



IRF25/26

## Gateway determination report – PP-2024-1107

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Lot 7 DP 231084 Kalunga 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.

## Contents

<b>1</b>	<b>Planning proposal .....</b>	<b>1</b>
1.1	Overview .....	1
1.2	Objectives of planning proposal .....	1
1.3	Explanation of provisions .....	1
1.4	Site description and surrounding area.....	2
1.5	Mapping.....	3
1.6	Background .....	3
<b>2</b>	<b>Need for the planning proposal.....</b>	<b>4</b>
2.1	Regional Plan .....	4
2.2	District Plan .....	5
2.3	Local.....	5
2.4	Local Planning Panel (LPP) recommendation.....	6
2.5	Section 9.1 Ministerial Directions .....	6
2.6	State environmental planning policies (SEPPs).....	7
2.7	LEP practice note .....	8
<b>3</b>	<b>Site-specific assessment .....</b>	<b>8</b>
3.1	Environmental .....	8
3.2	Social and economic .....	8
3.3	Infrastructure .....	9
<b>4</b>	<b>Consultation.....</b>	<b>9</b>
4.1	Community .....	9
4.2	Agencies.....	9
<b>5</b>	<b>Timeframe.....</b>	<b>9</b>
<b>6</b>	<b>Local plan-making authority .....</b>	<b>9</b>
<b>7</b>	<b>Assessment summary.....</b>	<b>9</b>
<b>8</b>	<b>Recommendation.....</b>	<b>10</b>

Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning Proposal (May 2024)
Attachment B – Land Title Search
Attachment C – Council Minutes (27 November 2024)
Attachment D – BLPP recommendation (24 June 2024)

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Blacktown</b>
<b>PPA</b>	Blacktown City Council
<b>NAME</b>	Kalunga Lane, Rooty Hill
<b>NUMBER</b>	PP-2024-1107
<b>LEP TO BE AMENDED</b>	Blacktown Local Environment Plan 2015
<b>ADDRESS</b>	Lot 7 DP 231084 Kalunga Lane, Rooty Hill
<b>DESCRIPTION</b>	Lot 7 DP 231084
<b>RECEIVED</b>	5/12/2024
<b>FILE NO.</b>	IRF25/26
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	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 requiring public car parking use. Reclassification will remove the constraints associated with 'community' land.

The purpose of the reclassification is to facilitate the potential use of the site for reconfigured multi-deck car parking (for staff and the public) in conjunction with a council public administration development on adjoining land. Council is currently considering development options for the site.

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.

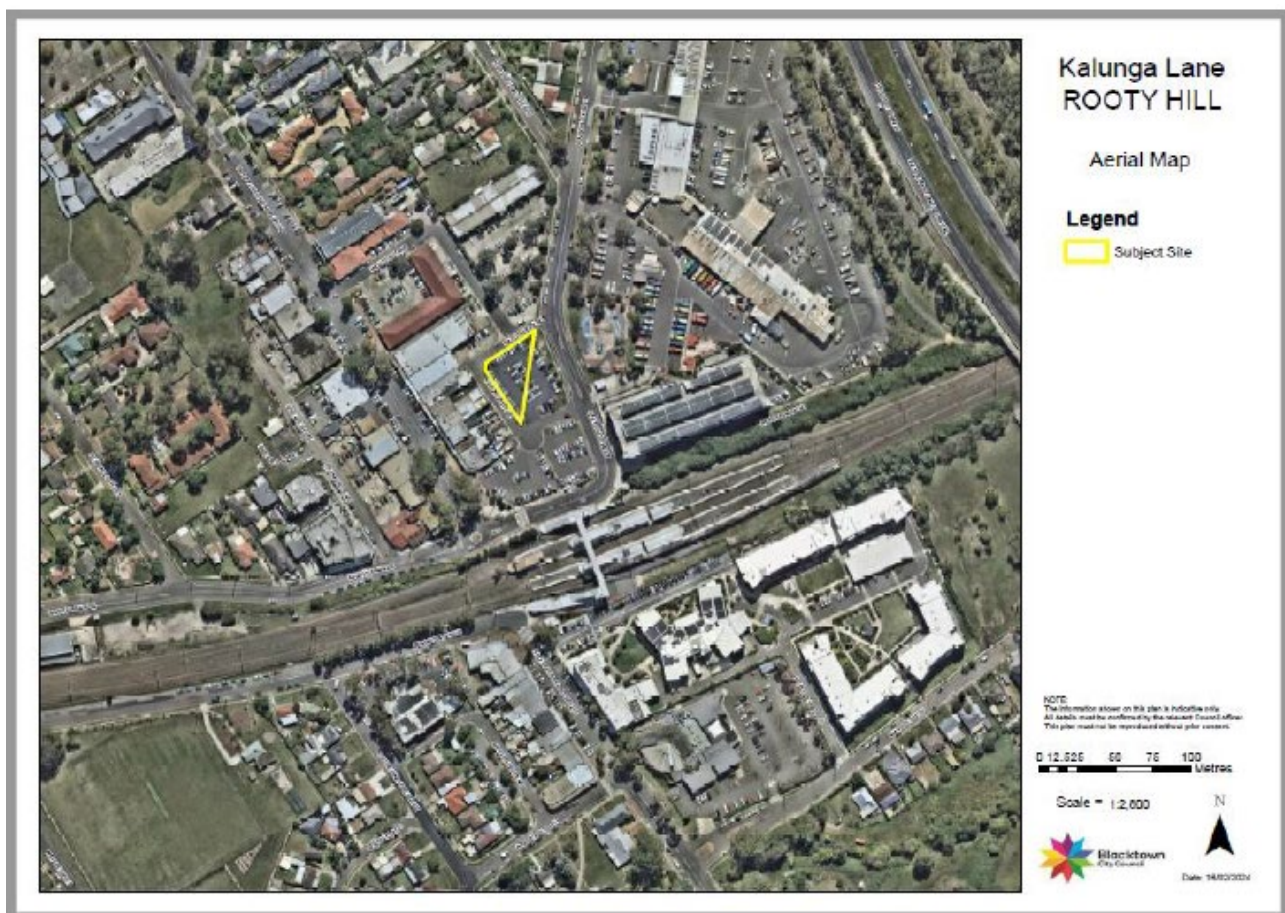
The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

## 1.4 Site description and surrounding area

The site is located on Kalunga Lane, Rooty Hill and is legally described as Lot 7 DP 231084 (**Figure 1**).

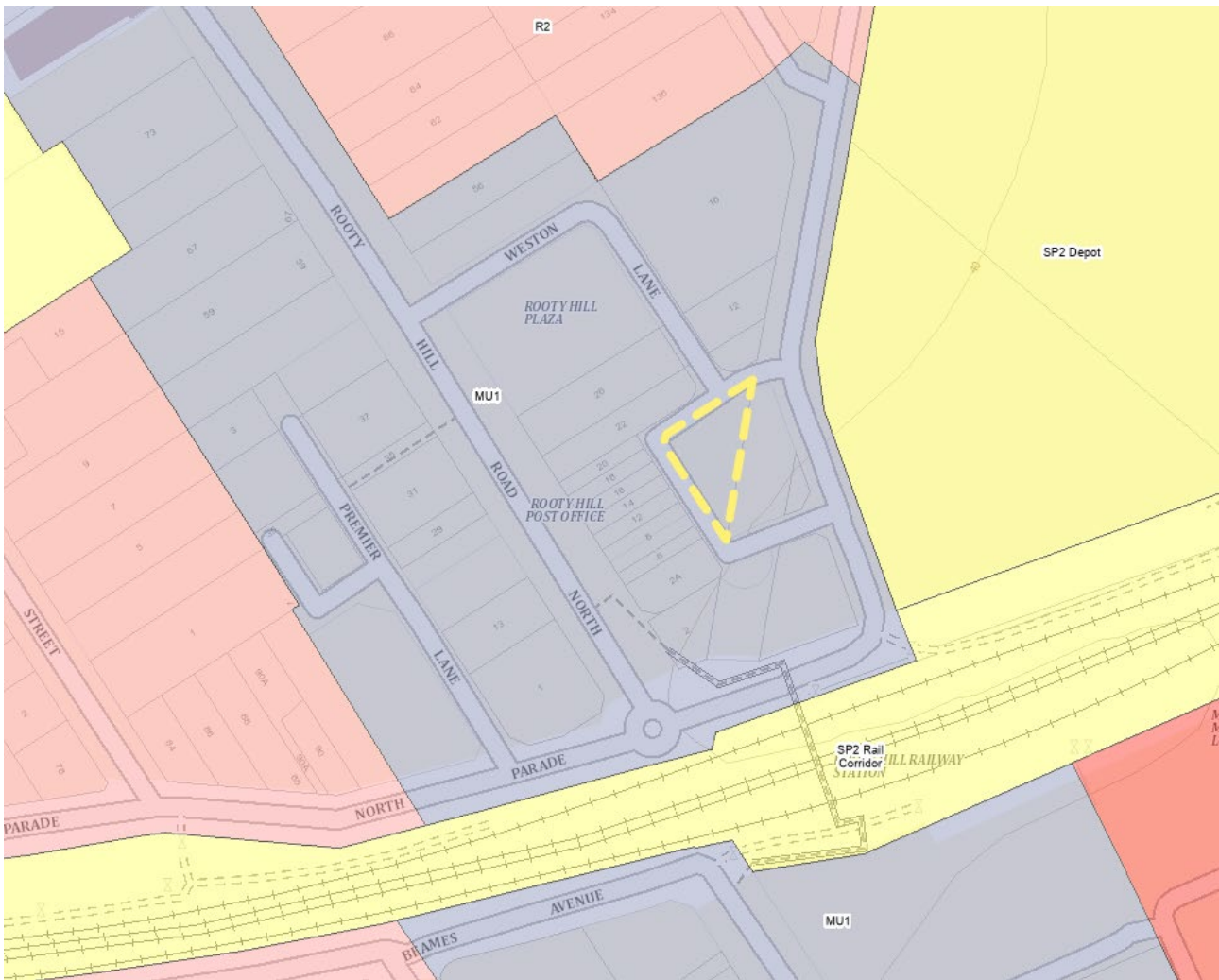
The site is triangular in shape and is relatively flat with an area of 2,023m<sup>2</sup>. It has a road frontage to Kalunga Lane to the north and west, with Kalunga Lane connecting with Station Street to the east. The site is zoned as MU1 Mixed Use (**Figure 2**) and is currently vacant of any dwellings or structures but comprising bituminised car parking. The land was originally dedicated as a parking lot in 1968 and is currently used for car parking for the adjacent strip shops.

The subject site is located 200m north of Rooty Hill train station and is part of a broader car parking area between the site and the station. One to two story commercial buildings are located immediately west and north of the subject site and a multi-deck commuter car park building (operated by Transport for NSW), small skate park and Council depot are located opposite the site on Station Street.



**Figure 1 Subject site (coloured yellow) (Source: Nearmap, 2024)**





**Figure 2 Site context (subject site outlined in yellow) (source: Spatial Viewer, 2024)**

## 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*.

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 24 June 2024. The BLPP endorsed the proposal to proceed to Gateway determination, subject to recommendations (discussed in **Section 3.4**).

At their Ordinary Meeting on 27 November 2024, Council considered the planning proposal (**Attachment C**) and recommended the proposal be forwarded to the Department for a Gateway determination.

On 5 December 2024, 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 considered for a Council development. The subject site is currently zoned MU1 Mixed Use and through reclassifying, the planning proposal will facilitate future development in conjunction with adjoining land.

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 Council needs to reclassify the land for 'operational' use and to discharge the public interest trust in the land.

### 2.1 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 1 – Infrastructure supports the three cities	<p>The site is within an established urban area with existing infrastructure and redevelopment will deliver new facilities and infrastructure.</p> <p>The proposal is consistent with the objective.</p>
Objective 3 – Infrastructure adapts to meet future needs	<p>The proposal aims to facilitate redevelopment which will deliver new facilities and infrastructure.</p> <p>The proposal is consistent with the objective.</p>
Objective 4 – Infrastructure use is optimised.	<p>The proposal aims to facilitate the continued and optimal use of existing infrastructure.</p> <p>The proposal is consistent with the objective.</p>
Objective 6 – Services and infrastructure meet communities changing needs	<p>The proposal will provide an opportunity to deliver new public facilities in an area appropriately serviced by services, infrastructure and public transport networks.</p> <p>The proposal is consistent with the objective.</p>
Objective 7 – Communities are healthy, resilient and socially connected.	<p>The proposal will deliver services in the Town Centre to facilitate future growth.</p> <p>The proposal is consistent with the objective.</p>



## 2.2 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 C3: Providing services and infrastructure to suit people's needs	<p>Priority C3 seeks to provide appropriate services and infrastructure for the growing city.</p> <p>The site is supported by infrastructure, given it is located within a town centre, an urban area with access to existing infrastructure.</p> <p>The proposal is consistent with Planning Priority C3.</p>
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 with good access to services and facilities in the right locations.</p> <p>The proposal is located within a town centre and the Mixed Use zone provides for a wide range of development.</p> <p>The proposal is consistent with Planning Priority C5.</p>
Planning Priority C10: Growing investment, business opportunities and jobs in a Regional Centre	<p>The proposal is located within a town centre with good access to business and jobs.</p> <p>The proposal is consistent with Planning Priority C10.</p>

## 2.3 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 is within a Town Centre. The Planning Proposal is consistent with the vision and land use planning for Town Centres and Local Planning Priority 5 by providing facilities in an area with access to jobs, services, and public transport. The proposal is also consistent with various other Local Planning Priorities.</p> <p>The proposal has demonstrated consistency with the Blacktown LSPS.</p>

## 2.4 Local Planning Panel (LPP) recommendation

The Blacktown Local Planning Panel (LPP) considered the planning proposal on 24 June 2024. The LPP concluded that the proposal be forwarded to the Department for Gateway assessment, as it has:

- Strategic and site-specific merit as it is consistent with the natural environment, existing uses and future proposed uses on the site and surrounds and existing and required services and infrastructure.
- Responded to changing circumstances not recognised by current controls such as new infrastructure and changing demography.

## 2.5 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 town centre and is located within walking distance of Rooty Hill rail station on the T1 Western line.</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 zoned MU1 Mixed Use and is within a town centre in close proximity to services and public transport.</p> <p>The proposal is consistent with this Direction as it does not hinder future opportunities for housing supply.</p>
7.1 Employment Zones	Consistent	<p>The objectives of this Direction are to encourage and not restrict the development of the Employment zones.</p> <p>The site is zoned MU1 Mixed Use and is within a town centre in close proximity to services and public transport.</p> <p>The proposal is consistent with this Direction as it does not hinder future opportunities for employment uses.</p>

## 2.6 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	The objective of the SEPP is to guide the bulk and scale of future development within the Precincts to deliver housing choice and	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</p>

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
	<p>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 ownership for the purposes of roads, parks, drainage, and schools.</p>		<p>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>
SEPP (Transport and Infrastructure) 2021	The objective of the SEPP is to ensure protection and optimal use of transport and infrastructure facilities.	Consistent	The proposal supports this SEPP as it does not hinder use of transport and infrastructure. The site location in close proximity of Rooty Hill rail station will promote efficient access to and use of transport infrastructure.

## 2.7 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.

Council has prepared a response to the Practice note checklist in support of the proposal (refer Attachment 4 to the Planning Proposal). This confirms the strategic and site-specific merit of the proposal and the need for removal of the public interest in the land as part of the reclassification (as such, the governor's approval will be required in this instance).

## 3 Site-specific assessment

### 3.1 Environmental

The site is currently developed as a carpark. As such, 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.

### 3.2 Social and economic

There are considered to be no significant social and economic impacts associated with the proposal. The site is within the Mixed Use zone and future redevelopment of the site is expected to contribute to the social and economic development within Rooty Hill town centre.

## 3.3 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 a Council administration centre will need to assess and consider infrastructure needs.

## 4 Consultation

### 4.1 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.

### 4.2 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.

## 5 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 6 month time frame to complete the LEP from Gateway. This is considered inadequate for completion of this LEP given Governor approval is required for the change of interests in the land prior to making the LEP. A 9 month timeframe is more appropriate.

The Department recommends an LEP completion date of 31 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.

## 6 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.

## 7 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 redevelopment of this strategic site in Rooty Hill town centre for a Council administration centre.

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.

## 8 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.
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 31 October 2025.



13 January 2025

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14 January 2025

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