

SHORT MINUTES : Ordinary Meeting MEETING DATE: 28.03.18 ENCL.NO.

**PD1094 - DD380012 - Whalan shops Planning Proposal LEP-18-0001**

**MOTION** (Bunting/Bleasdale)

1. Support the Whalan shops Planning Proposal as exhibited and forward it to Parliamentary Counsel requesting that it draft the legal instrument. **CARRIED**

**COUNCIL DIVISION:**

Supported: Crs JG Diaz, Quilkey, Singh, JM Diaz, Griffiths, Benjamin, Collins, Santos, Israel, Bleasdale, Bunting, Camilleri & Bali.

Absent: Crs Gillies & Brillo.

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REFERRED TO: DDD FOR: Attention DATE: 10.04.18

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PD1094

DD380012 - Whalan shops Planning Proposal LEP-18-0001

SUGGESTION

- 1. Support the Whalan shops Planning Proposal as exhibited and forward it to Parliamentary Counsel requesting that it draft the legal instrument.

COMMITTEE DIVISION:

Supported: Cr Collins

Absent: Cr Bleasdale; Griffiths; Camilleri; Israel

**EXCEPTION**  
**WITHOUT CHANGE**



REFERRED TO:	DDD	FOR:	Attention	DATE:	29.03.18



## Planning, Development, Historical & Assets

### Whalan shops Planning Proposal

Item: **PD1094** Report: **DD380012** File: **LEP-18-0001**

**Committee Meeting on 21 March 2018**

**Division is required**

<b>Topic</b>	Public consultation and finalisation of the proposed addition of retail space to Whalan shops.
<b>Analysis</b>	<p>The Whalan shops Planning Proposal seeks to amend our local planning controls to encourage the redevelopment of a derelict and dilapidated building within the Whalan neighbourhood shopping centre.</p> <p>We placed the Planning Proposal on public exhibition and notified relevant public authorities in compliance with our statutory obligations.</p> <p>In response we received 2 submissions from public authorities stating that they have no objection to the proposal. No other submissions were received.</p> <p>Given that the proposed LEP amendment is 'low impact', we may exercise our delegated plan-making functions to finalise the Plan and make it law.</p> <p>Attachments: Attachment 1 – Planning Proposal Attachment 2 – Gateway Determination</p>
<b>Report Recommendation</b>	1. Support the Whalan shops Planning Proposal as exhibited and forward it to Parliamentary Counsel requesting that it draft the legal instrument.

### Key reasons

#### 1. Council resolved to make the zone change

- a. At its Ordinary meeting on 22 November 2017, Council resolved to prepare a Planning Proposal to rezone Lot 1442 DP 543306 Torres Avenue, Whalan from R2 Low Density Residential to B1 Neighbourhood Centre.
- b. A copy of the Planning Proposal is at attachment 1.
- c. We decided to prepare the Planning Proposal so that a small extension to Whalan shops could occur. The small size (114 sqm) of the land subject to the Planning



Proposal renders it not developable for residential purposes. Its rezoning to a Business zone will facilitate its development as part of a shop top housing development in conjunction with the land next door that is already zoned for Business purposes and is in the same ownership. The neighbouring site is severely dilapidated and it is in the public interest that a redevelopment occurs.

## **2. Public consultation**

- a. We consulted with the community and relevant public authorities as required by conditions of the Gateway Determination issued by the NSW Department of Planning and Environment (DPE) on 19 January 2018 (see attachment 2).
- b. The Planning Proposal was exhibited for 14 days from 14 – 27 February 2018, providing the opportunity for our community to have their say on the proposal.
- c. Exhibition material was made available on our website and in hard copy form at our Information centre.
- d. We wrote to the following public authorities to notify them of the exhibition, providing 21 days for them to provide feedback on the proposal:
  - i. Transport for NSW
  - ii. Endeavour Energy
  - iii. Jemena Gas
  - iv. Sydney Water
  - v. Telstra.

## **3. We only received submissions from 2 public authorities**

- a. We received 2 submissions during the exhibition period:
  - i. Sydney Water – no objection
  - ii. Endeavour Energy – no objection.
- b. We did not receive any submissions from the community or any of the other public authorities that we wrote to.

## **4. Finalising the plan**

- a. Under the conditions of the Gateway Determination, we have 9 months to finalise the LEP amendment and we have delegation to make the Plan.
- b. The next step is to forward a copy of the Planning Proposal to Parliamentary Counsel requesting that they draft the legal instrument.
- c. Our Planning Policy team will liaise directly with Parliamentary Counsel and DPE to ensure the written instrument and associated maps are correct, and have them signed by our General Manager.
- d. The final step is to forward the signed written instrument and maps to DPE to have the Plan published on the NSW Legislation website.

# **Context**

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## **1. Delegation of plan making functions**

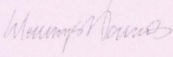
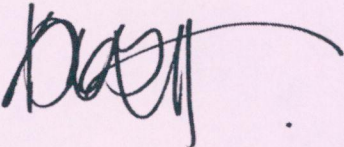
- a. To streamline the plan making process, plan making powers are delegated to councils for routine matters (e.g. reclassifications that do not require the Governor's





approval, minor map amendments and strategy consistent rezonings) and other matters that the NSW Government determines are of local planning significance only.

- b. Councils are issued with an authorisation to finalise and make the plan at the time a Gateway Determination is issued.

## Approval

Name and position	
→ Report author	Sheehan S., Acting Team Leader Planning Policy
→ Endorsed by	Taylor T., Manager Development Policy
→ Director approval	Glennys James, Director Design & Development
Signature: 	
→ General Manager approval	Kerry Robinson, General Manager
Signature: 	

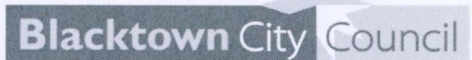
## Attachments

Ref	Description	Files
1		 A1DD380012.pdf
2		 A2DD280012.pdf

## Recommendations

<b>Report Recommendation</b>	1. Support the Whalan shops Planning Proposal as exhibited and forward it to Parliamentary Counsel requesting that it draft the legal instrument.
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## Draft Planning Proposal – Proposed rezoning of Lot 1442 DP 543306 Torres Crescent, Whalan

Planning Proposal to amend *Blacktown Local Environmental Plan 2015*

Prepared by Blacktown City Council  
December 2017



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**Appendix 2** – Proposed Mapping – Land Zoning, Height of Buildings and Lot Size Maps

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**Table 4** - Consideration of the Planning Proposal against the Assessment Criteria of 'A Guide to preparing planning proposals'.

**Table 5** - Consistency with *Blacktown City 2030 – City of Excellence*

**Table 6** - Consistency with State Environment Planning Policies (SEPP) and deemed SEPPs

**Table 7** - Project Timeline



# PLANNING PROPOSAL – TORRES CRES, WHALAN

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## INTRODUCTION

The Planning Proposal seeks to amend *Blacktown Local Environmental Plan (LEP) 2015* to rezone a 114m<sup>2</sup> site, Lot 1442 DP 543306, Torres Crescent, Whalan from R2 Low Density Residential to B1 Neighbourhood Centre. The Planning Proposal will also amend the building height and remove the minimum lot size on the subject site to ensure consistency with development controls on the adjoining B1 Neighbourhood Centre site.

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment (EP&A) Act 1979* and the NSW Department of Planning and Environment guidelines including *A Guide to Preparing Local Environmental Plans* (2016) and *A Guide to Preparing Planning Proposals* (2016).

Council proposes to exercise their LEP making powers delegated under Section 59 of the *Environmental Planning and Assessment Act 1979* in regard to this Planning Proposal.

## SITE DESCRIPTION

This Planning Proposal applies to land (Lot 1442 DP 543306) at Torres Crescent, Whalan bound by Torres Crescent to the south, B1 Neighbourhood Centre zoned land to the east and R1 Low Density Residential land to the west and north.

The Whalan shopping centre is directly opposite Whalan Public School to the north, two small open space areas and a bus stop directly out the front.

The site is cleared, levelled land that is currently being used informally, as a carpark.

The subject site is 114m<sup>2</sup> in size and below the minimum lot size control of 450m<sup>2</sup> under Blacktown LEP 2015. The site is privately owned by the same owners that hold the adjoining B1 site (Lot 1350 DP 234241) to the east.

It is a logical step to rezone the undersized subject site to allow amalgamation with the adjoining B1 site as there is no real development potential for the subject site if it remains R2 Low Density Residential.

Over is a map of the subject site at Figure 1 detailing the nearby zones and Figure 2 demonstrates the broader locality.



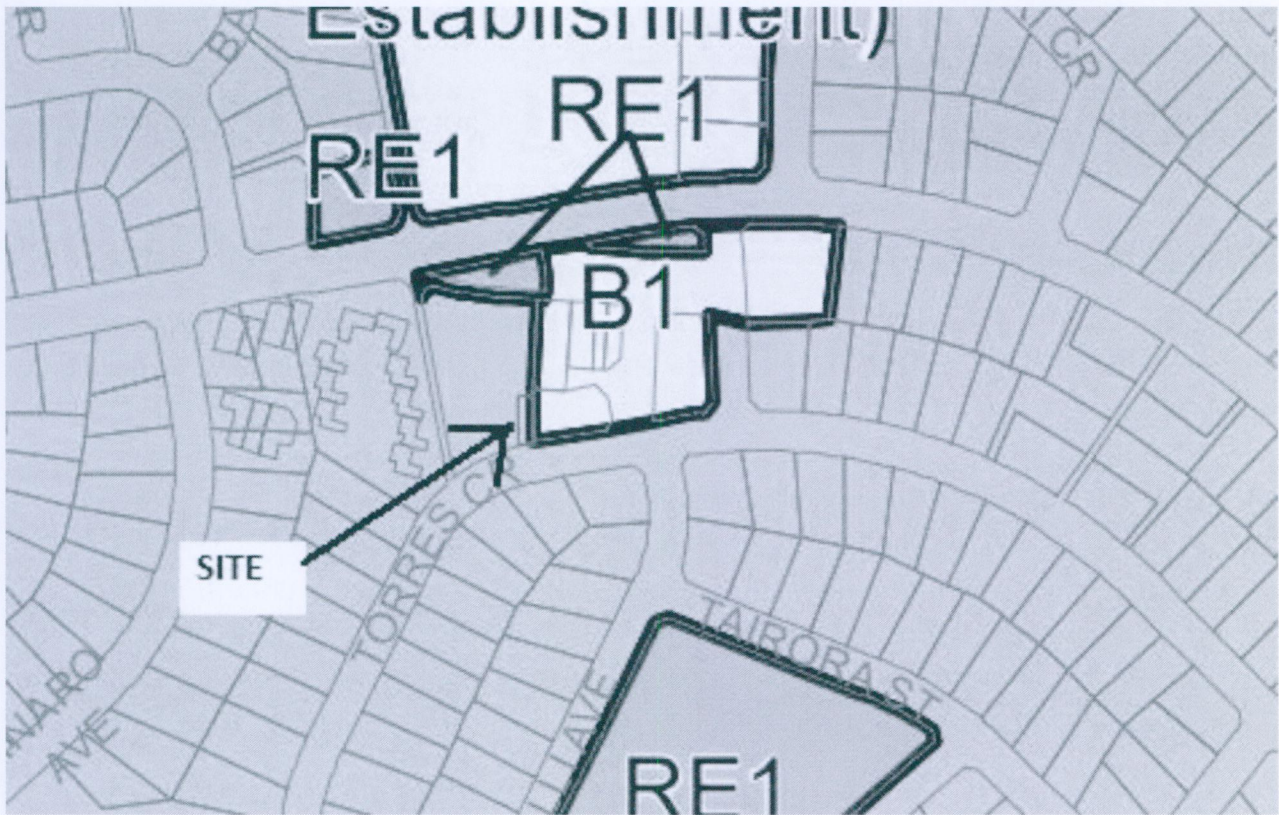


Figure 1: Subject Site (Source: Blacktown LEP 2015)



Figure 2 – Broader Location Plan - subject site highlighted with blue dot (Source: Six Maps 2017)



## BACKGROUND

The catalyst for the rezoning was a recently lodged Development Application (DA-17-00941) for a 2 storey mixed-use development comprising 3 ground floor commercial units and 4 x 2 bedroom residential units on the first floor replacing a derelict building in the Whalan shopping strip. The development site consisted of the site subject to this Planning Proposal (Lot 1442) and a site directly adjacent, east of the subject site being Lot 1350 DP 234241.

The subject site Lot 1442 DP 543306 was proposed to provide some car parking for the development. However, under Blacktown LEP 2015 the R2 Low Density Residential zone does not permit standalone car parking or shop-top housing or business uses.

Like a number of smaller neighbourhood retail centres in the Sydney metropolitan area, Whalan has struggled to maintain viability against the larger district centres and large box format shopping mall in nearby Mount Druitt. Council actively supports and encourages the smaller neighbourhood centres acknowledging the important retail function they serve to the local community, providing everyday goods and services within an easy walking distance from homes.

The Planning Proposal provides an opportunity to facilitate redevelopment of a corner site increasing the viability and vibrancy of the Whalan Shopping centre. Currently a rundown and dilapidated building, the site has potential to be a landmark corner block redevelopment in Whalan.

## PUBLIC BENEFIT

The Planning Proposal whilst minor in nature, facilitates the adjoining development of the corner site as proposed under the recent Development Application (DA-17-00941) lodged with Council. Through the rezoning, Council is removing a barrier to enable the development of the adjoining site.

If developed (subject to Council approval) the public benefit will include:

- A new modern development that replaces a vacant, derelict building;
- Diverse housing in the form of shop-top development;
- Additional commercial/retail uses;
- Contributing to a more vibrant and viable local centre;
- Development of a small lot that may otherwise have remained a vacant, informal carpark due to the subject site being 114m<sup>2</sup> and undersized for its current zoned residential purpose.

Council's instigation of the Planning Proposal on behalf of a private land owner confirms Council's view that there is significant public benefit associated with the proposal. A development like the one proposed can often be the catalyst to other stakeholders having the confidence to invest in the local centre or upgrade and renovate their own property.



## PART 1 – OBJECTIVES AND INTENDED OUTCOMES

The intended outcome of the Planning Proposal is to amend Blacktown LEP 2015 to primarily enable the development of the land in an orderly and economic manner to facilitate the development of the neighbouring B1 Neighbourhood Centre land for a mixed-use development.

This is to be achieved by amending the following provisions of Blacktown LEP 2015 applying to Lot 1442 DP 543306:

- 1. The Land Zoning Map to rezone to B1 Neighbourhood Centre.
- 2. The Height of Buildings Map to 12m maximum height.
- 3. The Lot Size Map to remove the minimum lot size control.

The changes to the Height of Buildings and Lot Size reflect the controls applying to the adjoining existing B1 Neighbourhood Centre zoned land in Whalan.

## PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes of the Planning Proposal will be achieved by amending the Blacktown LEP 2015. The proposed amendments are detailed in Table 1 below.

Table 1 – Explanation of Provisions

	Proposed Amendment	Description
1	Amendment to the Land Zoning Map – Sheet LZN_003	Rezoned Lot 1442 DP 543306 from R2 Low Density Residential to B1 Neighbourhood Centre
2	Amendment to the Height of Buildings Map – Sheet HOB_003	Amend maximum height applying to Lot 1442 DP 543306 from 9m to 12m
3	Amendment to the Lot Size Map – Sheet LSZ_003	Remove lot size restriction applying to Lot 1442 DP 543306 from 450m <sup>2</sup> to no minimum lot size

## PART 3 – JUSTIFICATION

### Section A – Need for the planning proposal

**1. Is the planning proposal a result of any strategic study or report?**

No, the Planning Proposal is not the result of a strategic study or report due to the minor nature of the proposal.

**2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes, the Planning Proposal is the most efficient way of achieving the intended outcome.



Section B – Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Yes. The Planning Proposal is consistent with the metropolitan strategy for Sydney, ‘A Plan for Growing Sydney’.

‘A Plan for Growing Sydney (APfGS) released in December 2014 is the NSW Government’s plan for the future of the Sydney Metropolitan Area over the next 20 years. The Plan identifies key challenges facing Sydney including a population increase of 1.6 million by 2034, the need for 689,000 new jobs and 664,000 new homes by 2031. The Plan identifies the Government’s vision for Sydney which is for a strong global city and a great place to live.

To achieve this vision, the Government has set down goals that Sydney will be:

- a competitive economy with world-class services and transport;
- a city of housing choice with homes that meet our needs and lifestyles;
- a great place to live with communities that are strong, healthy and well connected; and
- a sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

To achieve these goals, APfGS sets out directions and actions as well as priorities for each subregion. The relevant directions with respect to this Planning Proposal are outlined below, with a commentary on the Planning Proposal’s consistency.

APfGS aims to provide new housing stock around public transport nodes and within areas close to public transport, retail and commercial centres and community facilities.

The Planning Proposal helps to facilitate the redevelopment of adjoining land to provide housing and retail opportunities in Whalan.

Table 2 – Consistency with A Plan for Growing Sydney (2014)

Goal and Direction APfGS	Planning Proposal Consistency
<i>Goal 2 - A city of housing choice with homes that meet our needs and lifestyles</i>  APfGS focuses on providing increased and diverse housing in well-served areas.  Direction 2.1.1 Accelerate housing supply and local housing choice.	The Planning Proposal facilitates the development of land adjoining the site by providing associated car parking. The redevelopment of a rundown site will result in an additional 4 residential units and associated retail/commercial uses at ground level.
<i>Goal 3 Sydney’s great place to live.</i>  Direction 3.3 – Create healthy built environments.	The Planning Proposal will result in the redevelopment of a dilapidated site.  The proposal will assist in Council’s desire to reinvigorate older retail centres and provide vibrant and sustainable local retail centres.



### Draft Our Greater Sydney 2056 – A metropolis of three cities (2017)

In October 2017 the Greater Sydney Commission released for comment the draft Greater Sydney Region Plan. The draft Greater Sydney Region Plan proposes a Metropolis of three unique but connected cities – Western Parkland City (includes the Blacktown local government area), Central River City and Eastern Harbour City.

There are four key layers that work together to turn the three cities vision into the reality of a metropolis of three, 30-minute cities:

- Landscape
- Housing and Great Places
- Jobs
- Connectivity

The purpose of the draft Greater Sydney Region Plan is to:

- set a 40-year vision (up to 2056) and establish a 20-year plan to manage growth and change for Greater Sydney in the context of economic, social and environmental matters
- inform district and local plans and the assessment of planning proposals
- assist infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes
- inform the private sector of the vision for Greater Sydney and infrastructure investments required to manage growth
- inform and engage the wider community so the draft Plan can best reflect the values and aspirations of all.

**Table 3: Consistency with *Draft Our Greater Sydney 2056 – A metropolis of three cities (2017)***

Direction and Metrics	Objective	Planning Proposal Consistency
Housing the city  Giving people housing choices	Objective 10 - Greater housing supply  Objective 11 – Housing is more diverse and affordable	The Planning Proposal facilitates the development of land adjoining the site by providing associated car parking. The redevelopment of the adjoining rundown site has the potential to provide an additional 4 residential units and associated retail/commercial uses at ground level.  The subject site will provide some of the carparking needed for the adjoining development.
A city of great places  Designing places for people	Objective 12 - Great places that bring people together	The Planning Proposal supports the future adjoining mixed-use development. The dwellings associated with the development are within walking distance of other retail, community and educational uses.



## Assessment Criteria

*A Guide to preparing planning proposals* (2016) establishes Assessment Criteria to be considered in the justification of a Planning Proposal. The Assessment Criteria is considered below.

**Table 4: Consideration of the Planning Proposal against the Assessment Criteria of 'A Guide to preparing planning proposals'.**

Criteria	Assessment
<b>(a) Does the proposal have strategic merit? Is it:</b>	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment, <b>or</b>	<p>In October 2017 the Greater Sydney Commission released the draft Western City District Plan (WCP) for public comment. The draft WCP is one of five draft District Plans developed by the Greater Sydney Commission for each of Sydney's planning districts. The draft WCP contain four key themes of infrastructure and collaboration, liveability, productivity and sustainability.</p> <p>The Planning Proposal is for a minor rezoning of 114m<sup>2</sup> that will facilitate the redevelopment of a future adjoining mixed-use site. The Planning Proposal is consistent with the draft District Plans however due to the very minor nature of the proposal the Planning Proposal the most direct correlation to the four key themes is 'liveability'.</p> <p>In terms of liveability, it is considered that the Planning Proposal contributes to improved housing diversity and choice, creating great places to live and renewing great places and local centres.</p> <p>Specific Liveability Planning Priorities are listed below:  Planning Priority W5 – Providing housing supply, choice and affordability, with access to jobs and services  Planning Priority W6 – Creating and renewing great places and local centres, and respecting the District's heritage.</p> <p>In terms of productivity, the Planning Proposal will assist in the redevelopment of the adjoining land that is proposed to ultimately provide for 3 commercial units. Further the future proposed residential component of the adjoining development has access to jobs, goods and services within 30 minutes of the subject site.</p>
Consistent with the relevant local council strategy that has been endorsed by the Department, <b>or</b>	<p>Although not endorsed by the Department, Council's local strategy <i>Blacktown Community Strategic Plan 2030</i> has been consulted and the Planning Proposal is consistent with the strategy.</p> <p><i>Blacktown Community Strategic Plan 2030</i> is discussed in detail in (4) below.</p>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	In this case the Criteria is not applicable to the Planning Proposal.



Criteria	Assessment
<b>(b) Does the proposal have site-specific merit, having regard to the following:</b>	
The natural environment (including known significant values, resources or hazards),	Due to the minor nature of the Planning Proposal it does not contributed directly to the natural environment, however, as importantly, it does not have any foreseen adverse environmental impacts.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	The Planning Proposal is consistent with the adjoining land uses.  In fact, the rezoning will facilitate the development of the adjoining property for a mixed-use development.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	The future residential development adjoining the site will be served by existing services to the site. The specific infrastructure requirements will be assessed at DA stage however it is not anticipated that the development will create any additional demand for infrastructure and services not already planned and catered for.

**4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

Yes. The Planning Proposal is consistent with Council's local strategy *Blacktown Community Strategic Plan 2030*.

Blacktown Community Strategic Plan 2030

The *Blacktown Community Strategic Plan 2030* identifies the strategic direction and integrated planning framework for Blacktown City towards 2030. Sustainability and social equity are the key principles that underpin the objectives and strategic directions of this plan.

**Table 5: Consistency with *Blacktown City 2030 – City of Excellence***

<b>Blacktown City 2030 – City of Excellence Strategic Directions</b>	<b>Consistency/Response</b>
A vibrant and inclusive City  Ensure that our local communities continue to be welcoming, vibrant and inclusive, individuals and groups achieve their potential and the City proposers as a centre of culture, art and learning.	This Planning Proposal will help to facilitate the future, adjoining mixed-use development providing residential and retail/commercial development that will assist in greater activation of the Whalan shopping centre making the area more vibrant, safe and inclusive.
A smart and prosperous Economy  Pursue strategic economic opportunities and partnerships to facilitate sustainable growth of the local economy, attract investment to our City and ensure that Blacktown City is the next Regional City	The Planning Proposal will support the future, adjoining mixed-use site that will provide a moderate increase in housing of an additional 4 dwellings and extend the area zoned as B1 Neighbourhood Centre.  The future adjoining development will provide ground floor retail/commercial space that will provide additional local jobs.



Blacktown City 2030 – City of Excellence Strategic Directions	Consistency/Response
<p>A growing City supported by infrastructure</p> <p>Provide well-planned and liveable neighbourhoods with housing that meets the diverse needs for our growing community and is supported by transport and infrastructure that serves our current and future needs.</p>	<p>The site is located in easy walking distance to the Whalan shopping centre and Whalan Public School. Locating additional dwellings in an existing village centre connects the community and may reduce the need for car dependency.</p>

**5. Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?**

Yes. The Planning Proposal is considered to be consistent with the applicable SEPPs and deemed SEPPs as demonstrated in the tables below.

**Table 6: Applicability and Consistency with SEPPs**

Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Comment
SEPP No 14 – Coastal Wetlands	NO	N/A	
SEPP No 19 – Bushland in Urban Areas	NO	N/A	
SEPP No 21 – Caravan Parks	NO	N/A	
SEPP No 26 – Littoral Rainforests	NO	N/A	
SEPP No 30 – Intensive Agriculture	NO	N/A	
SEPP No 33 – Hazardous and Offensive Development	NO	N/A	
SEPP No 36 – Manufactured Home Estates	NO	N/A	
SEPP No 44 Koala Habitat Protection	NO	N/A	
SEPP No 50 – Canal Estate Development	NO	N/A	
SEPP No 55 – Remediation of Land	YES	YES	<p>There is no knowledge of prior contaminating uses on the land.</p> <p>Contamination will be further considered at Development Application stage.</p>
SEPP No 62 – Sustainable Aquaculture	NO	N/A	
SEPP No 64 – Advertising and Signage	YES	YES	The Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP No 65 – Design and Quality of Residential Flat Development	YES	YES	The Planning Proposal does not contradict or hinder the application



Title of State Environmental Planning Policy (SEPP)	Applicable	Consistent	Comment
SEPP No 70 – Affordable Housing (Revised Schemes)	YES	YES	of this SEPP. The Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP No 71 – Coastal Protection	NO	N/A	
SEPP (Affordable Rental Housing) 2009	YES	YES	The Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	YES	YES	The Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	YES	YES	The Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	YES	YES	The Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP (Infrastructure) 2007	YES	YES	The Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP (State Significant Precinct) 2005	NO	N/A	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	NO	N/A	
SEPP (Miscellaneous Consent Provisions) 2007	YES	YES	The Planning Proposal does not contradict or hinder the application of this SEPP.
SEPP (Rural Lands) 2008	NO	N/A	
SEPP (Transitional Provisions) 2011	NO	N/A	
SEPP (State and Regional Development) 2011	NO	N/A	
SEPP (Sydney Drinking Water) 2011	NO	N/A	
SEPP (Sydney Region Growth Centres) 2006	NO	N/A	
SEPP (Three Ports) 2013	NO	N/A	
SEPP (Western Sydney Employment Area) 2009	NO	N/A	
SEPP (Western Sydney Parklands) 2011	NO	N/A	
SEPP (Urban Renewal) 2010	NO	N/A	



**6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Yes. The Planning Proposal is considered to be consistent with the applicable s.117 directions as demonstrated in the tables below.

**1 Employment and Resources**

	Direction	Applicable	Consistent
1.1	Business and Industrial Zones	YES	YES Results in an increase of B1 Neighbourhood Centre land by 114m <sup>2</sup>
1.2	Rural Zones	NO	N/A
1.3	Mining, Petroleum Production and Extractive Industries	NO	N/A
1.4	Oyster Aquaculture	NO	N/A
1.5	Rural Lands	NO	N/A

**2 Environment and Heritage**

	Direction	Applicable	Consistent
2.1	Environmental Protection Zones	NO	N/A
2.2	Coastal Protection	NO	N/A
2.3	Heritage Conservation	NO	N/A
2.4	Recreation Vehicle Areas	NO	N/A
2.5	Application of E2 and E3 Zones and the Environmental Overlays in Far North Coast LEPs	NO	N/A

**3 Housing, Infrastructure and Urban Development**

	Direction	Applicable	Consistent
3.1	Residential Zones	YES	YES  The Planning Proposal rezones the subject site from R2 Low Density Residential to B1 Neighbourhood Centre. The subject site is only 114m <sup>2</sup> and well under the minimum lot size of 450m <sup>2</sup> for a dwelling in the locality.  By rezoning the subject site, it allows consolidation with the adjoining B1 Neighbourhood Centre site to facilitate a future development of 4 residential units and ground floor retail/commercial development.
3.2	Caravan Parks and Manufactured Home Estates	NO	N/A
3.3	Home Occupations	YES	YES
3.4	Integrating Land Use and Transport	YES	YES
3.5	Development Near Licensed Aerodromes	NO	N/A



## 4 Hazard and Risk

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	Direction	Applicable	Consistent
4.1	Acid Sulphate Soils	NO	NO
4.2	Mine Subsidence and Unstable Land	NO	N/A
4.3	Flood Prone Land	NO	N/A
4.4	Planning for Bushfire Protection	NO	N/A

## 5 Regional Planning

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	Direction	Applicable	Consistent
5.1	Implementation of Regional Strategies	YES	YES
5.2	Sydney Drinking Water Catchments	NO	N/A
5.3	Farmland of State and Regional Significance on NSW Far North Coast	NO	N/A
5.4	Commercial and Retail Development along the Pacific Hwy, North Coast	NO	N/A
5.5	Development in the vicinity of Ellalong, Paxton and Millfield	NO	N/A
5.8	Second Sydney Airport: Badgerys Creek	NO	N/A
5.9	North West Rail Link Corridor Strategy	NO	N/A
5.10	Implementation of Regional Plans	YES	YES

## 6 Local Plan Making

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	Direction	Applicable	Consistent
6.1	Approval and Referral Requirements	YES	YES
6.2	Reserving Land for Public Purposes	NO	N/A
6.3	Site Specific Purposes	NO	N/A

## 7 Metropolitan Planning

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	Direction	Applicable	Consistent
7.1	Implementation of the Metropolitan Strategy	YES	YES
7.2	Implementation of Greater Macarthur Land Release Investigation	NO	N/A
7.3	Parramatta Road Corridor Urban Transformation Strategy	NO	N/A
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	NO	N/A
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	N/A
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	NO	N/A



## Section C – Environmental, social and economic impact

**7. *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 Planning Proposal involves the rezoning of 114m<sup>2</sup> of land. The site is cleared and is currently used as an informal carpark.

It is not considered that any habitat will be adversely affected as a result of this Planning Proposal.

**8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

It is not considered that there will be any other environmental effects of this Planning Proposal.

Any future Development Application will require assessment under Section 79C of the *Environmental Planning and Assessment Act 1979* and will be subject to several provisions and development controls relating to environmental effects of the development.

**9. *Has the planning proposal adequately addressed any social and economic effects?***

The main social effect of this Planning Proposal is a positive one with the redevelopment of a derelict site. The proposal will result in a contribution to increased vibrancy of the Whalan shopping centre.

As previously detailed, like a number of smaller neighbourhood retail centres in the Sydney metropolitan area, Whalan has struggled to maintain viability against the larger district centres and large box format shopping mall in nearby Mount Druitt. Council actively supports and encourages the smaller neighbourhood centres acknowledging the important retail function they serve to the local community, providing everyday goods and services within an easy walking distance from homes.

The Planning Proposal provides an opportunity for redevelopment of a corner site that should increase the viability and vibrancy of the Whalan Shopping centre. Currently a rundown and dilapidated building, the site has potential to be a landmark corner block redevelopment in Whalan.



## Section D – State and Commonwealth interests

### ***10. Is there adequate public infrastructure for the planning proposal?***

The Planning Proposal will result in the rezoning of the site to B1 Neighbourhood Centre. The site will be part of an infill mixed-use development that proposes ground floor retail/commercial and 4 shop top housing residential units (subject to future Development Application approval).

The future development is considered minor and will be accommodated under existing infrastructure provisions.

### ***11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?***

Consultation with State and Commonwealth authorities will be undertaken post Gateway Determination.



## PART 4 – MAPPING

The current Land Zoning Map (Sheet LZN\_003), Height of Buildings Map (Sheet HOB\_003) and Lot Size Map (Sheet LSZ\_003) are contained at **Appendix 1**.

The proposed amended maps for Land Zoning Map (Sheet LZN\_003), Height of Buildings Map (Sheet HOB\_003) and Lot Size Map (Sheet LSZ\_003) are contained at **Appendix 2**.

## PART 5 – COMMUNITY CONSULTATION

Community consultation will be carried out in accordance with the Gateway Determination and the Department of Planning and Environment's *Guide to Preparing Local Environmental Plans*.

The Planning Proposal should be considered as 'low impact' as it is:

- consistent with the pattern of surrounding land use zones and/or land uses
- consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- not a principal LEP
- does not reclassify public land.

Consultation with public authorities will be undertaken according to the conditions of the Gateway Determination.

It is proposed to place the proposal on public exhibition for a period of **14 days** given the Planning Proposal is 'low impact'. Consultation with the community will consist of the following:

- Notice of the public exhibition of the Planning Proposal in the local newspaper
- Notice on the Blacktown City Council website at <https://www.blacktown.nsw.gov.au/>
- Letters to affected landowners



## PART 6 – PROJECT TIMELINE

It is considered that this proposal is minor in nature and is consistent with the State's strategic planning framework. It is estimated that the timeframe for this Planning Proposal will be approximately 6 – 9 months. Additional time may be required if the Gateway Determination requires further consultation.

Table 7: Project Timeline

Project stage	Estimated timeframe
Commencement date	November 2017
Council sends to Department for Gateway Determination	Mid December
Gateway Determination issued	End January
Government agency consultation and Public Exhibition	Early February – End February 2018
Consideration of submissions	Early February 2018
Report to Council	End March 2018
RPA will make plan	Mid April 2018
RPA forward to the Department for notification	Late April
Notification of LEP comes in to force	Early May 2018

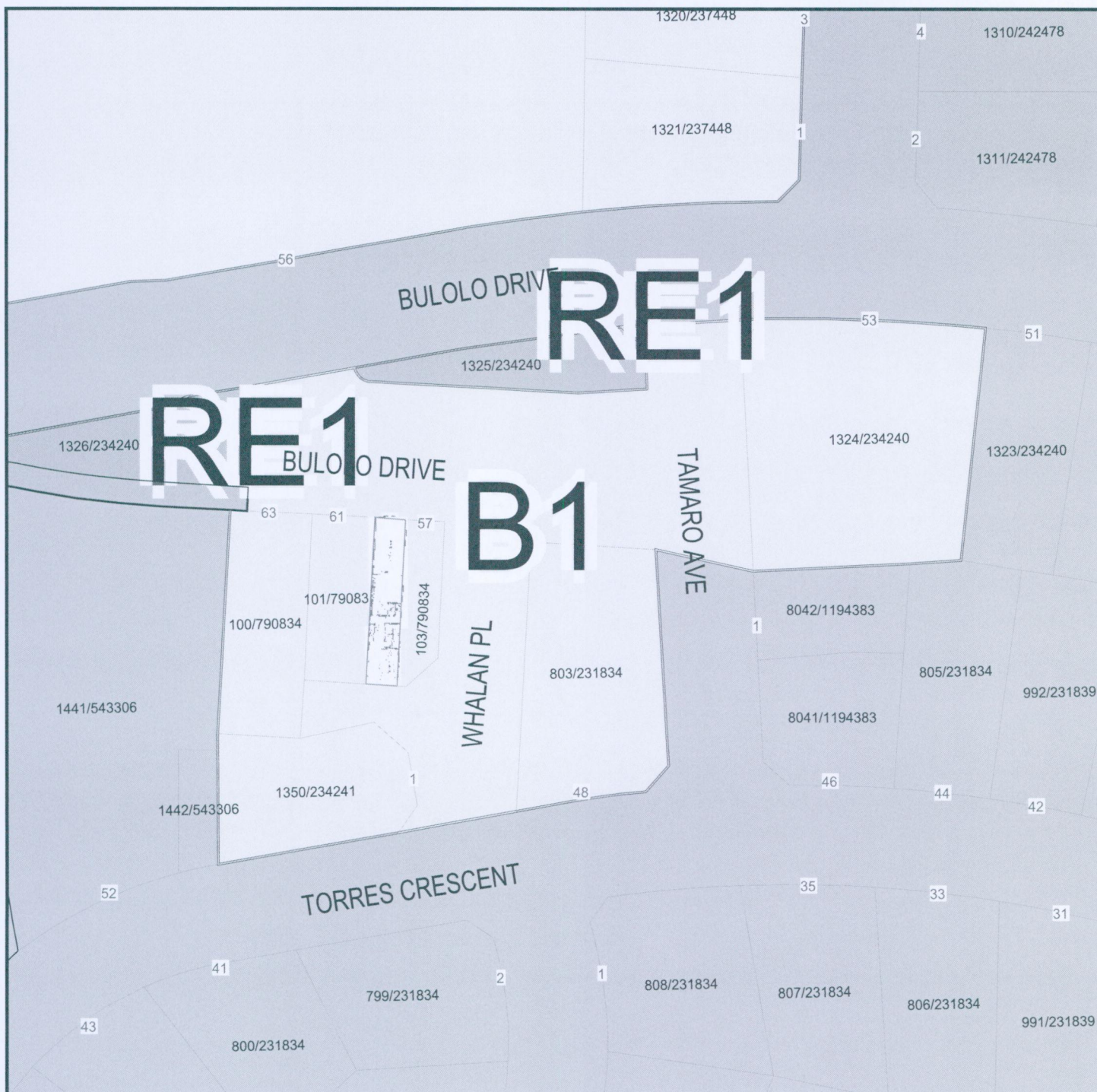


## **APPENDIX 1**

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Current Mapping – Land Zoning, Height of Buildings and Lot Size Maps





Air Photo Date: 9/6/10 - 11/9/10

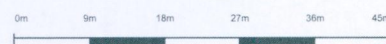
Plot Date: 05/12/2017

Copyright Blacktown City Council

- Parcel Extent. Torrens Title Extent
- Parcel LPI Extent. Torrens Title Extent
- Pathway. Registered Extent
- Local Government Area. Gazetted Boundary
- Developer Plan. Border
- Developer Plan. Scanned Image
- EP-LZN Land Zoning. R2 LEP Extent
- EP-LZN Land Zoning. RE1 LEP Extent
- EP-LZN Land Zoning. SP2 LEP Extent
- EP-LZN Land Zoning. B1 LEP Boundary
- EP-LZN Land Zoning. R2 LEP Boundary
- EP-LZN Land Zoning. RE1 LEP Boundary
- EP-LZN Land Zoning. SP2 LEP Boundary
- EP-LZN Land Zoning. B1 LEP Extent



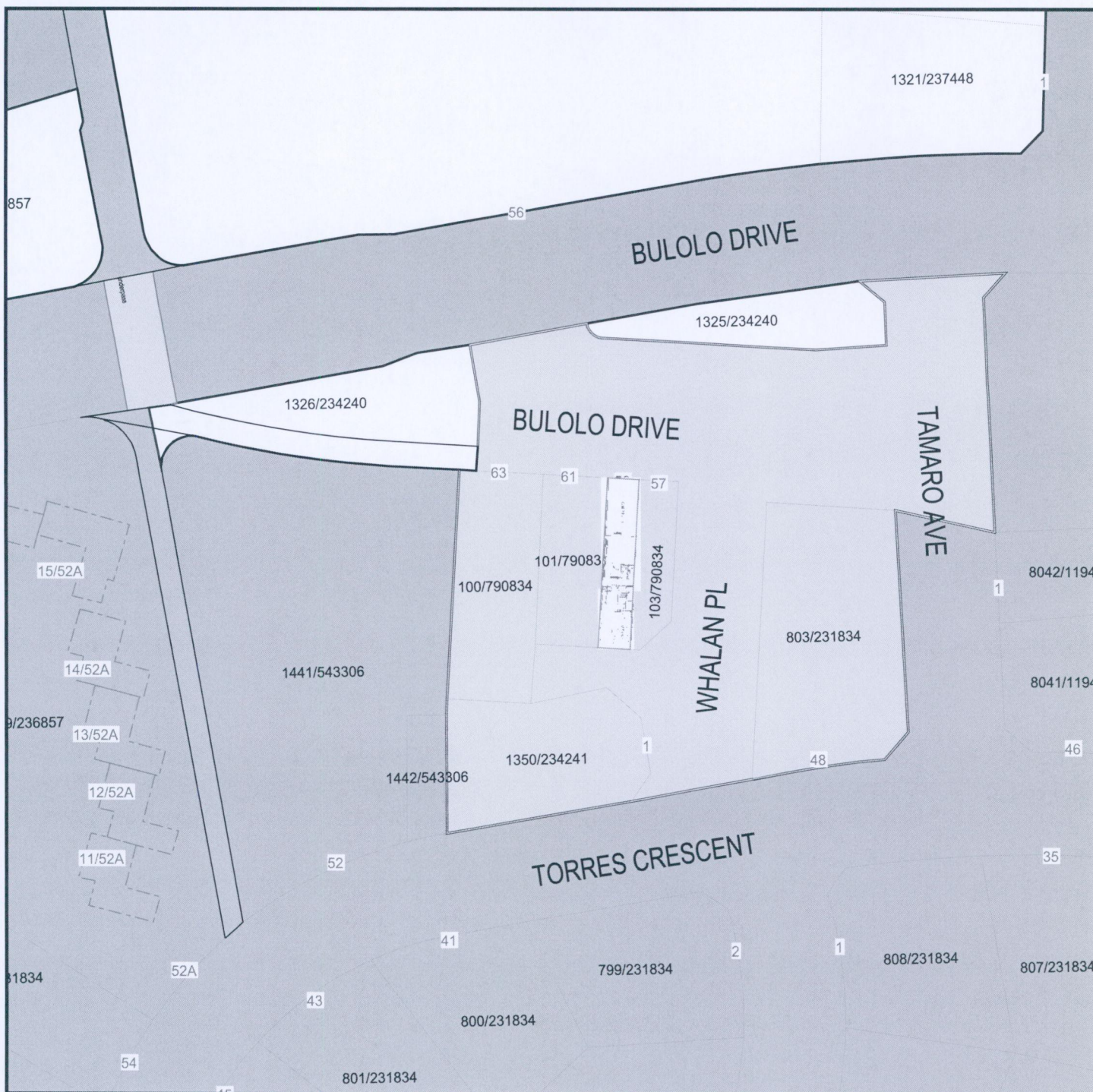
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














Air Photo Date: 9/6/10 - 11/9/10

Plot Date: 05/12/2017

Copyright Blacktown City Council

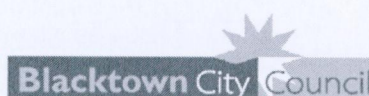
-  Parcel Extent.Lease Extent
-  Parcel Extent.Torrens Title Extent
-  Parcel LPI Extent.Torrens Title Extent
-  Crossing.Extent
-  Pathway.Registered Extent
-  Local Government Area.Gazetted Boundary
-  Developer Plan.Border
-  Developer Plan.Scanned Image
-  EP-HOB Height of Building.9m - 9.9m LEP Extent
-  EP-HOB Height of Building.12m - 12.9m LEP Extent
-  EP-HOB Height of Building.9m - 9.9m LEP Boundary
-  EP-HOB Height of Building.12m - 12.9m LEP Boundary



Scale 1:883



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## **APPENDIX 2**

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Proposed Mapping – Land Zoning, Height of Buildings and Lot Size Maps



# Blacktown Local Environmental Plan 2015

## Land Zoning Map - Sheet LZN\_003

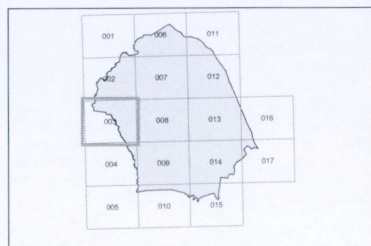
### Zone

B1	Neighbourhood Centre
B2	Local Centre
B3	Commercial Core
B4	Mixed Use
B5	Business Development
B7	Business Park
E2	Environmental Conservation
E3	Environmental Management
IN1	General Industrial
IN2	Light Industrial
R1	General Residential
R2	Low Density Residential
R3	Medium Density Residential
R4	High Density Residential
RE1	Public Recreation
RE2	Private Recreation
RU4	Primary Production Small Lots
SP1	Special Activities
SP2	Infrastructure
W1	Natural Waterways
UL	Unzoned Land
SR	SEPP (Sydney Region Growth Centres) 2006
SR	Sydney Regional Environmental Plan 30 - St Marys
WSP	SEPP (Western Sydney Parklands) 2009
WSEA	SEPP (Western Sydney Employment Area) 2009

### Cadastre

Cadastre 22/11/17 © Blacktown City Council

## PROPOSED



0 200 400 600 800 Metres

Projection: GDA 1994  
MGA Zone 56  
Scale: 1:20,000 @ A3

Map identification number: 0750\_COM\_LZN\_003\_020\_20171204





# Blacktown Local Environmental Plan 2015

Height of Buildings Map - Sheet HOB\_003

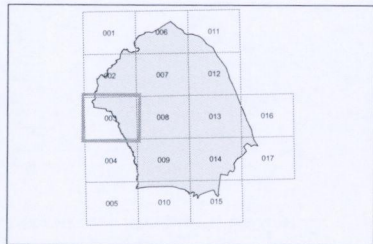
Maximum Building Height (m)

H	7.5
J	9
K	10
M	12
N	14
O	16
P	18
Q	20
R	21
S	24
T	26
U	32
V	38
W1	40
W2	44
Y	50
Z	56
AA1	64
AA2	72

43  
Cadastre

Cadastre 22/11/17 © Blacktown City Council

PROPOSED



0 200 400 600 800 Metres

Scale: 1:20,000 @ A3

Projection: GDA 1994  
MGA Zone 56

Map identification number: 0750\_COM\_HOB\_003\_020\_20171204





## Lot Size Map - Sheet LSZ\_003

### Minimum Lot Size (sq m)

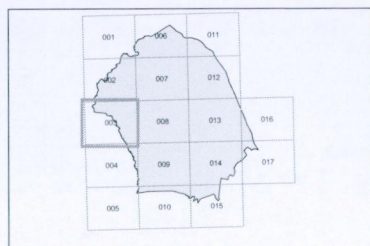
C	250
D	330
G	450
U	1500
V	2500
W	4000
AB1	10 ha
AB2	40 ha
Area 4	Clause 4.1A

### Cadastre

Cadastre 22/11/17 © Blacktown City Council

44

PROPOSED



0 200 400 600 800 Metres

Projection: GDA 1994  
MGA Zone 56

Scale: 1:20,000 @ A3

Map identification number: 0750\_COM\_LSZ\_003\_020\_20171204







[FILE NUMBER] PP\_2018\_BLACK\_001\_00

Kerry Robinson  
General Manager  
Blacktown City Council  
62 Flushcombe Road  
Blacktown NSW 2148

Dear Mr Robinson

**Planning Proposal [PP\_2018\_BLACK\_001\_00] to amend Blacktown Local Environmental Plan 2015**

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to rezone land at Lot 1442 DP 543306 Torres Avenue, Whelan from R2 Low Density Residential to B1 Neighbourhood Centre and amend height of buildings and lot size controls consistent with adjoining business zoned land.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the Planning Proposal's inconsistency with Section 117 Direction 3.1 Residential Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction.

Plan making powers were delegated to Councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

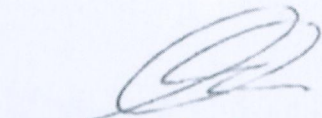
The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.



The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Cho Cho Myint to assist you. Ms Myint can be contacted on (02) 9860 1507.

Yours sincerely



19/01/18

**Catherine Van Laeren**  
**Director, Sydney Region West**  
**Planning Services**

Encl: Gateway Determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template



## Gateway Determination

**Planning Proposal (Department Ref: PP\_2018\_BLACK\_001\_00):** to amend Blacktown LEP 2015 to rezone land at Lot 1442 DP 543306 Torres Avenue, Whelan from R2 Low Density Residential to B1 Neighbourhood Centre and make relevant changes to development controls consistent with adjoining business zoned land

I, the Director, Sydney Region West, Planning Services, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Blacktown Local Environmental Plan (LEP) 2015 to rezone land at Lot 1442 DP 543306 Torres Avenue, Whelan from R2 Low Density Residential to B1 Neighbourhood Centre and make relevant changes to development controls consistent with adjoining business zoned land should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14 days**; and
  - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
2. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
  - Sydney Water
  - Relevant infrastructure providing agencies for gas and electricity

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).



4. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be authorised to exercise delegation of plan making functions.

Dated 19<sup>th</sup> day of January 2018.



Catherine Van Laeren  
Director, Sydney Region West  
Planning Services  
Department of Planning and Environment

Delegate of the Greater Sydney Commission



## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Blacktown City Council is authorised to exercise the functions of the Greater Sydney Commission under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2018_BLACK_001_00	Planning proposal to amend Blacktown LEP 2015 to rezone Lot 1442 DP 543306 Torres Crescent, Whalan from R2 Low Density Residential to B1 Neighbourhood Centre

In exercising the Greater Sydney Commission's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "A guide to preparing local environmental plans 2016" and "A guide to preparing planning proposals 2016".

Dated 19 January 2018



**Catherine Van Laeren**  
Director, Sydney Region West  
Planning Services  
Department of Planning and Environment

**Delegate of the Secretary**  
of the Department of Planning and Environment



## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP amendments

#### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

**Table 1 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Planning Proposal Number	PP_2018_BLACK_001_00
Date Sent to DP&E under s56	11 January 2018
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	19/01/18

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

**Table 3 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Notification Date and details	

**Additional relevant information:**