

Greater Sydney, Place and Infrastructure

IRF20/2374

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–North West Growth Centre) 2020.

2. SITE DESCRIPTION

The planning proposal applies to land at Sundew Parade, Marsden Park on Lots 2355 and 2356, DP 1228369.

3. PURPOSE OF PLAN

The draft LEP seeks to correct the zone boundaries to align with the constructed raingarden.

The current zoning plan makes provision for local drainage infrastructure including zoning a small irregularly shaped area adjacent to Sundew Parade SP2 Infrastructure (local drainage) to accommodate a raingarden.

The design of the raingarden was further developed to improve its environmental performance, increasing its area and slightly changing its location, resulting in it being located outside the zoned area created for it.

Council has issued development consents for the raingarden and it has been constructed. The raingarden is permissible with consent in both of the applicable land use zones.

The following LEP amendments are required:

	Lot 2355 - DP 1228369		Lot 2356 - DP 1228369	
	Existing	Proposed	Existing	Proposed
Zoning	RU6 & SP2	RU6	RU6 & SP2	SP2
Height of Building	9m & No control	9m	9m & No control	No control
Lot Size	5ha & No control	5ha	5ha & No control	No control

Note:

- Lot 2356 - DP 1228369 solely contains the constructed raingarden.
- Lot 2355 - DP 1228369 is a large lot which surrounds Lot 2356 - DP 1228369 (the raingarden)

This LEP amendment will ensure that the raingarden is wholly contained within the SP2 Infrastructure (Local Drainage) zone. Figure 1 and 2 shows the existing and proposed Zoning maps, Figure 3 and 4 show the existing and proposed Height of Building maps, Figure 5 and 6 shows the existing and proposed Lot Size maps.

The Land Reservation Acquisition Map will also be amended to reflect the proposed area identified as Local Drainage SP2.

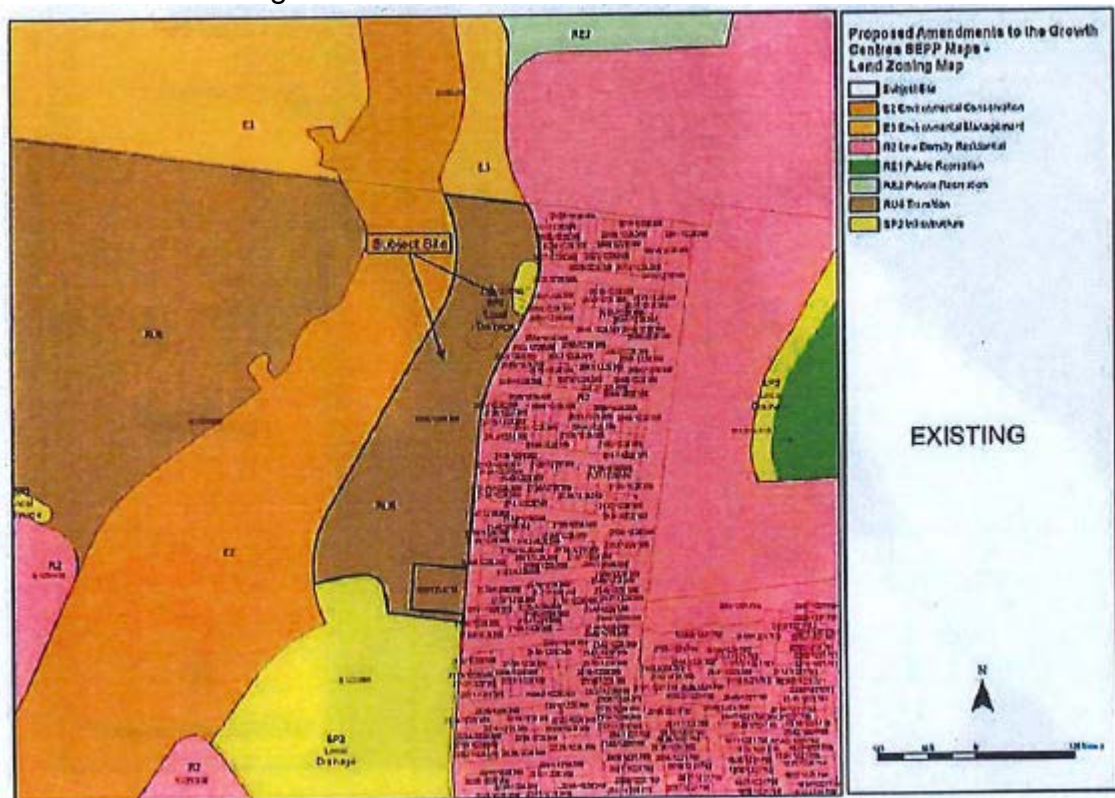


Figure 1 Existing zoning (Source: Council's Post-Exhibition Report)

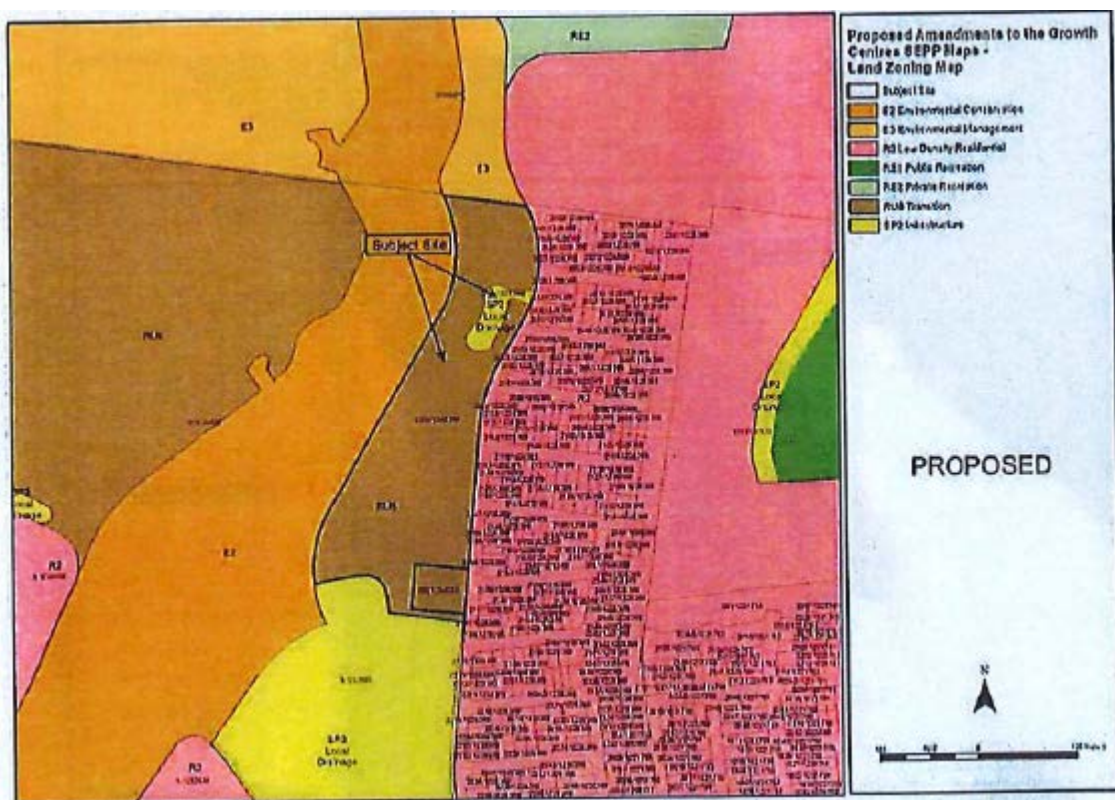


Figure 2 Proposed Zoning (Source: Council's Post-Exhibition Report)

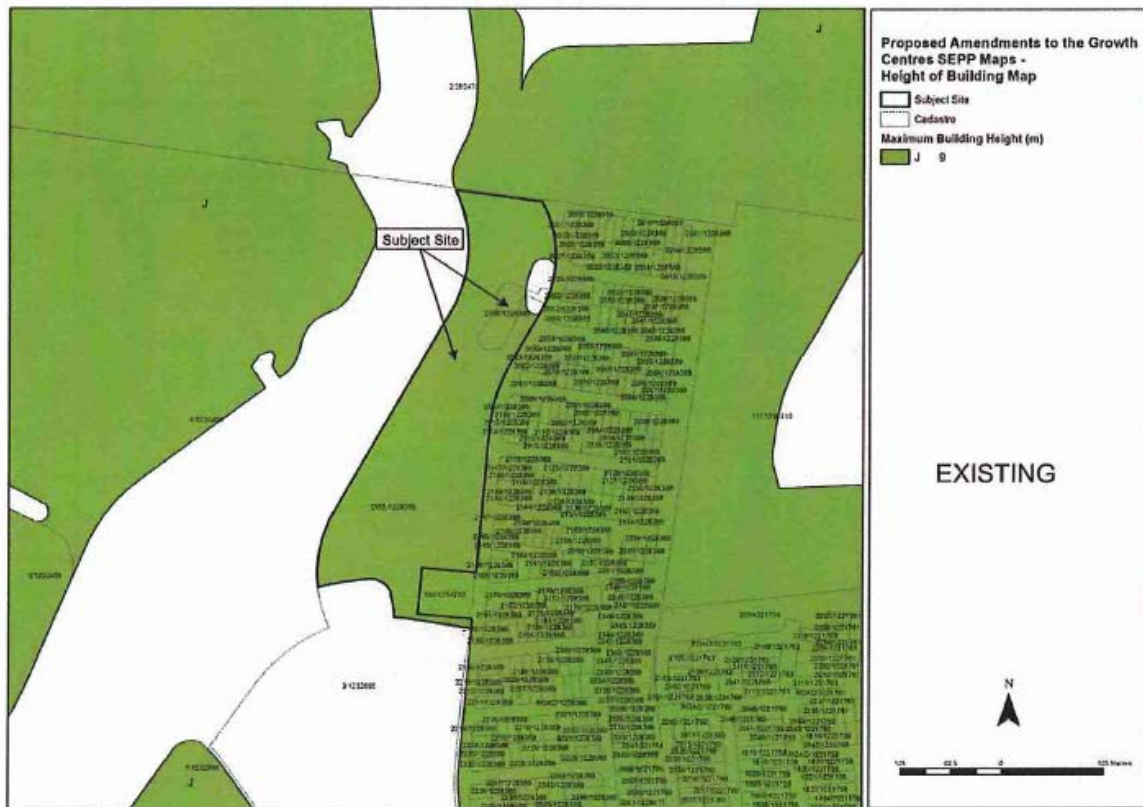


Figure 3 Existing Height of Building (Source: Council's Post-Exhibition Report)

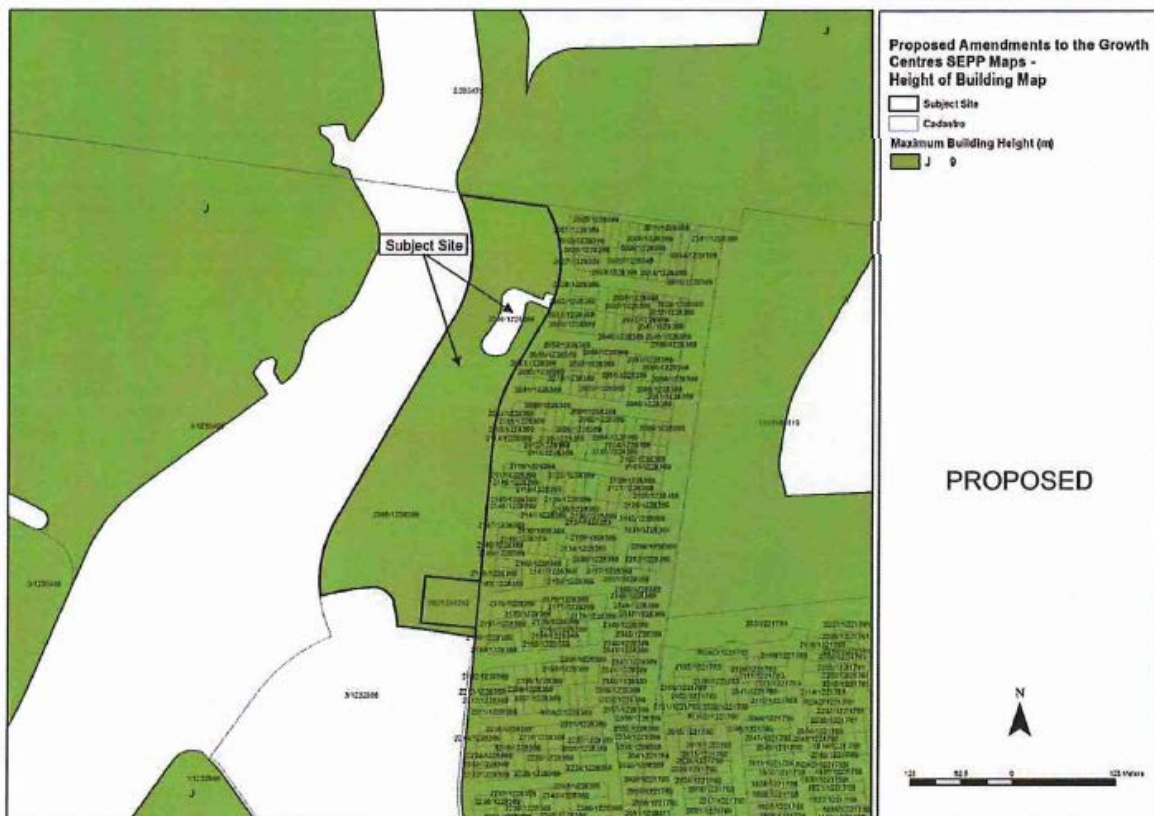


Figure 4 Proposed Height of Building (Source: Council's Post-Exhibition Report)

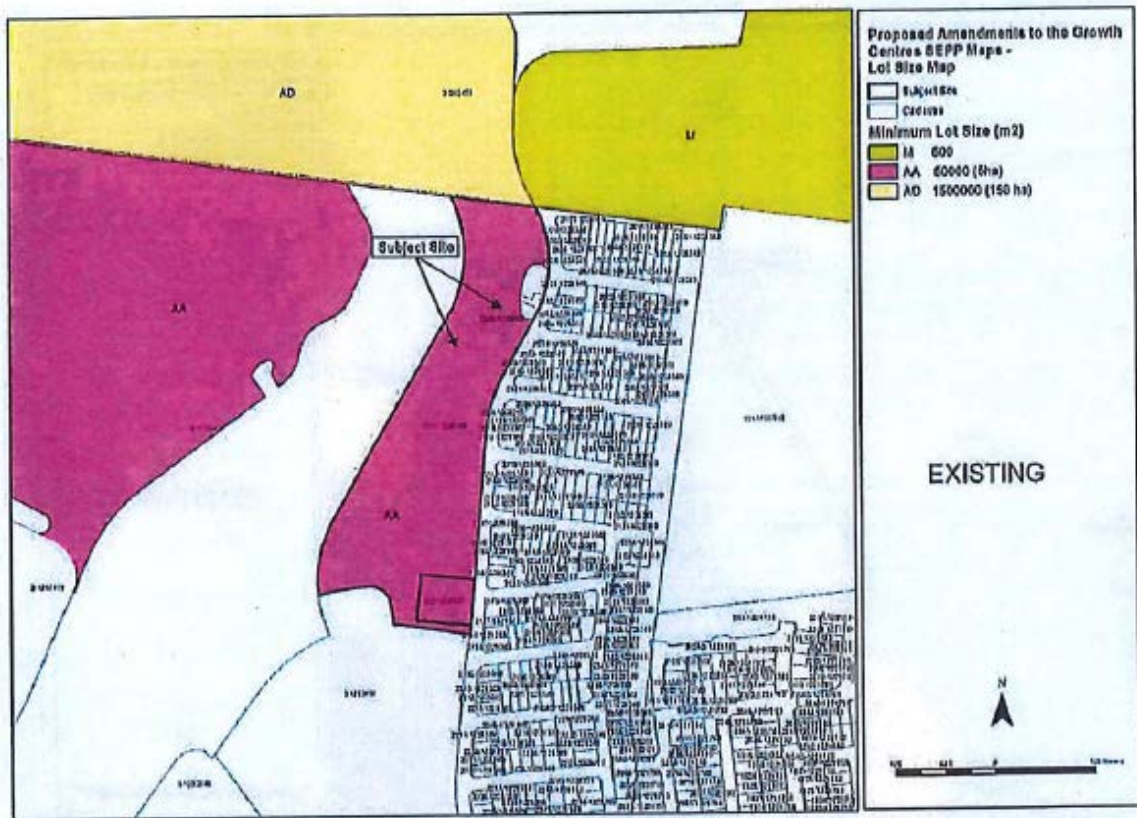


Figure 5 Existing Lot Size Map (Source: Council's Post-Exhibition Report)

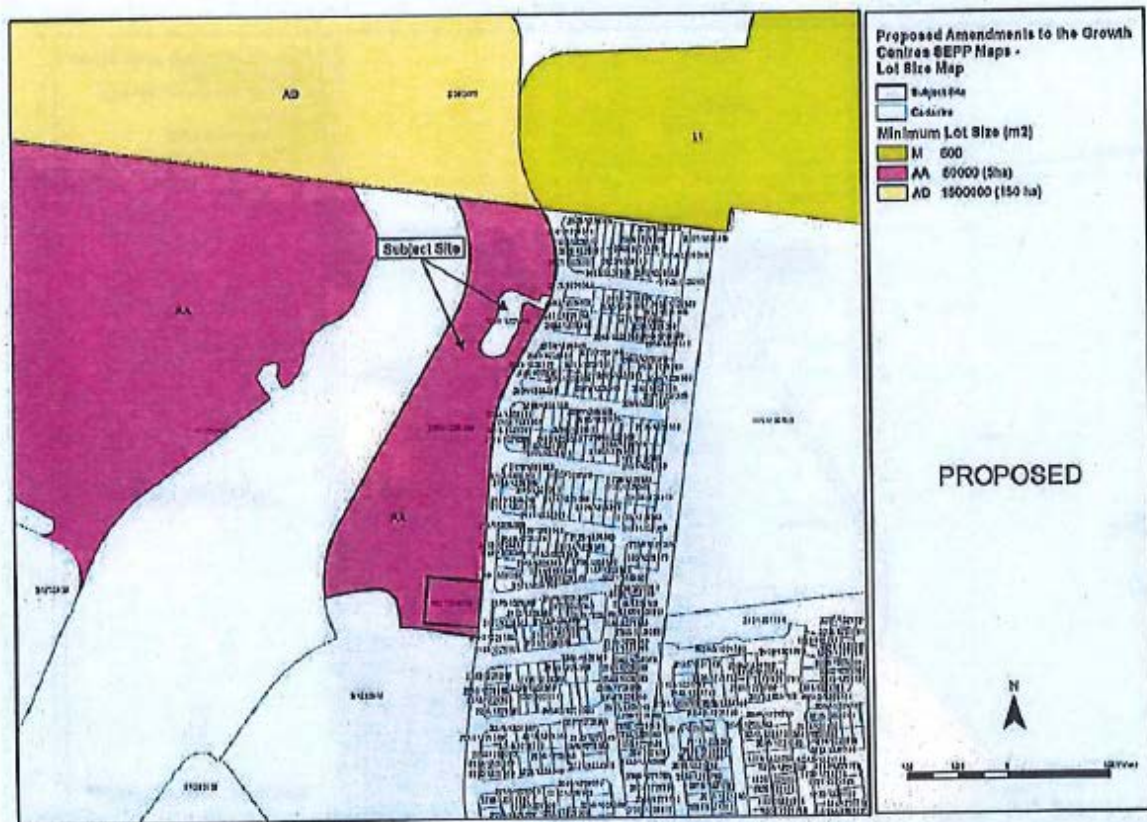


Figure 6 Proposed Lot Size Map (Source: Council's Post-Exhibition Report)

The planning proposal also sought to rezone land at Elara Boulevard (Lot 654 DP1245439), see Figure 7, from R2 Low Density Residential to R3 Medium Density Residential and increase the residential density from 15 dwellings to 25 dwellings per hectare. Due to various issues raised by public authorities this was removed as per the applicant's request, see further discussion in the Post-Exhibition Changes section below.

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Londonderry state electorate. Ms Prudence Car 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 regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.
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NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

5. GATEWAY DETERMINATION

The Gateway determination issued on 11 January 2019 (**Attachment A**) determined that the proposal should proceed subject to conditions.

6. PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 20 March 2019 to 17 April 2019. No submissions were received from community members.

7. ADVICE FROM PUBLIC AUTHORITIES

In accordance with the Gateway determination, Council consulted with NSW Department of Education, former Roads and Maritime Services (RMS), Transport for NSW, State Emergency Services (SES), former Office of Environment and Heritage – Heritage Division; and former Office of Environment and Heritage (OEH). No issues were raised in the submissions in relation to the raingarden.

There are no outstanding matters raised by public authorities.

8. POST-EXHIBITION CHANGES

As mentioned above, the planning proposal sought to rezone land on Elara Boulevard (Lot 654 DP1245439) from R2 Low Density Residential to R2 Medium Density Residential and increase the residential density from 15 dwellings to 25 dwellings per hectare.

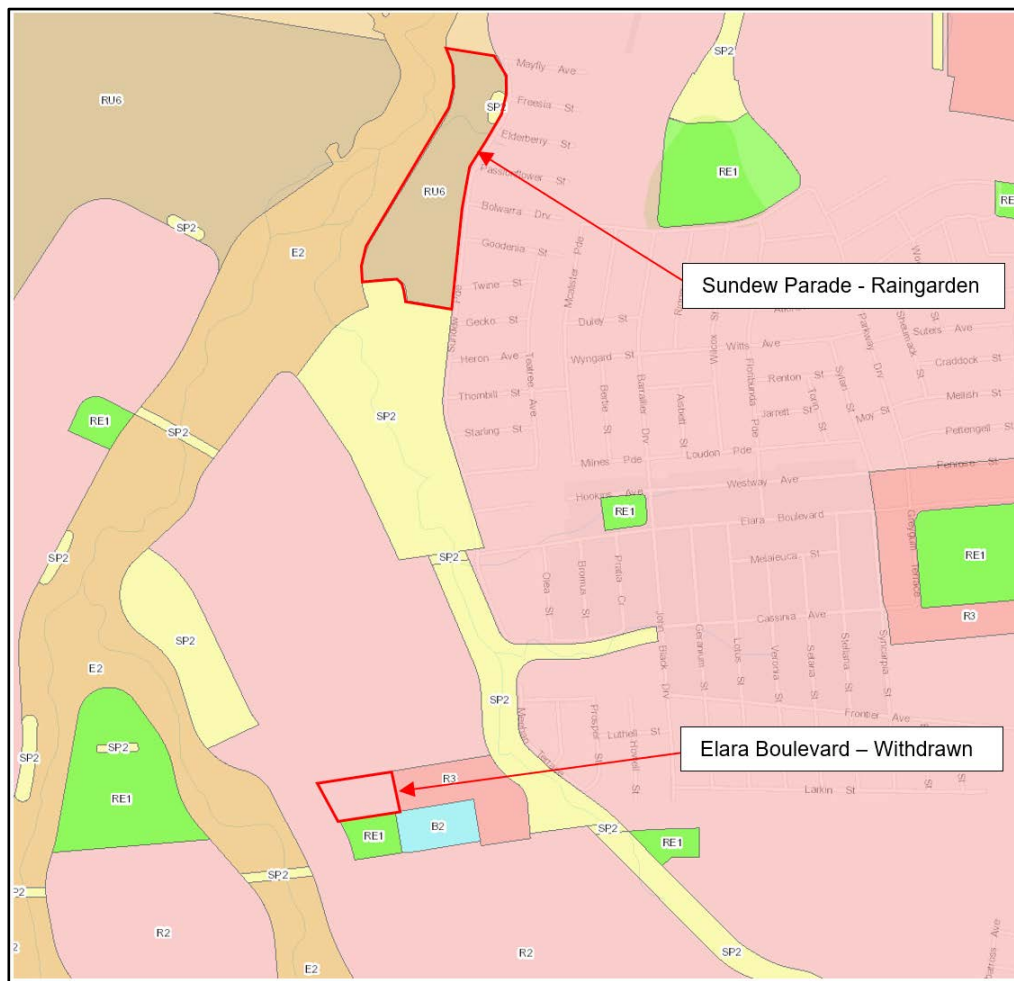


Figure 7: Identification of Elara Boulevard

A condition of the Gateway determination required Council to consult with SES to address flooding and evacuation concerns and consistency with the 9.1 Direction 4.3 Flood Prone Land. It was identified that the increase in residential population on land between the 1:100 and Probable Maximum Flood (PMF) extent could potentially impact future residents and the regional flood evacuation route. Following discussions with the applicant this portion of the planning proposal was withdrawn by Council.

Council's adoption of the post-exhibition amendment is accepted as the change resolves objections raised by agencies.

9. ASSESSMENT

The planning proposal seeks to adjust the zone boundaries to align with approved and constructed local drainage infrastructure. The planning proposal is not anticipated to result in any significant environment, economic or social impacts. It is supported as it is an appropriate use of the land and has satisfactorily addressed the conditions of the Gateway determination.

9.1 Section 9.1 Directions

The Gateway determination identified that section 9.1 Direction, 4.3 Flood Prone Land remained unresolved. The inconsistency with this Direction primarily related to the rezoning of Elara Boulevard as it sought to increase residential density within flood prone land and required consistency with the NSW Flood Prone Land Policy. This amendment is no longer sought.

It is noted the rezoning of the land on Sundew Parade is identified within a flood prone area. The Gateway determination resolved the inconsistency was justified and of minor

significance as the rezoning of the site from Rural to SP2 – Drainage aims to address stormwater run-off through the construction of an approved raingarden.

9.2 State environmental planning policies

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

9.3 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 District Plan outlines district-specific planning priorities and actions to achieve results that provide a great quality of life for people in the district. The planning proposal is consistent with the liveability and sustainability focus of the plan, in particular:

- Planning Priority N13 – *Protecting and improving the health and enjoyment of the Districts waterways*, noting the rezoning of the location of the raingarden and the acquisition of the land by Council.

10. MAPPING

The planning proposal proposes to amend the following maps in the Growth Centres SEPP (North West Growth Centre):

- Land Zoning Map LZN_002
- Lot Size Map LSZ_002
- Land Reservation Acquisition LRA_002
- Height of Building HOB_002

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

11. 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* and has confirmed that it is satisfied with the draft instrument and that the plan should be made (**Attachment B**).

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment C**). Council confirmed on 6 July 2020 that it was happy with the draft and that the plan should be made (**Attachment C**).

12. PARLIAMENTARY COUNSEL OPINION

On 22 July, 2020 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. 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 will be no significant environmental impacts anticipated because of the zone boundary and map adjustments;
- Council has satisfactorily addressed all conditions of the Gateway determination;
- The remaining outstanding section 9.1 Direction, 4.3 Flood Prone Land, inconsistency is justifiable as being of minor significance;
- The planning proposal is not inconsistent with any SEPP;

- There are no outstanding agency or community objections to the planning proposal; and
- The planning proposal is consistent with the District Plan.



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