

Attachment 1

Council's response to request for additional information

Item 1

Are the proposed rezonings/reclassifications supported by or consistent with any strategic study, plan of management or other reports in terms of impacts on reduction or loss of local open space to the community?

Response:

Yes. The Planning Proposal is part of our implementation of Council's adopted Blacktown Recreation and Open Space Strategy (ROSS), which is provided at **Attachment 2**.

Council decision to review small reserves

In April 2009, Council adopted the ROSS as its plan to improve and expand public open spaces across the City to meet rapidly growing sporting demands. The ROSS identified that there are a number of very small parks that provide limited community open space benefit. Action 2.1.4 of the ROSS required that Council:

"Assess the provision of local parks less than 0.15 ha and review the capacity for development in line with community need".

Details of the review process

The review commenced in April 2013 and started with 152 reserves.

Council worked in close consultation with local communities to carefully consider whether each reserve is valued and utilised by people living within close proximity, and which reserves should be:

- Retained as is
- Retained and expanded
- Partially rezoned
- Fully rezoned.

Council intends to dispose of the 23 reserves identified by the review as being underutilised and not serving the public interest, and therefore suitable for a full or partial rezoning. This will enable us to:

- Reduce unnecessary maintenance costs
- Redirect any proceeds from the sale of those lands into the improvement of major parks across the City, thereby improving the quality and quantity of passive and active open space for local communities.

Assessment criteria

Each reserve was assessed against the following criteria:

- Proximity to other useable open spaces
- Suitability of access to reserve
- Passive surveillance to the reserve
- Connections to a wider pedestrian network
- Land ownership
- Drainage on the land
- Utilities and infrastructure on the land
- Existence of any Council assets on the reserve

- Physical condition of the reserve
- Site history
- Council's Works Improvement Program
- Strategic planning principles and objectives.

Chronology of key decisions and actions

Each stage of the review was reported to Council, recommending which reserves should proceed to the next stage. A summary of Council's reports and resolutions is provided in Table 1 (below).

Below is a brief overview of the review process and how Council arrived at the final figure of 23 reserves to be included in the Planning Proposal:

The 152 reserves were assessed using the endorsed criteria referred to above. This resulted in 85 reserves proceeding to the next stage.

In 2014 and 2015, Councillor Workshops were held for each Ward to determine which reserves should be included in the review. At these workshops, Ward Councillors removed a number of reserves, and added others to the list of reserves to proceed to the next stage. At the end of this first series of workshops, a total of 85 small reserves were identified as being suitable to proceed to community consultation.

Between March and April 2015, Council carried out a non-statutory round of public consultation. This involved writing to approximately 24,000 local residents seeking their feedback on how they use these reserves and their opinion about what the best use of the reserves might be in the future.

We received almost 400 written submissions in response to our consultation. Council officers summarised the key issues raised in submissions and reported them to Council at a second round of workshops, held between June and August 2015. At the end of these workshops, Ward Councillors agreed on a final list of 24 reserves that were considered appropriate for rezoning. This decision was based on the results of the community consultation.

Council subsequently resolved at its Ordinary Meeting of 18 November 2015 to forward the 24 small reserves to the Department of Planning and Environment seeking Gateway Determination:

"Prepare a Planning Proposal to submit to the NSW Department of Planning and Environment seeking to reclassify and rezone the [24] reserves".

It is noted that, at its Meeting on 23 March 2016, Council resolved to remove 1 further reserve from the final list.

Table 1. Chronology of actions taken to implement Council's resolution of April 2013 for review of small reserves

Council meeting	Council resolution / report content
15/04/2009 ER290022	• Council adopted the <i>Blacktown Recreation and Open Space Strategy</i> (ROSS) prepared by Council. One of the objectives of the strategy is to: <i>"Enhance the quality of parks through ongoing management and maintenance, and develop and maintain city-wide parks in key locations throughout the City of Blacktown"</i> (objective 2.1 Parks).

	The ROSS identified that there are a number of very small parks providing limited community open space benefit. As a result Action 2.1.4 formed part of the strategy: <i>"Assess the provision of local parks less than 0.15ha and review the capacity for development in line with community need".</i>
10/04/2013 SL330001	- Council resolved to undertake a comprehensive review of 152 very small sized reserves located across the Blacktown local government area. - Council also endorsed an assessment methodology/criteria for undertaking an analysis of the 152 small reserves. - The purpose of the review was to implement Action 2.1.4 of Council's Recreation and Open Space Strategy.
17/07/2013 SL330050	- Council considered a report which provided an overview of the comprehensive review of small reserves by using the endorsed criteria identified in Report SL330001 (10/04/2013). It was noted that, in undertaking the review, any site which provides for community recreation assets such as playgrounds, or were deemed required to provide sufficient and equitable open space provision, were excluded from further assessment and were therefore proposed to be retained as open space. - Based on the comprehensive review of the 152 sites, a total of 37 initial sites were identified for potential re-zoning through means of a Planning Proposal. Out of the 37 sites, 4 were already proposed for re-zoning under Council's Draft Blacktown Local Environmental Plan 2013 and as a result were not intended to be included in the recommended Planning Proposal. However, Council resolved to omit 3 other reserves as well and only progress 30 of the recommended reserves to next stage. - Maintenance obligation for small reserves were noted. - Estimated fund generated by sale of small reserves were considered: <i>"As endorsed through Report SL330001, any funds generated by Council through the potential sale of re-zoned land will be placed in a trust and invested in the provision of significant City Wide and Neighbourhood/Ward playgrounds in order to provide a diverse and expansive network of play experiences that complements Council's existing provision of local playgrounds in line with Council's recently adopted Playground Strategy (December 2012). This includes not only the provision of playgrounds, but complementary community facilities including barbecues, picnic shelters and potentially small kiosk-style cafes to serve the patrons of these potential City Wide and Neighbourhood/Ward parks/playgrounds".</i> - In this meeting Council resolved between other items: <i>"That a formal Planning Proposal be prepared for 30 sites only, being those identified in Attachment 2 but with Reserve Nos.29, 127 and 722 omitted".</i>
18/09/2013 No report	Council received a Business Without Notice motion and subsequently resolved: <i>"That as a matter of urgency a report be prepared to Council outlining how the construction of new mega parks can be expedited, and that as part of this report details be provided regarding how these works can be forward funded, with this forward funding to be subsequently repaid from the proceeds from the sale of small lots".</i>

9/10/2013 SL330102	• Council on 17/07/2013 (Report SL330050) identified that Council officers have identified additional sites as part of the original 152 that require further investigation. • Council at its meeting of 9/10/2013 considered a report, which noted that further investigations of the 152 sites were undertaken by using the endorsed criteria identified in Report SL330001. • It was noted that in undertaking these further investigations, any site which provides for community recreation assets such as playgrounds, or were deemed required to provide sufficient and equitable open space provision, were excluded from further assessment and were therefore proposed to be retained as open space. • The investigations identified a further 27 reserves in addition to the 30 reserves identified in report SL330050 to be progressed for rezoning through means of a Planning Proposal, which will include a community consultation component. • Council resolved to prepare a formal Planning Proposal for the 27 reserves identified in this report. • When combined with the 30 sites identified in Report SL330050, this equated to 57 sites to be progressed for re-zoning through means of a Planning Proposal.
20/11/2013 SL330121	• Council considered a report, which has identified: <i>"On 9 October 2013, Council considered Report FC330146 – 2012/2013 Year End Review as resolved amongst other items: 'That Council create a new internally restricted cash reserve called the 'New Major Parks' reserve and allocate \$1,000,000 from Council's Land Projects Development Reserve with this amount to be repaid in future years following the sale of small reserves located throughout the Local Government Area".</i> <i>"This report shall recommend that Council vote the \$1,000,000 allocated to the New Major Parks reserve to enable the design of the first Mega Park".</i> • In this report it was recommended between other items to: <i>"2. That Council vote the \$1,000,000 allocated to the New Major Parks reserve to enable the design of the first Mega Park to commence.</i> <i>4. That Council officers engage a suitably qualified consultant to assist Council officers in the design of this proposed custom-designed play and gathering space and that a draft concept design be reported to Council in keeping with the process adopted for all Council draft reserve Masterplans".</i> • Council resolved between other items to: <i>"That this matter be deferred to a meeting of the Policy & Strategy Committee".</i>
12/03/2014 SL340011	• Council considered a report, which provided a final review of the remaining sites to be considered. • In this report it was noted that various subsequent resolutions of Council in relation

	to Report SL330050 (Round 1) and SL330102 (Round 2) has resulted in a total of 53 sites currently progressing to a Planning Proposal. • A further 32 sites (out of 152) were identified in this report for potential rezoning and development. • Council resolved to prepare a formal Planning Proposal for the additional 32 sites identified in this report. • A total number of reserves 85 sites were proposed to be progressed for rezoning through means of a Planning Proposal, which will include a community consultation component.
22/04/2014 DD350018	• Council resolved between other items: <i>"Funding of the neighbourhood parks in Ward 1, 4 and 5 be considered by Council as part of the draft 2015/2016 Works Improvement Program".</i> • It was endorsed that this funding would be offset by proceeds received from the sale of the small reserves.
21/05/2014 SL340010	Council resolved to: <i>"1. That Council endorse the preferred locations of Mega Parks as identified, with the exception that Mount Druitt Square is to be further considered by the Ward 4 Councillors.</i> <i>2. That a further report on the proposed funding options for the provision of Mega Parks as presented in paragraph 2 and Attachment 3 be submitted to Council".</i>
27/08/2014 SL340062	• In response to Council resolution on 21 May 2014 (Report SL340010), Council considered a report which has identified cost analysis for the provision of a Mega Park: <i>"The estimated cost for each Mega Park is \$1.6 million. Whilst there will be a varying level of existing facilities available at each location, this estimate allows for the provision of appropriate play space at a cost of approximately \$1 million and a further \$500,000 to provide complementary facilities such as car parks and toilets at all locations. There is also an allowance of \$100,000 for costs associated with the design and technical consultancy advice that will be required for each Mega Park".</i> • Council endorsed the funding strategy outlined in this report. It was also noted that the income to be received from the future sale of small lots is subject to a formal planning proposal being submitted to the Department of Planning and Infrastructure for the sites identified by Council. It is likely to take up to 18 months for the planning proposal for rezoning to be approved and then a further 6 to 12 months before income is received from the actual sale of the small lot reserves. Therefore it will take at least 2.5 years for the proposed forward funding outlined below to be repaid". • Council endorsed the funding strategy outlined in this report. It was also noted that the income to be received from the future sale of small lots is subject to a formal planning proposal being submitted to the Department of Planning and Environment for the sites identified by Council.

8/07/2015 DD350052	• Council considered a report on Draft Master Plan for Reserve 417, Endeavour Park, Kings Langley and the outcome of its exhibition. It was noted that: <i>“Council allocated \$1.600.000 to Endeavour Park at its meeting of 27 August 2014</i> <i>a. The funding allocation includes a construction budget of \$1,500,000 and \$100,000 for design and associated technical studies.</i> <i>b. Following the funding allocation by Council, consultants were engaged to undertake the design for this site, including a community consultation process”.</i> • Council resolved to: <i>“1. That Council endorse the Endeavour Park Option B draft masterplan for public exhibition with an addendum that Council build a second shelter.</i> <i>2. If significant amendments are required in response to the exhibition then a further report be presented to Council.</i> <i>3. The necessary funds be allocated to this project”.</i>
18/11/2015 DD350102	Council resolved between other items to prepare a planning proposal to rezone and reclassify 24 reserves owned by Council: <i>“2. Prepare a Planning Proposal to submit to the NSW Department of Planning and Environment seeking to reclassify and rezone the reserves”.</i>
23/03/2016 No report	• An Urgent Business moved by Councillor Kelly to remove Reserve 444, Horwood Place, Kings Langley from the rezoning list. • Council resolved to remove Reserve 444, Horwood Place, Kings Langley from the rezoning list.

Item 2

Did Council consult with the government agencies that dedicated the land to Council (i.e. Housing NSW)?

Response:

Yes. The only government agency that dedicated land to Council was Housing NSW (previously known as Land and Housing Corporation and NSW Housing Commission). In response to the request from the DoPE, on 6 October 2016 we wrote to Housing NSW notifying them of the Planning Proposal and seeking their feedback.

In consultation by email and phone, officers of Housing NSW have advised they have no objection in principle to our proposal. They have however indicated they would not provide detailed written advice until the Planning Proposal is placed on public exhibition.

Given the request from the DoPE seeking this information prior to exhibition, we again requested Housing NSW provide written advice on our proposal. Officers from Housing NSW advised that they are working through their records and will provide a response in due course. They have given no further indication as to when a response is likely to be forthcoming at this stage.

In order to avoid unnecessary and indeterminate delays, we would ask that the DoPE progress this Planning Proposal based on our interim "in principle" advice from Housing NSW to date. Given Housing NSW's commitment to providing advice upon public exhibition, we can readily incorporate this advice and recommendations into our final assessment of the merit of each proposal.

Housing NSW dedicated 8 of the 23 reserves to Council as shown in the table below. The most recent dedication occurred in 2007, however most of the sites were dedicated prior to 2000, with many dating back as far as 40 years.

Reserve	Site details	Government agency who dedicated the land	Year of acquisition
Reserve 488	Lot 4 DP 1039130 Siandra Avenue, Shalvey	Housing NSW (Land and Housing Corporation)	2002
Reserve 631	Lot 706 DP 875917 Crawley Avenue, Hebersham	Housing NSW (Land and Housing Corporation)	1998
Reserve 866	Lot 3300 DP 1112757 Gracilis Way, Bidwill	Housing NSW (Land and Housing Corporation)	2007
Reserve 318	Lot D DP 36060; Lot G DP 36466 Lot H DP 36466; Lot 362 DP 36466 Hope Street, Seven Hills	Housing NSW (NSW Housing Commission)	1974
Reserve 68	Lot 491 DP 209195 Freeman Street, Lalor Park	Housing NSW (NSW Housing Commission)	1974
Reserve 69	Lot 601 DP 31954 Freeman Street, Lalor Park	Housing NSW (NSW Housing Commission)	1974
Reserve 402	Lot 802 DP 242535 Clune Reserve, Carlisle Avenue, Blackett	Housing NSW (NSW Housing Commission)	1973
Reserve 698	Lot 3152, DP 714465 Edwina Place, Plumpton	Housing NSW (NSW Housing Commission)	1985

Item 3

Did Council consult with the agencies using the land for electricity easements, water supply and drainage purposes by way of interests, trusts and covenants?

Response:

Yes. On 5 and 6 October 2016 in response to the DoPE's request, Council wrote to Sydney Water and Endeavour Energy about the Planning Proposal and seeking their feedback.

A total of 3 reserves are used by agencies for the purpose of utilities as shown in the table below:

Reserve No.	Lot/DP	Locality	Agency benefiting from the easement	Details of easement
Reserve 402	Lot 802 DP 242535	Clune Reserve, Carlisle Avenue, Blackett	Sydney Water	600 mm potable trunk main and 100 mm potable water
Reserve 377	Lot 556 DP 244360	Shadwell Crescent, Kings Langley	Endeavour Energy	Padmount substation (to the Whitby Road frontage) and low voltage and 11,000 / 11 kV high voltage underground cables. There is possible asbestos containing material in the network
Reserve 537	Lot 615 DP 29101	Tallawong Avenue, Blacktown	Endeavour Energy	132,000 / 132 kV high voltage overhead power line

The Planning Proposal does not seek to amend, adjust or remove any of the existing easements. Anyone purchasing the land will be made aware of their obligations and restrictions in relation to the easement.

Sydney Water has no objection to the proposed rezoning of Reserve 402

As indicated in its correspondence of 13 October 2016, Sydney Water has no objection to the rezoning of Reserve 402 as long as it can maintain access to its assets.

The easement contains a 600 mm potable trunk main and 100 mm pipe for potable water. It advised that presence of the pipeline will impact on the developable area of the lot. However, the land can be used for private open space or other purposes that will not impact on the easement.

Endeavour Energy has no objection to the proposed rezoning of Reserves 377 and 537

Endeavour Energy has no objection to the rezoning of Reserves 377 and 537 as indicated in their response of 25 October 2016. They also provided general advice about the requirements for development near electricity easements.

Item 4

Does Council propose to discharge any interests, trusts or covenants in relation to any of the small reserves and, if so, what is the justification for doing so?

Response:

The table contained in **Attachment 3** shows that Council only seeks to remove interests, trusts and covenants that relate to the land being used as a public reserve. All other interests, trusts or covenants remain unchanged, including easements relating to the provision of utility services.

Appendices A and B of our Planning Proposal include a written statement for each site which outlines the required information as per LEP *Practice Note PN 09-003* (issued 12 June 2009) and *A guide to preparing a planning proposal*.

Item 5

What are the current uses, leases and terms if relevant?

Response:

This information is included in the existing Planning Proposal (**Appendix A**). All the reserves are used as public open space. Council has not entered into any leases or agreements or terms for any of the small reserves subject to the Planning Proposal.

Item 6

How will the resultant funds be used?

Response:

Funds from the sale of the land will be used to improve large neighbourhood parks which provide better passive and active open space for our community. Selling the land will also help Council to use its resources more efficiently by reducing unnecessary maintenance costs.

After the sale of the land, the resultant funds will be placed in Council's 'New Major Park' trust and invested in the provision of significant City Wide and Neighbourhood/Ward playgrounds. This supports our Open Space Strategy and Playground Strategy and will help provide more community facilities across our City, such as playgrounds, barbeques and weather shelters.

Council resolved on 9 October 2013 to create the 'New Major Parks' cash reserve and allocate \$1,000,000 from Council's Land Projects Development Reserve. This allocation was to forward fund the design and construction of the first 'Mega Park' and would be repaid in future years following the sale of small reserves located across Blacktown City.

On 27 August 2014, Council endorsed a report to construct 1 Mega Park in each of the City's 5 wards. Each Mega Park is expected to cost \$1.6 million and money is to be invested as follows:

- Play space (\$1 million)
- Complementary facilities such as carparks and toilets (\$500,000)
- Design and technical consultancy advice (\$100,000).

Council has selected sites for 5 Mega Parks across the City. Since 2014, Council has started implementing masterplans for 2 Mega Parks:

1. Endeavour Neighbourhood Park, Kings Langley (Ward 2)

Endeavour Park is a 5.36 ha passive park located on James Cook Drive, Kings Langley. The adopted masterplan includes circulation pathways, fitness stations, a dog off-leash area, a new playground and landscaping. A copy of the masterplan is provided at **Attachment 4**.

Development approval (through an REF process) has been granted, and Council has engaged a contractor for the program of construction. Construction will begin in December 2016.

2. Grantham Heritage Park, Seven Hills (Ward 3)

Grantham Heritage Park is a 4.9 ha State heritage-listed site located on Seven Hills Road, Seven Hills. Council also operates its family day care administration services from this site.

This project is currently undergoing development assessment, following the adoption by Council of the masterplan. A copy of the masterplan is provided at **Attachment 5**.

Item 7

Does the rezoning involve whole or part lots? Is it identified on Land Reclassification maps?

Response:

The rezoning applies only to whole lots. Therefore identification of part-lot rezoning on the land reclassification maps is not necessary and the provided maps remain accurate.

Item 8

Has the Planning Proposal been updated to include the above information?

Response:

As requested, the Planning Proposal has been updated to:

Section/ Page no.	Amendment
Section A Page 4	More information has been added about ROSS and the Planning Proposal which is part of implementing ROSS.
Part 6 Page 14	Project timeline has been updated.
Appendix A	An extra row has been added to the summary table for each reserve, to include detailed information about any trusts etc. not discharged.
Appendix A	An extra row has been added to the summary table for each reserve, to include detailed information about trusts and interests to be discharged.