

13 March 2026

Lawrence Huang, Senior Planner HDA
Department of Planning, Housing and Infrastructure
12 Darcy Street,
Parramatta, NSW, 2150

Dear Lawrence,

REQUEST FOR INDUSTRY SPECIFIC (HOUSING) SEARs AND REZONING REQUIREMENTS – 43-53 CUDGEGONG ROAD, ROUSE HILL

This scoping report has been prepared by Gyde Consulting on behalf of Trustee for Rouseland Unit Trust (Proponent) to support a request for Industry Specific (Housing) Secretary's Environmental Assessment Requirements (SEARs) and Rezoning Requirements for a proposed mixed use development and concurrent rezoning at 43- 53 Cudgegong Road, Rouse Hill (site).

On 26 May 2025, the site was subject of a successful Housing Delivery Authority (HDA) expression of interest EOI (ref. 244331) and formally declared State Significant Development (SSD) in SSD Declaration Order (No.8) 2025. The declaration states:

The following development is declared to be State significant development.

(c) development specified in EOI application 244331 dated 5 March 2025 including development for the purpose of the mixed use development including shop top housing and retail premises with provision of affordable housing at 43- 53 Cudgegong Road, Tallawong being Lot 72/DP1262649 and Lot 73/DP1262649.

As per EOI 244331, the whole site is subject to a concept consent and two detailed DA approvals (one for proposed lots 1 and 2 and associated roads, civil works and subdivision, and one for proposed lots 3 and 4 and public squares). The SSDA will amend the staged applications (to the extent required) and surrender the concept approval (as the concept approval has no further work to do). 753 homes have already been approved across the 4 proposed lots, and the approved roads works are nearing completion. The proposed amendments will involve the addition of approximately 547 new dwellings (including approximately 5% affordable housing) and delivered in construction stages. The rezoning component will involve a height up to approximately 99.5 metres and an FSR of 5:1.

The following documents have been prepared to accompany this ISEARs request and concurrent Rezoning Requirements:

- **Appendix 1 – Statutory Considerations**

1. Proponent details

The Proponent details are as follows.

Table 1: Proponent details

Proponent detail	
Name	The Trustee for Rouseland Unit Trust
ACN	13355650795
Address	720 Woodville Road, East Fairfield, NSW

2. The site and the surrounding context

Site description

The site is located at 43-53 Cudgegong Road, Rouse Hill and located within the Blacktown Local Government Area (LGA). The site, as at the date of this report, is legally known as Lot 72 in DP1262649 (no. 43) and Lot 73 in DP1262649 (no. 53) and has an area of 40,335sqm.

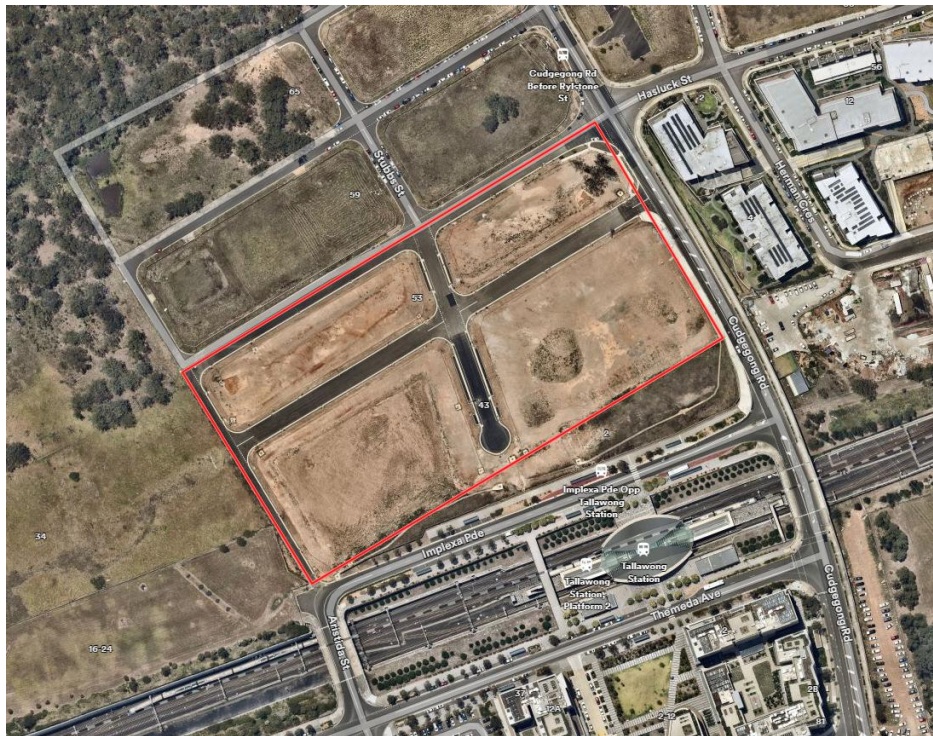


Figure 1: Aerial photo of the site, site outlined in red (Source: Nearmap)

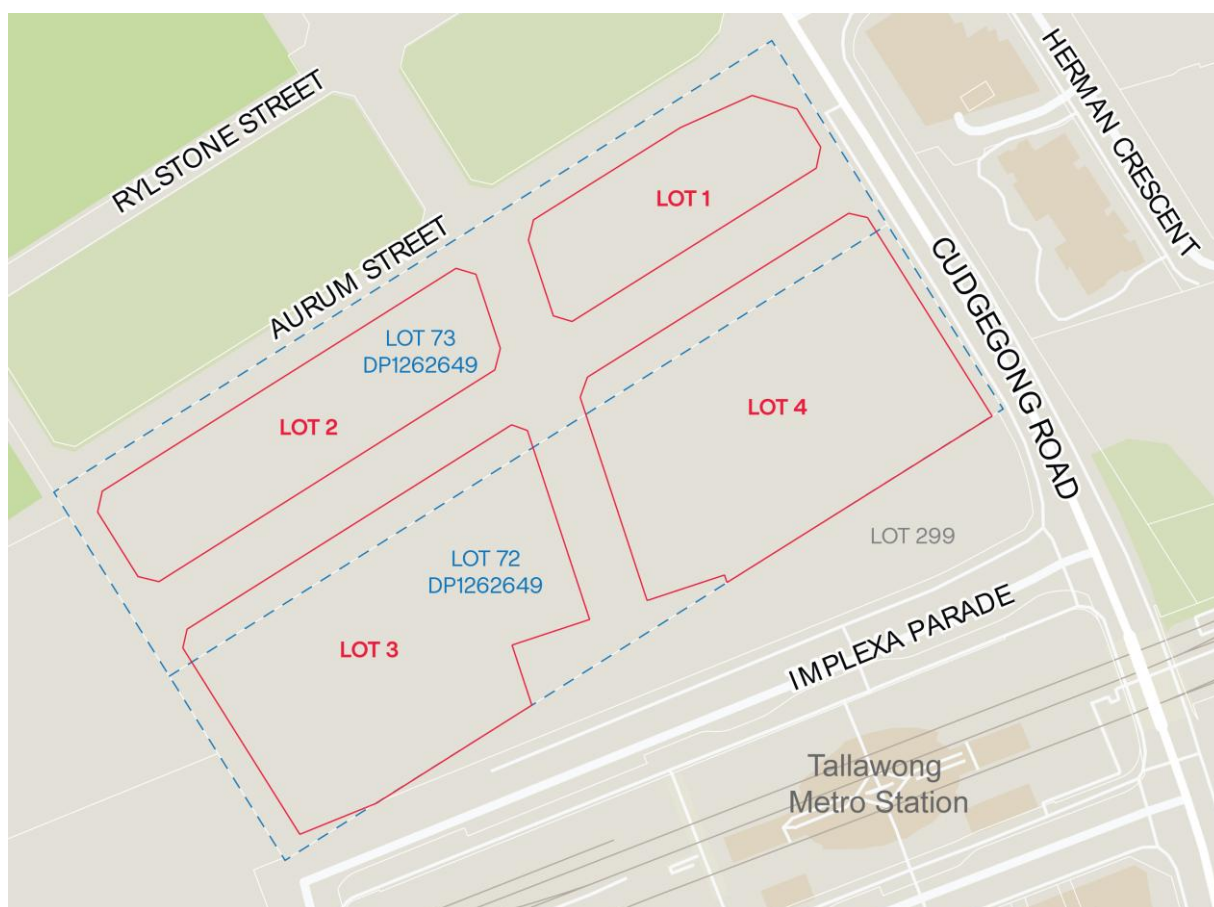


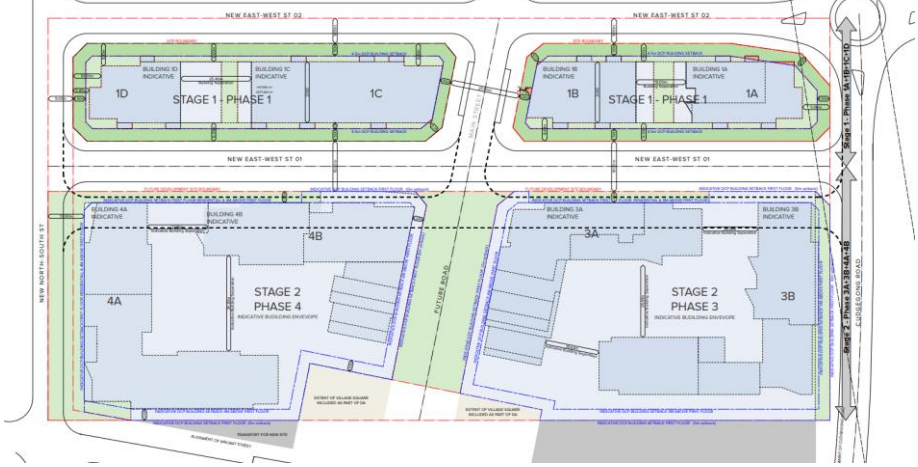
Figure 2: Site map outlining current (blue) and proposed lots (red) (Gyde Consulting)


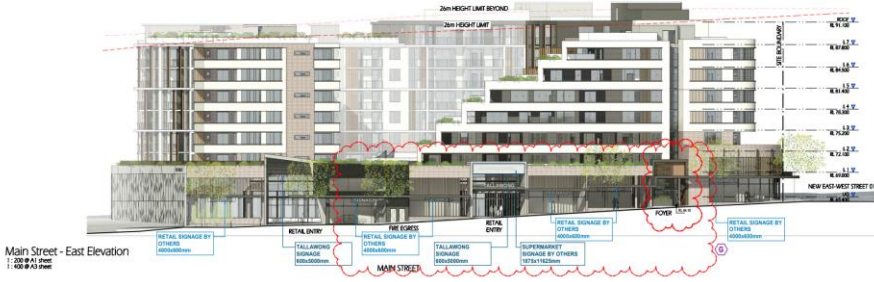
2.1 Site characteristics

Key characteristics and features of the site and wider context are provided below:

Table 2: Site characteristics

Characteristic/Feature	Relevant Mapping
Proximity to Sydney Metro	The site is directly opposite the Tallawong Metro Station, being the first station on the North West Metro Line.
Town Centre	The site forms the large majority of the town centre site of Tallawong.
Heritage	The site does not contain any heritage items, nor is the site located within a heritage conservation area.
Biodiversity	The site is not mapped as containing any areas of biodiversity value or native vegetation.
Bushfire	The site is a designated town centre surrounded by future urban development and the Metro and is therefore anomalous in terms of mapping of a minor part of the site as bushfire vegetation buffer (see Section 6 below for further discussion).

DA Number	Description	Approval Date
	 <p>Figure 4 Approved concept plan showing the 4 lots</p>	
<p>MOD-20-00357</p>	<p>MOD-20-00357 involved amendments to the approved concept plan and detailed stage 1 DA for Lots 1 and 2 being approved by the NSWLEC on 6 October 2021 concurrently with the (below) detailed DA (SP-20-0001) for Stage 2 relating to Lots 3 and 4.</p> <p>MOD-20-00357 involved amendments to the vehicular access and loading arrangements, overall height, total apartment and car parking numbers and variations to the building envelopes of the approved Concept Plan and Stage 1 on Lot 72 and 73 in Deposited Plan 208203.</p>	<p>6 October 2021</p>
<p>SPP-20-00001</p>	<p>SPP-20-0001 was approved by the NSWLEC on 8 October 2021 for the detailed design and construction of Lots 3 and 4:</p> <ul style="list-style-type: none"> • Construction of 2 shop top housing buildings on Lot 3 being 9 storeys, 3 levels of basement parking, 23 retail speciality shops and 225 apartments above. • Construction of 2 shop top housing building on Lot 4, 3 levels of basement parking, 16 retail speciality shops and 231 apartments above • Fit-out of the supermarket in lot 3 • Associated signage • Landscaping including 2 public squares • Construction of public roads and associated civil works • Tree removal 	<p>8 October 2021</p>

DA Number	Description	Approval Date
	 <p data-bbox="320 728 798 761">Figure 5 Stage 3 approved east elevation</p>  <p data-bbox="320 1198 798 1232">Figure 6 Stage 4 approved east elevation</p>	
<p data-bbox="167 1310 263 1377">DA-25-01175</p>	<p data-bbox="335 1310 1228 1456">On 10 July 2025, DA-25-01175 was approved for subdivision of land and construction of a road at 2 Implexa Parade, Rouse Hill (Lot 299 DP 1213279), providing a connection between Stubbs Street (Main Street) and Implexa Parade, in accordance with the Concept Plan (SPP-17-00039) and Tallawong Town Centre development (SPP-20-0001).</p>	<p data-bbox="1284 1310 1380 1366">10 July 2025</p>

4. The proposed development

The site was declared SSD in the *SSD Declaration Order (No. 8) 2025* for a mixed-use development including shop top housing with affordable housing and retail premises.

The SSDA will ‘amend’ the current consents described above, to increase the number of dwellings on the site (the proposed statutory mechanism to achieve this is described in Section 5.1 below).

The proposed development will utilise the currently approved road, open space and subdivision configuration, basement car parking, ground floor commercial level and above podium residential levels and construct additional residential levels within and above the approved building footprints.

The ‘amending’ SSDA will:

- Propose approximately 547 additional dwellings, including 5% affordable housing, in addition to the 753 dwellings already approved under the Stage 1 and Stage 2 DAs (resulting in a total of approximately

1,300 dwellings). The proposal is anticipated to have a total gross floor area of approximately 200,000sqm;

- Propose the following indicative construction staging:
 - Construction of lot 3;
 - Construction of lot 4;
 - Construction of lots 1 and 2; and
- Associated landscaping and infrastructure works.

There is no change to the zoning proposes as shop top housing is permissible with consent and the amending proposal is consistent with this.

Via the concurrent planning proposal, the HDA project will seek to amend the maximum building height and floor space ratio development standards set out in Area 20, Appendix 8 of *State Environmental Planning Policy (Precincts - Central River City) 2021*. The proposed changes to the development standards are as follows:

Table 4: Proposed changes to development standards

Development Standard	Current Standard	Proposed Standard	Exceedance
Height of buildings	26 metres	99.5 metres	Up to a 73.5 metre variation from the 26 metre height standard or a 67.3 metre variation from the maximum height previously approved.
Floor Space Ratio	2.75:1.	5:1	Up to 2.25:1 variation from the FSR standard and 2.86:1 variation from the maximum FSR previously approved.

5. Statutory Planning Context

An overview of the Statutory Planning Context is provided in Appendix 1. In summary, the proposed development is a SSDA pursuant to section 4.36(3) of the *Environmental Planning and Assessment Act 1979* (the Act). As noted earlier, the site was declared SSD by the Minister in *State Significant Development Declaration Order 2025* (No 8).

The site is zoned part B2 Local Centre and part B4 Mixed Use under SEPP (Precincts – Central River City) Appendix 8, Area 20. Within these zones, shop top housing is permissible with consent. The proposed changes to the height and floor space development standards are detailed in section 4 above.

5.1 Statutory Mechanism for the ‘Amending’ SSDA

The SSDA will seek consent for the development described in Section 4 above, whilst retaining (with minor modification) the current consents applying to the site. This will be implemented via section 4.17(1)(b) of the Act.

S4.17(1)(b) of the Act (extracted below) allows the consent authority to impose a condition to modify or surrender a current consent applying to the land to which the proposed consent relates.

4.17 Imposition of conditions

(1) **Conditions—generally** A condition of development consent may be imposed if—

....

(b) it requires the modification or surrender of a consent granted under this Act or a right conferred by Division 4.11 in relation to the land to which the development application relates,

The proposed SSDA, will propose to:

- Surrender the existing concept consent as it applies to the 4 lots (i.e. the concept approval component of SPP-17-00039), as it has no further work to do with the detailed stages already having been approved for the entirety of the site; and
- Modify, as necessary to integrate the proposed uplift described above, with the stage 1 (lots 1 and 2) consent (SPP-17-00039) and stage 2 (lots 3 and 4) (SPP-20-00001) shop top housing development consents.

6. Proposed Assessment of Impacts and Key Site Considerations

In accordance with Planning Circular 21-005, Industry Specific Housing SEARs (ISEARs) should be issued for the development as the proposal is **not**:

- Designated development;
- Partly or wholly prohibited; or,
- A concept development application.

Notwithstanding that ISEARs are appropriate for this project, in accordance with section 1.3 of the *“Preparing a Scoping Report of the SSD Guidelines”*, the following key matters are anticipated to inform the final design of the development and will require more detailed assessment in the EIS. The purpose of considering these factors at this stage is to inform the preparation of the ISEARs and Rezoning Requirements cover letter.

Biodiversity

The site is not mapped as containing biodiversity values or native vegetation. Accordingly, a waiver request for the Biodiversity Development Assessment Report will be lodged.

Heritage

As noted, the site is not heritage listed, nor is it located within a heritage conservation area.

Bushfire

A small portion of the site is located within a vegetation buffer zone and will therefore require inputs from a bushfire consultant.

The site is a designated town centre surrounded by future urban development and the metro and is therefore anomalous in terms of its partial mapping as bushfire vegetation buffer. The NSWLEC and Council did not identify bushfire as an environmental constraint during the recent development applications for major mixed commercial and residential developments which were granted consent. Despite the mapping being anomalous, for the avoidance of any doubt, advice from a bushfire consultant will accompany the EIS, confirming the lack of any ongoing risk.

Built Form and Visual Impact

The EIS will demonstrate that the site is suitable for the proposed density to provide additional housing including affordable housing on a town centre site in a highly accessible location, directly next to the Tallawong Metro Station.

Whilst the proposal will sit at a height that is greater than what is anticipated by the SEPP controls, it will represent a development that has been subject of rigorous urban design testing and is reasonable in the context of the emerging Tallawong Station Precinct.

An assessment of the bulk and scale will consider impacts on the surrounding locality in relation to overshadowing, views, visual bulk, building setbacks and street presentation, in an existing and future development context.

The development introduces a new development with a maximum building height of approximately 99.5m and will therefore change the visual composition of the catchment in which it is located. A visual analysis of the proposed development will be undertaken and considered as part of the EIS and the Rezoning.

Traffic and Vehicle Access

A Transport and Accessibility Report will support the application.

Housing Industry Specific SEARs

Housing Industry Specific SEARs are being requested for this project.

Rezoning Requirements

Rezoning Requirements are being requested for this project.

7. Conclusion

We trust the information provided in this cover letter and accompanying appendices is sufficient to enable Industry Specific Housing SEARs and Rezoning Requirements to be issued for this project.

Should you have any questions please do not hesitate to contact the undersigned or Olivia Page (Associate Director) at oliviap@gyde.com.au or 0400 811 750.

Yours sincerely,



David Ryan
Executive Director
davidr@gyde.com.au
0404 042 044

Appendix 1 – Statutory context

Power to grant approval

Division 4.7 of the Act establishes a specific framework to consider projects classed as SSD. SSD is development deemed to be of State significance and includes certain classes of development above a certain value, which are regarded as important to the NSW Government.

Section 4.36(3) of the EP&A Act states that:

“The Minister may, by a Ministerial planning order, declare specified development on specified land to be State significant development.”

The Minister, by a Ministerial planning order *SSD Declaration Order (No 8) 2025*, declared the site SSD on 26 May 2025. Therefore, the development is declared SSD in accordance with section 4.36(3) of the Act.

Other approvals

Section 4.41 of the Act identifies certain authorisations that are not required for SSD and section 4.42 of the Act identifies certain authorisations that cannot be refused if they are necessary for carrying out SSD, see Table 5 below.

Table 5: Summary of other approvals

NSW Legislation	Requirement for subject application
<u>Approvals that do not apply to SSD</u>	
<i>Fisheries Management Act 1994</i>	No
<i>Heritage Act 1977</i>	No
<i>National Parks and Wildlife Act 1974</i>	No
<i>Rural Fires Act 1997</i>	No
<i>Water Management Act 2000</i>	No
<u>Legislation that must be applied consistently</u>	
<i>Fisheries Management Act 1994</i>	No
<i>Mine Subsidence Compensation Act 1961</i>	No
<i>Mining Act 1992</i>	No
<i>Petroleum (Onshore) Act 1991</i>	No
<i>Protection of the Environment Operations Act 1997</i>	No
<i>Roads Act 1993</i>	Yes
<i>Pipelines Act 1967</i>	No

Pre-conditions to exercising power to grant approval

Table 6 identifies the pre-conditions to be fulfilled by the consent authority prior to exercising their power to grant development consent.

Table 6: Pre-conditions to exercising power to grant approval

Instrument	Response
<i>Biodiversity Conservation Act 2016</i>	Pursuant to section 7.9 of the <i>Biodiversity Conservation Act 2016</i> , SSDAs must be accompanied by a Biodiversity Development Application Assessment Report (BDAR) unless

Instrument	Response
	<p>the Planning Agency Head, and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. This determination is referred to as a BDAR Waiver.</p> <p>The site is not identified on any biodiversity values mapping or on any terrestrial biodiversity mapping. A BDAR Waiver will therefore be sought for this SSDA.</p>
<p><i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i></p>	<p>Section 2.122 of the Transport and Infrastructure SEPP requires the consent authority to provide Transport for NSW with written notice of the development application for ‘traffic-generating development’ and take into considered any response.</p> <p>In accordance with schedule 3 of the Transport and Infrastructure SEPP, the development will constitute traffic generating development as more than 300 dwellings will be delivered on a site with access to a road (generally).</p>
<p><i>State Environmental Planning Policy (Resilience and Hazards) 2021</i></p>	<p>Section 4.6 of the Resilience and Hazards SEPP sets out that a consent authority must not consent to the carrying out of any development on land unless:</p> <ul style="list-style-type: none"> • It has considered whether the land is contaminated; • If the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be after remediation); and • If the land requires remediation to make it suitable for the use, it is satisfied that the land will be remediated before the land is used for that purpose. <p>Contamination testing was undertaken as part of the original DA which deemed the site suitable for the proposed mixed-use. Notwithstanding, documentation will be prepared / updated for the amending SSDA to satisfy s4.6 of the Resilience and Hazards SEPP.</p>
<p><i>State Environmental Planning Policy (Biodiversity and Conservation) 2021</i></p>	<p>Chapter 2 Vegetation on non-rural land will be considered in the EIS, noting that the prior DAs dealt with all tree removal.</p> <p>The site is located in the Hawkesbury Nepean Catchment. Relevant provisions will be considered.</p>
<p><i>State Environmental Planning Policy (Sustainable Buildings) 2022</i></p>	<p>Chapter 2 Section 2.1 notes that development consent must not be granted to certain BASIX development unless the consent authority is satisfied the embodied emissions attributable to the development have been quantified.</p> <p>The development is defined as BASIX affected development under the EP&A Regulation and this section applies. The embodied emissions will be quantified as part of the EIS.</p>
<p><i>State Environmental Planning Policy (Central River City) 2021</i></p>	<p>The pre-conditions in the Central River City SEPP are considered further below.</p>


Mandatory matters for consideration

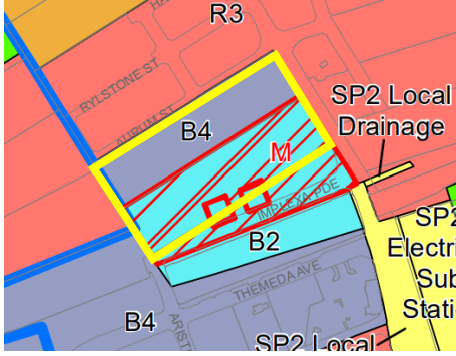
Table 7 sets out the matters that a consent authority will be required to consider in deciding whether to grant consent to the SSD. These matters will be addressed in detail in the EIS.

Table 7: Matters for consideration

Legislation	Matters for Consideration	Comment
The Act		
Section 1.3	<i>Objects of the Act</i>	An assessment against the objects of the Act will be undertaken in the EIS.
Section 4.15	<p>a) <i>the provisions of:</i></p> <p>i) <i>relevant environmental planning instruments</i></p> <p>ii) <i>any proposed instrument that is or has been subject of public consultation under the Act</i></p> <p>iii) <i>any development control plan</i></p> <p>iv) <i>any planning agreement</i></p> <p>v) <i>the regulations</i></p> <p>b) <i>the significant likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality, suitability of the site for the development</i></p> <p>c) <i>any submissions made in accordance with the Act or Regulations</i></p> <p>d) <i>the public interest.</i></p>	Section 4.15 of the Act will be addressed in detail in the EIS and supporting documentation for the SSD.
State Environmental Planning Policy (Housing) 2021		
Chapter 2 Affordable Housing	<i>15 Requirement for imposition of conditions—the Act, s 7.32(3)(a)</i>	The proposal seeks to provide 5% affordable housing, which is consistent with the objective of Chapter 2.
Chapter 4 Design of Residential Apartment Development	<i>142 Aims of chapter – 149 Apartment Design Guide prevails over development control plans</i>	Compliance with the ADG will be demonstrated in the EIS and supporting documentation.
State Environmental Planning Policy (Precincts—Central River City) 2021 - Appendix 8 Area 20 Precinct Plan		
<u>2.2 Zoning of the land to which this Plan applies</u>	The site is zoned part B2 Local Centre and part B4 Mixed Use.	Shop top housing is permissible in both zones.
<u>2.3. Zone objectives and Land Use Table</u>	<p>B2 Local Centre Zone</p> <ul style="list-style-type: none"> <i>To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.</i> 	To the extent the objectives are relevant, the proposal is consistent with the zone objectives by delivering permissible land uses which complement the local centre, provide business opportunities

Legislation	Matters for Consideration	Comment
	<ul style="list-style-type: none"> • <i>To encourage employment opportunities in accessible locations.</i> • <i>To maximise public transport patronage and encourage walking and cycling.</i> • <i>To provide for residential development that contributes to the vitality of the local centre.</i> • <i>To ensure that residential development within the centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.</i> • <i>To facilitate active retail, commercial, entertainment and community facility uses at ground level of mixed use developments.</i> • <i>To encourage development which will contribute to the economic growth of, and creation of employment opportunities within, the City of Blacktown.</i> <p>B4 Mixed Use</p> <ul style="list-style-type: none"> • <i>To provide a mixture of compatible land uses.</i> • <i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i> • <i>To facilitate active retail, commercial, entertainment and community uses at ground level of mixed use developments.</i> • <i>To provide for residential development that contributes to the vitality of the local centre.</i> • <i>To ensure that residential development adjacent to the local centre does not detract from the primary function of the centre being to provide for retail, business, entertainment and community uses.</i> 	<p>and deliver new housing in an accessible area.</p>

Legislation	Matters for Consideration	Comment
<p>4.3 Height of Building (2) <i>The height of a building on any land is not to exceed the maximum height shown for the land on the <u>Height of Buildings Map</u>.</i></p>	<p>The applicable building height is 26 metres.</p>	<p>N/A – the proposal is seeking a concurrent planning proposal which will increase the height of building to approximately 99.5m.</p>
<p>4.4 Floor Space Ratio (2) <i>The maximum floor space ratio for a building on any land is not to exceed the floor space ratio shown for the land on the <u>Floor Space Ratio Map</u>.</i></p>	<p>The applicable FSR is 2.75:1.</p>	<p>N/A – the proposal is seeking a concurrent planning proposal which will increase the FSR to approximately 5:1.</p>
<p>6.5 Active street frontages (3) Development consent must not be granted to the erection of a building, or a change of use of a building, on land to which this section applies unless the consent authority is satisfied that the building will have an active street frontage after its erection or change of use.</p>	<p>Parts of the site are identified as requiring active street frontages.</p>  <p>Figure 7: Active street frontage map (Source: NSW Legislation)</p>	<p>The proposal will provide ground floor land uses that seek to activate the street frontages.</p>
<p>Schedule 1 Additional permitted uses Residential flat buildings in Zone B2 (1) <i>This section applies to the land identified as “M” on the <u>Land Zoning Map</u> that is in Zone B2 Local Centre.</i> (2) <i>Development for the purpose of a residential flat building is permitted with development consent on land identified as “Active</i></p>	<p>The site is identified as ‘M’ on the land zoning map, therefore residential flat buildings are permissible if the ground floor and first floor are able to be adapted for retail or business premises.</p>	<p>The ground floor and first floor are to be used for retail or business premises as per the approvals.</p>

Legislation	Matters for Consideration	Comment
<p><i>street frontage” on the <u>Active Street Frontages Map</u> if the ground floor and first floor of the proposed residential flat building are able to be adapted for the purpose of retail premises or business premises.</i></p>	 <p>Figure 8: Additional permitted uses map (Source: NSW Legislation)</p>	