

Notice of Decision

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

Application type	State significant development modification
Application number and project name	SSD-9063-Mod-1 Tallawong Station Precinct South Concept
Applicant	Deicorp Construction Pty Ltd
Consent Authority	Minister for Planning and Public Spaces

Decision

The Director under delegation from the Minister for Planning and Public Spaces has, under section 4.55(2) of the *Environmental Planning and Assessment Act 1979* (**the Act**) modified the consent subject to the recommended conditions.

A copy of the instrument of modification and conditions is available [here](#).

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

Date of decision

20 July 2021

Reasons for decision

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

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

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

The decision maker was 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 was modified.

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

- the modification is consistent with the strategic planning framework for the North West growth area as it reflects the principles of transit-oriented development by providing a mixed-use precinct with housing, retail and commercial opportunities directly adjacent to the Tallawong Metro station accommodating up to 1,000 construction jobs and 400 operational jobs
- the modification is permissible with consent, and is consistent with NSW Government policies
- the impacts on the community and the environment can be appropriately minimised, managed or offset to an acceptable level, in accordance with applicable NSW Government policies and standards
- the issues raised by the community during consultation and in submissions have been considered and adequately addressed through changes to the project and the recommended conditions of consent
- weighing all relevant considerations, the modification is in the public interest.

Attachment 1 – Consideration of Community Views

The Department exhibited the modification from 25 June until 22 July 2020 (28 days) and received three public submissions including two objections and one providing comments.

The Department also undertook the following consultation activities:

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

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

<i>Issue</i>	<i>Consideration</i>
Parking The proposal will contribute to an increase of cars parked on existing local streets due to the additional population in the area	Assessment • 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.
Traffic and Congestion The proposal will create increased road traffic and congestion in the Hills region	Assessment • The application is supported by a Traffic and Parking Assessment report which concludes that the vehicle movements generated by the proposal will not have an adverse impact on the existing road network. This conclusion is supported by TfNSW and an independent traffic consultant who reviewed the proposal. TfNSW recommended that Green Travel Plans be prepared for the proposal which provide strategies to encourage the use of public and active transport • The Department's consideration of traffic and parking is at Section 6.4. The Department is satisfied that the proposal will not result in adverse traffic impacts to the road network. • A condition of consent requires the Applicant to prepare Green Travel Plans for the residential and retail/commercial components that provide strategies to encourage the use of public and active transport. The Green Travel Plans are to be endorsed by TfNSW prior to occupation of the development.
Quality of Life The proposal will further exacerbate the overcrowding of essential services and facilities in the region	Assessment • The built form and density of the proposal is consistent with the concept approval and anticipated demand for services and facilities. The proposal also includes a public park which will be privately owned and managed with public access secured on title. • The proposal will be subject to the Rouse Hill Contributions Plans administered by Blacktown City Council. The development is located within the Western Sydney Growth Areas – Special Contributions Area and a Special Infrastructure Contribution (SIC) will also be applied to help fund regional infrastructure required to support developments in the Growth Centres. • Conditions of consent require the Applicant to pay contributions applicable under the Rouse Hill Contributions Plans and the Western Sydney Growth Areas Special Infrastructure Contribution Plan.
Amenity	Assessment

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

- 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.

Built Form

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

Assessment

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