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Plan finalisation report – PP-2020-3064

Riverstone Town Centre

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

The planning proposal (**Attachment A**) seeks to amend the *Blacktown Local Environmental Plan 2015* (Blacktown LEP 2015) to facilitate additional commercial, retail and high density residential development in the Riverstone Town Centre. It supports the implementation of Council's masterplan for the Riverstone Town Centre (Council's masterplan), adopted 22 November 2017.

The planning proposal aims to support the delivery of approximately 2,640 homes and 580 jobs.

1.1.2 Site description

Table 1: Site description

Site Description	The planning proposal (Attachment A) applies to the Riverstone Town Centre as outlined in Red in Figure 1 .
Type	Area
Council	Blacktown City Council (Council)
LGA	Blacktown Local Government Area (LGA)



Figure 1: Subject site (Source: Department of Customer Service, 2020)

Riverstone Town Centre is identified as a 'local centre' in the Central City District Plan and an 'urban renewal precinct' in the Blacktown Local Strategic Planning Statement 2020. It is located in the North West Growth Area (NWGA) however it has not been rezoned under the *State Environment Planning Policy (Precincts – Central River City) 2021* (formally *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*).

Riverstone Town Centre is located approximately 11km north-west of Blacktown CBD and 38km north-west of Sydney CBD. The subject site, as outlined red in **Figure 1**, is bound by King Street to the north west, Piccadilly Street to the north east, Elizabeth Street to the south east and the Richmond Railway Line/Riverstone Station to the south west. The subject land is mostly located within 400m of the Riverstone railway station and is surrounded by low density detached housing.

The subject site comprises a retail and business spine on Garfield Road East, the Council owned Riverstone Village Shopping Centre, a range of community services and recreational uses including the Riverstone Neighbourhood Centre, the Riverstone Swimming Centre, and detached low-density residential dwellings.

The site is within the Hawkesbury Nepean Valley and majority of the land within the Town Centre is flood prone, with land between Church Street and King Street at highest risk.

There are a number of heritage items of local significance and an archaeological site (**Figure 2**) within the Riverstone Town Centre, including:

- I74 – 'House'
- I75 – 'House'
- I77 – 'Shops-Parrington Terrace'
- I79 – 'Church-St Andrew's Uniting Church'
- I80 – 'House and shop'
- I81 – 'Riverstone Public School'
- I82 – 'Bicentennial Museum-formerly public school, then Masonic Hall'
- I84 – 'House'
- I85 – 'House'
- I86 – 'Police Station'
- I95 – 'House'
- I96 – 'House'
- A122 – 'Brick cistern'



Figure 2: Heritage Items (Source: Department of Customer Service eSpatial Viewer 2020)

1.1.3 Purpose of plan

The intent of the planning proposal is to revitalise the Riverstone Town Centre in accordance with Council's Masterplan (**Figure 3**). Council's Masterplan establishes a vision for the future development of the Riverstone Town Centre, based on a vision for a vibrant main street with the heart of the centre to be located between Mill Street and Garfield Road East.



Figure 3: Council's Masterplan (Source: Blacktown Council's Updated Masterplan Nov 2021)

To help facilitate implementation of the masterplan the planning proposal, as amended, seeks to amend the Blacktown LEP 2015 as follows:

- amend the Land Zoning Map to rezone certain land between Mill Street, Piccadilly Street, Pitt Street and Market Street, currently zoned R2 Low Density Residential, to B4 Mixed Use and R4 High Density Residential.
- amend the maximum Height of Buildings Map applying to certain land between Mill Street and Garfield Road East from 9m to part 20m and part 32m.
- introduce an Incentive Height of Buildings Map to apply a maximum incentive building height of 50m to land bound by Riverstone Parade, Garfield Road East, Pitt Street and existing RE2 Private Recreation zoned land.
- remove the minimum Lot Size Map development standard applying to certain land between Mill Street and Market Street.
- introduce a Design Excellence Map to identify land bound by Riverstone Parade, Garfield Road East, Piccadilly Street and King Street as being subject to ‘design excellence’.
- amend *clause 7.7A Height of buildings exhibiting design excellence in Blacktown CBD and Mount Druitt CBD* to also apply to the Riverstone Town Centre.
- amend the Land Reservation Acquisition Map to include 8 individual lots to be acquired by Council for community uses:
 - 18 Market Street, Riverstone (Lot 10 DP 2158).
 - 32 Market Street, Riverstone (Lot 24 DP 2158).
 - 34 Market Street, Riverstone (Lot 23 DP 2158).
 - 36 Market Street, Riverstone (Lot 22 DP 2158).
 - 23 Park Street, Riverstone (Lot 19 DP 2158).
 - 25 Park Street, Riverstone (Lot 20 DP 2158).
 - 2A George Street, Riverstone (Lot 212 DP 863585).
 - 2B George Street, Riverstone (Lot 211 DP 863585).
- amend Clause 5.1(2) of the Blacktown LEP 2015 to identify Council as the relevant acquisition authority on land zoned B4 Mixed Use and marked “Community use”.

Council’s post-exhibition planning proposal can be found at **Attachment A**.

Maps incorporating the proposed amendments are attached to this report. No other changes are proposed as part of the planning proposal as shown in **Table 2**.

Table 2: Current and proposed controls

Control	Current	Proposed
Land zoning	<ul style="list-style-type: none"> • R2 Low Density Residential • RE2 Private Recreation • B2 Local Centre • RE1 Public Recreation • SP2 Infrastructure 	<ul style="list-style-type: none"> • B4 Mixed Use • R4 High Density Residential • B2 Local Centre • RE1 Public Recreation • SP2 Infrastructure
Maximum height of buildings	<ul style="list-style-type: none"> • Part 9m 	<ul style="list-style-type: none"> • Part 20m (6 storey) • Part 32m (10 storey)

Control	Current	Proposed
Incentive height of buildings	<ul style="list-style-type: none"> No control applies 	<ul style="list-style-type: none"> 50m (15 storeys) incentive height for land bound by Riverstone Parade, Garfield Road East, Pitt Street and existing RE2 Private Recreation zoned land
Floor space ratio	<ul style="list-style-type: none"> No control applies 	<ul style="list-style-type: none"> No control applies
Minimum lot size	<ul style="list-style-type: none"> Part 450sqm 	<ul style="list-style-type: none"> Part 450sqm
Land reservation acquisition	<ul style="list-style-type: none"> Land reserved for classified roads 	<ul style="list-style-type: none"> Land reserved for classified roads Eight lots reserved for community uses
Design excellence	<ul style="list-style-type: none"> No control applies 	<ul style="list-style-type: none"> Area north of Garfield Road East subject to 'design excellence'
Homes		<ul style="list-style-type: none"> 2,640 homes
Jobs		<ul style="list-style-type: none"> 580 jobs

1.1.4 State electorate and local member

The site falls within the Riverstone state electorate. Mr Warren Kirby MP is the State Member. The site falls within the Greenway federal electorate. Ms Michelle Rowland MP is the Federal Member.

The Hon. Michelle Rowland MP wrote to Council on 26 August 2020 and 17 February 2021 requesting Council consider and respond to comments raised by two local residents. Council noted the correspondence was confidential and that it had responded to these matters as part of its standard internal processes.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this planning proposal.

2 Gateway determination and alterations

The Gateway determination (**Attachment B**) issued on 6 August 2018 determined that the proposal should proceed, subject to conditions. Council was not provided with delegation to finalise the planning proposal.

A revised planning proposal was submitted to the Department of Planning and Environment (the Department) in August 2019. The Department endorsed the planning proposal on 13 October 2019 to proceed to public exhibition.

The Gateway determination was altered on 13 October 2019 and 13 December 2019 for the following reasons:

- 13 October 2019 (**Attachment C**):
 - To delete condition 1 and replace with new condition 1, as follows:
 1. *Prior to finalisation, Council is required to:*
 - (a) *Ensure that the results of the flood study support the final plan proposed after public exhibition and any additional advice from the NSW SES, Infrastructure NSW (Flood Risk Directorate) and the RMS;*

(b) Consult with the Government Architect of NSW and obtain the endorsement of the Secretary (or delegate) for the proposed Design Excellence Guidelines;

(c) Conclude consultation with the Department regarding infrastructure funding, sensitivity testing and consideration of the capture of contributions towards State and Regional Infrastructure;

- 13 December 2019 (**Attachment D**):

- To delete condition 1 and replace with new condition 1, as follows:

1. Prior to public exhibition, Council is to amend the planning proposal as follows:

(a) Exclude and remove all references to the land south of Garfield Road;

- To delete condition 5 and replace with new condition 5, as follows:

5. Prior to finalisation, Council is required to:

(a) Ensure that the results of the flood study support the final plan proposed after public exhibition and any additional advice from the NSW SES, Infrastructure NSW (Flood Risk Directorate) and the RMS;

(b) Consult with the Government Architect of NSW and obtain the endorsement of the Secretary (or delegate) for the proposed Design Excellence Guidelines;

(c) Conclude consultation with the Department regarding infrastructure funding, sensitivity testing and consideration of the capture of contributions towards State and Regional Infrastructure.

- To insert new condition 6, as follows:

6. The time frame for completing the LEP is to be 22 months following the date of the Gateway determination (i.e. by 6 June 2020).

The planning proposal was due to be finalised 22 months following the Gateway determination, being 6 June 2020.

Whilst the finalisation date was not met, the completion time for the planning proposal was extended to allow enough time to address each of the issues raised during consultation by the community and agencies. The Department corresponded with Council to confirm this was a horizons cohort proposal under the Planning Proposals Reform program and completion timeframes were agreed.

More recently, this proposal has been paused pending the outcomes of flood-related reviews (see Section 4.1.6 below).

3 Public exhibition and post-exhibition changes

3.1 Community submissions during exhibition

The planning proposal was publicly exhibited by Council from 15 January 2020 to 21 February 2020, in accordance with the requirements set under the Gateway determination.

A total of 109 community submissions were received, comprising of 44 objections, 53 submissions of support and 12 clarifications.

Table 3 below contains a summary of the issues raised in submissions and Council's response. Key issues raised in submissions relate to:

- transport, traffic and car parking.
- flooding.
- heritage, local character and open space.

- other matters such as rates, land acquisition, and services.

Table 3: Summary of key issues

Issue raised	Summary of Council response and Department's assessment of adequacy of response
Transport, traffic and car parking (74 submissions)	
<p>The planning proposal will lead to additional traffic congestion on Garfield Road East and West associated with heavy vehicle traffic and with the rail crossing (raised in 35 submissions)</p>	<p><u>Council Response:</u></p> <p>In response to feedback from members of the public during the exhibition period, and consultation with Transport for NSW (TfNSW), the Transport Assessment was updated to consider more recent data and assess the impact of the Riverstone Town Centre Planning Proposal.</p> <p>The Transport Assessment found:</p> <ul style="list-style-type: none"> • the Garfield Road East / Riverstone Parade intersection is already operating above capacity. This is expected to worsen with the ongoing development within the North West Growth Area. • all other intersections within the Riverstone Town Centre study area are expected to operate within capacity, even with the proposed redevelopment of the Riverstone Town Centre, within the timeframe modelled. • the performance and functionality of the road network surrounding the Riverstone Town Centre would improve if the NSW Government's planned grade separation of the Garfield Road East level crossing was delivered. <p>Garfield Road East is a classified road administered by TfNSW. Part of the function of the road is to provide for heavy vehicle movement between the major arterials of Richmond Road to the west and Windsor Road to the east. Council considers that it is not the responsible authority and does not have the funding to upgrade Garfield Road East and the rail crossing which contributes to this issue.</p> <p>Council notes the preparation of the planning proposal was partly informed to support the future planned upgrades to the regional road network, including grade separation between Garfield Road East and the rail crossing, which as confirmed by the Transport Assessment, would improve the performance of the intersection. It is noted the timing for the delivery of the road and grade separation upgrades is yet to be confirmed, and the realisation of the development outcome envisioned by the masterplan would be an incremental delivery process.</p> <p>The progression of the planning proposal is consistent with Government strategies and policies that support increased residential densities around transport infrastructure, and creating more compact, liveable and people-centric places.</p> <p><u>Department's response:</u></p> <p>Issues relating to traffic congestion and management are addressed in Section 4 of this report. Council's Transport and Traffic Assessment is not supported by TfNSW and traffic issues remain unresolved.</p>
<p>The additional density will worsen existing traffic, car parking and</p>	<p><u>Council response:</u></p> <p>The Masterplan moves the centre of commercial activity from Garfield Road East to Market Street. This will remove the Town Centre core from the heavy vehicular through traffic along Garfield Road East and assist in creating a more pedestrian friendly 'country village' character, which was a finding from the Masterplan. The Masterplan</p>

Issue raised	Summary of Council response and Department's assessment of adequacy of response
pedestrian access within the town centre (raised in 24 submissions)	<p>makes recommendations for improving pedestrian access within the town centre, which will be transferred into a Development Control Plan (DCP) together with car parking requirements that new development will need to comply with.</p> <p><u>Department's response:</u></p> <p>As outlined above, Council's Traffic and Transport Assessment is not supported by TfNSW and traffic issues remain unresolved. Further discussion is provided in Section 4.</p>
The frequency of railway services and provision of commuter car parking is not sufficient to support the increase in population (raised in 9 submissions)	<p><u>Council's response:</u></p> <p>The frequency of railway services, capacity of the rail network and provision of commuter car parking is considered to be the responsibility of the NSW Government. Council noted their continued advocacy to improve rail services north of Schofields Railway Station, including the duplication of the railway line to Riverstone and beyond.</p> <p><u>Department's response:</u></p> <p>The Department considers Council's response is adequate. Provisions relating to car parking are best addressed in a DCP (i.e. for development-related parking) and in negotiation with TfNSW (i.e. for commuter parking).</p>
The existing bus services are not sufficient to support the increase in population (raised in 6 submissions)	<p><u>Council's response:</u></p> <p>The provision of public bus services is the responsibility of the NSW Government. Experience indicates that an increase in demand for public transport – in this instance driven by the revitalisation of the Riverstone Town Centre, will lead to an increase in service levels.</p> <p><u>Department's response:</u></p> <p>The Department considers Council's response is adequate. Additionally, TfNSW has confirmed that future infrastructure planning and upgrades in the area will consider opportunities to allow for bus stops and supplementary facilities.</p>

Heritage, local character and open space (38 submissions)

The proposed maximum heights of buildings are not in keeping with the 'country town' feel of Riverstone and will negatively impact local character (raised in 15 submissions)	<p><u>Council response:</u></p> <p>The proposed maximum heights were derived during the master planning of the Town Centre. This process considered the existing and desired future character of the town centre as a focal point for services in the NWGA. An increase in population densities with an augmentation of commercial, community, and open space facilities ensures and enhances the economic viability of the town centre.</p> <p><u>Department's response:</u></p> <p>The Department considers Council's response is adequate. Community consultation informed preparation of the Masterplan, which received community support. The maximum building heights proposed in this planning proposal were developed in accordance with the Masterplan. An amendment to Blacktown DCP 2015 will provide the detailed development controls to guide the future built form of the Town Centre. This will help to ensure that Riverstone's character is maintained.</p>
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Issue raised	Summary of Council response and Department's assessment of adequacy of response
<p>Concern that Riverstone's heritage items will not be protected under the planning proposal (raised in 6 submissions)</p>	<p><u>Council's response:</u></p> <p>Council recognises that Riverstone is an area with a long history and home to many heritage sites of significance to the local and wider community. The heritage sites in the Riverstone Town Centre are identified in Schedule 5 of the Blacktown LEP 2015 and protected by clause 5.10 Heritage conservation. The planning proposal does not make any changes to these protective provisions or the listing of heritage items. The Masterplan makes recommendations on the preservation of the heritage sites in the Riverstone Town Centre. These will in turn be translated into the future DCP controls.</p> <p><u>Department's response:</u></p> <p>The Department considers Council's response is adequate. There are existing controls in the Blacktown LEP 2015 and Blacktown DCP 2015 to ensure conservation of heritage values and items. These controls will guide the selection of materials, protection of view corridors and heritage interpretation.</p>
<p>Concern of the impact of additional population on the town centre in terms of local character and crime (raised in 4 submissions)</p>	<p><u>Council's response:</u></p> <p>The Riverstone Town Centre Masterplan was informed by extensive consultation with the Riverstone community. Public response at the time was overwhelmingly supportive of the Masterplan. The Masterplan is based on the concept of the creation of a resident population in a mixed-use format within the town centre to generate sufficient demand for investment in retail and services provided in a rejuvenated centre.</p> <p>The Masterplan makes recommendations on the built form of new development that will assist in creation of a 'country village' character, preserve Riverstone's heritage and encourage good quality high amenity development. These recommendations will be transferred into a DCP, which new development will need to comply with.</p> <p>Existing provisions under Council's DCP in conjunction with Safer by Design principles ensures new development considers important elements of public safety and security at the Development Application (DA) stage, including passive surveillance, street lighting, etc.</p> <p><u>Department's response:</u></p> <p>The Department considers Council's response is adequate as provisions to mitigate the impacts of public safety and crime can be considered as part of a future DAs in accordance with provisions under the DCP. The land use mix proposed will facilitate the development of a mixed use town centre which is consistent with Safer by Design principles i.e. by providing active frontages to facilitate passive surveillance.</p>
<p>There needs to be additional open space and community facilities delivered in the town centre to service the increasing population in Riverstone</p>	<p><u>Council's response:</u></p> <p>Council has planned local and regional community services based on the increased population in the provision of a regional level hub, library and expanded aquatic centre in Riverstone. A village green is planned in the centre of the town centre.</p> <p>Opportunities will be investigated for making the open space at the aquatic centre more accessible and useable. Council will also explore further opportunities to ensure that there is sufficient open space for the projected population. Council has worked with the Department to determine the acceptable final planning proposal and understand the further open space requirements.</p>

Issue raised	Summary of Council response and Department's assessment of adequacy of response
(raised in 13 submissions)	<p>Council notes the timing of delivery for additional community facilities has not been determined.</p> <p><u>Department's response:</u></p> <p>The quantum of open space provided in the Riverstone Town Centre and surrounding areas is considered sufficient. The Department supports Council's investigations into future open space provision as discussed in Section 4 of this report.</p>

Flooding (4 submissions)

<p>The impact of flooding on the town centre has not adequately been considered (including evacuation of the town centre)</p> <p>(raised in 4 submissions)</p>	<p><u>Council's response:</u></p> <p>In response to feedback from members of the public and Infrastructure NSW (INSW) during the exhibition period, a Flood Impact Assessment has been prepared.</p> <p>The Riverstone Town Centre Flood Impact Assessment finds that a balanced cut and fill strategy is feasible within the floodplain in a way that will enable filling of key sites to support development in the town centre – Refer to section 3.2 for further information (in response to INSW's submission).</p> <p>Specific response regarding the evacuation of residents within higher densities was not provided by Council. Council have requested the Department consider in its finalisation of the planning proposal, the submissions of other State agencies in determining suitable development outcomes in the town centre as it relates to flooding impact.</p> <p><u>Department's response:</u></p> <p>The Department has completed further assessment of the flooding impact on the town centre, in post-exhibition consultation with NSW State Emergency Service (NSW SES) and the Department's Environment, Energy and Sciences Division.</p> <p>As outlined in section 4 of the report below, more recently consideration of this planning proposal has been paused pending the outcomes of the 2022 NSW Flood Inquiry and subsequent referral for expert recommendations of a Flood Advisory Panel. Those recommendations require review of the planning proposal in light of revised flood planning levels which are to be prepared for the Hawkesbury-Nepean Valley and will take some three years to complete. Refer section 4 below.</p>
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Other: General (16 submissions)

<p>Objections to the omission of land south of Garfield Road East from the planning proposal (raised in 3 submissions)</p>	<p><u>Council's response:</u></p> <p>The study area for the Riverstone Town Centre Masterplan extends both north and south of Garfield Road East, bounded by Riverstone Parade, King Street, Piccadilly Street and Elizabeth Street.</p> <p>The Gateway Determination issued by the Department in August 2018 required Council to consult with TfNSW prior to public exhibition of the planning proposal. TfNSW advised that the extent of the planning proposal should be restricted to land north of Garfield Road East until such time as TfNSW has completed the design for a grade separated rail crossing of Garfield Road East, including an assessment of the land take requirements for the crossing.</p> <p>A revised Gateway Determination was issued in December 2019 which provided a new Condition 1: '1. Prior to public exhibition, Council is to amend the planning proposal as follows: (a) Exclude and remove all references to the land south of Garfield Road;'</p>
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Issue raised	Summary of Council response and Department's assessment of adequacy of response
	<p><u>Department's response:</u></p> <p>The Department considers Council's response is adequate and that the outcome is consistent with condition of the Gateway determination (as amended).</p>
<p>Additional medical services and schools should be provided to support the additional population (raised in 5 submissions)</p>	<p><u>Council's response:</u></p> <p>Council advises at the time the Riverstone Precinct was planned; a number of areas were identified as indicative sites for future new schools. The provision and timing of delivery for new public health and education services has not been confirmed by the relevant State agencies.</p> <p>Decisions as to when and where new facilities will be provided will be informed by the demographic modelling and methodology for assessing demand, service levels, timing and catchments.</p> <p><u>Department's response:</u></p> <p>Both the existing B2 Local Centre and proposed B4 Mixed Use zones in the Riverstone Town Centre permit (with consent) educational establishments and medical centres. The Department will continue to investigate and ensure the delivery of community infrastructure occurs in accordance with the NWGA Land Use and Infrastructure Delivery Plan.</p>
<p>Objections to the proposed acquisition of certain properties due to potential negative financial impacts for landowners (raised in 3 submissions)</p>	<p><u>Council's response:</u></p> <p>The planning proposal identifies 8 sites for acquisition, all within an area identified in the Masterplan as a community facilities precinct. These facilities will service the growing communities in Riverstone, Rouse Hill, Tallawong, Grantham Farm and Schofields. These 8 lots were publicly identified for acquisition in 2010 when the Section 7.11 Contributions Plan No 20 Riverstone and Alex Avenue Precincts was adopted.</p> <p>Acquisition of land by a public authority is managed under legislation to ensure a fair and equitable process. There are also processes in place which enable a landowner to request Council acquire their land if they will suffer hardship before the planned acquisition of their land.</p> <p><u>Department's response:</u></p> <p>The Department considers Council's response adequate. The proposed land acquisition will contribute to providing valuable community facilities in Riverstone Precinct and adding to its liveability. Council is identified in the LEP as the acquisition authority.</p>
<p>Impact of the planning proposal on Council rates for properties within the town centre (raised in 5 submissions)</p>	<p><u>Council's response:</u></p> <p>Council rates are calculated based on the value of a property as determined by the Valuer General of NSW. Land zone is a component of the valuation method but is not the only factor considered. An increase in land value does not necessarily equate to a commensurate increase in rates as the amount by which local government can raise rates annually is limited by IPART.</p> <p>The staged delivery of Council's masterplan (as adopted by Council) to rezoning within the Riverstone Town Centre means that land will only be rezoned when there is</p>

Issue raised	Summary of Council response and Department's assessment of adequacy of response
	<p>demonstrated market feasibility for investment in development. This will protect land values and rates until it is feasible to rezone and develop the land.</p> <p><u>Department's response:</u></p> <p>The Department considers Council's response adequate.</p>

3.2 Advice from agencies

In accordance with the Gateway determination (as altered), Council was required to consult with agencies listed in **Table 4** who have provided the following feedback. NSW State Emergency Service (NSW SES) and Telstra did not provide a response during the public exhibition.

The Department undertook consultation with NSW SES and the Department's Environment, Energy and Sciences Division (EES) (now the Environment and Heritage Group (EHG) based on concerns relating to flooding – refer to Section 4 of this report.

Table 4: Advice from public authorities

Agency	Summary of advice	Summary of Council and the Department's response
Sydney Water	<p>Sydney Water have confirmed potable water and wastewater facilities are available to service future development. The facilities may require amplification and adjustments. However, recycled water is not available. Recycled water services may be provided in the future as part of broader planning in the area.</p>	<p><u>Council's response:</u></p> <p>Council can require buildings to provide infrastructure which connects to water recycling facilities should it be available in the future. This can be implemented through the DCP.</p> <p><u>Department's response:</u></p> <p>Council's response is considered adequate.</p>
Heritage NSW (former Office of Environment and Heritage)	<p>Heritage NSW outlined general support for the masterplan which proposes a number of positive heritage initiatives. The submission raised questions on how Aboriginal artefacts will be managed if found during the redevelopment of the Town Centre.</p> <p>Advice also noted the planning proposal area is located directly to the north east of the State Heritage Register listed 'Riverstone Railway Station and yard group' (SHR 01237). Care must be taken to avoid impacts on this item, and consideration needs to be given as to how to mitigate impacts if they are unavoidable.</p>	<p><u>Council's response:</u></p> <p>Standard conditions on development consents will ensure Aboriginal artefacts found during the redevelopment of the Riverstone Town Centre are treated appropriately.</p> <p><u>Department's response:</u></p> <p>Council's response is considered adequate. Blacktown LEP 2015 includes standard clause 5.10 which outlines activities that require development consent and considerations for development to avoid adverse impacts to the significance of heritage items. The Blacktown DCP 2015 also provides additional controls to mitigate impacts from development on heritage items (i.e. view loss, materials, etc.).</p>

Agency	Summary of advice	Summary of Council and the Department's response
<p>Endeavour Energy</p>	<p>Endeavour Energy advised there is extensive electrical infrastructure in Riverstone. The infrastructure may require upgrading to cater for the expected demand as a result of redevelopment of the Town Centre.</p>	<p><u>Council's response:</u></p> <p>Council has noted the comments from Endeavour Energy.</p> <p><u>Department's response:</u></p> <p>Council's response is considered adequate.</p>
<p>Quaker's Hill Police Local Area Command, Riverstone</p>	<p>Comments from the NSW Police Quakers Hill Local Area Command noted there is significant traffic congestion and an increase in heavy vehicular traffic along Garfield Road. The changes to zoning and development controls in the planning proposal are likely to exacerbate these issues.</p> <p>The Crime Prevention Officers at the Quakers Hill Police Area Command request that all future DAs in relation to residential, retail and commercial premises, open and recreation space, rail interchange, major road infrastructure and community centres are forwarded to police for a Crime Prevention Through Environmental Design Assessment.</p>	<p><u>Council's response:</u></p> <p>The updated Transport Assessment (Attachment E) found that, except for the Garfield Road/Riverstone Parade intersection, other key intersections within the study area were expected to operate within design capacity.</p> <p>The existing level of service of the Garfield Road railway crossing has been a major issue for the Riverstone community for many years. Whilst the need to upgrade the road and intersection has previously been identified by the State government, the timing for its design and delivery is yet to be determined.</p> <p>The planning proposal will promote investment in the Town Centre, support businesses, provide new retail and commercial opportunities and enable the future development of a community facilities hub which will promote local cohesion and a sense of community.</p> <p>Existing provisions under the Blacktown DCP 2015 apply controls consistent with Safer by Design principles at the DA stage, including passive surveillance, street lighting, etc. Opportunities to engage and consult with the Local Police Area Command will be determined at the DA stage.</p> <p><u>Department's response:</u></p> <p>Issues relating to traffic congestion and management are addressed in Section 4 of this report. Council's Transport and Traffic Assessment is not supported by TfNSW and traffic issues remain unresolved. NSW Police have reiterated similar traffic concerns.</p>

Agency	Summary of advice	Summary of Council and the Department's response
Government Architect NSW (GANSW)	<p>GANSW endorsed the Guidelines for Architectural Design Competitions document with minor refinements and endorsed the extension of the existing Blacktown LEP 2015 clause 7.7 Design Excellence to the relevant areas of the planning proposal.</p> <p>Further opportunities to comment or advice on the implementation of design excellence strategies are welcomed by GANSW.</p>	<p>At the Ordinary Meeting of 3 November 2021 Council adopted an updated <i>Guidelines for Architectural Design Competition</i> which includes the suggested amendments by Government Architect NSW.</p> <p><u>Department's response:</u></p> <p>Council have adequately addressed this submission through the adoption of the <i>Guidelines for Architectural Design Competitions</i>.</p>
Infrastructure NSW (INSW), Flood Risk Directorate	<p>INSW noted that Riverstone Town Centre is significantly affected by flooding. Of particular concern are natural ground levels along the railway line, the risk of residents becoming trapped and unable to evacuate, and flood risk from the Probable Maximum Flood (PMF) level.</p> <p>INSW recommended a Flood Impact Assessment be undertaken to examine the flood risk and how this can be managed, addressing:</p> <ul style="list-style-type: none"> • impacts of development on flood behaviour and the flood impact on development by: <ul style="list-style-type: none"> o identifying developed flood behaviour. o outlining the impacts of the development on flooding behaviour within and outside the precinct. o identifying management measures to offset impacts. o identifying the impacts of flooding on the proposed development. o assessing the compatibility of the proposed development with flood risk. • emergency management. • the increasing number of people (residents and workers) and associated vehicles due to development. 	<p><u>Council's response:</u></p> <p>Council submitted a Flood Impact Assessment (Attachment I), which:</p> <ul style="list-style-type: none"> • considers the NSW Government's Flood Prone Land Policy and Floodplain Development Manual 2005, identifying post-development flood behaviours. • identifies measures to offset potential impacts. • assesses the proposed development for flood risk to life and property damage. • reviews the impacts of the development on emergency management and the Hawkesbury-Nepean Valley evacuation. <p>The Flood Impact Assessment (Attachment I) identifies that a balanced cut and fill strategy is feasible which utilises filling of land to deliver the development of key sites within the floodplain. The assessment assumes fill would be required to enable development within flood affected lots up to the 1% Annual Exceedance Probability (AEP) Hawkesbury-Nepean flood level.</p> <p>Consistent with a balanced cut and fill strategy, the Blacktown DCP 2015 requires a freeboard up to 0.5 m depending on development type to enable development to be situated above the 1% AEP.</p> <p>The Flood Impact Assessment assumed no change in planning controls on the land currently zoned RE2 Private Recreation at Mill Street and Pitt Street (Riverstone Bowling Club) due to significant flooding and</p>

Agency	Summary of advice	Summary of Council and the Department's response
	<p>As evacuation is the primary constraint in the Hawkesbury-Nepean area, the Flood Impact Assessment should assess the cumulative impacts of evacuation in a regional context to examine the impact of concurrent evacuations from surrounding precincts and from areas to the north.</p> <p>INSW strongly recommend consultation with EES, and NSW SES.</p>	<p>evacuation issues. The planning proposal was amended post exhibition to reflect this.</p> <p>The Flood Impact Assessment also determines that there should be enough time to evacuate all areas of the Town Centre guided by NSW SES in the context of Hawkesbury-Nepean flooding events. It recommends site specific emergency response plans are prepared.</p> <p><u>Department's response:</u></p> <p>The Department notes that Council has responded to this submission through the preparation of the flood impact assessment (Attachment I), consistent with the Gateway determination (as amended).</p> <p>The Department undertook post-exhibition consultation with EES and NSW SES, as recommended by INSW. Advice received raised concerns with the methodology used in the submitted flood impact assessment.</p> <p>The Department considers the flood impact assessment does not adequately address flooding and evacuation impacts, particularly given the change policy context for development in high risk flood plains.</p> <p>Further discussion is provided in Section 4 of this report.</p>
Transport for NSW (TfNSW)	<p>TfNSW's initial submission is summarised below:</p> <ul style="list-style-type: none"> • support the exclusion of land south of Garfield Road East from the revised planning proposal. TfNSW to renew options to upgrade Garfield Road and to develop an integrated transport solution for the Riverstone Town Centre. • all road reservations are to be maintained as they are still required for acquisition. • height increases on land which may be affected by the future road infrastructure are not supported. • there are no proposed changes to LEP or DCP parking rates to 	<p><u>Council's response:</u></p> <p>Council has responded to the comments made by TfNSW in its submissions report considered by Council at its meeting of 3 November 2021 (Attachment G). The Department has summarised Council's responses below:</p> <ul style="list-style-type: none"> • no encroachment into TfNSW owned land is proposed by this planning proposal. Consultation with TfNSW has confirmed there is no further objection. • the Draft Incentive Height of Buildings Map was amended to ensure there is no encroachment on land owned by TfNSW. • reducing minimum car parking rates around the Town Centre is unlikely to encourage use of alternative modes of transport and will result in increased

Agency	Summary of advice	Summary of Council and the Department's response
	<p>encourage other transport modes, nor:</p> <ul style="list-style-type: none"> ○ alternatives to support the promotion of bus and rail services as attractive options. ○ strategies for how a pedestrian bridge to the Riverstone West Precinct will be investigated to support future population growth. <ul style="list-style-type: none"> • recommended a flood evacuation strategy is prepared in consultation with the Hawkesbury-Nepean Floodplain Taskforce. Concern that additional development could increase demand on road networks and emergency services during evacuations. • insufficient information provided on funding for state or regional transport infrastructure, or local infrastructure contributions. • the Transport Assessment, dated January 2018, does not address previous issues raised by TfNSW and is not adequate to support the desired growth for this area. Updates are required to address the following: <ul style="list-style-type: none"> ○ updates and changes to the strategic planning network, local strategies, latest ABS data, traffic surveys, new Metro stations. ○ further justify proposed improvements to public and active transport modes (including pedestrian connectivity), how the delivery of the North West Rail Line will promote an increased mode share to rail; proposed parking rates. ○ commuter car parks and bus facilities outside the precinct could create a reliance on private vehicle trips. 	<p>demand for on street parking. The planning proposal will help facilitate investment to revitalise the Town Centre consistent with the Masterplan. This includes strategies to improve permeability and accessibility to better enable active transport. Pedestrian links can be explored once the Riverstone West Precinct Planning and Garfield Road railway crossing design is more advanced.</p> <ul style="list-style-type: none"> • a Flood Impact Assessment (Attachment I) has been prepared for the study area which includes consideration of and recommendations regarding flood evacuation management. • some projects are funded under the proposed Special Infrastructure Contributions – NWGA, September 2018, such as the upgrade of Garfield Road East. Contributions Plan No 20 Riverstone Alex Avenue Precincts will include the Riverstone Town Centre. • the planning proposal and Transport Assessment (Attachment P) has been updated to address matters raised by TfNSW. The updated documents highlight: <ul style="list-style-type: none"> ○ the planning proposal will help facilitate investment to revitalise the Town Centre in accordance with the recommendations of the Masterplan which include greater permeability and connectivity for active transport. ○ current demographic data indicates the NWGA has attracted new residents with a range of employment including professionals. Metro services directly to the Eastern City, and later to the Western Parkland City, will be an attractive option for a proportion of workers living in the NWGA. ○ development yield and expected take up rate used in the updated Transport Assessment includes potential yield on key sites under the bonus height provisions.

Agency	Summary of advice	Summary of Council and the Department's response
	<ul style="list-style-type: none"> ○ further consideration of development yields regarding the potential traffic impacts on the Town Centre. ○ justify traffic generation rates and adequately reflect travel behaviour in Riverstone. ○ traffic signals at George Street are not supported and should not be assumed until TfNSW has reviewed options to upgrade Garfield Road East. ○ traffic signals or speed related changes require referral and approval of TfNSW. • The proposed dwelling uplift may result in significant trip generation and needs to be supported by a detailed transport assessment of the implications on the surrounding transport network • Request that Council consults with Sydney Trains to consider the implications of future development on operations and safety. <p>TfNSW provided the following comments in further consultation on the revised Transport Assessment dated 13 October 2020:</p> <ul style="list-style-type: none"> • the revised traffic modelling outlines that proposed development yields contribute to further traffic and additional delays at Garfield Road East and Riverstone Parade intersections. • further consideration of proposed yields and likely traffic impacts is required. Other considerations may also include flood evacuation strategies. • several technical issues identified, such as assumptions and inputs into the data analytics. • note an infrastructure schedule or implementation plan has not been provided. 	<ul style="list-style-type: none"> ○ the updated Transport Assessment confirmed that the Garfield Road railway crossing is already operating at capacity. Council supports any proposed upgrades by TfNSW. • SIDRA modelling was undertaken at the intersection of the local roads and Garfield Road East, which is an appropriate method to determine the potential impact of the planning proposal on Garfield Road East intersections. • all DAs to which the SEPP (Infrastructure) 2007 Part 3 Divisions 15 or 17 apply will be referred to Sydney Trains or TfNSW respectively. • Garfield Road East and railway crossing has been identified for upgrade as part of the broader strategic planning for the NWGA. Council considers that the proposed density can be supported under the current road network. • the updated Transport Assessment found that with respect to the proposed uplift, except for the Garfield Road/Riverstone Parade intersection, other key intersections within the study area were expected to operate within design capacity. The infrastructure schedule for the Riverstone Town Centre is focused on the required improvements to Garfield Road. Other improvements are proposed consistent with the NWGA Land Use and Infrastructure Implementation Plan 2017. • Council does not support the imposition of maximum car parking rates on a site-specific basis. Council supports exploring the preparation of a strategy for maximum car parking rates, where it is identified as a priority by the Department and other government agencies. • there is no official commuter car parking. Commuters have been using Council owned land which is not currently being used for a specific purpose. • TfNSW is the agency responsible for determining bus routes and services, including the bus servicing strategy for Riverstone and the NWGA. Council requests further consultation with TfNSW

Agency	Summary of advice	Summary of Council and the Department's response
	<ul style="list-style-type: none"> • recommend maximum parking rates to reduce reliance on private vehicle travel for residents within walking distance of rail services. • the relocation of commuter car parking spaces should be undertaken by Council. • the future bus servicing strategy should identify priority corridors to service the town centre and routes through the centre, and an appropriate location for the interchange. • any proposed cycleway on Garfield East is unable to be segregated and alternatively is to be designed as a shared pathway for pedestrians and cyclists. • further clarification is required to determine the impacts to traffic on Riverstone Parade and Garfield Road East as a result of proposed pedestrian improvements and connectivity along Market Street. 	<p>after finalisation of the planning proposal to confirm the strategy requirements and to support its implementation.</p> <ul style="list-style-type: none"> • Council supports the proposal by TfNSW for a shared pathway for pedestrians and cyclists along Garfield Road. • the planning proposal seeks to amend land use zones, building heights and other related planning controls only. It is not seeking to introduce changes to the road network or functionality. A separate assessment will be undertaken to determine the impact of a proposed 40 km/hr zone on the local network or for the pedestrianisation of Market Street on the broader road network. Appropriate consultation will be undertaken with TfNSW at this time. <p><u>Department's response:</u></p> <p>Issues relating to traffic congestion and management are addressed in Section 4 of this report. Council's Transport and Traffic Assessment is not supported by TfNSW and traffic issues remain unresolved.</p>

3.3 Post-exhibition changes

3.3.1 Council resolved changes

At Council's Ordinary Meeting on 3 November 2021 (**Attachment G**), Council resolved to proceed with the planning proposal with the following post-exhibition changes:

1: Retain RE2 Private Recreation zoning of Riverstone Bowling Club

Council resolved to retain the existing RE2 Private Recreation zoning to land at Mill Street and Pitt Street which comprises the Riverstone Bowling Club. This change is in response to the significant flood risk identified for this site.

2: Remove Riverstone Bowling Club height of buildings standard

Consistent with change 1 above, the proposed maximum height of building standard for land at Mill Street and Pitt Street which comprises the Riverstone Bowling Club will also be removed from the Height of Buildings Map.

3: Amend existing clause to apply design excellence provisions to the Riverstone Town Centre

Council resolved to not proceed with the insertion of a new clause to provide incentive building heights for development exhibiting design excellence.

Instead, the planning proposal was amended post exhibition seeking to amend the existing *clause 7.7A Height of buildings exhibiting design excellence in Blacktown CBD and Mount Druitt CBD* of the Blacktown LEP 2015 to apply the design excellence provisions to the Riverstone Town Centre.

These changes also removed the need to amend the key sites map to include land in the Riverstone Town Centre.

4: Identify Council as the relevant acquisition authority for land marked ‘community use’

Council resolved to amend Clause 5.1(2) to insert Council as the relevant acquisition authority on land zoned B4 Mixed Use and marked ‘Community use’ on the Land Reservation Acquisition Map.

Council’s post exhibition report to Council’s Ordinary Meeting on 3 November 2021 (**Attachment G**), requested that the Department review and identify potential solutions to resolve the flooding and traffic issues raised by agencies during public exhibition.

3.3.2 The Department’s recommended changes

The Department is not recommending any post exhibition changes to this proposal. The Department’s recommendation is not to proceed with the LEP amendment.

4 Department’s assessment

The Department’s assessment of the planning proposal (as modified) has focussed on flood risk management considerations, traffic and transport impacts and consistency with the Greater Sydney Commission Central River City District Plan and the Blacktown Local Strategic Planning Statement.

4.1 Flood Risk Management Considerations

4.1.1 Recent flood risk developments

Following exhibition of the draft planning proposal major flooding occurred across widespread areas of Western Sydney, including parts of Riverstone, and further analysis was undertaken by the various NSW government agencies with respect to flood evacuation route capacities, flood levels and hazards, and flood risk management. This included:

- revised Flood Evacuation Model (FEM) analysis led by INSW and TfNSW with support from the Department
- NSW Independent Flood Inquiry (Flood Inquiry) announced in March 2022 following major flood events which impacted the State in 2021 and early 2022.
- draft Hawkesbury – Nepean River Flood Study (draft HNR Flood Study), April 2022 commissioned by INSW

In response to the recommendations of the Flood Inquiry the Department established a Flood Advisory Panel (FAP) to provide independent expert advice on State-led rezonings and council planning proposals in high risk areas, including the Hawkesbury-Nepean. The planning proposal was referred to the FAP. The FAP’s recommendations are as follows:

1. Revised flood modelling be undertaken to determine new Flood Planning Levels, including modelling of climate change scenario, 0.02% AEP flood event having regard to the Hawkesbury Nepean Valley Regional Flood Study 2019 and the draft HNR Flood Study, and considering cumulative impacts of cut and fill scenarios.
2. Rezoning proposal to be reviewed in light of updated flood assessment to avoid the most flood prone areas and therefore minimise as far as practical the need for evacuation. Riverstone Rail Station, being on lower ground, should no longer be regarded as strategic anchor to the town centre.
3. Mitigation measures should be updated to reduce reliance on cut and fill strategies, minimise development on flood prone land and use of emergency evacuation plans.
4. Further assessment should be undertaken of the economic impacts from flooding.

There are a number of implications of the FAP's recommendations, FEM analysis and interim results of the draft HNR Flood Study for the Department's decision-making.

The interim results of the draft HNR Flood Study show that the PMF level could be approximately 3.9m above the currently modelled PMF level. The magnitude of the potential flood level increases creates significant uncertainty regarding the appropriate location for future development, as well as the capacity of the road network to enable evacuation of existing and future populations.

The additional flood impact and risk assessments recommended by the FAP is heavily dependent on finalisation of the draft HNR Flood Study and determination of the new flood planning levels for the Valley.

The NSW Reconstruction Authority is responsible for determining new flood planning levels in the Valley. It is expected this work will be completed by July 2025. It is expected finalisation of the draft HNR Flood Study will occur during this period as well.

In light of the above-mentioned uncertainty regarding flood levels, flood planning levels and evacuation capacities and the expected length of time for these matters to be resolved it is appropriate that the planning proposal not proceed at this time.

4.1.2 Post exhibition advice from EES and the NSW SES

The Department also undertook post-exhibition consultation with EES and NSW SES regarding Council's Flood Impact Assessment. The advice from each agency is outlined below.

4.1.2.1 EES Advice (Attachment K)

EES identified issues relating to the methodology used in the Flood Impact Assessment and advised that the report was inadequate for ESS to undertake an assessment and provide comment.

EES recommended that a further flood impact and risk assessment be undertaken addressing the following:

- greater consideration of the upstream and downstream flooding impacts, including pre and post-development outcomes, with and without potential impacts from climate change.
- ensure flood modelling reflects the existing pre-development case outlined in Council's Eastern Creek flood model.
- the impact of all development stages in the town centre, reflecting the masterplan and development of the Riverstone West Precinct.
- the long term cumulative impacts of the cut and fill strategy in the town centre and where similar strategies are likely to be utilised elsewhere in the vicinity of the area.
- impacts within and surrounding the site on existing flood behaviour and all flood events up to the PMF, considering the existing and future development scenario.
- management measures to offset flooding impacts and recommend flood related development controls, such as floor levels, structural requirements and car parking.
- car parking arrangements for the town centre in regard to flooding impacts.

Additionally, in relation to emergency management in the town centre, ESS requested that the evacuation timeline be reviewed and further consultation with NSW SES be undertaken.

EES advised that Council should ensure that decisions regarding flood prone land are made in accordance with the NSW Floodplain Manual 2005 and recommends residential development not permitted in areas where flood hazard is high.

4.1.2.2 NSW SES advice (Attachment L)

NSW SES advised a detailed assessment of the Flood Impact Assessment was unable to be completed as it did not provide sufficient information to fully assess flood risk. NSW SES advised that further information was required in relation to:

- all development stages.
- offsite flood storage compensation.
- proposed dwelling and population increases.
- the impact on adjoining areas and regional evacuation routes.

The NSW SES noted that planning proposals are required to demonstrate consistency with Section 9.1 Ministerial Direction 4.1 – Flooding, the NSW Flood Prone Land Policy, and the principles of the Floodplain Development Manual 2005.

In light of the above mentioned uncertainty regarding flood levels, flood planning levels and evacuation capacities the Department has not requested Council respond the concerns of EES and NSW SES.

4.1.3 Ministerial Direction 4.1 Flooding

The objectives of this Ministerial Direction are:

- (a) ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and
- (b) ensure that the provisions of an LEP that apply to flood prone land are commensurate with flood behaviour and includes consideration of the potential flood impacts both on and off the subject land.

The direction requires planning proposals to be consistent with a range of flood risk management considerations including, the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005. The direction requires that a planning proposal must do contain provisions that:

- permit development that will result in significant flood impacts to other properties.
- permit development for the purposes of residential accommodation in high hazard areas.
- permit a significant increase in the development and/or dwelling density of that land that are likely to result in a significantly increased requirement for government spending on emergency management services and emergency response measures.

Compliance with this direction cannot be demonstrated until the new flood levels, flood planning levels and revised evacuation capacities have been determined. Given the known existing evacuation risk in the catchment, it is not appropriate to proceed with the planning proposal at this time based on the information available, with the knowledge that the evacuation risks are likely to increase.

4.2 Traffic and transport impacts

Traffic and transport issues, particularly concerning the Garfield Road East and the railway crossing intersection at Riverstone Parade/Railway Terrace were key issues raised in public submissions and by TfNSW.

Council has identified there is a long-standing need to upgrade Riverstone Parade, Garfield Road East and the at-grade railway crossing. TfNSW advised that an upgrade is proposed to these roads and the at-grade railway crossing however, at present, the timing of TfNSW's delivery of these

upgrades is yet to be confirmed. TfNSW does not support the proposed development proceeding until upgrades to the major road network have been delivered.

The traffic impact assessment identified impacts of the proposed town centre growth on local roads and intersections. This local traffic congestion has the potential to impact upon evacuation the area in a flood emergency.

4.3 Central River City District Plan

The District Plan highlights the need for housing strategies to respond to natural hazards such as flooding and that climate, vegetation, topography and pattern of development in the District mean that flooding is and will continue to be a hazard, particularly in the Hawkesbury – Nepean Valley. Furthermore, placing developments in hazardous areas or increasing the density of development in areas with limited evacuation options increases risk to people and property.

The District Plan states that traditionally, planning in NSW has considered the 1 in 100 chance per year flood event (or the 1%AEP). Given the significant depths between the 1% AEP and the PMF in the Hawkesbury-Nepean Valley, a risk-based approach that considers the full range of flood sizes is more appropriate. Planning for growth in flood-prone areas, must recognise the exceptional risk to public safety and consider appropriate design measures to strengthen the resilience of buildings and the public domain in a flood event.

Given the previously mentioned uncertainty relating to flood risk management the planning proposal is not consistent with the following objective and action of the District Plan:

Objective 37	Exposure to natural and urban hazards is reduced.
Action 82	Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards

4.4 Blacktown Local Strategic Planning Statement

The *Blacktown Local Strategic Planning Statement 2020* (Blacktown LSPS 2020), March 2020 identifies the Riverstone Town Centre as an ‘urban renewal precinct’. ‘Urban renewable precincts’ are places in the Blacktown LGA that seek to:

- meet the future demand for housing and employment.
- integrate land-use and transport planning.
- provide for housing diversity and to encourage multiple and mixed-uses.
- protect the character of existing low density residential areas outside urban renewal precincts from medium density and high density development.

The planning proposal is consistent with the intent of “urban renewable precincts” because it seeks to enable redevelopment of the Riverstone Town Centre for a mix of increased housing and employment opportunities in an accessible location near Riverstone Station, while protecting the character of existing low density residential areas outside of Riverstone Town Centre.

The Blacktown LSPS 2020 also contains local planning priorities (LPP) to guide the future growth and development of the Blacktown LGA. LPPs particularly relevant to the above flood risk and traffic and transport discussion are:

- LPP 1: Planning for a City supported by infrastructure.
- LPP 17: Adapting to the impacts of urban and natural hazards and climate change.

Given the above mentioned uncertainty in relation to flood risk and road and rail crossing upgrades the planning proposal is not consistent with these LPPs.

5 Post-assessment consultation

No maps have been prepared by the Department's ePlanning team, and Parliamentary Counsel has not been notified, as this proposal is not supported to proceed.

6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine not to make the draft LEP under clause 3.36(2)(a) of the Act because:

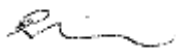
- while the proposal gives effect to planning priorities and demonstrates broad strategic merit in achieving housing targets, it does not demonstrate site specific merit relating to traffic and flood impacts.
- the proposal has unresolved concerns from the community and stakeholders in relation to increases in residential yield (particularly within the flood planning area) and traffic management.
- the proposal's consistency with Section 9.1 Direction 4.1 Flooding is unresolved and will remain so for some time. Resolution will not be possible until the NSW Reconstruction Authority has finalised its review of flood planning levels.
- possible review and further assessment of a revised proposal will take an extended period of time due to the need for the NSW Reconstruction Authority to first conclude its work to review flood planning levels for the Hawkesbury-Nepean Valley.



19/6/2023

Ian Bignell

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5/7/2023

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7 Attachments

Attachment	Title
A	Planning proposal
B	Gateway determination
C	Gateway alteration 1
D	Gateway alteration 2
E	Transport Assessment
F	Nil
G	Council's post-exhibition report dated 3 November 2021
H	Council's submissions report
I	Flood Impact Assessment
J	Advice from TfNSW
K	Advice from EES
L	Advice from NSW SES