



Planning,
Industry &
Environment

IRF21/1370

Gateway Determination Report – PP-2021-2559

Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 affecting part Conferta Avenue and 2-12 Conferta Avenue, Rouse Hill

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1 Planning Proposal

1.1 Overview

Table 1: Planning Proposal Details

LGA	Blacktown
PPA	Blacktown City Council
NAME	2-12 Conferta Avenue, Rouse Hill (0 homes, 0 jobs)
NUMBER	PP-2021-2559
LEP TO BE AMENDED	State Environmental Planning Policy (Sydney Region Growth Centres) 2006
ADDRESS	2-12 Conferta Avenue, Rouse Hill
DESCRIPTION	Part Conferta Avenue and Lot 294 DP 1213279
RECEIVED	9 March 2021
FILE NO.	IRF21/1370
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1.2 Objectives and Intended Outcomes

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the planning proposal.

The objectives of the planning proposal are to remove each of the local open space acquisition requirements that currently apply to the site under *State Environmental Planning Policy (Sydney Growth Centres) 2006* (Growth Centres SEPP), by:

- Amending clause 5.1 (2) under Appendix 6 of the Growth Centres SEPP; and
- Amending 'North West Growth Centre Land Reservation Acquisition Map – Sheet LRA_009' of the Growth Centre SEPP.

The intended outcomes of these amendments to the Growth Centres SEPP are:

- To facilitate the construction of a public park at the site by the landowner, meaning Council does not need to pay for a public park at the site;
- To allow the public park at the site to be maintained by the landowner, meaning Council does not need to acquire and maintain the public park; and
- To allow the public park to be accessible to the public at all times (24/7).

The objectives and intended outcomes of this planning proposal are clear and adequate.

1.3 Explanation of Provisions

The planning proposal seeks to amend the Growth Centres SEPP as it applies to the site, as follows:

1. Amend clause 5.1 (2) under Appendix 6 (Area 20 Precinct Plan) to:
 - a. Remove reference to 'Zone B4 Mixed Use and marked "Local Open Space"' under the 'Type of land shown on Map' table column; and
 - b. Remove reference to 'Council' under the 'Authority of the State' table column.
2. Amend 'North West Growth Centre Land Reservation Acquisition Map – Sheet LRA_009' to remove the 'Local Open Space (B4)' acquisition requirement applying to part of the site.

No other changes are proposed, as shown in **Table 2**.

No amendments to the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (Growth Centre DCP) are required as a result of the planning proposal.

Table 2: Current and Proposed Controls

Control	Current	Proposed
Zone	B4 Mixed Use	B4 Mixed Use (no change)
Maximum height of the building	26m	26m (no change)
Floor space ratio	1.75:1	1.75:1 (no change)
Minimum lot size	N/A	N/A (no change)
Heritage	N/A	N/A (no change)
Land Acquisition	Local Open Space (B4)	Remove land acquisition (Local Open Space (B4)) applicable to the site (proposed change)
Number of dwellings	N/A	0
Number of jobs	N/A	0

Prior to public exhibition it is requested that Council clarify further the detail of the proposed amendments to the 'North West Growth Centre Land Reservation Acquisition Map – Sheet LRA_009' through the provision of a draft map. A condition to the above effect is recommended in the Gateway determination.

1.4 Site Description and Surrounding Area

The planning proposal applies to part of Conferta Avenue and 2-12 Conferta Avenue, Rouse Hill, which is legally described as part Conferta Avenue (road reserve) and Lot 294 DP 1213279 (the site). The site is highlighted red in **Figure 1**.

Under the Growth Centres SEPP, part of the site is marked for open space acquisition by Council. This area of the site is highlighted yellow in **Figure 1**. The site is located within the Area 20 Precinct (also known as the Tallawong Station Precinct) under the Growth Centres SEPP.

The site is part of the Tallawong Station Precinct South and is zoned B4 Mixed Use zone in the SEPP. Retention of the existing zoning will enable the development of a basement car park and integrated development including proposed park areas. The car park forms part of the approved

mixed-use development on the overall site, Refer to Section 1.6 below for details of the relevant State Significant Development (SSD) Application.

The majority of the site is currently vacant. There is a publicly accessible, temporary pocket park fronting Themeda Avenue in the north-eastern corner of the site.

The site is bound by:

- To the north is Themeda Avenue and Tallawong Metro Station.
- To the east is Cudgegong Road and land containing an electricity substation.
- To the south is part of Conferta Avenue and vacant land that is sparsely covered with grass.
- To the west is land containing commuter car parking servicing Tallawong Metro Station.



Figure 1: The Site (Source: Blacktown City Council 2021)

1.5 Mapping

The planning proposal includes mapping showing the existing and proposed changes to the 'North West Growth Centre Land Reservation Acquisition Map – Sheet LRA_009'. These maps are provided in **Figure 2** and **Figure 3** on the following page.

Prior to public exhibition, the Department requires Council to update the proposed land reservation acquisition map to include acquisition labels for each of the surrounding sites marked for acquisition, as currently exists. A condition to the above effect is recommended in the Gateway determination.

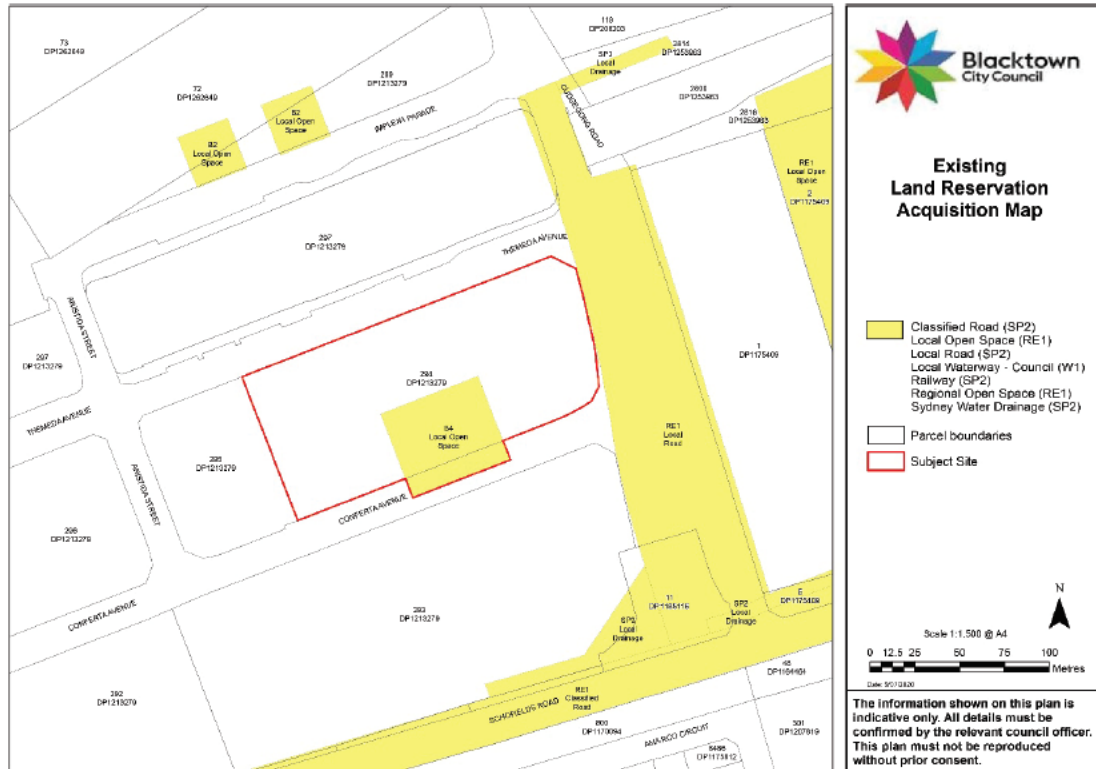


Figure 2: Current Land Reservation Acquisition Map (Source: Blacktown City Council 2021)

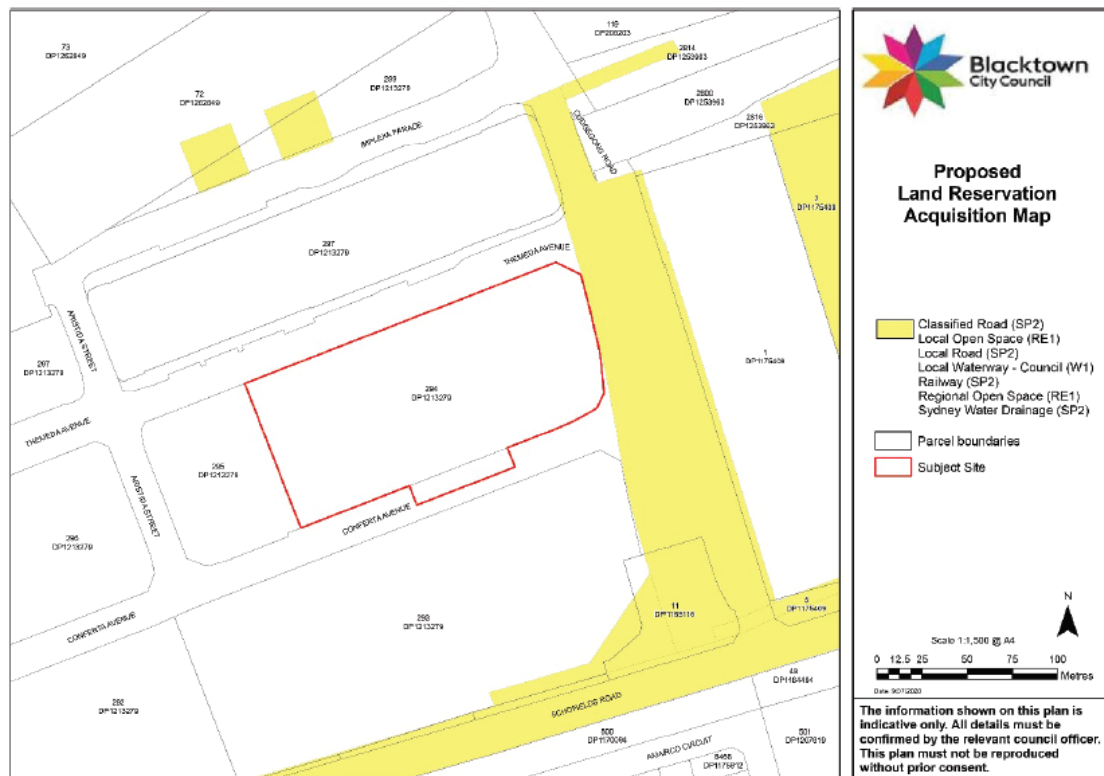


Figure 3: Proposed Land Reservation Acquisition Map (Source: Blacktown City Council 2021)

1.6 Background

Concept SSDA (SSD-9063):

On 21 February 2019, the Department approved concept State Significant Development Application (SSDA) SSD-9063 for the mixed-use development of the site. The concept SSDA was approved for, amongst other things, a 3,411sqm public park at the site. The location of the public park is different to the location identified on the 'North West Growth Centre Land Reservation Acquisition Map – Sheet LRA_009'.

Detailed SSDA (SSD-10425):

The Department is currently assessing the detailed SSDA (SSD-10425) for the site, which seeks development consent for, amongst other things, a 3,507sqm public park. The park is 96sqm larger than the park shown in the concept approval and shown in a similar location to the concept plan.

The proposed public park, which forms part of the proposal, is identified in **Figure 4** below. The public park comprises a village green in the northern Part of the open space and a children's play space to the south.



Figure 4: Proposed Public Park as Part Of SSD-10425 (Source: Turf Design Studio 2020)

As part of the development of the detailed SSDA (SSD-10425), an agreement has been reached between the landowner and Council regarding the ongoing access and maintenance of the park. It sets out that the landowner will be responsible for the construction and on-going maintenance of the public park at the site. It also sets out that the public park must be publicly accessible at all times (24/7). An easement registered on the land title will ensure full public access to the park at all times, also the on-going maintenance in perpetuity. A Voluntary Planning Agreement (VPA) to formalise this in-principle agreement has been drafted between the landowner and Council. The VPA supporting the planning proposal is on public exhibition by Council.

2 Need for The Planning Proposal

The planning proposal is not the result of a strategic study or report. It is required as a result of the following:

- The approval of SSD-9063, which approved a public park at the site in a different location to the area shown on the 'North West Growth Centre Land Reservation Acquisition Map – Sheet LRA_009';
- The ongoing assessment of SSD-10425, which proposes a public park at the site in a different location to the area shown on the 'North West Growth Centre Land Reservation Acquisition Map – Sheet LRA_009'; and
- An in-principle agreement between the landowner and Council that the public park to be developed at the site will remain in private ownership, but:
 - Will be paid for and constructed by the landowner;
 - Will be maintained by the landowner;
 - Will be publicly accessible at all times (24/7); and
 - All liabilities will be held by the landowner.

This in-principle agreement is formalised by a VPA currently on public exhibition by Council. An easement on the land title will also secure these obligations.

The planning proposal is the best means of achieving the objectives and intended outcomes, as they can't be achieved without removing the open space acquisition requirements that currently apply to the site under the Growth Centres SEPP. Given the Council's concerns at shortfalls in provision of open space throughout the North West Growth Area precincts, the proposal represents an innovative approach to provision of additional open space in conjunction with major developments.

3 Strategic Assessment

3.1 District Plan

The 'Central City District Plan' (District Plan) applies to the planning proposal. The District Plan was released on 18 March 2018 by the GSC and contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Table 3 includes an assessment of the planning proposal against the relevant planning priorities contained to the District Plan.

Table 3: District Plan Assessment

District Plan Priorities	Justification
Planning Priority C1: Planning for a city supported by infrastructure	The planning proposal will facilitate the provision of a public park at the site. The provision of public open space at the site aligns with required open space requirements in Rouse Hill to support its growing population.
Planning Priority C3: Providing services and social infrastructure to meet people's changing needs	
Planning Priority C4: Fostering healthy, creative, culturally rich and socially connected communities	The planning proposal will facilitate the provision of a public park at the site. This space will allow residents of Rouse Hill to interact, exercise and play.
Planning Priority C16: Increasing urban tree canopy cover and delivering Green Grid connections	The planning proposal will facilitate the provision of a public park at the site that contains extensive tree and vegetation cover.
Planning Priority C17: Delivering high quality open space	The planning proposal will facilitate a public park at the site that is larger (allowing for more tree and vegetation cover) and better positioned in comparison to what could be provided under the Growth Centres SEPP.

The Department notes that the planning proposal does not comment on each of the abovementioned relevant District Plan planning priorities. Prior to public exhibition, the Department requires Council to update the planning proposal to address each of the relevant District Plan planning priorities. A condition to the above effect is recommended in the Gateway determination.

3.2 Local Strategic Planning

A range of local strategies apply to the planning proposal. An assessment of the planning proposal against each of these is provided in **Table 4**.

Table 4: Local Strategic Planning Assessment

Local Strategies	Justification
Cudgegong Road Station (Area 20 Precinct) Finalisation Report (now known as Tallawong Station)	The planning proposal is generally consistent with the Cudgegong Road Station (Area 20 Precinct) Finalisation Report (now known as Tallawong Station) and its accompanying indicative layout plan, as the planning proposal will facilitate the delivery of a park south of Tallawong Station, as required by the report and accompanying indicative layout plan.

Blacktown Local Strategic Planning Statement	<p>The planning proposal is consistent with the following local planning priorities contained to the 'Blacktown Local Strategic Planning Statement' (Blacktown LSPS):</p> <ul style="list-style-type: none"> • LPP1: Planning for a city supported by infrastructure. • LPP3: Providing services and social infrastructure to meet people's changing needs. • LPP6: Creating and renewing great places and centres. • LPP14: Increasingly urban tree canopy cover and Green Grid connections. • LPP15: Delivering high quality open space. <p>The Department notes that the planning proposal does not comment on each of the abovementioned relevant Blacktown LSPS local planning priorities. Prior to public exhibition, the Department requires Council to update the planning proposal to address each of the relevant Blacktown LSPS local planning priorities. A condition to the above effect is recommended in the Gateway determination.</p>
Our Blacktown 2036 – Community Strategic Plan	<p>The planning proposal is consistent with the following strategic directions contained to 'Our Blacktown 2036 – Community Strategic Plan' (CSP):</p> <ul style="list-style-type: none"> • SD1: A vibrant and inclusive community. • SD2: A clean, sustainable and healthy environment. • SD4: A growing city supported by accessible infrastructure. • SD5: A sporting and active city.

3.3 Local Planning Panel Recommendation

The planning proposal was referred to the Blacktown Local Planning Panel (the Panel) at its meeting on 13 November 2020. The Panel supported Council's recommendation to progress the planning proposal for Gateway determination.

The Panel recommended that the VPA supporting the planning proposal be exhibited by Council at the same time as this planning proposal to ensure certainty. The VPA is on public exhibition from 1 April to 1 May 2021.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 5**.

Table 5: 9.1 Ministerial Direction Assessment

Directions	Consistent/Inconsistent	Reasons for Consistency or Inconsistency
Direction 1.1: Business and Industrial Zones	Consistent	The planning proposal is consistent with this direction as it does not seek to change the business zoning (B4 Mixed Use) applying to the site.

Directions	Consistent/Inconsistent	Reasons for Consistency or Inconsistency
Direction 2.6: Remediation of Contaminated Land	Consistent	The planning proposal is consistent with this Direction. A Detailed Site Investigation was submitted with SSD-10425 affecting the site. It concluded that widespread contamination was not identified at the site and that the site can be made suitable for the proposed land uses (which includes the public park).
Direction 3.4: Integrating Land Use and Transport	Consistent	The planning proposal is consistent with this Direction, as it will facilitate the provision of a public park at the site as part of the Tallawong Station South Precinct. This precinct is located adjacent to Tallawong Metro Station.
Direction 4.4: Planning for Bushfire Protection	Inconsistent	<p>The site was cleared of trees and vegetation during the construction of Sydney Metro. However, the site is identified as containing 'Category 1' and 'Buffer' bushfire prone land.</p> <p>To ensure consistency with this Direction, Council is required to consult with the NSW Rural Fire Service prior to exhibition to confirm that the NSW Rural Fire Service does not object to the progression of the planning proposal. This has been added as a condition in the Gateway determination.</p>
Direction 5.10: Implementation of Regional Plans	Consistent	The planning proposal is consistent with this Direction, as the planning proposal is consistent with a range of objectives contained in the Region and District Plan.
Direction 6.1: Approval and Referral Requirements	Consistent	The planning proposal is consistent with this Direction, as it will remove the need for Council to acquire land at the site to construct a public park. The planning proposal will allow the public park to instead be constructed by the landowner.
Direction 6.2: Reserving Land for Public Purposes	Inconsistent	<p>Whilst the planning proposal seeks to remove the local open space acquisition requirements that apply to the site under the Growth Centres SEPP, the inconsistency is justified as the planning proposal will result in the facilitation of a public park at the site that is larger (allowing for more tree and vegetation cover) and better positioned in comparison to what could be provided under the Growth Centres SEPP.</p> <p>In addition, the planning proposal will facilitate a public park at the site that does not need to be paid for, constructed or maintained by Council.</p>

Directions	Consistent/Inconsistent	Reasons for Consistency or Inconsistency
Direction 6.3: Site Specific Provisions	Consistent	The planning proposal is consistent with this Direction, as it removes restrictive open space acquisition requirements that currently apply to the site under the Growth Centres SEPP. The removal of these requirements will allow the landowner to construct a public park at the site.
Direction 7.4: Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Consistent	The planning proposal is consistent with this Direction, as the planning proposal responds to 'Action 8 – Improve pedestrian, cycle and green connectivity' in the North West Priority Growth Area Land Use and Infrastructure Implementation Plan by facilitating a public park at the site to address shortfalls in open space provision.

The Department notes that the planning proposal does not comment on each of the abovementioned relevant section 9.1 Directions. Prior to public exhibition, the Department requires Council to update the planning proposal to address each of the relevant section 9.1 Directions. A condition to the above effect is recommended in the Gateway determination.

3.5 State Environmental Planning Policies

The planning proposal is consistent with all relevant State Environmental Planning Policies (SEPPs) as discussed in **Table 6**.

Table 6: Assessment of Planning Proposal Against Relevant SEPPs

SEPPs	Proposal	Complies
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	The planning proposal does not propose provisions that would impact the application of this SEPP.	Yes
State Environmental Planning Policy (Infrastructure) 2007	The planning proposal does not propose provisions that would impact the application of this SEPP.	Yes
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	The planning proposal seeks to amend this SEPP to remove each of the local open space acquisition requirements that currently apply to the site. This is the best means of achieving the objectives and intended outcomes of the planning proposal.	Yes
State Environmental Planning Policy (Design Quality of Residential Apartment Development) 2002	Council has identified that "the planning proposal makes a significant contribution to canopy cover through the provision of extensive deep soil areas, as well as green roofs". Objective 3E of the Apartment Design Guide accompanying the SEPP requires deep soil areas. Given it has been indicated that the open space areas will sit above a basement car park, confirmation that adequate deep soil areas are provided should be obtained from Council.	Yes

The Department notes that the planning proposal does not comment on each of the abovementioned relevant SEPPs. Prior to public exhibition, the Department requires Council to update the planning proposal to address each of the relevant SEPPs. A condition to the above effect is recommended in the Gateway determination.

4 Site-Specific Assessment

4.1 Environmental

There are no potential adverse environmental impacts associated with the proposal. The planning proposal will facilitate the provision of a public park at the site that will contain extensive tree and vegetation cover.

The subject site is expected to be embellished as a result of the future development of the area in line with the ongoing SSDA (SSD-10425). The SSDA indicates the public park will sit above a basement car park and provide a minimum of 1.5m for deep soil planting. There is concern the minimum depth is insufficient to support large mature trees.

While it is acknowledged the SSDA has not yet been determined by the Department's assessment team, matters such as deep soil planting and tree canopy cover have been raised during the Design Review Panel meetings with the Council, the developer and the Department. The current landscape design seeks to provide deep soil areas with a depth ranging from 1.5m to 3.26m and 33.5% - 36% tree canopy coverage across the whole development. These matters can be adequately addressed further in the SSDA and secured through the VPA if required.

4.2 Social and Economic

There are no potential adverse social and economic impacts associated with the proposal. The planning proposal will provide positive social and economic outcomes, by:

- Facilitating a public park at the site that will provide a space for residents of Rouse Hill to interact, exercise and play;
- Facilitating a public park at the site that is larger and better positioned in comparison to what could be provided under the Growth Centres SEPP; and
- Facilitating a public park at the site that does not need to be paid for, constructed or maintained by Council.

4.3 Infrastructure

The site and development resulting from the planning proposal will be adequately serviced by required infrastructure. The proposal will facilitate increased open space for Rouse Hill that can be utilised by the surrounding community. It is important that the change in approach to securing this public open space, (i.e. public access to private land, rather than dedication of the land to Council) does not impact on the provision of open space in this centre in perpetuity, or have impacts for the design and enjoyment of the space.

It is essential that the VPA and proposed easements provide certainty that the space will continue used for open space and be public accessible. Arrangements must also be made to ensure that the function or design of the park is not changed significantly over time, or that Council must approve any changes to the park.

In addition, Council has specified in the planning proposal that the developer is not to receive a credit against section 7.11 contributions for the land value of the area or the cost of its embellishment. This is considered reasonable given the benefit to develop basement carparking underneath the public park.

5 Consultation

5.1 Community

Council propose a public exhibition period of 14 days. A 28 day public exhibition period is recommended as it will provide adequate time for the community to comment on the proposal and forms part of the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. Given the nature of the proposal, no agency consultation is considered necessary during the public exhibition period.

Prior to public exhibition, consultation is required with the NSW Rural Fire Service in accordance with section 9.1 'Direction 4.4 Planning for Bushfire Protection'.

6 Timeframe

The Department recommends a time frame of 6 months to complete the LEP to ensure it is completed in line with the commitment to reduce processing times; several key milestone deadlines will be included. A condition to the above effect is recommended in the Gateway determination.

7 Local Plan-Making Authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal seeks to amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*, the Department recommends that Council not be authorised to be the local plan-making authority for this planning proposal.

8 Assessment Summary

The planning proposal seeks to remove each of the local open space acquisition requirements that currently apply to the site under the Growth Centre SEPP. The planning proposal is supported to proceed with conditions.

The planning proposal is supported, as:

- It is the best means of achieving the objectives and intended outcomes, as they can't be achieved without removing the open space acquisition requirements that currently apply to the site under the Growth Centres SEPP;
- It will facilitate a public park at the site that does not need to be paid for, constructed or maintained by Council;
- It will facilitate the provision of a public park at the site which aligns with required open space requirements in Rouse Hill to support its growing population;
- It is consistent with the Region Plan, District Plan and local strategic plans and policies applying to the site;
- It is generally consistent with all relevant Section 9.1 Directions, excluding 'Direction 4.4 Planning for Bushfire Protection' which can be resolved through consultation with NSW Rural Fire Service; and
- It is consistent with all relevant SEPPs.

The proposal must be updated before public exhibition to:

- Address any comments provided by NSW Rural Fire Service on the planning proposal;
- Amend Figure 1 of the planning proposal to include the portion of Conferta Avenue included in the site and the boundary of the Area 20 Precinct;
- Amend Section 1.3 of the planning proposal to include the date of the Blacktown Local Planning Panel meeting;
- Amend Part 2.1 of the planning proposal to describe the proposed amendments to the 'North West Growth Centre Land Reservation Acquisition Map – Sheet LRA_009';
- Amend the proposed 'North West Growth Centre Land Reservation Acquisition Map – Sheet LRA_009' to reinstate the acquisition labels for each of the surrounding sites marked for acquisition, as currently exists;
- Amend Attachment 2 and Attachment 3 of the planning proposal to address the relevant 'Central City District Plan' planning priorities, 'Blacktown Local Strategic Planning Statement' local planning priorities, section 9.1 Directions and State Environmental Planning Policies;

9 Recommendation

It is recommended that the delegate of the Secretary:

- Note that the inconsistency with section 9.1 'Direction 4.4 Planning for Bushfire Protection' remains unresolved until consultation has been undertaken with the NSW Rural Fire Service and further justification has been provided.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to:
 - Amend Figure 1 of the planning proposal to include the portion of Conferta Avenue included in the site and the boundary of the Area 20 Precinct;
 - Amend Section 1.3 of the planning proposal to include the date of the Blacktown Local Planning Panel meeting;
 - Amend Part 2.1 of the planning proposal to describe the proposed amendments to the 'North West Growth Centre Land Reservation Acquisition Map – Sheet LRA_009';
 - Amend the proposed 'North West Growth Centre Land Reservation Acquisition Map – Sheet LRA_009' to reinstate the acquisition labels for each of the surrounding sites marked for acquisition, as currently exists;
 - Amend Attachment 2 and Attachment 3 of the planning proposal to address the relevant 'Central City District Plan' planning priorities, 'Blacktown Local Strategic Planning Statement' local planning priorities, section 9.1 Directions and State Environmental Planning Policies;
 - Consult with the NSW Rural Fire Service in accordance with section 9.1 'Direction 4.4 Planning for Bushfire Protection'; and
 - Address any comments provided by NSW Rural Fire Service on the planning proposal.
2. The planning proposal must be made available for public exhibition for a minimum of 28 days.
3. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.
4. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination. To ensure this timeframe can be met, public exhibition is to commence in May 2021 and the planning proposal is to be reported to Council in August 2021.



11 April 2021

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14 April 2021

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