



planning consultants

# Planning Proposal

Rezoning for Residential Subdivision

115 Crown Street, Riverstone

Prepared for: Freelyn Nominees Pty Ltd  
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# 1 Introduction

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## 1.1 Commission

DFP has been commissioned by Freelyn Nominees Pty Ltd to prepare a Planning Proposal in respect of the land at 115 Crown Street, Riverstone (the Site).

The Planning Proposal seeks to rezone the part of the site that is zoned SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential. The Height of Buildings, Residential Density maps will also need to be updated to provide development standards which reflect the proposed zoning. It will also be necessary to amend the Land Reservation and Acquisition map as the site will no longer be required for acquisition purposes.

The Department of Education (DoE) has indicated that the SP2 zoned land that forms part of 115 Crown Street, Riverstone is not required for a future school. The rezoning of the land to R2 Low Density Residential will therefore allow the site to be developed in a manner consistent with the adjoining residential land in an orderly and economic manner.

## 1.2 Purpose of this Statement

The purpose of this report is to provide Council and the Department of Planning and Environment (DoPE) with the necessary information to assess the Planning Proposal and for the Minister to make a Gateway Determination in accordance with Section 3.34 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

## 1.3 Material Relied Upon

This SEE has been prepared by DFP based on information referred to herein and/or appended to this report and a Site inspection undertaken on 27 November 2017.

## 1.4 Summary of Conclusions and Recommendations

This report concludes that the proposal to rezone the site from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential:

- is consistent with regional and subregional planning and transport strategies as well as local planning studies;
- is not inconsistent with relevant SEPPs and Section 9.1 Directions; and
- relieves the Department of Education (DoE) from the burden of having to acquire land beyond what is required for a future school.

Furthermore, the concept plan for the Site demonstrates that environmental factors can be adequately addressed acknowledging that a detailed assessment will occur at the DA stage.

Accordingly, we recommend that Council endorse this Planning Proposal and forward it to the Minister for Gateway Approval.

## 2 Background

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The site owner has been in consultation with the Department of Planning and Environment (DPE) and the DoE regarding the zoning of the site and the need for the site to form part of the future school on the corner of Hamilton Road and Crown Street.

The DoE have indicated that the area of the subject site which is currently zoned for Infrastructure – Educational Establishment which forms approximately 1 hectare of the site is not required for the future school site. As such the DoE do not need the subject site for a future school.

DFP Planning has been in consultation with Blacktown Council officers in relation to this Planning Proposal.

It is understood that Blacktown Council and the DPE have a copy of correspondence received from the DoE confirming that the DoE wishes to relinquish the site.

As the DoE do not require this land for a future school it is necessary to rezone the land in order to alleviate the DoE from their burden of having to acquire the site.

Discussions with the DPE, Council and the DoE have indicated that all three agencies support the rezoning of the site for low density residential uses.



## 3 Site Context

### 3.1 Location

The Site is located in the Riverstone Urban Release Area and is located in the existing rural residential area of Riverstone, east of the existing residential area (see **Figure 1**).

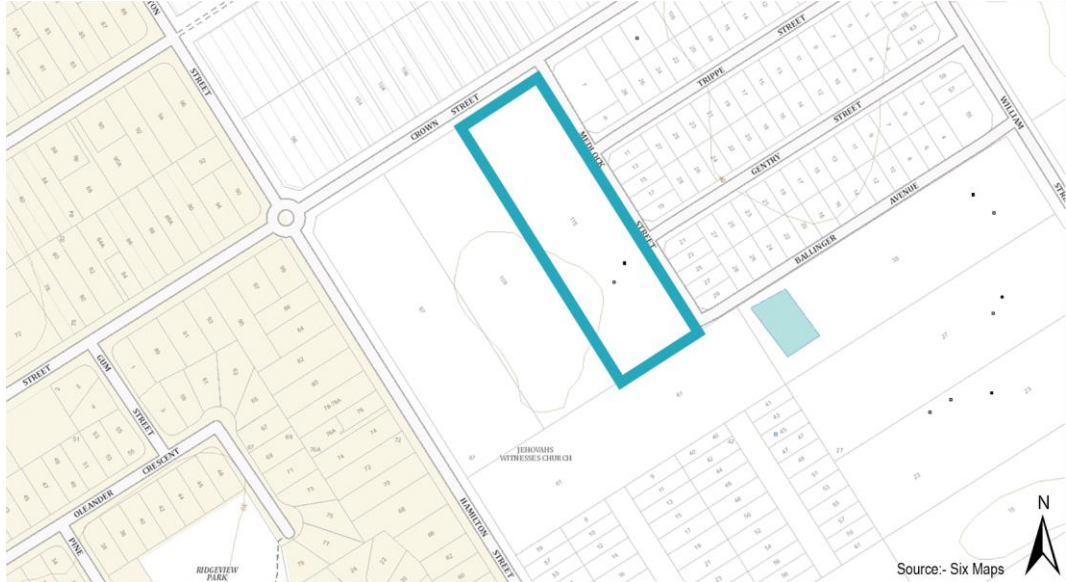


Figure 1 Site Location

### 3.2 Site Description

The Site is legally described as Lot 17 in Deposited Plan 1459, Section 26 (see **Figure 2**).

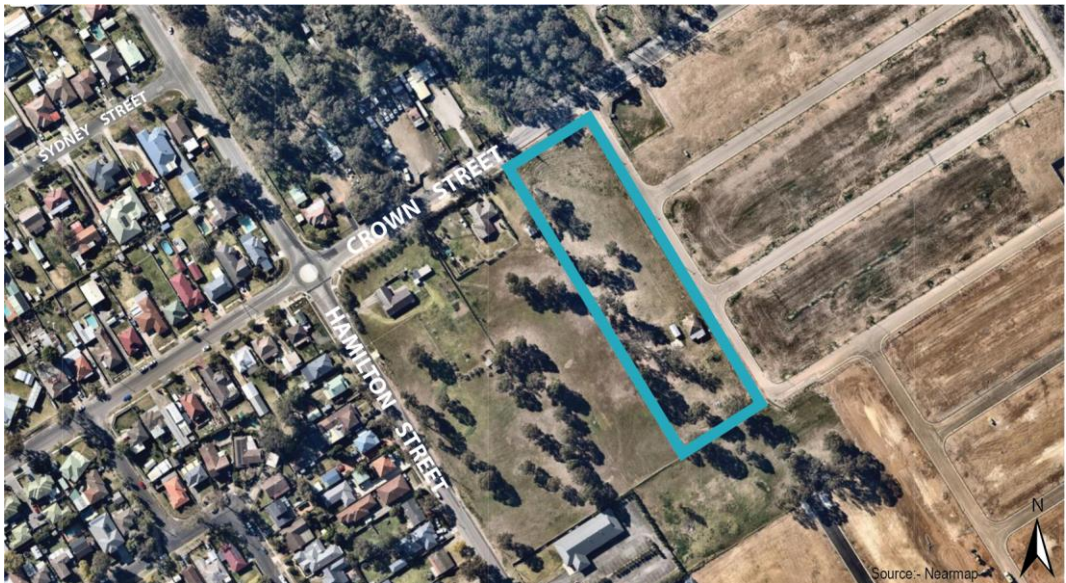


Figure 2 Aerial Photograph

The site is rectangular in shape and has a total area of 1.226ha and has the following dimensions:

- Front and rear boundary 60.96 metres; and
- Side boundaries 201.16 metres.

The site has a gentle slope as shown in the site survey attached at **Appendix 1**. The site slopes up from the street to a ridge where a dwelling is located and then slopes back down to the rear. The front boundary has an RL of 35.7 to 36.85. The ridge is RL 39.99. The rear boundary has an RL of 36.48 to 38.24.

### 3 Site Context

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The site currently contains a single storey detached dwelling and a detached garage (see **Figure 3**). A gravel driveway is located adjacent to the western boundary. The site is otherwise cleared, with the exception of 24 trees which are located along the western and rear boundary (see **Figure 4**). The subject site is currently zoned SP2 Education Facility and R2 Low Density. The R2 Low Density zoned land is located on the north eastern part of the site.



Figure 3 Existing dwelling and garage



Figure 4 The site as seen from the north eastern corner



## 3 Site Context

### 3.3 Surrounding Development

The site is located in the Riverstone urban growth centre, as such the surrounding locality and development comprises a mix of existing rural residential properties, new residential subdivision and existing low density residential housing stock.

North of the site are the scheduled lands which consist of lots of approximately 500m<sup>2</sup> to 600m<sup>2</sup>. Development of these subdivided lots is yet to occur.

East of the site is an area which has recently been subdivided and contains lots which are 300m<sup>2</sup> to 340m<sup>2</sup>. Roads in this residential subdivision have been constructed and some dwellings are currently under construction (see **Figure 5**).



*Figure 5 Development occurring to the east of the site*

At the corner of Crown Street and the new Medlock Street is a floodway area which is below surrounding ground level and contains pooling water (see **Figure 6**). This floodway is a temporary on-site detention system which accommodates runoff from the adjacent subdivision. This floodway will be extinguished when a regional basin is provided by Blacktown City Council.

### 3 Site Context



Figure 6 Floodway on the corner of Crown Street and Medlock Street

New roads have been constructed as part of the subdivision works. These roads include:

- Half construction of Medlock Street, located along the eastern boundary of the subject site (the remaining half is to be located on the subject site);
- Trippe Street and Gentry Street which are fully constructed; and
- Ballinger Avenue, which is fully constructed and is located along the southern boundary of the subdivided site. Ballinger Avenue is to extend to Hamilton Road (west) however is to be fully located on 61 Hamilton Road.

South of the site is 61 Hamilton Road, a 1.3ha rectangular lot. The site is used for the Riverstone Kingdom Hall of Jehovah's Witnesses. The front half of the site includes a single storey hall building and car park. The rear half, which is adjacent to the subject site, is vacant. This site which has been zoned for low density residential use but is yet to be subdivided (see **Figure 7**).

### 3 Site Context

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Figure 7 61 Hamilton Road, as seen from the subject site

West of the site is 109 Crown Street, a rural residential property with a dwelling fronting Crown Street. This site and 87 Crown Street have been zoned for an Educational Establishment and the DoE have indicated that the site will be used for a primary school. Construction is yet to commence.

#### 3.4 Site Analysis

A site analysis has been prepared by DFP Planning and is attached at **Appendix 2**. The site analysis identifies existing land uses and land uses which are in the process of being implemented. Surrounding the site is new low density residential lots. These lots have recently been subdivided and roads have recently been constructed. Dwellings are currently being built on the new lots in accordance with the R2 Low Density Residential zone.

West of the site is the proposed primary school, which is yet to be constructed and currently contains a rural residential property with 1 dwelling house.

West of Hamilton Street are the original low density residential lots of Riverstone. Dwellings in this area range in age, however generally have been constructed over the past 50 years.

Bus stops have also been identified and are 50 metres east of the site. The bus stops located on Crown Street provide access to Windsor, McGraths Hill, Vineyard train station, Riverstone train station, Box Hill, Rouse Hill, Maraylya and Oakville.

Distances to key uses are also shown, including Riverstone and Vineyard train station, Riverstone swimming centre, high schools, playing fields and Rouse Hill and Box Hill town centres.

The surrounding roads have been constructed with the exception of the western side of Medlock Street which is located on the site and will be required to be constructed by the owner of the site. In addition, the road south of the site is yet to be constructed along with connection to two north/south roads which are located further south. These roads are wholly located on the 61 Hamilton Street and will be required to be constructed by those owners.



## 4 Concept Proposal

### 4.1 Summary and Development Statistics

A concept scheme has been prepared by Orion Consulting Engineers and is provided at **Appendix 3**. The concept scheme comprises:

- 19 lots; and
- Half road construction of Medlock Street.

The key development statistics of the concept proposal are detailed in **Table 1**.

Table 1 Development Statistics	
Site Area	12,260 m <sup>2</sup>
Number of Lots	19
Lot size range	300.1m <sup>2</sup> to 658.4m <sup>2</sup>
Medlock Street dedication	8 metres wide by 201.16 metres 1,609.28m <sup>2</sup>

The concept proposal has been prepared to demonstrate that the half road dedication of Medlock Street and a low density residential subdivision which meets the relevant development standards can be developed on site. A DA for the proposed subdivision will be lodged on gazettal of the Planning Proposal.

Half of Medlock Street has already been dedicated by the adjoining land owner. The other half of the street is to be constructed by the Applicant. An 8 metre wide strip of land is required to be dedicated to form the other half of this road.

Orion Consulting Engineers have prepared Engineering concept plans for the proposal, which are attached at **Appendix 4**. The plans demonstrate road sections, existing and future services and site regrading. Roads will be designed to integrate with the other surrounding built and to be built roads.

The site will require some cut and fill to ensure the site is able to connect to the adjoining roads. The greatest extent of fill will be up to 1.5 metres and the greatest extent of cut will be up to 1 metre.

The Indicative Layout Plan indicates that Ballinger Avenue, the road along the southern boundary is to be constructed on the neighbouring site. As such, construction of this road has not been included in this concept plan.

The concept includes 19 lots which vary in size. Lots include:

- Two large corner lots, with frontages to Crown Street and Medlock Street, and Medlock Street and the future Ballinger Avenue;
- Two small lots, with a frontage to Crown Street;
- Two small lots, with a frontage to the future Ballinger Avenue; and
- 13 large, long lots, with a frontage to Medlock Street.

Each proposed lot will have immediate access to either Medlock Street or Crown Street, with the exception of Lot 17 and 18.

Lot 17 and 18 will require access from Ballinger Ave, which will be constructed on the neighbouring site in the future, as per the Indicative Layout Plan. Should the road not be constructed at the time a DA is lodged for subdivision of this site Lot 17, 18 and 19 will be reconfigured to ensure the minimum density requirement is met.

## 4 Concept Proposal

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### 4.2 Urban Design Feedback

The proposal seeks to create a development which extends the low density residential area where lots and future dwellings will be consistent with the subdivision located on the opposite side of Medlock Street.

DFP have enquired with the DoE regarding any urban design requirements they may have for the shared boundary between the school and the subject site. The letter attached at

**Appendix 5** provides their advice which states:

*"I [Lesley Moodie, Director of Schools Planning for the DoE] understand that Council has requested urban design advice on relationship between the remainder of the school site and a proposed subdivision as part of the planning proposal.*

*I have reviewed a concept plan of subdivision provided by the owner. I confirm that the DoE does not have objection to the remainder of the school site abutting the back of subdivided residential lots, provided that the back fences of these residential lots meet the DoE standard specification.'*

As stated in this advice, the DoE do not raise issue with the concept design in its current form, where rear boundaries abut the school.

The DoE have indicated that they require fencing in accordance with the DoE standard specification, the details of fencing will be provided at DA stage and will be in accordance with DoE requirements.

### 4.3 Yield Analysis

#### 4.3.1 Development Yield Analysis

Based on the concept plan the proposal will provide 19 new allotments, providing for 19 new dwellings. This dwelling number is the minimum permitted under the current dwelling density that applies to the site, which requires at least 15 dwellings per hectare (see **Section 5.3.1** for further discussions). Based on the draft amendments to SEPP Growth Centres where it is proposed that dwelling density ranges will be implemented, the site will require to have a dwelling density range of 15-25 dwellings per hectare. Therefore the maximum number of new dwellings the site could contain would be 30 dwellings.

The development yield analysis assumes the site will contain between 19-30 new dwellings.

The 2016 census data and population projections prepared by the DPE indicate that in 2016 the average household size for dwellings in Blacktown LGA was 2.98 people per dwelling. It is predicted that in 3 years time, by 2021, dwellings will have 2.95 people per dwelling.

Based on these figures, the site will house between 56 to 89 people.

#### 4.3.2 Open Space Analysis

The Section 7.11 (formally Section 94) Development Contributions Plan for Riverstone & Alex Avenue Precincts states the following:

"the standard Open Space provision outlined in the GCC Development Code of 2.83 hectares of usable open space per 1000 persons has been applied."

Riverstone seeks to provide 2.83 hectares of public open space per 1000 people who reside in the precinct, this equates to 28.3m<sup>2</sup> of open space per person. Despite this, the Post Exhibition Planning Report for the Riverstone and Alex Avenue Precinct indicates that the two precincts provide 48 hectares of public open space. This equates to 2.17 hectares per 1000 people for the Riverstone Precinct. This equates to 21.7m<sup>2</sup> of open space per person.

Based on the provided rate, the additional 56-89 people residing on site, generated by this planning proposal, will require an additional 1,215m<sup>2</sup> to 1,931m<sup>2</sup> of open space and will make the existing rate 2.16 hectares per 1000 people.



## 4 Concept Proposal

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In addition, 72 hectares of conservation area are provided in the two precincts. When the additional open space, which will be in the form of reserves providing an alternate open space option for residents. When these conservation areas are included the amount of open space areas equates to 5.4 hectares per 1000 people.

When the additional population which may be generated from the planning proposal is added to this rate the rate becomes 5.38 to 5.37 hectares per 1000 people.

The increased population will have a minor impact on the demand for public open space, especially when the conservation areas are considered as part of the open space which will be available for use by residents. When the conservation areas are also included the rate of open space per person provides an additional 2.54 hectares per 1000 people, which is an additional 25.4m<sup>2</sup> compared with the envisaged average rate. The additional population provides a negligible increase which will not impact residents access to open space.

It is broadly recognised and indeed stated in the Contributions Plan that the \$30,000 per lot Contributions cap will prevent Council from providing all the works proposed in the Contributions Plan. The additional 19 lots will assist in providing Council with additional funds to pay for the items identified in the Contributions Plan.

### 4.3.3 Infrastructure Capacity Analysis

Investigations into existing and future infrastructure on the site has been undertaken by Orion Consulting Engineers. The Engineering Concept Plan at **Appendix 4** identifies the location of services, including existing water, gas, sewer, electricity, telecoms and NBN services surrounding the site.

A search undertaken by Orion has identified that these services can be connected to the site and have capacity for the additional 19 residential lots. This letter is provided at **Appendix 6**.

### 4.4 Response to Site Analysis

The proposed concept plan responds to the site analysis, provided at **Appendix 2**, by seeking to extend the existing R2 zoning to the east of the site and retains the road layout pattern as determined by the Indicative Layout Plan for Riverstone.

The proposal does not propose a higher density yield compared with the surrounding residential sites to the north, east and south and as a result will extend the existing development context of the site.

## 5 Matters Required by s3.33 of the EP&A Act

### 5.1 Introduction

Section 3.33 of the EP&A Act relates to Planning Proposals and specifically, the matters that are to be addressed in a Planning Proposal. Specifically, Section 3.33 states:

- “(1) Before an environmental planning instrument is made under this Division, the relevant planning authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the planning proposal).*
- (2) The planning proposal is to include the following:*
  - (a) a statement of the objectives or intended outcomes of the proposed instrument,*
  - (b) an explanation of the provisions that are to be included in the proposed instrument,*
  - (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 9.1),*
  - (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
  - (e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.*
- (3) The Director-General may issue requirements with respect to the preparation of a planning proposal.”*

The following subsections of this Planning Proposal address the requirements of Section 3.33 of the EP&A Act.

### 5.2 Part 1 - Objectives or Intended Outcomes (Section 3.33(2)(a))

#### 5.2.1 Objectives and Outcomes

The intended objective or outcome of this Planning Proposal is:

*To rezone that part of the site zoned SP2 Education to allow the subdivision of the site for low density residential purposes.*

#### 5.2.2 Existing Zone objectives and permissible uses

The Zone Objectives and Land Use Table pursuant to the current version of the SP2 Infrastructure (Educational Establishment) are stated as follows:

**“1. Objectives of zone**

- To provide for infrastructure and related uses.*
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

**2. Permitted without consent**

*Nil*

**3. Permitted with consent**

*The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose; Drainage; Earthworks; Environmental protection works; Flood mitigation works; Roads; Water recycling facilities; Waterbodies (artificial)*

**4. Prohibited**

*Any other development not specified in item 2 or 3”*

Note: the purpose shown on the Land Zoning Map is “Educational Establishment”.

## 5 Matters Required by s3.33 of the EP&A Act

The meanings of words or expression within the above provisions are subject to the definitions in the *Standard Instrument (Local Environmental Plans) Order 2006*.

### 5.3 Part 2 - Explanation of Provisions (Section 3.33(2)(b))

#### 5.3.1 Proposed Permissibility

The proposed outcome will be achieved by amending the following:

##### Zoning

Rezoning the site from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential will allow the site to be developed for low density residential purposes as the SP2 Infrastructure zone is now redundant. The area of the site (along the north east boundary) which is currently zoned R2 does not need to be changed. **Figures 8 and 9** below demonstrate the proposed zoning amendment.

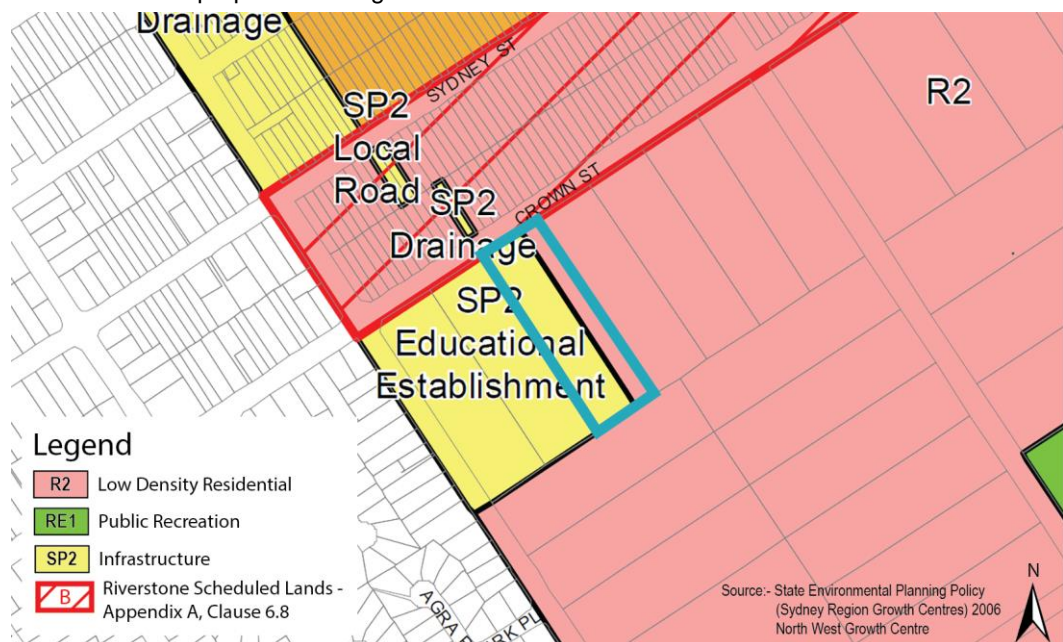


Figure 8 Existing Zoning Map extract

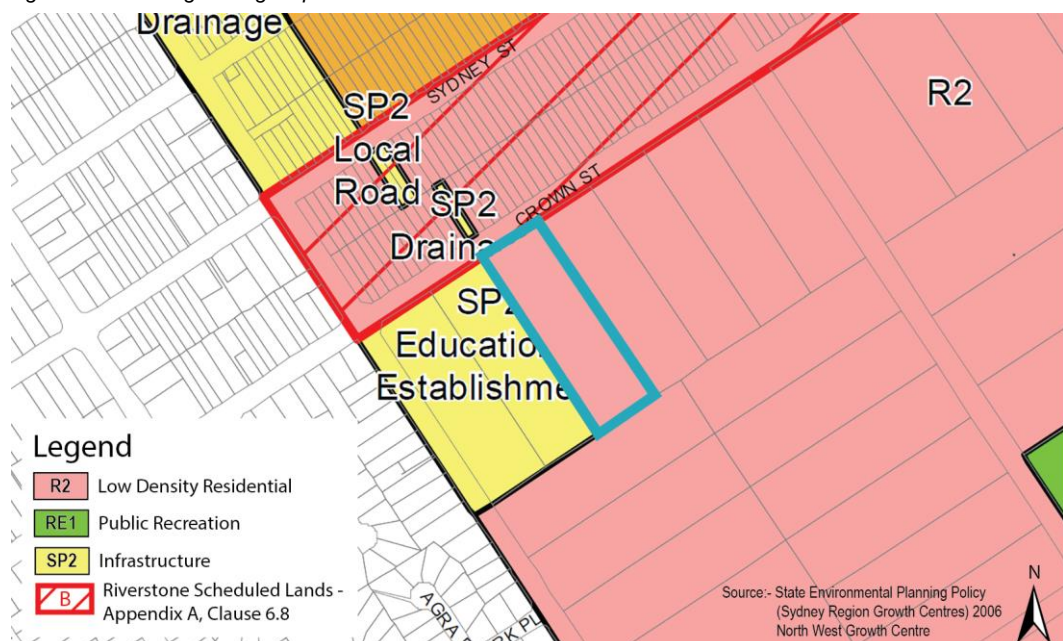


Figure 9 Proposed Zoning Map extract



## 5 Matters Required by s3.33 of the EP&A Act

### Maximum Building Height

The SP2 portion of the site currently does not have a maximum height limit. It is proposed to apply a 9 metre height limit (expressed in green and the letter J on the Building Height Map). The 9 metre height limit is in accordance with other R2 zoned land on the site and in the vicinity. **Figures 10** and **11** below demonstrate the proposed height map amendment.



Figure 10 Existing Building Height Map extract

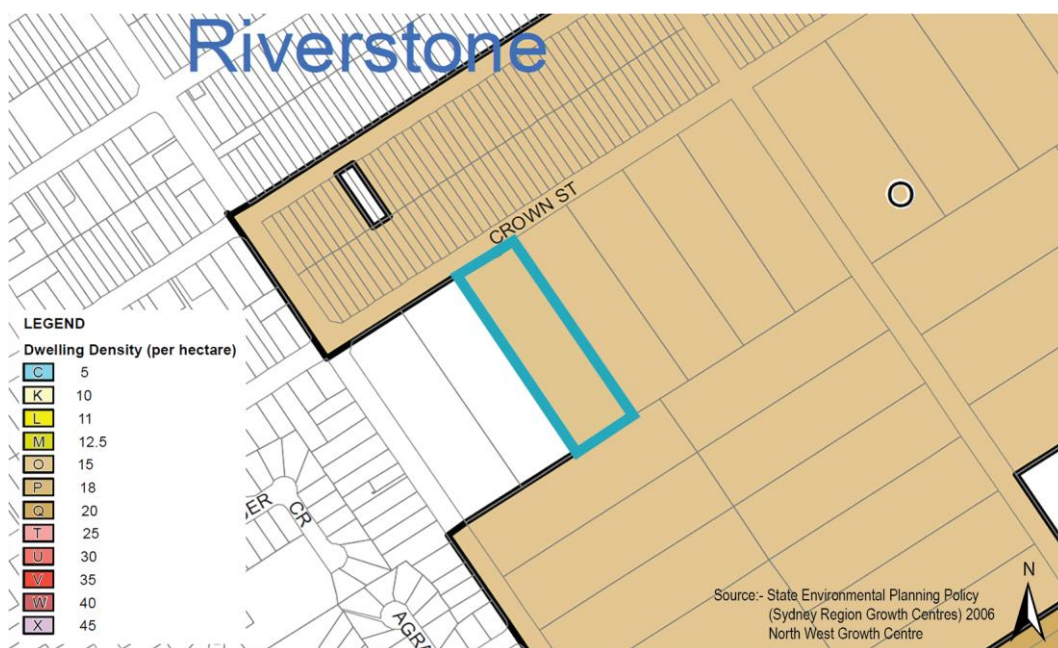
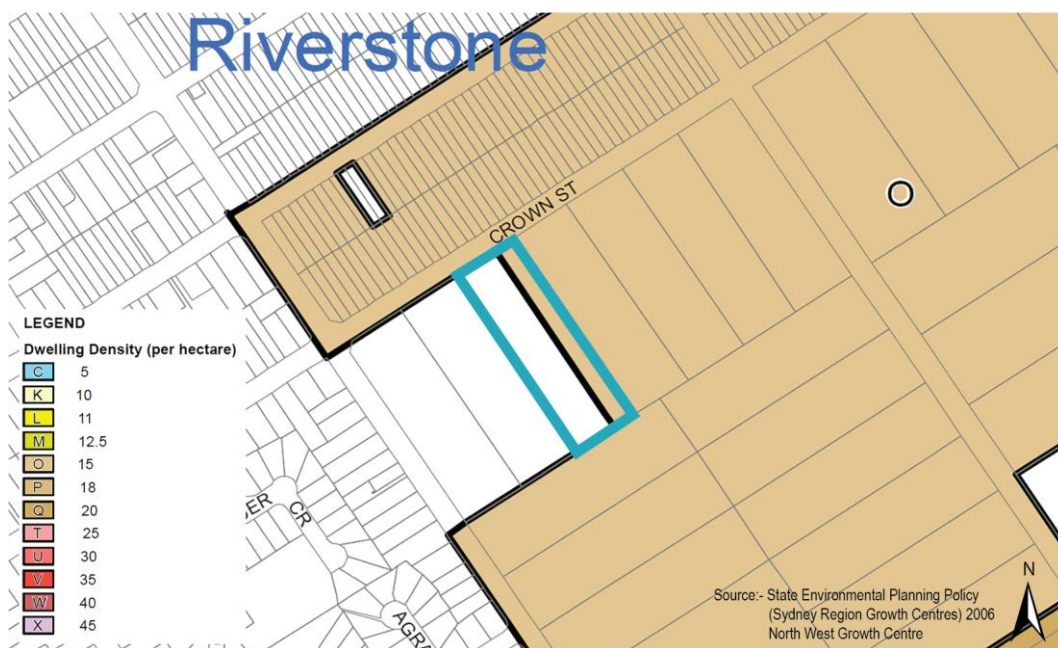


Figure 11 Proposed Building Height Map extract

### Dwelling Density

The SP2 portion of the site currently does not have a minimum dwelling density. It is proposed to apply a dwelling density of 15 dwellings per hectare (expressed in beige and the letter O on the Dwelling Density map). The 15 dwellings per hectare density is in accordance with other R2 zoned land in the vicinity. **Figures 12** below shows the existing density provision. For the site the proposed density is identical to the existing density control and **Figure 13** below demonstrates the proposed dwelling density map amendment.

## 5 Matters Required by s3.33 of the EP&A Act



### Land Reservation and Acquisition

The SP2 portion of the site is currently identified as land subject to compulsory acquisition. Acquisition of the land is under the authority of the Minister administering the Education Act 1990. As discussed in **Section 2** the land is not required by the DoE for the school site.

As such it is necessary to amend the Land Reservation Acquisition Map to remove the acquisition reference as it applies to the site. **Figures 14** and **15** below demonstrate the proposed dwelling acquisition map amendment.



## 5 Matters Required by s3.33 of the EP&A Act

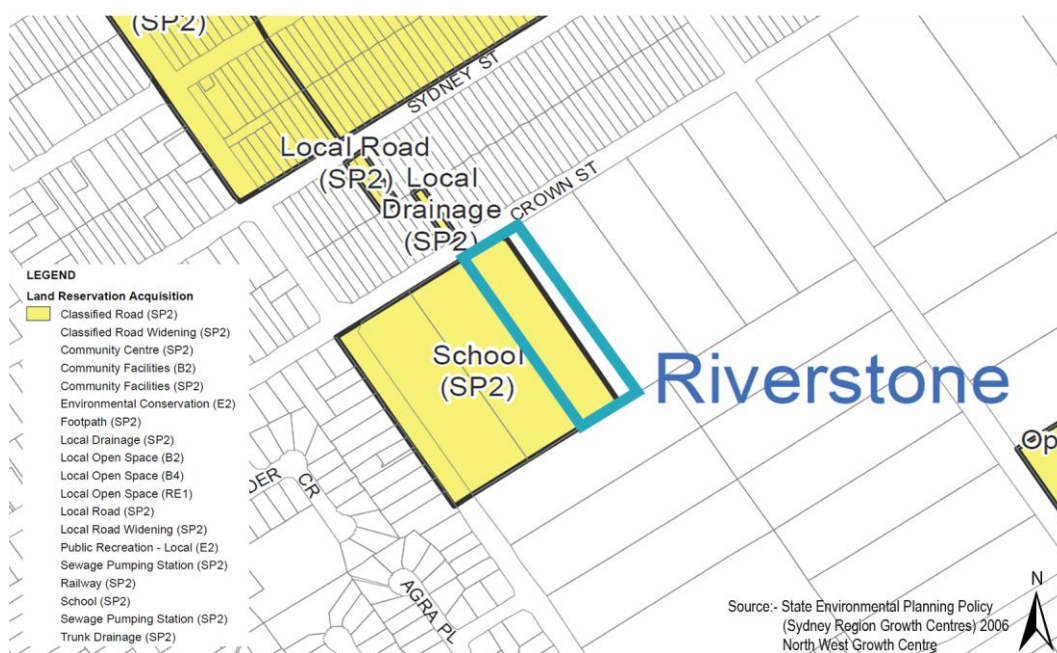


Figure 14 Existing Land Reservation Acquisition Map extract

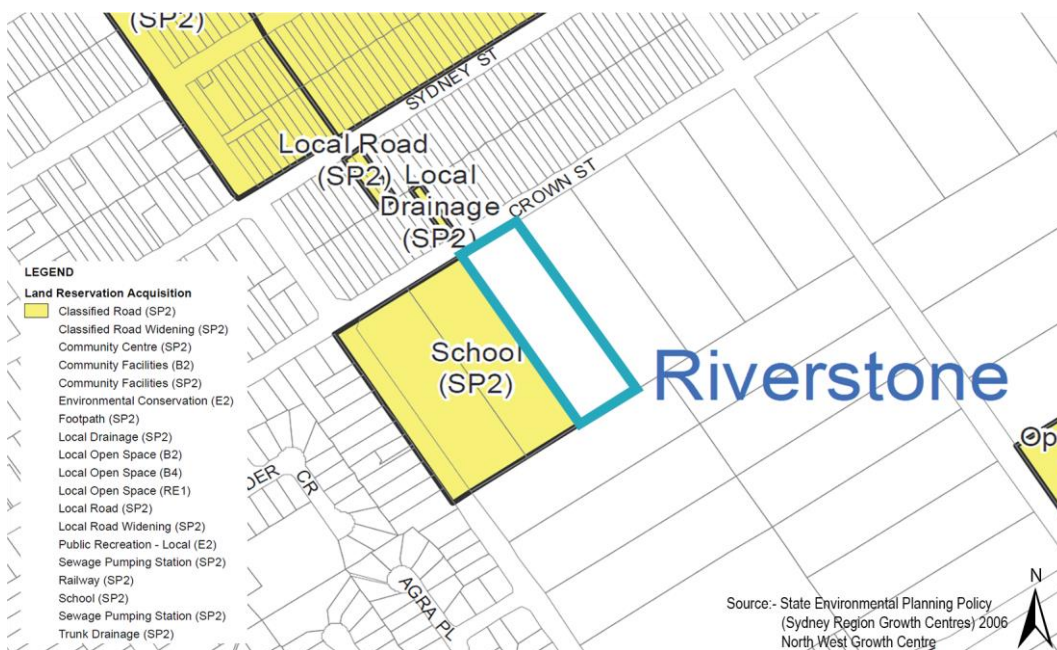


Figure 15 Proposed Land Reservation Acquisition Map extract

### 5.4 Part 3 – Justification (Section 3.33(2)(c))

#### 5.4.1 Section A – Need for the Planning Proposal

##### Strategic Studies or Reports

The proposal has not been prepared in response to any strategic study prepared by Council.

However, the DoE has undertaken its own assessments of its land requirements for new schools and determined that 115 Crown Street is surplus to its requirements. A school is still proposed on the 2 adjoining properties to the south east.

##### Best Means of Achieving the Intended Objectives or Outcomes

Rezoning the site is the best option to achieve the subdivision of the site for low density residential purposes. The first objective of the R2 Zone is:

## 5 Matters Required by s3.33 of the EP&A Act

*“ To provide for the housing needs of the community within a low density residential environment.”*

The concept plan for low density residential lots is in accordance with this objective as it will allow for a variety of housing options within a low density residential environment. The rezoning will extend the existing R2 zoning which is currently present north, east and south of the site and will provide consistency among the adjoining residential lands.

Dwelling houses are also permitted with consent in the R3 Medium Density Residential zone, however this zone allows for a much wider range of uses, including residential flat buildings and shop top housing. The additional uses permitted in the R3 zone are not appropriate for the land and will allow for land uses which are not intended on site.

### 5.4.2 Section B – Relationship to Strategic Planning Framework

#### Metropolis of Three Cities

A Metropolis of Three Cities is the key strategic document for the growth of Sydney. The plan was prepared by the Greater Sydney Commission and was released in March 2018, providing a framework for the growth of Sydney over the next 20 years.

The plan is clear in its strategic intent to create cities where residents live within 30 minutes of their jobs, education, health and recreation requirements. The plan identifies three cities which are each able to function independently. This vision for Sydney is set out in four overarching frameworks. Of these four frameworks, liveability directly relates to this planning proposal.

Within the liveability framework the following objectives apply:

**Table 2 The proposals consistency with A Metropolis of Three Cities**

Objective	Proposal's Relationship to the objective
7. Communities are healthy, resilient and socially connected	The allotments to be rezoned are adjacent to existing low density residential allotments and will be adjacent to a school. The proposal seeks to extend the low density residential land to extend the existing community. Residents will have access to the same parks, schools, shops and local services as existing surrounding residents.
10. Greater housing supply	The proposal will result in 19-30 new residential allotments. The provision of new allotments further increases housing supply in the already established Riverstone Precinct and will provide a small amount of new dwellings without resulting in an oversupply of new dwellings. The Plan identifies a target of 53,500 new dwellings by 2021 in the western city district. The additional 19-30 allotments will contribute only a small amount to the overall dwelling target.
11. Housing is more diverse and affordable	The proposal will result in additional housing typical within the existing Riverstone precinct. Housing will likely comprise 3 or 4 bedroom dwellings with rear private open space. Future residents will have a choice of housing depending on their needs and budgets and can choose lots and houses accordingly.
31. Public open space is accessible, protected and enhanced.	The proposal includes options for Council to acquire additional land for public open space or receive additional money for enhancement of existing public open space. Without the land being rezoned to low density residential land the site would remain as a rural property as it is not the intention of the Department of Education to acquire the site. The two options allow Council to achieve the open space requirements generated by the future rezoning while also allowing new public open space in an area closer to other residents in Riverstone.

#### A Plan for Growing Sydney

A Plan for Growing Sydney is the NSW Government's key strategic planning document which was released in December 2014 and sets out the framework for the growth of Sydney over the

## 5 Matters Required by s3.33 of the EP&A Act

next 20 years. The plan is clear in its strategic intent to increase housing supply, strengthen Sydney's economic output and encourage well planned greenfield release areas. This vision for Sydney is set out in four overarching goals, two of which directly relate to the proposal. They are:

*Goal 1: A competitive economy with world-class services and transport*

*Goal 2: A City of housing choice, with homes that meet our needs and lifestyles.*

The consistency with goal 1 and 2 and the corresponding directions and actions is discussed in the table below:

Table 3 The proposals consistency with A Plan for Growing Sydney	
Action point	Proposals Relationship to the action point
<b>Direction 1.10: Plan for education and health services to meet Sydney's growing needs</b>	
1.10.1 Assist the Department of Education & Communities, The Catholic Education Commission and the Association of Independent Schools of NSW to identify and plan for new school sites throughout Sydney	The DoE have indicated that the portion of the site that is zoned for educational purposes is not needed for the future school located on the corner of Crown Street and Hamilton Road. As the site is not needed for the future school it is necessary to rezone the site to alleviate the DoE from their burden to acquire the site. As the DoE is maintaining a commitment to construct a school on the 2 adjoining sites to the south west, it would not be practical for a Catholic or Independent school to be located on that part of 115 Crown Street at that is zoned SP2 (Infrastructure).
<b>Direction 2.1: Accelerate housing supply across Sydney</b>	
2.1.1 Accelerate housing supply and local housing choices	<p>This action is provided with the aim to increase housing supply to 664,000 new dwellings by 2031 with the intention of increasing choice and housing affordability.</p> <p>The rezoning of the SP2 land will create at least 19 new lots of various land areas. This will allow for a range of low density housing forms to be constructed on site, including dwelling houses, dual occupancies, semi-detached dwellings, studio dwellings and secondary dwellings.</p>
<b>Direction 2.4: Deliver timely and well planned greenfield precincts and housing</b>	
2.4.1 Deliver greenfield housing supply in the north west and south west growth centres	The rezoning will allow the delivery of new homes in the north west growth centre, specifically in the Riverstone Precinct. The locality has already been rezoned and subdivision and dwelling construction has commenced in the immediate locality, this indicates that the site is connected to local infrastructure and is appropriate for a low density residential use. The proposed rezoning does not prevent a school from being constructed on the corner of Crown Street and Hamilton Street.

### North West Growth Area

The site is located within the Riverstone Precinct. The precinct will deliver 9,000 new homes and three new primary schools. The planning proposal to rezone the site from SP2 (Educational Establishment) to R2 will not reduce the number of schools within the precinct, as two lots west of the subject site (comprising approximately 2.45 hectares of land) will remain zoned for a school. The DoE have indicated that the SP2 portion of the subject site (comprising approximately 1 hectare of land) is not needed for the future primary school.

The rezoning will assist in the delivery of new dwellings in the precinct, the majority of which are low density residential dwelling. The proposed R2 zoning is a continuation of the R2 zoning which is currently present north, east and south of the site.

### North West Land Use and Infrastructure Implementation Plan

The North West Land Use and Infrastructure Implementation Plan aims to direct housing and infrastructure for that housing within the areas of the north west growth centre which have been released, while also considering the environmental constraints for development. Part of the plan provides new density controls to provide sustainable growth.

## 5 Matters Required by s3.33 of the EP&A Act

The plan provides 8 key actions to achieve the aims of the plan. The following table addresses each action as is relevant to the planning proposal.

Table 4 The Proposals consistency with the North West Land Use and Infrastructure Implementation Plan	
Action Point	Proposals Relationship to the action point
1. Provide more land supply for new homes	The proposal will provide additional low density residential lots, allowing for detached residential dwellings dual occupancy and secondary dwellings to be constructed on site. Rezoning is to occur in line with availability of essential services. As the proposed rezoning is a small land area, in an area which is currently undergoing development, it is expected that the site will have adequate access to essential services.
3. Manage residential densities to align with infrastructure	Draft amendments to SEPP Growth Centres have been prepared by the DPE. Under these amendments it is proposed that dwelling density ranges will be implemented. The site would have a dwelling density range of 15-25 dwellings per hectare. This would equate to the site requiring 19 to 30 dwellings. Any future DA would comply with these densities.
6. Simplify planning controls within the Blacktown precincts in the NWPGA	The planning proposal seeks to adopt the controls of the sites to the east and south, creating a continuous zoning pattern. The rezoning can be included in the proposed combined precinct plan for the Blacktown precincts.

The proposal is consistent with the North West Land Use and Infrastructure Implementation Plan. The additional residential land will result in a small increase in the future dwellings in the precinct. The additional dwellings will not have any adverse impacts on the locality and will not result in over demand of the already planned essential services as discussed in Section 4.3.2 and 4.3.3 of this report.

### Central City District Plan

The site is within the Central City District and is therefore subject to the Central City District Plan. This plan provides a 20 year plan to manage growth and create liveability, productivity and sustainability. The plan includes housing for the region as a key priority, providing targets for housing and providing housing variety.

Priority C5 relates directly to this planning proposal, which states the priority as:

*“Providing housing supply, choice and affordability, with access to jobs and services”*

The planning proposal will make a small contribution to housing supply in Riverstone. The conceptual lot sizes are varied in size, which will allow for a range of housing choices, which will range in affordability.

The North West Growth Centre has been planned with the intent of providing jobs and services in close proximity to housing. The site will be adjacent to a primary school and within walking distance of parks and Riverstone Train Station. Access to Riverstone Station will provide residents with access to other centres in the North West Growth Centre where jobs are available.

Priority C17 has the potential to relate to the planning proposal should Council agree to having land dedicated or rezoned for public open space in the form of a pocket park. The priority is:

*“Delivering high quality open space”*

The priority acknowledges that there are relatively few opportunities to increase the quantity of public open space, this planning proposal however provides Council with an opportunity to obtain more land for public open space, most likely for a local playground. The location of the pocket park next to the school will provide a good opportunity for the future pocket park to be utilised by the broader population especially around periods of school pick up and drop off times. This unique opportunity has the ability to meet Action 71.b. which states:

*“investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space”*



## 5 Matters Required by s3.33 of the EP&A Act

The site is 500 metres walking distance from the park on the corner of William Street and Canterbury Street and is 500 metres from Ridgeview Park. By providing some public open space on site more dwellings will be within 400 metres of a local park.

### State Environmental Planning Policies

**Table 5** provides an assessment of the Planning Proposal's consistency with relevant State Environmental Planning Policies (SEPPs).

Table 5 Consistency with Applicable State Environmental Planning Policies		
SEPP	Response	Consistent
<b>SEPP No. 55 Remediation of Land</b>	The Site is not known to be contaminated. Stage 1 Preliminary Site Investigation Contamination reports are typically required at DA stage in case there are any residual contaminants from previous agricultural uses on the site.	Consistent
<b>SEPP (Building Sustainability Index: BASIX) 2004</b>	This is relevant at DA stage however the concept design at <b>Appendix 2</b> will be capable of achieving the BASIX resource savings goals.	Consistent
<b>SEPP (Building Sustainability Index: BASIX) 2004</b>	This is relevant at DA stage where future dwellings will need to demonstrate compliance with the BASIX resource savings goals.	Consistent
<b>SEPP (Sydney Region Growth Centres) 2006</b>	The Planning Proposal includes changes to SEPP (Sydney Region Growth Centres) 2006 to ensure compliance with the SEPP is possible for a low density residential subdivision.	Consistent
<b>SEPP (Infrastructure) 2007</b>	The Planning Proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP. This SEPP may apply to future development.	Consistent
<b>SEPP (Affordable Rental Housing) 2009</b>	SEPP (Affordable Rental Housing) 2009 is relevant at DA stage where future development could apply for a secondary dwelling, group home, infill housing or a boarding house. Any future development pursuant to SEPP (ARH) would need to address the various standards and controls relevant to the proposed works.	Consistent
<b>SEPP (Vegetation in Non-Rural Areas) 2017</b>	SEPP (Vegetation in Non-Rural Areas) 2017 applies to the site as it is located within Blacktown Local Government Area. Under Part 3 of the Vegetation SEPP, Council can issue permits for the clearing of vegetation in non-rural areas in accordance with the requirements of a development control plan.  Appendix D of the BCC Growth Centres DCP identifies the prescribed trees and preferred species. The Prescribed trees identified in Appendix D apply to the Vegetation SEPP. Trees and vegetation on the site that are proposed to be removed may be subject to the requirements of the Vegetation SEPP and may require the approval of Council.  The site contains several trees along the site boundary. Some trees are located within the road reserve as identified in the Indicative Layout Plan and as such would need to be removed for construction of the roads.	Consistent

Accordingly, the Planning Proposal is considered to be consistent with the relevant applicable SEPPs.



# 5 Matters Required by s3.33 of the EP&A Act

## Blacktown City Council Growth Centre Development Control Plan (DCP)

A minor amendment will be required to the Indicative Layout Plan of the DCP in order to provide vehicular access to the future residential allotments. An extract of the updated Indicative Layout Plan is provided below in **Figure 16**. The full updated Indicative Layout Plan is provided at **Appendix 8**.



Figure 16 Proposed Amendment to the ILP of Riverstone

There are no site specific controls in the BCC Growth Centre DCP that apply to the site, as such it is not proposed to change the DCP. A future development will be required to comply with the relevant DCP controls.

### Directions under Section 9.1

**Table 6** provides an assessment of the Planning Proposal's compliance with relevant Section 9.1 Directions.

Table 6 Compliance with Section 9.1 Directions	
SEPP	Response
1. Employment and Resources	
	Not Applicable
2. Environment and Heritage	
	Not Applicable

## 5 Matters Required by s3.33 of the EP&A Act

**Table 6 Compliance with Section 9.1 Directions**

SEPP	Response
<b>3. Housing, Infrastructure and Urban Development</b>	
<b>3.1 Residential Zones</b> (1) The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, (c) to minimise the impact of residential development on the environment and resource lands.  (4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design.  (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	<p>The Planning Proposal will allow for the residential subdivision of the site into at least 19 new lots. Lots will be able to range in sizes and final lot sizes will be determined at DA stage. A range of lot sizes will allow for a range of housing typologies consistent with a low density zoning.</p> <p>The site currently has access to newly constructed infrastructure and services as the site is within a growth centre. The surrounding sites are currently being developed with low density residential dwellings, indicating that sites in the immediate locality have access to all essential services.</p> <p>The site is currently not zoned for environmental or resource purposes and will therefore not adversely impact these lands. The site is within an existing growth centre and will therefore not consume any land on the urban fringe that is not currently planned for consumption.</p> <p>The planning proposal seeks to provide a residential density which is consistent with the permissible residential density of adjoining neighbouring R2 sites.</p>
<b>3.4 Integrating Land Use and Transport</b>  (1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.  (4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).	<p>The site adjoins a future primary school, is within 400m<sup>2</sup> of a park and is within 2km of Riverstone Station, Riverstone High School, future playing fields. Bus services are currently provided along Crown Street and Hamilton Street and it is likely that bus services will increase as the area becomes more developed.</p> <p>The further increase in residential land will provide more people using public transport, in particular bus services, which will increase the efficiency and viability of public transport.</p>

## 5 Matters Required by s3.33 of the EP&A Act

**Table 6 Compliance with Section 9.1 Directions**

SEPP	Response
<b>4. Hazard and Rise</b>	
<b>4.4 Planning for Bushfire Protection</b>	
<p>(1) The objectives of this direction are:</p> <ul style="list-style-type: none"> <li>(a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</li> <li>(b) to encourage sound management of bush fire prone areas.</li> </ul> <p>(4) In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 3.34 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,</p> <p>(5) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) have regard to Planning for Bushfire Protection 2006,</li> <li>(b) introduce controls that avoid placing inappropriate developments in hazardous areas, and</li> <li>(c) ensure that bushfire hazard reduction is not prohibited within the APZ.</li> </ul>	<p>Part of the site is identified as containing bushfire prone land and is specifically identified as being 'Vegetation Buffer'. A Bushfire Assessment Report has been prepared by Building Code &amp; Bushfire Hazard Solutions, this report is provided at <b>Appendix 7</b>.</p> <p>The Bushfire Assessment Report identifies that a 20-metre-wide asset protection zone (APZ) is required to the north. Crown Street is 20 metres wide and can therefore fully contain the required APZ. The road verges must be maintained in accordance with the requirements of an inner protection zone in order to satisfy the APZ requirement.</p> <p>Any future DA that is for subdivision of land for residential purposes will require referral to the Rural Fire Service (RFS). Future dwellings will also require site specific bushfire assessment to determine any BAL requirements and whether the proposed building meets these requirements.</p>
<b>5. Housing, Infrastructure and Urban Development</b>	
Not Applicable	
<b>6. Local Plan Making</b>	
<b>6.1 Approval and Referral Requirements</b>	
<p>(1) The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>(4) A planning proposal must:</p> <ul style="list-style-type: none"> <li>(a) minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority, and</li> <li>(b) not contain provisions requiring concurrence, consultation or referral of a Minister or public authority unless the relevant planning authority has obtained the approval of: <ul style="list-style-type: none"> <li>(i) the appropriate Minister or public authority, and</li> <li>(ii) the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), prior to undertaking community consultation in satisfaction of section 57 of the Act, and</li> </ul> </li> <li>(c) not identify development as designated development unless the relevant planning authority: <ul style="list-style-type: none"> <li>(i) can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the class of development is likely to have a significant impact on the environment, and</li> <li>(ii) has obtained the approval of the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) prior to undertaking</li> </ul> </li> </ul>	<p>This Planning Proposal does not include any proposed provisions requiring referrals or concurrences, with the exception of referral to the RFS as per Section 100B of the Rural Fires Act 1997 and section 4.14 of the EP&amp;A Act, which requires a 'bushfire safety authority' to be issued by the Commissioner of the NSW Rural Fire Service, for subdivision of bushfire prone land that could lawfully be used for residential or rural residential purposes.</p> <p>No new provisions requiring concurrence, consultation or referral are proposed in the planning proposal</p>

## 5 Matters Required by s3.33 of the EP&A Act

**Table 6 Compliance with Section 9.1 Directions**

SEPP	Response
community consultation in satisfaction of section 57 of the Act.	
<b>6.2 Reserving Land for Public Purposes</b>  (1) The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.  (4) A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).  (5) When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must: (a) reserve the land in accordance with the request, and (b) include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and (c) identify the relevant acquiring authority for the land.  (6) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must: (a) include the requested provisions, or (b) take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.  (7) When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.	<p>This direction restricts planning proposals from reducing existing zonings and reservations of land for public purposes without approval from the relevant public authority.</p> <p>Approval has been granted by the DoE, who are the relevant acquisition authority for the current SP2 zoned land.</p> <p>The DoE have indicated that they do not require the SP2 portion of land that forms part of the subject site, as the adjacent two allotments are large enough for the future school.</p> <p>Consent to lodge this planning proposal has been provided by DoE and is attached at <b>Appendix 3</b>.</p>
<b>6.3 Site Specific Provisions</b>  (1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.  (4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended. (5) A planning proposal must not contain or refer to drawings that show details of the development proposal.	<p>This Planning Proposal does not include any proposed site or development specific provisions.</p>
<b>7. Local Plan Making</b>	

## 5 Matters Required by s3.33 of the EP&A Act

**Table 6 Compliance with Section 9.1 Directions**

SEPP	Response
<b>7.1 Implementation of A Plan for Growing Sydney</b>  (1) The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.  (4) Planning proposals shall be consistent with: (a) the NSW Government's A Plan for Growing Sydney published in December 2014.	As discussed in <b>Section 5.4.2</b> of this report, this Planning Proposal is consistent with A Plan for Growing Sydney.
<b>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</b>  (1) The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).  (1) Planning proposals shall be consistent with the North West Land Use and Infrastructure Strategy.	As discussed in <b>Section 5.4.2</b> of this report, this Planning Proposal is consistent with the North West Land Use and Infrastructure Strategy.

Accordingly, the Planning Proposal is considered to comply with the relevant Section 9.1 Directions.

### 5.4.3 Section C – Environmental, Social and Economic Impact

#### **Critical Habitat, threatened species, populations or ecological communities**

There are no critical habitats or threatened species, populations or ecological communities, or their habitats on or around the site that will be affected by the Planning Proposal.

#### **Other environmental effects and their management**

##### (a) Traffic and Parking

Schools typically result in high traffic volumes during peak periods and high levels of on-street parking in peak periods. In comparison, low density residential development has much lesser traffic impact than a school, as trips are more spaced out and parking is provided on site, rather than on-street.

The proposal will generate traffic in accordance with other residential sites in the locality, this traffic generation will be minor and will be accommodated in the existing street network.

##### (b) Contamination

The site may have some levels of contamination as a result of previous agricultural uses. It is recommended that a preliminary site investigation (PSI) report be prepared at DA stage to provide advice on any remediation measures that may need to be undertaken prior to subdivision works. The site is not listed as a known contaminated site and as such a PSI is not required for rezoning and will however be required for a DA, which is a typical requirement for a subdivision DA on land previously used for agricultural purposes. It should be noted that former agricultural land rezoned for residential purposes in the Grown Centres do not include PSI's but are provided at DA stage.

##### (c) Privacy Impacts

Privacy impacts will generally be addressed in a future DA. As the proposal is for a small amount of residential lots in an area which is surrounded other residential subdivisions there will be no adverse privacy impacts generated by the planning proposal.



## 5 Matters Required by s3.33 of the EP&A Act

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The school has always been proposed to be surrounded by residential development. The proposed rezoning does not change this and will not impact the privacy of the school beyond that already zoned.

### **Social and economic effects**

#### **(a) Housing**

The proposal will increase housing supply in an area which is already in high demand and new lots will be provided with access to all essential services, local parks and adjacent bus services.

The development of the site will allow for the construction of the other half of Medlock Road, which is currently partly constructed and provides access to the 101 new residential lots located north east of the site.

#### **(b) Educational Lands**

As discussed, the site is not required by the DoE for a future school as the two lots to the south west of the subject site provide the space needed for a future school. Therefore the rezoning of the site from Infrastructure (Educational Establishment) to Low Density Residential will not reduce the amount of educational lands to less than what is required by the DoE.

#### **(c) Safety and Security**

The proposal will have positive safety outcomes, increasing casual surveillance to the school. Future dwellings will be designed to provide safety and security for residents, neighbours and the school.

### **5.4.4 Section D – State and Commonwealth Interests**

#### **Public Infrastructure**

The proposal will be supported by access to local parks, bus services and a public school, all within walking distance. The local community of Riverstone will provide residents with access to local shops, Riverstone Train Station and a High School. Available public transport services will provide residents with access to employment lands within other precincts of the North-West Growth Centre.

#### **Public Authority Consultation and Referral**

This Planning Proposal will require public notification. Relevant government authorities will be notified during the exhibition period.

### **5.5 Part 4 – Mapping (Section 3.33(2)(d))**

The following mapping changes are required (note, maps are shown in **Section 5.3.1** above):

- Rezoning the site to R2 Low Density Residential in accordance with **Figure 9** above.
- Change the height limit of the site to 9.5 metres, represented by the letter 'J' and the colour green in accordance with **Figure 11** above.
- Change the minimum dwelling density of the site to 15 dwellings per hectare, represented by the letter 'O' and the colour buff in accordance with **Figure 13** above.
- Change the Land Reservation Acquisition Map to remove the acquisition reference as it applies to the site in accordance with **Figure 15** above.

### **5.6 Part 5 - Community Consultation (Section 3.33(2)(e))**

Whilst it is a requirement to undertake statutory consultation relating to a Draft LEP, we are of the opinion that this need not be extensive or prolonged and should not exceed 14 days, although this will be for Council and DPE to determine.

## 5 Matters Required by s3.33 of the EP&A Act

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### 5.7 Part 6 – Project Timeline

The timeline for assessment, consultation and determination of this Planning Proposal will be for Council and DPE to determine however, we consider that it should be possible to expedite this Planning Proposal within the DPE's suggested timeframe of 6 months for a minor spot rezoning.

This section provides an environmental assessment of the proposed development in respect of the relevant matters for consideration under Section 4.15 (1) of the Environmental Planning and Assessment Act, 1979 (EP&A Act).

## 6 Conclusion

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This Planning Proposal has been prepared on behalf of Freelyn Nominees Pty Ltd and seeks to rezone land at 115 Crown Street, Riverstone from SP2 Infrastructure to R2 Low density. The rezoning will allow superfluous land zoned for school purpose to be utilised for low density residential purposes consistent with the R2 Low Density zone on part of the site and surrounding properties to the north, south and east. The rezoning does not prevent the DoE from constructing a school on the adjoining properties located on the corner of Crown Street and Hamilton Street.

This report and accompanying material has been prepared in accordance with Section 3.33 of the EP&A Act and relevant Departmental guidance.

This report concludes that the proposal to rezone land from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential and amend associated development standards to match that of a R2 zoning:

- is consistent with regional and subregional planning and transport strategies as well as local planning studies;
- is not inconsistent with relevant SEPPs and Section 9.1 Directions; and
- relieves the DoE from the burden of having to acquire land beyond what is required for a future school.

The site owner has been in consultation with the DPE and the DoE regarding the zoning of the site and the DoE have indicated that the area of the subject site which is currently zoned for Infrastructure – Educational Establishment which forms approximately 1 hectare of the site is not required for the future school site.

It is understood that Blacktown Council and the DPE have a copy of correspondence received from the DoE confirming that the DoE wishes to relinquish the site. Discussions with the DPE, Council and the DoE have indicated that all three agencies support the rezoning of the site to R2 Low Density Residential.

It is therefore proposed to rezone the site from Infrastructure (Educational Establishment) to R2 Low Density Residential. The site is surrounded by low density residential lands to the north, east and south and will provide between 19-30 dwellings on the site.

A concept plan has been provided which demonstrates that the site can contain 19 allotments all over 300m<sup>2</sup> in size and consistent with the provisions of the SEPP (SRGC). The future subdivision will be altered at DA stage when further site investigations are undertaken.

The proposal will not result in any adverse amenity impacts to neighbouring sites but instead will relieve the current burden on the DoE to acquire land that is not needed for a future school.

Accordingly, we recommend that Council endorse this Planning Proposal and forward it to the Minister for Gateway Approval.