

Development Consent

Section 4.38 of the Environmental Planning and Assessment Act 1979

As the Minister for Planning, I,

- (a) approve the Development Application referred to in Schedule 1, subject to the conditions specified in Schedule 2.
- (b) that pursuant to section 4.37 of the Environmental Planning and Assessment Act 1979, determine that any subsequent stage of the development with capital investment value of less than \$30 million is to be determined by the relevant authority and that stage of the development ceases to be State significant development.

These conditions are required to:

- prevent, minimise, or offset adverse environmental, economic and social impacts;
- set standards and performance measures for acceptable environmental performance;
- require regular monitoring and reporting; and
- provide for the ongoing environmental management of the development.



The Hon Anthony Roberts MP
NSW Minister for Planning

Sydney

21 / 2 /

2019

File: SSD 9063

SCHEDULE 1

Application Number:	SSD 9063
Applicant:	Landcom on behalf of Sydney Metro
Consent Authority:	Minister for Planning
Site:	75 Schofields Road, Rouse Hill (Lots 13 and 14 DP 1168129) 81 Schofields Road Rouse Hill (Lot 15 DP 1168129) 38 Cudgegong Road Rouse Hill (Lot 10 DP 1185116)
Development:	Concept Development Application for a mixed-use precinct known as Tallawong Station Precinct South including: <ul style="list-style-type: none">• building envelopes for up to 16 buildings of varying heights, to a maximum of eight storeys• maximum gross floor area (GFA) of 93,393 m²• residential development of up to 1,100 dwellings equating to approximately 85,000 m² GFA

- commercial, retail and community uses of approximately 9,000 m² GFA
- allocation of car parking and bicycle parking rates
- minimum 5% Affordable Housing
- landscaping of the site for public and private domain including a public park (approximately 3,411 m²)
- road layout.

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DEFINITIONS

Applicant	Landcom (on behalf of Sydney Metro), or any person carrying out any development to which this consent applies
Conditions of this consent	Conditions contained in Schedule 2 of this document
Council	Blacktown City Council
CSSI	Critical State Significant Infrastructure
CSSI Approval	The approval of the CSSI project (SSI 5414) under the Environmental Planning and Assessment Act 1979 for the construction and operation of the Sydney Metro Northwest (previously called the North West Rail Link), as amended by subsequent modifications
Department	NSW Department of Planning and Environment
Development	The development described in the EIS and Response to Submissions comprising the Tallawong Station Precinct South concept, as modified by the conditions of this consent
EIS	The Environmental Impact Statement titled <i>Sydney Metro Northwest Tallawong Station Precinct South SSD 9063 Concept State Significant Development Application</i> , prepared by MG Planning dated 29 June 2018, submitted with the application for consent for the development, including any additional information provided by the Applicant in support of the application
Environment	Includes all aspects of the surroundings of humans, whether affecting any human as an individual or their social groupings
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
Minister	NSW Minister for Planning (or delegate)
Operation	The carrying out of the approved purpose of the development upon completion of construction.
Planning Secretary	Planning Secretary under the EP&A Act, or nominee
RTS or Response to Submissions	The Applicant's response to issues raised in submissions received in relation to the application for consent for the development under the EP&A Act.

SCHEDULE 2
CONDITIONS OF CONSENT FOR CONCEPT DEVELOPMENT APPLICATION
PART A TERMS OF CONSENT

DEVELOPMENT DESCRIPTION

- A1. Consent is granted to the 'Development' as described in Schedule 1 and the EIS, as amended by the RtS and the conditions contained in this development consent.

TERMS OF CONSENT

- A2. The development may only be carried out:
- (a) in compliance with the conditions of this consent;
 - (b) in accordance with all written directions of the Planning Secretary;
 - (c) in accordance with the EIS and Response to Submissions;
 - (d) in accordance with the approved plans and information in the table below:

Drawing No.	Name of Report	Date
-	Urban Design Report prepared by Bennett and Trimble	30.10.18
S17-0100 R02 Issue D	Public Domain and Landscape Strategy prepared by Clouston Associates	02.11.18
-	Design Quality Guidelines prepared by Bennett and Trimble	01.11.18

- A3. Consistent with the requirements in this consent, the Planning Secretary may make written directions to the Applicant in relation to:
- (a) the content of any strategy, study, system, plan, program, review, audit, notification, report or correspondence submitted under or otherwise made in relation to this consent, including those that are required to be, and have been, approved by the Planning Secretary; and
 - (b) the implementation of any actions or measures contained in any such document referred to in condition A3(a) above.
- A4. The conditions of this consent and directions of the Planning Secretary prevail to the extent of any inconsistency, ambiguity or conflict between them and a document listed in condition A2(c) or A2(d). In the event of an inconsistency, ambiguity or conflict between any of the documents listed in condition A2(c) or A2(d), the most recent document prevails to the extent of the inconsistency, ambiguity or conflict.

DETERMINATION OF FUTURE DEVELOPMENT APPLICATIONS

- A5. In accordance with Section 4.22 of the EP&A Act, all development under the Concept and the subsequent stages are to be subject of future development applications.
- A6. The determination of future development applications is to be generally consistent with the terms of development consent SSD 9063 as described in Schedule 1 and subject to the conditions in Part B, Schedule 2.

LAPSING OF APPROVAL

- A7. This consent will lapse five (5) years from the date of consent, unless works associated with the development have physically commenced.

LEGAL NOTICES

- A8. Any advice of notice to the consent authority shall be served on the Planning Secretary.

PLANNING SECRETARY AS MODERATOR

- A9. In the event of a dispute between the Applicant and a public authority in relation to an application requirement in this approval or relevant matter relating to the development, either part may refer the matter to the Planning Secretary for resolution. The Planning Secretary's resolution of the matter shall be binding on the parties.

EVIDENCE OF CONSULTATION

- A10. Where conditions of this consent require consultation with an identified party, the Applicant must:
- (a) consult with the relevant party prior to submitting the subject document to the Planning Secretary for approval; and
 - (b) provide details of the consultation undertaken including:
 - (i) the outcome of that consultation, matters resolved and unresolved; and
 - (ii) details of any disagreement remaining between the party consulted and the Applicant and how the Applicant has addressed the matters not resolved.

COMPLIANCE

- A11. The Applicant must ensure that all of its employees, contractors (and their sub-contractors) are made aware of, and are instructed to comply with, the conditions of this consent relevant to activities they carry out in respect of the development.

APPLICABILITY OF GUIDELINES

- A12. References in the conditions of this consent to any guideline, protocol, Australian Standard or policy are to such guidelines, protocols, Standard or policies in the form they are in as at the date of this consent.
- A13. However, consistent with the conditions of this consent and without altering any limits or criteria in this consent, the Planning Secretary may, when issuing directions under this consent in respect of ongoing monitoring and management obligations, require compliance with an updated or revised version of such a guideline, protocol, Standard or policy, or a replacement of them.

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.
- 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:

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 m² equating to approximately 85,000 m² residential GFA and approximately 9,000 m² GFA for commercial, retail and community uses.

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.

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

DESIGN EXCELLENCE

- A20. Prior to the lodgement of the first subsequent detailed development application, the Applicant shall finalise the Sydney Metro Northwest Design Excellence Strategy in consultation with the GA NSW to the satisfaction of the Planning Secretary.
- A21. The Design Excellence Strategy is applicable only to the Tallawong Station Precinct South concept proposal and is not endorsed under this consent as a Strategy which applies to other sites.

SPECIAL INFRASTRUCTURE CONTRIBUTION

- A22. A special infrastructure contribution is to be made in accordance with the Environmental Planning and Assessment (Special Infrastructure Contribution – Western Sydney Growth Areas) Determination 2011 (as in force when this consent becomes operative).

END OF PART A

PART B CONDITIONS TO BE SATISFIED IN FUTURE DETAILED DEVELOPMENT APPLICATION(S)

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.
- 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.
- B3. The detailed development application(s) shall address the following built form and design considerations:
- (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 *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* and the accompanying *Apartment Design Guide*.

PUBLIC DOMAIN AND LANDSCAPE STRATEGY

- 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:
- (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.

ENVIRONMENTAL PERFORMANCE / ESD

- 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).
- 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:
- (a) assess the link between urban development, waterway health and the community's waterway values and design infrastructure
 - (b) develop ambient water quality targets for receiving waters to achieve the desired waterway health outcomes
 - (c) implement measures to collect, treat and manage any seepage waters from basement or underground car parking areas to prevent pollution of waters.

WIND IMPACTS

- 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 Wintech Consultants Pty Ltd (dated 12 February 2018).

CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN

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

BUSH FIRE PROTECTION

B10. Future detailed development application(s) shall adhere to the relevant provisions of Planning for Bush Fire Protection (PBP) 2006 as follows:

- (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.

CONSTRUCTION IMPACT ASSESSMENT

B11. Future detailed development application(s) shall provide analysis and assessment of the impacts of construction and include:

- (a) Construction Traffic Management Plan as per condition B12(d)
- (b) Cumulative Construction Impact Assessment (i.e. 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

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.

TRAFFIC, ACCESS AND CAR PARKING

B12. Future detailed development application(s) shall incorporate the following:

- (a) a parking strategy to maximise efficiency of car parking spaces including the consideration of sharing use of car spaces between land uses
- (b) clarify where residential bicycle parking facilities will be provided and where bicycle facilities will be provided for non-residential uses
- (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*
- (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:
 - (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.

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 management plan in consultation with relevant agencies and service providers.

NOISE AND VIBRATION

B15. Future detailed development application(s) shall be generally consistent with the recommendations of the *Masterplan Noise and Vibration Assessment* lodged with the EIS prepared by *Acoustic Logic* (dated 14 May 2018, as amended on 25 October 2018).

WASTE MANAGEMENT

B16. Future detailed development application(s) shall be accompanied by a Waste Management Plan which shall include, but not be limited to:

- (a) the ongoing management for each residential site and commercial/retail site within the proposed development:
 - (i) proposed waste management features for the site
 - (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)
 - (v) physical treatment of the loading bays to prevent unauthorised parking
 - (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
- (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.

- (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.

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:

- (a) NSW EPA's '*Better Practice Guide for Waste Management in Multi-unit Dwellings*'
- (b) The *NSW Waste Avoidance and Resource Recovery Strategy 2014-2021*.

ENGINEERING

B18. Future detailed development application(s) shall adopt (where relevant) the outcomes of the report titled *Response to Submissions: Engineering Items* lodged with the RtS prepared by AECOM (dated 17 October 2018).

CONTAMINATION AND REMEDIATION

B19. Future detailed development application(s) shall demonstrate the following:

- (a) adoption of the recommendations of the *Phase 1 Preliminary Site Investigation* lodged with the EIS prepared by *ADE Consulting Group* (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, 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*.

END OF PART B

ADVISORY NOTES

- AN1 The Applicant has the right to appeal to the Land and Environment Court in the matter set out in the EP&A Act and the EP&A Regulation (as amended).
- AN2 The Applicant is solely responsible for ensuring that all additional consents and agreements are obtained from other authorities, as relevant.
- AN3 The Land Reservation Acquisition Map and Land Zoning Map of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 is to be amended to reflect the new boundaries of the land reserved for acquisition and amendments to the zoning of the land