



IRF23/3363

Gateway determination report – PP -2023-1461

Lot 201 DP 592619 Evans Road/Orcam Lane, Rooty Hill

January 24

Published by NSW Department of Planning, Housing and Infrastructure

dphi.nsw.gov.au

Title: Gateway determination report – PP -2023-1461

Subtitle: Lot 201 DP 592619 Evans Road/Orcam Lane, Rooty Hill

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Acknowledgment of Country

The Department of Planning, Housing and infrastructure 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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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal (August 2023)
Attachment B – Land Title Search
Attachment C – Council Minutes (27 September 2023)
Attachment D – BLPP recommendation (24 August 2023)
Attachment E – Memorandum of Land Transfer

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Blacktown
PPA	Blacktown City Council
NAME	Orcam Lane, Rooty Hill
NUMBER	PP-2023-1461
LEP TO BE AMENDED	Blacktown Local Environment Plan 2015
ADDRESS	Lot 201 DP 592619 Evans Road/Orcam Lane, Rooty Hill
DESCRIPTION	Lot 201 DP 592619
RECEIVED	11/12/2023
FILE NO.	IRF23/3363
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 objective of this planning proposal is to facilitate the reclassification of Council owned land from 'community' land to 'operational' land and extinguish Public Trusts and encumbrances.

The purpose of the reclassification is to facilitate the potential sale of the site, which Council has identified as being surplus to its needs.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

1.3 Explanation of provisions

The proposal's objective will be achieved by amending Schedule 4 Part 2 – 'Land classified, or reclassified, as operational land - interests changed', of the Blacktown LEP 2015.

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

1.4 Site description and surrounding area

The site is located on the corner of Evans Road and Orcam Lane, Rooty Hill and is legally described as Lot 201 DP 592619 (**Figure 1**).

The site is roughly rectangular in shape and is relatively flat with an area of 1,828m². It has a road frontage to Orcam Lane to the east and Evans Road to the south. The site is zoned as R2 Low Density Residential (**Figure 2**) and is currently vacant of any dwellings or structures other than a minor patch of vegetation to the south-western corner of the subject site. The land was originally dedicated as a parking lot in 1960 but is currently unused.

The subject site is located 955m north of Rooty Hill train station with access to public transport via the bus stop located on Evans Road. One to two story residential buildings are located to the north and south of the site, commercial buildings located immediately east of the subject site and the St Agnes Catholic High School, located north-west along Evans Road.



Figure 1 Subject site (coloured yellow) (Source: Nearmap, 2023)

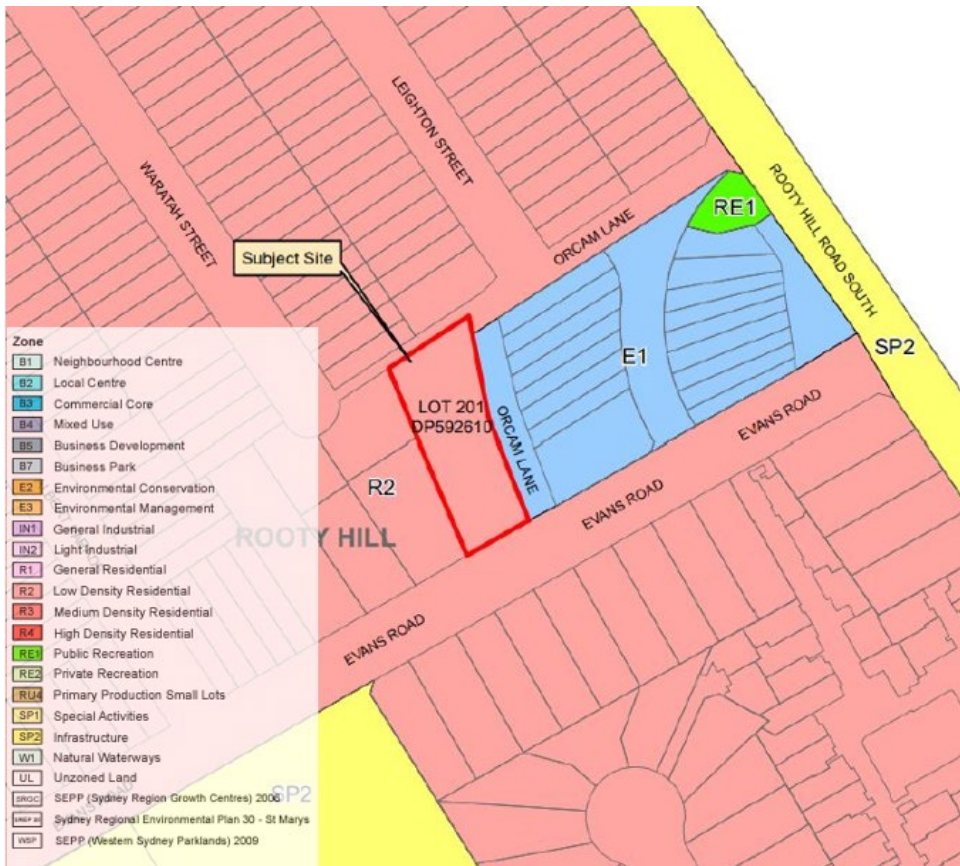


Figure 2 Site context (subject site outlined in red) (source: Planning Proposal, 2023)

1.5 Mapping

The planning proposal does not require amendments to mapping.

1.6 Background

The subject site within the planning proposal is currently classified as ‘community’ land and is therefore unable to be sold or transferred by Council under the provisions of the *Local Government Act 1993*.

On 6 July 2023, Council prepared a planning proposal to reclassify the site from ‘Community’ to ‘Operational’ which was reported to the Blacktown Local Planning Panel (BLPP) at its meeting on 23 August 2023. The BLPP endorsed the proposal to proceed to Gateway determination, subject to recommendations (discussed in **Section 3.4**).

At their Ordinary Meeting on 27 September 2023, Council considered the planning proposal (**Attachment C**) and recommended the proposal be forwarded to the Department for a Gateway determination.

On 11 December 2023, Council lodged the planning proposal for Gateway.

2 Need for the planning proposal

The planning proposal states that the reclassification is not the result of a local strategy or strategic study, but rather due to the subject land being surplus to Council and currently undeveloped. The subject site is currently zoned R2 Low Density Residential and through reclassifying, the planning proposal will facilitate future residential development.

Additionally, the planning proposal argues that the reclassification will not detract from community needs or uses as the original intention for the site was as carparking for nearby shops. This need was removed when parking spaces were provided on American Mall for the shopping area (**Figure 2**).

The Department considers that reclassification of the site is the best means of achieving the objectives and intended outcomes of the proposal. It will facilitate better usage of the site and integration with the surrounding local context. The proposal does not seek to amend provisions or objectives of the BLEP 2015 that would minimise public amenity or detract from community needs.

3 Strategic assessment

3.1 Regional Plan

The site is within the Greater Sydney Region and is subject to the Greater Sydney Regional Plan – *A Metropolis of Three Cities* (March 2018). Table 3 provides an assessment of the planning proposal against relevant aspects of the Regional Plan.

Table 3 Regional Plan assessment

Regional Plan Objectives	Justification
Objective 5 – Benefits of growth realised by collaboration of government, community, and business.	Objective 5 seeks to encourage coordinated land use planning in targeted growth areas. The proposal aims to encourage coordinated land use planning by seeking to reclassify the land to facilitate the subdivision and sale of the sites as for residential development in an established residential area. The proposal is consistent with the objective.
Objective 6 – Services and infrastructure meet communities changing needs	Objective 6 seeks to efficiently deliver services and infrastructure that meet the needs of the community. The proposal will provide an opportunity to deliver additional housing supply in an area appropriately serviced by local services and public transport networks. The proposal is consistent with the objective.
Objective 10 - Greater housing supply	Objective 10 seeks to provide greater housing supply. The proposed reclassification will facilitate future subdivision, sale and redevelopment for residential purposes. The proposal is consistent with the objective.

Regional Plan Objectives	Justification
Objective 11 - Housing is more diverse and affordable	<p>Objective 11 seeks to provide a range of housing options that can provide for a diverse range of needs and social economic backgrounds.</p> <p>The proposal is intended to facilitate the development of three residential dwellings and so will increase housing supply and help meet the Blacktown Local Housing Strategies demand for additional residential dwellings.</p> <p>The proposal is therefore consistent with Objective 11.</p>

3.2 District Plan

The Greater City Commission released the Central City District Plan 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 in the plan as outlined below.

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 4 District Plan assessment

District Plan Priorities	Justification
Planning Priority C5: Providing housing, choice, and affordability with access to jobs, services and public transport	<p>Priority C5 seeks to deliver diverse and affordable housing supply in the right locations through the implementation of housing strategies and targets.</p> <p>While the proposal does not specify affordable housing, it still seeks to potentially facilitate infill development of additional dwellings located adjacent to a local centre with access to public transport via the bus station on Evans Road.</p> <p>The proposal is consistent with Planning Priority C5.</p>

3.3 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 5 Local strategic planning assessment

Local Strategies	Justification
Blacktown Local Strategic Planning Statement 2020 (LSPS)	<p>The subject site adjoins a Local Centre. The Planning Proposal is consistent with the vision and land use planning for Local Centres and Local Planning Priority 5 by providing housing supply and choice in an area with access to jobs, services, and public transport.</p> <p>The proposal has demonstrated consistency with the Blacktown LSPS.</p>

Local Strategies	Justification
Blacktown Local Housing Strategy 2020	The proposal will facilitate opportunities for housing delivery and is therefore consistent with planning priorities targeted improving housing stock. Additionally, any future development will be delivered on vacant land and will not result in impacts to biodiversity and environmental valuable areas .

3.4 Local Planning Panel (LPP) recommendation

The Blacktown Local Planning Panel (LPP) considered the planning proposal on 23 August 2023. The LPP concluded that the proposal be forwarded to the Department for Gateway assessment, as it has:

- Strategic merit as it is consistent with the relevant state and local planning strategies.
- Site specific merit as the land is zoned residential, immediately adjoins residential development, and will enable the development of additional housing.

The LPP recommended that the proposal be revised prior to being submitted to the Department for Gateway assessment to include the following:

- *The Planning proposal should be accompanied by additional information concerning the background to the development of the existing centre and current land ownership, clarifying which parcels of land Council owns and which can be used for parking.*
- *The proposed 3 lot subdivision (which the panel was advised related to a previous Development Application that was withdrawn) should be removed from plans included in the Planning Proposal.*
- *More information should be included in the Planning Proposal on the Blacktown Local Centre Study and future plans identified for this local centre.*

The revised planning proposal has addressed the LPPs advice.

3.5 Section 9.1 Ministerial Directions

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

Table 6 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.1 Integrating Land Use and Transport	Consistent	<p>Direction 5.1 seeks to ensure that development improves access by active and public transport, increases transport choice, reduces car dependency, and reduces travel demand and supports public transport.</p> <p>The site is adequately serviced by some shops in the adjacent American Mall local centre and is located close to the Evans Road Bus stop with services from Mount Druitt to Blacktown.</p> <p>The proposal is consistent with the objectives of the 5.1 Direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
5.2 Reserving Land for Public Purposes	Consistent	<p>The objectives of this Direction are to facilitate the provision of public services and facilities by reserving land for public purposes and to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>This Direction applies to all relevant planning authorities when preparing a planning proposal.</p> <p>The proposal is consistent with this Direction as the proposed reclassification of the site from community to operational does not amend zoning or reservations of land for public purposes.</p>
6.1 Residential Zones	Consistent	<p>Direction 6.1 seeks to encourage housing choice, make efficient use of existing infrastructure, and minimise impacts of residential development on the environment and resource lands.</p> <p>The site is zones R2 Low Density Residential, is located on the edge of an established residential area in close proximity to services and public transport.</p> <p>The proposal is consistent with this Direction as will facilitate future opportunities for housing supply an established residential area.</p>

3.6 State environmental planning policies (SEPPs)

Table 7 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
SEPP (Precincts—Central River City) 2021	<p>The objective of the SEPP is to guide the bulk and scale of future development within the Precincts to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity.</p> <p>The SEPP also seeks to identify land within the Precincts that is proposed to be brought into public</p>	Not Applicable	<p>The planning proposal considers that the proposal is consistent with this SEPP.</p> <p>While the subject site is located within the Central River City District, the SEPP only applies to specific growth centres and precincts, which does not include the subject site.</p> <p>The Department considers the SEPP (Precincts – Central River City) 2021 as not applicable to this proposal/</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
	ownership for the purposes of roads, parks, drainage, and schools.		

3.7 LEP practice note

LEP Practice note PN 16-001 *Classification and reclassification of public land through a local environmental plan* provides guidance on preparing planning proposals seeking to reclassify public land through an LEP. The practice note also provides an accompanying information checklist of considerations to be discussed within reclassification proposals.

While no assessment against the checklist has been provided by Council, the Department has considered that the proposal generally meets the checklist requirements. However, it is recommended that a Gateway condition be included to require the preparation of a checklist to support the proposal.

To ensure the proposal meets the requirements of the checklist, the Department recommends the condition require further information be provided relating to any interests in the land, including the nature of any trusts or dedications on the land and planned use of funds resulting from any future sale of the land.

4 Site-specific assessment

4.1 Environmental

The site is currently undeveloped vacant land, however originally intended for a carpark. There is no critical habitat or ecologically endangered communities, species, or populations on site. Further, the site is not affected by flooding or bushfire constraints.

The proposal will not result in any adverse environmental impacts.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 9 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	<p>The proposal has the potential to result in social benefit for the community. The subject site, being surplus land for council, is currently underutilised. The reclassification will enable the sale of the site, which has the potential to be subdivided to provide housing in future and result in a positive social outcome.</p> <p>The proposal does not minimise land used for community purposes as the subject site is currently undeveloped vacant land.</p>

Social and Economic Impact	Assessment
Economic	The proposal has the potential to facilitate the development of residential dwellings as a result of reclassification. The sale of housing in close proximity to public transport and amenities is considered economically viable and justified.

4.3 Infrastructure

The proposal will not result in any additional demand for infrastructure or place strain on the current infrastructure within the Blacktown LGA. Any future Development Application related to development for residential purposes will need to assess and consider infrastructure needs.

5 Consultation

5.1 Community

Council did not nominate a community consultation period, however indicated that a public hearing will be undertaken in accordance with the *Local Government Act 1993*.

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The proposal does not nominate any agencies to be consulted with.

The Department has not identified any requirement for consultation with public authorities or government agencies.

6 Timeframe

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard.

Council proposes a 7 month time frame to complete the LEP (May 2024, on the basis that Gateway Determination was issued in October 2023).

The Department recommends an LEP completion date of 25 October 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination. An additional condition is recommended that the Project Timeline be up reflect the timelines included in this determination.

7 Local plan-making authority

Council has not indicated if it requests to be the Local Plan Making authority.

As the planning proposal relates to the reclassification of Council land, the Department recommends that the Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

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

- There is a regional, district and local strategic merit for the proposal.
- An amendment to Schedule 4 Part 2 (Land classified, or reclassified, as operational land - interests changed), of the Blacktown LEP 2015, is the best means of achieving the objectives of the planning proposal.
- The proposal will not result in any adverse environmental outcomes and will have a positive social and economic impact.
- The reclassification will facilitate future residential development opportunities to boost housing supply.

Based on the assessment outlined in this report, the proposal must be updated before consultation to provide an updated project timeline in accordance with the timeframes outlined in this report, and provide an assessment against the requirements of the checklist within LEP Practice Note PN 16-001, including information on any public trusts on the land and the planned use of funds from the sale of the land.

9 Recommendation

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

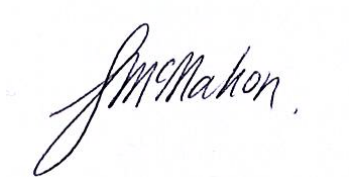
The following conditions are recommended to be included on the Gateway determination:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - include an updated Project Timeline to reflect the timelines detailed in this determination; and
 - include a response to Attachment 1 of LEP Practice Note PN 16-001 Classification and reclassification of public land through a local environmental plan, including information relating to any trusts on the land and the planned use of funds resulting from the sale of the land.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.
3. Public hearing is required to be held in accordance with Section 29 of the Local Government Act 1993 and the Department's Practice Note PN 16-001.
4. Given the nature of the planning proposal, it is recommended that Council is not authorised to be the local plan-making authority.
5. The timeframe for the LEP to be completed is on or before 25 October 2024.



19 December 2023

Amy van den Nieuwenhof
A/Manager, Agile Planning

A handwritten signature in black ink, appearing to read 'Louise McMahon', is positioned on the left side of the page. The signature is fluid and cursive.

11 January 2024

Louise McMahon
Director, Agile Planning

Assessment officer

Shruthi Sriram
Planning Officer, Agile Planning
02 9228 6362