

PD150519 3.2. PD390023 - Planning Proposal - Dexter Place, Plumpton

Director: Glennys James, Director Planning & Development
Responsible Manager: Trevor Taylor, Manager Development Policy & Regulation
File: MA2016/0010

Division is required

Previous Item Not applicable

Topic Planning Proposal to rezone a very small parcel of land, of 300 sqm area, being Lot 430 DP 812674 Dexter Place, Plumpton from B1 Neighbourhood Centre to R2 Low Density Residential.

Analysis The proposed rezoning of Lot 430 DP 812674 Dexter Place, Plumpton was initiated by Stimson and Baker Planning to facilitate the development of the site for the purpose of a single dwelling. The proposal is considered to be appropriate in this location as it will support the orderly development of the site, consistent with the established character of the area.

The proposed amendment is considered minor in nature and consistent with the objectives and priorities of the Greater Sydney Region Plan and the Central City District Plan.

Attachment/s

1. Location map and context [PD390023.1]
2. Existing Local Environmental Plan mapping [PD390023.2]
3. Planning Proposal [PD390023.3]
4. Recommendation of Blacktown Local Planning Panel [PD390023.4]

Report Recommendation

1. Prepare a Planning Proposal to rezone a very small parcel of land, of 300 sqm area, at Lot 430 DP 812674 Dexter Place, Plumpton from B1 Neighbourhood Centre to R2 Low Density Residential and apply a minimum lot size control of 300 sqm to the site.
2. Forward the Planning Proposal to the NSW Department of Planning and Industries seeking a Gateway Determination.

Committee Recommendation

1. Prepare a Planning Proposal to rezone a very small parcel of land, of 300 sqm area, at Lot 430 DP 812674 Dexter Place, Plumpton from B1 Neighbourhood Centre to R2 Low Density Residential and apply a minimum lot size control of 300 sqm to the site.
2. Forward the Planning Proposal to the NSW Department of Planning and Industries seeking a Gateway Determination.
3. It be noted that Mr. S. Amir, applicant, was received by the Planning, Development, Historical & Assets Committee between 6.50pm and 6.51pm.

COMMITTEE DIVISION:

Supported: Cr Camilleri, Cr Bleasdale and Cr Collins
Absent: Cr Israel and Cr Griffiths

Key reasons

1. Assessment of the Planning Proposal

- a. We seek Council support to rezone Lot 430 DP 812674 Dexter Place, Plumpton from B1 Neighbourhood Centre to R2 Low Density Residential and to apply a 300 sqm minimum lot size. This will enable the owner to develop the land for the purpose of a small residential dwelling. This is considered the highest, best use of the land as it is generally consistent with the pattern of surrounding development.
- b. The subject site is unsuitable for commercial purposes as it is very small, has limited access, and is located in a cul-de-sac, dominated by small single-storey dwellings. Allowing commercial uses on the site would have a negative impact on the amenity of the surrounding neighbourhood, particularly the site to the south which shares the access handle.
- c. The site is not required for commercial purposes, especially as the nearby Plumpton Marketplace serves the retail needs of local residents. It is noted that the Applicant made several attempts to consolidate the subject site with the adjoining larger B1 zoned lands without success. This leaves the site in limbo with little chance of ever developing for retail purposes. If the site remains B1 Neighbourhood Centre there is a real possibility that it may remain undeveloped and vacant, surrounded by development on all boundaries.
- d. Given that this is an isolated and otherwise unusable commercial site from an old subdivision, the proposal does not create a precedent for future Subdivision Applications with less than the minimum lot size.
- e. The proposal is considered very minor in nature and is unlikely to have any adverse impacts on adjoining land. Rather, it will facilitate orderly development of the land.

2. Blacktown Local Planning Panel consideration

- a. On 26 April 2019, the Blacktown Local Planning Panel (the Panel) considered an assessment report on this matter and other material presented by us.
- b. The Panel resolved to support the proposal and advise Council of this. A copy of the Panel's decision is at Attachment 4.

Supporting analysis

1. Originally submitted Planning Proposal

- a. The initial proposal also sought to reclassify Lot 431 DP 812674, being a redundant Council-owned drainage easement that wraps around the eastern and southern boundaries of the site. The easement provides access to the site from Dexter Place via a right-of-carriageway.
- b. It has been decided to pursue the rezoning of this lot only at this time, pending Council's Property Section considering the reclassification of the redundant drainage easement from 'community land' to 'operational land' to allow the land to be sold. This matter will be reported to Council at a later date.

- c. The Applicant submitted a revised Planning Proposal to Council on 5 September 2018 to address our enquires in relation to strategic merit, a copy of which is at attachment 3. We support the requested rezoning, but consider it necessary to also apply a 300 sqm minimum lot size control to the site.

Context

1. Location

- a. The site is located at the end of a cul-de-sac, dominated by small, single storey residential dwellings. The location and context of the site is shown in attachment 1.
- b. The subject site is a small residue lot, of only 300 sqm area, from a subdivision created in 1991. Originally it was envisioned that the land would be developed along with 2 larger sites to the north and west for the purpose of a Neighbourhood Centre with a total area of 4,700 sqm.
- c. The B1 zoned land to the west was recently developed for the purpose of townhouses and residential units with a small commercial component below.
- d. The B1 zoned site to the north remains vacant and undeveloped.
- e. It is noted that the subject site is located approximately 3 km from Plumpton Marketplace, being a District Centre containing approximately 17,000 sqm of retail floor space, anchored by a Big W, Woolworths and a large number of specialty shops.

2. Site description and planning controls

- a. The site area of the Planning Proposal is approximately 300 sqm and is zoned B1 Neighbourhood Centre under Blacktown LEP 2015.
- b. No minimum lot size currently applies to the site. The Planning Proposal proposes a minimum lot size of 300 sqm. Whilst the surrounding R2 Low Density Residential land has a minimum lot area of 450 sqm, the 300 sqm minimum is considered reasonable as it allows the site to be developed for residential purposes. If a higher minimum lot size was imposed, the land would be unlikely to ever be developed.
- c. Existing Local Environmental Plan mapping is shown in attachment 2.

End of report

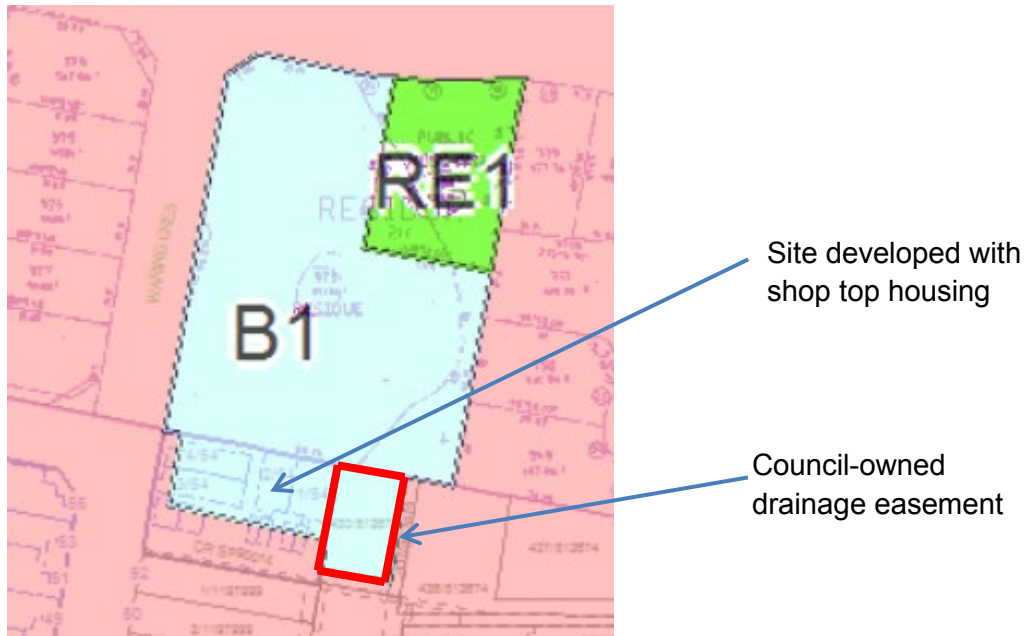
Location map and context



Existing Local Environmental Plan mapping

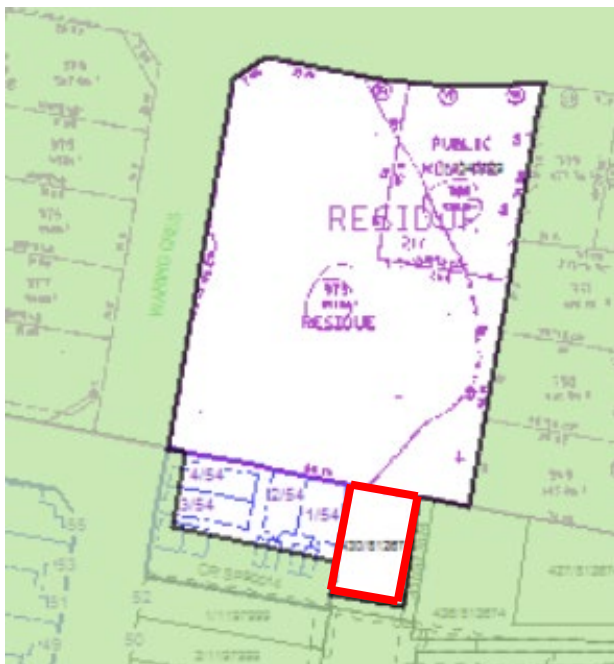
Land Zone (extract from existing LZN 008 map)

Our intended Planning Proposal seeks to rezone the land from B1 Neighbourhood Centre to R2 Low Density Residential.



Lot size (extract from existing LSZ 008 map)

Our intended Planning Proposal seeks to apply a 300 sqm Minimum Lot Size control to the site. Currently there is no lot size control for the site given the present B1 zone.





Planning Proposal

Amend Blacktown Local Environmental Plan 2015
to rezone land from B1 Neighbourhood Centre to R2 Low Density Residential
Lot 430 Dexter Place, Plumpton, Lot 430 DP812674

July 2018

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Author	Version	Date
NB	Draft	051016
NB	Draft v2	171016
NB	Final	211016
NB	Amendment	310117
NB	Mapping	060217
WS	Amendment	
	Report	240718
	Amendment	

This report dated July 2018 is provided to 'the client' exclusively. No liability is extended for any other use or to any other party. Whilst the report is derived in part from our knowledge and expertise, it is based on the conditions prevailing at the time of the report and upon the information provided by the client.

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1 Executive Summary

This Planning Proposal is submitted to Blacktown City Council to request an amendment to Blacktown Local Environmental Plan 2015 (LEP) to rezone Lot 430 Dexter Place, Plumpton from B1 Neighbourhood Centre to R2 Low Density Residential.

This Planning Proposal has been prepared by Stimson & Baker Planning on behalf of Site Partners.

The subject site is known as Lot 430 Dexter Place, Plumpton and legally described as Lot 430 DP812674 (the site). The site is approximately 300sqm and has no direct road frontage. Access to the site is via a right of carriageway over Lot 424, 425 & 431 DP812674 from Dexter Place.

The primary objective and intended outcome of the Planning Proposal is to enable subject land to be developed for residential purposes. This can be achieved by amending BLEP 2015 to change the zoning control applying to the land.

Initial discussions have been undertaken with Blacktown Council's Planning Policy Department. Matters raised in these discussions are addressed in this planning proposal.

The Planning Proposal demonstrates that there is site specific planning merit and consistent with the relevant strategic documents. The Net Community Benefit Test, the relevant regional and sub-regional strategies, the relevant State policies, Ministerial Directions and preliminary assessment of the environmental impacts.

It is recommended that this Planning Proposal be endorsed by Blacktown Council and commence the Gateway process.

2 Introduction

This Planning Proposal is submitted to Blacktown City Council to request an amendment to Blacktown Local Environmental Plan 2015 (LEP) to rezone land at Lot 430 Dexter Place, Plumpton from B1 Neighbourhood Centre to R2 Low Density Residential.

Initial discussions were undertaken in June 2016 in regards to the level of detail required for the planning proposal. The planning proposal is considered to be minor and have no adverse impacts to the overall strategic outcomes of the Blacktown LGA.

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the *NSW Government's A Guide to Preparing Planning Proposals* and *A Guide to Preparing Local Environmental Plans*.

We request that Council forward this Planning Proposal to the Minister for Planning for a 'gateway determination' in accordance with section 56 of the EP&A Act.

3 The Subject Land

3.1 The Subject Site and Characteristics

The subject site is known as Lot 430 Dexter Place, Plumpton and legally described as Lot 430 DP812674. The site has no direct road frontage. Access to the site is via a right of carriageway over Lot 424, 425 & 431 DP812674 from Dexter Place, with the site having no direct road frontage. The site is a rectangular shaped lot with a total area of approximately 300m². The site is currently vacant.



Figure 1- Subject Site

The owner of the site advised that preliminary approaches have been made previously to consolidate the subject lot with the adjoining larger B1 zoned lands but there has been little interest.

The owner is interested in purchasing adjoining public reserve owned by Council. This land is approximately 100sqm and located to the east and the south of the site and is zoned R2 Low Density Residential. Council no longer requires this reserve and the owner has been in protracted negotiations with Council to purchase it and consolidate it with the subject site. By doing this, the total area of the site would be approximately 420 sqm.

To be able to purchase and consolidate the easement into the subject land, it should be reclassified from 'community land' to 'operational land'. The owner is interested in combining the reclassification application with rezoning application although it may delay the process and will take more time to finalise and approve the Plan.

As the reclassification and sale of the adjoining Council land may take a long time to occur, the Planning Proposal should be assessed on its merits without considering the consolidation with adjoining land.

If later in the process the reclassification and sale of Council land is finalised the consolidation of the two lands and extension to the site area can be considered in the assessment of this Planning Proposal.

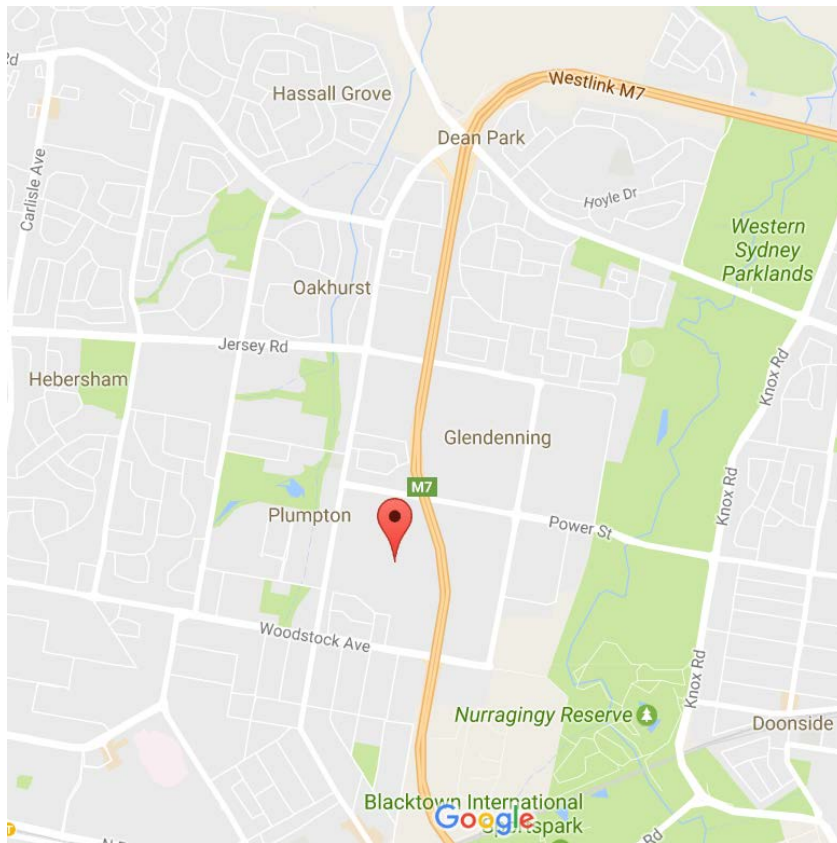


Figure 2 Site Context

Easements

There is an adjoining Council public reserve that is to the north and south of the property and is legally described as Lot 431 DP 812674 Dexter Place, Plumpton.

The access to the property is via a right of carriageway.

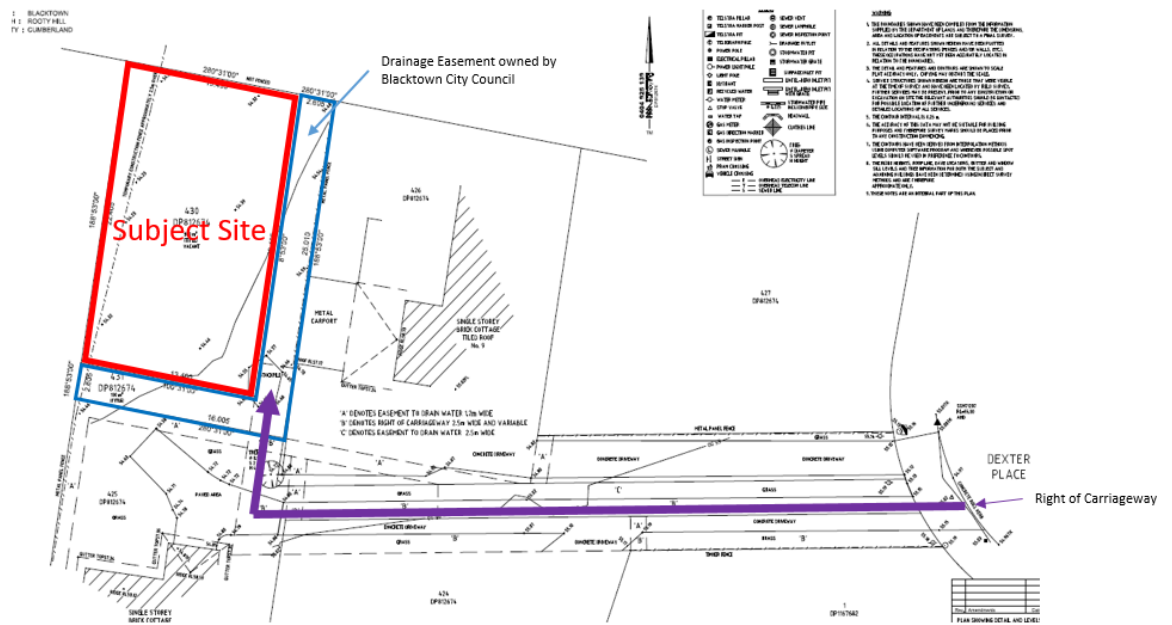


Figure 3: Subject site and easements

A Survey prepared by *Anthony & Associates Surveying* accompanies the planning proposal identifying the property and the easements.

Topography

The site is relatively level and has no distinct topographical features.

Vehicular Access

There is vehicular access to the site via a right of carriageway from Dexter Place. There no property frontage to Dexter Place or any other road.

Pedestrian Access and Public Transport

There is no pedestrian footpath across the frontage of the site given it has no frontage to Dexter Place.

There are bus stops within a 400m radius of the site on Power Street (Route 756) providing services between Mount Druitt and Blacktown stations.

Utilities and Services

There are existing reticulated sewer, water and electricity services within Dexter Place that can be extended to the site.

Vegetation

The site contains no vegetation.

3.2 Surrounding Land Uses and Development

The subject site is located in the suburb of Plumpton, is situated in a predominantly residential area. However, the site is currently vacant and is bound by future

commercial development and residential subdivision to the north, existing low density residential development to the east and south and to the west is a recently approved mixed use development and residential beyond.



Figure 4 Site and Surrounding land uses (Source: <http://maps.au.nearmap.com/>)

3.3 Current Zoning

The subject land is zoned B1 Neighbourhood Centre under the Blacktown Local Environmental Plan (LEP) 2015.

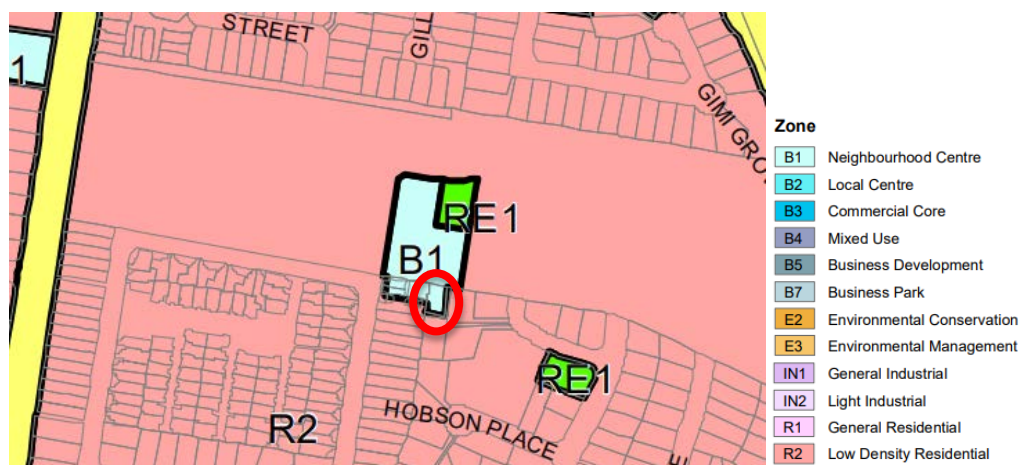


Figure 5: Land Zoning Blacktown Local Environmental Plan 2015 (extract)

4 Part 1 – Objectives or Intended Outcomes of the Planning Proposal

The objective of the planning proposal is to enable the subject land to be zoned and developed for residential purposes consistent with adjoining nearby properties in Dexter Place, and to facilitate the preparation of a LEP amendment to rezone the land from B1 Neighbourhood Centre to R2 Low Density Residential.

The intended outcome is to allow the site to be developed in an orderly and economic manner and for any future development to be consistent with the predominant adjoining development which is low density residential.

Consideration of rezoning the site and conclusion of the intended outcomes includes:

1. The site is considered to be isolated as a business zone and logically appears to present as a residential property, this is due to the lot pattern and access arrangements currently available to the site. The site relies on a right of carriageway for access. It would not practicably be able to function or operate in an orderly and economic manner with the permissible land uses of a B1 zone. Figure 6 shows the site location in the context of the other land zoned B1.
2. A number of land uses are permitted in both zones, but predominantly in the B1 zone would lend itself to adverse impacts in relation to noise and traffic, particularly in relation to the provision of access over the access handle to the southern property. Any business activity would generate traffic on this access handle and likely not be supported by Council, therefore potentially rendering the site unsuitable for the majority of permitted land uses in both zones. It would appear that a residential land use would be the most appropriate land use for this property given these circumstances.
3. Subdivision patterns are emerging to the north of the property with little opportunity for future connections or integration of the site to the larger B1 zoned land that has frontage to Waring Crescent. The remainder of the B1 zone is predominantly in one ownership and preliminary approaches have been made to consolidate this lot to the larger parcel with little interest.
4. In any event, given the location of this property in the context of the remainder of the B1 zoned land, it would most likely be utilised as “back of house” activities which would not be desirable given the size of the property and existing residential uses adjoining.



Figure 6: B1 Neighbourhood Centre zoning in the vicinity

5. Further isolating the site, a development application was approved for shop top housing/mixed use development being part of a broader and integrated residential subdivision to the west of the subject site.

The figures below show the site plan and the location of the site and residential development.



Figure 7: Extract from Universal Property Group Plan (Plan DA06/19 March 2015)

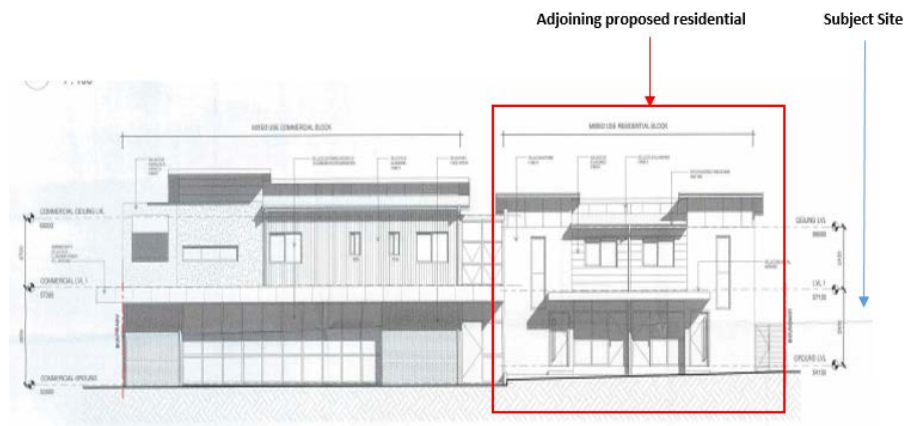


Figure 8: Extract from Universal Property Group (Plan DA19/19)

The development recently constructed to the west has residential land uses closest to the subject site boundary (Figure 8). Therefore, the site would be bound by residential development to the east, west and south of the site.

Therefore, based on the above the planning proposal would essentially allow the erection of a dwelling and other low scale developments on the subject site which would be consistent with low density residential land and surrounding land uses, and be a more suitable development outcome to respond to the existing access arrangements.

5 Part 2 – Explanation of Provisions

The planning proposal will require an amendment to the BLEP 2015 maps to notate this property with an R2 Low Density Residential zoning. There will be no changes to the BLEP 2015 instrument in regards to specific clauses and provisions.

The proposed change in land use zoning to R2 Low Density Residential is considered the most appropriate and logical land use zone in the site context and character of the area.

The R2 Low Density Residential Zone would allow for more consistent and compatible development given the lot is isolated and constrained by easements particularly for access. This is also consistent with the land to the east and south which shares the access/right of carriageway and is also zoned R2 Low Density Residential.

It is considered that the R2 zone objectives and land use table is cognisant with the property characteristics compared to its current zoning of B1 Neighbourhood Centre.

The maps that will be required to be amended include:

- Zoning Map

Although the request is for the amendment to the zoning of the land, other mapping amendments would also be required to be amended to be consistent with the adjoining development provisions and to control bulk and scale.

The MLS, FSR and HOB will remain unchanged, as there is no MLS and FSR and the existing maximum 9m height is consistent with directly adjoining land.

There are no other clauses that require amendment or instrument changes to BLEP 2015 as a result of the proposal

6 Part 3 – Justification

6.1 Section A – Need for the Planning Proposal

6.1.1 Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of any strategic study or report. The proposal is only minor and considered to have no adverse impacts in the overall strategic context of Plumpton or the broader Blacktown Local Government Area.

6.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The intended outcomes on the site is to allow the site to be developed in an orderly and economic manner, consistent with the predominant adjoining development which is low density residential. To retain the current zoning would render the site difficult to develop for commercial uses given the site characteristics, particularly the access arrangements.

There is no other means that would enable the permissibility of a dwelling on the site, which is the most appropriate use of this site.

The amendments to the land zoning maps to an R2 Low Density Residential zone is the best means of achieving the objectives and intended outcomes of the Planning Proposal as it will minimise land use conflicts and enable the economic and orderly development of the site. The site location and characteristics lends itself to a low density development outcome.

The proposed zoning will allow the subject land to be developed for a purpose that it is better suited to and is consistent with adjoining land in Dexter Place, from which it is accessible.

Currently there is no minimum lot size control applying to the land and it is not proposed to introduce any MLS control because the site area is 300sqm which is less than the 450sqm minimum lot size required for R2 zoning under BLEP 2015.

Applying minimum lot size control to the site will limit the development potential of the site.

It is noted that other relevant development standards included in the BLEP 2015 such as subdivision controls will still apply to the land.

The site is not suitable for commercial development –

- a. The site is a residue lot of a subdivision that was done in 1991. The proposed rezoning supports orderly development of the land and helps retain the established residential character of the area.

- b. The small size of the land, adjoining residential uses and limited access to the site make it unsuitable for the types of development permitted in the B1 Neighbourhood Business zone. Additionally, nearby Plumpton Market Place Shopping Centre serves the commercial needs of the local residents.
- c. Commercial land uses on the site will have negative impacts on surrounding residential properties by generating noise and traffic. In particular, the property south of the site that shares the access handle would be significantly affected.
- d. Whilst not consistent with surrounding minimum lot size, which is 450sqm under BLEP 2015, the residential zoning is acceptable for the site because:
 - I. The site is a residue lot of a subdivision that was done in 1991 and is not intended to allow subdivision.
 - II. The site is no longer suitable for commercial land uses on its own, permitted under its current B1 Neighbourhood Centre zoning, and is no longer required as part of the larger adjoining B1 zoned land.
 - III. As the lot does not front the street, the front setback may not be required which will then provide more land for development.
 - IV. Given that this is an isolated and otherwise unusable commercial site from an old subdivision, it is not considered that this proposal creates a precedent for future subdivision applications with less than required minimum lot size.

6.1.3 Is there a net community benefit?

In accordance with the *Draft Centres Policy* prepared by the *Department of Planning* (April 2009), where a proposal comes forward that is inconsistent with a permitted use in a zone, the Net Community Benefit Test should be applied as part of the Gateway process. This is outlined below:

Net Community Benefit Test Criteria	Proposed Development	Comply
<p>Will the proposal 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)?</p> <p>Is the proposal located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?</p>	<p>The proposal does not compromise the agreed State and regional strategic directions. The proposal is considered minor and to have no adverse impacts on the strategic direction of the State or regional direction of the area. Refer to Section B.</p>	✓
<p>Is the proposal likely to create a precedent or create or change the expectations of the landowner or other landholders?</p>	<p>The proposed would unlikely create a precedence or change expectations of other landowners. The request for the planning proposal is unique in the context of the site location and site characteristics</p>	✓

	It would not create a precedence or change land owner expectations given these characteristics as they are not duplicated elsewhere in the LGA.	
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	There are currently no cumulative impacts of this being a spot rezoning given it is minor in nature.	✓
Will the proposal facilitate a permanent employment generating activity or result in a loss of employment lands?	The proposal will result in the loss of 300m ² of low scale commercial land. However, given the site characteristics it would be unlikely to be developed for commercial land and therefore any employment generated from such land uses would not be realised. Better utilisation of the land would be for residential to have an additional household support the commercial zoning.	✓
Will the proposal impact upon the supply of residential land and therefore housing supply and affordability?	The proposal would create an additional housing lot which would add to the housing supply, however would not be a significant impact given it is only one lot.	✓
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	There is adequate public infrastructure capable of servicing the proposal, given it is located directly adjacent residential development. The development of the site for residential would utilise the existing road network, public transport and access to services and facilities.	✓
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?	N/A	N/A
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?	There are no significant Government investments in infrastructure services in the area whose patronage will be affected.	✓
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?	The proposal is not on land that the Government has identified a need to protect. Any constraints that would be applicable can be considered in the context of a future DA on the site.	✓
Will the LEP be compatible/complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will public domain improve?	The planning proposal and ultimate LEP will be compatible/complementary with the low density residential zone that surrounds the site and is the predominate development type. The land being zoned as residential would improve future amenity of the site as the residential land use is the most	✓

	appropriate given the site characteristics and location.	
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A	N/A
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	No, the use is an isolated lot that would have the potential to develop into a centre in the future.	✓
What are the public interest reasons for preparing the proposal? What are the implications of not proceeding at that time?	The proposal is allowing for a land use that is more compatible with the site context and surrounding land uses. The proposal will allow for the orderly and economic development of the site. It will not compromise the objectives of the proposed R2 zone. If the proposal does not proceed the site would be rendered undevelopable as a commercial zoning given it is essentially isolated for such a use.	✓

The net community benefit of the Planning Proposal can be summarised as follows:

- Encourages orderly and economic development of the land.
- Provides for zoning and future land uses that are compatible with those in Dexter Place.
- Future residential land uses would minimise land use conflict as opposed to if commercial development would be developed of the site.
- Any constraints are not significant and are better managed as a residential zone and at the time a development application is lodged.
- The proposal will provide opportunities for housing which is better suited for this site and in the context of the surrounding area.
- Any loss in commercial land would be benefitted from residential development that would support the use of the adjoining commercial land.

6.2 Section B – Relationship to Strategic Planning Framework

6.2.1 Is the planning proposal consistent with the objectives and actions contained within the applicable regional or subregional strategy?

Greater Sydney Region Plan – A Metropolis of Three Cities

The Greater Sydney Region Plan (the Plan), *A Metropolis of Three Cities*:

- sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters
- informs district and local plans and the assessment of planning proposals
- assists infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes
- informs the private sector and the wider community of the growth management and infrastructure investment intentions of government.

The Plan applies to the Greater Sydney Region and sets the planning framework for the five districts which make up the region. The Blacktown LGA is situated within the Central River City as shown below.

The population of the Central River City is projected to increase from 1.3 million people to 1.7 million people over the next 20 years. The proposal does not compromise the priorities for the Blacktown LGA.

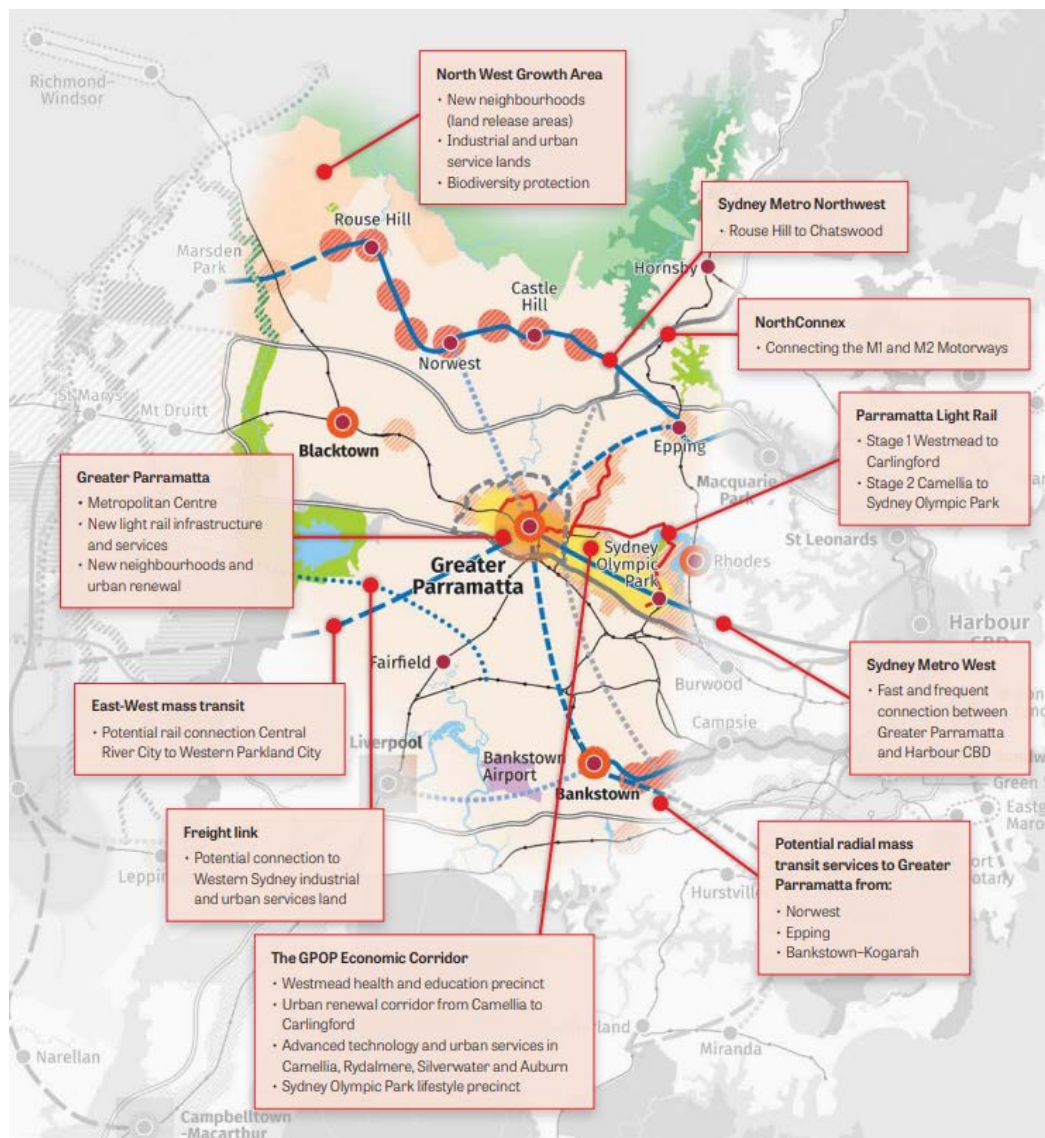


Figure 9 Extract from the Greater Sydney Region Plan – A Metropolis of Three Cities

Our Greater Sydney 2065 Central City District Plan

The Central City District Plan informs local strategic planning statements and local environmental plans, the assessment of planning proposals as well as community strategic plans and policies. The District Plan also assists councils to plan for and support growth and change and align their local planning strategies to place-based outcomes. It guides the decisions of State agencies and informs the private sector and the wider community of approaches to manage for growth and change.

Blacktown has been identified as a Health and Education Precinct within the Plan.



Figure 10 Extract from Our Greater Sydney 2065 Central City District Plan

In terms of housing, Blacktown LGA has been set a housing target of 13,950 for supply in the 2016-2021 period. The proposal is consistent with this objective and indeed is not inconsistent with other objectives of the Plan.

6.2.2 Is the planning proposal consistent with local Council's community strategic plan, or other local strategic plan?

Our Blacktown City 2036 was adopted in June 2017 and is Blacktown Council's Community Strategic Plan and identifies what the main priorities are for the community and also identifies the aspirations for Blacktown over the next 17 years. This plan is the basis for further discussion and planning with the community and has the following Strategic Directions:

1. A Vibrant and Inclusive City
2. A Clean and Sustainable Environment
3. A Smart and Prosperous Economy
4. A Growing City Supported by Infrastructure
5. A Sporting and Active City
6. A Leading City

Each Strategic Direction has focus areas to provide specific long term objectives for the Blacktown City.

The proposal will not compromise the specific long term objectives for each of the focus areas within Blacktown City. It is relative minor in the context of Council's overall Strategic Planning.

6.2.3 Is the planning proposal consistent with applicable state environmental planning policies?

The majority of the State Environmental Planning Policies (SEPPs) that are relevant to the Planning Proposal are better addressed at the detailed stage of a development application on the site. However, it is considered that the Planning Proposal is generally consistent with the relevant State Environmental Planning Policies as outlined below:

SEPP	Consistency	Comment
State Environmental Planning Policy No.1 – Development Standards	N/A	SEPP 1 does not apply to the proposal or the LEP
State Environmental Planning Policy No.33 – Hazardous and Offensive Development	N/A	The Planning Proposal does not affect the application of this SEPP. Hazardous and offensive development would not be permissible in the current and future proposed zone.
State Environmental Planning Policy No.55 – Remediation of Land	✓	<p>Clause 6 of the SEPP states that all planning proposals to rezone land are to consider whether the subject land is contaminated and if remediation is required.</p> <p>Given the site's historic use being vacant and adjoining residential development it is unlikely the site will be contaminated but will require further investigation at the time of a DA.</p>
State Environmental Planning Policy No.64 – Advertising and Signage	✓	The Planning Proposal is consistent with SEPP 64 as no additional provisions relating to signage are proposed. SEPP 64 will continue to apply to a future DA.
State Environmental Planning Policy (Affordable Rental Housing) 2009	✓	This SEPP is not relevant to the proposal but may be relevant to a future application with the site proposed to be zoned R2.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	✓	Compliance with this SEPP will be further demonstrated for a future application on the site for residential development.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	✓	Exempt and complying development under this SEPP will continue to apply to the site and future development of the site.
State Environmental Planning Policy (Infrastructure) 2007	✓	The Planning Proposal does not affect the application of this SEPP. A future DA will need to consider this SEPP.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	✓	This SEPP is not relevant to the proposal but may be relevant to a future application with the site proposed to be zoned R2.
Regional Environmental Plans (deemed SEPPs)	Applicable	Comment
Sydney Regional Environmental Plan No.20 – Hawkesbury Nepean River (No.2 – 1997)	✓	Future development is able to occur in a manner which is in keeping with the requirements of the REP.

6.2.4 Is the planning consistent with applicable Ministerial directions?

The following ministerial directions are relevant to the Planning Proposal and addressed further below:

S117 Direction	Comment	Consistency
1. Employment and Resources		
1.1 Business and Industrial Zones Applies to land within an existing or proposed business or industrial zone and seeks to retain areas of business and industrial activity and protect employment lands.	The Planning Proposal proposes to rezone the subject land from B1 Neighbourhood Centre General to R2 Low Density Residential. Removing 300sqm from the land set aside under a business zoning will not impact the employment growth or compromise strategic centres. The proposal is reducing the potential floor space area of business zones, however it is altering the zone to residential which will support the small centre. The proposal may be inconsistent with this direction as it is of minor significance as outlined in the main report.	✓
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		
2.1 Environment Protection Zones		N/A
2.2 Coastal Protection		N/A
2.3 Heritage Conservation		N/A
2.4 Recreation Vehicle Areas		N/A
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones Applies to land that will affect land within an existing or proposed residential zone.	The proposed amendment to the BLEP2015 is to alter the zoning of a small parcel of land to R2 Low Density. The proposal does contribute to housing choice and rely on the existing services and infrastructure of the area. The proposal will rely on the existing residential zone provisions in the LEP and DCP for any future development of the land. The proposal is consistent with this direction.	✓
3.2 Caravan Parks and Manufactured Home Estates		N/A
3.3 Home Occupations	The site zoned as R2 will permit home occupations without consent.	✓
3.4 Integrating Land use and Transport Applies to planning proposals that create, alter or remove a zone relating to land zoned for residential, business, industrial, village or tourist.	The Planning Proposal is considered to be consistent with the relevant principles of <i>Improving Transport Choice – Guidelines for Planning and Development (DUAP 2001)</i> and <i>The Right Place for Business and Services – Planning Policy (DUAP 2001)</i> . The proposal does create, alter or remove the zone. The site is well located site that provides good transport connections and	✓

	that will also not adversely impact on commercial centres in the LGA. The proposal is of minor significance as outlined in the main report.	
4. Hazard and Risk		
4.1 Acid Sulphate Soils	Blacktown LEP does not apply Acid Sulphate Soil mapping.	N/A
4.2 Mine Subsidence and Unstable Land		N/A
4.3 Flood Prone Land	The property is not identified as being flood prone land.	N/A
4.4 Planning for Bushfire Protection	The property is not identified as being bushfire prone land.	N/A
5. Regional Planning		
5.1 Implementation of Regional Strategies		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		N/A
5.8 Second Sydney Airport Badgerys Creek		N/A
5.9 North West Rail Link Corridor Strategy		N/A
6. Local Plan Making		
6.1 Approval and referral requirements		✓
6.2 Reserving Land for Public Purposes		N/A
6.3 Site Specific Provisions		N/A
7. Metropolitan Planning		
7.1 Implementation of a Plan for Growing Sydney	The proposal is considered to be broadly consistent with A	✓

The objectives of this direction is to give effect to the planning principles; directions and priorities for the subregion, strategic centres and transport gateways contained in a *Plan for Growing Sydney*.

Plan for Growing Sydney as outlined in Section B. The proposal is considered to be of minor significance in the context of this Plan. The proposal is considered to not be inconsistent with this direction.

6.3 Section C – Environmental, Social and Economic Impact

6.3.1 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 Planning Proposal will not alter any provisions or statutory requirements in the future development assessment as it relates to flora and fauna. The site is void of any significant vegetation and does not form any vegetation or biodiversity corridor.

Appropriate assessments will be carried out against the relevant legislation if required at the time of a development application is considered for the site.

6.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The Planning Proposal will allow for small scale residential development to be developed on the site. Accordingly, any future development would be subject to those controls and potential impacts considered as part of a Development Application. Potential impacts may relate to access, drainage, urban design and built form.

There will be no immediate environmental impacts arising from this specific Planning Proposal.

Council have requested the heritage impacts be considered. The site is not a Heritage item nor directly adjoining a heritage item. The site is in the vicinity of heritage item (I155) Woodstock House, however there is no material change to development of the lot or lot configuration as a result of the rezoning proposal. A full assessment of the heritage impacts can be undertaken at the time of a development application.

6.3.3 Has the planning adequately addressed any social and economic effects?

Sect 6.1.3 outlines how the Planning Proposal measures against the Net Community Benefit Test. It concludes that the Planning Proposal will have inconsequential impacts in relation to social and economic matters and will:

- Encourage orderly and economic development of the land.
- Provide for compatible zoning and future land uses with the surrounding area.
- Encourage future residential land uses that would minimise land use conflict as opposed to if commercial development would be developed of the site.
- Provide opportunities for housing which is better suited for this site and in the context of the surrounding area.
- Enable any loss in commercial land would be benefitted from residential development that would support the use of the adjoining commercial land.
- Detailed aspects of future development can be considered at the DA stage

The intent of the Planning proposal is to rezone the land and enable it to be used for low density residential development consistent with adjoining land.

The main potential environmental impacts to be examined in detail with any future DAs for the land would be access, drainage, urban design and built form

6.4 Section D – State and Commonwealth Interests

6.4.1 Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal would enable only one house to be built on the site which would not result in any perceptible increase of demand on local infrastructure such as roads, drainage, schools etc. It is expected that the existing infrastructure is adequate to serve and meet the needs of a future property zoned for low density residential development and that is located within an established residential area. A full and proper assessment of this will be carried out at the development application stage.

This planning proposal would enable only one house to be built on the site which will not put a large strain on a surrounding infrastructure such as roads, parks, schools etc.

6.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

No Commonwealth or State public authorities have been consulted in the process of preparing this Planning Proposal. Relevant State and Commonwealth authorities will

be consulted in accordance with the EP&A Act 1979, following the outcome on the gateway Determination.

7 Part 4 – Mapping

It is expected that Council will prepare final maps for the Gateway process that will be carried out in accordance with the *Standard technical requirements for LEP maps* and in accordance with its relevant GIS software to ensure consistency. It is proposed to amend the Land Zoning Map– Sheet LZN_008 by as outlined below:

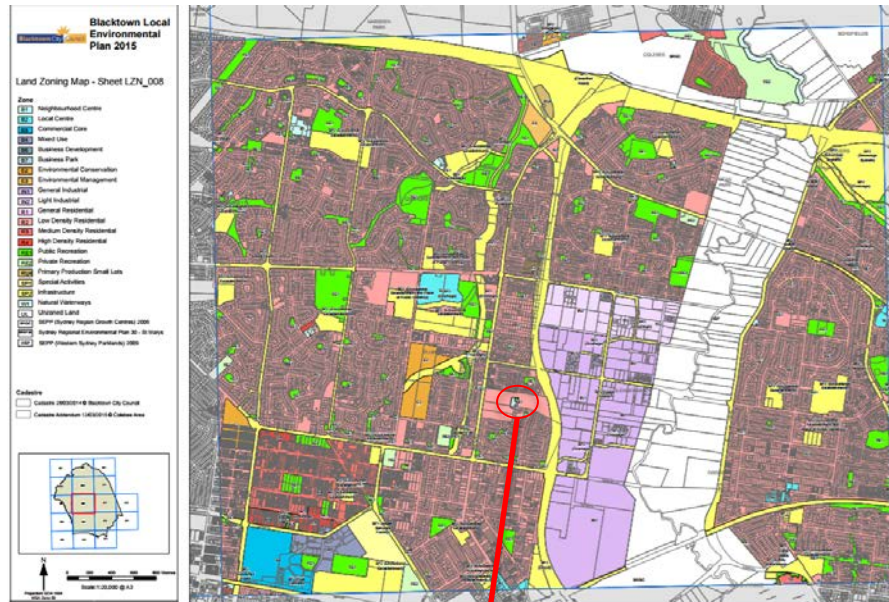


Figure 11: Blacktown LEP 2015 Land Zoning Map

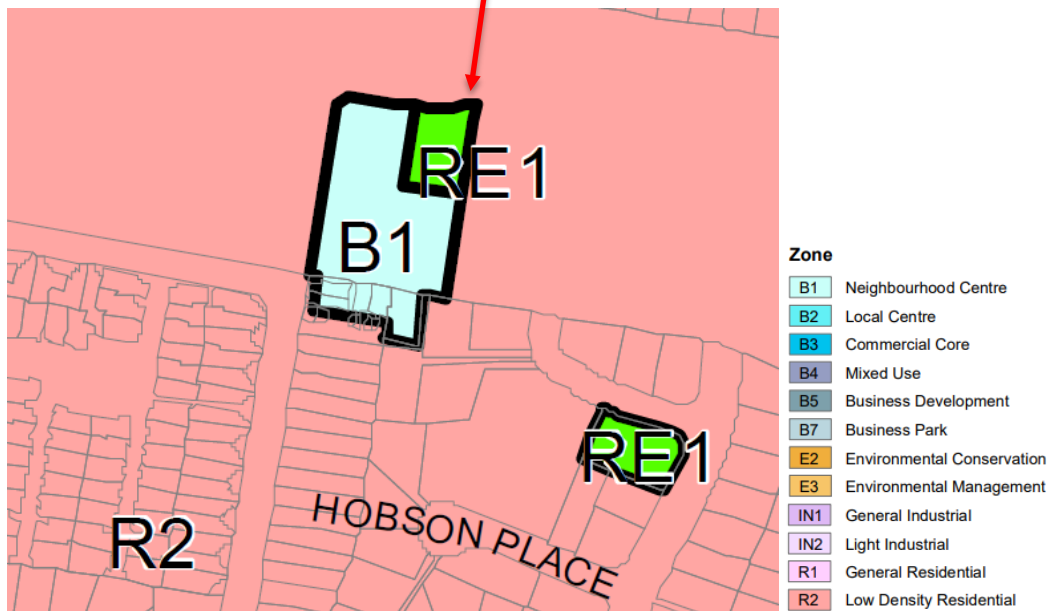


Figure 12 Existing zoning

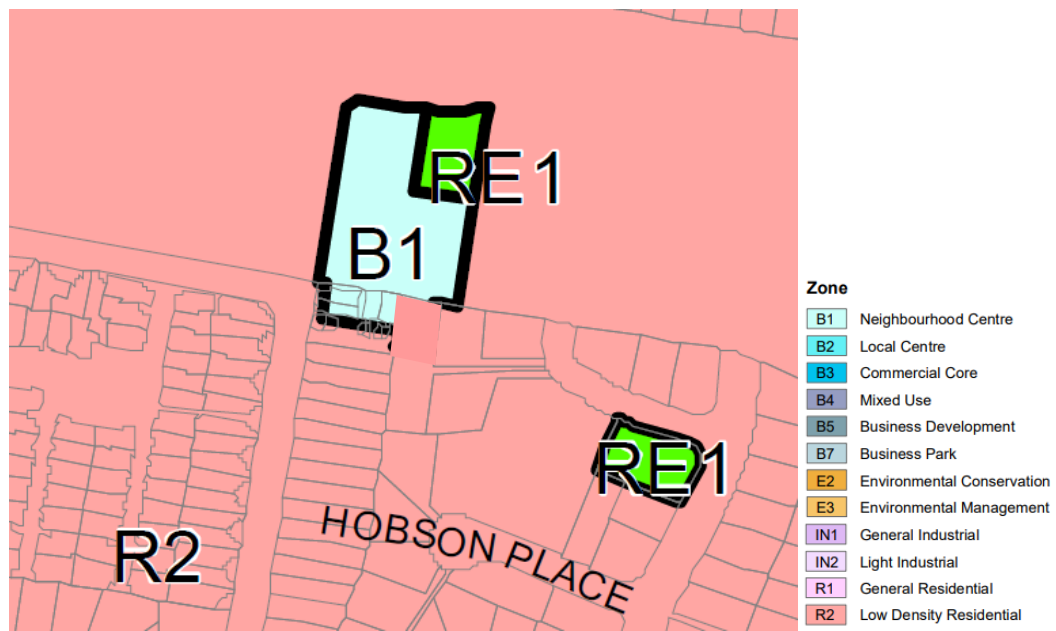


Figure 13 Proposed zoning

The MLS, FSR and HOB will remain unchanged, as there is no FSR and the existing maximum 9m height is consistent with directly adjoining land.

8 Part 5 – Community Consultation

This Planning Proposal will need to be subject to the statutory community consultation processes in accordance with the *Environmental Planning and Assessment Act 1979* and provisions of the *Environmental Planning and Assessment Regulation 2000*.

The Gateway will confirm the consultation requirements; however, the preparation of a draft LEP amendment to enable this minor rezoning is consistent with the definition of a “low” impact Planning Proposal therefore requiring an exhibition period of 14 days.

The Planning Proposal will likely be notified in local newspapers that circulate the areas affected, Council’s website, in writing to adjoining landowners and public authorities. Details as to the Planning Proposal and how to make a submission will be included.

We look forward to responding to any feedback from the Council, public authorities and the community in relation to the planning proposal and expect that this section will be updated as the gateway process progresses, and the community consultation period concludes.

9 Part 6 – Project Timeline

It is expected that the Planning Proposal will take nine (9) months to finalise with the progress having the following suggested project timeline:

Milestone	Timeframe
Council resolution endorsing the Planning Proposal for a Gateway Determination	September 2018
Gateway Determination issued by the Minister for Planning and Environment	November 2018
Public Exhibition period including consultation with public authorities	December 2018
Assessment of the Planning Proposal and consideration of public submission	January 2019
Council report of submissions and endorsing of Planning Proposal to be submitted to the Department to finalise the LEP.	March 2019
LEP will be notified on legislation website	April 2019

It is understood that these timeframes may differ as they are dependent on when the matter is reported to Council and when the Minister issues the Gateway Determination.

10 Conclusion

Due to the access constraints of this site, it is unable to be viably developed for business purposes under the current B1 zoning. The Planning Proposal is justified on the basis that the proposal would allow for more consistent and compatible development with that which is already present in the locality, and that no significant additional demand for infrastructure and services would arise.

The application of the R2 Low Density Zone is the best means in achieving the intended outcomes of the proposal and is suitable in this location. It meets all the relevant State, Regional and Local planning policies and is considered to be of minor significance in the context of these. Preliminary site investigations have revealed that any environmental impacts can be managed on the site and under a full and proper assessment of a development application.

It is considered that the rezoning of this site is of minor significance.

It is recommended that this Planning Proposal be endorsed by Blacktown City Council and it is requested that the Planning Proposal be forwarded to the Minister for Planning for a Gateway Determination in accordance with Section 3.34 of the Environmental Planning and Assessment Act.



Blacktown Local Planning Panel

PLANNING PROPOSAL ADVICE

DATE	26 April 2019
PANEL MEMBERS	Ian Reynolds, Chair Mary-Lynne Taylor, Expert Jenny Rudolph, Expert Ronald Alder, Community Representative
APOLOGIES	Nil
DECLARATIONS OF INTEREST	Nil

Confidential Panel consideration held at Blacktown City Council, Committee Rooms 2 and 3 on 26 April 2019, opened at 10.00 am and closed at 10.15 am.

PLANNING PROPOSAL

1. MA2016/0010: Planning Proposal to amend *Blacktown Local Environmental Plan 2015* to rezone a very small parcel of land, of 300 sqm area, from B1 Neighbourhood Centre to R2 Low Density Residential and maintain no minimum lot size control at Lot 430 DP 812674 Dexter Place, Plumpton.

PANEL ADVICE

The Panel considered the assessment report on the matter and the material presented at the Panel meeting.

The Panel unanimously accepts the recommendation to support the Planning Proposal for the reasons identified in Section 5 of the report.

PANEL MEMBERS

Ian Reynolds, Chair



Mary-Lynne Taylor, Expert



Jenny Rudolph, Expert



Ronald Alder, Community Representative

