

Confidential report to the Blacktown Local Planning Panel

Applicant's Planning Proposal

File reference	LEP-21-0002	Date of lodgement	15 July 2021
Applicant	Calibre Professional Services Pty Ltd on behalf of Santilli Pty Ltd		
Proposed amendment	Rezoning of land from SP2 Educational Establishment to R2 Low Density Residential and removal of the land from Land Reservation Acquisition Map		
Street address	161 and 167 Riverstone Road, Riverstone		
Owner	M Santilli, A Santilli and S Santilli (167 Riverstone Road, Riverstone) E Cirillo (161 Riverstone Road, Riverstone)		

Referral to Panel

Panel criteria Section 9.1 Direction, EP&A Act	<ul style="list-style-type: none"> The intended Planning Proposal is forwarded to the Blacktown Local Planning Panel for advice in accordance with the Local Planning Panels Direction – Planning Proposals, issued by the Minister for Planning on 27 September 2018 under section 9.1 of the Environmental Planning and Assessment Act 1979
Report prepared by	Wint Khin Zaw
Report date	4 August 2021

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Attachment

- 1 Location map
- 2 Letter from the Department of Education
- 3 Existing and proposed maps
- 4 Request to prepare a Planning Proposal
- 5 Copy of approved development on Lot B DP 362093 (DA-19-00934)
- 6 Copy of approved development on Lot 14 DP 1247573 (DA-18-02330)
- 7 Applicant concept plan of subdivision

1 Executive summary

- 1.1 The Planning Proposal seeks to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP) as it applies to the part of Lot B DP 362093, 167 Riverstone Road and Lot A DP 362093, 161 Riverstone Road, Riverstone. The land is currently zoned SP2 Infrastructure (Educational Establishment) and the Department of Education are the acquisition authority for the land. The remaining part of Lot B DP362093 is zoned R2 Low Density Residential and is subject to an approved development application for residential subdivision.
- 1.2 The Department of Education has notified us that it relinquishes its interest in developing the land for a future school. As such, the Planning Proposal seeks to remove the Department of Education as the acquisition authority for both sites.
- 1.3 At the request of the landowner, the Planning Proposal also seeks to rezone part of Lot B DP 362093 from SP2 Infrastructure (Educational Establishment) to R2 Low Density under the Growth Centres SEPP. The landowner of Lot A DP 362093 has not yet approached us about wanting to rezone their land, so it will remain zoned SP2 Infrastructure (Educational Establishment). The rezoning will require corresponding amendments to the Residential Density and Height of Buildings under the Growth Centres SEPP.
- 1.4 The Planning Proposal supports the objectives and priorities of the Greater Sydney Region Plan and the Central City District Plan, in particular the use of place-based planning to encourage healthy, socially connected communities located in walking distance of local infrastructure and services.
- 1.5 The site was considered for its suitability for use as open space to address a shortfall in open space identified across the North West Growth Area. Council determined that the land is not suitable for open space purposes due the quantum of open space in the vicinity and the limited ability for Council to fund the acquisition and embellishment of the land through developer contributions.
- 1.6 This report on our intended Planning Proposal is forwarded to the Blacktown Local Planning Panel for advice prior to it being reported to Council. We intend to recommend to Council that the Planning Proposal be forwarded to the Department of Planning, Industry and Environment to seek a Gateway determination.

2 Applicant's proposal

- 2.1 The Applicant submitted a request to prepare a Planning Proposal in July 2021 to amend the Growth Centres SEPP – Appendix 4 Alex Avenue and Riverstone Precinct Plan 2010 as it applies to their land at part Lot B DP 362093, 167 Riverstone Road, Riverstone.
- 2.2 The Applicant's proposal seeks the following outcome on their land:
 - amend the Land Use Zone from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential
 - amend the Height of Buildings map to apply a maximum height of 9 m
 - amend the Residential Density map to apply a minimum residential density of 15 dwellings per hectare
 - amend the Land Reservation Acquisition map to remove the identification of the land reserved for a school for future acquisition by the Department of Education.
- 2.3 The amendments to the planning controls sought by the Applicant in relation to their land align with the existing controls that currently apply to the remainder of Lot B DP 362093 and to the surrounding land.

- 2.4 In addition to the Applicant's proposal, Council is seeking to also amend the Land Reservation Acquisition map as it applies to Lot A DP 362093, 161 Riverstone Road, Riverstone to remove the identification of the land reserved for a school for future acquisition by the Department of Education.

3 Location

- 3.1 The land is located within the Riverstone Precinct of the North West Growth Area and shown at attachment 1.
- 3.2 The context of the surrounding land is as follows:
- The remainder of Lot B DP 362093 is located to the east. This part of Lot B, together with an adjoining lot, are the subject of an approved development application for a 64 residential lot subdivision and new roads (DA-19-00934). This will provide public access to all potential residential lots on the land.
 - The land to the south has been subdivided into residential lots with many new low density dwellings already constructed.
 - To the north, Lot 14 DP 1247573 (154 Regent Street), is the subject of an approved development application for a 26 residential lot subdivision and new roads including a road on the northern border (DA-18-02330).
 - The land to the west is zoned SP2 Infrastructure (Educational Establishment). Lot 4 Sec O DP 712, 149 Riverstone Road, adjoins the western boundary of Lot A DP 362093, 161 Riverstone Road and is the subject of an approved development application for a private school (DA-17-01135). Lot 4 is adjoined on its western boundary by Riverstone High School. No development application or Planning Proposal request has been lodged over Lot A to date.

4 Site description, current planning controls and acquisition status

- 4.1 The land proposed to be rezoned to R2 Low Density Residential is approximately 0.7 ha in area. The site is currently a rural-residential lot with a number of large greenhouse structures, which will be demolished under DA-19-00934. The site is in use as a market garden.
- 4.2 Both lots were rezoned to SP2 Infrastructure (Educational Establishment) as part of the Riverstone Precinct Plan under the Growth Centres SEPP in 2010.
- 4.3 The Department of Education advised in 2017 that it relinquishes its acquisition rights over Lots A and B DP 362093 (161 and 167 Riverstone Road) as the land is no longer required for use as a public school due to the proximity to the existing Riverstone Public School. This was reiterated by the Department of Education in 2019 (in relation to 167 Riverstone Road) and in 2021 (in relation to 161 Riverstone Road). See attachment 2.

5 Key reasons in support of the Planning Proposal

- 5.1 The Planning Proposal is the result of the Department of Education's advice that they no longer require 161 and 167 Riverstone Road, Riverstone for educational purposes and have relinquished its interest in the land. In response to a request from one of the landowners, the Planning Proposal also seeks to rezone part of the land identified as a surplus school site to the same land use and planning controls that apply to the surrounding land to enable the efficient use of the site.
- 5.2 The landowner Applicant has provided a concept subdivision plan for the site, demonstrating a potential use of the site that is consistent with the residential use, density and lot layout approved on the adjacent site.

- 5.3 This land is suitable for low density residential use. The site is located such that all potential residential lots have direct access to a public road. The landowner Applicant has provided a Traffic Impact Assessment, Flora and Fauna Report and Stormwater Report to support the Planning Proposal request. A preliminary site contamination assessment provided for DA-19-00934 on the remainder of Lot B included site in the study area and found the site was considered suitable for residential development.
- 5.4 Initial discussions with the landowner of Lot B and their consultant, Calibre, indicated they were consulting with the landowner of Lot A DP 362093 (161 Riverstone Road) to consider a joint Planning Proposal that would apply to both Lot A and part of Lot B. However, the Planning Proposal as submitted applies to part of Lot B only.
- 5.5 We wrote to the landowner of Lot A DP 362093 (161 Riverstone Road) in April 2021 to understand their intentions for their site, to enable a holistic consideration of the future development of the land relinquished by the Department of Education. We have not received a response to our letter.
- 5.6 The Planning Proposal will not prevent the future development of Lot A for a use which is permissible under the current zone of SP2 Infrastructure (Educational Establishment). The landowner may choose to lodge a Planning Proposal at a later date seeking to rezone its land. Our intended Planning Proposal will remove identification of Lot A DP 362093 as land reserved for future acquisition, in accordance with the advice from the Department of Education.
- 5.7 Council officers considered the suitability of both Lot A and part of Lot B DP 362093 for public open space to address an identified shortfall in open space across the North West Growth Area. After considering all of the relevant issues, Officers were of the view that the site was not suitable for open space for the following reasons:
- the land is located in an area which is predominantly zoned for low density residential development. It is not anticipated that the land uses in this immediate area will generate a large demand for additional open space. The areas within the North West Growth Area which are generating significantly higher densities than planned are the areas which permit high density residential development
 - the land is located approximately 100 m from a 15 ha riparian corridor park that includes playing fields along First Ponds Creek. There is a large quantum of open space in the vicinity of the land when considered in relation to the surrounding low density residential uses
 - to acquire, embellish and maintain the land for open space would expose Council to a high level of economic risk. When land is identified for open space at the precinct planning stage, the estimated cost is identified in the relevant contributions plan and contributions are collected from the first development approved under that plan. However, in this instance Council will not be able to collect the full costs as the area which the relevant contributions plan applies is already rezoned and experiencing high rates of development. Any amendment to the contributions plan will take a minimum of 12 months, during which time further sites will be developed without contributing to the potential new open space. The remainder of the sites available to contribute to the cost of acquiring the land for open space will be insufficient to cover these costs, leaving a liability for Council to fund the costs from another source.

6 Recommendation

1. The Blacktown Local Planning Panel:

- a) Note the basis for Council officers not pursuing the acquisition of the site for additional open space
- b) Endorse the Planning Proposal as set out in Attachment 3 to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as it applies to part of Lot B DP 362093, 67 Riverstone Road, Riverstone to:
 - rezone the land from SP2 Infrastructure (Educational Establishment) to R2 Low Density Residential
 - amend the Height of Buildings map to apply a maximum height of 9 m
 - amend the Residential Density map to apply a minimum residential density of 15 dwellings per hectare
 - to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as it applies to Lot A and part of Lot B DP 362093, 61 and 67 Riverstone Road, Riverstone to:
 - amend the Land Reservation Acquisition map to remove the identification of the land reserved for a school for future acquisition by the Department of Education.



Wint Khin Zaw
Strategic Planner



Chris Shannon
Manager Strategic Planning



Peter Conroy
Director City Planning and Development



Plotted by: swadmln

Plot Date: 02/08/2021

Property Identification:

Property Location:



Scale 1:3000



Education



DOC17/585462

Mr George Koshy
Director, Land Release
Department of Planning and Environment
GPO Box 39
Sydney 2001



PCU071272

Dear Mr Koshy

Re: Relinquishment of Proposed School Sites in Riverstone

I write to inform you that the Department of Education requests to relinquish its acquisition rights over several proposed school sites across the Riverstone area as outlined below and attached in **TAB A**:

- Riverstone Road proposed primary school site - no longer required due to its close proximity to the existing Riverstone Public School. All lots to be relinquished (Lots A&B DP362093)
- Otago Street proposed K-12 school site – reduced site retained with one lot to be relinquished (Lot 2 DP1042658)
- Crown Street proposed primary school site - reduced site retained one lot to be relinquished (Lot 17 DP1459)

These amendments have been endorsed by the Minister for Education (June 2017).

A key factor in relinquishing these sites is based on the Department's new site standards to provide larger schools on smaller sites.

Future public education needs in this area will be met through the redevelopment and expansion of existing schools and the provision of new schools as required.

I understand that the SEPP (Sydney Region Growth Centres) 2006 land reservation acquisition map will need to be amended and I request that the Department of Planning and Environment facilitate this.

Please acknowledge receipt of this letter and your concurrence at your earliest convenience so that we can formally advise the various affected property owners.

Should you require any further information please contact Lesley Moodie, Director Schools Planning on 9561 8255 or via email Lesley.moodie2@det.nsw.edu.au

Yours sincerely


John Neish
Group Director, Planning and Strategy

16 June 2017

13 June 2019

Mr George Koshy
Director, Land Release
Department of Planning and Environment
GPO Box 39
Sydney NSW 2000

DOC19/421865

Dear Mr Koshy

Re: Relinquishment of Proposed School Site; 167 Riverstone Road, Riverstone

I write to inform you that the Department of Education requests to relinquish its interest over a proposed school site in the Riverstone ILP as outlined below and in **TAB A**:

167 Riverstone Road (Lot: B DP 362093) includes land proposed as a school site (site 1 in **TAB A**) – this site is not required as the site is not feasible due to the close proximity to existing Riverstone PS and Riverstone HS schools which could be expanded in the first instance to accommodate additional residential dwelling yields.

In the event an additional primary school site is required the department will not pursue this site due to these proximity issues and will investigate options for an alternative site, more suited to school catchment creation and management.

The department is currently expanding Schofields PS to support growth. Future additional infrastructure will be investigated and could include both the expansion of existing schools and the provision of new schools as required. To facilitate additional infrastructure the department will explore all funding avenues including through voluntary planning agreements at nil cost to government and special infrastructure contributions.

I understand that the SEPP (Sydney Region Growth Centres) 2006 North West Growth Centre, Riverstone Precinct, land reservation acquisition map will need to be amended and I request that the Department of Planning and Environment facilitate this.

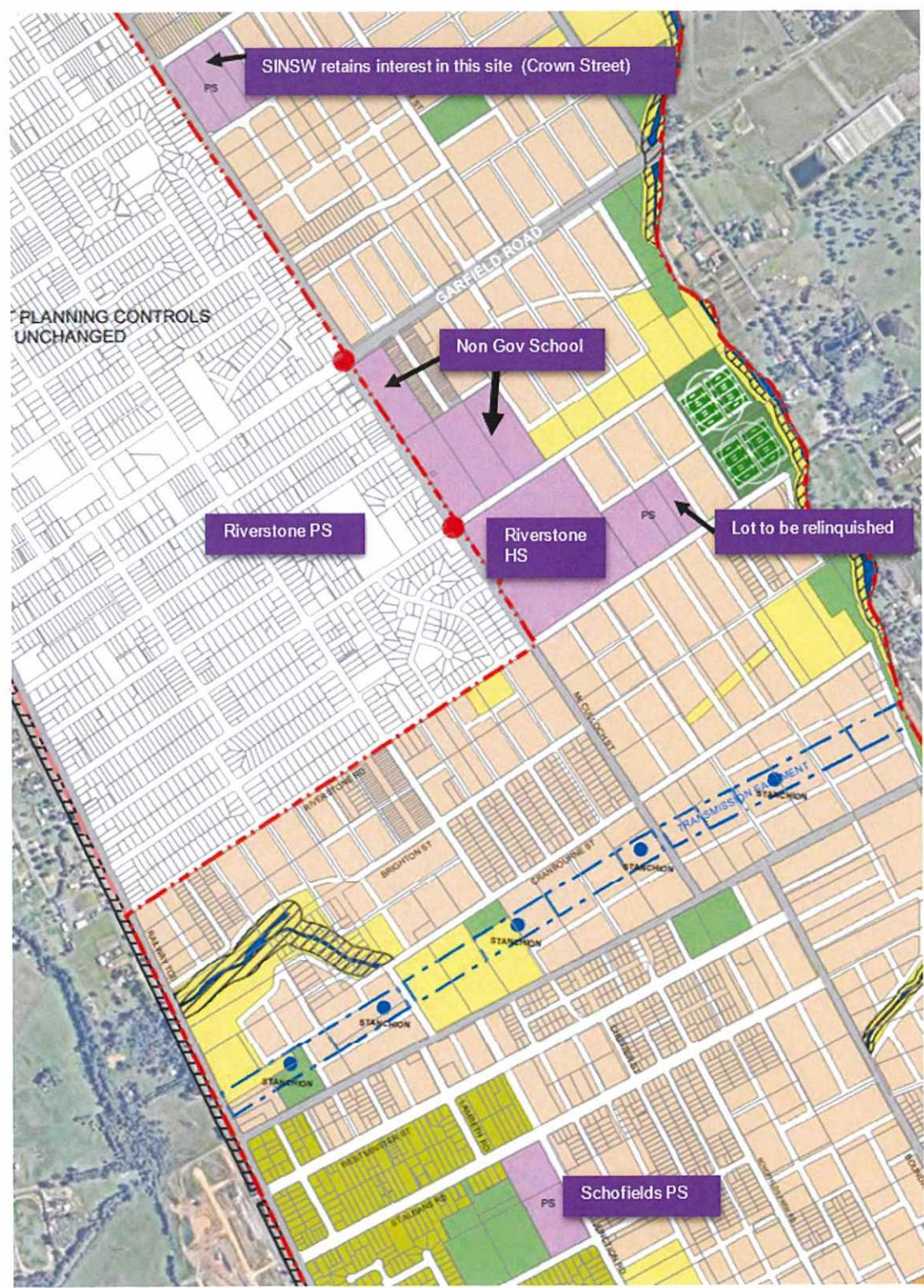
Please acknowledge receipt of this letter and your concurrence so the department can formally advise the affected property owner. Should you require any further information please contact Katherine Della Libera, A/Snr Asset Planner, Department of Education on 0436 332 827 or katherine.dellalibera2@det.nsw.edu.au

Yours sincerely,



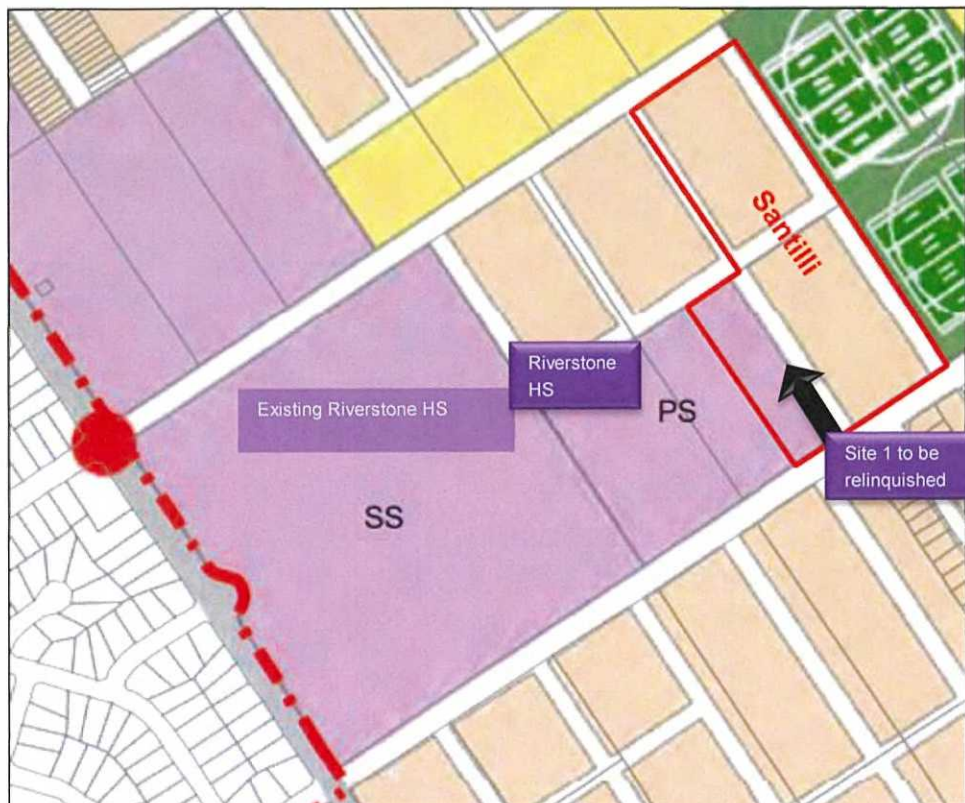
Stuart Suthern - Brunt
Executive Director, Infrastructure Planning
School Infrastructure NSW

TAB A – Riverstone ILP and identified school site



Precinct	Additional Dwelling Supply
Riverstone/Riverstone East	16,400

167 Riverstone Road, Riverstone owned by Santilli:



Chris Shannon
Manager Strategic Planning
Blacktown City Council
PO Box 63,
Blacktown NSW 2148

DGS 20/2358

12 January 2021

Dear Mr Shannon,

RE: Relinquishment of Proposed School Site within the Riverstone Indicative Layout Plan, being 161 Riverstone Road, Riverstone.

This letter is confirmation that the Department of Education (SINSW) relinquished its right of acquisition at 161 Riverstone Road, Riverstone known as Lot A DP 362093, (see annexure A) on 15 June 2017. This information was relayed to the Department of Planning and Environment.

SINSW has decided to retain its interest in the Crown Street properties known as Lot 4 DP 1122808 and Lot 16 Section 26 DP 1459.

Should you require any further clarification in regards to this matter please do not hesitate to contact Danny Sloane, Manager, Acquisitions, at danny.sloane3@det.nsw.edu.au or 0418 558 588.

Yours sincerely,

Anthony Manning
Chief Executive, School Infrastructure NSW
11 February 2021



Annexure A



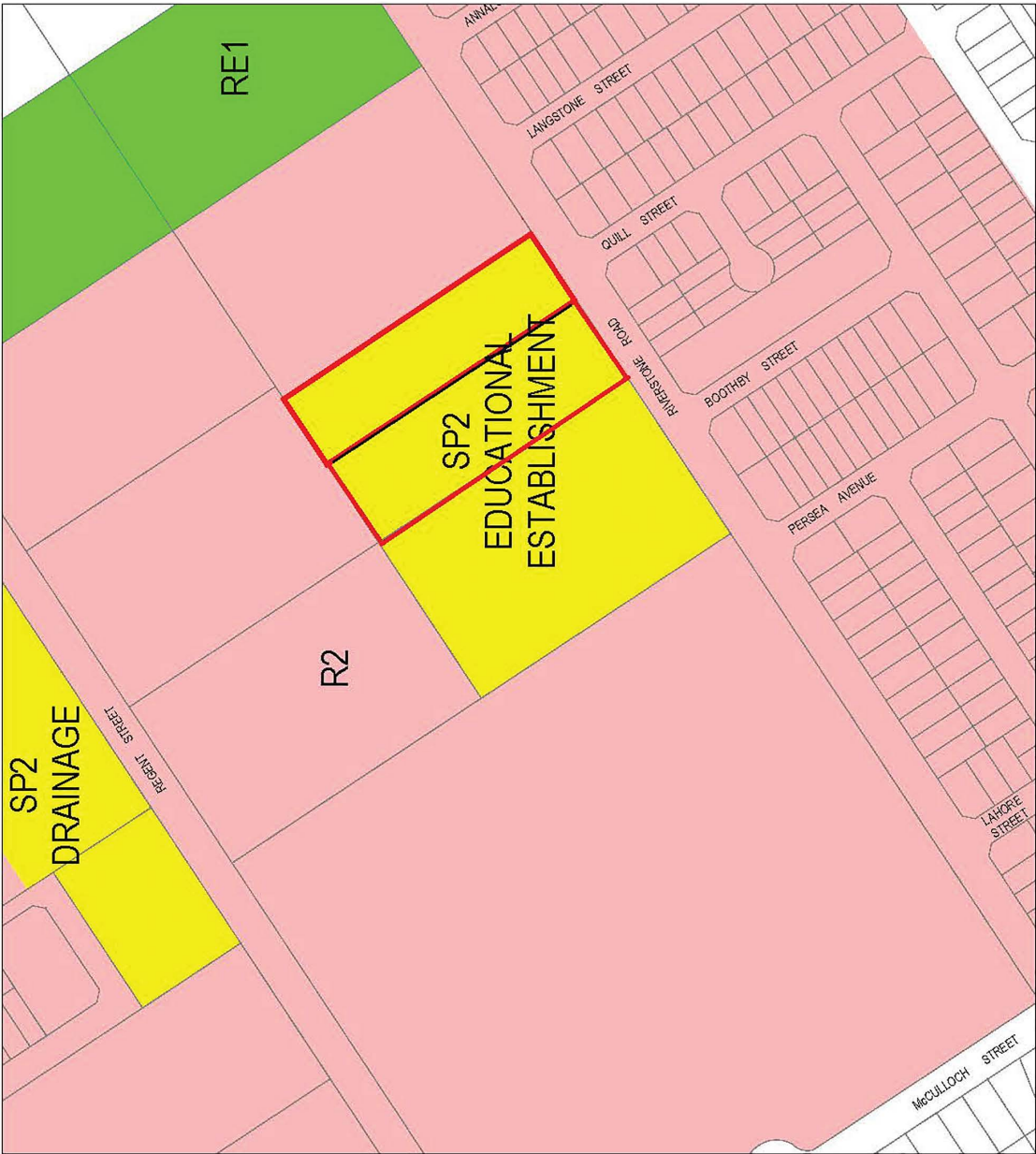
Address: 161 Riverstone Road, Riverstone
Title: Lot A DP 362093



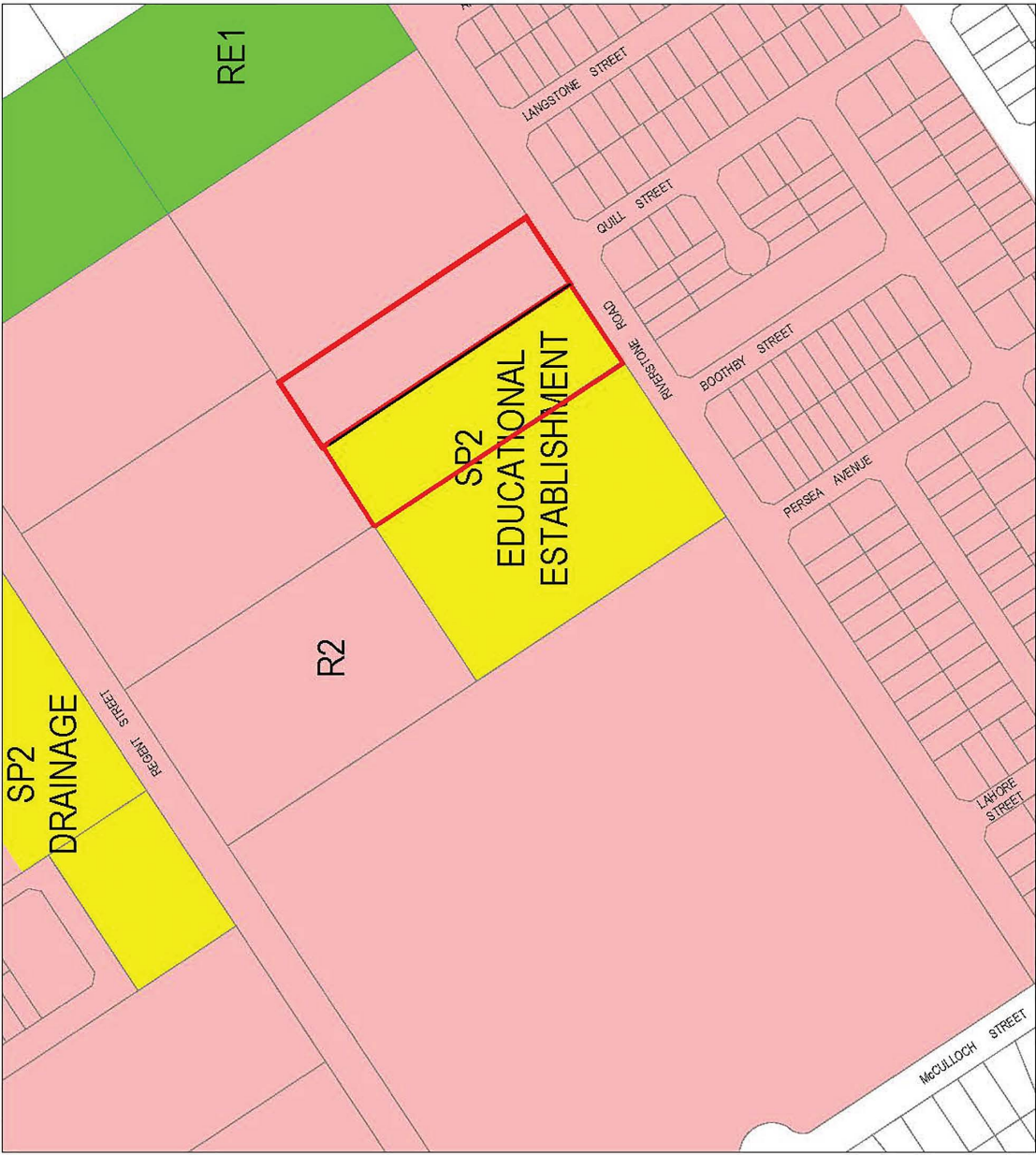
167 RIVERSTONE ROAD
RIVERSTONE
BLACKTOWN CITY COUNCIL

LAND ZONING MAP

LEGEND	
	SUBJECT LAND
R2	LOW DENSITY RESIDENTIAL
RE1	PUBLIC RECREATION
SP2	INFRASTRUCTURE



EXISTING

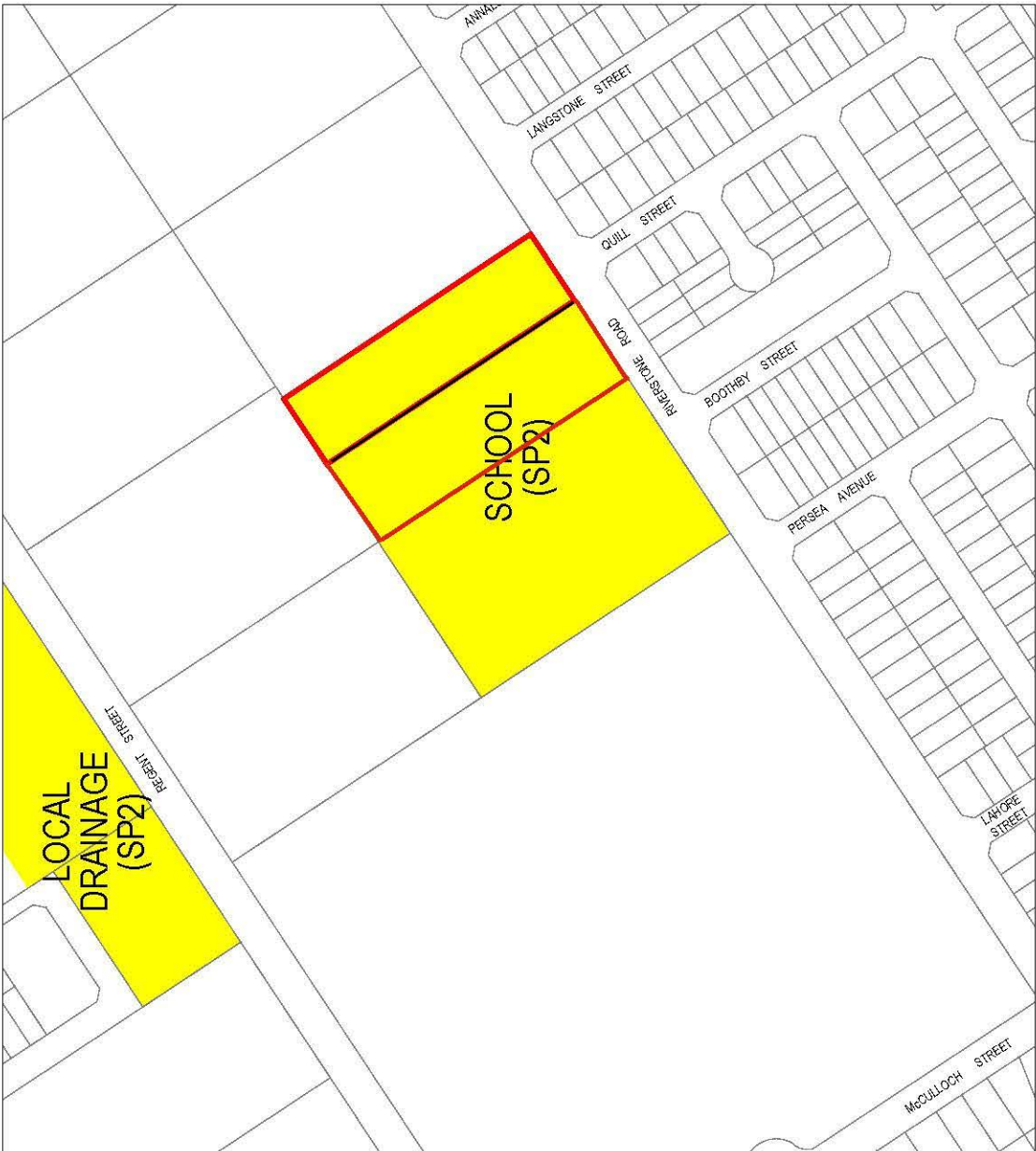


PROPOSED

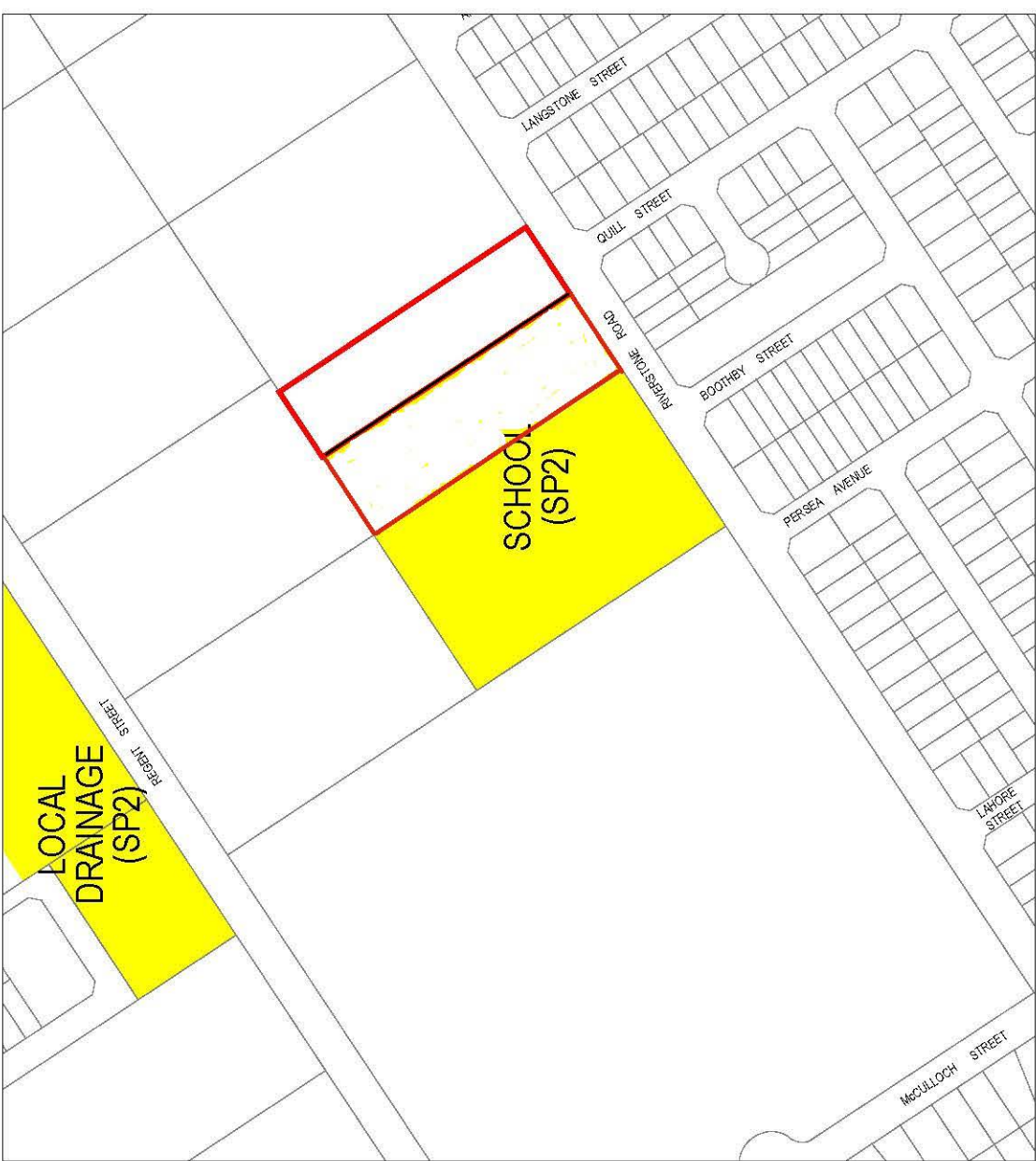
167 RIVERSTONE ROAD
RIVERSTONE
BLACKTOWN CITY COUNCIL

LAND RESERVATION
ACQUISITION MAP

LEGEND	
<div></div>	SUBJECT LAND
<div></div>	LAND RESERVATION ACQUISITION



EXISTING



PROPOSED

167 RIVERSTONE ROAD
RIVERSTONE
BLACKTOWN CITY COUNCIL

HEIGHT OF BUILDINGS MAP

LEGEND	
<div></div>	SUBJECT LAND
<div>J</div>	9m (MAXIMUM BUILDING HEIGHT)



EXISTING

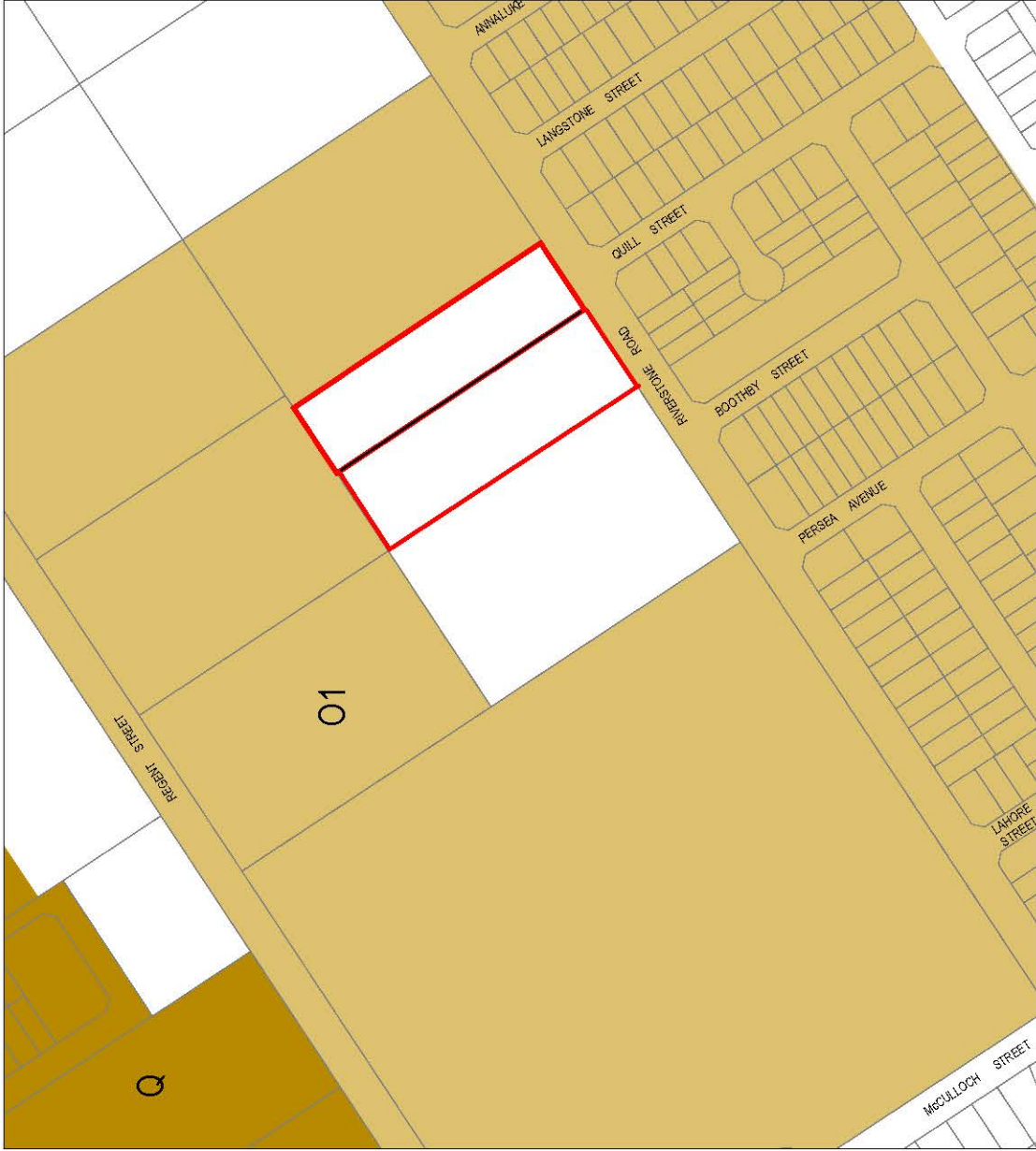


PROPOSED

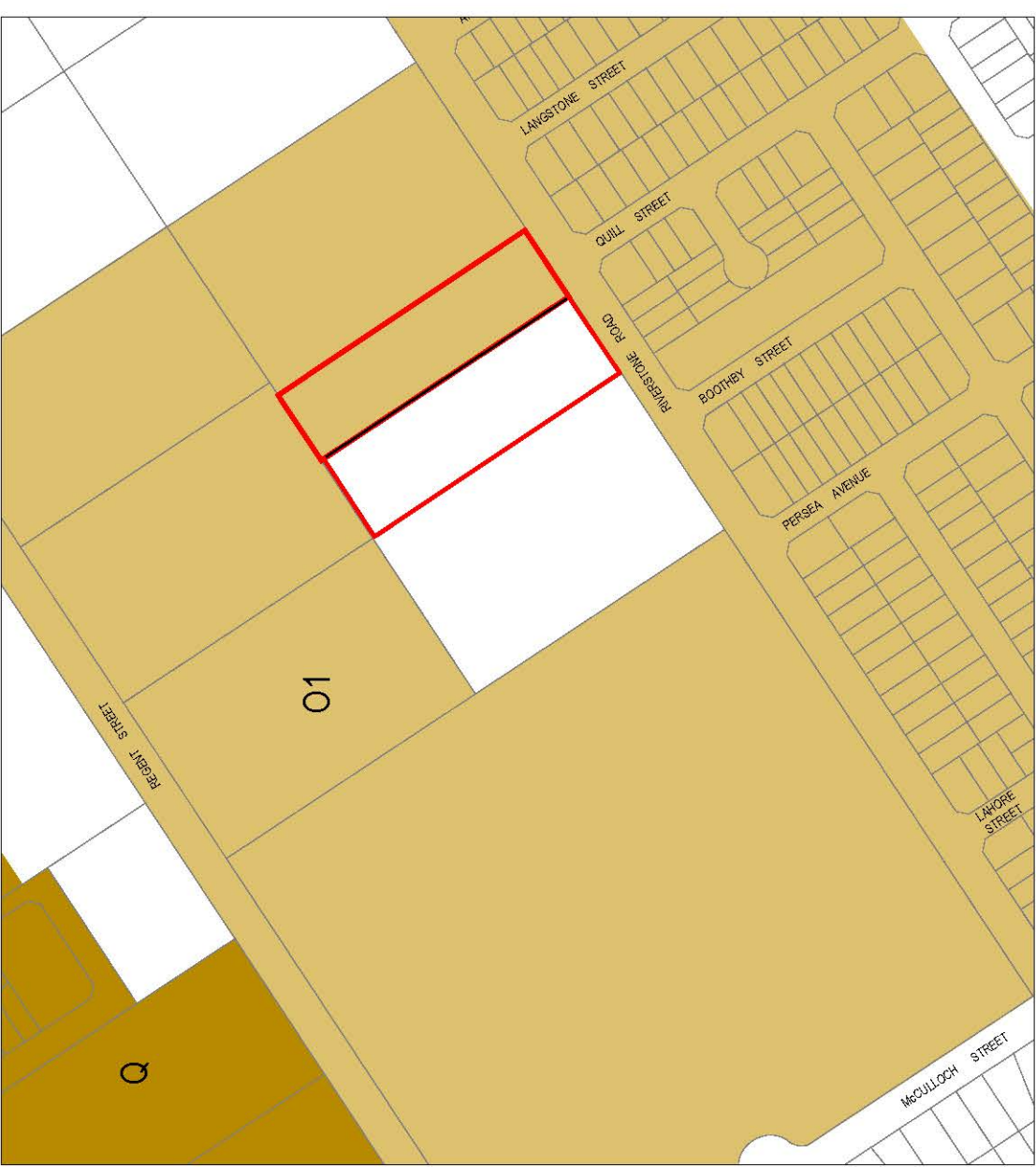
167 RIVERSTONE ROAD
RIVERSTONE
BLACKTOWN CITY COUNCIL

RESIDENTIAL DENSITY MAP

LEGEND	
<div></div>	SUBJECT LAND
DWELLING DENSITY (PER HECTARE)	
<div>O1</div>	15
<div>Q</div>	20



EXISTING



PROPOSED



Turning Knowledge
Into Value

Planning Proposal

167 Riverstone Road, Riverstone (Part Lot B DP362093)

Rezone SP2 Infrastructure (Educational Establishment) to R2
Low Density Residential

Prepared for Santilli Pty Ltd

19 April 2021

Calibre Professional Services Pty Ltd
55 070 683 037

QUALITY ASSURANCE STATEMENT

DOCUMENT CONTROL

ISSUE	DATE	ISSUE DETAILS	AUTHOR	CHECKED	APPROVED
A	24/03/21	DRAFT	JH	PL	PL
B	19/04/21	FINAL FOR COUNCIL SUBMISSION	JH	PL	PL

167 Riverstone Rd_ Planning Proposal Report_Final.Docx

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Attachments

Appendix A: Department of Education Letter – 167 Riverstone Road, Riverstone

Appendix B: Traffic Impact Assessment Report –167 Riverstone Road, Riverstone

Appendix C: Flora and Fauna Report – 167 Riverstone Road., Riverstone (for information purposes)

Appendix D: Stormwater Report – 167 Riverstone Road, Riverstone (for information purposes)

1. Introduction

1.1 Overview

This planning proposal has been prepared by Calibre Professional Services Pty Ltd on behalf of the landowner of 167 Riverstone Road, Riverstone; being Santilli Pty Ltd.

Owner	Legal Description (owner)	Street Address	Area	Current land use zone
Silvano (Satch) Santilli	Part Lot B DP 362093	167 Riverstone Road, Riverstone	2.43 ha Being 0.67 ha to rezone	SP2 Infrastructure – Education R2 Low Density Residential Rural – residential lot with greenhouses and brick dwellings.

This planning proposal seeks to amend the State Environmental Planning Policy (SEPP) (Sydney Region Growth Centres) 2006 – Appendix 4 Alex Avenue and Riverstone Precinct Plan 2010 in order to permit:

- Changes in land use zoning of 167 Riverstone Road from SP2 Infrastructure (Educational Establishment) to R2 Low Density residential
- Changes in Building Height controls to facilitate Low Density Residential development.
- Introduction of Minimum Lot Size controls to facilitate Low Density residential development.
- Introduction of Residential Density controls to facilitate Low Density residential development.
- Amend the SEPP (Sydney Region Growth Centres) 2006 Land Zoning and Land Reservation Maps.

This planning proposal also seeks to amend the Blacktown City Council Growth Centres Development Control Plan 2010 (amended 2020).

The Department of Education has stated their decision to relinquish their interest in 167 Riverstone Road, Riverstone as a future location for school purposes. The confirmation letter is attached in Appendix A and discussed further in Section 2 of this report.

The development of Part Lot B in DP 362093, being 167 Riverstone Road, Riverstone will require site-specific amendments to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Alex Avenue and Riverstone Precinct Plan 2010, as well as an amendment to the Indicative Layout Plan (ILP). Suggested plans and amendments are included in this submission in section 7.2 of this report.

1.2 Structure of the report

This Planning Proposal is structured as follows:

- Section 2: Description of the site and its context
- Section 3: Background for the site includes an overview of the history of the site, including development consent and modifications
- Section 4: Description of the Planning Proposal including key features and benefits of the proposal
- Section 5: An outline of the strategic planning objectives for the site
- Section 6: A summary of the local planning framework
- Section 7: Explanation and justification for the Planning Proposal (Section 3.33 of the EP&A Act 1979).

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A) and the relevant guidelines issued by the Department of Planning and Environment being: *A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*.

All strategic planning policies and statutory planning instruments have been taken into consideration and addressed within this Planning Proposal, including the following:

- Greater Sydney Region Plan: A Metropolis of Three Cities
- Central City District Plan
- North West Priority Growth Area Land Use and Infrastructure Strategy
- Blacktown Local Strategic Planning Statement (LSPS)
- Relevant State Environmental Planning Policies (*SEPP Sydney Region Growth Centres*) 2006
- Relevant Section 117 Directions
- Blacktown City Council Growth Centre Precincts Development Control Plan (DCP)

This Planning Proposal is supported by various documentation including:

- Appendix A: 167 Riverstone Road - Department of Education Letter dated 13 June 2019 and email.
- Appendix B: Traffic Impact Assessment Report –167 Riverstone Road, Riverstone.
- Appendix C: Flora and Fauna Assessment Report – 167 Riverstone Road, Riverstone.
- Appendix D: Stormwater Report - 167 Riverstone Road, Riverstone (for information purposes)

This Planning Proposal seeks to rezone the site, to R2 and to introduce the building height controls under the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* – Alex Avenue and Riverstone Precinct Plan 2010 on the grounds that the Department of Education have formally relinquished their interest in 167 Riverstone Road for future educational purposes.

2. Site Detail and Context

2.1 Site Detail

This Planning Proposal applies to Part Lot B in DP 362093 167 Riverstone Road, Riverstone owned by Santilli Pty Ltd.

The subject site, 167 Riverstone Road, Riverstone is zoned SP2 Infrastructure – Educational Establishment has an area of 0.67 hectares. As shown in Figure 2.1, the site is currently a rural- residential lot with significant greenhouse structures, which are to be demolished as part of approved DA-19-00934.

Lot B in DP 36093, 167 Riverstone Road, Riverstone and Lot 12 Section O in DP712, Regent Street is subject to a development approval (DA-19-00934), a 64-lot subdivision with the demolition of existing structures and road construction, with the subject site as a residue lot for future development.

The Department of Education have relinquished their interest in 167 Riverstone Road as a future location for school purposes. The confirmation letter is attached in Appendix A and discussed further in Section 2 of this report. This application is proposing a rezoning from SP2 – Infrastructure (Educational Establishment) to R2 - Low Density Residential development.



Figure 2.1 – Aerial of Subject Site (Nearmap, 2020)

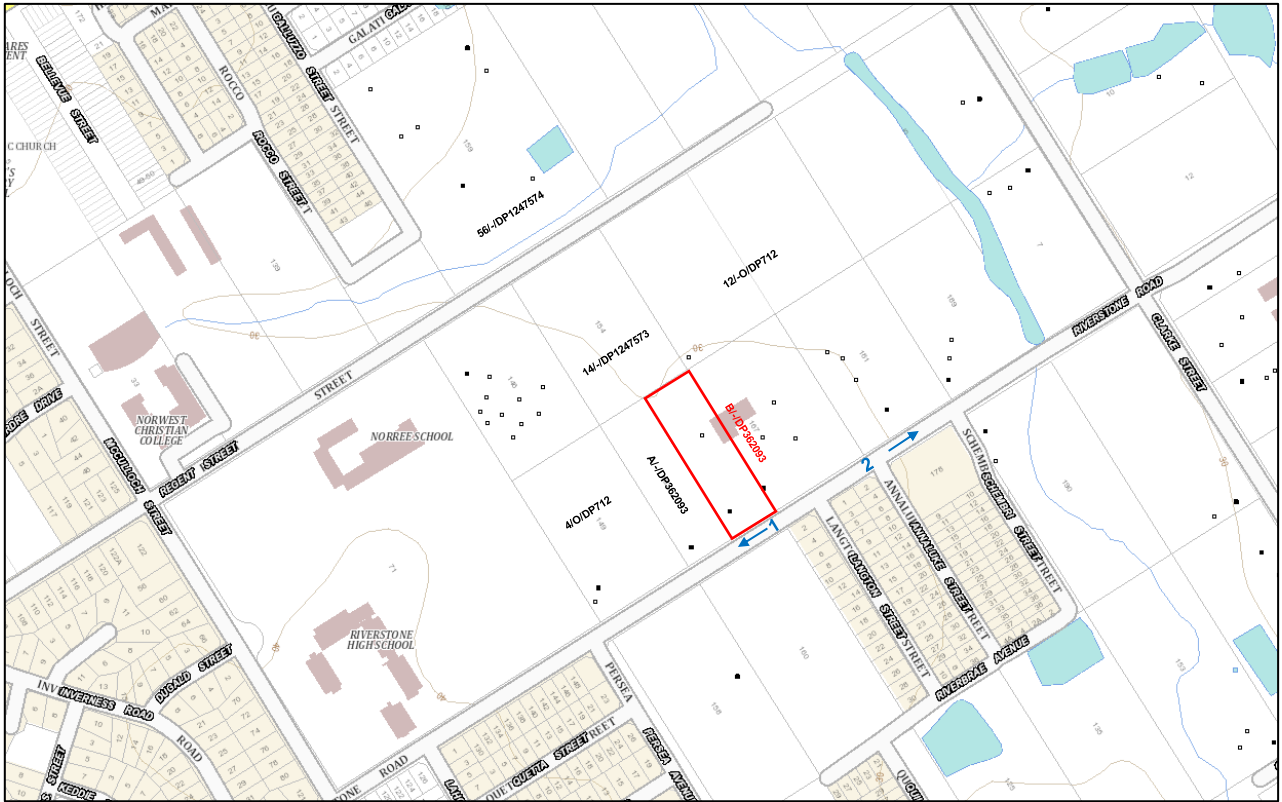


Figure 2.2 – Cadastral Plan (Sixmaps, 2020)



Figure 2.3 – Street View on Riverstone Road towards Clarke Street (Google Maps, 2020)



Figure 2.4 – Street View on Riverstone Road towards McCulloch Street (Google Maps, 2020)

2.2 Site Context

The site is located 49km north-west of the Sydney CBD, in an area that has historically been characterised as a rural-residential suburb with market gardens and farmland. Through recent years, Riverstone has been undergoing change, accelerated by subdivisions for predominately low-density residential development as part of the North West release area.

To the west of 167 Riverstone Road is Riverstone High School and a DA for a private school at 149 Riverstone Road, for 75 students and 10 staff members along with 20 car parking spaces and associated works that is currently deferred status and sitting with Blacktown City Council. Adjoining land is currently being subdivided for low density housing. Future playing fields and open space are proposed east of 167 Riverstone Road, which is in the design phase with Blacktown City Council.



Figure 2.5 – Street View on Riverstone Road ILP (Department of Planning, 2020)

2.2.1 Riverstone Centre

The closest centre within the vicinity of the site is Riverstone Town Centre, which was established in 1803 to service the growing population working off the government stock farms, in hopes of it becoming an important regional centre. The current Riverstone Town Centre includes a variety of retail stores, small grocery store, post office, police station, petrol stations, RSL club and swimming and aquatic centre. This is also the site of Riverstone train station that is serviced by the T1 to Richmond to Central Line as well as the T5 Richmond to Leppington Line

The Riverstone Town Centre has also been identified as an area requiring re-vitalisation with a Masterplan for the re-development being adopted by Blacktown Council in November 2017. The new Riverstone Town Centre will include new retail, commercial and entertainment activities, mixed use and higher density living, new Civic Space/ Village green and new community facilities.

2.2.2 Rail and Bus Network

North-West Sydney is a very car dependent area and has historically lacked suitable public transport networks prior to the opening of the Sydney Metro Northwest. The nearest train station in relation to the site include Riverstone Station, which is a 5-minute drive north-west, Tallawong Metro station which is 6 min by car or 15 min by bus and Schofields Station, which is an 8 min drive south-west of the site.

167 Riverstone Road is serviced by a bus network with services that run to the local train and metro stations in addition to Riverstone, Rouse Hill, Marsden Park and Schofields. There are four bus stops that service the surrounding site and located along McCulloch Street, Clarke Street, with the nearest bus stop being 450m away.

2.2.3 Road Network

Riverstone Road and Regent Street are both local roads with a speed limit of 50km/hr that services residential traffic into McCulloch Street and Crake Street, with Riverstone Road extending to connect with Railway Terrace.

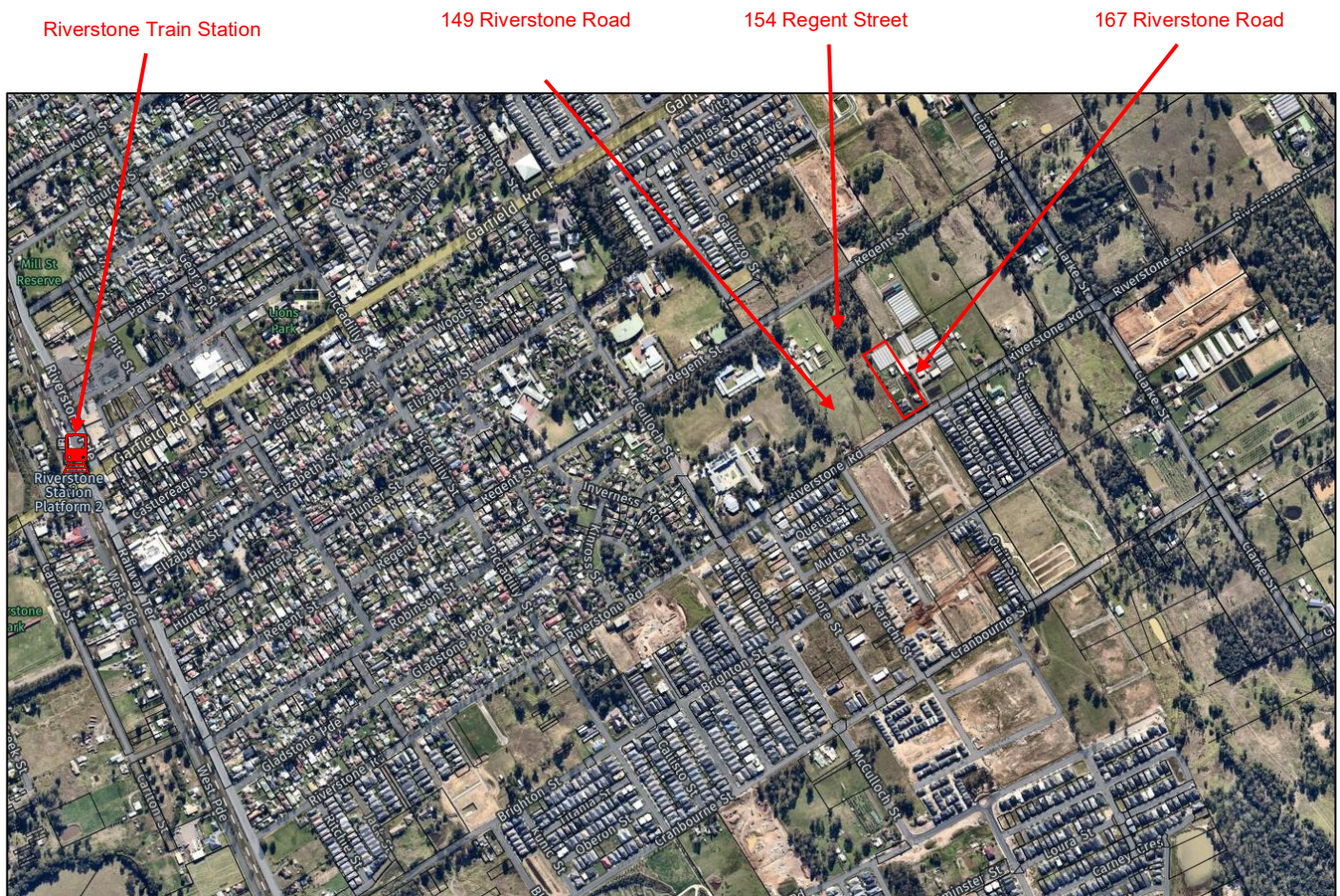


Figure 2.6 – Road Network Plan (Nearmap, 2020)

2.2.4 Active Transport Connections

The current active transport networks within the area are minimal. Regarding the current pedestrian movement networks on 167 Riverstone Road and surrounds, there are no pedestrian pathways at present along Riverstone Road. This prevents pedestrian connectivity and therefore suitable active transport connections from the bus stops along McCulloch Street and Clarke Street. The pathways will be constructed with the finalisation of the subdivision works, with the adjacent development.

2.2.5 North West Growth Centre Area – revised growth forecasts and analysis of unplanned infrastructure needs (Blacktown City Council)

Blacktown City Council, in their report from the Policy and Strategy Committee Meeting held on 15 April 2020 – PS3.1 PD400010 – North West Growth Area – Revised growth forecasts and analysis of unplanned infrastructure needs have conducted growth forecasts and analysis of the unplanned infrastructure needs, specifically within the rezoned Blacktown Precincts to determine if the actual delivered densities against the minimum densities that have been specified by the Department of Planning. This investigation identified that residential development is occurring at a greater density than

predicted, which results in the provision of open space is not sufficient to support the predicted increasing density trend within the Blacktown Growth Centre Precincts.

As a result, Blacktown Council have requested that prior to a Planning Proposal being progressed to the Gateway stage, Council must be satisfied that the land being rezoned not being suitable for open space infrastructure purposes.

Although this application has received authority from the Department of Education that they no longer require the properties for school purposes, justification is required for the land not being required for open space infrastructure purposes. Figure 2.5 showcases the 400m and 800m radius distances from 167 Riverstone Road, which identifies several RE1 – Open Space zoned land. Within the 400m radius of 167 Riverstone Road is future open space comprising of playing fields, which is currently in the design process with Blacktown Council and within 800m is seven (7) other identified opportunities for open space land, zoned RE1.

Therefore, the use of 167 Riverstone Road as open space land rather than residential land is not justified due to the abundance of open space land within proximity to the subject site as shown in Figure 2.7.

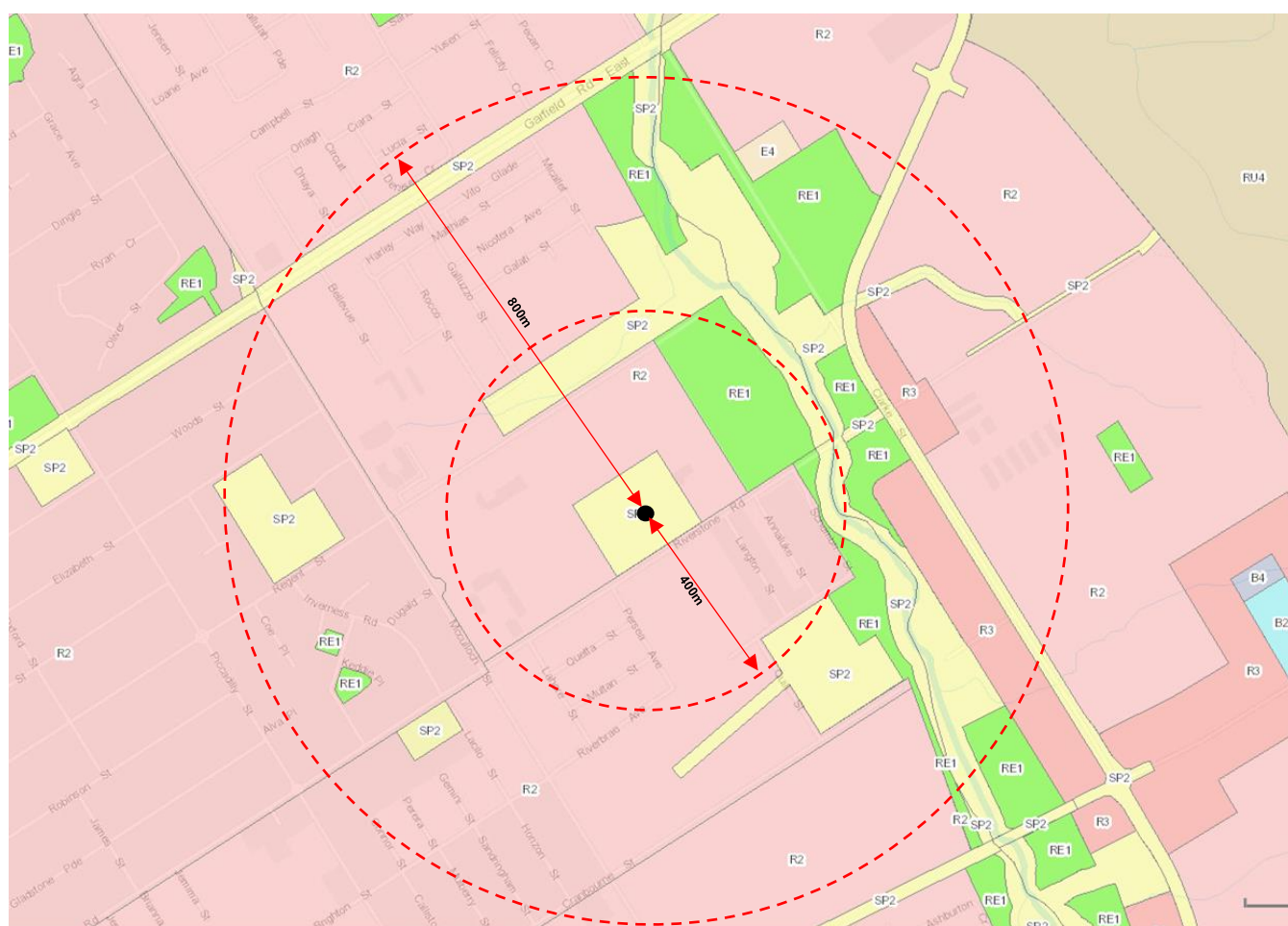


Figure 2.7 – Radius Distances from 167 Riverstone Road (NSW Department of Planning)

3. Background

3.1 Development Application: 167 Riverstone Road & Regent Street - DA-19-00934

On the 4th March 2021, Development Application 19-00934 was approved by the Land and Environment Court (LEC) for the residential subdivision of 167 Riverstone Road, Riverstone. This application approved the subdivision of 64 lots including demolition of existing structures, tree removal, road construction, temporary OSD basin and other associated works.

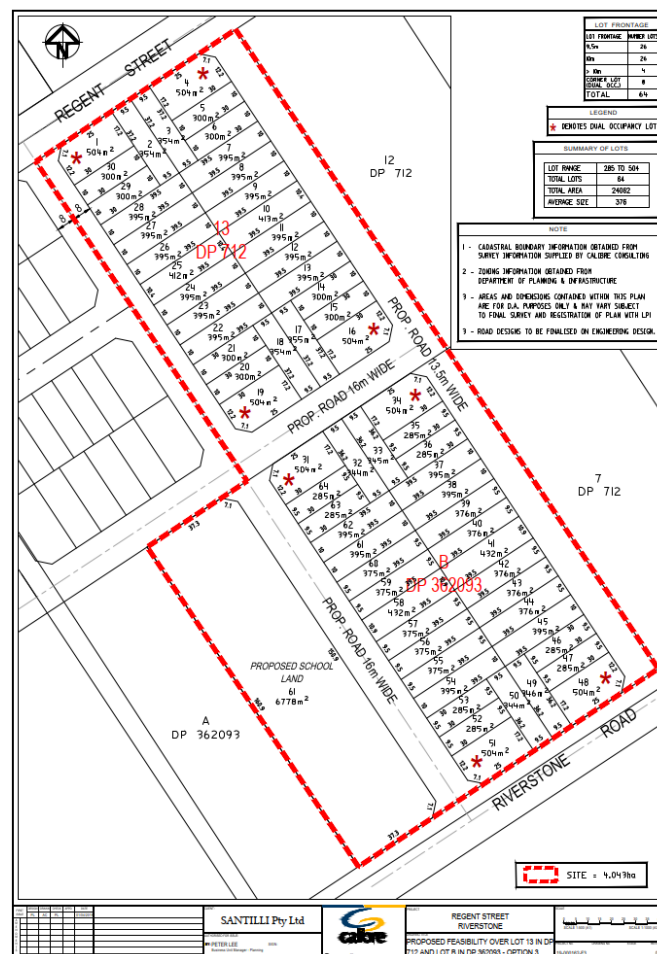


Figure 3.1 – Subdivision Plan DA-19-00934 (Calibre)

For the subject Development Application, the Department of Education provided a letter stating that they no longer have an interest in acquiring the site for school purposes. As such, there is no requirement to acquire the land. As The Department of Education have formally confirmed their decision to relinquish their interest in Part Lot B DP 362093 via a letter dated 13 June 2019 addressed to the Department of Planning and Environment detailing the request to amend *the SEPP (Sydney Region Growth Centres) 2006 – Riverstone Precinct*, Land Reservation Map. This letter is attached in Appendix A.

3.2 Development Application – 149 Riverstone Road – DA-17-01135

- DA-17-01135 was lodged on the 20 June 2017 for a private primary school at 149 Riverstone Road, Riverstone for a maximum of 75 students and 10 staff members, associated works and the retention of an existing dwelling to be used as a caretaker's residence, along with 20 car parking spaces. Currently, this application has been deferred and is still sitting with Blacktown Council for pending approval.

3.3 Development Application – 154 Regent Street – DA-18-02330

- DA-18-02330 for a 26 Lot Torrens Title subdivision on 154 Regent Street, Riverstone was approved on 18 December 2019 by the Blacktown Local Planning Panel. The site is adjacent to this application and shares a common road on the east boundary of the subject site

3.4 Development Application – 155 & 159 Regent Street – DA-18-02511

- DA-18-02511 was approved on 18 December 2019 by the Blacktown Local Planning Panel for a 50 Lot Torrens Title subdivision on subdivide 155 – 159 Regent Street, Riverstone being Lot 5 and 6 in Section N in DP 712. This application included the creation of one drainage lot for future acquisition by Council, construction of 3 new full-width roads and 2 new half-width roads, construction of temporary bio-retention basin for stormwater and tree removal and demolition. This site is in close proximity to the 167 Riverstone Road, outlined in purple in Figure 3.2 below.



Figure 3.2 – DA Locality Plan (Nearmap, 2021)

4. Proposed Development

In the instance that the subject Planning Proposal for rezoning 167 Riverstone Road from SP2 – Educational Establishment to R2 – Low Density Residential, the lot is intended to be subdivided to accommodate residential lots.

A concept subdivision plan has been prepared for the subject lot, showcasing the development potential and interface with the adjoining development at 167 Riverstone Road, Lot B DP 362093.

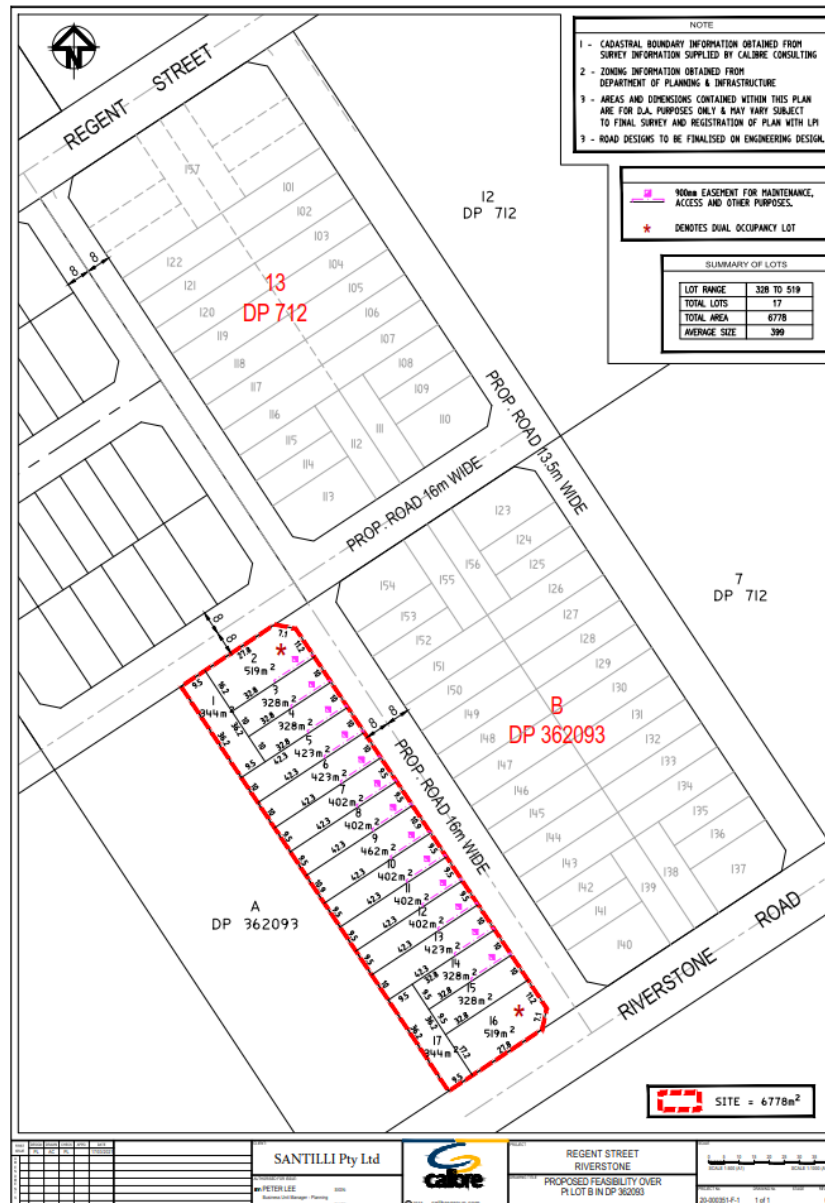


Figure 4.1: Concept Subdivision Plan

This layout achieves a subdivision of 17 lots, ranging in size from 328m² to 519m², with the potential for the two corner lots to be further subdivided as dual occupancy, bringing the maximum lot yield of 19 dwellings. This is consistent with the lot layout in the adjacent block, which was approved under DA-19-00943. This drawing demonstrates that the subject lot can accommodate orderly development, which is consistent with the character of the surrounding development.

The neighbouring lot to the west, Lot A DP362093 is zoned SP2 – Educational Establishment and has been purchased by the adjacent private school for future extension and upgrades.

According to Blacktown City Council's Contribution Plan No. 20 – Alex Avenue and Riverstone Precinct, the dwelling yield in the density bracket of 15 dwellings per hectare is 2.9 persons per dwelling. As such, this proposal would generate an estimated population of 50 -55 persons.

4.1 Supporting Studies

4.1.1 Transport, Traffic and Access

The potential impacts of the proposed development will include increased traffic generation due to the influx in population. These impacts are discussed within the Traffic Impact Assessment prepared by Traffix, attached in Appendix B. This report concluded that the proposed R2 Low Density Residential land use is considered supportable from a traffic planning perspective with no external improvements to the network required. The report detailed that the subject site has good connectivity to the local public transport network with reliable access to bus and rail services.

Additionally, the report concluded that the traffic generation volumes of the proposed development in a R2 Low Density Zone is significantly less than the traffic generation of a potential Education Establishment. Therefore, the proposed rezoning will not negatively impact on traffic within the region and does not necessitate any road upgrades.

The Traffic Impact Statement concludes that the development is minor, and as such does not require referral to Transport for NSW.

4.1.2 Open Space

The standard Open Space provision outlined in the GCC Development Code within the Contributions Plan No.20 - Alex Avenue and Riverstone Precincts specifies that 2.83 hectares of usable open space per 1000 persons is to be applied to the calculation of additional open space required for a development area.

Table 4.1 – Open Space Contributions Calculator

Open Space Contributions Calculations
17 lots x Density Occupation from CP.20 (17 lots x 2.9 = 49 persons)
$49 \times 2.83 / 1000 = 0.1386 \text{ ha}$
1,387 m ² of Open Space required

Note: 17 Lots is based on the Indicative Subdivision Plan

According to the above calculations, the subject site would warrant 1,387m² of additional open space, comprising of 693m² of active open space and 693m² of passive open space. Therefore, in the context of the proposed development the open space requirements are deemed negligible considering the subject site is within 400m of a proposed park with sporting fields. Refer to Section 2.2.5 for further justification of the surplus of open space within the immediate area.

4.1.3 Flooding and Stormwater Management

A Stormwater Management Plan has been prepared for the subject site, as part of the development application and subsequent for 167 Riverstone Road, being DA-19-00934. The stormwater report detailed that the proposed development will be serviced by a temporary bio-retention and detention basin to provide stormwater quality and detention until the regional basin is completed. This planning proposal does not preclude any likely environmental effects as a result of the rezoning from SP2 -Educational Establishment to R2 – Low Density Residential.

4.1.4 Biodiversity

A Flora and Fauna Assessment has been conducted for the subject site, which was prepared to support the subdivision development application for 167 Riverstone Road, Riverstone, being DA-19-00934. This assessment assessed the Green and Golden Bell Frog under Clause 6.9 of the SEPP Appendix 4 – Alex Avenue and Riverstone Precinct Plan 2010.

The report revealed that the proposed location for the Green and Golden Bell Frog habitat is proposed to be located within 155-159 Regent Street regional basin, located north of the subject site. The closest habitat previously identified is located north and east of the subject site and the subject site does not contain habitat previously identified. The proposed development is unlikely to result in any barriers or prevent the dispersal of this species within the First Ponds Creek riparian

corridor or surrounding locality. Therefore, the proposed rezoning to R2 Residential development will not have any adverse impacts on the biodiversity of the site. This report is provided in Appendix D for further information.

4.1.5 Servicing

The subject site is located close to the Riverstone potable water main and Fist Ponds Creek Carrier – Section 2 wastewater main for servicing. Adequate arrangements will be made to ensure that the supply of water, electricity, disposal and management of sewerage is available for the proposed development when required.

5. Strategic Planning Context

5.1 Greater Sydney Region Plan: A Metropolis of Three Cities

The 'Greater Sydney Region Plan' (2018) is the Greater Sydney Commission's key strategic planning documents that outlines a vision for Greater Sydney over the next 40 years for Greater Sydney and establishes directions to meet the needs of a growing and changing population, as well as broaden land use and transport strategies in order to increase the city's liveability, productivity and sustainability.

The plan envisions Greater Sydney as a metropolis of three cities, which includes:

- The Eastern Harbour City
- The Central River City
- The Western Parkland City

The property is identified as being located within the Central River City.

The region plan seeks to ensure that the residents of Greater Sydney live within 30 minutes of their jobs, education, health facilities and other services. This vision is supported by 10 overarching directions with their associated metrics and objectives, based on the principles of infrastructure and collaboration, liveability, productivity and sustainability. These directions include:

- **A city supported by infrastructure:** Provide adequate infrastructure to support population growth to create strong communities.
- **A collaborative city:** Manage the competing needs of a city through the collaboration between the three tiers of government, industry and local communities.
- **A city for people:** Build social and cultural connections and networks by capitalising on local identity, heritage, and cultural values with easier access to services to foster a more resilient and connected society.
- **Housing the city:** Greater housing choice and a minimum of 36,250 additional homes every year is required in addition to creating liveable neighbourhoods close to employment opportunities, public transport, walking and cycling options for communities.
- **A city of great places:** The creation of great places that recognise local characteristics and qualities people value. The delivery of safe, inclusive and walkable mixed-use areas that exhibit urban design excellence, connected to social infrastructure and open spaces will enhance wellbeing, a sense of community identity as well as encourage healthy lifestyles.
- **A well-connected city:** Allow people to have 30-minute public transport access to one of the three cities and to services in their nearest strategic centre seven days a week. This will be achieved by integrating land use, transport and infrastructure planning. Productivity will also be improved by co-locating jobs and services, as well as improving transport efficiency.
- **Jobs and skills for the city:** Enhance Greater Sydney's productivity, export sectors and global competitiveness to increase the region's economic activity by requiring greater choice for where development can occur to enable the employment growth of 817,000 jobs by 2036. Locations of businesses, investment and economic agglomerations will be guided by strategic planning.
- **A city in its landscape:** Management of the effects of urban development to protect, restore and enhance natural and scenic landscapes, waterways, coastline, natural areas, tree canopy and open spaces through strategic planning. This will ensure improvements to liveability, creation of healthy places and mitigate the effects of climate change.
- **An efficient city:** Innovative management of water, energy, resources and waste in strategic land use, transport and infrastructure planning to reduce costs, carbon emissions and environmental impacts.
- **A resilient city:** Building capacity in social and ecological systems to adapt and respond to both known and unforeseen impacts, including changes to technology and climate through the use of new city shaping technologies, improving the quality of life and productivity.

The Greater Sydney Structure Plan 2056 is shown in Figure 5.1.

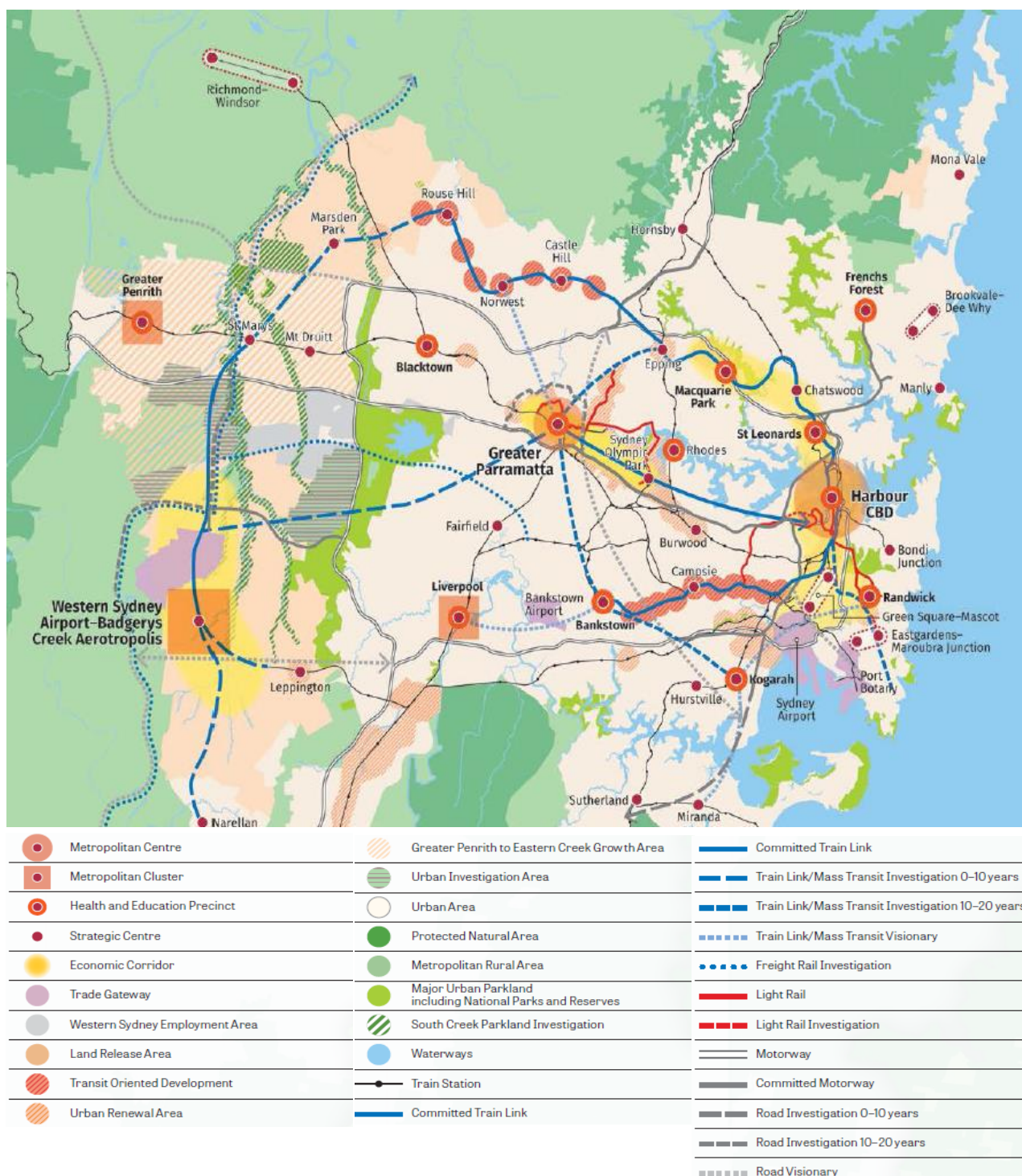


Figure 5.1 – Greater Sydney Region Plan (Greater Sydney Commission 2018)

The plan outlines that an additional 725,000 dwellings will be required, through land releases, transit-oriented development, and urban renewal. The plan also identifies areas for growth and urban investigation.

This planning proposal relates to a small parcel of land, 0.67 hectares situated within Riverstone, located within the Central River City. The proposed amendments to the rezoning of land from SP2 Infrastructure – Educational Establishment to R2-Low Density Residential, aligns with the directions of the Greater Sydney Region Plan, specifically, 'housing the city', as it is facilitating the additional supply of dwellings to support the projected increasing population within North- West Sydney.

5.2 Central City District Plan

The Central City District Plan (2018) was concurrently released with the Greater Sydney Region Plan by the Greater Sydney Commission.

The Central City is one of the three 30-minute cities proposed within the Greater Sydney Region Plan with the vision for residents to have quicker and easier access to a wider range of jobs, housing types and activities, all within a 30-minute travel distance radius.

The Central City District Plan notes that the Central City is ageing, with the number of single person households anticipated to increase. Couples with children will remain as the dominant household type. It is estimated that an additional 207,500 homes will be required in the District by 2036, with changes to the previous dwelling mix as demand for smaller dwellings increase over time.

To deliver a more liveable Central City, the plan notes the need to adopt Planning Priorities outlined within the plan. Of these, the following are applicable to the Planning Proposal:

Planning Priorities:

- Planning Priority C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.

Therefore, the subject rezoning from SP2 Infrastructure – Educational Establishment to R2- Low Density Residential will enable the creation of additional supply of low-density, residential development to suit the growing population. The Planning Proposal is consistent with the objectives for the Central City District.

5.3 North West Priority Growth Area Land Use and Infrastructure Strategy

The objective of this direction is to inform future precinct planning and rezoning across the North West Priority Growth Area. It coordinates infrastructure provision to deliver community facilities, schools, open space and other infrastructure that will make these centres productive and pleasant places to live and work.

The objectives for the North West Priority Growth Area as identified within the plan are:

- To plan for an increased population in Sydney's North West in vibrant and liveable neighbourhoods
- To balance the needs of a growing population with opportunities for employment and recreation
- Improve transport accessibility and connectivity throughout the area

Further, this plan identified minimum and maximum density limits in order to control the dwelling growth and density within the region.

Therefore, the subject rezoning from SP2 Infrastructure – Educational Establishment to R2 Low Density Residential adheres to the objectives and aims of the North West Priority Growth Area Land Use and Infrastructure Strategy and is facilitating the potential to increase the housing supply within the North West Growth Area.

5.4 Blacktown Local Strategic Planning Statement (2020)

The Blacktown Local Strategic Planning Statement (LSPS) was finalised in 2020 and sets out a 20-year vision for the future of Blacktown City which is *'a planned city of sustainable growth, supported by essential infrastructure, efficient transport, a prosperous economy and equitable access to a vibrant, healthy lifestyle'*. The purpose of the Blacktown LSPS is to outline the characteristics that make our community unique, direct how future growth and change will be managed and identify where further detailed strategic planning may be needed.

This LSPS allows planning for local opportunities and changes to be facilitated within the broader context of the directions specified within the Central City District and Greater Sydney. Riverstone has been identified within the LSPS as being a strategic centre, as shown in Figure 5.2 below.

Planning Priorities:

- *Local Planning Priority 5*: Providing housing supply, choice and affordability with access to jobs, services and public transport

The Central City District Plan set a target of 13,950 new dwellings in Blacktown City by 2021.

This planning amendment is consistent with Blacktown LSPS.

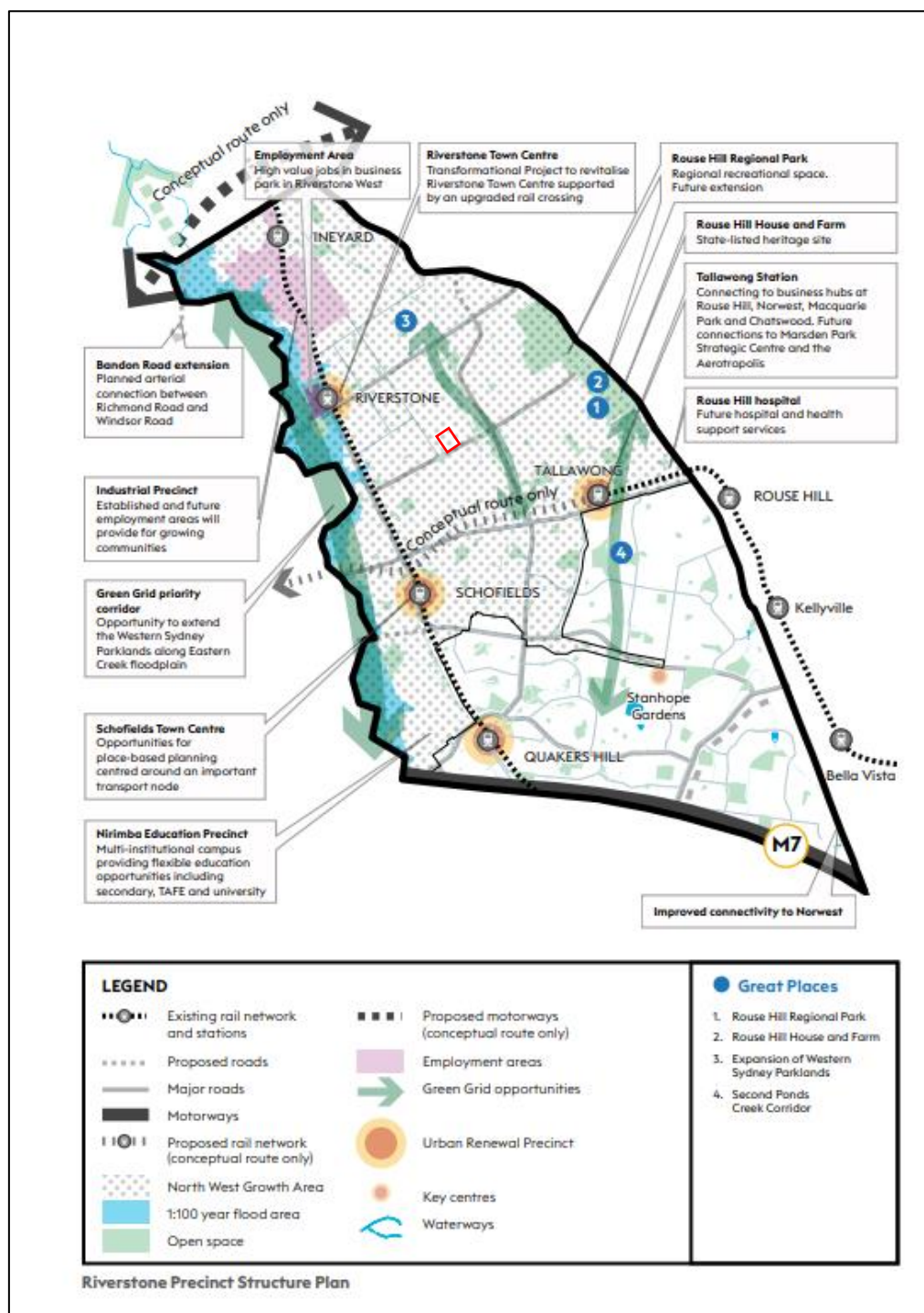


Figure 5.2 – Extract of Riverstone Precinct Structure Plan (Blacktown LSPS 2020)

6. Local Planning Framework

6.1 State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 4 Alex Avenue and Riverstone Precinct Plan 2010

The *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 4 Alex Avenue and Riverstone Precinct Plan* is the applicable Environmental Planning Instrument for the subject site.

The Planning Proposal is consistent with the following aims of the SEPP as stated in Clause 1.2:

The aims of this Precinct Plan are as follows—

- a) to make development controls for land in the Alex Avenue and Riverstone Precincts within the North West Growth Centre that will ensure the creation of quality environments and good design outcomes,*
- b) to protect and enhance the environmentally sensitive and natural areas and the cultural heritage of those Precincts,*
- c) to provide for recreational opportunities within those Precincts,*
- d) to provide for multifunctional and innovative development in those Precincts that encourages employment and economic growth,*
- e) to promote housing choice and affordability in those Precincts,*
- f) to provide for the sustainable development of those Precincts,*
- g) to promote pedestrian and vehicle connectivity with adjoining Precincts and localities and within the Alex Avenue and Riverstone Precincts,*
- h) to provide transport infrastructure to meet the needs of the community,*
- i) to provide for the orderly development of the Riverstone Scheduled Lands.*

The proposal contributes to the making of State Environmental Planning Policy provisions, specifically relating to land use zoning and building height controls for land within Blacktown City Council in accordance with the standard environmental planning instrument. The proposal aims to promote the orderly and sustainable development of the site, ensuring the proposed amendments are in accordance with the surrounding development. Additionally, the proposal will ensure the economic, environmental and social needs within Blacktown region are met.

The Planning Proposal contributes to the development of a site that was relinquished by the Department of Education, making it a valuable contribution to the housing supply within the Riverstone Precinct. Further, the proposal will enable the establishment of a vibrant, liveable and safe community within Blacktown City that is centrally located with easy access to schools, transport, jobs and essential services.

6.1.1 Zoning

The subject site, 167 Riverstone Road is zoned SP2 Infrastructure – Education under the *SEPP (Sydney Region Growth Centres) 2006 – Alex Avenue and Riverstone Precinct*, as shown under Figure 6.1 below. The site is also covered by a hatching that triggers specific clauses relating to the protection of the habitat of the Green and Golden Bell Frog. These clauses will need to be considered in future residential Development Applications for the subject site, and is discussed in Section 4.1.4 of this report.

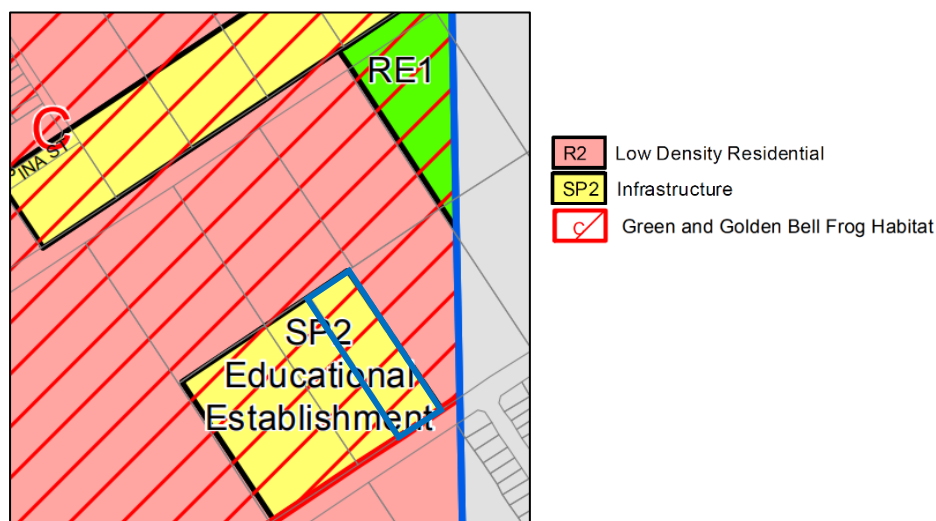


Figure 6.1 – Extract zoning Plan (SEPP Sydney Region Growth Centres)

6.1.2 Building Height

There is no specified Height of Building for the land zoned SP2 – Education, therefore the subject site does not currently have a maximum building height level.

6.1.3 Minimum lot size

There is no specified Minimum lot size for the subject site, 167 Riverstone Road, Riverstone. Refer to Figure 6.2 below.

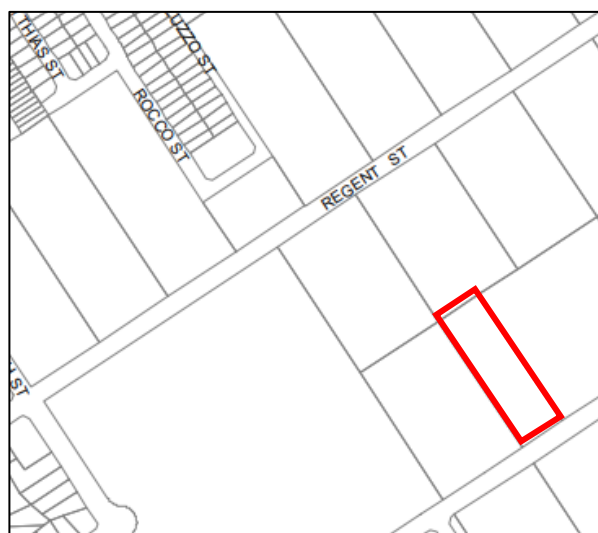


Figure 6.2- Extract Min Lot Size Plan (SEPP Sydney Region Growth Centres 2006)

6.1.4 Heritage

There are no heritage constraints for this subject site, 167 Riverstone Road, zoned SP2 – Education, therefore this control is not applicable.

6.1.5 Land Reservation Acquisition

The objective of this clause is to identify, for the purposes of Section 3.15 of the *Environmental Planning and Assessment Act 1979*, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired.

The subject site, 167 Riverstone Road is identified to be SP2 Infrastructure – Educational Establishment. However, discussions with the NSW Department of Education reveal their relinquishment of interest in acquiring the subject site for school purposes. As such, there is no requirement to acquire the land. As The Department of Education have formally confirmed their decision to relinquish their interest in Part Lot B DP 362093 via a letter dated 13 June 2019 addressed to the Department of Planning and Environment detailing the request to amend *the SEPP (Sydney Region Growth Centres) 2006 – Appendix 4 Alex Avenue Riverstone Precinct Plan*, Land Reservation map. This letter is attached in Appendix A

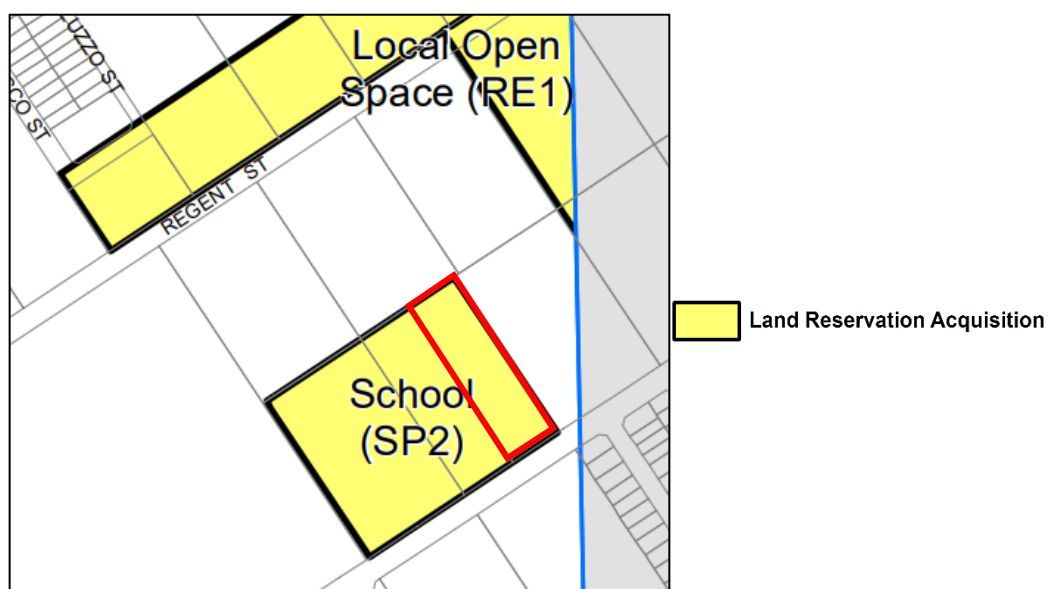


Figure 6.3 – Extract of Land Reservation Acquisition Plan (SEPP Sydney Region Growth Centres 2006)

6.2 Blacktown City Council Growth Centres Precincts – Development Control Plan 2010 (Amended 2020)

6.2.1 Indicative Layout Plan

The subject site, 167 Riverstone Road is identified as 'School' within the Riverstone and Alex Avenue Indicative Layout Plan. As the Department of Education has specified their relinquishment in acquiring the subject site for school purposes, this plan is not applicable to the subject application and will need to be amended.

Therefore, it is proposed that Clause 2.2 – Indicative Layout Plan of the Blacktown City Council Growth Centre Precincts Development Control Plan (DCP) 2010 is amended to identify the subject site as 'Low Density Residential'.

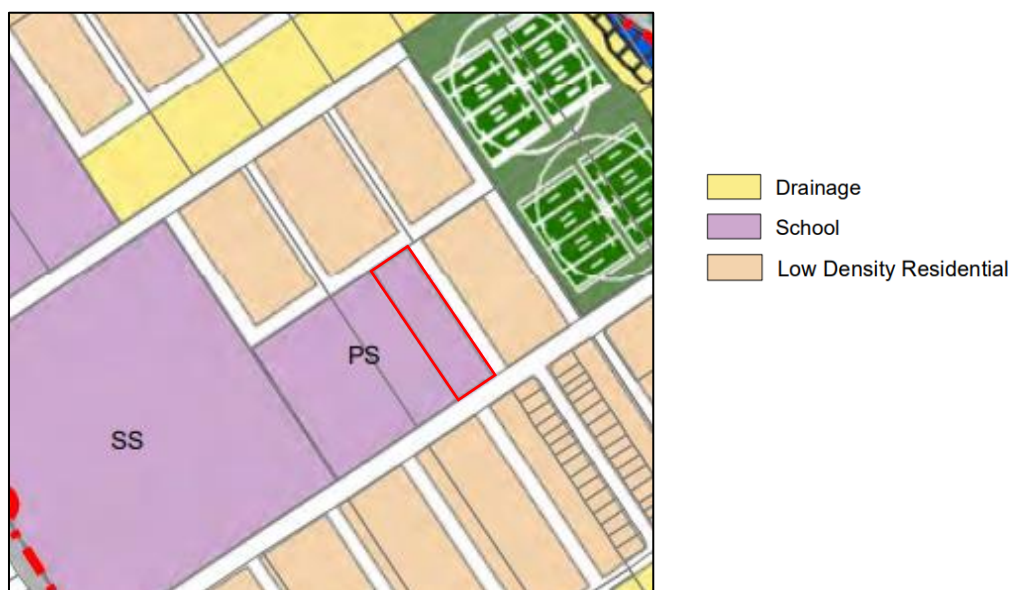


Figure 6.4 – Extract of Indicative Layout Plan (Blacktown City Council Growth Centre Precincts DCP 2010)

7. Parts of a Planning Proposal

This Planning Proposal has been prepared in accordance with Sections 3.33 (1) and (2) of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's guidelines including 'A guide to preparing planning proposals' and 'A guide to preparing Local Environmental Plans'.

The proposal is outlined in the following components:

- **Part 1** – A statement of the objectives and intended outcomes of the proposed instrument
- **Part 2** – An explanation of the provisions that are to be included in the proposed instrument
- **Part 3** – The justification of those objectives, outcomes and the process for their implementation
- **Part 4** – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies
- **Part 5** – Details of the community consultation that is to be undertaken on the planning proposal
- **Part 6** – Project Timeline

7.1 Part 1 – Objectives and Intended Outcomes

The Planning Proposal has the following objectives:

- To provide for the housing needs of the community within a low-density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow residents to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.
- To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low-density residential environment.

These objectives are to be achieved by amending the *SEPP (Sydney Region Growth Centres) 2006 – Appendix 4 Alex Avenue Riverstone Precinct Plan* with revised development standards and associated SEPP maps to:

- To alter the zoning of Part Lot B in DP 362093 from SP2 Education to R2 Low Density Residential.
- Amend the maximum building height from unspecified to 9m over the proposed R2 zoned land to enable orderly residential development.
- Amend the Land Reservation Acquisition map to remove reference of 167 Riverstone Road, Riverstone as SP2-Education.
- Amend the Residential Density Map from unspecified to 15 dw/ha.

The intended outcome of the rezoning of the subject site, 167 Riverstone Road is to facilitate the provision of low-density residential dwellings to accommodate additional housing supply within the Riverstone Precinct. Future residents will be supported by easy access to primary and secondary schools, open space and public transport options.

7.2 Part 2 – Explanations of Provisions

This Planning Proposal seeks to amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 4 Alex Avenue Riverstone Precinct Plan 2010* to ensure that the objectives and intended outcomes for residential development of the site is achieved to facilitate future residential development. Table 7.1 below summarises the proposed amendments to rezone the site and increase building height controls. Figures 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 on the following pages supports this table.

Table 7.1 Proposed amendments to SEPP (Sydney Region Growth Centres) 2006

Development standard to be amended	Existing development standard applying to the site	Proposed amendment
Land Use Zone	SP2 Education	Amendment of the Land Zoning Map – Sheet LZN_004 to R2 Low Density Residential
Building Height	9m	Amendment of the Height of Buildings Map – Sheet HOB_004 to 9m
Land Reservation Acquisition Map	School (SP2)	Amendment of Land Reservation Acquisition Map – Sheet LRA_004 to remove shading and School (SP2) from map
Residential Density	15 dwellings/ hectare	Amendment of the Residential Density Map Sheet RDN_004 to O1 – 15 dwellings per hectare

Figure 7.1 Existing Land use Zoning Map

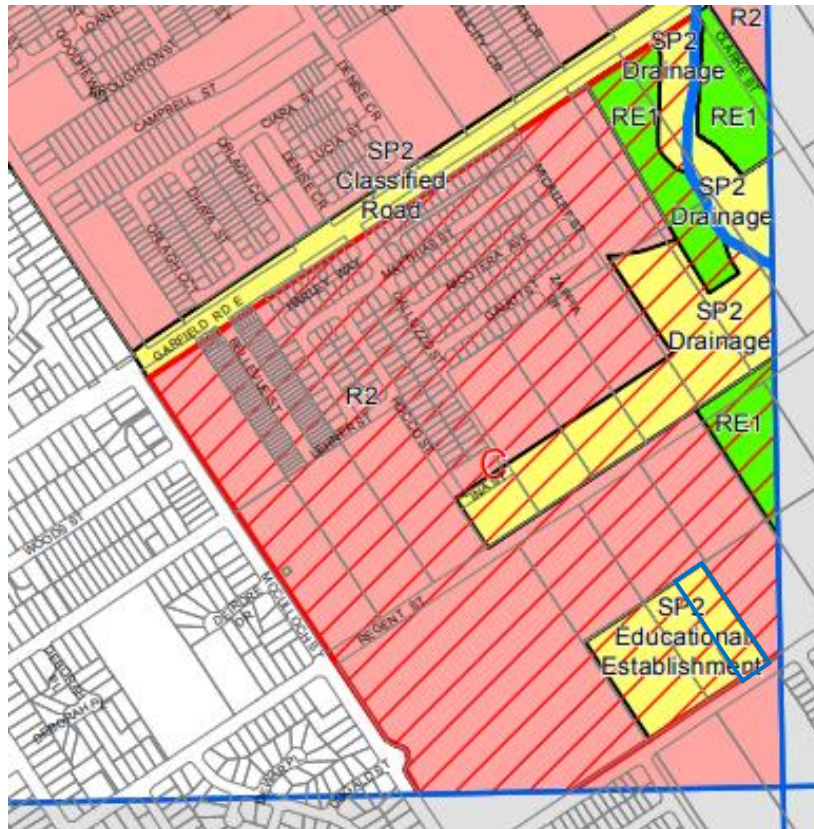


Figure 7.2 Proposed Land Use Zoning Map

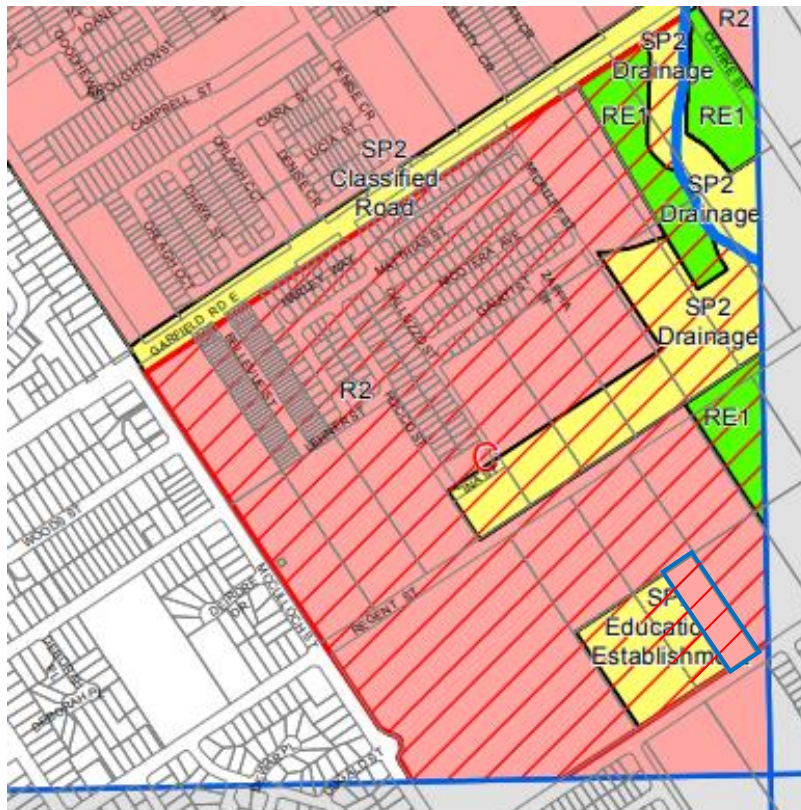


Figure 7.3 Existing Land Acquisition Map

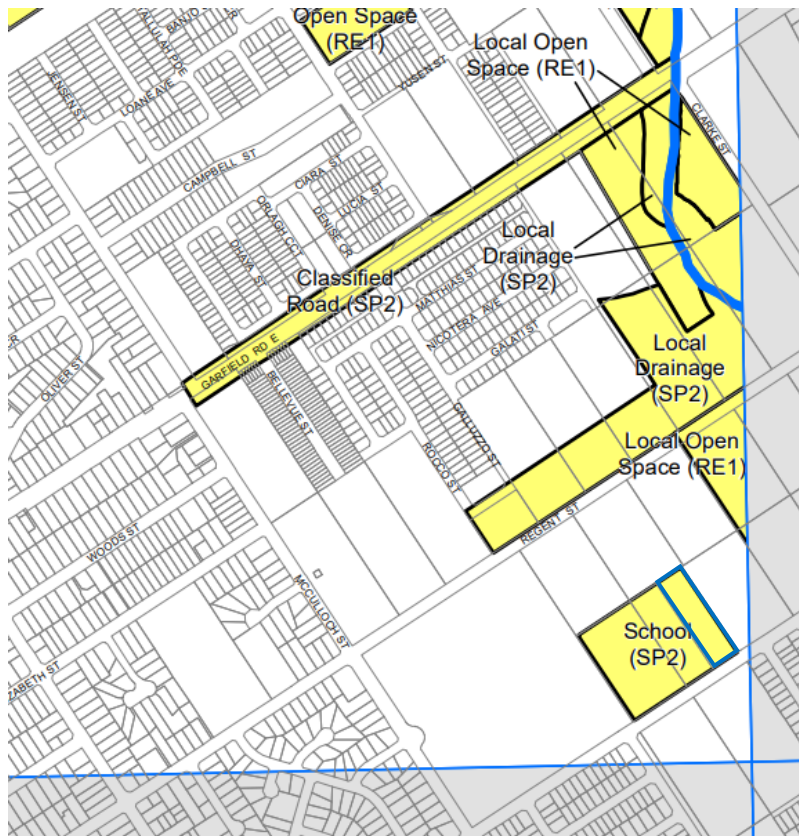


Figure 7.4 Proposed Land Acquisition Map

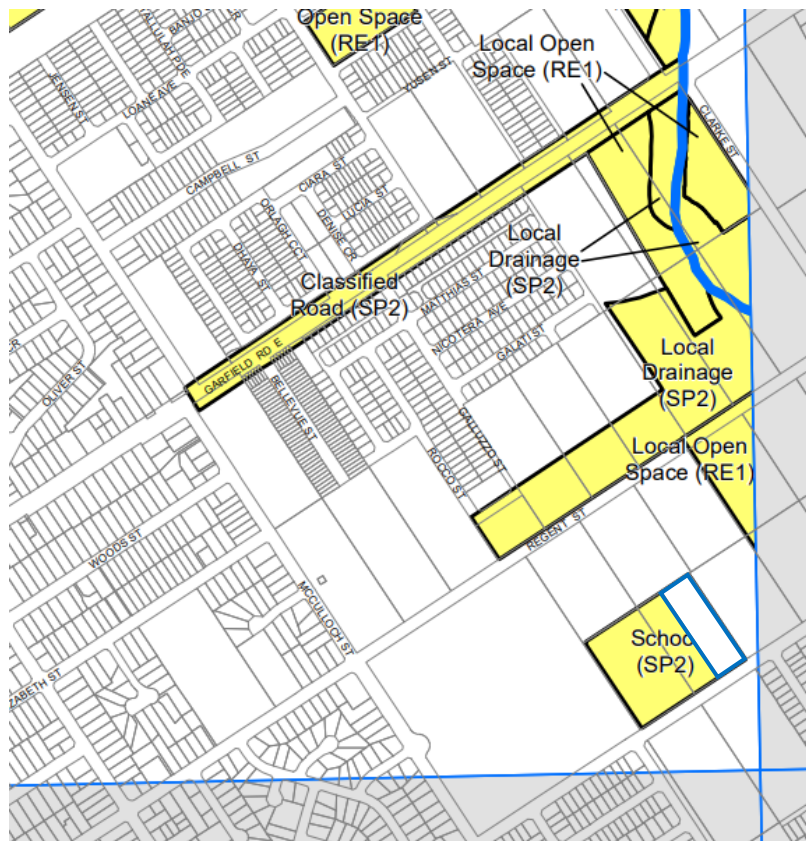


Figure 7.5 Existing Height of Building Map

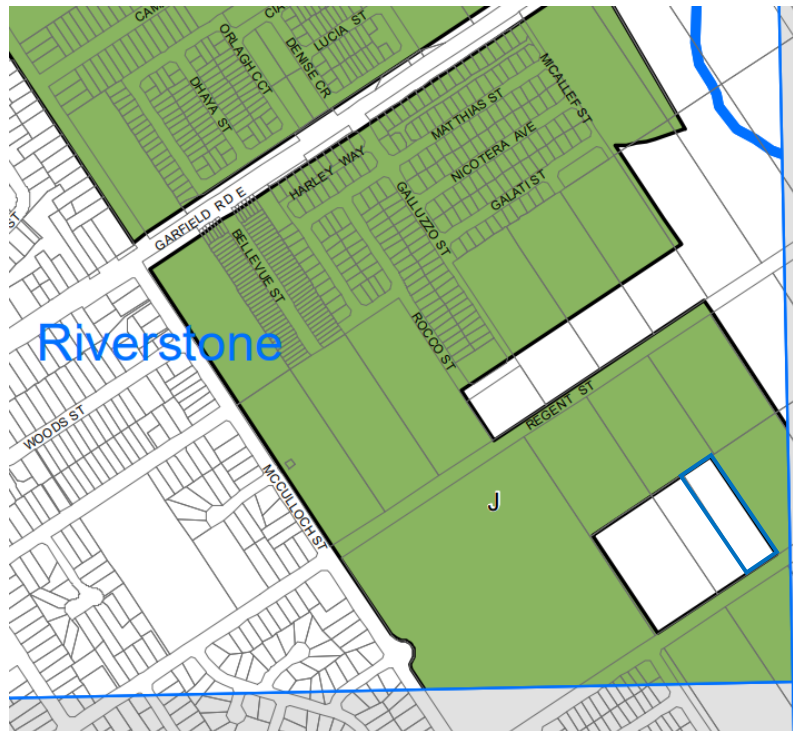


Figure 7.6 Proposed Height of Building Map

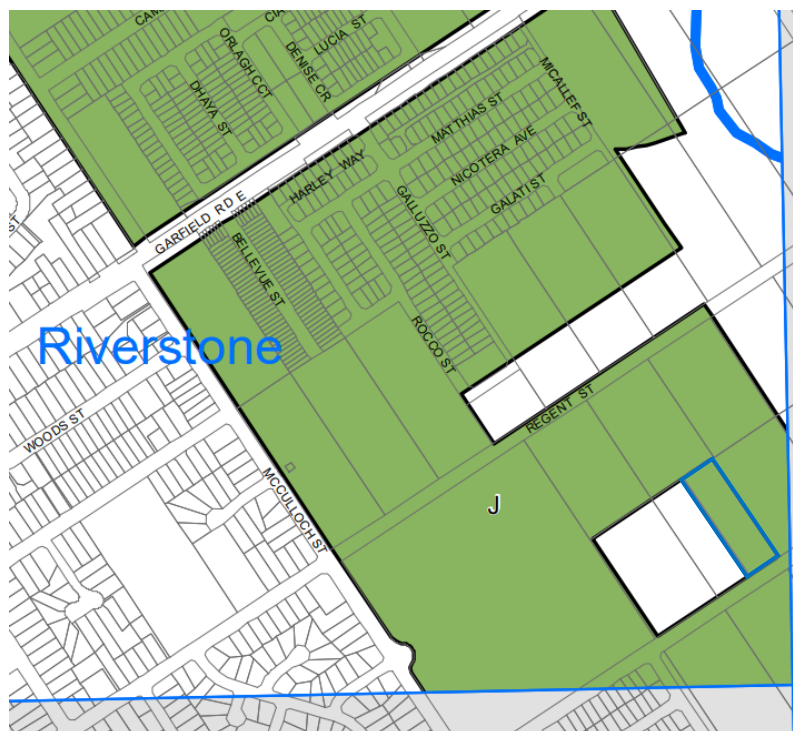


Figure 7.7 Existing Residential Density Map



Figure 7.8 Proposed Residential Density Map



Figure 7.9 Existing ILP



Figure 7.10 Proposed ILP



7.3 Part 3 – Justification for Planning Proposal

This section provides the justification for the proposed amendments to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 4 Alex Avenue Riverstone Precinct Plan* in accordance with Section 2.3 of 'A guide to preparing Planning Proposals'.

7.3.1 Questions to consider when demonstrating the justification

Section A – Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of any strategic study or report. The Planning Proposal is the result of the Department of Education's directive that they no longer require the land for Educational purposes in the future and have relinquished their interest in the site. Further details are included in Section 2.1.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

This planning proposal, which seeks to amend the *SEPP (Sydney Region Growth Centres) 2006 – Appendix 4 Alex Avenue Riverstone Precinct Plan* by changing the zoning from SP2 Education to R2 Low Density Residential, increasing the building height to 9m and amending the land reservation acquisition map is believed to be the most appropriate means of achieving the intended objectives and outcomes for of the subject site. The site is envisaged to accommodate low density residential housing in a predominately low-density residential neighbourhood.

The amendments to the zoning and building height, residential density will allow the site to be developed for residential purposes.

This Planning Proposal, therefore, is the best approach towards facilitating the desired outcome for the site, being residential development, which is a suitable response towards the strategic objectives for Riverstone and the North West Growth Centres.

Section B – Relationship to the Strategic Planning Framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal has been received against the following applicable strategic plans:

- A Metropolis of Three Cities - Greater Sydney Region Plan

The Planning Proposal is considerably consistent with the strategic goals and objectives of NSW Government's vision for a city in a Metropolis of Three Cities – Greater Sydney Region Plan, specifically being:

Objective 10: Greater Housing Supply

Objective 11: Housing is more diverse and affordable

- Central City District Plan

The Central City District is described as one of the most dynamic and rapidly growing regions in Australia. The Planning Proposal, which seeks to facilitate low density residential development opportunities meets the following planning priority:

- Planning Priority C5: Providing housing supply, choice and affordability with access to jobs, services and public transport

- North West Priority Growth Area – Land Use and Infrastructure Strategy

The North West Priority Growth Area Land Use and Infrastructure Strategy establishes the objectives for the North West Priority Growth Area. The objectives applicable to the subject Planning Proposal are:

- To plan for an increased population in Sydney's North West in vibrant and liveable neighbourhoods.

Therefore, the subject rezoning from SP2 Infrastructure – Educational Establishment to R2 Low Density Residential adheres to the objectives and aims of the North West Priority Growth Area Land Use and Infrastructure Strategy and is facilitating the potential to increase the housing supply within the North West Growth Area.

Q4. Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

The planning proposal is consistent with the Blacktown Local Strategic Planning Statement, which identifies Riverstone as an important strategic centre within the North West Growth Centre. It mentions that greater housing needs are required, which this planning proposal is facilitating.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the following applicable State Environmental Planning Policies (SEPP):

- SEPP (Sydney Region Growth Plan) 2006
- SEPP No. 55 (Remediation of Land)

A table demonstrating consistency with the applicable SEPPs is shown in Table 6.2.

Table 7.2 Consistency with State Environmental Planning Policies

State Environmental Planning Policy	Requirement	Planning Proposal
SEPP (Sydney Region Growth Centres) 2006	This Policy aims to coordinate the release of land for residential, employment and other urban development in the North West Growth Centre and provide for comprehensive planning for growth centres to enable the establishment of vibrant, sustainable and liveable neighbourhoods that provide for community well-being and high-quality local amenity.	This Planning Proposal seeks to change the use of the land from SP2 Education Establishment to R2 Low Density Residential and aims to be consistent with the aims of the
SEPP No.55 – Remediation of Land	This policy aims to provide for a State-wide planning approach to the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment.	The Planning Proposal seeks to change the use of the land from SP2 Education to R2 Low Density Residential and aims to be consistent with the provisions of SEPP 55. Prior to future development, appropriate investigations will be undertaken to ensure that any contamination of the properties is identified and remediated.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

This Planning Proposal is consistent with the applicable Section 9.1 Ministerial Directions being:

- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of A Plan for Growing Sydney
- 7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan

Table 6.3 on the following page demonstrates consistency with the applicable s9.1 Ministerial Directions.

Table 7.3 Consistency with Section 9.1 Ministerial Directions

Direction	Objective	Comment
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental significance and Indigenous heritage significance.	This Planning Proposal is consistent with the terms of this direction. There are no heritage items identified on the subject site.
3.1 Residential Zones	The objectives of this direction are to encourage a variety of housing types to provide for existing and future housing needs, make efficient use of the existing infrastructure and services, ensure that new housing has appropriate access to infrastructure and services and minimise the impact of residential development on the environment and resources land. This direction applies where a planning proposal will affect land within an existing or proposed residential zone.	This Planning Proposal will meet the objectives of this direction as it is broadening the choice of building types and locations available in the housing markets. The site will be adequately serviced in the future with arrangements having taken place with the relevant utility providers including Endeavour Energy, Telstra, NBN and Jemena. The Planning Proposal does not contain provisions which will reduce the permissible residential density of land
6.1 Approval and Referral Requirements	This direction is to ensure that SEPP provisions encourage the efficient and appropriate assessment of development.	<p>This Planning Proposal seeks to minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority. It is understood that council would obtain the approval of these authorities if needed.</p> <p>The Planning Proposal does not identify the development as designated development.</p>
6.2 Reserving Land for Public Purposes	This policy aims to provide for a State-wide planning approach to the remediation of contaminated land for the purposes of reducing the risk of harm to human health or any other aspect of the environment.	The Planning Proposal seeks to change the use of the land from SP2 Education to R2 Low Density Residential and aims to be consistent with the provisions of SEPP 55. Prior to future development, appropriate investigations will be undertaken to ensure that any contamination of the properties is identified and remediated.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site-specific planning controls. This direction applies where a planning proposal would allow a particular development to be carried out.	The Planning Proposal does not seek for a particular development to be carried out and does not promote site specific planning. The rezoning of the site, DCP would not restrict development and is in accordance with the <i>SEPP Sydney Region Growth Centres 2006</i> .
7.1 Implementation of A Plan for Growing Sydney	The objective of this direction is to give legal effect to the planning principles, directions and priorities for subregions, strategic centers and transport gateways contained within <i>A Plan for Growing Sydney</i> .	This Planning Proposal reflects the objectives and priorities of <i>A Plan for Growing Sydney</i> which has been discussed under Question 3. Note that these requirements are reflected in the assessment against a <i>Metropolis of Three Cities – Greater Sydney Region Plan</i> and the <i>Central City District Plan</i> .

<p>7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan</p>	<p>The objective of this direction is to inform future precinct planning and rezoning across the North West Priority Growth Area. It coordinates infrastructure provision to deliver community facilities, schools, open space and other infrastructure that will make these centres productive and pleasant places to live and work.</p>	<p>The established Min/Max densities for residential development that were specified within this plan will be complied with. The draft amendments for min/max densities has not been progressed by the Department of Planning.</p>
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Section C - Environmental, Social and Economic Impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site is identified to contain the habitat of the threatened species, The Green and Golden Bell Frog. However, the subject Planning Proposal will not adversely impact on this critical habitat as there is no development proposed under this Planning Proposal. Any potential impacts to the Green and Golden Bell Frog habitat will be assessed at future DA stage.

There is minimal vegetation on site and the site is currently rural – residential with a small number of trees and shrubs. There is no likelihood that the Planning Proposal will impact on critical habitat or threatened species, populations or ecological communities, or their habitats. Any potential impact of future development will be adequately assessed by a qualified arborist.

Q8. Are there any likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental effects or natural hazards as a result of the Planning Proposal. The subject site is not identified with bushfire, flooding or landslide constraints.

A Stormwater Management Plan has been prepared for the subject site, as part of the development application and subsequent for 167 Riverstone Road, being DA-19-00934. The stormwater report detailed that the proposed development will be serviced by a temporary bio-retention and detention basin to provide stormwater quality and detention until the regional basin is completed. Therefore, this planning proposal does not preclude any likely environmental effects as a result of the rezoning from SP2 -Educational Establishment to R2 – Low Density Residential.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal, which seeks to change the zoning from SP2 Education to R2 Low Density Residential and building height controls for the subject site will not result in any adverse social or economic effects. The Planning Proposal will provide positive social and economic effects to Riverstone as it is facilitating additional housing supply and the creation of communities.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

The subject site will have access to adequate public infrastructure including utility services, as there is an existing development on the site. The proposal has suitable access to public transport within 450m of the site.

Any additional infrastructure servicing requirements required for development that may occur from the gazettal of the Planning Proposal will be addressed in any future development applications.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of State and Commonwealth public authorities will not be known until after the initial Gateway determination as no consultation has been carried with either of the authorities. The determination will identify the relevant agencies to be consulted as part of the process.

7.4 Part 4 - Mapping

The Department's guidelines state that planning proposals should be supported by relevant and accurate mapping where appropriate and shown in Section 7.1 of this report.

7.5 Part 5 – Community Engagement & Consultation

The Department notes that community consultation should be undertaken in respect of the Planning Proposal. 'A guide to preparing Local Environmental Plans' sets out requirements for community consultation and distinguishes between 'low impact' proposals and other types of planning proposals.

This Planning Proposal would require a standard consultation length of 28 days, specified under section 3.34(2)(c) and Schedule 1 clause 4 of the Act. Department's Gateway Determination will confirm the degree of community consultation required. Following Gateway Determination, community consultation will be undertaken in accordance with Gateway conditions.

7.6 Part 6 – Project timeline

'A guide to preparing Planning Proposals' states that the primary goal of the plan making process is to reduce the overall time taken to produce LEPs. Department's Gateway Determination will confirm the degree of community consultation required. Following Gateway Determination, community consultation will be undertaken in accordance with Gateway conditions.

The proponent seeks to ensure that the Planning Proposal will have a resolution in 2021.

7.7 Public Benefit

The public benefit of the proposed rezoning will be positive as it is allowing additional housing stock to be provided to the Riverstone region. The rezoning will support the orderly development of Riverstone Road and will be in accordance with the surrounding character of the area, being low density in nature.

7.8 Section 7.11 Contributions

The applicable contribution plan to the subject site is the Blacktown City Council Contribution Plan No.20 – Alex Avenue and Riverstone Precincts.

The Contribution Plan No.20 has used to determine that the subject site would warrant the need of 1,387m² (0.0138 ha) of additional open space comprising of active open space with some 693m² of this would be passive open space. Refer to Table 4.1 for the open space calculations.

Based on the indicative subdivision plan, the local open space cannot be incorporated into the subdivision layout. In addition, there is ample local open space in the surrounding area as shown in Figure 2.7. There should be no need for additional land for open space purposes. The future residential subdivision will make Section 7.11 Contributions towards open space local infrastructure including open space and drainage contributions.

8. Requested Amendments to Blacktown Growth Centre Precincts DCP 2010

The requirement within the Blacktown City Council Growth Centres Precinct Plan Development Control Plan (DCP) 2010 is that variations from the ILP must be consistent with the Precinct Planning vision in the relevant Precinct Schedule.

It is requested that Blacktown City Council Growth Centres Precinct Plan DCP 2010 be amended to incorporate site-specific amendments to Schedule 2 - Riverstone Precinct Plan that addresses the proposal at 167 Riverstone Road, Riverstone specifically as follows:

- **Amend Figure 3.1 – Indicative Layout Plan**

It is requested that the Indicative Layout Plan be amended to remove reference to the subject lot, Part Lot B DP362093 as 'Education' and amend it to be labelled as 'Low Density Residential'.

This amendment is minor in nature and ensures that the proposed amendments to the zoning of the site is reflected in the Indicative Layout Plan, within the Blacktown Growth Centres Precincts DCP - Schedule 2 - Riverstone Precinct Plan.

9. Conclusion

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's guidelines including 'A guide to preparing Planning Proposals' and 'A guide to preparing Local Environmental Plans', seeking an amendment to the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 4 Alex Avenue and Riverstone Precinct Plan* to rezone the subject site from SP2 Education to R2 Low Density Residential, amend the building height controls to 9m, amend the land reservation acquisition map and amend the residential density map for Part Lot B DP 362093 also known as 167 Riverstone Road, Riverstone. These amendments are the result of the Department of Education relinquishing their interest in the site for future educational purposes and therefore, will facilitate the future low-density residential development.

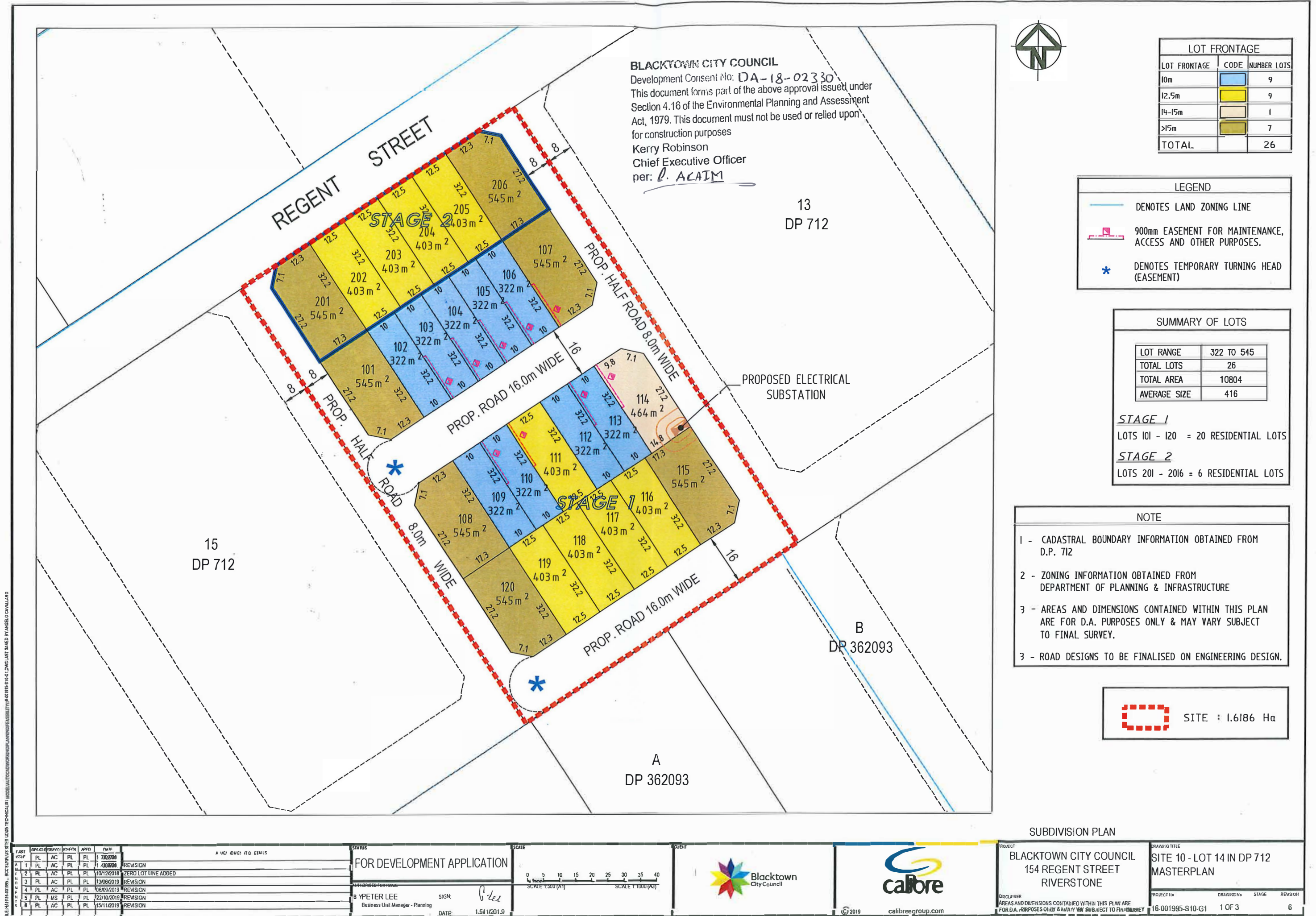
This Planning Proposal will require the following amendments to the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Appendix 4 Alex Avenue and Riverstone Precinct Plan* to support future low-density residential development on the subject site:

- Change the Land Zoning under Clause 2.1 Land Zoning and amend the 'Land Zoning Map'.
 - from SP2 Infrastructure (Education) to R2 Low Density Residential
- Increase the Building Height under Clause 4.3 Height of Buildings and amend the 'Height of Buildings Map'.
 - From unspecified to 9m.
- Add the Residential Density controls under Clause 4.1B and amend the 'Residential Density Map'.
 - From unspecified to 15 dwellings / hectare.
- Remove the Land Reservation Acquisition under Clause 5.1 and amend the 'Land Reservation Acquisition Map'.
 - From SP2- Infrastructure marked 'School' to unspecified.

All strategic planning policies and statutory planning instruments have been taken into consideration and addressed within this Planning Proposal including the Greater Sydney Region Plan, Central City District Plan, Blacktown Local Strategic Planning Statement, Blacktown Growth Centres Precinct Development Control Plan, relevant Section 9.1 Directions and relevant State Environmental Planning Policies.

The Planning Proposal is submitted to Council for consideration and if supported, the Proposal will be submitted to the Department of Planning and Environment for a Gateway determination.





4. Proposed Development

In the instance that the subject Planning Proposal for rezoning 167 Riverstone Road from SP2 – Educational Establishment to R2 – Low Density Residential, the lot is intended to be subdivided to accommodate residential lots.

A concept subdivision plan has been prepared for the subject lot, showcasing the development potential and interface with the adjoining development at 167 Riverstone Road, Lot B DP 362093.

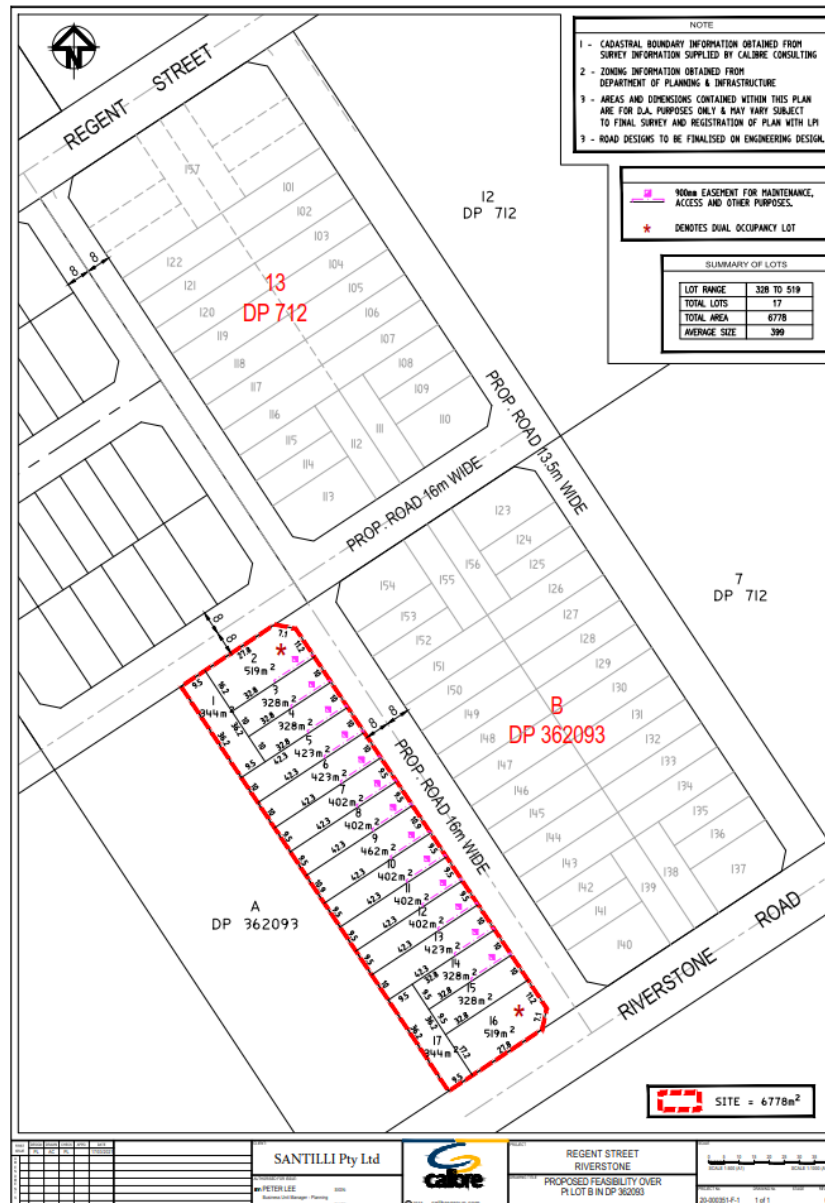


Figure 4.1: Concept Subdivision Plan

This layout achieves a subdivision of 17 lots, ranging in size from 328m² to 519m², with the potential for the two corner lots to be further subdivided as dual occupancy, bringing the maximum lot yield of 19 dwellings. This is consistent with the lot layout in the adjacent block, which was approved under DA-19-00943. This drawing demonstrates that the subject lot can accommodate orderly development, which is consistent with the character of the surrounding development.

The neighbouring lot to the west, Lot A DP362093 is zoned SP2 – Educational Establishment and has been purchased by the adjacent private school for future extension and upgrades.

According to Blacktown City Council's Contribution Plan No. 20 – Alex Avenue and Riverstone Precinct, the dwelling yield in the density bracket of 15 dwellings per hectare is 2.9 persons per dwelling. As such, this proposal would generate an estimated population of 50 -55 persons.