



IRF24/1800

Gateway determination report – PP-2023-2396

Rezone a portion of road reserve at Hobart Street,
Riverstone from R2 Low Density Residential to E4
General Industrial

September 24



Published by NSW Department of Planning, Housing and Infrastructure

dpie.nsw.gov.au

Title: Gateway determination report – PP-2023-2396

Subtitle: Rezone a portion of road reserve at Hobart Street, Riverstone from R2 Low Density Residential to E4 General Industrial

© State of New South Wales through Department of Planning, Housing and Infrastructure 2024. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Housing and Infrastructure as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (September 24) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Housing and Infrastructure), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

Contents

1. 1. Planning proposal.....	1
1.1 Overview	1
1.2 Objectives of planning proposal.....	1
1.3 Explanation of provisions.....	1
1.4 Site description and surrounding area.	2
1.5 Mapping	3
1.6 Background	4
2. 2. Need for the planning proposal	5
3. 3. Strategic assessment	5
4. 3.1 Regional Plan	5
3.2 District Plan	5
4.1 Local.....	6
4.2 Local planning panel (LPP) recommendation	6
4.3 Section 9.1 Ministerial Directions.....	6
4.4 State environmental planning policies (SEPPs)	7
5. Site-specific assessment	8
5.1 Environmental	8
5.2 Social and economic	8
5.3 Infrastructure	9
6. Consultation.....	9
6.1 Community	9
6.2 Agencies	9
7. Timeframe	9
8. Local plan-making authority	10
9. Assessment summary.....	10
10. Recommendation.....	10

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Council report
Local Planning Proposal Report

Relevant reports and plans

Preliminary Site Investigation Report

Traffic Impact Assessment

Local Planning Panel Report

1. Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Blacktown
PPA	Blacktown City Council
NAME	Rezoning of a portion of road reserve at Hobart Street, Riverstone from R2 Low Density Residential to E4 General Industrial under Blacktown Local Environmental Plan 2015
NUMBER	LEP-23-0007
LEP TO BE AMENDED	Blacktown Local Environmental Plan 2015
ADDRESS	Road reserve located on the corner (north) of Hobart Street and Riverstone Parade, Riverstone
DESCRIPTION	Subject land parcel is currently in the process of being registered
RECEIVED	23/08/2024
FILE NO.	IRF24/1800
POLITICAL DONATIONS	There are no donations or gifts to disclose, and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the proposal's intent.

The objective of the planning proposal is to rezone a portion of road reserve that is no longer required for road widening by amending applicable development standards (zone, height of building, minimum lot size) under the Blacktown Local Environmental Plan 2015. The proposal is a map-only amendment.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Blacktown Local Environmental Plan (BLEP) 2015 per the changes below:



Figure 2: Subject site in red (source: Spatial viewer, 2024)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Zoning, Lot size and Height of building maps, which are suitable for community consultation.

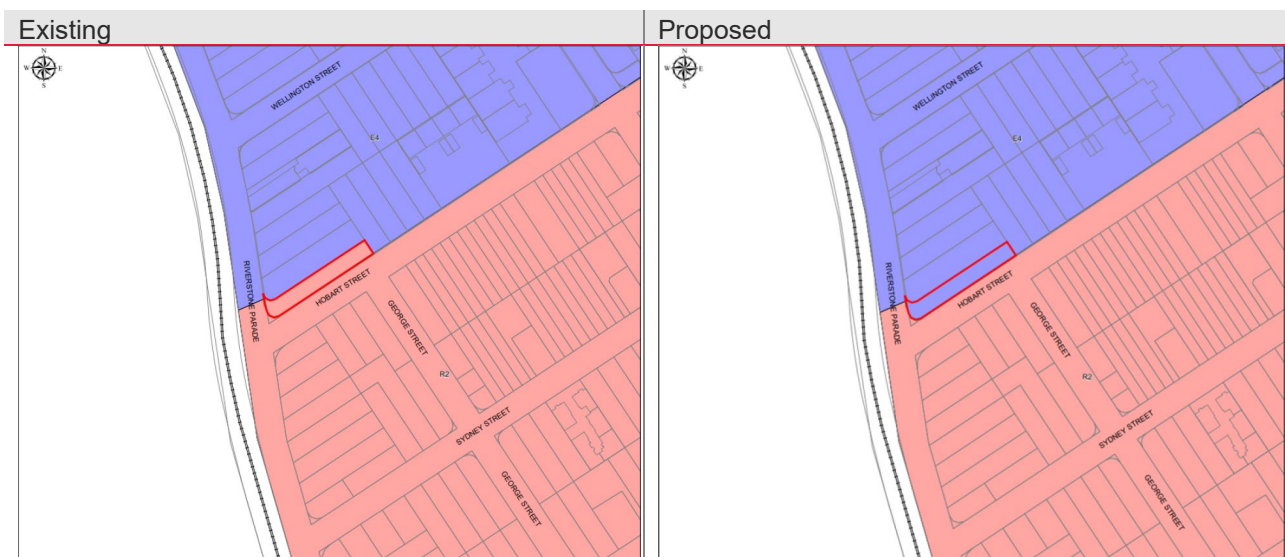


Figure 3: Existing and Proposed Zoning Map (source: Council report, 2024)

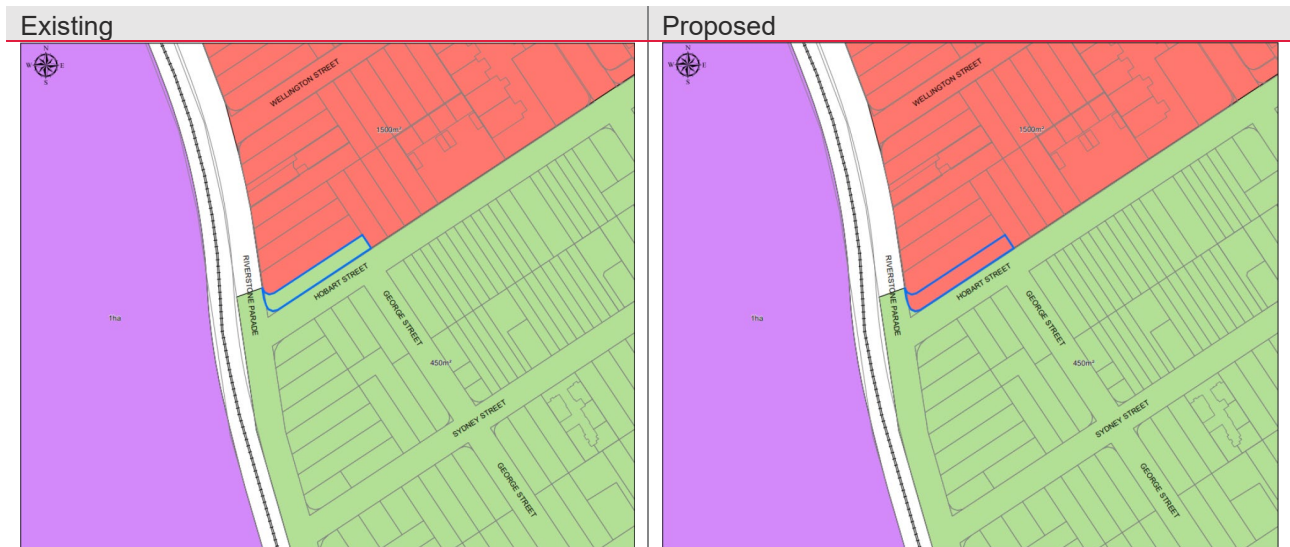


Figure 4: Existing and Proposed height of building map (source: Council report, 2024)

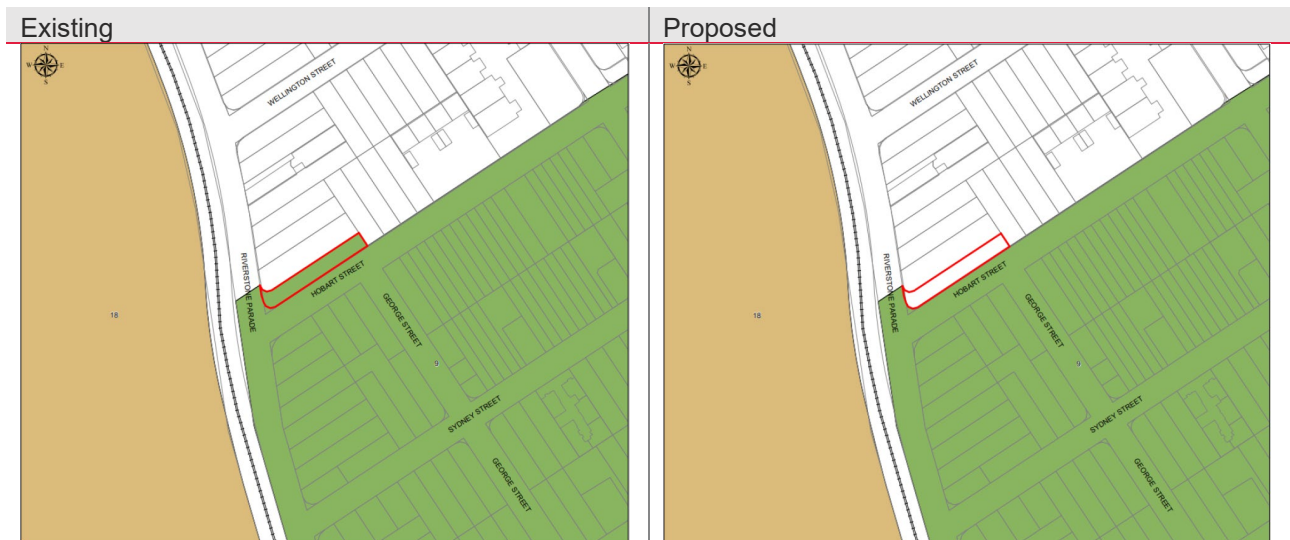


Figure 5: Existing and Proposed minimum lot size map (source: Council report, 2024)

1.6 Background

Riverstone is one of the precincts intended to deliver greenfield housing as part of the North West Growth Area. The Department rezoned the land for housing development and prepared a development control plan to provide consistent development guidance for all newly released growth areas.

Originally, Hobart Street was identified as a future collector road and was required to be widened. Following the Council's assessment of the ongoing acquisition need and then the Growth Centre Commission's confirmation, the Council considered removing the reservation notation for Hobart Street under the applicable LEP.

In May 2010, the Minister for Planning approved rezoning under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, which finalised the Riverstone Precinct Plan. Under the approved plan, Hobart Street was identified as a local road and was no longer required to be widened. Council later resolved to remove the reservation designation and close the road.

Council is currently closing the road under Part 4 Division 3 of the Roads Act 1993, which includes registering the land and publishing the road closure gazettal notice. Once the road is closed, Council will classify the land as operational land as per section 43 of the Roads Act 1993.

2. Need for the planning proposal

The planning proposal is not a result of any Council strategy, study or report; rather the outcome of change in the intended use for the land. As Council no longer needed to widen the road, the land parcel became surplus council land.

The proposed amendments are the best means to achieve the intended outcomes and objectives as the current controls applicable to the land would result in incompatible development with the surrounding land uses on the northern side of Hobart Street. The proposed controls would result in an appropriate extension of the adjoining employment land.

3. Strategic assessment

3.1 Regional Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Regional Plan.

Table 4 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 23: Industrial and Urban services land is planned, retained, and managed	This planning proposal will give effect to this objective by rezoning the land to enable compatible land uses to the adjoining employment zone thus managing existing industrial land.

3.2 District Plan

The site is within the Central River District and the Greater Sydney Commission released the Central River District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Planning Priority C10 Growing investment, business opportunities and jobs in strategic centres	This planning proposal supports the development of industrial uses, which can create additional jobs in the Riverstone area.
Planning Priority C11 Maximising opportunities to attract advanced manufacturing	The greater employment land adjoining the land parcel is identified in the district plan as important industrial and urban services land ideal to accommodate future warehouse and distribution centres resulting from the growth of Blacktown LGA, Western Parkland and Central River Cities. The proposed amendment will contribute to maximising opportunities to attract advanced industrial activity and urban services for the growing economy of Blacktown and Greater Western Sydney.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	The planning proposal aligns with Local Planning Priority 9 of the Blacktown LSPS, which is the Key Strategic land use planning document to facilitate and manage future growth. The planning proposal will result in a logical extension of the existing employment area thus maximising opportunities for the industrial and urban service land.
Our Blacktown 2041: Community Strategic Plan	The planning proposal is consistent with Strategic Direction 3: A Smart and Prosperous Economy and Strategic and Direction 4: A growing City Supported by Accessible Infrastructure by providing additional employment land in the area which has access to several public transport stops/stations.
Blacktown Housing Strategy	The Housing Strategy identifies the borders of employment zoned land and the proposed amendment will result in enabling use of the land consistent with this notation.

3.4 Local planning panel (LPP) recommendation

The planning proposal was reported to the Blacktown Local Planning Panel (LPP) on 24 June 2024 in accordance with requirements of section 2.19 of the EP&A Act. The LPP supported that the planning proposal be progressed to the Department for assessment.

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	See discussion under section 3.1 and 3.2
4.4 Remediation of Contaminated Land	Yes	The planning proposal was supported by a Preliminary Site investigation report which concluded that while there were environmental concerns identified for the site, the site was considered suitable for the proposed employment use (with any site contamination to be addressed as part of a future development application). In this regard, this proposal is consistent with this direction.
5.1 Integrating Land Use and Transport	Yes	This proposal is consistent with the direction as the rezoned land is located close to transport infrastructure and will contribute to employment opportunities in the Riverstone area.
5.2 Reserving Land for Public Purposes	Not Applicable	The Subject land is a road reserve and as such is not considered to be a land reserved for public purposes. As such this direction is not applicable.
6.1 Residential Zones	No, inconsistency minor and justified	The planning proposal is not consistent with this direction as the proposed zoning will prohibit development of residential uses. However, the proposed amendment will result in a compatible use with adjoining employment land, as such the inconsistency with this direction is considered to be of minor significance and justified.
7.1 Employment Zones	Yes	The planning proposal is consistent with this direction by giving effect to the objective 'protect employment land in employment zone'.

3.6 State environmental planning policies (SEPPs)

With exception of State Environmental Planning Policy (Housing) 2021, the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

State Environmental Planning Policy (SEPP)	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Exempt and Complying Development Codes) 2008	Aims to provide streamlined assessment processes for development that complies with specified development standards	Yes	Provisions of the SEPP can be applied to the proposed new zone for exempt and complying development.

State Environmental Planning Policy (SEPP)	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Housing) 2021	Aims to provide diverse housing types, including affordable housing in appropriate locations	Not applicable	The proposed employment zone will result in the SEPP provisions being not applicable. As discussed throughout the report, residential development of the Subject land would be incompatible with the surrounding non-residential uses.
SEPP (Transport and Infrastructure) 2021	The SEPP aims to facilitate the effective delivery of infrastructure	Yes	This Planning Proposal will not contradict or hinder the application of this SEPP. The site does not interfere with any transport and infrastructure project.

4. Site-specific assessment

4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Noise and odour	The planning proposal will ensure that the future development of the land will not adversely impact or be impacted by the potential noise and odour from the adjoining uses.
Existing employment area growth	The subject land parcel is an isolated residential zoned land, land-locked by employment land. The planning proposal will result in a logical, cohesive extension of the current established industrial land and support the growth of the adjoining employment land.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 10 Social and economic impact assessment

Social and Economic Impact	Assessment
Employment opportunities	The rezoned land can be used to develop new employment establishments or extend existing adjoining employment use, which may result in additional employment opportunities for the area.

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 11 Infrastructure assessment

Infrastructure	Assessment
Roads	The planning proposal is supported by a traffic impact assessment which concludes that the rezoning and disposal of the land parcel will not impact any potential amenity and services. Any provision of future pedestrian refuge or any potential road works, e.g. single lane roundabout at the intersection can still be accommodated with the remainder of road reserve.
Services	The site is located within an established developed area with existing access to urban infrastructure and services including, water, energy utilities, telecommunication and regional transport linkages. Future development application can assess the need of any services on the land and be conditioned accordingly.
Public transport	The subject land is serviced by a bus stop located approximately 600m away and Riverstone Train station located approximately 1.1km away.

5. Consultation

5.1 Community

Council proposes a community consultation period of 30 days (or 20 working days).

The exhibition period proposed is considered appropriate, and forms one of the conditions of the Gateway determination.

5.2 Agencies

Council has not nominated any agencies for referral in the case of this planning proposal. The Department supports this position given the minor nature of the proposal.

6. Timeframe

Council proposes a 12-month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

The Department recommends an LEP completion date of 27 June 2025 in line with its commitment to reducing processing times and regarding the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7. Local plan-making authority

Council has indicated that the Department should undertake the function of local plan-making authority.

As planning proposal relates to land which will be owned by Council and is likely to be disposed of, the Department is to be the local plan-making authority for this proposal.

8. Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The subject land parcel is no longer required for the original intended purpose.
- The proposed amendments will result in orderly and economic development of the site
- The proposal is consistent with the relevant state and local plans and policies
- The planning proposal will result in wider economic benefits to the community

9. Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistency with section 9.1 Direction 6.1 Residential Zones is minor and justified

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Department be the local plan-making authority and that an LEP completion date of 27 June 2025 be included on the Gateway.



19 September 2024

Ian Bignell

Manager, Local Planning (Metro Central, West and South)



24 September 2024

Rukshan De Silva

Director, Metro Central, West and South

Local Planning and Council Support

Assessment officer

Lamia Hasnat

Student Parra Planner, Local Planning (Metro Central, West and South)