



Planning,
Industry &
Environment

IRF20/4639

Gateway determination report – PP_2020_BLACK_004_00

Amendment to SEPP (Sydney Region Growth Centres) 2006 - to Rezone
Lot 17 Section 26 DP 1459, 115 Crown Street, Riverstone from SP2
(Educational Establishment) and R2 Low Density Residential to RE1 Public
Recreation (0 Jobs, 0 Dwellings)

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Contents

1	Introduction	1
1.1	Overview of planning proposal.....	1
1.2	Site description and surrounding area.....	1
2	Proposal	3
2.1	Objectives or intended outcomes.....	3
2.2	Explanation of provisions.....	3
2.3	Mapping.....	4
3	Need for the planning proposal	6
4	Strategic assessment	6
4.1	Regional Plan	6
4.2	District Plan [If relevant].....	6
4.3	Local.....	7
4.4	Local planning panel (LPP) recommendation.....	7
4.5	Section 9.1 Ministerial Directions	8
4.6	State environmental planning policies (SEPPs)	9
5	Site-specific assessment	12
5.1	Environmental.....	12
5.2	Social and economic.....	13
5.3	Infrastructure	13
6	Consultation	13
6.1	Community	13
6.2	Agencies.....	13
7	Timeframe	13
8	Local plan-making authority	13
9	Assessment Summary	14
10	Recommendation	14

1 Introduction

1.1 Overview of planning proposal

The planning proposal is supported by the following reports and plans:

- Blacktown Local Planning Panel – Planning Proposal Advice
- North West Growth Area – Blacktown Precincts - Revised growth forecasts and analysis of unplanned infrastructure needs
- Correspondence from Department of Education
- Resolution of Blacktown City Council

Table 1 Planning proposal details

LGA	Blacktown
PPA	Blacktown City Council
NAME	115 Crown Street, Riverstone Rezoning (0 Jobs, 0 Dwellings)
NUMBER	PP_2020_BLACK_004_00
LEP TO BE AMENDED	SEPP (Sydney Region Growth Centres) 2006
ADDRESS	115 Crown Street, Riverstone
DESCRIPTION	Lot 17 Section 26 DP1459
RECEIVED	11/09/2020
FILE NO.	IRF20/4639
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 Site description and surrounding area

The subject site, identified as 115 Crown Street, Riverstone (Lot 17 Section 26 DP1459) is located in the Riverstone Precinct in the North West Growth Area. The site is relatively flat and currently contains a single storey detached dwelling and garage.

As shown in Figure 1 the site is generally cleared with the exception of 24 trees which are located along the western and rear boundary. The subject site is currently zoned SP2 Infrastructure (Educational Establishment) and R2 Low Density Residential.

The site is located in the Riverstone Precinct and is surrounded by a mix of existing rural residential properties, new residential subdivision and existing low-density residential housing stock. The subject site and its surroundings are currently in transition from a rural area to an urban area guided by the indicative layout plan for the Riverstone Precinct.

North of the site are the Riverstone Scheduled Lands which consist of approximately 1,600 residential lots. The area is earmarked for redevelopment which is expected to generate approximately 300 lots.

To the east of the site is an area which has recently been subdivided. The majority of the roads and associated dwellings have been constructed.

To the west of the subject site is 109 Crown Street and 87 Hamilton Street which currently consist of rural residential properties. As indicated in Figure 1, the subject site and these two adjoining sites are currently zoned SP2 (Educational Establishment) in accordance with the Riverstone Precinct; the Department of Education have indicated that the area excluding the subject site will be redeveloped for a primary school. Education has confirmed in correspondence that the subject site is no longer required for the school.



Figure 1 Subject site outlined in yellow (source: NSW ePlanning Spatial Viewer)



Figure 2 Site context (source: NSW ePlanning Spatial Viewer)

2 Proposal

2.1 Objectives or intended outcomes

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

The objectives of the planning proposal are to:

- rezone land for public open space

The objectives of this planning proposal are clear and adequate.

Explanation of provisions

The planning proposal seeks to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 per the changes below:

Table 2 Current and Proposed controls

Control	Current	Proposed
Zone	SP2 (Educational Establishment) & R2 Low Density Residential	RE1 Public Recreation
Maximum height of the building	9 m (where in R2 zone)	0 m
Floor space ratio	N/A	N/A
Minimum lot size	0	0
Residential Density	15 dwellings per hectare (where in R2 zone)	0
Number of dwellings	N/A	N/A
Number of jobs	N/A	N/A

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

2.2 Mapping

The planning proposal includes mapping showing the proposed changes to the Growth Centres SEPP maps, which are suitable for community consultation.

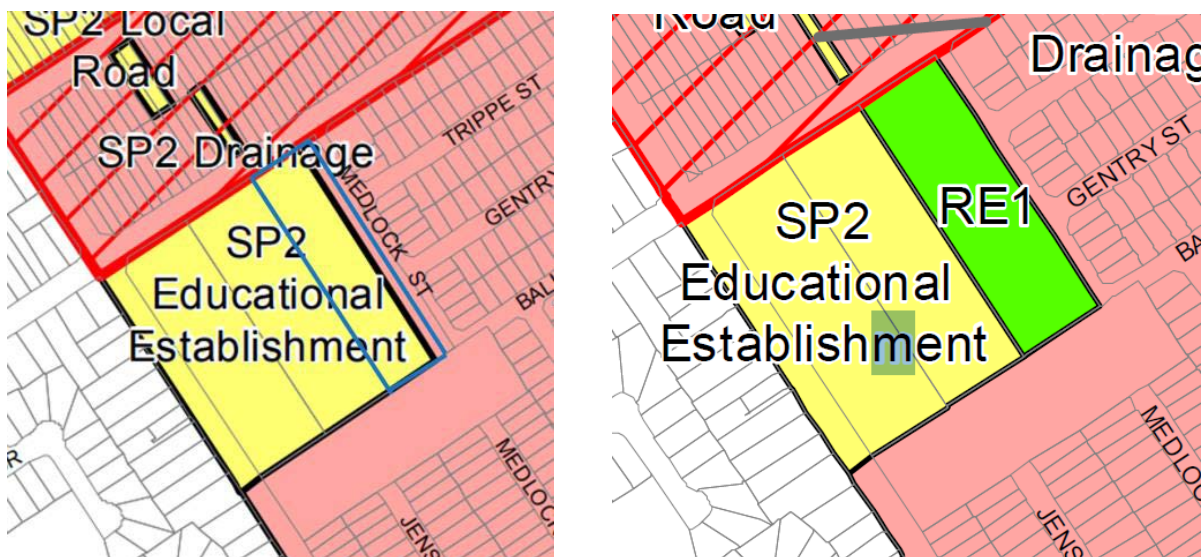


Figure 3 Current (left) and proposed (right) Land Use Zoning map



Figure 4 Current (left) and proposed (right) height of building map

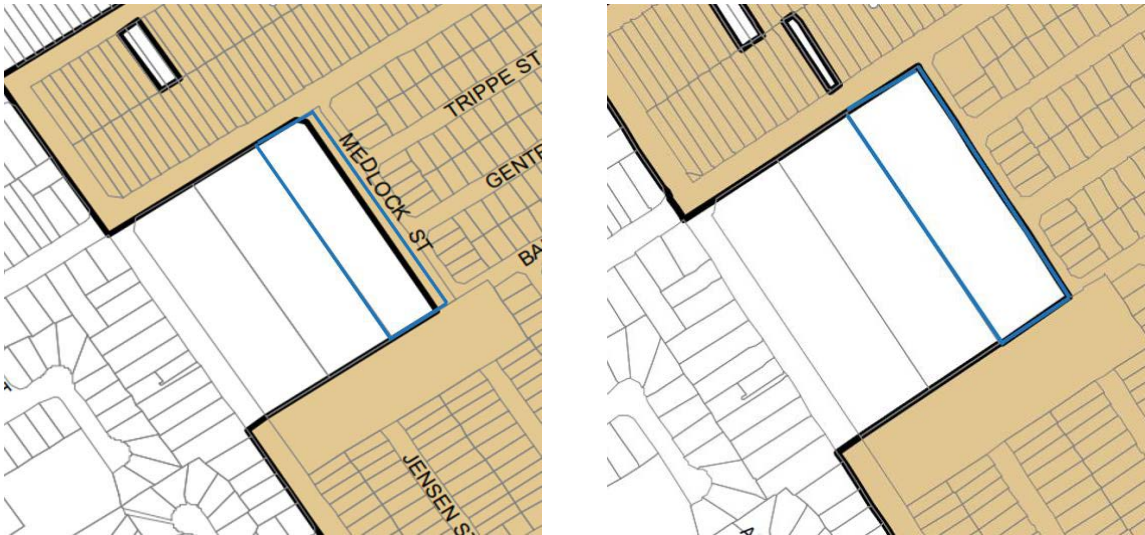


Figure 5 Current (left) and proposed (right) Residential Density map

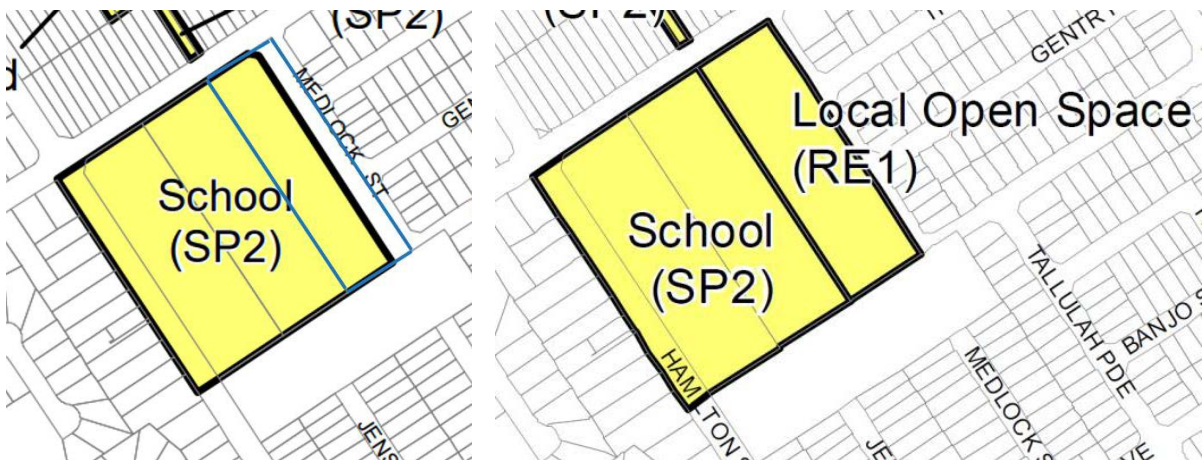


Figure 6 Current (left) and proposed (right) Land Reservation Acquisition map

3 Need for the planning proposal

The planning proposal is the only means to rezone the land, identify the site for acquisition by Council and amend the planning controls through amendments to the Growth Centres SEPP Maps.

The planning proposal has been informed by the study undertaken by Council titled *North West Growth Area Blacktown Precincts: Revised growth forecasts and analysis of unplanned infrastructure needs*. The study has identified a shortfall in open space as a result of higher than forecasted residential densities within the precincts of the North West Growth Area.

Direction 6.2 – Reserving Land for Public Purposes (made under Section 9.1 of the *Environmental Planning and Assessment Act 1979*) requires the relevant planning authority rezone and/or remove the relevant reservation in accordance with a request from a public authority to do so because the land is no longer designated by that public authority for acquisition.

4 Strategic assessment

4.1 Regional Plan

A Plan for Growing Sydney identifies new land release areas as an important component of Sydney's overall housing and employment supply. The proposal is consistent with *A Plan for Growing Sydney* as it will provide much needed land for open space providing the community with an area for recreation and promote physical exercise within the Riverstone precinct of the North West Growth Area.

4.2 District Plan

The site is identified within the *Central City District Plan*. 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 that the planning proposal gives effect 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 3 District Plan assessment

District Plan	Justification
C1: Planning for a city supported by infrastructure	The proposal will provide local infrastructure in line with forecast growth
C3: Providing services and social infrastructure to meet people's changing needs	The proposal will respond to this planning priority as it will provide public land for social infrastructure
C14: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element	The proposal will increase the available open space for community use.
C17: Delivering high quality open space	The proposal will facilitate new open space within 400m of residential areas within the precinct. It will provide for the needs of the community as the precinct is developed.

4.3 Local plans and strategies

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 4 Local strategic planning assessment

Local Strategies	Justification
Our Blacktown 2036 – Community Strategic Plan	Council's community strategic plan identifies the need for a more active community through the provision of open space and recreational facilities. The proposal is consistent with this plan as it will provide the necessary usable open space for the community to promote passive recreation and aid in reducing obesity in the community.
Local Strategic Planning Statement (LSPS)	The proposal is consistent with the Council's LSPS, it particularly responds to Action 9 which seeks to balance higher than expected residential densities in the NWGA with the necessary community infrastructure. The addition of open space will help to balance the identified short fall.
Recreation and Open Space Strategy	The planning proposal is consistent with Council's Recreation and Open Space Strategy as it identifies land for open space and recreation as well as the acquisition of future land parcels. The strategy also aligns with the Central District Plan promoting open space within 400m of residential areas.

4.4 Local planning panel (LPP) recommendation

The Blacktown Local Planning Panel supports the planning proposal and noted the Department of Education's release of the land. No recommendations were made by the Panel.

4.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with all relevant section 9.1 Directions except for those discussed below:

Table 5 S9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.6 Remediation of Contaminated Land	Not consistent	The proposal is inconsistent with this direction as no assessment has been made on whether the site is contaminated or not. A condition has been added to the determination recommending Council undertake a Stage 1 Preliminary Site Investigation prior to the finalisation of the draft plan.
3.1 Residential Zones	Not consistent, but justified	<p>The proposal is inconsistent with the direction as it will theoretically reduce the permissible residential density of the subject land.</p> <p>The inconsistency is of minor significance as the land is located along the road alignment of the newly constructed Medlock Street. The rezoning of the land from R2 to RE1 will not impact the provision of housing. The proposal will provide the necessary local infrastructure to support the existing and future needs of the growing community.</p>
4.3 Flood Prone Land	Not consistent	<p>Council have advised the corner of Crown Street and the new Medlock Street is a floodway area which is below surrounding ground level and contains pooling water.</p> <p>Council state the floodway is a temporary on-site detention system which accommodates runoff from the adjacent subdivision and will be extinguished when a regional basin is provided by Council.</p> <p>It is recommended Council provide further details on the regional basin and when it is expected to be provided.</p>
4.4 Planning for Bushfire Protection	Not consistent.	<p>The site is identified as containing bushfire prone land and is specifically identified as being "Vegetation Buffer".</p> <p>It is recommended Council consult with the Commissioner of the NSW Rural Fire Service prior to exhibition to confirm the NSW Rural Fire Service does not object to the progression of the planning proposal.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
6.2 Reserving Land for Public Purposes	Yes	<p>As stated by Council this direction restricts planning proposals from reducing existing zonings and reservations of land for public purposes without approval from the relevant public authority.</p> <p>Approval has been granted by the Department of Education (DoE), who are the relevant acquisition authority for the current SP2 zoned land.</p> <p>The DoE have indicated that they do not require the SP2 portion of land that forms part of the subject site, as the adjacent two allotments are large enough for the future school use.</p> <p>This proposal proposes to rezone the whole site to RE1 Public Recreation and amend the Land Reservation Acquisition Map so that Council is the acquisition authority for this land.</p> <p>Under this direction, when a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p>

4.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs with those further discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy No 1— Development Standards	N		
State Environmental Planning Policy No 19— Bushland in Urban Areas	Y	Y	As part of the detailed design of the future open space Council will aim to retain healthy trees on the subject site
State Environmental Planning Policy No 21— Caravan Parks	N		
State Environmental Planning Policy No 33— Hazardous and Offensive Development	N		

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy No 36—Manufactured Home Estates	N		
State Environmental Planning Policy No 44—Koala Habitat Protection	N		
State Environmental Planning Policy No 47—Moore Park Showground	N		
State Environmental Planning Policy No 50—Canal Estate Development	N		
State Environmental Planning Policy No 55—Remediation of Land	Y	N	Further investigations to be completed prior to finalisation of the draft plan.
State Environmental Planning Policy No 64—Advertising and Signage	N		
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	N		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	N		
State Environmental Planning Policy (Aboriginal Land) 2019	N		
State Environmental Planning Policy (Affordable Rental Housing) 2009	N		
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N		
State Environmental Planning Policy (Coastal Management) 2018	N		
State Environmental Planning Policy (Concurrences) 2018	N		
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	Y	Y	The Planning Proposal will not affect the application of the SEPP on the adjoining properties, which have been identified for a future primary school
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	N		

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy (Gosford City Centre) 2018	N		
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N		
State Environmental Planning Policy (Infrastructure) 2007	Y	Y	The planning proposal does not propose provisions to impede the application of this SEPP.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N		
State Environmental Planning Policy (Kurnell Peninsula) 1989	N		
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N		
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N		
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N		
State Environmental Planning Policy (Primary Production and Rural Development) 2019	N		
State Environmental Planning Policy (State and Regional Development) 2011	N		
State Environmental Planning Policy (State Significant Precincts) 2005	N		
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N		
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Y	Y	The intent of this proposal is to amend this SEPP to facilitate the rezoning of part of the school site to RE1 Public Recreation. The proposal to amend the SEPP is the only means to facilitate the rezoning
State Environmental Planning Policy (Three Ports) 2013	N		

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy (Urban Renewal) 2010	N		
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	N		
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N		
State Environmental Planning Policy (Western Sydney Parklands) 2009	N		

5 Site-specific assessment

5.1 Environmental

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

Table 7 Environmental impact assessment

Environmental Impact	Assessment
Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	The Department supports Councils statement that there are no critical habitats or threatened species, populations or ecological communities, or their habitats on or around the site that will be affected by the Planning Proposal.
Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?	As stated in the planning proposal there are no anticipated negative environmental effects resulting from the Planning Proposal. It is recommended as a condition that Council undertake a Stage 1 Preliminary Site Investigation to determine if the site contains any contaminated land prior to the finalisation of the draft plan.

5.2 Social and economic

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

Table 3 Social and economic impact assessment

Social and Economic Impact	Assessment
How has the Planning Proposal adequately addressed any social and economic effects?	The proposal is expected to make a positive social impact on the broader community by providing open space for active and passive recreation. There are no likely significant economic impacts which will result from this planning proposal. Council have resolved to identify the site on the land reservation acquisition map to ensure future acquisition by Council.

5.3 Infrastructure

There is adequate infrastructure to support the use of the land as open space.

6 Consultation

6.1 Community

Council proposes a community consultation period of 28 days.

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

6.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Sydney Water
- Department of Education
- Environment, Energy and Science
- NSW Rural Fire Service

7 Timeframe

Council proposes a four month time frame to complete the LEP.

The Department recommends a time frame of eight months to allow for some flexibility for finalisation of the planning proposal, including preparation of the Stage 1 Preliminary Site Investigation.

A condition to the above effect is recommended in the Gateway determination.

8 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

As the planning proposal seeks to amend the Growth Centres SEPP the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

9 Assessment Summary

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

- The Department of Education supports the release and rezoning of the surplus land
- It is supported by Council and the Local Planning Panel
- Council studies identify the need for additional open space to support the development of the precinct and the NWGA.
- *Direction 6.2 – Reserving Land for Public Purposes* (made under the *Environmental Planning and Assessment Act 1979*) requires the relevant planning authority rezone and/or remove the relevant reservation in accordance with a request from a public authority to do so because the land is no longer designated by that public authority for acquisition.

10 Recommendation

It is recommended that the delegate of the Secretary:

- Agree that any inconsistency with section 9.1 Direction 3.1 Residential Zones is minor or justified; and
- Note that the consistency with section 9.1 Directions 2.6 Remediation of Contaminated Land, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection are unresolved and will require justification.

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

1. Prior to public exhibition Council is to:
 - a. amend the planning proposal to identify that the planning proposal is capable of complying with section 9.1 Direction 2.6 Remediation of Contaminated Land and 4.3 Flood Prone Land;
 - b. consult with the NSW Rural Fire Service in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments of this agency.
2. Consultation is required with the following public authorities:
 - Sydney Water
 - Department of Education
 - Environment, Energy and Science
 - NSW Rural Fire Service
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The timeframe for completing the LEP is to be 8 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



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