

## F COMPLIANCE WITH RELEVANT ENVIRONMENTAL PLANNING INSTRUMENTS AND GUIDELINES

Part B of the key assessment of the DGEAR's refers to relevant Environmental Planning Instruments (EPIs) and Guidelines. The relevant instruments and guidelines addressed below are:

- The *Commonwealth Environmental Protection and Biodiversity Act 1999*;
- *Western Sydney Parklands Act 2006*,
- *The Environmental Planning and Assessment Act 1979*,
- *State Environmental Planning Policy (Major Projects) 2005*,
- *State Environmental Planning Policy No. 11 – Traffic Generating Development, (SEPP 11)*,
- *Sydney Metropolitan Strategy- "City of Cities - A Plan for Sydney's Future"*,
- *Sydney Regional Environmental Plan No 31 – Regional Parklands (SREP 31)*,
- *Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No 2 - 1997) – (SREP 20)*,
- *Blacktown Local Environmental Plan 1988 (BLEP 1988)*, and
- *Blacktown Development Control Plans*.

### F1 ACTS

#### F1.1 Western Sydney Parklands Act 2006

The Western Sydney Parklands (WSP) Act 2006 was passed in late 2006 to guide the establishment of Western Sydney Parklands Trust (the Trust) and the Trust's management of the Parklands. The establishment of the Trust and nominated members is currently being undertaken.

Clause 12 of the WSP Act 2006 identifies the key functions of the Trust, which include:

##### *Clause 12 Functions—generally*

- (1) *The principal function of the Trust is to develop the Parklands into a multi-use urban parkland for the region of Western Sydney and to maintain and improve the Parklands on an ongoing basis.*
- (2) *The Trust also has the following functions:*
  - (a) *to conserve, restore and enhance the natural environment of the Parklands, including through the protection of remnant bushland and the restoration of vegetation or revegetation,*
  - (b) *to conserve, restore and enhance the cultural and historical heritage of the Parklands, including its indigenous heritage and its scenic qualities,*
  - (c) *to provide or facilitate the provision of a diverse range of recreational, entertainment and tourist facilities and opportunities in the Parklands, such as major sporting facilities, private amusement and recreational attractions and accommodation,*
  - (d) *to cater, at a regional level, for a diverse range of community interests, organisations and groups, including through the provision of facilities such as multi-use community halls,*
  - (e) *to facilitate the use of the Parklands to meet community health needs and provide opportunities for, and encourage, activities that promote health and well-being in the community,*
  - (f) *to encourage and promote public access to and use and enjoyment of the Parklands where appropriate,*
  - (g) *to facilitate and promote the use of the Parklands for education and research (such as scientific research), including the provision of facilities for these purposes (such as camping facilities, learning centres and accommodation),*
  - (h) *to ensure that government agencies and State owned corporations continue to have access to major service infrastructure within the Parklands,*
  - (i) *to maintain the rural character of parts of the Parklands by allowing sustainable agriculture, horticulture or forestry in the Parklands,*

(j) to undertake or provide, or facilitate the undertaking or provision of, commercial, retail and transport activities and facilities in or in relation to the Parklands with the object of supporting the viability of the management of the Parklands.

The Trust is also required to prepare a Plan of Management for the Parklands, which is to identify how the park and resources will be managed. Clause 23(2) of the WSP Act 2006 outlines what the Plan of Management should include and states:

**Clause 23 Plan of management**

(2) The plan of management is to:

(a) set out how the Trust proposes to exercise its functions in relation to the Parklands and the key issues for the Trust in doing so, and

(b) identify the priorities of the Trust in exercising its functions having regard to the resources available to it, and

(c) identify matters that are significant to the Parklands as a whole, including the following:

(i) business and communication matters,

(ii) proposals for income-earning activities,

(iii) the establishment and maintenance of an ecological network made up of both land within and in the vicinity of the Parklands, including wildlife and habitat corridors,

(iv) the creation of an access and circulation network for the Parklands allowing both vehicular and pedestrian access to the Parklands and providing for internal circulation.

The members of the Trust are currently being nominated; therefore a Plan of Management for the Parklands is yet to be prepared. The proposal for the Parklands and Bungarribee Precinct has been prepared in accordance with the State Government broad planning objectives for the Parklands in mind.

## **F1.2 Environmental Planning and Assessment Act 1979**

This Concept Plan Application is lodged under the provisions of Part 3A of the *Environmental Planning and Assessment Act 1979*.

The provisions within Section 75O(3)(b) and Section 76B of this new Part 3A of the *EP&A Act 1979* now allow approval of projects which are not “wholly prohibited” under an EPI, as is the case with this concept application.

## **F2 STATE ENVIRONMENTAL PLANNING POLICIES**

The two state planning policies considered relevant to this concept application are *SEPP (Major Projects)* and *SEPP 11 (Traffic Generating Development)*.

### **F2.1 State Environmental Planning Policy (Major Projects) 2005**

Formerly known as *State Environmental Planning Policy (State Significant Development) 2005*, *SEPP (Major Projects)* was gazetted on 1<sup>st</sup> August 2005. *SEPP (Major Projects)* defines certain developments that are major projects under *Part 3A of the Environmental Planning and Assessment Act 1979* and which are determined by the Minister for Planning. The SEPP also lists State Significant Sites. The policy repeals SEPP 34 and 38, as well as provisions in numerous other planning instruments, declarations and directions.

Clause 6 of the SEPP relates to the identification of Part 3A projects. Development that, “in the opinion of the Minister”, is development of a kind described in Schedule 1, 2, or 3.

The DoP via the DGEAR’s (letter dated 8 December 2006. reference 9042482 has advised that the Minister has:

- Agreed to consider listing the Bungarribee Precinct of WSP and Doonside as a potential State Significant Site (SSS) within Schedule 3 of *State Environmental Planning Policy (State Significant Development) 2005, (Major Projects SEPP)*,
- Formed the opinion that the development is a Major Project to which Part 3A of the Act applies, and
- Authorised submission of a concept plan for the sites.

A Draft Amendment to Schedule 3 of *State Environmental Planning Policy (Major Projects)* is included within Appendix D. This Amendment has been prepared to facilitate the proposed residential use of the Doonside Residential Parcel.

## F2.2 SEPP 11 – Traffic Generating Development

State Environmental Planning Policy No. 11 – Traffic Generating Development (SEPP 11) requires that certain types of development be referred to the Roads and Traffic Authority (RTA) for comment. Clause 7 of SEPP 11 refers to applications for development consent to carry out development specified in Schedule 1 or 2. Relevant extracts from Clause 7 and Schedule 1 are included below.

### *Clause 7: Development applications to be referred to the Traffic Authority*

(3) Where a consent authority receives a development application to carry out development specified in Schedule 1, the consent authority shall, within 7 days of its receipt of the application, forward a copy of the application to the Traffic Authority.

### *Schedule 1*

(g) subdivision of land into 200 or more allotments where the subdivision includes the opening of a public road,

The concept plan application relates to a residential subdivision of more than 200 allotments and improved connections to Doonside Road at Eastern Road, Bungarribee Road and Douglas Road.

The RTA has been consulted as part of the consultation process undertaken (see Maunsell: *TMAP Assessment – (Volume 2.)*)

## F3 SYDNEY METROPOLITAN STRATEGY

The Metropolitan Strategy for Sydney, *City of Cities – A Plan for Sydney's Future* (Metro Strategy), was released by the NSW Government in December 2005. The Metro Strategy is a strategic document, which outlines a vision for Sydney's growth over the next 25 years. The document aims to bring the State Government, Local Council's, stakeholders and the community together in discussing the future direction of Sydney's natural, built and economic environments.

The Metro Strategy is made up of seven Strategies, all of which deal with the main issues that will have an impact on the future growth of Sydney. These include:

- A: Economy and Employment
- B: Centres and Corridors
- C: Housing
- D: Transport
- E: Environment and Resources
- F: Parks and Public Places
- G: Implementation and Governance

The Doonside Residential Parcel and WSP Bungarribee Precinct can be categorised under Strategy C: Housing and Strategy F: Parks and Public Places, respectively. Below is an assessment of the concept proposal in relation to the visions aims and initiatives identifies in the relevant strategy.

### F3.1 Strategy C: Housing

The Metro Strategy forecasts the Sydney Region to grow to a population of 1.1 million people by 2031. The Vision for Strategy C recognises the need for housing in and around centres and transport nodes, however with a balanced approach that will protect the character of existing suburbs.

#### *Vision*

- Over three-quarters of new housing will be located in strategic centres, smaller centres and corridors within walking distance of shops, jobs and other services concentrated around public transport nodes.
- As housing density increases in these places, the character of Sydney's suburbs will be protected.

Strategy C: Housing identifies the need to concentrate residential development in order to strengthen centres, towns, villages and neighbourhoods and focus this concentration around public transport and open space. The objectives of Strategy C are:

#### *Objectives and Initiatives*

- C1. ENSURE ADEQUATE SUPPLY OF LAND AND SITES FOR RESIDENTIAL DEVELOPMENT
  - C1.1 Provide 30-40 per cent of new housing in land release areas.
  - C1.2 Apply sustainability criteria for new urban development.
  - C1.3 Plan for increased housing capacity targets in existing areas.
  - C1.4 Improve monitoring of future housing and employment supply.
  - C1.5 Facilitate redevelopment of existing apartments and higher occupation of existing dwellings.
- C2. PLAN FOR A HOUSING MIX NEAR JOBS, TRANSPORT AND SERVICES
  - C2.1 Focus residential development around Centres, Town Centres, Villages and Neighbourhood Centres.
  - C2.2 Provide self care housing for seniors and people with a disability.
  - C2.3 Provide a mix of housing.
- C3. RENEW LOCAL CENTRES
  - C3.1 Renew local centres to improve economic viability and amenity.
- C4. IMPROVE HOUSING AFFORDABILITY
  - C4.1 Improve the affordability of housing.
  - C4.2 Redevelop and regenerate Department of Housing stock.
  - C4.3 Use planning mechanisms to provide affordable housing.
- C5. IMPROVE THE QUALITY OF NEW DEVELOPMENT AND URBAN RENEWAL
  - C5.1 Improve the design quality of new development.

The proposed residential development for the Doonside Residential Parcel will provide for 700 to 730 lots for residential development. The lots will range in size from 250 m<sup>2</sup> to 650 m<sup>2</sup> and will allow for a variety of housing types. The development is located only a short distance from Doonside and Rooty Hill Railway Stations and will have direct access to the WSP. West Huntingwood industrial area is located to the south of the Doonside site and will provide employment opportunities for both Doonside residents and residents within the surrounding area.

### **F3.2 Strategy F: Parks and Public Places**

Strategy F: *Parks and Public Places* identifies the need for the provision of open space throughout the Sydney Region. The Vision for Strategy F identifies the need for residents of the region to have access to open space, and states:

#### *Vision*

- *Sydney will have fair access to quality parks and public places for leisure, sport and recreation for the local community and visitors. The city will have a range of open spaces that meet the diverse and changing needs of the community.*
- *A network of recreation trails will provide walking and cycling opportunities linking centres and parks.*

The Metro Strategy identifies regional parks, bushland, sports grounds and trails, the harbour, rivers, foreshores and beaches as the main elements of open space within Sydney. The strategy recognises the importance of these elements to community quality of life, social interaction and community building.

Action F1.1 of the Metro Strategy addresses the need for access to regional open space in Western Sydney, recognising the expected population growth in this area of Sydney. The Western Sydney Parklands has been part of regional planning in Sydney over the last 30 years. The Parklands is an open space corridor, which runs along the M4 and M7 motorways and between the North West and South West growth centres.

The relevant objectives for regional open space are:

#### *Objectives*

##### *F1 Increase access to quality parks and public places.*

- F1.1 Provide access to regional open space in Western Sydney*
- F1.2 Improve the quality of regional open space*
- F1.3 Improve access to waterways and links between bushland, parks and centres*

The WSP Bungaribee Precinct forms a major part of this concept application. The Parklands will provide for an integrated regional open space network that will encompass a variety of recreational activities for the community of Western Sydney.

The WSP will be linked by walkways, bike paths and road network that will allow for safe and easy access to the Parklands. Improvements to the open space areas will also allow for improved internal links to various recreational activities, waterways and bushland throughout the Parklands. It is considered that the proposal for the WSP fully complies with the relevant objectives of Strategy F.

#### F4 Regional Environmental Plans

The two Regional Plans of relevance to this proposal are *Sydney Regional Environmental Plan No 31 – Regional Parklands* (SREP 31), and *Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River* (No 2 - 1997) - (SREP 20).

##### F4.1 *Sydney Regional Environmental Plan No 31 – Regional Parklands*

This SREP applies to a 5,400-hectare site in Western Sydney. The plan provides a consistent management approach while promoting recreation, conservation, biodiversity and landscape protection. The plan is accompanied by two development control plans. The plan was gazetted on 8th June 2001.

The WSP Bungarribee Precinct and its relationship to the Doonside Residential Parcel site, as defined in SREP 31, are illustrated in Figure F1 below. Generally the WSP is covered by the provisions of SREP 31 whilst the Doonside Residential Parcel is not. The Doonside Residential Parcel is currently covered by the provisions of the 5(a) corridor zoning of the *Blacktown LEP 1988* (see Section F5.2 below).

The proposed uses within the WSP (Bungarribee Precinct) of this concept plan application are in accordance with the aims, objectives and special provisions of SREP 31.

Figure F1: Doonside/WSP site in relationship to SREP 31 (see also Fig F2)



Source: Sheet 3 of 5, Schedule 2 lands, SREP 31

Within *SREP 31* the identified locations numbered 1 to 14 are itemised as “additional uses” (reference Clause 8 of *SREP No 31*). The relevant areas 14 are included in Table F1.

Table F1: Extract from *SREP 31*, Schedule 2, Additional Uses Table.

<i>Location</i>	<i>Property description</i>	<i>Development for the purpose of the following is allowed with consent</i>
14	Land that is: <ul style="list-style-type: none"> <li>• South of the Main Western Railway line and,</li> <li>• North of Chandos Road, and</li> <li>• west of Prospect Reservoir and the Eastern Creek Raceway, and</li> <li>• Shown on Sheet 3 of the map by diagonal hatching</li> </ul>	Structured recreation facility <sup>1</sup> (not including facility for motor sport).

Figure F1A shows the location of 2 land areas identified as Area 14 within Schedule 2 of the SREP (as an overlay of the proposed concept plan). In relation to the proposed concept plan, these 2 areas (A & B) equate with:

- (A) the proposed indoor sports/cultural stadium with capacity for up to 12,000 people with provision for parking, BBQ and picnic facilities, commercial space and food retailing (Sports Zone – Zone 1), and
- (B) with future commercial and educational visitor attractions including a tourist information centre and conference facilities, with associated parking and infrastructure (Institutional Zone – Zone 3) – see also Section 2.3.

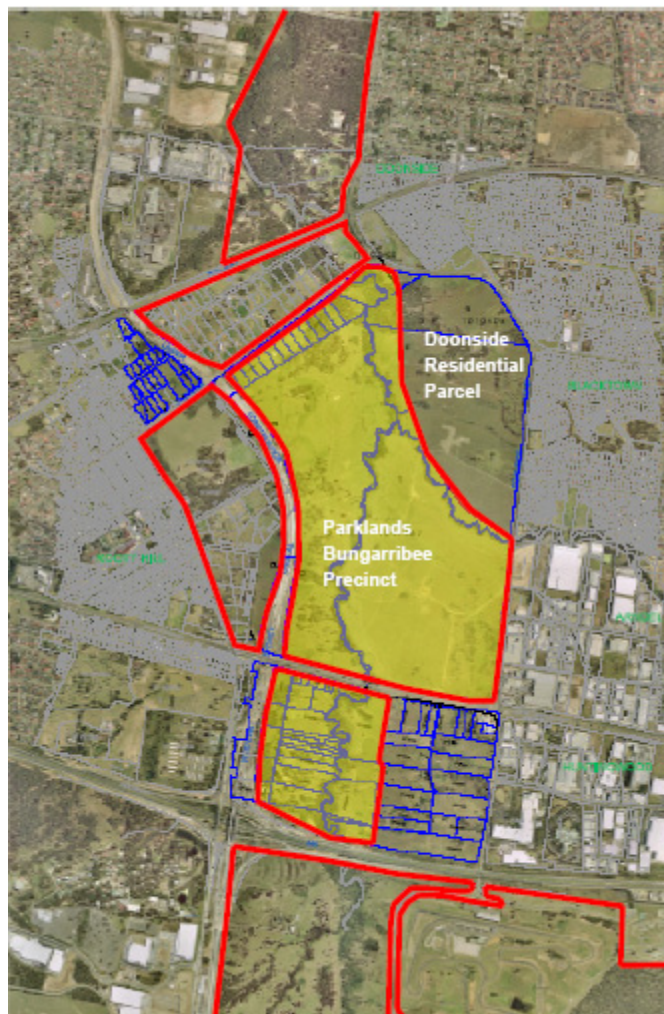
Figure F1A: Area 14 Locations



<sup>1</sup> “**Structured recreation facility** means a facility used for indoor or outdoor recreational activities, or both, including sporting or cultural activities” (*SREP 31 Dictionary*)

For completeness, Figure F2 provides further detail of the site from the *SREP 31* Map (Figure 3). This plan indicates the location of the WSP within the *SREP 31* area and the Doonside Residential Parcel outside of the *SREP 31* area.

Figure F2 – detail of the site from the *SREP 31* Map



While the SREP has provided a planning instrument to guide land use and development within the Parklands, it was produced at a time when there was no overall strategy for conversion of the acquired land to Parklands.

### *Clause 3: Aims of the plan*

Clause 3 of SREP 31 provides the aims of the plan and states as follows:

*"This plan aims:*

- (a) to promote the consistent planning and management of the Regional Parklands by replacing the existing planning controls with a single regional environmental plan, and*
- (b) to strengthen the perception of the Regional Parklands as a unit that is a focus for the conservation of natural systems and a diverse range of recreational uses in Western Sydney, and*
- (c) to enhance the ability of the Regional Parklands to meet the needs of the residents of Sydney for:*
  - high quality open space, and*
  - a range of recreational opportunities, and*
  - a visual and physical break between areas of urban development, and*
- (d) to maintain, enhance and rehabilitate the natural systems of the Regional Parklands, particularly those that include threatened species, populations or ecological communities, or their habitats, and*
- (e) to preserve, care for and manage the cultural assets of the Regional Parklands, and*
- (f) to improve management of the Regional Parklands by all those responsible for land within the Regional Parklands,....."*



The proposed use of the WSP within this concept application complies with the following relevant Clause 3 aims of the Plan by:

- Cl 3(b) strengthening the perception of the Regional Parklands as a unit by focussing on the conservation of natural systems and a diverse range of recreational uses in Western Sydney (see Sections 2.3 and 7.3),
- Cl 3(c) enhancing the ability of the Regional Parklands to meet the needs of the residents of Sydney for:
  - high quality open space,
  - a range of recreational opportunities, and
  - a visual and physical break between areas of urban development (see Section 2.3),
- Cl 3(d) maintaining, enhancing and rehabilitating the natural systems of the Regional Parklands, particularly those that include threatened species, populations or ecological communities, or their habitats (ie minimising impacts and providing appropriate off-sets, (see Section 7.3),
- Cl 3(e) preserving, caring for and managing the cultural assets of the Regional Parklands especially in relation to the Bungaribee Heritage Conservation Area (see Section 7.4), and
- Cl 3(f) to improve management of the Regional Parklands by all those responsible for land within the Regional Parklands.

**Clause 7: - General development controls**

Clause 7 of SREP 31 provides general development controls which further detail the main aims of the plan.

Clause 7 states as follows:

**(1) Objectives**

*The objectives for development in the Regional Parklands are to:*

- (a) support the aims of this plan, and*
- (b) implement development control plans providing more detailed provisions for land in the Regional Parklands, and*
- (c) conserve and enhance the biodiversity of the region through retention of remnant vegetation, restoration of vegetation and revegetation, and*
- (d) encourage ecologically sustainable development by ensuring that all development has minimal adverse environmental impact.*

**(2) Development that does not require consent**

*The following may be carried out without consent:*

*Development allowed by or under the National Parks and Wildlife Act 1974 , but only if carried out on land reserved or dedicated under that Act.*

*Development, in accordance with a management plan approved by the Director-General, for the purpose of the following:*

*-clearing of vegetation that is not native to the Regional Parklands; grazing; landscaping; occasional community events; revegetation,*

*but only if carried out on land owned by the Corporation or owned or managed by a council.*

*Development for the purpose of bush fire hazard reduction work in accordance with a bush fire management plan approved under the Rural Fires Act 1997 .*

*Development for the purpose of eradicating noxious weeds, within the meaning of the Noxious Weeds Act 1993 .*

*Development specified in Schedule 1 to the Environmental Planning and Assessment Model Provisions 1980.*

*Demolition in accordance with a management plan approved by the Director-General, but only if carried out on land owned by the Corporation or owned or managed by a council.*

*Exempt development.*

*Note: Exempt development is specified in Regional Parklands Development Control Plan No 2 as referred to in clause 20.*

**(3) Development that requires consent**



*The following, if it is not allowed by subclause (2) to be carried out without consent, may be carried out only with consent:*

*Development for the purpose of the following:*

*agriculture; clearing; community facilities; dams; detention basins; drains; dwelling-houses; grazing; home occupations; landfilling; landscaping; occasional community events; public utility undertakings; recreation areas; revegetation; roads.*

*Demolition.*

*Subdivision.*

*(4) Prohibited development*

*The carrying out of development is prohibited if it is not allowed by this clause to be carried out without consent or only with consent.*

The proposed development within the WSP which forms part of this concept application is development which:

- Complies with the relevant objectives of the zone (ie (c) conserving biodiversity and (d) encouraging ESD),
- Is assessed to be permissible subject to consent (ie landscaping, public utility undertaking, recreation areas, revegetation and roads),
- Is a “structured recreation facility” (see Figure F1A and Table F1), and
- Includes location of bridges over creeks and playing fields.

*Clause 12: Matters to be taken into consideration*

The matters to be taken into consideration in the determination of a development application within the SREP 31 Parklands area give further indication of the type of land use expected. Clause 12 states as follows:

*(1) In deciding whether to grant consent, the consent authority must take into consideration such of the following matters as are relevant to the proposed development:*

*(a) the consistency of the proposal with the aims of this plan set out in clause 3 and the objectives for development in the Regional Parklands declared in clause 7,*

*(b) whether the proposal will protect and enhance the natural systems of the Regional Parklands,*

*(c) the adequacy of measures proposed to conserve and enhance remnant vegetation to ensure protection of biodiversity, and threatened species, populations and ecological communities, and their habitats, and areas of environmental importance,*

*(d) the adequacy of measures proposed to conserve and enhance watercourses and riparian areas,*

*(e) the ability of the proposal to protect public health by having a neutral or beneficial effect on drinking water,*

*(f) the contribution of the proposal to the diversity and quality of recreational uses within the Regional Parklands,*

*(g) the contribution of the proposal to the visual quality and the continuity of the Regional Parklands and to the visual break the Regional Parklands provide within the urban area,*

*(h) the contribution of the proposal to the establishment of biodiversity and pedestrian and cyclist movement corridors linking significant recreation areas and areas of environmental importance,*

*(i) the ability of the proposal to improve long-term Regional Parklands management and the appropriateness of any management systems proposed,*

*(j) the impact of the proposal on surrounding land and measures to mitigate any adverse impacts,*

*(k) the need to limit vehicle access points to the site on which the proposal will be carried out,*

*(l) the impact of the proposal on public utilities within the Regional Parklands.*

*(2) A determining authority, within the meaning of Part 5 of the Act, must take such of the matters described in subclause (1) as are relevant into consideration before carrying out an activity, or granting an approval in relation to an activity proposed to be carried out, within the Regional Parklands.*

Table F2 provides a summary of the compliance of the proposed development within the WSP with the Clause 12 Matters of SREP 31.

Table F2: Compliance of WSP Bungarribee proposal with Clause 12 Matters

<i>Clause 12</i>	<i>Compliance</i>	<i>EA Ref</i>												
1(a) consistency with cl 3 – aims and cl 7 - objectives	See comments on aims and objectives (clauses 3 and 7 above) ✓	Sect 2.3, Sect 7.3, 7.4												
1(b) protect and enhance natural systems	Compliance as with Cl 3(b) - conservation of natural systems and a diverse range of recreational uses in Western Sydney ✓	Sect 7.3												
1(c) conserve/enhance remnant vegetation, biodiversity and threatened species	Compliance as with Cl 7(c) - biodiversity conserved and enhanced through retention of remnant vegetation, restoration of vegetation and revegetation (off-sets) ✓	Sect 7.3												
1(d) conserve/enhance water courses and riparian areas	<p>Eastern Creek, Bungarribee Creek and an unnamed creek (referred to as “Northern Creek”) run through the site. These creeks have been assessed and are to be treated under the Sydney Metro CMA guidelines as follows:</p> <table border="1"> <thead> <tr> <th><i>Creek</i></th><th><i>CMA Category</i></th><th><i>Riparian Buffer Requirements</i></th></tr> </thead> <tbody> <tr> <td>Eastern Creek</td><td>1</td><td>40m</td></tr> <tr> <td>Bungarribee Creek</td><td>2</td><td>20m</td></tr> <tr> <td>Northern Creek</td><td>3</td><td>10m</td></tr> </tbody> </table> <p>The riparian corridors and proposed buffers are illustrated in Figure 7.3.</p>	<i>Creek</i>	<i>CMA Category</i>	<i>Riparian Buffer Requirements</i>	Eastern Creek	1	40m	Bungarribee Creek	2	20m	Northern Creek	3	10m	Section 7.3
<i>Creek</i>	<i>CMA Category</i>	<i>Riparian Buffer Requirements</i>												
Eastern Creek	1	40m												
Bungarribee Creek	2	20m												
Northern Creek	3	10m												
1(e) public health and Norbe for drinking water	Improvements to existing water quality – see Appendix A & G, Volume 2: <i>Western Sydney Parklands – Bungarribee Precinct Doonside Residential Development WSUD Strategy April 2007</i> – Ecological Engineering Pty Ltd	Appendix A & G, Volume 2:												
1(f) diversity and quality of recreational uses	Consent is sought for a conceptual masterplan to guide development of the 300ha Bungarribee Precinct of the Western Sydney Parklands. The Precinct will contain a range of sporting, recreational and cultural leisure opportunities, along with associated access points, internal road network and creek crossing points	Section 2.3												
1(g) visual quality and provided visual break	The precinct will form the main community recreation hub for both active and passive recreation in the northern part of the Parklands. Bushland will be restored through the broad floodplain and current rural landscapes will be retained on the valley slopes to allow open areas for intensive community use including picnic and play areas, walking and cycling trails and active sports fields.	Section 2.3												
1(h) biodiversity and pedestrian/cyclist movement	<p>A <i>Conservation Strategy</i> has been prepared by Eco Logical Australia. An ‘offset strategy’ is proposed for the site to further encourage biodiversity.</p> <p>A wide range of paths are provided to encourage pedestrian/cyclist movement.</p>	<p>Appendix A in Volume 2 and Section 7.3.</p> <p>Sections 7.2.9 and 8.2.3.</p>												
1(i) management of the Parklands	The <i>Western Sydney Parklands (WSP) Act 2006</i> was passed in late 2006 to guide the establishment of Western Sydney Parklands Trust (the Trust) and the Trust’s management of the Parklands	Appendix F in Volume 1 – Section F1.1												
1(j) impact on surrounding land and mitigation measures	Limited impact on surrounding land uses. Industrial to the east, residential to the E/NE, recreational to the south and recreational/residential to the west.	Section 5.2												
1(k) limit vehicle access points	<p>Vehicular access to the WSP will be primarily from:</p> <ul style="list-style-type: none"> <li>▪ existing Eastern Road intersection; and</li> <li>▪ a second intersection proposed to the east to allow for</li> </ul>	Section 7.2.4												

<i>Clause 12</i>	<i>Compliance</i>	<i>EA Ref</i>
	<p>future connectivity with the recently announced Sports Stadium, to be constructed east of the Blacktown Olympic Centre.</p> <ul style="list-style-type: none"> <li>▪ The existing Doonside Road/Holbeche Road intersection; and</li> <li>▪ proposed Great Western Highway intersection</li> </ul>	
1(l) impact on utilities	The proposed development can be adequately serviced by utilities infrastructure. A detailed assessment can be found in the " <i>Civil Infrastructure Report and Masterplan</i> " prepared by YSCO	Section 7.8 and Appendix I, in Vol 2.

The aims and provisions within *SREP No 31 Parklands* relate specifically to the conservation of natural systems and the provision of a diverse range of recreational uses. The proposed uses for the WSP Bungarribee Precinct fall within the objectives and table of permissible uses included in *SREP 31*.

### *Clause 13: Site management plans*

Clause 13 relates to the preparation of site management plans and states as follows:

<p><i>Objective:</i> to ensure ongoing management and conservation of all land within the Regional Parklands.</p> <p>(1) Consent must not be granted for development unless the consent authority has considered a site management plan setting out provisions for the management, conservation and restoration of the land on which the development is proposed to be carried out.</p> <p>(2) The site management plan is to be prepared in accordance with the requirements of any relevant development control plan.</p>
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A site management plan will be prepared by the WSP Trust in accordance with the requirements of Clause 13. The Trust will be responsible for the management of the intact native vegetation beyond the urban development footprint and managed in accordance with the *Western Sydney Parklands Vision* (DIPNR 2004).

### *Clause 16: Cultural Heritage*

Clause 16 relates to cultural heritage and states as follows:

<p><b>16 Cultural heritage</b></p> <p><i>Objective:</i> to conserve items of known or potential cultural heritage significance in the Regional Parklands.</p> <p>(1) The following development may be carried out only with development consent:</p> <p>(a) demolishing a building or work that is a heritage item, or any development involved in dismantling, moving or altering a heritage item,</p> <p>(b) erecting a building on, or subdividing, land on which a heritage item is located,</p> <p>(c) any development involved in moving a relic or in a person's disturbing or excavating any land while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in a relic being discovered, exposed, moved, damaged or destroyed.</p> <p>(2) However, but without affecting any requirement for development consent made by any other provision of this plan or any other environmental planning instrument, this clause does not require consent:</p> <p>(a) if the heritage item or relic concerned is listed on the State Heritage Register, or is the subject of an interim heritage order under the Heritage Act 1977, or</p> <p>(b) if all of the proposed development must be authorised by an excavation permit under the Heritage Act 1977, or</p> <p>(c) if all of the proposed development must be authorised by or under the National Parks and Wildlife Act 1974 and consists of moving an Aboriginal relic or a person's disturbing or excavating any land while knowing, or having reasonable cause to suspect, that the disturbance or excavation will or is likely to result in an Aboriginal relic being discovered, exposed, moved, damaged or destroyed, or</p> <p>(d) in the case of a heritage item, if the proponent has obtained written advice that the Minister is satisfied that the proposed development is of a minor nature, or consists only of maintenance of the item, and will not adversely affect the heritage significance of the item.</p>
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*Note. To avoid duplication of assessment of proposed development, development consent is not required by this clause for certain development that needs to be authorised by or under the Heritage Act 1977 or the National Parks and Wildlife Act 1974.*

(3) *When determining a development application required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item or relic concerned. The assessment is to include (but is not limited to) consideration of:*

- (a) the heritage significance of the item or relic as part of the Regional Parklands and the local government area in which it is located, and*
- (b) the impact the proposed development will have on the heritage significance of the item or relic and its setting, including any landscape or horticultural features, and*
- (c) the measures proposed to conserve the heritage significance of the item or relic and its setting, and*
- (d) the impact of the proposed development on any significant views of, or from, the heritage item or relic.*

(4) *The consent authority must not grant a consent required by this clause until it has considered a heritage impact statement which includes an assessment of each of the matters listed in subclause (3).*

(5) *Before granting consent for development that, in the opinion of the consent authority, is likely to have a significant impact on an Aboriginal site (other than development that must be authorised by or under the National Parks and Wildlife Act 1974), the consent authority must:*

- (a) consider a heritage impact statement explaining how the proposed development would affect the conservation of the site and any Aboriginal relic known or reasonably likely to be located at the site, and*
- (b) notify the local Aboriginal communities and the Director-General of National Parks and Wildlife of its intention to do so and take into consideration any comments received in response within 28 days after the relevant notice is sent.*

(6) *In this clause:*

*Aboriginal relic means any relic that relates to Aboriginal habitation of the Regional Parklands.*

The European heritage significance of the site has been assessed in the *Conservation Management Plan* (CMP) report prepared by Godden Mackay Logan which is attached as Appendix D in Volume 2. The CMP has identified that the Doonside Precinct, in particular the Bungarabee Homestead, its outbuildings and associated cultural plantings is of “*Exceptional significance at a State level.*” European Heritage is assessed within Section 7.4.

An Indigenous Heritage Investigation (IHI) has been prepared by Jo McDonald Cultural Heritage Management Pty Ltd (JMCHM) and is included as Appendix E in Volume 2. The IHI analysed the potential for Aboriginal heritage throughout the WSP site. A total of 55 surface archaeological sites were recorded within the WSP study area. From the analysis of the entire site, the IHI considered that it is likely that there is an extensive, mostly buried, archaeological landscape.

It has been recommended that the Parklands proposal incorporate an *Indigenous Heritage Conservation Strategy* (IHCS), which would identify a range of representative landscapes with the best conservation potential and area of Aboriginal significance. Aboriginal Heritage is assessed within Section 7.5.

#### ***Clause 17: Bushland***

Clause 17 relates to Bushland and states as follows:

## **17 Bushland**

### **Objectives:**

*to conserve existing bushland and protect it from the impact of development and locate all development on land that is already cleared.*

*(1) In this clause, remnant bushland means vegetation (including both trees and undergrowth) that:*

*(a) is a remainder of the native vegetation of the land, or*

*(b) if that native vegetation has been altered, is still representative of the structure and floristics of that native vegetation.*

*(2) Consent must not be granted for development if it will disturb any remnant bushland, unless the consent authority is satisfied that:*

*(a) the disturbance of the bushland is essential for a purpose in the public interest and no reasonable alternative is available to the disturbance of that bushland, and*

*(b) the amount of bushland proposed to be disturbed is as little as possible and, where bushland will be disturbed to allow construction work to be carried out, the bushland will be reinstated as far as possible on completion of that work, and*

*(c) if the disturbance is likely to cause any loss of remnant bushland, the loss will be compensated by appropriate revegetation on, or in the proximity of, the affected land so that there will be no nett loss of remnant bushland after the revegetation.*

An Ecological Impact Assessment has been undertaken for the Bungaribee precinct and the Doonside development parcel by Eco Logical Australia. This report is included as Appendix A in Volume 2, and is described in Section 7.12.2.

The Concept Plan application includes an 'offset strategy' proposed in the Ecological Impact Assessment. The offset is to counterbalance the removal of 12.54ha of existing habitat on the Doonside parcel (for the purposes of residential development) by replacing it with or protecting and enhancing 27.88ha of habitat elsewhere on the site. In relation to bushland, the proposal is in accordance with the Clause 17 requirements in that the amount of bushland proposed to be disturbed is as little as possible and the loss of remnant bushland will be compensated by appropriate revegetation, so that there will be no nett loss of remnant bushland after the revegetation.

## **F4.2 Sydney Regional Environmental Plan No. 20 - Hawkesbury - Nepean River (No 2 - 1997)**

The Doonside residential Site and WSP has been identified as falling within the catchment area described in *Sydney Regional Environmental Plan No. 20 – Hawkesbury – Nepean River (SREP 20)*. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture, and urban and rural residential development.

### **Clause 3: Aim of this Plan**

Clause 3 of *SREP 31* provides the aims of the plan and states as follows:

*The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.*

It is considered that the Doonside Residential Parcel and WSP Bungaribee Precinct aid in the protection of the Hawkesbury-Nepean River system. The Doonside Residential Parcel comprises of adequate setbacks from intermittent creeks that run through the site plus new detention areas to protect against scour from off-site impacts. The WSP will provide a natural buffer between the urban development and the Hawkesbury-Nepean River system, while uses within the Parklands will be compatible with the existing environment and located in areas that will have minimal impact on the system.

Table F3: Assessment of Relevant *SREP 20* Clauses

Part	Relevant Clause	Comment
Part 2 General Considerations	4:Application of general planning considerations, specific planning policies and recommended strategies	Application of general considerations.
	5:General planning considerations	Consideration of the plan's aim, strategies and alternatives.
	6:Specific planning policies and recommended strategies	Relevant Specific Planning Policies: (1) Total catchment management (2) Environmentally sensitive areas (3) Water quality (4) Water quantity (5) Cultural heritage (6) Flora and fauna (7) Riverine scenic quality (10) Urban development (11) Recreation and tourism (12) Metropolitan strategy
Part 3 Development Controls	8:Development controls	7 types of development
	9:How is consultation carried out?	Process of consultation
	11:Development controls	Consent required for (14) recreational facilities, (15) Land uses near the river, (16) Land uses in riverine scenic areas.

The aims and provisions within *SREP No 20 Hawkesbury-Nepean River* relate to the protection of land within the River's catchment area. The proposed uses for the Doonside Residential Parcel and WSP Bungaribee Precinct fall within the objectives and strategies of *SREP 20*.

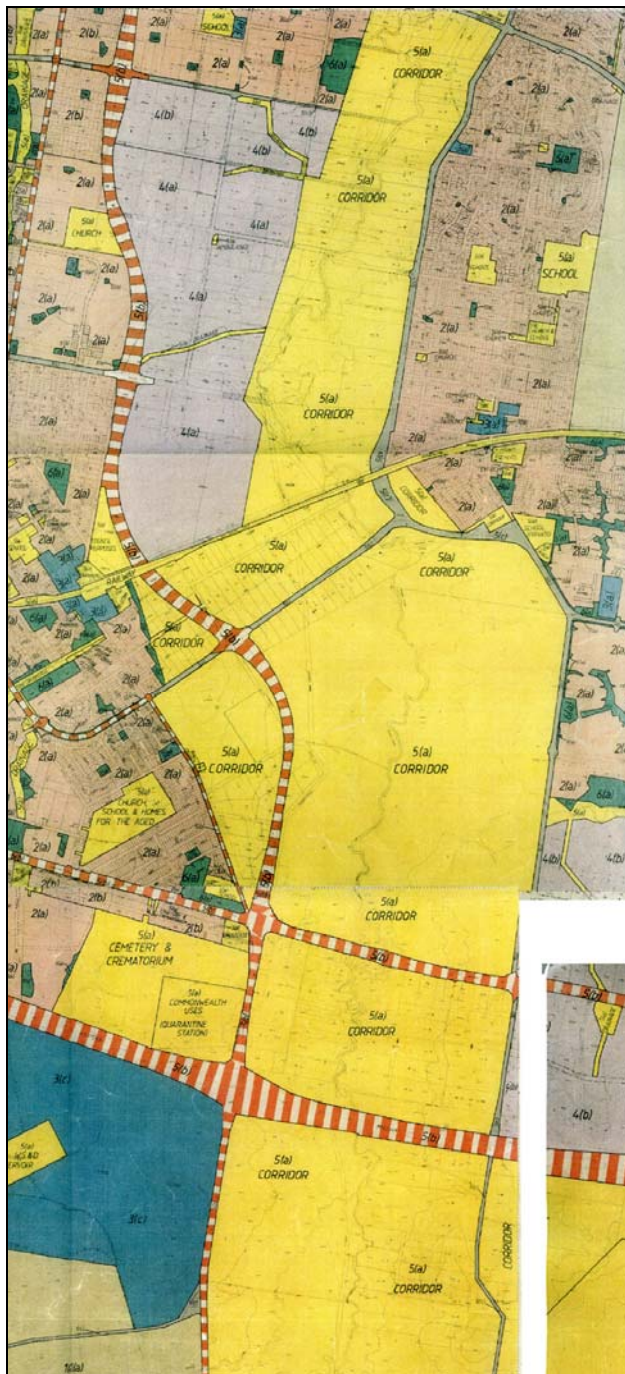
#### B4 *Blacktown Local Environmental Plan 1988*

The relevant local environmental planning instrument relating to the site and its local area is the *Blacktown LEP 1988*. The Doonside and WSP sites are currently zoned 5(a) corridor under the *Blacktown LEP 1988* (see Figure F3).

Planning control over the Parklands however is currently exercised through *Sydney Regional Environmental Plan (SREP) 31* and it's accompanying *Development Control Plan No. 1*, which was gazetted in 2001. The relevant *SREP 31* controls were discussed in Section F4.1. The extent of the *SREP 31* lands in relation to the subject site is illustrated in Figure F1.

The relevant clauses of the *Blacktown LEP 1988* in relation to the Doonside Residential development are discussed below.

Figure F3: *Blacktown LEP 1988 Zoning*



The extent of the SREP 31 lands in relation to the subject site is shown on Figure F1 earlier.

#### F5.1 Clause 2: Objectives

The Clause 2 objectives of the *Blacktown LEP 1988* state as follows (emphasis added):

##### *2 Aims, objectives etc*

*(2) The objectives of this plan are:*

- (a) to allow for a variety of rural based activities while maintaining the urban potential of relevant rural land,*
- (b) to allow for a variety of residential lifestyles,*
- (c) to allow for a variety of business uses while consolidating existing commercial centres,*
- (d) to enable a variety of uses in industrial areas while protecting the viability of existing retail centres,*
- (e) to prohibit offensive or hazardous industries,*
- (f) to ensure space is provided for community services and facilities,*
- (g) to ensure space is provided for recreational activities and facilities,*



*(h) to ensure land is available to accommodate all required special land uses in the most effective manner, and  
(i) to protect Blacktown's environmental heritage.*

*(3) The strategy by which the aims referred to in subclause (1) and the objectives referred to in subclause (2) are to be achieved is the controlling of the development of land to which this plan applies by reference to land-use zones and the controlling of particular types of development in those zones by reference to controls specified as applying only to those types of development or to a development of a certain type being carried out in those zones.*

The proposed application for the residential subdivision of the Doonside Residential Parcel will comply with the relevant objectives of the plan: allowing a variety of residential lifestyles, providing for community services and facilities, providing for recreational activities and facilities, and protecting Blacktown's environmental heritage

## **F5.2 Clause 9: Objectives 5(a) (corridor) Zone**

The Clause 9 aims and objectives of the *Blacktown LEP 1988* which specifically relate to the 5(a) (corridor) zone state as follows:

### ***1. Objectives of zone***

*The objectives are -*

- (a) to identify land which is currently used by public authorities, organisations and the council to provide certain community facilities and services;*
- (b) to identify land reserved for future acquisition by the council for a range of community facilities and services;*
- (c) to identify land which has been reserved at the request of certain public authorities for its future acquisition to provide a range of community facilities and services; and*
- (d) in relation to land marked "Corridor" on the map -
  - (i) to set aside land for the development of certain major long-term services and facilities, and special uses carried out by public authorities in an economic, safe and environmentally sensitive manner, and*
  - (ii) to allow the identified land to be used for recreational or other purposes where that use does not conflict with the existing or likely future use of the land by public authorities.**

### ***2. Development that does not require consent***

*Nil*

### ***3. Development which requires consent***

*The particular purpose indicated by black lettering on the map and purposes normally associated with and ancillary to the particular purpose indicated on the map; drains; public utility undertakings; recreation areas; roads; telecommunications facilities; utility installations (other than gas holders or generating works).*

### ***4. Prohibited***

*Any purpose other than a purpose included in Item 3 of the matter relating to this zone.*

The 5(a) (corridor) zone was designated to set aside land for the development of certain major long-term services and facilities, and special uses carried out by public authorities in an economic, safe and environmentally sensitive manner. The zone also sought to allow the identified land to be used for recreational or other purposes where that use does not conflict with the existing or likely future use of the land by public authorities.

The proposed Doonside Residential Parcel is on land previously occupied by telecommunications facilities. These facilities are no longer required on this site.

The proposed residential subdivision<sup>2</sup> of Doonside within the current concept application would therefore be prohibited within the 5(a) (corridor) zone of *Blacktown LEP 1988* as it is a use not identified within item 3 above. However, those uses of the site within the current application for "drains", "public utility undertakings", "recreation areas", "roads" and/or "utility installations" are permissible with consent in the zone.

The provisions within the new Part 3A of the *EP&A Act 1979* however now allow approval of projects which are not "wholly prohibited"<sup>3</sup> under an EPI, as is the case with this concept application.

## **F5.3 Clause 10: Subdivision Generally**

Clause 10 of the *Blacktown LEP 1988* relates to subdivision generally and states as follows:

<sup>2</sup> LEP Clauses 18 (7) and (8) allow the "interim" use of the site for dwelling houses, but only on land which is greater than 20ha (see Section F5.5)

<sup>3</sup> Section 75O(3)(b) and Section 76B of the *EP&A Act 1979*

### **10 Subdivision generally**

- (1) A person shall not subdivide land to which this plan applies without the consent of the council.
- (2) Land shall not be subdivided unless the boundaries of allotments so created correspond generally with the boundaries, if any, between zones as shown on the map.
- (3) Notwithstanding the provisions of subclause (2), the council may consent to a plan of subdivision whereby the boundaries of allotments so created will not correspond with the boundaries between different zones as shown on the map but which, in the opinion of the council, depart from those boundaries only to a minor extent.
- (4) Where, upon a registration of a plan of subdivision referred to in subclause (3), the boundary between land is determined in a different position from the boundary between different zones indicated on the map, land shall be deemed to be within the appropriate zone as determined by the council.
- (5) The council shall not grant consent to the subdivision of any part of the land to which this plan applies unless the plan of subdivision makes provision for any proposed road on that part of the land shown by parallel broken lines on the map to be opened generally in the locations shown on the map.

The boundary of the proposed WSP (and SREP 31) and the boundary of the proposed Doonside Residential Parcel are expected to be generally consistent with the rezoned area identified within *the Doonside Residential Precinct and Land Zoning Map* (see Appendix D). However some boundary adjustments will be required subject to detailed survey.

### **F5.4 Clause 14 and 16A: Protection of Heritage Items**

Clause 14 of the Blacktown LEP 1988 relates to the protection of heritage items and relics and states as follows:

#### **14 Protection of heritage items and relics**

##### **(1) When is consent required?**

*The following development may only be carried out with development consent:*

- (a) demolishing or moving a heritage item,
- (b) altering a heritage item or relic by making structural or non-structural changes to its exterior, such as to its detail, fabric, finish or appearance,
- (c) altering a heritage item by making structural changes to its interior,
- (d) moving any relic, or excavating land and discovering, exposing or moving a relic,
- (e) erecting a building on, or subdividing, land on which a heritage item is located.

##### **(2) What exceptions are there?**

*Development consent is not required under this clause if:*

- (a) in the opinion of the consent authority:
  - (i) the proposed development is of a minor nature or consists of maintenance of the heritage item or relic, and
  - (ii) the proposed development would not adversely affect the significance of the heritage item, and
- (b) the proponent has notified the consent authority in writing of the proposed development and the consent authority has advised the applicant in writing before any work is carried out that it is satisfied that the proposed development will comply with this subclause and that development consent is not required by this plan.

.....

##### **(4) What must be included in assessing a development application?**

*Before granting a consent required by this clause, the consent authority must assess the extent to which the carrying out of the proposed development would affect the heritage significance of the heritage item.*

##### **(5) What extra documentation is needed?**

*The assessment must include consideration of a heritage impact statement that addresses at least the following issues (but is not to be limited to assessment of those issues, if the heritage significance concerned involves other issues). The consent authority may also decline to grant such a consent until it has considered a conservation management plan, if it considers the development proposed should be assessed with regard to such a plan.*

##### **(6) The minimum number of issues that must be addressed by the heritage impact statement for development that would affect a heritage item are:**

- (a) the heritage significance of the item as part of the environmental heritage of the City of Blacktown, and
- (b) the impact that the proposed development will have on the heritage significance of the item and its setting, including any landscape or horticultural features, and
- (c) the measures proposed to conserve the heritage significance of the item and its setting, and
- (d) whether any archaeological site would be adversely affected by the proposed development, and
- (e) the extent to which the carrying out of the proposed development would affect the form of any historic subdivision.

***Clause 16A: Development in the vicinity of heritage items***

*(1) Before granting consent to development in the vicinity of a heritage item, the consent authority must assess the impact of the proposed development on the heritage significance of the item.*

*(2) This clause extends to development:*

*(a) that may have an impact on the setting of a heritage item, for example, by affecting a significant view to or from the item or by overshadowing, or*

*(b) that may undermine or otherwise cause physical damage to a heritage item, or*

*(c) that will otherwise have any adverse impact on the heritage significance of a heritage item.*

*(3) The consent authority may refuse to grant any such consent unless it has considered a heritage impact statement that will help it assess the impact of the proposed development on the heritage significance, visual curtilage and setting of the heritage item.*

*(4) The heritage impact statement should include details of the size, shape and scale of, setbacks for, and the materials to be used in, any proposed buildings or works and details of any modification that would reduce the impact of the proposed development on the heritage significance of the heritage item.*

The European heritage significance of the site has been assessed in the *Conservation Management Plan (CMP)* report prepared by Godden Mackay Logan, which is attached as **Appendix D** in **Volume 2** and summarised in Section 7.4. An Indigenous Heritage Investigation (IHI) has been prepared by Jo McDonald Cultural Heritage Management Pty Ltd (JMCHM) and is included as **Appendix D** in **Volume 2** and summarised in Section 7.5.

**F5.5 Clause 18 Development of land in Zone No. 5 (a)**

Clause 18 of Blacktown LEP relates to the "interim use" of the subject site and states as follows:

***Development of land in Zone No. 5 (a), 5 (c), 6 (a) or 6 (c)***

*18. (1) A person may, with the consent of council, carry out development for any purpose on land within Zone No. 5(a) (where that land is to be used by a public authority), 5(c), 6(a) or 6(c) until the land is used or developed for the public purpose for which it is zoned.*

*(2) A person shall not carry out development on land referred to in subclause (1) so as to render the land unfit for the purpose for which it is zoned.*

*(3) The council shall not grant consent as referred to in subclause (1) to the development of land to be acquired by a public authority, other than itself, unless it has obtained the prior written concurrence of the public authority which is to acquire that land.*

*(4) In determining whether or not to grant concurrence under subclause (3), the public authority concerned shall take into consideration -*

*(a) the effect of the proposed development on the costs of acquisition;*

*(b) the imminence of acquisition; and*

*(c) the costs of reinstatement of the land for the purposes for which the land is to be acquired.*

*(5) The council shall not grant consent as referred to subclause (1) for the development of land within Zone No.6(a) or 6(c) unless consideration has been given to-*

*(a) the need for the proposed development on the land;*

*(b) the impact of the proposed development on the existing or likely future use of the land;*

*(c) the need to retain the land for its existing or likely future use;*

*(d) the effect of the proposed development on the costs of acquisition;*

*(e) the imminence of acquisition; and*

*(f) the costs of reinstatement of the land for the purposes for which the land is to be acquired.*

*(6) Notwithstanding any other provision of this plan, a person may, with the consent of the council and the concurrence of the Director, carry out development on land within Zone No.5(a) and marked "Corridor" on the map for the purpose of agriculture, community centres; dwelling-houses; dual occupancy, educational establishments, extractive industries, forestry, mines, public utility undertakings, recreation areas or rural industries.*

*(7) A dwelling-house shall not be erected on a parcel of land within Zone No.5(a) and marked "Corridor" on the map unless the parcel has an area of not less than 20 hectares.*

(8) The council, when deciding whether to grant consent under subclause (6), and the Director when deciding whether to grant concurrence under that subclause, shall take into consideration the following matters:

- (a) the effect of the proposed development on the function of the land as a physical and visual break between adjoining areas;
- (b) the effect of the proposed development on the existing or likely future use of the land by public authorities; and
- (c) in the case of development carried out by a public authority whether the proposed development needs to be carried out in that location or could be carried out on another more appropriate site elsewhere on land within another more appropriate site elsewhere on land within Zone No.5(a) and marked "Corridor" on the map.

Clauses 18 (7) and (8) allow the "interim" use of the site for dwelling houses, but only on land which is greater than 20ha. This use would not be applicable to the subject application as a permanent residential subdivision. Rezoning is however sought as part of this current application.

#### F5.6 Clauses 19 & 20: Drainage

Clause 19 and 20 of the *Blacktown LEP 1988* relate to drainage land affected by the 1% annual exceedance probability flood. These clauses state as follows:

**19 Drainage**

(1) Notwithstanding any other provision of this plan, a person shall not carry out development on land to which this plan applies unless the land is filled to a level satisfactory to the council.

(2) Where, in relation to the carrying out of development on land to which this plan applies, the council makes any requirements with respect to the drainage of land or the drainage of other land, a person shall not carry out that development except in accordance with those requirements.

**20 Development of land affected by the 1% annual exceedance probability flood**

(1) In this clause:

"floodway" means the channel of a river or stream and those portions of land, affected by the 1% annual exceedance probability flood, adjoining the channel and which constitute the main flow path of floodwaters. Floodwaters are areas which, even if only partially blocked, would cause significant redistribution of the flood flow, which may in turn adversely affect other areas. They are often, but not necessarily, the areas of deeper flow or the areas where higher velocities occur.

"1% annual exceedance probability flood" means a flood which has a 1 in 100 chance of occurring in any one given year.

(2) Despite any other provision of this plan, the council may refuse consent to the carrying out of any development on land affected by the 1% annual exceedance probability flood where, in its opinion, the development may:

- (a) adversely affect the efficiency, or unduly restrict the capacity, of the floodway or where the safety of the development would be affected in time of flood,
- (b) affect the flood peak at any point upstream or downstream of the development,
- (c) affect, to a substantial degree, the flow of floodwater on adjoining lands,
- (d) cause avoidable erosion, siltation or unnecessary destruction of riverbank vegetation in the area,
- (e) affect the water table on any adjoining land,
- (f) adversely affect riverbank stability, or
- (g) create a hazard to life or property in time of flood.

A wide range of studies have been undertaken in the assessment of the impacts of the proposed development on ground and surface water. The report by Douglas Partners in January 2006 on *Land Capability* is attached within **Appendix F in Volume 2**.

The report by Ecological Engineering Pty Ltd on the *Western Sydney Parklands – Bungarribee Precinct Doonside Residential Development WSUD Strategy April 2007* is also attached within **Appendix G of Volume 2**. Drainage is assessed in Section 7.7.

#### F5.7 Clause 24: Services

Clause 24 of the *Blacktown LEP 1988* relates to the provision of services. Clauses of relevance to the subject application state as follows:

**24 Services**

.....

(3) A person shall not carry out development on any land to which this plan applies unless arrangements satisfactory to the Water Board have been made with the Board for the provision of water services to the land.

(4) A person shall not carry out development on any land to which this plan applies unless arrangements satisfactory to:

(a) in the case of land within Zone No 1 (a) or 1 (b), the council, or  
(b) in the case of all other land, the Water Board, have been made for the provision of sewerage services to that land.

The proposed development can be adequately serviced by utilities infrastructure. A detailed assessment can be found in the "Civil Infrastructure Report and Masterplan" prepared by YSCO Geomatics and attached in Appendix I of Volume 2. The provision of utilities infrastructure is summarised in Section 7.8.

#### F5.8 Clause 25: Tree Preservation

Clause 25 of the *Blacktown LEP 1988* relates to tree preservation and states as follows:

##### **25 Tree preservation**

(1) A person shall not ringbark, cut down, lop, top, remove, injure or wilfully destroy any tree, or cause any tree to be ringbarked, cut down, topped, lopped, removed, injured or wilfully destroyed; except with the consent of the council.

An Ecological Impact Assessment has been prepared for the Parklands Bungarribee precinct and the Doonside Residential Development parcel by Eco Logical Australia and is included in **Appendix A** of **Volume 2**. Natural Resources assessment is summarised in Section 7.3. Approval of the project will allow funding of revegetation and conservation work in the WSP.

#### F6 STANDARD INSTRUMENT (PRINCIPLE LOCAL ENVIRONMENTAL PLAN)

As the NSW Government plans to make the proposed residential part of the site a *State significant site in the Major Projects SEPP*, it was considered appropriate to consider the equivalent "residential area provisions" in the "Template LEP" for the Doonside Residential Parcel. These future zones will eventually be adopted by Blacktown City Council under its new comprehensive LEP. The rezoning of the Doonside parcel has been discussed with DoP and it was suggested that this EA propose the preferred zoning from the template LEP.

The proposed LEP Template land uses for the area are illustrated in **Map 8** within the Draft Schedule 3 Amendment which is described in **Appendix D**.

#### F7 *Blacktown Development Control Plan 2006*

*Blacktown Development Control Plan 2006 (BDCP 2006)* is the document which provides details of the various standards, policies and guidelines adopted by Council for development in its Local Government Area. *BDCP 2006* also assists developers in designing proposed developments and preparing their applications to Council.

There are 18 Parts that constitute *Blacktown DCP 2006* and that provide guidance on various types of development, whether within a certain zone, specific to a certain site or generic controls applicable to all types of development across the Local Government Area.

Table F4: Relevant Sections of *Blacktown DCP 2006*

<i>Relevant Sections of DCP 2006 Part A</i>	<i>Comment and References in relation to the concept plan application</i>
1.0 INTRODUCTION	Noted
2.0 SUBMITTING A DEVELOPMENT APPLICATION	Noted
3.0 ENVIRONMENTAL PROTECTION	
3.3 Soil Conservation	These details may be required to be submitted: (a) for subdivision - at the time of lodging engineering plans; (b) for building - at the time of lodging a Construction Certificate Application; and/or (c) for other development - before works commence on the site.
3.4 Tree Preservation	Concept design has considered: (a) the effect of that development on the landscape or scenic quality of the locality; and (b) whether any trees or other vegetation on the land should be preserved. (See Section 7.3). All existing and proposed trees have been detailed.

<i>Relevant Sections of DCP 2006 Part A</i>	<i>Comment and References in relation to the concept plan application</i>
3.5 Cultural Heritage	No buildings/items within the site are identified as heritage items within Schedule 2 of the LEP. (See Section 7.4) High Archaeological Significance is noted along the Eastern Creek Riparian Corridor (see Section 7.5).
3.7 Noise Reduction	Traffic volumes on designated roads could generate excessive noise for adjoining residents. (Noise barriers where necessary are included within the Concept Plan proposal see Section 7.12.1)
4.0 ROADS	Recommended Hierarchy see Draft DDC Table 1 (Appendix B)
4.1.3 Collector Roads (20m)	20m collector road proposed through residential precinct
4.1.4 Subdivisional Roads (16m)	16m local roads proposed to provide access to all subdivisions
4.1.7 Pedestrian Pathways	Min 4m wide Pedestrian Access see Fig 24 of DDC (Appendix B)
4.5 Land adjoining Arterial and Sub-Arterial Roads	<i>To improve traffic safety and to avoid the need for a very wide road reservation, vehicular access to a designated road may only be made by way of another road not being a designated road.</i>  Noted, and incorporated into design.
5.0 CAR PARKING	See DDC Car Parking requirements (Appendix B) : <ul style="list-style-type: none"> <li>▪ 5.3.2 – Dwelling Houses</li> <li>▪ 5.4 - Dual Occupancy</li> <li>▪ 5.5.4 – Integrated Housing</li> <li>▪ 5.6.2 – Medium Density Housing</li> </ul>
6.0 SERVICES	Evidence of satisfactory arrangements with Sydney Water (for water and sewage) - Certificate under Sect 73 of <i>The Sydney Water Act 1994</i> . Also satisfactory arrangements re electricity, gas, & telecom.
7.0 SPECIAL CONSIDERATIONS	
7.1 Solar Access	See Cl 5.8.4 – Solar Access
7.3 Traffic Generating Development	In accordance with RTA procedures (SEPP 11)
7.4 Drainage	Drainage Plan included with application. Nepean Hawkesbury River Catchment (SREP20)
7.5 Crime Prevention through Environmental Design	The NSW Police Service has produced 'Safer by Design - A Practical Guide to Crime Prevention Through Environmental Design' to provide detailed design controls for consideration in the planning of development so that crime activities can be minimised. Reference particularly to subdivision design, landscaping, lighting and access control (see section 5.8.2 Draft Doonside DDC Appendix B).
8.0 DEVELOPMENT ON FLOOD PRONE LAND	Based on NSW State Govt's <i>Flood Prone Land Policy</i> . (see Appendix H in Volume 2) All residential to be 500mm above designated flood level. See Draft DDC Appendix B (Fig 9 – Flood Area)
9.0 LOCAL OVERLAND FLOODING	Not affected
10.0 CONTRIBUTIONS	(see Appendix E – Voluntary Developer Planning Agreement)

The following parts of *DCP 2006* also have some relevance and have been considered in the assessment of this concept plan application and in the preparation of the Draft Development Design Code for Doonside (see Appendix B).

- Part C – Development in the Residential Zones,
- Part O - Site Waste Management and Minimisation, and
- Part R – Soil Erosion and Sediment Control Guidelines.

### F7.1 DCP 2006, Part C – Development in the Residential Zones

Relevant sections with Part C are:

- Section 2 – Subdivision for Detached Housing (min lot size 450m<sup>2</sup> and min 20m depth), and
- Section 5 – Integrated Housing (min lot size of 300m<sup>2</sup> and min width of 26m)

Within the Blacktown DCP 2006, a *"Detached Dwelling House"* is defined as:

*"A dwelling-house that is not attached to another dwelling-house by a common wall, ceiling, floor, breezeway, carport or any other structure".*

Integrated housing differs from most other forms of residential development in that a Development Application must be made for both the subdivision and the proposed development concurrently. Once approved, no further Development Application is required.

The proposed concept application includes a number of small lots of 250m<sup>2</sup> which are less in area than the *Blacktown DCP 2006* standard.

All elements of the proposed residential design are detailed in the Draft DDC for the Doonside Residential Parcel which forms part of the application documentation (see Appendix B).

### F7.2 DCP 2006, Part O - Site Waste Management and Minimisation

The objectives of this Part O of the DCP are to:

(a) Provide advice to applicants on how to minimise waste generation and disposal, reduce and handle waste during demolition and construction, to encourage building design and construction techniques which minimise waste and how to prepare a waste management plan; and

(b) Require source separation of materials and use of other design features which complement waste collection management services offered by Council, private providers and other bodies.

The objective of waste management for subdivision involving engineering works is to maximise opportunities for re-use through source separation and on-site storage, which takes into account relevant environmental factors, such as slope and drainage.

Form 1 has been completed and is included with the DA documentation within Appendix A.

### F7.3 DCP 2006, Part R – Soil Erosion and Sediment Control Guidelines

This Part R of *Blacktown Development Control Plan (DCP) 2006* aims to:

(a) minimise soil erosion and sedimentation resulting from site disturbing activities within the City of Blacktown;

(b) promote the protection and enhancement of the natural environment and maintain compatibility with the built environment; and

(c) promote consistency and fairness in the application and regulation of erosion and sedimentation control measures.

The proposed Residential Subdivision can be undertaken in accordance with the requirements of *DCP 2006 Part R Appendix G: Code of Practice Land Subdivisions*.

## F8 Other Plans and Guidelines

### F8.1 Blacktown Engineering Guidelines for Subdivision

The *Engineering Guide for Development*, and its accompanying document, the *Civil Works Specification* provide engineering guidelines for the subdivision and development of land within the Blacktown City Council area.

The aim of these documents is to facilitate the efficient processing of engineering plan submissions, and to ensure that infrastructure associated with any development is designed and constructed to be safe, serviceable, economical to maintain and meets community expectations. These guidelines have been considered in the preparation of this concept plan application.



## F8.2 Section 94 Contribution Plans

There are ten Development Contribution plans which currently apply to land in the Blacktown LGA. The only currently relevant plan is *Blacktown Contributions Plan No. 10 - Tree Planting on Nature Strips*.

A Section 94 contribution for tree planting on nature strips is levied where appropriate on all developments within the City. That is, wherever development occurs within the urban zones of the City and tree planting on nature strips has not been undertaken or previously levied for, a tree planting contribution will be imposed as a condition of development consent. The Concept Plan application includes tree planting on nature strips as “works in kind”.

### *DRAFT Voluntary Developer Planning Agreement*

A new Voluntary Developer Planning Agreement is proposed as part of the application. (Refer to **Appendix E**) The plan has been prepared in consultation with Blacktown City Council and provides controls which promote the development of the preferred concept plan.

## F9 NATURE AND EXTENT OF NON-COMPLIANCE

The nature and extent of non-compliance with current relevant environmental planning instruments and controls is included within Table F5 below.

Table F5: Non-compliances with current EPIs and local controls

<i>EPI or Local Control/Clause</i>	<i>Issue</i>	<i>Comment</i>
<b>Doonside Residential Parcel</b> <b><i>Blacktown LEP 1988</i></b>		
Clause 9 Objectives and table of uses of 5(a) zone	Residential Land Use	The proposed residential subdivision <sup>4</sup> of Doonside within the current concept application is prohibited within the 5(a) (corridor) zone as it is a use not identified within item 3.  Notwithstanding the current zoning, Part 3A approval of the proposed concept will facilitate the rezoning of the site to allow residential development, (see <b>Appendix D</b> ” Amendment to Schedule 3 within <i>SEPP (Major Projects)</i> ).
<b><i>Blacktown DCP 2006</i></b>		
Section 5 – Integrated Housing	(min lot size of 300m <sup>2</sup> and min width of 26m)	The proposed concept application includes lots of 250m <sup>2</sup> which are less than the <i>Blacktown DCP 2006</i> standard.  Notwithstanding the current DCP 2006 standard, Blacktown Council has allowed similar small lots elsewhere and the proposed Doonside DDC (see <b>Appendix B</b> ) has controls to ensure good design appropriate for the nominated lot sizes.

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<sup>4</sup> LEP Clauses 18 (7) and (8) allow the “interim” use of the site for dwelling houses, but only on land which is greater than 20ha (see Section 3.4.5)