

## **Development Consent**

### **Section 4.38 of the Environmental Planning and Assessment Act 1979**

As delegate of the Minister for Planning and Public Spaces, I:

- (a) approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.
- (b) determine that pursuant to Section 4.37 of the Environmental Planning and Assessment 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.

These conditions are required to:

- prevent, minimise, or offset adverse environmental impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development

**Anthony Witherdin**  
**Director**  
**Key Sites Assessments**

Sydney

1 December 2022

File: SSD 10344

*The Department has prepared a consolidated version of the consent which is intended to include all modifications to the original determination instrument.*

*The consolidated version of the consent has been prepared by the Department with all due care. This consolidated version is intended to aid the consent holder by combining all consents relating to the original determination instrument but it does not relieve a consent holder of its obligation to be aware of and fully comply with all consent obligations as they are set out in the legal instruments, including the original determination instrument and all subsequent modification instruments.*

# CONSOLIDATED CONSENT

## SCHEDULE 1

<b>Application Number:</b>	SSD-10344
<b>Applicant:</b>	Landcom, on behalf of Sydney Metro and Office of Strategic Lands
<b>Consent Authority:</b>	Minister for Planning
<b>Site:</b>	<p>Land bound by Old Windsor Road, Memorial Avenue, Celebration Drive, and Elizabeth Macarthur Creek, Rouse Hill</p> <p>Lots 100-112, 114, 130 and 131 DP1252968; Lots 110 and 111 DP1250875; Lots 134 and 135 DP1250868; Lot 30 DP1071715; Lots 6-10 DP 1244850.</p>
<b>Development:</b>	<p>Concept development application for a mixed use precinct known as Bella Vista Station Precinct including:</p> <ul style="list-style-type: none"><li>• principal subdivision to create public domain areas</li><li>• building heights for 20 development blocks ranging from 7 m to maximum 68 m</li><li>• an indicative maximum GFA of 470,770 m<sup>2</sup> for residential and non-residential uses</li><li>• between 2,559 and 3,804 dwellings (including 5% affordable housing)</li><li>• urban design guidelines to govern future development</li><li>• provision of public open spaces</li><li>• provision of primary school and community facility</li><li>• street hierarchy and layout</li><li>• establish car and bicycle parking rates.</li></ul>

**CONSOLIDATED CONSENT**

**SUMMARY OF MODIFICATIONS**

<b>Application Number</b>	<b>Determination Date</b>	<b>Decider</b>	<b>Modification Description</b>
<b>SSD-10344-Mod-1</b>	<b>15 February 2024</b>	<b>Team Leader, Key Sites Assessments</b>	<b>Amendments to development block areas and dimensions within stamped plans, Urban Design Guidelines and Urban Design Report.</b>

FOR INFORMATION

# CONSOLIDATED CONSENT

## SCHEDULE 2 PART A TERMS OF CONSENT

### DEVELOPMENT DESCRIPTION

A1. Consent is granted to the 'Development' as described in Schedule 1 of this EIS, as amended by the RtS and additional information and the conditions of this development consent.

### TERMS OF CONSENT

A2. The development may only be carried out:

- (a) in compliance with the conditions of this consent;
- (b) in accordance with all written directions of the Planning Secretary;
- (c) in accordance with the EIS, Response to Submissions, Response to Request for Additional Information and [Section 4.55 SSD-10344-MOD-1](#);
- (d) in accordance with the approved plans and information in the table below:

<b>Urban Design Report prepared by HASSELL and amended by PTW</b>			
Project & Drawing Number	Rev	Name of Drawing	Date
-	11	Urban Design Report	22 November 2023
013803/A_0301	E(1)	Envelope Control 01	22 November 2023
013803/A_0302	E(1)	Envelope Control 02	22 November 2023
013803/A_0303	G	Envelope Control 03	26 June 20
013803/A_0400	H(1)	Deep Soil Areas - Overview	22 November 2023
013803/A_0401	E(1)	Deep Soil Areas - 01	22 November 2023
013803/A_0402	H(1)	Deep Soil Areas - 02	22 November 2023
013803/A_0403	G	Deep Soil Areas - 03	26 June 20
013803/A_0500	G	Ground Floor - Overview	26 June 20
013803/A_1100	G	Demonstration Scheme	26 June 20
<b>Urban Design Guidelines prepared by HASSELL and amended by PTW</b>			
013803	16	Bella Vista Station Precinct Design Guidelines	22 November 2023
<b>Landscape Master Plan and Open Space Strategy prepared by Clouston Associates</b>			
S18-0057 R01 - page 3	N	Introduction	17 June 20
S18-0057 R01 - page 5	N	Site Overview and Context	17 June 20
S18-0057 R01 - page 6	N	Site Appreciation and View Analysis	17 June 20
S18-0057 R01 - page 8	N	Planning Context	17 June 20
S18-0057 R01 - page 15	N	Design Principles and Strategy	17 June 20
S18-0057 R01 - page 17	N	Concept Masterplan	17 June 20
S18-0057 R01 - page 30	N	Open Space Hierarchy and Function	17 June 20
S18-0057 R01 - page 41	N	Street Typologies	17 June 20

S18-0057 R01 – page 51	N	Conclusion	17 June 20
S18-0057 R01 – page 59	N	Reference and Appendices	17 June 20

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
  - (b) the implementation of any actions or measures contained in any such document referred to in **Condition A3(a)**.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in **Condition A2(c)** or **A2(d)**. In the event of an inconsistency, ambiguity or conflict between any of the documents listed in **Condition A2(c)** and **A2(d)**, the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

**DETERMINATION OF FUTURE DEVELOPMENT APPLICATIONS**

- A5. In accordance with section 4.22 of the EP&A Act, all physical works and subsequent stages of the development are to be subject to future development applications
- A6. In accordance with section 4.24 of the EP&A Act, 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**.

**LAPSING OF APPROVAL**

- A7. This consent will lapse five years from the date this consent operates unless an application is submitted to carry out a stage of development for which concept approval has been given.
- A8. This consent does not allow any components of the concept development application to be carried out without further approval or prior consent granted.

**PLANNING SECRETARY AS MODERATOR**

- A9. In the event of a dispute between the Applicant and a public authority, in relation to an applicable requirement in this approval or relevant matter relating to the Development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter must be binding on the parties.

**LEGAL NOTICES**

- A10. Any advice or notice to the consent authority must be served on the Planning Secretary.

**EVIDENCE OF CONSULTATION**

- A11. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for information or approval; and
  - (b) provide details of the consultation undertaken including:
    - i. the outcome of that consultation, matters resolved and unresolved; and
    - ii. details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

**DWELLING CAP**

- A12. The maximum number of dwellings under this consent is limited to 3,804 dwellings. This includes future development applications involving subdivision which enables the construction of dwellings.

**PROVISION OF AFFORDABLE HOUSING**

- A13. A minimum of 5% of approved dwellings must be retained for affordable housing for a minimum period of 10 years. Where 5% of approved dwellings represents a part dwelling, the provision must be rounded up to provide a whole dwelling. The affordable housing must be managed by a Registered Community Housing Provider. Affordable Housing is defined under State Environmental Planning Policy (Housing) 2021.
- A14. Future development applications involving any residential accommodation under this consent must detail the planning and delivery of the affordable housing and demonstrate how the affordable housing as required under Condition A13 would be delivered and maintained.

**DEVELOPMENT CONTRIBUTIONS**

- A15. Subject to Condition A16, a planning agreement is required to be entered into in the terms of the offer made to The Hills Shire Council on 21 September 2022 as set out in the letter dated 21 September 2022, being an offer to enter into a planning agreement in terms of the draft agreement attached to the letter, then the applicant, or any person with the benefit of this consent is to enter into the agreement no later than the earlier of the following:
- (a) the date on which the first subsequent development application is made for development on the site consistent with this consent; or
  - (b) within 12 months of the grant of this consent,
- unless an alternative date is agreed upon with the Planning Secretary in writing at least 21 days prior to a) or b) above, whichever is earlier.
- A16. Development contributions are required to be made in accordance with conditions imposed under section 7.11 of the Act for development on the site that is the subject of a further development application if the development is or is likely to require the provision of or increase the demand for public amenities and public services within the local government area unless:
- (a) a planning agreement, in terms of the offer specified in Condition A15 and excluding the application of section 7.11 to the development, is in force and is registered on the title of the land to which the further development application relates, or
  - (b) a replacement planning agreement that excludes the application of section 7.11 is in force and is registered on the title of that land.

**Note:** Contributions Plan No.18 – Bella Vista and Kellyville Stations Precincts applied to the site when this consent was grant.

FOR INFORMATION

**PART B CONDITIONS TO BE SATISFIED PRIOR TO LODGEMENT OF FUTURE DETAILED DEVELOPMENT APPLICATIONS****URBAN DESIGN GUIDELINES**

- B1. The development must be undertaken in accordance with the Urban Design Guidelines dated 22 November 2023, prepared by HASSELL Architects, and amended by PTW Architects.

**DESIGN EXCELLENCE STRATEGY**

- B2. Prior to the lodgement of the first detailed development application, the Applicant must submit a final version of the Design Excellence Strategy to the satisfaction of the Planning Secretary, addressing the following:
- (a) include a design integrity process throughout the design development and construction documentation period which allows for a review by the relevant Design Review Panel (DRP)
  - (b) any conditions and requirements of the Government Architect NSW architectural design competition waiver issued in respect to clause 8.6(6) of THLEP
  - (c) specify that a competitive design process in accordance with clause 8.6(5) of the THLEP would apply to development where the requirements of the Government Architect NSW architectural design competition waiver issued in respect to the development is not met
  - (d) identify the relevant DRP for State Significant Developments is the State Design Review Panel
  - (e) identify the relevant DRP for local and regional development applications is The Hills Shire Council's Design Review Panel or equivalent panel as endorsed by the Government Architect NSW
  - (f) The Design Review Panel process to include:
    - i. buildings that are greater than 21 metres or 6 storeys must be reviewed by the relevant DRP
    - ii. discretion for the consent authority to require subsequent applications and modification applications to be reviewed by the relevant DRP if in the opinion of the Planning Secretary the application would benefit from the advice of the relevant DRP in achieving design excellence.
  - (g) reference that subsequent development applications for state significant developments must be consistent with determination made under Section 4.37 of the EP&A Act together with this consent
  - (h) that the State Design Review Panel to be convened for subsequent developments must consist of at least a nominee from The Hills Shire Council and a nominee from the Landcom Design Advisory Panel, who is also a common member of the SDRP or otherwise endorsed by Government Architect NSW.

**PART C CONDITIONS TO BE SATISFIED IN FUTURE DETAILED DEVELOPMENT APPLICATIONS****DESIGN INTEGRITY REPORT**

- C1. Each future detailed development application shall include a Design Integrity Report that demonstrates how design excellence and design integrity has been achieved in accordance with:
- (a) the design objectives of the concept approval
  - (b) the approved Urban Design Guidelines (as amended by **Condition B1**)
  - (c) the approved Design Excellence Strategy (as amended by **Condition B2**)
  - (d) any advice from the relevant DRP and Applicant's response to this advice
  - (e) the conditions of this consent
- C2. The Design Integrity Report shall include how the process will be implemented through to completion of the approved development.

**BUILT FORM AND URBAN DESIGN**

- C3. Future development applications must demonstrate that buildings are contained within the approved building heights.
- C4. The minimum and maximum achievable gross floor area (GFA) for each use is:
- (a) Residential = 204,675 m<sup>2</sup> to 304,770 m<sup>2</sup>
  - (b) Retail and Commercial = 129,930 m<sup>2</sup> to 166,000 m<sup>2</sup>
  - (c) the maximum amounts will only be achieved subject to:
    - i buildings being wholly contained within the approved building heights
    - ii compliance with the conditions of this concept approval
    - iii demonstration of design excellence.
- C5. Future detailed development applications shall address compliance with:
- (a) the Urban Design Guidelines as endorsed by the Planning Secretary pursuant to **Condition B1**
  - (b) the Design Excellence Strategy as endorsed by the Planning Secretary pursuant to **Condition B2**.

**CAR PARKING AND BICYCLE PARKING RATES**

- C6. The rates of car parking and bicycle parking spaces for future development applications are to be in accordance with the minimum and maximum rates established under the Urban Design Guidelines endorsed pursuant to **Condition B1**.

**TRAVEL DEMAND MANAGEMENT**

- C7. Future development applications shall be accompanied by a Green Travel Plan consistent with the framework and initiatives in Section 10.6.1 of the Traffic and Transport Assessment Report Impact Statement dated 18 May 2022 (Rev05-V9) prepared by Jacobs.

**PROVISION OF COMMUNITY FACILITIES**

- C8. The Bella Vista Station Precinct is to include the provision of a community facility consistent with:
- (a) a planning agreement entered into in the terms of the offer made to The Hills Shire Council on 21 September 2022 as set out in its letter dated 21 September 2022, being an offer to enter into a planning agreement in terms of the draft agreement attached to the letter (as specified in Condition A15), or
  - (b) Section 5.2 of the submitted Social Infrastructure and Open Space Assessment dated 26 August 2019 prepared by Elton Consulting, which identifies minimum of 1650 m<sup>2</sup> of community facilities to be provided.
- Note:** Community facilities in this consent are as defined in THLEP.
- C9. Prior to the date on which the relevant development application for the community facility (as specified in Condition C8) is made, the provision of the community facility must be secured by:
- (c) contributions allocated under The Hills Shire Council's Contributions Plan No. 18; or
  - (d) a planning agreement entered into in the terms of the offer made by the applicant to The Hills Shire Council on 21 September 2022 as set out in its letter dated 21 September 2022, being an offer to enter into a planning agreement in terms of the draft agreement attached to the letter (as specified in Condition A15); or
  - (e) development contributions negotiated between the developer and The Hills Shire Council; or
  - (f) an alternative planning agreement in force and registered on the title of that land.



C10. Any Planning Agreement prepared must be in accordance with Division 7.1 of Part 7 of the EP&A Act.

**HALF ROAD CONSTRUCTION**

- C11. Prior to the lodgement of any development applications for Lot A2.2 of the approved Concept Plan (Lot 111 DP 1250875) adjoining the property at 21 Balmoral Road (Lot 6 DP1203920), the applicant must demonstrate an appropriate mechanism to facilitate the half road construction over 21 Balmoral Road (Lot 6 DP1203920) by either:
- (a) a planning agreement entered into in the terms of the offer made to The Hills Shire Council on 21 September 2022 as set out in its letter dated 21 September 2022, being an offer to enter into a planning agreement in terms of the draft agreement attached to the letter (as specified in Condition A15), or
  - (b) a replacement planning agreement in force and registered on the title of that road; or
  - (c) agreement with the owners of the required land to the satisfaction of the Planning Secretary.

C12. Any Planning Agreement prepared must be in accordance with Division 7.1 of Part 7 of the EP&A Act.

**ENVIRONMENTAL PERFORMANCE / ESD**

- C13. Future detailed development applications must demonstrate how the principles of ecologically sustainable development (ESD) have been incorporated into the design, construction and ongoing operation of the proposal.

**WIND IMPACT ASSESSMENT**

- C14. Future development applications involving buildings of eight or more storeys are to be subject to Wind Impact Assessment, including computer modelling within a wind tunnel study of detailed building form. Wind criteria for the use of different spaces around the development are to be adopted. Recommendations of the Wind Impact Assessment must be incorporated in the drawings lodged.

**CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

- C15. Future detailed development applications shall be accompanied by a Security and Crime Risk Assessment prepared having regard to Crime Prevention Through Environmental Design (CPTED) principles.

**CONSTRUCTION IMPACT ASSESSMENT**

- C16. Future detailed development applications shall provide analysis and assessment of the impacts of construction and include:
- (a) Construction Pedestrian and Traffic Management Plan as per Condition C17
  - (b) Noise and Vibration Management Plan
  - (c) Air Quality Management Plan
  - (d) Construction Waste Management Plan
  - (e) Community Consultation and Engagement Plans.

The plans referred to above may be prepared as part of a Construction Environmental Management Plan prepared and implemented under the conditions of any consent granted for future development applications.

**TRAFFIC, ACCESS, AND CAR PARKING**

- C17. Future development applications shall be accompanied by detailed Traffic and Transport Impact Assessment. The assessment must include:
- (a) interim traffic solutions / mitigating measures to accommodate generated and cumulative growth as well as accommodation of identified road upgrades that will deal with the cumulative and projected growth and timing and security of these upgrades
  - (b) independent road safety audits undertaken for all stages of detailed design involving road operations and traffic issues. Any issues identified by the audits shall be closed out in consultation with Transport for NSW and The Hills Shire Council to the satisfaction of the relevant road authority.
- C18. Any application for a proposed primary school within Bella Vista precinct must be supported by detailed modelling examining the localised traffic impacts to the road network/intersections in reasonably close proximity to the proposed school including proposed mitigation.
- C19. Prior to the lodgement of the first subsequent development application for any development on a superlot within the approved concept plan (excluding any subdivision and services), the Applicant must investigate the potential for improvements of the intersection of Old Windsor Road/Windsor Road within the existing road reserve to mitigate any impacts of the development that would materially affect the operation of the intersection.

Documentation of investigation and evidence of consultation with TfNSW must be submitted with the first subsequent development application for any superlot.

- C20. Prior to the lodgement of the first subsequent development application for any development on a superlot within the approved concept plan (excluding any subdivision and services), the Applicant must submit a phasing plan to the satisfaction of the Planning Secretary. The phasing plan is to confirm the scope of works and the timing of delivery of the identified intersection upgrades over the life cycle of the concept plan as identified in the indicative guide in **Attachment A**.
- (a) The phasing plan must:
- i. demonstrate the timing of payments of contributions and/or works are supported by transport analysis to ensure alignment with subsequent stages of development.
  - ii. evidence of consultation with the relevant road authorities, TfNSW and The Hills Council.
- (b) With the lodgement of any subsequent development application, the Applicant must submit the following consistent with the approved Phasing Plan under Condition C20(a) to the satisfaction of the Planning Secretary:
- i. documentation of the investigation of the feasibility for the proposed upgrades and provide alternative options where the proposed works cannot be delivered
  - ii. appropriate mechanism to secure funding, land dedication and contributions for the required works
  - iii. evidence of consultation and agreement with the relevant road authorities, including TfNSW and The Hills Council. The Applicant must demonstrate that the scope of works, phasing plan and appropriate mechanism to secure funding and contributions, are supported in principle by the relevant road authorities.

**Note 1:** The intersection upgrades identified for the purposes of this condition include:

- Old Windsor Road /Samantha Riley Drive
- Old Windsor Road /Memorial Ave
- Old Windsor Road /Balmoral Road
- Old Windsor Road /Celebration Drive
- Old Windsor Road /Norwest Blvd
- Memorial Ave /Arnold Ave/Free Settlers Dr
- Sunnyholt Road /Stanhope Pkwy
- Samantha Riley Drive/ Decora Drive
- Balmoral Road /Celebration Drive
- Unaipon Ave /Mawson Ave

**Note 2:** TfNSW has not provided concurrence/consent under Section 138/87 of the Roads Act, 1993 to the proposed intersection upgrades.

- C21. The traffic signals shown in Contribution Plan No.18 at the intersections of Balmoral Road/ Mawson Avenue; Balmoral Road/ Celebration Drive; and Brighton Drive/ Celebration Drive shall not be approved until and unless the required vehicle and/or pedestrian warrants for signals are met and approved by TfNSW at these intersections.

If the warrants are not met at the time of subdivision of land adjoining these intersections or when works may be proposed to construct these intersections, an alternative/interim treatment will be required and an interim/existing layout shall be proposed which shall include provision of adequate verges, footpaths batters/retaining walls as well as sufficient land dedication for these works.

The designs are to be accompanied by modelling including an estimation identifying in which year the warrants for signals are likely to be met and analysis showing there will be no material adverse impact on the state road network.

- C22. Prior to the lodgement of the first subsequent development application for any development on the superlot within the approved concept plan (excluding subdivision and services), the Applicant must carry out further investigation and evaluation of feasibility to provide connection across Elizabeth Macarthur Creek to Free Settlers Drive which would allow the precinct's traffic to use Memorial Avenue via Free Settlers Drive. The link must be designed with consideration of a second right turn lane from Free Settlers Drive to Memorial Avenue.

Evidence of consultation and agreement with the relevant road authorities, including TfNSW and The Hills Council with respect to the evaluation and investigation outcomes must be submitted with the first subsequent development application for any development on the superlot of the approved concept plan (excluding any subdivision and services).

**Note:** The Concept Plan does not include direct access from the site to Memorial Avenue.

- C23. Future development applications shall incorporate a Construction Pedestrian and Traffic Management Plan (CPTMP) prepared in consultation with The Hills Shire Council and to the satisfaction of the relevant road authorities. The CPTMP shall include, but not be limited to:

- (a) construction car parking strategy
- (b) haulage movement numbers / routes including contingency routing

- (c) detailed traffic management strategy for construction vehicles including staff movements
- (d) maintaining property accesses
- (e) maintaining bus operations including routes and bus stops
- (f) maintaining pedestrian and cyclists links and routes
- (g) independent road safety audits on construction-related traffic measures
- (h) measures to account for any cumulative activities and work zones operating simultaneously.

C24. Independent road safety audits are to be undertaken for all stages of detailed design involving road operations and traffic issues. Any issues identified by the audits shall be closed out in consultation with Transport for NSW and The Hills Shire Council to the satisfaction of the relevant road authority.

#### **NOISE AND VIBRATION**

C25. Future development applications shall include Noise and Vibration Impact Assessment that identifies and provides a quantitative assessment of the main noise generating sources and activities during operation. Details are to be included outlining any mitigation measures necessary to ensure the amenity of future sensitive land uses is protected during the operation of the development, including residential premises near future retail premises such as food and beverage tenancies.

#### **SYDNEY METRO CORRIDOR PROTECTION**

C26. Future detailed development applications shall include the preparation and submission of documentation compliant with *Sydney Metro Underground Corridor Protection Technical Guidelines* and *Sydney Metro at Grade and Elevated Sections Corridor Protection Guidelines* (available from [www.sydneymetro.info](http://www.sydneymetro.info)).

#### **UTILITIES**

C27. Future development applications shall address the exiting capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure through the preparation of an infrastructure / utility management plan in consultation with relevant agencies and service providers.

#### **FLOODING AND STORMWATER**

- C28. Future detailed development applications shall be accompanied by Flood and Stormwater Assessments which have regard to the conclusions and recommendations of the Stormwater Management Plan, dated 9 June 2020 prepared by Stantec Australia Pty Ltd. The future flood study must also address the following:
- (a) outline existing flood information, for the full range of flood including the probable maximum flood, based on council's flood information or other relevant studies or historical information where available to address pre-development state
  - (b) identify the impacts of the proposed development on flooding and the flood emergency response of the community
  - (c) assess the impacts of flooding on the proposed development and identify management options to manage these impacts
  - (d) provide a review of the proposed development against the flood related requirements of the consent authority and, where available, existing council strategic studies
  - (e) make any recommendations for changes to the proposed development to address any adverse impacts or development requirements and conditions
  - (f) provide adequate information for consideration of the proposed development by the consent authority and referral agencies
  - (g) assess the compatibility of proposed development with the flood risk.

#### **REFLECTIVITY ASSESSMENT**

C29. Future detailed development applications for aboveground works shall include a Reflectivity Assessment demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.

#### **CONTAMINATION AND REMEDIATION**

C30. Future detailed development applications shall be accompanied by a Soil and Contamination Report. The report(s) must have regard to the conclusions and recommendations contained in the Preliminary Site Investigation, dated 26 August 2019 prepared by JBS&G Australia Pty Ltd.

#### **RIPARIAN CORRIDOR CONNECTIONS**

C31. Prior to the lodgement of the relevant subsequent development application for the superlot A1.1 or the District Park (whichever is earlier), the Applicant must consider the spaces' connection to the adjacent riparian corridor and other open space via pedestrian and cycle path and any additional crossing over Elizabeth Macarthur Creek as

identified by the approved Urban Design Guide. Documents of the investigation, including evidence of consultation with adjoining landowners must be submitted with the relevant subsequent development application.

**BIODIVERSITY**

- C32. Subsequent development applications shall provide an assessment of the proposal's biodiversity impacts in accordance with the Biodiversity Conservation Act 2016, including the preparation of a Biodiversity Development Assessment Report (BDAR) where required under the Act.

FOR INFORMATION

## ADVISORY NOTES

### DWELLING CAP

- AN1. Dwellings under this Concept Approval are included in the maximum dwelling cap in clause 8.9 of THLEP at determination.

### APPEALS

- AN2. The Applicant has the right to appeal to the Land and Environment Court in the manner set out in the EP&A Act and the EP&A Regulation (as amended).
- AN3. The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.

### 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.

**ATTACHMENT A**

**Table 5.1: Summary of Infrastructure Phasing Plan**

ID	Upgrade	Required	Superlots	Comment
2	Old Windsor Rd / Samantha Riley Dr	2026	KVA or KVB/C	Superlot A or B&C combined
3	Old Windsor Rd / Memorial Ave		KVC/D/E/F KVG/H BVA1-1.1 BVA1.2-2.6	The listed superlots contribute traffic to this intersection. No at-grade feasible option remaining. Contribution to a special infrastructure plan as an option for grade separation
4	Old Windsor Rd / Balmoral Rd	2026	BVA1-A1.1 A1.2-A2.6 B1-B2 B3-B3.5 C2.0/C2.4/B4.0 C1-C1.2 C2.1-C2.3	Any release combination up to threshold to trigger upgrade
5	Old Windsor Rd / Celebration Dr	2026	BVB1-B2 B3-B3.5 C2.0/C2.4/B4.0 C1-C1.2 C2.1-C2.3	Any release combination up to threshold to trigger upgrade
6	Old Windsor Rd / Norwest Blvd	2036	BVC1-C1.2 C2.1-C2.3	As part of development of commercial lots in BV due to their high trip generation
7	Samantha Riley Dr / Decora Dr	2026 or 2036	KVA, KVB-C	As part of superlot A or B&C combined
11	Memorial Ave / Arnold Ave/Free Settlers Dr	2036	KVC-F KVG/H BVA1-1.1 BVA1.2-2.6	Upgrade required when flows in Memorial Ave are significantly higher
12	Balmoral Rd / Celebration Dr	2026	A1.2-A2.6 B1-B2 B3-B3.5 C2.0/C2.4/B4.0 C1-C1.2 C2.1-C2.3	Celebration Dr extension to Balmoral Rd likely to be delivered just prior to these developments
13	Unaipon Ave / Mawson Ave	2036	BVD/BVH	Adjacent developments
15	Sunnyholt Rd / Stanhope Pkwy	2036	BVC1-C1.2 C2.1-C2.3	Improvement serves both locally generated in KV & BV as well as regional traffic
	Kellyville link to Colonial Street	2026 or 2036	KVC-F KVG/H	As part of KVC-F
	Bella Vista link to Free Settlers Drive	2036	A1-A1.1 A1.2-A2.6	Preferred by 2026 to enhance accessibility and support further developments