

Blacktown Planning Proposal - Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Schofields Precinct Plan

Proposal Title : Blacktown Planning Proposal - Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Schofields Precinct Plan

Proposal Summary : The planning Proposal seeks to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 - Schofields Precinct Plan to rezone certain land in the vicinity of Bridge Street and Grange Avenue within the Schofields Precinct to enable additional residential development.

PP Number : PP_2013_BLACK_001_00 Dop File No : 13/02135

Proposal Details

Date Planning Proposal Received : 06-Feb-2013 LGA covered : Blacktown

Region : Sydney Region West RPA : Blacktown City Council

State Electorate : RIVERSTONE Section of the Act : 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : Bridge Street & Grange Avenue

Suburb : Schofields City : Blacktown Postcode : 2762

Land Parcel : Lots 1-14 DP 2912 and Lot 200 DP 133490 Bridge Street; and Lot 9 DP 193074 and Lot 5 DP 227761 Grange Avenue.

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre : Sydney North West Release Area Name : Riverstone

Regional / Sub Regional Strategy : Metro North West subregion Consistent with Strategy : Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	128	No. of Dwellings (where relevant) :	128
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment : **In relation to the Lobbyist Code of Conduct there are no records on the Department's
Lobbyist Contact Register regarding this matter.**

Have there been **No**
meetings or
communications with
registered lobbyists? :

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

BACKGROUND:

Blacktown City Council has received a request from Urbis on behalf of CrownLand Development Pty Limited (Crownland) to amend Blacktown Local Environmental Plan 1988 (the Blacktown LEP) to facilitate an amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP) to vary the zoning on land in the vicinity of Bridge Street and Grange Avenue, Schofields.

The subject is known as:

Lot 1 – 14 DP 2912 and Lot 200 DP 133490 Bridge Street; and

Lot 9 DP 193074 and Lot 5 DP 227761 Grange Avenue.

The subject site is located in the northern part of the Schofields Precinct in the North West Growth Centre (location map in documents) and comprises approximately 28 hectares.

The land is currently zoned:

- part R2 Low Density Residential,
 - part E4 Environmental Living,
 - part E2 Environmental Conservation,
 - part SP2 Drainage, and
 - part RE1 Public Recreation under the Growth Centres SEPP
- (existing zoning map in documents).

In 2008, a development application (DA) was approved by Blacktown Council on the subject site for construction of a seniors living residential development comprising 80 dwellings. The site was zoned 1(a) General Rural under Blacktown LEP 1988. The approved DA involved an assessment of flooding issues which proposed an amount of filling to alleviate the flooding issue.

Council has advised that a detailed flood modelling concluded that the impact of development would be negligible on flood levels.

The new zonings in the published Schofields Precinct Plan do not take into account the DA approval on the subject site and consideration given to flood issues.

The Planning Proposal intends to:

- rezone part of the subject site currently zoned E4 Environmental Living to increase the area of land zoned R2 Low Density Residential,
- a minor realignment of the RE1 Public Recreation and SP2 Infrastructure zone boundaries in the north-east to improve drainage, and
- realignment of E2 Environment Conservation zone and E4 Environmental Living zone along the north-western boundary to reflect the existing transmission line easement and the extent of excavation approved under DA-05-2571.

The realignment of the E2 zone has been identified as a significant concerns/issue, and will be addressed in this report.

ADDITIONAL INFORMATION:

The planning proposal was received on 11 January 2013 by the regional team. Further information and mapping was sought from Blacktown City Council and received on 6 February 2013.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The objective of the proposal is to reconfigure the zone boundaries on land in the vicinity of Bridge Street and Grange Avenue, Schofields, to enable low density residential development with minimum lot size of 450m² consistent with the type of housing adjoining immediately to the south and consistent with a previously approved development application (DA-05-2571).

The Planning Proposal intends to:

- rezone part of the subject site zoned E4 Environmental Living to increase the area of the part zoned R2 Low Density Residential;
- make a minor realignment of the zones RE1 Public Recreation and SP 2 Infrastructure in the north-east to improve drainage; and
- make a realignment of E2 Environmental Conservation zone; and E4 Environmental Living zone along the north-western boundary to reflect the existing transmission line easement and the extent of excavation proposed.

The Planning Proposal's description is a little complex and should be simplified so that the community can understand exactly what changes are proposed.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Council has provided an explanation for the proposed amendment i.e. the Planning Proposal would amend the Blacktown LEP 1988 to facilitate an amendment to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Schofields Precinct Plan by reconfiguring the zone boundaries on the Land Zoning Map as follows:

- amend the R2 Low Density Residential zone (to include the areas previously approved for development under DA-05-2471).
- minor realignment of the RE1 and SP2 zones to the north-east of the subject site to

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accommodate future drainage.

- Minor realignment of E2 Environmental Conservation zone and E4 Environmental Living Zone along the north-western boundary to reflect the existing transmission line easement and the extent of excavation required to support the proposal.

It is proposed to amend the following State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Schofields Precinct maps:

- Land Zoning Map
- Residential Density Map
- Height of Building Map
- Land Reservation Acquisition Map
- Riparian Protection Area Map

The maps provided are inadequate and make it quite difficult to interpret the proposed zoning based on the explanation of provisions. Further, depending on the result of the floodplain risk management plan, an amendment may be required to the flood mapping provided on the North West Growth Centre DCP map – DVC_005.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? Yes

b) S.117 directions identified by RPA :

2.1 Environment Protection Zones

* May need the Director General's agreement

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Sydney Region Growth Centres) 2006

SREP No. 19 - Rouse Hill Development Area

SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

The Planning Proposal does not contain provisions that are inconsistent with or hinder the application of the relevant SEPPs or SREPs.

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

2.1 Environmental Protection Zones:

This direction applies when a Planning Proposal proposes to reduce an existing environmental protection zoned land or reduces the environmental protection standards.

This direction applies, as the Planning Proposal proposes to rezone certain lands from E2 Environmental Conservation to E4 Environmental Living.

Council has advised that the Planning Proposal is consistent with this direction as the proposed zone will include provisions that facilitate the protection and conservation of the environmentally sensitive areas located on the subject site and retains the conservation area and riparian corridor identified on the Schofields Precinct Plan. This statement appears to be incorrect.

The reduction of the E2 land, has been identified as a significant issue (see attached referral comments from Strategies and Land Release Team). The reduction of this zone may have adverse implications on the biodiversity certification secured for the Growth Centres. However, it is not clear (on the mapping provided) what the impact might or might not be. Therefore, prior to exhibition, Council and the proponent should be

required to prepare a biodiversity certification audit report (prepared by a suitably qualified ecologist) and consult with the Strategies and Land Release Team to obtain agreement that 'no net impact will occur'. Following this, consultation may also be necessary with Office of the Environment and Heritage and the Commonwealth if so directed by the Strategies and Land Release Team.

It is recommended the Director General withhold approval of the inconsistency with the s117 Direction until the further work is carried out and the planning proposal is amended with the outcomes.

3.1 Residential Zones:

This direction applies when a Planning Proposal affects land in an existing or proposed residential zone.

This direction applies in this instance as the Planning Proposal proposes R2 Low Density Residential on an existing E4 Environmental Living zone.

The Planning Proposal is consistent with the Direction.

3.4 Integrated Land Use and Transport:

The direction applies to a planning proposal that creates, alter or remove a zone or provision relating to 'urban land' including land zoned for residential, business, industrial, village or tourist purposes.

This direction applies as the Planning Proposal creates additional residential zoned land. The proposal is considered not to be inconsistent with the direction.

4.3 Flood Prone Land:

This direction applies as the planning proposal alters a zone in flood prone land. A proposal is considered to be inconsistent with the direction unless the Planning Proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.

The subject site is identified as being partly flood prone. Council has advised that the boundary adjustment and layout plan for the proposed future residential development incorporates stormwater and earthworks provisions which would result in no reduction in flood storage with the proposed developable land being above flood liable levels and are consistent with an existing development approval.

In accordance with the s.117 Direction Council should ensure the floodplain risk management plan prepared in accordance with the Floodplain Development Manual, and in this regard the study needs to be endorsed by the Office of the Environment and Heritage. Changes may be required to the North West Growth Centre DCP map – DVC_005, as a result of that study.

It is recommended that the Director General withhold agreement until Office of the Environment and Heritage has reviewed the final flood study.

7.1 Implementation of the Metropolitan Strategy:

The Planning Proposal is consistent with the Metropolitan Strategy and the draft North West Subregional Strategy.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided:

- a location map,
- an aerial photo of the subject land,
- an existing zoning map
- maps for existing and proposed residential density,
- maps for existing and proposed height of buildings,
- maps for existing and proposed land reservation acquisition map and
- maps for existing and proposed riparian protection area.

However, the maps for proposed zoning have been prepared at different scales and it is difficult to interpret the proposed changes.

Further mapping was requested and provided by Council. While the mapping is now sufficient to identify the proposed changes, it is still unclear the extent of land proposed for rezoning (i.e. area, size etc).

It is suggested that Council be asked to prepare a suitable proposed zoning map which includes a clear overlay over the existing zones before exhibition to allow the community to understand the changes proposed.

Council is required to display all existing State Environmental Planning Policy Maps relating to the Schofields Precinct during the exhibition indicating the North West Growth Centre Development Control Map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has advised that the Planning Proposal will be placed on public exhibition for a minimum of 28 days. This is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons :

This report recommends that:

1. a proposed zoning map and an overlay be prepared prior to exhibition;
2. A biodiversity certification audit report be prepared by a qualified ecologist to seek agreement with the Department's Strategies and Land Release Team that there will be no net impact on biodiversity certification;
3. A floodplain risk management strategy be prepared in accordance with the Floodplain Development Manual 2005;
4. Council amend the statement of objectives in the proposal to make it clear, what the proposal is seeking to do.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Proposal Assessment

Principal LEP:

Due Date : June 2013

Comments in relation to Principal LEP : Blacktown Council received funding under the Local Environmental Plan Priority Program (LEP Acceleration Fund (LEPAF)) to assist in finalising its Principal Local Environmental Plan.

The Principal Local Environmental Plan will proceed in two (2) stages:

(Stage1) – A Planning Proposal for the Blacktown CBD.
Blacktown LEP 2012 - CBD was published on 4 February 2013.

(Stage2) – Remainder of the LGA.
A s65 Certificate was issued on 25 October 2012 and draft Local Environmental Plan is on exhibition from 23 January 2013 to 19 April 2013.

The Plan is due for completion by June 2013.

Assessment Criteria

Need for planning proposal :

Council has received an application to amend Blacktown Local Environmental Plan 1988 to facilitate an amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to vary size and shape of current zone boundaries for R2 Residential, E4 Environmental Living, RE1 Public Recreation and SP2 Drainage on the subject site.

In 2008, a development application (DA) was approved for construction of a seniors living residential development comprising 80 dwellings, with stormwater infrastructure, landscaped open space and a range of associated support services on the subject site, then zoned 1(a) General Rural under LEP 1988. The DA approved involved a rigorous assessment of flooding issues as the subject site is located partially on flood prone land which was proposed to be filled, with compensatory flood storage achieved through the excavation of an area adjacent to the proposed filled platforms.

Council has advised that a detailed flood model and stormwater management plan prepared by Brown Consulting provided a strategy to address the flooding characteristics of the property in a manner that increases the amount of developable land for urban purposes, with no loss of stormwater volume. It concluded that the impact of development would be negligible on flood levels and would not affect downstream flows. A subsequent peer review by Cardno Willing, commissioned by Council, concurred with this conclusion.

Following extensive negotiations between Council and the developer, it was agreed that a proposed cut and fill solution was adequate to allow the subject site to be developed. Accordingly, a 'Deferred Commencement' consent was issued on 27 June 2008 (DA-05-2571).

The Proponent previously lodged a formal submission with the Department of Planning and Infrastructure in response the public exhibition of the Schofields Precinct Plan requesting that the Department consider amending the proposed Residential Zone boundary to reflect the current DA approval and the landowner's intention to develop the subject site. Council advised that the best way forward to amend the zoning is via Planning Proposal. The Department's Land Release Team has also previously provided advice (copy of the Department's letter is in Documents).

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Consistency with
strategic planning
framework :

METRO PLAN

The Metropolitan Plan for Sydney 2036 identifies the Growth Centres in the North West and South West of Sydney. The Schofields Precinct is located in the North West Growth Centre. A Structure Plan has been approved for each Growth Centre to guide planning and development.

Council has advised that the proposed residential zoned boundary amendment on the site is consistent with the Metropolitan Plan for Sydney 2036 as it will assist in locating and accommodating new housing. This will contribute to the Growth Centres targets which aim to accommodate up to 500,000 people over the next 30 years.

DRAFT NORTH WEST SUBREGIONAL STRATEGY

The Planning Proposal is considered to be consistent with the provisions of the draft North West Subregional Strategy.

STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

The Planning Proposal seeks to amend the above State Environmental Planning Policy. The Planning Proposal is consistent with Appendix 7 – Schofields Precinct Plan of the State Environmental Planning Policy.

Environmental social
economic impacts :

VEGETATION:

Council has advised that the proposal will have no adverse effects on critical habitat, threatened species populations or ecological communities or their habitats. The remnant vegetation in the flood prone westerly point of the subject site adjoining Eastern Creek is identified as Sydney Coastal River Flat Forest. This is listed as an 'Endangered Ecological Community' under the Threatened Species Conservation Act 1995.

The alignment of the existing E2 Environmental Conservation zoning is proposed to be amended. Concern is raised over the impact on the biodiversity certification secured for the Growth Centres.

FLOOD PRONE LAND

As part of the previously approved DA for the subject site, Brown Consulting was commissioned in 2005 to prepare a Stormwater Management Plan. The plan presented a proposal that balances the effective development of part of the land with its role in accommodating floodwater during peak storm water events.

The report concluded that "the filling associated with the reclamation would not increase flood levels in Eastern Creek, nor affect flood levels in the Schofield's Tributary. The provisions of flood storage would reduce flood levels in Eastern Creek for floods up to the 20 years ARI".

Once revegetated, the flood storage area formed within the floodplain of Eastern Creek would act as a regional wetland, hydrological linked to Eastern Creek."

Further, a stormwater report required by Council for the site states:

- the proposed rezoning will not result in flow rates greater than those of the predevelopment case flowing to Eastern Creek;
- the earthworks associated with the rezoning to achieve the developed land level of a minimum 500mm above the 100 year ARI regional flood level (RL17.3m) will not result in increased flood levels; and
- the proposed development has adequate treatment devices to improve the stormwater runoff from the site to meet the required water quality objectives set out by Blacktown City Council.

As indicated earlier, Council should consult with the Office of Environment and Heritage to

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receive agreement to a floodplain risk management plan.

HERITAGE

The site contains a significant Oak Tree and remnants of the Gillingham Farm building which are considered to have heritage value, although are not identified on the Schofields Precinct Plan Heritage Mapping.

The Oak Tree is located within the area zoned for RE1 Public Recreation identified as Oak Tree Park in the DCP.

Council has advised that the proposed zoning amendment will not affect the Oak Tree located on the Subject Site. Further, Gillinghams Farm will not be affected by the proposed rezoning.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority : **Hawkesbury - Nepean Catchment Management Authority**
Consultation - 56(2)(d) : **Office of Environment and Heritage**
: **Transport for NSW - Roads and Maritime Services**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Flooding

If Other, provide reasons :

1. **Biodiversity Certificate Audit Report.**
2. **Floodplain Risk Management Plan in accordance with the guidelines of the Floodplain Development Manual 2005.**

Once the Biodiversity Audit Report has been prepared, prior to exhibition, Council must consult with the Department's Strategies and Land Release Team and receive the Department's agreement that no net impact will occur on the Biodiversity Certificate.

Identify any internal consultations, if required :

Residential Land Release (MDP)

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

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Documents

Document File Name	DocumentType Name	Is Public
Covering letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Consistency with SEPPs-Attachment 1.pdf	Determination Document	Yes
Relevant Maps-Attachment 2.pdf	Map	Yes
Additional Maps Supplied by Council.pdf	Map	Yes
Letter from DP&I.pdf	Determination Document	No
Email from Strategies and Land Release Team.pdf	Determination Document	No
Email from Infrastructure Planning & Coordination.pdf	Determination Document	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **2.1 Environment Protection Zones**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 4.3 Flood Prone Land
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the Planning Proposal proceed subject to the following conditions:**

- 1. Exhibited for 28 days;**
- 2. Consultation with Hawkesbury – Nepean Catchment Management Authority, Office of Environment and Heritage, Roads and Maritime Services;**
- 3. The Director General not agree to the s117 Direction inconsistency for 2.1 Environmental Protection Zone until further work is carried out;**
- 4. The Planning Proposal is to be completed within 12 months from the week following the Gateway determination.**

Prior to exhibition, Council should

- 5. engage a suitably qualified consultant to prepare a Biodiversity Certification Audit Report which indicates no net loss (of vegetation subject to certification) will occur and consult with the Department's Land Release team to seek this agreement;**
- 6. prepare a floodplain risk management plan in accordance with s.117 Direction 4.3 - Flood Prone Land and amend the proposal to include an amendment to North West Growth Centre - DCP Map - DVC__005, if required;**
- 7. provide a map and overlay at the same scale indicating the difference between the existing and proposed zonings for the site;**
- 8. amend the 'statement of the objectives' section of the proposal to make it clear to the community what the proposal is trying to achieve as an end result;**
- 9. ensure that a copy of all existing SEPP maps for the Schofields Precinct Release Area and proposed maps are prepared at the same scale.**

Supporting Reasons : **1. The proposal has been supported by Council.**
 2. The proposal would enable a higher and better use of the subject site.
 3. The proposal will result into approximately 128 low density residential lots.

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4. The proposal will help in achieving the housing targets in the North West Growth Centre.

Signature:



Printed Name:

STEPHEN GARDINER

Date:

18/2/13