

BLACKTOWN CITY COUNCIL

PLANNING PROPOSAL

**Blacktown LEP 1988 Draft Amendment No. 245 – Amendment to Sydney
Region Growth Centres SEPP – 887-895 Richmond Road, Marsden Park**

April 2014

INTRODUCTION

Blacktown City Council has received a request from Brown Consulting on behalf of Legacy Property Pty Ltd, to prepare a Planning Proposal to amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the "Growth Centres SEPP") as it applies to certain land in the Marsden Park Industrial Precinct.

The request relates to land on the eastern side of Richmond Road between South Street and Townson Road, known as Lots 1 and 2 in DP 170048 (No. 887-895 Richmond Road). The subject land was rezoned part R3 Medium Density and part B5 Business Development under Attachment 5 (Marsden Park Industrial Precinct) of the Growth Centres SEPP in 2010.

The Planning Proposal seeks to rezone a portion of the R3 zone on the subject site to B5 to provide a logical separation between the residential and business areas following the construction of a new intersection at Quarry Road by the Roads and Maritime Services (RMS) as part of the planned upgrade of Richmond Road. In addition the slip lane which previously gave access to the subject site will be removed. Due to the changes in the road network design there is a need to review the existing Indicative Layout Plan and update the land use zones accordingly.

The Planning Proposal is supported by relevant studies and associated draft SEPP maps. In conjunction with the request to prepare a Planning Proposal, the proponent has also submitted a request for Council to prepare a draft amendment to the *Blacktown City Council Growth Centre Precincts Development Control Plan 2010* (the "Growth Centres DCP") to ensure consistency with the SEPP changes sought via the Planning Proposal. Council will progress the necessary amendments to the DCP concurrently with the Planning Proposal.

Figure 1 – Location of Subject Site



Figure 2 – Existing and Proposed Indicative Layout Plan

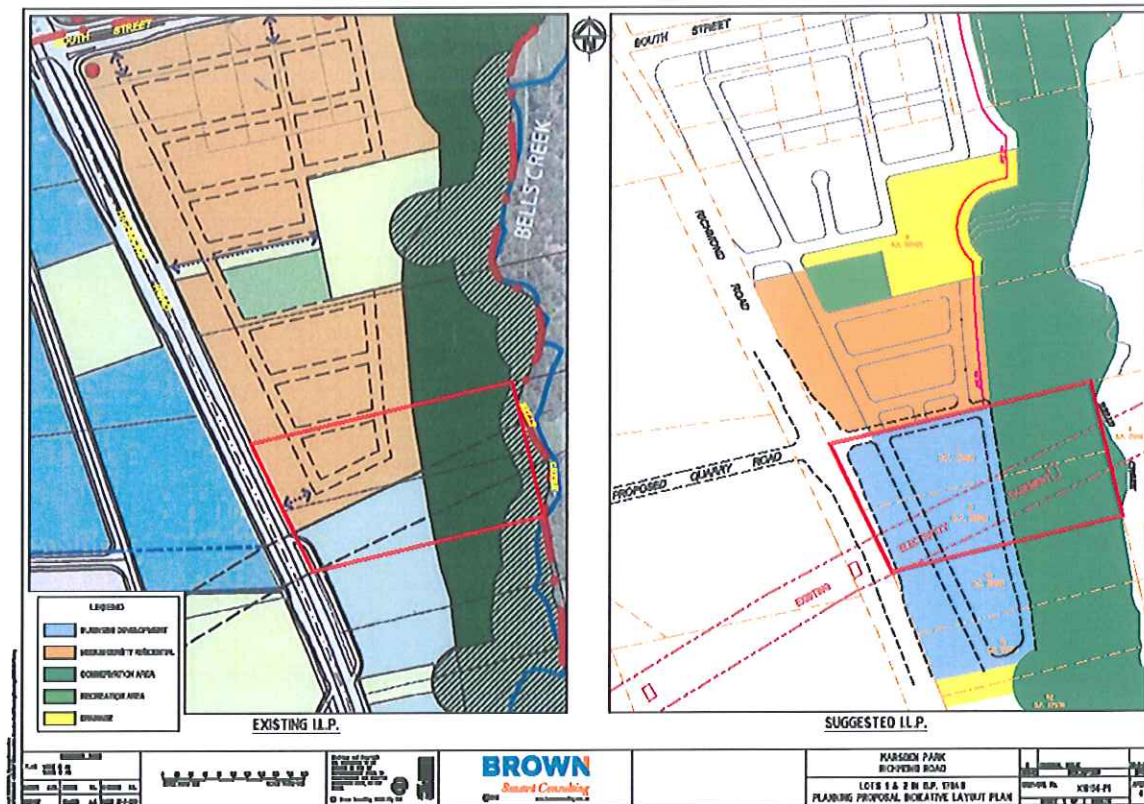
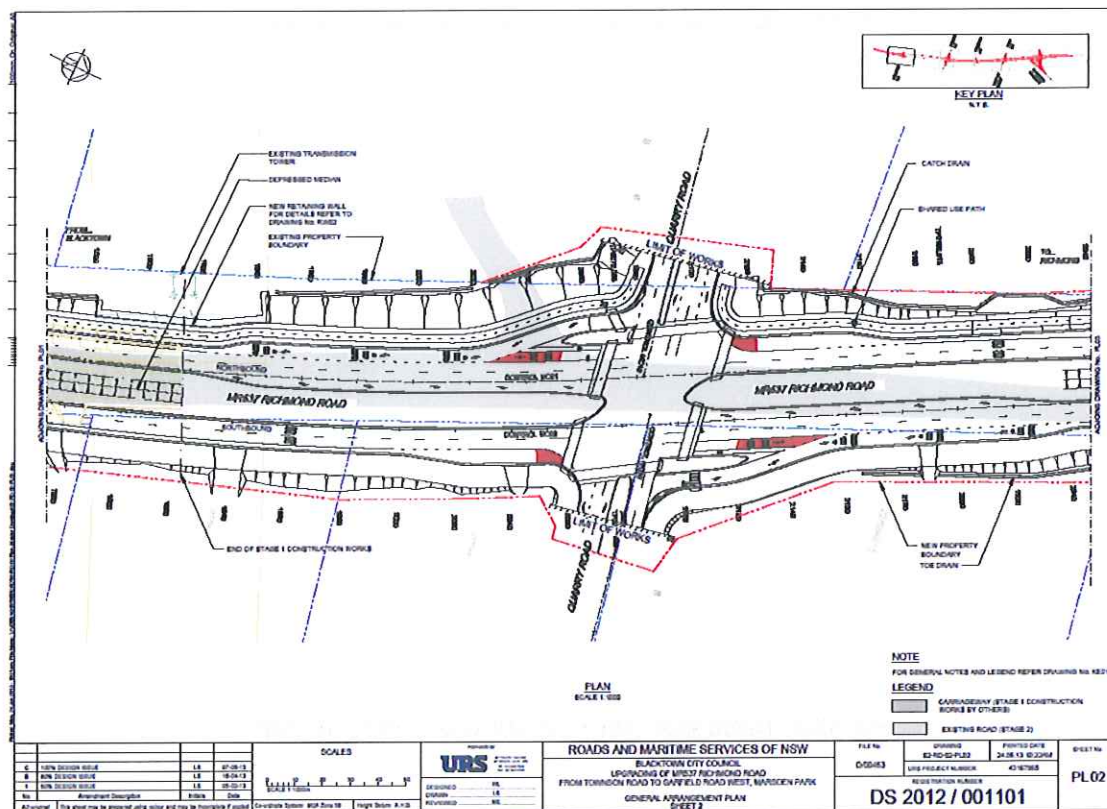


Figure 3 – RMS Road Upgrade and Intersection Plan



Council Resolution

The request to facilitate an amendment to the Growth Centres SEPP was reported to Council at its Ordinary Meeting on 30 April 2014. At the meeting Council resolved that:

1. *Council prepare a Planning Proposal to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and rezone the part Lot 1 and part Lot 2 in DP 17048 Richmond Road, Marsden Park from R3 Medium Density Residential to B5 Business Development.*
2. *The Planning Proposal be forwarded to the Minister for Planning and Infrastructure seeking a Gateway Determination in accordance with Section 56 of the Environmental Planning and Assessment Act 1979, but only following the resolution of all outstanding matters as identified and detailed in this report to the satisfaction of the General Manager.*
3. *Council resolve to prepare and exhibit corresponding amendments to the Blacktown City Council Growth Centre Precincts Development Control Plan 2010. The draft Development Control Plan be exhibited concurrently with the Planning Proposal following receipt of a Gateway Determination.*

A copy of the Council report dated 30 April 2014 is held at **Attachment A**.

This Planning Proposal has been prepared by Council Officers with the assistance of information provided by Brown Consulting, and in accordance with NSW Planning and Environment's format for Planning Proposals as outlined in "A guide to preparing planning proposals" dated October 2012.

This Planning Proposal is accompanied by the following supporting documents:

- i. 887-895 Richmond Road, Marsden Park Economic Study, dated October 2013 and prepared by Hill PDA – **Attachment B**
- ii. RMS Plans of New Intersection, dated June 2013 and prepared by URS – **Attachment C**
- iii. Draft SEPP Maps – **Attachment D**
- iv. Draft Indicative Layout Plan – **Attachment E**

THE PLANNING PROPOSAL

PART 1 – Objectives and Intended Outcomes

The request for a Planning Proposal seeks to rezone certain land at Richmond Road, Marsden Park, from its current R3 Medium Density Residential zoning to B5 Business Development.

The key objective of the Planning Proposal is:

- i. To provide a logical separation between residential and business zoned land following the construction of a new intersection and access road at the northern boundary of the subject land by the Roads and Maritime Services' (RMS) as part of the planned Richmond Road upgrade.

It is estimated that the rezoning of the Townson Road Precinct will provide:

- i. An additional 3.1 hectares of land zoned B5 Business Development.
- ii. A corresponding reduction in the amount of land zoned R3 Medium Density Residential.

A draft Indicative Layout Plan (ILP) which shows the intended layout for the land is shown at **Attachment E**. This plan will be incorporated into the *Blacktown City Council Growth Centres Development Control Plan 2010* via a separate amendment process.

PART 2 – Explanation of Provisions

The Planning Proposal seeks to amend the Growth Centres SEPP maps as they relate to the subject land. These include:

- i. Land Zoning Map – sheet LZN_005 (Marsden Park Industrial Precinct).
- ii. Floor Space Ratio – sheet FSR_005 (Marsden Park Industrial Precinct).
- iii. Maximum Building Height – sheet HOB_005 (Marsden Park Industrial Precinct).
- iv. Minimum Lot Size – sheet LSZ_005 (Marsden Park Industrial Precinct).

The proposed maps are compiled as **Attachment D** to this Planning Proposal.

PART 3 – Justification

Section A – Need for the Planning Proposal

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

The Planning Proposal does not implement the outcomes of a strategic study or report. The catalyst for this Planning Proposal is the new RMS intersection at Quarry Road that would otherwise result in the segregation of residentially zoned land. The Planning Proposal would result in a rational, contiguous area of B5 Business Development Zone land and avoid any potential issues of land use segregation.

The request for a Planning Proposal is supported by an Economic Study prepared by Hill PDA in relation to the B5 Business Development zone. This study is included as **Attachment B** to this Planning Proposal.

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

An amendment to the Growth Centres SEPP is required to effect the rezoning of the subject land. A Planning Proposal is an appropriate means for achieving the intended planning outcome as it is an established procedure that will allow consideration of the request for amendment to the SEPP by both Council and the Department of Planning and Environment (DPE) through the LEP Gateway. This approach is considered to be appropriate given the manner in which the SEPP, and particularly the zoning and land use table, operates in the NWGC is similar to an LEP. The alternate way without needing a Planning Proposal would be a direct amendment to the SEPP by the DPE.

Section B – Relationship 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)?

The Metropolitan Plan for Sydney 2036 identifies Growth Centres in the North West and South West of Sydney as sites for future housing and employment. A Structure Plan has been prepared to guide future planning and development in the NWGC. The Planning Proposal is consistent with the Structure Plan for the Marsden Park Industrial Precinct which identifies a mixed use employment corridor along Richmond Road.

4. Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?

The Planning Proposal is consistent with the Blacktown City 2030 Community Strategic Plan. The Plan identifies six Strategic Directions including "A Smart and Prosperous Economy". Under this Direction, the Plan states that Council will:

"Pursue strategic economic opportunities and partnerships to facilitate sustainable growth of the local and regional economy, attract investment to our City and ensure that Blacktown City Centre is the new Regional City."

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

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

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

SEPP	Consistency of Planning Proposal
SEPP 1 Development Standards	The Planning Proposal is consistent with the SEPP.
SEPP 14 Coastal Wetlands	Not applicable.
SEPP 15 Rural Land sharing Communities	Not applicable.

SEPP	Consistency of Planning Proposal
SEPP 19 Bushland in Urban Areas	The Planning Proposal is consistent with the SEPP.
SEPP 21 Caravan Parks	Not applicable.
SEPP 26 Littoral Rainforests	Not applicable.
SEPP 29 Western Sydney Recreation Area	Not applicable.
SEPP 30 Intensive Agriculture	Not applicable.
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	Consistent with the objectives of the Planning Proposal.
SEPP 33 Hazardous and Offensive Development	The Planning Proposal is consistent with the SEPP.
SEPP 36 Manufactured Home Estates	Not applicable.
SEPP 39 Spit Island Bird Habitat	Not applicable.
SEPP 44 Koala Habitat Protection	Not applicable.
SEPP 47 Moore Park Showground	Not applicable
SEPP 50 Canal Estate Development	Not applicable
SEPP 52 Farm Dams, Drought Relief and Other Works	Not applicable
SEPP 55 Remediation of Land.	The Planning Proposal is consistent with the SEPP.
SEPP 59 Central Western Sydney Regional Open Space and Residential	Not applicable
SEPP 62 Sustainable Aquaculture	Not applicable
SEPP 64 Advertising and Signage	Not applicable
SEPP 65 Design Quality of Residential Flat Development	Not applicable
SEPP 70 Affordable Housing (Revised Schemes)	Not applicable
SEPP 71 Coastal Protection	Not applicable
SEPP (Affordable Rental Housing) 2009	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal is consistent with the SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	Not applicable
SEPP (Infrastructure) 2007	The Planning Proposal is consistent with the SEPP.

SEPP	Consistency of Planning Proposal
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Development) 2005	The Planning Proposal will not contain provisions that would hinder the application of the SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (SEPP 53 Transitional Provisions) 2011	Not applicable
SEPP (State and Regional Development) 2011	The proposal is not state significant development or state significant infrastructure.
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	The Planning Proposal is consistent with the SEPP.
SEPP (Temporary Structures) 2007	The Planning Proposal is consistent with the SEPP
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
Sydney REP 8 (Central Coast Plateau Areas)	Not applicable
Sydney REP 9 Extractive Industry (No 2-1995)	Not applicable
Sydney REP 11 Penrith Lakes Scheme	Not applicable
Sydney REP 16 Walsh Bay	Not applicable
Sydney REP 18 – Public Transport Corridors	Not applicable
Sydney REP 19 Rouse Hill Development Area	Not applicable
Sydney REP 20 Hawkesbury–Nepean River (No. 2-1997)	The Planning Proposal is consistent with the SEPP.
Sydney REP 24 Homebush Bay Area	Not applicable
Sydney REP 25 Orchard Hills	Not applicable
Sydney REP 26 City West	Not applicable
Sydney REP 28 Parramatta	Not applicable
Sydney REP 30 St Marys	Not applicable
Sydney REP 33 Cooks Cove	Not applicable

SEPP	Consistency of Planning Proposal
Sydney Regional Environmental Plan (Sydney Harbour Catchment)	Not applicable

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 directions 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:

Section 117 Direction	Consistency of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	It is consistent with the Direction because it: a. encourages employment growth in a suitable location. The Planning Proposal adds land to an existing B5 Business Development Zone. b. increases the floor space for employment and industrial land uses. c. is consistent with various strategies approved by the Director-General including the Metropolitan Plan for Sydney, the Draft North West Subregional Strategy, December 2007.
1.2 Rural Zones	Not applicable
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
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	Not applicable
2.4 Recreation Vehicle Areas	Not applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Not applicable
3.2 Caravan Parks and Manufactured Home Estates	Not applicable

Section 117 Direction	Consistency of Planning Proposal
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	The Planning Proposal seeks new development to be within traditional retail centres and close to public transport nodes. The Planning Proposal is consistent with the objectives.
3.5 Development Near Licensed Aerodromes	Not applicable
3.6 Shooting Ranges	Not applicable
4. Hazard and Risk	
4.1 Acid Sulphate Soils	The site is not known to be affected by acid sulphate soils.
4.2 Mine Subsidence and Unstable Land	The site is not known to be affected by unstable land.
4.3 Flood Prone Land	Part of the Subject Site is identified on Council's on-line mapping as flood prone. This matter can be addressed at the development application stage should the rezoning be successful. If the land were not to be rezoned, the same challenges in managing water would exist if residential development (which the land is currently zoned for) would occur.
4.4 Planning for Bushfire Protection	The land is identified on Council's on-line mapping as being bushfire prone land. When the precinct is fully developed, only the eastern side of the site will be bushfire prone in accordance with Figure 2.4 of Schedule 3 MPIP of the BCC GC DCP.
5. Regional Planning	
5.1 Implementation of Regional Strategies	There are no Regional Strategies that apply.
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	Revoked 10 July 2008
5.7 Central Coast	Not applicable
5.8 Second Sydney Airport: Badgerys Creek	Not applicable
6. Local Plan Making	

Section 117 Direction	Consistency of Planning Proposal
6.1 Approval and Referral Requirements	The Planning Proposal does not intend to make a provision requiring concurrence with any public authority. The Planning Proposal is consistent with this Direction.
6.2 Reserving Land for Public Purposes	Not applicable
6.3 Site Specific Provisions	There are no site specific provisions proposed.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	The Planning Proposal is consistent with the Metropolitan Plan particularly 'Growing and Renewing Centres' (Strategic Direction B) and 'Growing Sydney's Economy' as it enables an employment generating development in an employment generating zone. The Subject Site is also located close to major roads and near future public transport links.

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?

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.

The subject site contains an area that is not covered by Biodiversity Certification, being the riparian corridor on the eastern boundary. This Planning Proposal does not propose any changes to this area and it will not be affected.

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

The Planning Proposal will not result in any environmental effects. However, the subject site contains environmental constraints such as flooding and bushfire hazard risk areas which will be addressed in a Development Application should the Planning Proposal be successful.

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

Hill PDA was engaged to prepare and Economic Study on the social and economic effects of the proposed rezoning. The study focuses on key topics including the demand for retail within the locality, the potential economic impact of retail provision to the vitality and viability of surrounding centres and the loss of residential land to broad dwelling targets.

The Study concludes the following:

- i. The rezoning would create a rational, contiguous area of B5 Business Development Zone land given the location of the subject site to the south of the proposed access road designated by the RMS.
- ii. The trade area for the subject site is extensive given the lack of competing retail activity in the locality. However, it is more constrained to the south and east.
- iii. The main trading area forms part of the North West Growth Centre which is anticipated to accommodate very high population growth over the period 2013 to 2031. This is projected to grow from around 63,700 persons at 2013 to 129,400 persons at 2031, which represents more than a doubling of the population and will create significant demand for retail goods and services in the main trade area over this period.
- iv. The loss of residential land as part of the proposed rezoning is likely to only constitute approximately 7% of all residential land in the Marsden Park Industrial Precinct, equivalent to approximately 225 persons. This is a negligible loss of residential targets in the North West Growth Centre (representing just 0.11% of the total projected population in this area) and will have an insignificant impact on the demand for retail goods and services in the main trading area.
- v. Based on retail expenditure modelling undertaken as part of this Study, the main trade area currently demands approximately 39,000sqm of retail goods and services floor space. This will increase to 45,500sqm at 2016. Given there are no retail facilities in the main trading area, the provision of retail activity at the subject site will help to satisfy a small portion of this under supply.
- vi. There will be net additional demand for a further 103,000sqm of retail floor space over the period 2013 to 2031. This quantum of demand will reduce the need for trade to be diverted from existing retail centres beyond the main trade area such as Blacktown, Blacktown Mega Centre, Minchinbury, Quakers Court and Riverstone.
- vii. Demand over the 2013 to 2031 period will also easily accommodate the rezoning of land and subsequent retail development at the subject site, along with the development of planned centres such as the Marsden Park Town Centre (designated to accommodate around 30,000sqm of retail floor space when complete). The planned Marsden Park Town Centre in particular will not suffer any future adverse economic impacts as a result of the proposed rezoning and development, despite being in close proximity to the Subject Site.
- viii. Rezoning of part of the Subject Site will result in a number of economic benefits in addition to that which would occur on existing B5 Zone land. Aside from satisfying existing and future demand for retail floor space, the rezoning of part of the Subject Site would provide positive economic impacts that include.
 - Multiplier impacts (valued at \$19m-\$50m depending on the development scenario).
 - Construction employment effects (the creation of 59-158 job years).
 - Operational employment effects (209-567 full and part-time jobs, aside from development scenario 3 which would not create any additional operational employment).
 - Improved shopper choice and convenience.
 - Potential for the development to act as a stimulus to investment in a recognised and designated growth area.

The proposed rezoning seeks to replace a small proportion of the residential land with business development. This will have only a small impact on the overall population for the Marsden Park Industrial Precinct and even smaller impact in the overall context of the North West Growth Centre.

The residential area to be rezoned is approximately 3.1ha out of a total 45.5ha that has been designated for residential development in the Marsden Park Industrial Precinct. The Economic Study by Hill PDA confirms this stating that the loss of the residential land due to the rezoning only amounts to approximately 7% of the zoned residential land in the Precinct. This equates to approximately 225 persons. The study goes on to detail that “this is a negligible loss of residential targets in the North West Growth Centre (representing just 0.11% of the total projected population in this area)”.

Section D – State and Commonwealth Interests

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

The Department of Planning and Infrastructure guidelines, A Guide to Preparing Planning Proposals, states that this question typically applies to Planning Proposals that result in residential subdivisions in excess of 150 lots, substantial urban renewal, infill development and development that will result in additional demand on infrastructure. As this planning proposal does not fit into any of these categories this criteria does not specifically apply. However, the planning proposal will not result in any development that will place additional demand on infrastructure.

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

The views of the State and Commonwealth public authorities will not be known until after the initial gateway determination. The determination will identify State agencies to be consulted regarding the rezoning proposal.

Discussions have been made with RMS regarding the Richmond Road Upgrade and the new Quarry Road intersection. RMS has advised a timeline for Stage 2 of the Richmond Road Upgrade including this new Quarry Road Intersection which is displayed below:

- i. Construction tender: Oct./Nov 2013
- ii. Construction commencement: after March 2014
- iii. Completion: late 2015/early 2016

In addition to this RMS have also provided the road acquisition plan drawing that include 887-895 Richmond Road. It should be noted that the slip lane, which is depicted in the ILP, has been removed and the entrance to the site will be gained only through the Quarry Road Intersection. The RMS plan is provided at Attachment C.

Part 4 – Mapping

The Planning Proposal is accompanied by the following relevant draft SEPP Maps:

- i. Draft Height of Buildings Map
- ii. Draft Lot Size Map
- iii. Draft Zoning Map
- iv. Draft Residential Density Map

These maps are compiled as **Attachments # to #** to this Planning Proposal.

Part 5 - Community Consultation

Community consultation will occur in accordance with the Gateway Determination. It is expected that the community consultation period will take 28 days.

Part 6 – Time Line

The following time line is proposed. It is based on Council's best estimation on how long this Planning Proposal will take to be finalised. It is also based on the premise that there will be no significant delays in state government consultation or that any objection received can be addressed without the need for independent peer review.

Milestone	Timeframe
Commencement date	October 2013
Anticipated time frame for the completion of required technical information	April 2014
Timeframe for government agency consultation (pre and post exhibition as required by the Gateway Determination)	August 2014
Commencement and completion dates for public exhibition	September 2014
Time frame for consideration of submissions	October 2014
Time frame for consideration of a proposal post exhibition	October 2014
Date of submission to the Department to finalise the LEP	November 2014
Anticipated date RPA will forward to the Department for notification	December 2014