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Planning Proposal

Blacktown Local Environmental Plan 1988 Draft Amendment No. 243



Rezoning and Reclassification of Three Sites within the Blacktown Local Government Area

Prepared for: Blacktown City Council
Project No: 8523A
Date: April 2014



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- A. Site Reference Table
- B. Context Plan, Aerial Photograph, Flooding and Heritage Maps
- C. BLEP 1988 Zoning Map - Existing
- D. BLEP 1988 Zoning Map – Proposed
- E. Letter prepared by Leyshon Consulting to Proust and Gardner Consulting dated 18 September 2006
- F. Blacktown City Council Recreation Planning Review for Reserve 618 prepared by Brad Billett dated 2010
- G. Legal advice prepared by Matthews Folbigg Lawyers Pertaining to the Rationalisation of Council's Reserves dated 2013
- H. Blacktown City Council Report/Minutes dated May 2008 including recommendation regarding Abandonment of the Child Care Centre at Site No. 2.

1 Part 1 – Objectives or Intended Outcomes

The purpose of this planning proposal is to amend Blacktown Local Environmental Plan 1988 (BLEP 1988) 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.

The planning proposal is known as Draft Blacktown Local Environmental Plan 1988 - Amendment No. 243 and involves land that is owned by Blacktown City Council (Council) as well as land that is privately owned at Rooty Hill within the Blacktown Local Government Area (LGA).

In summary, the proposal involves three (3) sites including:

Site No. 1

- a) Rezoning of 2 lots and 1 part-lot in Council ownership from 3(a) General Business to 6(a) Public Recreation and reclassification from operational to community to enable these lots to form part of May Cowpe Reserve.

Site No. 2

- a) Rezoning of 1 lot and 2 part-lots in Council ownership from 2(a) Residential to 6(a) Public Recreation and reclassification from operational to community to enable the existing car park and site entry/exit to form part of May Cowpe Reserve.

Site No. 3

- a) Rezoning of 2 Council owned lots from 6(a) Public Recreation to 2(a) Residential and reclassification from community to operational to enable disposal of this land to facilitate a redistribution of Section 94 funds to Site No. 1; and
- b) Rezoning of 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 **Attachments** provide details of the land to which this planning proposal applies. See **Figure 1** below, also included as **Attachment D**.

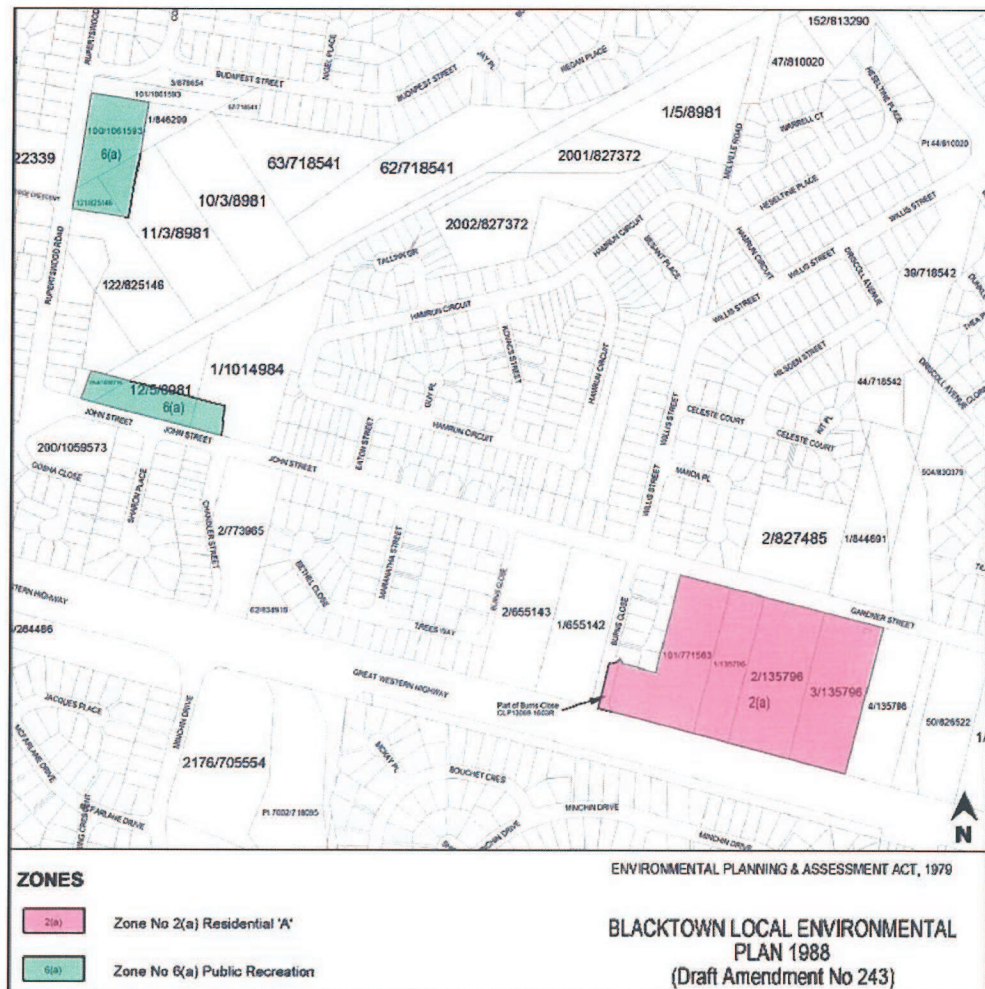


Figure 1 – Site Nos. 1, 2 and 3 BLEP 1988 Draft Amendment No. 243

2 Part 2 – Explanation of Provisions

2.1 Site No. 1 - Rupertswood Road

a) Objective or Intended Outcome

To rezone 2 lots and 1 part-lot in Council ownership from 3(a) General Business to 6(a) Public Recreation and reclassify these lots from operational to community to enable these lots to form part of May Cowpe Reserve.

b) Explanation

Corresponding zoning map amendments are provided at **Attachment D**.

c) Justification

Site No. 1 is vacant land that is often mistaken as being already part of May Cowpe Reserve. However, for Council to include Site No. 1 as part of May Cowpe Reserve, rezoning and reclassification is required.

May Cowpe Reserve (also known as Reserve 614), is located at John Street, Rooty Hill and is 15.1ha in size. An athletics 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, the cost of acquisition and providing practical facilities on a site that 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 would allow for greater community benefit and practical allocation/distribution of resources.

A Comparative Analysis prepared by Blacktown City Council dated 2011 indicates that:

“Council’s Sport and Recreation Services Section has identified the potential for the playing field embellishments originally proposed at Reserve 618 to be undertaken at May Cowpe Reserve (R614). Such development would have many benefits including:

- i. A centralised facility for sporting clubs*
- ii. The concept of hubbed active recreation provision, ie. playing fields, tennis courts, leisure centre*
- iii. Avoiding costly duplication of infrastructure such as amenity buildings and car parks, therefore providing value for money and greater efficiencies*
- iv. Reduced land acquisition impacts*
- v. Reduced likelihood of contamination issues*
- vi. Potential 2a rezoning of part of Reserve 618 which could generate additional funding for further recreation embellishments within the CP.”*

Preliminary concept plans developed on behalf of Council indicate that a three (3) field facility can be accommodated at Site No. 1 (in conjunction with May Cowpe Reserve) pending land rezoning, acquisition and reclassification (**Figure 2**). This is consistent with the expectation of Section 94 Contributions Plan No. 1 which currently identifies \$3,245,000 of available funding for the embellishment of Reserve 618.



Figure 2 – Preliminary Concept Plan for Use of Sites which Adjoin May Cowpe Reserve

Leyshon Consulting has previously advised Council in 2006 that the 3(a) General Business land "has remained undeveloped since at least the mid 1990s (all the while being zoned 3(a) General Business) [which] suggests [that] the private sector assesses it to be unsuitable as far as retail and commercial development is concerned" (**Attachment E**).

Furthermore, Leyshon Consulting states "...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. Moreover, any retail 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".

Accordingly, the loss of 3(a) General Business land will not create a detrimental impact on the surrounding Rooty Hill community.

2.2 Site No. 2 - John Street, Rooty Hill

a) Objective or Intended Outcome

To rezone 1 lot and 2 part-lots in Council ownership from 2(a) Residential to 6(a) Public Recreation and reclassify these lots from operational to community to enable the existing car park and site entry/exit to form part of May Cowpe Reserve.

b) Explanation

Corresponding zoning map amendments are provided at **Attachment D**.

c) Justification

The site was originally intended for use as a child care centre. However, review of 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.

Any reduction of 2(a) Residential land at Site No. 2 will be outweighed by the additional 2(a) Residential land gained at Site No. 3.

2.3 Site No. 3 - Gardner Street, Burns Close and Great Western Highway, Rooty Hill

a) Objective or Intended Outcome

To rezone 2 Council owned lots from 6(a) Public Recreation to 2(a) Residential and reclassify these lots from community to operational to enable disposal of this land to facilitate embellishment of Site No. 1; and to rezone 3 privately owned lots from 6(a) Public Recreation to 2(a) Residential to reflect their current tenure/use. This will thereby 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 Contributions Plan No. 1 that form part of land set aside as part of Reserve 618.

b) Explanation

Corresponding zoning map amendments are provided at **Attachment D**.

c) Justification

Site No. 3 (also known as Reserve 618) is located between Gardener Street and the Great Western Highway, Rooty Hill, approximately 700 metres east of May Cowpe Reserve. Site No. 3 is identified within Section 94 Contributions Plan No. 1 (CP1) as having potential for a sports ground including a double playing field, single playing field, four netball courts, amenities building and a playground.

CP1 currently identifies \$3,245,000 available for the embellishment of Reserve 618. Various constraints such as unfavourable topography/slope, private land ownership and the high likelihood of land contamination (on privately owned sites) results in a high level of risk to Council in proceeding with Reserve 618.

In addition, on 7 July 2011 Council's Section 94 Finance Committee endorsed the provision of community recreation facilities up to a value of \$3,245,000 (similar to those originally proposed at Reserve 618) at Site No. 1 in conjunction with the use of May Cowpe Reserve (Reserve 614).

Future embellishment of Site No. 1 in conjunction with May Cowpe Reserve will facilitate optimal recreation and community outcomes and achieve holistic reserve planning and embellishment, resulting in three fields rather than two being accommodated as part of May Cowpe Reserve. The development of three fields is required to meet the current nexus identified in CP1, *i.e.* the originally proposed two playing fields at Reserve 618.

Council's Recreational Planning Review for Reserve 618 dated 2010 states the following:

"The following review utilises past research by Suter and Associates Leisure and Town Planners (2005) along with recent demographic statistics, analysis of supply, demand and other influencing factors."

“Whilst the land is large enough for a double playing field and other sporting facilities, the topography includes relatively steep gullies and the land would require substantial levelling (cut and fill).”

“The nearest playgrounds to Reserve 618 are located at:

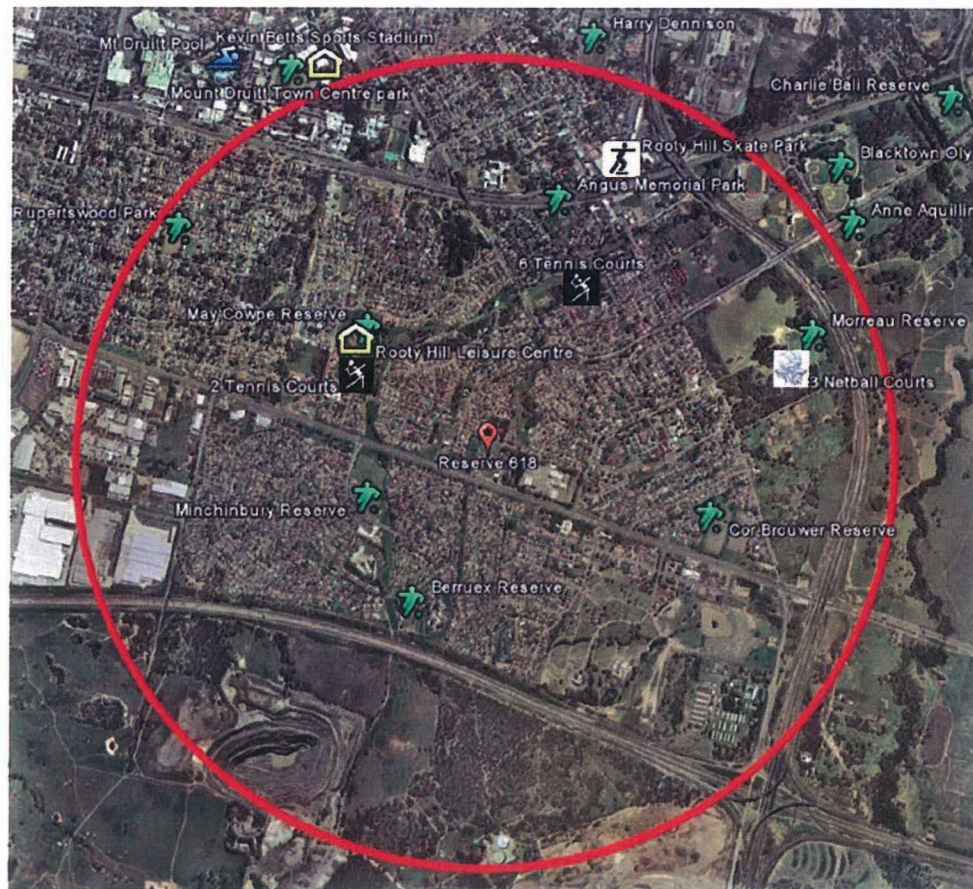
- Reserve 617, Gardner Street, Rooty Hill*
- Reserve 616, Driscoll Avenue, Rooty Hill*
- Reserve 606, Minchinbury Reserve, Minchin Drive, Minchinbury.*

Two of these playgrounds are allocated within 500m of Reserve 618.

Should a playground be provided at Reserve 618, it would be recommended that surrounding playground provision be consolidated within the asset management lifecycle so not to duplicate facilities and ensure ongoing maintenance resources are not overburdened.

There are currently about 543 children aged between 0-11 within the immediate area surrounding Reserve 618.”

Surrounding recreational areas within close proximity to Reserve 618 are shown in **Figure 3** below.



Source: Blacktown City Council

Figure 3 – Surrounding Recreational Areas within the Vicinity of Site No. 3

Council's Recreational Planning Review for Reserve 618 dated 2010 recommends the following direction (**Attachment F**):

"That due to the various site constraints faced at Reserve 618 (ownership, topography etc), Council officers investigate the potential to provide a double playing field and associated facilities at the nearby May Cowpe Reserve. Benefits of this approach include:

- *A centralised facility for sporting clubs*
- *The concept of hubbed active recreation provision, i.e. Playing fields, tennis courts, leisure Centre*
- *Avoiding costly duplication of infrastructure such as amenity buildings*
- *Reduced land acquisition impacts (existing 2a at May Cowpe Reserve is vacant)*
- *Reduced likelihood of contamination issues*
- *Potential 2a re-zoning of part of Reserve 618."*

The existing open space offers limited use due to its size, slope and configuration and therefore this site offers Council an opportunity to rationalise an existing underutilised inferior asset in favour of embellishing May Cowpe Reserve. May Cowpe Reserve offers greater opportunities for active recreational pursuits and with the co-location of surrounding

sites that form part of this planning proposal (i.e. Site No. 1), more functional open space will be available for community use.

Since the recreation planning review for Reserve 618 was completed in 2010, a playground has been provided on the north side of Gardner Street, Rooty Hill. This is directly opposite Site No. 3 (**Figures 4, 5 and 6**).



Figure 4 – Playground opposite Site No. 3 in Gardner Street, Rooty Hill



Figure 5 – Playground opposite Site No. 3 in Gardner Street, Rooty Hill



Figure 6 – Playground opposite Site No. 3 in Gardner Street, Rooty Hill

A Comparative Analysis prepared by Blacktown City Council in 2011 indicates the following:

“... based on an initial assessment between Reserve 614 (May Cowpe Reserve) and 618 (Gardner Street, Rooty Hill) it would be severely cost inhibitive for Council to purchase and develop Reserve 618.”

“Reserve 618 also has various other considerations and potential risks which are likely to hinder the potential development of the site such as unfavourable topography and a high likelihood of land contamination.”

Accordingly, the reallocation of Section 94 funding to Site No. 1/May Cowpe Reserve is considered to be in the public interest and will allow disposal of Council-owned land at Site No. 3 for residential development purposes. It has been determined the site is not conducive to the recreational purpose for which it was originally acquired.

3 Part 3 – Justification

3.1 Section A – Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

Blacktown City 2025 is the overarching strategic plan of Blacktown City Council which drives other strategies and plans involving urban growth in the LGA.

Council has a key role in the provision of community, open space and recreational facilities which provide the basis for programs and services that facilitate, develop and promote sport, recreation and wellness through physical activity for the community. Council has demonstrated this commitment through adopted strategic documents such as Blacktown 2025, the Wellness through Physical Activity Policy and the Recreation and Open Space Strategy.

Council's Community Strategic Plan identifies a strategy for Blacktown to be *"the sporting capital of western Sydney"* including a focus area to *"promote community development through sport"*.

Council's Operational Plan identifies the following action:

"Develop sportsgrounds and reserve designs that accommodate the sport and recreation needs of the community."

Council's Recreation and Open Space Strategy identifies an action plan for sport including an objective *"To provide an equitable spread of quality sportsgrounds which are strategically managed and maintained to provide opportunities for the Blacktown community"* as well as Action 1.1.3 - Continue to undertake master planning of key sportsgrounds in order to accommodate current and future sporting growth in a sustainable manner.

The future development of May Cowpe Reserve for additional provisions of playing fields will assist Council in meeting the aims and objectives of these key strategic plans and it is noted that the planning proposal is consistent with Blacktown City 2025 and other strategic studies that are included as attachments to this report.

Section 94 funds will be used to deliver what is required under the CP with any surplus funds (if relevant) to be utilised for Section 94 purposes.

Council owned land that forms part of site No. 3 represents a cost burden to Council in the form of maintenance responsibilities. Disposal and future development options associated with this site creates an opportunity for a net community benefit as funds from any sale and/or reduction in maintenance expenditure will benefit existing public open space such as May Cowpe Reserve. May Cowpe Reserve (Site No. 1) is consistent with the strategic public open space guidelines that have been adopted by Council and will particularly benefit through either site embellishment and/or consolidation opportunities.

It is expected that 2 Council-owned sites which form part of Site No. 3 will be sold for redevelopment purposes following gazettal.

Reducing the maintenance burden on Council's budget whilst enabling the public interest to be better served through income producing investments, provides Council with a greater opportunity to invest more resources into existing larger parcels of open space such as May Cowpe Reserve which service a more significant proportion of Blacktown's local community.

Maintaining the status quo does not represent the maximum net community benefit that would otherwise be achievable in these circumstances by proceeding with the planning proposal.

All properties that have been funded through Section 94 will have the disposal funds returned to the Section 94 fund as per legal advice obtained by Council from Matthews Folbigg Lawyers (**Attachment G**). These funds will be used to augment and add to the public reserve holdings of Council in the areas of most need.

Council's plans for a child care centre at Site No. 2 were abandoned following consideration by Council in May 2008 (**Attachment H**).

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal, via Draft Amendment No. 243 to BLEP 1988 offers the most transparent, legally effective and efficient means of changing the controls on development associated with each of the 3 sites.

3.2 Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

It is noted that the Draft Metropolitan Strategy for Sydney was on exhibition until 31 May 2013.

The general principle of providing appropriate land uses in appropriate locations supported by the required infrastructure whilst providing opportunities for healthy amenity and fulfilment by an increasing population is achieved as part of this planning proposal.

The planning proposal is consistent with the Draft Metropolitan Strategy for Sydney and will indirectly assist with its implementation. This is particularly the case for Site No. 3 where the planning proposal will enable the orderly and economic development of the site to be achieved.

4. Is the planning proposal consistent with the local council's community strategic plan, or other local strategic plan?

A number of plans, strategies and policies have been considered. These include;

- Blacktown City Council Recreation and Open Space Strategy 2009;
- Blacktown City Council Wellness Through Physical Activity Policy 2008;
- Blacktown City Council Memo to Executive Management Committee dated 10 December 2012;
- Blacktown City Council Comparative Analysis dated 2011;
- Blacktown City Council Recreation Planning Review for Reserve 618 dated 2010; and
- Blacktown City Council Section 94 Finance Committee Minutes.

All of these plans and policies encourage a sustainable future for the Blacktown Local Government Area (LGA) and acknowledge the challenges that need to be overcome to provide ever increasing services and facilities to the community within strict budget disciplines.

The revenues for Local Government are constrained in many ways but demand for services continues and so it has become incumbent upon all Local Government Areas to manage their land (and other) resources efficiently. Some of the land parcels were acquired many years ago for open space or development purposes. However, many of these land parcels are no longer the best option with other nearby sites offering more effective opportunities for open space purposes or commercial/business/residential redevelopment.

It is more feasible to put limited funds into better located reserves with more land and more scope for the local community to gain benefit and enjoyment from the resourcing of these reserves. Council has a clear focus on the quality of the assets rather than the quantity.

5. Is the planning proposal consistent with applicable state environmental planning policies?

Relevant State Environmental Planning Policies and their relationship with the planning proposal are outlined in the table below:

SEPP	Requirement	Planning Proposal	Compliance
SEPP 32 – Urban Consolidation	The Minister must, when considering the making of environmental planning instruments relating to urban land, implement the aims and objectives of this Policy to the fullest extent practicable.	The planning proposal is consistent with SEPP 32 by providing the opportunity for urban development in areas where there is existing public infrastructure, transport and community facilities close to employment, transport, retail, services, leisure and other opportunities.	Yes
SEPP 55 – Remediation of Land	When carrying out planning functions under the Act (including undertaking LEP amendments), SEPP 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.	Council has considered the potential for contamination of each site as part of its preparation of this planning proposal. Privately owned sites (Lots 1-3 DP 135796) Gardner Street and Great Western Highway are potentially most at risk of site contaminants. Sites that are potentially affected by contamination would be addressed post-gateway determination, prior to disposal or alternatively as part of a development application associated with future development.	Yes
SEPP (Infrastructure) 2007	The relevant matters for consideration include the requirement to refer a development application to the RTA on the basis that the proposal will contain more than 300 dwellings (Schedule 3).	Detailed compliance with ISEPP will be demonstrated at the time of making a development application (if relevant). Acoustic/road noise provisions of ISEPP are also able to be addressed post-gateway determination, prior to disposal or alternatively as part of a development application associated with future development.	Yes
SEPP 65 – Design Quality of Residential Flat Development	This Policy aims to improve the design quality of residential flat development in New South Wales.	Detailed compliance with SEPP 65 (where relevant) will be demonstrated at the time of making a development application, although it is noted that Residential Flat Buildings are prohibited in the 2(a) Residential zone and therefore SEPP 65 is not likely to be applicable.	Yes
SEPP (BASIX) 2004	The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.	Detailed compliance with BASIX (where relevant) will be demonstrated at the time of making a development application.	Yes

The planning proposal is not inconsistent with any relevant State Environmental Planning Instrument.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant Section 117 Directions contained within the Environmental Planning and Assessment Act 1979 (EP&A Act 1979) are outlined in the table below:

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S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	Compliance
1.1 Business and Industrial Zones	A draft LEP shall retain the areas and locations of existing business and industrial zones.	Minor reduction in 3(a) General Business land.	Variation – supported by Leyshon Consulting review dated 2006 (Attachment E).
2.1 Environment Protection Zones	A draft LEP must facilitate the protection and conservation of environmentally sensitive areas and must not reduce the environmental protection standards that would otherwise apply. A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning based on one or more grounds contained within the Circular.	Nil impact.	Yes
2.3 Heritage Conservation	Planning proposal must facilitate conservation of places of heritage significance. A draft LEP may be inconsistent with the terms of this direction only if council can satisfy the Director-General of the Department of Planning based on one or more grounds contained within the Circular.	Nil impact.	Yes
3.1 Residential Zones	Planning proposal must broaden the choice of building types in the housing market, make more efficient use of infrastructure and services, reduce consumption of land on the fringe, and be of good design.	Planning proposal provides an opportunity for development (on Site No. 3) to provide 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 to improve the locality.	Yes
3.3 Home Occupations	Planning proposal must permit home occupations to be carried out in dwelling houses without consent.	No change proposed.	Yes
3.4 Integrating land use and transport	Planning proposal must be consistent with DUAP publications "Improving Transport Choice" and "The Right Place for Business and Services".	Nil impact.	Yes
4.1 Acid Sulphate Soils	The relevant planning authority must consider the Acid Sulphate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulphate Soils Planning Maps as having a probability of acid Sulphate soils being present.	Acid sulphate soils analysis (if required) is able to be provided as part of any future DA.	Yes

S.117 Direction No. and Title	Contents of S.117 Direction	Planning Proposal	Compliance
4.3 Flood Prone Land	Planning proposal must be consistent with the NSW Government's Flood Prone Policy and the principles of the Floodplain Development Manual 2005, and the provisions of an LEP on flood land is to be commensurate with flood hazard and include consideration of the potential flood impacts both on and off the subject land.	Only limited sites are identified as being part flood prone.	Yes (with justification). Only a small portion of Site No. 2 and a small portion of Site No. 3 are located within the low risk flood prone category (Attachment B). Future development of Site Nos. 2 and 3 is able to accommodate this constraint by either remaining clear of these areas or being appropriately designed in accordance with specialist engineering advice at the DA stage. In any event, the planning proposal can contain appropriate provisions as per this direction. Flood prone land map provided at Attachment B
6.2 Reserving Land for Public Purposes	Planning proposal to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	The planning proposal alters the existing zonings and reservations of land for public purposes.	Yes. The rationalisation of public open space is consistent with the Blacktown City 2025. The planning proposal will not result in a significant net reduction of quality/usable open space per head of population within the Blacktown LGA.
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Nil site specific provisions proposed.	Yes
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	The Metropolitan Plan for Sydney 2036 is replaced by the Draft Metropolitan Strategy for Sydney as noted in Section 3.2 of this report. The planning proposal is not inconsistent with the Draft Metropolitan Strategy for Sydney and will indirectly assist with its implementation.	Yes

The planning proposal is consistent with Section 117 Directions prescribed by the Minister, contained within the EP&A Act 1979.

3.3 Section C – Environmental, Social and Economic Impact

7. 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?

It is unlikely that any critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the planning proposal. All constraints will be taken into consideration at the DA stage.

The planning proposal generally expands on existing, adjoining 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.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

General constraints associated with development such as flooding, acid sulphate soil, site contamination, vegetation and Aboriginal heritage *etcetera*, are able to be addressed at the development application (DA) stage when a consent authority is obliged to consider Section 79C of the EP&A Act 1979.

Likewise, impacts on the built environment such as allotment layout, overshadowing, height, bulk and scale and streetscape presentation are also able to be considered when a development application for a proposal is assessed under Section 79C of the EP&A Act 1979.

In general however, most sites are conducive to being able to support the development to which the proposed zoning permits with an associated operational land re-classification.

9. How has the planning proposal adequately addressed any social and economic effects?

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 May Cowpe Reserve and the reduced economic burden on Council associated with maintenance.

Council is also able to reinvest funds into further acquisition of parcels of land that would improve the efficiency and use of public open space.

Public open space which has been acquired, embellished, or the subject of any S.94 contribution, monetary or otherwise, is able to be processed in accordance with Section 32 of the Local Government Act 1993 subject to Council being able to reutilise funds for a public purpose with a similar nexus. Many of the sites were acquired by Council prior to the establishment of S.94 of the EP&A Act 1979, or any mechanism for a Voluntary Planning Agreement (VPA).

The reasons why Council acquired an interest in these sites (where relevant) is disclosed in the Site Reference Table (**Attachment A**). Encumbrances on title associated with easements, rights of carriageway and covenants (unrelated to open space reserves) *etcetera* will generally remain on each respective title despite any future rezoning of the site, unless they are no longer required. However, it is proposed to extinguish encumbrances (caveats *etcetera*) relating to public reserves where sites will no longer be utilised for this purpose.

3.4 Section D – State and Commonwealth Interests

10. Is there adequate public infrastructure for the planning proposal?

Existing public transport, roads, utilities, waste management, recycling services and other essential services such as health, education and emergency services exist within the

Blacktown Local Government Area and are generally adequate to serve and meet the needs of the proposal.

Whilst there will inevitably be some additional demand on public infrastructure associated with the ability for specific sites to be developed, much of this demand will be addressed either as part of any future development application or through consultation with public authorities identified as part of the gateway determination process.

11. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

The views of State and Commonwealth public authorities will be known once consultation has occurred as part of the gateway determination of the planning proposal.

4 **Part 4 – Mapping**

The following mapping is provided in support of the planning proposal:

Table 1: Mapping	
Map Description	Reference
Context Plan and Aerial Photograph	Attachment B
BLEP 1988 Zoning Map – Existing	Attachment C
Draft BLEP 1988 Amendment No. 243 Zoning Map	Attachment D

5 **Part 5 – Community Consultation**

Community consultation (inclusive of a public hearing for sites in need of reclassification from 'Community' to 'Operational') will occur in accordance with S.56 (2)(c) and S.57 of the Environmental Planning and Assessment Act 1979.

6 **Part 6 – Project Timeline**

The project timeline for the planning proposal is as follows:

Table 2: Project Timeline	
Task	Timeframe
Anticipated Gateway determination date	Mid April 2014
Anticipated timeframe for the completion of required technical information	14 days
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	21 days (can occur simultaneously with exhibition).
Commencement and completion dates for public exhibition period	Start: May 2014 Duration: 14-28 days End: June 2014
Dates for public hearing (if required)	July 2014
Timeframe for consideration of submissions	14 days

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Table 2: Project Timeline

Task	Timeframe
Timeframe for the consideration of a proposal post exhibition	6-8 weeks
Council Meeting Submission to the Department to finalise the LEP	July 2014
Anticipated date RPA will make the plan (if delegated)	October 2014
Anticipated date RPA will forward to the Department for notification	November 2014