

**Planning Proposal - Growth Centre SEPP Amendment - Brighton and Bligh Street
Riverstone**

Proposal Title : **Planning Proposal - Growth Centre SEPP Amendment - Brighton and Bligh Street Riverstone**

Proposal Summary : **The objective of the planning proposal is to make better use of land. The subject site is zoned SP2 drainage and requested to be rezoned R2 low density residential development.**

PP Number : **PP_2016_BLACK_009_00** Dop File No : **16/15893**

Proposal Details

Date Planning Proposal Received :	04-Jan-2017	LGA covered :	Blacktown
Region :	Metro(Parra)	RPA :	Blacktown City Council
State Electorate :	RIVERSTONE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Bligh Street		
Suburb :	Riverstone	City :	Blacktown
		Postcode :	2765
Land Parcel :	land zone SP2 (drainage)		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name : **Adrian Hohenzollern**
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Land Release Data

Growth Centre :	Sydney North West	Release Area Name :	Riverstone
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **POLITICAL DONATIONS DISCLOSURE STATEMENT**

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning proposal.

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

External Supporting Notes : **The subject site is zoned SP2 drainage and identified as a proposed road on the Indicative layout Plan. In May 2016, Council determined the land is no longer required as a road or for drainage purposes, and therefore have provided a planning proposal to permit low density residential development as a better use of the land.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the planning proposal is to make better use of land currently zoned SP2 infrastructure (drainage) that is no longer required for trunk drainage, and rezoning it to R2 low density residential development. The proposal seeks to:**

- remove Council's obligation to acquire the land, as it is not needed for a public purpose (drainage);
- benefit Council and the broader community by reducing the cost of providing trunk

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drainage infrastructure funded through Section 94 contributions; and
• deliver minor gains in developable areas (increase dwelling yields) for affected landowners.

The Planning Proposal states the affected land is approximately 2821.8 m2 in size and the legal property descriptions (area affected in m2) are:

Lot 191 DP 1007 - (565.7 m2)
Lot 192 DP 1007 - (654.1 m2)
Lot 8 DP 712 - (248.2 m2)
Lot 9 DP 712 - (239.8 m2)
Lot 192 DP 1007 - (283.3 m2)
Lot 2 DP 1178963 - (287.1 m2)
Lot A DP 370572 - (398.6 m2)
Lot 102 DP 1208459 - (145 m2)

However, there are the following inconsistencies need to be clarified:

- Lot 192 DP 1007, is listed twice.
- Lot 2 DP 1178963, is shown on mapping within Appendix 1 as outside the subject site.
- Lot 195 DP 1007, is not listed above, but is shown on mapping within Appendix 1 as within the subject site.
- The size of the affected land area must be updated.

The Gateway determination contains a condition to address this prior to public exhibition.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The proposal seeks to amend the SEPP as it applies to the subject site as follows:

- amend the zoning from SP2 to R2 Low Density Residential;
- introduce a height of buildings of 9 metres;
- introduce a dwelling density of 15 dwellings per hectare; and
- show no public authority acquisition responsibility over the subject land.

Amendments would be required to the following Growth Centres SEPP maps:

- Land Zoning Map;
- Height of Buildings Map;
- Residential Density Map; and
- Land Reservation Acquisition Map.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

4.3 Flood Prone Land

* May need the Director General's agreement

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Sydney Region Growth Centres) 2006

e) List any other matters that need to be considered :

SEPP 55 - REMEDIATION OF LAND

Clause 6 of SEPP 55 requires a Planning Proposal to consider potential contamination of a site.

The Land Capability and Contamination Report which supported the rezoning of the Riverstone Precinct stated the area is of low to moderate contamination risk. The planning proposal can be consistent with the SEPP. The proposal notes that a further contamination assessment may be required at the DA stage.

Have inconsistencies with items a), b) and d) being adequately justified? No

If No, explain :

SECTION 117 MINISTERIAL DIRECTIONS

The planning proposal is consistent with all S117 directions, with the exception of the following:

4.3 Flood Prone Land

The subject site, specifically Lot 195/DP 1007, is identified as flood prone land (North West growth centre Development Control Map Sheet DVC_005). The subject site is also identified within the Blacktown Probable Maximum Flood Map. Council engineers stated in a memo 20 October 2016 (Appendix B) that there is no obstacle to the subject site land being rezoned R2 with suitable engineering work. It also indicates that Council will require a flood study to assess if construction on the subject site will effect flood levels and the subject site (as a proposed road) would need to be raised above the 100 year ARI flood level. Council's Memo however, has been prepared with the understanding that the site will continue to be a road rather than be developed for residential development.

Although detailed flood mitigation measures, can be considered at the development application stage, further flooding information should be prepared prior to public exhibition. The Gateway determination has been condition to require further justification to demonstrate consistency with this Direction, or that any inconsistency is minor.

6.2 Reserving Land for Public Purposes

The subject site will facilitate the removal of reservation of land and subsequently removes council's responsibility to acquire the land or seek funding through S94 contributions.

Further information should be prepared prior to public exhibition. The Gateway determination has been condition to require further justification to demonstrate consistency with this Direction, or that any inconsistency is minor. In particular, further evidence should be provided to demonstrate that the trunk drainage is no longer required, or evidence that the SP2 zone was a mapping error as claimed in Council's Memo dated 20 October 2016 (Appendix B of the proposal).

STATE ENVIRONMENTAL PLANNING POLICIES

The planning proposal does not contain provisions which would contradict or hinder the application of any State Environmental Planning Policies.

The proposal site falls within the boundaries of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)

The consistency of the planning proposal with the Riverstone Precinct Plan under Appendix 4 of the Growth Centres SEPP is addressed below:

- The proposal is consistent with the Riverstone Precinct Plan as it adopts the same zoning and density of development permitted under the plan for neighbouring R2 zoned land.
- The proposal is not located on land that is identified as a riparian corridor or area of significant vegetation.
- The proposal is not a heritage item nor is it located in a heritage area.

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Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council provided the following maps identifying the subject site existing and proposed amendments:**

- Land Zoning Map;
- Height of Buildings Map;
- Residential Density Map; and
- Land Reservation Acquisition Map

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal suggests a public exhibition period of 28 days. This is considered to be appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **This is not relevant, as the planning proposal is for an amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).**

Assessment Criteria

Need for planning proposal : **Amending the Growth Centres SEPP is considered to be the best mechanism to achieve the objectives of the planning proposal.**

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Consistency with
strategic planning
framework :

COMMUNITY STRATEGIC PLAN - BLACKTOWN CITY 2025

The planning proposal is consistent with Council's Community Strategic Plan 2025 fulfilling Strategy 5: Urban Living and Infrastructure by providing land for housing.

COMMUNITY STRATEGIC PLAN - BLACKTOWN CITY 2030, CITY OF EXCELLENCE

The planning proposal did not mention this plan, however the planning proposal is consistent fulfilling the following directions:

- A Smart and Prosperous Economy. Providing new diverse housing for the needs of the community.
- A growing City Supported by Infrastructure. Increasing the number of dwellings. A magnet for quality housing, well-planned communities and supporting infrastructure.
- Provide well-planned and liveable neighbourhoods with housing that meets the diverse needs of our growing community, serving our current and future needs.

A PLAN FOR A GROWING SYDNEY

The planning proposal is consistent with the aims and actions contained within the A Plan for Growing Sydney, 2014. Identifying the North West Growth Centre and Riverstone Precinct as a site for future housing and employment. Specifically Direction 2.4 - Deliver timely and well planned greenfield precincts and housing, and accelerate housing supply, choice and affordability and build great places to live.

DRAFT WEST CENTRAL DISTRICT PLAN

The planning proposal is consistent with the aims of the relevant Greater Sydney Commission Draft District Plan.

In Chapter 4: A Liveable City, priority to create a variety of housing choice and design excellence. The additional land for residential development as a result of the rezoning, will create the opportunity for greater housing choice. The quality of design is dependent on the quality of designs submitted for assessment and whether or not the designs are approved.

In Chapter 5: A Sustainable City, a priorities is to protect the District's waterways. The proposed rezoning will not affect the nearby riparian corridor.

CONSULTATION WITH THE DEPARTMENT'S LAND RELEASE TEAM

As the subject site falls within the boundaries of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) consultation was undertaken with the Department's Land Release team, which provided the following comments:

- The proposal should demonstrate how the change to the SP2 Drainage zone, which is mapped as a local road on the Indicative Layout Plan (ILP), will enable a perimeter road to the remaining drainage land to be designed, noting that properties backing onto public land is not a desirable urban outcome. The local road network as shown on the ILP will require updating to inform future development options.
- Land that is flood prone should be further investigated to determine if the proposed R2 Low Density Residential zone is appropriate.
- Riparian corridors, and native vegetation and native retention areas, as mapped in the Growth Centres SEPP should be reviewed to determine if the proposed amendment affects any such land.

Department comment:

The Department agrees that the proposal requires a proposed ILP to clearly indicate the anticipated road layout in relation to the remaining SP2 drainage zoned land.

The Gateway determination has been conditioned to require a proposed ILP for the site, to the same extent as the ILP extract on page 3 of the proposal, as well as consultation with

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the Department's Land Release Team during the exhibition period.

Regarding proximity to riparian corridors, consultation with the NSW Office of Water will be required during the exhibition period.

Environmental social
economic impacts :

ENVIRONMENTAL IMPACTS

The planning proposal will not result in any adverse effects on critical habitat, threatened species populations or ecological communities or their habitats will not be adversely effected and does not impact native vegetation retention

The proposed rezoning the site to low density residential is not expected to have an adverse effect on the regional water quantity management scheme.

Council's drainage engineers state they have no objection to the land being zoned R2 as the adjacent riparian corridor will not be affected by the proposed rezoning, and there is space for an additional bio-retention basin if needed.

Prior to any development occurring, a flood study is needed to confirm how the subject site will be affected, in relation to the 100 year ARI flood level and the PMF.

SOCIAL IMPACTS

The planning proposal identifies minimal increase in traffic of which the local road network is expected to cope. Public transport addressed at the precinct planning stage of the Riverstone Precinct will improve as the area develops and demand is understood.

ECONOMIC IMPACTS

The proposal will reduce Council acquisition on trunk drainage infrastructure and subsequent costs through S94 Developer Contributions. It will enable land owners a minor gain in developable area.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
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Timeframe to make LEP :	12 months	Delegation :	DDG
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Public Authority Consultation - 56(2)(d)	State Water Corporation
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

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Identify any internal consultations, if required :

Residential Land Release (MDP)

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter - 12.12.2016.pdf	Proposal Covering Letter	No
Planning Proposal - 4.1.2017.pdf	Proposal	No
Appendix A - Council Report 11 March 2015.pdf	Proposal	No
Appendix B - Memo from Council Engineers.pdf	Proposal	No
Appendix D - HOB SEPP Map.jpg	Proposal	No
Appendix D - LRA SEPP Map.jpg	Proposal	No
Appendix D - LZB SEPP Map.jpg	Proposal	No
Appendix D - RDN SEPP Map.jpg	Proposal	No
Appendix C - Council Report 25 May 2016.pdf	Proposal	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **4.3 Flood Prone Land**
6.2 Reserving Land for Public Purposes

Additional Information : **1. Prior to exhibition, Council is to:**

- (a) update the Lot and Deposited Plan numbers for the site to correctly reflect the land subject of the planning proposal;
- (b) provide further justification to demonstrate consistency, or justify any inconsistency with 117 Directions, 4.3 Flood Prone Land, and 6.2 Reserving Land for Public Purposes; and
- (c) provide an updated extract of the proposed Indicative Layout Plan, which clearly identifies the intended road layout, to the same extent as the ILP extract on page 3 of the proposal.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of the Department's 'A Guide to Preparing Local Environmental Plans'.

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act, as follows:

- Office of Water;
- Department of Planning and Environment (Land Release Team - North West Growth Centre)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person

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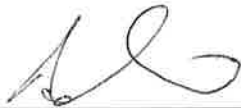
or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the amending Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal intends to rezone land no longer needed as trunk drainage SP2 Infrastructure to R2 Low Density Residential.

The proposal has merit as it will have a minor increase residential yield and the potential to offer more diverse housing, subject to development controls. It will remove Council obligation to acquire land for public purposes.

Signature:



Printed Name:

Adrian Holzgoller

Date:

12/1/17

