

Blacktown Local Planning Panel

PLANNING PROPOSAL ADVICE

DATE OF DETERMINATION	6 July 2018
PANEL MEMBERS	<p>Sue Francis, Chair</p> <p>Jenny Rudolph, Independent expert</p> <p>Mary Lynne Taylor, Independent expert</p> <p>Krishna Niraula, Ward 3 community representative</p>

Meeting held at Blacktown City Council, Committee Room 2 and 3, 62 Flushcombe Road, Blacktown on 6 July 2018, opened at 11.00 am and closed at 12.25 pm.





PLANNING PROPOSAL

1. F15/1807: Proposal to rezone a small amount of privately owned residential land to RE1 Public Recreation, to facilitate the expansion of Harpers Bush recreation area in Reservoir Road, Blacktown.

PANEL ADVICE

The Panel considered the assessment report on the matter and the material presented at the Panel meeting.

The Panel advised that they support Council's recommendation for this Planning Proposal.

PANEL MEMBERS	
Sue Francis (Chair)	
Jenny Rudolph (Independent expert)	
Mary Lynne Taylor (Independent expert)	
Krishna Niraula (Ward 3 community representative)	

Report to the Blacktown Local Planning Panel

Planning Proposal

File number	F15/1807	Date of lodgement	N/A
Proponent	Blacktown City Council		
Owner	Blacktown City Council; Universal Property Group; P Tabone		
Proposal	Proposal to rezone a small amount of privately owned residential land to RE1 Public Recreation, to facilitate the expansion of Harpers Bush recreation area in Reservoir Road, Blacktown, consistent with Council's endorsed Masterplan for the site		
Site description	Harpers Bush is a significant stand of predominantly Environmental Conservation (E2) zoned land of approximately 8.5 hectares bordering Reservoir Road and Holbeche Road at Blacktown. The 2 sites the subject of the Planning Proposal are small residentially zoned sites surrounded by the E2 zoned land		

Assessment

Report considered by Council	27 June 2018 - Attachment 1
Recommendation	Endorse the Planning Proposal proceeding to the Department of Planning and Environment to seek a Gateway Determination


Council resolved at its Ordinary Meeting of 27 June 2018 to prepare a Planning Proposal and forward the Planning Proposal to the Department of Planning and Environment seeking a Gateway Determination. The Planning Proposal has been generated by Council as a complementary action to the strategic conservation of the bushland implemented through the current Masterplan for the site that was prepared by our Recreation Planning and Design Team.

The Planning Proposal seeks to amend *Blacktown Local Environmental Plan 2015* to rezone 2 privately owned residential properties from R2 Low Density Residential to RE1 Public Recreation. This will allow for potential acquisition of the properties to assist in realising the preferred outcomes of the Masterplan.

The Planning Proposal is 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*.



Trevor Taylor
Manager Development Policy



Glennys James
Director Design and Development

PD130618 3.11. DD380102 Planning Proposal - Reservoir Road, Blacktown

Author: Sarah Sheehan
Director: Director Design & Development
File: F15/1807

Division is required

Topic Proposal to rezone a small amount of residential land to facilitate the expansion of Harpers Bush in Reservoir Road, Blacktown.

Analysis We are seeking Council's support to prepare a Planning Proposal to rezone 2 lots of privately-owned residential land on Reservoir Road, Blacktown from R2 Low Density Residential to RE1 Public Recreation. Both lots adjoin Reserve 752 (Harpers Bush) which is zoned E2 Environmental Conservation.

The proposed rezoning will complement our proposed Harpers Bush Masterplan which has been prepared by our Recreation Planning and Design team.

Our intention is to acquire the 2 residential lots and use them to expand and improve the adjoining bushland reserve. The proposal is considered to be in the public interest as it is likely to result in a wide range of positive environmental outcomes to be enjoyed by local residents for many years to come.

Attachment/s

1. Location plan [DD380102.1]
2. Land zoning map [DD380102.2]
3. Photos and aerial map [DD380102.3]
4. Harpers Bush Masterplan [DD380102.4]

Report Recommendation

1. Prepare a Planning Proposal to amend Blacktown Local Environmental Plan 2015 to rezone 150 and 162 Reservoir Road, Blacktown from R2 Low Density Residential to RE1 Public Recreation.
2. Forward the Planning Proposal to the Greater Sydney Commission requesting a Gateway Determination and requesting that the Commission authorises Council to exercise delegation for the making of the Plan.
3. Place the Planning Proposal on public exhibition and comply with all other conditions of the Gateway Determination.

Key reasons

1. Explanation of the proposal

- a. We are seeking to amend Blacktown Local Environmental Plan 2015 (BLEP 2015) to rezone the following 2 lots from R2 Low Density Residential to RE1 Public Recreation.

Street address	Lot/DP	Registered owner	Size (sqm)	Estimated value
150 Reservoir Road, Blacktown	284/1075889	Universal Property Group	1,774	\$810,000
162 Reservoir Road, Blacktown	1/853940	P Tabone	1,080	\$600,000

- b. We are also seeking to identify each lot on the BLEP 2015 Land Reservation Acquisition Map and to list Council as the relevant acquisition authority in the BLEP 2015 written instrument.
- c. The subject lots are located on the eastern side of Harpers Bush with a frontage to Reservoir Road, approximately 2 km from the Blacktown CBD. A location plan is at attachment 1.
- d. Both lots are currently zoned R2 Low Density Residential under BLEP 2015 and are surrounded on all sides by Harpers Bush which is zoned E2 Environmental Conservation. The current BLEP zoning map is at attachment 2.
- e. The photos and aerial photo at attachment 3 show that the southern lot is occupied by a single dwelling and the northern lot is undeveloped.
- f. The key driver for this proposal is the need to conserve and protect the adjoining bushland reserve (Harpers Bush) which has very high conservation value. Having 2 small residential lots surrounded by the Harpers Bush reserve will potentially:
 - i. fragment the bushland
 - ii. have a zoning that encourages activities that are inconsistent with our strategic vision for the site
 - iii. contribute to the degradation of the adjoining bushland through edge-effect impacts such as dumping, vandalism, weed incursion and domestic pets.

2. Intended outcomes of the proposal

- a. Rezoning the subject lots and identifying Council as the relevant acquisition authority will enable our Property team to initiate the purchase of the lands under the *Land Acquisition (Just Terms Compensation) Act 1997*.
- b. Our intention is to purchase the subject lots as a complementary action to the implementation of the Harpers Bush Masterplan prepared by our Recreation Planning and Design team (attachment 4).
- c. We estimate that it will cost \$1,410,000 to purchase the subject lots, which can be funded from our Section 7.11 Contributions Plan - CP3 Blacktown Catchment Reserve.
- d. The Masterplan was originally funded through a \$2.5 million provision as part of CP3. In November 2016 (council report CS360168), adjustment to the Plan resulted in this funding being removed.
- e. Currently the works in the Masterplan are being funded incrementally through a combination of Council's quarterly review and Works Improvement Program. It is anticipated that the remaining works will take approximately 5 years to complete.
- f. CP3's primary purpose is the provision of open space in established residential areas. The acquisition of the subject lots satisfies this purpose and the aims and objectives of the Contributions Plan.
- g. 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. Below is a summary of the proposed works:

- i. regeneration planting works
 - ii. remediate the central part of the site affected by land contamination and put up fences to restrict public access to that area
 - iii. protect and regenerate existing vegetation and habitat in Harpers Bush and the surrounding area, much of which is native to the area and of high conservation value
 - iv. undertake landscaping works, including tree planting and footpaths
 - v. improve pedestrian access to the reserve for the general public.
- h. The recovery plan for Cumberland Plain Woodland recommends active management to best practice standards to prevent the degradation of the remaining bushland in such a fragmented landscape. The Masterplan has been developed to follow best practice methods, conform to legislative requirements, and follow the recommendations provided during the vegetation and contamination assessments, to best protect the site and provide for restricted public access.
 - i. Increasing the amount of vegetation in urban areas also helps to moderate temperatures, providing shade when it is hot and less exposure when it is cold. Urban heat significantly impacts on the health and wellbeing of Western Sydney residents, making it a priority issue for Blacktown City and other surrounding LGAs.
 - j. Given the wide range of ecological benefits associated with the implementation of the Harpers Bush Masterplan, the Planning Proposal is considered to be in the public interest.
 - k. The Masterplan promotes the creation of a high quality, accessible and usable green space that will be a significant asset to our City and contribute to the health and wellbeing of residents.

Context

1. Ecological significance of Harpers Bush

- a. We purchased Harpers Bush in 2005 for conservation purposes. The land was purchased at a heavily discounted rate due to the lead contamination on the central part of the site. We were of the view that the ecological values of the site far outweigh the likely cost of remediation.
- b. 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 (CEEC) under the *NSW Threatened Species Conservation Act 1995* and the federal *Environment Protection and Biodiversity Conservation Act 1999*.
- c. 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.
- d. Harpers Bush is a stepping stone for animals to other vegetated areas across the City, such as Timbertop Reserve and Prospect Reservoir Nature Reserve.

2. Land contamination assessment and remediation options

- a. After purchasing Harpers Bush, we engaged GHD to undertake a contamination assessment and provide a range of remediation options to consider.

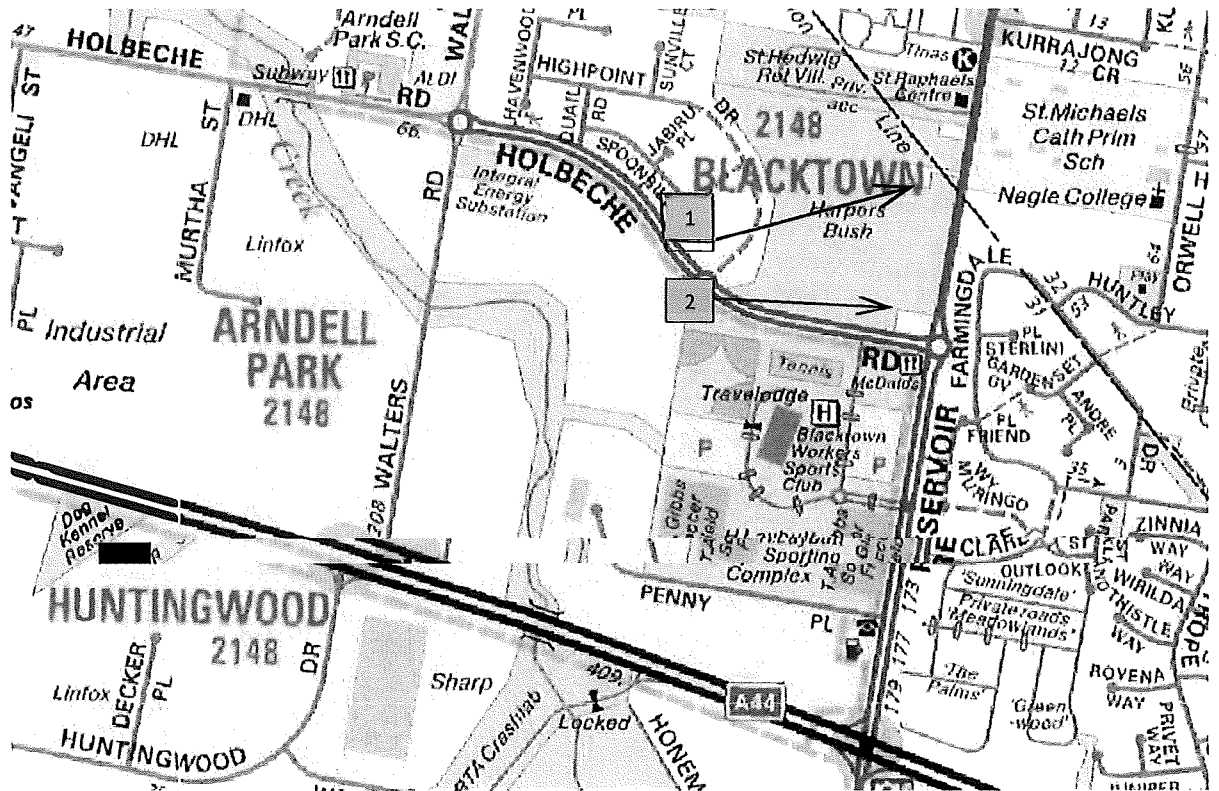
- b. Some of the key findings from their report in March 2015 are listed below:
 - i. the site was previously occupied by a motor racing track from 1950's until early 1980's
 - ii. the northern and central parts of the site contain elevated concentrations of copper, lead and zinc in shallow soils
 - iii. the most elevated heavy metal concentrations were identified in the northern part of the site in the vicinity of a shallow drainage channel that contained dumped scrap metal, including car body parts
 - iv. there are also elevated concentrations of arsenic and cadmium and waste items in the shallow soil near the drainage channel.
- c. The report concluded with the following 3 remediation options:
 - i. maintain the status quo (no public access)
 - ii. restricted public access
 - iii. full public access to the site following remediation.
- d. We prepared the Harpers Bush Masterplan based on our preferred option, which is to provide for restricted public access.

3. Harpers Bush works update

- a. Our Natural Areas team has made significant progress in preparing for major aspects of the reserve embellishment and contamination removal.
- b. Completed works include:
 - external fences removed
 - corporate clean-up event led by Frasers Property Group. They removed 10 truckloads of green waste and 2 truckloads of general rubbish outside of the contaminated area with the help of 35 volunteers
 - new boundary fence installed along the Holbeche Road frontage
 - all redundant internal fencing removed
 - major contamination removed
 - a new internal fence installed around the remaining contaminated area
 - installation of nesting boxes.

End of report

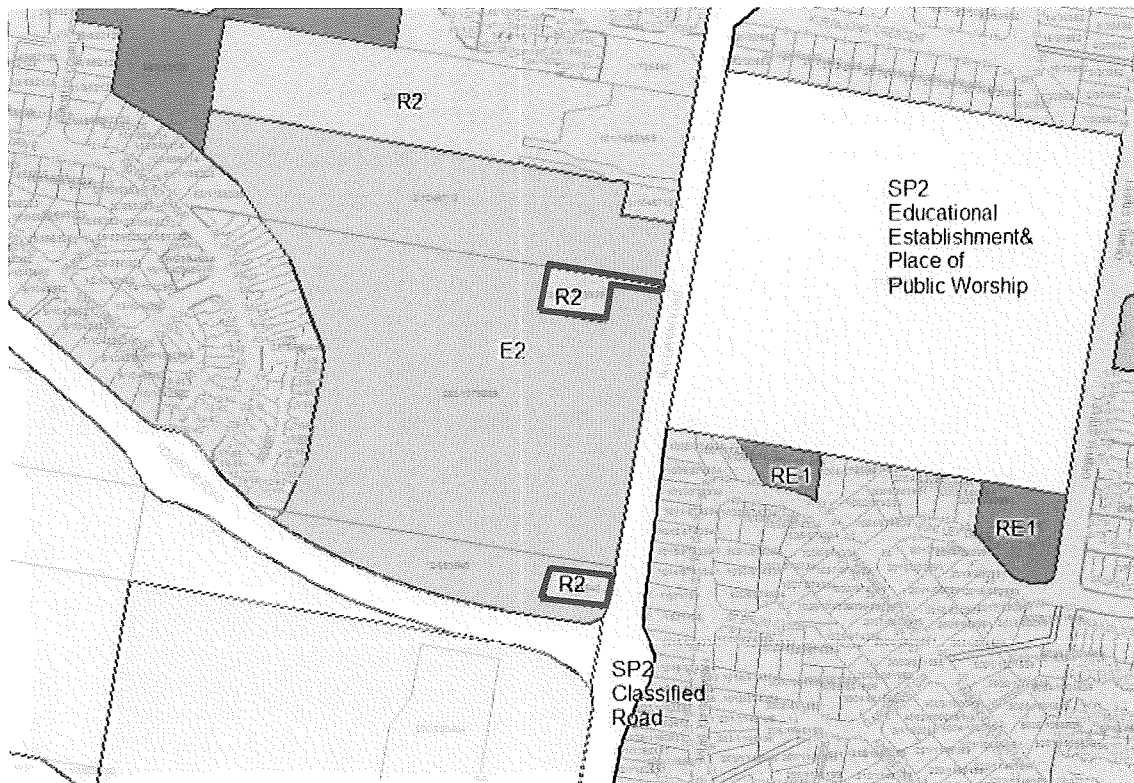
Location map







Subject lots

- 1 North - 150 Reservoir Road
- 2 South - 162 Reservoir Road

Land zoning map

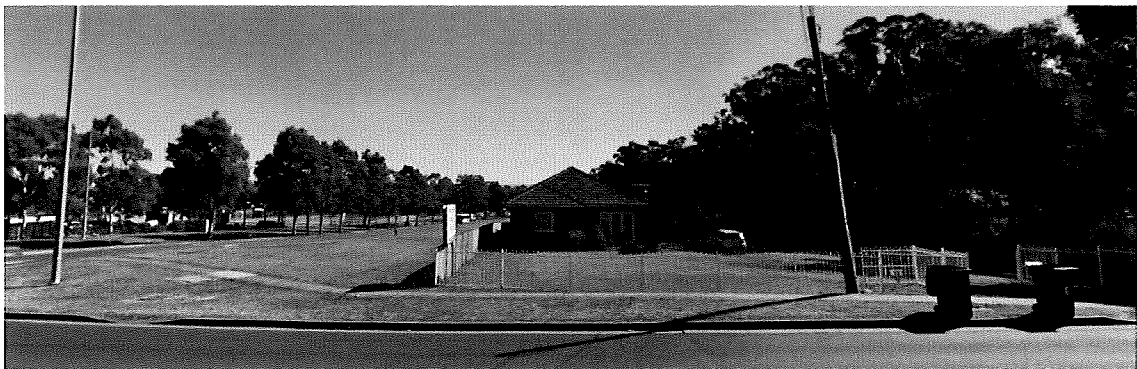


-  Subject lots
-  R2 – Low Density Residential
-  E2 – Environmental Conservation
-  RE1 – Public Recreation

NORTH - 150 Reservoir Road, Blacktown



SOUTH - 162 Reservoir Road, Blacktown





Legend

Subject Lots



Lot parcels (as at 9/02/2018)
13 June 2018 Planning, Development, Historical & Assets
Committee Meeting



0 15 30 60 90 120



Metres

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COMPLETED		SCHEDULED		REMAINING SCOPE OF WORKS		ONGOING WORKS	
	REMEDIATION PROCESS		REVEGETATION PLANTING		1.5m INTERNAL CONCRETE PATHWAY 870m ²		HOLBECHE ROAD PLANTING 70 x (TREE TBD)
			SANDSTONE LOG BATTER 80m		CULVERT CROSSING (ENGINEERING DETAILS TBD) ALONG PATHWAY		RESERVOIR ROAD PLANTING 38 x (TREE TBD; NOTE RMS ROAD)
			INGALL STYLE BOUNDARY FENCING 480m		1.5m INFORMAL (DECO - GRANITE) TRAILS - COMBINED LENGTH 963m		LANDSCAPE ROUND ABOUT (DETAILS TBD)
					2.5m SHARED PATHWAY (TBD) 660m ²		RESIDENTIAL LOTS TO BE INCORPORATED AS PART OF REGENERATION PLANTING
	ACCESS FROM RESERVE ENTRY TO CONTAMINATED SOIL						TREE PALETTE REGENERATION
	AREA OF CONTAMINATED SOIL TO BE EXCAVATED						SHRUBS AND GROUNDCOVER PALETTE REGENERATION (3m CLEARANCE FROM FENCE LINE)
							WHOLE SITE WEED & WASTE REMOVAL