

Planning & Development.

MinuteNumber:
01/06/2011

Council Meeting Date: 08/06/2011
Report Number: SD310042

Director City Strategy & Development Author: Galt S. (SH), Taylor T.

ITEM: <#> DE3251

SUBJECT:

SD310042 - Proposed Amendment to Clause 46 of Blacktown Local Environmental Plan 1988 to Permit the Development of a New Service Centre on Sunnyholt Road and Additional Restaurant Facilities in the Existing Service Centre on Old Windsor Road - Part of Lot 100, DP 1092236 Sunnyholt Road, Glenwood (on the Parklea Markets Site)

DIVISION REQUIRED: ☐ Yes

FILE NUMBER: RZ-10-1963

BLACKTOWN CITY 2025 VISION

Strategy: Urban living and infrastructure

SUMMARY OF REPORT:

1. Council is in receipt of an Application to amend Blacktown Local Environmental Plan 1988. The Application relates to part of Lot 100, DP 1092236, Sunnyholt Road, Glenwood – land predominantly occupied by Parklea Markets. The Applicant wishes to develop a Service Centre on land off Sunnyholt Road that presently functions as an overflow carpark for Parklea Markets and to accommodate additional restaurant facilities within the existing Service Centre off Old Windsor Road.
2. The Planning Proposal for the Service Centre was first lodged in September 2010 and referred to the Roads and Traffic Authority (RTA) for comment given that Service Centres are high traffic generating developments and access is being proposed from 2 signalised intersections across the T-way to Sunnyholt Road, which is an RTA controlled road.
3. The RTA responded by raising no objection to the Planning Proposal to allow a Service Centre at this location, but noting that it does not support additional access to/from Sunnyholt Road.
4. The Planning Proposal was prepared by Economia pds, on behalf of the owner of the Parklea Markets site, Almona Pty Ltd. It stipulates the aim and any impacts of the proposed LEP amendment.

5. The Planning Proposal was subsequently amended at the end of January 2011 to also incorporate additional restaurant facilities within the existing Service Centre that is located on the Old Windsor Road frontage.
6. Due to the proposal's anticipated traffic impact and the land's future development opportunities, the Planning Proposal and accompanying Review of Existing Parking Demands were referred to Council's Manager Traffic and City Projects for comment. Council's Traffic Management Services Section has recommended a review of the applicant's Parking Report and the submission of a separate Traffic Impact Report.
7. Reforms to the *Environmental Planning and Assessment Act 1979*, which commenced on 1 July 2009, provide for the "fast-tracking" of the assessment and processing of Local Environmental Plans (LEPs). Resultantly, this proposal will need to be forwarded to the Minister for Planning seeking a Gateway Determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979*, with the requirement for the additional reports to be submitted prior to the public exhibition of the proposal to be confirmed in the Gateway Determination.
8. Attachments to this report are:
 - Attachment 1 - Location Plan.
 - Attachment 2 - Planning Proposal for the proposed development of a Service Centre and additional restaurant facilities on part of Lot 100, DP 1092236 Sunnyholt Road, Glenwood.
 - Attachment 3 - Disclosure Statement of a Reportable Political Donation or Gift by Applicant.

RECOMMENDATION:

1. Council resolve to forward the Applicant's Planning Proposal held at Attachment 2 to the Minister for Planning seeking a Gateway Determination to undertake a clause amendment to Blacktown Local Environmental Plan 1988 to allow the development of a new Service Centre on Sunnyholt Road and additional restaurant facilities within the existing Service Centre on Old Windsor Road. Council advise the Minister for Planning that a Traffic Report and revised Parking Report are recommended to be required to be submitted by the applicant to Council prior to exhibition of the proposal occurring.
2. The Applicant be advised of Council's decision and that such decision should not be construed in any way as constituting Council support for the proposed LEP amendment. Council is seeking a Gateway Determination to determine what further technical studies are required to accompany the Planning Proposal so that public and statutory authority comment can be sought prior to making a final decision on the proposal.

REPORT:

1. Background

- a. As reported in SD310040, also appearing in this Business Paper, the Parklea Markets site has been the subject of several proposals for development and amendments to planning controls under Blacktown Local Environmental Plan (BLEP) 1988.
- b. Two similar proposals have been incorporated into the one Planning Proposal that is the subject of this report as they both relate to Service Centres, viz:

i. Proposed Service Centre - Sunnyholt Road

- ☐ It is proposed to amend BLEP 1988 to allow the development of a new Service Centre on the south-west portion of the subject site which is currently used for overflow car parking for Parklea Markets as required by a previous condition of consent. This has been identified as **Area 1** on the Location Plan at **Attachment 1**. This portion has an area of approximately 2.2ha.

ii. Additional Restaurant Facilities within the existing Service Centre - Old Windsor Road

- ☐ The existing Service Centre is located along the eastern edge of the site with access to Old Windsor Road. This has been identified as **Area 2** on the Location Plan at **Attachment 1**. It currently accommodates a Service Station, car wash with ancillary cafe, Hungry Jacks and Outback Steakhouse Restaurant.
- ☐ A Planning Proposal, separately reported in this Business Paper (via SD310040) seeks an amendment to Clause 46 of BLEP 1988 to allow a Motel on that vacant portion of land behind the existing Service Centre abutting Almona Street.
- ☐ In addition to the Motel, additional restaurant facilities in the form of a Kentucky Fried Chicken (KFC) outlet are now also being proposed for this section of the Parklea Markets site.

2. Provisions in Blacktown Local Environmental Plan for Service Centres

- a. Under the provisions of BLEP 1988 a "Service Centre" is defined as:

service centre means a building or place which adjoins land within the Special Uses (Arterial Road and Arterial Road Widening) Zone or the Special Uses (Local Road and Local Road Widening) Zone, at which the following are provided:

- (a) *the sale of petrol, diesel and other petroleum products,*
- (b) *parking for motor vehicles,*
- (c) *restaurant facilities (which are to include fast food services and may include sit-down facilities) involving a total floor area of not greater than 500 sq.m,*
- (d) *toilets, and*
- (e) *a convenience store (including staff amenities, storage, office, machinery rooms, cooler rooms, etc) of not greater than 250 sq.m,*

and at which the following may be provided:

- (f) *emergency repair facilities of a limited nature (which may include towing facilities and the sale by retail of spare parts and accessories for motor vehicles), and*
- (g) *car cleaning facilities.*

- b. A "Service Centre" differs from a "Service Station" in that it compulsorily comprises restaurant facilities, which can comprise fast food take-away services and sit-down facilities. Service Centres typically provide a rest and refuel stop for travellers and are generally open 24 hours per day/7 days a week/365 days a year. They are also located on Main Roads and arterial roads in order to capture passing tourist traffic. Service Stations comprise only refuelling facilities and convenience store retailing and are much smaller in scale and historically were located in and around residential areas to provide a convenient refuelling service to the local community.
- c. As can be seen in the definition in a. above, there is a clear definition of the sorts of land uses and traffic generating developments that can be accommodated within a Service Centre. In conceptual terms, the proposed Service Centre would be similar to existing Service Centres and would operate 24 hours a day, seven days a week. Provision for a drive-through facility for fast food outlets is also envisaged.
- d. It is noted that within the definition the generic total floor area for restaurant facilities in Service Centres is restricted to 500 sq.m. Typically there are 2 restaurant facilities at 250 sq.m each.
- e. However, the Service Centre on Old Windsor Road presently has provision for 800 sq.m of restaurant facilities via Clause 46(3) of BLEP 1988, viz:

46 Development of certain land—part of Lot 3, DP 870666, Old Windsor Road, Parklea

- (1) *This clause applies to land, being part of Lot 3, DP 870666, Old Windsor Road, Parklea, as shown edged heavy black on the map marked "Blacktown Local Environmental Plan 1988 (Amendment No 133)".*
 - (2) *In addition to the purposes permitted, with the consent of the council, within the Special Uses—General Zone, a person may, with the consent of the council, use the land to which this clause applies for the purpose of a service centre.*
 - (3) *Despite paragraph (c) of the definition of service centre in clause 6 (1), the Council may consent to restaurant facilities (as described in that paragraph) provided at the service centre that involve a total floor area of not more than 800 square metres.*
- f. The existing Hungry Jacks and Outback Steakhouse restaurants have a combined total floor area of 788 sq.m, which effectively prohibits the consideration of any further restaurants on the site.
 - g. In order to facilitate the development of additional restaurant facilities within the existing Service Centre on the Old Windsor Road frontage, in the form of a KFC outlet, a further amendment to this clause would need to take place. It is proposed that 800 square metres be revised to 1,040 square metres. This figure was derived

from adding 250 sq.m (using the rationale outlined in d. above) to the current restaurant floor space which the Applicant has indicated is around 788 sq.m.

- h. **Clause 47** of BLEP 1988 has the effect of prohibiting the carrying out of development for the purposes of a Service Centre unless there is a **separation distance of at least 2 kilometres** between existing or proposed Service Centres and Service Stations, and unless the Service Centres/Service Stations are on opposite sides of the road, viz:

Service centres

- 47 (1) *The council shall not grant consent to the carrying out of development for the purpose of a service centre in any zone unless it is satisfied that:*
- (a) *there is a separation distance of at least 2 kilometres between the proposed service centre and any established service centre or service station, or proposed service centre or service station that has received development consent, except where any such established or proposed service centre or service station is located on the opposite side of the road within Zones Nos. 5(b) or 5(c) adjoining the proposed service centre; and*
 - (b) *the proposal would not result in unacceptable traffic delays or have a great impact on the operation of intersections in the vicinity, and provides safe access to and from the site, based on a comprehensive traffic study prepared by a suitably qualified person.*
- (2) *In determining an application to carry out development for the purpose of a service centre, the council must consider the following:*
- (a) *the potential cumulative impact of the proposed service centre on like uses such as service stations in the locality;*
 - (b) *whether the operation of and access to and from the service centre is likely to cause disturbance to residents or impinge on existing lawful uses in the vicinity; and*
 - (c) *whether or not the service centre is likely to substantially alter the character of its locality.*
- (3) *Notwithstanding the provisions of subclauses (1) and (2), where the council is of the opinion that the local community is not likely to be provided with adequate convenience retail*

facilities in the foreseeable future, the council may grant consent to a service centre which is at variance with the criteria set out in subclauses (1) and (2).

- i. Whilst 2 Service Centres will in fact be located on the one allotment (the Parklea Markets site) and are approximately only 1 kilometre apart by straight line distance and 1.3 kilometres apart by road, they are not on the same road (one is on Sunnyholt Road and the other on Old Windsor Road) and hence the requirements of this clause will be met.

3. Potential Traffic Impacts of a New Service Centre on Sunnyholt Road, Glenwood

- a. Although detailed development issues are generally addressed at the Development Application stage, potential locational constraints and traffic impacts are considered crucial to deciding whether or not to proceed with the current Planning Proposal, particularly given that approval of the Service Centre will displace existing overflow car parking for the Markets.
- b. In this regard it is noteworthy that Council has in the past not supported an amendment to BLEP 1988 to allow a Service Station, Convenience Store, carwash facility and Restaurant on land directly opposite Parklea Markets on the western side of Sunnyholt Road. This land comprises the triangular portion of land opposite the entrance to Parklea Markets off Sunnyholt Road, being described as Lot 34, DP 852380.
- c. The Council Officer's report (DSR:236) which was considered by Council at its Ordinary Meeting on 12 June 1996 concluded:
 - i. *It is considered that the **proposed development** at the subject location is **undesirable** having regard to its potential traffic impact. Sunnyholt Road is an arterial road which will form the main connection between the Rouse Hill Development Area and Blacktown and it is therefore essential that the road provides a high degree of uninterrupted traffic flow.*
 - ii. *A high traffic-generating development with a frequent turnover such as that associated with a Service Station/Convenience Store is therefore unfavoured at this location.*
 - iii. *However, opportunities may exist for less conventional permissible residential land uses to occupy the site. In this regard, it is noted that a Motel, possibly with an associated dining area, is not a prohibited land use under the current 2(a) Residential zoning and, as the duration of patrons' visits are longer, the traffic impact would be less severe.*
- d. A request was subsequently lodged for Council to reconsider its refusal of the draft Local Environmental Plan on the basis of the Applicant removing the Service Station component. An amendment to BLEP 1988 was then supported by Council and Clause 45 was added to the written instrument on 20 February 1998 to allow a Motel and Restaurant on Lot 34, DP 852380 Sunnyholt Road, Stanhope Gardens.
- e. This development never went ahead however and the land is now being developed for 50 x 2 storey townhouses.
- f. Given potential traffic impacts from the Parklea Markets' proposal and the uncertain

nature of the Parklea Markets site's future development opportunities given that a Part 3A proposal has been submitted to the NSW Government for a broader redevelopment of the site, the Planning Proposal and accompanying Review of Existing Parking Demands were referred to Council's Manager Traffic and City Projects for comment.

- g. The Traffic Management Services (TMS) Section has reviewed the Planning Proposal for the Service Centre and Restaurant and accompanying Parking Report prepared by Varga Traffic and has provided the following comment:

"The proponent engaged a consultant (Varga Traffic Planning) to assess the parking demand for the existing Parklea Markets operation. According to the Applicant's consultant this overflow carpark has 300 parking spaces, however it appears that there are more than 300 parking spaces in that overflow car parking area. TMS counted approximately 550 parking spaces in the overflow car parking area by using Council's aerial photograph. Similarly, TMS counted approximately 1,850 parking spaces in the main car parking area of the Parklea Markets compared to 2,300 spaces as mentioned in the Parking Report. There is a difference of 450 spaces in the main car parking area and 250 in the overflow car parking area from the numbers quoted in the Parking Report. In total there is a discrepancy of 700 parking spaces which is considered a significant difference. TMS is concerned with the accuracy of the information provided in the Parking Report and would like an independent verification before the determination of this rezoning application. It is suggested that an independent consultant be engaged to verify the existing parking stock and to ascertain the future parking needs of the Parklea Markets in consideration with seasonal variation in parking demands.

The Parking Report concluded that the Parklea Markets can function without this overflow parking area based on a survey undertaken in August 2010. However, site observation indicated that this overflow parking area is regularly used by people going to the Parklea Markets on weekends. Removal of these parking spaces is considered a significant loss of parking which would ultimately affect the availability of car parking for Market patrons.

Whilst TMS, in principle, does not raise objection to the Planning Proposal for a Service Centre and Refreshment Room at the Parklea Markets, however final comments on the proposal will be provided once an independent consultant report is submitted for TMS' consideration. Our aim is to ensure that adequate parking spaces are provided to satisfy the parking demand of the Parklea Markets once the overflow parking area is not available for parking.

As part of the Planning Proposal a separate Traffic Impact Report should be submitted to enable Council to ascertain the traffic impact of the Proposal and potential remedial measure(s) if required."

- h. The Land and Environment Court had previously approved 1,070 spaces in this area

(Area D) via a "Parking Layout" Approved Plan associated with DA-90-20. Approval of a Service Centre at this location will displace this carpark in its entirety and the appropriateness of this being agreed to will depend upon further justification from the applicant which proves that there is sufficient unused capacity in other parking areas on the site for this displaced parking to be accommodated elsewhere.

- i. The **discrepancy in parking figures needs to be investigated** as it will impact on whether alternative overflow parking is necessary and, if so, where and in what quantity such can be accommodated on site. Arrangements are being made for TMS staff to consult with Varga Traffic Planning to review these figures. Following internal discussion it has been determined that **an independent parking verification is not necessary** and that the applicant's consultant, Varga Traffic Planning, should review their previous report and justify with quantifiable data, and parking surveys of the site in operation on weekends, why the overflow parking should not be replaced elsewhere on site.
- j. Whilst a Parking Assessment Report has been provided which will need to be revised depending on the outcome of the review outlined in i. above, **a technical Traffic Impact Report has not been submitted** specifically for the Sunnyholt Road portion of the site.
- k. It is noted that Council has required **Traffic Reports** to accompany previous proposed amendments (i.e. Old Windsor Road Service Centre and the proposed Service Centres on Sunnyholt Road) to ensure that the proposals would not result in unacceptable traffic delays or have a great impact on the operation of intersections in the vicinity. It is noted that this is also a **statutory requirement of Clause 47(1)(b) of BLEP 1988** (refer to Section 2h).
- l. It is noteworthy that the Applicant for the Service Centre and KFC is the same Applicant for the Motel Planning Proposal on the eastern fringe of the subject site. Mr Polvere has, in an earlier deputation to Council's Planning and Development Committee in February 2011 (dealing with the Motel Planning Proposal), undertaken to provide all the necessary studies and supporting information to facilitate an holistic assessment for the site.
- m. The TMS Section of Council indicates that a separate Traffic Impact Report should be submitted by the applicant, as a detailed analysis of the potential cumulative economic and traffic impacts would provide a more substantive basis for consideration of the Planning Proposal. Both the revised Parking Report and Traffic Impact Report should be submitted to Council prior to the exhibition of the proposal in the event that a Gateway Determination is issued by the Minister for Planning.
- n. Council consulted the RTA regarding access arrangements for the proposal, particularly as the Applicant had submitted a Concept Plan in 2005 which showed 3 access points into the Service Centre. As part of discussions over the Planning Proposal the Applicant indicated to Council Officers that the owner had received RTA support in principle to the 3rd access point in the middle of the site. Council requested verification of this from the RTA. The RTA responded by raising no objection to the Planning Proposal to allow a Service Centre at this location, but noting that it does not support additional access to/from Sunnyholt Road. Therefore access into the site will be limited to the existing 2 signalised intersections. Consideration will need to be given at the Development Application stage to providing sufficient queuing areas at these intersections in order to get back onto Sunnyholt Road.

4. LEP Amendment Process

- a. In July 2009 the NSW Government introduced reforms to the *Environmental Planning and Assessment (EP&A) Act 1979* to expedite the assessment and processing of Local Environmental Plans (LEPs).
- b. The initial step in making a LEP is for the relevant Planning Authority, in this case Council, to formally consider the Planning Proposal and decide whether or not to proceed. The Planning Proposal sets out the justification for preparing a LEP. Section 5 of this report discusses the merits of this particular Planning Proposal.
- c. If Council decides to proceed, the next step in the process is to forward Council's resolution and Planning Proposal to the Minister for Planning seeking a "Gateway Determination". The Determination will stipulate whether the Minister for Planning supports the amendment to proceed to the next stage and, if so, it will detail the requirements for any further technical studies, consultation with government authorities (Section 56 of the Act) and public exhibition timeframes (Section 57 of the Act).
- d. A crucial issue that Council is presently seeking clarification on from the Minister for Planning relates to the use of "enabling clauses". Council in recent times has received 2 conflicting Gateway Determinations for Planning Proposals that intended to allow a broader range of uses under **existing clauses** in BLEP 1988.
- e. In one Gateway Determination (for the Parklea Markets Motel Planning Proposal) a clause amendment is what was presented in the Planning Proposal forwarded to the Department of Planning and Infrastructure (DPI). In a later Gateway Determination (signed 5 days after the aforementioned Gateway Determination) a direction was given from the DoP to rezone an industrial site to commercial which is contrary to the intent of the Planning Proposal drafted by Council which was based upon an enabling clause to add an additional permissible land use.
- f. The attitude of the DPI to this Service Centre Planning Proposal, which also involves an enabling clause, may affect whether or not a Gateway Determination is granted by the Minister for Planning.

5. Justification for the Clause Amendment

- a. An integral part of the new planning reforms and amending an LEP is the preparation of a "Planning Proposal" (Section 55 of the Act). The Planning Proposal stipulates the intent, benefits and any impacts of the proposed LEP amendment, as well as compliance with relevant State Government Growth Strategies, Ministerial Directions and State Environmental Planning Policies.
- b. The Planning Proposal at **Attachment 2** indicates that the intended outcomes are as follows:

i. New Service Centre - Sunnyholt Road

"The objectives or intended outcome of this Planning Proposal for Area 1 is to amend Blacktown Local Environmental Plan (BLEP) 1988 to enable Council to consider a "service centre" to be developed on the site."

■ **Applicant's Justification:**

- The development of a Service Centre on **Area 1** is currently prohibited development under the current BLEP 1988 and a change to the LEP is required to allow the Blacktown Council to consider a proposal to allow the development of a Service Centre.

ii. Additional Restaurant Facilities in Existing Service Centre - Old Windsor Road

*"The objectives or intended outcome of this Planning Proposal for **Area 2** (the existing Service Centre site) is to amend BLEP 1988 to enable Council to consider additional "restaurant facilities" to be developed on the site."*

■ **Applicant's Justification:**

- Pursuant to Clause 46(3) of BLEP 1988, the development of additional restaurant facilities in the existing Service Centre on **Area 2** is currently restricted to not more than 800 sq.m of floor space. Currently the existing Hungry Jacks and Outback Steakhouse restaurants have a combined total floor space of around 788 sq.m, which effectively prohibits the consideration of any further restaurant facilities on the site. A change to the LEP is required to allow Blacktown Council to consider a proposal to allow additional restaurant facilities on the site.

6. Political Disclosure Statement

- 11/11696
- In accordance with the provisions of Section 147 of the Environmental Planning and Assessment Act 1979, a Disclosure Statement must be lodged in certain circumstances in relation to any planning application, i.e a Development Application, an application to modify a consent, and an application to make an environmental planning instrument or development control plan.
 - A Disclosure Statement of a *reportable political donation or gift* must accompany a planning application or submission (including a submission either objecting to or supporting the proposed development) if the donation or gift is made within 2 years before the application or submission is made. If the donation or gift is made after the lodgement of the application, a Disclosure Statement must be sent to Council within 7 days after the donation or gift is made. The provision also applies to an associate of a submitter.
 - In accordance with Section 147(3) of the Act a Disclosure Statement **has been submitted** to Council in respect of the subject Planning Proposal, a copy of which is provided at **Attachment 3**.

7. Conclusion

- The Applicant contends that the Sunnyholt Road site is suitable for a Service Centre for the following reasons:
 - The site is in strategic location in relation to the existing North-West Bus T-Way and the proposed North West Rail Link which are both recognised in the Metropolitan Strategy as potential renewal corridors.

- ii. The Planning Proposal will focus additional employment and economic activity in potential renewal corridors consistent with a key objective of the Metropolitan Strategy.
- iii. The site is claimed to no longer be required to provide for "overflow" car parking for Parklea Markets.
- b. Additional restaurant facilities in the existing Service Centre on Old Windsor Road is justified in that the site is currently occupied by one fast food facility (Hungry Jacks) and one sit-down restaurant facility (Outback Steakhouse) which has a combined floor area of around 788 sq.m. By increasing the maximum restaurant floor space allowed on this site, a 2nd fast food facility could be accommodated, in the form of a KFC. This is not an unusual request for a Service Centre.
- c. As it is considered that both proposals have some merit, subject to more rigorous analysis by way of Parking and Traffic Impact Reports, it is **recommended** that the Planning Proposal be submitted to the next stage of the assessment process, being the Gateway Determination.
- d. In order to progress the Planning Proposal relating to an existing and a proposed Service Centre on the Parklea Markets site it is **recommended** that Council seek endorsement as part of the Gateway Determination that a Traffic Impact Report and revised Parking Report be submitted by the applicant prior to exhibition occurring, given previous Council concerns relating to similar proposed land uses in this locality and the siting of the new facility on a busy State Road.
- e. The Applicant should be advised of Council's decision and that such decision should not be construed in any way as constituting Council support for the proposed LEP amendment. Council is seeking a Gateway Determination to determine what further technical studies are required to accompany the Planning Proposal so that public and statutory authority comment can be sought prior to making a final decision.

RECOMMENDATION:

1. Council resolve to forward the Applicant's Planning Proposal held at Attachment 2 to the Minister for Planning seeking a Gateway Determination to undertake a clause amendment to Blacktown Local Environmental Plan 1988 to allow the development of a new Service Centre on Sunnyholt Road and additional restaurant facilities within the existing Service Centre on Old Windsor Road. Council advise the Minister for Planning that a Traffic Report and revised Parking Report are recommended to be required to be submitted by the applicant to Council prior to exhibition of the proposal occurring.
2. The Applicant be advised of Council's decision and that such decision should not be construed in any way as constituting Council support for the proposed LEP amendment. Council is seeking a Gateway Determination to determine what further technical studies are required to accompany the Planning Proposal so that public and statutory authority comment can be sought prior to making a final decision on the proposal.

ATTACHMENTS:

Attachment 1 - Location Plan.



A1SD310042.PDF

Attachment 2 - Planning Proposal for the proposed development of a Service Centre and additional restaurant facilities on part of Lot 100, DP 1092236 Sunnyholt Road, Glenwood.



A2SD310042.PDF

Attachment 3 - Disclosure Statement of a Reportable Political Donation or Gift by Applicant.



A3SD310042.PDF

RECOMMENDATION:

COMMITTEE RECOMMENDATION:

1. Council resolve to forward the Applicant's Planning Proposal held at Attachment 2 to the Minister for Planning seeking a Gateway Determination to undertake a clause amendment to Blacktown Local Environmental Plan 1988 to allow the development of a new Service Centre on Sunnyholt Road and additional restaurant facilities within the existing Service Centre on Old Windsor Road. Council advise the Minister for Planning that a Traffic Report and revised Parking Report are recommended to be required to be submitted by the applicant to Council prior to exhibition of the proposal occurring.
2. The Applicant be advised of Council's decision and that such decision should not be construed in any way as constituting Council support for the proposed LEP amendment. Council is seeking a Gateway Determination to determine what further technical studies are required to accompany the Planning Proposal so that public and statutory authority comment can be sought prior to making a final decision on the proposal.
3. It be noted that Mr. T. Polvere, on behalf of the applicant, attended the Planning & Development Committee meeting between 7.10 p.m. and 7.11 p.m.

COMMITTEE DIVISION

Supported: Collins; Atalla; Bleasdale; Robinson; Donaldson

COUNCIL RESOLUTION:

1. Council resolve to forward the Applicant's Planning Proposal held at Attachment 2 to the Minister for Planning seeking a Gateway Determination to undertake a clause amendment to Blacktown Local Environmental Plan 1988 to allow the development of a new Service Centre on Sunnyholt Road and additional restaurant facilities within the existing Service Centre on Old Windsor Road. Council advise the Minister for Planning that a Traffic Report and revised Parking Report are recommended to be required to be submitted by the applicant to Council prior to exhibition of the proposal occurring.
2. The Applicant be advised of Council's decision and that such decision should not be construed in any way as constituting Council support for the proposed LEP amendment. Council is seeking a Gateway Determination to determine what further technical studies are required to accompany the Planning Proposal so that public and statutory authority comment can be sought prior to making a final decision on the proposal.
3. It be noted that Mr. T. Polvere, on behalf of the applicant, attended the Planning & Development Committee meeting between 7.10 p.m. and 7.11 p.m.

COUNCIL DIVISION

Supported: Atalla; Lowles; Tyrrell; Pendleton; Griffiths; Kelly; Robinson; Diaz; Collins; Dickens; Bilic; Bali; Donaldson; Bleasdale