

Planning and Assessment

IRF19/7674

Plan finalisation report

Local government area: Blacktown

1. NAME OF DRAFT LEP

Blacktown Local Environmental Plan 2015 (Amendment No 8)

2. SITE DESCRIPTION

The planning proposal applies to three (3) sites at Rupertswood Road, John Street and Gardner Street / Great Western Highway at Rooty Hill as outlined at 3 below.

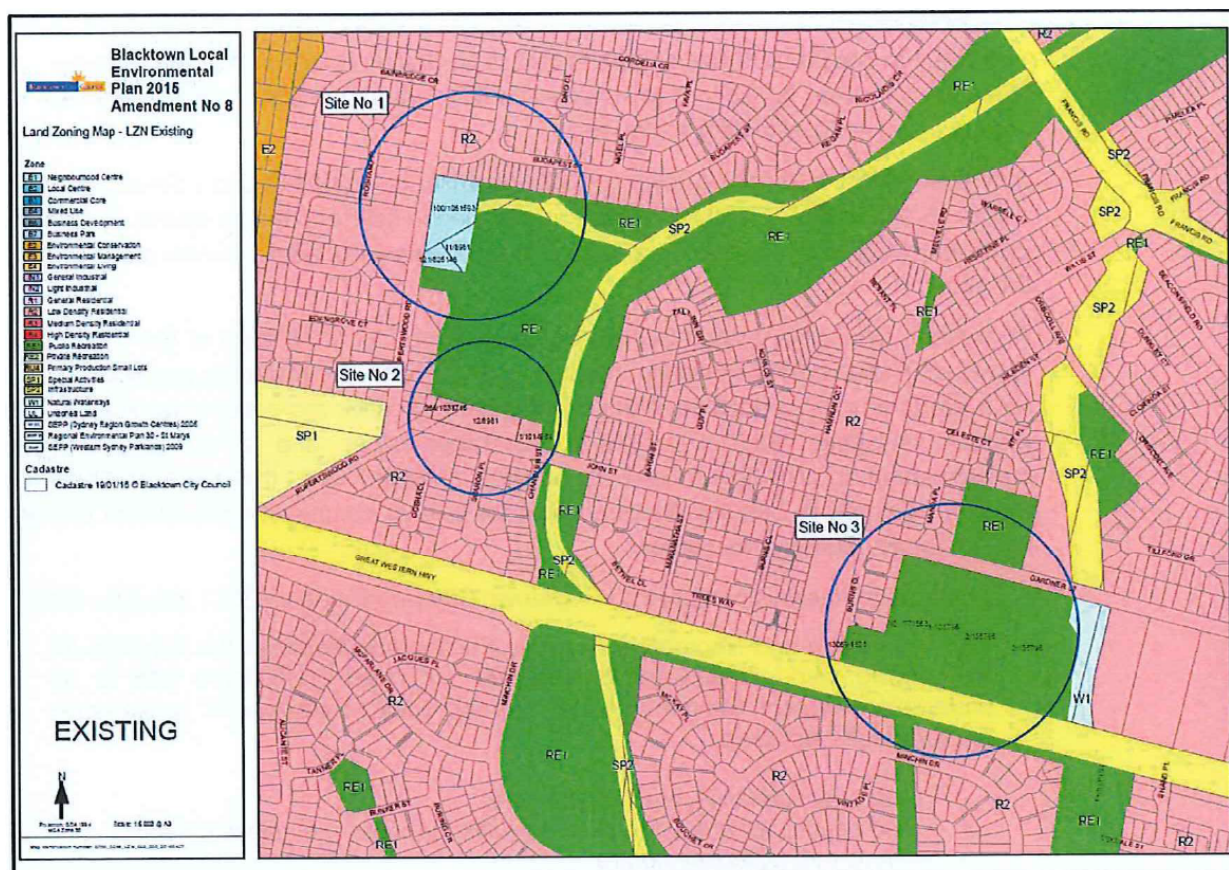
3. PURPOSE OF PLAN

The planning proposal will facilitate the expansion of May Cowpe Reserve, Rooty Hill from 15.1 Ha to 16.5 Ha.

The proposal seeks to reclassify and rezone the following land:

- Site 1 – land at Rupertswood Road, Rooty Hill, seeks to:
 - rezone land from B1 Neighbourhood Centre to RE1 Public Recreation; and
 - reclassify this land from operational to community to enable these lots to form part of May Cowpe Reserve;
- Site 2 – land at John Street, Rooty Hill, seeks to:
 - rezone land from R2 Low Density Residential to RE1 Public Recreation; and
 - reclassify this land from operational to community to enable the existing carpark to form part of May Cowpe Reserve;
- Site 3 – land at Gardner Street, Burns Close and Great Western Highway, Rooty Hill seeks to:
 - rezone land from RE1 Public Recreation to R2 Low Density Residential.

The sites are shown in the following plan.



- potential for increased noise and traffic if the land was developed for small lot, high density housing; and
- the appropriate use of funds created from selling the land. Three out of four submissions believed the funds would be better used at the Federation Forest Reserve in Old Mount Druitt, or for general park maintenance.

A public hearing conducted by an independent consultant was held on 24 November 2016. It was attended by nine members of the public, representing six properties near the proposal, of which seven members addressed the meeting. While considerable time has passed since the original consultation, the ownership of properties adjoining the reserve remain unchanged.

The main issues raised at the public hearing and Council's response is provided in the table below.

Community Concern	Council Response
Loss of public open space.	Residents affected by the loss of public space will still have access to a range of open spaces including Reserve 617, May Cowpe Reserve and Dr Charles McKay Reserve. Given the site constraints of Reserve 618, selling this land will enable Council to consolidate its assets, making it possible to provide better value for money and more efficient services to the public.
Potential impacts of development on surrounding properties.	Future development in the R2 Low Density Residential zone would not include small lot, high density housing. It is expected that 15 dwellings would be constructed on the land, which is not expected to result in substantial changes in noise or traffic.
Use of funds for improving and maintaining public recreation facilities.	Using the funds for May Cowpe Reserve is considered the best use of funds resulting from the reclassification and is consistent with the Council's Recreation and Open Space Strategy adopted in 2017.
Complying with the requirements of State Environmental Planning Policy No.55—Remediation of Land (SEPP 55).	The proposal complies with the requirements of SEPP 55 for rezoning for residential use.
Mapping error which identified the site boundaries incorrectly.	An updated map was given to attendees before and during the public hearing.

Community Concern	Council Response
Inconvenient timing for the public hearing.	The public hearing was held from 2:00pm to 5:00pm, however, attendees requested the meeting to be held after 5:00pm. Council advised the advanced notice and timing of the hearing was considered suitable to give the best opportunity for most people to attend or send a representative to attend on their behalf.

7. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult with the former Office of Environment and Heritage (OEH), Sydney Water and Transport for NSW – Roads and Maritime Services in accordance with the Gateway determination. No objection was raised by the agencies.

As part of the consultation with OEH, the Environment Protection Authority (EPA) was contacted regarding the contaminated land issues. The EPA did not object to the planning proposal and provided advice on how to manage the land contamination issues at the development approval stage.

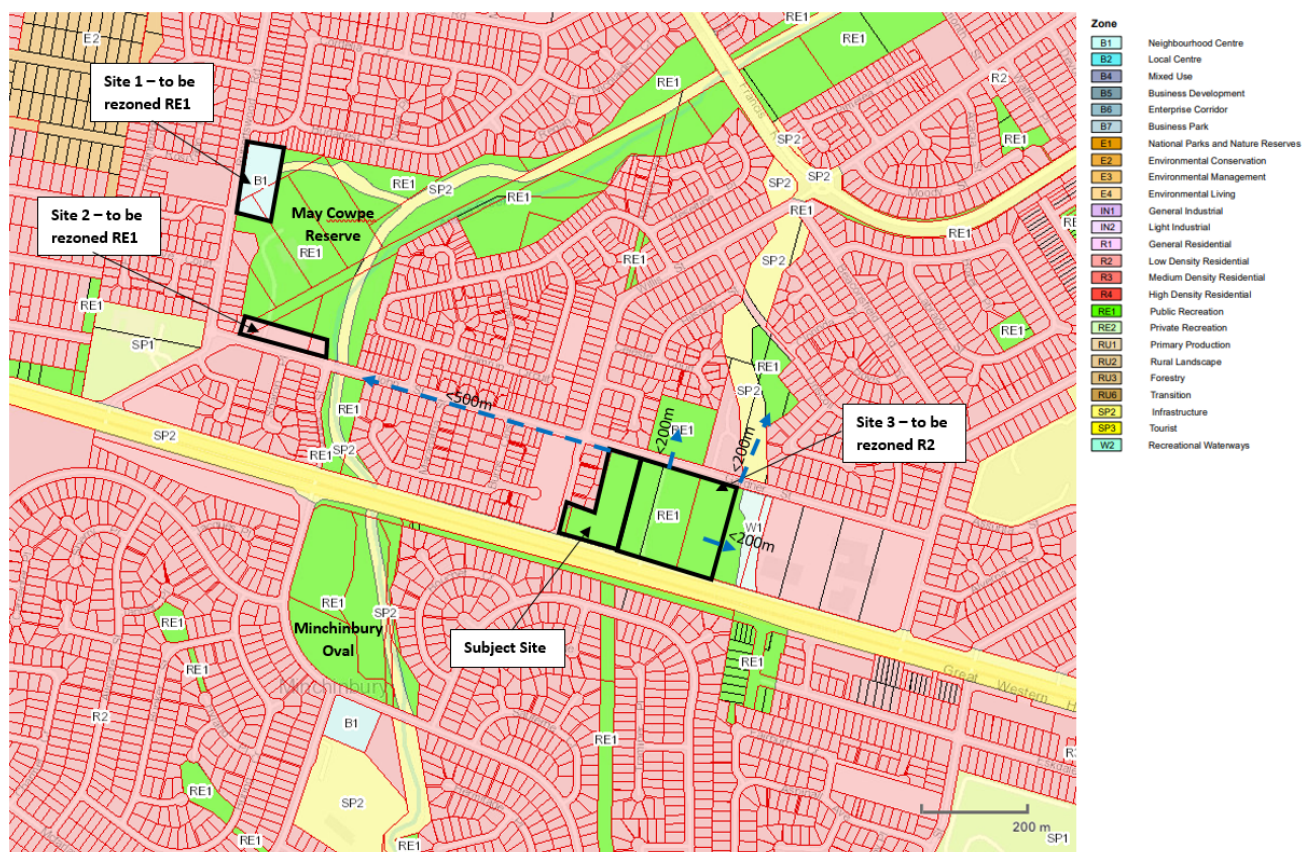
8. POST-EXHIBITION CHANGES

No amendments were made to the planning proposal following public exhibition.

9. ASSESSMENT

The proposed reclassification and rezoning is considered appropriate having regard to the following matters:

- provides improved recreational opportunities, efficient rationalisation of Section 7.11 resources and associated disposal and acquisition of key strategic assets;
- consistent with Blacktown City Council Recreation and Open Space Strategy, Blacktown City Council Recreation Planning Review for Reserve 618 dated 2010; and
- while the proposal will reduce the amount of land reserved for open spaces, the public will benefit from improvement to the quality of open spaces through increasing the area of and improving community facilities at the nearby May Cowpe Reserve. Specifically, Council proposes to implement the May Cowpe Reserve Master Plan (adopted by Council December 2015) which will:
 - increase the size of the reserve from 15.1ha to 16.5ha;
 - allow development of two additional sporting fields and a sporting hub offering a wide range of facilities for the community and sporting clubs;
 - construct new driveways, internal access roads and carparks to make the reserve more accessible for visitors; and
 - provide extensive new tree planting and landscaping;
- Site No. 3 is zoned RE1 Public Recreation but is primarily disused. While community consultation found some residents were occasionally using the land for passive recreation, those properties would continue to have access to local open space within 400 metres as illustrated in the Map below.
- Blacktown LGA has over 5,500ha of open space, including May Cowpe Reserve which is within 700m of the site.



9.1 Section 9.1 Directions

All relevant Ministerial Section 9.1 Directions were addressed at Gateway determination. There are no unresolved Section 9.1 Directions associated with this proposal.

9.2 State environmental planning policies

The draft LEP is consistent with relevant SEPPs, noting that the Gateway determination required Council to confirm that the proposal is consistent with SEPP 55 - Remediation of Land, and if required for a site contamination investigation report to be prepared and made available as part of the public exhibition. A site contamination report was prepared and exhibited.

9.3 State, regional and district plans

The draft LEP is consistent with the Central City District Plan.

10. MAPPING

The maps as described below are associated with the LEP amendment. The maps have been confirmed as correct by Council and have been checked by the Department's ePlanning Team.

The following map sheets are to be amended.

Map Sheet	Map Identification Number
Land Zoning Map LZN_009	0750_COM_LZN_009_020_20180306
Lot Size Map LSZ_009	0750_COM_LSZ_009_020_20150122
Height of Buildings Map HOB_009	0750_COM_HOB_009_020_20180306
Land Reservation Acquisition Map LRA_009	0750_COM_LRA_009_020_20180306

11. CONSULTATION WITH COUNCIL

Under section 3.36(1) of the Environmental Planning and Assessment Act 1979, a draft of the local environmental plan was prepared. Council's response was received on 3 September 2019 supporting making the plan (**Attachment C**).

12. PARLIAMENTARY COUNSEL OPINION

On 28 November 2019, 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 because:

1. While there is some loss of open space overall, all residents maintain access to areas of open space within 400 metres.
2. The proposal facilitates the expansion of May Cowpe Reserve from 15.1ha to 16.5ha and for Council to carry out improvement works to implement the May Cowpe Reserve Masterplan. The works will improve accessibility to the Reserve and provide additional recreational and community facilities.
3. The Department considers the planning proposal to be consistent with the intent and purpose of the Gateway determination issued on 11 September 2014. Following community consultation, a public hearing, the confirmation from Blacktown City Council that issues raised have been addressed by Council, and Council's request for finalisation, the Department recommends the making of the plan.



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3 March 2020

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