



Planning Proposal

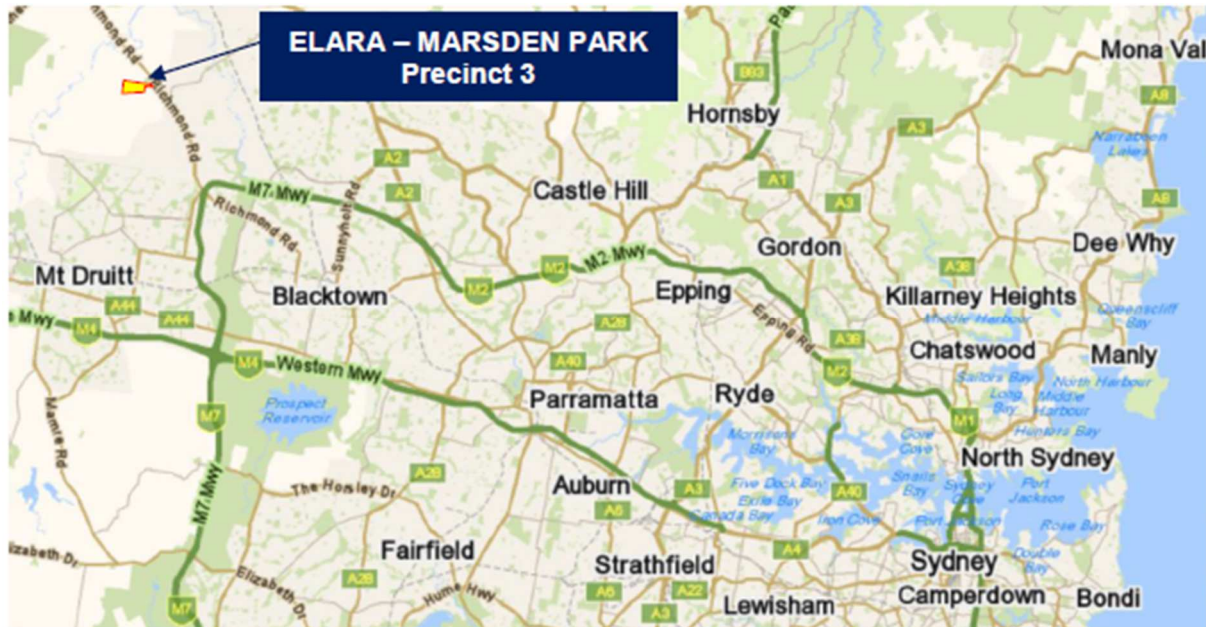
Elara Estate Precinct 3

Part of Lot 111, DP 1190510, Richmond Road, Marsden Park

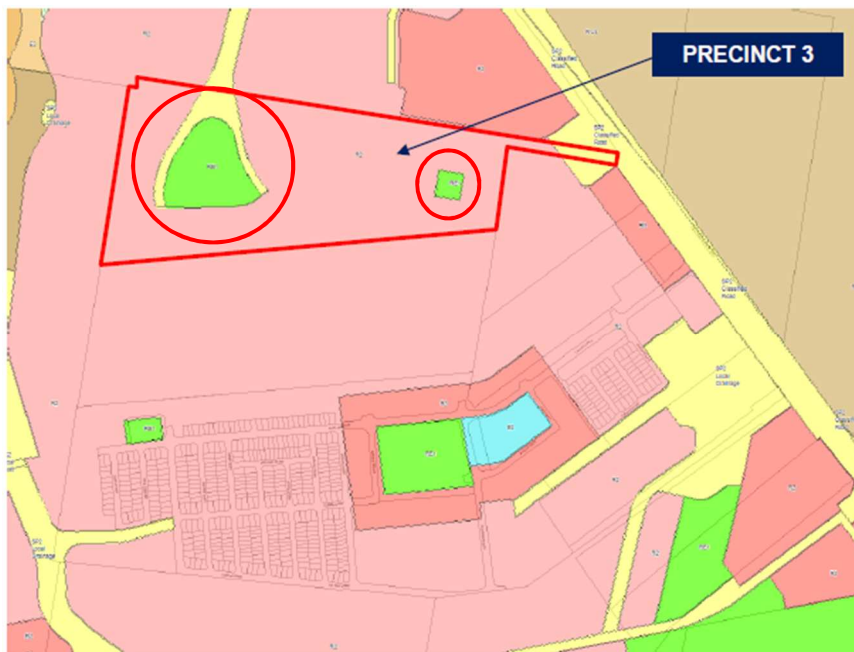
9/1/2017

INTRODUCTION

Blacktown City Council has received a request from GLN Planning on behalf of Stockland to amend *Blacktown Local Environmental Plan 2015* (The Blacktown LEP) to facilitate an amendment to *State Environmental Planning Policy (Sydney Regional Growth Centres) 2006* (the Growth Centres SEPP) to rezone land in Stockland's 'Elara' development located in the vicinity of Richmond Road, Marsden Park.



The proposal specifically relates to two parcels of land owned by Stockland within Precinct 3 of Stockland's 'Elara' Estate. The subject sites are zoned RE1 Public Recreation and SP2 Local Drainage under the Growth Centres SEPP. The figure below illustrates current zoning of RE1 Public Recreation and SP2 Local Drainage in the boundaries of Precinct 3 surrounded by R2 Low Density Residential zoning.



The proposal seeks to vary the location of future playing fields and facilitate a modified drainage design to improve connectivity and provide level access for residents walking to the fields. Minor changes are also sought to the location of a proposed local park to ensure the zone boundaries match new lot boundaries as a result of subdivision. This will allow consistency between land use zones and property boundaries, and requires an amendment to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

PURPOSE

The purpose of this proposal is to facilitate the amendment of the Growth Centres SEPP to rezone the affected land to RE1 Public Recreation and SP2 Local Drainage, and to rezone previous boundaries to R2 Low Density Residential given the new subdivision. **As part of the proposal, R2 Low Density Residential land is required to be rezoned in order to align the Playing Field with the approved surrounding residential subdivisions, to improve lot efficiency and increase the size of the Playing Field.** The zoning amendments will also necessitate corresponding amendments to the Land Zoning, Dwelling Density, Height of Buildings and Land Reservation Acquisition Maps (Sheets 002 and 005) under the Growth Centres SEPP.

THE SITE

The subject sites, within Precinct 3 of Stockland's 'Elara' Estate, are located to the west of Richmond Road in the North West Priority Area at Marsden Park. Precinct 3 is currently located at Lot 111, DP 1190510, and consists of future lots 31 (Playing Field) and 32 (Local Park) that will be subdivided under approved and future DAs relating to the site. Lot 111 has a total area of approximately 40.05ha, and is currently undergoing construction works in order to enable its subdivision. The figure below illustrates the sites which will undergo boundary adjustments within Precinct 3 of Stockland's 'Elara' Estate.



This subdivision will create residue lots which will require further subdivision to create smaller residue lots. These smaller residue lots will then be subdivided into residential lots once the rezoning is processed and the lots are zoned wholly for residential use.

COUNCIL CONSIDERATION

The request from GLN on behalf of Stockland to facilitate an amendment to the Growth Centres SEPP was received by Blacktown City Council through a draft Planning Proposal dated 6 June 2016. Council recommendation has resolved to:

1. *Prepare and forward a Planning Proposal to the Department of Planning and Environment requesting a Gateway Determination to amend State Environmental Planning Policy (Sydney Regional Growth Centres) 2006 to make minor zone boundary adjustments and corresponding changes to planning controls that apply to land within Precinct 3 of the Marsden Park Precinct.*
2. *Implement any conditions attached to a Gateway Determination issued by the Greater Sydney Commission.*
3. *Advise the proponent that Recommendation 1 does not imply or guarantee that the Planning Proposal will ultimately be supported. Council's final determination of the proposal will occur when Council resolved to adopt the Planning Proposal following exhibition and consideration of all relevant matters.*

Accordingly, this Planning Proposal has been prepared by Council Officers with the assistance of information provided by GLN, and in accordance with the Department of Planning & Environment's format for planning proposals as outlined in *A Guide to Preparing Planning Proposals* and *Guide to Preparing Local Environment Plans*.

Consequential amendments to relevant sections of the Blacktown City Council Growth Centre Precinct Development Control Plan (BCC-GC Precincts CP) Schedule 5 are also required to be amended to reflect the proposed changes to zoning.

This Planning Proposal is accompanied by the following supporting documents:

- J Wyndham Prince Report – Trunk Drainage Channel **(Appendix 1)**
- Precinct 3 sports field zoning area map **(Appendix 2)**
- Precinct 3 Local Park zoning area map **(Appendix 3)**
- Precinct 3 combined zoning changes map **(Appendix 4)**

THE PLANNING PROPOSAL

PART 1 – Objectives and Intended Outcomes

The objective of this Planning Proposal is to:

- Facilitate the amendment of the Growth Centres SEPP to reflect boundary changes to Lot 111, DP 1190510 Richmond Road, Marsden Park including Playing Fields, a Local Park and drainage.

The intended outcome of this Planning Proposal is to promote a more suitable subdivision pattern for the use of public recreation, and to install a drainage system which increases connectivity and aesthetic qualities of the local area.

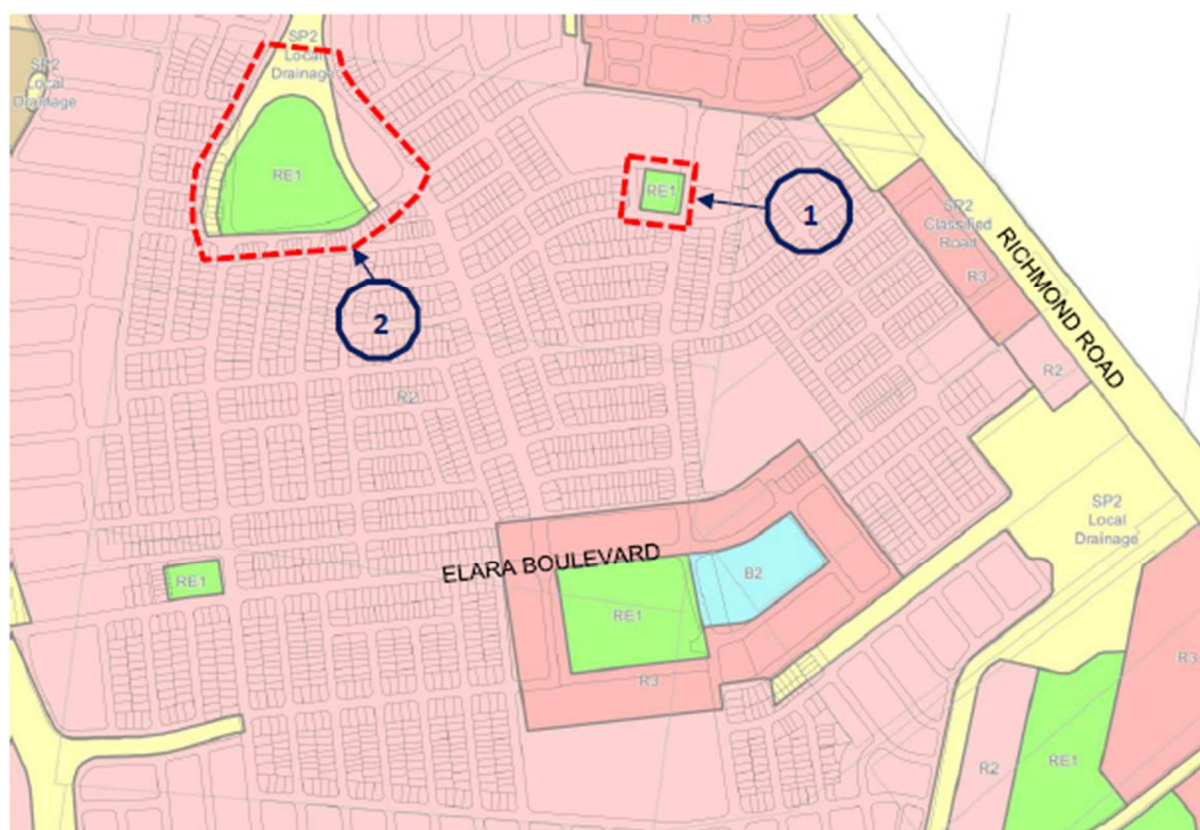


Figure 1 Existing location and zoning of sites to be rezoned

PART 2 – Explanation of Provisions

The effect of the Planning Proposal would be attained by amending the Blacktown LEP 2015 to facilitate an amendment to the Growth Centres SEPP in terms of zoning and other relevant provisions of the subject site required to achieve the objectives and intended outcomes of the Planning Proposals as outlined below:

1. Amend the Growth Centres SEPP – NWGC Land Zoning Map (Sheet 002 + Sheet 005) to align land use zones with approved property boundaries and adjust the location of the playing field eastwards. **Attachment 2.**
2. Amend the Growth Centres SEPP – NWGC Dwelling Density Map (Sheet 002 + Sheet 005) to align the 15 dwelling density area with the adjusted location of the R2 Low Density Residential zone and remove it over RE1 and SP2 zoned land. **Attachment 3.**

3. Amend the Growth Centres SEPP – NWGC Height of Buildings Map (Sheet 002 + Sheet 005) to align the 9m height limit with the adjusted location of the R2 Low Density Residential zone and remove it over RE1 and SP2 zoned land. **Attachment 4.**
4. Amend the Growth Centres SEPP – NWGC Land Reservation Acquisition Map (Sheet 002 + Sheet 005) to align the land identified to be acquired with the RE1 Public Recreation and SP2 Local Drainage zoning and remove the acquisition layer and to remove the acquisition layer over residential zoned land. **Attachment 5**

PART 3 – Justification

Section A – Need for the Planning Proposal

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

No. The Planning Proposal is in response to normalising zone boundaries to ensure there is consistency with approved development.

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

Yes. The proposed changes to the Playing Fields, in terms of its boundaries and associated drainage, as well as the regularisation of zone boundaries of the Local Park can only be achieved via amendments to the Growth Centres SEPP Maps. **The affected zoning includes RE1 Public Recreation, SP2 Local Drainage and R2 Low Density Residential zoning which will be adjusted accordingly in order to promote a more efficient and accessible design outcome.**

As per Section 74 of the Environmental Planning & Assessment Act 1979 *‘an environmental planning instrument may be amended in whole or in part by a subsequent planning instrument whether of the same or a different type.’*

The Planning Proposal seeks to amend Blacktown LEP, to facilitate the amendment of the Growth Centres SEPP, therefore providing Council with an ability to propose amendments to a SEPP via its LEP. Given the SEPP operates in Blacktown similar to an LEP, amending the Growth Centres SEPP via the LEP (through a Planning Proposal) is considered the best mechanism to zoning and boundary changes on the site.

Section B – Relationships to Strategic Planning Framework

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

(a) A Plan for Growing Sydney

The current Sydney metropolitan strategy *A Plan for Growing Sydney* identifies that Sydney will need around 664,000 additional homes over the next 20 years. The North West Growth Centre is identified within the Plan as a release growth area and includes objectives and actions to guide the development of this area which will assist with housing supply and housing choice.

The Plan identifies greenfield development in new land release areas as an important component of Sydney's overall housing supply comprising almost a quarter of Sydney's housing growth in recent years.

The rezoning sought under this Planning Proposal will facilitate a better design of the playing field and drainage infrastructure providing better accessibility by local residents living within the Precinct. The Planning Proposal will also provide clarity in the planning controls by fixing irregular zoning patterns over lots. Although the Playing Field rezoning will result in a net loss of 0.0246 ha in R2 Low Density Residential zoning, this will not reduce the development capacity in surrounding land as the proposal aims to align the Playing Field with approved subdivision and therefore not result in any decreased dwelling count.

The Planning Proposal lodged is minor in nature and will not be inconsistent with the proposed changes to *A Plan for Growing Sydney*.

(b) Draft West Central District Plan

The Greater Sydney Commission has released draft District Plans to help guide Government decisions. The Marsden Park Precinct is located within the draft West Central District, and is illustrated as a strategic centre within the North West Growth Centre. The proposed amendments do not affect the Marsden Park strategic centre located to the south of the site, and will facilitate housing within the Precinct and the delivery of infrastructure to support additional resident with the aims of this draft plan. Although there will be a net loss of 0.0246 ha in R2 Low Density Residential zoning, this will not reduce the development capacity in the surrounding land as the proposal aims to align the Playing Field with approved subdivision and therefore not result in any decreased dwelling count.

(c) West Central Subregion

Marsden Park is located within the West Central Subregion of Sydney. The Planning Proposal is consistent with the objectives outlined for the West Central Subregion in that it will support the priority to 'accelerate housing supply, choice and affordability and build great places to live.'

4. Is the Planning Proposal consistent with a Council's Local Strategy or other Local Strategic Plan?

The *Blacktown Planning Strategy 2036* is Council's key strategic land use planning document that will facilitate and manage future growth and development within the City of Blacktown to 2036. The document identifies that by 2036, Blacktown LGA is predicted to grow to approximately 500,000 people and 180,000 dwellings. A key direction under the strategy is to accommodate population and employment growth within the new release areas in the North West Growth Centre.

The strategic directions outlined in the plan include:

1. A vibrant and inclusive community
2. A clean and sustainable environment
3. A smart and prosperous economy
4. A growing city supported by accessible infrastructure
5. A sporting and active city
6. A leading city

The Planning Proposal is consistent with this local strategy by providing clarity to the planning controls so as to enable the provision of housing within a key growth area, along with ensure infrastructure is provided to support the growth in population and infrastructure demand.

Piped drainage supports direction 2 in creating 'a clean and sustainable environment'. Having greater access to green spaces through increased connectivity supports direction 5 in creating a 'sporting and active city'.

The rezoning will not result in any loss of dwelling capacity in the area even though there will be a net loss of 0.0246 ha R2 Low Density Residential zoned land given the proposal seeks to align the Playing Field with approved residential subdivision and therefore not encroach on development capacity.

5. Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

A review of State Environmental Planning Policies (SEPPs) has been undertaken and the consistency of the Planning Proposal with the applicable SEPPs is summarised in **Attachment 1**.

This Planning Proposal does not contain provisions that will contradict or would hinder the application of these SEPPs. Further assessment against the relevant SEPPs will be undertaken during the DA stage.

The principle planning instrument affecting the Subject Site is *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*.

A list of SEPPs relevant to this Planning Proposal, as well as notes on consistency with these SEPPs, is shown in the table below:

SEPP	Aim	Comments
Growth Centres SEPP	Relevant aims of the Blacktown Growth Centres Precinct Plan under clause 1.2 include: (a) to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan and the indicative layout for the land to which this Precinct Plan applies, (b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity, (c) to guide the bulk and scale of future development within the Precinct, (f) to rezone land to allow for retail and commercial uses to meet the needs of future residents of the Marsden Park Precinct and surrounding areas.	The Planning Proposal is consistent with the aims of the Growth Centres SEPP. The Planning Proposal seeks approval for a minor rezoning related to the northern playing field and an amendment to the land use zoning and associated planning control maps to address minor inconsistencies between them and approved subdivision layouts. These inconsistencies are based on DA approvals that have relied on the zone boundary flexibility clause under the Growth Centres SEPP. The changes to the northern playing fields are to facilitate a more functional design and improved amenity. These amendments will 'tidy up' the inconsistencies to support and facilitate the aims of the Growth Centres, particular in relation to aims (a), (b), (c) and (f).

SEPP 55 – Remediation of land	Relevant considerations of SEPP 55 relating to Planning Proposals under clause 6 include: (a) the planning authority has considered whether the land is contaminated, and (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.	Contamination has been assessed as part of the bulk earthworks DAs over the site and found to be suitable. A Contamination Report was prepared by JBS&G. The subject site is located within Precinct 3 and forms part of the area identified within the report as the 'rear paddocks'. Based on the findings of the report, there were no known contaminants located within the activity area.
-------------------------------	---	--

6. Is the Planning Proposal consistent with applicable Ministerial Directions?

The Section 117 Ministerial Directions (under Section 117(2) of the Environmental Planning and Assessment Act 1979) provide local planning direction and are to be considered when rezoning land. The proposed amendment is consistent with Section 117 Directions issued by the Minister for Planning and Infrastructure.

The following table outlines the consistency of the Planning Proposal to relevant Section 117 directions:

Direction		Consistency of Planning Proposal
1	Employment and Resources	
1.2	Rural Zones	Not applicable The MPP was rezoned for urban purposes on 4 October 2013. The subject site does not contain rural zoning.

1.3	Mining, Petroleum Production and Extractive Industries	Not applicable
1.4	Oyster Aquaculture	Not applicable
1.5	Rural lands	Not applicable
2	Environment and Heritage	
2.1	Environment Protection Zones	Not applicable The subject site is clear of any vegetation and is not within an Environment Protection Zone.
2.2	Coastal Protection	Not applicable
2.3	Heritage Conservation	Not applicable The subject site does not contain any heritage conservation. An AHIP has been issued over the subject site with bulk earthworks commenced across the site under DA-14-1948 and DA-16-04239, approved by Council on 27 January 2015 and 28 March 2017.
2.4	Recreation Vehicle Areas	Not applicable
3	Housing, Infrastructure and Urban Development	
3.1	Residential Zones	The proposal seeks minor amendments with the primary outcome being to ensure zoning boundaries are consistent with property boundaries. This Planning Proposal is considered to be consistent with this policy.
3.2	Caravan Parks and Manufactured Home Estates	Not applicable
3.3	Home Occupations	Not relevant to the assessment of this Planning Proposal
3.4	Integrating Land Use and Transport	Not applicable
3.5	Development Near Licensed Aerodromes	Not applicable
3.6	Shooting Ranges	Not applicable
4	Hazard and Risk	
4.1	Acid Sulphate Soils	This Planning Proposal seeks minor amendments primarily to the land use zoning. Future built form will be constructed in accordance with the recommendations provided within submitted Geotechnical and Salinity reports lodged during the assessments of relevant DAs.
4.2	Mine Subsidence and Unstable Land	Not applicable The site is not identified as being within a Mine Subsidence District.
4.3	Flood Prone Land	The site contains a small area of flood prone land which will be designed to sit within the future bio-retention and drainage basin as was envisaged within the current design. The residential land around the playing fields will not be impacted by flood prone land.
4.4	Planning for Bushfire Protection	Not applicable – the site is not bushfire prone.
5	Regional Planning	
5.1	Implementation of Regional	The Planning Proposal is consistent with the

	Strategies	current aims outlined for the Central West Sub region under the Plan for Growing Sydney. Refer section 4.3.2 of this Planning Proposal.
5.2	Sydney Drinking Water Catchments	Not applicable
5.3	Farmland of State and Regional significance on the NSW Far North Coast	Not applicable
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not applicable
5.6	Sydney to Canberra Corridor	Not applicable
5.7	Central Coast	Not applicable
5.8	Second Sydney Airport: Badgerys Creek	Not applicable
6 Local Plan Making		
6.1	Approval and Referral Requirements	Not applicable
6.2	Reserving Land for Public Purposes	Not applicable
6.3	Site Specific Provisions	Not applicable
7 Metropolitan Planning		
7.1	Implementation of the Metropolitan Strategy	The Planning Proposal is consistent with <i>A Plan for Growing Sydney</i> and will facilitate housing growth within an identified growth area. Refer to section 4.3.2 of this Planning Proposal.
7.2	Implementation of Greater Macarthur Land Release Investigation	Not applicable
7.3	Parramatta Road Corridor Urban Transformation Strategy	Not applicable

Section C – Environmental, Social and Economic Impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The subject site is biodiversity certified and has been cleared under approval bulk earthworks DAs (14-1948 and 16-04239)

8. Are there any other likely Environmental Effects as a result of the planning proposal and how are they proposed to be managed?

There are no other likely environmental effects that are anticipated to result from the zone boundary and other map adjustments. Relevant environmental impacts have been assessed as part of previously approved bulk earthworks and subdivision applications over the site.

Stormwater management

The piping of piped drainage channels as opposed to open drainage will allow approximately 1.2 ha of land to be used as Public Open Space, enhancing the urban outcome of the Marsden Park residential precinct. The piping will provide Council and the community with additional active, useable open space.

Open space

There are no additional dwellings to be introduced as a result of zoning changes. The provision of open space has been increased with minor boundary changes to the Local Park, with an increase of 0.0054 ha to 0.4818 ha. The redesigning of the playing field will comprise an area of 5.2105 ha, previously being 4.2844 ha. This results in a net increase of 0.9171 ha in open space provision.

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

Yes. There is not considered to be any adverse social or economic effects as a result of the amendments sought. The changes are to address current irregularities between lot boundaries and planning control maps, and to achieve a better layout for the future playing fields located in Precinct 3.

J.Wyndam Prince has prepared a report on the piped trunk drainage channel (**Appendix 1**). This report investigates the reconfiguration of the trunk drainage elements MS 1.6 and MS 1.7 within the *Marsden Park Contributions Plan No.21* from landscaped channels to a piped solution. Hydrologic modelling was undertaken and assessed to determine the pipe necessary to convey the flows as an alternate to open channels. The report identifies that four 1200mm reinforced concrete pipes (**RCP**) are one 1050mm RCP would be required for MS 1.6 and three 1200mm RCPs would be required for MS 1.7 to convey the piped flows.

The changes to the playing field location include an integrated piped drainage solution which will result in a more functional design and better amenity for residents accessing this facility. By piping the channel, it will provide Council and the community with additional active usable open space with no net increase in residential land as a result of the rezoning. This is considered to provide a better outcome for the community and future nearby residents.

Section D – State and Commonwealth interests

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

Yes. The Planning Proposal merely addresses mapping anomalies in the Growth Centres SEPP and adjusts the location of the playing fields to a more desirable location.

The Planning Proposal seeks a minor rezoning to shift the playing fields to the east to facilitate an improved design and enable future DAs to be considered in this new layout. This will not reduce development capacity of the area although there will be reduced R2 Low Density Residential zoning given the proposal seeks to align the Playing Field with approved subdivision and will therefore not encroach on developable land.

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

As this rezoning is of a minor nature it is not considered necessary for the proposal to be referred to State and Federal public authorities. Consultation with relevant State and Commonwealth public authorities can be undertaken as part of the exhibition of the Planning Proposal, as directed by the Gateway Determination.

Part 4 – Mapping

- Existing Land Zoning Map
- Proposed Land Zoning Map
- Existing Height of Buildings Map
- Proposed Height of Buildings Map

- Existing Residential Density Map
- Proposed Residential Density Map
- Existing Land Reservation & Acquisition Map
- Proposed Land Reservation & Acquisition Map

Part 5 – Community Consultation

The Gateway Determination will stipulate the nature and extent of required community consultation in accordance with the document 'A guide to preparing local environmental plans'.

The usual exhibition of an LEP is 28 days which is considered to be reasonable in the circumstances.

Public consultation will take place in accordance with the Gateway Determination made by the GSC in accordance with Sections 56 & 57 of the *Environmental Planning & Assessment Act 1979*.

Part 6 – Project Timeline

Mile Stones	Anticipated on the Week Commencing
Forward Planning Proposal to the Department	September 2017
Date of LEP Review Panel Meeting	September 2017
Date of Gateway Determination	September 2017
+Completion of required technical information & Government agency consultation (Pre-exhibition)	October 2017
Commencement of public exhibition	October 2017
Completion of public exhibition	October 2017
Completion of consideration of submissions & Government agency consultation (Post-exhibition)	November 2017
Report to Council (outcome of exhibition & recommendations)	November 2017
Council's consideration & resolution on the report	November 2017
Date of submission to the Department to finalise the LEP	December 2017
Finalise the LEP by the Department and Parliamentary Council	January 2017
Publish the LEP	February 2017

ATTACHMENT 1

Consistency with SEPPs

State Environmental Planning Policies (SEPPs)	Consistent		N/A	Comment
	YES	NO		
SEPP No 1 Development Standards			✓	The Provisions of SEPP 1 do not apply to the site pursuant to Clause 1.9(2) of Appendix 7 of the Growth Centres SEPP.
SEPP No 4 Development Without Consent and Miscellaneous Exempt and Complying Development			✓	SEPP (Exempt and Complying Development Codes) 2008 applies to the site however is not relevant to the Planning Proposal.
SEPP No 6 Number of Storeys			✓	The Standard instrument definition for the number of storeys applies.
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	✓			The SEPP is not relevant to the Planning Proposal as it is a greenfield site.
SEPP No 55 Remediation of Land			✓	Land capability and contamination assessment during the precinct planning did not identify any contamination on the subject site. Notwithstanding this, contamination will be further addressed at the DA stage.
SEPP No 60 Exempt and Complying Development			✓	SEPP (Exempt and Complying Development Codes) 2008 applies to the site however is not relevant to the Planning Proposal.
SEPP No 64 Advertising and signage			✓	SEPP 64 is not relevant to the Planning Proposal. The SEPP may be relevant to future DAs.
SEPP No 65 Design Quality of Residential Flat Development	✓			Residential flat buildings are permitted in the R3 zone under the Growth Centres SEPP and the Planning Proposal is capable of consistency with SEPP 65 for future development of the site
SEPP No.70 Affordable Housing (Revised Schemes)			✓	SEPP 70 is not relevant to proposed amendment.

SEPP (Affordable Rental Housing) 2009			✓	SEPP (Affordable Rental Housing) is not relevant to proposed amendment.
SEPP (BASIX) 2004	✓			Detailed compliance with SEPP (BASIX) will be demonstrated in a future development application for the scheme facilitated under this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008	✓			SEPP (Exempt and Complying Development Codes) may apply to the future development of the site.
SEPP (Infrastructure) 2007	✓			SEPP (infrastructure) may apply to the future development of the site.
SEPP (State and Regional Development) 2011	✓			The future development of the site is not likely to be deemed as 'regional development' and Council will likely act as the determining authority.
Sydney Regional Environmental Plan No 18– Public Transport Corridors			✓	This SREP does not apply to the Blacktown LGA.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	✓			The proposed development is not located within the foreshores and waterways area boundary. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.