

30 October, 2009

Sue Galt
General Manager
Blacktown City Council
PO Box 63
BLACKTOWN NSW 2148

Our Reference: 0073702V01_PLANNINGPROPOSAL.DOC



Dear Sue,

RE: REZONING LOT 101, LOT 102 & LOT 103 DP1077484

JERSEY ROAD, PLUMPTON

Environmental Resources Management Australia Pty Ltd (ERM) has been engaged by Salta Properties on behalf of Plumpton Park Developments Pty Ltd to prepare a Planning Proposal for the rezoning of Lot 101, Lot 102 and Lot 103 DP1077484, Jersey Road Plumpton (the site).

1. BACKGROUND

Salta Properties is the registered owner of lots 101 and 102 DP1077484. Salta properties purchased these lots from Blacktown Council in 2005. Lots 101 and 102 are irregular in shape and separated by a grassed drainage swale (lot 103 DP1077484). Lots 101 and 102 are currently zoned to permit commercial development. Lot 102 is owned by Blacktown Council and zoned 5(a) drainage.

Development consent was granted on the 18 December, 2006 for a boundary adjustment and trunk drainage realignment (Development Application No. 05-2419) for the site defined by the aforementioned landholdings. The purpose of this application was to realign the boundaries of the drainage swale and create two more regular shaped parcels of private land without increasing the net area of private land, thus facilitating the construction of a shopping centre on a new proposed Lot 101.

Proposed lot 102, being smaller in size, isolated from Lot 101 by the drainage swale and accessed only from Hyatts Road is considered unsuitable for commercial development. An application to rezone the proposed Lot 102 to enable residential development was previously submitted to and supported by Blacktown Council (the Council). The draft LEP is currently with the Minister for Planning, pending gazettal.

An application (Development Application 08-638) was submitted to the Council in March 2008 to develop the proposed Lot 101 of the subdivision approved under DA 05-2419 for the purpose of a shopping centre. We are advised the application will not be formally considered by Council until confirmation of the new zoning adjustment. Prior to submission of this DA, Salta Properties sought direction from Council to confirm that a DA could be assessed and deferred commencement consent with conditions given, including making the consent subject to the reconfiguration of the lots and registration of the new land titles. We note that this could only occur after the physical construction of a new drainage easement.

Subsequently Council has requested that a rezoning application for the affected lots be submitted prior to the DA being assessed and prior to the physical construction works to allow realignment. This document forms the rezoning application.

Plans illustrating the current and proposed lot alignments and zoning are contained in *Attachment 1*.

1.1 BLACKTOWN CITY COUNCIL LOCAL ENVIRONMENT PLAN 1988

The current zoning of the proposed Lot 101 shopping centre site (comprising part Lot 101, Lot 102 and 103 DP1077484) reflects the existing ownership of the land and the existing lot configuration. DA 08-638 seeks approval for a shopping centre on proposed lot 101 being land that is partly within the zone 3(a) General Business and partly within zone 5(a) Special Uses Drainage. The proposed development is classified as shops and is permissible within the 3(a) General Business zone.

The portion of the site zoned 5 (a) Drainage includes the existing trunk drainage channel which is proposed to be relocated/replaced to the south of proposed Lot 101.

Clause 10 (4) of the Blacktown LEP 1988 outlines the General Subdivision requirements which state in part that:

10 (4) Where, upon a registration of a plan of subdivision referred to in subclause (3), the boundary between land is determined in a different position from the boundary between different zones indicated on the map, land shall be deemed to be within the appropriate zone as determined by council.

DA 05-2419 approved the relocation the trunk drainage channel and the consequent realignment of property boundaries. The alignment was designed to ensure that there was no net increase in the total area of private land resulting from the subdivision.

Pursuant to subclause 10(4), upon registration of the plan for subdivision (approved by Council under DA 05-2419), the 3(a) zone can be deemed by the Council to be the appropriate zone applying to the proposed Lot 101 shopping centre site. The proposed retail development is permissible within the 3(a) General Business zone.

Construction of the realigned drainage swale has not commenced and consequently the linen plan detailing the realignment of Lots 101, 102 and 103 has not yet been registered with the Land Titles Office. It is currently intended that Plumpton Park Developments will commence construction of the drainage swale only after a development consent for the shopping centre is secured.

2. OBJECTIVES AND INTENDED OUTCOMES

The objective of this planning proposal is to facilitate the approval of and development of proposed Lot 101 Jersey Road, Plumpton to enable a shopping centre designed to provide a mix of major, mini-major and specialty retailers and associated car parking.

3. EXPLANATION OF PROVISIONS

The planning proposal supports an application to amend the Blacktown LEP 1988 to realign the boundary of the zones affecting Lots 101, 102 and 103 DP1077484 to reflect the boundary realignment approved by Council in DA 05-2419. This zoning adjustment will allow Council to formally consider the shopping centre development application prior to the construction of the relocated drainage swale and registration of the new plan of subdivision. The proposed new zoning boundaries are illustrated in Attachment 1.

4. JUSTIFICATION

i. Is The Planning Proposal A Result Of Any Strategic Study Or Report?

The planning proposal is required to ensure consistency of zoning boundaries with a minor site boundary adjustment that has already received development consent from Council.

ii. *Is The Planning Proposal The Best Means Of Achieving The Objectives Or Intended Outcomes, Or Is There A Better Way?*

The relocation of lot boundaries has already been approved by council (DA 05-2419). Pursuant to subclause 10(4) of the Blacktown LEP, upon registration of the plan for subdivision, the 3(a) zone can be deemed by the Council to be the appropriate zone applying to the proposed Lot 101 shopping centre site but before the new plan of subdivision is registered, a LEP amendment is the best means of achieving the objectives.

iii. *Is There A Net Community Benefit?*

The net community benefit has been considered having regard to the following factors:

- there will be no change to the relative areas of public and private land as a result of this proposal;
- the public land will be enhanced by the creation of a newly re-constructed, "softer " drainage swale that is more consistent with best practice design than the current grassed swale;
- the rezoning will create a regular shaped parcel of 3(a) zoned land which will facilitate both the new shopping centre development on proposed Lot 101 and new residential development on proposed Lot 103 .

Having regard to these factors it is considered that there is a positive community benefit resulting from the proposal.

iv. *Is The Planning Proposal Consistent With The Objectives And Actions Contained Within The Applicable Regional Or Sub-Regional Strategy (Including The Sydney Metropolitan Strategy And Exhibited Draft Strategies)?*

The draft North West Subregional Strategy applies to the Blacktown area. The strategy sets out a number of objectives and actions relating to areas such as employment, housing, transport, environment and public places. The employment target for the strategy aims to create an additional 130,000 jobs by 2031. This planning Proposal is consistent with the objectives of the North West Subregional Strategy as it will facilitate the development of a new shopping centre creating new jobs in both the construction and operational phases of the project.

v. *Is The Planning Proposal Consistent With The Local Council's Community Strategic Plan, Or Other Local Strategic Plan?*

The proposal is consistent with the Council's strategy *Blacktown City 2025 - Delivering the Vision*. The strategy aims to improve Council areas through a number of sub strategies including environmental sustainability, commercial centres and urban living. The proposal will facilitate the development of a shopping centre which will contribute to growing Blacktown City as a Regional Centre and is consistent with Council's retail hierarchy.

vi. *Is The Planning Proposal Consistent With Applicable State Environmental Planning Policies?*

There are no State Environmental Planning policies applicable to the proposal.

vii. *Is The Planning Proposal Consistent With Applicable Ministerial Directions (S.117 Directions)?*

Table 1 SECTION 117 DIRECTIONS

Direction	Comment
1. Employment and Resources	No changes to the net area of business zone are proposed.
1.1 Business and Industrial Zones	
1.2 Rural Zones	
1.3 Mining, Petroleum Production and Extractive Industries	
1.4 Oyster Aquaculture	
1.5 Rural Lands	
2. Environment and Heritage	Not applicable
2.1 Environment Protection Zones	
2.2 Coastal Protection	
2.3 Heritage Conservation	
2.4 Recreation Vehicle Areas	
3. Housing, Infrastructure and Urban Development	Not applicable
3.1 Residential Zones	
3.2 Caravan Parks and Manufactured Home Estates	
3.3 Home Occupations	
3.4 Integrating Land Use and Transport	
3.5 Development Near Licensed Aerodromes	

4. Hazard and Risk	There are no hazards or risks.
4.1 Acid Sulfate Soils	The drainage swale has been approved to cater for overland flows and will be constructed in accordance with the consent.
4.2 Mine Subsidence and Unstable Land	
4.3 Flood Prone Land	
4.4 Planning for Bushfire Protection	
5. Regional Planning	Not applicable
5.1 Implementation of Regional Strategies	
5.2 Sydney Drinking Water Catchments	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	
5.8 Second Sydney Airport: Badgerys Creek	
6. Local Plan Making	The proposal does not include any concurrence or referral requirements.
6.1 Approval and Referral Requirements	
6.2 Reserving Land for Public Purposes	There is no net change in the area of land reserved for a public (drainage) purpose.
6.3 Site Specific Provisions	
7. Metropolitan Planning	The proposal does not prejudice the implementation of the Metropolitan Strategy.
7.1 Implementation of the Metropolitan Strategy	

viii. *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 proposal relates only to the realignment of property boundaries and therefore does not impact on habitat. The likely impact of the swale relocation on habitat has already been considered in DA 05-2419. DA 08-638 separately addressed the impact of the proposed shopping centre on Cumberland Plain Woodland (CPW), an endangered ecological community (EEC). The CPW is not affected by the proposed rezoning and boundary alignment.

ix. *Are There Any Other Likely Environmental Effects As A Result Of The Planning Proposal And How Are They Proposed To Be Managed?*

Environmental effects associated with the swale relocation, including impacts the operation of the drainage swale were fully considered during the assessment of DA 05-2419 and appropriately conditioned by Council. The swale relocation has been designed to ensure that there was no net change to the water storage area and no changes to potential storage levels as a result of the proposal and to ensure latest best water management practice measures are achieved.

Potential environmental impacts of the shopping centre development are being addressed in DA08-638 and include noise, traffic and waste. These impacts are not considered to be significant and will be managed using best practice measures.

x. *How Has The Planning Proposal Adequately Addressed Any Social And Economic Effects?*

The boundary adjustment and consequent zone boundary relocation will facilitate the construction of a shopping centre. This will have positive social economic effects through increased consumer choice and the creation of employment opportunities in the local area.

xi. *Is There Adequate Public Infrastructure For The Planning Proposal?*

The proposal will not negatively impact on public infrastructure. The new realigned/reconstructed drainage swale required under DA 05-2419 will improve public infrastructure and the provision of adequate public infrastructure for the shopping centre is being separately assessed under DA 08-638.

5. COMMUNITY CONSULTATION

Both DA 05-2419 and 08-638 have been advertised for public comment. The planning proposal reflects the lot boundaries approved in DA05-2419. Having regard to the advertising that has already taken place, it is considered that the draft LEP should be advertised for the minimum period being 14 days.

Public authorities consulted during the DA process have included the Roads and Traffic Authority (RTA) and the Department of Water and Energy. The shopping centre development application DA 08-638 has been treated as integrated development and the DWE general terms of approval for the shopping centre and adjacent swale have been issued to Council. It is considered that no further consultation with government authorities is required.

6. CONCLUSION

This planning proposal relates to a site boundary adjustment that has already been approved by Council. Clause 10 of Blacktown LEP already provides for the future deeming of the appropriate land use zoning for the realigned sites upon registration of a new plan of subdivision. The LEP process is minor and is required only to enable formal consideration of the shopping centre development application prior the release of the subdivision certificate.

Yours sincerely,

for Environmental Resources Management Australia Pty Ltd



Christine Allen
Principal Planner