

# Development Consent

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

As delegate of the Minister for Planning and Public Spaces under delegations executed on 11 October 2017 and 9 March 2020, I:

- (a) approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.
- (b) that pursuant to Section 4.37 of the Environmental Planning and Assessment Act 1979, determine that any subsequent stage of the development:
  - (i) with a capital investment value of less than \$30 million, or
  - (ii) which is development solely for the purposes of the creation of new roads, subdivision and recreation areas.

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

These conditions are required to:

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



29/01/2021

Anthea Sargeant  
Executive Director  
**Key Sites and Regional Assessments**

Sydney

2021

File: SSD 9653

### SCHEDULE 1

|                            |   |
|----------------------------|---|
| <b>Application Number:</b> | SSD 9653  |
| <b>Applicant:</b>          | Landcom, on behalf of Sydney Metro  |
| <b>Consent Authority:</b>  | Minister for Planning and Public Spaces   |
| <b>Site:</b>               | Lots 53, 55 and 56 DP 1253217 and Part Lot 50 DP 1253217, Castle Hill   |
| <b>Development:</b>        | <p>Concept development application for a mixed-use precinct known as Hills Showground Station Precinct including:</p> <ul style="list-style-type: none"><li>• concept subdivision, road hierarchy and precinct layout</li><li>• maximum building envelopes ranging from 12 m to 68 m</li><li>• maximum gross floor area (GFA) of up to 166,486 m<sup>2</sup>, including up to 152,546 m<sup>2</sup> of residential accommodation and up to 13,940 m<sup>2</sup> of commercial premises</li><li>• residential development of up to 1,620 dwellings</li><li>• minimum 5% of all residential dwellings provided as affordable housing (for a minimum of 10 years)</li><li>• open space and public domain areas</li><li>• establish car and bicycle parking rates</li></ul> |

## DEFINITIONS

|   |   |
|---|---|
| <b>Applicant</b>                                      | Landcom, on behalf of Sydney Metro, or any person carrying out any development to which this consent applies  |
| <b>Conditions of this consent</b>                     | Conditions contained in Schedule 2 of this document   |
| <b>Construction</b>                                   | The demolition and removal of buildings or works, the carrying out of works for the purpose of the development, including bulk earthworks, and erection of buildings and other infrastructure permitted by this consent.  |
| <b>Council</b>  | The Hills Shire Council   |
| <b>Department</b>                                     | NSW Department of Planning, Industry and Environment  |
| <b>Development</b>                                    | The development described in the EIS and Response to Submissions comprising the Hills Showground Station Precinct, as modified by the conditions of this consent.   |
| <b>EIS</b>  | The Environmental Impact Statement titled Hills Showground Station Precinct Concept State Significant Development Application, prepared by Elton Planning dated 8 November 2019, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application |
| <b>Environment</b>                                    | Includes all aspects of the surroundings of humans, whether affecting any human as an individual or in his or her social groupings  |
| <b>EP&amp;A Act</b>                                   | <i>Environmental Planning and Assessment Act 1979</i>   |
| <b>EP&amp;A Regulation</b>                            | <i>Environmental Planning and Assessment Regulation 2000</i>  |
| <b>Minister</b>                                       | NSW Minister for Planning and Public Spaces (or delegate)   |
| <b>PA</b>   | Means a planning agreement within the meaning of the term in section 7.4 of the EP&A Act.   |
| <b>Planning Secretary</b>                             | Planning Secretary under the EP&A Act, or nominee   |
| <b>Response to submissions</b>                        | The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.  |
| <b>Response to Request for Additional Information</b> | The Applicant's response to request for additional information report, dated 13 November 2020.  |
| <b>THLEP</b>  | The Hills Local Environmental Plan 2019   |

## CONTENTS

|  |                                     |
|--|-------------------------------------|
| <b>DEFINITIONS .....</b>   | <b>II</b>                           |
| <b>PART A TERMS OF CONSENT.....</b>  | <b>4</b>                            |
| Development Description.....   | 4                                   |
| Terms of Consent .....   | 4                                   |
| Determination of Future Development Applications.....  | 4                                   |
| Lapsing of Approval .....  | 4                                   |
| Legal Notices.....   | 5                                   |
| Planning Secretary as Moderator .....  | 5                                   |
| Evidence of Consultation .....   | 5                                   |
| compliance .....   | 5                                   |
| Applicability of Guidelines.....   | 5                                   |
| Dwelling Cap .....   | 5                                   |
| Gross Floor Area (GFA) Cap .....   | <b>Error! Bookmark not defined.</b> |
| Affordable Housing.....  | 5                                   |
| Developer Contributions .....  | 5                                   |
| <b>PART B CONDITIONS TO BE SATISFIED PRIOR TO FUTURE DETAILED DEVELOPMENT APPLICATIONS .....</b> | <b>6</b>                            |
| URBAN Design Guidelines .....  | 6                                   |
| Design Excellence Strategy .....   | 6                                   |
| <b>PART C CONDITIONS TO BE SATISFIED IN TO FUTURE DETAILED DEVELOPMENT APPLICATIONS .....</b>    | <b>7</b>                            |
| Design Integrity Report.....   | 7                                   |
| Built Form and Urban Design .....  | 7                                   |
| Car Parking and Bicycle Parking Rates .....  | 7                                   |
| Environmental Performance / ESD .....  | 7                                   |
| Wind Impact Assessment .....   | 8                                   |
| Crime Prevention Through Environmental Design.....   | 8                                   |
| Construction Impact Assessment .....   | 8                                   |
| Traffic, Access and Car Parking .....  | 8                                   |
| Noise and Vibration .....  | 8                                   |
| Utilities .....  | 8                                   |
| Flooding and Stormwater.....   | 9                                   |
| Contamination and Remediation.....   | 9                                   |
| <b>ADVISORY NOTES .....</b>  | <b>10</b>                           |

## SCHEDULE 2

### PART A TERMS OF CONSENT

#### DEVELOPMENT DESCRIPTION

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

#### TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
  - (b) in accordance with all written directions of the Planning Secretary;
  - (c) in accordance with the EIS, Response to Submissions and Response to Request for Additional Information;
  - (d) in accordance with the approved plans and information in the table below:

| Architectural Drawings prepared by Cox Architecture |          |   |          |
|---|----------|---|----------|
| Drawing No.   | Revision | Name of Drawing                                 | Date     |
| SK 01   | D        | Site and Development Lots Plan                  | 30.06.20 |
| SK 02   | B        | Dwelling Capacity Plan                          | 30.06.20 |
| SK 03   | E        | Existing Site Plan                              | 13.11.20 |
| SK 04   | D        | Road Hierarchy Plan                             | 30.06.20 |
| SK 05   | D        | Proposed Uses Plan                              | 30.06.20 |
| SK 06   | D        | Open Space Plan                                 | 30.06.20 |
| SK 07   | D        | Setbacks Plan                                   | 30.06.20 |
| SK 08   | E        | Building Heights Plan                           | 28.10.20 |
| SK 09   | D        | Solar Access Plan                               | 30.06.20 |
| SK 10   | C        | Building Envelopes Plan – Precinct West         | 30.06.20 |
| SK 11   | C        | Buildings Envelopes Plan – Doran Drive Precinct | 30.06.20 |
| SK 12   | D        | Building Envelopes Plan – Precinct East         | 09.11.20 |

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

#### DETERMINATION OF FUTURE DEVELOPMENT APPLICATIONS

- A5. In accordance with section 4.22 of the EP&A Act, all physical works and subsequent stages of the development are to be subject to future development applications.
- A6. In accordance with section 4.24 of the EP&A Act, the determination of future development applications cannot be inconsistent with the terms of this development consent (**SSD 9653**) as described in **Schedule 1** and subject to the conditions in **Schedule 2**.

#### LAPSING OF APPROVAL

- A7. This consent will lapse five years from the date this consent operates unless an application is submitted to carry out a stage of development for which concept approval has been given.

- A8. This consent does not allow any components of the concept development application to be carried out without further approval or prior consent granted.

#### **LEGAL NOTICES**

- A9. Any advice or notice to the consent authority shall be served on the Planning Secretary.

#### **PLANNING SECRETARY AS MODERATOR**

- A10. In the event of a dispute between the Applicant and a public authority in relation to an application requirement in this approval or a relevant matter relating to the development, either party may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter shall be binding on the parties.

#### **EVIDENCE OF CONSULTATION**

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

#### **COMPLIANCE**

- A12. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

#### **APPLICABILITY OF GUIDELINES**

- A13. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standards or policies in the form they are in as at the date of this consent.
- A14. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

#### **DWELLING CAP**

- A15. The maximum number of dwelling under this consent is limited to 1,620 dwellings. This includes future development applications involving subdivision which enables the construction of dwellings.

#### **PROVISION OF AFFORDABLE HOUSING**

- A16. A minimum of 5% of approved dwellings must be retained for affordable housing for a minimum period of 10 years. Where 5% of approved dwellings represents a part dwelling, the provision must be rounded up to provide a whole dwelling. The affordable housing must be managed by a Registered Community Housing Provider. Affordable Housing is defined under State Environmental Planning Policy (Affordable Rental Housing) 2009.
- A17. Future development applications involving any residential accommodation under this consent must detail the planning and delivery of the affordable housing and demonstrate how the affordable housing as required under **Condition A16** would be delivered and maintained.

#### **DEVELOPER CONTRIBUTIONS**

- A18. Future development applications under this consent are subject to developer contributions in accordance with The Hills Contributions Plan No. 19 – Showground Station Precinct, or any repealing contributions plan.

## **PART B CONDITIONS TO BE SATISFIED PRIOR TO LODGEMENT OF FUTURE DETAILED DEVELOPMENT APPLICATIONS**

### **URBAN DESIGN GUIDELINES**

- B1. Prior to the lodgement of the first detailed development application, the Applicant shall revise the Urban Design Guidelines to the satisfaction of the Planning Secretary as follows;
- (a) remove the visitor car parking rates for Doran Drive Precinct and Precinct West
  - (b) impose a maximum visitor car parking cap of 43 spaces for Precinct East
  - (c) impose a maximum cap of residential car spaces of 1,663 for the site (inclusive of residential car spaces and residential visitor car spaces) or the maximum residential car parking rates, whichever is lower.
  - (d) include provisions to accommodate shared parking arrangements for the visitor and non-residential car parking spaces.

### **DESIGN EXCELLENCE STRATEGY**

- B2. Prior to the lodgement of the first detailed development application, the Applicant must submit a final version of the Design Excellence Strategy to the satisfaction of the Planning Secretary, addressing the following:
- (a) include a design integrity process throughout the design development and construction documentation period which allows for a review by the relevant Design Review Panel (DRP)
  - (b) any conditions and requirements of the Government Architect NSW architectural design competition waiver issued in respect to clause 9.5(6) of THLEP
  - (c) competitive design process in accordance with clause 9.5(5) of the THLEP would apply to development where the requirements of the Government Architect NSW architectural design competition waiver issued in respect to the development is not met
  - (d) the relevant DRP for State Significant Developments is the State Design Review Panel
  - (e) the relevant DRP for local and regional development applications is The Hills Shire Council's Design Review Panel or equivalent panel as endorsed by the Government Architect NSW
  - (f) The Design Review Panel process to include:
    - (i) buildings that are greater than 21 metres or 6 storeys must be reviewed by the relevant DRP
    - (ii) discretion for the consent authority to require subsequent applications and modification applications to be reviewed by the relevant DRP if in the opinion of the Planning Secretary the application would benefit from the advice of the relevant DRP in achieving design excellence
  - (g) reference to subsequent development applications for state significant developments must be consistent with determination made under Section 4.37 of the EP&A Act together with this consent
  - (h) the State Design Review Panel to be convened for subsequent developments must consist of at least a nominee from The Hills Shire Council and a nominee from the Landcom Design Advisory Panel, who is also a common member of the SDRP or otherwise endorsed by Government Architect NSW.

## **PART C CONDITIONS TO BE SATISFIED IN FUTURE DETAILED DEVELOPMENT APPLICATIONS**

### **DESIGN INTEGRITY REPORT**

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

### **BUILT FORM AND URBAN DESIGN**

- C3. Future development applications must demonstrate that buildings are contained within the building envelopes, consistent with the plans listed in **Condition A2**.
- C4. The maximum achievable gross floor area (GFA) for each precinct is:
- (a) Precinct West: 29,146 m<sup>2</sup>
  - (b) Doran Drive Precinct: 51,065 m<sup>2</sup>
  - (c) Precinct East: 86,275 m<sup>2</sup>
  - (d) the maximum amounts will only be achieved subject to:
    - (i) buildings being wholly contained within the approved building envelopes
    - (ii) compliance with the conditions of this concept approval
    - (iii) demonstration of design excellence
- C5. Future detailed development applications shall address compliance with:
- (a) the Urban Design Guidelines as endorsed by the Planning Secretary pursuant to **Condition B1**
  - (b) the Design Excellence Strategy as endorsed by the Planning Secretary pursuant to **Condition B2**.

### **CAR PARKING AND BICYCLE PARKING RATES**

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

### **TRAVEL DEMAND MANAGEMENT**

- C7. Future development applications shall be accompanied by a Green Travel Plan consistent with the framework and initiatives in Section 4.3 of the Traffic and Transport Impact Statement dated 16 September 2020 prepared by SCT Consulting.

### **PROVISION OF COMMUNITY FACILITIES**

- C8. The first future Development Application for Doran Drive Precinct for any above ground building works must:
- a) include the provision of a community facility with a gross floor area of a minimum 500 m<sup>2</sup> on the site, including an appropriate mechanism to dedicate ownership or control to a public authority or non-profit community organisation; or
  - b) enter into a planning agreement with Council for an equivalent monetary contribution towards the delivery of community facilities as agreed by Council. The Planning Agreement must be entered into prior to the determination of the first future application for Doran Drive Precinct for any above ground building works.
  - c) Community facilities in this condition are as defined in THLEP.
- C9. Any Planning Agreement prepared must be in accordance with Division 7.1 of Part 7 of the EP&A Act.

### **ENVIRONMENTAL PERFORMANCE / ESD**

- C10. Future detailed development applications must demonstrate how the principles of ecologically sustainable development (ESD) have been incorporated into the design, construction and ongoing operation of the proposal.
- C11. The ESD credentials of future detailed development applications shall be in accordance with, or improve upon, the targets established within the Ecologically Sustainable Development Report, dated October 2019 and prepared by WSP and subsequent memo dated 19 May 2020.

## **WIND IMPACT ASSESSMENT**

- C12. Future development applications involving buildings of eight or more storeys are to be subject to Wind Impact Assessment, including computer modelling within a wind tunnel study of detailed building form. Wind criteria for the use of different spaces around the development are to be adopted. Recommendations of the Wind Impact Assessment must be incorporated in the drawings lodged.

## **CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN**

- C13. Future detailed development applications shall be accompanied by a Security and Crime Risk Assessment prepared having regard to Crime Prevention Through Environmental Design (CPTED) principles.

## **CONSTRUCTION IMPACT ASSESSMENT**

- C14. Future detailed development applications shall provide analysis and assessment of the impacts of construction and include:
- (a) Construction Pedestrian and Traffic Management Plan as per **Condition C17**
  - (b) Noise and Vibration Management Plan
  - (c) Air Quality Management Plan
  - (d) Construction Waste Management Plan
  - (e) Community Consultation and Engagement Plans
- The plans referred to above may be prepared as part of a Construction Environmental Management Plan prepared and implemented under the conditions of any consent granted for future development applications.

## **TRAFFIC, ACCESS AND CAR PARKING**

- C15. Future development applications shall be accompanied by detailed Traffic and Transport Impact Assessment.
- C16. Future development applications shall detail the timing and commitments of road network upgrades to mitigate any impacts of the development. This must include evidence of consultation and agreement with the relevant road authority on the responsibility, scope and timing of any works.
- C17. Future development applications shall incorporate a Construction Pedestrian and Traffic Management Plan (CPTMP) prepared in consultation with the Hills Shire Council and to the satisfaction of the relevant road authorities. The CPTMP shall include, but not be limited to:
- (a) construction car parking strategy
  - (b) haulage movement numbers / routes including contingency routing
  - (c) detailed traffic management strategy for construction vehicles including staff movements
  - (d) maintaining property accesses
  - (e) maintaining bus operations including routes and bus stops
  - (f) maintaining pedestrian and cyclists links and routes
  - (g) independent road safety audits on construction-related traffic measures
  - (h) measures to account for any cumulative activities and work zones operating simultaneously.
- C18. Independent road safety audits are to be undertaken for all stages of detailed design involving road operations and traffic issues. Any issues identified by the audits shall be closed out in consultation with Transport for NSW and Hills Shire Council to the satisfaction of the relevant road authority.

## **NOISE AND VIBRATION**

- C19. Future development applications shall include Noise and Vibration Impact Assessment that identified and provides a quantitative assessment of the main noise generating sources and activities during operation. Details are to be included outlining any mitigation measures necessary to ensure the amenity of future sensitive land uses is protected during the operation of the development, including residential premises near future retail premises such as food and beverage tenancies.

## **SYDNEY METRO CORRIDOR PROTECTION**

- C20. Future detailed development applications shall include the preparation and submission of documentation compliant with Sydney Metro Underground Corridor Protection Technical Guidelines.

## **UTILITIES**

- C21. Future development applications shall address the existing capacity and any augmentation requirements of the development for the provision of utilities, including staging of infrastructure through the preparation of an infrastructure / utility management plan in consultation with relevant agencies and service providers.



## **FLOODING AND STORMWATER**

- C22. Future detailed development applications shall be accompanied by a Flood and Stormwater Impact Assessment. The assessments must have regard to the conclusions and recommendations of the Hills Showground Station Precinct Integrated Water Cycle Management Strategy, dated 9 June 2020 prepared by WSP.

## **REFLECTIVITY ASSESSMENT**

- C23. Future detailed development applications for aboveground works shall include a Reflectivity Assessment demonstrating that external treatments, materials and finishes of the development do not cause adverse or excessive glare.

## **CONTAMINATION AND REMEDIATION**

- C24. Future detailed development applications shall be accompanied by a Soil and Contamination Report. The report(s) must have regard to the conclusions and recommendations contained in Soil and Contamination Report, dated 29 October 2019 prepared by JBS&G.

## **ADVISORY NOTES**

### **DWELLING CAP**

1. Dwellings under this Concept Approval are included in the maximum dwelling cap in clause 9.8 of THLEP at determination.

### **APPEALS**

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