

# Blacktown City Council



Lot 431 DP 812674, Dexter Place, Plumpton  
Planning Proposal to reclassify land from  
'community' to 'operational'

December 2018

**Document Control**

Job Number: 2018/432

Job Name: Blacktown City Centre Planning Proposal

Client: Blacktown City Council

Job Contact: Jasmina Skoric – Property Project Coordinator – Property Section

Document Name: Dexter Place, Plumpton - Planning Proposal

Version	Date	Authors	Reviewer / Approved
Draft	16.11.18	Cinnamon Dunsford	Steve Thompson
Final	10.12.18	Cinnamon Dunsford	Steve Thompson
Final (V2)	11.12.18	Cinnamon Dunsford	Steve Thompson
Final (V3)	12.12.18	Cinnamon Dunsford	Steve Thompson

**Disclaimer:**

Whilst care and diligence has been exercised in the preparation of this report, Locale Consulting Pty Ltd does not warrant the accuracy of the information contained within and accepts no liability for any loss or damage that may be suffered as a result of reliance on this information, whether or not there has been any error, omission or negligence on the part of Locale Consulting Pty Ltd, their employees or sub-contractors.

# Contents

1.	Introduction	1
1.1	Purpose of the Planning Proposal	1
1.2	Project Background	2
1.3	Site Description	3
2.	Intended Outcomes	6
3.	Explanation of Possible Provisions	7
4.	Justification	8
4.1	Need for the Planning Proposal (Section A)	8
4.2	Relationship to strategic planning framework (Section B)	8
4.3	Environmental, Social and Economic Impact (Section C)	10
4.4	State and Commonwealth Interests (Section D)	11
5.	Mapping	13
6.	Community Consultation	14
7.	Project Timeline	15

# Appendices

Appendix A – Practice Note PN 16-001- Classification and Reclassification of Public Land Through a Local Environmental Plan Checklist

Appendix B – Council Report

Appendix C – Deposited Plan (DP) 812674

Appendix D – Title Search for Lot 431 DP 812674

Appendix E – State Environmental Planning Policies Checklist

Appendix F – Ministerial (Section 9.1) Directions Checklist

# 1. Introduction

## 1.1 Purpose of the Planning Proposal

This Planning Proposal has been prepared by Locale Consulting on behalf of the Property Section of Blacktown City Council (**Council**).

This Planning Proposal relates to the following Council-owned property:

Legal description	Street address	Area	Current land use
Lot 431 DP 812674	Dexter Place, Plumpton	100m <sup>2</sup>	Vacant land

The Planning Proposal seeks to amend Blacktown Local Environmental Plan (**BLEP**) 2015 to reclassify Lot 431 DP 812674 from 'community land' to 'operational land'.

The subject land, was originally dedicated as public reserve on registration of a plan of subdivision in September 1991, and formed part of a buffer between then commercial and residential zonings. The subject land is not in an appropriate location or of a size or shape to be used as a public reserve (other than the buffer that is no longer required), and has not been used for this purpose. Under Blacktown LEP 2015, the subject land was zoned R2 Low Density Residential, but was not reclassified to operational land as part of that LEP.

The Planning Proposal will enable Council to:

- Dispose of the subject land, as due to its size and shape the subject land is considered surplus to Council's needs. Council has resolved to sell the land to the adjoining landowner, however the land can't currently be sold as it is classified as 'community land'.
- Support the appropriate zoning and future development of the adjoining land (Lot 430 DP 812674), through lot consolidation and a separate planning proposal process to rezone that land for residential purposes.

This Planning Proposal has been prepared in accordance with:

- Section 55 of the *Environmental Planning and Assessment Act 1979*
- NSW Department of Planning and Environment publications 'A guide to preparing Planning Proposals' and 'A guide to preparing local environmental plans'
- NSW Department of Planning and Environment Practice Note PN16-001 'Classification and reclassification of public land through a local environmental plan'.

The Planning Proposal is structured as follows:

- Section 1 provides an overview and background to the proposal, including detailed site description
- Section 2 describes the intended outcomes
- Section 3 provides an explanation of the possible provisions
- Section 4 documents the justification for the proposal
- Section 5 addresses mapping

- Section 6 outlines the community consultation
- Section 7 suggests a project timeline.

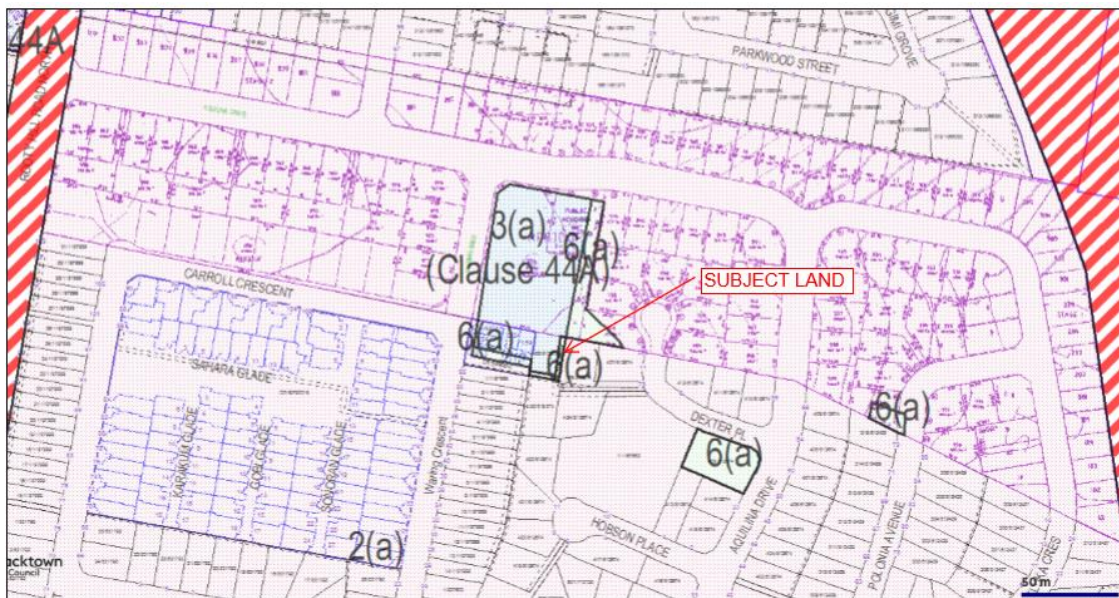
Appendix A includes a detailed commentary on Practice Note PN 16-001- 'Classification and reclassification of public land through a local environmental plan'.

## 1.2 Project Background

The property is located in the eastern part of Plumpton, approximately 1 kilometre from the town centre (where there is a shopping centre, high school and primary school) and just over 300m from the M7 Motorway. Much of the urban area in which the property is located has been developed for residential purposes, although there is vacant land immediately to the north of the site.

The property is zoned R2 Low Density Residential, but due to its 'community land' classification, small size and unusual shape, it cannot be developed for residential purposes without consolidation with surrounding land. The site is currently vacant, cleared land and is generally flat.

The property was originally dedicated as public reserve on registration of a plan of subdivision in September 1991, and formed part of a buffer between then commercial and residential zonings, as shown in the extract from BLEP 1988 in Figure 1 below.



**Figure 1 – Zoning excerpt from BLEP 1988**

However, under Blacktown LEP 2015, the subject land was zoned R2 Low Density Residential (rather than RE1 Public Recreation), but was not reclassified as part of that LEP.

This Planning Proposal is consistent with Council's recent resolution, made at its Ordinary Meeting on 22 August 2018. A copy of Council report (Report No. CS380140) and resolution is provided at Appendix B.



### 1.3 Site Description

The land subject to the Planning Proposal can be best described as Lot 431 DP 812674, Dexter Place, Plumpton (and does not have a reserve name).

The site is vacant, grassed land, with minimal fill (small earthen mound) located at the northern boundary. The site is generally flat and currently does not have direct frontage to a public road, but could be accessed from Dexter Place.

The general locality in which the site is located is best described as urban, with low to medium density residential uses. To the north of the site is vacant land (zoned B1 Neighbourhood Centre, R2 Low Density Residential and RE1 Public Recreation), to the east, south and west is existing residential development.

The Deposited Plan is included as Appendix C. The Title Search for Lot 431 DP 812674 is included as Appendix D.

Site photographs are shown in Figure 2 below.



*View towards site (& Lot 430) from vacant land to the north.*



*View towards site from vacant land to the north.*

**Figure 2 – Site Photographs**



*View across the site (& Lot 430) looking west.*



*View from the site looking east (towards Dexter Place).*

### **Figure 2 (continued) – Site Photographs**

The subject site is shown on the Locality Plans in Figure 3 (broad context) and Figure 4 (detailed context), with the site and surrounding zones context shown in Figure 5.



**Figure 3 - Locality Plan (broad context)**



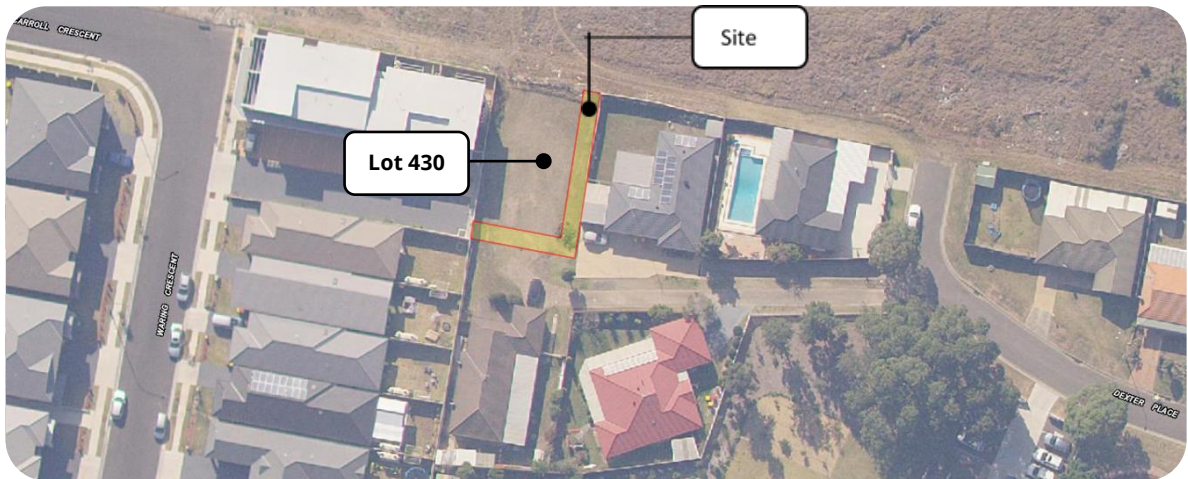


Figure 4 - Locality Plan (detailed context)

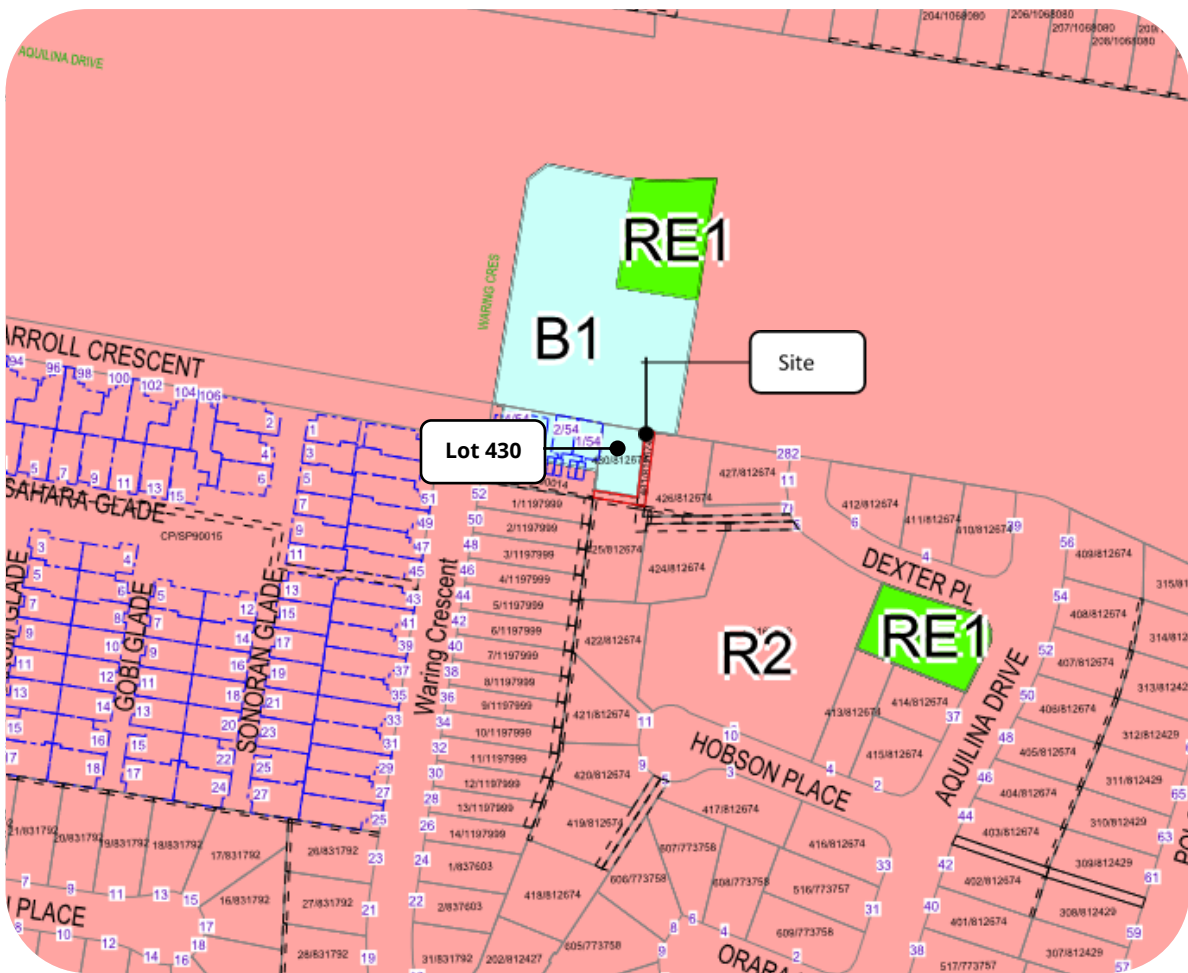


Figure 5 – Current Zoning Map (extract from BLP 2015)



## 2. Intended Outcomes

The objective of this Planning Proposal is to enable the subject property to be disposed of by Council and incorporated into the redevelopment of adjoining land.

This would allow the site to be used more productively, along with creating an income stream that Council can put towards other activities and services. The property is zoned R2 Low Density Residential, but due to its 'community land' classification, very small size and unusual shape cannot be developed for residential purposes, unless it is consolidated with adjoining land.

Although the subject land was originally dedicated as public reserve, it has never been used for this purpose, nor is it an appropriate size, shape or location to be used for a public reserve.

The intended outcome of this Planning Proposal is to reclassify the subject property from 'community land' to 'operational land'.

### 3. Explanation of Possible Provisions

The intended outcome will be achieved through the following amendments to Blacktown Local Environmental Plan (BLEP) 2015:

1. Amend Schedule 4 to include the subject lands as follows:

#### **Schedule 4 Classification and reclassification of public land**

##### **Part 2 Land classified, or reclassified, as operational land – interests changed**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Locality</b>	<b>Description</b>	<b>Any trusts etc not discharged</b>
Plumpton	Lot 431 DP 812674	DP 812427 - Easement to Drain Water 1.2 Wide. DP 812674 - Right of Carriageway 2.5 Wide & Variable.

There are no other mechanisms that would enable the intended outcomes of the Planning Proposal to be achieved. The proposed changes to BLEP 2015 are considered to be the most efficient and effective way to ensure that the subject land can be developed with the adjoining land.

## 4. Justification

### 4.1 Need for the Planning Proposal (Section A)

#### 4.1.1 Is the Planning Proposal a result of any strategic study or report?

Yes. The Planning Proposal is consistent with the following Council report.

##### Council Report (2018)

At its meeting of 22 August 2018, Council considered a report which recommended the proposed LEP amendment to reclassify the subject site. The following reasoning was included in the Council report:

*The subject site was created as a public reserve in 1991, to create a buffer between business and residential zones at the time. Since then, the adjoining zones were reconfigured and the subject site was rezoned to R2 Low Density Residential, as part of Council's comprehensive LEP (BLEP 2015). The site is "L" shaped, only 100m<sup>2</sup> in area and not easily accessible to the public - as such it does not have any value for public reserve purposes, such as recreation. Further, Council has separately resolved to sell the subject site to the adjoining landowner (Lot 430 DP 812674) to enable a single, residential development parcel to be realised. This is subject to a separate planning proposal.*

#### 4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal is considered to be the best means of achieving the intended outcomes. Due to its size, shape, location and zoning the subject site does not have any recreational value as a public reserve and it is considered surplus to Council's needs. The proposed reclassification of the land to 'operational land' will enable Council to dispose of the land to adjoining owners and thereby enable a better development outcome.

### 4.2 Relationship to strategic planning framework (Section B)

#### 4.2.1 Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Yes. The Planning Proposal is consistent with the following plans and strategies.

##### Greater Sydney Region Plan – A Metropolis of Three Cities

Greater Sydney Region Plan – A Metropolis of Three Cities (March 2018) is a long term plan focussed on a 40 year vision for Greater Sydney being a metropolis of three cities: Eastern City (Sydney City area), Central City (Greater Parramatta area, including Blacktown) and Western City (emerging around Western Sydney Airport).

The Plan showcases 10 Key Directions, some of which are based around a liveability, productivity and sustainability framework. One Key Direction in this framework is "Housing the City", noting a



priority is “Providing housing supply, choice and affordability, with access to jobs, services and public transport.”

This Planning Proposal will enable underutilised land to be used more productively for housing. Providing such housing, on the edge of the Blacktown ‘strategic centre’ will enable more people to be close to jobs, services and public transport. This is clearly consistent with the intent of the Greater Sydney Region Plan.

#### Central City District Plan

The Greater Sydney Commission’s ‘Central City District Plan’ (released in March 2018) provides a 20 year vision for this precinct – which encompasses the Cumberland, Parramatta, the Hills and Blacktown council areas. The district plan provides detail on how the objectives for Greater Sydney can be achieved – i.e. being a more productive, liveable and sustainable global city.

The Planning Proposal is consistent with the broad intent of this district plan. Specifically the Planning Proposal supports Planning Priority “C5 Providing housing supply, choice and affordability with access to jobs, services and public transport”, with the site subject to the Planning Proposal being surrounded by existing housing, which is in close proximity to services and major transport routes. Further, the Planning Proposal can contribute to meeting the 2016 – 2021 housing supply target contained in the District Plan for Blacktown LGA, being 13,950.

#### **4.2.2 Is the Planning Proposal consistent with a council’s local strategy or other local strategic plan?**

Yes. The Planning Proposal is consistent with the following local strategies.

#### Our Blacktown 2036

‘Our Blacktown 2036 Our Vision, Our Plan’ is Council’s Community Strategic Plan (adopted June 2017). Developed in partnership with residents, local community groups, stakeholders and businesses, it expresses the community’s vision and aspirations for the future of Blacktown City.

The vision for Blacktown City is that it be a ‘City of Excellence – diverse, dynamic, progressive’.

The proposed ‘operational land’ classification for the subject site will facilitate the more productive use of the land, which is surplus to Council’s needs. The site is well located within an existing community with good access to infrastructure, therefore development of the site for housing is an appropriate future outcome. By reclassifying the land to ‘operational’, Council will be able to sell the site (to the adjoining landowner) and put the proceeds towards improving community services and facilities elsewhere, in more suitable locations.

#### **4.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?**

Yes, the Planning Proposal is consistent with all relevant state environmental planning policies (SEPPs). The only SEPP that is directly relevant to the Planning Proposal is addressed below. It is noted there are no deemed SEPPs relevant to the Planning Proposal. For a complete checklist of SEPPs, refer to Appendix E.

#### State Environmental Planning Policy (Affordable Rental Housing) 2009

This Policy aims to provide a consistent planning regime for the provision of affordable rental housing and to facilitate such development. Therefore this Policy would need to be addressed as

part of any future development application, should the development of the subject site include low cost rental accommodation.

#### **4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s. 9.1 directions)?**

The Planning Proposal is generally consistent with applicable Ministerial Directions. The Section 9.1 Directions that are relevant to the Planning Proposal are detailed below. For a complete checklist of Section 9.1 Directions, refer to Appendix F.

##### Housing, Infrastructure and Urban Development – 3.1 Residential Zones

The Planning Proposal seeks to reclassify a parcel of land currently zoned R2 Low Density Residential. The Planning Proposal does not propose a change to the zoning, and will facilitate the provision of infill housing on the site (and the adjoining land) which is located in a well serviced area. The Planning Proposal is therefore consistent with this s.9.1 direction.

##### Regional Planning - 5.10 Implementation of Regional Plans

As discussed in Section 4.2 the Planning Proposal is consistent with the objectives of 'Greater Sydney Region Plan – A Metropolis of Three Cities'. The Planning Proposal is therefore consistent with this s.9.1 direction.

##### Local Plan Making - 6.1 Approval and Referral Requirements

The Planning Proposal does not include new or proposed provisions that require concurrence, consultation or referral of development applications to a Minister or public authority. The Planning Proposal is therefore consistent with this s.9.1 direction.

##### Local Plan Making – 6.3 Site Specific Provisions

Via the reclassification process, the Planning Proposal will allow for the land to be sold and for subsequent development to be carried out on the land, but the Planning Proposal does not contain drawings that show details of a future development proposal, and does not contain additional site specific planning controls for a proposed land use. Therefore, although the Planning Proposal is inconsistent with this s.9.1 direction, it is considered to be a minor and necessary inconsistency.

##### Metropolitan Planning - 7.1 Implementation of 'A Plan For Growing Sydney'

As discussed in Section 4.2 the Planning Proposal is consistent with the objectives of 'Greater Sydney Region Plan – A Metropolis of Three Cities'. The Planning Proposal is therefore consistent with this s.9.1 direction.

#### **4.3 Environmental, Social and Economic Impact (Section C)**

##### **4.3.1 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?**

The subject site is cleared of all trees/ vegetation. There are no likely impacts on threatened species or ecological communities that would preclude the reclassification of the subject site.

#### **4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

The intent of the proposed reclassification is to facilitate the disposal of the subject site, to the adjoining landowner. The consolidation of the subject site, with the adjoining Lot 430, will create a single allotment of residential land with an area of approximately 400m<sup>2</sup>. It is likely a development application would be lodged for housing on the subject land in the future. Neither the subject site or adjoining Lot 430 can be developed on their own. The Planning Proposal will unlock the development potential of these lands.

The main potential environmental impacts to be further examined with any future development application for the site would be:

- Access
- Privacy
- Urban design and built form

These abovementioned potential environmental effects will be subject to consideration as part of the future development assessment process.

#### **4.3.3 Has the Planning Proposal adequately addressed any social and economic effects?**

Yes. This Planning Proposal will provide beneficial economic and social effects for the Plumpton community for the following reasons:

- the proposed reclassification will enable the sale of the land to the owner of the adjoining Lot 430, to create a parcel of land that can be developed for the purposes of housing, in a well serviced, existing urban area. Without this consolidation, the two properties would remain undevelopable.
- as referenced in Section 4.2.1 above the Planning Proposal supports Planning Priority “C5 *Providing housing supply, choice and affordability with access to jobs, services and public transport*”, in the Central City District Plan and responds to the housing supply target in the Central City District Plan.
- by disposing of land that is surplus due to its size, shape and location, Council can create income that can be put towards other activities and services.

### **4.4 State and Commonwealth Interests (Section D)**

#### **4.4.1 Is there adequate public infrastructure for the Planning Proposal?**

The subject site is located in an area that is well serviced by public infrastructure including:

Water: Sydney Water's water mains are located nearby.

Drainage: Stormwater drainage is located to the east and west of the site.

Electricity: Low voltage electricity is available at the site

Telecommunications: Underground and mobile telecommunications are available at the site.

Sewer: Sewer mains are located adjacent to the site.



Transport: The subject site is located within 200m of main roads where bus routes operate (along Rooty Hill Road North & Woodstock Avenue), 300m from the M7 Motorway and approximately 2kms from Rooty Hill Train Station.

**4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

State and Commonwealth authorities will be consulted in accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*, following the outcomes of the gateway determination.

## 5. Mapping

No mapping changes are required as result of this planning proposal.

## 6. Community Consultation

It is understood Council will exhibit the Planning Proposal in accordance with the requirements of Section 3.34 of the *Environmental Planning & Assessment Act, 1979*, the Department of Planning and Environment's 'Guide to Preparing Local Environmental Plans' and any other requirements determined by the Gateway process<sup>1</sup>.

As the proposal involves the reclassification of Council-owned land, the Planning Proposal will be publicly exhibited for at least 28 days<sup>2</sup>.

Council proposes to notify interested parties of the Planning Proposal by:

- Notice of the public exhibition in the local newspapers and on the Blacktown City Council website.
- Letters to adjoining and nearby land owners and occupiers.
- Letters to public authorities.

A copy of the Department of Planning and Environment's Practice Note PN16-001 – 'Classification and reclassification of public land through a local environmental plan' will be included in the public exhibition material, as required.

As the Planning Proposal seeks to reclassify land from community to operational, Council will also hold a public hearing in relation to the proposed reclassification<sup>3</sup>. This will give the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

Practice Note PN16-001 – 'Classification and reclassification of public land through a local environmental plan' requires that the public hearing be held after the close of the exhibition period. This allows the person chairing the hearing sufficient time to consider written submissions. At least 21 days public notice is required before the hearing. No later than four days after receiving a report from the person who chairs a public hearing, Council must make a copy of the report available for inspection by the public<sup>4</sup>.

---

<sup>1</sup> Under section 3.34 of the *Environmental Planning and Assessment Act 1979*.

<sup>2</sup> 28 days is the minimum consultation period for Planning Proposals to reclassify land, as per Planning and Environment LEP Practice Note PN16-001 – Classification and reclassification of public land through a LEP' and the Department's Guide to preparing local environmental plans'.

<sup>3</sup> As required under section 3.34 of the *Environmental Planning and Assessment Act 1979* and section 29 of the *Local Government Act 1993*.

<sup>4</sup> As per section 47G of the *Local Government Act 1993*.



## 7. Project Timeline

The project timeline will be subject to Council and the State Government's resources, but it is expected a Planning Proposal of this nature would be completed within 9 months of the date of the Gateway determination.

The following table provides an indication of the expected timelines for progression of the Planning Proposal.

Key Milestones	Timeframe
Gateway determination	March 2019
Public exhibition period	April 2019
Public hearing (for reclassification)	June 2019
Consideration of submissions/ report to Council	July 2019
Submission to Department to finalise the LEP	August 2019
Making of the Plan	November 2019

## **Appendix A** – Practice Note PN 16-001- Classification and Reclassification of Public Land Through a Local Environmental Plan Checklist

## Practice Note PN 16-001- Classification and Reclassification of Public Land through a Local Environmental Plan - Checklist

The NSW Department of Planning and Environment Practice Note PN16-001 'Classification and reclassification of public land through a local environmental plan' includes an information checklist of matters to be addressed for Gateway consideration, for all proposals to classify or reclassify public land through an LEP. The following checklist addresses the matters and identifies where relevant matters are addressed in the Planning Proposal:

No.	Matter to be Addressed	Response
1	Current & proposed classification of the land.	The site is classified as 'community land'. The Planning Proposal proposes to reclassify the site to 'operational'.
2	Whether the land is a 'public reserve'.	The site is a 'public reserve'.
3	Strategic and site merits of the reclassification and evidence to support this.	This Planning Proposal supports the provision of land for additional housing supply and housing choice in a highly accessible and well serviced location. The proposal will also facilitate the better utilisation and development of a site that is no longer required for its original purpose and cannot be developed on its own. The reclassification will enable the site to be consolidated with adjoining Lot 430, which also cannot be developed on its own.
4	Whether the Planning Proposal is the result of a strategic study or report.	At its meeting of 22 August 2018, Council resolved to prepare an LEP amendment to reclassify the subject site.  The subject site was created as a public reserve in 1991, to create a buffer between business and residential zones at the time. Since then, the adjoining zones were reconfigured and the subject site was rezoned to R2 Low Density Residential, as part of Council's comprehensive LEP (BLEP 2015). The site is "L" shaped, only 100m2 in area and not easily accessible to the public - as such it does not have any value for public reserve purposes, such as recreation. Further, Council separately resolved (on 18 November 2015) to sell the subject site to the adjoining landowner (Lot 430 DP 812674) to enable a single, residential development parcel to be realised.
5	Whether the Planning Proposal is consistent with Council's community plan or other strategic plan.	'Our Blacktown 2036' is Council's Community Strategic Plan (adopted June 2017). Developed in partnership with residents, local community groups, stakeholders and businesses, it expresses the community's vision and aspirations for the future of Blacktown City.  The vision for Blacktown City is that it be a 'City of Excellence – diverse, dynamic, progressive'.  The proposed 'operational land' classification for the subject site will facilitate the more productive use of the land, which is surplus to Council's needs. The site is well located within an existing community with good access to infrastructure, therefore development of the site for housing is an appropriate future outcome. By reclassifying the land to 'operational', Council will be able to sell the site (to the adjoining landowner) and put the

No.	Matter to be Addressed	Response
		proceeds towards improving community services and facilities elsewhere, in more suitable locations.
6	<p>A summary of Council's interests in the land, including:</p> <ul style="list-style-type: none"> <li>- How &amp; when the land was first acquired.</li> <li>- If Council does not own the land, owner's consent.</li> <li>- The nature of any trusts etc.</li> </ul>	The subject site was dedicated as a public reserve, via subdivision in 1991.
7	Whether an interest in the land is proposed to be discharged, and if so, an explanation of the reasons why.	The 'public reserve' status of the land is proposed to be discharged.
8	The effect of the reclassification (including loss of open space/ public reserve).	<p>The reclassification will result in the loss of 100m<sup>2</sup> of land that was dedicated as a public reserve (to act as a buffer between a business and residential zone). The subject land has never been used as open space and was zoned R2 Low Density Residential in BLEP 2015, so therefore there is no "loss" to the community in this case.</p> <p>Due to its size, shape and location the subject land is considered surplus to Council's needs. Larger, more connected and better embellished open spaces / parks are located in Plumpton and surrounding suburbs. There is a neighbourhood park in Dexter Place, less than 100m from the subject site.</p>
9	Evidence of public reserve status or relevant interests or lack thereof applying to the land.	The subject site was dedicated as a public reserve, via subdivision in 1991.
10	Current uses of the land and whether uses are authorised or unauthorised.	The land is currently vacant and therefore, there are no authorised or unauthorised uses on the land.
11	Current or proposed lease or agreements applying to the land, together with their duration, terms and controls.	Nil.
12	Current or proposed business dealings (eg. agreement for the sale or lease of the land).	Nil.
13	Any rezoning associated with the reclassification.	Nil.
14	How Council may or will benefit financially, and how these funds will be used.	Council will benefit by being able to sell the site to the adjoining landowner of Lot 430 DP 812674 after this Planning Proposal is completed. Funds from the sale of the properties would be put towards other Council activities and services.
15	How Council will ensure funds remain available to fund proposed open space sites or improvements referred to in	The Planning Proposal does not commit specific funds to proposed open space sites or improvements by way of justification of the

No.	Matter to be Addressed	Response
	justifying the reclassification, if relevant.	reclassification. Funds from the sale of the properties would be put towards other Council activities and services.
16	A Land Reclassification (part lots) Map in accordance with any standard technical requirements.	Not applicable. The land to be reclassified applies to a whole lot.
17	Preliminary comments by a relevant government agency, including an agency that dedicated the land to Council, if applicable.	Nil.

## **Appendix B – Council Report**

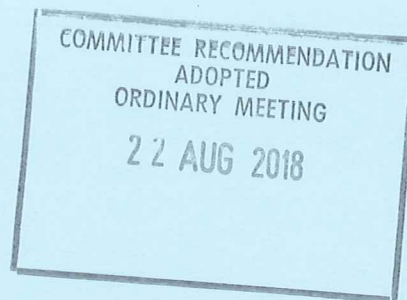
COMMITTEE: Finance & Resources MEETING DATE: 22.8.18 ENCL.NO.

FR3.6

CS380140 - Proposed reclassification of Lot 431 DP812674 off Dexter Place, Plumpton  
309734

**RECOMMENDATION**

Reclassify Lot 431 DP 812674 as 'operational land' via an amendment to Blacktown Local  
Environmental Plan 2015.



---

---

REFERRED TO: DCS FOR: Attention DATE: 23.8.18

---

---



## FR010818 3.6. CS380140 - Proposed reclassification of Lot 431 DP812674 off Dexter Place, Plumpton



**Director:** Wayne Rogers, Director Corporate Services  
**Author:** Jasmina Skoric  
**File:** 309734

Division is not required

<b>Topic</b>	Reclassification of lot 431 DP 812674 off Dexter Place, Plumpton.
<b>Analysis</b>	<p>Lot 431 DP 812674 is surplus to Council's needs. In November 2015, Council approved the sale of the land.</p> <p>The land is currently classified as 'community land'. In order for it to be sold it must be reclassified to 'operational land'.</p>
<b>Attachment/s</b>	<ol style="list-style-type: none"><li>1. Locality plan [CS380140.1]</li><li>2. Zoning plan [CS380140.2]</li></ol>
<b>Report Recommendation</b>	Reclassify Lot 431 DP 812674 as 'operational land' via an amendment to Blacktown Local Environmental Plan 2015.

### Key reasons

---

#### 1. Council has approved the sale of the Lot 431 DP812674

- a. In adopting report CS350227 Council resolved to sell this Council owned property to the adjoining owner (of Lot 430).
- b. The adjoining Lot 430 is the subject of a planning proposal to rezone it from B1 Neighbourhood Centre to R2 Low Density Residential.

#### 2. Land must be reclassified to 'operational land' to enable the sale

- a. As the subject land was purchased using Section 7.11 funds, it is currently classified as 'community land'. Under the *Local Government Act 1993*, 'community land' cannot be sold.
- b. In light of this the subject land must be reclassified to 'operational land' by way of an amendment to Blacktown LEP 2015. This will require the preparation of a planning proposal.

### Context

---

#### 1. Lot 431 is surplus to Council's needs

- a. Lot 431 was created as a public reserve on registration of a plan of subdivision in September 1991. This 'L' shaped allotment, with an area of approximately 100 sq.m, was created to act as a buffer strip between the commercial and residential zonings. It was zoned 6(a) Open Space under Blacktown LEP 1988.
- b. Under Blacktown LEP 2015, the adjoining business and recreation zones were reconfigured and lot 431 was rezoned to R2 Low Density Residential. Due to its shape, size and zoning, it is considered surplus to our needs.
- c. The owners of adjoining Lot 430 DP812674 would like to buy Lot 431 from Council. Following negotiations, a purchase price of \$25,000 (plus GST) was agreed to, with each party being responsible for its own costs.

## **2. Classification of public land**

- a. Public land, under the *Local Government Act 1993*, is managed according to its classification. All public land (owned or controlled by council) must be classified as 'community land' or 'operational land'. The purpose of classification is to clearly identify land that must be available for use by the general public (community) and that which must not (operational).
- b. 'Community land' must not be sold, exchanged or otherwise disposed of by council. No such restrictions apply to 'operational land'.

## **3. Land can only be reclassified via an LEP amendment**

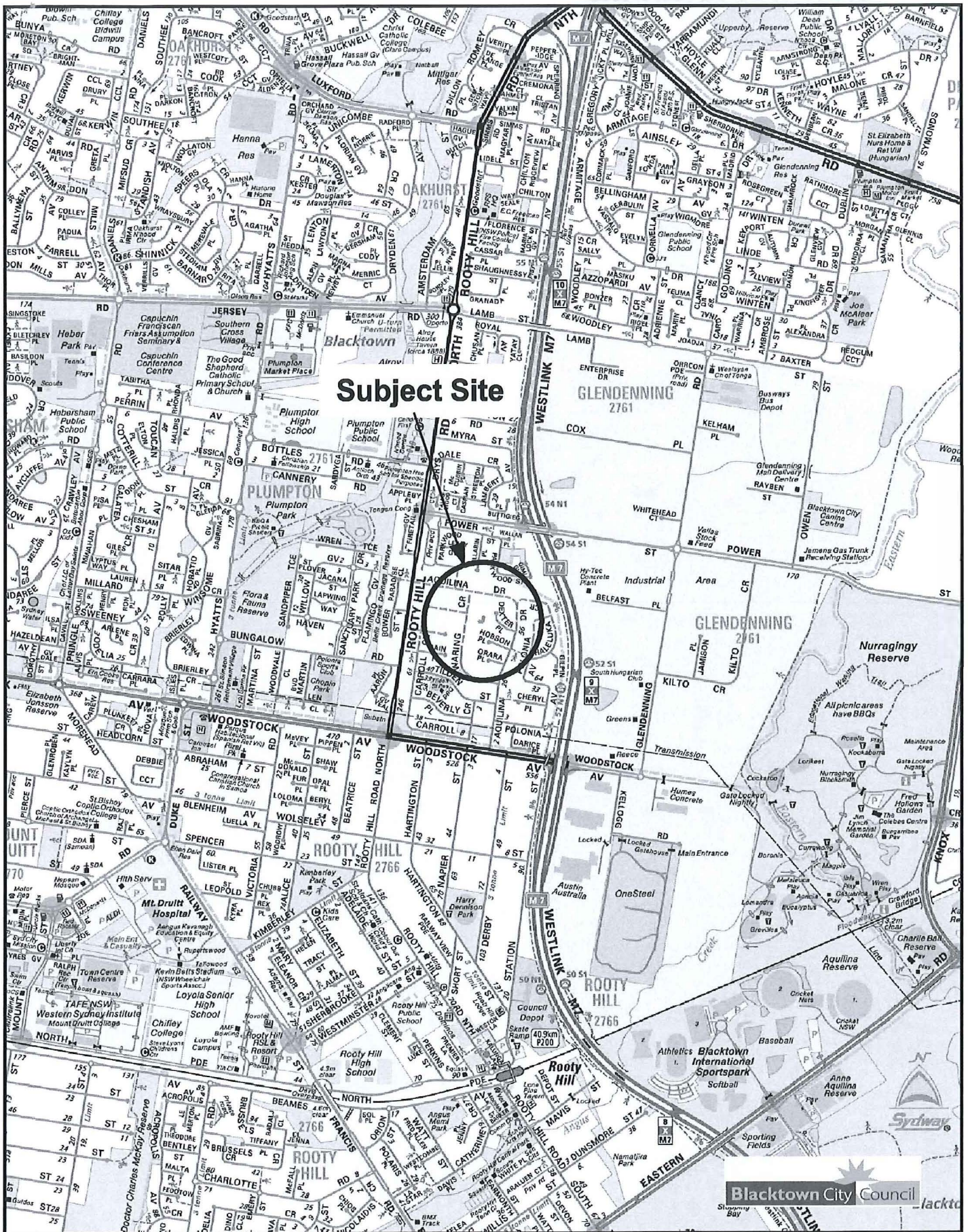
- a. Reclassification of public land through an LEP is subject to the provisions of both the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*.
- b. Council must first resolve to reclassify the land. A planning proposal to facilitate the LEP amendment must then be prepared.

---

End of report

---





Copyright (C) Sydney Publishing Pty Ltd 2010

Plot Date: 26/06/2018

Copyright Blacktown City Council

## Location Plan

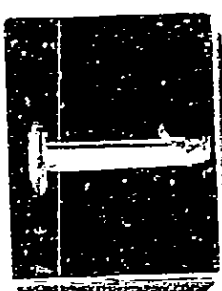
Scale 1:20000





## **Appendix C – Deposited Plan (DP) 812674**





PLAN FORM 2

SIGNATURES, SEALS AND STATEMENTS of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land & positive covenants.

Executed by JENNINGS GROUP LIMITED  
by being signed by its Authorised Officer  
JOHN M 487  
Attorney No. 144 Book 1846

Crown Lands Office Approval

Land District  
Paper No.  
Field Book

Council Clerk's Certificate

I hereby certify that -  
(a) the requirements of the Local Government Act, 1919 (other than the requirements of Part 3 Division 2 of the Water Board Act 1987 and Water Supply Authorities Act 1987 have been complied with by the applicant in relation to the proposed subdivision or consolidation of land set out herein  
Subdivision No. 184  
Date 21-8-1991  
(Signed) [Signature]  
Council File No. SA-90-100  
\* This part of certificate to be deleted where the application is only for a consolidated lot of the opening of a new road or where the land to be consolidated is wholly or partly within a public reserve, drainage reserve, easement, restriction on the use of land or positive covenant.  
Consent 8944. 21/8/90  
SURVEYORS REFERENCE 3903 / 1400



PLAN OF SUBDIVISION OF LOT 316 DP 812674

Registered: 18.9.1991  
CA: No. 1984 of 27.8.1991  
Title System: TORRENS  
Purpose: SUBDIVISION  
Ref. Map: 48260-53  
Last Plan: DP 812674

Lengths are in metres. Reduction Ratio 1:600

Manuscript  
City: BLACKTOWN  
Locality: PLUMPTON  
Parish: ROOTY HILL  
County: CUMBERLAND

This is sheet 1 of my plan in TWO sheets.  
(Delete if inapplicable)

CHRISTOPHER JOHN MCNEILL  
ASSET SURVEYORS PTY LTD  
of 13 PARKES ST PARAMATTA 2190  
a surveyor registered under the Surveyors Act, 1929, as amended, hereby certify that the survey represented in this plan is accurate and has been made in accordance with the Survey Practice Regulations, 1929 and any special requirements of the Department of Land and Water Conservation.  
11 JUNE 1991  
Signature: [Signature]  
Surveyor registered under Surveyors Act, 1929, as amended  
Datum Line of Assured: X (SEE SHEET 2)  
Insert date of survey

Plans used in preparation of survey/compilation.  
DP 492172 DP 100902  
DP 113751 DP 803853  
DP 113758 DP

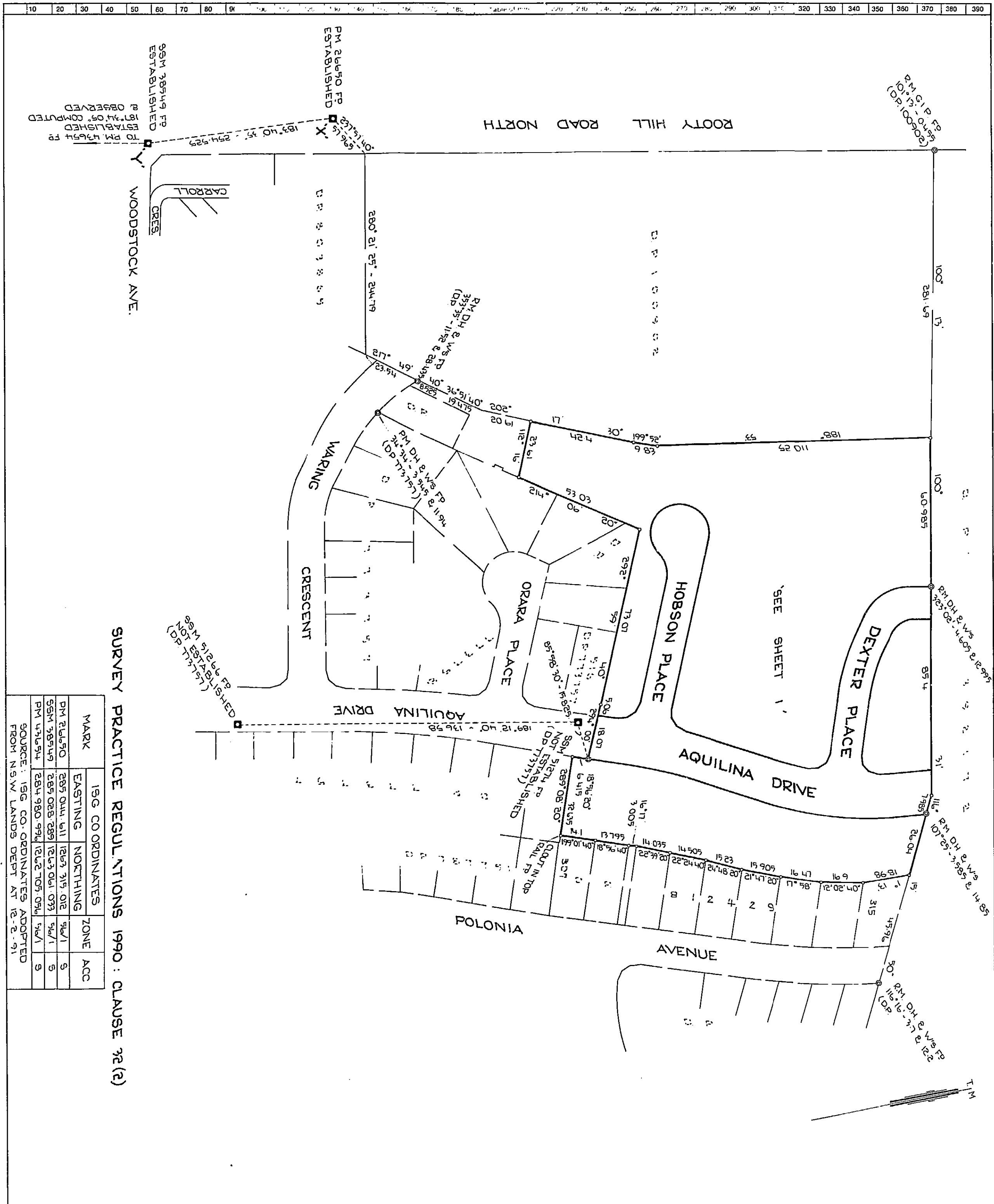
PANEL FOR USE ONLY for statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements, restrictions on the use of land or positive covenants.


PURSUANT TO SEC 68B OF THE CONVEYANCING ACT 1919 AS AMENDED IT IS INTENDED TO CREATE

1 EASEMENT TO DRAIN WATER  
2 RIGHT OF CARRIAGEWAY  
2 5 WIDE & VARIABLE  
3 EASEMENT TO DRAIN WATER  
2 5 WIDE  
4 RESTRICTION AS TO USER  
5 RESTRICTION AS TO USER  
6 RESTRICTION AS TO USER  
7 RESTRICTION AS TO USER

IT IS INTENDED TO DEDICATE TO THE PUBLIC PATHWAY 3 WIDE.  
IT IS INTENDED TO DEDICATE TO THE PUBLIC FOR ROAD PURPOSES

1 AQUILINA DRIVE 18 WIDE & VAR.  
2 DEXTERA PLACE 13 WIDE & VAR.  
3 HOBSON PLACE 13 WIDE & VAR.  
IT IS INTENDED TO CREATE LOT 429 & LOT 431 AS PUBLIC RESERVE



DP812674
Registered: 11/01/1991
This is sheet 2 of my plan in 2 sheets dated 11th JUNE 1991
Surveyor registered under Surveyors Act 1928
This is sheet 2 of the plan of 7984 or 27-8-1991
 Council Clerk
For use where space is insufficient in any panel on Plan Form 2
Reduction Ratio 1: 1000
SURVEYOR'S REFERENCE: 3903/1000

SURVEY PRACTICE REGULATIONS 1990 : CLAUSE 32(c)

MARK	ISG CO ORDINATES	ZONE	ACC
PM 24650	EASTING 285 044 411	1267 315 012	96/1 S
SSM 38549	EASTING 285 083 289	1267 061 073	96/1 S
PM 43654	EASTING 284 980 996	1262 705 056	96/1 S

SOURCE : ISG CO. COORDINATES ADOPTED FROM N.S.W. LANDS DEPT AT 12.2.91

Plan Drawing only to appear in this space

10 20 30 40 50 60 70 Table of mm 110 120 130 140

This negative is a photograph made as a permanent record of a document in the custody of the Registrar General this day, 20th September, 1991





## **Appendix D** – Title Search for Lot 431 DP 812674



# NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 431/812674

SEARCH DATE	TIME	EDITION NO	DATE
29/8/2018	5:46 PM	1	19/9/1991

## LAND

LOT 431 IN DEPOSITED PLAN 812674  
 AT PLUMPTON  
 LOCAL GOVERNMENT AREA BLACKTOWN  
 PARISH OF ROOTY HILL COUNTY OF CUMBERLAND  
 TITLE DIAGRAM DP812674

## FIRST SCHEDULE

THE COUNCIL OF THE CITY OF BLACKTOWN

## SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 EASEMENT(S) APPURTENANT TO THE LAND ABOVE DESCRIBED CREATED BY:  
 DP812427 -EASEMENT TO DRAIN WATER 1.2 WIDE  
 DP812674 -RIGHT OF CARRIAGEWAY 2.5 WIDE & VARIABLE
- 3 K200000P CAVEAT BY THE REGISTRAR GENERAL FORBIDDING  
 UNAUTHORISED DEALINGS WITH PUBLIC RESERVES
- 4 EASEMENT(S) AFFECTING THE PART(S) SHOWN SO BURDENED IN THE TITLE  
 DIAGRAM CREATED BY:  
 DP812674 -RIGHT OF CARRIAGEWAY 2.5 WIDE & VARIABLE

## NOTATIONS

NOTE: THE CERTIFICATE OF TITLE FOR THIS FOLIO OF THE REGISTER DOES  
 NOT INCLUDE SECURITY FEATURES INCLUDED ON COMPUTERISED  
 CERTIFICATES OF TITLE ISSUED FROM 4TH JANUARY, 2004. IT IS  
 RECOMMENDED THAT STRINGENT PROCESSES ARE ADOPTED IN VERIFYING THE  
 IDENTITY OF THE PERSON(S) CLAIMING A RIGHT TO DEAL WITH THE LAND  
 COMPRISED IN THIS FOLIO.

UNREGISTERED DEALINGS: NIL

\*\*\* END OF SEARCH \*\*\*

glsbcc01

PRINTED ON 29/8/2018

Obtained from NSW LRS on 29 August 2018 05:46 PM AEST

\* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register.

© Office of the Registrar-General 2018

## **Appendix E – State Environmental Planning Policies Checklist**

## State Environmental Planning Policies - Checklist

SEPP	COMMENT
SEPP No. 1 - Development Standards	Not applicable.
SEPP No. 19 – Bushland in Urban Areas	Not applicable.
SEPP No. 21 – Caravan Parks	Not applicable.
SEPP No. 30 – Intensive Agriculture	Not applicable.
SEPP No. 33 – Hazardous & Offensive Development	Not applicable.
SEPP No. 36 – Manufactured Home Estates	Not applicable.
SEPP No. 44 – Koala Habitat Protection	Not applicable.
SEPP No. 47 – Moore Park Showground	Not applicable.
SEPP No. 50 – Canal Estate Development	Not applicable.
SEPP No. 52 – Farm Dams & Other Works in Land and Water Management Plan Area	Not applicable.
SEPP No. 55 – Remediation of Land	Not applicable.
SEPP No. 62 – Sustainable Aquaculture	Not applicable.
SEPP No. 64 – Advertising & Signage	Not applicable.
SEPP No. 65 – Design Quality of Residential Apartment Development	Not applicable.
SEPP No. 70 – Affordable Housing (Revised Schemes)	Not applicable.
SEPP (Affordable Rental Housing) 2009	This SEPP aims to provide a consistent planning regime for the provision of affordable rental housing and to facilitate such development. Therefore this Policy would need to be addressed as part of any future development application, should the subject property include low cost rental accommodation.
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable.
SEPP (Coastal Management) 2018	Not applicable.
SEPP (Educational Establishments and Child Care Facilities)	Not applicable.
SEPP (Exempt & Complying Development Codes) 2008	Not applicable.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable.
SEPP (Infrastructure) 2007	Not applicable.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable.
SEPP (Kurnell Peninsula) 1989	Not applicable.
SEPP (Mining, Petroleum Production & Extractive Industries) 2007	Not applicable.

<b>SEPP</b>	<b>COMMENT</b>
SEPP (Miscellaneous Consent Provisions) 2007	Not applicable.
SEPP (Penrith Lakes Scheme) 1989	Not applicable.
SEPP (Rural Lands) 2008	Not applicable.
SEPP (State & Regional Development) 2011	Not applicable.
SEPP (State Significant Precincts) 2005	Not applicable.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable.
SEPP (Sydney Region Growth Centres) 2006	Not applicable.
SEPP (Three Ports) 2013	Not applicable.
SEPP (Urban Renewal) 2010	Not applicable.
SEPP (Vegetation in Non-Rural Areas) 2017	Not applicable.
SEPP (Western Sydney Employment Area) 2009	Not applicable.
SEPP (Western Sydney Parklands) 2009	Not applicable.

<b>Deemed SEPP (SREP)</b>	<b>COMMENT</b>
SREP No. 8 – Central Coast Plateau Areas	Not applicable.
SREP No. 9 – Extractive Industry (No.2 1995)	Not applicable.
SREP No. 16 – Walsh Bay	Not applicable.
SREP No. 20 – Hawkesbury-Nepean River (No. 2 1997)	Not applicable.
SREP No. 24 – Homebush Bay Area	Not applicable.
SREP No. 26 – City West	Not applicable.
SREP No. 30 – St Marys	Not applicable.
SREP No. 33 – Cooks Cove	Not applicable.
SREP (Sydney Harbour Catchment) 2005	Not applicable.

## **Appendix F – Ministerial (Section 9.1) Directions Checklist**

## Ministerial (Section 9.1) Directions Checklist

MINISTERIAL (s. 9.1) DIRECTION		COMMENT
<b>1</b>	<b>Employment &amp; Resources</b>	
1.1	Business & Industrial Zones	Not applicable.
1.2	Rural Zones	Not applicable.
1.3	Mining, Petroleum Production & Extractive Industries	Not applicable.
1.4	Oyster Aquaculture	Not applicable.
1.5	Rural Lands	Not applicable.
<b>2</b>	<b>Environment &amp; Heritage</b>	
2.1	Environment Protection Zones	Not applicable.
2.2	Coastal Protection	Not applicable.
2.3	Heritage Conservation	Not applicable.
2.4	Recreation Vehicle Areas	Not applicable.
2.5	Application of E2 & E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
<b>3</b>	<b>Housing, Infrastructure &amp; Urban Development</b>	
3.1	Residential Zones	Consistent. The Planning Proposal includes the reclassification of a parcel of land currently zoned R2 Low Density Residential. The Planning Proposal does not propose a change to the zoning, and will facilitate the provision of infill housing on the site (and the adjoining land) which is located in a well serviced area.
3.2	Caravan Parks & Manufactured Home Estates	Not applicable.
3.3	Home Occupations	Not applicable.
3.4	Integrating Land Use & Transport	Not applicable.
3.5	Development Near Licensed Aerodromes	Not applicable.
3.6	Shooting Ranges	Not applicable.
<b>4</b>	<b>Hazard &amp; Risk</b>	
4.1	Acid Sulfate Soils	Not applicable.
4.2	Mine Subsidence & Unstable Land	Not applicable.
4.3	Flood Prone Land	Not applicable.
4.4	Planning for Bushfire Protection	Not applicable.



<b>MINISTERIAL (s. 9.1) DIRECTION</b>		<b>COMMENT</b>
<b>5</b>	<b>Regional Planning</b>	
5.1	Implementation of Regional Strategies	Consistent. As discussed in Section 4.2 the Planning Proposal is consistent with the objectives and actions of 'A Plan For Growing Sydney' 2014. The Planning Proposal is also consistent with the Greater Sydney Region Plan – Our Greater Sydney 2056, which replaces 'A Plan for Growing Sydney'.
5.2	Sydney Drinking Water Catchments	Not applicable.
5.3	Farmland of State & Regional Significance on the NSW Far North Coast	Not applicable.
5.4	Commercial & Retail Development along the Pacific Highway, North Coast	Not applicable.
5.5	Revoked 18 June 2010	Not applicable.
5.6	Revoked 10 July 2008	Not applicable.
5.7	Revoked 10 July 2008	Not applicable.
5.8	Second Sydney Airport: Badgerys Creek	Not applicable.
5.9	North West Rail Link Corridor Strategy	Not applicable.
5.10	Implementation of Regional Plans	Consistent. As discussed in Section 4.2 the Planning Proposal is consistent with the objectives of 'Greater Sydney Region Plan – A Metropolis of Three Cities'.
<b>6</b>	<b>Local Plan Making</b>	
6.1	Approval & Referral Requirements	Consistent. The Planning Proposal does not include new or proposed provisions that require concurrence, consultation or referral of development applications to a Minister or public authority.
6.2	Reserving Land for Public Purposes	Not applicable.
6.3	Site Specific Provisions	Via the reclassification process, the Planning Proposal will allow particular development to be carried out on the land and for the land to be sold, but the Planning Proposal does not contain drawings that show details of a future development proposal, and does not contain additional site specific planning controls for a proposed land use. Therefore, although the Planning Proposal is inconsistent with this s.9.1 direction, it is considered to be a minor and necessary inconsistency.
<b>7</b>	<b>Metropolitan Planning</b>	
7.1	Implementation of 'A Plan for Growing Sydney'	Consistent. As discussed in Section 4.2 the Planning Proposal is consistent with the objectives of 'Greater Sydney Region Plan – A Metropolis of Three Cities'.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable.
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable.

MINISTERIAL (s. 9.1) DIRECTION		COMMENT
7.4	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	Not applicable.
7.9	Implementation of Bayside West Precincts	Not applicable.
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.