

Report to Sydney Central City Planning Panel

Panel reference	2017SWC044 DA
DA number	SPP-17-00001
Proposed development	Staged subdivision
Street address	Lots 21-35 and 52-70 Section 31 DP 1480, Lots 21-70 Section 32 DP 1480, Lots 1-19 and 72-90 Section 31 DP 1480, and Lots 4-19 and 72-87 Section 32 DP 1480, Hobart Street, Sydney Street, Crown Street, Junction Road and Edmund Street, Riverstone
Applicant/owner	RPS Australia on behalf of UrbanGrowth (Applicant) Multiple owners, including 6 properties owned by Blacktown City Council
Date of DA lodgement	24 January 2017
Number of submissions	1 confidential submission (not attached)
Regional development criteria (Schedule 4A of the EP&A Act)	Crown development over \$5 million (DA has CIV of \$12.06 million)
All relevant s79C(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River Blacktown City Council Growth Centre Precincts Development Control Plan 2010
Report prepared by	Blacktown City Council
Report date	3 November 2017
Recommendation	Approval subject to conditions

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? Yes

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments, where the consent authority must be satisfied about a particular matter, been listed and relevant recommendations summarised in the Executive Summary of the assessment report? Yes

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? N/A

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (s94EF)? Yes

Conditions

Have draft conditions been provided to the applicant for comment? Yes

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ATTACHMENTS

- Attachment 1 – Location map
- Attachment 2 – Aerial image as of 12 March 2017
- Attachment 3 – Location map for Riverstone Scheduled Lands
- Attachment 4 – Zoning extract
- Attachment 5 – Detailed information about proposal and DA submission material
- Attachment 6 – Plans of subdivision
- Attachment 7 – Assessment against planning controls
- Attachment 8 – Draft conditions of consent

1 Executive summary

- 1.1 This report considers a proposal to demolish some existing buildings and undertake the staged subdivision of land to create 184 residential lots and 1 residue lot, as well as associated civil works including road construction, over Lots 21-35 and 52-70 Section 31 DP 1480, Lots 21-70 Section 32 DP 1480, Lots 1-19 and 72-90 Section 31 DP 1480, and Lots 4-19 and 72-87 Section 32 DP 1480, Hobart Street, Sydney Street, Crown Street, Junction Road and Edmund Street, Riverstone.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by Council's technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The application is therefore satisfactory when evaluated against Section 79C of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions.

2 Key issues list

2.1 The key issues that need to be considered by the Panel in respect of this application are:

- a. **Road pattern variation** (Section 8) - The applicant seeks a road pattern variation to relocate a short section of a road. The variation is acceptable from a traffic impact perspective and does not result in an increase in developable area.

3 Location

- 3.1 The site is located within the Riverstone Precinct of the North West Priority Growth Area as identified by the Growth Centres SEPP. It is located within the suburb of Riverstone.
- 3.2 The location of the site is shown in **Attachment 1**. The land immediately to the north, east and south of the site is zoned R2 Low Density Residential, with a building height limit of 9 m. The land that adjoins the site to the west is partly zoned E2 Environmental Conservation and RE1 Public Recreation.

4 Site description

- 4.1 The site comprises 154 lots. The lots are regular in shape, however have frontages of only 9 m and a significant depth of 60 m, unlike conventional subdivisions. The site is heavily vegetated. There are a number of legal and illegal structures through the development site.
- 4.2 The area is bounded by Crown Street to the south, Edmund Street to the west, Hobart Street to the north and Junction Road to the east. The total site area subject to this DA is 9.9 ha.
- 4.3 An aerial image of the site and surrounding area is at **Attachment 2**.

5 Background

- 5.1 The Riverstone 'Scheduled Lands' comprise many thousands of historical unserviced residential allotments that are currently held in the ownership of hundreds of small landowners. To assist landowners to develop their land in an orderly manner, the State Government appointed UrbanGrowth NSW to assist with the re-subdivision of the land.
- 5.2 The Scheduled Lands (SL) small lot subdivisions date back to the late 1800s and early 1900s, covering parts of Vineyard, Riverstone and Marsden Park. The location map for the Riverstone Scheduled Lands is at **Attachment 3**. The SL are also known as 'paper subdivisions' because in many cases the only recognition of the lots is on paper, as they were generally not supplied with roads, water connections or other services at the time of subdivision and largely remain that way to the present time.
- 5.3 The lack of services and the long-standing rural zonings that are associated with these subdivisions have prevented or limited dwelling construction on what are predominantly small terrace house sized allotments. However, the properties also have limited rural value to the owners due to the typically small size of the holdings.

- 5.4 The SL has historically been subject to a 10 hectare minimum area requirement for the construction of dwellings dating back to the Blacktown Planning Scheme in 1968. This restrictive development clause has been carried over in all successive planning instruments, including Blacktown IDO No. 133 in 1977, Blacktown LEP 1988 and Blacktown LEP 2015 where applicable. As very few landowners could achieve this minimum 10 hectare area requirement for a dwelling, the land has remained largely undeveloped and covered in Cumberland Plain Woodland.
- 5.5 The rezoning of the Riverstone and Vineyard Scheduled Lands in 2010 by the NSW Government has unlocked the lands' potential, however, various factors combine to make it extremely difficult for small landowners to develop on their own.
- 5.6 Although most of the Scheduled Lands in Riverstone and Vineyard have been rezoned to allow residential development, there are a number of challenges that landowners will face before building on the land. These include:
- The area is mainly unserviced, without significant infrastructure such as water, sewer, underground electricity and urban roads that are needed for the new community.
 - The land ownership pattern is very fragmented, making the coordination of urban infrastructure difficult. Orderly development of the area is unlikely to occur unless a large number of landowners work together.
 - Most of the existing lots are too narrow to accommodate standard homes.
- 5.7 On 17 May 2010, the subject development site was rezoned to R3 Medium Density Residential and SP2 Infrastructure (Classified Road) under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The zoning plan for the site and surrounds is at **Attachment 4**. The site was previously zoned 1(a) General Rural under the Blacktown Local Environmental Plan 1988.
- 5.8 On 11 November 2016, the Riverstone Scheduled Lands Development Plan Precinct A (Stages 1 and 3) 2016 was made under Schedule 5 of the Environmental Planning and Assessment Act 1979 (the development plan). The development plan outlines how infrastructure will be delivered, how land will be subdivided and how costs of developing land will be recouped through contributions from landowners. The development plan also allows Urban Growth NSW to lodge a DA on behalf of landowners.
- 5.9 In accordance with the Subdivision Order issued by the Minister for Planning, UrbanGrowth is the relevant authority conferred with the function to make a development application for the implementation of the subdivision works
- 5.10 This DA is the first stage in the re-subdivision of the Riverstone Scheduled Lands in accordance with the development plan.

6 The proposal

- 6.1 The Development Application (DA) has been lodged by RPS Australia Pty Ltd on behalf of UrbanGrowth for:
- a. Demolition of some existing buildings
 - b. 2-stage subdivision to create 184 residential lots and 1 residue lot
 - c. Associated civil works, including earthworks, local road construction, drainage construction and installation of utility services.
- 6.2 The proposed lots range in size from 300 sqm to 1,234 sqm.

- 6.3 Proposed new local roads have road widths between 14.5 m and 20.12 m, consistent with the Blacktown Growth Centres Development Control Plan for the Riverstone Scheduled Lands.
- 6.4 Public pedestrian pathways and laneways are provided throughout the development, consistent with the Riverstone Indicative Layout Plan. These vary in width between 5 m wide and 9.14 m wide.
- 6.5 A copy of the plan of subdivision is included at **Attachment 6**.

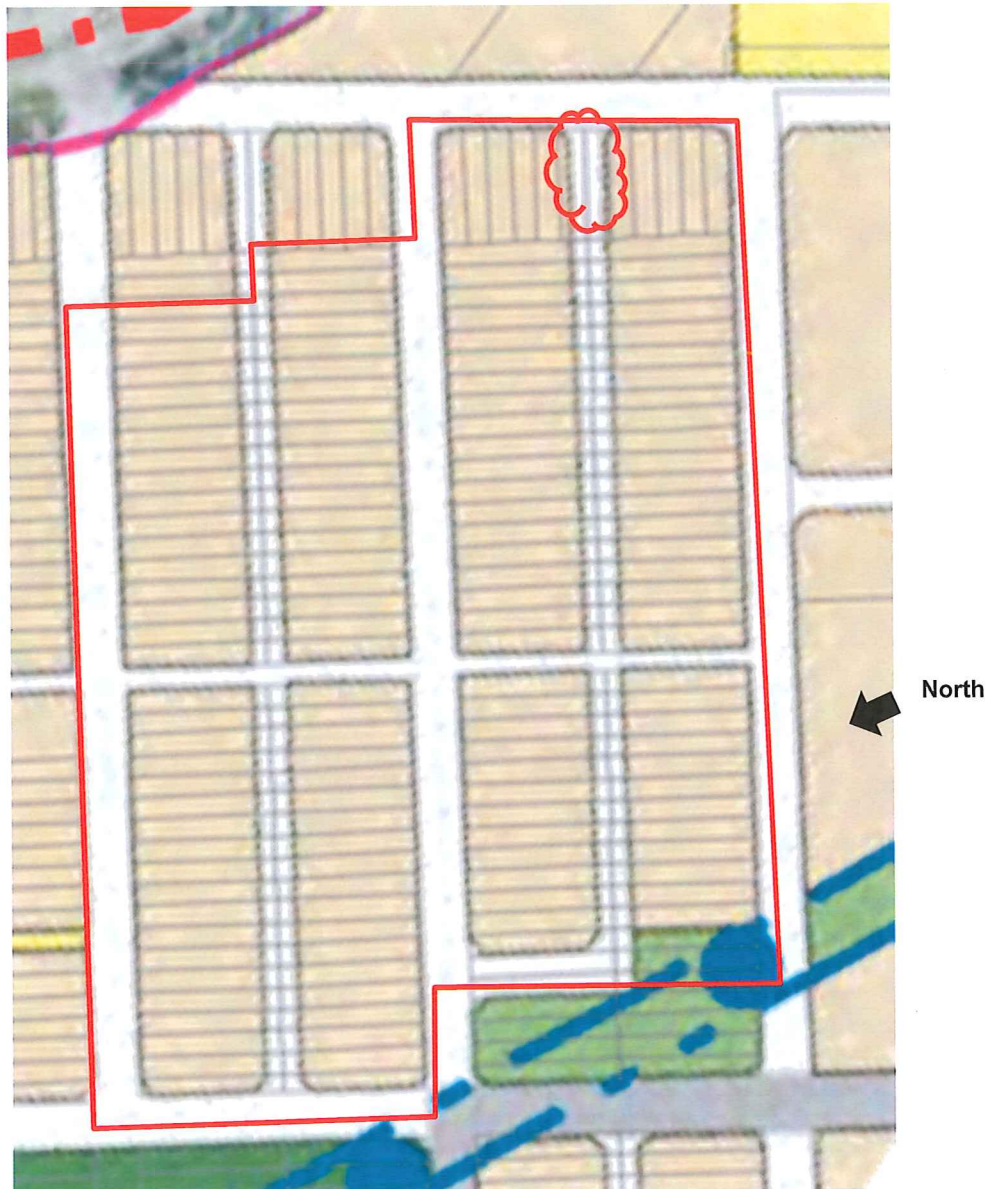
7 Assessment against planning controls

- 7.1 A full assessment of the DA against relevant planning controls is provided in **Attachment 6**, including:
 - a. Environmental Planning and Assessment Act 1979
 - b. State Environmental Planning Policy (State and Regional Development) 2011
 - c. State Environmental Planning Policy (Infrastructure) 2007
 - d. State Environmental Planning Policy No. 55 – Remediation of Land
 - e. State Environmental Planning Policy (Sydney Region Growth Centres) 2006
 - f. State Environmental Planning Policy No. 20 – Hawkesbury-Nepean River
 - g. Draft West Central District Plan
 - h. Blacktown City Council Growth Centre Precincts Development Control Plan 2016.

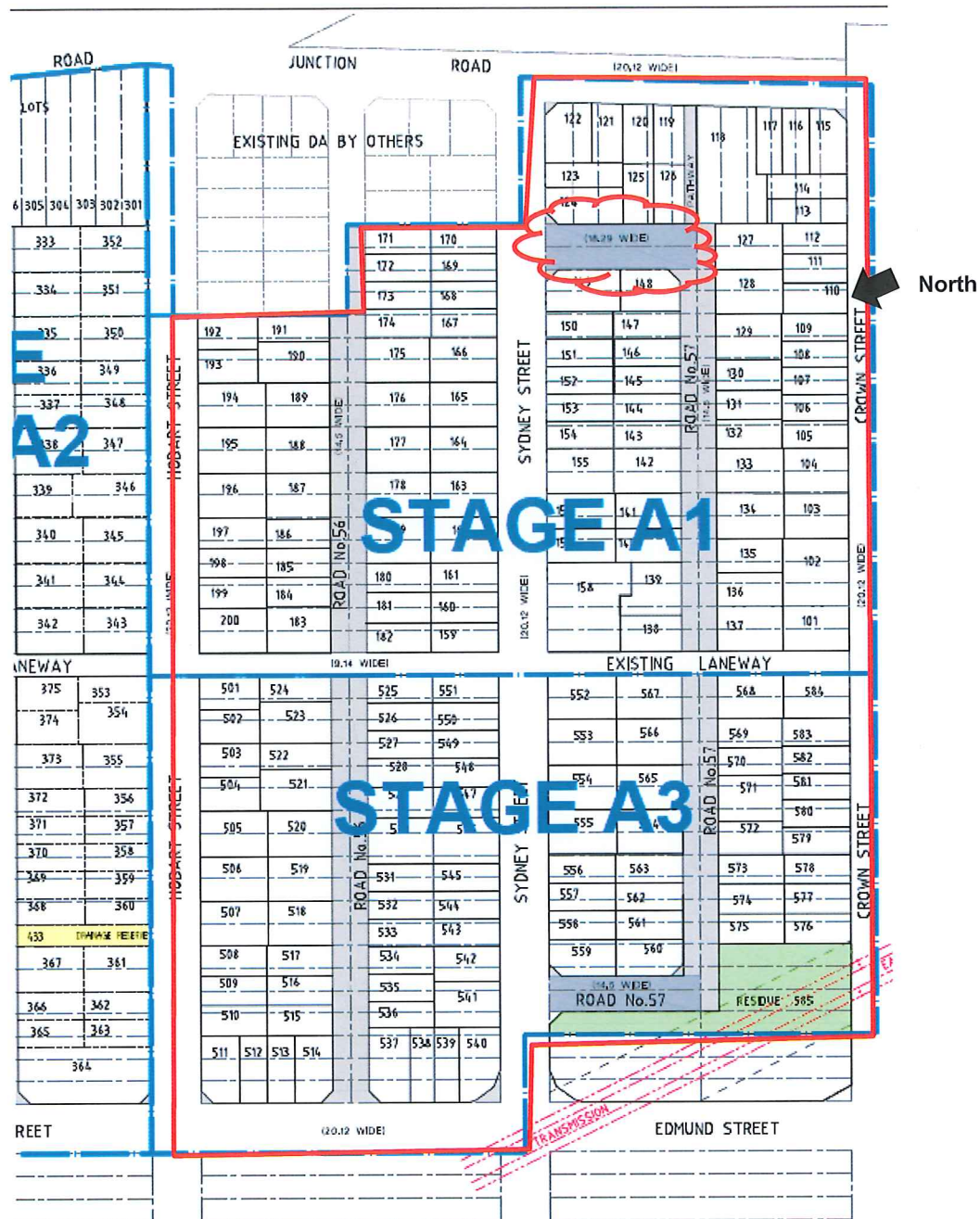
8 Key planning issues assessment

8.1 Road pattern variation

- a. The proposal seeks a variation to the Indicative Layout Plan road pattern, relocating a short portion of a new road to Sydney Street instead of to Junction Road. The area of the proposed road pattern variation is clouded in red in the 2 plans below.



Riverstone ILP road pattern



Proposed subdivision plan

- b. The proposed variation is considered acceptable as:
- The road pattern results in a 371 sqm decrease in developable area.
 - Pedestrian linkages are still provided to Junction Road through a public pedestrian laneway. Conditions have been imposed for suitable lighting and bollards to ensure crime prevention through environmental design standards are met.
 - The proposed road pattern variation does not have a negative impact on the local road traffic circulation as connectivity is still provided throughout the development.

9 Issues raised by the public

- 9.1 The proposed development was notified to property owners and occupiers within the locality between 29 March and 28 April 2017. The DA was also advertised in the local newspapers, including the Blacktown Sun, and signs were erected on the site.
- 9.2 Council received 1 confidential submission.

10 External referrals

- 10.1 The DA was referred to the following external authorities for comment:

Section	Comments
Roads and Maritime Services	Acceptable subject to conditions
NSW Rural Fire Service	General terms of approval provided
Department of Primary Industries - Water	No conditions applicable as development does not require a controlled activity approval as it is made on behalf of a public authority
Endeavour Energy	Acceptable subject to conditions

11 Internal referrals

- 11.1 The DA was referred to the internal sections of Council and is considered acceptable subject to conditions, based on the following:
- Concept engineering design meets Council's development standards.
 - Council will commence construction of a stormwater detention by the end of 2017/early 2018 to support the proposal subject to obtaining an Archaeological Heritage Impact Permit (AHIP) approval.
 - The roads within the subdivision are generally consistent with the Riverstone Precinct Indicative Layout Plan. No objection is raised with the proposal from a traffic management point of view.

12 Conclusion

- 12.1 The proposed development has been assessed against all matters for consideration and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest. The site is considered suitable for the proposed development subject to conditions.

13 Recommendation

- 13.1 The Development Application be approved by the Sydney Central City Planning Panel subject to the conditions held at Attachment 7.
- 13.2 The confidential submitter be notified of the Planning Panel's decision.



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