



Planning,  
Industry &  
Environment

IRF21/2349

## Plan Finalisation Report – PP\_2018\_BLACK\_010\_00 (PP-2020-3461)

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Blacktown Local Environmental Plan – Amendment to State  
Environmental Planning Policy (Sydney Region Growth Centres)  
2006: 34-42 Tallawong Road, Rouse Hill and part of Tallawong  
Road, Rouse Hill

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# 1 Introduction

## 1.1 Overview

### 1.1.1 Name of Draft LEP

*Blacktown Local Environmental Plan 2015 (BLEP 2015) amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).*

The planning proposal involves amending the existing height of buildings control for the land at 34 and 42 Tallawong Road, Rouse Hill from 16m to 26m, to facilitate 207 additional dwellings, compared to what is achievable under the current controls.

### 1.1.2 Site Description

**Table 1: Site Description**

Site Description	<p>The planning proposal (<b>Attachment A</b>) applies to land located north-west of Tallawong Metro Station in the Riverstone East Precinct of the North West Growth Area (NWGA), as established under the Growth Centres SEPP (the Site).</p> <p>The site comprises the following land:</p> <ul style="list-style-type: none"> <li>• 42 Tallawong Road, Rouse Hill (Lot 8 DP 1249124).</li> <li>• 34 Tallawong Road, Rouse Hill (Lot 9 DP 1249124).</li> <li>• Part of Tallawong Road.</li> </ul> <p>The site is outlined red in <b>Figure 1</b>.</p>
Type	Site
Council	Blacktown City Council (Council)
LGA	Blacktown Local Government Area (LGA)



**Figure 1: The Site Outlined Red (Source: Nearmap, amended by the Department, 2021)**

The site predominantly comprises open grassland with scattered trees and vegetation. The site also contains a single-storey detached dwelling (located at 42 Tallawong Road, Rouse Hill) and a temporary sales display office with an at-grade car park (located at 34 Tallawong Road, Rouse Hill).

The site is surrounded by the following:

- To the north is vacant land containing grassland with scattered trees and vegetation. Further north is land containing single-storey detached dwellings.
- To the east is land containing dense bushland and land cleared to facilitate new development. Further east is land containing residential flat buildings, which is consistent with the emerging character of Rouse Hill.
- To the south is vacant land containing scattered trees and vegetation. Further south is part of the Sydney Metro Northwest rail corridor, connecting to Tallawong Metro Station. The Tallawong Metro Station commuter car park is also located to the south.
- To the west is a Sydney Metro stabilising yard. Further west is dense bushland.

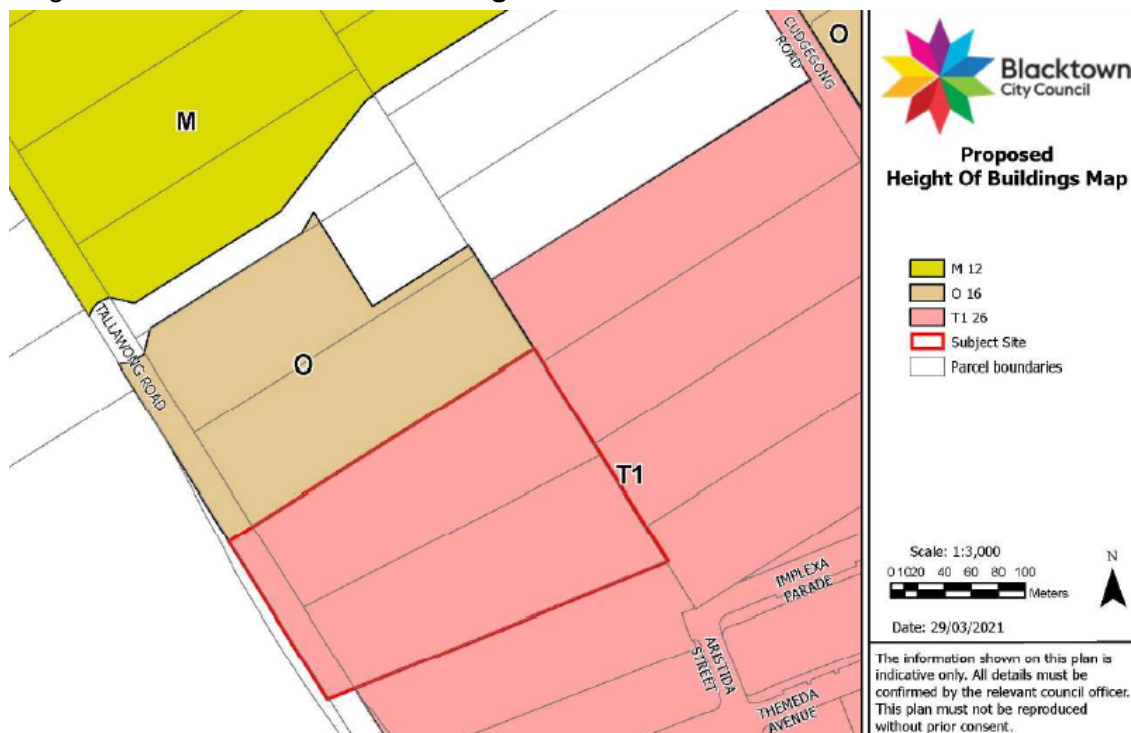
### 1.1.3 Purpose of Plan

The intent of the planning proposal is to:

- Facilitate the development of 207 additional dwellings at the site beyond what is currently achievable under the 16m height of buildings control applying to the site.
- Provide the site with a height of buildings control that is consistent with adjoining land also zoned R3 Medium Density Residential.
- Minimise the total number of car parking spaces that can be provided at the site as part of future development.

To achieve this outcome at the site, the planning proposal seeks to amend the Growth Centres SEPP as it applies to the site, as follows:

1. Amend North West Growth Centre Height of Buildings Map 'Sheet HOB\_009' to apply a 26m height limit to the site, as shown in **Figure 2** below.



**Figure 2: Proposed North West Growth Centre Height of Buildings Map 'Sheet HOB\_009' With The Site Outlined Red (Source: Planning Proposal Report, Blacktown City Council, 2021)**



2. Introduce a site-specific clause that caps car parking at the site. The minimum car parking rates stipulated under a 'Guide to Traffic Generating Developments, Version 2.2, published by the Roads and Traffic Authority in October 2002' are to be the maximum car parking rates for future development at the site. These rates are:

- 0.6 spaces per 1 bedroom unit.
- 0.9 spaces per 2 bedroom unit.
- 1.40 spaces per 3 bedroom unit.
- 1 space per 5 units (visitor parking).

This is a post-exhibition change made by the Department to address concerns raised by Transport for NSW and Sydney Metro in their submissions (see 3.2 and 3.3 below).

No other changes are proposed as part of the planning proposal, as shown in **Table 2**.

**Table 2: Current and Proposed Controls**

Control	Current	Proposed
Zone	R3 Medium Density Residential	R3 Medium Density Residential (no change)
Maximum Height of Building	16m	26m (proposed change)
Floor space ratio	N/A	N/A (no change)
Minimum Lot Size	N/A	N/A (no change)
Dwelling Density	45 dwellings/ha	45 dwellings/ha (no change)

The draft LEP is proposed to have a commencement date of 30 September 2021. This will enable the planning proposal to be finalised, but not commence until the necessary local infrastructure required to support the development has been secured through a voluntary Planning Agreement (VPA). At the time of this report, the VPA had been drafted and was on public exhibition, providing some certainty that the planning proposal can be progressed whilst the final stages of securing contributions take place. The VPA is intended to provide a 2,200sqm parcel of open space at the site, which is proposed to be publicly accessible but remain in private ownership.

The deferred commencement gives Council and the planning proposal proponent sufficient time to finalise and execute the VPA before the draft LEP officially commences. If required, this deferred commencement date can be extended to ensure that commencement is delayed again to provide adequate time for resolution of local infrastructure matters.

#### 1.1.4 State Electorate and Local Member

The site falls within the Riverstone state electorate. Kevin Conolly MP is the State Member.

The site falls within the Greenway federal electorate. Michelle Rowland MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the planning proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this planning proposal.

## 2 Gateway Determination and Alterations

The Gateway determination issued on 23 January 2019 (**Attachment B**) determined that the proposal should proceed, subject to conditions.

Council has met all of the Gateway determination conditions (as altered), excluding the designated LEP completion timeframe condition. In accordance with the Gateway determination, the planning proposal was due to be finalised 9 months following the Gateway determination. This date wasn't met due to the various complexities that were required to be resolved for this planning proposal.

## 3 Public Exhibition and Post-Exhibition Changes

### 3.1 Community Submissions During Exhibition

The planning proposal was publicly exhibited by Council from 10 June 2020 to 8 July 2020, as required by section 29 of the *Local Government Act 1993*. A total of 23 community submissions were received, all of which supported the planning proposal. Of these submissions:

- 13 were identical submissions from the same individual with 13 different property addresses.
- 4 were identical submissions from the same individuals with 4 different property addresses.
- 2 were identical submissions from the same individual with 2 different property addresses.
- The remaining 4 were individual submissions from different community members.

Considering the above, 7 different community members commented on the planning proposal.

Reasons for support as outlined in the community submissions comprised the following:

- Increased building heights, and the resulting additional units permissible on the site, will support the future retail precinct in the immediate area by providing more residents to the area.
- Increased building heights will reduce the number of cars having to travel and park at the nearby Tallawong Metro Station commuter car park, as more residents will be in walking distance to Tallawong Metro Station.
- Increased building heights will facilitate increased housing supply and choice within walking distance to Tallawong Metro Station and the future town centre, ensuring access to local and out of area jobs and services.

The Department notes each of the community submissions received on the planning proposal.

### 3.2 Advice from Agencies

In accordance with the Gateway determination (as altered), Council was required to consult with the agencies listed in **Table 3**. **Table 3** also outlines the advice raised in the agency submissions, Council's response and the Department's assessment.

**Table 3: Advice from Public Authorities**

Agency	Advice Raised	Council Response And Department's Assessment
Transport for NSW (TfNSW)	<ul style="list-style-type: none"> <li>• The planning proposal has merit, given the sites proximity to existing metro and bus services. Increasing building heights would also ensure consistency with the height limits for adjacent land and assist in</li> </ul>	<p><b><u>Council's Response:</u></b></p> <p>Council does not support the introduction of car parking caps at the site to resolve TfNSW's outstanding traffic concerns. Instead, Council has chosen to reduce the total site area which</p>

Agency	Advice Raised	Council Response And Department's Assessment
	<p>maximising public transport patronage and local business/retail investment.</p> <ul style="list-style-type: none"> <li>TfNSW is of the view that this planning proposal should not proceed until investigations into density band amendments for all of the NWGA precincts are finalised. Should Council proceed with this proposal in advance of this occurring, TfNSW recommends that no additional traffic should be generated from the additional uplift, with parking rates on-site restricted so that there is no additional traffic or on-site parking associated with the proposed development uplift.</li> <li>The traffic impact assessment for the planning proposal is considered inadequate, as it fails to consider the cumulative traffic and transport impacts of approved rezonings within the precinct.</li> <li>Future development on the site should consider appropriate noise attenuation measures to mitigate future residents against rail passenger noise generated by operations at the stabling yard, commuter car park and metro station.</li> </ul>	<p>the planning proposal applies to (see <b>Section 3.3.1</b> of this report). This post-exhibition amendment will consequentially reduce the total number of car parking spaces that will be provided in the Riverstone East Precinct of the NWGA and reduce traffic on surrounding streets.</p> <p>Specific design matters relating to future development at the site will be addressed as part of any future Development Application (DA) for the site.</p> <p><b><u>Department Response:</u></b></p> <p>The Department notes that TfNSW considers the planning proposal to have merit, subject to the resolution of outstanding traffic concerns. Whilst the post-exhibition amendment by Council to reduce the total site area the planning proposal applies to, is supported, it does not address Transport's concerns about uncapped growth and traffic generation in this area.</p> <p>As such the Department has made a post-exhibition amendment to address this outstanding issue and introduced a site-specific clause to cap car parking at the site (see <b>Section 3.3.2</b> of this report). It is recommended that the minimum car parking rates stipulated under a 'Guide to Traffic Generating Developments, Version 2.2', published by the Roads and Traffic Authority in October 2002, should be the maximum car parking rates for future development at the site. Whilst Council does not support a car parking cap, on balance, the Department considers it to be an appropriate mechanism to respond to TfNSW's concerns. TfNSW has been advised of this recommendation to respond to its concerns.</p> <p>In addition to this, it is assumed that future residential development at the site will include 200 or more car parking spaces, which constitutes 'traffic generating development' and will be required to be referred to TfNSW for review at the DA stage in accordance with schedule 3 of <i>State Environmental Planning Policy (Infrastructure) 2007</i>. TfNSW will therefore have an opportunity to further comment on future development at the site.</p>



Agency	Advice Raised	Council Response And Department's Assessment
		<p>Any future DA(s) will be required to include a detailed traffic and parking assessment, which will include findings and recommendations to resolve any potential traffic and parking impacts.</p>
Sydney Metro	<ul style="list-style-type: none"> <li>Further consideration is required on the following matters relating to the indicative layout of future development at the site: <ul style="list-style-type: none"> <li>Integration of development at the site with development on land owned by Sydney Metro to the south.</li> <li>Distribution of height and density across the site.</li> <li>The function and design of the proposed future civic square.</li> <li>Integration with surrounding streets.</li> <li>Proposed pedestrian paths, cycling routes and cycleways.</li> <li>Interface of future development with Tallawong Road.</li> </ul> </li> <li>The traffic assessment accompanying the planning proposal should be updated to: <ul style="list-style-type: none"> <li>Consider the traffic impact of the development in its entirety.</li> <li>Demonstrate access to future development at the site and any impacts on movement through the Metro station precinct.</li> <li>Include accurate proposed future bus routes.</li> </ul> </li> </ul>	<p><b><u>Council's Response:</u></b></p> <p>Specific design matters relating to future development at the site will be addressed as part of any future DA(s) for the site.</p> <p>A post-exhibition amendment to the planning proposal to reduce the total site area will assist with resolving future traffic and parking concerns.</p> <p><b><u>Department Response:</u></b></p> <p>Whilst the post-exhibition amendment by Council to reduce the total site area which this planning proposal applies to is supported, the Department has also made a post-exhibition amendment to the planning proposal to resolve the outstanding traffic concerns identified by Sydney Metro. This post-exhibition amendment was discussed in detail above when addressing TfNSW's submission and in <b>section 3.3.2</b> of this report.</p> <p>Specific design matters relating to future development at the site can be addressed as part of any future DA(s). Any future DA(s) will also be required to include a detailed traffic assessment, which will include findings and recommendations to resolve any potential traffic and parking impacts.</p>
NSW Department of Education (School Infrastructure NSW)	<ul style="list-style-type: none"> <li>School Infrastructure NSW (SINSW) does not object to the proposed increase to the maximum height of buildings control but notes that the future population increase and subsequent student increase will need to be accommodated in NSW Department of Education (DoE) schools.</li> <li>SINSW is committed to working with Council to ensure that educational facilities are</li> </ul>	<p><b><u>Council's Response:</u></b></p> <p>Noted. Council will continue to work with DoE/SINSW as required.</p> <p><b><u>Department Response:</u></b></p> <p>Council's response is considered adequate. No further action required to address this submission.</p>

Agency	Advice Raised	Council Response And Department's Assessment
	supporting community needs and are appropriately resourced.	
Endeavour Energy	<ul style="list-style-type: none"> <li>Endeavour Energy's Asset Planning and Performance Branch have no concerns or objections to the planning proposal.</li> <li>The subsequent development of the site will be subject to Endeavour Energy's normal customer connection process managed by the Network Connections Branch.</li> </ul>	<p><b><u>Council's Response:</u></b></p> <p>Noted. Endeavour Energy matters will be addressed as part of any future DA(s) for the site.</p> <p><b><u>Department Response:</u></b></p> <p>Council's response is considered adequate. No further action required to respond to this submission.</p>
Sydney Water	<ul style="list-style-type: none"> <li>Sydney Water has no in-principle objection to the proposed change in building heights.</li> <li>Portable and wastewater mains will be provided to development on the site according to Section 73 requirements as issued.</li> </ul>	<p><b><u>Council's Response:</u></b></p> <p>Noted. Sydney Water matters will be addressed as part of any future DA(s) for the site.</p> <p><b><u>Department Response:</u></b></p> <p>Council's response is considered adequate. No further action required to respond to this submission.</p>
Sydney Living Museums	N/A	<p><b><u>Council's Response:</u></b></p> <p>A letter was sent to Sydney Living Museums advising of the exhibition of the planning proposal. No response was received from Sydney Living Museums.</p> <p><b><u>Department Response:</u></b></p> <p>Council's response is considered adequate. Adequate heritage assessments were undertaken by Council in response to the Gateway determination. This is outlined in further detail in <b>Table 6</b> of this report.</p>

The Department considers that each of the issues raised during consultation have been adequately addressed.

## 3.3 Post-Exhibition Changes

### 3.3.1 Council Resolved Changes

The planning proposal as exhibited by Council sought to facilitate up to 376 additional dwellings at the site beyond what is currently achievable and applied to the following land:

- Part 72 Tallawong Road, Rouse Hill (part Lot 65 DP 30186).
- Part 58 Tallawong Road, Rouse Hill (part Lot 66 DP 30186).
- 50 Tallawong Road, Rouse Hill (Lot 67 DP 30186).

- 42 Tallawong Road, Rouse Hill (Lot 8 DP 1249124).
- 34 Tallawong Road, Rouse Hill (Lot 9 DP 1249124).
- Part of Tallawong Road.

At Council's Ordinary Meeting on 28 April 2021, Council resolved to amend the planning proposal site area (**Attachment C**). The revised planning proposal now applies to the following land (as reflected in **Table 1** of this report):

- 42 Tallawong Road, Rouse Hill (Lot 8 DP 1249124).
- 34 Tallawong Road, Rouse Hill (Lot 9 DP 1249124).
- Part of Tallawong Road.

This amendment was made by Council to address traffic and car parking concerns raised by TfNSW and Sydney Metro in their submissions on the planning proposal.

A reduction to the total site area means the planning proposal would now facilitate up to 207 additional dwellings at the site instead of 376, as originally proposed and exhibited. This reduction of 169 additional dwellings at the site reduces the total number of car parking spaces that will be provided as part of future development at the site, consequently reducing future traffic flows on surrounding streets. All other aspects of the planning proposal remained as exhibited by Council.

**Figure 3** identifies the original site area as exhibited, as well as the amended site area which is reflected in **Table 1** of this report.



**Figure 3: The Original Site Highlighted Blue and The Amended/Current Site Highlighted Red**  
(Source: Nearmap, amended by the Department, 2021)



### 3.3.2 The Department's Recommended Changes

Following receipt of the revised planning proposal from Council, the Department has made further changes to the planning proposal. These post-exhibition changes by the Department comprise:

1. Introduction of a site-specific clause that caps car parking at the site. The minimum car parking rates stipulated under a 'Guide to Traffic Generating Developments, Version 2.2', published by the Roads and Traffic Authority in October 2002, should be the maximum car parking rates for future development at the site. These rates are:
  - 0.6 spaces per 1 bedroom unit.
  - 0.9 spaces per 2 bedroom unit.
  - 1.40 spaces per 3 bedroom unit.
  - 1 space per 5 units (visitor parking).
- This amendment has been made by the Department in response to submissions from TfNSW and Sydney Metro. This amendment will minimise the total number of car parking spaces that will be provided as part of future development at the site, consequentially reducing future traffic flows on the surrounding road network.
- Council have raised concerns that the parking restrictions may result in the residents of the future development parking in the street and impacting on the availability of on-street parking for other members of the community. Like other medium to high density transit-oriented centres, there may be a need, in time, for Council to consider parking restrictions and a permit system to ensure equitable allocation of on-street spaces in this town centre context.
2. Introduction of a 30 September 2021 deferred commencement to the draft LEP.
  - This amendment has been made by the Department to enable the planning proposal to be finalised whilst the local infrastructure needs of the proposal are secured. This post-exhibition amendment gives Council and the planning proposal applicant sufficient time to finalise and execute the VPA before the draft LEP officially commences. If required, this deferred commencement date can be amended if local infrastructure needs have not been resolved by the commencement date.
  - While the Department seeks to minimise the use of deferred commencement clauses, in this case it is considered to be worthwhile to ensure that this planning proposal is made in a timely fashion. Any risks of proceeding at this stage can be managed through an amendment to the commencement date. The Department has some certainty that the local infrastructure required to support the development can be delivered because the draft VPA has been considered by Council and is on public exhibition at the time of finalisation.

### 3.3.3 Justification for Post-Exhibition Changes

The Department notes that the post-exhibition changes made to the planning proposal by Council and the Department are justified and do not require the planning proposal to be re-exhibited.

It is considered that the post-exhibition changes:

- Are a reasonable response to comments provided by the public authorities to resolve traffic and parking concerns;
- Ensure the planning proposal can be finalised, but not commenced pending the resolution of local infrastructure matters; and
- Do not alter the overall intent of the planning proposal.

## 4 Department's Assessment

The planning proposal has been subject to detailed reviews and assessment through the Department's Gateway determination and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following section reassesses the planning proposal against relevant Section 9.1 Ministerial Directions, State Environmental Planning Policies (SEPPs), Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the planning proposal.

The planning proposal as submitted to the Department for finalisation:

- Is consistent with the Regional and District Plans relating to the planning proposal.
- Is consistent with the Local Strategic Planning Statement relating to the planning proposal.
- Is consistent with the relevant Section 9.1 Directions relating to the planning proposal, excluding Direction 4.4 and Direction 6.3, which are justified.
- Is consistent with the relevant SEPPs relating to the planning proposal.

**Table 4** and **Table 5** identify whether the planning proposal is consistent with the assessment undertaken at the Gateway determination stage as outlined in the Gateway determination report on the planning proposal (**Attachment F**). Where the planning proposal is inconsistent with this previous assessment, requires further analysis or requires reconsideration of any unresolved matters, this is addressed in Section 4.1 of this report.

**Table 4: Summary of Strategic Assessment**

Strategic Assessment	Consistent with Gateway Determination Report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
SEPPs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

**Table 5: Summary of Site-Specific Assessment**

Site-Specific Assessment	Consistent with Gateway Determination Report Assessment	
Social and Economic Impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental Impacts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Infrastructure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1

### 4.1 Detailed Assessment

The following section provides an assessment of the matters relating to the planning proposal that are marked as inconsistent in **Table 4** and **Table 5** with the previous Gateway determination report for the planning proposal (**Attachment F**).



### 4.1.1 Local Strategic Planning Statement

The Blacktown Local Strategic Planning Statement 2020 (Blacktown LSPS) was adopted in March 2020 and is now applicable to the site and planning proposal. The Blacktown LSPS also contains local planning priorities to guide the future growth and development of the Blacktown LGA.

The following local planning priorities are applicable to the planning proposal:

- *Local Planning Priority 5: Providing housing supply, choice and affordability with access to jobs, services and public transport.*
  - The future development facilitated by this planning proposal will provide increased housing supply in a highly accessible location near Tallawong Metro Station. The metro service at Tallawong Metro Station provides direct access to various locations throughout Greater Sydney with a high number of jobs and services.
- *Local Planning Priority 6: Creating and renewing great places and centres.*
  - The future development facilitated by this planning proposal will renew the site and surrounding area of Rouse Hill. The future development is intended to contain a publicly accessible open space, where future residents and visitors will be able to interact, gather and play. This will greatly contribute to Rouse Hill's on-going vibrancy and activation.
- *Local Planning Priority 7: Delivering integrated land use and transport planning and a 30-minute city.*
  - The future development facilitated by this planning proposal will provide increased housing supply in a highly accessible location near Tallawong Metro Station. This will increasingly support the '30-minute' city concept, as future residents will be able to utilise the metro service at Tallawong Metro Station to easily access a range of jobs, services and amenities.

The Department considers the planning proposal to be consistent with these applicable Blacktown LSPS local planning priorities and is acceptable.

### 4.1.2 Section 9.1 Ministerial Directions

Section 9.1 Ministerial Directions that were noted as unresolved or weren't previously addressed as part of the Gateway determination report (**Attachment F**) that apply to the planning proposal have been addressed in **Table 6**.

**Table 6: Section 9.1 Ministerial Directions Assessment**

Directions	Consistent /Inconsistent	Reasons for Consistency or Inconsistency
<b>Direction 2.3:</b> Heritage Conservation	Consistent (was previously noted as unresolved as part of the Gateway Determination)	<p>As per the Gateway Determination report on the planning proposal (<b>Attachment F</b>), consistency with Direction '2.3 - Heritage Conservation' remained unresolved until:</p> <ul style="list-style-type: none"> <li>• The planning proposal was updated to address any potential impact of the additional height on the view corridors from Rouse Hill House and Estate.</li> <li>• The planning proposal was updated to assess the proposals consistency with section 9.1 Direction 2.3 Heritage Conservation.</li> <li>• Consultation was undertaken with the Sydney Living Museums.</li> </ul>

Directions	Consistent /Inconsistent	Reasons for Consistency or Inconsistency
		<p>The site does not contain a heritage item and is not located in a heritage conservation area. However, the site is located within potential view corridors of the State significant Rouse Hill House and Estate. To determine whether the proposed height increase at the site would impact the view corridors from the Rouse Hill House and Estate:</p> <ul style="list-style-type: none"> <li>• A Heritage Impact Statement (HIS) was prepared post-Gateway (<b>Appendix G</b>), which concluded that the proposed increase in height forming part of the planning proposal will have no impact on Rouse Hill House and Estate, provided that the intervening tree line is maintained.</li> <li>• A Visual Impact Assessment (VIA) was prepared post-Gateway (<b>Appendix H</b>), which concluded that the planning proposal will generate no apparent view loss or blocking.</li> </ul> <p>Following this additional testing, the planning proposal has demonstrated that it will have no significant impact on the view corridors from Rouse Hill House and Estate and is acceptable from a heritage perspective.</p> <p>As identified in <b>Table 3</b> of this report, no response was received from Sydney Living Museums on the planning proposal. However, this is considered acceptable given the findings of the HIS and VIA.</p> <p>Considering the above, the planning proposal is considered to be consistent with this Direction.</p>
<b>Direction 2.6:</b> Remediation of Contaminated Land	Consistent	<p>The planning proposal is consistent with this Direction, as the planning proposal does not seek to amend the existing 'R3 – Medium Density Residential' zoning applying to the site or introduce any additional land uses than currently permitted. Detailed site/contamination studies will be required to support any future DA(s) at the site to ensure the development satisfies <i>State Environmental Planning Policy No 55 – Remediation of Land</i>.</p>
<b>Direction 4.4:</b> Planning for Bushfire Protection	Inconsistent (but justified)	<p>The site is identified as containing 'Category 1' and 'Buffer' bushfire prone land. Notwithstanding this, inconsistency with this Direction is justified, as:</p> <ul style="list-style-type: none"> <li>• The Gateway determination for the planning proposal was issued on 23 January 2019 (<b>Attachment B</b>). At this time, Direction 4.4 was not a consideration. Direction 4.4 was issued as a consideration on 20 February 2020. The Gateway determination (<b>Attachment B</b>) therefore did not include a condition to consult with the NSW Rural Fire Service prior to public exhibition of the planning proposal.</li> <li>• The identified bushfire risk for the site is no longer considered to be accurate. This is because:</li> </ul>

Directions	Consistent /Inconsistent	Reasons for Consistency or Inconsistency
		<ul style="list-style-type: none"> <li>Vegetation on land surrounding the site has and is continuing to be removed to facilitate development.</li> <li>There are a limited number of scattered trees and vegetation remaining at the site.</li> </ul> <p>Any future DA(s) at the site will be required to consider bushfire risk and be designed accordingly.</p>
<b>Direction 5.9:</b> North West Rail Link Corridor Strategy	Consistent	The planning proposal is consistent with this Direction, as the planning proposal promotes the principles of transit-oriented development as outlined in the North West Rail Link Corridor Strategy.
<b>Direction 5.10:</b> Implementation of Regional Plans	Consistent	<p>The planning proposal is consistent with this Direction, as the planning proposal is consistent with a range of objectives contained to the 'Greater Sydney Regional Plan - A Metropolis of Three Cities' (Region Plan).</p> <p>A detailed assessment of the planning proposal against the Region Plan was previously undertaken as part of the Gateway Determination report (<b>Attachment F</b>).</p>
<b>Direction 6.3:</b> Site Specific Provisions	Inconsistent (but justified)	<p>The planning proposal is inconsistent with this Direction, as the planning proposal seeks to add a site-specific clause to cap car parking at the site. However, inconsistency with this Direction is justified, as this proposed site-specific clause ensures:</p> <ul style="list-style-type: none"> <li>Comments by TfNSW and Sydney Metro are addressed.</li> <li>The total number of car parking spaces that can be provided as part of future development at the site is minimised, which will consequentially reduce future traffic volumes on the surrounding road network.</li> <li>The utilisation of Sydney Metro and surrounding bus services to travel is increasingly promoted, which will result in a range of on-going environmental benefits.</li> </ul>

The Department considers that the planning proposal is consistent with the relevant Section 9.1 Ministerial Directions relating to the planning proposal, excluding Direction 4.4 and Direction 6.3, which are justified.

#### 4.1.3 Environmental Impacts

The future development facilitated by the planning proposal will result in reduced environmental impacts compared to the assessment outlined in the Gateway determination report (**Attachment F**). This is because:

- The post-exhibition amendment by Council to reduce the total site area will consequentially reduce future built form, overshadowing, traffic and parking impacts compared to the original planning proposal.
- The post-exhibition amendment by the Department to include a car parking cap at the site will consequentially reduce future traffic and parking impacts compared to the original planning proposal.

Notwithstanding this, any future DA(s) lodged for the site will be required to assess all built form, overshadowing, traffic and parking impacts in detail.

#### 4.1.4 Infrastructure

##### Service Utilities:

As per the Gateway Determination report on the planning proposal (**Attachment F**), Council was required to consult with relevant service and utility providers to confirm that they can adequately service additional residential density. As outlined in **Table 3**, Sydney Water and Endeavour Energy did not raise any objections to the planning proposal. The Department considers this acceptable.

##### Open Space and Community Infrastructure:

As per the Gateway Determination report on the planning proposal (**Attachment F**):

- The planning proposal was required to be updated to address any need for open space and community infrastructure to service the additional residential yield.
- Council was required to consult with the NSW Department of Education in relation to any impacts the planning proposal may have on local schools.

An Open Space and Community Facilities Impact Assessment (**Attachment I**) was prepared for the planning proposal post-Gateway. It identifies the need for additional open space facilities and community facilities to support the future development facilitated by this planning proposal.

To cover an identified shortfall in open space facilities, the planning proposal applicant has submitted a letter of offer to enter into a VPA to provide a 2,200sqm parcel of open space at the site. This open space is proposed to be publicly accessible but remain in private ownership. A VPA of this nature is yet to be finalised and executed between Council and the planning proposal applicant. The draft VPA commenced exhibition on 4 June 2021 up to 2 July 2021. The VPA will need to be presented to an upcoming Council meeting to be formally endorsed.

To enable the planning proposal to be finalised whilst VPA negotiations continue, the Department has made a post-exhibition amendment to the planning proposal to include a 30 September 2021 deferred commencement. This post-exhibition amendment gives Council and the planning proposal applicant sufficient time to finalise and execute the VPA before the draft LEP officially commences. If required, this deferred commencement date can be amended through a section 3.22 submission.

To cover an identified shortfall in community facilities, section 7.11 contributions will be required to be paid at the DA stage for future development at the site. As identified in **Table 3**, DoE/SINSW did not raise any objections to the planning proposal and will continue to work with Council, as required.

## 5 Post-Assessment Consultation

The Department consulted with the following stakeholders after the assessment.

**Table 7: Consultation Following The Department's Assessment**

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	An amended 'North West Growth Centre Height of Buildings Map - Sheet HOB_009' has been prepared to support the planning proposal. The Department's ePlanning team has confirmed that the amended map meets the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Council	Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> ( <b>Attachment D</b> ).	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	On 17 June 2021, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at <b>Attachment PC</b> .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

## 6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The draft LEP has strategic merit, being consistent with the following applicable plans and strategies:
  - Greater Sydney Region Plan – A Metropolis of Three Cities.
  - Central City District Plan.
  - North West Rail Link Corridor Strategy.
  - Our Blacktown 2036.
- The planning proposal has site-specific merit, as it will provide the site with a height of buildings control that is consistent with adjoining land zoned R3 Medium Density Residential.
- The planning proposal is generally consistent with the Gateway determination (as altered).
- The planning proposal is consistent with each of the relevant Section 9.1 Directions relating to the planning proposal, excluding Direction 4.4 and Direction 6.3, which are justified.
- The planning proposal is consistent with each of the relevant SEPPs relating to the planning proposal.
- Each of the issues raised during consultation have been adequately addressed through post exhibition amendments.



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## Attachments

Attachment	Document
<b>PC</b>	PC Opinion and Instrument dated 17 June 2021
<b>Maps</b>	Draft LEP Map
<b>A</b>	Planning Proposal dated April 2021
<b>B</b>	Gateway Determination dated 23 January 2019
<b>C</b>	Council Finalisation Request dated 4 May 2021
<b>D</b>	Council Consultation under S3.36(1) of the Act dated 9 June
<b>E</b>	Council Comments on Draft LEP dated 11 June 2021
<b>F</b>	Gateway Determination Report dated 23 January 2019
<b>G</b>	Heritage Impact Statement dated May 2019
<b>H</b>	Visual Impact Assessment dated January 2020
<b>I</b>	Open Space and Community Facilities Impact Assessment dated 10 May 2019