

Planning and Assessment

IRF19/7673

Plan finalisation report

Local government area: Blacktown

1. NAME OF DRAFT LEP

Blacktown Local Environmental Plan 2015 (Amendment No 20)

2. SITE DESCRIPTION

The planning proposal applies to land at 91 Main Street, Blacktown (Lot 5A DP11349) from community to operational.

The subject site is located at 91 Main Street (Lot 5A DP 11349), Blacktown within the city centre. The site shown in Figure 1 is a rectangular shaped lot and is zoned RE1 – Private Recreation under Blacktown Local Environmental Plan 2015. The land was acquired by Council on 21 December 2017 and at the time of lodging this planning proposal the site was vacant. The site along with the adjoining sites from 81 to 97 Main Street have since been demolished and excavated in accordance with a development application (DA18-01553) approved by the Sydney Local Planning Panel (17 June 2019). It is currently classified as 'community' and is a public reserve as defined in the *Local Government Act 1993*.

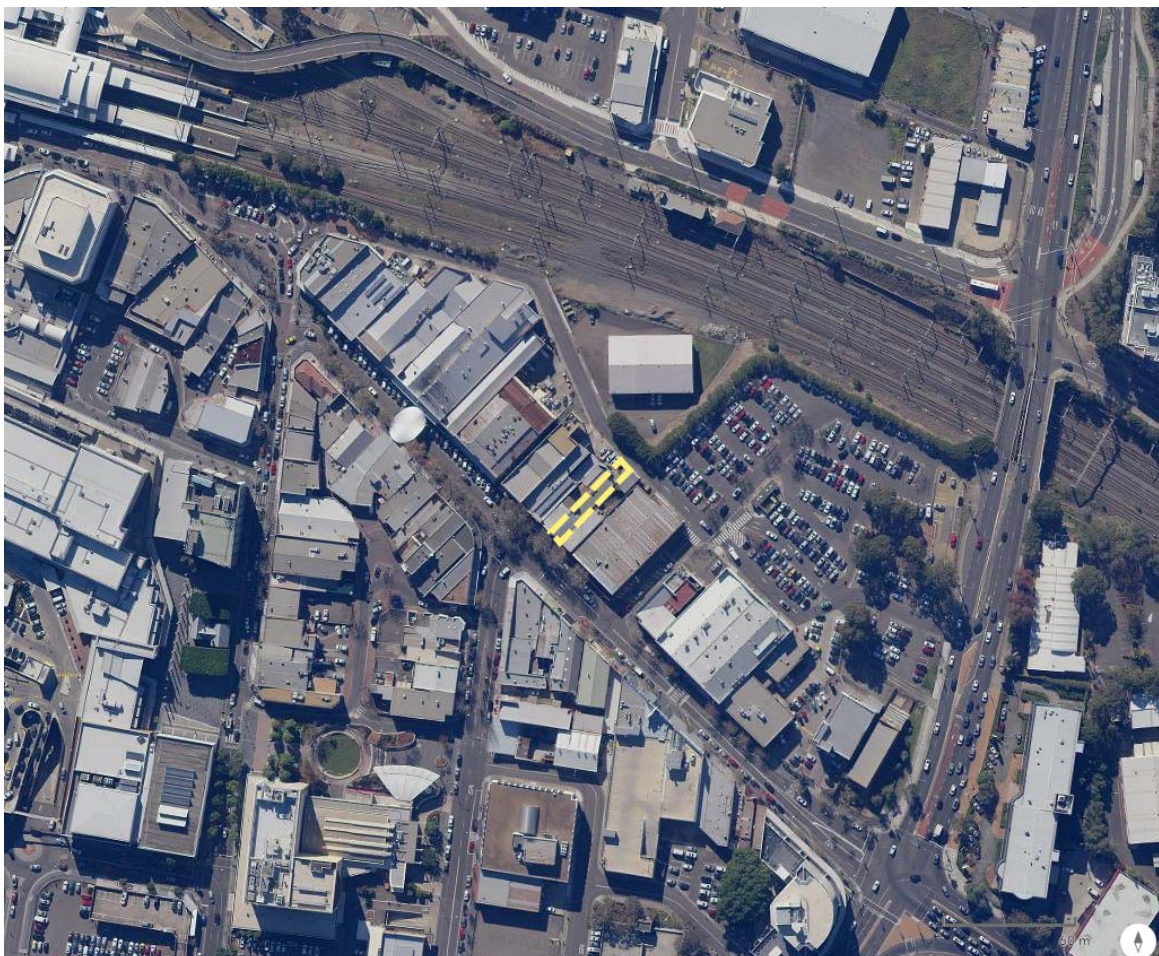


Figure 1 Site locations and surrounding area

Existing planning controls

The subject site is zoned RE1 – Public Recreation. No height of building or floor space ratio controls apply to the site as it is zoned for public recreation. An extract of the land zoning map is provided below in Figure 2.



Figure 2 Existing zoning map

3. PURPOSE OF PLAN

The reclassification of the land will facilitate the Warrick Lane redevelopment which is a key component of Council's Community Strategic Plan 'Our Blacktown 2030'. The plans for the Warrick Lane redevelopment propose the relocation of the existing, at-grade public car park into a basement car park and the provision of at-grade public recreational space at 81-97 Main Street, Blacktown (See Figure 3 below).

The proposal will allow Council to construct the basement carpark and public open space.



Figure 3 Site located within Warrick Lane Precinct Redevelopment

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Blacktown state electorate. Mr Stephen Bali MP is the State Member.

The site falls within the Chifley federal electorate. Ms Michelle Rowland MP is the Federal Member.

To the Central (Western) 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

The Gateway determination issued on 25 October 2018 (**Attachment B**) determined that the proposal should proceed subject to conditions.

6. PUBLIC EXHIBITION

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 21 November to 19 December 2018 in accordance with the Gateway determination.

No submissions were received.

7. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult Roads and Maritime Services and relevant providers for telephone, gas and electricity in accordance with the Gateway determination.

Council consulted these authorities who made no objection to the proposal.

8. POST-EXHIBITION CHANGES

The following post-exhibition changes were made:

- Discharge Item 2 on the certificate of title – A cross easement affecting the structure on the site; and
- Discharge Item 3 on the certificate of title – A lease to a commercial premise.

The above post-exhibition changes to discharge the above interests are considered minor as the buildings are now demolished, and the lease on item 3 of the certificate of title has expired.

It is noted the Sydney Central City Planning Panel approved the council's development application (DA18-01553) for the proposed Warrick Lane Redevelopment on 17 June 2019. This was followed by the Blacktown Local Planning Panel's approval (DA-18-01957) for the associated demolition of the commercial buildings at 81 to 97 Main Street, Blacktown, which included the subject site.

The associated works to demolish the commercial buildings have since been carried out.

The legitimacy of the works prior to the making of this plan have been considered. It was concluded that there was a valid Plan of Management (Generic Plan of Management for General Community Use (As amended February 2019)) for the subject site at the time of the assessment of the initial DA (approved on 17 June 2019). The DA's and the associated works were considered to have been carried out lawfully and do not influence the making of this plan.

9. ASSESSMENT

The reclassification of the land will facilitate the first stage of the Warrick Lane redevelopment. The draft plans for the redevelopment of the Warrick Lane carpark propose the relocation of the existing at-grade car parking spaces into a basement car park below the RE1 Recreation zoned land at 81-97 Main Street, Blacktown.

As mentioned above, the approved development applications associated with the Warrick Lane Redevelopment including the demolition and excavation of the subject land, do not influence the making of this plan.

9.1 Section 9.1 Directions

The proposal is consistent with the Ministerial Section 9.1 Directions.

9.2 State environmental planning policies

The draft LEP is consistent with all relevant SEPPs.

9.3 State, regional and district plans

The proposal is consistent with the Central City District Plan.

The following actions of the Central City District Plan relate to the proposal:

- Planning Priority C1: Planning for a city supported by infrastructure.
 - Action 4: Sequence infrastructure provision using a placed based approach.
 - Action 5: Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans.
- Planning Priority C3: Providing services and social infrastructure to meet people's changing needs.
 - Action 8: Deliver social infrastructure that reflects the needs of the community now and in the future.
 - Action 9: Optimise the use of applicable public land for social infrastructure.

The planning proposal is consistent with the above objectives and planning priorities as it will assist in delivering key social infrastructure for the Blacktown CBD. The Warrick Lane redevelopment will provide a basement car park and at-grade public open space at 81-97 Main Street, Blacktown. The use of the public land will be optimised for ground level recreational activities.

10. MAPPING

There are no maps associated with this LEP amendment.

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 C**), Council confirmed on 10 July 2019 that it has no issues with the draft and that the plan should be made.

12. PARLIAMENTARY COUNSEL OPINION

On 20 December 2019, 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 because:

- The reclassification will facilitate the development of Warrick Lane Precinct; and
- Provide public open space in the Blacktown CBD



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