



Tallawong Station Precinct South

Stage 2 - Detailed Development Application and Modification Application
State Significant Development Assessment
SSD 9063 MOD 1 & SSD 10425

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*Cover image: Artist's impression of Tallawong Station Precinct South, aerial view facing south
(Source: Applicant's EIS)*

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
BCA	Building Code of Australia
CIV	Capital Investment Value
Council	Blacktown City Council
Crown Lands	Crown Lands, DPIE
Department	Department of Planning, Industry and Environment
DRP	Design Review Panel
DPI	Department of Primary Industries, DPIE
EESG	Environment, Energy and Science Group
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	Environmental Planning and Assessment Act 1979
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
BC Act	Biodiversity Conservation Act 2016
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
FSR	Floor Space Ratio
Heritage	Heritage NSW, Department of Premier and Cabinet
LEP	Local Environmental Plan
Minister	Minister for Planning and Public Spaces
NRAR	Natural Resources Access Regulator, DPIE
RMS	Former Roads and Maritime Services, now TfNSW
SEARs	Planning Secretary's Environmental Assessment Requirements

Planning Secretary	Secretary of the Department of Planning, Industry and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	State Environmental Planning Policy (State and Regional Development) 2011
SSD	State Significant Development
SSI	State Significant Infrastructure
TfNSW	Transport for NSW
VPA	Voluntary Planning Agreement
WSUD	Water Sensitive Urban Design

Executive Summary

This report provides a concurrent assessment of a modification application to the approved Tallawong Concept Approval (SSD 9063 MOD 1) and a State significant development application (SSD 10425) for a mixed-use development located south of Tallawong Station, within the Blacktown City local government area (LGA).

The proposal seeks:

- to modify the concept approval to refine the approved building envelopes in the Urban Design Report and amend the diagrams in the approved Design Quality Report
- consent for the detailed design, construction and operation of 987 residential apartments, retail and commercial uses, public domain works, landscaping, a publicly accessible park, new roads and subdivision.

The proposal has a Capital Investment Value (CIV) of \$332,438,409 and would generate 1,000 construction jobs and 400 operational jobs. The applications have been lodged by Sutherland & Associates Planning on behalf of Deicorp (the Applicant).

Engagement

The Department publicly exhibited the applications between 4 June and 1 July 2020 (28 days).

The concept modification application received three public submissions (two objecting and one providing comments), six submissions from Government agencies providing comments, and a submission from Council. The SSD application received five public submissions (three objecting, two providing comments) eight submissions from Government agencies providing comments, and a submission from Council.

Council initially objected to the proposed modification and Stage 2 application and requested further consideration be given to the planning and design of waste collection, road network, access and car parking, resident visitor car parking rates, engineering, drainage, open space, tree management, and waste management.

The key issues raised in the public submissions included built form, density, car parking, noise, overshadowing, privacy, and traffic congestion.

In response to the issues raised in submission, the Applicant submitted a Response to Submissions report (RtS) which provided further justification and additional information including resolution of proposed stormwater connections, active transport connections, and car parking rates (refer to **Section 5**).

After reviewing the RTS and consulting with the Applicant, Council withdrew its objection and provided its recommended conditions of consent. Government agencies also provided further comments on the Applicant's RtS, which informed the Department's recommended conditions in **Appendix F**.

Assessment

The Department has considered the merits of the proposal, the issues raised in submissions as well as the Applicant's response to those submissions.

The Department considers the proposal is acceptable for the following reasons:

- 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
- while the proposal departs from the 26 m height standard in the Growth Centres SEPP (by a maximum of 8.69 m) the Department is satisfied the proposed building heights are acceptable because:
 - the proposal maintains a maximum height of eight storeys as envisaged by the Growth Centres Precinct DCP and the concept approval
 - the sloping nature of the site makes compliance with the height control difficult to achieve and exacerbates the overall height of the buildings
 - the height departure primarily relates to the lifts over runs of each building which form a small component of the roof area and it allows equitable access to the roof top communal open space areas
 - the proposal provides increased floor to ceiling heights for the retail and commercial spaces consistent with the requirements of the Apartment Design Guide.
- the proposed modifications to the approved building envelopes are considered to be acceptable as they would:
 - reduce the mass and visual bulk of future buildings
 - improve sight lines and connectivity through the public domain areas
 - provide a larger publicly accessible park.
- the proposed density is considered to be acceptable as the gross floor area of the proposal remains the same as the concept approval, and the number of dwellings have been reduced from 1,100 to 987
- the proposal is supported by the Tallawong Design Review Panel as it is compatible with the existing and emerging character of the surrounding area; it incorporates quality building design, materials and finishes; and the proposed buildings are integrated with the design of public domain areas to maximise amenity for future residents and visitors
- the proposal would provide new open spaces, including a 3,507 m² publicly accessible park, retail plazas and other public domain areas to support the development and activate the area around the Tallawong Metro station. The public park will be retained in private ownership, however public access and maintenance will be secured on title through a VPA endorsed by Blacktown City Council

- the proposal would not result in adverse traffic impacts on the surrounding road network as the number of dwellings across the site has been reduced, the proposal has excellent access to public transport and the Applicant's Traffic Impact Assessment confirms the proposal would not result in any significant traffic impacts on the surrounding road network
- the proposal provides sufficient car parking spaces that balances the anticipated car parking demand by residents while at the same time encouraging the use of public transport with a limited number of spaces provided for retail and commercial users
- 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 proposal includes a suite of ESD initiatives and sustainability measures, targeting a 5 Star Green Star rating for all buildings, 5 Star NABERS energy and water rating commitment agreement for commercial areas over 1000 m², 'Silver' Level Standard for affordable housing dwellings, and BASIX and Liveable Housing Design compliance.

Conclusion

Following its detailed assessment, the Department supports the proposal as it responds to the context of the site and is consistent with the strategic planning outcomes anticipated by the Growth Centres SEPP. The proposal will deliver new housing and a new local retail and commercial centre, supported by infrastructure, open space, and public transport consistent with the strategic planning objectives for the North West growth area. The proposed built form is consistent with that established in the concept approval and will deliver a high-quality development that would make a positive contribution to the existing and emerging character of the surrounding area.

The Department's assessment therefore concludes the proposal is in the public interest and recommends that the applications be approved subject to the recommended conditions of consent.

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1 Introduction

This report provides a concurrent assessment of a modification application to the approved Tallawong Station Precinct South concept plan (SSD 9063 MOD 1) and a State significant development (SSD) Stage 2 (detailed design) application for the Tallawong Station South Precinct (SSD 10425) for a mixed use development located south of Tallawong Station, within the Blacktown City LGA. .

The applications have been lodged by Sutherland & Associates Planning on behalf of Deicorp (the Applicant). The proposal seeks:

- to modify the concept approval to refine the approved building envelopes in the Urban Design Report and amend the diagrams in the approved Design Quality Report
- development consent for the detailed design, construction and operation of residential apartments, retail and commercial uses, public domain works and landscaping including a publicly accessible park, new road and land and stratum subdivision.

The proposal has a Capital Investment Value (CIV) of \$332,438,409 and would generate 1,000 construction jobs and 400 operational jobs.

1.1 Tallawong Station Precinct South

Tallawong Station Precinct South is located in Sydney's northwest suburb of Rouse Hill, approximately 1.7 km from the commercial centre of Rouse Hill and approximately 16 km from Parramatta CBD.

The site is located between Cudgegong Road to the east, Tallawong Road to the west, and Schofields Road to the south. Immediately north of the site is the Tallawong Metro Station which is the last station on the Sydney Metro North West MNW line. Stabling, monitoring and maintenance facilities to service the SMNW (the North West Terminus) are located 700 m to the northwest and a 1000 space metro commuter car park immediately to the west of the site (**Figure 1**).

A low to medium density residential community known as The Ponds is located immediately south of the site on the opposite side of Schofields Road. Second's Ponds Creek, a regional park is located to the east of The Ponds and an energy substation (Rouse Hill switching station) is located opposite the site on Cudgegong Road.

The land to the north is predominantly undeveloped, however some industrial and residential uses including the Rouse Hill Regional Park and Rouse Hill Anglican College are located in this area. Two mixed-use precincts have been approved adjoining the northern side of the railway line for buildings of two to nine storeys in height which include residential and non-residential uses, open space, and car parking (**Figure 1**).



Figure 1 | Local context (Source: Nearmap with labels)

1.2 The Site

The site is an irregular L shaped allotment with street frontages of approximately 207 m to Schofields Road and 187 m to Cudgegong Road, and an overall site area of 43,270 m². The site is located less than 50m south of the Tallawong Metro station.

The site forms part of a super lot within the approved Concept Plan (SSD 9063) in **Figure 2**. The Stage 1 Concept Development Application (SSD 9063) for the Tallawong Station South Precinct comprises building envelopes for a mixed-use development (**Figure 3**). It was submitted by Landcom and approved in February 2019 by the former Minister for Planning.



Figure 2 | Concept approval super lot for SSD 9063 outlined in red (Source: Nearmap with labels)



Figure 3 | Photomontage of Concept approval super lot for SSD 9063 (Source: EIS SSD 9063)

New roads and commuter carparks have since been constructed within the super lot, creating two residual allotments known as Sites 1 and 2, which are subject to this application (see **Figure 4**). The two sites have been used as work zones associated with the Sydney Metro. Both sites have been cleared of buildings and vegetation with the exception of a temporary pocket park on Site 1 (**Figure 5**) and a small number of existing trees on Site 2 (**Figure 10**).

Site 1 at 2-12 Conferta Avenue, Rouse Hill has an area of 16,240m² and is bound by Conferta Avenue to the south, Themeda Avenue to the north, an at-grade car park to the west and Cudgegong Road to the east (see **Figure 6** and **Figure 7**).

Site 2 at 1-15 Conferta Avenue, Rouse Hill has an area of 27,030m² and is bound by Schofields Road to the south, Conferta Avenue to the north, an at-grade car park to the west and Cudgegong Road to the east (see **Figure 8** and **Figure 9**).



Figure 4 | Concept approval site outlined in red and Site 1 and Site 2 of proposal outlined in blue (Source: Nearmap with labels)



Figure 5 | Site 1 temporary pocket park at the corner of Themeda Avenue and Cudgong Road (Source: DPIE)



Figure 6 | Site 1 at Conferta Avenue, facing north-west with Tallawong Station in the background (Source: DPIE)



Figure 7 | Site 1 western boundary facing north at Conferta Avenue where site adjoins existing at-grade commuter car park (Source: DPIE)



Figure 8 | Site 1 on left and Site 2 on right at Cudgegong Road, facing west down Conferta Avenue (Source: DPIE)



Figure 9 | Site 2 western boundary facing south at Conferta Avenue where site adjoins existing at-grade commuter car park (Source: DPIE)



Figure 10 | Site 2 existing trees and pond (Source: DPIE)

1.3 Related Applications and Previous Approvals

Area 20 Precinct and North West Priority Growth Area

The site is located within the southern part of the broader 'Cudgegong Road Station Precinct' (Area 20) of the North West Priority Growth Area, a substantial land release area for homes and jobs in Sydney's northwest. The SMNW Urban Renewal Corridor included structure plans prepared for each of the station precincts along the SMNW line. The precinct surrounding Tallawong station (formally called Cudgegong Road station) became the Area 20 Precinct and was rezoned in 2011.

Cudgegong Road or the Area 20 Precinct ('the Cudgegong Road Precinct') forms part of the North West Priority Growth Area. The Cudgegong Road Precinct is bounded by Windsor Road (east), Tallawong Road (west), Schofields Road (south) and broadly the Rouse Hill Regional Park to the north.

The future centre is identified to be located around the Tallawong station. The Indicative Layout Plan (**Figure 11**) zones land to the north of Tallawong Station as B2 Local Centre and land to the south of the station (where the proposal is located) as B4 Mixed Use.

In 2014 the Department of Planning and Environment introduced new planning controls to increase housing choice and improve affordability in the Growth Centres, amending the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) and Growth Centre Precinct Development Control Plans (DCP) to provide consistent planning controls for the assessment and delivery of housing.

The Growth Centres SEPP establishes the land use zoning and development controls for all land in the growth centres (i.e. North West and South West priority growth areas). Consent authorities (i.e. local councils) must apply the provisions and consider the objectives of the Growth Centres SEPP when they make planning decisions in the growth centres.



Figure 11 | Development principles for Cudgong Local Centre (Source: Precinct DCP)

Concept Approval

On 21 February 2019, the then Minister for Planning granted approval for the Stage 1 State Significant Concept Development Application for Tallawong Station Precinct South (SSD 9063) providing a new mixed-use development supported by public transport. The concept approval sets out the building envelopes, GFA, parking rates, affordable housing, landscaping and road layout of the new mixed-use precinct.

The concept approval establishes the Floor Space Ratio (FSR) and height standard to accommodate varying building typologies. The concept approval also sets out parameters and matters for consideration in relation to the detailed design of the development, including achieving design excellence through the application of the Design Quality Guidelines, car parking efficiency, and suggested amendments to accommodate good quality public domain, landscaping and precinct design.

The development consent for SSD 9063 included conditions for matters to be addressed in future development applications and can be found at **Appendix E**.

2 Project

The proposal seeks approval to modify the Tallawong Precinct South (SSD 9063) concept approval and consent for the detail design and construction of the mixed-use precinct for residential, retail and commercial uses south of the Sydney Metro Tallawong station.

The Modification Application seeks approval to:

- amend the approved building envelopes
- make subsequent changes to the approved Urban Design Report and the Design Quality Report.

The SSD application seeks approval for:

- the construction of 17 buildings ranging in height between two and eight storeys
- 957 residential apartments
- 1,357 car parking spaces
- a publicly accessible park
- new public and private streets and pedestrian connections.

The key components of the proposal (as amended by the Response to Submissions (RtS) are summarised at **Table 1** and depicted in **Figures 13 to 17**. A link to the Applicant's modification application and SSD documents is provided at **Appendix A**.

Table 1 | Main Components of the Project

SSD Application (SSD 9063 MOD 1)	
Aspect	Description
Built form	<ul style="list-style-type: none">• Increase the maximum height of the approved building envelopes from 31.5 m to 34.69 m to provide appropriate grades throughout the site, lifts to each building, and ceiling heights to retail and commercial spaces consistent with the Apartment Design Guide• Amend the building footprint and envelopes of Sites 1A and 1B to reduce the built form and improve solar access, sight lines and physical connection through the public domain, and increase size of public park• Amend the building footprint and envelopes of Sites 2C and 2D to redistribute built form and reduce building length to maximise solar access, sight lines and physical connection through the site, and provide lower scale buildings adjoining pedestrian links• Amend the basement area, deep soil location, and soil on slab including consolidating the basements of Sites 1 and 2, extending the basement beneath the public park and adjoining road, and providing deep soil on slab below the park and road.
Land uses	<ul style="list-style-type: none">• Amend the ownership diagram to reflect that the park and adjoining road, and plaza will be in private ownership. Provision, management and public access to the park and adjoining road has been secured through a VPA executed between Blacktown City Council and the Applicant.

Vehicular access and parking	<ul style="list-style-type: none"> Amend the design of the private road adjoining the public park to form a physical and visual extension of the park Amend the car parking rates to increase car parking for the 1 and 2 bedroom dwellings to provide 1 car space per dwelling and increase car parking for retail and commercial uses to provide 250 car spaces within a managed car park.
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SSD Application (SSD 10425)

Aspect	Description
Built form	<ul style="list-style-type: none"> Construction of 17 buildings* of between 2 and 8 storeys (maximum building height of 34.69 m or RL 91.600)
GFA	<ul style="list-style-type: none"> 93,386 m²
Land uses	<ul style="list-style-type: none"> 987 dwellings comprised of 252 x 1 bedroom (26%), 682 x 2 bedroom (69%) and 53 x 3 bedroom (5%) 9,000 m² of commercial and retail uses 5% Affordable Housing (50 dwellings) New private street in Site 1 New public street and pedestrian connection in Site 2 Publicly accessible park (3,507 m²) and adjacent private road (west) Landscaping of the site within the public and private domain
Vehicular access and parking	<ul style="list-style-type: none"> Basement car parking for 1,357 cars comprising 1,008 residential, 99 resident visitor, and 250 retail and commercial car spaces
Employment	<ul style="list-style-type: none"> 1,000 construction jobs 400 operational jobs
CIV	<ul style="list-style-type: none"> \$332,438,409
Subdivision	<ul style="list-style-type: none"> Subdivision of Site 2 to separate the public road Stratum subdivision of the site to create four lots: Lot 1 Commercial, Lot 2 Residential, Lot 3 Residential, Lot 4 Public Park

(*Note: The number of buildings proposed in this application is 17 when compared to 16 buildings in the Concept Approval due to one building envelope being modified to form two buildings).

2.1 Physical layout and design

The proposal can be defined as two sites, Site 1 and Site 2 with common connecting roads, pedestrian and cycle links.

Site 1 comprises the northern portion of the sit and, is bounded by Conferta Avenue and Themeda Avenue and is zoned B4 Mixed Use. A north-south private road is proposed to divide the site in two and will contain mixed-use buildings of 2, 4 and 8 storeys. Site 1 is characterised by ground floor retail and commercial uses, some first floor commercial uses and residential apartments above.

Site 1 would also accommodate a 3,507m² publicly accessible park, which would be located directly south of the Metro station entry plaza and an east-west pedestrian link between the park and Cudgegong Road. The highest building is 34.69 m (to the top of the lift overrun), south of the east-west pedestrian link with an interface to Cudgegong Road and Conferta Avenue.

Site 2 comprises the southern portion of the site and is bounded by Conferta Avenue and Schofields Road and is zoned R3 Medium Density Residential. It is proposed to contain 12 residential flat buildings, associated open space areas, internal roads and pedestrian and cycle links.

The building envelopes in Site 2 are predominately 3, 4 and 8 storeys with top floor setbacks proposed to buildings adjoining the new southern road and plaza to reduce visual impacts and overshadowing. The highest building is 31.83 m (to the top of the lift overrun), located east of the plaza with an interface to Conferta Avenue and Cudgegong Road.

The proposed Modification Application would amend the approved building envelopes compared to the Concept Approval (SSD 9063) (see **Figures 12 and 13**). The proposal, however, would retain the overall maximum GFA and the maximum number of storeys for proposed buildings, consistent with the Concept Approval. The refinements seek to improve the amenity to the public domain and residential apartments (see discussion in **Section 6.2.2**).

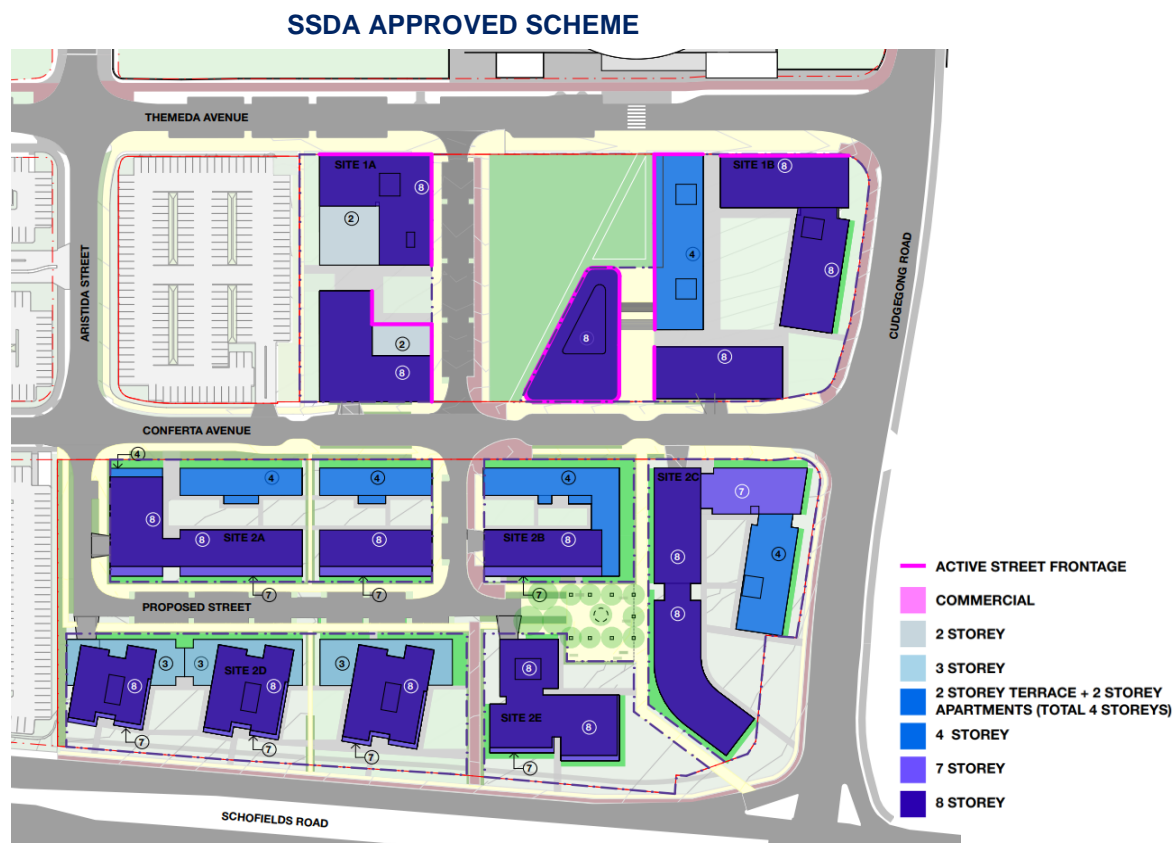


Figure 12 | Concept Approval site layout including building footprints and heights (Source: SSD 9063)

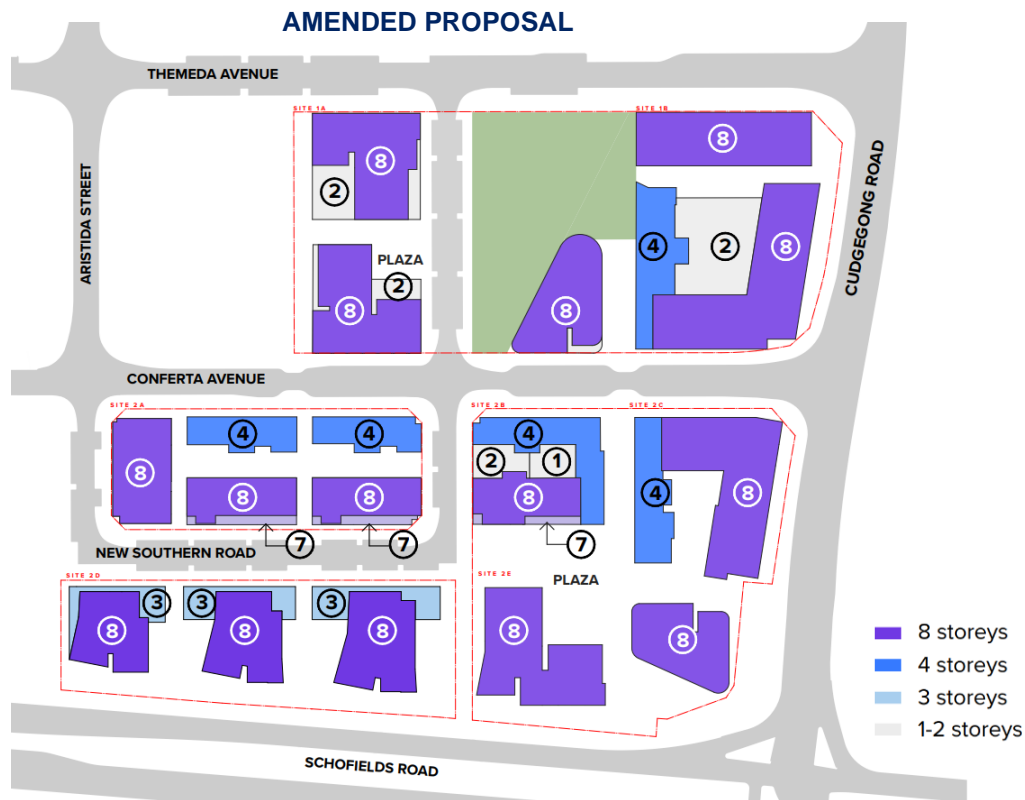


Figure 13 | Proposed modification site layout including building footprints and heights (Source: Applicant's EIS)

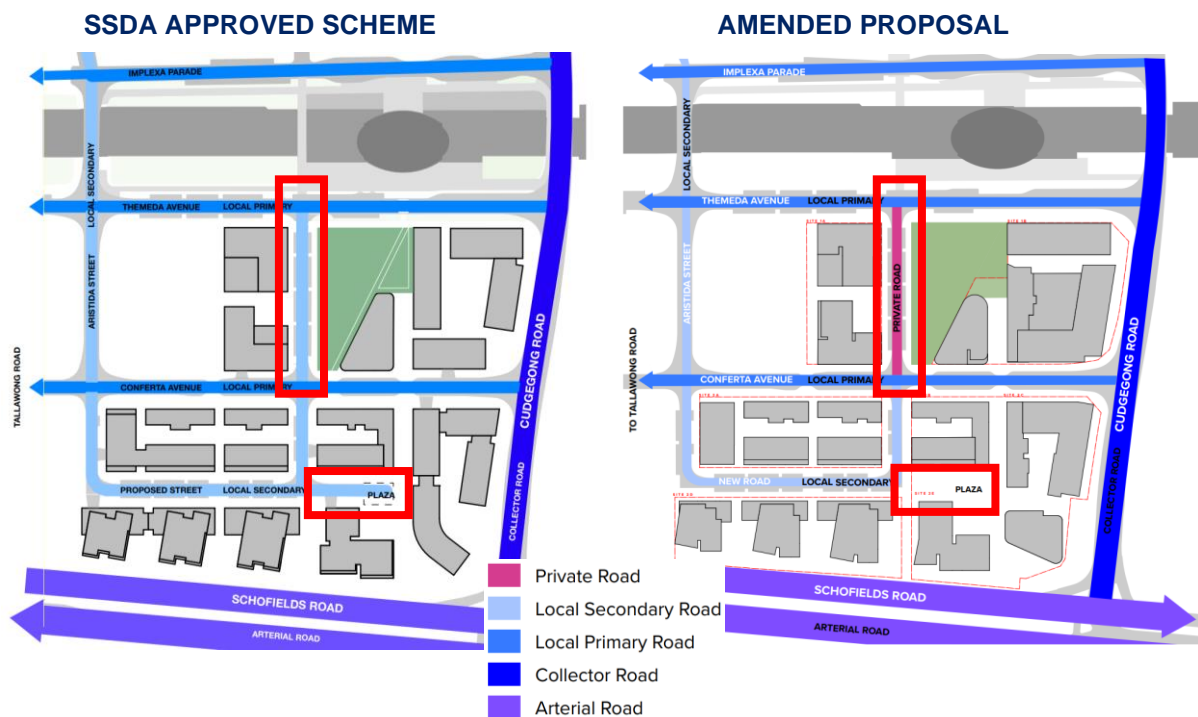


Figure 14 | Concept approval vs proposed modification – Street network and hierarchy (Source: SSD 9063 and Applicant's EIS)

The proposal also sets out the arrangement of ownership and management of roads and open spaces as follows (see **Figure 15**):

- the public park and private road within Site 1 will be privately owned with an easement for public use secured through a Voluntary Planning Agreement (VPA) (see **Section 6.3.1**)
- the public park is designed to respond to private ownership with deep soil landscape zones over a consolidated basement (see **Figures 16 and 17**)
- the public plaza in Site 2 is designed as pedestrian priority, removing the service and loading access to provide a raised-level continuous shared path between Schofields Road and Themeda Avenue (see **Figure 14**).

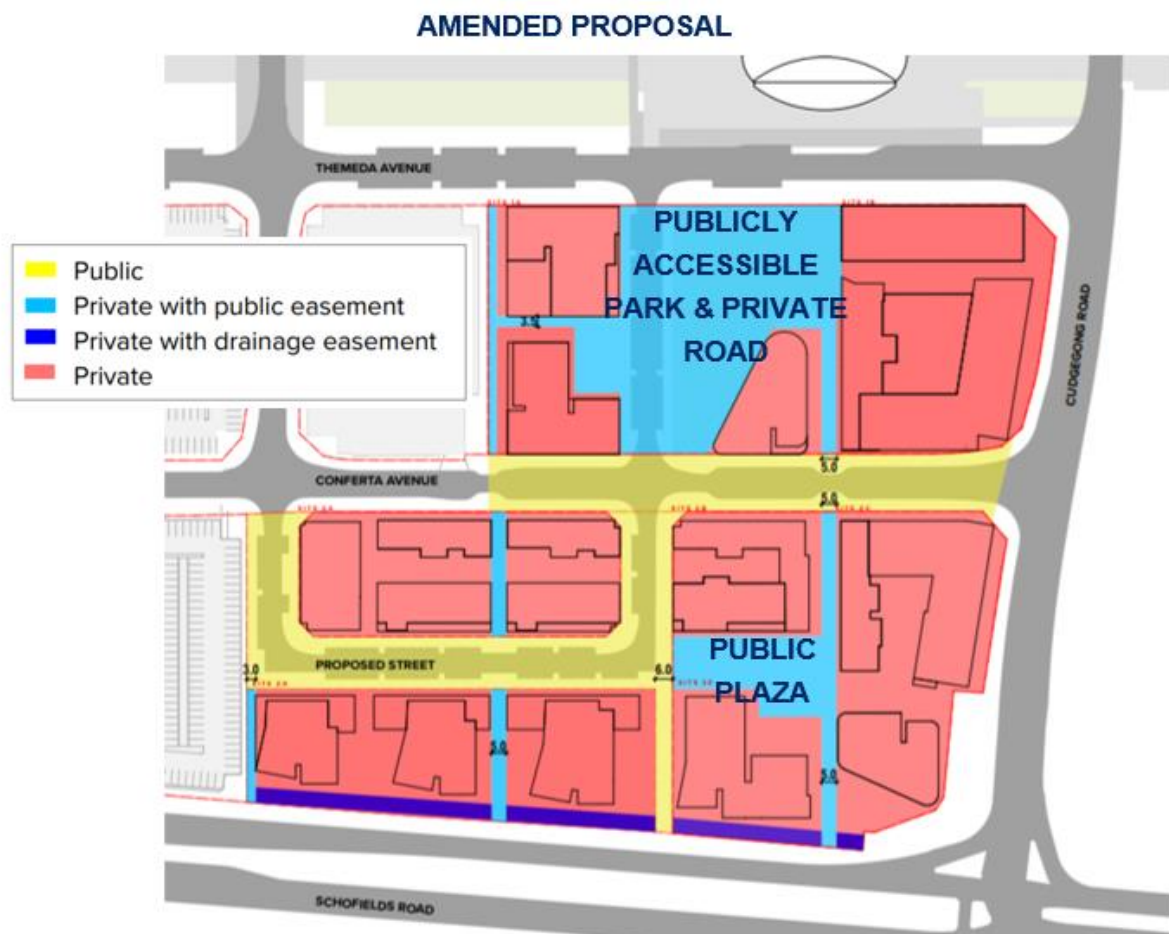


Figure 15 | Proposed modification – Land ownership (Source: Applicant's EIS)

AMENDED PROPOSAL

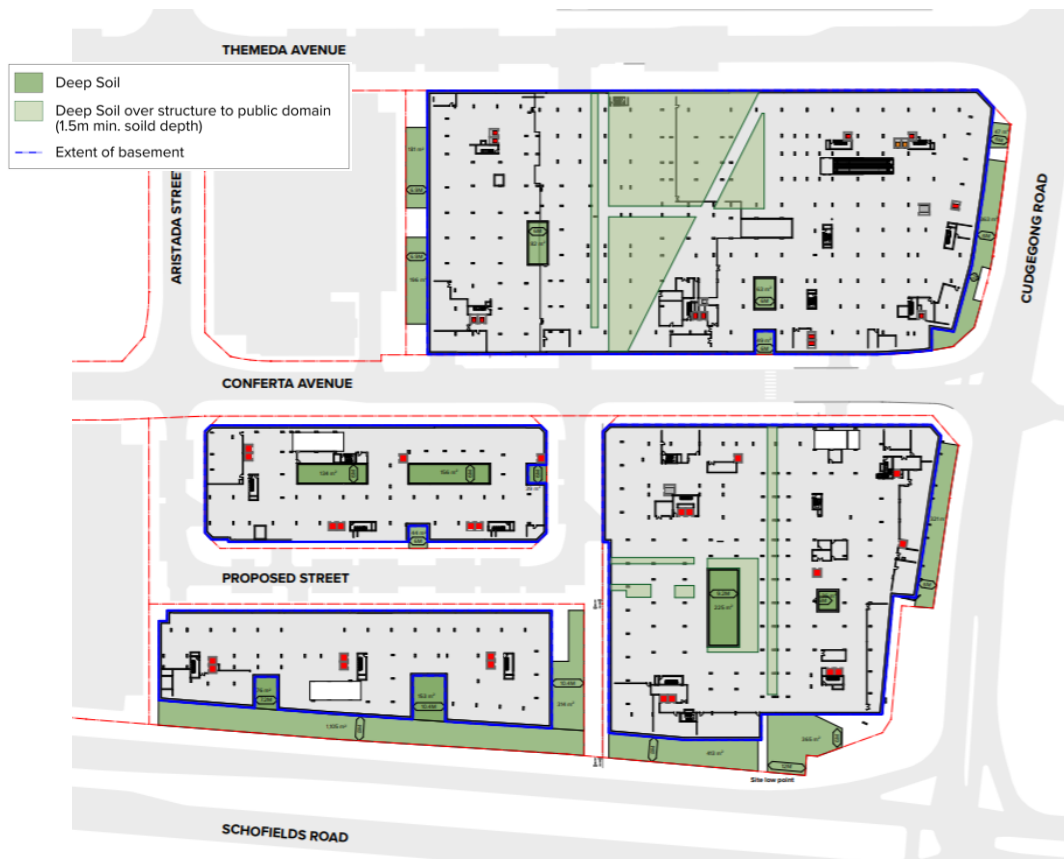


Figure 16 | Proposed modification showing basement locations and deep soil zones (Source: Applicant's EIS)



Figure 17 | North-south section through park in Site 1 showing deep soil zone over basement (Source: Applicant's EIS)

2.2 Timing

The detailed design proposal seeks approval for the construction works of the two sites. Construction is proposed to occur in 5 stages (see **Figure 18**) as follows:

- Stage 1 – Construction of Sites 1A + 1B
- Stage 2 – Construction and dedication of public roads and footpaths
- Stage 3 – Construction of Site 2A
- Stage 4 – Construction of Site 2D
- Stage 5 – Construction of Site 2BCE and Conferta Avenue pedestrian crossings

Stage 1 is expected to commence construction first, delivering the proposed publicly accessible park south of the station entrance which supports the activation of the Metro station.



Figure 1 | Proposed staging of development (Source: Applicant's EIS)

2.3 Related development

Sydney Metro Northwest Line (SSI 5414)

On 8 May 2013, the Minister for Planning and Infrastructure approved a CSSI application (SSI 5414) for the construction and operation of the Sydney Metro Northwest (SMNW) (previously called the North West Rail Link) railway, stations, wider precincts, and associated rail systems and stabling facilities (the CSSI approval). Construction of the SMNW including works associated with Tallawong Station have been completed.

3 Strategic context

3.1 Greater Sydney Region Plan: A Metropolis of Three Cities & Central City District Plan

The *Greater Sydney Region Plan: A Metropolis of Three Cities* (Regional Plan) superseded *A Plan for Growing Sydney* and sets out the NSW Government's vision, through the Greater Sydney Commission, for Sydney to be "...a metropolis of three cities where the people of Greater Sydney live within 30 minutes of their jobs, education and health facilities, services and great places." These cities are the Western Parkland City, the Central River City and the Eastern Harbour City.

The Greater Sydney Region Plan outlines how Greater Sydney will manage growth and change and guide infrastructure delivery. It sets the vision and strategy for Greater Sydney, to be implemented at a local level through District Plans. The Central City District Plan sets a 20-year vision for the Blacktown, Cumberland, Parramatta and The Hills local government areas to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of the Plan.

Tallawong Station Precinct South is located within the Central City District. The proposal is consistent with the Directions and Actions of the Regional Plan, as it:

- will provide new development supported by infrastructure
- increases the supply and choice of housing in the area by proposing building envelopes for medium to high density mixed-use development
- proposes new green open space and delivers new Green Grid connections through a central park.

3.2 North West Priority Growth Area Land Use and Infrastructure Implementation Plan (the LUIIP)

The Department has worked closely with Blacktown City Council, Hawkesbury City Council, the Hills Shire Council, State agencies, utility providers and stakeholders to prepare the North West Priority Growth Area LUIIP. The LUIIP guides the direction for growth and development in the North West Priority Growth Area, which is underpinned by major and local infrastructure commitments and improved planning processes to help expedite the delivery of new homes and jobs in this region.

One of the key actions of the LUIIP is to deliver greenfield housing supply in the North West and South West Priority Growth Areas. To support this the NSW Government will:

- update the structure plans for the North West and South West Priority Growth Areas
- continue rezoning more land in the growth areas
- coordinate and deliver enabling infrastructure to support development.

A number of traffic and transport commitments have been delivered within the North West Priority Growth Area to improve the transport links within the Area and to surrounding key destinations. To date, the following initiatives have commenced and/or been completed:

- the planning and/or upgrade of existing road infrastructure such as Windsor Road, Richmond Road, Schofields Road and Bandon Road

- the delivery of priority rail infrastructure such as the Sydney Metro North West, duplication of the T1 Western Line (Richmond to Sydney CBD) between Quakers Hill Station and Schofields Station which included relocation of Schofields Station further to the east, along with ongoing planning for bus and rail infrastructure.

Local councils are delivering drainage facilities, playing fields, local parks and community facilities to enable the development of land and provide services for incoming residents.

3.3 Future Transport Strategy 2056

The Strategy was published by Transport for NSW to align with the Greater Sydney Commission's Regional Plan and sets out a transport vision, directions and outcomes framework for NSW to guide transport investment and policy. The aim is to achieve greater capacity, improved accessibility to housing, jobs and services and continued innovation. A planned and coordinated set of actions is set out to address challenges faced by the NSW transport system to support the State's economic and social performance over 40 years.

The proposed development is consistent with the key outcomes of the Future Transport Strategy 2056 as it:

- provides a good mix of uses; including a public park, retail, commercial and residential uses (Outcome 1: Successful Places)
- will encourage business and individual investment in the area by providing well designed high amenity development (Outcome 2: Strong Economy)
- provides direct pedestrian links between the precinct and station, and the commuter car park (Outcome 5: Accessible Services)
- encourages the use of public transport by linking residential uses to a transport node (Outcome 6: Sustainability)

3.4 Sydney Metro North West Project

Sydney Metro is Australia's largest public transport project and a city-shaping project that commenced operations in 2019. The Sydney Metro North West stage of the project had a budget of \$8.3 billion. With such a significant public investment in transport infrastructure comes a number of benefits and opportunities for placemaking and transit-oriented development to provide jobs, homes, new public domain and community infrastructure around new stations.

The proposal would take advantage of the Government's investment in public transport by locating residential accommodation, retail and commercial uses adjacent to the Tallawong Metro Station.

4 Statutory Context

4.1 State significance

The proposal is SSD under Section 4.36 of the Environmental Planning and Assessment Act (EP&A Act) as the development has a CIV in excess of \$30 million (\$332 Million) and is for the purpose of commercial premises and residential accommodation associated with railway infrastructure under clause 19(2)(a) of State Environmental Planning Policy (State and Regional Development) 2011 (SRD SEPP).

In accordance with section 4.5 of the EP&A Act and clause 8A of the State Environmental Planning Policy (State & Regional Development) 2011, and in accordance with the Minister's delegation, the Director, Key Sites Assessments may determine the applications as:

- Council do not object to the application
- there are less than 15 public submissions by way of objection
- a political disclosure statement has not been made.

4.2 Permissibility

The site is located within the B4 Mixed Use zone, R3 Medium Density Residential zone, and SP2 Infrastructure (local road and drainage) zone under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). The proposed non-residential and residential uses are permissible with consent. See **Appendix D** for the detailed assessment.

4.3 Mandatory Matters for Consideration

Section 4.15(1) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining development applications. These matters are summarised as:

- the provisions of any environmental planning instruments (including draft instruments), development control plans, planning agreements, the Environmental Planning and Assessment Regulation 2000
- the likely environmental, social and economic impacts of the development
- the suitability of the site for the development
- any submissions
- the public interest, including the objects in the EP&A Act and the encouragement of ecologically sustainable development (ESD)

The Department has considered these matters in its assessment of the proposal, as well as the Applicant's consideration in its EIS and RtS, as summarised in **Section 6** and **Appendix D** of this report.

4.4 Matters for Consideration under Section 4.55(2)

Section 4.55(2) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application to modify an SSD consent. The Department has considered these matters in its assessment of the proposal, as summarised in **Section 6** and **Appendix D** of this report.

4.5 Planning Secretary's Environmental Assessment Requirements

The Department is satisfied that the EIS and RtS adequately address the Planning Secretary's Environmental Assessment Requirements (SEARs) to enable the assessment and determination of the Stage 2 detailed development application. Furthermore, the Department considers that the proposed concept modification remains consistent with the SEARs issued for the original concept application.

4.6 Biodiversity Conservation Act 2016

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) requires all applications for SSD “to be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values”.

On 23 July 2020, the Department confirmed that the application is not required to be accompanied by a BDAR as the site has been identified as “biodiversity certified land” which means remnant vegetation on the site has already been approved for removal.

5 Engagement

5.1 Department's engagement

In accordance with Schedule 1 of the EP&A Act, the Department publicly exhibited the proposed concept modification and SSD applications between 25 June 2020 and 22 July 2020 (28 days):

- on the Department's website
- at Service NSW Centres
- in writing to adjoining landholders.

The application was also referred to Blacktown City Council and relevant State agencies.

The Department also inspected the site on a number of occasions to gain a better understanding of the site and issues raised in submissions.

The Department also met with Council, TfNSW and the Applicant during the Response to Submissions period to facilitate resolution of Council's outstanding concerns.

5.2 Summary of submissions

The concept modification application received ten submissions (two objecting and eight providing comments), including:

- six from Government agencies
- one from Council
- three from the public.

The SSD application received 14 submissions (three objecting and 11 providing comments), including:

- eight from Government agencies
- one from Council
- five from the public.

A link to all submissions is provided at **Appendix A**.

5.3 Key issues – Government Agencies

A summary of the Government agencies submissions is provided in **Table 2**.

Table 2 | Summary of Government agency submissions

Sydney Metro	
MOD 1 (9063)	Sydney Metro advised that its concurrence is not required and requested its recommended conditions of consent relating to Sydney Metro infrastructure be imposed on the development.

EIS (10425)	Sydney Metro advised that its concurrence is not required and requested its recommended conditions of consent relating to Sydney Metro infrastructure be imposed on the development.
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NSW Rural Fire Service (RFS)

MOD 1 (9063)	RFS raised no objection to the application subject to a bushfire report being submitted for the proposal.
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EIS (10425)	RFS requested a bushfire report addressing the relevant requirements of <i>Planning for Bush Fire Protection (PBP) 2019</i> due to the site's proximity to existing and future vegetation corridors.
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RtS (10425)	A Bushfire Assessment Report was submitted by the applicant and no comment or conditions were provided by RFS. The Bushfire Report concludes that the proposal is not deemed to be within the bushfire prone zone and recommended the provision of appropriate firefighting measures as conditions of consent.
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Environment, Energy and Science Group (EES)

MOD 1 (9063)	EES did not object to the application and advised that it is not likely that the proposed amendments will result in adverse impacts to natural hazards.
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EIS (10425)	<p>EES did not object to the application and confirmed there are no further biodiversity comments. EES requested review of the Flood Impact Assessment (FIA) report to address flood risk and management including:</p> <ul style="list-style-type: none"> existing flood behaviour for the full range of flooding impact of flooding on development, including assessment of the full range of flooding and the compatibility of the proposal with flood risk emergency management consideration (if applicable).
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RtS	MOD 1 – EES has no further comments.
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EIS (10425) – EES has no further comments in relation to biodiversity. EES requested that discrepancies in flood maps be corrected and an Emergency Response Plan (ERP) be prepared. After considering amended flood maps and ERP submitted by the applicant, EES advised that it had no comment or conditions of consent.

Transport for NSW (TfNSW) (including former RMS)

MOD 1 (9063)	<p>TfNSW did not object to the application, subject to:</p> <ul style="list-style-type: none"> buildings and structures not encroaching onto TfNSW land on Schofields Road any stormwater connections on TfNSW land be negotiated with TfNSW detail design plans and hydraulic calculations for the stormwater drainage system be submitted to TfNSW prior to commencement of works.
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EIS (10425)	<p>TfNSW (including the former RMS) did not object to the application. In addition to the requirements and requests from TfNSW for the modification application, TfNSW requested:</p> <ul style="list-style-type: none"> design drawings and documentation for excavation Construction Pedestrian Traffic Management Plan (CPTMP) Road Occupancy Licence (ROL) for works impacting traffic flows
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TfNSW commented on:

- access and manoeuvrability through the site for long vehicles
- demolition and construction requirements
- the developer be responsible for all public utility adjustment/relocation works

The TfNSW requested:

- Green Travel Plans to promote sustainable travel
- provision of end of trip facilities
- car parking rates should achieve the principles of transit-oriented development
- Conferta Avenue footpaths to be widened and designated as shared paths.

RtS **MOD 1** – TfNSW had no further comment.

EIS (10425) – TfNSW reiterated the unresolved issues relating to stormwater connections, active transport considerations and Green Travel Plans and provided the following recommendations:

- stormwater connections on TfNSW land to be authorised through TfNSW prior to works for Stage 2 commencing
- width of footpaths on Conferta Avenue to be widened and designated as shared paths to support a complete active transport network
- Green Travel Plans be developed for the residential component and the retail/commercial component with recommended inclusions for the plans
- car parking rates should achieve the principles of transit-oriented development

Environment Protection Authority (EPA)

EIS (10425) EPA advised it had no comment on the EIS noting its comments on the concept plan application. The comments made by EPA to the concept plan application have been addressed in the technical reports accompanying the EIS.

DPIE Water and the Natural Resources Access Regulator (NRAR) Division

MOD 1 (9063) No comments provided.

EIS (10425) DPIE Water provided the following pre-approval recommendations:

- identification of a water source for construction works
- a minimum impact consideration assessment against the *NSW Aquifer Interference Policy (2012)*
- the applicant to obtain a water access licence if the proposal requires dewatering of over 3ML/year, or an exemption if dewatering is less than 3ML/year.

RtS (10425) DPIE Water provided pre- and post-approval recommendations and reiterated previous recommendations including:

Pre-Approval:

- demonstrate that adequate groundwater entitlements can be obtained for the project's expected dewatering

Post Approval:

- licencing requirements to ensure sufficient water is available, unless exempt
- develop a ground water management plan for the construction phase
- develop a dewatering reporting schedule for the duration of construction
- develop an operational monitoring and reporting schedule for post building completion

5.4 Key issues – Council

A summary of Council's submissions is provided in **Table 3**.

Table 3 | Summary of Council's submissions

Blacktown City Council	
MOD 1 (9063)	<p>Council objected to the proposal on the grounds of car parking and traffic generation. Council provided the following comments:</p> <ul style="list-style-type: none"> • the reduced number of resident visitor car parking are insufficient for the number of dwellings • less resident visitor car parking spaces will result in traffic conflicts and competition for parking with commuters. The catchment area beyond the North West Growth Centre is rural in nature and commuters park in surrounding streets once the Metro commuter car park reaches capacity in the morning.
EIS (10425)	<p>Council objected to the proposal due to inadequate information being provided in the EIS. Council provided the following comments:</p> <ul style="list-style-type: none"> • <i>Planning and Design</i> – <ul style="list-style-type: none"> • amendments to built form are supported but must demonstrate compliance with the solar access requirements of the ADG for the additional feature building, street and pocket park • clarification required of waste collection details, road network movement, access and car parking for each stage of development, completion of road construction, resolution of agreement between Council and the developer regarding the ownership and maintenance of the park and private road • due diligence report required under the <i>National Parks and Wildlife Act 1974</i> • <i>Car Parking</i> - proposed resident visitor car parking is insufficient for the number of dwellings. Existing local streets should not be used for visitor car parking • <i>Waste</i> – additional details required of waste truck access, waste and bulk waste storage areas, loading bay design, waste generation, bin management and Waste Management Plan • <i>Engineering</i> - clarification of the subdivision plan in relation to the ownership diagram, technical details of stormwater flows and the overland flow path through the site, impact of stormwater discharge on downstream private property, existing stormwater tail-out design, suitability of proposed road design for Council to consider a variation of its road design requirements, details of traffic circulation, pedestrian safety and intersection design, requirement for approval by Council's Manager Traffic and Access • <i>Drainage</i> - revised plans and modelling to address regional bioretention basin amendments, subdivision plans, revised water quality and water conservation

strategy and water quality strategy for public infrastructure, amended MUSIC modelling for lots, groundwater assessment report to ensure groundwater will not be adversely impacted by the basement carpark

- *Open Space* – details of lawn area seating, inclusive play experience, fencing, accessibility, youth facilities, maximisation of play space, provision of large trees, primary pedestrian access via the private road, flush kerbs for WSUD, lighting connectivity, maintenance and ownership of park signage
- *Tree Management* - conclusions and recommendations of the arborist report are satisfactory, except for the removal of two trees. A detailed tree protection and management plan to be provided for these trees prior to the commencement of works

Council recommended conditions of consent for:

- payment of contributions under Section 7.11 Contributions Plan
- the design of the bio-retention system to service Council roads

RtS

MOD 1 (9063) – Council was satisfied with resident visitor parking rates and had no other comments.

EIS (10425) – Council reviewed the RtS and did not object to the proposal subject to its recommended conditions of consent including deferred commencement conditions relating to drainage, engineering and the VPA for the public park.

Following the Applicant's submission of additional information, which responded to submissions and agency advice, Council objected to the revised car parking arrangement for resident visitors and retail and commercial users, providing the following comments:

- the revised car parking arrangement does not provide designated resident visitor spaces
- a paid car park for resident visitors and retail and commercial users is unreasonable. It will encourage visitors and shoppers to park on local streets, impacting the road network. A revised scheme maintaining the resident visitor parking rate of the concept approval, and a fee-free period is to be provided
- public transport options to access the site are poor to access, therefore the provision of an appropriate level of car parking is essential for resident visitors and retail and commercial users
- it is noted that resident visitor car parking is in Site 2, not commercial parking, which is reflected in the Applicant's Traffic Report
- the Applicant's Carpark Management report does not provide information about the proposed paid car parking scheme and should consider a minimum free parking period

5.5 Key issues – Public submissions

The Department received a total of eight submissions from the public, comprising five objections and three providing comments.

A summary of the key issues raised in submissions is provided in **Table 4** below:

Table 4 | Summary of key issues raised in public submissions (excluding duplicate submissions)

Issue	
Parking	Local streets surrounding the subject site are currently used as overflow commuter car parking for the metro station. New development and increased population will contribute to more cars being parked on streets in local neighbourhoods.
Safety	Increased traffic and car parking on local streets generated by the proposal will decrease safety for residents in surrounding suburbs, pedestrians and users of the metro station.
Noise	Increased noise to the residential neighbourhood south of Schofields Road as a result of increased road traffic. A sound wall/barrier on landscape verge was proposed by an individual. Noise from tall residential buildings proposed along Schofields Road can be treated by stepping down building heights to Schofields Road.
Overshadowing and privacy	Taller (8-storey) buildings proposed along Schofields Road will result in overshadowing and reduced privacy to the neighbourhood south of Schofields Road and obstruct the outlook of surrounding neighbourhoods. Stepping down of building heights to Schofields Road was proposed to decrease the impact.
Traffic and congestion	Increased development and the proposal will create more road traffic and congestion in the Hills region.
Quality of life	Existing local services and facilities are overcrowded. The increase in population attributed to new development will contribute to crowding of essential services and facilities.
Amenity	<p>The proposal includes new green open space, but it is an insufficient amount of space, that is bound by the retail elements of the proposal, to provide for the proposed number of dwellings.</p> <p>Local schools will not be able to manage the increased number of people from the proposal as they are already at capacity.</p>
Built form	The height of buildings is perceived as too tall with too many dwellings proposed.
Density	Increasing density at Tallawong will disrupt the low scale nature of surrounding suburbs, particularly the master-planned suburb “The Ponds”.
Endeavour Energy	<p>MOD 1 (9063)</p> <p>The comments for MOD 1 were the same as for the EIS (10425) with an additional comment on the impacts associated with the proposal’s proximity to the Rouse Hill switching station.</p> <p>EIS (10425)</p> <p>Endeavour Energy provided the following comments:</p> <ul style="list-style-type: none"> • electricity/reticulation connections to be considered • PV systems on each roof to be included in proposal • Flood Mitigation Strategy to minimise impact on electricity infrastructure and existing surrounding properties

- Acoustic Report to assess existing electricity infrastructure in the area, noise impacts on the proposal from mechanical plant and building use

RtS

Endeavour Energy clarified comments provided on the EIS and MOD 1 as follows:

- it did not anticipate the scale of development proposed opposite the Rouse Hill switching station site on Cudgegong Road. Future upgrades to the switching station and electricity infrastructure may visually impact residents of the proposal with an outlook to the switching station.

Endeavour Energy adopts a precautionary approach to development in the vicinity of its infrastructure and the preference was for lower buildings with larger setbacks on the Cudgegong Road frontage. Other impacts are not anticipated as the electricity easement along Cudgegong Road restricts development directly adjoining the switching station site.

- it supports the provision of onsite parking for the proposal to reduce street parking and vehicular movements adjoining the switching station site.

5.6 Response to submissions and further information request

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

The applicant provided a Response to Submissions (RtS) report on 11 January 2021 for the Department's assessment (see **Appendix A**). The RtS was accompanied by the following:

- Revised Architectural Drawings
- Addendum Urban Design Report
- Staging Diagram
- Landscape Plan
- Landscape Report
- Retail and Commercial Land Use Strategy
- Revised Acoustic Report
- Traffic Impact Assessment Report
- Development Schedule, Cross Ventilation and Sun Views
- Landscape Operation Maintenance Plan
- Bush Fire Statement
- Construction Management Plan
- Civil Package
- Civil and Stormwater Report
- Subdivision Plan
- Draft Stratum Plan
- Tree Management Plan
- Groundwater Assessment Report
- Waste Management Report
- Flood Impact Assessment Report

- Addendum to EIS for Proposed Signage Strategy
- Signage Strategy
- Extract from the Design Excellence Report

The RtS was made publicly available on the Department's website and was referred to relevant public authorities and Council. In reply, four submissions were received from public authorities, one from Council and one from Endeavour Energy. A summary of issues raised in submissions to the RtS is provided at **Tables 2, 3 and 5** (Endeavour Energy) and copies of the submissions may be viewed at **Appendix A**.

Following the RtS period, two RFI letters were issued on 18 January 2021 and 26 February 2021 to address agency advice and resolve ongoing issues. In response, the Applicant submitted additional information on 1 June 2021 for the Department's assessment and resolved the following issues:

Blacktown City Council

Council withdrew its objections to the applications and provided its recommended conditions of consent following consultation with the Applicant who worked with Council to amend drawings and the provision of car parking.

TfNSW including former RMS

TfNSW (including former RMS) provided its recommended conditions of consent relating to stormwater connections on TfNSW land, Green Travel Plans to be prepared and endorsed by TfNSW, the width of footpaths on Conferta Avenue, and car parking rates should achieve the principles of transit-oriented development.

DPIE EES

The DPIE Biodiversity and Conservation Division of DPIE EES provided comments on discrepancies in the flood levels and flood event data submitted. The Applicant revised the flood information, maps and data included in the Flood Impact Assessment, which addressed the DPIE EES comments. EES have no further comments or conditions.

DPIE Water and NRAR Division

DPIE Water and the NRAR division required further information regarding ground water entitlements and provided post approval conditions of consent relating to ground water entitlements and management, water licencing requirements, dewatering reporting and operational monitoring and reporting.

The Applicant provided additional information relating to ground water entitlements which was referred to DPIE Water for comment. DPIE Water provided its recommended conditions of consent for the applicant to obtain groundwater entitlement for the operation phase of the development.

Endeavour Energy

Endeavour Energy made comment on the proposal's proximity to the Rouse Hill Switching Station and provided its recommended conditions of consent.

6 Assessment

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal.

The Department considers the key issues associated with the proposal are:

- density
- built form
- open space and public domain
- traffic and car parking

All other issues associated with the proposal have been considered in **Section 6.5**.

6.1 Density

The concept approval provides for a maximum gross floor area of 93,393 m², including a maximum of 1,100 dwellings and 9,000 m² floorspace for retail and commercial uses. The FSR of the concept approval was 1.33:1, which complied with the maximum FSR of 1.75:1 permitted under the Growth Centres SEPP.

The proposal maintains a similar gross floor area of 93,386 m², however it would result in a FSR of 2.158:1. The higher FSR is due to a reduction in the site area, as a result of the subdivision and dedication of roads and other public infrastructure, since the concept approval (**Figure 19**). A comparison of the FSR is shown in **Table 6**.

Table 6 | Comparison of floor space ratio

	Site Area	GFA	FSR
Concept Approval SSD 9063	70,424 sqm	93,393 sqm	1.33:1
Proposal SSD 10425	43,270 sqm	93,386 sqm	2.158:1

Council did not object to the proposed FSR. One public submission raised concern that the increased density is inconsistent with the surrounding low-density area.

The Applicant submitted a request under Clause 4.6 of the Growth Centres SEPP to justify the variation to the FSR standard. In summary, the Applicant argues the non-compliance with the FSR standard is acceptable because:

- the proposal has a density identical (17 m² less) to that approved under the concept approval and the number of overall apartments has been reduced from 1,100 to 987
- since the Concept Plan (SSD 9063) was approved, some roads within the site have been completed and dedicated to Blacktown City Council and the commuter car park has been dedicated for public use, which has technically reduced the site area of the proposal as shown in **Figure 19** and increased the overall FSR
- the built form and massing of the proposal is consistent with the concept approval, with some changes to the building envelopes as discussed in **Section 6.2.1**. The approved building

envelopes were based on the context of the site adjoining the Metro station and an urban design outcome with a variety of building typologies and scale

- the variation to the FSR does not result in unacceptable adverse impacts to adjoining developments or the proposal when compared to the concept approval.



Figure 19 | Site area of concept approval on left and proposal on right (outlined in red) (Base source: EIS)

The Department has undertaken a detailed assessment of the Applicant's Clause 4.6 request to vary the FSR standard at **Appendix C**. In summary, the Department considers the proposed variation to the FSR standard is acceptable in this case because:

- the proposal has a gross floor area of 93,386 m² which is consistent with the concept approval
- the overall bulk and scale of the proposal remains consistent with the concept approval, as shown in **Figure 20**
- the increase in FSR is attributable to the roads and commuter car park in the concept approval being dedicated for public use and can no longer be included in the site area
- the number of dwellings in the proposal has been reduced from 1,100 to 987 as a result of providing larger apartments for families and downsizing residents
- the proposal would not result in any additional traffic impacts compared to those anticipated in the concept approval
- the proposal maintains and improves the delivery of public domain areas and parks (including an increase to the size of the park from 3,411 m² in the concept approval to 3,509 m²).



Figure 20 | Massing comparison of concept approval (left) and proposal (right) (Source: EIS)

The Department's assessment therefore concludes the proposed gross floor area and density of the proposal is consistent with the concept approval and is appropriate with respect to the strategic objectives of the Growth Centre SEPP and the environmental capacity of the site.

6.2 Built Form

The Department considers the key issues associated with the proposed built form are building envelopes, building height, and residential amenity.

6.2.1 Modification to Building Envelopes

The proposal includes modifications to the approved building envelopes of Sites 1A, 1B, 2C and 2D (**Figure 21**), including:

- Site 1A – reduces building mass of the podium along the plaza area and connection to the commuter car park to the west (**Figure 22**)
- Site 1B - reduces the length of landmark building (object building) adjoining the central park and makes minor changes to the surrounding building to create new visual connections to the east towards Cudgegong Road (**Figure 23**)
- Site 2C – separates a long building into two built forms and reduces the building heights along the pedestrian boulevard connecting Schofields Road and the station entrance (**Figure 24**)
- Site 2D – increases separation between buildings and reduces upper level building widths (**Figure 25**)

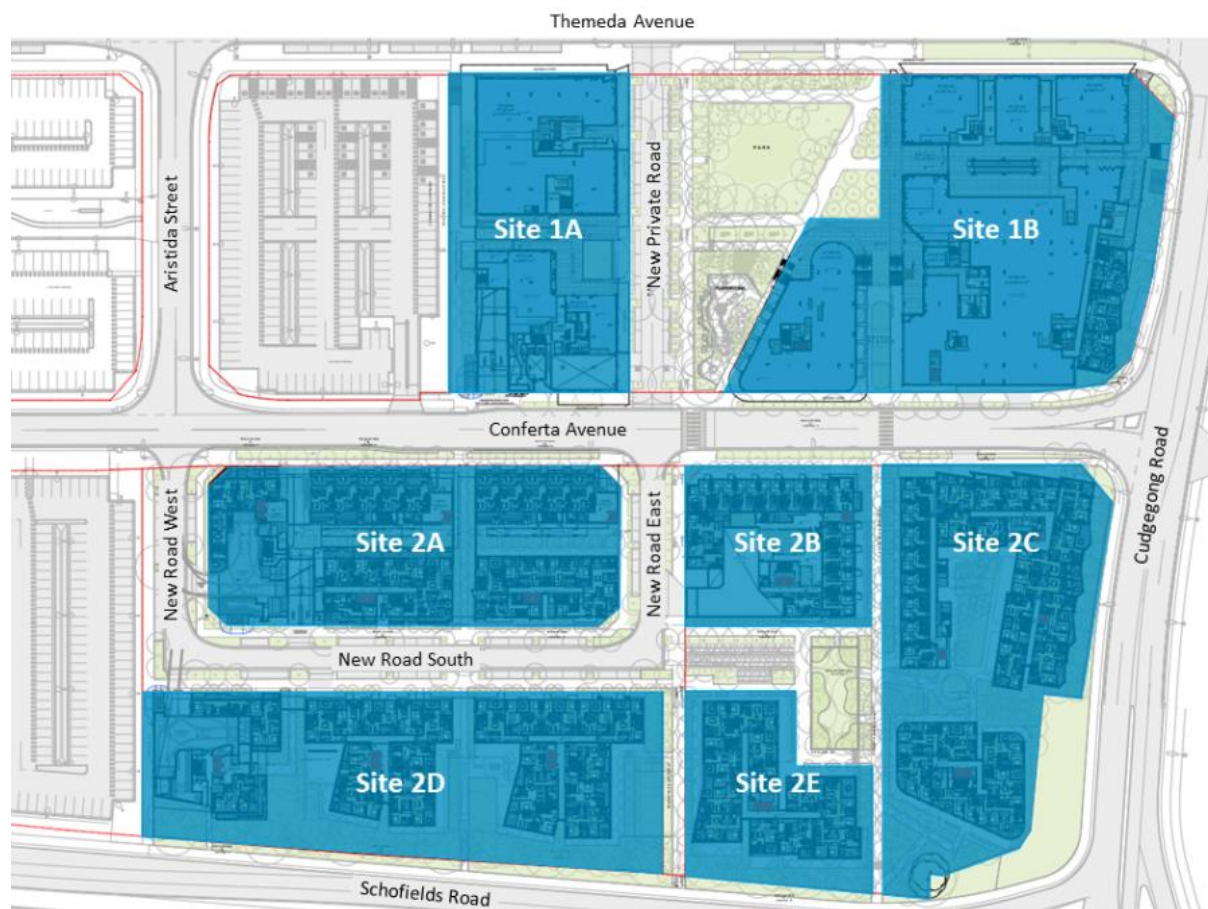


Figure 21 | Site plan showing location of Sites 1A, 1B, 2C and 2D (Base source: EIS)

The Applicant submitted that the proposed amendments were undertaken to improve public domain amenity and interface, with key improvements detailed in **Figures 22 to 25**.

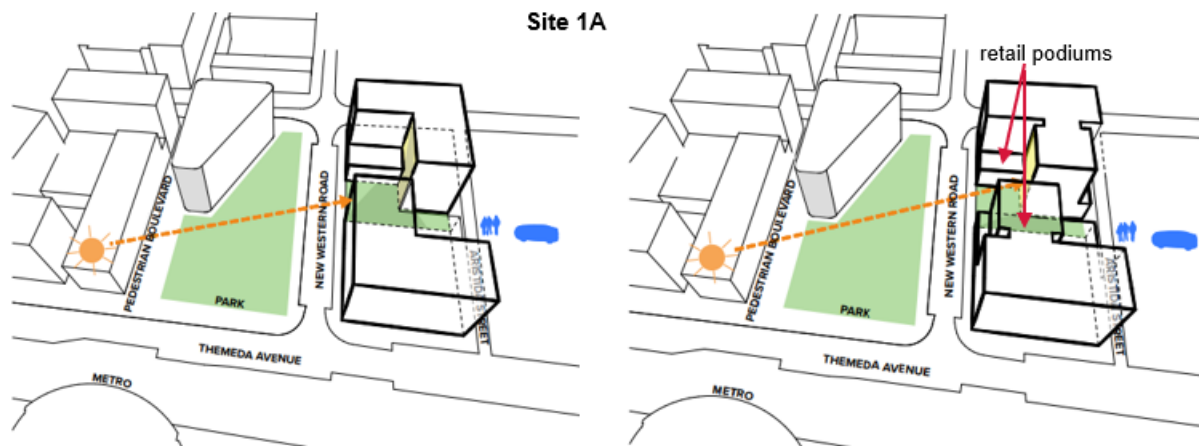


Figure 22 | Site 1A – Concept Approval on the left. Proposal on the right shows amendments to redistribute the built form to maximise solar access to the plaza and building façade and create a retail podium adjoining the public park and commuter car park to provide opportunities for extended outdoor areas (Base source: EIS)

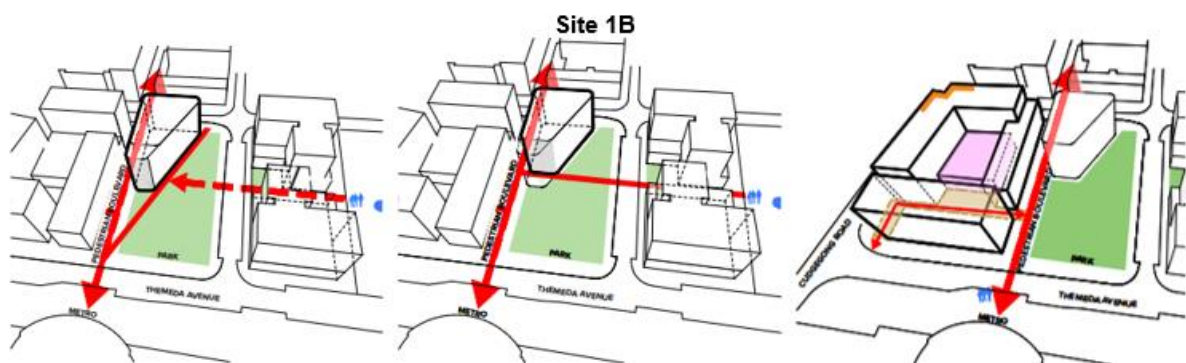


Figure 23 | Site 1B - Concept Approval on the left. Proposal in the middle and right shows amendments that reduce building footprint and built form and increase size of the public park, to provide direct visual and physical connection of pedestrian links to the commuter car park and Cudgegong Road (Base source: EIS)

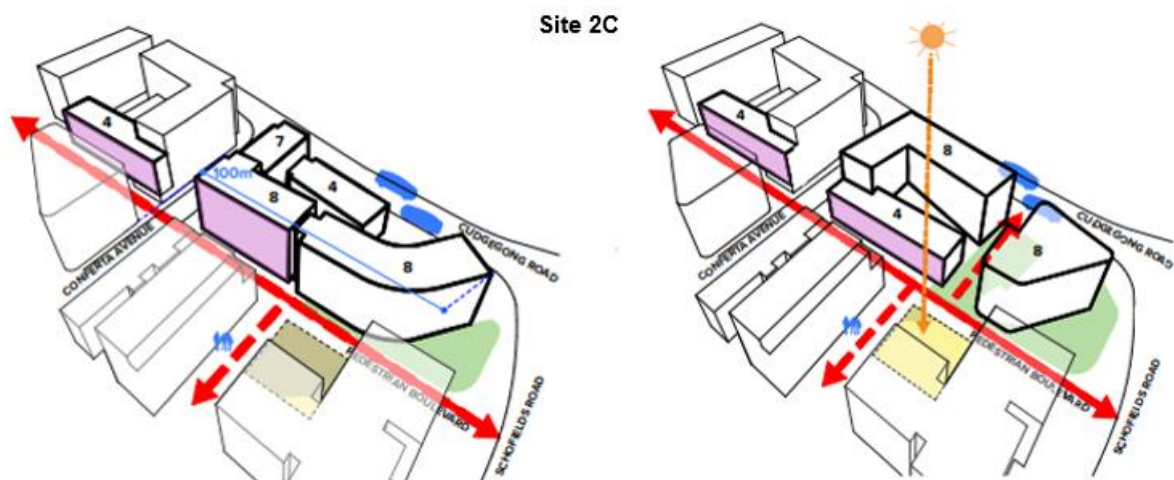


Figure 24 | Site 2C - Concept Approval on the left. Proposal on the right shows amendments that redistribute built form and heights to maximise solar access and provide a lower scale building interface to pedestrian areas and reduce building lengths to increase visual and physical permeability through the site (Base source: EIS)

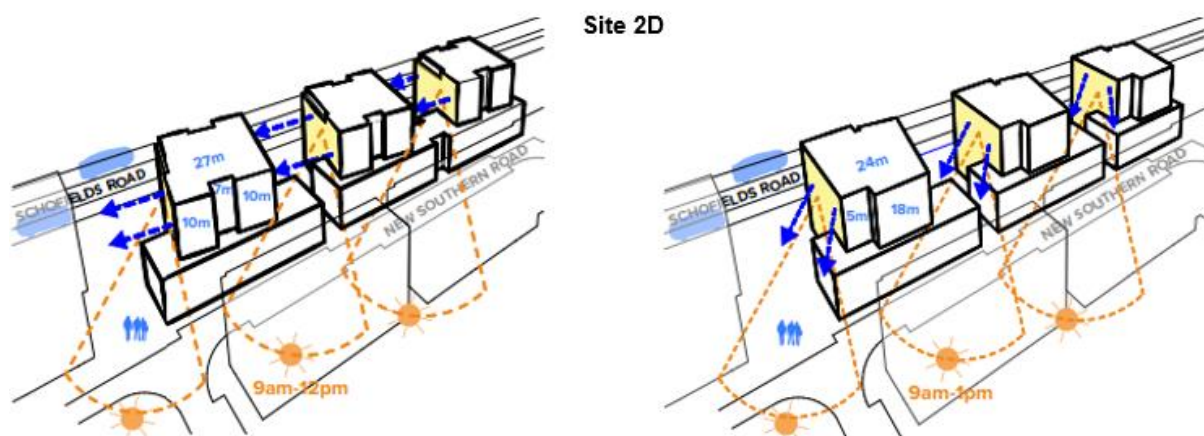


Figure 25 | Site 2D - Concept Approval on the left. Proposal on the right shows amendments that realign the facade north to increase solar access to buildings, reduce upper building widths to increase separation and visual links to the public domain, and align the upper level while maintaining the primary setback to Schofields Road (Base source: EIS)

Council supports the amended building envelopes, but requested that solar access to the modified buildings, park and public domain should comply with the Apartment Design Guide.

The Tallawong DRP reviewed the proposal and supported the amendments noting that the proposal reduces the visual bulk of the proposal and improves sight lines and connectivity through the public domain compared to the concept approval. The DRP also considers the proposal would achieve the outcomes identified in the Design Quality Guidelines (approved as a part of the Concept) with respect to good quality urban design outcomes and high-level residential amenity.

Site 1A and Site 1B

The Department supports the modified building envelopes for Site 1A and 1B, because it reduces the visual bulk and building mass of the proposal and increases sight lines through the public park to the commuter car park and Cudgegong Road (see **Figure 26**). The amendments also strengthen the role of the “object” buildings located within these sites that mark the arrival to the precinct from the Metro station and Schofields Road, with their curved form and articulation designed to be intentionally different to reinforce their location.

The Department also considers the increased size of the public park and introduction of a retail podium on Site 1A adjoining the public park and commuter car park would enhance opportunities for outdoor activity and passive surveillance, contributing to a vibrant and safe mixed-use precinct.

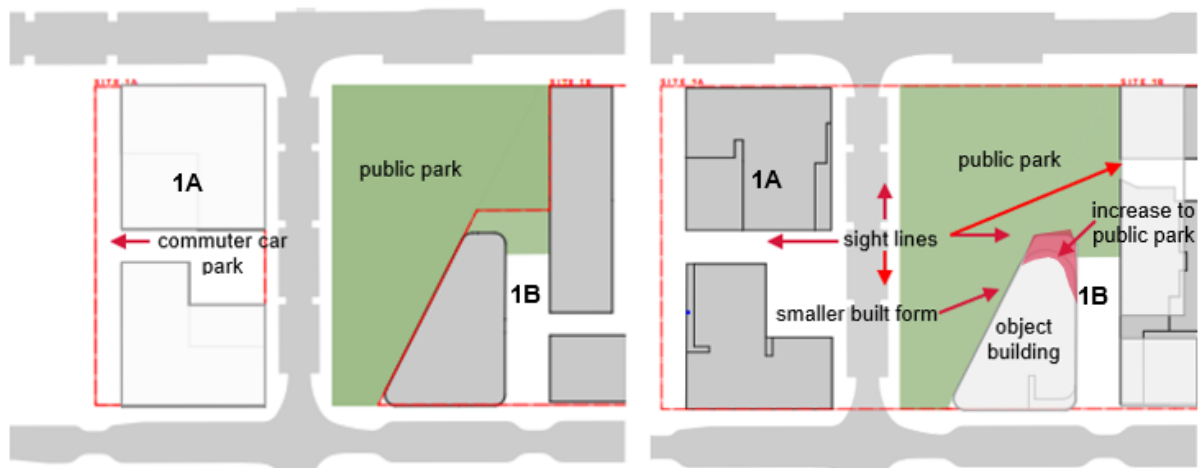


Figure 26 | Amendments to Site 1A and 1B. Concept Approval on left and proposal on right (Base source: EIS)

Site 2C

The Department supports the proposed changes to the building envelopes to Site 2C, which reduce the building height from eight storeys to four storeys along the key pedestrian connection between Schofields Road to the station (see **Figures 27 and 28**). The Department also considers the proposed object building more appropriately addresses the intersection of Cudgegong Road and Schofields Road and improves the visual connection between the streets and public domain area throughout the site.

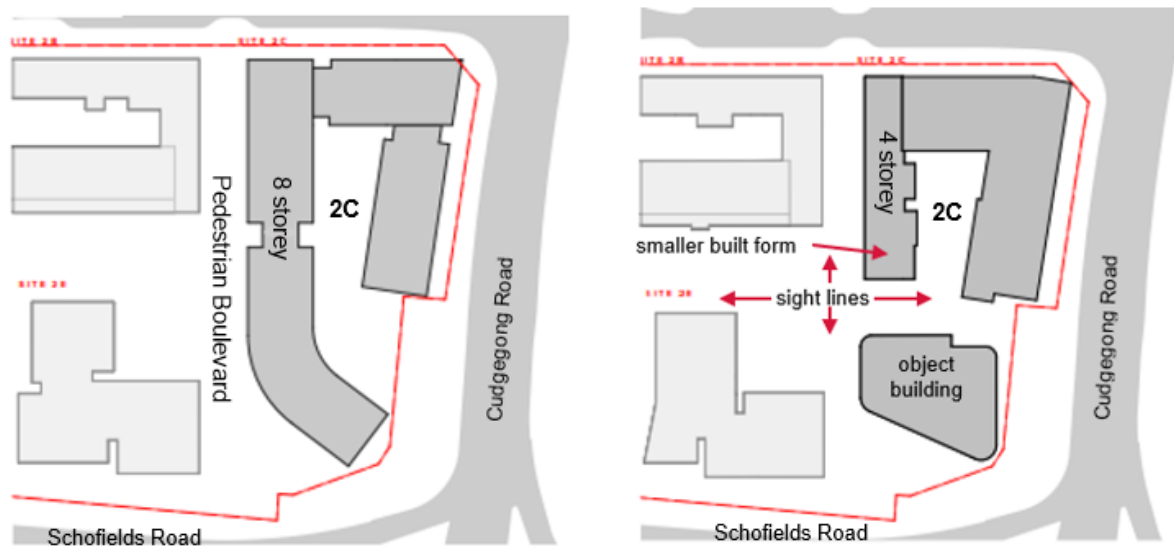


Figure 27 | Amendments to Site 2C. Concept Approval on left and proposal on right (Base source: EIS)

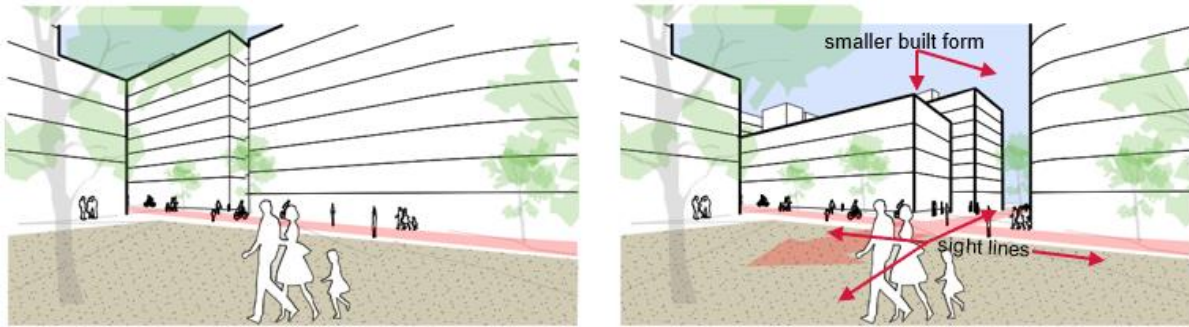


Figure 28 | View analysis of amendments to Site 2C. Concept Approval on left and proposal on right (Base source: EIS)

Site 2D

The Department notes the amendments to the building envelopes within Site 2D would realign and reduce the built form of the proposal and improve access and sight lines between the buildings and through the public domain areas to Schofields Road (see **Figure 29**).

The Department also considers the amendments to the building footprint and envelope of the four buildings adjoining Schofields Road (Site 2D) and the reduced parapet height of nine residential buildings on Site 2 (Site 2C and Site 2D) would reduce the visual impacts of the proposal when viewed from surrounding residential areas (see **Figures 27 and 28**).

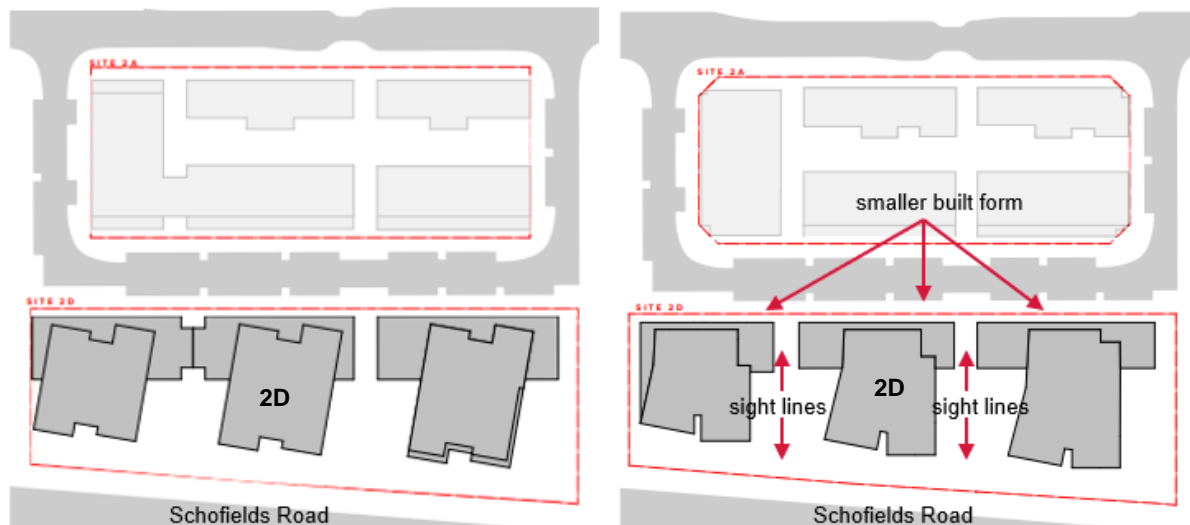


Figure 29 | Amendments to Site 2D. Concept Approval on left and proposal on right (Base source: EIS)

Overall, the Department is satisfied the proposed amendments to the building envelopes are acceptable as they reduce the mass and visual bulk of the proposed buildings, improve sight lines and connectivity through the public domain areas and provide a larger publicly accessible park.

6.2.2 Building Height

The Growth Centres SEPP sets a maximum building height of 26 m for the site. The concept approval established building envelopes for 16 buildings ranging in height of between two to eight storeys, with a maximum height (to top of lift overrun) of between 18.2 m and 31.5 m.

The proposal includes 17 buildings, ranging in height of between two to eight storeys with maximum height of between 18.79 m and 34.69 m. 15 of the 17 buildings will exceed the building height standard of 26 m contained in the Growth Centres SEPP as shown in **Figures 30** and **31** below.

Council did not object to the proposed building heights and the Tallawong DRP supports the revised building envelopes noting that there is no material gain in GFA or number of storeys.

One public submission raised concern about the height of the proposed buildings potentially resulting in additional overshadowing, privacy and noise impacts on residential area to the south of Schofields Road.

The Applicant contends the scale of the proposed buildings are consistent with the building envelopes under the concept approval (SSD 9063) as the number of storeys for the proposed buildings have not changed. The Applicant also submitted a request under Clause 4.6 of the Growth Centres SEPP to justify the variation to the height standard.

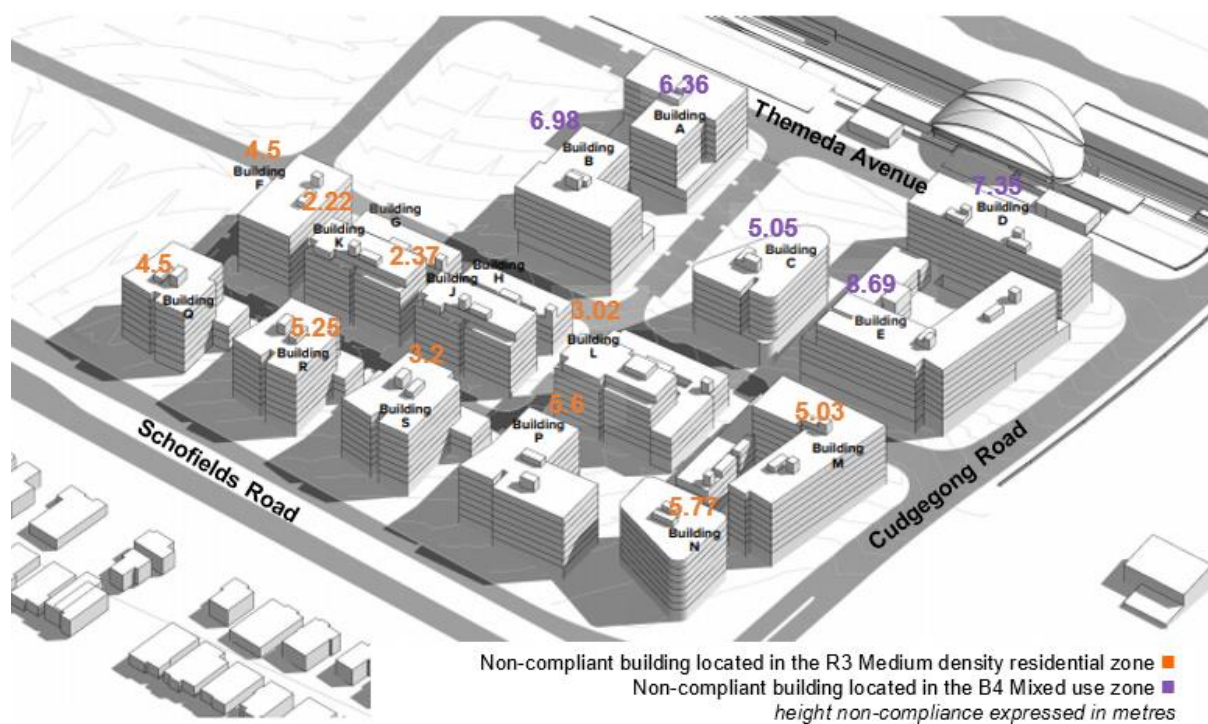


Figure 30 | Building envelopes showing height (to top of lift overrun) above 26 m (Base source: EIS)

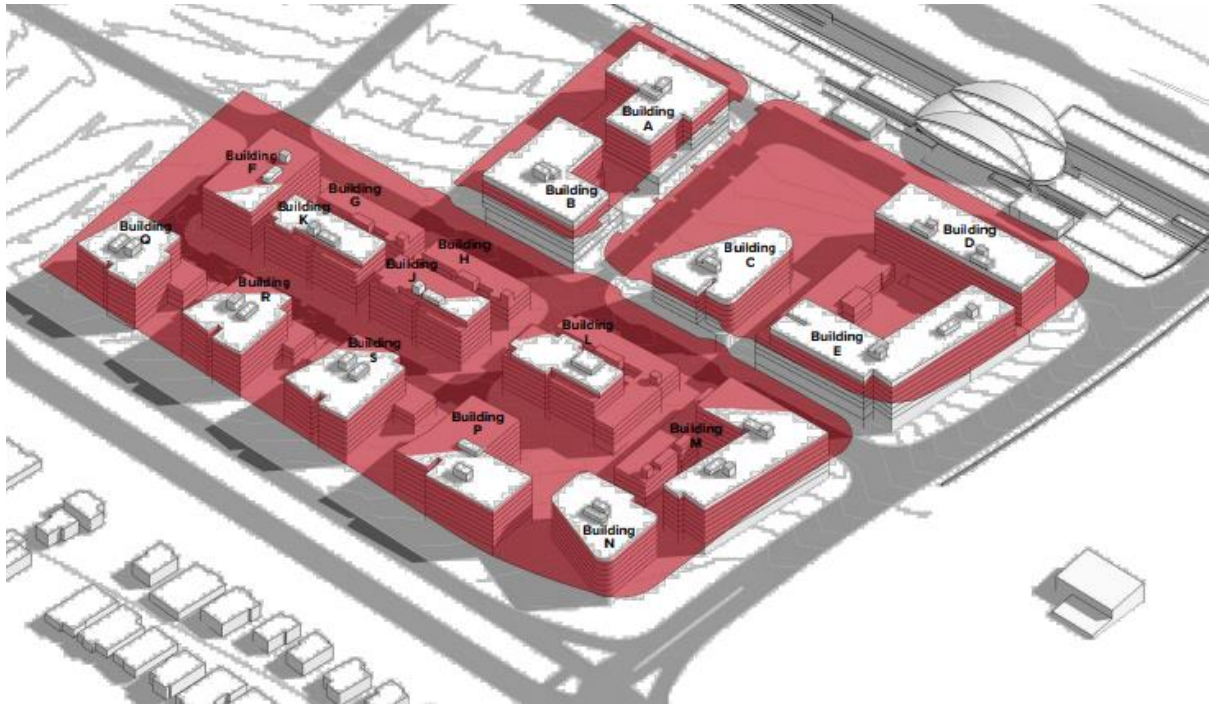


Figure 31 | Proposed buildings above 26 m height limit (height limit shown in red) (Source: EIS)

The Applicant argues the proposed non-compliance with the height standard is justified because:

- floor to ceiling heights have been increased as required under the ADG for the commercial and retail uses in the mixed-use buildings (**Figure 32**)
- the proposed lift overruns, which contribute to the overall building heights, are necessary to provide equitable access to rooftop common open space areas (**Figure 32**)
- there is a cross fall of approximately 8m from north-west to south-east which required the refinement of ground floor levels to achieve appropriate grades between buildings and public domain areas (**Figure 33**)
- the parapet height of nine buildings has been reduced from that of the concept approval which has resulted in a reduction in shadow impact from the proposal to Cudgegong Road and public domain areas within the site
- the additional height would not be perceptible when viewed from State heritage item, Rouse Hill House which is located 1.7 km from the proposal.

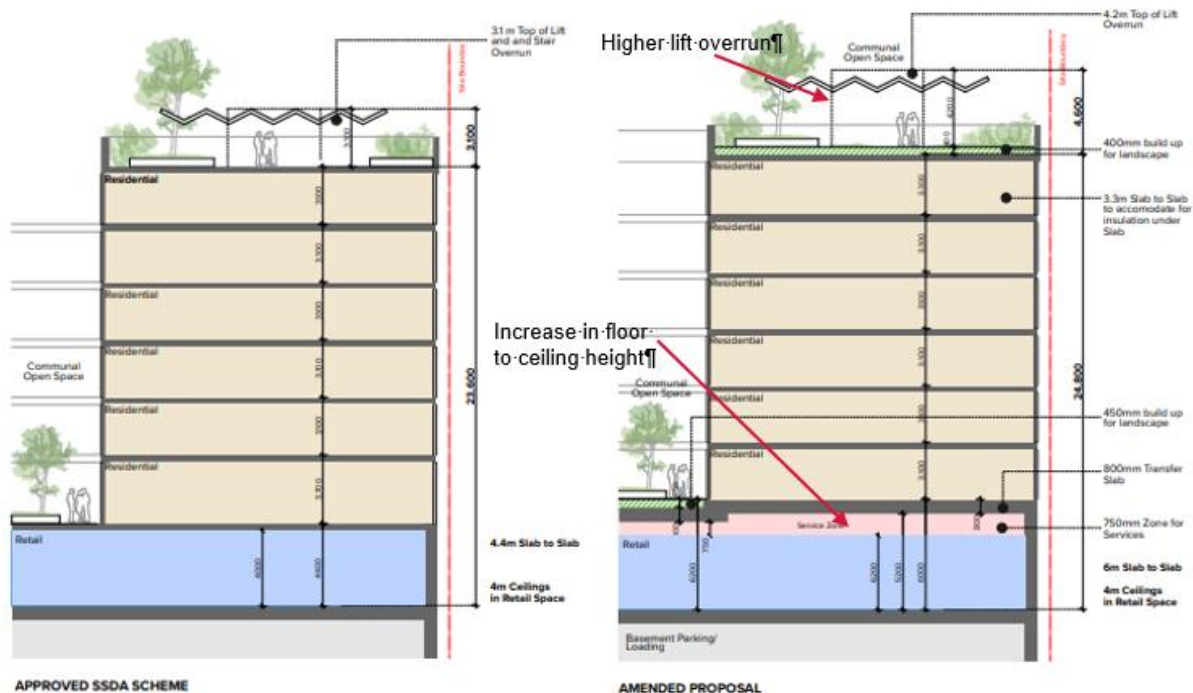


Figure 32 | Section of Site 1B showing increase in ground floor ceiling heights and lift overrun (Base source: EIS)



Figure 33 | Section of site from Themeda Avenue to Conferta Avenue showing site topography (Source: EIS)

The Department has undertaken a detailed assessment of the Applicant Clause 4.6 variation detailed request at **Appendix C**. In summary, the Department supports the proposed variation to the building heights because:

- the increased height does not change the maximum eight storey building height approved in the concept approval and envisaged in the precinct specific Blacktown Growth Centre Precincts Development Control Plan (Precinct DCP)
- the height non-compliance is exacerbated by the slope of the site which requires the refinement of ground levels to achieve appropriate grades between buildings and public domain areas
- the increased height of the ground retail and commercial ceilings allows for improved flexibility and adaptability of these spaces for future uses, consistent with the requirements of the Apartment Design Guide

- the additional height primarily relates to the lift overruns and associated shade structures for the rooftop communal open space. The lift overruns are centrally located and form a small component of the roof area and are unlikely to be visible from the street (**Figure 32**)
- the additional building height does not result in overdevelopment of the site, noting the proposal has the same gross floor area and number of storeys as the Concept Approval
- the submitted shadow diagrams demonstrate appropriate solar access would be achieved to the residential dwellings, the public park, plazas, and adjoining streets, consistent with the concept approval
- the proposed minor increases in overall building height are offset by the reduction in parapet height for nine buildings reinforcing the range of heights within the proposal.
- the proposed building heights have been arranged across the site to:
 - improve solar access to pedestrian areas and public open spaces by positioning lower buildings of two to four storeys along these areas
 - provide transition of building heights from the site to the lower density residential area, The Ponds on the opposite side of Schofields Road by reducing upper level building widths to buildings fronting Schofield Road.

Overall, the Department considers the proposed variation to the height standard is acceptable as it would not result in any significant visual or amenity impacts and it allows for better design outcomes across the site with improved ground levels and public domain areas.

6.2.3 Residential Amenity

The application is supported by a SEPP 65 Design Statement to illustrate the proposal's response to the Design Quality Principles of SEPP 65 and demonstrate compliance with the Apartment Design Guide (ADG) including building separation, private and communal open space, landscaping and solar access.

The Department's detailed assessment of the proposal against the requirements of the ADG is provided in **Appendix D**.

The Department notes the submitted Design Statement demonstrates the proposed buildings can achieve acceptable levels of residential amenity for future occupants in accordance with the ADG recommendations, including:

- minimum building separation distance of 9 m for buildings over 4 storeys
- 70% of dwellings will receive 2 hours of direct sunlight between 9 am – 3 pm on 21st June
- 60% of dwellings will be cross-ventilated
- approximately 9,576 m² of communal open space with 50% of the communal open space receiving minimum 2 hours of solar access between 9 am – 3 pm on 21st June
- approximately 13.4% of the site for deep soil planting.

The Department is therefore satisfied the proposal is consistent with the requirements of the ADG.

6.3 Open space and public domain

The concept approval established the site layout, streets, laneways, a public park and plaza and other public domain areas to support the proposed development. The proposed layout seeks to activate and connect the precinct around the Tallawong Metro station and to connect to surrounding residential areas and parklands.

The proposal reflects the site planning and landscaped open space areas established in the Concept Approval as shown in **Figures 34** and **35**.



Figure 34 | Comparison of site layout in concept approval (left) and proposal (right) (Source: EIS)



Figure 35 | Comparison of open space areas in concept approval (left) and proposal (right) (Source: EIS)

The Department considers the key issues for open space and public domain to be the ownership and management of the park and the provision of deep soil areas above the basement car park.

6.3.1 Publicly accessible park

The concept approval includes a public park of 3,411 m² opposite the Metro station, to be embellished and dedicated to Council as works-in-kind under the relevant provisions of the contributions plan.

The proposal includes a publicly accessible park, opposite the station entrance, consistent with the Concept Approval. The proposed park has an area of 3,507 m². The increased park size is a result of amendments to adjoining building envelopes as discussed in **Section 6.2.1** and shown in **Figure 36**. However, the Applicant, proposes to retain the public park and adjoining road in private ownership with public access secured in perpetuity through a Voluntary Planning Agreement (VPA).

The Applicant contends that retaining the park and road in private ownership provides the following benefits:

- more flexibility in the design of the park and road
- a more frequent and tailored maintenance regime
- reduced financial burden on Council
- improved public domain outcome with the private road being a visual and physical extension of the park and designed to create a pedestrian oriented environment while allowing low speed vehicle movements (**Figure 36**).

The VPA was agreed to by Blacktown City Council. The VPA was exhibited with the Planning Proposal to amend the Growth Centres SEPP to remove the acquisition requirement for the park from the Land Reservation Acquisition Map. The VPA was executed between Council and the Applicant setting out:

- construction and on-going maintenance of the public park and private road by the landowner
- public access to the park and adjoining road, and on-going maintenance secured through an easement registered on the land title, and in perpetuity.

The Tallawong DRP supports the design of the proposed park and raised no objection to the private ownership of the park and road, subject to public access and use being secured.



Figure 36 | Detail of public park and private shared road (Base source: EIS)

The Department is satisfied the design of the park is acceptable as it provides for a range of active and passive recreation areas, play equipment, sitting areas, pedestrian pathways, lighting, street furniture, and signage. The Department also supports the increased size of the park and the improved sight lines through the park to Cudgegong Road and the commuter car park as discussed in **Section 6.2.1**.

The Department also accepts that public access and use of the park and road would not be compromised by private ownership as public access would be secured in perpetuity through the provisions of the VPA with Council. The VPA is also supported by a Landscape Operation Management Plan to ensure the ongoing operation and maintenance of the park and road.

The Department also agrees with Council's recommended condition, requiring the Landscape Operation Management Plan to be submitted to and approved by Blacktown City Council prior to the issue of the first Occupation Certificate for the development.

6.3.2 Deep Soil Areas and Basement

The concept approval includes basement car parking located below the site, separated on Site 1 by the public park as shown in **Figure 37**.

The Applicant proposes to consolidate the carpark under Site 1A and 1B by linking them below the privately owned public park and private road. It is also proposed to consolidate the basements of Sites 2B, 2C and 2E to extend the footpath that would otherwise be vehicular access, and to improve the efficiency of the car park. The proposed consolidation of the basement car park would result in the proposed park and associated landscaping being located above a slab (**Figures 37**).

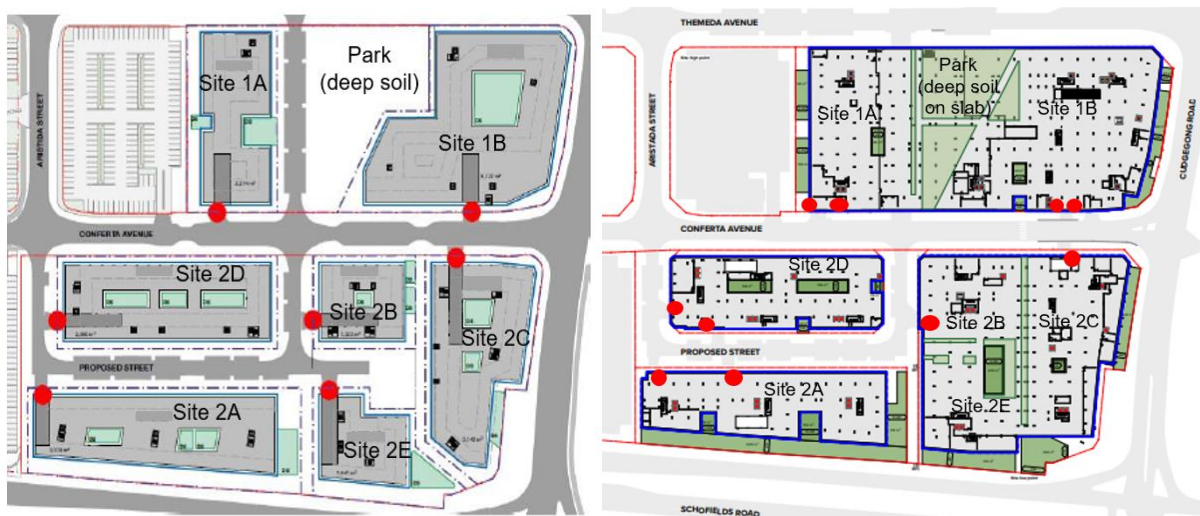


Figure 37 | Comparison of deep soil (in green) and basement areas (grey) of Concept Approval on left and proposal on right (basement access points in red) (Base source: EIS)

The Applicant contends that the design outcome of the public park and private road would not be compromised by the basement underneath because it has been guided by the following principles:

- that the quality, amenity and functionality of the park is not reduced by the basement with potential for improved quality and materiality facilitated by private ownership and maintenance
- that the soil 'vault' for the park in lieu of deep soil, has 1.5 m minimum depth and achieves the landscape outcome envisaged for the park under the Concept Approval (**Figure 38**)

- that the park incorporates significant planting, spaces and activities for a variety of users and includes sheltered areas with planting or awnings for shade and inclement weather
- the long-term maintenance and sustainability of the park is attached to the retail stratum to reinforce its importance as the principal open space and interface with retail uses
- basement services, egress, and exhaust are located outside the public domain
- the basement design allows for future adaptive re-use if demand for parking declines
- the private road provides integration between the public domain, pedestrian and cycle corridors
- that appropriate irrigation and drainage has been incorporated into the design.

Council raised no objection to the basement car park being located below the park subject to the Landscape Operation Management Plan accompanying the VPA as mentioned in **Section 6.3.1**.

The Tallawong DRP reviewed the proposal four times and was satisfied the final design of the basement below the public park and private road would be acceptable, noting that:

- appropriate tree planting and landscaping can be achieved above the basement with the proposed minimum 1.5m soil depth, volume, irrigation, WSUD and ventilation measures
- the quality of landscaping and open space as envisaged in the Concept Approval would be achieved
- the rationalisation of the vehicular entry points is a positive improvement for the streetscape
- the 36.4% tree canopy coverage across the site is a good achievement
- the re-use of the basement level directly below the park requires further investigation should demand for car parking decline.

In response to the DRP advice, the Applicant incorporated the following measures to facilitate future flexible use of the basement level directly below the park as shown in **Figure 39**:

- it is dedicated to commercial/retail parking and will be held on one title in consolidated ownership
- it has a flat slab and is 3.4 m high allowing for future flexibility and adaptability in uses
- it is well connected to the retail and commercial uses via travellers and lifts.

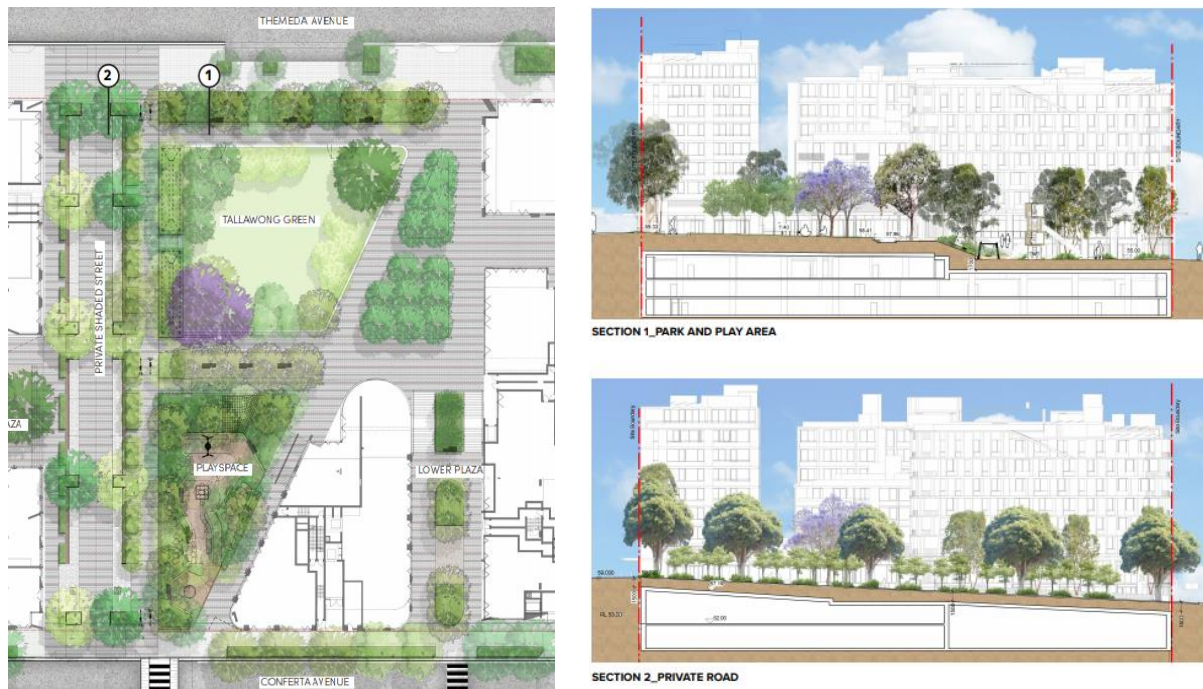


Figure 38 | Public park and private road with sections of basement car park below park and road (Source: EIS)

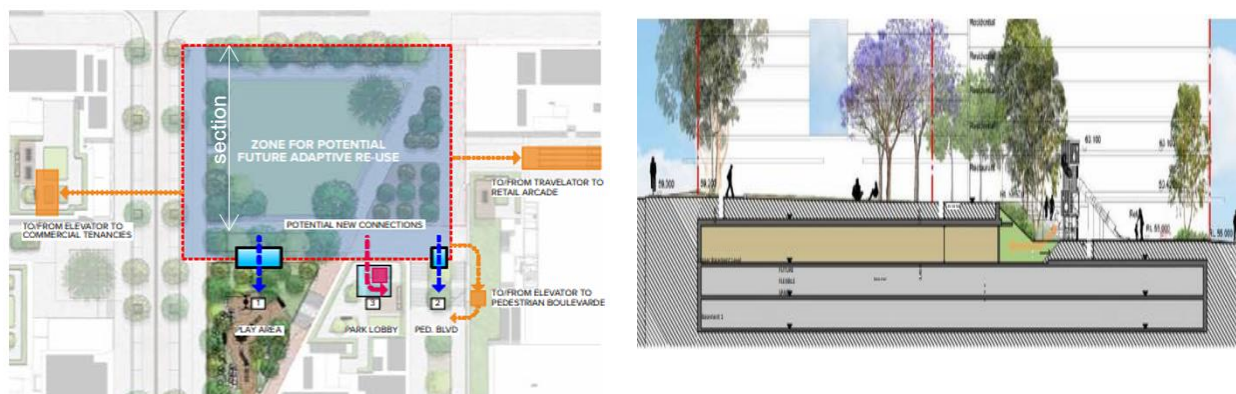


Figure 39 | Schematic diagram and section showing opportunities for future flexible use of basement level below park (Source: EIS)

The Department notes the introduction of a basement below the park necessitates a design response that demonstrates the landscape outcome envisaged for the park can still be achieved. The Department agrees with the advice of the DRP and is satisfied that the basement below the public park is acceptable because:

- the soil “vault” below the park and road with minimum depth of 1.5m provides deep soil capable of supporting landscaping appropriate to a park setting including canopy trees, shrubs and ground cover and street tree planting as shown in **Figure 38**
- the design outcome of the park is not compromised by the basement as it will look and function like a park with the private road being a visual and physical extension of the park
- the proposed irrigation measures and maintenance program ensures the long-term health and vitality of the landscaping
- the design of the development facilitates future flexible use of the basement level directly below the park, should it not be required for car parking in the future

- consolidation and rationalisation of basement levels and vehicle entry points results in improved wayfinding and access and an increased active frontage to Conferta Avenue. Separate residential and retail/commercial vehicle entry points promote crime prevention principles.

The Department is therefore satisfied that the provision of a basement below the public park and private road does not compromise the design outcome of the park envisaged in the Concept Approval.

6.4 Traffic and Car parking

The Applicant proposes car parking rates for the residential dwellings and retail and commercial uses above the minimum rates provided in the Concept Approval. The proposed car parking rates are shown in **Table 7**.

Table 7 | Car parking rates

	Minimum car parking rate approved in Concept Approval	Proposed in detailed design application SSD - 10425
Residential car parking rates (987 apartments proposed)	0.6 space per 1 bed 0.9 space per 2 bed 1.4 space per 3 bed (min. 839 spaces) (Based on RMS Guidelines for sub-regional centres/ADG)	1 space per 1 bed 1 space per 2 bed 1.4 space per 3 bed (1,008 spaces)*
Resident visitor car parking rates	0.1 space per unit (min. 99 spaces)	99 resident visitor spaces
Residential sub total	938 spaces (min. 0.95 space/unit)	1,107 spaces (1.12 space/unit)
Retail car parking rates	1space/60m ² GLFA (min. 100 spaces)	Shared car park for 250 spaces
Commercial car parking rates	1space/70m ² GLFA (min. 43 spaces)	
Retail and commercial sub total	143 spaces	250 spaces
TOTAL	1,081 car parking spaces	1,357 car parking spaces
Affordable Housing (50 apartments of the 987 apartments proposed)	0.5 space per 1 bed 1 space per 2 bed 1.5 space per 3 bed (min 45 spaces required)	1 space per 1 bed 1 space per 2 bed 1.4 space per 3 bed (52 spaces) (*included in the total residential car parking spaces above)

Council generally supports the proposed higher car parking rates and considers it is important to provide free parking for resident visitors and workers to the site. Council does not support sharing the visitor car spaces between resident, visitors and retail / commercial uses.

TfNSW did not object to the proposal noting that the vehicular movements generated by the development are unlikely to have an adverse impact on the existing road network. It requested that car parking rates should achieve the principles of transit-oriented development and reduce the need and reliance on private vehicles.

Two public submissions raised concern about the proposal potentially increasing traffic, car parking, noise and safety impacts in surrounding residential streets due to an increase in Metro users parking in residential streets when the commuter car park is full. This would also be exacerbated by residents that do not have a private car space.

While the proposal complies with the minimum carparking rates outlined in the concept approval, the Department and the Tallawong DRP requested that the applicant consider less car parking spaces noting the site's proximity to the Metro station, the intent for Transit Oriented Development to maximise public transport patronage and encourage walking and cycling, and changing behaviours and attitudes towards car ownership. The DRP also requested the applicant provide options for future adaptation of the basement level directly below the park should the demand for parking change, which is discussed in **Section 6.3.2**.

In response, the Applicant revised its car parking provision by:

- reducing the car parking rate for 3 bedroom dwellings to be the same as the concept approval
- reducing the number of car spaces for retail and commercial uses from 300 to 250 and provide the car spaces as a single car park on Site 1 shared between all retail and commercial uses to maximise efficiency.

The Applicant also submitted a car parking management plan which would:

- allow the 250 car spaces for retail and commercial uses to be shared
- offer the first 3 hours of parking free and a tariff for longer stays
- allow free, unlimited parking between 6pm and 6am

The applicant also considered a further reduction in the total number of car spaces by another 49 spaces by sharing resident visitor car spaces with commercial and retail car spaces, but this was not supported by Council due to concerns with management and access between different groups of users across the site.

Car Parking

The Department engaged an independent transport and traffic consultant to review the merits of the proposed carparking provision.

The Department's consultant considers the revised car parking rates for 1 and 2 bedroom dwellings and the managed car park are reasonable given the site's outer suburb location. The consultant also supports the shared car park for retail and commercial car spaces because it would be more effective in managing the car spaces to discourage inappropriate use by commuters and be more secure and efficient. The consultant also recommended the provision of directional and wayfinding signage for motorists and cyclists to and from basement parking areas and buildings.

The Department agrees with the consultant's advice and accepts the proposed residential car parking rates are reasonable because:

- the car parking rates comply with the minimum rates outlined in the Concept Approval
- the proposed residential car parking rate at 1.02 space/unit is not significantly higher than the minimum rate of 0.93 space/unit under the Concept Approval
- the proposed 99 resident visitor spaces are consistent with the concept approval's minimal rates and is approximately 50% lower than residential visitor car parking rates in Council's DCP
- the proposal would provide car spaces to affordable housing apartments at the same rate as market housing to ensure they have the same level of amenity.

The Department supports the proposed car park arrangement for the retail and commercial uses because:

- the car parking rates comply with the minimum rates of the concept approval
- the proposed car park would improve the efficiency of the car spaces by allowing all visitors and staff access to a pool of available car spaces
- the application does not seek approval for specific land use or fit out. The proposed car park would cater for future changes in land uses, including uses with higher car parking demands such as food and beverage use and childcare centre by not dedicating car spaces to specific tenancies
- the car park is supported by a car parking management plan to ensure appropriate access, use and turnover of retail and commercial car spaces
- the provision of free parking for the first 3 hours and after 6pm allows appropriate access for users of the site during the day while deterring long term parking by commuters and other users.

The Department's assessment therefore concludes the proposed car parking is acceptable as it strikes a reasonable balance between providing a sufficient number of car parking spaces to meet anticipated car parking demand by residents while at the same time encouraging the use of public transport with a limited number of spaces provided for retail and commercial users within a shared and managed car park.

Traffic Generation

The application is supported by a Traffic and Transport Assessment (TTA), which identified the proposal would generate approximately 688 trips during the AM peak hour and 514 trips during the PM peak, with the majority of the trips identified to be made by the proposed residential dwellings. The TTA concluded the vehicle movements generated by the proposal will not have an adverse impact on the existing road network.

TfNSW accepted the submitted TTA and recommended that Green Travel Plans be prepared for the proposal which provide strategies to encourage the use of public and active transport.

The conclusion of the TTA was reviewed by independent traffic consultant engaged by the Department. The Department's consultant also advised that the assessment of the proposal's traffic generation has

been undertaken appropriately and the conclusions are in line with the analysis undertaken in the Traffic and Transport Study prepared for the concept approval.

The Department accepts the consultant's advice that the proposal would not cause unacceptable traffic impacts to the existing road network, noting:

- there would be only a relatively minor impact on the surrounding road network
- any road network upgrades required for the locality would be due to existing road conditions and background traffic growth expected to occur over future years and not as a result of additional traffic generated by the proposal
- the proposal would have less traffic impacts compared to the Concept Approval noting the proposal represents a reduction in the total amount of residential car spaces and dwellings compared to the concept approval (987 dwellings reduced from 1,100).

The Department is therefore satisfied the proposal would not result in unacceptable traffic impacts. The Department also supports TfNSW's recommended conditions with respect to Green Travel Plan and has included a recommended condition accordingly.

6.5 Other issues

Table 8 | Other issues

Issue	Findings	Recommendations
Design Excellence	<p>The Growth Centres SEPP does not include provisions for Design Excellence. However, the concept approval requires the detailed design of the proposal to be reviewed by the Tallawong Design Review Panel (DRP) in accordance with the approved Design Excellence Strategy.</p> <p>The Department notes the proposal has been reviewed by the Tallawong DRP four times prior to its submission. The Tallawong DRP made several recommendations regarding the public park, landscaping, façade details, basement design, and public domain treatment, which have been resolved by the detail design proposal.</p> <p>The Department is satisfied the Applicant has addressed the advice of the Tallawong DRP and the proposal would achieve Design Excellence in terms of its quality of architecture and landscape design.</p>	Recommended conditions to set out design integrity requirements for construction documentation and future modification applications.
Site Contamination	<p>The EIS includes a Detailed Site Investigation for the site which concludes there is no significant contamination and the site can be made suitable for the proposal subject to the implementation of recommendations which include preparation of a Remedial Action Plan (RAP), additional investigation of groundwater, and the appropriate management of any small scale remaining contamination issues in accordance with NSW EPA guidelines.</p>	Recommended conditions to ensure measures are in place should any unanticipated contamination be found during works.

The Department is satisfied that the site can be made suitable for the proposed uses subject to the recommendations of the soil and contamination assessment report being adopted in the development.

Flooding

EES requested that the submitted Flood Impact Assessment (FIA) report be updated to comprehensively address flood risks and management and to correct discrepancies in the flood maps. It also requested that an Emergency Response Plan (ERP) be prepared.

The Applicant's RtS included amended flood maps, ERP, and revised FIA. The FIA noted that the development sits outside mainstream flood extents of Second Pond Creek and there is no known associated flood hazard to future residents and only some localised shallow flooding and ponding may occur around the proposed buildings on Site 2 during flood events. The FIA concludes that the proposed habitable floor levels 0.45 m above the proposed raised ground level are acceptable for the buildings on Site 2, and that floor levels at grade with the proposed ground level are appropriate for Site 1 as it is not impacted by flooding or ponding.

After reviewing this information, EES advised that it had no further comment or conditions other than the flood maps and report being referenced in conditions of consent.

Blacktown City Council accepted the FIA, flood maps and ERP.

The Department is therefore satisfied that flooding of the site and surrounding property has been appropriately addressed. The Department recommends a condition requiring a Flood Evacuation Plan be prepared prior to occupation of the development.

Recommended standard conditions in response to flood management.

Bushfire Assessment

RFS requested a bushfire report addressing the relevant requirements of *Planning for Bush Fire Protection (PBP) 2019* due to the site's proximity to existing and future vegetation corridors.

The Applicant's RtS included a Bushfire Assessment Report. The Department consulted with RFS on the submitted Bushfire Report. RFS provided no further comment or conditions.

The Department notes the submitted Bushfire Report concludes the proposal is not deemed to be within the bushfire prone area and the separation distance (Asset Protection Zone) between the vegetation within the Second Ponds Creek riparian corridor and the proposed land uses removes the bushfire threat to the buildings. The Bushfire Report also recommended appropriate water supply and access be provided for firefighting purposes.

The Department is therefore satisfied the bushfire risk to the proposal is acceptable and can be suitably mitigated subject to the recommendations contained in the Bushfire Report.

Recommended conditions requiring recommendations in the submitted Bushfire Report be adopted for the development.

Stormwater Management	<p>Council requested revised plans and modelling be submitted to address issues relating to the regional bioretention basin, proposed subdivision, water quality and water conservation, groundwater impact by the basement carpark.</p> <p>The Applicant has since provided additional information and Council has advised that its issues have been resolved subject to recommended conditions of consent.</p> <p>The Department accepts the proposal would provide suitable stormwater management and supports Council's recommended conditions.</p>	Recommended conditions in response to stormwater management.
Staging of Development and construction impacts	<p>The applicant has provided a staging plan, which identifies the various stages of construction and implications on the road network and site access for residential, retail, commercial users, and visitors during the different stages of development.</p> <p>As required by Condition B11 of the concept approval, the Application is also accompanied by a Construction Management Plan, which considers construction impacts associated with the proposal including traffic, noise, vibration, air quality and community consultation.</p> <p>The Department is satisfied that subject to appropriate standard conditions, construction management, construction impacts and emissions can be appropriately mitigated and managed to an acceptable level.</p>	Recommended standard conditions setting out the requirements for Construction Management.
Waste Collection and Management	<p>As required by Conditions B16 and B17 of the concept approval, the Application was accompanied by an Operational Waste Management Plan and a Waste Resource Recovery Plan, which address waste collection, waste management procedures, waste room requirements and waste management principles for the proposal.</p> <p>Council reviewed the proposal and is satisfied with proposed waste management facilities and procedures subject to suitable conditions of consent.</p> <p>The Department is satisfied that appropriate waste facilities, collection and management can be provided to the proposal subject to standard conditions of consent which include the requirement for additional details to supplement the submitted Waste Management Plan including waste generation, storage, management and collection, waste truck access and loading bay design.</p>	Recommended conditions for the site's waste management and associated procedures.
Subdivision and public roads	<p>The proposal includes new public and private roads that will be subdivided and dedicated for public use, or privately owned.</p> <p>Council requested clarification of engineering related matters relating to subdivision of roads and associated ownership, road design, traffic circulation, pedestrian safety and intersection design. It recommended that the</p>	Recommended conditions setting out requirements for road design, subdivision, and relevant Council approvals.

Applicant seek approval from Council's Traffic and Access Manager for outstanding engineering details.

Council reviewed additional information submitted with the RfS and is satisfied that appropriate road design and subdivision can be achieved subject to suitable conditions of consent.

The Department accepts that roads within the proposal can be appropriately designed and subdivided and supports Council's recommended conditions.

Green Travel Plan	<p>TfNSW acknowledged the Green Travel Plan (GTP) prepared by the applicant as an adequate guide for a GTP to be developed for the site.</p> <p>TfNSW recommends that the Applicant develop detailed GTPs for the residential component and for the retail and commercial component in consultation with TfNSW.</p> <p>The Department agrees with TfNSW's advice and recommended has conditions accordingly.</p>	<p>Recommended condition sets out the requirement for preparation of Green Travel Plans.</p>
Stormwater Connections over TfNSW's land	<p>The proposal would require stormwater to be directed to existing pits within TfNSW owned land at the corner of Cudgegong Road and Schofields Road.</p> <p>TfNSW requires the Applicant to enter into a Works Authorisation Deed (WAD) with TfNSW for the stormwater connection prior to works commencing on Site 2.</p> <p>The Department notes that TfNSW has provided landowner's consent to the lodgement of the application for the area of the proposed stormwater works. The Department also supports TfNSW's recommended condition requiring a WAD.</p>	<p>Recommended condition sets out the requirement for the applicant to obtain a WAD from TfNSW.</p>
Developer Contributions	<p>Section 7.11 of the Environmental Planning & Assessment Act, 1979 (EP&A Act) enables consent authorities to levy developer contributions, as a condition of development consent, towards the cost of providing local public infrastructure and facilities required as a consequence of development.</p> <p>The proposal is subject to contributions under the Rouse Hill Contributions Plan administered by Blacktown Council and the Western Sydney Growth Areas Special Infrastructure Contribution (SIC) Plan administered by DPIE.</p> <p>Council has provided its conditions of consent which require the payment of contributions prior to the issue of a construction certificate for road works and prior to the issue of an occupation certificate for the development.</p> <p>The Department recommends a condition of consent requiring contributions be paid in accordance with Council's contributions plan and the Growth Areas SIC plan.</p>	<p>Recommended conditions set out the requirements for the payment of contributions in accordance with Council's contributions plan and the Growth Areas SIC Plan.</p>

7 Evaluation

The Department has assessed the merits of the proposal and has carefully considered all issues raised in public and agency submissions. The Department has also considered all relevant matters under Section 4.15 of the EP&A Act, the objects of the EP&A Act and the principles of ESD.

Following a review of all relevant planning and landuse matters, the Department considers the proposal is acceptable for the following reasons:

- 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
- while the proposal departs from the 26 m height standard in the Growth Centres SEPP (by a maximum of 8.69 m) the Department is satisfied the proposed building heights are acceptable because:
 - the proposal maintains a maximum height of eight storeys as envisaged by the Growth Centres Precinct DCP and the concept approval
 - the sloping nature of the site makes compliance with the height control more difficult to achieve and exacerbates the overall height of the buildings
 - the height departure primarily relates to the lifts over runs of each building which form a small component of the roof area and it allows equitable access to the roof top communal open space areas
 - the proposal provides increased floor to ceiling heights for the retail and commercial spaces consistent with the requirements of the Apartment Design Guide.
- the proposed modifications to the approved building envelopes are considered to be acceptable as they would:
 - reduce the mass and visual bulk of future buildings
 - improve sight lines and connectivity through the public domain areas
 - provide a larger publicly accessible park.
- the proposed density is considered to be acceptable as the gross floor area of the proposal remains the same as the concept approval, and the number of dwellings have been reduced from 1,100 to 987
- the proposal is supported by the Tallawong Design Review Panel as: it is compatible with the existing and emerging character of the surrounding area; it incorporates quality building design, materials and finishes; and the proposed buildings are integrated with the design of public domain areas to maximise amenity for future residents and visitors
- the proposal would provide new open spaces, including a 3,507 m² publicly accessible park, retail plazas and other public domain areas to support the development and activate the area around the Tallawong Metro station. The public park will be retained in private ownership,

however public access and maintenance will be secured on title through a VPA endorsed by Blacktown City Council

- the proposal would not result in adverse traffic impacts on the surrounding road network as the number of dwellings across the site has been reduced, the proposal has excellent access to public transport and the Applicant's TIA confirms the proposal would not result in any significant traffic impacts on the surrounding road network
- the proposal provides sufficient car parking spaces that balances the anticipated car parking demand by residents while at the same time encouraging the use of public transport with a limited number of spaces provided for retail and commercial users
- 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 proposal includes a suite of ESD initiatives and sustainability measures, targeting a 5 Star Green Star rating for all buildings, 5 Star NABERS energy and water rating commitment agreement for commercial areas over 1000 m², 'Silver' Level Standard for affordable housing dwellings, and BASIX and Liveable Housing Design compliance.

The Department's assessment therefore concludes the proposal is acceptable and recommends that the application be approved subject to the recommended conditions.

8 Recommendation

It is recommended that the Director, Key Sites Assessments:

- **considers** the findings and recommendations of this report
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to SSD 9063 MOD 1 and grant consent to SSD 10425
- **agrees** with the key reasons for approval listed in the notice of decision
- **modifies** the consent SSD 9063 MOD 1
- **grants consent** for the application in respect of SSD 10425 as amended, subject to the conditions in the attached development consent
- **signs** the attached development consent and recommended conditions of consent (see attachment).

Recommended by:



Paula Bizimis
Senior Planning Officer
Key Sites Assessments

Recommended by:



Annie Leung
Team Leader
Key Sites Assessments

9 Determination

The recommendation is **Adopted** by:

Anthony Witherdin

Director

Key Sites Assessments

Appendices

Appendix A – List of Documents and Relevant Supporting Information

Appendix B – Summary of Department’s Consideration of Public Submissions

Appendix C – Department’s consideration of clause 4.6 submissions

Appendix D – Mandatory Matters for Consideration

Appendix E – Consistency with Concept Approval

Appendix F – Recommended Instrument of Consent

Appendix A – List of referenced documents

SSD 9063 MOD 1 – Stage 1 modification application

1. Modification Report
2. Submissions
3. Applicant's Response to Submissions

The above documents and relevant supporting information to this assessment report can be found on the Department's website:

<https://www.planningportal.nsw.gov.au/major-projects/project/35021>

SSD 10425 – Stage 2 development application

1. Environmental Impact Statement
2. Submissions
3. Applicant's Response to Submissions

The above documents and relevant supporting information to this assessment report can be found on the Department's website:

<https://www.planningportal.nsw.gov.au/major-projects/project/35021>

Appendix B – Summary of Department's Consideration of Public Submissions

Table 1 provides a summary of the Department's consideration of the main issues raised in public submissions.

Table 1 | Department's consideration of main issues raised in public submissions

Issue	Consideration
Parking The proposal will contribute to an increase of cars parked on existing local streets due to the additional population in the area	<i>Assessment</i> <ul style="list-style-type: none">• 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.. <i>Recommended Conditions</i> <p>The Department recommends conditions that requires the Applicant to:</p> <ul style="list-style-type: none">• Provide car parking spaces in accordance with the Traffic and Parking Assessment report• Provide car parking spaces and associated access in accordance with the relevant standards• Install, manage, maintain, and monitor the managed car park for retail and commercial spaces to ensure ongoing appropriate access and use.

Safety

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

Assessment

- 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.
- 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
- 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
- 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.

Recommended Conditions

The Department recommends conditions that requires the Applicant to:

- Implement the recommendations of the Crime Prevention Assessment report
- Provide car parking spaces in accordance with the Traffic and Parking Assessment report
- Install, manage, maintain, and monitor the managed car park for retail and commercial spaces to ensure ongoing appropriate access and use.

Noise and Privacy

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

Assessment

- 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.

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.

Recommended Conditions

The Department recommends a condition that 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.

Recommended Conditions

The Department recommends conditions that requires 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 m². 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 m² 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.

Recommended Conditions

The Department recommends conditions that require the Applicant to:

- Landscape the site in accordance with the Landscape Plans and Landscape Report accompanying the application

Built Form

Assessment

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

- The Concept Approval established building envelopes for the proposal of two to eight storeys and a maximum gross floor area of 93,393 m². The proposal has building envelopes and gross floor area of 93,386 m² 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.

Appendix C - Department's consideration of clause 4.6 submissions

Clause 4.6(2) of the Growth Centres SEPP permits the consent authority to consider a variation to a development standard of the SEPP. The aim of clause 4.6 is to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes in particular circumstances.

When considering proposed variations, clause 4.6(3) requires the following:

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

- (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*

The Applicant has prepared a written request in accordance with clause 4.6 (Appendix 45 and 46 of the EIS) to vary the following development standards in the Growth Centres SEPP:

- Clause 4.3 – Height of buildings
- Clause 4.4 – Floor space ratio

Clause 4.6(4)(a) requires the consent authority to be satisfied that:

- (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3) (above), and*
- (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out*

The following provides the Department's assessment of the proposed variations to the development standards under clause 4.6 of Appendix 6 of the Growth Centres SEPP, applying the tests summarised by Preston CJ in *Initial Acton Pty Ltd v Woollahra Municipal Council* [2018] NSWLEC 118 and *Wehbe v Pittwater Council* [2007] NSWLEC 827.

C1 Height of buildings development standard

As set out in **Section 6.2.2** of this assessment report, the height of the proposal exceeds the height of buildings standard in 15 of the 17 buildings. The proposal has a maximum height of 34.69 m where the

height standard for the site is 26 m. The Department has considered the Applicant's Clause 4.6 request to vary the development standard below. **Table 2** details the proposed building heights and **Figure 1** shows the proposed building envelopes.

Table2 | The proposed building heights

Building	Proposed maximum height (metres)	Proposed variation to 26m height control (metres)	Concept approval maximum height(metres)	Concept approval variation to 26m height control (metres)	Increase/decrease compared to concept approval (metres)
A	Parapet 28.49 Lift overrun 32.36	Parapet +2.49 Lift overrun +6.36	Parapet 28.4 Lift overrun 31.5	Parapet +2.4 Lift overrun +5.5	Parapet +0.9 Lift overrun +0.86
B	Parapet 29.15 Lift overrun 32.98	Parapet +3.15 Lift overrun +6.98	Parapet 28.4 No lift overrun	Parapet +2.4 No lift overrun	Parapet +0.75 New lift overrun +4.58
C	Parapet 27.46 Lift overrun 31.05	Parapet +1.46 Lift overrun +5.05	Parapet 27.4 Lift overrun 28.8	Parapet +1.4 Lift overrun +3.8	Parapet +0.06 Lift overrun +2.25
D	Parapet 30.1 Lift overrun 33.35	Parapet +4.1 Lift overrun +7.35	Parapet 28.5 Lift overrun 29.9	Parapet +2.5 Lift overrun +3.9	Parapet +1.6 Lift overrun +3.45
E	Parapet 31.06 Lift overrun 34.69	Parapet +5.06 Lift overrun +8.69	Parapet 28.7 No lift overrun	Parapet +2.7 No lift overrun	Parapet +2.36 New lift overrun +5.99
F	Parapet 26.62 Lift overrun 30.5	Parapet +0.62 Lift overrun +4.50	Parapet 28.6 No lift overrun	Parapet +2.6 No lift overrun	Parapet -1.98 New lift overrun +1.9
G	Parapet 13.9 Lift overrun 18.79	Compliant	Parapet 15.1 No lift overrun	Compliant	Compliant
H	Parapet 14.3 Lift overrun 19.19	Compliant	Parapet 14.3 Lift overrun 19.19	Compliant	Compliant
J	Parapet 26.6 Lift overrun 28.37	Parapet +0.62 Lift overrun +2.37	Parapet 27.5 No lift overrun	Parapet +1.5 No lift overrun	Parapet -0.9 New lift overrun +0.87
K	Parapet 26.4 Lift overrun 28.22	Parapet +0.4 Lift overrun +2.22	Parapet 28.6 No lift overrun	Parapet +2.6 No lift overrun	Parapet -2.2 New lift overrun -0.38
L	Parapet 26.6 Lift overrun 28.42	Parapet +0.6 Lift overrun +2.42	Parapet 28.5 No lift overrun	Parapet +2.5 No lift overrun	Parapet -1.9 New lift overrun -0.08
M	Parapet 28.53 Lift overrun 31.83	Parapet +2.53 Lift overrun +5.83	Parapet 28.9 No lift overrun	Parapet +2.9 No lift overrun	Parapet -0.37 New lift overrun +2.93
N	Parapet 27.57 Lift overrun 31.77	Parapet +1.57 Lift overrun +5.77	Parapet 28.9 No lift overrun	Parapet +2.9 No lift overrun	Parapet -1.33 New lift overrun +2.87
P	Parapet 28.5 Lift overrun 31.6	Parapet +2.5 Lift overrun +5.6	Parapet 28.5 Lift overrun 29.6	Parapet +2.5 Lift overrun +3.6	Parapet no change Lift overrun +2
Q	Parapet 26.33 Lift overrun 30.5	Parapet +0.33 Lift overrun +4.5	Parapet 27.2 Lift overrun 30.3	Parapet +1.2 Lift overrun +4.3	Parapet -0.87 Lift overrun +0.2
R	Parapet 27.54 Lift overrun 31.25	Parapet +1.54 Lift overrun +5.25	Parapet 28.1 Lift overrun 31.2	Parapet +2.1 Lift overrun +5.2	Parapet -0.56 Lift overrun +0.05
S	Parapet 27.51 Lift overrun 31.2	Parapet +1.51 Lift overrun +5.2	Parapet 28 Lift overrun 31.1	Parapet +2 Lift overrun +5.1	Parapet -0.49 Lift overrun +0.1

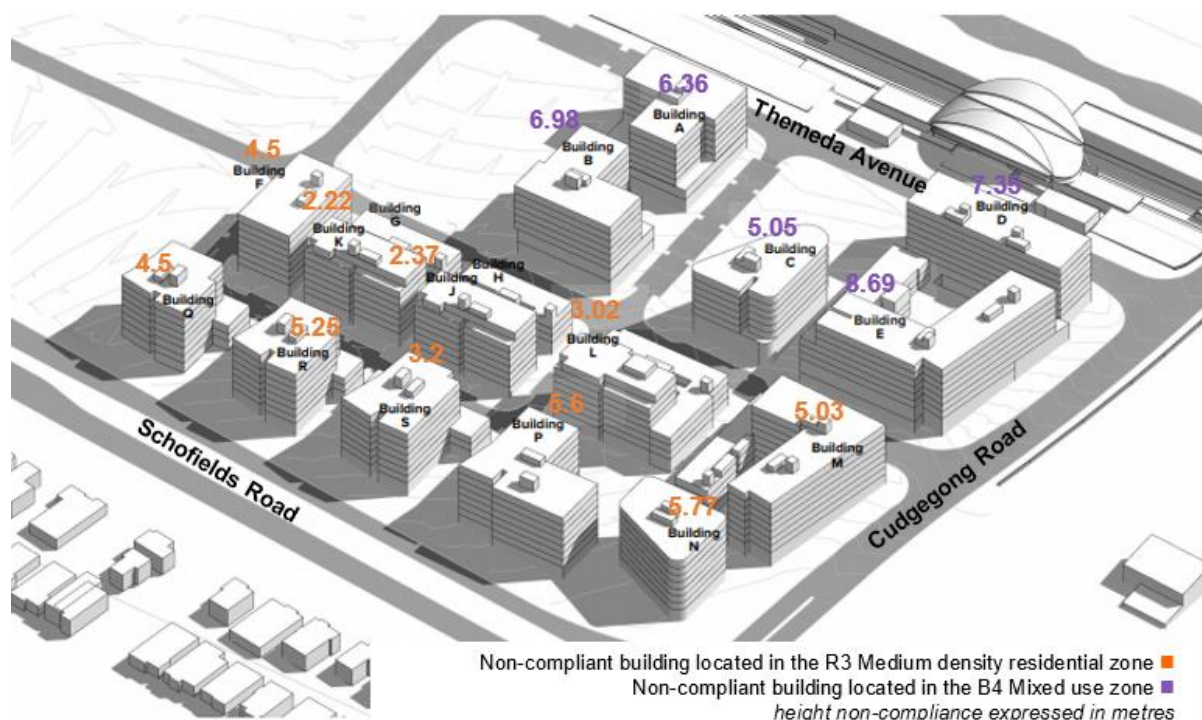


Figure 1 | Proposed building envelopes showing height above 26 m (Base source: Applicant's EIS)

1. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone?

The objectives of the B4 Mixed Use zone are:

- *to provide a mixture of compatible land uses*
- *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*
- *to facilitate active retail, commercial, entertainment and community uses at ground level of mixed-use developments*
- *to provide for residential development that contributes to the vitality of the local centre*
- *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.*

The Department considers the proposal is consistent with the objectives of the B4 zone as it:

- proposes a mix of compatible and complementary land uses including retail, commercial and residential uses
- encourages the use of public transport by locating residential and non - residential land uses adjacent to the Tallawong Metro station and providing pedestrian and cycle links between these uses and the station entrance
- provides active retail frontages on the ground floor of buildings adjacent to the public park, the Metro station, and primary pedestrian and cycle links
- provides opportunities to activate street frontages in the form of a 'main street' running north-south and connecting to the Metro station entrance. The proposal includes non-residential uses along the main street to create vitality and position the retail uses as the dominant use from a

pedestrians' perspective. The residential uses located within the precinct provide additional activity in and around the centre which contributes to its vitality.

The objectives of the R3 zone are:

- *to provide for the housing needs of the community within a medium density residential environment*
- *to provide a variety of housing types within a medium density residential environment*
- *to enable other land uses that provide facilities or services to meet the day to day needs of residents*
- *to support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

The Department considers the proposal is consistent with the objectives of the R3 zone as it:

- proposes medium to high density housing in the form of residential flat buildings, and includes affordable rental housing to meet the needs of the community
- includes a mix of 1, 2 and 3 bedroom apartments in a variety of design layouts which increase housing options and affordability
- includes facilities and services that complement the residential use, including commercial and retail uses which will meet the needs of existing and future residents
- provides opportunities for activities compatible with the amenity of the residential environment within commercial and retail uses and recreation areas such as public park and plazas which promote activity within the precinct and activation of spaces.

2. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard?

The objectives of Appendix 6 clause 4.3 Height of buildings in the Growth Centres SEPP are:

- (a) *to establish the maximum height of buildings on land within the Area 20 Precinct*
- (b) *to minimise visual impact and protect the amenity of adjoining development and land in terms of solar access to buildings and open space*
- (c) *to facilitate higher density development in and around commercial centres and major transport routes.*

The Department considers the proposal is consistent with the objectives of the height of buildings standard as it:

- will have minimal visual impact when compared to the approved concept approval noting that the noncompliance in height is primarily due to the lift overruns. The lift overruns are centrally located and form a small component of the roof area and are unlikely to be visible from the street (**Figures 2 and 3**). The development maintains a maximum height of eight storeys which has been identified as the indicative number of storeys for a 26 m building in the Precinct DCP
- the additional height to the buildings is offset by seven lower buildings which have building heights either lower or just over the 26 m height limit, resulting in a range of building types throughout the site. This creates a more interesting skyline when viewed from surrounding areas and a more legible urban structure. Nine buildings of the proposal have a lower parapet

height than the approved concept plan, further reinforcing the range of heights within the proposal

- the shadow diagrams accompanying the application demonstrates that the proposal provides good solar access to the residential uses within the development, the public park, plaza, and adjoining streets, consistent with the solar access requirements. The highest buildings within the proposal are located adjoining the Metro station or to the south to maximise solar access
- there are negligible privacy impacts arising from the additional height as the proposal is maximum eight storeys which is consistent with that intended for a 26 m building, achieves separation distances between buildings that comply with the Apartment Design Guide, and adjoins existing and proposed roads rather than other developments
- the proposal provides non-residential floor area to the ground floor and some first floors of all proposed buildings in the B4 Mixed Use zone. This requires higher floor to ceiling heights under the Apartment Design Guide to allow for flexibility and adaption of uses. The provision of non-residential uses within the proposal promotes employment opportunities close to the Metro station and provides vibrancy to the precinct through increased activity
- exemplifies transit-oriented development by providing higher density development adjoining the Tallawong Metro station which will be a major transport route for travel to Sydney's northwest, city and southwest.

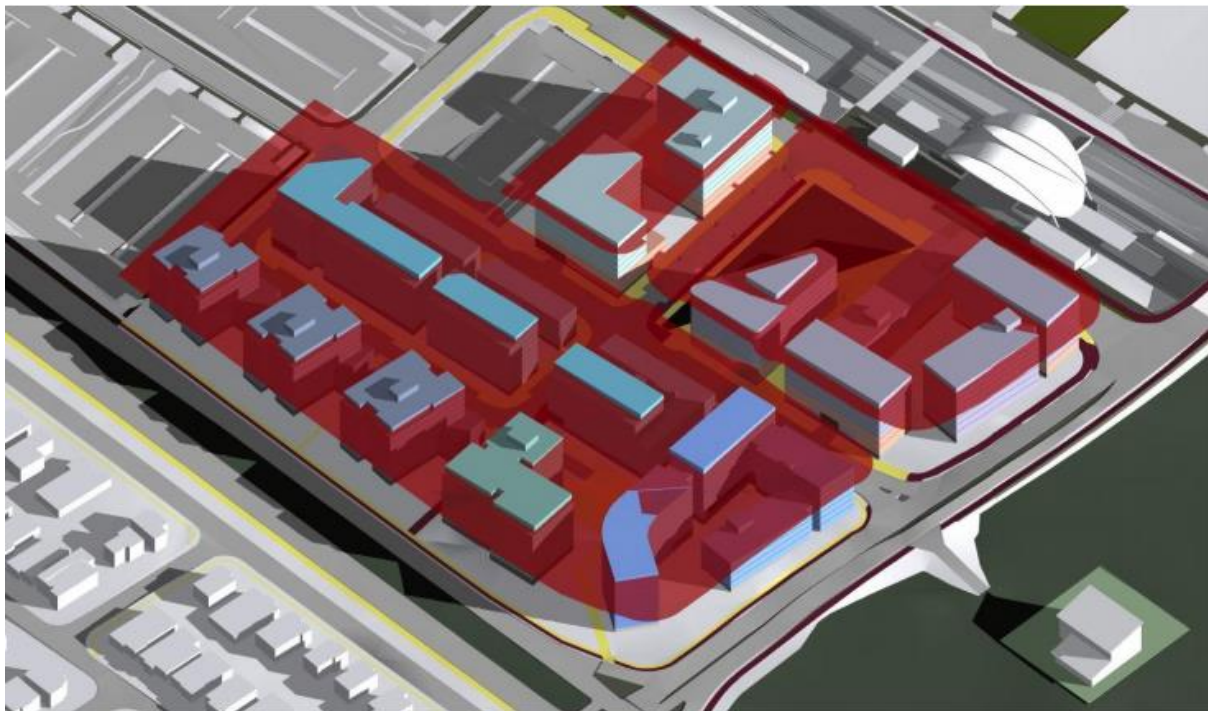


Figure 2 | Concept Approval buildings above 26 m height limit in red (Source: Applicant's EIS)

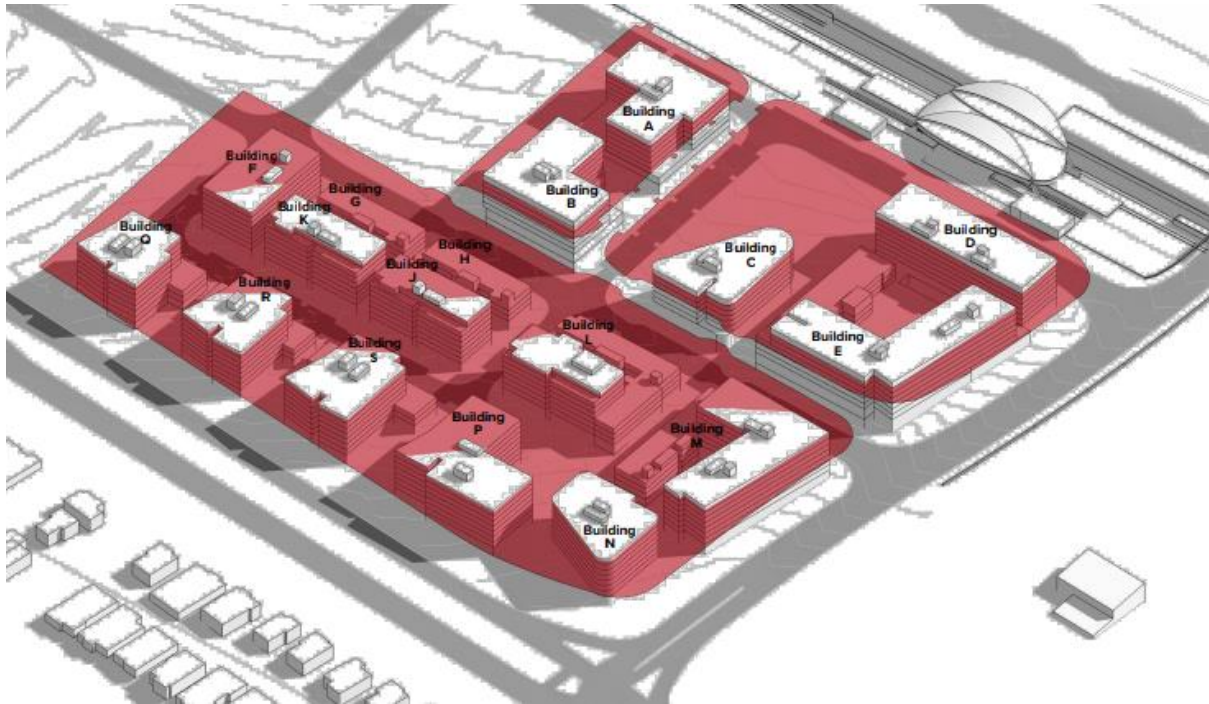


Figure 3 | Proposed buildings above 26 m height limit in red (Source: Applicant's EIS)

3. Has the consent authority considered a written request demonstrating compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

The Applicant has submitted a written request (**Appendix 45** of the EIS) seeking a variation to the height of buildings development standard that applies to the site under clause 4.6 of the Growth Centres SEPP. In summary, the Applicant's clause 4.6 request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as follows:

- the concept approval has established that some height variation is acceptable for the subject site. The height increase is proposed to provide sufficient floor to ceiling heights for the commercial component, provide lift overruns to access rooftop amenities, address the significant cross falls across the site, and achieve appropriate grades between ground floor levels and the public domain. Any reduction in height would compromise these outcomes, with no benefit to the public interest
- the parapet height of nine buildings in the concept approval have been reduced while still providing two to eight storeys in accordance with the scale envisaged for the site by the planning controls
- the height variation associated with the building parapets is minor, with the greatest variation being the lift overruns which are specifically located centrally within the buildings and not readily visible from the public domain
- strict compliance with the height control would result in a significant reduction in density when compared to the 9,000 m² of retail and commercial floorspace and 1,100 apartments approved for the site under the concept approval
- the non-compliance with the height control facilitates an improved urban form with a variety of building heights up to eight storeys anticipated by the planning control. Strict application of the height control would likely discourage this variation in scale and lead to redistributing floor

space to lower buildings which would unnecessarily dilute the diversity of scale which has been achieved.

For the reasons provided above, the Department considers that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

4. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard?

The Department considers that there are sufficient environmental planning grounds to justify the development contravening the development standard in the circumstances of the case as provided in the Applicant's written request and as summarised below:

- the non-compliance is partly attributable to the site topography which has a cross fall of approximately 8m from north-west to south-east. The refinement of ground floor levels was required to achieve appropriate grades between buildings and public domain areas. Due to the topography of the site, the maximum height cannot be achieved for the entire site
- lifts (and their associated lift overruns) required to provide equitable access to the rooftop common open space areas result in additional height to a small portion of the roof area. Lift overruns have been introduced to several buildings as a result of design refinement
- the proposed heights are marginally above the heights supported in the concept approval and do not generate any adverse or unacceptable visual or amenity impacts. The parapets of nine buildings in Site 2 have been reduced from those in the concept approval
- the provision of taller floor to ceiling heights for the non-residential floor space on the ground and first floor of the buildings is consistent with the requirements of the ADG
- the variation in height does not result in additional overshadowing, visual or acoustic impacts when compared to the concept approval
- the number of building storeys is consistent with the eight storeys identified in the Precinct DCP. The height of the proposal ranges between two to eight storeys and the additional building height provides greater internal amenity and flexibility of use while still being consistent with the DCP.

The Department considers the Applicant's arguments to be well founded. In supporting the above environmental planning grounds to vary the development standard, the Department considers that the development will deliver a better planning outcome for the site, consistent with the high-density, transit orientated precinct envisaged under the planning controls. In this instance, the Department notes the proposed variation to the height does not seek to increase the overall density or scale of the development or result in any significant visual or amenity impacts.

Conclusion

Having considered the written request, the Department is satisfied the Applicant has provided sufficient environmental planning grounds to justify the contravention of the height of buildings development standard and the matters required to be demonstrated under clause 4.6 have been adequately addressed. The Department concludes the proposed development is in the public interest and the variation to the height development standard results in a better development outcome.

C2 Floor space ratio development standard

As set out in **Section 6.1** of this assessment report, the FSR of the proposal exceeds the floor space ratio standard. The proposal has an FSR of 2.158:1 where the FSR standard for the site is 1.75:1. The Department has considered the Applicant's Clause 4.6 request to vary the development standard below. **Table 3** details the proposed FSR and **Figure 4** shows the site area.

Table 3 | The proposed floor space ratio

Site	Area	GFA	FSR	Variation to 1.75:1 FSR standard
Concept plan SSD 9063				
	70,424 sqm	93,393 sqm	1.33:1	-0.42:1
Proposal SSD 10425				
1	16,240 sqm	37,525 sqm		
2	27,030 sqm	55,867 sqm		
Total	43,270 sqm	93,386 sqm	2.158:1	+0.408:1



Figure 4 | Site area of concept approval on left and site area of proposal on right (outlined in red)

1. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the zone?

The objectives of the B4 Mixed Use zone are:

- to provide a mixture of compatible land uses
- 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
- to facilitate active retail, commercial, entertainment and community uses at ground level of mixed-use developments
- to provide for residential development that contributes to the vitality of the local centre
- 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.

The Department considers the proposal is consistent with the objectives of the B4 zone as it:

- proposes a mix of compatible and complementary land uses including retail, commercial and residential uses located immediately adjoining the Tallawong Metro Station which encourages the use of public transport and associated walking and cycling
- provides active retail frontages on the ground floor of buildings adjacent to the public park, the Metro station, and primary pedestrian and cycle links. The residential uses located within the precinct provide additional activity in and around the centre which contribute to its vitality
- is within walking distance of adjacent residential developments such as The Ponds, providing convenient access to the proposal's retail and commercial uses and open space areas, increasing activity in and around the site.

The objectives of the R3 zone are:

- *to provide for the housing needs of the community within a medium density residential environment*
- *to provide a variety of housing types within a medium density residential environment*
- *to enable other land uses that provide facilities or services to meet the day to day needs of residents*
- *to support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.*

The Department considers the proposal is consistent with the objectives of the R3 zone as it:

- proposes medium to high density housing in the form of residential flat buildings with a mix of 1, 2 and 3 bedroom apartments and the provision of affordable rental housing which increases housing options and affordability
- includes facilities and services that complement the residential use, including retail and commercial uses which will meet the needs of existing and future residents. The proposed public park and plazas promote activity within the precinct and activation of spaces.

2. Is the consent authority satisfied that the proposed development will be consistent with the objectives of the standard?

The objectives of Appendix 6 clause 4.4 Floor space ratio in the Growth Centres SEPP are:

- (1) *the objective of this clause is to control the bulk and scale of buildings within the Area 20 Precinct by setting maximum floor space ratios for development*
- (2) *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 Floor Space Ratio Map.*

The Department considers the proposal is consistent with the objectives of the floor space ratio standard as it:

- has the same floor space ratio as the concept approval, with the increase in floor space ratio being a result of some roads in the concept approval being dedicated to Blacktown City Council and the Metro commuter car park being for public use. These areas no longer form part of the site area

- the proposed built form and massing of buildings is consistent with the concept approval. The changes proposed to the building envelopes do not increase the density or floor area approved under the concept approval.

3. Has the consent authority considered a written request demonstrating compliance with the development standard is unreasonable or unnecessary in the circumstances of the case?

The Applicant has submitted a written request (**Appendix 46** of the EIS) seeking a variation to the floor space ratio development standard that applies to the site under clause 4.6 of the Growth Centres SEPP. In summary, the Applicant's clause 4.6 request demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, as follows:

- the density of the concept approval of 1.33:1 was significantly below the 1.75:1 FSR control. The proposal has a density identical (7 m² less) to that of the concept approval with the FSR variation being a consequence of the completion and dedication of some of the roads within the concept approval to Blacktown City Council and the commuter car parking area for public use
- the distribution of built form and massing is consistent with the concept approval, with some changes to the building envelopes. The approved building envelopes are the result of considered analysis of the context of the site adjoining the Tallawong Metro station and an urban design outcome with a variety of building typologies and scale.

For the reasons provided above, the Department considers that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case.

4. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard?

The Department considers that there are sufficient environmental planning grounds to justify the development contravening the development standard in the circumstances of the case as provided in the Applicant's written request and as summarised below:

- the density proposed is consistent with the concept approval. The distribution of built form and massing across the site is the result of considered analysis of the context of the site and the desire to deliver a positive urban design outcome with housing and commercial uses in a range of building typologies and scale
- the proposal will deliver a high-quality development in close proximity to public transport that will increase the vibrancy of the precinct consistent with the relevant planning controls
- there are no unacceptable adverse impacts to shadows, views, visual and acoustic privacy, or local traffic conditions resulting from the variation to the floor space ratio which would warrant strict compliance
- the proposal allows for the most efficient and economic use of the land and strict compliance with the development standard would not result in the delivery of any additional benefits to the residents of the surrounding properties or the general public
- the number of dwellings proposed is 987 reduced from 1,100 in the concept approval which complies with the residential density provisions of the Growth Centres SEPP.

Conclusion

The Department considers the Applicant's arguments to be well founded. In supporting the above environmental planning grounds to vary the development standard, the Department considers that the development is consistent with a high-density, transit orientated precinct envisaged under the planning controls. In this instance, the Department notes the proposed variation to the floor space ratio does not seek to increase the overall density or scale of the precinct, compromising the amenity of surrounding development or future residents, but instead the variation is a result of roads and the commuter car park being dedication for public use and no longer included in the site area.

Having considered the written request, the Department is satisfied the Applicant has provided sufficient environmental planning grounds to justify the contravention of the floor space ratio development standard and the matters required to be demonstrated under clause 4.6 have been adequately addressed. The Department concludes the proposed development is in the public interest and the variation to the floor space ratio development standard does not compromise the development outcome.

Appendix D – Mandatory Matters for Consideration

D1 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects set out in **Section 1.3** of the Act. A response to the objects is below:

Table 4 | Consideration of the proposal against the objects of section 1.3 of the EP&A Act

Objects of the EP&A Act	Consideration
(a) to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources	<p>The proposal promotes the social and economic welfare of the community by providing employment and housing within a highly accessible site for transport, and, in doing so, contributing to the achievement of State, regional and local planning objectives.</p> <p>The proposal comprises development on a site associated with approved station infrastructure and does not have any impacts on the State's natural or other resources.</p> <p>The proposal is predicted to generate 1000 construction and 400 operational jobs.</p>
(b) to facilitate ecologically sustainable development by integrating relevant economic, environmental and social considerations in decision-making about environmental planning and assessment	<p>The proposal has integrated ESD principles as discussed at Appendix D, Section D3.</p>

(c) to promote the orderly and economic use and development of land	The proposal represents the orderly and economic use of the land primarily as it will increase employment and housing opportunities near public transport. The proposed land uses are permissible, and the form of the development has regard to the planning controls that apply, the character of the locality and the context of surrounding development. The merits of the proposal are considered in Section 6 of the report.
(d) to promote the delivery and maintenance of affordable housing	The proposal promotes the delivery of affordable housing with 5% of dwellings (50) nominated for affordable housing.
(e) to protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats	The proposal, comprising a mixed-use development that will be located on a site that has been identified as “biodiversity certified land” which means remnant vegetation on the site has been approved for removal. On 23 July 2020 the Department confirmed that the application is not required to be accompanied by a BDAR (Section 4.6).
(f) to promote the sustainable management of built and cultural heritage (including Aboriginal cultural heritage)	The site does not contain heritage items and is not located near or within a conservation area. There are heritage items located in the broader area. The Department is satisfied that the development of the site will have no adverse impact on the heritage significance of these heritage items, that there is little potential for archaeological remains (including Aboriginal heritage).
(g) to promote good design and amenity of the built environment	The proposal demonstrates a good design approach to the relevant planning controls and in relation to the context of the site. Amenity impacts are managed by either the form of the development or by mitigation measures adopted in the design.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The application is accompanied by detailed reports relating to the construction of the development and any associated amenity impacts. The Department is satisfied that the development is capable of meeting relevant construction and amenity standards.
(i) to promote the sharing of the responsibility for environmental planning and assessment between the different levels of government in the State	The Department publicly exhibited the proposal as outlined in Section 5 . This included consultation with Council and other public authorities and consideration of their responses.
(j) to provide increased opportunity for community participation in environmental planning and assessment.	The Department publicly exhibited the proposal as outlined in Section 5 , which included notifying adjoining landowners, and displaying the application on the Department’s website during the EIS and RtS public exhibition periods.

D2 Section 4.15(1) matters for consideration

The matters for consideration under section 4.15 of the EP&A Act that apply to SSD in accordance with section 4.40 of the EP&A Act have been addressed in **Table 5**.

Table 5 | Section 4.15(1) matters for consideration

Section 4.15(1) Evaluation	Consideration
(a)(i) any environmental planning instrument	Satisfactorily complies. The Department's consideration of the relevant EPIs is provided below, at Appendix D, Section D5 .
(a)(ii) any proposed instrument	Not applicable.
(a)(iii) and development control plan (DCP)	<p>The proposal is located within the Area 20 Precinct (known as Cudgegong Road Station) under Schedule 4 of the Blacktown Growth Centre Precincts Development Control Plan 2010 (Precinct DCP).</p> <p>Consideration has been given to the relevant controls under the Precinct DCP at Appendix D, Table 13.</p>
(a)(iiia) any planning agreement	A Voluntary Planning Agreement accompanies the application which is discussed in Section 6.3.1 of this report.
(a)(iv) the regulations	The application satisfactorily meets the relevant requirements of the EP&A Regulations, including the procedures relating to applications (Part 6), public participation procedures for SSD and Schedule 2 relating to EIS.
(a)(v) any coastal zone management plan	The site is not identified as being located within a designated coastal area under the State Environmental Planning Policy (Coastal management) 2018 (Coastal SEPP).
(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	The impacts of the proposal have been appropriately mitigated or through conditions as discussed in Section 6.5 of this report.
(c) the suitability of the site for the development	The site is suitable for the development as discussed in Section 6 of this report.
(d) any submissions	Consideration has been given to the submissions received during the exhibition of the proposal as summarised at Section 5 and considered at Appendix B of this report.
(e) the public interest	The proposal is in the public interest as discussed at Section 6 of this report.

D3 Section 4.55(2) matters for consideration

Section 4.55(2) of the EP&A Act outlines the matters that a consent authority must take into consideration when determining an application that seeks to modify an SSD application. The matters for consideration under section 4.55(2) of the EP&A Act that apply to the modification to the Concept Approval have been considered below:

Table 6 | Section 4.55(2) matters for consideration

Section 4.55(2) Evaluation	Consideration
(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)	<p>The proposal seeks to amend the building envelopes, building height, and open space areas of the concept approval. The proposal maintains a maximum 8 storeys and built form anticipated by the planning controls. The amendments to the open space areas do not compromise the design or function of these spaces or their access to the public.</p> <p>The Department is therefore satisfied that the proposed modification is substantially the same development as the key components of the development remain, being a concept plan for a new mixed-use precinct.</p>
(b) that it has consulted with the relevant Minister, public authority or approval body) in respect of a condition imposed by the Minister, public authority or approval body, and	Not applicable.
(c) the application has been notified in accordance with the regulations, and	The modification application has been notified in accordance with the EP&A Regulations. Details of the notification are provided in Section 5.1 of this report.
(d) any submission made concerning the proposed modification has been considered	The issues raised in submissions have been considered in Section 5 and 6 of this report.

D4 Ecologically sustainable development

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

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

The development proposes ESD initiatives and sustainability measures, including targeting minimum sustainability targets:

- 5 star for Green Star Communities rating for all buildings
- 5 star NABERS energy and water rating commitment agreement for commercial areas over 1000 m²
- 'Silver' Level Standard for affordable housing dwellings

- BASIX and Liveable Housing Design compliance

The Department has considered the proposal in relation to the ESD principles. The precautionary and inter-generational equity principles have been applied in the decision-making process by a thorough assessment of the environmental impacts of the development. The development is consistent with ESD principles as described in the Applicant's EIS and RtS, which have been prepared in accordance with the requirements of Schedule 2 of the EP&A Regulation.

The Department is satisfied the proposed sustainability measures incorporated into the proposal are consistent with ESD principles, in accordance with the objects of the EP&A Act.

D5 Environmental Planning and Assessment Regulation 2000

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

D6 Environmental Planning Instruments (EPIs)

To satisfy the requirements of section 4.15 of the Act, this report includes references to the provisions of the EPIs that govern the carrying out of the proposal and have been taken into consideration in the Department's environmental assessment.

The EPIs that have been considered as part of the assessment of the proposal are:

- State Environmental Planning Policy (State & Regional Development) 2011 (SRD SEPP)
- State Environmental Planning Policy (Urban Renewal) 2010
- State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)
- State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and any exhibited Draft Amendments relevant to the North West Growth Centres (Growth Centres SEPP)
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX)
- State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55)
- State Environmental Planning Policy No. 64 – Advertising and Signage
- State Environmental Planning Policy No. 65 - Design Quality of Residential Apartment Development (SEPP 65) including the Apartment Design Guide 2015
- Draft State Environmental Planning Policy (Remediation of Land)
- Draft State Environmental Planning Policy (Environment)
- Blacktown Local Environmental Plan (BLEP) 2015
- Other relevant plans, policies or guidance:
 - Blacktown Growth Centre Precincts Development Control Plan 2010 (Precinct DCP)

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

The aims of the SRD SEPP are to identify SSD, State Significant Infrastructure (SSI), CSSI and to confer functions on regional planning panels to determine development applications. The proposal is SSD as summarised at **Table 7**.

Table 7 | SRD SEPP compliance table

Relevant Sections	Consideration	Compliance
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development,	The proposed development is identified as SSD (Section 4.1).	Yes
8 Declaration of State significant development: Section 4.36 (1) Development is declared to be State significant development for the purposes of the Act if: (a) the development on the land concerned is, by the operation of an environmental planning instrument, not permissible without development consent under Part 4 of the Act, and (b) the development is specified in Schedule 1 or 2.	The proposed development is permissible with development consent. The development is specified in Schedule 1 of the SRD SEPP.	Yes
Schedule 1 State significant development (Clause 19 (2)) Development within a rail corridor or associated with railway infrastructure that has a capital investment value of more than \$30 million for any of the following purposes - (a) commercial premises or residential accommodation	The proposal is development associated with railway infrastructure with a CIV of more than \$30 million for the purposes of commercial premises and residential accommodation.	Yes

Sydney Regional Environmental Plan (Urban Renewal) 2010

Sydney Regional Environmental Plan (Urban Renewal) 2010 establishes a process for identifying potential precincts and facilitate the orderly and economic development of these precincts. The site is located within Area 20 Precinct Plan of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The relevant sections that apply to the development are addressed in **Table 8**.

Table 8 | Urban Renewal SREP compliance table

Relevant Sections	Consideration
Clause 10 - Development in potential precincts (1) This clause applies to a development application to carry out development on land that comprises all or part of a potential precinct if the proposed development is or involves subdivision or has a capital investment value of more than \$5 million and is not exempt or complying development (2) The consent authority must not grant development consent unless it is satisfied that the proposed development is consistent with the objective of developing the potential precinct for the purposes of urban renewal	<p>The proposal is defined as SSD within a potential precinct and has a CIV greater than \$5 million.</p> <p>The site is within Area 20 Precinct Plan of the Blacktown City Council Growth Centre Precincts Development Control Plan (Precinct DCP). The proposal is consistent with the objectives of the DCP in that it proposes a mixed-use precinct with residential and non-residential uses.</p>

(3) For the purposes of subclause (2), the consent authority is to take into account whether or not the proposed development is likely to restrict or prevent the following:	The proposal will facilitate the development of the precinct which includes higher density housing and non-residential uses.
(a) development of the potential precinct for higher density housing or commercial or mixed development	The precinct is intended to connect to the new transport infrastructure of the Sydney Metro and will include public domain works including a public park and pedestrian and cycle links.
(b) the future amalgamation of sites for the purpose of any such development within the potential precinct	
(c) access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the potential precinct.	The proposal is consistent with the relevant Planning Principles of the Urban Renewal SEPP and will not have any significant adverse impact on the Area 20 Precinct Plan.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

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

The ISEPP is applicable as the development involves development in or adjacent to a rail corridor (Division 15 Railways), being the Sydney Metro Northwest corridor.

The proposal includes residential development in proximity to railway infrastructure and clause 87 requires the consent authority to consider the acoustic impacts in such circumstances. The application is supported by an Acoustical Report and supplementary information submitted with the RtS which provides assessment of noise impacts associated with the development. The Department has considered construction and operational noise and concludes that noise impacts can be appropriately managed and/or mitigated with subject to the recommendations of the *Acoustical Report* being adopted in the development.

Under the provisions of clause 86 the application was referred to Sydney Metro who recommended conditions of consent relating to Sydney Metro infrastructure.

The development constitutes traffic-generating development under clause 104 and was required to be referred to TfNSW who did not object to the proposal on the grounds of traffic generation.

State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)

The Growth Centres SEPP identifies growth areas and sets out general and precinct specific provisions to effectively support and manage the growth of these areas. The proposal is located within the Blacktown Growth Centres Precinct. The relevant sections that apply to the development are addressed in **Table 9**.

Table 9 | Growth Centres SEPP compliance table

Relevant Sections	Consideration
Appendix 6 – Area 20 Precinct Plan	
1.2 Aim of Precinct Plan – The aims of the Plan are as follows: <ul style="list-style-type: none"> (a) to make development controls for land in the Area 20 Precinct within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes (b) to protect and enhance the environmentally sensitive natural areas in, and the cultural heritage of, the Precinct (c) to provide for recreational opportunities within the Precinct (d) to provide for multifunctional and innovative development in the Precinct that encourages employment and economic growth (e) to promote housing choice and affordability in the Precinct (f) to provide for the sustainable development of the Precinct (g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Precinct. 	<p>The proposal is consistent with the aims of the Precinct Plan in that:</p> <ul style="list-style-type: none"> • it will have negligible impact on the environmentally sensitive areas and heritage items located in the Precinct • it provides for recreational opportunities with the provision of a public park, landscaped open space and links to local open space areas • it encourages employment and economic growth with the provision of 9000 m² of retail and commercial uses • it promotes housing choice and affordability with a mix of housing options and provision of affordable housing • the development incorporates sustainability measures in the design, construction and ongoing operation of the development as detailed in Appendix D, Section D3 • it promotes pedestrian and vehicle access with the provision of new streets and pedestrian and cycle links that connect the site to the adjoining streets and precinct.
1.8 Repeal of other local planning instruments applying to the land – This clause repeals all local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies.	<p>The provisions of the Precinct Plan have been adopted in the assessment of the proposal.</p>
Part 2 Permitted or prohibited development – The subject site is subject to the following zones: <ul style="list-style-type: none"> • R3 Medium Density Residential • B4 Mixed Use (including a small area nominated as Local Open Space within the B4 zone for a park) • SP2 Infrastructure (local road and drainage) 	<p>The proposal is permitted in the relevant zones except for part of the SP2 Infrastructure (drainage) zone which is not required for drainage purposes and is to be used for residential purposes.</p> <p>The use of this area for residential purposes relies on the provisions of clause 5.3 as discussed in the table below. This area is consistent with the concept approval and was not objected to by Council.</p>
<p>Objectives of the zones:</p> <p><i>R3 Medium Density Residential</i></p> <ul style="list-style-type: none"> • to provide for the housing needs of the community within a medium density residential environment • to provide a variety of housing types within a medium density residential environment 	<p>The proposal is consistent with the objectives of the zone in that:</p> <ul style="list-style-type: none"> • it will provide a variety of housing types, sizes and layouts and the provision of affordable housing within a medium to high density residential environment

- to enable other land uses that provide facilities or services to meet the day to day needs of residents
- to support the well-being of the community by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a medium density residential environment.

B4 Mixed Use

- to provide a mixture of compatible land uses
- 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
- to facilitate active retail, commercial, entertainment and community uses at ground level of mixed-use developments
- to provide for residential development that contributes to the vitality of the local centre
- 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.

- it will provide for other land uses which include retail and commercial uses
- it is located opposite the Tallawong Metro Station which encourages the use of public transport, and provides associated pedestrian and cycle links which promote safe and direct access to the station
- it promotes active spaces by locating non-residential uses on the ground floor of buildings and adjacent to the public park
- it supports the well-being of the community through the provision of non-residential uses that are compatible with the amenity of a residential environment and public open space areas accessible by public transport
- it will provide appropriate infrastructure in the form of drainage facilities, new roads, and related facilities.

SP2 Infrastructure (Local Road and Drainage)

- to provide for infrastructure and related uses
- to prevent development that is not compatible with or that may detract from the provision of infrastructure.

4.1AB Minimum lots sizes for residential development in Zone R3 Medium Density Residential –

Minimum lot size for multi dwelling development = 375 m²

Minimum lot size for residential flat buildings = 1000 m²

The proposal includes subdivision of the site. Lots containing residential flat buildings will be greater than 1000 m².

4.1B Residential density (applicable to R3 Medium Residential zone only) -

Minimum 45 dwellings per hectare

The number of dwellings proposed within the R3 Medium Density Residential zone is approximately 290 dwellings per hectare which complies with the density control.

4.3 Height of buildings –

The height of a building is not to exceed 26 m

The height of the development varies between 18.79 m and 34.69 m with 15 of the 17 buildings exceeding the 26 m height standard.

A request to vary the height standard under clause 4.6 of this SEPP has been submitted and is assessed at **Appendix C**.

4.4 Floor space ratio –

The development will have a floor space ratio of 2.158:1. A request to vary the floor space ratio

The maximum floor space ratio is not to exceed 1.75:1

4.5 Calculation of floor space ratio and site area is to be calculated in accordance with the definition of “floor space ratio” and “site area”

4.6 Exceptions to development standards –
A variation to a development standard can be considered in accordance with the provisions of clause 4.6

5.1 Relevant acquisition authority –

The objective of this clause is to identify the relevant authority to acquire land reserved for certain public purposes, if the land is required to be acquired

standard under clause 4.6 of this SEPP has been submitted and is assessed at **Appendix C**.

The floor space ratio has been calculated in accordance with clause 4.5.

A clause 4.6 request has been submitted to vary the height and FSR standard and is assessed at **Appendix C**.

Two areas of the proposal require acquisition to be resolved. These are the Local Open Space (B4) area which is nominated for a park and part of the Local Drainage (SP2) area which will not be required for drainage purposes.



Figure 5 | Land acquisition areas in yellow

The park is to be retained in private ownership, in accordance with the VPA executed by Blacktown City Council and the Applicant which requires the park acquisition area to be modified. A Planning Proposal to remove the acquisition requirements from the Growth Centres SEPP has been prepared and exhibited by Blacktown City Council.

The Local Drainage (SP2) area will also require modification in accordance with the final drainage design.

Blacktown City Council as the relevant acquisition authority has not objected to the amendments.

5.3 Development near zone boundaries –

The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.

The relevant distance of a boundary between the two zones (R3 and SP2) = 30 m

A small area of Site 2 extends into the SP2 (drainage) zone. The stormwater management strategy for the site results in surplus land in the SP2 zone that will not be required for drainage infrastructure.

The use of the surplus land for residential purposes has no adverse impact on the provision of drainage infrastructure and related uses to this part of the SP2 zone.

The residential use is compatible with, and a logical extension of the adjoining R3 Medium Density zone. The Department is satisfied that the use of the SP2 zone for residential purposes is consistent with the planning objectives and land

uses of the adjoining R3 Medium Density Residential zone.

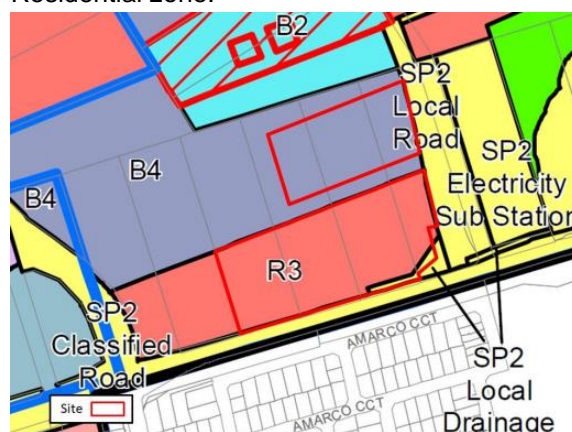


Figure 6 | Extent of area to be used for residential purposes shown in yellow

5.9 Preservation of trees or vegetation –

The objective of this clause is to preserve the amenity of the area through the preservation of trees and other vegetation.

The site is identified as being “biodiversity certified land” which means remnant vegetation on the site has been approved for removal. The site was cleared as part of preparation works for the Sydney Metro.

6.1 Public utility infrastructure –

A consent authority must not grant development consent unless it is satisfied that essential public utility infrastructure is available or that adequate arrangements have been made to make the infrastructure available when required.

Technical reports prepared for the development identify that public utility infrastructure such as water, electricity, sewerage, gas, and telecommunications services are available to the site and arrangements have been made for the infrastructure to be available to the development.

6.5 Active street frontages –

The objective of this clause is to promote uses that attract pedestrian traffic along certain ground floor street frontages in Zone B4 Mixed Use as identified in the Active Street Frontages Map

Active street frontages are required for Site 1 primarily to Themeda Avenue and Conferta Avenue.

Active uses are proposed to the ground floor of buildings facing these streets, the public park, and new private road, consistent with the objectives of this clause.

Note: Amendments to the Growth Centres SEPP were exhibited in 2017. The amendments, amongst others, which are relevant to the Tallawong Station Precinct South include:

- residential dwelling density ranges of 55 dwellings to 100 dwellings per hectare in the R3 Medium Density Residential zone
- minimum lot size of 1000 m² for residential flat building and 1500 m² for multi dwelling development in the R3 Medium Density Residential zone
- minimum lot size of 1000 m² for residential flat building in the B4 Mixed Use zone

The amendments had not been adopted at the writing of this report.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

SEPP BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy and thermal comfort. SEPP BASIX requires all new dwellings to meet sustainable targets of a 25-35% reduction in energy use (building size dependent) and 40% reduction in potable water.

The BASIX assessment for the proposal shows that the proposed commitments will achieve a BASIX energy target of 25-35% and BASIX water target of 40%. The Department is satisfied that the development can achieve sustainable residential development consistent with BASIX targets, and has

recommended conditions requiring the BASIX commitments to be adopted in the construction of the development.

State Environmental Planning Policy 55 – Remediation of Land (SEPP 55)

SEPP 55 aims to ensure that potential contamination issues are considered in the determination of a development application. The EIS includes a Detailed Site Investigation for the site which concludes that there is no significant contamination and that the site can be made suitable for the proposal subject to the implementation of recommendations which include preparation of a Remedial Action Plan (RAP), additional investigation of groundwater, and the appropriate management of any small scale remaining contamination issues in accordance with NSW EPA guidelines.

The Department is satisfied that the site will be made suitable for the proposed uses subject to the recommendations of the soil and contamination assessment report being adopted in the development. The Department recommends conditions to ensure measures are in place should any unanticipated contamination be found during works.

Draft Remediation of Land State Environmental Planning Policy

The Department is reviewing all State Environmental Planning Policies to ensure they remain effective and relevant and SEPP 55 has been reviewed as part of that program. The Department has published the draft Remediation of Land State Environmental Planning Policy (Remediation SEPP), which was exhibited until April 2018.

Once adopted, the Remediation SEPP will retain elements of SEPP 55, and add the following provisions to establish a modern approach to the management of contaminated land:

- require all remediation work that is to be carried out without development consent, to be reviewed and certified by a certified contaminated land consultant
- categorise remediation work based on the scale, risk and complexity of the work
- require environmental management plans relating to post-remediation management or ongoing management of on-site to be provided to Council.

The new SEPP will not include any strategic planning objectives or provisions. Strategic planning matters will instead be dealt with through a direction under Section 117 of the EP&A Act.

The Department considers the proposal is consistent with the draft Remediation SEPP subject to the recommended conditions discussed above.

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

The proposal includes a signage strategy for building identification and branding, wayfinding, and future specialty retail shops. The architectural drawings show 45 signs located primarily on the ground floor façade of buildings. The EIS advises that the signage strategy has been prepared to provide certainty in relation to the integration of signage with the development and that content, design and materials would be part of a future application.

The Department considers the indicative signage to be consistent with the context of the proposal and surrounding area and the requirements of SEPP 64. The relevant sections that apply to the development are addressed in **Table 10**.

Table 10 | SEPP 64 compliance table

Assessment Criteria	Consideration	Compliance
1 Character of the area		
Is the proposal compatible with the existing or desired future character of the area or locality in which it is proposed to be located?	The area is characterised by the metro station infrastructure, low density residential development to the south and medium and high-density mixed-use developments to the north. The signage associated with the proposal is compatible with the existing and future character of the area and will not detrimentally impact the buildings within the proposal or the surrounding area.	Yes
Is the proposal consistent with a theme for outdoor advertising in the area or locality?	The signage is consistent with signage for building identification, wayfinding and commercial branding to mixed use developments.	Yes
2 Special areas		
Does the proposal detract from the amenity or visual quality of any environmentally sensitive areas, heritage areas, natural or other conservation areas, open space areas, waterways, rural landscapes or residential areas?	The signage is modest in size and located primarily on the ground floor façade of buildings. There are no special areas located in the immediate vicinity of the site that can be affected by the signage.	Yes
3 Views and vistas		
Does the proposal: <ul style="list-style-type: none"> obscure or compromise important views? dominate the skyline and reduce the quality of vistas? respect the viewing rights of other advertisers? 	There are no views or vistas that will be affected by the proposed signage.	Yes
4 Streetscape, setting or landscape		
Does the proposal: <ul style="list-style-type: none"> provide an acceptable scale, proportion and form, appropriate for the streetscape, setting or landscape? contribute to the visual interest of the streetscape, setting or landscape? reduce clutter by rationalising and simplifying existing advertising? screen unsightliness? protrude above buildings, structures or tree canopies in the area or locality? require ongoing vegetation management? 	<p>The scale and location of signage has been designed to be compatible with the built form of the proposal and is modest in terms of size and location.</p> <p>The signage will provide building identification, wayfinding, and commercial branding and has been strategically designed to reduce clutter, not conceal architectural features, and not impact on proposed vegetation to the site.</p>	Yes
5 Site and building		

Is the proposal compatible with the scale, proportion and other characteristics of the site or building, or both, on which the proposed signage is to be located? Does the proposal respect important features of the site or building, or both? Does the proposal show innovation and imagination in its relationship to the site or building, or both?	The signage has been designed to be compatible with the built form of the proposal, not conceal architectural features or interfere with access in and around buildings.	Yes
6 Associated devices and logos with advertisements and advertising structures		
Have any safety devices, platforms, lighting devices or logos been designed as an integral part of the signage or structure on which it is to be displayed?	The signage will be affixed to the building with specific details provided in future development applications.	Yes
7 Illumination		
Would illumination: <ul style="list-style-type: none"> result in unacceptable glare? affect safety for pedestrians, vehicles or aircraft? detract from the amenity of any residence or other form of accommodation? Can the intensity of the illumination be adjusted, if necessary and is the illumination subject to a curfew?	The signage strategy indicates that some signs will have general illumination with specific details provided in future development applications. The illumination is to be maintained throughout the day and night to allow for wayfinding and light, ensuring the site appears active at all hours.	Yes
8 Safety		
Would the proposal reduce safety for: <ul style="list-style-type: none"> pedestrians, particularly children, by obscuring sightlines from public areas? any public road? 	The proposed signage will enhance safety for pedestrians and drivers by providing building identification, wayfinding in and around the site, identification of pedestrian and vehicular entrances, and location of non-residential uses.	Yes

State Environmental Planning Policy No. 65 – Design Quality of Residential Apartment Development (SEPP 65)

SEPP 65 seeks to improve the design quality of residential developments and encourage innovative design. The Apartment Design Guide (ADG) is closely linked to the principles of SEPP 65 and sets out best practice design principles for residential developments. The Department is satisfied that the proposal achieves the objectives of SEPP 65. The relevant sections that apply to the proposal are addressed in **Table 11**.

Table 11 | SEPP 65 compliance table

Design Principles	Consideration
Context and Neighbourhood Character	The proposal is consistent with the desired future character for the area and reflects the development standards of the Growth Centres SEPP and the Indicative Layout Plan (ILP) of the Precinct DCP.
Built Form and Scale	The proposal results in a suitable built form and scale consistent with the development standards of the Growth Centres SEPP. The Department considers the built form of the proposal acceptable having regard to its

location adjoining the Metro station and exemplifying the principles of transit-oriented development.

Density	The proposal has a height and FSR consistent with the concept approval and achieves the design outcomes of the ADG. The Department considers the proposal achieves an acceptable density envisaged under the applicable planning controls.
Sustainability	The proposal includes ESD principles and sustainability measures as detailed in Appendix D, Section D4 .
Landscape	The proposal will incorporate a range of landscaped and open space areas including public park, plazas, deep soil, communal and private open space areas. The site also has good access to a range of local and regional open spaces.
Amenity	The proposal will achieve good amenity by providing a built form which results in appropriate solar access to residential dwellings, communal and private open spaces, and adjoining land. It has been designed to have negligible privacy impacts and promotes high density residential living within an active precinct with convenient access to the high frequency rail services.
Safety	The proposal promotes the principles of Crime Prevention through Environmental Design through appropriate design which provides opportunities for passive surveillance of common areas from residential and non-residential uses, activation of spaces by locating mixed uses on the ground floor, and pedestrian and cycle links to the Metro station for residents, workers and visitors to the site.
Housing Diversity and Social Interaction	The proposal promotes housing diversity with a range of housing options including 1, 2 and 3 bedroom apartments of various sizes and layouts and the provision of 5% of dwellings as affordable housing. The provision of public park, plazas, and communal open space areas encourages social interaction amongst residents and visitors to the site.
Aesthetics	<p>The proposal provides an urban form and scale consistent with the concept approval and the Design Excellence Strategy and accompanying Design Quality Guidelines prepared for the proposal.</p> <p>The project has been the subject of a formal Design Review process, with four presentations to the Tallawong Design Review Panel throughout the design development to ensure design excellence principles and objectives are realised.</p>

Apartment Design Guide (ADG)

The Department is satisfied that the proposal achieves the objectives and design principles of the ADG. An assessment of the proposal against the ADG best practice design principles and criteria is provided in **Table 12**.

Table 12 | ADG compliance table

Relevant Criteria	Consideration
2E Building Depth <ul style="list-style-type: none"> use a range of building depth of 12-18 m from glass line to glass line where greater depths are proposed demonstrate layouts can achieve acceptable amenity 	A building depth of 12-18 m has been achieved, with most building depths being less than 12 m.

Relevant Criteria	Consideration
3B Orientation <ul style="list-style-type: none"> building type/layouts respond to streetscape, optimising solar access overshadowing of neighbouring properties is minimised 	<p>The proposal reflects the massing and built form of the concept approval of two to eight storeys. Lower buildings define pedestrian corridors, and taller buildings define the site's street edges.</p> <p>The varying heights respond to the streetscape and reflect development in the surrounding area which includes two storey dwellings in the residential areas and multi storey mixed developments in the town centres.</p> <p>Solar access is maximised to primary public domain areas such as the public park, proposed residential apartments, and adjoining sites by locating lower buildings adjoining these areas.</p> <p>The orientation of the buildings allows for reduced noise and privacy impacts between apartments and adjoining non-residential uses.</p> <p>Appropriate solar access is achieved, consistent with the objectives of the ADG.</p>
3C Public Domain Interface <ul style="list-style-type: none"> transition between public/private without compromising safety and security amenity of public domain is retained and enhanced 	<p>The northern site (Site 1) is activated through retail uses on the ground floor creating movement and vitality to this area.</p> <p>The southern site (Site 2) which comprises residential buildings incorporates private courtyards with direct street access, encouraging movement and passive surveillance of public domain areas.</p> <p>An appropriate transition between public and private areas is provided. Access points to buildings are primarily located adjoining one another and away from main roads. Communal residential courtyards are located internal to the buildings which restricts public access. Individual residential entrances and courtyards with direct street access are defined through use of fencing with solid and open elements.</p> <p>Residential access points are clearly defined with controlled access provided to buildings. Apartment windows and balconies encourage passive surveillance of the site and public park.</p> <p>The public domain is enhanced with the provision of a public park, and pedestrian and bicycle links that do not conflict with residential courtyards, pedestrian and vehicle access points.</p>
3D Communal and Public Open Space	<ul style="list-style-type: none"> 28.4% of the site is provided as communal open space within a range of spaces

Relevant Criteria	Consideration												
<ul style="list-style-type: none">• minimum 25% of the site• minimum 50% direct sunlight to principal usable part of the communal open space for a minimum of 2 hours between 9am and 3pm in mid-winter• communal open space is designed to allow for a range of activities, respond to site conditions, be attractive and inviting, maximises safety, responds to the existing pattern and uses of the neighbourhood	<ul style="list-style-type: none">including public park, podium levels, and the roof tops of buildings• communal open space areas receive more than 50% sunlight to the principal useable part for minimum 2 hours in mid-winter• secured access for residents is provided to roof top areas and internal courtyards. The public park, ground level and podium areas enjoy passive surveillance from surrounding areas and apartments.												
3E Deep Soil Zones <ul style="list-style-type: none">• deep soil zones provide areas on the site that allow for and support healthy plant and tree growth. They improve residential amenity and promote management of water and air quality• for sites greater than 1,500 m² a minimum of 7% to 15% of the site should provide for deep soil zone(s)	<ul style="list-style-type: none">• 13.4% of the site area is provided as deep soil zones located throughout the communal open space areas• the landscape report and plans establish a protocol for deep soil zones that will support plant species appropriate to the site with expected long-term health and growth.												
3F Visual Privacy <p>Minimum separation distance from building to side boundary:</p> <table><tr><th>Height</th><th>Habitable rooms and balconies</th><th>Non-habitable rooms</th></tr><tr><td>Up to 12m (4 storeys)</td><td>6 m</td><td>3 m</td></tr><tr><td>Up to 25m (5-8 storeys)</td><td>9 m</td><td>4.5 m</td></tr><tr><td>Over 25m (9+ storeys)</td><td>12 m</td><td>6 m</td></tr></table>	Height	Habitable rooms and balconies	Non-habitable rooms	Up to 12m (4 storeys)	6 m	3 m	Up to 25m (5-8 storeys)	9 m	4.5 m	Over 25m (9+ storeys)	12 m	6 m	<p>Buildings within the proposal achieve separation distances that meet or exceed the minimum requirements.</p> <p>Additional design elements are proposed to enhance visual privacy between apartments such as angled windows and opaque glazing.</p> <p>There are no sites adjoining the proposal to which separation distances can be applied.</p>
Height	Habitable rooms and balconies	Non-habitable rooms											
Up to 12m (4 storeys)	6 m	3 m											
Up to 25m (5-8 storeys)	9 m	4.5 m											
Over 25m (9+ storeys)	12 m	6 m											
3G Pedestrian Access to Entries <ul style="list-style-type: none">• building entries and pedestrian access connects to and addresses the public domain• access, entries and pathways are accessible and easy to identify• large sites provide pedestrian links for access to streets and connection to destinations	<p>Building access points have a direct connection to street frontages or public domain areas. Residential lobbies are separated from retail frontages. Pedestrian entrances are visible, accessible and allow for reciprocal surveillance between entrances, the street or public domain areas.</p> <p>The pedestrian corridors within the site provide direct visual and physical links to The Ponds, commuter car park, public park, retail uses, and metro station.</p>												
3H Vehicle Access <p>Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.</p>	<p>Vehicle access points are located off Conferta Avenue and the new road. The number of vehicle access points have been consolidated from those in the concept approval improving vehicle and pedestrian conflict points and sight lines.</p>												

Relevant Criteria	Consideration
	Service areas for waste collection and loading are separated from car parking areas reducing conflicts.
3J Bicycle and Car Parking <ul style="list-style-type: none"> minimum parking requirement as set out in the Guide to Traffic Generating Developments or local Council requirement, whichever is the less parking is available for other modes of transport car parking design access is safe and secure visual and environmental impacts of underground, at grade or above ground car parking are minimised 	<ul style="list-style-type: none"> car parking for residential visitors and bicycles will be provided in accordance with the Concept Approval car spaces for 1 and 2 bedroom dwellings and retail and commercial uses will be provided at an increased rate as discussed in Section 6.4 of this report the location of access point for cars and service vehicle minimises pedestrian and bicycle conflicts car park access is secured with separate entry points for residential and non-residential uses carparking and service areas are located within buildings and basements. Provision has been made for some at-grade car parking spaces and car-share spaces along the streets within the site.
4A Solar and Daylight Access <ul style="list-style-type: none"> minimum of 70% of apartments' living rooms and private open spaces receive 2hrs direct sunlight between 9am-3pm in mid-winter in the Sydney Metropolitan Area maximum of 15% of apartments have no direct sunlight between 9am-3pm in mid-winter shading and glare control is provided 	<ul style="list-style-type: none"> 70% of apartments will receive direct sunlight to living rooms and private open spaces between 9am-3pm in mid-winter 13% of apartments receive no-direct sunlight between 9am and 3pm mid-winter. Some apartments have been orientated to the south on Site 2A to provide an active interface with the street and improve passive surveillance where sunlight is limited, glazing has been designed to increase sunlight to the apartment. Shading devices are provided where required to minimise sun exposure. <p>The Department is satisfied that the proposal achieves appropriate solar access to the residential apartments.</p>
4B Natural Ventilation <ul style="list-style-type: none"> at least 60% of apartments are cross ventilated in the first nine storeys (apartments 10 storeys or greater are deemed to be cross ventilated) overall depth of a cross-over or cross-through apartment does not exceed 18 m the area of unobstructed window openings should be equal to at least 5% of the floor area served 	<ul style="list-style-type: none"> 60% of apartments achieve natural cross ventilation cross through apartments are less than 18 m deep the size of windows and doors meet the ADG requirement.
4C Ceiling Heights	<ul style="list-style-type: none"> 2.7 m ceiling height is provided to residential apartments

Relevant Criteria	Consideration
<p>measured from finished floor level to finished ceiling level, minimum ceiling heights for residential are:</p> <ul style="list-style-type: none"> habitable rooms = 2.7 m non-habitable rooms = 2.4 m mixed uses area = 3.3 m for ground floor and first floor to promote future flexibility of use 	<ul style="list-style-type: none"> 3.4 – 4.2 m ceiling height is provided to non-ground floor and first floor non-residential uses.
<p>4D Apartment Size and Layout</p> <ul style="list-style-type: none"> minimum apartment sizes are: <ul style="list-style-type: none"> studio 35 m² bedroom 50 m² bedroom 70 m² 3 bedroom 90 m² every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms habitable room depths are limited to 2.5 x the ceiling height in open plan layouts the maximum habitable room depth is 8 m from a window master bedroom have a minimum area of 10 m² and other bedrooms have 9 m² bedrooms have a minimum dimension of 3 m (excluding wardrobes) living rooms have a minimum width of: <ul style="list-style-type: none"> 3.6 m for studio and one bedroom 4 m for 2 and 3 bedroom width of cross-over or cross-through apartments are at least 4 m internally 	<ul style="list-style-type: none"> apartments achieve the requirements of the ADG a range of size and layouts are proposed including two storey “terraces”, apartments with direct street access, and adaptable apartments providing increased options and affordability.
<p>4E Private Open Space and Balconies</p> <ul style="list-style-type: none"> primary balconies are provided to all apartments with: <ul style="list-style-type: none"> studios apartments min area 4 m² bedroom min area 8 m² min depth 2 m bedroom min area 10 m² min depth 2 m 3 bedroom min area 12 m² min depth 2.5 m for apartments at ground floor level or similar, private open space must have a minimum area of 15 m² and depth of 3 m² 	<ul style="list-style-type: none"> balconies and terrace areas meet or exceed ADG requirements for size and width balconies of varying forms are integrated into the facade and building design, enhancing the articulation of facades primary living areas and where possible, bedrooms are connected to balconies creating an extension to the living space of apartments balconies are located to optimise solar access, outlook and passive surveillance, and designed with solid elements to provide safety and privacy for users.

Relevant Criteria	Consideration
<ul style="list-style-type: none"> private open space and primary balconies are integrated into and contribute to the architectural form and detail of the building primary open space and balconies maximises safety 	
<p>4F Common Circulation and Spaces</p> <ul style="list-style-type: none"> maximum number of apartments off a circulation core is 8 – where this cannot be achieved, no more than 12 apartments should be provided off a single circulation core for buildings 10 storeys and over, the maximum number of apartments sharing a single lift is 40 natural ventilation is provided to all common circulation spaces where possible common circulation spaces provide for interaction between residents longer corridors are articulated 	<ul style="list-style-type: none"> circulation cores give access to 8 or less apartments, with access to 10 apartments in the taller buildings. Where access is for 10 apartments, the length of the corridor has been reduced and additional lift provided to ensure appropriate travel times each circulation core has access to natural light and ventilation, and designed to encourage interaction lobbies are accessed from the street or active public domain areas to maximise visibility and safety.
<p>4G Storage</p> <ul style="list-style-type: none"> the following storage is required (with at least 50% located within the apartment): <ul style="list-style-type: none"> studio apartments 4 m³ bedroom apartments 6 m³ bedroom apartments 8 m³ 3 bedroom apartments 10 m³ 	<p>Storage is provided for each apartment, either within the apartment, basement, or a combination of these areas, consistent with ADG requirements.</p>
<p>4H Acoustic Privacy and 4J Noise and Pollution</p> <ul style="list-style-type: none"> noise transfer is minimised through the siting of buildings and building layout and minimises external noise and pollution. noise impacts are mitigated through internal apartment layout and acoustic treatments 	<p>The internal layout of apartments separates noisy and quiet spaces. Non-habitable rooms, storage areas, and circulation spaces are strategically located to buffer external noise sources.</p> <p>Landscape zones are located throughout the site and along Schofields Road and Cudgegong Road, creating a buffer between the street and buildings.</p> <p>The application is supported by an Acoustical Report and supplementary information submitted with the RtS which assesses potential noise and vibration sources and recommends acoustic treatments to achieve required noise levels. The treatments include light to heavy weight glazing to windows to address noise from the major roads.</p> <p>The Department considers the proposal can achieve acceptable acoustic privacy.</p>

Relevant Criteria	Consideration
4K Apartment Mix <ul style="list-style-type: none"> provision of a range of apartment types and sizes apartment mix is distributed to suitable locations within the building 	<p>The proposal includes 1, 2, and 3 bedroom apartments of various sizes and layouts, including the provision of adaptable housing and 5% of apartments as affordable housing.</p> <p>The different apartments sizes and layouts will be distributed throughout the 17 buildings providing diversity throughout the site.</p>
4L Ground Floor Apartments <ul style="list-style-type: none"> street frontage activity is maximised where ground floor apartments are located design of ground floor apartments delivers amenity and safety for residents 	<ul style="list-style-type: none"> the ground level of the proposal is designed to activate the street, providing activity and vibrancy to the site Site 1 has retail uses and residential lobbies on the ground floor, providing an active interface with public domain areas, public park and streets Site 2 has residential lobbies and access to communal open space, and apartments with private courtyards and entrances with direct street access. This provides a good interface between the apartments and the street, increases activity at the street frontage, and provides opportunities for passive surveillance of these areas.
4M Facades <ul style="list-style-type: none"> building facades provide visual interest along the street while respecting the character of the local area building functions are expressed by the facade 	<p>The facades incorporate a variation of materials, textures, colour, composition and detail designed to respond to the building typology, surrounding context and to provide individuality.</p> <p>Building lobbies are defined using materials that identify access points and use. Ground floor apartments are defined by specific architectural treatment, courtyard and direct street access.</p>
4N Roof Design <ul style="list-style-type: none"> roof treatments are integrated into the building design and positively respond to the street opportunities to use roof space for accommodation and open space is maximised roof design includes sustainability features 	<p>Roof treatments have been integrated with the building design and materials compliment the architecture of the proposal. Communal open space areas are located on the roof of several buildings and incorporate features such as seating and bbq areas to encourage resident use and interaction.</p> <p>Sustainability measures incorporated into the roof design include:</p> <ul style="list-style-type: none"> use of predominantly native, sun- loving plants that tolerate low water to reduce water use and maintenance solar panels to facilitate on-site renewable energy generation roof colours and treatments to minimise heat gain communal areas that incorporate planting and shade structures that mitigate urban heat island effect and -include vegetable

Relevant Criteria	Consideration
	gardens for residents to encourage food production.
4O Landscape Design and 4P Planting on Structures <ul style="list-style-type: none"> landscape design is viable and sustainable landscape design contributes to streetscape and amenity appropriate soil profiles are provided and plant growth is maximised (selection/maintenance) plant growth is optimised with appropriate selection and maintenance building design includes opportunity for planting on structure 	<p>The proposal includes a network of landscaped spaces designed to enhance the site and encourage outdoor recreation. They include public park, roof top communal areas, planting on podium structures, residential courtyards, and planting to streets and paths.</p> <p>Plants, trees and landscaping materials have been selected to suit site conditions, create canopy coverage, increase shading and reduce urban heat effect, and facilitate long term growth and vitality.</p> <p>The landscape report and plans accompanying the application inform the implementation of the landscape design. They provide details of plant species, soil volumes, treatment of deep soil areas, planting on structures, street planting, pavement design, watering and maintenance requirements.</p> <p>A separate plan of operation and maintenance is provided for the public park as discussed in Section 6.3.1.</p>
4Q Universal Design <ul style="list-style-type: none"> the universal guidelines are adopted in the design of apartments a variety of apartments with adaptable designs are provided (in accordance with the relevant council policy) apartment layouts are flexible and accommodate a range of lifestyle needs 	<ul style="list-style-type: none"> 20% of apartments comply with the silver level universal design standard 10% of a variety of apartments will be adaptable, consistent with Council requirements a range of apartment sizes and layouts are proposed to suit a wide demographic
4S Mixed Use <ul style="list-style-type: none"> mixed use developments are provided in appropriate locations and provide street activation and encourage pedestrian movement residential levels are integrated within the development, safety and amenity is maximised 	<p>Site 1, opposite the Metro station contains mixed-use buildings with retail and commercial floor space on the ground floor, and part of first and second floors. Residential uses are provided to the levels above.</p> <p>Retail and commercial floor area is strategically located to adjoin street frontages, public park, Metro station, and pedestrian and cycle links. Passive and active open space areas are also provided throughout Site 1. This encourages pedestrian movement and activity creating a vibrant and safe environment through passive surveillance of public and private areas.</p> <p>There is appropriate separation of residential uses through dedicated residential lobbies, secured vehicle access, minimal ground level interface with retail and commercial uses, and</p>

Relevant Criteria	Consideration
	separation of public and residential open space areas.
4T Awning and Signage <ul style="list-style-type: none"> awnings are well located and complement and integrate with the building signage responds to the context and design streetscape character 	<p>Awnings and covered areas are provided to the active retail area, integrated with the architectural features of buildings.</p> <p>A signage strategy has been submitted for the proposal which is assessed against SEPP 64 in Appendix D.</p>
4U Energy Efficiency <ul style="list-style-type: none"> development incorporates passive environmental and solar design adequate natural ventilation minimises the need for mechanical ventilation 	<p>The proposal incorporates ESD initiatives and sustainability measures, including minimum sustainability targets for all buildings, energy and water, affordable housing, and for BASIX compliance:</p> <p>The proposal also incorporates environmental and solar design through lighter colours on external walls and rooftops to reduce thermal heat build-up, soil and planting areas to rooftops to reduce thermal gain, canopy cover to streets, and planting and shade structures to communal areas that mitigate urban heat island effect.</p> <p>Natural and cross ventilation is achieved consistent with the requirements of the ADG.</p> <p>The Department is satisfied measures incorporated into the proposal are consistent with energy efficiency principles.</p>
4V Water Management and Conservation <ul style="list-style-type: none"> potable water use is minimised urban stormwater is treated on site before being discharged to receiving waters flood management systems are integrated into the site design 	<p>The proposal incorporates measures to achieve best practice water sensitive principles and conservation of potable water such as water efficient fittings, appliances, and wastewater re-use.</p> <p>Stormwater and flood management systems have been determined in consultation with Blacktown City Council.</p>
4W Waste Management <ul style="list-style-type: none"> waste storage facilities are designed to minimise impacts on streetscape, building entry and residential amenity domestic waste is minimised by providing safe and convenient source separation and recycling 	<p>Waste management facilities are incorporated within the buildings. They include dedicated waste collection areas for residential and non-residential uses, communal waste rooms with garbage chutes and recycling bins, bulk waste area for residents, and garbage collection points located away from pedestrian areas.</p>
4X Building Maintenance <ul style="list-style-type: none"> building design detail provides protection from weathering 	<p>Building materials have been selected with qualities that are:</p> <ul style="list-style-type: none"> long lasting and low maintenance

Relevant Criteria	Consideration
<ul style="list-style-type: none"> systems and access enable ease of maintenance material selection reduced ongoing maintenance cost 	<ul style="list-style-type: none"> withstand weather conditions minimise painted and applied finishes access for maintenance can be readily provided from the public domain, controlled roof access and communal areas.

Draft State Environmental Planning Policy (Environment) 2017 (draft SEPP Environment)

The provisions contained in *State Environmental Planning Policy No. 19 (Bushland in Urban Areas)* have been consolidated into the draft SEPP Environment. The draft SEPP (Environment) promotes the protection and improvement of environmental assets for their intrinsic, social and economic value.

The site is identified as being “biodiversity certified land” which means remnant vegetation on the site has been approved for removal. There is no significant vegetation on the site. The site was cleared as part of the Stage 1 CSSI Approval. The proposal will not have an impact on urban bushlands, water catchments or any other ecological values.

Blacktown Local Environmental Plan (BLEP) 2015

Clause 1.8 of the Growth Centres SEPP repeals all local environmental plans and deemed environmental planning instruments applying to land to which a Precinct Plan applies. The proposal is within Area 20 precinct and accordingly, the provisions of the local environmental plan do not apply to the application.

Other Policies

In accordance with Clause 11 of the State and Regional Development SEPP, Development Control Plans do not apply to State significant development. Notwithstanding, the objectives of relevant plans and policies that govern the carrying out of the proposal are appropriate for consideration in this assessment and are considered below.

Blacktown Growth Centre Precincts Development Control Plan 2010 (Precinct DCP)

The proposal is located within the Area 20 Precinct (known as Cudgegong Road Station) under Schedule 4 of the Precinct DCP. The proposal is assessed against the relevant sections in **Table 13**.

Table 13 | Precinct DCP compliance table

Relevant Section	Consideration
<p>Section 2: Precinct Planning Outcomes</p> <p>An Indicative Layout Plan (ILP) specific to each Precinct forms the basis for urban development in the Precinct by setting out:</p> <ul style="list-style-type: none"> the road network public transport routes the open space and drainage networks 	<p>The proposal is consistent with the planning outcomes and vision for the precinct by providing a mixed-use precinct that contains 17 buildings of between two and eight storeys.</p> <p>The proposal can be defined in two areas. Buildings containing retail and commercial uses, with residential above are located on the northern portion of the site (Site 1) opposite the Metro station. Residential</p>

Relevant Section	Consideration
<ul style="list-style-type: none"> the locations of land uses including residential development, schools, community facilities, utilities, centres and employment lands areas requiring protection because of environmental or heritage values the density and types of housing that are preferred in various parts of the Precinct. <p><i>The Area 20 Precinct – Precinct Planning Vision:</i></p> <ul style="list-style-type: none"> the vision for Area 20 Precinct is to create a series of new walkable residential neighbourhoods supported by local retail, employment, community, open space and recreational opportunities majority of housing will be medium density forms with higher density residential development around the Metro Station new development to incorporate ecological sustainability principles and measures public domain to respect and interpret the cultural heritage of the Precinct and its relationship to the rural past. 	<p>apartment buildings are located on the southern portion of the site (Site 2).</p> <p>A public park of 3,507 m² and plaza is proposed adjacent to the Metro station. The precinct is connected through a street hierarchy of roads and pedestrian and cycle links.</p> <p>The proposal will embody the principles of ecological sustainable development through initiatives and sustainability measures.</p> <p>The scale of the lower buildings and external colours and materials proposed reflect the past rural setting of the site.</p>



Figure 7 | Precinct indicative layout plan

Section 3: Neighbourhood, Subdivision and Residential Design

Section 3.2.1 Public transport and pedestrian and cycle network

The objectives and controls for the public transport, pedestrian and cycle networks for Area 20 are:

- to connect bus routes, pedestrian and cycle routes with railway stations, the commuter car parks, activity centres, open space and adjoining residential areas

The proposal is for a mixed-use precinct which exemplifies transit-oriented development. The site has superior access to the Metro high frequency rail services and bus connections.

Pedestrian and cycle links connecting the precinct and Metro station encourage walking and cycling.

Relevant Section	Consideration
<ul style="list-style-type: none"> to encourage the use of public transport through the provision of integrated bus routes, pedestrian and cycle routes -to encourage walking and cycling throughout the Precinct and to and from railway stations, activity centres, schools and open space. <p><i>Section 3.2.2 Public domain and landscape character</i> The objectives of this section predominantly relate to protecting the Rouse Hill House Estate, its visual and landscape character and key views to and from the Estate. Public domain and landscaping strategies are required to minimise visual and landscape impacts upon Rouse Hill House Estate and be generally consistent with the broader Public Domain and Landscape Strategy prepared for the Precinct.</p>	<p>The proposal is supported by a landscape report and plans with comprehensive information on proposed landscaping and public domain treatments for the precinct.</p> <p>The concept approval was supported by a visual impact statement and heritage statement demonstrating there is no visual impact to Rouse Hill House from the approved building envelopes.</p> <p>An increase in height is proposed to the approved building envelopes however, the additional height is not perceptible when viewed from Rouse Hill House which is approximately 1.7 kms from the proposal. A discussion of the height is at Appendix C.</p>
<p>Section 4 – Cudgegong Local Centre Development Controls -</p> <p><i>Section 4.1.1 Function and Land Use Mix</i></p> <ul style="list-style-type: none"> the retail and commercial floor area within the Local Centre may be in the order of 12,500 m² - 15,000 m² to ensure that the Centre functions in accordance with its position in the regional centres hierarchy a range of retail, commercial, entertainment, recreation and community uses are encouraged to serve the needs of the wider community and promote an active and vibrant Local Centre mixed use developments containing residential uses on upper floors are located in the Centre to take advantage of access to transport and services, and to increase levels of activity within the Centre employment opportunities are to be maximised within the Local Centre the ground floor of buildings identified for active frontages as shown on Figure 4-3 are to be occupied by retail, commercial, community, entertainment or other active uses, particularly fronting the Main Street and all public open spaces fine grained and intensive retail and commercial uses that present an active street frontage are located along the Main Street, Railway Street North and parts of Railway Street South as indicated on Figure 4-3 retail Premises in the B4 Mixed Use Zone shall be a maximum of 300 m² for any single premises to ensure the distribution of retail use is concentrated in the local centre 	<p>The proposal is consistent with the outcomes relating to function and land use which is for a mixed-use precinct that exemplifies transit-oriented development.</p> <p>The proposal contains 17 buildings of between two and eight storeys and can be defined in two areas. Buildings containing retail and commercial uses, with residential above are located to the north (Site 1), opposite the Metro station. Residential apartment buildings are located to the south (Site 2).</p> <p>Active street frontages are located on the ground floor of the northern portion of the site, adjoining the public park and vehicle, pedestrian and cycle links to the station.</p> <p>The proposal includes 9,000 m² of retail and commercial uses which will support employment opportunities within the precinct. While the proposed retail and commercial floor area is lower than that nominated in the DCP, it provides an appropriate mix of retail and commercial uses within the local centre setting, while allowing the regional centre to function as the primary centre.</p> <p>The floorspace cap of 300 m² is intended to ensure that retail uses in the B4 Mixed Use zone to the south of the metro station (Site 1 of the proposal) do not compete with the B2 Local Centre north of the metro station.</p> <p>The Retail and Commercial Land Use Strategy accompanying the proposal supports the provision of three retail</p>

Relevant Section	Consideration
<ul style="list-style-type: none"> • retail and commercial building frontages, functionally and visually, integrate internal spaces (ie the interior of shops and other businesses) and the public domain (ie the street and parks), including active use of footpaths by cafes and the like • uses and facilities are co-located as much as possible to maximise the efficient use of space • the Local Centre is to be a compact, mixed use centre with a high level of public transport accessibility to Cudgegong Road Station demonstrating the important principles of Transit Oriented Development. 	<p>tenancies over 300 m² including a supermarket and restaurant. This aligns with future retail demand that will be generated by residents of the Tallawong Precinct, specifically younger residents and growing families. It recommends that the proposed tenancy mix be retained as it not expected to impact on the future viability of the B2 Local Centre north of the metro station or neighbouring centres.</p> <p>The Department considers that there is justification for relaxing the floor space cap to include the proposed retail tenancies over 300 m². These tenancies will serve as an anchor for the smaller tenancies and allow localised access to uses such as a small supermarket to commuters and residents south of the train station. This would not impede the B2 Local Centre continuing to serve as the primary commercial centre.</p> <p>Council did not raise an objection to the retail tenancies over 300 m².</p>
<p><i>Section 4.1.2 Design Layout</i></p> <p>The Design Layout controls primarily relate to the core area of the Local Centre which is located to the north of the station. The controls relevant to the proposal require:</p> <ul style="list-style-type: none"> • an interconnected street block network with small block sizes, mid-block connections, arcades and laneways maximises pedestrian movement and connections to key destinations including parks, plazas and transport nodes • to achieve an active street frontage, proposed commercial developments must: <ul style="list-style-type: none"> ○ provide direct pedestrian access to the street and ○ provide a minimum of 70% of the street frontage designed to be visually permeable • noise and amenity considerations inform the layout and location of various uses, particularly residential uses • the street network emphasises sight lines to the railway station and landscape beyond • opportunities for crime are minimised through appropriate design and the incorporation of Crime Prevention through Environmental Design Principles (CPTED). 	<p>The site planning of the proposal includes streets, pedestrian and cycle links, public park and public domain areas to support the proposal, activate the precinct around the station and connect to surrounding residential areas and parklands.</p> <p>Noise and amenity considerations have informed the layout of the proposal to minimise impacts on different land uses. This has been achieved by separating non-residential and residential uses within buildings, locating active areas such as the public park adjoining non-residential uses and the metro station, and providing active street frontages away from residential apartment buildings.</p> <p>The proposal is supported by a CPTED Assessment which recommends strategies to be adopted in the development to enhance crime prevention through surveillance, access control, territorial reinforcement, and space management.</p> <p>The Department considers the layout and design of the proposal to be consistent with the principles of CPTED and the adoption of the recommended strategies will further minimise opportunities for crime.</p>
<p><i>Section 4.1.3 Public Domain</i></p>	<p>The proposal provides a street layout that connects the two east-west roads, Themeda</p>

Relevant Section	Consideration
<ul style="list-style-type: none"> the streetscape will create a high amenity pedestrian environment through solar access, shade and shelter, landscaping, footpath design and management of vehicular traffic parks and squares are focal points for the Local Centre and community activities are designed to ensure adaptability and flexibility in use and function over time a Village Square(s) adjacent to the Main Street and the railway station provides an urban landscape setting that encourages community interaction in an outdoor environment. Buildings to the north of the Square should not substantially overshadow the space(s) in winter the Square(s) is located adjacent to the railway station on the Main Street and forms an entry and meeting point for visitors to the Centre a Village Park(s) is located on the southern sector along the north-south access in close proximity to the station and acts as a focus for mixed use and residential development high standards of design and landscaping promote the character and attractiveness of the Centre and create a sense of ownership and pride for businesses and residents activities that activate the streets, parks and squares draw people to the Centre not only to shop but for entertainment and recreation such as markets, concerts and outdoor community events a fine grain is established by the provision of convenient and safe cross-site links, arcades and laneways. 	<p>Avenue and Conferta Avenue constructed as part of the approved station works.</p> <p>Roads providing pedestrian and shared access will connect Schofields Road to the southern entry of the station, the public park and plaza.</p> <p>A public park of 3,507 m², adjoins the primary north-south pedestrian and cycle link from the southern entrance of the station to Cudgegong Road and Schofields Road.</p> <p>The concept approval included the relocation of the public park adjacent to the metro station. This was supported as it optimises solar access to the park, improves level changes between Conferta and Themeda Avenues and enhances wayfinding to and from the station.</p> <p>The proposal is supported by a landscape report and plans which identify landscaping and public domain treatment for the public park, streets and pedestrian and cycle links to establish the public domain character for the precinct. The design details have been informed by the Design Guidelines adopted for the proposal and consultation with the Tallawong Design Review Panel.</p>
<p><i>Section 4.1.4 Built form</i></p> <ul style="list-style-type: none"> a range of building heights is permitted, generally 2-6 storeys (15 m) up to 6-8 storeys (26 m), to create a varied skyline building heights transition around the fringes of the Centre and should integrate the built form with adjacent residential areas building heights and setbacks are related to street widths and functions to promote a comfortable urban scale of development building heights take into account view lines and solar access to the public domain, in particular to the Village Square(s) taller buildings should reinforce Centre corners and the Station location streets and open spaces are defined by buildings that are generally built to the street edge, have a consistent street wall height and provide a 	<p>The proposal has a built form consistent with the principles of the DCP in that it achieves a mixed-use precinct that contains 17 buildings of between two and eight storeys.</p> <p>The Department considers the height of the development above 26 m acceptable as discussed in Appendix C.</p> <p>The proposed lower building envelopes of two to four storeys are suitably positioned to improve solar access to pedestrian and cycle links and the public park and to allow solar access to taller buildings.</p> <p>The range of building heights results in a variety of urban scales across the site to accommodate different building typologies. This will create a more legible urban structure and an interesting skyline when viewed from</p>

Relevant Section	Consideration
<p>continuous street frontage, particularly along the Main Street and fronting the Village Square(s)</p> <ul style="list-style-type: none"> a high quality built form and energy efficient architectural design promotes a 'sense of place' and contemporary character for the Local Centre to provide for flexibility of ground floor uses over time (e.g. from residential to retail / commercial) the ground floor floor-to-floor height should be a minimum of 4 m. 	<p>surrounding areas. Larger buildings are located adjoining public spaces and near the metro station and smaller residential buildings adjoin Schofields Road and Cudgegong Road.</p> <p>Floor to ceiling heights of the retail and commercial uses, and residential apartments are consistent with the ADG and promote flexibility and adaptability of future uses.</p>
<p><i>Section 4.1.5 Transport</i></p> <ul style="list-style-type: none"> the Centre is pedestrian and public transport orientated with walking and cycling taking priority over vehicles. rail transport is integrated with other transport modes through an efficient interchange. the rail-bus interchange has direct pedestrian access to the Main Street and the retail core area. the north-south axis is the main pedestrian and cycle spine for the Local Centre. The Railway pedestrian bridge would be a dismount zone. The bike path at Main Street would be on-road to avoid pedestrian conflicts. the Railway Station is an 'anchor' attracting people to the Centre and encouraging pedestrian movement and circulation within the Centre. the safety and security of the Station is enhanced by integrating the Station environs with the Local Centre and encouraging land uses that promote activity and surveillance around the Station. the street layout allows easy access to and within the Local Centre while allowing for traffic to bypass the Centre on Cudgegong Road and other perimeter roads. both commuter and shopper surface carparking should be planned to allow later conversion to development sites or parking structures carparking for retail, commercial and residential uses to be primarily underground long stay commuter carparking is located outside the Centre Core to the north-west and south-west side of the Precinct. Transport for NSW has made provision at the Station for bus spaces, kiss and ride spaces, bicycle parking, commuter carparking 	<p>The proposal exemplifies transit-oriented development by providing a mixed-use precinct opposite the Tallawong Metro Station. The layout of the precinct is consistent with the ILP and achieves the objectives of the DCP relating to transport in that it provides a legible street hierarchy and on-site car parking to meet the needs of resident and non-residential uses.</p> <p>An assessment of the car parking rates proposed is at Section 6.4 of this report.</p>
<p><i>Section 4.2.3 Village Park</i></p> <ul style="list-style-type: none"> a new public park is to be provided in the Southern Sector of the Local Centre, centrally located on the north / south activity spine. The ILP 	<p>A public park of 3,507 m² is proposed adjacent to the station and the north/south activity spine. The park was relocated as part of the concept approval to be opposite the metro station and reshaped to:</p>

Relevant Section	Consideration
<p>shows this centrally located between the B4 and R3 zones along the north / south activity spine</p> <ul style="list-style-type: none"> the new park should be in the order of 2,500 m² to 3,000 m² in area (eg 50 m x 60 m) and include play equipment, sitting areas, pedestrian pathways, lighting and quality street furniture it is located to provide a focus of community activities related to the new residential and mixed-use precincts it should be defined by public streets on at least three sides for security and surveillance it should be predominately green, ie grassed and landscaped with shade trees, shelters, seats and play facilities for children, and incorporate mature vegetation as may be appropriate. 	<ul style="list-style-type: none"> optimise solar access address differences in the ground level between Conferta and Themeda Avenues reinforce the focus on the station provide improved wayfinding ensures all buildings in the proposal benefit from easy access to the park. <p>The relocation of the public park is supported having regard to the above, and improved outcomes in amenity, activation, and interface with the metro station.</p>

Appendix E – Consistency with Concept Approval

Table 14 | Consistency of proposal with concept approval

Concept Approval	Department's Assessment									
BUILDING ENVELOPES AND MAXIMUM HEIGHT										
A14. Future development application(s) for the development must demonstrate that the building is contained within the building envelopes consistent with the plans listed in Condition A2.	The SSD application is accompanied by a section 4.55(2) modification application to amend the building envelopes and height of the concept approval. The proposal exceeds the height of buildings standard in 15 of the 17 buildings and has a maximum height of 34.69 m where the height standard for the site is 26 m. The Department has considered the Applicant's clause 4.6 request to vary the development standard in Appendix C . The Department is satisfied that the building envelopes and height of the proposal, as amended, result in an improved design outcome consistent with the intention of Conditions A14 and A16.									
A15. Building height is to be measured in accordance with the definition under State Environmental Planning Policy (Sydney Region Growth Centres) 2006.										
A16. The maximum height for the development shall be generally consistent with the building envelope diagrams and information for the proposal as detailed below:										
<table><tr><th>Drawing no.</th><th>Prepared by</th><th>Date</th></tr><tr><td>Building height calculations</td><td>Bennett and Trimble</td><td>30.10.18</td></tr><tr><td>Envelope diagram</td><td>Bennett and Trimble</td><td>30.10.18</td></tr></table>		Drawing no.	Prepared by	Date	Building height calculations	Bennett and Trimble	30.10.18	Envelope diagram	Bennett and Trimble	30.10.18
Drawing no.	Prepared by	Date								
Building height calculations	Bennett and Trimble	30.10.18								
Envelope diagram	Bennett and Trimble	30.10.18								
MAXIMUM GROSS FLOOR AREA										
A17. The maximum GFA for the proposal shall not exceed 93,393 m ² equating to approximately 85,000 m ² residential GFA and approximately 9,000 m ² GFA for commercial, retail and community uses.	The proposal has a gross floor area of 93,386 m ² comprising residential and non-residential GFA consistent with condition A17 of the concept approval.									

AFFORDABLE HOUSING

- A18. Minimum 5% of dwellings on the site shall be Affordable Housing provided in accordance with the definition under State Environmental Planning Policy (Affordable Rental Housing) 2009.

The proposal includes 5% affordable housing comprising 50 dwellings consistent with condition A18 of the concept approval.

CAR PARKING AND BICYCLE RATES

- A19. The rates for car parking and bicycle spaces are to be as detailed in the following table:

Use	Minimum rate
Residential dwellings	-0.6 car space per 1 bedroom -0.9 car space per 2 bedroom -1.4 car space per 3 bedroom
Residential visitor	0.1 car space per dwelling
Affordable housing	As required by State Environmental Planning Policy (Affordable Rental Housing) 2009, or the residential dwelling rates as above, whichever is the lesser
Retail floor area	1 car space/60m ² GLFA
Commercial floor area	1 car space/70m ² GFA
Bicycle space for residents	1 bicycle space/dwelling
Bicycle space for visitors	1 bicycle space/10 dwellings

The SSD application is accompanied by a Traffic and Parking Assessment report to support the provision of additional residential and retail/commercial car spaces, above the rates of condition A19.

The proposed rates will result in 227 additional car parking spaces being provided for the proposal.

The Department has considered the Applicant's request to vary the car parking rates in **Section 6.4**.

The Department is satisfied that the proposed car parking rates are consistent with the minimum rates of the concept approval, reflect anticipated parking demand, and will not result in adverse traffic impacts to the road network.

BUILT FORM AND URBAN DESIGN

- B1. The detailed development application(s) shall address compliance with:

- (a) the Design Quality Guidelines as endorsed by the Planning Secretary pursuant to condition A2.
- (b) the Design Excellence Strategy as endorsed by the Planning Secretary pursuant to condition A20.

The SSD application is accompanied by a Design Excellence Report which addresses the Design Quality Guidelines and the design review process with the Tallawong Design Review Panel which was established by the Design Excellence strategy for the proposal.

- B2. The following elements are not inconsistent with the concept development application but are subject to further assessment with the relevant detailed development application(s):

- (a) architectural roof features such as projecting fins or poles
- (b) design and use of rooftop terrace areas
- (c) design and location of lift overrun and fire stair
- (d) subdivision
- (e) interim activation works
- (f) staging of development.

The application is accompanied by detailed design plans and information which address the elements identified in condition B2.

The Department is satisfied that these elements have been appropriately designed and resolved.

<p>B3. The detailed development application shall address the following built form considerations:</p> <ul style="list-style-type: none"> (a) design the built form and landscape of the blocks fronting Schofields Road, including setbacks to the top-most floor, to address the urban qualities of Schofields Road and the adjacent low-density residential suburb of The Ponds (b) configure buildings to distribute density and building height of the precinct with consideration to improving solar access to apartments, communal open space and the public realm (c) achieve compliance with the requirements of <i>State Environmental Planning Policy No 65- Design Quality of Residential Apartment Development and the accompanying Apartment Design Guide</i>. 	<p>The SSD application is accompanied by a Design Excellence Report which illustrates how the proposed built form and landscaping of the blocks fronting Schofields Road respond to the urban qualities of the road and the Ponds on the opposite side of Schofields Road.</p> <p>The modification application includes amendments to the built form of the four blocks facing Schofields Road to improve the interface and landscaping on the Schofields Road frontage consistent with condition B3(a).</p> <p>The Design Excellence Report addresses built form concerns relating to density and building height across the site to improve solar access to apartments, open spaces and the public domain. The modification application includes amendments to building height and envelopes which result in improved solar access consistent with condition B3(b).</p> <p>The Tallawong DRP was satisfied that the proposal meets the requirements of the ADG.</p> <p>The Department has undertaken a detailed assessment of the proposal against the relevant design criteria and objectives of the ADG (see Appendix D) and considers the proposal is acceptable having regard to the context and the envisaged development potential of the site.</p>
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PUBLIC DOMAIN AND LANDSCAPE STRATEGY

<p>B4. Future detailed development application(s) shall be generally consistent with the Public Domain and Landscape Strategy lodged with the EIS prepared by Clouston Associates (dated 18 May 2018, as updated 2 November 2018) and address the following:</p> <ul style="list-style-type: none"> (a) a diversity of native trees, shrubs and groundcover species from the relevant local native vegetation community (or communities) that once occurred on the site shall be used to landscape the site including street planting (b) details and specifications for public domain works, street planting and infrastructure as required by Blacktown City Council. 	<p>The SSD application is accompanied by a Landscape Report and Plans, prepared by Turf Design Studio, which identify native species to be used within the public domain including street tree planting zones, understorey planting zones and rooftop/podium gardens. The Report also identifies material palettes for fencing, pavement, street furniture, and urban elements within the public domain.</p> <p>The landscape treatment of the site is supported by the Tallawong Design Review Panel.</p> <p>The Department is satisfied that the public domain and landscape strategy for the proposal is consistent with condition B4.</p>
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ENVIRONMENTAL PERFORMANCE / ESD

<p>B5. Future detailed development application(s) must demonstrate how the principles of ecologically sustainable development (ESD) have been incorporated into the design, construction and ongoing operation of the proposal. The ESD credentials of the detailed development application shall be generally consistent or improve performance with the framework, core objectives and visions of the Ecologically Sustainable Development Report lodged with the EIS prepared by AECOM Australia (dated 18 May 2018).</p>	<p>The SSD application is accompanied by an ESD (Sustainability) report, prepared by ARUP, demonstrating the proposal would achieve a 5 star Green Star Communities rating for all buildings, 5 Star NABERS energy and water rating for commercial areas over 1000 m² and a 'silver' level standard for affordable housing.</p>
<p>B6. Future detailed development application(s) are to document the use of the Office of Environment and Heritage's and Environmental Protection Authority's risk-based decision framework (2017) to achieve the following outcomes:</p> <p>(a) assess the link between urban development, waterway health and the community's waterway values and design infrastructure</p> <p>(b) develop ambient water quality targets for receiving waters to achieve the desired waterway health outcomes</p> <p>(c) implement measures to collect, treat and manage any seepage waters from basement or underground car parking areas to prevent pollution of waters.</p>	<p>The SSD application is also accompanied by a BASIX Certificate and Section J Assessment report identifying the energy efficiency measures to be adopted in the development, consistent with the intention of condition B5.</p> <p>The SSD application is also accompanied by information to address condition B6. The Department notes that the proposed water measures and outcomes are supported by the relevant agencies.</p>
<p>WIND IMPACTS</p>	
<p>B7. Future detailed development application(s) shall be generally consistent with the recommendations of the Pedestrian Wind Environment Statement lodged with the EIS prepared by Windtech Consultants Pty Ltd (dated 12 February 2018).</p>	<p>The SSD application is accompanied by a Pedestrian Wind Environment Statement, prepared by Windtech Consultants, which concludes that adverse wind conditions throughout the site can be effectively mitigated through awning and landscape design to ensure the comfort of pedestrians and users. A condition of approval will require the recommendations of the Wind Statement to be applied in the construction of the proposal.</p>
<p>CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN</p>	
<p>B8. Future detailed development application(s) shall demonstrate adoption of the recommendations of the Crime Prevention through Environmental Design Assessment lodged with the EIS prepared by AECOM Australia (dated 15 March 2018).</p>	<p>The SSD application is accompanied by a CPTED Assessment, prepared by Barker Ryan Stewart, consistent with the requirements of conditions B8 and B9.</p>
<p>B9. Future detailed development application(s) shall demonstrate that appropriate and safe pedestrian access is provided and maintained through and adjoining the site to the metro</p>	

station until such time that pedestrian and shared ways are delivered by Sydney Metro.

BUSHFIRE PROTECTION

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| <p>B10. Future detailed development application(s) shall adhere to the relevant provisions of Planning for Bush Fire Protection (PBP) 2006 as follows:</p> <ul style="list-style-type: none">(a) the provision of minimum Asset Protection Zones (APZs) between the unmanaged vegetation to the east and southeast and future residential and mixed-use buildings in accordance with Table A2.4 of PBP 2006(b) the provision of minimum APZs in accordance with Table A2.6 of PBP 2006 where future buildings include uses that fall under the definition of Special Fire Protection Purpose (SFPP) development(c) future access to be provided in accordance with the design specifications set out in Section 4.1.3 of PBP 2006(d) future services to be provided in accordance with Section 4.1.3 PBP 2006. | <p>The SSD application is accompanied by a Bushfire Protection Assessment report prepared by Australian Bushfire Protection Planners Pty Limited which concludes that the site is not deemed to be bush fire prone and that the separation distances or APZ between the Second Ponds Creek riparian corridor and the site removes the threat of bushfires to the proposed buildings.</p> <p>The provision of firefighting measures is recommended for the proposal. A condition of approval will require these measures be incorporated into the proposal.</p> |
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CONSTRUCTION IMPACT ASSESSMENT

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| <p>B11. Future detailed development application(s) shall provide analysis and assessment of the impacts of construction and include:</p> <ul style="list-style-type: none">(a) Construction Traffic Management Plan as per condition B12(d)(b) Cumulative Construction Impact Assessment (arising from concurrent construction activity)(c) Noise and Vibration Impact Assessment(d) Community Consultation and Engagement Plans(e) Construction Waste Management Plan(f) Air Quality Management Plan <p>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 by future development applications.</p> | <p>The SSD application is accompanied by a Construction Management Plan prepared by Deicorp which considers the construction impacts associated with the proposal including traffic, noise, vibration, air quality and community consultation provisions.</p> <p>The Department is satisfied that the implementation of the measures identified in the Construction Management Plan can appropriately address any impacts arising during the construction stage of the proposal.</p> <p>A condition of approval will require the measures of the Construction Management Plan be adopted.</p> |
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TRAFFIC, ACCESS AND CAR PARKING

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| <p>B12. Future detailed development application(s) shall incorporate the following:</p> <ul style="list-style-type: none">(a) a parking strategy to maximise efficiency of car parking spaces including the consideration | <p>The SSD application is accompanied by a Traffic and Parking Impact Assessment Report, Car Park Management Report, Construction Management Plan and Accessibility Report, which satisfactorily</p> |
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of sharing use of car spaces between land uses	address the requirements of conditions B12 and B13.
(b) clarify where residential bicycle parking facilities will be provided and where bicycle facilities will be provided for non-residential uses	The application was referred to the relevant agencies to review and comment on proposed car parking rates, car parking design and efficiency, impact on existing transport routes and supporting facilities.
(c) roads and parking areas are to comply with the relevant specifications, Australian Standards, and be consistent with the Blacktown City Council Growth Centre Precincts Development Control Plan	The Department consideration of traffic, access and car parking is discussed in Section 6.4.
(d) a Construction Traffic Management Plan (CTMP) prepared in consultation with and to the satisfaction of Blacktown City Council and the relevant roads authorities. The CTMP shall include, but not be limited to: <ul style="list-style-type: none"> (i) identification of construction traffic-related impacts and development of mitigation measures (ii) haulage movement numbers and transport routes between the site and the major road network (iii) detailed travel management strategy for construction staff to minimise their commuter trips (iv) construction car parking strategy (v) maintaining pedestrian and cyclist links / routes (vi) independent road safety audits on construction-related traffic measures (vii) measures to account for any cumulative activities / work zones operating simultaneously. 	The Department is satisfied that the requirements of condition B12 have been met.
B13. Independent road safety audits are to be undertaken for all stages of further design development. Any issues identified by the audits will need to be closed out to the satisfaction of the relevant road authorities.	

UTILITIES

B14. Future detailed development application(s) 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	The SSD application is accompanied by a Hydraulic and Wet Fire Services Design Brief, prepared by Australian Consulting Engineers, Electrical and Mechanical Services report, prepared by JHA Services, and an Electrical Infrastructure and Power
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management plan in consultation with relevant agencies and service providers.	Supply statement prepared by DEP Consulting which address the existing capacity and requirements for the provision of utilities to the proposal.
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NOISE AND VIBRATION

B15. Future detailed development application(s) shall be generally consistent with the recommendations of the <i>Masterplan Noise and Vibration Assessment lodged with the EIS prepared by Acoustic Logic</i> (dated 14 May 2018, as amended on 25 October 2018).	<p>The SSD application is accompanied by an Acoustic Report, prepared by Koikas Acoustics Pty Ltd, which assesses and recommends mitigation measures for the main noise generating sources and activities including road traffic noise, rail vibration, insulation for common floors, and treatment and management plans for construction and loading dock areas.</p> <p>The acoustic assessment and report satisfactorily address the requirements of condition B15.</p>
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WASTE MANAGEMENT

B16. Future detailed development application(s) shall be accompanied by a Waste Management Plan which shall include, but not be limited to:	The SSD application is accompanied by an Operational Waste Management Plan, prepared by Elephants Foot Recycling Solutions, which addresses the residential and commercial/retail waste collection and management procedures and waste room construction requirements for the proposal.
(a) the ongoing management for each residential site and commercial/retail site within the proposed development:	
(i) proposed waste management features for the site	The SSD application is also accompanied by a Waste and Resource Recovery Plan, prepared by Elephants Foot Recycling Solutions which addresses the utilisation of key waste management principles across the proposal.
(ii) proposed truck size to service the site	
(iii) number of stages, buildings and number of units in each	
(iv) provision of a caged bulky waste storage area for each building (and its size)	The plans submitted satisfactorily address conditions B16 and B17.
(v) physical treatment of the loading bays to prevent unauthorised parking	The Department notes that Blacktown City Council has reviewed the proposed waste management facilities and procedures and has provided its conditions of approval for the proposal.
(vi) waste and recycling generation rates, bin capacities and collection frequencies	
(vii) collection point and associated access for collection vehicles	
(viii) provision of chutes on each residential floor and 240L recycling bins adjacent	
(ix) method to move bins from the chute discharge points to the collection points	
(x) resident access to waste rooms, bulky items storage and chute discharge points	

<ul style="list-style-type: none"> (xi) use of a building manager to coordinate ongoing management: (xii) access to loading bay for collection trucks (xiii) the bulky waste storage area (including access) (xiv) the waste facilities onsite including cleaning of bins and waste rooms. <p>(b) Satisfy Council that all waste collection is to be within the basement areas and a minimum 4.5 m clearance is provided for the waste collection area within the basements.</p>	
<p>B17. Future detailed development application(s) shall be accompanied by a Waste and Resource Recovery Plan (Plan) which is developed by a specialist in environmental and/or waste management. The Plan should include a vision and strategy for how waste and recycling can be managed in an integrated way across the development. This includes from construction through to the operation stage. The Plan is to adopt the outcomes of the following:</p> <ul style="list-style-type: none"> (a) NSW EPA's '<i>Better Practice Guide for Waste Management in Multi-unit Dwellings</i>' (b) The <i>NSW Waste Avoidance and Resource Recovery Strategy 2014-2021</i>. 	
ENGINEERING	
<p>B18. Future detailed development application(s) shall adopt (where relevant) the outcomes of the report titled <i>Response to Submissions: Engineering Items lodged with the RtS prepared by AECOM</i> (dated 17 October 2018).</p>	<p>Technical reports accompanying the SSD application identify how these outcomes will be addressed and resolved with the relevant agency.</p>
CONTAMINATION AND REMEDIATION	
<p>B19. Future detailed development application(s) shall demonstrate the following:</p> <ul style="list-style-type: none"> (a) adoption of the recommendations of the Phase 1 Preliminary Site Investigation lodged with the EIS prepared by <i>ADE Consulting Group</i> (reference STC-1023013390/PS11/v37, dated 15 March 2018) (b) that a Site Auditor accredited under the Contaminated Land Management Act 1997 has been engaged to conduct a site audit, review the adequacy of the investigations, unexpected finds protocol, any remedial works/validation assessments and/or management plan required to confirm the suitability of the land for the proposed use, 	<p>The SSD application is accompanied by a Remediation Action Plan (RAP), prepared by EI Australia which includes outcomes from the recommendations of the Phase 1 Preliminary Site Investigation lodged with the EIS. The RAP addresses the requirements of condition B19.</p>

such that a Section A site audit statement and accompanying report will be issued prior to issue of an occupancy certificate at the completion of works

- (c) compliance with the provisions of *State Environmental Planning Policy No 55- Remediation of Land*.
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Appendix F – Recommended Instrument of Consent

SSD 9063 MOD 1 – Stage 1 modification application

<https://www.planningportal.nsw.gov.au/major-projects/project/35021>

SSD 10425 – Stage 2 development application

<https://www.planningportal.nsw.gov.au/major-projects/project/26916>