



Planning,  
Industry &  
Environment

IRF21/784

## Plan Finalisation Report – PP\_2018\_BLACK\_008\_00 (PP-2020-3123)

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Blacktown Local Environmental Plan 2015 (Map  
Amendment No. 1) - Prospect South

June 2021



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# 1 Introduction

## 1.1 Overview

### 1.1.1 Name of Draft LEP

Blacktown Local Environmental Plan 2015 (Map Amendment No. 1).

The planning proposal is to rezone 28.7 hectares of rural land in Prospect for industrial uses, infrastructure and environmental conservation. The proponent is the Office of Strategic Lands, who manages land owned by the Planning Ministerial Corporation.

### 1.1.2 Site Description

**Table 1: Site Description**

Site Description	<p>The planning proposal (<b>Attachment A</b>) applies to approximately 28.7 hectares of land at Prospect, south of the M4 Motorway. This land is made up of 18 individual allotments (constituting both part and full lots) and part of Clunies Ross Street, which are legally described in <b>Table 2</b> (the Site).</p> <p>All of the allotments comprising the site are located in the Blacktown Local Government Area (LGA). No land forming part of the site is located in the adjoining Cumberland LGA.</p> <p>The site as legally described in <b>Table 2</b> is highlighted red in <b>Figure 1</b>.</p>
Type	Site
Council	Blacktown City Council (Council).
LGA	Blacktown Local Government Area (LGA).

**Table 2: Legal Description of the Site**

No.	Lot	Deposited Plan
1	Part Lot 3 (part of lot in Blacktown LGA only)	DP 1192514
2	Lot 10	DP 448744 (AC15479-242)
3	Lot 11	DP 448744 (AC15479-242)
4	Lot 10	DP 374325
5	Lot 100	DP 1251727
6	Lot 101	DP 1251727
7	Lot 12	DP 448744
8	Lot 15	DP 448744
9	Part Lot 18 (part of lot in Blacktown LGA only)	DP 802753

No.	Lot	Deposited Plan
10	Lot 24	DP 801210
11	Lot 25	DP 801210
12	Lot 26	DP 801210
13	Part Lot 4 (part of lot in Blacktown LGA only)	DP 1192514
14	Lot A	DP 374323
15	Lot C	DP 374323 (AC 6407-132)
16	Lot D	DP 374324 (AC 6407-132)
17	Lot 7	DP 806006
18	Lot 17	DP 802753
-	Part of Clunies Ross Street	-



**Figure 1: The Site (Source: Planning Proposal Report prepared by Urbis, 2018)**

The site has an irregular shape, an area of approximately 28.73ha and is located on the boundary of the Blacktown and Cumberland LGAs. The site is predominantly undeveloped and comprises areas of Cumberland Plain Woodland and River-flat Eucalypt Forest and some farm dams. The site also contains:



- A truck depot at the south-western portion of the site.
- Parts of Thornley Road, Reservoir Road and Clunies Ross Street.
- Two heritage items, comprising:
  - Heritage Item 60 (State Heritage Item): 'Great Western Highway (former alignment)' at Reservoir Road/Tarlinton Place/Yallock Place/Honeman Close.
  - Heritage Item 64 (Local Heritage Item): 'House-Bridestowe' at 568 Reservoir Road, Prospect (Lot C DP 374323).

The site is surrounded by:

- The M4 Motorway to the north. Further north is St Bartholomew's Church and Cemetery, an industrial area and the Prospect Hotel Motel.
- Industrial warehouses and part of Clunies Ross Street to the east. Further east are multiple detached low-density residential dwellings located behind an acoustic wall.
- Industrial warehouses to the south, as well as parts of Thornley Road and Reservoir Road. Further south is part of Prospect Highway, which connects onto Thornley Road and Reservoir Road to provide direct access into the site.
- Prospect Highway to the west. Further west is rural land containing scattered vegetation, a church, telecommunication infrastructure and two detached low scale residential dwellings.

### 1.1.3 Purpose of Plan

The intent of the planning proposal is to:

- Allow for the use of the site for industrial development and supporting infrastructure.
- The ongoing protection and preservation of Cumberland Plain Woodland.
- The creation of between 100 to 500 jobs.

To achieve this outcome at the site, the draft LEP seeks to amend the Blacktown LEP 2015 as it applies to the site, as follows:

- Amend 'Land Zoning Map Sheet LZN\_014' to rezone the site from 'RU4 - Primary Production Small Lots' to part 'IN1 - General Industrial', part 'E2 - Environmental Conservation', part 'SP2 - Infrastructure (Local Road)' and part 'SP2 - Infrastructure (Drainage)'.
- Amend 'Lot Size Map – Sheet LSZ\_014' to remove the minimum lot size development standard applying to the site (40ha minimum lot size currently applies to the site).
- Amend 'Terrestrial Biodiversity Map – Sheet BIO\_014' to Map part of Lot 18 DP 802753 at the site (the lot contains Cumberland Plain Woodland) as containing biodiversity value (no part of the site is currently mapped as containing biodiversity value).

No other changes are proposed as part of the planning proposal, as shown in **Table 3**.

The draft LEP affects Blacktown LEP 2015 mapping only.

**Table 3: Current and Proposed Controls**

Control	Current	Proposed
Land-Use Zone	'RU4 – Primary Production Small Lots'	<ul style="list-style-type: none"> <li>• Part 'IN1 - General Industrial'.</li> <li>• Part 'E2 - Environmental Conservation'.</li> <li>• Part 'SP2 - Infrastructure (Local Road)'.</li> <li>• Part 'SP2 - Infrastructure (Drainage)'.</li> </ul> (proposed change)

Control	Current	Proposed
Maximum Height of Building	None	None (no change)
Floor Space Ratio	None	None (no change)
Minimum Lot Size	40ha	None (proposed change)
Heritage	<ul style="list-style-type: none"> <li>Item 60 (State Heritage Item): 'Great Western Highway (former alignment)' at Reservoir Road/Tarlington Place/Yallock Place/Honeman Close.</li> <li>Item 64 (Local Heritage Item): 'House-Bridestowe' at 568 Reservoir Road, Prospect (Lot C DP 374323).</li> </ul>	None (no change)
Land Acquisition	None	None (no change)
Terrestrial Biodiversity	None	Part of Lot 18 DP 802753 mapped as containing biodiversity (proposed change)
Number of Dwellings	N/A	N/A
Number of Jobs	Unknown	Between 100 to 500 jobs

#### 1.1.4 State Electorate and Local Member

The site is within the Prospect state electorate. Hugh McDermott MP is the State Member.

The site is within the McMahon federal electorate. Chris Bowen MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the planning proposal.

There are no donations or gifts to disclose and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this planning proposal.

## 2 Gateway Determination and Alterations

The Gateway determination issued on 22 November 2018 (**Attachment B**) determined that the planning proposal should proceed, subject to conditions. The Gateway determination was altered on 12 August 2019 and 14 September 2020 for the following reasons:

- 12 August 2019 (**Attachment D**):
  - To extend the timeframe to complete the LEP by 22 August 2020.
- 14 September 2020 (**Attachment E**):
  - To extend the timeframe to complete the LEP by 22 May 2021.

Council has met all of the Gateway determination conditions (as altered), excluding the designated LEP completion timeframe condition.

## 3 Public Exhibition and Post-Exhibition Changes

### 3.1 Community Submissions During Exhibition

The planning proposal was publicly exhibited by Council from 5 December 2018 to 16 January 2019, as required by section 29 of the *Local Government Act 1993*. Four community submissions were received. Three of the community submissions raised heritage concerns and the other community submission raised traffic concerns.

**Table 4** outlines the heritage and traffic concerns raised within these community submissions, Council's response and the Department's adequacy assessment.

**Table 4: Summary of Key Issues**

Issue Raised	Council Response and Department Adequacy Assessment
<p>Heritage Concerns:</p> <ul style="list-style-type: none"> <li>A Conservation Management Plan (CMP) should be prepared for the heritage items at the site as identified in the planning proposal.</li> <li>The heritage values of the site should be observed, and new development should reflect the past uses and inhabitants of the land.</li> <li>Bridestowe House should be retained with a curtilage to ensure its heritage values are protected.</li> <li>Both Bridestowe House and the remnant of the Old Western Road, now named Reservoir Road, should be retained and protected.</li> </ul>	<p><u>Council Response:</u></p> <p>A CMP was prepared for the planning proposal following public exhibition (<b>Attachment F</b>). The CMP provides detailed recommendations to, amongst other things:</p> <ul style="list-style-type: none"> <li>Retain, conserve and adaptively reuse Bridestowe House, the brick dairy building and the existing carriageway and road reserve at the site.</li> <li>Retain the semi-rural scale, character and width of Reservoir Road at the site by retaining sections of forest opposite Bridestowe House and the provision of adequate buffer areas.</li> <li>Provide adequate buffer areas adjacent to Bridestowe House to facilitate an appropriate curtilage.</li> </ul> <p>All of the recommendations contained in the CMP will need to be addressed in detail as part of any future Development Application (DA) for the site.</p> <p><u>Department Response:</u></p> <p>Council's response is considered adequate and the new CMP will ensure that heritage items are protected and enhanced through the detailed design and DA processes for the site.</p>
<p>Traffic Concerns:</p> <ul style="list-style-type: none"> <li>Concerned that the proposed rezoning will further exacerbate traffic around the Prospect Highway, Great Western Highway and M4.</li> </ul>	<p><u>Council Response:</u></p> <p>The planning proposal was referred to Transport for NSW (TfNSW) for comment (see <b>Table 5</b> of this report). TfNSW recommended that, as part of any future DA for the site, a supporting traffic assessment containing intersection counts to review traffic growth rates for the intersection of Prospect Highway/M4 Interchange and Prospect Highway/Reservoir Road should be submitted.</p> <p><u>Department Response:</u></p> <p>Council's response is considered adequate. Traffic impacts will be assessed in detail at DA stage.</p>

The Department considers Council has adequately addressed matters raised in the submissions from the community.



### 3.2 Advice from Agencies

In accordance with the Gateway determination (as altered), Council was required to consult with the agencies listed in **Table 5**. **Table 5** also outlines the advice provided in agency submissions, Council's response and the Department's assessment.

**Table 5: Advice from Public Authorities**

Agency	Advice	Council Response and Department's Assessment
Transport for NSW (TfNSW) / Roads and Maritime Services (now TfNSW)	<ul style="list-style-type: none"> <li>• The Blacktown Development Control Plan 2015 should be amended to include the amended Indicative Layout Plan (ILP) to ensure proposed roads are provided as part of future DA's lodged for the site.</li> <li>• Future DA's lodged for the site will be required to provide a swept path assessment to demonstrate that access for B-doubles to and from the site can be achieved. In addition, the DA applicant(s) will be responsible for any upgrades to cater for these vehicles, if required.</li> <li>• Future DA's lodged for the site should include a supporting traffic assessment that comprises:               <ul style="list-style-type: none"> <li>○ Anticipated traffic modelling under the appropriate trip generation rate.</li> <li>○ Intersection counts for Prospect Highway/M4 Interchange and Prospect Highway/Reservoir Road.</li> <li>○ SIDRA modelling.</li> </ul> </li> </ul>	<p><u>Council Response:</u></p> <p>TfNSW raised no objections to the planning proposal. The matters raised can be addressed as part of any future DA lodged for the site, as suggested by TfNSW. Any future DA for the site is to be supported by a detailed traffic study and assessment.</p> <p><u>Department Response:</u></p> <p>Council's response is considered adequate. In regard to the recommendation that the DCP be updated to incorporate the road layout, the Department agrees with Council's assessment in that the internal road layout is best determined through the DA process, once the distribution of uses and staging is determined.</p> <p>In addition to this, it is likely that most DAs lodged for the site will propose a scheme that constitutes 'traffic generating development' and will therefore be required to be referred to TfNSW for review in accordance with schedule 3 of <i>State Environmental Planning Policy (Infrastructure) 2007</i>. TfNSW will therefore have an opportunity to comment on and recommend conditions for future development at the site, as required.</p> <p>The site is well located relative to Motorway access and the broader Western Sydney Employment Area.</p>
Cumberland Council	N/A	<p><u>Council Response:</u></p> <p>A letter was sent to Cumberland Council advising of the exhibition of the planning proposal. No response was received from Cumberland Council.</p> <p><u>Department Response:</u></p> <p>No further action required. To confirm, the planning proposal does not apply to land in the Cumberland LGA.</p>

Agency	Advice	Council Response and Department's Assessment
Office of Environment and Heritage (now NSW Environment, Energy and Science (EES))	<ul style="list-style-type: none"> <li>• Cumberland Plain Woodland and River-flat Eucalypt Forest at the site should be retained and protected. To achieve this, the lots containing this vegetation should be zoned 'E2 – Environmental Conservation'.</li> <li>• Appropriate buffers should be provided to protect the Cumberland Plain Woodland and River-flat Eucalypt Forest at the site and these areas also zoned 'E2 – Environmental Conservation'.</li> <li>• River-flat Eucalypt Forest at the site is considered a potential habitat for the Cumberland Plain Land Snail.</li> <li>• If the Cumberland Plain Woodland is zoned 'E2 – Environmental Conservation', this will also ensure the long-term protection of <i>Pimelea spicata</i>, if it is present at the site.</li> <li>• A linkage should be provided between the remnant River-flat Eucalypt Forest at the site and the reserve located to the east.</li> <li>• Any future DAs that propose to remove and dewater the dams that exist at the site should include an assessment of the potential impacts of this activity on native fauna.</li> </ul>	<p><u>Council Response:</u></p> <p>EES's concerns relating to Cumberland Plain Woodland have been addressed as follows:</p> <ul style="list-style-type: none"> <li>• The planning proposal seeks to rezone part of Lot 18 DP 802753 and part of Lot 12 DP 448744 at the site to 'E2 - Environmental Conservation' to facilitate the protection and conservation of Cumberland Plain Woodland. This amendment comprises 0.7 Ha of land and includes a 10m buffer.</li> <li>• The planning proposal seeks to amend 'Terrestrial Biodiversity Map – Sheet BIO_014' to map part of Lot 18 DP 802753 at the site (the lot contains Cumberland Plain Woodland) as containing biodiversity value.</li> </ul> <p>Whilst it is acknowledged that EES also wishes to rezone the portions of the site with River-flat Eucalypt Forest 'E2 - Environmental Conservation', this has not occurred, because:</p> <ul style="list-style-type: none"> <li>• The Office of Strategic Lands has suggested that rezoning these portions of the site 'E2 - Environmental Conservation' would result in the northern part of the site being undevelopable. A new street is required in this location, and the shape of the vegetated area does not result in a reasonable development footprint. The future development of the site should be designed to preserve vegetation where possible, and create new opportunities for new landscape and habitat, in a balanced outcome for this part of the site.</li> <li>• Based on a report provided by the Western Sydney Parklands relating to the condition and scattered nature of River-flat Eucalypt Forest, it is considered that any impacts to the River-flat Eucalypt Forest community may be able to be appropriately assessed and offset at the DA stage by way of the NSW Biodiversity Offset Scheme.</li> <li>• The Office of Strategic Lands has confirmed that it has credits available to meet any offset obligations that may arise at the DA stage.</li> </ul>

Agency	Advice	Council Response and Department's Assessment
		<p>Any impacts resulting from the removal and dewatering of dams at the site can be addressed as part of any future DA.</p> <p>As part of the planning proposal, WSP undertook biodiversity assessments and are of the opinion that the site does not contain a population of Cumberland Plain Land Snail or <i>Pimelea spicata</i>.</p> <p><u>Department Response:</u></p> <p>Council's response is considered adequate. The Department believes the planning proposal provides a balanced response to EES's submission. Attempts can be made at the DA stage to incorporate the River-flat Eucalypt Forest into the design of development. This assessment has been discussed in further detail in Section 4.1 'Environmental Impacts' of this report. Where appropriate, existing dams should be incorporated into a broader water sensitive urban design strategy for the site.</p>

The Department considers that Council has adequately addressed each of the matters raised in the submissions from public authorities.

## 3.3 Post-Exhibition Changes

### 3.3.1 Council Changes

The planning proposal as exhibited by Council sought to amend the Blacktown LEP 2015 as follows:

1. Amend 'Land Zoning Map Sheet LZN\_014' to rezone the site from 'RU4 - Primary Production Small Lots' to part 'IN1 - General Industrial', part 'SP2 - Infrastructure (Local Road)' and part 'SP2 - Infrastructure (Drainage)'.
2. Amend 'Lot Size Map – Sheet LSZ\_014' to remove the minimum lot size development standard applying to the site.

At the meeting of the Blacktown City Council's Planning, Development, Historical and Assets Committee on 12 May 2021, it was recommended that the planning proposal be amended as follows (**Attachment C**):

- Amend 'Land Zoning Map Sheet LZN\_014' to also include the following land-use zones at the site:
  - Part 'E2 - Environmental Conservation' (affecting part of Lot 18 DP 802753 and part Lot 12 DP 448744). This amendment was proposed by Council to protect existing Cumberland Plain Woodland at the site (located on part of Lot 18 DP 802753) and to provide an additional 10m buffer on part Lot 12 DP 448744. This amendment seeks to satisfy concerns raised by EES.
  - Part 'SP2 – Infrastructure (Depot)' (affecting whole of Lot 4 DP 1192514). This amendment was proposed by Council to implement the recommendations of the

Blacktown City Council Depot Strategy, endorsed in March 2020. It identifies Lot 4 DP 1192514 as a potential location for a Council depot.

- Amend 'Terrestrial Biodiversity Map – Sheet BIO\_014' to map part of Lot 18 DP 802753 (which accommodates Cumberland Plain Woodland) as containing biodiversity value.

The proposal as considered at the Committee meeting on 12 May 2021 was unanimously deferred by Council at its Ordinary meeting on 26 May 2021.

### 3.3.2 The Department's Recommended Changes

Following its assessment, the Department has made further changes to the planning proposal. The Department has removed the proposed post-exhibition Council inclusion of 'SP2 – Infrastructure (Depot)' zoned land. This proposed amendment will require further consideration and need to be publicly exhibited and referred to agencies as part of a future planning proposal.

### 3.3.3 Justification for Post-Exhibition Changes

The Department notes that the post-exhibition changes made to the planning proposal by Council and the Department are justified and do not require the planning proposal to be re-exhibited (following the Department's removal of Council's proposed 'SP2 - Infrastructure (Depot)' zoning).

It is considered that the remaining post-exhibition changes:

- Are a reasonable response to comments provided by public authorities; and
- Do not alter the intent of the planning proposal.

## 4 Department's Assessment

The planning proposal has been subject to detailed reviews and assessment through the Department's Gateway determination and subsequent planning proposal processes. It has also been subject to a high level of public consultation and engagement.

The following section reassesses the planning proposal against relevant Section 9.1 Ministerial Directions, State Environmental Planning Policies (SEPPs), Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the planning proposal.

The planning proposal:

- Is consistent with the Regional and District Plans relating to the planning proposal.
- Is consistent with the Local Strategic Planning Statement relating to the planning proposal.
- Is consistent with the relevant Section 9.1 Directions relating to the planning proposal, excluding Direction 6.3, which is justified.
- Is consistent with the relevant SEPPs relating to the planning proposal.

**Table 6** and **Table 7** identify whether the planning proposal is consistent with the assessment undertaken at the Gateway determination stage as outlined in the Gateway determination report on the planning proposal (**Attachment G**). Where the planning proposal is inconsistent with this previous assessment, requires further analysis or requires reconsideration of any unresolved matters, this is addressed in Section 4.1 of this report.

**Table 6: Summary of Strategic Assessment**

Strategic Assessment	Consistent With Gateway Determination Report Assessment	
Regional Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Strategic Assessment	Consistent With Gateway Determination Report Assessment	
District Plan	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
SEPPs	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

**Table 7: Summary of Site-Specific Assessment**

Site-Specific Assessment	Consistent With Gateway Determination Report Assessment	
Social and Economic Impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Infrastructure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1

## 4.1 Detailed Assessment

The following section provides an assessment of the matters relating to the planning proposal that are marked as inconsistent with the previous Gateway determination report for the planning proposal (**Attachment G**) in **Table 6** and **Table 7**.

### 4.1.1 Local Strategic Planning Statement

The Blacktown Local Strategic Planning Statement 2020 (Blacktown LSPS) was adopted in March 2020 and is now applicable to the site and planning proposal. The Blacktown LSPS contains local planning priorities to guide the future growth and development of the Blacktown LGA.

The following local planning priorities are applicable to the planning proposal:

- *LPP9: Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land.*
  - The planning proposal would increase the total amount of available general industrial land in the Blacktown LGA and increase Council's ability to attract a wide range of advanced manufacturing and other innovative industrial uses..
- *LPP13: Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes.*
  - The post-exhibition amendment to rezone part of Lot 18 DP 802753 and part of Lot 12 DP 448744 'E2 - Environmental Conservation' will ensure the protection of the identified areas of Cumberland Plain Woodland. The extent of the E2 Zone also includes a 10m development buffer.

The Department considers the planning proposal to be consistent with these applicable Blacktown LSPS planning priorities and is acceptable.

### 4.1.2 Section 9.1 Ministerial Directions

Section 9.1 Ministerial Directions that were noted as unresolved or weren't previously addressed as part of the Gateway determination report (**Attachment G**) that apply to the planning proposal have been addressed in **Table 8**.

Table 8: Section 9.1 Ministerial Directions Assessment

Directions	Consistent /Inconsistent	Reasons For Consistency Or Inconsistency
<b>Direction 1.1:</b> Business and Industrial Zones	Consistent	The planning proposal is consistent with this Direction, as the planning proposal seeks to rezone a significant portion of the site to 'IN1 - General Industrial'. This rezoning would facilitate the future development of a wide range of advanced manufacturing, innovation, industrial and warehouse related land-uses at the site, which would correspondingly increase employment.
<b>Direction 2.1:</b> Environmental Protection Zones	Consistent	The planning proposal is consistent with this Direction, as the planning proposal seeks to rezone part of Lot 18 DP 802753 and part of Lot 12 DP 448744 to 'E2 - Environmental Conservation' to facilitate the protection and conservation of Cumberland Plain Woodland at the site.
<b>Direction 2.3:</b> Heritage Conservation	Consistent (was previously noted as unresolved as part of the Gateway Determination)	<p>As per the Gateway Determination report on the planning proposal (<b>Attachment G</b>), consistency with Direction '2.3 - Heritage Conservation' remained unresolved until consultation with the NSW Office of Environment and Heritage (now EES) was completed. The planning proposal is consistent with this Direction, as consultation with the NSW Office of Environment and Heritage (now EES) was undertaken and no heritage objections were raised.</p> <p>A CMP has been prepared for the planning proposal that provides a range of recommendations to ensure Bridestowe House and Reservoir Road are appropriately retained and protected. The recommendations contained to the CMP will need to be addressed in detail as part of any future DA for the site.</p>
<b>Direction 2.6:</b> Remediation of Contaminated Land	Consistent	<p>A preliminary site investigation report accompanied the planning proposal that received a Gateway determination on 22 November 2018. The planning proposal is consistent with this Direction, as the preliminary site investigation report stated that the site is suitable for the proposed industrial land use.</p> <p>In addition to this, detailed site/contamination studies would be required to support any future DAs at the site to ensure the development satisfies <i>State Environmental Planning Policy No 55 – Remediation of Land</i>.</p>
<b>Direction 4.3:</b> Flood Prone Land	Consistent	<p>Council's online Flooding Precincts Map identifies the site as containing high, medium and low risk flood prone land. The planning proposal is consistent with this Direction, as the part of the site identified as containing high flood risk (Lot 4 DP 3802009) is proposed to be rezoned 'SP2 – Infrastructure (Drainage)'.</p> <p>Future development at the site in the few remaining areas marked as containing medium and low flood risk can be appropriately designed in accordance with Council's relevant flooding/stormwater Development Control Plan controls. Specific flooding matters can be adequately addressed at the DA stage.</p>



Directions	Consistent /Inconsistent	Reasons For Consistency Or Inconsistency
<b>Direction 5.10:</b> Implementation of Regional Plans	Consistent	<p>The planning proposal is consistent with this Direction, as the planning proposal is consistent with a range of objectives contained in the 'Greater Sydney Regional Plan - A Metropolis of Three Cities' (Region Plan). An assessment of the planning proposal against the Region Plan was previously undertaken as part of the Gateway Determination report (<b>Attachment G</b>).</p> <p>It should be noted that the site is not located within the Metropolitan Rural Area.</p>

The Department considers that the planning proposal is consistent with the relevant Section 9.1 Ministerial Directions relating to the planning proposal, excluding Direction 6.3, which is justified.

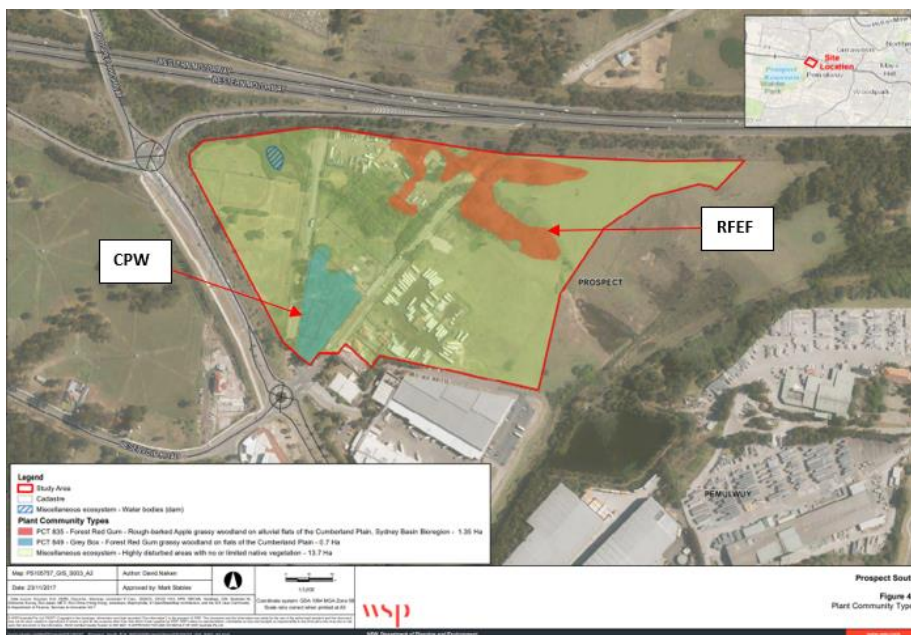
### 4.1.3 Environmental Impacts

As per the Gateway Determination report on the planning proposal (**Attachment G**), the planning proposal was required to be referred to the NSW Office of Environment and Heritage (now EES) for comment regarding the anticipated loss of vegetation from the site. As outlined in **Table 5** of this report, EES was consulted on this matter.

Council has addressed EES's concerns in relation to protecting Cumberland Plain Woodland at the site, as the planning proposal seeks to:

- Rezone part of Lot 18 DP 802753 and part of Lot 12 DP 448744 at the site to 'E2 - Environmental Conservation' to facilitate the protection and conservation of Cumberland Plain Woodland. This amendment includes the addition of a 10m buffer.
- Amend 'Terrestrial Biodiversity Map – Sheet BIO\_014' to map part of Lot 18 DP 802753 at the site (the lot contains Cumberland Plain Woodland) as containing biodiversity value.

Council did not propose to rezone the portions of the site with River-flat Eucalypt Forest 'E2 - Environmental Conservation', despite this being recommended by EES. The reasons for Council's decision are outlined in **Table 5** of this report, and overleaf. An overlay plan showing the extent of Cumberland Plain Woodland and River-flat Eucalypt Forest at the site is provided in **Figure 2**.



**Figure 2: Overlay Plan Of Cumberland Plain Woodland And River-flat Eucalypt At The Site (Source: WPS, 2019)**



A site visit was carried out by the Department on 19 February 2021. Images taken on the site visit of the Cumberland Plain Woodland are provided in **Figure 3** and **Figure 4**. Images taken on the site visit of the River-flat Eucalypt Forest are provided in **Figure 5**.



**Figure 3: Cumberland Plain Woodland At The Site (Source: The Department, 19 February 2021)**



**Figure 4: Cumberland Plain Woodland At The Site (Source: The Department, 19 February 2021)**





**Figure 5: River-flat Eucalypt Forest At The Site (Source: The Department, 19 February 2021)**

The Department supports Council's post-exhibition inclusion of 'E2 – Environmental Conservation' zoned land and the amendments to 'Terrestrial Biodiversity Map – Sheet BIO\_014' to protect and conserve Cumberland Plain Woodland (approximate area 0.7Ha) at the site. The Department also supports Council's position not to rezone the areas of the site with River-flat Eucalypt Forest as IN1Z – General Industrial, where retention and offset can be considered at DA stage, for the following reasons:

- The River-flat Eucalypt Forest at the site is relatively disjointed, modified and dispersed in patches across the site (approximate area 1.36Ha). Rezoning the land containing River-flat Eucalypt Forest to 'E2 - Environmental Conservation' would create an unworkable development footprint for industrial development and limit future development opportunities at the site. A new internal street is also required in this location to provide access to the northern parts of the site.
- The industrial zoning does not approve the clearing of any land. Any potential future impacts to River-flat Eucalypt Forest at the site would be assessed in detail under as part of each future DA. Attempts can be made at this stage to incorporate the River-flat Eucalypt Forest into the design of development. If parts cannot be retained and are cleared, the River-flat Eucalypt Forest can be offset at the DA stage by utilising the NSW Biodiversity Offset Scheme, where appropriate. Applications will be subject to assessment under the Biodiversity Conservation Act 2016 and the Environment Protection and Biodiversity Conservation Act 1999, amongst other legislation.
- The Office of Strategic Lands have confirmed in writing that there are bio-banked sites comprising River-flat Eucalypt Forest of equal or better value in the local area that could be used for any offsets required at DA stage.
- Site surveys undertaken by WSP on the River-flat Eucalypt Forest at the site did not identify the presence of Cumberland Plain Land Snail. In addition, the current condition of River-flat Eucalypt Forest at the site is considered to be unsuitable to sustain a Cumberland Plain Land Snail population.

The Department therefore considers the planning proposal acceptable.

#### 4.1.4 Infrastructure

The Gateway Determination report on the planning proposal (**Attachment G**) required that the planning proposal be referred to Roads and Maritime Services (now TfNSW) to ensure the suitability of the site for large truck movements associated with the intended use of the site for industrial development.

As outlined in **Table 5** of this report, TfNSW was consulted on the planning proposal and recommended that future DA's lodged for the site be required to provide a swept path assessment to demonstrate that access for B-doubles to and from the site can be achieved. In addition, TfNSW also recommended that the DA applicant(s) be responsible for any upgrades to cater for these vehicles, if required. The Department considers this acceptable.

## 5 Post-Assessment Consultation

The Department consulted with the following stakeholders following its assessment of the planning proposal (see **Table 9**).

**Table 9: Consultation Following the Department's Assessment**

Stakeholder	Consultation	The Department Is Satisfied With The Draft LEP
Mapping	<p>The following maps have been amended by the Department's ePlanning team and meet the technical requirements:</p> <ul style="list-style-type: none"> <li>Land Zoning Map Sheet LZN_014.</li> <li>Lot Size Map – Sheet LSZ_014.</li> <li>Terrestrial Biodiversity Map – Sheet BIO_014.</li> </ul>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979</i>.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

## 6 Recommendation

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- The planning proposal has strategic merit, being consistent with the following applicable plans and strategies:
  - Greater Sydney Region Plan – A Metropolis of Three Cities.
  - Central City District Plan.
  - Blacktown Local Strategic Planning Statement 2020.
  - Our Blacktown 2036 – Community Strategic Plan.
- The planning proposal has site-specific merit, as it would protect and preserve Cumberland Plain Woodland at the site whilst facilitating the future construction of general industrial development, allowing for the creation of between 100 to 500 jobs. This is a better utilisation of the site compared to what can be achieved under its existing 'RU4 – Primary Production

Small Lots' zoning, as the sites isolated position around industrial land means it has limited ongoing rural development opportunities.

- The planning proposal is generally consistent with the Gateway determination (as altered).
- The planning proposal is consistent with each of the relevant Section 9.1 Directions relating to the planning proposal, excluding Direction 6.3, which is justified.
- The planning proposal is consistent with each of the relevant SEPPs relating to the planning proposal.
- Each of the issues raised during consultation have been adequately addressed through post-exhibition amendments made by Council and the Department.



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## Attachments

Attachment	Document
<b>A</b>	Planning Proposal dated 30 November 2018
<b>B</b>	Gateway Determination dated 22 November 2018
<b>C</b>	Council Meeting Report dated 12 May 2021
<b>D</b>	Gateway Alteration dated 12 August 2019
<b>E</b>	Gateway Alteration dated 14 September 2020
<b>F</b>	Conservation Management Plan dated September 2020
<b>G</b>	Gateway Determination Report
<b>Maps</b>	Draft LEP Maps
<b>LEP</b>	Draft LEP