



BLACKTOWN CITY COUNCIL

PLANNING PROPOSAL

**LEP Amendment to Blacktown Local Environmental Plan 2015
To reclassify 91 Main Street Blacktown**

Contents

PART 1 – Objectives or intended outcomes	3
1.1 Applicable land	3
1.2 Current planning controls.....	3
PART 2 – Explanation of provisions	5
2.1 Reclassify Lot 5A DP 11349, 91 Main Street, Blacktown from Community Land to Operational Land under Blacktown Local Environmental Plan 2015	5
PART 3 – Justification	5
3.1 Section A – Need for the Planning Proposal	5
3.2 Section B – Relationship to strategic planning framework.....	6
3.3 Section C – Environmental, social and economic impact	13
3.4 Section D – State and Commonwealth interests	13
PART 4 – Community consultation.....	14
PART 5 – Project timeline	14
APPENDIX 1 - INFORMATION TO RECLASSIFY PUBLIC LAND THROUGH AN LEP	15
1a. Address Section 117 Direction 6.2 Reserving Land for Public Places.....	16
1b. Address the checklist in Practice Note PN 16-001	16
Table 1 INFORMATION TO RECLASSIFY LAND THROUGH AN LEP	19

PART 1 – Objectives or intended outcomes

At its Ordinary Meeting on 25 July 2018, Council resolved to prepare a planning proposal to reclassify Lot 5A DP11349, 91 Main Street, Blacktown from Community Land to Operational Land.

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.

Council owned land needs to be classified as Operational Land under the Local Government Act 1993 to enable operation of the underground car park on the site, as no Plan of Management applies to this site that enables its use for a car park. Operational land is not restricted in this way.

The majority of the properties purchased in the RE1 zone have already been classified as Operational Land under the acquisition process, except for the subject property. A Planning Proposal is required in order to reclassify 91 Main Street from Community Land to Operational Land consistent with the other purchased lots, to enable the operation of the underground carpark as part of the Warrick Lane redevelopment.

This Planning Proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (the Act) and guidelines for preparing Planning Proposals published by the Department of Planning and Environment (DP & E).

This Planning Proposal relates only to matters to be amended in the Blacktown LEP 2015.

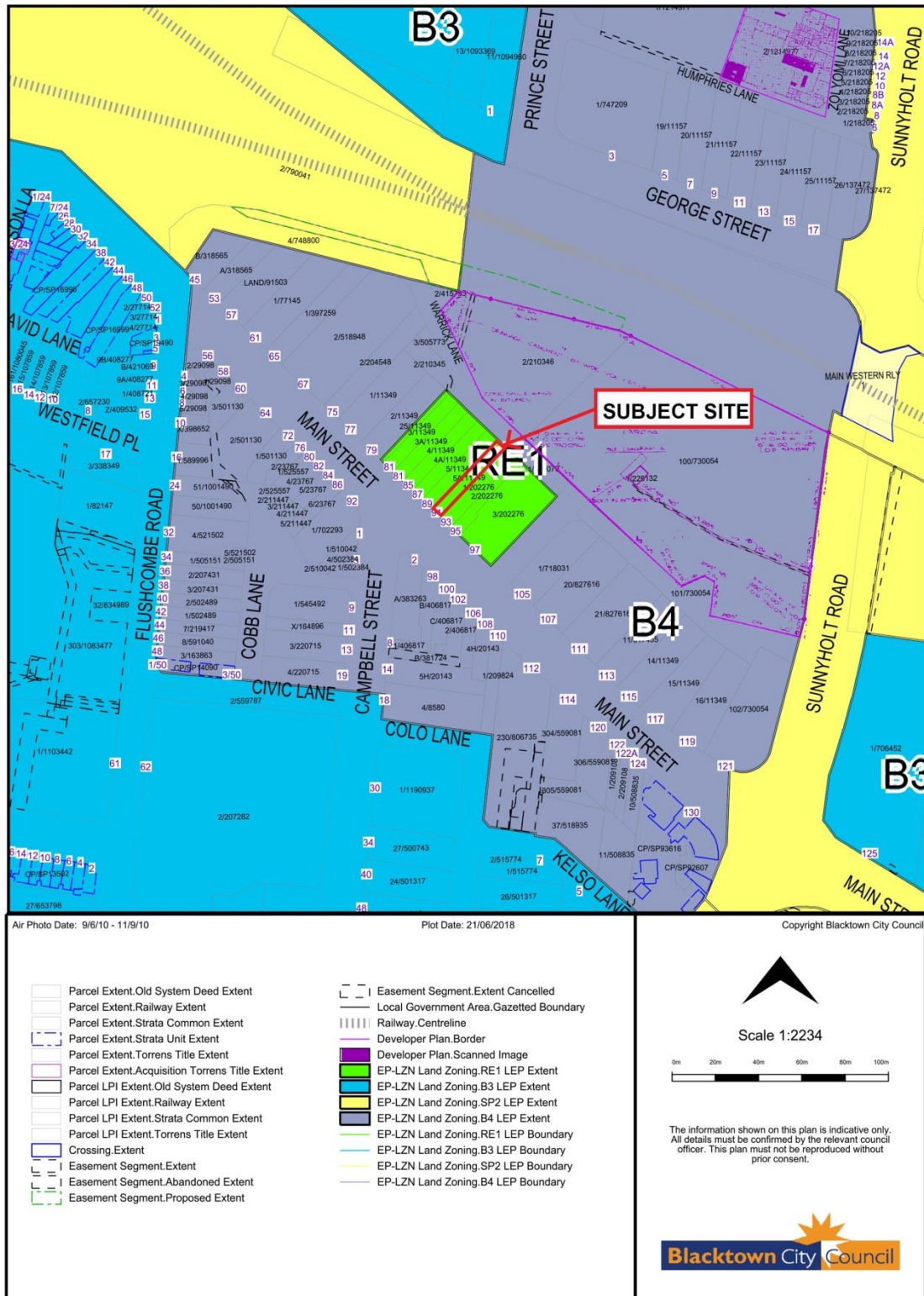
1.1 Applicable land

The Planning Proposal applies to Lot 5A DP11349, 91 Main Street, Blacktown

1.2 Current planning controls

Lot 5A DP11349, 91 Main Street, Blacktown is zoned RE1 Public Recreation. No height of building or floor space ratio control applies to the land as it is zoned for public recreation.

Figure 3 Land zoning for Lot 5A DP11349, 91 Main Street, Blacktown



PART 2 – Explanation of provisions

2.1 Reclassify Lot 5A DP 11349, 91 Main Street, Blacktown from Community Land to Operational Land under Blacktown Local Environmental Plan 2015

The draft plans for the redevelopment of the Warrick Lane car park propose the relocation of the existing at grade public car park into a basement car park below the RE1 Public Recreation zoned land on 81-97 Main Street, Blacktown.

Council owned land needs to be classified under the Local Government Act 1993 as either Community or Operational Land. The majority of the properties that form Reserve 474 which constitutes the RE1 zoned land on Main Street have been classified as Operational Land in order to enable the car park to be developed. The exception is Lot 5A DP 11349, 91 Main Street, Blacktown which was classified as Community Land when purchased. A reclassification is now needed to ensure that the car park can be operated on the land.

PART 3 – Justification

3.1 Section A – Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

This planning proposal implements a component of Council's Community Strategic Plan "Our Blacktown 2030". This is discussed further in Section 3.2.

Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

To change the classification of Council owned land from community to operational requires the preparation of a Planning Proposal.

3.2 Section B – Relationship to strategic planning framework

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)?

Metropolitan Strategy - Greater Sydney Region Plan “A Metropolis of Three Cities”

Planning Direction	Objective	Does this objective apply to this Planning Proposal	How does this planning proposal implement the Planning Direction and Objective?
A city supported by infrastructure	Objective 1: Infrastructure supports the three cities	No	Not applicable
	Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact	No	Not applicable
	Objective 3: Infrastructure adapts to meet future needs	No	Not applicable
	Objective 4: Infrastructure use is optimised	Yes	This planning proposal implements this Planning direction and objective by ensuring infrastructure use is optimised by co locating social infrastructure on one site.
A collaborative city	Objective 5: Benefits of growth realised by collaboration of governments, community and business	No	
A city for people	Objective 6: Services and infrastructure meet communities’ changing needs	Yes	This planning proposal implements this planning priority and objective as it will assist in delivering key social infrastructure for the Blacktown CBD. The proposed central park and public car parking facility will be important social infrastructure for the southern part of the Blacktown CBD. The central park and basement car park will service future residents that will be housed in this part of the CBD over the next 20 years.
	Objective 7: Communities are healthy, resilient and socially connected	No	Not applicable
	Objective 8: Greater Sydney’s communities are culturally rich with diverse neighbourhoods	No	Not applicable
	Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation	No	Not applicable
Housing the city	Objective 10: Greater housing supply	No	Not applicable
	Objective 11: Housing is more diverse and affordable	No	Not applicable
A city of great places	Objective 12: Great places that bring people together	Yes	Not applicable
	Objective 13: Environmental heritage is identified, conserved and enhanced	No	Not applicable

A well-connected city	Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities	No	Not applicable
	Objective 15: The Eastern, GPOP and Western Economic Corridors are better connected and more competitive	No	Not applicable
	Objective 16: Freight and logistics network is competitive and efficient	No	Not applicable
	Objective 17: Regional connectivity is enhanced	No	Not applicable
Jobs and skills for the city	Objective 18: Harbour CBD is stronger and more competitive	No	Not applicable
	Objective 19: Greater Parramatta is stronger and better connected	No	Not applicable
	Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	No	Not applicable
	Objective 21: Internationally competitive health, education, research and innovation precincts	No	Not applicable
	Objective 22: Investment and business activity in centres	No	Not applicable
	Objective 23: Industrial and urban services land is planned, retained and managed	No	Not applicable
	Objective 24: Economic sectors are targeted for success	No	Not applicable
A city in its landscape	Objective 25: The coast and waterways are protected and healthier	No	Not applicable
	Objective 26: A cool and green parkland city in the South Creek corridor	No	Not applicable
	Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	No	Not applicable
	Objective 28: Scenic and cultural landscapes are protected	No	Not applicable
	Objective 29: Environmental, social and economic values in rural areas are protected and enhanced	No	Not applicable
	Objective 30: Urban tree canopy cover is increased	No	Not applicable
	Objective 31: Public open space is accessible, protected and enhanced	No	Not applicable
	Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	No	Not applicable
A city in its landscape	Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	No	Not applicable
	Objective 34: Energy and water flows are captured, used and re-used	No	Not applicable

	Objective 35: More waste is re-used and recycled to support the development of a circular economy	No	Not applicable
A resilient city	Objective 36: People and places adapt to climate change and future shocks and stresses	No	Not applicable
	Objective 37: Exposure to natural and urban hazards is reduced	No	Not applicable
	Objective 38: Heatwaves and extreme heat are managed	No	Not applicable

District Plan - Central City District Plan

Planning Priorities	Relevant Action	How does this planning proposal implement the Planning Priority and Action
C 1: Planning for a city supported by Infrastructure	Action 4: Sequence infrastructure provision using a placed based approach.	This planning proposal implements this planning priority and action by facilitating the construction of a central park with basement car parking for the Blacktown CBD. The creation of a central park for the southern part of the Blacktown CBD is an important place making element of Council's placed based planning controls for the Blacktown CBD.
	Action 5: Consider the adaptability of infrastructure and its potential shared use when preparing infrastructure strategies and plans.	This planning proposal implements this planning priority and action as the construction of a central park with basement car parking maximises the use of the limited space that is available within Blacktown CBD to provide social infrastructure. The proposal also allows for the share use of infrastructure as the central park will be able to be used for both public recreational activities and public car parking.
C 2: Working through collaboration		Not Applicable
C 3: 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.	This planning proposal implements this planning priority and action as it will assist in delivering key social infrastructure for the Blacktown CBD. The proposed central park and public car parking facility will be important social infrastructure for the southern part of the Blacktown CBD. The central park and basement car park will service future residents that will be housed in this part of the CBD over the next 20 years.
	Action 9: Optimise the use of available public land for social infrastructure.	This planning proposal implements this planning priority and action as this proposal optimises the use of public land through providing both recreation and car parking facilities on one site. The provision of the basement car park ensures that land on the surface can be maximised for recreational activities.
C 4: Fostering healthy, creative, culturally rich and socially connected communities		Not applicable
C 5: Providing housing supply, choice a affordability, with access to jobs, services and public transport		Not applicable
C 6: Creating and renewing great places and local centres, and respecting the District's		Not applicable

heritage	
C 8: Delivering a more connected and competitive GPOP Economic Corridor	Not applicable
C 9: Delivering integrated land use and transport planning a 30-minute city	Not applicable
C 10: Growing investment, business opportunities and jobs in strategic centres	Not applicable
C 11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land	Not applicable
C 12: Supporting growth of targeted industry sectors	Not applicable
C 13: Protecting and improving the health and enjoyment of the District's waterways	Not applicable
C 14: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element	Not applicable
C 15: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes	Not applicable
C 16: Increasing urban tree canopy cover and delivering Green Grid connections	Not applicable
C 17: Delivering high quality open space	Not applicable
C 18: Better managing rural areas	Not applicable
C 19: Reducing carbon emissions and managing energy, water and waste efficiently	Not applicable
C 20: Adapting to the impacts of urban and natural hazards and climate change	Not applicable
C 21: Preparing local strategic planning statements informed by local strategic planning	Not applicable
C 22: Monitoring and reporting on the delivery of the plan	Not applicable

Is the Planning Proposal consistent with the local council's Community Strategic Plan or other local strategic plan?

Council's Community Strategic Plan, Our Blacktown 2036, outlines Council's approach to achieving community's aspirations for the City. Alongside the 6 strategic directions is a set of transformational projects that completes the vision for the City. The transformational projects identify key priorities for our community, including "breakthrough" areas to advance the long term strategy. Council, along with the other

relevant stakeholders, will work towards delivering these projects, ensuring the vision is achieved. The transformational projects support delivery of the strategic directions. As strategies are confirmed, they will also become key actions in the Delivery Program and Operational Plan. The projects identified that will help transform Blacktown City include:

1. Blacktown International Sportspark (BISP) – BISP Master Plan – International Centre of Training Excellence
2. Blacktown City Centre – Warrick Lane development – University campus – Health precinct – Council offices
3. Riverstone Town Centre master plan
4. Animal Rehoming Centre

The proposal to create a new park with basement car parking is the first stage of the Warrick Lane Development which is one of Council's key transformation projects.

Is the Planning Proposal consistent with the applicable state environmental planning policies?

State Environmental Planning Policy	Consistency/Response
SEPP 32: Urban Consolidation (Redevelopment of Land)	Yes This Planning Proposal will not contradict or hinder the application of this SEPP.
SEPP 55: Remediation of Land	Yes There is no knowledge of prior contaminating uses on the land.
SEPP 64: Advertising and Signage	Yes This Planning Proposal will not contradict or hinder the application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Yes This Planning Proposal will not contradict or hinder the application of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Yes This Planning Proposal will not contradict or hinder the application of this SEPP.
SEPP (Infrastructure) 2007	Yes This Planning Proposal will not contradict or hinder the application of this SEPP.

Is this Planning Proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Number	Directions/Objectives	Consistency/Response
1 Employment and Resources Business and Industrial Zones		Consistent
	<p>(4)(c) Requires that a Planning Proposal that will affect land within an existing business zone must not reduce the total potential floor space area for employment uses and related services in business zones .</p> <p>(5)(b) permits a Planning Proposal to be inconsistent with this direction where justified by a study (prepared in support of the Planning Proposal) which gives consideration to the objectives of this direction.</p>	<p>This Planning Proposal is consistent with the Ministerial Direction as the planning proposal does not apply to commercial zoned land nor does it propose a change to the existing zone.</p>
2. Environment and Heritage 2.3 Heritage Conservation		Yes
	<p>A Planning Proposal must contain provisions that facilitate the conservation of:</p> <p>(4)(a) items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.</p> <p>(5) A Planning Proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:</p> <p>(a) the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land .</p>	<p>The Planning Proposal does not seek any change to the heritage provisions of Blacktown LEP 2015.</p>
3. Housing, Infrastructure and Urban Development 3.1 Residential Zones		Yes
	<p>(4) A Planning Proposal must include provisions that encourage the provision of housing that will:</p> <p>(a) broaden the choice of building types and locations available in the housing market, and</p> <p>(b) make more efficient use of existing infrastructure and services, and</p> <p>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</p> <p>(d) be of good design.</p> <p>(5) A Planning Proposal must, in relation to land to which this direction applies:</p> <p>(a) contain a requirement that residential development is not permitted until land is</p>	<p>The proposal relates to land that is zoned RE1 Public Recreation.</p>

Number	Directions/Objectives	Consistency/Response
	adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	
3.4 Integrating Land Use and Transport		Yes
	The objectives of this direction are: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	The proposal relates to land that is zoned RE1 Public Recreation.
3.5 Development Near Licensed Aerodromes		Yes
	(4) In the preparation of a Planning Proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must: (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome, (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth, (c) for land affected by the OLS: (i) prepare appropriate development standards, such as height, and (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome d) obtain permission from that Department of the Commonwealth, or their delegate, where a Planning Proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.	The Blacktown CBDs are not in the vicinity of a licensed aerodrome. Additionally, they are not in the OLS of Bankstown Aerodrome or the proposed OLS of the Western Sydney Airport.
4. Hazard and Risk		Yes
4.1 Acid Sulfate Soils		
	The direction requires that: (6) A relevant planning authority must not prepare a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of containing Acid Sulfate Soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulphate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community	No part Blacktown CBDs are mapped as having Acid Sulfate Soils.

Number	Directions/Objectives	Consistency/Response
	consultation in satisfaction of section 57 of the Act.	
4.3 Flood Prone Land		Yes
	<p>The objectives of this direction are:</p> <p>a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and</p> <p>b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</p>	The land that the Planning Proposal relates to is not flood prone.
6. Local Plan Making		Yes
6.2 Reserving Land for Public Purposes		
	<p>The objectives of this direction are:</p> <p>a) to facilitate the provision of public services and facilities by reserving land for public purposes, and</p> <p>b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p>	This planning proposal relates to land that is zoned RE1 Public Recreation and will facilitate the creation of a public park in the centre of the Blacktown CBD.

3.3 Section C – Environmental, social and economic impact

Is there any likelihood that critical habitat or threatened species, populations of ecological communities, or other habitats, will be adversely affected as a result of the proposal?

No, as the site is located in the Blacktown CBD.

Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No, the planning proposal purely seeks to reclassify the land.

Has the Planning Proposal adequately addressed any social and economic effects?

The planning proposal purely seeks to reclassify the land. However, the future public recreation and public parking facility that will be developed on the site will be an important piece of social infrastructure for the Blacktown CBD.

3.4 Section D – State and Commonwealth interests

Is there adequate public infrastructure for the Planning Proposal?

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

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the Planning Proposal?

Relevant State and Commonwealth Public Authorities will be consulted in accordance with any Gateway Determination that may be issued by the Department of Planning and Environment.

Is there a net community benefit?

The proposed central park and public car parking facility will be important social infrastructure for the southern part of the Blacktown CBD. The central park and basement car park will service future residents that will be housed in this part of the CBD over the next 20 years.

PART 4 – Community consultation

Public consultation is to be consistent with Clause 57 of the Environmental Planning and Assessment Act 1979. The scope of public consultation required would be detailed in the Gateway Determination.

PART 5 – Project timeline

Tasks	Timeframe
Gateway Determination	October 2018
Public Authority Consultation	November 2018
Community Consultation for reclassification	November/December 2018
Update Planning Proposal/report to Council	February 2019
Department review of final Planning Proposal	March 2019

APPENDIX 1 - INFORMATION TO RECLASSIFY PUBLIC LAND THROUGH AN LEP

1a. Address Section 117 Direction 6.2 Reserving Land for Public Places

This planning proposal is justifiably inconsistent with this direction. It seeks to reclassify Lot 5A DP 11349 which forms part of the newly created Reserve 474 from community to operational as it is the only lot that forms Reserve 474 that has a community land classification. All of the other lots that form Reserve 474 are classified as operation land.

This lot needs to be classified as operational to allow for the construction of a basement car park which is an integral component of the redevelopment of Reserve 474 which will see the creation of a new central park for the Blacktown CBD.

1b. Address the checklist in Practice Note PN 16-001

- **The current and proposed classification of the land**

The land is currently classified “community”. The Planning Proposal proposes to reclassify it “operational”.

- **Whether the land is a ‘public reserve’ (defined in the LG Act)**

The land is a ‘public reserve’ as defined in the Local Government Act.

- **The strategic and site merits of the reclassification and evidence to support this**

The redevelopment of Reserve 474 is the first stage of the Warrick Lane Redevelopment. The Warrick Lane redevelopment is one of Council's key Transformation Projects as identified in our Community Strategic Plan.

The transformational projects identify key priorities for our community, including “breakthrough” areas to advance the long term strategy. Council, along with the other relevant stakeholders, will work towards delivering these projects, ensuring the vision is achieved. The transformational projects support delivery of the strategic directions. As strategies are confirmed, they will also become key actions in the Delivery Program and Operational Plan

- **Whether the planning is the result of a strategic study or report**

Yes, the urban design analysis undertaken by Cox Architects and JMD Landscape Architects identified the better use of the land by incorporating an underground car park and two flanking buildings to activate the reserve.

- **Whether the planning proposal is consistent with the council's community plan or other local strategic plan**

Our Blacktown 2036 outlines Council's practical approach to achieving community's aspirations for the City. Alongside the 6 strategic directions is a set of transformational projects that completes the vision for the City. The transformational projects identify key priorities for our community, including “breakthrough” areas to advance the long term strategy. Council, along with the other relevant stakeholders, will work towards delivering these projects, ensuring the vision is achieved. The transformational projects support delivery of the strategic directions. As strategies are confirmed, they will also become

key actions in the Delivery Program and Operational Plan. The projects identified that will help transform Blacktown City include:

1. Blacktown International Sportspark (BISP) – BISP Master Plan – International Centre of Training Excellence
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3. Riverstone Town Centre master plan
4. Animal Rehoming Centre

At the time of adoption of this Community Strategic Plan, the transformational projects are at different stages of development.

- **Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why**

At this stage, Council has not resolved to discharge its interest in the land.

- **The effect of the re-classification (including the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged)**

The reclassification of this central part of the reserve from community to operational is required to facilitate the redevelopment of this part of Reserve 474 to achieve Council's vision. Without the reclassification, Council would not be able to develop the land to allow for mixed use development to occur. It is this mixed use development that will activate the reserve.

- **Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title issues, notice in a Government Gazette, trust documents)**

This information is summarised in the table at Table 1 to the Planning Proposal.

- **Current use(s) of the land, and whether uses are authorised or unauthorised**

The lot is currently vacant awaiting demolition.

- **Current or proposed lease or agreements applying to the land, together with their duration, terms and controls**

There are no current leases that apply to the land. Currently, there are no proposed leases or agreements for the lot.

- **Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after re-classification or at a later time)**

The only current business dealings are as indicated in Table 1.

- **Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with the endorsed Plan of Management or strategy)**

The lot will remain zoned RE1 to facilitate the construction of a park with basement car parking. This planning proposal also seeks to add 'car parks' as an additional permitted use to the properties zoned RE1 to allow for the construction of a basement car park.

- **How Council may or will benefit financially, and how these funds will be used.**

Council may enter into leaseholds with third parties. It has no intention at this time to dispose of land.

Table 1 INFORMATION TO RECLASSIFY LAND THROUGH AN LEP

Lot/DP	5A/11349
Land use	Community
Zoning	RE1
Lot/DP when acquired	5A/11349
Acquisition date	21/12/2017
How land was acquired	Negotiated
Transfer	
Trusts/Interests	Nil