



PLANNING PROPOSAL

LOCAL GOVERNMENT AREA:

Blacktown City Council

NAME OF PLANNING INSTRUMENT:

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

SUBJECT LAND:

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.

MAPS:

Map 1 – Marsden Park Industrial Precinct

SUPPORTING MATERIAL:

Attachment A – Statement of Intended Effect

Attachment B – Council Report and Resolution dated 19 November 2014

Attachment C – State Environmental Planning Policies

INTRODUCTION

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 1,000 sqm 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 80 sqm or 100 sqm. It is also inconsistent with Council's adopted draft Blacktown Local Environmental Plan 2014 which is 80 sqm.

The original precinct plan that was exhibited for the Marsden Park Industrial Precinct proposed a maximum gross floor area of 100 sqm for neighbourhood shops. The post exhibition Planning Report prepared by the Department of Planning and Environment discussed a cumulative maximum total of 1,000 sqm for a neighbourhood centre. However the clause that was gazetted in the Growth Centres SEPP allows for individual neighbourhood shops to a maximum gross floor area of 1,000 sqm. This is clearly an error.

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

Council is particularly concerned about the cumulative impact of further neighbourhood shops in the Marsden Park Industrial Precinct on the nearby Marsden Park Town Centre.

Council has 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 80 sqm. This will align the development standard with the intended function of neighbourhood shops and also with similar provisions in other precinct plans under the Growth Centres SEPP.

Site Identification

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 SEPP.

THE PLANNING PROPOSAL

Part 1 – Objectives or Intended Outcomes

The planning proposal aims to reduce the maximum gross floor area of neighbourhood shops in the Marsden Park Industrial Precinct under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the Growth Centres SEPP).

Part 2 – Explanation of Provisions

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 gross floor space for neighbourhood shops from 1,000 sqm to 80 sqm.

This 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.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

No. This planning proposal is Council initiated.

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

Yes. An amendment to the Growth Centres SEPP is required to reduce the maximum floor space for neighbourhood shops in the Marsden Park Industrial Precinct.

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)?

A Plan for Growing Sydney

The document titled “A Plan for Growing Sydney” identifies the North West Growth Centre as a release growth area and includes objectives and actions to guide development of this area.

A key strategic direction under the plan is to support the growth and development of major and specialist centres. The planning proposal will support the role and hierarchy of centres in the North West Growth Centre by appropriately limiting the retail floor space of neighbourhood shops in the Marsden Park Industrial Precinct.

Draft North West Subregional Strategy

The draft North West Subregional Strategy was prepared by the NSW Government to implement the Metropolitan Plan for Sydney 2036 and State Plan. The planning proposal is consistent with the objectives of the strategy as it will support the orderly development of centres in the North West Growth Centre.

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

Blacktown Planning Strategy 2036

The Blacktown Planning Strategy 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. A key direction under the strategy is to promote employment growth in centres and employment areas.

The Planning Proposal is consistent with this direction and supports the role and hierarchy of centres in the North West Growth Centre.

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

State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The Growth Centres SEPP defines neighbourhood shops as:

"premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises."

The definition of neighbourhood shops is clearly intended to only allow small-scale retail shops to service the day-to-day needs of workers in the Marsden Park Industrial Precinct. It was never intended to allow larger 1,000 sqm retail shops that draw in trade from a broader catchment and away from existing planned centres. The current 1,000 sqm standard for neighbourhood shops has the potential to impact on other centres and should be reduced to align with its intended function.

The planning proposal is consistent with other precinct plans under the Growth Centres SEPP.

Other Relevant State Environmental Planning Policies

The consistency of the Planning Proposal with other applicable SEPPs is summarised in **Attachment 1**.

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?

The following table outlines the consistency of the Planning Proposal to relevant Section 117 Directions.

Direction	Consistency of Planning Proposal
1. Employment and Resources	
1.1 Business and Industrial Zones	The planning proposal retains the areas and locations of existing businesses and industrial zones. It does not reduce the total potential floor space area for industrial uses in industrial zones.
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
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	The Marsden Park Industrial Precinct is well serviced by public transport including bus and future rail services.
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	The land is not identified on Council's on-line mapping as flood prone.
4.4 Planning for Bushfire Protection	Any development that may occur in the Marsden Park Industrial Precinct would be subject to the requirements of the NSW Rural Fire Act 1997 and

Direction	Consistency of Planning Proposal
	Planning for Bushfire Protection.
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	
6.1 Approval and Referral Requirements	The planning proposal is consistent with this Direction as it does not identify any development as designated development.
6.2 Reserving Land for Public Purposes	Not applicable
6.3 Site Specific Provisions	The planning proposal aims to amend the Growth Centres SEPP to align the maximum floor space for a neighbourhood shop in the Marsden Park Industrial Precinct with its intended function in the retail hierarchy.
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Strategy	The planning proposal is consistent with this Direction as it supports the role and hierarchy of centres in the North West Growth Centre.

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. Ecological considerations were addressed during the precinct planning for the Marsden Park Industrial Precinct. There is no need for further ecological assessments to be undertaken as part of this Planning Proposal.

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

No. The planning proposal aims to reduce the maximum floor space for a neighbourhood shop which is a permitted use in the Marsden Park Industrial Precinct. Should a development application be lodged, a full assessment of environmental impacts should be undertaken with respect to that particular development site.

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

The proposed amendment to the Growth Centres SEPP is consistent with relevant policy decisions of Council and will support the role and hierarchy of centres in the North West Growth Centre.

The planning proposal will have positive social and economic effects by ensuring that new retail development does not have a negative impact on the viability of existing and planned centres. The viability of the Marsden Park Town Centre is considered to be a high priority given that it is intended to function as a major centre servicing a large population in the North West Growth Centre.

Section D – State and Commonwealth interests

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

The planning proposal relates to land located in the Marsden Park Industrial Precinct under the Growth Centres SEPP. Appendix 5 – Marsden Park Industrial Precinct addresses the provision of infrastructure services.

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

Consultation with relevant State and Commonwealth authorities can be undertaken in conjunction with the exhibition of the planning proposal following the Gateway Determination.

Part 4 – Mapping

No SEPP mapping amendments will be required to facilitate the Planning Proposal.

Part 5 – Community Consultation

It is intended to advertise the proposed amendment to the Growth Centres SEPP in local newspapers and on Council's website. The exhibition material will be on display at Councils' Administration Building and also on the website.

The Planning Proposal is considered to be of low impact.

Part 6 – Time Line

The following project timeline provides an estimated timeframe for each stage of the planning proposal.

Stage	Estimated Date
Commencement date	December 2014
Pre-exhibition government agency consultation (where required by the Gateway Determination)	January/February 2015
Commencement of public exhibition	March 2015
Completion of public exhibition period	March 2015
Consideration of submissions	March/April 2015
Consideration of planning proposal post exhibition – report to Council	April 2015
Forward planning proposal to Department of Planning and Environment for the Minister to make the plan	May 2015

ATTACHMENT A

STATEMENT OF INTENDED EFFECT

STATEMENT OF INTENDED EFFECT

Proposed Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – Marsden Park Industrial Precinct

The proposed SEPP amendment will reduce the maximum gross floor area of neighbourhood shops in the Marsden Park Industrial Precinct under *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* from 1,000 sqm to 80 sqm.

The amendment will apply to land in the Marsden Park Industrial Precinct where neighbourhood shops are permitted under Clause 5.4(7) of Appendix 5 of the Growth Centres SEPP.

The key outcome of the proposed SEPP is that the development standard for neighbourhood shops will be aligned with their intended function in the Marsden Park Industrial Precinct. The amendment will also make the development standard consistent with similar provisions in other precinct plans under the Growth Centres SEPP.

All comments received during the exhibition of the statement of intended effect will be duly considered in the drafting of the proposed SEPP.

The proposed SEPP will not depart from any current Government policy and will aid in the delivery of employment as set out in the NSW Government's "A Plan for Growing Sydney".

The *Environmental Planning and Assessment Act 1979* (the Act) requires that the SEPP be made by the Governor. Section 37(2) of the Act provides that the Governor may make a SEPP in respect of any matter, which in the opinion of the Minister, is of State or regional environmental planning significance.