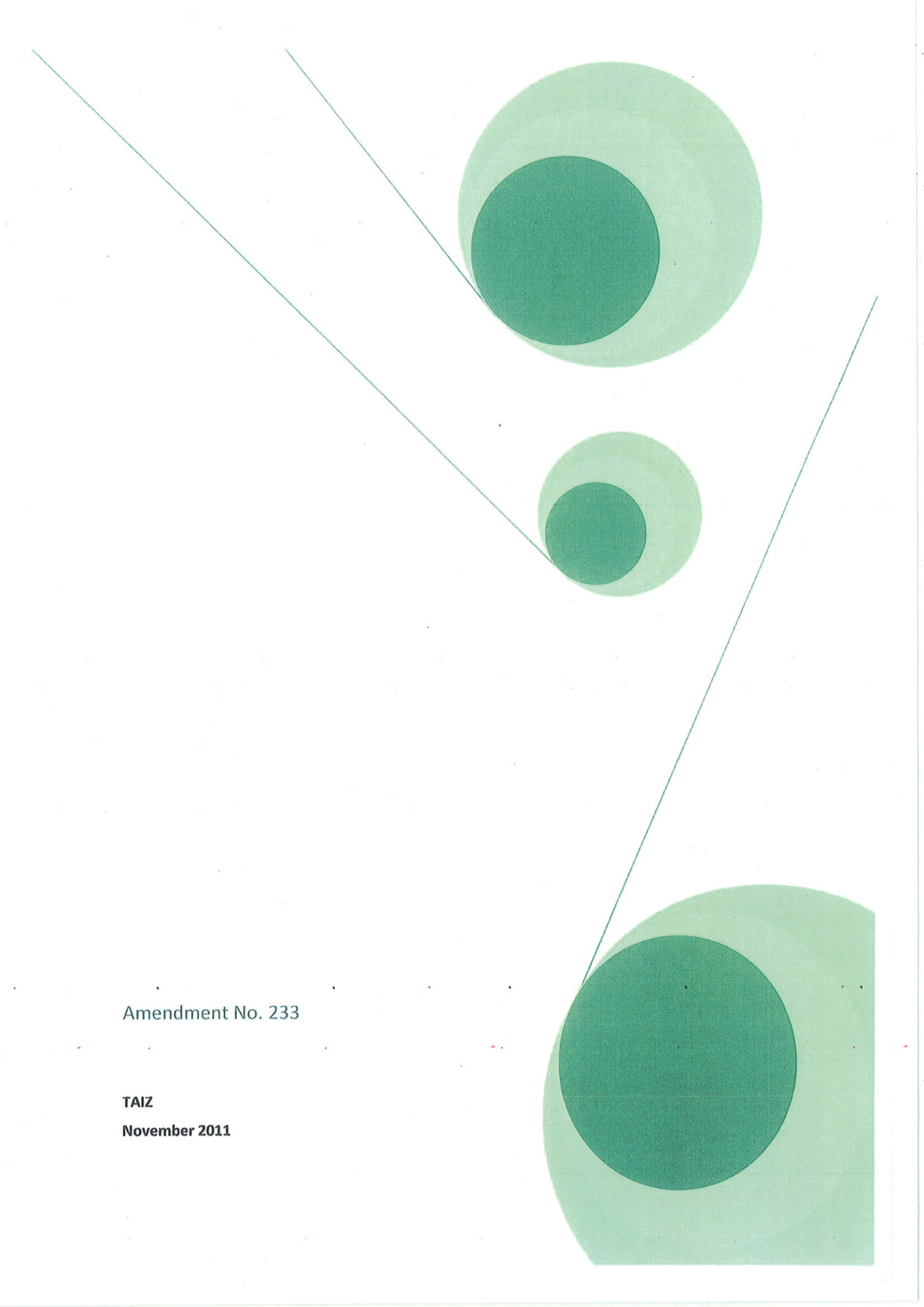


An abstract graphic design featuring three green circles of varying sizes. Each circle consists of a darker green inner circle and a lighter green outer ring. Two thin green lines originate from the top left and extend diagonally across the page, passing near the circles. The bottom right corner features a large, light green rectangular shape with a rounded top-left corner, which contains a large dark green circle. The text 'Amendment No. 233' is located in the lower-left quadrant, and 'TAIZ November 2011' is positioned below it.

Amendment No. 233

TAIZ

November 2011

PLANNING PROPOSAL

Zoning Amendment for Land at the South West Corner of Riverbank Drive and The Ponds Boulevard, The Ponds

Introduction

On 17 June 2011, Council received an application from Australand Holdings to:

- i. rezone Lot 1071 DP 1119679 from 3(a) General Business to 5(a) Special Uses;
- ii. Lot 1074 DP 1119679 from 5(a) Special Uses to 3(a) General Business;
- iii. Part of Lot 1075 DP 1119679 from 2 (a) Residential to 3(a) General Business; and
- iv. Delete Clause 20(C)(3) under Blacktown LEP 1988.

The site is located on the south western corner of Riverbank Drive and The Ponds Boulevard. Lot 1071 DP 1119679 has a single storey commercial building on it which is currently being used as a sales and display office for Landcom. Lots 1074 and 1075 DP 1119679 is undeveloped. (see Figure 1). **Note:** It is acknowledged that the bulk of the information and wording contained in this planning proposal was provided by Urbis Pty Ltd on behalf of Australand Holdings Ltd.

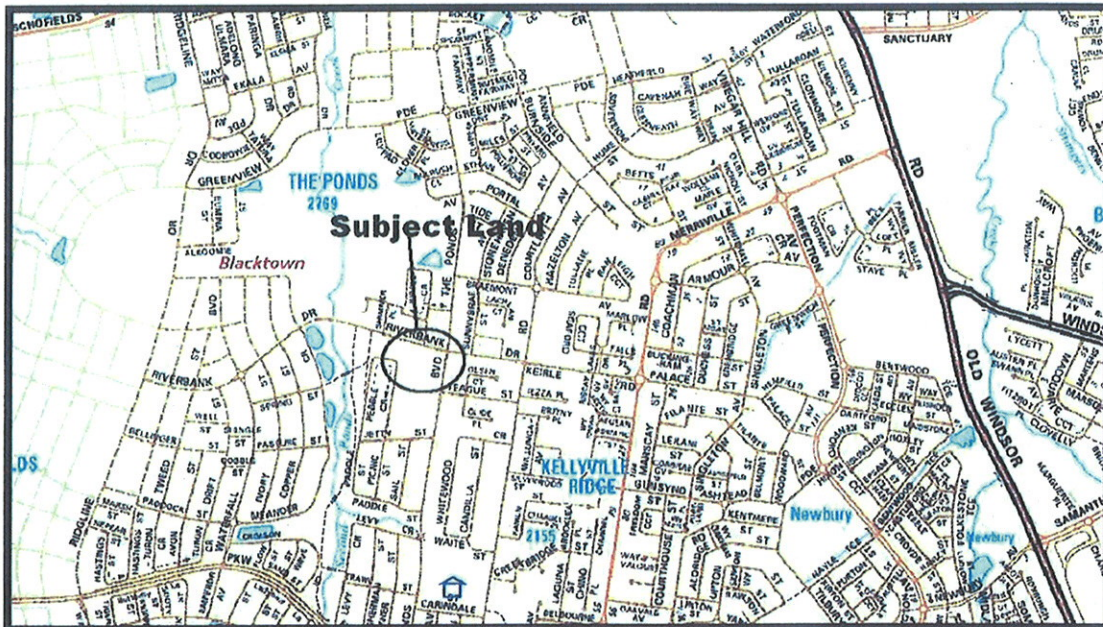


Figure 1: Locality Map

Lot 1071 DP 1119679 has a site area of 4403 m², Lot 1074 DP 1119679 has a site area of 4007 m² and Lot 1075 DP 1119679 has a site area of 9583 m². Lot 1071 DP 1119679 is zoned 3 (a) General Business, Lot 1074 DP 1119679 is zoned 5(a) Special Uses and Lot 1075 DP 1119679 under Blacktown Local Environmental Plan 1988 (BLEP 1988) as shown in Figure 2.

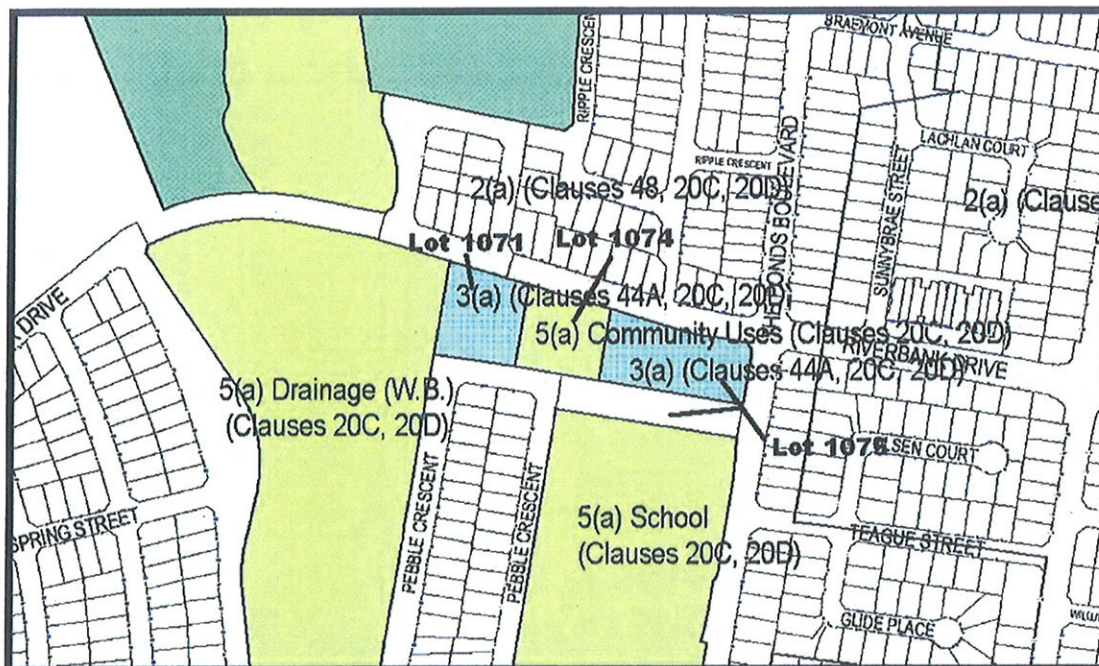


Figure 2 – Zoning Map of land affected by the Planning Proposal

PART 1 - Objectives and Intended Outcomes

The applicant is requesting Council to rezone the land as follows:

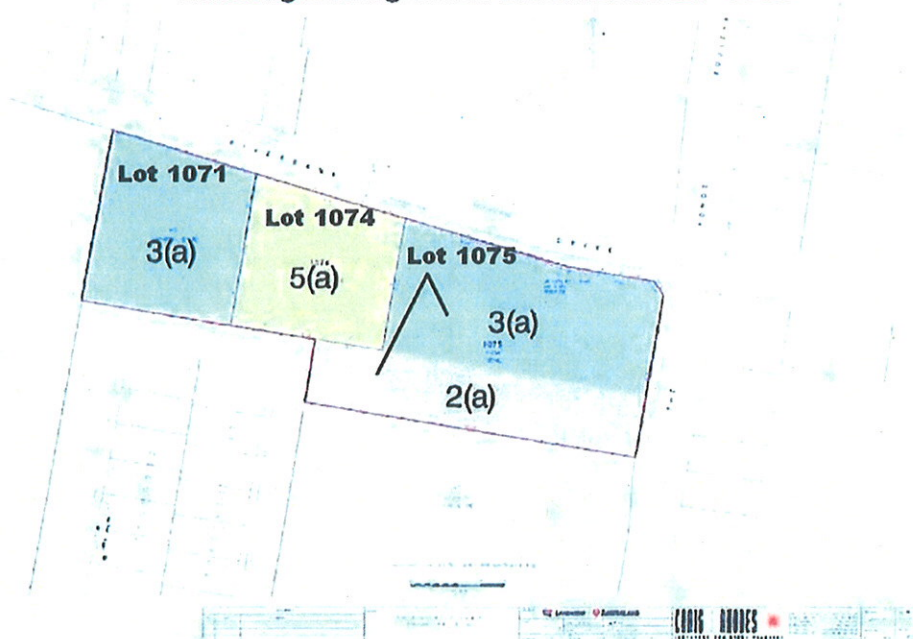
- i. Lot 1071 DP 1119679 from 3(a) General Business to 5(a) Special Uses;
- ii. Lot 1074 DP 1119679 from 5(a) Special Uses to 3(a) General Business; and
- iii. Part of Lot 1075 DP 1119679 from 2 (a) Residential to 3(a) General Business.

The area to be rezoned in part Lot 1075 DP 1119679 from 2 (a) Residential to 3(a) General Business is approximately 4013 m² of which 2560 m² is a proposed road under Section M of Blacktown DCP 2006. The remainder is residue land which has limited residential development potential.

Lot 1071 DP 1119679 has a single storey commercial building on it which is currently being used as a sales and display office for Landcom. Lots 1074 and 1075 DP 1119679 are undeveloped. Once Landcom no longer requires it, it is intended that the building will be modified and used by Council as a community resource hub. The land will be dedicated to Council at no cost.

Lot 1074 and part of Lot 1075 is proposed to be rezoned to 3(a) General Business to facilitate a commercial development (see Figure 3).

Existing Zoning under Blacktown LEP 1988



Proposed Zoning under Blacktown LEP 1988

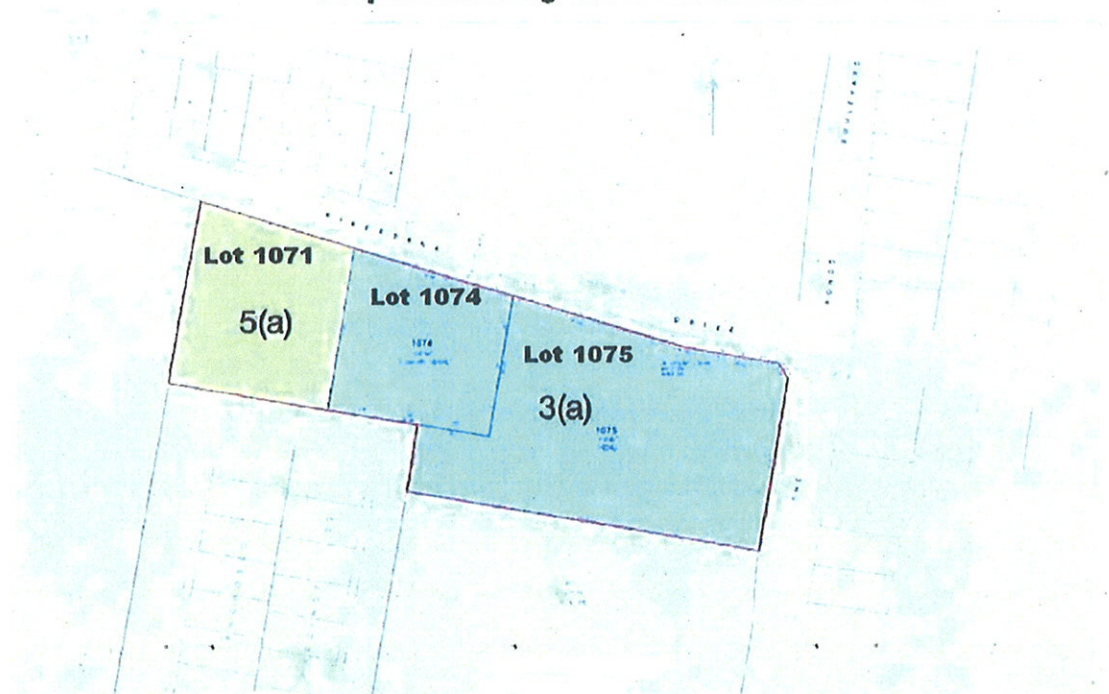


Figure 3 – Map showing Existing and Proposed Zoning

PART 2 - Explanation of Provisions

The intent of the request to prepare the planning proposal is:

- to realign the existing 3(a) (General Business) Zone and 5(a) Community Uses zone boundaries so that they:
 - accurately reflect the intended future use of the three land parcels (total site area 1.79ha) which comprise The Ponds Neighbourhood Centre; and
 - align with existing and proposed land use activities within the Centre.

- to remove the retail floor space cap that currently applies to that portion of the site currently zoned 3(a) Local Centre under Clause 20(3)(C) of BLEP 1988.

PART 3 - Justification

Section A – Need for the Planning Proposal

i. *Is the Planning Proposal a result of any strategic study or report?*

This Planning Proposal is not the result of any strategic study or report. However, the Blacktown Centres Study 1999 suggests that "Small Neighbourhood" centres be permitted to accommodate a range of floor space up to 5,000 m². It is understood this Study is under review, however Council still relies on this document to inform retail planning decision making. That said, it must be recognised that this Study is over 10 years old.

The extent to which this Study should be relied upon needs to be viewed in context noting that as a principle the Study identified a hierarchy that established a floor space cap for this type of Centre that is significantly greater than that currently imposed on the site. This perhaps was reflective of a more interventionist stance in greenfields situations to ensure that development of new centres did not "get ahead" of incoming population.

The supporting Community Needs Assessment contained in Appendix 1 has validated that, based on more current and up-to-date data, there is forecast capacity within the local trade area to support a retail centre of the scale proposed without undermining current retail hierarchy. This issue is discussed further below.

ii. *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The prohibition of retail development within the 2(a) zone currently prevents the site from being developed in its entirety to deliver new retail facilities. It is clear from the provisions of Blacktown LEP that this strip of Residential 2(a) land was never intended to be used for residential purposes as a planned road corridor is shown extending over this land. Left unchanged, the scenario exists for a residue portion of land that would bisect the retail component from the Centre and the school to the south of the site. This would be an outcome that is inconsistent with the objects of the Act which require the orderly and efficient use of land.

A smaller sub-optimal scheme which does not involve land within the 2(a) zone could be achieved initially by submitting and gaining consent for a Development Application and by relying on Clause 18 of Blacktown LEP 1988 and SEPP 1 – Development Standards to vary clause 20C of Blacktown LEP 1988. The extent of SEPP 1 variation required would however prevent a wider assessment of net community benefit that is more appropriately dealt with via the planning proposal process and as part of Council's preparation of its City Wide LEP.

In the event that the existing sales and display centre is not converted to a community resource hub before the rezoning takes effect, the sales and display hub would continue to have existing use rights as a lawfully approved development.

The intent is for a DA for the community resource hub to be lodged under the current LEP (as a permissible use under the current zoning). Once gazetted, the LEP amendment will simply reflect the new use of Lot 1071 as a community facility. A DA will then be lodged for the retail development on Lots 1074 and 1075.

iii. *Is there a net community benefit?*

The assessment of the net community benefit test under the draft Centres Policy has been applied to the proposed rezoning as follows.

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?

The planning proposal is consistent with the intent of the Metropolitan Plan for Sydney 2036 which supports *"the location of commercial development in the central part of existing or planned centres"* and identifies the need to *"plan for centres to grow and change over time"* as a key action. With regard to the North West, the Metropolitan Plan also notes that *"The Department of Planning will continue to plan for new centres to meet community needs"*.

The planning proposal is consistent with the key principles of the draft DP&I Centres Policy as it:

- Proposes the efficient use of land already identified as a centre, in close proximity to a residential area with good transport links and infrastructure provision;
- Requires only slight degree of flexibility in the current planning controls to enable the optimal development of the centre;
- Responds to growing market demand at the Ponds and environs for high quality convenience retailing;
- Would enhance the competitive retail environment by increasing the range and choice of retailing for residents without adverse effects on the existing retail hierarchy;
- Would facilitate the development of a well-designed centre which would contribute to the overall amenity and sustainability of The Ponds residential estate.

Is the LEP located in a global / regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional / sub regional strategy?

No. Prior to the Metropolitan Plan for Sydney 2036 being published, the Department of Planning published the draft North West Subregional Strategy (SRS) in 2007, to provide more localised dwelling and employment targets and strategic planning initiatives. Despite The Ponds Neighbourhood Centre being planned and zoned for such since 2006, the draft North West Sub-Regional Strategy failed to acknowledge its existence. Despite this, and noting that the sub regional strategies are due to be refined prior to finalisation, the proposal does not derogate from the intent of the draft SRS. In this respect, the scope of the retail offer suggested in the development concept is generally commensurate with a "Village" designation. Subsequent clarification from the DoP Director General confirmed that there is no intention for the range of uses anticipated to occur within a "Village" to be in any way interpreted literally, but rather a reflection of the role and function of each respective Village centre in a sub-regional context.

Please refer to Section 3.3(4) of the Urbis Planning Proposal Document (page 18-19) for additional information.

Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landowners?

No. The current LEP zoning makes provision for retail and community development by zoning the site as a combination of 3(a) Business general and 5(a) Special Uses (community). The planning proposal simply seeks to undertake the following minor amendments:

- Realign the existing 3(a) (General Business) Zone and 5(a) Community Uses zone boundaries so that they accurately reflect the intended future use of the three land parcels (total site area 1.79ha) which comprise The Ponds

Neighbourhood Centre and align with existing and proposed land use activities within the Centre.

- Remove the retail floor space cap that currently applies to that portion of the site currently zoned 3(a) Local Centre under Clause 20(3)(C) of BLEP 1988;
- Foreshadow a minor amendment to Part M of the Blacktown DCP 2006 which would be undertaken concurrently with the LEP amendment.

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

There are no other spot rezoning proposals on the DP&I's LEP tracking website that would have any bearing, or which would be affected by, the planning proposal. The draft planning documents for the Area 20 Precinct within the North West Growth Centre have been considered. The quantum of floorspace has been finalised. The amount of floor space for Area 20 is 12500 m². This is commensurate with the expected population of Area 20 upon completion and has top-up convenience role within the established retail hierarchy.

Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

A retail development of approximately 7,000 m² on the site has the potential to create 250-300 new jobs at the site, in addition to jobs within the proposed Community Resource Hub.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

No. The planning proposal has no impact on the supply of residential land, rather it involves realigning the existing 3(a) (General Business) Zone and 5(a) Community Uses zone boundaries.

Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is there public transport currently available or is there infrastructure capacity to support future public transport?

Yes. The site is located in close proximity to major transport corridors (notably the existing Windsor Road strategic bus corridor and proposed North West Heavy Rail Link) and is zoned for urban development. Local bus services will continue to expand into The Ponds as its development progresses and there is currently a bus stop on Riverbank Drive next door to the proposed centre.

Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

Yes. The inclusion of a larger retail precinct at The Ponds, particularly a full line supermarket, will decrease the number of trips that residents within the Trade Area, particularly the Primary Trade Area (PTA) will have to make. Rouse Hill Town Centre is the largest centre in the region and would be the most likely destination for residents in the trade area to conduct their weekly shopping in the absence of a supermarket at The Ponds. Rouse Hill Town Centre is a 12km round trip for residents in the PTA. If one supermarket trip was made every week by residents of The Ponds, this would equate to a minimum of 574 tonnes of Co2 being omitted into the atmosphere annually. This calculation was based on 1 round trip a week by each household in Seconds Ponds Creek (3,200) driving a V6 sedan or medium four wheel drive. To offset this weekly shopping trip, 3,444 trees would have to be planted each year. This does not take into account any trips made at other times in the week for discretionary or more core shopping.

Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so what is the expected impact?

No. The Ponds residential estate is nearing completion and has been developed by Australand and Landcom. The estate planning has always envisaged a retail centre at the subject site, which is reflected in the current zoning.

Will the proposal impact on land that the government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

No. The site is cleared, levelled and prepared for development.

Will the LEP be compatible / complementary with surrounding land uses? What is the impact amenity in the location and wider community? Will the public domain improve?

Yes. The proposal will provide shopping opportunities for residents of the Ponds estate and environs and will reduce the need for local residents to travel to undertake food and convenience shopping, thereby making a positive environmental contribution.

The centre design concept will utilise a number of positive design elements to enhance environmental performance and to create a high quality amenity, including:

- Activated northern oriented street frontages facing Riverbank Drive;
- External finishes to complement the adjacent school landscaping scheme;
- Extensive perimeter landscaping;
- Use of natural cross ventilation; and
- Use of solar radiation to provide heating, as well as verandas to provide summer shading.

By placing a significant component of the car parking within the basement the design minimises the amount of at-grade hard standing and provides opportunity for significant integration and urban design benefit at ground level.

In addition, the existing school to the south of the site provides screening and buffering to the rear of the proposed centre for any dwellings further south.

Please refer to section 3.3(9) of the Urbis Planning Proposal Document (page 24) for additional information.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes. The planning proposal would permit the development of a larger shopping centre with a stronger anchor tenant (such as a supermarket). In many cases, smaller centres suffer because there is no strong anchor to attract customers. As a result, the centre often begins to look tired or run down, undesirable tenants and vacant properties can also follow. A larger centre usually attracts stronger management with better maintenance and higher design and fit out standards. This results in enhanced choice and competition for customers.

Please refer to section 7.6 of the Urbis Community Needs Assessment (page 32) for additional information.

If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

N/A.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

The public interest reasons for preparing the draft plan include:

- Increased competition in the market place leading to superior products at lower prices for customers;
- Employment creation;
- Demand within the trade area for the proposed development.

The planning proposal can proceed at once, facilitating new retail development which would not jeopardise the viability of any existing centre, indeed no centre will experience an initial impact greater than -7% which is considered a manageable impact.

The implications for not proceeding at this time would be that retail development at The Ponds does not proceed, which would be contrary to the expectations of the resident population and which would result in residents needing to travel greater distances to undertake weekly shopping.

As such there is a positive community benefit from the proposal.

Section B – Relationship to Strategic Planning Framework

- iv. *Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft Strategies)?*

The planning proposal is consistent with the intent of the Metropolitan Plan for Sydney 2036 which supports “the location of commercial development in the central part of existing or planned centres” and identifies the need to “plan for centres to grow and change over time” as a key action. With regard to the North West, the Metropolitan Plan also notes that “The Department of Planning will continue to plan for new centres to meet community needs”. Prior to the Metropolitan Plan for Sydney 2036 being published, the Department of Planning published the draft North West Subregional Strategy (SRS) in 2007, to provide more localised dwelling and employment targets and strategic planning initiatives. Despite The Ponds Neighbourhood Centre being planned and zoned for such since 2006, the draft North West Sub-Regional Strategy failed to acknowledge its existence. This is illustrated in the Centres Map contained in the draft SRS, an extract of which is contained Figure 4 is confirmed by the non-inclusion of The Ponds Neighbourhood Centre in the Schedule of Centres listed on the Centre map in the draft SRS.

Despite this, and noting that the sub regional strategies are due to be refined prior to finalisation, the proposal does not derogate from the intent of the draft SRS. The scope of the retail offer suggested in the development concept is commensurate with a “Village” designation.

Clarification from the DoP&I Director General confirmed that there is no intention for the range of uses anticipated to occur within a “Village” to be in any way interpreted literally, but rather a reflection of the role and function of each respective Village centre in a sub-regional context. For example;

Carlingford is defined as a “Village” under the SRS. Carlingford Court Shopping Centre sits within this “Village” and contains 2 x full line supermarkets, a discount department store (DDS) plus a range of specialities. Similarly Glenmore Park Village Centre has recently obtained planning consent to expand to include an expanded retail offer including a DDS. Conversely Quakers Hill, which is also designated a “Village” centre under the same draft SRS, (described in detail in the Community Needs Assessment Report in Appendix 1), is considerably lesser in scale than these other two aforementioned centres but are each deemed to be playing similar roles in the overall hierarchy of Centres throughout the sub-region.

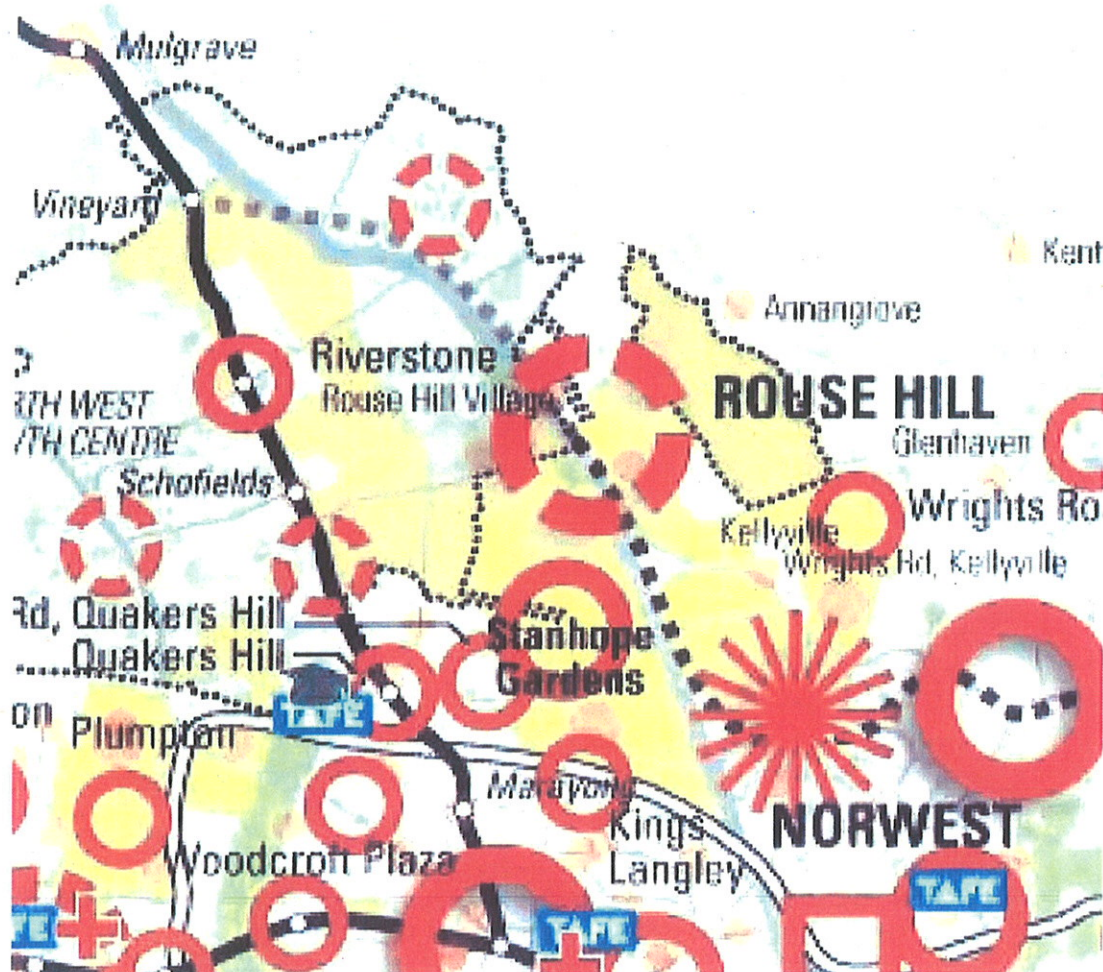


Figure 4 – Extract from Draft North West Regional Strategy

This divergence in role and function on similarly classified Centres under the draft SRS forms the basis of one of the core principles that is contained in the Draft Centres Policy issued by the Department in 2009.

The Community Needs Assessment Report provides some useful benchmarking of neighbourhood centres which tend to highlight that newer centres within master planned estates (e.g. Glenwood and Circa Retail) tend to provide a higher order of actual retail provision but do not challenge hierarchy.

The draft Policy suggests that the market should determine the ultimate need/scale for retail centres, being regulated purely in terms of maintaining a hierarchical ordering of Centres in terms of their role and function. This is clearly evidenced by the comparable benchmarks above.

The planning proposal is consistent with the key principles of the draft Centres Policy as it:

- Proposes the efficient use of land already identified as a centre, in close proximity to a residential area with good transport links and infrastructure provision;
- Requires only slight degree of flexibility in the current planning controls to enable the optimal development of the centre;
- Responds to growing market demand at the Ponds and environs for high quality convenience retailing;
- Would enhance the competitive retail environment by increasing the range and choice of retailing for residents without adverse effects on the existing retail hierarchy;

- Would facilitate the development of a well designed centre which would contribute to the overall amenity and sustainability of The Ponds residential estate.

The draft Centres Policy notes that:

"the positive benefits of clustering retail and commercial development in centres can only be achieved where centres are able to grow and new centres form. Increases in population and real incomes and a constantly changing and evolving economy means that the planning system needs to respond dynamically to prevailing market demand".

The Community Needs Assessment in Appendix 1 highlights that population growth and increasing available expenditure within the Main Trade Area (MTA) will create demand for an enhanced shopping centre, in excess of the 1,500 m² which is currently prescribed in the planning controls pertaining to part of the site. The report confirms that an expanded centre can be accommodated without adverse impacts on other centres within the retail hierarchy.

The population forecasts as detailed in the Community Needs Assessment Report provided below are based on projected growth within the MTA, which is illustrated in Figure 5.

The Ponds Trade Area Population, 2001-2021

Trade Area Sector	Forecast Population					
	2001	2006	2009	2011	2016	2021
Primary Trade Area	850	1,080	2,440	3,470	10,470	10,720
Secondary Trade Area						
• North East	0	2,670	3,790	4,130	4,930	5,060
• South East	500	2,300	4,780	5,300	5,580	5,750
Total Secondary	500	4,970	8,570	9,430	10,510	10,810
Main Trade Area	1,350	6,050	11,010	12,900	20,980	21,530

Figure 5 Main Trade Area

The Community Needs Assessment Report states:

The Primary Trade area is forecast to grow to 10,470 by 2016, equating to growth of 24.7% per annum, slowing to 0.5% per annum thereafter. The main trade area is forecast to increase rapidly from 12,900 in 2011 to 21,530 in 2021, representing average annual growth of 5.3% over the 10 year period.

The MTA has been identified in the Community Needs Assessment Report and consists of the following:

- A **Primary Trade Area (PTA)** includes The Ponds and the Braemont residential estates. This sector is bounded to the north by Schofields Road; to the east by Second Ponds Creek and to the south by Stanhope Parkway. To the west the primary trade area contains parts of the future residential release area, Alex Avenue and is bounded by Hambledon Road.
- A **Secondary North East Trade Area (SNETA)** includes the suburbs of Kellyville Ridge and parts of The Ponds. It is limited to the north by Castlebrook Cemetery, to the east by Windsor Road and to the west by Second Ponds Creek.
- A **Secondary South East Trade Area (SSETA)** which includes the suburb of Stanhope Gardens including the Newbury residential estate. This sector is bounded by Old Windsor Road to the east and Stanhope Parkway to the south.

Specific economic impacts are discussed in more detail in the Community Needs Assessment Report. The planning proposal is therefore consistent with the draft Centres Policy which aims to ensure that:

"the supply of land for retail and commercial development accommodates demand in all existing and new centres."

The Community Needs Assessment Report clarifies what the role and function will be for The Ponds, namely a focus on convenience. It is appropriate for floor space caps to be lifted where they currently apply. This can be achieved without undermining the planned hierarchy for such Centres as described in the draft SRS and as per the local planning hierarchy contained in Blacktown Centres Study.

This proposal does not represent a radical departure from the current situation, i.e, the current zoning of The Ponds Neighbourhood Centre is predominantly General Business 3(a). This is the same zoning as nearby Stanhope Village which contains a supermarket and a DDS, and Blacktown CBD, which contains Westpoint Shopping Centre, now one of the largest in metropolitan Sydney. However, these Centres are quite different in terms of role and function and this is reflected in their Town Centre and Major Centre designations respectively under the draft SRS. The fact that The Ponds Neighbourhood Centre is within an estate that is under development and whose site boundaries are already defined by an established pattern of development that surrounds it means that there is virtually no opportunity for it to be enlarged. Its role is precluded from altering beyond what is proposed in the development concept and thereby removing any potential to undermine sub-regional (and local) centres hierarchy.

Due to surrounding land uses and road network there would be no opportunity (and there is no intent) to expand the centre beyond the scale envisaged in this planning proposal request.

vi. *Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?*

The proposal is consistent with the relevant State Environmental Planning Policies (SEPPs) as outlined below:

- State Environmental Planning Policy (Competition) 2010

The aim of the SEPP is to promote economic growth and competition and to remove anti-competitive barriers in planning. Whilst the specific provisions of the SEPP, (to negate any planning controls which limit the number of a particular type of retail premises) do not apply directly, the planning proposal is consistent with the aims of the SEPP by responding to market demand to provide convenient retail facilities to meet daily needs of residents at the Ponds.

- SEPP 55 – Remediation of Land

This SEPP requires planning authorities be satisfied that environmental risks associated with the activities of past land uses be taken into account when considering a change of zoning that may be more sensitive to the risks created by past site activities. As the site is already zoned for urban purposes, it is assumed that Council is satisfied that the site is suitable for neighbourhood centre uses.

- SEPP - Infrastructure 2007

As the site is already zoned for urban purposes and forms part of a larger estate that is now under development, it is assumed that Council is satisfied that there is adequate infrastructure in place to service this use. Any future development application will require an assessment of traffic issues as per the terms of the SEPP.

- SREP 19 – Rouse Hill Development Area (deemed SEPP)

The site is located within the Rouse Hill Development Area, in which SREP19 applies. The SREP seeks to coordinate planning and decision-making for long term growth, identifying land that is suitable for urban purposes and providing for its orderly and economic development. The plan contains objectives to ensure the LEPs made by Council contain provisions to ensure achievement of the plans objectives. As of 1 July 2009, REPs are no longer environmental planning instruments in NSW. All existing REPs are now deemed SEPPs. The provisions of REP 19 are however still relevant to the development of the site.

The REP:

- Encourages job opportunities by developing a hierarchy of centres.
- Promotes the efficient and timely provision of services.

vii. *Is the Planning Proposal consistent with applicable Ministerial Directions?*

The following S117 Directions may apply to the Planning Proposal:

DIRECTION	COMMENT
1. Employment and Resources 1.1 Business and Industrial zones	This proposal will enhance the employment generating capacity of the planned neighbourhood centre at The Ponds without adversely affecting the viability of other higher order centres in proximity. This is demonstrated in the Community Needs Report which states that: <i>"The subject development is... unlikely to have a detrimental impact on the economic viability of any competing centre. Due to growth in spending, as well as the size and scale of the development, no retail centre is forecast to experience an impact greater than -7.8%</i>

DIRECTION	COMMENT
	which is considered to be a manageable level of impact. Indeed, other than Stanhope Village and ALDI Rouse Hill no other centre will trade with impact levels greater than 5%. Stanhope Village currently performs strongly and benefits from the inclusion of a Kmart DDS. The addition of an ALDI supermarket is expected to enhance its performance. ALDI at Rouse Hill is also likely to benefit from residential development associated with the second stage of Rouse Hill Town Centre as well as any future development in the east of Area 20. Post-development of The Ponds the turnover of all competing stores in 2013 will be higher than turnover levels in 2011. Indeed, in 2013 Stanhope Village's trade will have increased by +11.7% compared to 2011 performance".
1.2 Rural zones	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A
1.4 Oyster Aquaculture	N/A
1.5 Rural Lands	N/A
2. Environment and Heritage	Consistent
2.1 Environment Protection Zones	N/A
2.2 Coastal Protection	N/A
2.3 Heritage Conservation	N/A
2.4 Recreation Vehicle Access	N/A
3. Housing, Infrastructure and Urban Development	Consistent
3.1 Residential Zones	Consistent The planning proposal will result in a loss of residentially zoned land on Lot 1075. The loss equates to approximately 4032 m² of which 2435 m² is for a proposed road under the Blacktown DCP 2006. The net loss in reality is just 1597 m² approximately. This is considered minor. Notwithstanding, the proposal complies with the objectives of the 117 Direction.
3.2 Caravan Parks and Manufactured Home Estates	Applicable. Under the existing 2(a) Residential zone under BLEP 1988, caravan parks and manufactured home estates are not permissible. Under the proposed 3 (a) zone, these land uses are also not permissible.
3.3 Home Occupations	Consistent. This land use is permissible under the Housing Code.
3.4 Integrating Land Use and Transport	Consistent. This direction requires integration of land use and transport planning at the local and regional levels. Given that the site is located in close proximity to major

DIRECTION	COMMENT
3.5 Development near Licensed Aerodromes	transport corridors (notably the existing Windsor Road strategic bus corridor and proposed North West Heavy Rail Link) and zoned for urban development, the proposed rezoning to facilitate a retail centre will satisfy the requirements of this direction. Local bus services will continue to expand into The Ponds as its development progresses and there is currently a bus stop on Riverbank Drive next door to the proposed centre. N/A. The land is not near a licensed aerodrome.
4. Hazard and Risk	
4.1 Acid Sulphate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	Consistent The land is bushfire prone. Consultation with the RFS will be required following receipt of a Gateway Determination.
5. Regional Planning	Consistent
5.1 Implementation of Rezoning Strategies	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in regional and sub-regional strategies. The proposal achieves the intent of the draft NWSRS in that it will service the retailing needs of the incoming planned population associated with the Second Ponds Creek. N/A
5.2 Sydney Drinking Water Catchments	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A
5.6 Second Sydney Airport (Badgerys Creek)	N/A
6. Local Planning Making	
6.1 Approval and Referral Requirements	Consistent
6.2 Reserving Land for Public Purposes	N/A
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls, noting that an LEP amendment shall allow that land use to be carried out in the zone the land is situated on. The

DIRECTION	COMMENT
	proposed amendment is consistent as it will simplify the planning controls on the subject site and enable provision for an appropriate quantum of retail floor space to meet local need. The original inclusion of the existing floor space cap provided an effective means by which Council could control the evolution of centres in what was at 2006 a new emerging part of Sydney north west growth corridor. At that time, the planned higher order centres of Stanhope Village and Rouse Hill Town Centre were either only recently established or under development. It is good planning practice to ensure that this prioritisation and higher ordering of other centres was not undermined. During the intervening period, these Centres have become established and trade area characteristics have become far more predictable such that retail trade area capacities and impacts can in turn become far more defined and quantifiable. This situation renders it appropriate to now remove the site specific provisions under cl 20(3)(C).
7. Metropolitan Planning	Consistent
7.1 Implementation of the Metropolitan Strategy	The Planning proposal is consistent with the NSW Government's Metropolitan Strategy and the North West Draft Sub Regional Strategy.

Section C – Environmental, Social and Economic Impact

viii. *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 site is cleared, levelled and prepared for development.

ix. *Are there any other likely Environmental Effects?*

No other adverse environmental impacts are foreseen.

x. *How has the Planning Proposal adequately addressed any social and economic effects?*

Social Effects

The proposal has community benefits as stated below:

- o Establishing a community focal point which will create opportunities for social interaction for the future residents of the area.
- o Providing a place to socialise in an environment which is active, vibrant and close to home.
- o Decreased number of trips that residents within the trade area make to higher order centres.
- o Increased retail choice and shopper convenience.
- o Enhanced employment opportunities within the centre.

The highly accessible location of the centre would offer the community a place to interact.

Economic Effects

The provision of a larger centre at The Ponds will not jeopardise the surrounding retail hierarchy, nor does it seek to. The retail centre envisaged for The Ponds intends to cater for day to day and weekly convenience shopping needs of residents within the trade area.

The Community Needs Assessment demonstrates that the proposed development would not adversely affect the vitality and viability of any of the existing centres within the MTA. Due to growth in spending, as well as the size and scale of the development, no retail centre is forecast to experience an impact greater than -7.8% (Stanhope Village) which is considered to be a manageable level of impact.

Other than Stanhope Village and ALDI Rouse Hill no other centre will trade with impact levels greater than 5%.

Stanhope Village currently performs strongly and benefits from the inclusion of a Kmart DDS. The anticipated addition of an ALDI supermarket is expected to enhance its performance. ALDI at Rouse Hill is also likely to benefit from residential development associated with the second stage of Rouse Hill Town Centre as well as any future development in the east of Area 20.

The post-development of The Ponds the turnover of all competing stores in 2013 will be higher than turnover levels in 2011. In 2013 Stanhope Village's trade will have increased by +11.7% compared to 2011 performance.

A larger retail centre will be more sustainable in the long term for The Ponds because it will meet the weekly shopping needs of local residents far better than a 1,500 m² centre which can only satisfy top up shopping.

Removing the floor space cap will allow a wider range of goods and services to be provided, thereby giving residents the opportunity to have access to greater choice and convenience. The provision of a larger retail centre at The Ponds will:

- Result in a greater integration of land uses within the town centre;
- Reduce the number of trips required to other centres;
- Provide residents of the main trade area an alternative destination to conduct their main household and top up shopping;
- Encourage a higher quality tenant mix;
- Reduce the likelihood of the centre becoming run down as it will be a higher calibre centre;
- Create jobs within the community;
- Create competition between retailers thereby resulting in a cheaper, better quality product for residents; and
- Provide a level of convenience that is unachievable by a 1,500 m² retail centre.

Section D – State and Commonwealth Interests

xi. Is there adequate public infrastructure for the Planning Proposal?

As the site is currently zoned for urban purposes and is under development, adequate utility services and infrastructure is available to support the development concept. There is therefore no additional cost to the public sector resulting from expanding the amount of permissible retail development on the site.

xii. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Relevant public authorities will be consulted as instructed by the Department of Planning and Infrastructure.

Part 4 - Community Consultation

The planning proposal is considered to be low impactive for the following reasons:

- The proposal is consistent with the surrounding land uses. The proposed rezoning is within the Ponds Precinct being an existing residential release area. The surrounding land uses being residential.
- The proposal is consistent with the strategic planning framework, in particular the NSW Government's Metropolitan Strategy and the North West Draft Sub Regional Strategy through the provision of extra housing in the North West Growth Centre.
- The planning proposal presents no significant issues with regard to infrastructure servicing.
- The proposal is not a principal LEP. It amends BLEP 1988.
- The proposal does not involve the reclassification of public land.

As such, the proposed community consultation period for this Planning Proposal is 14 days.



ZONES

- Zone No 3(a) General Business
- Zone No 5(a) General Special Uses (Community Uses)

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979

BLACKTOWN LOCAL ENVIRONMENTAL PLAN 1988
(Draft Amendment No 233)

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

The plan amends Blacktown Local Environmental Plan 1988 over the land edged in heavy black line.

Consolidated in accordance with the Environmental Planning & Assessment Act 1979, and Regulation 2000.

General Manager

Date

NOTE: Do not scale from this map. Use D.P. information for accurate dimensions.

Plot date: 20/07/2011

Checked	Planning Officer	Council File No	RZ-11-1249	Certificate Plan No	Date	Dept. File No	Locality	The Ponds	Scale	1:2500	County	Cumberland
							Parrish	Gidley				

W:\mgard\Drawings\LEP\Amendment No 233 - Draft.xml

Printed by: Halc

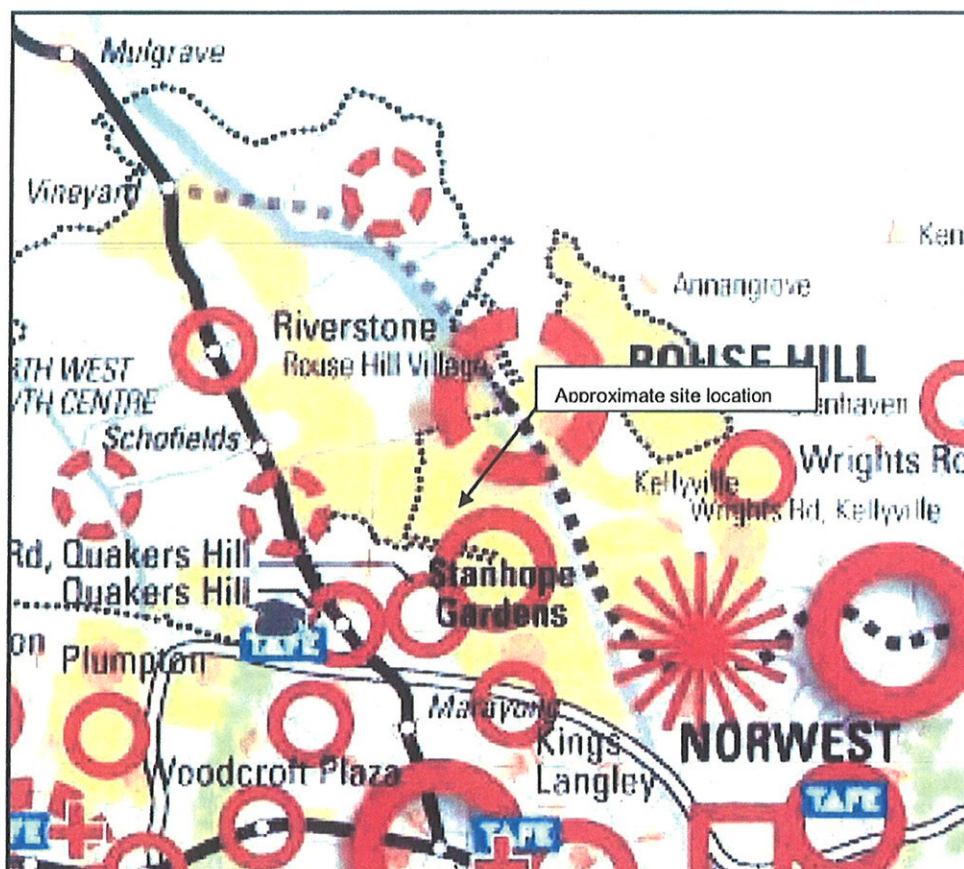
Based on construction costs of approximately \$19.5m the proposed development may also create up to 52 jobs at the construction phase.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy?

This request to prepare a planning proposal is consistent with the intent of the Metropolitan Plan for Sydney 2036 which supports *"the location of commercial development in the central part of existing or planned centres"* and identifies the need to *"plan for centres to grow and change over time"* as a key action. With regard to the North West and South West Growth Centres, the Metropolitan Plan also notes that *"The Department of Planning will continue to plan for new centres to meet community needs"*.

Prior to the Metropolitan Plan for Sydney 2036 being published, the Department of Planning published the draft North West Subregional Strategy (SRS) in 2007, to provide more localised dwelling and employment targets and strategic planning initiatives. Despite The Ponds Neighbourhood Centre being planned and zoned for such since 2006, the draft North West Sub-Regional Strategy failed to acknowledge its existence. This is illustrated in the Centres Map contained in the draft SRS, an extract of which is contained Figure 13 below is confirmed by the non-inclusion of The Ponds Neighbourhood Centre in the Schedule of Centres listed on the Centre map in the draft SRS.

FIGURE 13 – EXTRACT DRAFT NORTH WEST SUB-REGIONAL STRATEGY



Despite this, and noting that the sub regional strategies are due to be refined prior to finalisation, the proposal does not derogate from the intent of the draft SRS. In this respect, the scope of the retail offer suggested in the development concept is generally commensurate with a "Village" designation. Subsequent clarification from the DoP Director General confirmed that there is no intention for the range of uses anticipated to occur within a "Village" to be in any way interpreted literally, but rather a reflection of the role and function of each respective Village centre in a sub-regional context. For example Carlingford is defined as a "Village" under the SRS, yet Carlingford Court Shopping Centre sits within this "Village" and contains 2 x full line supermarkets, a discount department store (DDS) plus a range of specialities. Similarly Glenmore Park Village Centre has recently obtained planning consent to expand to

include an expanded retail offer including a DDS. Conversely Quakers Hill, which is also designated a "Village" centre under the same draft SRS, (described in detail in the Community Needs Assessment Report in Appendix 1), is considerably lesser in scale than these other two aforementioned centres but are each deemed to be playing similar roles in the overall hierarchy of Centres throughout the sub-region.

This divergence in role and function on similarly classified Centres under the draft SRS forms the basis of one of the core principles that is contained in the Draft Centres Policy issued by the Department in 2009. The Community Needs Assessment Report provides some useful benchmarking of neighbourhood centres which tend to highlight that newer centres within master planned estates (e.g. Glenwood and Circa Retail) tend to provide a higher order of actual retail provision but do not challenge hierarchy.

Again, and while still a draft document, the Policy suggests that it should be the market that determines the ultimate need/scale for retail centres, being regulated purely in terms of maintaining a hierarchical ordering of Centres in terms of their role and function. This is clearly evidenced by the comparable benchmarks above.

The planning proposal is consistent with the key principles of the draft Centres Policy as it:

- Proposes the efficient use of land already identified as a centre, in close proximity to a residential area with good transport links and infrastructure provision;
- Requires only slight degree of flexibility in the current planning controls to enable the optimal development of the centre;
- Responds to growing market demand at the Ponds and environs for high quality convenience retailing;
- Would enhance the competitive retail environment by increasing the range and choice of retailing for residents without adverse effects on the existing retail hierarchy;
- Would facilitate the development of a well designed centre which would contribute to the overall amenity and sustainability of The Ponds residential estate.

The draft Centres Policy notes that:

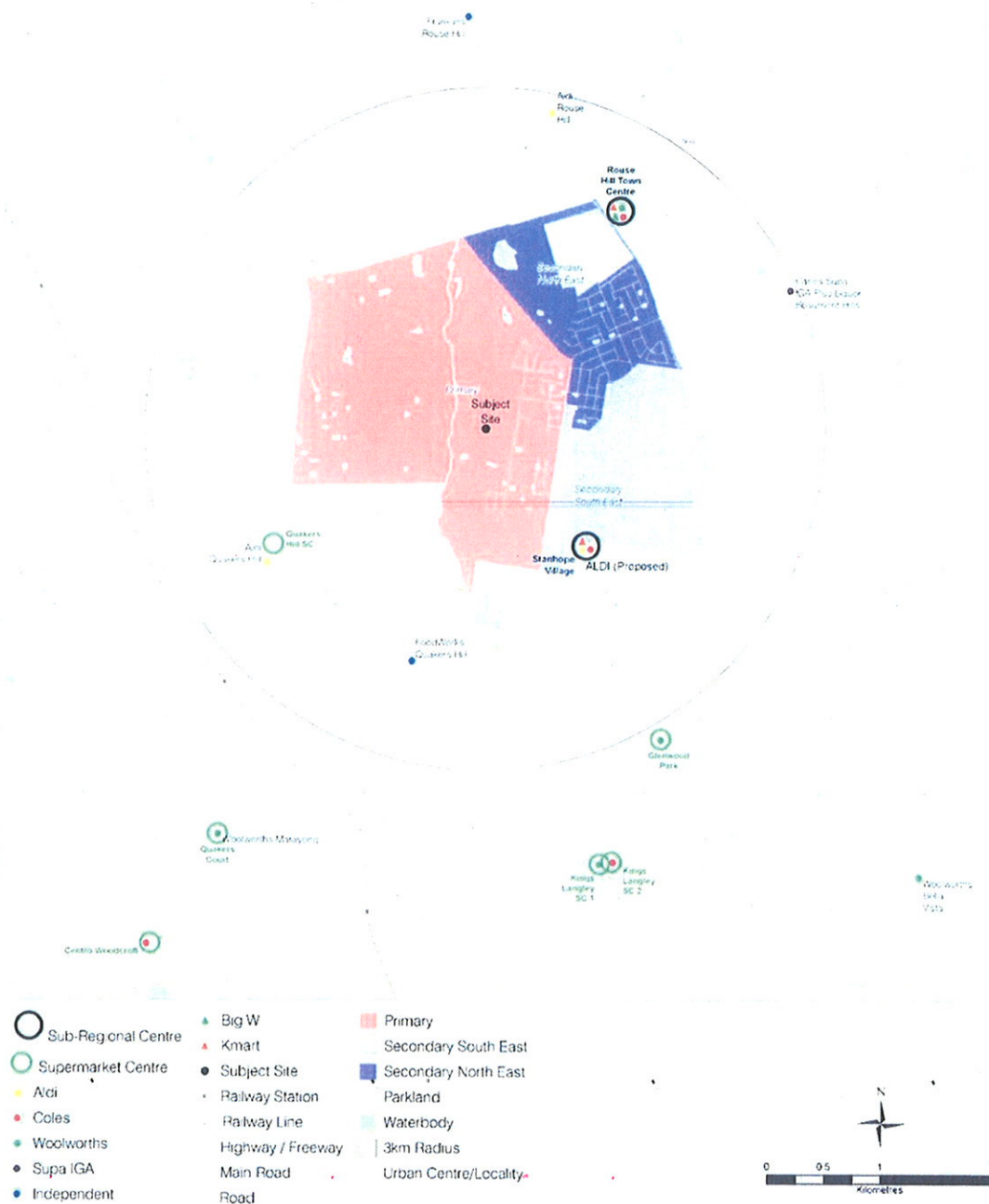
"the positive benefits of clustering retail and commercial development in centres can only be achieved where centres are able to grow and new centres form. Increases in population and real incomes and a constantly changing and evolving economy means that the planning system needs to respond dynamically to prevailing market demand".

The Community Needs Assessment Report contained in Appendix 1 highlights that population growth and increasing available expenditure within the Main Trade Area will create demand for an enhanced shopping centre, in excess of the 1,500 sq.m which is currently prescribed in the planning controls pertaining to part of the site. The report confirms that an expanded centre (as outlined in Section 3.1 of this report) can be accommodated without adverse impacts on other centres within the retail hierarchy. The population forecasts as detailed in the Community Needs Assessment Report provided below are based on projected growth within the Main Trade Area, which is illustrated in Figure 14.

The Ponds Trade Area Population, 2001-2021

Trade Area Sector	2001	2006	2009	Forecast Population		
				2011	2016	2021
Primary Trade Area	850	1,080	2,440	3,470	10,470	10,720
Secondary Trade Area						
• North East	0	2,670	3,790	4,130	4,930	5,060
• South East	500	2,300	4,780	5,300	5,580	5,750
Total Secondary	500	4,970	8,570	9,430	10,510	10,810
Main Trade Area	1,350	6,050	11,010	12,900	20,980	21,530

FIGURE 14 – THE PONDS NEIGHBOURHOOD CENTRE IDENTIFICATION OF TRADE AREAS



MAIN TRADE AREA AND COMPETITION



The Community Needs Assessment Report states:

The Primary Trade area is forecast to grow to 10,470 by 2016, equating to growth of 24.7% per annum, slowing to 0.5% per annum thereafter. The main trade area is forecast to increase rapidly from 12,900 in 2011 to 21,530 in 2021, representing average annual growth of 5.3% over the 10 year period.

The Main Trade Area (MTA) has been identified in the Community Needs Assessment Report consists of the following:

A Primary Trade Area (PTA) comprising The Ponds and the Braemont residential estates. This sector is bounded to the north by Schofields Road, to the east by Second Ponds Creek and to the south by Stanhope Parkway. To the west the primary trade area contains parts of the future residential release area, Alex Avenue and is bounded by Hambledon Road.

A Secondary North East Trade Area (SNETA) encompassing the suburbs of Kellyville Ridge and parts of The Ponds. It is limited to the north by Castlebrook Cemetery, to the east by Windsor Road and to the west by Second Ponds Creek.

A Secondary South East Trade Area (SSETA) which encompasses the suburb of Stanhope Gardens including the Newbury residential estate. This sector is bounded by Old Windsor Road to the east and Stanhope Parkway to the south.

Specific economic impacts are discussed in more detail in the Community Needs Assessment Report and in subsection 7, below.

The planning proposal is therefore consistent with the draft Centres Policy which aims to ensure that:

"the supply of land for retail and commercial development accommodates demand in all existing and new centres."

The Community Needs Assessment Report makes it clear what the role and function will be for The Ponds, namely a focus on convenience. To this end, it is appropriate for floor space caps to be lifted where they currently apply. This can be achieved without undermining the planned hierarchy for such Centres as described in the draft SRS and as per the local planning hierarchy contained in Blacktown's Centres Study discussed earlier.

In essence this proposal does not represent a radical departure from the current situation, i.e., the current zoning of The Ponds Neighbourhood Centre is predominantly General Business 3(a). This is the same zoning as nearby Stanhope Village which contains a supermarket and a DDS, and Blacktown CBD, which contains Westpoint Shopping Centre, now one of the largest in metropolitan Sydney. However, these Centres are quite different in terms of role and function and this is reflected in their Town Centre and Major Centre designations respectively under the draft SRS. The simple fact that The Ponds Neighbourhood Centre is within an estate that is under development and whose site boundaries are already defined by an established pattern of development that surrounds it means that there is virtually no opportunity for it to be enlarged. Hence its role is precluded from altering beyond what is proposed in the development concept and thereby removing any potential to undermine sub-regional (and local) centres hierarchy.

Given the surrounding land uses and road network there would be no opportunity (and there is no intent) to expand the centre beyond the scale envisaged in this planning proposal request.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with local policy, notably Council's Commercial Vibrant Commercial Centres Strategy Statement forming part of the Blacktown 2025 Vision Statement. In the first instance, the limited scale of the proposed development will have no adverse impact on the role of the Blacktown and Mount Druitt Regional Centres being Council's priority and primary centres. In addition the proposal is consistent with the intent of the Strategy Statement to create: