

Planning Team Report

Blacktown Local Environmental Plan 1988 (Amendment No 243) – Rezone and reclassify three sites in Rooty Hill within Blacktown Local Government Area

Proposal Title :		Blacktown Local Environmental Plan 1988 (Amendment No 243) – Rezone and reclassify three sites in Rooty Hill within Blacktown Local Government Area		
Proposal Summar	opportunities for the opportunities, efficiency acquisition of keys	he practical c cient rationali strategic ass	o-location of public open sation of Section 94 reso ets. The planning propos	ironmental Plan 1988 to facilitate space for improved recreational urces and associated disposal and al involves three sites in Rooty Hill, n the Blacktown Local Government
PP Number :	PP_2014_BLACK_	004_00	Dop File No :	14/11251
roposal Details				
Date Planning Proposal Receive	23-Jun-2014		LGA covered :	Blacktown
Region :	Metro(Parra)		RPA :	Blacktown City Council
State Electorate :	BLACKTOWN		Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification			
_ocation Details			8	
Street :	Rupertswood Road, Joh	n Street, Gard	dner Street, Great Wester	n Highway
Suburb :	Rooty Hill	City :	Blacktown	Postcode : 2766
	Rooty Hill; Lot 264 DP 10 Hill; Lot 101 DP 771563, Highway, Rooty Hill, Lot	038716, Lot 1 - Gardner Str 2 DP 135796	2/5 DP 8981, Part of Lot 1 eet, Rooty Hill, Lot 1 DP - Great Western Highway	P 8981 - Rupertswood Road, DP 1014984 - John Street, Rooty 135796 - No 962 Great Western y, Rooty Hill, Lot 3 DP 13596 - 950 603 - Corner Burns Close and
DoP Planning O	fficer Contact Detail	s		
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RPA Contact De Contact Name : Contact Number : Contact Email : DoP Project Ma	etails Agnes Brejzek 0298396512 Agnes.Brejzek@blac nager Contact Detail	cktown.nsw.g		

	III within Blacktown Local Go	overnment Area	
Land Release Data			
Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Я
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with :	Yes		
If No, comment :			1.
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :	In relation to the Lobbyist Code of Lobbyist Code of Lobbyist Contact Register regard		rds on the Department's
Supporting notes			
Internal Supporting Notes :	POLITICAL DONATIONS DISCLO Political donations disclosure law	vs commenced on 1 October	
	requires the public disclosure of the Planning system.	conations or girls for certain	circumstances relating to
	"The disclosure requirements un relevant planning applications ar	v	
	The term relevant planning applie	cation means:	
	- A formal request to the Minister an environmental planning instru		eneral to initiate the making of
	Planning Circular PS 08-009 spec Minister or Director General is re any).		
	The Department has not received	l any disclosure statements f	or this Planning Proposal.
	Additional Information		
	The planning proposal was receiv information was sought from Bla		
External Supporting Notes :	4		
Adequacy Assessmen	t		

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

BACKGROUND AND PROPOSAL

In February 2013, Council's Executive Management Committee (EMC) considered a recreation planning analysis presenting the opportunity to provide additional sport and recreational facilities at Reserve 614, May Cowpe Reserve, Rooty Hill (Location plan in the Documents).

Council resolved that a planning proposal be undertaken for consideration of rezoning and reclassification of the sites.

PROPOSAL

In summary the proposal involves the following three (3) sites:

Site No 1 – Rupertswood Road (map in Documents)

Rezoning of two lots and a part lot in Council ownership from 3(a) General Business to 6(a) Public Recreation and reclassification of these lots from operational to community to enable these lots to form part of May Cowpe Reserve. Council's planning proposal has not correctly identified Lot 100 DP 1061593, however Council has advised that this lot is part of the planning proposal.

Background

Council has advised that this is a vacant Council owned land and adjoins the current May Cowpe Reserve to the north-west. May Cowpe Reserve (also known as Reserve 614) is located at John Street, Rooty Hill and is 15.1ha in size. An athletic track, rugby league field, two tennis courts, car parking, cycle way, Angus Creek trunk drainage and the Rooty Hill Leisure Centre are located on the site.

At present Council is levying Section 94 contributions for the benefit of Site No 3 (also known as Reserve 618). However, cost of acquisition and providing practical facilities on a site is not conducive to the development of active recreational facilities (due to reasons including, but not limited to, topography/slope and a high probability of contamination on land that is currently privately owned) means that the redistribution of Section 94 funds to Site No 1 instead would allow for greater community benefit and practical allocation/distribution of resources.

Site No 2 – John Street, Rooty Hill (map in Documents)

Objective

The planning proposal is for rezoning of a lot and two part lots in Council ownership from 2(a) Residential to 6(a) Public Recreation and reclassification of these lots from operational to community to enable the existing car park and site entry/exit to form part of May Cowpe Reserve.

Background

The site adjoins May Cowpe Reserve to the South and currently used as a car park. This site was originally intended for use as a child care centre. Council has advised that a review of the Contribution Plan No 1 identified that a child care centre was no longer required at this site with funds being re-directed to the Mount Druitt Community Resource Hub instead.

The existing car park will be reviewed as part of the master planning process for May Cowpe Reserve and is expected to be retained following rezoning and reclassification of the site.

Council has advised that any reduction in 2(a) Residential land at Site No 2 will be outweighed by the additional 2(a) Residential land gained at Site No 3.

Site No 3 – Gardner Street, Burns Close and Great Western Highway, Rooty Hill (map in Documents)

Objective

1. Rezoning of two Council owned lots and part lots from 6(a) Public Recreation to 2(a) Residential and reclassification of Lot 101 DP 771563 from community to operational and interest proposed to be changed to enable disposal of this land to facilitate a redistribution of Section 94 funds to Site No 1; and

2. Rezoning of three (3) privately owned lots from 6(a) Public Recreation to 2(a) Residential to reflect their current tenure/use and to allow reallocation of Section 94 funds to Site No 1. The proposed rezoning will remove the need to acquire privately owned sites under Section 94 Contribution Plan No 1 that form part of land set aside as part of Reserve 618. No reclassification is proposed.

Background

The site no 3 (also known as Reserve 618) is located between Gardner Street and the Great Western Highway, Rooty Hill, approximately 700 metres East of May Cowpe Reserve. The site is identified within Section 94 Contribution Plan No 1 as having potential for a sport ground including a double playing field, single playing field, four netball courts, amenities building and a playground. Section 94 Contribution Plan No 1 identifies \$3,245,000 available for the embellishment of Reserve 618.

However, various constraints such as unfavourable topography/slope, private land ownership and the high likelihood of land contamination (on private owned sites) results in a high level of risk to Council in proceeding with Reserve 618. Future embellishment of Site No 1 in conjunction with May Cowpe Reserve will facilitate optimal recreation and community outcomes.

Tables showing details of ownership and the proposed zoning/reclassification are attached in the documents section.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : Council has advised that the corresponding zoning maps will be amended.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? No

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones

3.4 Integrating Land Use and Transport

- 4.3 Flood Prone Land
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? Yes

c) Consistent with Standard Instrument (LEPs) Order 2006 :

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

1.1 Business and Industrial Zones:

This direction applies as the planning proposal proposes to reduce business zoned land. Council has advised that the proposal is supported by the Blacktown Commercial Centres Study, prepared by a consultant (copy in Documents-Attachment E). It is considered that the inconsistency is of minor nature as:

1. The Blacktown Commercial Centres Study suggests that the population in this area

is insufficient to support even a modest-scale supermarket which might act as an anchor for a neighbourhood shopping centre. Further, any development in this area would only detract from the performance of the existing Rooty Hill shops adjacent to the Rooty Hill Railway station and the Minchinbury shopping centre located to the south of the site.

2. The Study also considers that residents of this particular part of Rooty Hill would not be significantly disadvantaged if the proposed centre is not constructed.

It is considered that the reduction of business zoned land will not significantly impact on the overall supply of business zoned land in the area.

The approval of the Secretary's delegate is recommended in this report, to satisfy the Direction.

3.1 Residential Zones

This direction applies when a planning proposal affects an existing or proposed residential use or any other zone in which significant residential development is permitted or proposed to be permitted and approval of the Secretary of the Department of Planning is required if the reduction in density is involved.

This direction applies as the planning proposal proposes to rezone some residential zoned land at Site No 2, to 6(a) Public Recreation and rezone certain land at Site No 3, from 6(a) Public Recreation to 2(a) Residential. However, the inconsistency is considered to be of minor nature given:

there is an overall gain in the residential zoned land; and

• the proposal is consistent with the objectives of the Direction as it will provide an opportunity for development of Site No 3 for more housing choices, efficient use of infrastructure and services, and to direct some demand for housing away from the fringe, and provide good urban design.

In view of the above, the inconsistency is considered to be of minor nature and the approval of the Secretary is recommended in this report, to satisfy the Direction.

Council has advised that there is high likelihood of land contamination on Site No 3. However, Council did not provide details of contamination or enclosed any Study. It is therefore recommended that as required under the provisions of State Environmental Planning Policy No 55- remediation of Land (copy in Documents), Council conduct a contamination investigation study so as to be satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for proposed residential uses.

3.4 INTEGRATED LAND USE AND TRANSPORT:

The direction applies to the planning proposal.

Under this Direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle of:

(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and

(b) The right Place for Business and Services – Planning Policy (DUAP 2001).

Central to these two documents is the objective of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car. Given the Site No 3 (proposed for residential development) is well situated along the Great Western Highway, the proposal is considered to be consistent with the direction.

4.3 FLOOD PRONE LAND

This direction applies as Site Nos 2 and 3 are partly subject to flooding (flood prone map in Documents). However, only a small portion of the sites are located within the low risk flood prone category. Council has advised that future development of Site Nos 2 and 3 would be able to accommodate this constraint by either remaining clear of these areas or being appropriately designed in accordance with specialist engineering advice at the development application stage.

In view of the above, the inconsistency is considered to be of a minor nature and the approval of the Secretary is recommended in this report, to satisfy the Direction.

6.2 RESERVING LAND FOR PUBLIC PURPOSES:

The direction requires that the amendment should not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Department of Planning and Environment.

The direction applies in this instance, as the draft plan proposes to rezone Site No 3 from 6(a) Public Recreation to 2(a) Residential. It is noted that 3.05ha of the site is privately owned and 1.23ha is owned by Council. The public land to be rezoned to residential outweighs the 0.54ha land proposed to be dedicated for public recreation purpose.

The planning proposal is also a result of Council's recreation planning analysis and resolution of Council's Executive Management Committee in February 2013.

In this light, it is considered that the proposal satisfies the requirement of the direction that the relevant authority has approved of the rezoning. The approval of the Secretary is recommended in this report, to satisfy the Direction.

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal is not inconsistent with the Metropolitan Plan, Draft Metropolitan Strategy for Sydney to 2031 and the draft North West Subregional Strategy.

Have inconsistencies with items a), b) and d) being adequately justified? Yes

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? Yes

Comment :

Council has provided the following maps:

- Location Map
- Aerial photo of the three sites
- Existing and proposed zoning maps
- Flood Map

It is considered that the maps are adequate for consultation purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment

Council has not specified how long the community consultation period should be. Given the nature of the Planning Proposal, it is recommended that it should be placed on public exhibition for a minimum of 14 days.

A public hearing is proposed to be held in accordance with the Department of

Planning's LEP Practice Note - PN09-003 (Copy in documents) after the close of the exhibition period. This relates to Site No 3 where the Council owned land is being reclassified from community land to operational land and rezoned to residential.

Additional Director General's requirements

Are there any additional Director General's requirements? No

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : December 2014

Comments inThe Blacktown Principal LEP has been exhibited and submitted to the Department forrelation to Principalmaking of the plan. The LEP is expected to be made in the last quarter of 2014.LEP :

Assessment Criteria

Need for planning proposal :	As stated under the statement of objectives, the main purpose of this amendment is to rezone and reclassify three sites within Blacktown Local Government Area to facilitate opportunities for the practical co-location of public open space for improved recreational opportunities, efficient rationalisation of Section 94 resources and associated disposal and acquisition of key strategic assets.
Consistency with strategic planning framework :	DRAFT METROPOLITAN STRATEGY FOR SYDNEY 2031 AND DRAFT SOUTH WEST SUBREGIONAL STRATEGY
	The planning proposal is not considered to be inconsistent with both draft Metropolitan Strategy for Sydney 2031 and the draft North West Sub-regional Strategy.
	Further, the draft planning proposal is consistent with the findings of Council studies and policies, including Blacktown Council Recreation and Open Space Strategy 2009, Blacktown Commercial Centres Study, Blacktown City Council Recreation Planning Review for Reserve 618 dated 2010, and Blacktown City Council Section 94 Finance Committee Minutes.
Environmental social economic impacts :	ENVIRONMENTAL, SOCAL AND ECONOMIC IMPACTS
	Council anticipates that the planning proposal will not have an impact on critical habitat, threatened species, populations or ecological communities or their habitats, as the planning proposal generally expands on existing land uses which are for the most part vacant or unused and is therefore likely to create a positive, albeit minor social and economic impact within the Rooty Hill locality.
	It is appropriate that the general constraints associated with development such as flooding, acid sulphate soil, site contamination, vegetation and Aboriginal heritage will be addressed at the development application stage.
	Whilst the quantum of public open space will be reduced, the quality of open space within the Blacktown Local Government Area is likely to improve as a result of embellishment works to the existing May Cowpe Reserve.

Assessment Process

Proposal type :	Minor		Community Consultation Period :	14 Days		
Timeframe to make LEP :	6 months		Delegation :	Nil		
Public Authority Consultation - 56(2) (d) :	Office of Environm Transport for NSW Sydney Water		itage d Maritime Services			
Is Public Hearing by the	e PAC required?	No				
(2)(a) Should the matte	r proceed ?	Yes				
If no, provide reasons :						
Resubmission - s56(2)((b) : No					
If Yes, reasons :						
Identify any additional s	studies, if required, :					
If Other, provide reasor	ns :					
Identify any internal cor	nsultations, if required :					
No internal consultation	on required					
Is the provision and fun	iding of state infrastruc	ture relevan	t to this plan? No			
If Yes, reasons :						

Documents

Document File Name	DocumentType Name	Is Public
Council Letter.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council's Planning Report.pdf	Determination Document	Yes
Attachment A - Site Referece Table.pdf	Determination Document	Yes
Attachment B - Maps including Flood Map.pdf	Мар	Yes
Attachment C - Existing Zoning Map.pdf	Мар	Yes
Attachment D - Proposed Zoning Map.pdf	Мар	Yes
Attachment E - Letter concerning Blacktown Commerical Centre Study.pdf	Determination Document	Yes
Attachment F - Council's Executive Management Committee Report.pdf	Determination Document	Yes
Attachment G - S94 Committe Report- Reserve 618 & 614, Rooty Hill.pdf	Determination Document	Yes
Attachment H - Recreation Planning Review for Reserve	Study	Yes
Attachment I - Legal Advice sought by Council about the PP.pdf	Determination Document	Yes
Attachment J - S94 Community Facility Report.pdf	Determination Document	Yes
LEP Practice Note - PN 09 - 003.pdf	Determination Document	Yes
Details of the three sites.pdf	Determination Document	Yes

Ownership detail of the Extract from SEPP No 5		Determination Document Determination Document	Yes Yes	
Ianning Team Recommendation				
Preparation of the planning	ng proposal supported at this stage:Re	ecommended with Conditions		
S.117 directions:	1.1 Business and Industrial Zones 3.1 Residential Zones			
	3.4 Integrating Land Use and Trans	port		
	4.3 Flood Prone Land			
	6.2 Reserving Land for Public Purpe 7.1 Implementation of the Metropoli			
Additional Information :	Recommendation:			
	It is recommended that the planning conditions:	g proposal proceed subject to the foll	lowing	
	1. Before the planning proposal is	s placed on exhibition, Council is to:		
	a. amend the planning proposal to planning proposal to planning proposal by including Lot	o correctly identify land details involv 100 DP 1061593;	ved in the	
	Planning Policy No 55 -Remediation site contamination investigation rep	sal satisfies the requirements of Stat of Land. If required, Council is to pr port to demonstrate that the site is su I zone. This report is to be included a	epare an initial iitable for	
	and as an amendment to the draft B	al as both an amendment to the Blac Blacktown Principal LEP 2014. The pla to the relationship of the proposal to	anning proposal	
	3. The Secretary's delegate pursu	ant to:		
	• item (5) (d) of section 117(2) Dir inconsistency in this instance is of	rection - 1.1 Business Zones agrees t minor nature;	hat the	
	• item (6)(d) of section 117 (2) Dia dwelling density in this instance is a	rection – 3.1 Residential Zones agree of a minor nature;	s that reduction o	
		rection – 4.3 Flood Prone Land agree I that are inconsistent are of minor si		
	endorses the rezoning of Lot 101 DI (No 962 Great Western Highway, Ro Rooty Hill), Lot 3 DP 771563 (950 Gr	irection – 6.2 Reserving Land for Pub P 771563 (Gardner Street, Rooty Hill, boty Hill), Lot 2 DP 135796 (Great Wes reat Western Highway, Rooty Hill), Cr d Great Western Highway) from 6(a)	Lot 1 DP 135796 stern Highway, own Land Plan	
		ne following public authorities under the requirements of relevant S117 D		
	 Office of Environment and Herit Transport for NSW – Road and Sydney Water 	-		
	Each public authority is to be provid			

	relevant supporting material, and given at least 21 days to comment on the proposal.		
	5. The planning proposal is exhibited for 14 days.		
8	6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. However, a public hearing is required to be held into this matter in accordance with the Department's practice note PN009-003, as the planning proposal involves reclassification including Council owned land from community to operational; and		
	7. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.		
Supporting Reasons :	The planning proposal is supported as the rezoning and reclassification will provide improved recreational facilities and efficient use of Council's Section 94 resources.		
Signature:	- Thomas t		
Printed Name:	CHO CHO MYINT Date: 4/9/14		