

## Greater Sydney, Place and Infrastructure

IRF20/2373

### Plan finalisation report

Local government area: Blacktown

#### 1. NAME OF DRAFT LEP

Blacktown Local Environmental Plan – Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (PP\_2019\_BLACK\_003\_00).

#### 2. SITE DESCRIPTION

The planning proposal applies to land at Veron Road, Schofields, legally described as Lot 101 to 219 DP 1241538, Lot 2101 to 2156 DP 1252014, Lot 2201 to 2253 DP 1252015, Lot 2301 to 2351 DP 1252016 and Lot 2400 to 2447 DP 1252017 (the Site). The Site has an area of 135.6ha and is owned by Defence Housing Australia (DHA). The Site falls within the Schofields Precinct, which was rezoned in May 2012 in accordance with the *State Environmental Planning Policy (Sydney Region Growth Centres 2006)* (the Growth Centres SEPP).

#### 3. PURPOSE OF PLAN

The draft LEP seeks to amend the Growth Centres SEPP to rearrange the current land uses to achieve a more functional and cohesive urban design outcome for the precinct.

Specifically, the draft LEP seeks to:

- Make the following zoning amendments (**Figure 1**):
  - Reduce the size and relocate the SP2 school site;
  - Relocate the B2 Local Centre;
  - Increase the size of the RE1 Reserve;
  - Relocate the RE1 local parks;
  - Relocate the SP2 local road;
  - Reduce and realign the SP2 local drainage structures; and
  - Remove the RE2 private recreation areas.
- Make the following height of building amendments (**Figure 2**):
  - Apply a 9m height limit to all reconfigured R2 Low density residential; and
  - Apply a 14m height limit to the relocated B2 Local Centre area.
- Make the following residential density amendments (**Figure 3**):
  - Apply a 15 dwellings per hectare density to amenity areas such as the active open space area (Reserve 980), the school site, local centre, town park, and lands in proximity to Quakers Hill Station; and
  - Reduce the 30 dwelling per hectare control to 25 dwellings per hectare for all areas.

- Revise the land acquisition map to reflect the revised location of public infrastructure in line with the zoning amendments (**Figure 4**).
- Remove the existing 1:1 floor space ratio control applying to the future B2 Local Centre (**Figure 5**).

The DHA landholding has a total yield of 864 dwellings (this proposal adds 23 dwellings).



Figure 1 Current and Proposed Zoning

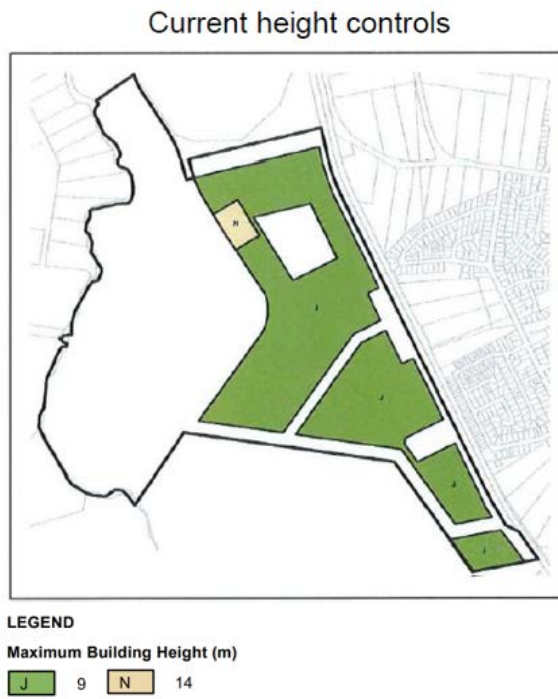


Figure 2 Current and Proposed Building Height

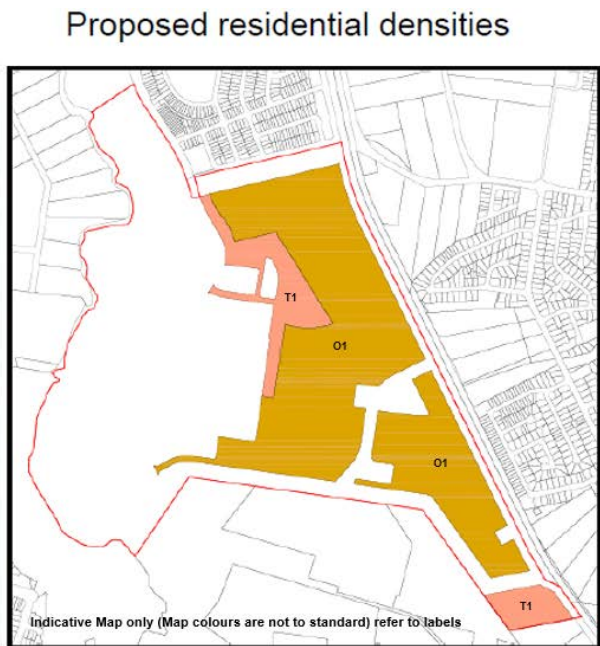
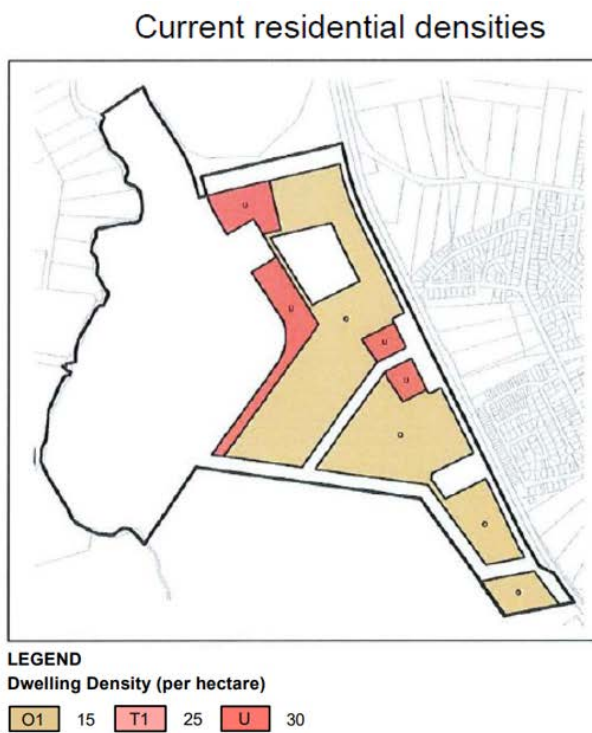
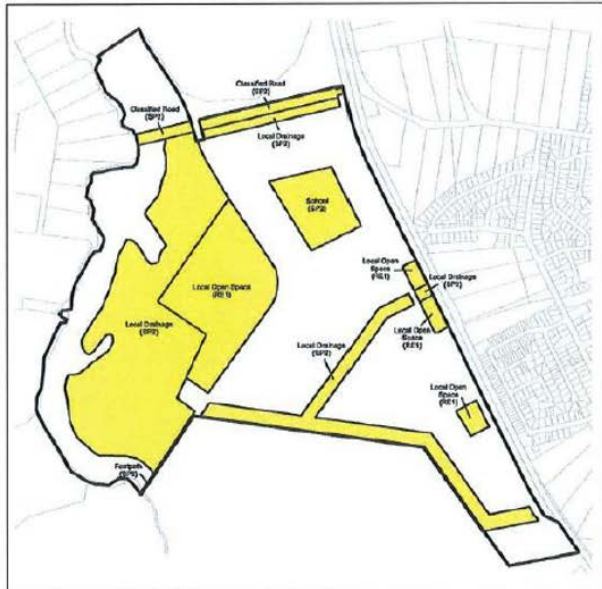


Figure 3 Current and Proposed Residential Densities



Current land acquisition map



Land Reservation Acquisition  


Proposed land acquisition map

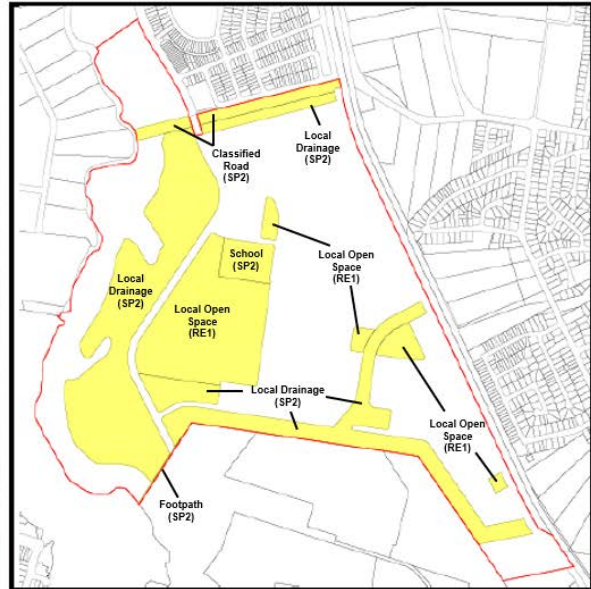
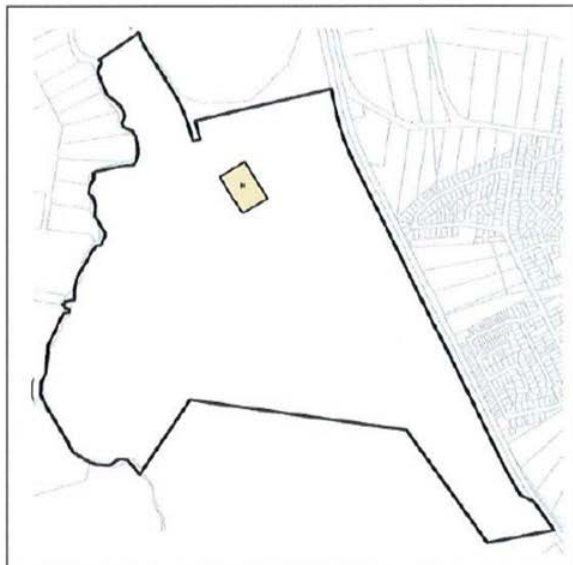


Figure 4 Current and Proposed Land Acquisition Maps

Current FSR map



LEGEND  
 Maximum Floor Space Ratio (n:1)  
 1

Proposed FSR map

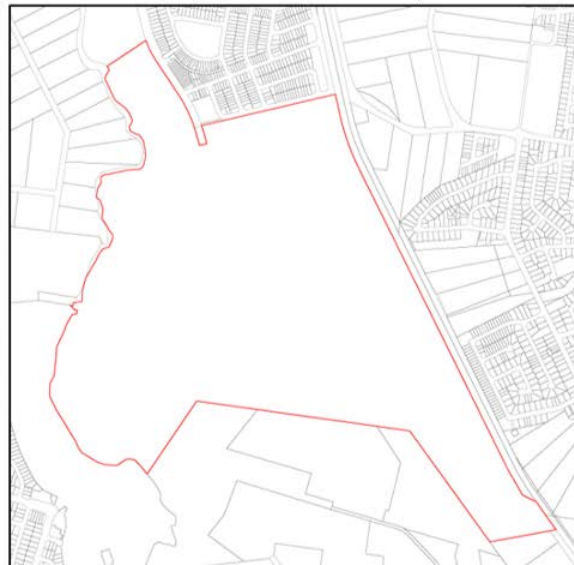


Figure 5 Current and Proposed Floor Space Ratio

#### 4. STATE ELECTORATE AND LOCAL MEMBER

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

The site falls within the Chifley federal electorate. Mr Ed Husic, MP is the Federal Member.

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

**NSW Government Lobbyist Code of Conduct:** There have been no meetings or communications with registered lobbyists.

**NSW Government reportable political donation:** There are no donations or gifts to disclose and a political donation disclosure is not required.

#### 5. GATEWAY DETERMINATION AND ALTERATION

The Gateway determination issued on 23 April 2019 (**Attachment B**) authorised the proposed amendment to proceed subject to conditions. The Gateway determination was subsequently altered to amend the orientation and size of the school site and to extend the timeframe for completion to 23 October 2020 (**Attachment C**).

#### 6. PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was publicly exhibited by Blacktown City Council (Council) from 9 October 2019 to 5 November 2019. No submissions were received from community members.

#### 7. ADVICE FROM PUBLIC AUTHORITIES

In accordance with the Gateway determination, Council was required to consult with NSW Department of Education, Roads and Maritime Services (now part Transport for NSW), Transport for NSW, State Emergency Services, Office of Environment and Heritage – Heritage Division, and Office of Environment and Heritage (now the Environment, Energy and Science Group).

Submissions were received from Transport for NSW (TfNSW), the Environment, Energy and Science Group (EES) and Sydney Trains.

**TfNSW** raised the following matters:

- Concern with the future intersection performance of Quakers Hill Parkway/Quakers Road and potential flow-on impacts to the operation of the M7/Quakers Hill Parkway Interchange.
- TfNSW recommended:
  - A detailed concept level design be prepared for an upgraded intersection. The design should indicate the need for additional land required; and
  - The land zoning and acquisition maps at the intersection will likely need to be updated, noting that new or altered traffic control signals require approval.

Council's response to matters raised by TfNSW:

- DHA's traffic consultant has undertaken a further assessment of the intersection and provided that to TfNSW;
- The intersection is located outside the area covered by the planning proposal; and
- The planning proposal involves a reconfiguration of the rezoning based on an urban design review and does not propose a significant increase in density.

DHA and TfNSW have agreed to manage these matters separately as they do not affect finalisation of this planning proposal.

**EES** raised the following matters:

- The proposed biodiversity offset strategy is supported, with no change to the E2 Environment Conservation zone. However, it appears that works have been carried out and the impact has already occurred, without any offset being delivered.
- The proposed flood evacuation strategy needs to be reviewed to address evacuation constraints associated with the Hawkesbury-Nepean Valley regional evacuation.

Council's response to matters raised by EES:

- DHA provided additional information on how the proposed offset strategy will be implemented. EES is satisfied with the offset strategy implementation plan and that this matter will be further considered at Development Applications stage.

A regional flood evacuation model review for the Hawkesbury-Nepean valley is being undertaken by Infrastructure NSW and will inform any regional road improvements required to support safe evacuation. The model accounts for development planned for this site.

**Sydney Trains** raised the following matters:

- There is a right of carriageway easement benefitting RailCorp on the southern portion of the proposed Collector Road adjoining the rail corridor.
- The SP2 Infrastructure zoning should be extended to abut the RailCorp owned land boundary removing any residual RE1 Public Recreation zoned land adjoining the rail corridor.

This matter was supported by Council and maps amended accordingly.

## **POST-EXHIBITION CHANGES**

DHA made submissions requesting the following amendments to the exhibited Planning Proposal:

1. Rezone an area (0.6ha) of SP2 Infrastructure (Drainage) to R2 Low Density Residential.
2. Realign the zone boundaries between the RE1 Public Recreation and R2 Low Density Residential.
3. Reduce the width of a 1km portion of SP2 Infrastructure (Local Road) adjacent to T1 Richmond Railway Line from 20m (Collector Road) to 16m (local road).

Council agreed with the first and second requests noting the drainage basin is no longer required and that an R2 Low Density Residential zone is more appropriate, and that the minor zone boundary realignment will not result in any reduction in open space.

Council did not agree with the third request on the basis that the road will be an important link when buses replace trains during periods of track work. DHA has accepted Council's position.

In summary, Council have supported three amendments to the Gateway endorsed planning proposal, being the two applicant changes (discussed above), and the change to the SP2 zone boundary requested by Sydney Trains. The proposed amendments are supported for the following reasons:

- They are largely administrative in nature and correct errors that have been identified during exhibition;
- They are minor and do not create significant impacts; and

- The changes do not create any additional inconsistency with any SEPPs and s.9.1 directions.

## **8. ASSESSMENT**

The planning proposal is the result of the proponent seeking to rearrange the land uses within the site to achieve a more functional and cohesive urban design outcome for the precinct.

The planning proposal is consistent with Gateway determination and all conditions have been satisfactorily addressed except for the below Section 9.1 Direction. This has been addressed in Section 8.1 below.

With regards to Condition 2. the proponent and the former Roads and Maritime Services (TfNSW) were required to resolve the need for the SP2 zoned road on the eastern boundary of the site along the T1 Richmond Rail corridor.

The proposal sought to replace the existing 20m collector road located along the eastern boundary of the site with a 16m local road. However, Blacktown City Council insisted the existing SP2 collector road be retained.

The collector road is needed to accommodate a replacement bus service during track work on the T1 Rail line. The proponent advised bus routes can be provided via the collector road network along Aerodrome Drive or within the local road proposed for the eastern boundary of the site.

Discussions with Council, TfNSW and the proponent resulted in the retention of the 20m wide collector road along the eastern boundary of the site. TfNSW supports the provision of the collector road and has no objection to the road being parallel to the rail corridor.

### **8.1 Section 9.1 Directions**

The Gateway determination identified that section 9.1 Direction 4.3 Flood Prone Land was to be resolved.

Section 9.1 Direction 4.3 Flood Prone Land applies as the site is identified as flood prone land within the Blacktown LEP. The Planning Proposal is inconsistent with the direction as it rezones special purpose and recreation land within the flood planning area for residential purposes. Parts of the precinct are below the Probable Maximum Flooding (PMF) level.

DHA's flood study modelled the extent, level and velocity of flood waters and the distribution of flows across the site. The modelling demonstrates that the completed earthworks, approved by Council and already implemented, result in some localised increases in flooding levels both within and outside the site on non-urban land. DHA argues that the planning proposal does not result in a notable increase in density and as such the flood impact is of minor significance.

The Department notes:

- The revised flood impact assessment (by BG&E dated 26 Feb 2018) was submitted to Council in support of the planning proposal, to assess flood impacts based on the proposed revised ILP. Both Council and the proponent confirmed (in writing) that the revised flood impact assessment levels reflect the overall site developed in completed bulk earthworks form, as approved under DA 15-0999 on 21 April 2017 by Council. The related flood level changes have already occurred and will not be increased, nor could they be decreased as a result of this proposal.
- The flood study for the original Indicative Layout Plan (ILP) and rezoning of the Schofields Precinct in 2012 identified a number of localised increases in post-development flood levels both within and outside the DHA site (increases of 20+mm). These generally coincide with SP2 Drainage locations and this planning proposal

proposes residential development on land already filled above the 1% chance per annum flood level.

- The Schofields Precinct rezoning in 2012 and the revised flood assessment (2018) and civil works approval (2017) all precede the current flood policy as espoused in the planning principles outlined in Objective 37 of the 2018 Central City District Plan.

Given the considerations above, it is recommended that the Secretary's delegate determines the inconsistency of the proposal with Direction 4.3 Flood Prone Land is justified as of minor significance.

## **8.2 State environmental planning policies**

The Gateway determination identified that the planning proposal was not inconsistent with any relevant SEPPs or deemed SEPPs.

## **8.3 State, regional and district plans**

The planning proposal is located within the Central City District and is informed by the Central City District Plan (District Plan). The Central City District Plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The planning proposal is consistent with the liveability and sustainability focus of the plan, being:

- *Planning Priority C3 – Providing services and social infrastructure to meet peoples changing needs*, noting the proposal aims to achieve a better outcome for social infrastructure, local open space and the local centre.
- *Planning Priority C5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport*, noting the proposal seeks to improve residential connections to open space and local amenities within the Schofields Precinct.
- *Planning Priority C6 – Creating and renewing great places and Local Centres and respecting the Districts heritage*, noting the proposal's focus is to improve urban design outcomes on site which will facilitate improved connections between the public and private realm.

The Department is satisfied that the proposal gives effect to the District Plan in accordance with section 3.8(2) of the Environmental Planning and Assessment Act 1979.

## **9. MAPPING**

The amending maps to the Growth Centres SEPP include:

- Land Zoning (LZN\_005 & LZN\_009);
- Height of Building (HOB\_005 & HOB\_009);
- Dwelling Density (RDN\_005 & RDN\_009);
- Land Reservation Acquisition (LRA\_005 & LRA\_009); and
- Floor Space Ratio (FSR\_005).

The maps have been checked by the Department's ePlanning team and sent to Parliamentary Counsel (**Attachment Maps**).

Note, the Indicative Layout Plan (ILP) will be updated on the Department's website in accordance with Council's amending Development Control Plan.



## 10. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979*. Council confirmed on 3 July 2020 that it accepts the draft and that the plan should be made (**Attachment D**).

## 11. PARLIAMENTARY COUNSEL OPINION

On 10 July, 2020 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

## 12. RECOMMENDATION

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

- There are no significant environmental, social or economic impacts anticipated as a result of the planning proposal;
- Council has satisfactorily addressed all conditions of the Gateway determination;
- The proposal is consistent with 9.1 Direction 4.3 Flood Prone Land.
- The planning proposal is not inconsistent with any SEPP;
- There are no outstanding agency or community objections to the planning proposal;
- The planning proposal is consistent with the District Plan;
- The planning proposal revises the current land use configuration to achieve a more functional and cohesive urban design outcome for the precinct.



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