

Tallawong Station Precinct South

*State Significant
Development Assessment
(SSD 9063)*



January 2019

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Cover photo

Indicative photomontage of Tallawong Station Precinct South (source: Applicant's EIS)]

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Glossary

Abbreviation	Definition
AHD	Australian Height Datum
Precinct DCP	Blacktown City Council Growth Centre Precincts Development Control Plan
BCA	Building Code of Australia
CIV	Capital Investment Value
Consent	Development Consent
Council	Blacktown City Council
CSSI	Critical State Significant Infrastructure
Department	Department of Planning and Environment
EIS	Environmental Impact Statement
EPA	Environment Protection Authority
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPBC Act	<i>Environment Protection and Biodiversity Conservation Act 1999</i>
EPI	Environmental Planning Instrument
ESD	Ecologically Sustainable Development
FRNSW	Fire and Rescue NSW
Growth Centres SEPP	State Environmental Planning Policy (Sydney Region Growth Centres) 2006
LEP	Local Environmental Plan
Minister	Minister for Planning
OEH	Office of Environment and Heritage
RMS	Roads and Maritime Services
RtS	Response to Submissions
SEARs	Secretary's Environmental Assessment Requirements
Secretary	Secretary of the Department of Planning and Environment
SEPP	State Environmental Planning Policy
SRD SEPP	<i>State Environmental Planning Policy (State and Regional Development) 2011</i>
SSD	State Significant Development
SSI	State Significant Infrastructure
TfNSW	Transport for NSW



Executive Summary

This report provides the Department's assessment of a Concept Development Application (SSD 9063) for a mixed-use precinct, Tallawong Station Precinct South, located at 69-79 Schofields Road, Rouse Hill.

The application seeks approval for a concept plan for the mixed-use precinct south of Tallawong metro station, including maximum building envelopes for 16 buildings ranging between two and eight storeys in height, an indicative maximum GFA of 95,000 m² for residential and non-residential uses, approximately 1,100 dwellings (inclusive of 5% affordable housing), car and bicycle parking rates, road layouts, landscaping and public domain works.

The Applicant, Landcom made the application on behalf of Sydney Metro. The site is located within the Blacktown local government area (LGA). The Capital Investment Value (CIV) for the proposal is \$434.9 million and would generate 840 construction jobs and 602 operational jobs.

The Minister for Planning is the consent authority for the application as Blacktown City Council (Council) has objected to the application and the Applicant is a public authority.

Engagement

The Department publicly exhibited the Environmental Impact Statement (EIS) between 12 July 2018 and 9 August 2018 and received a total of 31 submissions, including:

- 11 from public authorities providing advice and comments
- objection from Council
- 20 public submissions (with 12 objections, three support letters and five providing comments).

Council's submission raised concerns with respect to the sufficiency of open space and parking to support the proposed development. Council said that the proposal will accommodate more people than forecasted by the precinct plan and requested additional open space to be provided off site or as a financial contribution. Two public submissions also said that the public park should be increased.

Seven public submissions raised concerns with respect to the scale of the proposed building envelopes. Some public submissions considered the proposed eight storey building envelopes are unsuitable for the locality and should be reduced. Council also requested additional information with respect to the distribution of building height and various details on the design and treatment of roads, landscaping and public domain.

Seven public submissions said the proposal did not provide sufficient car parking for the residents as car ownership would still be high regardless of the site's location. Some submissions also said that the proposal will increase traffic and road congestion and there was inadequate infrastructure. Council recommended that the proposed development should comply with the car parking requirements of the Roads and Maritime Services Guidelines for sub-regional centres.

Other issues raised in the public submissions included general comments on overshadowing, privacy impacts, increased crime and construction impacts.

The Applicant's Response to Submissions (RtS) modified the concept proposal and amended building envelopes fronting Schofields Road, increased the size of the proposed village park, and increased car parking rates. The RtS

NSW Government Architect (GANSW) advised that the Applicant's RtS addressed issues raised in their original advice and would continue to assist the applicant in developing a Design Excellence Strategy. Other public authorities provided further comments and advice which informed conditions in the Department's recommended conditions in **Appendix H**.

Assessment

In its assessment of the proposal, the Department has carefully considered the issues raised in submissions and the Applicant's response to these issues.

Built forms: Density and Building heights

The proposal has a Floor Space Ratio (FSR) of 1.33:1 and complies with the maximum permissible FSR of 1.75:1 under State Environmental Planning Policy (Sydney Region Growth Centres) (Growth Centres SEPP). The Department considers the proposed development density is well within the capacity of the site, noting the proposal will provide approximately 29,800 m² (24%) less than the maximum permissible floor area.

The Department accepts the proposal's variation to the 26 m height standard to have maximum 31.5 m (up to eight storeys), which is considered to be well founded as detailed in its assessment in **Appendix E**. The proposed range of building heights from two to eight storeys will accommodate different building typologies. The Department considers the proposal is consistent with the maximum building scale of eight storey as envisaged in the specific Development Control Plan for Area 20 Precinct of the North West Growth Centre, which is centred around the new Tallawong Metro Station. Council also considered the proposed variation to building heights acceptable, given the proposed exceedance of the height standard will be offset by other lower buildings.

The Department's recommended conditions require subsequent detailed design applications to be supported by a Design Excellence Strategy and Design Guidelines to ensure good quality urban design outcomes and a high level of residential amenity will be achieved for the site, more specifically (**Conditions B1 and B3**):

- design the built form including upper level setbacks and landscaping of the blocks fronting Schofields Road, to address the urban qualities of Schofields Road and the adjacent low-density residential suburb of The Ponds
- buildings are to be configured to distribute density and building height across the precinct with consideration to improve solar access to apartments, communal open space and the public realm.

Open space

The Department accepts the proposed Village Park is of sufficient size to meet the statutory requirements under the Growth Centre SEPP and is satisfied that future residents of the development will have good access to a range of local and regional open spaces.

The proposal will provide a Village Park of 3,411 m² and additional publicly accessible plazas (total 1,585 m²), which exceeds the requirement for a village park of 2,500 m² to 3,000 m² under the DCP for Area 20. The Department notes the EIS estimated the development would accommodate 2,750 to 2,970 people when completed. The Department agrees with the findings of the submitted Social Needs and Impact Assessment, identifying a park of 3,000 m² will be sufficient for up to 5,000 people in an urban development context.

There are over 40 ha of local and regional open space within 1.4 km of the site. Connection from the site to these open spaces is supported by the proposed Design Quality Guidelines, which sets out design principles to establish a local open space network that is integrated with and connected to the wider green infrastructure of the district (**Condition B1 a**).

Public domain

The Concept Proposal is supported by a Landscaping and Public Domain Strategy identifying suitable landscaping and public domain treatments for the proposed Village Park, streets and pedestrian and cycle links to establish the public domain character for the precinct.

The Applicant's RtS accepted Council's request for 18 m road widths for the connecting street between Themeda Avenue and Conferta Avenue but considered detailed specifications for the design of the carriageways, landscaping and public works, including the selection of tree species would be more suitably considered at the detailed development application stage.

The Department considers the proposed concept plan is capable of accommodating good quality public domain and landscaping designs and recommends the Landscaping and Public Domain Strategy be updated with the appropriate amendments with respect to advice from Council and the Office of Environment and Heritage. See **Section 6.4** for further details (**Condition B4**).

Traffic and parking

The Department engaged independent traffic consultant to review the proposal, which concluded the road network has capacity for the additional traffic generated by the proposal and the performance of surrounding intersections would continue to operate at acceptable levels.

The independent review also considered the proposed lower parking rates for residential visitors and non-residential uses are reasonable given the site's location and the high frequency of the Metro trains.

The Department notes the proposed car parking rate for residential dwellings complies with the requirements of RMS Guidelines for sub-regional centres and Apartment Design Guide (ADG). The Department accepts the findings of the independent review and considers the proposed lower car parking rate for residential visitors and non-residential uses is reasonable in this case given:

- the site's ease of access to the new Metro Station, which will provide a separate 1000 space commuter car park and train services with much higher frequency than existing rail service and other transport
- the limited tenancy size and likely local catchment of the proposed non-residential uses
- the proposed car parking rate for residential visitors and non-residential uses are comparable to other locations in Sydney with excellent public transport access.

The Department also recommends the adoption of the independent traffic consultant's recommendations that future detailed design applications should explore potential sharing of car spaces between land uses to maximise efficient use of car spaces (**Condition B12**).

Summary of key conditions

Issues raised by Government agencies, Council and the community have been addressed in the proposal, the Department's assessment report or by recommended conditions of consent.

The Applicant's RtS modified the concept proposal, including amendments to building envelopes fronting Schofield Road (**Condition B3 a**), reduced floor space, increased the size of the proposed village park with connection to surrounding network of open space (**Condition B1 a**), and increased car parking rates for residential apartments (**Condition B12**). The Department also recommends additional conditions to address Council's and community concerns, including:

- requirements to design the future built forms to address the urban qualities of Schofields Road and the adjacent low-density residential suburb of The Ponds and to improve solar access to apartments, communal open space and the public realm (**Condition B3 a**)

- a parking strategy to consider the sharing of car spaces between land uses to maximise the efficient use of car spaces (**Condition B12**)
- a revised Landscaping and Public Domain Strategy to reflect advice received from Council and the Office of Environment and Heritage (**Condition B4**)
- a Design Excellence Strategy and Design Guidelines to support detailed development application(s) and ensure good quality urban design outcomes and a high level of residential amenity will be achieved (**Condition A2 and A20**)
- future application assessment requirements for mitigating traffic, construction and other impacts. (**Schedule 2 – Condition B5 – B19**)

Conclusion

Following 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 development, includes a new local centre and affordable housing, supported by infrastructure, open space, and public transport consistent with the strategic planning objectives for the North West growth area.

For the reasons above, the Department considered the proposal in the public interest.

The Department concludes the proposal is approvable, subject to conditions of consent outlined within this report.



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1. Introduction

This report provides an assessment of a Concept Development Application for State Significant Development (SSD) seeking approval for a mixed-use precinct known as Tallawong Station Precinct South, located at 69-79 Schofields Road, Rouse Hill.

Landcom (The Applicant) lodged the application on behalf of Sydney Metro to seek approval for:

- maximum building envelopes for 16 buildings, including building heights up to eight storeys
- allocation of approximately 85,000 m² residential and 9,000 m² non-residential gross floor area
- an indicative residential yield of 1,100 dwellings, including 5% affordable housing
- road layouts, landscape concept for public and private domain, including a 3,411 m² Village Park
- allocation of car parking and bicycle parking rates (1,287 car spaces and 1,210 bicycle spaces).

If the Concept Development Application is approved, detailed development applications will be submitted for the design and construction of the proposal.

Sydney Metro North West (SMNW) is the first stage of the overall Sydney Metro project which will deliver eight new stations, commuter car parking and upgrading of the existing railway line between Epping and Chatswood. Tallawong Station (formally called Cudgegong Road Station) is one of the eight new stations of the SMNW (**Figure 1**) which was approved as part of Critical State Significant Infrastructure (CSSI) application (SSI 5414).

Surplus government owned land around the new SMNW stations will be developed into mixed-use precincts which integrate land use, transport and infrastructure planning. The surplus land to the south of the Tallawong Station is proposed to be redeveloped based on 'transit-oriented development' (TOD) principles which aim to integrate land use and transport. This land is known as Tallawong Station Precinct South.



Figure 1 | Sydney Metro Northwest (Source: Landcom)

1.1 Tallawong Station Precinct South

The development is proposed on a site located within the Blacktown local government area (LGA) in the suburb of Rouse Hill, approximately 16.5 km northwest of Parramatta.

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 approved Tallawong Metro Station which is the last station on the SMNW line and is currently under construction (due to commence operation in the first half of 2019). Stabling, monitoring and maintenance facilities to service the SMNW are located 700 m to the northwest and a 1000 space commuter car park immediately to the west of the site (**Figures 2 - 5**).

The Ponds, a low to medium density residential community is immediately south (**Figure 2 and 6**) on the opposite side of Schofields Road. First Ponds Creek, an open space area, is located to the west and Second Ponds Creek, a regional park is located to the east of The Ponds and the site. The land to the north is predominantly undeveloped, with some industrial and residential uses. Two mixed-use precincts have been approved adjoining the northern side of the railway line. These precincts are for building envelopes of two to nine storeys in height and include residential and non-residential uses, open space, and car parking.



Figure 2 | Local Context Map



Figure 3 | View of site through to Metro station (Source: DPE)



Figure 4 | View from Tallawong Road of commuter car parking and to site in the distance (Source: DPE)



Figure 5 | Metro stabling facilities (Source: DPE)



Figure 6 | Low density housing directly to the south in The Ponds development (Source: DPE)

1.2 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 in the north.

The future centre is identified to be located around the Tallawong station. The Indicative Layout Plan (**Figure 7**) 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.

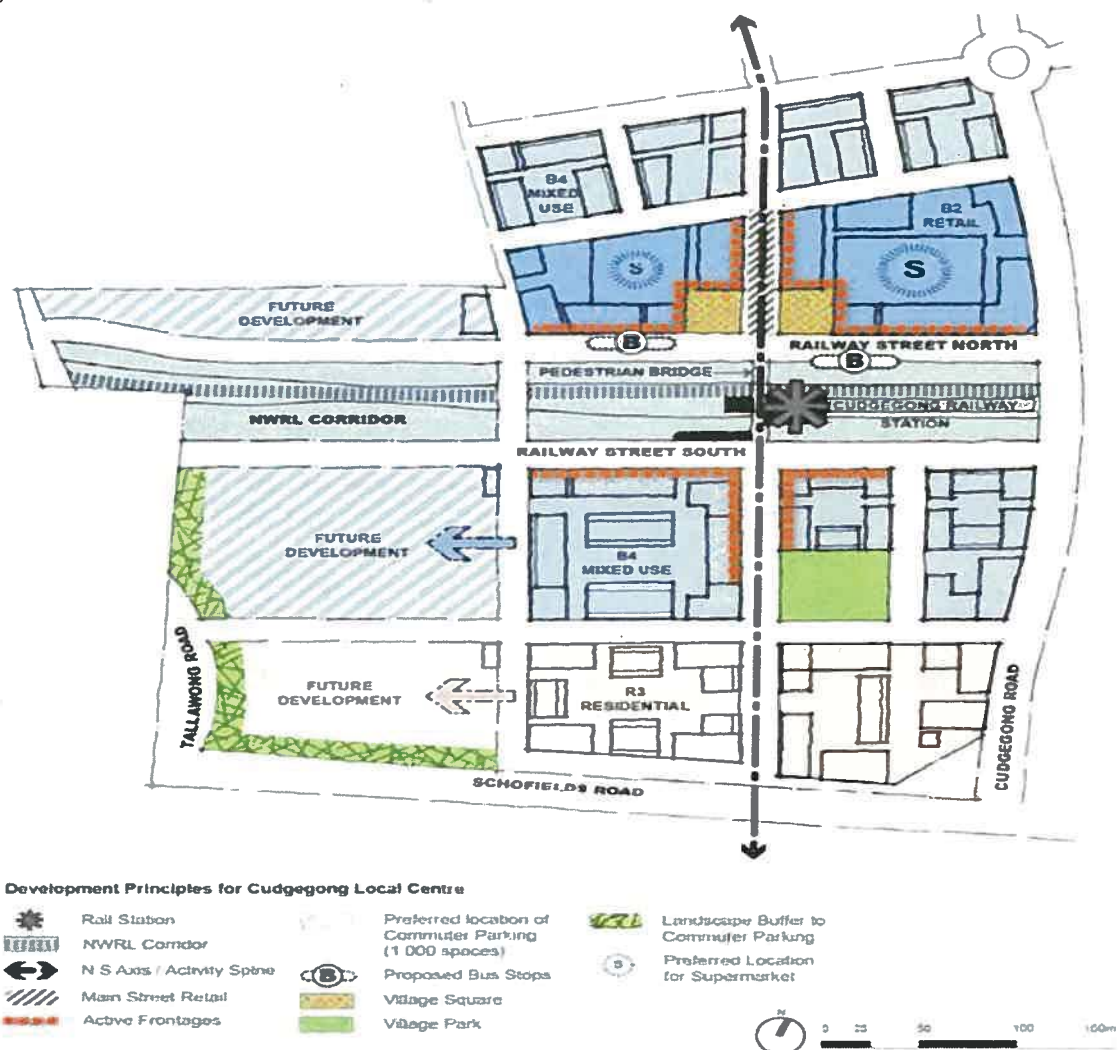


Figure 7 | Development principles for Cudgegong Local Centre (Source: Precinct DCP)

1.3 Previous approvals and related applications

Sydney Metro Northwest line

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 (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 (**Figure 8**) have commenced and are near completion. The CSSI approval has been modified once, as summarised in **Table 1**.

Table 1 | Summary of modifications to the CSSI Approval:

MOD No.	Summary of Modifications	Approval Date
Modification 1	Approved replacement of the section of the approved viaduct crossing Windsor Road with a 270m long cable stayed bridge	20 May 2014

The CSSI approval includes the following conditions which are relevant to the application:

- **Condition B7** defines the scope of the approval for construction and uses ancillary to the rail infrastructure or its operation. It confirms that separate approvals are required for retail and commercial uses at the station and development on lands previously used during construction of the CSSI. As such, the subject application is required.
- **Condition C5** requires the development of a Station Access Plan including detailed design of new footpaths, cycleways, parking, landscaping and public domain as well as upgrades to existing facilities within a reasonable station waking and cycling catchment.
- **Condition C44** requires development of an Urban Design and Corridor Landscape Plan detailing the design initiatives to integrate rail infrastructure, stations and facilities in their proposed setting. The condition requires individual Station Precinct Plans to be developed for each station that enhance the public domain, encourage active uses and intermodal integration.

The Station Access Plan (**Figure 9**) and the Urban Design and Corridor Landscape Plan for Tallawong Station have been lodged and endorsed. The approved works include the construction of:

- an open-cut station concourse and platform located 6 m below street level
- bicycle (55 spaces), bus (4 spaces), car (1000 spaces) and taxi parking facilities
- precinct streets and street lighting
- maintenance and stabling facilities for the North West Metro line
- Cudgegong Road bridge, providing a north-south link over the railway corridor
- landscaping and public domain.

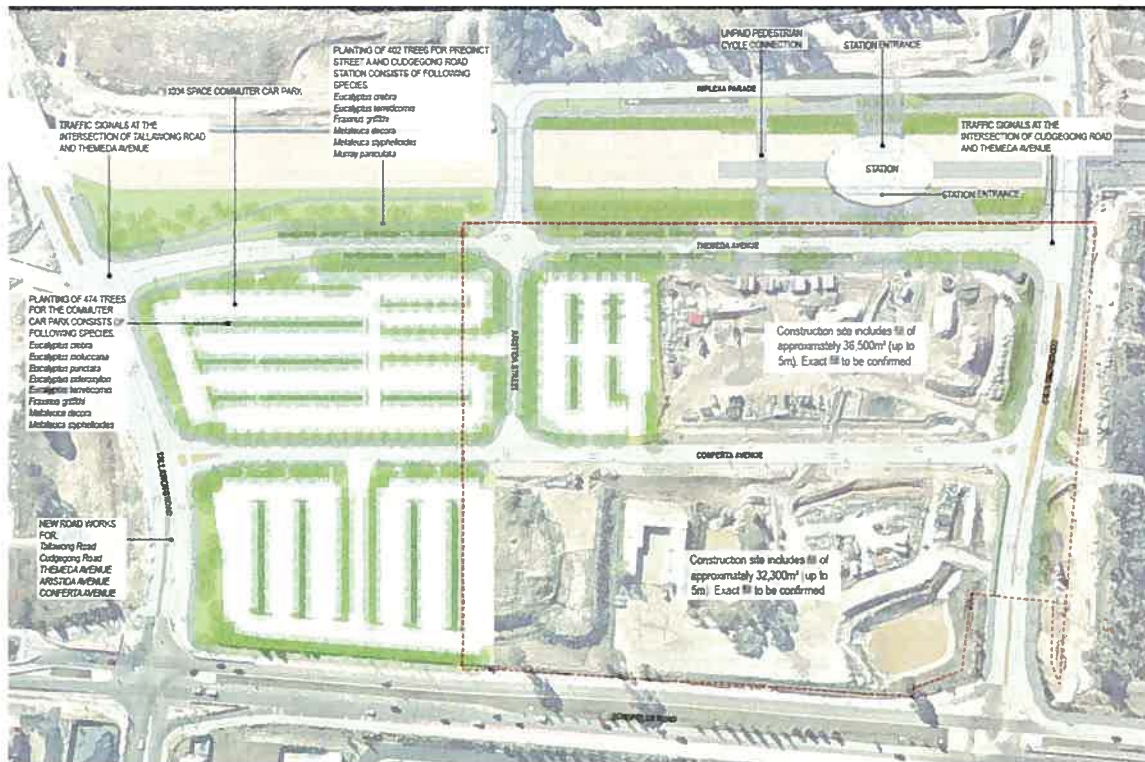


Figure 8 | SMNW works for Tallawong Station (Source: Applicant's EIS)

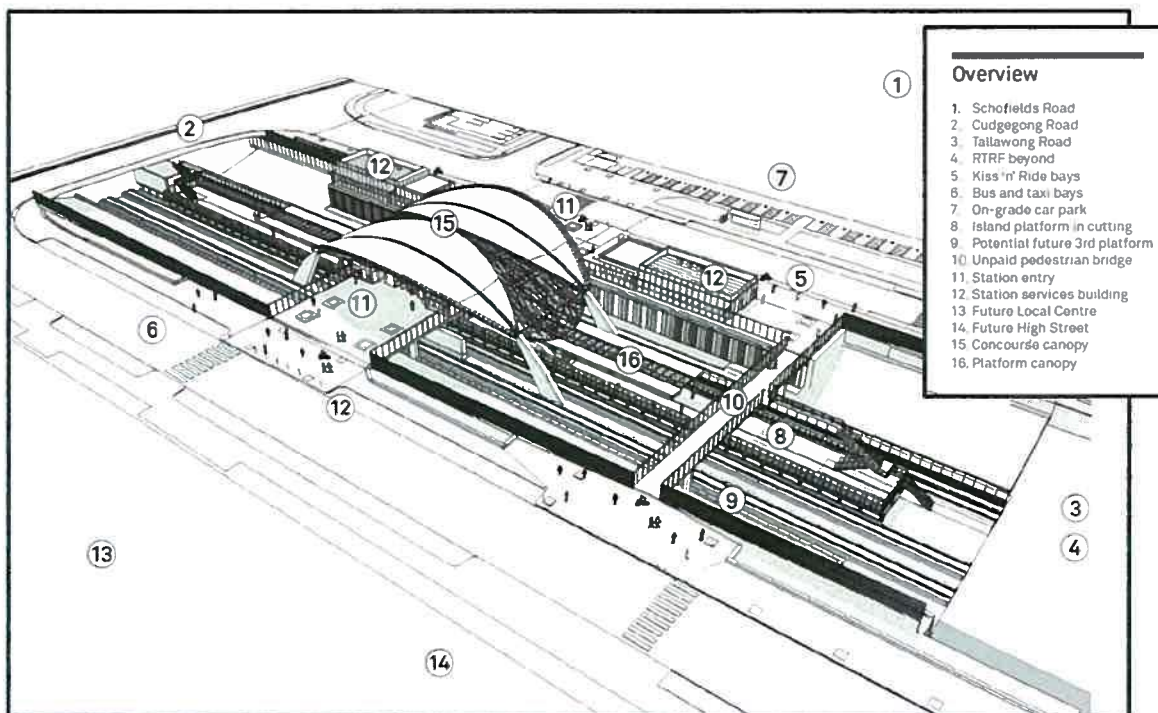


Figure 9 | Station elements. (Source: Station Access Plan for the CSSI approval)

2. Project

The Concept Development Application seeks approval for a mixed-use precinct to the south of the Tallawong Metro Station.

The proposal is for:

- maximum building envelopes for 16 buildings, including building heights up to eight storeys, street-walls and setbacks
- allocation of approximately 85,000 m² residential and 9,000 m² non-residential gross floor area
- an indicative residential yield of 1,100 dwellings, including 5% affordable housing
- road layouts, landscape concept for public and private domain, including a 3,411 m² village park
- allocation of car parking and bicycle parking rates (1,287 car spaces and 1,210 bicycle spaces).

The key components of the Concept Proposal are provided in **Table 2** below and illustrated in **Figures 10 - 12**.

The application is accompanied by a request to vary the building height of the development (see **Section 6.1.2**). The proposed building envelopes are two to eight storeys with maximum heights between 18.2 m to 31.5 m. Thirteen of the sixteen buildings will exceed the building height standard of 26 m contained in the Growth Centres SEPP.

Table 2 | Main components of the project

Aspect	Description
Demolition	<ul style="list-style-type: none"> • no demolition proposed, site clearing works completed as part the CSSI approval for Sydney Metro Northwest (CSSI 5414)
Built Form	<ul style="list-style-type: none"> • 16 building envelopes of varying heights between two and eight storeys, a maximum height of 31.5 m
Heritage	<ul style="list-style-type: none"> • the site contains no heritage items and is not within a heritage area
Site area	<ul style="list-style-type: none"> • 70,424 m²
Gross Floor Area	total indicative GFA 93,393 m ² , including: <ul style="list-style-type: none"> • 85,000 m² residential GFA • 9,000 m² commercial, retail and community GFA
Uses	<ul style="list-style-type: none"> • residential (1,097 dwellings including minimum 5% affordable housing) • commercial, retail, community uses
Access	<ul style="list-style-type: none"> • road layout (new streets), access points for vehicles, designated waste collection access
Car parking	<ul style="list-style-type: none"> • 1,144 residential spaces, 143 non-residential spaces

Bicycle parking	<ul style="list-style-type: none"> 1 per dwelling and 1 per 10 dwellings for visitors (1,210 spaces)
Public domain and landscaping	<ul style="list-style-type: none"> village park (3,411 m²), retail plaza, pedestrian and cycle links
Remediation	<ul style="list-style-type: none"> Phase II Detailed Site Investigation required following completion of site works associated with the SMNW and prior to further development applications associated with the concept proposal
Employment	<ul style="list-style-type: none"> 840 construction jobs 602 operational jobs
Capital Investment Value (CIV)	<ul style="list-style-type: none"> \$434,938,505

2.1 Site description

The site consists of four allotments and has a total area of 7.4 hectares as detailed in **Table 3** below. The land has been cleared as part of works associated with the CSSI 5414 approval.

Table 3 | Legal description of the site

Address	Lot(s)
75 Schofields Road	<ul style="list-style-type: none"> Lot 13 DP 1168129 Lot 14 DP 1168129
81 Schofields Road	<ul style="list-style-type: none"> Lot 15 DP 1168129
38 Cudgegong Road	<ul style="list-style-type: none"> Lot 10 DP 1185116

2.2 Physical layout and design

The concept proposal is for a mixed-use precinct that contains 16 buildings of between two and eight storeys. The proposal can be defined in two areas with common connecting roads, pedestrian and cycle links (**Figure 10**).

The northern portion of the site adjoins Themeda Avenue with Tallawong Metro station located on the opposite side of the road. This part of the site is zoned B4 Mixed Use and would contain mixed use buildings of two to eight storeys with ground floor retail and commercial uses, some first floor commercial or community uses, and residential apartments above. A Village Park of 3,411 m² directly south of the station entrance. The highest building is 31.5 m (to the top of the lift overrun) which adjoins the public park and Themeda Avenue.

The southern portion of the site is zoned R3 Medium Density Residential and contains residential flat buildings of three to eight storeys with associated open space areas, internal roads and pedestrian and cycle links. The highest building is 31.2 m (to the top of the lift overrun) and adjoins Schofields Road. This and the adjoining three buildings which face Schofields Road are stepped back on the top floor to reduce visual impact and overshadowing to Schofield's Road.

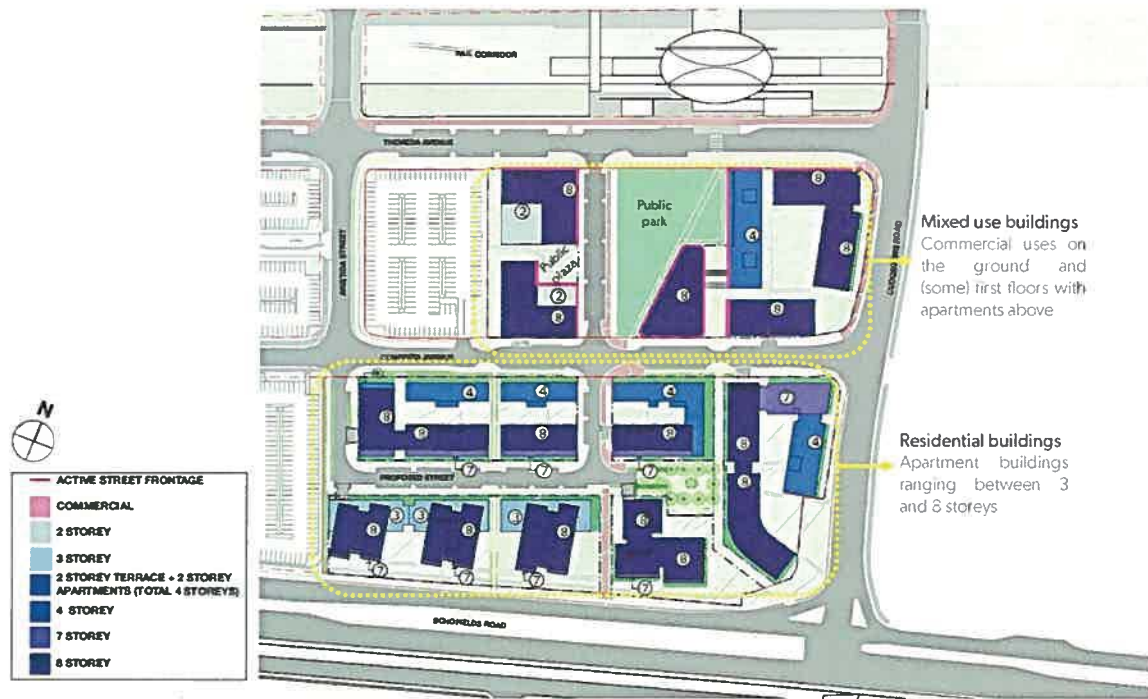


Figure 10 | Indicative land uses and building heights (in storeys). (Source: Applicant's EIS)

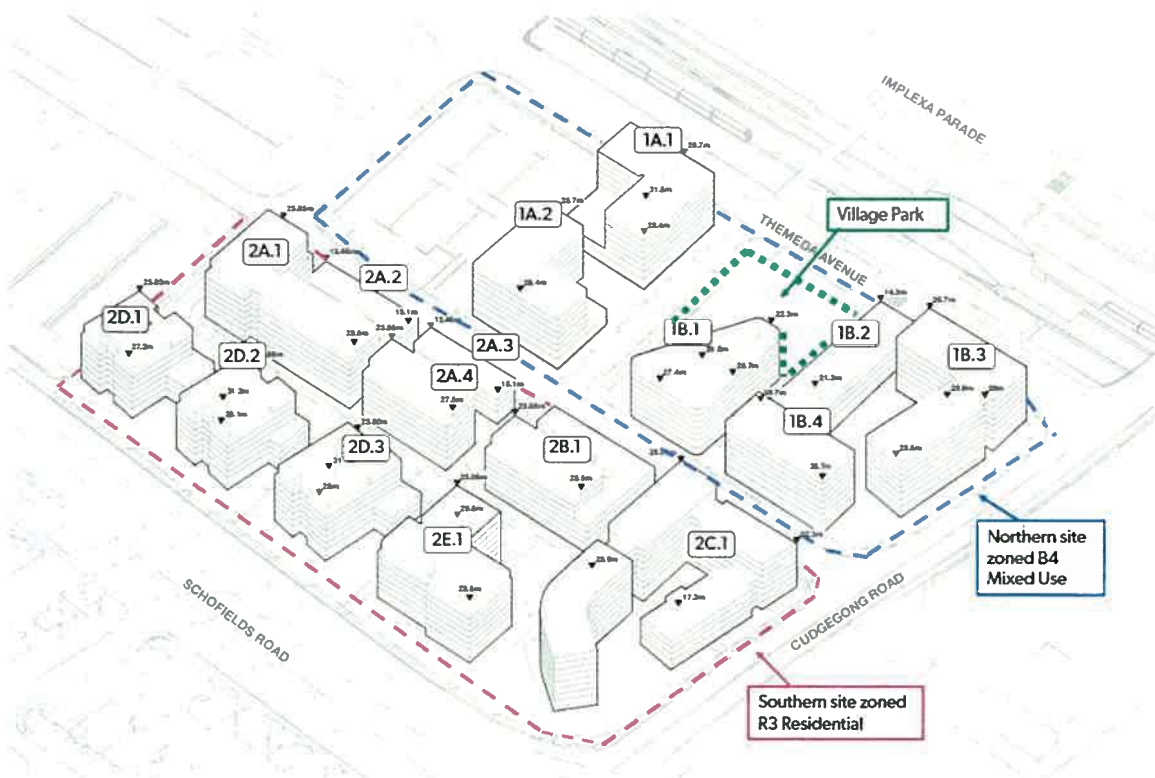


Figure 11 | Indicative building envelopes as amended by RtS (Source: Applicant's RtS)



Figure 12 | Photomontage of proposal– Note Response to Submissions (RtS) amendments not reflected in this indicative illustration (Source: Applicant's EIS)

2.3 Staging and related station development

The Concept Proposal does not seek approval for construction works. Should the application be approved, future applications would be lodged for the detailed design, construction and fit out of the precinct.

The SMNW is scheduled to open for operation in the first half of 2019. The northern portion of the site is to be developed first in 2020-2022, to support activation of the Metro station. Construction of the entire Tallawong Station Precinct South is expected to be complete in 2026.



Figure 13 | Site context and development staging



3. Strategic Context

3.1 Greater Sydney Regional Plan and Central City District Plan

The Greater Sydney Commission's (GSC) role is to coordinate and align planning to shape the future of Metropolitan Sydney. In March 2018, the GSC published the Greater Sydney Region Plan: A Metropolis of Three Cities. The NSW Government's vision, is 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.

The Tallawong Station Precinct South is located within the Central City District. The proposal is consistent with the relevant key priorities of the Central City District 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.

As an important strategic centre in the North West region, Rouse Hill's role is envisaged to be expanded concurrent with delivery of Sydney Metro Northwest. A greater proportion of knowledge-intensive jobs, and growing health and education sector is anticipated.

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 Future Transport Strategy 2056 is an update of the NSW Long Term Transport Master Plan 2012 and outlines a planned and coordinated set of actions to address challenges faced by the NSW transport system to support the State's economic and social performance over the next 40 years.

The proposed development is consistent with the relevant State-wide outcomes of the Future Transport Strategy 2056 as it:

- provides a good mix of uses; including a public park, retail, community 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 the 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).



4. Statutory Context

4.1 State Significant Development

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 (\$435 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(a) of the EP&A Act, Clause 8A of SRD SEPP and Instrument of Delegation dated 11 October 2018, the Minister for Planning is the consent authority as the application has been made by a public authority and Blacktown City Council has objected to the application.

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 of the proposal are permissible with consent. See **Appendix G** for the detailed assessment.

4.3 Matters for Consideration

4.3.1 Environmental Planning Instruments

Under section 4.15 of the EP&A Act, the Planning Secretary's assessment report is required to include a copy of, or reference to, the provisions of any EPIs that substantially govern the project and that have been considered in the assessment of the proposal. The following EPI's apply to the proposal:

- 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. 65 - Design Quality of Residential Apartment Development (SEPP 65)
- Draft State Environmental Planning Policy (Remediation of Land)
- Draft State Environmental Planning Policy (Environment).

The Department has undertaken an assessment of these EPIs in **Appendix G** and is satisfied the application is consistent with the requirements or provisions of these EPIs.

4.3.2 Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the Objects as set out in Section 1.3 of that Act. A response to the Objects of the EP&A Act is provided within **Appendix G**.

4.3.3 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 Protection of the Environment Administration Act 1991 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
- improved valuation, pricing and incentive mechanisms.

The development proposes ESD initiatives and sustainability measures, including targeting minimum environmental standards of 5 star for Green Star Communities rating, 5-star NABERS Energy and Water, and 'Silver' Liveable Housing Australia for 'Design' and 'As-Built' for 20% of residential apartments.

The Department has considered the project 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 project. Overall, the proposal is consistent with ESD principles and the Department is satisfied the proposed sustainability initiatives will encourage ESD, in accordance with the objects of the EP&A Act.

4.3.4 Environmental Planning & 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) have been complied with.

4.3.5 Planning Secretary's Environmental Assessment Requirements

On 16 February 2018, the Department notified the Applicant of the Planning Secretary's Environmental Assessment Requirements (SEARs) for the SSD application. The Department is satisfied that the EIS and RtS adequately addresses compliance with the SEARs to enable the assessment and determination of the application.

5. Engagement

5.1 Department's Engagement

In accordance with clause 10 of Schedule 1 to the EP&A Act and clause 118 of the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation), the Department exhibited the application from 12 July 2018 until 9 August 2018 (28 days):

- on the Department's website
- at the NSW Service Centre
- at the Blacktown City Council's Office.

The Department placed a public exhibition notice on 12 July 2018 in the Blacktown Advocate and Rouse Hill Times. Adjoining landholders were notified in writing.

The application was also referred to:

- Government Architect NSW
- NSW Office of Environment and Heritage
- Endeavour Energy
- NSW Environment Protection Authority
- Roads and Maritime Services
- Transport for NSW
- Sydney Water
- NSW Rural Fire Service
- Ausgrid
- Sydney Trains
- Water NSW.

The Department inspected the site and its surrounds on 9 August 2018.

The Department also met with Council and the Applicant during the Response to Submissions period to listen to Council's issues of concern and to facilitate resolution.

5.2 Summary of Submissions

The Department received a total of 32 submissions, including:

- 11 submissions from public authorities providing comments
- Objection from Blacktown City Council
- 20 submissions from the public, including 12 objections, five submissions providing comments and three letters of support.

A full copy of the submissions is available on the Department's website.

5.3 Key Issues – Government Agencies

The key issues raised by agencies have either been addressed through the provision of additional information or are able to be addressed through the recommended conditions of consent. **Table 6** below is a summary of key comments made in government agencies submissions. NSW Fire and Rescue, Sydney Trains and Water NSW advised they had no comments.

Table 6 | Summary of Government agency comments

Government agencies and comments

Government Architect NSW

The GA NSW provides the following comments:

- further justification is required for the proposed density noting the retail courtyard and cul-de-sac plaza are significantly overshadowed on March 21 and June 21.
- the Social Impact Needs Assessment provides a clear impression of future social needs
- supportive of the proposed three green spaces in the scheme but an exploration of how to connect the green spaces into one holistic way is required

GANSW advised the Design Excellence Strategy should detail:

- the proposed operation of the Landcom DRP including Terms of Reference
- how diversity of architecture will be ensured
- how design will be balanced amongst other considerations in the tendering process
- any proposed Design Competition element
- how Design Excellence would be ensured post approval and in subsequent applications assessed by Blacktown Council.

NSW Office of Environment and Heritage – Greater Sydney Branch

NSW OEH Greater Sydney Branch advise that the proposal does not contain biodiversity, natural hazards or Aboriginal cultural heritage issues that have to be addressed.

Endeavour Energy

Endeavour Energy provided comments on where to locate utilities infrastructure, bushfire risk, substations, existing network capacity, subdivision, electricity easements, flooding and drainage, vegetation management and demolition.

NSW Environment Protection Authority

NSW EPA provided the following comments:

- A 20 m setback for residential uses would ordinarily be recommended for the traffic movements predicted on adjoining roads to ensure air quality. Design strategies should be explored for reducing air emissions.
- A more detailed noise and vibration assessment should be undertaken as part of future Stage 2 applications
- The proposal should demonstrate that it is contributing to the South Creek Corridor Plan which is a key initiative in the Greater Sydney Regional Plan and Western City District Plan.
- Suggested condition of consent relating to identification, management and disposal of potential contaminants

NSW EPA comment that the proposal is not required to have an Environmental Protection Licence under the Protection of the Environment Operations Act (POEO Act).

Roads and Maritime Services

RMS advised that owner's consent is required for a portion of the site which is in RMS ownership and that the proposed intersection at Tallawong Road / Conferta Avenue and Cudgegong Road / Conferta Avenue is to be amended to improve network and safety outcomes.

Transport for NSW

TfNSW requested further information in relation to pedestrian and cycling linkages, particularly across Schofields Road. TfNSW suggested a Travel Plan be prepared and noted some bus routes will be updated to connect to Tallawong Station when it is in operation.

Sydney Water

Sydney Water advised augmentation to the drinking water and wastewater systems may be required to service the development and that existing water assets may be affected when new roads and infrastructure are developed. Consideration is to be given to flooding conditions of the land in determining the appropriate use of the land. SW advised they are currently working with Landcom and Sydney Metro to identify appropriate solutions.

NSW Rural Fire Service

NSW RFS has no objection subject to relevant provisions of the *Planning for Bush Fire Protection (PBP) 2006* being adhered to.

5.4 Key Issues – Council/community

5.4.1 Council key issues

Council's submission supported the site layout and massing of the proposal subject to each apartment building complying with the Apartment Design Guide. Council advised that it generally supports a variation to the height for roof elements noting that for the residential component of the buildings, it would have to be demonstrated that the additional height was offset in other areas of the site.

Council raised concerns in relation to insufficient open space being provided for the expected increase in population anticipated by the development and insufficient car parking being provided. It requested that the applicant provide additional open space or a monetary contribution for open space to be provided off site. It said that it does not object to the proposal should the relevant car parking rates of the Apartment Design Guide and the Precinct DCP be adopted.

Changes were requested to the massing of the north-south building on site 2C noting that it is excessively long and had an overbearing presentation to the streetscape and walkway of the site. Other changes requested included the location of waste collection areas, the redesign of subterranean apartments, providing alternative materials to timber finishes, footpath widths, and landscaping and street trees.

Information was requested by Council in relation to the proposed changes to the land reservation acquisition areas identified under the Growth Centres SEPP for drainage and the public park which will be amended as part of the proposal. Other comments made by Council related to the design of the proposal for the basement entry, integration and transition of floor levels, waste management, contamination, stormwater disposal, and crime prevention strategies.

5.4.2 Community issues

Key issues raised across all community submissions at the EIS stage are summarised in **Table 7**.

Of the 20 public submissions received in response to the exhibition of the EIS, 12 objected, three were in support and five contained comments. Ten of the 20 submissions came from people living in the Blacktown Local Government Area, with six of these being from The Ponds residential development to the south of Schofields Road. Of the seven submissions received to the key issue of height, four were from The Ponds, one from Rouse Hill, and two from distant suburbs.

Key issues raised in the submissions are: the height and density of the proposal, car parking, the provision of sufficient infrastructure for the increase in population, traffic, privacy, overshadowing, construction impacts, and the size of the public park. Submitters supported the provision of affordable housing in the proposal and the density and height.

Table 7 | Summary of Public Submissions. Note that the figures exceed 100% as many submissions discussed multiple issues.

Issue	Proportion of Submissions (% and number)
Objections	
Overdevelopment, height to be reduced	35% (7)
Insufficient car parking	35% (7)
Inadequate infrastructure to support the development	30% (6)
Increased traffic, road congestion	30% (6)
Overshadowing, privacy, crime impacts	25% (5)
Overshadowing	20% (4)
Construction impacts (noise, vibration)	20% (4)
Requesting clarification of information	20% (4)
Public areas and park should be increased	10% (2)
Support	
General support for the development, height and scale, and affordable housing component	15% (3)

5.5 Response to Submissions

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 6 November 2018 and additional information for the Department's assessment on 4 and 13 December 2018 (**Appendix A**). The RtS and additional information were accompanied by the following:

- revised Clause 4.6 variation request for building height
- an urban design report, design quality guidelines report and design verification report to respond to design comments
- technical memorandum to respond to comments made on traffic and parking
- study entitled "Rail access and car ownership in outer urban areas"
- public domain and landscape strategy
- acoustic advice statement
- response relating to engineering items
- waste strategy
- further response to Blacktown City Council RtS comments.

The RtS was made publicly available on the Department's website and was referred to relevant public authorities. An additional eight submissions were received from public authorities and one from Council. A summary of issues raised in submissions to the RtS is provided at **Tables 8 and 9** and copies of the submissions may be viewed at **Appendix A**.

Table 8 | Summary of agency submissions to the RtS

Government agency and comments

Government Architect NSW

The GA NSW advised that the issues raised at the EIS stage have been addressed and has no further comments. The GA NSW is assisting the applicant in developing a Design Excellence Strategy.

NSW Office of Environment and Heritage – Greater Sydney Branch

The NSW OEH Greater Sydney Branch notes that the Public Domain and Landscape Strategy which accompanies the RtS proposes exotic and non-native trees and Australian native species which are not endemic to the area. The OEH recommends conditions of consent relating to the size and species of native trees, shrubs and groundcover species to be planted.

Sydney Water

Sydney Water has advised that after reviewing the RtS it has no further comment.

Roads and Maritime Services

RMS advised that the remaining outstanding issue was owner's consent required for a portion of the site which is in RMS ownership. It is noted that RMS has since provided its written consent.

Endeavour Energy

Endeavour Energy has advised that all the issues raised at the EIS stage have been noted and/or addressed in the RtS.

NSW Rural Fire Service

NSW RFS has advised that it has reviewed the information submitted with the RtS and maintains no objection subject to conditions of consent for the development to adhere to appropriate bush fire protection.

Transport for NSW

TfNSW has advised that it has reviewed the information submitted with the RtS and has no further comment.

NSW Environment Protection Authority

NSW EPA has provided conditions of consent relating to air quality, noise, water quality, contaminated land, and waste management to ensure that appropriate requirements and provisions are captured in the detailed subsequent stages of the proposal.

Table 9 | Summary of Council's submission to the RtS

Council comments

Council confirmed the RtS has addressed most issues of its original submission. However, Council reiterated its objection to the following aspects of the proposal:

Recreation planning and design

- the proposal accommodates more people on the site than is forecast by the precinct planning
- the applicant should provide additional open space off site or a financial contribution to address the shortfall of open space. This is consistent with that required of all developers and a standard condition should be applied for the development which will ultimately be on-sold to private developers
- Landcom has been presented with achievable solutions for the shortfall in open space as part of another Landcom development in its schematic stage.

Access and traffic management

- the development should provide on-site parking for residents and visitors in accordance with the requirements of the Apartment Design Guide for sub-regional centres. The use of car parking rates from different Councils is not supported
- on street parking to be attributed to the development should not be accepted as it will set a precedent for future developments and be used by commuters
- no trees are to be provided on the carriageway
- all public roads are to comply with the requirements of the Precinct DCP.



6. Assessment

The Department has undertaken a comprehensive assessment of the merits of the project. This report provides a detailed assessment of three key issues identified and forms the basis of the evaluation, recommendation and draft recommended conditions.

The Department has considered the EIS, the issues raised in submissions and the Applicant's RtS in its assessment of the proposal. A list of key documents that informed the Department's assessment is provided in **Appendix A**.

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

- Built forms: Density and Building Heights
- Site Planning: Open space and Public Domain
- Traffic generation and parking.

Each of these issues is discussed in the following sections of this report. Other issues were considered during the assessment of the application and are discussed at **Section 6.6**.

6.1 Built Forms

6.1.1 Density

The application proposes building envelopes for 16 buildings. The northern portion of the site directly adjoins the southern entrance to Tallawong Station and contains mixed-use buildings of two to eight storeys for retail, commercial, community and residential uses and a retail plaza and Village Park. The southern portion of the site contains residential flat buildings of three to eight storeys (see **Figure 10** in **Section 2.2**).

The proposed building envelopes will accommodate a maximum gross floor area of 93,393 m² providing for approximately 1,100 dwellings and 9,000 m² floorspace for commercial, retail and community uses. The proposal has an overall maximum Floor Space Ratio (FSR) of 1.33:1. It complies with the maximum FSR of 1.75:1 permitted under the Growth Centres SEPP. See **Appendix G**.

Council said in its submission that the site layout and massing of the proposal is acceptable subject to the apartment buildings complying with the requirements of the Apartment Design Guide (ADG).

The Government Architect NSW (GA NSW) also commented that the proposal must also provide a good level of amenity to support the proposed density and overshadowing to the streetscape, the public spaces and habitable rooms to dwellings should be minimised.

The Department notes the proposed maximum GFA was reduced from 94,295 to 93,393 m² in the Applicant's RtS. The reduction of floor space is a result of amendments to improve building articulation to Building Site 2C to minimise its perceived bulk and to increase the size and solar access to open spaces in response to Council's and GA NSW's recommendations. Also see **Section 6.4** for other building design issues addressed by the RtS in response to Council's and GA NSW's submissions.

The RtS also provided additional information to demonstrate future detailed applications within the proposed building envelopes are capable of compliance with the ADG, particularly in terms of accommodating floor to ceiling height, basement vehicular entry points, and amenity to ground floor apartments (see **Appendix G**).

Conclusion

The Department accepts the proposed density is suitable for the site, noting the proposal:

- is approximately 29,800 m² (24%) less than the maximum permissible floor area for the site and complies with the Growth Centres SEPP
- is capable of achieving compliance with the ADG requirements and an assessment against the requirements is in **Appendix G** and will be supported by a Design Excellence Strategy and Design Guidelines to ensure subsequent detailed design applications will achieve good quality urban design outcomes and a high level of residential amenity (**Condition B1**).

6.1.2 Building Heights

The proposed building envelopes are two to eight storeys with maximum heights between 18.2 m to 31.5 m. Thirteen of the sixteen buildings will exceed the building height standard of 26 m contained in the Growth Centres SEPP. See **Figure 14** below.

Seven public submissions raised concern about the height and that the proposal represented an overdevelopment of the site.

Council's submission said that the additional height is acceptable for lift overruns and lightweight roof top structures and consideration can be given to exceedance of the height standard if it is offset by other parts of the development being lower in height.

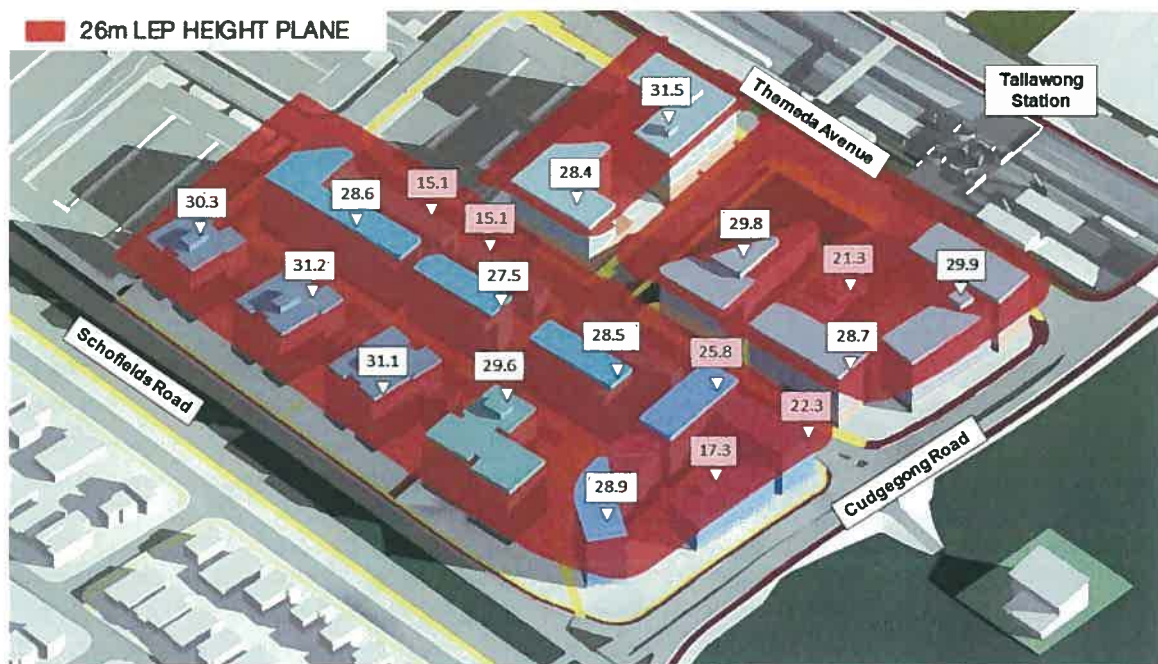


Figure 14 | View of building encroachment above 26 m height limit. Areas marked in pink are below 26 m (height of buildings expressed in metres) (Source: Applicant's RtS)

The Applicant submitted a request under Clause 4.6 of the Growth Centres SEPP to justify the variation to the height standard. The Applicant's request identified the non-compliance with the height standard is primarily due to:

- provision of lift overruns of approximately 3.1 m in height to allow access to roof top communal open space (**Figure 15**)
- accommodation of commercial and retail floor space in the proposed mixed-use buildings will require higher ceiling heights under the ADG (**Figure 15**)
- the change of slope is up to 3.9 m across individual buildings which necessitates elevated floor levels in some areas to avoid the ground floor being subterranean.

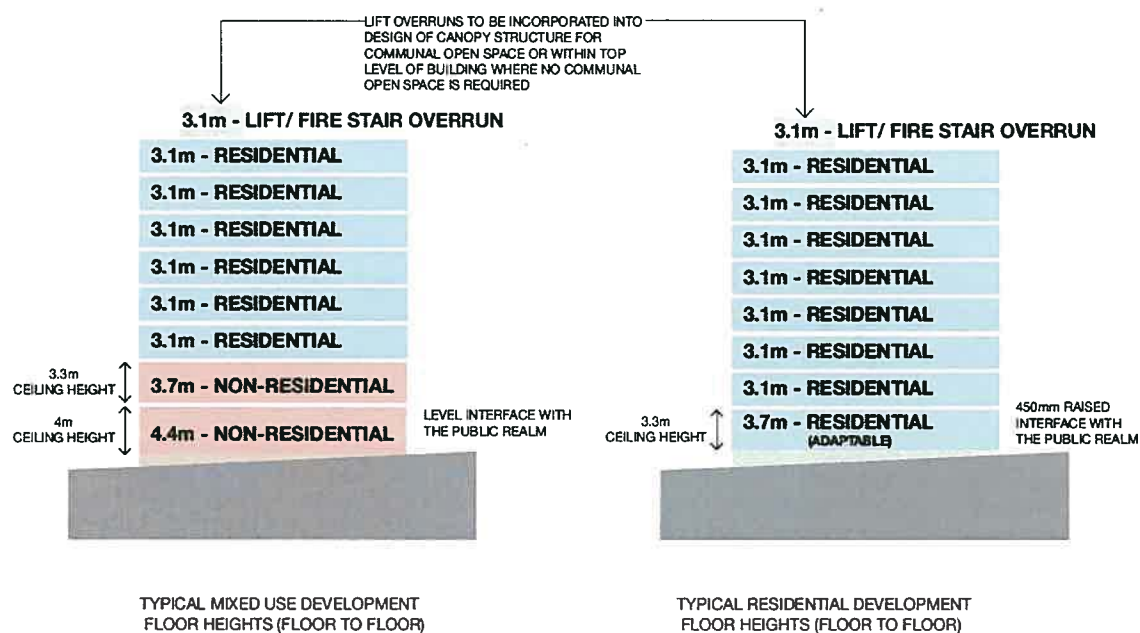


Figure 15 | Typical floor heights (floor to floor) of concept proposal showing adherence to the ADG requirements for ground and first floors (Source: Applicant's EIS)

Considerations

The Department has considered the Applicant's request to vary the height standard as detailed in **Appendix E**. The Department considers the additional height will have minimal visual impact as it primarily relates to the lift overrun and associated structures which form a small component of the roof area. The solar access study submitted by the Applicant shows that appropriate solar access will be achieved to the residential dwellings, the village park, retail plaza, and adjoining streets.

The Applicant's RtS also modified the concept proposal by amending the four buildings adjoining Schofields Road so that the top-most floor is setback and presents as seven storeys on the facade. The Department considers this will further reduce any overshadowing on the road and minimises the visual impact of the development when viewed from the street and low density residential area, The Ponds, opposite Schofields Road. The Department also notes the proposed building envelopes fronting Schofield Road have an 8 m setback from the street boundary and are separated from The Ponds to the south by a six-lane wide road and a two-way service road behind a planted road reserve area.

The additional height to the buildings does not result in overdevelopment of the site, noting the proposal has a floor space ratio of 1.33:1 which is well below the development standard of 1.75:1. The Department notes the proposed variation to the height standard does not change the scale of development at eight storeys as envisaged in the precinct specific Blacktown Growth Centre Precincts Development Control Plan (Precinct DCP).

The Department considers the proposed lower building envelopes of two to four storeys are suitably positioned to improve solar access to pedestrian and cycle links and the Village Park and to allow solar access to taller building blocks. The Department also considers the proposed range of building heights from two to eight storeys will create a variety of urban scales across the site to accommodate different building typologies. This will create a more interesting skyline for the precinct when viewed from surrounding areas and a more legible urban structure, with the larger building blocks and public spaces located near the station entrance to the smaller residential blocks fronting Schofield Road and Cudgegong Road.

Conclusion

The Department concludes the Applicant's request to vary the height standard is well founded, because the proposal will meet the objectives of the height standard, which are to minimise visual impact, protect the amenity of adjoining buildings and open space in terms of solar access, and facilitate appropriate development along major transport routes.

The Department considers the height and scale of the proposed building envelopes to be appropriate and consistent with the strategic planning outcomes envisaged for the Area 20 Precinct. The Department considers that the proposed variation in height standard allows for greater design flexibility to deliver a variety of built forms and better urban design outcomes across the precinct. The GA NSW also supports the revised building envelopes provided with the RtS which improved the solar access to the Village Park.

Future detailed design applications for the site are required to meet the requirements of the Apartment Design Guide and to also be consistent with the design principles contained in the submitted Design Quality Guidelines (**Conditions B1 a and B3**) specifically:

- design the built form and landscape of the blocks fronting Schofields Road to address the particular qualities of Schofields Road and the adjacent suburb of The Ponds
- buildings are to be configured to balance the legible urban grid of the precinct with solar access to apartments, communal open space and the public realm.

6.2 Site Planning: Open space and Public Domain

The proposed concept plan also involves site planning of the precinct to provide streets, laneways, parks and plaza and other public domain areas to support the proposed development, to activate the precinct around the new Tallawong Station and to connect to surrounding residential areas and parklands.

The submitted EIS provided an assessment of the Concept Proposal against the Indicative Layout Plan (ILP) and the Precinct DCP. The ILP and the Precinct DCP set out the objectives for the precinct, including controls for street layout and public domain to support the delivery of strategic planning outcomes envisaged for the precinct under the Growth Centres SEPP. The EIS identified the proposal to be consistent with the ILP with the exception to two changes (**Figures 16 and 17**):

- the relocation of the village park further north adjacent to the Metro station (see **Section 6.2.1**)
- removal of the service road adjacent to Schofields Road (see **Section 6.2.2**).



Figure 16 | Indicative layout plan with site outlined in pink (Source: Applicant's EIS)

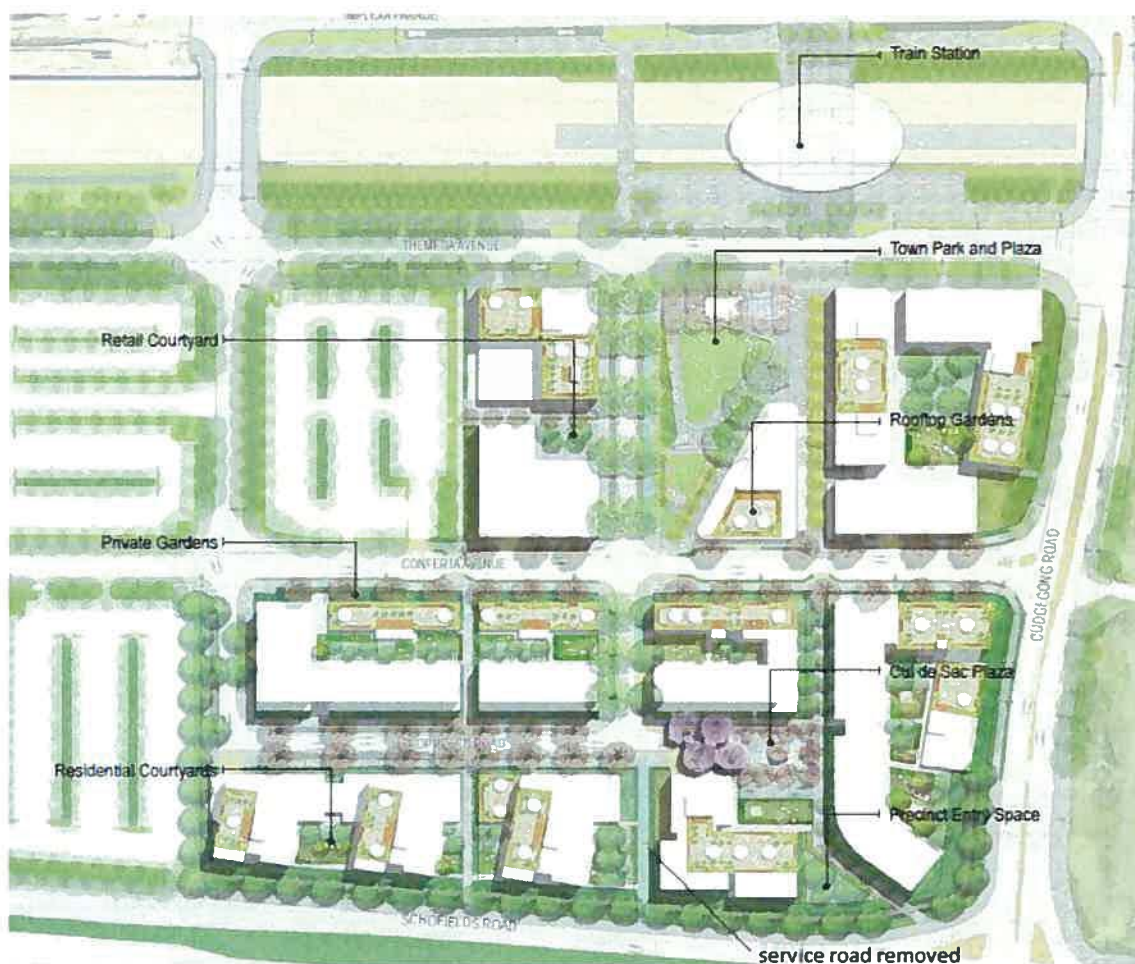


Figure 17 | Indicative site plan showing relocated park and removal of service road (Source: Applicant's EIS)

The Department considers the proposed site plan is consistent with the strategic planning outcomes identified by the ILP in the Precinct DCP in terms of creating a new walkable residential neighbourhood which is supported by retail, employment, community, and open space opportunities around the metro station. The Department's assessment of the proposal against the Precinct DCP is in **Appendix G**.

The Department's detailed consideration of the design and location of the proposed open space and public domain is provided under the respective headings below.

6.2.1 Open space

The Growth Centres SEPP requires a public park to be provided on the site as identified on the Land Acquisition Map (**Figure 18**). The design requirements of the open space are contained in the Precinct DCP which require a Village Park to be provided near the station and act as a focus for mixed use and residential development. The DCP describes the new park to be in the order of 2,500 m² to 3,000 m² in area and should include play equipment, sitting areas, pedestrian pathways, lighting and quality street furniture.

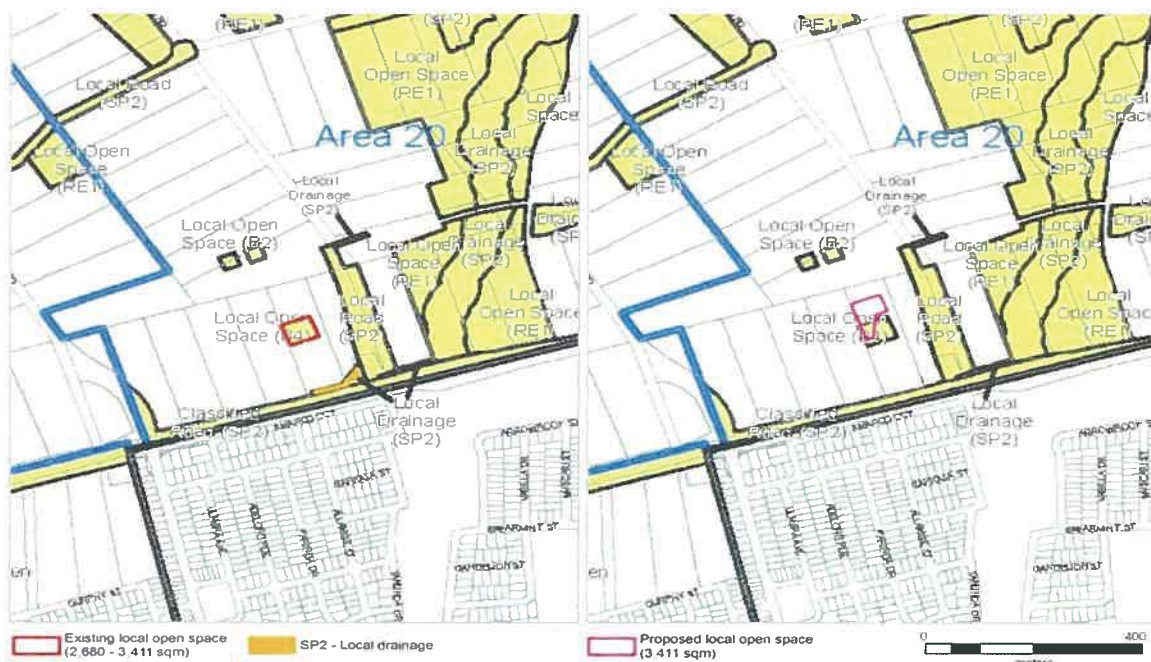


Figure 18 | Diagrams of Land Acquisition Map showing relocation of public park, Left – location of open space on Growth Centres SEPP. Right – proposed relocation (Source: Applicant's RtS)

The proposal includes a Village Park of 3,411 m² and adjoins the primary north-south pedestrian and cycle link from the southern entrance of the station to Cudgong Road / Schofield Road. The Applicant argued that the park has been relocated to optimise solar access and to respond to the level changes between Conferta and Themeda Avenues and wayfinding to and from the station.

The Applicant's RtS increased the size of the park area from 2,900 m² to 3,411 m² in response to Council's and public submissions, which asked for additional open space to support the development (**Figure 19**). The Applicant said that the size of the original park complied with the requirements of the Growth Centre SEPP and DCP, but 500m² has been added to the park to improve the functionality and usability of the space. The increased size enables provision of more level, usable space and improvements to circulation and accessibility through the park.



Figure 19 Diagrams showing increase to public park. Left – park of 2,900 m² originally proposed. Right – size of park increased to 3,411 m² (Source: Applicant's RtS)

Whilst Council agreed to the Applicant's alternative location and design of the Village Park, Council's submission to the RtS requested that additional open space should be provided in addition to the proposed Village Park at a rate of 2.83 ha for every 1000 people, with the additional open space being provided off site or as a financial contribution to Council. Council argued that the potential future population for the site will be greater than that anticipated by the Growth Centre precinct plan.

Consideration

The proposed open space exceeds the minimum requirement of the Growth Centre SEPP and the DCP for Area 20, which require a park of 2,500 m² to 3,000 m². The proposal will provide a Village Park of 3,411 m² and additional publicly accessible plazas (total 1,585 m²), which will be part of a local network of open spaces to meet recreation needs of future residents (See **Figure 20**).

The Department notes the EIS estimated the development would accommodate 2,750 to 2,970 people when completed. The Department agrees with the findings of the submitted Social Needs and Impact Assessment, identifying a park of 3,000 m² will be sufficient for up to 5,000 people in an urban development context.

Open space for the North West Growth Area is being delivered across the whole precinct as a mix of state and local contributions, land dedication and acquisition, and regional and local parklands. Council's reference to a rate of 2.83 ha for every 1000 people was considered in this strategic planning process in terms of the availability and access to open spaces for the future population of the precinct but it is not the appropriate parameter to consider the adequacy of open space to be provided by individual development sites.

The Applicant's RtS provided details of nearby existing open space areas to demonstrate that, in addition to the proposed Village Park provided within the site, there will be over 40 ha of open space within 1.4 km of the site (**Figure 21**) accessible to future residents of the proposal. These open space areas include thirteen parks, reserves, and creek corridors with various facilities such as cycleways, playgrounds, pathways, and landscaping. Second Ponds Creek Regional Parkland is less than 200 m from the site.

Connection from the site to these open spaces is supported by the proposed Design Quality Guidelines, which sets out design principles to establish a local open space network that is integrated with and connected to the wider green infrastructure of the district (**Figure 20** and **Condition B1 a**).

Conclusion

The Department supports the size, alternative location and design of the proposed Village Park. The Department considers the alternative location of the Village Park provides a better interface and connection to the Metro station and the main pedestrian and cycle links through the site than the location indicated by the Land Reservation Acquisition Map of the Growth Centres SEPP and the DCP for Area 20.

The relocation of the public park will require the Land Reservation Acquisition Map of the Growth Centres SEPP to be updated to reflect the new location. The Department is satisfied that this can be finalised in the future as separate amendments to the SEPP, noting the land affected by the original and proposed location of the Village Park are both zoned B4 – Mixed use and will not affect the permissibility of the proposal.

The Department accepts the proposed Village Park is of sufficient size to meet the statutory requirements under the Growth Centre SEPP and is satisfied that future residents of the development will have good access to a range of local and regional open spaces. The Department also supports the proposed Design Quality Guidelines which sets out design principles to establish a local open space network that is integrated with and connected to the wider green infrastructure of the district (**Condition B1 a**).

6.2.2 Public Domain

Street layout and Connectivity

The concept plan provides a street layout to connect to the two east-west roads, Themeda Avenue and Conferta Avenue, which are being constructed as part of the approved station works (**CSSI 5414**). The proposal will delete a service road that was identified on the ILP in the Precinct DCP, along the Schofields Road frontage of the site. Vehicular access to and from the station will be serviced by Cudgegong Road, which is currently being upgraded as part of the construction works for the station. Separate pedestrian access and shared ways will be provided connecting from Schofields Road to the southern entry of the station, the proposed plazas and the Village Park (**Figure 22**).

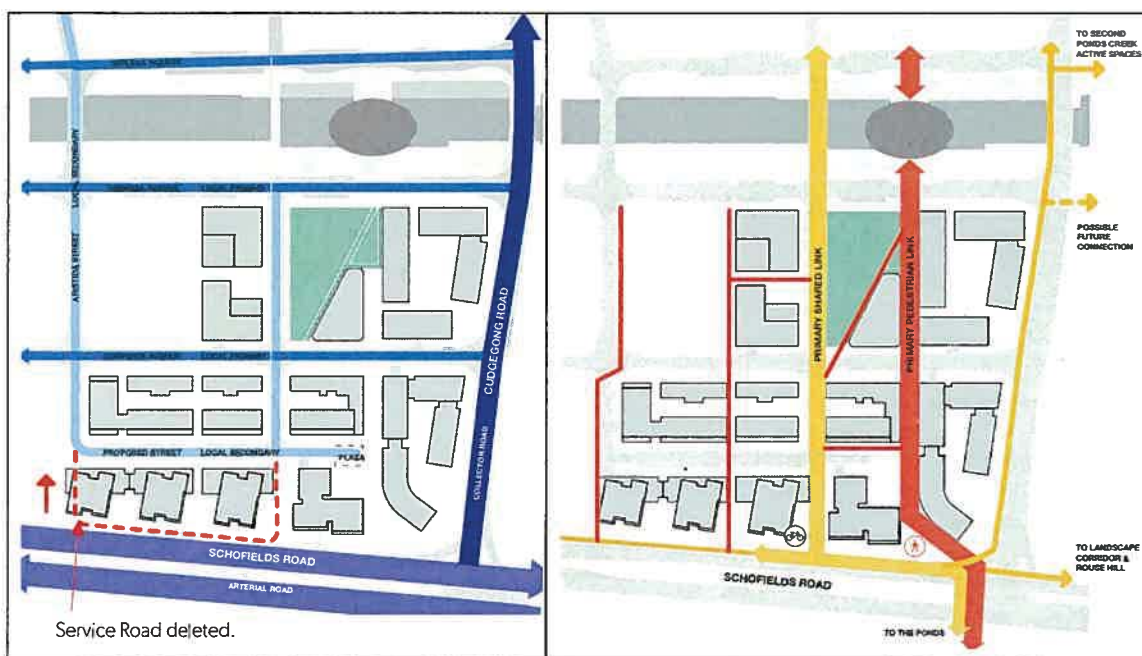


Figure 22 | Design Guidelines - Street hierarchy, pedestrian and cycle network. Left - street layout with service road proposed by Applicant in red. Right - shared car, pedestrian and cycle links in yellow, pedestrian and cycle links in red. (Source: Applicant's EIS)

The Applicant considered that the deletion of the service road provides a better street layout that encourages a variety of built forms and lot sizes. Council and RMS do not object to the deletion of the service road.

The Department supports the proposed variation to the ILP, which will improve landscaping opportunities along the Schofields Road frontage of the site and gives added priority to pedestrian and cyclist safety.

Sydney Metro also advised the Department that a way finding strategy is currently being developed for all stations along the North West Metro Line to be opened in mid-2019. The strategy includes identification of vehicle, pedestrian and cycle links from key roads and locations to the Metro station to encourage direct and appropriate access.

The Applicant advised interim safe pedestrian access will be provided along Cudgegong Road footpath until such time when the proposed pedestrian and shared ways will be delivered in stages in conjunction with the development. The Department recommends that subsequent detailed development applications must maintain safe access to the station. **(Condition B9)**

Landscaping design and public domain treatment

The Concept Proposal is supported by a Landscaping and Public Domain Strategy identifying suitable landscaping and public domain treatments for the proposed Village Park, streets and pedestrian and cycle links to establish the public domain character for the precinct.

The Applicant's RtS provided additional information to address Council's request for further information on road design and landscaping details, including typical streetscape sections in a supplementary Landscaping and Public Domain Strategy. The Applicant accepted Council's request for an 18 m road width for the connecting street between Themeda Avenue and Conferta Avenue but considered detailed specifications for the design of the carriageways, landscaping and public works, including the selection of tree species would be more suitably considered at the detailed development application stage **(Figure 23)**.

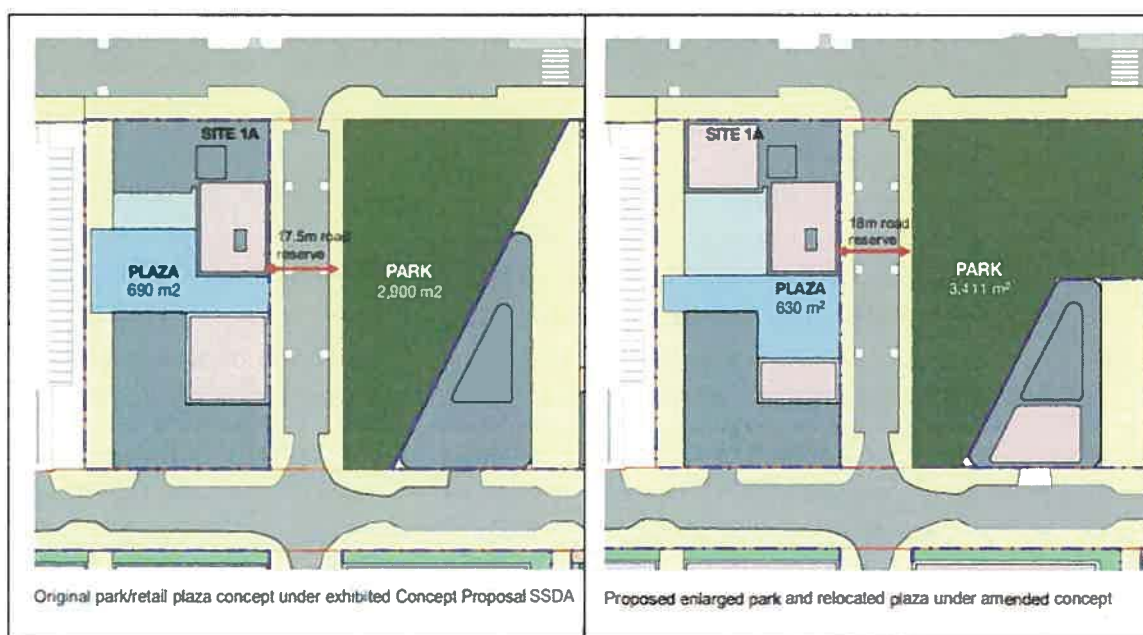


Figure 23 | Design Guidelines – Open space and road reserve. Left – original road width of 17.5 m. Right – amended road width of 18 m in response to Council's submission. (Source: Applicant's RtS)

The Department considers the proposed concept plan is capable of accommodating good quality public domain and landscaping designs and accepts detailed design and specification are not required for the Concept Development Application. The Department, therefore recommends the Landscaping and Public Domain Strategy be updated with the appropriate amendments as a condition of consent with respect to advice from Council and OEH. See **Section 6.4** for further details (**Condition B4**).

6.3 Traffic generation and parking

6.3.1 Traffic generation

The Applicant's Traffic and Transport Study assessed the traffic generation anticipated by the proposal and concluded that the number of trips generated can be supported by the capacity on the surrounding roads.

Six public submissions said that the proposal will increase traffic and road congestion, and the same number of submissions said that there was inadequate infrastructure available to accommodate additional cars.

In response to the issues raised in the submissions, the Applicant's RtS provided additional traffic modelling to evaluate cumulative traffic impact from additional dwellings in the wider Area 20 and to identify any mitigation works.

The traffic modelling confirmed the performance of the surrounding major intersections would operate at a marginally lower level of service or performance as a result of the additional approved 533 lots in the wider Area 20 Precinct and the additional 1,100 units proposed in this concept application. The exception was the Terry Road/Schofields Road intersection, which may need to extend the right turn bay from the northern approach at this intersection may be required to accommodate the increased traffic volume as a result of on-going developments in the precinct. Current works are being undertaken by the RMS to this intersection and are yet to be completed.

Conclusion

The Department has engaged an independent traffic consultant to review the EIS and the additional information submitted in the RtS. The review found:

- overall vehicle trips generated by the proposal are considered to have an acceptable impact on the road network performance
- the additional traffic modelling undertaken to assess cumulative traffic impacts resulting from developments in the wider Area 20 Precinct confirmed that the performance of surrounding major intersections would operate at marginally lower levels of service apart from the Terry Road / Schofields Road intersection. It is noted that this intersection does not connect to the site
- there would not be any adverse impacts on the surrounding road network and intersection operations due to the additional traffic generation of the proposal. The availability and promotion of public transport modes results in positive operational transport impacts.

The Department accepts the findings of the independent review and concludes that the traffic generation of proposal will have an acceptable impact on the surrounding road network, noting:

- the road network has capacity for the additional traffic generated by the proposal
- the performance of surrounding intersections would operate at acceptable levels.

6.3.2 Car parking rates

The Applicant proposes reduced car parking rate for residential visitors and for non-residential uses when compared to the RMS Guidelines for sub-regional centres and the DCP for Area 20. The proposed car parking rates are detailed in **Table 10**.

Council objected to the proposed reduced car parking rates. Seven public submissions also said that sufficient car parking was not provided and considered car ownership of future residents for the precinct would still be high regardless of the site's proximity to the Metro station.

Table 10 Car parking rates

	Required	Proposed
Residential car parking rates	0.6 space per 1 bed	0.6 space per 1 bed
(RMS Guidelines for sub-regional centres/ADG)	0.9 space per 2 bed	0.9 space per 2 bed
	1.4 space per 3 bed	1.4 space per 3 bed
	(1,034 spaces)	(1,034 spaces)
Residential visitor car parking rates	0.2 space per unit	0.1 space per unit
(RMS Guidelines for sub-regional centres/ADG)	(220spaces)	(110 spaces)
Residential sub total	1,254 (1.14 space/unit)	1,144 (1.04 space/unit)
Retail car parking rates	1 space/22m ² (273 spaces)	1 space/60m ² GLFA (93 spaces)
(Precinct DCP)		
Commercial car parking rates	1 space/40m ² (75 spaces)	1 space/70m ² GFA (38 spaces)
(Precinct DCP)		
Retail and commercial sub total	348 spaces	143 spaces
TOTAL	1,602 spaces	1,287 spaces

The Applicant's RtS modified the concept proposal to increase the proposed car parking rate for residential dwellings to be consistent with the requirements of RMS Guidelines for sub-regional centres and the ADG. The Applicant however, argued for lower residential visitor and non-residential car parking rates for the reasons outlined below:

- the precinct is a transit-oriented development focused on reducing car dependency
- to maximise the benefits of the Metro Station, with train services every 4 minutes in the peak and 10 minutes in off-peak, which is much higher frequency than existing rail service and other transport
- to support active streets and a walkable precinct, especially around the local town centre
- the commercial and retail uses proposed within the precinct are limited in tenancy size and will predominantly service Metro commuters and the local community, therefore further reduce parking demand. Larger centres including Rouse Hill and The Ponds are located less than 5 km away.

The RtS also provided supplementary car parking analysis to support the proposed car parking rates, including:

- an analysis of car ownership with respect to rail access in outer suburbs (including Blacktown, Pendle Hill, Westmead, Kingwood, Mt Druitt, and Penrith,) and concluded local households had lower levels of car ownership around train stations and were influenced by frequency of the train service (ie. higher train frequency is likely to further reduce car ownership)
- a comparative analysis of three precinct-specific DCPs (Draft Bella Vista and Kellyville Precinct, North Ryde Station Precinct, Epping Town Centre Precinct) was undertaken to identify car parking needs for retail and office uses in precincts close to public transport. Based on this analysis an average of 131 car spaces would be required for retail and commercial uses at these comparable precincts. The proposal includes 143 car spaces for non-residential uses.

Considerations

The Department engaged an independent transport and traffic consultant to review the EIS and additional information submitted with the RtS. The independent review considered the proposed lower parking rates for residential visitors and non-residential uses are reasonable given the site's location and the high frequency of the Metro trains. The review also noted:

- the required higher parking provisions in the DCP for Area 20 may not reflect the proposal's superior public transport access that will be provided by the Metro rail system
- the affordable housing proposed in the development will have a lower car parking requirement under the relevant SEPP, which offer opportunities to offset some of the residential car parking demand

The independent review recommended that future detailed design application should explore opportunities to provide car share schemes and to share residential visitor spaces with commercial car spaces with the aim to maximise efficient use of available car spaces.

Conclusion

The Department notes the proposed car parking rate for residential dwellings complies with the requirements of RMS Guidelines for sub-regional centres and ADG. The Department accepts a lower car parking rate for residential visitors and non-residential uses is reasonable in this case given:

- the site's ease of access to the new Metro Station, which will provide a separate 1000 space commuter car park and train services with much higher frequency than existing rail service and other transport
- the limited tenancy size and likely local catchment of the proposed non-residential uses
- the proposed car parking rate for residential visitors and non-residential uses are comparable to other locations in Sydney with excellent public transport access.

The Department also recommends the adoption of the independent transport and traffic consultant's recommendations that future should explore potential sharing of car spaces between land uses to maximise the efficient use of car spaces (**Condition B12**).

6.4 Other Issues

The department's consideration of other issues is summarised in **Table 10**. These are issues raised by Council or in public submissions which are not otherwise key issues addressed above.

Table 10 Summary of other Issues raised

Issue	Findings	Recommended Condition
Urban design	<p>GA NSW advised that the Applicant's RtS addressed issues raised in its original advice relating to overshadowing of the Village Park and connection of green spaces, and that it would continue to assist the applicant in developing a Design Excellence Strategy.</p> <p>The Department recommends that a Design Excellence Strategy be endorsed to support the successful implementation of the recommended Design Guidelines for the future detailed design application(s).</p>	Conditions A20 and B1 b
Landscape strategy	<p>Council and OEH have requested changes to elements of the landscape strategy including plant species and street furniture.</p>	Condition B4

The Department recommends a condition of consent to amend the landscape strategy consistent with information provided by Council and OEH.

Road design	<p>Council requested that the proposed roads comply with the Precinct DCP, relevant specifications and Australian Standards.</p> <p>The Department is satisfied that compliance can be achieved in the detailed development application(s) and recommends a condition of consent.</p>	Condition B12
Contamination	<p>The Department is satisfied that the site can be appropriately remediated for the proposed uses in accordance with the provisions of SEPP 55.</p>	Condition B19
Design and amenity	<p>Council's submission requested changes to the massing of the building on site 2C, review of external finishes, and clarification of level changes between public and private areas throughout the proposal. Council supported the site layout and massing of the proposal subject to the apartments complying with the ADG.</p> <p>The Department considers that the proposal can achieve compliance with the ADG (see SEPP 65 assessment in Appendix G).</p>	Conditions B3 c
Affordable housing	<p>One public submission suggested that the affordable housing be increased to 10% and retained for the life of the development.</p> <p>The Department notes that there is no statutory requirement for affordable housing to be provided in the development.</p> <p>State Environmental Planning Policy (Affordable Rental Housing) 2009 requires that the proposed 5% affordable housing be used for that purpose for minimum 10 years.</p>	Condition A18
Bushfire	<p>NSW Rural Fire Services did not object to the proposal subject to the relevant provisions for bushfire protection being adopted in the development.</p> <p>The Department is satisfied that these provisions can be addressed in the detailed development application(s).</p>	Condition B10
Future Assessment Requirements	<p>The EIS includes suitable assessment with respect to the following matters:</p> <ul style="list-style-type: none"> • noise and vibration • wind impacts • utility/infrastructure • construction management • waste management • ESD principles • drainage • crime prevention through environmental design (CPTED) <p>The Department considers it is appropriate to recommend conditions of consent setting out future assessment requirements for these matters consistent with the approved Concept Proposal.</p>	Schedule 2 – Part B

Residential development
in the SP2 Infrastructure
(drainage) zone

Council's submission requested clarification of a small area of Residential Block Site 2C which extends into the SP2 zone. Clause 5.3 of the Growth Centres SEPP permits a use allowed on the other side of a zone boundary. The Department considers the proposal to be consistent with clause 5.3 and an assessment against the relevant provisions is in **Appendix G**.

No condition required.
Recommended advisory
note **(AN3)**.

7. Evaluation

The Department has assessed the merits of the proposal taking into consideration the issues raised in submissions, as well as the Applicant's response to these, and is satisfied the impacts have been satisfactorily addressed by the proposal and through the Department's recommended conditions.

The concept proposal supports the key strategic planning objectives by increasing housing choice and improving affordability within the Area 20 precinct of the North West Priority Growth Area. It builds on transit-oriented development principles, integrating the proposed mixed-use precinct with the new Tallawong Metro Station. The proposed precinct will be supported by access to a high frequency train service, a new local town centre and a network of local and regional open spaces.

The Department considers the proposed building envelopes and site planning for the precinct are appropriate and will deliver an attractive built environment with diversity of built forms, affordable housing, public park and plazas. The Department supports the proposed variation sought to the 26 m height standard, which will be offset by other lower built forms to provide variety in the precinct's skyline and will be configured to improve solar access to proposed parks and public domain areas (**Condition B3 b**).

The Department recommends detailed design applications be supported by a Design Excellence Strategy and Design Guidelines to achieve good urban design outcomes and amenity for the site (**Conditions A20 and B1**). The proposed Design Guidelines include requirement for future built forms to address the residential streetscape of Schofields Road and the low density residential suburb, The Ponds to the south to ensure the proposal will be compatible in character with its surrounds (**Condition B3 a**).

The Department accepts that the proposed Village Park exceeds the requirements for a park under the Precinct DCP and future residents will have access to a range of local and regional spaces. This is reinforced by the Design Guidelines which set out the design principles to establish a network that connects local and district open spaces (**Condition B1 a**). The Landscaping and Public Domain Strategy further supports the provision of landscaping and public domain treatments for the precinct (**Condition B4**).

The Department accepts that the reduced car parking rates proposed for the residential visitor spaces and non-residential uses is reasonable given the site's access to high frequency rail services, the limited tenancy size and local catchment of the proposed non-residential uses and parking rates of comparable precincts. The Department also recommends a parking strategy be required for future detailed applications to maximise the efficient use of car spaces, including the consideration of the sharing of parking spaces between land uses (**Condition B12**).

The Department considers the impacts of the development are satisfactory and can be appropriately mitigated through the implementation of the recommended conditions of consent.

The Department's Assessment concludes the proposal is approvable, subject to the conditions outlined within the report, including future application assessment requirements for mitigating traffic, construction and other impacts (**Condition B7 – B19**).



8. Recommendation

It is recommended that the Minister for Planning:

- **considers** the findings and recommendations of this report; and
- **accepts and adopts** all of the findings and recommendations in this report as the reasons for making the decision to grant approval to the application;
- **considers** any advice provided by the Minister having portfolio responsibility for the project; (SSI only)
- **agrees** with the key reasons for approval listed in the notice of decision;
- **grants approval** for the application in respect of the Tallawong Station Precinct South SSD 9063 as amended, subject to the conditions in the attached development consent;
- **signs** the attached development consent and recommended conditions of consent/approval (see **Appendix H**).

Recommended by:

David McNamara

Director

Key Sites Assessments

Recommended by:

Anthea Sargeant

Executive Director

Key Sites and Industry Assessments

18/2/19



9. Determination

The recommendation is: **Adopted / Not adopted by:**

The Hon. Anthony Roberts

Minister for Planning



Appendices

Appendix A – List of documents

The following supporting documents and supporting information can be found on the Department of Planning and Environments' website as follows:

1. Environmental Impact Statement

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9063

2. Submissions

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9063

3. Applicant's Response to Submissions

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9063

4. Peer Review of Transport, Traffic and Parking Assessment, Samsa Consulting, 2018

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9063

Appendix B – Environmental Impact Statement

See the Department's website at:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9063

Appendix C – Submissions

See the Department's website at:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9063

Appendix D – Response to Submissions Report

See the Department's website at:

http://www.majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=9063

Appendix E - Department's consideration of Clause 4.6 submission

The Department has considered the proposed variation to the following clause in Appendix 6 of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP):

- Clause 4.3 – Height of buildings development standard

Clause 4.6 of the Growth Centres SEPP permits the consent authority to consider a variation to a development standard of the SEPP. The aims of Clause 4.6 are to provide an appropriate degree of flexibility in applying certain development standards and to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

As set out in **Section 6.1.2** of this Assessment Report, the height of the proposal exceeds the height of buildings standard in 13 of the 16 proposed building envelopes with the maximum height of the proposal being 31.5 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.

A variation to the height can be considered under Clause 4.6 – Exceptions to development standards of the Growth Centres SEPP. When considering proposed variations, Clause 4.6 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.

Development consent must not be granted for development that contravenes a development standard unless:

- (a) the consent authority is satisfied that:
 - (i) the applicant's written request has adequately addressed the matters required to be demonstrated
 - (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
- (b) the concurrence of the Secretary has been obtained (although this is not required for SSD).

The following provides an assessment of the proposed exceptions to the development standard under Clause 4.6 of Appendix 6 of the Growth Centres SEPP, applying the tests arising from *Randwick City Council v Micaul Holdings Pty Ltd* [2016] NSWLEC 7 (as summarised by *Gabriel Stefanidis v Randwick City Council* [2017] NSWLEC 1307) and *Bates Smart Pty Ltd v Council of the City of Sydney* [2014] NSWLEC 1001.

Building height standard

Section 6.1.2 under the sub-heading "Building heights" of this Assessment Report sets out the extent of variation requested to the mapped height standard in the Growth Centres SEPP. In summary, 13 of the 16 proposed building envelopes exceed the maximum height. The proposal has a maximum height of 31.5 m where the height

standard for the site is 26 m. **Figures 1 and 2** show the building envelopes with the proposed variation and **Table 1** details the variation for each building envelope.

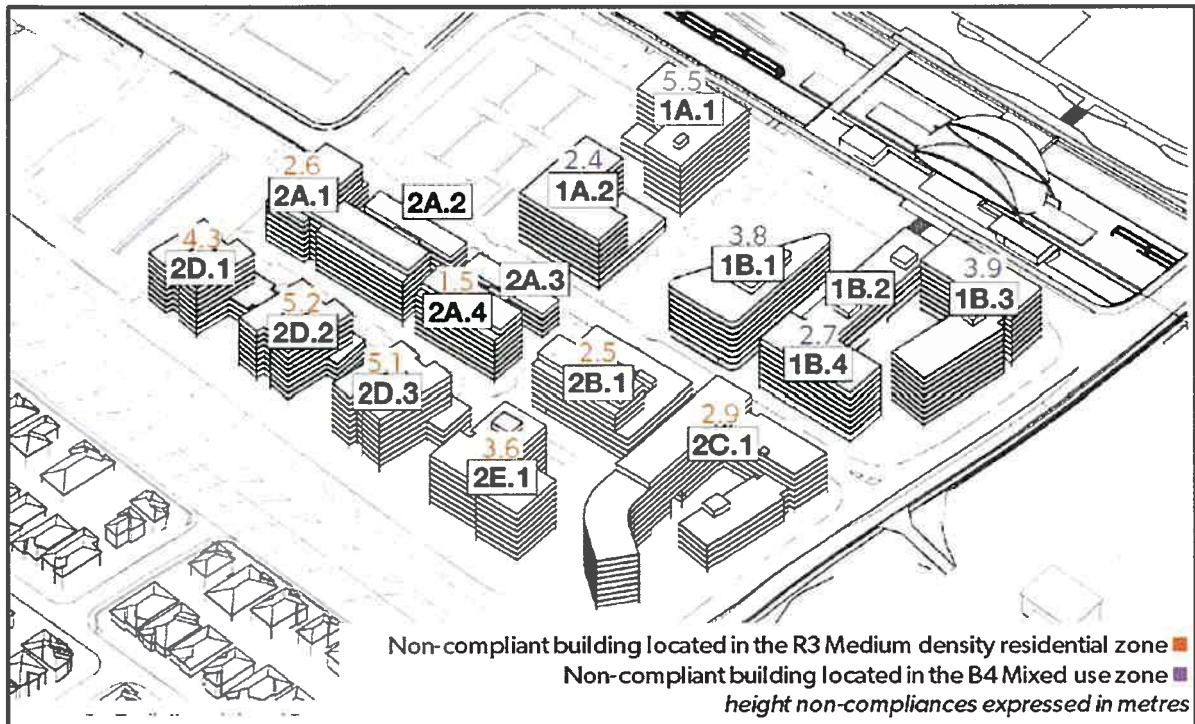


Figure 2 | Building envelopes showing height above 26 m

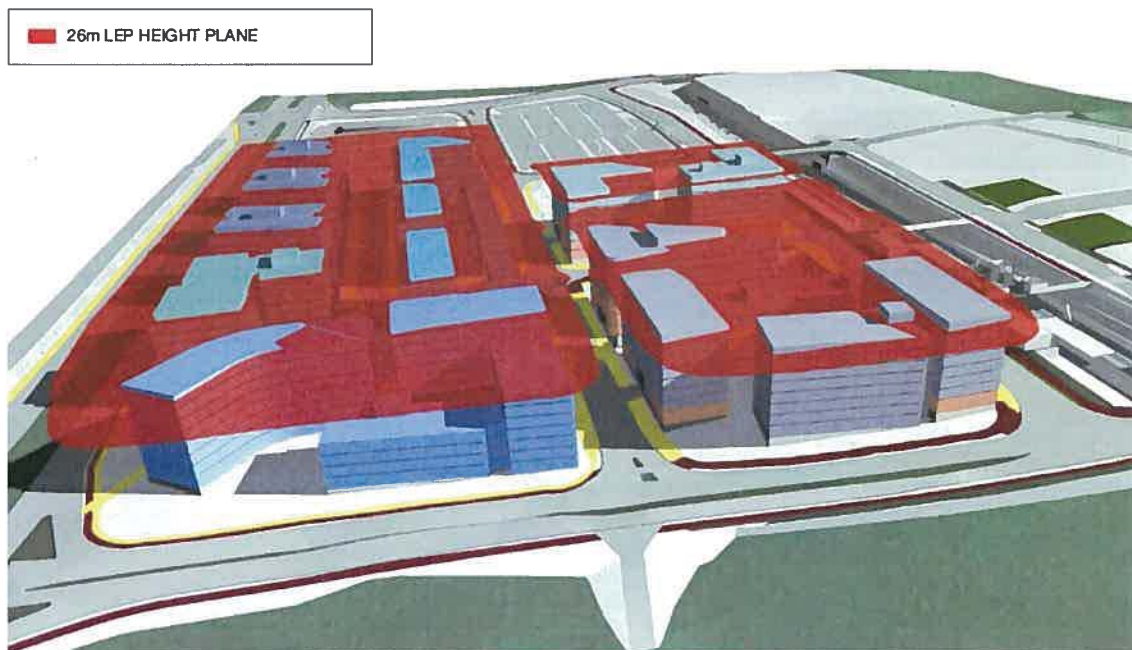


Figure 2 | Plan looking west showing areas of buildings above 26 m height limit (Source: Applicant's RtS)

Table 1 | The proposed building envelopes

Built Form		Height				Uses	
Building	GFA	Height	Storeys	Height compliance	metres under / over control	Apartments	Non-residential Uses
1A.1	7,286	31.5	8	No	+5.5	62	Yes
1A.2	6,421	28.2	8	No	+2.2	60	Yes
1B.1	5,862	29.8	8	No	+3.8	60	Yes
1B.2	3,265	21.3	4	Yes	-4.7	20	Yes
1B.3	9,337	29.9	8	No	+3.9	113	Yes
1B.4	4,759	28.7	8	No	+2.7	49	Yes
2A.1	7,908	28.6	8	No	+2.6	103	No
2A.2	1,277	18.2	4	Yes	-7.8	16	No
2A.3	1,162	18.2	4	Yes	-7.8	15	No
2A.4	3,606	27.5	8	No	+1.5	47	No
2B.1	5,657	28.5	8	No	+2.5	73	No
2C.1	13,712	28.9	8	No	+2.9	178	No
2D.1	4,488	30.3	8	No	+4.3	58	No
2D.2	5,242	31.2	8	No	+5.2	68	No
2D.3	5,957	31.1	8	No	+5.1	78	No
2E	7,455	29.6	8	No	+3.6	97	No
TOTAL	93,393					1,097	

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

The objectives of the Zone B4 Mixed Use 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 recommends that the Minister be satisfied that the proposed development is consistent with the objectives of the B4 Mixed Use zone in the Growth Centres SEPP, as it:

- proposes a mix of compatible and complementary land uses including retail, commercial, community and residential uses
- encourages the use of public transport by locating residential and non - residential land uses adjacent to the new Tallawong Metro station and providing pedestrian and cycle links between these uses and the station entrance
- provides active retail frontage on the ground floor of buildings adjacent to the Village 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 indicative concept plan shows 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 Medium Density Residential 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 recommends that the Minister be satisfied that the proposed development is consistent with the objectives of the R3 Medium Density Residential zone in the Growth Centres SEPP, as it:

- proposes medium density housing in the form of residential flat buildings, which includes affordable rental housing to meet the needs of the community
- demonstrates through indicative floor plans that the building envelopes could accommodate 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, retail and community 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, retail and community uses and recreation areas such as Village 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 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 recommends that the Minister be satisfied that the proposed development is consistent with the objectives of the height of buildings standard in the Growth Centres SEPP, as it:

- proposes building heights, that although exceed the maximum height standard of 26 m, do not create additional impacts in terms of visual bulk, solar access, and privacy. The maximum height has been established as 26 m. The concept proposal has heights of between 18.2 and 31.5 m (inclusive of lift overrun) and between 15.1 and 28.9 m to the topmost part of the roof (not including the lift overrun)
- will have minimal visual impact when compared to a compliant scheme 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. 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 off set by the lower buildings which results 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

- the solar access study accompanying the application demonstrates that the proposal provides good solar access to the residential component within the development, the Village Park, retail 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 nonresidential 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.

3. Has the consent authority considered a written request that demonstrates that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and is satisfied that the matters required to be demonstrated have adequately been addressed?

The Applicant's written request to justify the proposed variation to the height standard under Clause 4.6 of the Growth Centres SEPP, being that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, is included in **Appendix D** of the Response to Submissions.

The Applicant establishes that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, having regard to the five tests outlined in *Wehbe v Pittwater Council* [2007] NSWLEC 827, as the proposal achieves the objectives of the standard and accordingly justifies the variation to the height control, meeting the First Test outlined in *Wehbe*.

In referencing the *Cudgegong Road Station (Area 20 Precinct) Finalisation Report* produced by the Department in 2015, the Applicant notes the height of buildings were increased in conjunction with FSR controls to reflect the site's accessibility and proximity to the future Tallawong station, and to minimise view impacts to heritage listed Rouse Hill House. The applicant's view is that the intent of the development standard is met given that the proposal adopts the principles of transit-oriented development, and there are no visual impacts to Rouse Hill House arising from the proposal. This view is supported by the visual impact statement and heritage statement (Appendix O and W of the EIS). In demonstrating there is no visual impact to Rouse Hill House from the proposed envelopes, as well as other information provided in the variation request, the Applicant has demonstrated the intent of the height control is still being achieved despite the variation.

Having considered the Applicant's written request, the Department recommends that the Minister can be satisfied that it demonstrates compliance with the development standard is unreasonable or unnecessary in the circumstances of the case and the matters required to be demonstrated have adequately been addressed.

4. Has the consent authority considered a written request that demonstrates there are sufficient environmental planning grounds to justify contravening the development standard and the matters required to be demonstrated have adequately been addressed?

The Applicant's written request which seeks to justify the contravention of the height of buildings development standard under Clause 4.6 of the Growth Centres SEPP, being that there are sufficient environmental planning grounds to justify contravening the development standard, is included in **Appendix D** of the Response to Submissions.

The Applicant's written request justifies contravention of the development standard on the following environmental planning grounds:

- the non-compliance is partly attributable to the site topography, which makes the maximum height on a portion of the site unachievable for the entire site footprint. The site falls approximately 8 m from north-west to south-east (see **Figure 4**)
- the need for lift overruns to provide equitable access to the rooftop open space areas provides additional height to a small portion of the roof area
- the provision of non-residential floor space on the ground and first floor of buildings requires appropriate floor to ceiling heights to promote future flexibility of use
- the non-compliances are minor and do not result in additional overshadowing, visual or traffic impacts when compared to a compliant scheme
- the number of building storeys is consistent with the eight storeys identified in the recommendations of 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 than a compliant scheme while still being consistent with the DCP
- the application is a Stage 1 concept proposal, with the height of buildings being a maximum for a building within the building envelopes. As such a degree of flexibility is required for the future detailed design process.



Figure 4 | Cross-section showing slope of the site (Source: Applicant's RtS)

The Department supports the Applicant's conclusions that the proposal achieves the objectives of the standard. Having considered the Applicant's written request, the Department recommends that the Minister can be satisfied that sufficient environmental planning grounds justify the contravention of the development standard and the matters required to be demonstrated have adequately been addressed.

The Department therefore concludes that the Minister can be satisfied that the Applicant's written request adequately addresses the matters required to be demonstrated under Clause 4.6 of the Growth Centres SEPP and the proposal will be in the public interest because it is consistent with the objectives of the height standard and the objectives for development within the zones.

In supporting the Applicant's request, the Department also considers that the development will deliver an overall better planning outcome for the site, for the following reasons:

- the proposal makes a significant contribution to delivering several important goals and objectives in the Greater Sydney Region Plan and Central City District Plan, through an increase in housing supply and affordability and the integration of transport with a mixed use precinct to make a more connected and liveable city
- the commercial and retail and community uses are expected to generate 602 on-site jobs
- the proposed envelope is consistent with the desired character of the area and the anticipated height envisaged by the Precinct DCP, and does not result in visual, privacy, solar, and heritage impacts when compared to a compliant scheme.

Appendix F – Community views for Draft Notice of Decision

Issue	Consideration
<p><i>Building forms: Density and Building Height</i></p> <ul style="list-style-type: none"> • the height of the development represents an overdevelopment of the site 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> • the proposal has an FSR of 1.33:1 and complies with the maximum permissible FSR of 1.75:1 under the Growth Centres SEPP • the Department accepts the proposal's variation to the 26 m height standard is well founded and the proposed range of building heights from two to eight storeys will accommodate different building typologies and is consistent with the maximum building scale of eight storeys envisaged for the Area 20 Precinct. Council considers the variation to building height acceptable. <p><i>Conditions</i></p> <p>Conditions require subsequent detailed design applications to be supported by a Design Excellence Strategy and Design Quality Guidelines to ensure good quality urban design outcomes and a high level of residential amenity will be achieved for the site, specifically:</p> <ul style="list-style-type: none"> • design the built form including upper level setbacks and landscaping of the blocks fronting Schofields Road, to address the urban qualities of Schofields Road and the adjacent low density residential suburb of The Ponds • buildings are to be configured to distribute density and building height across the precinct with consideration to improve solar access to apartments, communal open space and the public realm.

<p><i>Open space and public domain</i></p> <ul style="list-style-type: none"> the open space areas should be increased to support the proposed capacity of the precinct Council and the Office of Environment and Heritage have requested changes to plant species and street furniture 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the Applicant increased the proposed Village Park and reconfigured the public plaza to achieve better solar access. The Department accepts the proposed Village Park is of sufficient size to meet the statutory requirements under the Growth Centres SEPP and is satisfied that future residents of the development will have good access to a range of local and regional open spaces the Concept Proposal is supported by a Landscaping and Public Domain Strategy identifying suitable landscaping and public domain treatments for the proposed Village Park, streets and pedestrian and cycle links to establish the public domain character for the precinct. <p><i>Conditions</i></p> <p>Conditions include the Landscaping and Public Domain Strategy be updated with the amendments requested by Council and the Office of Environment and Heritage. The Design Quality Guidelines will set out design principles to establish a local open space network that is integrated with and connected to the wider green infrastructure of the district.</p>
<p><i>Car parking</i></p> <ul style="list-style-type: none"> insufficient car parking is provided to meet the demands of residents and non-residential uses 	<p><i>Assessment</i></p> <ul style="list-style-type: none"> the Department notes the proposed car parking rate for residential dwellings complies with the requirements of the RMS Guidelines for sub-regional centres and the Apartment Design Guide (ADG) the Department accepts that the reduced car parking rates proposed for the residential visitor spaces and non-residential uses is reasonable given the site's access to high frequency rail services, the limited tenancy size and local catchment of the proposed non-residential uses and parking rates of comparable precincts a parking strategy can be explored to maximise the efficient use of car spaces including the sharing of parking spaces between land uses. <p><i>Conditions</i></p> <p>Conditions include the adoption of the independent traffic consultant's recommendations that future detailed design applications should explore potential sharing of car spaces between land uses to maximise efficient use of car spaces.</p>
<p><i>Waste management</i></p> <ul style="list-style-type: none"> waste management details are required for the ongoing management of each residential and non-residential use 	<p><i>Assessment</i></p> <p>Waste management details for each building within the proposal and the site in general can be identified and resolved with the detailed development application(s).</p>

<ul style="list-style-type: none"> Council and the EPA have requested changes and additional details relating to waste 	<p><i>Conditions</i></p> <p>Conditions include detailed waste information being provided with detailed development application(s) consistent with information provided by council and the EPA.</p>
<p><i>Construction and other impacts</i></p> <ul style="list-style-type: none"> noise and vibration impacts from construction will effect the amenity of the area 	<p><i>Assessment</i></p> <p>Construction impacts from the proposal can be identified and addressed with the detailed development application(s).</p> <p><i>Conditions</i></p> <p>Conditions require future detailed development application(s) to provide analysis and assessment of the impacts of construction as part of a Construction Environmental Management Plan.</p>

Appendix G – Statutory considerations

Objects of the Environmental Planning and Assessment 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.

Object of Section 1.3 of EP&A Act	Department's Response
(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 associated with approved station infrastructure and does not have any impacts on the State's natural or other resources.</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 Section 4 of this report.</p>
(c) to promote the orderly and economic use and development of land	<p>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.</p>

(d) to promote the delivery and maintenance of affordable housing	The concept proposal promotes the delivery of affordable housing with a minimum 5% of the residential gross floor area 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 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.
(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, and the site area has been confirmed to be cleared of 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 the recommended conditions of consent for mitigation measures during the detailed design applications.
(h) to promote the proper construction and maintenance of buildings, including the protection of the health and safety of their occupants	The application is for concept approval and does not include construction, however, construction impacts of the concept have been taken into consideration in the assessment.
(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 proposed development 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 application which included notifying adjoining landowners, placing a notice in the local press and displaying the application on the Department's website and at the Council's office and Service NSW Centres. The Department also provided the RtS to Council and other relevant agencies and placed the RtS on its website. The engagement activities carried out by the Department are detailed in Section 5 .

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 project 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. 65 - Design Quality of Residential Apartment Development (SEPP 65)
- Draft State Environmental Planning Policy (Remediation of Land)
- Draft State Environmental Planning Policy (Environment)
- Blacktown Local Environmental Plan (BLEP) 2015.

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

An assessment of the proposal against the relevant sections of the SRD SEPP is set out in the table below:

Relevant Section	Department's Consideration
3 Aims of Policy The aims of this Policy are as follows: (a) to identify development that is State significant development, (b) to identify development that is State significant infrastructure and critical State significant infrastructure, (c) to identify development that is regionally significant development.	The proposed development is identified as State significant development
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.	Proposed development is permissible with consent and is specified in Schedule 1.

Schedule 1 State significant development —general (Clause 19 (2))

19 Rail and related transport facilities

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

Note: An amendment to the SEPP was exhibited between 8 June 2018 and 6 July 2018.

It is proposed to update Schedule 2 of the SEPP to identify areas adjacent to the Sydney Metro Northwest and within Government ownership as identified sites on the State Significant Development Sites Map. It is proposed to limit the undertake of this clause to development carried out by or on behalf of Transport for New South Wales or the Planning Ministerial Corporation established under the Act.

At the writing of this report the amendment to the SEPP had not been adopted.

The development has a CIV of more than \$30 million and is development associated with railway infrastructure for the purpose of commercial premises and residential accommodation.

The proposed amendment to the SEPP applies to the development as it is on land identified as a State Significant Development Site (Cudgegong Road site) adjacent to the Sydney Metro Northwest corridor and within government ownership.

The concept proposal is consistent with the amendment to the SEPP.

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 and therefore the proposal is assessed against Clause 10 - Development in Potential Precincts in the table below:

Clause 10 - Development in potential precincts

Department's Consideration

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| <ul style="list-style-type: none"> (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 (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: | <ul style="list-style-type: none"> • The concept proposal is defined as State Significant development within a potential precinct and has a CIV greater than \$5 million • 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, commercial, retail and community uses • The concept proposal will facilitate the development of the precinct which |
|--|---|

- a) development of the potential precinct for higher density housing or commercial or mixed development
 - 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.
- (4) This clause does not apply to a development application to the extent that it involves subdivision for the purpose only of any one or more of the following:
- a) widening a public road
 - b) a minor realignment of boundaries that does not create:
 - i) additional lots or the opportunity for additional dwellings, or
 - ii) lots that are smaller than the minimum size permitted under an environmental planning instrument applicable to the land concerned
 - c) a consolidation of lots that does not create additional lots or the opportunity for additional dwellings
 - d) rectifying an encroachment on a lot
 - e) creating a public reserve
 - f) excising from a lot land that is, or is intended to be, used for public purposes, including drainage purposes, rural fire brigade or other emergency service purposes or public toilets.
- includes higher density housing and non-residential uses
 - 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
 - The items under (4) do not apply to the proposal.
 - The proposal is consistent with the relevant Planning Principals 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 concept proposal involves development in or adjacent to a rail corridor (Division 15 Railways), being the Sydney Metro Northwest corridor. Under the provisions of Clause 86 – *Excavation in, above, below or adjacent to rail corridors*, the application is required to be referred to Sydney Trains. The application was referred to Sydney Trains who has advised that it has no comment to the application.

Under the provision of Clause 87 – *Impact of rail noise or vibration on non-rail development* residential accommodation that is on land in or adjacent to a rail corridor cannot be approved unless the consent authority is satisfied that appropriate measures will be taken to ensure that the relevant noise levels are not exceeded:

The application is supported by a *Masterplan Noise and Vibration Assessment* and supplementary information submitted with the Rts which provides assessment of noise impacts associated with the site against the relevant criteria of the following:

- State Environmental Planning Policy (Infrastructure) 2007
- Development Near Rail Corridors and Busy Roads - Interim Guideline 2008
- The Growth Centres Precinct Development Control Plan 2016
- Environment Protection Authority - Assessing Vibration – A Technical Guideline
- Environment Protection Authority – Noise Policy for Industry

The Department is satisfied that the proposal can meet the relevant acoustic criteria subject to recommendations of the *Masterplan Noise and Vibration Assessment* being adopted in detailed design application(s).

The development constitutes traffic-generating development under Clause 104 – *Traffic-generating development* as it involves an apartment or residential flat building of 75 or more dwellings, ancillary parking accommodation for 50 or more motor vehicles, and shops and commercial premises over 1000 m². The proposal is required to be referred to RMS. RMS 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 as well as precinct specific provisions to effectively support and manage the growth of these areas. The proposal is located within the Blacktown Growth Centres Precinct.

Relevant Section

Department's Consideration

Appendix 6 – Area 20 Precinct Plan

1.2 Aim of Precinct Plan.

The aims of the Plan are as follows:

- (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

The concept proposal is consistent with the aims of the Precinct Plan in that:

- 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 Village Park, public plazas and links to local open space areas
- it encourages employment and economic growth with the provision of retail, commercial and community uses within 9000 m² of gross floor area
- it promotes housing choice and affordability with a mix of housing options and provision of affordable housing
- ESD principles will be incorporated in the design, construction and ongoing states and operation of the development as detailed in the ESD report accompanying the EIS

Relevant Section	Department's Consideration
<p>(e) to promote housing choice and affordability in the Precinct</p> <p>(f) to provide for the sustainable development of the Precinct</p> <p>(g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Precinct.</p>	<ul style="list-style-type: none"> It promotes pedestrian and vehicle access with the provision of new streets, pedestrian and cycle links which connect the site to the adjoining streets and precinct
<p>1.8 Repeal of other local planning instruments applying to the land</p> <p>This clause repeals all local environmental plans and deemed environmental planning instruments applying to the land to which this Precinct Plan applies.</p>	<p>The provisions of the Precinct Plan have been adopted in the assessment of this concept proposal</p>
<p>Part 2 Permitted or prohibited development</p> <p>The subject site is subject to the following zones:</p> <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 development 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 falls under the provisions of CI 5.3 as discussed in the table below. It is noted that the Council has not objected to the use of this area for residential purposes.</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 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. <p><i>B4 Mixed Use</i></p> <ul style="list-style-type: none"> To provide a mixture of compatible land uses 	<p>The development 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 it will provide for other land uses which include retail, commercial and community 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 Village Park it supports the well-being of the community through the provision of non-residential uses which are compatible to the amenity of a residential environment and public open space areas accessible by public transport

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| <ul style="list-style-type: none"> • 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. | <ul style="list-style-type: none"> • 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 R2 Low Density Residential and Zone R3 Medium Density Residential

Minimum lot size for multi dwelling development = 375 m²

Minimum lot size for residential flat buildings = 1000 m²

The development does not seek approval for subdivision but the 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 236 dwellings per hectare which complies with the density control

4.3 Height of buildings

The height of a building is not to exceed the maximum height shown on the Height of Buildings Map = 26 m

The development will have various heights between 18.2 m and 31.5 m with 13 of the 16 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 assessment of this is at **Appendix E.**

4.4 Floor space ratio

The maximum floor space ratio for a building is not to exceed the floor space ratio shown on the Floor Space Ratio Map = 1.75:1

The development will have a floor space ratio of 1.33:1 which is below the maximum standard

4.5 Calculation of floor space ratio and site area

To be calculated in accordance with the definition of "floor space ratio" and "site area"

The floor space ratio has been calculated in accordance with Clause 4.5

4.6 Exceptions to development standards

A variation to a development standard can be considered in accordance with the provisions of Clause 4.6

A Clause 4.6 request has been submitted to support the variation to the height standard and assessment of this is at **Appendix E**.

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

The concept proposal includes two areas which will require acquisition - 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 4 | Land acquisition areas in yellow

The proposed Local Open Space (Village Park) has been relocated to the Themeda Avenue frontage as detailed in the application. This will require the location of the acquisition area to be modified.

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

A small area of Residential Block Site 2C extends into the SP2 (drainage) zone. The stormwater

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

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.

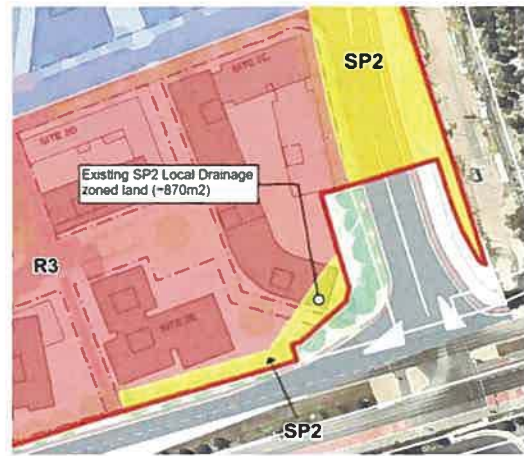


Figure 5 | Extent of area to be used for residential purposes shown in yellow

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. Most of the site has already been cleared as part of preparation works for the Sydney Metro.

6.1 Public utility infrastructure

This clause states that 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.

A utilities report has been prepared for the concept proposal which identifies that public utility infrastructure such as water, electricity, sewerage, gas, and telecommunications services are available to the site and adequate arrangements have been made to ensure the infrastructure will be available when required.

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 the northern part of the site primarily to Themeda Avenue and Conferta Avenue. Active uses are proposed to the ground floor of buildings facing these streets and the Village Park. This is 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

BASIX encourages sustainable residential development across NSW by setting targets that measure the efficiency of buildings in relation to water, energy and thermal comfort. BASIX requires all new dwellings to meet sustainable targets of a 20% reduction in energy use (building size dependent) and 40% reduction in potable water.

The application is for a concept proposal which provides only indicative schematic floor plans of the dwellings. As such an assessment of the proposal's compliance against the BASIX requirements is not required at this stage of the development. Notwithstanding this, the development will be required to achieve the relevant BASIX targets in the detailed development application(s).

State Environmental Planning Policy No. 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 contamination assessment for the site which concludes that it is likely that the site can be made suitable for the proposed development. Following completion of the works on site relating to the Sydney Metro Northwest, and prior to further development applications associated with the proposal being considered, a Phase II Detailed Site Investigation of soil and groundwater should be conducted to confirm the suitability of the site for the proposed development.

The Department is satisfied that the site can be appropriately remediated to make it suitable for the proposed uses subject to the recommendations of the 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 development is consistent with the draft Remediation SEPP subject to the recommended conditions discussed above.

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 as detailed in the table below.

Design Principle	Department's Consideration
1. Context and Neighbourhood Character	The proposal is consistent with the desired future character for the area consistent with the development standards of the Growth Centres SEPP and the Indicative Layout Plan (ILP) of the Precinct DCP.
2. Built Form and Scale	The proposal results in a suitable built form and scale consistent with the development standards of the Growth Centres SEPP. A request to vary the height standard has been submitted which is assessed in Appendix E . 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.
3. Density	The floor space ratio of the development is 1.33:1 which is significantly below the 1.75:1 development standard under the Growth Centres SEPP. The development achieves an acceptable density.

4. Sustainability	The development proposes ESD principles and sustainability measures as detailed in Section 4.3.3 of this report.
5. Landscape	The proposal incorporates a range of landscaped and open space areas including a Village Park, plazas, and private and communal open space areas. The proposal will have good access to a range of local and regional open spaces which will be established through the design principles of the Design Quality Guidelines adopted in the detailed design applications.
6. Amenity	The proposal achieves good amenity by providing a built form which results in appropriate solar access to residential dwellings, public and private open spaces, and adjoining land. It has negligible privacy impacts and promotes a walkable, active precinct with a range of uses and public domain areas.
7. Safety	The proposal promotes the principles of Crime Prevention Through Environmental Design through appropriate design which provides a mixed-use precinct which encourages the activation of spaces by residents, workers and visitors to the site and through accessible and legible links to the Metro station.
8. Housing Diversity and Social Interaction	The proposal promotes housing diversity with a range of housing options including 1, 2 and 3 bedroom apartments of different sizes and layouts and the provision of affordable housing. The provision of the Village Park, public plazas, and communal open space areas encourages social interaction amongst residents and visitors to the site.
9. Aesthetics	The concept proposal is designed to provide a range of urban forms and scales at a masterplan scale. The Applicant, in consultation with the GA NSW is developing a Design Excellence Strategy to accompany the Design Quality Guidelines prepared for the proposal. The Strategy will set the framework to deliver design excellence throughout the project and the detailed design application(s).

Apartment Design Guide (ADG)

An assessment of the proposal against the ADG best practice design principles is provided in the table below. The concept proposal was prepared at the scale of a masterplan and the proposal has been assessed against the relevant Design Criteria relevant to a masterplan scale.

Relevant Criteria	Department's Consideration
2E Building Depth	The indicative floor plans of the apartments show that a building depth of 12-18 m can be achieved. Most building depths indicated are less than 12 m.

- 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

3B Orientation

- Building type/layouts respond to streetscape, optimising solar access
- Overshadowing of neighbouring properties is minimised

Buildings have been designed to respond to the streetscape with varying heights of 2-8 storeys which reflects the development in the surrounding area. This includes two storey dwellings in the residential areas and multi storey mixed developments in the town centres.

The buildings allow for appropriate solar access to the proposed residential dwellings, Village Park, public domain areas and the adjoining sites.

The orientation of the buildings allows for reduced noise and privacy impacts between apartments and residential and non-residential uses.

Five sample "sites" within the proposal have been tested for compliance with the solar access provisions of the ADG. They achieve appropriate solar access.

Sites 2A, 2C and 2D have not been tested for ADG compliance but have similar characteristics to the tested sites such as orientation, separation distances, and height. It can be concluded that the outcomes for solar access would be consistent with those of the tested sites.

3C Public Domain Interface

- Transition between public/private without compromising security
- Amenity of public domain is retained and enhanced

There is an appropriate transition between public and private areas. Entry points to the buildings are primarily located adjoining one other and away from the main roads. Private circulation areas such as courtyards are located internal to the buildings which restrict public access. Individual residential entry points and courtyards within front setback areas can be delineated through use of appropriate materials.

A residential entry point is located adjoining the public park. This can be clearly defined and provides appropriate reciprocal surveillance between the park and the building without compromising the amenity of the park in terms of access, use, and circulation. The public domain is enhanced with pedestrian and bicycle

3D Communal and Public Open Space

- 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

links which do not conflict with private courtyards and pedestrian and vehicle entry points.

Communal open space areas within the proposal have areas ranging from 25% to 33% of the site area. These areas achieve 50% direct sunlight for minimum 2 hours in mid-winter.

The proposed Village Park is 3,411 m² which receives more than 2 hours sunlight between 9am and 3pm in mid-winter.

The communal open space areas provided to the roof top of buildings receive more than 2 hours sunlight between 9am and 3pm in mid-winter

3E Deep Soil Zones

For sites greater than 1,500 m² a minimum of 7% to 15% of the site should provide for deep soil zone(s)

Deep soil zones are provided throughout the proposal ranging from 7% to 8.5% of the site area. In addition to this the 3,411 m² Village Park is deep soil.

3F Visual Privacy

Minimum separation distance from building to side boundary:

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

Buildings within the proposal achieve separation distances that meet or exceed the minimum requirements.

There are no sites adjoining the concept proposal to which separation distances can be applied.

3G Pedestrian Access to Entries

- 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

Building entry points are located on the new street frontages and away from the main roads. The entry points will be visible, accessible and allow for reciprocal surveillance between the entry points and the street.

Pedestrian and bicycle links are provided within the site which provide a direct visual and physical link to the non-residential uses on the site and the Tallawong Metro station.

3H Vehicle Access

Vehicle access points are to be designed to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.

One shared vehicle and waste collection point is provided to each "site" within the development which minimises potential conflicts with pedestrians and cyclists.

One designated waste collection point is located adjoining the Village Park which does not conflict with the use of the park

3J Bicycle and Car Parking

- 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

- Car parking for residents and bicycles will be provided in accordance with the RMS Guide to Traffic Generating Developments
- Car spaces for residential visitors and non-residential uses will be provided at a reduced rate as discussed in **Section 6.3.2** of this report
- An access point for vehicles and waste collection is provided to each "site". The location and provision of the vehicle access point minimises pedestrian and bicycle conflicts.

4A Solar and Daylight Access

- 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

Five sample "sites" within the proposal have been tested for compliance with the solar access provisions of the ADG. They achieve appropriate solar access.

Sites 2A, 2C and 2D have not been tested for ADG compliance but have similar characteristics to the tested sites such as orientation, separation distances, and height. It can therefore be concluded that the outcomes for solar access would be consistent with the tested sites.

4B Natural Ventilation

- 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

Five "sites" within the proposal have been tested for compliance with the natural ventilation provisions of the ADG. They achieve appropriate natural ventilation above the minimum requirement.

The development can achieve appropriate depth for cross-over or cross-through apartments

Relevant Criteria	Department's Consideration
<p>4C Ceiling Heights</p> <ul style="list-style-type: none"> Measured from finished floor level to finished ceiling level, minimum ceiling heights for residential are: <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 	<p>Appropriate ceiling heights can be achieved as demonstrated by the building cross sections provided with the proposal.</p>
<p>4D Apartment Size and Layout</p> <ul style="list-style-type: none"> Minimum apartment sizes <ul style="list-style-type: none"> Studio 35 sqm 1 bedroom 50 sqm 2 bedroom 70 sqm 3 bedroom 90 sqm 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 bed 4 m for 2 and 3 bed The width of cross-over or cross-through apartments are at least 4 m internally. 	<p>The Urban Design Report accompanying the application identifies that minimum apartment sizes can be achieved.</p>
<p>4E Private Open Space and Balconies</p> <ul style="list-style-type: none"> Primary balconies are provided to all apartments providing for: 	<p>The concept proposal includes indicative schematic floor plans of the apartments which show that private open space requirements can be achieved.</p>

- Studios apartments min area 4 m²
- 1 bedroom min area 8 m² min depth 2 m
- 2 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
- 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

4F Common Circulation and Spaces

- 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

The concept proposal identifies that the maximum number of apartments off a circulation core will be 12 with most of the circulation cores giving access to less than 8 apartments

4G Storage

The following storage is required (with at least 50% located within the apartment):

- Studio apartments 4 m³
- 1 bedroom apartments 6 m³
- 2 bedroom apartments 8 m³
- 3 bedroom apartments 10 m³

Storage is to be incorporated at the detailed design stage of the development, but the sample "sites" indicate that appropriate storage can be provided for each apartment

4H Acoustic Privacy and 4J Noise and Pollution

- 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

A *Masterplan Noise and Vibration Assessment* and supplementary information submitted with the RtS accompanies the application. The report assesses potential noise and vibration sources and recommends acoustic treatments to achieve the required noise levels. The treatments include light to heavy weight glazing to windows to address noise from the major roads.

4K Apartment Mix

- Provision of a range of apartment types and sizes
- Apartment mix is distributed to suitable locations within the building.

The concept proposal identifies a range of apartment types and sizes including one, two, three bedroom, and adaptable apartments that will be distributed throughout the 16 buildings. The concept proposal also nominates minimum 5% of residential gross floor area as affordable housing.

4L Ground Floor Apartments

- Street frontage activity is maximised where ground floor apartments are located
- Design of ground floor apartments delivers amenity and safety for residents

- Apartments and non-residential uses will be located on the ground floor of the concept proposal
- The ground floor apartments will have direct street frontage including an individual entry and open space area in the front setback. This provides a good interface between the apartments and the street, increases activity at the street frontage, and provides opportunities for casual surveillance of these areas.

4M Facades

- Building facades provide visual interest along the street while respecting the character of the local area
- Building functions are expressed by the facade

The *Urban Design Report* accompanying the application identifies appropriate material selection and external details for the buildings. The materials and details promote the principles of durability, energy efficiency, colours that reflect the semi-rural character of the area, promote visual and tactile social experiences, and articulate street walls.

4N Roof Design

- 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 will be determined at the detailed design stage of the development however the concept proposal includes communal open space areas on the roof consistent with the provisions of the ADG.

- Roof design includes sustainability features

4O Landscape Design and 4P Planting on Structures

- 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

The Public Domain and Landscape Strategy accompanying the application identifies proposed landscaping to public and communal open space areas. This includes the Village Park, retail plaza and shared spaces, streets and paths, residential courtyards, roof top communal open space areas, and private open space for ground floor apartments.

The landscape design includes details of species and treatment of deep soil areas, planting on structures, street planting, and pavement design. The landscape design is consistent with the provisions of the ADG.

4Q Universal Design

- The universal guidelines are adopted in the design of apartments
- A variety of apartments with adaptable designs are provided
- Apartment layouts are flexible and accommodate a range of lifestyle needs

The Universal Design Guidelines can be adopted at the detailed design stage of the development.

4S Mixed Use

- 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.

- Mixed use buildings are proposed for the buildings located within the B4 Mixed Use zone. These contain non-residential floor space on all ground floors and to some first and second floors. Residential uses are provided to the levels above.
- The location of non-residential floor area is strategically located adjoining street frontages, the Village Park, opposite the Metro station, and nominated pedestrian and cycle links. Passive and active open space areas are also located throughout the ground floor areas of the mixed-use buildings. This encourages good street level activity through pedestrian and cycle movements and reciprocal surveillance of public and private areas

Relevant Criteria	Department's Consideration
	<ul style="list-style-type: none"> There is appropriate separation of residential uses with separate entry areas, minimal ground level interface with non-residential uses, and location of active public areas away from 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>Awning and signage design will be determined at the detailed design stage of the development. There are opportunities to integrate appropriate awnings and signage to the proposed buildings for weather protection and as a design feature.</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 <i>Ecologically Sustainable Development Report</i> accompanying the application identifies minimum NABERS and BASIX targets to be included in the developer's requirements to ensure high environmental performance of the development.</p> <p>The five sample "sites" tested for natural ventilation achieved natural ventilation above the minimum requirements.</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 <i>Ecologically Sustainable Development Report</i> accompanying the application identifies minimum requirements to achieve best practice water sensitive principles and conservation of potable water. These are to be included in the developer's requirements.</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 will be determined at the detailed design stage of the development. The concept proposal identifies one access point to each building for waste collection and a dedicated waste area for the non-residential uses.</p>
4X Building Maintenance <ul style="list-style-type: none"> Building design detail provides protection from weathering 	<p>The <i>Material Selection and Detailing</i> information accompanying the application identifies that materials are to be selected to be long lasting, low maintenance, have low embodied energy, with potential reuse and recycling.</p>

-
- Systems and access enable ease of maintenance
 - Material selection reduced ongoing maintenance cost
-

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 concept 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 project are appropriate for consideration in this assessment in accordance with the SEARs issued for the proposal and are considered below.

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

The concept proposal is located within the Area 20 Precinct (known as Cudgegong Road Station) under Schedule 4 of the Precinct DCP. The concept proposal is assessed against the relevant requirements as follows:

Relevant Section

Department's Consideration

Section 2: Precinct Planning Outcomes

An Indicative Layout Plan (ILP) specific to each Precinct forms the basis for urban development in the Precinct by setting out:

- the road network
- public transport routes
- the open space and drainage networks
- 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.

The Area 20 Precinct – Precinct Planning Vision:

- 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 Northwest 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

The concept proposal is consistent with the planning outcomes and vision for the precinct by providing a mixed-use precinct that contains 16 buildings of between two and eight storeys.

The proposal can be defined in two areas with buildings containing retail, commercial and community uses, and residential above located on the northern portion of the site opposite the Metro station. Residential apartment buildings are located on the southern portion of the site.

A village park of 3,411 m² and a retail plaza is proposed adjacent to the Metro station.

The precinct is connected through a street hierarchy of roads and pedestrian and cycle links.

The proposal will embody the principles of ecological sustainable development through initiatives and sustainability measures.

The scale of the lower buildings and external colours and materials proposed reflect the rural setting of the site.



Figure 6 | 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 as follows:

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

Section 3.2.2 Public domain and landscape character

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.

The concept 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.

Walking and cycling is encouraged throughout the precinct through pedestrian and cycle links which connect to the Metro station.

The concept proposal is supported by a Public Domain and Landscape Strategy which identifies the provision of landscaping and public domain treatments for the precinct.

The concept proposal is supported by a visual impact statement and heritage statement demonstrating there is no visual impact to Rouse Hill House from the proposed envelopes.

Section 4 – Cudgegong Local Centre Development Controls

Section 4.1.1 Function and Land Use Mix

1. 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
2. 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
3. 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
4. Employment opportunities are to be maximised within the Local Centre
5. 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
6. 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
7. 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
8. 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
9. Uses and facilities are co-located as much as possible to maximise the efficient use of space
10. The Local Centre is to be a compact, mixed use centre with a high level of public transport accessibility to

The concept proposal is consistent with the outcomes relating to function and land use which is for a mixed-use precinct that exemplifies transit-oriented development.

The proposal contains 16 buildings of between two and eight storeys and can be defined in two areas with buildings containing retail, commercial and community uses, and residential above located on the northern portion of the site, opposite the Metro station. Residential apartment buildings are located on the southern portion of the site.

Active street frontages are located on the ground floor of the northern portion of the site, adjoining the vehicle, pedestrian and cycle links to the station, and the Village Park and public spaces.

9,000 m² of retail, commercial and community GFA is proposed which will support employment opportunities within the precinct.

The floorspace cap of 300 m² is intended to ensure that retail uses in the B4 Mixed Use zone south of the metro station (the northern portion of the site) would not compete with the B2 Local centre north of the metro station. The retail premises envisaged for the proposal are less than 300 m² which meet the intended outcome. A supermarket of between 1,200 and 1,500 m² has been identified as a potential consideration for the site.

The Department has considered the Retail and Commercial Land Use Analysis accompanying the application and considers that there is justification for relaxing the floor space cap to potentially include a metro-style supermarket. This would spread supermarket provision north and south of the train station and allow localised access to a supermarket to commuters and residents south of the train station. This would not impede the B2 Local

Cudgegong Road Station demonstrating the important principles of Transit Oriented Development.

Centre continuing to serve as the primary commercial centre.

Section 4.1.2 Design Layout

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 that are relevant to the concept proposal require as follows:

- 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:
 - 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.

The concept proposal involves site planning of the precinct to provide streets, laneways, Village Park, plaza and other public domain areas to support the proposed development and activate the precinct around the new Tallawong Station and connect to surrounding residential areas and parklands.

Noise and amenity considerations have informed the layout of the precinct to minimise impacts on the different uses through the separation of non-residential and residential uses within buildings, the location of active public areas such as the Village Park adjoining non-residential uses and the metro station and providing active street frontages away from residential apartment buildings.

The proposal reflects the principles of Crime Prevention through Environmental Design through its layout and design which will minimise opportunities for crime. The concept proposal is supported by a Crime Prevention through Environmental Design Assessment which provides recommendations to enhance crime prevention design for future detailed application(s).

Section 4.1.3 Public Domain

1. The streetscape will create a high amenity pedestrian environment through solar access, shade and shelter, landscaping, footpath design and management of vehicular traffic
2. 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
3. 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 concept plan provides a street layout which connects the two east-west roads, Themeda Avenue and Conferta Avenue which are being constructed as part of the approved station works.

Separate pedestrian access and shared ways will be provided connecting from Schofields Road to the southern entry of the station, the proposed plazas and the Village Park.

The proposal includes a Village Park of 3,411 m², which adjoins the primary north-south pedestrian and cycle link from the southern

4. 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
5. 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
6. 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
7. 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
8. A fine grain is established by the provision of convenient and safe cross-site links, arcades and laneways.

entrance of the station to Cudgegong Road / Schofield Road.

The Village park has been relocated from that identified on the ILP. This is 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.

The Concept Proposal is supported by a Landscaping and Public Domain Strategy which identifies suitable landscaping and public domain treatments for the proposed Village Park, streets and pedestrian and cycle links to establish the public domain character for the precinct.

Section 4.1.4 Built form

1. 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
2. Building heights transition around the fringes of the Centre and should integrate the built form with adjacent residential areas
3. Building heights and setbacks are related to street widths and functions to promote a comfortable urban scale of development
4. Building heights take into account view lines and solar access to the public domain, in particular to the Village Square(s)
5. Taller buildings should reinforce Centre corners and the Station location
6. 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 continuous street frontage, particularly along the Main Street and fronting the Village Square(s)

The concept proposal is consistent with the built form principles of the DCP in that it achieves a mixed-use precinct that contains 16 buildings of between two and eight storeys.

The Department considers the proposed lower building envelopes of two to four storeys are suitably positioned to improve solar access to pedestrian and cycle links and the Village Park and to allow solar access to taller building blocks.

The proposed range of building heights will create a variety of urban scales across the site to accommodate different building typologies. This will create a more interesting skyline for the precinct when viewed from surrounding areas and a more legible urban structure.

Larger building blocks and public spaces located near the station entrance to the smaller residential blocks fronting Schofield Road and Cudgegong Road.

Floor to ceiling heights of the non-residential uses and residential apartments are consistent

7. A high quality built form and energy efficient architectural design promotes a 'sense of place' and contemporary character for the Local Centre
8. 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.

with the requirements of the ADG and promote flexibility and adaptability of future uses.

Section 4.1.5 Transport

1. The Centre is pedestrian and public transport orientated with walking and cycling taking priority over vehicles.
2. Rail transport is integrated with other transport modes through an efficient interchange.
3. The rail-bus interchange has direct pedestrian access to the Main Street and the retail core area.
4. 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.
5. The Railway Station is an 'anchor' attracting people to the Centre and encouraging pedestrian movement and circulation within the Centre.
6. 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.
7. 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.
8. Both commuter and shopper surface carparking should be planned to allow later conversion to development sites or parking structures
9. Carparking for retail, commercial and residential uses to be primarily underground
10. Long stay commuter carparking is located outside the Centre Core to the north-west and south-west side of the Precinct.
11. Transport for NSW has made the following provision for transport at Cudgegong Road Station:
 - Three eastbound and three westbound bus spaces

The concept 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 nonresidential uses.

An assessment of the car parking rates proposed is detailed in **Section 6.3** of this report.

- Kiss and ride spaces – initial number of spaces – 15;
future – 25 spaces
- Bicycle parking – initial number of spaces – 55;
future – 110 spaces
- Commuter carparking – 1,000 spaces

Section 4.2.3 Village Park

1. 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 shows this centrally located between the B4 and R3 zones along the north / south activity spine.
2. 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.
3. It is located to provide a focus of community activities related to the new residential and mixed use precincts.
4. It should be defined by public streets on at least three sides for security and surveillance.
5. 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.

A new public park is proposed adjacent to the station and the north/south activity spine. The Applicant has argued that the park has been relocated and reshaped to:

- optimise solar access
- deal with the level changes between Conferta and Themeda Avenues
- reinforce the focus on the station
- provide improved wayfinding
- ensure all future buildings in the town centre benefit from easy access to the park.

The relocation of the Village Park is supported as it will result in an improved outcome in terms of amenity, activation, and interface with the Metro station. This is discussed in this report in **Section 6.2**.

Appendix H – Recommended Instrument of consent/approval