

APPENDIX C

Council report and resolution, 23 March 2016



Amendment to Blacktown Local Environmental Plan 2015

Item: **DD1115** Report: **DD360015** File: **RZ-06-1982/27**

Ordinary Meeting on 23 March 2016 **Committee Meeting on 16 March 2016**

Division is required

Topic	Various amendments to Blacktown Local Environmental Plan 2015 (BLEP 2015).
Analysis	The proposed amendments will address matters that have arisen in the transition from BLEP 1988, and will ensure the plan is accurate and consistent with our strategic position. Attachments: Attachment 1 – Amendments to BLEP 2015 to written instrument Attachment 2 – Amendments to BLEP 2015 mapping
Report Recommendation	1. Prepare a planning proposal to the NSW Department of Planning and Environment seeking a Gateway Determination for proposed amendments to Blacktown Local Environmental Plan 2015 as described in attachments 1 and 2 to this report.

Key reasons

1. Why is it necessary to amend the LEP?

- BLEP 2015 became effective 7 July 2015. It is the single comprehensive local environmental planning instrument against which development is assessed in Blacktown, in areas outside the North West Growth Centre, Western Sydney Parklands and Western Sydney Employment Area, which are separately controlled by state environmental planning policies.
- The proposed amendments will address matters that have arisen in the transition from BLEP 1988, and will ensure the plan is accurate and consistent with our strategic position.

2. Amendments are required to the written instrument and maps

- The proposed amendments are categorised as either major or minor.
- The major amendments relate to subdivision in community title schemes, residential flat buildings, development in the B4 Mixed Use zone, land zoning, maps and the minimum site requirements for development on certain land.
- The minor amendments will correct land use table inconsistencies, mapping anomalies and discrepancies in the BLEP 2015 written instrument and mapping.

- d. A summary of the amendments is set out under Supporting Analysis. They are explained in detail in Attachments 1 and 2.

Supporting analysis

1. Written instrument - major amendments

No.	Proposed amendment	Reason
A1-1	Insert clause 4.1AA - Minimum subdivision lot size for community title schemes and require 450 sq.m as the minimum lot size.	There is no control for minimum lot size for subdivision of torrens title lots in community title schemes. There is the potential to create overcrowded mini-estates that will undermine the objective of the R2 zone. Provision of controls for community title subdivisions will promote orderly development and consistency in Blacktown.
A1-2	Reword clause 7.10 - "Minimum site requirements for development on certain land"	The amendment will clarify the intent of clause 7.10 by removing the ambiguity in the wording and will specifically remove the requirement for a minimum lot width of 50 m.
A1-3	Insert clause 7.14 - Development in the B4 Mixed Use Zone.	An enabling clause that permits residential flat buildings within the B4 zone, if set criteria are achieved, is deemed the most appropriate method to allow some suitable residential flat buildings (RFB) in the B4 zone. Proposed clause 7.14 permits RFBs if we determine that it is unreasonable to develop shop top housing on a site, taking into consideration: (a) the economic viability of ground floor retail or business premises on the land (b) the impact of employment opportunities within the B4 zone (c) the suitability of the land for RFBs (d) the relationship of the proposed RFB to other buildings (existing or proposed) on the same site or neighbouring sites in terms of separation, setbacks, amenity and urban form (e) pedestrian, cycle, vehicular and service access and circulation.

2. Written instrument - minor amendments

No.	Proposed amendment	Reason
A1-4	Amend the land use tables to permit: · "Crematoriums" in the RU4 Primary Production Small Lots zone · "Signage" in all zones except W1 Natural Waterways and E3 Environmental Management · "Freight transport facilities" in the B5 Business Development zone · "Educational establishment" in the IN1 General Industrial and IN2 Light Industrial zone	The identified land uses are considered to be appropriate in the zones as proposed, and are consistent with the strategic position of Council and State policies.
A1-8	Amend land use table to prohibit "Restaurant or cafe" and "take away food and drink premises" in the R4 High Density Residential zone.	Land zoned R4 High Density Residential is generally located within walking distance of business zoned land which provides for these land uses. It is considered that permitting these uses in the R4 High Density Residential zone will create undesirable competition with the commercial centres. "Shop top" housing will still be a permissible land use. This amendment is designed to stop standalone cafes/restaurants not associated with residential use above.
A1-9	Reword clause 4.1C - "Subdivision of dual occupancies prohibited".	The gazetted clause is inconsistent with Council's resolution dated 20 November 2013 (SD330097) regarding subdivision of dual occupancies on corner lots. It is necessary to amend the clause to be consistent with Council's resolution that each dual-occupancy on a corner lot must front a different street.
A1-10 to A1-18	Amend schedule 5 Environmental Heritage to insert correct listings and property descriptions.	To correct minor drafting errors in the Schedule.

3. Maps - major amendments

- a. The proposed amendments to the BLEP 2015 mapping will amend the key sites, zoning and height of buildings maps to reflect strategic land use intentions and ensure all mapping is consistent with the adopted policy position of council (attachment 2, amendments A2-1 to A2-5).

No.	Proposed amendment	Reason
A2-1	Amend land zoning and height of buildings maps to rezone land at Lot 1 DP 1001326, 102 Flushcombe Road, Blacktown from R2 Low Density Residential to SP2 Educational Establishment and Place of Public Worship and remove the height of building controls.	The amendment reflects the change in ownership of the site, which is now owned by The Trustees of the Roman Catholic Church as part of Patrician Brothers College. The proposed SP2 zone will be consistent with the zoning over the Patrician Brothers school site.
A2-2	Amend the existing R4 High Density Residential and SP2 Infrastructure (Classified Road) zone boundary that applies to the surplus T-way land on Sunnyholt Road between Gordon and Cambridge Streets.	The amendment has been requested by RMS to facilitate sale of the surplus land. The changes will facilitate higher density development in this area, consistent with the Blacktown City Centre Masterplan.
A2-3 and A2-4	Amend the key sites map to remove clause 7.10 - "Minimum site requirements for development on certain land" from lots in proximity to the North West Transitway adjoining Sunnyholt Road, Blacktown, and lots in Seven Hills adjoining Prospect Highway.	The intent of clause 7.10 is to require the amalgamation of properties that front an access denied road with adjoining properties fronting local roads in order to improve accessibility. The amendment will remove those properties that can be developed without the need for amalgamation with their adjoining properties. The requirement for amalgamation over these properties would overly restrict their development potential.
A2-5	Remove the height of building control of 7.5 m and replace it with a 9 m control in certain areas in the Urban Renewal Precincts (URP) of Blacktown, Seven Hills, Mount Druitt and Rooty Hill.	This amendment will fix an inconsistency in the height of building control in the R2 Low Density Residential zone. The inconsistency relates to a 7.5m height of building control that applies to the R2 zone in the URPs as compared to a 9m height of building control that applies to the R2 zone outside the URPs. The height of building control should be 9m in the R2 zone in the URPs.

4. Maps - minor amendments

- a. The proposed minor amendments to the BLEP 2015 maps will address anomalies on the zoning, heritage, land reservation acquisition and key sites maps to reflect strategic land use intentions and ensure all mapping is consistent with the adopted policy position of council.

No.	Proposed amendment	Reason
A2-6 to A2-11	Amend notations on Land Zoning maps to correct the notations for land zoned under state environmental planning policies.	The amendments will clarify the relevant SEPP that the land is zoned under.
A2-12	Amend the zoning map for unzoned land adjoining Lot 124 DP 1065040, 1 Wilson Road, Acacia Garden. The land is part of the road and should be zoned R2 Low Density Residential.	This will correct a mapping error.
A2-13 to A2-17	Amend notations on land zoning maps to add "Place of Public Worship" to the SP2 Infrastructure (Educational Establishment) zone on identified sites.	This will correct a mapping error.
A2-18	Amend the heritage map to correct errors and formatting anomalies in the annotations on the map to increase the visibility of the item.	The amendments will improve the accuracy and legibility of the Heritage map.
A2-19	Amend the land reservation acquisition map to delete the incorrect notation for Local Waterway – Council (W1) over the land at Lot 200 DP 854922, 3 Holbeche Road, Arndell Park.	The amendment will correct the notation to reflect that land is zoned IN2 Light Industrial and SP2 Infrastructure (Drainage) and is not identified for acquisition.
A2-20	Amend notations on key sites map to delete the incorrect notation for Schedule 1 over the sites that are not zoned R3 Medium Density Residential.	Schedule 1 (1) only applies to R3 Medium Density Residential zones. The mapping will remove the incorrect notations.

Approval

Name and position	
➔ Report author	Riazifar A., Strategic Policy Planner
➔ Endorsed by	Taylor T., Manager Development Policy
➔ Director approval	Glennys James, Director Design & Development
	Signature:
➔ General Manager approval	Kerry Robinson, General Manager
	Signature:

Attachments

Ref	Description	Files
1		 A1DD360015.pdf
2		



Recommendations

Report Recommendation	1. Prepare a planning proposal to the NSW Department of Planning and Environment seeking a Gateway Determination for proposed amendments to Blacktown Local Environmental Plan 2015 as described in attachments 1 and 2 to this report.
Committee Recommendation	1. Prepare a planning proposal to the NSW Department of Planning and Environment seeking a Gateway Determination for proposed amendments to Blacktown Local Environmental Plan 2015 as described in attachments 1 and 2 to this report.
Committee Division	Supported: Bleasdale; Lowles; Bali; Benjamin; Kelly; Pendleton; Dickens; White; Smith; Diaz; Robinson Absent: Atalla; Donaldson; Siljeg; Holmes
Council Resolution	1. Prepare a planning proposal to the NSW Department of Planning and Environment seeking a Gateway Determination for proposed amendments to Blacktown Local Environmental Plan 2015 as described in attachments 1 and 2 to this report.
Council Division	Supported: Bleasdale; Lowles; Atalla; Bali; Benjamin; Kelly; Pendleton; Dickens; Donaldson; Siljeg; Smith; Diaz; Robinson Absent: White; Holmes