

Planning Proposal - Rezoning and Reclassification of Alpha Park (113 Dwellings, 285 Employment)

Proposal Title :	Planning Proposal - Rezoning and Reclassification of Alpha Park (113 Dwellings, 285 Employment)		
Proposal Summary :	The reclassification and rezoning of the northern portion of Alpha Park aims to promote the activation of the park, through ground floor community or retail/commercial uses and 6-8 storey 'shop top' residential housing.		
PP Number :	PP_2017_BLACK_003_00	Dop File No :	17/03536

Proposal Details

Date Planning Proposal Received :	24-Mar-2017	LGA covered :	Blacktown
Region :	Metro(Parra)	RPA :	Blacktown City Council
State Electorate :	BLACKTOWN	Section of the Act :	55 - Planning Proposal
LEP Type :	Reclassification		

Location Details

Street :	Alpha Street		
Suburb :	City :	Blacktown	Postcode :
Land Parcel :	11 and 12 DP 1060490, 4 DP 613991, 105 and 106 DP 1059635, Part 1 DP 1063433		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Adrian Hohenzollern
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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub	Consistent with Strategy :
Regional Strategy :	

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment : **POLITICAL DONATIONS DISCLOSURE STATEMENT**

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning proposal.

Have there been
meetings or
communications with
registered lobbyists? : **No**

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 27 February 2017 and there are no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : **The objective of this planning proposal is to reclassify and rezone the northern part of Alpha Park to B4 Mixed use. This will allow additional land uses including; shop top housing, commercial and community uses.**

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

Is an explanation of provisions provided? **Yes**

Comment : **The justification for the reclassification is that the subject site is currently underutilised and**

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the suggested planning control amendments will activate the area and increase passive surveillance.

The planning proposal results from an Urban Design Study which presents a vision for Alpha Park "Concept 12 - Alpha Park Precinct" (page p35) which recommends amending planning controls to permit community uses or retail/commercial uses on the ground floor and provided shop top residential housing.

The planning proposal is aligned with the wider Blacktown and Mount Druitt CBDs planning proposal (PP_2017_BLACK_001_00) which seeks to increase land zoned B4 Mixed Use in the CBD, creating a vibrant centre activated by its own residential population.

The subject site is owned by council. The reclassification and rezoning will allow Council to sell the land for mixed use development.

The planning proposal identifies the subject site as approximately 8500m2 of land to the north of Alpha Park. The current uses of the land include:

- community hall;
- child care centre;
- car park; and
- tennis courts.

The proposal seeks to amend planning controls to:

- reclassify the land from community to operational;
- rezone the land from RE1 Public Recreation to B4 Mixed Use; and
- assign a 26 meter building height control for land rezoned.

The planning proposal seeks to make the following amendments to the Blacktown Local Environment Plan 2015:

- Land Zoning Map 014;
- Height of Buildings Map 014.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.2 Reserving Land for Public Purposes

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 64—Advertising and Signage

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Infrastructure) 2007

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

STATE ENVIRONMENTAL PLANNING POLICIES

The proposal is considered consistent with all the relevant State Environmental Planning Policies.

SECTION 117 DIRECTIONS

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The planning proposal is consistent with all relevant s117 Directions, with the exception of the following.

6.2 RESERVING LAND FOR PUBLIC PURPOSES

The reclassification and rezoning of this land is considered justifiably inconsistent as the proposal states it will result in increased pedestrian activity in the area and in turn activate the remaining park lands for public purposes. However, the planning proposal does not present information regarding the loss of public space or justify the loss of community facilities. Further information is required to address practice Note PN 16-001

PRACTICE NOTE PN 16-001 - CLASSIFICATION AND RECLASSIFICATION OF PUBLIC LAND THROUGH A LOCAL ENVIRONMENTAL PLAN

Council have resolved to endorse the recommendations in the urban design study to activate the area and support the strategic and site specific merits of the reclassification and rezoning.

Council have not specified a time frame to sell the land and there is no known interested party to purchase the land. Council correspondence states that redevelopment of the site would include consideration of any existing lease agreements (child care centre), but further detail is needed to clarify this and the loss of existing community facilities (tennis courts, community hall, car park) will need to be added to the proposal.

The table in Appendix 1 provides minimal details regarding land acquisition, caveats, trusts, duration and expiration of current lease agreements of the subject site. This will need to be updated to address the checklist in Practice Note PN 10-001, some key issues are:

- there is no detail how the land was acquired and the nature of any trusts, dedications, etc;
- more details are needed regarding whether current uses are authorised and details of all agreements for all identified lots.
- there is no basic detailing regarding the sale of the land;
- there is no detail presented for Lot 12/dp 1060490;
- there is no detail for caveat RG:B405786 for Lot 1/dp 1063433;
- there is no information regarding easements.
- the planning proposal provides no explanation as to how funds obtained from any future sale of the land will be used.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain : **Additional information is required to be consistent with Section 117 Direction 6.2 Reserving land for public places and the Practice Note PN 16-001 checklist.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council provided the following maps identifying the subject site existing and proposed amendments:**

- Land Zoning Map
- Height of Buildings Map

The maps provided are suitable for public exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal suggests a public exhibition period of 28 days.**

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Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **April 2017**

Comments in relation
to Principal LEP :

Amending the Blacktown LEP 2015 is considered to be the best mechanism to achieve the objectives of the planning proposal.

Assessment Criteria

Need for planning
proposal :

A planning proposal is the best way of achieving the intended outcomes.

The planning proposal is the result of an Urban Design Study which reviewed existing land use zones, height of building and floor space ration controls to ensure they align with current market expectations and support opportunities for growth.

URBAN DESIGN STUDY

Batesmart conducted the Urban Design Study discussing the need to provide a mixed use public space with nodes throughout the CBD and to connect people with public space. On Page 35, the Study details recommended changes for Alpha Park which allows for the expansion of Alpha Park to allow for 6-8 storey residential development on the northern section. Ground level community facilities or commercial activity with access to the park with assist in re-activation of the underused park, and shop top housing to increases pedestrian activity, provides passive surveillance over the park, and screen the Westpoint Carkpark which is deemed unsightly and to detracts from the park.

Council's correspondence estimates the following Dwelling and job figures. These will need to be updated into the proposal and justified accordingly.

- Number of Dwellings: 133**
- Number of Employees: 285**

The proposal provides shadow documents on page 91 of the Urban Design Report. However, the residential housing to the west of the park are not included on the graphic. It is recommended the shadow diagrams are amended to more clearly identify the extent of overshadowing on existing neighbouring residential buildings and the park.

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Consistency with strategic planning framework :

SYDNEY WEST CENTRAL DISTRICT PLAN (Draft)

The planning proposal is generally consistent with this plan as it is in line with Productivity Direction 3 to manage growth. Also, supports the District plans overarching priorities to improve housing diversity and affordability.

A PLAN FOR GROWING SYDNEY

The planning proposal is generally consistent with this plan as it will facilitate mixed use development and shop to housing adjacent to public open space within the CBD, and promote the activation of open space and pedestrian activity in line with direction to create a vibrant and inclusive city.

BLACKTOWN CITY 2030 - CITY OF EXCELLENCE

The planning proposal is generally consistent with this plan to facilitate mixed use development.

Environmental social economic impacts :

ENVIRONMENTAL IMPACTS

There is no adverse effects on critical habitat or threatened species, populations of ecological communities, or other habitats. The planning proposal states that any environmental impacts of any specific development would be considered pursuant to a development application.

SOCIAL AND ECONOMIC IMPACTS

Social and economic effects are referred to the Urban Design Study are to ensure that planning controls align with current market expectation and supported opportunities for growth. It is expected that the amended planning controls will result in both positive social and economic impacts.

The planning proposal seeks to promote mixed use development in the CBD, in line with the vision by Council. The net community benefit is to service the growing population and their need for housing, as well as the activation of Alpha Park.

The planning proposal does not address the potential loss of or future need for additional community facilities. However, Council have reiterated that the site is currently under utilised and the change in planning control is to activate the site. Also, noting that close by a regional tennis facility is being developed in conjunction with tennis Australia (Stanhope Gardens).

The impact on public transport and road is not addressed in the planning proposal and consultation with Transport NSW is recommended. The Urban design report states it will improve pedestrian connectivity throughout the CBD and to public transport nodes. Blacktown CBD is well serviced by local network and public transport, including a local bus interchange is located adjoining the Blacktown Station serviced by the Richmond Railway Line and the Main Western Railway Line, as well as the NorthWest transitway. The effect on the transport system is expected to be minimal.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	DDG
Public Authority Consultation - 56(2)(d) :	Transport for NSW - Roads and Maritime Services Sydney Water Telstra		

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Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Alpha Park_Letter_to_DPE.pdf	Proposal Covering Letter	No
Alpha Park_Planning Proposal.pdf	Proposal	No
Alpha Park_LAP_Existing.pdf	Map	No
Alpha Park_LZN_Proposed.pdf	Map	No
Alpha Park_HOB_Proposed.pdf	Map	No
Appendix_One_Alpha Park_Reclassification_data.pdf	Study	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of A Plan for Growing Sydney

Additional Information : **It is recommended that the planning proposal proceeds subject to the following:**

1. Prior to community consultation, Council is to amend the planning proposal, to
 - a. address Section 117 Direction 6.2 Reserving Land for Public Places and the checklist in Practice Note PN 16-001;
 - b. update solar access and shadow diagrams to show the surrounding development; and
 - c. included dwellings and employment estimates.

The amended planning proposal is to be forwarded to the Department for endorsement prior to commencing exhibition.

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2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:

- a. the planning proposal must be made publicly available for a minimum of 28 days; and
- b. the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Environment 2016).
- c. a copy of practice note 16-001 is to be included in the public exhibition materials.

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act:

- Endeavour Energy;
- Transport for NSW - Roads and Maritime Services;
- Sydney Water; and
- Telstra

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from its obligation to conduct a public hearing regarding reclassifying land.

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is consistent with applicable SEPPs, A Plan for Growing Sydney and the Draft West Central District Plan. The proposal is also consistent with Council's local strategies.

The proposal is to satisfactorily address the matters identified in the checklist in Attachment 1 of the Department's LEP Practice Note Classification and reclassification of public land through a local environmental plan (PN 16-001) prior to public exhibition.

Signature:



Printed Name:

Adrian Holmgren

Date:

21 / 4 / 17