

# Planning Services

## Plan Finalisation Report

Local Government Area: Blacktown City Council

File Number: 17/12262

### 1. NAME OF DRAFT LEP

Blacktown LEP Amendment (Sydney Region Growth Centre—Marsden Park Industrial Precinct) 2017.

### SITE DESCRIPTION

The planning proposal applies to land at Marsden Park Industrial Precinct. The subject site (as shown in Figure 1) is the whole of the Marsden Park Industrial Precinct, as identified on State Environmental Planning Policy (Sydney Region Growth Centres) 2006 North West Growth Centre Land Application Map Sheet LAP\_005 and LAP\_006.

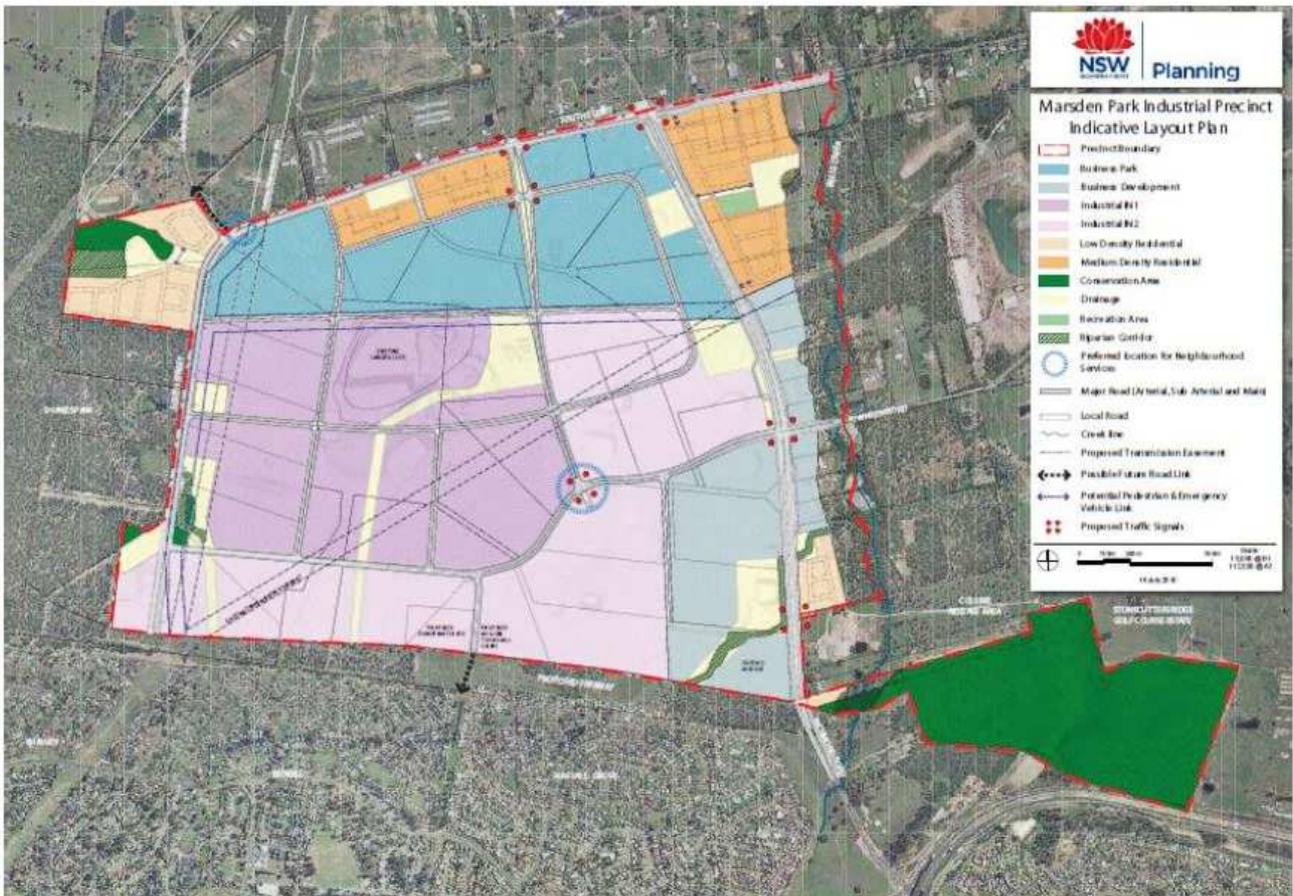


Figure 1: Marsden Park Industrial Precinct

## 2. PURPOSE OF PLAN

The objective of this planning proposal is to amend Blacktown Local Environmental Plan 2015 to facilitate an amendment to the Growth Centres SEPP.

The draft LEP seeks to amend the following clauses:

- **Clause 4.5(A) Shops—total gross floor area**, to limit the total gross floor area of neighbourhood shops to 3,500 m<sup>2</sup> for the IN1 General Industrial and IN2 Light Industrial combined zones: and
- **Clause 5.4 Controls relating to miscellaneous permissible uses**, to reduce the maximum gross floor area of neighbourhood shops from 1,000 m<sup>2</sup> to 500 m<sup>2</sup>.

## 3. STATE ELECTORATE AND LOCAL MEMBER

The site falls within two NSW State electorates, Londonderry and Riverstone. Prue Car is the State Member for Londonderry, and Kevin Conolly is the State member for Riverstone. Ed Husic MP is the Federal Member for Chifley.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

<b>NSW Government Lobbyist Code of Conduct:</b> There have been no meetings or communications with registered lobbyists with respect to this proposal.
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<b>NSW Government reportable political donation:</b> There are no donations or gifts to disclose and a political donation disclosure is not required.
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## 4. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 7 February 2015 (**Attachment C**) determined that the proposal should proceed subject to conditions. The Gateway determination was altered on:

- 6 August 2015, giving a new finalisation date of 14 November 2016
- 24 February 2018, giving a new finalisation date of 14 June 2016
- 22 September 2016, giving a new finalisation date of 14 June 2017
- 26 June 2017, giving a new finalisation date of 14 September 2017 (**Attachment D**)

## 5. PUBLIC CONSULTATION

In January 2015, the original planning proposal requested an amendment to clause 5.4(7) of Appendix 5 — Marsden Park Industrial Precinct of the Growth Centres SEPP to reduce the maximum gross floor space for neighbourhood shops from 1,000m<sup>2</sup> to 80m<sup>2</sup>.

In accordance with the Gateway determination, community consultation was undertaken by Council from 10 to 25 March 2015 and two submissions were received, both objections expressed concern that the proposal would significantly limit the range of services available, and that a larger neighbourhood centre would provide a better outcome.

In August 2015, Council resolved to defer the planning proposal for further discussions with Sydney Business Park, the main developer in the Marsden industrial Park Precinct.

## 6. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult The Hills Shire Council in accordance with the Gateway determination.

Council has consulted with two public authorities, The Hills Shire Council and the Roads and Maritime Services, neither raised objections.

## 7. POST EXHIBITION CHANGES

After further discussion with Sydney Business Park, Council agreed to modify provisions to protect the viability of the existing and planned centre, while also enabling neighbourhood shops to provide for the daily need of the local workforce.

Council is satisfied that the amendment will not facilitate a quasicommercial centre in direct competition to the nearby Marsden Park Town Centre, and the planning proposal was revised with amendments to:

- Clause 4.5A to limit the combined total gross floor area for all neighbourhood shops in the IN1 General Industrial and IN2 Light Industrial zones to 3,500m<sup>2</sup>; and
- Clause 5.4(7) to reduce the maximum floor space for a neighbourhood shop to 500m<sup>2</sup>.

## 8. ASSESSMENT

### Section 117 Directions

The relevant section 117 Directions were identified and addressed in Council's planning proposal. It is considered that the planning proposal is consistent with all Section 117 Ministerial Directions.

### State Environmental Planning Policies

The relevant State Environmental Planning Policies (SEPP) were identified and addressed in Council's planning proposal. It is considered that the planning proposal is consistent with all SEPP's.

## 9. MAPPING

There are no maps associated with this LEP amendment.

## 10. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument and confirmed on 21/8/2017 that it was happy with the draft and that the Plan should be made (**Attachment E**).

## **11. PARLIAMENTARY COUNSEL OPINION**

On 7 September 2017, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC and LEP**.

## **12. RECOMMENDATION**

It is recommended that the Greater Sydney Commission's delegate determine to make the draft LEP because the amendment will:

- protect the viability of the existing and planning centre; and
- enabling neighbourhood shops to provide for the daily need of the local workforce.