



Planning Proposal

93 and 98 Hambledon Road, Schofields

UPDATED April 2018

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Introduction

Blacktown City Council has received a request from Mecone on behalf of Signature Projects Australia Pty Ltd and The Bathla Group to amend *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006* (Growth Centres SEPP) to rezone part of five parcels of land located at Hambledon Road, Schofields.



Figure 1. Regional context map

The subject sites are zoned part R2 Low Density Residential and part SP2 Infrastructure (Drainage) under the Growth Centres SEPP. The figure below illustrates current zoning on the subject sites in the context of surrounding sites.

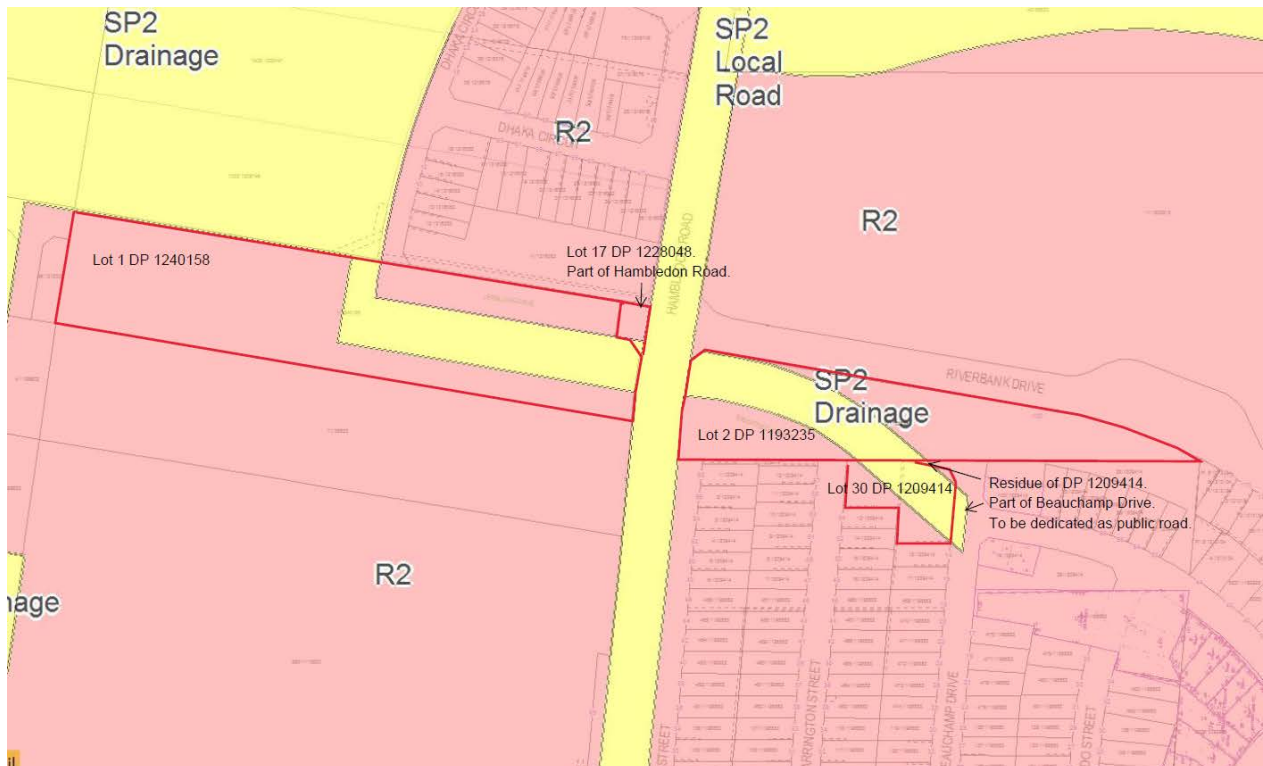


Figure 2 – Current land zoning of subject sites and surrounding land

Purpose

The purpose of this proposal is to facilitate the amendment of the Growth Centres SEPP to rezone the land on the subject sites from SP2 Infrastructure (Drainage) to R2 Low Density Residential, to increase the availability of residential zoned land. The proposal is supported by an alternative stormwater drainage strategy.

The proposal will necessitate amendments to the Land Zoning, Residential Density, Height of Buildings and Land Reservation Acquisition Maps (Sheet 009) under the Growth Centres SEPP.

The Site

This Planning Proposal relates to that portion of the following lots which is zoned SP2:

- Part of Lot 1 DP 1240158 (93 Hambledon Road);
- Part of Lot 17 DP 1228048 (part of Hambledon Road);
- Part of Lot 2 DP 1193235 (98 Hambledon Road);
- Part of Lot 30 DP 1209414;
- Part of the residue of DP 1209414 which is to be dedicated as public road (part of Beauchamp Drive).

The subject sites are located east and west of Hambledon Road, immediately south of the intersection with Riverbank Drive. The sites are in the North West Growth Area (NWGA), within the Alex Avenue Precinct. The total site area is 32,475 square metres, of which approximately 9,408 square metres is zoned SP2 and which is the subject of the proposed rezoning.

An open overland channel is located on the sites. Stormwater drains from the eastern lots under Hambledon Road via an existing culvert to an open overland channel and a dam on Lot 1 DP 1240158. It is intended that this drainage system will connect to a regional detention basin under construction to the north.

The surrounding area is undergoing significant development as it transitions from large rural properties to predominantly low density residential subdivisions. On the east side of Hambledon Road, a new school is located north of Lots 2 and 30 on Riverbank Drive, with an existing private college west of Hambledon Road south of Lot 1.

The legal description of 93 Hambledon Road has changed a number of times since the request to consider a Planning Proposal was submitted to Council. At the time the request was submitted, the legal description of 93 Hambledon Road was Lot 72 DP 28833. Lot 72 was subdivided into Lot 36 and Lot 17 of DP 1228048, registered 14/02/2017. This subdivision created Lot 17 as land to be dedicated as public road under Section 10 of the Roads Act 1993, which occurred under Dealing AM714178 dated 6/09/2017. A small part of Lot 17 is affected by SP2 zone and the Land Reservation Acquisition layer. Lot 36 has since been redefined and redescribed as Lot 1 DP 1240158, registered 23/02/2018.

Blacktown City is currently considering two separate development applications (DAs) lodged over the sites. Development application DA-17-01202, lodged by Mecone over Lot 2 DP 1193235 and two adjacent lots, proposes residential subdivision including over land zoned SP2 under Growth Centres SEPP Appendix 4 Clause 5.3 'Development near zone boundaries'.

Development application DA-17-00632, lodged by The Bathla Group over former Lot 72 DP 28833, proposes subdivision to excise the land zoned SP2 and construction of multi-dwelling housing over land zoned R2.

An upgraded culvert under Hambledon Road will be required as conditions of consent, should DA-17-00632 and DA-17-01202 be approved.

Both DAs have been referred by the respective applicants to the NSW Land and Environment Court on appeal for deemed refusal. As at 4 April 2018, neither matter has been resolved.

Council Consideration

The request from Mecone on behalf of Signature Projects Australia Pty Ltd and The Bathla Group to facilitate an amendment to the Growth Centres SEPP was received by Blacktown City through a draft Planning Proposal dated 31 August 2016, revised and resubmitted 25 May 2017. Our Director Design & Development has resolved, under delegated authority, to:

1. *“Prepare and forward a Planning Proposal to the Department of Planning and Environment requesting a Gateway Determination to amend State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 to rezone part of Lot 2 DP 1193235, part of Lot 30 DP 1209414 and part of Lot 72 DP 28833 (now known as Lot 1 DP 1240158) Hambledon Road, Schofields and to make corresponding changes to planning controls that apply to the land.*
2. *Implement any conditions attached to a Gateway Determination issued by the Greater Sydney Commission.*
3. *Prepare and exhibit a draft amendment to the Alex Avenue Indicative Layout Plan under Schedule 4 of the Blacktown City Council Growth Centres Development Control Plan to vary the local road pattern to enable orderly development of the rezoned land and reflect the as-built alignment of Riverbank Drive.*
4. *Advise the proponent that Recommendations 1 and 3 do not imply or guarantee that the Planning Proposal or the ILP amendment will ultimately be supported. Council’s final determination of the proposal will occur when Council resolves to adopt the Planning Proposal and the ILP amendment following exhibition and consideration of all relevant matters.*
5. *The Planning Proposal not be finalised until Council is satisfied that satisfactory arrangements have been made to address the provision of additional open space generated by the additional residential yield.”*

Accordingly, this Planning Proposal has been prepared by Council Officers with the assistance of information provided by Mecone, and in accordance with the Department of Planning & Environment’s format for planning proposals as outlined in *A Guide to Preparing Planning Proposals* and *Guide to Preparing Local Environment Plans*.

Consequential amendments to relevant sections of the Blacktown City Council Growth Centre Precincts Development Control Plan (GCDGP) Schedule 1 are also required to reflect the proposed rezoning.

This Planning Proposal is accompanied by the following supporting documents:

- Arup – Stormwater Engineering Summary Report (Appendix 1)
- Arup – Engineering Concept Plans (Appendix 2)
- Transport and Traffic Planning Associates – Traffic Impact Assessment Report (Appendix 3)
- Hugh B. Gage Pty Ltd – Preliminary Construction Cost Estimate (Update as at May 2017 and cost comparison of drainage options (Appendix 4).

The Planning Proposal

Part 1 – Objectives and Intended Outcomes

The objective of this Planning Proposal is to facilitate the amendment of the Growth Centres SEPP to provide for alternative land uses on that part of the following lots which is currently zoned SP2 Infrastructure (Drainage).

- Lot 1 DP 1240158;
- Lot 17 DP 1228048 (part of Hambledon Road);
- Lot 2 DP 1193235;
- Lot 30 DP 1209414; and
- Part of the residue of DP 1209414, to be dedicated as public road (Beauchamp Drive).

The Planning Proposal intends to rezone part of the subject sites from SP2 – Infrastructure (Drainage) to R2 – Low Density Residential and introduce development controls on the rezoned land to match the controls on the adjoining land. The proposed R2 zoning corresponds to the zoning of the land immediately adjacent to the subject land. The proposed amendment will increase the amount of land available for residential development and contribute to meeting the needs of projected future growth in the area by enabling the land to be developed in an orderly and efficient manner which is consistent with the adjoining sites. It is estimated that rezoning the SP2 zoned land will create the potential for a minimum of 17 additional dwellings across the total subject area.

The Planning Proposal is supported by an alternative stormwater drainage strategy which replaces the planned open trunk drainage channel with below-ground drainage infrastructure, located within the future road reserve. We are satisfied that underground drainage infrastructure is capable of meeting the drainage requirements for the subject sites.

Part 2 – Explanation of Provisions

The proposed objective and intentions of the Planning Proposal will be achieved by the following proposed amendments to the Growth Centres SEPP.

1. Amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* Land Zoning Map (Sheet LZN_009) to replace the SP2 – Infrastructure (Drainage) zoning on the subject sites with R2 – Low Density Residential zoning. The proposed R2 zoning is consistent with the zoning which applies to the adjacent land within the subject sites.
2. Amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* Residential Density Map (Sheet RDN_009) to apply a residential density control over the rezoned portion of each lot. The residential density target for Lot 2 DP 1193235, Lot 30 DP 1209414 and part of the residue of DP 1209414 is 15 dwellings per hectare. The residential density target for Lot 1 DP 1240158 and Lot 17 DP 1228048 is 20 dwellings per hectare. The proposed residential density control for the rezoned portion of each lot is consistent with the density control which applies to the land which it adjoins.
3. Amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* Height of Buildings Map (Sheet HOB_009) to apply a maximum height of buildings control of 9m over the rezoned portion of each lot. The proposed height of buildings control is consistent with the height control which applies to the land which it adjoins.
4. Amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* Land Reservation Acquisition Map (Sheet LRA_009) to remove the acquisition layer

from the subject sites, part of Hambledon Road (Lot 17 DP 1228048) and part of Beauchamp Drive.

Maps showing the existing and proposed changes to the Land Zoning, Residential Density, Height of Buildings and Land Reservation Acquisition maps are located at Attachment 2.

The proposed zoning and building controls will maintain the residential character of the adjoining land and the surrounding sites. The area of land proposed to be rezoned is of sufficient size and dimensions for future development consistent with the proposed new zoning.

Growth Centres SEPP Lot Size Map (Sheet LSZ_009) does not require amendment as a minimum lot size control is not applied to the adjacent R2 zoned land. The minimum lot sizes provided by Growth Centres SEPP Appendix 4 Part 4 'Principal development standards' will apply to the subject sites.

Part 3 – Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

No. The Planning Proposal seeks to rationalise the use of land in an emerging suburb by providing an alternative means to manage drainage requirements in the area.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Development which is not for, incidental or ancillary to drainage purposes is not a permissible use on the portions of the subject sites which are currently zoned SP2 Infrastructure (Drainage). Amendment to the Land Zoning map to rezone the subject sites is the best means to achieve the objective of providing for alternative land uses on the portions of the site which are zoned SP2.

Amendment to the Height of Buildings and Residential Density SEPP maps to apply building controls to the subject sites which are consistent with those on the adjoining land is the best way to ensure that future development on the rezoned land is appropriate in the context of surrounding development.

Approval for residential development over the SP2 zoned portion of Lot 2 DP 1193235 is being pursued by means of a DA under Clause 5.3 'Development near zone boundaries' of the Growth Centres SEPP. If approved, residential lots will be created which are affected by a land use zoning which does not permit residential development and which are identified as land reserved for future acquisition. Amendment to the Land Zoning, building controls and land acquisition mapping by means of a planning proposal will provide certainty for future residents and other stakeholders beyond the scope of the proposed DAs.

Amendment to SEPP maps can only be achieved by means of the LEP Planning Proposal process.

Section B – Relationships to Strategic Planning Framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

(a) Greater Sydney Region Plan 2018

The Greater Sydney Region Plan 2018, *A metropolis of three cities – connecting people*, sets out a vision for Greater Sydney which aims to rebalance the region by placing housing, jobs, services, infrastructure and quality public and private spaces within easier reach of more residents. This vision is translated into 10 Directions for achieving the 30 minute city across a metropolis of three connected cities.

The Planning Proposal is generally consistent with the Region Plan, in particular with the Liveability Direction ‘Housing the city’. By increasing the amount of land zoned for residential development the Planning Proposal supports Objective 10 ‘Greater housing supply’. The specific location and dimensions of the land which is proposed to be rezoned in relation to the surrounding developments lends itself to varied forms of smaller lot low density residential development, which supports Objective 11 ‘Housing is more diverse and affordable’.

The Sustainability Direction in *A metropolis of three cities* emphasises the importance of protecting and improving the health of Greater Sydney’s waterways to the sustainability and liveability of the region. This is to be addressed through strategies to manage access, taking a risk-based approach to managing the cumulative impacts of development and reinstatement of more natural conditions in highly modified urban waterways.

Blacktown City generally supports the sustainability strategies identified in the Region Plan. In our local strategy we state our intent to “pursue best practice sustainable water management to protect and improve the water quality of the local environment”. We are actively undertaking a number of projects to protect and enhance our waterways despite the challenges of high rates of urban development particularly in the NWGA. We have developed a strong stormwater management strategy, supported by requirements at DA level which require the design of specific developments to demonstrate compliance with the *Water Management Act 2000*, Growth Centres SEPP Clause 19 ‘Development on flood prone and major creeks land – additional heads of consideration’, Blacktown City Council Engineering Guide for Development 2005 and Part J of our DCP ‘Water Sensitive Urban Design’ before any development receives consent. Clause 19 requires consideration, amongst other factors, of whether the development will:

- detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the watercourse, or
- adversely impact on any watercourse, drinking water catchment or environmentally sensitive area.

We believe that the proposal to rezone land at 93 and 98 Hambledon Road from SP2 to R2 to enable an alternative drainage solution to the planned open channel and provide for alternative uses on the subject land is a justifiable balance between the Region Plan’s strategies for the provision of varied and affordable housing in appropriate locations on the one hand, and strategies to improve the health of catchments and waterways and manage the cumulative impacts of development on the other.

With regards to the subject land zoned SP2, we have received advice from a Senior Water Regulation Officer from the Water Regulatory Operations, Crown Lands and Water Division

of the Department of Industry that the land is not considered to be waterfront land, and that for the purposes of the *Water Management Act 2000* a controlled activity approval is not required. This advice is provided at Attachment 3. As the subject land is not considered to be waterfront land, Strategies 25.1 and 25.2 of the Greater Sydney Region Plan 2018 do not apply.

Stormwater drainage is already conveyed by means of an underground piped system up to the boundary of the subject SP2 zoned land at Beauchamp Drive. The length of the planned open channel on the subject land is less than 180 m each side of Hambledon Road. The impact of the retention of this short a length of open channel on the quality of the water conveyed is minimal in the context of the overall system. The function of managing water quality and controlled release of flows into First Ponds Creek will be fulfilled by the regional basin and wetland area under construction north of the subject site. With respect to protecting the health of our waterways and managing the impact of development, the Planning Proposal is consistent with the sustainability objectives of the Greater Sydney Region Plan 2018, in particular Strategy 25.3.

There are physical constraints affecting the subject sites which make a number of the sustainability objectives of the Greater Sydney Region Plan 2018 impractical to implement in the context of this specific site. On the eastern side stormwater is already piped underground and the site is developed with dwellings and local roads up to the subject site boundary. The site is bisected by a sub-arterial road which is the subject of a major upgrade including road widening. West of Hambledon Road, the open drainage channel is disrupted by a local road which forms an essential network link between the major north-south link roads Alex Avenue and Hambledon Road, which will again force stormwater to be piped under or along Jerralong Drive. Even if the drainage channel was considered by Crown Lands and Water to be a second order stream, these physical constraints at this specific site provide little scope to implement Strategy 25.4 'Reinstate more natural conditions in highly modified urban waterways'.

The short distances involved, lack of scope to connect directly to similar open space either side of the subject site, and highly disturbed state of the SP2 zoned land in the context of the prior use as agricultural land mean there is very little gain to the community in terms of open space in retaining the land as an SP2 zone. There is no existing urban bushland or remnant vegetation to protect (Objective 27); there is no scenic or cultural landscape to protect (Objective 28); the open channel will be too steep to permit the SP2 zoned land to be accessible to the public, particularly with the site's proximity to local schools (Objective 31); and the subject sites cannot be used to link to anything other than a local road in the middle of a residential suburb (Objective 32).

(b) Central City District Plan 2018

Blacktown LGA is located within the Central City District. The site of the Planning Proposal is located in the land release area to the west of the district. The priorities of the Central City District Plan include to create healthy, integrated, liveable places which offer opportunities for socially connected communities; and to increase housing supply, choice and affordability, with access to jobs and services. The Planning Proposal is consistent with the District Plan priorities in that the proposed rezoned land will have the potential for varied residential development located within a residentially-zoned neighbourhood, close to schools, in an area supported by public transport.

Suitable arrangements regarding provision or embellishment of open space to support the additional population generated by the rezoning will be established prior to the Planning Proposal being finalised, consistent with District Plan Action 18, to deliver great places by

prioritising the public realm and open spaces, providing high amenity and walkability and using a place-based approach to planning.

The Planning Proposal is supported by an alternative stormwater drainage solution to replace the overland drainage channel with underground piped drainage. We are satisfied that underground drainage infrastructure is capable of meeting the drainage requirements for the subject sites. The function of managing water quality and controlled release of flows into First Ponds Creek will be fulfilled by the regional basin and wetland area under construction north of the subject site. With respect to protecting the health of our waterways and managing the impact of development, the Planning Proposal is consistent with Planning Priority C13.

The Central District Plan Planning Priorities C15, C16 and C17 are the same as the Greater Sydney Region Plan 2018 Objectives 27-32. As noted in the above section addressing consistency with the Greater Sydney Region Plan 2018, retention of the short, discrete, non-contiguous sections of SP2 zoned land which are the subject of this Planning Proposal will provide minimal practical benefit to the local community, will not enable the outcomes which the objectives and priorities aim to achieve and, in the context of the proximity of the local schools, is considered neither safe nor appropriate to retain.

4. Is the Planning Proposal consistent with a Council's Local Strategy or other Local Strategic Plan?

(a) Blacktown Planning Strategy 2036

The *Blacktown Planning Strategy 2036* is our key strategic land use planning document to facilitate and manage future growth and development within the City of Blacktown to 2036. The document identifies that by 2036, Blacktown LGA is predicted to grow to approximately 500,000 people and 180,000 dwellings.

Key actions under the strategy include:

- Plan for the predicted population growth by ensuring there is sufficient zoned and serviced land to meet the increased demand in housing, infrastructure and open space.
- Increase accessibility to open space and recreation facilities.
- Provide and develop parks and facilities that support informal recreation such as playgrounds, cycle ways, community gardens, trails and walking tracks.
- Implement the principles of environmental sustainability.

The proposed rezoning is not inconsistent with our local strategy. The Planning Proposal will result in a minor increase in the amount of serviced land zoned for residential development. The proposal will need to demonstrate that satisfactory arrangements have been made to address the provision of open space in the area. The proposed alternative stormwater drainage system will be required to demonstrate at DA stage that the system is capable of accommodating required flows and meets water sensitive urban design principles.

(b) North West Priority Growth Area Land Use and Infrastructure Implementation Plan, May 2017

The North West Priority Growth Area Land Use and Infrastructure Plan (Infrastructure Plan) sets out the planning framework for the NWGA. The 2017 Infrastructure Plan builds on the North West Growth Centre Structure Plan 2006, informed by development which has already taken place in the area, to identify opportunities for future growth and provide a framework to grow new communities in line with the provision of infrastructure.

The Planning Proposal is consistent with the priorities of the Infrastructure Plan, in particular Key Action 1: provide more land supply for new homes and Key Action 3: manage residential densities to align with infrastructure. The Planning Proposal will deliver additional land zoned for residential development, with the potential for an additional 17 dwellings. The proposed land zone and development controls are consistent with those of the adjoining land, ensuring that the potential future development will be appropriate for the area and will align with the available infrastructure and services.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

A review of State Environmental Planning Policies (SEPPs) has been undertaken and the consistency of the Planning Proposal with the applicable SEPPs is summarised at Attachment 1.

This Planning Proposal does not contain provisions that will contradict or would hinder the application of these SEPPs. Further assessment against the relevant SEPPs will be undertaken during the DA stage.

The principle planning instrument affecting the subject sites is *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

A list of SEPPs relevant to this Planning Proposal, as well as notes on consistency with these SEPPs, is shown in the table below:

SEPP	Aim	Comments
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	<p>Relevant aims of the Alex Avenue and Riverstone Precinct Plan 2010 under Clause 1.2 include:</p> <p>(a) to make development controls for land in the Alex Avenue and Riverstone Precincts within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes,</p> <p>(e) to promote housing choice and affordability in those Precincts,</p> <p>(f) to provide for the sustainable development of those Precincts,</p>	<p>The Planning Proposal is consistent with the aims of the Growth Centres SEPP.</p> <p>The Planning Proposal seeks approval for a minor rezoning to remove provision for stormwater management infrastructure and substitute the land use zone and development controls which apply to the adjoining land. The proposal is supported by an alternative drainage solution.</p> <p>These amendments will allow for the orderly development of land, provide certainty for future land holders of the subdivided lots and facilitate the aims of the Growth Centres, in particular in relation to aims (a), (e) and (f).</p>
Explanation of Intended Effect [Draft] Amendments to State	The proposed amendments to the Growth Centres SEPP will not impact on the aims of	The amendments sought to the Growth Centres SEPP Land Zoning Map (Sheet

<p>Environmental Planning Policy (Sydney Region Growth Centres) 2006 – For North West Priority Growth Area (May 2017)</p>	<p>the Precinct Plan, addressed above.</p> <p>The proposed amendments will:</p> <p>(a) apply a maximum as well as a minimum residential density to land in the NWGA for new development, to ensure that planned infrastructure is sufficient to support the density of development;</p> <p>(b) implement minimum lot size controls by means of mapping in residential areas rather than by a complex scheme of development standards prescribed under Part 4 of the Precinct Plan;</p> <p>(c) make minor amendments to the land use tables to standardise uses across the six Precincts within the Blacktown LGA; and</p> <p>(d) update the land zoning maps.</p>	<p>LZN_009) and Residential Density Map (Sheet 009) under the Planning Proposal are consistent with the land zoning and residential density range proposed by the draft amendments to the Growth Centres SEPP.</p> <p>The area which is proposed to be rezoned is capable of subdivision in a manner which is consistent with the proposed minimum lot size controls which would apply to the subject sites.</p> <p>The amendments sought under this Planning Proposal are not inconsistent with and will not inhibit the operation of the proposed amendments to the Growth Centres SEPP once these are gazetted.</p>
<p>SEPP 55 – Remediation of land</p>	<p>Relevant considerations of SEPP 55 relating to Planning Proposals under Clause 6 include:</p> <p>(a) the planning authority has considered whether the land is contaminated, and</p> <p>(b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</p> <p>(c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the</p>	<p>A contamination assessment was undertaken as part of the planning process for the Alex Avenue Precinct and the area deemed suitable for rezoning for urban development in 2010.</p> <p>A Stage 1 Site Contamination report has been prepared for the subject sites. The sites have been assessed to be suitable for future residential development.</p> <p>Any sensitive land uses which are permissible in the proposed new zone (such as centre-based child care facilities) will require submission of a site contamination report at DA stage which validates that</p>

	planning authority is satisfied that the land will be so remediated before the land is used for that purpose.	the site is suitable for the proposed sensitive use.
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6. Is the Planning Proposal consistent with applicable Ministerial Directions?

The Section 9.1 Ministerial Directions (under Section 9.1(2) of the Environmental Planning and Assessment Act 1979) provide local planning direction and are to be considered when rezoning land. The proposed amendment is consistent with Section 9.1 Directions issued by the Minister for Planning and Infrastructure.

The following table outlines the consistency of the Planning Proposal to relevant Section 9.1 directions:

Direction		Consistency
1 Employment and Resources		
1.1	Business and Industrial Zones	Not applicable The Planning Proposal does not seek to rezone any land from or to business or industrial zones.
1.2	Rural Zones	Not applicable The site was rezoned for urban purposes effective 17 May 2010.
2 Environment and Heritage		
2.1	Environment Protection Zones	Not applicable The subject sites are clear of vegetation and are not within nor adjacent to an Environment Protection Zone.
2.3	Heritage Conservation	Consistent The subject sites are not known to contain items of archaeological heritage significance or indigenous heritage significance.
3 Housing, Infrastructure and Urban Development		
3.1	Residential Zones	Consistent The proposal seeks to rezone infrastructure land to a residential zone which will result in additional land becoming available for residential development, suitable for a range of dwelling types. The subject sites are located appropriately within a precinct zoned for residential development. Satisfactory arrangements will be sought with regard to additional demand for open space generated by the proposed rezoning.
3.3	Home Occupations	Not applicable. The Planning Proposal is not inconsistent with this Direction.
3.4	Integrating Land Use and Transport	Consistent

		<p>The subject sites are close to existing and future transport options.</p> <p>The residentially-zoned land created by the proposed rezoning will not necessitate development which is inconsistent with the policy and guidelines referred to in this Direction.</p>
4 Hazard and Risk		
4.1	Acid Sulphate Soils	<p>Consistent</p> <p>This Planning Proposal seeks minor amendments to land use zoning. Future built form will be constructed in accordance with the recommendations provided within submitted Geotechnical and Salinity reports lodged during the assessments of relevant DAs.</p>
4.2	Mine Subsidence and Unstable Land	<p>Not applicable</p> <p>The site is not identified as being within a Mine Subsidence District.</p>
4.3	<i>Flood Prone Land</i>	<p>Minor inconsistency</p> <p>Parts of the subject sites are identified as flood prone land within the Growth Centres SEPP Development Control Map (DVC_009).</p> <p>The Planning Proposal is inconsistent with paragraphs (5) and (6) of Direction 4.3 in that it seeks to rezone land within a flood planning area from Special Purpose to Residential and set development controls on the rezoned land.</p> <p>The Planning Proposal is supported by a Stormwater Engineering Summary and concept design for a below ground piped drainage system, prepared by Arup (Appendices 1 & 2). The concept solution is designed around criteria for 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.</p> <p>We are satisfied that underground drainage infrastructure is capable of meeting the drainage requirements of the subject sites. The specifics of the solution proposed will be the subject of detailed assessment at DA stage to ensure the solution is capable of accommodating required flows and contingencies and meets water sensitive urban design principles.</p> <p>The inconsistency is considered to be of minor significance as an alternative drainage solution will make identification of the site as a flood planning area redundant.</p>
4.4	Planning for Bushfire Protection	<p>Not applicable</p> <p>The subject sites are not identified as bushfire prone land.</p>
5 Regional Planning		
5.10	Implementation of Regional Plans	<p>Consistent</p> <p>The Planning Proposal will facilitate a minor</p>

		<p>increase in land available for residential development. This is consistent with the Greater Sydney Region Plan 2018.</p> <p>See Section B(3) of this Planning Proposal.</p>
6 Local Plan Making		
6.1	Approval and Referral Requirements	<p>Substantially consistent</p> <p>The Planning Proposal requires referral to the Department of Primary Industries – Water once an initial Gateway determination is issued, to establish that the waterway on the subject sites can be replaced by an underground piped system.</p> <p>If an alternative drainage solution is considered suitable on the subject sites, once this is constructed there will no longer be a requirement for future DAs to be referred to DPI Water for concurrence.</p> <p>The Planning Proposal does not identify any future development on the subject sites as designated development.</p>
6.2	Reserving Land for Public Purposes	<p>Consistent</p> <p>The Planning Proposal seeks to remove the acquisitions layer from land rezoned from SP2 to R2, on the premise that an alternative drainage solution will render preservation of an overland drainage channel redundant.</p> <p>This is consistent with the objective of Direction 6.2 to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>Blacktown City is the relevant public authority for acquisition of the land currently zoned SP2 on the subject sites. We agree to the removal of the acquisition layer as a piped drainage solution will result in the land no longer being required for the public purpose for which it was reserved.</p>
6.3	Site Specific Provisions	Not applicable
7 Metropolitan Planning		
7.1	Implementation of A Plan for Growing Sydney	<p>Consistent</p> <p>The former metropolitan plan, <i>A Plan for Growing Sydney</i>, identified greenfield development as an important component in achieving Goal 2: A city of housing choice. The Planning Proposal is consistent with the goals and objectives of this Plan as it will facilitate additional land for residential development within an identified growth area.</p> <p>Note that as of 18 March 2018, the current metropolitan plan is the Greater Sydney Region Plan <i>A Metropolis of Three Cities</i>. The Planning Proposal is consistent with the 2018 Plan, refer to Section B(3).</p>
7.4	Implementation of North West Priority	Consistent

	Growth Area Land Use and Infrastructure Implementation Plan	The Planning Proposal is consistent with the priorities of the Infrastructure Plan, in particular Key Action 1: provide more land supply for new homes and Key Action 3: manage residential densities to align with infrastructure. See Section B(4) of this Planning Proposal.
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Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The Planning Proposal is not likely to result in adverse impact on critical habitat or threatened species, populations or ecological communities. There is a small amount of Cumberland Plain Woodland (Shale Plains Woodland) mapped on the western side of Lot 36 DP 1228048. However, this is not located on the land which is proposed to be rezoned as part of this Planning Proposal and the overlay is located on a part of the lot which is the subject of a DA for residential development. The subject sites are also identified to be certified on North West Growth Centre – Biodiversity Certification Amendment No 1 map referred to in Clause 17 of Schedule 7 to the Threatened Species Conservation Act 1995.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal is supported by a Stormwater Engineering Summary and concept design prepared by Arup (Appendices 1 & 2) for a below ground piped drainage system. The concept design considers surface water runoff, infrastructure capacity and flood risk mitigation. The specific alternative drainage solution proposed at DA stage will be required to demonstrate that the proposal does not have an adverse impact on upstream or downstream catchments.

There are no other likely environmental effects that are anticipated to result from the proposed rezoning and associated map adjustments.

9. Has the Planning Proposal adequately addressed any social and economic effects?

Social impact

The current metropolitan plan for greater Sydney anticipates that Sydney's population will increase by 1.6 million people over 20 years, driving a need for an increase in housing supply. The NWGA is a key component in the regional strategy to accommodate the required growth in housing.

The subject sites are located in an area within the NWGA which is undergoing significant development as it transitions from large rural properties to predominantly low density residential subdivisions. The Planning Proposal will increase the availability of land zoned for residential development within the NWGA, resulting in the potential for at least an additional 17 dwellings on the rezoned land. The potential increase in residential yield arising from the Planning Proposal is small in scale and of minor social and economic benefit to the local

area and to the precinct in the context of forecast population growth and development occurring in the immediate area.

Open space

The Planning Proposal will result in the potential for at least an additional 17 and up to 26 dwellings on the rezoned land. While this is not a significant increase in itself, there is a pattern across the NWGA whereby the number of dwellings constructed consistently exceeds the planned residential density. The cumulative impact of this pattern has resulted in a systemic shortfall in open space provision for future residents across the Growth Areas.

The potential additional 17-26 dwellings equates to an additional population of 49-75 persons, based on an assumed occupancy rate of 2.9 persons per dwelling (Section 7.11 Contributions Plan No 20 – Riverstone and Alex Avenue Precincts). Using the formula of 2.83 hectares of open space required per 1000 people, the Planning Proposal will generate the need for up to an additional 2,123 square metres of open space. This is below the threshold of 3000 square metres for a standalone pocket park.

Satisfactory arrangements will be required to address the provision of additional open space generated by the potential additional residential yield from the Planning Proposal. We believe it is reasonable for the additional open space requirement to be met through the mechanism of S7.11 contributions, to be put towards the embellishment of open space in existing planned areas to meet the needs of the Precinct. The levying of S7.11 contributions will form a condition of consent on any DA approved for the development of the subject sites. The proponent has acknowledged that the development of the sites will attract a contribution under S7.11 of the Act.

Economic impact

The proposed rezoning of the SP2 land to R2 and associated removal of the land acquisition overlay would remove the obligation on Blacktown City, as the acquisition authority, to acquire approximately 0.9408 hectares of land for drainage purposes.

The proposed replacement of the planned open trunk drainage channel with below-ground drainage infrastructure will impact on infrastructure items identified as funded by Section 7.11 contributions. This will require an amendment to Section 7.11 Contributions Plan No 20 – Riverstone and Alex Avenue Precincts.

Blacktown City will give credit to the applicant for the value of works to construct an open channel as costed in the Contributions Plan, exclusive of the land component and any embellishment works. Any difference in cost in the construction of underground drainage infrastructure compared to the planned overland drainage channel will be born by the applicants of the DAs proposing the actual works. No credit obligation will be given by Blacktown City should the cost of underground drainage be less than the estimated cost of an overland drainage system. This approach has been applied consistently by Blacktown City to Planning Proposals seeking to rezone SP2 Infrastructure land for residential use.

Satisfactory arrangements will be required to be established prior to the Planning Proposal being finalised to ensure that an underground drainage solution is delivered in lieu of the planned open channel. It will not be tenable for the subject site to be rezoned if delivery of an alternative drainage solution is not guaranteed.

Upgrade of the culvert conveying stormwater drainage underneath Hambledon Road is funded from the Special Infrastructure Contributions (SIC) levy. The works as proposed by DA-17-01202 and DA-17-00632 involve realignment of the existing culvert, which will cost more than the amount budgeted from the SIC levy. The two applicants for the respective

DAs have agreed to fund 50% each of the additional cost of the realigned culvert which exceeds the amount allocated in the SIC levy budget.

A cost estimate comparing the estimated cost of provision of an overland stormwater drainage system compared to an underground piped drainage system has been provided by Quantity Surveyors Hugh B. Gage Pty Ltd (see Appendix 4). It is noted that this is a conceptual estimate for the purposes of the Planning Proposal. The cost estimate suggests a total cost saving to Blacktown City's S7.11 Contributions budget of approximately \$2m.

The primary economic impact of the Planning Proposal will be a minor reduction in the overall cost of provision of infrastructure in the Alex Avenue Precinct, achieved through a reduction of 0.9408 hectares in the quantity of land required to be acquired by Blacktown City. This will result in a reduction in the overall cost of providing infrastructure within the precinct.

The reduction in cost is welcome, but is minor in the context of the more than \$197m cost of provision of drainage infrastructure alone in the Riverstone and Alex Avenue Precinct. The current cap on S7.11 contributions means that any reduction will not impact on the amount of S7.11 contributions provided by the developer to Blacktown City, and therefore will not put downward pressure on the cost of land for purchasers. The minor reduction in the overall cost may slightly reduce the gap funding sought by Blacktown City from the Department under the Local Infrastructure Growth Scheme. The impact on the cost of land to end users in the Precinct will be negligible.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

Yes. The subject sites are located in a precinct within the NWGA which was rezoned for residential development in 2010. Essential utilities such as water, sewage, electricity and communications are available in the area and new schools are within walking distance. Health services facilities are located at nearby town centres and public hospitals at Blacktown, Mount Druitt and Windsor with commitment for a new hospital at Rouse Hill.

Section 7.11 Contributions Plan No 20 – Riverstone and Alex Avenue Precincts applies to the subject sites. This Contributions Plan provides for essential infrastructure including stormwater management, traffic management, open space and acquisition of land (but not building construction) for community facilities.

A SIC levy is likely to apply to future development on the subject sites, contributing to provision of essential state infrastructure.

Traffic

The Planning Proposal is supported by a Traffic Impact Assessment prepared by Transport and Traffic Planning Associates (Appendix 3). The report considers the impact of the potential additional population on the existing and future traffic networks and concludes that the road system will be appropriate, the provisions for vehicle access will be satisfactory and there will be no adverse traffic implications.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The Planning Proposal is to be referred to the Department of Primary Industries as part of the consultation process following a Gateway determination. Initial advice provided in relation to DA-17-01202 was that the drainage channel was considered to be a second order stream. This advice was reviewed by Crown Lands and Water Division and further advice provided in January 2018 that the subject sites are not considered waterfront land (refer to Attachment 3).

Consultation with other relevant State and Commonwealth public authorities will be undertaken as part of the exhibition of the Planning Proposal, as directed by the Gateway Determination.

Part 4 – Mapping

The Planning Proposal is accompanied by the following maps at Attachment 2:

- Existing Land Zoning Map
- Proposed Land Zoning Map
- Existing Height of Buildings Map
- Proposed Height of Buildings Map
- Existing Residential Density Map
- Proposed Residential Density Map
- Existing Land Reservation & Acquisition Map
- Proposed Land Reservation & Acquisition Map

Part 5 – Community Consultation

Community consultation will be undertaken in accordance with the provisions of the Gateway Determination issued 14 March 2018.

Part 6 – Project Timeline

Milestones	Timeframe
Forward Planning Proposal to the Department	Early December 2017
Date of Gateway Determination	March 2018
Government agency consultation (Pre-exhibition)	May 2018
Commencement of public exhibition	June 2018
Completion of public exhibition	July 2018
Report to Council (outcome of exhibition & recommendations)	October 2018
Date of submission to the Department to finalise the LEP	December 2018
Finalise the LEP by the Department and Parliamentary Council	February 2019
Publish the LEP	March 2019

Attachment 1

Consistency with applicable SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 1 Development Standards			✓	The Provisions of SEPP 1 do not apply to the site pursuant to Clause 1.9(2) of Appendix 4 of the Growth Centres SEPP.
SEPP No 19 Bushland in Urban Areas			✓	The site is predominantly cleared land. The potential application of this SEPP will be considered and addressed at DA stage.
SEPP No 55 Remediation of Land	✓			Land capability and contamination assessment during precinct planning did not identify any contamination on the subject sites. Site-specific contamination studies will be assessed at DA stage.
SEPP No 64 Advertising and signage			✓	The SEPP may be relevant to future DAs.
SEPP No 65 Design Quality of Residential Apartment Development			✓	Residential apartment buildings are not permitted in either the current SP2 zoning nor the proposed R2 zoning under the Growth Centres SEPP.
SEPP (Affordable Rental Housing) 2009	✓			The Planning Proposal does not seek amendment which is inconsistent with the ARH SEPP. This SEPP may apply to future development.
SEPP (Building Sustainability Index: BASIX) 2004	✓			The Planning Proposal does not seek amendment which is inconsistent with the BASIX SEPP. This SEPP may apply to future development.
SEPP (Educational Establishments and Child Care Facilities) 2017	✓			The Planning Proposal does not seek amendment which is inconsistent with the Education SEPP. This SEPP may apply to future development.
SEPP (Exempt and Complying Development Codes) 2008	✓			The Planning Proposal does not seek amendment which is inconsistent with the Codes SEPP. This SEPP may apply to future development.
SEPP (Infrastructure) 2007	✓			ISEPP may apply to future development.
SEPP (State and			✓	

Regional Development) 2011				
Sydney Regional Environmental Plan No 20 – Hawkesbury-Nepean River (No 2 – 1997)	✓			The Planning Proposal is not inconsistent with SREP No 20. A proposed alternative drainage system must demonstrate compliance with SREP No 20 at DA stage.

Attachment 2

Mapping

The following maps are provided in support of this Planning Proposal:

- Existing Land Zoning Map
- Proposed Land Zoning Map
- Existing Height of Buildings Map
- Proposed Height of Buildings Map
- Existing Residential Density Map
- Proposed Residential Density Map
- Existing Land Reservation & Acquisition Map
- Proposed Land Reservation & Acquisition Map

Attachment 3

Advice from Crown Lands and Water Division of the Department of Industry

The following correspondence from Crown Lands and Water is provided in support of this Planning Proposal:

- Letter from Department of Industry, Crown Lands and Water Division, dated 22 January 2018, reference IDAS1100440 confirming that the land the subject of DA-17-00632 (west of Hambledon Road) is NOT considered to be waterfront land.
- Letter from Department of Industry, Crown Lands and Water Division, dated 24 January 2018, reference IDAS1100440 confirming that the land the subject of DA-17-01202 (east of Hambledon Road) is NOT considered to be waterfront land.