

Assessment report to Sydney Central City Planning Panel

Panel reference: PPSSCC-258

Development application

DA number	SPP-21-00006	Date of lodgement	10 June 2021
Applicant	Landcom		
Owner	Sydney Metro		
Proposed development	Staged subdivision – stage 1 being 4 residue lots and public roads, stage 2 being 2 residue lots and public roads. Both with associated civil works including site remediation, tree removal, dam dewatering, importation of fill material and landscaping.		
Street address	Lot 10 DP27220, 93 Schofields Road, Rouse Hill Lots 2809 and 2817 DP1253963, Schofields Road, Rouse Hill Lots 2810-2813 DP1253963, Cudgegong Road and Schofields Road, Rouse Hill Part Lot 135 DP208203, 49 Terry Road, Rouse Hill Part Lot 5 DP 1190434, 95 Schofields Road, Rouse Hill		
Notification period	18 August to 17 September 2021 17 January 22 to 16 February 2022	Number of submissions	Nil

Assessment

Panel criteria Schedule 6 of the State Environmental Planning Policy (Planning Systems) 2021	<ul style="list-style-type: none"> Crown development with Capital Investment Value (CIV) over \$5 million (DA has CIV \$8,592,072.37)
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 State Environmental Planning Policy (Planning Systems) 2021 State Environmental Planning Policy (Transport and Infrastructure) 2021 State Environmental Planning Policy (Resilience and Hazards) 2021 State Environmental Planning Policy (Biodiversity and Conservation) 2021 State Environmental Planning Policy (Precincts - Central River City) 2021 Central City District Plan 2018 Blacktown Local Strategic Planning Statement 2020 Blacktown City Council Growth Centre Precincts Development Control Plan 2010
Report prepared by	Luma Araim
Report date	17 November 2022
Recommendation	Approval, subject to deferred commencement consent including conditions listed at attachment 7.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development application plans
- 6 Assessment against planning controls

7 Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 matters been summarised in the Executive summary of the Assessment report?	Yes
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Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the Assessment report?	Yes
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Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the Assessment report?	Not applicable
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?	Yes
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Conditions

Have draft conditions been provided to the applicant for comment?	Yes
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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- the development is classified as ‘Crown Development’ with a capital investment value of over \$5 million
 - a variation to the road pattern on the Department of Planning and Environment’s Indicative Layout Plan including the deletion of one road and relocation and extension of another road to provide the road network with a better east-west connection in this area. This is desirable as it will also relocate one of the local roads further away from the traffic signals proposed at the intersection of Terry Road with Schofields Road and provide a new roundabout.
 - an increase in the permitted maximum 500 mm depth of proposed cut and fill to 1 m to enable the delivery of the proposed site works design levels however this work will not have any adverse impact on the area.
 - owner’s consent of Lot 132 DP 208203 is still outstanding. This is necessary for some of the proposed road works to facilitate the completion of the proposed network for the development by the applicant. However, this can be either be obtained as part of a deferred commencement condition or Landcom can design an alternative road design solution to Councils engineering standards.
 - our engineers have also recommended deferred commencement conditions to address the creation of easements over adjoining land where a trunk drainage line is to be constructed and cut /fill batters are proposed. Alternatively, Landcom will need to install onsite temporary basins to ensure all runoff is to pre-development flows.
 - the removal of 229 trees necessary to facilitate this subdivision and site works, this is acceptable as this is bio-certified land and the Department of Planning and Environment has already secured offsets for this expected loss in other parts of the Growth Centres and street tree planting will be undertaken.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore satisfactory when evaluated against Section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to deferred commencement consent including conditions listed in attachment 7.

2 Location

- 2.1 The site is located in Rouse Hill in the Tallawong Station Precinct forming part of the North West Growth Area.
- 2.2 It is located on the northern side of Schofields Road between Windsor Road to the east and Cudgegong Road to the west. Tallawong Station is approximately 650 m to the west of the site.
- 2.3 The location of the site is shown at attachment 1.

3 Site description

- 3.1 The legal description of the site includes:
- Lot 10 DP 27220, 93 Schofields Road, Rouse Hill
 - Lots 2809 and 2817 DP 1253963, Schofields Road, Rouse Hill

- Lots 2810-2813 DP 1253963, Cudgegong Road and Schofields Road, Rouse Hill.
 - Lot 135 DP208203, 49 Terry Road, Rouse Hill (a small amount of roadworks)
 - Lot 5 DP 1190434, 95 Schofields Road, Rouse Hill (a small amount of roadworks and deletion an east-west ILP road)
- 3.2 The site is irregular in shape with a total area of 6.3769 hectares. It has a southern frontage to Schofields Road and borders the existing cul-de-sac head of Terry Road at the northern end of the site.
- 3.3 The site is surrounded by a mix of existing rural properties now zoned R3 - Medium Density Residential to the east and west along with sites now being development under recent approvals.
- 3.4 The site contains scattered trees and a farm dam on Lot 10 in DP 27220 and Lot 2809 in DP 1253963. Second Ponds Creek is located along the western boundary of the site with existing vegetation along this creek line.
- 3.5 The site drains towards the north-west in the direction of Second Pond Creek.
- 3.6 An aerial image of the site and surrounding area is at attachment 2.
- 3.7 The site is zoned part R3 – Medium Density Residential, part SP2 – Infrastructure (Local Road and Local Drainage and part RE1 – Public Recreation under State Environmental Planning Policy (Precincts - Central River City) 2021.
- 3.8 The zoning plan for the site and surrounds is at attachment 3.

4 Background

- 4.1 The applicant initially proposed to enter into a Voluntary Planning Agreement. We were advised on 29 June 2022 that Landcom no longer wants to enter into this agreement to run concurrently with this application. This delayed the application as our drainage and engineering section had to reassess and reconditions the application accordingly.
- 4.2 The applicant also had to address a Transport for NSW (Roads & Maritime) request to address their concerns including requesting changes to signalised intersection of Schofields Roads / the Ponds Boulevard, updating Traffic & Transport Study to meet the requirements of Transport for NSW (Roads & Maritime), provide swept path diagrams, provide stormwater management plan and hydraulic calculations.

5 The proposal

- 5.1 The development application was lodged by Landcom, a NSW Government land and property development organisation and part of the Crown.
- 5.2 The applicant proposes in their latest plan dated 15 September 2022:
- staged subdivision to create 4 lots including 2 superlots for future residential development and 2 residue lots for future open space and drainage .
 - staged civil works including bulk earthworks, drainage and construction of public roads
 - site remediation works
 - associated works including, tree removal, dam dewatering, sediment and erosion control measures, landscaping and installation of services
 - the importation of up 3300m³ of clean fill to meet engineering levels in the subdivision.
 - variations to the Department of Environment and Planning's Indicative Layout Plan under Precincts - Central River City SEPP 2021 to alter the proposed road pattern network.

- 5.3 Other details about the proposal are at attachment 4, and a copy of the development plans is at attachment 5.

6 Assessment against planning controls

- 6.1 A full assessment of the development application against relevant planning controls is provided at attachment 6, including:
- Environmental Planning and Assessment Act 1979
 - State Environmental Planning Policy (Planning Systems) 2021
 - State Environmental Planning Policy (Transport and Infrastructure) 2021
 - State Environmental Planning Policy (Resilience and Hazards) 2021
 - State Environmental Planning Policy (Biodiversity and Conservation) 2021
 - State Environmental Planning Policy (Precincts - Central River City) 2021
 - Central City District Plan 2018
 - Blacktown Local Strategic Planning Statement 2020
 - Blacktown City Council Growth Centre Precincts Development Control Plan 2010

7 Issues raised by the public

- 7.1 The originally proposed development was initially notified to 24 property owners and occupiers in the immediate area between 18 August and 17 September 2021. The development application was also advertised on our website and a sign was erected on the site.
- 7.2 Following amendments to the proposed development further letters were then sent on 17 January 2022 (providing an additional 30 days) to 16 adjoining landowners advising them of the proposed subdivision and more specifically about Landcom's proposed variations to the road pattern on the Department's Indicative Layout Plan.
- 7.3 All the relevant development application documentation and plans were made available for viewing on Council's website during this notification period.
- 7.4 We received no submissions from either exhibition period.

8 Key issues

- 8.1 The proposal is classified as 'Crown Development' with a capital investment value over \$5 million**
- 8.1.1 The development is classified as 'Crown Development' with a capital investment value of over \$5 million and therefore considered 'Regionally Significant development' under Schedule 7 of State Environmental Planning Policy (State and Regional Development) 2011 (now consolidated into State Environmental Planning Policy (Planning Systems) 2021).
- 8.1.2 Landcom is part of the Crown and will have to agree to the final conditions.
- 8.2 The proposal includes deletion of 1 east-west proposed road pattern and the relocation and extension of the other east west road**
- 8.2.1 The proposed subdivision design will now include:
- deletion of 1 east-west indicative local road pattern within proposed Lot 1 and the site west of proposed Lot 1 (Lot 5 in DP 1190434), 1 of the roads to be relocated and extend east-west. This is due to the original local road pattern being too

close to the Schofields Road intersection. The proposed changes will reduce the risk of interference for traffic on Terry Road when approaching and leaving this intersection.

- the inclusion of a roundabout on the new east-west local road at the intersection along Terry Road with Schofields Road, which will provide flexible traffic movements between Terry Road and the sites in all directions.

8.2.2 Our Engineer and Traffic teams have reviewed the proposed changes and have raised no objections to these road pattern changes as it will result in safer traffic circulation.

The figure below shows before road pattern change (i.e those short east-west roads on Lots 5 and 2809).

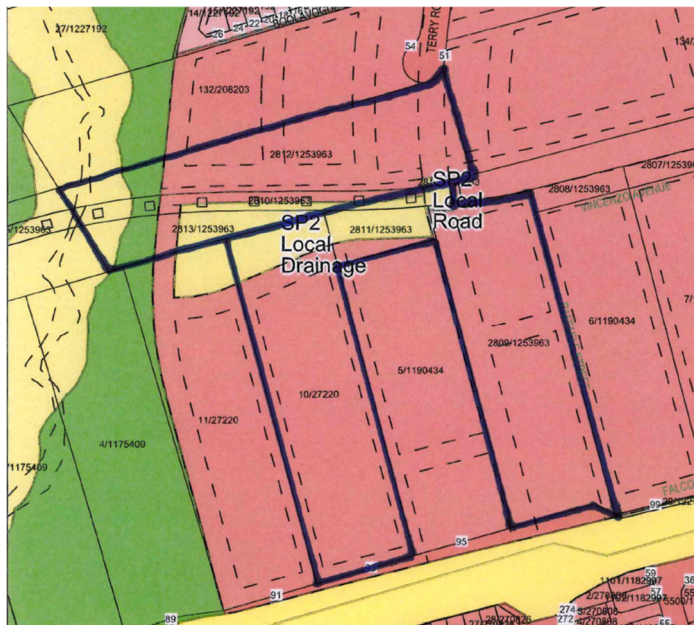


Figure 1 - extract from the DCP

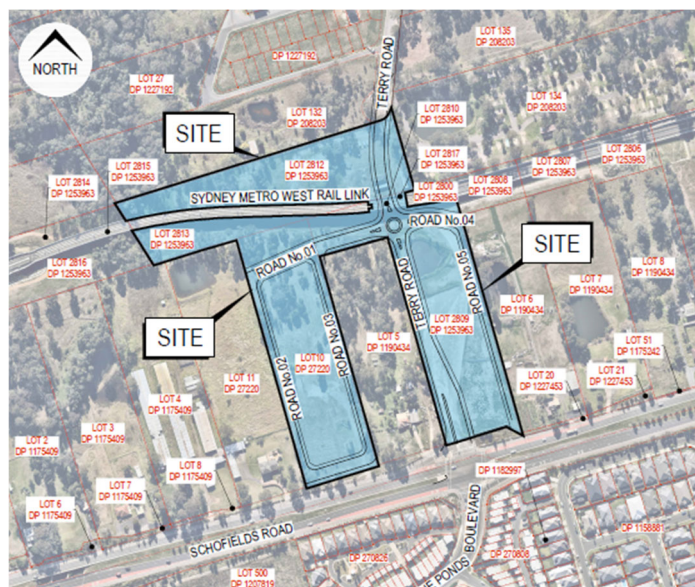


Figure 2 - after road pattern variation

8.3 The proposal includes variation to the depth of cut and fill

- 8.3.1 The depth of cut and fill on any development site is limited to a maximum of 500 mm of cut below the existing natural ground level or 500 mm of fill above the existing natural ground level by the Growth Centres Development Control Plan 2018 Section 4.1.2.2 - 2. The applicant seeks a variation of 500 mm to 1 m of cut and fill in the bulk earthworks. However, it is anticipated there will be a shortfall of fill material to deliver the proposed design levels. It is anticipated that approximately 5,525 m³ of cut and 8,850 m³ of fill will be required for the site to meet approved design levels.
- 8.3.2 The variation is considered acceptable to deliver the proposed design levels and not inconsistent with other large development sites in the North West Growth Area. Our engineers have raised no objections to this variation. In addition, this work will dovetail with works on adjoining land and will ensure there will be no adverse impact on the residential amenity of the area.

8.4 Owner's consent for proposed works on Lot 132 DP 208203 is required

- 8.4.1 Landcom was required to advise us of its arrangements made with the owners of Lot 132 in DP 208203 on which some of the proposed works are necessary, to facilitate the completion of the proposed road network.
- 8.4.2 Landcom advised that it was unable to obtain an owner's consent letter as yet. However, Landcom has advised Council that:
- it has been liaising with the owner and has amended the plans to fix their concerns over battering onto their property.
 - the latest amended engineering plans have addressed all of owner's concerns. However, this has not been addressed as advised by Landcom and therefore owner's consent is required.
- 8.4.3 On this basis, we are prepared to include the requirement for owner's consent of Lot 132 in DP 208203 as a deferred commencement condition or Landcom will have to come up with an alternative temporary road design which excludes adjacent land to Council's Engineering satisfaction.

8.5 Our engineers recommend deferred commencement conditions to address the necessity for easements over adjoining land for trunk drainage line and cut and fill batters.

- 8.5.1 Our engineers require Landcom to secure, create and register easements on and from the neighbouring property owners of Lot 11 DP 27220, Lot 5 DP 1190434, Lot 132 DP 208203 and Lot 2816 DP 1253963 to facilitate the trunk drainage line construction and where cut or fill batters are proposed. The creation of these easements is required under Section 88E of the Conveyancing Act, 1919 including their registration with NSW Land Registry Services.

8.6 The removal of 229 trees is necessary to enable preparation of the site to facilitate the roads and site works

- 8.6.1 The proposal necessitates the removal of 229 trees across the majority of site. No vegetation will be removed in the parts of the site zoned RE1 Public Recreation and SP2 Infrastructure.. The Cumberland Plains Woodland community of trees located in these special zones and within 40 m of Second Ponds Creek are not biodiversity certified. The proposed tree and vegetation removal in the biocertified parts of the site however is necessary to build the roads and drainage systems identified in the Precinct Plan.
- 8.6.2 The existing vegetation is primarily contained within Lot 10 in DP 27220 and Lot 2812 in DP 1253963 in addition to forming part of the Second Ponds Creek corridor.

- 8.6.3 While a portion of the site along Second Ponds Creek is not bio-certified, the rest of the site is 'Biodiversity Certified' under the Biodiversity Conservation Act 2016 and associated Biodiversity Conservation (Savings and Transitional) Regulation 2017 which conferred Biodiversity Certification on the Central River City State Environmental Planning Policy. No works are proposed in this application on the non-bio-certified land. Vegetation can be removed in the subdivision without the need for any further assessment. The bio-certification also means that the Department of Planning and Environment has already secured regional vegetation offsets for this anticipated loss elsewhere in the North West Growth Centres.

9 External referrals

- 9.1 The development application was referred to the following external authorities for comment:

Authority	Comments
Natural Resources Access Regulator	The Regulator advised that a controlled activity approval is not required for this proposal near Second Pond Creek and no further assessment is necessary because the proposed activity is not a controlled activity as defined by the Water Management Act 2000. In any event, as a Crown DA, the provisions of Division 4.8 (Integrated development) do not apply to a development application made by or on behalf of the Crown.
Transport for NSW	Acceptable, subject to conditions.
Sydney Metro	Acceptable, subject to conditions.

10 Internal referrals

- 10.1 The development application was referred to the following internal sections of Council for comment:

Section	Comments
Heritage	No objections and no further Aboriginal heritage assessment is required.
Engineering	Acceptable, subject to a deferred commencement conditions regarding creation of easements and owner's consent relation to Lot 132 DP 208203
Traffic	Acceptable, no conditions required
Natural Areas	Acceptable, subject to conditions
Landscape Architect	Acceptable, subject to conditions
Environmental Health Unit	Acceptable, subject to conditions
Section 7.11 contributions	Acceptable, subject to conditions

11 Conclusion

- 11.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development

have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

12 Recommendation

- 1 Approve Development Application SPP-21-00006 subject to a deferred commencement consent including conditions listed at attachment 7, for the reasons listed below:
 - a The proposal is consistent with the objectives of the R3 – Medium Density Residential, SP2 – Infrastructure (Local Road and Local Drainage) and RE1 – Public Recreation under State Environmental Planning Policy (Precincts - Central River City) 2021 [Section 4.15(1)(a)(i) of the Act].
 - b Granting consent to the proposal will not have any adverse social, economic or environmental impacts on the area [Section 4.15(1)(b)(i) of the Act].
 - c The site is suitable for the proposed development which will facilitate future residential development, local roads and local drainage and public recreation of the site. [Section 4.15(1)(c)(i) of the Act].
 - d The proposed development is in the public interest by way of preparing the site for future residential development, which will provide housing diversity within the desired future character of the Area 20 Precinct Plan [Section 4.15(1)(e)(i) of the Act].
- 2 Council officers notify the applicant of the Panel's decision.



Judith Portelli
Manager Development Assessment



Peter Conroy
Director City Planning and Development