



New South Wales Government
Independent Planning Commission

Doran Drive Plaza Precinct

SSD-15882721

Statement of Reasons for Decision

Annelise Tuor (Chair)
Peter Williams

18 August 2022

August 2022 Final Report ©
State of New South Wales through the Independent Planning Commission 2022

Independent Planning Commission NSW
Suite 15.02, Level 15, 135 King Street Sydney NSW Australia
Telephone: (02) 9383 2100
Email: ipcn@ipcn.nsw.gov.au
ABN: 38755709681

Disclaimer:

While every reasonable effort has been made to ensure that this document is correct at the time of publication, the State of New South Wales, its agencies and employees, disclaim all liability to any person in respect of anything or the consequences of anything done or omitted to be done in reliance upon the whole or any part of this document.

The Independent Planning Commission NSW advises that the maps included in the report are to give visual support to the discussion presented within the report. Hence information presented on the maps should be seen as indicative, rather than definite or accurate. The State of New South Wales will not accept responsibility for anything, or the consequences of anything, done or omitted to be done in reliance upon the mapped information.

EXECUTIVE SUMMARY

Deicorp Construction Pty Ltd has sought consent for the development of the first stage of the previously approved Hills Showground Station Concept Plan. The State significant development (SSD) application is known as the Doran Drive Plaza Precinct and is located in The Hills Shire Local Government Area.

The application is for a mixed-use development adjacent to the Hills Showground Metro Station comprising four residential towers up to 20 storeys, 430 residential units, a two to four storey retail and commercial podium, six levels of basement parking, community spaces, a public plaza, and infrastructure upgrades.

Up to 400 site-based jobs over the construction period and 145 operational jobs are projected to flow from the development.

A whole-of-government assessment by the Department of Planning and Environment in July 2022 found the impacts of the proposal can be appropriately managed and the project is approvable, subject to the recommended conditions of consent. The Department stated that the proposed development “is consistent with the strategic planning framework for the Hills Showground Precinct which seeks to deliver additional housing and employment surrounding the Metro station”.

The NSW Independent Planning Commission is the consent authority for this application because the Department of Planning and Environment received an objection to the application from The Hills Shire Council.

Commissioners Annelise Tuor (Chair) and Dr Peter Williams were appointed to constitute the Commission Panel in making the final decision.

As part of the determination process, the Commission met with the Department of Planning and Environment, the Applicant and its representatives, and The Hills Shire Council. The Panel conducted an inspection of the site and surrounding locality on 29 July 2022. The Commission also invited written submissions between 20 July 2022 and 5 August 2022, however no submissions were received during this period.

Concerns raised by Council related to the proposed dwelling mix. Council considers that the development should provide a minimum of 20% three-bedroom dwellings, rather than 10% three-bedroom dwellings, as proposed.

After careful consideration of all the material before it, and having taken into account the views of Council, the Commission has determined that development consent should be granted for the application, subject to conditions.

The Commission determined that 10% three-bedroom dwellings is appropriate for the development and is in accordance with the approved Concept Plan for the Hills Showground Station precinct. The Commission is satisfied that across the wider precinct, a minimum 20% of dwellings will include 3 bedrooms or more and the variation of dwelling mix across the precinct is appropriate, with a higher proportion of 3 bedroom dwellings to be provided in the lower density areas to the east of the site.

The conditions imposed by the Commission are intended to maximise to the greatest extent practicable, the potential benefits of the development to future residents, workers and visitors. The conditions are designed to prevent, minimise and/or offset adverse social and

environmental impacts, and ensure ongoing monitoring and appropriate environmental management of the development.

The Commission has also imposed conditions to strengthen the design of the project, including the development's materials and finishes and landscaping, and to require the applicant to consult with the NSW Government Architect prior to construction.

The Commission's reasons for approval of the application are set out in this Statement of Reasons for Decision.

CONTENTS

EXECUTIVE SUMMARY	i
DEFINED TERMS.....	2
1 INTRODUCTION.....	1
2 The Application.....	1
2.1 Site and Locality	1
2.2 Background.....	3
2.3 The Application	3
2.4 Related Development	4
3 THE COMMISSION’S CONSIDERATION.....	4
3.1 The Commission’s Meetings	4
3.2 Site Inspection	4
3.3 Material Considered by the Commission.....	5
3.4 Strategic Context	5
3.5 Statutory Context	6
3.6 Mandatory Considerations.....	7
3.7 Additional Considerations.....	9
4 COMMUNITY PARTICIPATION	9
4.1 Public Submissions.....	9
5 KEY ISSUES	10
5.1 Dwelling Mix.....	10
5.2 Built Form Controls	11
5.3 Design.....	12
5.4 Landscaping.....	15
5.5 Public Art.....	16
5.6 Affordable Housing	17
5.7 Other Issues.....	18
6 THE COMMISSION’S FINDINGS AND DETERMINATION.....	22

DEFINED TERMS

ABBREVIATION	DEFINITION
ADG	Apartment Design Guide
Applicant	Deicorp Construction Pty Ltd
Application	Doran Drive Plaza Precinct SSD-15882721
AR	Department's Assessment Report, dated July 2022
AR para	Department's Assessment Report paragraph
ARH SEPP	<i>State Environmental Planning Policy (Affordable Rental Housing) 2009</i>
CIV	Capital Investment Value
Commission	NSW Independent Planning Commission
Concept Approval	The Hills Showground Station Precinct Concept Plan (SSD 9653), as approved by the then Minister for Planning and Public Spaces on 29 January 2021
Concept Plan	The Hills Showground Station Precinct Concept Plan (SSD 9653)
Council	The Hills Shire Council
DCP	Development Control Plan
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FSR	Floor space ratio
GANSW	Government Architect NSW
GFA	Gross Floor Area
Housing SEPP	<i>State Environmental Planning Policy (Housing) 2021</i>
LGA	Local Government Area
m²	Square metres
Mandatory Considerations	Relevant mandatory considerations, as provided in s 4.15(1) of the EP&A Act
Material	The material set out in section 3.33.1
Planning Systems SEPP	<i>State Environmental Planning Policy (Planning Systems) 2021</i>
Project	The first stage of the Concept Approval, known as the Doran Drive Plaza Precinct, including the construction of a mixed-use development comprising four residential towers up to 20 storeys, 430 residential units, a two to four-storey retail and commercial podium, six levels of basement parking, community spaces, a public plaza, and infrastructure upgrades
RtS	Response to Submissions
SDRP	State Design Review Panel
SEARs	Planning Secretary's Environmental Assessment Requirements, dated 30 March 2021
Site	Doran Drive Plaza Precinct, 2 Mandala Parade, Castle Hill

SMNW	Sydney Metro North West
SSD	State Significant Development
THDCP 2012	<i>The Hills Development Control Plan 2012</i>
THLEP 2019	<i>The Hills Local Environmental Plan 2019</i>
TOD	Transit-oriented development
UDG	Urban Design Guide

1 INTRODUCTION

1. On 20 July 2022, the NSW Department of Planning and Environment (**Department**) provided State significant development (**SSD**) application SSD-15882721 (**Application**) made by Deicorp Construction Pty Ltd (**Applicant**) to the NSW Independent Planning Commission (**Commission**) for determination.
2. The Application seeks approval under section 4.38 of the *Environmental Planning and Assessment Act 1979* (**EP&A Act**) for the first stage of the previously approved Hills Showground Station Concept Plan (**Concept Plan**), known as the Doran Drive Plaza Precinct (**Project**). The Project is located in The Hills Shire Local Government Area (**LGA**).
3. The Project includes the construction of a mixed-use development comprising four residential towers up to 20 storeys, 430 residential units, a two to four-storey retail and commercial podium, six levels of basement parking, community spaces, a public plaza, and infrastructure upgrades.
4. The Application constitutes SSD under section 4.36 of the EP&A Act and under clause 19(2) of Schedule 1 of the *State Environmental Planning Policy (Planning Systems) 2021* (**Planning Systems SEPP**) because it is development with a capital investment value (**CIV**) in excess of \$30 million (\$171.8 million) for the purpose of commercial premises and residential accommodation associated with railway infrastructure. It is also declared to be SSD under clause 14, Schedule 2 of the Planning Systems SEPP because it is development within the Showground Station Precinct.
5. The Commission is the consent authority in respect of the Application under section 4.5(a) of the EP&A Act and clause 2.7(1) of the Planning Systems SEPP because the Department received an objection from The Hills Shire Council (**Council**).
6. Professor Mary O’Kane AC, Chair of the Commission, nominated Annelise Tuor (Chair) and Peter Williams to constitute the Commission Panel determining the Application.

2 THE APPLICATION

2.1 Site and Locality

7. The ‘Site’ for the purposes of this Statement of Reasons is defined as the Doran Drive Plaza Precinct at 2 Mandala Parade, Castle Hill (**Site**).
8. The Site is one of three development precincts located within the Hills Showground Station Precinct (see **Figure 1** and **Figure 2**). It is located approximately 1.7 kilometres north-west of Castle Hill town centre and 25 kilometres north-west of the Sydney CBD. Directly to the north of the Site is the Castle Hill Showground, and to the south of the Site is the Hills Showground Metro Station.
9. The Site is rectangular in shape and has a total area of 7,969 square metres (**m²**). The Site is bound by De Clambe Drive to the north, Doran Drive to the west, Mandala Parade to the south, and Andalusian Way to the east. The Site has been cleared of all vegetation as part of the construction phase for the Hills Showground Metro Station (AR para 8).

Figure 1 Hills Showground Precinct (Source: Department's AR, Figure 2)

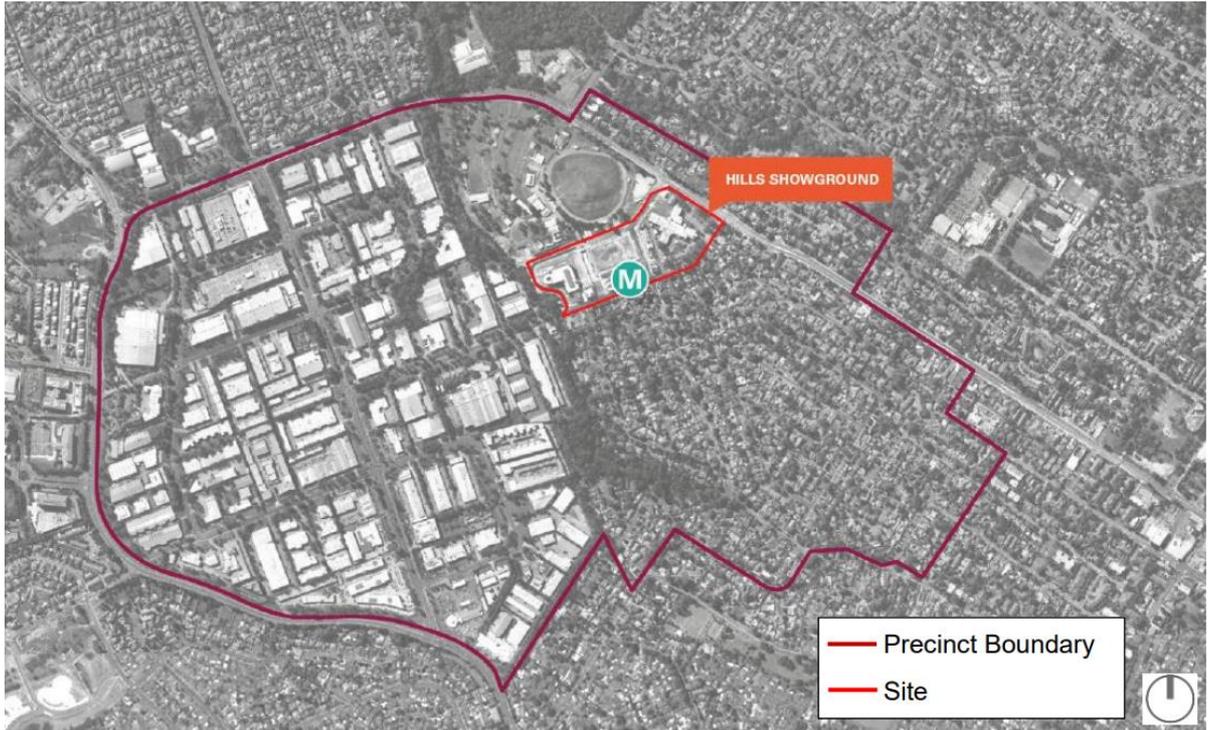


Figure 2 Hills Showground Station Precinct – Doran Drive Plaza Precinct in center (Source: Department's AR, Figure 4)



2.2 Background

10. The Site is located adjacent to the Sydney Metro North West (**SMNW**) corridor, which delivered eight new metro stations between Tallawong and Epping under the critical State significant infrastructure approval SSI-5414 (AR para 3), including the Hills Showground Metro Station. The Hills Showground Station Precinct, adjacent to the Hills Showground Metro Station, was identified for declaration as SSD and subsequently rezoned in December 2017. The SMNW was completed and opened for operation in May 2019.
11. On 29 January 2021, the then Minister for Planning and Public Spaces approved the Hills Showground Station Precinct Concept Plan (SSD 9653) (**Concept Approval**), which established the precinct layout, building envelope controls, open space, elements of dwelling mix (in terms of the percentage of 3-bedroom dwellings) and car and bicycle parking rates for the precinct. The Application currently before the Commission is the first stage of the Concept Approval.

2.3 The Application

12. The Application, as originally submitted, is detailed in the Applicant's Environmental Impact Statement (**EIS**), dated July 2021. The Application was amended by the Applicant's Response to Submissions (**RtS**), dated April 2022.
13. Key amendments made to the proposal through the RtS include: a reduction in the building mass; changes to architectural expression; improved layout and solar access to the principal communal open space; and improved Connection with Country (AR Executive Summary).
14. The Application, as amended, is summarised in **Table 1** below.

Table 1 Project Summary (Based on Table 1 of the Department's AR)

Component	Description
Built Form	Four residential towers up to a height of 20 storeys (68 metres), above a 2-4 storey retail/commercial podium
Gross Floor Area (GFA)	<ul style="list-style-type: none"> • total GFA of 51,065m², comprising: <ul style="list-style-type: none"> ○ residential GFA of 40,130m² ○ non-residential GFA of 10,935m²
Public Open Space	1,400m ² (Doran Drive Plaza)
Land use	<ul style="list-style-type: none"> • residential, commercial and community uses • 430 residential dwellings, including: <ul style="list-style-type: none"> ○ 43 x 3-bedroom dwellings (10%) ○ 22 x affordable housing dwellings (5%)
Parking	<ul style="list-style-type: none"> • 421 residential car parking spaces (including 13 spaces for 22 affordable housing units), increasing up to 430 residential spaces when the affordable housing agreement expires • 337 non-residential car parking spaces • 7 carshare spaces • 208 bicycle parking spaces
Subdivision	Stratum subdivision
Jobs	<ul style="list-style-type: none"> • 400 site-based jobs over the construction period • 145 operation jobs
CIV	\$171.8 million

2.4 Related Development

15. As described at paragraph 11, the Application is the first stage of the Concept Approval, which comprises three development blocks (Precinct West, Doran Drive Plaza Precinct and Precinct East).

Precinct West

16. Precinct West is located to the west of the Site and adjoins Doran Drive and De Clambe Drive, with Cattai Creek further beyond to the west. It is zoned B2 Mixed Use.
17. The Department's Assessment Report of the Hills Showground Station Concept Plan, dated January 2021, describes the proposed physical layout and design for Precinct West. Future development at Precinct West will contain shop top housing development up to 68 metres in height and, like the Site, is intended to provide high-density transit-oriented development (**TOD**).

Precinct East

18. Precinct East is located to the east of the Site and adjoins Andalusian Way to the west and Showground Road to the east. It is zoned R1 General Residential.
19. The Department's Assessment Report of the Hills Showground Station Concept Plan states that Precinct East is envisaged to be residential development between 12 metres to 52 metres in height, comprising townhouse and residential flat development. It will also provide a new public open space – the Precinct East Park. Precinct East is intended to provide a transition from the TOD centre (including the Site) to the lower density residential areas to the east, with a mix of high, medium and low-rise residential development.

3 THE COMMISSION'S CONSIDERATION

3.1 The Commission's Meetings

20. As part of its determination process, the Commission met with representatives of various parties as set out in **Table 2**. All meeting and site inspection notes have been made available on the Commission's website.

Table 2 Commission's Meetings

Meeting	Date of Meeting	Transcript/Notes Available on
Site Inspection	29 July 2022	3 August 2022
Department	29 July 2022	2 August 2022
Applicant	29 July 2022	2 August 2022
Council	29 July 2022	2 August 2022

21. The meeting with the Department on 29 July 2022 was also attended by a representative of the NSW Government Architect (**GANSW**).

3.2 Site Inspection

22. On 29 July 2022, the Commission conducted an inspection of the Site. Notes and a photographic log of the site inspection were made publicly available on the Commission's website on 3 August 2022.

3.3 Material Considered by the Commission

23. In making its determination in relation to the Application, the Commission has carefully considered the following material (**Material**), along with other documents referred to in this Statement of Reasons:
- the Planning Secretary’s Environmental Assessment Requirements (**SEARs**), dated 30 March 2021;
 - the Applicant’s EIS, dated July 2021, and its accompanying appendices;
 - the Applicant’s RtS report, dated April 2022, and its accompanying appendices;
 - all submissions made to the Department in respect of the Application during the public exhibition of the EIS, from 2 August 2021 to 30 August 2021;
 - all Agency advice to the Department;
 - the Department’s referral letter, dated 19 July 2022;
 - the Department’s AR, dated July 2022, and its accompanying appendices;
 - the Departments recommended conditions of consent, received by the Commission in July 2022;
 - the notes and photographic log of the Site inspection held on 29 July 2022;
 - the transcripts and presentation material from the stakeholder meetings listed in **Table 2**;
 - all written comments received by the Commission up until 5pm, 5 August 2022; and
 - the Department’s response to the Commission’s suggested condition amendments, dated 15 August 2022.

3.4 Strategic Context

3.4.1 Greater Sydney Region Plan – A Metropolis of Three Cities, 2018

24. The Greater Sydney Region Plan, *A Metropolis of Three Cities*, provides a city-wide strategy to manage growth and change, and guide infrastructure delivery. The Project is broadly consistent with the objectives of the Greater Sydney Region Plan because it will deliver new housing supply in a location that is supported by public transport infrastructure; will provide a high amenity new public open space; and will contribute to job creation and a competitive economy.

3.4.2 Central City District Plan, 2018

25. The Site is located within the Central City District and is subject to the Central City District Plan, which sets a 20-year vision for the Parramatta, Blacktown, Cumberland, and The Hills LGAs. The Project is consistent with the objectives of the Central City District Plan because it will increase the supply and choice of housing in the area with walkable access to public transport, jobs and services; provide new public open space that respects the District’s heritage; deliver new pedestrian and road connections; and provide additional employment opportunities (AR para 27).

3.4.3 Future Transport Strategy 2056

26. The Future Transport Strategy 2056 provides a coordinated set of actions to address challenges faced by the NSW transport system, and to support the State’s economic and social performance over the next 40 years. The Project is consistent with the aims of the Future Transport Strategy 2056 because it will deliver high-density TOD that is integrated with public transport; provide a mix of retail/commercial uses and residential uses; and provide direct pedestrian links between the Site and the Hills Showground Metro Station (AR para 29).

3.5 Statutory Context

3.5.1 Permissibility

27. The Site is identified within the B2 Local Centre zone under *The Hills Local Environmental Plan 2019 (THLEP 2019)*. The EIS defines the proposed development as 'centre-based child-care facilities', 'commercial premises', 'community facilities', 'residential flat buildings' and 'shop top housing'. The Commission agrees with the Department's AR, which states the proposal is permissible with consent in the B2 zone (AR para 34).

3.5.2 Concept Approval

28. As described in paragraph 11 above, the Site is subject to the Concept Approval, which sets the parameters for future development on the Site and conditions to be met by future applications within the Hills Showground Station Precinct.
29. The Department has undertaken a detailed assessment of the Project against the requirements of the Concept Approval at Appendix C of the AR. The Commission agrees with the Department's conclusions and is satisfied that the Project is consistent with the Concept Approval (AR Table 8).

3.5.3 Urban Design Guide

30. The Urban Design Guide (**UDG**) prepared under the Concept Approval applies to development lots within the Hills Showground Station Precinct and acts as a site-specific Development Control Plan (**DCP**). The UDG sets urban design principles for the precinct (UDG, page 10), including building separation between residential towers and adjacent development; podium and towers heights; and facade lengths (AR para 63).
31. The Commission agrees with the Department's assessment of the Project under the UDG, and is satisfied that the Project is consistent with the UDG (AR Table 8).

3.5.4 Design Excellence

32. Clause 9.5(5)(b) of THLEP 2019 requires a building that is, or will be, higher than 66 metres or 20 storeys (or both) to be subject to an architectural design competition unless the GANSW certifies in writing that an architectural design competition need not be held but that a design review panel should instead review the development.
33. AR para 106 states that as part of the consideration of the Concept Approval, GANSW issued an architectural design competition waiver and instead required future development applications exceeding 66 metres be reviewed by the State Design Review Panel (**SDRP**).
34. The SDRP reviewed the Project on four occasions and subsequently advised that it supports the Project subject to a number of elements requiring further design development (AR para 107). This is discussed further at section 5.3 below.

3.5.5 SEPP 65 and the Apartment Design Guide

35. *State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)* sets out best practice design principles for residential development. SEPP 65 includes the Apartment Design Guide (**ADG**), which sets objectives, design criteria and design guidance for apartment buildings.
36. Appendix E of the Department's AR provides an assessment of the Project under SEPP 65 and the ADG. The Department concludes the Project is consistent with the design principles set by SEPP 65. The Department also concludes the Project is consistent with the ADG design criteria.

37. The Commission is satisfied with the design quality of the Project when evaluated in accordance with the design quality principles in SEPP 65 and that it satisfactorily addresses the ADG criteria, subject to the imposed conditions.

3.5.6 State Environmental Planning Policy (Affordable Rental Housing) 2009

38. The Commission notes the Concept Approval requires 5% of all dwellings to be provided as affordable housing for a minimum of period 10 years. The 10-year timeframe was consistent with the period established under the *State Environmental Planning Policy (Affordable Rental Housing) 2009 (ARH SEPP)*.
39. The Commission notes *State Environmental Planning Policy (Housing) 2021 (Housing SEPP)* was endorsed in November 2021 and requires affordable housing to be provided for a period of at least 15 years. However, this Application was lodged on 26 July 2021. Under Schedule 7A (2)(1)(a) of the Housing SEPP, the Housing SEPP does not apply to development applications made, but not determined before its commencement date. Therefore, the provisions of the ARH SEPP and the Concept Approval apply.
40. The Commission’s consideration of the proposed affordable housing provision is addressed in section 5.6 below.

3.6 Mandatory Considerations

41. In determining the Application, the Commission has taken into consideration the matters under section 4.15(1) of the EP&A Act (**Mandatory Considerations**) that are relevant to the Application.
42. The Department addressed the Mandatory Considerations at section 4.3 of the AR, and the Commission is generally satisfied with this assessment conducted on its behalf.
43. The Commission has summarised its consideration of the relevant Mandatory Considerations in **Table 3** and elsewhere in this Statement of Reasons, noting the Mandatory Considerations are not an exhaustive statement of the matters the Commission is permitted to consider in determining the Application. To the extent that it has considered matters other than the Mandatory Considerations, the Commission has considered those matters having regard to the subject matter, scope and purpose of the EP&A Act.

Table 3 Mandatory Considerations

Mandatory Considerations	Commission’s Comments
Relevant Environmental Planning Instruments (EPIs)	Section 4.3 of the Department’s AR identifies relevant EPIs for consideration. The key EPIs include: <ul style="list-style-type: none"> • Planning Systems SEPP • <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> • <i>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> • <i>State Environmental Planning Policy (Industry and Employment) 2021</i> • SEPP 65 • ARH SEPP

	<ul style="list-style-type: none"> • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • THLEP 2019
Relevant Proposed EPIs	<i>Draft State Environmental Planning Policy (Remediation of Land)</i>
Relevant Development Control Plans (DCPs)	<p>Pursuant to clause 2.10 of the Planning Systems SEPP, development control plans do not apply to SSD.</p> <p>Notwithstanding, the Commission notes the consideration given to The Hills DCP in Section 6 of the Department's AR.</p>
Likely Impacts of the Development	The likely impacts of the Project have been considered in section 5 of this Statement of Reasons.
Suitability of the Site for Development	<p>The Commission has considered the suitability of the Site. The Commission finds that the Site is suitable for the following reasons:</p> <ul style="list-style-type: none"> • the Site is located on land zoned B2 Local Centre and the Project is permissible with consent under THLEP 2019 and the Planning Systems SEPP; • the Project complies with the strategic planning directions of State and local planning policies; • the Project realises the strategic vision of the Hills Showground Station Precinct and complies with the Concept Approval and supporting UDG; • the Site is free of significant environmental constraints; • the Project is an orderly and economic use of the Site to provide new residential and retail/commercial land uses; and • impacts on surrounding land uses have been minimised and can be further managed and mitigated through conditions of consent.
Objects of the EP&A Act	<p>In this determination, the Commission has carefully considered the Objects of the EP&A Act. The Commission is satisfied with the Department's assessment of the Application against the objects of the EP&A Act provided at Appendix E of the AR, which finds that the Application is consistent with those objects.</p> <p>The Commission finds the Application has been assessed against relevant EPIs and, subject to the conditions imposed, is consistent with the objects of the EP&A Act.</p>
Ecologically Sustainable Development (ESD)	<p>The Commission understands the Applicant is targeting a 5-star NABERS energy and water rating for the non-residential component and a 5-star Green Star Design and As-Built rating for both the residential and non-residential components.</p> <p>The Commission is satisfied with the Department's assessment of the Application under the ESD principles and finds the precautionary and inter-generational equity principles have been applied via a rigorous and thorough assessment of the potential environmental impacts of the proposed development.</p>
The Public Interest	<p>The Commission has considered whether the Project is in the public interest in making its determination. The Commission has weighed the benefits of the Project against its impacts, noting the proposed mitigation measures contained in the conditions of consent.</p> <p>The Commission finds that the Project will:</p>

	<ul style="list-style-type: none"> • deliver the first stage of the Hills Showground Station Precinct, as envisaged by the Concept Approval; • deliver new housing supply in a location that is supported by public transport infrastructure and has walkable access to jobs and services; • provide a high amenity new public open space; • deliver new pedestrian and road connections; • contribute to job creation and a competitive economy; and • generate approximately 400 construction jobs and 145 operational jobs. <p>For the reasons above, the Commission finds the Project to be in the public interest.</p>
--	---

3.7 Additional Considerations

44. In addition to the documents listed in **Table 3** above, in determining this Application, the Commission has also considered:
- Greater Sydney Region Plan – A Metropolis of Three Cities, 2018;
 - Central City District Plan, 2018;
 - Future Transport Strategy 2056;
 - *Hills Future 2036* (Council's Local Strategic Planning Statement);
 - Sydney Metro North West Corridor Strategy;
 - Noise Policy for Industry (EPA, 2017);
 - Showground Station Precinct Rezoning; and
 - the Concept Approval and associated UDG.

4 COMMUNITY PARTICIPATION

4.1 Public Submissions

45. The Commission determined that a Public Meeting was not necessary for this Application given the small number of public submissions made to the Department.
46. The Commission invited written submissions from all persons between 20 July 2022 and 5.00pm on 5 August 2022.
47. During the public submission period between 20 July 2022 and 5 August 2022, the Commission received one submission on the Application.
48. Key issues and concerns raised in the submission related to:
- parking numbers;
 - design excellence;
 - transit-oriented development (TOD);
 - urban design outcomes; and
 - the bulk and scale of the supermarket within the podium.

5 KEY ISSUES

5.1 Dwelling Mix

49. The Concept Approval, and associated UDG, identify the proposed allocation, quantum and location of land uses across the three development blocks (Precinct West, Doran Drive Plaza Precinct and Precinct East). At AR para 120, the Department describes that under the UDG, at least 20% of all dwellings across the Hills Showground Station Precinct must be 3 or more bedrooms. This is achieved by requiring the following minimum provision of 3 or more bedroom dwellings for each individual precinct:
 - Precinct West – 23%;
 - Doran Drive – 10%; and
 - Precinct East – 24%.
50. The UDG also restricts the number of 1 bedroom dwellings to no more than 25% of the total number of dwellings (AR para 120).
51. The Project provides the following mix of dwellings, and is compliant with the Concept Approval and the UDG:
 - 76 x 1 bedroom dwellings (17.7%);
 - 311 x 2 bedroom dwellings (72.3%); and
 - 43 x 3 bedroom dwellings (10%).
52. In its submissions to the Department on the Applicant's EIS and RtS, Council formally objected to the Application based on the proposed dwelling mix. Council raised concerns that the Project is inconsistent with other residential flat buildings approved within the Showground Precinct. Council notes other residential flat developments are subject to The Hills Development Control Plan 2012 (**THDCP 2012**) – which requires at least 20% of the total number of dwellings to be 3 or more bedrooms. Council maintains its view that the proposed dwelling mix would not provide sufficient “family friendly units” for the future occupants of the development, and that providing less than 20% 3 or more bedroom dwellings contradicts Council's local housing diversity provision for priority precincts.
53. At AR para 123, the Department acknowledges Council's concerns about dwelling mix and supports the planning objective to improve housing diversity in the area. However, the Department is of the view that the Project is consistent with the requirements of the Concept Approval and UDG. The Department states that “the majority of 3 bedroom dwellings under the Concept Plan would be delivered within Precinct East where lower density 12m high (3 storey) building envelopes are stipulated” and that delivery of the dwellings is required under the Concept Plan and UDG (AR para 125). The Department also notes DCPs do not apply to SSD, and the provisions of the Concept Approval apply.
54. At its meeting with the Commission on 29 July 2022, Council reiterated its objection to the Application based on the proposed dwelling mix. Council noted the Concept Approval requirements but maintain its objection on the basis of inequitable distribution of dwelling mix across the precinct (Transcript, page 4). Council was concerned that development applications for later stages may seek to provide less 3 bedroom units than required by the Concept Approval and that overall, 20% may not be achieved. Council wanted to publicly state its view about this aspect of the Application if ever there needed to be a discussion about the dwelling mix for future applications within the Hills Showground Station Precinct (Transcript, page 5).

55. Council also put to the Commission that Part 9 of THLEP 2019 applies to development within the Hills Showground Station Precinct and includes requirements for residential development yield including that at least 20% of the total number of dwellings contained in the development are to be 3 or more bedroom dwellings (clause 9.7(2)(b)).
56. However, the Commission considers clause 9.7 of THLEP 2019 does not apply to the Project because the preconditions, which are all required to be satisfied in order for the clause to apply, are not met. This is because:
- the Project proposes a maximum floor space ratio (**FSR**) of 3.2:1 and is therefore less than the maximum permissible FSR of 4:1 under the THLEP 2019 Floor Space Ratio Map (cl 9.7(2)); and
 - the THLEP 2019 Floor Space Ratio Incentive Map does not provide additional controls for the Site (cl 9.7(2)).
57. The Commission finds that the proposed dwelling mix is consistent with the requirements of the Concept Approval and UDG. The Commission is satisfied that a minimum 20% of dwellings will include 3 bedrooms or more across the wider Hills Showground Station precinct. The Commission finds that the Concept Approval requirements of varying proportions across the three precincts is appropriate, with a higher proportion of 3 bedroom apartments required in the lower density precincts.
58. The Commission notes that all of the proposed dwellings would achieve the minimum size required under the Apartment Design Guide (**ADG**) (AR para 121).
59. The Commission has imposed a condition to ensure the delivery of a minimum of 10% 3 bedroom dwellings at the Site.

5.2 Built Form Controls

60. The Project currently before the Commission complies with:
- THLEP 2019, having a maximum building height of 68 metres and an FSR of 3.2:1, which is below the maximum 4:1 standard under THLEP 2019;
 - the Concept Approval, as it has a maximum GFA of 51,065 m² and accommodates 430 dwellings; and
 - the UDG, which sets built form envelopes that are compatible with the desired character of the area (AR para 69).
61. The Commission notes the proposed building height and built form were amended since the initial proposal was submitted to the Department in response to concerns raised by Council and the Department and the recommendations of the SDRP.
62. During its meeting with the Commission on 29 July 2022, the Applicant described that the initial proposal was amended in response to the recommendations of the Department and SDRP comments and now has “no encroachments and no façade articulation that go beyond the Concept Plan building envelope”. The Applicant stated that the Project is a fully compliant scheme (Transcript, page 4).
63. The Commission notes that Council did not raise any specific concerns regarding the proposed building height or density of the Project in its submissions on the Application.
64. The Department’s assessment concludes that the Project is acceptable as it fully complies with THLEP 2019 maximum building height and FSR controls, is consistent with the Concept Approval and UDG (AR para 73) and has been appropriately designed to support a high level of residential amenity (AR para 109).

65. The Department notes “the existing low-scale residential character within the wider Hills Showground Precinct is changing with several sites receiving approval for apartment buildings of up to 12 storeys in height” (AR para 72).
66. The Commission agrees with the Department’s view and finds that the proposed building height, density and overall built form are consistent with THLEP 2019, the Concept Approval and UDG and is appropriate for the Site.
67. The Commission has imposed the Department’s recommended conditions to ensure that development is only carried out in accordance with the identified approved plans.

5.3 Design

68. As described at section 3.5.4 above, the Project meets the requirements to be subject to an architectural design competition under THLEP 2019. However, as part of the Concept Approval, GANSW issued an architectural design competition waiver for subsequent development applications, and therefore the Project is subject to review by the SDRP. The SDRP reviewed the Project on four occasions and advised that it generally supports the proposed development, subject to design development of certain elements, as discussed below.
69. On 29 July 2022 the Commission met with the Department and a representative of GANSW, who also acted as Chair of the SDRP for the Application. During this meeting the GANSW representative commented that the SDRP was generally satisfied with the development as proposed and that, on balance, the design issues raised by the SDRP had been addressed by the Applicant (Transcript, page 24). During the meeting, GANSW provided comments on each of the SDRP’s recommendations, as summarised by the Department at Table 4 of the AR. The Commission’s consideration of each of these matters is set out below.

Façade materials and finishes

70. The SDRP recommended the Applicant develop an overall strategy for the Project’s building façades and make revisions to the façade of Tower A (AR, Table 4).
71. Table 4 of the Department’s AR describes that the Applicant responded to the SDRP’s recommendation by incorporating “four distinct facade types for the towers and podium to have distinctive but coherent architectural identities, and positively contribute to the active street frontages”. The Applicant also revised the facade of Building A to use more restrained and subtle finishes.
72. The Department supports the proposed materiality and architectural design used along the frontages of the development and considers that it provides an appropriate transition between the active retail frontages along Doran Drive to the residential character towards Precinct East (AR para 82).
73. GANSW commented that the SDRP’s recommendation sought to achieve an improved logic around the materials and finishes being applied to the development. During its final review of the Project, the SDRP was of the view that “the final proposal did include a logic around why certain materials and certain details were used on different frontages” (Transcript, page 20-21) but considered that a condition requiring further information on materials and finishes should be imposed, particularly for the podium street frontage on Andalusian Way.

74. The Commission agrees with GANSW's advice and considers that the materials and finishes are generally appropriate to the Project. To ensure that the final materials and finishes remain appropriate and of high quality, the Commission has imposed a condition that requires the Applicant to submit details of the final materials and finishes to the satisfaction of the Planning Secretary in consultation with GANSW (or a person nominated by the GANSW to exercise its functions). In particular, the Commission finds that further details of the materials and finishes should be submitted of the ground level façade on Andalusian Way and the blank facades between Buildings A and B, and Buildings C and D, including modulation devices to articulate these facades.

Natural light to the retail podium

75. The SDRP recommended the Applicant increase natural light to the retail podium (AR, Table 4).
76. The Department's AR describes that the Applicant responded to the SDRP's recommendation by revising the design of the retail podium to incorporate substantial glazing and a skylight to increase natural light (AR para 81).
77. The Department accepts the proposed increased glazing and considers that it enhances natural light to the retail podium and strengthens visual connections through the Site (AR para 82).
78. GANSW commented that the SDRP was satisfied with the amended podium design (Transcript, page 21).
79. The Commission agrees with GANSW's advice and has imposed the Department's recommended conditions to ensure that development is only carried out in accordance with the identified approved plans.

Weather protection along the Doran Drive Plaza interface

80. The SDRP recommended the Applicant provide improved weather protection along the interface with Doran Drive Plaza (AR, Table 4).
81. The Department's AR describes that the Applicant responded to the SDRP's recommendation by revising the Doran Drive Plaza interface to incorporate increased weather protection (AR, Table 4).
82. The Department considers the revised design satisfactorily addresses the SDRP advice and provides weather protection with wide awnings to all active frontages (AR para 148).
83. GANSW commented that the Applicant had amended the design of the frontage to provide for covered outdoor seating and weather protected pedestrian circulation. The SDRP was satisfied with the amendment proposed (Transcript, page 21).
84. The Commission agrees with GANSW's advice and has imposed the Department's recommended conditions to ensure that development is only carried out in accordance with the approved plans specified in the condition.

Communal open space layout

85. The SDRP recommended the Applicant revise the layout of the podium communal open space to ensure high amenity and usability (AR, Table 4).

86. The Applicant made amendments to the layout of the podium communal open space to provide a larger lawn area with full solar access, however the Applicant also stated that the central space had been carefully designed with uses and facilities to meet the needs of all age groups and demographics within the development (AR para 132), including child play areas and barbeques in more shaded areas to avoid full sun.
87. The Department is satisfied that the amended layout satisfactorily addresses the SDRP's advice and notes that it allows for more solar access to the principal usable areas and relocates circulation spaces to the edges of the communal open space (AR para 134). The Department is of the view that the proposed communal open spaces achieve an acceptable level of amenity for future residents, consistent with the objectives and design criteria contained in the ADG (AR para 135).
88. GANSW noted that the Applicant provided additional justification for the proposed arrangement of the communal open space (including the locations of child play areas and barbeques) and addressed the SDRP's recommendations by increasing lawn area with full solar access. GANSW stated that the SDRP concerns were satisfied by the communal open space layout as proposed.
89. The Commission agrees with GANSW's advice and has imposed the Department's recommended conditions to ensure that development is only carried out in accordance with the identified approved plans.

Communal open space landscaping

90. The SDRP recommended the Applicant give further consideration to the soil depths to ensure it provides sufficient support for the growth of the nominated tree species (AR, Table 4). This is discussed further at section 5.4 below.

Treatment of vehicular access and services along Andalusian Way

91. The Project includes two vehicular access points, one from Andalusian Way for loading and services and the other one from De Clambe Drive to access the basement car park. The SDRP recommended the Applicant review the treatment of vehicular access and services along Andalusian Way (AR, Table 4) to improve the quality of the street front.
92. At AR para 88, the Department states that in response to the SDRP's recommendation, the Applicant contended that "the retail levels of the podium have been designed to push the services, loading dock, and back of house areas, into the middle of the floorplate, allowing for fine grain retail and other active uses around the perimeter of the development".
93. The Department is of the view that the number and width of vehicular access points to the Site have been minimised relative to the length of the street frontages of the Site, and considers that accesses and services are well integrated into the podium façade and would not detract from the streetscape (AR para 89).
94. The Commission notes that TfNSW raised no objection to the proposed loading arrangement and recommended conditions with respect to a Green Travel Plan, an Operational Traffic Management Plan and the Traffic and Pedestrian Management Plan (AR para 183).
95. GANSW commented that the SDRP acknowledged that one of the Site's frontages needs to provide for back-of-house access and services. Nevertheless, the SDRP recommended that the highest quality finishes possible should be provided to Andalusian Way. During its final review of the Project, the SDRP was of the view that high quality finishes had been selected, but noted that its final review of the material palette is pending.

96. The Commission notes that the majority of the frontage of Andalusian Way is to provide for a loading dock and other services. The frontage is opposite the proposed residential development in Precinct East and Andalusian Way provides access to the Showground. The Commission acknowledges that servicing is needed; however, it considers that the design resolution of the frontage is important to ensure that it provides appropriate amenity and activation, through finishes and materials. The Commission has imposed a condition that requires the Applicant to submit details of the final materials and finishes to the satisfaction of the Planning Secretary in consultation with GANSW (or a person nominated by the GANSW to exercise its functions).

Connecting with Country design response and Cattai Creek

97. The SDRP recommended the Applicant incorporate the relationship of the Site to Cattai Creek as part of the overall Connecting with Country design response (AR, Table 4). This is discussed further at section 5.5 below.

Wind comfort

98. The SDRP recommended the Applicant provide further studies on wind comfort, plant selection and soil depth. (AR, Table 4).
99. At Appendix C of the AR, the Department states:
The application is accompanied by Pedestrian Wind Environment Study prepared by Windtech Consultants and a further study prepared by RWDI following SDRP recommendations. The reports concluded that the wind conditions for most locations around the developments will be suitable for their intended use.
100. GANSW commented that the SDRP initially raised concern that wind comfort may not be able to be managed by the tree canopy alone, especially in high wind conditions. With regard to the Applicant's further assessment, GANSW commented that it demonstrated there is "really only one instance where wind conditions are so poor that tree canopy can't mature, and in that instance, they've reverted to an awning to deal with the problem..." (Transcript, page 23).
101. The Commission notes that the proposed awning will be situated on the podium level (Transcript, page 23).
102. At Appendix C of the AR, the Department states that the Project is accompanied by a Pedestrian Wind Environment Study prepared by Windtech Consultants and a further study prepared by RWDI following SDRP recommendations. The reports conclude that the wind conditions for most locations around the developments will be suitable for their intended use. The Department is satisfied that acceptable wind comfort can be achieved across the development.
103. The Commission agrees with GANSW's advice and has imposed the Department's recommended conditions which require that the development complies with the recommendations of the wind studies and that development is only carried out in accordance with the identified approved plans.

5.4 Landscaping

104. AR para 155 states that the UDG requires a combination of native and exotic species suited to the character of the area, including a minimum of:
- 50% native species within the Plaza; and
 - 70% native species within the communal open spaces.
105. The UDG also requires a minimum tree canopy cover of 40% for new public domain areas.

106. The Project will achieve a minimum of 75% native species across the Site, consistent with the requirements of UDG (AR para 158). It will achieve 50% tree canopy cover within the Doran Drive Plaza and 45% tree canopy cover within the communal open spaces, consistent with the requirements of the UDG (AR para 157).
107. During its meeting with the Commission on 29 July 2022, the Applicant noted that the ADG provides numerical criteria for planting on structure. The Applicant commented that the Project “greatly exceeds the criteria” under the ADG (Transcript, page 15). The Commission understands the following soil depths are proposed:
- Doran Drive Plaza: 1,500mm soil depth (compliant with the ADG requirement of 1,200mm); and
 - Podium communal open space: 1,200mm soil depth (compliant with the ADG requirement of 800mm) (Transcript, page 15).
108. The Applicant stated that the proposed soil depth will ensure that canopy trees can be sustained (Transcript, page 7).
109. The Department is of the view that the Project will deliver a well-designed public plaza with good amenity that allows for easy and direct movement of people from the Metro station to the Castle Hill Showground to support a new vibrant local centre. In its assessment of the Project against the ADG requirements for landscaping (40 Landscape Design), the Department considers that the Project’s landscape design incorporates plants, trees, and landscaping materials that have been selected to suit the Site conditions, create canopy coverage, increase shading, reduce urban heat effect, and facilitate long term growth and vitality (AR Appendix E). The Department is satisfied that the proposed soil depths and specified tree species comply with the requirements of the UDG (AR para 160). The Department also notes that the Project is supported by a Soil Specification Report, prepared by SESL Australia (EIS Appendix 37), that ensures that an appropriate soil depth of 1.2 metres is achieved and at least 70% native planting have been selected.
110. The Commission notes that although Council raised concerns relating to landscaping in its initial submissions, these concerns have been resolved and Council did not raise any further concerns relating to landscaping during its meeting with the Commission on 29 July 2022.
111. The Commission agrees with the Department’s view and finds that the proposed landscape design is consistent with the Concept Approval and UDG and is appropriate for the Site.
112. The Commission has imposed the Department’s recommended conditions to ensure that development is only carried out in accordance with the identified approved landscape plans and the Soil Specification Design Report, prepared by SESL Australia, dated April 2021. The Commission has also imposed a condition to ensure that the detailed landscape plans and specifications are submitted to, and approved by, the Planning Secretary in consultation with GANSW (or a person nominated by the GANSW to exercise its functions).

5.5 Public Art

113. The Project includes public art within the Doran Drive Plaza and throughout the retail podium (AR, Table 8).
114. At Table 8 of the AR, the Department provides the following summary of the SDRP’s comments in relation to public art:
- The SDRP acknowledged the amended proposal provided a deeper understanding of Country as it relates to this site, and the intention to apply this knowledge to initiatives in addition to the artworks previously proposed.

The SDRP noted that the public art should incorporate the relationship of the site to Cattai Creek as part of the overall Connecting with Country design response.

115. During its meeting with the Commission on 29 July 2022, the Applicant described that it has a longstanding relationship with the artist engaged to work on the public art components of the Project and has also been working closely with a local indigenous Elder to deliver a meaningful connection to the Site through the public art. The Applicant noted that the relationship of the Site to Cattai Creek has driven Connecting with Country and the public art response (Transcript, page 17).
116. During the Department's meeting with the Commission on 29 July 2022, GANSW commented that the overall Connecting with Country design response is still a work in progress. GANSW noted that the SDRP was "very encouraged with how much progress the [Applicant] made, engaging with local knowledge holders" and taking the artwork strategy further. GANSW acknowledged that the Applicant has expressed its commitment to the artworks, and to working with the artists. GANSW noted that it is important to ensure that the development and delivery of the artworks will continue (Transcript, page 23).
117. The Commission notes that Council did not raise any specific concern regarding public art.
118. The Department is satisfied the Project will deliver high quality public art as required by the Concept Approval, including Connecting with Country (AR, Table 8). The Department has recommended a condition that sets out requirements for implementing the public art strategy.
119. The Commission acknowledges the comments from the Applicant, Department and GANSW. The Commission agrees that it is important to ensure the development and delivery of public art that incorporates the Site's important relationship with Cattai Creek as part of the overall Connecting with Country design response. The Commission has therefore imposed a condition in relation to the delivery and review of the proposed public art. The Applicant is required to consult with GANSW and ensure it is satisfied with the Public Art Strategy, prepared by CK Stathum and Jenifer Turpin, and the Connecting to Country Strategy, prepared by Danny Eastwood and Jamie Eastwood, and demonstrate that the public art reflects the local cultural setting, including the relationship of the Site to Cattai Creek, as part of the overall Connecting to Country design response.

5.6 Affordable Housing

120. As described at section 3.5.6 above, the Commission notes the Concept Approval requires 5% of all dwellings to be provided as affordable housing for a minimum of period 10 years.
121. The Project complies with the Concept Approval requirements, by providing 22 dwellings (5%) of affordable housing, managed by an affordable housing provider for the next 10 years.
122. The Applicant's RtS identifies which dwellings will be nominated for affordable housing, comprising a mix of 1, 2 and 3 bed apartments. Table 4 below is an extract from Appendix 33 of the RtS and shows the identified affordable housing apartments:

Table 4 Nominated Affordable Housing Apartments (Source: Applicant's RtS)

Apartment Type	No. of Apartments	Nominated Apartments	Car Parking Rate	Car Parking Numbers
1 Bed	5	613, 713, 912, 1012, and 1112	0.4	2
2 Bed	13	313, 314, 315, 319, 320, 414, 415, 419, 420, 514, 515, 520 and 521	0.5	7
3 Bed	4	323, 423, 916 and 1016	1	4
Total	22			13

123. The Commission is satisfied that the Project fully complies with the affordable housing proportion and timeframe as required by the Concept Approval and the ARH SEPP (paragraph 39) and has imposed a condition to set out the requirements for the number and types of apartments to be utilised for affordable housing for a minimum of 10 years.

5.7 Other Issues

124. During its meeting with the Department on 29 July 2022, the Commission sought its comments on a range of other issues. The Commission also sought the views of the Applicant and Council on select matters. The Commission's consideration and findings in relation to these other issues, and relevant conditions imposed by the Commission, are described in the following paragraphs.

Setbacks (retail podium and towers)

125. The Concept Approval's UDG established a nil street (podium) setback and a 3 metre tower setback for the Site. The Project is consistent with the setback controls within the UDG.
126. The Department is of the view that the proposed street and tower setbacks are acceptable because they are consistent with the setbacks prescribed in the UDG and although they are less than Council's DCP they would still result in distinctive tower and podium-built form, as envisaged by the Council's DCP (AR para 99 and Transcript, page 15).
127. The Commission notes that although Council raised concerns relating to setbacks in its initial submissions, Council acknowledges that the UDG applies to the Site and did not raise any further concerns relating to setbacks during its meeting with the Commission on 29 July 2022.
128. The Commission agrees with the Department's view and finds the setbacks are consistent with the Concept Approval and appropriate for the Site.

Building separation

129. The Commission understands that the residential towers have a 24-metre building separation across the communal open space above the podium, in accordance with the ADG requirements. However, the proposed building separation is less than 12 metres between the internal elevations of Buildings A and B and Buildings C and D (AR para 116), which will have facing blank walls.

130. The Department notes the ADG requirements do not specifically relate to separation between blank walls or for rooms facing blank walls (AR para 117). After considering the amenity and privacy outcomes of the proposed dwellings, the Department is satisfied that the proposed building separation is acceptable in this case because:
- the separations between the towers are intended to mitigate the visual bulk and scale of the buildings and are not relied upon for outlook or primary light and ventilation for dwellings;
 - the internal facades are designed with a combination of solid building facades and highlight windows to avoid opportunities for overlooking; and
 - the dwellings are orientated to the street frontages and to the podium communal open space and would maintain acceptable outlook, natural ventilation, and daylight access (AR para 118).
131. The Commission acknowledges the ADG requirements do not specifically relate to separation between blank walls.
132. As stated at paragraph 74 above, the Commission finds that further detail of the proposed finishes to the blank facades between Buildings A and B, and Buildings C and D, is required. The Commission has therefore imposed a condition that requires detailed drawings of the façades be prepared to the satisfaction of the Planning Secretary in consultation with GANSW, that include modulation devices to articulate the facades.

Solar access

133. The Department states that the Project will achieve appropriate solar access to public open space, communal open spaces, residential dwellings and adjoining land (AR Appendix E).
134. During its meeting with the Commission, the Department described that the Concept Approval identified the amount of solar access required for the Doran Drive Plaza, the Hills Showground Metro Station forecourt, and the Hills Showground Metro Station plaza (Transcript, page 7), and stated that the Project is consistent with those requirements. Section 6.3.2 of the AR states that the proposal would maintain a minimum of two hours of solar access, during mid-winter (21 June) to:
- 100% of Doran Drive Plaza (100% required);
 - 93.5% of the Station forecourt (80% required); and
 - 83.3% of Station Plaza (65% required).
135. The podium communal open space also meets the solar access requirements of the ADG. The solar diagrams submitted in support of the Project illustrate that at least 50% of the principle useable area (865 m²) of the communal open space would receive at least two hours of solar access during midwinter (AR para 133).
136. The Department confirmed that the development also would achieve the solar access requirements for residential apartments, consistent with the ADG (Transcript, page10).
137. The Commission agrees with the Department's advice and is satisfied that the Project is consistent with the ADG amenity standards and will achieve good levels of solar access.

Overshadowing

138. AR para 103 states that the submitted shadow analysis “illustrates the majority of the shadows from the proposal will fall within the Hills Showground Station Precinct itself and the commuter carpark, during midwinter and will not cause unreasonable overshadowing to surrounding properties”. The Department states that any future redevelopment of the sites to the south of Carrington Road (located immediately to the south of the Hills Showground Station Precinct) can be designed to achieve compliance with the ADG solar access requirements (AR para 103).
139. The Commission is satisfied that the Project would not cause unreasonable overshadowing impacts to surrounding developments.

Activation

140. As discussed in section 5.3 above, the Project includes active street frontages on each of its four sides, though this varies from significant activation fronting the new Doran Drive Plaza, to partial activation due to the back-of-house uses on Andalusian Way.
141. During its meeting with the Commission on 29 July 2022, the Applicant stated:

With regards to street activation, we have worked tirelessly with the rest of the consultant team to make sure that the loading dock and all of our services are brought into the centre of the floor plate of the new development, and that’s allowed us to have a fairly consistent arrangement of tenancies, lobby entries and other active uses around the perimeter of the development. So we get really good street activation and other primary street elevations, and particularly to Doran Drive and Mandala Parade, where we’re achieving up to 90 per cent at least.
142. The Department considers that accesses and services are well integrated into the podium façade and would not detract from the streetscape and, given the length of the street frontages of the Site, the proposed street activation is appropriate (AR para 89).
143. The Commission agrees with the Department that the Project will provide considerable street activation for the precinct. The Commission is concerned that Andalusian Way will be less active than the other street frontages because it will provide most of the development’s back-of-house services. The Commission therefore considers it critical that Andalusian Way exhibit high quality materials and finishes to ensure a high amenity interface with Precinct East (adjoining the Site to the east of Andalusian Way).

Ongoing maintenance of the public domain

144. The Commission understands that the Doran Drive Plaza will remain in private ownership and the Applicant will retain responsibility for its ongoing maintenance. The Commission heard comments from the Applicant during its meeting on 29 July 2022 that the Applicant will retain ownership of the plaza and will bear the cost of maintenance (Transcript, page 6). The Commission also notes that the Department clarifies this matter at AR para 145, and states that the arrangement will result in no future maintenance or management costs for Council.
145. The Commission has imposed the Department’s recommended condition that requires the Applicant to prepare a plan of management for the on-going maintenance and management of Doran Drive Plaza. The Commission has imposed a sub-condition that requires the plan of management to also consider the management of amenity impacts on occupants of the development.

Car parking

146. The Commission notes that 421 residential car parking spaces are proposed as part of the project, (based on rates contained in the Concept Approval, comprising 408 residential car parking spaces and 13 car parking spaces for 22 affordable housing units). Car parking will increase to 430 spaces when the affordable housing agreement expires after 10 years (car parking will be provided at the maximum residential car parking rate of one space per dwelling). To make up the shortfall from 421 to 430 spaces, the Applicant will make an additional nine car parking spaces available in the basement car park at that time. The location for these spaces are indicated on the plans for Basement Levels 04 to 06.
147. The Commission has imposed the Department's recommended conditions that limit car parking to a maximum of 421 residential spaces, increasing up to 430 residential spaces when the affordable housing agreement expires after 10 years. The Commission is satisfied that the number of car parking spaces proposed complies with the approved car parking rates under the Concept Approval and would meet the reasonable demand for parking generated by the development.

6 THE COMMISSION'S FINDINGS AND DETERMINATION

148. The views of the community were expressed through public submissions and comments received as part of the Department's exhibition of the Application. The Commission also sought submissions from the community during its deliberations on the Application. The Commission has carefully considered the submission received and the views submitted by the public to the Department as part of making its decision.
149. The Commission has carefully considered the Material before it as set out in section 3.1 of this Statement of Reasons. Based on its consideration of the Material, the Commission finds that the Application should be approved, subject to conditions of consent for the following reasons:
- the Site is located on land zoned B2 Local Centre and the Project is permissible with consent under THLEP 2019 and the Planning Systems SEPP;
 - the Project complies with the strategic planning directions of State and local planning policies;
 - the Project realises the strategic vision of the Hills Showground Station Precinct and complies with the Concept Approval and UDG;
 - the Project provides the opportunity for a significant TOD-based town centre, which offers high amenity, accessibility and services to future residents; workers and visitors;
 - the Site is free of significant environmental constraints;
 - the Project is an orderly and economic use of the Site to provide new residential and retail/commercial land uses;
 - impacts on surrounding land uses have been minimised and can be further managed and mitigated through conditions of consent.
150. For the reasons set out in paragraph 149, the Commission has determined that the consent should be granted subject to conditions. These conditions are designed to:
- maximise to greatest extent practicable, the potential benefits of the development to future residents, workers and visitors to the Site;
 - prevent, minimise and/or offset adverse environmental impacts;
 - set standards and performance measures for acceptable environmental performance;
 - require regular monitoring and reporting; and
 - provide for the on-going environmental management of the development.
151. The reasons for the Decision are given in the Statement of Reasons for Decision dated 18 August 2022.



Annelise Tuor (Chair)
Member of the Commission



Peter Williams
Member of the Commission