

Blacktown Planning Proposal – Former Ashlar Golf Course

Proposal Title : **Blacktown Planning Proposal – Former Ashlar Golf Course**

Proposal Summary : **The Planning Proposal seeks to:**

- rezone the former Ashlar Golf Course at Springfield Avenue, for residential development; and
- rezone the KFC Restaurant at 81 Richmond Road, Blacktown to facilitate access to the Ashlar site (the subject site).

The subject site is expected to accommodate approximately 800 – 1200 dwellings (including detached, semi-detached, attached dwellings; Residential flat buildings; and Neighbourhood shops and Shop-top housing).

PP Number : **PP_2012_BLACK_005_00**

Dop File No :

12/15002

Proposal Details

Date Planning Proposal Received : **21-Sep-2012**

LGA covered :

Blacktown

Region : **Sydney Region West**

RPA :

Blacktown City Council

State Electorate : **BLACKTOWN**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **Springfield Avenue**

Suburb : **Blacktown**

City : **Blacktown**

Postcode : **2148**

Land Parcel : **Lot 1, DP 222469**

Street : **81 Richmond Road**

Suburb : **Blacktown**

City : **Blacktown**

Postcode : **2148**

Land Parcel : **Lots 17 and 18, DP 29519**

Street : **Crudge Road**

Suburb : **Blacktown**

City : **Blacktown**

Postcode : **2148**

Land Parcel : **Lot 1, DP 785963**

DoP Planning Officer Contact Details

Contact Name : **Amar Saini**
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RPA Contact Details

Contact Name : **Glennys James**
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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	38.59	Type of Release (eg Residential / Employment land) :	
No. of Lots :	800	No. of Dwellings (where relevant) :	800
Gross Floor Area :	0	No of Jobs Created :	200

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **In relation to the Lobbyist Code of Conduct there are no records on the Department's Lobbyist Contact Register regarding this matter.**

Supporting notes

Internal Supporting Notes : **SUMMARY:**
Planning Proposal seeks to:

- **rezone the former Ashlar Golf Course at Springfield Avenue, for residential development; and**
- **rezone the KFC Restaurant at 81 Richmond Road, Blacktown to facilitate access to the Ashlar site (the subject site).**

The Ashlar Golf Course is located approximately one kilometre north-west of the

Blacktown CBD and approximately 800 metres south-east of Marayong Railway Station (location map in documents). The KFC Restaurant adjoins Ashlar Golf Course to the south and will be used as a new access point to the subject site.

The subject site was until recently occupied by a private golf club which is relocating to Stonecutters Ridge in Colebee.

The subject site (38.38 hectares) comprises of:

- Lot 1, DP 222469 Springfield Avenue and Lot 1, DP 785936 Curdge Road (Ashlar Golf); and
- Lots 17 and 18, DP 29519, 81 Richmond Road, (KFC Restaurant)

Ashlar Golf Course is currently zoned part 6(b) Private Recreation and part 2(a) Residential and the KFC Restaurant at Richmond Road is zoned 3(a) General Business under Blacktown Local Environmental Plan 1988.

The Planning Proposal will facilitate the preparation of an LEP to rezone the subject site based on the Standard Instrument.

The following new zones are proposed for the subject site:

- R1 General Residential
- RE1 Public Recreation

The Planning Proposal is expected to accommodate approximately 800 – 1200 dwellings (including detached, semi-detached, attached dwellings; Residential flat buildings; and Neighbourhood Shops and Shop-top housing).

The subject site is located within the Blacktown City Centre which is bounded by a 2 kilometre radius centred on the Blacktown Railway Station, and extends north to Vardys Road, West to Lancaster and Lyton Streets and Davis Road, south to Bungarribee Road and east to Stephen Street (map in Documents).

Council has prepared a Masterplan for the Blacktown City Centre. The Masterplan is a strategic integrated land use plan to manage growth and development within the Blacktown City Centre. The Blacktown City Centre is made up of seven special character Precincts and the subject site falls within one of the precincts. The Masterplan has not been endorsed by the Department, nor has consultations occurred with other agencies.

The Blacktown City Centre (CBD) Precinct was the subject of a separate Planning Proposal that was publically exhibited between November 2011 and January 2012. The Planning Proposal was submitted to the Department of Planning and Infrastructure on 31 August 2012.

REFERRALS

A referral was forwarded to the Strategies and Land Release (SLR) Team on 17 September 2012 seeking advice on whether State Public Infrastructure would be required for the proposal.

No reply has been received from the Strategic and Land Release Team by the time of submitting this report. State Public Infrastructure is addressed further in this report.

ADDITIONAL INFORMATION

Additional information (regarding the minimum lot sizes proposed) was requested by the Department and provided by Council on 21 September 2012.

External Supporting
Notes :

POLITICAL DONATIONS DISCLOSURE STATEMENT

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Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal. It is noted that Council received a disclosure statement from the proponent.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The Planning Proposal clearly identifies the objective of the proposal is to facilitate the preparation of an LEP to rezone the subject site for residential purposes (ie, R1 - General Residential and RE1 - Public Recreation) based on the Standard Instrument format.

It is considered that the intended outcomes of the Planning Proposal are consistent with the criteria outlined in the Guide to Preparing Local Environmental Plans.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : Council has provided an explanation for the proposed amendment i.e. the Planning Proposal would adopt the following main provisions:

- Land Use Zoning
- Land Use Table
- Height of Buildings
- Land Reservation and Acquisition
- Local Clauses

Further, these provisions are described in detail in the Planning Proposal.

It is considered that the explanation of provisions is clear and satisfactory and consistent with the Department's Guide to Preparing Local Environmental Plans.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 : Yes

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas
SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

S117 Directions

DIRECTION 1.1 BUSINESS & INDUSTRIAL ZONES:

This direction applies when a Planning Proposal affects land within an existing or proposed business or industrial zone.

This direction applies as the Planning Proposal proposes to remove an existing 3(a) Business Zone.

It is considered that the inconsistency with the Direction is of minor nature in this instance as the reduction of the business zone:

- is very insignificant; and
- mainly to obtain an access to the site.

The approval of the Director General's delegate is recommended in this report, to satisfy the Direction.

DIRECTION 2.1 ENVIRONMENTAL PROTECTION ZONES:

It is noted that according to the Planning Proposal, this direction applies in this instance. However, as the Planning Proposal does not propose to reduce existing environmental protection zoned land, nor does it reduce environmental protection standards. It is considered that the Planning Proposal is consistent with this Direction.

DIRECTION 2.3 HERITAGE CONSERVATION:

No listed heritage items are located at the site. The Aboriginal Archaeological Report prepared by Artefact Heritage Services concluded that the Subject Site has low archaeological potential and low archaeological significance. Site surveys revealed two isolated stone artefacts (southwest portion and in the centre of the Subject Site). The study recommended that further test excavations were not necessary.

In view of the above, it is considered that the Planning Proposal is not inconsistent with the Direction.

DIRECTION 3.1 RESIDENTIAL ZONES

This direction applies when a Planning Proposal affects land within an existing or proposed zone or any other zone in which significant residential development is permitted or proposed to be permitted.

This direction applies in this instance as the Planning Proposal is for rezoning of a former Golf Course for residential purposes.

The Planning Proposal is considered to be consistent with this direction as it:

- proposes to implement the objectives of the direction;

- broadens the range of housing choices and provide ample opportunity for good urban design.
- will make more efficient use of existing infrastructure and services.

Given the above, it is considered that the Planning Proposal is not inconsistent with the Direction.

DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT:

This direction applies when a council prepares a Planning Proposal that creates, alters or removes a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

The Direction applies in this instance as the Planning Proposal seeks to rezone the land for residential purposes. The Planning Proposal is however considered to be consistent with this direction as the Planning Proposal is consistent with the aims, objectives and principles of Improving Transport Choice – Guidelines for planning and development and the Right Place for Business and Services – Planning Policy as the subject site is located:

- o within one kilometre from Blacktown Railway Station;
- o within 800m from Marayong Station; and
- o to make use of the existing services and employment opportunities in nearby centres.

DIRECTION 4.3 FLOOD PRONE LAND:

This direction applies when a Council prepares a Planning Proposal that creates, removes or alters a zone or a provision that affects flood prone land.

It is considered that the Planning Proposal is not inconsistent with the Direction as the proposed site layout has been designed to mitigate the existing upstream flooding issues that affect the site and avoid any unacceptable impacts arising from the proposed development on the downstream properties.

DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES:

This direction requires that a Planning Proposal shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning and Infrastructure.

The Planning Proposal proposes to rezone part of the existing 6(b) Private Recreation to RE1 – Public Recreation. As per this Direction, an acquisition authority is required to be listed to acquire the proposed RE1 – Public Recreation Zone. It is noted that the draft Instrument which is attached to the Planning Proposal, nominates Council as the acquisition authority for the proposed RE1 zone. It is therefore recommended that the Planning Proposal be amended (under 3.6 – Land Reservation Acquisition) to clearly include this statement before it is placed on exhibition.

The approval of the Director-General is recommended in this report, to satisfy the Direction.

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN STRATEGY:

The Planning Proposal is considered not to be generally inconsistent with the Metropolitan Strategy and the draft North West Subregional Strategy.

STATE ENVIRONMENTAL PLANNING POLICIES SEPPs)

STATE ENVIRONMENTAL PLANNING POLICY No 19 - Bushland in Urban Areas

The SEPP seeks to protect and preserve areas of urban bushland. Clause 10 of the SEPP sets out matters which must be considered when preparing draft Local Environmental Plans, including consideration of the general provisions and for priority to be given to retaining bushland.

Council has advised that the site has been substantially modified due to the existing use and the understorey vegetation has been cleared. There are clusters of mature trees, which have been supplemented by more recent introduced species, most notably at the site's eastern boundary adjacent to the rail line and in the central portion of the site.

Council has further advised that the proposed site layout has been designed to retain the significant trees that are in good health.

It is therefore considered that the Planning Proposal is not inconsistent with the provisions of this SEPP.

STATE ENVIRONMENTAL PLANNING POLICY No 65 - Design Quality of Residential Flat Development

SEPP 65 provides a statutory framework to guide the design quality of residential flat developments.

Council has advised that the development concept has been designed in accordance with SEPP 65. The proposed residential apartments are located away from the existing dwellings.

STATE ENVIRONMENTAL PLANNING POLICY (Building Sustainability Index: BASIX) 2004

The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.

Council has advised that the development concept has been designed with building massing and orientation to facilitate future BASIX compliance, which will be documented at the development application stage.

STATE ENVIRONMENTAL PLANNING POLICY (Exempt and Complying Development Codes) 2008

The Planning Proposal will not contain provisions that will contradict or would hinder the application of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The Infrastructure SEPP aims to facilitate the efficient delivery of infrastructure across the State. The following matters are relevant to the proposal:

1. The proposed development will require existing utility services to be upgraded and/or augmented to enable the future residential population to be accommodated. Council has advised that these works will be undertaken in accordance with the provisions of the SEPP.

2. Richmond Road is a classified road and accordingly an agreement is required with the Roads and Maritime Services (RMS) for the proposed entry to the site. Council has advised that several meetings have been held between the proponent, the RMS and Blacktown City Council to resolve the most appropriate location for this access to be provided. A number of locations were considered and it was resolved that the most appropriate solution (having regard to traffic safety and availability of land for purchase) is to provide a new signalised intersection opposite Kent Street. Australand has purchased the KFC restaurant site to facilitate the proposed access.

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Any future works near or within the rail corridor will be undertaken in accordance with the provisions of Railcorp, and considered with future development applications for the site.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council provided the following maps (copies in documents):

- Location Map
- Existing Zoning Map
- Proposed Zoning Map
- Proposed Land Application Map
- Proposed Height of Building Map
- Proposed Land Reservation Acquisition Map

Whilst, Council has advised that the minimum subdivision lot size for the site would be 250m², it has not provided a Lot Size Map. It is therefore recommended that Council be advised to amend the Planning Proposal to include a statement regarding the minimum lot size (and /or range of lot sizes) and include a proposed Lot Size Map for the site, before exhibiting the Planning Proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : No community consultation period has been proposed by Council. However, given the nature of the Planning Proposal, it is recommended that it should be placed on public exhibition for a minimum of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **No**

If No, comment : As stated before Council has not provided the lot size map for the site, Council will be required to amend the Planning Proposal prior to exhibition to indicate the appropriate lot sizes for the site.

Proposal Assessment

Principal LEP:

Due Date : **June 2013**

Comments in relation to Principal LEP : Blacktown Council received funding under the Local Environmental Plan Priority Program (LEP Acceleration Fund (LEPAF)) to assist in finalising its Principal Local Environmental Plan.

The Principal Local Environmental Plan will proceed in two (2) stages.

(Stage 1) - A Planning Proposal for the Blacktown CBD has been submitted separately and received a Gateway Determination on 2 November 2011. The Planning Proposal was issued with a 9 month timeframe for completion. Consultation was carried out during December 2011. The Planning Proposal was submitted to the Department of Planning and Infrastructure on 31 August 2012.

(Stage 2) - Remainder of the LGA. A s64 submission has been submitted (excluding maps) and the Department of Planning and Infrastructure has a target date for issue a s65 certificate by 28 September 2012.

The Plan is due for completion by June 2013.

The subject Planning Proposal intends to prepare a local environmental plan in Standard Instrument format. It is likely that the local environmental plan for the subject site will amend the CBD LEP or the City Wide LEP.

Assessment Criteria

Need for planning proposal :

The Planning Proposal has been prepared in response to the relocation of the Ashlar Golf Club and the opportunity that this has presented to find an alternative use for this strategically located site. The site presents a very good opportunity for the delivery of 800-1200 new homes within the next five years.

The redevelopment of the subject site for residential uses will contribute to Council's strategic planning objectives in revitalising the Blacktown City Centre. Council's vision for the Blacktown City Centre is to develop an attractive and viable Regional City that provides sufficient future capacity for housing, employment, culture, social and recreational areas and facilities.

Consistency with strategic planning framework :

The Planning Proposal is not inconsistent with either the draft North West Subregional Strategy or the Sydney Metro Strategy. It is also not inconsistent with the Masterplan for Blacktown City Centre (confidential) and with the Blacktown City 2025 – Delivering the vision together.

Environmental social economic impacts :

Council has advised that the Application is supported by the following plans and reports prepared by specialist consultants:

- Concept Masterplan
- Landscape Concept Plan
- Flora and Fauna Impact Assessment
- Water Management Report
- Aboriginal Archaeological Report
- Transport Report
- Noise and Vibration Impact Assessment
- Environmental Site Assessment
- Services Assessment
- Social and Economic Assessment.

These assessments do not form part of the Planning Proposal or information submitted by Council.

On the basis of the information provided by Council in the Planning Proposal, no significant adverse environmental, social or economic impacts are anticipated (page 23 of the Planning Proposal).

However, it is noted that the site contains remnants of Cumberland Plain Woodland (critically endangered ecological communities), which are proposed to be removed. In this regard consultation should be carried out with Office of Environment and Heritage.

Further, under s69 of the Threatened Species Conservation Act 1995, the Cumberland Plain Recovery Plan has been considered and the subject site is not identified as containing Priority Conservation Areas.

As discussed above, it is recommended that the Planning Proposal be amended:

- (under 3.6 – Land Reservation Acquisition) to include Council as the acquisition authority for the proposed RE1 zone.

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- to include a clear statement regarding the minimum lot size or sizes and include a map for minimum lot size for subdivision.

Consultation with public authorities as proposed in this report will identify any other specific matters that need to be addressed.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **DG**

Public Authority Consultation - s56(2)(d) :
Department of Education and Communities
Office of Environment and Heritage
Integral Energy
Transport for NSW
Fire and Rescue NSW
NSW Police Force
Transport for NSW
Transport for NSW - RailCorp
Transport for NSW - Roads and Maritime Services
Sydney Water
Telstra

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **No**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

Metropolitan and Regional Strategy

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **At the time of submitting this report, a response from the Strategies and Land Release Team had not been provided. The Planning Proposal has not indicated what arrangements are proposed to secure the required works. However, it is known that road works on a classified road (Richmond Road) will be required (as a minimum). In this light, it is recommended that Model Clauses 6.1 - 6.4 be included in the drafting of an LEP for the subject site. This should be confirmed with the Strategies and Land Release team prior to the Gateway Determination be issued.**

Documents

Document File Name	DocumentType Name	Is Public
Letter from Council.pdf	Proposal Covering Letter	Yes
Location Map.pdf	Map	Yes
Existing Zoning Map.pdf	Map	Yes
Draft Instrument - Ashlar Golf Course LEP.rtf	Determination Document	Yes

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Draft LZN Map.pdf	Map	Yes
Draft LAnd Acquisition map.pdf	Map	Yes
Draft Height of Buildings map.pdf	Map	Yes
Planning Proposal.pdf	Proposal	Yes
SEPP and REP analysis table.pdf	Determination Document	Yes
Net Community Benefit Test.pdf	Determination Document	Yes
Council report to Ordinary Meeting of 6 June 2012.pdf	Determination Document	Yes
Ashlar LEP Matrix September 2012 .pdf	Determination Document	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.1 Environment Protection Zones
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 4.3 Flood Prone Land
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended that the Planning Proposal proceed subject to the following conditions:

1. Exhibited for 28 days;
2. Consultation with:
 - o Department of Education and Communities
 - o Office of Environment and Heritage
 - o Integral Energy
 - o Transport NSW
 - o Fire and Rescue NSW
 - o NSW Police Force
 - o Transport for NSW – RailCorp
 - o Transport for NSW – Roads and Maritime Services
 - o Sydney Water
 - o Telstra
3. The Director General pursuant to the item (4) of section 117(2) Direction - 6. 2 Reserving Land for Public Purposes endorses the creation RE1 - Public Recreation Zone.
4. The Planning Proposal is to be completed within 12 months from the week following the Gateway determination.
5. The Planning Proposal be amended:
 - to clearly indicate that the Blacktown City Council is the acquisition authority for RE1 Public Recreation land;
 - include the minimum lot size (or sizes) for subdivision (including a map); and
 - include model clauses 6.1 to 6.4 in the Planning Proposal.

Supporting Reasons :

1. The planning proposal presents a great opportunity to facilitate and deliver 800-1,200 dwellings within the next 5yrs, close to public transport and a main centre.
2. The planning proposal has addressed the s.177 Direction and relevant strategies.
3. Although the Strategies provided by Council have not been endorsed by the Department or other agencies, key elements and vision of the strategy support the growth of housing and employment opportunities in centres and support this planning proposal.

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Signature:



Printed Name:

STEPHEN GARDINER

Date:

24/09/12