

# Notice of Decision

## Section 2.22 and clause 20 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*

<b>Application type</b>	State significant development
<b>Application number and project name</b>	SSD-10425 Tallawong Station Precinct South Stage 2
<b>Applicant</b>	Deicorp Construction Pty Ltd
<b>Consent Authority</b>	Minister for Planning and Public Spaces

### Decision

The Director under delegation from the Minister for Planning and Public Spaces has, under section 4.38 of the *Environmental Planning and Assessment Act 1979 (the Act)* granted consent to the development application subject to the recommended conditions.

A copy of the development consent and conditions is available [here](#).

A copy of the Department of Planning and Environment's Assessment Report is available [here](#).

### Date of decision

20 July 2021

### Reasons for decision

The following matters were taken into consideration in making this decision:

- the relevant matters listed in section 4.15 of the Act and the additional matters listed in the statutory context section of the Department's Assessment Report;
- the prescribed matters under the *Environmental Planning and Assessment Regulation 2000*;
- the objects of the Act;
- all information submitted to the Department during the assessment of the development application
- the findings and recommendations in the Department's Assessment Report; and
- the views of the community about the project (see Attachment 1).

The findings and recommendations set out in the Department's Assessment Report were accepted and adopted as the reasons for making this decision. Additional reasons for making the decision are also recorded in the Department's Assessment Report.

The key reasons for granting consent to the development application are as follows:

- the proposal is consistent with the strategic planning framework for the North West growth area as it reflects the principles of transit-oriented development by providing a mixed-use precinct with housing, retail and commercial opportunities directly adjacent to the Tallawong Metro station accommodating up to 1,000 construction jobs and 400 operational jobs
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent
- the proposal would achieve design excellence and is supported by the Tallawong Design Review Panel
- the proposal maintains a maximum height of eight storeys and gross floor area consistent with the concept approval

- the proposal would not result in any adverse transport or traffic impacts on the surrounding road or pedestrian network
- the proposal would result in a range of public benefits including public park, plazas, pedestrian links from adjoining roads to the Metro station, and 50 affordable apartments which would be retained for a minimum of 10 years
- the project is in the public interest

### Attachment 1 – Consideration of Community Views

The Department exhibited the Environmental Impact Statement for the project from 25 June until 22 July 2020 (28 days) and received five public submissions (three objecting and two providing comments).

The Department also undertook the following consultation activities:

- site visit
- met with Council, TfNSW and the Applicant to facilitate resolution of Council's outstanding concerns

The key issues raised by the community (including in submissions) and considered in the Department's Assessment Report and by the decision maker included built form, density, car parking, noise, overshadowing, privacy, and traffic congestion. Other issues are addressed in detail in the Department's Assessment Report.

<i>Issue</i>	<i>Consideration</i>
<p><b>Parking</b></p> <p>The proposal will contribute to an increase of cars parked on existing local streets due to the additional population in the area</p>	<p><b>Assessment</b></p> <ul style="list-style-type: none"> <li>• The Department notes the proposal includes 276 additional residential and retail/commercial car spaces above the minimum number required by the Concept Approval. The Department is therefore satisfied the proposed on-site car parking spaces would reduce the potential for parking on local streets.</li> </ul>
<p><b>Safety</b></p> <p>The proposal will create safety concerns for local residents, pedestrians and Metro station users as a result of increased traffic and parking on surrounding local streets</p>	<p><b>Assessment</b></p> <ul style="list-style-type: none"> <li>• The proposal includes 276 additional residential and retail/commercial car spaces above the Concept Approval to reflect the anticipated parking demand by residents and to reduce potential car parking in surrounding streets.</li> <li>• Further, a managed car park within Site 1 is proposed for retail and commercial car spaces to ensure appropriate access, use and turnover of car parking and deter visitors to the site parking in surrounding streets</li> <li>• The Department also notes that adequate footpaths, bicycle connections, and pedestrian links will be provided to connect the site with surrounding roads and the Metro station</li> <li>• The application is also accompanied by a Crime Prevention Assessment report which identifies measures to be implemented in the proposal to enhance safety on the site and minimise opportunities for crime.</li> </ul>
<p><b>Noise and Privacy</b></p> <p>The proposal will result in increased noise to neighbourhoods south of Schofields Road from road traffic and from residents of taller buildings within the development</p>	<p><b>Assessment</b></p> <ul style="list-style-type: none"> <li>• The proposed buildings fronting Schofields Road have an 8 m setback from the street boundary and are separated from the residential area to the south by a six-lane road and a two-way service road behind a vegetated road reserve. The Department is satisfied the separation distance between the proposal and the residential areas south of Schofields Road would appropriately minimise any adverse privacy and noise impacts.</li> </ul>

**Overshadowing**

The development will result in overshadowing for residents south of Schofields Road and pose an obstruction to the outlook of surrounding neighbourhoods

**Assessment**

- The shadow impacts to the residential suburbs south of Schofields Road has been demonstrated to be very minor, affecting mostly Schofields Road, with some shadows to dwellings from 3pm onwards on June 21.
- The application includes amendments to the building footprint and envelope of the four buildings adjoining Schofields Road (site 2D) and reducing the parapet height of nine residential buildings on Site 2. These changes have reduced shadows over Schofields Road and closest residential area, The Ponds opposite Schofields Road, with less overshadowing than the Concept Approval.

**Traffic and Congestion**

The proposal will create increased road traffic and congestion in the Hills region

**Assessment**

- The application is supported by a Traffic and Parking Assessment report which concludes that the vehicle movements generated by the proposal will not have an adverse impact on the existing road network. This conclusion is supported by TfNSW and an independent traffic consultant who reviewed the proposal. TfNSW recommended that Green Travel Plans be prepared for the proposal which provide strategies to encourage the use of public and active transport
- The Department's consideration of traffic and parking is at **Section 6.4**. The Department is satisfied that the proposal will not result in adverse traffic impacts to the road network.
- A condition of consent requires the Applicant to prepare Green Travel Plans for the residential and retail/commercial components that provide strategies to encourage the use of public and active transport. The Green Travel Plans are to be endorsed by TfNSW prior to occupation of the development.

**Quality of Life**

The proposal will further exacerbate the overcrowding of essential services and facilities in the region

**Assessment**

- The built form and density of the proposal is consistent with the concept approval and anticipated demand for services and facilities. The proposal also includes a public park which will be privately owned and managed with public access secured on title.
- The proposal will be subject to the Rouse Hill Contributions Plans administered by Blacktown City Council. The development is located within the Western Sydney Growth Areas – Special Contributions Area and a Special Infrastructure Contribution (SIC) will also be applied to help fund regional infrastructure required to support developments in the Growth Centres.
- Conditions of consent require the Applicant to pay contributions applicable under the Rouse Hill Contributions Plans and the Western Sydney Growth Areas Special Infrastructure Contribution Plan.

**Amenity**

The proposed open space is insufficient for the number of dwellings in the proposal. Local schools are already at capacity and will not be able to support the additional population from the proposal

**Assessment**

- The proposal includes a public park consistent with the Concept Approval but with an increased size of 3,507 m<sup>2</sup>. The proposal also includes plazas, street planting, communal open space areas for residents and private balconies or courtyards for each dwelling
- The public park is consistent with the Growth Centres Precinct DCP which requires a public park between 2,500 and 3,000 m<sup>2</sup> to be provided within the site. The public park will be privately owned and managed with public access secured through the VPA

- The landscaped open space areas, deep soil zones, and communal and private open space areas comply with the provisions of the ADG as detailed in **Appendix D**
- The Department is satisfied that the proposed open space areas will be appropriately landscaped, managed and maintained to ensure their long-term health and vitality
- Consideration of additional education facilities was not requested for this proposal by the relevant public authorities.

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**Built Form**

The proposed built form will result in a disruption of the low-scale nature of existing surrounding suburbs

**Assessment**

- The Concept Approval established building envelopes for the proposal of two to eight storeys and a maximum gross floor area of 93,393 m<sup>2</sup>. The proposal has building envelopes and gross floor area of 93,386 m<sup>2</sup> consistent with the Concept Approval
  - The taller and larger buildings in the proposal are located near the Metro station and the lower, smaller buildings have a frontage to Schofields Road and Cudgegong Road to provide an appropriate transition to the surrounding lower scale residential areas.
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