

Blacktown Local Environmental Plan 1988 (Amendment No 245) – Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in the Marsden Park Industrial Precinct – 887–895 Richmond Road, Marsden Park

Proposal Title : Blacktown Local Environmental Plan 1988 (Amendment No 245) – Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 in the Marsden Park Industrial Precinct – 887–895 Richmond Road, Marsden Park

Proposal Summary : The planning proposal seeks to rezone parts of Lots 1 and 2 DP 170048 (No. 887-895 Richmond Road, Marsden Park) from R3 Medium Density Residential zone to B5 – Business Development zone to provide a logical separation between the residential and business uses following the construction of a new intersection at Quarry Road and Richmond Road by the Roads and Maritime Services as parts of the planned upgrade of Richmond Road.

PP Number : PP_2014_BLACK_005_00 **Dop File No :** 14/13131

Proposal Details

Date Planning Proposal Received : 06-Aug-2014 **LGA covered :** Blacktown

Region : Metro(Parra) **RPA :** Blacktown City Council

State Electorate : RIVERSTONE **Section of the Act :** 55 - Planning Proposal

LEP Type : Spot Rezoning

Location Details

Street : 887-895 Richmond Road

Suburb : Marsden Park **City :** Blacktown **Postcode :** 2765

Land Parcel : Parts of Lots 1 and 2 DP 170048

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :	Sydney North West	Release Area Name :	
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	Employment Land
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	158
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment : In relation to the Lobbyist Code of Conduct there are no records on the Department's Lobbyist Contact Register regarding this matter.			

Supporting notes

Internal Supporting Notes : **POLITICAL DONATIONS DISCLOSURE STATEMENT**

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

ADDITIONAL INFORMATION

The planning proposal was received on 6 August 2014 by the regional team. Comments from the Department's Sydney Employment Area Team was received on 8th September 2014.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

BACKGROUND AND PROPOSAL

Blacktown City Council received a request from Brown Consulting, on behalf of Legacy Property Pty Ltd, to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the "Growth Centres SEPP") to rezone parts of Lots 1 and 2 DP 170048 (No. 887-895 Richmond Road) from R3 Medium Density Residential zone to B5 – Business Development zone to provide a logical separation between the residential and business zone uses following the construction of a new intersection at Quarry Road and Richmond Road by the Roads and Maritime Services. It is part of RMS's planned upgrade of Richmond Road and the removal of a slip lane which previously gave access to the subject site.

In conjunction with the planning proposal, the proponent has also submitted a request to prepare a draft amendment to the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 to ensure consistency with the SEPP changes sought via the planning proposal. Council has advised that it will progress the necessary amendments to the DCP concurrently with the planning proposal.

The planning proposal will result in additional 3.1 hectares of land zoned B5 – Business Development and a corresponding reduction to land zoned R3 Medium Density Residential.

OBJECTIVES

The objective of the planning proposal is to provide a logical separation between the residential and business zone uses following the construction of a new intersection at Quarry Road and Richmond Road by the Roads and Maritime Services as part of the planned upgrade of Richmond Road.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

Council has provided the following explanation for the proposed amendment:

To achieve the proposed objective, the planning proposal seeks to amend the following Growth Centres maps:

- 1. Land Zoning – sheet LZN_005 (Marsden Park Industrial Precinct).**
- 2. Floor Space Ratio – sheet FSR_005 (Marsden Park Industrial Precinct).**
- 3. Maximum Building Height – sheet HOB_005 (Marsden Park Industrial Precinct).**
- 4. Minimum Lot Size – sheet LSZ_005 (Marsden Park Industrial Precinct).**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.5 Rural Lands

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

SECTION 117 DIRECTIONS

1.1 BUSINESS AND INDUSTRIAL ZONES

This direction applies as the planning proposal proposes to increase the size of business zone. It is considered that the proposal is not inconsistent with the direction as the proposal does not reduce the business zoned land.

The rezoning is not a result of Council's strategy. The Department's Employment Precincts Branch was consulted and no objection to the proposal was raised.

3.1 RESIDENTIAL ZONES

This direction applies as the planning proposal proposes to rezone R3 Medium Density Residential zone to B5 Business Development zone. However, the inconsistency is considered to be of a minor nature given the planning proposal will:

- result in loss of only 3.1 hectares of land zoned R3 Medium Density Residential.
- improve the quality of the residential zoned land to the west of Quarry Road by providing a logical separation between residential areas and business zone.

The inconsistency is considered to be of a minor nature and the approval of the Secretary is recommended, to satisfy the Direction.

3.4 INTEGRATED LAND USE AND TRANSPORT:

The direction applies to the planning proposal.

Under this Direction, a planning proposal must include provisions that give effect to and are consistent with the aims, objectives and principle of:

(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001) and

(b) The right Place for Business and Services – Planning Policy (DUAP 2001).

Central to these two documents are the objectives of improving access to housing, jobs and services by walking, cycling and public transport, and the reducing travel demand including the number of trips generated by development and the distance travelled, especially by car. Given the site is well situated along Richmond Road, the proposal is considered to be consistent with the direction.

4.3 FLOOD PRONE LAND

This direction applies as Council has advised that a small part of the site, proposed to be zoned B5 Business Development zone, is identified as low flood risk (map indicating the flood affectation is in Documents). Council considers that this matter can be addressed at the development application stage and this is supported.

The part affected by flooding is a relatively small area to the east and its impact can be better managed/mitigated as business zoned land than residential land. It is agreed with Council that this matter can be resolved at development stage.

The inconsistency is considered to be of a minor nature and the approval of the

Secretary is recommended, to satisfy the Direction. It is further recommended that Council formally consult with NSW Office of Water prior to public exhibition.

4.4 PLANNING FOR BUSHFIRE PROTECTION

Council has advised that part of the land is identified as being bushfire prone land (Bushfire Zone Buffer and Category 1) (copy in Documents).

It is noted sub clause 4 of this Direction requires consultation with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination and prior to undertaking community consultation and take into account any comments made by the NSW Rural Fire Service.

Accordingly, it is recommended that Council consult with the NSW Rural Fire Service, prior to exhibition.

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The planning proposal is not inconsistent with the Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney to 2031 and the draft North West Subregional Strategy.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has provided the following maps:

- Location Map
- Existing and proposed zoning maps
- Flood Map
- Bushfire Map
- Draft Height of Buildings Map
- Draft Lot Size Map
- Draft Zoning Map
- Draft Residential Density Map

It is considered that the maps are adequate for consultation purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has advised that the Gateway Determination will specify the community consultation period. Given the nature of the Planning Proposal, it is recommended that it should be placed on public exhibition for a minimum of 14 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2014**

Comments in relation to Principal LEP :

The Blacktown Principal LEP has been exhibited and submitted to the Department for making of the plan. The LEP is expected to be made in the last quarter of 2014.

Assessment Criteria

Need for planning proposal :

As stated under the statement of objectives, the main purpose of this amendment is to rezone parts of Lots 1 and 2 DP 170048 (No. 887-895 Richmond Road) from R3 Medium Density Residential zone to B5 – Business Development zone to provide a logical separation between the residential and business uses following the construction of a new intersection by the Roads and Maritime Services at Quarry Road and Richmond Road as part of the planned upgrade of Richmond Road.

Consistency with strategic planning framework :

The planning proposal is not considered to be inconsistent with both draft Metropolitan Strategy for Sydney 2031 and the draft South West Sub-regional Strategy.

Environmental social economic impacts :

ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

Council has advised that Biodiversity Certification has been granted on the area to be rezoned under the Growth Centres Biodiversity Certification Order. This certification permits development to occur without the need for further assessment under the Threatened Species Conservation Act 1995.

Council has further advised that the site contains an area that is not covered by Biodiversity Certification, being the riparian corridor on the eastern boundary. This land is zoned E2 Environmental Conservation under the provisions of State Environmental Planning Policy (Sydney Growth Centres) 2006. The planning proposal does not propose any changes to this area and the riparian corridor will not be affected.

The subject site contains flood prone and bushfire hazard risk areas. Council has advised that these issues will be addressed at the development application stage. These issues has already been discussed under s117 Direction 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection.

Council engaged a consultant to prepare an Economic Study on the social and economic effects of the proposed rezoning. The Study concluded that:

- The rezoning would create a rational, contiguous of B5 Business Development zone land given the location of the subject site to the south of the proposed access road.
- The planned Marsden Park Town Centre will not suffer any future adverse economic impacts as a result of the proposed rezoning and development.
- The planning proposal will create a potential of 59 – 158 jobs and improve shopper choice and convenience.

INTERNAL CONSULTATION

The Employment Precincts Branch was consulted and advised it has no objection to with the planning proposal progressing. The Branch also advised the proposal is infill business land as a result of a change in the road pattern for Richmond road and is consistent with the overall intent of the Marsden Park Industrial area.

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Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **Nil**

Public Authority **NSW Rural Fire Service**
Consultation - 56(2) **Transport for NSW - Roads and Maritime Services**
(d) :

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

Residential Land Release (MDP)

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council letter to DoPE requesting Gateway Determination.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Hill PDA Economic Study.pdf	Study	Yes
RMS information.pdf	Determination Document	Yes
Maps showing SEPP Changes.pdf	Map	Yes
Flood Map.pdf	Map	Yes
Bushfire map.pdf	Map	Yes
No objection from Sydney Employment Team of the Department .pdf	Determination Document	No

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
1.5 Rural Lands
3.1 Residential Zones
3.4 Integrating Land Use and Transport

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4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

Recommendation:

It is recommended that the planning proposal proceed subject to the following conditions:

1. The Secretary's delegate pursuant to:
 - a. item (5) (d) of section 117(2) Direction - 1.1 Business and Industrial Zones agrees that the inconsistency is of a minor nature;
 - b. item (6)(d) of section 117 (2) Direction – 3.1 Residential Zones agrees that reduction of dwelling density is of a minor nature; and
 - c. item (9)(b) of section 117 (2) Direction – 4.3 Flood Prone Land agrees that the provisions of the planning proposal that are inconsistent are of minor significance.
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Rural Fire Service NSW
 - Transport for NSW – Road and Maritime Services
 - NSW Office of Water, Department of Primary Industries

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

Consultation with the NSW Office of Water and NSW Rural Fire Service are to occur prior to commencement of public exhibition and Council is to amend the planning proposal if required.

3. The planning proposal is exhibited for 14 days.
4. The timeframe for completing the planning proposal is to be 6 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal is supported as the rezoning will provide a logical separation between the residential and business uses following the construction of a new intersection by the Road and Maritime Services.

The Employment Precincts Branch was consulted and advised it has no objection to with the planning proposal progressing.

Signature:



Printed Name:

CHAD CHAD MCINTYRE

Date:

18/9/14