015.
- c) A certificate of structural adequacy prepared by a suitably qualified and practicing structural engineer must be submitted with the WAE plans certifying that the all structures to withstand the forces of floodwater, debris and buoyancy as designed and approved.

THE USE OF THE SITE

50. Site Management – Vegetation Management Plan

The native vegetation management zones must be maintained in accordance with the approved Vegetation Management Plan.

51. Park Operation and Lighting

The operation of the complex will be controlled under the 'Sportsgrounds Generic Plan of Management'. The sporting fields will generally operate from 8.00am to 5.00pm on weekends and until 9.30pm on week nights for training. Flood lighting is turned off automatically at 9.30pm.

Any lighting on the site shall be designed so as not to cause a nuisance to other residences in the area or to motorists on nearby roads and to ensure no adverse impact on the amenity of the surrounding area by light overspill. All lighting shall comply with the *Australian Standard AS 4282:1997 Control of Obtrusive Effects of Outdoor Lighting*.

52. Offensive Noise - Acoustic Report

The proposed use of the premises and/or machinery equipment installed must not create offensive noise so as to interfere with the amenity of the neighbouring properties.

Should an offensive noise complaint be received and verified by Council an acoustic assessment is to be undertaken (by an appropriately qualified consultant), and an acoustic report is to be submitted to Council's Manager – Environment and Health for review. Any noise attenuation recommendations directed by Council's Manager – Environment and Health must be implemented.

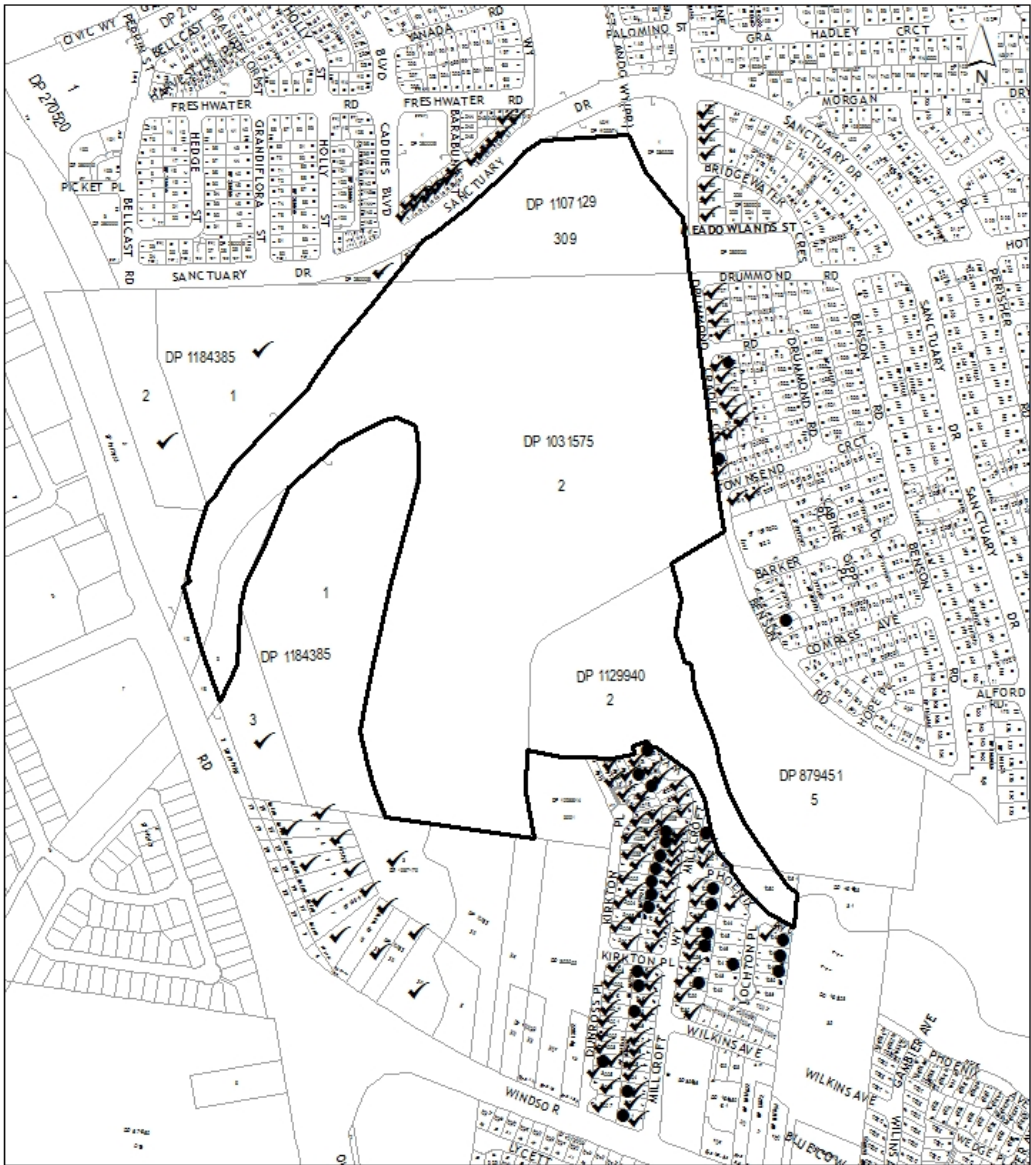
53. Access to Baseball Field Carpark

There is currently no vehicle access to the baseball carpark located beside the baseball field. Upon development of the adjoining land (lot 1 DP 1184385), vehicle access is to be provided the baseball carpark. In the interim, the baseball carpark is not to be used for vehicle parking.

ATTACHMENTS

1. Locality Plan
2. Aerial Photograph
3. Zoning Map
4. DCP Extract
5. Kellyville Rouse Hill Open Space Study Extract
6. Site Plan
7. Landscape Concept Plan
8. Bulk Earthworks Plan
9. Lighting Plan
10. Road Widening Plan
11. Office of Environment and Heritage General Terms of Approval
12. Response to Office and Environment and Heritage comments
13. Office of Water comments
14. Peer Review Comments

ATTACHMENT 1 – LOCALITY PLAN



- ☐ SUBJECT SITE
- ✓ PROPERTIES NOTIFIED
- SUBMISSIONS RECEIVED

NOTE: THE HILLS DISTRICT HISTORICAL SOCIETY, RMS AND BLACKTOWN CITY COUNCIL ALSO NOTIFIED

THREE SUBMISSIONS RECEIVED OFF THE SCOPE OF THIS MAP

THE HILLS
Sydney's Garden Shire

THE HILLS SHIRE COUNCIL

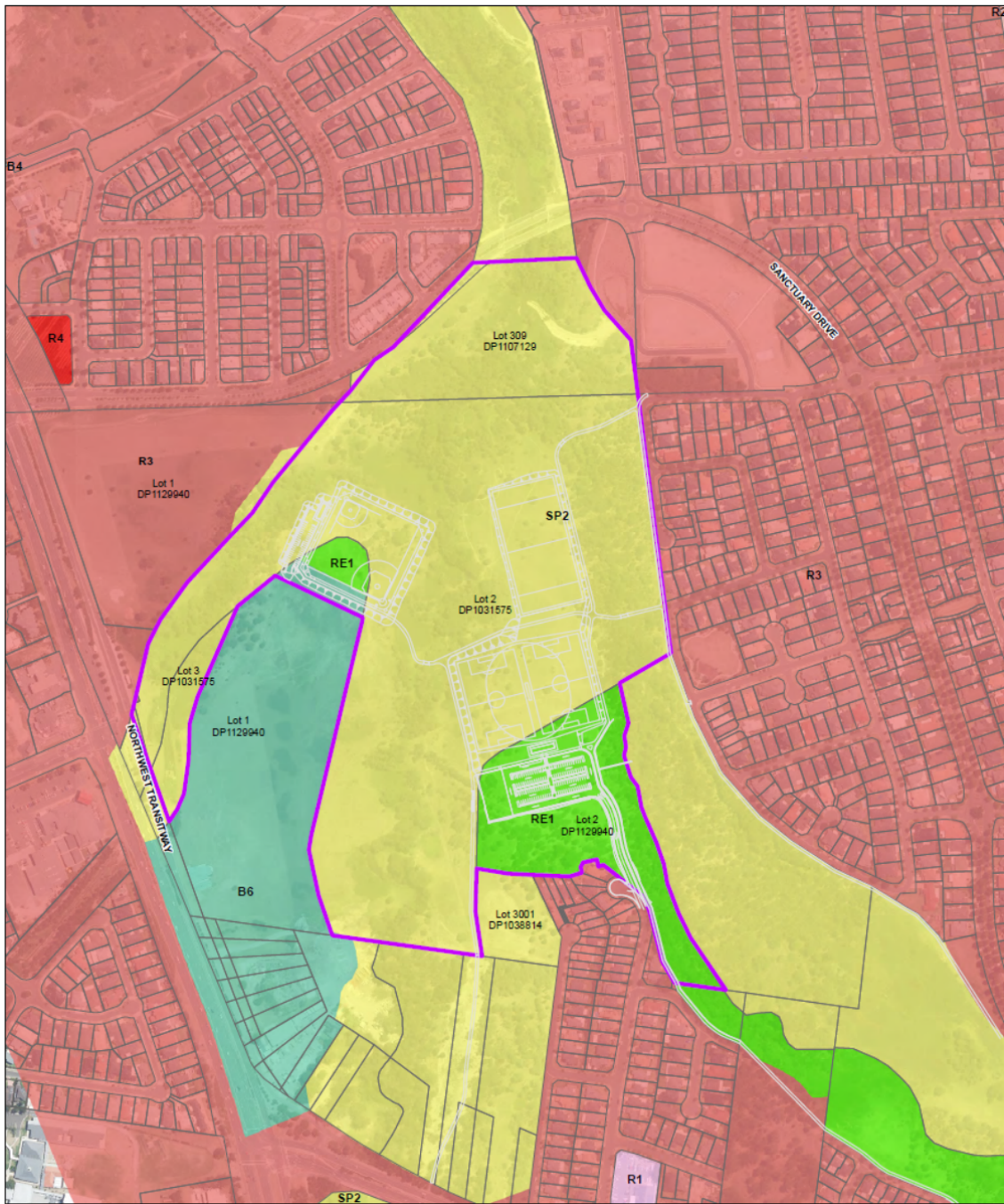
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BASE CADASTRE COPYRIGHT LAND & PROPERTY INFORMATION NSW (LPI). CADASTRE UPDATE INCLUDING COUNCIL GENERATED DATA IS SUBJECT TO THSC COPYRIGHT.

ATTACHMENT 2 – AERIAL PHOTOGRAPH



ATTACHMENT 3 – ZONING MAP



ATTACHMENT 4 – DCP MAP EXTRACT



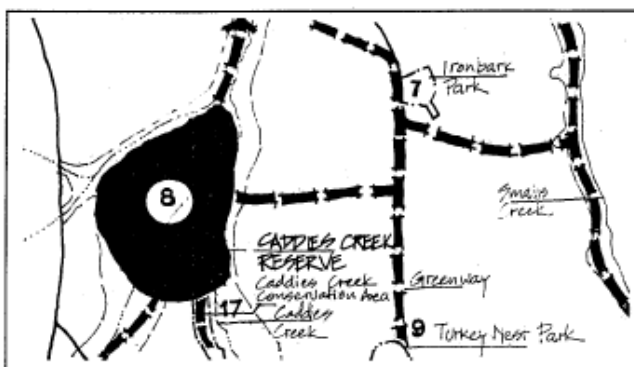
park

p. eight

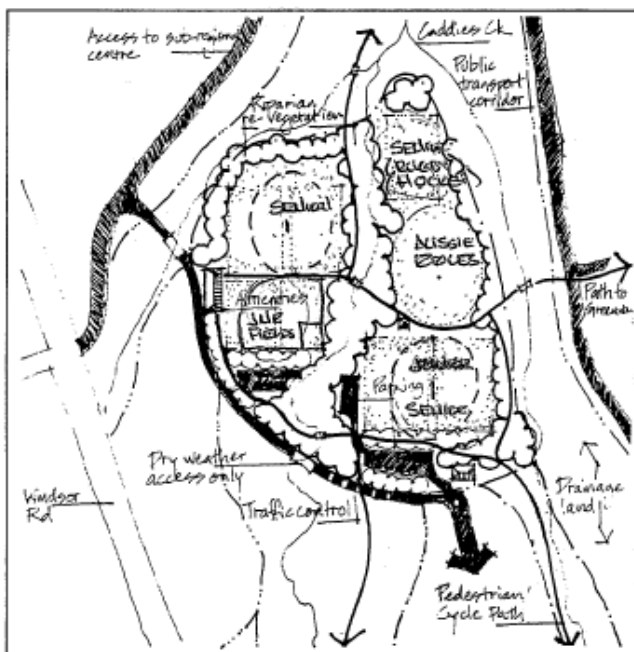
Caddies Creek Reserve



location



context



concept

n.t.s.

CLASSIFICATION:

Sports Complex

AREA

16.47 hectares

SITE

Creekline, pasture (largely flood prone)

LINKS

Major open space link via Caddies Creek conservation area
Links to sub-regional centre and Greenway.

LANDSCAPE FEATURES

Adjacent to Caddies Creek -
Riparian habitat
Gentle slopes

PROPOSED FACILITIES

Ovals, cricket nets
Basketball courts
Parking, fencing, lighting
Amenities block
Pedestrian bridges
Parking
BBQ facilities

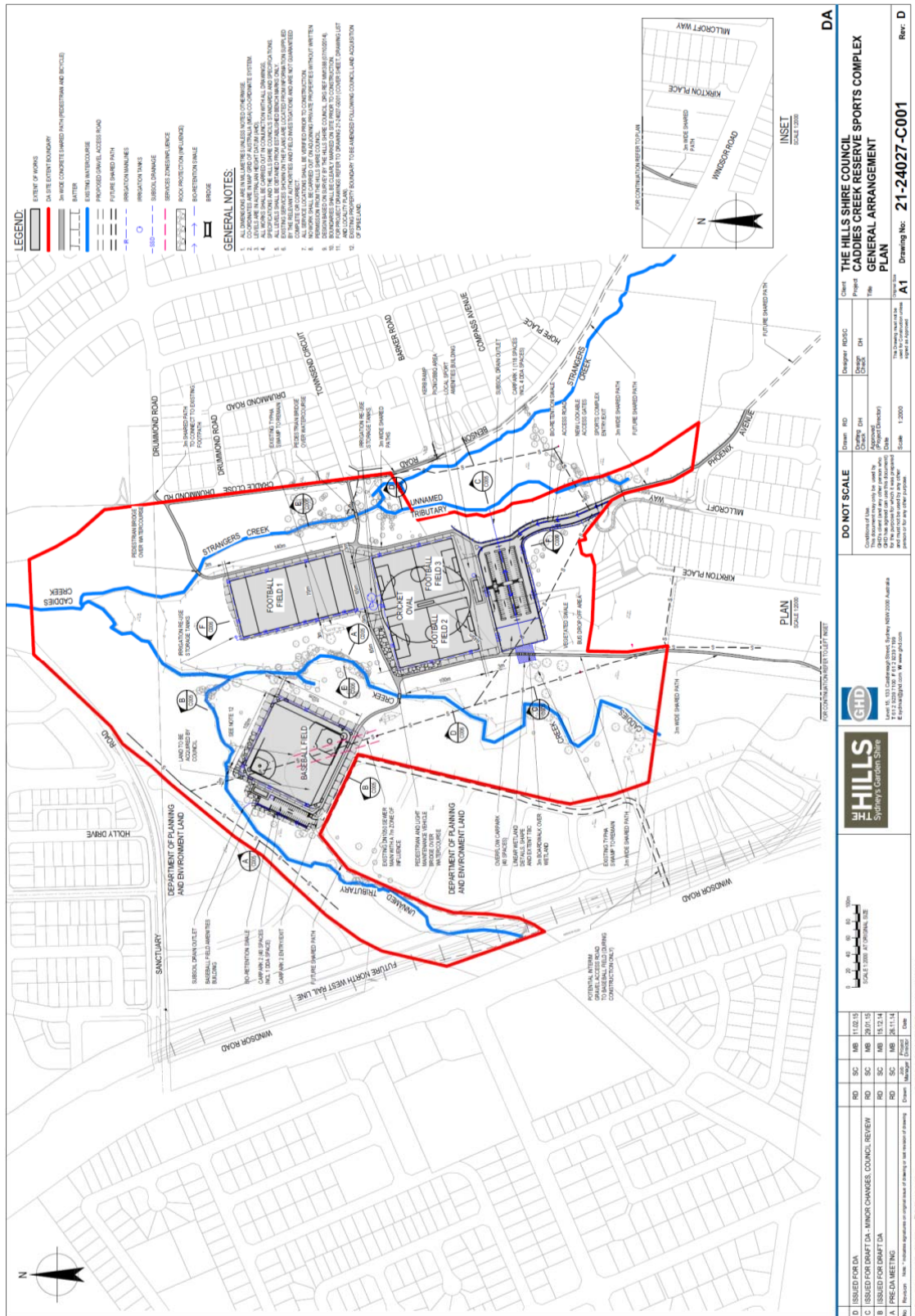
PLANTING THEMES

Creekline:

Eucalyptus tereticornis
Eucalyptus amplifolia
Casuarina glauca
Melaleuca decora

Park area:

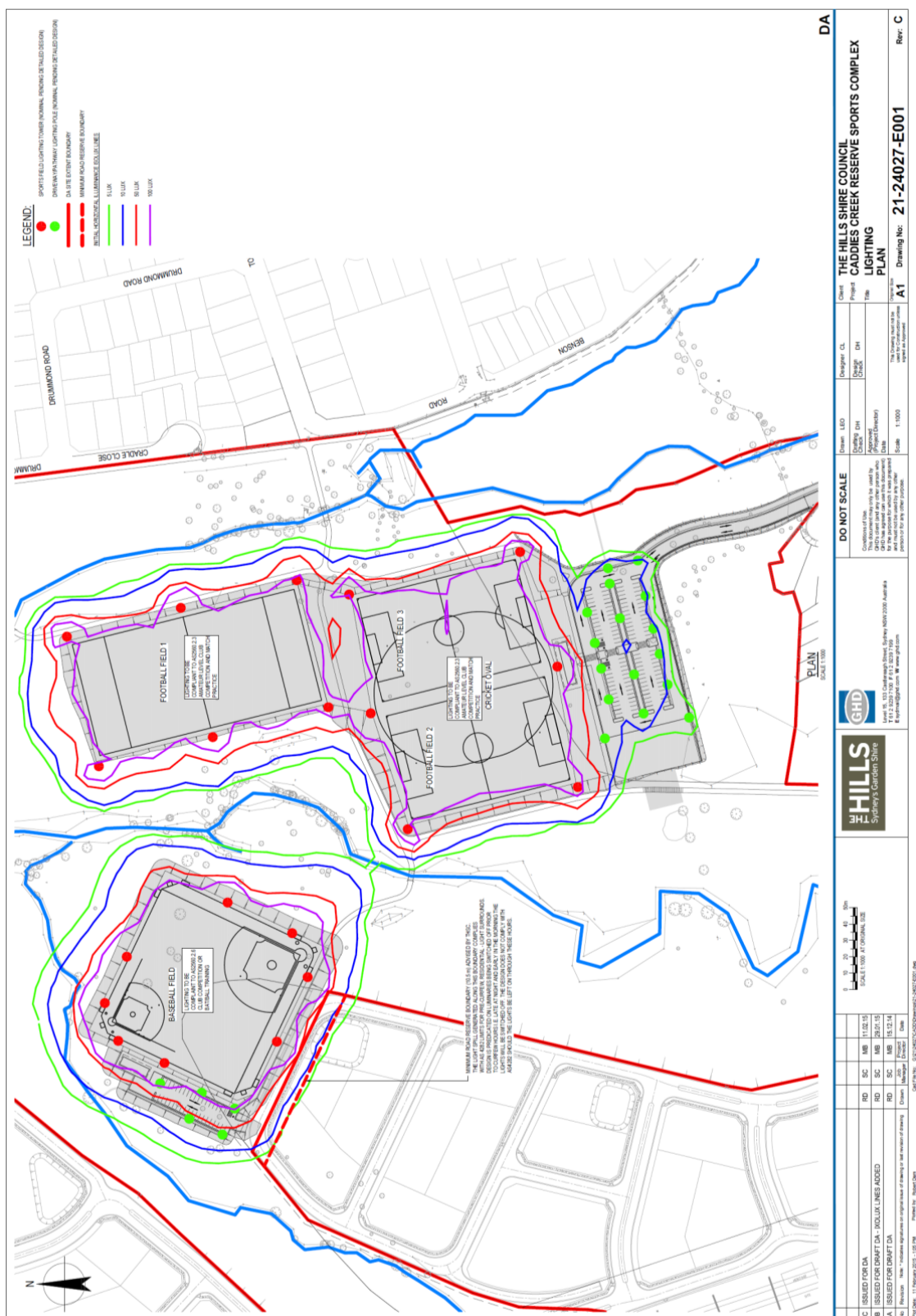
Platanus x acerifolia
Liriodendron tulipifera

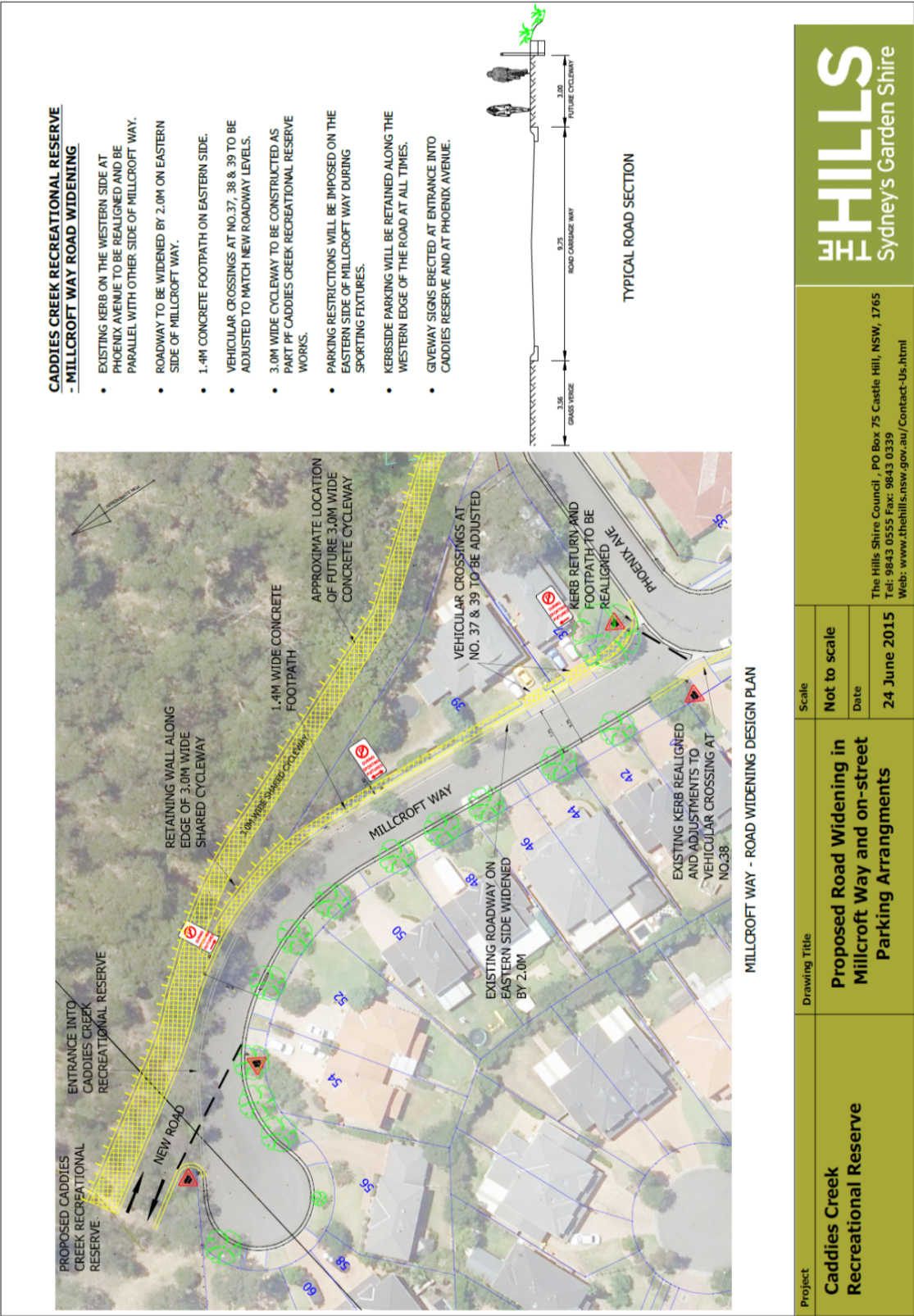


ATTACHMENT 7 – LANDSCAPE CONCEPT PLAN



ATTACHMENT 9 – LIGHTING PLAN





Project	Caddies Creek Recreational Reserve	Drawing Title	Proposed Road Widening in Millcroft Way and on-street Parking Arrangements	Scale	The Hills Shire Council , PO Box 75 Castle Hill, NSW, 1765 Tel: 9843 0555 Fax: 9843 0339 Web: www.thehills.nsw.gov.au/Contact-Us.html	THE HILLS Sydney's Garden Shire
				Not to scale		
				Date		
				24 June 2015		

ATTACHMENT 11 – OFFICE OF ENVIRONMENT AND HERITAGE GTA'S



Office of
Environment
& Heritage

BATCH NO:
TIME:

Your reference: IDA 1193/2014/1
Our reference: SF15/9917
Contact: Felicity Barry (02) 9995 6914

- 9 APR 2015

THE HILLS SHIRE COUNCIL

Mr. David Walker
General Manager
The Hills Shire Council
PO BOX 7064
BAULKHAM HILLS BC, NSW, 2153

CC: Mr. Paul Osborne, Manager, Development Assessment
CC: Mr. Robert Buckham, Planning Team

Dear Mr Walker,

This letter contains Office of Environment and Heritage's (OEH) general terms of approval for an Integrated Development (development application IDA 998/2015/JP) for those known Aboriginal sites which would require an Aboriginal Heritage Permit (AHIP) pursuant to s.90 of the *National Parks and Wildlife Act 1974 (the Act)*.

OEH has reviewed the following reports provided in support of this Application: *"Caddies Creek Reserve, Millicroft Way, Beaumont Hills, The Hills LGA Draft Aboriginal Cultural Heritage Assessment Report"* prepared for the Hills Shire Council dated December 2014; *The Caddies Creek Engineering Design Report* prepared by GHD dated February 2015; and the *Caddies Creek Reserve Statement of Environmental Effects* prepared by GHD dated February 2015.

OEH understands from the Application that the subject land and surrounding area has been the subject of at least four separate archaeological investigations including both survey and excavation since 1993, which have concluded that these areas contain high cultural and archaeological values. Importantly these studies have consequently concluded that parts of these areas also have conservation values. OEH further notes that several AHIMS sites (notably RH/CD7 and RH/CD12) located in this general area were expressly avoided due to their level of archaeological significance during development activities for the Rouse Hill Development Area (RHDA). However OEH further notes that there was no conservation planning mechanism in force to ensure the protection of this area other than the listing of these sites on the Aboriginal Heritage Information Management System (AHIMS).

OEH understands that the SEE prepared to support this Application has not identified Aboriginal Cultural heritage sites and places as a constraint to the project, nor has the SEE considered any Aboriginal cultural heritage values within its assessment of cumulative environmental impact. The Due Diligence Assessment prepared for Council by AAJV demonstrates clearly to OEH that Council has been in receipt of advice since at least 2013 of the presence of Aboriginal Cultural heritage sites within the subject land and the significance of these sites. No evidence has been provided in the supporting documentation for this IDA that Council has considered any options of design modifications to avoid harm to these significance Aboriginal cultural heritage sites in whole or part.

The current ACHAR has concluded that although there are 12 (twelve) Aboriginal Heritage Information Management System (AHIMS) sites in this area, several of these are duplicate entries. Consequently it is argued that only three Aboriginal heritage sites registered on the AHIMS will be harmed by the proposed development. These include AHIMS sites known as RHCD12; NWRL PAD 10 and Caddies Creek 1. OEH however understands that the proposed activities will cause harm and therefore an AHIP will be necessary.

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The ACHAR impact assessment has focused on the impacts from the location of the proposed playing fields. However OEH understands from the meeting held with Hills Shire Council and AHMS on 13 February 2015, in addition to the SEE and Engineering Design Report prepared by GHD for this project that the proposed works will involve additional impacts. These impacts are likely to include rehabilitation of the riparian corridor; connectivity through footpaths, roads and cycleways; excavation and placing fill on top of an archaeologically significant and sensitive area and any associated services; landscaping as well as construction of the proposed buildings and playing fields.

Where harm cannot be avoided by the construction, any mitigation measures should be in line with the significance of the archaeological resource and the extent of harm proposed.

OEH understands that the ACHAR has reassessed the specific elements expressed as retaining high archaeological significance relative to the AHMS sites in the subject land. The ACHAR has therefore also considered these elements when determining the mitigation measures for this proposal. The Assessment has concluded that contrary to previous investigations, the significant site elements associated with Aboriginal occupation of RH/CD12 are focused on terrace and levee deposits adjacent to Caddies Creek. These landform types are not present within the currently assessed development footprint, however OEH again notes that the impact assessment focused on the physical layout of the main structures, notably the playing fields. The test excavation has further investigated the deposits within the development footprint and identified that although limited stratigraphic evidence was indicated from these investigations, there are some deposits (D10, G11 and possibly also J13) indicative of higher archaeological significance not commonly identified in stone artefact assemblages within the local area. The ACHAR concludes that the evidence in the study area therefore retains moderate, not high archaeological significance.

Currently the ACHAR outlines that partial salvage focused on test pit D10 to a maximum area 100m² and expansion around test pit G11 would represent a suitable level of mitigation for harm for this project. This is based on the argument that the test excavation, which is limited as it was undertaken via the *Code of Practice for Aboriginal Objects in NSW (2010)* identified research potential for further archaeological salvage of these two areas. OEH notes however that the ACHAR does not discuss why further archaeological investigation of J13 and C12 is not warranted because these areas also retain evidence of higher frequencies of stone artefacts similar to G11, albeit not the identifiable variation in artefact types and stone flaking technologies present at D10. It is further noted that the ACHAR states that physical evidence indicative of post-contact use of the site was identified within test pit C4, yet no further discussion of investigation of this potential activity and significance at the site has been raised. OEH further notes that the current proposal and ACHAR will allow harm to this area with no further investigation or mitigation for the loss proposed. OEH would recommend that this area would contain equal value from an archaeological research perspective as well as potentially retaining cultural value.

Council should be advised that prior to receipt of this request for General Terms of Approval (GTAs), OEH met with the Applicant and their consultant to discuss Aboriginal cultural heritage options for this site. OEH provided general advice regarding the mitigation options which may be appropriate and this advice has also informed the GTAs provided below. A copy of the minutes from this meeting has been included with this letter for the information of Council's determining officer, Mr. Robert Buckham. Notably Council identified that this project is a priority for Council, however Council cannot fund archaeological salvage excavation as currently recommended by its archaeologists.

Given the level of impact proposed and the significance outlined in particular for test pits D10, G11, J13, C12 and C4 with harm proposed for all, OEH would recommend that where harm will occur, any archaeological mitigation measures should be in line with the extent of harm proposed and the significance

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of the material to be destroyed by these activities. This means that OEH does not consider the level of salvage proposed is sufficient as presently proposed to mitigate the loss of these areas and a more in-depth salvage excavation should be considered under an AHIP, where harm cannot be avoided or minimised.

OEH further notes that partial excavation of subsoil and filling with modern material will still negatively impact the archaeological resource. This salvage excavation should be focused on each of the areas D10, G11, J13, C12 and C4 and an appropriate area should be excavated in accordance with the level of significance and previous excavations in the Rouse Hill area.

Having considered the above advice, OEH provides the following terms of approval for the proposed development as follows:

- The SEE has not considered the level of significance of the archaeological sites as a constraint to this proposal in the planning stage. Hills Shire Council has not demonstrated evidence of avoidance in whole or part of the significant Aboriginal cultural heritage resource which will be harmed by the proposed activities.
- Mitigation measures must appropriately consider the harm proposed by the development footprint as well as all additional activities likely to cause harm such as rehabilitation of the riparian corridor; connectivity through footpaths, roads and cycleways; excavation and placing fill on top of an archaeological significance and highly sensitive area and any associated services; landscaping as well as construction of the proposed buildings and playing fields.
- OEH does not accept a potential interpretation strategy is appropriate to replace the need for salvage excavation as currently proposed by Council as a form of mitigation to the loss of these significant values in this area;
- In the event that harm cannot be avoided or minimised through the proposed development, an appropriate level of salvage excavation in order to mitigate the loss of this significant resource must first be undertaken. This excavation should be focused on each of the areas D10, G11, J13, C12 and C4 and an appropriate area should be excavated in accordance with the level of significance and previous excavations in the Rouse Hill area. OEH further notes that partial excavation of subsoil and filling with modern material will still negatively impact the archaeological resource.
- Where Aboriginal objects will be harmed by the proposed activities, an Aboriginal Heritage Impact Permit (AHIP) must first be sought from OEH;
- The AHIP application must be accompanied by appropriate documentation and mapping as outlined on page 6 of *Applying for an Aboriginal Heritage Impact Permit, Guide for Applicants*;
- Consultation with the Aboriginal community undertaken as part of an AHIP application must be in accordance with the *Aboriginal Cultural Heritage Community Consultation Requirements for Proponents 2010*;
- In the event that an area based AHIP is sought, the boundary of the proposed AHIP should not overlap with any existing and active AHIP which has been issued by OEH. This should be checked by the Applicant during the pre-application process.

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If you have any further questions in relation to this matter, please contact Felicity Barry, Archaeologist, on (02) 9995 6914.

Yours sincerely,

S. Harrison 07/04/2015

SUSAN HARRISON
Senior Team Leader Planning
Greater Sydney Region
Office of Environment and Heritage

Attachment 1: Minutes from meeting held 13 February 2015 with Hills Shire Council, AHMS and OEH to discuss pre-lodgement of the Caddies Creek Reserve Aboriginal Heritage Impact Permit (AHIP).

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Attachment 1:

Pre AHIP lodgement meeting to discuss the Caddies Creek Reserve, Beaumont Hills, NSW

Pre AHIP lodgement meeting to discuss the Caddies Creek Reserve, Beaumont Hills, NSW Meeting Minutes

OEH File: SF15/1962
Date: Friday 13 February 2015

In Attendance:

OEH Planning Team	Susan Harrison Fran Scully Felicity Barry	Senior Team Leader, Planning Archaeologist Archaeologist
AHMS	Fenella Atkinson	Senior Archaeologist
Hills Shire Council	Mr. Ron Piddock	Project Manager

1. Constraints were outlined for the Area including:

- The land in question is flood-prone.
- There is existing development present including an existing Sydney Water sewerage pipeline through the subject site known as "RH CD 12"
- The known Aboriginal sites RH CD 12 is present within this location. OEH notes that this site was a conservation outcome from previous development within the Western Sydney Area due to its Aboriginal cultural heritage values.
- Complex land ownership – Council, Department of Planning and Sydney Water. Department of Planning are selling off the land to Council.
- Council is leasing the land from Sydney Water and the Department of Planning.
- OEH identified that land owners consent for any AHIP application will be required.
- Council was lodging the DA with Council today (13 February 2015).

2. Current Proposal:

- Rehabilitation of the riparian corridor of Caddies Creek;
- Construction of playing fields and amenities buildings with services established including lighting for playing fields;
- It is proposed that the playing fields will require removal of the organic layer and an additional 50cm of topsoil prior to placing fill on the land.
- The placement of fill is required from an engineering requirement in order to use the land for playing fields due to the silty nature of the subsoil as well as the flood prone nature of the land.
- There are some existing disturbances including services such as sewerage pipeline placed by Sydney Water across the existing fields.
- Within the proposed fill layer, it is proposed that other services including electricity to service the fields will be placed.
- Connectivity of the location with an existing cycleway from the Lendlease Development and to Rouse Hill Development area is required through this proposal.
- Creek rehabilitation will also be necessary to the riparian corridors.

3. Work which has been undertaken to date for the proposed project:

- A program of test excavation was undertaken by AHMS in the area of proposed impact and four were expanded during this investigation. These results confirmed the results of Jo McDonald. Roughly the results identified that there was as density change in the deposits compared to those found further South along the Creekline. These may be associated with levees and terraces. Four areas in particular retained interesting assemblages;
- Of the four areas referred to above, at least one area in particular (G11) which was identified during the AHMS testing phase was noted as warranting further archaeological. The stone artefact analysis was undertaken by Dr Trudy Doelman who identified further archaeological investigation would be warranted in these areas

Page 1 of 3

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Pre AHIP lodgement meeting to discuss the Caddies Creek Reserve, Beaumont Hills, NSW

due to the diversity of artefacts recovered. OEH would like further information to clarify the significance of these deposits. AHMS to clearly provide this in the AHIP application.

- Noted that there are additional sites (including grinding grooves) outside the subject land but bordering it with other development. These areas appear to be in poor condition and are fenced off from access.
- Was stratification visible? AHMS responded that no C14 dates could be obtained and they couldn't identify any during excavation.

4. Discussion of options for mitigation impacts through development

- The Southern part of the Study Area has a higher level of previous disturbance and lower densities of stone artefacts. This may be an appropriate location of place one of the playing fields?
- Interpretation was discussed with OEH as a possible alternative to full salvage excavations of RH CD 12.
- Council advised that the cost of salvage would be likely to prohibitive and would be seeking to reduce the level of salvage in favour of interpretation in the Hills district for heritage purposes (discussed in Point 5).
- Higher density areas may be avoided entirely, particularly for subsoil stripping and fill placement. 3-4 areas as a whole were identified as retaining this level of density. Refer to advice from Stone artefact expert for significance of this evidence (Point 3 above).
- OEH provided advice that even placing geotechnical fabric and filling the load of the fill will cause harm to the archaeological integrity and context. OEH has several articles that are relevant to this discussion and will provide following the meeting.
- In addition there will be a need to drill down for the placement of light poles. However these may be positioned away from higher significance areas.
- Stripping and barrier placement prior to filling is argued by the Consultant as an impact but also a form of conservation. OEH disagrees, this is in fact an impact and a form of destruction as the archaeological integrity will be harmed by the fill placement activity (refer to attached reports).
- Interpretation is an interesting option however it would require detail to be provided to OEH. This could be included as a condition of approval. Details would need to be addressed in point 5.
- It is relevant to note that salvage excavation may also be required in addition to any interpretation option investigated by Council. This would need to be based on a consideration of the significance and interpretation of the archaeological context. What is an adequate level of information required before this is all lost by the coverage of fill material?

5. Interpretation Option

- Hills Council advised that Heritage Division has approved Interpretation Strategies/Plans in relation to historical archaeological interpretation of e.g. Government Farm at Castle Hill
- The intention is to seek engagement with the Western Sydney Aboriginal community groups to provide a different level of interpretation than presently seen at most sites (which are essentially panels of information)
- This would also provide another reason why people could visit the site other than for sporting activities. It is in a good location for connectivity and the interpretation could take this further by interpretation of the landscape with archaeology and the surrounding sites and area (vegetation and grinding grooves etc). This would provide more context to this area.

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Pre AHIP lodgement meeting to discuss the Caddies Creek Reserve, Beaumont Hills, NSW

- It was not clear to OEH what form this strategy might comprise - artworks, and natural heritage interpretation. Where would it be located - in this specific area or within other suburbs?
 - What types of information would be interpreted?
 - What do the Registered Aboriginal Parties involved say about this option versus detailed salvage?
 - How does this site tie into the information around it?
 - Research question will also need to be addressed and consider what is known to be happening in the local area.
6. Aboriginal stakeholder responses?
- Community groups have not reviewed the draft report at this time.
 - The advice so far expressed in this meeting (i.e. of an interpretation strategy vs. extensive salvage excavation and recording) is based on informal discussions during test excavation and with some members of the RAPs but not all.
 - This information needs to be included in any interpretation strategy.
7. The Extent of the AHIP was discussed (Land to which the AHIP will apply):
- Access routes for construction will be necessary
 - Vehicular crossing of the creek should be considered for inclusion
 - Other land owners will need to give consent for AHIP if the above is required (Point 1).

Meeting ended, minutes to be prepared and sent out following meeting.

ATTACHMENT 12 – RESPONSE TO OFFICE OF ENVIRONMENT AND HERITAGE



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24 April 2015

Robert Buckham

The Hills Shire Council
PO Box 7064
Baulkham Hills BC, NSW 2153

RE: Office of Environment and Heritage's General Terms of Approval for Integrated Development Application 998/2015/JF

Dear Mr Buckham,

As you may be aware Archaeological and Heritage Management Solutions Pty Ltd (AHMS) has been assisting The Hills Shire Council (HSC) in managing the Aboriginal cultural heritage requirements associated with the proposed Caddies Creek Reserve playing fields. Currently, our works has included an Aboriginal Cultural Heritage Assessment (ACHA) developed to draft stage in accordance with Office of Environment and Heritage (OEH) guidelines, and in consultation with the Registered Aboriginal Parties.

The ACHA identified Aboriginal objects, which are protected by the National Parks and Wildlife Act 1974, within the proposed development area. The HSC and AHMS therefore had a meeting with OEH to discuss the necessary Aboriginal Heritage Impact Permit (AHIP) and the extent of works that OEH would consider suitable in order to mitigate the impact of the proposed development on Aboriginal objects. This meeting was undertaken on 13 February 2015 and the outcomes were very positive. The HSC project manager outlined the constraints to the development, which did not allow complete avoidance of impact, the amendments to the design that had been undertaken to minimise impact, and the range of proposed mitigation measures, including heritage interpretation, conservation of key areas, and a limited program of salvage excavation. The OEH representatives agreed with the proposed approach, but noted that they would need to be clearly outlined and supported in the ACHA and AHIP application.

However, the draft ACHA that was provided to OEH for comment with the IDA had been prepared prior to the meeting, and did not address the outcomes of the meeting. It appears that the concerns raised by OEH in their response to the IDA relate to this, and that the meeting minutes provided by OEH have also been written following review of the draft ACHA (rather than at the time of the meeting).

AHMS is now amending the ACHA to address the meeting outcomes. In addition, and where feasible, we will incorporate the additional issues raised in the recent response to the IDA. In brief, the key issues are:

1 | Page

Archaeological and Heritage Management Pty Ltd

- The Aboriginal cultural values of the study area. We consider that the significance of the study area is relatively low (in contrast to other sites surrounding this area), and will provide clarification and further justification for this in the amended ACHA
- The level of archaeological salvage excavation required. AHMS proposed one large salvage area, whereas OEH suggests several smaller salvage areas across the site. We will modify this recommendation to incorporate conservation of key areas of the site, as proposed by the HSC project manager, and believe that this will address the OEH concerns.
- Re-consideration of the development to avoid impact. We believe that OEH has not adequately considered the relatively low significance of the site within the study area, the constraints to the proposed development, and the amendments which have been made by the HSC project manager to minimise impact. These will be clearly outlined in the amended draft ACHA, in order to address this issue.

We understand from Ron Pidcock (HSC project manager) that the response from OEH in relation to the IDA has raised concerns. We hope that the information above explains the proposed response to OEH, and we highlight that the ACHA process is still ongoing, which will hopefully resolve any outstanding issues OEH has raised. We do not believe that any of the comments raised by OEH are a significant obstruction to the development, but further discussions on management of Aboriginal heritage is clearly likely to be required in the coming months.

If you have any enquiries or questions, please don't hesitate to contact me on 02 9555 4000 or awilliams@ahms.com.au

Yours faithfully,



Alan Williams MAACA

NSW Manager – Aboriginal Heritage

ATTACHMENT 13 – OFFICE OF WATER COMMENTS



Department of
Primary Industries
Office of Water

Contact: John Galea
Phone: 8838 7520
Fax: 8838 7555
Email: john.galea@dpi.nsw.gov.au

Our ref: ERM2015/0165
Your ref: 998/2015/JP

The General Manager
The Hills Shire Council
PO Box 7064
Baulkham Hills BC NSW 2153

BATCH NO:
TIME:

Attention: Mr Robert Buckham

21 APR 2015

16 April 2015

Dear Sir

Re: Construction of a baseball field, multipurpose football field etc, Various Lots at Caddies Creek Sports Complex Reserve No 413, 41 Millcroft Way, Beaumont Hills NSW - Dev Ref: 998/2015/JP
Site location: Caddies Creek Sports Complex Reserve No 413, 41 Millcroft Way, Beaumont Hills

I refer to the Section 91 notification sent to the NSW Office of Water (NOW) on 20 February 2015. The NOW apologises for the delay in response to this request.

An assessment has been undertaken for impacts on watercourses and for any water licensing requirements.

Under Clause 38 of the *Water Management (General) Regulation 2011*, a public authority is exempt in relation to all controlled activities that it carries out in, on or under waterfront land. This means that no controlled activity approvals are required for works that Council will undertake within the streams or on lands within 40m of streams. However, all works must be consistent with the *Guidelines for Riparian Corridors on Waterfront Land* published by the NSW Office of Water.

An assessment was undertaken to determine whether a Works and Use approval (Approval) and a Water Access Licence (WAL) is required for the water to be collected for irrigation of the sports fields. As the Council has indicated, the water to be collected will be from the sporting fields and buildings and it will be stored in concrete tanks. It is the opinion of the NOW that while the Farm Dams Policy applies to the harvesting of rainwater for irrigation, in this situation the Policy will not apply. The volume of water to be collected is minimal (2 x 160,000L tanks plus several 3000L tanks), it is to be stored in concrete tanks and the volume of water to be stored in the tanks is less than the maximum Harvestable Rights Dam Capacity of the site of 2.312ML. Using this information, an Approval and a WAL are not required.

If Council would like further information, please contact Mr John Galea (WRO) on 88387520 or email john.galea@dpi.nsw.gov.au

Yours Sincerely

Wayne Conners
Senior Water Regulation Officer
Hunter, Sydney and South Coast Cluster(Parramatta)

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ATTACHMENT 14 – PEER REVIEW COMMENTS



planning consultants

7 August 2015
Our Ref: 9288A.2KM

Mr Paul Osborne
Manager, Development Assessment Services
The Hills Shire Council
PO Box 7064
Baulkham Hills BC 2153

Dear Sir

**Independent Peer Review of Development Assessment Report
Proposed Public Recreation Facilities
41 Millcroft Way, Beaumont Hills**

1.0 Introduction

In accordance with your request, DFP Planning Pty Limited (DFP) has undertaken an independent review of the Development Assessment Report prepared for the Sydney West Regional Joint Regional Planning Panel (JRPP) in relation to the abovementioned development.

In addition to the Development Assessment Report, we have reviewed the plans of the proposed development, the Statement of Environmental Effects submitted with the Development Application and other supporting documents inclusive of traffic, noise, ecology, flooding and the like.

The proposed development is set out in summary form in the Development Assessment Report but generally entails:

- provision of one multipurpose playing field (comprising two football fields co-located with a cricket oval) and a separate multipurpose football field on the eastern side of Caddies Creek;
- one baseball field of the western side of Caddies Creek;
- vehicular access from Millcroft Way which connects with Windsor Road further to the south of the site;
- allowance for a secondary access to the baseball field to be provided when land on the western side of Caddies Creek is developed for residential and other purposes in the future; and
- A total of 160 car parking spaces on the eastern side of Caddies Creek accessed from Millcroft Way with provision for 40 car parking spaces to be provided on the western side of Caddies Creek in anticipation of the secondary connection in that location in the future.

We understand that future playing fields have been identified in this location for several decades and Council has been receiving Section 94 monetary contributions towards their construction from residential housing development in the locality for many years. Now that the residential population density in the area has increased and the quantum of monetary contributions allows, Council wishes to provide for these planned facilities.

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Our understanding of the development application is that vehicular access over Caddies Creek is not a desirable outcome due to the impacts on flooding and ecology that would result from large pieces of infrastructure such as bridges and raised roadways. Notwithstanding, pedestrian and cycle access across the creek is to be provided which will also serve a function for light maintenance vehicles to access both sides of the creek.

2.0 Vehicular Access and Traffic Impacts

Our consideration of the Development Assessment Report and documentation submitted with the development application is that the single largest potential impact on surrounding residential areas is in respect of the vehicular access via Millcroft Way. As indicated above, vehicular access across any of the arms of Caddies Creek (including access from Sanctuary Drive) would require large vehicular bridges to be constructed which Council's flooding engineers have advised is not an appropriate outcome as all access roads leading thereto would be required to be raised above the relevant flood levels. This, together with removal of vegetation, would have significant adverse environmental impacts.

We agree with this assessment and also agree with the assessment of Council's Officers that flexibility has been designed into the proposal to provide for car parking adjacent to the baseball field which will have a secondary access from Windsor Road (and new subdivisional streets) on the western side of Caddies Creek in the future.

With regard to the traffic impacts on Millcroft Way, we agree that any increase in traffic could be deemed to have adverse amenity impacts. However, the majority of the dwellings in Millcroft Way currently enjoy a level of amenity which far exceeds that enjoyed by dwellings located on a collector road and this cannot be expected to be maintained in the longer term given that surrounding land is still to be developed and temporary access arrangements to Windsor Road for residential development further east to be closed in the future.

Council's assessment is that Millcroft Way currently performs a role as a minor collector road in the road hierarchy rather than a local access street and we agree with this conclusion. This is particularly the case as future residential development to the east of Millcroft Way will be required to have vehicular access via Millcroft Way to Windsor Road and a new set of traffic lights which will be provided at that intersection. This has been a long term plan for the local traffic network and supports the function of Millcroft Way as a collector road more than a local access street.

Accordingly, we agree with the proposition that the "Environmental Capacity" of Millcroft Way is something between that of a local access street (300 vehicles per hour) and a local collector road (500 vehicles per hour). We note that the "Environmental Capacity" of a road is a guide only and not a statutory standard.

In order to determine the likely traffic and amenity impacts of the proposed development on Millcroft Way and the surrounding road network, an overly conservative approach has been adopted which suggests that vehicles accessing the proposed recreation facilities will arrive and depart within a singular 60 minute period. We believe that in practice, this is highly unlikely as most sporting events would require participants and spectators to arrive well before an event and typically leave a short period after the event. The event itself would typically run for at least 40-80 minutes (e.g. football matches). In addition, baseball events tend to be undertaken in the afternoon and in summer thereby rarely coinciding with the peak Saturday morning junior football matches.

Accordingly, it is more likely that the traffic generation of the proposed facility is something less than the two trips per hour adopted for the purposes of the traffic assessment which would reduce the level of impact determined by Council's Assessment Officers.



Notwithstanding, Council's assessment of the traffic impacts is that the northern section of Millcroft Way (i.e. north of Wilkins Avenue) will encounter approximately 316 vehicles per hour in the peak period on Saturday mornings and this level of traffic is not expected to occur throughout the rest of the week. We agree with that assessment. Furthermore, upon connection of the secondary vehicular access to the baseball field on the western side of Caddies Creek, traffic along Millcroft Way would be reduced by 80 vehicles per hour bringing the total volume of traffic in the northern section of Millcroft Way to approximately 226 vehicles per hour in the Saturday peak. This is within the "Environmental Capacity" of a local street and well within that of a local collector road.

With regard to the southern section of Millcroft Way (i.e. south of Wilkins Avenue) there are approximately 8 to 9 dwellings of which one is located on the corner of Windsor Road and Millcroft Way. Within this section of Millcroft Way the anticipated traffic volume in the peak Saturday period is expected to be 566 vehicles per hour although 264 vehicles per hour of this comprises existing traffic, much of which is associated with the commercial development located on the corner of Windsor Road and Millcroft Way. As indicated above, when the secondary access on the western side of Caddies Creek to the baseball field becomes available, this level of traffic will drop by approximately 80 peak vehicle trips and bring the total traffic volume for this short section of Millcroft Way within the "Environmental Capacity" of a local collector road.

Accordingly, we consider that the assessment of the proposed development with regard to traffic impacts in Millcroft Way is acceptable subject to a Condition of Development Consent that the baseball field be provided with a secondary access as soon as practicable upon completion of the local road network on the western side of Caddies Creek.

With regard to the other minor road widening and traffic management measures proposed in Millcroft Way, we are of the view that these are not likely to result in significant adverse impacts for local residents in respect of access to their dwellings, pedestrian safety or vehicle safety and are acceptable in this instance.

3.0 Construction Traffic Impacts

We have also considered the potential short term construction traffic impacts on residents in Millcroft Way and surrounding streets and recommend that a Condition of Development Consent be imposed requiring that Millcroft Way not be used as the primary construction traffic route for heavy vehicles associated with the works on the eastern side of Caddies Creek (NB: the north-south aligned section of Windsor Road will have to be used for access for the baseball field works as a creek crossing is not and will not be available). Rather, the alternate route from Windsor Road, located midway between Caddies Creek and Dunross Place, should be used as far as practicable.

Furthermore, should heavy vehicles be permitted to use Millcroft Way, they should not be permitted to do so on weekends and Condition No. 34 could be amended slightly to ensure this.

These measures will minimise the impact of heavy vehicles importing fill to the proposed facility over the anticipated 12-24 week construction period and details of this access and construction traffic management are required through recommended Conditions of Development Consent.

4.0 Car Parking

With regard to car parking, the proposed development complies with Council's numerical requirements. We note that it is not common practice to provide for the theoretical or "seasonal" maximum car parking demand of any land use such that it would be justified increasing the car parking provision in this particular instance. By way of example, car parking for a shopping centre may not satisfy the peak demand at Christmas, but this demand is only ever achieved for a short period of the entire year.



Accordingly, whilst it cannot be guaranteed that the proposed car parking will completely satisfy the demand of the proposed development at all times throughout the year, the level of car parking provision complies with Council's standards and is considered acceptable for the typical weekly peak use of the proposed recreation facilities.

5.0 Acoustic Impact

We have considered the Acoustic Impact Assessment submitted with the Development Application and the mitigation measures proposed by the Applicant and included in the Development Assessment Report as Conditions of Development Consent (e.g. hours of operation). Based on these, we consider that the proposed development is unlikely to result in a significant adverse impact on the acoustic amenity of the surrounding residential areas subject to compliance with those recommended conditions.

6.0 Ecological Impacts

With regard to the ecological assessment of the proposed development, we agree that the small loss of native vegetation is not significant in the context of the plans for revegetation detailed within the application and which are to be undertaken through an approved Vegetation Management Plan required as a Condition of Development Consent.

7.0 Aboriginal Heritage Impacts

Furthermore, we note that the Office of Environmental Heritage (OEH) has granted its General Terms of Approval with respect to Aboriginal Heritage and a separate Aboriginal Heritage Impact Permit (AHIP) will need to be obtained before any works can commence.

8.0 Conclusion and Recommendations

In summary, we have considered the Development Assessment Report for the proposed development and in particular, the primary environmental issues of traffic and car parking and consequential impacts on residents in Millcroft Way. We are of the opinion that the Council's assessment that the proposal is acceptable in this instance is a well founded conclusion.

Notwithstanding, we have recommended several additional Conditions of Development Consent to provide further assurance that traffic access to the facility is appropriately managed in the longer term and that short-term construction traffic management impacts are minimised through controlled access arrangements.

We would be pleased to provide any further commentary on the proposed Development Application and Development Assessment Report if required. Should you have any queries, please do not hesitate to contact the undersigned.

Yours faithfully
DFP PLANNING PTY LTD

KENDAL MACKAY
PARTNER

k.mackay@dfplanning.com.au

Reviewed: _____