

Planning Services

Gateway Determination Report

LGA	Blacktown City Council
PPA	Blacktown City Council
NAME	Reclassification of Council owned land from Community to Operational (0 homes, 0 jobs)
NUMBER	PP_2018_BLACK_007_00
LEP TO BE AMENDED	Blacktown LEP 2015
ADDRESS	91 Main Street Blacktown
DESCRIPTION	Lot 5A DP 11349
RECEIVED	11 September 2018
FILE NO.	EF18/34934
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

INTRODUCTION

Description of planning proposal

The planning proposal (**Attachment A**) seeks to reclassify the subject land from 'community' to 'operational' land, by amending Schedule 4 of Blacktown Local Environmental Plan (BLEP) 2015.

The reclassification of the land will facilitate the Warrick Lane development which is a key component of Council's Community Strategic Plan 'Our Blacktown 2030'. The draft plans for the Warrick Lane development propose the relocation of an existing, vacant 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.

Site description

Lot 5A DP 11349, 91 Main Street, Blacktown is located within the city centre. The site is shown in Figure 1. The site is a rectangular lot and is zoned RE1 – Private Recreation under BLEP 2015. The land was acquired by Council on 21 December 2017 and the site is currently vacant. It is currently classified as 'community' and is a public reserve as defined in the *Local Government Act 1993*.



Figure 1. Subject site

Surrounding Area

The site is located within the Blacktown Central Business District (CBD). The subject site forms part of Warrick Lane development consisting of 81-97 Main Street, Blacktown. These lots, with the exception of the subject site are classified as operational land. The site is adjoined by:

- Council owned land to the east (93 Main Street);
- Council owned land to the west (89 Main Street);
- Public car park to the north; and
- Main Street to the south.

Existing planning controls

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

Carparking is currently a prohibitive land use under RE1 zone. A planning proposal to add carpark as an additional permitted use is currently being considered by the Department.



Figure 2. Land Zoning Map

Summary of recommendation

The planning proposal has merit and should proceed subject to conditions as it will facilitate the Warrick Lane development which is consistent with Council's Community Strategic Plan 'Our Blacktown 2030'. It will also provide the community with access to additional public open space in the CBD.

PROPOSAL

Objectives or intended outcomes

The objective of the planning proposal is to reclassify Council owned land from 'community' land to 'operational land.

All Council owned land in NSW is classified as either operational land or community land. Community land generally includes public access lands such as parks and reserves. Community land is not able to be sold by a council. Operational land is not generally open to the public, but may be used for public purposes such as works or can be sold or developed for private use.

The reclassification of the subject site to operational land is necessary to facilitate the Warrick Lane development, as follows:

- The draft plans for the Warrick Lane development includes the relocation of existing at-grade car parking spaces into a basement carpark below the RE1 Recreation zoned land at 81-97 Main Street, Blacktown. The subject site needs to be classified as operational land to enable operation of the

basement carpark on the site, as no Plan of Management applies to this site that enables its use for a public carpark.

- With the exception of the subject site, the adjoining properties 81, 85, 87, 89, 93, 95 and 97 Main Street, Warrick Lane that are zoned RE1 are classified as operational land. As such, the Planning Proposal is required to reclassify 91 Main Street from community to operational land consistent with the adjoining lots, to enable the operation of the basement public carpark as part of the Warrick Lane development.

Explanation of provisions

The planning proposal seeks to amend the BLEP 2015 by reclassifying the site from community to operational land. Council does not intend to discharge the public reserve status of the land and other interests on the land such as crown grant reserve and cross easements as referred in the Certificate of Title (**Attachment E**) of the planning proposal.

The reclassification will occur by amending Schedule 4 Classification and reclassification of public land of the BLEP 2015 to include the site in Part 1 Land classified, or reclassified, as 'operational' land—no interests changed, as shown in Table 1.

Table 1 – Proposed insertion in Part 1 of Schedule 4 of the BLEP 2015

Column 1	Column 2
Locality	Description
Blacktown	Lot 5A DP 11349 91 Main Street, Blacktown

It is considered that the explanation of provisions is suitable for exhibition purposes.

Mapping

As the planning proposal is for the reclassification of land only, no mapping changes will be required.

NEED FOR THE PLANNING PROPOSAL

The planning proposal is a result of a strategic study. The planning proposal implements a component of Council's Community Strategic Plan 'Our Blacktown 2030'. This is discussed further in this report.

The planning proposal advises that the proposed amendment is the best and most appropriate means of achieving the Council's intended outcome. A planning proposal is the only means available to the change the classification of Council owned land from community to operational land.

STRATEGIC ASSESSMENT

Regional / District

Greater Sydney Region Plan

The Planning Priorities of the Greater Sydney Region Plan which apply to the proposal are:

- Objective 4: Infrastructure use is optimised.
- Objective 6: Services and infrastructure meet communities' changing needs.

Central City District Plan

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

- 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 the planning proposal will assist in delivering key social infrastructure for the Blacktown CBD. The Warrick Lane development will provide a basement car park and at-grade public open space at 81-97 Main Street, Blacktown which will service future residents that will be housed in this part of the CBD over the next 20 years. The use of public land will also be optimised as the ground level can be maximised for recreational activities.

Local

Our Blacktown 2036

Council advises its Community Strategic Plan (adopted 28 June 2017), 'Our Blacktown 2036', was developed in partnership with the residents, local community groups, stakeholders and businesses. The plan expresses the community's vision and aspirations for the future of Blacktown City.

The vision for Blacktown City is that it be a 'City of Excellence — diverse, dynamic, progressive'. Alongside the 6 strategic directions is a set of transformational projects that completes the vision for Blacktown. One of the transformation projects for Blacktown City Centre include Warrick Lane Development. The planning proposal will facilitate the Warrick Lane development, consistent with Council's 'Our Blacktown 2036'.

Section 9.1 Ministerial Directions

The planning proposal is consistent with relevant Section 9.1 Directions, in particular, Direction 6.2 Reserving land for Public Purposes.

6.2 Reserving land for Public Purposes

This direction aims to facilitate the provision of public services and facilities by reserving land for public purposes or removing these reservations when the land is no longer required for the purpose. This direction applies as the planning proposal

aims to reclassify 'community' land to 'operational' land. The direction states that a planning proposal must not reduce the existing reservations of land for public purposes without the approval of the relevant public authority and the Secretary's delegate.

The planning proposal is consistent with this direction as the reclassification of land will not reduce the provision of public services and facilities. Details are as follows:

- the subject site will remain zoned RE1 – Public Recreation, and will facilitate development of public open space or recreational purposes; and.
- the planning proposal will ultimately enable the Warrick Lane development which will consist of public car parking facilities and public recreational space, thereby contributing to the provision of public services and facilities.

State Environmental Planning Policies

The planning proposal is considered to be consistent with all State Policies.

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal purely seeks to reclassify the land. However, the future public recreation and parking facility that will be developed on the site will be an important piece of public infrastructure that will be of a social benefit to the future residents that will be housed in this part of the CBD over the next 20 years.

The community engagement process and the public hearing will also allow direct input from the community and may raise matters requiring further examination as the planning proposal evolves and progresses.

Environmental

The site is currently developed and cleared of vegetation, and it is unlikely to have any adverse impacts on the environment.

Economic

The economic impacts are minimal, as the planning proposal only seeks to reclassify the land.

Infrastructure

The planning proposal is to reclassify the land to facilitate the provision of a key public infrastructure.

CONSULTATION

Community

As the proposal is to reclassify land, in accordance with the Department's LEP Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan it is proposed to place the planning proposal on public exhibition for 28 days. Council proposes to notify interested parties of the planning proposal by:

- notice of the public exhibition in the local newspaper and on the Blacktown City Council website; and
- letters to adjoining and nearby land owners and occupiers.

A copy of the Department's Practice Note PN16-001 — will be included in the public exhibition material, as required.

As the planning proposal seeks to reclassify public land from 'community' to 'operational', Council will also hold a public hearing under the requirements of the *Local Government Act 1993*. This will give the community an opportunity to expand on written submissions and discuss issues with an independent person in a public forum.

Agencies

Council has not proposed any particular public authorities or state agencies to consult with. The Department considers that RMS and other relevant infrastructure providing agencies should be consulted.

TIME FRAME

Council proposes a timeframe of 6 months to finalise this planning proposal. A 9 month timeframe is considered appropriate to account for the Christmas holiday period.

LOCAL PLAN-MAKING AUTHORITY

Given that the planning proposal affects Council owned land (i.e. the site), it is recommended that authorisation of plan making functions is not issued in this instance.

CONCLUSION

The planning proposal has merit and should proceed subject to conditions as it will facilitate the Warrick Lane development in accordance with Council's Community Strategic Plan 'Our Blacktown 2030'.

The future public recreation and parking facility that will be developed on the site will be an important piece of public infrastructure that will be of a social benefit to the future residents that will be housed in this part of the CBD over the next 20 years.

RECOMMENDATION

It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).

2. Consultation is required with the following public authorities/organisation under section 3.34(2)(d) of the Act:
 - Roads and Maritime Services
 - Relevant infrastructure providing authorities
3. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
4. The time frame for completing the LEP is to be 9 months following the date of the Gateway determination.



25/10/2018

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