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Plan finalisation report – PP-2021-3861

Blacktown Health and Education Precinct

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

1.1 Overview

1.1.1 Name of draft LEP

Blacktown Local Environmental Plan 2015 (Amendment No. 33).

The Planning Proposal seeks to rezone land and introduce appropriate planning controls to facilitate the Blacktown Health and Education Precinct, being the land between Blacktown CBD and Blacktown Hospital. The proposal will yield a minimum of 760 dwellings and 3,200 jobs.

1.1.2 Site description

Table 1 Site description

Site Description	The planning proposal (Attachment A) applies to multiple lots comprising the Precinct; the Precinct adjoins the Blacktown CBD to the West and the Blacktown Hospital to the East. Refer Precinct Site Context plan below.
Type	Area
Council / LGA	Blacktown City Council
LGA	Blacktown



Figure 1 Precinct Site Context

The 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. The existing area contains a mix of private and public landowners including TAFE NSW and various private medical specialists. Existing development comprises mostly single and two-storey development with many properties comprising low-density housing. There are some commercial and community facilities including Blacktown Bowling Club, a private school, Salvation Army facilities, church and the TAFE campuses in and around the precinct.

1.1.3 Purpose of plan

The table below outlines the current and proposed controls for the LEP.

Table 2 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 buildings	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 outlines 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
- 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 proposals above (as per the Gateway determination) are subject to several post-exhibition changes made by the Council and/or the Department as part of consideration of finalisation. These changes will be detailed in section 3.3 below.

1.1.4 State electorate and local member

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

The site falls within the Greenway Federal electorate. Michelle Rowland MP is the Federal Member.

Stephen Bali MP wrote to the Council during the exhibition of the proposal. The submission letter generally supported the proposal and raised several issues that have been addressed by the Council as a public submission (see section 3.1 below). No changes to the proposal arose from this submission.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 2/03/2022 (**Attachment B**) determined that the proposal should proceed subject to conditions. Council has met all the Gateway determination conditions.

In accordance with the Gateway determination the proposal is due to be finalised on 2/03/2023. The Council was delegated as the local plan-making authority for the planning proposal.

In agreement with the Department the Council has decided not to exercise its delegation as local plan making authority and to refer the planning proposal to the Department to address outstanding

issues and finalise the plan. The Department provided correspondence dated 9 December 2022 flagging its intent to finalise the plan this year to enable progress of the precinct in 2023.

3 Public exhibition and post-exhibition changes

The planning proposal was considered by the Blacktown Local Planning Panel (BLPP) at its meeting on 30 June 2021. The BLPP determined to support the proposal and provided the following advice—

- 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 circumstances 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.

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 25/05/2022 to 24/06/2022, as required by section 29 of the *Local Government Act 1993*.

3.1 Submissions during exhibition

There were 43 submissions received from individuals and organisations including the Member for Blacktown Stephen Bali MP, The Salvation Army, Blacktown Private Hospital, 37 submissions from members of the community including a 51-signatory petition, and 2 submissions from Council's internal team. (**Attachment D**).

According to the Member for Blacktown, the general community response to the proposal is support for an increase in health and education facilities. This view was supported by the majority of individual submissions.

Of the individual submissions, none supported the proposal without qualification. One submission requested a copy of the notification only. Twenty one submissions supported the proposal but requested qualification or changes to the proposal. These particularly related to a request to extend the amendment area to include parts of Craiglea Street and Panorama Parade

One submission objected to the proposal. Twenty submissions expressed concern or objection and requesting a change, however it was unclear if further clarification or amendments would have then resulted in these submissions being in support for the proposal.

Objections related to a request to extend the amendment area to include parts of Craiglea Street and Panorama Parade, while requests to amend the proposal related to proposed changes to zoning and concerns about land acquisition.

Council noted that its officers discussed issues with individual owners during the exhibition period. In cases where Council did not respond in detail, such as to the request to expand the area covered by the proposal, the written response indicated that matters are being investigated and will be reported for Council consideration, at a later date.

Table 3 Summary of Key Issues

	Issue raised	Summary of Council response and Department assessment of adequacy of response
1	<p>Request to expand the area to be rezoned–</p> <ul style="list-style-type: none"> The current planning proposal only applies to some properties in Craiglea Street. Concerns this will adversely affect the remainder of the street and area in terms of overshadowing, increased traffic and limited parking, reduced property values and perceived safety risk Request that the area bounded by Panorama Parade, Craiglea Street, Captain Cook Memorial Park and Bungarribee Road be included in the Planning Proposal Concern about no transition zone between the proposed area and Craiglea Street. 	<p>Council Response:</p> <p>Most submissions, including a 51-signatory petition, requested that Council expand the Precinct boundary to include surrounding land in particular Craiglea Street, Blacktown.</p> <p>Council considered the 51-signatory petition at the Ordinary Meeting of 6 July 2022 and resolved to investigate the matters raised in the petition. The matters are being investigated including feasibility of higher density residential zoning and increased densities on land surrounding the Precinct including land bounded by Panorama Parade, Craiglea Street, Captain Cook Memorial Park and Bungarribee Road. This will be reported to Council for consideration.</p> <p>Department Response:</p> <p>Noted. Council proposes to include these streets in the Stage 2 planning proposal to be considered in 2023.</p>
2	<p>Queries around rezoning of land including–</p> <ul style="list-style-type: none"> Impact on liveability from residential and worker population increase Demand on infrastructure and impact on traffic and safety TAFE education area should remain as an education zone Request to upzone affected properties with an allowable height limit Request to retain current zoning or create dual or restrictive zoning Request for flexibility related to 2,000 sqm lot size for isolated development Request for existing park to remain as open space for residents Concern about lack of prior consultation Queries around floor space ratio control for commercial/residential mix and 	<p>Council Response:</p> <ul style="list-style-type: none"> Council reiterated its commitment to collaboration Council identified that renewal of the Precinct for health and education responds to the - <ul style="list-style-type: none"> Pressing need for health services Opportunity to facilitate education, training, knowledge-intensive jobs the government's investment in Blacktown Hospital Precinct is premised on existing elements Underpinning of the proposal by technical studies, including market assessment, traffic and transport modelling and analysis Educational establishments are permissible in the B4 Mixed Use zone The Standard Instrument (Local Environmental Plans) Order is a template which offers standard land zones and planning provisions for local environmental plans across NSW. The

	Issue raised	Summary of Council response and Department assessment of adequacy of response
	height controls for residential components.	<p>instrument permits R5 lots as large lot residential to provide residential housing in a rural setting while preserving and minimising impacts on environmentally sensitive locations and scenic quality.</p> <p>The Planning Proposal enables a development height of 14 metres and up to 26 metres (on certain land fronting Hereward Highway) or 32 metres (other land in the Precinct) if a minimum site area of on 2,000 square metres is achieved. This will enable good quality designed development on suitable lots.</p> <p>Department Response:</p> <p>Noted. Council has proposed relevant controls to ameliorate impacts of the Health and Education Precinct on surrounding development and/or otherwise to address the issues raised.</p>
3	<p>Concerns regarding the proposed acquisition of land including–</p> <ul style="list-style-type: none"> • Objection to acquisition of properties on Hereward Highway for drainage and open space • Uncertainty about the future related to ageing and potential reduction in circumstances due to acquisition • Query or concern about timing of acquisition • Concern about lack of prior consultation • Concern that proposed acquisition is unfair and unjust. 	<p>Council Response:</p> <ul style="list-style-type: none"> • Acknowledgement that the prospect of a person's home being acquired is distressing and potentially confronting for individuals concerned, particularly for long-standing residents <p>The proposal:</p> <ul style="list-style-type: none"> • is not proposed lightly and is the end result of detailed consideration of opportunities across the precinct as a whole • is an opportunity to facilitate more knowledge-intensive and population-serving jobs as well as access to more education and training opportunities • addresses a pressing need for more health services and facilities for our growing and aging population, which was acknowledged in many of the submissions received • has identified residential lots on Hereward Highway to expand Captain Cook Memorial Park for recreation purposes and to construct a drainage basin, achieving both objectives • proposed land uses were informed by technical studies investigating local flooding and amenity for future workers, visitors and residents • identifies changes in the number, age and life stage of residents, types of jobs, educational opportunities and investment in Blacktown. <p>Acquisition of land by a public authority is managed under legislation to ensure a fair and equitable</p>

	Issue raised	Summary of Council response and Department assessment of adequacy of response
		<p>process. There are also processes to enable a landowner to request Council acquire their land due to hardship, before planned acquisition.</p> <p>Timing of any future acquisition of land is dependent on:</p> <ul style="list-style-type: none"> the proposed amendments to the Blacktown Local Environmental Plan 2015 being made the availability of funding timing of when the land is required for the identified public purpose. <p>Once a landowner is approached to initiate acquisition, the process may take a further 12 to 18 months to complete.</p> <p>Department Response:</p> <p>Noted. Council has resolved to exclude all land acquisition from the planning proposal to enable further consideration and consultation with landowners.</p>
4	<p>Queries regarding the permissibility of certain land uses</p> <ul style="list-style-type: none"> Percentages of proposed medical/commercial/retail floor space Permissibility of allied health services Inclusion of key worker housing as a permissible use Inclusion of place of public worship and community facility as permissible uses Encouragement of affordable housing and community facilities through flexibility in planning controls and floor space exemption. 	<p>Council Response:</p> <p>The aim is to create a Precinct for health and education services that complement the Blacktown Hospital and TAFE.</p> <p>It is recommended to list place of public worship and community facilities as uses permitted within the precinct. Permitting these as 'stand-alone' uses will complement services in the Blacktown Strategic Centre and the Precinct.</p> <p>Department Response:</p> <p>Noted. Council has resolved to include these as additional permitted uses, subject to development consent and relevant controls. These post-exhibition changes are supported.</p>
5	<p>Refinement of the application of Clause 7.7A Height of buildings exhibiting design excellence.</p> <p>Amendments are requested related to the following:</p> <ul style="list-style-type: none"> Allow the following as part of the design excellence process: <ul style="list-style-type: none"> a demonstrable design excellence process for large sites not intended 	<p>Council Response:</p> <p>The Health and Education precinct:</p> <ul style="list-style-type: none"> is a transformational project that aligns with state and local strategic plans will realise and extend the benefits of the NSW Government's investment in Blacktown Hospital by re-planning and designing the Precinct will encourage allied medical health services and educational development

	Issue raised	Summary of Council response and Department assessment of adequacy of response
	<p>to be subject to a competitive process</p> <ul style="list-style-type: none"> ○ alternate processes capable of achieving design excellence ○ an area-equivalent relocation of the incentive height site area within the contiguous site for large, amalgamated sites <ul style="list-style-type: none"> • Include in design excellence process: <ul style="list-style-type: none"> ○ Designing with Country, urban heat load and sustainability as part of design excellence considerations ○ configuration of buildings on large sites to minimize negative impacts such as overshadowing to neighbouring properties • Principles for assessment should include considerations related to: <ul style="list-style-type: none"> ○ landscape, place, sustainability ○ connection to the broader CBD and surrounds ○ physical and cultural connection of the local Aboriginal community to the land ○ contributions to green and blue infrastructure ○ high standard of architectural design, materials selection and detailing ○ external appearance contributing to the quality and amenity of public domain ○ commercial alignment to reflect market expectations. 	<ul style="list-style-type: none"> • supports the community vision, guiding principles and strategic directions within the community strategic plan • will contribute to a thriving Blacktown Strategic Centre and Central Business District with a variety of public spaces, commercial, health and residential uses that complement a growing Blacktown City • aligns with the objectives and priorities in the Blacktown Local Strategic Planning Statement. It will help Council collaborate with the NSW Government and private sector to promote health, medical and innovation, and education opportunities in the Blacktown Strategic Centre. • is supported by the O'Connell report, which identifies the feasibility and demand for a private hospital to be established to complement facilities provided in the existing Blacktown Hospital. <p>Department Response:</p> <p>Noted. Council has resolved to propose changes to its LEP clauses relating to design excellence as well as to revise its Design Excellence Guidelines to support the Health and Education Precinct. These post-exhibition changes are supported.</p>
6	<p>Infrastructure delivery (infrastructure funding and Voluntary Planning Agreement) – Blacktown Private Hospital seeks to enter into a Voluntary Planning Agreement that, based on a suitable outcome and timing for the site, will forward-fund the required infrastructure (a lump sum payment) to enable redevelopment of the site to commence.</p> <p>Request that Council consider the following:</p>	<p>Council Response:</p> <p>Council is currently preparing a Contributions Plan (CP) and will consider these as part of the plan.</p> <p>Department Response:</p> <p>Noted. These issues will be further considered by Council in resolving the local infrastructure requirements associated with the development of the Health and Education Precinct. DPE will</p>

	Issue raised	Summary of Council response and Department assessment of adequacy of response
	<ul style="list-style-type: none"> location and type of infrastructure should consider the possible limitations for the land and surrounds where they are located infrastructure contributions are balanced and not overly onerous to ensure they facilitate feasible development in the area provision and timing of infrastructure aligns with development and funding availability to ensure development and provisions of health and education. 	continue to engage with Council and TfNSW throughout this process.

3.1.1 Other issues raised

Other issues raised by submissions included:

- Request for Mount Druitt Hospital to also receive funding due to space for expansion that will not cause adverse impacts on residents and existing high rise residential development being built around the hospital
- Notwithstanding Hereward Highway is not in the precinct, concern about detrimental effects of scale and duration of proposed works, pedestrian and vehicular traffic from Hereward Highway to Bungarribee Road
- A query about how much of the old Development Control Plan (DCP) will be duplicated in the new DCP
- Concern about the definition of the parking calculation in the precinct
- Building sustainability measures in addition to BASIX and NatHERS.

The above matters will either be resolved through further consideration of the DCP, through resolution of the local road issues etc. or in the case of comments relating to Mt Druitt Hospital, the matters raised are beyond scope of the current amendment.

3.2 Advice from agencies

In accordance with the Gateway determination, Council was required to consult with agencies. Table 4 below lists the 6 agency submissions and Council's response.

Table 4 Advice from public authorities

	Agency	Advice raised	Council response
1	Endeavour Energy	Endeavour Energy advised there is extensive electricity infrastructure within the Health and Education Precinct which is predominantly overhead power lines with some areas with underground cables which supply a combination of mostly padmount substations.	<p>Council noted the submission and will continue to work collaboratively to ensure development considers matters raised.</p> <p>It is noted that the matters raised in the submission will be relevant during</p>

	Agency	Advice raised	Council response
		Endeavour Energy provided feedback regarding electricity infrastructure and attached various documents to assist with assessing developments.	assessment of future Development Applications. No change was made to the Planning Proposal in response to the Endeavour Energy submission.
2	NSW Environment, Energy and Science (EES, which is now Environment and Heritage Group (EHG))	<p>The EES (now EHG) submission advised and noted that:</p> <p>The Planning Proposal should address the following flood risks:</p> <ul style="list-style-type: none"> the flood modelling is limited to the 1% Annual Exceedance Probability (AEP) and should address the impact of the development for the full range of flooding up to and including the Probable Maximum Flood (PMF) the conclusions of the Civil Report are inconsistent with the findings of the Flood Modelling summary which concludes that flood impacts under the Planning Proposal will be too high the flood mitigation measures rely on future infrastructure within land which is not currently under the control of Council emergency management planning has not been undertaken. <p>The flood mitigation measures are heavily dependent on the development of the Blacktown Bowling Club and the acquisition of residential properties on Hereward Highway which adjoins Captain Cook Memorial Park. The Blacktown Bowling Club is a private entity, and these mitigation measures will be the responsibility of the developer of the Bowling Club and not Council. No evidence has been presented that there is a Voluntary Planning Agreement (or similar arrangement) between Council and the Bowling Club to ensure the delivery and maintenance of these flood mitigation measures.</p>	<p>Council noted the submission and has undertaken additional work for flood risk.</p> <p>Council provided the following information to the EHG:</p> <ul style="list-style-type: none"> Council has done additional flood modelling with additional storm events up to and including the PMF event. The results of the modelling are in an updated Civil Report the flood modelling summary is correct, and the updated Civil Report concludes that there are no adverse impacts based on the current developed masterplan with two basins within Captain Cook Memorial Park, overland swale in Bowling Club and realignment of Marcel Crescent as detailed in the AT&L Civil Report, the flood mitigation measures do not rely on any works being undertaken within the Bowling Club land. If this land is left undeveloped the two basins within Captain Cook Memorial Park are sufficient to ensure no flood impacts. It is noted though as part of the Development Application for the re-development of the Bowling Club that additional flood modelling will need to be undertaken by the developer to ensure the proposed development does not result in negative flood impacts and to ensure the flood risk is appropriately managed it is acknowledged that the two basins within Captain Cook Park do require acquisition of residential properties along Hereward Highway, which has been identified in a Land Acquisition Map accompanying the Planning Proposal. It is expected that if the Bowling Club or others wish to develop their land prior to the

	Agency	Advice raised	Council response
		<p>Similar uncertainty exists as to the likely timing of the acquisition of land adjacent to Captain Cook Memorial Park for construction of the flood detention basins.</p> <p>Given this it is suggested that:</p> <ul style="list-style-type: none"> additional flood modelling be completed at Planning Proposal stage to identify the impacts of the development for the full range of flooding up to and including the PMF and inform appropriate flood mitigation measures to address those impacts as the Planning Proposal relies on the Blacktown Bowling Club to deliver flood mitigation measures, evidence be provided in the form of a Voluntary Planning Agreement (or similar arrangement) between Blacktown City Council and the Bowling Club for the delivery and maintenance of these measures emergency management planning be undertaken in consultation with the NSW State Emergency Service. 	<p>acquisition of the residential lands and construction of the dual basins, that the developer will need to implement measures on their land to ensure no negative flood impacts result</p> <ul style="list-style-type: none"> emergency management planning is being undertaken in consultation with State Emergency Service for the full range of floods up to and including the PMF. <p>Council subsequently advised the EHG of the additional work. Following this, the EHG advised Council that it:</p> <ul style="list-style-type: none"> notes the additional work that has been undertaken and that the Planning Proposal will be reported to Council would appreciate being advised when the Planning Proposal has been finalised. <p>No change was made to the Planning Proposal in response to the EHG submission.</p>
3	NSW State Emergency Service (SES)	<p>The SES advised that:</p> <p>The Planning Proposal must assess the risk of incremental flooding up to the PMF, including depth, velocity and duration of flooding. Council will need to ensure that the Planning Proposal is considered against the relevant Ministerial Section 9.1 Directions, including 4.3 – Flood Prone Land and is consistent with the NSW Flood Prone Land Policy as set out in the NSW Floodplain Development Manual, 2005 (the Manual). The submission states that the:</p> <ul style="list-style-type: none"> zoning should not enable development that will result in an intolerable increase in risk to life, health or property of people living on the floodplain risk assessment should be updated to consider the full range of flooding, 	<p>Council noted the submission and that it will continue to collaborate to ensure development considers flood risk.</p> <p>Council undertook additional work and subsequently advised SES of this additional work.</p> <p>The SES subsequently thanked Council for its subsequent response and advised it had no further comments prior to the Planning Proposal proceeding to Council for consideration.</p> <p>Council advised the SES of the following:</p> <ul style="list-style-type: none"> when reviewing flood risk, it is important to note that the existing area is exposed to a significant flood risk with multiple, single level buildings being subject to inundation during floods as frequent as the 20% AEP event. The rezoning and

	Agency	Advice raised	Council response
		<p>including events (including flooding durations) up to the PMF and not focus only on the 1% AEP flood. The impacts of the proposed detention basin failure or spilling must also be considered as there is residual risks to downstream communities associated with detention basins</p> <ul style="list-style-type: none"> • risk assessment should have regard to flood warning and evacuation demand on existing and future access/egress routes. Consideration should also be given to the impacts of the localised flooding on evacuation routes. The flood extents provided with the Planning Proposal indicate the roads are cut by flooding in a 1% AEP flood. It is likely they are cut prior to this. • in the context of future development, self-evacuation of the community should be achievable in a manner which is consistent with the SES principles for evacuation. As the proposal will contain sensitive uses, these may require additional time to evacuate prior to roads becoming flooded. Evacuation must not require people to drive or walk through flood water. Vulnerable facilities should be outside the PMF to avoid the stress of evacuation on already vulnerable community members • development strategies relying on deliberate isolation or sheltering in buildings surrounded by flood water are not equivalent, in risk management terms, to evacuation • development strategies relying on an assumption that mass rescue may be possible where evacuation either fails or is not implemented are not acceptable to the SES • the SES is opposed to the imposition of development consent conditions requiring private flood evacuation plans rather than the application of sound land use 	<p>redevelopment of the area will help to better manage the flood risk by implementing appropriate mitigation infrastructure (e.g. flood detention basins, swales/overland flow paths)</p> <ul style="list-style-type: none"> • Catchment Simulation Solutions (CSS) (consultants) concluded evacuation will improve both within the Precinct and outside the Precinct, with most buildings having access to higher ground, more multi-storey buildings and buildings only isolated for short durations (less than 5 minutes on two roads and a maximum of 41 minutes on one road in 1% AEP) • additional flood modelling has been undertaken by Catchment Simulation Solutions to include more flood events up to and inclusive of the PMF event. This includes an assessment of times of first inundation as well as durations of inundation. The Civil Report is updated to reflect the outcomes of this modelling • an assessment of detention basin failure and stability will be undertaken as part of the detailed design stage however civil engineers AT&L advised failure is a minor risk due to the fact both basins will be constructed as “cut” basins into the ground. The basins will not be constructed on imported fill with embankments formed by the natural in-situ ground. Geotechnical testing will be undertaken during detailed design stage to provide support of this • the flood modelling undertaken by CSS and the associated assessment of flood timing, shows flooding in this area is characterised as flash flooding with most local roads being cut in less than 30 minutes meaning there is limited opportunity for advanced warning and evacuation. Nevertheless, the local roads proposed within the Precinct will allow water travelling across the

	Agency	Advice raised	Council response
		<p>planning and flood risk management.</p>	<p>local road network (most notably Kempsey Street and Marcel Crescent) being able to drain more rapidly. Therefore, vehicle movements can likely commence sooner under the proposed scenario. When the improvements to the local road network are coupled with a flood informed design and location of multi-level buildings it will assist in offering an improvement to the potential for evacuation and/or potential for much lower risk “shelter in place” should evacuation not be possible with the limited warning times</p> <ul style="list-style-type: none"> • Modelling by CSS also indicates there is unlikely to be sufficient advanced warning to facilitate evacuation of all buildings regardless of the current or potential future land uses. Assuming evacuation cannot be achieved, the flood risk will be better managed under the proposed developed scenario where most buildings have access to higher ground and/or where there would be opportunity for “vertical” evacuation which is not available under the existing predeveloped scenario with single level buildings. It is likely that the future developers of buildings that include vulnerable facilities will need to consider the site, orientation of buildings and design of buildings so as to have access to elevated ground located outside of the PMF and/or access to levels within the building that are above the peak level of the PMF • We (Council) note and agree that evacuation is always preferable to shelter in place. However, as noted above, evacuation may not be a practical risk management strategy given the short warning times and the proposed development of the Precinct will provide lower risk opportunities to shelter in place relative to the current scenario with multiple, single level buildings being subject to inundation. It should also be recognised that any buildings that

	Agency	Advice raised	Council response
			<p>are isolated would typically only be isolated for short durations (i.e. typically less than 1 hour) based on current flood modelling</p> <ul style="list-style-type: none"> As outlined above, flooding in this area is characterised by short duration flash flooding and evacuation may not be practical/possible under existing or potential future conditions. If evacuation cannot be achieved, the SES is unlikely to have sufficient time to mobilise resources and provide any rescue assistance in this area. In such instances, the proposed scenario provides a much-improved opportunity to safely “wait out” the relatively short duration flooding in a safe environment relative to the current situation without reliance on the SES. <p>Council noted that management of flood risk is a key driver for the current risk management strategy and the strategy will not be reliant on any type of private flood plan as a risk management strategy.</p> <p>No change was made to the Planning Proposal in response to the SES submission.</p>
4	Transport for NSW (TfNSW)	TfNSW stated that the proposed traffic requirements of creating new signalised intersections, a new access point or the widening of existing access points effect the state road network.	<p>A Traffic Impact Assessment (TIA) was prepared by GTA Consulting (now Stantec) for Council for the Planning Proposal. Bitzios Consulting has since reviewed that work and its comments have been provided to TfNSW.</p> <p>No change was made to the Planning Proposal.</p>
(i)		<p><u>Traffic modelling</u></p> <p>Provide electronic SIDRA files to assess the impacts of additional vehicle trips on the surrounding road network.</p>	<p>A TIA was prepared by GTA Consulting (now Stantec) for Council for the Planning Proposal. Bitzios Consulting has since reviewed that work and its comments have been provided to TfNSW.</p>

	Agency	Advice raised	Council response
			No change was made to the Planning Proposal.
(ii)		<p><u>New Traffic Signals Warrant Assessment</u></p> <ul style="list-style-type: none"> • Provide warrant assessments for new signals for the intersection of Blacktown Road/Main Street / Marcel Crescent / Griffith Street (relocation of Marcel Crescent opposite Griffith Street to form a four-way signalised intersection) and for the proposed signalised intersection at Newton Road/ Colo Lane/ New Road (new road extension opposite Colo Lane to form a four-way signalised intersection). Regardless, if the site satisfies the warrants, it does not necessarily mean that traffic signals are the best solution. All traffic data should be analysed, and alternative treatments considered to determine the optimum treatment • Provide warrant assessment for the proposed signalised intersection at Newton Road/ Colo Lane/ New Road (new road extension opposite Colo Lane to form a four-way signalised intersection). The Transport Impact Assessment should specifically address Transport for NSW advice that the Newton Road/ Colo Lane/ New Road proposed intersection is not supported as the proposed intersection is too closely spaced to existing intersections and as such cannot be supported due to: <ul style="list-style-type: none"> ○ the potential see-through safety effect of closely spaced intersections and resultant road safety risks. ○ insufficient storage capacity between the intersections resulting in queues extending back through the adjacent intersections and across pedestrian crossings, resulting in road safety impacts particularly to pedestrians. 	<p>Council forwarded the SIDRA files to TfNSW in response to its request.</p> <p>Bitzios consulting undertook further work on the proposed traffic signals and documented it in a 'New Traffic Signals Warrant Assessment' (27 July 2022) report.</p> <p>Council also provided TfNSW with indicative concept designs for the proposed roads / intersections including:</p> <ul style="list-style-type: none"> • Main Street / Griffiths Street / Marcel Crescent • Hereward Highway/Bungarribee Road • Hereward Highway/Main Street • Grafton Street extension • Jane Street extension. <p>In summary:</p> <ul style="list-style-type: none"> • <i>Blacktown Road/Main Street / Marcel Crescent / Griffith Street:</i> <p>The proposal includes rationalisation of two adjacent intersections into one large, signalised intersection. One of the two intersections proposed to be rationalised is already signalised.</p> <p>The rationalisation of intersections is shown in the analysis to improve the operational performance of both intersections as well as consolidating movements in one controlled location for improved traffic safety. The one signalised intersection also improves safety and convenience for the growing number of active transport movements expected in this area with a controlled pedestrian/cycle crossing across Griffiths Street.</p> <p>In terms of traffic flow management, the proposed modification will bring Griffiths Street under signal control, allowing access to Blacktown Road to be controlled / 'metered' and mitigating the potential for flow breakdown on</p>

	Agency	Advice raised	Council response
		<ul style="list-style-type: none"> ○ TfNSW will provide further guidance on the preparation of a Traffic Signals Warrant Assessment. 	<p>Blacktown Road caused by uncontrolled entries from Griffiths Street.</p> <ul style="list-style-type: none"> • <i>Newton Road/ Colo Lane/ New Road:</i> <p>Since the preparation of the TIA report and subsequent advice from TfNSW, Council has decided not to pursue a traffic signal at this intersection. Instead, Council has instead proposed to introduce a signalised pedestrian crossing on Newton Road east of Colo Lane.</p> <p>This location has been identified as the desired future crossing location for students from the nearby educational institutions including children from Coreen School and students from Blacktown TAFE.</p> <p>A warrant assessment is not possible until the development has occurred, and pedestrian movements are being generated, however it is reasonable to assume that a signalised crossing will be required on pedestrian safety grounds and (at least) to allow for it in the planning.</p> <p>No change was made to the Planning Proposal.</p>
(iii)		<p><u>Strategic Concept Design Plans</u></p> <ul style="list-style-type: none"> • Provide Strategic Concept Design Plans for proposed works on the state road network: ○ Newton Road/ Colo Lane/ New Road (new road extension opposite Colo Lane to form a four-way signalised intersection) ○ Blacktown Road/Main Street / Marcel Crescent / Griffith Street (relocation of Marcel Crescent opposite Griffith Street to form a four-way signalised intersection) ○ New local road connection to Blacktown Road/Main Street (to connect to Jane Street) 	<p>Council prepared a strategic concept plan for the proposed Blacktown Road/Main Street / Marcel Crescent / Griffith Street intersection.</p> <p>In addition, Council has advised it is working on indicative layout plans for the:</p> <ul style="list-style-type: none"> • Jane Street extension • Extension of Hereward Highway • Widening of Panorama Parade • Newton Road / New Road intersection and pedestrian crossing. <p>No change was made to the Planning Proposal.</p>

	Agency	Advice raised	Council response
		<ul style="list-style-type: none"> ○ Extension of Hereward Hwy with new connection to Bungarribee Road (with Bungarribee being a classified road) ○ Widening of Panorama Parade which ultimately connects to Bungarribee Road (with Bungarribee being a classified road). 	
(iv)		<p><u>Pedestrian and cycling demands</u></p> <ul style="list-style-type: none"> • Additional pedestrian or cycling trip generations, links, and upgrades should be identified to encourage the use of public and active transport and reduce reliance on private vehicles. 	<p>Bitzios Consulting undertook additional investigations for active transport and public transport provisions detailed in an 'Active and Transport Review' which reviewed matters including:</p> <ul style="list-style-type: none"> • identifying strategies to promote active and public transport usage • estimating the growth in active and public transport usage resulting from the proposal • identifying measures to service the estimated demand. <p>No change is proposed to the Planning Proposal.</p>
(v)		<p><u>Opportunity for mode shift</u></p> <p>The type of land uses proposed and their proximity of the precinct to public transport services provide an opportunity for a mode shift from private vehicle trips to more sustainable transport modes. The transport assessment should provide further details to address this opportunity. The assessment and any site-specific DCP developed for the precinct should also identify any Travel Demand Management measures to further encourage sustainable transport modes. This should include recommendation for appropriate maximum parking rates (preferably through a site-specific Local Environmental Plan clause) and also requirements for future Development Applications to be supported by Green Travel Plans. Transport for NSW can advise on car parking restraints and</p>	<p>At the Ordinary meeting of 20 October 2021, Council also resolved to:</p> <p><i>'Prepare and exhibit an amendment in relation to parking controls within the Blacktown Development Control Plan 2015 for the Blacktown Health and Education Precinct and wider CBD.'</i></p> <p>To realise the vision for a Health and Education Precinct, development controls are required so Council is preparing a draft DCP to set detailed development objectives and controls to complement the amendments to Blacktown Local Environmental Plan 2015 and guide and support future development in the Blacktown Health and Education Precinct.</p> <p>No change was made to the Planning Proposal.</p>

	Agency	Advice raised	Council response
		approaches which have been adopted in similar situations that may be suitable for consideration for the subject precinct.	
(vi)		Address and manage future freight and service vehicle movements by specifying controls in a DCP such as the requirements for adequate on-site loading and servicing areas, separation of freight and highly pedestrian areas.	<p>The draft DCP will set various planning controls for built form and movement and access including parking controls and rates to provide adequate car parking to meet the specific needs of visitors and users in the Precinct as well as promote alternative means of transport including public transport, walking and cycling.</p> <p>No change was made to the Planning Proposal.</p>
(vii)		Provide an Infrastructure schedule and implementation plan with details for any transport infrastructure upgrades. This should include details of capital works, land components, strategic costings, delivery responsibilities and a funding mechanism/planning agreement to ensure the delivery of the necessary state, regional and local works to support the planning proposal. Strategic Concept Design Plans and further investigations into pedestrian movements and cycling and public transport services should also be provided.	<p>To ensure infrastructure delivery aligns with development of the Health and Education Precinct, infrastructure delivery and acquisition costs are proposed to be funded through a Contributions Plan (CP). Therefore, Council is developing a CP to support this planning proposal.</p> <p>The Gateway Determination also recommends that Council progress the CP in a timely manner to align infrastructure provision and does not prevent the planning proposal from progressing in accordance with the Gateway Conditions.</p> <p>We are well advanced with preparing a 'stand-alone' contributions plan for the Health and Education Precinct and will report it to Council for consideration.</p> <p>The CP will provide a contribution rate for development in the precinct based on the demand and estimated cost for the local infrastructure that is needed as a result of the Planning Proposal.</p> <p>It is recommended that we proceed to complete this Planning Proposal but defer the commencement date for publication to enable the DCP and CP to be adopted and come into effect. This will ensure that development applications are not determined unless a</p>

	Agency	Advice raised	Council response
			<p>DCP and CP have been approved and come in effect.</p> <p>No change was made to the Planning Proposal.</p>
5	School Infrastructure NSW (SINSW) (part of Department of Education)	<p>School Infrastructure NSW states that they continue to engage with Council to ensure schools are supporting community needs and continue to be appropriately resourced to respond to student population changes.</p> <p>SINSW is committed to working with Council and requests ongoing engagement regarding future growth and change in the locality to ensure schools are supporting community needs and continue to be appropriately resourced to respond to student population changes.</p> <p>The submission states that the number of students projected to be generated by the proposal's projected 760-880 new dwellings can be accommodated by the surrounding schools, subject to upgrades and intake area adjustments.</p>	<p>Council advised it will continue to work collaboratively to provide school infrastructure to meet the growing population. The SP1 Special Activities (Health Services Facility and Educational Establishment) zone promotes education uses within the Precinct.</p> <p>No change was made to the Planning Proposal.</p>
(i)(a)		<p><u>Demand for Educational Facilities</u></p> <p>There is long-term primary and secondary school demand (distributed widely) across the school community groups surrounding the Precinct. SINSW is in the process of reviewing the growth proposed for the wider Local Government Area in order to identify appropriate solutions to accommodate future projected enrolment demand. This will ensure that existing schools are fully utilised before new schools are considered.</p>	<p>Council noted the other points raised in the SINSW submission.</p> <p>No change was made to the Planning Proposal.</p>
(i)(b)		<p><u>Continued...</u></p> <p>The Precinct is within the southern half of the Blacktown Local Government Area where development opportunities are relatively limited by established suburban development. Given this, the minor enrolment demand resulting from the proposed development would be</p>	

	Agency	Advice raised	Council response
		distributed to nearby schools within the Blacktown South SCG, as primary school intake areas in particular are planned within a relatively small geographic area to support sustainable access.	
(i)(c)		<p><u>Continued...</u></p> <p>Significant population and enrolment growth in Blacktown is projected to occur in the Greenfield areas within the northern part of the Local Government Area where there are proposals for two new primary schools at Melonba and Nirimba Fields, as well as upgrades for Riverbank and Schofields Public Schools have been announced for Blacktown within the Department's overall planning to meet anticipated growth in the North West Growth Area. There are additional projects underway in the Local Government Area including the new Tallawong primary school and upgrades to Galungara Public School, John Palmer Public School and Glenwood High School.</p>	
(ii)		<p><u>Special Purpose Zones</u></p> <p>The Department of Planning and Environment's Gateway Report states the following:</p> <p><i>"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)".</i></p> <p>This change is not apparent on the proposed zoning maps within the Gateway Determination Report, which show an SP2 zoned area within the north-western corner of the study area south of Main Street.</p>	<p>The proposal is to rezone land:</p> <ul style="list-style-type: none"> from SP2 Infrastructure (Educational Establishment and Place of Public Worship) to SP1 Special Activities (Health Services Facility and Educational Establishment). from SP1 (Health Services Facility) to SP1 Special Activities (Health Services Facility and Educational Establishment). <p>This is shown on the proposed amendment to the Blacktown Local Environmental Plan 2015 land zoning map.</p> <p>No change was made to the Planning Proposal.</p>
(iii)		<p><u>Overshadowing</u></p> <p>According to the Department of Education's 'Educational Facilities</p>	<p>The aim is to create a high amenity and sustainable built environment for all users of the Precinct. As part of</p>

	Agency	Advice raised	Council response
		<p>Standards and Guidelines' (EFSG), SINSW aims to ensure that at least 70% of school spaces, including outdoor school play spaces, receive direct sunlight between 9am and 3pm in mid-winter</p>	<p>assessing developments, Council considers likely impacts of developments on built environments and the suitability of sites for developments.</p> <p>Council is preparing a draft DCP to set detailed development objectives and controls to guide and support future development in the Blacktown Health and Education Precinct. This will ensure provisions including solar access, with development retaining reasonable levels of solar access to neighbouring properties and the public domain and setbacks are considered as part of proposed developments.</p> <p>Council also considers shadows cast by development on land in the vicinity and requires shadow diagrams to assess the effect of the development on nearby land.</p> <p>No change was made to the Planning Proposal.</p>
(iv)		<p><u>Active Transport and Access</u></p> <p>Need to consider active transport opportunities and pedestrian prioritisation measures for the Precinct.</p> <p>Transport planning for the proposal (and the surrounding development precincts) should be guided by the NSW Governments Movement and Place Framework (MAPF) core.</p> <p>The MAPF's 'Primary Schools' indicator provides two specific metrics to judge the effect of infrastructure on the accessibility of public schools in an area; these being walkability and public transport access. These metrics require designers to assess whether proposed infrastructure facilitates access to primary school facilities (or public transport connections to schools) or whether it exacerbates gaps in the network.</p>	<p>A traffic assessment forms part of the Planning Proposal and assesses the capability of the road, public and active transport network for the Blacktown Health Precinct.</p> <p>Additional work has also been done to further assess proposed new roads and traffic signals for the Precinct.</p> <p>Bitzios Consulting has undertaken additional investigations for active transport and public transport provisions detailed in an 'Active and Transport Review'. This looked at matters including:</p> <ul style="list-style-type: none"> • identifying strategies to promote active and public transport usage • estimating the growth in active and public transport usage resulting from the proposal • identifying measures to service the estimated demand. <p>No change was made to the Planning Proposal</p>

	Agency	Advice raised	Council response
6	Sydney Water	<p>Sydney Water advised that potable water servicing to the Precinct will be sourced from the Prospect Hill Elevated Water Supply Zone. Wastewater servicing will be available from the East Blacktown SCAMP within the NSOOS Section 7-13 Sewer Catchment. Asset upgrades within these areas complying with the Water Services Association of Australia (WSAA) code – Sydney Water edition, may be necessary to service the expected uplift in development yield of approximately 110,000m² of additional gross floor area resulting from this planning proposal.</p> <p>Further investigation regarding the extent of any asset upgrades which may be necessary may be undertaken by means of a feasibility application lodged with Sydney Water via an accredited Water Servicing Coordinator.</p> <p>Sydney Water will continue to engage with Council on precincts identified for intensification of yield. As part of these discussions, Sydney Water requests indicative advice on the anticipated annual staging and ultimate yield of growth. This information is critical for assessing the total impact of the proposed changes and enable Sydney Water to effectively plan for water related infrastructure in a controlled and sequenced manner, as the delivery of water and wastewater infrastructure to service growth is subject to internal funding gateways which require confidence in the proposed growth to justify funding approvals.</p>	<p>Council noted the submission and will continue to work with Sydney Water as development across the Precinct proceeds.</p> <p>The Blacktown Health Precinct Potential Market Assessment' (Macro Plan, 2019) (Macro Plan report) identified demand for allied health services space up to 11,000sqm by 2036.</p> <p>It is anticipated that there will be approximately 760-880 dwellings depending on the ability of the sites to reach the minimum lot sizes and subject to design competition.</p> <p>Council anticipates the expected uplift in development yield of approximately 110,000 square metres of additional gross floor area will be constructed over an approximate 20-year period.</p> <p>Annual staging cannot be confirmed at this stage however it is anticipated the Precinct will be developed over a 20-year period.</p> <p>No change was made to the Planning Proposal.</p>

The Department considers Council has adequately addressed matters raised in submissions from public authorities.

3.3 Post-exhibition changes

3.3.1 Council resolved changes

At Council's Ordinary Meeting on 14/12/2022, Council resolved to proceed with the planning proposal with the following post-exhibition changes:

- the following additional permitted uses are to apply in the SP1 Special Activities Health Services Facility and Educational Establishment zone:
 - centre-based child care facilities
 - community facilities
 - place of public worship
 - retail activities that support the health and education special uses and services provided elsewhere within the Precinct
- the following additional permitted use is to apply to the proposed Blacktown Private Hospital site only:
 - affordable housing for key workers
- amend the Incentive Height of Buildings map to identify a part of the proposed Blacktown Private Hospital site as an additional site to which Clause 7.7A 'Height of buildings exhibiting design excellence in Blacktown CBD and Mount Druitt CBD' applies
- amend Clause 7.7A 'Height of buildings exhibiting design excellence in Blacktown CBD and Mount Druitt CBD'
- remove all acquisition proposals for drainage, open space and local roads, retaining pre-existing zoning for such sites.

3.3.2 The Department's recommended changes

Following the receipt of the revised planning proposal / decision from Council, the Department has made further changes to the proposal as follows:

- Deferred commencement of the LEP to 30 June 2023 which will enable Council time to complete supporting instruments such as the Design Excellence Guidelines, DCP and CP.
- A concurrence clause to provide for Transport for NSW to review and be satisfied with all development proposals until outstanding transport and traffic issues are resolved and Council prepares and implements a CP.

These changes are the result of further discussions with Council and Transport for NSW and serve to allow consideration of traffic impacts in the short-term pending resolution of the road and intersection improvements to service the precinct (concurrence clause) and to permit time for Council to complete the supporting DCP and CP prior to the LEP coming into effect (deferred commencement). Both Council and TfNSW have been made aware of this intended approach.

In addition, the legal drafting process has resulted in several further changes, the first to omit Council's proposal for an alternate design excellence to apply to the private hospital site. In lieu of a design competition process, Council proposed that for specialist forms of architecture such as hospital design, the City Architect could deem a proposal achieves design excellence by virtue of its specific design. This is proposed to be written into a new Council Design Excellence Guidelines document which would be referred to in a revised Clause 7.7A, however reference to this guideline was not accepted as the Guideline has not yet been prepared, exhibited and adopted. The proposal could be reconsidered at a future time, once the Guidelines are in place.

The second change is to exclude Council's request for the inclusion of affordable/key workers housing as a further additional permitted use in the area around the proposed private hospital. This was excluded as these uses are not defined in the Standard Instrument and the usual use would be 'residential flat buildings' (RFB). Council sought to restrict this use and does not seek a proliferation of RFB uses in the precinct. Hence Council requested that if its request was denied, it would withdraw the proposed use. The proposal is agreed to be excluded.

Council's changes have otherwise been addressed in the LEP Instrument and are supported.

3.3.3 Justification for post-exhibition changes

The Department notes that these post-exhibition changes are justified and do not require re-exhibition. It is considered that the post-exhibition changes:

- Are a reasonable response to comments provided by the public authorities.
- To add several additional permitted uses is considered appropriate, to support the development of the Blacktown Health and Education Precinct.
- Allow resolution of matters such as the excluded roads, drainage and open space acquisition proposals through either the deferred commencement period or for their inclusion in the proposed Stage 2 Health and Education Precinct LEP.
- Ensure that traffic impact related matters are further addressed at the development stage.
- Do not alter the intent of the planning proposal and are minor amendments to the planning proposal.

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment B**) and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

As outlined in the Gateway determination report (**Attachment C**), the planning proposal submitted to the Department for finalisation:

- Remains consistent with the regional and district plans relating to the site.
- Remains consistent with the Council's Local Strategic Planning Statement.
- Remains consistent with all relevant Section 9.1 Directions.
- Remains consistent with all relevant SEPPs.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1 – there are several such matters addressed below.

Table 5 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

	Consistent with Gateway determination report Assessment
Section 9.1 Ministerial Directions	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, refer to section 4.1 The Gateway report outlined minor inconsistencies with Minister Directions 4.1 Flooding, 5.1 Integrating Transport and Land Use and 6.1 Residential. In each case, the minor inconsistencies were considered justifiable in the context of the planning proposal.
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, refer to section 4.1

Table 6 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment
Social and economic impacts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No, refer to section 4.1

4.1 Detailed assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

The following issues require some consideration in final assessment of the proposal.

4.1.1 Infrastructure

The Gateway determination report provided an assessment of the infrastructure requirements for the proposal. Specifically, the report outlined the proposed local roads, open space and drainage proposals that were proposed to support the development of the Blacktown Health and Education Precinct. More specifically:

- Eight lots were proposed for acquisition for local road improvements (6 lots for the Main Street/Marcel Crescent/Panorama Parade intersection and connection and 2 lots for the Hereward Highway/Bungaribee Road intersection and connection). Several further local road connections were proposed as being secured through the DCP and DA process (being Newton Road to Hereward Highway; and Jane Street to Main Street).
- Thirteen lots were proposed for acquisition to add to Captain Cook Memorial Park for drainage and open space purposes. The properties are currently residences fronting Hereward Highway. These lots are partially flood affected, as is much of the existing park and adjoining sites such as the Blacktown Bowling Club. An engineered drainage solution involving 2 drainage basins in the park was proposed to address the localised flooding issues affecting parts of the precinct.

The Council finalisation decision (as noted in section 3.3 above) is to exclude all acquisition proposals and to retain the pre-existing zoning of relevant sites. The decision is in response to both some level of landowner and TfNSW concerns at specific proposals. Council has now indicated its intent (by resolution) to further consider the infrastructure proposals through either the deferred commencement period or the coming months to incorporate into the Stage 2 Health Precinct planning proposal. It is particularly important that the localised flooding issue is resolved by the

proposed drainage solution for the benefit of the future precinct development. Whilst it would be more desirable to resolve these drainage and transport issues as part of this proposal, the Council resolution and intent is to ensure those issues will be addressed very soon before there is much development of the precinct. In addition to the deferred commencement, the Transport concurrence clause will also assist in addressing the local roads needs in the interim.

4.1.2 Traffic and Transport

Comments above are also relevant to this section. As noted above, TfNSW raised several concerns including that additional traffic modelling is required, warrants are required for all signalised intersection proposals, it does not support several proposed intersections with major roads, seeks further consideration of active transport and freight transport for the precinct, and requires an infrastructure schedule and implementation plan for the precinct roads and traffic infrastructure.

The Department's Director Transport Advisory has assisted discussions and review of the outstanding traffic and transport issues relating to this proposal; he has advised that the Planning Proposal is low risk, in terms of overall traffic generation and impacts on the surrounding road and pedestrian networks, and that the more detailed resolution of outstanding matters can occur through the preparation of the more detailed DCP and CP framework.

In summary, the issues raised have been addressed through the provision of additional information by the Council and through recent meetings of TfNSW and DPE where a negotiated outcome has been agreed on by these parties. Inclusion of a concurrence clause requiring referring of all development applications to TfNSW will ensure required local traffic infrastructure improvements are addressed in the short-term pending further review of the local road network to support the precinct development and preparation of the DCP and CP.

The deferred commencement clause will provide time for Council to complete the supporting DCP, Design Excellence Guidelines and CP, before the LEP takes effect on 1 July 2023.

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 7 Consultation following the Department's assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Four maps have been prepared by the Department's ePlanning team and meet the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Council provided comments on the draft instrument and supported that the plan should be made on 14/12/2022 (Attachment D)</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Parliamentary Counsel Opinion	On 15/12/2022 , Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC .	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 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 draft LEP has strategic merit being consistent with the Central City District Plan and Council Local Strategic Planning Statement.
- It is consistent with the Gateway Determination.
- Transport and traffic issues have been addressed by the deferred commencement and inclusion of the clause in the draft LEP which states that development consent must not be granted unless Transport for NSW gives concurrence.
- Issues raised during consultation otherwise have been addressed, and there are no outstanding agency objections to the proposal.



Ian Bignell
 Manager, Central (Western)
 15/12/2022



Robert Hodgkins
 Acting Director, Central (Western)
 16/12/2022

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Attachments

Attachment	Document
A	Planning Proposal Exhibition Copy April 2022
B	Gateway Determination dated 2 March 2022
C	Gateway Determination Report dated February 2022
D	Section 3.36(1) consultation with Council & Council comments (2 parts)