



Planning,
Industry &
Environment

IRF20/4673

Gateway determination report – PP_BLACK_2020_005_00

Amendment to SEPP (Sydney Region Growth Centres) 2006 to
rezone Lots 215-220, 231-235 and 279 on DP1250840
Goshawk Avenue, Marsden Park from RE1 Public Recreation to
R2 Low Density Residential (0 homes and 0 jobs)

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1 Planning Proposal

1.1 Overview and objectives of the planning proposal

Table 1 Planning proposal details

LGA	Blacktown
PPA	Blacktown City Council
NAME	Goshawk Avenue, Marsden Park (0 jobs, 0 Dwellings)
NUMBER	PP_2020_BLACK_005_00
LEP TO BE AMENDED	SEPP (Sydney Region Growth Centres) 2006
ADDRESS	Goshawk Avenue, Marsden Park
DESCRIPTION	Lots 215-220, 231-235 and 279 on DP1250840
RECEIVED	18/09/2020
FILE NO.	IRF20/4673
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- align the RE1 Public Recreation and R2 Low Density Residential boundary zones with the registered lot boundaries.
- amend the Growth Centre SEPP maps to reflect a more practical and appropriate distinction of public recreation and residential uses on the site.

The objectives of this planning proposal are clear and adequate.

1.2 Explanation of provisions

The planning proposal seeks to amend the State Environmental Planning Policy (Sydney Growth Centres) 2006 for Marsden Park Precinct to align the maps with the newly created lots, the zoning changes are tabled below:

Table 2 Current and Proposed controls

Control	Current	Proposed
Zone	RE1 Public Recreation	R2 Low Density Residential
Maximum height of the building	0 m	9 m
Residential density	0 dwellings per hectare	15 dwellings per hectare
Land reservation acquisition	Land for local open space	To be removed from acquisition map
Number of dwellings	12	12
Number of jobs	N/A	N/A

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.3 Site description and surrounding area

The subject site is in the North West Growth Area (NWGA) within the Marsden Park Precinct. The Marsden Park Precinct is located approximately 40km from the Sydney CBD and 10km from Blacktown CBD. The Marsden Park Indicative Layout Plan is shown in Figure 2, with the subject site outlined in red.

The subject site which is known as the 'Horizon Estate', is located south of the proposed Garfield Road West extension and north of the existing Marsden Park Industrial Precinct.

As part of an approved subdivision (DA-16-03800), 12 lots located along the eastern boundary, outlined in yellow in Figure 1 of the estate, are identified to be zoned part R2 Low Density Residential and part RE1 Public Recreation under the Growth Centres SEPP. The proposal involves 0.347Ha of land.

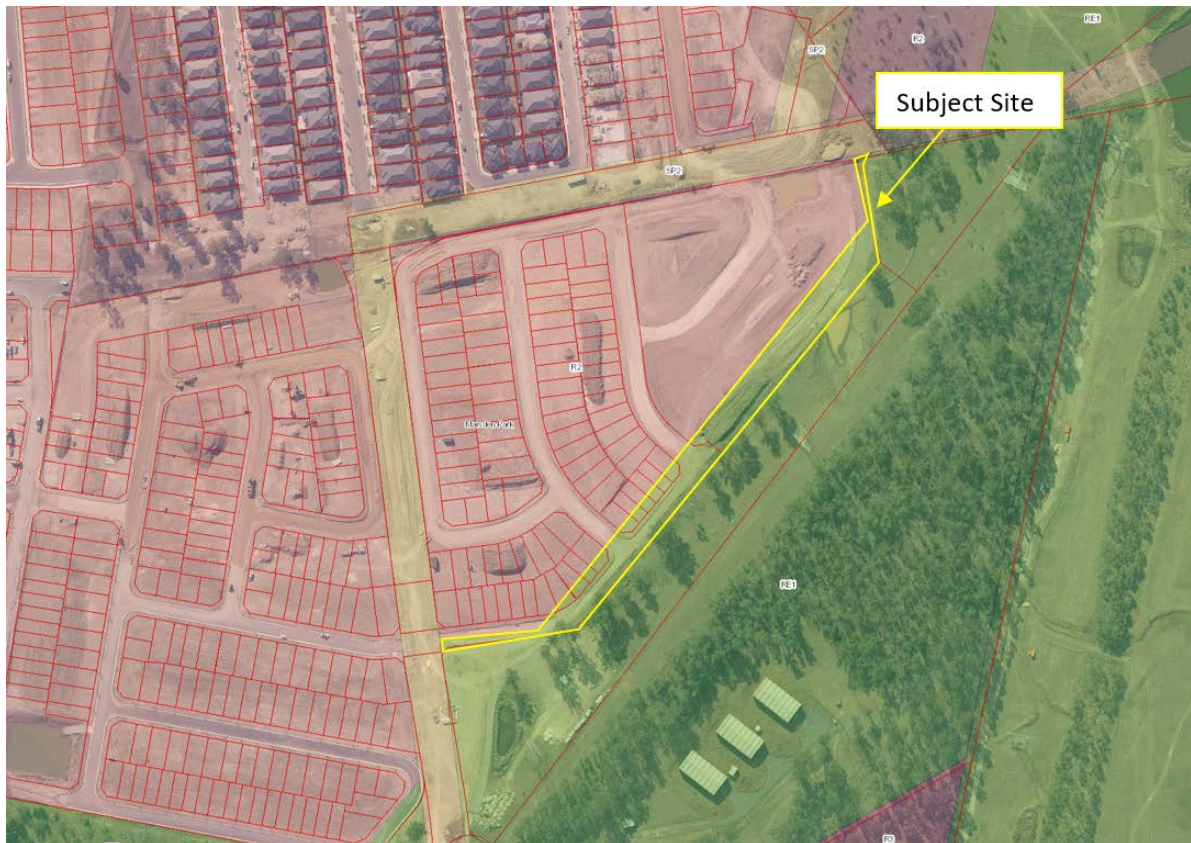


Figure 1 Subject site (source: NSW E-Planning Spatial Viewer)

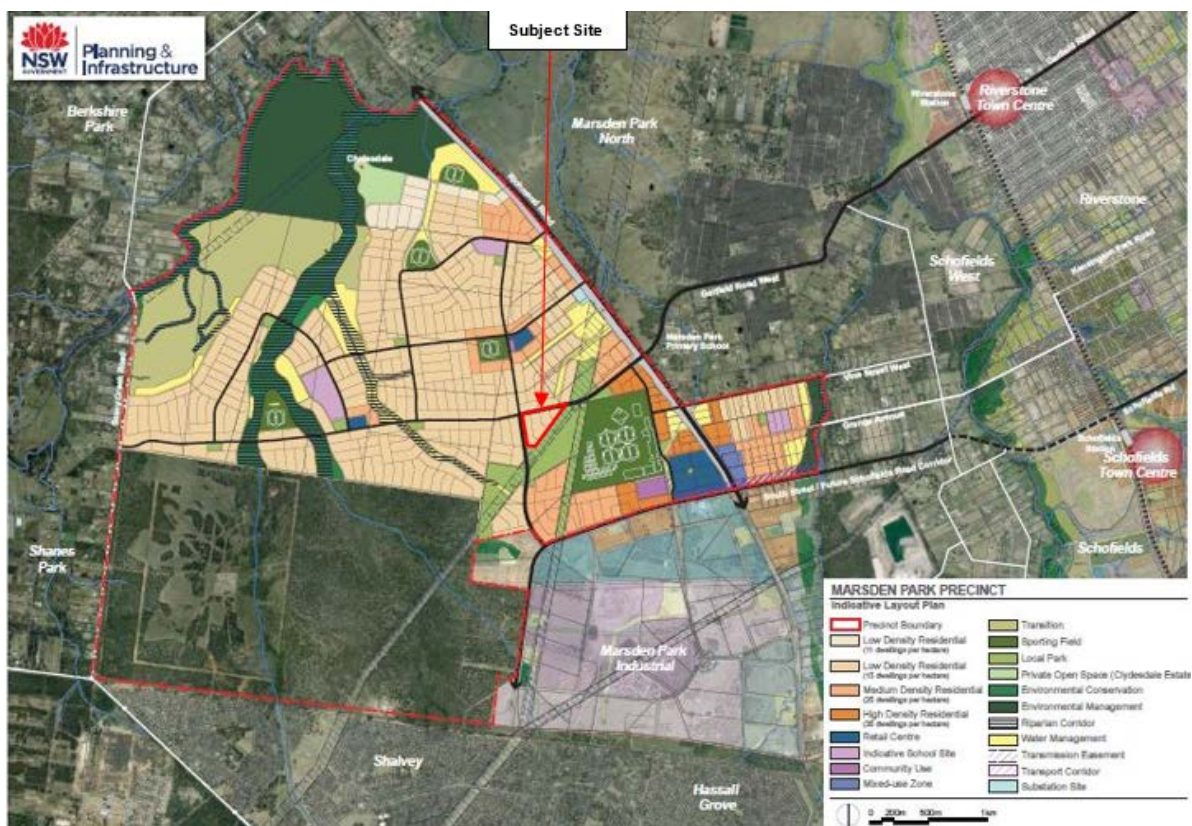


Figure 2 Site context (source: NSW DPIE Marsden Park Precinct Indicative Layout Plan)

1.4 Mapping

The planning proposal includes mapping showing the proposed changes to the SEPP (Growth Centres) maps, which are suitable for community consultation.

The proposal seeks to amend the following maps:

- Land Zoning Map (LZN_005)
- Land Reservation Map (LRA_005)
- Height of Building Map (HOB_005)
- Residential Density Map (RD_005)

The below map comparison illustrates the proposed changes.



Figure 3 Current and proposed zoning map



Figure 4 Current and proposed height of building map



Figure 5 Current and proposed residential density map



Figure 6 Current and proposed land acquisition map

2 Need for the planning proposal

The proposed changes to the zoning and development controls can only be achieved via amendments to the Growth Centres SEPP Maps.

The proposal to rezone the eastern boundary of the 'Horizon Estate' along Goshawk Avenue from RE1 Public Recreation to R2 Low Density Residential will ensure the zone boundaries align with current and future subdivided residential lots. It will also allow a more streamlined process for the development of the residential lots as residential accommodation is prohibited under RE1 Public Recreation zoning.

The proposal does not seek to alter the Indicative Layout Plan (ILP) for the Marsden Park Industrial Precinct and is, in part, an administrative amendment. Both Council and the e-planning team have advised such boundary misalignments are not unusual.

Accordingly, the Growth Centre SEPP maps require updating to be consistent with the registered lots.

3 Strategic assessment

3.1 Regional Plan

A Plan for Growing Sydney identifies new land release areas as an important component of Sydney's overall housing and employment supply. The proposal is consistent with *A Plan for Growing Sydney* as it will facilitate the development of a housing estate which will contribute towards the housing supply targets identified within the Blacktown local government area.

3.2 District Plan

The site is identified within the *Central City District Plan*. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

Table 3 District Plan assessment

District Plan	Justification
Planning Priority C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	The subject site is located within the Marsden Park precinct of the Northwest Growth Area. The Marsden Park precinct is identified as a strategic centre in the District Plan. The District Plan identifies the need to meet housing targets over the next 20 years. The planning proposal will enable the development of the 'Horizon' Estate which will support housing supply and a diversity of housing types.
Planning Priority C17: Delivering high quality open space	The Planning Proposal states that the RE1 Public Recreation land, which these registered lots are shown to encroach, is constrained land as it adjoins an approximately 80m wide electricity easement. The RE1 Public Recreation zone will remain within the easement and serve the population for the future population of Marsden Park. The quality of open space will not be impacted as a result of the Planning Proposal.

3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 4 Local strategic planning assessment

Local Strategies	Justification
Blacktown Local Strategic Planning Statement LPP5: Providing housing supply, choice and affordability with access to jobs, services and public transport	Council's Local Strategic Planning Statement aligns with the Central City District Plan, it identifies the Marsden Park Precinct as a Strategic Centre and supports housing supply and diversity.

3.4 Local planning panel (LPP) recommendation

This planning proposal was not referred to the Blacktown Local Planning Panel as it was deemed to be of minor significance by Kerry Robinson, Chief Executive Officer, Blacktown City Council, as it simply seeks to correct a mis-alignment with recently subdivided lots and the R2 Low Density Residential zoning. Refer to Council's CEO Memo (**Attachment D**).

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.4 Planning for Bushfire Protection	Inconsistent	<p>The site is identified as containing bushfire prone land and is specifically identified as being "Vegetation Buffer".</p> <p>It is recommended Council consult with the Commissioner of the NSW Rural Fire Service prior to exhibition to confirm the NSW Rural Fire Service does not object to the progression of the planning proposal.</p> <p>This has been added as a condition in the Gateway determination.</p>
6.1 Approval and Referral Requirements	Consistent	<p>The proposal is consistent with this Direction as it will minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority by aligning the newly registered lots with the R2 Low Density Residential zone which permits development of residential accommodation.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
6.2 Reserving Land for Public Purposes	Inconsistent	<p>The proposal is inconsistent with this direction as it alters existing zoning on site from RE1 Public Recreation to R2 Low Density Residential. Under this direction approval is required from the Secretary to create, alter or reduce existing zonings for land for a public purpose.</p> <p>The Proposal seeks to remove 0.347 ha of RE1 Public Recreation land.</p> <p>This inconsistency is considered to be minor as the rezoning maintains the zoning identified in the Marsden Park ILP and does not introduce any new items.</p> <p>Under this direction, when a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.</p> <p>Council have advised that due to an identified shortage of open space in the NWGA, it is requested for the applicant to demonstrate how they can offset this loss elsewhere or provide contributions towards open space within the NWGA.</p>
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Consistent	<p>The Planning Proposal is consistent with the priorities of the North West Priority Growth Area Land Use and Infrastructure Implementation Plan as it responds to Action 1 – to provide more land supply for new homes, is enabled through the rezoning of public recreation land; and Action 3 – to Manage residential densities to align with infrastructure, is enabled through residential density amendments proposed to allow for consistencies in zones.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy No 1—Development Standards	N		
State Environmental Planning Policy No 19—Bushland in Urban Areas	N		
State Environmental Planning Policy No 21—Caravan Parks	N		
State Environmental Planning Policy No 33—Hazardous and Offensive Development	N		
State Environmental Planning Policy No 36—Manufactured Home Estates	N		
State Environmental Planning Policy No 44—Koala Habitat Protection	N		
State Environmental Planning Policy No 47—Moore Park Showground	N		
State Environmental Planning Policy No 50—Canal Estate Development	N		
State Environmental Planning Policy No 55—Remediation of Land	N		
State Environmental Planning Policy No 64—Advertising and Signage	N		
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	N		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	N		
State Environmental Planning Policy (Aboriginal Land) 2019	N		

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy (Affordable Rental Housing) 2009	Y	Y	The planning proposal does not propose provisions that would impact the application of this SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N		
State Environmental Planning Policy (Coastal Management) 2018	N		
State Environmental Planning Policy (Concurrences) 2018	N		
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	N		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Y	Y	The planning proposal does not propose provisions that would impact the application of this SEPP.
State Environmental Planning Policy (Gosford City Centre) 2018	N		
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N		
State Environmental Planning Policy (Infrastructure) 2007	Y	Y	The planning proposal does not propose provisions that would impact the application of this SEPP.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N		
State Environmental Planning Policy (Kurnell Peninsula) 1989	N		
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N		
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N		

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N		
State Environmental Planning Policy (Primary Production and Rural Development) 2019	N		
State Environmental Planning Policy (State and Regional Development) 2011	N		
State Environmental Planning Policy (State Significant Precincts) 2005	N		
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N		
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Y	Y	The intent of this proposal is to amend this SEPP to facilitate the rezoning of part of the newly registered residential lots from RE1 Public Recreation to R2 Low Density Residential. The proposal to amend the SEPP is the only means to facilitate the rezoning
State Environmental Planning Policy (Three Ports) 2013	N		
State Environmental Planning Policy (Urban Renewal) 2010	N		
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	N		
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N		
State Environmental Planning Policy (Western Sydney Parklands) 2009	N		

4 Site-specific assessment

4.1 Environmental

There are no potential environmental impacts associated with the proposal.

The rezoning of the RE1 Public Recreation land is considered to be of minor significance as stated previously, the RE1 Public Recreation land is constrained land as it adjoins an approximately 80m wide electricity easement. The RE1 Public Recreation zone will remain within the easement and serve the population for the future population of Marsden Park.

4.2 Social and economic

There are no potential social and economic impacts associated with the proposal.

4.3 Infrastructure

The proposal is adequately serviced by infrastructure to service the site and the development resulting from the planning proposal.

5 Consultation

5.1 Community

As the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018), an exhibition period of 14 days is recommended for community consultation and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Transport for NSW
- TransGrid

6 Timeframe

Council proposes a five-month time frame to complete the LEP.

The Department recommends a time frame of 6-months to allow for some flexibility following submissions of the planning proposal for finalisation.

A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

Council did not request delegation to be the Local Plan-Making authority.

As the planning proposal seeks to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- It will align the zoning boundaries with the registered lots
- Is consistent with the Marsden Park Precinct ILP
- Contribute toward the housing targets in the Central City District plan

9 Recommendation

It is recommended that the delegate of the Secretary:

- Agree that any inconsistency with section 9.1 Direction 6.2 Reserving Land for Public Purposes is minor and justified in accordance with the terms of the Direction; and
- Note that the inconsistency with section 9.1 Direction 4.4 Planning for Bushfire Protection remains unresolved until further justification has been provided.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - amend *Attachment 3 – Consistency with relevant Section 9.1 Directions by the Minister* to correctly number the list of 9.1 Directions
 - consult with the NSW Rural Fire Service in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments of this agency.
2. Consultation is required with the following public authorities:
 - Transport for NSW
 - TransGrid
3. The planning proposal should be made available for community consultation for a minimum of 14 days.
4. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination.
5. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



20.11.2020

Ian Bignell

Manager Place and Infrastructure, Central (Western)



24.11.2020

Jane Grose

Director, Central (Western), Central River City and Western Parkland City

Assessment officer

Ryan Klingberg

Senior Planning Officer, Central River City and Western Parkland City

98601561