

Planning Services

Plan Finalisation Report

Local Government Area: Blacktown

PP Number: PP_2016_BLACK_009_00

1. NAME OF DRAFT LEP

Blacktown Local Environmental Plan Amendment (Sydney Region Growth Centres – Blacktown Growth Centres Precinct) 2017 (the draft LEP). The draft written instrument is at **Attachment LEP**.

2. SITE DESCRIPTION

The planning proposal applies to land at Brighton and Bligh Street in the Riverstone Precinct in the North West Growth Centre. The site is approximately 2,807sqm and contains the allotments identified in the table below.

Address	Lot Description	Lot Area affected by the Proposal
42 Brighton Street Riverstone	Part of Lot 191 DP 1007	565.7sqm
42 Brighton Street Riverstone	Part of Lot 192 DP 1007	283.3sqm
Bligh Street, Riverstone	Part of Lot 195 DP 1007	654.1sqm
31 Brighton Street, Riverstone	Part of Lot 8 Sec F DP 712	248.2sqm
41 Brighton Street, Riverstone	Part of Lot 9 Sec F DP 712	239.8sqm
Bligh Street, Riverstone	Part of Lot 2 DP 1178963	287.1sqm
15 Kunic Street, Riverstone	Part of Lot 97 DP 1216448	75.4sqm
Bligh Street Riverstone	Part of Lot 98 DP 1216448	61.22sqm
Kunic Street Riverstone	Part of Lot 103 DP 1216448	393sqm
Part of Brighton Street, Riverstone		
Part of Bligh Street, Riverstone		
Total Lot Area		2807.8sqm

Refer to Figure 1 (overleaf) for the location of the site.

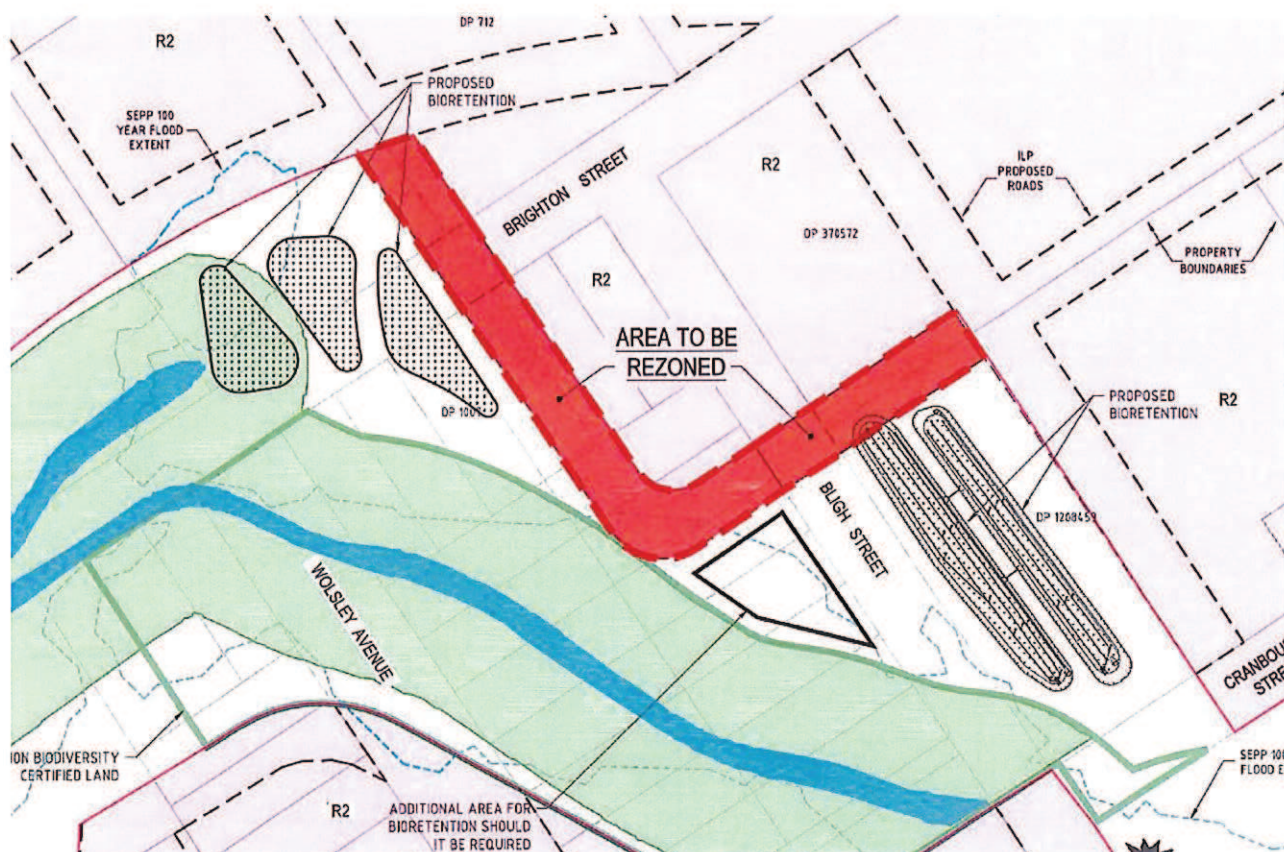


Figure 1 – The Site (outlined in red)

3. PURPOSE OF PLAN

The draft LEP seeks to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as follows:

- Amend Land Zoning Map (LZN_005) – rezone the site from SP2 Infrastructure (Drainage) to R2 Low Density Residential;
- Amend Height of Building Map (HOB_005) – apply a maximum building height of 9m across the site;
- Amend Residential Density Map (RDN_005) – apply a residential density of 15 dwellings per hectare across the site; and
- Amend Land Reservation Acquisition Map (LRA_005) – remove the existing land reservation across the site.

The existing and proposed maps are provided at **Attachment F**.

The road pattern put in place under the Riverstone Indicative Layout Plan (ILP) resulted in several existing lots off Bligh Street having no development potential. In May 2016, Council adopted an amendment to the ILP road pattern to retain more of the existing road alignment of Bligh Street. This resulted in land zoned SP2 Drainage being available for residential development (see Figures 2 and 3 over).



Figure 2 – Existing zoning

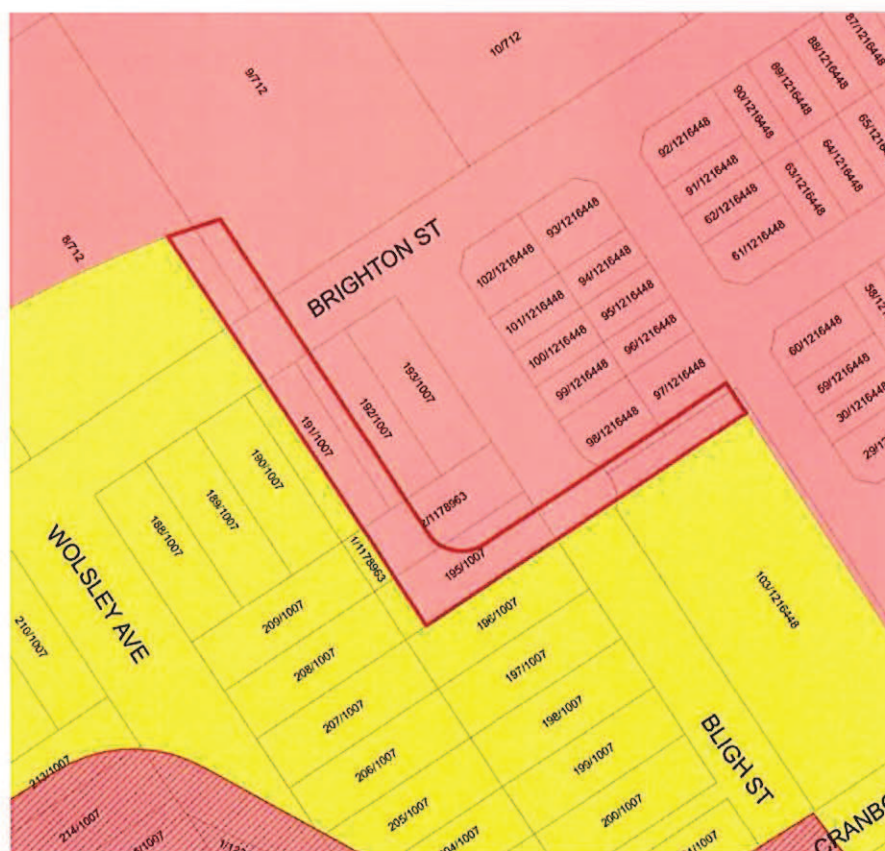


Figure 3 – Proposed zoning

4. STATE ELECTORATE AND LOCAL MEMBER

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

Ms 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 planning proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this planning proposal.

NSW Government reportable political donation: There are no known donations or gifts to disclose and a political donation disclosure is not required.

5. GATEWAY DETERMINATION

The Gateway determination issued on 16 January 2017 (**Attachment C**) determined that the proposal should proceed subject to conditions.

The proposal is due for finalisation by 23 January 2018.

6. PUBLIC CONSULTATION

In accordance with the Gateway determination, community consultation was undertaken by Council from 21 March 2017 to 21 April 2017. Council did not receive any community submissions during the exhibition period.

7. ADVICE FROM PUBLIC AUTHORITIES

Council consulted the public agencies in accordance with condition 4 of the Gateway determination. Council received two (2) submissions from the public agencies, including the Department's Land Release Team (**Attachment G**) and the Department of Primary Industries – Water (**Attachment H**). These public agencies did not raise any objections to the planning proposal, however identified issues to be addressed at the development application stage and clarification regarding the impact to the adjacent riparian corridor.

Council addressed the public agency comments in the Council report at **Attachment I**. It is noted that Council confirmed that the planning proposal will not impact the riparian corridor.

On 28 June 2016 (**Attachment I**) at Council's Ordinary Meeting, Council resolved to proceed with the planning proposal without any post-exhibition changes.

8. POST EXHIBITION CHANGES

Council did not resolve to undertake any post-exhibition changes to the planning proposal.

The draft LEP also includes a minor amendment to the land zoning map to correct an error implemented under the Blacktown Local Environmental Plan Amendment (Sydney Region Growth Centres—Marsden Park Precinct) 2017. The transport corridor across the Riverstone Precinct was removed from the land zoning map and the draft LEP will correct this error. This change has occurred since community consultation, but it is considered that re-exhibition is not warranted as it is only rectifying an obvious minor error in the previous plan.

9. SECTION 117 DIRECTIONS

In accordance with condition 1 of the Gateway determination (**Attachment C**), the consistency of the planning proposal with the following section 117 Directions is addressed as follows:

Direction 4.3 Flood Prone Land

The planning proposal is inconsistent with this Direction as it will rezone flood prone land within the site from SP2 land to R2 land. This inconsistency is considered to be of minor significance as Council's assessment (**Attachment J**) confirms that the site is suitable for residential purposes provided that a flood study and suitable engineering solutions to mitigate flooding are provided at the development application stage.

Direction 6.2 Reserving Land for Public Purposes

The proposal is inconsistent with this Direction as it will remove the acquisition of the site by Council for drainage purposes without the approval Secretary of the Department of Planning and Environment. This inconsistency is considered to be of minor significance as Council, as the relevant acquisition authority, has confirmed that the land is no longer required for local drainage purposes.

10. STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal is consistent with all relevant SEPPs.

It is noted that in terms of State Environmental Planning Policy 55 – Remediation of Land, that the Land Capability and Contamination Report which supported the rezoning of the Riverstone Precinct stated that the area contains low to moderate contamination risk. Furthermore, Council advise that an additional contamination assessment will be required at the development application stage to ensure consistency with the SEPP. This is considered satisfactory.

11. 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 not impact the adjacent biodiversity corridor (Objective 27).

12. DRAFT CENTRAL CITY DISTRICT PLAN

The site is located within the Central City District therefore 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 which has been identified for additional capacity to supply housing.

13. MAPPING

There are four (4) maps associated with this planning proposal (**Attachment Map**) which have been submitted via the ePlanning Portal. These maps have been examined by GIS staff and meet the technical requirements. The draft Maps were also provided to the Department's Land Release team for review who confirmed that the transport corridor correction is correctly shown and raised no other issues.

14. CONSULTATION WITH COUNCIL

Under s59(1) of the Act, Council was consulted on the terms of the draft instrument **(Attachment D)**.

Council confirmed on 23 November 2017 that the draft plan was supported **(Attachment E)**.

15. PARLIAMENTARY COUNSEL OPINION

On 27 November 2017, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

16. RECOMMENDATION

It is recommended that the Greater Sydney Commission's delegate determine to make the draft LEP as it will provide additional dwellings in the Riverstone Precinct and aligns with the intention of the Growth Centre SEPP.

Furthermore, it will reduce the cost to Council and the community as this land is no longer required to provide drainage infrastructure and funds can be utilised elsewhere.



30/11/17

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8/12/17

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