

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Blacktown
<b>PPA</b>	Blacktown City Council
<b>NAME</b>	Increase of the maximum height of building (72 homes)
<b>NUMBER</b>	PP_2018_BLACK_011_00
<b>LEP TO BE AMENDED</b>	Blacktown Local Environmental Plan 2015
<b>ADDRESS</b>	137-141 Newton Road, Blacktown
<b>DESCRIPTION</b>	Lots 1-6 DP 211530
<b>RECEIVED</b>	4 December 2018
<b>FILE NO.</b>	IRF18/6821
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of planning proposal

The planning proposal (**Attachment A**) is to amend Blacktown Local Environmental Plan 2015 Height of Building mapping, to increase the maximum permissible height from 10m to part 18m and part 14m over the site at 137-141 (Lots 1-6 DP 211530) Newton Road, Blacktown. The proposal does not involve the rezoning of any land.

### Site description

The site (**Attachment F**) is on a prominent corner of Lancaster Street and Newton Road, approaching Blacktown CBD. It is 5 minutes by bus to Blacktown CBD.

The six parcels of land comprising the site are predominantly characterised by the existing large brick warehouse, operated as a fruit market, and 63 space uncovered car park occupying Lots 1-4. Access to the fruit market is off Lancaster Street. The remaining lots (5-6) each contain a single storey dwelling of brick construction, with vehicular access off Newtown Road. A 10m landscaped setback is given to the existing fruit market from Lancaster Street, and contains various large trees to screen the car park. The site is relatively flat, with a small slope from the high-point at the south-western corner of the site to the north-eastern corner (see Figure 1).



Figure 1: Site aerial (137-141 Newton Road, Blacktown).

### Existing planning controls

The site is zoned B1 – Neighbourhood Centre under Blacktown Local Environmental Plan 2015 (see Figure 2), with a corresponding maximum height of building control of 10m.

The B1 zone specifically allows a variety of land uses including boarding houses, business premises, centre-based child care facilities, medical centres, neighbourhood shops, neighbourhood supermarkets and shop top housing.

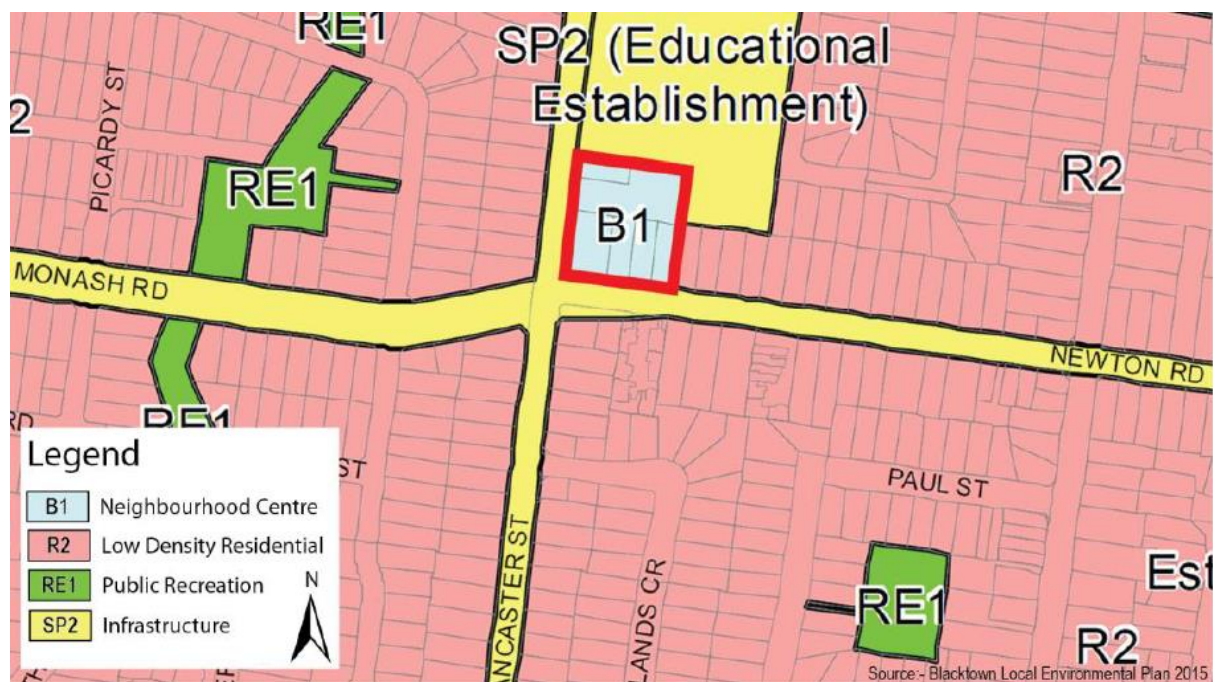


Figure 2: Land zoning - B1 Neighbourhood Centre.

## Surrounding area

Immediately east of the site is 135 Newton Road, and contains a single storey brick dwelling with carport. East of the site is zoned R2 Low Density Residential under Blacktown Local Environmental Plan 2015, and is predominantly single storey detached dwellings with access from Newton Road.

The existing warehouse being used as the fruit market backs onto Blacktown West Public School, zoned SP2 – Educational Establishment. The site is adjacent to classrooms and an oval, with two large gum trees identified along the boundary of the site.

South and west of the site, separated by Newton Road and Lancaster Street, is a combination of low and medium density dwellings and townhouses (see Figure 3).

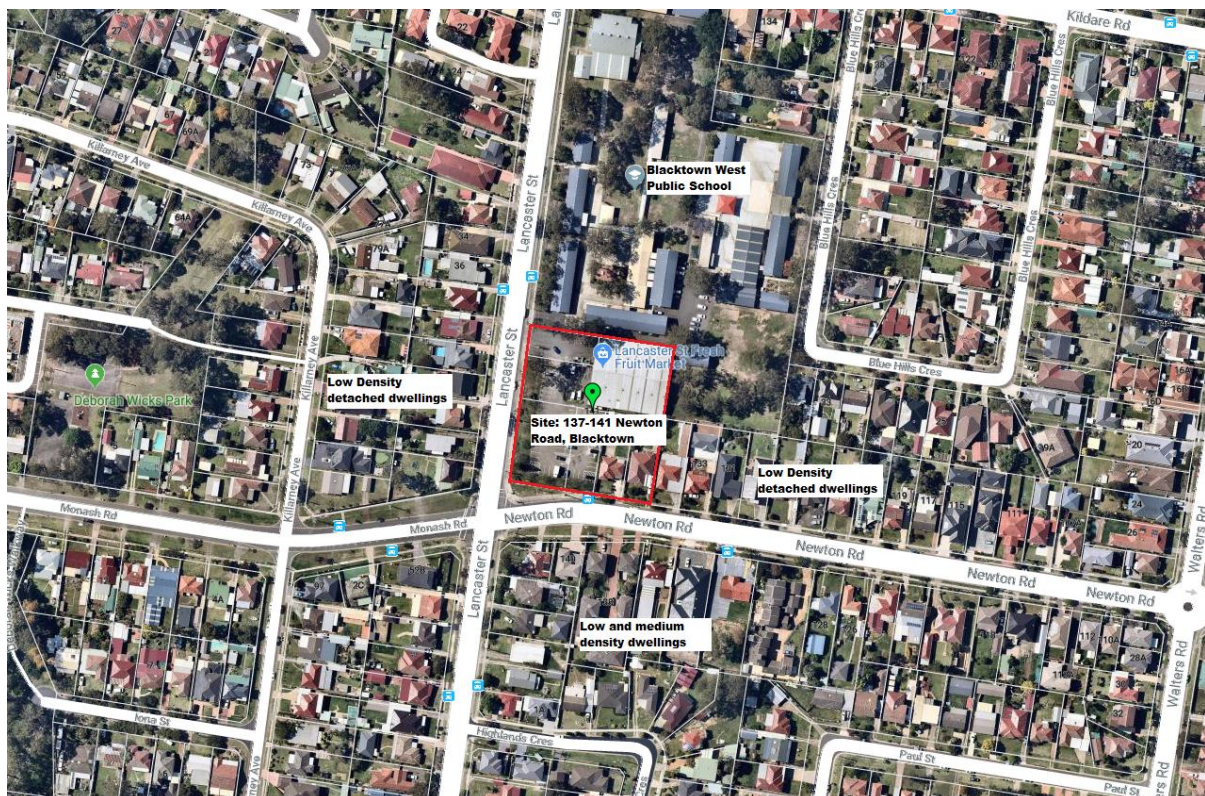


Figure 3: Surrounding uses.

## Summary of recommendation

The adjoining Lots 5 and 6, which are to be incorporated into the development, are also zoned B1 Neighbourhood Centre. The incorporation of these two lots into the site to form one development will enable orderly development, and will enhance the site to provide a gateway to Blacktown CBD.

It is recommended that the proposal proceed with conditions.

## PROPOSAL

### Objectives or intended outcomes

The intended outcome is to develop the site for a mixed-use building, with residential dwellings above a ground floor business/retail premises. Adjoining Lots 5 and 6 are to be incorporated into the one development site.

The intended outcomes will be achieved by amending the LEP maximum height of building map that applies to the site. The maximum height of building is proposed to increase from 10m (3 storeys) to 18m (6 Storeys) for the part of the site approaching Newton and Lancaster Street corner, and transitioning to 14m (3-4 storeys) towards the north and east of the site, approaching the school and the low density residential area on adjacent land. The proposal does not intend to rezone any land.

The objectives and intended outcomes of the planning proposal are considered clear, and are explained in 'Part 1 – Objectives and Intended Outcomes', as well as the attached appendices that form the proposal.

## Explanation of provisions

The proposal seeks to amend Blacktown Local Environmental Plan 2015 by:

Control	Current	Proposed
Land zoning	B1 Neighbourhood Centre	Remain unchanged
Height of Building	10m	Part 18m and part 14m.

All other planning controls applying to the site will remain unchanged.

The explanation of provisions in the planning proposal is accurate.

## Mapping

The proposal contains amendments to the Height of Building Map (HOB\_014) as shown in Figure 4 below. The supporting mapping information (**Attachment G**) is considered adequate for community consultation purposes.

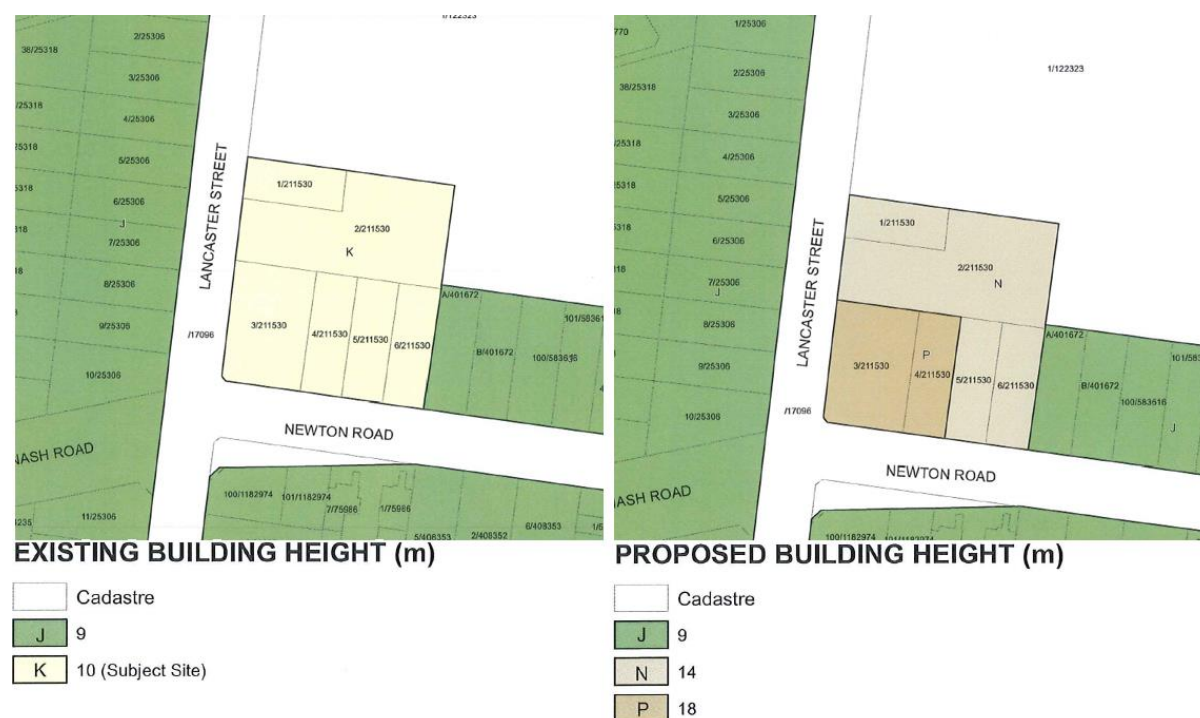


Figure 4: Blacktown LEP 2015 mapping amendments to the maximum height of building (10m to part 18m and part 14m).

## NEED FOR THE PLANNING PROPOSAL

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This planning proposal has not been prepared in response to any specific Strategic Studies or Reports prepared by Council or any other Government agencies.

The consolidation of adjoining sites with similar zone to produce one development site is a logical approach to orderly development, with the increase to the height of building controls facilitating a mixed-use development on a prominent corner approaching Blacktown CBD. The proposed development transition allows for a more compatible built form as it approaches more sensitive uses. Further consideration of privacy, shadow impact and potential overlooking of residential dwellings onto the adjacent school grounds and existing dwellings to the east will be undertaken as part of a future development application for the site.

## STRATEGIC ASSESSMENT

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### Regional

#### A Metropolis of Three Cities

The rezoning will facilitate a shop top housing development on a significant corner on the approach to Blacktown CBD, which is a Strategic Centre. The site will allow a mixed-use development, providing jobs at ground level and homes within proximity to the CBD and adjacent to a local school.

The existing zoning is a result of the site being close to amenities, the proposal is generally consistent with the objectives of the Greater Sydney Commission's *A Metropolis of Three Cities*.

### District

#### Central City District Plan

The proposal details general consistency with the Central City District Plan. The proposal will facilitate a mixed-use development that is specifically consistent with the following:

- *Planning Priority C4 – Fostering healthy, creative, culturally rich and socially connected communities:* The proposal will facilitate the redevelopment of the site for the construction of shop top housing in a location close to open space, educational facilities and public transport with direct connection to Blacktown CBD.
- *Planning Priority C5 – Providing housing supply, choice, and affordability with access to jobs, services and public transport:* The proposal will facilitate the redevelopment of the site for the construction of shop top housing, providing housing supply and choice in proximity to Blacktown CBD.
- *Planning Priority C9 – Delivering integrated land use and transport planning and a 30-minute city:* The proposal will facilitate the redevelopment of the site for the construction of shop top housing, to provide jobs and homes within proximity to a strategic centre. The proposal will deliver a better economic use of the site, given the existing zoning, and will contribute to creating the '30-minute city'.

## **Local**

### **Our Blacktown 2036**

Our Blacktown 2036 establishes a framework to enable Council to manage growth around the City. A core direction is to create a vibrant and inclusive city supported by accessible infrastructure. Council advises that this Planning Proposal will facilitate mixed use development, that is, shop top housing in close proximity to public transport, education facilities and local areas of open space.

Council advises that the Proposal is consistent with *Our Blacktown 2036*.

## **Section 9.1 Ministerial Directions**

### **1.1 Business and Industrial Zones**

The objectives of this direction are to encourage employment growth in suitable locations, and support the viability of identified centres.

The proposal will encourage employment growth in a suitable location, as well as supporting the viability of Blacktown CBD. The planning proposal is consistent with the Direction.

### **3.4 Integrating Land Use and Transport**

The objectives of this direction are to reduce travel demand by car through improving access to housing, jobs and services by walking, cycling and public transport.

The amendment will result in facilitating a development that improves access to more diverse housing options, close to jobs and public transport. The planning proposal is consistent with the direction. The planning proposal is consistent with the Direction.

## **State environmental planning policies**

The proposal is consistent with all State Environmental Planning Policies, including; *State Environmental Planning Policy No 55—Remediation of Land*

The SEPP deals with the management and assessment of contaminated land, and remediation procedures if required. Council advises there is no knowledge of prior contamination uses on the land. There is no change to the land use. The proposed mixed-use development (shop top housing) is permissible on the land. Further assessment of the site under SEPP 55 will be required as part of a future development application.

### *SEPP 32 – Urban Consolidation (Redevelopment of Land)*

The SEPP aims to promote the orderly and economic use and development of land that is to be developed for multi-unit housing. The proposal is to consolidate the entire portion of land that is zoned B1 Neighbourhood Centre, and allows a single development that promotes the orderly and economic development of land.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social**

The proposal will facilitate the redevelopment of land to provide diverse housing and create job opportunities in an existing business zone.

The site is adjacent to an established low density residential area, characterised by single storey dwellings. Given that the proposed height amendment of 14m can potentially involve a development of 4 storeys adjacent to these dwellings, further assessment of the transition should be undertaken as part of a future development application. It is noted that the Apartment Design Guide does identify the requirement of an increased setback between a change in zone from apartment buildings to a lower density area and will apply to any future residential flat development on the land.

The concept development (**Attachment E**) proposes that all boundaries adjoining the school and residential dwellings to the east will be a maximum of 3 storeys. Further consideration of privacy, shadow impact and potential overlooking of residential dwellings onto the adjacent school grounds and existing dwellings to the east will be undertaken as part of a future development application for the site.

The submitted Traffic Report has identified that the proposal will not generate any unsafe vehicle movements with regards to the existing school adjacent to the site. It is recommended that Roads and Maritime Service (RMS) be consulted on the proposal.

### **Environmental**

There are no critical habitats or threatened species, populations or ecological communities on or around the site that will be affected by the proposal. The site is not identified to have any evidence of contamination, and is to be further analysed as part of the development assessment process.

### **Economic**

The mixed-use form of the future development application will allow for a range of jobs for residents in and around Blacktown, a specific aim of *Our Blacktown 2036*. It is intended that the retail tenancies will be anchored by a supermarket.

### **Infrastructure**

The site has access to local parks and public transport in the form of a bus network that has a bus stop that is 5 minutes to Blacktown CBD centre. The CBD provides a substantial amount of major retail/business, community services and recreational activities.

## **CONSULTATION**

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### **Community**

The proposal seeks community consultation, and is required to be undertaken for a period of 28 days.

### **Agencies**

Consultation is required with the following agencies:

- Sydney Water;
- Relevant electricity providers;
- RMS; and
- NSW Department of Education

Each agency should 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.

## **TIME FRAME**

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The Council proposed timeframe to finalise this planning proposal is 6 months from submission to the department. It is considered 12 months is an appropriate time to finalise the LEP.

## **LOCAL PLAN-MAKING AUTHORITY**

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Council has not requested to exercise their LEP making powers, or submitted information relating to their LEP making powers delegated under Section 3.36 of the Act. Given the local nature of the proposal, delegation is to be given to Council to finalise the proposal.

## **CONCLUSION**

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It is recommended that the planning proposal proceed, with conditions, as it is;

- consistent with the existing land use zone;
- consistent with the strategic planning framework;
- promoting the orderly development of the entire B1 zoned land; and
- considered to be in public interest and contribute significant public benefits.

## **RECOMMENDATION**

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

1. Prior to exhibition, the proposal should:
  - (a) amend the relevant concept plans/elevations to show the proposed 18m and 14m height plane as it applies to the site; and
  - (b) update the Project Timeline to reflect Council as the Relevant Planning Authority, and the 12 months given to finalise the proposal;
2. Community consultation is required under Sections 3.34(2)(c) and Schedule 1, Clause 4 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
  - (b) the planning proposal authority must comply with the notice of requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in Section 5.5.2 of A guide to preparing local environmental plans (Department of Planning and Environment 2016);

3. Consultation is required with the following public authorities:
  - (a) Sydney Water
  - (b) Relevant electricity providers
  - (c) RMS; and
  - (d) NSW Department of Education
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land);
5. Given the nature of the planning proposal, Council is to be the local plan-making authority; and
6. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.



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15/01/2019

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