

Planning Services

Gateway Determination Report

LGA	Blacktown City Council
PPA	Blacktown City Council
NAME	40 Kildare Rd & Balmoral St, Blacktown (19-22 homes, 0 jobs)
NUMBER	PP_2018_BLACK_005_00
LEP TO BE AMENDED	Blacktown Local Environmental Plan 2015
ADDRESS	40 Kildare Rd and Balmoral St, Blacktown
DESCRIPTION	Lot 10 DP1164625 and Part Lot 1 DP228688
RECEIVED	25/5/18
FILE NO.	IRF18/3245
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The Planning Proposal seeks to amend the Blacktown Local Environmental Plan (LEP) 2015 to reclassify 2 Council owned land parcels, shown at **Figure 1**, from 'Community' to 'Operational', and rezone both parcels from RE1 Public Recreation to R4 High Density Residential under Blacktown LEP 2015.

The Planning Proposal is to facilitate the sale of the land and the process from the sale to help fund additional community facilities and infrastructure.

- rezone the land from RE1 Public Recreation to R4 High density residential;
- apply a Height of Building control of 20m; and
- reclassify the land from 'community land' to 'operational land' by amending the Schedule 4.

Site description

40 Kildare Road (Jim Filmer Reserve) is located at the corner of Kildare Road and Balmoral Street, and part of Reserve 23 is located to the south along Balmoral Street.

40 Kildare Rd (Lot 10 DP1164625) contains a single storey building which is being used as a baby health centre, with the remainder of the site comprising public open space. The site is shown as Site 1 at **Figure 1** and the area of the site is 1,102sqm.

Part of Reserve 23 (Lot 1 DP228688) comprises a vacant part of the former Blacktown Tennis Centre and is currently occupied by a disused tennis court. See sites at **Figure 1**. The site is shown as Site 2 at **Figure 1** and the area of the site is 708sqm.

Existing planning controls

The sites are zoned RE1 under Blacktown LEP 2015 (refer to **Figure 2**). There are no height restrictions on the site (**Figure 4**).



Figure 1: Locality context (Google Maps)

Surrounding area

Both sites are opposite to Westpoint Shopping Centre within Blacktown CBD and provides a range of services and amenities. The general locality is of a mix of higher density uses, primarily made up of retail, commercial and higher density residential land, along with some recreation and community uses. Blacktown Train Station is approximately 300m to the east, and Blacktown Police Station is across from Balmoral St and Kildare Rd to the north-east.

The adjoining residential land are zoned R4 High Density Residential with 5-6 storeys residential flats and the land between the two properties is currently being developed as a residential flat building. The site is also in proximity to RE1 Public Recreation to the north (Blacktown Showground Precinct) and south-east.

Summary of recommendation

It is recommended that the planning proposal proceed with conditions given that:

- the proposal is unlikely to place significant demand/pressure on existing public and social infrastructure;
- the zoning and development standards are consistent with the adjoining and surrounding lands, therefore will be consistent with the existing landscape;
- the site has good access to a range of services and amenities including retail/commercial and public transport (heavy rail and bus); and
- the proposal will have positive social impacts as it will facilitate the sale of under-utilised and surplus Council owned lands, and enable Council to use the funds to upgrade and provide public amenities and facilities within the LGA.

The planning proposal has been prepared in accordance with the Department's Practice Note PN16-001 'Classification and reclassification of public land through a local environmental plan' as summarised in **Table 1**.

Site/ Existing Zone/Site Area	Proposed Change	Existing Use	Interest	Justification by Council
Site 1 40 Kildare Road, Blacktown (Jim Filmer Reserve) (Lot 10 DP1164625) RE1 Public Recreation (1,102sqm)	Community to Operational (Part 1 of Schedule 4) Rezoning to R4 High Density Residential, introduce maximum height of building control of 20m	Northern part of site is a small Public Reserve. Dwelling on southern half of site used as baby health centre	Public Reserve status of land to be discharged	-Limited recreational value of site due to small size -Frontage on busy intersection makes it an unpleasant environment -Larger and better utilised recreational lands located nearby
Site 2 Part Reserve 23, Balmoral Street, Blacktown (Lot 1 DP228688) RE1 Public Recreation (708sqm)	Community to Operational (Part 1 of Schedule 4) Rezoning to R4 High Density Residential, introduce maximum height of building control of 20m	Comprises part of tennis courts of the former Blacktown Tennis Centre Currently vacant.	Public Reserve status of land to be discharged	- Limited recreational value of site due to small size -No street frontage and only accessible through tennis court -Larger and better utilised recreational lands located nearby

Table 1 - Details of the Planning Proposal

PROPOSAL

Objectives or intended outcomes

The intended outcomes described in the planning proposal are for amendments to the Blacktown LEP 2015 to rezone the sites, apply a height control, and reclassify them to 'operational' from 'community'. The proposal will allow Council to dispose the subject land to adjoining owners and to enable better development outcomes.

The planning proposal is to reclassify and rezone small, underused open space to match the adjoining R4 High Density Residential zone.

Explanation of provisions

The planning proposal is to be achieved through the following amendments to the BLEP 2015:

- amend the Land Zoning Map to change the zoning for the subject lands from RE1 to R4 (**Figure 3**);
- amend the Height of Building Map to introduce a maximum height control of 20m for the subject sites (**Figure 5**); and
- amend Schedule 4 Classification and reclassification of public land, Part 2 Land classified, or reclassified, as operational land – interests changed.

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Blacktown	Lot 10 DP1164625	Nil
Blacktown	Lot 1 DP228688	Nil

Mapping

The proposal will amend Blacktown LEP 2015 Land Zoning Maps (LZN_013 and LZN_014) and Height of Building Maps (HOB_013 and HOB_014). Existing and proposed LEP maps are shown on **Figures 2 - 5**.

Current land use zone - Land Zoning Map (Sheet LZN_013 and LZN_014) BLEP 2015:

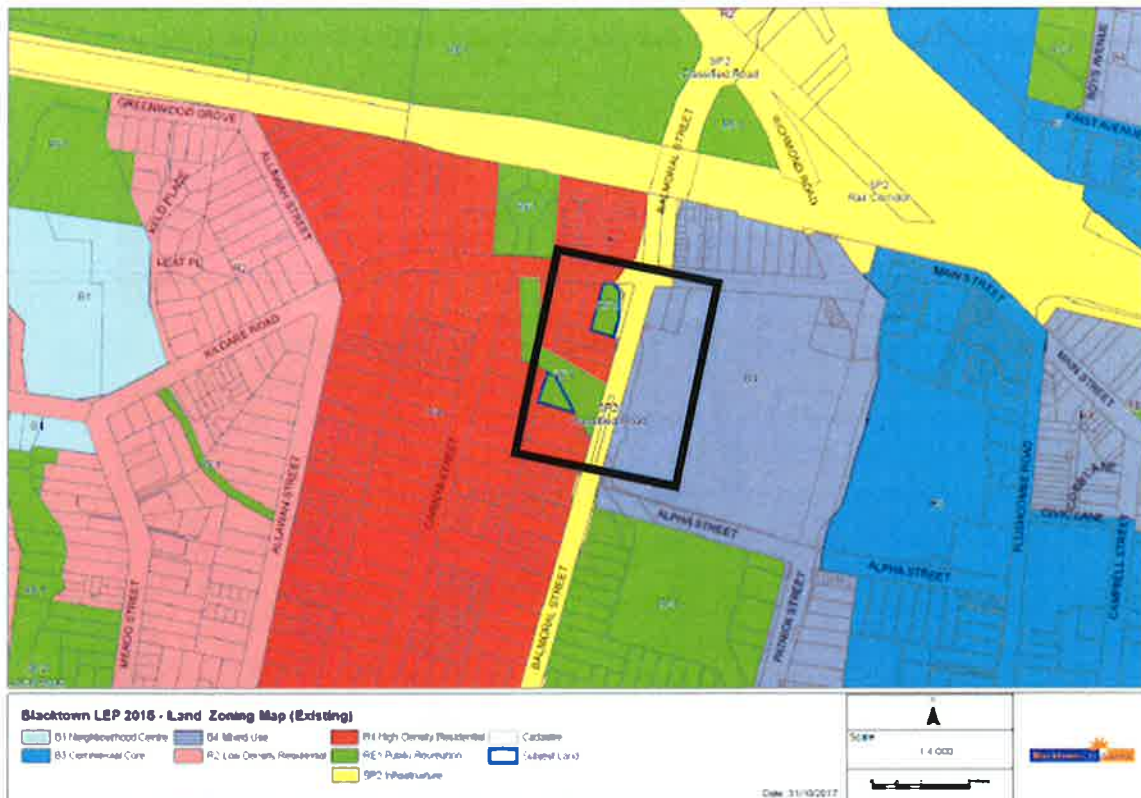


Figure 2: Current zoning

Proposed land use zone - Land Zoning Map (Sheet LZN_013 and LZN_014) BLEP 2015:

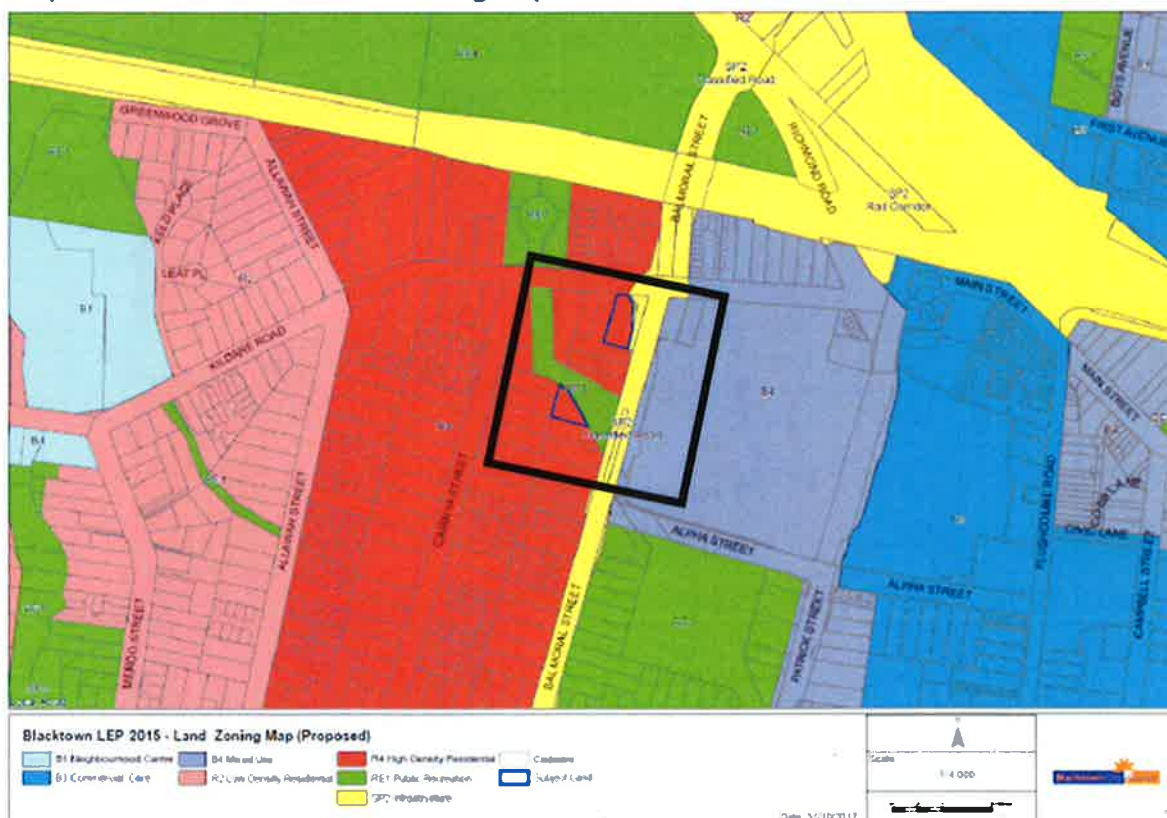


Figure 3: Proposed zoning

Current height of building control - Height of Building Map (Sheet HOB_013 and HOB_014)
BLEP 2015:

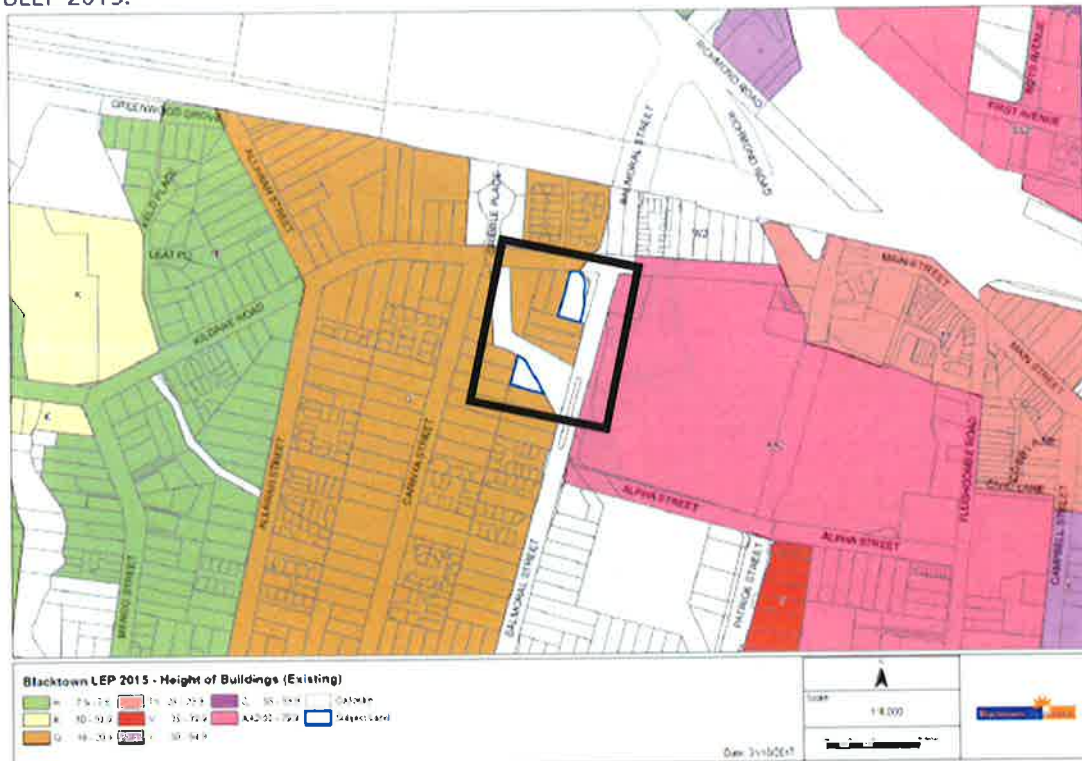


Figure 4: Current height map

Proposed height of building control - Height of Building Map (Sheet HOB_013 and HOB_014)
BLEP 2015:

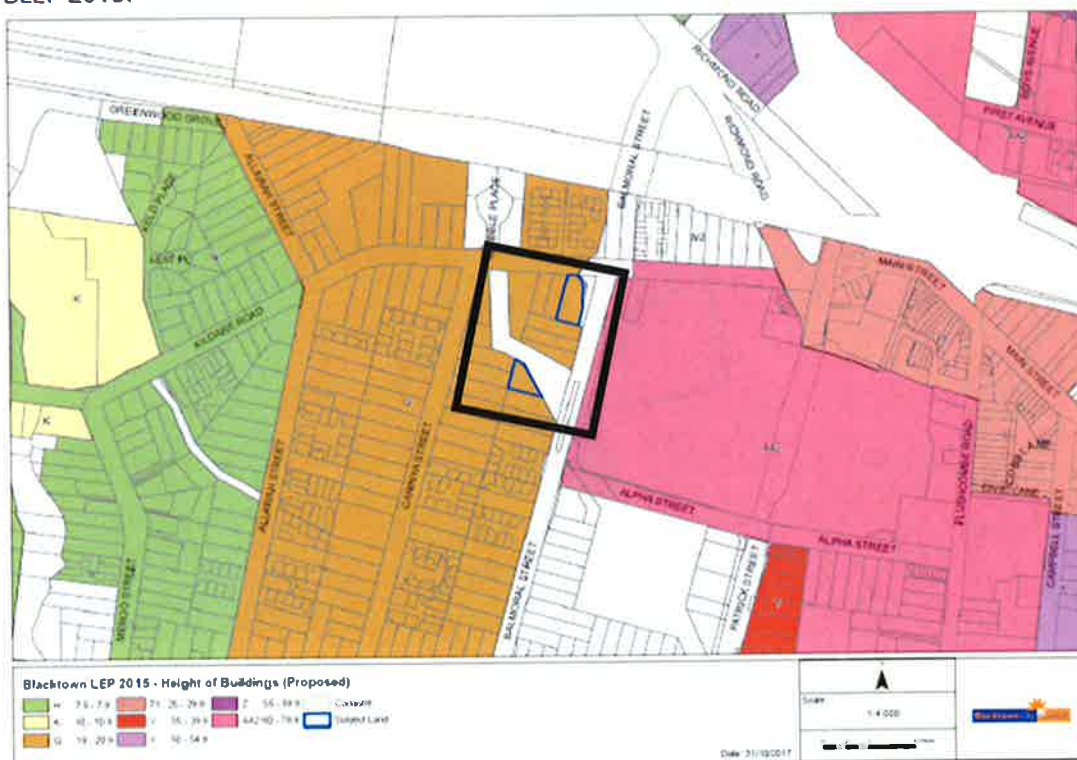


Figure 5: Proposed height

NEED FOR THE PLANNING PROPOSAL

The Planning Proposal is not the result of any strategic study or report. Council will benefit from the sale of the land as funds from the sale can be put towards provision of additional community facilities and infrastructure projects.

The proposal will require amendments to the zoning, height of buildings maps, and Schedule 4 of the Blacktown LEP 2015. It is considered that the planning proposal is the best means for achieving the intended outcomes.

STRATEGIC ASSESSMENT

State

The Premier's Priorities highlight the importance of creating jobs, building infrastructure, affordable housing and tackling childhood obesity. The planning proposal is consistent with the relevant priority of making housing more affordable as it will enable low-rise, high-density housing to contribute to Sydney's housing supply. The site is also in an existing centre with access to a range of services and amenities, and the uplift in land use for the locality could enable greater delivery of infrastructure in the future which is also a Premier's Priority.

Regional / District

Central City District Plan

The proposal is consistent with the relevant Planning Priorities C2-C5.

Planning Priority C2: Fostering healthy, creative, culturally rich and socially connected communities

The proposal is consistent as it will provide housing diversity around an existing centre and transit node/rail station.

Planning Priority C3: Providing services and social infrastructure to meet people's changing needs

The planning proposal is consistent with the priority as it will contribute to the design of walkable neighbourhoods due to the location of the sites in close proximity to services and provides housing types that are suited to a range of demographics due to proximity to services such as shopping precincts and public transport.

Planning Priority C4: Fostering healthy, creative, culturally rich and socially connected communities

The planning proposal is consistent with the priority as will provide a diversity of housing types and density through urban renewal.

Planning Priority C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport

The planning proposal is consistent with the priority as it will potentially contribute to housing supply targets for 2021 for Blacktown and the Central City District (see extract at **Table 2**). It will also encourage housing choice and affordability at a location with good access to local infrastructure to create liveable, walkable, and cycle-friendly neighbourhoods with access to shops, services and public transport.

LGA	0-5 year housing supply target: 2016-2021
Blacktown	13,950
Cumberland	9,350
Parramatta	21,650
The Hills	8,550
Central City District Total	53,500

Table 2: Central City District Plan Housing Targets (pp.42).

Local

Our Blacktown 2036

Council advises the proposal is consistent with the objectives of the local strategy "Our Blacktown 2036" as it:

- will contribute to housing affordability through increasing supply;
- will provide for a city of housing choice to meet people's needs and lifestyles as it is in the Blacktown CBD and in proximity to public transport and employment; and
- seeks to improve housing choice by contributing to high-density housing in an otherwise low-density housing dominated LGA.

Council further advises that the 20m height limit is in keeping with the surrounding development.

Section 9.1 Ministerial Directions

The relevant S9.1 Directions are addressed below.

3.1 Residential Zones

This direction applies when a planning proposal affects an existing or proposed residential use or any other zone in which significant residential development is permitted, and approval of the Secretary is required if the reduction in density is involved.

The proposal is consistent with this Direction. The proposal will rezone 1,810sqm of land from RE1 Public Recreation to R4 High Density Residential and will enable better integration with the adjoining R4 zoned land. It will encourage a variety of housing choice and type, make efficient use of existing infrastructure and services.

3.4 Integrated Land use and Transport

The direction applies to the planning proposal. Under this direction, a planning proposal must include provisions that give effect to and are consistent with the aims and objectives of:

- (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001); and
- (b) The right place for Business and Services – Planning Policy (DUAP 2001).

Central to these documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car.

The planning proposal is consistent with the direction. It will rezone land to enable residential flats at a location with good access to transport and services, and reduce travel demand.

6.2 Reserving Land for Public Purposes

The direction requires that the amendment should not create, alter or reduce existing zonings or reservations of land for public without the approval of the relevant authority and the Secretary of the Department. The direction applies as the proposal seeks to reclassify two parcels of land from 'Community' to 'Operational' and seeks the approval to revoke 'Community' status for the sites.

The sites are small and irregular in shape which restrict their utility value and development potential. The reclassification and subsequent rezoning of the two parcels of land will contribute to a more regular shaped site which will enable high density residential development on the land. This will provide Blacktown with housing diversity, and proceeds from the sale of the sites can be used for the funds to upgrade and provide additional community facilities and local infrastructure within the LGA.

It is recommended that the Secretary's delegate agree that the inconsistency of the planning proposal with this Direction is of minor significance.

State environmental planning policies (SEPP)

The proposal is consistent with the following SEPPs;

SEPP 19 Bushland in Urban Areas

Although bushland exists on 40 Kildare Road, it does not form part of ecological community or remnant bushland. The trees were purposely planted as a landscape feature and have little ecological value.

SEPP 55 Remediation of Land

Due to the recreational uses in the pass, it is unlikely they contain any serious degree of contamination. The proposal states that a Contamination Assessment will be undertaken as part of any future development process for the site.

SEPP 65 – Design Quality of Residential Apartment Development

This SEPP becomes applicable to residential flat buildings of three or more storeys and will need to be addressed as part of any future development application.

SITE-SPECIFIC ASSESSMENT

Social

The proposal is unlikely to cause any significant adverse social issues. Loss of community space can be seen as a negative outcome, however, the nature of the spaces being disconnected, small scale and underutilised, will not be a major adverse impact to the locality.

Environmental

Natural

The proposal is unlikely to present any adverse impacts to the environment. Council advises the trees occupying Jim Filmer Reserve are not part of remnant vegetation but rather planted as a landscape feature for the current baby health care building occupying the south of the site.

Built

The planning proposal (proposed zoning and height) will encourage residential development which is in keeping with the character of adjoining residential apartment buildings permissible within Blacktown CBD as shown on **Figures 6 and 7**.

Economic

The reclassification of the properties will provide for future development opportunities for the Blacktown CBD and facilitate the redevelopment of land which is currently under utilised. The proceeds of the lands sale will allow Council to provide funding for other amenities or facilities.

Infrastructure

Infrastructure to support the proposal already exists as the site is within an existing centre. As per the application report, the site has access to water, drainage, electricity, telecommunications and sewerage utilities.



Figure 6: 40 Kildare Road as seen from corner Kildare Rd and Balmoral St facing south (Source: Google Maps).



Figure 7: Residential buildings opposite 40 Kildare Rd to the north (Source: Google Maps).

CONSULTATION

Community

A community consultation period of 28 days is proposed which is sufficient time for community response.

Agencies

Council is required to consult with:

- Transport for NSW;
- Roads and Maritime Services (RMS);
- Relevant local electricity providers;
- Sydney Water; and
- NSW Health.

Council advises NSW Health (Western Sydney Local Health District (WSLHD)) has already been consulted regarding the relocation of the baby health centre. Once a Gateway determination is issued, NSW Health is to be notified that the proposal will be moving forward.

TIME FRAME

A 12 month timeframe to finalise this planning proposal is considered to be appropriate.

LOCAL PLAN-MAKING AUTHORITY

Given the nature of the Planning Proposal, Council should be the local plan-making authority.

CONCLUSION

The Planning Proposal is supported to proceed, subject to conditions. The proposal will allow development of underutilised land and will allow Council to provide funds to enhance existing or additional community facilities and local infrastructure. The proposed land use is also compatible with the locality and is consistent with strategic regional, district and local objectives.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 6.2 Reserving Land for Public Purposes is of minor significance.

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
 - Transport for NSW;
 - Roads and Maritime Services (RMS);
 - Relevant local electricity providers;
 - Sydney Water; and
 - NSW Health.
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.



6/7/18

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