

COUNCIL ASSESSMENT REPORT

SYDNEY CENTRAL CITY PLANNING PANEL

PANEL REFERENCE & DA NUMBER	PPSSCC-653 893/2025/JPZ
PROPOSAL	Subdivision creating three residential development lots, four open space development lots and two residue lots including tree removal, earthworks and roads
ADDRESS	26-28 Guragura Street, Lot 12 DP 1184376 Old Windsor Road, Lot 1406 DP 1249937 Old Windsor Road, and Lot 167 DP 1252052 Old Windsor Road, Kellyville (Lot 171 DP 1252052, Lot 12 DP 1184376, Lot 1406 DP 1249937, Lot 1407 DP 1249937, Lot 1408 DP 1249937, Lot 167 DP 1252052, Lot 331 DP 1155492, Lot 221 DP 1121027, Lot 132 DP 1249363 and Lot 1451 DP 1255091)
APPLICANT	Landcom
OWNER	Sydney Metro (Lot 171 DP 1252052, Lot 12 DP 1184376, Lot 1406 DP 1249937, Lot 1407 DP 1249937, Lot 1408 DP 1249937 and Lot 167 DP 1252052) Sydney Water (Lot 331 DP 1155492, Lot 221 DP 1121027 and Lot 132 DP 1249363) Transport For NSW (Lot 1451 DP 1255091)
DA LODGEMENT DATE	12 December 2024
APPLICATION TYPE	Development Application – Crown
REGIONALLY SIGNIFICANT CRITERIA	Clause 4 Schedule 6 of State Environmental Planning Policy (Planning Systems) 2021: EDC > \$5 million – Crown Development
ESTIMATED DEVELOPMENT COST	\$19,070,184.00
CLAUSE 4.6 REQUESTS	No Clause 4.6 variations proposed
KEY SEPP/ LEP	- State Environmental Planning Policy (Planning Systems) 2021 - State Environmental Planning Policy (Resilience and Hazards) 2021 - Chapter 4 Remediation of land

	• State Environmental Planning Policy (Biodiversity and Conservation) 2021 – Chapter 6 Water catchments • State Environmental Planning Policy (Transport and Infrastructure) 2021 – Chapter 2 Infrastructure • The Hills Local Environmental 2019 • State Significant Development Consent No. SSD-10343 – Kellyville Station Precinct – Kellyville Station Precinct – Urban Design Guidelines – Kellyville Station Precinct – Urban Design Report – Kellyville and Bella Vista Station Precinct – Landscape Master Plan and Open Space Strategy • The Hills Development Control Plan 2012 – Part C Section 3 – Landscaping – Part C Section 6 – Flood Controlled Land
TOTAL & UNIQUE SUBMISSIONS KEY ISSUES IN SUBMISSIONS	One submission received
DOCUMENTS SUBMITTED FOR CONSIDERATION	Statement of Environmental Effects prepared by Colliers (formerly Ethos Urban) Landscaping Plans prepared by Land and Form Landscape Design Report prepared by Land and Form Civil Engineering Plans prepared by Stantec Biodiversity Development Assessment Report prepared Biosis Arboricultural Impact Assessment Report prepared by Creative Planning Solutions Design Excellence Strategy prepared by Landcom Crime Prevention Through Environmental Design Report prepared by Urbis Universal Access Design Review by Morris Golding Access Consulting Aboriginal Heritage Assessment prepared by Kelleher Nightingale Detailed Site Investigation Report prepared by Stantec Flood Impact Assessment Report prepared Stantec Bushfire Assessment Report prepared by Peterson Bushfire Construction Environmental Management Plan prepared by Stantec Utility Management Plan prepared by Stantec

	Cost Summary Report prepared by Land and Form
SPECIAL INFRASTRUCTURE CONTRIBUTIONS (S7.24)	The proposal is subject to the payment of a Special Infrastructure Contribution under Section 7.24 of the Environmental Planning and Assessment Act 1979
RECOMMENDATION	Refusal
DRAFT CONDITIONS TO APPLICANT	Yes
SCHEDULED MEETING DATE	12 June 2026
PLAN VERSION	Subdivision Plans – 16 October 2024 Landscaping Plans – 24 April 2026 (Rev '1') Civil Engineering Plans – 17 April 2026 (Rev 'M')
PREPARED BY	Andrew Johnston
DATE OF REPORT	12 June 2026

EXECUTIVE SUMMARY

Development Application No. 893/2025/JPZ (PPSSCC-653) seeks consent for the subdivision of 26-28 Guragura Street, Lot 12 DP 1184376 Old Windsor Road, Lot 1406 DP 1249937 Old Windsor Road, and Lot 167 DP 1252052 Old Windsor Road, Kellyville. The proposal involves the subdivision of land located within the Kellyville Metro Station Precinct to create three development lots, four open space development lots and two residue lots for future development. Tree removal, earthworks and the construction of roads is proposed in support of the subdivision.

Landcom (the Applicant) is a listed Statutory State-Owned Corporation and the proposed development has an Estimated Development Cost (EDC) of \$19,070,184.00. Accordingly, the proposed development is identified as 'regionally significant development' as the development is carried out or on behalf of the Crown and has a EDC of more than \$5 million. The application has been submitted as 'Crown development'.

The Kellyville Station Precinct is subject to a concept approval issued under State Significant Development Consent No. SSD-10343 (as amended) for subdivision, the construction of mixed-use developments and the delivery of open space within the precinct. The application has been submitted by Landcom to subdivide the land and facilitate future development in accordance with the concept approval for the Kellyville Station Precinct.

The subject land is zoned R1 General Residential, R4 High Density Residential, RE1 Public Recreation and SP2 Infrastructure – Stormwater Management System and the proposal is permissible in those zones.

The principal planning controls relevant to the proposal are The Hills Local Environmental Plan (LEP) 2019, The Hills Development Control Plan (DCP) 2012 and State Significant Development Consent No. SSD-10343 (as amended) and The State Environmental Planning Policy (Resilience and Hazards) 2021 (Resilience and Hazards SEPP). Clause 4.24(2) of the EP&A Act 1979 outlines that while any approved concept development application for a site remains in force, the determination of any further development applications on the site must be consistent with the concept approval. The application has been assessed against all planning controls and is satisfactory.

The application is also required to be considered against the Biodiversity Conservation Act 2016 as the site contains threatened ecological communities including Cumberland Shale Plains Woodland, Southern Lower Floodplain Freshwater Wetland and Cumberland Red Gum Riverflat Forest as well as threatened species Southern Myotis *Myotis macropus*. As Cumberland Plain Woodland is an entity at risk of a Serious and Irreversible Impact (SAIL) the decision maker is required to make a determination as to whether the impact of the development has a Serious and Irreversible Impact on that community. Based on the information presented with the application Council's Ecologists have formed the view that the impacts associated with the proposal will result in a Serious and Irreversible Impact to the critically endangered Cumberland Plain Woodland ecological community. Under Clause 7.16(2) of the Biodiversity Conservation Act 2016 a consent authority must refuse a development application in that instance.

Following a detailed assessment and review of the matters for consideration under Section 4.15(1) of the EP&A Act 1979, the proposal is unable to be supported based on the requirements of the Biodiversity Conservation Act 2016 and the refusal of Development Application No. 893/2025/JPZ (PPSSCC-653) is recommended.

1. THE SITE AND LOCALITY

1.1. The Site

The land subject to this application comprises of 10 parcels of land that are legally identified as Lot 171 DP 1252052, Lot 12 DP 1184376, Lot 1406 DP 1249937, Lot 1407 DP 1249937, Lot 1408 DP 1249937, Lot 167 DP 1252052, Lot 331 DP 1155492, Lot 221 DP 1121027, Lot 132 DP 1249363 and Lot 1451 DP 1255091. The site is bound by Samantha Riley Drive to the north, Old Windsor Road to the west, Memorial Avenue to the south and Elizabeth Macarthur Creek to the east. The land has a combined area of approximately 13.8194Ha.

The land within the vicinity of the Kellyville Metro Station generally consists of cleared exotic grassland, pockets of planted and remnant native vegetation, roads and infrastructure associated with the Metro station. The land adjoining Elizabeth Macarthur Creek and to the southern end of the development site contains remnant native vegetation.

An aerial photograph highlighting the approximate location of the subdivision is provided with Figure 1.



Figure 1: Aerial Map Extract

1.2. The Locality

The suburb of Kellyville is located approximately 36km northwest of Sydney's Central Business District.

The subject site is located within the Kellyville Metro Station Precinct. The Structure Plan for Kellyville and Bella Vista identifies the area within the vicinity of the Kellyville Metro Station as a future local centre.

The Kellyville Metro Station and car park are located off Guragura Street, with the Metro rail line and viaduct running parallel to Old Windsor Road. Local streets off Samantha Reily Drive currently provides access to the Kellyville Metro Station and the wider precinct.

Elizabeth McArthur Creek runs along the eastern side of the subject land and its surrounds contain native vegetation identified as Cumberland Plain Woodland, River-flat Eucalypt Forest and Freshwater Wetlands. This section of Elizabeth Macarthur Creek is located over Sydney Water and Sydney Metro land.

An established residential area of Kellyville primarily consisting of detached single dwelling houses is located east of Elizabeth McArthur Creek.

2. THE PROPOSAL AND BACKGROUND

2.1. The Proposal

The subject application is for a Torrens title subdivision to create three development lots, four open space lots and two residue lots. Ancillary earthworks, tree and vegetation removal, the construction of roads and infrastructure, and landscaping works are proposed to facilitate and support the subdivision.

The submitted application is identified by the Applicant as Stage 2 within the Kellyville Metro Station Precinct and seeks approval for a subdivision and associated works to facilitate development within the precinct in accordance with the concept approval.

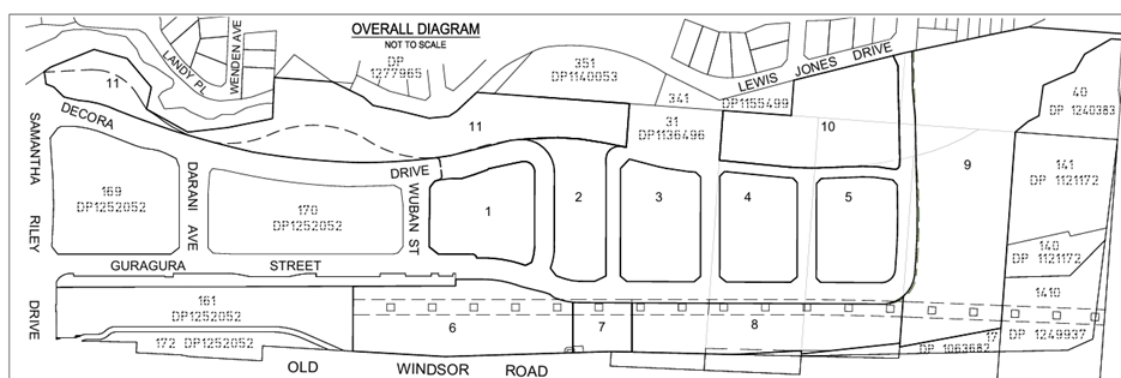


Figure 2: Subdivision Plan Extract

The proposed subdivision involves the creation of three development lots identified as Proposed Lots 3, 4 and 5, four open space lots identified as Proposed Lots 2, 7, 8 and 11, and two residue lots identified as Proposed Lots 9 and 10:

- Proposed Lot 2: This open space lot is to accommodate a local park and is to have an area of 6,651m². The future local park is identified as Item No. OSE5 in Voluntary Planning Agreement (VPA) No. 1/2025/VPA.
- Proposed Lot 3: This development lot is designated for future residential accommodation (up to 298 units) and is to have an area of 8,010m². The lot is identified as 'Lot D' in State Significant Development Consent No. SSD-10343 (as amended) and 'Superlot KVD' in VPA No. 1/2025/VPA.
- Proposed Lot 4: This development lot is designated for future residential accommodation (up to 251 units) and is to have an area of 7,219m². The lot is identified as 'Lot E' in the concept approval and 'Superlot KVE' in VPA No. 1/2025/VPA.
- Proposed Lot 5: This development lot is designated for future residential accommodation (up to 255 units) and is to have an area of 7,302m². The lot is identified as 'Lot E' in the concept approval and 'Superlot KVF' in VPA No. 1/2025/VPA.
- Proposed Lot 7: This open space lot is to accommodate the viaduct park and is to have an area of 2,540m². Together with Proposed Lot 8, the viaduct park is identified as Item No. OSE4 in VPA No. 1/2025/VPA.
- Proposed Lot 8: This open space lot is to accommodate the viaduct park and is to have an area of 11,330m² (1.133Ha). Together with Proposed Lot 7, the viaduct park is identified as Item No. OSE4 in VPA No. 1/2025/VPA.

- Proposed Lot 9: This residue lot consolidates remnant Sydney Water and Transport For NSW land and is to have an area of 29,330m² (2.958Ha).
- Proposed Lot 10: This residue lot consolidates remnant Sydney Metro and Sydney Water land and is to have an area of 12,470m² (1.247Ha).
- Proposed Lot 11: This open space lot is to accommodate a riparian corridor and is to have an area of 22,370m² (2.237Ha). The riparian corridor area is identified as Item No's OSE1 and OSE2 in VPA No. 1/2025/VPA.

The development lots will be subject to the submission of future development applications for the construction of residential flat buildings. The further subdivision of Proposed Lot 11 will also be required to facilitate the dedication of the Council park and Sydney Water acquisition. The embellishment of the open space lots is subject to Development Application No. 1326/2025/JPZ, for which a separate report is provided.

A CIV of \$19,070,184.00 has been nominated for the development.

Subdivision, Landscaping and Concept Engineering Plans for the development are provided as Attachments A, B and C.

The key development data and standards that are applicable to the proposal are summarised in Table 1 below:

Table 1: Key Development Data

Control	Proposal
Site area	13.8194Ha
Zoning	R1 General Residential, R4 High Density Residential, RE1 Public Recreation and SP2 Infrastructure – Stormwater Management System
Lot Size	A minimum lot size of 1,800m ² applies to the land (Area U3)
Building Height	Not applicable – A series of building heights (10.0m [K]/ 29.0m [T6]/ 67.5m [AA1] /99.5m [AB]) apply to the land but these controls are not applicable to subdivision
Floor Space Ratio	Not applicable – Floor space ratios will apply to future development lots only
Clause 4.6 Requests	Not applicable

The proposal is categorised as regionally significant development under Schedule 6 of the Planning Systems SEPP as it is a Crown development with an EDC of more than \$5 million. Subject to the savings and transitional provisions under the EP&A Amendment (Planning System Reforms) Act 2025, the Sydney Central City Planning Panel is the consent authority for regionally significant development.

The application was lodged with Council on 12 December 2024 and has been under assessment for approximately 445 days.

2.2. Background

State Significant Development Consent – Concept Development Application

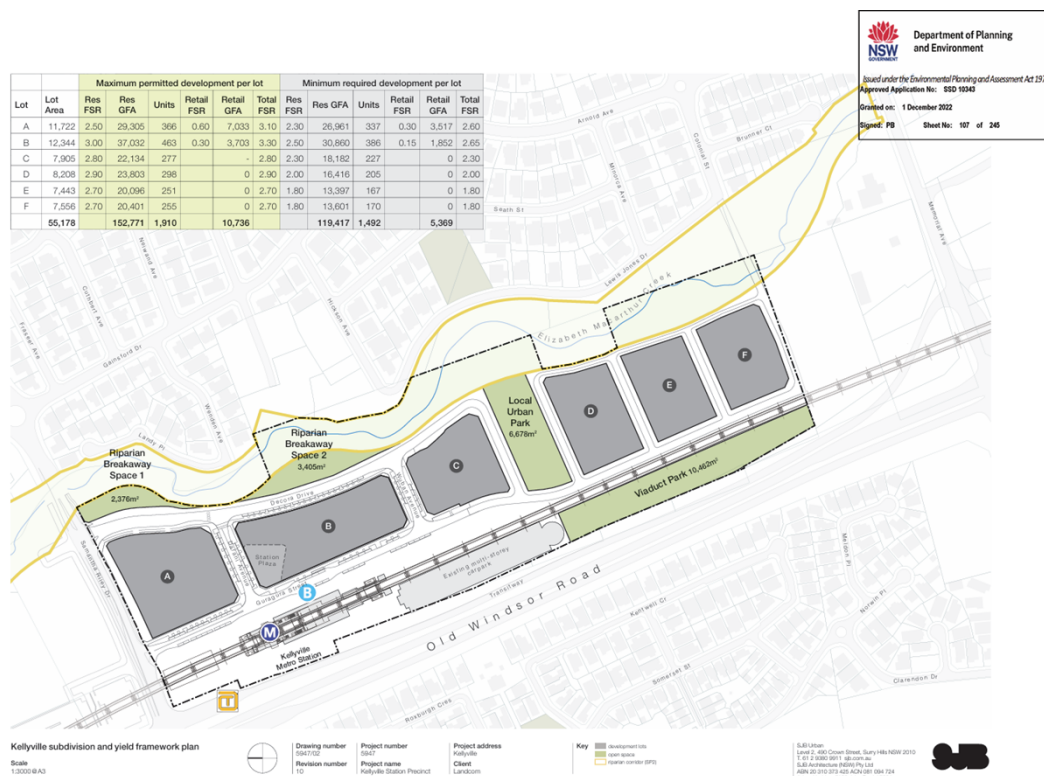
State Significant Development Consent No's SSD-10343 and SSD-10344 were issued by the Department of Planning and Environment on 1 December 2022 for subdivision, construction of mixed-use developments and delivery of open space within the Kellyville and Bella Vista Metro Station Precincts. These consents were issued as Concept Development Application approvals, with works and subsequent stages of these developments being subject to further development applications that must be submitted to Council for determination (with the exception of development with a Capital Investment Value of \$30 million or more).

The development description for State Significant Development Consent No. SSD-10343 outlines this consent approved:

Concept development application for a mixed-use precinct known as Kellyville Station Precinct including:

- *principal subdivision to create public domain areas*
- *building heights for 6 development blocks ranging from 21 m to maximum 50m*
- *an indicative maximum GFA of 163,508m² for residential and non-residential uses*
- *between 1,492 and 1,910 dwellings (including 5% affordable housing)*
- *urban design guidelines to govern future development*
- *provision of public open spaces*
- *street hierarchy and layout*
- *establish car and bicycle parking rates.*

A modification known as State Significant Development Consent No. SSD-10343-Mod-1 has since been issued to amend the original concept approval.



No physical works were approved as part of the concept approvals. The delivery of the concept approvals will be the subject of separate development applications to be rolled out over time, with each application required to be consistent with the concept approvals.

A series of Design Guidelines, plans and landscaping strategies were approved as part of the State Significant Development Consents to guide the design and staging of the Kellyville and Bella Vista Metro Station Precincts.

Development applications for subdivision, roads, infrastructure and the embellishment of open space areas are to be submitted to address and demonstrate compliance with the requirements of State Significant Development Consent No's SSD-10343 and SSD-10344 (as amended) and the referenced approved Design Guidelines, plans and landscaping strategies. A Design Excellence Strategy was also endorsed by the Department of Planning and Environment on 4 December 2023 to satisfy Condition B2 of State Significant Development approvals.

The 'Public Domain and Major Open Space' Section of the endorsed Design Excellence Strategy further outlines that development applications for major open space and public domain works are to be reviewed by Council's Design Advisory Panel as part of the detailed design. The major open space and public domain works that will be subject to a design excellence review include a district park in Bella Vista, a local park in Kellyville, playing courts in Kellyville and open space and recreation works along Elizabeth Macarthur Creek.

Transport Oriented Development Precincts

The site is also identified as being located within the Sydney Metro Northwest Urban Renewal Corridor, with both Kellyville and Bella Vista identified as Transport Oriented Development Precincts.

A copy of the Kellyville and Bella Vista Transport Oriented Development Precincts – Final Structure Plan is provided as Attachment D. It is noted that whilst the Precinct boundary under the Structure Plan is outlined in black, the areas subject to the revised planning provisions under the Transport Oriented Development Program are limited to land within The Hills Shire Council and along the rail corridor as shown in purple.

The Transport Oriented Development provisions have been incorporated into The Hills LEP 2019 and expand upon the controls established by the State Significant Development Consents issued for Kellyville and Bella Vista Station Precincts. The updated controls remove the 8,400 dwelling cap which was applicable to the Station Precincts (of which 5,714 dwellings were to be provided under State Significant Development Consent No's SSD-10343 and SSD-10344 (as amended) and require the delivery of 3-10% affordable housing (approximately 5-10% delivery for key sites).

The Transport Oriented Development provisions will apply to built form applications only.

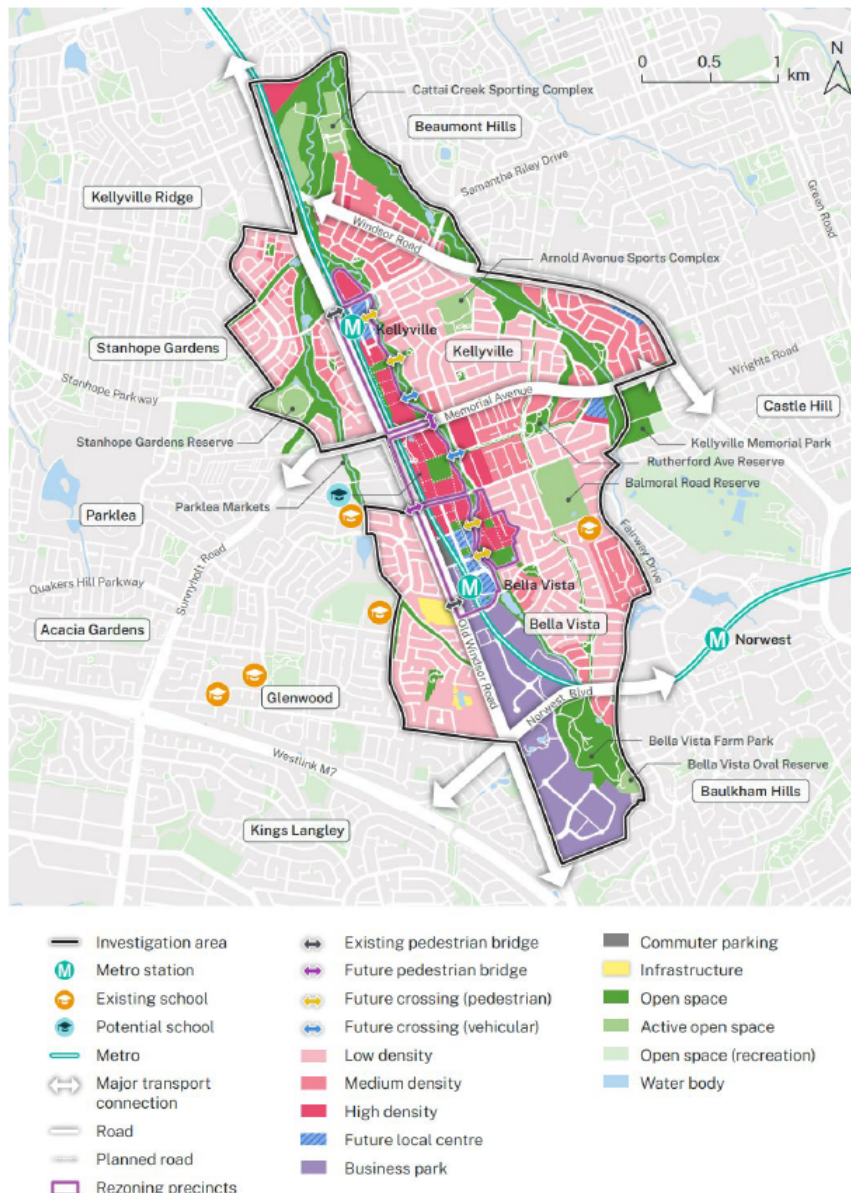


Figure 3: Kellyville and Bella Vista Transport Oriented Development Precincts – Final Structure Plan

Development and Application History

The subject application is identified as Stage 2 within the Kellyville Station Precinct and involves the subdivision of land to facilitate the further development of the precinct.

This embellishment of the open space lots is proposed with Development Application No. 1326/2025/JPZ (PPSSCC-684). This application is identified as Stage 3 within the Kellyville Precinct and has also been reported to the Panel for determination.

Stage 1 of the Kellyville Precinct was approved by Council with Development Consent No. 992/2024/ZA. This consent was issued under delegated authority on 1 November 2025 and approved tree removal, earthworks, the construction of a road, and a subdivision creating a facilitating subdivision creating three residue lots.

A brief chronology for the assessment of the subject application is provided in the following table:

Table 2: Chronology of the Application

Date	Event
12 December 2024	Application lodged.
7 January 2025	Additional information letter issued relating to the scope of the development and owner's consent.
13 January 2025	Notification of the application and advertisement on Council's website. Application referred to external agencies.
27 March 2025	Additional information letter issued relating to matters raised by Council's Ecology, Engineering, Traffic and Landscaping Sections.
28 March 2025	Response and plans provided by the Applicant to address Council's initial letter.
26 May 2025	Revised plans and documentation uploaded to the Planning Portal.
30 May 2025	The consent of Transport For NSW was provided for the consideration of the application.
22 July 2025	Meeting held with the Applicant to discuss outstanding road and traffic matters.
11 July 2025	Revised plans and documentation provided.
8 October 2025	Comments received from Sydney Water regarding the use of their land.
15 December 2025	Additional information requested by Council in relation to engineering matters.
23 January 2026	Revised plans and documentation provided.
10 February 2026	The Applicant requested that the application be referred to the Sydney Central City Planning Panel for determination subject to Clause 4.33(2)(b) of the EP&A Act 1979.
5 March 2026	Briefing meeting held with Sydney Central City Planning Panel.
19 February 2026	Additional information requested by Council's Waterways Section in relation to flooding and the submitted TUFLOW Model.
9 March 2026	Response letters submitted by Applicant to the Planning Portal.
10 March 2026	Meeting held with Applicant to discuss outstanding ecology issues.
16 March 2026	Briefing meeting held with Applicant and Sydney Central Planning Panel.
30 March 2026	Sketches for the riparian corridor works provided by the Applicant following the briefing report. An updated Flood Impact and Risk Assessment Report and TUFLOW Model were also provided to Council.

8 April 2026	Proposal presented to Council's Design Advisory Panel in accordance with the approved Design Excellence Strategy.
13 April 2026	Comments provided to the Applicant with respect to the riparian corridor sketches and ecology.
7 May 2026	Amended plans and reports submitted by Applicant to the Planning Portal.

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 EP&A Act 1979:

- 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.*

The proposal is also subject to the requirements of State Significant Development Consent No. SSD-10343 (as amended), which was issued as a Concept Development Application. Clause 4.24(2) of the EP&A Act 1979 outlines that where a concept approval applies, development applications “*cannot be inconsistent with the consent for the concept proposals for the development of the site*”.

An assessment of the proposal against the relevant matters of consideration and the concept approval is provided in this Section of the report.

The proposal is subject to the Crown development provisions under Division 4.6 of the EP&A Act 1979. Landcom is a listed Statutory State Owned Corporation under Schedule 5 of the State Owned Corporations Act 1989 and is therefore deemed a public authority. As a public authority, any application made by or on behalf of Landcom is categorised as a Crown development application under Section 4.32(2)(a) of the EP&A Act 1979.

Integrated development under the EP&A Act 1979 does not apply to Crown development applications (other than development that requires a heritage approval). Where applicable, separate approvals will still need to be obtained under the relevant Acts. In this instance the land is not a State heritage item or identified as bushfire prone land and accordingly no separate approvals are required under the Heritage Act 1977 or Rural Fires Act 1997. Works are proposed within 40m of Elizabeth Macarthur Creek so whilst the proposal is not categorised as integrated development, the obtainment of a Controlled Activity Approval may be required under Section 91 of Water Management Act 2000. Landcom is not exempt from the need to obtain a Controlled Activity Approval subject to Clause 64(2) of the Water Management (General) Regulation 2025.

The obtainment of a Construction Certificate and the appointment of a Principal Certifier is not required for Crown development applications under Section 6.28 of the EP&A Act 1979. However, the Applicant has advised that a Certifier will be appointed and a ‘Crown Certificate’ will be obtained for the embellishment works.

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

The following Environmental Planning Instruments are relevant to this application:

- Planning Systems SEPP
- Resilience and Hazards SEPP
 - Chapter 4 Remediation of land
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Biodiversity and Conservation SEPP)
 - Chapter 6 Water catchments
- State Environmental Planning Policy (Biodiversity and Conservation) 2021 (Transport and Infrastructure SEPP)
 - Chapter 2 Infrastructure
- The Hills LEP 2019

A summary of the key matters for consideration arising from these planning instruments is outlined in Table 3 and considered in more detail below:

Table 3: Summary of Applicable Environmental Planning Instruments

Environmental Planning Instruments	Matters for Consideration	Comply (Y/N)
Planning Systems SEPP	• Clause 2.19(1) and Schedule 6 – Regionally Significant Development The proposal is categorised as regionally significant development.	Y
Resilience and Hazards SEPP	• Section 4.6 – Contamination and Remediation Contamination and the suitability of the land has been considered as part of the assessment of this application. Council's review of the Detailed Site Investigation Report has found the land to be suitable subject to the imposition of conditions.	Y
Biodiversity and Conservation SEPP	• Chapter 6 – Water Catchments The impacts of the proposed development on the environment of the Hawkesbury-Nepean River has been considered. The civil design incorporates water quality infrastructure and erosion and sediment control measures are to be implemented during construction to manage and minimise impacts to the health of the river catchment.	Y
Transport and Infrastructure SEPP	• Clause 2.98 – Development Adjacent to Rail Corridors The proposal involves works within the vicinity of the northwest rail corridor and viaduct of the Sydney Metro. Sydney Metro have reviewed the proposal	Y

	against Clause 2.98) of the Transport and Infrastructure SEPP and have issued their concurrence subject to the imposition of conditions.	
The Hills LEP 2019	• Clause 2.6 – Permissibility – The proposal is permissible as a subdivision. • Clause 2.7 – Demolition – Minor demolition is required to facilitate the subdivision. • Clause 4.1 – Minimum Lot Size – The subdivision and proposed lots satisfy the minimum lot size control of 1,800m². • Clause 4.3 – Height of Buildings – The height controls do not apply to subdivision. • Clause 5.10 – Heritage Conservation – The land is not heritage-listed. • Clause 5.21 – Flood Planning – The development lots and three of the open space lots (Proposed Lots 2, 7 and 8) will be located above the Flood Planning Level. The riparian open space lot (Proposed Lot 11) will be impacted by flooding however these areas immediately adjoin Elizabeth Macarthur Creek, contain limited structures and will incorporate the use of flood compatible materials. • Clause 6.3(1) – Urban Release Areas – A Utility Management Plan has been prepared to detail servicing arrangements. • Clause 7.2 – Earthworks – Earthworks consisting of cut and fill has been nominated to grade and level the lots. The roads, development lots and majority of open space lots are located above the Flood Planning Level.	Y

State Environmental Planning Policy (Planning Systems) 2021

The Planning Systems SEPP aims to identify and establish planning pathways for regionally significant development, State significant development and State significant infrastructure.

Schedule 2 Section 13 of the Planning Systems SEPP outlines that development on land within the Kellyville Metro Station Precinct is ‘State significant development’ *“if the development is for the purposes of:*

- (a) *a principal subdivision establishing major lots or public domain areas; or*
- (b) *the creation of new roadways and associated works”.*

State Significant Development Consent No. SSD-10343 (as amended) was subsequently issued by the Department of Planning and Environment as a Concept Development Application approval to guide the development of the Kellyville Metro Station Precinct. The concept approval for the Kellyville Precinct, State Significant Development Consent No. SSD-10343 (as amended), outlines that *“pursuant to Section 4.37 of the (EP&A) Act 1979, any subsequent stage of the development:*

- (i) *with a capital investment value of less than \$30 million, or*
- (ii) *which is development solely for the purposes of the creation of new roads, subdivision and recreation areas*

is to be determined by the relevant consent authority and that stage of the development ceases to be State Significant Development”.

The subject application is identified as regionally significant development under Clause 4 of Schedule 6 of Planning Systems SEPP as the development is carried out or on behalf of the Crown and has a CIV of more than \$5 million. Subject to the savings and transitional provisions under the EP&A Amendment (Planning System Reforms) Act 2025, the Sydney Central City Planning Panel is the consent authority for regionally significant development.

Condition A6 of State Significant Development Consent No. SSD-10343 (as amended) outlines that the *“determination of future development applications cannot be inconsistent with the terms of this development consent (SSD 10343) as described in Schedule 1 and subject to the conditions in Schedule 2”*. As detailed in Section 3.10 of this report, the proposed subdivision layout and lot sizes are generally consistent with the plans and documentation approved under State Significant Development Consent No. SSD-10344.

State Environmental Planning Policy (Resilience and Hazards) 2021

Chapter 4 of the Resilience and Hazards SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health and the environment. Section 4.6 of the Policy states:

- (1) *A consent authority must not consent to the carrying out of any development on land unless –*
 - (a) *it has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
 - (c) *if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.*
- (2) *Before determining an application for consent to carry out development that would involve a change of use on any of the land specified in subsection (4), the consent authority must consider a report specifying the findings of a preliminary investigation of the land concerned carried out in accordance with the contaminated land planning guidelines.*
- (3) *The applicant for development consent must carry out the investigation required by subsection (2) and must provide a report on it to the consent authority. The consent authority may require the applicant to carry out, and provide a report on, a detailed investigation (as referred to in the contaminated land planning guidelines) if it considers that the findings of the preliminary investigation warrant such an investigation.*

Condition C30 of State Significant Development Consent No. SSD-10343 (as amended) outlines that applications are to be accompanied by a contamination assessment. A Detailed Site Investigation Report and Addendum Report have been prepared in support of the application. The reports refer to the subdivision and open space embellishment works as Stages 2 and 3 under the concept approval.

The Detailed Site Investigation Report identified the presence of copper, nickel and zinc at concentrations that exceed adopted Tier 1 Ecological criteria. However, the report and supporting documentation outlines that the contamination is not considered to present an unacceptable risk to site users based on the proposed recreational landuse and the identified soils being located beneath hardstand surfaces in-situ or being removed as excess material.

Council's Senior Environmental Health Officer has reviewed the Detailed Site Investigation Report and is supportive of its findings and recommendations. Conditions of consent have been recommended to require compliance with the Detailed Site Investigation Report, monitor the relocation of contaminated soil, prepare an unexpected finds protocol and validate the completed works.

Subject to the recommendations of Detailed Site Investigation Report and the imposition of conditions, the land is considered suitable having regard to the provisions of Resilience and Hazards SEPP.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 6 of the Biodiversity and Conservation SEPP 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 civil design incorporates Water Sensitive Urban Design (WSUD) measures (such as Gross Pollutant Traps [GPTs], tree pits and raingardens) and erosion and sediment control measures are proposed during construction to manage and minimise impacts to the health of the Hawkesbury-Nepean River catchment.

The effectiveness of the ongoing stormwater treatment train has been evaluated using MUSIC modelling whilst the capacity of the stormwater system has been analysed using a DRAINS Model. Conditions of consent have also been imposed requiring erosion and sediment control measures to be implemented during the works.

The proposed development is considered satisfactory with respect to the Biodiversity and Conservation SEPP.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2 of the Transport and Infrastructure SEPP aims to "*facilitate the effective delivery of infrastructure across the State*". Section 2.98 of the Policy applies to development on land that is in or adjacent to a rail corridor "*if the development:*

- (a) *is likely to have an adverse effect on rail safety, or*
- (b) *involves the placing of a metal finish on a structure and the rail corridor concerned is used by electric trains, or*
- (c) *involves the use of a crane in air space above any rail corridor, or*
- (d) *is located within 5 metres of an exposed overhead electricity power line that is used for the purpose of railways or rail infrastructure facilities*".

The proposed development involves works within the vicinity of the northwest rail corridor and viaduct of the Sydney Metro. The application was therefore referred to Sydney Metro under Section 2.98(2)(b) of the Transport and Infrastructure SEPP.

As part of their initial review of the application, Sydney Metro requested additional information and plans with respect to the extent of earthworks and the proximity of works to Sydney Metro assets. Updated plans and documentation was provided by the Applicant in response to this request.

Sydney Metro have reviewed the submitted response and have issued their concurrence subject to conditions, therefore satisfying Section 2.99(3) of the Transport and Infrastructure SEPP. The comments and conditions provided by Sydney Metro are included as Attachment E.

The Hills Local Environmental Plan 2019

Aims of Plan

The aims of The Hills LEP 2019 are as follows:

- (aa) to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts,*
- (a) to guide the orderly and sustainable development of The Hills, balancing its economic, environmental and social needs,*
- (b) to provide strategic direction and urban and rural land use management for the benefit of the community,*
- (c) to provide for the development of communities that are healthy, connected and inclusive and that have services and facilities that meet their needs,*
- (d) 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,*
- (e) to preserve and protect the natural surroundings of The Hills and to identify environmentally significant land for the benefit of future generations,*
- (f) 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 will facilitate the further development of the Kellyville Metro Station Precinct and the delivery of infrastructure, community facilities and open space to support the precinct. The subdivision will also facilitate the future delivery of additional housing types within a built environment that is compatible with the surrounding transport infrastructure.

As detailed in the Key Issues section of this report, Council's Ecology Section are of the view that remnant vegetation adjacent to Elizabeth Macarthur Creek will not be adequately protected and that this will result in serious and irreversible impacts on biodiversity values. The proposal is therefore inconsistent with the environmental aims of The Hills LEP 2019.

Permissibility and Zoning

The land subject to this application is zoned R1 General Residential, R4 High Density Residential, RE1 Public Recreation and SP2 Infrastructure – Stormwater Management System under the Land Use Table of The Hills LEP 2012.

The proposal is permissible as a subdivision under Clause 2.6(1) of The Hills LEP 2019. The proposed demolition, earthworks, tree removal, roads, infrastructure and landscaping works are permissible on the basis they are associated with and ancillary to the subdivision.

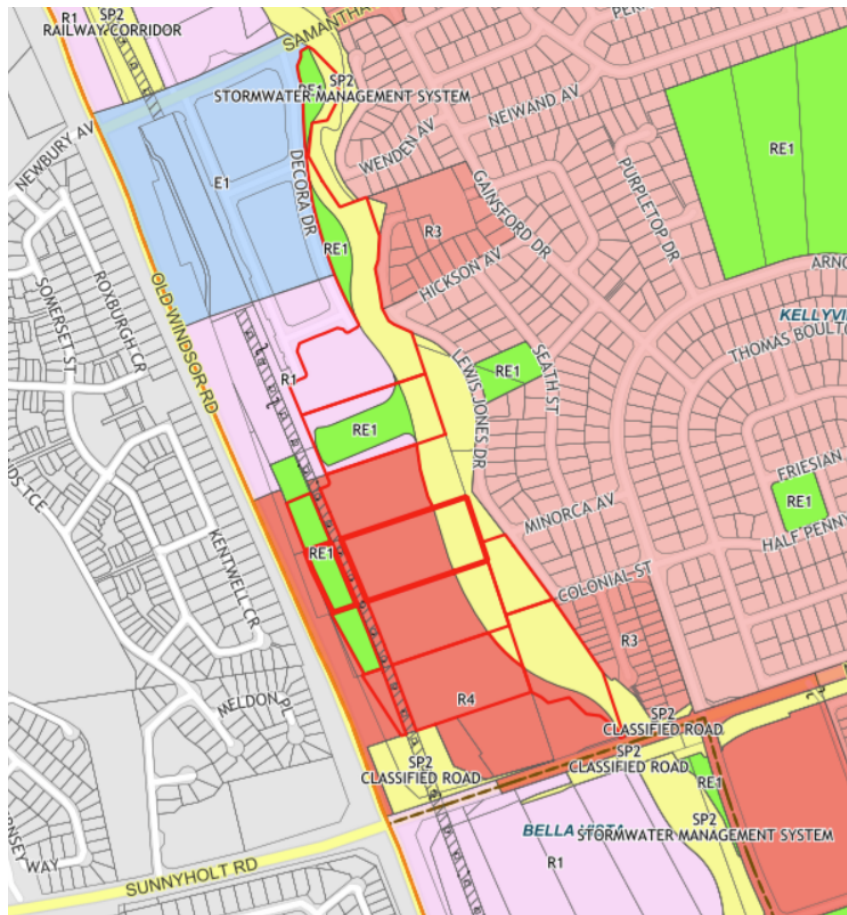


Figure 4: Zoning Map – The Hills Local Environmental Plan 2019

The Land use of The Hills LEP 2019 establishes the following objectives for the R1 General Residential, R4 High Density Residential, RE1 Public Recreation and SP2 Infrastructure – Stormwater Management System zones:

R1 General Residential

- 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.

E1 Local Centre

- To provide a range of retail, business and community uses that serve the needs of people who live in, work in or visit the area.
- To encourage investment in local commercial development that generates employment opportunities and economic growth.
- To enable residential development that contributes to a vibrant and active local centre and is consistent with the Council's strategic planning for residential development in the area.
- To encourage business, retail, community and other non-residential land uses on the ground floor of buildings.

- *To ensure the scale and type of development is compatible with the character and amenity of the surrounding area.*
- *To allow for residential development that contributes to the economic and social vitality of the centre and does not detract from the primary objective of the zone.*
- *To promote transit oriented development principles and encourage walking and cycling to and from the centre.*

RE1 Public Recreation. The

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

SP2 Infrastructure – Stormwater Management System

- *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 layout of the subdivision and the proposed lots correspond with the zoning of the land.

Overall, the proposed subdivision is seen to be consistent with the relevant zone objectives. The proposal will provide increased housing around a station forming part of the Sydney Metro Northwest and will facilitate the further development of the precinct. The subdivision will enable future built form development over the residential development lots at a density that is compatible with the desired character of the locality.

The intended future use of the lots is considerate of adjoining land uses and will support the functioning of the Kellyville Station Precinct. Sydney Water are supportive of the works within the drainage reserve.

The creation of the proposed open space lots will facilitate the delivery of local parks and contribute to the natural environment of the area. However, as detailed in the Key Issues section of this report, Council's Ecology Section are of the view that remnant vegetation adjacent to Elizabeth Macarthur Creek will not be adequately protected and that this will result in serious and irreversible impacts on biodiversity values. The proposal is therefore inconsistent with the environmental objectives of the RE1 Public Recreation zone.

Development Standards and Controls

The Hills LEP 2019 provides development standards, miscellaneous provisions and site-specific provisions. The controls relevant to the proposal and the Kellyville Precinct are considered in Table 4 below:

Table 4: Consideration of The Hills Local Environmental Plan 2019 Controls

Control	Requirement	Proposal	Comply
Clause 4.1 – Minimum subdivision lot size	1800m ²	The proposed subdivision will create lots with areas ranging from 2,540m ² to 2.958Ha.	Yes
Clause 4.3 – Height of buildings	A series of building heights (10.0m [K]/ 29.0m [T6]/ 67.5m [AA1] /99.5m [AB]) apply to the land	The height controls do not apply to subdivision.	Not applicable
Clause 4.4 – Floor space ratio	Floor space ratios and incentives apply to the land	The floor space ratio and incentive controls do not apply to subdivision.	Not applicable
Clause 5.1 – Acquisition authority –	Not applicable	Not applicable as no land is identified for acquisition.	Not applicable
Clause 5.10 – Heritage Conservation –	The consent authority must consider the effect of the proposed development on the heritage significance of the item or area concerned.	The subject parcels of land are not identified as heritage items under Schedule 5 of the Hills LEP 2019. The Aboriginal Cultural Heritage Assessment Report references two Aboriginal archaeological sites within the study area that are identified as 'PK/GD1 (including Burns Road North IF1)' and 'KV/CD1 and NWRL PAD 8'. The report further notes that Aboriginal Heritage Impact Permit (AHIP) No. 4928 has previously been issued for a portion of the site. The Aboriginal Cultural Heritage Assessment Report indicates that the archaeological sites display low archaeological (scientific) significance/potential and do not warrant avoidance or mitigation on archaeological grounds. Further archaeological investigation of the	Yes

		recovered artefacts is not warranted. The obtainment of an AHIP is required for any impacts to the identified sites/objects prior to the commencement of any construction activities. Conditions of consent may be imposed to ensure compliance with the recommendations of the Aboriginal Cultural Heritage Assessment Report and the obtainment of an AHIP.	
Clause 5.21 – Flood Planning	Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development— (a) is compatible with the flood function and behaviour on the land, and (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and (d) incorporates appropriate measures to manage risk to life in the event of a flood, and (e) will not adversely affect the environment or cause avoidable	The development lots and the majority of the open space lots will be located above the Flood Planning Level. The riparian open space lot (Proposed Lot 11) will be impacted by flooding but this lot adjoins Elizabeth Macarthur Creek, contains limited structures and will incorporate the use of flood compatible materials. The majority of this allotment will ultimately be acquired by Sydney Water for drainage purposes. Council's Waterways Section have reviewed the Flood Impact Assessment Report and are supportive of the development.	Yes

	erosion, siltation, destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.		
Clause 6.3(1) – Public utility infrastructure	Any public utility infrastructure that is essential for the proposed development must be available or adequate arrangements must be in place to make that infrastructure available	A Utility Management Plan has been prepared to detail servicing arrangements.	Yes
Clause 7.2 – Earthworks –	Earthworks must not have a detrimental impact on environmental functions, neighbouring sites, cultural or heritage items, or surrounding land.	Earthworks consisting of cut and fill has been nominated to grade and level the open space areas. The roads, development lots and majority of open space lots are located above the Flood Planning Level. Steeper batters with stabilisation have been accepted within the riparian corridor to reduce vegetation removal.	Yes
Clause 7.4 – Terrestrial Biodiversity	The objective of this clause is to maintain terrestrial biodiversity.	Not applicable as the land is not impacted by the terrestrial biodiversity mapping layer.	Not applicable
Clause 7.11 – Sydney Metro Northwest Urban Renewal Corridor	This clause establishes floor space ratio bonuses to provide housing choice and ensure the provision of a mix of dwelling types in residential flat buildings.	These provisions will apply to built form applications for residential development.	Not applicable
Clause 7.27 – Bella Vista and Kellyville Transport Oriented Development Precincts	Applications must consider the Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide.	The proposal is consistent with Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide.	Yes

Clause 8.2 – Minimum lot sizes for residential developments	Residential flat building with a building height of 21 metres or more within the R1, E1 and R4 zones – 3600m² Residential flat building with a building height of less than 21 metres within the R1 and R4 zones – 1500m² Shop top housing with a building height of 21 metres or more within the R1, E1 and R4 zones – 3600m² Shop top housing with a building height of 21 metres or more within the R1, E1 and R4 zones – 3600m²	These provisions will apply to built form applications for residential development.	Not applicable
Clause 8.3 – Site area of proposed development includes dedicated land	For the purpose of applying a floor space ratio, the land is taken to include land that is to be dedicated to Council or a public authority	These provisions will apply to built form applications for residential development.	Not applicable
Clause 8.4 – Minimum building setbacks	Buildings must be provided with 5m or 10m setbacks depending on the zoning.	These provisions will apply to built form applications for residential development.	Not applicable
Clause 8.5 – Development requiring the preparation of a development control plan	Before determination of an application, a development control plan must be prepared to guide development within the precinct.	These provisions will apply to built form applications for residential development. A series of Design Guidelines, plans and landscaping strategies were approved as part of the State Significant Development Consents to guide the delivery of open space within the Kellyville and Bella Vista Precincts.	Not applicable
Clause 8.6 – Design Excellence	Development consent must not be granted to which this clause applies unless the	These provisions will apply to built form applications for residential development.	Not applicable

	consent authority considers that the development exhibits design excellence.	The Design Excellence Strategy approved under State Significant Development Consent No. SSD-10343 (as amended) applies in this instance.	
Clause 8.7 - Active street frontages in Zones E1 and SP4	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.	These provisions will apply to built form applications for residential development.	Not applicable
Clause 8.8 – Ground floor business premises and retail premises in Zones E1 and SP4	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 ground floor of the building will be used only for the purpose of business premises or retail premises.	These provisions will apply to built form applications for residential development.	Not applicable

As detailed in the above table, the proposal is generally compliant with the controls of The Hills LEP 2019. No variations to the development standards contained with the Plan are nominated.

The resulting impacts to the remnant vegetation adjacent to Elizabeth Macarthur Creek are seen to be inconsistent with the environmental objectives of the RE1 Public Recreation zone and The Hills LEP 2019.

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 EP&A 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

The proposed development is generally compliant with the relevant controls outlined within Part C Section 3 of The Hills DCP 2012. Council's Tree and Landscape Management Section are supportive of the proposal subject to the imposition of conditions.

The Hills Development Control Plan 2012 – Part C Section 6 – Flood Controlled Land

The riparian open space lot, Proposed Lot 11, will be impacted by flooding however these areas immediately adjoin Elizabeth Macarthur Creek, contain limited structures and will incorporate the use of flood compatible materials.

Council's Waterways Section have reviewed the Flood Impact Assessment Report and are supportive of the development.

3.4. Section 4.15(1)(a)(iiia) – Planning Agreements under Section 7.4 of the Act

The land is subject to Contributions Plan No. 18 – Bella Vista and Kellyville Station Precincts. The payment of Section 7.11 Contributions is not required for subdivision or open space applications, with Contributions Plan No. 18 typically requiring the payment of contributions with the future development of residential accommodation.

A Planning Agreement identified as VPA No. 1/2025/VPA has been executed between The Hills Shire Council, Sydney Metro and Planning Ministerial Corporation. The VPA comprises of an Umbrella Agreement that applies to the entirety of the land subject to the concept approvals and 21 supporting Superlot Agreements.

VPA No's 1/2025/VPA/16, 1/2025/VPA/17, 1/2025/VPA/18, 1/2025/VPA/19, 1/2025/VPA/20 and 1/2025/VPA/21 specifically apply to the subject land identified as Precincts KVA, KVB, KVC, KVD, KVE and BKVF and require the following:

- Schedule 3 of VPA No. 1/2025/VPA/16 (Precinct KVA) will require the payment of a monetary contribution of \$758,154 towards the community facility (Item No. CF1), the embellishment and dedication of a riparian park with an approximate area of 2,376m² (Item No. OSE1), the construction of a path along the creek (Item No. RT12A) before the release of an Occupation Certificate for any future building developed on the existing Lot KVA (2-8 Guragura Street/ Lot A).
- Schedule 3 of VPA No. 1/2025/VPA/17 (Precinct KVB) will require the payment of a monetary contribution of \$959,086 towards the community facility (Item No. CF1), the construction of the Kellyville Station Urban Plaza (Item No. OSE3), the embellishment and dedication of a riparian park with an approximate area of 3,405m² (Item No. OSE2), the construction of a path along the creek (Item No. RT12B), the construction of a pedestrian bridge over the creek (Item No. T2), the construction of a GPT (Item No. DR1), and the upgrading of the Smantha Riley Drive/ Decora Drive intersection (Item No. T5) before the release of an Occupation Certificate for any future building developed on the existing Lot KVB (10-24 Guragura Street/ Lot B).
- Schedule 3 of VPA No. 1/2025/VPA/18 (Precinct KVC) will require the payment of a monetary contribution of \$573,794 towards the community facility (Item No. CF1), the

embellishment and dedication of a local park with an approximate area of 6,678m² (Item No. OSE5), the construction of a path along the creek (Item No. RT12C) and the construction of a GPT (Item No. DR2) before the release of an Occupation Certificate for any future building developed on the approved Lot KVC (Lot 1 / Lot C).

- Schedule 3 of VPA No. 1/2025/VPA/19 (Precinct KVD) will require the payment of a monetary contribution of \$617,295 towards the community facility (Item No. CF1), the construction of a path along the creek (Item No. RT12D) and the construction of a vehicular bridge over the creek (Item No. T1) before the release of an Occupation Certificate for any future building developed on the Lot KVD (Proposed Lot 3/ Lot D).
- Schedule 3 of VPA No. 1/2025/VPA/20 (Precinct KVE) will require the payment of a monetary contribution of \$519,936 towards the community facility (Item No. CF1), the embellishment and dedication of a viaduct park with an approximate area of 10,462m² (Item No. OSE4), the construction of a path along the creek (Item No. RT12E) and the construction of a vehicular bridge over the creek (Item No. T1) before the release of an Occupation Certificate for any future building developed on the Lot KVE (Proposed Lot 4/ Lot E).
- Schedule 3 of VPA No. 1/2025/VPA/21 (Precinct KVF) will require the payment of a monetary contribution of \$528,222 towards the community facility (Item No. CF1), the construction of a path along the creek (Item No. RT12F) and the construction of a roundabout off the Colonial Street bridge extension (item No. T9) before the release of an Occupation Certificate for any future building developed on the Lot KVD (Proposed Lot 5/ Lot F).

VPA No. 1/2025/VPA will facilitate the delivery of the identified infrastructure items (works, land dedications and monetary contributions) in lieu of the payment of contributions under Contributions Plan No. 18. The submitted application will deliver the majority of the 'superlots' that will ultimately be developed and trigger milestones for the delivery of the required infrastructure. The imposition of a condition requiring compliance with the Planning Agreement is recommended.

The land is also subject to the EP&A Amendment (Western Sydney Growth Areas Special Contributions Area) Order 2011. Condition AN4 of State Significant Development Consent No. SSD-10343 (as amended) refers to the payment of a Special Infrastructure Contribution (SIC):

SPECIAL INFRASTRUCTURE CONTRIBUTIONS

AN4. Any special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

More information: Information about the special Infrastructure contribution can be found on the Department of Planning and Environment's website at <https://pp.planningportal.nsw.gov.au/development-assessment/contributions/sic-online-service>. Please contact the Department regarding arrangements for the making of a payment.

Figure 5: Condition extract from State Significant Development Consent No. SSD-10344

Should the application be approved, a condition requiring payment of the SIC may be imposed based on Condition AN4 of State Significant Development Consent No. SSD-10344. The SIC within the Western Sydney Growth Areas will be transitioned to a Housing and Productivity Contribution from 1 July 2026.

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

These matters have been considered in the assessment of this application.

Minor demolition works will be required to facilitate the civil engineering works and Clause 61(1) of the EP&A Regulation 2021 will require such work to be undertaken in accordance with Australian Standard AS2601.

The plans and documentation supporting the application is generally consistent with Section 24 of the EP&A Regulation 2021.

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 against the relevant planning controls and the Key Issues section below.

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

- Context and setting – The Finalisation Report for the Transport Oriented Development Precincts indicates that *“Kellyville will be centred around a vibrant and attractive hub that includes a mix of retail. Commercial, and residential spaces near the Metro station”*. The subdivision layout and road network is consistent with the Structure Plans established for the Kellyville Station Precinct. The location, layout and areas of the proposed lots are consistent with the desired future character of the locality and the Design Guidelines approved under State Significant Development Consent No. SSD-10343 (as amended).

The proposal will facilitate future development with the character identified for the R1 General Residential and R4 High Density Residential zones. Further consideration of impacts such as character, design, scale, mass and form will need to be considered as part of the assessment of any future built form development applications.

- 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 extension of Guragura Street and Decora Drive, as well as the construction of Roads 03, 04 and 05, to contribute to the future road network for the Kellyville Precinct. The proposed construction of these roads have been assessed by Council’s Engineering and Traffic Sections and have been found to be satisfactory subject to the imposition of conditions.

Conditions of consent may be imposed to manage traffic impacts that may occur during construction.

- Public Domain – Public domain works such as street tree planting is proposed as part of the development to satisfy the approved Design Guidelines and tie into the existing roads. Consequently, the proposed development is unlikely to generate any negative impacts on the existing public domain.
- Utilities – A Utility Management Plan has been prepared to detail servicing arrangements.

- Flora and fauna impacts – The proposed development triggers entry into the Biodiversity Offsets Scheme under the Biodiversity Conservation Act 2016. Ecology impacts are discussed in the Key Issues section of this report.
- 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. Should the application be approved, a condition of consent may 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.
- Social impact – The proposed development includes the creation of open space lots that are intended to be available as public open space. The parks 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 forms part of a separate application and is considered to positively impact the future residents of the precinct as the park will contribute to improving physical and mental well-being.

The proposed development will further extend the road 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 Precinct. The new roads will also help facilitate safe pedestrian and vehicle movements within the Precinct.

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, retail establishments or similar developments permissible within the R1 General Residential and E1 Local Centre zones.
- 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 Kellyville Station 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 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).

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

The proposed development is generally consistent with the Kellyville Precinct Structure Plan and is considered to be consistent with the intended future character of the site. A Detailed Site Investigation Report has been prepared and reviewed to demonstrate the suitability of the land having regard to contamination.

The proposed residential development lots and the two of the open space lots are located above the adopted Flood Planning Level. Whilst the riparian open space lot may be impacted by flooding on account of its proximity to Elizabeth Macarthur Creek, this area is to contain limited structures and will incorporate the use of flood compatible materials. Council's Waterways Section are supportive of the development.

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

The application was notified between 13 January and 21 February 2025 in accordance with Section 3.1 of Part A of The Hills DCP 2012 and Clause 56(2)(a) of the EP&A Regulation 2021.

One submission from the owner of 13 Wenden Avenue was received in response to the notification of the application. The property at 13 Wenden Avenue is located east of Elizabeth Macarthur Creek and the submission raised concerns with respect to a pedestrian bridge crossing over the creek and its proximity to an existing driveway servicing the property.

A pedestrian crossing linking Wenden Avenue/ Lany Place to the Kellyville Metro Station Precinct is identified in the supporting documentation for State Significant Development Consent No. SSD-10343 (as amended) however the construction of the crossing does not form part of the subject application. The construction of the pedestrian crossing is a requirement under the Planning Agreement and will be subject to a separate application.

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

The subject development proposes biodiversity impacts that are beyond that which was anticipated by State Significant Development Consent No. SSD-10343 (as amended). Council's Ecology team do not support the proposal in its current form due to the assessed Serious and Irreversible Impacts of the development.

The approval of the application is therefore seen to be contrary to the public interest.

3.10. Division 4.4 – Concept Development Applications

State Significant Development Consent No. SSD-10343

The site is located within the Kellyville Station Precinct and the proposal is subject to the requirements of State Significant Development Consent No. SSD-10343 (as amended). Condition A6 of the consent states that the "*determination of future development applications cannot be inconsistent with the terms of this development consent (SSD 10344) as described in Schedule 1 and subject to the conditions in Schedule 2*". Clause 4.24(2) of the EP&A Act 1979 further outlines that where a concept approval applies, development applications "*cannot be inconsistent with the consent for the concept proposals for the development of the site*".

The plans approved under the concept approval indicate Lot D is to have an area of approximately 8,208m², Lot E is to have an area of approximately 7,443m² and Lot F is to have an area of approximately 7,556m². The plans further indicate that the riparian open space area will have a combined area of 5,781m², the local park will have an area of 6,678m² and

the viaduct park will have an area of 10,462m². An extract of the approved plan under State Significant Development Consent No. SSD-10344- Mod 4 is provided with Figure 5 below:

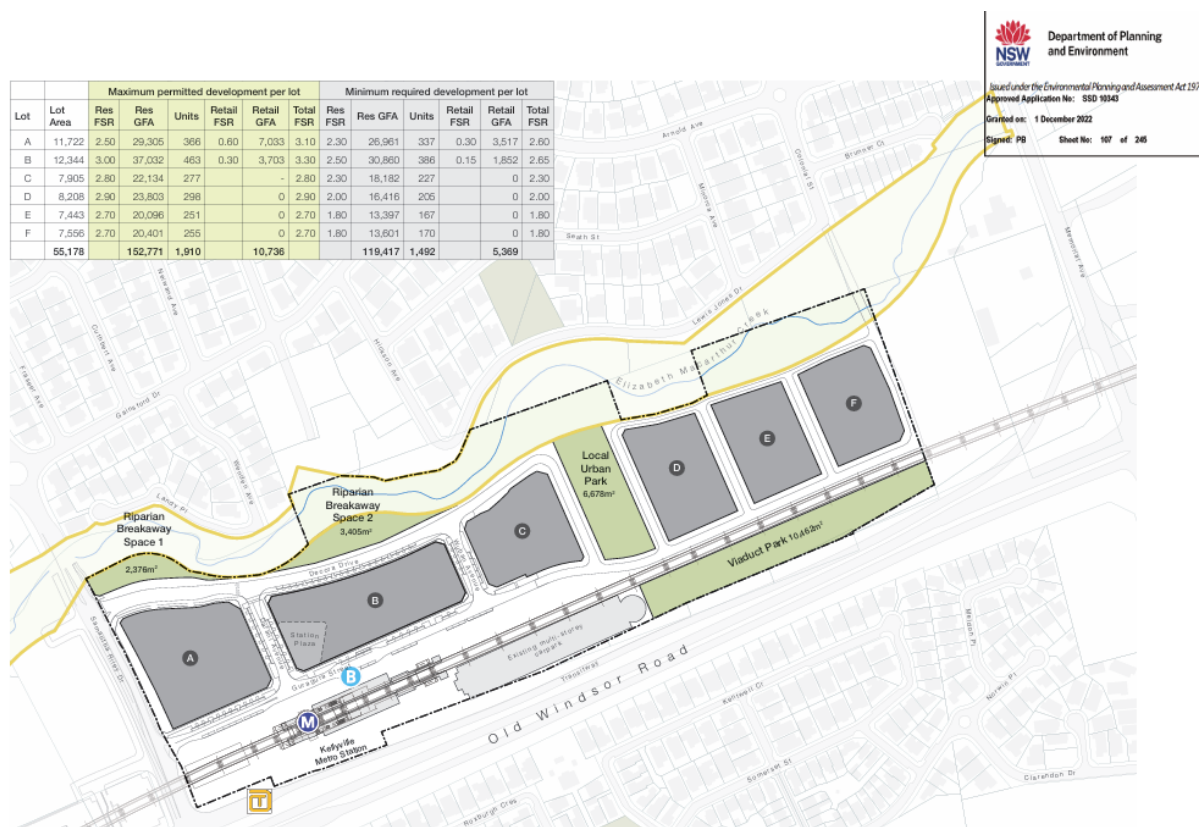


Figure 5: Extract of approved plan under State Significant Development Consent No. SSD-10343

Proposed Lot 3, which is equivalent to Lot D, is to have an area of 8,010m². Proposed Lot 4, which is equivalent to Lot E, is to have an area of 7,219m². Proposed Lot 5, which is equivalent to Lot F, is to have an area of 7,219m². These areas are consistent with the areas established under the concept approval, with variations of less than 5% proposed.

Proposed Lot 11, which is to accommodate the riparian open space area (Riparian Open Space KV5/ Item No's OSE1 and OSE2) and is to have an area of 2.237Ha, exceeds the area requirements of the concept approval. However, this is a development or residue lot and will be subject to further subdivision to facilitate dedication to Council and acquisition by Sydney Water.

Proposed Lot 2 is to accommodate a Local Park KV2 (OSE5) and is to have an area of 6,651m². Proposed Lots 7 and 8 are to accommodate Viaduct Park KV3 (OSE4) and are to have a combined area of 1.3870Ha. These lots are generally consistent with the areas and layouts approved under State Significant Development Consent No. SSD-10343 (as amended).

Condition C17 of State Significant Development Consent No. SSD-10343 (as amended) requires the upgrading of a number of intersections to service the precinct. The upgrading of the Smantha Riley Drive/ Decora Drive intersection is identified in the condition and is included in the Planning Agreement as Item No. T5. The upgraded intersection will need to be delivered with the future development of 10-24 Guragura Street (Lot KVB/ Lot B). Council's Development Engineer and Traffic Engineer have reviewed the supplied plans and have not identified that land dedication is required to accommodate the future works.

A Detailed Site Investigation Report, Utility Management Plan and other relevant documentation has been provided to satisfy the conditions of the concept approval.

The subdivision is therefore seen to be generally consistent with the plans and documentation approved under State Significant Development Consent No. SSD-10343 (as amended).

Urban Design Guidelines

The Kellyville Station Precinct Urban Design Guidelines were approved under Condition A2 of State Significant Development Consent No. SSD-10343 (as amended).

Figure 04 of the Urban Design Guidelines indicates that the proposed development lots are located within the 'Residential Core' of the Kellyville Precinct. The Character Statement for this area is as follows:

The precinct is predominantly residential providing a range of urban dwelling types including apartments with terrace style units integrated at ground floor level. Limited, small scale compatible non-residential uses (such as childcare or community cafes permitted in the LEP) could help activate key locations, such as around the urban park. The building footprints are generally smaller with taller buildings (up to 12 storeys) located along the viaduct providing surveillance of the viaduct park.

Future built form applications will be considered against the height, floor area and yield controls established by the Urban Design Guidelines and concept plans under State Significant Development Consent No. SSD-10343 (as amended). However, the areas of Proposed Lots 3, 4 and 5 are consistent with those nominated within Table 04 of the Guidelines and accordingly the development lots should be capable of achieving the minimum residential yields and floor space ratios.

The proposal is consistent with the Kellyville Station Precinct Urban Design Guidelines as it facilitate future residential development and the delivery of supporting infrastructure.

4. REFERRALS AND SUBMISSIONS

4.1. Agency Referrals and Concurrence

The development application has been referred to a number of external agencies for concurrence and comment as outlined in Table 5 below:

Table 5: Concurrence and Referrals to agencies

Agency	Concurrence/ referral trigger	Comments (issue, resolution, conditions)	Resolved
Sydney Metro	Clause 2.98 of Transport and Infrastructure SEPP – Development Adjacent to Rail Corridors	The proposal involves works within the vicinity of the northwest rail corridor and viaduct of the Sydney Metro. The application was therefore referred to Sydney Metro under Section 2.98(2)(b) of the Transport and Infrastructure SEPP. Concurrence has been granted by Sydney Metro subject to conditions.	Y
Sydney Water	Clause 78 of Sydney Water Act 1994 – Urban Release Area	The proposal involves the subdivision of land adjoining Elizabeth Macarthur Creek that is owned by Sydney Water. The application was referred to Sydney Water as the land is located within an Urban Release Area and on the basis that the written consent from this agency as the owner of the land was not provided at lodgement. Sydney Water and Landcom have had discussions regarding the subdivision and works involving Sydney Water owned land along Elizabeth Macarthur Creek and the impact of battering works on this land. An agreement between the parties has subsequently been reached and an in-principle approval has been issued by Sydney Water for the development. Sydney Water have advised that the site is located within the	

		Rogans Hill Water Supply Zone, the Parklea Recycled Water Supply Zone and the Rouse Hill Wastewater Zone. Amplifications, adjustments, deviations and extensions of services may be required to service the development. Detailed requirements will be provided at the Section 73 application stage. Sydney Water have raised no objection to the proposal subject to the imposition of conditions. The comments and conditions received from Sydney Water are included as Attachment F.	
Transport For NSW	State Development Consent No. SSD-10343	Conditions C15, C16 and C17 of State Significant Development Consent No. SSD-10343 (as amended) require evidence of consultation and agreement with Transport For NSW for road upgrades. The construction of Road 01 and a vehicular bridge to connect to Colonial Street, as well as upgrades to the Road 01/ Road 03 intersection are identified as Item No's T1 and T9 under VPA No. 1/2025/VPA. Schedule 3 of the Planning Agreement outlines that these works are required prior to the issue of Occupation Certificates for the first buildings constructed within Superlots KVD (Proposed Lot 3) and KVF (Proposed Lot 5). Transport For NSW have reviewed the application and have advised that the roads are consistent with the Precinct Design Guidelines and that traffic generation is unlikely to have a detrimental impact on the surrounding classified road network. Transport of NSW	

		have raised no objection to the proposal subject to the imposition of a condition related to shared zones. The comments and conditions received from Transport For NSW are included as Attachment G.	
--	--	--	--

It should be noted that the application involves works within 40m of Elizabeth Macarthur Creek. As discussed previously in this report, Clause 4.44(2) of the EP&A Act 1979 outlines that integrated development provisions do not apply to Crown development applications. On this basis the application was not formally referred to the Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Water Group as integrated development.

The obtainment of a Controlled Activity Approval for any works within 40m of Elizabeth Macarthur Creek will still be required under Section 91 of Water Management Act 2000. Landcom is not exempt from the need to obtain a Controlled Activity Approval subject to Clause 64(2) of the Water Management (General) Regulation 2025. Should the application be approved, the imposition of a condition is recommended to highlight the requirements of the Water Management Act 2000 and the need to obtain a Controlled Activity Approval for any works on waterfront land.

4.2. Council Referrals

The application was referred to relevant Council staff internally for comment as identified in Table 6 below:

Table 6: Consideration of Council Referrals

Officer	Comments	Resolved
Ecology	The subject site is shown to contain identified vegetation under the Biodiversity Values Map and a Biodiversity Development Assessment Report (BDAR) has been submitted in support of the application. Ecology impacts are discussed in the Key Issues section of this report.	No
Engineering	No objections subject to the imposition of conditions. The maintenance bays nominated to access and service the GPTs are not required and are to be deleted.	Yes (conditions)
Traffic	Conditions have been recommended to address outstanding matters.	Yes (conditions)
Waterways	No objections.	Yes
Environmental Health	No objections subject to the imposition of conditions.	Yes (conditions)
Tree and Landscape Management	No objections subject to the imposition of conditions.	Yes (conditions)

The matters raised by Council's Ecology Section are considered in the Key Issues section of this report.

4.3. Community Consultation

As detailed in Section 3.8 of this report, the application was notified between 13 January and 21 February 2025 in accordance with Section 3.1 of Part A of The Hills DCP 2012 and Clause 56(2)(a) of the EP&A Regulation 2021. One submission from the owner of 13 Wenden Avenue was received in response to the notification of the application.

The property at 13 Wenden Avenue is located east of Elizabeth Macarthur Creek and the submission raised concerns with respect to a pedestrian bridge crossing over the creek and its proximity to an existing driveway servicing the property.

A pedestrian bridge linking Wenden Avenue/ Lany Place to the Kellyville Metro Station Precinct is identified in the concept approval but does not form part of the subject application.

The construction of the pedestrian crossing will be subject to a separate application.

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 Ecology

The land is identified on the Biodiversity Values Map and Condition C29 of State Significant Development Consent No. SSD-10343 (as amended) requires the consideration of biodiversity impacts in accordance with the Biodiversity Conservation Act 2016. The concept approval was accompanied by a Biodiversity Development Assessment Report (BDAR) due to the impacts on the critically endangered Cumberland Plain Woodland vegetation community, endangered River-flat Eucalypt Forest vegetation community and vulnerable Southern Myotis (*Myotis Macropus*) bat.

Further to being critically endangered, Cumberland Plain Woodland is listed as an entity at risk of a Serious and Irreversible Impact (SAIL) from development. Under Clause 7.16(2) of the Biodiversity Conservation Act 2016 a consent authority must refuse a development application if in the consent authority's opinion it is likely to cause a serious and irreversible impact on these threatened entities. It is noted that Clause 7.16 of the Biodiversity Conservation Act 2016 does not apply to State Significant Development applications and so the same obligation to refuse an application because of a serious and irreversible impact does not exist under the concept application.

The subject development proposes biodiversity impacts that are beyond that which was anticipated by the concept approval and its associated BDAR. This issue was raised with the Applicant early in the assessment process including a direction to either work within the boundaries of the State Significant Development or provide information to support the increased impacts under the Biodiversity Conservation Act 2016. An updated BDAR and revised plans were submitted by the Applicant on 7 May 2026.

Assessment of Impacts

The Biodiversity Conservation Act 2016 establishes a hierarchy for dealing with the impact of development on biodiversity values; firstly by way of avoidance of impacts, secondly by minimisation of them and for offsets as the last resort. The primacy of avoidance is well established in case law. The consent authority, alongside this assessment, is to determine whether the development causes a Serious and Irreversible Impact.

To assess the impact of a development, the accuracy of the mapped extent of impacts on native vegetation and biodiversity values within the BDAR must be consistent with impacts proposed within all plans, including the Arboricultural Impact Assessment Report, Tree Removal Plan, Civil Engineering Plans and Landscape Plans. The tree removal plan identifies the location of trees that extend beyond the mapped extent impacts detailed in the BDAR and other inconsistencies between the plans. The actual impact of the development remains unclear, and the impacts beyond those contained within the BDAR are fundamental to the application.

The BDAR must clearly identify the boundary of the subject land that shows the operational footprint and the construction footprint for any additional clearing associated with temporary or ancillary construction facilities and infrastructure, and describe any direct, indirect and prescribed impacts associated with the operational and construction footprint. The BDAR must also consider the removal of vegetation and habitat features not associated with native vegetation from within the subject land that is likely to result in resident fauna being displaced. This includes consideration of displacement during construction and operational phases. This

has not been undertaken within the current BDAR and so the impact has not been fully considered.

Regardless, the site requires substantial clearing of the threatened ecological communities on the site including 2.27Ha of Cumberland Plain Woodland and 1.19Ha of River-flat Eucalyptus Forest and it is the opinion of Council's Ecologists that there are further opportunities to avoid impacts from the development. All reasonable steps should be taken to avoid threatened ecological communities in the first instance.

Determination of Serious and Irreversible Impact.

Under the Biodiversity Conservation Act 2016, a determination of whether an impact is serious and irreversible must be made in accordance with the principles prescribed in Section 6.7 of the Biodiversity Conservation Regulation 2017. The principles have been designed to capture those impacts which are likely to contribute significantly to the risk of extinction of a threatened species or ecological community in New South Wales. These are impacts that:

- *will cause a further decline of the species or ecological community that is currently observed, estimated, inferred or reasonably suspected to be in a rapid rate of decline*
- *will further reduce the population size of the species that is currently observed, estimated, inferred or reasonably suspected to have a very small population size, or will further degrade or disrupt an ecological community that is already observed, inferred or reasonably suspected to be severely degraded or disturbed*
- *impact on the habitat of a species or ecological community that is currently observed, estimated, inferred or reasonably suspected to have a very limited geographic distribution*
- *impact on a species or ecological community that is unlikely to respond to measures to improve habitat and vegetation integrity and is therefore irreplaceable.*

In accordance with the 'Guidance to assist Decision Makers to determine a Serious and Irreversible Impact' (Department of Planning, Industry & Environment, September 2019), Council Ecologists have considered the five steps in determining whether impacts on relevant entities will be serious and irreversible including:

1. *Identify relevant entities at risk of a Serious and Irreversible Impact*
2. *Evaluate the extinction risk of the entity to be impacted*
3. *Detail measures taken to avoid, minimise and mitigate impacts on the entity*
4. *Evaluate a serious and irreversible impact*
5. *Decision making*

The entities at risk of Serious and Irreversible Impact have been identified as Cumberland Plain Woodland. The NSW Threatened Species Scientific Committees has made a Final Determination to list Cumberland Plain Woodland in the Sydney Basin Bioregion as a Critically Endangered Ecological Community facing an extremely high risk of extinction in NSW in the immediate future.

In evaluating the Serious and Irreversible Impact, the assessment criteria is designed to estimate the impact the proposal will have on the viability of the entity at the local, Interim Biogeographic Regionalisation of Australia (IBRA) subregional/ regional, and state scales.

Applying the Biodiversity Assessment Method (BAM) the impacts on Cumberland Plain Woodland are determined by Council's Ecologists as Serious and Irreversible based on the amount of clearing proposed and mitigation measures presented. It is noted that the critically endangered ecological community is impacted by disruptions from ecological processes, degradation of habitat and changes in composition and structure reducing its ecological function. Almost all the remaining areas of Cumberland Plain Woodland is regrowth forest and woodland from past clearing, or fragmentation of habitat associated with clearing. It is also noted that clearing of native vegetation is listed as a key threatening process. During the detailed design phase, the proposal has failed to explore the additional retention of trees and patches of Cumberland Plain Woodland, resulting in an increased impact on this ecological community with the highest condition, noting that these impacts are greater than those considered under State Significant Development Consent No. SSD-10343 (as amended).

Comparison tables highlighting the offsets and impacts between Development Application No. 893/2025/JPZ and the concept approvals are provided with Attachment H, although this is noted for reference only and not part of the consideration of the proposal as the assessment has been undertaken based on this application and not what has been considered by the State Significant Development Application where SAI was not required to be considered.

Accordingly it is the recommendation of Council's Ecologists that the application presents a Serious and Irreversible Impacts to biodiversity values. Under Clause 7.16(2) of the Biodiversity Conservation Act 2016 a consent authority must refuse a development application if in the consent authority's opinion it is likely to cause a Serious and Irreversible Impact.

6. CONCLUSION

This development application has been assessed in accordance with the requirements of the EP&A Act 1979 and the EP&A 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 proposed development will have a serious and irreversible impact on biodiversity values.

The proposal is therefore recommended for refusal.

Draft conditions have been provided as Attachment J in the event the recommendation is not supported by the Panel.

7. RECOMMENDATION

That Development Application No. 893/2025/JPZ (PPSSCC-653) be refused under Section 4.16(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:

Reasons for Refusal

1. The proposed development will have a Serious and Irreversible Impact on biodiversity values having regard to the provisions of the Biodiversity Conservation Act 2016.

The impacts to Cumberland Plain Woodland, a Critically Endangered Ecological Community, are determined as Serious and Irreversible noting that this community is impacted by disruption from ecological processes and degradation of habitat, and changes in composition and structure reducing the ecological function of the community.

The following attachments are provided:

Attachment A:	Subdivision Plans
Attachment B:	Landscaping Plans
Attachment C:	Concept Engineering Plans
Attachment D:	Kellyville and Bella Vista Transport Oriented Development Precincts Final Structure Plan
Attachment E:	Sydney Metro Comments and Conditions
Attachment F:	Sydney Water Comments and Conditions
Attachment G:	Transport For NSW Comments and Conditions
Attachment H:	Biodiversity Comparison Tables
Attachment I:	Biodiversity Development Assessment Report
Attachment J:	Draft Conditions

PLAN FORM 2 (A2) 1 of 4 Sheets

WARNING - Crossing or folding will lead to rejection

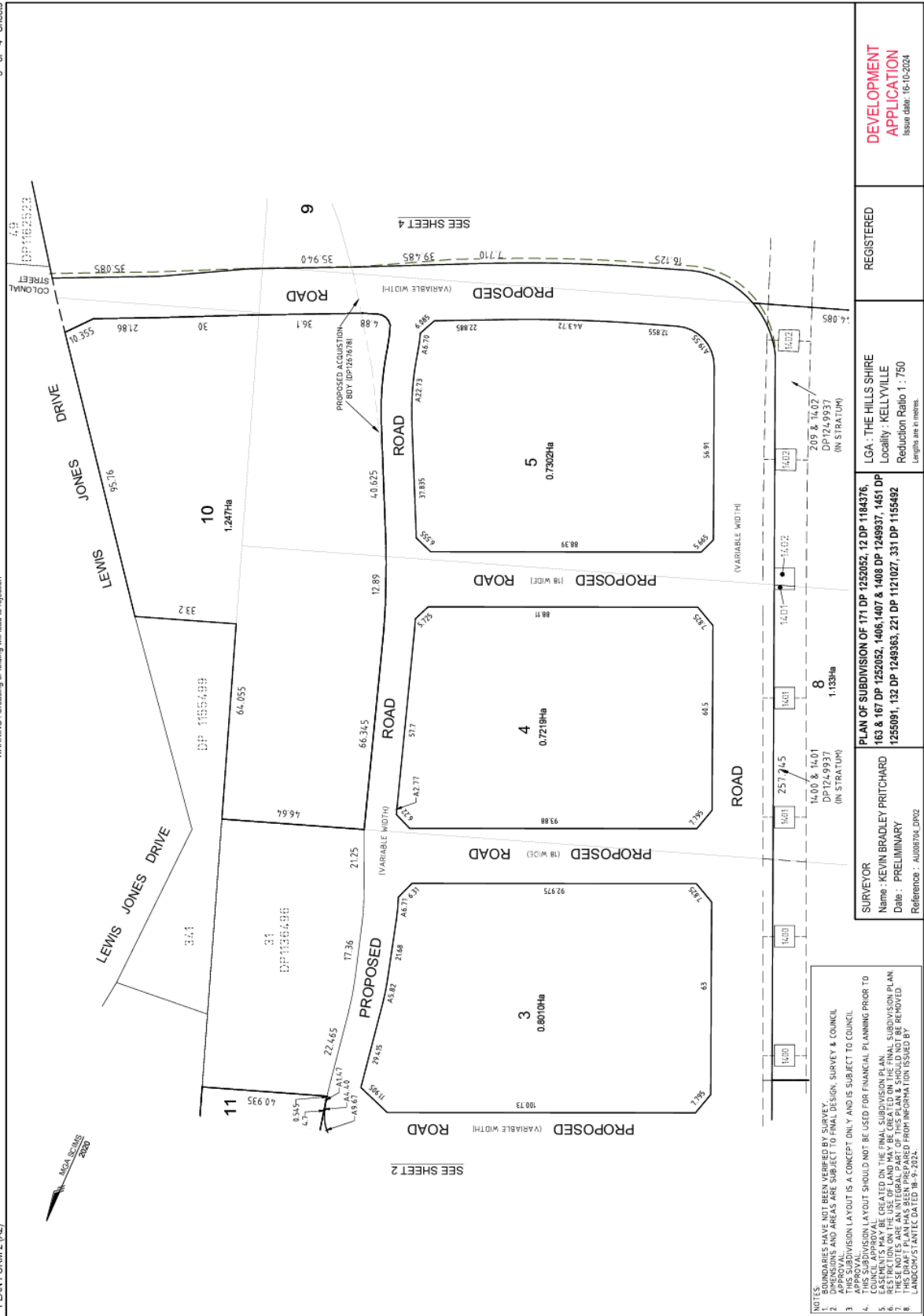
OVERALL DIAGRAM
NOT TO SCALE
DP 12779615

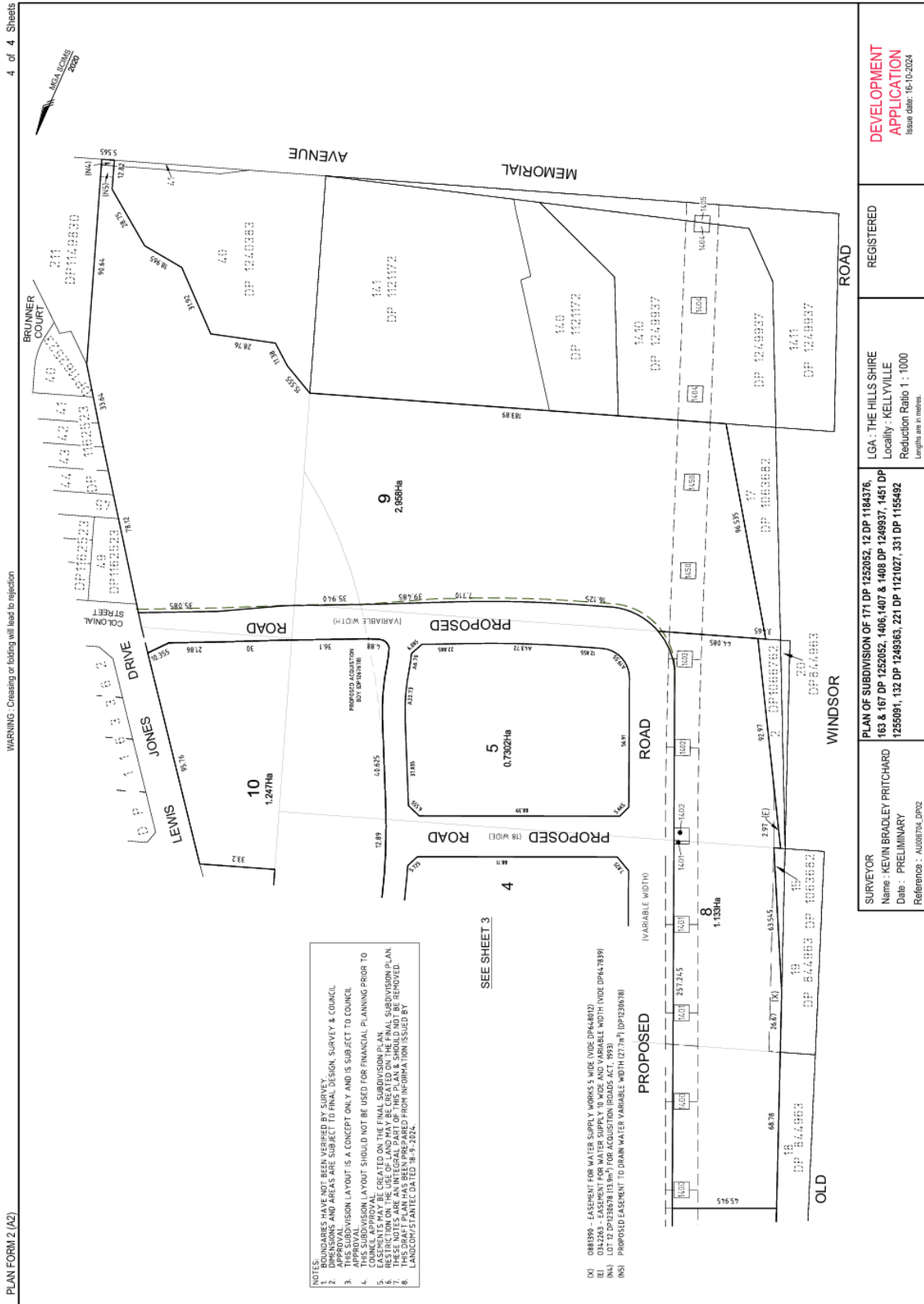
WENDY AVE
LANDY PL
DECORA
SAMANTHA DRIVE
RILEY DRIVE
DARANI AVE
GURAGURA STREET
WUBAN ST
JONES DRIVE
WINDSOR ROAD
OLD ROAD

LOT 1: 16.9 DP1252052
LOT 2: 17.0 DP1252052
LOT 3: 34.1 DP1165496
LOT 4: 31 DP1165496
LOT 5: 14.1 DP1121172
LOT 6: 14.0 DP1121172
LOT 7: 14.0 DP1121172
LOT 8: 14.0 DP1121172
LOT 9: 14.0 DP1121172
LOT 10: 14.0 DP1121172
LOT 11: 35.1 DP1160053

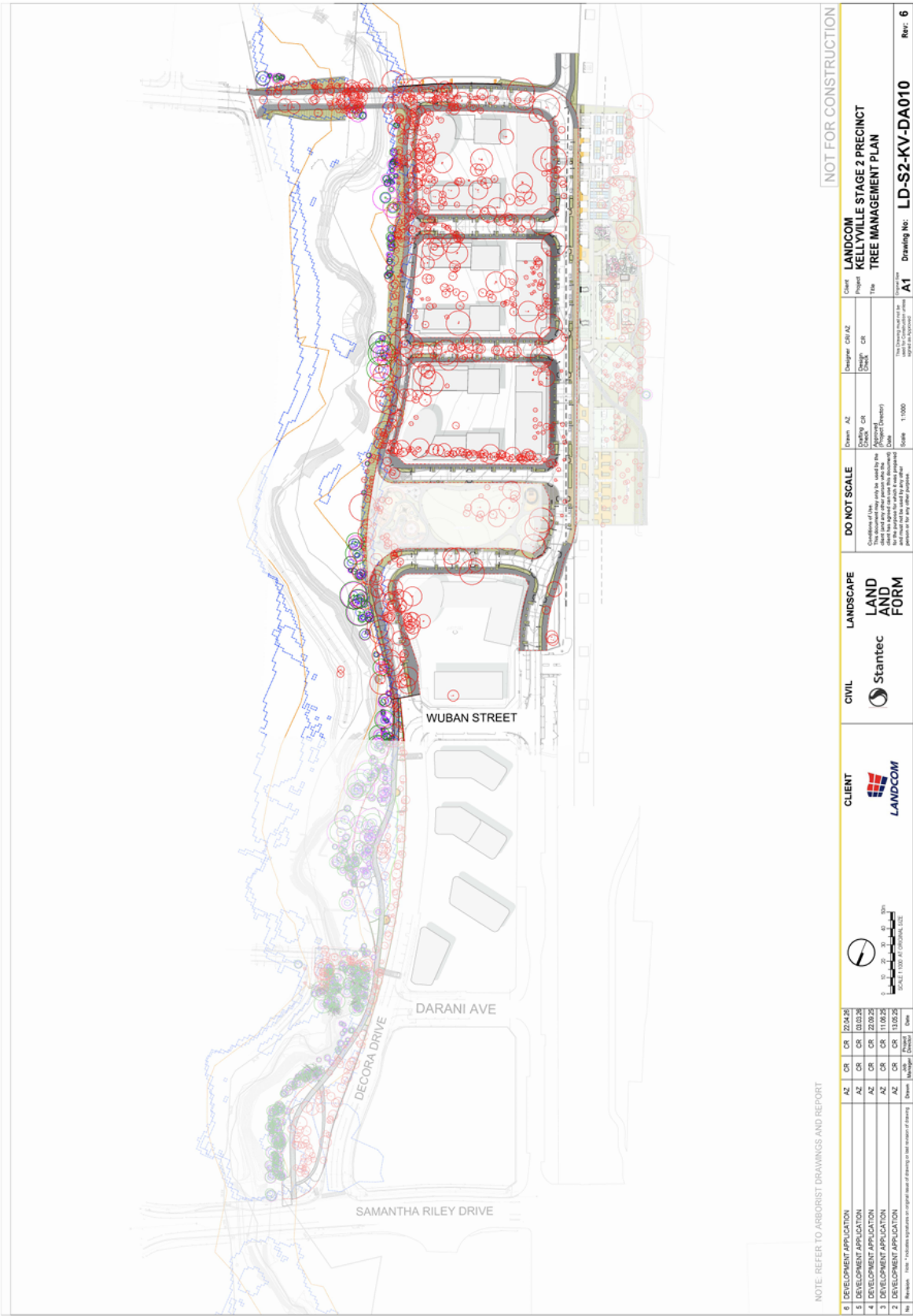
16.1 DP1252052
17.2 DP1252052
17.3 DP1252052
17.4 DP1252052
17.5 DP1252052
17.6 DP1252052
17.7 DP1252052
17.8 DP1252052
17.9 DP1252052
18.0 DP1252052
18.1 DP1252052
18.2 DP1252052
18.3 DP1252052
18.4 DP1252052
18.5 DP1252052
18.6 DP1252052
18.7 DP1252052
18.8 DP1252052
18.9 DP1252052
19.0 DP1252052
19.1 DP1252052
19.2 DP1252052
19.3 DP1252052
19.4 DP1252052
19.5 DP1252052
19.6 DP1252052
19.7 DP1252052
19.8 DP1252052
19.9 DP1252052
20.0 DP1252052
20.1 DP1252052
20.2 DP1252052
20.3 DP1252052
20.4 DP1252052
20.5 DP1252052
20.6 DP1252052
20.7 DP1252052
20.8 DP1252052
20.9 DP1252052
21.0 DP1252052
21.1 DP1252052
21.2 DP1252052
21.3 DP1252052
21.4 DP1252052
21.5 DP1252052
21.6 DP1252052
21.7 DP1252052
21.8 DP1252052
21.9 DP1252052
22.0 DP1252052
22.1 DP1252052
22.2 DP1252052
22.3 DP1252052
22.4 DP1252052
22.5 DP1252052
22.6 DP1252052
22.7 DP1252052
22.8 DP1252052
22.9 DP1252052
23.0 DP1252052
23.1 DP1252052
23.2 DP1252052
23.3 DP1252052
23.4 DP1252052
23.5 DP1252052
23.6 DP1252052
23.7 DP1252052
23.8 DP1252052
23.9 DP1252052
24.0 DP1252052
24.1 DP1252052
24.2 DP1252052
24.3 DP1252052
24.4 DP1252052
24.5 DP1252052
24.6 DP1252052
24.7 DP1252052
24.8 DP1252052
24.9 DP1252052
25.0 DP1252052
25.1 DP1252052
25.2 DP1252052
25.3 DP1252052
25.4 DP1252052
25.5 DP1252052
25.6 DP1252052
25.7 DP1252052
25.8 DP1252052
25.9 DP1252052
26.0 DP1252052
26.1 DP1252052
26.2 DP1252052
26.3 DP1252052
26.4 DP1252052
26.5 DP1252052
26.6 DP1252052
26.7 DP1252052
26.8 DP1252052
26.9 DP1252052
27.0 DP1252052
27.1 DP1252052
27.2 DP1252052
27.3 DP1252052
27.4 DP1252052
27.5 DP1252052
27.6 DP1252052
27.7 DP1252052
27.8 DP1252052
27.9 DP1252052
28.0 DP1252052
28.1 DP1252052
28.2 DP1252052
28.3 DP1252052
28.4 DP1252052
28.5 DP1252052
28.6 DP1252052
28.7 DP1252052
28.8 DP1252052
28.9 DP1252052
29.0 DP1252052
29.1 DP1252052
29.2 DP1252052
29.3 DP1252052
29.4 DP1252052
29.5 DP1252052
29.6 DP1252052
29.7 DP1252052
29.8 DP1252052
29.9 DP1252052
30.0 DP1252052
30.1 DP1252052
30.2 DP1252052
30.3 DP1252052
30.4 DP1252052
30.5 DP1252052
30.6 DP1252052
30.7 DP1252052
30.8 DP1252052
30.9 DP1252052
31.0 DP1252052
31.1 DP1252052
31.2 DP1252052
31.3 DP1252052
31.4 DP1252052
31.5 DP1252052
31.6 DP1252052
31.7 DP1252052
31.8 DP1252052
31.9 DP1252052
32.0 DP1252052
32.1 DP1252052
32.2 DP1252052
32.3 DP1252052
32.4 DP1252052
32.5 DP1252052
32.6 DP1252052
32.7 DP1252052
32.8 DP1252052
32.9 DP1252052
33.0 DP1252052
33.1 DP1252052
33.2 DP1252052
33.3 DP1252052
33.4 DP1252052
33.5 DP1252052
33.6 DP1252052
33.7 DP1252052
33.8 DP1252052
33.9 DP1252052
34.0 DP1252052
34.1 DP1252052
34.2 DP1252052
34.3 DP1252052
34.4 DP1252052
34.5 DP1252052
34.6 DP1252052
34.7 DP1252052
34.8 DP1252052
34.9 DP1252052
35.0 DP1252052
35.1 DP1252052
35.2 DP1252052
35.3 DP1252052
35.4 DP1252052
35.5 DP1252052
35.6 DP1252052
35.7 DP1252052
35.8 DP1252052
35.9 DP1252052
36.0 DP1252052
36.1 DP1252052
36.2 DP1252052
36.3 DP1252052
36.4 DP1252052
36.5 DP1252052
36.6 DP1252052
36.7 DP1252052
36.8 DP1252052
36.9 DP1252052
37.0 DP1252052
37.1 DP1252052
37.2 DP1252052
37.3 DP1252052
37.4 DP1252052
37.5 DP1252052
37.6 DP1252052
37.7 DP1252052
37.8 DP1252052
37.9 DP1252052
38.0 DP1252052
38.1 DP1252052
38.2 DP1252052
38.3 DP1252052
38.4 DP1252052
38.5 DP1252052
38.6 DP1252052
38.7 DP1252052
38.8 DP1252052
38.9 DP1252052
39.0 DP1252052
39.1 DP1252052
39.2 DP1252052
39.3 DP1252052
39.4 DP1252052
39.5 DP1252052
39.6 DP1252052
39.7 DP1252052
39.8 DP1252052
39.9 DP1252052
40.0 DP1252052
40.1 DP1252052
40.2 DP1252052
40.3 DP1252052
40.4 DP1252052
40.5 DP1252052
40.6 DP1252052
40.7 DP1252052
40.8 DP1252052
40.9 DP1252052
41.0 DP1252052
41.1 DP1252052
41.2 DP1252052
41.3 DP1252052
41.4 DP1252052
41.5 DP1252052
41.6 DP1252052
41.7 DP1252052
41.8 DP1252052
41.9 DP1252052
42.0 DP1252052
42.1 DP1252052
42.2 DP1252052
42.3 DP1252052
42.4 DP1252052
42.5 DP1252052
42.6 DP1252052
42.7 DP1252052
42.8 DP1

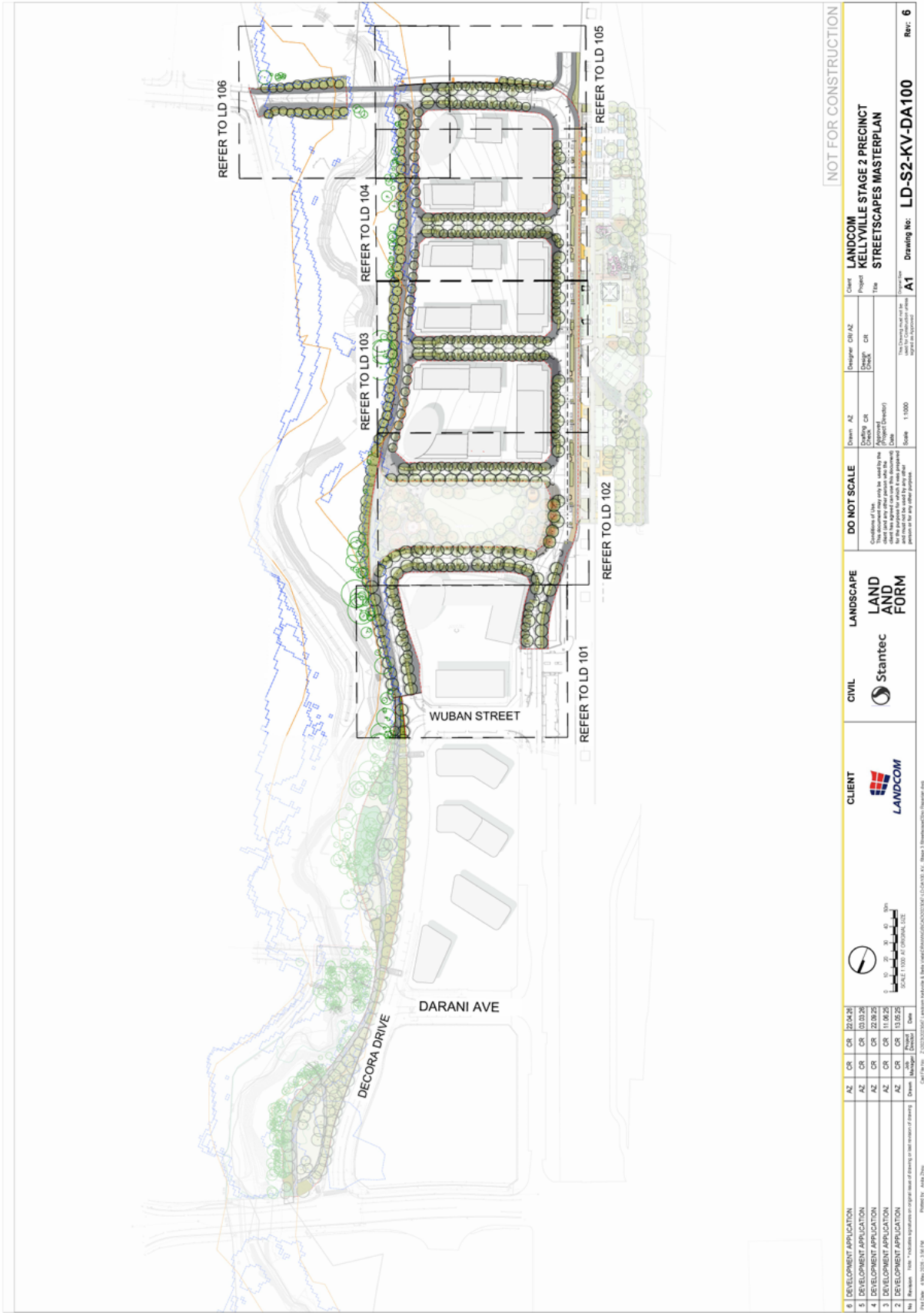


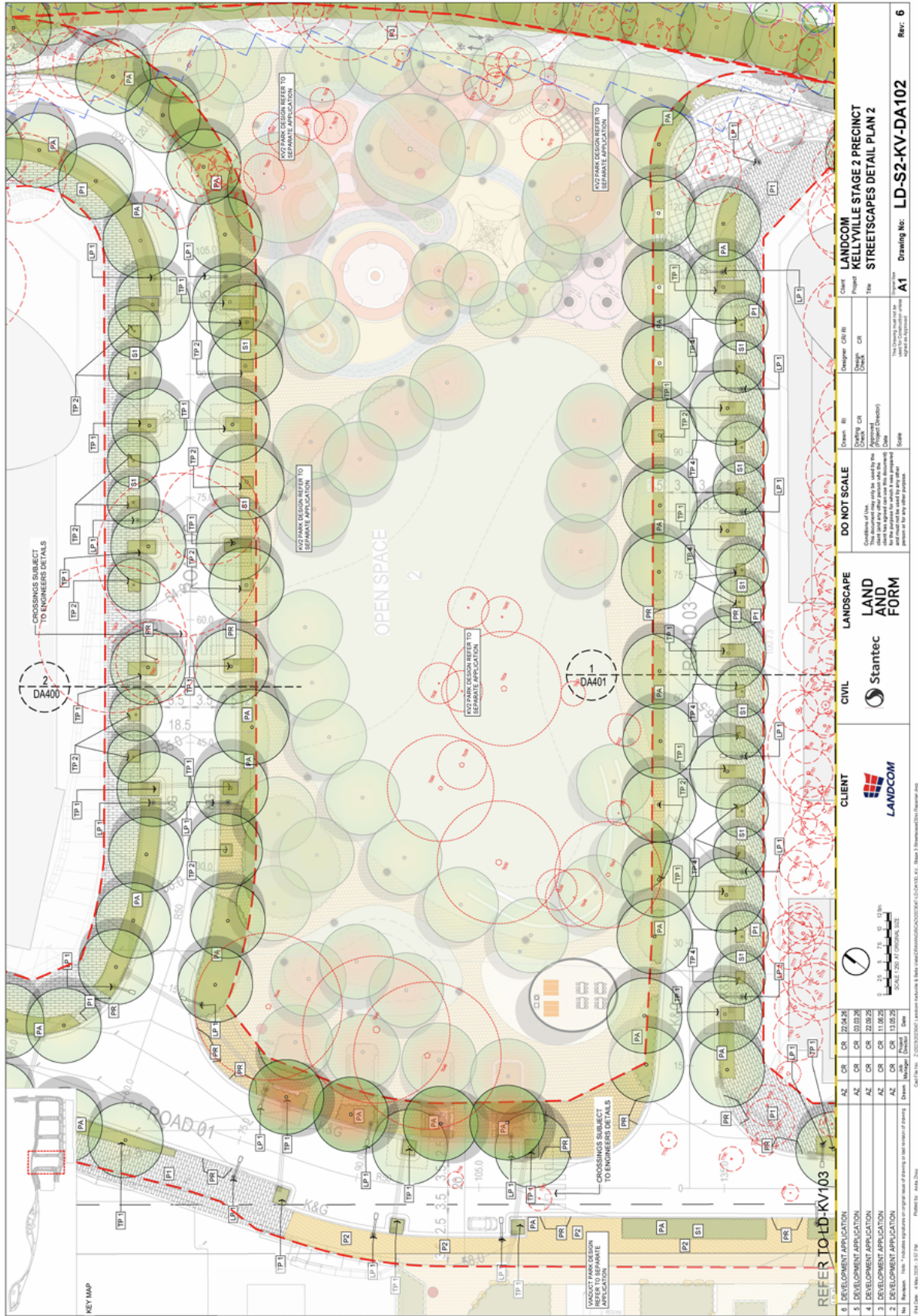


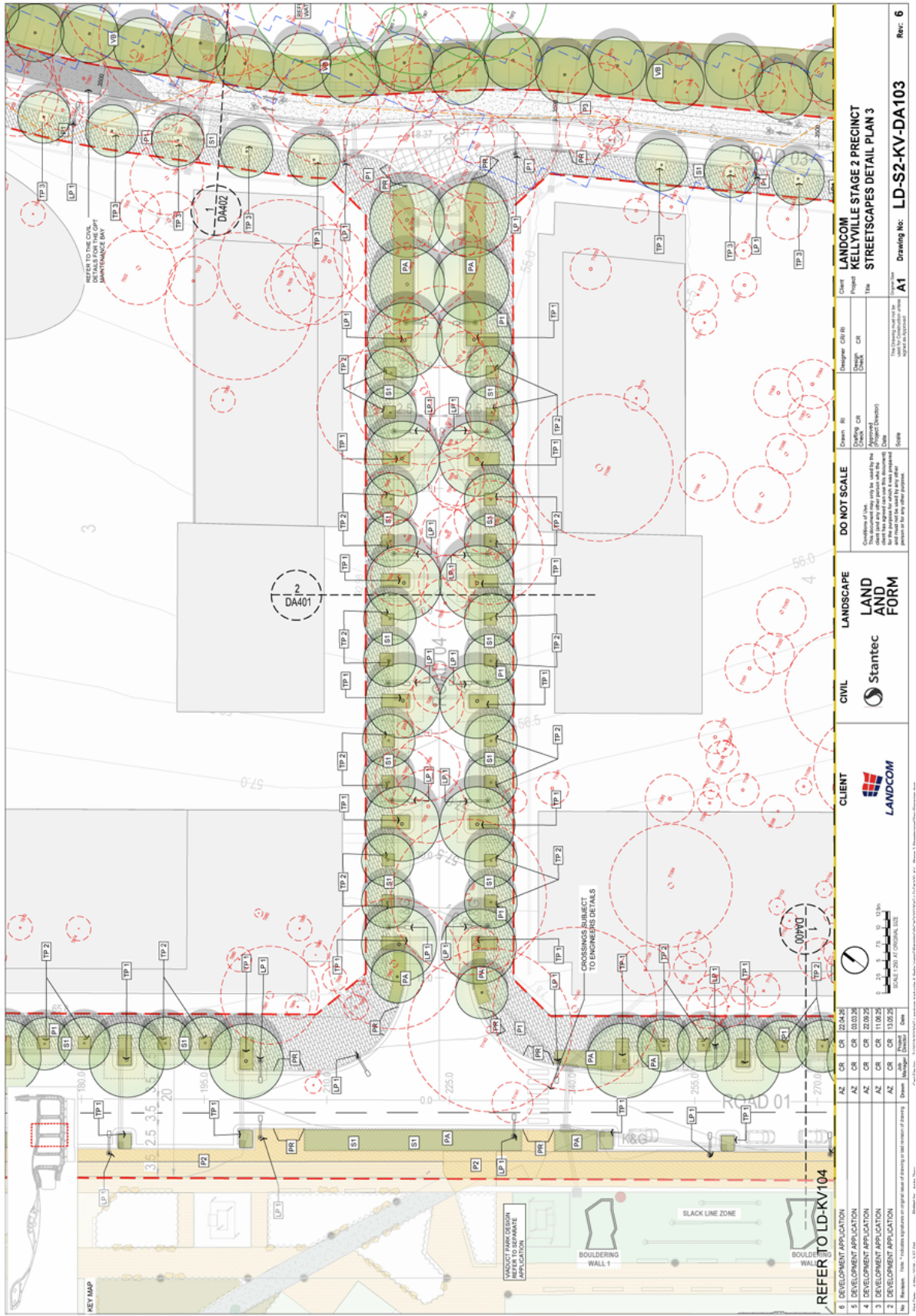


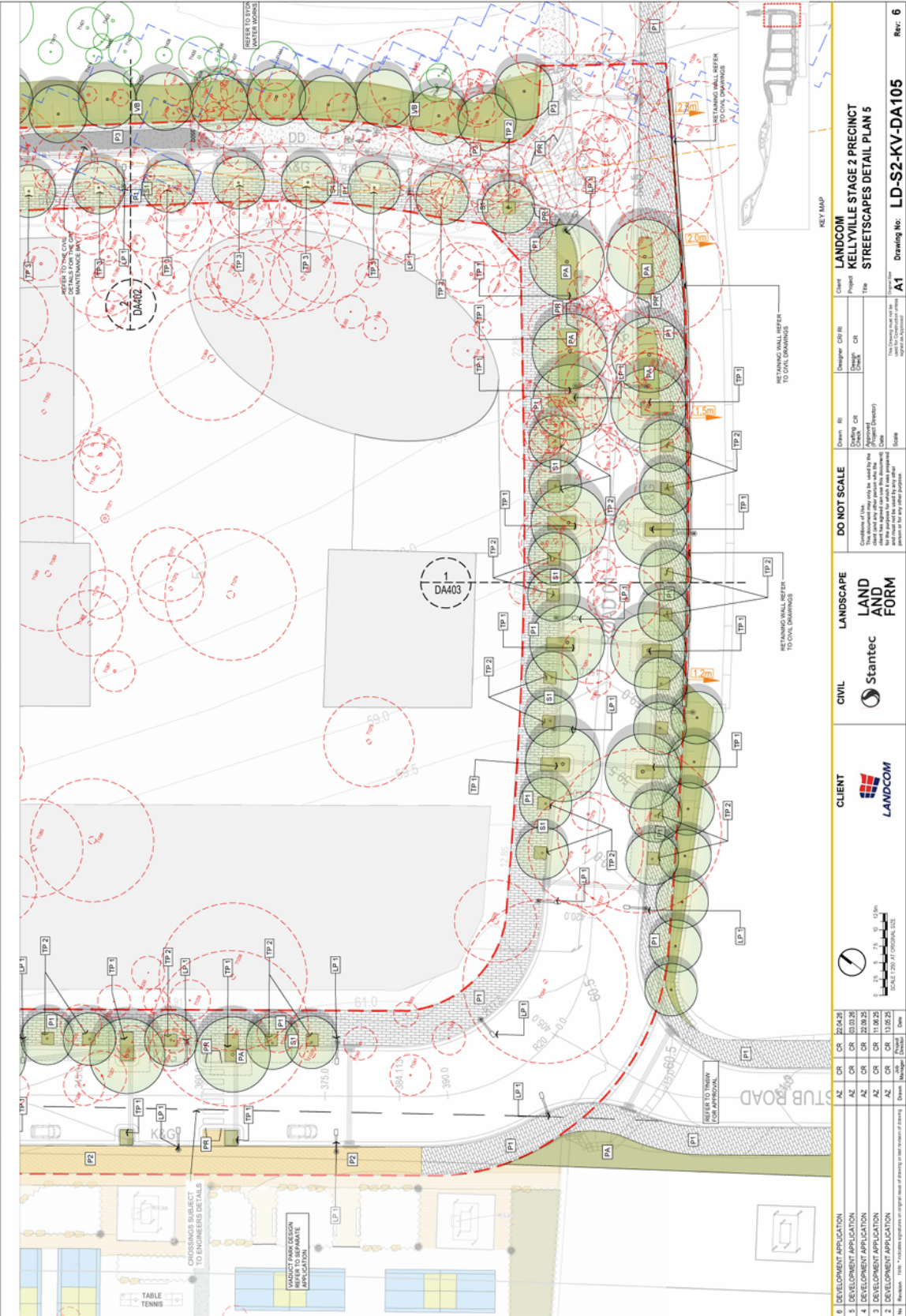
This aerial map illustrates the proposed development along Decora Drive. The map shows a residential neighborhood with existing houses and streets. A blue line indicates the proposed riparian open spaces, which are labeled "RIPARIAN OPEN SPACES". A green line outlines the proposed development area, which includes several buildings and is labeled "STREETSCAPES". The map also shows "OPEN SPACES" in green areas. The street layout includes Decora Drive, Darani Ave, and a street labeled "STREETSCAPES". The map is oriented with North at the top.

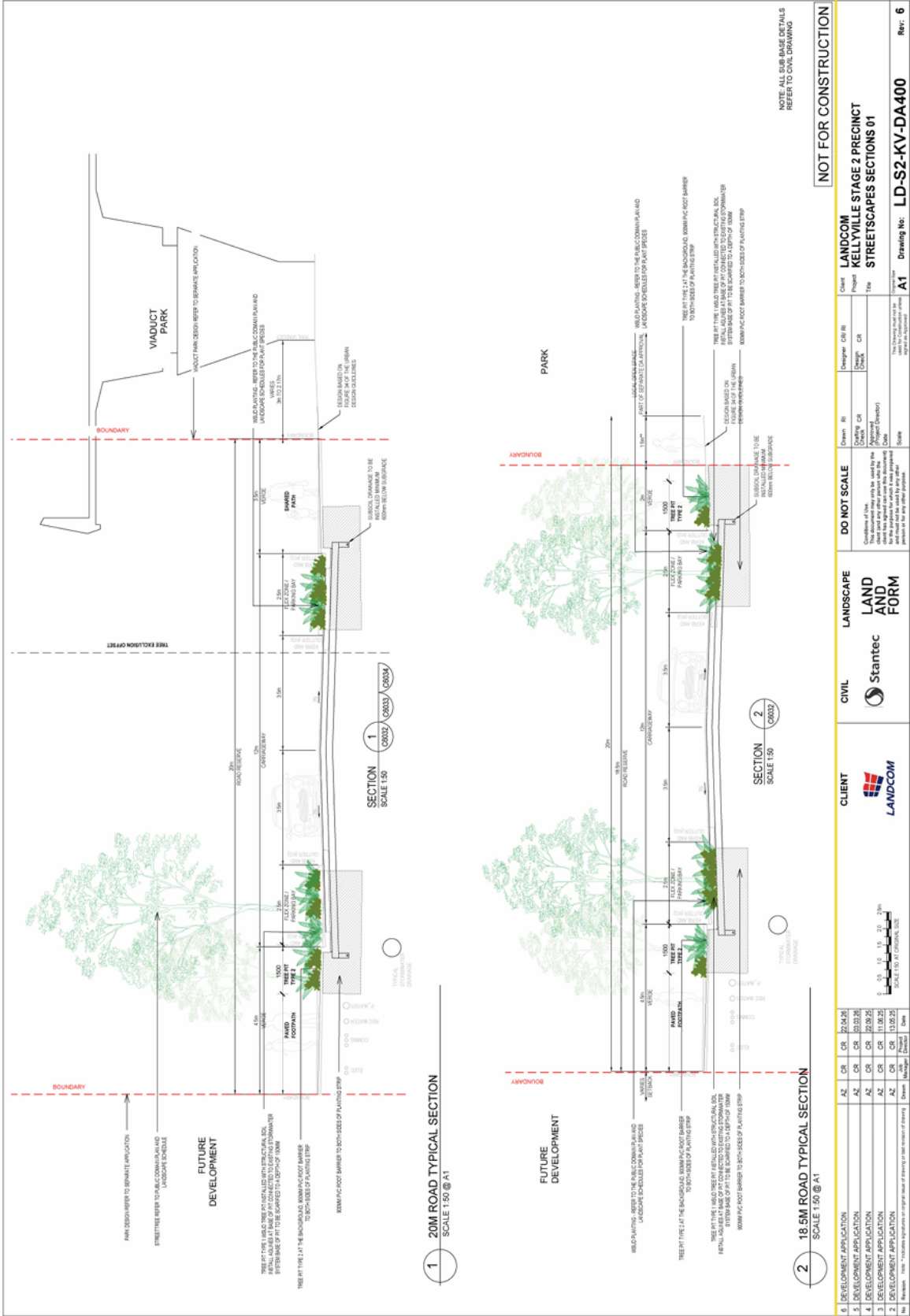




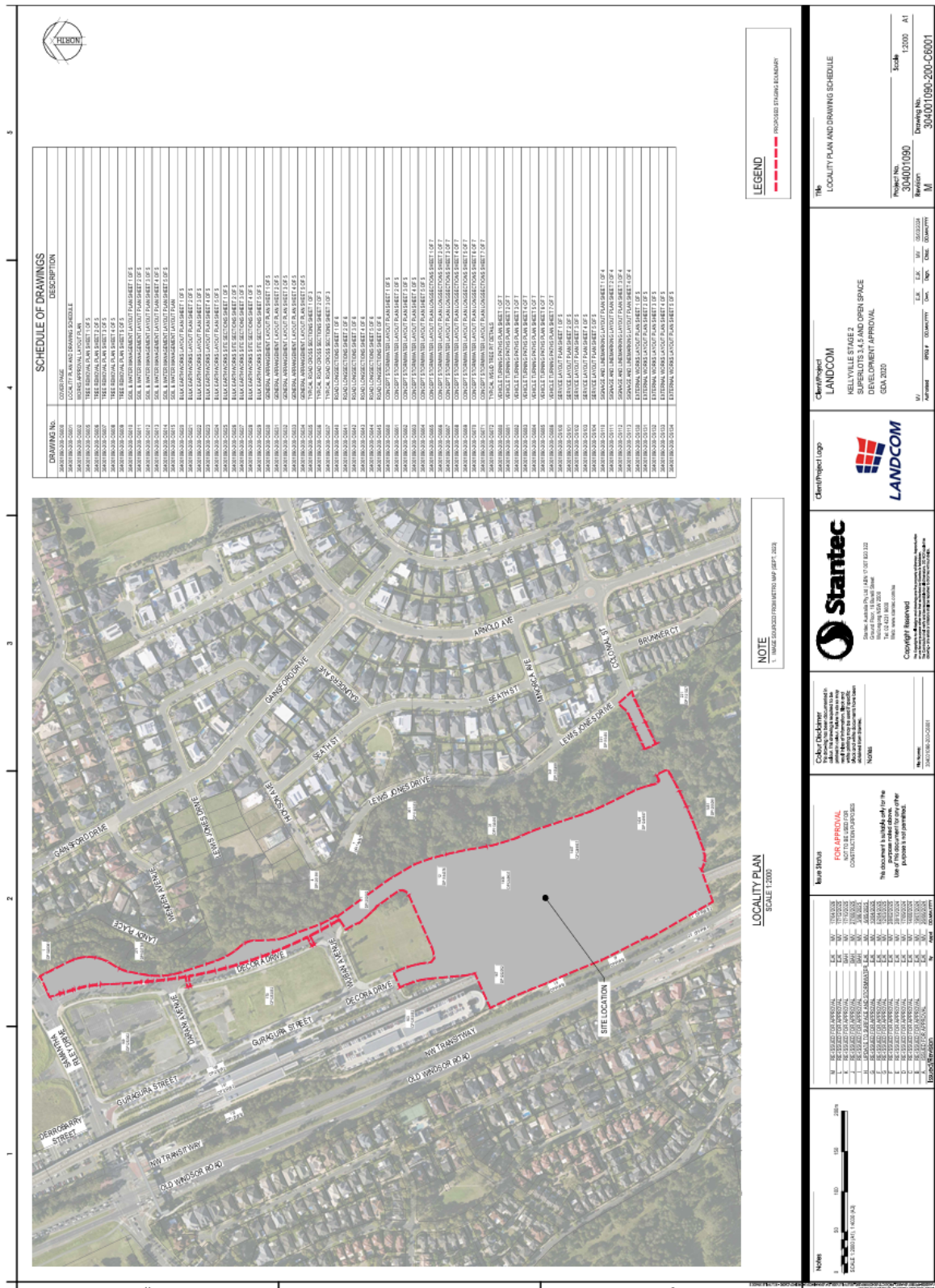




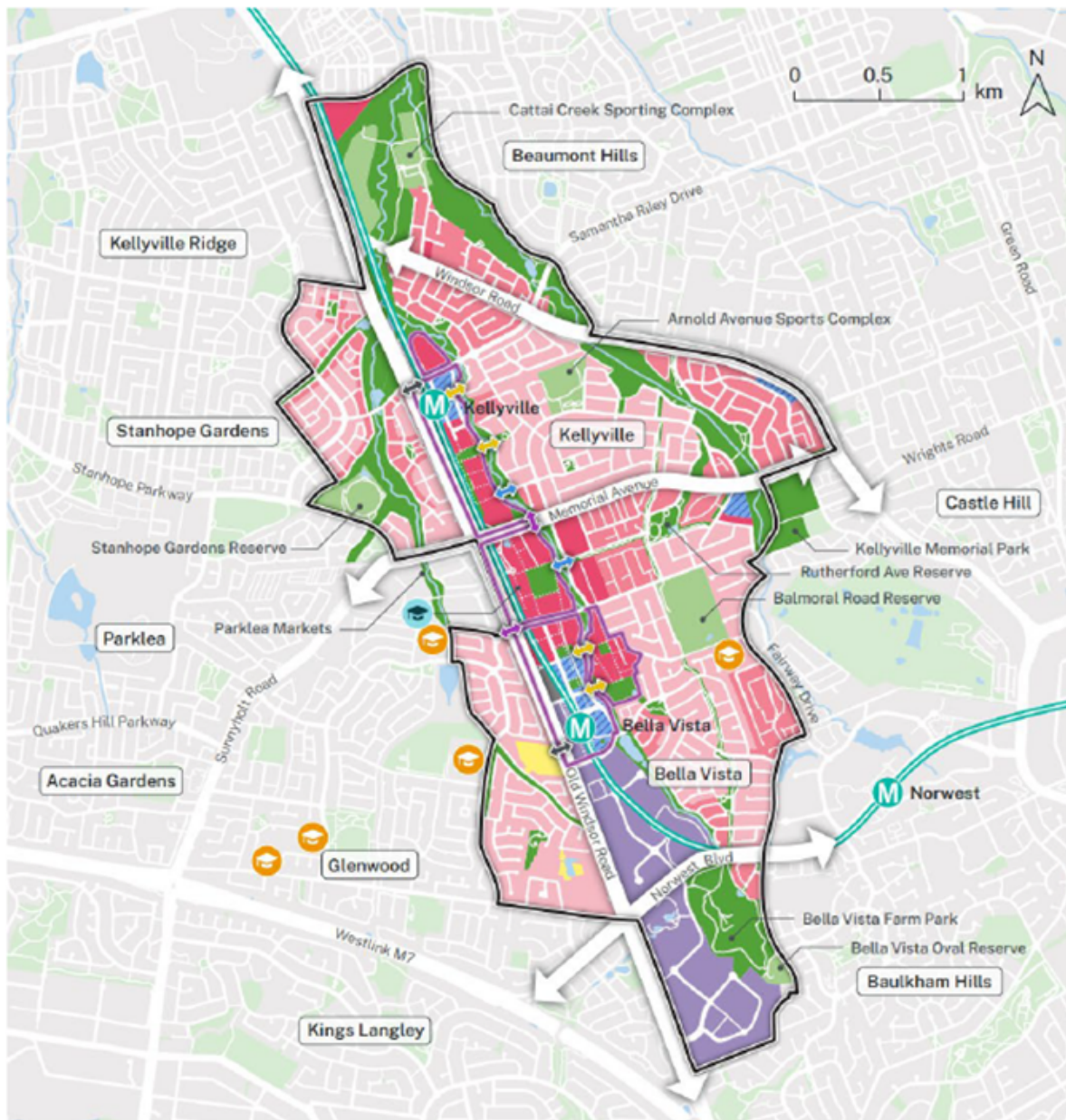




ATTACHMENT C: CONCEPT ENGINEERING PLANS



ATTACHMENT D: KELLYVILLE AND BELLA VISTA TRANSPORT ORIENTED DEVELOPMENT PRECINCTS – FINAL STRUCTURE PLAN



ATTACHMENT E: SYDNEY METRO COMMENTS AND CONDITIONS



4 November 2025

Andrew Johnston
The Hills Shire Council
via NSW Planning Portal

Dear Andrew,

**State Environmental Planning Policy (Transport and Infrastructure) 2021
Development Application – 893/2025/JPZ
26 Gurgura Street Kellyville**

Sydney Metro refers to Development Application (DA) 893/2025/JPZ submitted by Landcom (Applicant) that has been referred to Sydney Metro via the NSW Planning Portal on 14/01/2025 in accordance with section 2.98 of the State Environmental Planning Policy (Transport and Infrastructure) 2021 (T&ISEPP).

Transport for NSW (TfNSW) has delegated its rail authority functions in relation to the Sydney Metro rail corridors to Sydney Metro. Therefore, Sydney Metro is the relevant rail authority for the purpose of section 2.98 T&ISEPP.

Assessment requirements under the T&ISEPP

Sydney Metro has reviewed the amended DA documents that were uploaded onto the NSW Planning Portal on 11 July 2025.

Sydney Metro has assessed the development proposed by the DA in accordance with the requirements of section 2.98 of the T&ISEPP.

Recommended Sydney Metro conditions

Sydney Metro has taken the above matters into consideration and has no objections to the development proposed in the DA, subject to the consent authority imposing the conditions at Attachment A.

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 rail corridor assessed by Sydney Metro, so Sydney Metro may need to amend (or refuse) its concurrence.

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

Sydney Metro would be grateful if a copy of the Notice of Determination and any conditions of consent for the DA be 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.

Sydney Metro thanks Council for its assistance.

Please contact:

- Peter Bourke Senior Manager Corridor Protection, or
- Lauren Saunders Corridor Protection Planner

via sydneymetrocorridorprotection@transport.nsw.gov.au should you have any further enquiries on this matter.

Yours sincerely



Peter Kalton
Executive Director
Operations

DA 893/2025/JPZ-26 Guragura Street, Kellyville

OFFICIAL

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) Bulk Earthworks Section, Drawing No. 304001090-200-SK033, Revision 1, dated 30 July, prepared by Stantec Australia Pty Ltd.
 - b) Bulk Earthworks Section, Drawing No. 304001090-200-SK034, Revision 1, dated 30 July, prepared by Stantec Australia Pty Ltd.
 - c) Civil Drawings (inclusive of Drawing Numbers 304001090-200-C600 to 304001090-200-C6134), Revision I, dated 3 June 2025, prepared by Stantec Australia Pty Ltd.
 - d) Letter from Stantec Australia Pty Ltd, Ref: 304001090-GEO-004 – Kellyville Sydney Metro RFI – Existing Mound Removal, dated 12 September 2025.
 - e) Detail Survey – Kellyville Station Precinct, prepared by RPS AAP Consulting Pty Ltd, Drawing No. AU2130006704_DA01d.dwg (Sheets 1 – 8), Revision D, dated 8 November 2023
 - f) Kellyville Station Precinct (Stages 2, 3 & 4) Flood Impact and Risk Assessment, prepared by Stantec Australia Pty Ltd, Revision 2, dated 4 July 2025

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 written confirmation has been received from Sydney Metro confirming which documents (including the versions of those documents) apply to the development and the Certifier has confirmed that the construction drawings and specifications comply with those documents.

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

The Certifier must not issue a Construction Certificate for the development unless the Applicant has submitted to Sydney Metro and Sydney Metro has provided written approval of the following items:

Survey and services

- 1.2. Prior to the issue of a Construction Certificate:
 - (a) the Applicant must provide Sydney Metro with an accurate survey of the development and its location relative to the rail corridor boundary

OFFICIAL

- and any rail infrastructure. The survey is to be undertaken by a registered surveyor, to the satisfaction of Sydney Metro; and
- (b) a registered surveyor shall peg-out the common property boundary between the development site and the rail corridor and any Sydney Metro easements to ensure that there is no encroachment by the development. A copy of the survey report indicating the location of pegs must be provided to Sydney Metro prior to the commencement of works.

- 1.3. Prior to the issue of a Construction Certificate, the Applicant must undertake a services search to establish the existence and location of any rail services and provide the results of the search to Sydney Metro. A services search must be based on current and not expired information and include information obtained through the Dial Before You Dig service. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the development site, the Applicant must discuss with Sydney Metro whether the services are to be relocated or incorporated within the development site.

Noise & Vibration

- 1.4. The development must:
- a) comply with State Environmental Planning Policy (Transport and Infrastructure) 2021 and the NSW Department of Planning & Environment's document titled "Development Near Rail Corridors and Busy Roads - Interim Guideline" (2008) and the Sydney Metro At Grade and Elevated Sections Corridor Protection Guidelines (available from www.sydneymetro.info);
 - b) be designed, constructed and maintained so as to avoid damage or other interference which may occur as a result of air-borne noise, ground-borne noise and vibration effects that may emanate from the rail corridor during rail construction and operations; and
 - c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.
- 1.5. The Applicant must:
- a) prepare an acoustic assessment report which confirms compliance with each of the matters outlined in condition [1.4]; and
 - b) incorporate as part of the development all the measures recommended in the acoustic assessment report; and
 - c) not have any noise or vibration impacts on the rail corridor or rail infrastructure.

OFFICIAL

A copy of the acoustic assessment report is to be provided to the Certifier and Council prior to a Construction Certificate being issued by the Certifier. The Certifier must ensure that the recommendations of the acoustic assessment report are incorporated in the construction drawings and documentation prior to issuing a Construction Certificate for the development.

Construction

- 1.6. No work is permitted within the rail corridor, or any easements which benefit Sydney Metro, at any time, unless the prior approval of, or an Agreement with, Sydney Metro has been obtained by the Applicant. 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.
- 1.7. Prior to the issuing of a Construction Certificate, the following information must be submitted to Sydney Metro for review and endorsement:
 - a) machinery to be used during excavation/construction;
 - b) demolition, excavation and construction methodology and staging;

The Certifier must not issue a Construction Certificate for the development until it has received written confirmation from Sydney Metro that this condition has been satisfied.

- 1.8. A Risk Assessment/Management Plan and detailed Safe Work Method Statements for the proposed works are to be submitted to Sydney Metro for review and endorsement regarding impacts on the rail corridor. 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.
- 1.9. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant is to contact Sydney Metro's Corridor Protection Team to determine the need for public liability insurance cover and the level of insurance required. If insurance cover is deemed necessary, the Applicant must obtain insurance for the sum determined by Sydney Metro and such insurance shall not contain any exclusion in relation to works on or near the rail corridor or rail infrastructure and must be maintained for the period specified by Sydney Metro. Prior to issuing a Construction Certificate for the development, the Certifier must witness written proof of any insurance required by Sydney Metro in accordance with this condition, including the written advice of Sydney Metro to the Applicant regarding the level of insurance required.

OFFICIAL

Reason: construction of the proposed development presents a risk of potential damage to the Sydney Metro rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.

- 1.10. If required by Sydney Metro, prior to the issue of a Construction Certificate the Applicant must contact the Sydney Metro Corridor Protection Team to determine the need for the lodgement of a bond or bank guarantee for the duration of the works and the sum of any required bond or bank guarantee. Prior to issuing a Construction Certificate for the development, the Certifier must witness written confirmation from Sydney Metro that the Applicant has lodged any bond or bank guarantee required by this condition.

Reason: construction of the proposed development presents a risk of potential damage to the rail corridor which is not in the public interest. This risk of damage to public infrastructure must be appropriately managed and mitigated.

- 1.11. Prior to the issue of a Construction Certificate, any proposed alterations to Sydney Metro assets must be approved by Sydney Metro and any proposed changes may be subject to operator requirements. The Certifier must not issue a Construction Certificate until Sydney Metro approval has been provided in writing.

Drainage

- 1.12. The Applicant must ensure that all drainage from the development is adequately disposed of and managed and must ensure that no drainage is discharged into the railway corridor unless prior written approval has been obtained from Sydney Metro. The Certifier must not issue a Construction Certificate or Occupation Certificate for the development unless this condition has been satisfied.

Documentation

- 1.13. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Construction Certificate.

2. Prior to commencement of works

Construction

- 2.1. Prior to the commencement of any works, appropriate fencing must be in place along the rail corridor to prevent unauthorised access to the rail corridor during construction works. Details of the type of fencing and the

OFFICIAL

method of erection are to be to the satisfaction of Sydney Metro prior to the fencing work being undertaken.

3. During construction

Supervision

- 3.1. Unless advised by Sydney Metro in writing, all excavation, shoring and piling works within 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects and who holds current professional indemnity insurance.

Construction

- 3.2. No metal ladders, tapes, plant, machinery, or conductive material is to be used within 6 horizontal metres of any live electrical equipment associated with the rail corridor and rail infrastructure. This applies to the train pantographs and catenary, contact and pull-off wires of the adjacent tracks, and to any aerial power supplies within or adjacent to the rail corridor.
- 3.3. No scaffolding or hoarding is to be used facing the rail corridor unless prior written approval has been obtained from Sydney Metro. To obtain approval, the Applicant must submit details of the scaffolding and/or hoarding, the means of erecting and securing the scaffolding and/or hoarding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor. Scaffolding and/or hoarding shall also not be erected without isolation and protection panels unless agreed to by Sydney Metro in writing.
- 3.4. Excess soil from the construction works is not allowed to enter, be spread or stockpiled within the rail corridor (and its easements) and must be adequately managed/disposed of by the Applicant.

Consultation

- 3.5. The Applicant must ensure that at all times they have a representative (which has been notified to Sydney Metro in writing), who:
 - a) oversees the carrying out of the Applicant's obligations under the conditions of this consent and in accordance with correspondence issued by Sydney Metro;
 - b) acts as the authorised representative of the Applicant; and
 - c) is available (or has a delegate notified in writing to Sydney Metro that is available) on a 7 day a week basis to liaise with the representative of Sydney Metro, as notified to the Applicant.

OFFICIAL

- 3.6. Without in any way limiting the operation of any other condition of this consent, the Applicant must, during demolition, excavation and construction works, consult in good faith with Sydney Metro in relation to the carrying out of the development works and must respond or provide documentation as soon as practicable to any queries raised by Sydney Metro in relation to the works.
- 3.7. Where a condition of consent requires consultation with Sydney Metro, the Applicant shall forward all requests and/or documentation to the Sydney Metro Corridor Protection team.

Drainage

- 3.8. The Applicant must not allow any person to do any act or thing which allows stormwater, surface run off or drainage to pass over, through or under the development site onto the railway corridor.
- 3.9. The Applicant must ensure that all existing and future drainage works on the development site will be directed into the appropriate local council or approved drainage system.
- 3.10. The Applicant must ensure that during works no water collects on or near the railway corridor. Should water be allowed to pond adjacent to rail infrastructure facilities and service is interrupted, the Applicant shall be liable for any Sydney Metro expenditure involved with restoring or maintaining alternative services.
- 3.11. Rainwater from the roof of the development must not be projected and/or fall into the rail corridor and must be piped down the face of the building which faces the rail corridor.

Inspections

- 3.12. If required by Sydney Metro, the Applicant must give Sydney Metro written notice at least 5 business days before any of the following events occur within 25 metres of the rail corridor:
- a) site investigations;
 - b) foundation, pile and anchor set out;
 - c) set out of any other structures below ground surface level or structures which will transfer any load or bearing;
 - d) foundation, pile and anchor excavation;
 - e) other excavation;
 - f) surveying of foundation, pile and anchor excavation and surveying of as-built excavations;
 - g) other concreting; or
 - h) any other event that Sydney Metro has notified to the Applicant in writing

OFFICIAL

so that Sydney Metro may inspect the carrying out or completion of those works on the development site.

- 3.13. If required by Sydney Metro, prior to the commencement of works or at any time during the excavation and construction period deemed necessary by Sydney Metro, a joint inspection of the rail infrastructure and property in the vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey(s) will establish the extent of any existing damage and enable any deterioration during construction to be observed and rectified at the Applicant's cost. The submission of a detailed dilapidation report by the Applicant for review and approval by Sydney Metro will be required within 10 days following the undertaking of any joint inspection, unless otherwise notified by Sydney Metro in writing.

4. Prior to the issue of an Occupation Certificate

Fencing

- 4.1. The development shall have appropriate fencing fit for the future usage of the development site to prevent unauthorised access to the rail corridor by future occupants of the development. Prior to the issue of an Occupation Certificate, the Applicant shall liaise with Sydney Metro regarding the adequacy of any existing fencing along the rail corridor boundary or the need for the design and erection of new fencing. Details of the type of new fencing to be installed and the method of erection are to be to the satisfaction of Sydney Metro prior to the fencing work being undertaken.

Documentation

- 4.2. Prior to the issue of an Occupation Certificate, the Applicant is to submit as-built drawings to Sydney Metro and Council. The as-built drawings are to be endorsed by a registered surveyor confirming that there has been no encroachment into the rail corridor or Sydney Metro easements, unless agreed to by Sydney Metro in writing. The Certifier must not issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied.
- 4.3. Copies of any certificates, drawings, approvals or documents endorsed by, given to or issued by Sydney Metro must be submitted to Council for its records prior to the issue of any Occupation Certificate.

Inspections

- 4.4. If required by Sydney Metro, prior to the issue of an Occupation Certificate, a joint inspection of the rail infrastructure and property in the

OFFICIAL

vicinity of the development is to be carried out by representatives from Sydney Metro and the Applicant and a dilapidation survey prepared. The dilapidation survey will establish the extent of any existing damage and enable any deterioration during operation of the development to be observed. The Certifier is not to issue an Occupation Certificate for the development until written confirmation has been received from Sydney Metro that this condition has been satisfied.

Maintenance

- 4.5. Prior to the issue of an Occupation Certificate, the Applicant must provide to Sydney Metro for review and endorsement a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The Certifier must not to issue an Occupation Certificate until written confirmation has been received from Sydney Metro that this condition has been satisfied. The maintenance plan must be implemented for the life of the approved development.

5. General

Inspections

- 5.1. At any time during the construction of the development, Sydney Metro and persons authorised by those entities may give reasonable notice to the Applicant or the Applicant's principal contractor that Sydney Metro or persons authorised by that entity seek to:
 - a) inspect the development site and all works and structures that may impact on the rail corridor, including at specified "hold points" in the construction of the development; and
 - b) attend on-site meetings with the Applicant and its contractors,
 - c) to enable Sydney Metro to determine whether the development has been or is being constructed and maintained in accordance with all approved plans and this development consent.

Environmental Protection and Contamination

- 5.2. During all stages of the development, including construction and operation of the development, no form of pollution or contamination should enter the railway corridor as a result of development's activities. Any form of pollution or contamination that occur in the rail corridor as a consequence of the development activities shall remain the full responsibility of the owner of the development.
- 5.3. Sydney Metro may direct the owner of the development to remove or remediate any physical pollution or contamination caused by the

OFFICIAL

development's activities from the rail corridor at the owner's cost, and within any timeframe required by Sydney Metro, acting reasonably. The owner of the development must obtain written approval from Sydney Metro (which may be subject to conditions) before entering the rail corridor to remove or remediate any form of pollution or contamination.

6. Other

- 6.1. Any conditions or other requirements imposed by Sydney Metro as part of its approval/endorsement of any documents provided by the Applicant to Sydney Metro in accordance with these conditions of consent must also be complied with by the Applicant when implementing any approved/endorsed documents, plans, reports during the construction and operation of the development (as applicable).
- 6.2. Where a condition of consent requires Sydney Metro endorsement or approval, the Certifier must not to issue a Construction Certificate or Occupancy Certificate, as the case may be, until written confirmation has been received from those entities that the particular condition has been complied with. The issuing of staged Construction Certificates by the Certifier dealing with specific works and compliance conditions can only occur subject to written confirmation from Sydney Metro.
- 6.3. All reasonable Sydney Metro costs associated with review of plans, designs and legal must be borne by the applicant.

OFFICIAL

ATTACHMENT F: SYDNEY WATER COMMENTS AND CONDITIONS



8 October 2025

Our reference: 223185, 215105

Andrew Johnston
The Hills Shire Council
ajohnston1@thehills.nsw.gov.au

RE: Development Application 893/2025/JPZ at 26 Guragura Street, Kellyville

Thank you for notifying Sydney Water of 893/2025/JPZ at 26 Guragura Street, Kellyville, which proposes:

- Torrens title subdivision of the site to create three individual development lots (Lot D, Lot E and Lot F),
- Torrens title subdivision to create two open space lots (Open Space KV2 and Open Space PV3) and two new proposed riparian open space areas (Open Space KV4 and KV5)
- Construction of roads around Lot D to F
- Associated streetscaping, lighting and batter works
- Services augmentations to connect each proposed lot and roadway to utilities and infrastructure
- Removal of 1127 trees and retention of 454 trees
- Site preparation works, civil and bulk earthworks including cut and fill, and stormwater management works.

The Kellyville Station Precinct Concept Proposal SSD-10343 was approved for a mixed-use precinct to deliver between 1,492 and 1,910 dwellings. Under the Concept Approval, **Site D** is to deliver a minimum of approximately 205 units and a maximum of 298 units. **Site E** is to deliver a minimum of 167 units and a maximum of 251 units. Site F is to deliver a minimum of 170 units and a maximum of 255 units.

Sydney Water has reviewed the application based on the information supplied and provide the following comments to assist in understanding the servicing needs of the proposed development.

Agreement with Landcom

Sydney Water and Landcom have been in ongoing discussions regarding Landcom's proposed subdivision works involving Sydney Water owned land along Elizabeth Macarthur Creek, and the impact of proposed batter works on this land. An agreement has been reached subject to the conditions outlined in the **attached agreement** between Sydney Water and Landcom titled "Sydney Water in-principle approval of Landcom Development Application 893/2025/JPZ and associated works" dated 26 September 2025 (Sydney Water Case CN223185). It is recommended that these be included in the conditions of consent where relevant. See **Attachment 1** for details.

Water Servicing

- The proposed development is located within the Rogans Hill Water Supply Zone (WSZ).

Sydney Water Corporation ABN 49 776 225 038
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



- To service the development, the developer will need to construct a minimum 300mm potable water main from the existing 300mm potable water main along Memorial Avenue.
- Amplifications, adjustments, deviations and/or minor extensions may be required.
- Detailed requirements will be provided at the Section 73 application stage.

Recycled Water Servicing

- The proposed development is within the Parklea Recycled Water Supply Zone.
- Amplifications, adjustments, deviations and/or minor extensions may be required.
- Detailed requirements will be provided at the Section 73 application stage.

Wastewater Servicing

- The proposed development is located within the Rouse Hill Sewer Catchment.
- The proposed development has been considered as part of the Metro North West Urban Renewal Corridor project (Kellyville Precinct).
- There should be capacity to service the development.
- Amplifications, adjustments, deviations and/or minor extensions may be required.
- Detailed requirements will be provided at the Section 73 application stage.

Next steps

- Should Council decide to progress with the subject development application, Sydney Water would require the following conditions be included in the development consent.
 - Section 73 Compliance Certificate
 - Building Plan Approval
 - Additional conditions listed in Sydney Water and Landcom's agreement titled "Sydney Water in-principle approval of Landcom Development Application" 893/2025/JPZ and associated works"
 Further details of the conditions can be found in Attachment 1.
- The proponent is advised to continue liaising with their Sydney Water account managers to ensure that the requirements in the Landcom and Sydney Water agreement ("Sydney Water in-principle approval of Landcom Development Application 893/2025/JPZ and associated works") are met.
- Council is advised to forward the enclosed Sydney Water Development Application Information Sheet (for proponent) to assist the proponent in progressing their development. This Info Sheet contains details on how to make further applications to Sydney Water and provides more information on Infrastructure Contributions.

This advice is not formal approval of our servicing requirements. Detailed requirements, including any potential extensions or amplifications, will be provided once the development is referred to Sydney Water for a Section 73 application. More information about the Section 73 application process is available on our web page in the [Land Development Manual](#).

Please note that the available capacity may change over time depending on the rate of development and increased demand elsewhere in the potable water and wastewater catchments. Sydney Water does not reserve capacity pre-development and it is advised that the proponent applies directly to Sydney Water for a Section 73 Compliance Certificate as soon as feasible.

Sydney Water Corporation ABN 49 776 225 038
 1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
 Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



Council can read further advice on requirements for this proposal in **Attachments 1 and 2**. If the proponent has any questions, they should contact their Sydney Water Account Managers Hanka Shabilla at Hanka.Shabilla@sydneywater.com.au and Chirag Poojari at Chirag.poojai@sydneywater.com.au. Should Council require further information, please contact the Growth Planning Team at urbangrowth@sydneywater.com.au.

Yours sincerely,



Kristine Leitch

Manager, Growth Analytics and Strategic Partnerships
Growth and Development
Water and Environment Services
Sydney Water, 1 Smith Street, Parramatta NSW 2150

- Sydney Water and Landcom agreement titled "in-principle approval of Landcom Development Application 893/2025/JPZ and associated works" dated 26/09/2025
- Sydney Water Development Application Information Sheet (for proponent)
- Sydney Water Growth Data Form

Sydney Water Corporation ABN 49 776 225 038
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
Telephone 13 20 92 Media (24/7) 8849 5151 [sydneywater.com.au](https://www.sydneywater.com.au)



Attachment 1 – Recommended Development Conditions

Standard conditions

Prior to the issue of an Occupation/Subdivision Certificate

Section 73 Compliance Certificate

A compliance certificate must be obtained from Sydney Water, under Section 73 of the Sydney Water Act 1994. Our assessment will determine the availability of water and wastewater services, which may require extensions, adjustments, or connections to our mains. The compliance certificate also identifies any applicable Infrastructure Contribution charges. Make an early application for the certificate, as there may be assets to be built and this can take some time. A Section 73 Compliance Certificate must be obtained before an Occupation or Subdivision Certificate will be issued.

Applications can be made either directly to Sydney Water or through a Sydney Water accredited Water Servicing Coordinator.

Go to the Sydney Water website or call 1300 082 746 to learn more about applying through an authorised WSC or Sydney Water.

Prior to the issue of a Construction Certificate/Complying Development Certificate:

Building Plan Approval (including Tree Planting Guidelines)

The plans must be approved by Sydney Water prior to demolition, excavation or construction works commencing. This allows Sydney Water to determine if sewer, water or stormwater mains or easements will be affected by any part of your development. Any amendments to plans will require re-approval. Please go to [Sydney Water Tap in®](#) to apply.

Sydney Water recommends developers apply for a Building Plan Approval early as to reduce unnecessary delays to further referrals or development timescales.

Tree Planting

Certain tree species placed in proximity to Sydney Water's underground assets have the potential to inflict damage through invasive root penetration and soil destabilisation. Section 46 of the Sydney Water Act specifies what might occur when there is interference or damage to our assets caused by trees.

For any trees proposed or planted that may cause destruction of, damage to or interference with our work and are in breach of the Sydney Water Act 1994, Sydney Water may issue an order to remove that tree or directly remove it and seek recovery for all loss and associated compensation for the removal.

For guidance on types of trees that can cause damage or interference with our assets see Sydney Water webpage Wastewater blockages. For guidance on how to plant trees near our assets, see Diagram 5 – Planting Trees within Sydney Water's [Technical guidelines – Building over and adjacent to pipe assets](#).

Sydney Water Corporation ABN 49 776 225 038
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



Additional conditions as per Sydney Water and Landcom Agreement titled "Sydney Water in-principle approval of Landcom Development Application 893/2025/JPZ and associated works" dated 26/09/2025

Prior to issue of a Construction Certificate/Complying Development Certificate

Sydney Water approval

In reference to Sydney Water and Landcom Agreement titled "Sydney Water in-principle approval of Landcom Development Application 893/2025/JPZ and associated works" dated 26/09/2025, this agreement is provided for Development Assessment approval and covers any conceptual designs as issued to Sydney Water. Approval to construct on Sydney Water land shall be provided separately by Sydney Water, not to be unreasonably withheld.

Matters involving Sydney Water Land

Battering into Sydney Water land shall not exceed the agreed encroachment areas as shown in the engineering DA plans and drawing set prepared by Stantec as listed in the agreement between Sydney Water and Landcom titled "Sydney Water in-principle approval of Landcom Development Application 893/2025/JPZ and associated works" dated 26/09/2025

Sydney Water – Elizabeth Macarthur Creek

Landcom works encroaching into Sydney Water land shall ensure that Landcom's landscape and revegetation of the encroachment area 'ties into' the Sydney Water EMC rehabilitation works and revegetation by coordinating with Sydney Water, their design consultants and relevant project partners (Confluence Water).

Prior to the issue of a Subdivision Certificate

Registration of Plan of Subdivision

Where Sydney Water land is affected by the Plan of Subdivision, Landcom shall not register this Plan of Subdivision with NSW Land Registry Services until finalisation and agreement from Sydney Water (including Registered Proprietors execution), following detailed design refinement post development consent.

Plan of subdivision

An approved Plan of Subdivision shall incorporate part/s of acquired Sydney Water's trunk drainage land and shall adopt boundaries consistent with current title boundaries and the Registered Deposited Plans of Acquisition as supplied by Sydney Water, following completion of the acquisition process and title creation in the name of Sydney Water.

Registration of title encumbrances

An approved Plan of Subdivision may include the creation or rectification of any titling necessary to satisfy the requirements of both Landcom and Sydney Water that are to be agreed between Landcom and Sydney Water post development consent. Title encumbrances, including easements and restrictive covenants, may be created by way of an 88B instrument registered concurrently with the Plan of Subdivision.

General conditions

Release or variation of restrictive covenants

Any release or variation of restrictive covenants shall require preparation and registration of a Dealing in accordance with requirements of NSW Land Registry Services.

Sydney Water Corporation ABN 49 776 225 038
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



Attachment 2 – Sydney Water Requirements for Commercial and Industrial Developments (for proponent's information)

Trade Wastewater Requirements

If this development is going to generate trade wastewater, the property owner must submit an application requesting permission to discharge trade wastewater to Sydney Water's sewerage system. You must obtain Sydney Water approval for this permit before any business activities can commence. It is illegal to discharge Trade Wastewater into the Sydney Water sewerage system without permission.

The permit application should be emailed to Sydney Water's Business Customer Services at businesscustomers@sydneywater.com.au

A Boundary Trap is required for all developments that discharge trade wastewater where arrestors and special units are installed for trade wastewater pre-treatment.

If the property development is for Industrial operations, the wastewater may discharge into a sewerage area that is subject to wastewater reuse. Find out from Business Customer Services if this is applicable to your development.

Backflow Prevention Requirements

Backflow is when there is unintentional flow of water in the wrong direction from a potentially polluted source into the drinking water supply.

All properties connected to Sydney Water's supply must install a testable Backflow Prevention Containment Device appropriate to the property's hazard rating. Property with a high or medium hazard rating must have the backflow prevention containment device tested annually. Properties identified as having a low hazard rating must install a non-testable device, as a minimum.

Separate hydrant and sprinkler fire services on non-residential properties, require the installation of a testable double check detector assembly. The device is to be located at the boundary of the property.

Before you install a backflow prevention device:

1. Get your hydraulic consultant or plumber to check the available water pressure versus the property's required pressure and flow requirements.
2. Conduct a site assessment to confirm the hazard rating of the property and its services. Contact PIAS at NSW Fair Trading on 1300 889 099.

For installation you will need to engage a licensed plumber with backflow accreditation who can be found on the Sydney Water website:

<https://www.sydneywater.com.au/plumbing-building-developing/plumbing/backflow-prevention.html>

Sydney Water Corporation ABN 49 776 225 038
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



Water Efficiency Recommendations

Water is our most precious resource and every customer can play a role in its conservation. By working together with Sydney Water, business customers are able to reduce their water consumption. This will help your business save money, improve productivity and protect the environment.

Some water efficiency measures that can be easily implemented in your business are:

- Install water efficiency fixtures to help increase your water efficiency, refer to WELS (Water Efficiency Labelling and Standards (WELS) Scheme, <http://www.waterrating.gov.au/>
- Consider installing rainwater tanks to capture rainwater runoff, and reusing it, where cost effective. Refer to <https://www.sydneywater.com.au/your-business/managing-your-water-use/water-efficiency-tips.html>
- Install water-monitoring devices on your meter to identify water usage patterns and leaks.
- Develop a water efficiency plan for your business.

It is cheaper to install water efficiency appliances while you are developing than retrofitting them later.

Contingency Plan Recommendations

Under Sydney Water's [customer contract](#) Sydney Water aims to provide Business Customers with a continuous supply of clean water at a minimum pressure of 15meters head at the main tap. This is equivalent to 146.8kpa or 21.29psi to meet reasonable business usage needs.

Sometimes Sydney Water may need to interrupt, postpone or limit the supply of water services to your property for maintenance or other reasons. These interruptions can be planned or unplanned.

Water supply is critical to some businesses and Sydney Water will treat vulnerable customers, such as hospitals, as a high priority.

Have you thought about a contingency plan for your business? Your Business Customer Representative will help you to develop a plan that is tailored to your business and minimises productivity losses in the event of a water service disruption.

For further information please visit the Sydney Water website at: <https://www.sydneywater.com.au/your-business/managing-trade-wastewater/commercial-trade-wastewater.html> or contact Business Customer Services on 1300 985 227 or businesscustomers@sydneywater.com.au.

Sydney Water Corporation ABN 49 776 225 038
1 Smith Street, Parramatta, NSW 2150 | PO Box 399, Parramatta, NSW 2124
Telephone 13 20 92 Media (24/7) 8849 5151 sydneywater.com.au



For approval

Sydney Water ref: CN223185

Sydney Water in-principle approval of Landcom Development Application 893/2025/JPZ and associated works

Following extensive coordination meetings and technical reviews, Sydney Water and Landcom have reached agreement on the approach for Development Application 893/2025/JPZ (Kellyville). This memo provides "in-principle" approval by Sydney Water and shall be provided to The Hills Shire Council, enabling the DA to proceed to the Planning Panel for determination.

1. Overview

- Applicant:
 - Landcom
- Project:
 - Kellyville Station Precinct Stage 2 & associated bridge structures (bridge structures DA pending)
- DA: 893/2025/JPZ
- Key matters:
 - Technical review and approval is required to ensure Landcom's proposed battering encroachments, earthworks and bridge structures satisfy the requirements of Sydney Water.
 - Property ownership review and approval is required to ensure Landcom's proposed impacts to existing Sydney Water owned land, and future Sydney Water land (as identified in the registered acquisition plans by Sydney Water) satisfies the requirements of Sydney Water.
 - Landcom proposed works are to be coordinated with proposed Sydney Water rehabilitation and upgrade works along Elizabeth Macarthur Creek where interfacing occurs between projects.
- Outcome:
 - In-principle approval is hereby granted to Landcom, subject to the conditions identified in this memo.
- Notes:
 - Sydney Water's review and in-principle approval includes consideration for the two proposed bridge structures over Elizabeth Macarthur Creek (EMC) that are subject to a future DA by Landcom. The effects of these bridge structures are included in the flood modelling provided to Sydney Water by Landcom (prepared by Stantec).
 - Provided the bridge structures remain substantially the same - as provided to and assessed by Sydney Water under this assessment (CN223185) – Sydney Water are satisfied the assessment considers the impact of the two bridge structures.

2. Land impacts

Sydney Water note the following land parcels are affected by the Plan of Proposed Subdivision:

- I. Lot 331 in DP1155492 (Sydney Water Corporation)
- II. Lot 221 in DP1121027 (Sydney Water Corporation)
- III. Lot 132 in DP1249363 (Sydney Water Corporation)
- IV. Lot 9 in DP1267678 (Sydney Water Corporation)
- V. Lot 1408 in DP1249937 (Sydney METRO)
- VI. Lot 1451 in DP1255091 (TfNSW)

ATTACHMENT G: TRANSPORT FOR NSW COMMENTS AND CONDITIONS

Transport for NSW

22 July 2025

TfNSW Reference: SYD25-00037/04
Council's Reference: 893/2025/JPZ



Mr Michael Edgar
General Manager
The Hills Shire Council
PO Box 7064
Baulkham Hills NSW 2153

Attention: Andrew Johnston

PROPOSED WAREHOUSE AND DISTRIBUTION CENTRE 26-28 GURAGARA STREET, KELLYVILLE

Dear Mr Edgar,

Reference is made to Council's correspondence dated 3 July 2025, regarding the abovementioned Development Application (DA) which was referred to Transport for NSW (TfNSW) for comment. TfNSW notes:

- The DA seeks approval for subdivision creating development lots and associated civil works including local road creation under the care and control of Council.
- The proposed local roads are consistent with the Kellyville Station Precinct Plan.
- The development's traffic generation will unlikely have a detrimental impact on the surrounding classified road network.
- The proposal seeks to establish shared zones on the local road network.

As such, TfNSW recommends the following condition for consideration by Council in the determination of the DA:

1. Prior to the issue of the subdivision certificate the proponent shall engage with TfNSW to determine that the proposed 'Shared Zones' is consistent TDT2014/003 *Design and Implementation of shared zones including provisions for parking*.

If you have any further inquiries in relation to this matter, Simon Turner, Land Use Planner, would be pleased to take your call on 8265 6363 or email at development.sydney@transport.nsw.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read "BEPegg".

Brendan Pegg
Senior Manager Land Use Assessment Central and Western
Transport Planning, Planning, Integration and Passenger Division

Level 4, 4 Parramatta Square, 12 Darcy Street, Parramatta NSW 2150
PO Box 973 Parramatta CBD NSW 2124

W transport.nsw.gov.au

OFFICIAL

ATTACHMENT H: BIODIVERSITY COMPARISON TABLES

PCT	SSD direct impact Ha	SSD Credits	893/2025/JPZ direct impact Ha	Credits	Difference + (greater impact under DA 893/2025/JPZ) - (lower impact under 893/2025/JPZ)
(MODERATE condition) associated with CEEC - Cumberland Plain Woodland 893- Grey Box – Forest Red Gum Grassy Open Woodland on the flats of the Cumberland Plain, Sydney Basin Bioregion. (SSD) 3320 – Cumberland Plain woodland in Sydney Basin Bioregion.	1.8	74	2ha	83 credits	+0.2
(Low Condition) associated with CEEC - Cumberland Plain Woodland 893- Grey Box – Forest Red Gum Grassy Open Woodland on the flats of the Cumberland Plain, Sydney Basin Bioregion. (SSD) 3320 – Cumberland Plain woodland in Sydney Basin Bioregion. (893/2025/JPZ)	0.2	6	0.27ha	4 credits	+0.07
(Planted) associated with CEEC - Cumberland Plain Woodland 893- Grey Box – Forest Red Gum Grassy Open Woodland on the flats of the Cumberland Plain, Sydney Basin Bioregion. (SSD) 3320 – Cumberland Plain woodland in Sydney Basin Bioregion. (893/2025/JPZ)	2.1ha	0	2ha	0 credits	-0.1
Moderate condition) associated with CEC – River-flat Eucalyptus Forest 835 – Forest Red Gum – Rough-barked Apply grassy woodland on the alluvial flats of the Cumberland Plain, Sydney Basin Bioregion. (SSD) 4025 – River-flat Eucalyptus Forest on Coastal Floodplains of the New South Wales, North Coasts, Sydney basin Bioregion and South East Corner Bioregion (893/3035/JPZ)	0.8	24	0.77	27	-0.03
(Revegetation) associated with CEC – River-flat Eucalyptus Forest 835 – Forest Red Gum – Rough-barked Apply grassy woodland on the alluvial flats of the Cumberland Plain, Sydney Basin Bioregion. (SSD) 4025 – River-flat Eucalyptus Forest on Coastal Floodplains of the New South Wales, North Coasts, Sydney basin Bioregion and South East Corner Bioregion (893/3035/JPZ)	0.1	1	0.42	11	+0.32

1071 – Phragmites australis and Typha orientalis coastal freshwater wetlands of the Sydney basin Bioregion. (SSD)	0.1ha	1	2ha	1	+1.9ha
3975 (Moderate) – Freshwater wetlands on Coastal Floodplains of the New South Wales North Coast, Sydney basin Bioregion and South East Corner Bioregion. (893/3035/JPZ)					

Myotis Macropus/ Southern Myotis (Fauna)

SSD Vegetation type/condition	SSD Area (ha)	SSD Credit	893/3035/JPZ - Vegetation type/condition	893/3035/JPZ – Area (ha)	893/3035/JPZ - Credits	Difference + (greater impact under DA 893/2025/JPZ) - (lower impact under 893/2025/JPZ)
PCT 849 Moderate (CPW)	1.83ha	59	PCT 3320 (CPW – moderate)	2ha	67	+ 0.17ha
PCT 849 Degraded (CPW)	0.22ha	5	PCT 3320 (CPW-low)	0.27ha	4	+ 0.05ha
PCT 849 Planted (CPW)	2.1ha	15	PCT 3320 (CPW – Planted)	1.7ha	10	-0.4ha
PCT 835 Moderate (RFEF)	0.75ha	24	PCT 4025 (RFEF – Moderate)	0.77ha	27	+ 0.02ha
PCT 835 Revegetation (RFEF)	0.07ha	1	PCT 4025 (RFEF – revegetation)	0.42ha	11	+0.35ha
PCT 1071 (Freshwater Wetland)	0.05ha	1	PCT 3975 (Freshwater wetland)	0.04ha	1	-0.04ha

ATTACHMENT I: BIODIVERSITY DEVELOPMENT ASSESSMENT REPORT

ATTACHMENT J: DRAFT CONDITIONS