

Blacktown Local Environmental Plan 2014 (Amendment No 1) – To rezone Lot 1 DP 1097685, on the corner of Vardys Road and Sunnyholt Road, Kings Langley.

Proposal Title : **Blacktown Local Environmental Plan 2014 (Amendment No 1) – To rezone Lot 1 DP 1097685, on the corner of Vardys Road and Sunnyholt Road, Kings Langley.**

Proposal Summary : **The planning proposal proposes to amend draft Blacktown Local Environmental Plan 2014 to rezone Lot 1 DP 1097685, on the corner of Vardys Road and Sunnyholt Road, Kings Langley from the current 2(a) Residential zoning under Blacktown Local Environmental Plan 1988 to R3 Medium Density and Residential R4 High Density Residential under draft Blacktown Local Environmental Plan 2014 (Amendment No 1).**

PP Number : **PP_2014_BLACK_003_00** Dop File No : **14/09739**

Proposal Details

Date Planning Proposal Received : **11-Jun-2014** LGA covered : **Blacktown**

Region : **Metro(Parra)** RPA : **Blacktown City Council**

State Electorate : **BLACKTOWN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **Corner of Vardys Road and Sunnyholt Road**

Suburb : **Kings Langley** City : **Blacktown** Postcode : **2147**

Land Parcel : **Lot 1 DP 1097685**

DoP Planning Officer Contact Details

Contact Name : **Amar Saini**

Contact Number : **0298601130**

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RPA Contact Details

Contact Name : **Sue Galt**

Contact Number : **0298396216**

Contact Email : **Sue.Galt@blacktown.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **ChoCho Myint**

Contact Number : **0298601167**

Contact Email : **chocho.myint@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : **Metro North West subregion** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings 120
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

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

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

Supporting notes

Internal Supporting
Notes :

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

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

The term relevant planning application means:

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

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

The Department has not received any disclosure statements for this Planning Proposal.

External Supporting
Notes :

Adequacy Assessment

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

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

Comment : **BACKGROUND, PROPOSAL & OBJECTIVES**

THE SITE

**The subject site is located on the north-eastern corner of the intersection of Sunnyholt
Road and Vardys Road, Kings Langley (location map in Documents). The total area of the
site is 18,181.05 square metres. The site is generally flat with the exception of two
watercourses that run through the site. The site is generally clear of significant vegetation
with the majority of the site being covered in grassland. The drainage corridors contain a
range of trees. The watercourse is heavily congested with weeds.**

BACKGROUND

The subject land is currently zoned 2(a) Residential 'A' under Blacktown Local Environmental Plan 1988 (current zoning map in Documents). The 2(a) zone allows a range of housing types with consent, including dwelling houses, townhouses and villas, integrated housing (minimum of 5 dwellings on smaller individual allotments) and dual occupancies.

As part of the preparation of draft Blacktown Local Environmental Plan 2014 (BLEP), Blacktown Council considered a proposal from the landowner, Tilrox Pty Ltd (the proponent), to rezone the site to R4 High Density Residential. The proposed R4 zone under the draft BLEP allows residential flat buildings, but prohibits dual occupancies, semi-detached housing and multi dwelling housing. The R4 zone would have enabled the proponent to develop the site for the purpose of residential flat buildings on the site, ranging in height from two storeys along the Evan Place frontage to six storey along the Vardys Road frontage.

Council did not support the proponent's request to rezone the site to R4 zone for the following reasons:

- The proposal is considered to be inconsistent with the Blacktown's strategic planning framework which aims to focus medium and high density residential housing types in the Urban Renewal Precinct of Blacktown City Centre, Mount Druitt Major Centre, and the Seven Hills and Rooty Hill Town Centres; and
- The site is considered to be subject to a variety of constraints including limited road access and drainage issues associated with the creek that runs through the site.

As a compromise, the exhibited draft BLEP proposed a dual zoning, with the R2 Low Density Residential zone applying to the northern half of the site (fronting Evan Place) and R3 Medium Density Residential zone applying to the southern half of the site (fronting Vardys Road). Council's intent of the dual zoning was to allow a range of detached dwellings and townhouses to 'reflect local development in the area whilst still allowing some development potential of the site to help offset costs associated with the site constraints'.

Council's proposal actually reduces the development potential of the site to townhouse development over only half the site, while the current 2(a) zoning allows townhouse type development over the entire site.

JOINT REGIONAL PLANNING PANEL

In April 2013, the proponent requested a pre-Gateway review for this rezoning proposal.

The Sydney West Joint Regional Planning Panel (Sydney West JRPP) reviewed the planning proposal and determined that there is sufficient strategic merit for the planning proposal to be submitted to the Department for Gateway determination. It considered that a more satisfactory integration would be achieved by providing:

- "Two (2) storey town houses typology on that section of the site generally on the northern side of the existing watercourse, interfacing with Evan Place.
- Three (3) storey residential typology to Vardys Road and the southern element of Sunnyholt Road frontages, rising to four (4) storeys where appropriately recessed, on that section of the site generally south of the existing watercourse."

This recommendation was endorsed by the Minister's delegate in September 2013 and asked Council if it wish to accept the role as the Relevant Planning Authority (RPA) and prepare a planning proposal considering the Sydney West JRPP recommendations and

submit it for a Gateway determination.

Council after considering the Sydney West JRPP recommendations has submitted this planning proposal under section 55 of the Environmental Planning and Assessment Act 1979 to the Department.

OBJECTIVES OF THE PLANNING PROPOSAL

The objective of this planning proposal is to rezone the subject site to allow higher density development than is currently allowed on the site under Blacktown Local Environmental Plan 1988 or proposed under the draft Blacktown Local Environmental Plan 2014 (not yet made).

The proponent has advised that the specific details of the proposed development, including its physical appearance and how site constraints are to be addressed will be provided at the development application stage.

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

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

Comment : **Council has provided the following explanation for the proposed amendment:**

To achieve the proposed objective, the planning proposal seeks to amend the draft Blacktown Local Environmental Plan 2014 as below:

- **Land Zoning Map** - zone the northern portion of the subject site to R3 Medium Density Residential zone and the southern portion of the site to R4 High Density Residential zone.
- **Height of Building Map** – the section of site to the north and interfacing with Evan Place will have a maximum height of 9 metres. This coincides with the R3 zoning and proposed townhouse typology development. The section of the site to the south and fronting Vardys Road will have maximum height of 14 metres. This coincides with the R4 zoning and proposed residential flat building development.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

3.1 Residential Zones

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

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

SECTION 117 DIRECTIONS

3.1 RESIDENTIAL ZONES:

This direction applies as the planning proposal affects an existing residential zoned land. Since, the proposal does not reduce the density, improves the choice, accessibility and distribution of housing stock in the area, the proposal is not considered to be inconsistent with the direction.

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, objectives and principle 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 two 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. Given the site is well situated along two major roads, and would provide housing in walking distance to T-way bus stop on Sunnyholt Road, the proposal is considered to be consistent with the direction.

4.3 FLOOD PRONE LAND

This direction applies as two watercourses run through the site. Council has advised that as part of the previous proposal to subdivide the site, the proponent commissioned SGC Consultants to determine the flood levels across the site and design a possible realignment of the creek to contain the 100-year ARI storm event.

SGC Consultants consulted with Blacktown City Council and the then Department of Water and Energy to obtain the principles for redirection and reconfiguration of the watercourse. Blacktown Council required that the design of the new creek alignment and shape to contain the 100-year ARI storm event. The concept plans for the flood study indicated that a hydrological simulation based on the model developed by Council that the site can contain the 100 year ARI storm event.

As part of this planning proposal, it is proposed to redesign the characteristics of the watercourse so that it contains the 100-year ARI storm event. It is recommended that Council formally consult NSW Office of Water (Department of Environment, Climate Change and Water) prior to addressing this direction before public exhibition.

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal is not inconsistent with the Metropolitan Strategy, Draft Metropolitan Strategy for Sydney to 2031 and the draft North West Subregional Strategy.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council has provided the following maps for the subject site (copies in Documents):

- Site identification map
- Current zoning maps
- Proposed zoning map
- Current height of building map
- Proposed height of building map
- Current flood risk map

It is considered that the maps are adequate for consultation purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has advised that the community consultation will be undertaken in accordance with the requirements of the Gateway determination. Given the nature of the planning proposal, it is recommended that it should be placed on public exhibition for a minimum of 14 days.

Additional Director General's requirements

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

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **July 2014**

Comments in relation to Principal LEP :

The Blacktown Principal LEP has been exhibited and submitted to the Department for making of the plan. The LEP is expected to be made in the last quarter of 2014.

Assessment Criteria

Need for planning proposal :

As stated before under the statement of objectives of this report, the main purpose of this planning proposal is to implement Sydney West JRPP recommendation that the site be developed for more intense development than proposed by Council. The Sydney West JRPP considered that a more satisfactory integration would be achieved by development of the site under controls providing zoning and height controls which permits development providing:

- **Two (2) storey town house typology on that section of the site generally on the northern side of the existing watercourse, interfacing with Evan Place.**
- **Three (3) storey residential typology to Vardys Road and the southern element of Sunnyholt Road frontages, rising to four (4) storeys where appropriately recessed, on that section of the site generally south of the existing watercourse.**

Consistency with strategic planning framework :

The planning proposal is not considered to be inconsistent with both draft Metropolitan Strategy for Sydney 2031 and the draft North West Sub-regional Strategy.

Environmental social economic impacts :

ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

Council has advised that there are no critical habitat, threatened species, populations or ecological communities or their habitats identified on the site.

The planning proposal will deliver a number of positive social and economic benefits including: a mix of housing well located on a public transport route, near existing shops and amenities; greater housing choice; improved street scape; and reduction in car distance travelled as a significant number of future tenants are expected to make use of the buses on Sunnyholt Road, T-way.

The residential flat building will have vehicular access to Vardys Road only and the townhouse development will be restricted to Evan Place. This will ensure that any additional traffic movements generated from the development of the site, will not detrimentally impact on the local street network.

Flooding issue has already been discussed under s117 Direction 4.3 Flood Prone Land that watercourses within the site will be redesigned so as to contain the 100-year ARI storm event, and the proposed consultation requirements.

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In light of the above, it is considered that there are no likely environmental, social and economic impacts arising from the planning proposal.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Transport for NSW - Roads and Maritime Services Other**

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

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council letter.pdf	Proposal Covering Letter	Yes
Attachment 1- Council Report.pdf	Determination Document	Yes
Attachment 2- DP&E Letter to Council.pdf	Determination Document	Yes
Attachment 3-Council letter to DP&E.pdf	Determination Document	Yes
Attachment 4-DP&E letter to Council to review to JRPP.pdf	Determination Document	Yes
Attachment 5-Council letter to SW JRPP.pdf	Determination Document	Yes
Attachment 6-JRPP Recommendations.pdf	Determination Document	Yes
Attachment 7-DP&E Letter to Council to prepare PP.pdf	Determination Document	Yes
Attachment 8-Council report considering JRPP recommendations.pdf	Determination Document	Yes
Attachment 9-Council letter to Minister.pdf	Determination Document	Yes
Attachment 10-Council advice to DP&E on the revised PP .pdf	Determination Document	Yes
Attachment 11-GM meeting disclosure from.pdf	Determination Document	Yes
Attachment 12-Advice from DP&E to Council regarding revised PP .pdf	Determination Document	Yes

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Attachment 13-Council letter to applicant.pdf	Determination Document	Yes
Attachment 14-Revised Planning Proposal.pdf	Proposal	Yes
Attachment 15- Site Identification Map.pdf	Map	Yes
Attachment 16-Current Land Zoning Map.pdf	Map	Yes
Attachment 17-Proposed Land Zoning Map.pdf	Map	Yes
Attachment 18-Current Height of Building Map.pdf	Map	Yes
Attachment 19-Proposed Height of Building Map .pdf	Map	Yes
Attachment 20-Current Flood Risk Map.pdf	Map	Yes
Aerial Photograph.pdf	Photograph	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **Recommendation:**

It is recommended that the planning proposal proceed subject to the following conditions:

1. The planning proposal is exhibited for 14 days.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Transport for NSW – Road and Maritime Services

The public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
3. To comply with the S117 Direction 4.3 Flood Prone Land, consultation is required with NSW Office of Water (Department of Environment, Climate Change and Water) to ensure the proposed reconfiguration of the creek line on the site can contain the 100 year ARI storm event, prior to public exhibition.
4. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.

DELEGATION TO COUNCIL

Council has not requested to use delegation to proceed with the planning proposal.

Supporting Reasons : **The planning proposal is supported as:**

- The subject site is well located within walking distance to a public transport, existing shops and services.
- There are demonstrated benefits resulting from the planning proposal.

Signature:



Printed Name:

Elio Cito McIntyre

Date:

7/8/14