

Blacktown City Council



Kildare Rd & Balmoral St, Blacktown
Jim Filmer Reserve and part of Reserve 23
Planning Proposal
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Note: Preliminary site investigation reports by Douglas Partners are provided under separate cover.

1. Introduction

1.1 Purpose of the Planning Proposal

This Planning Proposal has been prepared by Locale Consulting on behalf of the Property Section of Blacktown City Council (**Council**).

This Planning Proposal relates to the following Council-owned properties:

Site Number	Legal description	Street address	Reserve	Area	Current land use
1	Lot 10 DP1164625	40 Kildare Road, Blacktown	Jim Filmer Reserve	1,102 m ²	Blacktown baby health centre and passive recreation.
2	Lot 1 DP228688	Balmoral Street, Blacktown	Reserve 23 (part)	708 m ²	Vacant, part of the former Blacktown Tennis Centre.

The Planning Proposal seeks to amend Blacktown Local Environmental Plan (**BLEP**) 2015 to:

- rezone these properties from RE1 - Public Recreation to R4 - High Density Residential
- apply a Height of Building control of 20 metres
- reclassify them from 'community land' to 'operational land'.

The Planning Proposal will enable Council, or subsequent owners, to:

- better utilise these properties for high density residential development (if they were to be incorporated with adjoining lands that have yet to be redeveloped)
- ensure that the already limited recreational value of these small isolated properties is not further diminished as they become further dominated by 5 – 6 storey residential apartments that are being/will be built on adjoining lands.

This Planning Proposal has been prepared in accordance with:

- Section 55 of the *Environmental Planning and Assessment Act 1979*
- NSW Department of Planning and Environment publications 'A guide to preparing Planning Proposals' and 'A guide to preparing local environmental plans'
- NSW Department of Planning and Environment Practice Note PN16-001 'Classification and reclassification of public land through a local environmental plan'.

The Planning Proposal is structured as follows:

- Section 1 provides an overview and background to the proposal, including detailed site description
- Section 2 describes the intended outcomes

- Section 3 provides an explanation of the possible provisions
- Section 4 documents the justification for the proposal
- Section 5 addresses mapping
- Section 6 outlines the community consultation
- Section 7 suggests a project timeline.

Appendix A includes a detailed commentary on Practice Note PN 16-001- 'Classification and reclassification of public land through a local environmental plan'.

1.2 Project Background

The properties are located on the western edge of the Blacktown CBD, approximately 300 metres from Blacktown train and bus station. Much of the area in which the properties are located is zoned (and being redeveloped) for high density housing up to 20 metres (5 – 6 storeys). For example:

- across Kildare Rd from site 1 (to the north) is a 5 storey residential apartment development
- across Balmoral Street from site 2 (to the east) is the Westpoint Shopping Centre (rear façade and car park entrances)
- the land located between the two properties is currently being developed as a residential apartment building.

Both properties are zoned for public recreation (RE1 - Public Recreation) but have limited recreational value due to being disconnected from other open space, their small size, limited use options and location.

Site 1 (Jim Filmer Reserve) is mostly occupied by and used as a baby health centre, with a small open space area in front of the associated baby health centre building and car park. Site 2 forms part of the now-closed Balmoral Street Tennis Courts, the remainder of which is comprised of Lot 137 DP 12443 (also part of Reserve 23 and owned by Council but which must be retained as a drainage and flood storage channel) and land owned by Blacktown Tennis Inc, The component owned by Blacktown Tennis Inc. is zoned R4 High Density Residential and is currently for sale.

Larger, more connected and better embellished open spaces / parks are located within 200 metres of the sites, at the Blacktown Showground (17ha of zoned open space land) and Alpha Park. Although a part of Alpha Park (9,450 m²) is currently proposed to be rezoned to B4 Mixed Use, once surrounding properties are acquired for open space purposes and incorporated into Alpha Park, the open space in this location will have a substantial area of just over 3 ha. Open space connections to these larger spaces are also available nearby.

The proposed amendments were originally proposed in the draft BLEP 2013 (the Citywide local environmental plan that has since been finalised as BLEP 2015). However, following exhibition of the draft LEP, Council resolved to separately consider all proposed land reclassifications and associated rezonings after the LEP was made. This was to avoid delays

in finalising the BLEP 2015 due to the need to hold public hearings for the reclassifications. This Planning Proposal reflects this progression.

This Planning Proposal is also consistent with Council's recent resolution, made at its Ordinary Meeting on 30 August 2017.

A copy of the relevant Council reports (Report No. SD330109, 9 December 2013 [relevant sections only] and Report No. CS370129, 30 August 2017) are provided at Appendix B.

1.3 Site Description

The land subject to the Planning Proposal can be best described as follows:

Site	Legal description	Street address	Reserve Name
1	Lot 10 DP1164625	40 Kildare Road, Blacktown	Jim Filmer Reserve
2	Lot 1 DP228688	Balmoral Street, Blacktown	Reserve 23 (part)

Site 1 is mostly occupied by and used as a baby health centre and its associated building and car park. Site 2 forms part of the now-closed Balmoral Street Tennis Courts, the remainder of which is comprised of Lot 137 DP 12443 (also part of Reserve 23 and owned by Council but which must be retained as a drainage and flood storage channel) and land owned by Blacktown Tennis Inc. Site 1 has driveway and pedestrian access from Balmoral Street, and also has pedestrian access from Kildare Road. Site 2 does not have direct pedestrian or vehicular access to Balmoral Street and therefore would not be developed in isolation, but rather as part of the adjoining properties that are yet to be developed including the remainder of the Balmoral Street Tennis Courts complex or properties fronting Carinya Street.

Both properties slope gently from east to west, towards a stormwater drain located to the west of the properties.

The general locality that the properties are located in (Blacktown CBD) is best described as having a mix of higher density uses, primarily made up of retail, commercial and higher density residential land, along with some recreation and community uses.

Site photographs of each property are shown in Figure 1 below.



View towards Site 1 from Kildare Rd frontage.



View towards Site 1 from Balmoral St frontage.



View from Site 2 looking east across Balmoral St



View towards Site 2 from Balmoral St

Figure 1 – Site Photographs

The subject sites are shown on the Locality Plan in Figure 2 below.

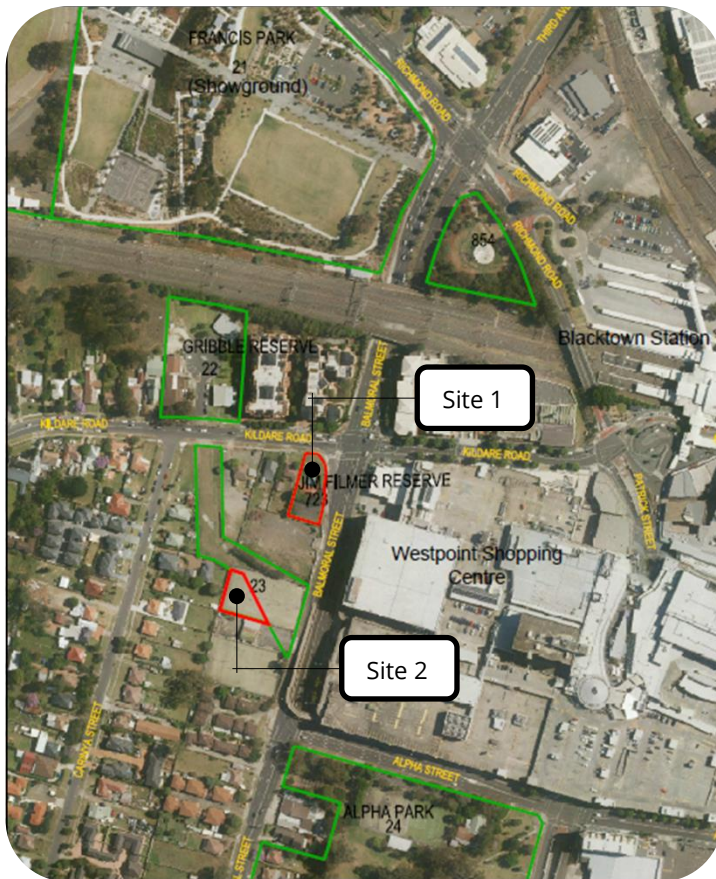


Figure 2 - Locality Plan Subject land (outlined in red) and other reserves (outlined in green)

The current zoning of the subject site, under BLEP 2015, is shown in Figure 3 below.

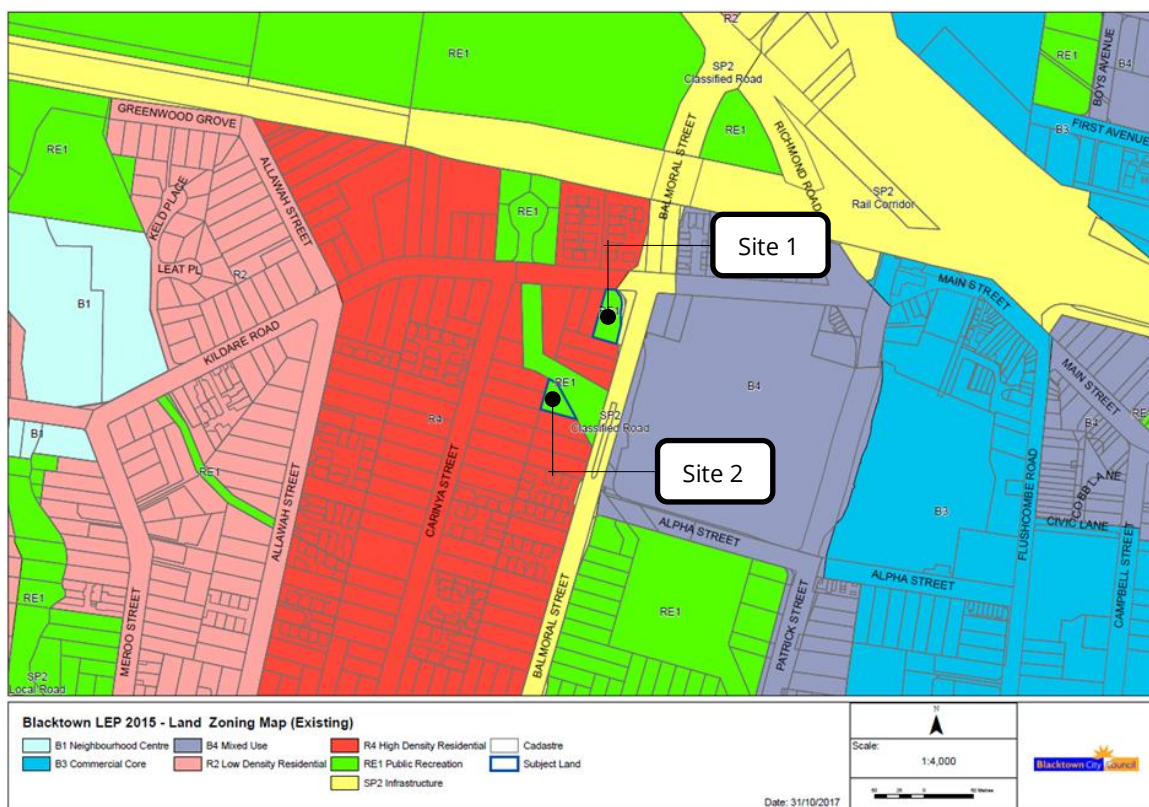


Figure 3 - Current Zoning Map (extract from Land Zoning Map - BLEP 2015)

2. Intended Outcomes

The objective of this Planning Proposal is to enable the subject properties to be disposed of by Council and incorporated into the redevelopment of adjoining lands for 5 – 6 storey residential apartments, as resolved by Council. This would facilitate the orderly redevelopment of this precinct and allow the sites to be used more productively, along with creating an income stream that Council can put towards other activities and services.

The intended outcome of this Planning Proposal is to:

- rezone the subject properties from RE1 - Public Recreation to R4 - High Density Residential
- apply a Height of Building control to the subject properties of 20 metres
- reclassify the subject properties from 'community land' to 'operational land'

3. Explanation of Possible Provisions

The intended outcome will be achieved through the following amendments to Blacktown Local Environmental Plan (BLEP) 2015:

1. Amend the Land Zoning Map (Sheet LZN_013 and LZN_014) to change the zoning for the subject lands from RE1 Public Recreation to R4 High Density Residential.
2. Amend the Height of Building Map (Sheet HOB_013 and HOB_014) to introduce a maximum height control of 20 metres for the subject lands.
3. Amend Schedule 4 to include the subject lands as follows:

Schedule 4 Classification and reclassification of public land

Part 2 Land classified, or reclassified, as operational land – interests changed

Column 1	Column 2	Column 3
Locality	Description	Any trusts etc not discharged
Blacktown	Lot 10 DP1164625	Nil
Blacktown	Lot 1 DP228688	Nil

There are no other mechanisms that would enable the intended outcomes of the Planning Proposal to be achieved. The proposed changes to be BLEP 2015 are considered to be the most efficient and effective way to ensure that the subject land can be developed consistently with surrounding land.

4. Justification

4.1 Need for the Planning Proposal (Section A)

4.1.1 Is the Planning Proposal a result of any strategic study or report?

Yes. The Planning Proposal is consistent with the following strategic studies or reports.

Council Report (2017)

At its meeting of 30 August 2017, Council considered a report which recommended the proposed LEP amendments and reclassification on the basis that the subject sites, on their own, have limited recreational value due to their:

- **Size**

At 1,102m² and 708m² in area, the subject sites are an equivalent size to a large dwelling house allotment. Larger, better embellished and better utilised recreational facilities are located nearby (within 200 metres) at the Showground/Francis Park and Alpha Park.

- **Use**

Jim Filmer Reserve is predominantly occupied by a baby health centre and a small (260 m²) and poorly utilised grassed area on the northern side of the reserve. This open space area contains only two bench seats. Even if the baby health centre was to be relocated from the site to a multi-purpose community facility (as per Health NSW's current preference), the site is not well suited as an open space / park area due to its isolated location and, in the near future, the dominance of surrounding high density development.

Most of Reserve 23 (partly incorporating Site 2) is grassed and serves a drainage and flood detention purpose rather than providing any recreational value. The part of Reserve 23 subject to this Planning Proposal (Site 2) is situated within the now-closed Balmoral Street tennis courts. The southern two-thirds of the tennis court land is zoned R4 - High Density Residential, owned by Blacktown Tennis Inc. and currently for sale.

- **Location**

Jim Filmer Reserve (Site 1) fronts the busy intersection of Balmoral Street and Kildare Road, giving it an unpleasant outlook and making it noisy and potentially unsafe (particularly for small children).

The subject part of Reserve 23 (Site 2) has no street frontage and is only accessible through the tennis courts (for now). If the tennis courts are redeveloped without this land, it will form part of Reserve 23, which primarily serves a drainage function and will be even further isolated.

If the subject sites are left as they are, their recreational value will be further diminished when they are 'closed in' by 5 - 6 storey residential buildings that will eventually be developed on adjoining lands (which are zoned R4, with a maximum 20 metre height control). Once

adjoining lands are redeveloped, the subject sites cannot be redeveloped for residential purposes on their own as they will be too small and difficult to access (i.e. amalgamation with adjoining land is the logical development pathway).

Blacktown LEP 2015 - Rezoning Blacktown and Mount Druitt CBDs – Planning Proposal (PP_2017_BLACK_001_00)

This recent Planning Proposal, relates in part to the Blacktown CBD (being land adjacent to the subject sites), and is based on recent reports that reviewed existing land use zones, height of building and floor space ratio controls. This Planning Proposal seeks to reduce the extent of the B3 Commercial Core zone in the Blacktown CBD and replace it with the B4 Mixed Use zone. The Planning Proposal states this is the most appropriate zone to be applied to achieve Council's vision for the Blacktown CBD to be a vibrant centre activated by a substantial high density residential component.

The proposed Planning Proposal can help contribute to the substantial high density residential component that is warranted in this location.

Blacktown LEP 2015 – Alpha Park, Blacktown – Planning Proposal (PP_2017_BLACK_003_00)

This recent Planning Proposal, relates to a site to the south-east of the subject sites, and is based on an urban design analysis to support opportunities for growth in Blacktown. This Planning Proposal aims to rezone the northern 9,450m² of Alpha Park to B4 Mixed Use and to assign a 26 metre height of building control to promote activation of Alpha Park.

The proposed Planning Proposal also supports residential growth in Blacktown to both house the increasing population and activate spaces adjacent to the CBD.

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered to be the best means of achieving the intended outcomes. The proposed zoning and height control will allow the subject lands to be developed for a purpose that they are better suited to and which is consistent with adjoining land. As Council cannot develop these parcels for high density residential purposes on their own (they are too small), the proposed reclassification of the land to 'operational land' will enable Council to dispose of the land to adjoining owners and thereby enable better development outcomes.

4.2 Relationship to strategic planning framework (Section B)

4.2.1 Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The Planning Proposal is consistent with the following plans and strategies.

Greater Sydney Region Plan – Our Greater Sydney 2056

The Greater Sydney Commission is an independent body established by the NSW Government in 2016 to manage planning for the Sydney Metropolitan Area.

In March 2018, the Commission released the Greater Sydney Region Plan, which will, once finalised, replace 'A Plan for Growing Sydney' as the plan to accommodate 8 million people by 2056 in a more productive, liveable and sustainable global city.

The plan is based on a 'three city – one metropolis' approach with the cities being: Eastern Harbour, Central River and Western Parkland. Each city, whilst well-connected to the others, is intended to be largely self-sufficient with 70% of residents being within 30 minutes of work, study, services and 'great places'. This will help to encourage the spread of jobs away from the Sydney CBD and to the west of the City.

The Blacktown CBD is identified as a strategic centre in the 'Central River City'. Jobs growth in strategic centres and improved transport connections between strategic centres is proposed. The Blacktown CBD is also identified as a key health and education precinct.

This Planning Proposal will enable underutilised recreation land to be used more productively for high density residential housing. Providing such housing, on the edge of the Blacktown 'strategic centre' will enable more people to be within 5 minutes of jobs, education, health services and transport, as well as quality recreation facilities at the Showground/Francis Park and Alpha Park. This is clearly consistent with the intent of the Greater Sydney Region Plan.

A Plan for Growing Sydney

'A Plan for Growing Sydney', released in December 2014, is the NSW Government's plan for the Sydney Metropolitan Area for the next 20 years. The Plan provides key directions and actions to guide Sydney's productivity, environmental management, and liveability – including the delivery of housing, employment, infrastructure and open space.

Blacktown is identified as a Strategic Centre in the Plan. Priorities of this strategic centre are to *"work with local council to:*

- *retain a commercial core in Blacktown as required, for long-term employment growth.*
- *provide capacity for additional mixed-use development in Blacktown including offices, retail, services and housing.*
- *support hospital-related land uses and infrastructure around Blacktown Hospital."*

This Planning Proposal supports the retention of the Blacktown commercial core and helps to provide lands for additional housing supply and housing choice.

More specifically, this Planning Proposal will:

- enable Council to dispose of the land (once it is classified as 'operational land') for redevelopment to support housing choice to meet the needs and lifestyles of people in Blacktown
- enable the land to be developed for high density housing, close to jobs, transport and retail and community services in the neighbouring Blacktown CBD and the large, nearby parks at Alpha Park and the Showground
- ensure that the limited recreational value of these lands is not further diminished if they are 'left behind' as small, isolated parcels of recreation land, whilst adjoining lands are redeveloped for 5 – 6 storey apartments.

Central City District Plan

The Greater Sydney Commission's 'Central City District Plan' (released in March 2018) provides a 20 year vision for this precinct – which encompasses the Cumberland, Parramatta, the Hills and Blacktown council areas. The draft district plan provides detail on how the objectives for Greater Sydney can be achieved – i.e. being a more productive, liveable and sustainable global city.

The Planning Proposal is consistent with the broad intent of this draft district plan. Specifically the Planning Proposal supports Planning Priority "*C5 Providing housing supply, choice and affordability, with access to jobs and services*", with the sites subject to the Planning Proposal being located immediately adjacent to the Blacktown CBD (which is an accessible, well serviced location). Further, the Planning Proposal can contribute to meeting the 2016 – 2021 housing supply target contained in the District Plan for Blacktown LGA, being 13,950.

4.2.2 Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Yes. The Planning Proposal is consistent with the following local strategies.

Our Blacktown 2036

'Our Blacktown 2036' is Council's Community Strategic Plan (adopted June 2017). Developed in partnership with residents, local community groups, stakeholders and businesses, it expresses the community's vision and aspirations for the future of Blacktown City.

The vision for Blacktown City is that it be a 'City of Excellence – diverse, dynamic, progressive'.

The proposed zoning, height control and 'operational land' classification for the subject sites will facilitate the more productive use of these sites. They currently provide limited recreational value and see minimal use for recreation purposes, despite being zoned as RE1 – Public Recreation. By reclassifying the land to 'operational', Council will be able to sell the sites and put the proceeds towards improving community and recreation facilities elsewhere, in more suitable locations. The proposed R4 zoning and 20 metre height control, which are consistent with adjoining lands, will make them more appealing to adjoining owners who may wish to incorporate the lands into their redevelopments.

4.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes, the Planning Proposal is consistent with all relevant state environmental planning policies (SEPPs). Those that are directly relevant to the Planning Proposal are addressed below. It is noted there are no deemed SEPPs relevant to the Planning Proposal. For a complete checklist of SEPPs, refer to Appendix C.

State Environmental Planning Policy 55 Remediation of Land

SEPP 55 introduces state-wide planning controls for the remediation of contaminated land. The SEPP states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

The subject properties have historically been used as follows:

- Site 1 (Lot 10) – prior to containing a baby health centre was used for residential purposes
- Site 2 (Lot 1) – was previously vacant and potentially used for agricultural purposes in the early-mid 1900s.

Preliminary site investigations have been conducted for both subject sites (refer to reports by Douglas Partners provided under separate cover to this Planning Proposal). Based on these investigations 'it is considered unlikely that there is a major constraint to the proposed zoning and that the sites can be rendered suitable for the proposed residential development, subject to further investigation and remediation, as required.'

State Environmental Planning Policy 65 Design Quality of Residential Apartment Development

This Policy aims to improve the design quality of residential apartment development in New South Wales. It applies to residential flat buildings of three or more storeys and includes design principles to be satisfied by such development. Therefore this Policy would need to be addressed as part of any future development application for high density housing on the subject properties, with the Planning Proposal including a proposed Height of Building control of 20 metres (5-6 storeys).

State Environmental Planning Policy (Affordable Rental Housing) 2009

This Policy aims to provide a consistent planning regime for the provision of affordable rental housing and to facilitate such development. Therefore this Policy would need to be addressed as part of any future development application, should any higher density residential housing proposed on the subject properties include low cost rental accommodation.

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

The Planning Proposal is generally consistent with applicable Ministerial Directions. The Section 117 Directions that are relevant to the Planning Proposal are detailed below. For a complete checklist of Section 117 Directions, refer to Appendix D.

Housing, Infrastructure and Urban Development – 3.1 Residential Zones

The Planning Proposal includes two properties proposed to be rezoned to R4 High Density Residential. The subject properties are both located in a City Centre with a high level of existing infrastructure and services and are surrounded by land zoned R4 High Density Residential. The Blacktown City Centre is recognised as a Metropolitan City Centre in 'A Plan for Growing Sydney', 'Greater Sydney Region Plan - Our Greater Sydney 2056' and the 'Central City District Plan'. The proposed LEP amendments were previously exhibited as part of the draft BLP 2013 (which is now the City-plan – BLP 2015). The Planning Proposal is therefore consistent with the Regional Plan, District Plan and local strategy, along with this s. 117 direction.

It is expected the dwelling or residential yield of the proposed rezoning would be approximately 19 - 22 dwellings. This figure is based on:

- A collective area of 1,800m².
- A proposed height of 5 - 6 storeys.
- Council's current apartment DAs are producing a yield of around 21 dwellings per floor per hectare.

However, it should be noted that the 2 subject lots are relatively small and cannot be developed on their own.

Housing, Infrastructure and Urban Development – 3.4 Integrating Land Use and Transport

The Planning Proposal includes two properties proposed to be rezoned to R4 High Density Residential. The subject properties are both located in a City Centre with a high level of existing infrastructure and services, and are surrounded by land zoned R4 High Density Residential. The Blacktown City Centre is recognised as a Metropolitan City Centre in 'A Plan for Growing Sydney', 'Greater Sydney Region Plan - Our Greater Sydney 2056' and the 'Central City District Plan'. The location in a City Centre provides opportunities for future development on the subject properties to access housing, jobs and services by walking, cycling and public transport. The Planning Proposal is therefore consistent with this s. 117 direction.

Regional Planning - 5.10 Implementation of Regional Plans

As discussed in Section 4.2 the Planning Proposal is consistent with the objectives and actions of 'A Plan For Growing Sydney' 2014. The Planning Proposal is also consistent with the 'Greater Sydney Region Plan – Our Greater Sydney 2056', which when finalised will replace 'A Plan for Growing Sydney'. The Planning Proposal is therefore consistent with this s.117 direction.

Local Plan Making - 6.1 Approval and Referral Requirements

The Planning Proposal does not include new or proposed provisions that require concurrence, consultation or referral of development applications to a Minister or public authority. The Planning Proposal is therefore consistent with this s.117 direction.

Local Plan Making – 6.3 Site Specific Provisions

The Planning Proposal will allow particular development to be carried out on the land (including higher density housing), does not contain drawings that show details of a future development proposal, and does not contain additional site specific planning controls for a proposed land use. However, the Planning Proposal does contain additional provisions in Schedule 4 of BLEP 2015, to ensure the subject land is appropriately classified. Therefore, although the Planning Proposal is inconsistent with this s.117 direction, it is considered to be a minor and necessary inconsistency.

Metropolitan Planning - 7.1 Implementation of 'A Plan For Growing Sydney'

As discussed in Section 4.2 the Planning Proposal is consistent with the objectives and actions of 'A Plan For Growing Sydney' 2014. The Planning Proposal is also consistent with the Greater Sydney Region Plan – Our Greater Sydney 2056, which when finalised will replace 'A

Plan for Growing Sydney'. The Planning Proposal is therefore consistent with this s.117 direction.

4.3 Environmental, Social and Economic Impact (Section C)

4.3.1 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?

Site 1, Jim Filmer Reserve (Lot 10), is largely developed, comprising of a paved car park, a baby health centre building and a small grassed area. The few trees on the site are not part of a remnant vegetation corridor and are highly unlikely to contain critical habitats. The trees form part of the landscaping that was undertaken when the baby health centre was built.

Site 2, being part of Reserve 23 (Lot 1), is part of a tennis court and contains no trees or other vegetation / habitat.

There are no likely impacts on threatened species or ecological communities that would preclude the rezoning and reclassification of the subject sites.

4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

The intent of the proposed rezoning and reclassification is to facilitate the disposal of the subject properties to adjoining land owners, for inclusion in future redevelopment of land for 5 – 6 storey residential apartments. This would enable the orderly redevelopment of this precinct and allow the sites to be used more productively.

The main potential environmental impacts to be further examined in detail with any future development applications for the sites would be:

- flooding and drainage
- transport and access
- urban design and built form

It is noted by Council's flood engineers that selling/excising of Site 2 for development purposes will not significantly impact the drainage function served by Reserve 23 (conveying overland flow and providing flood storage).

Whilst part of Site 2 is affected by the 1:100 year flood, Site 2 could not be developed on its own, as it is 'landlocked'. The only way it could be developed in the future would be if it is absorbed into the remainder of the tennis court site that is currently zoned as R4 High Density or the properties to the west, fronting Carinya Street. Flooding would therefore be considered as part of a broader development site, of which Site 2 would be a part. Similarly, access to the landlocked Site 2 would be considered as part of a broader development proposal.

4.3.3 The fact this site can't be developed in isolation would also allow access (either via Balmoral Street or Carinya Street) to be addressed as part of

a broader development site. Has the Planning Proposal adequately addressed any social and economic effects?

Yes. This Planning Proposal will provide beneficial economic and social effects in the Blacktown community for the following reasons:

- the Planning Proposal responds to a demand for higher density housing immediately adjacent to the Blacktown CBD, with the aim of providing housing choice close to employment, retail, medical, community and recreation facilities. As referenced in Section 4.2.1 above the Planning Proposal supports Planning Priority “C5 Providing housing supply, choice and affordability, with access to jobs and services”, in the Central City District Plan and responds to the housing supply target in the Central City District Plan.
- the proposed amendments were originally proposed and exhibited in the draft BLEP 2013 (the City-plan that is now BLEP 2015).
- NSW Health support the relocation of the baby health centre currently located on site 1 (Lot 10 / Jim Filmer Reserve) to a safe, accessible location and would prefer a new baby health centre to form part of a community hub rather than be located in isolation from other community services as is currently the case.
- Jim Filmer’s family has advised that Jim Filmer (who was a long standing local butcher and business owner) had no connection to the reserve named after him and another public space in the area could be named in honour of Jim Filmer. The family has also advised that the reserve was simply named after Jim Filmer as it was the closest reserve to Jim's former residence .
- by disposing of isolated and poorly functioning open space lands, Council can create income that can be put towards other activities and services.

4.4 State and Commonwealth Interests (Section D)

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The subject site is located in an area that is well serviced by public infrastructure (being part of the South-West Precinct of the Blacktown City Centre), including:

Water: Sydney Water water mains are located adjacent to both properties.

Drainage: A stormwater drain is located immediately to the west of both properties.

Electricity: Low voltage electricity is available at both properties.

Telecommunications: underground and mobile telecommunications are available at both properties.

Sewer: Sewer mains are located adjacent to both properties.

Transport: Both subject properties are located within 350m of Blacktown Train Station, which is a major transport interchange providing both bus and train services within the local area, the district and Greater Sydney. Major bus routes operate within walking distance of both properties, along nearby roads.

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

State and Commonwealth authorities will be consulted in accordance with section 57 of the *Environmental Planning and Assessment Act 1979*, following the outcomes of the gateway determination.

Although a gateway determination has not been received, the following pre-submission consultation has been undertaken:

NSW Health

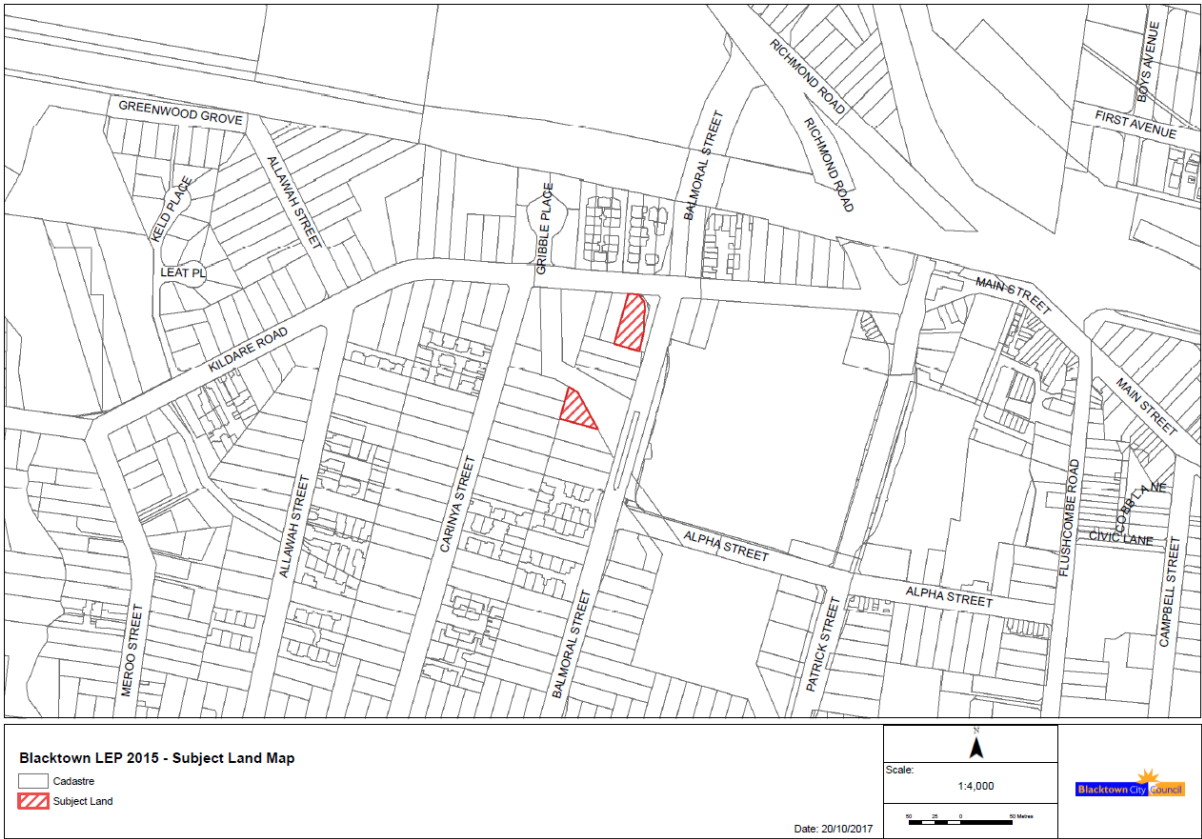
Western Sydney Local Health District (WSLHD) was consulted in relation to the rezoning of the subject property that currently houses a baby health centre (site 1 - Lot 10 / Jim Filmer Reserve). They have provided a letter of support for the Planning Proposal (dated 30 November 2017 and included in Appendix E) for the relocation of the Early Blacktown Childhood Health Centre to a suitable venue or location in the Blacktown LGA, in a safe, accessible and appropriate setting. Further, WSLHD advised that they support an operating model for baby health centres being co-located with other community services/ facilities (i.e. a Community Hub). WSLHD note that they are successfully operating baby health centres in community hubs, in partnership with Council, at The Ponds and Ropes Crossing, and more recently Lalor Park.

Exhibition of draft BLEP 2013 (the City-plan that is now BLEP 2015)

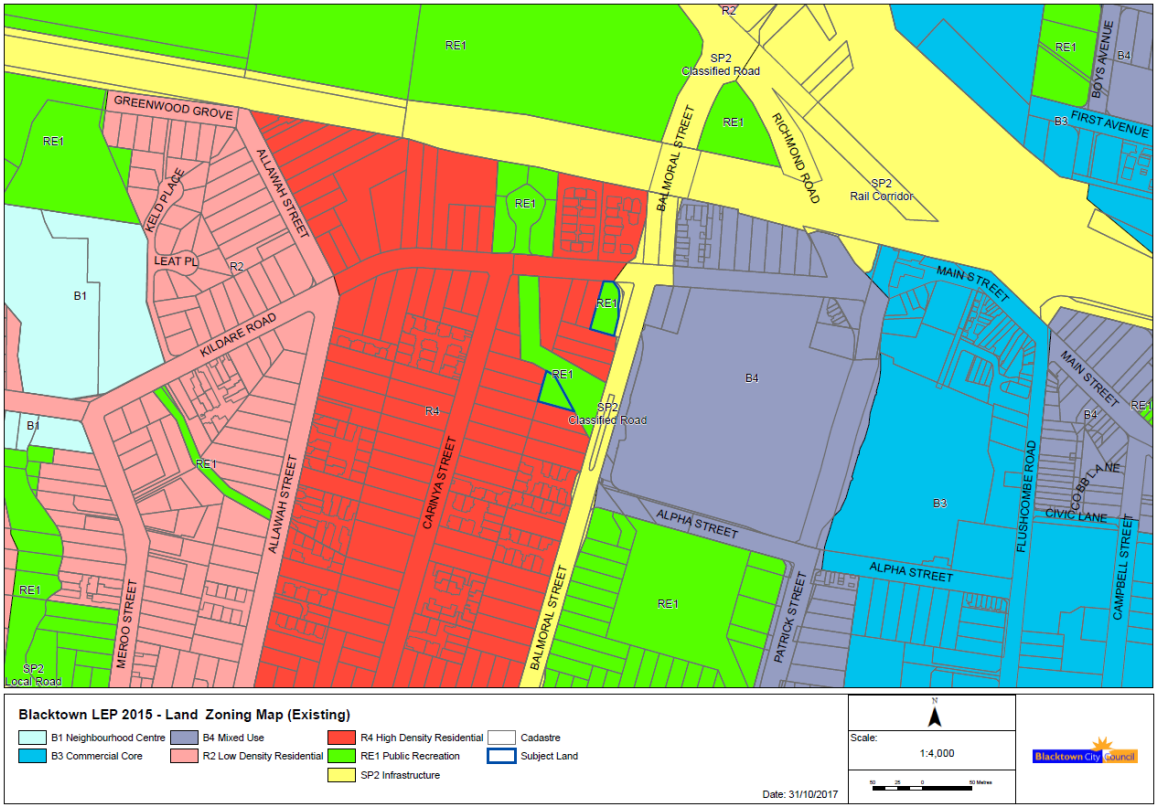
The amendments proposed to BLEP 2015 via this Planning Proposal were previously exhibited as part of draft BLEP 2013. Council supported these amendments at the time but due to the need to conduct public hearings in relation to the reclassification of these and other Council-owned properties, decided to avoid the related delays progressing the broader City-wide LEP (now BLEP 2015), by not progressing with them.

5. Mapping

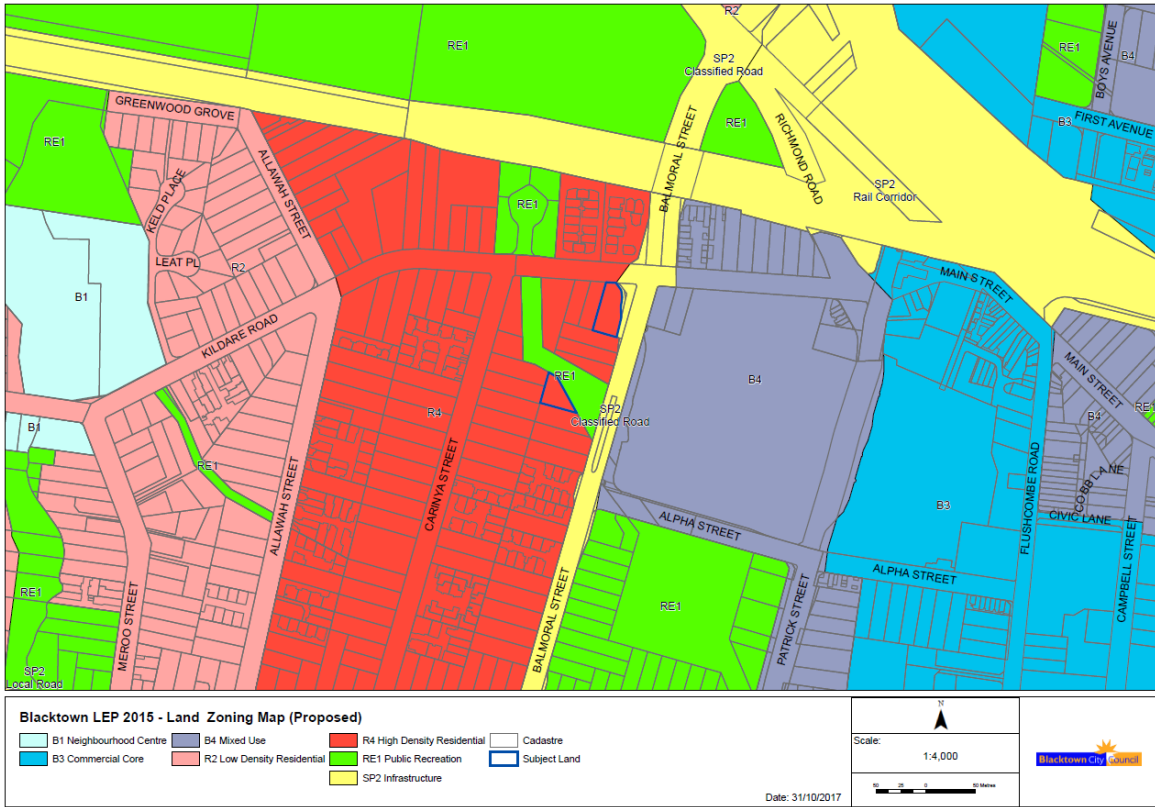
Land subject to the Planning Proposal:



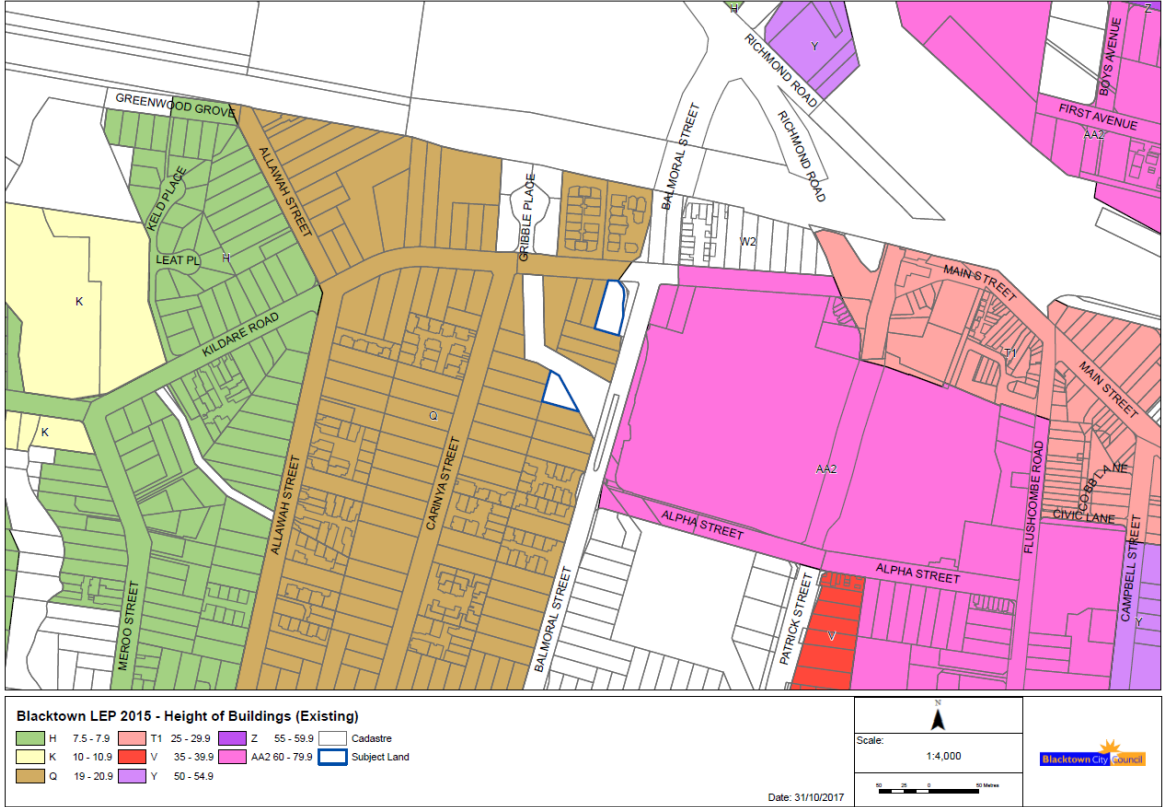
Current land use zone - Land Zoning Map (Sheet LZN_013 and LZN_014) BLEP 2015:



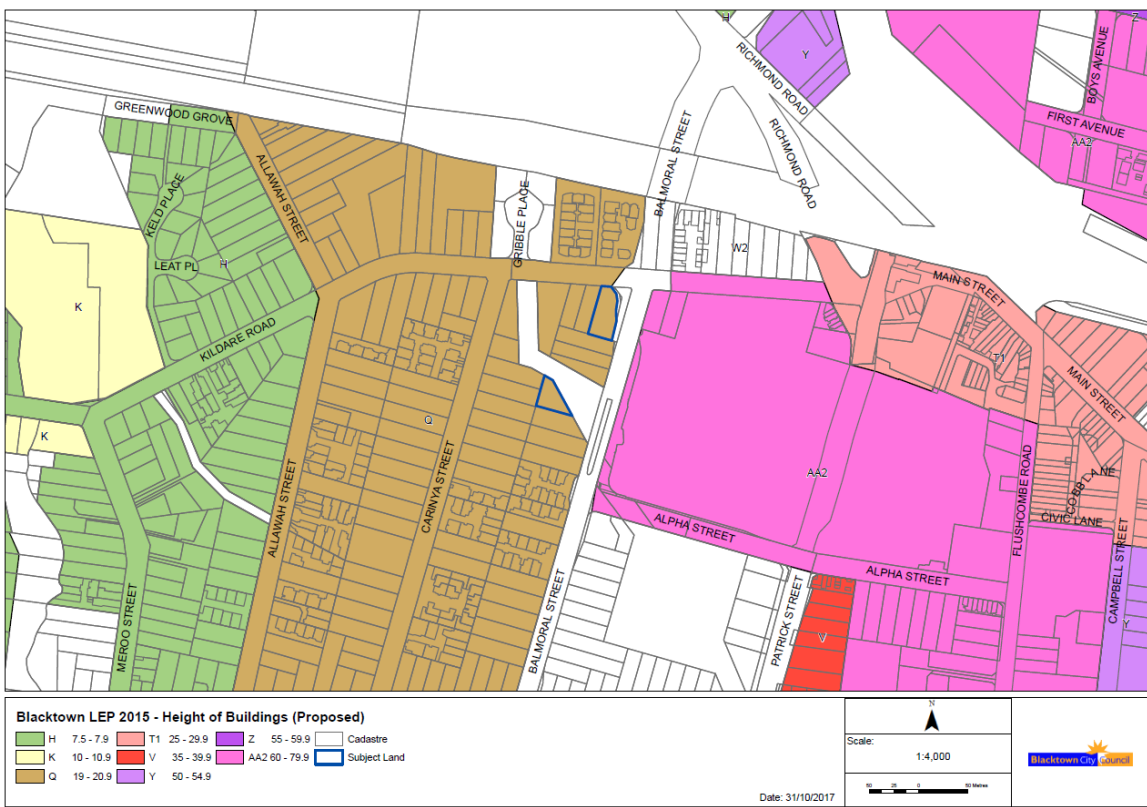
Proposed land use zone - Land Zoning Map (Sheet LZN_013 and LZN_014) BLEP 2015:



Current height of building control - Height of Building Map (Sheet HOB_013 and HOB_014)
BLEP 2015:



Proposed height of building control - Height of Building Map (Sheet HOB_013 and HOB_014)
BLEP 2015:



6. Community Consultation

It is understood Council would exhibit the Planning Proposal in accordance with the requirements of *Section 57 of the Environmental Planning & Assessment Act, 1979*, the Department of Planning and Environment's 'Guide to Preparing Local Environmental Plans' and any other requirements determined by the Gateway process¹.

As the proposal involves the reclassification of Council-owned land, the Planning Proposal will be publicly exhibited for at least 28 days².

Council proposes to notify interested parties of the Planning Proposal by:

- Notice of the public exhibition in the local newspapers and on the Blacktown City Council website.
- Letters to adjoining and nearby land owners and occupiers.
- Letters to public authorities.

A copy of the Department of Planning and Environment's Practice Note PN16-001 – 'Classification and reclassification of public land through a local environmental plan' will be included in the public exhibition material, as required.

As the Planning Proposal seeks to reclassify land from community to operational, Council will also hold a public hearing in relation to the proposed reclassification of the land from community to operational³. This will give the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

Practice Note PN16-001 – 'Classification and reclassification of public land through a local environmental plan' requires that the public hearing be held after the close of the exhibition period. This allows the person chairing the hearing sufficient time to consider written submissions. At least 21 days public notice is required before the hearing. No later than four days after receiving a report from the person who chairs a public hearing, Council must make a copy of the report available for inspection by the public⁴.

¹ Under section 56 of the *Environmental Planning and Assessment Act 1979*.

² 28 days is the minimum consultation period for Planning Proposals to reclassify land, as per Planning and Environment LEP Practice Note PN16-001 – Classification and reclassification of public land through a LEP' and the Department's Guide to preparing local environmental plans'.

³ As required under section 57 of the *Environmental Planning and Assessment Act 1979* and section 29 of the *Local Government Act 1993*.

⁴ As per section 47G of the *Local Government Act 1993*.

7. Project Timeline

The project timeline will be subject to Council and the State Government's resources, but it is expected a Planning Proposal of this nature would be completed within 6 - 12 months of the date of the Gateway determination.

The following table provides an indication of the expected timelines for progression of the Planning Proposal.

Key Milestones	Timeframe
Gateway determination	May/June 2018
Government agency consultation	June/July 2018
Public exhibition period	June/July 2018
Public hearing (for reclassification)	August 2018
Consideration of submissions/ report to Council	November 2018
Submission to Department to finalise the LEP	December 2018
Making of the Plan	Early 2019

Note: The next New South Wales state election is scheduled to be held on Saturday 23 March 2019.

Appendix A – Practice Note PN 16-001- Classification and Reclassification of Public Land Through a Local Environmental Plan Checklist

Practice Note PN 16-001- Classification and Reclassification of Public Land through a Local Environmental Plan - Checklist

The NSW Department of Planning and Environment Practice Note PN16-001 'Classification and reclassification of public land through a local environmental plan' includes an information checklist of matters to be addressed for Gateway consideration, for all proposals to classify or reclassify public land through an LEP. The following checklist addresses the matters and identifies where relevant matters are addressed in the Planning Proposal:

No.	Matter to be Addressed	Response
1	Current & proposed classification of the land.	The land is currently classified "community". The Planning Proposal proposes to reclassify it "operational."
2	Whether the land is a 'public reserve'.	Both Site 1 and Site 2 are 'public reserve'.
3	Strategic and site merits of the reclassification and evidence to support this.	This Planning Proposal supports the provision of land for additional housing supply and housing choice in a highly accessible and well serviced location. The proposal will also facilitate the better utilisation and development of 2 sites that are no longer required for their original purpose.
4	Whether the Planning Proposal is the result of a strategic study or report.	It is noted in a Council Report (30 August 2017) that if the subject sites are left as they are, their already limited recreational value will be further diminished when they are 'closed in' by 5 - 6 storey residential buildings that will eventually be developed on adjoining lands (which are zoned R4, with a maximum 20 metre height control). Once adjoining lands are redeveloped, the subject sites cannot be redeveloped for residential purposes on their own as they will be too small and difficult to access (i.e. rezoning and amalgamation with adjoining land is the logical development pathway for land that no longer hold recreational value).
5	Whether the Planning Proposal is consistent with Council's community plan or other strategic plan.	<p>'Our Blacktown 2036' is Council's Community Strategic Plan (adopted June 2017). Developed in partnership with residents, local community groups, stakeholders and businesses, it expresses the community's vision and aspirations for the future of Blacktown City.</p> <p>The vision for Blacktown City is that it be a 'City of Excellence – diverse, dynamic, progressive'.</p>

No.	Matter to be Addressed	Response
		<p>The proposed 'operational land' classification for the subject sites (and associated rezoning and height control) will facilitate the more productive use of these sites. They currently provide limited recreational value and see minimal use for recreation purposes, despite being zoned as RE1 – Public Recreation. By reclassifying the land to 'operational', Council will be able to sell the sites and put the proceeds towards improving community and recreation facilities elsewhere, in more suitable locations. The proposed R4 zoning and 20 metre height control, which are consistent with adjoining lands, will make them more appealing to adjoining owners who may wish to incorporate the lands into their redevelopments.</p>
6	<p>A summary of Council's interests in the land, including:</p> <ul style="list-style-type: none"> - How & when the land was first acquired. - If Council does not own the land, owner's consent. - The nature of any trusts etc. 	<p>Site 1 (Lot 10) was acquired by Council in 1984 and later used as a public reserve/ baby health centre.</p> <p>Site 2 (Lot 1) was dedicated as a public reserve, via subdivision and creation of DP 22988 in 1962.</p> <p>A caveat was also imposed on Site 2 (Lot 1) in 1965 by the then Registrar General, relating to use of the land for drainage reserve, public reserve and temporary road purposes. In parallel to the planning proposal, Council will be applying for a lapsing notice to be issued for the caveat (under Section 74J of the Real Property Act 1990).</p>
7	<p>Whether an interest in the land is proposed to be discharged, and if so, an explanation of the reasons why.</p>	<p>A caveat was imposed on Site 2 (Lot 1) in 1965 by the then Registrar General, relating to use of the land for drainage reserve, public reserve and temporary road purposes. In parallel to the planning proposal, Council will be applying for a lapsing notice to be issued for the caveat (under Section 74J of the <i>Real Property Act 1990</i>).</p>
8	<p>The effect of the reclassification (including loss of open space/ public reserve).</p>	<p>The reclassification will result in the loss of underutilised or disused public recreation space. Both properties have limited recreational value due to being disconnected from other better embellished and utilised open space, their small size, limited use options and location.</p> <p>Site 1 (Jim Filmer Reserve) is mostly occupied by and used as a baby health centre (proposed to be relocated), with a small open space area in front</p>

No.	Matter to be Addressed	Response
		<p>of the associated baby health centre building and car park.</p> <p>Site 2 forms part of the now-closed Balmoral Street Tennis Courts, the remainder of which is owned by Blacktown Tennis Inc, zoned R4 High Density Residential and is currently for sale. Site 2 also forms part of Council Reserve 23 which primarily serves a drainage function (i.e. for flood storage and overland flow). However, Council's drainage engineers have advised that the sale/excising of Site 2 for development purposes will not significantly impact the drainage function served by Reserve 23.</p> <p>Larger, more connected and better embellished open spaces / parks are located within 200 metres of the sites, at the Blacktown Showground and Alpha Park. Open space connections to these larger spaces are also available nearby.</p>
9	Evidence of public reserve status or relevant interests or lack thereof applying to the land.	<p>Site 1 (Lot 10) was acquired by Council in 1984 and later used as a public reserve/ baby health centre.</p> <p>Site 2 (Lot 1) was dedicated as a public reserve, via subdivision and creation of DP 22988 in 1962.</p> <p>A caveat was also imposed on Site 2 (Lot 1) in 1965 by the then Registrar General, relating to use of the land for drainage reserve, public reserve and temporary road purposes. In parallel to the planning proposal, Council will be applying for a lapsing notice to be issued for the caveat (under Section 74J of the Real Property Act 1990).</p>
10	Current uses of the land and whether uses are authorised or unauthorised.	<p>The current authorised uses are as follows:</p> <p>Site 1 – baby health centre & associated parking.</p> <p>Site 2 – disused tennis courts, part of Reserve 23.</p>
11	Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.	<p>A standard agreement existed between the then Department of Public Health and Local Councils for the provision of baby health centres, including the current baby health centre on Site 1 (Lot 10) which was constructed in 1993/94. As previously noted, NSW Health (or WSLHD) have provided a letter of support for the Planning Proposal for the relocation of the baby health centre to a suitable venue or location in the Blacktown LGA, in a safe,</p>

No.	Matter to be Addressed	Response
		<p>accessible and appropriate setting (refer to Appendix E).</p> <p>Upon relocation to another Council property a new agreement between NSW Health and Council would be entered into. This has recently occurred with the relocation of Lalor Park baby health centre to the Lalor Park Community Hub.</p>
12	Current or proposed business dealings (eg. agreement for the sale or lease of the land).	Nil.
13	Any rezoning associated with the reclassification.	Site 1 and Site 2 are proposed to be rezoned from RE1 Public Recreation to R4 High Density Residential Housing as part of this Planning Proposal.
14	How Council may or will benefit financially, and how these funds will be used.	Council will benefit should Site 1 and Site 2 be sold after this Planning Proposal is completed. Funds from the sale of the properties would be put towards other Council activities and services.
15	How Council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant.	The Planning Proposal does not commit specific funds to proposed open space sites or improvements by way of justification of the reclassification. Should Site 1 and Site be sold after this Planning Proposal is completed funds would be put towards other Council activities and services.
16	A Land Reclassification (part lots) Map in accordance with any standard technical requirements.	Not applicable. The land to be reclassified applies to two whole lots, being Lot 10 DP1164625 & Lot 1 DP228688.

No.	Matter to be Addressed	Response
17	Preliminary comments by a relevant government agency, including an agency that dedicated the land to Council, if applicable.	<p>Western Sydney Local Health District (WSLHD) was consulted in relation to the rezoning and reclassification of Site 1 that currently houses a baby health centre (Lot 10 / Jim Filmer Reserve). They have provided a letter of support for the Planning Proposal (dated 30 November 2017 and included in Appendix E) for the relocation of the Early Blacktown Childhood Health Centre to a suitable venue or location in the Blacktown LGA, in a safe, accessible and appropriate setting.</p> <p>Further, WSLHD advised that they support an operating model for baby health centres being co-located with other community services/ facilities (i.e. a Community Hub). WSLHD note that they are operating successful community hubs, in partnership with Council, at The Ponds and Ropes Crossing.</p>

Appendix B – Council Reports

1. Relevant sections of Council Report SD330109 – Consideration of submissions to the exhibition of Draft Blacktown Local Environmental Plan (LEP) 2013 and adoption of the final LEP - 9 December 2013
.
2. Council Report and Resolution CS370129 – 30 August 2017

Relevant Excerpts Only from Council Report SD330109 – Consideration of submissions to the exhibition of Draft Blacktown Local Environmental Plan (LEP) 2013 and adoption of the final LEP - 9 December 2013

5. Deferral of Reclassification of Certain Land

a. Part 2 of Schedule 4 of Draft BLEP 2013 proposed a list of properties to be classified, or reclassified, as operational land. In accordance with the requirements of Clause 27(1) of the Local Government Act 1993, and NSW Department of Planning directions within Practice Note PN 09-033, the reclassification of the abovementioned land requires exhibition and a Public Hearing to be undertaken by an independent chair.

b. Given the importance of reporting Draft BLEP 2013 back to Council as soon as possible so that community concerns can be responded to, it is recommended that, rather than delaying the finalisation of the rest of BLEP 2013 because of the reclassification Public Hearing process, the potential reclassification sites be deferred and separately actioned following the gazettal of BLEP 2013.

c. Deferral will result in the applicable sites reverting to the equivalent of the current zone under BLEP 1988.

RECOMMENDATION:

2. The land reclassifications and associated rezonings referred to in Section 5 of this Report now not be progressed as part of Blacktown Local Environmental Plan 2013 and be subject to a separate Planning Proposal in 2014.

Extract from Attachment 3 to Report SD330109 – Draft BLEP 2013 Written Statement (as exhibited).

Schedule 4 Classification and reclassification of public land

(Clause 5.2)

Part 1 Land classified, or reclassified, as operational land - no interests changed

Column 1

Column 2

Locality

Description

Part 2 Land classified, or reclassified, as operational land - interests changed

Column 1

Column 2

Column 3

Locality

Description

Any trusts etc not discharged

Blacktown

Lot 1, DP 228688, Balmoral Street

Nil

Blacktown	Lot 58, DP 29683, 24 Bedford Road	Nil
Blacktown	Lot 1, DP503229, Bedford Road	Nil
Blacktown	Lot 2, DP503230, Bedford Road	Nil
Blacktown	Lot 161, DP 29659, Caldwell Place	Nil
Blacktown	Lot 1, DP 321074, Cambridge Street	Nil
Blacktown	Lot 2, DP 321074, 45 Cambridge Street	Nil
Blacktown	Part Lot 25, DP 25617, Douglas Road	Nil
Blacktown	Lot 10, DP 1164625, Kildare Road	Nil
Blacktown	Lot 82, DP 202949, Palmer Place	Nil
Blacktown	Lot 29, DP 30501, Paul Street	Nil
Blacktown	Lot 30, DP 204296, Redwood Street	Nil

FR1170 - CS370129 - Proposal to rezone and reclassify lot 10 DP1164625 (Jim Filmer Reserve) and lot 1 DP228688 (part of Reserve 23), Blacktown 359784, 143015

MOTION (Bleasdale/Griffiths)

1. Prepare a planning proposal for lot 10 DP1164625 (Jim Filmer Reserve) and lot 1 DP228688 (part of Reserve 23) in Blacktown, as per paragraph 1d of Key reasons and delegate to the General Manager the authority to determine the final boundaries of the land to be zoned RE1.
2. Submit the planning proposal to the NSW Planning Portal seeking a Gateway Determination from the Greater Sydney Commission.
3. Exhibit the draft amendment (including a public hearing) once the Gateway Determination has been issued. Following exhibition, a further report will be presented to Council.
4. Should Jim Filmer Reserve be sold, that another public space be named in honour of Jim Filmer.

THE MOTION was, on being put to the meeting, declared **CARRIED**.

COUNCIL DIVISION:

Supported: Crs Quilkey, Singh, Gillies, Griffiths, Benjamin, Collins, Israel, Bleasdale, Bunting & Bali
Opposed: Cr JG Diaz, JM Diaz, Santos & Camilleri
Absent: Crs Brillo

REFERRED TO: DCS FOR: Attention DATE: 5.9.17

COMMITTEE: Finance & Resources MEETING DATE: 30.8.17 ENCL.NO.

FR1170

CS370129 - Proposal to rezone and reclassify lot 10 DP1164625 (Jim Filmer Reserve) and lot 1 DP228688 (part of Reserve 23), Blacktown 359784, 143015

RECOMMENDATION

1. Prepare a planning proposal for lot 10 DP1164625 (Jim Filmer Reserve) and lot 1 DP228688 (part of Reserve 23) in Blacktown, as per paragraph 1d of Key reasons.
2. Submit the planning proposal to the NSW Planning Portal seeking a Gateway Determination from the Greater Sydney Commission.
3. Exhibit the draft amendment (including a public hearing) once the Gateway Determination has been issued. Following exhibition, a further report will be presented to Council.
4. Should Jim Filmer Reserve be sold, that another public space be named in honour of Jim Filmer.

COMMITTEE DIVISION:

Supported: Quilkey; Bali; Bunting; Diaz. J.G; Brillo

EXCEPTION

REFERRED TO: DCS FOR: Attention DATE: 31.8.17

Proposal to rezone and reclassify lot 10 DP1164625 (Jim Filmer Reserve) and lot 1 DP228688 (part of Reserve 23), Blacktown

Item: FR1170 Report: CS370129 File: 359784, 143015

Committee Meeting on 23 August 2017

Division is required

Topic	We propose to rezone and reclassify Jim Filmer Reserve and part of Reserve 23 as proposed and exhibited in draft BLEP 2013.
Analysis	<p>Both sites are surrounded by land zoned R4 - High Density Residential and located in Balmoral Street, Blacktown.</p> <p>They have limited recreational value due to their size and location, and are within 200 metres of the Showground and Alpha Park. Their recreational value will be further diminished when adjoining lands are redeveloped for 6 storey apartments.</p> <p>Rezoning to R4 – High Density Residential and reclassification to operational land was proposed as part of draft BLEP 2013. Post exhibition Council resolved to consider it separately after the City wide LEP was made.</p> <p>It is preferable that the proposal proceeds as soon as possible so that redevelopment opportunities are not missed.</p> <p>Attachments: 1 – Location plan/aerial 2 - Zoning map 3 – Land ownership map 4 – Photographs</p>
Report Recommendation	<ol style="list-style-type: none"> 1. Prepare a planning proposal for lot 10 DP1164625 (Jim Filmer Reserve) and lot 1 DP228688 (part of Reserve 23) in Blacktown, as per paragraph 1d of Key reasons. 2. Submit the planning proposal to the NSW Planning Portal seeking a Gateway Determination from the Greater Sydney Commission. 3. Exhibit the draft amendment (including a public hearing) once the Gateway Determination has been issued. Following exhibition, a further report will be presented to Council. 4. Should Jim Filmer Reserve be sold, that another public space be named in honour of Jim Filmer.

Key reasons

1. Rezoning and reclassification was proposed and exhibited as part of BLEP 2013, consistent with the Blacktown City Centre Masterplan

- a. Both properties were proposed to be zoned R4 - High Density Residential and reclassified as 'operational land' as part of draft BLEP 2013.
- b. This proposal was an outcome of the Blacktown City Centre Masterplan, which examined how to best support expected increases in population and commercial development. This included the provision of high quality and well located open space by
 - i. disposing of a number of isolated and poorly functioning open space lands (including the subject sites)
 - ii. acquiring new land to enlarge existing open spaces or to deliver new open space in locations that would be more accessible and have better amenity (e.g. new park proposed in Main Street, to support the Warrick Lane redevelopment and enhance that part of the CBD).
- c. Following exhibition of draft BLEP 2013, Council resolved to defer the reclassification of Council-owned land to 'operational land' (and associated rezoning of those lands) and to consider them after the new City-wide LEP was made (Report No. SD330109, 9 December 2013). This was to avoid delays in finalising the LEP due to the need to hold public hearings for the reclassifications.
- d. It is proposed to resurrect these controls for the subject sites through a planning proposal that seeks to:
 - i. rezone the land from RE1 - Public Recreation to R4 - High Density Residential
 - ii. reclassify the land from 'community land' to 'operational land'
 - iii. apply a Height of Building control of 20 metres (which was also proposed in 2013 and will be consistent with adjoining lands).

2. Surrounding land is being transformed for high density living

- a. A 6-storey apartment building is located across Kildare Road from Jim Filmer Reserve. Another 6-storey apartment building is under construction between Jim Filmer Reserve and Reserve 23 (refer to photos at attachment 4).
- b. If our properties are not rezoned and reclassified now, the opportunity to include them in adjoining development sites may be missed and will remain as unappealing and underutilised public reserves.

3. Jim Filmer Reserve is of limited recreational value

- a. Jim Filmer Reserve is located at the corner of Kildare Road and Balmoral Street across from Westpoint. An on-site building is leased as a baby health centre. The front third of the site is grassed with a bench seat. Refer to photos at attachment 4.
- b. Relocation of the baby health centre to a multi-use community centre would be consistent with Health NSW's initiative for baby health centres to be moved out of isolated, single use buildings. This has already occurred with the baby health centres at Marayong and The Ponds. An alternative location for the baby health centre on

Jim Filmer Reserve will be negotiated as the planning proposal progresses.

- c. Jim Filmer Reserve is of limited recreational appeal, being
 - i. less than 200 metres from the Showground and Alpha Park
 - ii. small in area (only 260 sq.m is currently 'open space')
 - iii. located at a busy intersection.
- d. Its amenity will be further reduced when adjoining lands are developed for 6-storey apartments.

4. Subject part of Reserve 23 should be part of the redevelopment of the former tennis courts

- a. The other subject land (in Reserve 23) forms part the Blacktown Tennis Courts. This 4 court facility is partly owned by Council and Blacktown Tennis Incorporated (refer to land ownership map at attachment 3).
- b. The Blacktown Tennis Court site is zoned R4 - High Density Residential. The courts were closed with the opening of the 16 court regional tennis facility in Stanhope Gardens in 2016. Blacktown Tennis Incorporated is currently preparing to sell the land. This is an opportune time for Council to include its land in this sale to consolidate the land parcels for better development outcome.
- c. The Council-owned part of the tennis facility is zoned RE1 - Public Recreation and comprised of
 - i. Lot 137 DP12443 (part) which contains a drainage line.
 - ii. Lot 1 DP228688 (subject of this report).

Supporting analysis

1. The subject properties cannot be developed on their own

- a. The subject properties are not large enough to be independently developed for high density housing and lack the minimum DCP requirement of a 30-metre frontage.
- b. Jim Filmer Reserve (1,102 sq.m) could form part of the future redevelopment of the 3 properties to the west (Nos. 44 – 48 Kildare Road), 2 of which are owned by Yalla Developments. With the reserve, this development parcel would have an area of 4,206 sq.m.
- c. Lot 1 DP228688 (708 sq.m) could be incorporated into the redevelopment of the Blacktown Tennis Incorporated properties. Collectively this development parcel would have an area of 3,863 sq.m.

2. Jim Filmer had no connection to the reserve named after him

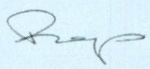
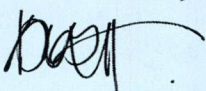
- a. Jim Filmer was a long standing local butcher and business owner, and grandfather to Blacktown City staff member, Peter Filmer.

- b. Peter Filmer has advised that Jim lived in a house in Alpha Street, which has since been built over by Westpoint. The subject reserve was named after Jim because it was the closest reserve to Jim's former residence.
- c. Should the proposed reserve be sold, it is recommended that another public space in the area be named in honour of Jim Filmer.




3. There are a number of steps before the subject lands can be sold

- a. On approval from Council, we will prepare and submit a planning proposal to the NSW Planning Portal seeking Gateway Determination.
- b. The planning proposal would then be publicly exhibited in line with the Gateway Determination
- c. A public hearing for the reclassification is held 21 days after the public exhibition ends. The reclassification to 'operational land' is necessary to allow us to sell the land. The public will have an opportunity to provide their input during the exhibition of the proposal and at a public hearing.
- d. The matter is reported to Council, post-exhibition. If supported by Council, the subject amendments to BLEP 2015 will be sent to the Minister to be made.
- e. Following gazettal of the changes, a proposal to sell the land will be reported to Council

Approval

Name and position	
→ Report author	Skoric J., Senior Property Officer Property
→ Endorsed by	Mahendra J., Manager Property
→ Director approval	Wayne Rogers, Director Corporate Services
	Signature: 
→ General Manager approval	Kerry Robinson, General Manager
	Signature: 

Attachments

Ref	Description	Files
1	Attachments	 CS370129A1.pdf  CS370129A2.pdf  CS370129A3.pdf



Recommendations

Report Recommendation	<ol style="list-style-type: none">1. Prepare a planning proposal for lot 10 DP1164625 (Jim Filmer Reserve) and lot 1 DP228688 (part of Reserve 23) in Blacktown, as per paragraph 1d of Key reasons.2. Submit the planning proposal to the NSW Planning Portal seeking a Gateway Determination from the Greater Sydney Commission.3. Exhibit the draft amendment (including a public hearing) once the Gateway Determination has been issued. Following exhibition, a further report will be presented to Council.4. Should Jim Filmer Reserve be sold, that another public space be named in honour of Jim Filmer.
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LOCATION PLAN

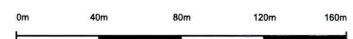
Copyright © Sinclair Knight Merz 2014

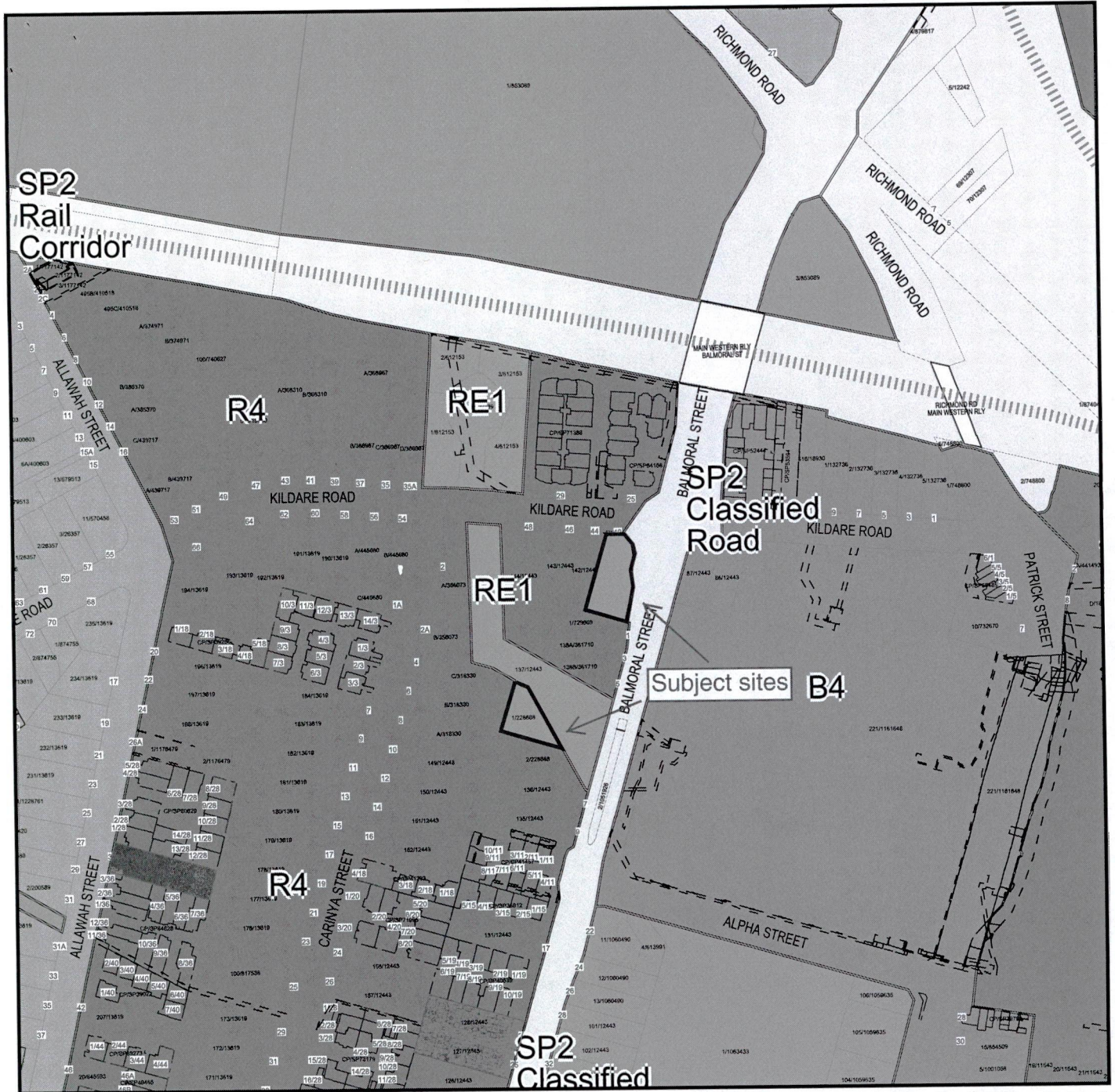
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Plot Date: 27/07/2017



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Air Photo Date: 9/6/10 - 11/9/10

Plot Date: 05/07/2017

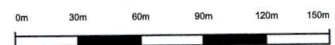
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- Parcel Extent.Crown Land Extent
- Parcel Extent.Old System Deed Extent
- Parcel Extent.Railway Extent
- Parcel Extent.Strata Common Extent
- Parcel Extent.Strata Unit Extent
- Parcel Extent.Torrens Title Extent
- Parcel Extent.Acquisition Torrens Title Extent
- Crossing.Extent
- Easement Segment.Extent
- Local Government Area.Gazetted Boundary
- Railway.Centreline
- Developer Plan.Border
- Developer Plan.Scanned Image
- EP-LZN Land Zoning.E2 LEP Extent
- EP-LZN Land Zoning.R2 LEP Extent

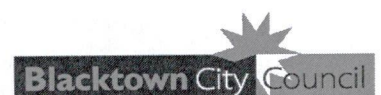
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- EP-LZN Land Zoning.B3 LEP Extent
- EP-LZN Land Zoning.SP2 LEP Extent
- EP-LZN Land Zoning.W1 LEP Extent
- EP-LZN Land Zoning.B4 LEP Extent
- EP-LZN Land Zoning.B5 LEP Extent
- EP-LZN Land Zoning.R2 LEP Boundary
- EP-LZN Land Zoning.R4 LEP Boundary
- EP-LZN Land Zoning.RE1 LEP Boundary
- EP-LZN Land Zoning.B3 LEP Boundary
- EP-LZN Land Zoning.SP2 LEP Boundary
- EP-LZN Land Zoning.B4 LEP Boundary
- EP-LZN Land Zoning.B1 LEP Extent



Scale 1:3497



The information shown on this plan is indicative only. All details must be confirmed by the relevant council officer. This plan must not be reproduced without prior consent.





Air Photo Date: 9/6/10 - 11/9/10

Plot Date: 31/07/2017

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LAND OWNERSHIP MAP

-  Council
-  Blacktown Tennis Inc.
-  MJP Brothers
-  Yalla Developments
-  C & N Karayanis, S Sveronis



Scale 1:2500



The information shown on this plan is indicative only. All details must be confirmed by the relevant council officer. This plan must not be reproduced without prior consent.





Photo 1: Jim Filmer Reserve – 40 Kildare Road



Photo 2: View along Kildare Road to the east.



Photo 3: Development site at 1 – 5 Balmoral Street, looking towards tennis courts (part of which includes Reserve 23). 6 storey apartments are being constructed.

Appendix C – State Environmental Planning Policies Checklist

State Environmental Planning Policies - Checklist

SEPP	COMMENT
SEPP No. 1 - Development Standards	Not applicable.
SEPP No. 14 - Coastal Wetlands	Not applicable.
SEPP No. 15 – Rural Landsharing Communities	Not applicable.
SEPP No. 19 – Bushland in Urban Areas	Not applicable.
SEPP No. 21 – Caravan Parks	Not applicable.
SEPP No. 28 – Littoral Rainforests	Not applicable.
SEPP No. 30 – Intensive Agriculture	Not applicable.
SEPP No. 33 – Hazardous & Offensive Development	Not applicable.
SEPP No. 36 – Manufactured Home Estates	Not applicable.
SEPP No. 44 – Koala Habitat Protection	Not applicable.
SEPP No. 47 – Moore Park Showground	Not applicable.
SEPP No. 50 – Canal Estate Development	Not applicable.
SEPP No. 52 – Farm Dams & Other Works in Land and Water Management Plan Area	Not applicable.
SEPP No. 55 – Remediation of Land	The subject properties have historically been used for recreation purposes, including tennis courts and passive open space, with information on other previous uses being limited. Consequently risk of contamination is minimal, yet possible. Therefore appropriate levels of Contamination Assessment would be undertaken as part of any future development application for high density housing on the subject properties.
SEPP No. 62 – Sustainable Aquaculture	Not applicable.
SEPP No. 64 – Advertising & Signage	Not applicable.
SEPP No. 65 – Design Quality of Residential Apartment Development	As this SEPP applies to residential flat buildings of three or more storeys, it would need to be addressed as part of any future development application for high density housing on the subject properties, with the Planning Proposal including a proposed R4 zoning and Height of Building control of 20 metres (5-6 storeys).
SEPP No. 70 – Affordable Housing	Not applicable. This SEPP is currently under review and on exhibition until 31 January 2018. SEPP 70 Affordable Housing (Revised Schemes) is a mechanism that allows specified councils to prepare an affordable housing contribution scheme for certain precincts, areas or developments associated with an upzoning within their local government area. Schemes currently

SEPP	COMMENT
	operate in the City of Sydney at Green Square, Ultimo-Pyrmont and the Southern Employment Lands.
SEPP No. 71 – Coastal Protection	Not applicable.
SEPP (Affordable Rental Housing) 2009	This SEPP aims to provide a consistent planning regime for the provision of affordable rental housing and to facilitate such development. Therefore this Policy would need to be addressed as part of any future development application, should any higher density residential housing proposed on the subject properties include low cost rental accommodation.
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable.
SEPP (Exempt & Complying Development Codes) 2008	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable.
SEPP (Infrastructure) 2007	Not applicable.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable.
SEPP (Miscellaneous Consent Provisions) 2007	Not applicable.
SEPP (Penrith Lakes Scheme) 1989	Not applicable.
SEPP (Rural Lands) 2008	Not applicable.
SEPP (State & Regional Development) 2011	Not applicable.
SEPP (State Significant Precincts) 2005	Not applicable.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (Three Ports) 2013	Not applicable.
SEPP (Urban Renewal) 2010	Not applicable.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.

Deemed SEPP (SREP)	COMMENT
SREP No. 8 – Central Coast Plateau Areas	Not applicable.

Deemed SEPP (SREP)	COMMENT
SREP No. 9 – Extractive Industry (No.2 1995)	Not applicable.
SREP No. 16 – Walsh Bay	Not applicable.
SREP No. 20 – Hawkesbury-Nepean River (No. 2 1997)	Not applicable.
SREP No. 24 – Homebush Bay Area	Not applicable.
SREP No. 26 – City West	Not applicable.
SREP No. 30 – St Marys	Not applicable.
SREP No. 33 – Cooks Cove	Not applicable.
SREP (Sydney Harbour Catchment) 2005	Not applicable.

Appendix D – Ministerial (Section 117) Directions Checklist

Ministerial (Section 117) Directions Checklist

MINISTERIAL (s. 117) DIRECTION		COMMENT
1	Employment & Resources	
1.1	Business & Industrial Zones	Not applicable.
1.2	Rural Zones	Not applicable.
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable.
1.4	Oyster Aquaculture	Not applicable.
1.5	Rural Lands	Not applicable.
2	Environment & Heritage	
2.1	Environment Protection Zones	Not applicable.
2.2	Coastal Protection	Not applicable.
2.3	Heritage Conservation	Not applicable.
2.4	Recreation Vehicle Areas	Not applicable.
2.5	Application of E2 & E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3	Housing, Infrastructure & Urban Development	
3.1	Residential Zones	Consistent. The Planning Proposal includes two properties proposed to be rezoned to R4 High Density Residential. The subject properties are both located in the Blacktown City Centre with a high level of existing infrastructure and services and are surrounded by land zoned R4 High Density Residential. The Blacktown City Centre is recognised as a Metropolitan City Centre in 'A Plan for Growing Sydney', 'Greater Sydney Region Plan' (Our Greater Sydney 2056) and the Central City District Plan'. The proposed LEP amendments were previously exhibited as part of the draft BLEP 2013 (which is now the City-plan – BLEP 2015).
3.2	Caravan Parks & Manufactured Home Estates	Not applicable.
3.3	Home Occupations	Not applicable.
3.4	Integrating Land Use & Transport	Consistent. The Planning Proposal includes two properties proposed to be rezoned to R4 High Density Residential. The subject properties are both located in a City Centre with a high level of existing infrastructure and services, and are surrounded by land zoned R4 High Density Residential. The Blacktown City Centre is recognised as a Metropolitan City Centre in 'A Plan for Growing Sydney', 'Greater Sydney Region Plan'

MINISTERIAL (s. 117) DIRECTION		COMMENT
		(Our Greater Sydney 2056) and the Central City District Plan'. The location in a City Centre provides opportunities for future development on the subject properties to access housing, jobs and services by walking, cycling and public transport.
3.5	Development Near Licensed Aerodromes	Not applicable.
3.6	Shooting Ranges	Not applicable.
4	Hazard & Risk	
4.1	Acid Sulfate Soils	Not applicable.
4.2	Mine Subsidence & Unstable Land	Not applicable.
4.3	Flood Prone Land	Not applicable.
4.4	Planning for Bushfire Protection	Not applicable.
5	Regional Planning	
5.1	Implementation of Regional Strategies	Consistent. As discussed in Section 4.2 the Planning Proposal is consistent with the objectives and actions of 'A Plan For Growing Sydney' 2014. The Planning Proposal is also consistent with the Greater Sydney Region Plan – Our Greater Sydney 2056, which replaces 'A Plan for Growing Sydney'.
5.2	Sydney Drinking Water Catchments	Not applicable.
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable.
5.4	Commercial & Retail Development along the Pacific Highway, North Coast	Not applicable.
5.5	Revoked 18 June 2010	Not applicable.
5.6	Revoked 10 July 2008	Not applicable.
5.7	Revoked 10 July 2008	Not applicable.
5.8	Second Sydney Airport: Badgerys Creek	Not applicable.
5.9	North West Rail Link Corridor Strategy	Not applicable.
5.10	Implementation of Regional Plans	Consistent. As discussed in Section 4.2 the Planning Proposal is consistent with the objectives and actions of 'A Plan For Growing Sydney' 2014. The Planning Proposal is also consistent with the Greater Sydney Region Plan – Our Greater Sydney 2056, which replaces 'A Plan for Growing Sydney'.
6	Local Plan Making	
6.1	Approval & Referral Requirements	Consistent. The Planning Proposal does not include new or proposed provisions that require concurrence, consultation or referral of development applications to a Minister or public authority.

MINISTERIAL (s. 117) DIRECTION		COMMENT
6.2	Reserving Land for Public Purposes	Not applicable.
6.3	Site Specific Provisions	The Planning Proposal will allow particular development to be carried out on the land (including higher density housing), does not contain drawings that show details of a future development proposal, and does not contain additional site specific planning controls for a proposed land use. However, the Planning Proposal does contain additional provisions in Schedule 4 of BLEP 2015, to ensure the subject land is appropriately classified. Therefore, although the Planning Proposal is inconsistent with this s.117 direction, it is considered to be a minor and necessary inconsistency.
7	Metropolitan Planning	
7.1	Implementation of 'A Plan for Growing Sydney'	Consistent. As discussed in Section 4.2 the Planning Proposal is consistent with the objectives and actions of 'A Plan For Growing Sydney' 2014. The Planning Proposal is also consistent with the Greater Sydney Region Plan – Our Greater Sydney 2056, which replaces 'A Plan for Growing Sydney'.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable.

Appendix E – Letter from NSW Health (Western Sydney Local Health District)



HPRM Reference: WS12/277-58

The General Manager
Blacktown City Council
Civic Centre
62 Flushcombe Road
BLACKTOWN NSW 2148
PO Box 631, Blacktown

Attention: Jasmina Skoric

RE: Relocation of Blacktown Early Childhood Health Centre

Western Sydney Local Health District's vision is to continue as a trusted partner with our community, delivering cutting edge health care to make Western Sydney the healthiest place to live in NSW. This document acts as a letter of support for the relocation of Blacktown Early Childhood Health Centre (EHC) to a suitable venue or location within the boundaries of Blacktown City Council's LGA.

Western Sydney Local Health District (WSLHD) currently provides Child and Family Health Services from the existing Blacktown EHC at Balmoral St Blacktown. We understand that Blacktown City Council (BCC) is developing a planning proposal for this site and seeks to rezone it from RE1 Public Recreation to R4 High Density Residential and reclassify it from 'community land' to 'operational land'.

WSLHD Child and Family Health Service is a key government stakeholder in relation to this property. Co-location of Early Childhood Clinics with other community services/facilities such as a Community Hub supports the operating model for modern day baby health clinic or as they are now known Child and Family Health Clinics. In partnership with BCC, Child and Family Health Clinics are successfully operating in new community hubs such as at The Ponds and Ropes Crossing.

We support the above planning proposal subject to appropriate alternative accommodation being provided by Council for the provision of the Blacktown EHC Child and Family Health services in safe, accessible and appropriate setting ensuring the growing needs of children and families in the community are met.

If you require further information, please do not hesitate to contact Ms Lyn Tunchon, Program Lead Child and Family on (02) 8853 4565.

Yours sincerely,



Adam Cruickshank

Director Clinical Operations
Integrated & Community Health
Western Sydney Local Health District

Date: 30/11/17

Western Sydney Local Health District
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