



IRF21/4852

Gateway determination report – PP-2021-3861

Blacktown Health and Education Precinct

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Blacktown Health Precinct Planning Proposal – June 2021
Council Report and Attachments – October 2021
Traffic Report – May 2021
Blacktown Private Hospital Independent Market Assessment – April 2018
Blacktown Health Precinct – Potential Market Assessment – April 2019
Precinct Concept Masterplan – August 2019

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Blacktown
PPA	Blacktown City Council
NAME	Blacktown Health and Education Precinct (760+ dwellings, +3,200 jobs)
NUMBER	PP-2021-3861
LEP TO BE AMENDED	Blacktown LEP 2015
ADDRESS	Precinct as shown in Figure 1
DESCRIPTION	Multiple lots apply to the Precinct, the Precinct adjoins the Blacktown CBD to the West and the Blacktown Hospital to the East. The boundary is identified in the Applicable Land Area Map
RECEIVED	11/11/2021
FILE NO.	IRF21/4852
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

1.2 Objectives of planning proposal

The planning proposal (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- Identify a specific area as the Blacktown Health and Education Precinct;
- Provide flexibility and incentivise redevelopment within the precinct by providing an increase in density, heights and mixed uses that support allied health services; and
- Encourage redevelopment adequately supported by local and regional infrastructure.

The intended outcomes of the planning proposal are to:

- provide flexibility and incentives for redevelopment in the Precinct by amending the zoning and maximum height of building controls;
- identify key sites where additional development potential may be appropriate subject to design excellence being demonstrated;
- encourage the amalgamation of land throughout the Precinct by providing height bonuses subject to meeting minimum site area provisions;

- identify land required to be reserved for future acquisition purposes; and
- rezoning land currently zoned R2 Low Density Residential that is proposed to be acquired to RE1 Public Recreation and SP2 Local Road.

The objectives and intended outcomes of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the Blacktown LEP 2015 per the changes below:

Table 3 Current and proposed controls

Control	Current	Proposed
Zone	SP1 (Health Services Facility) SP2 (Education Establishment & Place of Public Worship) B3 Commercial Core R2 Low Density Residential RE1 Public Recreation RE2 Private Recreation	B4 Mixed Use SP1 (Health Services Facility & Education Establishments) SP2 (Local Road) RE1 Public Recreation
Maximum height of the building	14m & 32m	14m, 26m & 32m (44m incentive on certain sites)
Floor space ratio	n/a	n/a
Minimum lot size	450	2000sqm and others
Number of dwellings	14	760-880 (depending on the ability of sites to reach the minimum lot size and subject to a design competition).
Number of jobs	Not stated	+3,200

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

Specifically, the planning proposal seeks to make the following amendments:

- Amend the BLEP 2015 to:

Rezone

- rezone land north of Main Street zoned SP2 Educational and B3 Commercial Core to B4 Mixed Use;
- rezone the Blacktown Bowling Club site from RE2 Private Recreation to SP1 Special Purpose zone;
- rezone existing R2 Low Density Residential zone land to RE1 Public Recreation and SP2 (Local Road) to expand Captain Cook Memorial Park for drainage purposes and road connections; and
- replace the two existing SP1 Special Purpose Health Services Facility and SP1 Educational Establishment and Place of Public Worship zones south of Main Street

with a new consolidated SP1 Special Purpose zone (Health Services Facility and Educational Establishments).

Height

- Amend the Height of Buildings control to allow up to 14m, 26m and 32m in the Precinct. Please see below Additional Local Provision for further information on 'Key Sites' and possible bonus building heights.

Additional Permitted Land Use

- Permit car park (as defined by the BLEP 2015) as development that is permitted with consent in the zones across the Precinct.

Additional Local Provision

- Insert two new clauses in Part 7 to identify land as 'Key Sites' within the Precinct where a bonus building height provision may enable buildings up to 44m, subject to design excellence being demonstrated through an architectural design competition and subject to buildings having a maximum floor plate of 1,000m²; and
- to allow the mapped height shown on the Height of Building Map to be exceeded up to a maximum of 26m or 32m (as indicated on the proposed map) if a minimum site area of 2,000m² is achieved.

Land Reservation Acquisition

- Identify 22 lots to be acquired by Council for drainage and local road purposes.

It is noted that the proposal submitted to the Department contained details surrounding the classification and reclassification of land. Through further information submitted by Council, the updated proposal does not include the reclassification of land.

The Gateway determination has been conditioned to remove any references to the classification and reclassification of land.

1.4 Site description and surrounding area

The proposed Blacktown Health and Education precinct is bounded by Sunnyholt Road and Newton Road to the west, the Western Railway Line to the north, Griffiths Street and Blacktown Hospital to the east and Bungarribee Road to the south, as shown in **Figure 1** below and **Attachment C**.

The Precinct currently accommodates over 30 health service facilities which primarily occupy approximately 120 former residential dwellings constructed on allotments generally between 500m² and 700m² in size.

The Precinct area contains a mix of private and public landowners including TAFE NSW and various private medical specialists; it also adjoins the Blacktown Hospital to the East and the Blacktown CBD to the West. Current medical and non-medical uses within the precinct are shown in **Figure 2** below.

The Precinct includes a local heritage item (No.18) being the Russian Orthodox Church (Lot 172 DP15914), which is listed as a local heritage item under BLEP 2015 (see **Figure 3**).



Figure 1 Site context (source: GLN Planning Proposal)

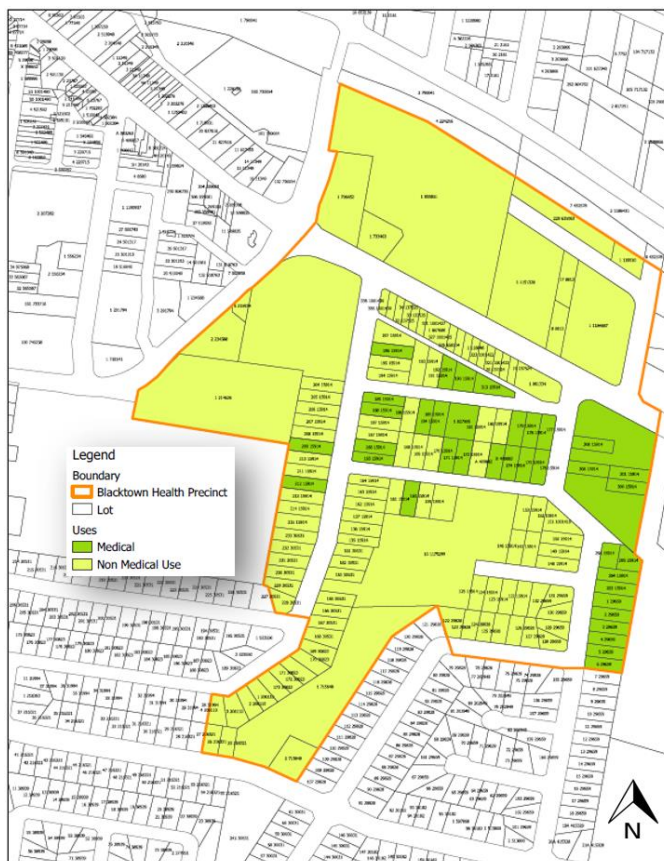


Figure 2 Current medical and non-medical uses (source: Council Proposal)



Figure 3 Heritage Item (source: Blacktown LEP 2015)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the Blacktown LEP maps, which are suitable for community consultation.

It is recommended a comparison of the mapping amendments be included in the Planning proposal to clearly identify the proposed map changes.

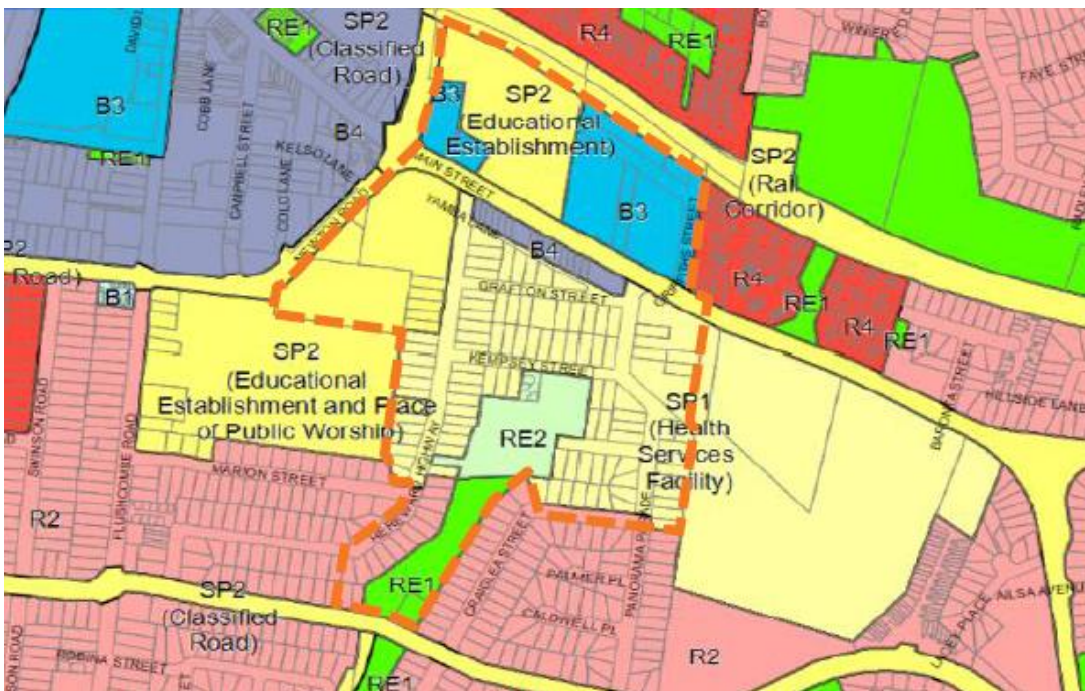


Figure 4 Current zoning map (source: Blacktown LEP 2015)

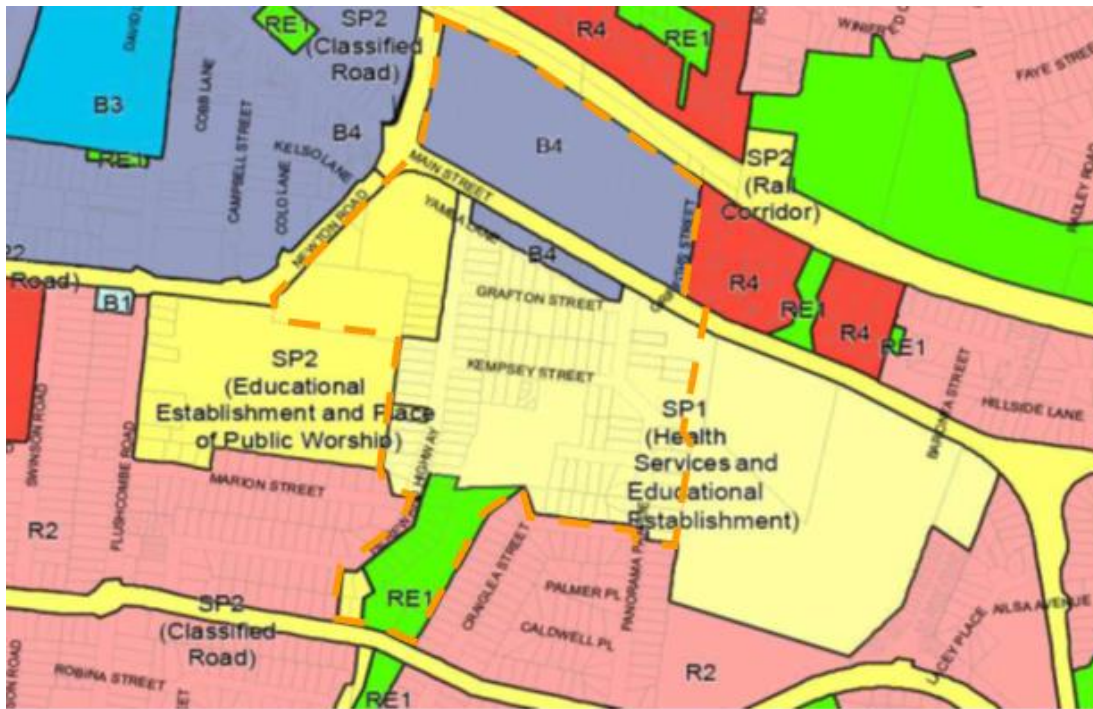


Figure 5 Proposed zoning map



Figure 6 Current height of building map (source: Blacktown LEP 2015)

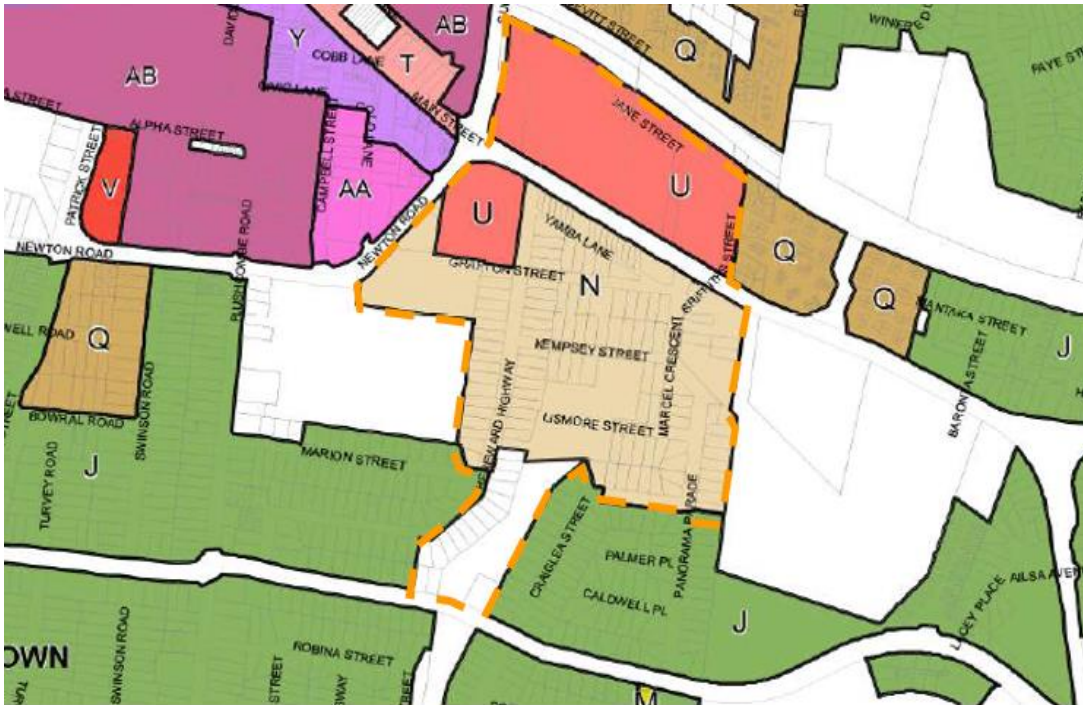


Figure 7 Proposed height of building map



Figure 8 Current Key Sites map (source: Blacktown LEP 2015)

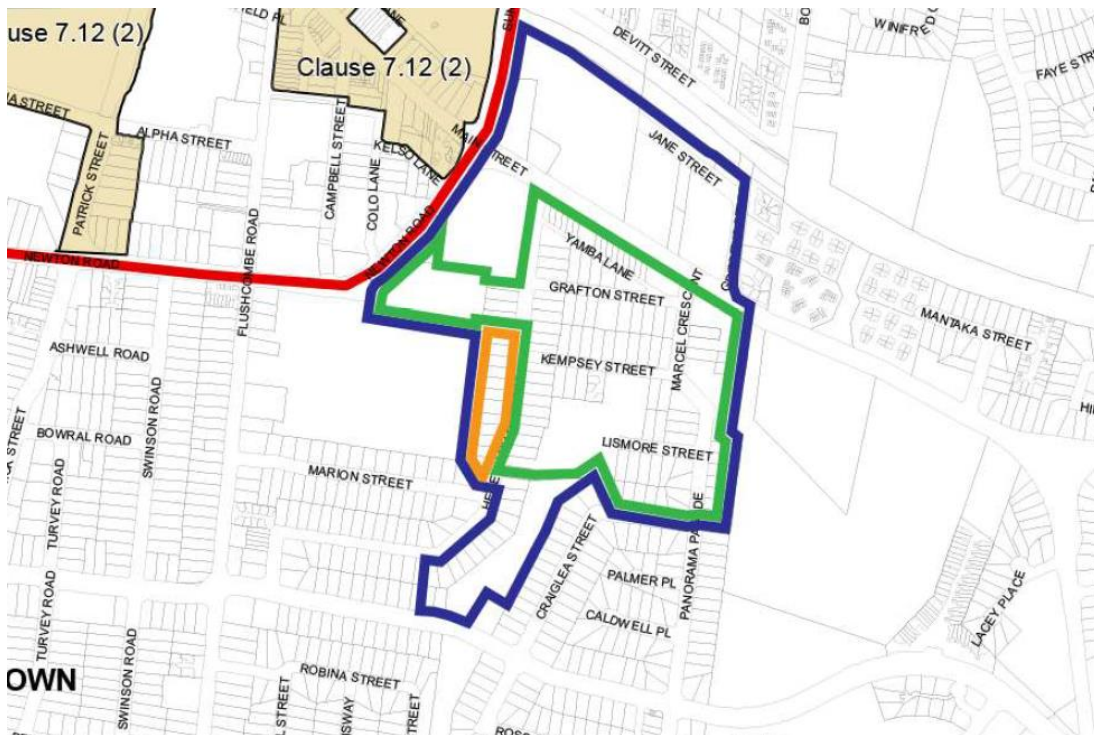


Figure 9 Proposed Key Sites map



Figure 10 Current Incentive Height of Building map (source: Blacktown LEP 2015)



Figure 11 Proposed Incentive Height of Building map

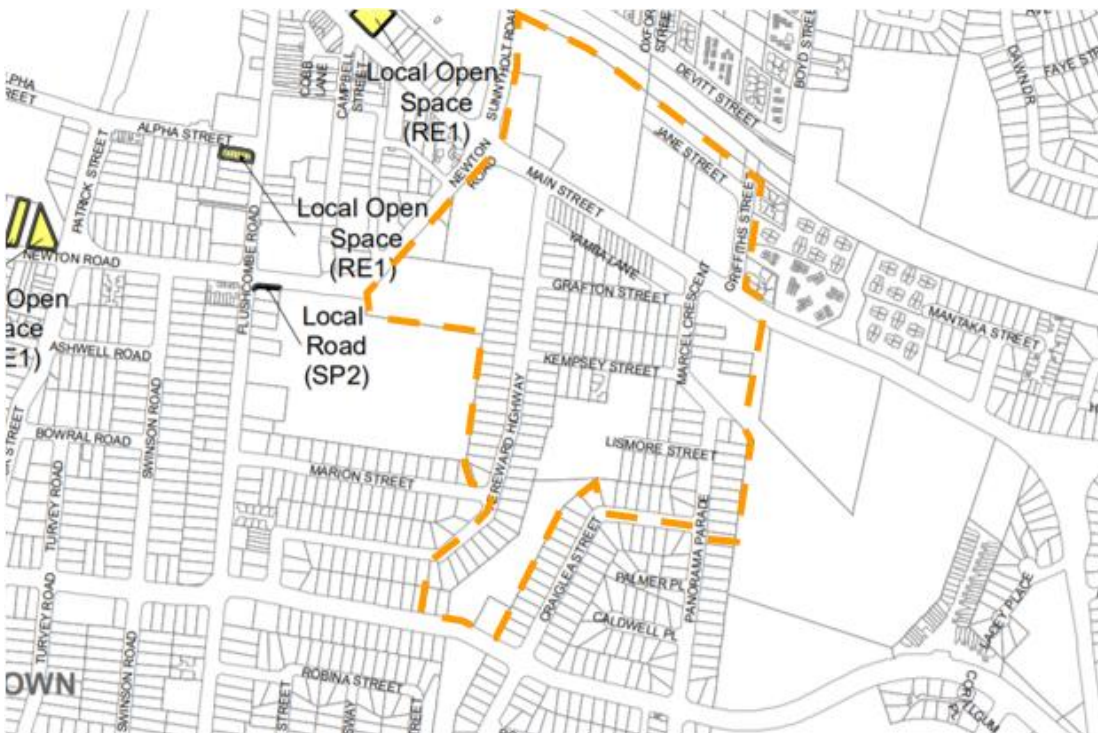


Figure 12 Current Land Reservation Acquisition map (source: Blacktown LEP 2015)

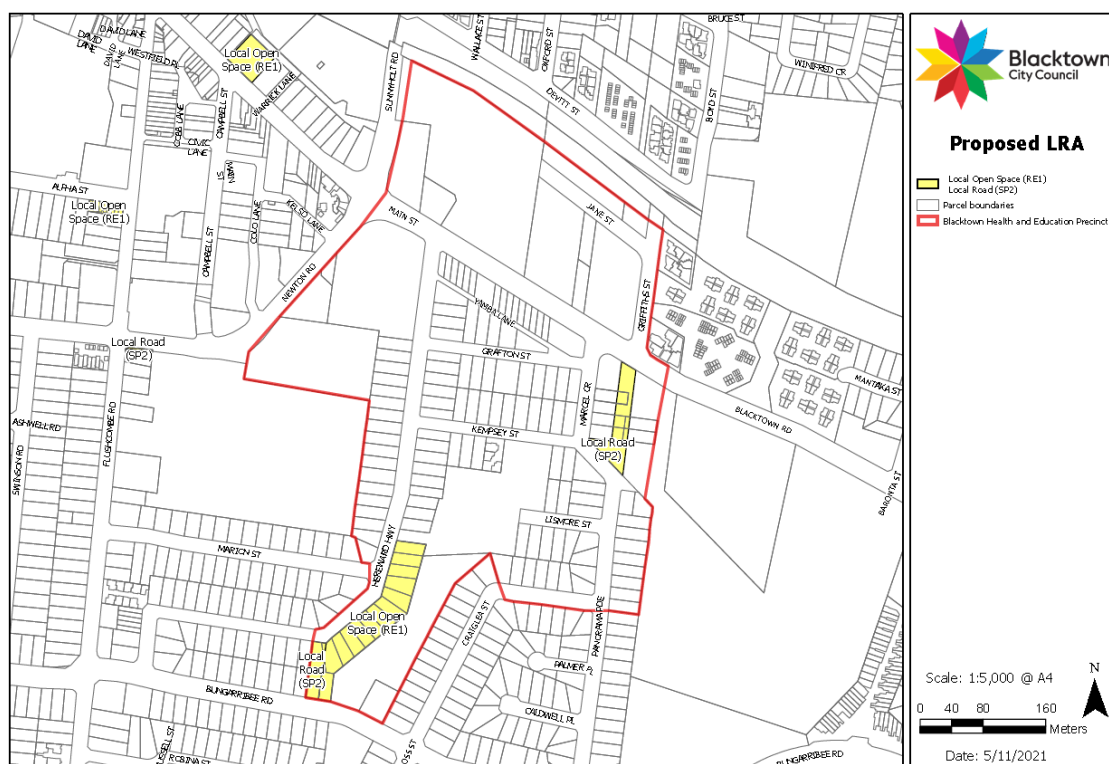


Figure 13 Proposed Land Reservation Acquisition map

1.6 Background

The Blacktown Health and Education Precinct is one of Blacktown City Council's key Transformational Projects as identified in the Council's Community Strategic Plan, Local Strategic Planning Statement and District and Region Plans, and will enable the development of health and educational services to meet the demand of the growing population.

In August 2019, a masterplan was prepared by Hames Sharley in collaboration with Blacktown Council (**Attachment D1**). Although visionary in nature, the plan contains concepts that have been incorporated into this proposal.

On 14 October 2020, Council resolved to endorse preparation and lodgement of this planning proposal to facilitate the transformation of the Precinct from a single storey, mainly residential area to a higher density, mixed use development that supports allied health services including hospital services, medical practices, assisted living, aged care and secondary support services including cafes, car parking facilities and incidental businesses that are envisaged within the Precinct.

Council advised that transformation of the Precinct is being undertaken in phases. Phase one investigations included analysis of the demand for a private hospital and allied health businesses, as well as urban design studies that were underpinned by a review of existing land use zones, development heights, traffic, flooding, and open space. This involved an economic assessment that provided Council with an understanding of the potential demand for health and medical services (**Attachment D2**). An independent Market Assessment was also carried out by O'Connell Advisory (**Attachment D3**).

An initial report was prepared by GLN Planning, that has been incorporated into this proposal (**Attachment D4**).

Phase two of the investigations includes refining infrastructure costing and amendments to the planning framework via this Planning Proposal.

2 Need for the planning proposal

The planning proposal (**Attachment A**) is the best means of achieving the proposal's intended outcomes particularly as it will be supported by amendments to the Blacktown DCP containing more specific controls. It responds directly to planning priorities in the District Plan and actions in the Blacktown *Local Strategic Planning Statement* (LSPS).

The planning proposal is supported by Economic and Traffic Assessments which supports Council's position to incentivise redevelopment for this Precinct.

3 Strategic assessment

3.1 District Plan

The Central River City District Plan was published on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 5 District Plan assessment

District Plan Priorities	Justification
Planning Priority C10 - Growing investment, business and job opportunities in strategic centres	<p>Action 40 of this planning priority is primarily focused on the Blacktown Health and Education Precinct, in particular it seeks to:</p> <p><i>(c) reinforce and capitalise on the health and education activities located in the Blacktown health and education precinct</i></p> <p><i>(d) manage land around the hospital so as not to preclude future expansion of the hospital and/ or co-location of a tertiary education facility, and</i></p> <p><i>(e) deliver ancillary uses which add value to the health and education facilities, including residential, aged care facilities, visitor accommodation, health and medical research activities, non-critical patient care and commercial uses which will be complementary to and help to revitalise the health precinct.</i></p> <p>This planning proposal gives effect to the objective of Planning Priority C10 as it seeks to amend the LEP to support the development of this precinct which will encourage investment, business opportunities and jobs growth in the strategic centre.</p>
Planning Priority C12 - Supporting growth of targeted industry sectors	<p>Action 53 of this planning priority specifically refers to health and education precincts, it identifies the need to encourage co-location of health and education facilities, have high levels of accessibility and facilitate housing opportunities for student workers within 30mins of the Precinct.</p> <p>The planning proposal is consistent with Action 53 as it seeks to facilitate a health and education precinct by nurturing the existing medical and specialist services and attract associated businesses through rezoning, height incentives via design excellence, and investment in infrastructure to support the growth of the precinct.</p>

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 6 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement	<p>Action 34 of the Blacktown LSPS advises Council will <i>Collaborate with the NSW Government and the private sector to promote health, medical research and innovation, and education opportunities in the Blacktown and Mount Druitt Strategic Centres and implement the Health Precinct Transformational Project.</i></p> <p>The proposal is consistent with this action as it seeks to implement the Health and Education Precinct (Transformational Project) by amending the Blacktown Local Environmental Plan 2015 to rezone land, set maximum height of buildings and minimum site area controls that will encourage the development of the Precinct.</p>

Our Blacktown 2036 – Community Strategic Plan (CSP)	<p>The Community Strategic Plan outlines Council's vision and aspirations for the future of the City. The vision is based on 6 Strategic Directions and Transformational Projects for the City.</p> <p>The planning proposal is consistent with <i>Strategic Direction 3: A smart and prosperous economy</i>, and <i>Strategic Direction 4: A growing City Supported by Accessible Infrastructure</i> as it will attract investment and foster local business and employment and be adequately supported by transport and other public infrastructure needed for the Precinct.</p>
Blacktown Development Control Plan 2015	<p>Council have advised it seeks to amend the Blacktown Development Control Plan 2015 to include car parking rates for offices and health services facilities within the Precinct and to map new road connections. The car parking rates proposed within the Precinct are at a rate of 1 space per 100 square metres of gross floor area, this is the same rate that applies to office development within the Blacktown CBD.</p>

3.3 Local planning panel (LPP) recommendation

The planning proposal was referred to the Local Planning Panel (LPP) on 30 June 2021, it determined to support the proposal and provided the following advice (**Attachment E**).

- The Proposal has strategic merit in regard to the environment of the locality, existing uses and likely future uses in and surrounding the area, and existing and required services and infrastructure
- The Proposal is responding to changing circumstance which are recognised by or accommodated within current planning controls such as new infrastructure needs and a changing demographic profile
- The Proposal will facilitate the provision of a wide range of health facilities of benefit to the Blacktown and wider communities in a location with good access to transport and higher order retail and commercial services
- The Proposal supports the community vision and strategic objectives within *Our Blacktown 2036 Community Strategic Plan*
- The Proposal aligns with the objectives and priorities in the Blacktown Local Strategic Planning Statement
- The Proposal is consistent with the *Greater Sydney Region Plan: A Metropolis of Three Cities* and the *Central City District Plan*
- The Proposal encourages healthy, socially connected communities located within walking distance of local infrastructure and services.

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Reasons for Consistency or Inconsistency
7.1 Business and Industrial Zones	<p>This Direction seeks to protect employment land in business and industrial zones and encourage employment growth in suitable locations.</p> <p>This Direction applies to the planning proposal as it seeks to rezone land from B3 Commercial Core to B4 Mixed Use. The Direction requires existing business zones are retained and the total potential floor space area for employment uses and related public services is not reduced.</p> <p>The planning proposal is consistent with this Direction as it seeks to increase the area for employment uses which is supported by the Council's Community Strategic Plan, Local Strategic Planning Statement and District Plan.</p> <p>It is noted that the proposal removes the existing B3 – Commercial Core zone, technically reducing available commercial floor space. However, this land is to be rezoned B4 – Mixed Use (now MU1 – Mixed Use) and is likely to facilitate commercial development through shop-top housing for the northern section of the precinct. Further, any loss of commercial floorspace in this portion of the precinct will be offset by the uplift provided throughout the remainder of the precinct.</p> <p>The proposal is considered to be consistent with this Direction, and no further assessment of this Direction is required.</p>
3.2 Heritage Conservation	<p>This Direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The Precinct contains a locally listed heritage item, Russian Orthodox Church (Item 18). Future development will consider the heritage aspects of the item. The planning proposal does not seek any changes to the heritage item.</p> <p>It is considered that the conservation of the heritage item, including potential overshadowing and bulk and scale impacts, can be adequately addressed during the development assessment stage. As the item is not of State heritage significance, the proposal is not required to be referred to Heritage NSW.</p>
4.4 Remediation of Contaminated Land	<p>The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The proposal largely maintains the existing zoning across the sites and facilitates the growth of health and education facilities. The proposed B4 Mixed Use zone will apply to land north of Main Street.</p> <p>Council advise there are no known contaminating uses carried out on that land, however this can be further addressed in any future development application.</p>

Directions	Reasons for Consistency or Inconsistency
6.1 Residential Zones	<p>This Direction applies as the proposal will affect land within an existing residential zone and other zones allowing residential development.</p> <p>The proposal is inconsistent with this Direction as it seeks to rezone R2 Low Density Residential Land this land to RE1 and SP2 to be used as open space/ drainage and road land respectively.</p> <p>The proposal has not addressed this Direction, and states that this Direction is not applicable.</p> <p>While inconsistent with this Direction, the inconsistency is considered justifiable and acceptable as the development of the Health and Education Precinct is in accordance with the Region and District Plans. The District Plan supports the development of this precinct as a health and education precinct, that will facilitate investment, business opportunities and jobs growth in the strategic centre.</p> <p>Is it noted the land north of Main Street is proposed to be rezoned to B4 Mixed Use, where seniors housing and shop top housing are permitted with consent. The proposal has identified that the rezoning of the precinct will result in approximately 760-880 new dwellings.</p>
5.1 Integrating Land Use and Transport	<p>This Direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.</p> <p>The planning proposal is inconsistent with this direction as it seeks to remove the R2 Low Density Residential and Commercial Core zones.</p> <p>The inconsistency is justified as the development of the Health and Education Precinct is in accordance with the Region and District Plans. The District Plan supports the development of this precinct which will encourage investment, business opportunities and jobs growth in the strategic centre.</p>
4.1 Flooding	<p>This Direction applies as the proposal seeks to alter a zone or a provision that affects flood prone land.</p> <p>The proposal notes there is identified flood prone land that is sought to be addressed through the inclusion of drainage basins. On this basis the minor inconsistency is justified.</p> <p>While the Department generally supports the location of these drainage basins; it is recommended the basins are further reviewed by EES and NSW SES during public exhibition and flood evacuation is considered up to PMF.</p>
1.1 Implementation of Regional Plans	<p>The planning proposal is consistent with this direction as it seeks to facilitate Region Plan Objective 21 'Internationally competitive health, education, and research precincts' which the Blacktown Health and Education Precinct is explicitly identified (Figure 37, Region Plan).</p>

Directions	Reasons for Consistency or Inconsistency
5.2 Reserving Land for Public Purposes	<p>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.</p> <p>To support the development of the Precinct, Council have identified a number of sites it intends to acquire for open space/drainage and road purposes. The planning proposal is consistent with this Direction as it seeks to increase the existing reservation of land for public purposes by acquiring and rezoning R2 Low Density Residential land along Hereward Highway for drainage purposes and will remain accessible to the public. Council are also preparing a contributions plan to support the proposed acquisition.</p>
1.4 Site Specific Provisions	<p>The objectives of this Direction are to discourage restrictive site-specific planning controls. The proposal seeks to include car parks as a land use permitted with development consent in the B4 Mixed Use, SP1 Special Activities (Health Services Facility and Educational Establishment) and RE1 Public Recreation zones. This is not considered to be a restrictive control as it seeks to expand the land use permissibility of the site.</p> <p>It is noted that Council may want to reconsider the reclassification of future and existing RE1 zoned land if it wishes to proceed with an additional permitted use, for the purposes of a car park, for this land.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs with the exception of those further discussed in the table below.

Table 8 Assessment of planning proposal against relevant SEPPs

SEPPs	Reasons for Consistency or Inconsistency
SEPP (Resilience and Hazards) 2021 (formerly SEPP No 55 - Remediation of Land)	<p>The proposal largely maintains the existing zoning across the sites and facilitates the growth of health and education facilities.</p> <p>The proposed B4 Mixed Use Zone will apply to land north of Main Street. No contaminating uses have been known to be carried out on that land. Regardless, SEPP 55 will apply to any future development application.</p>

4 Site-specific assessment

4.1 Environmental

Council advise the planning proposal will not affect critical habitat or threatened species, populations or ecological communities, or their habitats. The planning proposal seeks to mitigate potential flooding impacts with the inclusion of drainage basins, it is recommended that these

basins are further assessed by the NSW Environment, Energy and Science during agency consultation.

4.2 Social and economic

Council advise the findings from the supporting economic assessment reports '*Blacktown Private Hospital Independent Market Assessment*' (O'Connell Advisory, 2018) *The Blacktown Health Precinct Potential Market Assessment*' (Macro Plan, 2019) (MacroPlan report)' suggest the Precinct will have significant benefits to the community and local economy. The benefits include the potential development of a private hospital, job creation during and post construction, teaching, training and research opportunities, and the delivery of public and private health services. Both reports are contained at **Attachment D1 and D2**.

4.3 Infrastructure

Council has assessed the adequate infrastructure to service the site and the development resulting from the planning proposal. Findings from supporting studies and reports have identified the need for Council to acquire land to support the planning proposal. The key infrastructure needed to service the planning proposal is identified below.

Traffic

A Traffic Study was undertaken by GTA (now Stantec) to support the planning proposal (**Attachment D5**). The study identified the need to deliver additional local road connections and road and intersection upgrades. Council advise Stantec have been working with Council and Transport for NSW to develop a base model for traffic conditions surrounding three of Council's Transformational Projects including, Warrick Lane, Blacktown CBD and the Blacktown Health and Education Precinct. Using the base model, Stantec have reviewed the necessary works for an anticipated yield of approximately 110,000 m² of additional GFA within the Precinct, as a result the following intersections have been identified to be upgraded:

- Marcel Crescent/Griffiths Street/Main Street intersection
- Sunnyholt Road/Main Street (addressed in the CBD Planning Proposal)
- Hereward Highway/Main Street intersection
- Connection between Newton Road and Grafton Street, including a new intersection
- Jane Street extension to Main Street, including new intersection
- Griffiths Street through to Panorama Parade and Kempsey Street including new intersections.



Figure 14 Proposed Traffic Upgrades (Source: GLN Planning Proposal 2021)

As identified above (Figure 14) as well as the Traffic Study, the following lots are proposed to be acquired for road improvements:

- Main Street to Marcell Crescent and Panorama Parade (6 part lots to be acquired)
 - 308 DP15914
 - 306 DP15914
 - 301 DP15914
 - 300 DP15914
 - 1 DP128344
 - 3 DP71010
- Hereward Highway to Bungarribee Road (2 lots to be acquired)
 - 26 DP216321
 - 4 DP206110

The other local road connections and road upgrades will be identified in the Development Control Plan (DCP) that will be delivered as part of future development on affected sites within the Precinct. These new DCP roads are:

- Newton Road to Hereward Highway and Grafton Street
- Jane Street to Main Street.

Council advise it consulted with Transport for NSW on this Precinct and will continue to during agency consultation and public exhibition.

Flood Mitigation

As identified in the planning proposal Council engaged Catchment Simulation Solutions to investigate the flooding constraints within the Precinct (**Attachment D6**). Catchment Simulation Solutions mapped the existing and future 1% AEP and Probable Maximum Flood (PMF) flood levels to identify the flood impact and to assist in devising solutions. It recommends the construction of basins in parts of the Captain Cook Memorial Park as well as additional upgrades

to associated stormwater infrastructure to ensure the northern portions of the Precinct and the existing Bowling Club site will largely be above the 1% AEP flood level.

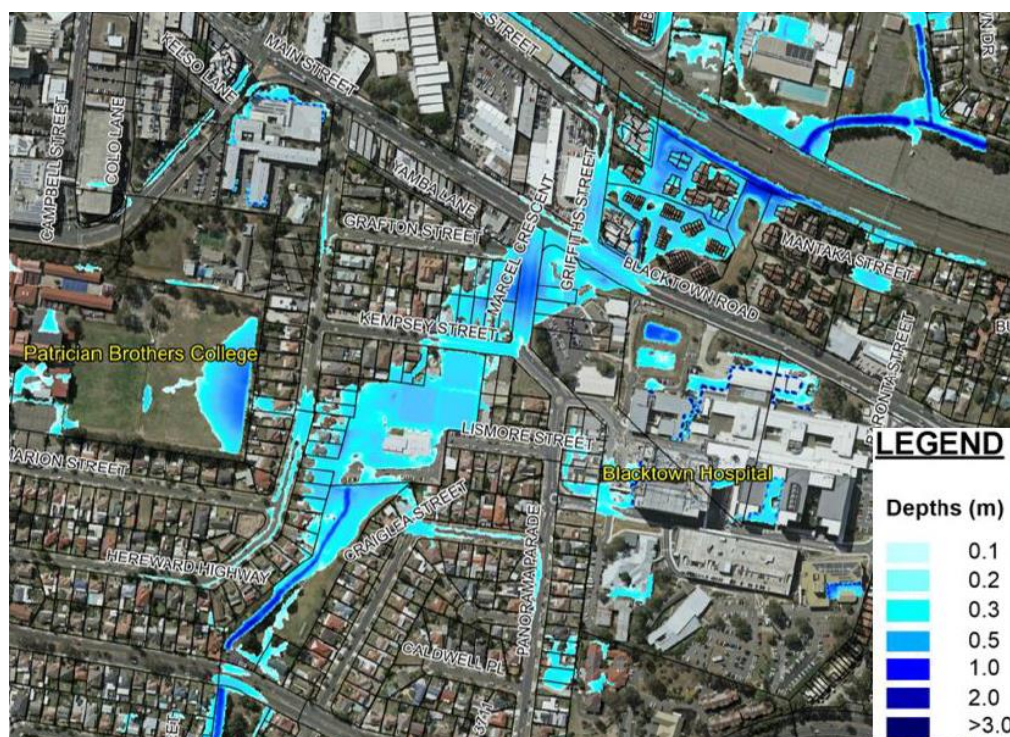


Figure 15 Existing Flood mapping within the Precinct (source: Blacktown Council)

To allow the development of the drainage basins Council seeks to acquire 13 lots zoned R2 Low Density Residential on Hereward Highway to expand Captain Cook Memorial Park. These lots are identified below and are proposed to be rezoned to RE1 Public Recreation.

- Lots 165-168 DP30531
- Lots 169-173 DP30823
- Lots 1-3 DP206110
- Lot 25 DP216321

This drainage infrastructure is proposed to mitigate the flood effects on this land.

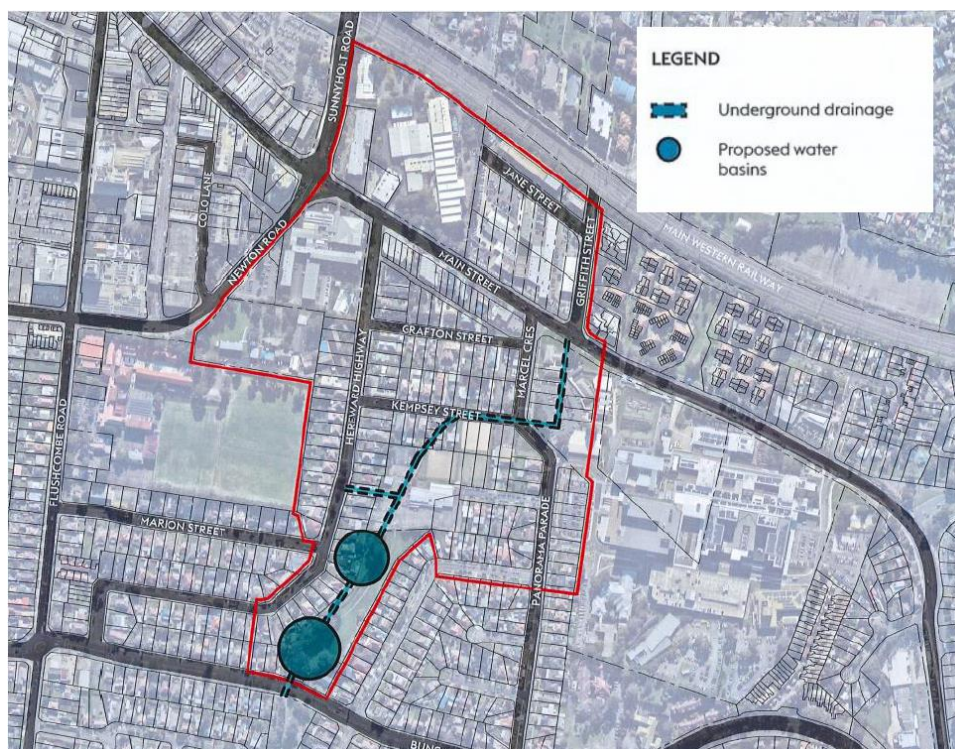


Figure 16 Proposed Drainage Infrastructure (source: Blacktown Council)

While Council advise any issues with the flood affectation in the Precinct will be considered during the development application stage, it is recommended flood impacts up to the PMF extent are considered in terms of flooding and evacuation, this is especially important given the Precinct will contain sensitive uses. This would be prudent given the uplift in both residents and employment attributable to the proposal, and this is consistent with the interim measure agreed with Blacktown Council in July 2021 until such time as the outcomes of FEM2 are publicised. Referral to both the SES and EES are recommended as a condition of the Gateway determination.

Council have advised the cost of these works and acquisitions have been considered and will be included as an input to the development of a Contributions Plan. The aim is to publicly exhibit the contributions plan with the Planning Proposal.

A list of properties to be acquired follows:

Location		Area	Land use zone	
Address	Lot / DP	(m ²)	Current	Proposed
39 Hereward Hwy	Lot 165 DP 30531	650.1	SP1 Health Services Facility	RE1 Public Recreation
43 Hereward Hwy	Lot 167 DP 30531	569.10	R2 Low Density Res.	RE1 Public Recreation
45 Hereward Hwy	Lot 168 DP 30531	708.20	R2 Low Density Res.	RE1 Public Recreation
47 Hereward Hwy	Lot 169 DP 30531	657.60	R2 Low Density Res.	RE1 Public Recreation
49 Hereward Hwy	Lot 170 DP 30823	575.40	R2 Low Density Res.	RE1 Public Recreation
51 Hereward Hwy	Lot 171 DP 30823	594.40	R2 Low Density Res.	RE1 Public Recreation
53 Hereward Hwy	Lot 172 DP 30823	581.70	R2 Low Density Res.	RE1 Public Recreation
55 Hereward Hwy	Lot 173 DP 30823	575.40	R2 Low Density Res.	RE1 Public Recreation
57 Hereward Hwy	Lot 1 DP 206110	588.10	R2 Low Density Res.	RE1 Public Recreation
59 Hereward Hwy	Lot 2 DP 206110	575.40	R2 Low Density Res.	RE1 Public Recreation

Location		Area	Land use zone	
61 Hereward Hwy	Lot 3 DP 206110	727.20	R2 Low Density Res.	RE1 Public Recreation
63 Hereward Hwy	Lot 4 DP 206110	600.70	R2 Low Density Res.	SP2 Local Road
33 Bungarribee Rd	Lot 26 DP 216321	581.70	R2 Low Density Res.	SP2 Local Road
31 Bungarribee Rd	Lot 25 DP 216321	588.10	R2 Low Density Res.	RE1 Public Recreation

Land to be acquired for open space: 12 lots with an area of 7,390.70 m²

Land to be acquired for local road: 2 lots with an area of 1,182.40 m²

Additional Permitted Land Use – Car Parks

The proposal seeks to include car parks as a land use permitted with development consent in the B4 Mixed Use, SP1 Special Activities (Health Services Facility and Educational Establishment) and RE1 Public Recreation zones.

Council advise permitting car parks as a land use is essential in providing access to the Precinct. While the additional permitted land use is supported in principle, alternative modes of transport are encouraged.

Council advise the Blacktown Development Control Plan 2015 will be amended to include car parking rates for offices and health services facilities within the Precinct and to map the new road connections. The car parking rates proposed within the Precinct are at a rate of 1 space per 100 square metres of gross floor area, which is the same rate that applies to office development within the Blacktown CBD as identified in the Parking Management Plan that was adopted by Council in April 2015.

It is noted that as the proposal does not contain any reclassification of land, and that Council may need to assess the need for a reclassification of RE1 land for any additional permitted use for the purposes of a car park.

Open Space

Council has indicated that the proposal will facilitate an increase of 760-880 residential dwellings, predominantly within the northern section of the precinct. Realisation of the 880 dwellings will be dependent on the application of bonus height of buildings and a design competition for certain sites.

The proposal contains an expansion of the existing Captain Cook Memorial Park for open space and drainage purposes. Council has stated that the acquisition of land for the expansion will equate to 12-14% of the required demand and is consistent with its policy in high density precincts. The remaining demand will be provided through the improvement of connections and upgrades to existing open space near the precinct and funded through Council's local contributions plan. Public spaces will also be secured in consideration of future development applications.

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms one of the conditions of the Gateway determination.

5.2 Agencies

The planning proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Transport for NSW
- NSW Environment, Energy and Science
- NSW Department of Health
- NSW State Emergency Service
- Department of Education & TAFE NSW
- Sydney Water
- NSW State Emergency Service
- Relevant infrastructure providers for telephone, gas and electricity.

6 Timeframe

Council proposes a 10-month time frame to complete the LEP.

The Department recommends a time frame of 10-months to ensure it is completed in line with its commitment. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

Milestone	Timeframe
Public exhibition	April - May 2022
Consideration of submissions	June - July 2022
Council post-exhibition report and resolution	September-October 2022
Notification of LEP amendment	December 2022

Given the need to ensure the local contributions plan is delivered to support the planning proposal through the preparation of a local contributions plan, it is recommended that the time frame to completion is extended to 12 months from Gateway. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council did not request delegation to be the Local Plan-Making authority. However, as the proposal does not involve the reclassification of land, the Department recommends that Council be authorised to be the local plan-making authority for this proposal. A local plan-making report template will be sent with the Letter to Council, should the proposal be supported.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It demonstrates sufficient strategic merit as it is consistent with:
 - The Central City District Plan, particularly:

- Planning Priority C10 Growing investment, business and job opportunities in strategic centres
- Planning Priority C12 Supporting growth of targeted industry sectors
- Blacktown City Council's Local Strategic Planning Statement and supporting Housing Strategy, particularly:
 - Planning Priority 10 (Action 34) Growing targeted industry sectors
- Relevant State Environmental Planning Policies; and
- Section 9.1 Directions.
- It demonstrates sufficient site-specific merit to proceed to public exhibition.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Provide a clear comparison of current and proposed LEP maps;
- Identify various lands to be acquired;
- Remove all references to the reclassification of land;
- Update all references of historical land use zones by referencing current business zones as amended under Standard Instrument (Local Environmental Plans) Order 2006 (SI LEP Order); and
- Update the planning proposal to reflect the updated Ministerial Directions and Consolidated SEPPs published on 1 March 2022.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note that the proposal's inconsistency with section 9.1 Direction 7.1 – Business and Industrial zones, Direction 6.1 – Residential zones and Direction 4.1 – Flooding is minor and no further justification is required.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to:
 - (a) update the planning proposal, as follows:
 - a. under *Part 1 – Objectives or intended outcomes*, include current and proposed maps which clearly identify the proposed changes to the planning controls, including the removal of the minimum lot size maps for proposed RE1 zoned land;
 - b. remove all references to the reclassification of land;
 - c. update all references to business zones to refer to current suite of employment zones (i.e. B4 – Mixed Use is now referred to as MU1 – Mixed Use);
 - d. Update the planning proposal to reflect the updated Ministerial Directions and Consolidated SEPPs published on 1 March 2022;
 - e. under *Part 2 – Explanation of Provisions*,
 - i. amend the title of 2.1 to refer to the Blacktown LEP 2015;
 - ii. include a map and identify the land proposed to be acquired;
2. Consultation is required with the following public authorities:
 - Transport for NSW
 - NSW Environment, Energy and Science
 - NSW Department of Health

- TAFE NSW
 - Department of Education and TAFE NSW
 - Sydney Water
 - NSW State Emergency Service
 - Relevant infrastructure providers for telephone, gas and electricity.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
 4. The planning proposal should be exhibited within 3 months from the date of the Gateway determination.
 5. The planning proposal must be reported to council for a final recommendation 10 months from the date of the Gateway determination.
 6. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.
 7. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



28/2/2022

_____ (Signature)

_____ (Date)

Ian Bignell

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