



Draft Planning Proposal - Proposed rezoning of Lot 284 DP 1075889 and Lot 1 DP853940, Reservoir Rd, Blacktown

Planning Proposal to amend *Blacktown Local Environmental Plan 2015*

**Prepared by Blacktown City Council
August 2018**

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PLANNING PROPOSAL – HARPERS BUSH RESERVE

INTRODUCTION

The Harpers Bush Planning Proposal seeks to amend *Blacktown Local Environmental Plan (Blacktown LEP) 2015* to rezone Lot 284 DP 1075889 and Lot 1 DP 853940, Reservoir Rd, Blacktown from R2 Low Density Residential to RE1 Public Recreation and identify the two properties on the land reservation acquisition map to ensure their future acquisition by Council. The Planning Proposal will also remove the building height and minimum lot size on the subject sites.

The Planning Proposal was prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment (EP&A) Act 1979* and the NSW Department of Planning and Environment guidelines including 'A Guide to Preparing Local Environmental Plans' and 'A Guide to Preparing Planning Proposals'.

Council does not propose to exercise their LEP making powers delegated under Section 3.36 of the *Environmental Planning and Assessment Act 1979* in regard to this Planning Proposal due to the land acquisition component of the Planning Proposal.

BACKGROUND

Lot 284 DP 1075889 and Lot 1 DP 853940 are adjacent to or surrounded by, the Harpers Bush Reserve. Council purchased Harpers Bush in 2005 for conservation purposes. Harpers Bush Reserve is 8.5 hectares in size and zoned E2 Environmental Conservation.

Harpers Bush Reserve is dominated by Cumberland Plain Woodland and the vegetation and habitat on the site is in moderate condition and has very high conservation significance. The vegetation community is listed as a Critically Endangered Ecological Community (CEEC) under the *NSW Threatened Species Conservation Act 1995* and the federal *Environment Protection and Biodiversity Conservation Act 1999*.

According to the *Blacktown Heritage Study 1986*, the land contains stands of mature ironbark trees that are likely to be up to 1,000 years old.

Harpers Bush is a stepping stone for animals to other vegetated areas across the City, such as Timbertop Reserve and Prospect Reservoir Nature Reserve.

Council at its Ordinary Meeting 27 June 2018 resolved to prepare a Planning Proposal and to forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination.

Following Council endorsement, the Planning Proposal was forwarded to the Blacktown Local Planning Panel for advice in accordance with the *Local Planning Panels Direction – Planning*

Proposals, issued by the Minister for Planning on 23 February 2018 under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

The Blacktown Local Planning Panel considered an assessment report for the rezoning on 6 July 2018 and resolved to endorse Council's recommendation and prepare a Planning Proposal to forward to the Department of Planning and Environment to seek a Gateway Determination.

SITE DESCRIPTION

Harpers Bush is located on Reservoir Road, Blacktown, 2kms from the Blacktown CBD.

This Planning Proposal applies to the following land parcels listed in Table 1 below:

Table 1 - Site description

Site	Address	Land Description	Ownership	Size
1	150 Reservoir Rd, Blacktown	Lot 284 DP 1075889	Privately owned	1774sqm
2	162 Reservoir Rd, Blacktown	Lot 1 DP 853 940	Privately owned	1080sqm

The subject sites are located on the western side of Reservoir Road, Blacktown.

Site 1 - 150 Reservoir Road (Lot 284 DP 1075889) is located in the north-east of the Harpers Bush reserve, a privately owned, vacant battle-axe block, accessed by Reservoir Road and surrounded by Harpers Bush Reserve.



Photo 1 - 150 Reservoir Road, Blacktown (Photo credit: Blacktown Council)


Site 2 - 162 Reservoir Road (Lot 1 DP 853940) is located in the south-eastern corner of Harpers Bush reserve, privately owned, occupied by a single dwelling, accessed by Reservoir Road, predominately cleared and surrounded by Harpers Bush Reserve.



Photo 2 - 162 Reservoir Road, Blacktown (Photo credit: Blacktown Council)

The broader Harpers Bush Reserve sits in a predominately urban landscape with St Hedwig Village to the north, residential to the west; Nagle College and further residential to the east beyond Reservoir Road and Harold Laybutt Reserve and industrial land to the south across Holbeche Road.



Figure 1 –  Subject sites (Source: Six Maps)

PUBLIC BENEFIT

The Planning Proposal facilitates the rezoning and future acquisition of two properties to integrate into the larger Harpers Bush Reserve. Failure to include these two properties may result in:

- Fragmentation of the bushland of Harpers Bush Reserve;
- A zoning that encourages activities that are inconsistent with Council's strategic vision for the site;
- Contribution to the degradation of the adjoining bushland through edge-effect impacts such as dumping, vandalism, weed incursion and domestic pets.

The Planning Proposal will facilitate the realisation of the Harpers Bushland Masterplan. The masterplan promotes a wide range of works aimed at protecting and enhancing the important environmental values of the site and creating a safe and pleasant environment for local residents to enjoy. Further the Masterplan promotes the creation of a high quality, accessible and usable green space that will be a significant asset to the City and contribute to the health and wellbeing of residents. The rezoning and acquisition of the two subject sites will add to the ecological value of the Reserve, remove the current fragmentation and help contribute to Council's strategic vision for the site.

With this in mind, the Planning Proposal is considered to be in the public interest and contribute significant public benefits.

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

The intended outcome of this Planning Proposal is to ultimately acquire the subject properties and incorporate the land into Harpers Bush Reserve. The amendment to Blacktown LEP 2015 will assist in the conservation and protection of the adjoining bushland reserve of Harpers Bush that has very high conservation value. Rezoning, identifying the two sites for acquisition and ultimately acquiring these two sites will assist in ensuring the long-term goals of the Harper Bush masterplan are met.

The intended outcome will be achieved by amending the following provisions of Blacktown LEP 2015 applying to Lot 1 DP 853940 and Lot 284 DP 1075889:

1. The Land Zoning map to rezone to RE1 Public Recreation
2. The Land Reservation Acquisition map to add both sites
3. The Height of Buildings Map to remove the height control
4. The Lot Size Map to remove the minimum lot size control

PART 2 – EXPLANATION OF PROVISIONS

The objectives and intended outcomes of the Planning Proposal will be achieved by amending the Blacktown LEP 2015. The proposed amendments are detailed in Table 2 below.

Table 2 – Explanation of provisions

No.	Proposed Amendment	Description
1	Amendment to the Land Zoning Map – Sheet LZN_014	Rezone Lot 284 DP 1075889 and Lot 1 DP 853940 from R2 Low Density Residential to RE1 Public Recreation
2	Amendment to the Land Reservation – Sheet LRA_014	Amend the land reservation map to include Lot 284 DP 1075889 and Lot 1 DP 853940
3	Amendment to the Height of Buildings Map – Sheet HOB_014	Remove the maximum height applying to Lot 284 DP 1075889 and Lot 1 DP 853940 from 9m to no height restriction
4	Amendment to the Lot Size Map – Sheet LSZ_014	Remove lot size restriction applying to Lot 284 DP 1075889 and Lot 1 DP 853940 from 450m2 to no minimum lot size

PART 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any strategic study or report?

Yes. The Planning Proposal is the result of the Harpers Bush Masterplan prepared by Council's Recreation and Planning Design team. The Masterplan promotes the creation of a high quality, accessible and usable green space that will be a significant asset to Blacktown City and contribute to the health and wellbeing of residents.

Significant implementation work has already been undertaken as part of the Harpers Bush Masterplan demonstrating a firm commitment to the ultimate delivery of the Harpers Bush Masterplan.

A copy of the Harpers Bush Masterplan and work schedule to date is held at Appendix 1.

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

Yes, the Planning Proposal is the best and only way to achieve the planning objectives and outcomes including rezoning the sites, identifying the properties for acquisition by Council and amending the planning controls relating to height and minimum lot size.

Section B – Relationship to strategic planning framework

3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Yes. The Planning Proposal is consistent with the following plans and policies:

- Greater Sydney Region Plan – Our Greater Sydney 2056
- Central City District Plan

[Greater Sydney Region Plan – Our Greater Sydney 2056.](#)

In March 2018, the NSW Government released *Greater Sydney Region Plan: A Metropolis of Three Cities* (Greater Sydney Region Plan). The Greater Sydney Region Plan proposes a Metropolis of three unique but connected cities – Western Parkland City, Central River City (that contains Blacktown LGA) and Eastern Harbour City.

The Greater Sydney Region Plan:

- 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
- informs the district and local plans and the assessment of Planning Proposals
- assists infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes
- informs the private sector and the wider community to growth management and infrastructure investment intentions of government

The Greater Sydney Region Plan is structured under four themes:

- Infrastructure and Collaboration;
- Liveability;
- Productivity;
- Sustainability

Within these themes are 10 directions that contain a potential indicator followed by a suite of objectives with each objective supported by a strategy or strategies. The objectives and strategies relevant to this Planning Proposal are discussed below:

Table 3 - Consistency with Greater Sydney Region: A Metropolis of Three Cities

Theme	Directions	Objective	Consistency and Response
Liveability	A city of great places	Objective 12	<p>Yes</p> <p>The Planning Proposal directly meets the following objectives of the Region Plan:</p> <ul style="list-style-type: none"> • Great places that bring people together; • Environmental heritage is identified, conserved and enhanced • Biodiversity is protected, urban bushland and remnant vegetation is enhanced • Public open space is accessible, protected and enhanced <p>The Planning Proposal is the result of the Harpers Bush Masterplan prepared by Council's Recreation and Planning Design team. The Masterplan promotes the creation of a high quality, accessible and usable green space that will be a significant asset to Blacktown City and contribute to the health and wellbeing of residents.</p> <p>The intended outcome of this draft Planning Proposal is to ultimately acquire the subject properties and incorporate the land into Harpers Bush Reserve. The amendment</p>
	Designing places for people	Great places that bring people together	
	A city of great places	Objective 13	
	Designing places for people	Environmental heritage is identified, conserved and enhanced	
Sustainability	A city in its landscape	Objective 27	
	Valuing green spaces and landscape	Biodiversity is protected, urban bushland and remnant vegetation is enhanced	
	A city in its landscape	Objective 31	
	Valuing green spaces and landscape	Public open space is accessible, protected and enhanced	

Theme	Directions	Objective	Consistency and Response
			to Blacktown LEP 2015 will assist in the conservation and protection to the adjoining bushland reserve of Harpers Bush that has very high conservation value. Rezoning, identifying the 2 sites for acquisition and ultimately acquiring these two sites will assist in ensuring the long-term goals of the Harper Bush masterplan are met.

Central City District Plan

The Greater Sydney Commission's 'Central City District Plan' (released in March 2018) provides a 20-year vision for the district. The Central City District encompasses the Cumberland, Parramatta, the Hills and Blacktown council areas. The district plan provides detail on how the objectives for Greater Sydney can be achieved.

The district plan contains four themes, planning priorities, objectives and actions.

The Planning Proposal is consistent with the broad intent of the Central City District Plan. More specifically the Table below demonstrates consistency.

Table 4 - Consistency with Central City District Plan

Theme	Planning Priority	Objective	Action	Consistency and Response
Sustainability	Planning Priority C15 Protecting and enhancing bushland, biodiversity and scenic and cultural landscape	Objective 27 Biodiversity is protected, urban bushland and remnant vegetation is enhanced Objective 28 Scenic and cultural landscapes are protected	Action 65 Protect and enhance biodiversity by: a. supporting landscape-scale biodiversity conservation and the restoration of bushland corridors b. managing urban bushland and remnant vegetation as green infrastructure c. managing urban development and	Yes In terms of consistency with the Central City District Plan, the Planning Proposal will contribute in the following ways: <ul style="list-style-type: none"> • Protect and enhance biodiversity; • Manage urban bushland; • Reduce edge impact; • Expand tree canopy; • Expand public open space and networks; • Contribute to accessible, high quality open space

Theme	Planning Priority	Objective	Action	Consistency and Response
			urban bushland to reduce edge effect impacts.	The Planning Proposal is the result of the Harpers Bush Masterplan prepared by Council's Recreation and Planning Design team. The Masterplan promotes the creation of a high quality, accessible and usable green space that will be a significant asset to Blacktown City and contribute to the health and wellbeing of residents.
	Planning Priority C16 Increasing urban tree canopy cover and delivering green grid connections	Objective 30 Urban tree canopy is increased	Action 68 Expand urban tree canopy in the public realm	
	Planning Priority C17 Delivering high quality open space	Objective 31 Public open space is accessible, protected and enhanced	Action 71 Maximise the use of existing open space and protect, enhance and expand public open space by: a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow	

4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?

Yes. The Planning Proposal is consistent with Council's local strategy 'Our Blacktown 2036'.

[Our Blacktown 2036](#)

Our Blacktown 2036 is Council's long-term Community Strategic Plan based on the principles of sustainability and social equity. The plan identifies the main priorities of the Blacktown community and aspirations for the City over the next two decades and beyond.

To achieve the vision, the City's functions are divided into 6 strategic directions, each reflecting a particular theme. The 6 strategic directions are:

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

The Planning Proposal is consistent with the strategy as demonstrated in the Table below.

Table 5 - Consistency with Our Blacktown 2036

Strategic Direction No.	Focus Area	Consistency and Response
Strategic Direction 2 A clean, sustainable and healthy environment	Conserve, restore and enhance the City's biological diversity and ecosystem health	<p>In terms of consistency with the Our Blacktown 2036 the Planning Proposal will contribute in the following ways:</p> <ul style="list-style-type: none"> • Enhance the biodiversity and eco systems health; • Leading by example in proactively seeking rezoning and acquisition; • Contribute to reducing climate change by increasing open space • Increased open space <p>The Planning Proposal is the result of the Harpers Bush Masterplan prepared by Council's Recreation and Planning Design team. The Masterplan promotes the creation of a high quality, accessible and usable green space that will be a significant asset to Blacktown City and contribute to the health and wellbeing of residents.</p> <p>The intended outcome of this draft Planning Proposal is to ultimately acquire the subject properties and incorporate the land into Harpers Bush Reserve. The amendment to Blacktown LEP 2015 will assist in the conservation and protection to the adjoining bushland reserve of Harpers Bush that has very high</p>
	<p>Lead by example with innovative strategies to reduce Council's ecological footprint</p> <p>Respond to the impacts of climate change</p>	
Strategic Direction 5 A Sporting and Active City	Implement a balanced framework for future planning of open space and recreational facilities	

Strategic Direction No.	Focus Area	Consistency and Response
		conservation value. Rezoning, identifying the 2 sites for acquisition and ultimately acquiring these two sites will assist in ensuring the long-term goals of the Harper Bush masterplan are met.

5. *Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPP)?*

Yes. The Planning Proposal is considered to be consistent with the applicable SEPPs and deemed SEPPs as demonstrated in the tables below.

Table 6 - Consistency with State Environment Planning Policies (SEPP)

SEPP	Comment
SEPP No 1—Development Standards	Not applicable - exceptions to development standards are considered under Clause 4.6 of Blacktown LEP 2015.
SEPP No 19—Bushland in Urban Areas	The Planning Proposal is consistent with the SEPP as it aims to protect and enhance the bushland
SEPP No 21—Caravan Parks	Not applicable
SEPP No 30—Intensive Agriculture	Not applicable
SEPP No 33—Hazardous and Offensive Development	Consistent. The Planning Proposal does not affect the application of this SEPP.
SEPP No 36—Manufactured Home Estates	Not applicable
SEPP No 44—Koala Habitat Protection	Not applicable
SEPP No 47—Moore Park Showground	Not applicable
SEPP No 50—Canal Estate Development	Not applicable
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not applicable
SEPP No 55—Remediation of Land	<p>It is recommended as a condition of Gateway that a preliminary contaminated land assessment be prepared in accordance with the provisions of <i>SEPP No 55 – Remediation of Land</i> and draft SEPP Remediation of Land (released for comment January 2018) for Lots 284 DP 1075889 and Lot 1 DP 853940.</p> <p>The adjoining land being Harpers Bush Masterplan has been the subject of Remediation Contamination assessment undertaken by GHD Pty Ltd in March 2015. There were contaminants found on site and remediation work has been undertaken to remove and dispose of major contamination.</p>
SEPP No 62—Sustainable Aquaculture	Not applicable
SEPP No 64—Advertising and Signage	Consistent. The Planning Proposal does not affect the application of this SEPP.
SEPP No 65—Design Quality of Residential Apartment Development	Not applicable
SEPP No 70—Affordable Housing (Revised Schemes)	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable

SEPP	Comment
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable
SEPP (Coastal Management) 2018	Not applicable
SEPP (Education Establishments and Child Care Facilities)	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Consistent. The Planning Proposal does not affect the application of this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Infrastructure) 2007	Consistent. The Planning Proposal does not affect the application of this SEPP.
SEPP (Integration and Repeals) 2016	Not applicable
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Consistent. The Planning Proposal does not affect the application of this SEPP.
SEPP (Miscellaneous Consent Provisions) 2007	Consistent. The Planning Proposal does not affect the application of this SEPP.
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (State and Regional Development) 2011	Consistent. The Planning Proposal does not affect the application of this SEPP.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP(Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Vegetation in Non-Rural Areas) 2017	Consistent. The proposal does not involve any clearing of native vegetation
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Table 7 - Consistency with Sydney Regional Environmental Plans (SREP)(deemed SEPPs)

SREP	Comment
SREP No 8 (Central Coast Plateau Areas)	Not applicable
SREP No 9—Extractive Industry (No 2—1995)	Not applicable
SREP No 16—Walsh Bay	Not applicable
SREP No 20—Hawkesbury-Nepean River (No 2—1997)	Consistent. The Planning Proposal is consistent with the provisions of SREP 20
SREP No 24—Homebush Bay Area	Not applicable
SREP No 26—City West	Not applicable
SREP No 30—St Marys	Not applicable
SREP No 33—Cooks Cove	Not applicable.
SREP (Sydney Harbour Catchment) 2005	Not applicable.

Assessment Criteria

A Guide to preparing planning proposals (2016) establishes Assessment Criteria to be considered in the justification of a Planning Proposal. The Assessment Criteria is considered below.

Table 8: Consideration of the Planning Proposal against the Assessment Criteria of ‘A Guide to preparing planning proposals’.

Criteria	Assessment
(a) Does the proposal have strategic merit? Is it:	
Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment, or	<p>The intended outcome of this draft Planning Proposal is to ultimately acquire the subject properties and incorporate the land into Harpers Bush Reserve. The amendment to Blacktown LEP 2015 will assist in the conservation and protection to the adjoining bushland reserve of Harpers Bush that has very high conservation value. Rezoning, identifying the 2 sites for acquisition and ultimately acquiring these two sites will assist in ensuring the long-term goals of the Harper Bush masterplan are met.</p> <p>The Planning Proposal directly meets the following objectives of the Region Plan:</p> <ul style="list-style-type: none"> • Great places that bring people together; • Environmental heritage is identified, conserved and enhanced • Biodiversity is protected, urban bushland and remnant vegetation is enhanced • Public open space is accessible, protected and enhanced
Consistent with the relevant local council strategy that has been endorsed by the Department, or	<p>Although not endorsed by the Department, Council's local strategy <i>Our Blacktown 2036</i> has been consulted and the Planning Proposal is consistent with the strategy.</p> <p><i>Our Blacktown 2036</i> is discussed in detail in Section 4 above.</p>
Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.	In this case the Criteria is not applicable to the Planning Proposal.
Criteria	Assessment
(b) Does the proposal have site-specific merit, having regard to the following:	
The natural environment (including known significant values, resources or hazards),	<p>The amendment to Blacktown LEP 2015 will assist in the conservation and protection to the adjoining bushland reserve of Harpers Bush that has very high conservation value. Rezoning, identifying the 2 sites for acquisition and ultimately acquiring these two sites will assist in ensuring the long term goals of the Harper Bush masterplan are met.</p> <p>Harpers Bush Reserve is dominated by Cumberland Plain Woodland. The vegetation and habitat on the site is in moderate condition and has very high conservation significance. The vegetation community is listed as a Critically Endangered Ecological Community (CECC) under the <i>NSW Threatened Species Conservation Act 1995</i> and the federal <i>Environment Protection and</i></p>

Criteria	Assessment
	<i>Biodiversity Conservation Act 1999.</i> Adding the two subject sites to Harpers Bush Reserve will remove the issue of fragmentation and control edge effect impacts such as dumping, vandalism, weed incursion and threat from domestic pets.
The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and	The Planning Proposal is consistent with the adjoining land use. The current residential zoning is not consistent with the E2 Environmental Conservation zoning of the adjoining and surrounding land.
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.	The future RE1 Public Recreation zoning will require minimal infrastructure provisions.

6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

Yes. The Planning Proposal is considered to be consistent with the applicable s.9.1 directions (formerly s.117 Directions) as demonstrated in the table below.

Table 9 - Consistency with applicable Ministerial Directions (s. 9.1 Directions)

Direction		Comment
1. EMPLOYMENT AND RESOURCES		
1.1	Business and Industrial Zones	Not applicable
1.2	Rural Zones	Not applicable
1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural Lands	Not applicable
2. ENVIRONMENT AND HERITAGE		
2.1	Environment Protection Zones	Consistent
2.2	Coastal Protection	Not applicable.
2.3	Heritage Conservation	Not applicable
2.4	Recreation Vehicle Areas	Not applicable
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT		
3.1	Residential Zones	<p>The Planning Proposal seeks to rezone two parcels of land from R2 Low Density Residential to RE1 Public Recreation, thereby potentially reducing land where residential uses are permitted.</p> <p>However, the environmental and public benefit of the Planning Proposal balances the reduction in residential land amounting to two dwellings.</p> <p>The inconsistency is seen as a very minor inconsistency with this Direction.</p>
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not applicable
3.4	Integrating Land Use and Transport	Not applicable

Direction			Comment
3.5	Development Near Licensed Aerodromes		Not applicable
3.6	Shooting Ranges		Not applicable
4. HAZARD AND RISK			
4.1	Acid Sulfate Soils		Not applicable
4.2	Mine Subsidence and Unstable Land		Not applicable
4.3	Flood Prone Land		Not applicable
4.4	Planning for Bushfire Protection		<p>Lot 284 DP 1075889 is contained within Vegetation Category 1 and Lot 1 DP 853940 is contained within Vegetation Buffer.</p> <p>This Planning Proposal is inconsistent with this direction in so far as consultation after Gateway has not yet occurred with the NSW Rural Fire Service.</p> <p>Consultation with the NSW Rural Fire Service will be undertaken during the statutory exhibition period.</p> <p>The inconsistency is seen as minor and will be rectified post Gateway.</p>
5. REGIONAL PLANNING			
5.1	Implementation of Regional Strategies		Not applicable
5.2	Sydney Drinking Water Catchments		Not applicable
5.3	Farmland of State and Regional Significance on the NSW Far North Coast		Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast		Not applicable
5.5	(Revoked 18 June 2010)		Not applicable
5.6	(Revoked 10 July 2008. See amended Direction 5.1)		Not applicable
5.7	(Revoked 10 July 2008. See amended Direction 5.1)		Not applicable
5.8	Second Sydney Airport: Badgerys Creek		Not applicable
5.9	North West Rail Link Corridor Strategy		Not applicable
6. LOCAL PLAN MAKING			
6.1	Approval and Referral Requirements		Consistent
6.2	Reserving Land for Public Purposes		The Planning Proposal aims to create and alter an existing zoning or reservation for public purposes and seeks appropriate approvals through the Planning Proposal process and subsequent LEP making.
6.3	Site Specific Provisions		No
7. METROPOLITAN PLANNING			
7.1	Implementation of Metropolitan Strategy		Yes – see Section B above for details.
7.2	Implementation of Greater Macarthur Land Release Investigation		Not applicable.

Section C – Environmental, social and economic impact

7. *Is there any 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 rezoning of the two subject sites and their future acquisition will result in increased protection of the broader Harpers Bush Reserve.

8. *Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?*

No, the rezoning of the two subject sites and their future acquisition will result in increased protection of the broader Harpers Bush Reserve. Harpers Bush Reserve is dominated by Cumberland Plain Woodland. The vegetation and habitat on the site is in moderate condition and has very high conservation significance. The vegetation community is listed as a Critically Endangered Ecological Community (CECC) under the *NSW Threatened Species Conservation Act 1995* and the federal *Environment Protection and Biodiversity Conservation Act 1999*.

Adding the two subject sites to Harpers Bush Reserve will remove the issue of fragmentation and control edge effect impacts such as dumping, vandalism, weed incursion and threat from domestic pets.

A potential environmental issue that has not been adequately canvassed is land contamination. It is recommended, that a contaminated land assessment be required as part of the conditions of Gateway given the land is to be rezoned to RE1 Public Recreation to be utilised by the community for recreational pursuits and the nearby identified land contamination issues within Harpers Bush Reserve. The contaminated land assessment should be drafted in accordance with *State Environmental Planning Policy No. 55 – Remediation of Land* and the draft policy release in January 2018 and currently being considered by the Department of Planning and Environment.

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

In terms of the economic effects, the Planning Proposal will facilitate the future acquisition of two privately owned properties. Rezoning the subject sites and identifying Council as the relevant acquisition authority will enable Council to initiate the purchase of lands under the *Land Acquisition (Just Terms Compensation) Act 1997*.

Council's intention is to purchase the subject lots as a complementary action to the implementation of the Harpers Bush Masterplan. The purchase can be funded from the Section 7.11 Contributions Plan – CP3 Blacktown *Catchment Reserve*. CP3's primary purpose is the provision of open space in established residential areas. The acquisition of lots satisfies this purpose and meets the aims and objectives of the Contribution Plan.

The main social effect is a positive one for the broader community who will benefit from an enhanced reserve and facilitate Council's future purchase of the land for future community and recreation facilities.

It is acknowledged that the acquisition of two subject properties may have a social effect on the owners of the sites given the need for them to relocate sometime in the future. As detailed above, the acquisition will be undertaken in accordance with the *Land Acquisition (Just Terms Compensation Act) 1991*. The subject sites will be acquired through negotiation and agreement. However, the overall public benefit to the community and the positive environmental outcomes are considered significant enough to warrant the purchase.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the Planning Proposal?

The Planning Proposal will result in additional public recreation land that does not require intense infrastructure requirements. The Planning Proposal and future acquisition will not increase the demands for infrastructure.

11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Consultation with State and Commonwealth authorities will be undertaken post Gateway Determination.

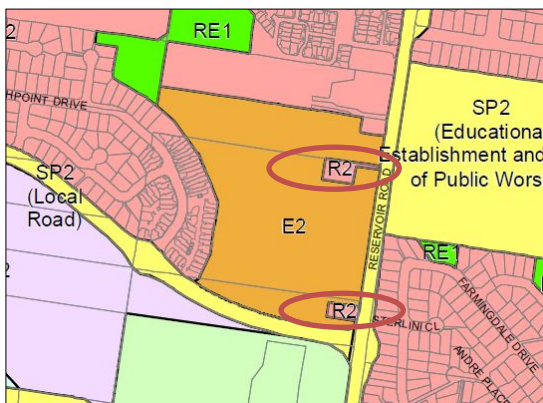
PART 4 – MAPPING

The current Land Zoning Map (Sheet LZN_014), Land Reservation Acquisition Map (Sheet LRA_014), Height of Buildings Map (Sheet HOB_014) and Lot Size Map (Sheet LSZ_014) are contained at **Appendix 2**.

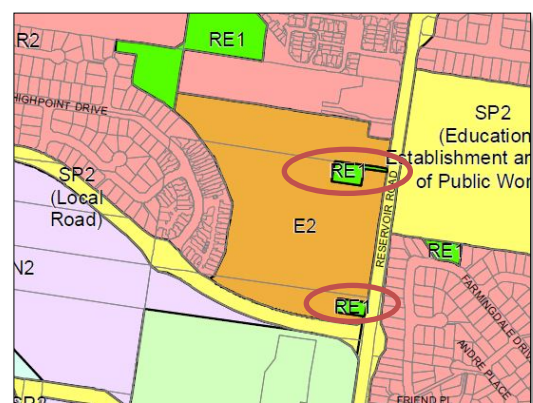
The proposed amended maps for Land Zoning Map (Sheet LZN_014), Land Reservation Acquisition Map (Sheet LRA_014), Height of Buildings Map (Sheet HOB_014) and Lot Size Map (Sheet LSZ_014) are contained at **Appendix 3**.

The current and proposed maps are detailed below with the subject sites circled in red. Refer to Appendix 2 and 3 for detailed plans.

Land Zoning



Map 1 - Existing land zoning

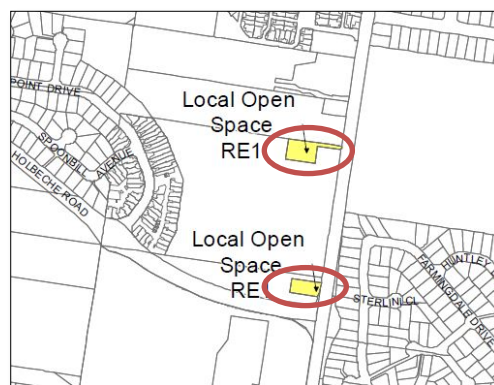


Map 1a - Proposed land zoning

Land Reservation Acquisition map



Map 2 - Land reservation existing



Map 2a - Land reservation proposed

Height Map



Map 3 - Existing Height of Building Map



Map 3a - Proposed Height of Building Map

Minimum Lot Size



Map 4 - Lot Size existing



Map 4a - Lot size proposed

PART 5 – COMMUNITY CONSULTATION

Community consultation will be carried out in accordance with the Gateway Determination and the Department of Planning and Environment's *Guide to Preparing Local Environmental Plans*.

The Planning Proposal should be considered as 'low impact' as it is:

- consistent with the pattern of surrounding land use zones and/or land uses
- consistent with the strategic planning framework
- presents no issues with regard to infrastructure servicing
- not a principal LEP
- does not reclassify public land.

Consultation with public authorities will be undertaken according to the conditions of the Gateway Determination.

It is proposed to place the proposal on public exhibition for a period of **28 days**. Consultation with the community will consist of the following:

- Notice of the public exhibition of the Planning Proposal in the local newspaper
- Notice on the Blacktown City Council website at <https://www.blacktown.nsw.gov.au/>
- Letters to affected landowners

PART 6 – PROJECT TIMELINE

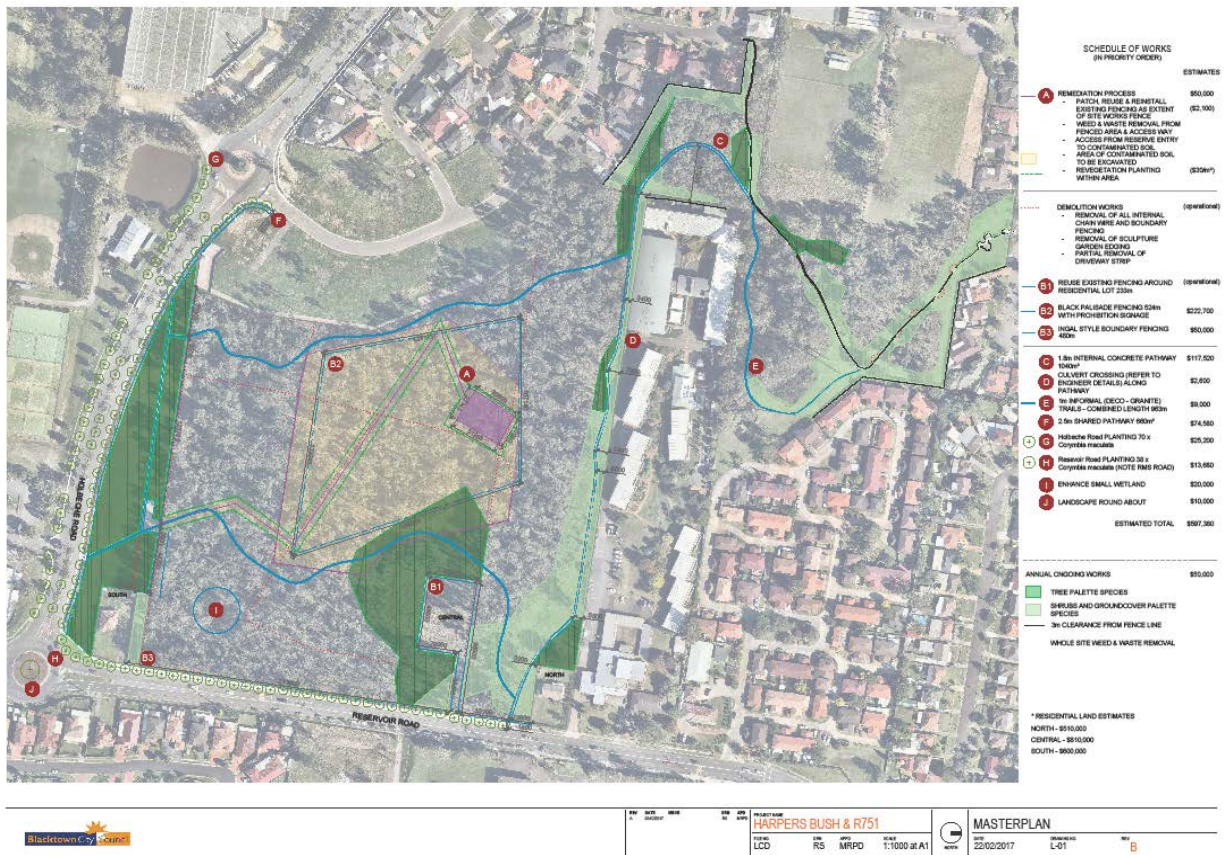
It is considered that this proposal is minor in nature and is consistent with the State's strategic planning framework. It is estimated that the timeframe for this Planning Proposal will be approximately 6 – 9 months. Additional time may be required if the Gateway Determination requires further consultation.

Table 10 - Project Timeline

Project stage	Estimated timeframe
Commencement date	August 2018
Council sends to Department for Gateway Determination	Sept 2018
Gateway Determination issued	End October
Government agency consultation and Public Exhibition	Early November – End November 2018
Consideration of submissions	Early December
Report to Council	Mid December
RPA will make plan	Early February
RPA forward to the Department for notification	Mid February
Notification of LEP comes in to force	Early March

APPENDIX A

HARPERS BUSH MASTERPLAN



Harpers Bush Masterplan Progress

The Harpers Bush Masterplan has been significantly progressed. Below is a list of completed, commenced and committed works. The list confirms Council's past and future commitment to the reserve.

Completed works

- External fences removed (new)
- Corporate Clean-up Event with Frasers Property Group. 35 volunteers removing 10 truck loads of green waste and 2 truck loads of general rubbish.
- New boundary fence installed along Holbeche Road frontage (new)
- All redundant internal fencing has been removed
- Major contamination removed and disposed
- A new internal fence around the contaminated area has been installed (approx. \$15K)
- Repairs to the internal tracks within the contaminated zone completed. Works included tracks being scraped back and mulch applied to stop the dust blowing around. Mulch supplied by Councils Tree Maintenance Team at no cost.
- Installation of large root balls to inhibit access along the redundant internal pathways.
- Property survey by Councils surveyors, to inform fence installation.
- Completion of an Arboriculture Risk Assessment Report (15 December). This report was prepared to inform the safety of the trees along the boundary frontage (10 meters in from fence line). The report also advised what trees require pruning or removal from the health and safety perspective.
- A tree contractor has prepared a quote to undertake the tree pruning and removal along the front boundary based on the risk assessment estimated cost is \$20k (will commence in early February).
- Purchase of nesting boxes for installation in trees (approx \$5k).

Commenced Works

- Tree pruning and removals along Holbeche Road frontage committed and scheduled to be completed Friday 2nd March. (estimated cost \$30K).
- Primary Bush Regeneration works (removing woody weeds such as Lantana and Privet). A primary bush regeneration contract is to be let to remove large woody weeds, improve the aesthetics and encourage natural regeneration.
- Garden bed preparation along Holbeche Road for 2018 National Tree Day (site sprayed, order raised for rip and mulching).

Committed works

- Clean-up Australia Day Event
- Installation of boundary fencing and access gates was committed in December 2017. This is it has not commenced yet (estimated cost \$80K), waiting on tree works and retention works to be completed.
- Plants are being grown at the Nursery for installation along the old pathways to consolidate the soil and provide stabilised coverage. Planting to commence in Autumn (March) as this is a more favourable time for planting and plant survival. Contractor will complete the planting works and maintenance.
- Bush regeneration maintenance contract
- Installation of nesting boxes.
- Bank retention along Reservoir Road to meet safety standards and allow for installation of fence.
- Extend the stormwater pits and pipes along Reservoir Road

APPENDIX B

Existing Mapping

APPENDIX C

Proposed Mapping