

## Planning Services

### Plan finalisation report

Local government area: Blacktown

#### 1. NAME OF DRAFT LEP

Blacktown Local Environmental Plan Amendment to SEPP (Sydney Region Growth Centres – Alex Avenue Precinct) 2006.

#### 2. SITE DESCRIPTION

The planning proposal (**Attachment A**) seeks to rezone land in the North West Growth Area (NWGA) within the Alex Avenue Precinct from SP2 Infrastructure to R2 Low Density Residential. The sites are located at the intersection of Hambledon Road and Riverbank Drive, Schofields.

The lots that make up the subject site include:

- Lot 1 DP 1240158;
- Lot 17 DP 1228048 (now known as Lot 1 DP 1240158);
- Lot 1 DP 1234694 (formerly Lot 2 DP 1193235 at 98 Hambledon Road);
- Lot 2 DP 1234694 (formerly Lot 30 DP 1209414); and
- part of the residue of DP 1234694 (formerly DP 1209414) to be dedicated as public road (part of Beauchamp Drive).

The subject site is zoned SP2 –Infrastructure (Drainage) and R2 Low Density Residential land under SEPP (Sydney Region Growth Centres) 2006. The total site area is 32,475 m<sup>2</sup>, of which approximately 9,408 m<sup>2</sup> is zoned SP2 and is subject of the proposed rezoning. Figures 1 and 2 respectively illustrate the location and zoning of the land.

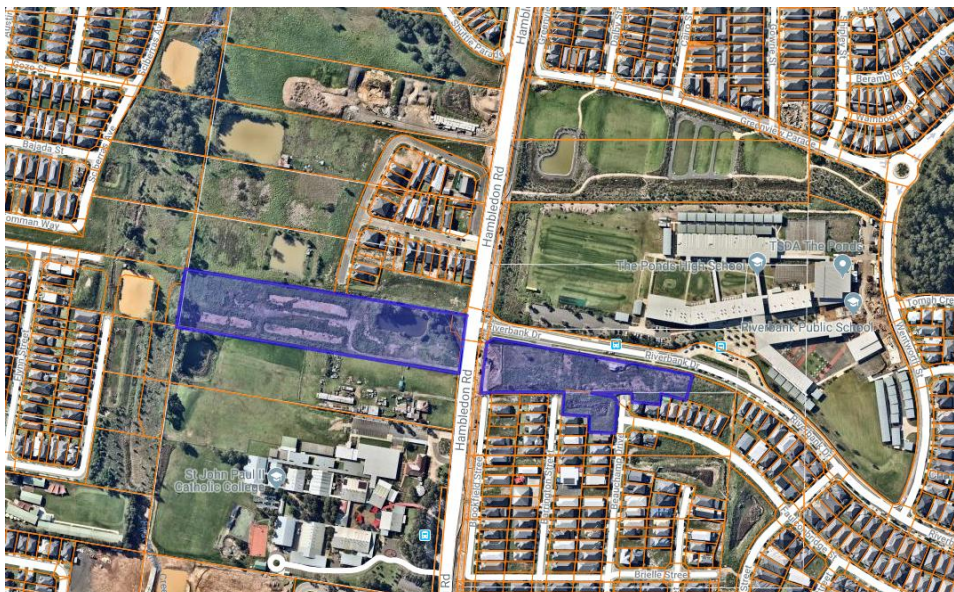


Figure 1 Site location - Outlined in blue (Source: Nearmap).

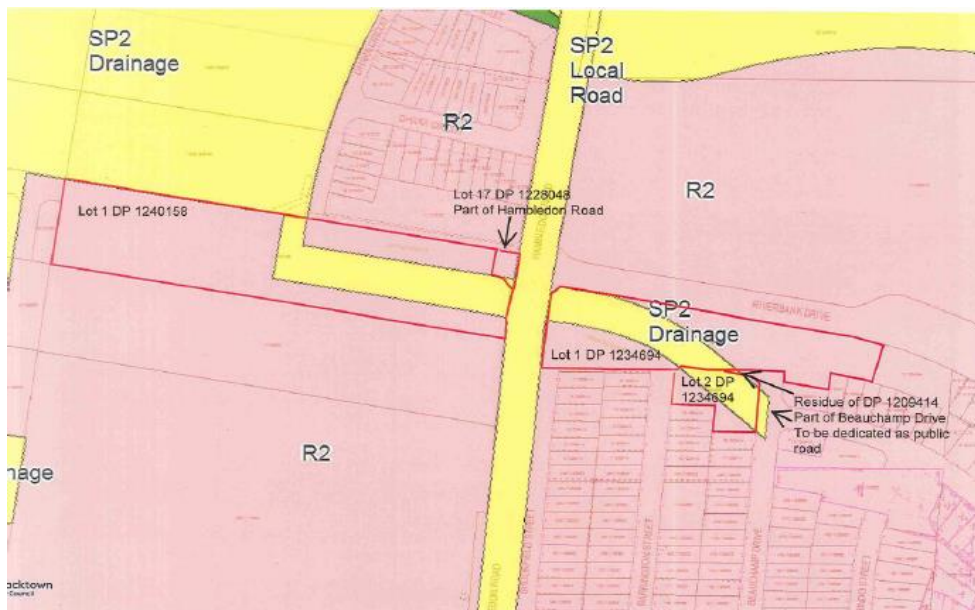


Figure 2 Existing Zoning – SP2 – Infrastructure and R2 – Low Density Residential under Blacktown Local Environmental Plan 2015 (Source: planning proposal).

### 3. PURPOSE OF PLAN

The draft Instrument (**Attachment LEP**) seeks to rezone parts of the subject site from SP2 Infrastructure (Drainage) to R2 Low Density Residential and introduce development controls (height and density) on the rezoned land to match the controls on the adjoining land. The proposal has the potential to provide an additional 17 to 26 dwellings on the rezoned land, depending on the final lot configuration.

The proposal is supported by an alternative stormwater drainage solution which replaces the existing open overland drainage channel with underground piped drainage infrastructure.

Corresponding amendments are proposed to the SEPP Land Zoning, Height of Buildings, Residential Density and Land Reservation Acquisition Maps (Sheet 009) under the Growth Centres SEPP.

### 4. STATE ELECTORATE AND LOCAL MEMBER

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

The site falls within the Greenway federal electorate. Ms Michelle Rowland MP is the Federal Member.

To the regional 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.

**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 14 March 2018 (**Attachment B**) determined that the proposal should proceed subject to conditions.

## **6. PUBLIC EXHIBITION**

In accordance with the Gateway determination, the proposal was publicly exhibited for 28 days by Council from 12 June to 13 July 2018. No submissions were received.

The Gateway determination did not require a public hearing.

## **7. ADVICE FROM PUBLIC AUTHORITIES**

Council was required to consult with Sydney water, Office of Environment and Heritage, and Department of Industries (Water and Water NSW) in accordance with condition 3 of the Gateway determination.

Council has consulted with these authorities, and the following responses were received:

- Sydney water did not raise any objections to the proposed amendments.
- The Office of Environment and Heritage requested additional information regarding Aboriginal cultural heritage and floodplain risk management. Council provided DRAINS models and Due Diligence Reports in response to the OEH submission, and advised these matters have been appropriately addressed through development consents issued for the sites, and is considered satisfactory.
- Department of Industries did not raise any objections to the proposed amendments.

## **8. POST-EXHIBITION CHANGES**

No amendments were made to the planning proposal following public exhibition.

## **9. ASSESSMENT**

The land rezoning from SP2 Infrastructure to R2 Low Density Residential is supported because:

- the proposed rezoning will maintain the residential character of the adjoining land and the surrounding sites;
- the proposal will remove a small area of drainage land that is identified as a second order stream. Arup's Engineering Summary Report recommended that the overland drainage channel can be satisfactorily replaced by an alternative below ground trunk drainage system to facilitate the proposed residential development;
- the Council report stated that additional open space requirement could be met through s7.11 development contributions, as an embellishment of open space in existing and planned areas to meet the needs of the Precinct.

### **Section 9.1 Directions**

The planning proposal is considered consistent with all section 9.1 Directions, except for Direction 4.3 Flood Prone Land that is considered to be of minor significance. The Secretary's delegate approval is recommended.

#### **4.3 Flood Prone Land**

This Direction applies to the proposal as the site is identified as flood prone land in the Growth Centres Development Control Plan map (DVC\_009). The proposal is inconsistent with this Direction because it seeks to rezone the land within a flooding area from Special Purpose (Drainage) to Residential zone and set development controls on the rezoned land.

The Stormwater Engineering Summary Report prepared by Arup advises the concept solution for the underground piped drainage system is designed considering the 1 in 100-

year storm flows with allowance for pipe blockage and climate change, and considers surface water runoff, infrastructure capacity and flood risk mitigation.

Council flood engineers are satisfied that the proposed underground drainage is capable of meeting the drainage requirements of the subject sites. The proposed drainage concept will be further assessed at the development application stage to ensure drainage infrastructure is capable of accommodating required flows and contingencies, and meets water sensitive urban design principles.

It is considered that the proposal's inconsistency with the Direction is of minor significance. The Secretary's delegate approval is recommended.

### **State environmental planning policies**

The planning proposal is not inconsistent with any applicable SEPPs or deemed SEPPs, however, seeks to amend the Growth Centres SEPP.

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

The planning proposal is generally consistent with the objectives of North West Priority Growth Area Land Use and Infrastructure Implementation Plan, the Greater Sydney Region Plan and Central City District Plan in terms of increase housing opportunities.

The proposal will remove a small area of drainage land that is identified as a second order stream. It is noted that Planning Priorities of the Greater Sydney Region Plan and Central City District Plan identify that waterways as natural assets and are to be carefully managed and protected.

Prior to exhibition, the proposal was amended to address this issue, in accordance with Gateway Condition 1(a) and 1(b). The process involved discussions with the Department of Primary Industries – Water, who did not object to the proposal. A pre-exhibition endorsement letter can be found at **Attachment E**.

### **Local**

Council advises the Planning Proposal is consistent with Blacktown Planning Strategy 2036. The proposal will result in a minor increase in the amount of serviced land zoned for residential development. Council advises 2,130sqm open space land will be required for the additional residential dwellings. This is less than the amount of 3,000sqm which is Council's threshold for a standalone pocket park. Council considers that the loss of land, that could function as a dual purpose providing open space opportunities, can be addressed through amendment to the contribution plan for open space embellishments in existing planned areas to meet the needs of the Precinct.

## **10.MAPPING**

The proposed maps are presented in Attachment 2 of the planning proposal. The proposal is to amend the Land Zoning, Height of Buildings, Residential Density and Land Reservation Acquisition Maps (Sheet 009) under the Growth Centres SEPP.

The maps (**Attachment Maps**) and map cover sheet (**Attachment MCS**) have been prepared by the Department's GIS Team. The PDF maps plus the Map Cover Sheet are have been uploaded to the planning portal. PC was notified of this process 8 February 2019.



## 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. Council confirmed on 7 March 2019 that the plan should be made (**Attachment D**).

## 12. PARLIAMENTARY COUNSEL OPINION

On 5 April 2019 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 Instrument (**Attachment LEP**) under clause 3.36(2)(a) of the Act because:

- the proposal will make corresponding changes to development controls consistent with the surrounding residential zones;
- The inconsistency with 9.1 Ministerial Direction, 4.3 Flood prone Land is considered to be of minor significance as an alternative drainage solution will be further assessed at the DA stage. The Secretary's delegate approval is recommended;
- The replacement of underground piped drainage is considered capable of meeting the drainage requirements for the subject site. There are existing LEP clauses in place to ensure that any future development applications consider impacts on upstream or downstream catchments; and
- The rezoning gives effects to the Central City District Plan in accordance with section 3.8 of the Environmental Planning and Assessment Act 1979. It will allow for the land to continue to be used for residential uses consistent with the surrounding land use.



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