



Proposed Amendment No. 3: Rezoning and reclassification of certain small reserves

Planning Proposal to amend *Blacktown Local Environmental Plan 2015*

Prepared by Blacktown City Council

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Introduction

At its Ordinary Meeting on 27 March 2013 Council resolved to undertake a comprehensive review of 152 very small sized reserves located across the Blacktown local government area. The purpose of the review was to implement an action from Council's Recreation and Open Space Strategy to 'Assess the provision of local parks less than 0.15 hectares and review the capacity for development in line with community need.'

As part of the review a series of meetings were held with Ward Councillors in 2014 and 2015, and a community consultation was conducted between March and April 2015. The final list of reserves proposed to be rezoned and reclassified was decided by the Councillors based on the outcome of the meetings and the community consultation.

At its Ordinary Meeting of 18 November 2015, Council resolved to prepare a planning proposal to rezone and reclassify 24 reserves owned by Council (Appendix E).

In response to community opposition, 1 reserve (Reserve 444, Horwood Place, Kings Langley) was removed from the planning proposal by Council resolution at its Ordinary Meeting on 13 April 2016.

This planning proposal applies to 23 Council owned reserves.

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of the planning proposal is to rezone and reclassify surplus Council land to enable it to be sold and developed. All the sites are very small sized reserves, which do not provide community benefit in the form of recreation space or open space.

The intended outcome of the planning proposal is to:

- (a) Redistribute funds from the sale of the underutilised reserves to better support Council's strategy to provide superior district level open spaces for the community
- (b) Reduce ongoing maintenance liabilities for small reserves
- (c) Improve safety and minimise potential for anti-social behaviour
- (d) Unlock the potential of underutilised Council land.

PART 2 EXPLANATION OF PROVISIONS

This planning proposal applies to 23 Council owned reserves. Currently under *Blacktown Local Environmental Plan (BLEP) 2015*, 20 of the identified reserves are zoned RE1 Public Recreation and 3 are zoned R2 Low Density Residential. All the sites are classified as 'community land' in accordance with the *Local Government Act 1993*.

The intended outcome will be achieved by rezoning and reclassifying land which has been identified as no longer providing significant community benefit.

This planning proposal is seeking to rezone the 20 sites currently zoned RE1 Public Recreation to match the zone of the surrounding area. In this regard, 16 reserves will be rezoned to R2 Low Density Residential, 3 reserves will be rezoned to B1 Neighbourhood Centre, and 1 reserve will be rezoned to R3 Medium Density Residential.

This Planning Proposal also seeks to reclassify all 23 reserves from 'community' to 'operational' and remove any implied trusts on the basis that the land will no longer be used for public recreation purposes. The land will be identified in Part 2 of Schedule 4 of BLEP 2015 to reflect the reclassification and removal of the implied trusts (Appendix B).

The location of each reserve and proposed amendment to BLEP 2015 is provided in Appendix A.

PART 3 JUSTIFICATION

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

Yes. The Planning Proposal was prepared in response to the *Blacktown Recreation and Open Space Strategy*, which was endorsed by Council in April 2009. Page 24 of the Strategy identified the need to carry out of review of small reserves across the City:

“Council has demonstrated its commitment to enhancing the quality of parks through its Open Space Maintenance Strategy. To continue this enhancement work, it is important to review the provision of parks and consider initial assessment of small parks less than 0.15ha to further assess their development potential”.

At its Ordinary Meeting on 27 March 2013, Council resolved to undertake a comprehensive review of 152 small reserves located across the Blacktown local government area. The purpose of the review was to implement an action from Council’s Recreation and Open Space Strategy to ‘Assess the provision of local parks less than 0.15 hectares and review the capacity for development in line with community need.’

As part of the review, a series of meetings were held with Ward Councillors in 2014 and 2015, and a community consultation was conducted between March and April 2015. The final list of reserves to be rezoned and reclassified was decided by the Councillors based on the outcome of the meetings and the community consultation.

While the Planning Proposal seeks to reclassify and rezone 23 small Council-owned reserves across the City for their eventual sale, this is unlikely to impact on the community in terms of the reduction or loss of public open space. The recent review of small reserves found that, given their size and location, the subject parcels of land do not function well as public open space and therefore, do not provide significant public benefit.

Reclassifying and rezoning these lands would enable Council to free up the lands for more appropriate purposes such as residential or business. Council intends to use the funds from the sale of the lands for maintaining and improving the quality of other parks across the City that are better located to serve the community’s needs. As per Page 24 of the *Blacktown Recreation and Open Space Strategy*, Council seeks to:

- *Continue to maintain and improve the quality of existing city-wide parks, including engaging management partners in establishing ongoing development programs in key non Council parks, such as Rouse Hill Regional Park and the picnic areas around Prospect Reservoir*

- *Continue to improve, on an ongoing basis, the quality of city-wide parks, whilst reflecting the hierarchical framework; e.g., Blacktown Showground and Francis Park*
- *Investigate additional city-wide parks along open space corridors and in other key locations with diverse settings which will link to linear paths; e.g., Whalan and Tregear Reserves.*

Council at its Ordinary Meeting of 18 November 2015 resolved to prepare a planning proposal to submit to the NSW Department of Planning and Environment seeking to rezone and reclassify 24 reserves owned by Council (Appendix E).

However, in response to community opposition, Reserve 444 Horwood Place, Kings Langley was removed from the planning proposal by Council resolution at its Ordinary Meeting on 13 April 2016. Consequently, this planning proposal applies to 23 Council owned reserves.

Table 1. Summary of Small Reserves Review for subject sites

Reserve No.	Summary of review findings
134	• Vacant site, no play equipment • Poor surveillance due to narrow street frontage • Not part of the wider pedestrian network • Close proximity to district level reserve 'Lynwood Park'.
230	• Vacant irregular shaped site, no play equipment • Close proximity to district level reserve 'Morgan Power Reserve'. 'Gala Reserve' and 'Kingsford Reserve' are also nearby.
377	• Narrow vacant site, no play equipment • Footpath is only a minor part of the local pedestrian network • Not part of wider pedestrian network • Close proximity to district level reserve 'Pearce Reserve'. 'Troubador Reserve' is also nearby.
114	• Vacant site, no play equipment • Not part of the wider pedestrian network • Reserve 115 and district level reserve 'Ashley Brown Reserve' are nearby.
318	• Vacant site, no play equipment • Narrow strip of land along laneway behind existing commercial premises • Unsuitable for use as public outdoor recreation space • Land is part of laneway verge and has a footpath linked to the local pedestrian network
563	• Vacant site, no play equipment • Small narrow strip of land on Prospect Highway at intersection with Station Road and Johnson Avenue • Unsuitable for use as public outdoor recreation space

	• Current land zoning R2 Low Density Residential.
564	• Vacant site, no play equipment • Small narrow strip of land on Prospect Highway • Unsuitable for use as public outdoor recreation space • Current land zoning R2 Low Density Residential.
68	• No play equipment • Laneway linkage forms part of wider pedestrian network and is to be retained. • Close proximity to larger district level reserves 'Chifley Reserve' and 'Wheeler Reserve'
69	• No play equipment • Laneway linkage forms part of wider pedestrian network and is to be retained. • Close proximity to larger district level reserves 'Chifley Reserve' and 'Wheeler Reserve'
181	• Vacant irregular shaped site, no play equipment • Not part of wider pedestrian network • Close proximity to larger district level reserves 'Grantham Heritage Park' and 'Orana Reserve'.
537	• Site adjoins existing neighbourhood commercial centre. • Eastern part of the site occupied by electrical infrastructure • Close proximity to Tallawong Oval.
105	• Irregular shaped site adjoining existing neighbourhood commercial centre • Not part of wider pedestrian network • Close proximity to 'Brewongle Walkway' which provides open space and recreation space.
40	• Irregular shaped site adjoining existing neighbourhood commercial centre • No play equipment • Not part of wider pedestrian network • Close proximity to Reserve 39 and to 'Brewongle Walkway' which provide open space and recreation space.
159	• Irregular shaped site located within a cul-de-sac • Not part of wider pedestrian network • Close proximity to larger district level reserve 'Captain Cook Memorial Park'.
237	• Vacant land, no equipment • Small lot in Palmer Place cul-de-sac • Unsuitable for use as public outdoor recreation space.
452	• Corner lot, no play equipment • Not part of wider pedestrian network • Close proximity to larger district level reserve 'Bill Colbourne Reserve'.
455	• Corner lot, no play equipment • Not part of wider pedestrian network

	• Close proximity to larger district level reserve 'Bill Colbourne Reserve'.
488	• Vacant land, no play equipment • Not part of wider pedestrian network • Site adjoins Reserve 431, which is a well utilised area of public outdoor recreation space • Close proximity to larger district level reserve 'Peter Van Hasselt Park'.
631	• Forms minor part of local pedestrian network • Opposite district level reserve 'Dorne Park' which is a well utilised area of public outdoor recreation space.
698	• Vacant site, no play equipment • Not currently used for recreational purposes • Close proximity to larger district level reserve 634.
866	• Not part of wider pedestrian network • Close proximity to larger district level reserves 'Reserve 342' and 'Zeldaline Gardens' • Current land zoning R2 Low Density Residential.
402	• Irregular shaped site adjoining the Carlisle Avenue access to Reserve 636 and Reserve 362 • Not part of wider pedestrian network • Adjoins district level reserves 'Cluney Reserve' and 'Casey Reserve'.
674	• Long Narrow site behind existing neighbourhood commercial centre • Not part of wider pedestrian network • Unsuitable for use as public outdoor recreation space • Close proximity to district level reserves 'Hannah Reserve' and 'Mittigar Reserve'.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. Council is seeking to sell surplus land and allow it to be developed for private purposes. Currently the land is zoned for public recreation and is classified as 'community land'.

- 'Community Land' cannot be sold or developed for non-community uses. No such restrictions apply to 'Operational Land'. Consequently, the land must be reclassified to permit its sale and development.
- The land will no longer be used for Public Recreation purposes when sold. Therefore it is considered reasonable to rezone the land suitable to facilitate its sale and development.

The planning proposal is the best means of achieving the objectives and intended outcomes as the Gateway Process is how the LEP is amended to rezone and reclassify land.

Section B – Relationship to strategic planning framework

3. 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)?

Yes. A 'Plan for Growing Sydney', released in December 2014, is the NSW Government's plan for the future of the Sydney Metropolitan Area over the next 20 years. The Plan provides key directions and actions to guide Sydney's productivity, environmental management and liveability – including the delivery of housing, employment, infrastructure and open space.

To achieve the Government's vision for a strong global city that is a great place to live, the Plan has 4 goals for Sydney:

- A competitive economy with world-class services and transport
- A city of housing choice with homes that meet our needs and lifestyles
- A great place to live with communities that are strong, healthy and well connected
- A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The proposal is consistent with the goals of the Plan in that the rezoning and reclassification of the land will provide more residential and commercial land to meet community needs. The funds from the sale will be dedicated to providing better recreation facilities for community use. As the land has no biodiversity value and has been previously disturbed by human activities, the planning proposal is considered to reflect a balanced approach to the use of land and resources in accordance with Council's strategies for managing public land. Table 2 addresses consistency with the Directions that are relevant to the planning proposal.

Table 2. Consistency with State and Subregional plans

Strategy/Plan	Goals	Directions	Consistent
A Plan for Growing Sydney	GOAL 2: A city of housing choice, with homes that meet our needs and lifestyles	Direction 2.1: Accelerate housing supply across Sydney	The planning proposal seeks to rezone and reclassify surplus Council land to enable development. The proposal is consistent with this direction.

	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	The proposal applies to very small reserves that have no biodiversity value and that have been previously disturbed by human activities. The planning proposal is not inconsistent with this direction.
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4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Yes. The planning proposal is consistent with all relevant local strategies including:

(a) Blacktown Planning Strategy 2036

The planning proposal is consistent with this strategy by:

- Providing funds for embellishing other parks and reserves within the LGA and facilitating the adequate supply of good quality open space
- Identifying additional suitable locations that have the potential to accommodate additional housing supply in areas close to open spaces or centres
- Promoting employment growth within the LGA by increasing the supply of land in centres and employment areas.

(b) Blacktown Housing Strategy 2036

The planning proposal is consistent with this strategy as it increases the supply of residential land in close proximity to centres and key open space and recreation areas.

(c) Blacktown Open Space and Recreational Strategy

The Blacktown Open Space and Recreational Strategy adopted by Council in April 2009, identifies that there are a number of very small parks that provide limited community open space benefit and identifies Action 2.14: 'Assess the provision of local parks less than 0.15ha and review the capacity for development in line with community need.'

The reserves subject to the planning proposal were identified by the review of small reserves which was undertaken to implement Action 2.14 of this strategy. The planning proposal is consistent with this strategy.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with all relevant State Environmental Planning Policies. Appendix C contains a table which outlines the relevant State Environmental Planning Policies.

The following SEPPs are considered to be relevant to the planning proposal:

(a) SEPP No 19 — Bushland in Urban Areas

The policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

The planning proposal seeks to rezone a number of small parks, which have no biodiversity value and provide limited aesthetic, recreational and community open space benefit. The proposal is consistent with this policy.

(b) SEPP 32 — Urban Consolidation (Redevelopment of Urban Land)

This Policy aims to promote development of unused urban land for multi-unit housing and related development near public transport and employment hubs.

The SEPP sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan to make particular sites available for consolidated urban redevelopment.

The subject sites are not located in any urban renewal precincts. The subject sites are small lots located in low density residential and commercial areas which are not suitable for multi-dwelling housing.

The proposal is consistent with this policy.

(c) State Environmental Planning Policy No 55 — Remediation of Land

The objective of this Policy is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.

The subject sites are surplus vacant Council owned land previously used for public recreation. A search has found no record of contamination on the land or of development specified in managing contaminated land planning guidelines.

The proposal is consistent with this policy.

6. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Yes. The planning proposal is consistent with all relevant s.117 Ministerial Directions. Appendix D contains a table which outlines the relevant directions and how the planning proposal is consistent with them.

The following directions are considered to be relevant to the planning proposal:

(a) 2.1 Environment Protection Zones

The subject reserves are not considered environmentally sensitive areas. The proposal does not have any adverse impact on the environment and is consistent with this direction.

(b) 3.1 Residential Zones

The subject sites are located within established residential areas, and several are located adjacent to small neighbourhood commercial centres. The planning proposal will rezone and reclassify the subject reserves consistent with the surrounding zones.

The planning proposal will facilitate the sale of these underutilised sites which will allow the land be developed for more appropriate uses which support the residential surrounding area. All funds from the sale of the land will be dedicated to improving other more utilised district level parks for community use.

The rezoning and reclassification of the land will provide land to meet community need for additional residential land and will free funds to improve community access to high quality outdoor recreation space.

The proposal is generally consistent with this direction.

(c) 3.3 Home Occupations

Home occupations are permissible in all residential zones under BLEP 2015. The majority of the subject land is proposed to be rezoned for residential development. The proposal is consistent with this direction.

(d) 3.4 Integrating Land Use and Transport

The planning proposal applies to very small sites which are mainly located in established residential areas. The proposal will not create a need for further infrastructure facilities and is consistent with this direction.

(e) 6.1 Approval and Referral Requirements

The planning proposal does not propose any provisions that would require certification from the Director-General of Planning. The proposal is consistent with this direction.

(f) 6.2 Reserving Land for Public Purposes

The planning proposal will remove the existing zoning of the land for public purposes and reclassify the land from 'community land' to 'operational land'.

A Council review found that the subject sites do not provide any benefit to the community as their small size makes them unsuitable for use as public outdoor recreation space (refer Table 1).

The rezoning and reclassification will enable the land to be sold and the funds to be used to significantly improve other better utilised major parks across Blacktown City consistent with Council's Recreation and Open Space Strategy and Reserve Masterplans (see Appendix F).

The proposal is generally consistent with this direction.

(g) 6.3 Site Specific Provisions

The planning proposal does not contain any unnecessarily restrictive site specific planning controls and will free the development potential of underutilised land. The proposal is consistent with this direction.

(h) 7.1 Implementation of A Plan for Growing Sydney

Pursuant to Section 51 of Schedule 7 of the *Environmental Planning and Assessment Regulation 2000* this direction no longer has effect. Please see Section B regarding consistency with 'A Plan for Growing Sydney'.

Section C – Environmental, social and economic impact

- 7. Is there a likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. The subject reserves do not contain critical habitat or threatened species, populations or ecological communities or their habitats.

- 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No. There are no other likely environmental impacts likely to arise from the proposal.

9. How has the planning proposal adequately addressed any social and economic effects?

The aim of the planning proposal is to allow the sale and development of small unused reserves which have no biodiversity, aesthetic or recreation value and impose maintenance expenses on Council.

After rezoning and reclassification, the land can be sold by Council and be better utilised by the future owners for commercial or residential land uses, and in doing so cater to the community's need for such uses.

Any funds generated by the sale of the subject reserves will be directed to implementing Council's Recreation and Open Space Strategy by improving district level parks and other community facilities in Blacktown City.

Council has developed several detailed masterplans for district level reserves such as Endeavour Park and Grantham Park (see Appendix F) to ensure the efficient improvement of these important community assets for the benefit of the public.

The sale of the land will also enable Council to rationalise its current maintenance costs and more efficiently direct resources towards maintaining high quality recreation spaces that provide a greater public benefit.

Utilising the land for more suitable land uses and improving other open spaces will result in positive social and economic outcomes for the community.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. There is adequate public infrastructure for the Planning proposal.

The 23 reserves are located within established areas of Blacktown City that have access to suitable infrastructure services. The development that may occur on the subject sites is unlikely to be large scale as the sites are very small in area. Additionally, the subject sites are well distributed across the City and are unlikely to result in concentrated demand on existing infrastructure.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with other public authorities has not occurred at this stage. The relevant public authorities will be consulted once the Gateway determination has been issued and approval granted to proceed with the planning proposal.

PART 4 MAPPING

The planning proposal proposes amendments to relevant BLEP 2015 maps including the:

- Land Zoning Map
- Lot Size Map
- Height of Building Map

Final maps will be consistent with the Department of Planning and Environment mapping requirements.

Appendix A contains relevant current and proposed maps for each of the reserves.

PART 5 COMMUNITY CONSULTATION

Community consultation will be carried out in accordance with the Gateway Determination and the Department of Planning and Environment's 'Guide to Preparing Local Environmental Plans'.

As the planning proposal will reclassify the 23 of the reserves from 'community land' to 'operational land' a public hearing will be held after the public exhibition in accordance with S57(6) of the *Environmental Planning and Assessment Act 1979* and Section 29 of the *Local Government Act 1993*.

PART 6 PROJECT TIMELINE

Stage	Estimated timing
Commencement date	November 2016
Completion of required technical information	January 2017
Government agency consultation	January 2017
Commencement and completion dates for public exhibition period	February - March 2017
Public hearing	April 2017
Consideration of submissions	May 2017
Report to Council	June 2017
Submission to the department to finalise the LEP	July 2017