

Greater Sydney, Place and Infrastructure

Plan finalisation report

IRF20/3321

Local government area: Blacktown

1. NAME OF DRAFT LEP

Blacktown Local Environmental Plan 2015 (Amendment No 26)

2. SITE DESCRIPTION

The planning proposal applies to the Blacktown CBD (refer to Figures 1 and 2), which is defined by a ring road formed by Third Avenue, Sunnyholt Road, Newton Road and Balmoral Street.

The CBD contains retail, commercial, residential and civic land uses, which are clustered around the Blacktown train station. It also contains existing and planned future public open space, being:

- Existing areas: Alpha Park, Library/Civic Square, Village Green and Main St Promenade.
- Future areas: Boys Avenue Park (Northern Landing), Main Street Square and Alpha Street Plaza.

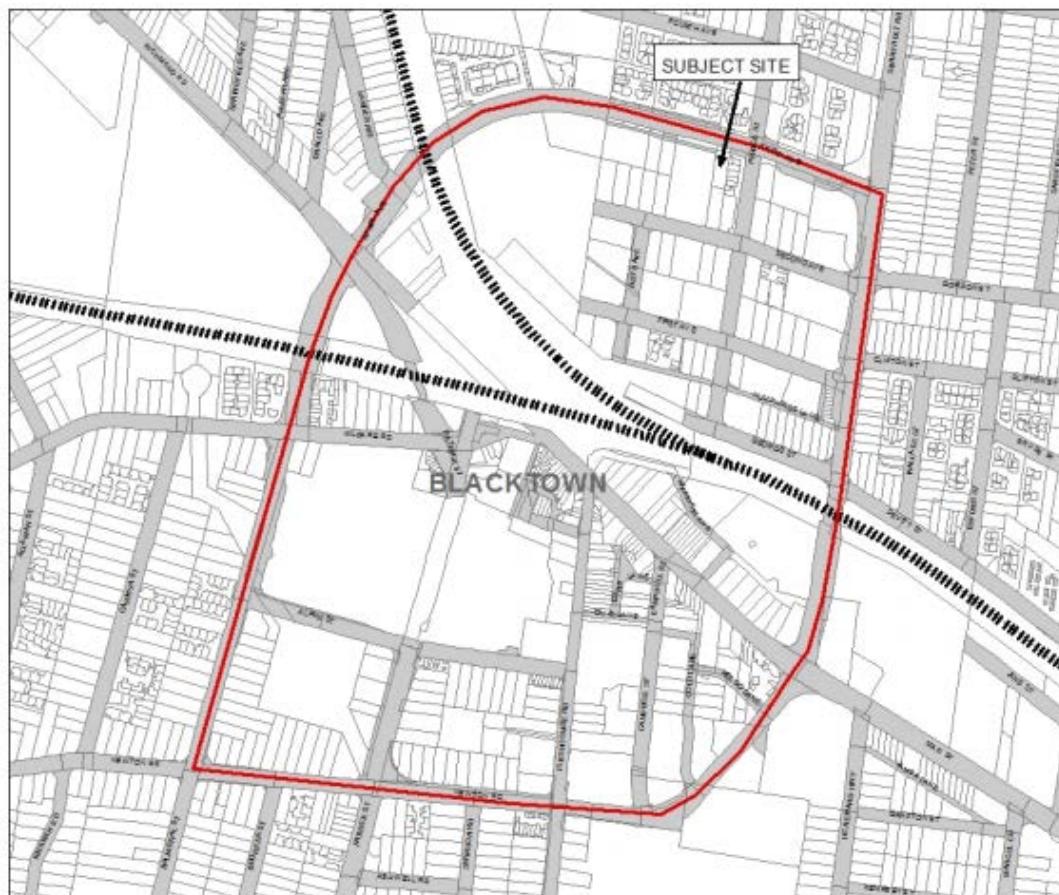


Figure 1: Blacktown CBD, boundary of CBD highlighted in red (Source: Blacktown City Council)

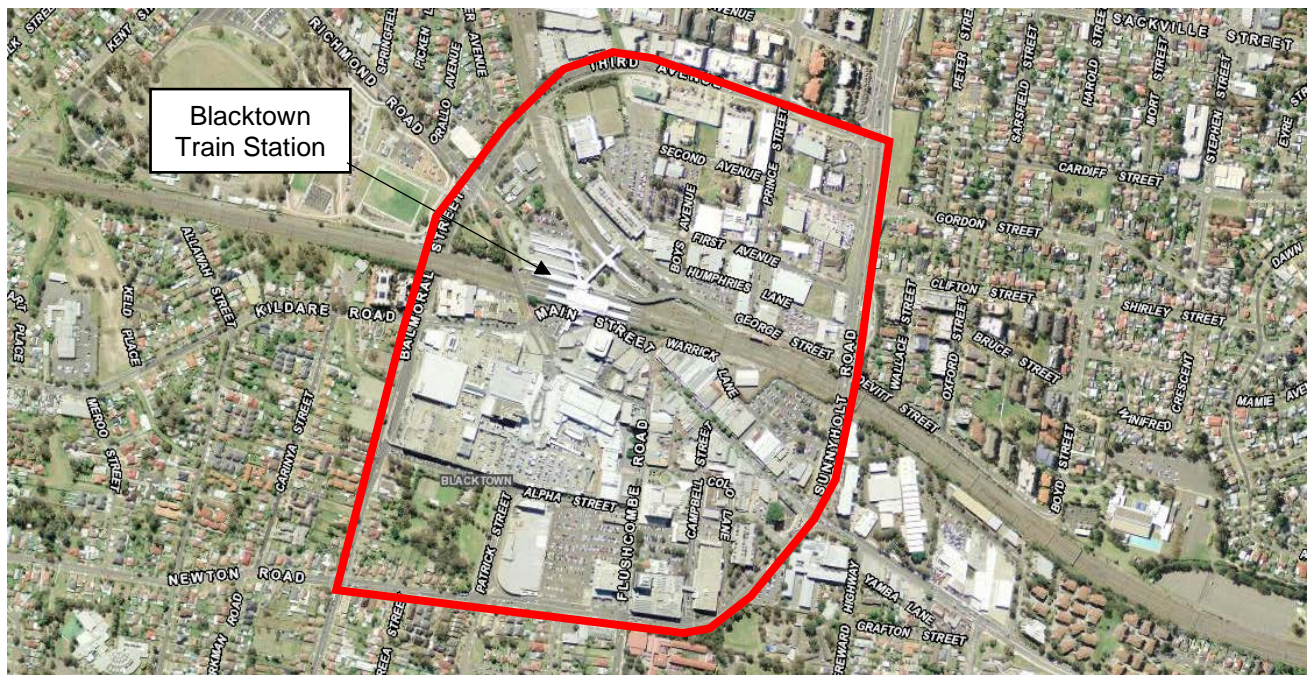


Figure 2: Blacktown CBD, highlighted with red boundary (Source: Six Maps)

3. PURPOSE OF PLAN

3.1 Background

The Blacktown LEP 2012 (later consolidated into Blacktown LEP 2015) was prepared to deliver the strategic vision contained in the Metropolitan Plan for Sydney 2036 and Draft Northwest Subregional Strategy. Those plans identified Blacktown CBD as a major centre which would grow to become a regional city.

In 2015, following further strategic and market analysis the Department determined that it was unlikely that Blacktown CBD would become a regional city, and advised Council accordingly. In response, Council resolved in October 2015 to review the planning controls for both the Blacktown and Mount Druitt CBDs to shift away from a commercial office focus to promote mixed use CBDs including a residential component.

Council engaged economic and urban design consultants to review the existing land use zones, height of building and floor space ratios in the two CBDs, to determine if they aligned with market expectations. The review showed that earlier forecasts of the demand for investment grade office development were significantly over-estimated. The review recommended amending the height and FSR controls to make development more viable and activate the CBD. This planning proposal seeks to implement the recommendations of the review.

3.2 Purpose

The original planning proposal (Blacktown LEP 2015 Amendment No.10) sought to amend the controls for both the Blacktown and Mount Druitt CBDs. However, the Mount Druitt CBD planning proposal was made on 12 May 2020 and the Blacktown CBD planning proposal was deferred to allow further traffic assessment to be undertaken, as requested by Transport for New South Wales (TfNSW) (refer to Section 9 of this report for further information).

The revised planning proposal (**Attachment A**) aims to activate the Blacktown CBD by facilitating a mix of residential, commercial and retail developments. The proposed amendments aim to align CBD planning controls with current market expectations and support opportunities for growth, whilst protecting the amenity of the CBD's existing and future public open space.

The draft LEP as exhibited proposes the following:

- Amend the zoning of the Blacktown CBD as follows (refer to Figure 3):
 - Rezone land within the CBD from B3 Commercial Core to B4 Mixed Use;
 - Rezone the northern side of Kildare Road, between Patrick Street, Balmoral Street; and the Western Railway Line, in the Blacktown CBD from B4 Mixed Use to B3 Commercial Core;
 - Rezone the Blacktown RSL Club to RE2 Private Recreation; and
 - Rezone land required to accommodate the upgrade of the Sunnyholt Road and Main Street intersection to SP2 Infrastructure.
- Remove the Floor Space Ratio Controls across the site.
- Increase the maximum building heights from between 26 – 72 metres to 26 - 80 metres (refer to Figure 4).
- Introduce Incentive Height of Buildings (refer to Figure 5), for key and gateway sites, to provide additional building height incentives for when design excellence can be demonstrated to be achieved through an Architectural Design Competition. These sites are:
 - Lot 1 DP 1132726 on the corner of Sunnyholt Road and Third Avenue (Gateway Site);
 - A 40m x 40m parcel on Lot 2022 DP 864788, that is part of the Blacktown RSL site and is directly adjacent to the Richmond Railway Line on Third Avenue (Gateway Site);
 - Site that is bounded by the Richmond Railway Line, Third Avenue and Richmond Road (Gateway Site);
 - Lot 100 DP 740238 (Gateway Site);
 - Site on the northern corner of Main Street and Sunnyholt Road (Gateway Site);
 - Site bounded by Warrick Lane, Sunnyholt Road and the Western Railway Line (Key Site); and
 - Site bounded by Flushcombe Road, Newton Road, Patrick Street and Alpha Street (Key Site).

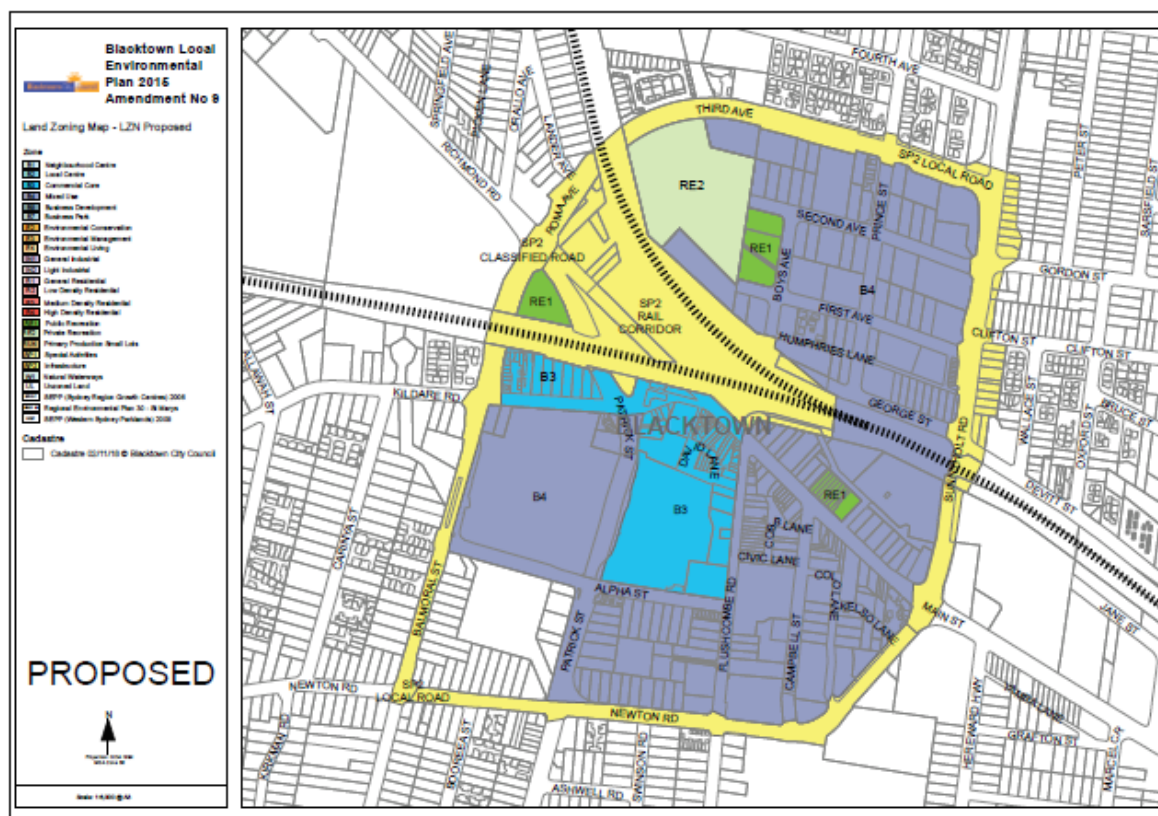


Figure 3: Proposed Zoning map

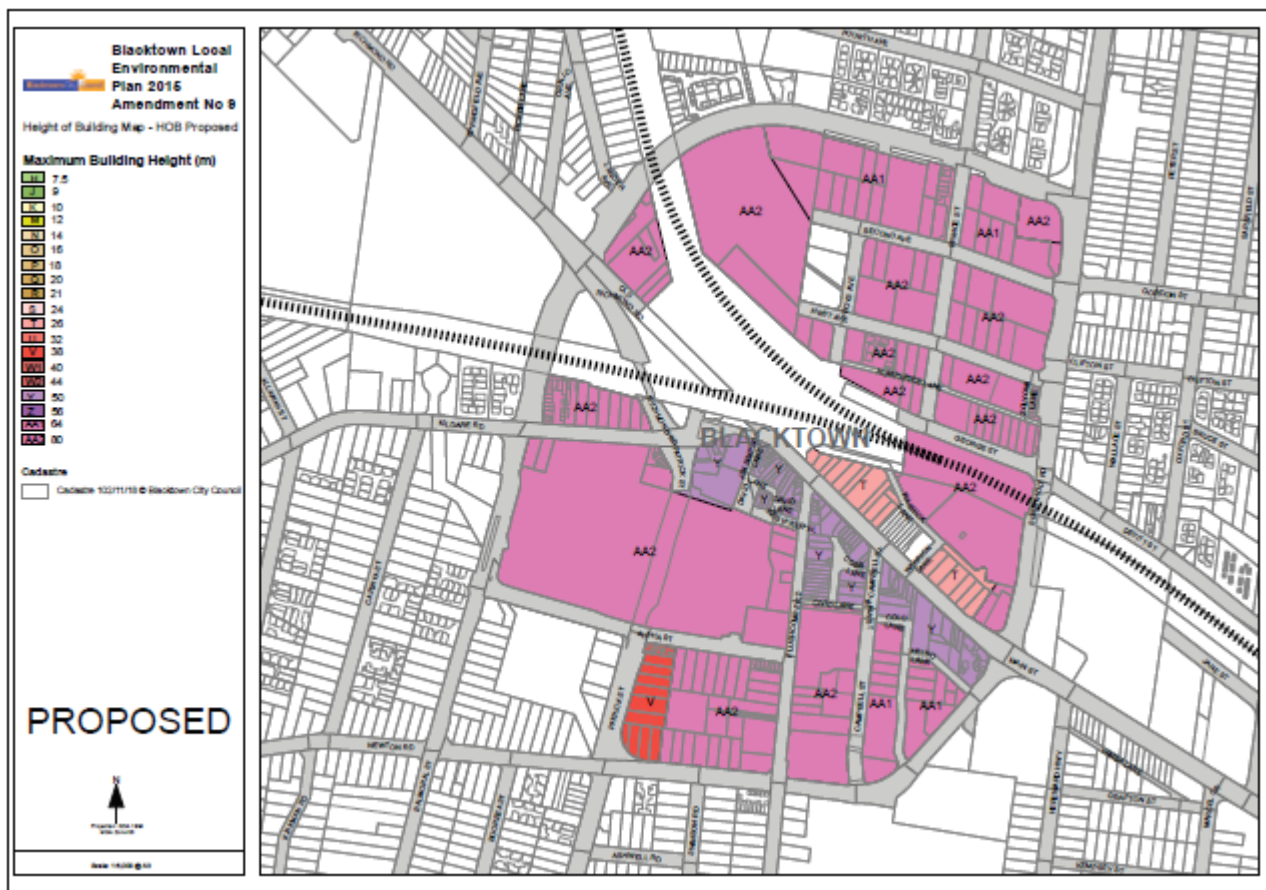


Figure 4: Proposed Maximum Building Height map

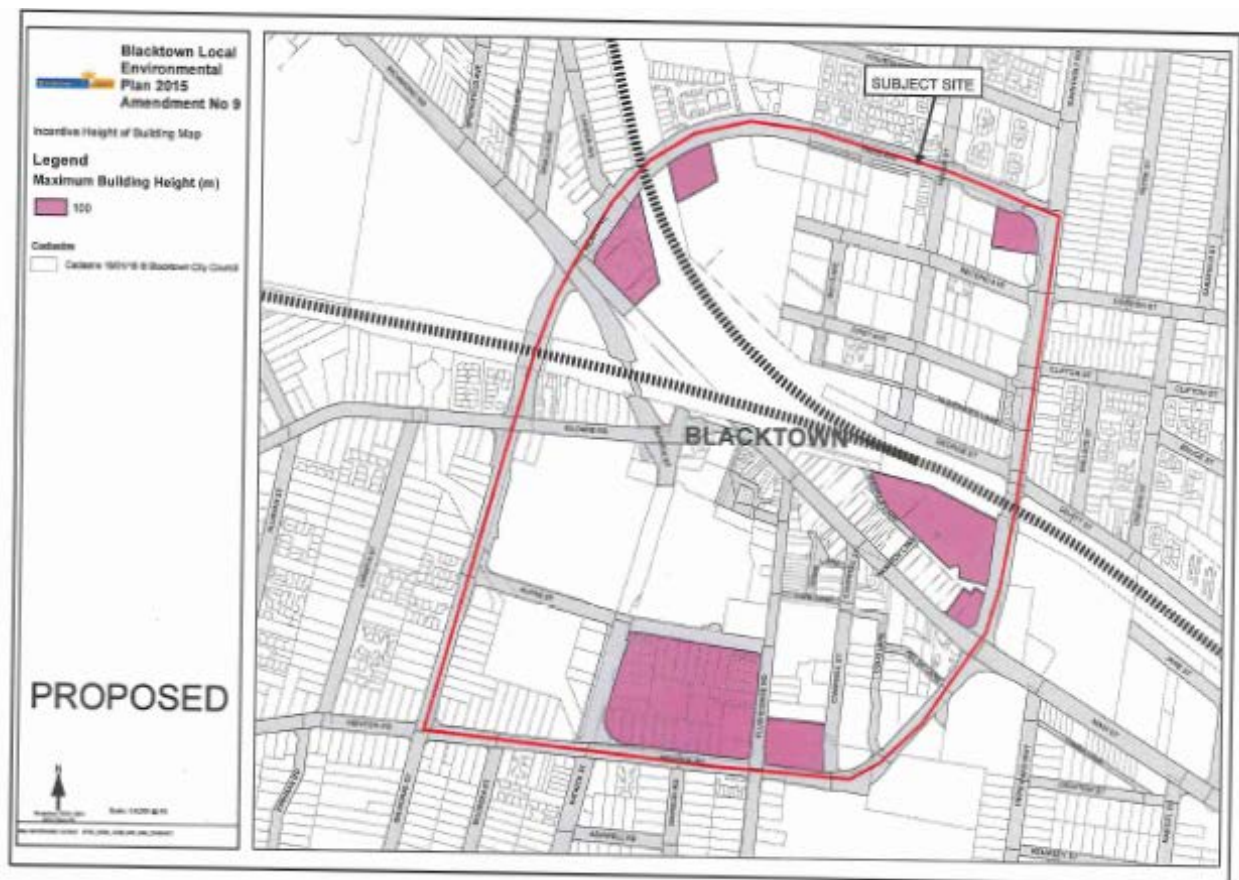


Figure 5: Proposed Incentive Height of Building map

Several further LEP changes have been recommended as post-exhibition changes (see Section 8 below).

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Blacktown state electorate. Stephen Louis Bali MP is the State Member.

The site falls within the McMahon federal electorate. Michelle Rowland MP is the Federal Member.

To the planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation There are no donations or gifts to disclose and a political donation disclosure is not required.

5. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 12 April 2017 (**Attachment B**) determined that the proposal should proceed subject to conditions. The Gateway determination conditions required Council to include additional information into the planning proposal prior to public exhibition, such as the capacity of community infrastructure for the proposed growth including the impact on the following:

- parks and public spaces;
- community buildings including local schools and childcare;
- car parking, pedestrian links and cycleway; and
- local road networks and railway stations.

Council noted in the addendum of the planning proposal that the existing community infrastructure has the capacity and/or the ability to service the increasing population resulting from this proposal.

The Gateway determination also requested additional shadow diagrams to identify the extent of overshadowing generated by the proposed height increases.

The Gateway determination has been altered twice, as specified in the table below.

Date	Explanation
1 May 2018	Extension until 19 October 2018 (Attachment C1).
28 June 2018	Alteration to add an additional permitted use of 'car park' at 81-97 Main Street (Lots 25 and 3-5A DP 11349, and Lots 1-3 DP 202276) for the purposes of an underground carpark (Attachment C2). However, this additional permitted use was progressed independently and was gazetted on 28 February 2019 as Amendment No.21. As such, it no longer forms part of this planning proposal.

6. EXHIBITION

In accordance with the Gateway determination, the planning proposal was publicly exhibited by Council from 16 August 2017 to 28 September 2017.

One public submission was received during this period, and three late submissions were also received. The table below provides a response to the submissions received.

Submission		Response
1.	Site-specific objection from the Blacktown RSL Club, opposing the rezoning of its site to B4 Mixed Use, as this will result in an increase in Council rates and may pose a financial strain on the club. The submission requested that the site, instead be rezoned to RE2 Private Recreation, which is consistent with other RSL clubs in the LGA.	Council does not consider the financial burden on the operation of the Club a valid planning reason to change the zoning of the land. Notwithstanding, an RE2 Private Recreation zone has consistently been applied to land containing clubs elsewhere in the LGA. The application of the RE2 zone to the Blacktown RSL Club site would be consistent with our holistic zoning approach to club sites and is supported by Council.
2.	Site specific submission from the owner of 5-19 George Street, requesting its site be classified as a “key site” to allow the additional 20 metre height limit.	The detailed urban design analysis undertaken by Bates Smart, identified that additional height should be given to key sites with place making opportunities. The site at 5-19 George Street, did not fit the place making criteria and was therefore not identified as being suitable to support a bonus 20 metre height limit.
3.	Objection to the requirement of an architectural design competition, as it would increase timeframes and add cost to redevelopment.	The proposed architectural design competition only applies where the developer is seeking the bonus height. The additional height provides sufficient incentive to cover the cost of undertaking an architectural design competition.
4.	Submission from a planning consultancy supporting the introduction of an architectural design competition in support of a bonus height on key sites.	Submission was noted and acknowledged by Council.

7. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult with the following authorities in accordance with the Gateway Determination (**Attachment B**):

- Transport for NSW – Sydney Trains;
- Transport for NSW – the former Roads and Maritime Services (RMS);
- Energy Australia;
- Sydney Water; and
- Telstra.

Council received submissions from three State agencies, and the following comments were made:

Agency	Response
Endeavour Energy	Endeavour Energy advised that there is enough capacity from existing substations to supply short to medium term growth in the CBD.
Sydney Water	Sydney Water requested further information on the potential growth and population demand in the CBD, in order to determine whether there is spare capacity in the system. Council provided Sydney Water with the requested information to assist in its preparation of a detailed servicing strategy. The fragmented nature of land ownership and fine grain subdivision pattern make it unlikely that full capacity will be reached by 2036.
Transport for NSW	On 17 October 2017, Transport for NSW (TfNSW) (Attachment D) requested that Council undertake additional traffic and transport modelling to assess impacts on the Blacktown and Mount Druitt CBDs. It was subsequently determined that the additional modelling was only required for the Blacktown CBD, as the Mt Druitt CBD prompted local improvements only. Refer to Section 9 for further detail.

8. POST-EXHIBITION CHANGES

The following post-exhibition amendments are proposed as a result of both the submissions received during the exhibition period, in addition to further discussions with TfNSW and Council:

- Blacktown RSL: it is proposed to rezone the Blacktown RSL Club to RE2 Public Recreation, instead of B4 Mixed Use, which is consistent with other RSL clubs in the LGA.
- Overshadowing: it is proposed to introduce overshadowing control provisions into the LEP with more detail and maps included in the DCP. These provisions provide the statutory weight of the LEP but also allow for a merit-based assessment of overshadowing impacts.
- Transport improvements: it is proposed to amend the zoning map to identify the Sunnyholt Road and Main Street intersection land as “SP2 Infrastructure”.

9. ASSESSMENT

The planning proposal seeks to promote mixed use development (in the form of commercial premises and shop top housing) within the Blacktown CBD. This will provide additional housing and a mix of apartment types, new retail and support office space opportunities, and active street frontages. The proposal was deemed by the Gateway Determination to have strategic merit.

Several key issues have required detailed consideration in finalising the proposal – Traffic and Transport, Overshadowing and Public Open Space. These are addressed in turn below:

9.1 Traffic and Transport

Traffic and transport are key issues for the planning proposal and delayed finalisation. Council acknowledges that the planning proposal could alter traffic flows as it changes the anticipated mix of land use, but argues the following must be taken into account:

- previous traffic modelling (2012) identified that most of the traffic impacting on the area is through-traffic using the regional road and motorway network;
- development uplift from the existing planning controls account for the majority of the traffic impact from the CBD, not this planning proposal; and
- TfNSW has commenced a road network plan for the Sunnyholt Rand Reservoir Road corridors which when complete could allow the investigation of Special Infrastructure Contribution for any development-related component of traffic flow.

In summary, the intended mix of dwellings and employment will promote self-containment of Blacktown by providing jobs closer to homes and public transport.

Council prepared additional traffic modelling and assessment requested by TfNSW (see section 7) and negotiations subsequently commenced. In mid-2019, the Greater Sydney Commission established a Place Based Collaboration group (the Group) to resolve the traffic issues. The Group identified the need to update the intersection of Main Street/Blacktown Road and Sunnyholt/Newton Road. The upgrade requires widening of Sunnyholt Road and Newton Road, including very minor reservation of land owned by Council and TAFE to facilitate this work. This improvement along with other regional road improvements and travel demand management initiatives will address the growth envisaged by the proposal.

A concept design has been prepared for the intersection and is supported in principle by both Transport for NSW. The design requires the north western and south eastern corners of the intersection to be upgraded. The north western corner is located within the planning proposal area, with the land adjoining it (part of which is required for the road widening) owned by Council. The south eastern corner is located outside of the planning proposal area, with the adjoining land (part of which is required for road widening) owned by TAFE NSW. Agreement has not been reached on funding or delivery mechanisms to enable the upgrades. Council has offered to dedicate the land required for the north western part of the intersection and fund the upgrades if required. A separate planning proposal will be prepared in relation to the southern corner of the intersection but the impact on the TAFE land is very minor and will not affect buildings.

Council's offer was formalised in its letter of 22 July 2020 (**Attachment E1**). A draft response was provided by TfNSW (**Attachment E2**).

TfNSW advised that a funding mechanism/contribution plan should be identified for the collection of equitable developer contributions towards State and regional road improvements as a result of the Blacktown CBD Planning Proposal. TfNSW also identified a number of other network upgrades which it believes should be part funded by developer contributions. Council's local contributions plan can be updated to include the cost of local improvements.

Potential State and Regional network upgrades identified by TfNSW are:

- The upgrade of the Sunnyholt Road/Main Street/Newton Road intersection;
- The upgrade of the Bungaribee Road/Flushcombe Road signalised roundabout;
- Increased pedestrian connectivity at Wall Park Avenue/ Blacktown Road intersection;
- Active Transport connection into the CBD Precincts;
- Improved pedestrian connectivity and safety at Balmoral Road/Richmond Road intersection; and
- Richmond Road (between Fairwater Boulevard to the Blacktown Station bus interchange) - road safety review and address crash hotspots; improve pedestrian connectivity and safety; review operation of Two Way Right Turn Lane.

Apportionment of these upgrades is yet to be determined and it may be that only some of the costs are attributable to uplift in the Blacktown CBD. Further work is required to determine on potential funding sources for regional road network upgrades.

The rate of uplift within the Blacktown CBD will be market driven and growth will occur over time reducing the potential for an immediate adverse impact on the road network.

Travel demand management measures would assist in the management of potential impacts on the road system. One of the most effective ways to reduce traffic entering the centre is by encouraging a modal shift to public transport. The importance of demand management is recognised and can be achieved via appropriate parking rates, provision of car share spaces and improving the public domain to encourage active transport. Council is in the process of preparing a new DCP and will include appropriate objectives and provisions to guide travel demand management in the Blacktown CBD (refer to Section 9.4 for further detail). The measures will be developed in consultation with TfNSW. Council has committed to reviewing the DCP to investigate updated parking requirements.

9.2 Overshadowing

Overshadowing of public spaces is a key concern for the Department. Development as a result of the planning proposal will raise building heights and has the potential to increase overshadowing of public spaces. Intensifying development potential requires consideration of overshadowing effects to ensure that development can be undertaken in a manner that maintains appropriate levels of amenity, particularly within the public domain.

The planning proposal was not accompanied by a detailed overshadowing analysis. The Department's urban design and Council's architecture teams prepared preliminary shadowing analysis, which are the basis of this assessment. The shadowing analysis models on a block basis which considered the worst case impacts. Detailed design to create separation between buildings or setbacks, will mitigate any potential impacts.

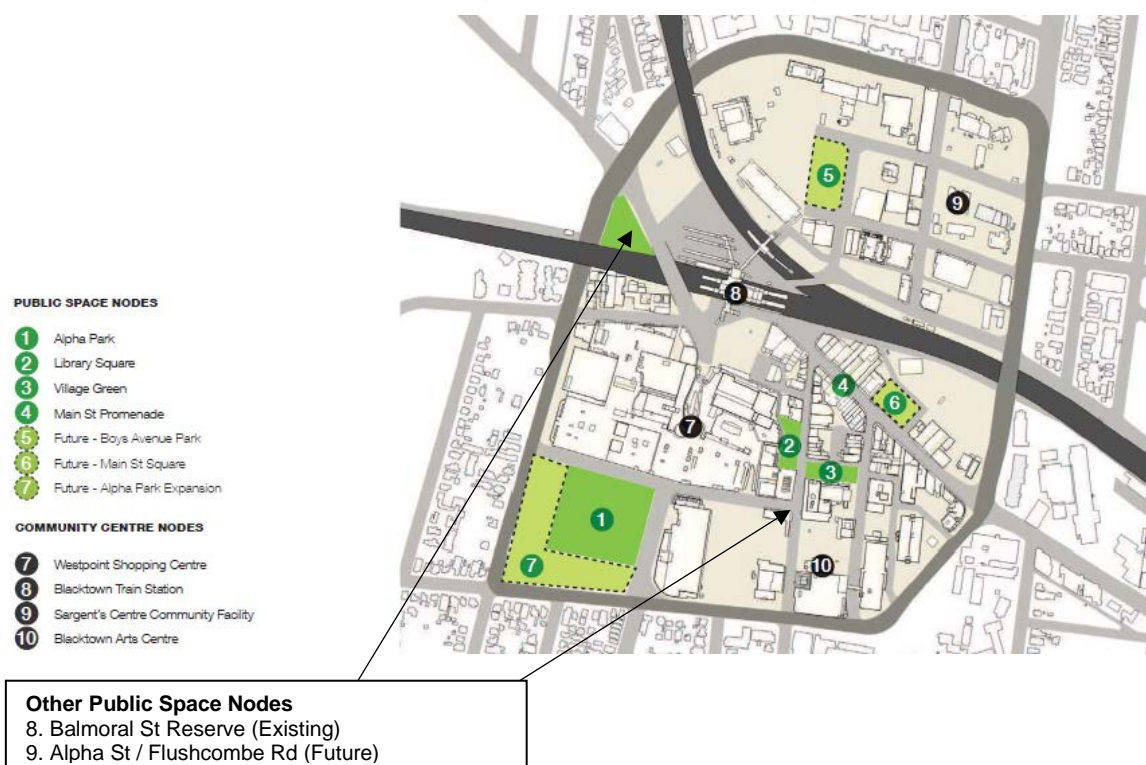


Figure 6: Existing and planning public open space within Blacktown CBD

Consideration of the impact of future development adjacent on those public spaces is provided in Table 1 below.

Table 1: Shadowing Assessment

Public Open Space	Existing HOB	Proposed HOB	Comment
(1) Alpha Park	N 72m E 38	N 80m E 38/ 100 (bonus)	<p>The potential for increased overshadowing of this park from the north is largely a pre-existing condition.</p> <p>The height bonus applicable to the sites to the east may increase impacts, however these sites are not a major contributor to overshadowing of Alpha Park.</p>
(2) Library Square / Civic Square	N/W/S 72m E 26m	N/W/S 80m E 50m	<p>The proposed 24m increase in building height for the sites to the east will be the primary consideration for solar impacts on this space.</p> <p>The 8m increase in height N/W/S is unlikely to increase impact in comparison to the current situation, as the additional overshadowing impacts would occur away from the Library Square.</p> <p>The site to the north of Library Square is a significant telecommunication exchange and is unlikely to change.</p> <p>The B3 Commercial Core zone to the west of the plaza does not permit residential accommodation and high-rise commercial development is unlikely due to feasibility issues. There is potential for some degree of change if expansion of West Point were undertaken.</p>
(3) Village Green	W/ 72m N/E 26m	W/ 80m N/E 50m	<p>The Village Green (3) is zoned B4 mixed use and is part of the Civic Precinct. In the future, the Civic Precinct will move to the Warrick Lane precinct and the former precinct will be redeveloped in accordance with its zoning.</p>
(4) Main Street Promenade	N/E 26m	N/E 26m	No change to existing situation.
(5) Future Boys Avenue Park/ Northern Landing	N 56 W/S/E 72m	N 64 W/S/E 80m	<p>The 8m increase in height to the north of this space will slightly increase impact in comparison to the current situation.</p> <p>Increase in height to the west, south and east are unlikely to significantly contribute to additional overshadowing at ground level as the existing height permissibility would already result in overshadowing of this space.</p> <p>The RSL site will be zoned RE2 Private Recreation under this planning proposal and will unlikely be significantly redeveloped in the future. Therefore, the properties to the north will be the main contributor to overshadowing of this space.</p>
(6) Future Main Street Square	N 50m W/S/E 26m	N 80m W/E 26m S 56m	<p>Stage 1 construction of the Warrick Lane redevelopment is currently underway in accordance with the concept masterplan. As such the overshadowing effects from the north and east of the site are known and generally accepted</p>

Public Open Space	Existing HOB	Proposed HOB	Comment
			<p>by Council based on the planned building forms north and east of the space.</p> <p>The north western and south eastern sides of the future Main Street Square will ultimately be fronted by 4 storey development, which will assist in managing overshadowing impacts.</p> <p>There is a large tract of land north west of the redevelopment area bounded by Main Street, Warrick Lane and the future Main Street square. Development of that area is the most likely potential source of overshadowing on the Square. There is no increase in building height proposed for this land.</p> <p>The north western side of the plaza will be occupied by single storey building to activate the plaza as an interim measure in anticipation of the potential expansion of the proposed university to land north west of the plaza.</p> <p>As such, the planning proposal is not expected to result in increased overshadowing of the future Main Street Square in comparison to the current situation. However, Council's modelling has identified a need to manage height adjacent to the northern and western edges of this Square.</p>
(7) Alpha Park – Extension	N 72m E 38	N 80m E 38/ 100 (bonus)	Extended area of park is located on its southern side and is unaffected by overshadowing.
(8) Balmoral Street Reserve	N 72m	N 72m	The Reserve is an island site, sitting between roadways and a railway line, and is separated from adjoining developable lands. The adjoining lands are not planned for intensive development and as such minimal overshadowing of the Reserve is anticipated.
(9) Alpha St / Flushcombe Rd	N 72m	N 80m	Council plans to provide a public plaza on the southern side of Alpha Street, opposite the Max Webber Public Library. Council owns the library and therefore has control over any shadow impacts on the future plaza.

Council Proposal

Council believes that it is necessary to introduce detailed provisions into the LEP and supplementary controls into the Development Control Plan (DCP) to protect solar access to the Northern Landing (5) and Main Street square (6). Specifically, Council proposes:

- A statutory sun access plane control on land adjoining the northern side of Future Boys Avenue Park/ Northern Landing to ensure that 50% of solar access is achieved to the space between the hours of 12 pm and 2 pm on 21 June. The access plane would commence 40m above natural ground level and project at an angle of 32 degrees into the sites.
- A statutory sun access plane control on land adjoining the future Main Street square to ensure 65% of solar access is achieved to the space between the hours of 12 pm and 2

pm on 21 June. The access plane would commence 20m above natural ground level and project at an angle of 27 degrees into the sites.

- Instead of a sun access plane control for the Civic Square site, Council proposes a height reduction to 30m for a line coinciding with the western boundary of the lot containing Max Webber Library through to Westfield Place, parallel to Flushcombe Road.
- No controls for the other sites given good solar access levels currently.
- A new LEP clause and map are proposed identifying the sites to which the solar access planes apply.

Department Response

Council's desire to protect the spaces is supported, however the proposed controls are not. The solar access plans would reduce buildings heights on sites to a level less than is permitted by current controls. The change is significantly different to the exhibited planning proposal, which proposed to increase or retain building heights. The reduction may be meritorious, but would trigger re-exhibition of the planning proposal further delaying finalisation. Additionally, Council's proposed approach is only based on a preliminary shadow investigation, which requires proving and is not sufficient to be relied upon as a basis for a statutory control.

It is therefore recommended that statutory controls are introduced in the LEP requiring the overshadowing of public open spaces to be addressed in the development process. It is considered this approach will provide strong protection of public spaces but does not trigger re-exhibition of the proposal as it augments current clause 7.7(4) of the LEP. This clause requires all development to have regard for and address overshadowing of adjoining land and land affected by solar access controls in the DCP.

Council is also in the process of updating its DCP. It is also recommended the DCP includes additional controls to enable merit-based assessment of overshadowing issues.

The recommended approach to managing overshadowing of public spaces in the Blacktown CBD is as follows:

1. Introduce a new overshadowing provision in the LEP, proposed clause 7.14 – Solar access to key public open spaces in the Blacktown CBD. The clause requires protection of the Northern Landing Reserve, Main Street Square, Civic Square, Alpha Park and Balmoral Street Reserve. Development will not be permitted that results in overshadowing of more than 65 percent of Main Street Square, Alpha Park and Balmoral Street Reserve and more than 50 percent of Northern Landing Reserve and Civic Square. These provisions provide the statutory weight of the LEP but also allow for a merit-based assessment of overshadowing impacts. An accompanying Solar Access Protection Map is included as referred to in the clause.
2. Introduce additional provisions within the DCP, which Council is in the process of currently updating, to include details such as the sun access planes for the key public open spaces. The DCP would be subject of exhibition requirements including the notification of landowners affected by the proposed overshadowing controls.

9.3 Public Open Space

One of the Premier's Priorities is to *increase the proportion of homes in urban areas within 10 minutes' walk of quality green, open and public space by 10% by 2023*. The Department

sought additional information from Council to address the question of adequacy of the quantum of open space within and in the immediate catchment of the CBD.

For many years Council has been increasing the amount of open space in the City Centre to support future housing growth. There are a number of open spaces that have been rezoned to RE1 Public Recreation, but are still yet to be fully acquired.

Alpha Park was doubled in its zoned area in the mid-1990s with the rezoning of fringing properties. The Northern Landing and Main Street (Warrick Lane) open spaces were created as part of the Blacktown CBD LEP in 2012. Council has now acquired all land to enable these spaces to be embellished.

New open spaces of approximately 3.3 ha in size were created through rezoning of land at Meroo Street/Newton Road and Allawah Street/Bungarribee Road as part of Blacktown LEP 2015, to build on existing open spaces that existed in those localities surrounding the CBD. The intent of those spaces was to support residential population growth in the City Centre, recognising the practical and cost constraints of providing large areas of open space in a CBD context. These properties are being incrementally acquired by Council.

More recently, a separate Planning Proposal for the corner of Alpha Street and Flushcombe Road in the CBD provides further open space in the CBD (Amendment No. 25). That Planning Proposal was made and notified on 24 July 2020. It will require Council to acquire existing businesses fronting Alpha Street for a public plaza of 15 metres width.

In response to these land use changes, Council created Contributions Plan (CP) No. 19 – Blacktown Growth Precinct to levy contributions across a broader catchment to provide Council with sufficient funds to acquire and embellish land for open space. CP 19 was originally established in September 2015 following the introduction of the Standard Instrument Blacktown LEP in July 2015. The CP considers the cost of works to be undertaken, the cost to Council of providing land for a public purpose and the size of the catchment area. The total cost of providing open space is distributed over the total catchment on an equitable basis.

CP 19 also has an allocation to acquire and embellish an additional 7 hectares of open space to address future demand. The location of the open space is not yet determined and therefore not identified in the plan. This additional 7 hectares is in addition to the 3.3 hectares rezoned by Council in 2015.

The Blacktown CBD has existing parks and public spaces located within the boundary of or within walking distance of the CBD, that provide passive and active recreational activities. These parks and reserves have the ability to be augmented to provide additional capacity to service an increase in population. Parks and reserves located within the CBD include:

Public open space	Zone	Area
Main Street (Reserve 474)	RE1	3,090m ²
Northern Landing (Reserve 767)	RE1	6,225m ²
Civic Plaza	B4	2,600m ²
Alpha Park (Reserve 24)	RE1	40,183m ²
Balmoral Street (Reserve 854)	RE1	4,081m ²
Alpha St / Flushcombe Rd (future reserve)	RE1	1,091m ²
Total		57,270m ² (5.73 ha)

There are a number of different spaces that provide both passive and active recreation opportunities within an approximate 400m walking distance of the CBD for workers and residents

Public open space	Zone	Area
Blacktown Showground	RE1	175,814m ²
Kildare Rd (Gribble Place)	RE1	5,457m ²
Balmoral St	RE1	4,173m ²
Newton Rd / Meroo St	RE1	16,194m ²
Allawah St / Bungarribee Rd	RE1	26,142m ²
Allawah St to Kildare Rd	RE1	1,612m ²
Blacktown Aquatic Centre	RE1	31,130m ²
Captain Cook Memorial Park No 1 (Bungarribee Road)	RE1	13,412m ²
Clifton, Bruce and Devitt Streets	RE1	10,969m ²
Cardiff and Gordon Streets	RE1	5,554m ²
Sackville and Peter Streets	RE1	5,008m ²
Prince Street and Fourth Avenue	RE1	4,127m ²
Total		299,592m² (29.96 ha)

Given the proposal is located in a CBD, in an existing urban area, sufficient open space is available to accommodate the proposal. It will also be consistent with the Premier's priority, to increase the number of dwellings within walking distance of open space.

9.4 Development Control Plan

Under Section 3.46 of the *Environmental Planning and Assessment Act 1979*, the Minister may direct Council to make a DCP in a specific timeframe. Notwithstanding this power, the Department more commonly provides advice to Council on related matters in its letter advising of the LEP being made. This approach is recommended in this instance.

To ensure the important issues of traffic and transport demand management and prevention of overshadowing are appropriately addressed, it is recommended that the Department advises Council to prepare a new DCP for the CBD to be finalised within six (6) months of the LEP being made. This will also give certainty to developers and landowners within the precinct, to inform future development applications.

Specifically, it is recommended that the Council be advised to specifically include the following in the new DCP:

- **Traffic and Transport Demand Management:** the DCP should include a requirement for future development applications within the CBD to be accompanied by a Traffic Impact Assessment, requiring the following (but not limited to):
 - details of travel demand management measures to encourage sustainable travel choices and details of programs for implementation including encouraging safe public domain access to public transport and care sharing services.
 - the proposed active transport access arrangements and connections to public transport services.

- measures to mitigate any associated traffic impacts and impacts on public transport, pedestrian and bicycle networks, including pedestrian crossings and refuges and speed control devices and zones.
- details of proposed bicycle parking facilities in secure, convenient, accessible areas close to main entries incorporating lighting and passive surveillance and end-of-trip facilities.
- **Overshadowing:** the DCP should include the recommendations outlined in this report. It is recommended that Council undertakes a robust shadowing exercise, testing the shadowing of existing and proposed built form envelopes, incorporating setbacks and separation distances, to understand the full overshadowing impact of development in the CBD. It is also recommended that this analysis is peer reviewed by an independent specialist urban designer.

9.5 Section 9.1 Directions

The planning proposal is consistent with all relevant section 9.1 Directions. A response to the relevant directions has been provided in the table below.

Table 2: Assessment against relevant section 9.1 Directions

Direction	Response
1.1 Business and Industrial Zones	<p>Consistent. This planning proposal seeks to rezone some of the B3 Commercial Core zoned land in the Blacktown CBD, to B4 Mixed Use, however the total potential floor space for employment uses has not been reduced.</p> <p>The planning proposal has the potential to yield an additional 16,500 jobs in the CBD. This creates an overall capacity of approximately 29,700 jobs.</p> <p>The economic study which accompanied the planning proposal, has shown that the demand for office floorspace in the CBD is minimal.</p> <p>The increased B4 Mixed Use zone will allow for a larger resident population in the CBD, which will increase the demand for retail and support services. This will, as a result, generate an increased demand for commercial development in the CBD.</p>
2.6 Remediation of Contaminated Land	<p>Consistent. There is no knowledge of prior contaminating uses on the land. Contamination of specific sites will be addressed at Development Application stage by individual developers, if required.</p>
3.1 Residential Zones	<p>Consistent. The proposed B4 Mixed Use zone will increase the supply of land for shop top housing, thereby providing additional capacity for residential development in an accessible location.</p>
3.4 Integrating Land Use and Transport	<p>Consistent. This planning proposal is consistent with the objectives of this direction in that it will permit increased mixed-use development in a highly central and well serviced city centre, close to essential services, amenities and on major public transport routes.</p>
4.3 Flood Prone Land	<p>Consistent. The Blacktown CBD has a small area of flood prone land that is contained within one site. However, this land has been zoned for a commercial or mixed-use purpose since Blacktown LEP 1988.</p>

9.6 State environmental planning policies

The planning proposal is consistent with all relevant SEPPs.

9.7 State, regional and district plans

The Blacktown CBD is classified as a strategic centre under the Central City District Plan. As detailed in the table below, the Planning Proposal is consistent with the relevant planning priorities of the District Plan.

Planning Priority	Response
C1: Planning for a city supported by Infrastructure	This planning proposal implements this priority by encouraging and facilitating the sustainable growth of the Blacktown CBD. The proposal will promote urban renewal and the use of alternative modes of transportation, including walking and cycling. It proposes a high-density mixed-use development, within walking distance of the Blacktown train station, providing direct services to the major centres, such as the Sydney and Parramatta CBDs.
C3: Providing services and social infrastructure to meet people's changing needs	<p>This planning proposal implements this planning priority as it will assist in delivering key social infrastructure for the Blacktown CBD. The increased residential dwelling supply will be supported by expanded social infrastructure, such as a new and expanded public parks and open space areas.</p> <p>Council is also actively working on delivering green grid connections, which will link important parks such as International Peace Park in Seven Hills, with the Showground, which adjoins the Blacktown CBD. This connection will continue to the Mount Druitt CBD and its Town Centre Reserve.</p>
C4: Fostering healthy, creative, culturally rich and socially connected communities	This planning proposal implements this planning priority by encouraging urban renewal within walking distance of train and also bus services. The proposal will also provide additional community infrastructure such as new parks and increase tree canopies. This will improve the overall amenity of the area and will provide opportunities for people to walk and cycle, which promotes social cohesion and community connectivity. Overall, the proposal supports strong, healthy and well-connected communities.
C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	This planning proposal implements this planning priority by increasing the B4 Mixed Use zone and for parts of the CBDs the maximum Height of Buildings. This will encourage and facilitate the increase of housing supply, near employment, services and public transport. An increase in housing supply will influence housing affordability.
C6: Creating and renewing great places and local centres, and respecting the District's Heritage	This planning proposal implements this planning priority by increasing the B4 Mixed Use zoned areas in the CBD, which will support the local businesses, ensuring the special character of the CBD is respected and renewed. There are no heritage items in the CBD or in the vicinity.
C9: Delivering integrated land use and transport planning a 30-minute city	This planning proposal implements this planning priority by encouraging urban renewal near the existing Blacktown train station, which provides direct services to employment opportunities and retail services in the Parramatta CBD in approximately 27 minutes.
C10: Growing investment, business opportunities and jobs in strategic centres	<p>This planning priority requires the protection of the Blacktown CBD's commercial core to achieve the centre's job targets.</p> <p>The planning proposal is a response to current feasibility analysis that identifies that commercial development is not currently feasible within the CBD, under the current market conditions.</p>

Planning Priority	Response
	<p>Given the limited demand for commercial floorspace in this location, this planning proposal seeks to rezone some of the B3 Commercial Core to B4 Mixed Use. However, the total potential floor space for employment uses has not been reduced.</p> <p>The increased B4 Mixed Use zone will allow for a larger resident population in the CBD, which will increase the demand for retail and support services. This will, as a result, generate an increased demand for commercial development in the CBD.</p>
C17: Delivering high quality open space	<p>One of the actions of this priority <i>is to investigate opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high-density residential areas (over 60 dwellings per hectare) are within 200 metres of open space.</i></p> <p>As outlined in Section 9, the CBD comprises of open space and is within walking distance to additional open space areas, some of which are proposed to be upgraded.</p> <p>Given the proposal's location, in an existing urban area, and Council's commitment to upgrade and expand existing open spaces, there is sufficient open space available to accommodate the proposal.</p>

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*.

10. MAPPING

The following maps are associated with the LEP amendment:

- Land Zoning Map - Sheet LZN_013 & LZN_014;
- Floor Space Ratio Map - Sheet FSR_013 & FSR_014;
- Height of Buildings Map - Sheet HOB_013 & HOB_014;
- Incentive Height of Buildings Map - Sheet IHOB_013 & IHOB_014; and
- Sun Access Protection Map – Sheet SAP_013 & SAP_014.

The maps (**Attachment Maps**) and map cover sheet (**Attachment MCS**) have been checked by the Department's ePlanning Team and sent to Parliamentary Counsel.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment D1**).

Council confirmed on -11 August 2020 that it agreed with the draft and that the plan should be made (**Attachment D2**).

12. PARLIAMENTARY COUNSEL OPINION

On 11 August 2020 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act as it will encourage and facilitate the urban renewal of the Blacktown CBD which is identified as a strategic centre in the Central City District Plan.

The planning proposal will provide additional housing near existing infrastructure such as the Blacktown train station, while the additional population generated from the proposal will increase demand for further retail and commercial development within the CBD. The amendment has the potential to provide an additional 4,800 dwellings and 16,500 jobs above what is provided by existing controls in the Blacktown CBD.

Endorsed:



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11 August 2020

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