

Greater Sydney, Place and Infrastructure

Plan finalisation report

IRF20/556

Local government area: Blacktown

1. NAME OF DRAFT LEP

Blacktown Local Environmental Plan 2015 (Amendment No 10) (draft LEP).

2. SITE DESCRIPTION

The draft LEP applies to the Mount Drutt CBD which is defined by the boundary of Luxford Road, Mount Drutt Hospital, the western boundary of the town centre reserve, Mount Street, North Parade and Carlisle Avenue as shown in Figure 1 (below) and Figure 2 (overleaf).

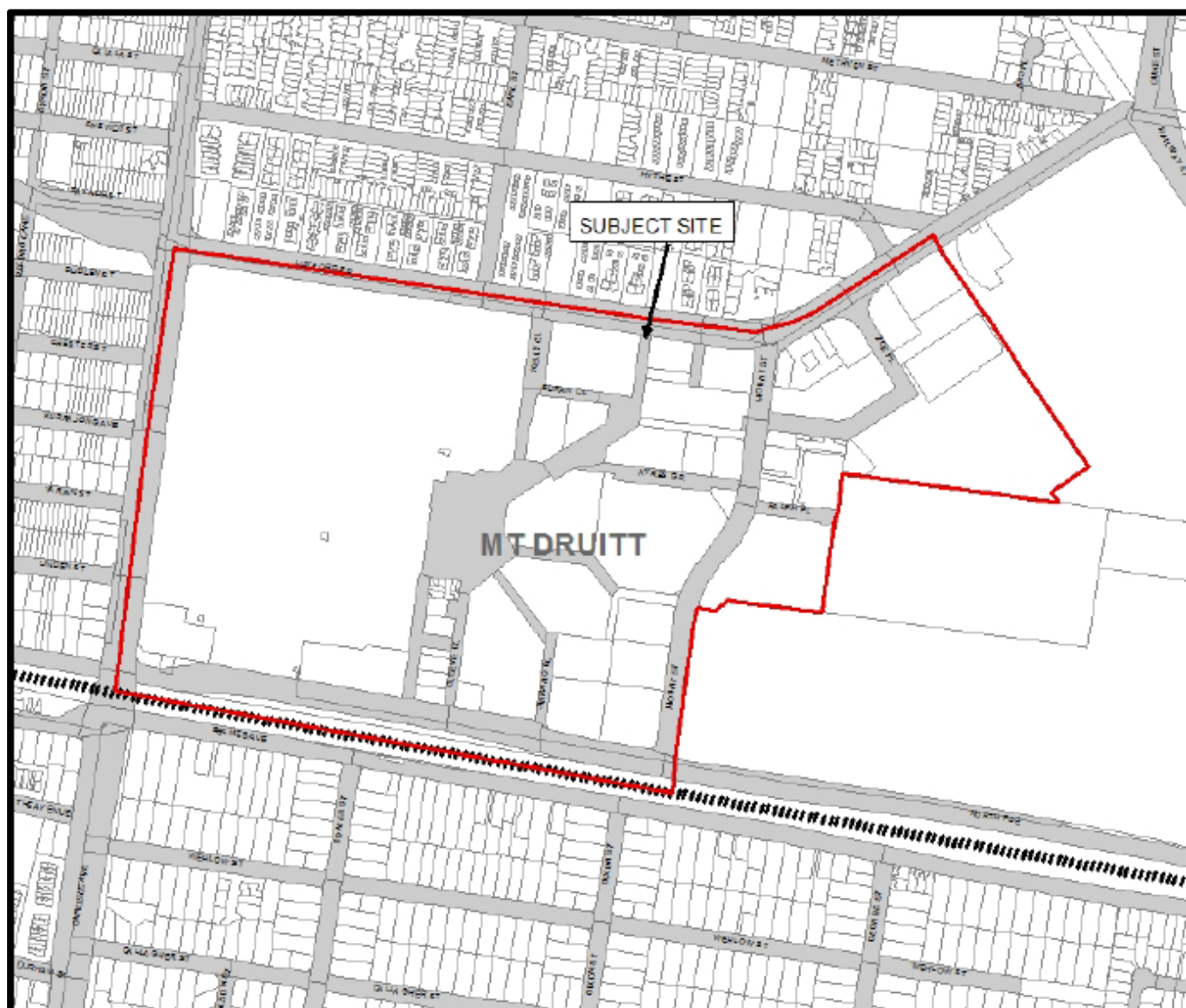


Figure 1 Land applicable to the proposal outlined in Red.

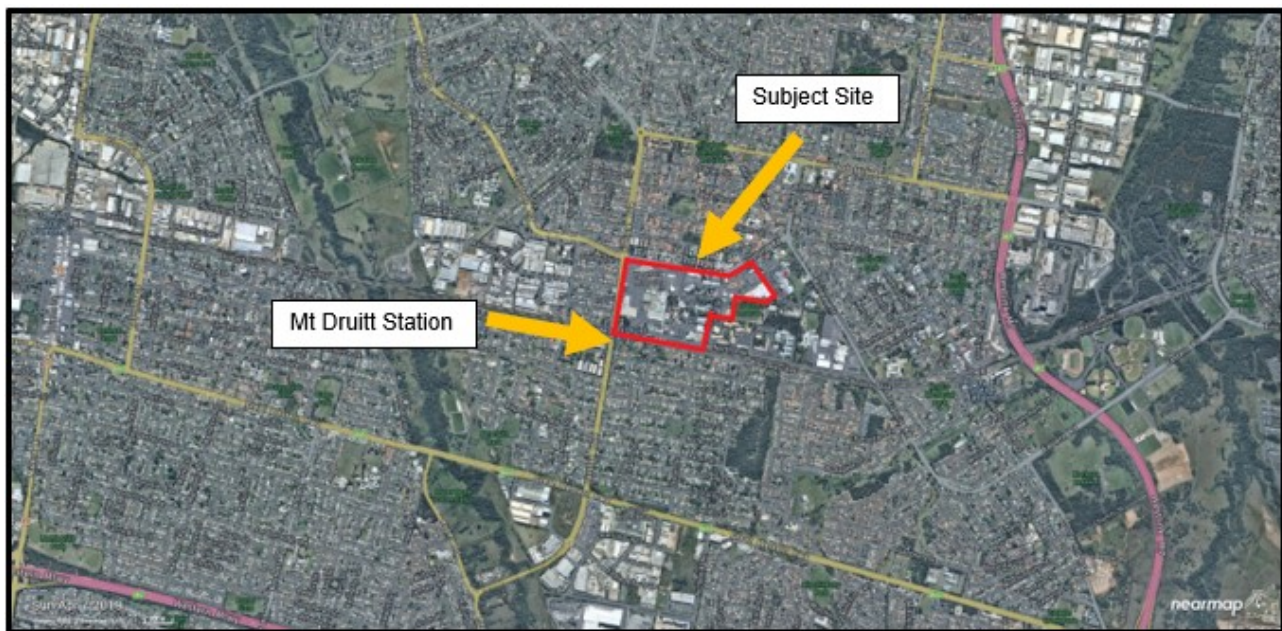


Figure 2 Subject Site and Surrounding Area

3. PURPOSE OF PLAN

The original planning proposal sought to amend both the Blacktown and Mount Druitt CBDs. The finalisation of the Blacktown CBD has been deferred pending the results from further traffic studies and traffic modelling as requested by Transport for New South Wales (TfNSW) (refer to Section 9 of this report for further information).

On 16 August 2019 Council requested the Mount Druitt CBD progress to finalisation (**Attachment F**).

The revised planning proposal (**Attachment A**) aims to activate the Mount Druitt CBD by facilitating a mix of residential, commercial and retail developments. The proposed amendments aim to align CBD planning controls with current market expectations and support opportunities for growth.

The draft LEP proposes the following:

| | Proposed amendment | Objective of proposed amendment |
|---|---|--|
| 1 | Remove the B3 Commercial Core zone within Mt Druitt CBD. | Market feasibility analysis determined that there was no identified opportunity for investment grade office development to warrant the current extent of B3 Commercial Core. |
| 2 | Increase the B4 Mixed Use zone within the Mt Druitt CBD. | Enable shop top housing and new residential, retail and office space as well as active street frontages. |
| 3 | Remove floor space ratio (FSR) controls. | Alleviate conflicts which arise with height of building controls. |
| 4 | Increase the overall building heights in the CBD | Make future developments more viable. |
| 5 | Introduce incentive building heights for key and gateway sites (only if an architectural design competition has been undertaken). | Encourage additional commercial and/or residential development in the Mount Druitt CBD that achieves design excellence through an architectural design competition. |

Specifically, this involves amending Blacktown LEP (2015) as follows:

- amend the Land Zoning Map (LNZ_008) by rezoning land within the Mount Druitt CBD from B3 Commercial Core to B4 Mixed Use;
- amend the Height of Building Map (HOB_008) by increasing the building heights to those shown in Figure 3 (below);

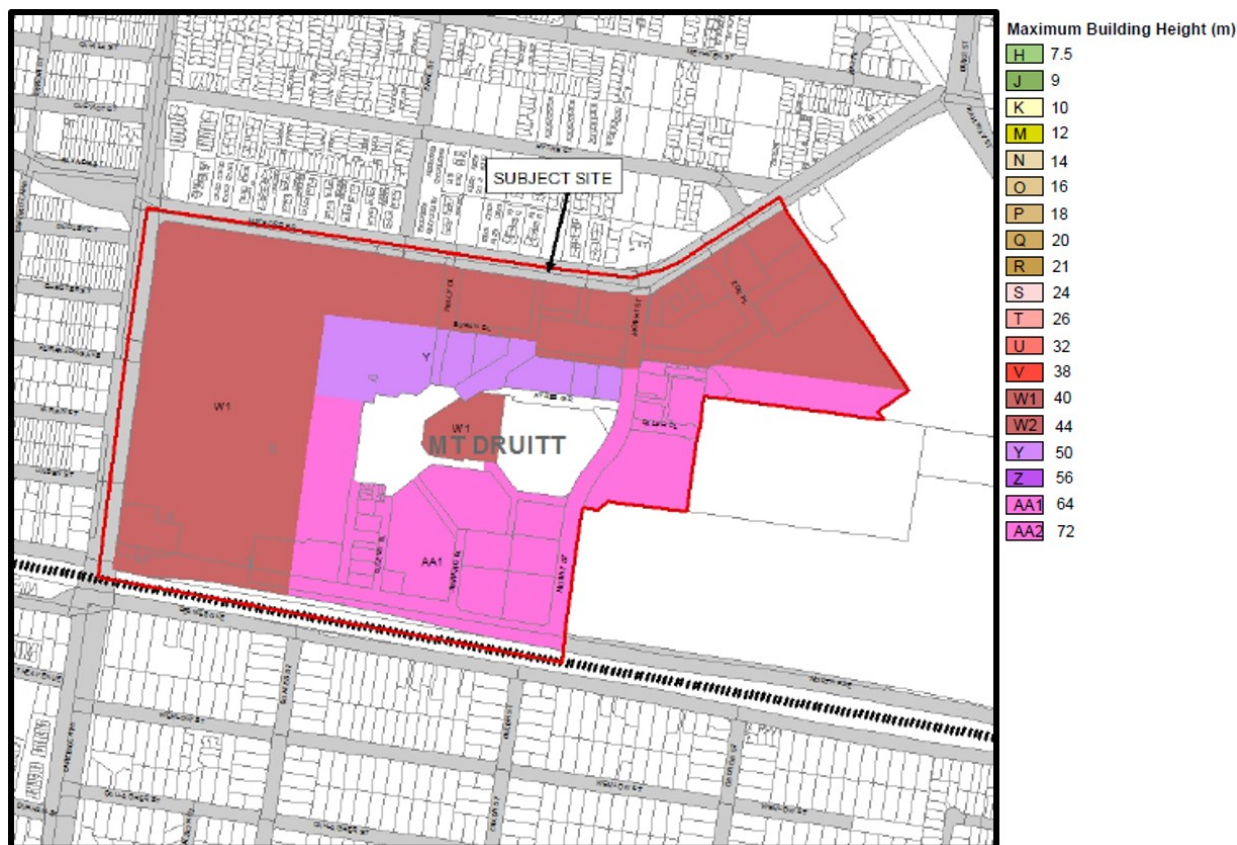


Figure 3 Proposed Height of Building

- amend the Floor Space Ratio (FSR) Map (FSR_008) by removing the FSR controls for the Mount Druitt CBD;
- introduce a new Incentive of Height of Building Map (IHOB_008), see Figure 4 (overleaf) that provides additional building height incentives for when design excellence is achieved through an Architectural Design Competition. This is an additional 16 & 40 metres for nominated Key Sites and Gateway Sites in the Mount Druitt CBD. These include:
 - Lot 100 DP 1036517 located in the corner of Carlisle Avenue and Luxford Road as a Gateway Site;
 - Lot 3 DP 631037 as a Gateway Site;
 - Lot 3 DP 719982 as a Gateway Site; and
 - Lot 13 DP 775622 as a Key Site;

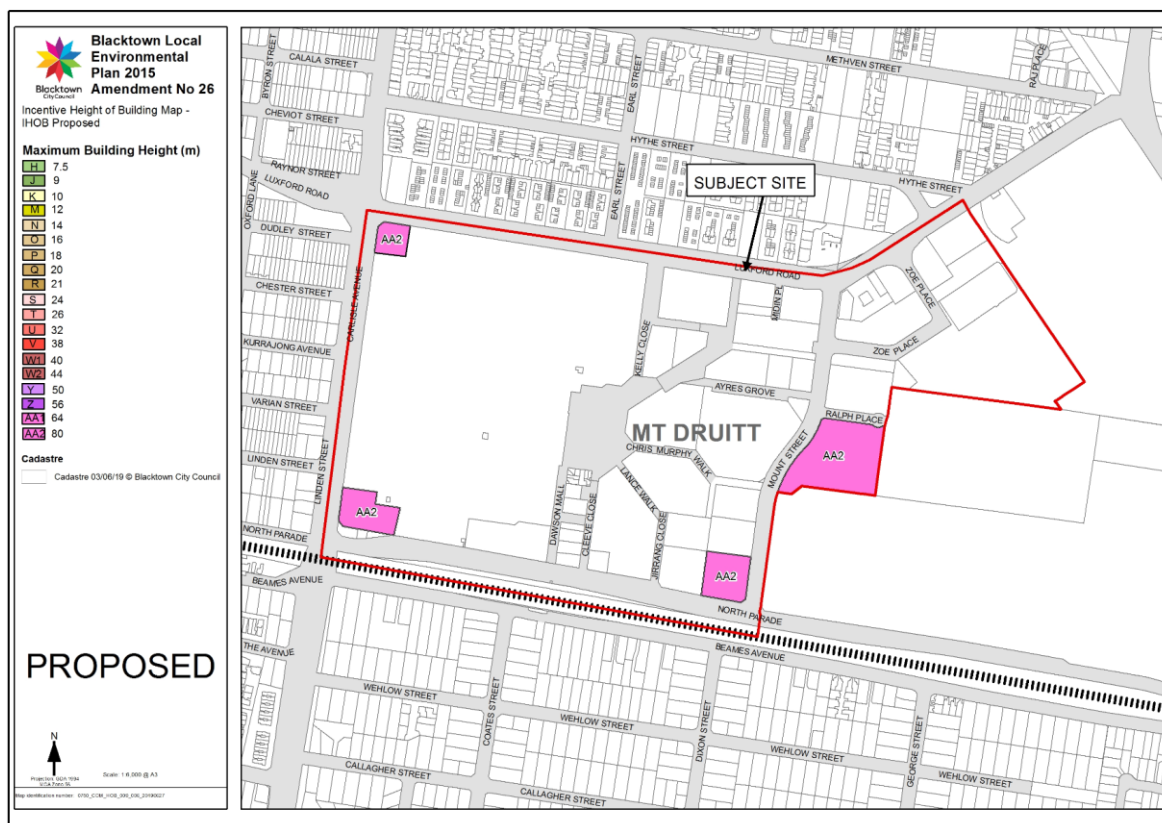


Figure 4 Proposed new Incentive Height of Building Map for Mount Druitt

- introduce a new clause to the following effect:
 - add incentive heights for Key Sites and Gateway Sites in the Mount Druitt CBD that applies to land identified on the Incentive Height of Buildings Map;
 - include the objective of this clause, which is to encourage additional commercial and/or residential development in the Mount Druitt CBD that achieves design excellence through an architectural design competition; and
 - include conditions which are that the consent authority may approve development that achieves the maximum height of buildings nominated on the Mount Druitt Incentive Height of Building Map, if an architectural design competition has been held to the satisfaction of Council in relation to the proposed development.

4. STATE ELECTORATE AND LOCAL MEMBER

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

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

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

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required.

5. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 12 April 2017 (**Attachment B**) determined that the proposal should proceed subject to conditions. The Gateway determination conditions required Council to include additional information into the planning proposal prior to public exhibition such as the capacity of community infrastructure for the proposed growth including the impact on the following:

- parks and public spaces;
- community buildings including local schools and childcare;
- car parking, pedestrian links and cycleway; and
- local road networks and railway stations.

Council noted in the addendum of the planning proposal that the existing community infrastructure has the capacity and/or the ability to service the increasing population resulting from this proposal.

Council also advised it will notify Education after the making of this plan when the market responds to discuss student capacity and future needs to ensure the Mount Druitt CBD is adequately serviced.

The additional information provided is considered to adequately address the condition.

The following alterations to the Gateway determination have been granted as shown in the table below.

| Date | Reason for alteration |
|--------------|---|
| 1 May 2018 | Extension until 19 October 2018 (Attachment C1). |
| 28 June 2018 | Alteration to add an additional permitted use of 'car park' at 81-97 Main Street (Lots 25 and 3-5A DP 11349, and Lots 1-3 DP 202276) for the purposes of an underground carpark (Attachment C2). |

The Department received the request by Council to finalise the planning proposal after the due date. The Department is now satisfied that Council has met the conditions of the Gateway determination and the planning proposal is adequate for finalisation.

6. PUBLIC EXHIBITION

In accordance with the Gateway determination, the planning proposal was publicly exhibited by Council from 16 August 2017 to 28 September 2017.

One public submission was received during the exhibition period referring to the Mount Druitt CBD. This submission expressed concern that replacing Commercial Core zoning with Mixed Use zoning would lead to less businesses and employment in the Mount Druitt CBD and create traffic and parking issues.

Council considered that there will not necessarily be a loss of commercial floor space as residential development is only permissible in the form of shop top housing and Mixed-Use zoning permits commercial premises. It is furthermore deemed that proximity to the station would mean that parking demand will be low.

One more public submission was received post exhibition from a planning consultancy which supported the introduction of architectural design competitions and bonus height for key sites.

7. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult with the following authorities in accordance with the Gateway determination (**Attachment B**) – Energy Australia; Transport for NSW – Sydney Trains & former Roads and Maritime Services; Office of Environment and Heritage; Sydney Water; and Telstra.

Council only received submissions from three State agency, and the following comments were made:

Endeavour Energy

Endeavour Energy advised that there is enough capacity from existing substations to supply short to medium term growth in the CBD. No further action was required or taken.

Sydney Water

Sydney Water requested further information on the potential demand in the CBD in order to determine whether there is capacity.

Council have provided Sydney Water with further details on projected growth to assist in its preparation of a detailed servicing strategy for the CBD. Council state that the fragmented nature of land ownership and fine grain subdivision pattern make it unlikely that full capacity will be achieved within the masterplan timeframe of up to 2036.

Transport for NSW – Roads and Maritime Services

On 17 October 2017, TfNSW (**Attachment G**) requested that Council undertake additional traffic and transport modelling to assess the impact of the proposal on both CBDs. Council officers subsequently met and discussed with TfNSW the scope of works that were required in order to progress the planning proposal. It was agreed that the scope would only need to focus on the Blacktown CBD on the basis that the planning controls for the Mt Druitt CBD prompted local improvements only.

As identified in the planning proposal, Council advised future upgrades to the Mount Druitt local road network will be sufficient to support the density anticipated for the CBD (discussed further in Section 9 of this report).

Council has commenced additional traffic modelling for the Blacktown CBD and there are ongoing discussions between the Department and TfNSW regarding the Blacktown CBD. As this work does not affect the Mt Druitt CBD then the proposal can be finalised.

8. POST-EXHIBITION CHANGES

No post-exhibition changes in response to submissions were made to the Mount Druitt CBD.

As noted previously, the Blacktown CBD amendment has been deferred from the LEP amendment and will be finalised separately pending further information on traffic impacts. Once sufficient additional information is available DPIE have requested that Council progress the Blacktown CBD amendment to the Department for finalisation

9. ASSESSMENT

The planning proposal seeks to promote mixed use development (in the form of commercial premises and shop top housing) within the Mount Druitt CBD. This will provide additional housing and a mix of apartment types, new retail and support office space opportunities, and activate street frontages. The proposal was deemed by the Gateway Determination to have strategic merit. It was also deemed to have no environmental impacts and considerable positive social and economic impacts.

The Market Appraisal and Economic Feasibility Study by JLL identified that historically there has been minimal uptake for B3 Commercial Core and very little opportunity for investment grade office development in the Mount Druitt CBD. It is for this reason the planning proposal seeks to rezone land from B3 Commercial Core to B4 Mixed Use. The B4 Mixed Use zone is considered the most appropriate zone to achieve Council's vision for the Mount Druitt CBD.

Traffic and Transport

Council state the traffic modelling undertaken in 2012 to support the master planning of the Mount Druitt CBD identified that there is significant spare traffic capacity currently available on the existing road network. The traffic model highlighted significant future daily traffic increases on most of the streets that would require road widening to increase the capacity of these roads. The following roads were identified by Council for future road widening:

- Carlisle Avenue from Woodstock Avenue to Great Western Highway widening to 6-8 lanes;
- Carlisle Avenue Overbridge Road widening to 8 lanes;
- Woodstock Avenue Road Widening from Carlisle Avenue to M7 widening to 6 lanes;
- Rupertswood Road widening to 4 lanes; and
- Kimberley Street widening to 4 lanes.

No specific traffic or transport concerns for the Mount Druitt CBD were identified by Transport for NSW – RMS in its submission.

9.1 Section 9.1 Directions

The Mount Druitt planning proposal is consistent with all relevant section 9.1 Directions.

9.2 State environmental planning policies

The planning proposal is consistent with all relevant SEPPs.

9.3 State, regional and district plans

The planning proposal is consistent with the Central City District Plan as it responds to the following priorities.

Priority 1 Planning for a city supported by infrastructure

Priority 1 aims to ensure infrastructure provision aligns with forecast growth and adapts to future needs. The planning proposal aims to ensure the sustainable growth of Mount Druitt CBD, which is an identified Strategic Centre, leveraging Mount Druitt Station.

Priority 4 Fostering healthy, creative, culturally rich and socially connected communities

Priority 4 aims to foster healthy, resilient and socially connected communities with diverse neighbourhoods through promotive active lifestyles and the arts. The planning proposal seeks to increase B4 mixed use zone ensuring business, retail and cultural uses are accommodated in the Mount Druitt CBD and plans to maintain public recreation areas to support healthy lifestyles. The planning proposal is considered consistent with Priority 4 for this reason.

Priority 5 Providing housing supply, choice and affordability, with access to jobs and services

Priority 5 aims to provide greater housing supply and diversity and affordability through well designed, well located housing and a variety of housing stock to suit all stages of life. The planning proposal seeks to increase housing supply close to jobs, services and public

transport and believes an increase in housing supply will aid housing affordability. The planning proposal is considered consistent with Priority 5 for this reason.

Priority 9 Delivering integrated land use and transport planning and a 30-minute city

Priority 9 aims to both create efficient freight and logistics networks and capitalise on integrated land use and transport to plan towards maximum 30-minute commute times. Mount Druitt is within 22 minutes by train to Parramatta CBD. The planning proposal is considered consistent with Priority 9 for this reason.

Priority 10 Growing investment, business opportunities and jobs in strategic centres

Priority 10 aims to create competitive centres with a diversity of jobs, goods and services and prioritise for growing centres with retail floor space capacity. The planning proposal aims to create a vibrant Mount Druitt CBD with opportunities for business and jobs which matches market feasibility analysis. The planning proposal is considered consistent with priority 10 for this reason.

The Mt Druitt CBD planning proposal provides an opportunity for additional housing and employment including the potential to provide an additional 2,800 dwellings and 15,100 jobs above what is provided by existing controls.

The Department is satisfied that the proposal gives effect to the Central City District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

10. MAPPING

The following maps are associated with the LEP amendment:

- Land Zoning – LZN_008;
- Height of Building – HOB_008;
- Floor Space Ratio – FSR_008; and
- Incentive Height of Building – IHOB_008.

The maps (**Attachment Maps**) and map cover sheet (**Attachment MCS**) have been checked by the Department's ePlanning Team and sent to Parliamentary Counsel.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment D**). Council confirmed on 3 April 2020 that it agreed with the draft and that the plan should be made (**Attachment E**).

12. PARLIAMENTARY COUNSEL OPINION

On 31 March 2020 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

13. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act as it will provide additional housing, new retail and office space opportunities, and activate street frontages. The amendment has the potential to provide an additional 2,800 dwellings and 15,100 jobs above what is provided by existing controls in the Mount Druitt CBD.



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