

Planning & Development.

MinuteNumber:

Council Meeting Date:

Report Number: SD300059

Director City Strategy & Development Author: Weekley G. (SH), Team Leader Strategy:
Agyare R.

ITEM: <#>

SUBJECT:

SD300059 - Rezoning Application - Lot 1, DP 617806, 197 Prospect Highway, Seven Hills

DIVISION REQUIRED: ☐ Yes

FILE NUMBER: RZ-10-1270

BLACKTOWN CITY 2025 VISION

Strategy: A smart economy

RELATIONSHIP TO MANAGEMENT PLAN:

This report relates to the following matters in Council's Management Plan;

Priority Area: Economic Development

Outcome/Objective: Maintain development opportunities for business and industry to provide local employment growth consistent with the rate of residential growth.

SUMMARY OF REPORT:

1. Council has received an Application to amend *Blacktown Local Environmental Plan 1988* (BLEP) in respect of 197 Prospect Highway, Seven Hills, being Lot 1, DP 617806.
2. The applicant requests that Clause 43 of BLEP 1988, which applies to the subject site and permits "*a banking institution loans processing administration facility*", be amended to allow for "*Commercial Premises*".
3. It is considered that the amendment is appropriate for the site and will allow for the continued use of the site for commercial purposes by providing flexibility for the uses permitted on the site.
4. The proposed amendment is of a minor nature and is consistent with Council's broad strategic goal for achieving greater employment opportunities in close proximity to public transport nodes.

5. The attachment to this report is:
Attachment 1 - Location Plan.

RECOMMENDATION:

1. Council resolve to prepare a Planning Proposal for Lot 1, DP 617806 to amend Clause 43 of the Blacktown Local Environmental Plan 1988 to replace the current additional permitted use "for the purpose of a banking institution loans processing administration facilities" with "Commercial Premises", and to include an additional provision prohibiting subdivision of the Lot.
2. Council resolve to forward the Planning Proposal to the Minister for Planning seeking a Gateway Determination.
3. Upon receipt of notification of the Gateway Determination to proceed, Council exhibit the Planning Proposal in accordance with the Gateway Determination and the Environmental Planning and Assessment Act 1979.
4. The applicant be advised of Council's decision.

REPORT:

1. Background

- a. On 23 June 2010 Council received a request from the Ford Land Company to amend Clause 43 of *Blacktown Local Environmental Plan 1988* (BLEP 1988) to replace the existing additional permitted use on this site "*for the purpose of banking institution loans processing, administration facilities*" with "*Commercial Premises*".
- b. The subject site is zoned 4(a) General Industrial under BLEP 1988 and the land use of "*Commercial Premises*", defined in BLEP 1988 as "*a building or place used as an office, or for other business or commercial purposes, but does not include a building or place for a purpose elsewhere specifically referred to in this plan*", is prohibited in this zone.
- c. Clause 43 of BLEP 1988 applies to Lot 1, DP 617806, 197 Prospect Highway, Seven Hills, which is the subject site to which this Application applies. Clause 43 was added to BLEP 1988 when Amendment No.103 was gazetted on 20 February 1998.
- d. Amendment No.103 occurred as a result of a Rezoning Application initiated by the Ford Land Company who, in 1997, in conjunction with the National Australia Bank (NAB), submitted a proposal to construct a 7,000 sq.m large floorplate office development to house the NAB's home loan processing unit at the subject site.
- e. Council supported Amendment No.103 because:
 - i. commercial premises were prohibited in the 4(a) General Industrial Zone and therefore an amendment to the LEP to permit the additional use was required;
 - ii. the intended use had the potential to become a major employment facilitator by providing 450 jobs;
 - iii. the use was in an ideal location given its close proximity to public transport (i.e. Seven Hills Railway Station and Bus Interchange) and its frontage to a major

arterial road; and

- iv. a loans processing facility would be constructed on the site in the short term for the NAB.
- f. Following the gazettal of Amendment No.103, Council approved a Development Application on 11 March 1998 for the construction of the 7,000 sq.m large floorplate Administration Facility for the NAB. This Facility has been operating since that time.

2. Reasons for this Rezoning Request

- a. The Ford Land Company is requesting this amendment due to the loss of the current tenant, NAB.
- b. NAB was committed to a lease on the site until 2012, however they have recently terminated that lease due to a change in their business strategy.
- c. The Ford Land Company has advised that finding a tenant to use the site as a "banking institution loans processing" centre is restricting their ability to find a tenant for the premises.

3. LEP Amendment Process

- a. In July 2009 the NSW Government introduced reforms to the *Environmental Planning and Assessment (EP&A) Act 1979* to expedite the assessment and processing of Local Environmental Plans (LEPs).
- b. An integral part of the new planning reforms and amending an LEP is the preparation of a "Planning Proposal" (section 55 of the EP&A Act). The Planning Proposal stipulates the intent, benefits and any impacts of the proposed LEP amendment, as well as compliance with relevant State Government Growth Strategies, Ministerial Directions and State Environmental Planning Policies.
- c. The initial step in making an LEP is for the relevant Planning Authority, in this case Council, to formally consider the Planning Proposal and decide whether or not to proceed. The Planning Proposal sets out the justification for preparing an LEP.
- d. If Council decides to proceed, the next step in the process is to forward Council's resolution and Planning Proposal to the Minister for Planning seeking a "Gateway Determination". The Determination will stipulate whether the Minister for Planning supports the amendment to proceed to the next stage and, if so, it will detail the requirements for any further technical studies, consultation with government authorities (section 56 of the Act) and public exhibition timeframes (section 57 of the Act).
- e. After the exhibition of the proposal and consideration of submissions, the Planning Proposal may need to be amended.
- f. Section 58 of the *Environmental Planning and Assessment Act 1979* provides a process by which Council can seek to vary a Planning Proposal after the initial Gateway Determination. Following public exhibition and Council's consideration of submissions and further technical studies, if Council varies the proposal it must inform the Minister for Planning who may issue a revised Gateway Determination, depending on the nature of the variation.

- g. Should Council resolve not to proceed with the Planning Proposal, Council would need to seek the agreement from the Minister to not make the LEP. This would warrant the provision of sufficient justification for why the LEP amendment should not proceed. Section 58 of the EP&A Act 1979 includes a provision that the relevant planning authority may, **at any time**, vary its proposal as a consequence of its consideration of submissions and request **at any time** the Minister to determine that the matter not proceed. **Verbal advice** from the Department of Planning, **however, suggests that this may be difficult** if Council has already made an initial assessment that the proposal is worthy of support. Council Officers are currently seeking clarification on this. Nevertheless, as this proposal is assessed in Section 4 below as being of merit, it is considered that Council can confidently proceed to the Gateway Determination.

4. Justification for the Clause Amendment

- a. Council is currently undertaking master planning work for Seven Hills. This masterplanning generally applies to land within an 800 metre radius of the Seven Hills Railway Station, and also includes the Seven Hills Industrial Area.
- b. Whilst this masterplanning work is still being undertaken, it is envisaged that allowing "*commercial premises*" on the subject site is appropriate because it is consistent with Council's and the State Government's broad strategic goals to create employment opportunities in areas within close proximity to major transport nodes.
- c. Further, it will allow for the continued use of the site for a business or commercial activity and ensure that the site remains a major employment facilitator.
- d. It is recommended that the commercial use of the site be encouraged rather than the site reverting back to land uses permissible in the 4(a) General Industrial zone. This is because the use of the site for an industrial activity, or the subdivision of the property into individual industrial units, has the potential to reduce the level of employment at the site.
- e. This LEP amendment will also include a provision to ensure that the site is not subdivided into various smaller lots. This provision is consistent with Council's broad strategic vision for the site that aims to encourage "business park" or large floorplate commercial development.

5. The Proposed LEP Amendment

- a. Council Officers are currently preparing the City Wide LEP and Council will soon be considering a report recommending provisions for Industrial zoned land within the Local Government Area.
- b. This forthcoming report will not include provisions for the Seven Hills Industrial Area due to it being subject to the master planning work.
- c. It is **recommended** that Council progress this Application separately to the City Wide LEP so as to allow the continued use of the site, however this proposal will be incorporated into the City Wide LEP at an appropriate time.
- d. A Planning Proposal will need to be prepared to amend Clause 43 of Blacktown LEP 1988 to replace the existing additional permitted use with that of "Commercial

Premises".

- e. Due to the minor nature of the amendment, Council staff will prepare the Planning Proposal and forward it to the Department of Planning for a "Gateway Determination".
- f. The Gateway Determination will then decide:
 - i. if Council can proceed with the Planning Proposal;
 - ii. whether amendments or changes are required to the Planning Proposal prior to proceeding;
 - iii. whether consultation with Government Departments or agencies is required;
 - iv. the period of public consultation, being either 14 days or 28 days; and
 - v. the timeframe for finalisation of the Planning Proposal, being either 3 months, 6 months or 12 months.

6. Conclusion

- a. The proposal to amend Clause 43 of the Blacktown LEP 1988 to permit commercial premises on the subject site is considered appropriate because it will allow the continued use of the site as a major employment generating activity consistent with Council's broad strategic goals.

RECOMMENDATION:

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ATTACHMENTS:

Attachment 1 - Location Plan.



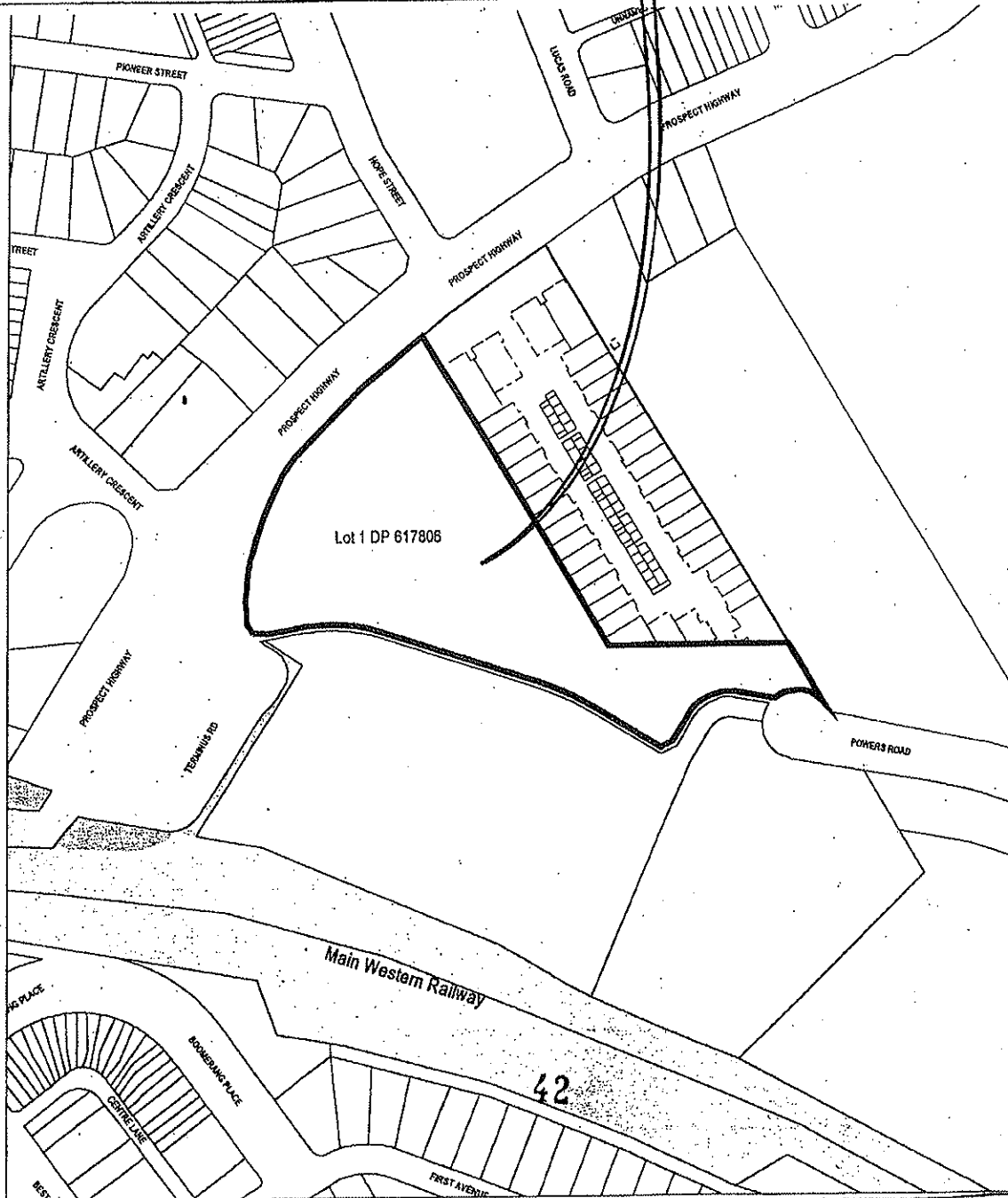
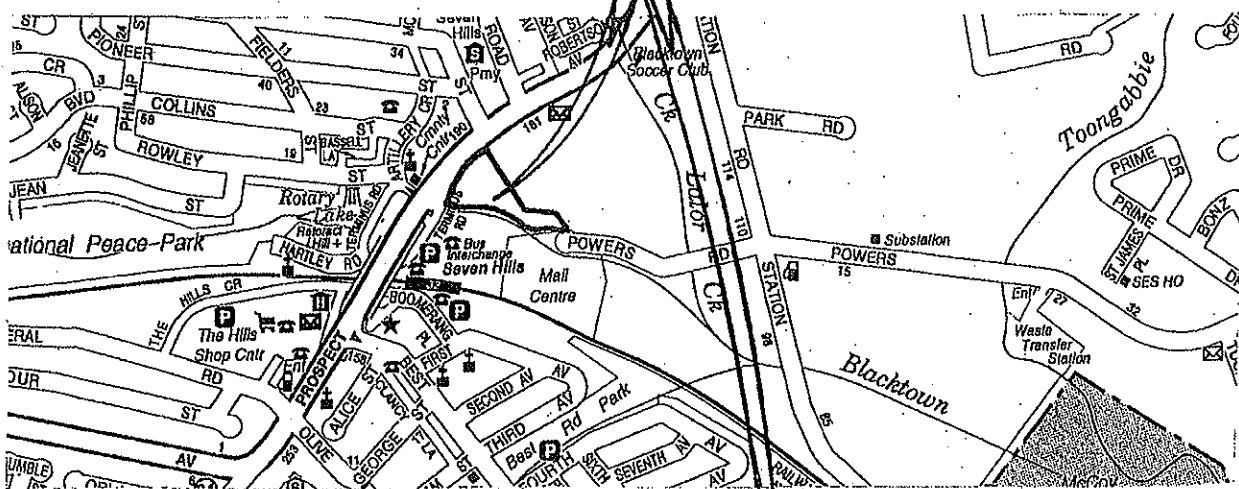
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COUNCIL RESOLUTION:

Create Action

Wendy Harris
BCSP

LOCATION OF SUBJECT SITE



COMMITTEE: Planning & Development MEETING DATE: 11.8.10 ENCL.NO.

DE3165

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RZ-10-1270

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COMMITTEE DIVISION

Supported: Robinson; Atalla; Collins; Donaldson

Absent: Bleasdale

EXCEPTION

WITHOUT CHANGE

REFERRED TO: DCSO FOR: Attention DATE: 12.8.10