

Assessment report to Sydney Central City Planning Panel

Panel reference: 2017SWC073

Development Application

DA number	SPP-17-00011	Date of lodgement	9 June 2016
Applicant	RPS Australia East Pty Ltd on behalf of UrbanGrowth NSW		
Owner	Multiple owners		
Proposed development	'Integrated Development' including demolition of some existing buildings, subdivision to create 108 residential lots, 25 residue lots and 2 drainage reserve lots, as well as associated subdivision works including earthworks, road construction, drainage construction and installation of utility services		
Street address	Hobart Street, Wellington Street, Edmund Street, Loftus Street and Windsor Road, Riverstone. Lots 52-70 Section 29 DP 1480; Lots 1-19, Lots 21-39, Lots 40-51, Lots 52-70, Lots 75-90 Section 30 DP 1480; Lots 40-45 DP 135718; Lots 46-51 DP 456639; and Lot 1 DP 790369		
Notification period	10 November to 10 December 2017	Number of submissions	1 confidential submission

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	Council related development over \$5 million (DA has CIV of \$7.2 million)
Relevant section 4.15(1)(a) matters	- Environmental Planning and Assessment Act 1979 - 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 - State Environmental Planning Policy (Infrastructure) 2007 - Blacktown City Council Growth Centre Precincts Development Control Plan 2016 - State Environmental Planning Policy (State and Regional Development) 2011
Report prepared by	Jared Spies
Report date	28 November 2018
Recommendation	Approve subject to conditions listed in attachment 8.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development Application plans
- 6 Assessment against planning controls
- 7 Issues raised by the public (confidential attachment)
- 8 Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 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 (section 7.24)? Yes

Conditions

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

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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
 - the proposed minor variation to the Indicative Layout Plan road pattern (addition of a further short road).
 - 1 confidential objection received from a resident
 - creation of a pedestrian laneway.
- 1.2 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments have 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 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the application subject to the recommended conditions listed in attachment 8.

2 Location

- 2.1 The site is located within the Riverstone Precinct of the North West Growth Area (NWGA) as identified by State Environmental Planning Policy (Sydney Region Growth Centres) 2006. It is located in the suburb of Riverstone.
- 2.2 The location of the site is shown at attachment 1.

3 Site description

- 3.1 An aerial image of the site and surrounding area is at attachment 2.
- 3.2 The site comprises 117 existing small lots. The lots are regular in shape, however each has a frontage of only 9 m and a significant depth of 60 m, unlike conventional subdivisions. The site is heavily vegetated.
- 3.3 On 17 May 2010, the subject development site was rezoned to R2 Low Density Residential, SP2 Local Road, SP2 Drainage and SP2 Infrastructure (Classified Road) under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The site was previously zoned 1(a) General Rural under Blacktown Local Environmental Plan 1988. The zoning plan for the site and surrounds is at attachment 3. The red hatching over the site refers to the Riverstone Scheduled Lands as per the Growth Centres SEPP Land Zoning Map.
- 3.4 The land immediately to the north is zoned SP2 Drainage. The land to the west is zoned E2 Environmental Conservation. The land to the south is zoned R2 Low Density Residential. The land to the east is zoned SP2 Classified Road.
- 3.5 The area is bounded by Hobart Street to the south, Edmund Street to the west, Loftus Street to the north and Windsor Road to the east. The total site area subject to this DA is 6.3 ha.

4 Background

- 4.1 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.

- 4.2 The Scheduled Lands small lot subdivisions date back to the late 1800s and early 1900s, covering parts of Vineyard, Riverstone and Marsden Park. They 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.
- 4.3 The lack of services and the long-standing rural zoning that is associated with these subdivisions have prevented or severely 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.
- 4.4 The Scheduled Lands have historically been subject to a 10 ha 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 Interim Development Order No. 133 in 1977, Blacktown Local Environmental Plan 1988 and Blacktown Local Environmental Plan 2015 where applicable. As very few landowners could achieve this minimum 10 ha area requirement for a dwelling, the land has remained largely undeveloped and covered in Cumberland Plain Woodland.
- 4.5 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.
- 4.6 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.
- 4.7 On 11 November 2016, the Riverstone Scheduled Lands Development Plan Precinct A (Stages 1 and 3) 2016 (the ‘Development Plan’) was made under Schedule 5 of the Environmental Planning and Assessment Act 1979. 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 UrbanGrowth NSW to lodge a DA on behalf of landowners.
- 4.8 In line with the Subdivision Order issued by the Minister for Planning, UrbanGrowth NSW is the relevant authority conferred with the function of making a Development Application for the implementation of the subdivision works.
- 4.9 Stages A1 and A3 were approved by the Sydney Central City Planning Panel on 30 November 2017 under SPP-17-00001. This included approval for staged subdivision to create 184 residential lots and 1 residue lot, demolition of some existing buildings and associated civil works.
- 4.10 This DA is now stage A2 in the re-subdivision of the remaining part of Precinct A in the Riverstone Scheduled Lands, in line with the Development Plan. There have been delays in processing this DA as a result of conflicting comments received from Roads and Maritime Services (RMS) and the Rural Fire Service (RFS) related to the intersection of Wellington Street with Windsor Road (refer to location shown on attachment 3).

- 4.11 RMS did not initially agree to an intersection of the roads, but RFS required access for emergency vehicles to Wellington Street from Windsor Road. RMS and RFS have since come to an agreement on an intersection design, where Wellington Street will be a left-out only option onto Windsor Road and will include a reinforced grass pavement that only fire trucks would travel over to turn left onto Wellington Street from Windsor Road in case of an emergency.

5 The proposal

- 5.1 This Stage 2 Development Application has been lodged by RPS Australia Pty Ltd on behalf of UrbanGrowth NSW.
- 5.2 The Applicant proposes 'Integrated Development' for:
- demolition of some existing buildings
 - subdivision to create 108 residential lots, 2 drainage reserve lots and 25 residue lots
 - associated subdivision works, including earthworks, upgrading of existing roads and pedestrian laneways, construction of new public roads, drainage works and installation of utility services.
- 5.3 The 108 new residential lots will be spread over an area of 6.3 ha.
- 5.4 The application is classified as 'Integrated Development' under section 4.46 of the Environmental Planning and Assessment Act 1979 as a bushfire safety authority from the NSW Rural Fire Service is required.
- 5.5 The proposed lots range in size from 300 m² to 1,235 m².
- 5.6 The proposed local roads will have road widths between 14.5 m and 20.12 m, consistent with the Blacktown City Council Growth Centre Precincts Development Control Plan 2016 for the Riverstone Scheduled Lands. Some roads like Hobart Street, Wellington Street and Edmund Street are existing and will be upgraded, while new roads No. 51 and No. 52 meet the Growth Centre DCP requirement for minor road widths.
- 5.7 Public pedestrian pathways using existing laneways are provided throughout the development, consistent with the Riverstone Indicative Layout Plan. The existing laneway will also be for pedestrian use only.
- 5.8 Other details about the proposal are at attachment 4 and a copy of the development plans is included at attachment 5.

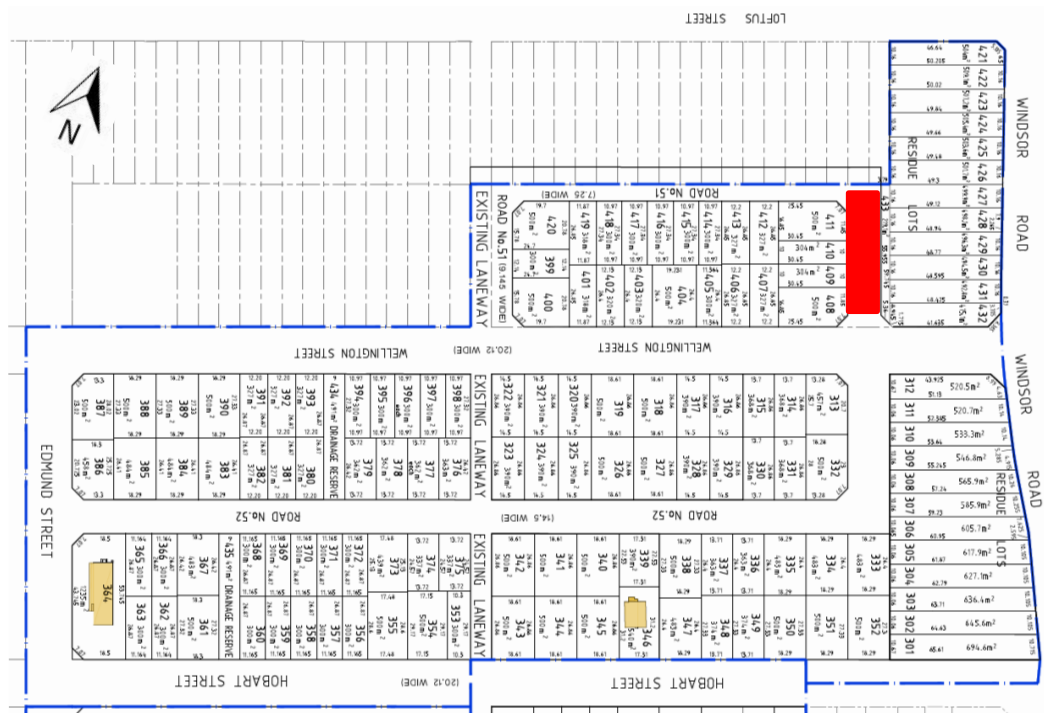
6 Assessment against planning controls

- 6.1 A full assessment of the Development Application against relevant planning controls is provided at attachment 6, including:
- Environmental Planning and Assessment Act 1979
 - State Environmental Planning Policy (State and Regional Development) 2011
 - State Environmental Planning Policy (Infrastructure) 2007
 - 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
 - Central City District Plan
 - Blacktown City Council Growth Centre Precincts Development Control Plan 2016.

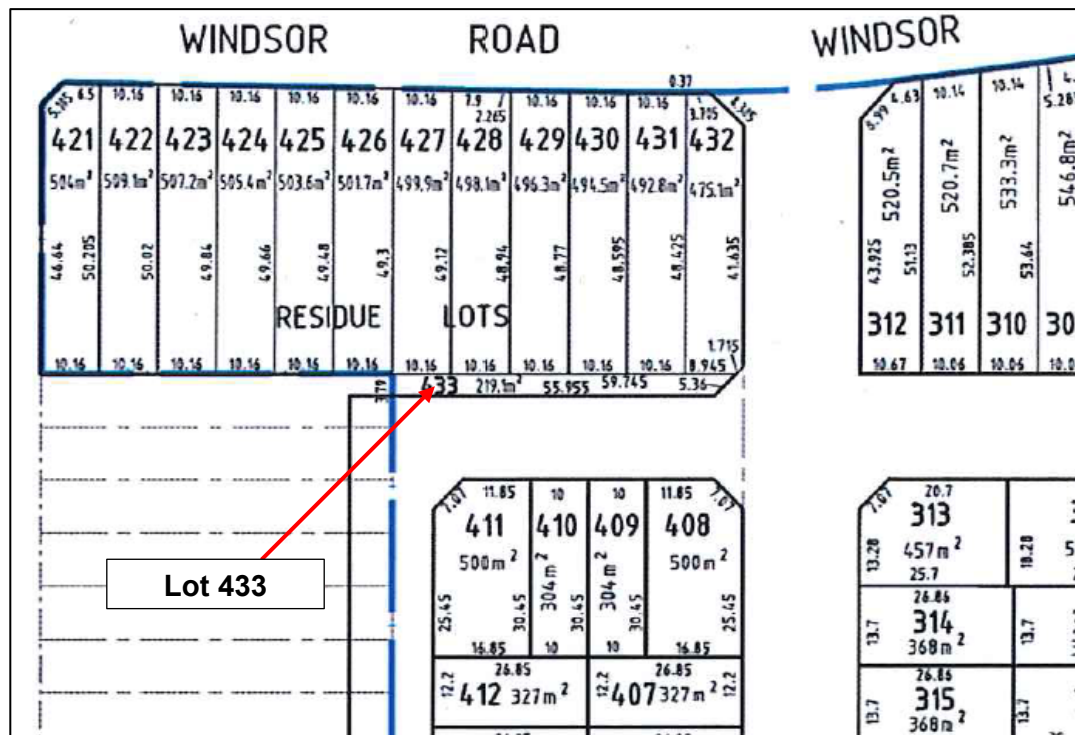
7 Key issues

7.1 Minor Indicative Layout Plan variation

- 7.1.1 A minor variation to the Indicative Layout Plan (ILP) road pattern is proposed. This variation proposes the addition of a short north-south access road from Wellington Street to proposed Road No. 51. This will ensure the orderly development of this area. Other than this minor variation, the proposed road layout is consistent with the ILP.
- 7.1.2 The proposed variation to the ILP subdivision pattern will not affect the delivery of services, drainage or native vegetation.
- 7.1.3 The area of the proposed road pattern variation is highlighted in red on the Indicative Layout Plan and the Subdivision Plan below.



- 7.1.4 The Subdivision Plan shows a strip of land being Lot 433 (illustrated below) to the north-east of this proposed road which would normally create a 'grudge strip' between the road and residue Lots 421 to 432.



- 7.1.5 Lot 433 is the remainder of the original Lot 52 Section 29 DP 1480. The works in kind agreement between UrbanGrowth NSW and TVUT P/L left that landowner with this remaining piece of developable land after the intended creation of a 14.5 m wide road on the land.
- 7.1.6 Title searches have revealed that TVUT P/L owns all of the lots adjoining this strip of land, currently shown as residue Lots 421 - 432 on the DA plan. Therefore, Lot 433 is not a grudge strip but part of the agreement with one landowner. On this basis this parcel of lots will have frontage to the proposed road and will be subject to a future subdivision. It should also be noted that TVUT P/L did not object to this proposal.

7.2 A confidential objection was received from a resident

- 7.2.1 A submission raising concerns about the proposal and its impact on a resident in this Stage 2 area has been received and is discussed in Section 8 below. However, none of the issues raised are grounds for refusal.

7.3 Creation of a pedestrian laneway

- 7.3.1 The existing laneway is shown on the Subdivision Plan. Given it has been in existence as part of the original subdivision, it is considered reasonable to retain it. However, it will only be maintained for pedestrian use.
- 7.3.2 UrbanGrowth NSW will beautify the laneway to ensure it does not cause any amenity issues for Council or the residents.

8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 10 November and 10 December 2017. The Development Application was also advertised in the local newspapers and a sign was erected on the site.

- 8.2 We received 1 confidential submission. The submission therefore cannot be made available to the public.
- 8.3 The issues raised by the resident are listed in confidential attachment 7, together with a town planning comment in response. Attachment 7 will be provided separately to the Panel for its consideration.
- 8.4 The objections raised do not warrant refusal of the Development Application.

9 External referrals

- 9.1 The Development Application was referred to the following external authorities for comment:

Authority	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
Office of Environment and Heritage	Acceptable subject to conditions

10 Internal referrals

- 10.1 The Development Application was referred to the following internal sections of Council for comment:

Section	Comments
Building	Acceptable subject to conditions
Environmental Health	Acceptable subject to conditions
Engineering	Acceptable subject to conditions
Traffic	Acceptable subject to conditions

11 Conclusion

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

12 Recommendation

- 1 Approve Development Application SPP-17-00011 for the reasons listed below and subject to the conditions listed in attachment 9.
- a. The subdivision will implement the Subdivision Order issued by the Minister for Planning.

- b. Residential subdivision is a permissible land use within the R2 Low Density Residential zone and satisfies the zone objectives outlined under the Growth Centres SEPP.
 - c. The proposal is consistent with the Riverstone Precinct Plan and the specific development standards applying to the Scheduled Lands.
 - d. The likely impacts of the development, including traffic, access, design and stormwater management, have been satisfactorily addressed.
 - e. The proposal is considered to be in the public interest as it allows the orderly development of the Riverstone Scheduled Lands.
 - f. Due to the minimal environmental impact of the development and its socio-economic benefits, the proposal is considered to be in the public interest.
- 2 Council officers notify the Applicant and confidential submitter of the Panel's decision.

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