



IRF25/96

Gateway determination report – PP-2023-1715

122 Cudgegong Road, Rouse Hill

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
A. Planning Proposal with Attachments (November 2024)
B. Report to Council 27 November 2024

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Blacktown
PPA	Blacktown City Council
NAME	Rezoning from SP2 - Water Reservoir to R2 - Low Density Residential at 122 Cudgegong Road, Rouse Hill
NUMBER	PP-2023-1715
LEP TO BE AMENDED	SEPP (Precincts- Central River City) 2021
ADDRESS	122 Cudgegong Road, Rouse Hill
DESCRIPTION	Lot 341 DP 1262760
RECEIVED	20/12/2024
FILE NO.	IRF25/96
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 of planning proposal

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

The objectives of the planning proposal are to:

- Rezone a portion of Lot 341 DP 1262760 from SP2 Water Reservoir to R2 Low Density Residential.
- Amend the zoning, height of building and lot size maps in the State Environmental Planning Policy (Precincts – Central River City) 2021 accordingly.

The subject land was identified for an access road for the adjoining Sydney Water reservoir site but is no longer required for this purpose as an access road has been provided on Sydney Water land to the north of the site. Sydney Water confirmed this land is no longer required and has been sold. The rezoning is required by Council as a condition of development approval for Lot 341.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the SEPP (Precincts – Central River City) 2021 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Land Zoning	<ul style="list-style-type: none"> R2 Low Density Residential SP2 Water Reservoir 	Remove SP2 Water Reservoir zone from the site, and amend to R2 Low Density Residential
Maximum height of the building	<ul style="list-style-type: none"> Height of building controls only apply to the land zoned R2 Low Density Residential 	Extend the maximum height of building controls to the land proposed to be rezoned R2 Low Density Residential
Minimum lot size	The minimum lot size 2000m2 extends only to the land zoned R2 Low density Residential	Extend the area of the minimum lot size to the land proposed to be rezoned R2 Low Density Residential

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The site is predominantly zoned R2 Low Density Residential, however, a 14.3 m wide strip on the northern border is zoned SP2 Infrastructure and is identified in the Area 20 (now Tallawong Station) Precinct Plan as an access road for the adjacent Sydney Water reservoir. The access road has been constructed on the adjacent site owned by Sydney Water and is no longer required on the subject site.

The Planning Proposal applies to Lot 341 DP 1262760, located on 122 Cudgegong Road, Rouse Hill. Sydney Water owns land to the north and east of the subject site, with a water reservoir located north-east of the subject site at Lot 40 DP 1247460 and Lot 1 DP 569723.

The subject site is heavily vegetated, surrounded by C2 Environmental Conservation zones to the north and R2 and R3 Residential zones to the south-west of the site. The biodiversity assessment undertaken to inform the rezoning of the precinct showed the site as having Shale Plains Woodland Ecological Communities in good condition.

In 2018, development application DA-18-01684 sought the demolition of the existing dwelling, and staged construction of a 2-storey Place of Public Worship for 400 parishioners and the removal of approximately 21 trees from the site to enable the development. The rezoning is required by Council as a condition of development approval for Lot 341.



Figure 1 Subject site, 122 Cudgegong Rd, Rouse Hill (aerial photo)

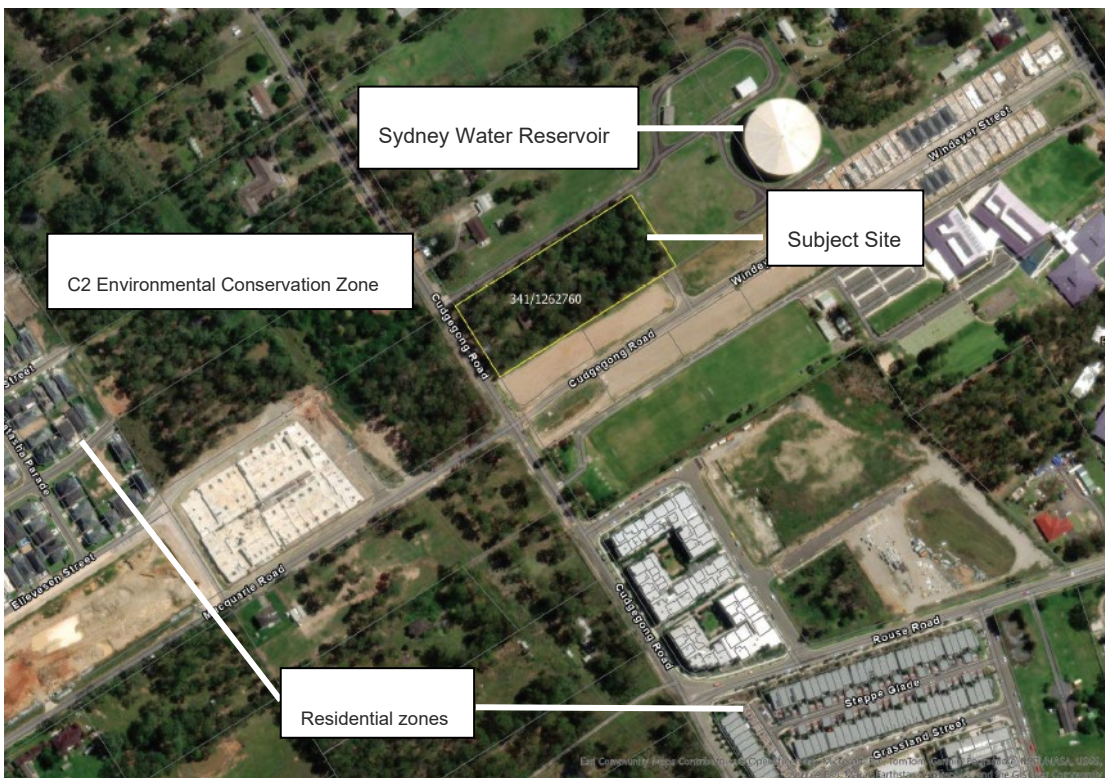


Figure 2 Site Context

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to Land Zoning, Height of Building and Lot Size SEPP maps, which are suitable for community consultation.

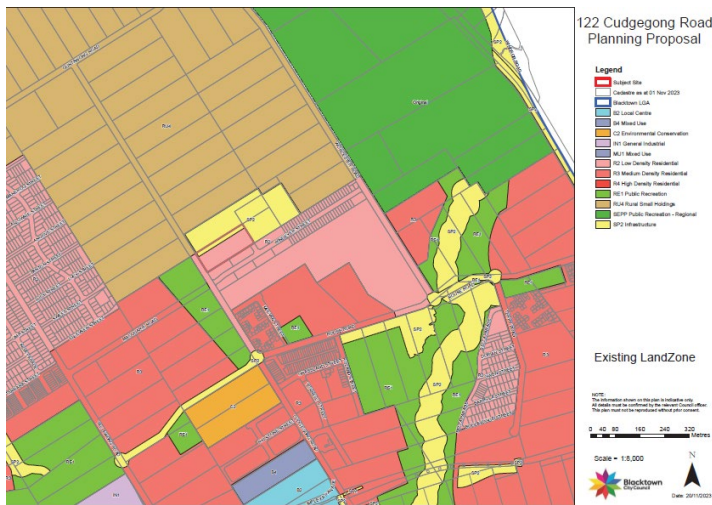


Figure 2 Existing Zoning map



Figure 4 Existing height of Building map

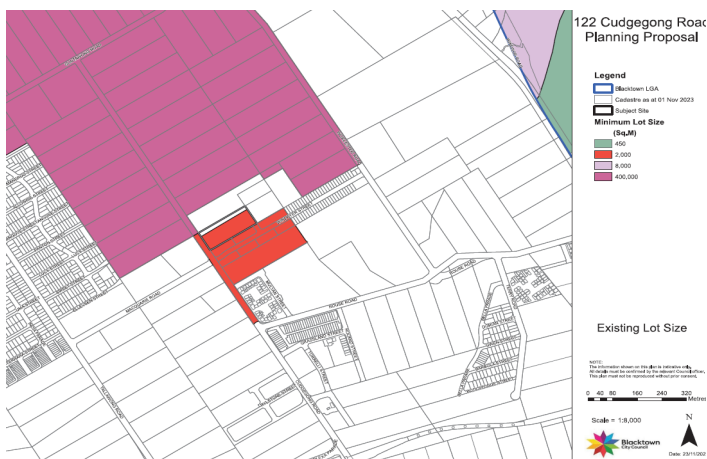


Figure 5 Existing lot size map

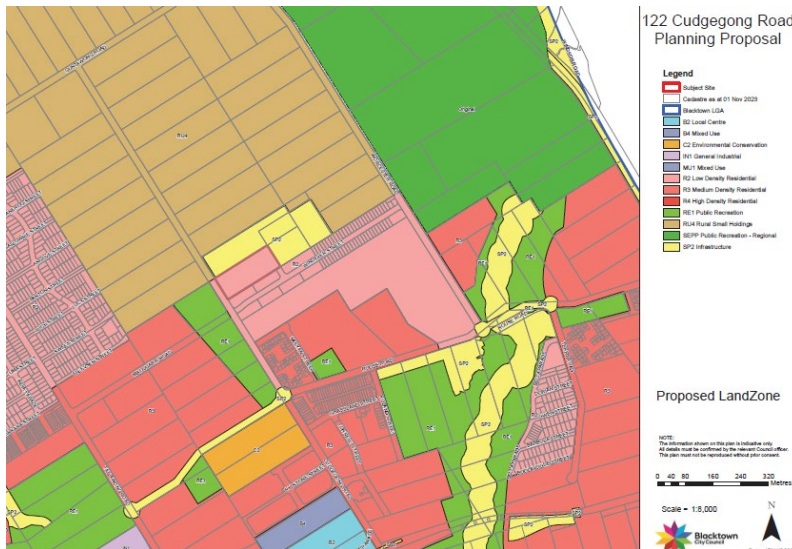


Figure 6 Proposed Zoning map



Figure 7 Proposed Height of Building map

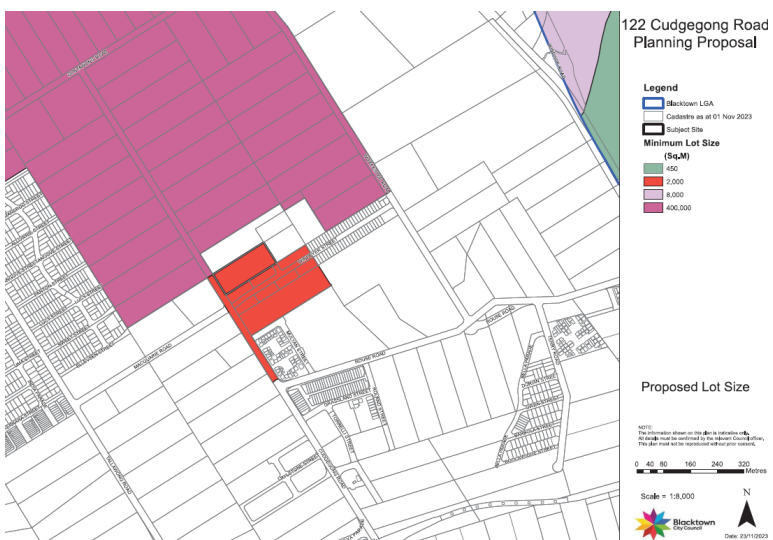


Figure 8 Proposed Lot Size map

1.6 Background

- Sydney Water owns land to the north and east of the subject site. The lot on which the water reservoir is located is land-locked and does not have direct access to a public road. The adjoining lot to the north does however connect to a public road, Cudgegong Road.
- The current SP2 Infrastructure (Water Reservoir) zone on the subject site was intended for an access road, but this has now been constructed on land owned by Sydney Water adjoining the subject site to the north Lot 2 DP 567502; 130 Cudgegong Road.
- The Planning Proposal reflects the conditions of consent for the development application DA-18-01684.
- The SP2 Water Reservoir zone was mentioned under the Conditions of the development consent. Where the land is not required by Sydney Water Corporation, the current zoning of the land is unnecessary and required to be rezoned. As such, the purpose of the Planning Proposal is to satisfy Conditions 2.1.3 and 5.5.1 of DA-2018-01684.

2 Need for the planning proposal

The Planning Proposal seeks to amend the 8 Area 20 Precinct Plan under the Central River City SEPP 2021 to rezone surplus water reservoir land. It is proposed to rezone this land to R2 Low Density Residential, which is the zone on the rest of the site. The total area to be rezoned is 2,456.2 m².

The Proposal is not a result of an endorsed Local Strategic Planning Statement, strategic study or report. The Planning Proposal is a result of Conditions 2.1.3 and 5.5.1 of DA-2018-01684 requiring the submission of the Proposal to change the zone so it is no longer SP2 Water Reservoir.

The Planning Proposal objectives are the only possible way to amend zoning and permissible land uses in the Central River City SEPP. Therefore, the Proposal is the best possible way of achieving the intended outcomes and objectives.

3 Strategic assessment

3.1 Regional Plan

The site is within the Greater Sydney Region and is subject to the Greater Sydney Regional Plan – *A Metropolis of Three Cities* (March 2018). Table 4 provides an assessment of the planning proposal against relevant aspects of the Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 3 – Infrastructure adapts to meet future needs	<p>The proposal is the result of Sydney Water review and the subject land is no longer required for infrastructure.</p> <p>The proposal is consistent with the objective.</p>
Objective 4 – Infrastructure use is optimised.	<p>The proposal is the result of Sydney Water review and the subject land is no longer required for infrastructure.</p> <p>The proposal is consistent with the objective.</p>

Regional Plan Objectives	Justification
Objective 6 – Services and infrastructure meet communities changing needs	<p>The proposal is the result of Sydney Water review and the subject land is no longer required for infrastructure.</p> <p>The proposal is consistent with the objective.</p>
Objective 7 – Communities are healthy, resilient and socially connected.	<p>The proposal is the result of Sydney Water review and the subject land is no longer required for infrastructure.</p> <p>The proposal is consistent with the objective.</p>

3.2 District Plan

The Greater City Commission released the Central City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic, and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

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*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Planning priority C1: Providing a City serviced by infrastructure	<p>Priority C1 seeks to provide appropriate services and infrastructure for the city.</p> <p>The proposal adjusts the location and extent of required infrastructure.</p> <p>The proposal is consistent with Planning Priority C1.</p>
Planning Priority C3: Providing services and infrastructure to suit people's needs	<p>Priority C3 seeks to provide appropriate services and infrastructure for the growing city.</p> <p>The proposal is the result of Sydney Water review and the subject land is no longer required for infrastructure. The area is adequately serviced.</p> <p>The proposal is consistent with Planning Priority C3.</p>

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
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Blacktown Local Strategic Planning Statement 2020 (LSPS)	The proposal is consistent with and supports a number of key Local Planning Priorities, including LPP1: Planning for a city supported by infrastructure, LPP3: Providing services and social infrastructure to meet people's changing needs, and LPP7: Delivering integrated land use and transport planning and delivering a 30 minute City.
Blacktown Local Housing Strategy 2020 (LHS)	The proposal also supports relevant planning priorities in the LHS.

3.4 Local planning panel (LPP) recommendation

The draft planning proposal was considered by the Blacktown Local Planning Panel at its meeting held on 24 October 2024. The Panel supported the proposal, noting that it has strategic merit and is responding to changed circumstances for the land.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Region Plans	Consistent	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal is generally consistent with the Greater Sydney Region Plan as it supports the following objectives:</p> <ul style="list-style-type: none"> • Objective 3: Infrastructure adapts to meet future needs • Objective 6: Services and infrastructure meet communities' changing needs
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Consistent	<p>The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).</p> <p>The subject site is located within the North West Growth Area. The planning proposal is consistent with the Strategy as it will result in additional residential land whilst retaining sufficient land for Sydney Water infrastructure.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.16 North West Rail Link Corridor Strategy	Not applicable	<p>The objective of this direction is to ensure that development within the North West Rail Link Corridor is consistent with the North West Rail Link Corridor Strategy</p> <p>The planning proposal states the proposal is consistent with this Direction as it does not affect the Corridor.</p> <p>The Department considers the Direction does not apply as the site is not located within the Corridor.</p>
4.1 Flooding	Not applicable	<p>The planning proposal states the proposal is consistent with this Direction.</p> <p>The site is not identified as flood prone and therefore does not require an assessment against this Direction.</p>
5.2 Reserving Land for Public Purposes	Consistent	<p>This Direction seeks to facilitate the preservation of land for public services and facilities by reserving land for public purposes. It also seeks to enable the removal of reservations for public land where the land is no longer required for public uses.</p> <p>This Direction requires the approval of the relevant public authority and the Planning Secretary (or their delegate) for a planning proposal to proceed that seeks to remove an existing zoning or reservation of land for public purposes.</p> <p>The planning proposal is consistent with this Direction as Sydney Water is the relevant acquiring authority for the land and has supported this rezoning to proceed.</p>
6.1 Residential zones	Consistent	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed Residential zone (including the alteration of any existing Residential zone boundary).</p> <p>The planning proposal will result in additional residential land in this location.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal states it is consistent with the following SEPPs:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- State Environmental Planning Policy (Housing) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy (Sustainable Buildings) 2022.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.

The planning proposal seeks to amend State Environmental Planning Policy (Precincts – Central River City) 2021 to revise the zoning plan and related map layers to accord with Sydney Water infrastructure requirements.

The Department has reviewed the assessment of SEPPs above and agrees that the proposal is consistent with those SEPPs.

4 Site-specific assessment

4.1 Environmental

Ecological and environmental assessments were undertaken as part of the precinct planning and rezoning for Area 20 Precinct (now Tallawong Station Precinct). Aside some clearing of vegetation that would take place as part of development of the site for residential or place of public worship purposes, there are no environmental concerns with the development of the site. The site is not flood affected land.

4.2 Social and economic

The planning proposal will result in positive social and economic benefits by ensuring land is used efficiently and developed for residential purposes.

4.3 Infrastructure

There are no servicing constraints or additional infrastructure required for the development of the subject land.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Sydney Water

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department agrees with Council's proposed timeframe and recommends an LEP completion date of 29 August 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council did not request delegation to be the Local Plan-Making authority however considering the nature of this proposal, Council is authorised to be the local plan-making authority.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal has strategic and site-specific merit, being consistent with key State and Local Strategies.
- The outcome of the proposal will result in additional residential land which will have a positive social and economic impacts. Due to the nature of this planning proposal, there are no adverse infrastructure or environmental impacts.

9 Recommendation

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

The following conditions are recommended to be included on the Gateway determination:

1. Consultation is required with the following public authorities:
 - Sydney Water
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 29 August 2025 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 29 August 2025.



24/1/2025

(Signature)

(Date)

Ian Bignell

Manager, Local Planning and Council Support, Central, West and South



(Signature)

24 January 2025 (Date)

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