

# Environmental Impact Statement.

## Residential Towers – Bella Vista TOD

40 Memorial Ave, Bella Vista

SSD-80102979

Prepared on behalf of:

Landen Dev No 8 Pty Ltd

Submitted to:

The Department of Planning, Housing and Infrastructure

29 August 2025

**Knight Frank Town Planning Sydney**

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This report is current at the date of the State Significant Development Application only.

This report is to be read in its entirety and in association with other documentation submitted as part of the Environmental Impact Statement.

<b>Project Name</b>		40 Memorial Avenue, Bella Vista - residential towers		
<b>Project Number</b>		24-077		
<b>Client</b>		Landen Dev No 8 Pty Ltd		
<b>Quality Management</b>				
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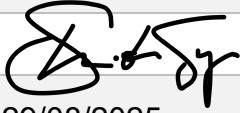
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B	Design Report	Turner
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D	Landscape Design Report	Land and Form
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G	SEARS Compliance Table	Knight Frank
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P	Civil Plans	EIA
Q	Water Management Report	EIA
R	Report on Geotechnical Investigation	Douglas Partners
S	Report on Preliminary Groundwater Impact Assessment	Douglas Partners
T	Salinity Management Plan	Sydney Enviro
U	Acid Sulfate Soils Management Plan	Sydney Enviro
V	Preliminary/Detailed Site Investigation	Sydney Enviro
W	Arboricultural Impact Assessment	Hugh the Arborist
X	ESD Report	WalkerBai
Y	Biodiversity Development Assessment Report (BDAR)	EcoAus
Z	Social Impact Assessment	HillPDA
AA	Flood Impact Risk Assessment	Orion
BB	Aboriginal Cultural Heritage Assessment Report	Apex
CC	Aboriginal Cultural Heritage Management Plan	Apex
DD	Connecting With Country Report	First Nations Artefact
EE	Operational Waste Management Plan	Elephants Foot
FF	Construction & Demolition Waste Management Plan	Elephants Foot
GG	Estimated Development Cost Report	Napier & Blakeley
HH	Draft Letters of Offer	KL&Gates

## Signed Declaration

Project Details	
<b>Project Name</b>	40 Memorial Avenue, Bella Vista - residential towers
<b>Application Number</b>	SSD-80102979
<b>Land to be Developed</b>	40 Memorial Avenue & 1Z Free Settlers Drive, Bella Vista
Applicant Details	
<b>Applicant Name</b>	Landen Dev No 8 Pty Ltd
<b>Applicant Address</b>	7-9 Irvine Place Level 3 Suite 303, Bella Vista NSW 2153
Prepared By	
<b>Name</b>	Nicholas Cavallo, Associate Director Knight Frank Town Planning
<b>Qualifications</b>	Bachelor of Urban & Regional Planning, University of South Australia
<b>Address</b>	Level 22, Angel Place, 123 Pitt Street Sydney NSW 2000
Declaration	
<b>Name</b>	Shivesh Singh
<b>Registration No.</b>	NSW RPIA (EIA) No. 8061
<b>Registered with</b>	Planning Institute of Australia
<b>Declaration</b>	<p>The undersigned declares that this EIS:</p> <ul style="list-style-type: none"> <li>• has been prepared in accordance with the <i>Environmental Planning and Assessment Regulation 2021</i>;</li> <li>• contains all available information relevant to the environmental assessment of the development, activity or infrastructure to which the EIS relates;</li> <li>• does not contain information that is false or misleading;</li> <li>• addresses the Planning Secretary's environmental assessment requirements (SEARs) for the project;</li> <li>• identifies and addresses the relevant statutory requirements for the project, including any relevant matters for consideration in environmental planning instruments;</li> <li>• has been prepared having regard to the Department's State Significant Development Guidelines - Preparing an Environmental Impact Statement;</li> <li>• contains a simple and easy to understand summary of the project as a whole, having regard to the economic, environmental and social impacts of the project and the principles of ecologically sustainable development;</li> <li>• contains a consolidated description of the project in a single chapter of the EIS;</li> <li>• contains an accurate summary of the findings of any community engagement; and</li> <li>• contains an accurate summary of the detailed technical assessment of the impacts of the project as a whole.</li> </ul>
<b>Signature</b>	
<b>Date</b>	29/08/2025



## Executive Summary

### Purpose of this Report

This Environmental Impact Statement (EIS) has been prepared by Knight Frank Town Planning Sydney on behalf of Landen Dev No 8 Pty Ltd and is submitted to the New South Wales Department of Planning, Housing and Infrastructure (DPHI) in support of a State Significant Development Application (SSD-80102979) for the development of land at 40 Memorial Avenue and 1Z Free Settlers Drive, Bella Vista (the site).

Development Consent is sought under Section 4.12(8) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Part 8 Division 5 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation) for a two staged construction of primarily a residential flat building development across four towers within the Bella Vista and Kellyville Transport Oriented Development (TOD) Precinct.

The site has been identified within the 'Accelerated Transport Oriented Development Precincts Rezoning Areas Map' under Schedule 2(19) of the *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP).

A request for Industry Specific Secretary's Environmental Assessment Requirements (SEARs) for the Residential Development was sought from the Department of Planning, Housing and Infrastructure (DPHI) on 5 February 2025. The SEARs were subsequently issued on 20 February 2025.

The EIS confirms that the proposed development will not give rise to unacceptable environmental impacts and is supportable from a planning perspective. It demonstrates that the proposed development:

- aligns with the relevant strategic planning framework and guidelines;
- is consistent with the relevant statutory legislation and requirements;
- will not generate unreasonable environmental impacts; and
- is suitable for the site and in the public interest.

This EIS has been prepared in accordance with the requirements of Part 4 of the EP&A Act, and clause 175 of the EP&A Regulation. A SEARs Compliance Table is provided at **Appendix G**.

This EIS is to be read in conjunction with the supporting specialist reports, information and plans appended to this report.

### Development Overview

With an estimated development cost of \$297,841,959.00 million, the proposed development comprises a comprehensive residential development that will deliver much-needed housing within a designated TOD Precinct, supporting the NSW Government's strategic planning objectives for transit-oriented development. Consent is sought for the following key components:

#### Site Preparation and Infrastructure

- Demolition of all existing structures in the form of a house and shed;
- Vegetation clearance of 98 trees (0.32ha), dewatering and infill of an existing dam;
- Construction of local Road 02 and part construction of Road 01;
- Installation of essential site servicing and infrastructure, including padmount electrical stations; and
- Consolidation and subdivision of Lot 1 DP 1237055 and part Lot 1 DP 1298513 to provide for the development site, local road and open space;

#### Residential Development

- Construction of four (4) residential buildings in two (2) stages;
- Delivery of 444 residential dwellings comprising 438 apartments and 6 townhouses;
- Provision of two (2) levels of basement comprising car parking (504 spaces) for residents and visitors;
- Provision of 201 bicycle spaces within the lower ground level; and
- Affordable housing delivered through monetary contributions, equivalent to approximately 34 apartments;

#### Community Infrastructure and Public Benefits

- Creation of high-quality communal open space for residents;

- Creation of a publicly accessible through site link;
- Public domain improvements that will enhance the broader streetscape and community amenity; and
- Dedication of open space land 1,464m<sup>2</sup> to The Hills Shire Council for public purposes.

## Engagement

The project team has actively engaged with relevant agencies and stakeholders to ensure that key considerations and concerns were identified to guide the preparation of the Environmental Impact Statement (EIS). The consultation process included in person meetings, teams’ meetings, and email correspondence as detailed in Section 6. The key stakeholders that were engaged with are detailed in the table below.

A detailed record of the engagement activities undertaken is provided in the Engagement Report at **Appendix J**.

Group	Stakeholder
Government Agencies & Service Providers	<ul style="list-style-type: none"> <li>• Department of Planning, Housing and Infrastructure (DPHI)</li> <li>• The Hills Shire Council (Council)</li> <li>• NSW Environment Protection Authority</li> <li>• Transport for NSW (TfNSW)</li> <li>• Sydney Water</li> <li>• NSW Police</li> <li>• Heritage NSW</li> <li>• Endeavour Energy</li> <li>• Department of Climate Change, Energy, the Environment and Water (DCCEEW)</li> <li>• State Design Review Panel (SDRP)</li> </ul>
Local Community & Other Stakeholders	<ul style="list-style-type: none"> <li>• Local Aboriginal Community Groups and stakeholders</li> <li>• BaptistCare</li> <li>• Landcom</li> </ul>
Adjoining Residences	<ul style="list-style-type: none"> <li>• Residents of the adjoining BaptistCare development</li> <li>• Residents within the adjoining neighbourhood</li> <li>• Total of 290 dwellings notified of the proposal</li> <li>• Adjoining properties</li> </ul>

## Environmental Impacts

This EIS evaluates the proposed development in terms of applicable planning regulations and policies, and examines the potential environmental impacts associated with the project as summarised below.

- Urban Design & Visual Impact;
- Traffic & Transport;
- Soil & Water;
- Biodiversity;
- Noise & Vibration;
- Aboriginal Cultural Heritage;
- Non-Aboriginal Heritage;
- Social Impact;
- Infrastructure Requirements;
- Contamination;
- Biodiversity;
- Waste Management;
- Flooding;

- Ecologically Sustainable Development;
- Site Suitability; and
- Public Interest

The potential impacts of the proposed development have been comprehensively assessed in **Section 7** of this EIS. Where impacts were identified, appropriate mitigation measures have been recommended and can be incorporated as conditions of approval to ensure compliance during demolition, construction, and operational phases. A complete summary of all recommended mitigation measures is provided in **Appendix K**.

### Project Justification

The EIS in conjunction with the supporting specialist reports demonstrates that the proposed development strongly aligns with the relevant strategic and statutory planning framework and will not cause any significant environmental impacts. The proposed development is deemed appropriate and justified for the following reasons:

- It aligns with the State Government's vision for housing supply located within the walkable catchment of key public transport infrastructure in the Bella Vista and Kellyville Transport Oriented Development Precinct;
- It is permissible with consent and generally meets the statutory provisions of the relevant Environmental Planning Instruments, including *The Hills Local Environmental Plan 2019* and State Environmental Planning Policies;
- Variations sought to both floor space ratio and building height development standards under the local instrument are well founded and supported by the required written variation requests;
- Provides 444 residential dwellings delivering a diversity of housing and apartment types with a focus on larger apartment sizes for families;
- It is of a high-quality design that achieves design excellence contributing towards the vitality of the Precinct;
- It will generate a significant quantity of jobs during the construction phase and an overall increase in demand for services resulting from the increase in population;
- Provides well-designed communal areas and vibrant public spaces that foster community interaction and enhance the liveability of the development;
- Establishes significant community benefits through the dedication of land for open space to Council, delivery of strategic pedestrian and vehicular access into the Precinct, provision of affordable housing, and construction of local roads;
- Retains biodiversity values within the site and achieves significant canopy cover and deep soil plantings; and
- Will improve connectivity and permeability within the Precinct with the delivery of through site links and pedestrian links along Elizabeth MacArthur Creek.

## 1 Introduction

This Environmental Impact Statement (EIS) has been prepared by Knight Frank Town Planning Sydney on behalf of Landen Dev No 8 Pty Ltd in support of a State Significant Development Application (SSD-80102979) at 40 Memorial Avenue, and 1Z Free Settlers Drive, Bella Vista (subject site).

Development Consent is sought under Section 4.12 (8) of the *Environmental Planning and Assessment Act 1979* (EP&A Act 1979) and Part 8 Division 5 of the *Environmental Planning and Assessment Regulation 2021* (EP&A Regulation 2021) for development of the site for a residential flat building development at the Bella Vista and Kellyville Transport Oriented Development (TOD) Precinct, being land identified within the 'Accelerated Transport Oriented Development Precincts Rezoning Areas Map' under Schedule 2 (19) of *State Environmental Planning Policy (Planning Systems) 2021* (Planning Systems SEPP) and has an estimated development cost of more than \$60 million.

A request for Industry Specific Secretary's Environmental Assessment Requirements (SEARs) for the Residential Development was sought from the Department of Planning and Environment (DPE) on 5 February 2025 and subsequently issued on 20 February 2025.

### 1.1 Applicant Details

The details of the applicant for the project are in **Table 1** below.

**Table 1 – Applicant Details**

Applicant	Landen Dev No 8 Pty Ltd
Postal Address	Level 22, 123 Pit Street, Sydney
ABN	79 642 578 498
Nominated Contact	Oscar Saunders (Development Manager)
Contact Details	0411 129 455 oscar@landen.com.au

### 1.2 Overview of Proposed Development

This \$297,841,959.00 residential development within a designated Transit-Oriented Development (TOD) Precinct will deliver critical housing and comprises of the following components:

#### Site Preparation and Infrastructure

- Demolition of existing house and shed;
- Clearing 98 trees (0.32ha), dewatering and dam infill;
- Construction of local roads (Road 02 and partial Road 01);
- Installation of site servicing and padmount electrical stations;
- Land consolidation and subdivision for development, roads and open space;

#### Residential Development

- Four (4) residential buildings constructed in two stages comprising 444 dwellings in the form of 438 apartments and 6 townhouses;
- Two-level basement providing 504 car parking spaces and 201 bicycle spaces;
- Affordable housing contribution equivalent to approximately 34 apartments;

#### Community Infrastructure and Public Benefits

- High-quality communal open space for residents;
- Public through-site pedestrian link;
- Public domain improvements enhancing streetscape amenity; and
- Dedication of 1,464m<sup>2</sup> open space to The Hills Shire Council.

### 1.3 Objectives of the Development

The proposed development will contribute to the delivery of high-quality residential housing as part of the Bella Vista and Kellyville TOD Precinct, consistent with State Governments' vision for well-located housing that leverages established public transport infrastructure.

The proposal seeks to deliver diverse housing options which are tailored to community needs, with an emphasis on affordable, livable, and adaptable homes focused on family-friendly apartments and amenities. Communal open space areas and the public domain provide integrated landscaping and tree canopy cover which allow for a high degree of amenity and year-round comfort for its residents.

Through its high-quality amenity and integrated precinct connectivity, the development will create a strong sense of inclusion, embedding indigenous and ecological values into the urban design response in alignment with the Government Architect NSW's (GANSW) Connecting with Country framework. Design excellence, landscape integration, and walkability are key features which will deliver enduring public and private amenity in-keeping with the desired character of the precinct.

### 1.4 Project Background

#### 1.4.1 Site History

The subject site is situated within a landscape that has undergone significant transformation over time. Part of Dharug Country, the area was home to the Dharug people who sustainably managed and utilised the land and creeks for food, shelter, and cultural practices. Their enduring connection to Country forms the foundational layer of the site's history.

The region became a focal point for early colonial settlement and agricultural experimentation. John and Elizabeth Macarthur and their family were instrumental in introducing sheep grazing to the area, which laid the groundwork for Australia's wool industry. The legacy of these early pastoral activities is still evident today in the local landscape, with traces of colonial-era infrastructure and historical farming routes present in parts of Bella Vista and the surrounding Hills District.

During the 19th and early 20th centuries, the area evolved into a hub for fruit-growing. The wider Hills District became known for its orchards producing oranges, peaches, pears, and other stone fruits. Although the Bella Vista Farm itself initially supported sheep grazing, the broader region shifted toward horticulture, becoming a key part of Sydney's fruit belt.

From the mid-20th century onward, the region experienced substantial urban expansion. The transition from rural and agricultural uses to suburban residential and commercial development has reshaped Bella Vista, with the rise of significant centres such as Norwest Business Park and expanded road and rail infrastructure supporting ongoing urban growth.

#### 1.4.2 Previous Development Consents

The site is subject of several planning approvals which are relevant to this proposal.

##### DA/308/2024/JP – Residential Flat Building Development

On 28 November 2024, the Sydney Central City Planning Panel approved a residential flat building development comprising 224 units. The application was determined by way of a deferred commencement consent. Within the supporting Statement of Environmental Effects report prepared by the Orion Group the development was described in detail as follows:

- *Demolition of all existing structures and improvements;*
- *Removal of vegetation including 101 trees on the site;*
- *De-watering and filling of existing dam;*
- *Subdivision including site consolidation of lot 1 DP 1237055 and part Lot 1 DP 1180837 and creation of two residue lots;*
- *Construction of a residential development containing 224 dwellings over seven buildings and a park over two stages:*
  - *Stage 1 construction of buildings C, D and D1 (95 dwellings) including basement car parking, podium and communal open space facilities, construction of roads, drainage, and utility infrastructure; and*
  - *Stage 2 construction of all new roads, buildings A, B, B1 and B2 (129 dwellings) including two levels of basement car parking, communal open space, podium, site through link and construction of a pocket park / community space.*
- *Associated landscaping works across the site including the embellishment of a pocket park on the southern portion of the site.*

There is a strong relationship between the development that was approved and the current proposal. It is desirable to continue the positive planning outcomes that were facilitated through this previous approval, which were arrived at in collaboration with The Hills Shire Council (Council) and Government Agencies and remain appropriate within the context of the current proposal.

Key outcomes from this process include the approach to the general building footprint, publicly accessible through site link, interface with Elizabeth MacArthur Creek corridor, and local road construction and alignment. Perspectives from the approved development are provided at **Figures 1 and 2**.



Figure 1 – Perspective From Road 01 DA/308/2024/JP, (Source: Turner Studio)



Figure 2 – Perspective From Creek Corridor DA/308/2024/JP, (Source: Turner Studio)

DA/563/2024/ZB – Subdivision and Construction of a bridge/creek crossing

Concurrent to DA/308/2024/JP, a separate development application was lodged with Council which sought development consent for the following:

- subdivision creating three residue lots;
- construction of a new road;
- construction of a bridge crossing over Elizabeth MacArthur Creek; and

- construction of a roundabout.

On 5 March 2025, Council issued development consent for DA/563/2024/ZB which provides vehicular access to the subject site. The approved and supporting plans are detailed at **Figures 3 & 4** and are relied upon for this SSDA.

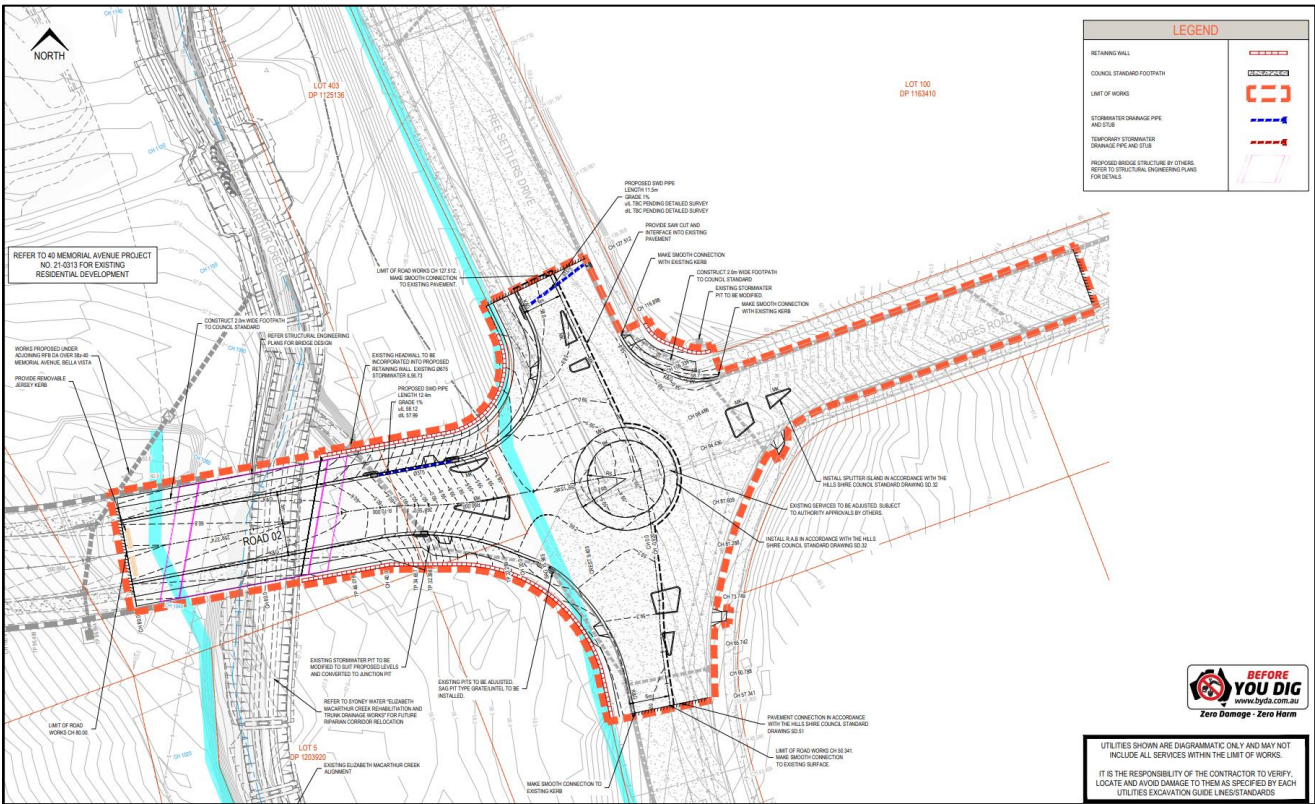


Figure 3 – Bridge across Elizabeth Macarthur Creek (Source: Orion)

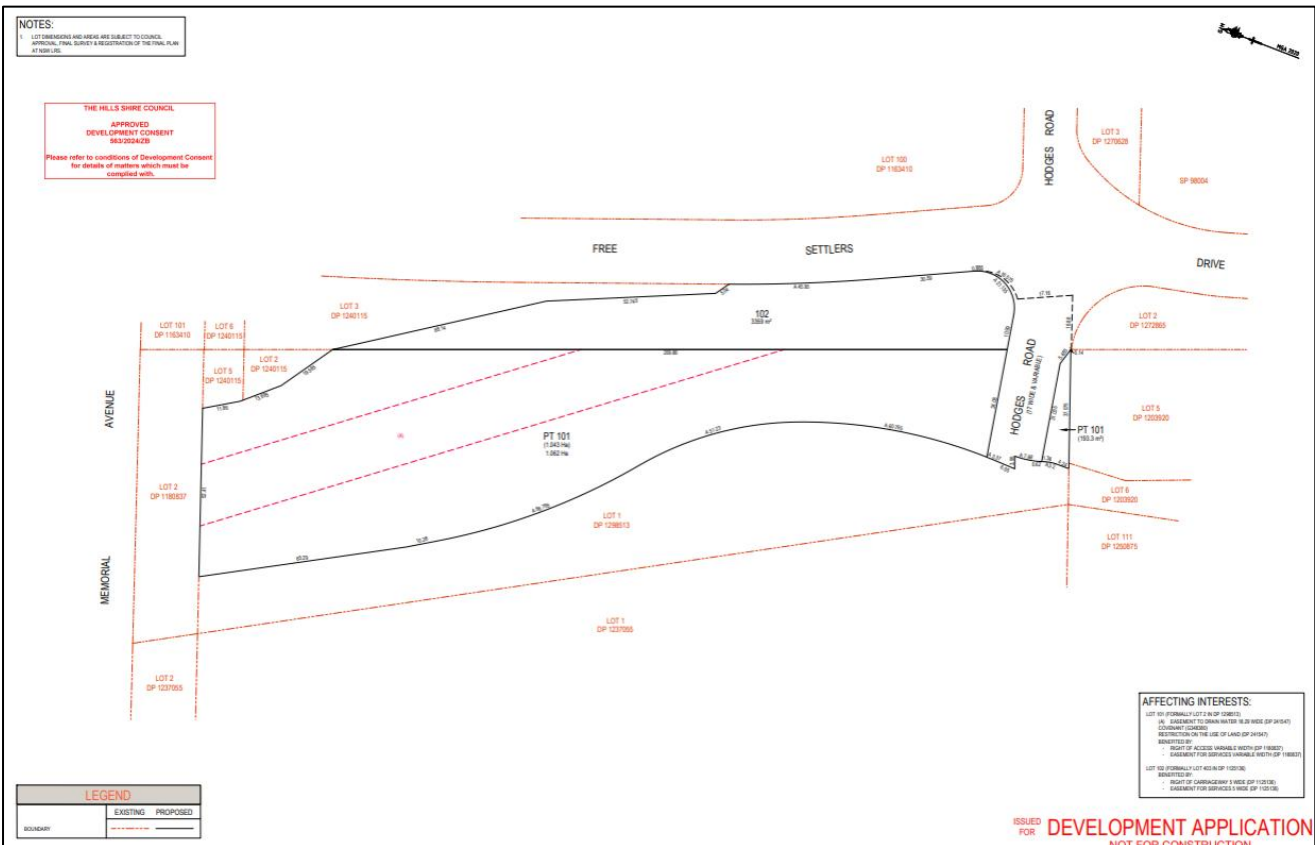


Figure 4 – Approved Subdivision Plan (Source: Orion)

## 1.5 Analysis of Alternatives

Several design options were explored during the site development process. Option 1 contemplated an approach which relies on the existing planning approvals. Option 2 considered the strict adoption of the building envelopes and alignment pursuant to the *Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide* (Precinct Design Guide). Option 3 proposed an alternative scheme which resulted in an increase to the level of dwelling density achieved on the site.

### Option 1 – Existing Planning Approval

The site benefits from an existing planning approval for a residential flat building development approved by the Sydney Central City Planning Panel for a total of 224 units as outlined at Section 1.4.2. This approval comprises of a similar building orientation and layout across four residential towers to the proposed SSDA. However, this approval predated the rezoning of the site and the outcomes of the State Government's TOD Program and vision for housing supply for sites within proximity to Metro stations, delivering a significantly lesser dwelling yield than the current proposal. Given the number of units approved and the absence of any affordable housing, it was considered that to continue with the current approval would be an underutilisation of the site, current controls and its strategic location.

### Option 2 – Strict Compliance with the Precinct Design Guide

Massing was tested for an option that strictly adhered to the distribution of building form within the site as contemplated by the Precinct Design Guide. The indicative layout includes an 8-storey building return located along the western edge of the site adjoining the proposed local road. This was tested by the project architects which revealed the layout compromised solar access and cross ventilation to the apartments and removed the human scale building form and interface to Elizabeth MacArthur Creek, which was a key outcome achieved through the previous approval (as described at Option 1). This option also removed the east-west through site link that brings public access through the site towards the creek corridor to the broader benefit of the Precinct and community. For these reasons, an option that strictly adheres to the distribution of building form was not considered to result in a preferred planning outcome.

### Option 3 – SSDA with Increased Yield

Several options were tested during the design development phase which generally aligned with the general building envelope and orientation envisaged by the Design Guide, however the number of units and the layout of the ground floor plane was reconfigured. Option 3 achieved approximately 500 units within the footprint with a floor space ratio of 2:1. While this option increased the yield, leveraging the location of the site in proximity to the Metro and current / future services, the built form outcome and amenity for future residents was not considered to be an optimal outcome. This would have reduced the apartment sizes away from a family-oriented typology, which aligns with the local market expectations. The amenity afforded to the development would have also been compromised with respect to solar access and cross ventilation to the units and also to the communal open space areas.

## Conclusion

The submitted scheme represents the optimal redevelopment approach for this site as it:

- Fulfils the State Government's housing supply and diversity objectives whilst maximising the use of existing transport infrastructure;
- Strikes an effective balance between increased housing provision and high-quality amenity through thoughtful building design, landscaping, and communal open space; and
- Demonstrates design excellence developed through collaboration with the State Design Review Panel.

## 2 The Site

This section identifies key matters relevant to the assessment of the proposal, including the site’s features, context, and other significant planned developments in the surrounding area.

### 2.1 Site Location

The site is located within the Bella Vista and Kellyville Transport Oriented Development (TOD) Precinct, one of eight TOD accelerated precincts identified by the NSW Government to deliver higher-density and transit-connected communities. Located within The Hills Shire Local Government Area (LGA), this precinct is focussed around the Bella Vista and Kellyville Metro Stations on the Sydney Metro Northwest line and aims to provide strategically positioned housing that supports a sustainable urban community.

The site is located between two (2) metro stations approximately 880m north of Bella Vista Metro and 840m south of Kellyville Metro as shown at **Figure 6**. The site is also located approximately 75m from the T-way transit stop to the west. It is located within land zoned R1 General Residential Zone pursuant to *The Hills Local Environmental Plan 2019* (THLEP 2019).

### 2.2 Site Description

The site is collectively identified as 40 Memorial Ave and 1Z Free Settlers Drive, Bella Vista, and legally described as Lot 1 DP 1237055 and Lot 1 DP 1298513, respectively. The site has an overall area of 25,569m<sup>2</sup> with a frontage to Memorial Ave to the north. The development will obtain vehicular access from Free Settlers Drive to the east which benefits from a separate approval for a bridge across Elizabeth MacArthur Creek detailed at **Section 1.4.2**.

**Table 2 – Site Identification**

Lot / DP	Address
Lot 1 DP 1237055	40 Memorial Avenue, Bella Vista
Lot 1 DP 1298513	1Z Free Settlers Drive, Bella Vista



Figure 5 – Site Aerial Map, (Source: Nearmap, 2025)



Figure 6 – Site and Surrounds (Source: Turner Studio)

### 2.3 Site Characteristics

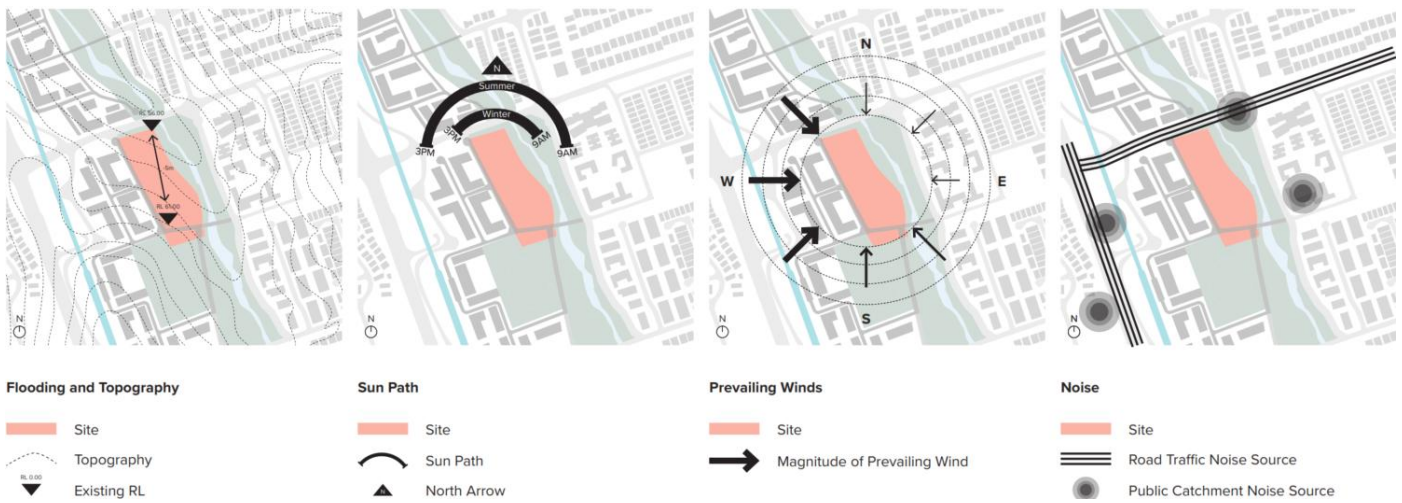
Table 3 describes the key characteristics of the site which have informed the development outcomes.

Table 3 – Site Characteristics

Element	Comment
Topography and Existing Structures	<p>The site is generally rectangular in shape albeit with an eastern boundary that is curvilinear responding to the adjoining creek corridor.</p> <p>The site is characterised by a gentle ridge running south to north with the highest point of the site within the south-western corner, sloping towards the creek corridor to the east and Memorial Ave to the north with a fall of 5m. Access to the development will be achieved from Free Settlers Drive to the east by way of a bridge across the creek corridor. The site is currently improved by a modest dwelling house, shed and a small dam.</p>
Vegetation	<p>The site contains a mixture of existing native and exotic vegetation generally located within the northern part of the site, running along the existing eastern boundary, and within the southern part of the site. The majority of the site is otherwise grassed.</p> <p>Significant trees are located to the south comprising Cumberland Plain Woodland being a critically threatened ecological community (refer to <b>Section 7.7</b>).</p>
Public Transport	<p>The site benefits from excellent access to public transport infrastructure. Bella Vista Metro Station on the Sydney Metro Northwest line is located approximately 880m towards the south, providing high-frequency services between Tallawong and Chatswood, with extensions to Sydney CBD via the Metro City &amp; Southwest line. Bus services operate along Memorial Avenue and surrounding arterial roads, connecting Bella Vista to surrounding suburbs including Castle Hill, Blacktown, and Parramatta.</p> <p>Additionally, a broader range of bus services can be accessed from nearby locations such as Lexington Drive, approximately 2.1 km from the site, connecting Bella Vista to surrounding suburbs, including Glenwood, Stanhope Gardens, Quakers Hill, and St Marys.</p>

	These bus connections complement the site's access to the Metro, contributing to a highly accessible, multi-modal transport environment.
Access and Movement	The site is located in along Memorial Ave being a key arterial corridor and is located to the north of Balmoral Road which will provide routes to Old Windsor Road.
Heritage	A detailed Aboriginal Cultural Heritage Assessment Report (ACHAR) was prepared in support of the application which confirms the presence of aboriginal objects within the site which has been considered in the design development (refer to <b>Section 7.8</b> ).  The site is otherwise not listed or known to contain built heritage items.

**Figure 7** summarises the site conditions with respect to the site topography, orientation and sun path, magnitude of the prevailing winds and noise sourced. **Figure 8** are photos taken from the site which further demonstrates the site conditions.



## 2.4 Surrounding Context

### 2.4.1 Immediate Context

The site is located within an urban area which is undergoing significant change with the advent of the Northwest Metro Line and the state led rezoning of the Bella Vista and Kellyville TOD Precinct. The following is a description of the site's immediate surrounds.

Located to the south and west of the site is largely vacant land that is yet to be developed. This land is under the ownership of Landcom and forms part of the TOD Precinct, which is intended to deliver a mixture of high density housing, a district park to the immediate south and a school to the south west. Further to the south is Balmoral Road which the site will eventually connect to with respect to the local road network and pedestrian paths, once delivered by others.

Adjoining the site to the east is the Elizabeth MacArthur Creek corridor which forms the eastern interface of the development. Beyond is Free Settlers Drive from which the development will achieve vehicular access.

An aged care facility operated by BaptistCare is located circa 100m to the east, comprising a mixture of accommodation types including independent living units. The building form comprises typically five (5) storey buildings occupying an entire street block. Significant vegetation has been maintained central to the site.

Located southwest of the site is a complex of residential flat buildings generally 4 storeys in height. The proposed development will be located circa 130m from the nearest apartment building with the creek corridor and the continuation of Free Settlers Dr. contributing towards the spatial separation.

Adjoining the site to the north is Memorial Ave. being a classified road. Transport for NSW (TfNSW) has recently completed upgrades through the widening of the road corridor, signalling of the intersection with Free Settlers Drive, and upgrading of stormwater infrastructure associated with the street corridor. Beyond Memorial Ave to the north-west is a dwelling house and a commercial use for the hire of plant equipment. To the north / north-east comprises low density residential development generally comprising single dwelling houses two storey in form. At the intersection of Arnold Ave / Memorial Ave is a child care centre.

### 2.4.2 Surrounding Context

The site is well serviced by a range of regional and local facilities. Norwest Private Hospital is located approximately 4.3 km from the site, with additional health services provided at Lakeview Private Hospital and The Hills Private Hospital, both within a 6 km radius. Educational institutions such as Bella Vista Public School (1.8 km), Glenwood High School, and William Clarke College provide for primary and secondary education. Several childcare and early learning centres are also situated nearby.

The surrounding area features a range of recreational and community amenities, including Bella Vista Farm Park, Village Green Reserve, and nearby bushland corridors including Elizabeth Macarthur Creek, which runs adjacent to the site. These open spaces support active transport links, community events, and passive recreation. Further to those established facilities there are a range of planned open space areas and infrastructure, including a school, that form part of the TOD Precinct.

Retail and commercial services are concentrated within Norwest Business Park and Castle Towers Shopping Centre, both easily accessible from the site. Warwick Lane Village Green and the Village Green Community Centre provide local gathering spaces and community programming, further enhancing the liveability of the area.

Strategically located along the Sydney Metro Northwest corridor and near major road networks such as the M2 and Old Windsor Road, the site enjoys excellent regional connectivity to Parramatta CBD (approx. 14 km), Blacktown CBD (approx. 9 km), and Sydney CBD (approx. 36 km). This makes the site well suited to higher-density residential development within a well-serviced and highly accessible part of Greater Sydney.

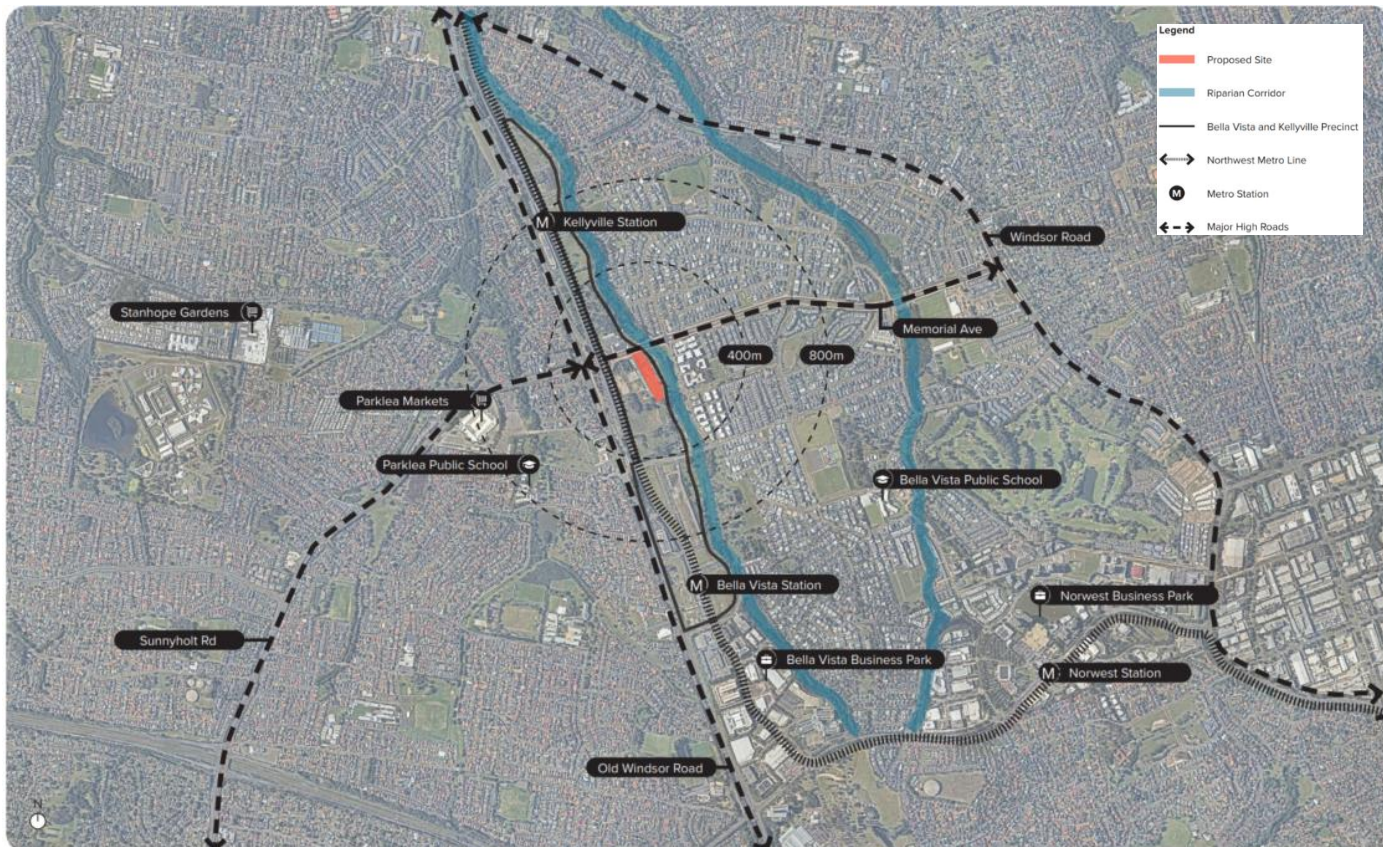


Figure 9 – Site Context (Source: Turner)



Figure 10 – Surrounding Development (Source: Knight Frank)

### 3 Strategic Planning Context

This section of the EIS outlines how the proposed development aligns with the strategic planning framework that applies to the site. It highlights the key strategic considerations that are critical to the assessment and determination of the project.

#### 3.1 Strategic Justification of the Project

##### 3.1.1 NSW State Priorities

The proposal supports the NSW Government's commitment to addressing the housing crisis through increased supply and diversity. The NSW Statement of Priorities emphasises the need for a financially sustainable housing system where homelessness is rare, brief, and non-recurrent, ensuring people have safe homes and the support to maintain them.

Furthermore, the NSW Government's Low and Mid-Rise Housing Policy aims to unlock 112,000 homes over five years by promoting medium-density housing near transport hubs. The proposed development aligns with this policy by delivering 444 units, within walking distance of significant public transport infrastructure, thereby contributing to the state's housing targets and promoting sustainable urban growth.

##### 3.1.2 Greater Sydney Region Plan: A Metropolis of Three Cities

The proposal is strongly aligned with the strategic objectives set out in the Greater Sydney Region Plan: A Metropolis of Three Cities (2018) (the Plan), prepared by the Greater Sydney Commission. The Plan outlines a 40-year vision and a 20-year implementation strategy to manage growth and change across Greater Sydney. It seeks to realise a more equitable, productive, and sustainable region by transforming Greater Sydney into a metropolis of three integrated and connected cities: the Western Parkland City, the Central River City, and the Eastern Harbour City.

The site is situated within the Central River City, which is poised for significant growth with its population projected to increase from 1.3 million people to 1.7 million people over the next 20 years. The population growth will generate a demand for housing which aligns with the changing demographics and needs of the community.

The proposed development aligns with the Plan's vision to create a city where people can access jobs, education and services within 30 minutes. It provides for high density housing within a designated transport-oriented development (TOD) Precinct, which connects directly to key employment and service centres within the region. This level of accessibility supports a polycentric urban form, reducing car dependence and enabling a more liveable and efficient city.

The proposed development supports the Plan's key objectives as follows:

- **Infrastructure and Collaboration:** The site is located within the Bella Vista & Kellyville TOD Precinct, which is earmarked for urban intensification, supported by existing and planned infrastructure investment, including the Northwest Metro line. It contributes to a well-integrated planning outcome by maximising the use of public transport infrastructure and utility infrastructure.
- **Liveability:** The proposal is designed to deliver high-quality residential accommodation within a transit-oriented, walkable environment. The inclusion of high-quality communal spaces, landscape integration, engagement with natural features, and proximity to open space promotes community wellbeing, safety, and connection. The diversity of dwelling types is intended to meet a range of needs, enhancing housing affordability and choice. Adaptable housing types and affordable housing comprise a significant portion of the overall development.
- **Sustainability:** The development promotes energy-efficient building design, passive solar orientation, retention of significant canopy trees, water-sensitive urban design features, and extensive deep soil and canopy cover to mitigate against urban heat island effects. The proposal's emphasis on sustainable design and reduced car reliance aligns with the plan's sustainability goals, fostering a climate-responsive urban environment.

##### 3.1.3 Central City District Plan

The site is located within the Central City District within an identified Transport Oriented Development precinct. The Central City District Plan (the District Plan) provides a 20-year vision and planning priorities to guide growth supporting the transformation of this district into a more liveable, productive and sustainable city, with a focus on accommodating population growth around centres, enhancing public transport connectivity, and delivering diverse housing options close to jobs and services.

The proposed development is particularly aligned with the following Planning Priorities within the District Plan:

- Planning Priority C1: Planning for a city supported by infrastructure;

- Planning Priority C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport;
- Planning Priority C15: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes; and
- Planning Priority C16: Increasing urban tree canopy cover and delivering Green Grid connections.

The site's proximity to the Northwest Metro Line facilitates a transit-oriented development outcome that supports the objectives to direct growth to locations with existing and planned infrastructure capacity. Key areas of alignment between the proposed development and the Central City District Plan are as follows:

- **Housing Supply and Diversity:** The development provides much-needed housing supply within a strategic TOD precinct. It contributes to LGA housing targets and addresses local demand through a mix of apartment sizes and types, supporting inclusivity and affordability.
- **Integrated Transport and Land Use:** The project leverages established transport infrastructure in the Sydney Metro Northwest Line, providing housing within walking distance of high-frequency public transport. This encourages modal shift, reduces reliance on private vehicles, and supports broader sustainability goals.
- **Productivity and Place Activation:** By intensifying residential density in a TOD precinct in proximity to Norwest Business Park, the proposal supports broader economic goals for the district. It enables more people to live near employment, education and retail services, thereby improving access to opportunity and reducing commuting times.
- **Sustainability and Resilience:** The design responds to climatic and ecological considerations through passive solar design measures, inclusion of green infrastructure, and provision of deep soil zones and canopy planting which significantly exceeds minimum requirements.

### 3.1.4 North West Rail Link Corridor Strategy and Bella Vista Station Precinct Plan

The Bella Vista and Kellyville TOD Precinct (the TOD Precinct) has been the subject of long-term planning commencing with the North West Rail Link Corridor Strategy (Corridor Strategy, 2013) and subsequently the Bella Vista Station Precinct Plan (Precinct Plan, 2017). These strategies laid the groundwork for urban transformation in Bella Vista, identifying it as a priority precinct for intensification and investment in response to the delivery of the Sydney Metro Northwest (formerly the North West Rail Link).

The Corridor Strategy, prepared by the NSW Government, was developed to maximise the land use and economic opportunities arising from the new metro line. It proposed a series of compact, connected, and sustainable precincts centred around the eight new metro stations, with a strong focus on walkability, employment access, and housing diversity. Bella Vista was identified as a strategic growth precinct due to its connectivity to Norwest Business Park and its ability to accommodate a significant share of the corridor's targeted residential and employment uplift.

The Precinct Plan was finalised in December 2017 through the *State Environmental Planning Policy Amendment (Bella Vista and Kellyville and Station Precincts)*. It facilitated amendments to land use zones, height of building, and floor space ratio development standards to enable the coordinated urban renewal of the precinct.

The Precinct Plan created the policy conditions necessary to support the eventual rezoning of the subject site, which was realised through the 2024 rezoning under the Transport Oriented Development (TOD) Program as detailed at **Section 3.1.5**. Together, these frameworks demonstrate a long-term commitment to facilitating high-density housing within the Bella Vista precinct aligned with the Sydney Metro Northwest.

### 3.1.5 Transport Oriented Development Program

The TOD program represents the latest incarnation of a long-term strategy to concentrate housing supply, urban density, and infrastructure investment within walkable catchments of Metro stations.

Designated as an Accelerated Precinct in 2024, Bella Vista and Kellyville were subject to a State-led rezoning process aimed at fast-tracking well-serviced housing in partnership with local councils and infrastructure agencies. The Department of Planning, Housing and Infrastructure (DPHI), in collaboration with local councils and state government agencies, finalised the rezoning following public exhibition between 9 July and 23 August 2024.

As it relates to the subject site this resulted in an amendment to *The Hills Local Environmental Plan 2019* to allow for a greater density of residential development, achieved through an increase to the height of building and floor space ratio development standards. Other aspects of the rezoning included the requirement for affordable housing as part any redevelopment and the adoption of the *Bella Vista and Kellyville Transport Oriented Development Precincts Design Guide* (Precinct Design Guide) providing finer grain planning controls for development within the TOD Precinct.

The proposed development is clearly aligned with the State-led rezoning by providing an increase in housing supply within the walkable catchment of the Sydney Metro Northwest consistent with the adopted development standards and Precinct Design Guide. **Figure 11** Details the building form envisaged for the subject site within the context of the overall Precinct.



Figure 16. Block BV1&7 Bella Vista 3D view

Figure 11 – Bella Vista and Kellyville State-led Rezoning Urban Design Report 3D View (Source: DPHI)

### 3.1.6 Hills Future 2036 Local Strategic Planning Statement

The Hills Future 2036 Local Strategic Planning Statement (LSPS) sets out The Hills Shire Council's 20-year vision for land use planning, focusing on sustainable growth, housing diversity, and enhanced liveability. The LSPS identifies the site as being within a 'Station precinct' being a key area for accommodating future housing and employment growth.

The proposed development is particularly aligned with the following aspects of the LSPS:

- **Delivering Housing Diversity:** The inclusion of both apartments and townhouses catering to a range of household types and life stages.
- **Enhancing Liveability:** The development incorporates high quality communal space, extensive deep soil areas and canopy coverage, and pedestrian-oriented design, contributing to a high-quality urban environment. It will contribute towards the enhancement of Elizabeth MacArthur Creek being an identified 'Urban Green Grid priority'.

### 3.1.7 The Hills Corridor Strategy

The Hills Corridor Strategy (Strategy) provides a framework for managing growth along the Sydney Metro Northwest corridor. It envisages the Bella Vista Precinct as a high-rise commercial core close to station with opportunity for some high-density residential living and support retail. It emphasises the importance of integrating land use and transport planning to create sustainable, accessible communities. While the Strategy does not include the site given it predated the TOD program, the overall vision for the Precinct is still considered relevant. The proposed development aligns with the Strategy as follows:

- **Transport Oriented Development:** The site's location within a walkable distance of the Bella Vista Metro Station makes it ideally placed for high density residential development.
- **Promoting Active Transport:** The development's design encourages walking and cycling, reducing car dependency.
- **Enhancing Urban Design:** Delivery of high-quality architecture and public spaces contributes to the area's visual appeal and its connectivity.

### 3.1.8 NSW housing Strategy

NSW Housing Strategy, Housing 2041 represents a 20-year vision for housing in NSW. It outlines a holistic vision structured around four key pillars—supply, diversity, affordability and resilience and embodies the government’s goals and ambitions to deliver better housing outcomes by 2041. The proposed development is closely aligned with the objectives of the NSW Housing Strategy, which recognises that housing is fundamental to social wellbeing, economic productivity and individual choice, and calls for responsive, evidence-based planning to deliver the right housing in the right locations.

The proposed development achieves each of the four key pillars as follows:

- **Supply:** The development delivers a substantial increase in housing within the TOD Precinct, which was designated for accelerated housing growth in 2024. The delivery of 444 units contributes to the objective of ensuring a pipeline of housing in well-serviced locations, supported by infrastructure and public transport.
- **Diversity:** A mix of apartments and townhouses supports a range of household types and socio-economic profiles. This aligns with the Strategy’s emphasis on adaptable and inclusive housing that meets the evolving needs of NSW residents, including families, single-person households, older people and people with disabilities. The incorporation of adaptable and affordable housing types ensures the development supports greater housing choice within a high-amenity environment.
- **Affordability:** Affordable housing is provided as part of the proposed development in the form of monetary contributions which will be paid to the local council. In this manner the proposal contributes to the Strategy’s aim of providing housing that is accessible across income levels and supportive of long-term security and wellbeing.
- **Resilience:** The development demonstrates strong environmental performance through passive design, generous deep soil zones and canopy planting, energy-efficient building form, and water-sensitive urban design measures. These elements directly support the vision for resilient housing that can adapt to changing environmental conditions, contribute to sustainability goals, and create comfortable, liveable communities

### 3.1.9 Better Placed Policy

The proposed development has been designed consistent with the objectives and principles of the Better Placed Policy. Better Placed provides seen objectives when considering good design. In support of the application is a Design Report (**Appendix B**) which has undertaken a comprehensive review of the development against the Housing SEPP Design Quality Principles, and which align closely with the Better Placed Policy.

The proposed development is considered to be aligned with the stated objectives as detailed in **Table 4**.

**Table 4 – Better Placed Objectives**

Objective	Comment
Objective 1: Better Fit – contextual, local and of its place	<p>The proposed development forms part of the Bella Vista and Kellyville Transport Oriented Development (TOD) Precinct which is one of the accelerated precincts identified by NSW Government to deliver higher-density residential development within areas of established public transport infrastructure.</p> <p>Design cues have been taken from the landscape particularly Elizabeth MacArthur Creek and the remnant native trees.</p> <p>Built form controls have been adopted for the site consistent with The Hills LEP 2019 and the Precinct Design Guide. The proposed heights, density and land uses are suitable for the site and its role.</p>
Objective 2: Better Performance – sustainable, adaptable, and durable	<p>The proposal achieves an average 7.4 NatHERS rating and exceeds the minimum target water and energy requirements under BASIX. Passive design</p> <p>Key initiatives within the project include rainwater harvesting and reuse for irrigation, extensive canopy planting and deep soil areas, efficient fixtures and fittings, energy efficient appliances and lighting systems, glazing and insulation performance to enhance thermal comfort, and passive design principles informed by the detailed NatHERS thermal assessments.</p>

<p>Objective 3: Better for Community – inclusive, connected and diverse</p>	<p>The proposal incorporates a diversity of communal open space areas that will promote connectivity between residents.</p> <p>Open space areas are provided including a through site link and nature play area that will promote opportunities to interact with the broader community and improve connectivity.</p>
<p>Objective 4: Better for People – safe, comfortable and liveable</p>	<p>Private communal open space (COS) areas have been provided that are distinct from public areas and will provide a sanctuary for residents.</p> <p>COS areas that are publicly accessible have been informed by CPTED principles with a high degree of passive surveillance from adjoining apartments, balconies and rooftop communal areas. Good view lines are achieved particularly within the through site link by way of strategic landscape selection and minimising structures.</p>
<p>Objective 5: Better Working – functional, efficient and fit for purpose</p>	<p>A variety of COS areas are provided that will enable both passive and active uses by its residents. Formal areas include a swimming pool, barbeque area, and gym. Less structured areas include turfing areas, landscaped area, internal function room, native play area, etc.</p> <p>Apartment sizes have been adopted that are larger than the minimum and have greater inherent flexibility. Adaptable and liveable housing typologies form part of the scheme which by design reduce the barriers to their future modification.</p> <p>The proposal has been the subject of a detailed design phase that has arrived at an optimal mix of communal areas and apartment mix suited both to the development and the local market.</p>
<p>Objective 6: Better Value – creating and adding value</p>	<p>The development will provide for a substantial increase in housing supply in proximity to established public transport infrastructure and a future commercial centre. It will contribute towards the realisation of the Precinct which is currently underdeveloped.</p> <p>The scheme provides for a significant quantity of affordable housing achieved through the payment of monetary contributions to Council and adaptable and liveable housing typologies which contribute towards the diversity of housing.</p> <p>Biodiversity values and Aboriginal cultural heritage values have been maintained on site to the extent possible for future generations.</p>
<p>Objective 7: Better Look and Feel – engaging, inviting and attractive</p>	<p>A high quality development is proposed both with respect to the building form, is integration with the landscape and its open spaces. A human scale podium frames the interface with the creek corridor, which will be pleasing for users of the shared path and integrates with the adjoining nature play area.</p> <p>A high degree of connectivity and permeability is achieved including a through site link which will draw people through the site to the creek corridor.</p>

**3.1.10 Connecting with Country Framework**

In July 2023, the Government Architect NSW (GANSW) released the final Connecting with Country Framework, a guide for embedding Aboriginal knowledge systems in planning and design. The Framework encourages a shift toward Country-centred practice grounded in Aboriginal ways of knowing, being, and doing to achieve more meaningful, inclusive, and sustainable places.

The proposed development has adopted the principles of the Connecting with Country Framework early in the design process to ensure the proposal respects, reflects, and integrates Aboriginal cultural values and aspirations. The project has been shaped by outcomes identified in the Framework, including:

- **Healthy Country:** The development supports ecological resilience through the protection of the southern biodiversity corridor and integration of deep soil planting areas, as highlighted in the Environmental and Cultural Design Strategy.
- **Healthy Community:** The proposal fosters inclusive, community-centred living with housing diversity, nature-based play, and communal green spaces that promote social connection and cultural identity.
- **Protecting Aboriginal Cultural Heritage:** Consultation with Dharug stakeholders directly informed the public domain and open space strategy, ensuring cultural narratives are embedded in the landscape through interpretive elements, bush tucker gardens, and material choices.
- **Cultural Competency:** The project team undertook briefing workshops and acknowledged the value of learning from Aboriginal communities. These inputs have been crucial in shaping design responses and decision-making at early and ongoing stages of the project.
- **Better Places:** By applying Country-centred design, the development delivers a connected, inclusive, and sustainable environment. It supports green infrastructure, aligns with natural site features, and reinforces the relationship between people, landscape, and culture.

Early consultation with Aboriginal stakeholders was a foundational step in shaping the landscape and cultural vision for the site. The engagement (see **Appendix DD**) has informed outcomes that enhance ecological sensitivity and public domain identity. Continued involvement of the Aboriginal community is anticipated through detailed design and implementation, ensuring that the development remains responsive to Country and community values.

### 3.1.11 Landcom State Significant Development Application – SSD-10344

On 1 December 2022 the Department of Planning and Environment (now DPHI) granted consent to an SSDA concept proposal, which applies to the Bella Vista portion of the overall TOD Precinct and is under the ownership of Landcom.

The concept proposal sought approval for the allocation of land uses and gross floor area across the site, built form design principles, guidelines and controls, street hierarchy and layout, and subdivision of public domain areas. The approved concept provides for the following outcomes:

- A minimum of 3,800 homes, including a minimum of 5% Affordable Housing for very low-, low- and middle-income earners
- 151,000m<sup>2</sup> commercial gross floor area
- 15,000m<sup>2</sup> of retail gross floor area
- 15,000m<sup>2</sup> of community gross area, including a new community facility and new school site
- 56,000m<sup>2</sup> of public open space including a new town centre, network of open spaces along the western side of Elizabeth Macarthur Creek, and a district park.

More recently, the approval was modified on 15 April 2025 which included administrative amendments to resolve minor errors and discrepancies in the stamped plans, Urban Design Guidelines and Urban Design Report.

Supporting the approval and to facilitate the planned development of the TOD Precinct are the approved Bella Vista Station Precinct Design Guidelines. While the proposed development does not form part of the concept approval, it does share a boundary with the approved development as shown at **Figure 12**, which shows the subject site outlined in blue.

The proposed development has had due regard to the Urban Design Guidelines that support the approved concept particularly with respect to the local road typologies, tree canopy targets within the public domain, provision of local open space within the southern part of the site, and creation of a strategic road connection from Free Settlers Drive, which will facilitate initial access to the northern part of the precinct.

The shared local road (Road 01) along the western boundary of the subject site will be coordinated with Landcom and is the subject of ongoing discussion. The proposed development will deliver the interim road layout for Road 01 consistent with the outcomes arrived at as part of the previous Development Application (described at Section 1.4.2) and will be delivered in full as part of the adjoining Landcom development.

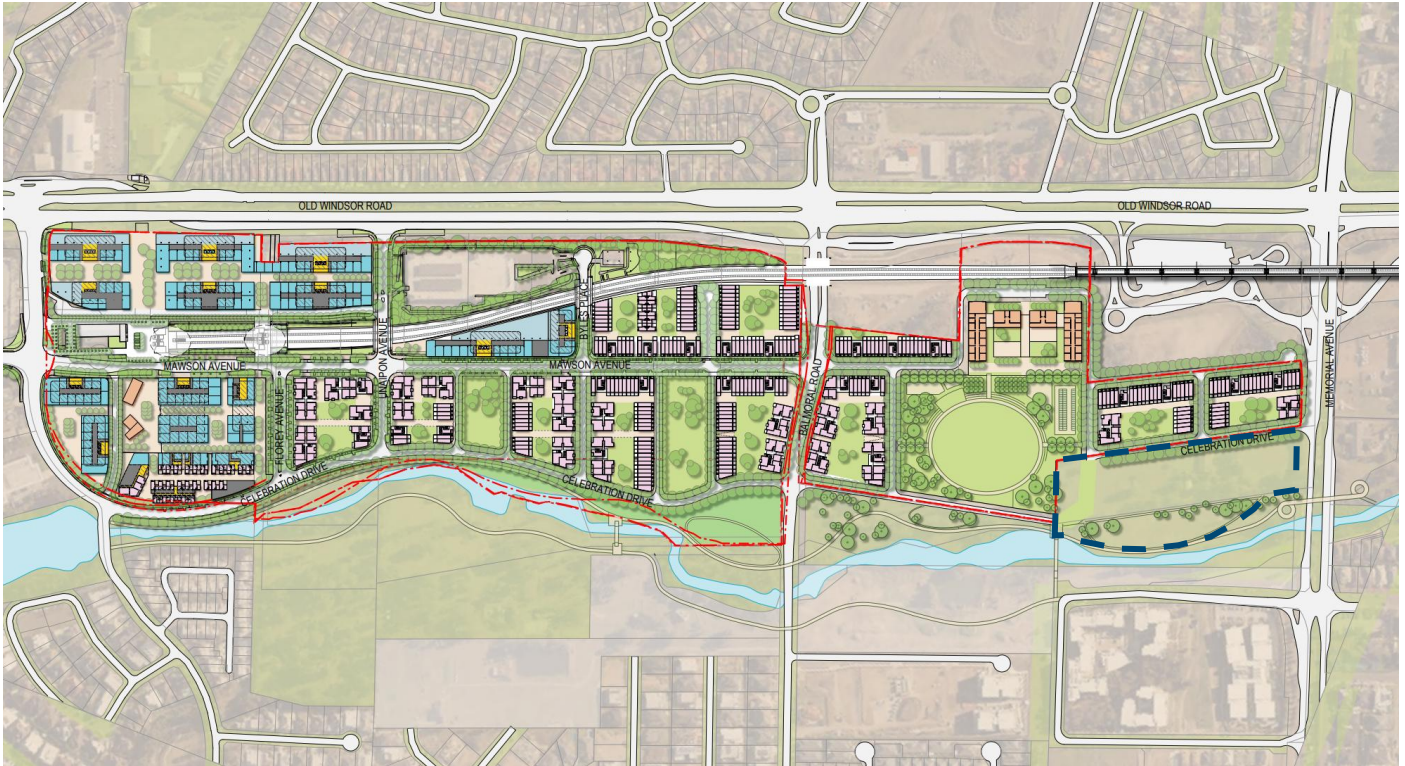


Figure 12 – SSD10344 Mod 2 Approved Ground Floor Plan – Site Outlined in Blue (Source: Hassell)

### 3.2 Cumulative Impacts

The site is situated within the Bella Vista and Kellyville TOD Precinct; an area identified for significant urban renewal and high-density residential development. Approved and proposed developments in the vicinity may contribute to cumulative impacts when considered alongside the proposed development.

These cumulative impacts primarily relate to increased traffic volumes, demand on local infrastructure and services, and changes to the visual and social character of the area. **Table 5** summarises key developments and infrastructure projects in the area:

**Table 5 – Planned and Approved Developments**

Project	Description	Status
Bella Vista Station Precinct Concept Proposal  SSD-10344	Bella Vista Station Precinct Concept Proposal. The concept State Significant Development Application was approved by the Minister for Planning in December 2022. The proposal is a concept development that will generally provide for: <ul style="list-style-type: none"> <li>• A minimum of 3,800 homes, including a minimum of 5% Affordable Housing for very low, low and middle income earners</li> <li>• 151,000m<sup>2</sup> commercial gross floor area</li> <li>• 15,000m<sup>2</sup> of retail gross floor area</li> <li>• 15,000m<sup>2</sup> of community gross area, including a new community facility and new school site</li> <li>• 56,000m<sup>2</sup> of public open space including a new town centre, network of open spaces along the western side of Elizabeth Macarthur Creek, and a district park.</li> </ul> Being a concept approval subsequent Development Application(s) would be required to deliver upon the approval. Refer to <b>Section 3.6.11</b> for a more detailed consideration of the approval and the relationship with the proposed development.	Approved 01/12/2022

Bella Vista Station Precinct Concept Proposal  SSD-10344- MOD 2	Bella Vista Station Concept was modified to address corrections in the stamped plans, design guide and design report.	Approved 15/04/2025
Bella Vista Station Precinct Concept Proposal  SSD-10344-Mod-3	Bella Vista Station Concept was modified to address minor correction to design guide.	Approved 09/07/2025
Kellyville Station Precinct Concept Proposal  SSD-10343	Concept proposal for the allocation of land uses and gross floor area (GFA) across the site, built form design principles, guidelines and controls, street hierarchy and layout and subdivision of public domain areas. This approval relates to the Kellyville part of the Precinct to the north.	Approved 01/12/2022
Kellyville Station Precinct Concept Proposal  SSD-10343-Mod-1	Administrative amendments to resolve minor errors and discrepancies in the Design Guidelines, Design Report and stamped plans.	Approved 26/02/2025
Memorial Avenue Upgrade MP09_0180	A \$224 million upgrade of Memorial Avenue between Old Windsor Road and Windsor Road, expanding the road to two lanes in each direction to improve traffic flow and safety.	Completed in December 2024.
Norwest Quarter by Mulpha  1231/2025/JP	A \$1 billion master-planned, zero-carbon precinct featuring 935 residential apartments, retail, medical, and childcare facilities across nine towers. Located at 40 Solent Circuit, Norwest.	Development application lodged in February 2025.
Opal HealthCare Bella Vista RACF  SSD-53300464	To deliver approximately 135 bed residential aged care facility, including high care and memory care wing, basement for back of house and 40 parking spaces, café, communal outdoor area, function room, mens shed, resident kitchen and laundry facilities and new infrastructure services.	SEARS Received EIS Preparation Stage
233967 - 301 & 301B Samantha Riley Drive, Kellyville - Charbel Kazzi / Centro Holdings Pty Ltd	The proposal includes six mixed-use buildings up to 27 storeys with an indicative 1186 dwellings including 19 (10%) affordable, childcare, retail, and cafe uses.	Declared SSD by HDA – yet to request SEARs

## 4 Project Description

### 4.1 Overview

Development consent is sought pursuant to Division 4.7 – State Significant Development of the EP&A Act 1979 for the two stage construction of a residential flat building development comprising four (4) residential towers connected by two (2) levels of basement carparking which will deliver 444 units. The following is a more detailed description of the works for which consent is sought through this SSDA application:

#### Site Preparation and Infrastructure

- Demolition of all existing structures in the form of a house and shed;
- Vegetation clearance of 98 trees (0.32ha), dewatering and infill of an existing dam;
- Construction of local Road 02 and part construction of Road 01;
- Installation of essential site servicing and infrastructure, including padmount electrical stations; and
- Consolidation and subdivision of Lot 1 DP 1237055 and part Lot 1 DP 1298513 to provide for the development site, local road and open space;

#### Residential Development

- Construction of four (4) residential buildings in two (2) stages;
- Delivery of 444 residential dwellings comprising 438 apartments and 6 townhouses;
- Provision of two (2) levels of basement comprising car parking (504 spaces) for residents and visitors;
- Provision of 201 bicycle spaces within the lower ground level; and
- Affordable housing delivered through monetary contributions, equivalent to approximately 34 apartments;

#### Community Infrastructure and Public Benefits

- Creation of high-quality communal open space for residents;
- Creation of a publicly accessible through site link;
- Public domain improvements that will enhance the broader streetscape and community amenity; and
- Dedication of open space land 1,464m<sup>2</sup> to The Hills Shire Council for public purposes;

The development staging as outlined in the Architectural Drawings prepared by Turner Studio is described below:

#### Stage 1

- Construction of Buildings A & B including basement level;
- Construction of the publicly accessible east-west through site link;
- Construction of Road 02 & part construction of Road 01;
- Delivery of pedestrian path along Elizabeth MacArthur Creek corridor;
- Dedication of local open space to Council; and
- Creation of the restricted development area for the ongoing protection of biodiversity values.

#### Stage 2

- Construction of Buildings C & D;
- Construction of extended basement level; and
- Delivery of communal open space adjoining Elizabeth MacArthur Creek corridor.

The proposal is detailed on the Architectural Drawings (**Appendix A**) and a Design Report (**Appendix B**) both of which were prepared by Turner Studio. Perspectives of the development are provided below at **Figures 13 - 15**. These renders are for illustration only, to show how the building design and materials will look in their surroundings. Landscaping is to be in accordance with the Landscaping Architectural Drawing Set at **Appendix C**.



Figure 13 – Perspective of Building 'D' from south-east (Source: Turner Studio)



Figure 14 – CGI Perspective - Podium Materiality (Source: Turner Studio)



Figure 15 – Perspective Building ‘A’ Viewed from Northeast (Source: CGI Artist)

## 4.2 Key Project Information

The key details of the proposal are summarised in **Table 6** below.

**Table 6 – Project Summary**

Metric	Comment
Development Description	The proposal comprises a two staged construction of a residential flat building development across four residential towers comprising 444 residential dwellings in the form of apartments and townhouses.
Permissibility	The site is zoned R1 General Residential pursuant to The Hills Local Environmental Plan 2019. Residential flat buildings are permitted within the zone.
Development Works	Consent is also sought for the following works: <ul style="list-style-type: none"> <li>• Demolition of existing structures and improvements;</li> <li>• Removal of 0.32 ha of native vegetation including removal of circa 98 trees on the site;</li> <li>• De-watering and filling of existing dam;</li> <li>• Subdivision and site consolidation;</li> <li>• Associated landscaping works across the site including the embellishment of a pocket park.</li> </ul>

Site Area	25,569m <sup>2</sup>			
Developable Site Area	20,511m <sup>2</sup>			
Gross Floor Area	Overall Development = 49,977m <sup>2</sup>			
Floor Space Ratio	1.954:1			
Building Height	<b>Building</b>	<b>Storeys</b>	<b>Maximum Height (m)</b>	<b>Maximum Height (RL)</b>
	Building A	4-9	33.91m	91.2 to top of plant
	Building B	4-15	54.8m	111.8 to lift overrun / plant
	Building C	4-15	54.971m	112.9 to top of plant
	Building D	4-15	53m	112.9 to top of plant
Number of Units	Stage 1		213	
	Stage 2		231	
	<b>Total</b>		444	
Dwelling Type	438 Apartments and 6 Townhouses (444 total)			
Bedroom Mix	<b>Type</b>	<b>No. Dwellings</b>		<b>Mix (%)</b>
	1 Bed	55		12.4
	1+ Bed	27		6.1
	2 Bed	89		20
	2+ Bed	119		26.8
	3 Bed	60		13.5
	3 + Bed / Townhouse	74		16.7
	4 Bed / Penthouse	20		4.5
Affordable housing	<ul style="list-style-type: none"> <li>7% of overall residential GFA</li> <li>3,490m<sup>2</sup></li> <li>Equivalent to approximately 34 apartments</li> </ul>			
Liveable Housing (ADG)	<ul style="list-style-type: none"> <li>20% of units</li> <li>90 units proposed</li> </ul>			
Adaptable Housing	<ul style="list-style-type: none"> <li>10% of units</li> <li>46 units proposed</li> </ul>			
Communal Open Space	<b>COS Requirement (ADG)</b>	25% of developable site area or 5,127.7m <sup>2</sup>		
	<b>COS Proposed</b>	30.4% or 6,248.4m <sup>2</sup>		
Deep Soil Area	<b>Total Area</b>	6,449m <sup>2</sup> of the developable sites area		
	<b>Design Guide Requirement</b>	15%		
	<b>Proposed</b>	31.4%		
Canopy Coverage	32.2%			
Car parking	Stage 1		241	
	Stage 2		263	
	<b>Total</b>		504	

Bicycle Parking	Stage 1	105
	Stage 2	96
	<b>Total</b>	201
Vehicle Access	Access to be achieved from bridge / road works associated with current approval DA/563/2024/ZB	
Estimated Development Cost	\$297,841,959.00 (see <b>Appendix GG</b> )	

### 4.3 Site Preparation Works

Site preparation works will include the demolition of existing structures comprising a single-storey detached dwelling house and associated ancillary structures currently located on the site. An existing dam on the property will be de-watered to enable the regrading of the site and establishment of a development footprint.

Vegetation will be cleared to facilitate the site comprising the removal of a total of 98 trees. A total of 30 trees will be retained and protected throughout the construction period with appropriate tree protection measures. This includes the creation of a restricted development area within the southern part of the site. In total 0.32ha of native vegetation is to be removed.

Bulk earthworks will be undertaken to develop the site and will be undertaken in accordance with the proposed construction staging. Earthworks will comprise the excavation of the basement level in accordance with the staging with the largest excavation required within the south-western part of the site. Excavation is also required to facilitate the required local road network. Part of the site is designated as a 'restricted development area' to maintain the biodiversity values and which will not be the subject of bulk earthworks. A bulk earthworks plan demonstrating the extent of works is provided as part of the civil plan at **Appendix P**.

### 4.4 Site Servicing and Utilities

The proposed development benefits from a separate local approval for the delivery of the roundabout on Free Settlers Drive and the construction of a bridge across Elizabeth MacArthur Creek, as detailed in Section 1.4.2 of the EIS. This provides legal and practical vehicular access from the local road network to the development site.

It is proposed to construct Road 02 along the southern part of the site which will provide access to the site and strategically provide interim access to the Precinct more broadly. It is also proposed to deliver part of Road 01 along the western boundary of the site. Its partial construction to provide access to the site only aligns with the previous approval granted by the District Planning Panel, acknowledging that it allows for the full construction once the adjoining Landcom site progresses towards an approval for a detailed development.

Padmount stations for the development are located alongside Road 02 within the northwestern part of the site. Its location and design responds to the requirements of the energy provider.

The project team has engaged with both Sydney Water and Endeavour Energy through the prelodgement process to understand the servicing requirements for the proposed development. It has been confirmed based on early engagement that there is an ability to service the proposed development with respect to the supply of water, wastewater and electricity.

### 4.5 Layout and Built Form

The building form is distributed across four (4) residential towers located above an interconnected basement. A generally east-west alignment has been adopted maximising the solar performance of the buildings and reducing overshadowing particularly to open space areas. Modulation and articulation of the building façades assist in maximising views from the development while also creating visual interest.

The layout and orientation of the building form has been guided by the Precinct Design Guide and the positive planning outcomes achieved through the previous approval as referenced in Section 1.4.2. The following are the key aspects with respect to the distribution of building form:

- Redistribution of building returns along the western edge to improve the solar performance of the development;
- Redistribution of building return for Building C to facilitate an east-west through site link;

- Improvement of the development interface with the Elizabeth MacArthur Creek corridor providing a more human scale form;
- Separation of building form to improve air movement through the ground floor plane and for private terraces;
- Additional storey to Building A while remaining well within the permitted height limits.

The adopted approach resolved issues that became evident through the testing of the Precinct Design Guide envelopes. It better aligns with site constraints and opportunities, including an enhanced response to Elizabeth MacArthur Creek and integration of a central through-site pedestrian link.

Building heights transition from 9 storeys (Building A) along Memorial Avenue to 15 storeys (Buildings B, C and D) with the greatest height focussed towards the centre of the site and therefore the precinct, transitioning away from the more sensitive natural and built form edges. The podium form adopts a consistent 4-storey base with fine grain townhouse frontages along key interfaces, providing a more human scale form.

Tower elements adopt upper-level setbacks that promote a distinct separation from the podium. Articulation and modulation promotes solar access both within the site and to adjoining uses, while also providing visual interest within the precinct. Stepped building forms, and recessed upper levels assist in mitigating the perceived bulk and contribute to a human-scaled, legible public domain.



Figure 16 – Ground Level. (Source: Turner Studio)

#### 4.6 Facade and Materiality

The proposed development adopts a contextual response with respect to the building façades and materiality taking cues from the landscape while maintaining an overall cohesive design language. As detailed in the supporting Design Guide prepared by Turner Studio at **Appendix B**, the design philosophy is demonstrated at **Figure 16** with generally horizontal lines adopted for Buildings A & B taking cues from the creek corridor, while Buildings C & D adopt a mixture of vertical elements, drawing from the character of the ‘Garden Shire’ and celebrating the landscape character, with horizontal elements for the tower component.

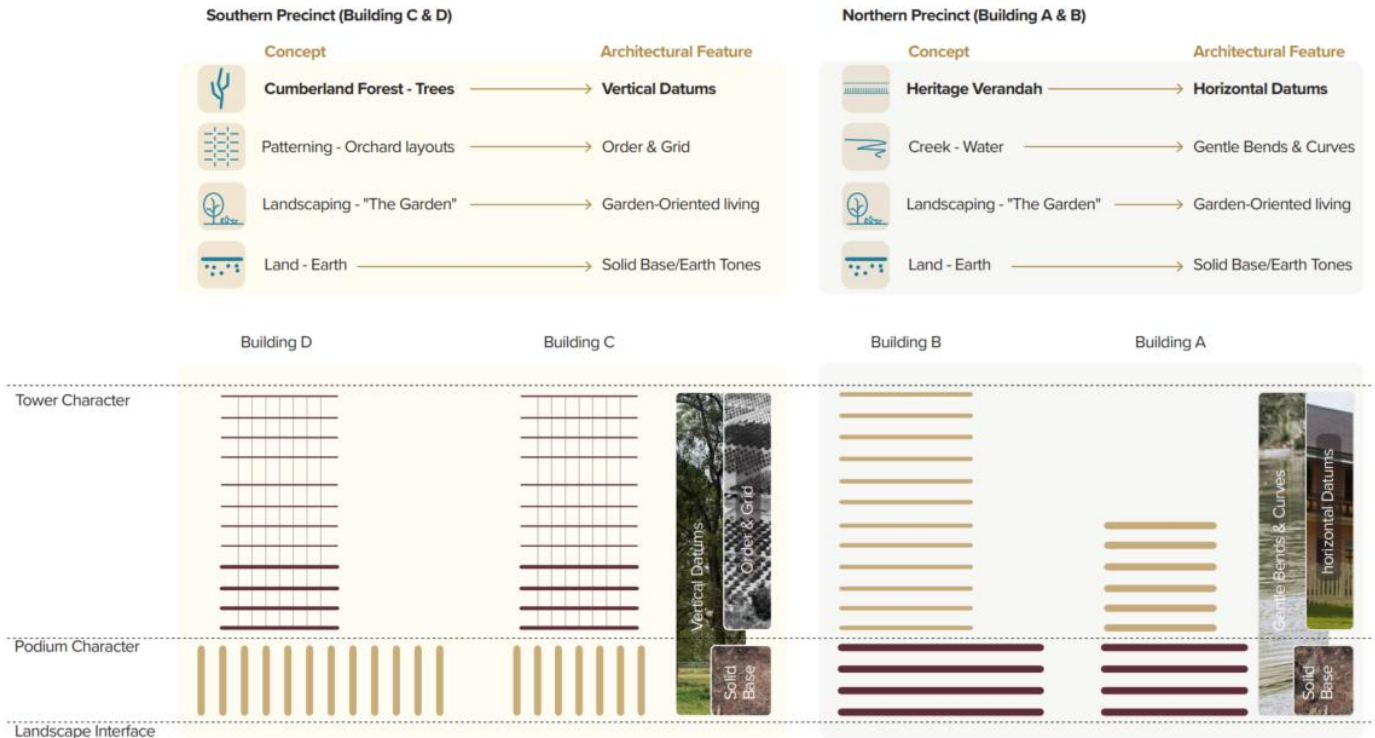


Figure 17 – Contextual Response. (Source: Turner Studio)

The material palette draws directly from the natural and cultural context of the Bella Vista area, with a particular emphasis on materials and finishes that reference the riparian setting of Elizabeth Macarthur Creek and the site's historical agricultural character. The project champions a natural palette of low-maintenance materials, chosen to ensure longevity, performance, and visual richness.

The podium levels consist of a mix of brickwork façade and brickwork spandrels establishing the character of the base. Landscaping is integrated at ground level and on-structure plantings ensure a design that integrates well with its natural features and communal / open space areas. Perforated privacy screens have been integrated where required to provide privacy between apartments.

With respect to the building towers a mixture of building elements and materials have been adopted to achieve a level of individuality and interest while still maintaining the overall design language. This includes curved spandrels made from concrete and perforated metal, with lighter weight materials adopted for the upper levels.

2.14 Facade Design  
Building A Facade Character



2.14 Facade Design  
Building B Facade Character



2.14 Facade Design  
Building C Facade Character



2.14 Facade Design  
Building D Facade Character



Figure 18 – Façade Materiality Buildings A, B, C & D. (Source: Turner Studio)

### 4.7 Landscaping and Public Domain

The public domain and landscape design for the proposed development is central to the vision of creating a high-amenity, socially inclusive, and integrated precinct. The landscape strategy responds to the site’s location along the Elizabeth Macarthur Creek corridor, drawing inspiration from the natural topography, biodiversity values, and Aboriginal cultural heritage.

#### 4.7.1 Connectivity

There is a strong emphasis on permeability and walkability both within the site and more broadly within the precinct as demonstrated at **Figure 18**. A key element is publicly accessible through-site link that runs centrally through the site, facilitating direct access for future residents of the Precinct to the creek corridor and open space areas. A cycle path will provide access for the public along the creek corridor linking to the future District Park to the south and beyond. Formal pedestrian footpaths are otherwise integrated as part of the road construction as contemplated by the Design Guide.

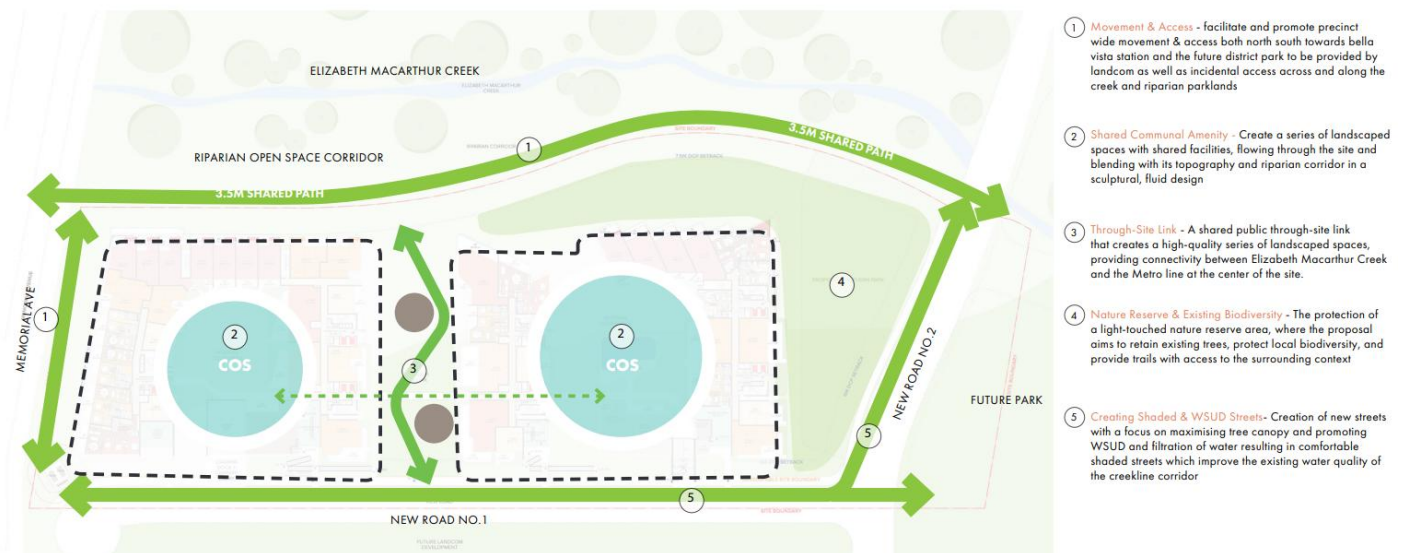


Figure 19 – Movement Strategy. (Source: Land and Form)

#### 4.7.2 Through Site Link

The proposed development will deliver an east-west through site link that is publicly accessible improving physical and visual connectivity with the broader Precinct. Access will be achieved through easements on title to ensure public access is maintained in perpetuity. The link has been designed based on principles of equitability providing universal access achieved through 1:21 grade ramps, removing the need for balustrades. **Figure 20** is a rendition of the intended built form and landscape outcomes for the through site link, refer to the Landscape Architectural Drawing Set at **Appendix C** for the detailed planting schedule.



Figure 20 – Through Site Link Between Buildings B & C. (Source: Turner Studio)

**4.7.3 Landscape Area, Deep Soil and Canopy Cover**

The proposed development achieves a significant quantity of landscaping across the site both with respect to landscaping integrated amongst the built form and deep soil zones. The total landscape areas, deep soil and canopy cover requirements and what the development achieves is detailed in **Table 7** below.

**Table 7 – Landscape Statistics**

Landscape Requirement	Requirement	Proposed
Landscape Area	30% (Design Guide)	43% (9,012m <sup>2</sup> )
Deep Soil Zone	15% (Design Guide/ADG)	31.4% (6,449m <sup>2</sup> )
Canopy Cover (Private)	20% (Design Guide)	32.2%

The quantity of deep soil far exceeds the minimum numerical requirements set by the Apartment Design Guide (ADG) and Precinct Design Guide and will assist in delivering a range of plantings including large trees. Further to the deep soil there is a range of landscaping within communal open space areas which utilise mounding to achieve appropriate plantings while maintaining a natural feel.

Canopy cover comprises both the retention of existing trees within the southern part of the site and trees to be planted as part of the landscape strategy. The quoted figure does not include the trees to be retained as part of area to be dedicated south of proposed Road 02. Canopy cover significantly exceeds the requirements of the Precinct Design Guide.

With respect to the public domain the development will achieve a canopy coverage of 40%. While it does not achieve the canopy cover contemplated under the Precinct Design Guide of 70%, from the landscape plans it is clear that the most efficient approach to street tree plantings is proposed when accounting for the need for access points to the site and on-street car parking as contemplated by the Urban Design Guidelines approved as part of the Landcom SSDA detailed at Section 3.6.11.

#### 4.7.4 Connecting with Country

The landscape strategy is closely integrated with Connecting with Country principles, developed in consultation with Aboriginal stakeholders. It incorporates:

- Interpretive panels and cultural trail markers;
- Bush tucker gardens; and
- Ground plane elements referencing Dharug stories and connections to Country.

Hardscape materials have been selected to harmonise with the local geological and cultural context. These include locally sourced sandstone, natural stone paving, decomposed granite, corten steel raised planters, recycled tree bark, and recycled timber, reinforcing the character and texture of the creekside environment.

### 4.8 Communal Open Space

The development provides for a variety of internal and external communal open space (COS) areas throughout the development. There is a focus on delivering areas that are high amenity with programming providing for both active and passive uses. The majority of external COS is provided at the ground level where this is able to be achieved and. The following is a description of the individual areas and their intended function.

#### 4.8.1 Ground Level COS

The following is a description of the communal open space areas located along the ground floor plane of the development. Their location within the site is detailed at **Figure 20**.

**Garden Patio between Buildings A & B.** Courtyard area framed by the surrounding building form with no public access. A central meeting area with awning and fixed seating will provide for seasonal comfort. Substantial tree plantings will provide comfort to the residents in the summer months while good cross flow is achieved through the space given the building separation. Landscape planting assists in achieving a separation between the adjoining private open space areas for the ground level units and the functionality of the COS area. Informal trails favoured to formal hardstand paths to maximise the functionality and amenity of the COS. Landscape mounding has been favoured over retaining walls achieving a more organic feel while maintaining the required soil depths and volumes

**Garden Link between Buildings C & D.** East-west through site link which will be publicly accessible. A meandering path runs down the site to provide equitable access while reflecting the Connecting with Country outcomes. Substantial landscaping is achieved taking advantage of the deep soil areas between the basement car parking. Distinct areas for seating and social engagement are distributed throughout the link culminating in a substantial sloped lawn towards the edge of the shared path.

**Health & Wellness Hub - Between Buildings C & D.** Courtyard area framed by the surrounding building form with no public access. The area is delivered over a split level. A swimming pool is provided within the upper levels alongside a garden lounge area providing residents opportunity to gather and also serves as an overflow area for an adjoining function room. On the lower level a recreational lawn area providing a flexible space for residents. Landscape mounding has been favoured over retaining walls achieving a more organic feel while maintaining the required soil depths and volumes

**Nature Play Area.** Publicly accessible area which provides for an organic feel play area with sensory garden, informal seating using natural materials, and separate from this exercise and fitness space that connects with the adjoining shared path and riparian corridor. Interface with adjoining apartment terraces through the use of dense plantings within an embankment which also serves to achieve a change in levels,

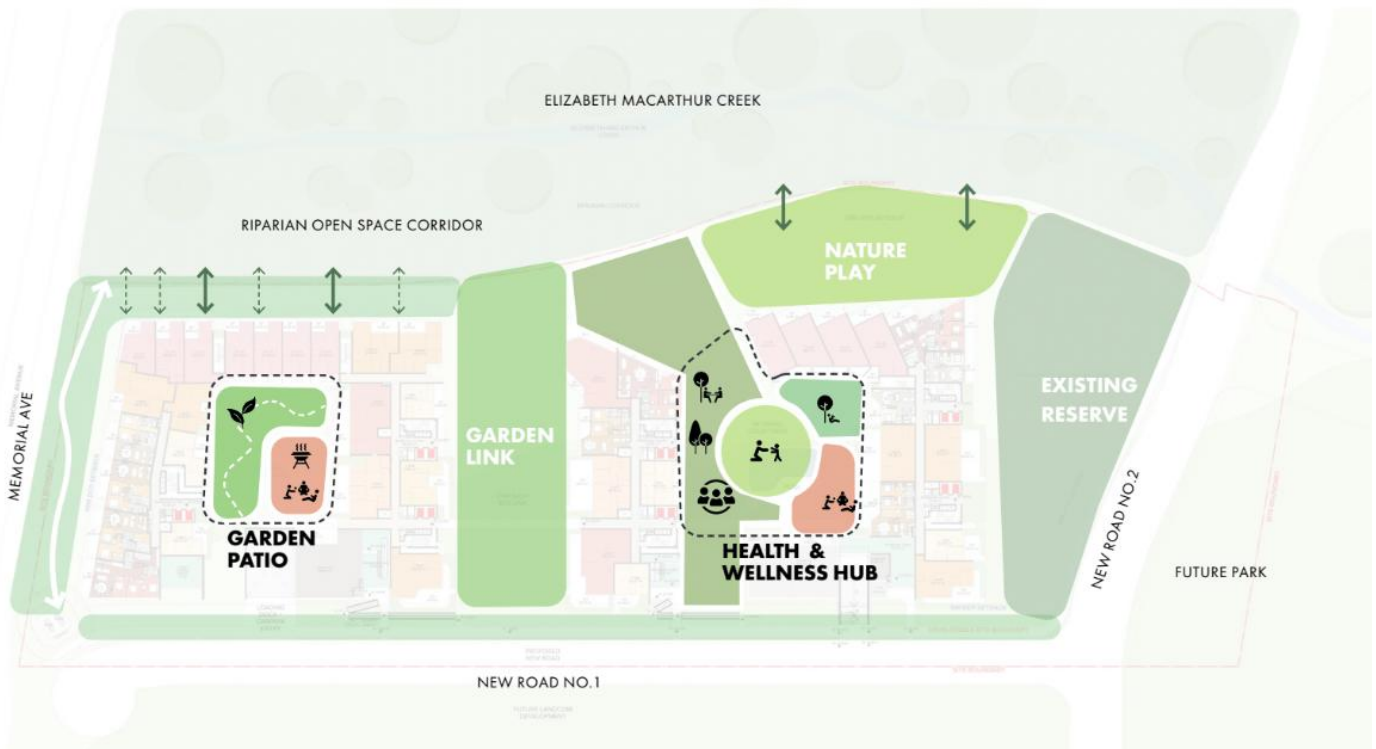


Figure 21 – Open Space Areas (Source: Land and Form)

#### 4.8.2 Rooftop Level COS

Rooftop communal open space is provided across Buildings A, B & D as follows:

- Building A Level 8. Large north facing gathering space with astro turf. Garden pavilion with BBQ, outdoor kitchen with picnic tables. Mixture of small trees with mounding, planting to mitigate against wind for adjoining private balconies, lower shrubs and cascading planting, and lookout terrace.
- Building B Level 3. Open space area providing overlooking of the creek corridor. Mixture of small trees with mounding, planting to mitigate against wind for adjoining private balconies, lower shrubs and cascading planting, lookout terrace and seating for gathering. Astro turf area for informal gathering.
- Building D Level 14. Large north facing gathering space with astro turf. Garden pavilion with BBQ area and associated seating. Mixture of small trees with mounding, planting to mitigate against wind for adjoining private balconies, lower shrubs and cascading planting. Rooftop lookout terrace to creek.

#### 4.9 Site Access, Parking and Loading

Vehicular access to the site will be achieved from Free Settlers Drive with a bridge across Elizabeth MacArthur Creek. This access has been approved through a separate local development application as described at Section 1.4.2.

The development proposes the construction of a local road network being Road 02 along the southern boundary and Road 01 along the western boundary. Road 02 will be constructed in its entirety whereas the development proposes the construction of a part road only for Road 01 sufficient to service the proposed development.

Road 01 will service both the subject site and the adjoining Landcom site which is not yet developed. The complete delivery of Road 01 will align and be coordinated with the eventual development of the Landcom site.

The development proposes two (2) access points to the development with an access point to Buildings A & B in the north part of the site and a further access point to Buildings C & D in the south part of the site. All loading is to occur within the dedicated loading area for Building A & B. Car parking for both residents and visitors is provided across 2.5 levels of basement and has been distributed in accordance with the number of apartments and staging of the development.

Bicycle parking spaces have been located within the lower ground levels of the development distributed proportionately between Buildings A & B and C & D.

## 5 Statutory Context

This section establishes the planning framework for assessing the State Significant Development Application (SSDA) and demonstrates compliance with all mandatory statutory and legislative requirements. The assessment addresses the matters that must be considered under Part 4 of the EP&A Act, including:

- Development permissibility under the relevant environmental planning instrument;
- Applicable State and regional planning policies;
- Local planning controls and development standards; and
- Other relevant planning considerations and statutory requirements.

The objective is to provide a comprehensive planning context for the proposal and establish how it aligns with the applicable regulatory framework. A detailed compliance assessment against all statutory requirements, including the Precinct Design Guide, has been undertaken and is provided in **Appendices K and L**.

### 5.1 Statutory Requirements for SSDA

**Table 8** below outlines the key statutory requirements in accordance with the Department’s State Significant Development Guidelines.

**Table 8 – Identification of Statutory Requirements of the Project**

Statutory Relevance	Action
<p>State Significant Development</p>	<p>Development consent is sought pursuant to Division 4.7 - Stage Significant Development of the EP&amp;A Act. Section 4.36(2) of the EP&amp;A Act states that:</p> <p style="text-align: center;"><i>(2) A State environmental planning policy may declare any development, or any class or description of development, to be State significant development.</i></p> <p>Clause 2.6 of the State Environmental Planning Policy (Planning Systems) 2021 (Planning Systems SEPP) provides that development is declared State Significant Development (SSD) under section 4.36 of the Environmental Planning and Assessment Act 1979 (EP&amp;A Act) if:</p> <ul style="list-style-type: none"> <li>• <i>the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and</i></li> <li>• <i>the development is specified in Schedule 1 or 2.</i></li> </ul> <p>Pursuant to Schedule 2 State significant development – identified sites of the Planning Systems SEPP, the site is identified as being within an “Accelerated TOD Precinct” per sub-clause 19(1).</p> <p><b>19 Development in Accelerated TOD Precincts</b></p> <p><i>(1) Development for the purposes of residential accommodation on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map, if the development has an estimated development cost of more than \$60 million.</i></p> <p><i>(2) A mixed use development on land identified as an “Accelerated TOD Precinct” on the Accelerated Transport Oriented Development Precincts Rezoning Areas Map that includes development for the purposes of residential accommodation, if the part of the development that is for the purposes of residential accommodation has an estimated development cost of more than \$60 million.</i></p> <p><i>(3) This section does not apply in relation to a development application made on or after 30 November 2027.</i></p> <p><i>(4) In this section—</i></p> <p><b>Accelerated Transport Oriented Development Precincts Rezoning Areas Map</b> has the same meaning as in State Environmental Planning Policy (Housing) 2021.</p>

	<p>The proposed development comprises of residential accommodation (apartments and townhouses) is located within the relevant map and has an estimated development cost of \$297,841,959.00 (see <b>Appendix GG</b>) which exceeds the \$60 million threshold. The development would therefore be declared to be SSD per clause 2.6(1)(b) of the Planning Systems SEPP.</p> <p>Pursuant to section 4.5(a) of the EP&amp;A Act, the Minister for Planning and Public Spaces is the consent authority for SSD unless the Independent Planning Commission is declared the consent authority pursuant to s2.7(1).</p>
Permissibility	<p>The proposal seeks approval for the purpose of a 'residential flat building' development defined as:</p> <p style="text-align: center;"><b>residential flat building</b> means a building containing 3 or more dwellings, but does not include an attached dwelling, co-living housing or multi dwelling housing. <b>Note.</b> <i>Residential flat buildings are a type of residential accommodation—see the definition of that term in this Dictionary.</i></p> <p>The site is zoned R1 General Residential under The Hills Local Environmental Plan 2019 (THLEP 2019), and the proposed uses for a residential flat building development is permissible with development consent.</p>

## 5.2 Other Approvals

The other legislative approvals required for the proposal in addition to a development consent under Division 4.7 of the EP&A Act are outlined in **Table 9** below.

**Table 9 – Other Approvals**

Statutory Relevance	Action
S4.41 - Approvals not required for SSD	<p>Section 4.41 sets out the authorisations that are not required with respect to an SSD application. With respect to the listed authorisations the following is noted:</p> <ul style="list-style-type: none"> <li>• S4.41(d). An Aboriginal heritage impact permit would have been required pursuant to s90 of the <i>National Parks and Wildlife Act 1974</i> if not for the submission of an SSDA;</li> <li>• S4.41(g). A controlled activity approval would have been required for the development pursuant to s91 of the <i>Water Management Act 2000</i> if not for the submission of an SSDA.</li> </ul>
S4.42 – Approvals Applied Consistently	<p>Section 4.42 sets out the authorisations that cannot be refused if they are necessary for the carrying out of an SSD application. The development does not trigger the requirement for any of the listed authorisations.</p>
EPBC Approval	<p>The EPBC Act establishes a process for assessing the environmental impact of activities and developments where Matters of National Environmental Significance (MNES) may be affected. Under the Act, any action which 'has, will have, or is likely to have a significant impact on a matter of MNES' is defined as a controlled action, and requires approval from the Commonwealth Department of Climate Change, Energy, the Environment and Water (DCCEEW), which is responsible for administering the EPBC Act.</p> <p>The process includes undertaking an Assessment of Significance for listed threatened species and ecological communities that represent a matter of MNES that will be affected as a result of the proposed action. Significant impact guidelines that outline a number of criteria have been developed by the Commonwealth of Australia (2013), to provide assistance in conducting the Assessment of Significance and help decide whether or not a referral to the Commonwealth is required</p> <p>The supporting Biodiversity Development Assessment Report (<b>Appendix Y</b>) has undertaken the required impact assessment and determined that the development is unlikely to result in a significant impact with respect to the species assessed and its potential impact does not require a referral to DCCEEW.</p>

### 5.3 Pre-Conditions to Exercising the Power to Grant Consent

**Table 10** sets out the preconditions that the consent authority must satisfy before exercising its power to grant development consent.

**Table 10 – Preconditions to Exercising power to grant approval**

Matter	Consideration
Biodiversity Conservation Act 2016	<p>In accordance with the <i>Biodiversity Conservation Act 2016</i> (BC Act), an assessment of any SSD’s biodiversity impacts must be undertaken as part of the provision of any SSDA. In support of the SSDA is a Biodiversity Development Assessment Report (BDAR) prepared by Eco Logical Australia Pty Ltd, see <b>Appendix Y</b>. The report has been prepared consistent with the Biodiversity Assessment Method (BAM) 2020 under the BC Act.</p> <p>The site is identified as having biodiversity values particularly towards the southern portion of the site. Measures to avoid and minimise impacts have been applied to the development footprint with 0.25 ha of PCT 3320 (<i>Cumberland shale plains woodland</i>) to be retained within the development site. A summary of credit requirements to offset impacts to PCT 3320 (<i>Cumberland shale plains woodland</i>) are detailed within <b>Appendix Y</b> and as summarised in <b>Section 7.7</b>.</p>
State Environmental Planning Policy (Transport and Infrastructure) 2021	<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> (Transport and Infrastructure SEPP) aims to facilitate the effective delivery of infrastructure of the State. Various provisions of the SEPP, with respect to the adjacent rail and road corridors and traffic generation, apply to the Proposal. These provisions are addressed in the Statutory Compliance Table at <b>Appendix H</b>.</p>
State Environmental Planning Policy (Resilience and Hazards) 2021	<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> (Resilience and Hazards SEPP) aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. Under clause 4.6 of the Resilience and Hazards SEPP, a consent authority must not consent to the carrying out of any development on land unless it has considered the potential for contamination within a site, if the land is contaminated whether it is suitable in its current state for the proposed use and if the land requires remediation to be made suitable for the proposed use, that the remediation will occur prior to the proposed use.</p> <p>A combined Stage 1 Preliminary &amp; Stage 2 Detailed Site Investigation report has been undertaken by Sydney Environmental Group which is provided at <b>Appendix V</b>. It confirms the site is suitable for the proposed residential development. For further discussion, refer to <b>Section 7.15</b>.</p>

### 5.4 Mandatory Considerations

**Table 11** outlines the matters that the consent authority must consider when determining whether to grant development consent

**Table 11 – Mandatory Matters for Consideration**

Legislation	Matters for Consideration	Section in EIS
<i>Environmental Planning and Assessment Act 1979</i> (EP&A Act)	<p>The proposal is consistent with the objects of the EP&amp;A Act as follows:</p> <ul style="list-style-type: none"> <li>• The development facilitates the orderly and economic use of an underutilised site through the delivery of a high-density residential scheme in a strategic growth location, consistent with the strategic planning framework;</li> <li>• The proposal will generate employment during the construction phase and support ongoing economic activity through future residential occupation with good connectivity to employment centres;</li> <li>• The development incorporates principles of ecologically sustainable development, including energy and water efficiency, thermal comfort, and reduced environmental impact, as detailed in the accompanying ESD Report and appended BASIX Certificate and NatHERS Assessment (<b>Appendix X</b>).</li> </ul>	

	<ul style="list-style-type: none"> <li>The proposal achieves a high-quality built form and urban design outcome, contributing positively to the public domain and providing enhanced amenity for future residents and the surrounding community.</li> </ul> <p>Draft Letter of Offers (<b>Appendix HH</b>) have been issued which seek to enter into a Voluntary Planning Agreement (VPA) pursuant to Part 7 Infrastructure contributions and finance, Subdivision 2 Planning agreements, with The Hills Shire Council. Section 7.3.1 details the full list of matters that will form part of the VPA, the following is a general summary:</p> <ul style="list-style-type: none"> <li>Monetary contributions as it relates to affordable housing pursuant to cl7.28 of THLEP 2019;</li> <li>Construction of roundabout and bridge;</li> <li>Construction of stormwater treatment infrastructure;</li> <li>Construction of the linear path within the creek corridor; and</li> <li>Dedication of local open space.</li> </ul>
<p>Environmental Planning and Assessment Regulation 2021</p>	<p>Part 8, Divisions 2 and 5 of the Regulation outlines procedures for the preparation and submission of Environmental Impact Statements (EIS). This EIS has been prepared in accordance with Sections 190 and 192, which set out requirements for the form and content of the EIS. The EIS also addresses principles of ecologically sustainable development, including the precautionary principle, by assessing risks of serious and irreversible environmental harm.</p>
<p>State Environmental Planning Policy (Housing) 2021</p>	<p>This SEPP guides the development of certain types of residential accommodation within NSW. Chapter 4 Design of residential apartment development is a relevant consideration in this instance pursuant to s144(2)&amp;(3), and which aims to improve the design of residential apartment development in NSW. Development consent must not be granted to a residential apartment development under the consent authority has given consideration to the matters listed under s147 as follows:</p> <p><i>(a) the quality of the design of the development, evaluated in accordance with the design principles for residential apartment development set out in Schedule 9,</i>  <i>(b) the Apartment Design Guide,</i>  <i>(c) any advice received from a design review panel within 14 days after the consent authority referred the development application or modification application to the panel.</i></p> <p>In support of the SSDA is a comprehensive Design Report prepared by Turner Studio at <b>Appendix B</b> which address the design principles for residential apartment development in Schedule 9; undertakes an assessment against the ADG with respect to its objectives and design criteria; and addresses the outcome of the two reviews undertaken by the SDRP and how the matters raised have been addressed in the submitted design. Finally, a design verification statement is provided as part of the report.</p>
<p>State Environmental Planning Policy (Sustainable Buildings) 2022</p>	<p>This SEPP promotes sustainable building design and delivery in NSW by establishing standards for residential and non-residential developments and initiating reporting of embodied emissions in materials. Relevant BASIX standards address energy and water use, and thermal performance. Assessment of compliance with this SEPP is addressed within the ESD Report (<b>Appendix X</b>) prepared by Walker Bai which includes a BASIX Certificate.</p>
<p>The Hills Local Environmental Plan (THLEP 2019)</p>	<p>The Hills LEP 2019 (THLEP 2019) is the principal environmental planning instrument that relates to the land. A comprehensive assessment is provided in the Statutory Compliance Table (<b>Appendix H</b>). The proposal is generally consistent with the relevant development standards relating to the site and development type, with the following exceptions:</p> <ul style="list-style-type: none"> <li>Clause 4.3(2) Height of Buildings, a maximum height of building of 54.971m is proposed when the maximum mapped building height is 51.5m; and</li> <li>Clause 4.4(2) Floor space ratio, an FSR of 1.954:1 is proposed whereas a maximum mapped FSR of 1.9:1 is permitted.</li> </ul> <p>Clause 4.6 Variation Requests with respect to the above development standards are included at <b>Appendices E and F</b>. The variations to the development standards are considered to be well founded and able to be supported by the consent authority in the circumstances of this case.</p>

	<p>Pursuant to cl 7.28 of THLEP 2019 the development is required to provide affordable housing comprising, in this instance, 7% of the gross floor area of the overall residential component of the development. Monetary contributions are proposed to address the required affordable housing provision as contemplated by cl7.28(5) &amp; (7). A Draft Letter of Offer (<b>Appendix HH</b>) has been issued to The Hills Shire Council which proposes monetary contributions payable to The Hills Shire Council.</p>
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## 6 Community and Stakeholder Engagement

This section outlines the community and stakeholder engagement activities undertaken during the preparation of the EIS, as well as the engagement proposed to be implemented should the project be approved.

### 6.1 Engagement Carried Out

The project team conducted comprehensive stakeholder engagement during EIS preparation, directly consulting with parties listed in **Table 12** in accordance with the project's SEARs and NSW Government's *Undertaking Engagement Guidelines for State Significant Projects* (March 2024).

The engagement activities conducted so far have not identified any significant issues that cannot be addressed through the agreed project design and mitigation measures during both construction and ongoing operations.

Details of the consultation are outlined in **Appendix J** and are summarised below at **Table 12**.

**Table 12** – Summary of Consultation Undertaken

Authority / Stakeholder	Outcomes
Department of Planning & Infrastructure (DPHI)	<p>Pre scoping briefing was held on 28<sup>th</sup> January 2025 which considered a massing exercise, testing of alternative envelopes and project background.</p> <p>Ongoing email communication on minor matters and acknowledge attendance of representatives at both SDRP meetings.</p>
The Hills Shire Council Prelodgement Meeting  14 February 2025	<p>Presentation of concept plans, including adopted planning framework from the State led rezoning, revised building envelopes, affordable housing provision, and alignment with the approved DA footprint (DA 308/2024/JP).</p> <p>Key matters discussed included the adoption of planning controls for the Bella Vista and Kellyville TOD Precinct and the role of the local planning controls, updated flood modelling to reflect revised envelopes, and adherence to waste design standards for large-scale developments.</p> <p>Also discussed were the positive planning outcomes t achieved through the previous Development Application (refer to Section 1.4.2) including Aboriginal cultural heritage, biodiversity outcomes and retention of a restricted development area, and publicly accessible through site line.</p>
State Design Review Panel (SDRP)  9 April 2025	<p>An initial meeting with the SDRP was held to consider the early design and detailed key matters for which the project team were seeking the view of the SDRP. A detailed review of matters raised by the SDRP and how the design has responded is provided in the supporting Design Report at <b>Appendix B</b> and Section 7.2.</p>
State Design Review Panel (SDRP)  18 June 2025	<p>A further meeting with the SDRP was held as per their recommendation. This enabled the project team to address the matters raised in the initial review as part of the design progression and provide a more comprehensive design presentation for review and feedback. It was confirmed that a further meeting was not warranted based on the design presented.</p> <p>A detailed review of matters raised by the SDRP and how the design has responded is provided in the supporting Design Report at <b>Appendix B</b> and Section 7.2.</p>
Transport for NSW (TfNSW)	<p>Request for feedback on transport and traffic considerations.</p> <p>Potential impacts on transport infrastructure, pedestrian access, integration with future transit upgrades.</p> <p>Vehicular access to be obtained from the local road network.</p>
Sydney Water	<p>Feasibility letter issued by Sydney Water on 2 July 2025 with respect to the servicing of the site, contributions payable and future application requirements. Confirmed that there is capacity within the network with respect to waste and wastewater supply.</p>
NSW Police	<p>No response received.</p>

Heritage NSW	Consultation regarding Aboriginal and historic heritage. Confirmed that the approach to updating the Aboriginal Cultural Heritage Assessment Report was appropriate.
Endeavour Energy	Application to Endeavour Energy has been made. Endeavour Energy issued a Supply Offer on 29 July 2025 confirming they are able to service the proposed development.
DCCEEW (DPE Water)	Declined to engage as part of this process.
BaptistCare	Notification and engagement with nearby community stakeholder both to BaptistCare as an organisation and with residents of their facility.
Landcom	Coordination and alignment discussions relating to precinct planning.
Adjoining Properties	Community notification and information distribution.
Aboriginal Stakeholders	Online briefing and walk on country involving Aboriginal stakeholders and project team representatives.

## 6.2 Approach

Knight Frank Town Planning implemented an engagement strategy aligned with the design development at that time and the needs of its key audiences, including community members and relevant government agencies.

The engagement approach has been focused on both informing stakeholders and seeking their input through the following key actions:

- Providing relevant community members and agency stakeholders with clear information about the proposed project;
- Consulting with key stakeholders potentially impacted by the development;
- Responding to questions, concerns, and feedback received through the engagement process;
- Ensure transparent communication of project updates and relevant information to key stakeholders as appropriate; and
- Establish and maintain clear channels for receiving stakeholder feedback and keeping the community informed.

This structured and responsive engagement process has aimed to support meaningful consultation and ensure that stakeholder input is considered throughout the project's planning phase.

## 6.3 Methods of Engagement

The following is a general description of the methods of engaging with the local community and key stakeholders through the preparation of the EIS:

- One-on-one meetings with key stakeholders and Government agencies
- Emails to relevant government agencies including key project information and offer for meetings
- Letterbox drop to neighbouring sites with circa 300 letters issued
- Individual email responses to stakeholders
- Project details and updates made available through the project website

The engagement process undertaken for this project was consistent with the community participation objectives outlined in the NSW Government's *Undertaking Engagement Guidelines for State Significant Projects*, and met the community engagement requirements specified in the SEARs.

A detailed Engagement Report (**Appendix J**) has been prepared which outlines the objectives of the engagement, methodology that was implemented during the process, what we heard from the community and Government agencies, and how those issues raised have been considered in the assessment process.

In accordance with the *Environmental Planning and Assessment Regulation 2021*, the EIS will be placed on formal public exhibition once it has been reviewed and deemed 'adequate' by DPHI. Following the exhibition period, the proponent will provide a formal response to issues raised by the community during the public consultation.

## 6.4 Community Views

Community feedback on the proposed development is addressed in detail in the supporting Engagement Report at **Appendix J** following the completion of the community consultation process. A summary of the key themes and responses received from the community is provided in **Table 13** below.

**Table 13 – Summary of Community Consultation and Feedback**

Feedback Received	Response
<p><u>Traffic and Road Safety</u></p> <ul style="list-style-type: none"> <li>Concerns with the use of Free Settlers Drive as the sole access point for the development.</li> <li>Concerns with congestion, speeding, and rat-running through Free Settlers Drive, which is already heavily trafficked.</li> <li>Risk to elderly pedestrians and drivers, particularly from The Gracewood community, due to increased traffic volumes and limited visibility at intersections.</li> <li>Repeated calls for additional or alternative access routes, including possible connections to Memorial Avenue, Balmoral Road, or the T-Way corridor.</li> </ul>	<p>The development seeks to contribute towards the vision for the Bella Vista &amp; Kellyville Transport Oriented Development (TOD) Precinct with a focus on pedestrian and cycle modes of transport. The development will deliver cycle ways and pedestrian paths along proposed local roads and along the Elizabeth MacArthur Creek corridor.</p> <p>The development will provide for more than 200 resident bike racks to support active transport modes and reduce vehicle reliance.</p> <p>It is proposed to stage the development such that the traffic impacts will be distributed across its staged release and in the context of the broader development of the precinct. While interim access to the development site will occur via Free Settlers Drive, it is intended that long term access will occur through the precinct to the south from Balmoral Road as the precinct is delivered.</p> <p>The access arrangement and the adequacy of the local and state road network to cater for the development has been considered by the project traffic engineer Transport &amp; Traffic Planning Associates (TTPA) as part of their Traffic and Parking Assessment at <b>Appendix N</b>. Their detailed modelling has found that the local and state road network will not be significantly impacted by the proposal and the intersections continue to operate at an appropriate level of service.</p> <p>Engagement with Transport for NSW confirmed that vehicular access to the site must be from the local road network and not Memorial Ave. Given the constraints of the site, as an interim access this is most appropriate from Free Settlers Drive, which benefits from an existing approval for a bridge/road access.</p>
<p><u>Car Parking</u></p> <ul style="list-style-type: none"> <li>Concerns with respect to the adequacy of on-site parking, particularly for multi-car households and visitors.</li> <li>Existing issues with Metro station overflow parking into residential streets highlighted as a current and worsening problem.</li> <li>Anticipation of further strain on limited parking along Free Settlers Drive, Hodges Road, and Rutherford Avenue.</li> </ul>	<p>The site is subject to maximum parking rates within the TOD precinct, which aims to discourage reliance on private vehicles. The development is focused on promoting public and active transport options, supported by its proximity to Bella Vista Metro, bus services, and proposed pedestrian and cycle links.</p> <p>A diverse mix of land uses, including commercial, retail, education, and open space, as part of the overall Precinct is intended to encourage active transport modes and public transport patronage, reducing car dependence.</p> <p>Basement car parking is provided across two levels. Car parking numbers are provided consistent with the requirements set under the Design Guide for the precinct. As part of the local road construction, on-street parking bays are also being constructed.</p> <p>The development will provide for more than 200 resident bike racks to support active transport modes and reduce vehicle reliance.</p>

<p><u>Construction Traffic</u></p> <ul style="list-style-type: none"> <li>Concerns with the anticipated high volume of heavy vehicle movements during construction, particularly on narrow residential roads.</li> <li>Concerns about noise, dust, road safety, and emergency vehicle access during the build phase.</li> <li>Requests for designated off-street parking for construction workers and alternate truck access routes.</li> </ul>	<p>The proponent is pursuing construction agreements with Landcom to bring construction access via Windsor Road, avoiding Free Settlers Drive. This would address the majority of concerns raised with respect to potential conflicts with construction vehicles. However, it is acknowledged that this is subject to ongoing discussion and agreement with Landcom.</p> <p>A preliminary Construction Traffic Management Plan (CTMP) which details how construction of the development would be coordinated along with the required mitigation measures has been prepared and is detailed at Section 7.11. Mitigation measures will be implemented during the construction phase of the development to ensure that such matters as dust emissions and noise impacts are minimised to appropriate levels.</p>
<p><u>Building Height and Scale</u></p> <ul style="list-style-type: none"> <li>Concerns were raised with the proposed height of the development and which was considered out of scale with the existing built form.</li> <li>Perception of overdevelopment, particularly in light of the doubling of unit numbers from 224 to about 600.</li> <li>Concerns that the development may set a precedent for high-density housing in a predominantly low-density area.</li> </ul>	<p>The proposed building height and density are reflective of the strategic planning objectives for the TOD precinct, particularly supporting increased housing supply near public transport infrastructure.</p> <p>The development aligns with the maximum number of storeys envisaged under the Design Guide and which steps down in height towards Memorial Ave. The development responds to its context with a human scale podium towards the creek corridor and existing development beyond, greater upper-level setbacks are then achieved to the residential towers, which results in a substantive separation between the development and established development.</p>
<p><u>Residential Amenity and Social Impacts</u></p> <ul style="list-style-type: none"> <li>Concerns about the visual impact, loss of privacy, and increased noise.</li> <li>Potential degradation of community cohesion, particularly if elderly residents feel unsafe or isolated due to traffic or accessibility issues.</li> <li>Request for inclusion of public open space, pedestrian walkways, and community facilities.</li> </ul>	<p>The building form has been carefully designed to reduce the perceived bulk and scale through architectural articulation, varied massing, and landscaped interfaces. This includes substantial separation between the buildings within the development, which assists in breaking up the building form as viewed from the east.</p> <p>Public open space and land that contributes towards the broader community forms a significant part of the scheme. This includes:</p> <ul style="list-style-type: none"> <li>Communal open space along the creek corridor that is publicly accessible;</li> <li>Publicly accessible east-west link through the site to the creek corridor;</li> <li>Cycleway providing access along the creek corridor;</li> <li>Dedication of land to Council that will contribute towards public open space;</li> <li>Provision of a biodiversity reserve within the southern part of the site to protect land of biodiversity value; and</li> <li>Pedestrian footpaths along the proposed local roads.</li> </ul> <p>The development proposes the construction of a bridge and pedestrian access from Free Settlers Drive across the creek. This will provide access to the district park within the precinct and other facilities that would otherwise not be available.</p>

	<p>Acoustic impacts have been considered at the design phase and the required mitigation measures both for and as a result of the development.</p>
<p><u>Housing Supply</u></p> <ul style="list-style-type: none"> <li>Seek a meaningful proportion of genuine affordable housing, not just minimum compliance.</li> </ul>	<p>It was acknowledged through the submissions that there was a need to increase housing supply in appropriate locations which the development achieves.</p> <p>The development seeks to contribute towards the range and diversity of housing in the Precinct. Apartment sizes are proposed that typically exceed the minimum required under the Apartment Design Guide (ADG) acknowledging the local community and market expectations.</p> <p>The proponent is committed to the provision of affordable housing as required within the TOD precinct. This equates to 7% of the residential gross floor area of the development which is to be provided to The Hills Shire Council in the form of monetary contributions.</p>
<p><u>Accuracy and Transparency of Information</u></p> <ul style="list-style-type: none"> <li>Criticism that the concept site plan provided was outdated and did not reflect current road layouts or nearby developments.</li> <li>Objection to the development being branded as "Bella Vista", when the site is located within Kellyville, raising concerns over misrepresentation.</li> <li>Requests for additional details, including the Traffic Management Plan, parking provision numbers, and public transport integration.</li> </ul>	<p>It is acknowledged that earlier consultation materials included a concept plan that did not reflect recent local development or road extensions. This stems from the base mapping that was provided as part of the TOD rezoning.</p> <p>Updated plans and information have since been prepared and form part of the SSDA submission. The project team remains committed to transparent communication and has responded to requests for further detail by offering follow-up engagement, including a proposed in-person meeting with key stakeholders to address outstanding queries and provide project updates.</p>
<p><u>Planning Process and Infrastructure Alignment</u></p> <ul style="list-style-type: none"> <li>Concern that the proposal lacks alignment with necessary infrastructure upgrades, including roads, drainage, and transport connections.</li> <li>Calls for independent impact assessments and consideration of broader regional development pressures.</li> <li>Emphasis on coordinated planning rather than ad-hoc approvals driven by developer interest.</li> </ul>	<p>It was articulated through the process that the engagement was to inform an SSDA which once lodged would be considered by DPHI. There are mechanisms in place for when an independent assessment is required.</p> <p>The proposal forms part of the Bella Vista &amp; Kellyville TOD precinct which formed part of a detailed rezoning process undertaken by DPHI. Detailed consideration was given as part of the strategic planning process to infrastructure requirements and the precinct planning resulting in the Precinct Design Guide.</p>

## 6.5 Engagement Outcomes

As detailed in **Table 13** and **Appendix J**, the project team has undertaken comprehensive consultation in the preparation of the SSDA. This consultation has directly informed and influenced the evolution of the proposal in several important ways. The following section provides a summary of the key issues raised during the engagement process, in addition to those addressed in **Table 13**, alongside a discussion of how feedback has been considered and incorporated into the project. While not exhaustive, this summary reflects the primary themes and resulting changes that have shaped the development to date.

### 6.5.1 Local Indigenous Community Engagement Feedback and Design Response

As part of the planning and design process, the project team engaged early with the local Aboriginal community through the development of a Connecting with Country framework. This approach has aimed to recognise and embed Aboriginal cultural values into the site's evolution, acknowledging the significance of Country in shaping design outcomes that are inclusive, place-responsive, and enduring.

Engagement was undertaken through collaboration with local knowledge holders and consultation with representatives of the Darug people, the Traditional Custodians of the land. This process was carried out with the intent to listen to and

respect the stories, values, and aspirations of local Indigenous communities. The outcomes of these discussions are documented in **Appendix DD**; however, a summary of the key considerations that have arisen from this engagement is provided below. These themes have meaningfully informed the design of the Bella Vista precinct.

- **Respect for Topography and Natural Systems:** Strong emphasis on retaining the site's natural gradients and responding sensitively to existing landscape features, including drainage lines and vegetation. This aligns with Aboriginal perspectives on working *with* the land rather than reshaping it.
- **Integration of Water and Landscape:** The design incorporates a green-blue network with riparian corridors, water-sensitive urban design, and walkable ecological spines. These elements reflect Indigenous values around the role of water.
- **Wayfinding and Cultural Narratives:** A central open space node and the broader public domain design are intended to support wayfinding and spatial orientation that honour local stories and cultural significance. Interpretive elements such as natural materials, art, and planting are being explored as a means of embedding Indigenous narratives into the built environment.
- **Natural Materials and Colour Palette:** Architectural and landscape design elements draw on colours and materials that resonate with the local environment such as earth tones, timber, and stone textures to reflect a grounded connection to Country.
- **Community and Gathering Spaces:** The design includes flexible, inclusive open spaces that promote community interaction and cultural gatherings. These are conceived as modern interpretations of traditional meeting places and offer opportunities for ongoing cultural engagement.

Further engagement is anticipated as the project progresses into detailed design stages, to ensure continued collaboration with Indigenous stakeholders and the appropriate representation of Country throughout the precinct.

#### 6.5.2 NSW Government Architect – State Design Review Panel

The project team met with the NSW Government Architect's State Design Review Panel (SDRP) on two occasions in the preparation of the EIS and in the development of the design. The SDRP process has been used to ensure that the development achieves design excellence as contemplated under clause 8.6 of *The Hills Local Environmental Plan 2019*. Refer to Section 7.2.

### 6.6 Engagement to be Carried Out

The project team is committed to maintaining meaningful engagement throughout the assessment and delivery phase of the project. The project team will meet with key stakeholders, particularly the residents of the nearby BaptistCare site, to assist in articulating the proposed development, acknowledging the complexities and level of documentation involved with a project of this scale.

Consideration will be given to issues and enquiries raised during the formal notification period associated with the SSDA.

During the construction phase, further consultation will be conducted with relevant stakeholders. This will include formal notification of the commencement of construction activities and engagement regarding any works that may affect nearby landowners.

## 7 Assessment of Impacts

### 7.1 Built Form and Urban Design

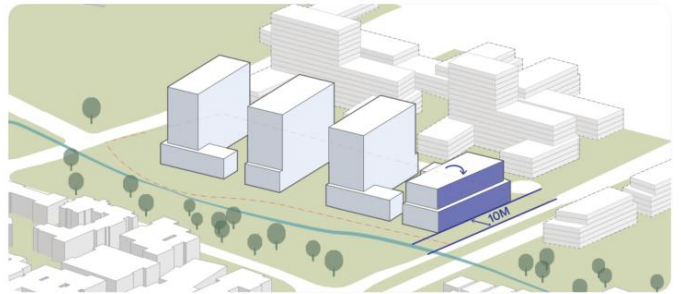
A Design Report has been prepared by the project architects Turner Studio at **Appendix B** which provides a detailed description of the proposed design, its rationale and how it has responded to its site context. The evolution of the massing from the Precinct Design Guide to the current scheme are summarised in the following key moves at **Figure 22**.

#### 1 Base Massing



The proposed massing envelope is reconfigured based on the evaluation of the TOD massing and reassessed opportunities.

#### 2 Alignment With Site Boundary



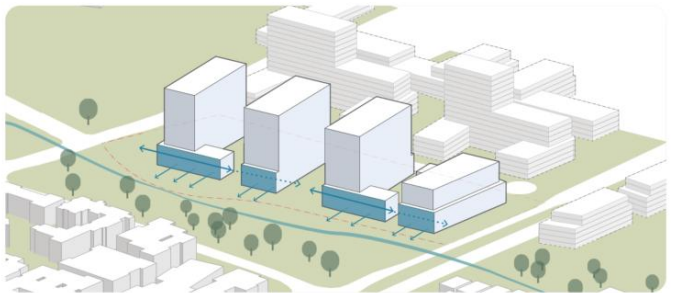
Building A's northern facade is set back in parallel to optimise site coverage, comply with setback regulations, and enhance design flexibility.

#### 3 Interface to Street Edge



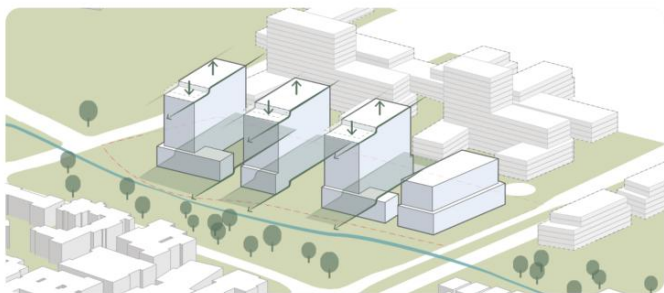
A perpendicular street interface creates right-angled junctions to improve urban connectivity, activate lobbies, and enhance pedestrian access and visual presence.

#### 4 Enhance Creek Engagement



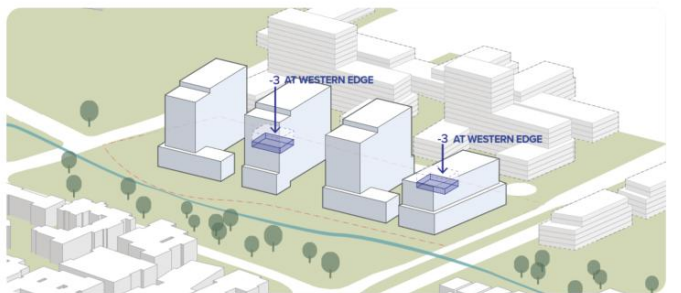
The podium is extended to optimise engagement with the creekside environment, activating townhouses with direct views and strengthening the connection between the built form and the landscape.

#### 5 Reacting to Site Topography



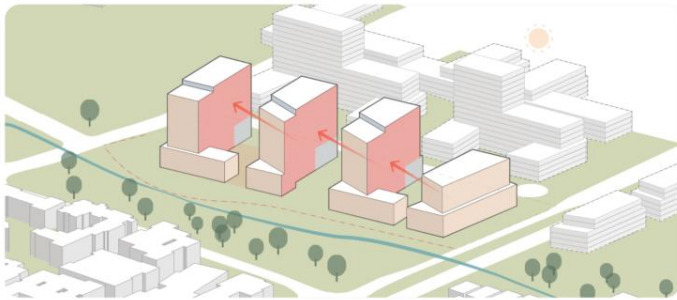
Buildings B, C, and D step down towards the creek to adapt to the existing topography, while providing premium apartments with private courtyards and communal open space on the rooftops.

#### 6 Adjusting Building Height



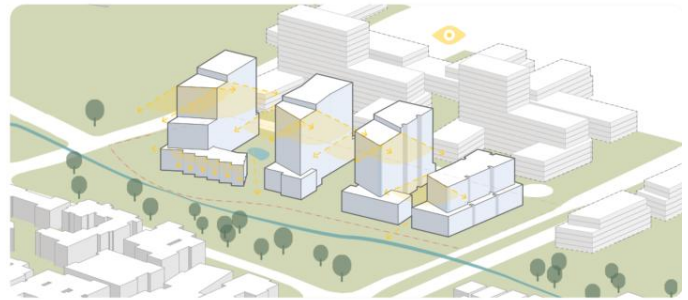
An additional level is added to Building A to maximise the height allowance, while varying building heights provide variation and enhance architectural articulation.

**7 Improve Solar Access/Overshadowing**



The eastern facades are angled to maximise solar access for adjacent southern buildings, enhance sunlight exposure to communal spaces, and minimise overshadowing.

**8 Expanded Outlook Views**



The buildings are angled to expand view corridors towards the north-east, offering panoramic vistas of the creekside landscapes and nearby National Parks, including Marramarra and Dharug.

Figure 22 – Massing Evolution (Source: Turner Studio)

**7.1.1 Distribution of Building Form**

The building form is distributed across four (4) residential towers that are connected through the basement levels. An east-west alignment has been adopted maximising the solar performance of the buildings generally aligning with the Precinct Design Guide.

In testing the massing contemplated under the Precinct Design Guide there were a number of aspects that were underperforming and which required reconsideration. The inclusion of an 8-storey building return along the western elevation reduced the overall solar access performance of the buildings and pulled the focus away from the creek corridor. The building form was decanted to the eastern frontage reducing to a 4-storey form, improving the interface to the creek corridor with a human scale form.

Building setbacks for the development have been adopted consistent with the previous development consent as shown at **Figure 23**. This aligns with the requirements of both the Precinct Design Guide and The Hills Development Control Plan 2012. Building setbacks have been achieved to the building form with some minor encroachments along the eastern and northern frontage with respect to terrace areas and landscaping.

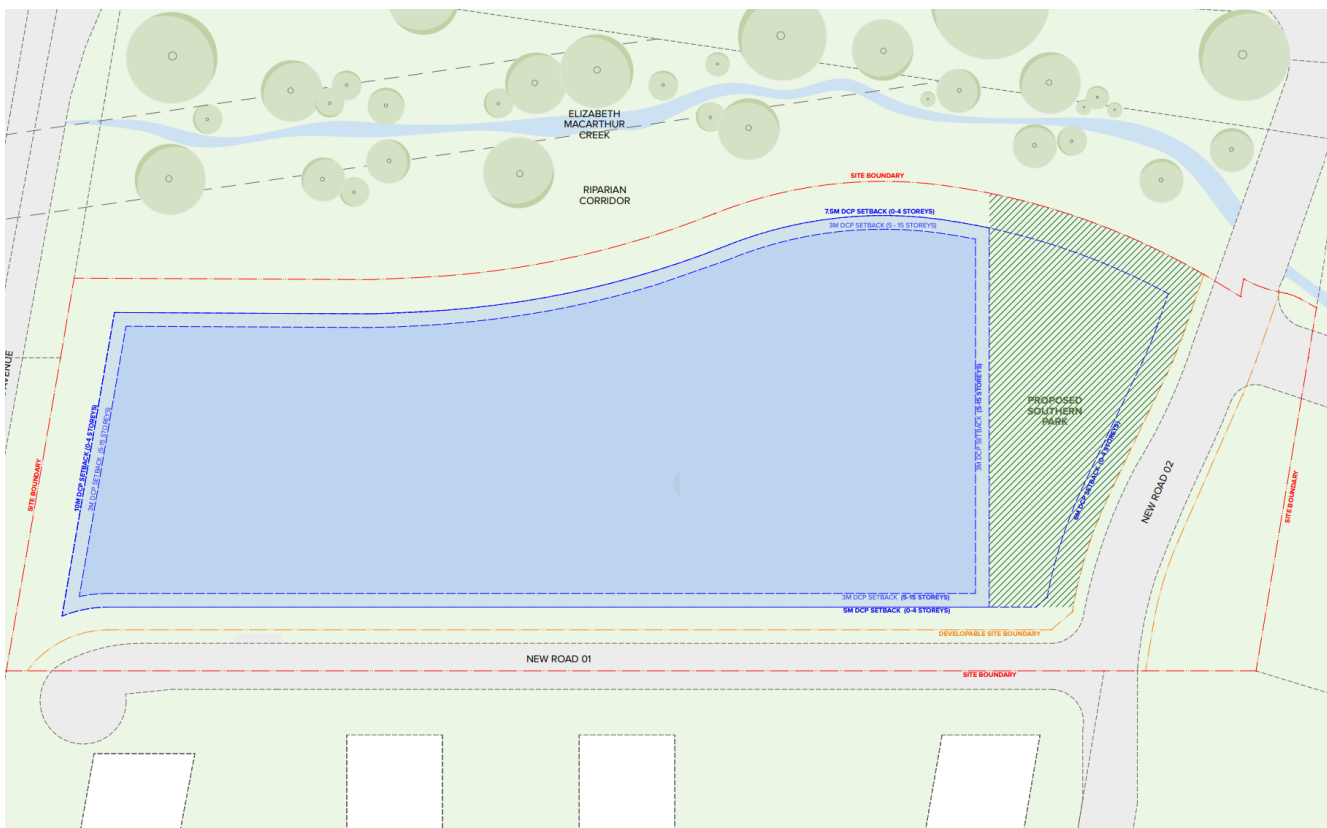


Figure 23 – Development Setbacks (Source: Turner Studio)

**7.1.2 Tower Massing and Podium Form**

The design has been progressed through formal reviews undertaken by the SDRP with a response to the matters raised as part of the Design Report at **Appendix B**. With respect to the tower massing and podium form, Buildings C and D were refined to enhance the legibility of the base-middle-top of the building form. The middle zone has been adjusted to avoid a compressed appearance, with improved vertical articulation through consistent façade breaks and vertical balustrade treatments. Solid balustrades have been reduced and replaced with open elements to enhance outlook and lightness. Curved elements have been selectively applied at key junctions to complement with rectilinear forms, improving the overall coherence.

For the podium brickwork has been adopted. For Buildings A & B, a horizontal brick spandrel detail was used, effectively concealing the slab edge. For Stage 2, brick piers have been introduced, with structural columns located in them, allowing the brickwork to contribute to the building’s form and coherence as detailed at **Figure 24**.



Figure 24 – Podium Form Buildings C&D (left) Building A&B (right) (Source: Turner Studio)

**7.1.3 Communal Open Space**

A variety of communal open space (COS) areas have been integrated throughout the development to maximise amenity afforded to residents.

The ADG requires that a minimum 25% of the site is provided as COS area. Developments are then to achieve a minimum of 50% direct sunlight to the principal usable part of the COS for a minimum of 2 hours between 9am and 3pm on 21 June.

**Table 14** provides a breakdown of the proposed COS, which is based on the developable site area excluding the proposed road and southern park. The development aims to provide the majority of COS at the ground level and maximise solar access.

**Table 14** – Proposed Communal Open Space

COS Type	Total Amount (m <sup>2</sup> )	Total Amount (%)	Solar Access Overall COS (%)	Solar Access ADG Minimum
COS - Without Rooftop	5,417.2	26.4	43.7	46.2
COS – With Rooftop Areas	6,248.4	30.5	50.3	61.3

**7.2 Design Excellence**

The project team met with the State Design Review Panel (SDRP) on two occasions as part of the design development of the project and prior to the lodgement of the SSDA. The design has been formed in response to the SDRP feedback and is considered to exhibit design excellence. A comprehensive review and response to the matters raised by the SDRP and how the design has evolved has been provided as part of the Design Report **Appendix B** prepared by Turner Studio in conjunction with the Landscape Design Report at **Appendix D**.

The SDRP process has been critical to ensuring that the development achieves design excellence as required under clause 8.6(3) of *The Hills Local Environmental Plan 2019* which requires “Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.”

On 9 April 2025, the project went through an initial review by the SDRP. At this stage the project was early in the design development phase. Guidance was sought from the SDRP on key aspects of the proposal such as the distribution of built form within the site and the response to the adopted Precinct Design Guide. A summary of the matters raised by the SDRP are detailed below:

- Recognised the intent for a strong landscape response to the local context, including ambition for generous deep soil, tree canopy and green open space.
- Commitment to canopy cover within the public domain consistent with the Landcom Urban Design.
- Green and public open space at the south end of the site to be dedicated to Council.
- The strategy at the site's eastern edge to reduce the scale via town houses and providing activation via programmable landscape spaces.
- The massing strategy in response to improve solar access and views.
- Country engagement and studies, including walking Country, and the Aboriginal Cultural Heritage Values and Design Principles report.
- Given the concept level of detail and the matters raised by the SDRP it was recommended that a second meeting be scheduled that considered a more advanced scheme and how the matters raised by the SDRP had been incorporated.
- More detailed sustainability initiatives which recognise and respond to the climate conditions in Western Sydney. Address urban heat through greening of the structures, courtyards and open space areas. Demonstrated commitment to ecologically sustainable development going beyond ADG minimums.
- Revisit the site planning to improve the quality and amenity of the ground plane, including both courtyards and the interface between the dwellings and adjacent landscape and public spaces. Focus on increasing the response to climate change, improving liveability and amenity, and integration of the building and landscape.
- Given the increased height and FSR controls provided by the TOD rezoning further justification was considered warranted for any height and FSR increases beyond what is permissible. There was not a demonstrated level of amenity afforded to the occupants to justify the increases sought.
- Demonstrate how the design responds to family-living considerations, via indoor and outdoor spaces of high amenity

A second design review was held with the SDRP on 18<sup>th</sup> June 2025. A more comprehensive scheme was presented to the SDRP that addressed matters raised by the SDRP in their initial review. The SDRP confirmed that the scheme was significantly advanced and there was no requirement for a further review. Further to the matters detailed in the first review the following was raised by the SDRP:

- Publicly accessible though site link and its acknowledgment of Country.
- Generous deep soil coverage in excess of both the DCP and Design Guide requirements. Retention of mature trees within the southern open space and exceeding canopy cover targets.
- Opening of the northern courtyard to increase connectivity and amenity with improved ventilation at the ground level.
- The quantity, variety and distribution of outdoor common spaces.
- Floor plans will deliver good levels of solar access and cross ventilation.
- Provision of high percentage of 3-bedroom dwellings responding to family friendly living considerations. Both with respect to the apartment layouts and the location and variety of common spaces.
- To demonstrate the proposal is capable of achieving design excellence further design development is needed with respect to the quality and amenity of both courtyards at the ground plane, and the façade elements and composition for all buildings.
- Comprehensive drawings required in the EIS to clearly show the interface between buildings and courtyards. Maximise green outlook for dwellings balancing privacy with passive surveillance. Achieve clear delineation between private and semi-public areas.
- Minimise verticals transitions within courtyard areas through landscape strategies.
- Revisit building proportions to avoid the middle presenting as squashed; increase the vertical elements of individual or multiple zones to better balance horizontal and vertical elements; reduce the extent of solid

balustrades to improve views out; and improve the relationship between curved and rectilinear forms. Strategies should support an increased architectural diversity.

The Design Report at **Appendix B** prepared by Turner Studio provides a comprehensive response to all matters raised by the SDRP as part of their review.

Courtyards have been further refined with an increase in tree plantings providing comfort for residents in the warmer months and simplification of the paved areas increasing turfed areas and landscaping. Dense landscaping is provided within embankment along terraces which has improved privacy for residents with section plans demonstrating the spatial relationship.

### 7.3 Public Domain

The proposed public domain design is documented within the Architectural Drawings and Design Report prepared by Turner Studio at **Appendices A and B** respectively and the Landscape Architectural Drawings and Landscape Design Report prepared by Land and Form at **Appendices E and F** respectively.

The development will deliver a high-quality public domain framed by a local road network to the west and south, with substantial tree planting providing shading to pedestrian footpaths and on-street parking benefitting the local area including the future use of the District Park. A high-quality podium level provides a human scale form with ground floor terraces and upper-level balconies providing for good passive surveillance opportunities, while integrating landscaping that responds to the site conditions.

### 7.4 Contributions and Public Benefits

The proposed development will provide for a range of public benefits comprising the construction of local roads and stormwater infrastructure within the Precinct, construction of pedestrian paths, the dedication of local open space, payment of local infrastructure contributions, and the provision of affordable housing through monetary contributions. Draft letter of offers to enter into a Voluntary Planning Agreement have been issued to The Hills Shire Council and discussions are ongoing, see **Appendix HH**. Two separate letters have been issued which would provide for the following.

#### 7.4.1 Affordable Housing Contributions

In accordance with clause 7.28 of *The Hills Local Environmental Plan 2019* the development is required to provide 7% of the gross floor area of the residential component of the development as affordable housing. In accordance with cl7.28(7)(b) this can be provided by way of payment of monetary contributions in lieu of delivering affordable housing units.

The proposed development is required to provide 3,490m<sup>2</sup> of GFA as affordable housing, which would be the equivalent of 34 x 3 bedroom apartments.

The draft letter of offer proposes the payment of monetary contributions to The Hills Shire Council. It is noted that at the time of writing Council has exhibited a Draft Affordable Housing Contributions Scheme & Distribution Policy, which provides for an appropriate governance, ownership and management framework that specifies how contributions are to be managed.

#### 7.4.2 Infrastructure and Open Space

The development proposes the delivery of substantial infrastructure both as part of the submitted SSDA and as part of the existing local approval (refer to Section 1.4.2). Specifically, the proposed development will deliver the following infrastructure and open space:

- Construction of roundabout & bridge (Council reference DA/563/2024/ZB);
- Construction of stormwater infrastructure for the Precinct comprising gross pollutant traps;
- Construction of shared pathway along Elizabeth MacArthur Creek alongside the site;
- Dedication of the southern part of the site comprising 1,464m<sup>2</sup> as local open space at no cost; and
- S 7.11 Local infrastructure contributions.

Those items detailed above form part of the draft letter of offer to Council. Acknowledgement of the extent of infrastructure to be delivered as part of the development would be acknowledged through works-in-kind that offset the local infrastructure contributions payable pursuant to *Contributions Plan No.18 – Bella Vista & Kellyville Station Precincts*.

Further to the above works covered by the letter of offer it is also proposed to construct the following:

- Local Road 02 and part construction of Local Road 01;
- Dedicaiton of the local roads to Council which would include car parking, footpaths and street trees.

## 7.5 Environmental Amenity

### 7.5.1 Residential Amenity

The proposed development has been designed to achieve compliance with the design criteria within the ADG which provides for the minimum requirements in particular with respect to solar access and ventilation. The following is noted in this regard:

- The buildings have been oriented and articulated to achieve a high degree of solar performance. Natural solar access is achieved to 72.3% of apartments (321 apartments) exceeding the minimum requirements of 70%;
- Only 9.2% of apartments (41 apartments) receive no solar access which far exceeds the maximum allowable of 15%. This is achieved through well coordinated floorplates that focus on apartments with dual frontages, northern orientation and minimising southern facing apartments;
- Natural cross ventilation is achieved to 60% of the apartments (180 apartments) which meets the design criteria within the ADG;
- The design allows for apartments that significantly exceed the minimum size requirements under the ADG. A key focus of the development was to provide apartment sizes which are consistent with the market expectations in the locality with respect to their size, layout and amenity;
- The development provides for individual private open space areas in the form of terraces and balconies which exceed the minimum required areas, are well oriented with respect to solar access and views, and are highly functional with respect to their size and dimensions;
- Storage facilities for the apartments are provided both within the apartments and within the basement levels in accordance with the ADG requirements;
- Integrated dedicated parcel rooms are located in the residential lobbies; and
- Communal open space (COS) is provided at both the ground floor plane and within the rooftop levels providing all-year round space for the residents. A range of amenity is provided to the residents including a swimming pool, landscaped areas, grassed areas, seating, indoor and outdoor gym, function room with cooking facilities, bbq area, library / work from home hub, entertainment and cinema area, and further dining room / gathering space.

### 7.5.2 Visual Privacy and Amenity

The proposed development achieves compliance with the minimum required building separation as required by the ADG for a development of this scale with the following minimum separation distances achieved internally within the site:

- 24m separation between Buildings A & B;
- 24m separation between Buildings B & C;
- 40m separation between Buildings C & D.

With respect to the separation distances between the podium levels (up to 4 storeys) the following minimum separation distances are achieved:

- 9m - 12m separation between Buildings A & B;
- 12m separation between Buildings C & D.

The orientation of the built form and design measures ensures a high degree of privacy will be achieved within the development. With respect to the interface of the proposal with adjoining development, the proposal benefits from a significant separation achieved through the perimeter road network and the adjoining riparian corridor. With respect to the future development of the Landcom site to the west, a compliant separation will be achieved, and with respect to the existing BaptistCare site to the east a circa 100m separation would be achieved.

### 7.5.3 Sun Access and Overshadowing

Shadow diagrams have been prepared by Turner Studio and can be found in the Architectural Drawings at **Appendix A** and as shown at **Figures 24 & 25**. These diagrams demonstrate the impact of the development on solar access to adjoining development as measured on 21 June between the hours of 9am and 3pm, with impacts detailed in half hour

increments. Given the orientation of the lot and the building form, the impact upon existing and future development is not considered to be significant.

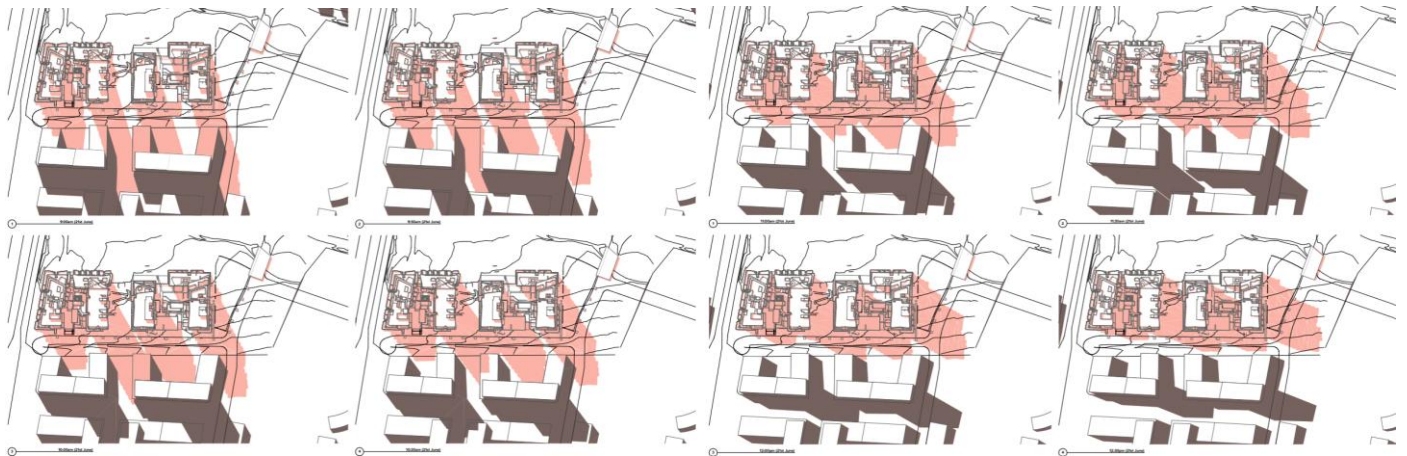


Figure 25 – Shadow Diagrams – 9am –10:30am & 11am - 12:30pm (Source: Turner Studio)

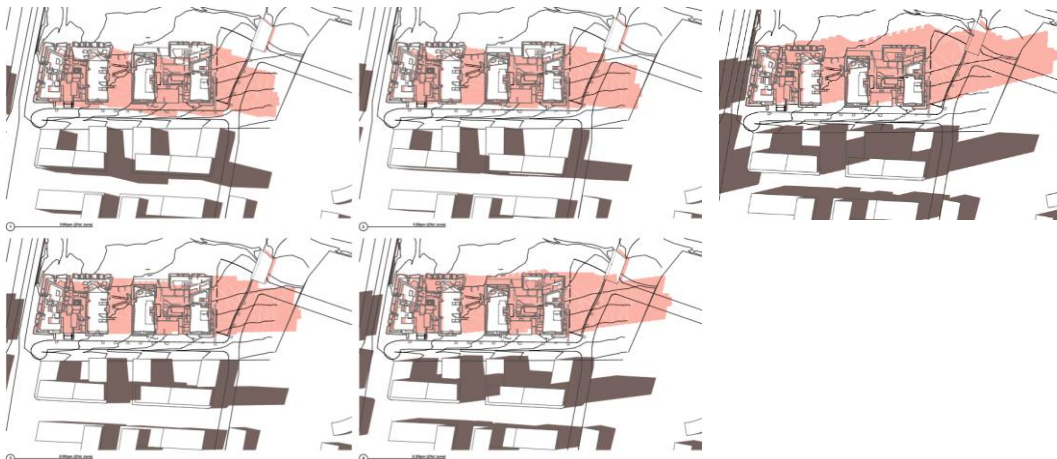


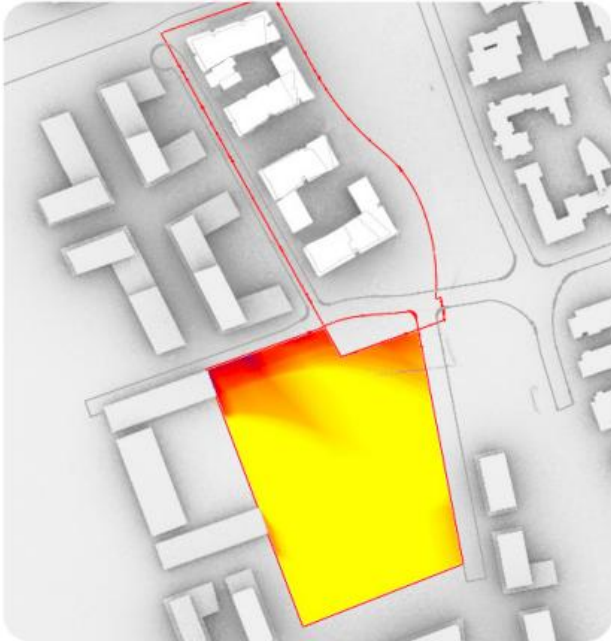
Figure 26 – Shadow Diagrams – 1pm-2:30pm & 3pm (Source: Turner Studio)

The following is a description of the potential impacts upon both existing, future potential development and open space areas:

- **Landcom Site to the West.** Overshadowing will likely occur to a future residential development on the Landcom site between the hours of 9am – 12pm, with only very minor overshadowing remaining by 12pm. Between the hours of 12.30pm and 3pm there will be no overshadowing of the site. It is further noted that given the general envelopes approved under the SSDA, overshadowing is typically limited between 11am-12pm to part of the ground level located between the buildings, see **Figure 24**;
- **Future District Park.** As part of the SSDA for the Landcom site a future District Park will be located to the south of the subject site. Overshadowing of part of the District Park will occur. A more detailed analysis was undertaken of the overshadowing impacts which found that 93% of the District Park will achieve solar access for a minimum of 4 hours between 9am & 3pm and 78% between 10am and 2pm, refer to **Figure 26**.

**June 21 \_ 9:00 - 15:00 (6 Hours)**

**Achieves 93%** of direct solar access to District Park for 4 Hours.



**June 21 \_ 10:00 - 14:00 (4 Hours)**

**Achieves 78%** of direct solar access to District Park for 4 Hours.

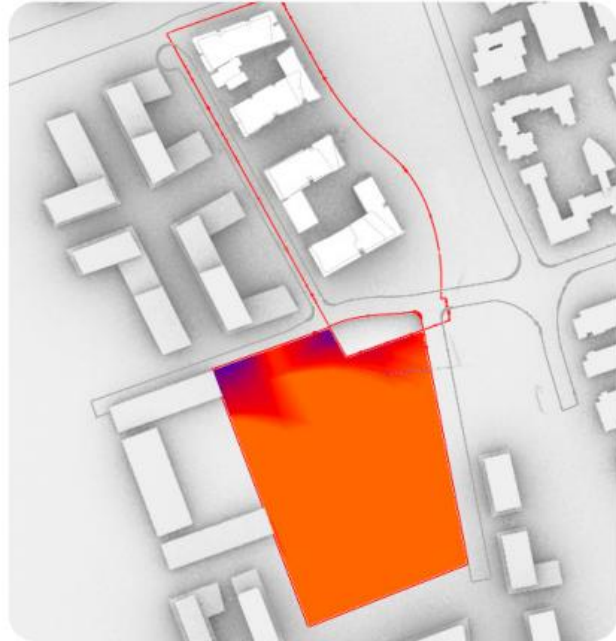


Figure 27 – Solar Performance District Park (Source: Turner Studio)

- **Elizabeth Macarthur Creek.** Overshadowing diagrams demonstrate that there will be very limited overshadowing of the adjoining riparian corridor. There would be some minor impact as measured between 2pm-2.30pm and increasing more significantly from 3pm onwards.
- **BaptistCare and Residential Uses.** Overshadow diagrams demonstrate there will be no impact on the BaptistCare site to the east which comprises a residential care facility, nor the established residential flat buildings within the precinct.

**7.5.4 Acoustic Amenity**

The acoustic impacts associated with the development have been assessed within the Acoustic SSDA Report prepared by ADP Consulting Pty Ltd (**Appendix O**). Consideration has been given to the acoustic impacts of the development during the operational phase of the development, mechanical plant noise emissions, the construction phase and the intertenancy impacts being ‘apartment to apartment’.

Attended noise measurements were conducted around the project site on 24th November 2022 at the following locations:

- **Location L1:** 15 m from Memorial Avenue kerb at the south of Arnold Avenue and north-east of the subject site. The microphone was positioned 1.5 m above ground level and had a 180-degree view of Old Memorial Avenue.
- **Location L2:** 3 m from Old Windsor Road kerb to the east of 1190 Old Windsor Road and south-west of the subject site. The microphone was positioned 1.5 m above ground level and had a 180-degree view of Old Windsor Road.

Unattended background and traffic noise monitoring was conducted in the period between 24th November to 1st December 2022, to the east of the subject site, near residential receiver R4.

The noise measurements were taken as part of the previous Development Application described at Section 1.4.2. The noise measurements taken remain appropriate noting the surrounding context has not significantly changed. We are not aware of any change in regulation, guidelines or circumstance that would necessitate more current noise logging.



- = Nearest industrial receiver
- = Nearest place of worship receiver
- = Nearest residential receivers
- = Future residential receivers
- = Future school receivers
- = Attended noise monitoring locations
- = Unattended noise logger location

Figure 28 – Site Context (Source: ADP Consulting)

The assessment by ADP concludes that the proposed development can satisfy the relevant noise standards, policies and guidelines. The following are the key findings:

- Internal noise levels in habitable areas of the development can comply with the relevant noise intrusion criteria through the selection of glazing and a sealed façade. Provided treatments are implemented correctly, required internal noise levels are expected to be achieved.
- Mechanical plant noise emissions can comply with the noise control guidelines; however, a detailed mechanical plant noise assessment must be conducted at the detailed design stage.
- Deemed-to-satisfy construction methods are outlined to comply with relevant NCC requirements; a detailed review of the proposed internal partitions is to be conducted as the design progresses.
- Where relevant recommendations from the report have been adopted, noise and vibration impacts on surrounding sensitive receivers as a result of the construction of the development are expected to be minimised. A detailed construction noise and vibration management plan should be conducted by the contractor upon engagement.

The development is not expected to result in significant adverse noise impacts. Mitigation measures at **Appendix K** have been recommended to ensure that the amenity for nearby sensitive receivers is maintained. The recommendations of the acoustic report as it relates to design mitigation measures and construction noise and vibration are provided at **Appendix O** and are summarised below:

- A detailed Construction Noise and Vibration Management Plan (CNVMP) is to be prepared in accordance with Section 7.4 of the acoustic report. The CNVMP is to address the following matters: roles and responsibilities; noise and vibration-sensitive receiver locations; areas of potential impact; mitigation strategy; noise and vibration monitoring methodology; and community engagement strategy;

- Roofing constructions shall achieve a minimum sound insulation rating of  $R_w \geq 40$ . This can be achieved through a concrete roof slab as proposed;
- The minimum requirements apply to external glazing:

**Table 15 – Minimum Glazing Performance Standards**

Room / Building	Glazing	Seals
Living areas and bedroom windows on the norther façade of Building A	10.38mm laminated glass OR 6mm glass/12mm air gap/10mm glass OR 6mm glass/15mm air gap/8mm glass	Q-lon and fin
All other windows not mentioned above	6.38mm laminated glass OR 8mm glass/12mm air gaps/6mm glass	Q-lon and fin

- Living rooms and bedrooms that directly front Memorial Avenue will require windows and doors to be closed to achieve the indoor noise levels.
- Where the living rooms or bedrooms that directly front Memorial Avenue have direct access to a setback balcony, and the balcony incorporates the following measures, the living rooms and bedrooms may be naturally ventilated:
  - Use a 1.1 m high solid balustrade.
  - Install absorption to the soffit over the balcony ( $\geq$ NRC 0.8)
- Where living rooms or bedrooms that directly front Memorial Avenue do not have direct access to a setback balcony, an alternate source of ventilation will need to be verified by a ventilation consultant other than windows or doors being open will be required; and
- The Acoustic SSDA Report outlines general mechanical plant recommendations. A detailed mechanical plant noise assessment will be required as a condition within any development consent as part of the Construction Certificate requirements.

### 7.5.5 Wind Amenity

Detailed study of wind mitigation measures had been undertaken by wind consultant. The prevailing winds are primarily from the north-east, west and south-east. When these winds hit the buildings perpendicularly, awnings help reduce the downwash effect at ground level, while screens are installed at key points on affected balconies and rooftop areas. Wind tends to be stronger around the corners of buildings therefore activated spaces are avoided around that area. Localised architecture features and landscaping elements such as trees and shrubs help manage wind at ground level.

Landscaping has been incorporated within the design to mitigate wind impacts within the rooftop communal open space areas to maintain amenity for residents. Planting has also been incorporated within the through site link to mitigate wind funnelling impacts.

### 7.6 Visual Impact Analysis

A visual impact analysis at **Appendix L** has been undertaken by Archimages 3D of the proposed development. The analysis has been prepared in accordance with the Environmental Impact Assessment Practice No.4 Guidelines, March 2013 prepared by (then) Roads and Maritime Services. The analysis considers how the proposed development will present within the existing urban context and also the surrounding likely future built form outcomes resulting from the Bella Vista and Kellyville TOD Precincts Design Guide.

Seven viewpoints have been considered within the Precinct as demonstrated by **Figure 29**.



Figure 29 – Viewpoints. Source: Visual Impact Analysis.

The following is a view impact analysis as shown from each viewpoint.

**Table 16 – Summary of Visual Impact from Key Viewpoints**

Viewpoint	Description of Impacts
View 1: Free Setters Drive looking south-west View as seen from alongside the BaptistCare facility.	Demonstrates that part of the development will be viewed from the public domain particularly Building D. The development is otherwise screened by the existing tree line along the creek corridor.
View 2: Free Setters Drive looking north-west View as seen from alongside established residential flat building development.	Some views of Building D will be seen from the public domain comprising several of the uppermost levels. Remaining buildings are otherwise screened by the existing tree line along the creek corridor.
View 3: Cnr. Balmoral Road & Mawson Avenue looking north View as seen from the public domain.	There will be no views of the development as it will be largely screened by established trees running along Balmoral Rd.  Diagrams showing the future built form resulting from the TOD Precinct demonstrate that future development will completely block views to the proposed development.

<p>View 4: NW Transitway looking south-east</p>	<p>Proposed development features more prominently in the landscape. Part of Building A is viewable and majority of Buildings B, C &amp; D are viewable.</p> <p>Clear view lines are achieved between the building towers looking east.</p> <p>Diagrams showing the future built form resulting from the TOD Precinct demonstrate that future development will completely block views to the proposed development.</p>
<p>View 5: Sunnyholt Road (west of Old Windsor Rd) looking east</p>	<p>More distant views from this location of the proposed development. Part of Buildings A &amp; B will be viewable, while established trees will screen the development to some degree.</p> <p>Buildings C &amp; D will feature less prominently given their location within the southern part of the site.</p> <p>Diagrams showing the future built form resulting from the TOD Precinct demonstrate that the proposed development will be viewed in the context of similar building scale and heights.</p>
<p>View 6: Memorial Avenue looking south-east</p>	<p>More proximate views of the development site from the northern edge of Memorial Ave.</p> <p>The proposed development features more prominently with less established trees at this location. Buildings A &amp; B seen clearly from this viewpoint. Buildings C &amp; D not able to be viewed given the future development footprint on the adjoining Landcom site.</p> <p>Diagrams showing the future built form resulting from the TOD Precinct demonstrate that the proposed development will be seen in the context of similar building scale and heights.</p>
<p>View 7: Memorial Avenue looking south-west</p>	<p>Proposed development features more prominently in the landscape. Part of Building A able to be viewed above the established tree line. Majority of tower form for Buildings B, C &amp; D able to be viewed above the prevailing building line.</p> <p>Clear view lines are achieved between the building towers looking west preserving views to the sky.</p> <p>Diagrams showing the future built form resulting from the TOD Precinct demonstrate that the proposed development will be seen in the context of similar building scale and heights.</p>

The proposed development will be viewed from a range of viewpoints within the Precinct and to some extent more broadly in the landscape. Immediate views from the nearest established receivers to the east will be largely screened by the established tree line along the creek corridor with limited views between breaks. Views from the west and south will largely be screened by future development particularly from the existing public domain.

From Memorial Ave the development will feature more prominently. Building A provides an effective transition in building height to Building B and beyond. When shown in the context of future development it articulates the future skyline that will be established around the TOD Precinct. Building separation as seen from east and west has been utilised effectively to limit the continuity of the building form.

It is considered that the development does not result in significant visual impacts not otherwise contemplated by the Precinct Design Guide. The distribution of building form and number of storeys adopted by the proposed development generally aligns with the Precinct Design Guide. Strategies implemented by the development including the removal of 8 storey building returns particularly improve the development as viewed along an east-west alignment.

### 7.7 Biodiversity

The site contains existing vegetation and is mapped as having biodiversity values. Consideration has been given during the design phase with respect to the biodiversity values of the land and the ability to retain those values. In support of the application is a Biodiversity Development Assessment Report (BDAR) at **Appendix Y** prepared by Eco Logical Australia (ELA) in accordance with the Biodiversity Assessment Method under the *Biodiversity Conservation Act 2016* (BC Act).

The proposed development seeks to continue the biodiversity outcomes that were achieved as part of the current development consent for the site as detailed at section 1.4.2. ELA were engaged at that time and prepared the following reports:

- Eco Logical Australia (ELA), 2022. 40 Memorial Avenue Riparian and Aquatic Assessment. Prepared for Landen Dev No 8 Pty Ltd; and
- Eco Logical Australia 2024. 40 and 38Z Memorial Avenue Bella Vista - Biodiversity Development Assessment Report. Prepared for Landen Dev No.8 Pty Ltd.

A streamlined assessment module was used in the preparation of the BDAR. There are restrictions on the use of the streamlined assessment module as follows:

- must only be used according to the area clearing threshold – compliance with this is shown in **Table 17**;
- must still apply the hierarchy of avoiding and minimising impacts on biodiversity before considering offsetting residual impacts – this is addressed in **Section 6**; and
- may be used to assess the biodiversity values of land that is located within an area on the Biodiversity Values Map, except where the biodiversity value included on the Biodiversity Values Map is core koala habitat identified in a plan of management under Chapter 4 of the Biodiversity and Conservation SEPP – Koala Habitat Protection 2021. The remnant woodland at the southern end of the site is included the BV Map. The Hills LGA is not listed in Schedule 2 of the Biodiversity and Conservation SEPP and therefore is not land to which the Koala Habitat Protection SEPP applies.

The project meets the requirements for assessment as a small area under *Appendix C* of the BAM noting that the amount of vegetation to be cleared is under the threshold for the minimum lot size associate with the property as detailed at **Table 17**. In this instance the minimum lot size for the site is 1,800m<sup>2</sup> with a clearing threshold of 1 ha.

**Table 17 – Vegetation clearing thresholds under Appendix C of the BAM**

Minimum lot size associated with the property	Maximum area clearing limit for application of the small area development module
Less than 1 ha	≤1 ha
Less than 40 ha but not less than 1 ha	≤2 ha
Less than 1000 ha but not less than 40 ha	≤3 ha
1000 ha or more	≤5 ha

### 7.7.1 Vegetation surveys

Vegetation surveys were undertaken within the development site on 23 May 2022 and 30 May 2023 as part of the previous Development Application with the Plant Community Types (PCTs) detailed at **Figure 30**. Two full-floristic vegetation plots were surveyed to identify PCTs and Threatened Ecological Communities (TECs) on the development site. The vegetation surveys undertaken determined the PCTs on the development site are summarised at **Table 18**.

**Table 18 – Extent of native vegetation identified on the development site**

PCT ID	PCT / Vegetation Name	Subject Land (ha)	Development Footprint (ha)
3320	Cumberland shale plains woodland	0.36	0.11
-	Planted native vegetation	0.22	0.21
	<b>Total</b>	<b>0.58</b>	<b>0.32</b>

PCT 3320, as outlined in **Table 18**, forms a part of the threatened ecological community (TEC) Cumberland Plain Woodland in the Sydney Basin Bioregion. This vegetation community is listed as Critically Endangered under the *Biodiversity Conservation Act 2016* (BC Act).

PCT 3320 also forms a part of the federally listed TEC Cumberland Plain Shale Woodlands and Shale-Gravel Transition Forest under the *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). However, the vegetation

within the subject land does not meet any of the required condition classes and as such, is not recognised under the EPBC Act.

Planted native vegetation to be removed has been assessed against *Appendix D: Streamlined assessment module – planted native vegetation* of BAM 2020. ELA describes the planted native vegetation in the BDAR and concludes the vegetation is planted native vegetation, rather than remnant, for the following reasons:

- the location and regular spacing pattern of the trees suggested these had been planted in these locations for specific purposes, being screening along the property boundaries, and for bank stabilization and shading around the dam;
- some of the species were not native to the Sydney region, e.g. *Eucalyptus microcorys* (tallowwood), which naturally occurs on the north coast of NSW and Qld, and *Eucalyptus scoparia* (Wallangarra white gum), which naturally occurs in a very restricted range in the Northern Tablelands of NSW; and
- All the *Eucalyptus* spp. found in these patches are species which are popular for garden and street plantings in the Sydney region.



Figure 30 – PCTs and TEC within the subject site. Source: ELA, 2025.

### 7.7.2 Threatened Ecological Communities

The ELA study found 0.11 hectares (or 93%) of Cumberland Shale Plains Woodland (Shale Woodland) within the development area has already been cleared. Shale Woodland in the development area matches the threatened ecological community known as Cumberland Plain Woodland in the Sydney Basin Bioregion. This community and Shale-Gravel Transition Forest ecological community are listed as Critically Endangered under both the *Biodiversity Conservation Act* and the *Environment Protection and Biodiversity Conservation Act*.

As detailed in section 7.7.1, there are no patches of PCT 3320 vegetation that meet the condition requirements specified in the approved listing advice (Commonwealth of Australia, 2010) as the patch is smaller than 0.5 hectares. Therefore, as detailed in Section 9.1 of the BDAR, the vegetation on this site does not qualify as a listed community under the EPBC Act.

### 7.7.3 Habitat Assessment

ELA as part of their study undertook a habitat assessment of the subject land in May 2023. The following is a summary of their findings:

- Two hollow bearing trees were identified within the subject land, including one within the development site;
- One stick nest was observed within the subject land;
- No evidence of current occupation of any habitat features was observed

Based on the habitat assessment some species credits have been removed from requiring further assessment as the necessary habitat constraints were not present within the subject land.

No other candidate species were otherwise considered likely to occur within the development site and no targeted surveys were required for the purpose of the assessment.

### 7.7.4 Avoiding and Minimising Impacts on Biodiversity Values

The BC Act and BAM 2020 requires proponents to avoid and minimise impacts on biodiversity values. The area of highest biodiversity value within the development is the patch of vegetation zone PCT 3320 - degraded, in the southern section of the site.

Approximately 0.25 ha of this remnant native vegetation would be retained within the subject land, with 0.07 to be retained as park of a proposed restricted development area. In addition to efforts to minimise impacts at the design stage, Landen propose to implement an engineering plan to protect two trees located along the southern boundary of the development footprint. The two (2) trees to be retained are part of the patch of PCT 3320. Retaining walls have been designed and will be implemented to retain these trees.

In addition to avoiding impacts to 0.25 ha of the Threatened Ecological Community (TEC) Cumberland Plain Woodland, the proposed development avoids and minimises impacts on biodiversity as described in the BDAR:

- most of the development site has no or poor biodiversity values and does not require offsetting or assessment under the BAM;
- there are no impacts to breeding habitat for threatened species;
- marginal foraging habitat for *Pteropus poliocephalus* (grey-headed flying-fox) will be affected. Other ecosystem species have been included in the assessment, however, given the lack of habitat connectivity within the development site, foraging habitat for these species is marginal;
- indirect impacts to adjacent habitat are unlikely to result from the proposed development given the adjacent land is highly disturbed primarily consisting of gardens and cleared lawn. Land on the western boundary is subject to future residential development and land to the east is highly disturbed with some isolated vegetation along Elizabeth Macarthur Creek. Indirect impacts can be managed through sediment and erosion control, and the implementation of a VMP;
- measures to minimise impacts to biodiversity will include supervision of vegetation removal by an ecologist to ensure any fauna present are taken into care and relocated into similar nearby habitat; and
- a dam dewatering plan should be prepared to ensure any native fauna are captured and released in appropriate habitat.

### 7.7.5 Biodiversity Credits

The number of ecosystem credits required to offset the impact of the development is outlined in **Table 19**.

**Table 19 – Plant Community Types (PCTs) identified on the development site**

Vegetation Zone	PCT ID	PCT Name	Credit Class	Direct (ha)	Impact	Credits Required
1	3320	Cumberland Shale Plains Woodland	Cumberland Plain Woodland in the Sydney Basin Bioregion	0.11		4

### 7.7.6 Mitigating and Managing Direct & Indirect Impacts

The following mitigation measures are described in the BDAR and form part of the consolidated Mitigation Measures at **Appendix K**:

- Pre-clearance surveys should be undertaken prior to vegetation removal to identify any fauna or habitat by an ecologist or suitably experienced personnel;
- Adopt clearing protocols to manage wildlife by ecologist or suitably experienced personnel;
- Clearing protocols are to be instigated to limit inadvertent clearing;
- Erect and maintain erosion and sediment fencing;
- Only conduct clearing and operation of machinery inside of typical work hours;
- Implement industry practice controls of dust as part of bulk earthworks;
- Avoid vegetation removal during southern myotis breeding season; and
- Carry out site inductions to explain environmental significance of the subject land.

## 7.8 Aboriginal Cultural Heritage

Aboriginal cultural heritage values of the land and their impacts were carefully considered in the previous DA (see Section 1.4.2). The current SSDA aims to continue the outcomes achieved under that DA.

In support of the application is an Aboriginal Cultural Heritage Assessment Report (ACHAR) at **Appendix BB** prepared by Apex Archaeology, which undertakes an assessment of the values of the land and the impact resulting from the proposed development. Also in support is an Aboriginal Cultural Heritage Management Plan (ACHMP) at **Appendix CC** to manage the impacts on an existing Aboriginal Heritage Information Management System (AHIMS) site.

Engagement with the Aboriginal community was undertaken in accordance with the *Aboriginal cultural heritage consultation requirements for proponents 2010*. Ultimately a total of 20 Aboriginal people and organisations registered an interest in being consulted for the project and comprised the Registered Aboriginal Parties (RAPs).

### 7.8.1 AHIMS and Field Work

The assessment found three (3) previously recorded Aboriginal sites registered on the Aboriginal Heritage Management Information System (AHIMS) within 50m of the study area as follows:

- AHIMS #45-5-3063 (Burns Road Compound PAD). This is a potential archaeological deposit (PAD) located approximately 35 m to the east of the northeast boundary of Lot 1 DP 1237055.
- AHIMS #45-5-4262 and AHIMS #45-5-4841 are listed PADs with the same site name, NWRL PAD7. They are duplicates of the same site and are mapped as being on, and within 20m, of the southwest boundary of Lot 1 DP1237055. The status of AHIMS #45-5-4262 is listed as 'partially destroyed' and the site status of AHIMS #45-5-4841 is listed as 'valid'.

A previous archaeological salvage excavation was undertaken by Kelleher Nightingale Consultants (KNC) in 2013 with a salvage report issued in 2015 in relation to AHIMS #45-5-4262 (NWRL PAD7) PAD. The portion of the PAD excavated was found to contain a total of 2,893 artefacts were recovered including a number of stone-tool types. The remainder of the PAD was not included in the salvage report, and it was stated in the updated AHIMS site card #45-5-4262 submitted by KNC that the *'remaining portion of the site is likely to have a similar archaeological deposit and would require an Aboriginal Heritage Impact Permit prior to any impact'*. This remaining site is within the current study area.

Subsequent test excavation undertaken by Apex Archaeology in December 2022 in relation to AHIMS #45-5-4262 recovered 64 stone artefacts within a 5.25m<sup>2</sup> area. The assessment concludes that given the artefact deposit identified within the study area, the site is considered to have cultural significance to the Aboriginal community as a tangible link to their culture and ancestors. The site has been assessed as containing a moderately significant archaeological deposit which cannot be avoided by the proposed development within the study area.

The location of the PAD coincides with the bridge and road access into the site, which provides access both for the development and strategically for the Precinct. The bridge is not able to be moved elsewhere due to the existing lot layout and street network in the area as contemplated by the Precinct Design Guide. As such, impact cannot be avoided and mitigation of the impact on the archaeological resource is necessary. It has been recommended that salvage of the deposits occur and for which a salvage strategy has been prepared.

Under Part 4, division 4.7 State Significant Development of the EP&A Act, there is no requirement to obtain consent from Heritage NSW under the provisions of s.90 of the NPW Act. Instead, an Aboriginal Cultural Heritage Management Plan (ACHMP) guides the management of Aboriginal cultural values within the study area. An ACHMP at **Appendix CC** has been prepared to fulfil this requirement.

### 7.8.2 Recommendations

The following recommendations are made within the ACHAR and are to be adhered to during the construction of the development:

- a) Preparation of an ACHMP to guide future management of the Aboriginal cultural heritage resource within the study area, including to permit harm to the registered sites within the study area, namely AHIMS #45-5-4262 & duplicate recording 45-5-4841 (NWRL 7). Salvage excavation is recommended for AHIMS #45-5-4262/45-5-4841 (NWRL 7). Salvage is to be undertaken in accordance with the Salvage Strategy attached to this report and detailed in the separate ACHMP.
- b) Consultation with the RAPs will continue to keep them informed about Aboriginal cultural heritage management in the study area.
- c) Should there be any alteration to the boundaries of the proposed development works than those assessed, then further archaeological investigation would be required which considers the additional land.
- d) Should unanticipated Aboriginal archaeological material be encountered during siteworks, all work must cease in the vicinity of the find and an archaeologist contacted to make an assessment of the find and to advise on the course of action to be taken. Further archaeological assessment and Aboriginal community consultation may be required prior to the recommencement of works. Any objects confirmed to be Aboriginal in origin must be reported to Heritage NSW.

In the unlikely event that suspected human remains are identified during construction works, all activity in the vicinity of the find must cease immediately and the find protected from harm or damage. The NSW Police and the Coroner's Office must be notified immediately. If the finds are confirmed to be human and of Aboriginal origin, further assessment by an archaeologist experienced in the assessment of human remains and consultation with both Heritage NSW and the RAPs for the project would be required. This recommendation should be included in any Construction Environmental Management Plan (CEMP) developed for the site.

### 7.8.3 Aboriginal Cultural Heritage Management Plan

As required by the ACHAR an ACHMP has been prepared in support of the proposed development to guide the management of the Aboriginal cultural heritage resources within the study area, including to permit harm to the registered sites. The ACHMP has been designed to minimise impacts from development activities within the study area on Aboriginal cultural heritage by detailing strategies for the management of Aboriginal sites during the undertaking of these activities. It has been prepared to:

- Fulfil the Secretary's Environmental Assessment Requirements (SEARs);
- Establish appropriate measures to avoid, minimise, or mitigate identified impacts;
- Outline the protection that will be established for sites which should be avoided;
- Document the roles and responsibilities of the proponent, their contractors, the community, and RAPs, during each stage of the development and into the future;
- Detail the results of the Aboriginal community consultation undertaken for the project, and to provide guidelines for future consultation with RAPs for the project; and
- Document the tasks that must be completed to ensure long term protection of the Aboriginal cultural heritage values of the area designated for protection.

Apex Archaeology will undertake a staged salvage excavation in two parts whereby three test pits would be expanded to 9m<sup>2</sup> (Stage One), with a subsequent salvage or open area expansion (Stage Two) targeting high artefact concentration areas as identified during Stage One. It is proposed to expand three areas up to an additional maximum area of 75m<sup>2</sup> as part of Stage Two. The total area to be excavated in both stages would be a maximum of 102m<sup>2</sup> (total 18m<sup>2</sup>, comprising three initial pits each of 9m<sup>2</sup> in Stage Two. This would be a maximum amount only and would be dependent on the results of both stages. Excavation of both stages would be undertaken as outlined in the ACHMP.

Artefacts will be analysed by an archaeologist experienced in artefact analysis and interpretation. On completion of the analysis the artefact assemblage will be transferred back to Apex Archaeology's office until reburial on site can occur. Once the artefacts are reburied the location will be recorded and provided to AHIMS. The proposed location for reburial is detailed within the ACHMP within green space that is not subject to additional impact in future.

## 7.9 Connecting with Country

### 7.9.1 Connecting with Country

The proposed development has embraced a Country-centred approach from the early phases of the design process. In alignment with the GANSW Connecting with Country Framework (2023) and the State Design Review Panel (SDRP) design principles, the project team has worked collaboratively with Dharug knowledge holders, Elders, and local Aboriginal community members to ensure that the design respects, reflects, and enhances Country.

The Connecting with Country Framework prepared by Artefact Heritage (**Appendix DD**) has served as a foundational document, guiding engagement, design direction, landscape planning, and cultural interpretation. The report is based on a Walk on Country conducted on 14 February 2025, attended by project consultants, designers, Elders, and community members, during which cultural values, stories, and priorities were generously shared by Dharug participants.

### 7.9.2 Framework and Engagement

The GANSW Framework emphasises three key cultural ways of knowing:

- Communing with Country (Thinking): Listening deeply to Country and community.
- Sensing Country (Feeling): Experiencing Country through immersive engagement.
- Being on Country (Behaving): Acting in ways that nurture and respect Country.

These align with the four phases of the project lifecycle:

Form – Starting with Country

Design – Imagining with Country

Deliver – Shaping Country

Maintain – Caring for Country

The development team has adopted these principles through:

- Cultural awareness training and a Walk on Country with Dharug Elders.
- Ongoing engagement with the Deerubbin Local Aboriginal Land Council (LALC).
- Recognition of Country as a living system that shapes and is shaped by the design response.

### 7.9.3 Cultural Themes and Design Responses

The following design outcomes emerged from the consultation process and have been embedded into the proposal in alignment with SDRP principles and the Connecting with Country Framework.

#### Better Fit – Respecting and Enhancing Local Context

What Country told us:

- The project site sits within Dharug Country but also acknowledges connections to Gandangarra and Darkinjung peoples.
- The importance of Elizabeth Macarthur Creek as a cultural and ecological corridor was reinforced.
- Elders emphasised the need to reflect natural topography and restore visual and ecological connections.

Design Response:

- The design reflects pre-colonial landform, especially in the southern zone, through undulating terrain and endemic planting.
- Visual corridors and pedestrian routes connect to the creek and broader cultural landscape.
- Cultural narratives will be told through signage, art, and public space interventions.

### 7.9.4 Better Performance – Environmentally Responsive and Resilient

What Country told us:

- Water is sacred and should be treated with reverence.
- The landscape must regenerate and heal from past degradation.

- Materials must speak to the place.

Design Response:

- The 'Blue Line' landscape strategy guides water movement and integrates sensory and cultural water features.
- Native planting reflects Dharug seasonal knowledge and supports biodiversity.
- Local sandstone, timber and recycled materials are preferred in both landscape and architectural elements.

Better for Community – Inclusive, Healthy and Responsive

What Country told us:

- Create places where Aboriginal identity is visible and celebrated.
- Ensure children and Elders feel welcome.
- Promote cultural learning through interpretation and storytelling.

Design Response:

- The 'Ochre Line' forms a cultural spine through the site, with interpretive signage, art and public spaces designed for storytelling, ceremony, and communal use.
- Incorporation of bush tucker gardens, ceremonial spaces, and shaded yarning circles promotes inclusive, multi-generational gathering.
- Training and employment opportunities are offered to local Aboriginal youth during project delivery.

Better Working – Functional, Adaptable and Deliverable

What Country told us:

- Respect the process: cultural knowledge must be shared with consent.
- Continue relationships beyond approvals.
- Don't design for Country design with Country.

Design Response:

- Free, Prior and Informed Consent (FPIC) protocols have been upheld. Cultural Intellectual Property (CIP) is respected through written agreements.
- A Cultural Heritage Interpretation and Public Art Strategy is under development in partnership with Aboriginal stakeholders.
- The masterplan is structured to allow for future ceremonial programming, cultural wayfinding and adaptive management.

Better Look and Feel – Contextual and Engaging Design

What Country told us:

- Use colour, material and form to honour Country.
- Bring nature into buildings and courtyards.
- Make culture visible, not hidden.

Design Response:

- Colour palettes draw from local ochres, bark, and flower species observed on site.
- Materials include timber, sandstone, and salvaged elements for sculptural reuse.
- Building entries and community spaces integrate cultural artwork and motifs created by Dharug artists such as Kayelene Slater.

Better Value – Creating and Adding Lasting Value

What Country told us:

- Value is not just financial it's ecological, spiritual, and cultural.

- Let future generations inherit a story, not just a structure.

Design Response:

- Dual naming, signage, and bush foods contribute to cultural education.
- Heritage markers trace cultural movement and ancestral stories through Songlines-inspired wayfinding.
- A post-occupancy plan will include cultural programming, stewardship partnerships, and ongoing consultation

### 7.10 Environmental Heritage

The subject site does not contain a listed heritage item nor is there a heritage item on an adjoining site. **Figure 28** below is a map of listed and interim heritage items taken from the State Heritage Inventory map. The nearest heritage item is shown in yellow running north-south along the Old Windsor Road corridor. This is a locally listed heritage item under *The Hills Local Environmental Plan 2019* described as ‘Road and remnant post and rail fencing’, item A2. There is a significant spatial separation between the proposed development and the listed heritage item. There is not expected to be any impact on the significance of the listed heritage item.

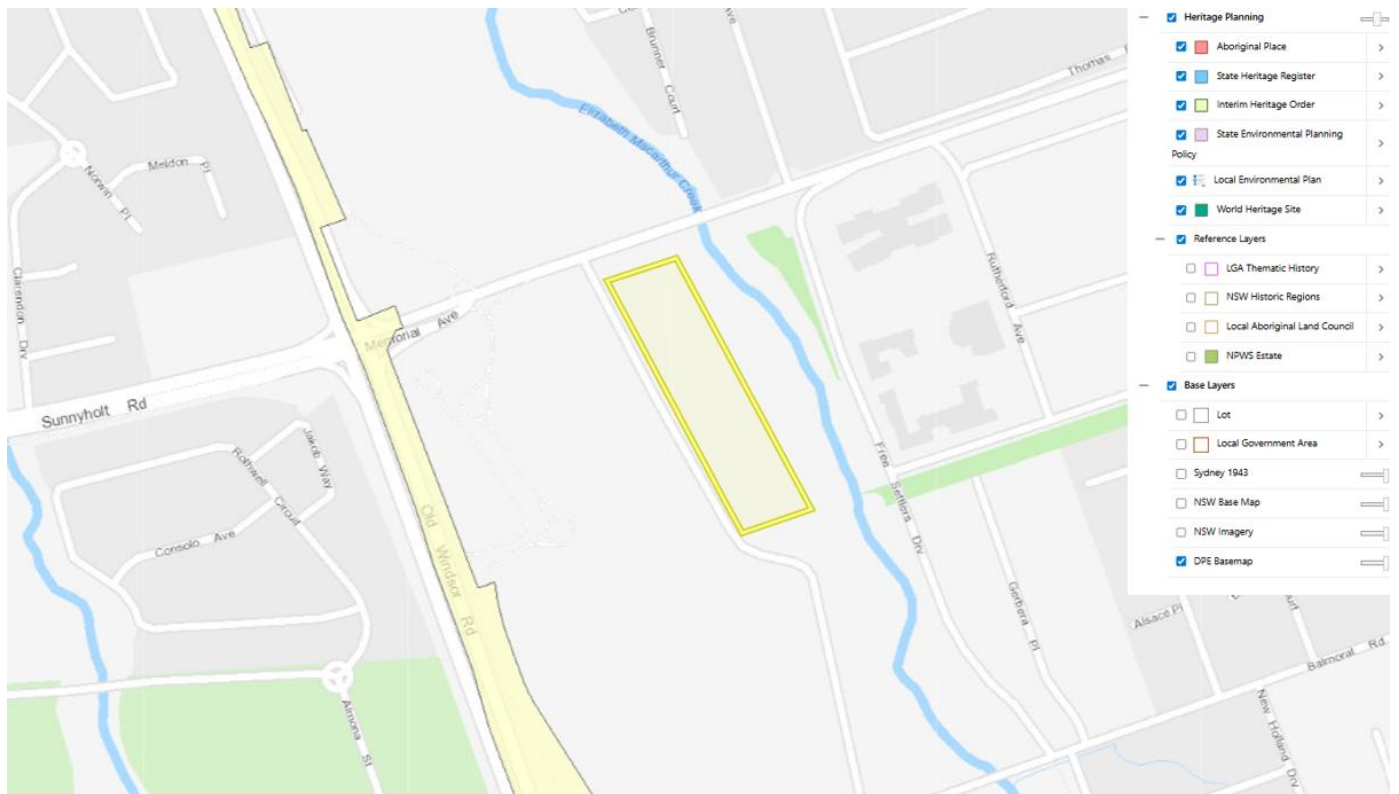


Figure 31 – Heritage Map, Approximate Location of Site in Yellow. Source: State Heritage Inventory, Heritage NSW.

### 7.11 Traffic and Transport

A Traffic & Parking Assessment (TPA) and preliminary Construction Traffic Management Plan (CTMP) was prepared by TTPA and is attached at **Appendix N**. The TPA was prepared in accordance with the Guide to Transport Impact Assessment published by TfNSW and the CTMP addresses the traffic impacts during the construction phase with management measures to mitigate impacts on the locality.

#### 7.11.1 Existing Road Network and Conditions

The existing road network servicing the site comprises the following:

- Old Windsor Road – a State Road and arterial route which links between Parramatta and Windsor through the developing north-west sector
- M7 Motorway – a Motorway and arterial route which connects between the M2 Motorway and the South Western Freeway being part of the Sydney Orbital Route
- Windsor Road – a State Road and sub-arterial route which connects between Kellyville and Parramatta
- Memorial Avenue – a State Road and sub-arterial route linking between Old Windsor Road and Windsor Road
- the system of collector road routes including:

- Balmoral Road
- Arnold Avenue
- Mawson Avenue / Lexington Drive
- Free Settlers Drive – a local access road

Traffic surveys have been undertaken by the traffic consultant TTPA at the intersections in proximity to the site, during the weekday morning and afternoon peak periods. The operational performance of the intersections has been assessed using SIDRA with the results of that assessment summarised in **Table 20**.

**Table 20** – Summary of intersection operational performance based on SIDRA assessment

Intersection	Weekday AM		Weekday PM	
	LOS	AVD	LOS	AVD
Memorial Avenue/ Old Windsor Road/ Sunnyholt Road	D	46.0	F	88.2
Memorial Avenue/ Free Settlers Drive	B	26.9	C	32.5
Free Settlers Drive/ Hodges Rd/ Celebration Drive	A	4.6	A	4.4
Free Settlers Drive/ Balmoral Road	NA	7.9	NA	7.5
Old Windsor Road/ Miami Street/ Balmoral Road	D	48.3	D	30.0

### 7.11.2 Transport Services

The site is well serviced by transport services located between both Bella Vista and Kellyville Metro stations and is linked with direct pedestrian pathways. Both stations are on the same line and provide turn up and go services to Sydenham via the City with peak hour frequencies of 4 minutes and 10 minute off-peak frequencies. With respect to bus services the Burns T-way station is located approximately 200m to the west of the site which provides for the following routes:

- Route 665 Rouse Hill Station to Parramatta
- Route 735 Rouse Hill to Blacktown (Loop Service)
- Route N92 Tallawong to City Town Hall via Macquarie Park (Night Service)

### 7.11.3 Existing Green Travel Infrastructure

The site is well serviced by existing pedestrian and cycle infrastructure with the following key shared pathways in proximity:

- Fred Caterson Reserve Castle Hill;
- Toongabbie Creek comprising a shared pathway extending from Old Windsor Road under the M7 Motorway; Crestwood Reserve Baulkham Hills: providing off-road recreational routes and learn-to-ride track;
- Mackillop Drive Reserve Baulkham Hills;
- Greenway Link extending from Bella Vista Farm to Rouse Hill; and
- Shared pathways aligned with key roads and separated from road traffic are the North-West Transit Way running parallel to Old Windsor Road and the M7 Motorway.

### 7.11.4 Car Parking

Parking rates that are specific to the Bella Vista and Kellyville TOD Precinct have been adopted for the development pursuant to the Precinct Design Guide which provides for the following parking requirements within the Residential (tier 1) mapped area:

- 0.6 spaces per 1 bedroom;
- 0.9 spaces per 2 bedrooms;
- 1.4 spaces per 3 or more bedrooms; and

- 0.1 visitor space per dwelling.

**Table 21** details the car parking requirements for the development based on the Design Guide requirements above.

**Table 21 – Car parking requirements for the development based on the Design Guide requirements**

Bedroom	Apartment Numbers	Parking Required
1 Bedroom	82	49.2
2 Bedroom	208	187.2
3 or more Bedrooms	154	215.6
Visitor Parking	N/A	44.4
<b>Total</b>	<b>444</b>	<b>496.4</b>

The proposed development will provide 504 parking spaces for both residents and visitor which complies with the TOD requirements. Parking will be provided in accordance with the staging of the development as follows:

- Stage 1: 241 parking spaces
- Stage 2: 263 parking spaces

Architectural Drawings prepared by Turner Studio at **Appendix A** detail the breakdown of parking for both residents and visitors. Visitor parking has been located within the lower ground levels separate from resident parking and is conveniently located.

In addition to the on-site parking the new local road construction will provide for 33 parking bays along Road 01 and Road 02 once complete.

### 7.11.5 Bicycle Parking

Bicycle parking rates that are specific to the Bella Vista and Kellyville TOD Precinct have been adopted for the development pursuant to the Design Guide which provides for the following:

**Table 22 – Bicycle Parking Requirements**

	Design Guide Requirement	Parking Proposed
Residential Dwelling	1 space per 3 dwellings	164 spaces
Visitor	1 space per 12 dwellings	37 spaces
<b>Total</b>	<b>185 spaces</b>	<b>201 spaces</b>

### 7.11.6 Traffic Impacts

TTPA has undertaken an assessment of the traffic impacts associated with the development in accordance with The Guide to Transport Impact Assessment 2024.

SIDRA modelling has been undertaken for future traffic conditions incorporating the upgrading roadworks and the modelled traffic generation, with the network distribution detailed in the TPA. The results of that assessment are summarised in **Table 23**. The assessment concludes that the relatively minor generated peak traffic movements can be accommodated on the road system without any noticeable traffic implications, particularly as vehicle distribution can be achieved via a number of access routes.

**Table 23 – SIDRA modelling results for future traffic conditions with proposed road upgrades**

Intersection	Stage 1				Stage 2			
	Weekday AM		Weekday PM		Weekday AM		Weekday PM	
	LOS	AVD	LOS	AVD	LOS	AVD	LOS	AVD

Memorial Avenue/ Old Windsor Road/ Sunnyholt Road	C	36.9	D	43	C	36.9	D	43
Memorial Avenue/ Free Settlers Drive	B	27.0	C	32.5	B	27.1	C	31.8
Free Settlers Drive/ Hodges Rd/ Celebration Drive	A	5.0	A	4.6	A	5.4	A	4.9
Free Settlers Drive/ Balmoral Road	NA	4.6	NA	5.3	NA	5	NA	5.7
Old Windsor Road/ Miami Street/ Balmoral Road	D	52.1	C	30.5	D	52.8	C	31.1

### 7.11.7 Access, Internal Circulation & Servicing

TPA has undertaken a review of the proposed vehicular access arrangements into the site and the internal design of the basement levels. Turning path plans have been prepared demonstrating how access within the site and into the site will function. This has been undertaken both for the interim and ultimate construction of Road 01.

The assessment confirms that the internal basement areas have been designed in accordance with the requirements of AS 2890.1 and 6 with adequate manoeuvring provisions and 2-way movement throughout.

Waste will be collected by The Hills Shire Council. A dedicated loading bay for a 12.5 m heavy rigid vehicle (HRV) has been designed for, with swept-path diagrams provided in the TPA. Other large service/delivery vehicles can use the loading bay, while smaller delivery vehicles can use the visitor parking spaces or stand on the new access road.

### 7.11.8 Construction Traffic Impacts

During the engagement process undertaken prior to the lodgement of the SSDA, construction traffic impacts associated with the development were raised as a significant issue for residents. As part of the TPA an indicative Construction Traffic Management Plan (CTMP) has been prepared detailing the potential impacts of construction traffic and how it is proposed to be managed. A formal CTMP would be prepared as part of the Mitigation Measures detailed at **Appendix K** and once a contractor has been engaged.

The development is to be completed in stages with the construction timing expected to be in accordance with the following:

- Demolition: 1.5 months
- Excavation: 6 months
- Base building construction: 18 months
- Fit out: 6 months

Based on resident feedback during community engagement, construction vehicle routes have been adopted to minimise impact Free Settlers Dr. Construction vehicles will not access the site via Free Settlers Drive (see **Figure 32**). Instead, they will use Balmoral Road and access through the adjacent Landcom site, pending a formal access agreement.

Recommended mitigation measures will be included in the Construction Traffic Management Plan (CTMP):

- Pedestrian safety management during construction;
- Site and road network maintenance;
- Construction worker parking management to preserve resident parking availability; and
- Community notification and consultation with adjacent property owners.

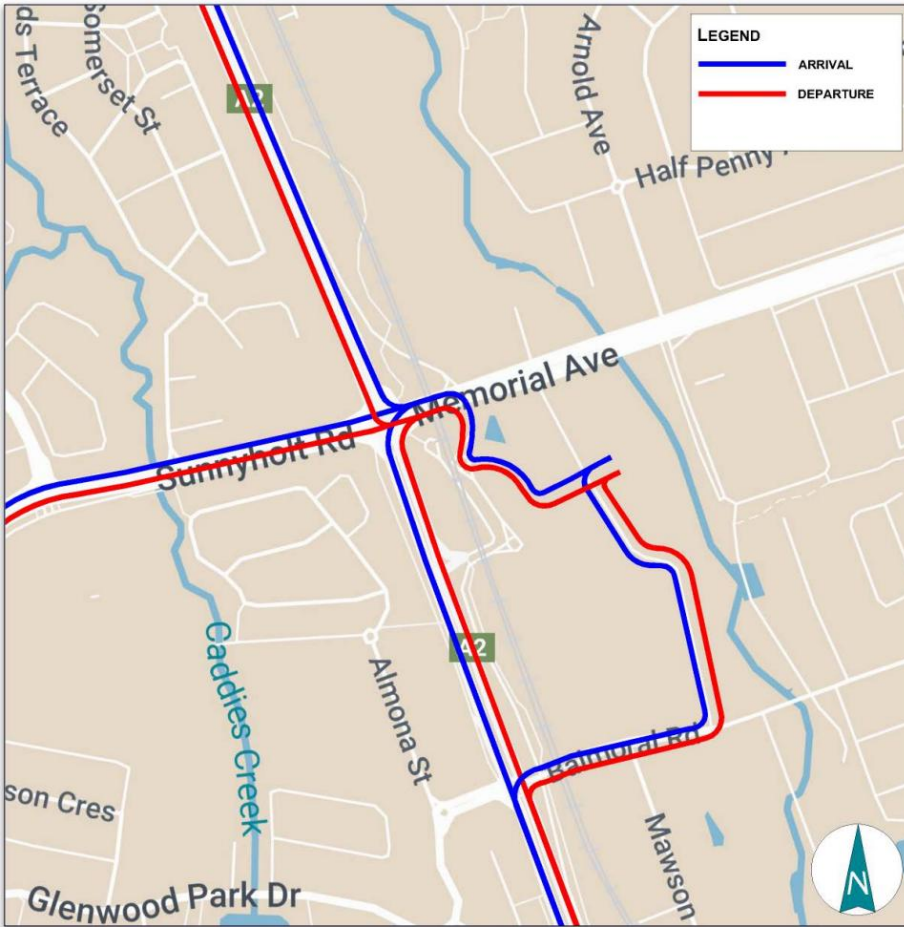


Figure 32 – Truck Routes. Source: TTPA

### 7.11.9 Green Travel Plan

A Green Travel Plan will be prepared and adopted to encourage residents to maximise their use of public transport and active transport options. The plan will include measures to reduce car dependency and promote sustainable travel, reduce unnecessary trips, and improve travel efficiency. The TPA includes an indicative implementation plan that the future site operator will be responsible for executing.

### 7.12 Flooding

The site is subject to flooding from the adjacent Elizabeth Macarthur Creek. Detailed flood assessment and modelling was conducted for the previous DA (outlined in Section 1.4.2) and informed the placement of buildings and habitable floor levels.

A Flood Impact Risk Assessment (FIRA) at **Appendix AA** supports this SSDA and includes flood modelling and impact assessment. While the FIRA report references the bridge across Elizabeth Macarthur Creek, this bridge has been approved under the previous DA and is not part of this SSDA.

This revised FIRA has been amended to address the SEARs for the proposed development. Notable updates include an assessment of the potential impacts of climate change on flood behaviour affecting the development, as well as a review of changes to architectural and landscape layouts that have occurred post approval of the previous DA as detailed at Section 1.4.2.

Results of all modelled scenarios and events can be examined in the FIRA. The design flood levels are summarised in **Tables 24 and 25**.

**Table 24 – Design Flood Levels Stage 1**

Stage 1 Design Flood Levels				
Modelled Scenario	Building A	Building B	Building C	Building D
1% AEP	56.4m to 56.6m	56.4m to 56.6m	56.7m to 57.7m	56.7m to 57.7m

1% AEP + Climate Change	56.4m to 56.7m	56.4m to 56.7m	56.7m to 57.7m	56.7m to 57.7m
PMF	56.4m to 56.7m	56.4m to 56.7m	56.7m to 57.7m	56.7m to 57.7m

**Table 25 – Design Flood Levels Stage 2**

Stage 2 Design Flood Levels				
Modelled Scenario	Building A	Building B	Building C	Building D
1% AEP	56.5m to 56.8m	56.5m to 56.8m	56.9m to 58m	56.9m to 58m
1% AEP + Climate Change	56.6m to 56.8m	56.6m to 56.8m	56.9m to 58m	56.9m to 58m
PMF	56.6 to 56.8m	56.6 to 56.8m	56.9m to 58m	56.9m to 58m

With respect to the design flood levels the development proposes the following habitable finished floor levels:

- Buildings A & B: Lower ground floor habitable finished levels is 57.3m.
- Buildings C & D: Lower ground floor habitable finished levels is 58.3m.

The following is a description of the flood impacts:

- The site experiences minimal flooding for the 1% AEP event with finished floor levels (FFLs) maintained well above the freeboard required by the Hills Shire Council Development Control Plan;
- For the interim-post-development and final development condition only Building D is inundated for the Probable Maximum Flood (PMF) event (by approximately 250mm);
- Some flood effects are observed for the 1% AEP due to the introduction of the proposed bridge at Hodges Road with levels rising upstream by approximately 300mm. Flood level for Stage 1 remain within the creek channel extents;
- Most of the site is inundated for the PMF event with a backwater effect observed upstream of Memorial Avenue. Flood levels vary from 58.90m to 59m in the vicinity of the site for both the pre-development and interim post-development condition (Stage 1). A similar PMF level is observed in the final development scenario (Stage 2);
- The baseline, Stage 1 and Stage 2 development scenarios have been modelled to assess the impact of flooding on the proposed development site. in all scenarios, the results indicate the site is adequately protected in the 1%AEP flood event and complies with Council development controls and flood planning requirements; and
- The additional consideration of climate change in line with ARR 2024 Chapter 4 updates has had a negligible impact on flood levels in the creek adjacent to the proposed development.

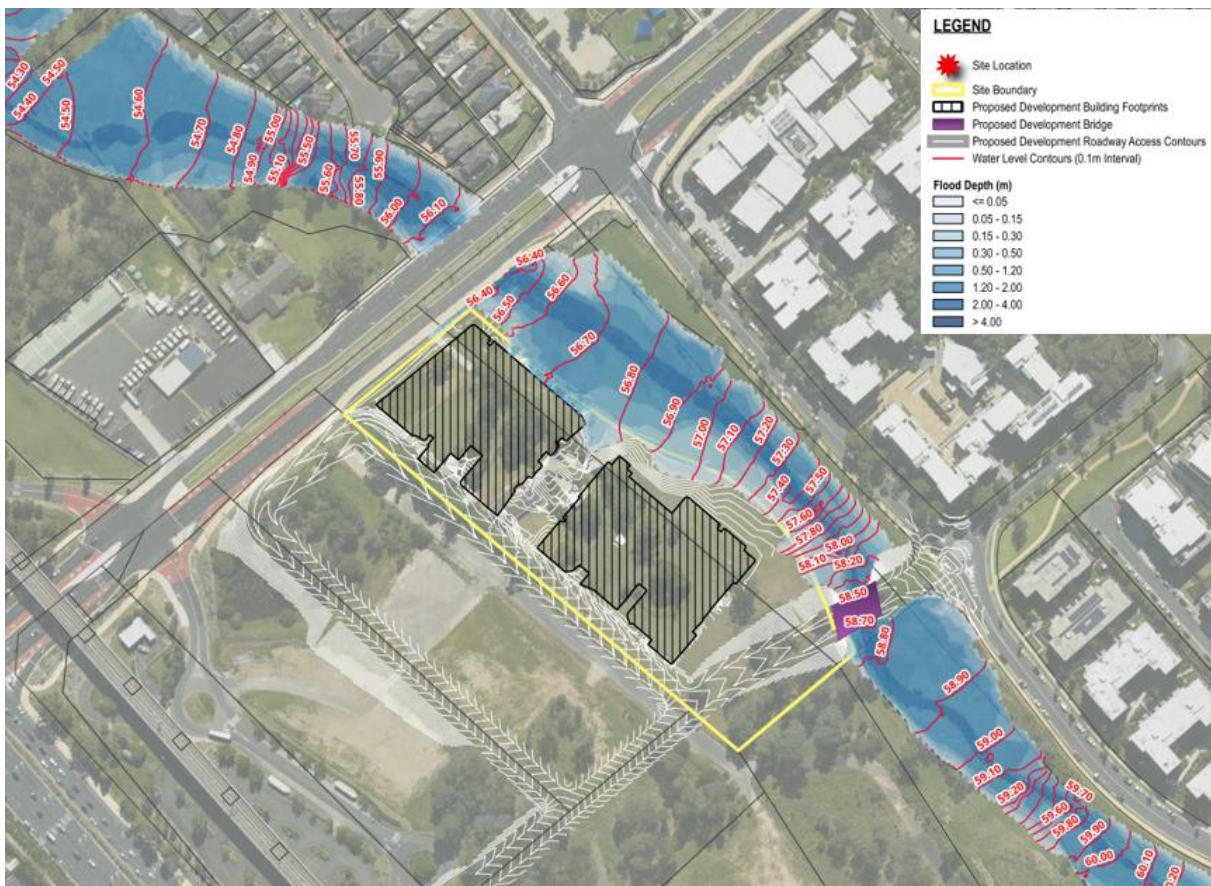


Figure 33 – 1% AEP Ultimate Development. Source: Orion



Figure 34 – 1% AEP + Climate Change Ultimate Development. Source: Orion

### 7.13 Water Sensitive Urban Design

In support of the SSDA is a Water Management Report prepared by EI Consulting Engineers provided at **Appendix Q**. The report assesses the impact of the development on the stormwater catchment and identifies the stormwater treatment and water quality management measures to be implemented to mitigate the identified impacts. The proposed development has been designed with the following Water Sensitive Urban Design (WSUD) objectives:

- Reduce water demand;
- Reduce water discharges to receiving environments;
- Maximise opportunities for water harvesting and re-use; and
- Reduce water pollution.

The site is located in proximity to Elizabeth Macarthur Creek, which forms part of the Hawkesbury River Catchment, and hence the Upper Parramatta River Catchment Trust constraints apply to the proposed development.

#### 7.13.1 Stormwater Management

The stormwater management network has been designed using the On-Site Stormwater Detention Handbook published by Upper Parramatta River Catchment Trust. A network of pits and pipes are proposed to manage rainfall runoff to a legal point of discharge, being Elizabeth Macarthur Creek. A catchment plan is provided at **Figure 35** which demonstrates the internal and external catchments and how the site will be managed.

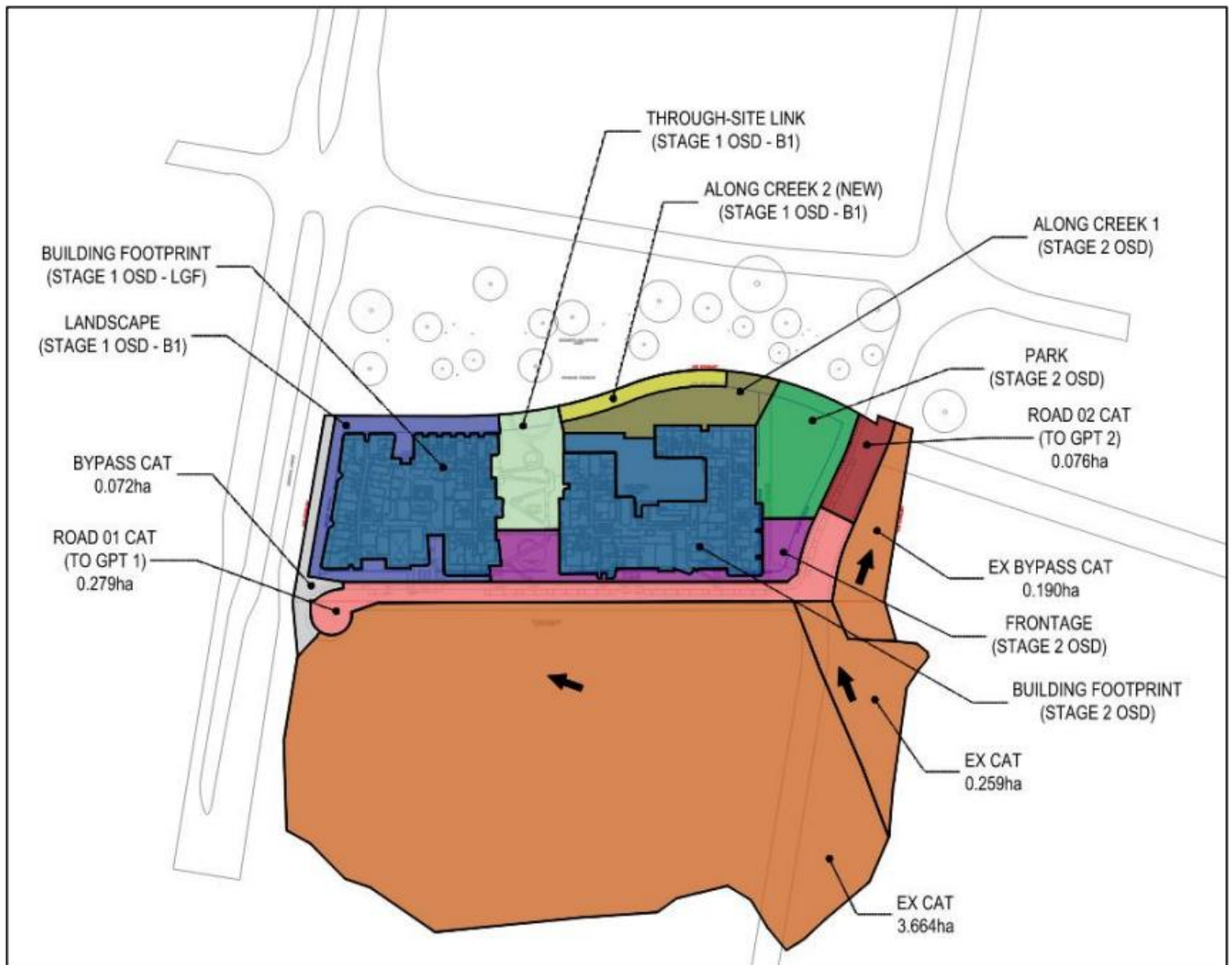


Figure 35 – Proposed Catchment Plan. Source: EI Consulting Engineers

On-site detention (OSD) and rainwater tanks are provided for each stage to manage stormwater flows to the creek. The concept design maintains the targets that were adopted for the previous DA (see Section 1.4.2) as follows:

- Stage 1 Site Storage Requirement = 1,080m<sup>3</sup>;
- Stage 2 Site Storage Requirement = 665m<sup>3</sup>; and
- Permissible Site Discharge = 187 l/s.

OSD has been integrated within the development as detailed in the supporting civil drawings at **Appendix P** and as summarised at **Table 26**.

**Table 26 – Summary of OSD System**

Stage	Surface Area	Effective Depth	Total Volume
Stage 1 (Lower Ground Floor)	283m <sup>2</sup>	2.95m	834.85m <sup>3</sup>
Stage 1 (Basement 1)	243m <sup>2</sup>	1.23m	298.89m <sup>3</sup>
Stage 2 (Basement 1)	656m <sup>2</sup>	1.1m	686.6m <sup>3</sup>

### 7.13.2 Water Quantity Discharge Modelling

DRAINS software was used for modelling of the water discharge from the site and to inform the preliminary sizing of the drainage system. The DRAINS model has been prepared based on the following assumptions:

- The development has been divided into four (4) catchments comprising Stage 1 and Stage 2 for the developable site area; Road 01 and Road 02; and the external catchment;
- Stage 1 and 2 catchments connect directly to the integrated OSDs through the proposed drainage network and which will ultimately discharge to a new headwall at Elizabeth Macarthur Creek;
- The piped drainage network for the road and external catchment is separate from the internal catchment network but will ultimately discharge to the same headwall at Elizabeth Macarthur Creek; and
- Downstream tail water conditions are set at 56.40m for the 1% AEP flood level at the point of discharge of the proposed headwall as informed by the Flood Impact Assessment Report at **Appendix AA**.

The DRAINS analysis of the internal catchments demonstrates that the proposed stormwater drainage system will reduce the discharge with respect to the developable site area and that the existing runoff for local upstream catchment is significantly reduced. The discharge results are detailed in **Table 27** and which have been adopted from the model that formed part of the previous DA (see Section 1.4.2).

**Table 27 – DRAINS External Catchment Results (Source: Orion Group, Stormwater Management Report)**

Zone	Discharge
Pre-development Internal Flow	1.08 m <sup>3</sup> /s
Pre-development External Flow	1.99 m <sup>3</sup> /s
<b>Total Pre-development Flow</b>	<b>3.07 m<sup>3</sup>/s</b>
Post-development Internal Flow	0.187 m <sup>3</sup> /s
Post-development Northern Bypass	1.50 m <sup>3</sup> /s
Post-development Southern Bypass	0.142 m <sup>3</sup> /s
<b>Total Post-development Flow</b>	<b>1.829 m<sup>3</sup>/s</b>

### 7.13.3 Stormwater Quality Management

Water quality targets for the proposed development have been adopted in accordance with The Hills Development Control Plan 2012.

A mixture of gross pollutant traps (GPTs) and stormwater quality improvement devices (SQIDs) have been implemented within the development in order to achieve the adopted targets as summarised below:

- Stage 1 proposes the installation of 16 GPTs and 10 x 690 NPSORB StormFilter<sup>R</sup> cartridges in the OSD tank.
- Stage 2 proposed the installation of 8 GPTs and 12 x 690 NPSORB StormFilter<sup>R</sup> cartridges in the OSD tank.

Stormwater quality analysis was undertaken for the development using Model for Urban Stormwater Improvement Conceptualisation (MUSIC). The following is a summary of the MUSIC modelling:

- Internal Catchment. The development and proposed stormwater system will meet Council’s target reductions for the pollutant loads at the ultimate discharge location;
- Northern External Catchment. Water quality of the northern external catchment will not achieve Council’s treatment target requirements;

While the water quality of the northern external catchment does not meet Council’s treatment target requirements, the overall development will improve the water quality (see **Table 28**) as compared to the pre-development site and does not worsen existing conditions.

**Table 28 – Total Catchments MUSIC Results**

	Sources	Residual Load	% Reduction
Flow (ML / yr)	46.9	44.9	4.1
Total Suspended Solids (kg/yr)	4510	1450	67.9
Total Phosphorus (kg/yr)	10	5.87	41.5
Total Nitrogen (kg/yr)	89.5	65	27.4
Gross Pollutants (kg/yr)	657	10.2	98.5

**7.13.4 Erosion & Sediment Control**

In support of the SSDA are Civil Plans at **Appendix P** which includes a Sediment & Erosion Control Plan that has been prepared in accordance with the guideline ‘Managing Urban Stormwater – Soils & Construction’ (2008), published by Landcom.

Erosion & sediment controls are to be implemented prior to the commencement of earthworks within the site in accordance with the aforementioned plan and the consolidated Mitigation Measures at **Appendix K**.

**7.14 Ground Water Conditions**

A Report on Geotechnical Investigation prepared by Douglas Partners supports this SSDA at **Appendix R**. The report considers the site’s geology including the potential for acid sulfate soils, salinity levels and the groundwater conditions. It addresses the potential geological risks for the proposed development and provides recommended design measures.

Further to the Geotechnical Investigation, a Report on Preliminary Groundwater Impact Assessment has been prepared and is provided at **Appendix S**. This report includes a groundwater impact assessment, involving the development of a groundwater model to estimate the groundwater inflow rates and changes to groundwater levels within adjacent areas during construction and in the long-term.

Prior investigations by Douglas Partners included the creation of five (5) boreholes to measure the ground water levels within the site. This was achieved through the installation of dataloggers with the groundwater levels automatically recorded at 1-hour intervals, with measurements taken between 17 February 2023 to 11 December 2023. Data loggers were installed on the following dates:

- 17 February 2023 for Boreholes BH15, BH26 and BH17;
- 28 November 2023 for Borehole BH12; and
- 29 November 2023 for Borehole BH24.

Further to the automatic measurements, periodic manual standing water level measurements were carried out on multiple occasions between 17 February 2023 and 19 March 2025.

Douglas Partners make the following observations regarding the geological conditions and the conceptual hydrogeological model prepared:

*Higher groundwater inflow into the standpipe of BH12 was observed during permeability testing compared to tests in other boreholes, indicating the potential presence of major geological structures in shale near the north-eastern corner of the site. This higher permeability zone did not appear to correlate readily with changes in geotechnical units or variations of rock defects observed in the rock cores from BH12. Rather, this permeability may be related to defect aperture, continuity and other features beyond the borehole. The high inflow during the permeability testing in BH12 also indicates the potential hydraulic connection between the groundwater in BH12 and the nearby creek.*

*Uncertainty remains regarding the higher permeability zone in the north-eastern part of the site in terms of its lateral extent, depths, persistence and hydraulic connection to surface water sources (e.g. Elizabeth Macarthur Creek), therefore appropriate further investigations, monitoring and management controls are recommended prior to finalisation of the basement design.*

**Table 29** details the levels of the proposed basement along with the maximum measured groundwater level at that location.

**Table 29 – Summary of Proposed Basement & Groundwater Levels**

Basement Area	Finished Floor Level	Maximum Groundwater Levels Above Floor Levels
Northern Basement (Stage 1)	RL49.10	6.8m
Corridor	RL50.65	5.7m
Southern Basement (Stage 2)	RL50.65	5.7m

Temporary dewatering of the excavation would be required during the construction phase. For the operational phase of the development long-term dewatering or construction of a tanked basement would be required to manage the long-term inflows. The options for the temporary shoring that have been considered include:

- Impermeable walls (e.g. secant pile wall) cutting off below bulk excavation level and into relatively low permeable shale; and
- Permeable walls e.g. soldier pile wall or sheet pile wall terminated above rock level.

The report contemplates two potential construction and design measures to manage the groundwater conditions in the long-term comprising a ‘drained’ basement and a ‘tanked’ basement.

Groundwater modelling was undertaken to assess the potential inflow rates into the proposed basement during and after construction, as well as induced groundwater level changes in adjacent and surrounding areas. The following are the preliminary results of the groundwater inflow modelling as it relates to both the Northern and Southern basement:

- Northern basement: inflow of approximately 35 ML (cut-off walls) and 1249 ML (permeable walls), in the first year of construction. Inflow would then decrease in the long term to about 33 ML/year and about 1245ML/year, respectively; and
- Southern basement: inflow of approximately 15 ML/year (cut-off walls) and 16 ML/year (permeable walls), in the first year of construction. Inflow will decrease in the long term, after construction, to about 11 ML/yea, respectively.

With respect to drawdown and settlement, for a drained basement scenario, Douglas Partners note that the total piezometric heads are anticipated to be lowered by a maximum of 5.5 m and 6.8 m with cut-off walls and permeable walls, respectively, around the excavation perimeter. The drawdown is anticipated to reduce to negligible (e.g. <0.5 m) at an offset of about 200 m from the basement.

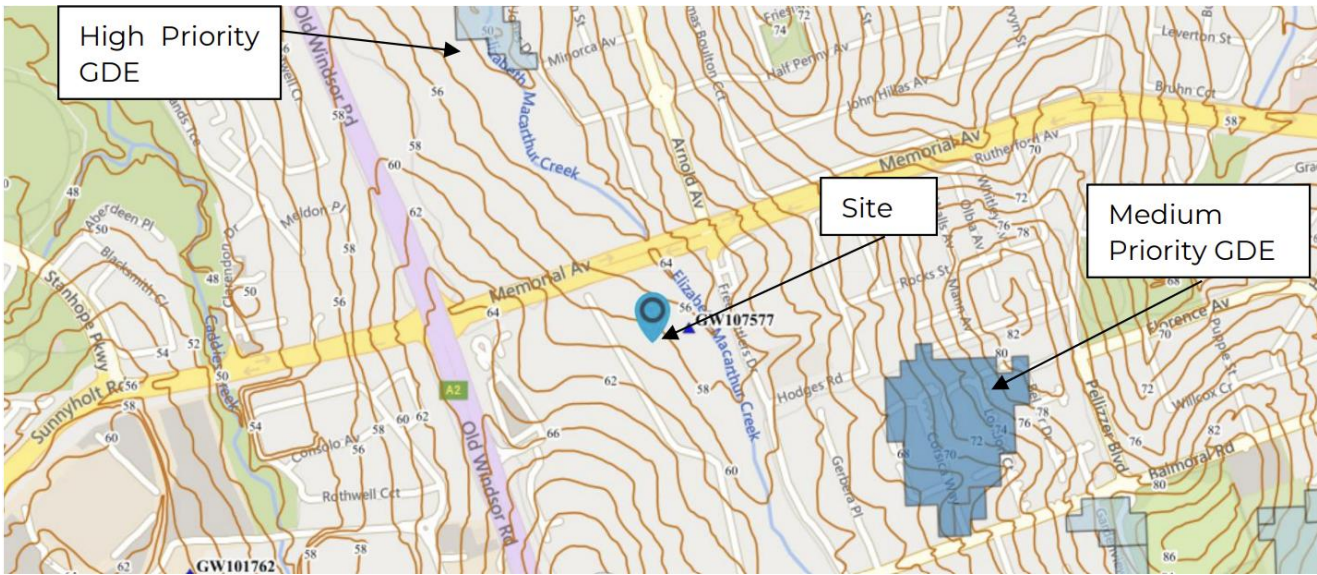


Figure 36 – Site Location including groundwater bores and groundwater dependent ecosystems: Douglas Partners

**7.14.1 Groundwater Impact Assessment**

An assessment of the potential effects of dewatering on neighbouring properties and groundwater receptors has been undertaken in accordance with the NSW Aquifer Interference Policy. The assessment is summarised in **Table 30**.

**Table 30 – Assessment of Potential Effects of Dewatering. Source: Douglas Partners, Appendix S**

Item	Comment
Proximity of Groundwater Dependent Ecosystems (GDEs)	<p>A high priority GDE is located 350 m further downstream along Elizabeth Macarthur Creek. Depending on the typical surface water recharge rates to the river, the minimum sustainable water levels required within Elizabeth Macarthur Creek, and minimum surface water flows required to support the groundwater dependent ecosystem (GDE) as shown at <b>Figure 36</b>, the predicted water loss in the creek (i.e. basal leakage) due to the dewatering activities on the site <b>may potentially exceed acceptable levels</b>. Note that this assessment assumed a hydraulic connection between the northern basement and the creek. Further testing is required to confirm whether acceptable levels would be exceeded and to inform the design.</p> <p>In the case where there is no hydraulic connection to the creek, negligible water loss is expected to occur during the basement dewatering. Further investigation would be required to assess this.</p>
Water supply losses by neighbouring groundwater users	<p>A review of registered bores indicated that there is only one registered monitoring well within a 500 m radius to the site, which our site investigations indicate has been destroyed.</p> <p>Therefore, it is considered the dewatering activities would <b>not impact</b> the surrounding water supply works.</p>
Potential subsidence of neighbouring structures	<p>Based on the results of the groundwater modelling and the results of the geotechnical investigation, the predicted drawdown in the residual clay and the shale rock is expected to result in <b>negligible subsidence</b> of neighbouring structures, pavements, services and infrastructures, to be confirmed following completion of further investigations.</p>
Mounding of water upgradient of the tanked basement in the long term	<p>The interpreted higher permeability of the rocks (relative to the clay) indicates that the water flow is expected to be predominantly within the rock. Significant mounding of groundwater is therefore <b>not expected</b> to occur (to be confirmed by further investigation and analysis).</p>
Impact on surface water	<p>Surface water and the management of rainfall flows within the site has been considered separately by EI Consultants as part of the preparation of the Civil Plans (<b>Appendix P</b>) and Water Management Report (<b>Appendix Q</b>). Nevertheless, Douglas Partners consider that there would be a higher degree of impact to surface water sources (e.g. the nearby creek) if a higher permeability wall option was implemented relative to a cut-off wall option.</p>

Based on the results of the preliminary analysis:

- Northern basement modelling. The impact on the nearby creek and the GDE may exceed usually acceptable limits.
- Southern basement modelling. The impact on the nearby creek and the GDE is expected to be less, however this will depend on the final design.

Based on the results of the numerical analysis, the expected inflow rates for the proposed basements are approximately 50 ML/year both during construction and in the long-term. A Water Access License (WAL) is not required for this project during construction but would be required in the long-term where a drained basement is adopted. It is also understood that a Water Supply Works Approval (WSWA) is not required, if the impacts are assessed as a part of the SSDA.

The current assessment is based on limited investigation and additional hydrogeological investigations have been recommended to allow refinement of the model assumptions and inform design and planning. Further analysis would include: information on baseline creek flows; extraction limits from the creek; and minimum water levels and flow rates to be maintained. An ecologist would need to confirm the nature and extent of the GDEs as shown in **Figure 36** and undertake an assessment of their significance.

While the current level of assessment indicates there would be some impacts to the creek, it is the view of Douglas Partners that further investigation will likely provide more favourable baseline data, due to the potential effects on the current modelling of a single standpipe with high hydraulic conductivity.

The assessment results indicate that in favourable conditions a permeable shoring wall may be suitable for temporary dewatering, which would be subject to review and approval by the relevant authorities. The extent to which this may be applied throughout the development would be determined based on the results of the additional hydrogeological investigations, and subsequent groundwater impact assessment.

Where ground conditions are not represented by the conditions adopted for the Southern basement, it has been recommended that the Northern basement scenario be adopted for design, including a cut-off wall to manage inflows.

Recommendations have been included as part of the consolidated Mitigation Measures at **Appendix K**.

## 7.15 Site Soil Conditions

The assessment has considered the site conditions regarding potential acid sulfate soils and soil salinity. To support the SSDA, Sydney Environmental Group (SEG) has prepared an Acid Sulfate Soils Assessment (ASSA) and Salinity Management Plan (SMP), which are included as **Appendix U** and **Appendix T** respectively.

### 7.15.1 Acid Sulfate Soils

SEG undertook an intrusive assessment of 154 soil samples, to identify the location and extent of ASS that may be present in the site. The assessment concludes that there are unlikely to be Potential ASS present within the site. No further assessment is warranted, however it has been recommended that should suspected ASS be encountered then work is to cease, and a suitably experienced environmental consultant is to be contacted. This will form part of the recommended Mitigation Measures at **Appendix K**.

### 7.15.2 Soil Salinity

As part of the preparation of the SMP, a total of thirty-two (32) soil samples were collected from eight (8) sampling locations across the site down to a depth of 5 metres Below Ground Surface Level, in accordance with the recommended sampling density outlined within the Department of Land and Water Conservation (now Department of Water and Energy), *Site Investigations for Urban Salinity* (2002). The following is a summary of the findings:

- Salinity Class for the soil materials sampled within the site were found to be ranging between non-saline to moderately saline;
- Surficial soil materials across the site are non-saline and deeper soil materials are slightly / moderately saline;
- Sulphate levels detected within the samples are considered non-aggressive to mild towards concrete;
- Chloride levels detected within the samples are considered non-aggressive to mild towards steel;
- Soil materials in vicinity of SAL04 and SAL06 at depths ranging 1-2m are mild toward both steel and concrete and remaining soil materials across the site are considered to be non-aggressive;
- Soils are considered to be Non-Sodic to Highly Sodic;
- Soil materials located across the site at depths greater than 1 m are considered to be highly sodic and surficial soil materials are considered to be non-sodic to sodic.

The SMP provides recommended management strategies with respect to the design and which are to form part of the consolidated Mitigation Measures at **Appendix K**.

### 7.16 Ecologically Sustainable Development

In support of the application is an Ecologically Sustainable Development (ESD) report, prepared by Walker BAI at **Appendix X** and which contains the required BASIX Certificate and NatHERS Assessment. This demonstrates the initiatives and requirements that have been adopted to meet the ESD targets.

Key sustainability initiatives incorporated within the project include rainwater harvesting and reuse for irrigation, efficient fixtures and fittings to reduce water consumption, energy efficient appliances and lighting systems, optimised glazing and insulation performance to enhance thermal comfort, and passive design principles informed by detailed NatHERS thermal assessments. The following are some of the key ESD initiatives that form part of the scheme:

- High efficiency air conditioning systems;
- All electric development with the exception of gas hot water and oven cooktops;
- High star ratings for fixtures fittings and appliances with regards to both energy and water;
- Provision of rooftop solar panels, targeting a minimum 99kWp rooftop PV system across the four rooftops.
- High level of indoor environment quality via daylight, well designed artificial lighting, natural ventilation and low impact materials;
- Water harvesting for reuse within the site including the installation of 2 x 30kL rainwater tanks;
- Integration of significant deep soil areas and tree canopy cover mitigation urban heat; and
- Utilisation of construction materials to lower environmental impact of the development.

With respect to thermal performance the supporting NatHERS assessment confirms that the development will achieve an average NatHERS Star Rating of 7.4 exceeding the minimum 7-star requirement.

**Table 31** demonstrates the key BASIX requirements and the project targets confirming that the project meets and exceeds requirements set by *State Environmental Planning Policy (Sustainable Buildings) 2022*.

**Table 31 – BASIX Requirements & Targets**

BASIX Rating	BASIX Requirement	Target
Water	Minimum of 40	46
Energy	Minimum of 60	63

### 7.17 Contamination Potential

It is a statutory requirement pursuant to Chapter 4 of the *State Environmental Planning Policy (Resilience and Hazards) 2021* as part of any development of land that consideration be given to its suitability with respect to contamination, both with respect to the proposed use and works.

Sydney Environmental Group (SEG) has prepared a combined Preliminary and Detailed Site Investigation at **Appendix V**. The objectives of the report are as follows:

- Assess the potential for contamination to be present on the site as a result of past and current land use activities;
- Provide advice on whether the site would be suitable (in the context of land contamination) for the continued residential land use setting; and
- Provide recommendations for further investigation, management and/or remediation (if warranted).

The following activities were undertaken by SEG in the preparation of their report:

- A desktop review of relevant information pertaining to the site;
- A site walkover to understand current site conditions;
- The preparation of a Sampling and Analysis Quality Plan;

- Conduct an intrusive site investigation to establish ground conditions and to facilitate the collection of representative soil and groundwater samples;
- Laboratory analysis of selected samples collected during the field investigation; and
- An assessment of the contamination status of the site and the recommendation of any further remedial requirements associated with the redevelopment of the site (if necessary).

Site investigations comprised the analysis of soil from thirty-five (35) soil sampling locations across the site, undertaken in accordance with the requirements of the NSW EPA 2022 *Contaminated Sites Sampling Design Guidelines*, prepared by NSW Environment Protection Authority. A map of the soil sampling locations is detailed at **Figure 37**.

Soil sampling was undertaken on 16th of November 2021 and 30th September 2022. A total of twenty-eight (28) test-pits and seven (7) boreholes were advanced across the site. Samples for potential analysis were collected from the near surface and from areas of observed contamination.

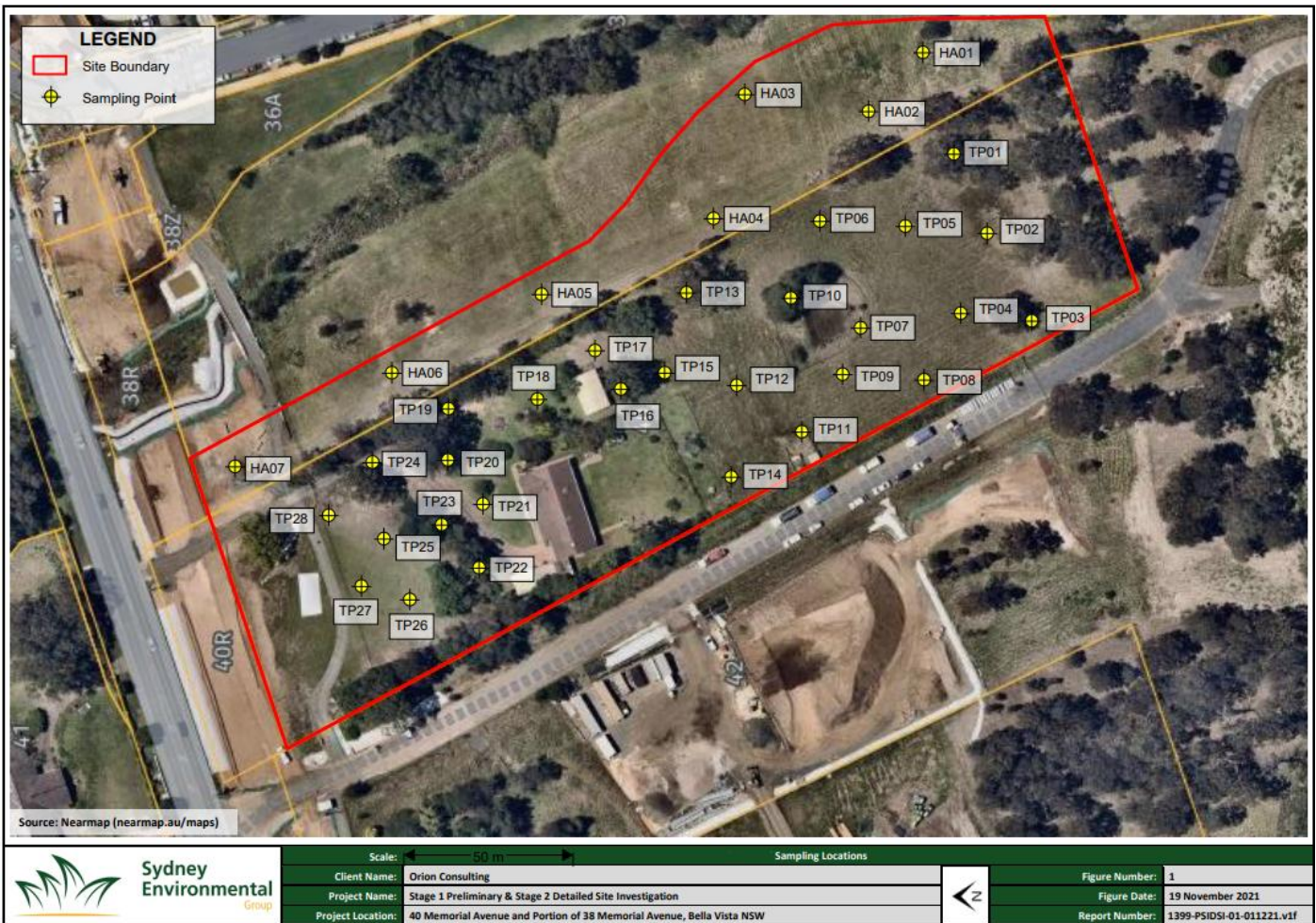


Figure 37 – Map of Sampling Points. Source: Sydney Environmental Group

Based on the assessment of the desktop review information, fieldwork data and laboratory analytical data, the report makes the following conclusions:

- No asbestos was detected and therefore does not pose an unacceptable human health exposure risk;
- The detected concentrations of the contaminants of potential concern are considered unlikely to present:
  - An unacceptable direct contact human health exposure risk;
  - An unacceptable inhalation / vapour intrusion human health exposure risk;
  - a petroleum hydrocarbon management limit risk;
  - an unacceptable ecological contamination risk.
- No significant groundwater or surface water risk has been identified within the site;

- No significant aesthetics risks have been identified within the site. Any minor aesthetic risks will presumably be removed during the redevelopment works; and

Based on the assessment undertaken as part of this investigation, SEG has concluded that the site is considered suitable for the proposed high-density residential redevelopment.

Recommended mitigation measures form part of the consolidated Mitigation Measures at **Appendix K**:

- A supplementary contamination assessment is undertaken beneath the building footprints following demolition;
- A hazardous building materials survey of the structures present on-site prior is undertaken prior to demolition;
- A Dam Dewatering Assessment is undertaken prior to any dam-dewatering activities;
- The septic tank within the site is removed under the supervision of an appropriately experienced environmental consultant with subsequent validation sampling to be undertaken following removal;
- Following removal of hazardous building materials (if identified) and subsequent demolition of the building materials, a clearance inspection should be carried out by an appropriately qualified occupational hygienist / NSW LAA; and
- A waste classification assessment should be carried out on any soil materials proposed for disposal offsite as per the NSW EPA Waste Classification Guidelines (2014).

Based on the assessments undertaken as part of this investigation, SEG has concluded that the site is considered suitable for the proposed high-density residential redevelopment.

## 7.18 Social Impact

The SSDA is supported by a Social Impact Assessment (SIA) prepared by Hill PDA at **Appendix Z** which has considered the social impacts arising from the development both during the construction phase of the development and as part of the ongoing or operational phase of the development. The assessment aims to assess the potential positive, negative, and cumulative social impacts from the development in its entirety, and to identify mitigation or enhancement measures to mitigate negative impacts and enhance the positive social outcomes.

The SIA has adopted a methodology consistent with the *Social Impact Assessment Guideline for State Significant Projects* prepared by DPHI. It establishes the social baseline and scope for issues; identifies and assesses the development potential impacts; and identifies the social impact mitigation / management measures.

With respect to the composition of the subject locality the SIA provides the following key findings:

- There are a key group surrounding residents and land uses that may be directly affected by the proposal;
- The primary study area is a culturally diverse family-oriented community, with high incomes and educational attainment rates;
- Very rapid population growth expected within the primary study area;
- Housing stock is dominated by detached houses with a particularly small proportion of semi-detached dwellings;
- Low rates of outright homeownership with relatively low rental stress and high mortgage stress;
- Very low disadvantage and extremely high advantage with respect to socio-economic factors;
- Very low, stable crime rates;
- Well serviced with respect to open space and recreation infrastructure; and
- Moderate access to education, childcare and healthcare infrastructure however with poor access to community and culture infrastructure.

The development will provide for 444 units with a projected population of approximately 1,013 persons. Consideration as part of the SIA has been given to the likely demand generated by the development on community infrastructure needs, based on the project population growth and the expected population mix.

### 7.18.1 Demand on Open Space, Recreation and Other Social Infrastructure

The development has been found to generate the demand for open space and recreation areas comprising 1ha of parks; and 1ha of sports spaces. Open space areas are planned under the Landcom SSDA as described at Section 3.1.11, which is planned to provide the following infrastructure:

- 2.7 ha district open space including a multi-use field;
- 1.1 ha of open spaces with 'kick about' areas;

- 0.7 ha of urban squares / plazas;
- 1.1 ha of embellished riparian corridor open space.

The SIA finds that the development would generate a demand for other social infrastructure as follows:

- 47m<sup>2</sup> district library;
- 81m<sup>2</sup> of community space;
- 26 places long day care;
- 26 places out-of-school hours care.

With respect to the demand generated by the development and the planned outcomes for the Precinct, it is expected that a community centre is to be provided through the delivery of the Bella Vista Station Precinct contributing towards any shortfall in community space infrastructure. With respect to library and community facilities any increase in demand from the subject development would likely be addressed through local infrastructure contributions.

While the proposed development does not provide those specific community facilities it is noted that the proposal does provide for high amenity internal communal areas including function room with cooking facilities, library / work from home hub, entertainment and cinema area, and further dining room / gathering space.

With respect to open space areas the proposed development will dedicate 1,464m<sup>2</sup> of local open space to The Hills Shire Council which will contribute towards the District Park. A publicly accessible through site link will be provided to the benefit of the broader Precinct and communal open spaces areas particularly along the creek corridor will provide for some public use.

### 7.18.2 Social Impacts

The SIA provides a detailed evaluation of potential social impacts from the proposed development. The analysis examines impacts expected during both construction and operational phases, assesses their significance, identifies broad and project-specific mitigation or enhancement measures, and determines any residual impacts.

With respect to the potential negative residual impacts these are generally limited to being 'low' to 'high impacts for both the construction and operational phases. Those potential negative impacts include:

- Impacts to Aboriginal culture through significant site features and artefacts being affected (high);
- Construction phase impacts including the disturbance to sleep and enjoyment of surroundings;
- Impacted sense of place and neighbourhood atmosphere due to scale of development; and
- Disruption as a result of access impacts through increased traffic, reduced parking and potential changes to access.

With respect to the potential positive impacts resulting from the development this ranges between 'low' to 'high' impacts across both phases. Particularly positive impacts from the proposal include:

- The provision of residential housing in a location with strong access to work, education, retail and services; and improved vibrancy;
- Increased resident ability for self-sustenance through additional housing (including rental, affordable, and more diverse housing) supply; and
- Improved growth and vibrancy of the wider area due to densification.

### 7.18.3 Conclusion

The proposal will likely generate a range of social impacts both positive and negative. Mitigation measures have been recommended and are included as part of the consolidated list of Mitigation Measures at **Appendix K** which ensure on balance, the development results in a net positive social impact. While there will be negative impacts generated particularly during the construction phase, appropriate mitigation measures will be in place to manage the impacts particularly for those nearest residents.

## 7.19 Crime Prevention Through Environmental Design

Crime Prevention through Environmental Design (CPTED) is an integral element of land use planning and design. It aims to reduce the opportunities for crime by using design and place management principles that maximise the effort required to commit crime and risk to offenders, whilst minimising the actual and perceived benefits of crime. CPTED recognises that any design strategy needs to be part of a holistic approach to crime prevention incorporating social, environment and community development strategies.

Careful consideration has been given as part of the development and its design to the physical environment, social environment and movements through public spaces. There are five principles that are to be addressed in the assessment the CPTED analysis as follows:

- Surveillance
- Territorial reinforcement
- Activity and space management
- Access control
- Lighting

**7.19.1 Crime and Safety Context**

Supporting the application is a SIA at **Appendix Z** which considers the crime risks for the locality as part of the social baseline. **Figure 38** below provides an analysis of the incidents of crime both within the Hills LGA and across NSW for comparison.

**Table 3: Trends and rates (per 100,000 persons) for select crimes, October 2022 to September 2024**

Year to:		September 2024		September 2023		September 2024	
Crime	Area	Trend (2 year)	Count	Rate	Count	Rate	Rate
Theft (break and enter dwelling)	The Hills LGA	Stable	225	109.2	189	90.9	
	NSW	Stable	19,826	242.8	19,549	239.4	
Theft (break and enter non-dwelling)	The Hills LGA	Stable	104	50.6	101	48.6	
	NSW	Stable	8,319	101.9	8,309	101.8	
Malicious damage to property	The Hills LGA	Stable	490	238.5	484	232.7	
	NSW	Stable	49,221	602.8	49,528	606.5	
Theft (motor vehicle)	The Hills LGA	Stable	138	67.1	118	56.7	
	NSW	Stable	13,912	167.6	14,632	175.4	
Domestic assault	The Hills LGA	Stable	325	157.9	298	143.3	
	NSW	Stable	35,507	434.8	37,849	463.5	
Non-domestic assault	The Hills LGA	Stable	287	139.4	278	133.7	
	NSW	Stable	33,862	414.7	34,853	426.8	

Source: BOCSAR

*Figure 38 – Crime Trends and Rates. Source: HillPDA*

Over the year to September 2024 rates for each crime within the Hills LGA were less than half that of NSW. While theft (motor vehicles), domestic assault and non-domestic assault had rates of less than a third of NSW. Across both the LGA and NSW the rates of crime were stable.

**7.19.2 CPTED Assessment of Principles**

The proposed development has been designed in a manner that will facilitate the safe and efficient use of the site. CPTED principles have been integrated into the design where relevant including the provision of appropriate landscaping, treatment of interface between the ground floor apartments and the ground floor plane, controlled access to the basement levels, and controlled access to the courtyard communal open space areas. **Table 32** provides a detailed assessment of those principles.

**Table 32 – CPTED Assessment of Principles**

Principle	Design Response
<p><b>Surveillance</b></p> <p>Natural surveillance limits the opportunity for crime by designing spaces and buildings that foster human activity and interaction as well as overlooking of the environment. It is thought to be an ideal form of crime deterrence as casual incidences may be observed, and also the offender perceives</p>	<p>The site comprises a range of public domain elements and areas that are accessible to the public. The design provides a range of passive surveillance opportunities. The following is a breakdown of the various areas and the strategies that have been implemented</p> <p><b>East-West Through Link</b></p> <ul style="list-style-type: none"> <li>• Apartments are oriented towards the east-west through site link with substantial ground level terrace levels providing opportunity for overlooking along with upper-level apartment</li> </ul>

<p>that they are more likely to be seen. Natural surveillance can be enhanced by designing buildings and landscapes to allow unobstructed views into parking areas, windows and doorways.</p>	<p>particularly within the podium level which are more spatially related than the tower;</p> <ul style="list-style-type: none"> <li>• North-south access promotes the flow of occupants between the communal open space areas;</li> <li>• Landscape plantings have been carefully selected providing for low lying shrubs and trees which retains view lines through the link and avoiding 'blind spots';</li> <li>• The land slopes from the west to east facilitating good views through the link and towards the creek corridor; and</li> <li>• Meeting areas promote opportunity for gathering;</li> </ul> <p><b>Elizabeth MacArthur Creek</b></p> <ul style="list-style-type: none"> <li>• Apartments along the ground level contain terraces that address the creek corridor whilst being elevated from the ground level for privacy and security;</li> <li>• Apartments within the podium level address the creek corridor including the townhouse typologies; and</li> <li>• Podium rooftop communal open space provides opportunity for surveillance from an elevated viewpoint;</li> </ul> <p><b>Public Domain</b></p> <ul style="list-style-type: none"> <li>• Apartments along the ground level contain terraces that address the public domain and provide direct physical access to the street where possible;</li> <li>• Clear sight lines between the apartments and the public domain; and</li> <li>• Pathways are provided around the full perimeter of the site promoting access;</li> </ul> <p><b>Courtyard Open Space Areas</b></p> <ul style="list-style-type: none"> <li>• Passive surveillance achieved through the adjoining terrace / balconies from the apartments. Indoor communal rooms are oriented to address the areas hence improving the opportunity for surveillance;</li> </ul>
<p><b>Territorial Reinforcement</b></p> <p>Territorial reinforcement can be described as a means of developing and/or maintaining a sense of propriety for the space or development by establishing a sense of place and by clear delineation between private, semi-private and public realms, thereby deterring entry by 'unauthorised' persons.</p> <p>Territorial reinforcement is enhanced by natural surveillance, natural access control and environmental maintenance.</p>	<p>The following are the strategies that are implemented in the design:</p> <ul style="list-style-type: none"> <li>• Internal courtyards are fenced from the public domain so they are clearly for the sole use of the residents;</li> <li>• Secure access will be provided between Buildings B &amp; C for residents accessing the north-south path;</li> <li>• Basement car parking access will be secure, with residents using electronic passes and visitors using a keypad system;</li> <li>• Native planting embankments assist in screening and providing a level change between the public domain and private terraces at the ground floor plan, clearly distinguishing the lines between the public and private domain;</li> <li>• Fencing is provided along the ground floor terraces to clearly distinguish between private open space areas and public / communal areas; and</li> <li>• Nature play areas and the outdoor gym along the creek corridor include tree plantings that follow the curved boundary of the shared path within the creek corridor. This design balances the</li> </ul>

	communal nature of the area while avoiding hard boundaries between private and public spaces.
<p><b>Activity and Space Management</b></p> <p>Activity and space management have been identified as important issues for crime prevention, as a run-down, little used or vandalised appearance can contribute to a perception that an area is not used and therefore available for use for anti-social behaviour.</p>	<p>The design provides for the following:</p> <ul style="list-style-type: none"> <li>• A body corporate would be established for the site and which would be responsible for its management including the maintenance of landscaped areas, communal open space, repair of furniture and equipment;</li> <li>• High quality communal open space areas are proposed which will promote their use by residents and a sense of ownership; and</li> <li>• High quality and durable materials have been selected which will assist in terms of their longevity and maintaining the amenity of the individual areas.</li> </ul>
<p><b>Access Control</b></p> <p>Entrapment spaces are small, confined areas that are adjacent to or near a well-travelled route and are shielded on three sides by some barrier. It is important to eliminate potential entrapment and hiding spaces to ensure that users can see a safe route and not be liable to attack in unsurveyed spaces. Further, unsurveyed spaces are unlikely to be used, thereby representing dead or wasted space. This will limit the amount of legitimate activity in the space and a further cycle of danger and non-use can occur.</p>	<p>The design provides for the following:</p> <ul style="list-style-type: none"> <li>• Clear and identifiable points of entry. Residential lobbies are provided to each building along the western boundary;</li> <li>• Direct access between apartments and the public domain / communal open space provided;</li> <li>• Entrance points are clearly marked and include clear way finding features such as pathways, lighting and signage; and</li> <li>• Security systems are provided to distinguish between the public and private parking areas within the basement levels, preventing unauthorised access to the private basement.</li> </ul>
<p><b>Lighting</b></p> <p>Lighting is an important aspect of community safety and crime prevention, impacting on both actual crime and fear of crime. It is considered that the level of lighting in public spaces needs to be adequate for a person to be able to clearly view another person at a reasonable distance.</p>	<p>The design provides for the following:</p> <ul style="list-style-type: none"> <li>• Street lighting will be included within the local roads to be constructed; and</li> <li>• Low level lighting will be integrated within the development particularly along the east-west through site link, creek corridor and within communal open space areas.</li> </ul>

## 7.20 Waste Management

In support of the SSDA is a Construction & Demolition Waste Management Plan (CDWMP) and Operational Waste Management Plan (OWMP) at **Appendix FF and EE** respectively, which consider generation and management of waste streams during both the demolition/construction phase and the ongoing operation of the development

### 7.20.1 Construction and Demolition Waste

The supporting CDWMP promotes the potential for reuse or recycling of materials generated during the demolition and construction phase.

Materials generated during the demolition phase will generally be recycled and where they are not able to be recycled then they will be taken to landfill. Given the nature of the earthworks and the location of the development adjoining a riparian corridor there is limited opportunity for reuse within the site. The CDWMP estimates that the development will generate the following quantity of waste material:

- Excavation Material = 90,000 Tonnes
- Green Waste = 1,080 Tonnes
- Other Waste = 36 tonnes

The consultant estimates that 99% of waste generated during this phase will be diverted from landfill.

### 7.20.2 Operational Waste

The supporting OWMP provides a detailed analysis of the ongoing waste management requirements and needs for the development based on its scale. This has informed the design with respect to the location and size of the waste rooms among other design aspects. Council will be engaged to collect the residential waste, recycling and FOGO in accordance with Council's collection schedule.

With respect to the individual buildings, a dual chute system will be implemented (waste & recycling) discharging into 1100L Mobile Garbage Bins (MGBs) on linear tracks or single bins within the residential waste rooms located within Basement Level 1. Commingled recyclables will also discharge into 1100L MGBs in the chute discharge room at Basement Level 1. There are procedures and management practices recommended by the consultant to ensure that the chute systems and maintenance of the waste areas is done appropriately.

The following is a summary of the total bin quantities and collection frequencies for the development:

- General Waste = 25 x 1100L MGBs collected weekly;
- Recycling = 13 x 1100L MGBs collected weekly;
- Food Organics and Garden Organics (FOGO) = 40 x 140L MGBs collected weekly; and
- Service Bins = 11 x 1100L MGBs collected weekly

Service bins are defined as those placed under a chute while the remainder of the bins are being collected.

On waste collection day, the caretaker is responsible for using a bin tug to transport the 1100L MGBs from the waste chute discharge rooms to the bin tug storage area located on Basement Level 1, where a bin hoist will then move the bins to the Lower Ground Floor. To prevent disruption, extra 1100L service bins will be placed under the chute to collect waste while the main bins are being emptied. To service the bins, a Council collection vehicle will enter the site and park in the loading dock located within the lower ground level to Building A & B.

## 8 Project Justification

This section provides an overall analysis and justification of the proposed development having consideration for the economic, environmental and social impacts of the proposal and the principles of ecologically sustainable development.

### 8.1 Design of the Proposed Development

The proposed development builds on the positive planning outcomes achieved under the previous Development Application as described at Section 1.4.2. The following are the key measures that have been integrated into the development:

- Avoid and minimise impacts on the biodiversity values of the land through the retention of a threatened ecological community within the southern part of the site and the creation of a restricted development area to retain these values;
- Minimise impact on Aboriginal cultural heritage values through the salvage and retention of Aboriginal objects; and
- Creation of public domain and communal open space that reflects Connecting with Country Principles.

### 8.2 Consistency with the Strategic Context

The proposed development strongly aligns with the strategic planning framework as detailed at **Section 3.1** summarised as follows:

- Is well placed to provide housing supply at density located within the Bella Vista and Kellyville TOD Precinct comprising one of the Accelerated Precincts under the State Governments TOD Program;
- Provides for an increase in housing supply near public transport modes including the Sydney Metro Northwest Line, which will provide future residents with a high degree of connectivity and reduce the reliance on private vehicular use;
- Delivers a diversity of housing supply which accommodates a broad range of demographics including affordable housing through monetary contributions; adaptable housing; liveable housing; and a significant percentage of family friendly housing given the size of the apartments and the design of communal living areas;
- Provides a significant quantity of deep soil area and canopy coverage that will contribute towards the greening of the site and locality and mitigate against urban heat; and
- Delivers public benefit through the delivery of affordable housing, dedication of part of the site towards future local open space, constructs and delivers local roads and strategic access into the precinct, and precinct connectivity with publicly accessible through site links and pathways

### 8.3 Consistency with Statutory Requirements

The statutory requirements relevant to the proposed development have been discussed in detail at **Section 5.1** and in the Statutory Compliance Table at **Appendix H**. The following are the key aspects are noted:

- The proposed residential flat building development is permitted within the R1 General Residential zone under The Hills LEP 2019;
- Affordable housing will be provided in the form of monetary contributions as allowed for under clause 7.28 of the Hills LEP 2019;
- A variation to clause 4.4 Floor space ratio of The Hills LEP 2019 has been sought pursuant to clause 4.6. A separate written request has been prepared at **Appendix E**, which confirms that the variation sought is well founded and able to be supported;
- A variation to clause 4.3 Height of buildings of The Hills LEP 2019 has been sought pursuant to clause 4.6. A separate written request has been prepared at **Appendix F**, which confirms that the variation sought is well founded and able to be supported;
- This EIS addresses all of the matters detailed in the issued SEARs, a compliance table can be found at **Appendix G** and Section 190 and 192 of the EP&A Regulation; and

- All possible matters affecting or that are likely to affect the environment have been considered in this EIS. The project is consistent with the relevant Objects of the EP&A Act, as outlined in the Statutory Compliance Table at **Appendix H** and will not result in any significant environmental impact.

## 8.4 Likely Impacts of Development

This EIS has considered the likely impacts of the proposed development with respect to both natural and built environment impact, and social and environmental impacts in the locality. It confirms that the likely impacts are acceptable, and which will be subject of mitigation measures during both the construction and operational phase as detailed in **Appendix K**. The following is a summary of those impacts:

- Biodiversity impacts have been considered at **Section 7.7** of the EIS and in the supporting Biodiversity Development Assessment Report at **Appendix Y**. This assessment confirms that there will not be a significant effect on threatened species, populations or threatened ecological communities (TEC). The proposal avoids impacts to 0.25 ha of the TEC Cumberland Plain Woodland occurring on the site. 0.11 ha of the TEC Cumberland Plain Woodland to be removed will be offset through the purchase of credits;
- Aboriginal cultural heritage impacts have been considered at **Section 7.8** of the EIS, the supporting Aboriginal Cultural Heritage Assessment Report (ACHAR) at **Appendix BB** and Aboriginal Cultural Heritage Management Report (ACHMR) at **Appendix CC**. Impacts on Aboriginal cultural heritage are minimised through the salvage of Aboriginal objects and reburial within the development site to be undertaken in accordance with the mitigation measures outlined in the ACHMR;
- With respect to the built form, the development aligns with the Precinct Design Guide with respect to the general distribution of built form within the site, height of buildings, and interface with the creek corridor. A human scale podium level is proposed, contributing towards a pleasing public domain. Tower elements adopt upper-level setbacks, modulation and articulation to mitigate the perceived bulk and scale of the development and provide visual interest;
- Environmental amenity impacts have been considered at **Section 7.4** of the EIS and as analysed in detail in the supporting Architectural Drawings (**Appendix A**) and Design Report (**Appendix B**) prepared by Turner Studio. This demonstrates that a high degree of amenity is afforded to the development with respect to solar access and cross ventilation to the apartments, and provision of internal and external communal space areas that provide a great degree of variety and amenity for residents. External impacts on existing and future development are minimised with respect to overshadowing and privacy, achieved through the orientation of the built form, separation distances and a contextual built form response; and
- Social and economic impacts of the proposed development have been considered in the Social Impact Assessment at **Appendix Z**. The assessment confirms that the proposal has significant positive social impacts, as well as some negative impacts. The identified negative impacts are principally with respect to the construction phase of the development which have informed mitigation measures provided at **Appendix K**. Social impacts associated with the longer-term redevelopment of the site and transition from underdeveloped residential land to high density residential flat building are expected. It is concluded that the negative impacts are more than balanced by the significant positive impacts with respect to the supply of well located and diverse housing that will contribute towards the vitality of the Bella Vista and Kellyville TOD Precinct.

## 8.5 Suitability of Site

With respect to the suitability of the site for the proposed development, the following is noted:

- The site is zoned R1 General Residential under The Hills LEP 2019 within which a residential flat building development is permitted with consent. As detailed in the supporting Statutory Compliance Table at **Appendix H** the proposal is consistent with the zone objectives;
- The proposal has been designed to minimise the impacts with respect to with the heritage and biodiversity values of the site;
- The proposal will not result in any significant adverse impacts on the natural and built environment; those impacts that have been identified will be appropriately mitigated in accordance with the Mitigation Measures identified at **Appendix K**;
- The site is not highly constrained and where there are constraints the development has been designed appropriately in response, including with respect to flood hazards and biodiversity; and
- The site is well located within the walkable catchment of public transport including the Northwest Metro Line;

## 8.6 Public Interest

The proposed development is in the public interest for the following reasons:

- It will provide for additional housing supply delivering 444 units within a highly accessible location;
- It will contribute housing diversity with a key focus on family friendly housing with respect to the significant number of apartments with three or more bedrooms and which are of a size that well exceed the minimum area requirements. Adaptable and liveable housing typologies have also been provided as part of the apartment mix;
- It will provide the equivalent of 34 affordable housing apartments through the payment of monetary contributions to The Hills Shire Council;
- The proposal represents orderly and economic development of a significantly underutilised site that can make a substantial contribution to the State Government's housing supply targets in an area well-served by public transport infrastructure;
- It will generate employment through the construction phase of the development; and
- it will not result in any significant environmental impact that cannot be mitigated or managed through the adoption of Mitigation Measures detailed in **Appendix K**.

## 8.7 Ecologically Sustainable Development

The original concept of sustainable development was articulated in 'Our Common Future' which states that "*development that meets the needs of the present without compromising the ability of future generations to meet their own needs*". The principles of ecologically sustainable development are outlined in section 193 of the *Environmental Planning and Assessment Regulation 2021*:

- the precautionary principle,
- inter-generational equity,
- conservation of biological diversity and ecological integrity, and
- improved valuation, pricing and incentive mechanisms.

The following is an assessment of the proposed development against the stated principles.

### 8.7.1 Precautionary Principle

The stated precautionary principle is that if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.

Consideration has been given in the design to the impacts of the proposal on the biodiversity values of the land. The supporting Biodiversity Development Assessment Report (BDAR) at **Appendix Y** has undertaken careful consideration of the ecological values present and potentially present within the site and the locality. This EIS and its supporting reports have not identified any serious threat of irreversible damage to the environment and therefore, the precautionary principle is not relevant to the proposal.

### 8.7.2 Inter-Generational Equity

The stated principle of inter-generational equity is that the present generation should ensure the health, diversity and productivity of the environment are maintained or enhanced for the benefit of future generations. The proposed development enshrines the principles of inter-generational equity as follows:

- The development has been designed to maximise passive design elements including solar access and cross ventilation to the apartments reducing the reliance on mechanical ventilation;
- Maximising the extent of deep soil zones allowing for groundwater recharge and significant tree plantings addressing urban heat considerations;
- Provides a range of housing types that contribute towards the current and future housing needs including affordable housing; and
- Avoid and minimise biodiversity impacts on the site through the retention of threatened ecological communities and their ongoing protection within a restricted development area.

### 8.7.3 Conservation of Biological Diversity and Ecological Integrity

The stated principle of the conservation of biological diversity and ecological integrity is that the conservation of biological diversity and ecological integrity should be a fundamental consideration.

Careful consideration has been given in the design to the impacts of the proposal on the biodiversity values of the land. The supporting Biodiversity Development Assessment Report (BDAR) at **Appendix Y** has undertaken a thorough analysis of the ecological values present and potentially present within the site and the locality. The development design avoids and minimises impacts on threatened ecological communities present on the site with 0.25ha Cumberland Plain Woodland retained and protected.

### 8.7.4 Improved Valuation, Pricing and Incentive Mechanisms

The stated principle of improved valuation, pricing and incentive mechanisms is that environmental factors should be included in the valuation of assets and services, such as—

- (a) polluter pays, that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement, and*
- (b) the users of goods and services should pay prices based on the full life cycle of the costs of providing the goods and services, including the use of natural resources and assets and the ultimate disposal of waste, and*
- (c) established environmental goals should be pursued in the most cost effective way by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.*

The proposal has adopted strategies for the reduction in waste generated during the construction and operation of the development as detailed in the supporting Construction & Demolition Waste Management Plan and Operational Waste Management Plan at **Appendices FF and EE** respectively.

With respect to energy and water use the development has been designed to maximise passive energy efficiency performance. For biodiversity impacts that are not capable of being avoided or mitigated, the development would need to purchase 4 species credits with respect to 'Cumberland Plain Woodland in the Sydney Basin Bioregion' through the biodiversity offsets scheme, being a monetary method of offsetting impacts otherwise generated by development.

## 9 Conclusion

This EIS has assessed the social, environmental and economic impacts of the proposed 444-dwelling residential development at 40 Memorial Avenue and 1Z Free Settlers Drive, Bella Vista. The proposal comprises four residential buildings with an interconnected basement within the Bella Vista and Kellyville Transit Orientated Development Precinct. This EIS addresses all matters in the SEARs and meets statutory obligations under sections 190 and 192 of the *Environmental Planning and Assessment Regulation 2021*.

The proposed development is justified based on its alignment with planning objectives and community benefit as follows:

- It aligns with the State Government's vision for housing supply located within the walkable catchment of key public transport infrastructure in the Bella Vista and Kellyville Transport Oriented Development Precinct;
- It is permissible with consent and generally meets the statutory provisions of the relevant Environmental Planning Instruments, including *The Hills Local Environmental Plan 2019* and State Environmental Planning Policies;
- Variations sought to both floor space ratio and building height development standards under the local instrument are well founded and supported by the required written variation requests;
- Provides 444 residential dwellings delivering a diversity of housing and apartment types with a focus on larger apartment sizes for families;
- It is of a high-quality design that achieves design excellence contributing towards the vitality of the Precinct;
- It will generate a significant quantity of jobs during the construction phase and an overall increase in demand for services resulting from the increase in population;
- Provides well-designed communal areas and vibrant public spaces that foster community interaction and enhance the liveability of the development;
- Establishes significant community benefits through the dedication of land for open space to Council, delivery of strategic pedestrian and vehicular access into the Precinct, provision of affordable housing, and construction of local roads;
- Retains biodiversity values within the site and achieves significant canopy cover and deep soil plantings; and
- Will improve connectivity and permeability within the Precinct with the delivery of through site links and pedestrian links along Elizabeth MacArthur Creek; and
- The proposed development for the reasons outlined in this EIS is suitable for the site and is in the public interest.

The comprehensive assessment undertaken in this EIS has demonstrated that the proposed development is suitable for the site and serves the public interest. The development will deliver substantial community benefits through the provision of much-needed housing supply in a highly accessible location which maximises the investment in public transport infrastructure.

The environmental, social, and economic impacts have been thoroughly assessed, and appropriate mitigation measures have been identified to ensure the development can proceed in a manner that protects environmental values whilst delivering significant community benefits. The proposal represents sound planning which balances development needs with environmental protection and positive amenity outcomes for the community and future residents.