

Planning Proposal

Blacktown Local Environmental Plan 2015 Proposed Amendment No. 2

Rezoning the land at Lot 1268 DP
803528, Denis Winston Drive, Doonside



Prepared by:

Blacktown City Council

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PART 1 OBJECTIVES OR INTENDED OUTCOMES

The Denis Winston Drive site, Lot 1268 DP 803528, comprises an area of approximately 3 hectares and is a large vacant site situated off the eastern alignment of Denis Winston Drive, between Seabrook Crescent and Bruxner Place, Doonside.

The site is owned by the NSW Department of Education and Communities and is surrounded by low density residential development to the north and east, a public recreation area to the south and public recreation and utility sites to the west (refer to Figure 1).



Figure 1. Location of the subject site

The objective of this planning proposal is to rezone the subject land from R2 Low Density Residential to E2 Environmental Conservation under Blacktown LEP 2015.

The intended outcome will be preservation of the subject land, which forms a habitat for a variety of flora and fauna and is highly valued by the community.

PART 2 EXPLANATION OF PROVISIONS

The Denis Winston Drive site is zoned R2 Low Density Residential under Blacktown Local Environmental Plan (LEP) 2015 (refer Figure 2).

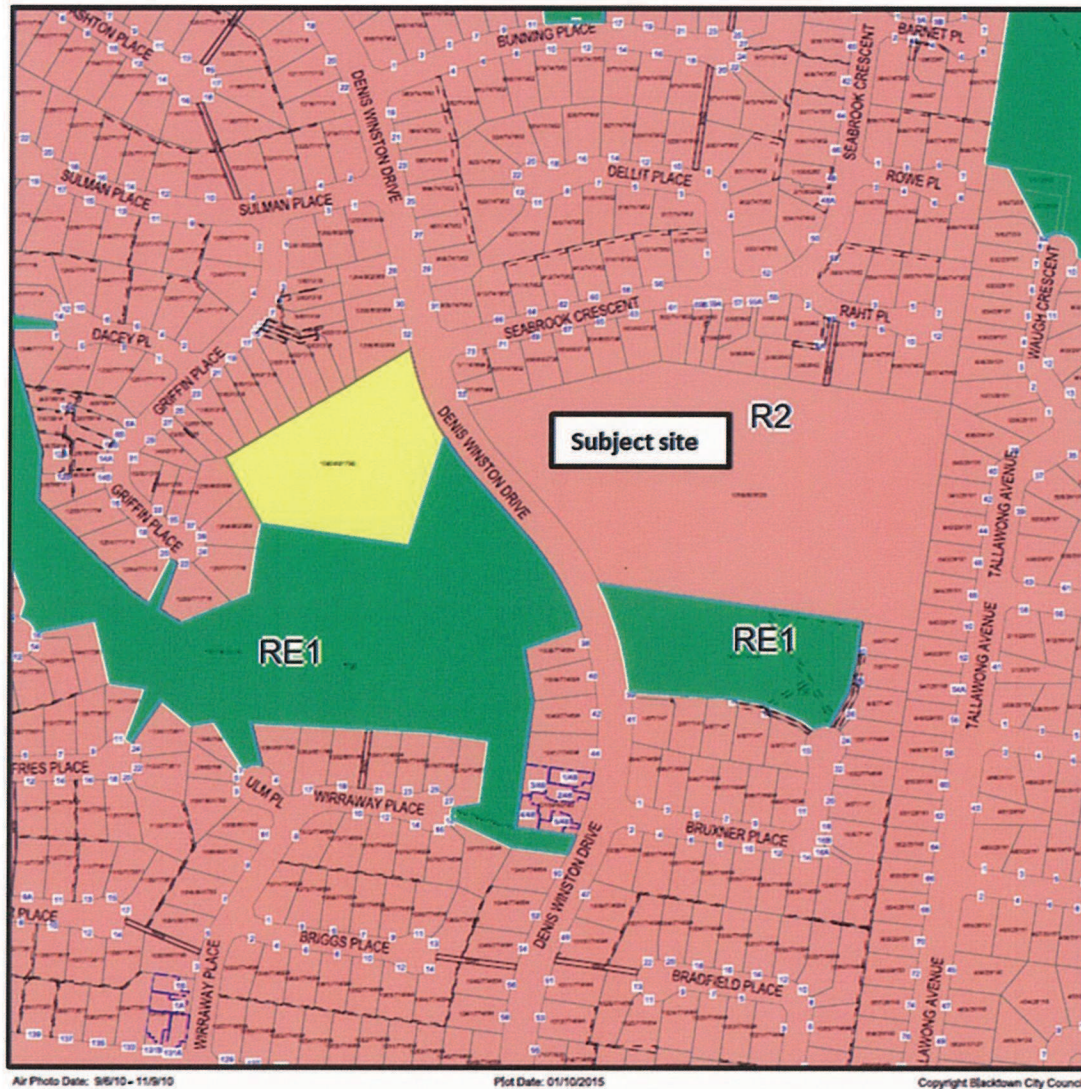


Figure 2. Current zoning of the subject site

Under Blacktown LEP 2015, dwelling houses are permitted in this zone and the minimum lot size and maximum building height applying to the site are 450 sqm and 9 m respectively. The site is also identified on the Terrestrial Biodiversity layer of the Blacktown LEP 2015 map and is affected by provisions of Clause 7.2 of the LEP.

The site contains Shale Plain Woodland, which along with Shale Hills Woodland, makes up the Cumberland Plain Woodland vegetation community. Cumberland Plain Woodland is listed as a critically endangered ecological community under the NSW *Threatened Species Conservation Act 1995*.

PART 3 JUSTIFICATION

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

The 2011 Blacktown Biodiversity Strategy maps the site as Regionally Significant (Core) and Regional Corridor Potential. The planning proposal has been initiated by Blacktown City Council to protect Denis Winston Drive site from future residential development that will destroy the site's ecological values as a valued remnant of Cumberland Plain Woodland.

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

The planning proposal aims to protect the site from development and is seen as the best means of achieving the stated objective and intended outcome.

The proposal is supported on the basis that the site is highly valued by the community, has provided a community open space area since the surrounding area was developed in 1980s, and has significant aesthetic and biodiversity values. Although it is owned by the Department of Education and Communities, it has been utilised unimpeded by the public for 30 years.

3. Is there a net community benefit?

- In January 2013, when Council originally exhibited its draft Standard Instrument LEP 2015, the site was proposed to be rezoned from 5(a) Special Uses (School) to R2 Low Density Residential. The R2 zone was influenced by the (then) Department of Planning and Infrastructure's LEP Practice Note (PN) 10-001 – Zoning for Infrastructure in LEPs. This LEP Practice Note instructs that many sites zoned for a special purpose would be required to take on the predominant proposed zoning of adjoining land in any new Local Environmental Plan.

As part of the exhibition, Council received 12 individual submissions and a petition containing 429 signatures objecting to the proposed R2 zone for the site and requesting Council consider protecting the biodiversity values of the site and maintain it for an open space purpose.

Following exhibition of Draft Blacktown LEP 2013, Council resolved on 9 December 2013 to amend the zoning of all school sites in Blacktown City to SP1 Special Activities (Educational Establishment).

Due to the issues raised by the community during exhibition, Council requested that the Department of Planning defer the Denis Winston Drive site out of Blacktown LEP 2013 and leave the site zoned 5(a) Special Uses (School) under Blacktown LEP 1988.

Council wrote to successive Ministers for Planning and Education on several occasions in 2013, 2014 and 2015, seeking to have them permit the site be zoned for passive open space purposes. Correspondence was also sent to senior officers in these Ministries and meetings held with them to present Council's point of view in detail.

- In addition to the site's bushland and biodiversity values, the land is highly valued by local residents for its aesthetic beauty, as well as the positive contribution it makes to their health and wellbeing and the liveability of their neighbourhood.
- Whilst the site is owned by the Department of Education and Communities, residents have for many years used it for passive recreation purposes such as bushwalking, bird watching and interacting with nature.
- The planning proposal will ensure that the site will be protected from future development and will be utilised for environmental purposes for the good of the entire community.

Section B – Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

A Plan for Growing Sydney, released in December 2014, is the NSW Government's plan for the future of the Sydney Metropolitan Area over the next 20 years. The Plan provides key directions and actions to guide Sydney's productivity, environmental management and liveability – including the delivery of housing, employment, infrastructure and open space.

One of the goals that has been set down to achieve the vision for Sydney is "*A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources*".

The 2 relevant directions identified within the plan to deliver this goal and how the planning proposal is consistent with this plan are shown in Table 1. Consistency with State and subregional plans.

It is noted that subregional planning aims to improve liveability by identifying the locations for future housing and employment growth and by balancing growth with improvements to environmental and open space assets.

One of the priorities identified within the Subregional Plan for the West Central subregion is to protect the natural environment and promote its sustainability and resilience. This is to be achieved through working with councils to implement the Cumberland Plain Recovery Plan to protect the threatened biodiversity of the Cumberland Plain as the area develops.

Protecting this site that contains Shale Plain Woodland will indirectly assist with implementation of the State plans. Therefore, the planning proposal is consistent with them.

Table 1. Consistency with State and Subregional plans

Strategy/Plan	Goals	Directions	Consistent
A Plan for Growing Sydney	A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources	Protect our natural environment and biodiversity	Yes. The site is identified on the Terrestrial Biodiversity layer of Blacktown LEP 2015. The 2011 Blacktown Biodiversity Strategy maps the site as Regionally Significant (Core) and Regional Corridor Potential. Rezoning the site from residential to environmental conservation will prohibit residential development on the site. Therefore, this regionally significant area (Core area) which contains the remnants of highest conservation value will be protected. The Core areas represent where species or communities are at imminent risk of extinction, or large areas within the region that constitute the backbone of a viable conservation network across the landscape. The planning proposal aims to preserve this significant conservation network.
		Manage the impacts of development on the environment	Yes. Applying mitigation measures can prevent or reduce the impacts of development on areas of high conservation value, native vegetation and diversity from development. Offsets can be used to address the remaining impacts and protect other areas of land with high conservation value. By retaining the site as bushland and rezoning it to E2 Environmental Conservation, it can be used as a biodiversity offset to impact on the critically endangered ecological community of Cumberland Plain Woodland (CPW) from other school projects that result in the clearing of

			CPW vegetation. This could be new schools or expansion of existing schools.
West Central subregional plan	To protect the natural environment and promote its sustainability and resilience	Working with councils to implement the Cumberland Plain Recovery Plan to protect the threatened biodiversity of the Cumberland Plain as the area develops	Yes. Although the site is not identified as high priority conservation area within the 2011 Cumberland Plain Recovery Plan, the site contains Shale Plain Woodland which, along with Shale Hills Woodland, makes up the Cumberland Plain Woodland vegetation community. The 2011 Blacktown Biodiversity Strategy maps the site as Regional Corridor Potential. The provision of corridors is a very important component of biodiversity enhancement. Corridors promote opportunities for species movement and long-term viability in an urban bushland setting. The proposed rezoning would provide an opportunity to use the site as a potential linkage between Bungarribee Creek and the Eastern creek corridor in the Western Sydney Parklands.
Cumberland Plain Recovery Plan	To provide for the long-term survival of the threatened biodiversity of the Cumberland Plain	Applying mitigation measures can prevent or reduce the impacts of development on areas of high conservation value, native vegetation and diversity from development. Offsets can be used to address the remaining impacts and protect other areas of land with high conservation value	Yes. The site contains Shale Plain Woodland which is one of the vegetation communities that makes up Cumberland Plain Woodland. This community is listed as a critically endangered ecological community under the State Cumberland Plain Recovery Plan. The planning proposal aims to preserve the site from development, which will assist in protecting Cumberland Plain Woodland.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is considered consistent with all relevant Council local strategies and plans.

In June 2011, Council adopted the Blacktown Biodiversity Strategy 2010 – 2020. This strategy includes a Conservation Significance Assessment (CSA) Map which Council used as a basis for developing the Terrestrial Biodiversity Map that now forms part of Blacktown LEP 2015.

The Blacktown Biodiversity Strategy vision is to conserve, restore and enhance biological diversity and ecosystem health, particularly threatened species, populations and communities, in the Blacktown Local Government Area.

Implementation of the Strategy aims to:

- Conserve, restore and enhance remnant endangered ecological communities and the flora and fauna which they support within the LGA
- Provide strategies for the effective long-term management and viability of remnant vegetation and ecosystems, including edge expansion and improved connectivity
- Ameliorate threats to biodiversity
- Establish Blacktown City Council as a leader in establishing biodiverse-based carbon forests
- Ensure adequate communication within Council and with stakeholders, including the community, regarding the conservation and management of bushland remnants and biodiversity.

One of the key actions identified in this Strategy is identification, protection and enhancement of biodiversity corridors and high conservation value areas.

- The 2011 BCC Biodiversity Strategy maps the site as Regionally Significant (Core). 'Core' areas are the remnants of highest conservation value. They represent areas where species or communities are at imminent risk of extinction, or large areas within the region that constitute the backbone of a viable conservation network across the landscape.
- The Biodiversity Strategy also maps the site as Regional Corridor Potential. The provision of corridors is a very important component of biodiversity enhancement. Corridors promote opportunities for species movement and long-term viability in an urban bushland setting. To the south of the subject lands, in approximately 700m, is an east-west corridor

of open space (Bungarribee Creek Reserve) that links to the substantial Western Sydney Parklands to the west. The site would provide good linkage to Bungarribee Creek and the Eastern Creek corridor in the Western Sydney Parklands.

- The Cumberland Plain Recovery Plan states that while the priority conservation lands are considered to represent the regional conservation priorities for the Cumberland Plain, it is recognised that areas of local conservation significance complement and enhance these regional conservation priorities. Areas of local conservation significance will include buffers, corridors and ecological linkages for the priority conservation lands. The implementation of best practice management on these and other areas of local conservation significance will contribute to the long-term viability of biodiversity on the Cumberland Plain.
- It is noted that the Terrestrial Biodiversity Map identifies the subject site. Therefore, when considering any Development Application for the site, it is required to consider Clause 7.2 (Terrestrial Biodiversity) of Blacktown LEP 2015. The purpose of this clause is to ensure that any future development on the site is sympathetic to the biodiversity values of the site. However, considering public concerns about the biodiversity values of the site, Council believes a better solution is to rezone the site to E2.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Relevant State Environmental Planning Policies and how the planning proposal is seen to be consistent with them are outlined in Appendix A.

The planning proposal is consistent with all relevant State Environmental Planning Instruments.

7. Is the planning proposal consistent with applicable Ministerial Directions (s. 117 directions)?

Table 2 provides an assessment of the planning proposal against the Ministerial Directions.

Table 2 . Assessment against Ministerial Directions

Ministerial Direction	Consistent
1. Employment and Resources	
1.1 Business and Industrial zones	N/A
1.2 Rural zones	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A

1.4 Oyster Aquaculture Rural Lands	N/A
1.5 Rural Lands	N/A
2. Environment and Heritage	
2.1 Environment Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	Yes. The planning proposal seeks to rezone land to Environmental Conservation to protect the land from being developed and loss of high value vegetation including Shale Plain Woodland.
2.2 Coastal Protection	N/A
2.3 Heritage Conservation	N/A
2.4 Recreation Vehicle Access	N/A
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones The objectives of this direction are: (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	Yes. Blacktown Council provides a significant contribution to increasing housing, and affordable housing stock, across the Sydney region by way of the North West Growth Centre and other means. This contribution should not be at the expense of reasonable measures to protect the environment, or the amenity and lifestyle opportunities for existing local communities.
3.2 Caravan Parks and Manufactured Home Estates	N/A
3.3 Home Occupations	N/A
3.4 Integrating Land Use and Transport	Yes. This direction is applicable to the Blacktown LGA but it is not relevant to this planning proposal as it does not have any impact on transport and does not create further need for infrastructure.

	Therefore, the planning proposal is considered consistent with this direction.
3.5 Development near Licensee Aerodromes	N/A
3.6 Shooting Ranges	N/A
4. Hazard and Risk	
4.1 Acid Sulphate Soils	N/A
4.2 Mine Subsidence and Unstable Land	N/A
4.3 Flood Prone Land	N/A
4.4 Planning for Bushfire Protection	N/A
5. Regional Planning	
5.1 Implementation of Regional Strategies	N/A
5.2 Sydney Drinking Water Catchments	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA) (Revoked 18 June 2010)	N/A
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A
5.9 North West Rail Link Corridor Strategy	N/A
6. Local Planning Making	
6.1 Approval and Referral Requirements	Yes
6.2 Reserving Land for Public Purposes	Yes. The planning proposal facilitates the provision of public services and facilities by reserving land for public purposes. Therefore, it is consistent with the objectives of this direction.
6.3 Site Specific Provisions	N/A
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Yes. The planning proposal aims to protect our natural environment and biodiversity and manage

	the impacts of development on the environment. Therefore, it is consistent with this direction.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A

Section C – Environmental, social and economic impact

8. Is there a likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

- No. The subject land is valued by the community and possesses wildlife worthy of protection. It forms a habitat for a variety of flora and fauna. By rezoning the land, it will be protected from future development and loss of biodiversity.
- The site contains Shale Plain Woodland, which along with Shale Hills Woodland, makes up the Cumberland Plain Woodland vegetation community. Originally there was over 122,000 hectares of Cumberland Plain Woodland across Western Sydney, but only 7% of this remains. It is listed as a critically endangered ecological community under the NSW Threatened Species Conservation Act 1995. The planning proposal will assist in preserving the valuable vegetation on the site.
- The Cumberland Plain Recovery Plan states that where impacts on threatened species, populations and ecological communities cannot be avoided, they should be offset using appropriate means. The site can be retained as bushland and utilised as a site that can provide a biodiversity offset to impacts on the critically endangered ecological community of Cumberland Plain Woodland from other school developments that result in the clearing of CPW vegetation. This could be new schools or the expansion of existing schools.
- The 2011 Blacktown Biodiversity Strategy maps the site as Regionally Significant (Core area) and Regional Corridor Potential. The planning proposal considers the importance of the site and will have positive impacts on the biodiversity values of the site.
- There are over 110 bushland sites within Blacktown. By area, the school site alone would be the 27th largest bushland site within Blacktown. Rezoning the site to E2 Environmental Conservation will ensure this important large bushland will be protected from development and available for future generations to use.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no anticipated environmental effects resulting from the planning proposal. The proposal seeks to rezone the land from Residential to Environmental Conservation, to protect the existing high value biodiversity and vegetation within the site.

10. How has the planning proposal adequately addressed any social and economic effects?

- In addition to the site's bushland and biodiversity values, the land is highly valued by local residents for its aesthetic beauty, as well as the positive contribution it makes to their health and wellbeing and the liveability of their neighbourhood.
- Whilst the site is owned by the Department of Education and Communities, residents have for many decades used it for passive recreation purposes such as bushwalking, bird watching and interacting with nature.
- The community enjoys the 'quiet, green, safe and family friendly' atmosphere of the area and use it as a pedestrian link from Tallawong Avenue to Denis Winston Drive.
- Preserving the site for environmental purposes can provide the opportunity for other State Government Departments to utilise the potential biodiversity offsets that the site can provide.

Section D – State and Commonwealth interests

11. Is there adequate public infrastructure for the planning proposal?

The planning proposal will not result in the need for further infrastructure as the site has been used as public space for many years and the planning proposal aims to protect the site from development and maintain it as a public resource area.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

- Consultation with other public authorities has not occurred at this stage. Any relevant public authority will be consulted once the Gateway determination has been issued and approval granted to proceed with the planning proposal.
- When Council originally exhibited its draft Standard Instrument LEP, the site was proposed to be rezoned from 5(a) Special Uses (School) to R2 Low Density Residential. The R2 zone was influenced by the (then)

Department of Planning and Infrastructure's LEP Practice Note (PN) 10-001 – Zoning for Infrastructure in LEPs. This LEP Practice Note instructs that many sites zoned for a special purpose would be required to take on the predominant proposed zoning of adjoining land in any new Local Environmental Plan.

As part of the exhibition, Council received 12 individual submissions and a petition containing 429 signatures objecting to the proposed R2 zone for the site and requesting Council to consider protecting the biodiversity values of the site and maintain it for a public purpose.

Following exhibition of Draft Blacktown LEP 2013, Council resolved on 9 December 2013 to amend the zoning of all school sites in Blacktown City to SP1 Special Activities (Educational Establishment).

Due to the issues raised by the community during exhibition, Council requested that the Department of Planning defer the Denis Winston Drive site out of Blacktown LEP 2013 and leave the site zoned 5(a) Special Uses (School) under Blacktown LEP 1988.

Council also wrote to successive Ministers for Planning and Education on several occasions in 2013, 2014 and 2015, seeking to have them permit the site be zoned for recreation purposes. Correspondence was also sent to senior officers in these Ministries and meetings held with them to present Council's point of view in detail.

PART 4 MAPPING

The planning proposal is supported by relevant and accurate mapping including current and proposed zoning, minimum lot size and building height maps, as well as aerial, biodiversity and cadaster maps. Appendix B contains current maps relevant to the site and Appendix C contains draft maps.

The following maps are proposed to be amended as part of this planning proposal. Final maps will be consistent with the Department of Planning and Environment's mapping requirements.

Land Zoning Map - Sheet LZN_009
Land Zoning Map - Sheet LZN_014

Lot Size Map - Sheet LSZ_009
Lot Size Map - Sheet LSZ_014

Height of Buildings Map - Sheet HOB_009
Height of Buildings Map - Sheet HOB_014

PART 5 COMMUNITY CONSULTATION

The extent of community consultation will be determined by the Gateway Determination.

PART 6 PROJECT TIMELINE

Stage	Estimated timing
Commencement date	November 2015
Completion of required technical information	December 2015
Government agency consultation	January 2016
Commencement and completion dates for public exhibition period	January – February 2016
Consideration of submissions	March 2016
Submission to the department to finalise the LEP	May 2016
Date RPA will make the plan	June 2016
Date RPA will forward to the Department for notification	June 2016

Appendix A

Consistency with relevant State Environmental Planning Policies

Appendix A

Consistency with relevant State Environmental Planning Policies

SEPP	Objectives	Planning Proposal	Consistent
SEPP No 19— Bushland in Urban Areas	The SEPP protects and preserves bushland within certain urban areas, as part of the natural heritage or for recreational, educational and scientific purposes. The policy is designed to protect bushland in public open space zones and reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.	The planning proposal aims to rezone the land and protect the site's bushland and biodiversity values.	Yes
SEPP 32 – Urban Consolidation (Redevelopment of Urban Land)	The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. Councils will continue to be responsible for the majority of rezonings. The policy sets out guidelines for the Minister to follow when considering whether to initiate a regional environmental plan (REP) to make particular sites available for consolidated urban redevelopment. Where a site is rezoned by an REP, the Minister will be the consent authority.	The land is not suitable for multi-dwelling housing because it is located outside of an urban renewal precinct. Therefore, the planning proposal is consistent with this policy.	Yes
SEPP (Infrastructure) 2007	The SEPP provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency. More details about the SEPP, including a guide, are available here.	The planning proposal does not contradict any provision within this policy and any future development of the site will be required to consider the provisions of the policy.	Yes

Appendix A

Consistency with relevant State Environmental Planning Policies

SEPP (Miscellaneous Consent Provisions) 2007	The SEPP provides for the erection of temporary structures and the use of places of public entertainment while protecting public safety and local amenity.	The policy is applicable to the site but is not relevant to the objectives of the planning proposal. Therefore, the planning proposal is consistent with this policy.	Yes
SEPP (Affordable Rental Housing) 2009	The policy establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.	The policy is applicable to the site but is not relevant to the objectives of the planning proposal. Therefore, the planning proposal is consistent with this policy.	Yes