



Blacktown Local Environmental Plan 1988 - Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Marsden Park Industrial Precinct

Proposal Title : **Blacktown Local Environmental Plan 1988 - Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Marsden Park Industrial Precinct**

Proposal Summary : **The planning proposal proposes to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to reduce the maximum size of neighbourhood shops in the Marsden Park Industrial Precinct from 1,000 sqm to 80 sqm.**

PP Number : **PP_2015_BLACK_001_00** Dop File No : **15/01359**

Proposal Details

Date Planning Proposal Received : **05-Jan-2015** LGA covered : **Blacktown**

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

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

LEP Type : **Policy**

Location Details

Street : **All land in Marsden Park Industrial Precinct**

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

Land Parcel :

DoP Planning Officer Contact Details

Contact Name : **Amar Saini**

Contact Number : **0298601130**

Contact Email : **amar.saini@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Wint Khin Zaw**

Contact Number : **0298396424**

Contact Email : **Wint.KhinZaw@blacktown.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **ChoCho Myint**

Contact Number : **0298601167**

Contact Email : **chocho.myint@planning.nsw.gov.au**

Land Release Data

Growth Centre : **Sydney North West** Release Area Name :

Regional / Sub Regional Strategy : **Metro North West subregion** Consistent with Strategy : **Yes**

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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 :	0

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.

External Supporting Notes :

REFERRALS:

The Employment Precincts Team (Infrastructure, Housing and Employment) of the Department was consulted on 5 January 2015, as the planning proposal proposes an amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Marsden Park Industrial Precinct. On 28 January 2015, the Employment Precinct Team advised that they have no objections to the planning proposal proceeding (copy in Documents).

Adequacy Assessment

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

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

Comment : **The objective of this planning proposal is to reduce the maximum gross floor area of neighbourhood shops in the Marsden Park Industrial Precinct under the State**

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Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP).

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:**

The proposal involves an amendment to clause 5.4(7) of Appendix 5 – Marsden Park Industrial Precinct of the Growth Centres SEPP to reduce the maximum retail gross floor area for neighbourhood shops from 1,000 sqm to 80 sqm.

The amendment will align the development standard for neighbourhood shops in the Marsden Park Industrial Precinct with the intended function and also with similar provisions in other precinct plans under the Growth Centres SEPP.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

6.3 Site Specific Provisions

* May need the Director General's agreement

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

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 :

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

If No, explain :

SECTION 117 DIRECTIONS

1.1 Business and Industrial Zones:

This direction applies as the planning proposal involves Marsden Park Industrial Precinct. However, the proposal is not considered to be inconsistent with the direction as the proposal does not reduce the business zoned or industrial zoned land.

6.3 Site Specific Provisions

The objective of this direction is to discourage unnecessary restrictive site-specific planning controls.

The proposal is not inconsistent with the direction as it proposes to amend the Growth Centres SEPP to align the maximum retail gross floor area for a neighbourhood shop in the Marsden Park Industrial Precinct with other precinct plans under the Growth Centres SEPP.

7.1 IMPLEMENTATION OF THE METROPOLITAN STRATEGY:

The Planning Proposal is not inconsistent with 'A Plan for Growing Sydney' and the draft North West Subregional Strategy.

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Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **No maps changes are proposed for this amendment.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **No community consultation period has been proposed by Council. However, 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 : **March 2015**

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 first half of 2015.**

Assessment Criteria

Need for planning proposal : **THE PLANNING PROPOSAL:**

The development standard for neighbourhood shops in the Marsden Park Industrial Precinct under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP) is for a maximum floor space of 1,000sqm and relates to a single retail shop premises.

This is inconsistent with other Growth Centres precincts where the maximum retail floor space for a neighbourhood shop is either 80sqm or 100sqm (see provisions for other Precincts in Documents). It is also inconsistent with Council's adopted draft Blacktown Local Environmental Plan 2014 which is 80sqm.

Council has advised that the original precinct plan that was exhibited for the Marsden Park Industrial Precinct proposed a maximum gross floor area of 100sqm for neighbourhood shops. The post exhibition Planning Report prepared by the Department of Planning and Environment discussed a cumulative maximum total of 1,000sqm for a neighbourhood centre. However, the notified clause in the Growth Centres SEPP allowed for individual neighbourhood shops to a maximum gross floor area of 1,000sqm. Council considers this as an error.

Council recently received a development application for an ALDI supermarket of 1,000sqm gross floor area on land zoned IN2 Light Industrial in the Marsden Park Industrial Precinct. The proposal alerted Council to the unintended consequences of permitting large neighbourhood shops and the potential negative impacts this could have on trade in

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existing and planned centres. Council is particularly concerned about the cumulative impact of further neighbourhood shops in the Marsden Park Industrial Precinct.

In light of above, Council resolved to prepare a planning proposal to amend Clause 5.4(7) of Appendix 5 – Marsden Park Industrial Precinct Plan of the Growth Centres SEPP by reducing the maximum gross floor area for neighbourhood shops to 80sqm. This will align the development standard with the intended function of neighbourhood shops and with similar provisions in the other precinct plans under the Growth Centres State Environmental Planning Policy.

The planning proposal applies to the whole of the Marsden Park Industrial Precinct where neighbourhood shops are permitted under Clause 5.4(7) of Appendix 5 of the Growth Centres SEPP.

The planning proposal is supported as it will:

- align the development standard for neighbourhood shops with their intended function in the Marsden Park Industrial Precinct;
- make the development standard consistent with the similar provisions in other precinct plans under the Growth Centres SEPP; and
- will reduce the potential retail impact and viability of existing and planned Centres within the Growth Centre, particularly the planned Marsden Park Town Centre.

Consistency with strategic planning framework :

The planning proposal is not inconsistent with 'A Plan for Growing Sydney' and the draft South West Sub-regional Strategy.

Environmental social economic impacts :

ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACTS

There are no likely negative social, economic and environmental impacts from the planning proposal. Rather, the planning proposal is likely to have positive economic impacts by ensuring that the new retail development does not have a negative impact on the viability of existing and planned centres.

Assessment Process

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

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

Public Authority Consultation - 56(2)(d) : **Adjoining LGAs**

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. :

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If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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.pdf	Proposal Covering Letter	Yes
Planning Proposal.pdf	Proposal	Yes
Council Planning Report.pdf	Determination Document	Yes
Consistency with SEPPS.pdf	Determination Document	Yes
Definition of Neighbourhood shop under Growth Centres SEPP.pdf	Determination Document	Yes
Current controls relating to neighbourhood shops in various Growth Centres precincts.pdf	Determination Document	Yes
No Objection from the Employment Precincts Team.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions:

1.1 Business and Industrial Zones

6.3 Site Specific Provisions

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 planning proposal is exhibited for 14 days.**
- 2. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:**
 - * The Hills Shire Council**

The agency 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.

3. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

4. The timeframe for completing the Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.

DELEGATION TO COUNCIL

Council has not requested to use delegation to proceed with the planning proposal

Delegation can not be given to Council to exercise the Minister's plan making powers in this instance as the planning proposal proposes to amend Growth Centres SEPP.

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Supporting Reasons : The planning proposal is supported, as it will align the development standard for neighbourhood shops with their intended function in the Marsden Park Industrial Precinct. Further, it will make the development standard consistent with the similar provisions in other precinct plans under the State Environmental Planning Policy (Sydney Region Growth Centres) 2006.

Signature:



Printed Name:

CHO CHO MUANT

Date:

29/1/15

