

## EXPLANATION OF INTENDED EFFECT

### STATE ENVIRONMENTAL PLANNING POLICY TO AMEND STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006 – AREA 20 PRECINCT IN RESPONSE TO FINALISATION OF THE ALIGNMENT OF THE NORTH WEST RAIL LINK AND ASSOCIATED TOWN CENTRE, AND REMOVAL OF SYDNEY WATER ACQUISITION LIABILITY OF ROUSE HILL TRUNK DRAINAGE AUTHORITY LAND

#### 1.1 Introduction

The proposed instrument (**proposed SEPP**) will amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (**Growth Centres SEPP**) by amending the North West Growth Centre as follows:

*Amendments to the following maps:*

- Land Zoning Map,
- Residential Density Map,
- Height of Buildings Map,
- Floor Space Ratio Map,
- Land Reservation Acquisition Map,
- Lot Size Map, and
- Riparian Protection Map.

A new Active Street Frontages Map is proposed to identify areas within the Town Centre near Cudgegong Station where specific development controls will apply, as provided in the draft Cudgegong Local Centre Development Controls in Schedule 4 – Area 20 Precinct of the Blacktown City Council Growth Centres Development Control Plan 2010, as well as within the main body of that same Development Control Plan.

#### *Revocation of Clause 6.5*

Clause 6.5 in Appendix 6 Area 20 Precinct Plan of the Growth Centres SEPP is proposed to be revoked as the requirements of that Clause will be addressed with the introduction of detailed development controls for the Town Centre, around Cudgegong Station. In association with this, the Special Areas Map is no longer required as the proposed amendment includes a development control plan for the area identified on that map.

In addition to the proposed amendments to the Growth Centres SEPP the Department has:

- amended the Indicative Layout Plan (ILP) for the Area 20 Precinct,
- prepared a draft Development Control Plan for the Cudgegong Station Town Centre (to become Schedule 5 of Area 20 Blacktown City Council Growth Centres DCP 2011),
- updated Schedule 4: Area 20 Precinct of the Blacktown City Council Development Control Plan to include the amended Area 20 Precinct ILP.

Furthermore, Blacktown City Council will progress amendments to the Blacktown City Council Contributions Plan No. 22 to revise Section 94 Contributions.

#### 1.2 Background

The Area 20 Precinct Plan, in the Blacktown Local Government Area, was published on 21 October 2011 (see Attachment 1 – Published Indicative Precinct Plan). At the time the Indicative Layout Plan (ILP) identified a preliminary corridor for the North West Rail Link (NWRL), based on a tunnel construction, and deferred the controls for the Town Centre in anticipation of the final NWRL alignment and Cudgegong Station design. The ILP also identified a drainage corridor along Second Ponds Creek that was to be acquired by Sydney Water in accordance

with the adopted strategy for flood prone land acquisition within the Rouse Hill Development Area.

The land to which the proposed amendments apply is located along the NWRL corridor, the Cudgegong Station Town Centre and its surrounds and along Second Ponds Creek. Additional amendments are proposed to align various layers of planning and development controls applying to the residential land south of Rouse Road.

The amendments have been necessary due to the resolution of the final corridor and alignment for the NWRL through Area 20, the NWRL adopting a skytrain and viaduct design entering Area 20 from Rouse Hill and in response to the Housing Supply Taskforce decision of 23 July 2013 to remove Sydney Water as the responsible acquisition authority for trunk drainage land throughout the Rouse Hill Development Area. Additional amendments have been proposed to support longer-term development outcomes through the alignment of maximum building height with maximum floor space ratio controls close to the Town Centre.

### **1.3 Proposed SEPP Map Amendments**

Zoning and principal development standards for the Area 20 Precinct are identified on the relevant maps in the Growth Centres SEPP. To give effect to the proposed changes, seven maps of the Growth Centres SEPP are required to be amended. The amendments to these maps include:

#### *1. Land Zoning Map:*

It is proposed to amend several zone boundaries in response to the detailed planning and development controls prepared for the Cudgegong Station Town Centre, the confirmed NWRL alignment and the removal of Sydney Water as the acquisition authority for trunk drainage land in the Rouse Hill Development Area.

- B2 Local Centre and B4 Mixed Use boundaries within Town Centre
- IN2 Light Industrial zone removed
- R3 Medium Density Residential to replace IN2 Light Industrial
- SP2 Trunk Drainage removal
- SP2 Local Drainage to replace part SP2 Trunk Drainage
- RE1 Public Recreation increased to replace part SP2 Trunk Drainage along Second Ponds Creek (to boundary of revised SP2 Local Drainage along Second Ponds Creek)
- SP2 Infrastructure Railway reduced / realigned
- RE1 Public Recreation rearranged / reallocated around viaduct

#### *2. Residential Density Map*

It is proposed to amend the Residential Density Map to increase land area covered by the 45 dwellings per hectare density control to reflect the intention for higher densities to be located close to rail transit infrastructure and retail centres.

- 45 dwellings per hectare is applied to the proposed R3 Medium Density Residential zone on the southern side of the Town Centre
- An adjustment has been made to the 45 dwellings per hectare control that was previously applied to properties fronting Cudgegong Road (eastern side), north of the station
- Adjustments are proposed to areas where dwelling densities of 25 and 45 dwellings per hectare were applied, north and south of the NWRL corridor in the central and eastern parts of the Precinct

### 3. *Height of Buildings Map*

It is proposed to amend the Height of Buildings Map to increase building heights on land within and surrounding the Town Centre to respond to the railway station and provision of public transport infrastructure.

- Height controls applying to the Town Centre and immediate surrounds have been increased to 26 metres to achieve 8 storey mixed-use and residential development
- Further north, height controls applying to land fronting Cudgegong Road have been increased to 16 metres
- Adjustments are proposed to the gazetted height controls applying along to land on either side of the NWRL in the central and eastern parts of the Precinct.

### 4. *Floor Space Ratio Map*

It is proposed to amend the Floor Space Ratio (FSR) Map to apply suitable floor space controls to land within and surrounding the Town Centre.

- The existing Floor Space Ratio Map identifies the land which is currently zoned R3 Medium Density Residential as having a maximum FSR of 1.75:1. It is proposed to apply the same floor space ratio to the additional area of land proposed to be zoned R3 Medium Density Residential (southern side of the Town Centre).
- The gazetted 2.75:1 FSR control that applied to the B2 Local Centre zone within the Town Centre is to be extended to align to changes to that zone.
- Adjustments are proposed to the gazetted 1.75:1 FSR control applying to land on either side of the NWRL in the central and eastern parts of the Precinct.

### 5. *Land Reservation Acquisition Map*

The existing Map identifies the area defined by the 1% ARI along Second Ponds Creek as being Trunk Drainage, to be acquired by Sydney Water Corporation. This land area is now proposed to be acquired as a combination of SP2 Local Drainage and RE1 Public Recreation, with the responsible acquisition authority being Blacktown City Council. The Local Drainage corridor proposed to be acquired is based on the Second Ponds Creek stream classification (Strahler 3<sup>rd</sup> Order) with the appropriate vegetated riparian zone applied to each side from the top of bank (30m).

Public recreation areas being the Village Squares and Village Park, located close to the Cudgegong Road Station, are identified for acquisition although final location, design and delivery may be negotiated with the developers of the land. In this instance the proposed Land Acquisition reservation Map shows the proposed land to be acquired for future open space. The Land Zoning Map does not show the corresponding RE1 Public Recreation zone in this instance. This approach allows a greater level of flexibility in the final dimensions and location of the public open space while retaining the security of identifying the land for acquisition and including it within the Section 94 Contributions Plan.

Additional amendments to the Land Reservation Acquisition Map are in response to acquisitions that have already been completed along the NWRL corridor and can now be removed, and in response to changes to the NWRL design and alignment entering Area 20 as a viaduct and impacting upon RE1 Public Recreation acquisition areas.

### 6. *Lot Size Map*

The gazetted Lot Size Map identified minimum lot size requirements for low density residential development (at 2000 square metres) and for areas of IN2 – Light Industrial (at 1000 square metres). The 1000 square metre requirement has been removed in line with the removal of the IN2 - Light Industrial zone. The low density residential development retains the 2000 square metre minimum lot size requirement.

## 1.4 Amendments to Appendix 6 Area 20 Precinct Plan of Growth Centres SEPP

Amendments are required to the Growth Centres SEPP – Appendix 6 Area 20 Precinct Plan, as follows:

- Remove “IN2 Light Industrial” from the list of land use zones in Part 2, Clause 2.1.
- Remove “IN2 Light Industrial” from the Land Use Table in Part 2 including the Objectives, land uses permitted without and with consent, and prohibited uses.
- Amend the table listing the relevant acquisition authorities in Part 5, Clause 5.1(2), as follows:
  - Remove Sydney Water Corporation as the acquisition authority for land zoned SP Infrastructure and marked “Trunk Drainage” as this zone is to be deleted from the Area 20 Precinct Plan.
  - Add Blacktown City Council as the acquisition authority for land to be zoned B2 Local Centre and marked “Local Open Space”, which is located north of Cudgegong station.
  - Add Blacktown City Council as the acquisition authority for land to be zoned B4 Mixed Use and marked “Local Open Space”, which is located south of Cudgegong station.
- Amend Part 5 Clause 5.3(2)(a) *Development near zone boundaries* by deleting the reference to IN2 Light Industrial.
- Amend Part 5 Clause 5.3(2)(b) *Development near zone boundaries* by replacing the reference to 100 metres with 60 metres, so as to read:

*“(2) This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is as follows: (b) in the case of a boundary between land zoned B2 Local Centre and land zoned B4 Mixed Use-60 metres”.*
- Delete Clause 6.5 Development in special area – Cudgegong Station Area within Part 6 Additional Local Provisions as the requirements of that Clause will be addressed with the introduction of the detailed development controls for the Town Centre, around Cudgegong Station.
- Insert in Schedule 1 Additional Permitted Uses (Clause 2.5):
  - 1 Use of land in Zone B2**
  - 1) This clause applies to land that is within the Area 20 Precinct Zone B2 Local Centre.
  - 2) Development for the purpose of residential flat buildings is permitted with development consent.
  - 3) Despite subclause (2), consent must not be granted for a residential flat building within the B2 Local Centre Zone if:
    - a) the residential flat building is proposed on a street frontage that is controlled by the Active Street Frontages Map, and
    - b) the ground floor and first floor of the building is not able to be adapted for retail premises or business premises.
  - 4) In considering whether to grant consent for a residential flat building, Council must consider:
    - a) the economic viability of ground floor retail premises or business premises on the land,
    - b) any adverse impact on employment opportunities within the B2 Local Centre Zone,
    - c) the suitability of the land for a residential flat building,

- d) the relationship of the proposed residential flat building to other buildings (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form, and
- e) pedestrian, cycle, vehicular and service access, and circulation requirements.