

## Planning and Assessment

IRF19/4392

### Gateway determination report

|                                 |  |
|---------------------------------|--|
| <b>LGA</b>                      | Blacktown  |
| <b>PPA</b>                      | Blacktown City Council   |
| <b>NAME</b>                     | Alpha Street, Blacktown (0 homes, 0 jobs)  |
| <b>NUMBER</b>                   | PP_2019_BLACK_004_00   |
| <b>LEP TO BE AMENDED</b>        | Blacktown Local Environmental Plan 2015  |
| <b>ADDRESS</b>                  | Alpha Street, Blacktown  |
| <b>DESCRIPTION</b>              | Lots 1-8 SP 13502 and part Lot 24-25 DP 11543, Alpha Street, Blacktown                                 |
| <b>RECEIVED</b>                 | 25 June 2019   |
| <b>FILE NO.</b>                 | IRF19/4392   |
| <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. |

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal is to amend Blacktown Local Environmental Plan 2015 to rezone land at Lots 1-8 SP 13502 and part lots 24 and 25 DP 11543, Alpha Street, Blacktown from B3 Commercial Core to RE1 Public Recreation, to remove the height of building and floor space ratio controls, and to identify the land for future acquisition. Blacktown City Council is identified as the relevant acquisition authority.

### 1.2 Site description

The site (**Attachment E and Figure 1 below**) is within the Blacktown CBD, on the south-western corner of the intersection of Alpha Street and Flushcombe Road. The site is occupied by several single-storey commercial premises and a rooftop carpark. A paved walkway provides access off Alpha Street.

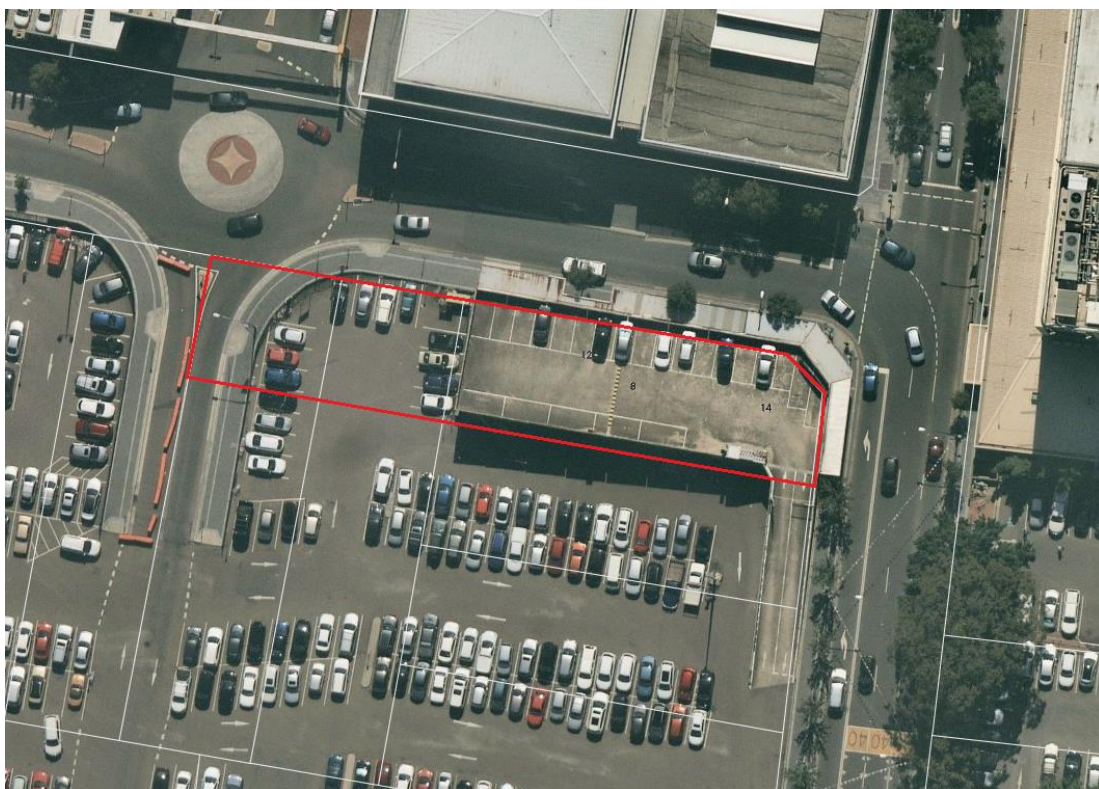


Figure 1: The site - Lots 1-8 SP 13502 and Part Lot 24-25 DP 11543, Alpha Street, Blacktown

### 1.3 Existing planning controls

The site is zoned B3 Commercial Core under Blacktown Local Environmental Plan 2015 (**Figure 2**), with a corresponding height of building control of 72 metres. The site is also subject to planning proposal PP\_2017\_BLACK\_001\_02 (for the Blacktown CBD) that rezones the site to B4 Mixed Use. How this proposal relates to the CBD Proposal is detailed further throughout this report.

### 1.4 Surrounding area

Land to the north is occupied by the Max Webber Library and Westfield shopping centre, which both form a key part of the Blacktown strategic centre. Land to the south is a large at-grade car park for the K-Mart site to the south-west. Land uses close to the site are predominantly retail and office premises, with passive civic spaces and plazas (**Figure 3**).

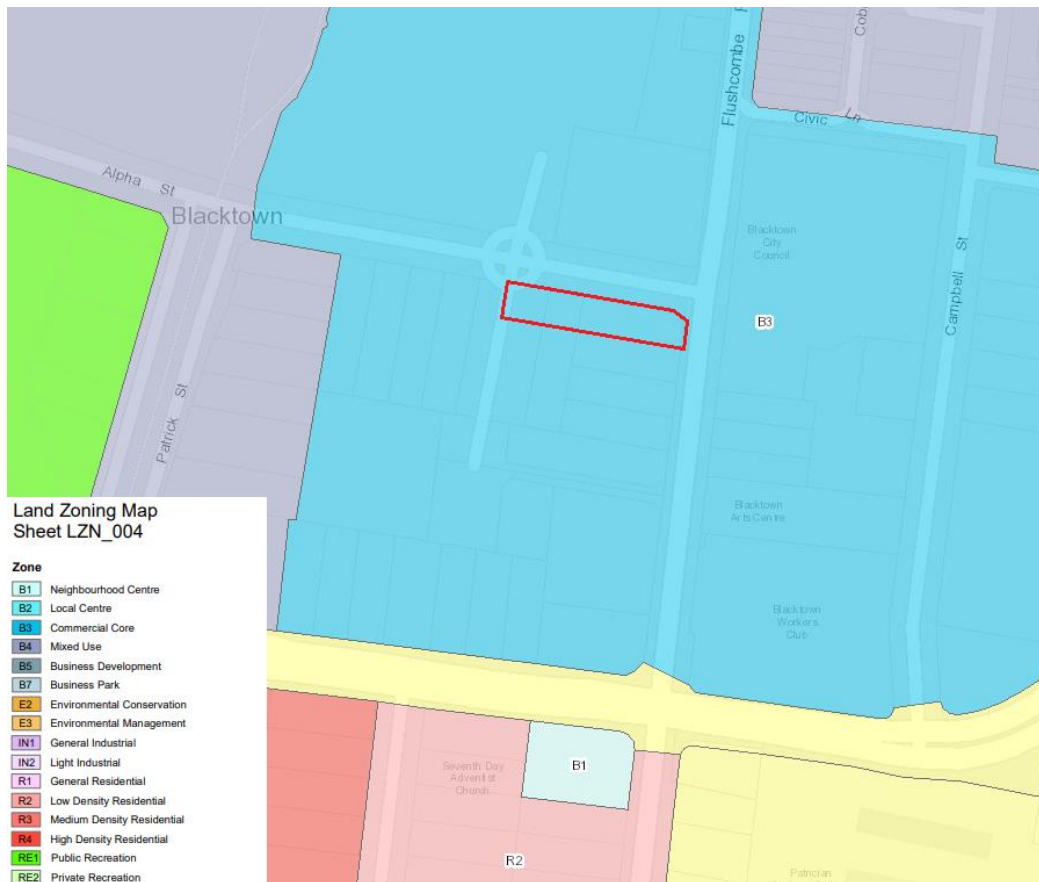


Figure 2: Land Zoning B3 Commercial Core under Blacktown Local Environmental Plan 2015.

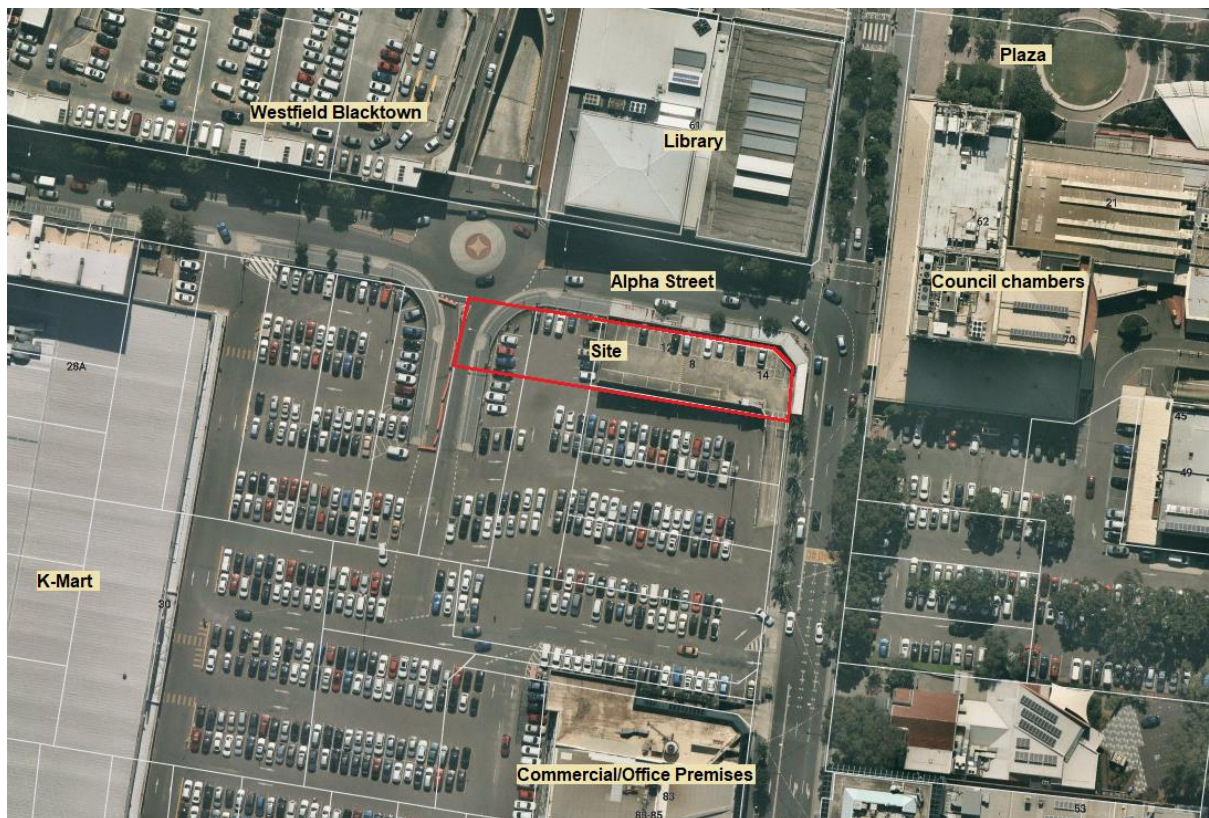


Figure 3: Surrounding context.



## 1.5 Summary of recommendation

Blacktown CBD is in the strategic process of increasing its presence as a major centre within the Central City, as evidenced by the ongoing city-wide planning proposal (PP\_2017\_BLACK\_001\_02) and the future development of Warrick Lane nearby. With the likelihood of increased office, pedestrian and residential activity, increased open space will provide amenity for workers and nearby residents. The planning proposal aims to provide open space within the CBD that will soften the urban fabric, and gives effect to the Central City District Plan.

It is recommended that the proposal proceed with conditions.

## 2. PROPOSAL

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### 2.1 Objectives or intended outcomes

Council has endorsed a vision for the Blacktown CBD, which sees the area becoming a strong mixed-use centre with increased residential population. Council has contemplated several options for open space along Alpha Street to activate the area and attract more diverse commercial activity. The objective of this proposal is for Council to acquire the land and have it function as passive open space that also supports a mixed-use locality.

The intended outcomes will be achieved by rezoning the land RE1 Public Recreation, removing the height of building and floor space ratio controls, and identifying Council as the relevant acquisition authority.

The objectives and intended outcomes of the planning proposal are clear as explained in 'Part 1 – Objectives and Intended Outcomes', as well as in the proposal's appendices. It is recommended for the Gateway determination to include a condition requiring graphic representations/visualisations of Council's vision for the site.

### 2.2 Explanation of provisions

The proposal seeks to amend Blacktown Local Environmental Plan 2015 as summarised in Table 1:

| Control                      | Current            | Proposed   |
|------------------------------|--------------------|--|
| Land zoning                  | B3 Commercial Core | RE1 Public Recreation  |
| Land Reservation Acquisition | N/A                | Local Open Space (RE1) Identified to be acquired by Blacktown City Council |
| Floor Space Ratio*           | 5:1                | Removed  |
| Height of Building*          | 72 metres          | Removed  |

Table 1 – Proposal summary

\*The mapping amendment has not been identified or addressed in the proposal submitted to the Department, however mapping is required to be addressed as part of an updated proposal prior to exhibition. This is conditioned in the Gateway determination.

## 2.3 Mapping

The proposal contains amendments to the Land Zoning Map (LZN\_014), and the Land Reservation Acquisition Map (LRA\_014) as shown in Figures 4 and 5 below. The supporting mapping information (Attachment F1 and F2) is considered adequate for community consultation purposes. A condition to update the planning proposal has been recommended to identify the removal of floor space ratio and height of building controls for the site.

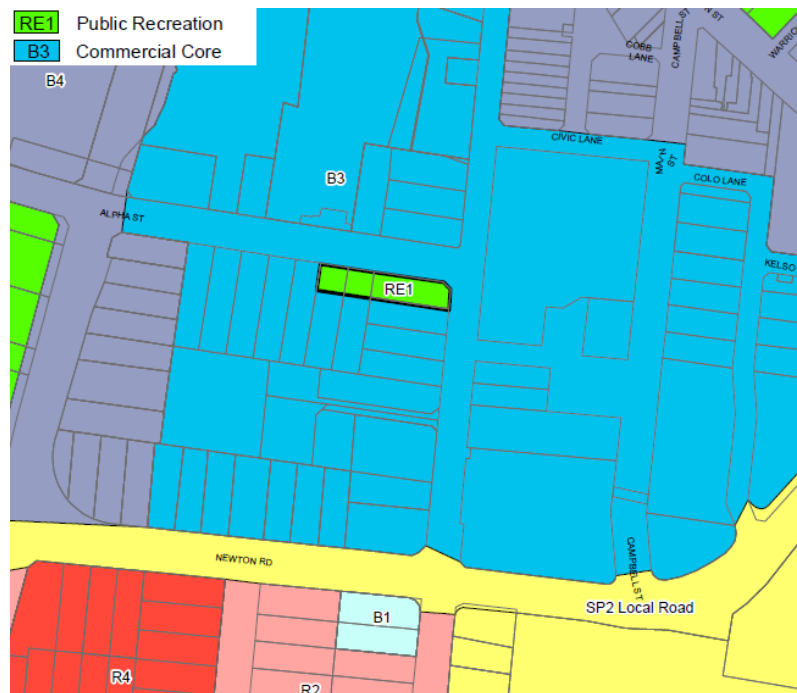


Figure 4: Proposed land zoning - RE1 Public Recreation



Figure 4: Proposed acquisition mapping - Lots 1-8 SP 13502. The remaining lots that form the site are owned by Blacktown City Council.

### 3. NEED FOR THE PLANNING PROPOSAL

The proposal supports the existing CBD-wide proposal that aims to increase residential population and establish Blacktown CBD as a mixed-use precinct. The CBD planning proposal was given Gateway determination 12 April 2017, and has yet to be finalised. The proposed land zoning of the CBD is below at **Figure 6** and at **Attachment D**.

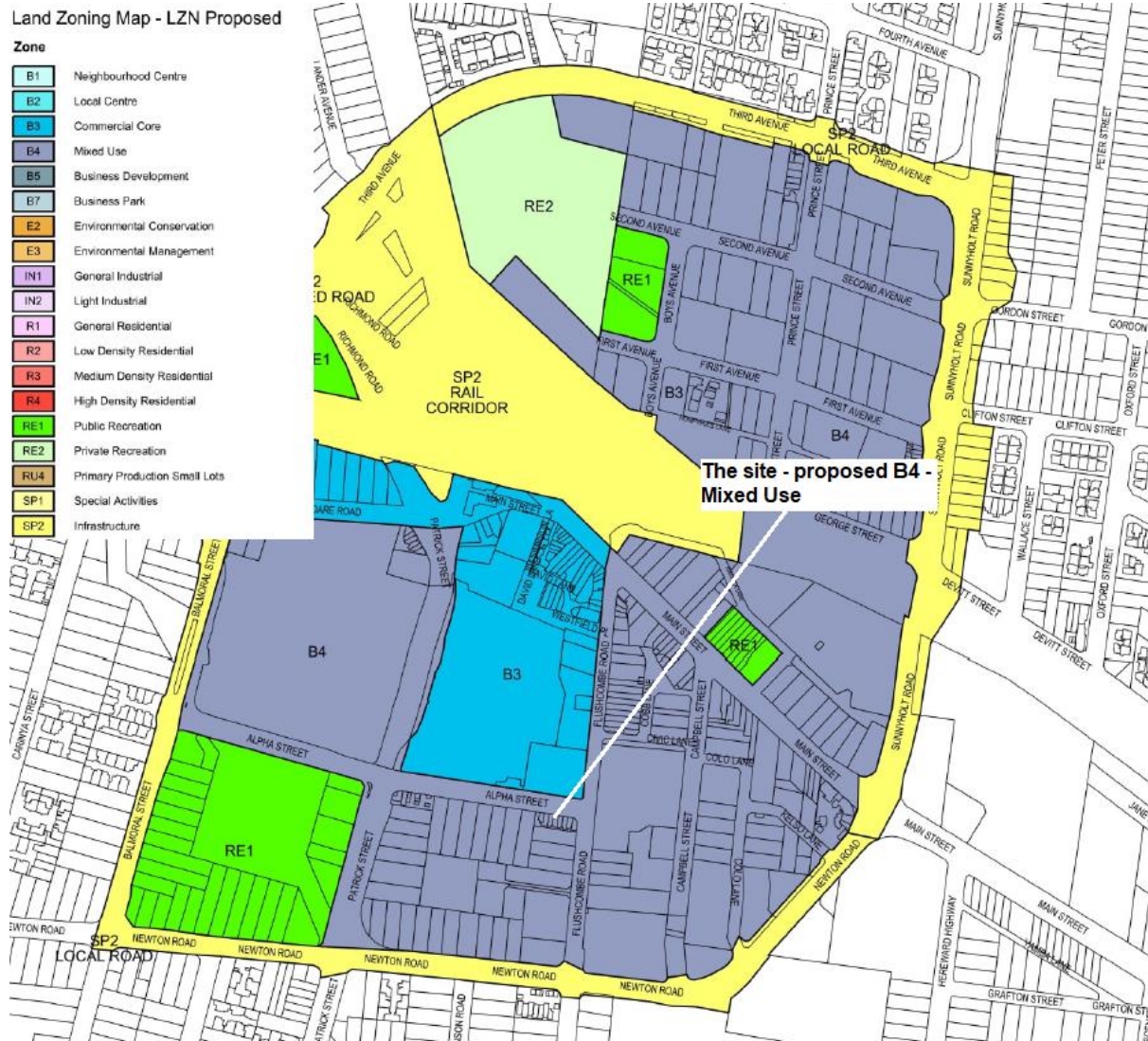


Figure 5: The site in the context of the Blacktown CBD proposal, which is bounded by the CBD ring roads of Sunnyside Road, Newton Road, Balmoral Street and Third Avenue.

Previous studies anticipated the need for an area of open space to be provided on land fronting Alpha Street, with a preference being established for land between Flushcombe Road and the entry to the K-Mart premises. The site adjoins Flushcombe Road, which is identified as a major pedestrian route from the southern part of the CBD linking to Blacktown Railway Station to the north and civic buildings in-between.

While the CBD proposal prescribes a business zone to the site, the Department is of the view that the increase in amenity that open space will bring is consistent with the overall vision of Blacktown CBD, and is complementary to a locality undergoing urban intensification.

A planning proposal is needed as it is the only mechanism to update LEP mapping to facilitate the rezoning and future acquisition of the land for public use.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 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 C1 – Planning for a city supported by infrastructure:* The proposal facilitates the acquisition of the site for open space within Blacktown CBD.
- *Planning Priority C3 – Providing services and social infrastructure to meet people's changing needs:* The proposal will facilitate the future acquisition and embellishment of public open space, delivering critical social amenity in an area undergoing urban transformation.
- *Planning Priority C4 – Fostering healthy, creative, culturally rich and socially connected communities:* The priority highlights that the design of streets and places are essential to improve mental and physical health. The proposal will facilitate the acquisition and construction of public open space and infrastructure along a major pedestrian route to public transport within the CBD.

The proposal, however, is partly inconsistent with the following part of the Plan:

- *Planning Priority C10 – Growing investment, business opportunities and jobs:* The proposal is technically inconsistent with this priority as it proposes to rezone business zoned land. However, in the context of the CBD proposal and desired future character of the CBD, the slight reduction in employment land is considered minor, and is supplemented by an increase in public amenity in the form of public open space.

The Department is satisfied that the proposal gives effect to the Central City District Plan in accordance with section 3.8 of the Environmental Planning and Assessment Act 1979.

### **4.2 Local**

The planning proposal is consistent with Council's Community Strategic Plan, 'Our Blacktown 2036, which details a vibrant and inclusive community that is supported by accessible infrastructure.

### **4.3 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 is inconsistent with this Direction, as it rezones land within an existing or proposed business zone. However, the minor reduction in employment lands is considered minor given the proposal's objectives, the site's context and future CBD transformation.

## 6.2 Reserving Land for Public Purposes

The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes.

The proposal will rezone the land and allow Council to acquire the land in the future for the use of public open space. The proposal is clear in its intent for the site to be used as open space, identifies a funding mechanism, and is consistent with this Direction.

### **4.4 State environmental planning policies (SEPPs)**

While the proposal does not appear to be inconsistent with any SEPP, it is recommended that further investigations are undertaken against SEPP 55 – Remediation of Land. This is due to the site containing a number of ageing retail premises which are to be demolished as part of future development.

This can be completed as part of a future development application for the site.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

The proposal will facilitate the future acquisition and use of the land for open space. Council envisages the land would incorporate a series of landscaped terraces to address changes in ground level and provide an avenue of trees to front Alpha Street. This will activate the area fronting future commercial/retail premises. A condition of the Gateway determination is to update the proposal to inform the public of Council's vision through graphic visualisations.

### **5.2 Environmental**

The site is in a highly urbanised state, and the proposal is not likely to have any significant environmental impacts.

### **5.3 Economic**

The site falls within Contribution Plan No 19 – Blacktown Growth Precinct. Funds generated from other development within this precinct will facilitate the acquisition of the existing commercial/retail premises, and future embellishment of the park. It is to be noted that no specific timeframe for acquisition is identified in the proposal.

As the proposal intends to activate the area through the use of passive open space, it is anticipated that the proposal will provide economic benefits to existing and future commercial/retail tenancies.



## **6. CONSULTATION**

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### **6.1 Community**

14 days is considered a satisfactory time for community engagement and response. This has been recommended as a Gateway condition.

### **6.2 Agencies**

Consultation with agencies is not considered necessary for this proposal.

## **7. TIME FRAME**

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Given the scale of the proposal, the Department considers 9 months is an appropriate time to finalise the LEP amendment.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Due to the local significance of the proposal, Blacktown City Council has been given delegation to complete the LEP.

## **9. CONCLUSION**

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

- facilitating the acquisition of land for civic use;
- gives effect to the Central City District Plan, in that it provides public open space in an area undergoing urban intensification;
- supplementing an existing planning proposal that proposes to significantly increase the residential population of the locality; and
- contributing to the vision of Blacktown Council's 'Our Blacktown 2036'.

## **10. RECOMMENDATION**

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

1. Prior to exhibition, the proposal should be updated to:
  - (a) Identify the removal of the maximum height of building and floor space ratio controls and corresponding mapping for the land;
  - (b) address and expand on the consistency with the Central City District Plan Planning Priority C4;
  - (c) consider the possibility of street elevations to clearly show the desired future character of the land, in particular the interaction between the RE1 zoned land and the potential future shopfronts to the south;
  - (d) show an accurate and current project timeline; and
  - (e) identify Council as the plan-making authority.
2. The planning proposal should be made available for community consultation for a minimum of 14 days.
3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.

4. Given the nature of the planning proposal, Council should be the local plan-making authority.

It is recommended that the delegate of the Secretary:

1. agree that the inconsistency with section 9.1 Direction 1.1 - Business and Industrial Zones is minor and justified.



8/07/2019

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