

3.1. PD440055 - Planning Proposal - Kalunga Lane, Rooty Hill

Director: Peter Conroy, Director City Planning & Development
Responsible Manager: Jaime Hogan, Manager Strategic Planning & Economic Development
File: LEP-24-0005
Division is required

Previous item PD440032

Topic We have prepared a Planning Proposal to reclassify public land at Lot 7 DP 231084, Kalunga Lane, Rooty Hill, from 'Community' land to 'Operational' land under the *Blacktown Local Environmental Plan 2015* and discharge a public car parking interest.

Analysis This application was previously considered by Council at its meeting on 27 July 2024, at which time Council resolved that the matter be deferred (attachment 1).

The report has now been amended to reference the master plan that is currently being prepared for the Rooty Hill Town Centre.

The Planning Proposal applies to a 2,023 m² portion of the broader car park at Kalunga Lane, Station Street and North Parade, Rooty Hill. Lot 7 is the only part of this broader car park that is classified as 'Community land'.

We are investigating opportunities to develop the subject site, in conjunction with our adjoining landholdings, for a new Council administration building and associated car park, which will also include public parking.

The new Council administration building and associated car park will also be an important element in the Rooty Hill master plan.

Because the Planning Proposal seeks to reclassify land, we will need to hold a public hearing following exhibition and subsequently seek the Governor of NSW's approval.

The Planning Proposal has been reviewed and is supported by the Blacktown Local Planning Panel.

Attachment/s 1. Previous report - Planning Proposal - Kalunga Lane, Rooty Hill [PD440055.1 - 41 pages]

Report Recommendation	<ol style="list-style-type: none"> 1. Forward the Planning Proposal to the Department of Planning, Housing and Infrastructure to request a Gateway Determination. 2. Publicly exhibit the Planning Proposal in line with the Gateway Determination and hold a public hearing. 3. Seek the Governor of NSW's approval to extinguish the public interest on the land. 4. A further report be presented to Council following public exhibition of the Planning Proposal.
------------------------------	---

Key reasons

1. The land is being investigated as part of the development of a new Council administration building with public parking

- a. The request for this Planning Proposal (refer Attachment 1) was received from the City Architect and Transformational Design team on 22 May 2024 as the subject land (refer Attachment 2) is part of a broader site being investigated for a new public administration building and associated car park. Council's landholding is shown at Attachment 3. The land will need to be reclassified to Operational land to enable such a development.
- b. The new public administration building and associated car park will be an important element in the master plan we are in the process of developing for the Rooty Hill Town Centre. The master plan consolidates a range of initiatives in relation to:
 - i. enhancing pedestrian and traffic movements around and within the centre
 - ii. increasing the supply of parking to support the role of the centre
 - iii. enhancing the public domain, open space and landscape aspects of the centre.

Any proposed development will have to have regard to the principles underpinning the development of the master plan.

- c. Any proposed development will also have to have regard to the site's location, with Rooty Hill Station across the road and the nearby commuter car park, constructed and operated by Transport for NSW on Council land on the eastern side of Station Street (Lot 2 DP 1046244).
- d. The Planning Proposal will not change the zone, the sites current MU1 Mixed Use zone under *Blacktown Local Environmental Plan 2015* will remain.

2. Reclassifying the land will discharge the public interest and allow it to be developed with adjoining parcels

- a. In 1963, Council approved a subdivision application for Lot 1 DP 983, located between Station Street and Rooty Hill Road, Rooty Hill. That application proposed to subdivide Lot 1 DP 983 into 5 shop sites, 2 residues, a laneway and road widening. Condition (a)(iii) of Council's resolution required 'the applicant transfer at no cost to Council, Lot 7 for Car Parking.'

- b. Lot 7 was created when Deposited Plan 231084 was registered on 28 November 1966, and the land was transferred to Council at no cost.
- c. Part 2 of the *Local Government Act 1993* (the LG Act) made provisions for public land, its classification as either Community land or Operational land and, the use and management of such land.
- d. In June 1994, Council resolved to classify all public land in the Blacktown local government area in line with the new LG Act. This included classifying the subject site as 'Operational' land. The report noted that the land was zoned part 5(a) Parking under *Blacktown Local Environmental Plan 1988* and was used as a car park at the time.
- e. In 2022, Council obtained legal advice that indicated:
 - i. the dedication of this land for car parking made Council liable to create a public trust, that required the land be held for car parking
 - ii. Council's resolution in June 1994 classifying the land as 'Operational' land was invalid. The land was Community land because:
 - the land was subject to a trust for a public purpose
 - the land subject to a trust for a public purpose is taken to have been classified as Community land under the LG Act
 - Community land cannot be used or otherwise developed for purposes inconsistent with the public trust unless it is reclassified as Operational land and the trust is dissolved.
- f. Under Section 30 of the LG Act, a Council may reclassify Community land as Operational land and discharge any trusts, estates, interests, dedications, conditions, restrictions, and covenants affecting the land or any part of the land. It excludes any reservations except land out of a Crown grant relating to the land, and reservations of minerals (within the meaning of the Crown Land Management Act 2016).
- g. The effect of the Planning Proposal on the *Blacktown Local Environmental Plan 2015* will be to:
 - i. reclassify the land to Operational land by including it in Schedule 4 Classification and reclassification of public land, Part 2 'Land classified, or reclassified, as operational land – interests changed'
 - ii. discharge the public trust interest (as allowed under Section 30 of the LG Act).

However, it is proposed to retain the 'reservations and conditions in the Crown Grant(s)' that are noted on title.
- h. The Planning Proposal is consistent with the objectives and priorities of the *Greater Sydney Region Plan – A Metropolis of Three Cities*, the *Central City District Plan*, *Our Blacktown 2041* and the *Blacktown Local Strategic Planning Statement* – refer Supporting analysis.

3. The proposal has been reviewed and is support by the Blacktown Local Planning Panel

- a. The Local Planning Panel considered the proposal at its 24 June 2024 meeting as required by the Local Planning Panels Direction – Planning Proposals, issued by the Minister for Planning on 27 September 2018 under section 9.1 of the Environmental Planning and Assessment Act 1979.
- b. The Local Planning Panel supports the recommendation to progress the Planning Proposal for Gateway Determination. The advice is as follows:
 - The Proposal has strategic merit in regard to the natural environment, existing uses and likely future uses on and surrounding the site, and existing and required services and infrastructure.
 - The proposal is responding to changing circumstance not recognised by current controls such as new infrastructure and changing demography.

4. The proposal requires a public hearing and approval from the Governor of NSW

- a. The Planning Proposal is also being prepared in line with the *NSW Government's LEP Practice Note 16-001 Classification and reclassification of public land through a local environmental plan* (PN16-0001), which provides guidance on classifying and reclassifying public land through a local environmental plan. It also sets out requirements for community consultation and public hearing.
- b. A public hearing will be held following the exhibition of the Planning Proposal in line with Section 29 of the Act. Separate public notice of the public hearing will be given after the public exhibition period is completed.
- c. We will seek approval from the Governor of NSW to reclassify the land and extinguish the public interest trust. The LG Act 1993 requires the Governor's approval, before the plan is made, when a proposal to reclassify land seeks to remove any public reserve status and/or discharge the interests affecting the public land.

Supporting analysis

1. Greater Sydney Region Plan – A Metropolis of Three Cities

- a. The *Greater Sydney Region Plan* (Region Plan) is built on a vision of 3 cities, where most residents live within 30 minutes of their jobs, education and health facilities, services, and great places. It sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic, and environmental matters.

- b. The Planning Proposal relates to a local scale planning matter. Reclassifying the land to Operational is consistent with the Region Plan and will help deliver land uses consistent with the MU1 Mixed Use zone under the *Blacktown Local Environmental Plan 2015*. Such uses include a public administration building and associated parking located in a town centre across from the Rooty Hill train station. It is considered that such a use will provide valuable services to the community and strengthen the town centre by providing jobs close to infrastructure, services, and public transport.

2. Central City District Plan

- a. The *Central City District Plan* (District Plan) provides a 20-year plan to manage growth and achieve the 40-year vision towards enhancing Greater Sydney's liveability, productivity, and sustainability into the future.
- b. The District Plan informs local strategic planning statements and local environmental plans, the assessment of Planning Proposals as well as community strategic plans and policies. It acts as a bridge between the regional planning (set out in the Greater Sydney Region Plan) and local planning.
- c. Planning Proposal is consistent with the following Planning Priorities in the District Plan:
 - Planning Priority C1: Planning for a city supported by infrastructure
The Planning Proposal supports infrastructure and ensures that use of the Rooty Hill train station is optimised.
 - Planning Priority C3: Providing services and social infrastructure to meet people's changing needs
The subject land is located within Rooty Hill Town Centre gives access to shops, services, open spaces and transport. A public administration building and associated car park will provide services to the residents and visitors.
 - Planning Priority C6: Creating and renewing great places and local centres, and respecting the District's heritage
Blacktown Local Planning Statement identifies Rooty Hill as an Urban Renewal Precinct. The aim will be to create and renew the Town Centre into a vibrant Centre that provides employment opportunities and an attractive. This Planning Proposal will support this objective.
 - Planning Priority C9: Delivering integrated land use and transport planning and 30-minute city.
This Priority ensures that more people will have public transport access to their closest centre within 30 minutes. This will enable more efficient access to workplaces, services and community facilities. The subject land is within walking distance of the Rooty Hill Railway Station so the land use will be integrated with transport near public transport.

3. Our Blacktown 2041 (Community Strategic Plan)

- a. *Our Blacktown 2041*, Community Strategic Plan outlines Council's vision and aspirations for the future of the City; and it facilitates and manages future growth and development within the City to 2041.

- b. This Planning Proposal deals with planning matters of only local significance and is consistent with the Plan. Future development of the land will contribute to growing a city supported by accessible infrastructure and creating a vibrant, inclusive and resilient community.

4. Blacktown Local Strategic Planning Statement

- a. The Blacktown Local Strategic Planning Statement 2020 outlines a vision for the next 20 years and beyond for land use planning, the environment, liveability, productivity and infrastructure delivery in Blacktown City, to sustainably manage the significant growth forecasts for our city.
- b. Rooty Hill is in the Mount Druitt Precinct of our City, located in a largely low-density residential area. The Local Strategic Planning Statement sets out opportunities for the Mount Druitt Precinct over the next 20 years. The vision is to focus growth in 12 urban renewal precincts located at railway stations, including Rooty Hill. This will enable new residents and workers to benefit from walkable access to public transport and associated jobs, education, shops and services. This will contribute towards establishing vibrant, inclusive and safe local centres for residents.
- c. The Local Strategic Planning Statement also includes actions to deliver the 19 planning priorities. This Planning Proposal supports the following priorities:
 - Local Planning Priority 1: Planning for a City supported by infrastructure
 - Local Planning Priority 5: Providing housing supply, choice, and affordability with access to jobs, services and public transport
 - Local Planning Priority 6: Creating and renewing great places and centres
 - Local Planning Priority 7: Delivering integrated land use and transport planning and a 30-minute city.
- d. The proposed reclassification of land supports these planning priorities by making the land available for jobs, infrastructure and services within an identified.

End of report

3.3. PD440032 - Planning Proposal - Kalunga Lane, Rooty Hill

Director: Peter Conroy, Director City Planning & Development
Responsible Manager: Jaime Hogan, Manager Strategic Planning & Economic Development
File: LEP-24-0005

Division is required

Previous item Nil

Topic We have prepared a Planning Proposal to reclassify public land at Lot 7 DP 231084, Kalunga Lane, Rooty Hill, from 'Community' land to 'Operational' land under the *Blacktown Local Environmental Plan 2015* and discharge a public car parking interest.

Analysis The Planning Proposal applies to a 2,023 m² portion of the broader car park at Kalunga Lane, Station Street and North Parade, Rooty Hill. Lot 7 is the only part of this broader car park that is classified as 'Community land'.

We are investigating opportunities to develop the subject site, in conjunction with our adjoining landholdings, for a new Council administration building and associated car park, which will also include public parking.

Because the Planning Proposal seeks to reclassify land, we will need to hold a public hearing following exhibition and subsequently seek the Governor of NSW's approval.

The Planning Proposal has been reviewed and is supported by the Blacktown Local Planning Panel.

Attachment/s

1. Planning Proposal - 22 May 2024 [PD440032.1 - 33 pages]
2. Location Map [PD440032.2 - 1 page]
3. Council Land Ownership Map [PD440032.3 - 1 page]

Report Recommendation

1. Forward the Planning Proposal to the Department of Planning, Housing and Infrastructure to request a Gateway Determination.
2. Publicly exhibit the Planning Proposal in line with the Gateway Determination and hold a public hearing.
3. Seek the Governor of NSW's approval to extinguish the public interest on the land.
4. A further report be presented to Council following public exhibition of the Planning Proposal.

Key reasons

1. **The land is being investigated as part of the development of a new Council administration building with public parking**
 - a. The request for this Planning Proposal (refer Attachment 1) was received from the City Architect and Transformational Design team on 22 May 2024 as the subject land (refer Attachment 2) is part of a broader site being investigated for a new public administration building and associated car park. Council's landholding is shown at Attachment 3. The land will need to be reclassified to Operational land to enable such a development.
 - b. Any proposed development will also have regard to the site's location, with Rooty Hill Station across the road and the nearby commuter car park, constructed and operated by Transport for NSW on Council land on the eastern side of Station Street (Lot 2 DP 1046244).
 - c. The Planning Proposal will not change the zone, the sites current MU1 Mixed Use zone under *Blacktown Local Environmental Plan 2015* will remain.
2. **Reclassifying the land will discharge the public interest and allow it to be developed with adjoining parcels**
 - a. In 1963, Council approved a subdivision application for Lot 1 DP 983, located between Station Street and Rooty Hill Road, Rooty Hill. That application proposed to subdivide Lot 1 DP 983 into 5 shop sites, 2 residues, a laneway and road widening. Condition (a)(iii) of Council's resolution required 'the applicant transfer at no cost to Council, Lot 7 for Car Parking.'
 - b. Lot 7 was created when Deposited Plan 231084 was registered on 28 November 1966, and the land was transferred to Council at no cost.
 - c. Part 2 of the *Local Government Act 1993* (the LG Act) made provisions for public land, its classification as either Community land or Operational land and, the use and management of such land.
 - d. In June 1994, Council resolved to classify all public land in the Blacktown local government area in line with the new LG Act. This included classifying the subject site as 'Operational' land. The report noted that the land was zoned part 5(a) Parking under *Blacktown Local Environmental Plan 1988* and was used as a car park at the time.
 - e. In 2022, Council obtained legal advice that indicated:
 - i. the dedication of this land for car parking made Council liable to create a public trust, that required the land be held for car parking
 - ii. Council's resolution in June 1994 classifying the land as 'Operational' land was invalid. The land was Community land because:
 - the land was subject to a trust for a public purpose
 - the land subject to a trust for a public purpose is taken to have been classified as Community land under the LG Act

- Community land cannot be used or otherwise developed for purposes inconsistent with the public trust unless it is reclassified as Operational land and the trust is dissolved.
- f. Under Section 30 of the LG Act, a Council may reclassify Community land as Operational land and discharge any trusts, estates, interests, dedications, conditions, restrictions, and covenants affecting the land or any part of the land. It excludes any reservations except land out of a Crown grant relating to the land, and reservations of minerals (within the meaning of the Crown Land Management Act 2016).
- g. The effect of the Planning Proposal on the *Blacktown Local Environmental Plan 2015* will be to:
- i. reclassify the land to Operational land by including it in Schedule 4 Classification and reclassification of public land, Part 2 'Land classified, or reclassified, as operational land – interests changed'
 - ii. discharge the public trust interest (as allowed under Section 30 of the LG Act).

However, it is proposed to retain the 'reservations and conditions in the Crown Grant(s)' that are noted on title.

- h. The Planning Proposal is consistent with the objectives and priorities of the *Greater Sydney Region Plan – A Metropolis of Three Cities*, the *Central City District Plan*, *Our Blacktown 2041* and the *Blacktown Local Strategic Planning Statement* – refer Supporting analysis.

3. The proposal has been reviewed and is support by the Blacktown Local Planning Panel

- a. The Local Planning Panel considered the proposal at its 24 June 2024 meeting as required by the Local Planning Panels Direction – Planning Proposals, issued by the Minister for Planning on 27 September 2018 under section 9.1 of the Environmental Planning and Assessment Act 1979.
- b. The Local Planning Panel supports the recommendation to progress the Planning Proposal for Gateway Determination. The advice is as follows:
- The Proposal has strategic merit in regard to the natural environment, existing uses and likely future uses on and surrounding the site, and existing and required services and infrastructure.
 - The proposal is responding to changing circumstance not recognised by current controls such as new infrastructure and changing demography.

4. The proposal requires a public hearing and approval from the Governor of NSW

- a. The Planning Proposal is also being prepared in line with the *NSW Government's LEP Practice Note 16-001 Classification and reclassification of public land through a local environmental plan* (PN16-0001), which provides guidance on classifying and reclassifying public land through a local environmental plan. It also sets out requirements for community consultation and public hearing.
- b. A public hearing will be held following the exhibition of the Planning Proposal in line with Section 29 of the Act. Separate public notice of the public hearing will be given after the public exhibition period is completed.
- c. We will seek approval from the Governor of NSW to reclassify the land and extinguish the public interest trust. The LG Act 1993 requires the Governor's approval, before the plan is made, when a proposal to reclassify land seeks to remove any public reserve status and/or discharge the interests affecting the public land

Supporting analysis

1. Greater Sydney Region Plan – A Metropolis of Three Cities

- a. The *Greater Sydney Region Plan* (Region Plan) is built on a vision of 3 cities, where most residents live within 30 minutes of their jobs, education and health facilities, services, and great places. It sets a 40-year vision to 2056 and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic, and environmental matters.
- b. The Planning Proposal relates to a local scale planning matter. Reclassifying the land to Operational is consistent with the Region Plan and will help deliver land uses consistent with the MU1 Mixed Use zone under the *Blacktown Local Environmental Plan 2015*. Such uses include a public administration building and associated parking located in a town centre across from the Rooty Hill train station. It is considered that such a use will provide valuable services to the community and strengthen the town centre by providing jobs close to infrastructure, services, and public transport.

2. Central City District Plan

- a. The *Central City District Plan* (District Plan) provides a 20-year plan to manage growth and achieve the 40-year vision towards enhancing Greater Sydney's liveability, productivity, and sustainability into the future.
- b. The District Plan informs local strategic planning statements and local environmental plans, the assessment of Planning Proposals as well as community strategic plans and policies. It acts as a bridge between the regional planning (set out in the Greater Sydney Region Plan) and local planning.

- c. Planning Proposal is consistent with the following Planning Priorities in the District Plan:
- Planning Priority C1: Planning for a city supported by infrastructure
The Planning Proposal supports infrastructure and ensures that use of the Rooty Hill train station is optimised.
 - Planning Priority C3: Providing services and social infrastructure to meet people's changing needs
The subject land is located within Rooty Hill Town Centre gives access to shops, services, open spaces and transport. A public administration building and associated car park will provide services to the residents and visitors.
 - Planning Priority C6: Creating and renewing great places and local centres, and respecting the District's heritage
Blacktown Local Planning Statement identifies Rooty Hill as an Urban Renewal Precinct. The aim will be to create and renew the Town Centre into a vibrant Centre that provides employment opportunities and an attractive. This Planning Proposal will support this objective.
 - Planning Priority C9: Delivering integrated land use and transport planning and 30-minute city.
This Priority ensures that more people will have public transport access to their closest centre within 30 minutes. This will enable more efficient access to workplaces, services and community facilities. The subject land is within walking distance of the Rooty Hill Railway Station so the land use will be integrated with transport near public transport.

3. *Our Blacktown 2041* (Community Strategic Plan)

- a. *Our Blacktown 2041*, Community Strategic Plan outlines Council's vision and aspirations for the future of the City; and it facilitates and manages future growth and development within the City to 2041.
- b. This Planning Proposal deals with planning matters of only local significance and is consistent with the Plan. Future development of the land will contribute to growing a city supported by accessible infrastructure and creating a vibrant, inclusive and resilient community.

4. Blacktown Local Strategic Planning Statement

- a. The Blacktown Local Strategic Planning Statement 2020 outlines a vision for the next 20 years and beyond for land use planning, the environment, liveability, productivity and infrastructure delivery in Blacktown City, to sustainably manage the significant growth forecasts for our city.

- b. Rooty Hill is in the Mount Druitt Precinct of our City, located in a largely low-density residential area. The Local Strategic Planning Statement sets out opportunities for the Mount Druitt Precinct over the next 20 years. The vision is to focus growth in 12 urban renewal precincts located at railway stations, including Rooty Hill. This will enable new residents and workers to benefit from walkable access to public transport and associated jobs, education, shops and services. This will contribute towards establishing vibrant, inclusive and safe local centres for residents.
- c. The Local Strategic Planning Statement also includes actions to deliver the 19 planning priorities. This Planning Proposal supports the following priorities:
 - Local Planning Priority 1: Planning for a City supported by infrastructure
 - Local Planning Priority 5: Providing housing supply, choice, and affordability with access to jobs, services and public transport
 - Local Planning Priority 6: Creating and renewing great places and centres
 - Local Planning Priority 7: Delivering integrated land use and transport planning and a 30-minute city.
- d. The proposed reclassification of land supports these planning priorities by making the land available for jobs, infrastructure and services within an identified.

End of report



Planning Proposal

May 2024

To reclassify public land from Community to Operational Land at Lot 7 DP 231084
Kalunga Lane, Rooty Hill

Table of Contents

Table of Contents	1
Part 1 – Objectives and intended outcomes	1
1.1 Introduction	1
1.2 Applicable land	2
1.3 Current planning controls	4
Part 2 – Explanation of provisions	5
2.1 Amendments to Local Environmental Plan 2015	5
Part 3 – Justification of strategic and site-specific merit	5
Section A – Need for the Planning Proposal	5
Section B – Relationship to the Strategic Planning Framework	5
Section C – Environmental, Social and Economic Impact	8
Section D – Infrastructure (Local, State and Commonwealth)	8
Section E – State and Commonwealth Interests	9
Part 4 – Maps.....	9
Part 5 – Community consultation	9
Part 6 – Project timeline	9
Attachments	
Attachment 1:	Consistency with the Greater Sydney Region Plan, Central City Plan, Blacktown Community Strategic Plan and Blacktown Local Strategic Planning Statement
Attachment 2:	Consistency with Applicable SEPPs
Attachment 3:	Consistency with Relevant Section 9.1 Directions by the Minister
Attachment 4	Information for Proposals to Classify or reclassify Public Land through an LEP - LEP Practice Note PN 16-0001 (5 October 2016)

Part 1 – Objectives and intended outcomes

1.1 Introduction

This Planning Proposal aims to amend Blacktown Local Environmental Plan 2015 by reclassifying Council owned land at Lot 7 DP 231084, Kalunga Lane, Rooty Hill (subject land) from Community to Operational Land under the Local Government Act 1993.

This Planning Proposal will facilitate the removal of a public interest trust reservation for public car parking. Council is investigating redeveloping the adjoining Council land holdings for a new public administration building and redeveloping the subject land to increase the amount of parking on it by reconfiguring the existing parking and adding decked parking. Although Council is still investigating development opportunities for the public administration building, the aim is to provide some parking for staff and the public. It will have regard to the site's location, with Rooty Hill Station across the road and the nearby commuter car park, constructed and operated by Transport for NSW on Council land on the eastern side of Station Street (Lot 2 DP 1046244).

Public land can be reclassified via a local environmental plan in accordance with section 27 of the Local Government Act 1993.

In accordance with the Local Government Act 1993, Council classified all public land as either 'Community' or 'Operational'. Generally, land classified as 'Community' is intended for public access and use or where other restrictions apply to the land creates some obligation to maintain public access (such as a trust, deed, or dedication under former section 94 of the *Environmental Planning and Assessment Act 1979*). This leads to the restrictions in the Local Government Act, intended to preserve the qualities of the land. Community land ordinarily comprises land such as a public park, sportsground or bushland and cannot be sold (section 45, Local Government Act 1993), leased, licenced or any other estate granted over the land for more than 21 years (without Ministerial consent) (section 47, Local Government Act). Community land must have a plan of management for the land (section 35, Local Government Act 1993).

In contrast, 'Operational' land has no special restrictions other than those that may ordinarily apply to any parcel of land. Operational land is unrestrained land and would ordinarily comprise land that facilitates the carrying out by a council of its functions. It also includes land that may not be open to the general public, such as council offices, a works depot, sewer or water pump station or a council quarry. It also includes land held by Council as a temporary asset or as an investment.

Interests in land refers to property ownership as well as rights and privileges affecting land, such as leasehold, easements, covenants and mortgages. For the purpose of reclassification through a Local Environmental Plan, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Page 1 of 33

1.2 Applicable land

The Planning Proposal applies to Lot 7 DP 231084, Kalunga Lane, Rooty Hill as shown in Figures 1 and 2.

The subject land is currently used as a public car park located within the Rooty Hill Town Centre within walking distance to the Rooty Hill Railway Station as shown in Figure 2.

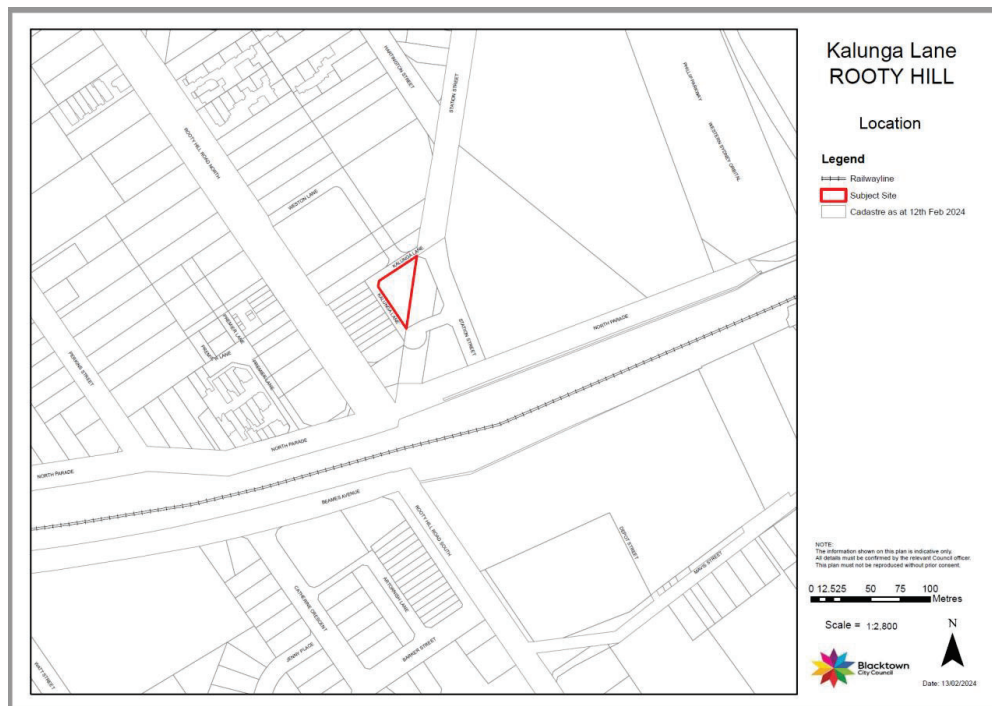


Figure 1 - Subject land



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal



Figure 2 – Aerial Map of Subject land

The subject land was created by Deposited Plan 231084 registered on 28 November 1968. It was part of a subdivision approved by Council in 1963 for 5 shop sites, 2 residues, a laneway and road widening. Resolution (a)(iii) of the Council Subdivision consent required the applicant to transfer Lot 7 for car parking at no cost to the Council.

In June 1994, Council resolved to classify the subject land as 'Operational Land' (Report FSR130). The report noted that the land was zoned part 5(a) Parking under Blacktown Local Environmental Plan 1988 and was used as a car park at the time. The dedication of this land for car parking made it liable to create a public trust that required it to be held by Council for car parking. Consequently, Council's resolution in June 1994 purporting to declare the land to be 'Operational Land' was not available to Council under clause 6(3) of Schedule 7 of the Local Government Act and the land was rather classified under clause 6(7) of Schedule of that Act 7 as 'Community Land'.

Council is investigating development of the adjacent land for a public administration building. and the subject land as associated car park and this requires reclassification of the land to enable this use.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

The land can be reclassified to 'Operational Land' by a local environmental plan in accordance with section 30 of the Local Government Act.

The land remains registered in Council's name but subject to reservations and conditions in the Crown Grant(s). The land cannot be used or otherwise developed for purposes inconsistent with the trust under section 35 of the Local Government Act unless and until it is reclassified as operational land and the trust is discharged.

1.3 Current planning controls

Blacktown LEP 2015 applies to the subject land.

1.3.1 Land use zones

The subject land is zoned MU1 Mixed Use under the Blacktown LEP 2015 as shown in Figure 3.

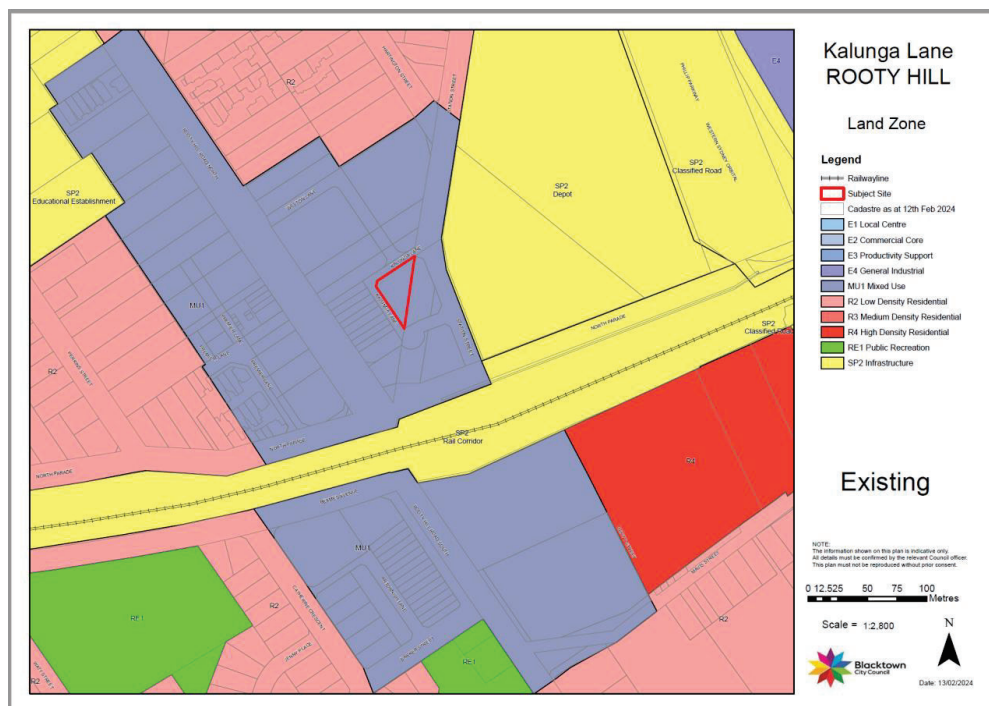


Figure 3 – Current Land use zone



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Part 2 – Explanation of provisions

2.1 Amendments to Local Environmental Plan 2015

The Planning Proposal seeks to include the subject land in Blacktown Local Environmental Plan 2015 under Schedule 4 Part 2 'Land classified, or reclassified, as operational land – interests changed' to reclassify the subject land from Community to Operational and discharge trusts in the land.

Part 3 – Justification of strategic and site-specific merit

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal is not the result of a specific strategy or study. It is consistent with the Blacktown LSPS. The land was dedicated to Council for the purpose of car parking, which is considered to be a public interest. Therefore, the Planning Proposal seeks to extinguish/discharge the public interest in the land which was intended when the land was reported to Council in 1994.

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

An amendment to the Blacktown Local Environmental Plan 2015 is required under the Environmental Planning and Assessment Act and the Local Government Act to achieve the intended outcome to reclassify the land to Operational Land and discharge the public interest trusts in the land.

Section B – Relationship to the Strategic Planning Framework

3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal is consistent with the objectives and actions of the regional and district strategic planning framework as represented by the following relevant plans:

- Greater Sydney Region Plan: A Metropolis of Three Cities
- Central City District Plan.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Page 5 of 33

a) Greater Sydney Region Plan: A Metropolis of Three Cities

The Planning Proposal is consistent with the directions and objectives in the Region Plan as detailed in Attachment 1:

- Direction: Creating conditions for a stronger economy
- Objective 5: Benefits of growth realised by collaboration of governments, community and business
- Objective 6: Services and infrastructure meet communities' changing needs
- Objective 22: Investment and business activity in centres
- Objective 23: industrial and urban services land is planned, retained and managed.

b) Central City District Plan

The Planning Proposal is consistent with the following Planning Priorities in the District Plan as detailed in Attachment 1:

- Planning Priority C1: Planning for a city supported by infrastructure
- Planning Priority C3: Providing services and social infrastructure to meet people's changing needs
- Planning Priority C6: Creating and renewing great places and local centres, and respecting the District's heritage
- Planning Priority C9: Delivering integrated land use and transport planning and 30-minute city.

4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

a) Blacktown Local Strategic Planning Statement 2020 (Blacktown LSPS)

The Planning Proposal aligns with the Blacktown LSPS which is the Key Strategic land use planning document to facilitate and manage future growth and development within Blacktown City. The Blacktown LSPS builds on the community engagement and outcomes of Council's Community Strategic Plan and Our Blacktown 2041. The Blacktown LSPS outlines how Council will manage growth sustainably over a 20-year period.

The subject land is located within the Rooty Hill town centre. The Planning Proposal is consistent with the vision and land use planning for the City and supports Council's endorsed LSPS Local Planning Priorities as detailed in Attachment 1. It aligns with the Local Planning Priorities specifically:

- Local Planning Priority 1: Planning for a City supported by infrastructure



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Page 6 of 33

- Action 1: Collaborate to identify the full range of infrastructure required to support the City's growth and sustainability as part of a comprehensive, rolling infrastructure delivery program
- Action 2: Collaborate to prioritise infrastructure planning and investment in the right place, at the right time and for the right cost, to align with forecast growth
- Local Planning Priority 2: Collaborating, partnering and engaging to implement the LSPS
- Local Planning Priority 5: Providing housing supply, choice and affordability with access to jobs, services and public transport
- Local Planning Priority 6: Creating and renewing great places and centres
- Local Planning Priority 7: Delivering integrated land use and transport planning and a 30-minute city.

The proposed reclassification of land supports these planning priorities by making the land available for infrastructure and services within an identified urban renewal precinct that has good access to regional transport linkages.

b) Our Blacktown 2041 - Community Strategic Plan

The Planning Proposal is consistent with the Community Strategic Plan as detailed in Attachment 1.

The Community Strategic Plan outlines Council's vision and aspirations for the future of the City and facilitates and manages future growth and development within the City to 2041.

Our Blacktown 2041 - Community Strategic Plan identifies 6 Strategic Directions:

- a vibrant, inclusive and resilient community
- a clean, sustainable and climate resilient city
- a smart and prosperous economy
- a growing city supported by accessible infrastructure
- a healthy, sporting and active city
- a leading city.

5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

This Planning Proposal is consistent with relevant State and regional studies or strategies as detailed in Attachment 1.

6. Is the Planning Proposal consistent with applicable SEPPs?

The Planning Proposal is consistent with applicable state environmental planning policies as detailed in Attachment 2.

7. Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The Planning Proposal is consistent with applicable section 9.1 Ministerial Directions as detailed in Attachment 3.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Section C – Environmental, Social and Economic Impact

- 8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

The subject land is currently used as a carpark and has been cleared of all remnant vegetation as part of the existing land use.

The Planning Proposal applies to urban land and will not affect critical habitat or threatened species, populations or ecological communities, or their habitats.

- 9. Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?**

There are no other likely environmental effects as a result of the Planning Proposal. When a Development Application is lodged, a full assessment of environmental impacts will be undertaken for the proposed development.

- 10. Has the Planning Proposal adequately addressed any social and economic effects?**

It is intended that the land may be considered for land uses permissible within the current MU1 Mixed Use zone. However, at this stage, Council is considering developing the land for public administration purposes.

Council is investigating developing the subject land and adjoining Council owned land for a public administration building and associated parking. This is a use to be established for public purposes and will have a positive social and economic impact on the Rooty Hill Town Centre and Blacktown City.

Section D – Infrastructure (Local, State and Commonwealth)

- 11. Is there adequate public infrastructure for the Planning Proposal?**

The subject land is located within the established Rooty Hill Town Centre with access to existing urban infrastructure and services including, water, energy utilities, telecommunication and regional public transport and roads.

It is not expected that development likely to be generated by the Planning Proposal would result in demand on that infrastructure which is beyond the existing carrying capacities. However, when a Development Application is lodged, a full assessment will be undertaken for the proposed development.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Page 8 of 33

Section E – State and Commonwealth Interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Relevant State and Commonwealth public authorities will be consulted during the Planning Proposal exhibition in accordance with any conditions of the Gateway determination.

Part 4 – Maps

The Planning Proposal does not amend any maps. It proposes to amend Schedule 4 of the Blacktown Local Environmental Plan 2015 to reclassify the subject land from Community to Operational Land.

Part 5 – Community consultation

Community consultation will be carried out in accordance with the requirements of any Gateway determination, the Environmental Planning and Assessment Act 1979 and Local Government Act 1993.

A public hearing will be undertaken in accordance with the Local Government Act 1993 and the NSW Government LEP Practice Note PN 16-001 (5 October 2016).

Part 6 – Project timeline

The following project timeline provides an estimated timeframe for each stage of the Planning Proposal.

Table 1 – Indicative project timeline

Stage	Timeframe and/or date
Consideration by Local Planning Panel	June 2024
Consideration by Council	June 2024
Council decision	July 2024
Gateway determination	August 2024
Pre-Exhibition	August/September 2024
Commencement and completion of public exhibition period	September/October 2024
Consideration of submissions	October/November 2024
Post-exhibition review and additional studies	October/November 2024



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Public consultation and public hearing	November/December 2024
Consideration by Council	December 2024
Submission to the Department for finalisation (where applicable)	December/January 2025
Gazettal of LEP amendment	January 2025



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Page **10** of **33**

10 July 2024 - Planning, Development, Historical & Assets
Committee Meeting

18

13 November 2024 - Planning, Development, Historical &
Assets Committee Meeting

24

Consistency with Greater Sydney Region Plan, Central City District Plan, Blacktown Community Strategic Plan and Blacktown Local Strategic Planning Statement

A. Greater Sydney Region Plan – A Metropolis of 3 Cities

Direction	Objective	Does this objective apply to the Planning Proposal	How does this Planning Proposal implement the Direction and Objective?
Infrastructure and Collaboration			
A city supported by infrastructure	Objective 1: Infrastructure supports the three cities	Yes	Consistent. The site is located within an established urban area with existing infrastructure.
	Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact	Yes	Consistent. The proposed amendment is on land within a Town Centre with existing infrastructure.
	Objective 3: Infrastructure adapts to meet future needs	Yes	Consistent. The proposed amendment will enable delivery of development for the community.
	Objective 4: Infrastructure use is optimised	Yes	Consistent. The proposed amendment will enable the existing and continuing use of existing infrastructure.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

A collaborative city	Objective 5: Benefits of growth realised by collaboration of governments, community and business	Yes	Consistent. The Planning Proposal will enable the land to be used for the community's benefit.
Liveability			
A city for people	Objective 6: Services and infrastructure meet communities' changing needs	Yes	Consistent. The proposal will enable the community to access services in a Town Centre within walking distance of public transport.
	Objective 7: Communities are healthy, resilient and socially connected	Yes	Consistent. The delivery of services within the Town Centre supports the needs of the growing population.
	Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods	Yes	Consistent. The Planning Proposal will not negatively impact on the Town Centre or surrounding neighbourhoods.
	Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation	No	Not applicable.
Housing the city	Objective 10: Greater housing supply	Yes	Consistent. The proposal does not inhibit this objective.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

	Objective 11: Housing is more diverse and affordable	Yes	Consistent. The proposal does not inhibit this objective.
A city of great places	Objective 12: Great places that bring people together	Yes	Consistent. The proposal does not inhibit this objective.
	Objective 13: Environmental heritage is identified, conserved and enhanced	No	Consistent. The site is not identified as a heritage item or an archaeological site under Blacktown LEP 2015.
Productivity			
A well-connected city	Objective 14: A Metropolis of 3 Cities – integrated land use and transport creates walkable and 30 - minute cities	Yes	Consistent. The site is located in the Rooty Hill Town Centre in close walking distance to education, commercial and residential uses and public transport services.
	Objective 15: The Eastern, GOP and Western Economic Corridors are better connected and more competitive.	No	Not applicable.
	Objective 16: Freight and logistics network is competitive and efficient	No	Not applicable.
	Objective 17: Regional connectivity is enhanced	No	Not applicable.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Jobs and skills for the city	Objective 18: Harbour CBD is stronger and more competitive	No	Not applicable.
	Objective 19: Greater Parramatta is stronger and better connected	No	Not applicable.
	Objective 20: Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City	No	Not applicable.
	Objective 21: Internationally competitive health, education, research and innovation precincts	No	Not applicable.
	Objective 22: Investment and business activity in centres	Yes	Consistent. The subject site is located within a Town Centre within proximity to retail and commercial activity.
	Objective 23: Industrial and urban services land is planned, retained and managed	Yes	Consistent. The Planning Proposal is on urban services land. There is no change to the zoning of the land.
	Objective 24: Economic sectors are targeted for success	Yes	Consistent. Development of the site will enable continued use of the Rooty Hill Town Centre.
Sustainability			
A city in its landscape	Objective 25: The coast and waterways are protected and healthier	No	Not applicable.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

	Objective 26: A cool and green parkland city in the South Creek corridor	No	Not applicable.
	Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced	No	Not applicable.
	Objective 28: Scenic and cultural landscapes are protected	No	Not applicable
	Objective 29: Environmental, social and economic values in rural areas are protected and enhanced	No	Not applicable.
	Objective 30: Urban tree canopy cover is increased	No	Not applicable. The subject site is a car park.
	Objective 31: Public open space is accessible, protected and enhanced	Yes	Consistent. The site is located within a Town Centre. It is in walking and vehicular distance to open spaces including the Harry Dennison Reserve, Angus Memorial Park and Blacktown International Sports Park.
	Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths	No	Not applicable.
An efficient city	Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	Yes	Consistent. Any proposed development will be assessed to comply with relevant development controls.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

	Objective 34: Energy and water flows are captured, used and re-used	Yes	Consistent. Specific requirements will be addressed for future development applications.
	Objective 35: More waste is re-used and recycled to support the development of a circular economy	Yes	Consistent. Specific requirements will be addressed for future development applications.
A resilient city	Objective 36: People and places adapt to climate change and future shocks and stresses	Yes	Consistent. Specific requirements will be addressed for future development applications.
	Objective 37: Exposure to natural and urban hazards is reduced	Yes	Consistent. Specific requirements will be addressed for future development applications.
	Objective 38: Heatwaves and extreme heat are managed	Yes	Consistent. Specific requirements will be addressed for future development applications.
Implementation			
Implementation	Objective 39: A collaborative approach to city planning	No	Not applicable.
	Objective 40: Plans refined by monitoring and reporting	No	Not applicable.



B. Central City District Plan

Planning Priorities	Does this priority apply to the Planning Proposal	How does this Planning Proposal implement the Planning Priority and Action
Infrastructure and Collaboration		
C 1: Planning for a city supported by Infrastructure	Yes	Consistent. The site is supported by infrastructure given it is located within a Town Centre, an urban area with existing access to urban infrastructure.
C 2: Working through collaboration	Yes	Consistent. This proposal will be in collaboration with the Department of Planning, Housing and Infrastructure and submitted for Gateway determination.
Liveability		
C 3: Providing services and social infrastructure to meet people's changing needs	Yes	Consistent. This proposal seeks to enable opportunity for services to meet people's changing needs.
C 4: Fostering healthy, creative, culturally rich and socially connected communities	Yes	Consistent. The proposal does not contradict this priority.
C 5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	Yes	Consistent. The proposal is located within a Town Centre and the zone enables development permissible in the zone.
C 6: Creating and renewing great places and local centres, and respecting heritage the District's heritage	Yes	Consistent. The proposal will contribute to the existing local area and community. It does not apply to a heritage item or an archaeological site under BLEP 2015.
Productivity		
C 7: Growing a stronger and more competitive Greater Parramatta	No	Not applicable.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Attachment PD440032.1

C 8: Delivering a more connected and competitive GPOP Economic Corridor	No	Not applicable.
C 9: Delivering integrated land use and transport planning a 30-minute city	Yes	Consistent. The site is in close walking distance to education, commercial and residential uses as well as public transport services.
C 10: Growing investment, business opportunities and jobs in strategic centres	Yes	Consistent. The subject site is in a Town Centre proximity to retail and commercial activity.
C 11: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land	Yes	Consistent. The Planning Proposal is on urban services land.
C 12: Supporting growth of targeted industry sectors	No	Not applicable.
Sustainability		
C 13: Protecting and improving the health and enjoyment of the District's waterways	No	Not applicable.
C 14: Creating a Parkland City urban structure and identity, with South Creek as a defining spatial element	No	Not applicable.
C 15: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes	Yes	Consistent. The proposal does not impact on the ecological landscape of the area.
C 16: Increasing urban tree canopy cover and delivering Green Grid connections	No	Not applicable.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

C 17: Delivering high quality open space	No	Not applicable.
C 18: Better managing rural Areas	No	Not applicable.
C 19: Reducing carbon emissions and managing energy, water and waste efficiently	Yes	Consistent. Development will have to comply with the relevant Council development controls and BASIX.
C 20: Adapting to the impacts of urban and natural hazards and climate change	Yes	Consistent. Development will have to comply with the relevant Council development controls and BASIX.
Implementation		
C 21: Preparing local strategic planning statements informed by local strategic planning	No	Not applicable.
C 22: Monitoring and reporting on the delivery of the plan	No	Not applicable.

C. Our Blacktown 2041 - Community Strategic Plan

Strategic Direction	Compliance
A vibrant, inclusive and resilient community	Consistent. The reclassification of the land and should the site be developed in the future will contribute towards creating a vibrant City.
A clean, sustainable and climate resilient city	Consistent. The reclassification of the land and should the site be developed in the future will contribute towards creating a clean, sustainable and climate resilient city.
A smart and prosperous economy	Consistent. The additional provision of homes will increase the demand for the local economy in the area.
A growing city supported by accessible infrastructure	Consistent. The site is located in walking distance to Rooty Hill Station.
A healthy, sporting and active city	Consistent. The site is located close to various parks including Harry Dennison Park, Angus Memorial Park and Nurranginy Reserve and Blacktown International Sports Park.
A leading city	Consistent. The reclassification of the land is consistent with this direction.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

D. Blacktown Local Strategic Planning Statement 2020

Planning Priorities	Does this priority apply to the Planning Proposal	How does this Planning Proposal implement the Planning Priority and Action
Infrastructure and Collaboration		
LPP 1: Planning for a city supported by Infrastructure	Yes	Consistent. The site is supported by infrastructure given it is located within an established Town Centre with existing access to urban infrastructure.
LPP 2: Collaborating, partnering and engaging to implement the LSPS	Yes	Consistent. This proposal will be in collaboration with the Department of Planning, Housing and Infrastructure and submitted for Gateway determination.
Liveability		
LPP 3: Providing services and social infrastructure to meet people's changing needs	Yes	Consistent. This proposal seeks to enable opportunity for urban land within a Town Centre in very close walking distance to a Railway Station.
LPP 4: Respecting heritage and fostering healthy, creative, culturally rich and socially connected communities	Yes	Consistent. The proposal will contribute to the existing local area and community. It does not apply to a heritage item or an archaeological site under Blacktown Local Environmental Plan 2015.
LPP 5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	Yes	Consistent. The proposal enables uses permissible in the zone within close walking distance to public transport.
LPP 6: Creating and renewing great places and centres	Yes	Consistent. The proposal relates to land within a Town Centre.
Productivity		
LPP 7: Growing a stronger and more competitive Greater Parramatta	No	Not applicable.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

LPP 8: Growing mixed use, investment, business and job opportunities in Strategic Centres	Yes	Consistent. The proposal applies to land in a Rooty Hill Town Centre which is located near the Mount Druitt Strategic Centre.
LPP 9: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land	No	Consistent. The proposal is for a site located on urban services land.
LPP 10: Growing targeted industry sectors	No	Not applicable.
Sustainability		
LPP 11: Protecting and improving the health and enjoyment of waterways	No	Not applicable.
LPP 12: Creating a Parkland City urban structure and emphasising the importance of South Creek	No	Not applicable.
LPP 13: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes	No	Not applicable.
LPP 14: Increasing urban tree canopy cover and Green Grid connections	Yes	Consistent. The proposal does not affect the existing ecological landscape of the area.
LPP 15: Delivering high quality open space	No	Not applicable.
LPP 16: Reducing carbon emissions and managing energy, water and waste efficiently	No	Not applicable.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

LPP 17: Adapting to the impacts of urban and natural hazards and climate change	Yes	Consistent. Development applications will have to comply with the relevant Council development controls and BASIX.
Implementation		
LPP 18: Delivering, monitoring and reporting on the actions in the LSPS	No	Not applicable.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Page 22 of 33

10 July 2024 - Planning, Development, Historical & Assets
Committee Meeting

30

13 November 2024 - Planning, Development, Historical &
Assets Committee Meeting

36

Consistency with Applicable SEPPs

State Environmental Planning Policy	Consistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Yes. The proposal does not affect the biodiversity and ecological conservation of the area. The site is currently used as a car park.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Housing) 2021	Yes. The zone permits mixed use with housing in a location where it will make good use of existing and planned infrastructure and services.
State Environmental Planning Policy (Industry and Employment) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Planning Systems) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Precincts—Central River City) 2021	Not applicable. The site is not located in the Central River City Precinct Plan.
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Not applicable. The site is not located in the Eastern Harbour City. This Planning Proposal will not contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Precincts—Regional) 2021	Not applicable. The site is not located in a regional area. This Planning Proposal will not contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Not applicable. The site is not located in the Western Parkland City. This Planning Proposal will not contradict or hinder the application of this SEPP.
State Environmental Planning Policy (Primary Production) 2021	Not Applicable. The site is in an urban area and no primary production takes place on the site
State Environmental Planning Policy (Resilience and Hazards) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

State Environmental Planning Policy	Consistency
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable. This Planning Proposal will not contradict or hinder the application of this SEPP. The site is not involved in mining, petroleum or extractive industries.
State Environmental Planning Policy (Sustainable Buildings) 2022	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP. The sustainability of development will be assessed as part of any future development application process.
State Environmental Planning Policy (Transport and Infrastructure) 2021	Yes. This Planning Proposal will not contradict or hinder the application of this SEPP. The site does not interfere with any transport and infrastructure projects. The site is in close walking distance to the Rooty Hill train station located on the T1 Western line service.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Page 24 of 33

Consistency with relevant section 9.1 Directions by the Minister

Direction	Consistency of Planning Proposal
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	The Planning Proposal is consistent with this Direction.
1.2 Development of Aboriginal Land Council land	Not applicable.
1.3 Approval and Referral Requirements	The Planning Proposal is consistent with this Direction.
1.4 Site Specific Provisions	The Planning Proposal is consistent with this Direction.
1.4A Exclusion of Development Standards from Variation	The Planning Proposal is consistent with this Direction.
Focus area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable.
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable.
1.10 Implementation of Western Sydney Aerotropolis Plan	Not applicable.
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable.
1.14 Implementation of Greater Macarthur 2040	Not applicable.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable.
1.16 North West Rail Link Corridor Strategy	Not applicable.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Direction	Consistency of Planning Proposal
1.17 Implementation of the Bays West Place Strategy	Not applicable.
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable.
1.19 Implementation of the Westmead Place Strategy	Not applicable.
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable.
1.21 Implementation of South West Growth Area Structure Plan	Not applicable.
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable.
Focus area 2: Design and Place	
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	The Planning Proposal is consistent with this Direction.
3.2 Heritage Conservation	The Planning Proposal is consistent with this Direction.
3.3 Sydney Drinking Water Catchments	Not applicable.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable.
3.5 Recreation Vehicle Areas	Not applicable.
3.6 Strategic Conservation Planning	Not applicable.
3.7 Public Bushland	The Planning Proposal is consistent with this Direction.
3.8 Wilandra Lakes Region	Not applicable.
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable.
3.10 Water Catchment Protection	Not applicable.
Focus area 4: Resilience and Hazards	
4.1 Flooding	Not applicable.
4.2 Coastal Management	Not applicable.
4.3 Planning for Bushfire Protection	Not applicable.
4.4 Remediation of Contaminated Land	Consistent. Specific requirements will be addressed for future development where required.
4.5 Acid Sulfate Soils	Not applicable.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Direction	Consistency of Planning Proposal
4.6 Mine Subsidence and Unstable Land	Not applicable.
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	The Planning Proposal is consistent with this Direction. The site does not interfere with any transport and infrastructure projects. The site is in close walking distance to the Rooty Hill train station located on the T1 Western line service.
5.2 Reserving Land for Public Purposes	<p>The Planning Proposal is consistent with this Direction.</p> <p>Whilst this Planning Proposal will facilitate the removal of a reservation for public parking, this is to enable reconfiguration of the existing public parking and the addition of decked parking on the site resulting in no net change to the amount of public parking. Council is investigating redeveloping the adjoining Council land holdings for a new public administration building.</p> <p>Although Council is still investigating development opportunities for a public administration building, the aim is to provide some parking for staff and the public. It will have regard to the site's location, with Rooty Hill Station across the road and the nearby commuter car park, constructed and operated by Transport for NSW on Council land on the eastern side of Station Street (Lot 2 DP 1046244).</p>
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable.
5.4 Shooting Ranges	Not applicable.
Focus area 6: Housing	
6.1 Residential Zones	The Planning Proposal is consistent with this Direction. The site is not currently used for housing. The Planning Proposal does not reduce housing opportunities. There is no proposed change to the current MU1 Mixed Use zone which is consistent with providing housing.
6.2 Caravan Parks and Manufactured Home Estates	Not applicable.
Focus area 7: Industry and Employment	
7.1 Employment Zones	Consistent. The Planning Proposal will encourage employment growth (i.e. new public



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Direction	Consistency of Planning Proposal
	administration building for Council) and support the viability in an established centre, on MU1 Mixed Use land, across the road from Rooty Hill train station.
7.2 Reduction in non-hosted short term rental accommodation period	Not applicable.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable.
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable.
Focus area 9: Primary Production	
9.1 Rural Zones	Not applicable.
9.2 Rural Lands	Not applicable.
9.3 Oyster Aquaculture	Not applicable.
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable.



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Information for Proposals to Classify or reclassify Public Land through an LEP LEP Practice Note PN 16-0001 (5 October 2016)

Lot 7 DP231084 Kalunga Lane, Rooty Hill

ITEM	PN 16-0001	COMMENT
1	The Current classification	Community
2	The Proposed classification	Operational
3	Whether the land is a 'public reserve' as defined by the LG Act?	<p>The subject site is public land, currently used for car parking. The land was dedicated to Blacktown Council in 1968 to provide car parking, in accordance with a 1963 development consent, for 5 shop sites, 2 residue parcels, a laneway and road widening. One of the conditions of consent was to dedicate the subject land for car parking.</p> <p>As such, the land is subject to a 'trust for a public purpose' (i.e. under clause 6(2)(b) of Schedule 7 of the LG Act).</p>
4	The strategic and site specific merits of the reclassification and evidence to support this	<p>Council is investigating developing this site with its adjoining land holdings around Kalunga Lane for a new public administration building and car parking.</p> <p>This will have several benefits, including:</p> <ul style="list-style-type: none"> • helping to activate the Rooty Hill Town Centre • increase employment in the Centre next to a train station • bring Council's services closer to the western suburbs of the Blacktown LGA.
5	Whether the planning proposal is the result of strategic study or report?	The Planning Proposal is not the result of a strategic study or report but is consistent with the State, Regional and Local Strategic Plans. However, it is consistent with Council's strategic plans such as the Blacktown LSPS.
6	Whether the planning proposal consistent with council's community plan or other local strategic plan?	The Planning Proposal is consistent with the State, Regional and Local Strategic Plans as detailed in Section B – Relationship to the Strategic Planning Framework and Attachment 1.
7	Summary of Councils interest in the land including	Interests in land typically refer to property ownership as well as rights and privileges



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

	<ul style="list-style-type: none"> how and when the land was first acquired (e.g. was it dedicated, donated, provided as part of a subdivision for public open space or other purpose, or a developer contribution) if council does not own the land, the land owner's consent; the nature of any trusts, dedications etc; 	<p>affecting land, such as leasehold, easements, covenants and mortgages.</p> <p>For the purpose of reclassification through a Local Environmental Plan, 'interests' means trusts, estates, dedications, conditions, restrictions and covenants affecting the land. Blacktown Council owns the land after it was dedicated to Council in 1968, at no cost, for use as car parking which gave rise to a public interest trust in the land.</p>
8	Whether an interest in land is proposed to be discharged, and if so, an explanation of the reasons why?	Blacktown Council intends to discharge the public interest in the land, created by the dedication of the land for car parking.
9	The effect of the reclassification (including the loss of public open space, the land ceases to be a public reserve or particular interests will be discharged)	The site is currently used for car parking and the public interest will be discharged. Once reclassified, the land will be considered, along with adjoining Council-owned lands, for development to deliver a Council administration building and associated car parking.
10	Evidence of public reserve status or relevant interests, or lack thereof applying to the land (e.g. electronic title searches, notice in a Government Gazette, trust documents)	<p>The subject site was dedicated to Council for use as car parking, in accordance with a condition of consent relating to the subdivision of land to create 5 shop sites, 2 residue parcels, a laneway and road widening in 1963.</p> <p>Legal advice obtained by Blacktown Council states that the circumstances by which the Council acquired the land meant that it is subject to a 'trust for a public purpose' i.e. under clause 6(2)(b) of Schedule 7 of the LG Act.</p>
11	Current use(s) of the land, and whether uses are authorised or unauthorised	The land is currently used as a car park.
12	Current or proposed lease or agreements applying to the land, together with their duration, terms and controls	Nil
13	Current or proposed business dealings (e.g. agreement for the sale or lease of the land, the basic details of any such agreement and if relevant, when council intends to realise its asset, either immediately after rezoning/reclassification or at a later time)	Nil
14	Any rezoning associated with the reclassification (if yes, need to demonstrate consistency with an endorsed Plan of Management or strategy)	The land will retain the current MU1 zone under Blacktown LEP 2015. The Planning Proposal does not propose rezoning of the land.
15	How council may or will benefit financially, and how these funds will be used?	Once the land is reclassified it is intended to use the land for public civic purposes as a Council



LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

		public administration building with associated car parking.
16	How council will ensure funds remain available to fund proposed open space sites or improvements referred to in justifying the reclassification, if relevant to the proposal	The subject site does not currently provide local open space. Therefore the reclassification will not reduce the provision of local open space in the LGA.
17	A Land Reclassification (part lots) Map, in accordance with any standard technical requirements for spatial datasets and maps, if land to be reclassified does not apply to the whole lot	Not applicable as the reclassification applies to the whole of Lot 7 DP231084.
18	Preliminary comments by a relevant government agency, including an agency that dedicated the land to council, if applicable.	There are no preliminary comments by a relevant government agency. Relevant public authorities will be consultant as part of the LEP process and Gateway determination requirements.

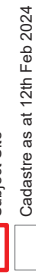
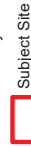


LEP-24-0005 / PP-2024-1107
Kalunga Lane, Rooty Hill - Planning Proposal

Kalunga Lane ROOTY HILL

Location

Legend



NOTE:
The information shown on the plan is indicative only.
All details must be confirmed by the relevant Council officer.
This plan must not be reproduced without prior consent.

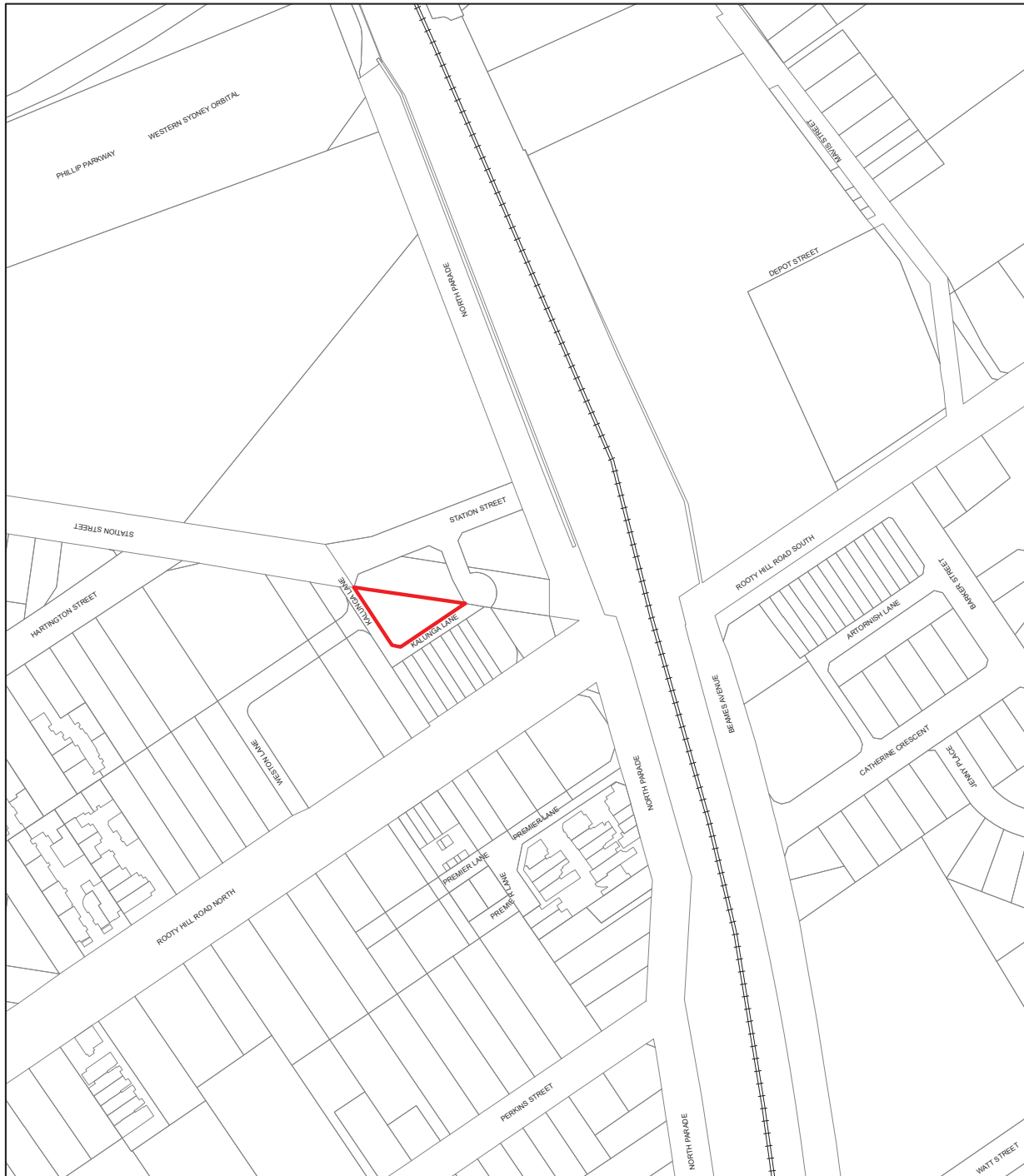
0 12.525 50 75 100 Metres



Scale = 1:2,800



Date: 13/02/2024



10 July 2024 - Planning, Development, Historical & Assets
Committee Meeting

40





13 November 2024 - Planning, Development, Historical &
Assets Committee Meeting

46

Kalunga Lane ROOTY HILL

Council-owned lots

Legend

-  Railwayline
-  Subject Site
-  Cadastral as at 12th Feb 2024
-  Council-owned Lots on Station Street

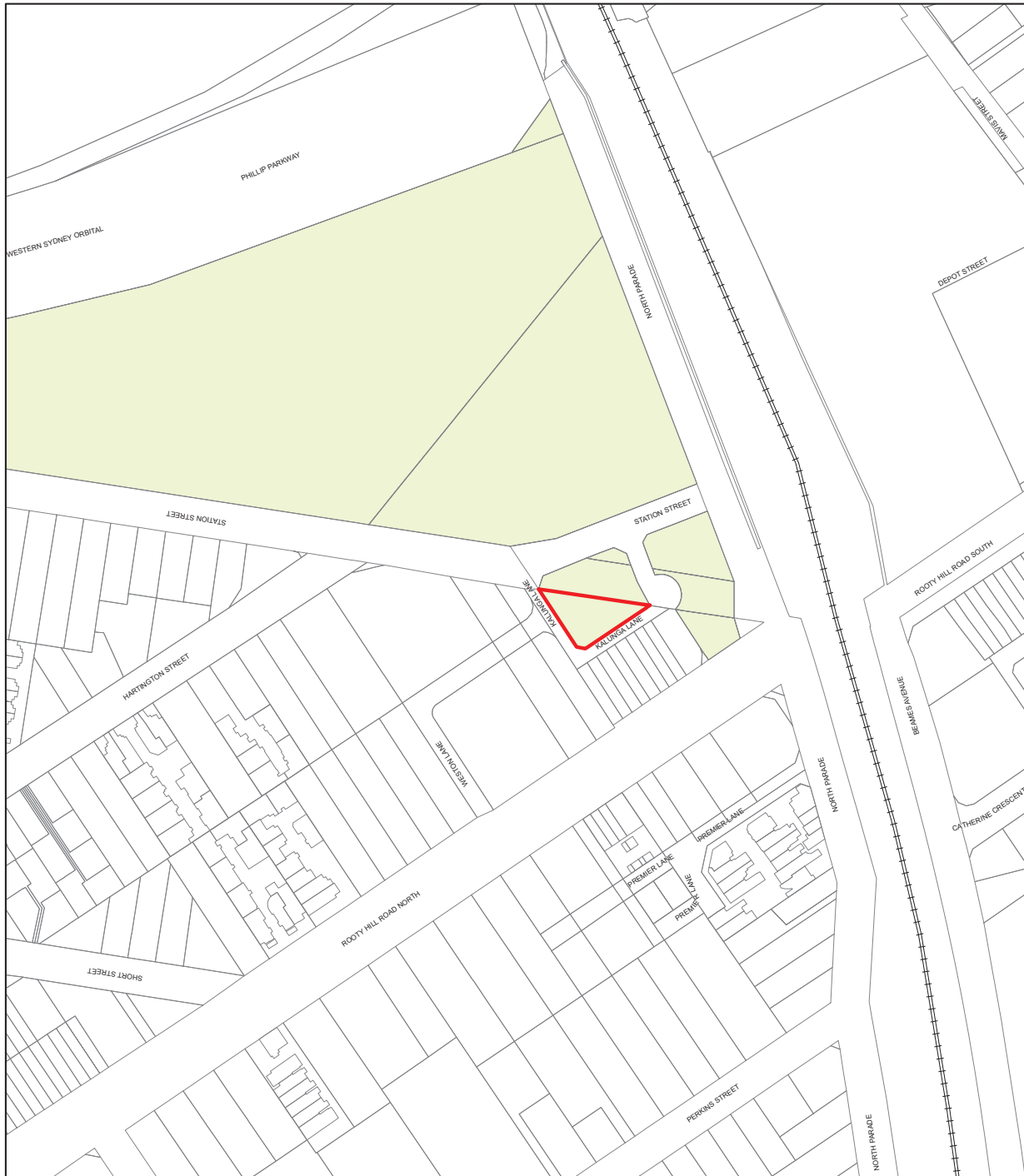
NOTE:
The information shown on this plan is indicative only.
All details must be confirmed by the relevant Council officer.
This plan must not be reproduced without prior consent.

0 12.525 50 75 100 Metres

Scale = 1:2,800



Date: 27/02/2024



10 July 2024 - Planning, Development, Historical & Assets
Committee Meeting

41

13 November 2024 - Planning, Development, Historical &
Assets Committee Meeting

47