

BLACKTOWN CITY COUNCIL

PLANNING PROPOSAL

**LEP Amendment to Blacktown Local Environmental Plan 2015
Alpha Park**

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PART 1 – Objectives or intended outcomes

At its Ordinary Meeting on 21 October 2015, Council resolved to support the creation of the Blacktown and Mount Druitt CBDs as strong mixed use centres that are activated by their own substantial residential populations.

Bates Smart and Jones Lang LaSalle (JLL) were engaged to prepare reports that reviewed our existing land use zones, height of building and floor space ratio controls in the two CBDs, to ensure they align with current market expectations and support opportunities for growth.

The urban design analysis undertaken by Bates Smart discussed the potential that additional land uses could be located on a small portion of Alpha Park to screen the WestPoint car park and provide additional activation of the Park. Bates Smart's recommendation was to rezone the northern part of Alpha Park to B4 mixed use and to assign 26 metre height of building control to promote activation of Alpha Park through ground floor community uses or retail/commercial uses, with residential development providing passive surveillance after hours.

To implement their recommendation, this Planning Proposal seeks to:

- rezone the northern part of Alpha Park from RE1 Public Recreation to B4 Mixed Use, to allow additional land uses to activate the park and screen the unsightly WestPoint carpark.
- assign a 26 m building height control

As the northern part of Alpha Park land is currently in Council ownership and classified as community land, the reclassification of this land to operational will also be undertaken as part of this Planning Proposal. Details of the land to be reclassified are contained in Appendix 1.

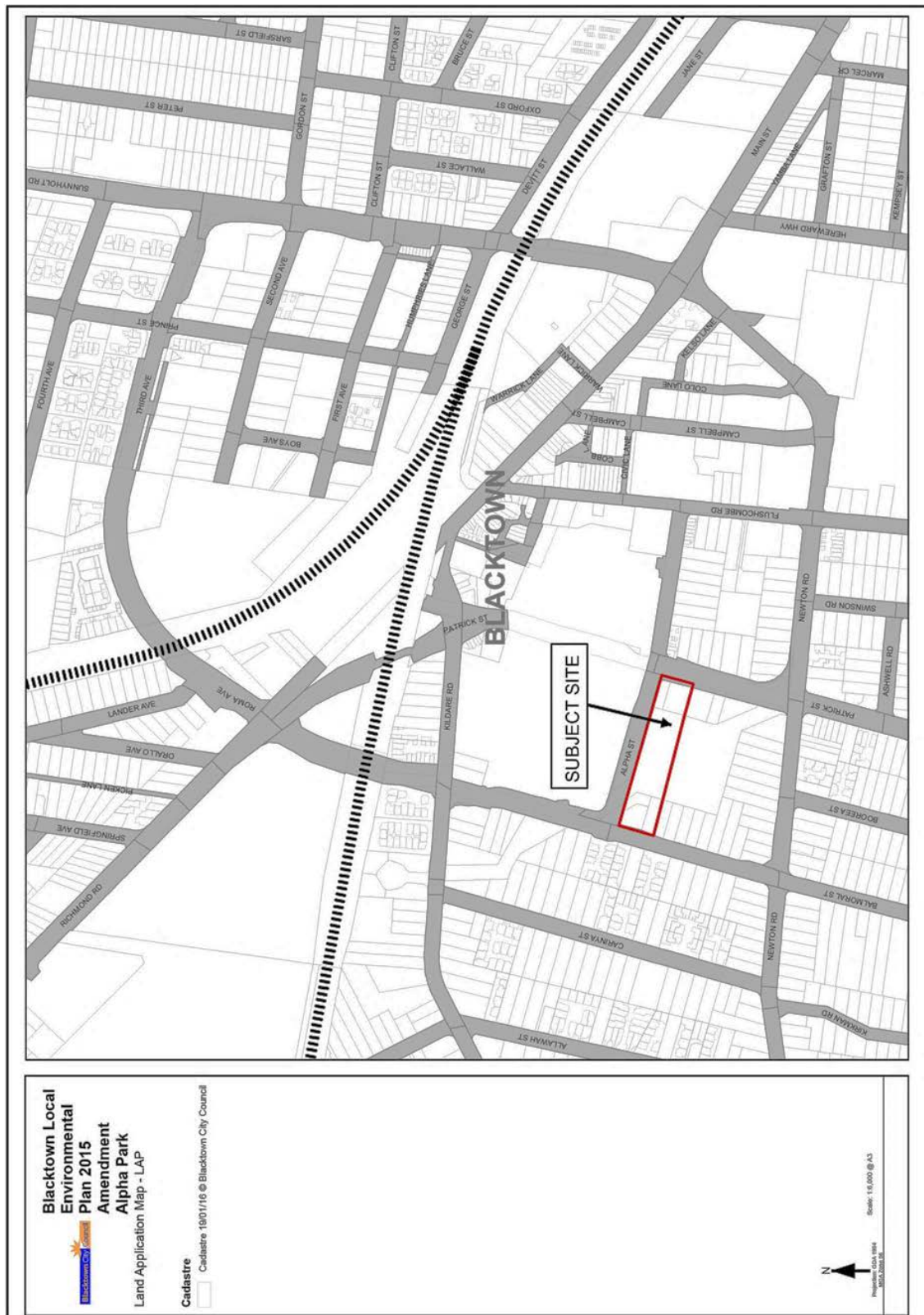
This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and guidelines for preparing Planning Proposals published by the Department of Planning and Environment (DP & E).

This Planning Proposal relates only to matters to be amended in the Blacktown LEP 2015.

1.1 Applicable land

The Planning Proposal applies to land known as Alpha Park. Alpha Park is located on the south western corner of the Blacktown CBD and is bounded by Alpha Street, Patrick Street, Newton Road and Balmoral Street as shown below.

Figure 1 Blacktown CBD



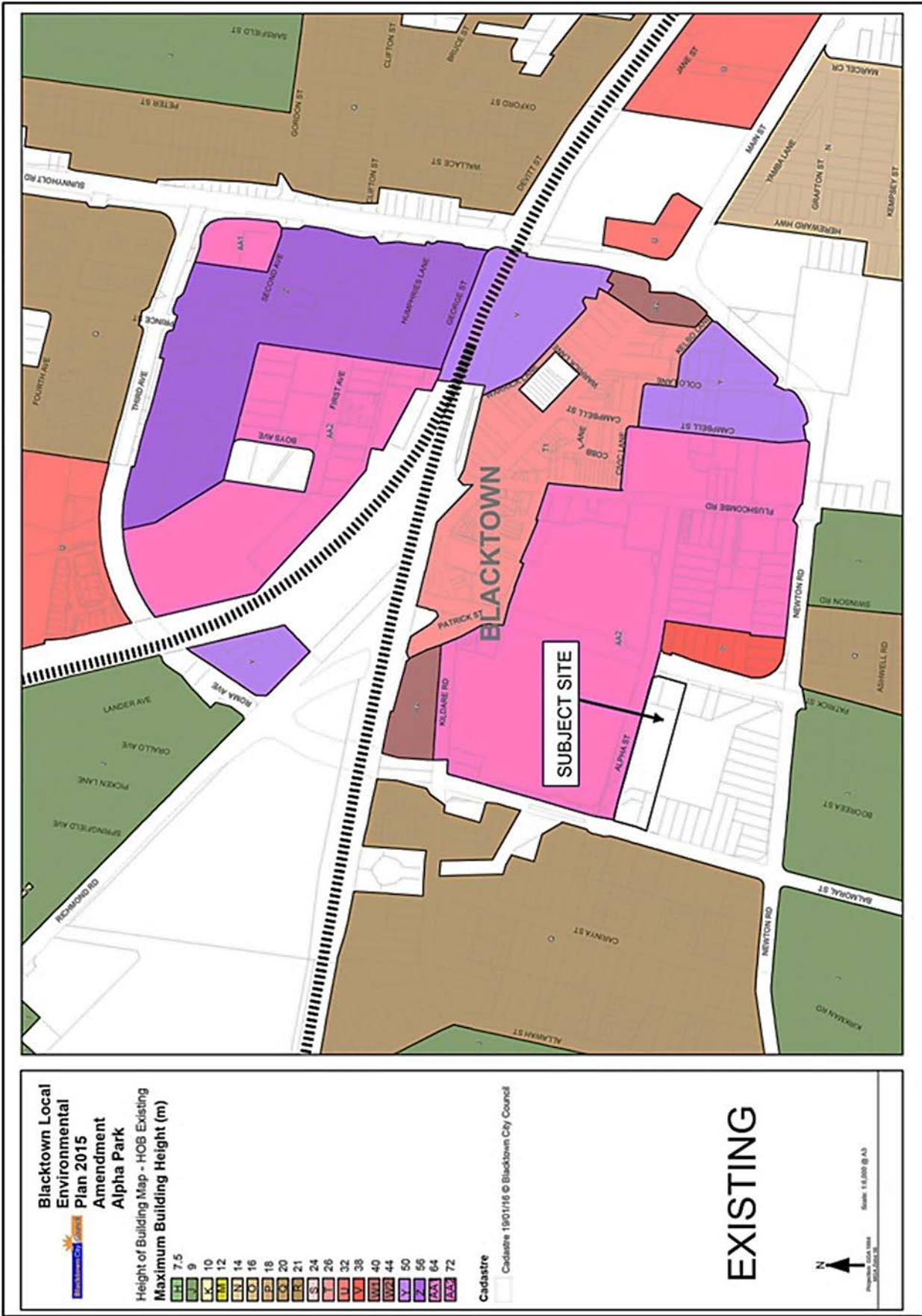
1.2 Current planning controls

Alpha Park is currently zoned RE1 Public Recreation in the Blacktown Local Environmental Plan 2015. The current planning controls are shown in Figure 2. The complete planning controls are available at www.legislation.nsw.gov.au. The complete planning controls are available at www.legislation.nsw.gov.au.

Figure 3 Existing land zonings for Alpha Park



Figure 4 Existing Height of Building controls for Alpha Park



PART 2 – Explanation of provisions

2.1 Amendments to the Land Use Zoning and the Height of Building maps in Blacktown LEP 2015

This Planning Proposal seeks the following amendments to maps in Blacktown LEP 2015:

- remove the RE1 Public Recreation zone that applies to land to the northern part of Alpha Park and rezone that land to B4 Mixed Use
- Apply a 26m building height control for land rezoned to B4 Mixed Use.

2.2 Detailed mapping amendments

Table 1 Description of map amendments

Blacktown Local Environmental Plan 2015		Proposed Amendment
Land Zoning	LZN 014	Replace the RE1 zone with the B4 zone to lots on the northern edge of Alpha Park including lots: • 11 and 12 DP 1060490 • 4 DP 613991 • 105 and 106 DP 1059635 • Part 1 DP 1063433
Height of Building map	HOB 014	Apply the height of building control T 26 metres to lots on the northern edge of Alpha Park including lots: • 11 and 12 DP 1060490 • 4 DP 613991 • 105 and 106 DP 1059635 • Part 1 DP 1063433

PART 3 – Justification

3.1 Section A – Need for the Planning Proposal

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

Yes, the urban design analysis undertaken by Bates Smart discussed the potential that additional land uses could be located on a small portion of Alpha Park to screen the WestPoint car park and provide additional activation of the Park. Bates Smart's recommendation was to rezone the northern part of Alpha Park to B4 mixed use and to assign 26 metre height of building control to promote activation of Alpha Park through ground floor community uses or retail/commercial uses, with residential development providing passive surveillance after hours.

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

A Planning Proposal which seeks to rezone the northern part of Alpha Park from RE1 Public Recreation to B4 Mixed Use is the best means to achieve Council's vision. The B4 Mixed Use Zone will facilitate the activation of Alpha Park through permitting a variety of land uses that attract people to the park. Residential development above ground floor community activities will be integral activating the park after hours.

The reclassification of the northern part of Alpha Park from community to operational is required to facilitate the redevelopment of this part of Alpha Park to achieve Council's vision. Without the reclassification, Council would not be able to sell the land to allow for mixed use development to occur. It is this mixed use development that will provide activation of the park and screen the WestPoint car park.

3.2 Section B – Relationship to strategic planning framework

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)?

Metropolitan Strategy

A Plan for Growing Sydney is the NSW Government's metropolitan strategy for Sydney, published in December 2014. Relevant directions from *A Plan for Growing Sydney* are noted at Table 2 below.

A Plan for Growing Sydney Strategic Directions and Policy Settings	Consistency / Response
Goal 2: A city of housing choice, with homes that meet our needs and lifestyles	
Direction 2.1: Accelerate housing supply across Sydney - An additional 664,000 dwellings required across Sydney over the next 20 years - Action 2.1.1 Accelerate housing supply in and around strategic centres.	Yes The rezoning will release additional land in the Blacktown CBD for mixed use development which will permit the construction of shop-top housing.
Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs - The government will support Council-led urban infill and local efforts to lift housing production around centres - New housing for centres that have public transport able to carry large numbers - New housing in strategic centres	Yes The rezoning will release additional land in the Blacktown CBD for mixed use development which will permit the construction of shop-top housing.
Direction 2.3: Improve housing choice to suit different needs and lifestyles Research indicates a shortage of apartments in outer Sydney	Yes The rezoning will release land for mixed use development which will permit the development of shop top housing in a range of different forms.
Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources	
Direction 4.1: Protect our natural environment and biodiversity	Yes The proposal applies to part of an area or open space in the Blacktown CBD that has no biodiversity value and that has been previously disturbed by human activity. The planning proposal is not inconsistent with this direction

Draft District Plan

The Draft West Central District Plan is the district strategy that applies to the Blacktown LGA. It was released in November 2016. Relevant priorities from the Draft District Plan that relate to this Planning Proposal are noted at Table 3 below.

Draft West Central District Plan Directions and Policy Settings	Consistency / Response
Relevant priorities for 'A Productive City'	
Productivity Priority 3 Manage growth and change in strategic and district centres and, as relevant local centres.	The Planning Proposal is consistent with this Priority.
Productivity Priority 6: Grow economic activities in Blacktown Strategic Centre	The Planning Proposal is consistent with this Priority. The Planning Proposal will provide additional opportunities for community, retail and recreational and residential activities in the Blacktown CBD.
Relevant priorities for 'A Liveable City'	
Liveability Priority 1: Deliver West Central District's five-year housing supply target	The Planning Proposal is consistent with this Priority. The Planning proposal increases the capacity of residential development in the Blacktown CBD by increasing the area of land where shoptop housing is permissible.
Livability Priority 2: Deliver housing diversity	The Planning Proposal is consistent with this Priority. Providing increased capacity for residential development in the Blacktown CBD should promote greater housing diversity through the provision of an increased supply of apartments.
Livability Priority 3: Implement the Affordable Rental Housing Target	There is no current local or District housing strategy that has identified current or future need for affordable rental housing in the Blacktown CBD. There are also no guidelines developed by the Greater Sydney Commission or Department of Planning on how the affordable rental housing target will be implemented at the rezoning stage.

Is the Planning Proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Blacktown City 2030 – City of Excellence is Council's Community Strategic Plan. It establishes a framework to enable Council to manage the future growth of the City. This Plan was released in 2013, before Council's decision to not pursue Regional City Status for Blacktown.

The relevant Strategic Directions and trigger projects are responded to in the Table below.

Blacktown City 2030 – City of Excellence Strategic Directions	Consistency / Response
A vibrant and Inclusive City Ensure that our local communities continue to be welcoming, vibrant and inclusive, individuals and groups achieve their potential and the City prospers as a centre of culture, art and learning.	This Planning Proposal will facilitate mixed use development, including shop top housing adjacent to a significant area of open space in the Blacktown CBD. This development will promote activation of the open space and improve pedestrian access to and natural surveillance of Alpha Park.
A Growing City Supported by Infrastructure Provide well-planned and liveable neighbourhoods with housing that meets the diverse needs for our growing community and is supported by transport and infrastructure that serves our current and future needs.	This Planning Proposal will increase the number of dwellings created in the Blacktown CBD and regard for the public domain will provide an attractive and liveable urban environment.

Blacktown City 2030 – City of Excellence Trigger Projects	Consistency / Response
Blacktown City Centre To provide a mix of business, employment, recreation, health, cultural, entertainment and education uses that promote a vibrant City Centre.	This Planning Proposal will permit an increase in the number of dwellings which will support businesses, and health, cultural, entertainment and education uses. The B4 Mixed Use zone will also create an active city, with ground floor commercial uses, providing space for support offices, health services and hospitality.

Is the Planning Proposal consistent with the applicable state environmental planning policies?

State Environmental Planning Policy	Consistency/Response
SEPP 32 – Urban Consolidation (Redevelopment of Land)	Yes This Planning Proposal will promote the orderly and economic development of land by enabling mixed use development.
SEPP 55 – Remediation of Land	Yes Clause 6 of SEPP 55 requires that, in preparing an environmental planning instrument, a planning authority is not to include in a zone any land that would permit a change of use to land that is: • in an investigation area; or • land in which a contaminating activity as identified in the contaminated land planning guidelines and is known to have been carried out; or

State Environmental Planning Policy	Consistency/Response
	the proposed use includes residential use, unless there is no knowledge of prior contaminating use on the land, and on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge). There is no knowledge of prior contaminating uses on the land and the shop top housing uses are therefore in compliance with this SEPP.
SEPP 64 - Advertising and Signage	Yes This Planning Proposal will not contradict or hinder the application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Yes This Planning Proposal will not contradict or hinder the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes This Planning Proposal will not contradict or hinder the application of this SEPP.
SEPP (Infrastructure) 2007	Yes This Planning Proposal will not contradict or hinder the application of this SEPP.

Is this Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Number Directions/Objectives	Consistency/Response
1 Employment and Resources	Consistent
1.1 Business and Industrial Zones	Yes
(4)(c) requires that a Planning Proposal that will affect land within an existing business zone must not reduce the total potential floor space area for employment uses and related services in business zones .	This Planning Proposal will not result in any reduction in the amount of business zoned land in the Blacktown CBD.
(5)(b) permits a Planning Proposal to be inconsistent with this direction where justified by a study (prepared in support of the Planning Proposal) which gives consideration to the objectives of this direction.	
2. Environment and Heritage	Yes
2.3 Heritage Conservation	
A Planning Proposal must contain provisions that facilitate the conservation of:	The Planning Proposal does not seek to change the existing Standard Instrument clause contained in Blacktown LEP 2015, Clause 5.10 Heritage Conservation and does not remove any listed heritage items in the two CBDs.
(4)(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.	
(5) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the	

Number	Directions/Objectives	Consistency/Response
	Department nominated by the Director-General) that: (a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land .	
3. Housing, Infrastructure and Urban Development		Yes
3.1 Residential Zones		The proposed B4 Mixed Use zone will increase the supply of land for shop top housing.
	(4) A Planning Proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A Planning Proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	
3.4 Integrating Land Use and Transport		Yes
	The objectives of this direction are: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	This Planning Proposal is consistent with the objectives of this direction in that it will permit additional land for mixed use development in the Blacktown CBD, which is highly central and well serviced, close to essential services, amenities and public transport.
3.5 Development Near Licensed Aerodromes		Yes
	(4) In the preparation of a Planning Proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must: (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome, (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth, (c) for land affected by the OLS: (i) prepare appropriate development standards, such as height, and	Alpha Park is not the vicinity of a licensed aerodrome. Additionally, Alpha Park is not in the OLS of Bankstown Aerodrome or the proposed OLS of the Western Sydney Airport.

Number	Directions/Objectives	Consistency/Response
	(ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome d) obtain permission from that Department of the Commonwealth, or their delegate, where a Planning Proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.	
4. Hazard and Risk 4.1 Acid Sulfate Soils	The direction requires that: (6) A relevant planning authority must not prepare a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of containing Acid Sulfate Soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.	Yes No part of Alpha Park is mapped as having Acid Sulfate Soils.
4.3 Flood Prone Land	The objectives of this direction are: a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	Yes This does not apply to Alpha Park, as no part of Alpha Park is flood prone land.
6. Local Plan Making 6.2 Reserving Land for Public Purposes	The objectives of this direction are: a) to facilitate the provision of public services and facilities by reserving land for public purposes, and b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	Justifiably inconsistent The Planning Proposal seeks to rezone part of Alpha Park in Blacktown CBD from RE1 Public Recreation to B4 Mixed Use. The mixed use rezoning will apply to the northern part of the park which will increase the level of pedestrian activity in the area, in turn activating the remaining portion of the park for public purposes.
7 Metropolitan Planning 7.1 Implementation of <i>A Plan for Growing Sydney</i>	Planning Proposals shall be consistent with <i>A Plan for Growing Sydney</i>	Yes Consistency with <i>A Plan for Growing Sydney</i> is demonstrated above.

3.3 Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations of ecological communities, or other habitats, will be adversely affected as a result of the proposal?

No impacts envisaged. The subject site is located in the built-up area of the Blacktown CBD.

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

This Planning Proposal seeks to facilitate Mixed Use development in the Blacktown CBD. It has been prepared according to the vision for the CBD, developed by Blacktown Council. The environmental impacts of any specific development facilitated by this Planning Proposal would be considered pursuant to a development application.

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

An architectural and urban design study was undertaken by Bates Smart Architects. It included an assessment of the impact of a proposed mixed use development on the northern fringe of Alpha Park. It was considered that a 6-8 storey residential development in that location fronting Alpha Street would facilitate activation of the park. WestPoint turns its back on the park with car parking facilities and ground level community facilities with residential development above in this location would increase pedestrian connectivity, provide direct access to the Park from community facilities, and provide passive surveillance of the park and screen the WestPoint Car park. The urban design study is attached to this document at **Attachment 1**.

3.4 Section D – State and Commonwealth interests

Is there adequate public infrastructure for the Planning Proposal?

Blacktown CBD is serviced by the Richmond Railway Line and the Main Western Railway Line and the Northwest transit way. A local bus interchange is located adjoining the Blacktown Station.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

Relevant State and Commonwealth Public Authorities will be consulted in accordance with any Gateway Determination that may be issued by the Department of Planning and Environment.

Is there a net community benefit?

The Planning Proposal will result in a net community benefit as it will encourage mixed use development, servicing the growing population and will promote the activation of a significant area of open space within the Blacktown CBD.

PART 4 – Mapping

Figure 9: Proposed amendments LZN 014

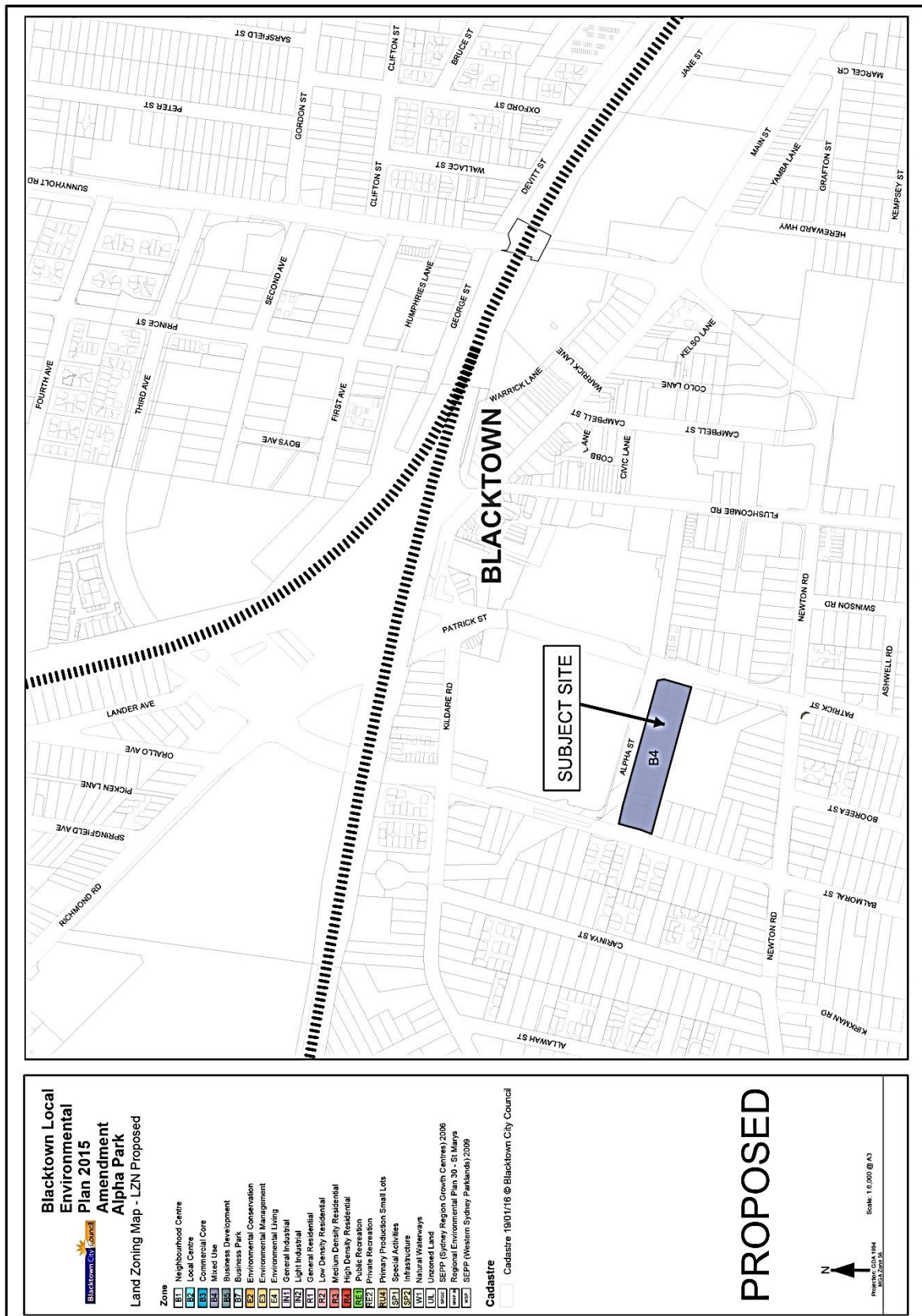


Figure 10: Proposed amendments to HOB 014

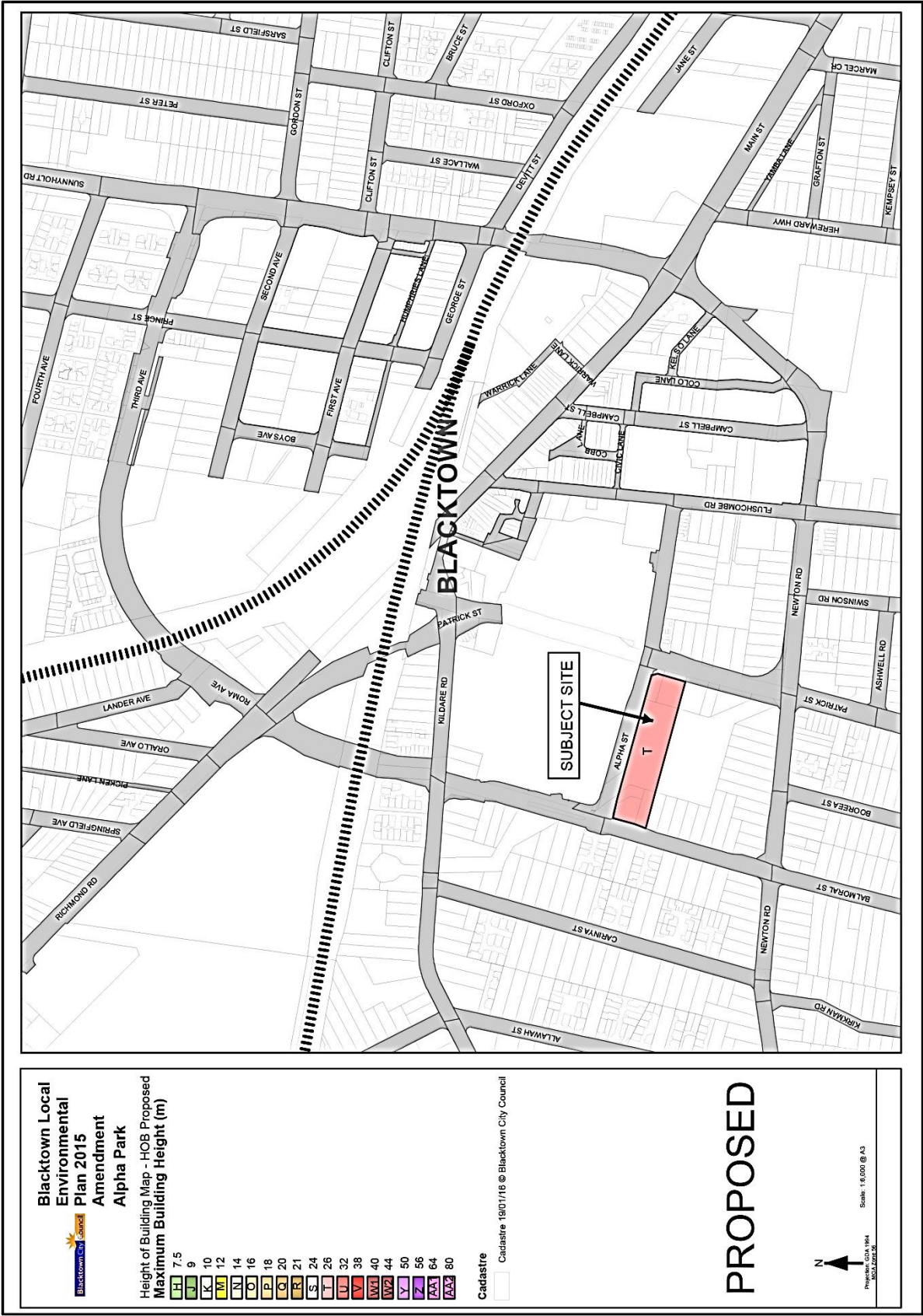
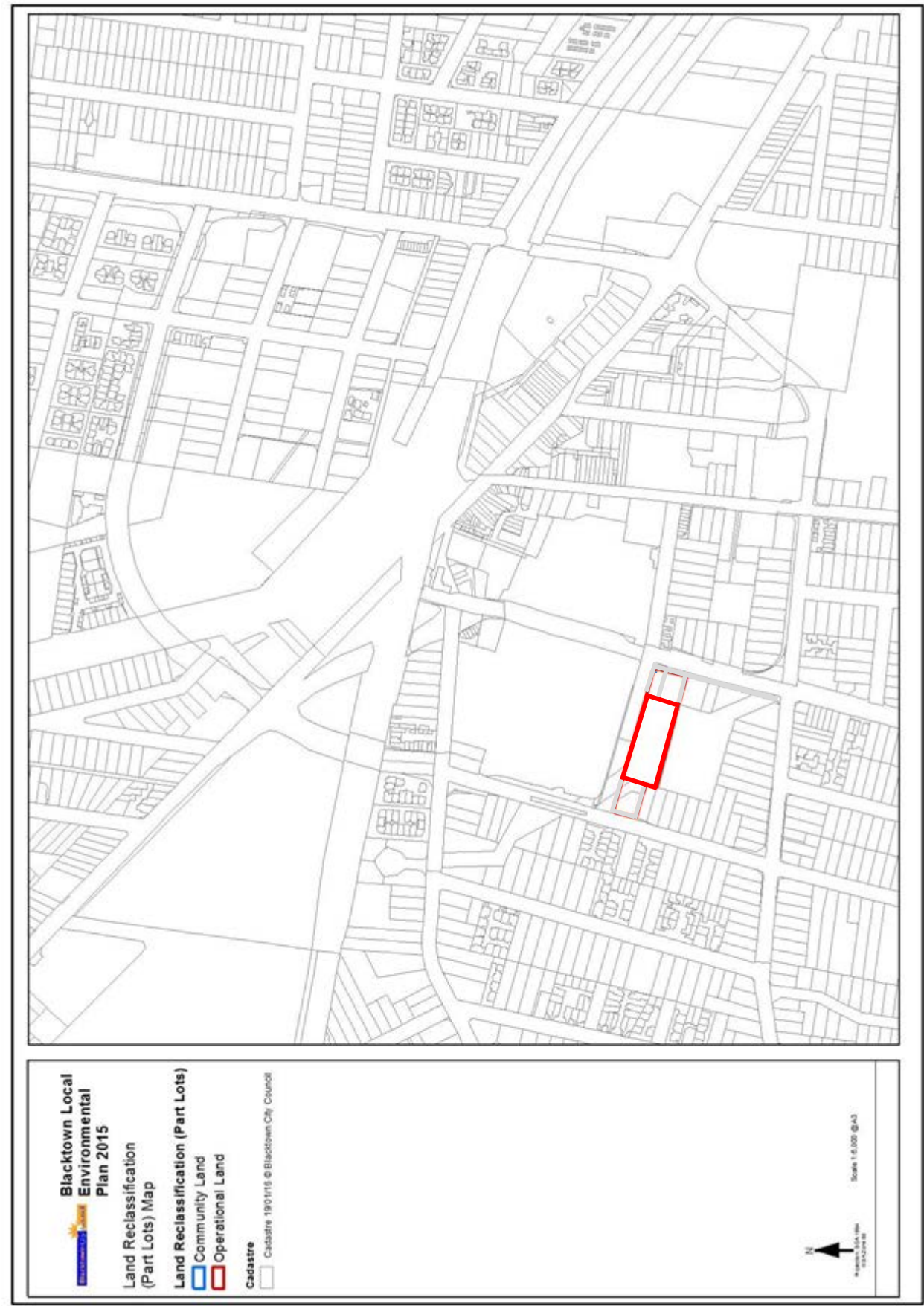


Figure 13: Proposed Land Reclassification (Part Lots) Map RPL 014



PART 5 – Community consultation

Public consultation is to be consistent with Clause 57 of the Environmental Planning and Assessment Act 1979. The scope of public consultation required would be detailed in the Gateway Determination.

PART 6 – Project timeline

Tasks	Timeframe
Gateway Determination	March 2017
Public Authority Consultation	April 2017
Community Consultation/ Public Hearing	April 2017
Update Planning Proposal/report to Council	June 2017
Department review of final Planning Proposal	July 2017

APPENDIX 1 INFORMATION TO RECLASSIFY PUBLIC LAND THOUGH AND LEP

<u>Lot/DP:</u>	<u>Landuse:</u>	<u>Zoning:</u>	<u>Lot/DP When Acquired:</u>	<u>Date of Acquisition:</u>	<u>How Land Acquired:</u>	<u>Transfer:</u>	<u>LD No.:</u>	<u>Trusts/Interests:</u>
11/1060490	Open Carpark	RE1	5/613991	29/06/2001	Negotiations with owner	7742948	LD-05-103	Lease: AK941653
4/613991	Open Carpark	RE1	4/613991	8/01/1981	Dedicated as public reserve on registration of plan	N/A	LD-4190	Lease: AK941653
								RATU: DP 594823 & 613991
105/1059635	Future Public Use	RE1	2/605289	13/11/1979	Dedicated as public reserve on registration of plan	N/A	LD-3979	Notation: AA137159 - Previous Title
106/1059635	Landsaped	RE1	36/12443	2/08/1991	Negotiations with owner	T13874	LD-6927	Notation: AA137159 - Previous Title
	Garden Area							
Part of 1/1063433	L Garden Area	RE1	69/12443	8/09/1926		B405785		Caveat by RG: B405786
	Tennis/Squash Courts							Notation: AA541949 - Previous Title
	Private Child CC							

Lease AK941653

Duration: 5 years

Terminating: 31-May-21

Lessees Responsibilities:

Payment of Outgoings;
Payment of Rent;
Keep premises in a good state;
Environmental Compliance;
WH&S systems;
Maintenance;