

Planning Services

Plan Finalisation Report

Local Government Area: Blacktown

PP Number: PP_2016_BLACK_003_00

1. NAME OF DRAFT LEP

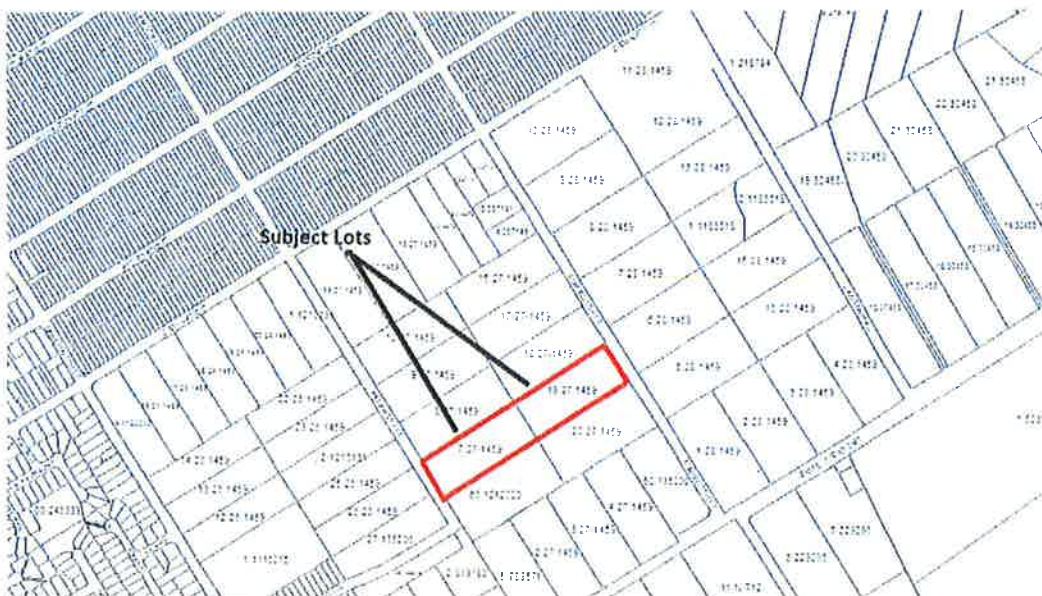
Blacktown Local Environmental Plan - Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (draft LEP).

2. SITE DESCRIPTION

The planning proposal applies to land at part of Lot 7, Section 27, DP 1459, William Street and part of Lot 19, Section 27, DP 1459 Edmund Street, Riverstone (the site).

The site is zoned SP2 Drainage under in the Alex Avenue and Riverstone Precincts within the North West Growth Centre of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The SP2 land has a combined area of 1.02ha, comprising 2,000sqm within Lot 7 and 8,020sqm within Lot 19. The land is partially cleared and is currently part of the open space drainage system in Riverstone Release area.

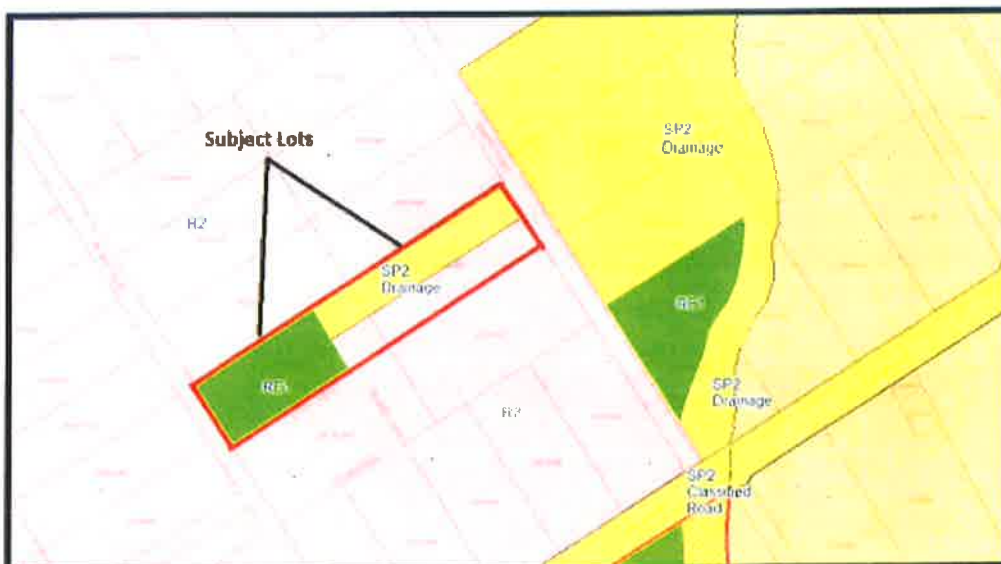
The surrounding land to the west is zoned RE1 Public Recreation which is heavily vegetated and to the east and south are R2 Low Density Residential zones. There are dwellings and ancillary sheds on the land. Detailed subdivisions are occurring in the area and on behalf of the land owner, Mecone has requested Council for rezoning part of the SP2 drainage land on the site. Location map is at **Attachment G**.



The subject site



Site Location



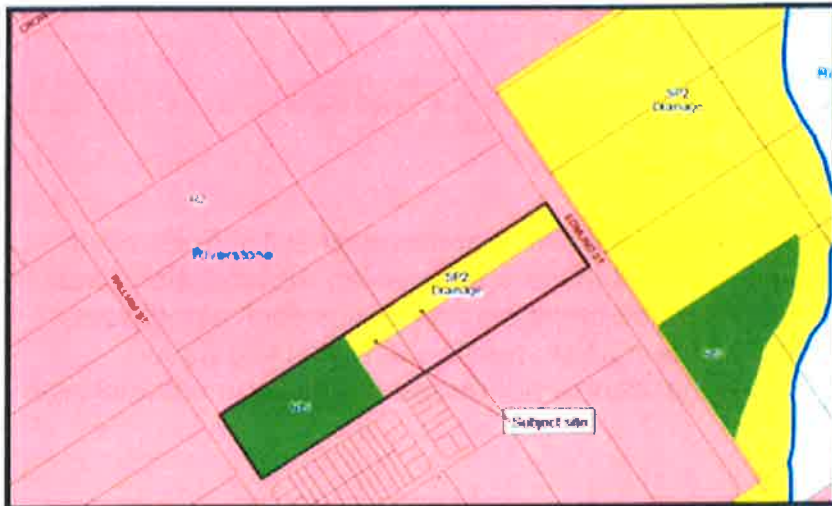
Existing zoning

3. PURPOSE OF PLAN

The intent of the draft LEP is to facilitate residential development on land that is no longer required for drainage purposes. The draft LEP seeks to rezone the southern part of the subject site from SP2 Infrastructure (Drainage) to R2 Low Density Residential and make associated changes to development controls. In summary, the draft LEP will:

- rezone part of the site at Lot 7 and 19, Section 27 DP 1459 William and Edmund Streets, Riverstone from SP2 Infrastructure (Drainage) to R2 Low Density Residential;
- apply the maximum height of building of 9m;
- apply the minimum residential density of 15 dwellings per hectare; and
- remove the land from the land acquisition map.

The draft LEP has potential to create four additional dwellings.



Proposed zoning

STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Riverstone Electorate. Mr Kevin Connolly MP is the State Member for Riverstone.

Michelle Rowland MP is the Federal Member for Greenway.

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.

4. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 27 June 2016 (**Attachment C**) determined that the proposal should proceed subject to conditions. The Gateway determination was altered on 29 September 2017 for the draft LEP to extend the time. The draft LEP is due for finalisation by 3 January 2018. The Gateway determination issued on 27 June 2016 for the planning proposal was to rezone the entire site to R2 Low Density Residential. At the time, the Department's Land Release Team was consulted and did not raise objection subject to Council being satisfied that satisfactory provision of alternate drainage arrangements would be made.

5. PUBLIC CONSULTATION

In accordance with the Gateway determination, community consultation was undertaken by Council from 2 August 2016 to 30 August 2016. No submissions were received from community members.

6. ADVICE FROM PUBLIC AUTHORITIES

The Gateway determination required Council to refer the Planning Proposal to consult with:

- State Emergency Service;
- Roads and Maritime Services;
- Endeavour Energy;
- Sydney Water; and
- Telstra.

Council has consulted these authorities during July 2016 and August 2016. Endeavour Energy is the only agency which responded and made a submission. No objections were raised by Endeavour Energy. The agency made comments on issues such as network capacity, connections, dial before you dig, demolition, public safety and vegetation management which are related to issues that can be addressed at development approval and construction stage.

7. POST EXHIBITION CHANGES

Following exhibition, Council became aware of similar planning proposals to rezone drainage reservations in the release areas. These corridors were incorporated into the design of the release areas for dual purpose to provide for open space as well as drainage corridors.

At its meeting on 27 September 2016, Council made post exhibition changes to the proposal to retain 7,249sqm as SP2 zone of the total 1.02ha SP2 zone on the site. The proposed width of the existing SP2 zone will be reduced from 40m width to 28.5m to retain a major part of the drainage land. The resultant R2 zone land will have an area of 2,951sqm. Council has also advised that the post exhibition change to reduce the proposed residential zone has been negotiated and agreed with between the developer (Mecone) and Council.

The Land Release Team has been advised of the post exhibition change and has supported the change made to the planning proposal (**Attachment H**). The proposed reduction of SP2 land reflects the Department's (Land Release team) general concern over the loss of SP2 zone and the dual role (open space/drainage) the SP2 zones deliver in the greenfield release areas.

The post exhibition changes are minor and do not change the intent of the planning proposal to facilitate residential development of land that is no longer required for drainage purposes. The Department is satisfied the draft LEP provides a balanced outcome as it will retain part of the open space corridor and increase the existing residential zoned land to enable four additional dwelling houses.

It is recommended that this amendment be endorsed without requiring further exhibition as it does not change the intent of the planning proposal as exhibited.

8. ASSESSMENT

The draft LEP is consistent with the key directions in A Plan for Growing Sydney, the Draft Greater Sydney Region Plan and the Draft Central City District Plan.

The proposed development controls are similar to the surrounding residential zones in the Riverstone Precinct Release Area. At its meeting of 27 September 2016, Council resolved to finalise the draft amendment.

Section 117 Directions

The consistency with S117 Directions have been addressed as part of the Gateway determination assessment. It has been agreed by the Secretary's delegate that the planning proposal is consistent with Section 117 Directions 3.1 Residential zones, 3.4 Integrating land use and transport and Flood prone land.

The Secretary's delegate has also agreed at Gateway determination stage that the subject land is no longer required for drainage purposes and as Council being the relevant acquisition authority has resolved to remove part of the site on the Land Reservation Acquisition Map, and the planning proposal is consistent with S117 Direction 6.2 Reserving Land for Public Purposes.

There are no outstanding S117 Directions.

State Environmental Planning Policies

The draft LEP is consistent with relevant SEPPs or deemed SEPPs.

9. DRAFT GREATER SYDNEY REGION PLAN

The planning proposal is consistent with the Draft Greater Sydney Region Plan (October 2017) as it will provide additional housing (Objective 10) and will protect redundant drainage land for open space for the future residents (Objective 31).

10. DRAFT CENTRAL CITY DISTRICT PLAN

The site is located within the Central City District and the Draft Central City District Plan (October 2017) applies to the site. The planning proposal is consistent with the Draft Plan as it will provide additional housing in Riverstone Precinct release area which has been identified for additional capacity to supply housing, and will retain part of the redundant drainage land for open space purpose for the future residents.

11. MAPPING

The planning proposal will amend North West Growth Centres maps under SEPP (Sydney Region Growth Centres) 2006 as follows:

- Land Zoning Map (LZN_004) – rezone part of the site from SP2 Infrastructure (Drainage) to R2 Low Density Residential;
- Height of Building Map (HOB_004) – apply a maximum building height of 9m for part of the site proposed to be rezoned to R2 Low Density Residential;

- Residential Density Map (RDN_004) – apply a residential density of 15 dwellings per hectare for part of the site proposed to be rezoned to R2 Low Density Residential; and
- Land Reservation Acquisition Map (LRA_004) – remove the existing land reservation for part of the site proposed to be rezoned to R2 Low Density Residential.

These maps have been checked by the Department's eplanning team and have been sent to Parliamentary Council (**Attachment F**).

12. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument (**Attachment E**). Council confirmed on 29 January 2018 that it was happy with the draft and that the Plan should be made (**Attachment F**).

13. PARLIAMENTARY COUNSEL OPINION

On 25 January 2018 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

14. RECOMMENDATION

It is recommended that the Greater Sydney Commission's delegate determine to make the draft LEP as it will provide four additional dwellings in the Riverstone Precinct and aligns with the intention of the Growth Centre SEPP and retain part of the redundant drainage land for open space purpose for the future residents.



1/2/18

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