

Short Minutes: Ordinary Meeting**Meeting Date:** 11.12.2024**PD4.1****PD440050 - Planning Proposal - NWGA Stormwater Management Strategy F21/1120****MOTION** (Cr Amituanai/Cr Griffiths)

1. Endorse the request to the NSW Government for a Gateway Alteration to our Planning Proposal – NWGA Stormwater Management Strategy by:
 - a. splitting the Planning Proposal into 2 parts
 - b. progressing the part with proposed land use permissibility changes
 - c. withdrawing the part with proposed site-specific rezoning of surplus drainage land.
2. Staff are to investigate the potential for a new planning proposal for the withdrawn sites when there is a viable downstream stormwater management solution in the Marsden Park North and West Schofields Precincts. **CARRIED**

COUNCIL DIVISION:

Supported: Cr Diaz, Cr Green, Cr M Singh, Cr Kumar, Cr Griffiths, Cr Pathi, Cr Israel, Cr Benjamin, Cr Camilleri, Cr Del Villar, Cr Fitzgerald, Cr Amituanai, Cr J Singh, Cr Bunting, and Cr Atkins.

Referred to : DCPD**For:** Attention**Date:** 19.12.2024

Committee: Planning, Development, Historical & Assets**Meeting Date:** 11.12.2024**PD4.1****PD440050 - Planning Proposal - NWGA Stormwater Management Strategy F21/1120****RECOMMENDATION**

1. Endorse the request to the NSW Government for a Gateway Alteration to our Planning Proposal – NWGA Stormwater Management Strategy by:
 - a. splitting the Planning Proposal into 2 parts
 - b. progressing the part with proposed land use permissibility changes
 - c. withdrawing the part with proposed site-specific rezoning of surplus drainage land.
2. Staff are to investigate the potential for a new planning proposal for the withdrawn sites when there is a viable downstream stormwater management solution in the Marsden Park North and West Schofields Precincts.

COMMITTEE DIVISION:

Supported: Cr Griffiths, Cr Benjamin, Cr Amituanai, Cr Camilleri and Cr Kumar

EXCEPTION
WITHOUT CHANGECOMMITTEE RECOMMENDATION
ADOPTED

ORDINARY MEETING

11 Dec 2024**Referred to :** DCPD**For:** Attention**Date:** 12.12.2024

4. COMMITTEE REPORTS

PD4.1 PD440050 - Planning Proposal - NWGA Stormwater Management Strategy

Director: Peter Conroy, Director City Planning & Development
Responsible Manager: Jaime Hogan, Manager Strategic Planning & Economic Development
File: F21/1120

Division is required

Previous item PD430020

Topic We intend to request the NSW Government to approve a Gateway Alteration to the above Planning Proposal.

Analysis The Planning Proposal, originally endorsed by Council on 25 October 2023, seeks to amend the land use permissibility of drainage basins across the City to enable dual use of land for both drainage and recreational uses across the City, as well as site-specific amendments to rezone land identified as surplus to drainage needs.

On 29 October 2023, the NSW Government announced its intention not to proceed with the residential rezoning of areas of Marsden Park North and West Schofields.

Further investigations on the effect of the NSW Government's decision have confirmed that it has impacted Council's objective in relation to reducing the amount of land needed for drainage purposes and freeing up the land for alternative uses. We therefore need to withdraw part of the proposal that relates to site-specific amendments until there is a viable downstream stormwater management solution in the Marsden Park North and West Schofield Precincts. The rezoning of these areas is now being led by the NSW Government.

Attachment/s Report Recommendation

1. Basin location map [**PD440050.1** - 1 page]
1. Endorse the request to the NSW Government for a Gateway Alteration to our Planning Proposal – NWGA Stormwater Management Strategy by:
 - a. splitting the Planning Proposal into 2 parts
 - b. progressing the part with proposed land use permissibility changes
 - c. withdrawing the part with proposed site-specific rezoning

of surplus drainage land.

2. Staff are to investigate the potential for a new planning proposal for the withdrawn sites when there is a viable downstream stormwater management solution in the Marsden Park North and West Schofields Precincts.

Key reasons

1. The planning proposal seeks to rationalise the use of land for drainage

- a. The Planning Proposal seeks to make 2 types of amendments:
 - amendments to land use permissibility of public land currently zoned for drainage, to enable dual use for drainage and recreational uses across the City
 - site-specific amendments to land identified as surplus to drainage needs to rezone to adjacent land use.

2. The full Planning Proposal is unable to proceed in its current form

- a. On 29 October 2023, the NSW Government announced its intention not to proceed with the residential rezoning of areas of Marsden Park North and West Schofields, as exhibited in 2018.
- b. Most of the site-specific rezoning amendments proposed (refer Supporting analysis 1) as part of our Planning Proposal cannot proceed at this point in time. This is because the basins in the Eastern Creek catchment are dependent on the construction of downstream detention basins when the Marsden Park North and West Schofields Precincts are redeveloped.
- c. Greater certainty is needed in relation to stormwater management in the Marsden Park North and West Schofields Precincts before drainage land upstream can be rezoned, as proposed in the Planning Proposal.
- d. The Marsden Park North and West Schofields Precincts are now under investigation by the NSW Government as a State-led rezoning. Council has forwarded copies of its Land Use Appraisal 2024 by Atlas Economics to relevant NSW Government representatives and agencies to inform this initiative.

3. Part of the Planning Proposal can proceed

- a. There is no dependency between the 2 types of proposed amendments. The proposed land use permissibility amendments can proceed independently from the proposed site-specific amendments to rezone land.
- b. The 2 types of amendment were grouped together in the one Planning Proposal for convenience of processing.
- c. The changes relating to the additional recreational uses of the basins can proceed at this time. As stated in Key reasons 2, the rationalisation of the basins themselves will need to wait.

- 4. Proceeding with the proposed land use permissibility amendments will provide greater flexibility in how public land is used**
- a. Our Planning Proposal seeks to make broad-scale amendments to the land use zone tables in both the *State Environmental Planning Policy (Precincts – Central River City) 2021* and *Blacktown Local Environmental Plan 2015* to:
 - include ‘recreation area’ as a use that is permitted with consent
 - include the defined terms ‘drainage’ and ‘flood mitigation works’ as uses that are permitted with consent in recreation areas (where these are not already permitted).
 - b. The topography in the North West Growth Area is generally relatively flat. This means that stormwater detention basins are shallow and wide to work effectively. When not in use for stormwater management and where appropriate, such land may be suited to low intensity recreation uses, such as off-leash dog parks, kick-around spaces or form part of walking or cycling paths. Currently, however, we are unable to design our public spaces for such dual uses because ‘recreation area’ is not a permissible use in the SP2 Infrastructure (Drainage) zone.
 - c. The proposed amendments will provide greater flexibility and efficiency for Council to provide appropriate infrastructure and works across public land, regardless of whether the land is zoned for recreational or drainage uses, where these additional uses are compatible with the primary function of the land.
- 5. Proposed site-specific rezoning to be revisited when there is more information about the downstream stormwater management strategy**
- a. The site-specific rezonings proposed in this Planning Proposal will be reviewed when planning for the Marsden Park North and West Schofields Precincts is more advanced and more information is available about the final form of the stormwater management strategy in this area.
 - b. We will then prepare a new planning proposal for those amendments.

Supporting analysis

- 1. Our Planning Proposal was intended to rezone part of 11 drainage detention basins**
- a. In 2021, we undertook a review of the stormwater management regime across the North West Growth Area, which was informed by an earlier flood modelling report prepared for us by GHD Pty Ltd.
 - b. The modelling assumed redevelopment of the Marsden Park North and West Schofields Precincts for residential uses in line with the precinct plans exhibited in 2018 by the NSW Government.
 - c. The review identified 8 locations in the Eastern Creek catchment where stormwater storage could be consolidated or reduced in size while still achieving its functional objectives.

- d. Amendments were also proposed at 2 sites in the Second Ponds Creek catchment, to tidy up zone boundaries following detailed design for stormwater management submitted as part of a development application. A further amendment was proposed in the same catchment where a detention basin is no longer required as regional drainage infrastructure has been constructed downstream.
- e. Detailed investigations were carried out on each of the 11 locations to consider appropriate future uses. The proposed new land uses were balanced between addressing the shortage of open space within the North West Growth Area as a whole, and the current housing crisis. The impact of the proposed amendments was considered holistically across all 11 locations in terms of the quantum of new uses proposed. For this reason, it is proposed that all 11 locations are withdrawn from the Planning Proposal. The 11 locations may be considered individually in a future review.

Context

1. Council resolved to proceed with the Planning Proposal in October 2023

- a. The Planning Proposal – NWGA Stormwater Management Strategy was considered at the Ordinary Meeting on 25 October 2023. At that meeting, Council resolved to:
 - prepare a planning proposal to amend the *State Environmental Planning Policy (Precincts – Central River City) 2021* and the *Blacktown Local Environmental Plan 2015*, in line with the content of that report
 - forward the Planning Proposal to the then Department of Planning and Environment to request a Gateway Determination
 - exhibit the Planning Proposal in line with the Gateway Determination conditions
 - prepare any ancillary amendment to the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 or the Blacktown Development Control Plan 2015 to align with the amendments proposed by this Planning Proposal.

2. We have received Gateway Determination but did not progress to public exhibition due to the inability to deliver some basins

- a. The Planning Proposal – NWGA Stormwater Management Strategy was sent to the then Department of Planning and Environment on 4 December 2023 with a request for an initial review and advice, called a Gateway Determination.
- b. The Department of Planning, Housing and Infrastructure issued a Gateway Determination on 11 April 2024.

- c. The Gateway Determination provided that the Planning Proposal should proceed, subject to the following conditions:
- make minor administrative corrections to the Planning Proposal documentation
 - exhibit the Planning Proposal in accordance with the Act, for a minimum of 30 working days
 - consult with the following public authorities and government agencies:
 - NSW Reconstruction Authority
 - NSW State Emergency Service
 - Department of Climate Change, Environment, Energy and Water
 - Endeavour Energy
 - Sydney Water
 - Transport for NSW
 - School Infrastructure NSW.
 - that the LEP is completed on or before 20 December 2024, public exhibition to commence by May 2024 and Council's post-exhibition consideration to occur by September 2024.
- d. We decided not to proceed to an exhibition, due to the changes to the Marsden Park North and West Schofields precincts and the impact on delay of drainage infrastructure.

End of report

Basin Location Map

