

# **MODIFICATION APPLICATION PLANNING REPORT (Mod 2)**

## **HILLS SHOWGROUND STATION PRECINCT CONCEPT APPROVAL**

### **HILLS SHOWGROUND PRECINCT EAST**

#### **LANDCOM ON BEHALF OF SYDNEY METRO**

January 2022

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## STATEMENT OF VALIDITY

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I declare that I have prepared the contents of this Planning Report and to best of my knowledge:

- it has been prepared in accordance with the requirements of the Environmental Planning and Assessment Regulation 2000;
- it contains all available information that is relevant to the environmental assessment of the development to which this Planning Report relates; and
- the information contained in this report is neither false nor misleading.



**Dan Brindle**  
**Director**  
**BBC Consulting Planners**  
**12 January 2022**

## 1. INTRODUCTION

This planning report has been prepared on behalf of Landcom ("the Applicant") to accompany an application to modify the consent to SSD-9653, approved by the Executive Director of Key Sites and Regional Assessments of the Department of Planning, Industry and Environment ("the Department") on 29 January 2021 for the concept development application for a mixed-use precinct known as Hills Showground Station Precinct.

The Applicant seeks to modify the consent in accordance with the provisions of Section 4.55(2) of the Environmental Planning and Assessment Act 1979 ("the EP&A Act").

### 1.1 Hills Showground Station Precinct Concept

Approval was granted on 29 January 2021 under delegation by the Executive Director of Key Sites and Regional Assessments to SSD-9653 for the concept development application for the Hills Showground Station Precinct ("Concept Approval"). The Hills Showground Station Precinct ("the Precinct") will be a thriving local mixed-use centre; a walkable, lively place with strong connections to world class transport and cultural and recreational activities at the Castle Hill Showground. The approved development comprises:

- Three development blocks (Precinct West, Doran Drive Precinct and Precinct East);
- Building envelopes of varying heights between 12m to 68m;
- A maximum total GFA of 166,486sqm consisting:
  - A maximum residential GFA of 152,546sqm
  - A maximum non-residential GFA of 13,940sqm;
- A maximum of 1,620 dwellings (including a minimum of 5% affordable housing);
- A maximum of 1,957 car and 705 bicycle spaces;
- Public domain improvements, public open space and a new road;
- Establishment of Urban Design Guidelines and a Design Excellence Strategy;
- Concept subdivision of Lot 56 DP 1253217 (Precinct East).

Development in the Precinct will be delivered in line with the Concept Approval and guided by a range of relevant documents including the Design Excellence Strategy, Urban Design Guidelines and the Sydney Metro Northwest Places Public Art Guidelines to ensure high-quality architectural and urban design outcomes.

Development in accordance with the Concept Approval is progressing via subsequent development applications. This includes a development

application for Doran Drive Precinct lodged in July 2021 (SSD-15882721) for the construction of a mixed-use development, comprising 431 apartments in four residential towers above a commercial podium with a supermarket and community facilities and an outdoor public plaza, fronting Doran Drive.

A modification to the Concept Approval accompanied the development application for the Doran Drive Precinct.

## 1.2 Hills Showground Precinct East

A subsequent development application to The Hills Shire Council (Council) has been prepared for public domain works and subdivision in Precinct East. Development consent is sought for:

- The subdivision of Hills Showground Precinct East (Precinct East) into five lots consistent with the concept subdivision of Hills Showground Precinct East:
  - Three lots for future development lots in accordance with the concept DA consent;
  - One lot for a neighbourhood park;
  - One lot to be dedicated as a public road upon completion of the road;
- Subdivision works comprising:
  - The construction of a local road from De Clambe Drive to Andalusian Way;
  - Provision of utility services to each lot including water sewer, energy and telecommunications;
  - Stormwater management works;
  - Earthworks associated with the subdivision;
  - Public domain works on the new road;
- Public domain works including:
  - A new neighbourhood park of about 3,200m<sup>2</sup> located on Lot 2 in the proposed plan of subdivision of Precinct East ("Precinct East Park");
  - Public Art;
  - Landscaping to the new road.

The public domain works forming part of this application are shown in **Figure 1**.



**Figure 1: Precinct East Public Domain (RPS, 2021)**

During the detailed design process for the Precinct East development application, consultation with Transport for NSW (TfNSW) was undertaken which identified a number of changes since the Concept Approval necessitating a modification of the approval:

- additional land is required for the Showground and Carrington Road intersection upgrade works currently being completed along the Carrington Road frontage of the site;
- the completion of road works and the provision of bus lane toward the intersection of De Clambe Drive and Showground Road confirmed only left turn movements at the intersection with the new road proposed as part of the Precinct East public domain and subdivision development application;
- changes to access arrangements and planning for an extended two-way shared zone replacing the one-way westbound shared zone identified in Hills Showground Precinct Urban Design Guideline (UDG).

This application is made to modify the Concept Approval to reflect these changes and ensure consistency between the Concept Approval and



subsequent development applications, including the Precinct East public domain and subdivision development application.

### 1.3 Consent to be modified

The consent to be modified is the consent to SSD-9653, approved by the Executive Director of Key Sites and Regional Assessments on 29 January 2021 ("Concept Approval"). The approved development is for a *mixed-use precinct including:*

- *Concept subdivision, road hierarchy and precinct layout*
- *a maximum building envelope ranging from 12 metres to 68 metres*
- *maximum gross floor area (GFA) of up to 166,486m<sup>2</sup>, including up to 152,546m<sup>2</sup> of residential accommodation and up to 13,940m<sup>2</sup> of commercial premises*
- *residential development of up to 1,620 dwellings*
- *minimum of 5% of all residential dwellings provided as affordable housing (for a minimum of 10 years)*
- *open space and public domain areas*
- *establish car and bicycle parking rates.*

### 1.4 The Applicant

This development application is lodged pursuant to Part 4 of the Environmental Planning and Assessment Act 1979 ("the EP&A Act") and seeks to modify a State Significant Development consent. The applicant is Landcom on behalf of Sydney Metro. Landcom is a public authority for the purposes of the Environmental Planning and Assessment Act 1979.

### 1.5 The Site

This application relates to the same land as described in the Concept Approval which is Lot 53, 55 and 56 in Deposited Plan 1253217, and Part Lot 50 in Deposited Plan 1253217, located in Castle Hill.

Since the Concept Approval was granted Lot 56 in DP1253217 has been the subject of an acquisition for road widening purposes as shown in DP 1274738 creating Lot 2 for road acquisition having an area of 925m<sup>2</sup> and Lot 1 being the part remaining from road acquisition having an area of 2.73 hectares. These deposited plans are contained in Appendix 1.

The site is 25 kilometres north west of the Sydney CBD and is connected by the Metro North West Line (MNWL) to existing employment and retail centres at Castle Hill, Norwest Business Park, Rouse Hill Town Centre, Macquarie Park, Chatswood, St Leonards, North Sydney and the Sydney CBD.



## 1.6 Scoping the Modification



In September 2021, the Department were consulted to identify what information is to be included in this Modification Report, and determine what (if any) community engagement must be undertaken during the preparation of the Modification Report. The Department requested that the application address a number of matters as outlined in the following table refer to correspondence from the Department in (Appendix 1). This tables also identifies where these matters are addressed in this report.

Matter to be addressed	Where addressed in this report
address the impacts associated with the full extent of the proposed road widening along Showground Road and Carrington Road	Section 1.7, and Section 3 and Appendix 3.
identify all changes to Concept Approval, including any reduction in site area, approved concept plans and Urban Design Guidelines	Section 2.
demonstrates the open space and landscaping objectives and outcomes of the Concept Approval would be maintained	Section 2 and Section 3.
provides evidence of consultation with Hills Council and Transport NSW and addresses any advice received.	Section 1.8.

## 1.7 Showground Road Zoning Change

In July 2021, The Hills Local Environmental Plan 2019 (Amendment No 20) was gazetted which included zoning additional land along Showground Road as SP2 Infrastructure (Classified Road). The changes to the zoning are shown on the following diagram<sup>1</sup>:

<sup>1</sup> This diagram also shows land zoned SP2 Infrastructure (Classified Road) along Carrington Road west side and SP2 Infrastructure (Local Road) along Carrington Road east side.

	
<p><b>Previous Zoning Map</b> <b>(From 13 November 2020 to 15 July 2021)</b></p>	<p><b>Current Zoning Map</b> <b>(16 July 2021)</b></p>

This land zoned SP2 along Showground Road has not been reserved for acquisition as identified on the Land Reservation Acquisition Map. Unlike the land on the western side of Carrington Road, a plan of subdivision of land to be acquired has not been prepared and there is no immediate need for this land for road widening purposes.

The current works program along Showground Road has been completed with the exception of the works at the intersection with Carrington Road currently under construction with no other proposed works along the Showground Road frontage. Consequently no changes to the subdivision plan are required in relation to Showground Road.

TfNSW and Council are currently undertaking a Metro Station Precinct Traffic and Transportation Study due to be completed in 2022. The nature and extent of any additional road widening along Showground Road, including along the frontage of the site, would not be known until the completion of this study and the adoption of its recommendations. When this study is completed, there will be more certainty around any future land requirements for road widening.

In these circumstances the implications of future land requirements on subdivision or development controls cannot be determined at this stage and is not the subject of this modification application.

## 2. PROPOSED MODIFICATION

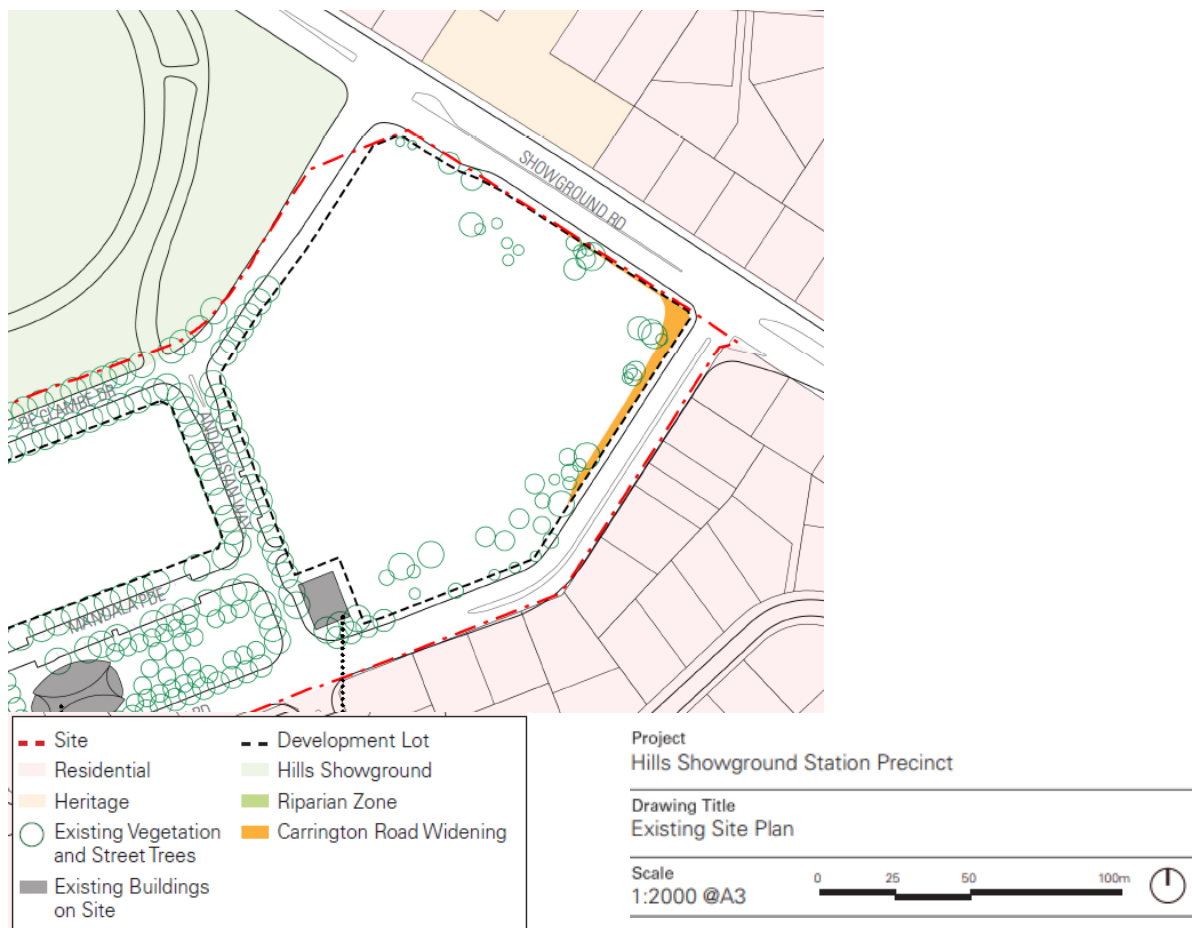
This application seeks to modify the Concept Approval in the following manner:

- Changes to the site area resulting from road widening;
- Changes to the approved built form controls and Urban Design Guidelines;
- Changes to the design and operation of the new local street proposed for Precinct East.

These changes are discussed below.

### 2.1 Changes to site area resulting from Carrington Road Widening

The proposal to widen Carrington Road at, and approaching, the intersection with Showground Road was allowed for in the Concept Approval and was reflected in the approved architectural drawings as shown in **Figure 2** below. This was based on information available at the time.



**Figure 2: Proposed Carrington Road Widening (Concept Approval – Approved Architectural Drawings)(COX, 2021)**

**Figure 3: Plan of land to be acquired for the purposes of the Road Act 1993  
Registered 18 June 2021 (road widening highlighted)**

The works to Carrington Road and its intersection with Showground Road are underway and are expected to be completed by mid-2022.

This results in a change to the site area to which the Concept Approval relates.

The additional road widening changes the site boundary for Precinct East by 925m<sup>2</sup> from 2.822 hectares to 2.73 hectares. This results in a change to the subdivision concept referred to in the Concept Approval. An amended subdivision concept is contained in Appendix 3. This affects the size of lots in the concept subdivision plan as discussed in Section 3.1.1.

## 2.2 Changes to Built Form Controls

Built form and urban design controls for Precinct East are referred to in Conditions C3 to C5 of the Concept Approval which state:

*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.*

The building envelopes referred to in Condition A2 are included in Drawing SK12 - Building Envelopes Plan and associated drawings SK07 - Setbacks Plan and SK08 Building Heights Plan. These drawings have been amended as contained in Appendix 4.

Adjustments have been made to the building envelope controls in the north east section of Precinct East including:

- A reduction in the building envelope of the building in the north east of the site to maintain the 5 metre primary building setback and 3 metre



secondary building setback from Carrington Road resulting in a small reduction in GFA of this building;

- A reduction in the depth of the building to the south of the proposed park (Building J) to maintain building setbacks from Carrington Road and an increase in the height of the tower element of this building to ensure no overall reduction in proposed housing in Hills Showground Station Precinct East;
- A reduction in the depth of the building in the north east corner (Building R from 24 metres to between 16 metres and 21 metres.

These changes are presented in the following table:

Dwg No.	Modification
All	Adjusted Carrington Road site boundary reflecting the reduced Precinct East development site.
SK01	Change to area of Precinct East from 28,226 square metres to 27,298 square metres.
SK03	Change to Carrington Road Widening.
SK04	Change to legend to reflect two way internal street over full length.
SK06	Amended park size from minimum 3,500m <sup>2</sup> to approximately 3,200m <sup>2</sup> .
SK07	Revisions to setbacks due to Carrington Road widening.
SK08	Revisions to setbacks due to Carrington Road widening. Amended number of storeys to the tower element of building to south east of Precinct East Park from 12 storeys to 14 storeys.
SK12	Amended shape of building envelope of north east building (Building R) and south building (Building J). Amended tower depth of Building R from 24 metres to 16-21 metres Amended tower depth of Building J from 24 metres to 20 metres.

These changes have been incorporated into the approved Urban Design Guidelines contained in Appendix 5. The main changes are:

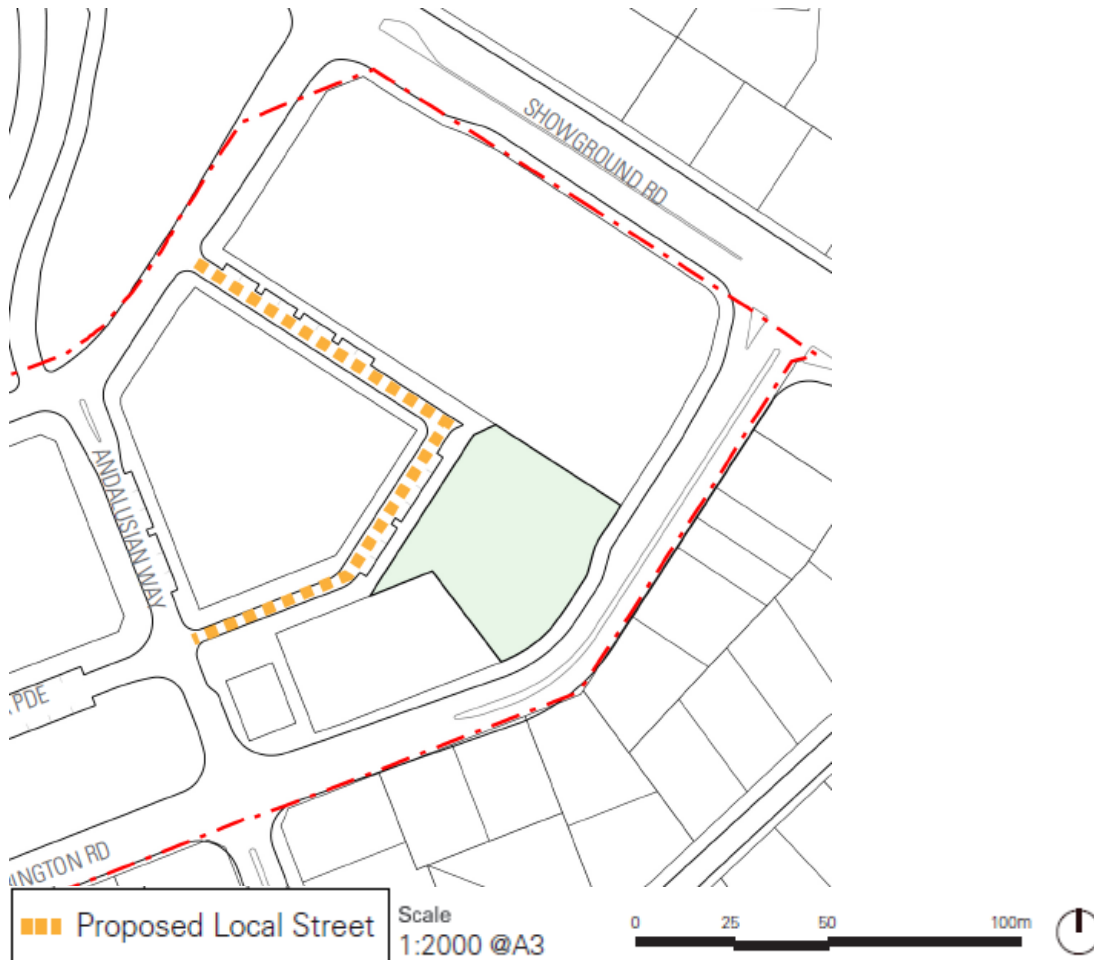
- Page 2 – contents page;
- Page 36 – Section 2.10.1, Control 3, amended wording (removed one way street)
- Page 37 – Section 2.10.2, Figure 31, extended shared zone;

- Page 39 – Section 2.10.11, Control 7 amended wording (minimum 3,500sqm to approximately 3,200sqm);
- Page 130 - Section 4.2.12, Table 7 changed to reflect Deicorp MOD 2 approved 10.12.21
- Page 137 – Section 5.1, amended wording (minimum 3,500sqm to approximately 3,200sqm);
- Page 141 – Section 5.1.3, amended wording (minimum 3,500sqm to approximately 3,200sqm);
- Page 152 – Section 5.2.8, Figure 210 and Control 2 number of storeys on Building J (12 storeys to 14 storeys);
- Page 152 – Section 5.2.8, Figure 211 number of storeys on Building J (12 storeys to 14 storeys);
- Page 157 – Section 5.2.11, Figure 221, building width on Building J (24m to 20m) and Building R (24 metres to 16-21 metres),
- Page 160 – Section 5.2.13, Control 3 and Figure 228, extended two way street the whole way (removed one way street);
- Page 164 – Section 5.2.16, Control 5, amended wording (removed one way street).

### **2.3 Changes to operation of the new local street**

The Concept Approval approves a new local street (Road No 1) in Precinct East connecting De Clambe Drive to Andalusian Way as shown on the following figure.





**Figure 4: Proposed Local Street (COX, 2021)**

The Concept Approval and associated Urban Design Guidelines envisaged Road No 1 to be two ways in the section from De Clambe Road to the southern end of the proposed park, providing access to future driveways for residential apartments, and then a one way shared zone from the end of the park to Andalusian Way. As a result of further detailed investigations into the access arrangements and public domain design development, in conjunction with consultation with TfNSW and Council, the following access arrangements are now proposed:

- Left in and left out movements at both intersections of the Road No.1 with De Clambe Drive and Andalusian Way;
- Two way movement along the full length of the Road No.1;
- An extended shared zone has been introduced along the frontage of the park extending to Andalusian Way.

The changes to the arrangements as approved in the Concept Approval are:

Intersection	Concept Approval	Modification	Justification
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Andalusian Way / Road No.1	Exit only from Road No. 1 with left and right turns to Andalusian Way	Left-in left-out only	<ul style="list-style-type: none"> <li>Minimise vehicular conflicts by reducing traffic movements at a 4-way intersection</li> <li>Introduce the left turn entry movement to avoid significant detour of traffic with the right turn ban from De Clambe Drive into Road No. 1</li> <li>Minimise amount of traffic using the shared zone to provide pedestrian priority outside the park and facilitate high pedestrian volumes generated between Precinct East and Hills Showground Station</li> </ul>
De Clambe Drive/ Road No.1	All movements permitted	Left-in left-out only	Avoid conflicts with bus lane at De Clambe Drive

The reduced right turn movements at the De Clambe Drive intersection have limited precinct access and necessitated the proposal for the one-way section to be converted to two-way.

The shared zone will provide pedestrian priority and slow traffic movements (10 km/hr) over an extended length of the Road No.1. It provides a calm interface with the park and effectively extends the park edge to include the shared zone. Further, the shared zone enhances pedestrian and cyclist connectivity to the metro station, reinforcing the qualities of a transit-oriented precinct.

As discussed in the *Traffic and Access Impact Assessment* prepared by SCT Consulting (Appendix 4), the limited traffic (up to 94 vehicle trips during the 2031 AM peak hour) using the shared zone at this location are below the limit of 100 vehicles per hour or 1,000 vehicles per day. It meets the TfNSW warrant for a shared zone.

## 2.4 Changes to the Concept Approval

The above changes are included in the following:

- Changes to site description;
- Amendments to drawings referred to in Condition A2 of the consent;
- Amendments to the Urban Design Guidelines endorsed pursuant to Condition B1.

#### 2.4.1 Changes to Site Description

As stated in Schedule 1 of the Concept Approval, the site is described as:

*Lots 53, 55 and 56 DP 1253217 and Part Lot 50 DP 1253217, Castle Hill.*

Application is made to modify this as follows (changes shown in strikethrough and bold):

*Lots 53, 55 ~~and 56~~ **in** DP 1253217, ~~and~~ Part Lot 50 DP 1253217 **and Lot 1 in DP 1274738**, Castle Hill.*

#### 2.4.2 Changes to Condition A2

Condition A2 provides that the development may only be carried out in accordance with the approved plans as shown in the table to condition. It is proposed that the table will be changed to reflect the amended drawings contained in Appendix 4.

#### 2.4.3 Changes to Urban Design Guidelines

*Hills Showground Station Precinct Urban Design Guidelines* prepared by Oculus and Cox Architecture have been amended to reflect the Carrington Road widening and the changes to access arrangements (Appendix 5).

Application is made to modify the Concept Approval to refer to the amended guidelines in Condition B1.

### 3. MATTERS FOR CONSIDERATION

The Department of Planning, Industry and Environment (the Department) has requested that the modification application:

- addresses the impacts associated with the full extent of the proposed road widening along Showground Road and Carrington Road
- identifies all changes to Concept Approval, including any reduction in site area, approved concept plans and Urban Design Guidelines
- demonstrates the open space and landscaping objectives and outcomes of the Concept Approval would be maintained
- provides evidence of consultation with Council and TfNSW and addresses any advice received.

These matters are addressed below.

#### 3.1 Impacts of Road Widening

##### 3.1.1 Implications on subdivision

As stated above in Section 2, the additional road widening along Carrington Road as shown in Figure 3 impacts on the Concept Plan site area and development lot boundary for Precinct East. This results in a change to the subdivision concept referred to in the Concept Approval. An amended subdivision concept is contained in Appendix 3. This affects the size of lots in the concept subdivision plan as follows:

Concept subdivision plan (submitted with Concept Approval)		Amended concept subdivision plan (submitted with this modification)		Difference (approx.)
Lot	Size (m <sup>2</sup> )	Lot	Size (m <sup>2</sup> )	Size (m <sup>2</sup> )
2	3,544	2	3,232	-312
3	2,285	3	2,209	-76
5	12,520	5	11,980	-540
			TOTAL	-928

Lot 2, intended for use as a park is reduced in size by approximately 312 square metres or 9%. The implications for landscaping and open space are discussed below in Section 3.2.

Lot 5 is a development lot affected along its eastern boundary with the widening increasing in width towards the intersection with Showground Road to allow for turning lanes.

Lot 3 is affected to a minor extent by a road widening of variable width averaging about 1.5 metres.

### **3.1.2 Built Form and Urban Design Implications**

The building envelopes referred to in Condition A2 are included in Drawing SK12 - Building Envelopes Plan and associated drawings SK07 - Setbacks Plan and SK08 Building Heights Plan. These drawings have been amended as contained in Appendix 4. These changes have been incorporated into the amended Urban Design Guidelines contained in Appendix 5. A revised design verification will be submitted.

Adjustments have been made to the building envelope controls in the north east section of Precinct East including:

- A reduction in the volume of the building envelope of the building in the north east of the site to maintain the 5 metre primary building setback and 3 metre secondary building setback from Carrington Road resulting in a small reduction in GFA of this building;
- A small reduction in the building envelope of the building to the south of the proposed park to maintain building setbacks from Carrington Road and an increase in the height of this building by two storeys from 12 storeys to 14 storeys to ensure no overall reduction in housing opportunities in Precinct East.

This is considered to be the best means of addressing the implications of the additional land requirements for Carrington Road and its intersection with Showground Road.

### **3.2 Maintenance of open space and landscaping outcomes of the Concept Approval**

The additional road widening on Carrington Road results in a Precinct East Park of around 3,200 square metres. This has not affected the design of the park or limited the facilities and services to be provided. The landscape proposals for the park continue to accommodate all the facilities required under the Urban Design Guidelines.

The design of the interface between the park and the Road No.1 has been improved to provide a more seamless transition from park to street. This is achieved by:

- Designing the new street as a shared zone along the frontage to the park and extending to Andalusian Way with pedestrian priority and slow traffic movements (10 km/hr);
- Paving and landscaping in the road reserve to create an attractive pedestrian environment with additional landscaping opportunities provided within the road reserve to complement planting in the park.

These measures ensure that the change in size of the park has no significant impact on its function. The open space and landscaping objectives of the Concept Approval will continue to be met.

### **3.3 Consultation with The Hills Shire Council and Transport for NSW**

The Department has requested that the modification application provide evidence of consultation with Council and TfNSW and information be provided about how the advice received has been addressed.

Council and TfNSW were consulted on the modification application at a briefing on 22 October 2021. No objections or concerns were raised on the proposed changes or modification application.

Landcom will continue to engage with Council and TfNSW as part of the Precinct East development application and when the Metro Station Precinct Traffic and Transportation Study has been completed in 2022.

### **3.4 Changes to the Concept Approval**

The proposed changes to the Concept Approval are discussed in Section 2.4.

## 4. STATUTORY CONTEXT - SECTION 4.55(2) OF THE EP&A ACT

Section 4.55(2) of the EP&A Act states as follows:

*"A consent authority may, on application being made by the applicant or any other person entitled to act on a consent granted by the consent authority and subject to and in accordance with the regulations, modify the consent if—*

*(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*

*(b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*

*(c) it has notified the application in accordance with—*

*(i) the regulations, if the regulations so require, or*

*(ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*

*(d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.*

*Subsections (1) and (1A) do not apply to such a modification."*

### 4.1 Substantially the same development

In relation to Section 4.55(2)(a), the consent authority can be satisfied that the development as modified in accordance with this application will be substantially the same development as that for which the consents were originally granted. The essential features of the development remain including:

- Three development blocks (Precinct West, Doran Drive Precinct and Precinct East);
- Building envelopes of varying heights between 12m to 68m;
- A maximum total GFA of 166,486sqm consisting:
  - A maximum residential GFA of 152,546sqm
  - A maximum non-residential GFA of 13,940sqm;
- A maximum of 1,620 dwellings (including a minimum of 5% affordable housing);
- A maximum of 1,957 car and 705 bicycle spaces;



- Public domain improvements, public open space and a new road;
- Establishment of Urban Design Guidelines and a Design Excellence Strategy;
- Concept subdivision of Lot 56 DP 1253217 (Precinct East).

There is a change to access arrangements to the Road No.1 from De Clambe Drive and Andalusian Way to ensure efficient and safe access is provided to Precinct East. As discussed in the report prepared by SCT Consulting (Appendix 4) the changes are acceptable on traffic grounds. Built form controls have been adjusted to accommodate the road widening of Carrington Road whilst retaining the approved GFA resulting in smaller buildings and an increased height of the building envelope to the south of the park.

Having regard to the details and nature of the changes it is concluded that the development as modified remains materially the same. The consent as modified is substantially the same development as the development for which the consent were originally granted.

In relation to Section 4.55(2)(b), any required consultation will be undertaken by the consent authority.

In relation to Section 4.55(2)(c), any required notification would be undertaken by the consent authority.

In relation to Section 4.55(2)(d), should the Department choose to notify the application and invite submissions, any relevant submissions made will need to be considered in determining this application.

## **4.2 Environmental Assessment**

Section 4.55(3) states as follows:

*"(3) In determining an application for modification of a consent under this section, the consent authority must take into consideration such of the matters referred to in section 4.15 (1) as are of relevance to the development the subject of the application. The consent authority must also take into consideration the reasons given by the consent authority for the grant of the consent that is sought to be modified."*

Section 4 assesses the environmental impacts of the requested modification having regard to the matters for consideration as advised by the Department.

The following sections summarise this assessment addressing the relevant heads of consideration under Section 4.15(1) of the Environmental Planning and Assessment Act 1979.

#### **4.2.1 Section 4.15(1)(a) – Statutory Planning Considerations**

Section 4.15(1)(a) of the EP&A Act requires the consent authority to take into consideration:

- “(a) the provisions of:*
- (i) any environmental planning instrument, and*
  - (ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and*
  - (iii) any development control plan, and*
  - (iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and*
  - (iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), and*
  - (v) (Repealed),*
- that apply to the land to which the development application relates”*

The requested modification does not alter the consent authority's findings of the development subject to the consent in relation to the assessment against relevant environmental planning instruments. The development remains permissible and consistent with all relevant planning instruments to the extent assessed in the EIS accompanying the development application and the *Hills Showground Station Concept Plan State Significant Development Assessment SSD 9653* dated January 2021 prepared by the Department (“the Department assessment report”). The development continues to comply with the development standards in Part 9 Showground Station Precinct of The Hills Local Environmental Plan 2019 including building height and minimum building setbacks in relation to the building envelopes.

The development as modified remains consistent with the strategic planning framework established for the site. The proposal remain consistent with the objectives of the State government strategic planning policies and guidelines Greater Sydney Region Plan and the Central City District Plan. The modification does not alter the reasons for granting the consents including that the project is consistent with NSW Government and Council policies and strategic direction of the Showground Station Precinct.

#### **4.2.2 Section 4.15(1)(b) – Environmental, Social and Economic Impacts**

Section 4.15(1)(b) requires the consent authority to consider:

- “(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality”*

### Natural Environment

The modification has no significant negative impact on the natural environment. The changes to the design of the Road No.1 allow additional landscaping within the road reserve. No additional tree removal results from the modification. Trees being removed as a result of the road widening have been taken into consideration in the park landscape design.

### Built Form and Urban Design

These matters are discussed in Section 3.1.2 above. The modification does not change the likely impacts of the development as assessed in EIS accompanying the development applications and the Department assessment report to any significant extent.

There is an increase in the height of the building envelope of Building J to the south of the proposed park with an additional two storeys provided. The building envelope remains compliant with the maximum building height development standard in the Hills The Hills Local Environmental Plan 2019 of 52 metres.

The modification retains the variation in height across the Hills Showground Precinct with reduced building depths contributing to slender tower designs.

### Overshadowing

The additional height of the building envelope of Building J to the south of the proposed park would result in a building casting additional shadows. Revised shadow diagrams are provided in Appendix 7. These can be compared with the shadow diagrams contained in the *Hills Showground Station Precinct Urban Design Report* prepared Cox and Oculus in response to submissions to the Concept DA. It is noted that this site adjoins a widened Carrington Road to the south east and a service facility associated with MNWL and Andalusian Way to the south west providing separation to the nearest potential residential development sites on the southern side of Carrington Road reducing the potential for overshadowing. There is some additional mid-winter overshadowing to potential development sites on the southern side of Carrington Road.

### Wind Impacts

The increase in the height of the building envelope for the building to the south of the proposed park has no significant additional wind impacts and the findings and mitigation measures of the pedestrian wind environment statement undertaken for the Concept Approval apply.

### Access, Traffic and Parking

The access implications of the changes to design of the Road No.1 have been addressed in the *Traffic and Access Impact Assessment* prepared by SCT Consulting (Appendix 6). This report was prepared to accompany the

Precinct East public domain and subdivision development application and includes an assessment of the changed access arrangements. It concludes (relevantly):

*Left-in left-out intersection treatment is proposed at intersections of Road No.1 / De Clambe Drive and Road No.1 / Andalusian Way / Mandala Parade, to minimise vehicular conflicts by reducing traffic movements at the 4-way intersection with Andalusian Way / Mandala Parade and to avoid conflicts with bus lane at De Clambe Drive.*

*The proposed Road No. 1 has a two-way shared zone close to Andalusian Way, which deviates from a one-way westbound shared zone identified in Hills Showground Station Precinct Urban Design Guidelines. The limited traffic (up to 94 vehicle trips during the 2031 AM peak hour) using the shared zone at this location are below the limit of 100 vehicles per hour or 1,000 vehicles per day. It meets the TfNSW warrant for a shared zone.*

### **Social and Economic Impacts**

The modification has a positive social impact in providing an improved outcome for road, pedestrians and park users with no significant detrimental impact on the function and useability of the proposed Precinct East Park.

#### **4.2.3 Section 4.15(1)(c) – The Suitability of the Site**

Section 4.15(1)(c) requires the consent authority to consider:

*“(c) the suitability of the site for the development”*

The modification does not change the suitability of the site for the proposed development and development outcomes will be unchanged. The modified development is entirely consistent with the objectives of the EP&A Act to encourage the orderly and efficient use of land.

#### **4.2.4 Section 4.15(1)(d) – Submissions**

Section 4.15(1)(d) requires the consent authority to consider:

*“(d) any submissions made in accordance with this Act or the regulations”*

Any relevant submissions to this application will need to be considered accordingly.

#### **4.2.5 Section 4.15(1)(e) – The Public Interest**

Section 4.15(1)(e) requires the consent authority to consider:

*“(e) the public interest”*

The public interest is best served by the requested modification that represent positive improvements, are reasonable and appropriate, and that do not

create any significant adverse impacts on the environment or the neighbourhood. The proposal is therefore in the public interest.

## 5. CONCLUSION

The modification to the Concept Approval comprises:

- Changes to the site area resulting from road widening resulting in a decrease in the size of Precinct East and Lots 2, 3 and 5 in the concept subdivision which includes the size of the park ;
- Changes to the approved built form controls and Urban Design Guidelines responding to the revised Carrington Road frontage;
- Changes to the design and operation of the new local street proposed for Precinct East responding to movement restrictions at the intersection of the new road and Showground Road and to provide improved amenity to the park where it adjoins the new internal street.

This modification has evolved during the detailed design process for the Precinct East development application which identified a number of changes since the Concept Approval necessitating a modification of the approval:

- additional land required for the Showground and Carrington Road intersection upgrade works currently being completed along the Carrington Road frontage of the site;
- the completion of road works and the provision of bus lane toward the intersection of De Clambe Drive and Showground Road confirmed only left turn movements at the intersection with the new road proposed as part of the Precinct East public domain and subdivision development application.
- The expected impacts of the modification to the Concept Approval (SSD-9653) have been identified and assessed as part of this Planning Report. It is concluded that:
- The development as modified will remain substantially the same as the development that was originally approved; and
- The modification has been assessed to be of minimal environmental impact;

It is considered that the development as modified is in the public interest and ask that these modification application be considered for approval.

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