



# Museums Discovery Centre Expansion

---

State Significant Development (SSD 10462)

April 2021



Published by the NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

Title: Museum Discovery Centre Expansion

Subtitle: State Significant Development SSD 10462

*Cover image: Artist Impression of the proposed development looking north west (Source: Applicant's EIS)*

---

© State of New South Wales through Department of Planning, Industry and Environment 2021. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing April 2021 and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

# Glossary

Abbreviation	Definition
<b>AHCAR</b>	Aboriginal Heritage Cultural Heritage Report
<b>AIA</b>	Arboricultural Impact Assessment
<b>Applicant</b>	Create Infrastructure
<b>BC Act</b>	Biodiversity Conservation Act 2016
<b>BDAR</b>	Biodiversity Development Assessment Report
<b>Consent</b>	Development Consent
<b>CIV</b>	Capital Investment Value
<b>Council</b>	Hills Shire Council
<b>Department</b>	Department of Planning, Industry and Environment
<b>DCP</b>	Development Control Plan
<b>Draft Remediation SEPP 55</b>	Draft State Environmental Planning Policy (Remediation of Land)
<b>Draft SEPP (Environment)</b>	Draft State Environmental Planning Policy (Environment)
<b>EES</b>	Environment, Energy and Science Group of the Department of Planning, Industry and Environment
<b>EIS</b>	Environmental Impact Statement
<b>EP&amp;A Act</b>	Environmental Planning and Assessment Act 1979
<b>EP&amp;A Regulation</b>	Environmental Planning and Assessment Regulation 2000
<b>EPI</b>	Environmental Planning Instrument
<b>Environment SEPP</b>	Draft State Environmental Planning Policy (Environment)
<b>FTS 2056</b>	Future Transport Strategy 2056
<b>GA NSW</b>	Government Architect NSW
<b>ICNG</b>	Interim Construction Noise Guideline 2009
<b>INP</b>	NSW EPA Industrial Noise Policy

<b>ISEPP</b>	State Environmental Planning Policy (Infrastructure) 2007
<b>LEP</b>	The Hills Local Environmental Plan 2019
<b>MAAS</b>	Museum of Applied Arts & Sciences
<b>Minister</b>	Minister for Planning and Public Spaces
<b>MDC</b>	Museum Discovery Centre
<b>PMST</b>	Protected Matters Search Tool
<b>Greater Sydney Region Plan</b>	the Region Plan
<b>RMS</b>	Roads and Maritime Services, TfNSW
<b>Planning Secretary</b>	Secretary of the Department of Planning, Industry and Environment
<b>PSI</b>	Preliminary Site Investigation
<b>SEARs</b>	Planning Secretary's Environmental Assessment Requirements
<b>SEPP 64</b>	State Environmental Planning Policy 64 – Advertising and Signage
<b>SEPP Vegetation in Non-Rural Areas</b>	State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017
<b>SIA</b>	Social Impact Assessment
<b>SRD SEPP</b>	State Environmental Planning Policy (State and Regional Development) 2011
<b>SSD</b>	State Significant Development
<b>Stage 2 DSI</b>	Stage 2 – Detailed Site Investigation
<b>SDRP</b>	State Design Review Panel
<b>TAFE</b>	TAFE NSW The Hills – Castle Hill
<b>TfNSW</b>	Transport for NSW
<b>THDCP</b>	The Hills Development Control Plan 2012
<b>THLEP</b>	The Hills Local Environmental Plan 2019
<b>TIA</b>	Traffic Impact Assessment
<b>TRIP</b>	Tree Replacement Implementation Plan
<b>VIA</b>	Visual Impact Assessment

# Executive Summary

## Introduction

This report provides an assessment of the State significant development (SSD) application for expansion of the Museums Discovery Centre (MDC) at 2 Green Road and 172 Showground Road, Castle Hill (the Proposal).

The MDC expansion forms part of the renewal of the Museum of Applied Arts and Sciences (MAAS), which will comprise of four venues across Sydney, including the Powerhouse Museum at Ultimo, a new Powerhouse Parramatta, the Sydney Observatory and the MCD. The MDC expansion will build upon and enhance the existing MDC to establish a significant cultural institution within The Hills Shire.

This application seeks approval for construction and use of a new building to facilitate the expansion of the MDC, tree removal, landscaping, car parking areas, subdivision, site consolidation, creation of a right-of-carriageway, services and a roof mounted photovoltaic system.

The development is estimated to generate up to 150 full time equivalent (FTE) construction jobs and 35 operational jobs.

The Applicant is the Department of Premier and Cabinet (Applicant) and the site is located within the Hills Shire Council (Council) local government area (LGA).

## Engagement

The Department of Planning, Industry and Environment (the Department) publicly exhibited the Environmental Impact Statement (EIS) between 4 November 2020 and 1 December 2020 (28 days). In response to the EIS the Department received nine submissions, comprising of four from Government agencies, one from Council and four public submissions.

The Department publicly exhibited the Response to Submissions (RtS) between 19 February 2021 and Thursday 4 March 2021 (14 days) and received an additional 16 submissions, comprising of five from Government agencies, one from Council and ten public submissions.

Council does not object to the proposal and provided advice about tree replacement, traffic, parking and stormwater. Transport for NSW recommended the existing Showground Road access be limited to heavy vehicles only and all other agencies raised no objection, subject to conditions.

There were 14 public submissions (13 objections and one providing comments) received in response to the exhibition of the EIS and RtS. The key concerns raised include biodiversity, heritage and scientific value of the trees to be removed, implications of the proposal on the Powerhouse Ultimo and its collection, unsuitability of the site for increased visitation, insufficient car parking, impacts on the future development potential of TAFE, and overdevelopment of the site.

In response to the issues raised, the Applicant submitted additional information and responses to the issues raised in the submissions in February and March 2021.

## Assessment

The Department has undertaken a detailed assessment of the proposal having regard to the relevant matters and considers the proposal is acceptable for the following reasons:

- it is consistent with the Greater Sydney Region Plan and the Central City District Plan in meeting the social and cultural needs of the Hills area and greater Sydney by building on and enhancing the existing MDC facility
- it would provide storage facilities to support the new Powerhouse Parramatta and at the same time, would improve community access to the Powerhouse collection through a range of spaces for visible storage, research, and education opportunities at the MDC facility
- it is permissible with consent, fully complies with the maximum building height applying to the site. The proposed built form is compatible with the scale and character of the surrounding area and does not result in any adverse overshadowing, privacy or visual impacts
- it is not expected to generate significant traffic or adversely affect the road network, subject to a condition recommended by TfNSW restricting the Showground Road access to heavy vehicles only
- the proposal is not expected to significantly change the existing operations of the MDC and the existing 54 space car park is adequate to meet the car parking needs of staff and visitors to the MDC
- It proposes appropriate parking and transport management measures, including the operation of a free shuttle bus from Hills Showground metro station on open days held four to seven times a year
- it would replace an existing 22-space car park with a new 25-space car park at the TAFE site and maintain the required informal parking spaces in accordance with the existing TAFE development consent
- the proposed loading facilities are appropriately designed and is setback 43 m away from the nearest residential properties to avoid potential impacts
- the existing 337 trees to be removed were planted on site for essential oil research and have a low biodiversity value. The existing trees will be replaced at a 2:1 ratio with new native plants on Council owned open space to increase tree canopy cover and achieve better biodiversity outcomes than the existing vegetation
- the Department has recommended a suite of conditions to ensure:
  - finalisation of a Tree Replacement Implementation Plan, in consultation with Council, and retirement of one Biodiversity credit to offset the proposed tree removal
  - archival recording and interpretation of the plantation trees, and new landscaping to recognise both the indigenous and non-Aboriginal history of the site
  - provision of new formal and informal car parking on the TAFE site to offset the loss of parking within the footprint of Building J
  - the Showground Road access to be limited to heavy vehicles only
  - appropriate measures to support the operation of the MDC, including loading, car parking and transport management and noise mitigations to avoid impacts to surrounding properties
  - management and mitigation of impacts associated with construction, flora and fauna, contamination and unexpected finds.

## Conclusion

Following its detailed assessment, the Department concludes that the proposal is consistent with the State's strategic planning objectives, would not have adverse amenity impacts and results in acceptable traffic impacts.

The issues raised by public authorities, Council and the community have been addressed in the Applicant's responses, the Department's assessment report or by recommended conditions of consent.

The proposal would provide significant public benefits by enhancing the MDC as a cultural institution in north western Sydney, increasing community access to the Powerhouse collection and supporting Powerhouse Parramatta. It will also create approximately 150 construction and 35 on-going jobs and significant opportunities for research, education and synergy with TAFE.

For these reasons, the Department concludes that the proposal is in the public interest and is approvable, subject to conditions.

# Contents

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Introduction.....	1
1.2	Surrounding context .....	4
1.3	Other relevant Approvals .....	5
1.4	Planning Proposal .....	6
<b>2</b>	<b>Project.....</b>	<b>8</b>
<b>3</b>	<b>Strategic context.....</b>	<b>12</b>
3.1	Greater Sydney Region Plan and Central City District Plan .....	12
3.2	Future Transport Strategy 2056 .....	12
<b>4</b>	<b>Statutory Context.....</b>	<b>13</b>
4.1	State Significant Development .....	13
4.2	Consent Authority .....	13
4.3	Permissibility .....	13
4.4	Secretary's Environmental Assessment Requirements .....	13
4.5	Biodiversity Conservation Act 2016 .....	14
4.6	Mandatory Matters for Consideration.....	14
<b>5</b>	<b>Engagement.....</b>	<b>15</b>
5.1	Department's engagement.....	15
5.2	Key issues – public authorities.....	15
5.3	Key issues – Council and community .....	17
5.4	Community Issues.....	17
5.5	Applicant's Response to submissions.....	18
<b>6</b>	<b>Assessment .....</b>	<b>19</b>
6.1	Key assessment issues.....	19
6.2	Built form .....	19
6.3	Design quality .....	21
6.4	Traffic, access, parking and servicing .....	23
6.5	Tree removal and replacement .....	28
6.6	Other issues .....	31
6.7	Public Interest.....	37
<b>7</b>	<b>Evaluation.....</b>	<b>39</b>
<b>8</b>	<b>Recommendation.....</b>	<b>41</b>
<b>9</b>	<b>Determination.....</b>	<b>42</b>
	<b>Appendices .....</b>	<b>43</b>
	Appendix A – List of referenced documents .....	44



Appendix B – Relevant Supporting Information.....	45
Appendix C – Additional Information .....	46
Appendix D – Summary of the Consideration of Community Views .....	58
Appendix E – Recommended Instrument of Consent .....	62

# 1 Introduction

## 1.1 Introduction

This report provides an assessment of a State significant development (SSD) application (SSD 10472) for the expansion of the Museum Discovery Centre (MDC) at 2 Green Road and 172 Showground Road, Castle Hill.

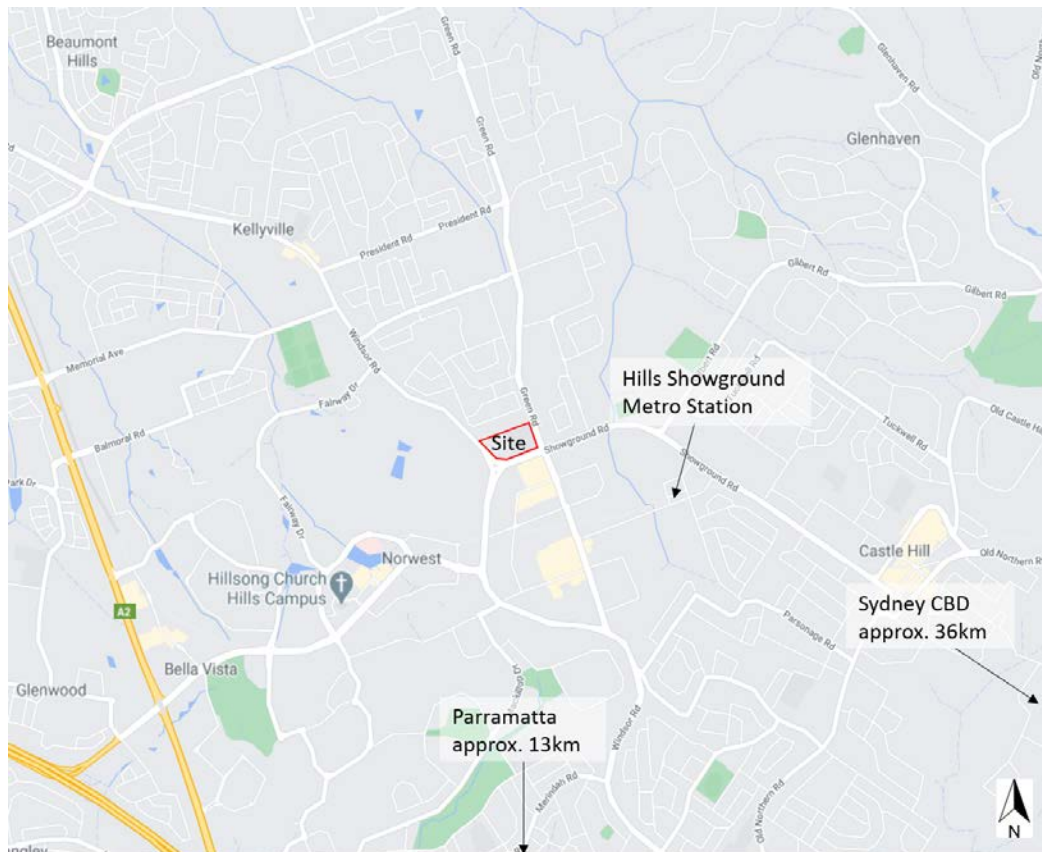
The application seeks approval for construction and use of a new building to facilitate the expansion of the MDC, tree removal, landscaping, car parking areas, subdivision, site consolidation, creation of a right-of-carriageway, services and a roof mounted photovoltaic system.

The application seeks approval for site preparation works including demolition of an existing surface car parking area and tree removal, construction and use of a new building (Building J) to facilitate the expansion of the MDC, landscaping, construction of new car parking areas, subdivision and consolidation.

The application has been lodged by the Department of Premier and Cabinet (the Applicant).

### The Site

The site comprises both the land currently occupied by the existing MDC facility and the adjoining TAFE and is located on the corner of Showground Road and Windsor Road at Castle Hill. The site is located within the Hills Shire local government area (LGA), approximately 37 kilometres (km) north west of the Sydney Central Business District (CBD), 3.8 km north west from Castle Hill and 13 km north of Parramatta (**Figure 1** and **Figure 2**).



**Figure 1 |** Site location and context (Source: base map Nearmap)



**Figure 2 |** Aerial view of the site and surroundings Site show in red, MDC site shown in yellow and TAFE site shown in blue (Source: Nearmap)

### MDC site

The MDC site is identified as Lot 1 DP 1066281 and is irregular in shape with an area of 29,320 m<sup>2</sup>. It is bound by Showground Road to the South, Windsor Road to the west, the TAFE site to the east and

residential dwellings to the north. The site slopes from the north eastern corner to the north eastern corner by approximately 3.6m and a cross fall from the north eastern corner to the west by approximately 9.2m.

The MDC is owned and operated by the Museum of Applied Arts and Sciences (MAAS), which includes exhibition and displays in a collaboration with the Sydney Living Museums and Australian Museum, who also maintain conservation facilities and have collection storage.

The MDC currently has up to 15 staff and although it does not have any restrictions on its operating hours, is open to the public between 10am to 4pm on Saturday and Sunday and operates organised tours and education visits on weekdays. The MDC also holds four to seven open days a year on weekends attracting up to 1,000 visitors per day.

The MDC currently comprises six buildings, 54 car parking spaces, one dedicated bus parking bay and four loading docks. Vehicle entry and exit is provided from Windsor Road and a separate vehicle entry is provided from Showground Road.



**Figure 3 |** MDC buildings I, G and F site looking east from the rear boundary (left) and MDC building E looking east (right) (Source: DPIE)

### TAFE site

The TAFE site is identified as Lot 102 in DP 1130271 and is generally regular in shape with an area of 37,950m<sup>2</sup>. It is bound by Green Road to the east, Showground Road to the south, MDC to west and residential dwellings to the north. The site slopes from the southern boundary to the northern boundary by approximately 5.5m and a cross fall from the western boundary to the eastern boundary to the eastern boundary by approximately 2.11m.

The TAFE campus comprises of five buildings, 158 car parking spaces and provides education for approximately 400 students. Vehicle access is provided from Green Road.

A dam is located in the north eastern portion of the site. The site is densely vegetated with mature trees and ground cover. The site contains trees and shrubs that were planted in 1948 for essential oils research by the MDC.

The Applicant has advised the MDC and TAFE sites have a longstanding partnership, including collaboration on educational opportunities. There is an existing informal vehicle arrangement comprising of a secure gate with an intercom, whereby TAFE permits the MDC site to have vehicular



access through the TAFE site through to Green Road. The existing informal vehicle arrangement exists, because right turns are not permitted into the MDC from Showground Road.



**Figure 4 |** TAFE buildings and car park looking west (left) and TAFE buildings and internal road looking west (right) (Source: DPIE)

## 1.2 Surrounding context

The site is located within an established mixed-use area, comprising of low scale residential and commercial development.

To the north and east of the site are one and two storey dwellings (**Figure 2**). To the west, on the opposite side of Windsor Road, are two construction sites at 61 Windsor Road, Baulkham Hills, where 32 multi-dwellings are being constructed, and at 47-51 Stone Mason Drive Norwest, where works are being undertaken for the subdivision of 21 community title lots. Across Showground Road to the south, is a three-storey bulky goods retail centre known as the Hills Super Centre.

Showground Road and Windsor Road are TfNSW controlled arterial roads carrying over 2,000 vehicles per hour. The intersections closest to the site are Showground Road/Windsor Road and Showground Road/Green Road/Victoria Road which are controlled by traffic lights.

The site has access to existing public transport services (**Figure 5**), including:

- bus services to the Hills Showground Metro Station, Rouse Hill, Parramatta, Kellyville Station and the Sydney CBD
- Showground Road Metro 1.6km to the south west
- Norwest On Demand service operated by CDC Hillsbus MetroConnect, which includes passengers selecting an agreed pick up point via the metro connect app and being dropped off at Norwest Station, Bella Vista Station or Hills Showground Station.



**Figure 5 |** Existing public transport connections and services (Source: Applicant's TIA)

### 1.3 Other relevant Approvals

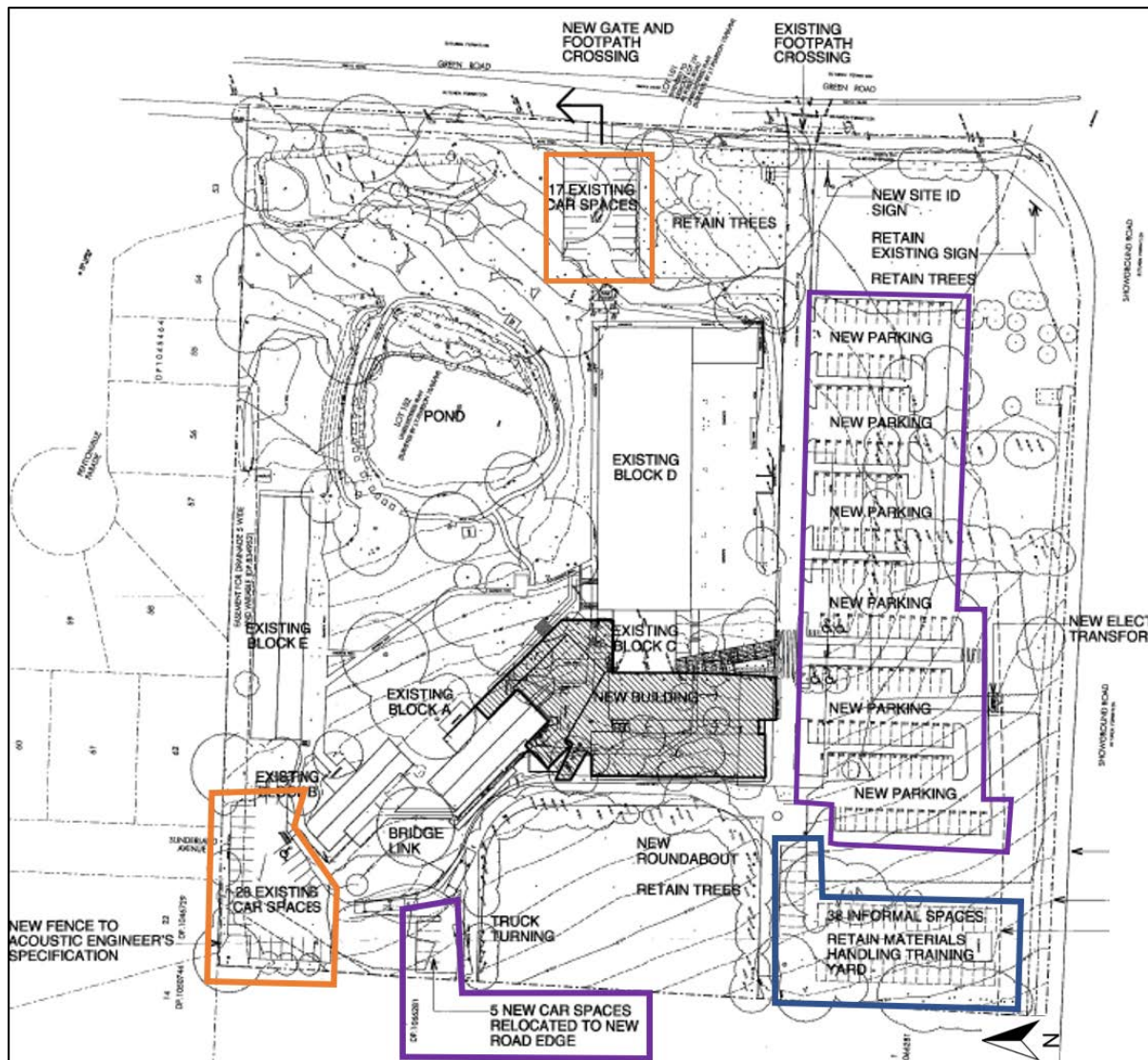
#### MDC Consent

On 2 September 2014, The Hills Shire Council approved the construction of a Storage Building, a Display Building and associated works at 172 Showground Road, Castle Hill. On the 26 June 2013, The Hills Shire Council approved alterations and additions to the Power House Museum – Store 'A'. The Department notes that both approvals do not include any limitation on the hours of operation of the MDC.

#### TAFE Consent

On 26 September 2007, Baulkham Hills Shire Council approved a development application (DA 1674/2007) for an extension to the existing TAFE Building Industry at 2 Green Road, Castle Hill. Condition 2 of the consent requires the provision of 219 car parking spaces on the site (181 sealed spaces and 38 informal spaces)(**Figure 6**). It also includes requirements for the sealing of informal spaces if deemed necessary by Council in the future.



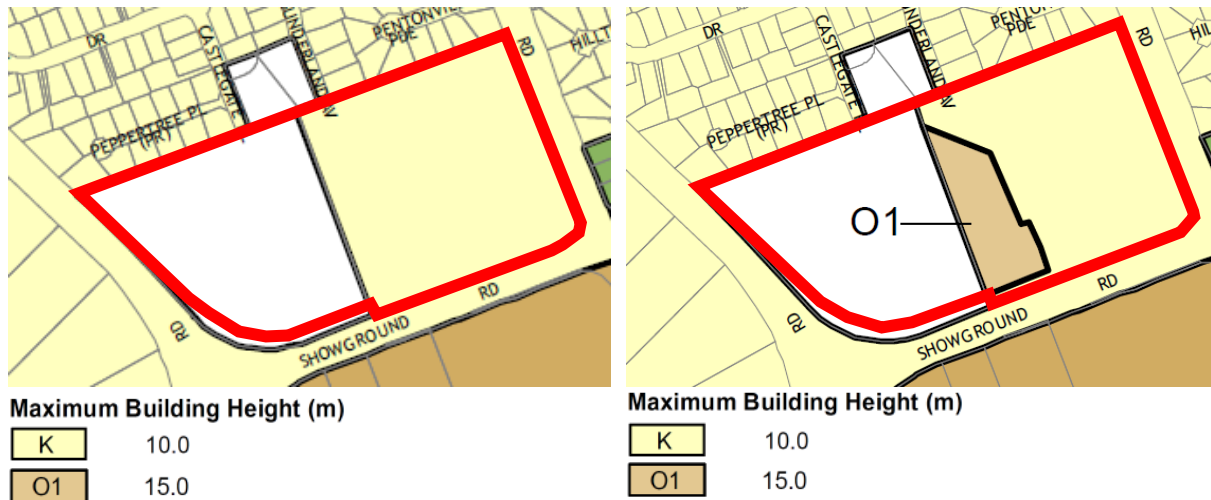


**Figure 6 |** Approved formal car parking outlined in purple, informal car parking spaces outlined in blue and existing spaces shown in orange (Source: Architectural Plans from DA 1674/2007)

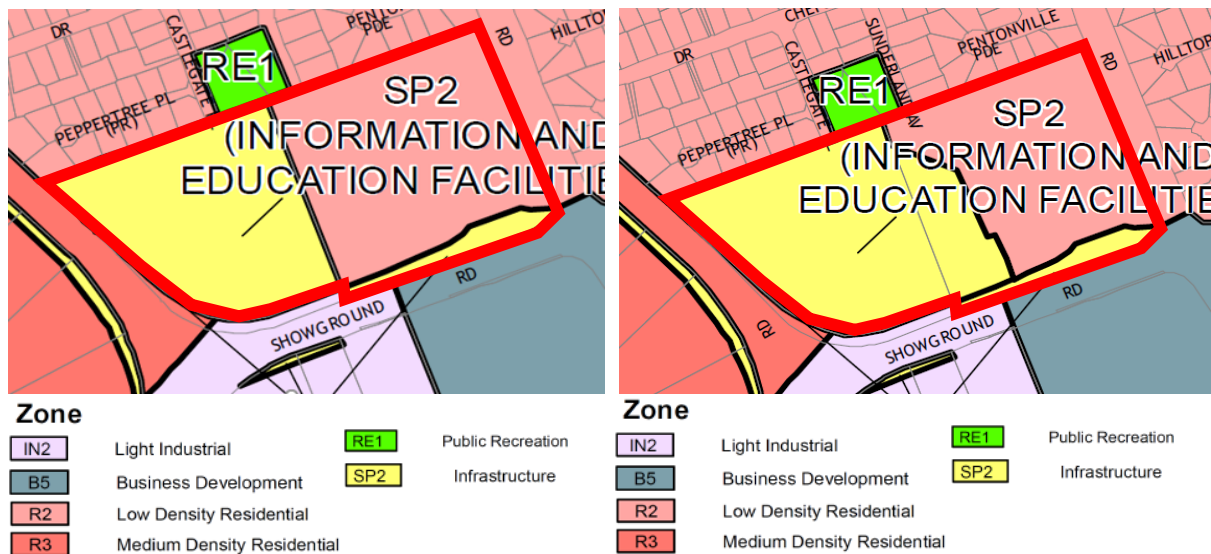
## 1.4 Planning Proposal

On 13 November 2020, the Hills Local Environmental Plan 2019 (LEP) was amended to rezone and amend the building heights for western most portion of the TAFE site.

The LEP amendment has the effect of rezoning the land where the proposed new Building J for the MDC would be built from R2 Low Density Residential to SP2 Infrastructure (Information and Education Facilities) and increased the maximum building height from 10 m to 15 m (**Figure 7** and **Figure 8**).



**Figure 7 |** Maximum building height prior to the Planning Proposal site is shown in red (left) Maximum building height approved by the Planning Proposal site is shown in red (Source: NSW Legislation)



**Figure 8 |** Zoning Map prior to the Planning Proposal site is shown in red (left) Zoning map approved by the Planning Proposal site is shown in red (Source: NSW Legislation)



## 2 Project

### Description of proposal

This application seeks approval for the construction and use of a new building to facilitate the expansion of the MDC, tree removal, landscaping, car parking areas, subdivision, site consolidation, creation of a right-of-carriageway, services and a roof mounted photovoltaic system.

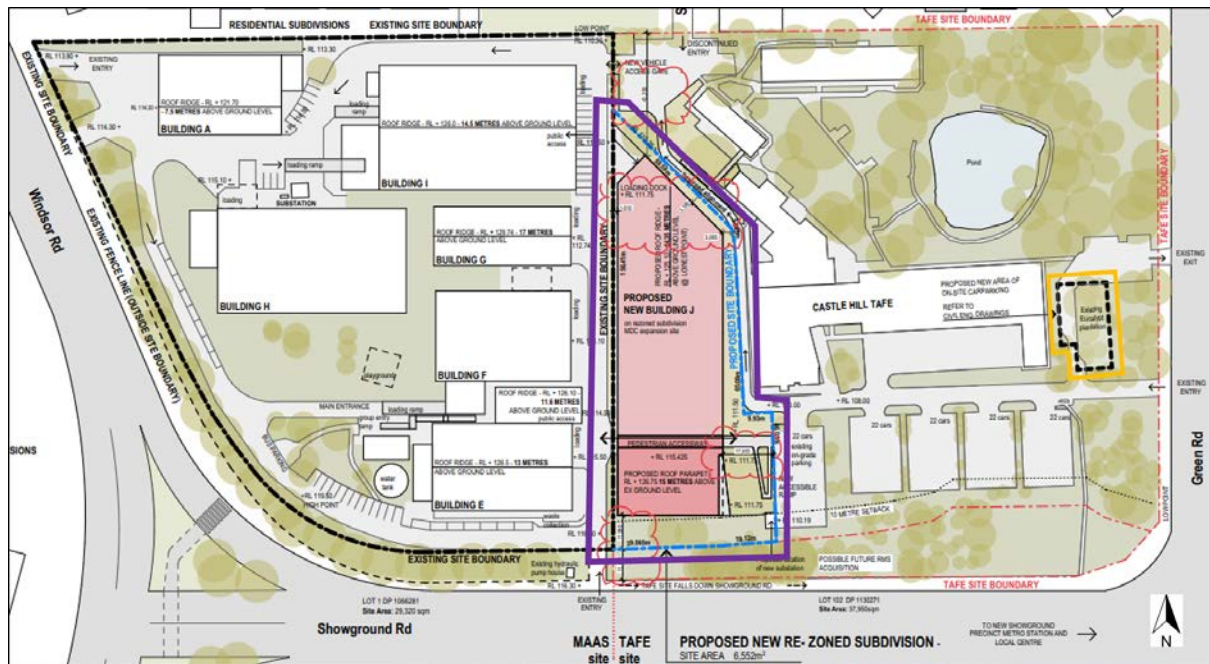
The key components of the proposal are summarised at **Table 1** and shown at **Figure 9** to **11**.

**Appendix B** contains links to the application and supporting documents.

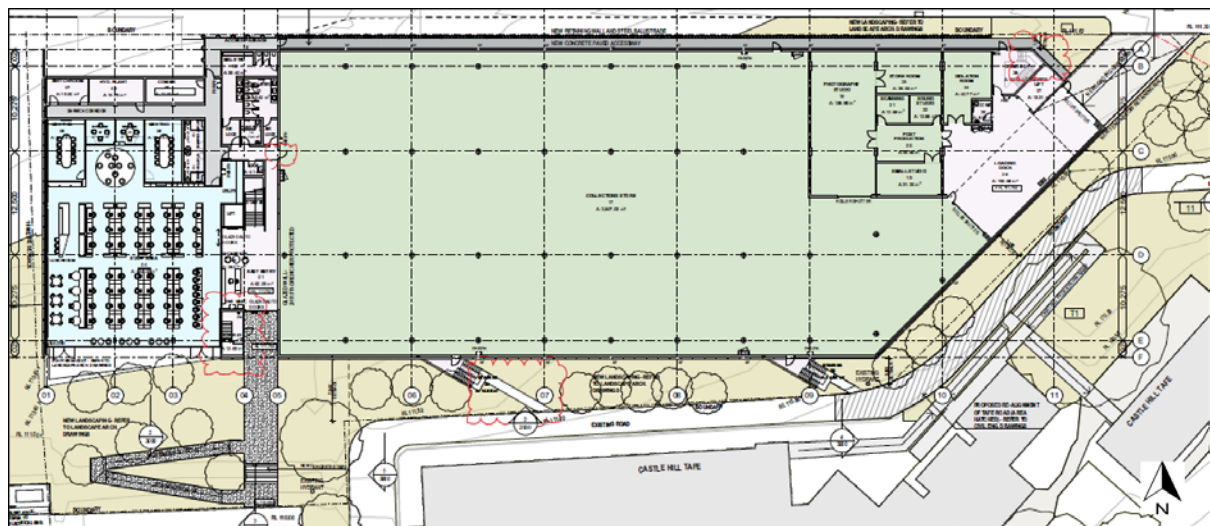
**Table 1 | Main Components of the Project**

Aspect	Description
<b>Demolition, tree Removal and site preparation</b>	<ul style="list-style-type: none"> <li>Demolition of an access driveway, an internal road and a 22-formal space TAFE carpark.</li> <li>Removal of 337 trees (297 in the location of Building J and 40 in the location of the proposed new TAFE car parking).</li> <li>Termination/relocation and installation of site services and infrastructure, earthworks and the erection of site fencing and hoarding.</li> </ul>
<b>Building J</b>	<ul style="list-style-type: none"> <li>Construction of Building J, a three-storey building with a height of RL 127.685 m (up to 13.3 m) and a gross floor area (GFA) of 8,100.85 m<sup>2</sup> comprising               <ul style="list-style-type: none"> <li>storage for collection and archives</li> <li>front and back-of-house spaces</li> <li>studios, suites of conservation laboratories and collection workspaces</li> <li>flexible spaces for education, research and staff</li> </ul> </li> <li>Five (5) signage zones comprising               <ul style="list-style-type: none"> <li>A 12m x 3.6m zone at the western elevation (43.2m<sup>2</sup>)</li> <li>A 12m x 3.6m zone on the southern corner of the western elevation (43.2m<sup>2</sup>)</li> <li>A 11m x 5.7m zone on the northern façade of the eastern pedestrian entrance (62.7m<sup>2</sup>)</li> <li>A 7.1m x 8.7m zone at the eastern façade of the western pedestrian entrance (61.77m<sup>2</sup>)</li> <li>A 11.3m x 4.9m zone on the eastern elevation (55.37m<sup>2</sup>)</li> </ul> </li> </ul>
<b>On and off-site landscaping</b>	<ul style="list-style-type: none"> <li>On site landscaping comprising of 37 trees, understorey planting and around Building J and under storey planting around the new TAFE car park</li> <li>Off-site planting of 674 new trees within Council reserves/open spaces to offset the proposed removal of 337 trees (ratio of 2:1) in accordance with a Tree Replacement Strategy (the final locations, species, pot sizes and maintenance requirements to be developed in consultation with Council)</li> </ul>
<b>Car and bicycle parking</b>	<ul style="list-style-type: none"> <li>Construction of a new car parking area for 25 formal car parking spaces on the TAFE site</li> </ul>

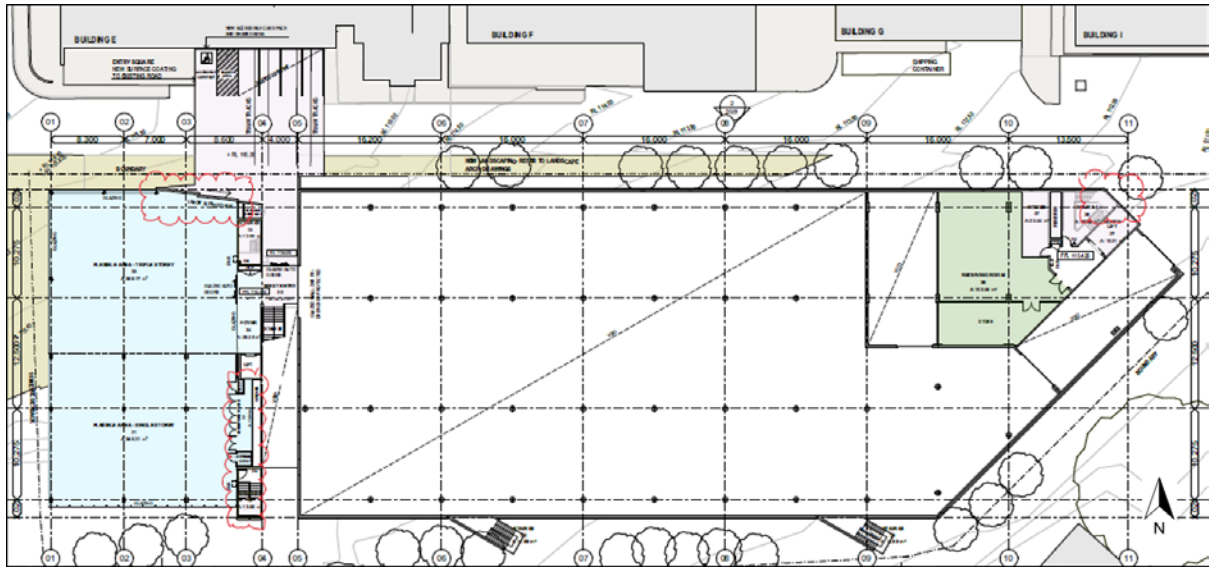
	<ul style="list-style-type: none"> <li>• Installation of five staff bicycle spaces for Building J</li> <li>• No change to the existing 54 car parking spaces located throughout the MDC site.</li> </ul>
<b>Access</b>	<ul style="list-style-type: none"> <li>• Construction of a new vehicle accessway at the eastern boundary of the site to provide an internal connection between the TAFE and MDC sites.</li> <li>• No change to the existing access to the site from Windsor Road (entry and exit) and Showground Road (entry only).</li> </ul>
<b>Servicing</b>	<ul style="list-style-type: none"> <li>• Construction of a loading dock at the northern end of Building J</li> <li>• Operation of the loading dock will occur 24 hours, 7 days a week, with deliveries typically occurring between 8 am to 5 pm</li> </ul>
<b>Subdivision and consolidation</b>	<ul style="list-style-type: none"> <li>• Site subdivision to create a new lot for Building J.</li> <li>• A right of carriageway providing vehicle access from the MDC site over the TAFE site to Green Road.</li> <li>• Consolidation of the newly created Building J lot into the MDC site.</li> </ul>
<b>Construction Staging</b>	<ul style="list-style-type: none"> <li>• Three key phases <ul style="list-style-type: none"> <li>○ early works including tree removal and construction the TAFE car parking</li> <li>○ excavation</li> <li>○ construction of Building J and landscaping.</li> </ul> </li> </ul>
<b>Infrastructure and Services</b>	<ul style="list-style-type: none"> <li>• A 1,000kVA kiosk substation adjacent to the Showground Road entry.</li> </ul>
<b>Operation</b>	<ul style="list-style-type: none"> <li>• General public visitation hours: 10:00am to 4:00pm Monday to Sunday.</li> </ul>
<b>CIV</b>	<ul style="list-style-type: none"> <li>• \$36,850,000</li> </ul>
<b>Jobs</b>	<ul style="list-style-type: none"> <li>• 150 construction jobs</li> <li>• 35 operational jobs</li> </ul>



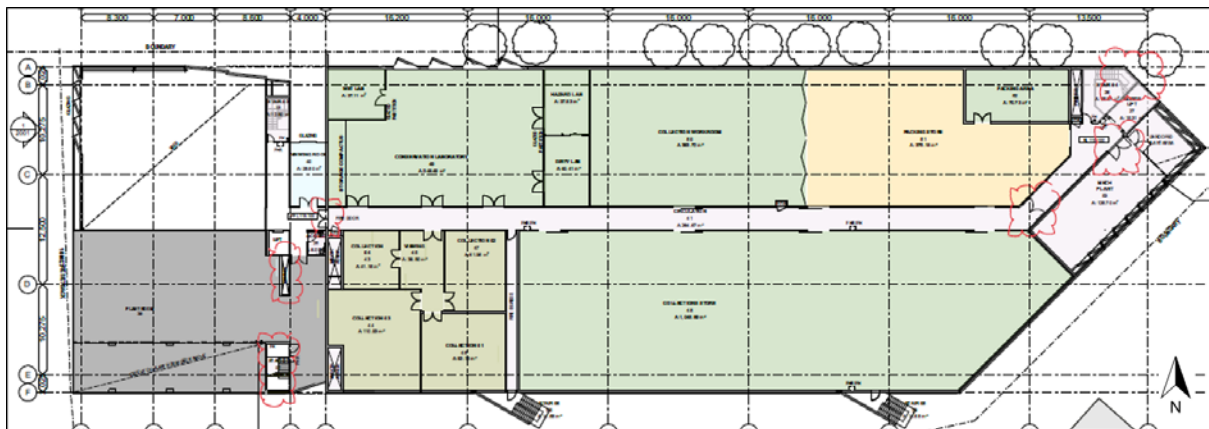
**Figure 9 |** Proposed Site Plan proposed Building J is shown in the purple outline and the new TAFE car park is shown in the orange outline (Source: Architectural Plans)



**Figure 10 |** Proposed lower ground floor layout (Source: Architectural Plans)



**Figure 11 | Proposed ground floor layout (Source: Architectural Plans)**



**Figure 12 | Proposed Level 01 plan (Source: Architectural Plans)**



**Figure 13 | Perspective looking north from Showground Road (Source: Architectural Plans)**

## 3 Strategic context

### 3.1 Greater Sydney Region Plan and Central City District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. In March 2018, the GSC published the Greater Sydney Region Plan (the Region Plan) and the associated District Plans.

The Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets out the vision and strategy for Greater Sydney, to be implemented at a local level through the District Plans. The Region Plan's overriding vision for Greater Sydney is to rebalance Sydney into a metropolis of three unique but connected cities; an Eastern Harbour City, the Western Parkland City (west of the M7) and the Central River City (with Greater Parramatta at its heart). The site is located within the Central City District.

The proposal is consistent with the Region Plan and the Central City District Plan as:

- it will support the existing and future arts and cultural facilities to benefit the Hills, and NSW more broadly by providing new facilities and a range of spaces for viewing the collection, research, education and public programs, workshops, talks, exhibitions and events
- it will provide additional employment opportunities located within a Metropolitan Centre, close to public transport, including the Showground Metro station and bus routes
- it will increase the urban tree canopy and delivery of the Green Grid connections by replanting two new trees for every tree that is being removed.

### 3.2 Future Transport Strategy 2056

The Future Transport Strategy 2056 (FTS 2056) prepared by Transport for NSW sets out a transport vision, directions and outcomes framework for NSW to guide transport investment and policy over a 40-year period. The FTS 2056 aims to achieve greater transport capacity, improved accessibility to housing, jobs and services, continued innovation, address challenges and support the State's economy and social performance.

The proposal is consistent with the key outcomes of the FTS 2056 as it is expanding an existing cultural and educational development near existing public transport. In addition, the proposal will encourage the use of public transport, walking and cycling through implementation of a Green Travel Plan (GTP) and provision of cycle parking and end of trip facilities.



## 4 Statutory Context

### 4.1 State Significant Development

The proposal is SSD under section 4.36 of the *Environmental Planning and Assessment 1979* (EP&A Act) as the development has a CIV in excess of \$30 million and is for construction of an information and education facility in accordance with clause 13 of Schedule 1 of the State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

### 4.2 Consent Authority

The Minister for Planning and Public Spaces is the consent authority for the application under section 4.5(a) of the EP&A Act. However, the Executive Director, Key Sites and Regional Assessments, may determine the application under delegation as:

- the relevant Council has not made an objection
- there are less than 50 public submissions in the nature of an objection.
- a political disclosure statement has not been made.

### 4.3 Permissibility

The site is zoned SP2 Infrastructure (Information and Education facilities) and R2 Low Density Residential zone under LEP.

The proposed Building J is permissible in the SP2 zone as it is an information and education facility which will be used for the purpose of storage, conservation, research and display of the Powerhouse collection, and spaces for education, public programs, workshops, talks, exhibitions and events.

The proposed new car park on the TAFE site is ancillary to the existing TAFE facility and is permissible with consent in the R2 zone under the *State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017*.

The Department has considered the proposal against the LEP requirements and development standards in detail at **Appendix C** and is satisfied the proposal is consistent with the LEP.

### 4.4 Secretary's Environmental Assessment Requirements

On 4 July 2020, the Department notified the Applicant of the Secretary's Environmental Assessment Requirements (SEARs) for the proposal. The Department is satisfied that the EIS adequately addresses the requirements of the SEARs to enable the assessment and determination of the application.

## 4.5 Biodiversity Conservation Act 2016

Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act), SSD applications are 'to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is unlikely to have any significant impact on biodiversity values.

The proposal is supported by a BDAR concluding that the proposal will not adversely impact any native animals and plants, including threatened species, populations communities, and their habitats subject to conditions. The Department has considered the BDAR in **Section 6.5**.

## 4.6 Mandatory Matters for Consideration

The following are the relevant matters have been taken into account in the assessment of the application:

- the matters in section 4.15(1) of the EP&A Act
- strategic planning documents set out above
- objects of the EP&A Act
- Ecological Sustainable Development (ESD)
- Environmental Planning and Assessment Regulation 2000 (EP&A Regulation).

The Department has undertaken a detailed assessment of the above at **Appendix C** and is satisfied the application has appropriately addressed the matters for consideration.

## 5 Engagement

### 5.1 Department's engagement

The Department publicly exhibited the EIS between 4 November 2020 and 1 December 2020 and re-exhibited the Response to Submissions (RtS) between 19 February 2021 and 4 March 2021. Surrounding landowners, Council and relevant public authorities were notified in writing.

A total of 9 submissions were received in response to the exhibition of the EIS and 17 submissions to the exhibition of the RtS.

A summary of the exhibition and submissions received is provided at **Table 2**. A summary of the issues raised in the submissions is provided at **Section 5.2** to **5.3**. Copies of the submissions may be viewed at **Appendix A**.

The Applicant provided a response to the EIS and RtS submissions as discussed in **Section 5.5**.

**Table 2 | Summary of public exhibition and notification of the application**

Stage	Exhibition/Notification Period	Submissions
EIS	4 November 2020 until 2 December 2020 (28 days)	9 submissions comprising: <ul style="list-style-type: none"><li>• 4 government submissions</li><li>• 1 Council</li><li>• 4 public</li></ul>
RtS	19 February 2021 until 4 March 2021 (14 days)	16 submissions comprising: <ul style="list-style-type: none"><li>• 5 government submissions</li><li>• 1 Council</li><li>• 10 public</li></ul>

The Department has considered the comments raised in Council, government agencies and public submissions during the assessment of the application (**Section 6**) and in the recommended conditions of consent at **Appendix E**.

### 5.2 Key issues – public authorities

The key issues raised by public authorities are summarised in **Table 3**.

**Table 3 | Public authority submissions to the EIS and RtS**

Transport for NSW (TfNSW)	
EIS	TfNSW did not object to the proposal, however it requested that the existing access on Showground Road be used for heavy vehicle movements only. It also requested additional information for further assessment, including:



- a swept path analysis for a 19 m vehicle and the longest construction vehicle from Windsor Road and Showground Road
- justification for proposed vehicle access between the MDC and TAFE site
- bus services and public transport connections to Powerhouse Parramatta
- an updated GTP including additional site-specific details of the proposal mechanisms to support sustainable travel.

RtS	TfNSW advised previous concerns about the access via Showground Road have not been addressed to its satisfaction.
-----	---

#### Environment, Energy, and Science Group of the Department of Planning, Industry and Environment (EES)

EIS	<p>EES does not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none"> <li>• the Tree Replacement Strategy should be finalised prior to consent being issued or before construction commences</li> <li>• a Flora and Fauna Management Plan be prepared as a condition of consent.</li> </ul>
-----	--

RtS	<p>EES does not object to the proposal and recommended conditions of consent should be included to:</p> <ul style="list-style-type: none"> <li>• ensure that the Tree Replacement Strategy is finalised prior to commencement of construction</li> <li>• ensure a Flora and Fauna Management Plan is prepared</li> <li>• require 1 BDAR credit.</li> </ul>
-----	--

#### Sydney Water

EIS	Sydney Water does not object to the proposal and provided comments about servicing the site and recycled water.
-----	---

#### Endeavour Energy

EIS	Endeavour Energy does not object to the proposal and provided advice in relation to the proposed substation.
-----	--

#### Heritage NSW - Aboriginal Cultural Heritage Regulation (ACH)

RtS	<p>ACH does not object to the proposal as the Aboriginal Cultural Heritage Assessment Report (ACHAR) identifies that Aboriginal objects are unlikely to be harmed by the proposal. ACH recommends conditions requiring:</p> <ul style="list-style-type: none"> <li>• an Aboriginal Heritage Interpretation Strategy be developed and implemented in consultation with the Registered Aboriginal parties to celebrate and acknowledge the significance of the land to the Aboriginal community</li> <li>• an unexpected finds policy, in accordance with the AHCAR.</li> </ul>
-----	---

## 5.3 Key issues – Council and community

**Table 4 | Council's submission to the EIS and RtS**

Council	
EIS	<p>Council does not object to the proposal, however raised the following concerns:</p> <ul style="list-style-type: none"> <li>• cumulative traffic impacts at the intersection of Green Road/Showground Road/Victoria Avenue</li> <li>• evening and night truck noise emissions when entering and exiting the northern loading dock</li> <li>• TAFE parking requirements, including consideration of potential expansion of TAFE staff and student numbers</li> <li>• the design of the on-site stormwater detention basin (OSD) and stormwater quality treatment devices</li> <li>• avoidance and mitigation of biodiversity impacts</li> <li>• on-site landscape planting densities</li> </ul> <p>Council provided comments on the Tree Replacement Strategy in relation to locations, species, pot sizes, maintenance periods and community consultation requirements.</p> <p>Council also requested further information in relation to:</p> <ul style="list-style-type: none"> <li>• appropriate signage locations and distances between the subject site and proximity to public transport stops</li> <li>• drainage for the proposed new car park</li> <li>• clarification on tree removal</li> </ul>
RtS	<p>Council does not object to the proposal and provided the following comments:</p> <ul style="list-style-type: none"> <li>• the Department should consider the adequacy of car parking for the MDC and TAFE and the need for joint access/parking between the two sites</li> <li>• the OSD and water quality treatment devices for Building J are acceptable</li> <li>• onsite detention / water quality treatment should be provided for the TAFE car park</li> <li>• the Tree Replacement Strategy and Landscape Plan are acceptable, subject to finalisation of replanting sites, potting sizes and maintenance periods in consultation with Council.</li> </ul>

## 5.4 Community Issues

A total of 14 public submissions were received in response to the public exhibition of the EIS and RtS, including 13 objections and one providing comments. The key issues raised in public submissions are summarised in **Table 5**.

**Table 5 |** Public submissions raised in response to the exhibitions of the EIS and RtS

Issue	Proportion of total EIS (4) submissions	Proportion of total RtS (10) submissions
Tree removal	100%	100%
Need for the proposal / Adequate facilities at Powerhouse Ultimo	0%	80%
Business case and spending of Government money	67%	40%
Further alternative sites weren't considered	67%	30%
Insufficient car parking and access to public transport	67%	40%
Management of the Powerhouse collection	67%	40%
Overdevelopment of the site	67%	20%
Traffic, vehicular access and safety	0%	30%

Other issues raised in individual submissions included:

- impacts on the future development potential of TAFE
- request for landscaping along the northern boundary
- request for inclusion of solar panels
- noise impacts from existing mechanical plant
- adequacy of the EIS.

## 5.5 Applicant's Response to submissions

The Department placed copies of all submissions received on its website and requested the Applicant provide a response to the issues raised.

On 15 February 2021, the Applicant lodged its RtS, which includes additional information, justification and amendments to the proposal in response to the issues raised in the submissions, including further details about tree replanting, access, servicing and parking, tree removal and planting, stormwater and social impacts.

On 25 March 2021, the Applicant submitted a further RtS (FRtS) in response to issues raised in the public, Council and agency submissions to the RtS and the provided additional information and clarification on a number of matters.

## 6 Assessment

### 6.1 Key assessment issues

The Department has considered the proposal, the issues raised in the submissions and the Applicant's responses in its assessment of the application. The Department considers the key issues associated with the proposal are:

- built form
- design quality
- traffic, access, parking and servicing
- tree removal and planting

A summary of the assessment and conclusion on each of these issues is set out in the following sections of this report. Other issues were taken into consideration during the assessment of the application and are discussed at **Section 6.6**.

### 6.2 Built form

The proposal seeks approval for construction of a new building, Building J, which has a gross floor area of 8,100.85 m<sup>2</sup> and a maximum building height of approximately 13 m above the existing ground level, as detailed in **Section 2**.

The proposal complies with the maximum height of 15 m under LEP. The LEP does not provide a specific maximum floor space ratio for the site.

Concern was raised in the public submissions about the density of the development and that it represents an overdevelopment of the site. One submission requested additional landscaping along the northern boundary to screen the proposed building from surrounding residential properties.

The Applicant contends that the proposed building height, mass and siting appropriately responds to the adjoining residential zone with the northern wall being angled away from the nearest residential dwellings to the north. The Applicant notes that existing trees on the northern boundary of the TAFE site will be retained. Further, the proposed landscape plan includes additional six trees being planted immediately adjacent to the northern elevation of Building J.

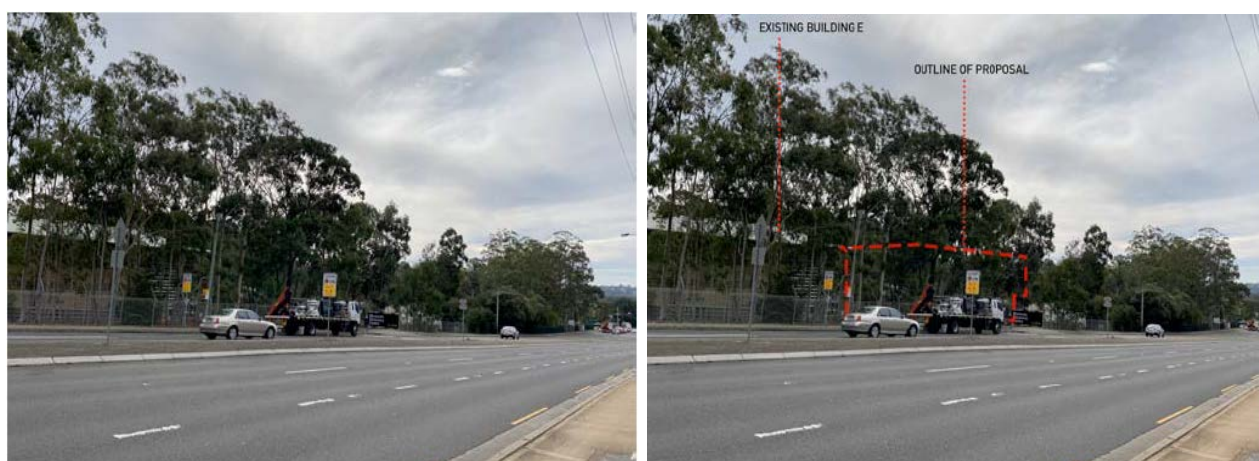
The application is supported by a Visual Impact Assessment (VIA), which considered perspectives of the proposed development when viewed from internal and external vantage points in and around the site. The VIA contends the scale of the building is appropriate within the context and would have acceptable visual impacts.



**Figure 14 |** Existing (left) and proposed (right) view from the Green Road Entry to TAFE (Source:lahznimmo)



**Figure 15 |** Existing (left) and proposed (right) view from the south east site boundary on Showground Road (Source:lahznimmo)



**Figure 16 |** Existing (left) and proposed (right) view from the south west site boundary on Showground Road (Source:lahznimmo)



The Department has carefully considered the concerns raised in submissions about the overdevelopment of the site, and considers the height, bulk and scale of the development is appropriate as:

- the proposed maximum building height fully complies with the LEP maximum building height (15m)
- the proposed building is compatible with the scale and character of the existing one to three storey buildings on the MDC and TAFE sites
- the density of the development on the MDC site will result in an overall floor space ratio (FSR) of 0.8:1 and is lower than the FSR on neighbouring lands, which have FSR from 1:1 to 2.3:1
- the building is located, designed and setback from property boundaries to minimise overshadowing, privacy and visual impacts from neighbouring properties and the public domain. In particular:
  - the 10 m front setback aligns with the existing MDC buildings
  - it is setback between 43m and 52m from the northern (rear) boundary and the northern wall is tapered to angle away from the nearest residential properties to maximise separation
  - there are no openings in the rear elevation to avoid privacy conflicts with nearby residences
- the proposed landscaping includes planting along the entry to loading dock for Building J, which in conjunction with existing trees on the TAFE site and the generous setback, will assist in screening the development from adjacent residential properties
- the existing trees within the Showground Road and Green Road setbacks will be protected to enhance the landscape setting of the proposed Building J and the new car park on the TAFE site.

### 6.3 Design quality

The proposed building has a contemporary and simple design in recognition of its civic role and seeks to provide a clear arrival point to the MDC (**Figure 13**). The building will be constructed of aluminium cladding, corrugated precast concrete and steel roof sheeting to give an impression of an industrial building, reflecting on the nature of works and displays of the MDC and is similar to existing buildings on the site. Internally, the building will include exposed concrete and steel structures, polished concrete floors and exposed services consistent with the industrial character of the building.

The design excellence provisions of the LEP do not apply to the proposal as it has a height of less than 25 m. Notwithstanding, the application was reviewed by the State Design Review Panel (SDRP) prior to lodgement. The SDRP provided advice and recommendations on the design quality of the development.

The SDRP supports the proposed architectural expression, massing and materiality of the building. However, it requested:

- further consideration be given to the integration of the building with the surrounding public domain/open space, permeability of the building and the design on the entry square

- further information on how the proposal fits with the overall vision for the MDC, on matters such as the creation of north-south and east-west connections, activation of outdoor public spaces, future potential integration with the existing park to the north, access and parking, connection to country, water management, landscaping and planting and signage.

The Government Architect NSW (GA NSW) also reviewed the proposal and provided comments on tree removal and planting, vehicular access, shading, pedestrians priority in the entry square and connections to Country.

In response, the Applicant advised the long-term vision for MDC is to increase public accessibility to the site and provided high level objectives to establish north-south and east-west connections, a hierarchy of open spaces and potential future connections to TAFE and the park to the north of the site. However, the Applicant notes the vision and potential future works do not form part of this proposal.

The Applicant also outlined that Building J will provide space for storage, viewing and handling of objects of cultural significance for Aboriginal and Torres Strait Islander communities and provide opportunities to connect to Country through interpretation, programming and landscaping.

The Department is satisfied that the detailed design of the building has been developed in response to the advice of the SDRP and GA NSW.

The Department supports and accepts the proposal is consistent with the long-term vision for the MDC to increase accessibility and permeability through the MDC. The Department considers the proposal supports a pedestrian focused environment by:

- establishing an east west pedestrian connection with the creation of a new public domain between Building E through the main entries of Building J and across the TAFE site to Green Road
- creating a north south pedestrian focused shared path from the northern boundary to the southern boundary along the western edge of Building J.

The Department concludes the proposal will achieve a high standard of design as:

- the contemporary architectural design, massing and materials is complementary in scale, form and character to the existing MDC buildings
- Spaces around the proposed Building J, including its entrance square are designed to be inviting and pedestrian orientated, with new landscaping and priority being given to pedestrians along the shared driveway to the west of the building
- the proposed landscape concept includes a planting palette and a diverse range of native species that will contribute to the landscape amenity and biodiversity on the site
- the ground plane proposes key spaces with entries directly accessible from the key east west pedestrian link which priorities pedestrians.

The Department recommends conditions to ensure the entire length of the driveway to the west of Building J is designated as a shared zone, with a maximum speed of 10 km/hr and signage for pedestrian priority. It also recommends conditions for a detailed landscape plan and an Aboriginal Heritage Interpretation Plan in consultation with Registered Aboriginal parties.

## 6.4 Traffic, access, parking and servicing

The application includes a Transport Impact Assessment (TIA), which considers the potential traffic and car parking impacts on the surrounding area.

The Department considers the key assessment issues to be:

- traffic generation
- car parking
- vehicle access
- servicing

### 6.4.1 Traffic generation

The Applicant's TIA estimates that the proposal will generate an additional 130 daily vehicle trips, with up to 15 traffic movements in the AM (8am – 9am) and PM (5 pm – 6 pm) peak hours. The TIA notes the increase is negligible in the context of existing traffic flows along Windsor and Showground Roads (over 2,000 vehicles per hour) and will not adversely impact the performance of the surrounding road network. In particular:

- the Showground Road/Windsor Road will continue to operate at a satisfactory level of service (LOS) C, with average delays of 25 and 28 seconds in the AM and PM peak hours respectively
- the Showground Road/Victoria Avenue/Green Road intersection will continue to operate at capacity with LOS E, with average delays of 60 and 63 seconds in the AM and PM peak hours respectively.

Council raised concern about the cumulative traffic impacts at the intersection of Green Road/Showground Road/Victoria Avenue and requested an update on the status of future TfNSW road widening at this intersection.

TfNSW did not raise concerns about traffic generation and impacts to the nearby intersections.

The Department has considered the Applicant's TIA and the concerns raised by Council and is satisfied the proposal would have acceptable traffic impacts because:

- the proposal only generates 130 vehicle trips per day. This includes 15 trips in the AM and PM peak hours, which is considered negligible in the context of Windsor and Showground Roads, carrying over 2,000 vehicles per hour
- the adjacent intersections will continue to operate at the same LOS, as the proposal will only cause:
  - o a one second increase in delay at the Showground Road/Windsor Road (from 24 to 25 seconds in the am peak)
  - o a one second increase in delay at Showground Road/Victoria Avenue/Green Road (from 62 to 63 seconds in the pm peak)
- although the Showground Road/Victoria Avenue/Green Road currently operates at a LOS E, there are areas reserved for future road widening along Showground Road, which would allow TfNSW to undertake future intersection upgrades when it deems necessary



- the Applicant will prepare and implement a Green Travel Plan (GTP) to encourage alternative travel modes to private car use to further minimise traffic generation.
- the Applicant proposes no change to current public visit hours, which are limited to weekends.

The Department therefore concludes the traffic impacts of the proposal are acceptable. The Department recommends conditions requiring the GTP to be updated to provide further information on strategies and mechanisms to promote sustainable transport use, including preparation of a Transport Access Guide which provides information to staff about the travel modes access arrangements and supporting facilities that service the site.

#### **6.4.2 Car Parking**

The existing MDC provides 54 car parking spaces for staff and visitors. It also provides a dedicated bus bay within the Windsor Road setback by the main entrance.

The proposal seeks to:

- utilise the existing 54 spaces on the MDC site for staff and visitors
- demolish the existing 22 space TAFE car park within the proposed Building J footprint and construct a new 25 space car park on the TAFE site.

The Department has considered the MDC and TAFE car parking below.

##### ***MDC parking***

The Applicant's TIA estimates that the MDC site would generate a weekday staff parking demand of 37 spaces, with 17 spaces which could be used for visitors to the site or Powerhouse fleet vehicles.

The TIA notes that only 5-10 staff work on-site during weekend generating a maximum weekend staff parking demand of 10 spaces. The TIA notes the MDC attracts an average of approximately 80 visitors per day on weekends with a parking demand of 25 spaces which can be accommodated within the 54 onsite car parking spaces.

The TIA also considers the proposed parking and management measures would be adequate for open days held four to seven times a year, as:

- on site car parking would be managed by traffic marshals managing and directing visitors to available onsite parking
- a free shuttle bus service would operate between Hills Showground metro station and the site.

Concern was raised in public submissions that the proposal has underestimated the demand for parking. Council requested the Department ensure that the overall parking numbers provided are sufficient for the approved use and consider the need for formalisation of any shared parking.

TfNSW did not raise concern with the proposed car parking.

The Department has considered the Applicant's TIA and the concerns raised in submissions. The Department is satisfied car parking demand for typical operation of the MDC including staff and visitor parking demand on weekdays and weekends, can be met by the existing 54 on-site car parking spaces, because:

- the submitted TIA expects approximately 80 visitors or 25 car trips per day on weekends, which would be evenly distributed throughout the day and accommodated by the onsite car parking spaces.
- public visitation on weekdays is predominantly organised tours and education visits
- there would be an increase from the existing 10 – 15 staff at the MDC to up to 50 staff during the weekdays with 25% expected to arrive by public transport, but staff number would reduce to 5 – 10 staff on the weekends
- there is an existing bus bay near the Windsor Road entry to accommodate organised tour groups
- the site is serviced by a number of different bus routes including services to the Hills Showground metro station

The Department is also satisfied that adequate measures would be in place to manage car parking demand on open days as there would be a free shuttle bus from Hills Showground Metro Station to increase public transport use, traffic marshals and car parking management procedures.

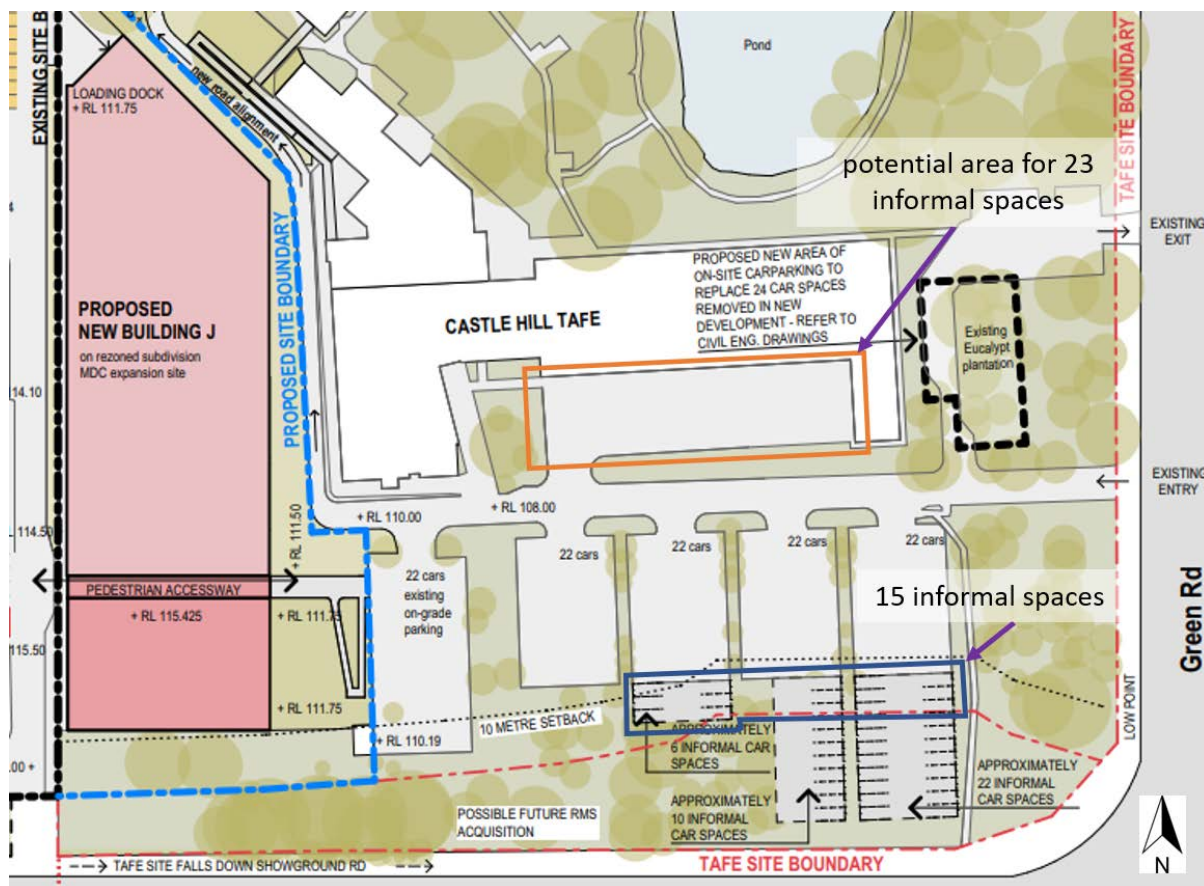
The Department recommends conditions requiring these measures to be incorporated in an operational management plan, including operational details on staff and visitor car parking management and promotion and operation of the shuttle bus on open days.

### ***TAFE parking***

The proposal seeks to demolish an existing 22-space TAFE car park within the Building J footprint and construct a new 25-space car park on the TAFE site (**Figure 9**).

Council requested that sufficient parking is provided for TAFE in accordance with the 2007 development consent requiring 219 car parking spaces (181 sealed spaces and 38 informal spaces).

In response to Council's concern, the Applicant seeks to replace an informal TAFE parking area (**Section 1.3**) located within the Building J footprint to elsewhere on the site. The existing informal car parking area can accommodate 38 cars. The Applicant seeks to replace the informal car parking spaces with 15 spaces located within the TAFE site and other spaces within the Showground Road land reservation for road widening (**Figure 17**).



**Figure 17 | Potential location for the informal car parking spaces (Source:lahznimmo)**

The Department supports the provision of 15 informal spaces within the Showground Road setback, adjacent to existing car parking areas. The Department, however, is concerned that spaces proposed within the land reserve would be displaced in the future, as the land reservation will ultimately be acquired by TfNSW.

The Department notes that there are other opportunities to provide additional informal parking, for example within existing sealed areas in front of the TAFE building as shown in **Figure 17**.

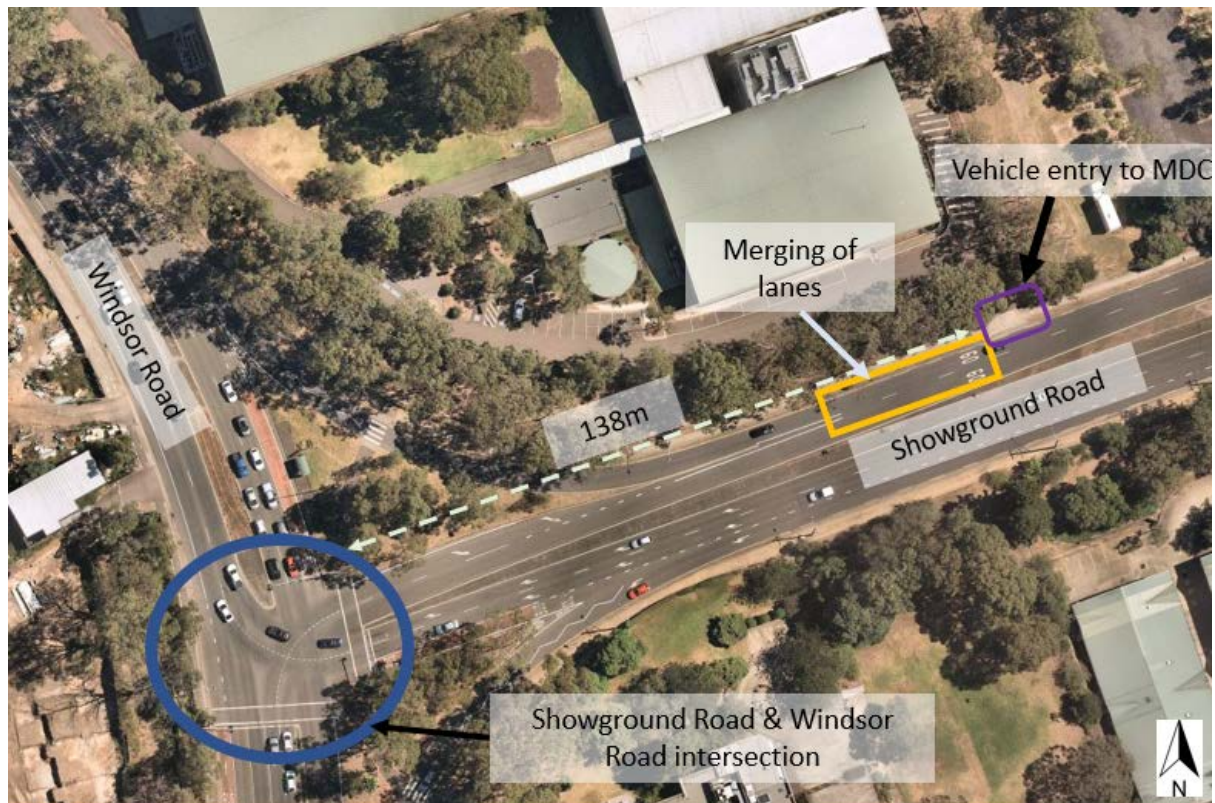
The Department therefore recommends a condition for amended plans to demonstrate the required number of informal spaces can be provided within the TAFE site in accordance with the 2007 development consent.

#### 6.4.3 Vehicle Access

The proposal seeks to use the existing access to the MDC comprising:

- left in/left out access via Showground Road
- entry and exit (all left and right turn movements) via Windsor Road
- via the TAFE entrance on Green Road.

TfNSW does not support the continued use of the Showground Road access for private vehicles due to the proximity of the entrance to the traffic signals at Windsor Road and the potential for incidents as vehicles change lanes (**Figure 18**). TfNSW also noted the site has alternate access via Windsor Road. TfNSW therefore requested access from Showground Road be used for heavy vehicles only.



**Figure 18 | Showground Road and Windsor Road intersection (Source: Nearmap)**

In response, the Applicant contends that the Showground Road access should remain available for all vehicles as:

- the use of the existing Showground Road access is a legal entrance and a lawful manoeuvre into and out of the site
- there is no evidence the driveway has caused any vehicle accidents in the last five years
- the proposal would generate less than 15 vehicle movements during the AM and PM peak and therefore is unlikely to cause any increased risks.

The Department acknowledges the proposal does not seek to amend the existing access to the site and the proposal results in limited increase in traffic generation. The Department however agrees with TfNSW that any potential intensification of traffic movements at the Showground Road entrance may present a road safety risk because of the proximity of the driveway from the Windsor Road / Showground Road intersection, with merging traffic and high traffic volumes.

The Department notes alternate vehicle access to the MDC site is available from Windsor Road and through the TAFE site via the proposed vehicle access right of way to Green Road. The Department therefore accepts TfNSW's advice to restrict the existing vehicular access off Showground Road to heavy vehicles only.

The Department recommends a condition that signage be installed at the Showground Road entrance restricting access to heavy vehicles only and to identify the Windsor Road entrance as the public entrance to the MDC.



#### 6.4.4 Servicing

Building J includes a new loading dock at the northern end of the building. The Applicant notes that up to 10 service vehicles are expected to visit the site each day, ranging from vans to 19 m long semi-trailers. Vehicles will enter the site via Showground Road and exit via Windsor Road. The Applicant provided swept path analysis to demonstrate that vehicles can safely and efficiently access the site and loading dock.

The loading dock will operate 24 hours 7 days a week with evening and night-time movements limited to up to four times a year (up to two medium or heavy vehicles per night).

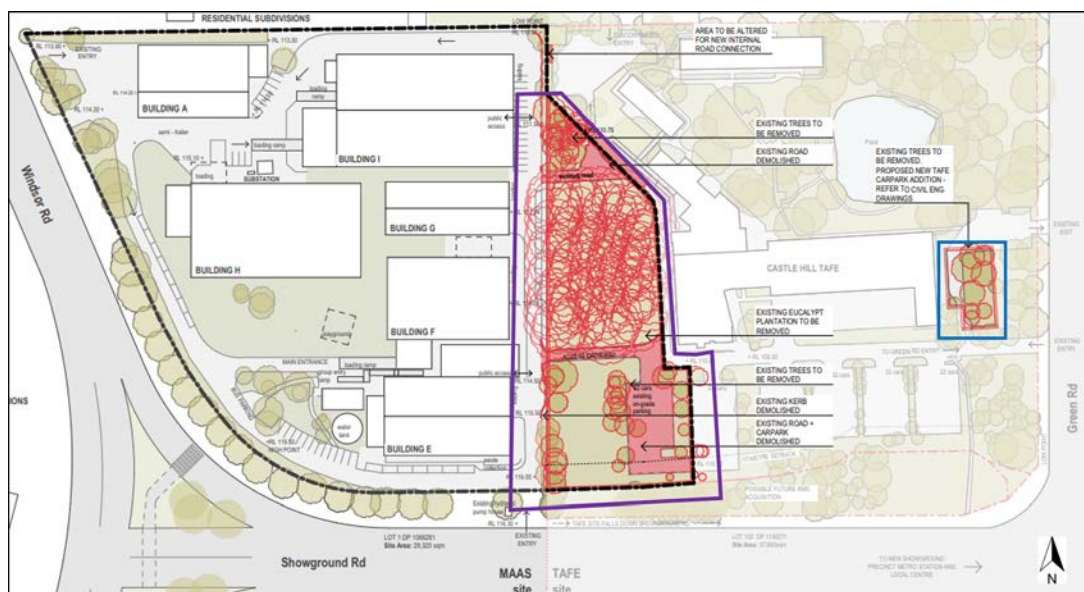
The Department considers the proposed servicing arrangements are acceptable as:

- the loading dock has been designed to allow all vehicles to enter and exit the site in a forward direction
- the frequency of servicing is acceptable and will be dispersed across the day, with a maximum of two medium/heavy vehicles movements up to four nights a year
- the loading dock is setback 43m from the nearest residential property and is unlikely to result in unacceptable noise impacts as discussed in **Section 6.6**.

The Department recommends conditions requiring the preparation and implementation of a Loading Dock Management Plan, including the recommendations from the Acoustic Report, to mitigate any potential impacts on the adjoining and surrounding residential properties.

#### 6.5 Tree removal and replacement

The proposal seeks to remove 337 trees associated with the tea tree oil plantation on the site. The trees are primarily *Corymbia citriodora* (lemon scented gum) which are not native to NSW. Of the 337 trees to be removed, 297 trees are within the Building J footprint and 40 trees are in the location of the proposed 25 formal space TAFE car park (**Figure 19**).



**Figure 19** | Existing 337 trees including the 297 trees being removed for Building J in the purple outline and the 40 trees being removed for the new 25 formal space car park (Source:lahznimmo)

The Department considers the key issues are Arboricultural and biodiversity impacts and the heritage significance of the plantation.

### **Arboricultural Impacts**

The application was accompanied by an Arboricultural Impact Assessment (AIA) and a tree replacement strategy that proposes to replant two trees for every one tree removed, resulting in a total of 674 trees being replanted off-site at locations agreed with Council.

The AIA surveyed the existing trees on the site and identifies the health, structural condition and landscape significance of the trees. The AIA concludes that the proposed tree replacement will mitigate the proposed tree removal as the canopy cover lost to the proposal will, in time, be restored with better performing and more varied plantings. In addition, the proposed mix of indigenous and native plantings will improve biodiversity outcomes compared to the existing plantation trees.

The AIA recommends a final Tree Replacement Implementation Plan (TRIP) be developed prior to the construction of Building J, including the final locations for replacement planting, confirmation of the species and pot sizes for each tree and the maintenance regime for each site.

Council raised no objection to the Tree Replacement Strategy subject to the replanting sites, potting sizes and maintenance periods being finalised in consultation with Council. EES recommended the tree replacement strategy be finalised prior to consent and/or the construction of Building J. Public submissions objected to the proposed tree removal as it would result in a loss of shade and green space.

The Department accepts that the Applicant has demonstrated the proposed tree removal is unavoidable as there are no other alternate locations for Building J and the new TAFE car park, having regard to the existing buildings and car parking areas on the site, dense planting and the waterbody on the TAFE site (**Figure 2**).

The Department notes the trees proposed to be removed, are not naturally occurring, are not endemic to the Cumberland Plain Woodland or to NSW and were planted specifically for essential oil research.

The Department is also satisfied the proposed tree removal is appropriately offset and mitigated by the Applicant's tree replacement strategy as:

- the proposal will increase the tree canopy by 50% with a replanting ratio of 2:1 with 674 trees being planted in consultation with Council
- the proposed TRIP will provide for a mix of indigenous and native replenishment species will achieve better biodiversity outcomes than the existing plantation
- the proposal also involves new landscaping and planting on the MDC and TAFE sites which will complement existing vegetation, contribute to greenery, shade and enhance the landscape setting of the buildings.

The Department recommends conditions requiring the preparation and implementation of a final TRIP identifying planting locations, species, pot sizes and maintenance requirements, in consultation with Council, prior to construction of Building J.

## Biodiversity impacts

The application is supported by a Biodiversity Development Assessment Report (BDAR) prepared in accordance with the requirements of the *Biodiversity Conservation Act 2016 (NSW)* (BC Act).

The BDAR indicates that the naturally occurring vegetation has been previously cleared from the site. The site currently contains lemon scented gum trees that formed part of the plantation by the MDC for essential oil research. The BDAR notes that the vegetation and habitat quality is poor and lacks important habitat features. No targeted surveys for threatened animals were undertaken, however the Cumberland Plain Land Snail and the Dural Land Snail are assumed to be present on the site.

The BDAR recommended that a Flora and Fauna Management Plan be prepared to include the following mitigation measures:

- procedures for clear marking out of areas of vegetation to be cleared and identification of no-go zones to protect vegetation outside and adjacent to the construction footprint
- establishment of tree protection zones in accordance with AS 4970-2009
- procedures for undertaking a pre-clearing search for threatened snail species Cumberland Plain Land Snail and the Dural Land Snail and other threatened species and procedures for relocating snails if found during the pre-clearing inspection
- procedures for dealing with unexpected threatened species finds during construction
- weed management measures in accordance with the Biosecurity Act 2015
- pathogen management measures to prevent introduction and spread of diseases
- environmental inspection and monitoring requirements.

EES is satisfied with the submitted BDAR and recommends the Flora and Fauna Management Plan should also include mitigation measures that will be implemented during construction. In addition, EES requires the Applicant to retire one species credit prior to the commencement of any vegetation clearing.

The Department accepts the findings in the BDAR, which concludes that the proposal will not adversely impact any native animals and plants, including threatened species, populations communities, and their habitats subject to conditions.

The Department also supports EES' recommended conditions and has recommended a Flora and Fauna Management Plan be prepared by a qualified ecologist and that one species credit be retired in accordance with the BC Act prior to commencement of any vegetation clearing.

## Heritage Impacts

Public submissions considered the existing plantation has heritage and scientific value and raised concern that the heritage impacts have not been assessed.

The Department notes the site is not heritage listed. The EES Group and Council have raised no concerns about heritage values of the plantation trees.

The Department notes a heritage assessment was undertaken to inform the Planning Proposal which rezoned the site from residential to special uses (information and education facility). This assessment concluded the plantation is not significant to justify retention as:

- the existing tree and shrub plantations on the site are not heritage listed and have not been recognised at a local or State level as having heritage significance

- many original plantations and other landscape features have been removed and altered as part of previous TAFE and MDC developments
- Arboricultural advice confirms the plantation has low to medium significant due to its age, structure and condition.

The heritage assessment recommended that ‘representative plantings’ could be incorporated into the landscaping to allow interpretation of the former history of the site, removed trees be used for furniture and interpretive displays, and archival recording be undertaken before the trees are removed to collect and retain information about the plantation.

The Applicant also advised that the proposed landscape design recognises both indigenous and the recent non-Aboriginal history and the MAAS will interpret former uses of the MDC site through programs and exhibitions.

The Department has carefully considered the objections raised by the public about the heritage and scientific value of the plantation, however, based on the heritage advice provided and the advice provided by Council and EES, is of the view that the trees have low heritage significance. Notwithstanding, the Department recommends conditions to ensure the former use of the site as a plantation is recorded and interpreted, in particular:

- archival recording is undertaken prior to any tree removal to collect and retain information about the former use of the site
- preparation of an interpretation plan outlining opportunities for removed trees to be displayed and/or reused and interpreted in the MDC
- a detailed landscape plan be prepared in consultation with Council, recognising both the indigenous and non-Aboriginal history of the site, incorporating interpretation of the former use of the site as a plantation

The Department is satisfied that, subject to the above conditions, the history of the site will be documented and interpreted within the MDC.

## 6.6 Other issues

The Department’s consideration of other issues is provided in **Table 6**.

**Table 6 | Summary of other issues considered**

Issue	Findings	Recommendation
<b>Impacts on the Powerhouse Ultimo (Harwood Building)</b>	<ul style="list-style-type: none"> <li>• Public submissions raised concern about the need for the proposal following the Government decision to retain Powerhouse Ultimo. Submissions were concerned that the proposal seeks to replace existing storage facilities within the Harwood building (Ultimo Tram Depot) and will lead to/justify the redevelopment or sale of the Harwood building.</li> <li>• The Applicant has advised that the proposal does not seek to replace existing operational or functional components of the Powerhouse. It notes that expanded storage facilities are</li> </ul>	No conditions are necessary.



	<p>required at the MDC to house both existing collections and future collections.</p> <ul style="list-style-type: none"> <li>• The Department notes the Government has announced that the Powerhouse will be retained in its current location at Ultimo. Any proposal for the Powerhouse at Ultimo will be subject to a separate planning process and will be assessed on its merits.</li> <li>• The Department has assessed this proposal for a new building for storage, display, research and education on its merits in <b>Section 6</b> and concludes that it will make a positive contribution to the MDC, has acceptable impacts and is in the public interest.</li> </ul>	
<b>Suitability of the site for increased visitation</b>	<ul style="list-style-type: none"> <li>• Public submissions raised concern that the MDC site is not suitable for increased visitation, in particular it does not have sufficient car parking or access to public transport.</li> <li>• The Applicant has confirmed the proposal does not seek to replace existing operational or functional components of the Powerhouse.</li> <li>• The Department notes there is currently no restriction on the operating hours of the MDC. The Applicant has advised the MDC is currently open to the public on weekends, organised tours and education visits occur Monday to Friday and has several open days throughout the year. The proposal seeks to formalise public visitation between 10 am and 4 pm, Monday to Sunday, however, is unlikely to cause a significant increase in visitation beyond the current MDC operations.</li> <li>• As discussed in <b>Section 6.4</b>, the Department is satisfied that there is sufficient car parking for both staff and visitors and adequate transport and parking management measures for open days.</li> </ul>	Refer to recommended conditions in <b>Section 6.4</b>
<b>Economic and social impact</b>	<ul style="list-style-type: none"> <li>• Concerns were raised in public submissions about the business case for the proposal, the potential cost and appropriateness of spending State funds.</li> <li>• The proposal is supported by a Social Impact Assessment which concludes the proposal would result in improved community access to the Powerhouse collection, education, public programs and events and contributes to the social and cultural wellbeing of residents in Western Sydney.</li> <li>• The Department considers the proposal would result in positive economic and social outcomes for Castle Hill and Western Sydney as it would: <ul style="list-style-type: none"> <li>o provide a positive investment in arts and culture in the Central City which has historically been focused within the Eastern Harbour City</li> <li>o improve access to the Powerhouse collection, research, education, public programs and events and potential education and training partnerships with TAFE</li> </ul> </li> </ul>	The Department recommends the measures in the Social Impact Assessment be implemented to enhance the positive social and cultural impacts of the expanded MDC.

	<ul style="list-style-type: none"> <li>o generate 150 construction jobs and 35 operational jobs.</li> </ul>	
<b>Powerhouse collection, storage and transport</b>	<ul style="list-style-type: none"> <li>• Public submissions objected about the adequacy of the proposal in relation to storage, safety, security and transport of the Powerhouse collection. In particular, the proposal provides inadequate display and workshop space and access for very large objects and as the facility is remote from Ultimo there is increased potential for damage to collection items during transport.</li> <li>• The Applicant notes the MDC expansion does not seek to replace existing operational or functional components of Powerhouse. The MDC has served as a collection storage facility for the Powerhouse for many years and is located in good proximity to the recently approved Powerhouse Parramatta. The Applicant also notes the Powerhouse manage the collection in accordance with relevant legislation and collection management policies to ensure the safety and security of the collection.</li> <li>• The Department notes that development provides for modern and large-scale storage and display spaces and will complement the existing Powerhouse museum which will be retained in Ultimo and the approved Powerhouse Parramatta. The design, location and spaces has been undertaken in response to the needs of the MDC. The Department considers the design of the proposal is acceptable and concludes the spaces within the building are appropriate for their intended purpose.</li> </ul>	No conditions are necessary.
<b>Operational noise</b>	<ul style="list-style-type: none"> <li>• The proposed Building J is located approximately 43 m from the nearest residential properties to the north.</li> <li>• The Applicant provided an Acoustic Report which assessed the impact of the proposal on the nearest residential properties (<b>Figure 2</b>) against the noise criteria established in the NSW EPA Industrial Noise Policy (INP). The NIA assessed the background noise level and recommended noise criteria for the proposal of: <ul style="list-style-type: none"> <li>o 44dB(A) in the day</li> <li>o 43 dB(A) in the evening</li> <li>o 37 dB(A) in the night.</li> </ul> </li> <li>• The NIA demonstrates the noise from the operation and use of Building J, mechanical plant and traffic would comply with the above noise criteria. However, noise emissions from the use of the loading dock by medium and large vehicles would result in average and peak noise levels that exceed the noise criteria at the boundary of the nearest residential properties.</li> <li>• The Acoustic report notes the exceedances are limited to the truck manoeuvring into the loading dock and leaving the MDC via the driveway along the northern boundary. As the loading</li> </ul>	The Department recommends conditions requiring the preparation and implementation of a LDMP, including implementation of the recommendations in the Acoustic Report.

dock is an enclosed space, all other internal noise will not cause impacts to neighbouring properties. The Acoustic report also notes night-time deliveries will be limited to four times per year and recommends management controls to mitigate impacts, including notification to neighbouring residences of any planned evening and night-time deliveries.

- Council noted the evening and night-time truck noise emissions would exceed the noise criteria however supported the recommended mitigation measures outlined in the Acoustic Report.
- The Department has considered the findings in the Acoustic Report. The Department notes the low frequency of 10 deliveries a day (only a maximum of 4 night-time deliveries per year) and short duration of the noise impact would be limited to trucks manoeuvring and passing by northern property boundary (typically less than 3 minutes).
- To ensure the impacts are minimised, the Department recommends conditions requiring a Loading Dock Management Plan (LDMP) be prepared and implemented required, including all recommendations from the Acoustic Report. The Department is therefore satisfied the use of loading dock can be managed to minimise potential impacts on the nearest residential properties and the proposed loading dock hours are appropriate subject to conditions.

**Construction noise**

- The Interim Construction Noise Guideline 2009 (ICNG) includes recommended standard hours of construction of 7 am – 6pm weekdays, 8 am – 1pm Saturdays and no work on Sundays.
- The ICNG recommends a construction noise management level (NML) be limited to +10 decibels (dB) above the background noise level during the standard construction hours. The NML for work outside the standard hours should be limited to +5Db. The ICNG notes that impacts above 75dB(A) represent a point where sensitive receivers may be 'highly noise affected'.
- The application was accompanied by an Acoustic Report, which confirms:
  - o the IGCN NML is 59dB(A)
  - o the proposed works have potential generate noise between 51dB(A) to 69dB(A) for residential receivers.
- The Acoustic report acknowledges the proposed construction works may result in noise impacts beyond the IGCN noise criteria and in some instance the noise generated may exceed 75dB(A). Therefore, the Acoustic Report recommends the following potential mitigation measures:
  - o community engagement including nominating a staff member as the community liaison officer, receiving feedback, discussing and identifying opportunity for resolution with the community

The Department recommends conditions requiring the preparation of a CNVMP, implementation of construction noise mitigation measures and construction works to be undertaken in accordance with the ICNG standard hours.

- o operational practices including replacing high noise level activities with quieter activities, choosing suitable times for certain works, keeping adjoining properties informed and educating staff.
- The Department has considered the findings of the Acoustic Report. The Department considers, given the urban nature of the immediate surrounding area, some noise exceedances during construction would be unavoidable. The Department considers the Applicant's proposed mitigation measures are acceptable. However, given the potential noise impacts, the following additional measures are necessary to mitigate impacts to the nearest properties:
  - o limiting the hours of construction to the ICNG standard hours
  - o preparation and implementation of a construction noise and vibration management plan (CNVMP)
  - o respite periods from the noisiest activities on the site
  - o all construction vehicles only to arrive to the work site within the permitted hours of construction
  - o no noise to be 'offensive noise' as defined by the *Protection of the Environment Operations Act 1997*.
- Subject to the Applicant's compliance and commitment to implementation of all reasonable and feasible mitigation measures to mitigate and manage noise, the Department is satisfied construction work can be appropriately managed to minimise disruption to residential amenity.

## Signage

- The application proposes five signage zones:
  - o A 12 m x 3.6 m signage zone at the western elevation (43.2 m<sup>2</sup>)
  - o A 12 m x 3.6 m signage zone on the southern corner of the western elevation (43.2 m<sup>2</sup>)
  - o A 11 m x 5.7 m signage zone on the northern façade of the eastern pedestrian entrance (62.7 m<sup>2</sup>)
  - o A 7.1 m x 8.7 m signage zone at the eastern façade of the western pedestrian entrance (61.77 m<sup>2</sup>)
  - o A 11.3 m x 4.9 m signage zone on the eastern elevation (55.37 m<sup>2</sup>)
- The Applicant outlined that the design, size, content/design, illumination and materiality has not been finalised.
- The Department has assessed the signage zones against State Environmental Planning Policy – 64 Advertising and Signage (SEPP Advertising and Signage) in Appendix B and concludes the zones are acceptable as:

The Department has recommended a condition outlining that separate approval is required for the detailed design of the signage.

- o the locations of the signage zones will be screened by the existing mature trees along the Showground Road frontage
  - o the signage zones have been designed to be integrated into the proposed built form
  - o the locations of the signage zones do not result in visual clutter
  - o the signage zones are intended to be used as building/business identification signs.
- The Department recommends a condition stating that the detailed design of the signage requires separate approval.

**Access between the MDC site and the TAFE site**

- The Applicant notes that there is a long-standing arrangement that permits vehicle access to the MDC site from Green Road and allowing vehicles to cross the TAFE site to access the MDC site.
- The application proposes a right of way to formalise the longstanding agreement to allow vehicle access over the TAFE site to the MDC site. The right of way is proposed to be established prior to the operation of Building J.
- The Department supports the formalisation of the vehicle access through the TAFE site as it provides an alternate access to the Windsor Road entry and exit. The Department recommends that an appropriate restriction be registered on the TAFE site as part of the proposed subdivision.

The Department has recommended a condition requiring a restriction on proposed Lot 101 benefitting Lot 1 DP 1066281, providing a right of vehicle access from the MDC site through the TAFE site to Green Road.

**Bicycle parking and end of trip facilities**

- The proposal includes an indicative location for the provision of five staff bicycle parking spaces between Buildings E and F and use of the existing end of trip facilities in Buildings A and E. The Department notes the HDCP does not include any bicycle or end of trip requirements for museums.
- The Department considers the proposed five bicycle spaces is appropriate as it is equivalent to 10% of the total number of 50 staff on the MDC site. The Department also recommends that end of trip facilities including at least two showers and five lockers are provided to encourage bicycle use.
- The Department is therefore satisfied the proposed five staff bicycle parking spaces are acceptable, subject to on-going monitoring and review as part of the GTP.

The Department has recommended a condition requiring bicycle parking and end of trip facilities.

**Development Contributions**

- Developments within the Hills LGA are subject to developer contributions payable to Council in accordance with Council's Section 7.12 Contributions Plan. The Contributions Plan does not identify exemptions for Crown developments or public infrastructure projects.
- The Applicant has stated that as the site is Crown Land and proposes a new art/cultural facility and should be exempt from the requirement to pay development contributions.
- The Department notes that Circular D6 "Crown Development Applications and Conditions of Consent" states that Crown

No conditions are necessary.

activities providing a public service or facility lead to significant benefits for the public in terms of essential community services, and these activities are not likely to require the provision of public services and amenities in the same way as developments undertaken with a commercial objective.

- The Department concludes, having regard to the guidance in the Circular D6 and noting the significant public benefits associated with the proposal, granting an exemption from payment of the contributions is warranted and acceptable in this instance.

<b>Contamination</b>	<ul style="list-style-type: none"> <li>• The application included a Stage 1 – Preliminary Site Investigation Report and a Stage 2 – Detailed Site Investigation Report (DSIR).</li> <li>• The Stage 2 DSIR concludes that the site is deemed suitable for the proposed use and no further investigation is required.</li> <li>• The Department has considered land contamination in detail at <b>Appendix B</b> and concludes the site is suitable for its intended use. The Department is satisfied that any contaminants found on the site can be addressed through the preparation and implementation of the unexpected finds protocol for contamination.</li> </ul>	<p>The Department has recommended conditions relating to asbestos removal and unexpected finds protocol for contamination.</p>
<b>Stormwater</b>	<ul style="list-style-type: none"> <li>• The Applicant submitted a Stormwater Management Report which included stormwater management and MUSIC and DRAINS modelling.</li> <li>• Council reviewed the Stormwater Management Report and the MUSIC and DRAINS modelling and was satisfied that the drainage for Building J complies with Council's requirements. However, it noted that no onsite detention and water quality treatment is provided for the new TAFE car park and recommended a pit insert be installed.</li> <li>• The Department concludes that the stormwater can be appropriately managed, subject to a condition requiring the stormwater design for the TAFE car park be prepared in consultation with Council and include OSD/water quality treatment devices as required.</li> </ul>	<p>The Department has recommended a condition to require the stormwater design for the TAFE car park to include onsite detention/water quality treatment in accordance with Council's requirements.</p>

## 6.7 Public Interest

The Department is satisfied that the proposal would be in the public interest. The proposal would benefit Castle Hill and Western Sydney as it will build on and significantly enhance the existing MDC facility and provide storage facilities to support the Powerhouse Parramatta. In addition to the storage component of the proposal, the expansion will provide an enhanced visitor experience and increase access to the Powerhouse collection through a range of spaces for viewing the collection, research, education and public programs, workshops, talks, exhibitions and events.

The replacement tree planting at a ratio of 2:1 across the Council open space will positively contribute to the provision of canopy cover in Western Sydney and proposed indigenous and native plantings will achieve greater, long term biodiversity outcomes than the existing plantation trees.



The proposal is predicted to generate up to 150 full time equivalent (FTE) construction jobs and 35 additional operational jobs.

Overall, the Department concludes the proposal is in the public interest, having regard to the public benefits to be delivered for Castle Hill and Western Sydney. It will result in acceptable environmental impacts, subject to the recommended conditions of consent.

## 7 Evaluation

The Department has assessed the merits of the proposal, taking into consideration the issues raised in the submissions as well as the Applicant's response to these, and is satisfied that the impacts have been satisfactorily addressed in the proposal and through the Department's recommended conditions.

The Department considers the proposal is acceptable as:

- it is consistent with the Greater Sydney Region Plan and the Central City District Plan in meeting the social and cultural needs of the Hills area and greater Sydney by building on and enhancing the existing MDC facility
- it would provide storage facilities to support the new Powerhouse Parramatta and at the same time, would improve community access to the Powerhouse collection through a range of spaces for visible storage, research, and education opportunities at the MDC facility
- it is permissible with consent, fully complies with the maximum building height applying to the site. The proposed built form is compatible with the scale and character of the surrounding area and does not result in any adverse overshadowing, privacy or visual impacts
- it is not expected to generate significant traffic or adversely affect the road network, subject to a condition recommended by TfNSW restricting the Showground Road access to heavy vehicles only
- the proposal is not expected to significantly change the existing operations of the MDC and the existing 54 space car park is adequate to meet the car parking needs of staff and visitors to the MDC
- it proposes appropriate parking and transport management measures, including the operation of a free shuttle bus from Hills Showground metro station on open days held four to seven times a year
- it would replace an existing 22-space car park with a new 25-space car park at the TAFE site and maintain the required informal parking spaces in accordance with the existing TAFE development consent
- the proposed loading facilities are appropriately designed and is setback 43 m away from the nearest residential properties to avoid potential impacts
- the existing 337 trees to be removed were planted on site for essential oil research and have a low biodiversity value. The existing trees will be replaced at a 2:1 ratio with new native plants on Council owned open space to increase tree canopy cover and achieve better biodiversity outcomes than the existing vegetation
- the Department has recommended a suite of conditions to ensure:
  - finalisation of a Tree Replacement Implementation Plan, in consultation with Council, and retirement of one Biodiversity credit to offset the proposed tree removal
  - archival recording and interpretation of the plantation trees, and new landscaping to recognise both the indigenous and non-Aboriginal history of the site
  - provision of new formal and informal car parking on the TAFE site to offset the loss of parking within the footprint of Building J
  - the Showground Road access to be limited to heavy vehicles only
  - appropriate measures to support the operation of the MDC, including loading, car parking and transport management and noise mitigations to avoid impacts to surrounding properties

- o management and mitigation of impacts associated with construction, flora and fauna, contamination and unexpected finds.

The Department's assessment therefore concludes the proposal is in the public interest and is approvable subject to conditions (**Appendix E**).

## 8 Recommendation

It is recommended that the Minister for Planning and Public Spaces:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant consent to the application
- **agrees** with the key reasons for approval listed in the notice of decision
- **grants consent** for the application in respect of SSD 10472
- **signs** the attached development consent and recommended conditions of consent (Appendix E).

**Recommended by:**



**Amy Watson**  
Team Leader  
Key Sites Assessments

**Recommended by:**



**Annie Leung**  
A/Director  
Key Sites Assessments

## 9 Determination

The recommendation is **Adopted / Not adopted** by:

A handwritten signature in blue ink that reads "Sargeant". The first letter 'S' is large and stylized, with the rest of the name written in a cursive script.

**Anthea Sargeant**

Executive Director

Key Sites and Regional Assessments



# Appendices

Appendix A - List of Documents

Appendix B - Relevant Supporting Information

Appendix C - Statutory Considerations

Appendix D – Summary of Consideration of Community Views in Submissions

Appendix E – Recommended Conditions of Consent

## **Appendix A – List of referenced documents**

List of key documents relied on by the Department in its assessment:

Environmental Impact Statement and attachments, prepared by Milestone (AUST) Pty Limited, dated 18 September 2020 (EIS)

Additional Information Aboriginal Cultural Heritage Assessment Report prepared by GTK Consulting dated 9 March 2021 (Additional Information)

Response to Submissions and attachments, prepared by GTK Consulting, dated 24 March 2021 (RtS)

## Appendix B – Relevant Supporting Information

The following supporting documents and supporting information to this assessment report can be found on the Department's website as follows:

1. Environmental Impact Statement

<https://www.planningportal.nsw.gov.au/major-projects/project/35916>

2. Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/35916>

3. Response to Submissions

<https://www.planningportal.nsw.gov.au/major-projects/project/35916>

## Appendix C – Additional Information

### C1 Objects of the EP&A Act

To satisfy the requirements of section 4.15 of the EP&A Act, the Department's assessment of the proposal has given detailed assessment to a number of statutory requirements. These include:

The objects found in Section 1.3 of the EP&A Act

The matters listed under Section 4.15(1) of the EP&A Act, including EPIs and regulations.

The Department has considered these matters in its assessment of the proposal in **Table 6**.

**Table 7 |** Consideration of the proposal against the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Department's consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources,	<p>The proposal promotes the social and economic welfare of the community by providing for the expansion of an existing cultural facility and, in doing so, contributes to the achievement of State and regional planning objectives.</p> <p>As discussed in <b>Section 6.6</b>, the proposal comprises of a development that would have a positive impact on the economic welfare of the community and would not result in any impacts on the State's natural or other resources. The proposal is predicted to generate 150 construction and 35 on-going jobs.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment,	<p>The proposal has integrated ESD principles as discussed in <b>Appendix C, Section C3</b>.</p>
(c) to promote the orderly and economic use and development of land,	<p>The proposal involves the orderly and economic use of land through the expansion of an existing cultural facility. The development of the site will provide economic benefits through job creation.</p> <p>The proposed use is permissible and the form of the development has regard to the planning controls that apply and the character of the locality. The merits of the proposal are considered in <b>Section 6</b>.</p>

(d) to promote the delivery and maintenance of affordable housing,	The proposal, being an information and educational facility, does not include any affordable housing, and is not required to do so.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats,	The proposed development is located on an existing developed urban site. The Applicant has provided a DBAR which demonstrates the proposal will have minimal impact on the conservation of threatened and other species of native animals and plants, ecological communities and their habitats, subject to a Flora and Fauna Management Plan.
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage),	The Department has recommended conditions for interpretation of the Aboriginal and non-Aboriginal history of the site, including the former use of the plantation and dealing with unexpected finds of Aboriginal archaeology during the construction phase of the development.
(g) to promote good design and amenity of the built environment,	The proposal achieves a high standard of design and amenity as discussed in <b>Section 6</b> .
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants,	The proposal has been designed to be accessible, inclusive and adaptable and will continue to be fit for purpose into the future. The application was accompanied by a BCA Report that concludes the development is capable of complying with the requirements of the relevant sections of the Act.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State,	The Department publicly exhibited the proposal (as outlined in <b>Section 5</b> ) which included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in <b>Section 5</b> , which included notifying surrounding landowners



and considering all issues raised in submissions in **Section 6**.

## C2 Section 4.15(1) matters for consideration

The matters for consideration under section 4.15(1) that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 8**.

**Table 8 | Section 4.15(1) Matters for consideration**

Objects of the EP&A Act	Department's consideration
(a)(i) any environmental planning instrument, and	The proposal is consistent with the relevant EPIs as addressed later in this Appendix.
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) any development control plan	Under clause 11 of the SRD SEPP, development control plans do not apply to SSD.
(a)(iiia) any planning agreement	Not applicable.
(a)(iv) the regulations Refer to Division 8 of the EP&A Regulation	The application satisfactorily meets the relevant requirements of the EP&A Regulation, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 of the EP&A Regulation relating to EIS.
(a)(v) any coastal zone management plan	Not applicable.
(b) the likely impacts of that development including environmental impacts on both natural and built environments, and social and economic impacts in the locality,	The Department has considered the likely impacts of the proposed development are acceptable and/or have been appropriate managed or mitigated by recommended conditions of consent ( <b>Section 6</b> and <b>Appendix F</b> ).
(c) the suitability of the site for the development	The site is suitable for the development as addressed in <b>Sections 6</b> of this report.

(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal ( <b>Sections 5 and 6</b> and <b>Appendix E</b> of this report).
(e) the public interest	The proposal is in the public interest ( <b>Section 6</b> ).

### C3 Ecologically sustainable development

The EP&A Act adopts the definition of ESD found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

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

The development will be designed and constructed with initiatives to reduce the project's upfront and ongoing energy use, improve the site resource efficiency, help to address the impacts of climate change and greater health and well-being for occupants and visitors of Building J.

The Department has considered the project in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the development. The conservation principle has been applied through careful consideration of tree removal and the off-site replanting of trees. Improved valuation is achieved through expansion of the MDC which embodies sustainable design, construction and ongoing operation. The proposed development is consistent with ESD principles as described in the Applicant's EIS, which have been prepared in accordance with the requirements of Schedule 2 of the EP&A Regulation.

Subject to the a condition requiring evidence to be submitted to the Certified demonstrating that the development has incorporated, all design and construction measures as identified in the Sustainability Report, the proposed development would be consistent with ESD principles and the Department is satisfied the future detailed development is capable of encouraging ESD, in accordance with the objects of the EP&A Act.

### C3 Environmental Planning and Assessment Regulation 2000

Subject to any other references to compliance with the EP&A Regulation cited in this report, the requirements for Notification (Part 6, Division 6) and Fees (Part 15, Division 1AA) have been complied with.

## C4 Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15(a)(i) of the EP&A Act, this report includes references to the provisions of the EPIs that govern the carrying out of the project and have been taken into consideration in the Department's environmental assessment.

Controls considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)
- Draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP 55)
- State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64)
- State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP Vegetation in Non-Rural Areas)
- Draft State Environmental Planning Policy (Environment) (draft SEPP (Environment))
- The Hills Local Environmental Plan 2019

### State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP)

The aims of the SRD SEPP are to identify SSD, State significant infrastructure (SSI), critical SSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table 9**.

**Table 9 | SRD SEPP compliance table**

Relevant Sections	Department's consideration	Compliance
<b>3 Aims of Policy</b> The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed development is identified as SSD.	Yes
<b>8 Declaration of State significant development: section 4.36</b> (1) Development is declared to be State significant development for the purposes of the Act if— (a) 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 (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The development is specified in Schedule 1.	Yes
<b>Schedule 1 State significant development – identified sites (Clause 13 (1))</b> Development that has a capital investment value of more than \$30 million for the purpose of an information and education	The proposed use is an information and education facility and has a CIV in excess of \$30 million.	Yes

facilities, including museums and art galleries.

---

### **State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)**

The Infrastructure SEPP aims to facilitate the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, identifying matters to be considered in the assessment of the development adjacent to particular types of infrastructure development, providing for consultation with relevant public authorities about certain development during the assessment process.

The site has frontages to two classified roads being Showground Road and Windsor Road, therefore Clause 101 of the Infrastructure SEPP applies to the development. The site also adjoins two roads with an annual average of more than 20,000 vehicles being Showground Road and Windsor Road, therefore Clause 102 of the Infrastructure SEPP applies to the development. The proposal would not generate more than 200 or 50 vehicle movements per hour and is not defined as traffic generating development under Clause 104 of the Infrastructure SEPP.

The Application was referred to TfNSW. TfNSW recommended that the Showground Road access be limited to heavy vehicles only as outlined in **Section 5**. An appropriate condition has been recommended to restrict access in accordance with TfNSW advice.

### **State Environmental Planning Policy No.55 – Remediation of Land**

SEPP 55 aims to ensure potential contamination issues are considered in the determination of a development application.

A Preliminary Site Investigation (PSI) and Stage 2 Detailed Site Investigation (DSI) were submitted with the SSD application to determine the potential for onsite contamination.

The PSI indicated that historically the land has a low potential of contamination however, further assessment of potential contaminating activities in the context of historical information and a site walkover observation is considered warranted. Based on the regulatory records the land is not subject to a management order or a site audit statement. In addition, the land is identified as having no known occurrence of acid sulphate materials and the groundwater vapour sources are considered to be unlikely.

The Stage 2 DSI conceptual site model identified that the site is considered to be of low environmental sensitivity and uncontrolled fill was identified as a potential source of contamination. The Stage 2 DSI concluded that the site is deemed suitable for the proposed land use setting and that no further investigation should be required for the proposal to proceed.

The Department is satisfied the proposed development is consistent with the provisions of SEPP 55 and has recommended conditions incorporating/adapting Council's conditions. The Department concludes the site is suitable for its intended use as an information and education facility and recommends conditions in relation to unexpected finds during construction.

## Draft State Environmental Planning Policy (Remediation of Land) (draft Remediation SEPP 55)

The Explanation of Intended Effect for a Draft Remediation of Land SEPP was exhibited until 13 April 2018. The Draft Remediation of Land SEPP proposes to better manage remediation works by aligning the need for development consent with the scale, complexity and risks associated with the proposed works. As the proposal has demonstrated it can be suitable for the site, subject to the future DA(s) the Department considers it would be consistent with the intended effect of Remediation of Land SEPP.

## State Environmental Planning Policy 64 – Advertising and Signage (SEPP 64)

State Environmental Planning Policy No 64 - Advertising and Signage (SEPP 64) applies to all signage that under an EPI can be displayed with or without development consent and is visible from any public place or public reserve.

The proposal includes signage zones as described in **Section 2** and assessed in **Section 6.6**. The signage design, content and associated illumination within the approved signage zones will be subject to a condition requiring separate approval.

The Department supports the principles of the provision of signage on the building and has assessed the proposal against the requirements of SEPP 64 is provided in **Table 10**.

**Table 10 | SEPP 64 Schedule 1 Compliance Table**

Assessment Criteria	Comments	Compliance
<b>1 Character of the area</b>		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The proposed signage zones relate to the will identify the MDC. The signage zones have been designed to be integrated into the elevations of the building and compatible with character of the development	Yes
Is the proposal consistent with a particular theme for outdoor advertising in the area or locality?	The proposed signage will identify the proposed building which is consistent with the theme of existing signage on the MDC and TAFE site.	Yes
<b>2 Special Areas</b>		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The proposed signage zones are not located within, nor detract from, any environmentally sensitive, natural conservation, open space, waterway, rural landscapes or any heritage items. The proposed signage zones are located within the MDC site and have been designed to be integrated into Building J.	Yes
<b>3 Views and vistas</b>		
Does the proposal: <ul style="list-style-type: none"><li>• obscure or compromise important views?</li></ul>	The proposed signage zones do not compromise any important views, the skyline or interfere with other advertisers.	Yes



- dominate the skyline and reduce the quality of vistas?
- respect the viewing rights of other advertisers?

#### 4 Streetscape, setting or landscape

Is the scale, proportion and form of the proposal appropriate for the streetscape, setting or landscape?	The scale and proportion of the signage zones is appropriate and compatible with the streetscape and setting of the building on the site.	Yes
--	---	-----

Does the proposal contribute to the visual interest of the streetscape, setting or landscape?	The signage zones will increase the visual interest of the site by identifying the site and building and informing direction.	Yes
---	---	-----

Does the proposal reduce clutter by rationalising and simplifying existing advertising?	The proposed signage does not add to clutter.	Yes
---	---	-----

Does the proposal screen unsightliness?	The proposal does not screen any unsightliness.	Yes
---	---	-----

Does the proposal protrude above buildings, structures or tree canopies in the area or locality?	The proposed signage zones do not protrude above the structure of the buildings or tree canopies in the area.	Yes
--	---	-----

Does the proposal require ongoing vegetation management?	The proposed signage zones do not require any ongoing vegetation management.	Yes
--	--	-----

#### 5 Site and building

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located?	The proposed signs are compatible with the scale and proportion of Building J and the existing buildings on the MDC site.	Yes
---	---	-----

Does the proposal respect important features of the site or building, or both?	The proposed signage zones are integrated into the architecture of the building and are designed to complement the existing buildings on the MDC site.	Yes
--	--	-----

Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The detailed design of the signage zones is subject to separate approval. The signage zones provide opportunities to show innovation and imagination in relation to the building and the MDC site.	N/A
---	--	-----

#### 6 Associated devices and logos with advertisements and advertising structures

Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or	No safety devices, platforms, lighting devices or logos form part of the proposed signage zones.	Yes
---	--	-----

structure on which it is to be displayed?

## 7 Illumination

Would illumination <ul style="list-style-type: none"><li>• result in unacceptable glare?</li><li>• affect safety for pedestrians, vehicles or aircraft?</li><li>• detract from the amenity of any residence or other form of accommodation?</li></ul>	The proposed signage, if illuminated, would not likely cause unacceptable glare, affect safety or distract from the amenity of any resident or other form of accommodation, particularly as the signs are minimum setback of 22m from Showground Road and two signage zones are angled to not directly face Windsor Road or Showground Road.	Yes
<ul style="list-style-type: none"><li>• Can the intensity of the illumination be adjusted, if necessary?</li><li>• Is the illumination subject to a curfew?</li></ul>	Illumination will be subject to a separate approval.	Yes

## 8 Safety

Would the proposal reduce safety for: <ul style="list-style-type: none"><li>• any public road?</li><li>• bicyclists?</li><li>• pedestrians, particularly children, by obscuring sightlines from public areas?</li></ul>	The proposal would not have any adverse impacts on road safety for pedestrians or drivers or obscure sightlines.	Yes
--	--	-----

### State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP Vegetation in Non-Rural Areas)

The State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 (SEPP Vegetation in Non-Rural Areas) is aimed at protection the biodiversity and preserving the amenity of trees and vegetation in non-rural areas of the State.

The Applicant has submitted an AIA which provides an assessment of the removal of the 337 trees against the relevant requirements of the SEPP Vegetation. The Arboricultural Report concludes that the of the 337 trees 330 are trees that were planted by MAAS fifty years ago and are not remnant native species. The Arboricultural Report has recommended that:

a Tree Replacement Strategy is to be prepared and include ecological values of replacement plantings, appropriate planting sizes within the MDC, TAFE and Council land, plant species and size and maintenance regime.

TAFE site trees that are not impacted by the proposal will be protect through all stage of construction, from demolition to final landscaping works

The Tree Management Plan in the report identified trees within proximity of the proposal that may be impacted by construction works. Tree protection measures to ensure their safe retention are provided.

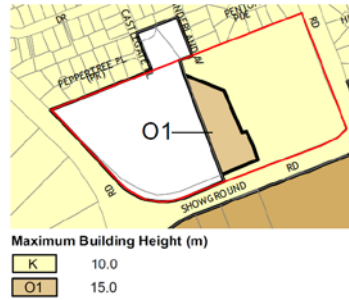
The Department accepts that subject to conditions to protect trees that will be retained and provide appropriate details for the trees that will be replanted on Council land and planted on the MDC site the removal of trees is acceptable.

### The Hills Local Environmental Plan 2019

The site is located on land in which the THLEP applies. The Department's assessment of the proposed development against the applicable provisions of the THLEP is provided in **Table 11**.

**Table 11 | Department's consideration of The Hills Local Environmental Plan 2019**

Clause	Control	Department's consideration	Compliance
Part 2 Permitted or prohibited development			
<a href="#">Clause 2.2</a> Zoning of land to which Plan applies	The proposed development is on land zoned SP2 Information and Education Facility, R2 Low Density Residential and SP2 Classified Road.	The proposal is permissible with consent and meets the objectives of the zone.	Yes
<a href="#">Clause 2.6</a> Subdivision consent requirements	The proposed subdivision may be carried out only with development consent.	Development consent is sought for the subdivision of the Building J site from the TAFE site and consolidation of the new Building J site into the MDC site. Appropriate conditions are included in the recommended consent.	Yes
<a href="#">Clause 2.7</a> Demolition requiring development consent	The demolition of a building or any other work may be carried out only with development consent.	Development consent is sought for the demolition of a car park, internal road and driveway. Appropriate conditions are recommended to minimise and mitigate impacts.	Yes
Part 4 Principal development standards			
<a href="#">Clause 4.1</a> Minimum subdivision lot size	The proposed lot sizes comply with the minimum lot size requirement of 450m <sup>2</sup> .	The proposed subdivision results in two lots being 6,552m <sup>2</sup> and 3.14ha, which comply with the minimum lot size requirement.	Yes
<a href="#">Clause 4.3</a> Height of buildings	The site is identified as having three maximum building heights 0m, 10m and 15m as shown in the <b>Figure 20</b> below.	The proposed maximum buildings height is 13.3m.	Yes



**Figure 20 |** Extract of maximum height of buildings map with the site shown in red (Source: NSW Legislation)

Clause 4.4 Floor space ratio	The site is not identified as having a maximum FSR.	N/A	N/A
Part 5 Miscellaneous provisions			
Clause 5.10 Heritage conservation	The site is not identified as having any heritage items or as being located within a heritage conservation area.	Notwithstanding the site is not heritage listed, the Department has considered the heritage significance of the existing plantation trees in <b>Section 6.5</b> and considers the vegetation has low significance. Appropriate conditions are recommended to record/interpret the historical significance of the trees.	Yes
Part 6 Urban release areas			
Clauses 6.1 Definitions	The site is identified as being within an urban release area.	The Department notes that the site is within an urban release area.	N/A
Clauses 6.2 Arrangements for designated State public infrastructure	Development consent must not be granted for the subdivision of land in urban release area if the subdivision would create a lot smaller than an 40 hectares if identified on the Urban Release Area Map or in any other case the minimum lot size permitted on land immediately before the land became part of the urban release area.	The proposed subdivision results in two lots being 6,552m <sup>2</sup> and 3.14ha, which comply with the minimum lot size requirement of 450m <sup>2</sup> .	Yes
Clauses 6.3 Public utility infrastructure	Development consent must not be granted for development on land in an urban release area	The EIS demonstrates that there are adequate public utilities to service the proposal.	Yes

unless the Council is satisfied that any public utility infrastructure that is essential to the proposed development is available or that adequate arrangement have been made to make that infrastructure available when it is required.

---

Part 7 Additional local provisions

---

Clauses 7.2 Earthworks	Development consent is required for earthworks and the impacts of any earthworks must be considered before granting consent.	The EIS has considered the impact of earthworks and the Department has considered the impacts as part of its assessment of the application. Appropriate conditions have been included in the development consent to minimise impacts.	Yes
---------------------------	--	---	-----

---



## Appendix D – Summary of the Consideration of Community Views

A summary of the Department's consideration of the key issues raised in submissions is provided at **Table 12**.

**Table 12 | Department's consideration of key issues raised in submissions**

Issues raised	Department's Consideration
Tree removal	<p>Assessment</p> <ul style="list-style-type: none"> <li>Public submissions objected to the proposed removal of plantation vegetation, in particular about the loss of shade and green space, impacts on flora and fauna, inadequate replanting and the non-Aboriginal heritage and scientific significance of the essential oils plantation.</li> <li>The application includes an Arboricultural Impact Assessment IA, which concludes the proposed tree replacement will mitigate the proposed tree removal as the canopy cover lost to the proposal will, in time, be restored with better performing and more varied plantings. In addition, the proposed mix of indigenous and native plantings will achieve greater, long term biodiversity outcomes than the existing plantation trees.</li> <li>The application also includes a Biodiversity Development Assessment Report which concludes the vegetation and habitat quality is poor and lacks important habitat features. It recommended a Flora and Fauna Management Plan be prepared to protect vegetation to be retained, protecting any threatened snail species found on the site, unexpected finds and weed management.</li> <li>The heritage significance of the plantation was previously considered as part of the planning proposal to rezone the site to Infrastructure (Information and education facility), which concluded that the existing planting have low significance.</li> <li>The Department concludes that subject to conditions regarding tree replacement and new landscaping, the proposed tree removal is, on-balance, acceptable (<b>Section 6.5</b>).</li> </ul> <p>Recommended conditions</p> <ul style="list-style-type: none"> <li>Retiring of one biodiversity credit to offset the tree removal</li> <li>Preparation and implementation of a Tree Replacement Implementation Plan</li> <li>Preparation and implementation of a Flora and Fauna Management Plan</li> <li>Landscape Plan to recognise and reflect the indigenous and non-Aboriginal history of the site and include interpretation of the former MDC plantation</li> </ul>
Need for the Proposal / Adequate facilities provided at Ultimo (Harwood Building)	<p>Assessment</p> <ul style="list-style-type: none"> <li>Public submissions objected to the proposal, stating that additional storage was not needed following the Government decision to retain Powerhouse Ultimo. Submissions were concerned that the proposal seeks to replace existing storage facilities within the Harwood building</li> </ul>

(Ultimo Tram Depot) and will lead to/justify the redevelopment or sale of the Harwood building.

- The Applicant has advised that the proposal does not seek to replace existing operational or functional components of the Powerhouse. It notes that expanded storage facilities are required at the MDC to not only house existing collections but provide storage for future collections.
- The Department has assessed this proposal for a new building for storage, display, research and education on its merits in **Section 6** and concludes that it will make a positive contribution to the MDC, has acceptable impacts and is in the public interest. Any proposal for the Powerhouse at Ultimo will be subject to a separate planning process and will be assessed on its merits.

#### Recommended conditions

- No conditions necessary.

Inadequate business case/  
Spending of Government money

#### Assessment

- Public submissions raised concern about the business case for the proposal and the potential cost and appropriateness of the spending of State funds on the proposal.
- The Department has assessed the application in accordance with 4.15(1)(b) of the EP&A Act (**Appendix C1**) and concludes that the proposal would result in positive economic outcomes for the Hills and Western Sydney.

#### Recommended conditions

- No conditions necessary.

Alternative site

#### Assessment

- Public submissions raised concern that alternative sites have not been considered.
- The Applicant outlined that a separate site would not allow for efficient operation of collection management and would increase the need for transportation of collection items and staff.
- The Department has assessed this proposal for a new building for storage, display, research and education on the MDC site on its merits in **Section 6** and concludes that it will make a positive contribution to the MDC, has acceptable impacts and is in the public interest.

#### Recommended conditions

- No conditions necessary.

Insufficient car parking and access to public transport

#### Assessment

- Public submissions objected to the insufficient car parking and access to public transport to support increased visitation to the MDC.
- The proposal is not expected to significantly change the existing operations of the MDC and the existing 54 space car park is adequate to meet the car parking needs of staff and visitors to the MDC.

- In addition, a shuttle bus operates on open days to transport visitors from Hills Showground metro station to the MDC.
- On this basis, the Department is satisfied that the existing car parking and access to public transport, including the shuttle bus is sufficient.

#### Recommended Conditions

- Preparation and implementation of an Operational Management Plan including management car parking and the operation of the shuttle bus on open days.
- Preparation and implementation of a Green Travel Plan including a Transport Access Guide to encourage public transport.

#### Management of the Powerhouse collection

##### Assessment

- Public submissions objected to the inadequate display and workshop space, access for very large objects, safety, security and potential for damages during transport.
- The Applicant notes the MDC expansion does not seek to replace existing operational or functional components of Powerhouse. The MDC has served as a collection storage facility for the Powerhouse for many years and is located in good proximity to the recently approved Powerhouse Parramatta.
- The Applicant also notes the Powerhouse manage the collection in accordance with relevant legislation and collection management policies to ensure the safety and security of the collection.
- The Department notes that development provides for modern and large-scale storage and display spaces and will complement the existing Powerhouse Museum which will be retained in Ultimo and the approved Powerhouse Parramatta. The design, location and spaces has been undertaken in response to the needs to the MDC.
- The Department considers the design of the proposal is acceptable and concludes the spaces within the building are appropriate for their intended purpose.

#### Recommended conditions

- No conditions necessary.

#### Overdevelopment

##### Assessment

- Public submissions objected to the proposal as it results in overdevelopment of the site including limiting the future expansion opportunities for TAFE.
- The Department concludes that the proposal is permissible with consent, is consistent with the height control applying to the site, results in a built form consistent with the character of the locality and does not cause any adverse amenity or other environmental impacts (**Section 6.2**).

#### Recommended conditions

- No conditions necessary.

#### Traffic, vehicle access and safety

##### Assessment

- Public submissions objected to the proposed expansion of the MDC as the site is not suitable given the surrounding traffic conditions and site access. Submissions raised concern about potential safety issues for the Powerhouse collection.
- The Applicant also notes the Powerhouse manage the collection in accordance with relevant legislation and collection management policies to ensure the safety and security of the collection during transport.
- The Department is satisfied that the proposal will not materially impact on traffic generation in the local area, and that acceptable vehicle access is provided, subject to a condition limiting the Showground Road access to heavy vehicles only (**Section 6.4**).

#### Recommended Conditions

- Showground Road access restricted to heavy vehicles only.
-

## **Appendix E – Recommended Instrument of Consent**

The recommended conditions of consent (SSD 9649) can be found on the Department's website at:

<https://www.planningportal.nsw.gov.au/major-projects/project/35916>