



IRF24/178

Gateway determination report – PP-2023-2699

Blacktown City Council North West Growth Area Reduced Basins Strategy

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Acknowledgment of Country

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

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Supporting documentation

Planning Proposal with all Attachments (September 2023)
Report to Council and all Attachments (October 2023)
Flood Maps of Proposals (Jan 2024)

1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Blacktown City Council
PPA	Blacktown City Council
NAME	NWGA Reduced Basins Strategy (104 homes / 0 jobs)
NUMBER	PP-2023-2699
LEP TO BE AMENDED	Blacktown Local Environmental Plan 2015 and State Environmental Planning Policy (Precincts - Central River City) 2021
ADDRESS	Various sites
DESCRIPTION	N/A
RECEIVED	6/12/2023
FILE NO.	IRF24/178
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 intent of the proposal.

The objectives of the planning proposal are to implement the 2018 *North West Growth Area (NWGA) Drainage Strategy Review* (GHD Review), prepared by GHD for Council and a more recent 2021 *Council NWGA Stormwater Management Review* (Council Review). The purpose of the reviews was to assess potential rationalisation of multiple NWGA precinct specific stormwater management strategies, focussing on potentially reducing the numbers of detention basins. The reviews concluded that due to the flooding characteristics of the area, reduced detention has better outcomes for stormwater dispersal, hence some reductions in basin areas are proposed.

The studies identify a total of 11 drainage basin sites that can be rationalised (consolidated or reduced in size) and Council is proposing that land identified as surplus to drainage requirements be rezoned to either public recreation, place of public worship, environmental conservation, rural or low and medium density residential zones. The 11 basins are located in Marsden Park (8), Riverstone (2) and Alex Avenue (1) precincts.

Rezoning of surplus land to Public Recreation (for open space) was the primary objective of the zone review but the best use of each parcel of surplus land was considered on a case-by-case basis. The department estimates that the proposed residential rezonings will yield up to 104 additional dwellings.

Specific objectives of the planning proposal are to:

- Rezone 11 sites that have been identified as surplus to previously identified drainage purposes.
- Make “recreation areas” permissible with consent in the SP2 Infrastructure zone and “flood mitigation works” and “drainage” permissible with consent in the RE1 Public Recreation zone.

These amendments relate to both the *State Environmental Planning Policy (Precincts – Central River City) 2021* (CRC SEPP) and the *Blacktown Local Environmental Plan 2015* (BLEP 2015) as detailed in the section below.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend both the CRC SEPP and the BLEP 2015 as follows:

A. Amend the CRC SEPP to:

- i. rezone land previously identified as required for drainage purposes but now identified as surplus to those needs – i.e. rezone land from SP2 Infrastructure (Drainage) to either RE1 Public Recreation, SP2 Infrastructure (Place of Public Worship), C3 Environmental Management, RU6 Rural Transition, R2 Low Density Residential or R3 Medium Density Residential
- ii. to make “recreation areas” permissible with consent in the SP2 Infrastructure zone – this will apply specifically to Appendices 6 (Riverstone West Precinct Plan), 7 (Alex Avenue and Riverstone Precincts Plan), 8 (Area 20 Precinct Plan), 9 (Schofields Precinct Plan) and 11 (Blacktown Growth Centres Precinct Plan). Note “recreation areas” are currently permissible with consent in the SP2 Infrastructure zone of Appendix 13 (Marsden Park Industrial precinct).
- iii. to make “drainage” permissible with consent in the RE1 Public Recreation zone – this will apply to Appendix 13 (Marsden Park Industrial Precinct Plan) only. Note “drainage” is currently permissible with consent in the other Appendices listed above.
- iv. to correct minor mapping anomalies related to property boundaries.
- v. to make changes to other related maps including height of building, residential density, land acquisition maps.

B. Amend BLEP 2015 to:

- i. add “recreation areas” as a use permissible with consent in the SP2 Infrastructure zone and
- ii. add “flood mitigation works” and “drainage” as uses permissible with consent in the RE1 Public Recreation zone

The proposed amendments will achieve the relevant objectives and facilitate implementation of the Reduced Basins Strategy.

1.4 Site description and surrounding area

1.4.1 District Context – North West Growth Area

The NWGA has been planned as a major focus of urban growth in Western Sydney since its identification in the former Sydney Region Plan and the former Sydney Region Growth Centres SEPP 2006 (the NWGA is now subject of Chapter 3 of the CRC SEPP). NWGA precincts have been progressively released and rezoned since 2008.

The NWGA has an area of 10,200 hectares and consists of 16 precincts within the Blacktown, Hawkesbury and Hills local government areas (Figure 1). The majority of the NWGA is located within the northern sector of Blacktown, with only Vineyard precinct in Hawkesbury and Box Hill and North Kellyville precincts being within the Hills. Of the 16 precincts, 14 have been rezoned in whole or in part for urban purposes and forecasts indicate there are about 40,700 homes in the development pipeline within this rezoned land.

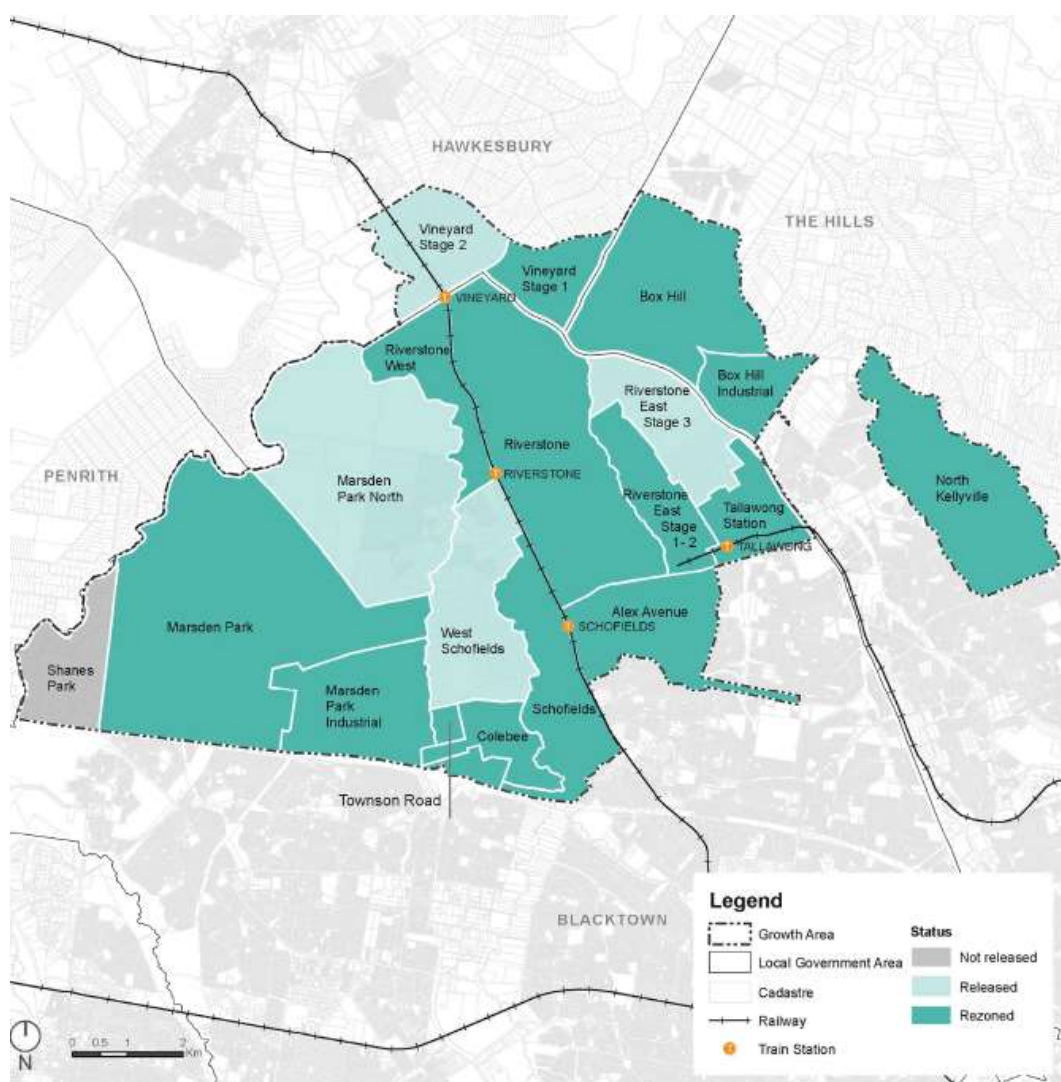


Figure 1 NWGA Precincts

1.4.2 Precincts and Basin Locations

The proposal involves 11 discrete drainage basins located throughout the Blacktown LGA precincts of the NWGA. Council has confirmed that it has acquired / owns some of the basin land, with some land still to be acquired. The precincts and basins locations are listed below and are shown in **Figure 2**.

1.4.2.1 Marsden Park precinct

Basins MM 3.1 (20 Excelsior Avenue and 1031 Richmond Road); MM 3.4 (1050, 1054 and 1060 Richmond Road); MM 1.0 (Chambers Street and Blackstone Street, 2 properties); MB 1.0 (112 Fermoy Road); MB 2.0 (Grange Avenue and South Street, 8 properties); ML 5.0 (Elara Boulevard); MS 2.0 (Stony Creek Road North); MS 3.0 (Stony Creek Road South).

These basins are within the South and Eastern Creek drainage catchment and 3 are clustered in the vicinity of Richmond Road, 3 are in the western part of Elara Estate near South Creek and 2 are to the east near Eastern Creek. These basins were identified for rationalisation in the 2018 GHD review (see Table 3 below).

1.4.2.2 Alex Avenue precinct

Basin F1.23 (54 Hambledon Road and 30 Lodore Avenue). This basin was identified in the Council Review for rationalisation (see Table 4 below).

1.4.2.3 Riverstone precinct

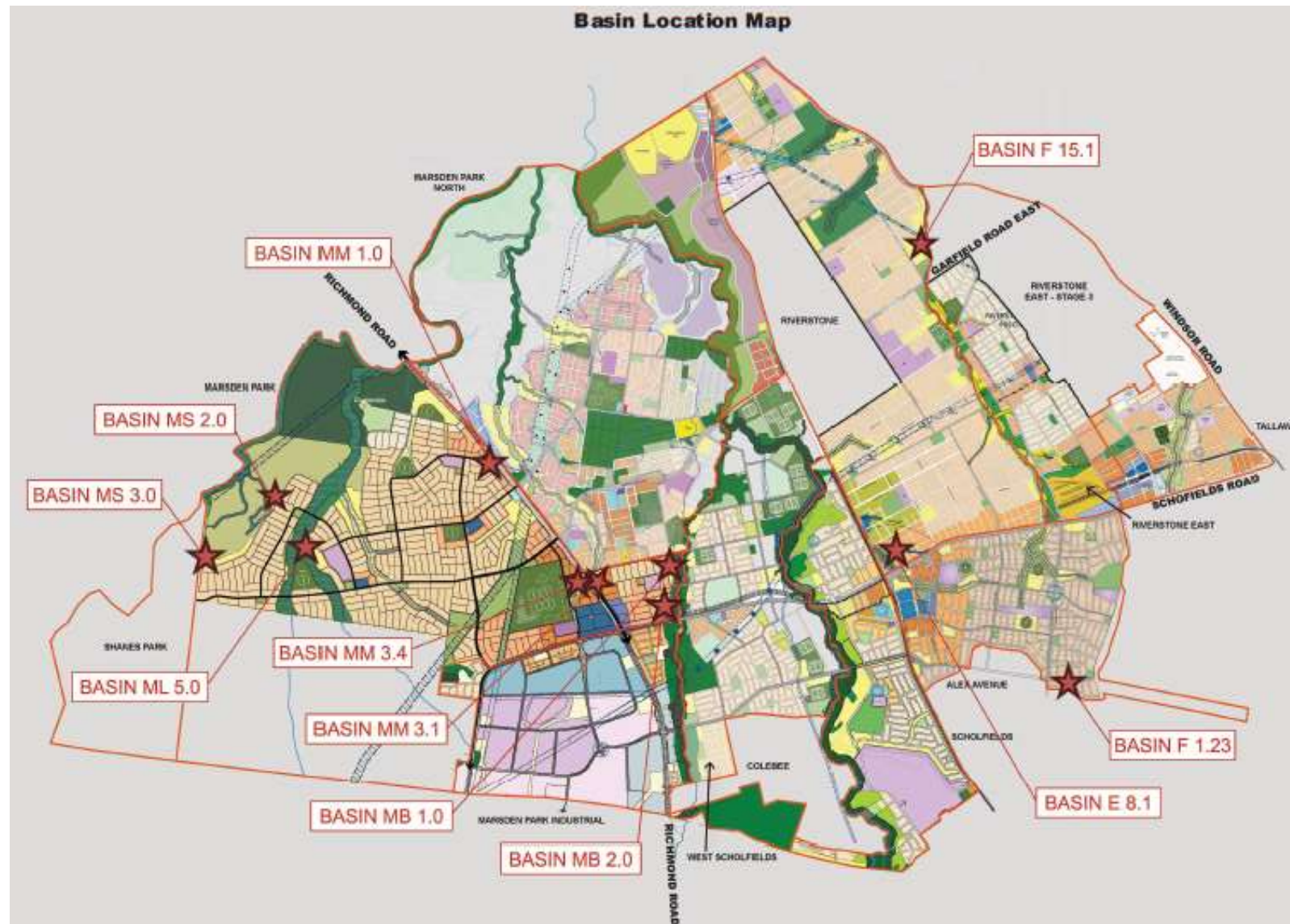
Basins E 8.1 (2, 2A and 4 Advance Street) and F 15.1 (Edmund Street and Junction Road, 2 properties). These basins were identified for rationalisation in the 2021 Council review (see Table 4 below).

The Alex Avenue and Riverstone precinct basins are within the First Pond Creek drainage catchment and are dispersed, 1 being in Grantham Farm north of Garfield Road East, 1 is more central in Schofields north of Schofields Road and 1 is to the south east in the Ponds.

All three precincts above were rezoned around 10 to 15 years ago and are now well established residential areas with significant amounts of development in place and some continuing.

As noted above, the department estimates the proposed residential rezonings will yield up to 104 new dwellings. The majority of dwellings would be located in the rezoned areas of two basins to R3 Medium Density Residential: MB 1.0 (Fermoy Road) and MB 2.0 (Grange Avenue and South Street).

A number of the basins are flood affected, this is addressed in **Section 4.1** of this report.



Source: Blacktown City Council

Figure 2 Basin locations

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the CRC SEPP maps.

The maps proposed to be amended are listed in **Table 2**.

Table 2 List of map amendments

State Environmental Planning Policy (Precincts - Central River City) 2021		Proposed Map Amendment
Map title	Map sheet	Description
Land Zoning Map	SEPP SRGC NW LZN 002 SEPP SRGC NW LZN 004 SEPP SRGC NW LZN 005 SEPP SRGC NW LZN 009	Rezone land zoned SP2 Infrastructure and no longer required for drainage purposes and to correct some minor zoning anomalies
Land Reservation Acquisition Map	SEPP SRGC NW LRA 002 SEPP SRGC NW LRA 004 SEPP SRGC NW LRA 005 SEPP SRGC NW LRA 009	Remove land no longer required to be acquired for a public purpose
Floor Space Ratio Map	SEPP SRGC NW FSR 005	Amend the Floor Space Ratio Map to align with proposed amendments in the Land Zoning Map
Height of Buildings Map	SEPP SRGC NW HOB 002 SEPP SRGC NW HOB 004 SEPP SRGC NW HOB 005 SEPP SRGC NW HOB 009	Amend the Height of Buildings Map to align with proposed amendments in the Land Zoning Map
Lot Size Map	SEPP SRGC NW LSZ 002 SEPP SRGC NW LSZ 005	Amend the Lot Size Map to align with proposed amendments in the Land Zoning Map
Residential Density Map	SEPP SRGC NW RDN 002 SEPP SRGC NW RDN 004 SEPP SRGC NW RDN 005 SEPP SRGC NW RDN 009	Amend the Residential Density Map to align with proposed amendments in the Land Zoning Map

The existing and proposed CRC SEPP maps are in Attachment 4 of the planning proposal (**Attachment A**).

The maps are appropriate for exhibition, except that the Height of Buildings map for the Fermoy Road and Grange Avenue proposal, which requires correction to reflect

the change to the height of the proposed Grange Avenue R3 zoned land. A condition is recommended requiring this correction prior to exhibition.

1.6 Background

1.6.1 Overview of the 2018 GHD Stormwater Management Review

The purpose of the GHD Review was to assess the potential rationalisation of the precinct specific stormwater management strategies with the aim of reducing the numbers of detention basins identified as part of individual precinct planning.

The need for the rationalisation was identified after consideration of the combined regional hydrologic conditions in Eastern Creek and South Creek. This considered a comparison of flood peaks in Eastern Creek and South Creek rather than in creek tributaries at the boundary of individual precincts. This showed the removal of basins may be feasible with respect to hydrologic conditions.

The GHD Review stated that the provision of detention basins to manage post development flood hydrographs had generally been considered on an individual precinct basis and that the review provided the opportunity to assess if rationalisation of a number of basins was possible, when considering flood hydrographs downstream of the precincts. The review found that 56 hectares of land identified for drainage purposes could be removed with a preliminary cost saving of \$119,500,000 plus savings in ongoing maintenance costs.

Table 4 is a summary of the results of the GHD Review, which can be accessed (in two parts) at [GHD Review Part 1](#) and [GHD Review Part 2](#)

The GHD review examined 15 basins. 8 of these basins have been included in the planning proposal and are shown in **Table 3**.

Table 3 Summary of GHD basin review

Basin name	Precinct	Street	Result
MS 3.0	Marsden Park	Stoney Creek Road South, Melonba	Detention removed, Water quality (WSUD) to remain.
MS 2.0	Marsden Park	Stoney Creek Road North, Melonba	Detention removed, Water quality (WSUD) to remain
ML 5.0	Marsden Park	Elara (Galah Street), Melonba	Detention removed, Water quality (WSUD) to remain
MM 1.0	Marsden Park	Chambers Street, Marsden Park	Detention removed, Water quality (WSUD) to remain
MM 3.1	Marsden Park	Excelsior Avenue, Marsden Park	Detention removed, Water quality (WSUD) to remain
MM 3.4	Marsden Park	Richmond Road, Marsden Park	Detention removed, Water quality (WSUD) to remain
MB 2.0	Marsden Park	Grange Avenue, Marsden Park	Detention removed, Water quality (WSUD) to remain

Basin name	Precinct	Street	Result
MB 1.0	Marsden Park	Fermoy Road, Marsden Park	Detention removed, Water quality (WSUD) to remain

1.6.2 Overview of the 2021 Council Stormwater Management Review

In 2021, Council adopted its North West Growth Centre Stormwater Management Review. Council's review was based on the GHD review and found that some basins could be consolidated or removed and additional basins were identified for reduction in required land area and design elements. As a result of the Council Review it was estimated that 11.85 hectares of drainage land is no longer required and could be used for another purpose.

The Council Review considered the reduction or removal of three additional basins as shown in **Table 4**.

Table 4 Additional basins considered by Council for reduction or removal

Basin name	Precinct	Street	Result
F15.1	Alex Avenue and Riverstone	Edmund Street, Grantham Farm	Reduction in basin design possible Basin design was prepared to exclude the (~6.0m) strip of land to avoid Permission to Enter for construction
E8.1	Alex Avenue and Riverstone	Advance Street, Schofields	Error found in SEPP Map modelling. Reduction in detention possible
F1.23	Alex Avenue and Riverstone	Lodore Street, The Ponds	Removal of basin possible Design for basin F1.10 and drainage culverts/channels (F1.12-F1.22) has capacity for stormwater flows for the catchment serviced by Basin F1.23

2 Need for the planning proposal

This planning proposal is the result of two key strategic studies, the 2018 GHD Review and the 2021 Council Review.

The planning proposal seeks to amend the CRC SEPP and the BLEP 2015 to rezone surplus drainage land identified in the GHD Review and Council Review, and to also adjust zone boundaries in locations to correct minor anomalies related to property boundaries. This will require the amendment of related maps, including the Land Reservation Acquisition, Height of Buildings, Floor Space Ratio and Residential Density maps. In some areas the land will need to be removed from the Land Reservation Acquisition map if it is no longer required for acquisition.

The proposed amendments are the most appropriate mechanism to implement the findings of the GHD and Council studies and to amend permissible land uses in the Central River City SEPP and Blacktown LEP 2015 in land zoned RE1 Public Recreation and SP2 Infrastructure (Drainage).

3 Strategic assessment

3.1 District Plan

The subject sites are within the Central River City District plan (District Plan). The District 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 District Plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. **Table 5** provides an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
C1: Planning for a City supported by infrastructure	The planning proposal provides housing and open space opportunities.
C 3: Providing services and social infrastructure to meet people's changing needs	The review of land for drainage purposes has found surplus land for this purpose. The planning proposal has considered alternate uses and found that open spaces and residential zones are the most appropriate zone considering other factors such as location, adjoining land uses, land constraints and costs. The planning proposal makes provision for appropriate supporting infrastructure.
C 5: Providing housing supply choice and affordability, with access to jobs, services and public transport	The planning proposal provides the opportunity for the delivery of additional housing supply and choice.
C 16: Increasing urban tree canopy cover and delivering Green Grid connections	The reallocation of drainage land for open space creates the opportunity for additional tree planting and tree canopy cover.
C 17: Delivering high quality open space	The proposed additional open space can be designed and embellished so that it is of high quality.

3.2 Local strategic framework

Table 6 provides a summary of the proposal's consistency with relevant local plans and strategies.

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p><i>LPP 1: Planning for a city supported by infrastructure</i></p> <p>The planning proposal provides land for housing, open space and supporting infrastructure</p> <p><i>LPP 3: Providing services and infrastructure to meet people's changing needs</i></p>

Local Strategies	Justification
	<p>The review of land for drainage purposes has found surplus land for this purpose. The planning proposal has considered alternate uses and found that open spaces and residential zones are the most appropriate zone considering other factors such as location, adjoining land uses, land constraints and costs. The planning proposal makes provision for appropriate supporting infrastructure. <i>LPP 14: Increasing urban tree canopy cover and Green Grid connections</i></p> <p>The reallocation of drainage land for open space creates the opportunity for additional tree planting and tree canopy cover under <i>LPP 15: Delivering high quality open space</i></p> <p>The proposed additional open space can be designed and embellished so that it is of high quality</p>
Blacktown Housing Strategy 2020	<p><i>LPP 1: Plan for housing supply to meet population growth</i></p> <p>The planning proposal will provide land for residential uses</p> <p><i>LPP 2: Plan for housing supported by infrastructure</i></p> <p>The planning proposal provides housing, open space and supporting infrastructure</p> <p><i>LPP 4: Plan for diversity and choice in housing</i></p> <p>The planning proposal provides for low and medium density housing</p>

3.3 Local planning panel (LPP) recommendation

The planning proposal was considered by the Blacktown Local Planning Panel on 10 August 2023. The Panel supports the proposal and considers it:

- Has strategic and site specific merit and is consistent with objectives of the EP & A Act
- Meets key environmental, social and economic and infrastructure objectives
- Responds to changing circumstances including infrastructure needs and changing demographics.

The Panel concluded the proposal has been well considered over a long period and commends it for presentation to the Department for consideration of Gateway.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is provided in **Table 7**.

Table 7 Ministerial Directions assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Yes	The proposal supports the implementation of the Greater Sydney Region Plan through provision of housing, open space and appropriate supporting infrastructure

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.6 Implementation of the NWGA LUIIP	Yes	The proposal supports the implementation of the LUIIP by provision of housing, open space and appropriate supporting infrastructure.
4.1 Flooding	No	<p>The proposal is inconsistent with this Direction as it proposes rezoning of land within the flood planning area to Residential R2 and R3 zones. Council contends that any inconsistency with Direction 4.1 is minor.</p> <p>A better understanding of the specific off-site impacts of filling of sites to enable residential development is required.</p> <p>The resultant additional dwellings will also contribute to flood evacuation traffic in an area where the capacity of the flood evacuation road network is constrained. This issue requires further consideration upon the receipt of specific agencies advice.</p> <p>It is recommended that the planning proposal be referred to specific agencies including NSW Reconstruction Authority and SES for flood risk management advice as part of exhibition of the planning proposal.</p>
5.2 Reserving land for public purposes	Yes	The proposal provides for more efficient use of public land

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in **Table 8**.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Biodiversity and Conservation (2021)	Chapter 6 relates to the Hawkesbury-Nepean catchment and stormwater management	Yes	Supports the provision of appropriate stormwater management infrastructure as envisaged by the SEPP
Resilience and Hazards (2021)	Chapter 4 requires consideration of contaminated land and its remediation	Yes	Supports review of contamination hazard in the development process
Housing (2021)	Diversity and choice in housing	Yes	The proposal will enable the development of additional low and medium density residential land

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Precincts – Central River City (2021)	Chapter 3 relates to NWGA and various Appendices relate to specific precincts	Yes	Supports the delivery of housing, open space and infrastructure within the NWGA as envisaged by the SEPP
Transport and Infrastructure (2021)	Efficient use of public infrastructure and matters relating to flood liable land	Yes	Specific proposals will support the operation of the SEPP

4 Site-specific assessment

4.1 Environmental

Table 9 provides an assessment of the potential environmental impacts associated with the proposal.

Table 9 Environmental impact assessment

Environmental Impact	Assessment
Flood	<p>The amendment proposes rezoning of land within the flood planning area to Residential R2 and R3 zones. Council contends that any inconsistency with Direction 4.1 is minor.</p> <p>A better understanding of the specific off-site impacts of filling of sites to enable residential development is required.</p> <p>The resultant additional dwellings will also contribute to flood evacuation traffic in an area where the capacity of the flood evacuation road network is constrained. This issue requires further consideration upon the receipt of specific agencies advice.</p> <p>It is recommended that the planning proposal be referred to specific agencies including NSW Reconstruction Authority and SES for flood risk management advice as part of exhibition of the planning proposal. Also refer Table 10 below.</p>
Ecological impacts	Ecological considerations were addressed as part of the original precinct planning for specific precincts and for initial identification of the NWGA.
Landform	Use of selected lands for recreation is generally less impactful than use for drainage as it requires less excavation and grading. As such, the proposal will have improved environmental outcomes.

Table 10 provides more detailed assessment of each proposal, outlining the estimated dwelling yields and the nature of flood affectation. As noted in the comments, most affectation is very minor with dwellings able to be constructed above the 1% AEP flood level. Basins MB 1.0 and MB 2.0 are the key affected sites of concern, together with the proposed Place of Public Worship site

which is part of Basin MB3.1. It is noted that the Blacktown Growth Centre Precincts DCP Clause 2.3.1.2 specifies the following:

No residential allotments are to be located lower than the 1% Annual Exceedance Probability (AEP) flood level plus a freeboard of 500mm (i.e within the flood planning level).

The special flood planning clause 5.22 in the Blacktown LEP 2015 similarly requires that sensitive uses are located above the 1% AEP flood level.

The submitted flood maps and documentation do not clearly show that the proposed new residential zoned land, and land to support a place of public worship is above the 1% AEP lines. Therefore, a gateway condition has been attached to require the planning proposal to be amended to confirm all residential and sensitive uses are to be located above the 1% AEP flood level prior to exhibition.

The proposals will also be subject of referral to the flood agencies and reviewed at the finalisation stage as appropriate. Flood maps of the proposals are provided in (**Attachment D**).

Table 10 Estimated dwelling yields and flood affectation

Basin No.	Address / Precinct	Proposed Zone	Area (sqm)	Additional Dwellings	Comment
MS 3.0	Stoney Creek Road South, Marsden Park	RU6	22,665	0	The land is below the 1% AEP (local flooding) flood level. The planning proposal document needs to be amended to refer to min lot size of 5Ha for RU6 zone (not 5 dw/Ha)
MS 2.0	Stoney Creek Road North, Marsden Park	RU6	6,287	0	The land is below the 1% AEP (local flooding) flood level. The planning proposal document needs to be amended to refer to min lot size of 5Ha for RU6 zone (not 5 dw/Ha)
ML 5.0	Lot 4274 Elara Blvd, Marsden Park	RE1	16,511	NA	Portion of recreation land is below the 1% AEP (local flooding) flood level
MM 1.0	Chambers Street, Marsden Park	R2	797	2	Only a small portion at the northern boundary of the property is below the 1% AEP (local flooding) flood level. Dwellings can be located above this level. All land is affected by the Hawkesbury – Nepean River Probable Maximum Flood (PMF).
MM 3.4	1054 Richmond Road, Marsden Park	RE1 R3	3,751 539	NA 0	The 1% AEP (local flooding) flood level only affects a narrow portion of R3 land at the western boundary. The land is not affected by Hawkesbury - Nepean River flooding. The zone realignment is to align with the property boundary. Additional R3 land is within an existing road reserve.

Basin No.	Address / Precinct	Proposed Zone	Area (sqm)	Additional Dwellings	Comment
MB 3.1	20 Excelsior Avenue, Marsden Park	RE1	11,513	NA	<p>Portion of recreation land is below the 1% AEP (local flooding) flood level.</p> <p>Note that the SP2 portion proposed to be designated for a place of public workshop is also below the 1% AEP (local flooding) flood level. The proposal involves the change of designation as above, removal of the acquisition layer and addition of a HOB layer. It is further noted that the church and related development is in existence.</p> <p>This proposal will be referred to NSW RA and SES for specific advice.</p>
MB 1.0	Fermoy Road, Marsden Park	R3	6,256	37 Based on assumed 60 dw/ha	<p>The land is affected by the 1% AEP (local flooding) flood level.</p> <p>All land is affected by the Hawkesbury – Nepean River PMF.</p> <p>Gateway condition included, to ensure all residential land will be above the 1% AEP, and the RA, DCCEEW and SES will be consulted.</p>
MB 2.0	Grange Avenue, Marsden Park	RE1 R3	11,798 7,474	NA 44 Based on assumed 60 dw/ha	<p>The northern half of the land is affected by 1% AEP (local flooding) flood level.</p> <p>All land is affected by the Hawkesbury – Nepean River PMF.</p> <p>Gateway condition included, to ensure all residential land will be above the 1% AEP, and the RA, DCCEEW and SES will be consulted</p>
F 15.1	Edmund Street, Riverstone	R2	1,553	3 Based on assumed 20dw/ha	<p>Approx 100m² of the land is affected by the Hawkesbury – Nepean River PMF. Dwellings would be unaffected.</p>
E 8.1	Advance Street, Riverstone	R3	798	15 Based on assumed 200dw/ha.	<p>The south west corner of the land is affected by 1% AEP (local flooding) level – Limited impact.</p> <p>All land is affected by the Hawkesbury – Nepean River PMF.</p> <p>Gateway condition included, to ensure all residential land will be above the 1% AEP, and the RA, DCCEEW and SES will be consulted</p>
F 1.23	54 Hambledon Road (Lodore Street), Alex Avenue	R2	1,125	3	Not subject to flooding.

ESTIMATED TOTAL ADDITIONAL DWELLINGS = 104

4.2 Social and economic

A key public benefit of the planning proposal is more efficient use of public land and the provision of land for additional open space for existing and future residents of the NWGA. This amounts to 5.43 Ha of additional open space. This will assist in responding to council concerns that residential development in the NWGA has greatly exceeded that originally anticipated, resulting in an open space deficit. Council has also identified that the proposals will reduce the impost on relevant Contributions Plans by approx. \$7M. Changes to land use permissibility to permit (with consent) recreational uses of drainage land and vice versa will also provide positive social and economic outcomes.

4.3 Infrastructure

The planning proposal results in the more efficient use of public land for drainage, while also making land available for open space. There would be minimal additional demand for infrastructure services to support additional housing which would be delivered as a result of the rezoning. It is recommended that the proposal be referred to key infrastructure service agencies.

5 Consultation

5.1 Community

The planning proposal is categorised as a complex under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The planning proposal does not specifically identify which agencies are to be consulted.

It is recommended the following agencies be consulted:

- NSW Reconstruction Authority
- NSW State Emergency Service
- Department of Climate Change, Environment, Energy and Water (DCCEEW)
- Endeavour Energy
- Sydney Water
- Transport for NSW
- School Infrastructure NSW

6 Timeframe

Council proposes a 12 month time frame to complete the LEP (9 months from Gateway).

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

The Department recommends an LEP completion date of 20 December 2024 in line with its commitment to reducing processing times and with regard to 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. It is recommended public exhibition should begin by May and Council consideration of finalisation by September 2024. The Timeline in the planning proposal should be updated accordingly.

7 Local plan-making authority

Council has not indicated a preference as to whether it wishes to be authorised to be the local plan-making authority for this proposal. However, the Council owns some of the land subject of this planning proposal. Therefore, the department recommends Council not be authorised 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 proposal has strategic and site specific merit, being the result of Council strategic reviews undertaken over the last 5 years.
- The proposal responds to changing circumstances including infrastructure needs and changing demographics.
- The proposal has positive environmental, social and economic and infrastructure outcomes.

As discussed in the previous sections 4 and 5, prior to exhibition the proposal should be updated to:

- Update the timeline and key stages to reflect this Gateway determination.
- Confirm that all future residential development and sensitive use development (as defined by Standard Instrument – Principal Local Environmental Plan Clause 5.22 Special flood considerations) are to be on land that is above the 1% Annual Exceedance Probability (AEP) flood level. Refer also to the Clause 2.3.1.2 of the Blacktown Growth Centres Precincts DCP control.
- Correct the Height of Buildings map for the Fermoy Road/Grange Avenue proposals to reflect the proposed height change for the Grange Avenue proposal.
- Refer to the correct minimum lot size per dwelling in the RU6 Rural Transition zone (document attachments refers to 5dwg/Ha).

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the consistency with Section 9.1 Directions 4.1 Flooding is unresolved and will require justification.

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. Prior to exhibition, the planning proposal is to be updated to:
 - Update the timeline and key stages to reflect this Gateway determination.
 - Confirm that all future residential development and sensitive use development (as defined by Standard Instrument – Principal Local Environmental Plan Clause 5.22 Special flood considerations) are to be on land that is above the 1% Annual Exceedance Probability (AEP) flood level. Refer also to the Clause 2.3.1.2 of the Blacktown Growth Centres Precincts DCP control.
 - Correct the Height of Buildings map for the Fermoy Road/Grange Avenue proposals to reflect the proposed height change for the Grange Avenue proposal.
 - Refer to the correct minimum lot size per dwelling in the RU6 Rural Transition zone (document attachments refers to 5 dwg/Ha).
2. Consultation is required with the following public authorities:
 - NSW Reconstruction Authority
 - NSW State Emergency Service
 - Department of Climate Change, Environment, Energy and Water (DCCEEW)
 - Endeavour Energy
 - Sydney Water
 - Transport for NSW
 - School Infrastructure NSW
3. The planning proposal should be made available for community consultation for a minimum of 30 working days.

Given the nature of the planning proposal and Council land ownership, it is recommended that the Gateway not authorise council to be the local plan-making authority and that an LEP completion date of 20 December 2024 be included on the Gateway.



28/02/2024

Ian Bignell

Manager, Central (Western)



10 April 2024

Casey Joshua

Director, Central (Western)