



Planning,
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Plan finalisation report – PP_2019_BLACK_006_00

Blacktown Local Environmental Plan 2015 (Amendment No 29)
- Lot 431 DP 812674 Dexter Place, Plumpton

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Blacktown Local Environmental Plan 2015 (Amendment No.29).

The draft LEP seeks to reclassify land at Dexter Place, Plumpton (Lot 431 DP 812674) from 'community' to 'operational' land, by amending Schedule 4 of the Blacktown Local Environmental Plan (BLEP) 2015.

No further changes are proposed.

1.1.2 Site description

Table 1 Site description

Site Description	Type	Council Name	LGA
The planning proposal (Attachment A) applies to land at Lot 431 DP 812674 Dexter Place, Plumpton	Site	Blacktown City	Blacktown



Figure 1 Subject site

1.1.3 Purpose of plan

The table below outlines the current and proposed controls for the LEP.

Table 2 Current and proposed controls

Control	Current	Proposed
Zone	R2 Low Density Residential	No Change
Maximum height of the building	9 m	No Change
Floor space ratio	No FSR	No Change
Minimum lot size	450m ²	No Change
Number of dwellings	N/A	N/A
Number of jobs	N/A	N/A
Reclassify land from	Community	Operational

1.1.4 State electorate and local member

The site falls within the Mount Druitt state electorate. Edmond Atalla MP is the State Member.

The site falls within the Chifley federal electorate. Ed Husic MP is the Federal Member.

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

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

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 2/09/2019 (**Attachment B**) determined that the proposal should proceed subject to conditions. Council has met all the Gateway determination conditions.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 2/10/2019 to 1/11/2019, as required by section 29 of the *Local Government Act 1993*.

No community submissions were received for the reclassification.

A public hearing was held on 2 December 2019. The meeting was chaired by Jillian Sneyd of GLN Planning. No members of the public attended the public hearing.

3.1 Advice from agencies

Council was not required to consult with agencies for this proposal to reclassify land from community to operational.

4 Department's Assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal.

As outlined in the Gateway determination report (**Attachment D**), the planning proposal submitted to the Department for finalisation:

- Remains consistent with the regional and district plans relating to the site.
- Remains consistent with the Council's Local Strategic Planning Statement.
- Remains consistent with all relevant Section 9.1 Directions
- Remains consistent with all relevant SEPPs

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1

Table 3 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 4 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environment impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

4.1 Detailed Assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

The reclassification of the land will enable its sale to the owner of the adjoining land (Lot 430 DP 812674) to facilitate the consolidation of a single, residential parcel which itself is the subject of a separate planning proposal (PP_2019_BLACK_005_00). Proceeds from the sale will be used for improving community services and facilities elsewhere.

Council does not seek to change the current R2 low density residential zoning of the site. However, the adjoining lot (Lot 430 DP 812674) was recently rezoned from B1 Neighbourhood Centre to R2 to facilitate the consolidation of the two (2) lots into one residential lot zoned R2.

The reclassification received Executive Council / Governor approval on 18 November 2020 allowing the LEP to now be made.

Land classified for community use is intended to be land that is set aside for public use, such as a parks and sportsgrounds. The subject lots are not used for this purpose. There is not potential for this land to become an open space because of its narrow configuration. There is no potential for this land to provide for a through site link because there is no continuous connection through to Waring Crescent.

5 Post assessment consultation

The Department has consulted with the following stakeholders after the assessment.

Table 5 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i> (Attachment C)</p> <p>Council confirmed on 21/05/2020 that it was agreeable with the draft and that the plan should be made (Attachment C)</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, see below for details</p>
Parliamentary Counsel Opinion	<p>On 3/09/2020, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC.</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, see below for details</p>

6 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:

- The draft LEP has strategic merit being consistent with Our Blacktown 2036 – Community Strategic plan
- It is consistent with the Gateway Determination and
- there are no outstanding agency objections to the proposal



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Attachments

Attachment A – Planning Proposal

Attachment B – Gateway Determination

Attachment C – Consultation with Council on Draft Instrument

Attachment D – Gateway Determination Report

Attachment PC – Parliamentary Counsel Opinion