

## Planning Services

### Gateway Determination Report

<b>LGA</b>	Blacktown
<b>PPA</b>	Blacktown City Council
<b>NAME</b>	Amendment to Growth Centres SEPP
<b>NUMBER</b>	PP_2018_BLACK_012_00
<b>INSTRUMENT TO BE AMENDED</b>	State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)
<b>ADDRESS</b>	Sundew Parade and Elara Boulevard, Marsden Park
<b>DESCRIPTION</b>	Lot 2355 and Lot 2356 in DP 1228369 and Lot 1 in DP 1232886
<b>RECEIVED</b>	4 December 2018
<b>FILE NO.</b>	IRF18/72920
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this.

## INTRODUCTION

### Description of planning proposal

The planning proposal seeks to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP) for two sites within the Marsden Park Precinct. The amendments include correcting zoning anomalies for an approved relocation of a rain garden, and the rezoning of land to permit increased residential density resulting in between 10 and approximately 70 dwellings. Corresponding amendments to Height of Buildings (HOB), Residential Dwelling Density (RDN), Lot Size (LSZ) and Land Reservation Acquisition (LRA) maps are also proposed as outlined in the planning proposal (**Attachment A**).

### Site description

The planning proposal relates to two sites on Sundew Parade (Site 1) and Elara Boulevard (Site 2), Marsden Park. Both sites are located within the Marsden Park Precinct in the North West Growth Area. Both sites are vacant with the Elara Boulevard site (surplus school site) currently undergoing bulk earthworks to enable its subdivision and subsequent housing construction. The overall site area is 9,640m<sup>2</sup>, comprising 2,479m<sup>2</sup> (Site 1 - Sundew Parade) and 7,161m<sup>2</sup> (Site 2 - Elara Boulevard).



Figure 1: Site 1 – Sundew Parade, Marsden Park, and immediate surrounds (source: Nearmaps)



Figure 2: Site 2 – Elara Boulevard, Marsden Park, and immediate surrounds (source: Nearmaps)

## Existing and proposed planning controls

The existing and proposed planning controls under the Growth Centres SEPP applicable to the subject land are summarised in Table 1 below:

<b>Site 1 – Sundew Parade</b>	<b>Land use zoning</b>	<b>Maximum building height</b>	<b>Minimum lot size</b>
Existing	RU6 Transition and SP2 Infrastructure	9 metres	50,000m <sup>2</sup>
Proposed	Adjustment of RU6 Transition and SP2 Infrastructure zone boundaries to accommodate location of approved raingarden	HOB development standard removed from the area of approved raingarden.	Minimum lot size development standard removed from the area of approved raingarden
<b>Site 2 – Elara Boulevard</b>	<b>Land use zoning</b>	<b>Maximum building height</b>	<b>Maximum residential density</b>
Existing	R2 Low Density Residential	9 metres	15 dwellings per hectare
Proposed	R3 Medium Density Residential	14 metres	35 dwellings per hectare

**Table 1:** Existing and proposed planning controls

The following map extracts from the Growth Centres SEPP illustrate the current controls applying to both sites (Figures 3-10).



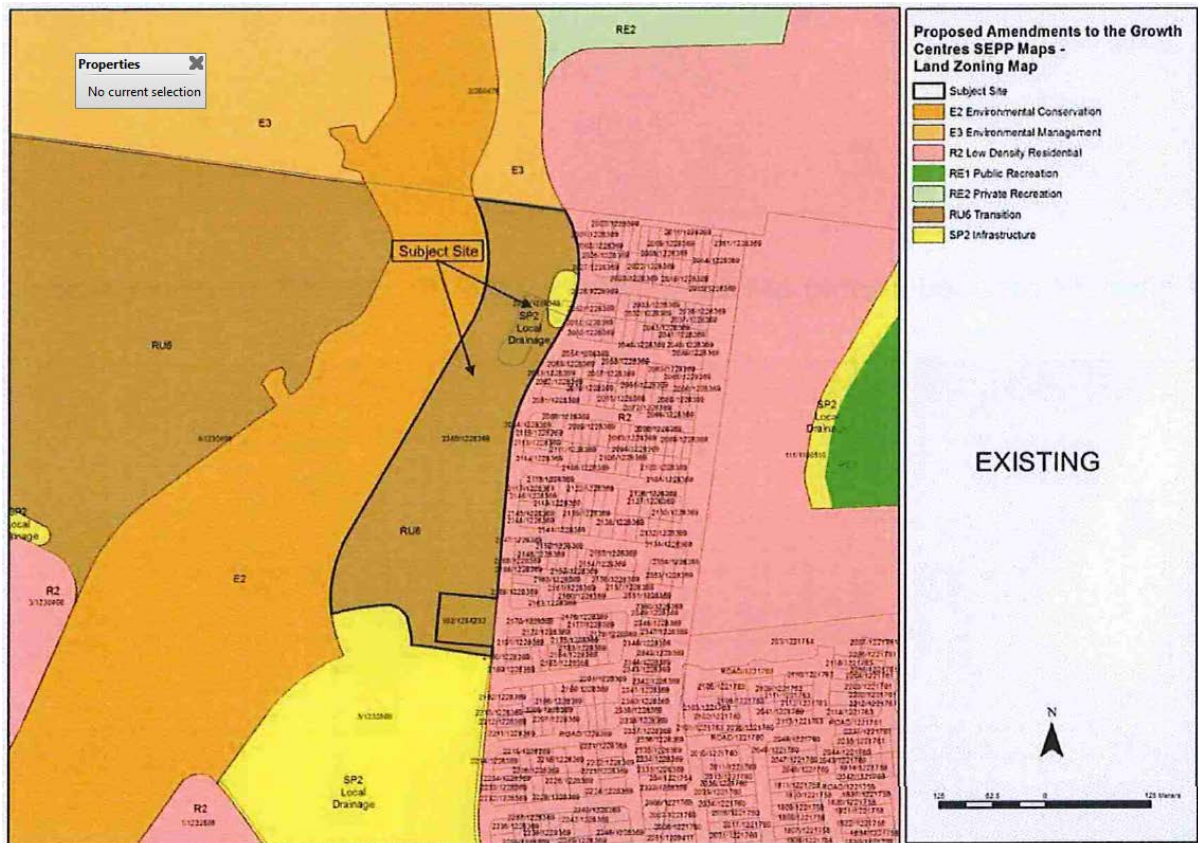


Figure 3: Site 1 - Existing SP2 and RU6 zoning (source: Growth Centres SEPP maps).

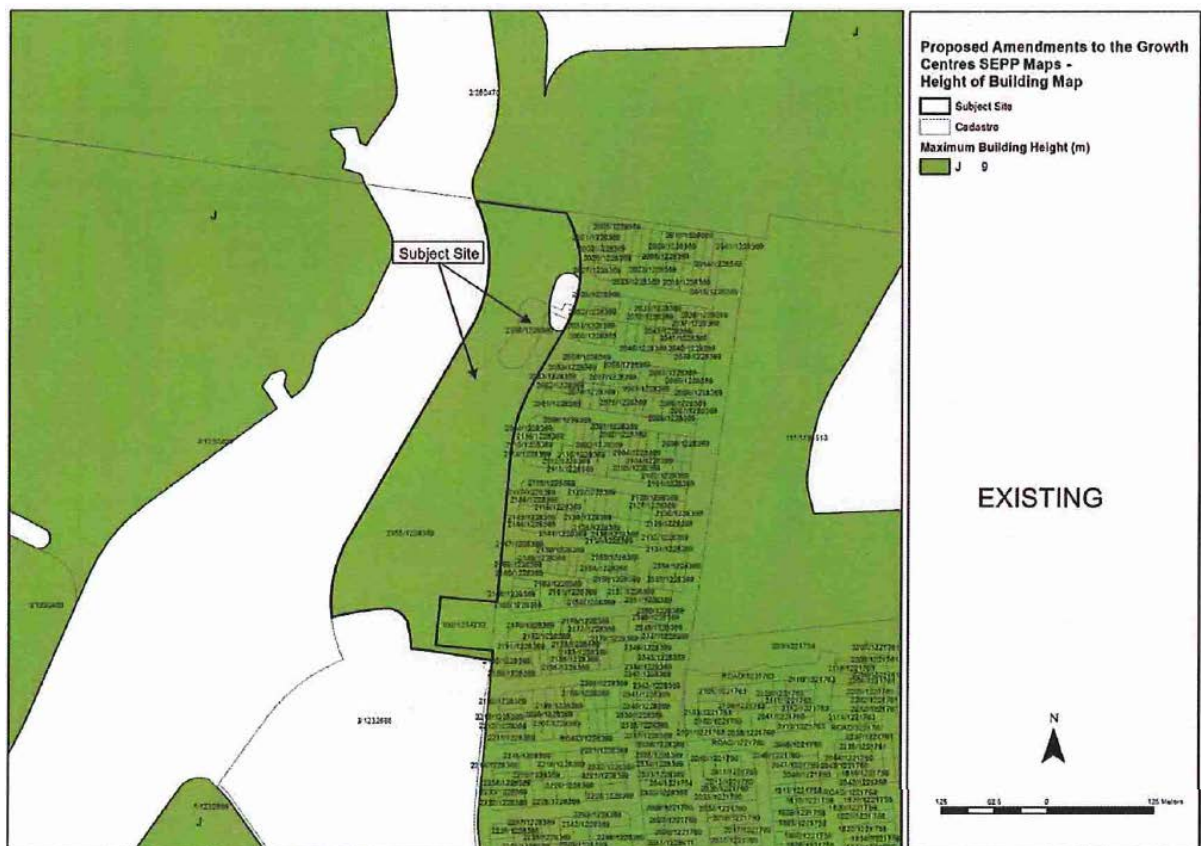


Figure 4: Site 1 - Existing maximum building height of 9m (source: Growth Centres SEPP maps).

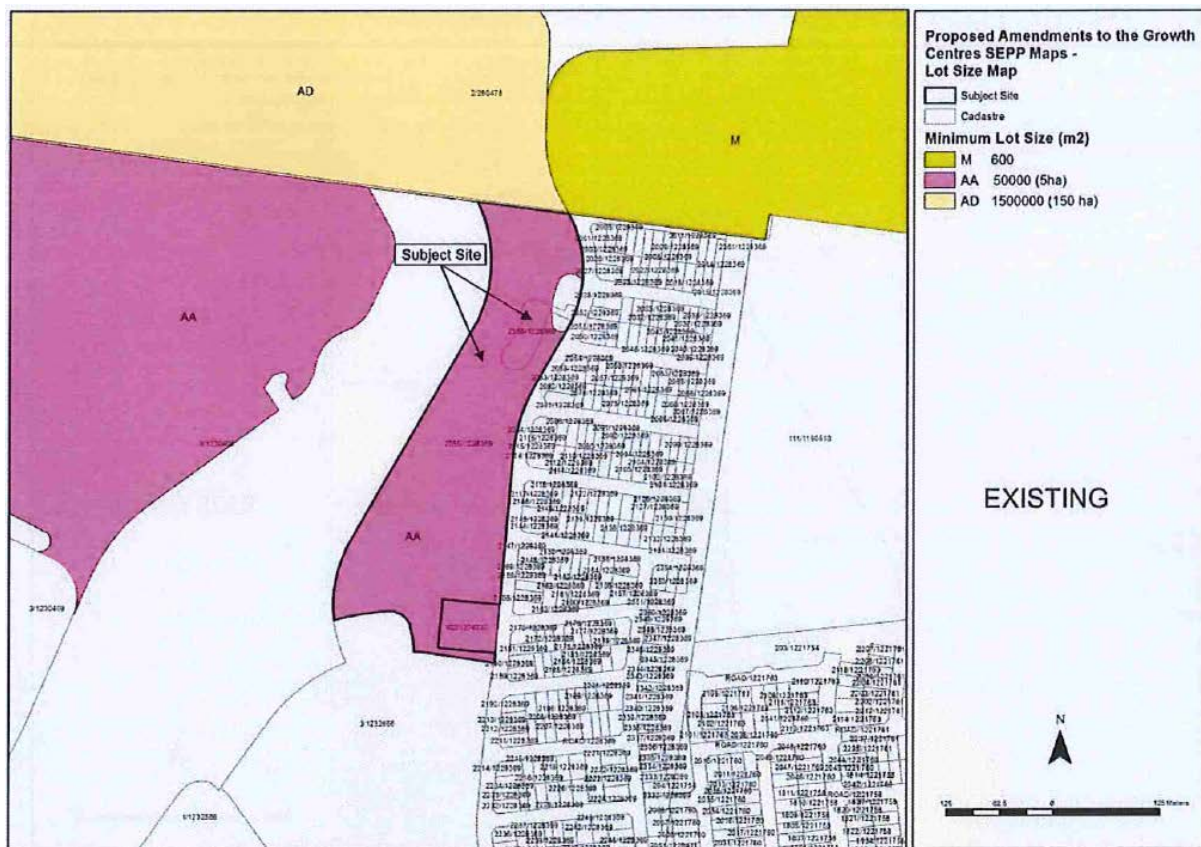


Figure 5: Site 1 - Existing 50000m² minimum lot size (source: Growth Centres SEPP maps).

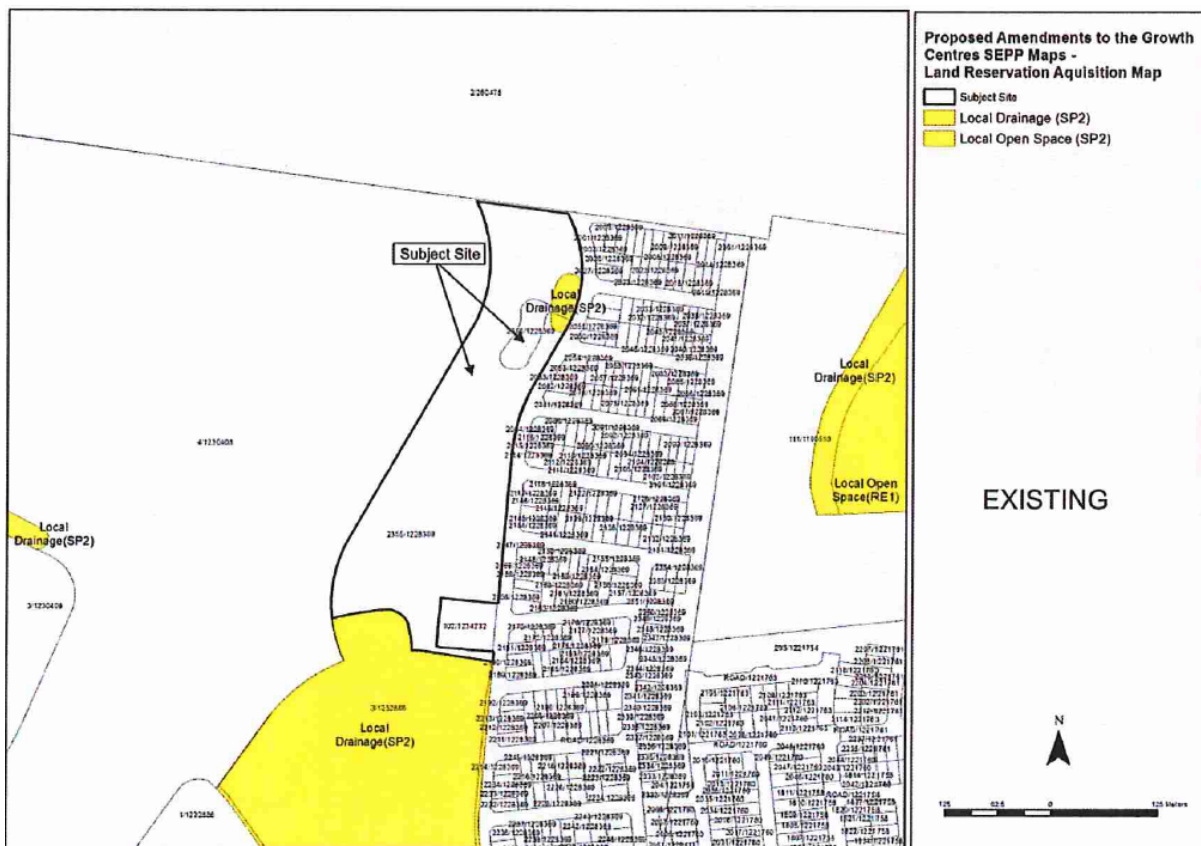


Figure 6: Site 1 – Existing land reservation (source: Growth Centres SEPP maps).



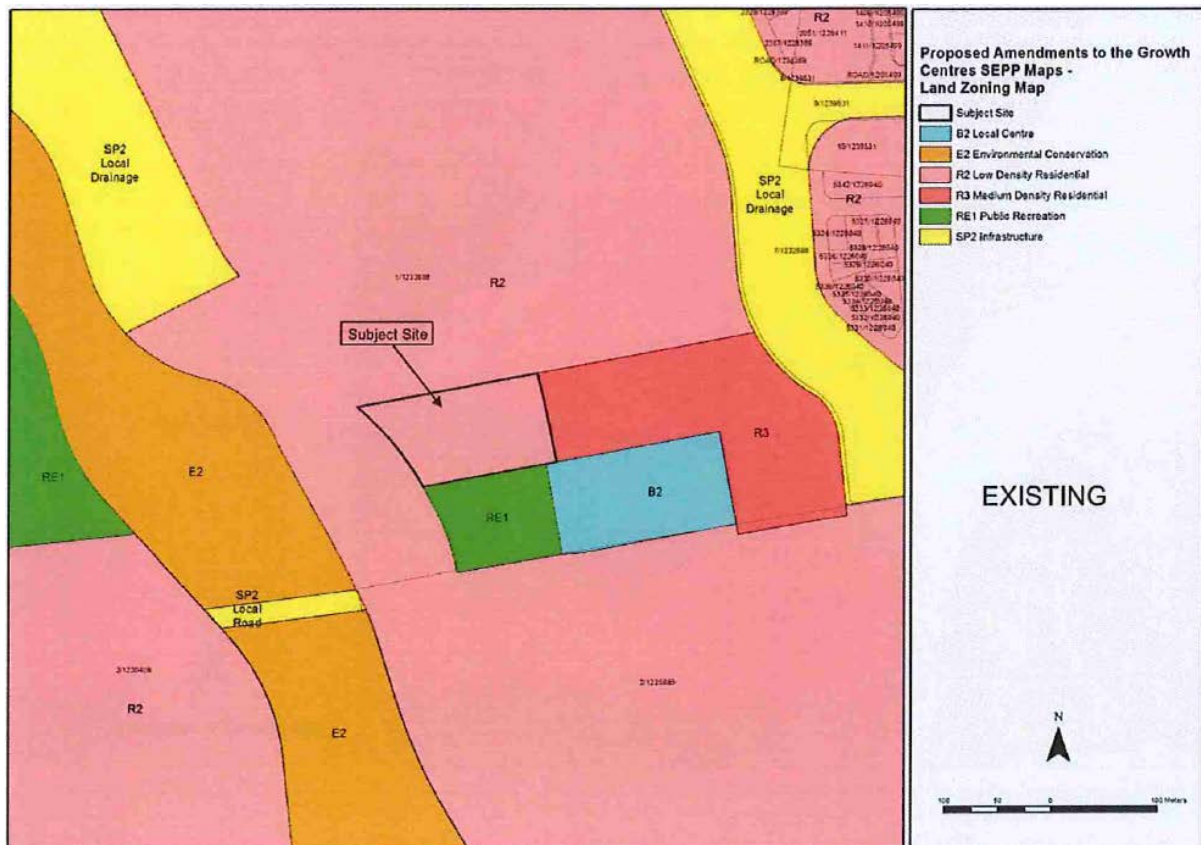


Figure 7: Site 2 - Existing R2 zoning (source: Growth Centres SEPP maps).

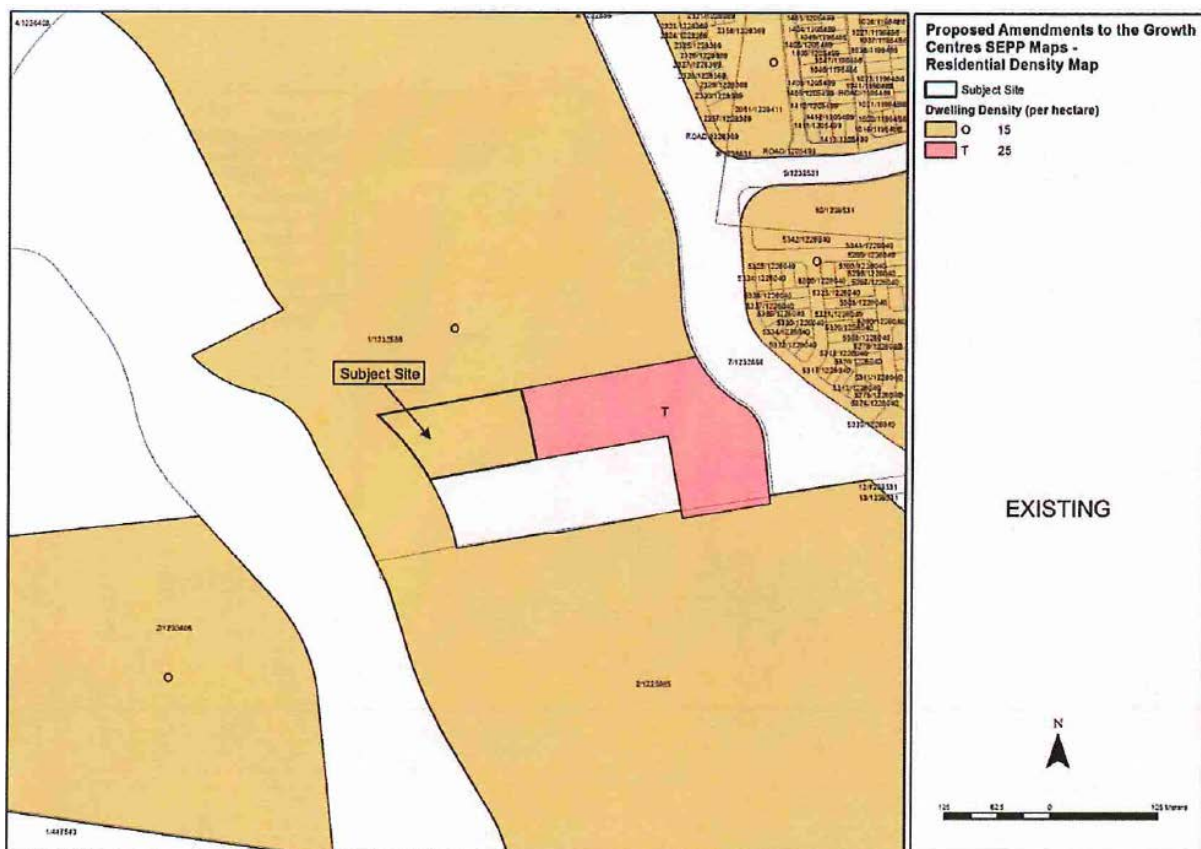


Figure 8: Site 2 - Existing residential density (source: Growth Centres SEPP maps).

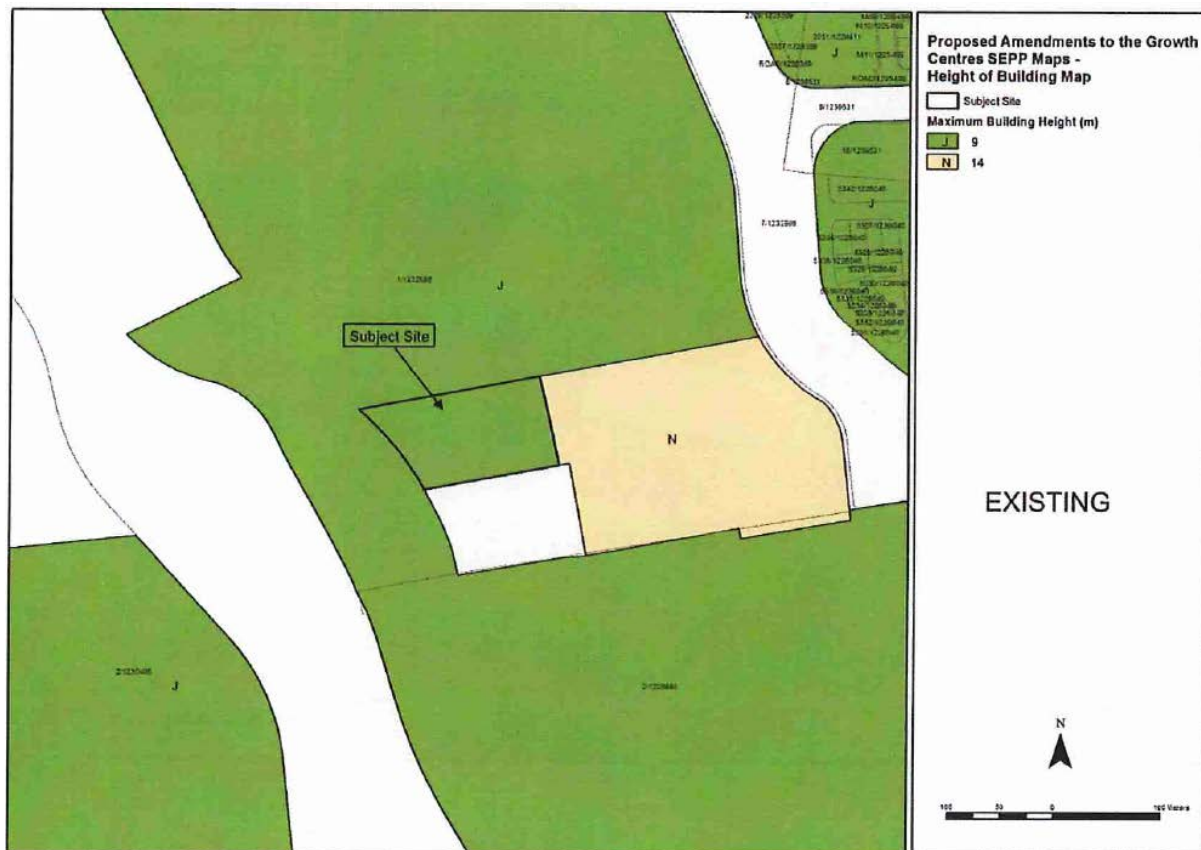


Figure 9: Site 2 - Existing height building height of 9m (source: Growth Centres SEPP maps).

### Surrounding area

The sites are located within New Park Estate, Marsden Park in the Marsden Park Precinct. The Marsden Park Precinct was gazetted in October 2013 and aims to provide approximately 10,000 new housing lots with approximately 20 hectares of commercial development. Both sites are located approximately 13km north west of the Blacktown city centre and 45km from Sydney CBD. See Figure 10 below.





Figure 10: Aerial view of Site 1 and Site 2 (outlined in red) and the surrounding context (source: Nearmaps).

## Summary of recommendation

The planning proposal should proceed subject to conditions as it reflects the broader strategic aims of the Growth Centres SEPP and has strategic merit. It will enable rationalisation of zoning anomalies and increased housing diversity (Site 2) within the Marsden Park Residential Precinct.

## PROPOSAL

### Objectives or intended outcomes

The objective of the planning proposal is to correct zone boundaries between the RU6 – Transition and SP2 – Infrastructure zones at Site 1 (Sundew Parade) to align with an approved raingarden and increase the permissible dwelling density at Site 2 (Elara Boulevard).

### Explanation of provisions

The proposed amendments to the Growth Centres SEPP include:

#### Site 1 – Sundew Parade

The proposal seeks to adjust the zone boundaries between the RU6 Transition and SP2 Infrastructure (Local Drainage) zones to align with a revised design for the raingarden, make associated amendments to the land reservation acquisition map, height of building map and lot size map.



## Site 2 – Elara Boulevard

The proposal seeks to rezone land from R2 Low Density Residential to R3 Medium Density Residential, increase the maximum building height from 9 m to 14 m, and apply a minimum density control of 35 dwellings per hectare.

### Mapping

The planning proposal (**Attachment A**) includes Land Zoning (LZN), Height of Buildings (HOB), Residential Dwelling Density (RDN), Lot Size (LSZ) and Land Reservation Acquisition (LRA) that show the current and proposed controls and is suitable for community consultation, subject to the recommendations in this report.

### NEED FOR THE PLANNING PROPOSAL

The planning proposal is not a result of any site-specific study or report and is a landowner-initiated planning proposal.

The change to the zoning of lots in Site 1 (Sundew Parade) is required as the revised design for the raingarden gained Development Approval in a RU6 – Transition zone within the site and its rezoning to SP2 – Infrastructure (local drainage) would better regulate land uses consistent with a raingarden (see Figure 11).

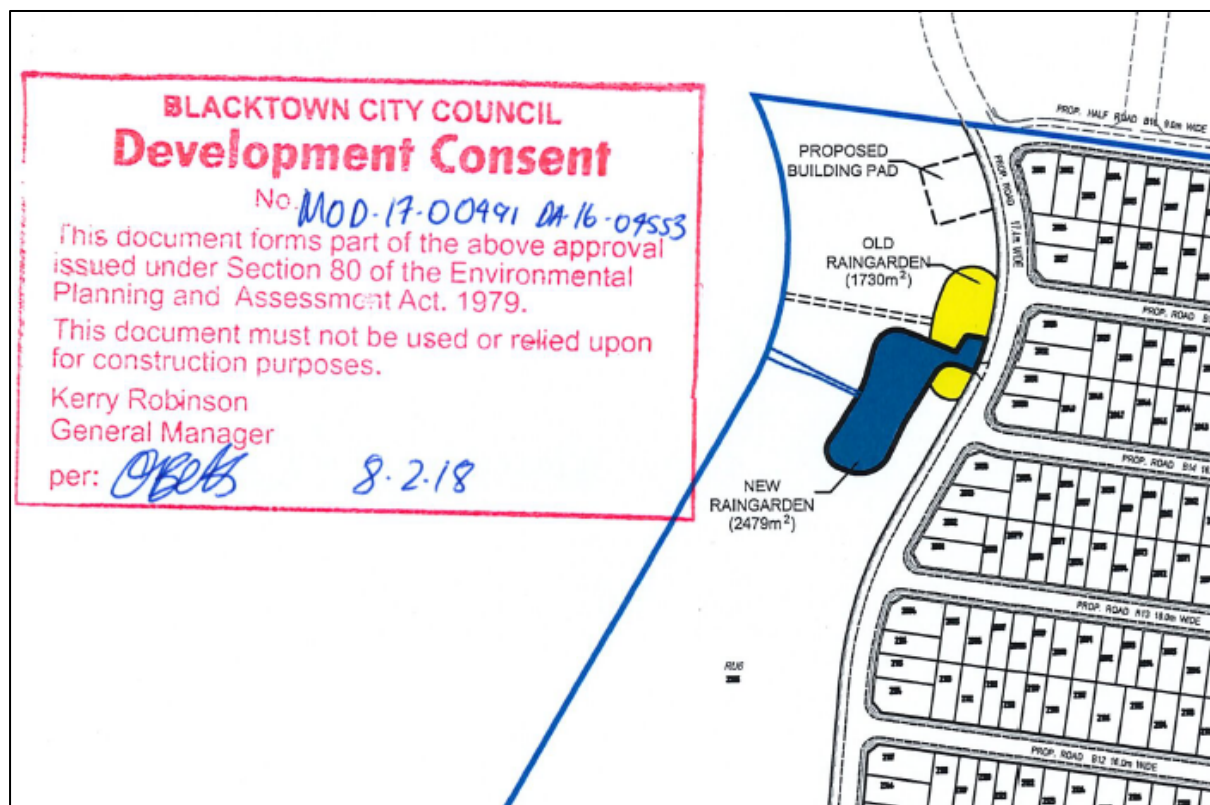


Figure 11: Approved DA site plan for the relocated raingarden (source: Blacktown City Council)

The planning proposal notes that whilst the RU6 zone permits raingardens, amending the site zoning to SP2 through the planning proposal is the most effective mechanism to enable the land to be accurately identified for future acquisition by Council.

The rezoning of land from R2 – Low Density Residential to R3 – Medium Density Residential at Site 2 is proposed on residue land which is not required for a

proposed public school. The site for the school was reduced in area (from 8ha to 6ha) through a modification to the approved subdivision. The planning proposal notes that the residual land would benefit from a zoning uplift to be consistent with adjoining R3 – Medium Density Residential land, resulting in consistent zoning adjoining a future local centre and fronting public open space.

The planning proposal will provide certainty to Blacktown City Council, the community and the landowners, and will allow for the orderly and economic development of the land.

## **STRATEGIC ASSESSMENT**

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### **District**

#### Greater Sydney Region Plan

The Greater Sydney Region Plan was prepared by the Greater Sydney Commission and provides a vision and plan for the delivery of 725,000 dwellings and an extra 817,000 jobs in the Greater Sydney region by 2036.

The plan provides four key concepts to drive and establish the three cities vision: infrastructure and collaboration; liveability; productivity; and sustainability. These key concepts are informed by 10 key directions, which are supported by 40 objectives to ensure the delivery of the vision for Sydney to 2056.

The planning proposal is broadly consistent with the plan as it increases housing supply and will protect waterway health.

Through amendments to the Growth Centres SEPP, the planning proposal will support and facilitate the directions of the Plan and is consistent with the following productivity objectives:

- Objective 10: Greater housing supply; and
- Objective 25: The coast and waterways are protected and healthier.

#### Central City District Plan

The Central City District Plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The planning proposal is consistent with the liveability and sustainability focus of the plan, being:

- *Planning Priority C5 –Providing housing supply, choice and affordability, with access to jobs, services and public transport*, noting the planning proposal seeks to increase residential density within the Marsden Park Residential Precinct; and
- *Planning Priority N13 – Protecting and improving the health and enjoyment of the Districts waterways*, noting the rezoning of the location of the raingarden and the acquisition of the land by Council.

### **Local**

#### Blacktown Planning Strategy

The planning proposal is considered to meet the strategic objectives identified in Council's strategic plan by providing increased residential density in an approved



residential precinct and protecting the area of the raingarden through appropriate rezoning.

### **Section 9.1 Ministerial Directions**

The proposal is considered to be consistent with relevant section 9.1 Directions except for the following:

#### Direction 2.3 Heritage Conservation

The site is not listed as a heritage item or located within a heritage conservation area under the Blacktown Local Environment Plan 2015 (BLEP 2015).

However, the planning proposal is inconsistent with this direction as it potentially disturbs the Marsden Park Precinct which was subject to an Aboriginal Heritage Impact Permit (AHIP) with subsequent salvage works carried out. Should there be any issues of heritage significance that arise on either site, there are adequate provisions contained within Part 5.10 of BLEP 2015 to address this. This inconsistency is justified based on being of minor significance as the issue can be addressed at the development application stage, should any issue of aboriginal heritage arise.

#### Direction 4.3 Flood Prone Land

Site 1 (Sundew Parade) is within a flood planning area and Site 2 is located between the 1 in 100 year and the PMF events. The proposal is inconsistent with this direction as it proposes to rezone Site 1 from RU6 – Transition to SP2 – Local Drainage and increases residential density with potential flood evacuation implications.

With respect to the zone change for Site 1, the inconsistency is justified based on being of minor significance as the rezoning of the site to SP2 – Drainage aims to address stormwater run-off through the future construction of the approved raingarden.

However, further investigation is required regarding the increased residential density and flood evacuation for Site 2. Therefore, this issue remains unresolved. A condition is imposed which requires the State Emergency Service (SES) be consulted.

#### Direction 6.2 Reserving Land for Public Purposes

The proposal is inconsistent with this Direction as it alters existing zoning on Site 1 to reserve land for public purposes. Under this Direction approval is required from the Secretary to create, alter or reduce existing zonings for reservations of land for a public purpose. This inconsistency is justified based on being of minor significance as the rezoning seeks to address the approval of an approved raingarden by including the land in a zone appropriate to its intended future use (drainage) and will identify the site for acquisition by Council.

### **State environmental planning policies**

The planning proposal seeks to amend the Growth Centres SEPP. The planning proposal notes that the proposal will allow for development to occur as planned for the Marsden Park Precinct by increasing housing density and amending the zoning for a raingarden will regularise the zoning to reflect the land use on respective lots. With respect to other SEPPs the planning proposal does not give rise to any matters that require further information to be submitted at this point in the rezoning process.

## **SITE-SPECIFIC ASSESSMENT**

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### **Social and Economic**

The potential increase of between 10 and 70 dwellings resulting from the rezoning of Site 2 from R2 – Low Density Residential to R3 – Medium Density Residential is marginal given that the site is located within the Marsden Park Precinct which was approved for 10,000 residential lots with provision of open space and community-based facilities. No negative social or economic impacts are expected from the rezoning as existing and approved open space, community facilities and commercial uses surrounding the site could accommodate the minimal increase in population.

### **Environmental**

Both sites have been cleared of vegetation as part of the Marsden Park Precinct and are unlikely to contain critical habitat or threatened species, populations or ecological communities, or their habitats.

### **Traffic**

The increase in residential density is likely to increase local and construction traffic. Given the site is located within an approved residential precinct with road and traffic infrastructure currently under construction, the expected traffic increase associated with the proposal is considered minimal and acceptable. Further, traffic impacts will be considered by the Roads and Maritime Service (RMS) during agency consultation.

### **Parking**

The increase in dwelling numbers is expected to result in further demand for off street and street parking. Parking requirements for the additional dwellings will be assessed in accordance with DCP parking controls as part of the development assessment phase.

### **Infrastructure**

There are no expected adverse impacts on infrastructure as a result of the proposed rezoning to accommodate the raingarden at Site 1 (Sundew Parade).

The rezoning and increased density proposed for Site 2 (Elara Boulevard) will have a marginal impact on existing and planned infrastructure within the Marsden Park Precinct. The planning proposal notes that the cumulative effect of increased yields within the Marsden Park Precinct should be considered further. The proposal notes that there has been no traffic impact assessment of the proposed increased dwelling numbers on the existing traffic network and notes that the SES can be consulted post Gateway with respect to flood evacuation.

It is expected that increase demand for infrastructure in the Marsden Park Precinct would be addressed through the future application of development contributions, including those additional dwellings associated with this planning proposal. A condition has been included to ensure the SES, RMS and Transport for NSW is consulted.



## **CONSULTATION**

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### **Community**

The planning proposal outlines a community consultation process that is consistent with *A Guide to Preparing Local Environmental Plans (2016)*.

Council has indicated a 28 day period to exhibit the proposal which in accordance with is considered to be appropriate.

### **Agencies**

Council proposed that consultation with relevant authorities will form part of the consultation requirements.

It is recommended the following agencies are consulted:

- NSW Department of Education;
- Roads and Maritime Services;
- Transport for NSW;
- State Emergency Services;
- Office of Environment and Heritage – Heritage Division; and
- Office of Environment and Heritage.

## **TIME FRAME**

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The proposed time frame to finalise this planning proposal is nine months, which is considered appropriate given the scale and complexity of the project. This is consistent with the time frame identified in the planning proposal.

## **LOCAL PLAN-MAKING AUTHORITY**

Council has not requested delegation of the plan making function be issued to it in relation to this planning proposal. Given that the planning proposal seeks to amend a State Policy, authorisation for Council to exercise the plan making delegation is not recommended.

## **CONCLUSION**

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It is recommended that the planning proposal proceed with conditions for the following reasons:

- the zoning adjustment of Site 1 for the approved relocation of the raingarden will better regulate future land uses consistent with the zoning with changes to the land acquisition map providing further certainty for Council;
- rezoning Site 2 and altering development standards will help achieve the objective of increasing housing diversity consistent with the District Plan; and
- the proposal is broadly consistent with the strategic planning framework for Blacktown local government area.

## RECOMMENDATION

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It is recommended that the delegate of the Secretary:

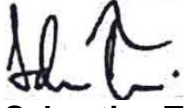
1. agree that any inconsistency with section 9.1, Directions 2.3 Heritage Conservation and 6.2 Reserving Land for Public Purposes are of minor significance; and
2. note the inconsistency with section 9.1 Direction 4.3 Flood Prone Land remains unresolved and will require further consideration following consultation with relevant public authorities.

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

1. Prior to community consultation Council is to amend the planning proposal to identify that the planning proposal is capable of complying with section 9.1 Direction 4.3 Flood Prone Land.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the *Environmental Planning and Assessment Act 1979* as follows:
  - (a) the planning proposal must be made publicly available for a minimum of 28 days; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2013).
3. Consultation is required with the following public authorities:
  - NSW Department of Education;
  - Roads and Maritime Services;
  - Transport for NSW;
  - State Emergency Services;
  - Office of Environment and Heritage – Heritage Division; and
  - Office of Environment and Heritage.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
5. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.



6. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



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11/01/2018

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