



# **COUNCIL ASSESSMENT REPORT**

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-326 DA 988/2022/JPZ	
PROPOSAL	Subdivision creating three residential development lots, one open space lot and one residue lot relating to a future planned road including new road, demolition and the embellishment of a public park/ public domain works	
ADDRESS	Lot 56 DP 1253217, 3 Andalusian Way, Castle Hill	
APPLICANT	Landcom	
OWNER	Sydney Metro	
DA LODGEMENT DATE	21 December 2021	
APPLICATION TYPE	Development Application – Crown	
REGIONALLY SIGNIFICANT CRITERIA	Clause 4, Schedule 6 of the Planning Systems SEPP: CIV > \$5 million – Crown Development	
CIV	\$7,039,691.00 (initial application had a CIV of \$7,438,803.00)	
CLAUSE 4.6 REQUESTS	No Clause 4.6 variations proposed	
	<ul> <li>State Environmental Planning Policy (Planning Systems) 2021</li> <li>State Environmental Planning Policy (Biodiversity and</li> </ul>	
KEY SEPP/ LEP	<ul><li>Conservation) 2021</li><li>State Environmental Planning Policy (Resilience and</li></ul>	
REI SEFF/ LEF	<ul> <li>Hazards) 2021</li> <li>State Environmental Planning Policy (Transport and Infrastructure) 2021</li> </ul>	
	The Hills Local Environmental Plan 2019	
	The Hills Development Control Plan 2012	
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	No submissions received	
DOCUMENTS	Statement of Environmental Effects prepared by BBC Consulting dated 02/12/2021	
SUBMITTED FOR CONSIDERATION	Survey Plans prepared by RPS Revision A dated 17/05/2020	
	Subdivision Plan prepared by RPS dated 12/07/2022	

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	Civil Engineering Plans prepared by Maker ENG Revision 7 dated 12/07/2022	
	Civil Design Report prepared by Maker ENG Revision 5 dated 02/05/2022	
	Services Utility Infrastructure Report prepared by Maker ENG Revision 3 dated 12/11/2021	
	Public Domain and Landscape Plans prepared by RPS Revision H dated 25/11/2021	
	Public Domain Design Report prepared by RPS Revision H dated 25/11/2021	
	Landscape Report prepared by RPS Revision I dated 04/05/2022	
	Public Art Plan prepared by publicArt.works dated November 2022	
	Community Engagement Outcomes Report prepared by RPS Revision 3 dated 17 November 2021	
	Traffic and Access Impact Assessment prepared by SCT Consulting Revision 4 dated 04/05/2022	
	Road Safety Audit prepared by BTE Consulting Revision 2 dated 04/05/2022	
	Geotechnical Report prepared by PSM dated 24 February 2022	
	Noise Impact Assessment prepared by Renzo Tonin and Associates Revision 1 dated 23/11/2021	
	Arboricultural Impact Assessment prepared by Creative Planning Solutions Revision A dated 15/11/2021	
	Biodiversity Development Assessment Report prepared by WSP Revision D dated 15/10/2019	
	Detailed Site Investigation prepared by JBS&G Australia Pty Ltd Revision 0 dated 11 October 2021	
	Remediation Action Plan prepared by JBS&G Australia Pty Ltd Revision 1 dated 18 November 2021	
	Aboriginal and non-Aboriginal Heritage Impact Statement prepared by GML Heritage Revision 3 dated 25 October 2019	
	Ecologically Sustainable Development Review Certificate prepared by WSP dated 17 November 2021	
	Waste Management Plan prepared by Elephants Foot Revision D dated 19/11/2021	
	Cost Estimate Reports prepared by Napier and Blakely dated 21 November 2021 and 5 May 2022	
	Owners Consent Letters	
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	The proposal is not subject to the payment of a Special Infrastructure Contribution under Section 7.24 of the Environmental Planning and Assessment Act 1979	
RECOMMENDATION	Approval subject to conditions	
DRAFT CONDITIONS TO APPLICANT	Yes	

SCHEDULED MEETING DATE	8 September 2022
PLAN VERSION	20 January 2022 Revision D
PREPARED BY Jacob Kiner	
DATE OF REPORT	1 September 2022

#### **EXECUTIVE SUMMARY**

Development Application 988/2022/JPZ seeks consent for a subdivision creating three residential development lots, one open space lot and one residue lot relating to a future planned road. The application also seeks consent for the construction of a new road between DeClambe Drive and Andalusian Way, subdivision works relating to earthworks and stormwater drainage, tree removal and the embellishment of a public park/ public domain works. The residential development lots will be subject to future applications for residential flat buildings, whilst the open space lot will contain the park proposed to be embellished.

The subject site is identified as Lot 56 DP 1253217, known as 3 Andalusian Way, Castle Hill. The site is 2.822 hectares in area and has access for construction purposes from DeClambe Drive and Andalusian Way. The site also has frontage to Showground Road and Carrington Road. The existing site contained the former Council chambers, however the structures on site have now been demolished as part of a separate approval.

The site is located within the Showground Precinct which is currently experiencing significant development and transition due to the opening of the Showground Metro Station. The site is subject to an approved Concept State Significant Development Application (SSDA) SSD-9653, which establishes a masterplan over the Precinct and identifies the future land uses within the Precinct. With respect to the subject site, the Concept SSDA has established the road layout of the site and demonstrates that the residential development lots proposed will be subject to future development for the purposes of residential flat buildings.

The site is predominantly located in the R1 General Residential zone pursuant to Clause 2.2 of The Hills Local Environmental Plan 2019 (LEP). A portion of the site fronting Showground Road is zoned SP2 Infrastructure and may be subject to future road upgrade/ widening works. Transport for NSW (TfNSW) are the relevant acquisition authority for the SP2 zoned land as per Clause 5.1 of the LEP. The proposed development is for subdivision which is permitted with development consent under Clause 2.6 of the LEP.

The principal planning controls relevant to the proposal include The Hills LEP and The Hills Development Control Plan 2012 (DCP) in particular Part D Section 19 Showground Station Precinct. The proposed development is considered to be generally consist with the controls outlined within both instruments. A variation is proposed to the indicative structure plan and street network for the Showground Precinct, however this is ultimately overruled by the variation and site layout approved under the Concept SSDA.

The application was referred to TfNSW as a non-integrated referral pursuant to Section 138 of the Roads Act 1993 No 33 and Section 2.119 of State Environmental Planning Policy (Transport and Infrastructure) 2021, and was also referred to Sydney Metro pursuant to Section 2.99 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Following amendments to the application, TfNSW have provided comments for Council's consideration. Sydney Metro have raised no objections to the application subject to compliance with their General Terms of Approval and recommended conditions of consent.

Jurisdictional prerequisites to the grant of consent imposed by the following controls have been satisfied, or will be satisfied subject to conditions of consent including Clause 4.6 of State Environmental Planning Policy (Resilience and Hazards) 2021 for consideration of whether the land is contaminated.

The proposal was exhibited in accordance with Section 7 under Schedule 1 of the Environmental Planning and Assessment Act 1979 from 7 January 2022 until 1 February 2022. The proposal was also notified to surrounding properties in accordance with the Community Participation Plan. No submissions were received objecting to the proposed development.

The application has been referred to the Sydney Central City Planning Panel (Panel) as the proposal is identified to be regionally significant development. The applicant, Landcom, is acting on behalf of the Crown and the proposed development has a capital investment value (CIV) of \$7,039,691.00. Accordingly, the proposed development is identified as 'regionally significant development' under Clause 4 of Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021 as the development is carried out by or on behalf of the Crown and has a capital investment value of more than \$5 million. The Sydney Central City Planning Panel are therefore the nominated consent authority for the application.

An initial kick off briefing by the applicant was held with the Panel on 10 February 2022. The kick off briefing provided the applicant and Council an opportunity to introduce the proposed development and discuss identified issues with the Panel; such as the mechanism and timing of the dedication for the proposed park and minor design issues with the public domain and park embellishment. A request for additional information was issued to the applicant prior to the meeting on 7 February 2022 relating to these matters.

A second briefing by Council staff was held with the Panel on 24 March 2022, where key issues outstanding were discussed relating to issue with the mechanism/ timing of dedication for the proposed park, comments raised by TfNSW in relation to the proposed shared zone and the modification to SSD-9653.

The modification to SSD-9653 has since been approved on 6 April 2022, with the subject application consistent with the concept masterplan. The shared zone was removed as part of the Concept SSDA modification and has further been removed from the subject application. The development application instead seeks to include a High Pedestrian Activity Area in lieu of a shared zone as per the recommendation of TfNSW.

Given that Council cannot legally condition the dedication of the park, a condition of consent is recommended under the General Matters section of the consent which stipulates that any future dedication of the park is to be subject to a Deed of Agreement or Voluntary Planning Agreement with Council. This does not require dedication as part of the consent, rather outlines the potential avenues for such dedication to occur should the applicant propose to dedicate the park in the future.

Following consideration of the matters for consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979, the provisions of the relevant State Environmental Planning Policies, the LEP and the DCP, the proposal can be supported. The proposed development is generally consistent with the provisions of the LEP and the DCP, in which the site is suitable for the intended residential use as outlined by the zoning of the site, the concept masterplan approved as part of the Concept SSDA and the structure plan outlined in the DCP. The proposed development is unlikely to generate any but negligible impacts on the natural and built environments (subject to conditions) and is in the public interest.

Following a detailed assessment of the proposal, pursuant to Section 4.16 (1) (a) of the Environmental Planning and Assessment Act 1979, DA 988/2022/JPZ is recommended for approval subject to the conditions of consent contained in Attachment A of this report.

#### 1. THE SITE AND LOCALITY

#### 1.1 The Site

The development is proposed over the subject site at 3 Andalusian Way, Castle Hill (Lot 56 DP 1253217). The overall site has an area of 2.822 hectares and is bounded by Showground Road, DeClambe Drive, Andalusian Way and Carrington Road. The site previously contained the former Council chambers which was approved for demolition under DA 304/2020/LA and has since been demolished. The middle of the site is the highest point, with the site generally sloping towards Showground Road to the north and Andalusian Way and DeClambe Drive to the south/ south-west.



Figure 1. Aerial Photograph of Site (Source: Nearmaps, 19/07/2022)

### 1.2 The Locality

The subject site is located within the Showground Station Precinct. The Precinct contains the Showground Metro Station which is identified for future development as a local centre. To the north-west of the site is the Castle Hill Showground, which is used for a variety of recreational uses. To the north and north-east of the site is predominantly characterised by low density residential, with several single and two-storey dwellings present opposite the site along Showground Road. To the south and south-east of the site is also predominantly low density residential, however is zoned R4 High Density Residential which is likely to facilitate future development for higher density residential typologies (i.e. residential flat buildings).

The subject site currently has access from DeClambe Drive and Carrington Road. Carrington Road is currently subject to road upgrade works by TfNSW. The site also has frontage to Showground Road, which is identified to be an arterial road subject to future upgrade works/road widening by TfNSW.

As noted above, the site is located within proximity to the Showground Metro Station. There are also several bus stops near the site, with the closest located along Showground Road fronting the site and along Carrington Road opposite the site. DeClambe Drive is used as route for buses turning off Showground Road, heading towards the Showground Metro Station.



Figure 2. Locality Plan

## 2. THE PROPOSAL AND BACKGROUND

#### 2.1 The Proposal

The proposal seeks consent for a subdivision creating three residential development lots, one open space lot and one residue lot relating to a future planned road including new road, demolition and the embellishment of a public park/ public domain works.

Specifically, the proposal involves:

- Subdivision creating three residential development lots that are to be subject to future
  applications for the built form, one open space lot that is subject to the embellishment of
  a public park/ public domain works and one residue lot that is to be dedicated as public
  road upon completion of the road.
- Civil/ subdivision works relating to earthworks and stormwater infrastructure.
- Construction of a local street from DeClambe Drive to Andalusian Way and associated pedestrian and cycle network.
- Embellishment of a park and public domain works.
- Provision of utility services to each lot including water, sewer, energy and telecommunications.

The key development data is provided in Table 1.

**Table 1: Key Development Data** 

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Control	Proposal		
Site area	2.822 hectares		
Zoning	R1 General Residential		
Clause 4.6 Requests	No variations are sought under this application.		
Lot Size	1800m <sup>2</sup> minimum – 2209m <sup>2</sup> to 1.198 ha proposed.		

## 2.2 Background

A pre-lodgement meeting was held prior to the lodgement of the applicant on 3 August 2021 where various issues were discussed. A summary of the key issues raised at the prelodgement stage are outlined as follows:

- Consistency with Concept State Significant Development Application SSD-9653
- Minimum Lot Size
- Dedication of Proposed Park
- Road Widening/ Upgrade Works surrounding the site
- Road Design and Council Standards
- Integrated Stormwater Management

The development application was lodged on **21 December 2021**. A chronology of the development application since lodgement is outlined below including engagement with the Panel.

Table 2: Chronology of the DA

Date	Event Event
21 December 2021	DA lodged
7 January 2022	Exhibition of the application
7 January 2022	DA referred to external agencies
7 February 2022	Request for Additional Information issued relating to matters raised by Transport for NSW, Sydney Metro, Council's Open Space and Recreation department and Council's Planning department.
10 February 2022	Kick-off briefing meeting held with Panel.
7 March 2022	Meeting held with Applicant to discuss mechanism for dedication of park.
10 March 2022	Meeting held with Transport for NSW to discuss comments regarding proposed shared zone.
23 March 2022	Request for Additional Information issued relating to Landscape Management matters.
24 March 2022	Panel Briefing meeting held. Recommendation of determination to be scheduled for Panel meeting in August 2022.
6 April 2022	SSD-9653-Mod-2 determined.
6 May 2022	Amended plans and reports submitted by applicant to the NSW Planning Portal.
22 June 2022	Request for Additional Information issued relating to Traffic and Engineering matters.
29 June 2022	Amended civil engineering plans, civil design report and models submitted to Council.
1 July 2022	Meeting held with Applicant and Council's Property department to discuss mechanism for dedication of park.
13 July 2022	Amended plans and reports submitted by applicant to the NSW Planning Portal.

## 2.3 Site History

The subject site previously contained the former Council chambers, which has since been demolished under DA 304/2020/LA.

The subject site forms part of a Concept State Significant Development Application SSD-9653. The Concept SSDA was approved on 29 January 2021 and established a master plan applying to the Showground Station Precinct. The Concept SSDA created Precinct East, which applies to the subject site at 3 Andalusian Way, Castle Hill. An extract of the Proposed Uses Plan approved as part of the Concept SSDA is provided below, demonstrating how the subdivision layout was formed with respect to the proposed future uses.

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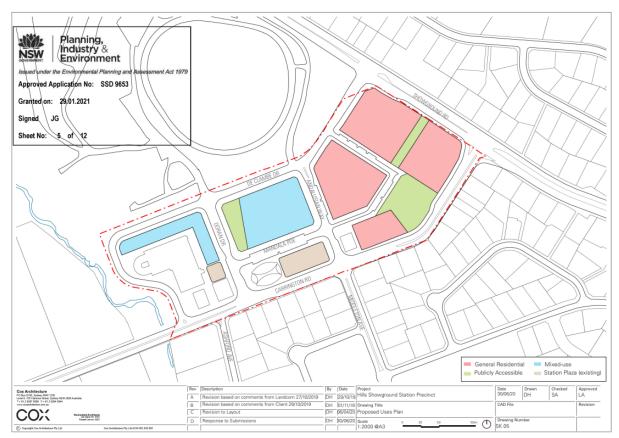


Figure 3. Indicative Layout approved under SSD-9653.

The Concept SSDA outlines future residential flat buildings (subject to future application) to be constructed on Lots 3-5 proposed under this application, and a public park to be created over Lot 2 created under this application. The Concept SSDA also approved the variation to the road alignment through the site.

There is also a modification to the Concept SSDA, being SSD-9653-Mod-2, which was approved on 6 April 2022. The modification to the SSDA relates primarily to the Precinct East and includes changes to the site area as a result of road widening, changes to the approved built form controls and Urban Design Guidelines, and changes to the design and operation of the new local street proposed for Precinct East. The proposed amendments are relied upon for the proposed application DA 988/2022/JPZ.

The change to site area is due to the required widening of Carrington Road. Detailed design of the roadworks identified the need for additional land for widening of Carrington Road, extending the widening further south and affecting the full frontage of the site to Carrington Road. The proposed road widening has been accounted for in the submitted subdivision plan for this application.

The proposed changes to the built form controls are more so relevant to the future built form applications of the proposed lots and are not relied upon for the proposed application.

The modification further includes amendments to the road network within Precinct East, notably seeking to provide two way movement along the full length of Road No. 1, extending the shared zone within Road No. 1 and limiting the intersections of Road No. 1 with DeClambe Drive and Andalusian Way to left in left out movements. The proposed amendments are relied upon for the subject application.

#### 3. STATUTORY CONSIDERATIONS

When determining a development application, the consent authority must take into consideration the matters outlined in Section 4.15(1) of the Environmental Planning and Assessment Act 1979. These matters as are of relevance to the development application include the following:

- a) the provisions of any environmental planning instrument, proposed instrument, development control plan, planning agreement and the regulations
- b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,
- c) the suitability of the site for the development,
- d) any submissions made in accordance with this Act or the regulations,
- e) the public interest.

These matters are further considered below.

It is noted that the proposal is considered to be (which are considered further in this report):

• Crown DA (s4.33)

## 3.1 Section 4.15(1)(a)(i) - Provisions of Environmental Planning Instruments

The following Environmental Planning Instruments are relevant to this application:

- State Environmental Planning Policy (Planning Systems) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- The Hills Local Environmental Plan 2019

A summary of the key matters for consideration arising from these State Environmental Planning Policies are outlined in **Table 3** and considered in more detail below.

**Table 3: Summary of Applicable State Environmental Planning Policies** 

EPI	Matters for Consideration	Comply (Y/N)
Planning Systems SEPP	• Section 2.19(1) declares the proposal as regionally significant development pursuant to Clause 4 of Schedule 6.	Υ
BC SEPP	Section 9.2 - the impacts of the proposed development have been considered with regards to the environment of the Hawkesbury-Nepean River catchment and are considered to have no adverse impact on the system, subject to conditions.	Y
RH SEPP	Clause 4.6 - Contamination and remediation has been considered in the Contamination Report and the proposal is satisfactory subject to conditions.	Y

Transport and Infrastructure SEPP	Clause 2.99 – Excavation in, above, below or adjacent to rail corridors. Sydney Metro has granted their concurrence subject to conditions.	Y
LEP	<ul> <li>Clause 4.1 – lot sizes comply.</li> <li>Clause 4.3 – height of buildings – N/A.</li> <li>Clause 4.4 – floor space ratio – N/A.</li> <li>Clause 5.10 – adjacent to heritage item, unlikely to generate impacts.</li> <li>Clause 9.1 – minimum lot sizes for residential flat buildings and shop top housing in Showground Station Precinct. All lots comply, although height of buildings relevant to future building applications.</li> <li>Clause 9.2 – no built product included to consider with regards to floor space ratio, therefore not applicable.</li> <li>Clause 9.3 – minimum building setbacks can be achieved on the proposed lots.</li> <li>Clause 9.4 – subject to Concept SSDA application and approved master plan.</li> <li>Clause 9.5 – relevant to future built form applications.</li> <li>Clause 9.7 – relevant to future built form applications.</li> <li>Clause 9.8 – relevant to future built form applications.</li> <li>Clause 9.8 – relevant to future built form applications.</li> </ul>	Y
DCP	<ul> <li>Part D Section 17 – Showground Precinct</li> <li>3.2 Structure Plan – the proposed development seeks a variation to the layout shown for the site within the structure plan. Specifically, Road 01 proposed seeks to connect to Andalusian Way rather than Carrington Road as per the DCP. The variation has been considered as part of the Concept SSDA.</li> <li>4.1 Movement Network and Design – the proposed development seeks a variation to the indicative street network shown for the site. Specifically, Road 01 proposed seeks to connect to Andalusian Way rather than Carrington Road as per Figure 8 of the DCP. The variation has been considered as part of the Concept SSDA.</li> <li>5.1 Desired Layout and Character – the proposed development seeks a variation to the layout shown for the Local Centre, which entails the realignment of Road 01 through the site and inclusion of a public park.</li> <li>5.2 Site Requirements – the proposed development seeks a variation to the minimum depth requirement for proposed lot 3.</li> </ul>	Z

## State Environmental Planning Policy (Planning Systems) 2011

The proposed development is for a subdivision creating three residential development lots, one open space lot and one residue lot relating to a future planned road including new road, demolition and the embellishment of a public park/ public domain works. The applicant, Landcom, is acting on behalf of the Crown and the proposed development has a capital

investment value (CIV) of \$7,039,691.00. Accordingly, the proposed development is identified as 'regionally significant development' under Clause 4 of Schedule 6 of the Planning Systems SEPP as the development is carried out by or on behalf of the Crown and has a capital investment value of more than \$5 million. The Sydney Central City Planning Panel are therefore the nominated consent authority for the application.

#### State Environmental Planning Policy (Biodiversity and Conservation) 2021

The provisions of State Environmental Planning Policy (Biodiversity and Conservation) 2021 (BC SEPP) have been considered in the assessment of the development application. Chapter 9 of the SEPP establishes general planning considerations for proposed developments within the Hawkesbury-Nepean River catchment area and aims to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. The proposed development is not considered to create anything but negligible impacts on the river system as it will facilitate future residential uses that are unlikely to generate any significant impacts. Conditions of consent are recommended to be imposed that require an erosion and sediment plan to be prepared and utilised throughout all stages of works to ensure that the works do not have any adverse impact on the Hawkesbury-Nepean River catchment.

## State Environmental Planning Policy (Resilience and Hazards) 2021

The provisions of State Environmental Planning Policy (Resilience and Hazards) 2021 (RH SEPP) have been considered in the assessment of the development application. Clause 4.6 of RH SEPP requires consent authorities to consider whether the land is contaminated, and 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. A Detailed Site Investigation (DSI) and Remedial Action Plan (RAP) were prepared for the site to consider the provisions of the SEPP.

As part of the DSI, an assessment was undertaken in accordance with the requirements of ASC NEPM1 and NSW Environmental Protection Authority made or endorsed guidance. The site is generally absent of gross and/ or widespread contamination, however some potentially unacceptable risks to future site users were identified at the site such as the presence of material containing asbestos. The DSI recommended that management of the identified asbestos contamination in relation to redevelopment of the site is undertaken via preparation and implementation of a RAP. A Remedial Action Plan was submitted as part of the application in light of the findings of the DSI.

The Environmental Health department have reviewed the DSI and RAP have raised no objections to the recommendations of the report, subject to conditions. Following satisfactory remediation of the site and compliance with conditions of consent, the site will be made suitable for its intended residential use and is consistent with RH SEPP.

### State Environmental Planning Policy (Transport and Infrastructure) 2021

The subject site is located within the Showground Station Precinct which contains the Showground Metro Station. The proposed development is located above the rail corridor used for the Sydney Metro and includes earthworks above/ adjacent to the rail corridor. Where excavation is proposed above or adjacent to a rail corridor, the development application is required to be referred to the relevant rail authority, in this instance Sydney Metro, in accordance with Section 2.99 of State Environmental Planning Policy (Transport and Infrastructure) 2021. Section 2.99 applies to development that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within, below or above a rail corridor.

The proposed development includes excavation (cut) up to 2.0 metres and therefore was referred to Sydney Metro for concurrence. Sydney Metro have reviewed the application and have issued their concurrence subject to conditions, therefore satisfying s2.99(3) of the Transport and Infrastructure SEPP.

# The Hills Local Environmental Plan 2019

The proposed development is pursuant to the provisions outlined within the LEP.

The aims of the LEP include the following:

- to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,
- to guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs.
- to provide strategic direction and urban and rural land use management for the benefit of the community,
- to provide for the development of communities that are healthy, connected and inclusive and that have services and facilities that meet their needs,
- to provide for well planned and liveable neighbourhoods through efficient and safe transport infrastructure, a range of housing options, and a built environment that is compatible with the cultural and natural heritage of The Hills,
- to preserve and protect the natural surroundings of The Hills and to identify environmentally significant land for the benefit of future generations,
- to contribute to the development of a prosperous local economy through the identification and management of land to promote employment opportunities, rural productivity and tourism.

The proposal is consistent with these aims as the proposal seeks to development the site in an orderly manner whilst balancing economic, environmental and social needs, and further provides opportunity to deliver additional housing types within a built environment that is compatible with the surrounding transport infrastructure.

Zoning and Permissibility (Part 2)

The site is zoned part R1 General Residential and part SP2 Infrastructure under Clause 2.2 of the LEP.

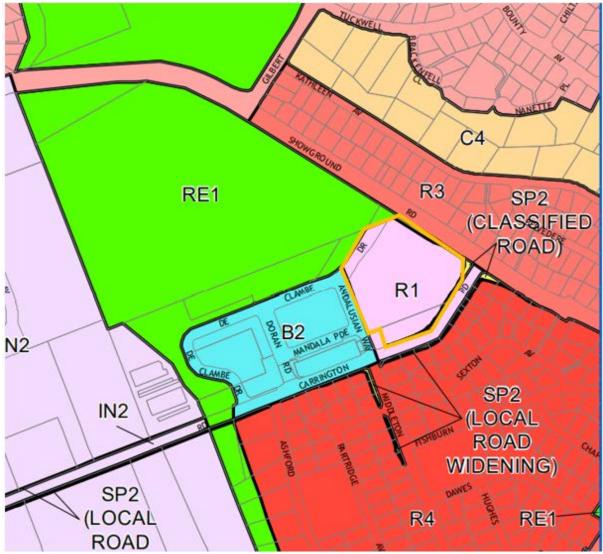


Figure 4. Extract of Zoning Map Sheet LZN\_016. Site outlined in orange.

The proposal is defined as subdivision and is permissible with development consent in accordance with Clause 2.6 of the LEP.

The objectives of the R1 zone include the following (pursuant to the Land Use Table in Clause 2.3):

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs
  of residents.
- To enable other land uses that support the adjoining or nearby commercial centres and protect the amenity of the adjoining or nearby residential areas.

The proposal is consistent with these zone objectives for the following reasons:

The facilitating subdivision will enable future subdivision of the residue lots in accordance
with the provisions of the LEP and DCP in order to provide additional housing opportunities
and a variety of housing types and densities when considered with the surrounding area.

- The intended future use of the residue lots is considerate of adjoining land uses and supports the functioning of the Showground Station Precinct.
- The embellishment of a park will provide facilities to meet the day to day needs of future residents.

The objectives of the SP2 zone include the following (pursuant to the Land Use Table in Clause 2.3):

- 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 proposed subdivision has considered the SP2 zoning along Carrington Road and has excluded this area from the development site as the road works are currently being undertaken. The SP2 zoned portion of the site along Showground Road has been included within proposed lot 5. The applicant has provide justification in relation to this land stating that the SP2 zoned land has not been created as a separate lot as there is no certainty regarding any potential road upgrade works relating to this land and there has been no such indication from Transport for NSW. Notwithstanding, any future development of proposed lot 5 would otherwise need to be considerate of the SP2 land given residential uses are not permitted within the SP2 zone and must ensure that any future upgrade works can be undertaken if determined to be necessary. The proposed subdivision therefore does not prevent the objectives of the SP2 zone from being achieved.

General Controls and Development Standards (Part 4, 5, 7 and 9)

The LEP also contains controls relating to development standards, miscellaneous provisions and site specific provisions. The controls relevant to the proposal are considered in Table 4 below.

Table 4: Consideration of LEP Controls

Control	Requirement	Proposal	Comply
Minimum subdivision Lot size (CI 4.1)	1800m²	2209m² – 11974m²	Yes
Height of Buildings (Cl 4.3)	52 metres	N/A — no built form proposed/ relevant to future built form applications.	N/A
Floor Space Ratio (Cl 4.4)	3:1	N/A — no built form proposed/ relevant to future built form applications.	N/A
Heritage Conservation (CI 5.10)	2 (f) — Development consent is required for subdividing land on which a heritage item is located or that is within a heritage conservation area, or on which an	No heritage items are identified on the site. The site is within proximity to the heritage item located at 128-132 Showground Road, which is identified as Item I69 under Schedule 5 of the	Yes

	Aboriginal object is located or that is within an Aboriginal place of heritage significance.	LEP and is of local significance. The proposed development is not considered to generate any impacts on the heritage item. Further consideration will need to be given as part of the future built form applications. Conditions applied for any unexpected finds.	
Minimum Lot Sizes for residential flat buildings and shop top housing (CI 9.1)	Residential flat building with a building height of 11 metres or more within the R1 zone – 3600m²  Residential flat building with a building height of less than 11 metres within the R1 zone – 1800m²  Shop top housing within the R1 zone – 3600m²	N/A — no built form proposed/ relevant to future built form applications.  Note: proposed lot 3 is 2209m² in area, meaning Clause 9.1 otherwise restricts a residential flat building with a building height of 11 metres or more, or shop top housing, from being provided in accordance with this Clause. It is noted that a Clause 4.6 variation to this control was submitted as part of the Concept SSDA and any variation will need to be considered as part of any future built form application.	Yes
Site area of proposed development includes dedicated land (CI 9.2)	The site area of proposed development on land within the Showground Station Precinct is, for the purpose of applying a floor space ratio under Clause 4.5, taken to include land that is (a) is dedicated to the Council or a public authority for a public purpose (including roads, drainage or open space), and (b) would have been prat of the site area if it had not been so dedicated.	N/A — no built form proposed/ relevant to future built form applications.	N/A

Minimum building setbacks (CI 9.3)	5m	N/A – no built form proposed/ relevant to future built form applications.  The lots are considered	N/A
		large enough to facilitate the minimum setback requirement however.	
Development requiring the preparation of a development control plan (Cl 9.4)	This clause applies to development on land that has a site area of at least 3600m² and is within the Showground Station Precinct. Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (4) has been prepared for or applies to the land, or the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.	A concept masterplan has been approved relating to the site under the Concept SSDA application. The matters of subclause (4) have been considered as part of the Concept SSDA.  The proposed development is in accordance with the Concept SSDA.	Yes
Design Excellence (CI 9.5)	Development consent must not be granted to which this clause applies unless the consent authority considers that the development exhibits design excellence.	N/A – no built form proposed/ relevant to future built form applications.	N/A
Active street frontages in Zones R1 and B2 (CI 9.6)	Development consent must not be granted to the erection of a building, or the change of use of a building, on land to which this clause applies unless the consent authority is satisfied that the building will have an active street frontage.	N/A – no built form proposed/ relevant to future built form applications.	N/A

Residential development yield on certain land (Cl 9.7)		proposed/ relevant to future	N/A
Maximum number of dwellings (CI 9.8)	5000 dwellings on land within the Showground Station Precinct.	N/A — the proposed development does not propose any dwellings.  Any future development of the proposed residue/ development lots will need to consider this control.	N/A

The proposal is considered to be generally consistent with the LEP.

### 3.2 Section 4.15 (1)(a)(ii) - Provisions of any Proposed Instruments

There are no proposed instruments which have been the subject of public consultation under the Environmental Planning and Assessment Act 1979 that are relevant to the proposal.

#### 3.3 Section 4.15(1)(a)(iii) - Provisions of any Development Control Plan

The following Development Control Plan is relevant to this application:

- The Hills Development Control Plan 2012
- Part C Section 3 Landscaping
- Part D Section 19 Showground Station Precinct

A summary of key controls/ non-compliances is provided below. A detailed compliance table is attached to this report as Attachment D.

### Part C Section 3 – Landscaping

The proposed development is generally compliant with the relevant controls outlined within Part C Section 3 – Landscaping of the DCP. With respect to the proposed development, the street tree planting and park embellishment have been assessed against the controls of the DCP by Council's Tree and Landscape Management department and are considered satisfactory with respect to the DCP, subject to conditions.

The proposed embellishment of a park has been subject to several discussions prior to the lodgement of the Development Application with the Parks and Assets departments. The applicant also undertook public consultation with regards to the park design and have considered the public interest in designing the park.

The Tree and Landscape Management department have raised no objections to the proposed street tree planting and park embellishment subject to conditions. Conditions of consent are recommended to ensure that the landscaping (street trees, park embellishment, public domain works) are carried out as per the approved plans and in accordance with Council's requirements and standards.

### Part D Section 19 - Showground Station Precinct

## Control 3.2 - Showground Precinct Structure Plan and Key Elements

Control 3.2 of the DCP establishes Structure Plan for the Showground Precinct. The objective of the control is to ensure development of the Precinct is undertaken in a co-ordinated manner consistent with Precinct vision and the development principles of housing diversity, employment opportunities, transit oriented development, quality infrastructure and open space and place making. The control further seeks to ensure that development of the Precinct is appropriately coordinated around the built and natural features of the precinct. In particular, part (1) of the control requires all development to comply with the desired character in Section 3.1 of the DCP, key elements in Table 1 and with the Showground Precinct Structure Plan in Figure 5. An extract of the Structure Plan is provided below with the subject site outlined in red.

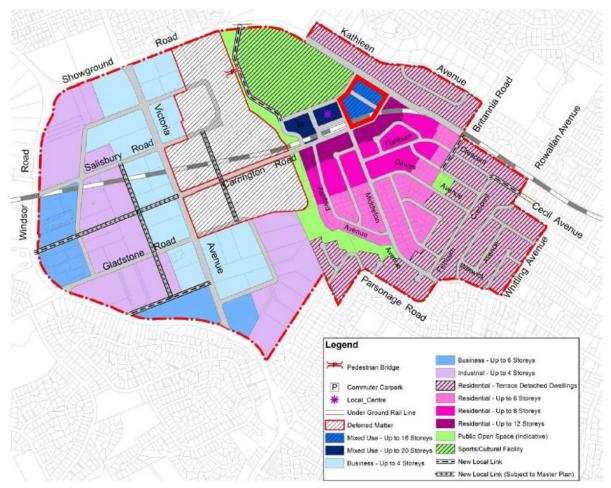


Figure 5. Extract of Showground Precinct Structure Plan

Part (2) of the control specifies that where variations are proposed, development is to demonstrate how the vision, development principles, key elements for the Precinct and relevant specific objectives are to be achieved. Whilst the proposed development remains consistent with desired character for the site and Precinct more generally, the proposed development seeks a variation to the Structure Plan with respect to the road layout internal to the site.

The Structure Plan as shown in Figure 4 above envisaged a local road from De Clambe Drive to Carrington Road through the site. The proposed development maintains the connection at DeClambe Drive, however seeks to realign the road and have the other connection relocated to Andalusian Way.

The proposed realignment of the road was considered as part of the Concept SSDA, in which the realignment was approved as the outcome provided a better entry for future buildings, discourages through site traffic to create a more pedestrian friendly environment, enables better connections to mandala Parade and the station, and will provide better surveillance of the park and the ability to retain a significant number of trees. Additionally, initial concerns were raised by TfNSW (formerly RMS) with respect to an additional intersection onto Carrington Road, which the amended road alignment otherwise resolves.

Given that the variation was considered, and approved, at the Concept SSDA stage, the proposed variation to the Structure Plan is considered reasonable in this instance. The proposed road itself has been assessed by Council's Engineering and Traffic departments to ensure that it meets the relevant standards.

#### Control 4.1 - Movement Network And Design

Control 4.1 of the DCP establishes the indicative street network and hierarchy within the Showground Precinct. Part (1) of the control requires that the street network is consistent with the indicative street network and hierarchy outlined by Figure 8. An extract of Figure 8 of the DCP is provided below.

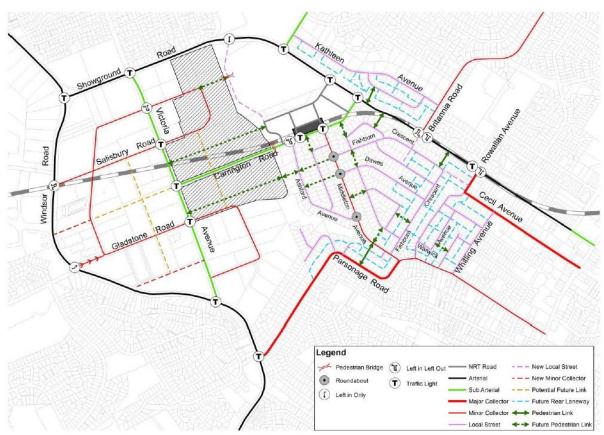


Figure 6. Extract of Indicative Street Network and Hierarchy for Showground Precinct

Like the variation to Control 3.2, the changes to the site layout and street network have been considered as part of the Concept SSDA in which the alignment of the road between

DeClambe Drive and Carrington Drive was amended so that the road rather extends between DeClambe Drive and Andalusian Way. Given that the variation was considered, and approved, at the Concept SSDA stage, the proposed variation to the street network is considered reasonable in this instance.

Notwithstanding the above, the changes to the road through the site is considered to remain consistent with the objectives of the control by providing additional opportunity to encourage future residents to walk to the nearby Metro station and by improving the functionality and safety of the road for vehicles and pedestrians. The road remains consistent with the intended design and profile envisaged by the DCP.

### Control 5.1 - Desired Layout and Character

Control 5.1 provides an Indicative Layout Plan for the Local Centre within the Showground Precinct, which includes the subject site. An extract of the Indicative Layout Plan is provided below.

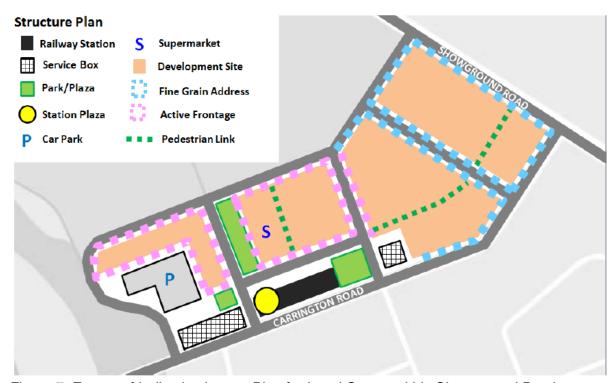


Figure 7. Extract of Indicative Layout Plan for Local Centre within Showground Precinct.

The proposed development includes a variation to this control, similar to that sought for controls 3.2 and 4.1. As discussed earlier for the other controls, the realignment of the road through the site was approved as part of the Concept SSDA. The proposed development is consistent with the Concept SSDA application and therefore the variation is acceptable in this instance.

## Control 5.2 - Site Requirements

Control 5.2 of the DCP relates to development sites within the Local Centre area of the Showground Precinct. In particular, the control outlines minimum site requirements for development sites within the R1 General Residential Zone such as site coverage, frontage and depth requirements. As the proposed development seeks to create three development lots (being proposed lots 3-5) that are intended for future residential flat buildings, the requirements of this control have been considered as part of this application.

Part (1) of this control requires development sites to have a minimum road frontage of 30m. All the proposed development lots comply with this control and provide a road frontage of 30m or greater.

Part (2) of this control requires development sites to have a minimum depth of 40m. Proposed lots 4 and 5 comply with this control, whilst proposed lot 3 generally has a depth of 34.48m. Proposed lot 3 therefore does not comply with the minimum depth requirement and has a variation of 5.52m or 13.8%.

As part of the Concept SSDA, a building envelope plan was submitted and approved which showed the developable area of proposed lot 3. An extract of this plan is provided in Figure 7 below. Despite not complying with the minimum depth requirements, it has otherwise been demonstrated that the lot has sufficient dimensions to facilitate a future residential flat building.

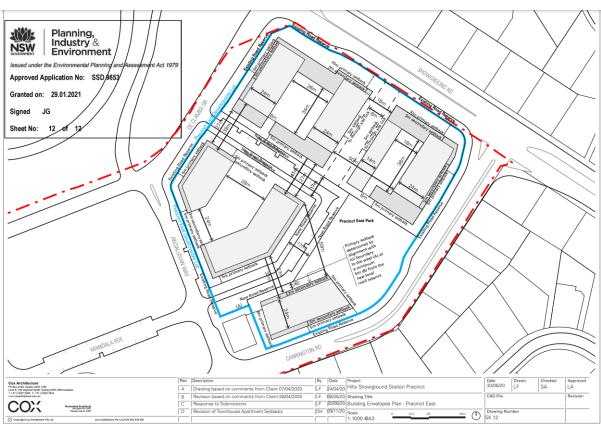


Figure 8. Extract of Building Envelope Plan approved under SSDA9653.

Notwithstanding the above, the site provides a frontage/ width greater than the minimum required as per part (1) of this control, and therefore offsets the non-compliance with the minimum depth by providing adequate width and developable area. Proposed Lot 3 otherwise complies with the minimum lot size requirement. The variation to the depth control is considered acceptable in this instance.

#### **Contributions**

The following contributions plans are relevant pursuant to Section 7.18 of the EP&A Act and have been considered in the recommended conditions (notwithstanding Contributions plans are not DCPs they are required to be considered):

The Hills Contributions Plan No. 19 – Showground Precinct

This Contributions Plan has been considered and the Forward Planning team have determined a contribution is not payable at this time. Contributions will apply to the subsequent development of the lots created by this subdivision.

### 3.4 Section 4.15(1)(a)(iiia) – Planning agreements under Section 7.4 of the Act

There have been no planning agreements entered into and there are no draft planning agreements being proposed for the site/ development.

The proposed park that is included as part of the development is not located on land zoned as RE1 Public Recreation, is not identified under a Contribution Plan and is not subject to a planning agreement. The applicant/ developer intends to dedicate the park to Council absent of a planning agreement. The dedication of the park is proposed to be undertaken via a deed of agreement. This matter is discussed in further detail in Section 5 of this report.

# 3.5 Section 4.15(1)(a)(iv) – Provisions of Regulations

Clause 61 of the Regulation contains matters that must be taken into consideration by a consent authority in determining a development application, comprising the following:

- If demolition of a building proposed provisions of AS 2601;
- If on land subject to subdivision order under Schedule 7, provisions of that order and any development plan;
- Dark Sky Planning Guideline if applicable;
- Low Rise Housing Diversity Design Guide for Development Applications (July 2020) if for manor house or multi dwelling housing (terraces).

The proposed development does not seek consent for demolition, as demolition of the previous structures on the site was approved under DA 304/2020/LA. Consideration of the provisions of AS 2601 is therefore not required for this application.

The proposed development is not identified on land subject to subdivision order under Schedule 7 of the Environmental Planning and Assessment Act 1979.

The Dark Sky Planning Guideline and Low Rise Housing Diversity Design Guide for Developments Applications do not apply to the proposed development as not built form is proposed.

#### 3.6 Section 4.15(1)(b) – Likely Impacts of Development

The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality must be considered. In this regard, potential impacts related to the proposal have been considered in response to SEPPs, LEP and DCP controls outlined above and the Key Issues section below.

The consideration of impacts on the natural and built environments includes the following:

Context and setting – The proposed development is considered to be generally consistent
with the Indicative Layout Plan for the Showground Precinct and further the future context
of the locality. The proposed subdivision will facilitate future development within the R1
Medium Density Residential environment. Further consideration of impacts such as
character, design, scale, mass and form will need to be considered for any built form
development over the residue lots created.

 Access and traffic – The proposed development is for subdivision only and does not include any built product that would otherwise be classified as traffic generating development. The proposed development will include the full width construction of the road connecting De Clambe Drive to Andalusian Way, which will contribute to the future road network for the Showground Precinct and provide an access point for future residential development.

Conditions of consent have been imposed to manage any traffic impacts that may occur at the subdivision works stage. Specifically, a condition of consent has been imposed requiring a construction management plan to be prepared prior to the issue of a subdivision works certificate, and similarly a condition of consent has been imposed requiring a traffic control plan to be prepared prior to works commencing on the site.

- Public Domain The site forms part of the Showground Precinct. Public domain works such as street tree planting and the embellishment of the park are proposed as part of the development and are likely to improve the existing public domain of the Precinct. Consequently, the proposed development is unlikely to generate any negative impacts on the existing public domain.
- Utilities Conditions of consent have been imposed requiring adequate servicing arrangements to be available to proposed development. The conditions of consent stipulate that water, electrical and telecommunication services will need to have satisfactory arrangements for the provision of these services prior to the issue of a subdivision certificate.
- Heritage The proposed development is not considered to impact on any known items of Aboriginal or European significance. The site is not identified to contain any items or places of heritage significance. The proposed development is not considered to have any impacts on the heritage item located at 128-132 Showground Road or its visual curtilage control area, located to the north of the site and separated by Showground Road. Any future built form application will need to have consideration to the heritage item in terms of its design, shadowing and other potential impacts.

Conditions of consent have been imposed for any unexpected finds during activities involving earthworks and soil disturbance. The conditions stipulate that all work must cease if any unexpected sites or relics or uncovered during works, and must comply with Part 6 of the National Parks and Wildlife and the Office of Environment and Heritage to be contacted immediately.

- Water Catchment The subject site is located within the Hawkesbury-Nepean River Catchment and is subject to the provisions of the BC SEPP. In order to ensure that the subdivision works do not generate any runoff or pollution in the catchment, conditions of consent have been imposed requiring a Soil and Water Management Plan to be prepared and approved prior to the issue of a Subdivision Works Certificate that must also be in place prior to works commencing and maintained during construction. The Soil and Water Management Plan will ensure that any sediment or waste generated by the works will be controlled within the site so as not to impact on the water catchment.
- Air Impacts The subdivision works for the proposed development may generate dust due
  to the earthworks and other ground disruption required to facilitate the works. In addition
  to the Soil and Water Management Plan, a condition of consent has been imposed require
  dust control measures to be in place during constructions. These measures may include
  the likes of dust screens, water spraying devices to wet down dusty surfaces, and covering

of stockpiles that may generate dust. The dust control measures will ensure that any adjoining residents are not impacted by the subdivision works.

Flora and fauna impacts – The proposed development does not trigger entry into the Biodiversity Offsets Scheme under the Biodiversity Conservation Act 2016 No 63 and therefore does not require further biodiversity consideration under the Act. Notwithstanding this, the subject site contains small clusters of modified vegetation that previously formed part of the landscaping for the former Council chambers. The application does include removal of trees internal to the site as they are otherwise impacted by the subdivision works or will need to be removed under any future residential subdivision.

Council's Tree Management and Ecology departments have reviewed the application with respect to the proposed tree removal and have raised no objections subject to conditions of consent.

The proposed development will includes extensive public domain works and the embellishment of a park which will otherwise offset/ replace several of the trees proposed to be removed.

- Natural environment The proposed development requires extensive earthworks to
  ensure it matches the levels set by the surrounding road network and to ensure that the
  development lots are prepared for further residential development. The proposed
  earthworks/ changes to contours are deemed necessary in order to match the intended
  future levels of the area.
- Noise and vibration The subdivision works relating to road construction and earthworks
  may be noise-generating sources due to the equipment, vehicles and machinery generally
  required for such activities. A condition of consent has been imposed requiring all works
  to be restricted to between the hours of 7:00am and 5:00pm, Monday to Saturday in order
  to mitigate noise impacts for surrounding properties/ dwellings. The condition further
  specifies that the hours may be reduced if traffic impacts arise.
- Bushfire The subject site is not identified as being bushfire prone and therefore any
  future residential development on the proposed development lots are unlikely to place
  future residents at risk with respect to any potential bushfire threat.
- Social impact The proposed development does not contain any RE1 Public Recreation zoned land, however the proposed development includes the embellishment of a park that is intended to be available as public open space. The park will provide communal open space to the future residents of the precinct and surrounding area and provide opportunities for recreational activities. The embellishment of the park is considered to positively impact the future residents of the precinct as the park will contribute to improving physical and mental well-being. The site is also located within proximity to The Hills Showground which contains further open space and recreational facilities.

The proposed development will complete a portion of the Showground Precinct street network and will dedicate new road to Council for public use. Future residents within the area will be able to utilise the street network for navigating around the Showground Precinct. The new road will help facilitate safe pedestrian and vehicle movements within the Precinct also.

The proposed development is not considered to generate any negative social impacts. Further consideration to social impacts will need to be given as part of the future built form applications.

- Economic impact The proposed development is considered to generate positive economic impacts through the generation of employment opportunities within the construction industry. Further development of the development lots created will also provide further employment opportunities in relation to the construction of future residential dwellings or similar developments permissible within the R1 zone.
- Site design and internal design The proposed development is considered to be a site responsive design as it ties into the existing and future character of the Showground Precinct, and ties into the levels set by the surrounding road network. The levels set by the development are unlikely to create any impacts on adjoining developments.
- Cumulative impacts The proposed development does not include any built product and
  is therefore not considered to generate any on-going impacts in its current form. Further
  development of the development lots created that include the built product may create
  additional impacts, however any such impacts will need to be assessed and considered
  as part of any future applications (i.e. solar impacts on dwellings, waste impacts, etc).

Accordingly, it is considered that the proposal will not result in any significant impacts in the locality as outlined above.

### 3.7 Section 4.15(1)(c) – Suitability of the site

The proposed development is generally consistent with the Showground Precinct Structure Plan aside from the realignment of the through road on site, and is considered to be consistent with the intended future character of the site.

The proposed development is required to provide adequate services to the lots and will ensure these are available for further development for residential purposes. Further residential development of the site will provide future residents with additional housing opportunities within proximity to the Showground Metro Station.

The site is not identified to be affected by any natural hazards and is considered suitable for its intended future residential use. The site will be deemed suitable for further residential use following remediation of the site under this application.

The site is not considered to have any significant constraints that would otherwise restrict future residential development of the residue lots created.

### 3.8 Section 4.15(1)(d) – Public Submissions

No submissions objecting to the proposed development have been submitted against the proposed development.

### 3.9 Section 4.15(1)(e) – Public interest

The proposed development is not considered to generate any significant impacts that would otherwise impact on the public. The proposed development is generally consistent with the provisions of The Hills LEP and DCP and most importantly is consistent with the intended future character of the Showground Precinct.

Further development of the residue lots created will provide additional housing opportunities to the public within the general residential environment.

Given this, the proposal is within the public interest.

#### 4. REFERRALS AND SUBMISSIONS

## 4.1 Agency Referrals and Concurrence

The development application has been referred to various agencies for comment/concurrence/ referral as required by the Environmental Planning and Assessment Act 1979 and outlined below in Table 5.

There are no outstanding issues arising from these concurrence and referral requirements subject to the imposition of the recommended conditions of consent being imposed.

**Table 5: Concurrence and Referrals to agencies** 

Table 5: Concurrence and Referrals to agencies				
Agency	Concurrence/ referral trigger	Comments (issue, resolution, conditions)	Resolved	
Transport for NSW	S138 Roads Act 1993 (Non-integrated) S2.119 Transport and Infrastructure SEPP 2021	The proposal was referred to TfNSW given the site fronts onto a classified road (Showground Road) and may have impact on the existing street network.  TfNSW have provided comments for Council's consideration. The comments have been considered as part of assessment and are considered to have been sufficiently addressed.  The proposed development is considered to have satisfied the criteria established under S2.119 (2) of the Transport and Infrastructure SEPP.	Y	
Sydney Metro	S2.98 Transport and Infrastructure SEPP 2021	The proposal involves the excavation of ground to a depth of at least 2m below ground level (existing) on land within, below or above a rail corridor.  Concurrence has been granted by Sydney Metro subject to conditions. Conditions of consent are recommended requiring compliance with the requirements outlined by Sydney Metro throughout all stages of the development.	Y	

#### 4.2 Council Referrals

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The development application has been referred to various Council officers for technical review as outlined Table 6.

**Table 6: Consideration of Council Referrals** 

Officer	Comments	Resolved
Engineering	No objections, subject to recommended conditions.	Yes (conditions)
Traffic	No objections, subject to recommended conditions.  Refer to Section 5 in relation to the proposed shared zone/ change to a high pedestrian activity area.	Yes (conditions)
Environmental Health	No objections, subject to recommended conditions.	Yes (conditions)
Ecology	No objections, subject to recommended conditions.	Yes (conditions)
Tree and Landscape Management	No objections, subject to recommended conditions.	Yes (conditions)
Waste Management	No objections, subject to recommended conditions.	Yes (conditions)
Heritage	No objections.	Yes
Property	No objections. Dedication of the park should not occur until completion of the surrounding development.	Yes
Open Space and Recreation	No objections	Yes

The outstanding issues raised by Council officers are considered in the Key Issues section of this report.

## 4.3 Community Consultation

The proposal was exhibited in accordance with Section 7 under Schedule 1 of the Environmental Planning and Assessment Act 1979 from 7 January 2022 until 1 February 2022. The proposal was also notified to surrounding properties in accordance with Council's Community Participation Plan. Council received no submissions objecting to the proposed development.

#### 5. KEY ISSUES

The following key issues are relevant to the assessment of this application having considered the relevant planning controls and the proposal in detail:

## 5.1 Dedication of Proposed Park

The proposed development seeks approval for the embellishment of a public park. The proposed park is to be contained within proposed lot 2 and the applicant is seeking to dedicate the park to Council at a later stage. The site/ area identified for the park is not zoned RE1

Public Recreation nor is the park identified in The Hills Contribution Plan or subject to a Voluntary Planning Agreement (VPA).

Prior to the lodgement of the application the Asset Management and Parks teams held several meetings with the applicant with regards to the design and dedication of the proposed park. Both departments have provided comments as part of DA 988/2022/JPZ in which they have noted they have no objections in principle for the dedication of the park although the dedication should not occur until the future residential buildings surrounding the park are developed or nearing completion.

As part of the assessment of DA 988/2022/JPZ concern was raised with respect to the how the dedication of the park would be facilitated specifically with respect to the legality of the dedication absent the park being located on RE1 zoned land or being included in a Contribution Plan or VPA. The applicant has already discussed a potential VPA with Council's Forward Planning team as part of the initial precinct planning/ SSDA however no agreement was reached. The applicant has stated they do not wish to explore a VPA for the dedication of the park.

The recent decision under L & G Management Pty Ltd v Council of the City of Sydney [2021] NSWLEC 149 confirmed that there is no power for a consent authority to require dedication of land free of cost, even if the developer volunteers to do so, absent a VPA or such land being identified in a Contribution Plan. The decision reiterates the point that a consent authority must find power in either Section 7.4 or Section 7.11 of the Environmental Planning and Assessment Act 1979 to be able to require the dedication of land free of cost as a condition of development consent.

The abovementioned case law raises concerns with regards to the legality of a deed of agreement to facilitate the dedication of the park. As per the judgement, Council is unable to require the dedication of the park at no cost to Council as a condition of development consent as there is no planning agreement or contribution plan in which it can be done so.

In light of the above, the applicant inquired about the possibility of a deed of agreement being executed relating to the dedication of the park. Council's Property team met with the applicant to discuss a deed of agreement relating to the dedication of the park. In principle the dedication of the park may be done under a deed of agreement subject to terms and conditions (particularly relating to the timing of the dedication) noting any such deed would need to be reported to and supported by Council.

Given the process associated with executing a deed of agreement (including reporting to Council, etc), it is unlikely that a Deed of Agreement could be prepared and finalised prior to determination of the application. The applicant has requested that a condition of consent be imposed requiring a Deed of Agreement to be prepared and entered into post-consent. The main issue that arises from this is whether a condition of consent could lawfully be imposed requiring a deed of agreement to be sought and linked to the development application.

The Newbury Test established under Newbury District Council v Secretary of State for the Environment [1981] AC 578 outlines principles to test the validity of planning conditions. These are that any condition must have a planning purpose, must relate to the permitted development to which it is annexed, and must not be so clearly unreasonable that no reasonable planning authority could have imposed it. With respect to a potential condition relating to a deed of agreement as discussed above it is considered that any such condition would have a planning purpose and relate to the proposed development however of concern would be the validity of such a condition.

Considering the above, Council cannot lawfully impose a condition requiring a Deed of Agreement to be executed for the dedication of the park. Notwithstanding this, a condition of consent (Condition 20 as per Attachment A) is however recommended that states that should the applicant/ developer intend to dedicate the park, it will need to be done so as part of a separate Deed of Agreement or Voluntary Planning Agreement with Council. The proposed condition reads as follows.

#### 20. Dedication of Park

Any proposed dedication of the park embellished over proposed lot two it is to be subject to a separate Deed of Agreement to be agreed with and executed with Council or a Voluntary Planning Agreement. Any Deed of Agreement relating to the dedication of the park must ensure that the timing for the execution of the agreement is tied to the approval of the first residential building on-site.

The condition provides flexibility with regards to the dedication and does not legally bind Council or the applicant/ developer into the dedication of the park. Rather, the condition seeks to outline the process for such dedication if it is to be proposed by the applicant/ developer. The condition further provides guidance in relation to the timing of such an agreement to be executed.

The proposed condition is therefore considered to satisfy the principles of the Newbury Test as it does not force Council into a Deed of Agreement/ Voluntary Planning Agreement and does not prevent the applicant/ developer from satisfying the other conditions of consent recommended.

## 5.2 Proposed Shared Zone for Road No. 1

The initial proposal sought consent for a shared zone proposed from Andalusian Way and extending to the full park frontage along Road No 1. The intent of including the shared zone was to provide pedestrian priority outside the park and to facilitate high pedestrian volumes generated between the Hills Showground Precinct East and the Showground Metro Station. The proposed shared zone design included traffic calming treatments along the shared zone to prioritise active transport such that vehicle speeds would be reduced and to facilitate a transition between the park and local roads.

The Development Application was referred to TfNSW to provide their comment on the proposal. On 2 February 2022, TfNSW provided comments for Council's consideration relating to development, noting that the development in its initial form was not supported. Of particular note, it was advised that a Shared Zone on a public road would require approval from TfNSW and would need to be implemented by TfNSW (i.e. installation of line markings, signage, etc). Concern was also raised with the traffic volumes which may pass through the proposed shared zone given the general criteria for a shared zone includes a desirable traffic volume of less than 100 vehicles per hour and equal to or less than 1000 vehicles per day. It was recommended by TfNSW that be a 40km/h High Pedestrian Activity Area (HPAA) for Road No 1 may be more appropriate.

The proposed shared zone was also sought under the modification application to the Concept SSDA (being SSD-9653-Mod-2), in which similar concerns were raised by TfNSW. The modification application was amended to note that the SSDA was a concept approval only and such detailed design and operational measures of Road 01 were to be dealt with under DA 988/2022/JPZ.

Council met with TfNSW on 10 March 2022 to discuss the proposed shared zone further, in which it was agreed that a HPAA would be more appropriate for Road No 1. TfNSW issued further comments to the applicant in relation to this on the same date.

Following discussions between the applicant and TfNSW, the development application was amended to adopt a HPAA in lieu of a shared zone. The design for Road No 1 was amended accordingly to be consistent with the requirements of a HPAA.

TfNSW have however noted that a Shared Zone can be investigated in the future should it be considered necessary and if it can be demonstrated that the traffic volumes are appropriate for a shared zone to be adopted.

#### 6. CONCLUSION

This development application has been considered in accordance with the requirements of the Environmental Planning and Assessment Act 1979 and the Environmental Planning and Assessment Regulation 2021 as outlined in this report. Following a thorough assessment of the relevant planning controls and the key issues identified in this report it is considered that the development application can be supported.

The proposed development is generally in accordance with the provisions of The Hills Local Environmental Plan 2019 and The Hills Development Control Plan 2012 and is generally consistent with the Structure Plan for the Showground Precinct. The proposed development facilitates the future development of the Showground Precinct and establishes the site for future residential development that is in accordance with the future intended character of the Showground Precinct.

It is considered that the key issues as outlined in Section 5 have been resolved satisfactorily in the recommended draft conditions at Attachment A below.

#### 7. RECOMMENDATION

The development application DA 988/2022/JPZ be approved pursuant to Section 4.16(1)(a) of the Environmental Planning and Assessment Act 1979 subject to the draft conditions of consent included with this report at Attachment A.

The following attachments are provided:

- Attachment A: Draft Conditions of consent
- Attachment B: TfNSW Cover Letter
- Attachment C: Sydney Metro Cover Letter and General Terms of Approval
- Attachment D: DCP Table of Compliance
- Attachment E: Subdivision Plan
- Attachment F: Public Domain Plans
- Attachment G: Civil General Arrangement Plan

#### ATTACHMENT A: DRAFT CONDITIONS OF CONSENT

#### **GENERAL MATTERS**

### 1. Approved Plan

The development must be carried out in accordance with the approved plans and other supporting documentation listed below, except where amended by other conditions of consent:

Drawing:	Description:	Prepared:	Sheet:	Revision:	Date:
PR144385- DP1	Plan of Subdivision	RPS	1 of 1	-	12/07/2022
PR149342-1	Landscape Plan and Sections	RPS	01 – 07	1	04/05/2022
PR149342-1	Detailing Planting Plans and Planting Schedule	RPS	08-14	I	04/05/2022

A Subdivision Works Certificate is required. No work is to be undertaken before it has been issued. The following additional requirements apply:

- a) Lot 1 as shown on the plan of subdivision is not to be created as a separate lot on the final plan as it contains the public road. The road will otherwise be constructed and dedicated at no cost to Council as per the undertaking on the subdivision plan and Statement of Environmental Effects.
- b) Splay corners must be provided at intersections and at bends of all planned and existing public roads in accordance with Council's Design Guidelines. The final plan must be amended to delete the right of way/ easements annotated as (J) and (K) on the plan of subdivision and instead include these splay corners as part of the dedicated public road reserve (see point a) above). The minimum required corner splay is 4m by 4m.

# 2. Compliance with Integrated Development/ Concurrence Referrals

Compliance with the requirements of Sydney Metro throughout all stages of the subdivision as outlined in their letter dated 23 May 2022 Reference SM-22-00228932 attached to this consent as Appendix A.

## 3. Subdivision Certificate Preliminary Review

Prior to the submission of a Subdivision Certificate application a draft copy of the final plan, administration sheet and Section 88B instrument (where included) must be submitted to establish that all conditions have been complied with.

Street addresses for the lots within this subdivision will be allocated as part of this preliminary check process, for inclusion on the administration sheet.

## 4. Process for Council Endorsement of Legal Documentation

Where an encumbrance on the title of the property is required to be released or amended and Council is listed as the benefiting authority, the relevant release or amendment documentation must be submitted along with payment of the applicable fee as per Council's Schedule of Fees and Charges. Sufficient time should be allowed for the preparation of a report and the execution of the documents by Council.

# 5. Proposed Street Naming

A written application for street naming must be submitted to Council for approval, along with the applicable fee as per Council's Schedule of Fees and Charges. The street names proposed must comply with requirements of the NSW Geographical Names Board and Council.

The application must nominate three suggested names per street, in order of preference, and the source of the names proposed. There is an established theme relating to street naming for the broader station precinct which must be considered/ followed.

#### **6. Security Bond Requirements**

A security bond may be submitted in lieu of a cash bond. The security bond must:

- Be in favour of The Hills Shire Council;
- Be issued by a financial institution or other accredited underwriter approved by, and in a format acceptable to, Council (for example, a bank guarantee or unconditional insurance undertaking);
- Have no expiry date;
- Reference the development application, condition and matter to which it relates;
- Be equal to the amount required to be paid in accordance with the relevant condition;
- Be itemised, if a single security bond is used for multiple items.

Should Council need to uplift the security bond, notice in writing will be forwarded to the applicant 14 days prior.

## 7. Water Sensitive Urban Design Handover Process

An operations and maintenance plan must be prepared for all WSUD proposals. The operations and maintenance plan must include:

- The location and type of each WSUD element, including details of its operation and design;
- A brief description of the catchment characteristics, such as land uses, areas etc;
- Estimated pollutant types, loads and indicative sources;
- Intended maintenance responsibility, Council, landowner etc;
- Inspection method and estimated frequency;
- Adopted design cleaning/ maintenance frequency;
- Estimate life-cycle costs;
- Site access details, including confirmation of legal access, access limitations etc;
- Access details for WSUD measure, such as covers, locks, traffic control requirements etc;
- Description of optimum cleaning method and alternatives, including equipment and personnel requirements;
- Landscape and weed control requirements, noting that intensive initial planting is required upfront to reduce the requirement for active weed removal;
- A work method statement;
- A standard inspection and cleaning form.

For the purposes of complying with the above a WSUD treatment system is considered to include all functional elements of the system as well as any landscaped areas directly surrounding the system.

All constructed WSUD elements within public areas, being roads or drainage reserves, are to be transferred to Council at the end of the project. The following is required to facilitate this handover process:

- The developer will be responsible for the maintenance of the item for a defined maintenance period agreed to by Council.
- The operations and maintenance plan for this element (above) is submitted to Council for review/ revision and subsequent approval.
- Council staff inspects the WSUD measure to confirm that it is being maintained in accordance with the approved maintenance plan.
- A whole of life assessment is provided for the WSUD measure which is based upon the
  expenses incurred during the maintenance period, and documentation is provided to
  confirm these expenses.
- WAE drawings and any required engineering certifications are provided to Council.
- Where water quality monitoring has been determined by Council as being required, monitoring results must be submitted to Council for review.
- Details of all incidents including OHS incidents, public safety, WSUD performance and complaints received should be provided.

If Council determines that the WSUD measure is not complying with the conditions of this approval or monitoring identifies that it is not performing as anticipated, Council may request that alterations be made to the WSUD element prior to transfer.

## 8. Subdivision Works Approval

Before any works are carried out a Subdivision Works Certificate must be obtained and a Principal Certifier appointed. The plans and accompanying information submitted with the Subdivision Works Certificate must comply with the conditions included with this consent.

As per the Environmental Planning and Assessment Act 1979, only Council can issue a Subdivision Certificate which means only Council can be appointed as the Principal Certifier for subdivision works.

#### 9. Stormwater Management

When developed later stormwater management will be required over the proposed lots to control the quantity and quality of stormwater runoff directed towards the stormwater networks downstream.

For the portion of the site that slopes south into the station precinct the Hills Showground Station Precinct Integrated Water Cycle Management Strategy prepared by WSP and approved by the SSDA relating to the station precinct more broadly. For the portion of the site that slopes north to Showground Road the requirements of Council's Design Guidelines and any constraints relating to the downstream stormwater network must be considered.

Onsite Stormwater Detention (OSD) is required in accordance with the Hawkesbury River Catchment design requirement of the Upper Parramatta River Catchment OSD Handbook.

Water Sensitive Urban Design (WSUD) elements must demonstrate a reduction in annual average pollution export loads from the development site in line with the following environmental targets:

- 90% reduction in the annual average load of gross pollutants
- 85% reduction in the annual average load of total suspended solids
- 65% reduction in the annual average load of total phosphorous
- 45% reduction in the annual average load of total nitrogen

### 10. Street Trees and Public Domain

Street trees and must be provided for the section of Road No 01 within or fronting the development site in accordance with the Indented Parking Bays – Sheet 2 of The Hills Shire

Council Development Control Plan for the Showground Road Precinct. For corner lots, except with separately approved, there should be one tree on the primary frontage and two trees on the secondary frontage. The location of street trees must be considerate of driveways, services, drainage pits and sight lines at intersections. The species and size of street trees must comply with the requirements of Council. This includes a street tree masterplan where one exists (check Council's website for details). A street tree planting plan demonstrating compliance with the above must be submitted for written approval before any street trees are planted.

The establishment of street tree planting is included in the maintenance bond required to be paid. Alternatively, street trees can be planted by Council subject to payment of the applicable fee as per Council's Schedule of Fees and Charges.

### 11. Tree Removal

Approval is granted for the removal of seven trees located within the public domain extent (as shown on the Hills Showground Precinct East Public Domain prepared by RPS Australia East Revision I dated 04/05/2022) and the Arboricultural Impact Assessment prepared by Creative Planning Solutions dated 15/11/2021. Specifically, these are the seven trees numbered 1 to 3, 19 to 21 and 34.

All other trees are to remain and are to be protected during all works. Suitable replacement trees are to be planted upon completion of construction.

## 12. Planting Requirements

All trees planted as part of the approved landscape plan are to be planted in pot size as indicated on landscape plans by RPS Australia East Revision I dated 04/05/2022. All shrubs planted as part of the approved landscape plan are to be minimum 200mm pot size. Groundcovers and ornamental grasses are to be minimum 150mm pot sizes.

Westringia fruticose to be substituted with a smaller variety for street verges.

Any species that need substituting requires confirmation from Council.

### 13. Retention of Trees

All trees within the public domain extents (as shown on the Hills Showground Precinct East Public Domain prepared by RPS Australia East Revision I dated 04/05/2022) not specifically identified on the approved plans for removal are to be retained with remedial work to be carried out in accordance with the Arboricultural Impact Assessment prepared by Creative Planning Solutions dated 15/11/2021.

#### 14. Tree Removal and Fauna Protection

Approval is granted for the removal of trees required for the approved subdivision work. All other trees are to remain. Trees in the vicinity of subdivision works that are to be kept must be suitably identified and protected during any work to ensure they are not inadvertently damaged during construction works.

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. Any injured fauna is to be appropriately cared for and released on site when re-habilitated.

Trees shall be lopped to minimise the risk of injury or mortality to fauna, such as top-down lopping, with lopped sections gently lowered to the ground, and/or by lowering whole trees to the ground with the "grab" attachment of a machine.

Tree hollows are to be salvaged from trees removed and placed within the bushland areas. This is to be done under the direction of the Project Ecologist.

### 15. Contamination

Any new information, that may come to light during construction works, which has the potential to alter previous conclusions about site contamination, shall be immediately notified to Council's Manager – Environment and Health.

### 16. Contamination Assessment and Site Remediation

The recommendations of the Site Assessment and Report prepared by JBS&G Australia Pty Ltd, referenced as 60850/141243 Revision 0 dated 11/10/2021 and the Remediation Action Plan referenced as 60850/141.694 Revision 1 dated 8/11/2021 submitted as part of the Development Application are to be implemented as part of this approval.

## 17. Adherence to Waste Management Plan

All requirements of the Waste Management Plan submitted as part of the Development Application must be implemented except where contrary to other conditions of consent. The information submitted regarding construction and demolition wastes can change provided that the same or a greater level of reuse and recycling is achieved as detailed in the plan. 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. 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.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool:

www.wastelocate.epa.nsw.gov.au

### 18. Management of Construction and/ or Demolition 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.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool:

www.wastelocate.epa.nsw.gov.au

## 19. Disposal of Surplus Excavated Material

The disposal of surplus excavated material, other than to a licenced waste facility, is not permitted without the previous written approval of Council prior to works commencing on site. 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.

#### 20. Dedication of Park

Any proposed dedication of the park embellished over proposed lot two it is to be subject to a separate Deed of Agreement to be agreed with and executed with Council or a Voluntary

Planning Agreement. Any Deed of Agreement relating to the dedication of the park must ensure that the timing for the execution of the agreement is tied to the approval of the first residential building on-site.

#### PRIOR TO THE ISSUE OF A SUBDIVISION WORKS CERTIFICATE

# 21. Engineering Works

The design and construction of the engineering works listed below must be provided for in accordance with Council's Design Guidelines Subdivisions/ Developments and Works Specifications Subdivisions/ Developments.

Engineering works can be classified as either "subdivision works" or "building works".

Works within an existing or proposed public road, or works within an existing or proposed public reserve can only be approved, inspected and certified by Council.

Depending on the development type and nature and location of the work the required certificate or approval type will differ. The application form covering these certificates or approvals is available on Council's website and the application fees payable are included in Council's Schedule of Fees and Charges.

The concept civil engineering plan prepared by Maker Engineers Revision 7 dated 12/07/2022 is for development application purposes only and is not to be used for construction.

The design and construction of the engineering works listed below must comply with the below listed requirements.

## a) Full Width Road Construction

The full width construction of the roads listed below is required, including footpath paving and other ancillary work to make this construction effective:

Road Name:	Formation:
Road No 01	Road Type: Local Road/ DCP Showground Precinct
	Shared path 2.5m
	Landscaping 1.35m
	Parking bay 2.65m
	Carriageway 7m
	Landscaping 1.5m
	Footpath 2m
	(Total 17m)
	Pavement Design: Local Road
	(Design Guidelines Section 3.12)

The design must incorporate a standard kerb return radius of 7.5m based on a 4m splay corner unless otherwise directed by Council.

The landscape area on the south-western part of Road No 01 varies to the existing road reserve.

The wider 7m verge must be located on the eastern and southern side of Road No 01 correlating with the cycleway required at this location.

Road No 01 is to have a two-way cross fall with a crown in the middle of the carriageway.

The textile finish shown at the intersections of De Clambe Drive/ Andalusian Way is not approved under this application. The standard pavement/ bitumen detail needs to be extended through both intersections. Any planned non-standard/ textile finishes require separate, specific approval by Council pursuant to Section 138 of the Roads Act 1993 before a Subdivision Works Certificate can be issued.

# b) Indented Parking Bays (Showground Precinct)

Within the wider verge the required formation must generally be in accordance with Council's Showground Precinct Public Domain Plan and Showground Precinct Verge Treatment Detail/ Plans dated 15 February 2019 and the above documents.

As per the formation noted under point a) above the shared path must be located on the boundary/ separated from the parking bay by landscaping. Sections 1 and 2 from the concept civil plans referred to above show the shared path adjacent to the parking bay and must be amended.

The pedestrian pavement type and street lighting category must match the Showground Precinct Public Domain Plan. This is to be reflected on the street lighting design brief submitted to Council.

# c) Signage and Line Marking Requirements/ Plan

A signage and line marking plan must be submitted with the detailed design. This plan needs to address street name signs and posts, regulatory signs and posts (such as no parking or give way signs), directional signs and posts (such as chevron signs), speed limit signs and posts and line marking, where required.

Thermoplastic line marking must be used for any permanent works. Any temporary line marking must be removed with a grinder once it is no longer required, it cannot be painted over.

Details for all signage and line-marking must be submitted to Council's Construction Engineer for checking prior to works commencing. For existing public roads, signs and line marking may require separate/ specific approval from the Local Traffic Committee.

Street name signs and posts must be provided in accordance with the above documents and Council's Standard Drawing 37.

# d) Footpath Verge Formation

The grading, trimming, topsoiling and turfing of the footpath verge fronting the development site is required to ensure a gradient between 2% and 4% falling from the boundary to the top of kerb is provided. This work must include the construction of any retaining walls necessary to ensure complying grades within the footpath verge area. All retaining walls and associated footings must be contained wholly within the subject site. Any necessary adjustment or relocation of services is also required, to the requirements of the relevant service authority. All service pits and lids must match the finished surface level.

#### e) Concrete Footpath

A 2m wide concrete footpath, including access ramps at all intersections, must be provided on western and northern sides of Road No 01 in accordance with the above documents.

#### f) Concrete Cycleway/ Shared Path

A 2.5m wide concrete cycleway/ shared path, including access ramps at all intersections, must be provided on the eastern and southern sides of Road No 01 in accordance with the above documents.

#### g) Gutter Crossings

Gutter crossings to each of the proposed new lots are required.

#### h) Disused Layback/ Driveway Removal

All disused laybacks and driveways must be removed and replaced with full kerb and gutter together with the restoration and turfing of the adjoining footpath verge area.

# i) Service Conduits

Service conduits to each of the proposed new lots, laid in strict accordance with the relevant service authority's requirements, are required. Services must be shown on the engineering drawings.

## j) Earthworks/ Site Regrading

Earthworks and retaining walls are limited to those locations and heights shown on the Bulk Earthworks Plan prepared by Maker Engineering Drawing MKR00157-20-C020 Revision 7 dated 12/07/2022. Where earthworks are not shown on the approved plan the topsoil within lots must not be disturbed.

# k) Stormwater Drainage - Pipe Extension

The street drainage must be extended to the site from the existing pits downstream on DeClambe Drive and Andalusian Way. The pipe extension must be consistent with the network shown on the concept civil works plans and to be located under the existing kerb requiring the removal and reconstruction of the kerb and gutter and road shoulder.

# 22. Construction Management Plan - Major Subdivision Works

Prior to the issuing of a Subdivision Works 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:

- Construction traffic (internal).
- Traffic control (external). This needs to consider road closures and delivery routes with respect to the surrounding road network as separately conditioned.
- Public asset protection.
- Dust management as separately conditioned.
- Sediment and erosion control as separately conditioned.
- Stockpiles.
- Noise; outside of standard work hours for float deliveries will need to have written Transport for NSW approval and Council and affected neighbours must be notified in writing.
- Working hours; including plant warming up and/ or noise above conversation levels before the nominated starting time.
- Tree/ vegetation protection.
- Fauna protection, recovery and relocation (including fauna habitat)

#### 23. Erosion and Sediment Control

The detailed design must be accompanied by an Erosion and Sediment Control Plan (ESCP) or a Soil and Water Management Plan (SWMP) prepared in accordance with the Blue Book and Council's Works Specification Subdivision/ Developments.

A SWMP is required where the overall extent of disturbed area is greater than 2,500 square metres, otherwise an ESCP is required.

An ESCP must include the following standard measures along with notes relating to stabilisation and maintenance:

Sediment fencing.

- Barrier fencing and no-go zones.
- Stabilised access.
- Waste receptacles.
- Stockpile site/s.

A SWMP requires both drawings and accompanying commentary (including calculations) addressing erosion controls, sediment controls, maintenance notes, stabilisation requirements and standard drawings from the Blue Book.

An ESCP is required for this development.

#### PRIOR TO WORK COMMENCING ON THE SITE

# 24. Tree Protection Fencing

Prior to any works commencing on site (including demolition) Tree Protection Fencing must be in place around trees or groups of trees nominated for retention. The location of fencing shall be to the extents of the Tree Protection Zones of the trees (TPZ) as calculated under AS4970 (2009) Protection of trees on development sites and indicated on the Tree Location Plans prepared by Creative Planning Solutions dated 15/11/2021.

The erection of a minimum 1.8m chain-wire fence to delineate the TPZ is to stop the following occurring:

- Stockpiling of materials within the tree protection zone
- Placement of fill within the tree protection zone,
- Parking of vehicles within the tree protection zone,
- Compaction of soil within the tree protection zone.
- Cement washout and other chemical or fuel contaminants within TPZ; and
- Damage to tree crown.

All areas within the root protection zone are to be mulched with composted leaf mulch to a depth of not less than 100mm.

A sign is to be erected indicating the trees are protected.

The installation of services within the root protection zone is not to be undertaken without prior consent from Council.

# 25. Tree Protection Signage

Prior to any works commencing on site a Tree Protection Zone sign must be attached to the Tree Protection Fencing stating:

Tree Protection Zone No Access

The lettering size on the sign shall comply with AS1319.

Access to this area can only be authorised by the project arborist or site manager.

## 26. Mulching within Tree Protection Zone

Prior to any works commencing on site all areas within the Tree Protection Zone are to be mulched with composted leaf mulch to a depth of 100mm.

# 27. Trenching within Tree Protection Zone

Any trenching or excavations for installation of retaining walls, OSD, drainage, sewerage, irrigation or any other services shall not occur within the Tree Protection Zone of trees identified for retention without prior notification to Council (72 hours notice) or under supervision of a project arborist.

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If supervision by a project arborist is selected, certification of supervision must be provided to the Principal Certifier within 14 days of completion of trenching works.

# 28. Dust Management Plan - Major Subdivision Works

A site specific dust management plan must be developed to proactively address the issue of dust during construction. This plan must be submitted to Council's Manager – Subdivision and Development Certification for written approval before works commence. The plan must address/ include the following matters, where relevant:

- Water carts must be used to regularly wet down exposed areas. The number of water carts required on site (at all times, and with additional carts available on demand) must be nominated and justified.
- Additives that can be mixed with the water to aid dust suppression.
- A dust cloth must be installed along the perimeter of the site.
- Where required, a sprinkler/ misting system along the perimeter of the site.
- Dust control at source, such as machine mounted sprinklers, ground mounted water cannons where material is being excavated, loaded and placed and measures to ensure loads are covered.
- Speed control on haul routes.
- Stockpile management such as location, orientation, volume and height to minimise impacts on neighbouring properties. Covering of stockpiles with tarpaulins or vegetation should also be considered where warranted by the duration of the stockpile. Stockpiles expected to be in place for longer than 14 days are considered non-temporary.
- Interim seeding and/ or hydro-mulching of exposed areas as work progresses.
- Final topsoil placement and planting or seeding exposed areas as soon as possible.
- Jute matting of the core riparian zone within any creeks/ riparian corridors.
- Weather forecast systems to predict adverse weather conditions and allow for early action for dust management and to avoid dust generating activities when weather conditions are unfavourable.
- Education of all site personnel on reducing dust.
- Community engagement plan and complaints management system demonstrating how dust complaints will be received, recorded, resolved and responded to.
- How the dust management controls will be monitored, reviewed and revised on a regular basis to ensure their ongoing effectiveness.

# 29. Traffic Control Plan

A Traffic Control Plan is required to be prepared and approved. The person preparing and approving the plan must have the relevant accreditation to do so. A copy of the approved plan must be submitted to Council before being implemented. Where amendments to the plan are made, they must be submitted to Council before 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 Subdivision Work

In accordance with the Environmental Planning and Assessment Regulations 2021, a sign is to be erected in a prominent position displaying the following information:

The name, address and telephone number of the Principal Certifier (Council);

- The name and telephone number (including after hours) of the person responsible for carrying out the works;
- 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.

As per the Environmental Planning and Assessment Act 1979, only Council can issue a Subdivision Certificate which means only Council can be appointed as the Principal Certifier for subdivision works.

# 31. Contractors Details

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. Erosion and Sediment Control/ Soil and Water Management

The approved ESCP or SWMP measures must be in place prior to works commencing and maintained during construction and until the site is stabilised to ensure their effectiveness. For major works, these measures must be maintained for a minimum period of six months following the completion of all works.

# 33. Service Authority Consultation – Subdivision Works

Before subdivision works commence documentary evidence must be submitted confirming that satisfactory arrangements have been made for:

- The provision of electrical services for the non-residue lots created by the subdivision. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.
- The provision of water and sewerage facilities.
- The provision of telecommunication services for the non-residue lots created by the subdivision, typically requiring the installation of pits and pipes complying with the standard specifications of NBN Co current at the time of installation. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council. The Telecommunications Act 1978 (Cth) specifies where the deployment of optical fibre and the installation of fibre-ready facilities is required.

# 34. Pavement Design

A pavement design based on Austroads (A Guide to the Structural Design of Road Pavements) and prepared by a geotechnical engineer must be submitted to Council for approval before the commencement of any pavement works.

The pavement design must be based on sampling and testing by a NATA accredited laboratory of the in-situ sub-grade material and existing pavement material. Details of the pavement design and all tests results, including design California Bearing Ratio values for the subgrade and design traffic loadings, are to be provided.

#### 35. Notification of Asbestos Removal

Prior to commencement of any demolition works involving asbestos containing materials, all adjoining neighbours, Council and WorkCover NSW must be given a minimum five days written notification of the works.

#### 36. Project Ecologist

Prior to any works commencing, a Project Ecologist is to be appointed and the following details provided to Council's Manager – Environment and Health:

a) Name:

- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Ecologist is replaced, Council's Manager – Environment and Health is to be notified in writing of the reason for the change and the details of the new Project Ecologist within 7 days.

# 37. Engagement of a Project Arborist

Prior to works commencing, a Project Arborist (minimum AQF Level 5) is to be appointed and the following details provided to Council's Manager – Environment and Health:

- a) Name:
- b) Qualification/s:
- c) Telephone number/s:
- d) Email:

If the Project Arborist is replaced, Council is to be notified in writing of the reason for the change and the details of the new Project Arborist provided within 7 days.

# 38. 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.

#### 39. Demolition Works and Asbestos Management

The demolition of any structure is to be carried out in accordance with the Work Health and Safety Act 2011. All vehicles transporting demolition materials offsite are to have covered loads and are not to track any soil or waste materials on the road. Should demolition works obstruct or inconvenience pedestrian or vehicular traffic on adjoining public road or reserve, a separate application is to be made to Council to enclose the public place with a hoard or fence. All demolition works involving the removal and disposal of asbestos must only be undertaken by a licenced asbestos removalist who is licenced to carry out the work. Asbestos removal must be carried out in accordance with the SafeWork NSW, Environment Protection Authority and Office of Environment and Heritage requirements. Asbestos to be disposed of must only be transported to waste facilities licenced to accept asbestos. No asbestos products are to be reused on the site.

#### **DURING CONSTRUCTION**

# 40. 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.

# 41. Critical Stage Inspections – Subdivision Works

The subdivision works must be inspected by Council in accordance with the schedule included in Council's Works Specification Subdivisions/ Developments. A minimum of 24 hour's notice is required for inspections. No works are to commence until the first inspection has been carried out.

#### 42. Subdivision Earthworks – Lot Topsoil

Where earthworks are not shown on the engineering drawings, the topsoil within lots must not be disturbed. Where earthworks are shown, a 150mm deep layer of topsoil must be provided, suitably compacted and stabilised in accordance with Council's Works Specification Subdivisions/ Developments.

### 43. Aboriginal Archaeological Sites or Relics

If, during activities involving earthworks and soil disturbance, any evidence of an Aboriginal archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage must be notified immediately.

# 44. Aboriginal Heritage Impact Permit

Should any artefacts be uncovered in the course of any works, all works should cease and comply with Part 6 of the National Parks and Wildlife Act 1974, in particular Section 90 regarding permits to destroy.

# 45. European Sites or Relics

If, during the earthworks, any evidence of a European archaeological site or relic is found, all works on the site are to cease and the Office of Environment and Heritage must be contacted immediately. All relics are to be retained in situ unless otherwise directed by the Office of Environment and Heritage.

## 46. Working Hours

All work must be restricted to between the hours of 7:00am and 5:00pm, Monday to Saturday. No work can occur outside the hours specified above on Sundays or public holidays. The contractor must instruct sub-contractors regarding the hours of work.

Upon receipt of justified complaint/s in relation to local traffic impacts arising from roadworks being carried out on existing public roads those roadworks will be restricted to between the hours of 9:00am and 3:00pm, Monday to Friday or as otherwise directed by Council staff. Requests to carry out roadworks on existing public roads during the night in order to avoid local traffic impacts will also be considered based on the circumstances of the site and must be approved in writing by Council's Manager – Subdivision and Development Certification.

# 47. Stockpiles

Stockpiles of topsoil, sand, aggregate or other material capable of being moved by water shall be stored clear of any drainage line, easement, natural watercourse, footpath, kerb or roadside.

## 48. Asbestos Removal

Any asbestos containing material, whether bonded or friable, shall be removed by a licenced asbestos removalist. A signed contract between the removalist and the person having the benefit of the development application is to be provided to the Principal Certifier, identifying the quantity and type of asbestos being removed. Details of the landfill site that may lawfully receive the asbestos is to be included in the contract.

Once the materials have been removed and delivered to the landfill site, receipts verifying the quantity received by the site are to be provided to the Principal Certifier.

Transporters of asbestos waste (of any load over 100kg of asbestos waste or 10 square metres or more of asbestos sheeting) must provide information to the NSW EPA regarding the movement of waste using their WasteLocate online reporting tool:

www.wastelocate.epa.nsw.gov.au

#### 49. Dust Control

The emission of dust must be controlled to minimise nuisance to the occupants of the surrounding premises. In the absence of any alternative measures, the following measures must be taken to control the emission of dust:

• Dust screens must be erected around the perimeter of the site and be kept in good repair for the duration of the construction work;

- All dusty surfaces must be wet down and suppressed by means of a fine water spray. Water used for dust suppression must not cause water pollution; and
- All stockpiles of materials that are likely to generate dust must be kept damp or covered.

## **50. Project Arborist**

The Project Arborist must be on site to supervise any works in the vicinity of or within the Tree Protection Zone (TPZ) of any trees required to be retained on the site or any adjacent sites.

Supervision of the works shall be certified by the Project Arborist and a copy of such certification shall be submitted to the Principal Certifier within 14 days of completion of the works.

## 51. 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 the State Environmental Planning Policy (Resilience and Hazards) 2021.

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

#### PRIOR TO ISSUE OF A SUBDIVISION CERTIFICATE

# 52. Landscaping

The stabilisation of disturbed areas and street tree planting must be carried out prior to issue of a Subdivision Certificate. The Landscaping shall be either certified to be in accordance with the approved stamped Landscape Plans prepared by RPS Australia East Revision I dated 04/05/2022 by an Accredited Landscape Architect or be to the satisfaction of Council's Manager – Environment and Health. All landscaping is to be maintained at all times in accordance with THDCP Part C. Section 3 – Landscaping and the approved landscape plan.

#### 53. Compliance with Sydney Metro Requirements

A letter from Sydney Metro must be submitted confirming that all relevant works have been completed in accordance with their requirements.

#### 54. Completion of Subdivision Works/ Satisfactory Final Inspection

A Subdivision Certificate cannot be issued prior to the completion of all subdivision works covered by this consent. A satisfactory final inspection by Council's Construction Engineer is required.

#### 55. Subdivision Works – Submission Requirements

Once the subdivision works are complete the following documentation (where relevant/ required) must be prepared in accordance with Council's Design Guidelines Subdivisions/ Developments and submitted to Council's Construction Engineer for written approval:

- Works as Executed Plans
- Stormwater Drainage CCTV Recording
- Pavement Density Results
- Street Name/ Regulatory Signage Plan
- Pavement Certification
- Public Asset Creation Summary
- Concrete Core Test Results
- Site Fill Results

#### Structural Certification

The works as executed plan must be prepared by a civil engineer or registered surveyor. A copy of the approved detailed design must underlay the works as executed plan so clearly show any differences between the design and constructed works. The notation/ terminology used must be clear and consistent too. For bonded/ outstanding work the works as executed plan must reflect the actual work completed. Depending on the nature and scope of the bonded/ outstanding work a further works as executed plan may be required later, when that work is completed.

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.

A template public asset creation summary is available on Council's website and must be used.

# 56. Performance/ Maintenance Security Bond

A performance/ maintenance bond of 5% of the total cost of the subdivision works is required to be submitted to Council. The bond will be held for a minimum defect liability period of six months from the certified date of completion of the subdivision works. The minimum bond amount is \$5,000.00. The bond is refundable upon written application to Council and is subject to a final inspection.

# 57. Confirmation of Pipe Locations

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

## 58. Section 73 Compliance Certificate

A Section 73 Compliance Certificate issued under the Sydney Water Act 1994 must be obtained from Sydney Water confirming satisfactory arrangements have been made for the provision of water and sewer services. Application must be made through an authorised Water Servicing Coordinator. The certificate must refer to this development consent and all of the lots created.

# 59. Provision of Electrical Services

Submission of a notification of arrangement certificate confirming satisfactory arrangements have been made for the provision of electrical services. This must include the under-grounding of the existing electrical services fronting the site and removal of all redundant poles and cables, unless otherwise approved by Council in writing. The certificate must refer to this development consent and all of the lots created.

#### **60. Provision of Telecommunication Services**

The developer (whether or not a constitutional corporation) is to provide evidence satisfactory to the Certifying Authority that arrangements have been made for:

The installation of fibre-ready facilities to all individual lots and/ or premises in a real estate development project so as to enable fibre to be readily connected to any premises that is being or may be constructed on those lots. Demonstrate that the carrier has confirmed in writing that they are satisfied that the fibre ready facilities are fit for purpose; and

The provision of fixed-line telecommunications infrastructure in the fibre-ready facilities to all individual lots and/ or premises in a real estate development project demonstrated through an agreement with a carrier.

Real estate development project has the meanings given in Section 372Q of the Telecommunications Act 1978 (Cth).

For small developments, NBN Co will issue a Provisioning of Telecommunications Services – Confirmation of Final Payment. For medium and large developments, NBN Co will issue a Certificate of Practical Completion of Developers Activities.

For non-fibre ready facilities, either an agreement advice or network infrastructure letter must be issued by Telstra confirming satisfactory arrangements have been made for the provision of telecommunication services. This includes the undergrounding of existing overhead services, except where a specific written exemption has been granted by Council.

A copy of the works as executed (WAE) plans for the telecommunications infrastructure must also be submitted.

# 61. Subdivision Certificate Application

When submitted, the Subdivision Certificate application must include:

- One copy of the final plan.
- The original administration sheet and Section 88B instrument.
- All certificates and supplementary information required by this consent.
- An AutoCAD copy of final plan (GDA2020/ MGA Zone 56).

# 62. Final Plan and Section 88B Instrument

The final plan and Section 88B Instrument must provide for the following. Council's standard recitals must be used.

#### a) Dedication - New Road

The dedication of the proposed public road (Road No 01) must be included on the final plan in accordance with the undertaking submitted relating to the dedication of Road No 01. The final plan and administration sheet/ statement of intentions must reflect this intent also.

### b) Restriction - Restricted Access

Lot 3 must be burdened with a restriction precluding access to Carrington Avenue using the "restricted access" terms included in the standard recitals.

Lot 5 must be burdened with a restriction precluding access to Carrington Avenue and Showground Road using the "restricted access" terms included in the standard recitals.

## c) Restriction/ Positive Covenant – Stormwater Management

Lots 3, 4 and 5 must be burdened with a restriction and a positive covenant using the "onsite stormwater detention systems" terms included in the standard recitals.

The restriction is needed to ensure stormwater management is considered as part of any planned development of these lots as per Condition 9 of this approval.

# 63. Site/ Lot Classification Report - Vacant Residential Lots

A site/ lot classification report prepared by a geotechnical engineer must be prepared and submitted following the completion of all subdivision works confirming that all residential lots are compliant with AS 2870 and are suitable for development. The report must be accompanied by a table which summarises the classification of all lots created as part of the subdivision.

## 64. Validation Report

A validation report shall be submitted to Council's Manager – Environment and Health. The validation report must include the following:

- The degree of contamination originally present;
- The type of remediation that has been completed; and
- A statement which clearly confirms that the land is suitable for the proposed use.

#### ATTACHMENT B: TRANSPORT FOR NSW COVER LETTER



18 May 2022

TfNSW Reference: SYD22/00012/03 Council Reference: 988/2022/JPZ Planning Portal Reference: A-39513

The General Manager The Hills Shire Council PO Box 7064 BAULKHAM HILLS NSW 2153

Attention: Jacob Kiner

Dear Sir/Madam.

PROPOSED SUBDIVISION AND PUBLIC DOMAIN WORKS INCLUDING CONSTRUCTION OF A LOCAL STREET - HILLS SHOWGROUND PRECINCT EAST - 3 ANDALUSIAN WAY, CASTLE HILL

Reference is made to Council's correspondence dated 6 May 2022, regarding the abovementioned application which was referred to Transport for NSW (TfNSW) for comment.

TfNSW has reviewed the submitted application and offers the following comments to Council for consideration in the determination of the development application:

- Prior to approval of the development application the application is to be amended in the following manner to the satisfaction of Council:
  - Appendix G is required to be updated as the signage and line marking plans still indicates that a Shared Zone is proposed within Road 01.
  - Preference is to have traffic calming devices installed when the 40kph HPAA would be implemented rather than retrospectively.
- TfNSW notes that speed limit signage and line markings related to the 40kph HPAA along Road 01 are to be implemented by TfNSW.
- The design and construction of the proposed Road No.1 is to be to the satisfaction of Council.
- TfNSW has previously raised concern regarding conflicting movements for HRVs accessing the Road No.1 from De Clambe Dr. Council should ensure

#### Transport for NSW

27-31 Argyle Street, Parramatta NSW 2150 | PO Box 973, Parramatta CBD NSW 2124 P 131782 | **W** transport.nsw.gov.au | ABN 18 804 239 602

- access for HRVs are restricted beyond construction timeframes through appropriate conditions on the development.
- The proposed development will generate additional pedestrian movements in the area. Pedestrian safety is to be considered in the vicinity.
- A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council for approval prior to the issue of a Construction Certificate.

If you have any further inquiries in relation to this development application Mr Simon Turner would be pleased to take your call on 8265 6363 or e: <a href="mailto:development.sydney@transport.nsw.gov.au">development.sydney@transport.nsw.gov.au</a>. I hope this has been of assistance.

Yours sincerely

Ms Zhaleh Alamouti Senior Land Use Planner

aflund:

Page 2 of 2

# ATTACHMENT C: SYDNEY METRO COVER LETTER AND GENERAL TERMS OF APPROVAL



SM-22-00228932

23 May 2022

Jacob Kiner Senior Planner The Hills Shire Council 3 Columbia Court Norwest NSW 2153

By Email: jkilner@thehills.nsw.gov.au

Dear Sir

State Environmental Planning Policy (Transport and Infrastructure) 2021 Development Application – 988/2022/JPZ 3 Andalusian Way, Castle Hill

Sydney Metro refers to Development Application (DA) 988/2022/JPZ submitted by Landcom (Applicant) that has been referred to Sydney Metro via the NSW Planning Portal on [date], with section 2.98 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (Transport and Infrastructure SEPP).

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro City and Southwest and Sydney Metro Northwest rail corridors to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the Sydney Metro Northwest rail corridor for the purpose of the Transport and Infrastructure SEPP.

Assessment requirements under the Transport and Infrastructure SEPP Sydney Metro has reviewed the DA documents that uploaded onto the NSW Planning Portal on 7 January 2022, 3 February 2022, 7 February 2022 and 6 May 2022.

Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of section 2.98(4) of the Transport and Infrastructure SEPP.

In this regard, Sydney Metro has taken into account:

- the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
  - the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and
  - the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and
- (b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.

Sydney Metro

Level 43, 680 George Street, Sydney NSW 2000 | PO Box K659, Haymarket NSW 1240 T 02 8265 9400 | sydneymetro.info | ABN 12 354 063 515

### Concurrence granted subject to conditions

Sydney Metro has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in the DA, subject to the consent authority imposing the conditions at *Attachment A*.

Should the consent authority determine not to impose the conditions provided in Attachment A in the form provided, then concurrence from Sydney Metro has not been granted to the DA.

The consent authority is also advised that Sydney Metro's concurrence is not to be amended, replaced or superseded by any concurrence which may be issued by any other authority, without further agreement from Sydney Metro.

#### Next steps

If, at any point, the DA is amended prior to the consent authority's determination, please ensure that the amended DA and any new or amended supporting documents are provided to Sydney Metro for further assessment. Any amendments to the DA may alter the impacts of the proposed development on the Sydney Metro Northwest rail corridor assessed by Sydney Metro, so Sydney Metro may need to amend (or refuse) its concurrence.

Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA are forwarded to Sydney Metro should the consent authority determine to grant consent to the DA.

In the event that the proposed development is the subject of a Land and Environment Court appeal, the consent authority's attention is also drawn to Section 8.12 of the *Environmental Planning and Assessment Act 1979* which requires the consent authority to give notice of that appeal to a concurrence authority.

Finally, please note that the DA may also have impacts on rail corridors which are not the responsibility of Sydney Metro. If these impacts trigger any concurrence or comments function of the relevant rail authority under the Transport and Infrastructure SEPP, the DA will need to be referred to that other rail authority for a separate concurrence or comments response.

Please contact Peter Bourke Senior Manager Corridor Protection or Sophie Butcher Corridor Protection Coordinator at email sydneymetrocorridorprotection@transport.nsw.gov.au should you have any further enquiries on this matter.

Yours sincerely

Stephen Scott

Deputy Executive Director Northwest Operations

DA 988/2022/JPZ - 3 Andalusian Way, Castle Hills

#### Attachment A

1 Prior to issue of a Construction Certificate

#### Engineering

- 1.1 All excavation and construction works are to be undertaken in accordance with the details, methodology, advice, undertakings, measures and recommendations detailed in the following documents:
  - (a) The following Civil Design Plans:
    - (i) Civil works, Hills Showground Precinct East, Bulk Earthworks Layout Plan, Revision P2, prepared by Maker Engineering dated 17 February 2022
  - (b) DA Stage Geotechnical Assessment, prepared by PSM, dated 8 November 2022
  - (c) Impact Assessment of Development on Sydney Metro (Road works) Geotechnical Assessment, prepared by PSM, dated 24 February 2022
  - (d) Development Application Design Report, prepared by Maker Engineering, Version 5, dated 2 May 2022
  - (e) Hills Showground Precinct East Public Domain, Noise Impact Assessment for Development Application, prepared by Renzo Tonn & Associates, dated 23 November 2021

subject to any amendments to those documents required by Sydney Metro in accordance with this consent.

The Certifier must not issue a Construction Certificate for the development until the Certifier has confirmed which documents (including the versions of those documents) apply to the development and the Certifier has confirmed in writing to Sydney Metro that the construction drawings and specifications comply with those documents. The Certifier must not issue a Construction Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Prior to the commencement of works, the Certifier must provide written verification to Sydney Metro that this condition has been complied with.

\*\*\*\*\*\*

# ATTACHMENT D: DCP TABLE OF COMPLIANCE

Part C Section 3 - Landscaping

Part C Section 3 - Landscapir Control:	Proposal:	Compliance:
3.1 General Planning and De	sign Controls	-
(a) The landscaping of any site should have regard to the natural environment of the location and be consistent with landscaping character of the area.  (b) Landscaped areas	The proposed development is considered to respect the natural environment and is consistent with the landscaping character of the Showground Precinct.  The proposed development	Yes
shall have a minimum width of two metres.	is generally compliant with this control. All landscaped areas have sufficient dimensions for the nominated plantings.	
(c) All landscaping is to adhere to the following principles:  □ Planting is to be in scale with the proposed buildings; □ Planting to consist of a variety of trees, shrubs and ground covers; □ Landscaping to side and rear boundaries should effectively screen the development; □ Consideration should be made to alternatives to traditional fencing by using vegetation or change in height of the landform as natural barriers; □ Artificial mounding using excavated materials is encouraged to enhance or screen buildings and car parking areas - See Figure 5 — Screening and mounding for noise attenuation □ Planting shall be of advanced species except where it is demonstrated to Council's	The proposed development is considered to adhere to the principles listed under this control.	Yes

satisfaction that semi-		
advanced stock is more		
suited to soil and / or plant		
characteristics;		
☐ All electrical substations,		
water supply valves,		
hydrants and the like shall		
be indicated on		
the plans and suitably		
screened. However,		
due consideration given to		
the requirements		
of the appropriate authority,		
and must not be		
located through the root		
ball of any trees		
being retained;		
☐ Plant selection for all		
landscape		
developments will be		
assessed for its		
suitability toward existing site		
conditions such		
as soils, aspect, drainage		
and micro-climate;  □ Plant selection		
appropriate to the existing		
or		
proposed cultural landscape		
will also be		
included in the general		
assessment of a		
proposal; and		
☐ Species selection and		
landscape design		
should minimise the need for		
watering.	The managed tree are '	Vac
(d) Trees should be of	The proposed tree species	Yes
species unlikely to	are not considered to cause	
cause structural	structural damage to future	
damage to buildings,	buildings.	
retaining walls, paths,		
services and other		
property.		
(e) Stormwater drainage	Any proposed stormwater	Yes
lines and other	drainage is clear of existing	
services should be	trees that are to be retained.	
located to minimise		
the disturbance		
around existing trees		
which are to be		
retained.		

should be consist with architectu	engineering plans. nd ns, ard ter	Yes
Planning for Bu	in vith ush	N/A
following minim soil depths:	ter depth. he um ge for hall for	Yes
3.2 Protection of Trees a	nd Understorev	I.
(a) Where natuvegetation exists, trees must preserved with Vegetation SEPP.	The existing vegetation on site is largely modified/ relates to the former Council chambers. Council's Tree Management department have raised no objections to tree removal.	
trees is to retained, associated natuunderstorey malso be retained.	ust	Yes
(c) Hard surfaces sho be avoided under drip line of any tree	the is generally in accordance with this control.	
(d) Wherever trees removed (v consent) as consequence of	rith includes the planting of a street trees and several	Yes

	T	
development, an equal or greater number of replacement trees must be incorporated into the landscaping of the new development.	trees within the proposed park.	
(e) Services must not be located in areas that will disturb the root plate of an existing tree.	The proposed development can comply with this control.	Yes
(f) During construction, an adequate fence or similar structure must be constructed around any remaining trees, at a distance equal to the drip line. This area must not be used by machinery, for stockpiling wastes or for storage of any building materials.	The proposed development can comply with this control subject to conditions.	Yes
3.3 Development Adjacent to	Bushland Areas	
(a) Where development is within or adjacent to a bushland preservation area, environmental protection zone or open space zone, the affects on trees within the vicinity of the development needs to be considered.	The proposed development is not located within or adjacent to a bushland preservation area or environmental protection zone.  The site is located adjoining The Hills Showground, however does not impact on any trees located within the Showground.	Yes
(b) On sites directly adjacent to bushland, all dominant species are to be indigenous to the local area as recommended in Appendix A of this Section of the DCP. Accent planting of exotic species may occur using ground covers and shrubs.  (c) All non-indigenous	The site does not sit adjacent to bushland.  The proposed development	N/A Yes
plants used are to be non-invasive and unlikely to establish in	is generally consistent with this control.	

the adjoining bushland either by		
seed or vegetative		
reproduction as		
recommended in		
Appendix A.		
(d) Bush rock is	No bush rock is proposed.	Yes
unsuitable for		
landscaping		
purposes, except where it is needed for		
the authentic		
restoration of historic		
gardens or for		
additions to existing		
bush rock structures.		
3.4 Street Trees and Streets	1	
(a) Street tree species	The proposed street trees	Yes
must be in	are consistent with the	
accordance with the recommended	remainder of the	
species list in	Showground Precinct.	
Attachment B, or		
Street Tree		
Masterplan where		
available. The use of		
native species is		
preferred.	The manager of development	V
(b) All street trees shall be sourced from a	The proposed development can comply with this	Yes
"NATSPEC"	requirement.	
accredited nursery.	roquiroment.	
(c) Street trees, where	The proposed street trees	Yes
desirable should seek	are considered to provide	
to provide for:	sufficient shade, contribute	
- Shade;	to the dissipation of noise	
- Reduction of	and pollution and enhance	
glare; - The dissipation of	the streetscape.	
noise and		
pollution		
emanating from		
vehicles; and		
- Enhance the		
visual quality of		
the streetscape.	The proposed street to-	Voc
(d) It is desirable to	The proposed street trees are in accordance with the	Yes
promote a streetscape	streetscape character of the	
character. This does	Showground Precinct.	
not necessarily mean		
a monoculture		
avenue.		

(e) The selection of street trees should have regard to form, shape and colour.	The proposed street tree planting are considered to be consistent with this control.	Yes
(f) Street trees must not interfere with the movements or sightlines of any pedestrian, cyclist or vehicle.	The public domain plan demonstrates that street trees are unlikely to impact on sightlines.	Yes
(g) Street Tree Location should have regard to areas of potential vehicle/ tree collision. Where such areas are identified the use of frangible species is recommended.	Street trees are located in areas unlikely to have potential for vehicle/ tree collision.	Yes
(h) Plantings in traffic devices must not be higher than 500mm for shrubs and ground covers, or in the case of trees, have a clear stem with no over hanging branches to a height of at least 20m. Not all traffic devices are suitable for landscaping and consultation with Council staff is necessary.	No plantings are proposed in traffic devices.	N/A
(i) The location of street trees must have regard to surrounding infrastructure. Guidelines on planting locations for street trees on local roads (excluding collector roads) are provided as SD.50 – Typical Street Tree Setout and Details.	Street trees are considerate of surrounding infrastructure.	Yes
(j) Where trees are to be proposed to be planted in the vicinity of overhead wires, the mature height of the tree must not exceed four metres.	There are no overhead wires proposed within the site.	N/A
(k) Street trees require the installation of root	The proposed development can comply with this control.	Yes

barriers at the time of planting, directly		
adjacent to the kerb		
to prevent later		
damage to the kerb,		
guttering and road surface.		
(I) Where street trees	The proposed development	Yes
are to be planted in	can comply with this control.	
areas with a hard	. ,	
surface, suitable		
grates are to be laid around the tree to		
protect roots and		
allow for water		
infiltration.		
(m) The location of	The proposed development	Yes
services should be taken into account	can comply with this control.	
where street trees		
are to be provided.		
Care should be		
taken to ensure		
trees are not planted directly over services.		
(n) Street trees are not to	The proposed development	Yes
be planted within 9m	is consistent with this	
of a road corner or	control.	
within 3m of a driveway.		
(o) Street trees are not to	The proposed development	Yes
be planted within 6m	is consistent with this	
from a street light or	control.	
within 2m of a drain culvert.		
(p) Street trees should be	The proposed development	Yes
able to tolerate low	is consistent with this	
water conditions and	control.	
withstand pollution		
emissions. (q) Should fruiting trees	N/A	N/A
be planted, the		14/1
Department of		
Primary Industry		
standards in regards to the control of fruit		
fly, must be applied.		
3.5 Drainage and On-site De	tention	
(a) All landscape works	The proposed landscape	Yes
are to include	works are consistent with	
provision for adequate drainage	this control.	
including collection or		
dispersal of		

_	1	
stormwater runoff,		
prevention of ponding		
of water on		
pavements or		
discharge of runoff		
onto adjoining		
properties or public		
areas.		
(b) Above ground	No above ground detention	N/A
detention structures	•	IV/A
should be suitably	structures are proposed.	
,		
10111010001		
improve the visual		
amenity of the		
development.	No detention of the f	V
(c) Detention structures	No detention structures are	Yes
should be suitably	proposed under this	
integrated into the	application.	
landscaping for the		
whole site, including		
common open space		
areas.		
(d) Plant species used in	N/A	N/A
these areas must be		
capable of		
withstanding periodic		
inundation and must		
not impact upon the		
functioning of the		
area as a detention		
structure.		
(e) Onsite detention	N/A	N/A
tanks and above		
ground on-site		
detention should not		
be located in the front		
setback as this limits		
the opportunity for		
landscaping. The		
preferred location is		
within or under the		
driveway. If an on-site		
detention tank must		
be located under		
landscaped areas it		
must have a minimum		
of 300mm soil cover		
to facilitate vegetation		
growth.		
3.9 Subdivisions		
(a) Manage the major	The proposed development	Yes
visual impacts of the	is considered to be	
subdivision by	consistent with this control.	
controlling and		
controlling and		

enhancing views into and out of the subject development.		
(b) Reduce high maintenance plantings in the streetscape e.g. annuals, garden beds and shrubbery.	The proposed park includes low-maintenance plantings.	Yes
(c) Planting of high branching trees with a low shrub layer, which does not obstruct views where vehicular sight lines are required to be maintained where security is an issue.	The proposed development is considered to be consistent with this control.	Yes
(d) Provide single species plantings to each street to provide a continuity of theme.	The proposed development is considered to be consistent with this control.	Yes
(e) Avoid trees which are recognised to cause known maintenance problems such as fruiting, aggressive root systems, invasion of bushland or are allergenic.	The proposed development is considered to be consistent with this control.	Yes
(f) Re-use site topsoil at all times (if not possible, the reasons why are to be provided).	The proposed development can comply with this control.	Yes
(g) Reduce the effects of altered hydrology on vegetation within and surrounding the site.	The proposed development is considered to be consistent with this control.	Yes
(h) Identify whether opportunities for recreation and/ or open space areas are to be provided within the subdivision.	The proposed development includes the embellishment of a park.	Yes
(i) Identify if noise buffer mounding and / or shields are required within the subdivision.	Noise buffer mounding or shields are not required.	Yes
<ul><li>(j) Landscaped areas may be used to provide site drainage.</li></ul>	N/A	N/A

(k) Provide pedestrian and bicycle circulation where possible.	The proposed development is considered to be consistent with this control.	Yes
(I) Street furniture elements should be cohesive in appearance and enhance the theme of the subdivision.	The proposed development can comply with this control.	Yes
(m) Land identified as future open space is to be handed to Council in such a condition that is not burdened by additional costs in order to commence development or embellishment of the land, or to ensure the safety of the general public using the land. At the time of purchase, it is to be free of dead plants, weed species, vermin, rubbish and undue soil compaction and must be planted with turf (at a minimum) to prevent erosion.	The proposed park is not identified as future open space under the Contribution Plan or LEP, however is intended to be dedicated to Council. These matters will be considered as part of any future handover/ dedication.	Yes

Part B Section 19 – Showground Station Precinct

Control:	Proposal:	Compliance:
2.0 Chausana da Braainat Ct	mustume Dien and Very Flamen	40
Development is to comply with the desired character in Section 3.1 of this	however has a minor variation to the Structure	
Structure Plan in Figure 7.  2. Where variations are proposed, development is to demonstrate how the	how the vision, principles and key elements for the	Yes

	Precinct and relevant				
	specific objectives				
	are to be achieved.				
	4.1 Movement Network and Design				
	The street network is to be consistent with the indicative street network and hierarchy within Figure 8.	The proposed development seeks to realign the road (shown as Road No 1 on the plans) through the site. See report for detail.	No		
	Street profiles are to be consistent with the street profiles in Figures 13-21	Road No.1 is consistent with the relevant street profile.	Yes		
3.	An appropriate transition and connectivity is to be provided between roads constructed by NRT and the roads constructed by developers.	The transition from Road No 1 to Andalusian Way and De Clambe Drive is appropriate.	Yes		
4.	The design and construction of road infrastructure shall comply with Council's Design Guidelines Subdivisions/ Developments.	Road No 1 is in accordance with Council's Design Guidelines.	Yes		
5.	Where roundabouts are provided, these are to be appropriately landscaped to ensure visibility for traffic and high quality visual amenity (refer to Figure 11).	No roundabouts are proposed.	N/A		
6.	Infrastructure not funded through a Contributions Plan is to be constructed to Council's specifications and dedicated to Council at no cost.	Proposed Road No 1 is to be dedicated at no cost to Council.	Yes		
	The cycle network is to be generally consistent with the existing and proposed cycleway network in Figure 9.	The proposed development is consistent with the cycleway network.	Yes		
8.	Where alternative access to a	No access to the site is sought from Carrington	Yes		

	I D	1
development site is		
available from the	realignment to Road No 1 will	
existing and	remove connection to	
indicative street	Carrington Road.	
network, no vehicle		
access to/ from		
Carrington Road will		
be permitted.		
9. In order to facilitate	No land dedication from the	Yes
		165
increased densities	site is identified on Figure 10.	
along local street,		
land identified on the		
'Local Street - Land		
Dedication Plan'		
(Figure 10) shall be		
dedicated to Council		
at no sot. The land to		
be dedicated shall		
have a width of 2		
metres measured		
from the existing		
property boundary.		
The land dedicated		
will facilitate intended		
parking on one side		
of the local street		
(refer to road 'Profile		
1 – Local Streets').		
Floor space potential		
of land to be		
dedicated shall be		
transferred to the		
remainder of the		
development site.		
10. Future pedestrian	No pedestrian links are	N/A
links shall be	identified within the site on	-
provided in	Figure 8.	
accordance with	1 19410 0.	
Figure 8 and shall		
•		
have regard to the		
guidelines contained		
under Section 4.3		
Pub Domain of this		
section of the DCP.		
4.2 Open Space Network		
1. Land identified for	The site is not identified to	Yes
open space, but not	contain land zoned for open	
listed within an	space, however the concept	
applicable	masterplan includes a park	
development	within the site. The proposed	
contributions plan	park is not subject to a	
shall be dedicated to	contributions plan or	
	•	
1	planning agreement. See	
developer at no cost.		

		Ocation 5 of the money for	
		Section 5 of the report for further detail.	
2.	The open space network is to be consistent with the minimum areas and features identified in	N/A	N/A
	Table 2.		
	blic Domain		
	Development applications shall comply with the Showground Precinct Public Domain Plan and demonstrate how high quality elements (driveways, footpaths, street trees, street furniture, etc) will be incorporated into future development.	The proposed development is generally in accordance with the Public Domain Plan.	Yes
2.	Attractive, high quality outdoor spaces for children to play shall be integrated into the public domain within centres where appropriate. Such spaces should allow for interactive play and include seating.	The proposed park is in accordance with this control.	Yes
3.	Council requires underground electricity reticulation and telecommunications for all urban development. Council will require as a condition of any development consent that any existing aboveground electricity reticulation be relocated underground with the exception of main transmission lines.	The proposed development can comply/ conditions of consent imposed.	
4.	Pedestrian and through-site links shall have regard to the following:	A pedestrian link is to be provided over proposed lot 5. The link will be further embellished as part of any	Yes

-	Be publicly	future building application	
	accessible	over the site in accordance	
-	Have a width of 4-	with this control.	
	5m		
-	Include a		
	minimum of		
	500mm of		
	landscaping		
	along each side		
	of the pedestrian		
	link is desirable		
-	Be clearly		
	identifiable as a		
	publicly		
	accessible		
	pedestrian link		
_	Encourage		
	pedestrians to		
	move along the		
	link and not linger		
_	Maintain the		
	privacy of ground		
	floor apartments		
	which adjoin the		
	link		
_	Ensure adequate		
	passive		
	surveillance is		
	provided		
_	Have adequate		
	lighting to		
	improve safety		
_	Building setbacks		
	to the pedestrian		
	links are to be		
	assessed on their		
	merits		
4.5 Integra	ated Water Manage	ement	
	ners of properties	The proposed development	Yes
	oining the Cattai	complies with this control.	
	eek riparian		
	ridor and overland		
	w paths as well as		
	perties identified		
	Flood Control Lots		
are			
	nfirm the 100 year		
	erage Recurrence		
	erval flood extent		
	d associated flood		
	els from Cattai		
	eek prior to the		
	gement of		
	velopment and		

	subdivision		
	applications.		
2.	Development on land identified as Flood Control Lots and adjoining Cattai Creek or overland flow paths are to apply the provisions of Council's Flood Controlled Land DCP. In applying these provisions consideration is to be given to the type of development, the application of controls according to the Flood Planning level associated with the property, car parking, flood compatible building materials and land filling.	The proposed development has applied the provisions of Council's Flood Controlled Land DCP.	Yes
3.	A Stormwater Management Plan is to be prepared for each development application that considers sustainable water management practices and minimal development impact.	A stormwater management plan has been submitted with the application.	Yes
4.	Stormwater runoff must be treated on the development site before it discharges to a public drainage system.	The proposed development provides for on-site treatment.	Yes
5.	All stormwater drainage designs are to comply with the most up to date revision of Council's Design Guidelines Subdivision/ Developments and Contribution Plan No.19 – Showground Station precincts.	The proposed development complies with Council's Guidelines and the CP.	Yes

	All developments are to implement an Erosion and Sediment Control plan, prepared in accordance with 'Managing Urban Stormwater – Soils and Construction', to minimise land disturbance and control sediment pollution of waterways.	The proposed development can comply/ conditions of consent imposed.	Yes
7.	With the exclusion of detached residential dwellings, all developments within the precinct are required to manage the pollutant loads from each separate allotment to ensure compliance with the performance objective listed in Table 3 prior to discharge to any adjoining drainage system.	The proposed development can comply with this control.	Yes
8.	Water quality modelling undertaken to support development proposals within the Precinct shall utilise the latest version of MUSIC and be in line with the Draft NSW MUSIC modelling guidelines, Sydney Metropolitan Catchment Management Authority 2010, utilising the modelling parameters in Tables 4 and 5.	The proposed development complies with this control.	Yes
9.		N/A	N/A

average recurrence		
interval peak flow		
shall be achieved.		
10. A Water Sensitive	The proposed development	Yes
Urban Design	complies with this control.	
strategy is to be		
prepared for all		
development that		
provides for		
sustainable and		
integrated		
management of land		
and water resources,		
taking into account		
water quality and stream erosivity		
objectives, together		
with attenuating flow		
rates and runoff		
volumes to		
acceptable levels		
following urban		
development. Water		
management		
performance		
objectives are set out		
in Table 2		
in Table 3.		
11. Water Sensitive	The proposed development	Yes
11. Water Sensitive Urban Design	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be		Yes
11. Water Sensitive Urban Design elements are to be designed and	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications:	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems – Cities as Water	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems – Cities as Water Supply Catchments,	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems – Cities as Water Supply Catchments, Sustainable Technologies	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems – Cities as Water Supply Catchments, Sustainable Technologies (CRC for Water Sensitive	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems - Cities as Water Supply Catchments, Sustainable Technologies (CRC for Water Sensitive Cities, 2015 or later)	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems – Cities as Water Supply Catchments, Sustainable Technologies (CRC for Water Sensitive Cities, 2015 or later) - Australian Runoff Quality	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems - Cities as Water Supply Catchments, Sustainable Technologies (CRC for Water Sensitive Cities, 2015 or later)	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems – Cities as Water Supply Catchments, Sustainable Technologies (CRC for Water Sensitive Cities, 2015 or later) - Australian Runoff Quality (Engineers Australia 2005)	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems – Cities as Water Supply Catchments, Sustainable Technologies (CRC for Water Sensitive Cities, 2015 or later) - Australian Runoff Quality (Engineers Australia 2005) - Water Sensitive Urban	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems - Cities as Water Supply Catchments, Sustainable Technologies (CRC for Water Sensitive Cities, 2015 or later) - Australian Runoff Quality (Engineers Australia 2005) - Water Sensitive Urban Design Technical Guidelines	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems – Cities as Water Supply Catchments, Sustainable Technologies (CRC for Water Sensitive Cities, 2015 or later) - Australian Runoff Quality (Engineers Australia 2005) - Water Sensitive Urban Design Technical Guidelines for Western Sydney (NSW Government Stormwater Trust and Upper	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems - Cities as Water Supply Catchments, Sustainable Technologies (CRC for Water Sensitive Cities, 2015 or later) - Australian Runoff Quality (Engineers Australia 2005) - Water Sensitive Urban Design Technical Guidelines for Western Sydney (NSW Government Stormwater Trust and Upper Parramatta River Catchment	is in accordance with these	Yes
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems - Cities as Water Supply Catchments, Sustainable Technologies (CRC for Water Sensitive Cities, 2015 or later) - Australian Runoff Quality (Engineers Australia 2005) - Water Sensitive Urban Design Technical Guidelines for Western Sydney (NSW Government Stormwater Trust and Upper Parramatta River Catchment Trust, May 2004)	is in accordance with these publications.	
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems – Cities as Water Supply Catchments, Sustainable Technologies (CRC for Water Sensitive Cities, 2015 or later) - Australian Runoff Quality (Engineers Australia 2005) - Water Sensitive Urban Design Technical Guidelines for Western Sydney (NSW Government Stormwater Trust and Upper Parramatta River Catchment Trust, May 2004)  12. As part of a Water	is in accordance with these	Yes N/A
11. Water Sensitive Urban Design elements are to be designed and constructed in accordance with the following publications: - Adoption Guidelines for Stormwater Biofiltration Systems - Cities as Water Supply Catchments, Sustainable Technologies (CRC for Water Sensitive Cities, 2015 or later) - Australian Runoff Quality (Engineers Australia 2005) - Water Sensitive Urban Design Technical Guidelines for Western Sydney (NSW Government Stormwater Trust and Upper Parramatta River Catchment Trust, May 2004)	is in accordance with these publications.	

residential,		
employment and		
commercial		
developments are to		
install rainwater tanks		
1		
demand such as		
outdoor use,		
laundries and toilets.		
With the exception of		
detached residential		
dwellings, a water		
balance assessment		
is to be undertaken		
for the development		
and rainwater tanks		
appropriately sized to		
cater for the water		
use demand.		
13. Rainwater tanks are	N/A – relevant to future built	N/A
to be provided with	form applications.	
potable water trickle		
top-up with a back		
flow prevention		
device, complying		
with Sydney Water		
requirements.		
roquiromonio.		
14 In accordance with	$N/\Lambda$ — relevant to future built	NI/A
14. In accordance with	N/A – relevant to future built	N/A
the	N/A – relevant to future built form applications.	N/A
the recommendations		N/A
the recommendations made in the		N/A
the recommendations made in the publication		N/A
the recommendations made in the publication "Guidance on the Use		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks"		N/A
the recommendations made in the publication "Guidance on the Use		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks"		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth,		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the design of the		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the design of the rainwater tank and		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the design of the rainwater tank and associated plumbing		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the design of the rainwater tank and associated plumbing based on a minimum		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the design of the rainwater tank and associated plumbing based on a minimum first flush of 1L/m2 of		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the design of the rainwater tank and associated plumbing based on a minimum first flush of 1L/m2 of roof area.	form applications.	
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the design of the rainwater tank and associated plumbing based on a minimum first flush of 1L/m2 of		N/A
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the design of the rainwater tank and associated plumbing based on a minimum first flush of 1L/m2 of roof area.	form applications.	
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the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the design of the rainwater tank and associated plumbing based on a minimum first flush of 1L/m2 of roof area.  15. Any discharge to, or construction within the Cattai Creek	form applications.	
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the design of the rainwater tank and associated plumbing based on a minimum first flush of 1L/m2 of roof area.  15. Any discharge to, or construction within the Cattai Creek riparian corridor may	form applications.	
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the design of the rainwater tank and associated plumbing based on a minimum first flush of 1L/m2 of roof area.  15. Any discharge to, or construction within the Cattai Creek riparian corridor may require the approval	form applications.	
the recommendations made in the publication "Guidance on the Use of Rainwater Tanks" (enHealth, Commonwealth Government 2004), diversion of the "first flush" of up to 180 litres is to be incorporated into the design of the rainwater tank and associated plumbing based on a minimum first flush of 1L/m2 of roof area.  15. Any discharge to, or construction within the Cattai Creek riparian corridor may	form applications.	

	Water Management		
4.0	Act 2000.		
16	. The natural form,	The proposed development	Yes
	characteristics and function of	complies with this control.	
	waterways, including		
	riparian land, are to		
	be retained, restored,		
	protected and		
	enhanced wherever		
47	possible	N/A	N/A
17	. Waterway rehabilitation and	IN/A	IN/A
	construction works		
	are to apply 'Best		
	Practice' combination		
	of soft and hard		
	engineering		
	techniques		
	establishing a water sensitive,		
	geomorphically		
	stable, diverse and		
	functional waterway corridor that		
	addresses urban		
	influences and		
	considers the		
	immediate waterway		
	corridor and aquatic		
	systems both		
	upstream and		
	downstream of a		
	subject sit		
4.6 Su	bdivision and Earthwo	orks	<u> </u>
	Earthworks shall be	Earthworks are proposed	Yes
	minimised to	under this application to	
	locations where the	prepare the site for future	
	construction of roads	built form development. The	
	require earthworks to	earthworks are not adjacent	
	be undertaken or	to Cattai Creek.	
	filling adjacent to		
	Cattai Creek.		
2.		The proposed development	Yes
	open space areas are	can comply with this control/	
	to be fenced and are	conditions imposed.	
	not to be disturbed or		
	used for any purpose		
	during the		
	construction of a		
	subdivision.		
3.		The proposed development	Yes
	applications must	complies with this control.	
	provide a plan		
	·		

	showing the existing		
	pre-development and		
	proposed finished		
	ground levels to		
	enable an		
	assessment of the		
	extent of earthworks		
	proposed and		
	assessment of the		
	relationship between		
	the finished road		
	levels and proposed		
	building platform		
	levels.	21/2	N1/A
4.		N/A	N/A
	along the edge of the		
	Cattai Creek Riparian		
	Corridor shall be in		
	accordance with the		
	Street Network		
	Layout and Hierarchy		
	and relevant road		
	profile.		
4.7 Cu	it and Fill		
1.	The filling of land	N/A	N/A
	adjacent to the Cattai		
	Creek Riparian		
	Corridor may be		
	required to facilitate		
	the urban		
	development of the		
	Precinct and will		
	only be permitted		
	after consultation		
	with NSW Office of		
	subsequent levels		
	provided.		
	Justification for any		
	proposed changes to		
	land levels provided		
	is required and is to		
	be supported by a		
	flood assessment		
	that takes into		
	account the		
	cumulative impact of		
	flooding behaviour,		
	and associated risks		
	caused by individual		
	developments.		
2.	In the areas of fill	The development can	Yes
	relevant provisions of	comply with this control.	
	Council's Flood		
	55411011 0 1 100U		

Controlled Land DCP are to be applied, with reference to the Integrated Water Management Section of this DCP.		
3. A fill plan must be prepared.	submitted with the application.	Yes
4. All cut and fill works shall be in accordance with Council's Design Guidelines Subdivisions/ Development and Works Specification Subdivisions/ Developments.	The proposed development is in accordance with the Guidelines and Specification.	Yes
5. All landfilled areas must comprise clean material free from contamination. Imported material shall be certified "Virgin Excavated Natural material (VENM)".	The proposed development can comply with this control subject to conditions.	Yes
6. Landfilled areas must be suitably compacted and stabilised with density tests to verify that compaction was achieved in accordance with Council requirements.	The proposed development can comply with this control subject to conditions.	Yes
7. Embankment batters shall have a maximum slope of 1:6.	The proposed development complies with this control.	Yes
8. Embankment batters and retaining walls are to be landscaped to reduce erosion and provide a suitable screen. They should be vegetated preferably with native ground covers and small native trees with mature height of up to 10m.	N/A — future building applications to address.	N/A

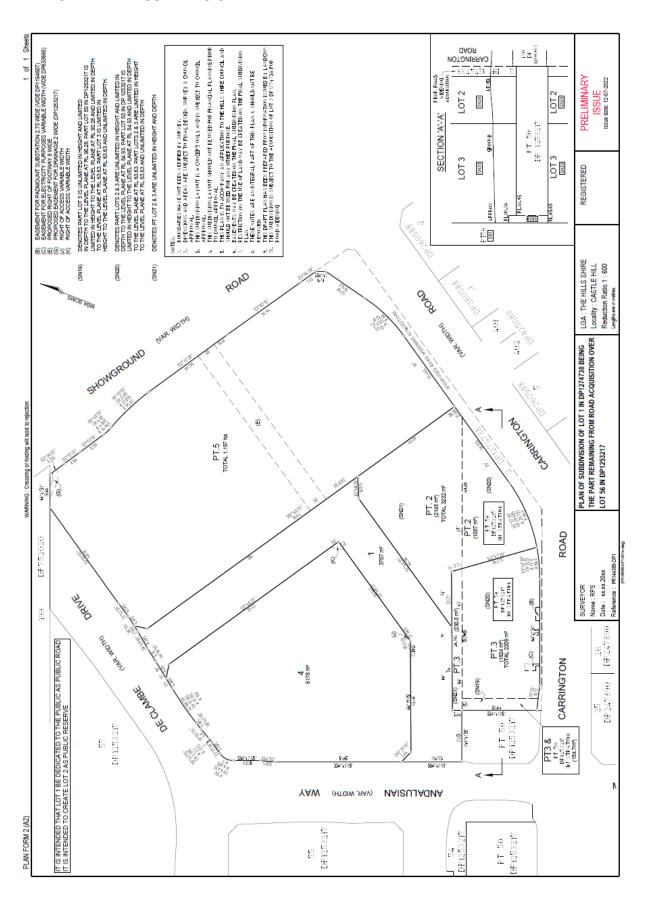
9. Development shall comply with the provisions of SEPP 55.	The proposed development complies with SEPP 55 (now Resilience and Hazards SEPP).	Yes
10. Development shall comply with Acid Sulfate Soils provisions of the LEP.	N/A	N/A
4.12 Heritage (Aboriginal and	d European)	
1. An Aboriginal Due Diligence Report is required for each major development site/ subdivision and must be prepared in accordance with the Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW>	A Due Diligence Assessment was submitted with the application and identified no Aboriginal items of significance within the vicinity of the site.	Yes
2. Where a due diligence report identifies the presence or likely presence of any Aboriginal site or relics on or near the subject development site, further Aboriginal Cultural/ Archaeological Assessment by a suitably qualified person must be undertaken. Where a site is identified as significant, a letter from the relevant Aboriginal Lands Council is required to be submitted expressing support or recommendations for the subdivision proposal.	The Due Diligence Assessment submitted with the application identified no Aboriginal items of significance within the vicinity of the site.	Yes
3. The report prepared by GML Heritage titled "NWRL Showground Station Precinct, Indigenous Heritage Assessment" dated August 205 is to	Noted/ application can comply.	Yes

	guide any future site- specific Aboriginal heritage assessments and management of Aboriginal heritage sites, values, objects and/or places within the boundaries of the Showground Precinct.		
4.	Development at, or within the vicinity of the heritage cottage at 128-132 Showground Road must have regard to Part C Section 4 – Heritage of DCP 2012.	The proposed development is for subdivision only and is unlikely to impact on the heritage item at 128-132 Showground Road.	Yes
5.	The curtilage of the heritage item is to be established through a heritage impact assessment prepared by a suitably qualified heritage consultant.	A heritage assessment was provided as part of the application. Further investigation will be required as part of the future built form.	Yes
6.	The curtilage of the heritage item is to be maintained and protected.	The proposed development is not considered to impact on the curtilage of the heritage item.	Yes
7.	Development on sites adjoining and adjacent to the heritage item should consider locating landscaped areas and common open space areas between future building elements and the heritage site to assist in providing greater separation between the heritage item and future development.	N/A – to be considered as part of future built form.	N/A
8.		The proposed development is for subdivision only and is not considered to impact on view lines to and from the heritage item. Further consideration to be given as part of future built form.	Yes

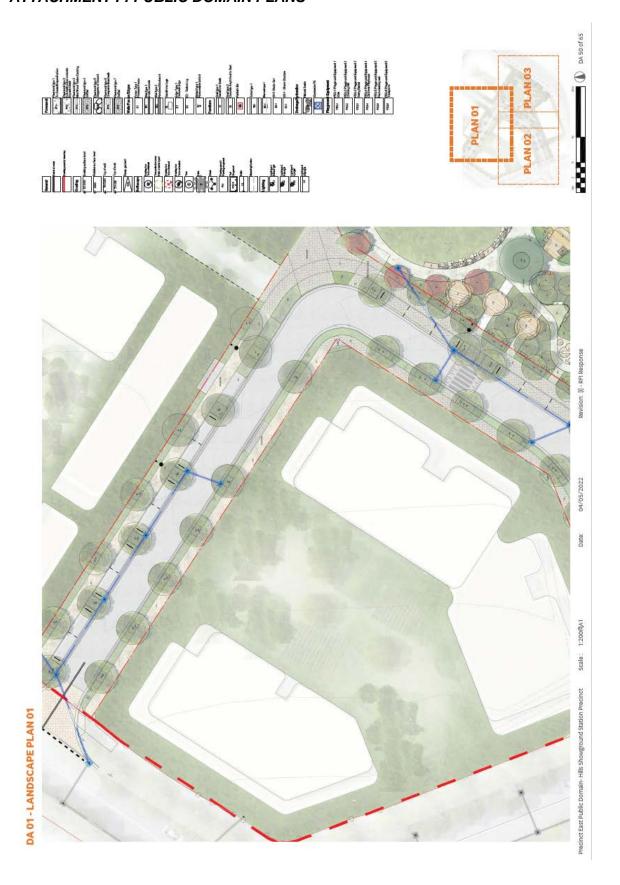
	annranriataly.		
	appropriately		
	maintained.  Development on sites adjoining the eastern and western boundaries of the heritage item should be appropriately sited to ensure that the heritage building is not affected by overshadowing.		N/A
1.	Development within centres and business zones shall be generally consistent with the following indicative layout plan (Figure 40).	The proposed development is generally in accordance with the ILP, with the exception of the proposed realignment of Road No 1 extending through the site between De Clambe Drive and Andalusian Way. See report for further detail.	No
5.2 Sit	te Requirements		
1.	Development sites within the R1 General Residential Zone shall have a minimum road frontage of 30m.	All of the proposed residential development lots comply with this control.	Yes
2.		All of the proposed residential development lots comply with this control, with the exception of proposed lot 3. See report for further detail.	No
3.	Residential flat buildings and shop top housing are to have a frontage (address) to the street).	N/A – relevant to future built form, however can comply.	N/A
4.	The siting of dwellings should take advantage of any views to open space, public reserves and bushland to promote natural surveillance and to enhance the visual amenity of residents.	N/A – relevant to future built form.	N/A
5.	The site coverage of future development within the R1 General Residential Zone	N/A – relevant to future built form.	N/A

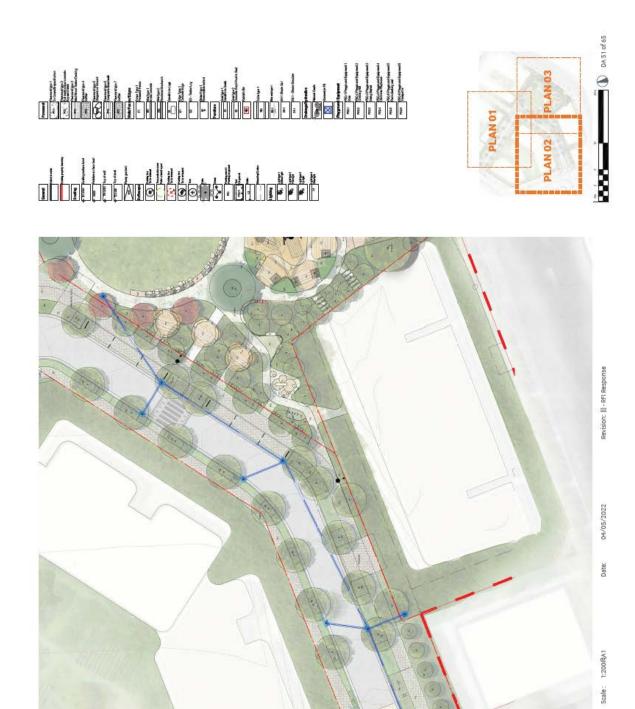
Ī	shall not exceed 50%
	of the site area
	(excluding land to be
	dedicated or acquired
	or a public purpose).

## ATTACHMENT E: SUBDIVISION PLAN

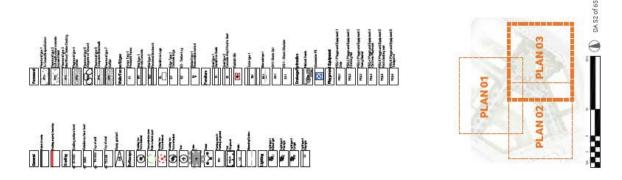


## ATTACHMENT F: PUBLIC DOMAIN PLANS





DA 02 - LANDSCAPE PLAN 02



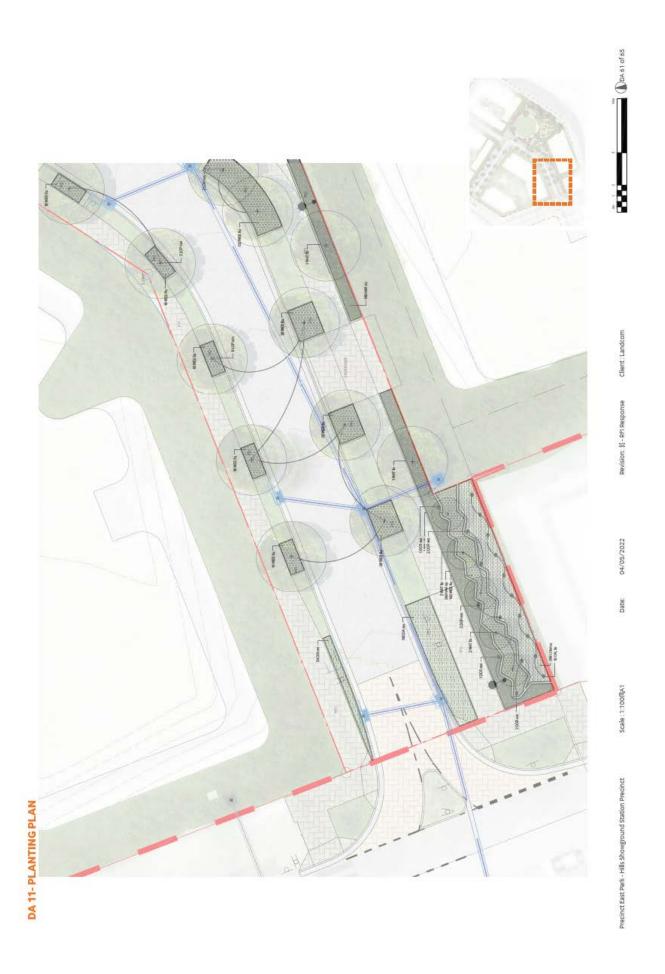


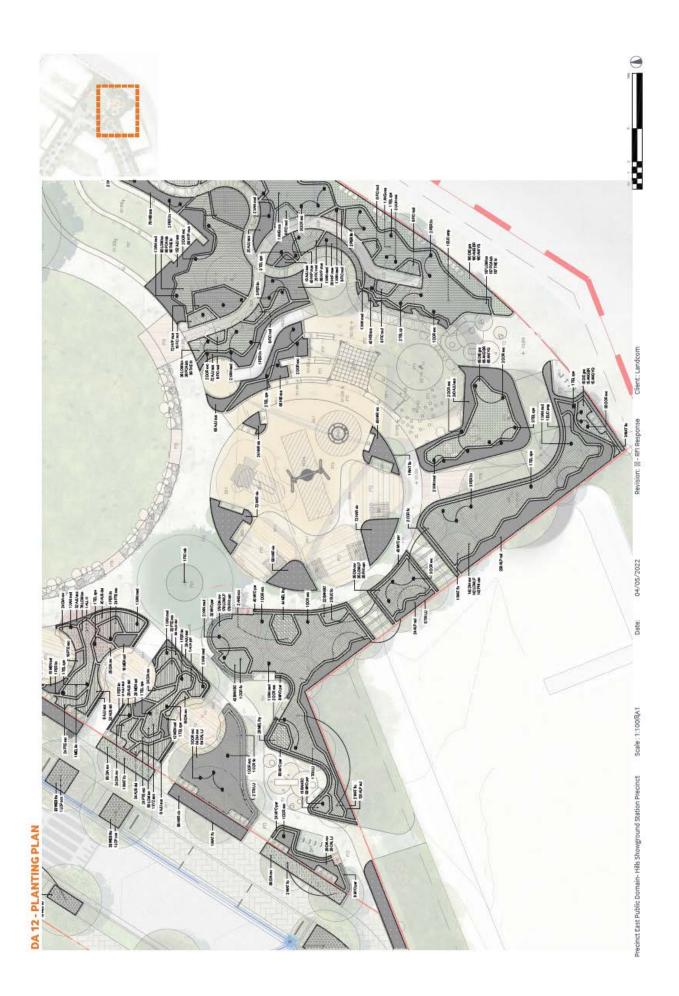






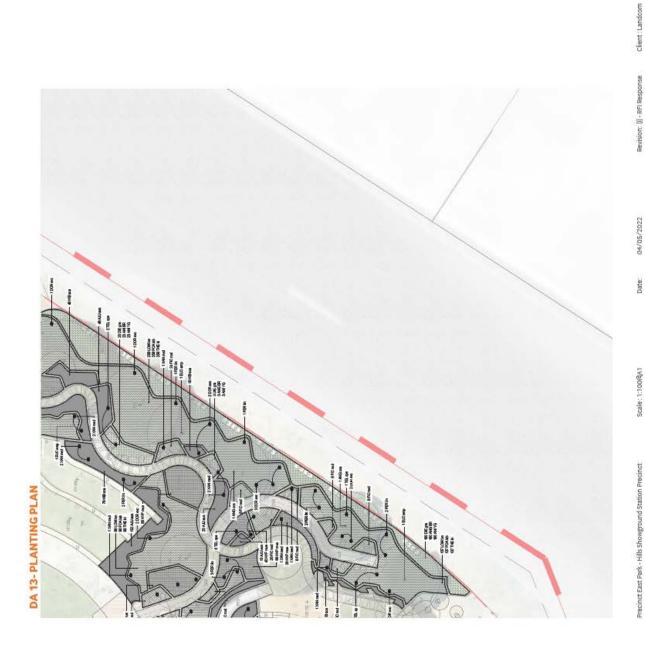












Revision: [I] - RFI Response

04/05/2022

Date:

## ATTACHMENT G: CIVIL GENERAL ARRANGEMENT PLAN

