

## Planning and Assessment

IRF19/7348

### Gateway determination report

<b>LGA</b>	Blacktown
<b>PPA</b>	Blacktown City Council
<b>NAME</b>	Marsden Park Industrial Precinct (0 homes, 0 jobs)
<b>NUMBER</b>	PP_2019_BLACK_008_00
<b>LEP TO BE AMENDED</b>	State Environmental Planning Policy (Sydney Region Growth Centres) 2006
<b>ADDRESS</b>	Marsden Park Industrial Precinct
<b>DESCRIPTION</b>	The Planning Proposal seeks to remove floor space ratio controls in all zones and remove height controls from land zoned IN1 General Industrial, IN2 Light Industrial and B5 Business Development within the Marsden Park Industrial Precinct under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.
<b>RECEIVED</b>	3 April 2020 (Additional information adequate)
<b>FILE NO.</b>	IRF19/7348
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The Planning Proposal seeks to remove floor space ratio controls in all zones and remove height controls from land zoned IN1 General Industrial, IN2 Light Industrial and B5 Business Development within the Marsden Park Industrial Precinct under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP). No additional lots or dwellings will be created as a result of the proposal.

### 1.2 Site description

The Planning Proposal applies to land within the Marsden Park Industrial Precinct as shown in Figure 1 below.

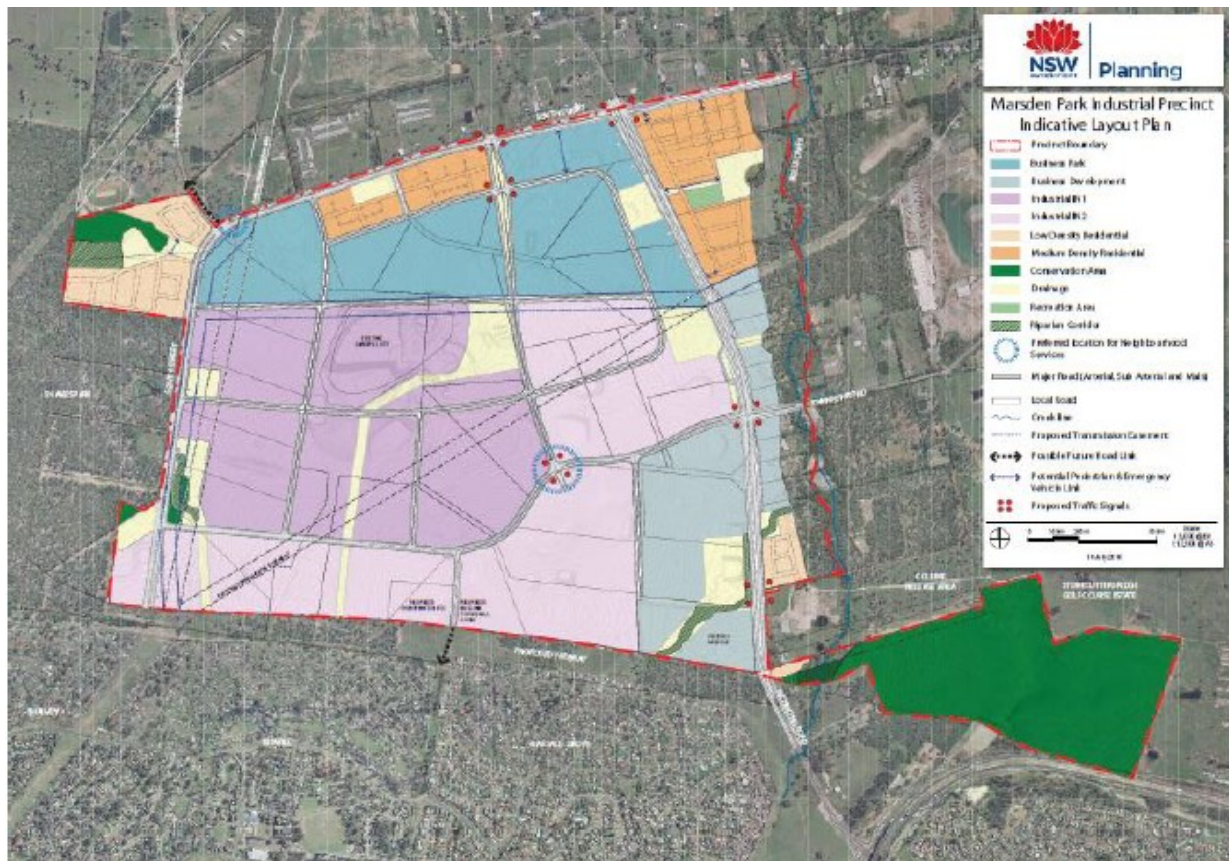


Figure 1. Marsden Park Industrial Precinct Indicative Layout Plan.

### 1.3 Existing planning controls

The planning proposal aims to amend the floor space ratio and building height controls in the Marsden Park Industrial Precinct.

An outline of the existing and proposed controls in Marsden Park Industrial Precinct is provided at section 2.2 below.

### 1.4 Surrounding area

The Marsden Park Industrial Precinct is partly developed with bulky goods retail, warehousing and distribution/logistics land uses. Development is largely confined to the Industrial zoned portions of the precinct.

### 1.5 Summary of recommendation

Preparation of the planning proposal is supported as it will allow for greater flexibility in built form to enable development which reflects the needs of business and is responsive to emerging technologies as per the Central River City District Plan.

The planning proposal will also better support development to reflect the strategic value of Marsden Park Industrial Precinct as a major employment centre for Western Sydney.

The planning proposal should proceed with a condition to amend a related clause (4.4) of Appendix 5 – Marsden Park Industrial Precinct to the Growth Centres SEPP. This is as outlined in section 2.2 below and would rectify the inconsistency between the clause and the mapping amendment while retaining the option for reintroduction of FSR controls and minimising consequential changes to Appendix 5.

## 2. PROPOSAL

### 2.1 Objectives or intended outcomes

The Planning Proposal seeks to remove floor space ratio controls in all zones and height controls from land zoned IN1 General Industrial, IN2 Light Industrial and B5 Business Development within Marsden Park Industrial Precinct.

### 2.2 Explanation of provisions

The existing floor space ratio (FSR) controls across all zones in the Marsden Park Industrial Precinct are 1:1 or less. The existing height controls across all zones range between 8.5m and 24m. Refer the existing and proposed maps at section 2.3 below. Existing and proposed controls are shown in the following Table.

Zone	Existing FSR	Proposed FSR	Existing height	Proposed height
IN1 General Industrial	0.7:1	No FSR	18m	No height control
IN2 Light Industrial	0.7:1	No FSR	16m	No height control
B5 Business Development	1:1 west of Richmond Road 0.75:1 east of Richmond Road	No FSR	16m west of Richmond Road 12m east of Richmond Road	No height control
B7 Business Park	1:1	No FSR	16m and 24m	Unchanged
R2 Low Density Residential	0.5:1	No FSR	8.5m	Unchanged
R3 Medium Density Residential	1:1	No FSR	16m	Unchanged

Table 1 Existing and proposed height and FSR controls

There is a modification required to be made to the planning proposal prior to exhibition. Clauses 4.4 and 4.5 of Appendix 5 – Marsden Park Industrial Precinct to the Growth Centres SEPP relate to FSR and site area. The removal of FSR controls in all zones renders these clauses largely redundant.

Clause 4.4 (1) reads as follows:

*(1) The objective of this clause is to control the bulk and scale of buildings within the Marsden Park Industrial Precinct by setting maximum floor space ratios for development within Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone B5 Business Development, Zone B7 Business Park and Zone IN2 Light Industrial.*

To retain these clauses Council may seek to amend Clause 4.4 by deleting the reference to the specific zones, that is the sentence to end at the words “..floor space ratios for development.” This rectifies the inconsistency between the clause and the mapping amendment while retaining the option for reintroduction of FSR controls and minimising consequential changes to Appendix 5.

It is recommended Council add an explanation of the amendment to the clauses in Part 2 – Explanation of provisions of the planning proposal prior to community consultation.

Revised clauses will be subject of legal drafting at finalisation stage.

## 2.3 Mapping

The proposal seeks to amend two SEPP maps, the Height of Building map SEPP\_SRGC\_NW\_HOB\_005\_020 and the FSR map SEPP\_SRGC\_NW\_FSR\_005\_020.

The following maps show the existing and proposed FSR and Height controls.

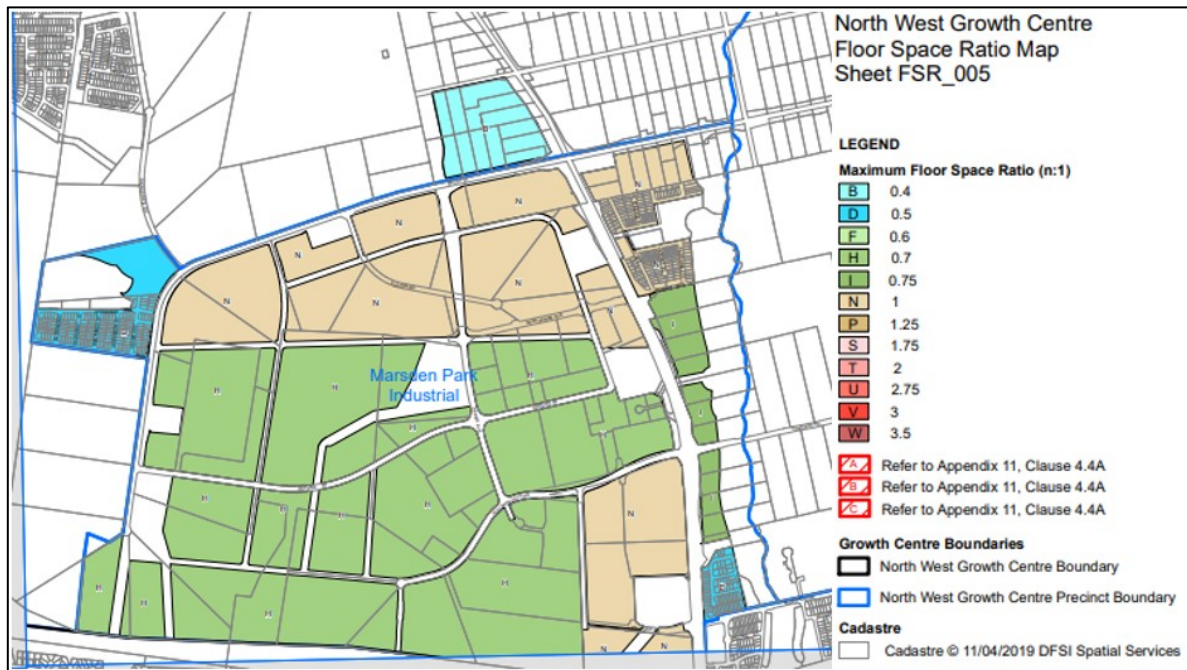


Figure 2 Existing FSR



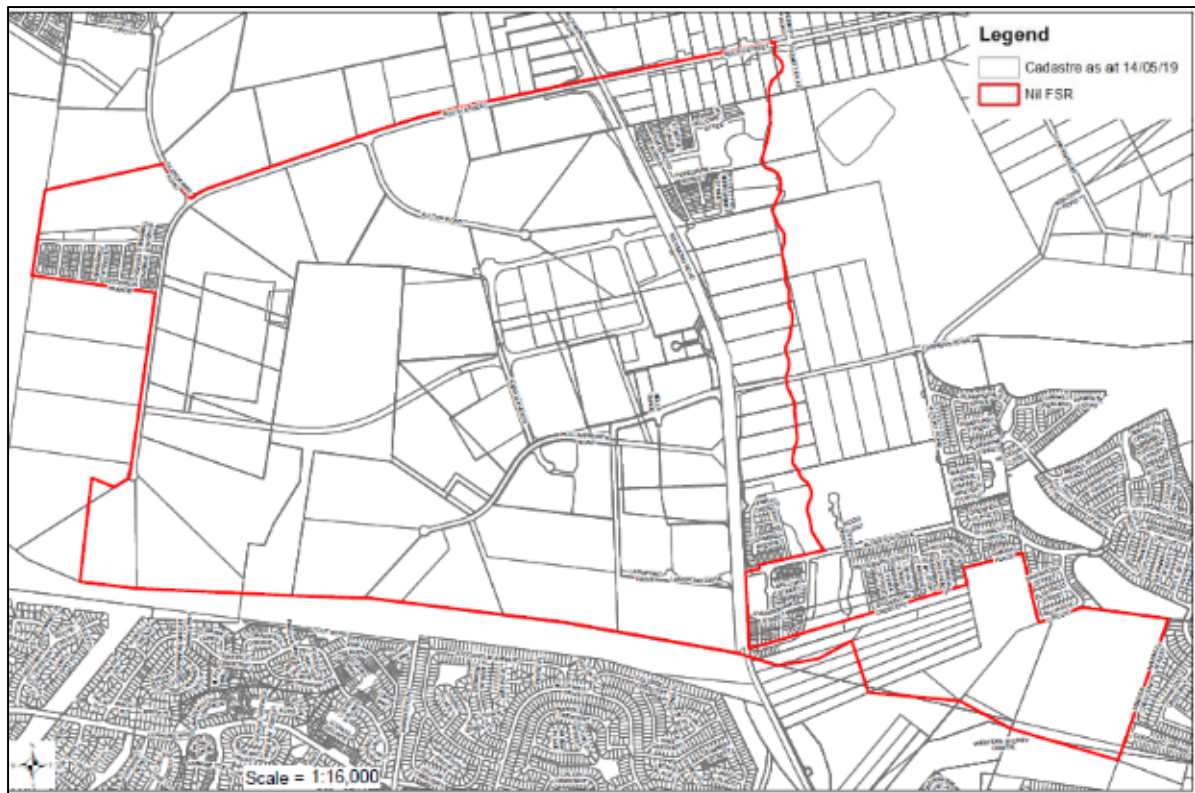


Figure 3 Proposed FSR

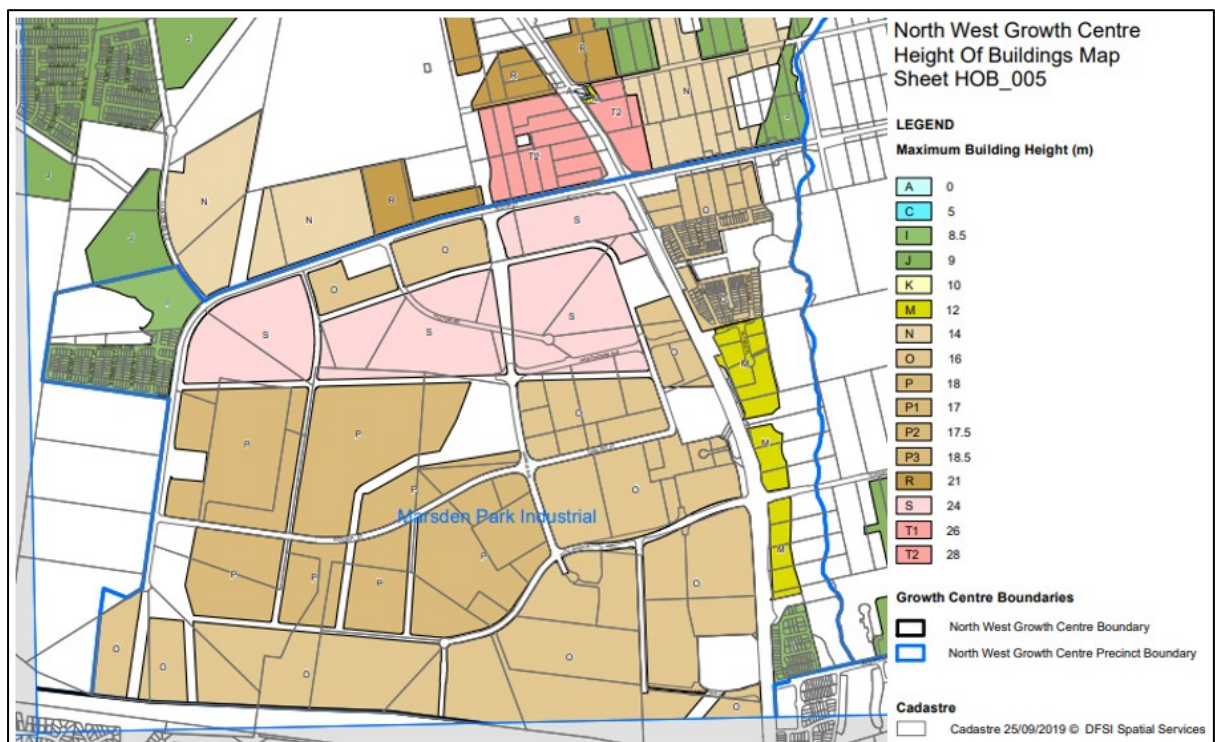


Figure 4. Existing Height of Building control

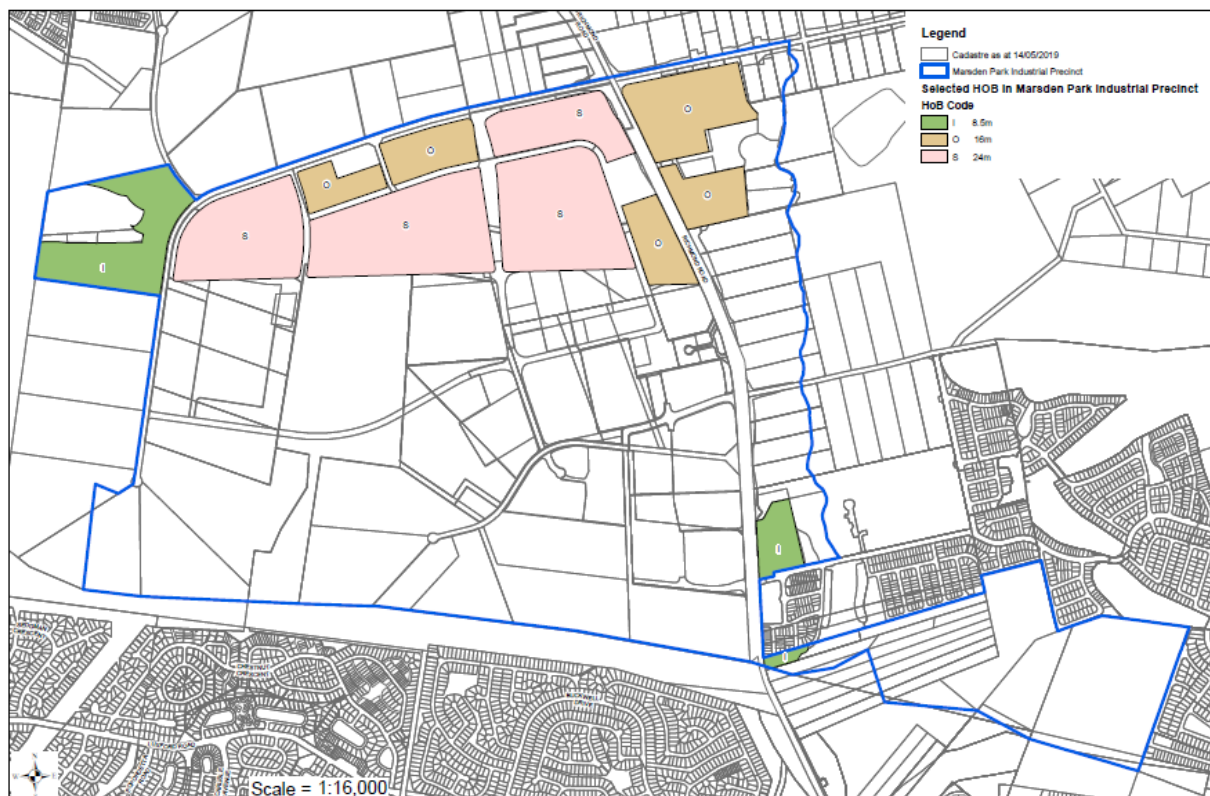


Figure 5. Proposed Height of Building control

### 3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is a Council-initiated proposal with the support of the local planning panel. A planning proposal is required to change the development controls within the Growth Centres SEPP, the key reasons for the planning proposal are:

1. The existing FSR and height of buildings controls under the Growth Centres SEPP are restrictive and inhibit appropriate development. The controls are seen as unnecessarily restrictive in an industrial precinct which is largely buffered from other land uses. The proposed controls will allow for greater flexibility in built form to enable development which reflects the needs of business and is responsive to emerging technologies as per District Plan Planning Priority C11 (see section 4.2 below).
2. The proposed amendment to planning controls will not have an adverse impact on development outcomes. Existing controls under the Growth Centres Development Control Plan, State controls for complying or other development and national construction codes are sufficient to regulate the bulk and scale of buildings suitable to an industrial precinct.
3. The planning proposal will better support development to reflect the strategic value of Marsden Park Industrial Precinct as a major employment centre for Western Sydney.
4. The proposed amendments would ensure consistency with the planning controls under the Blacktown LEP 2015. There is strategic merit in applying a consistent approach to planning controls in the IN1, IN2 and B5 zones across the LGA.

The planning proposal is considered the best means of achieving the desired planning objectives or outcomes. Aside consistency with the Blacktown LEP 2015, a review of the Liverpool LEP 2008, Fairfield LEP 2013 and the Bankstown LEP 2015 indicates each of these LGAs have no FSR or HOB controls or both in respect of the equivalent Industrial zones.

Council has provided additional information responding to the issues raised by the Blacktown Local Planning Panel in 2018. That information has been reviewed and is considered to satisfactorily respond to all matters. It should be noted that Council is now coordinating a separate review of the future Marsden Park Strategic Centre in conjunction with the Department and key state agencies. The additional information is included at section 1.4 of the revised planning proposal document dated March 2020.

## **4. STRATEGIC ASSESSMENT**

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### **4.1 State**

The planning proposal is consistent with the state planning framework.

### **4.2 Regional / District**

The planning proposal supports the objectives and priorities of the Greater Sydney Region Plan and the Central City District Plan, in particular District Plan Planning Priority C11 of 'Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land'. The amendment is intended to facilitate development commensurate with the strategic significance of the precinct.

### **4.3 Local**

The planning proposal is consistent with the Blacktown Planning Strategy 2036, a key direction of which is to promote employment growth in centres and employment areas. The planning proposal supports the role of the precinct as an employment area.

### **4.4 Section 9.1 Ministerial Directions**

The proposal is consistent with all Directions made under Section 9.1 of the Environmental Planning and Assessment Act.

### **4.5 State environmental planning policies (SEPPs)**

The planning proposal has been reviewed against all SEPPs. The proposal seeks to modify development controls for Marsden Park Industrial Precinct under the Growth Centres SEPP 2006 (Appendix 5). The proposal will not contradict or hinder the application of any SEPP.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Social**

The proposal will provide social benefits through improved building design.

### **5.2 Environmental**

There are no environmental impacts of the proposal. Environmental assessment and bio-certification of the precinct occurred as part of the precinct planning and rezoning process. Further environmental assessment will also be undertaken for specific sites as part of the development application process.

### **5.3 Economic**

The proposal has been prepared to avoid negative economic impacts due to unnecessary planning controls. The removal of FSR and building height controls will provide economic benefits through improved building design.

#### **5.4 Infrastructure**

Planning for public infrastructure occurred as part of the precinct planning process. The proposal will not add to infrastructure demand.

### **6. CONSULTATION**

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#### **6.1 Community**

Council proposes to advertise the proposal in local newspapers and on its website and display exhibition materials at its Administration Centre and on its website. However, during COVID restrictions the website display is sufficient. Council considers the proposal to be low impact. This consultation process is considered appropriate.

Given the nature of the planning proposal it is recommended that a 28-day community consultation period be applied.

#### **6.2 Agencies**

Council is prepared to undertake agency consultation as part of the exhibition. Consultation with Transport for NSW is recommended in relation to this proposal.

### **7. TIME FRAME**

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Council provided a recommended timeframe of nine (9) months to finalise the planning proposal. This timeframe is considered appropriate.

### **8. LOCAL PLAN-MAKING AUTHORITY**

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Council should not be authorised to be the local plan-making authority for this proposal as it relates to the Growth Centres SEPP.

### **9. CONCLUSION**

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Subject to the conditions of the Gateway determination, the planning proposal has merit and is supported as it will allow for greater flexibility in built form to enable development which reflects the needs of business and is responsive to emerging technologies. The planning proposal will also better support development to reflect the strategic value of Marsden Park Industrial Precinct as a major employment centre for Western Sydney.

### **10. RECOMMENDATION**

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It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal as follows:
  - a) Under Part 2 – Explanation of provisions, Council is to add an explanation of the need to amend Clause 4.4 of Appendix 5 – Marsden Park Industrial



Precinct to the Growth Centres SEPP to allow the removal of the FSR controls in all zones;

- b) Under Part 3 – Justification (Section B (6)), Council is to update the reference to Ministerial Directions from Section 117 to Section 9.1;
  - c) Under Part 6 – Timeline, Council is to update the table to reflect the commencement date from the date of the Gateway determination and to update the other stages in the timeline.
2. The planning proposal should be made available for community consultation for a minimum of 28 days. Consultation with Transport for NSW is required as part of the exhibition.
  3. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
  4. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



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**7 April 2020**

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