

## Planning Services

### Plan Finalisation Report

#### 1. NAME OF DRAFT LEP

Blacktown Local Environmental Plan - Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (draft LEP) (PP\_2018\_BLACK\_002\_00).

#### 2. SITE DESCRIPTION

The site at 9-11 Grange Avenue, Marsden Park is located east of Richmond Road on the northern side of Grange Avenue. It has an area of 3.24ha and is within the North West Priority Growth Area of the SEPP (Sydney Region Growth Centres) 2006 and is currently zoned part RE1 Public Recreation, part R2 Low Density Residential and part R3 Medium Density Residential (**Figure 1**).

The Marsden Park Precinct is currently being developed in accordance with the Marsden Park Indicative Layout Plan (ILP). Part of the site was identified for a new school in the Marsden Park ILP (**Figure 2**), but this was amended in 2016 via a Development Control Plan amendment to relocate the school and amend the local road pattern (**Figure 3**). As a result of the amendments to the ILP, it was considered appropriate to realign the land zoned RE1 so that it was contiguous with the proposed school site, with no road separation (**Figure 4**).

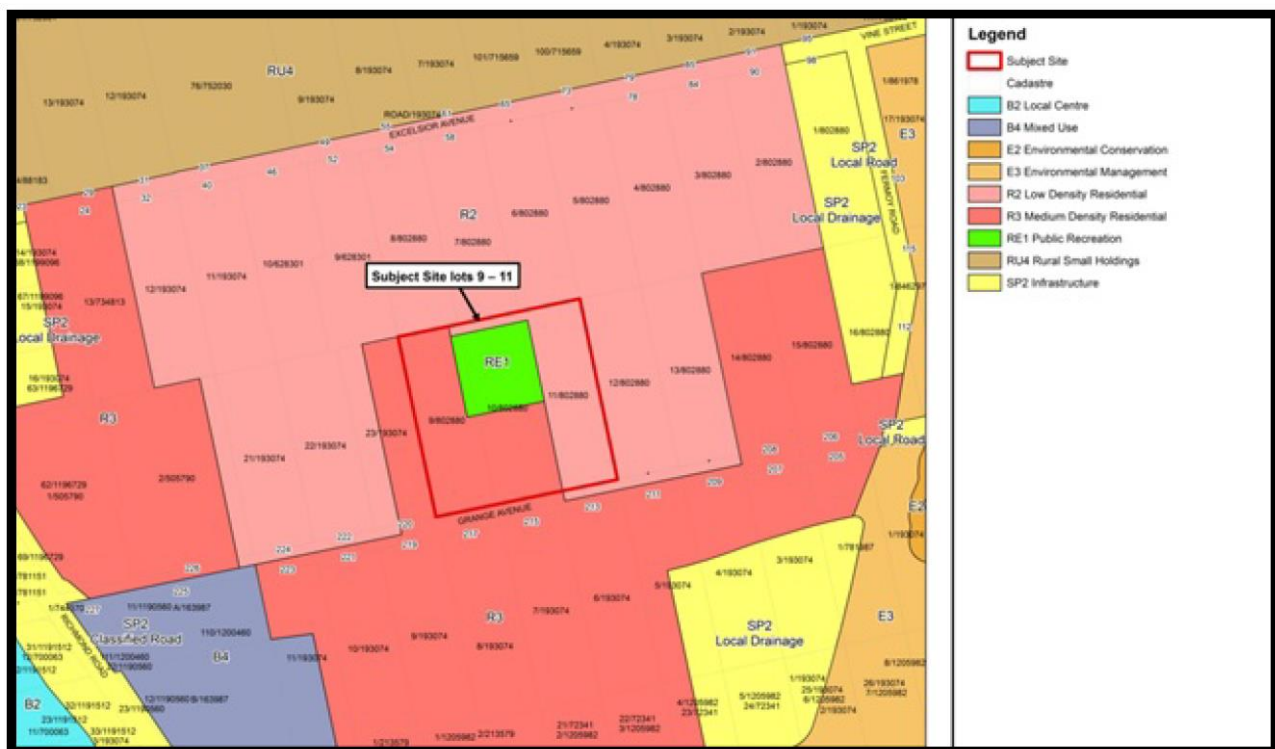


Figure 1 Site location and Existing zoning

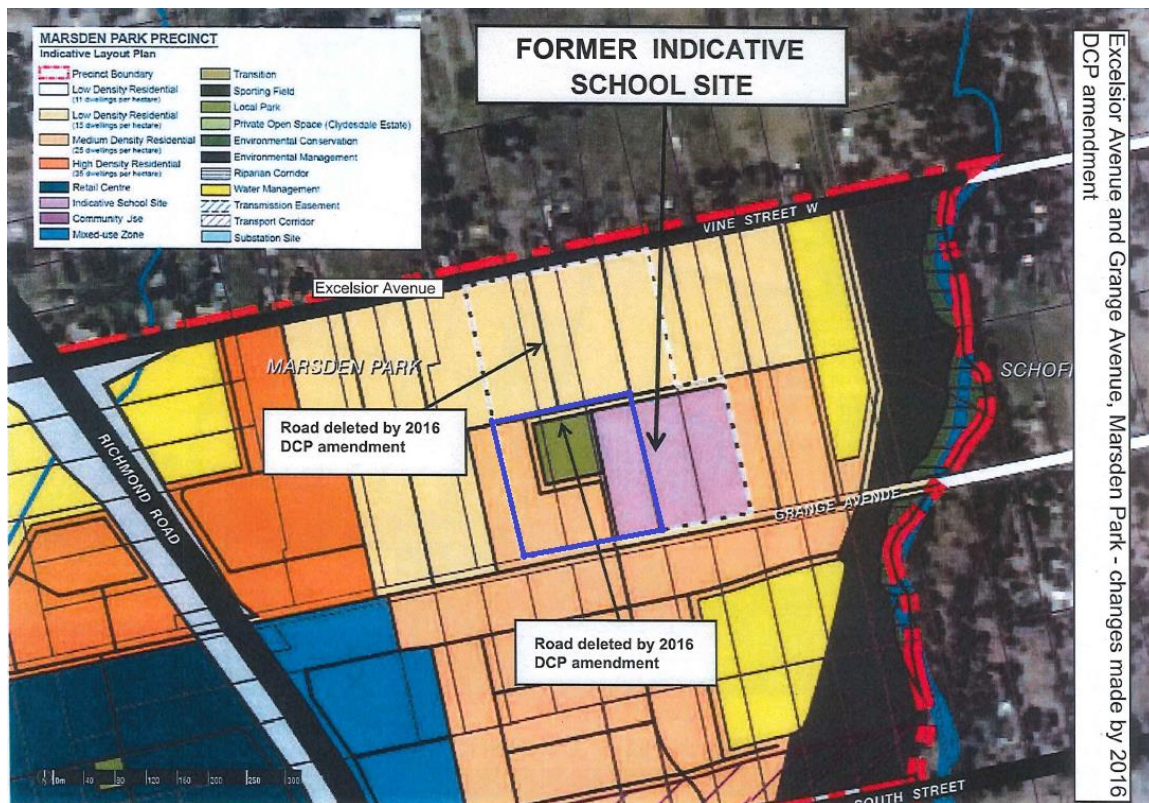


Figure 2: Marsden Park ILP and subject site (edged blue) prior to ILP amendment in 2016

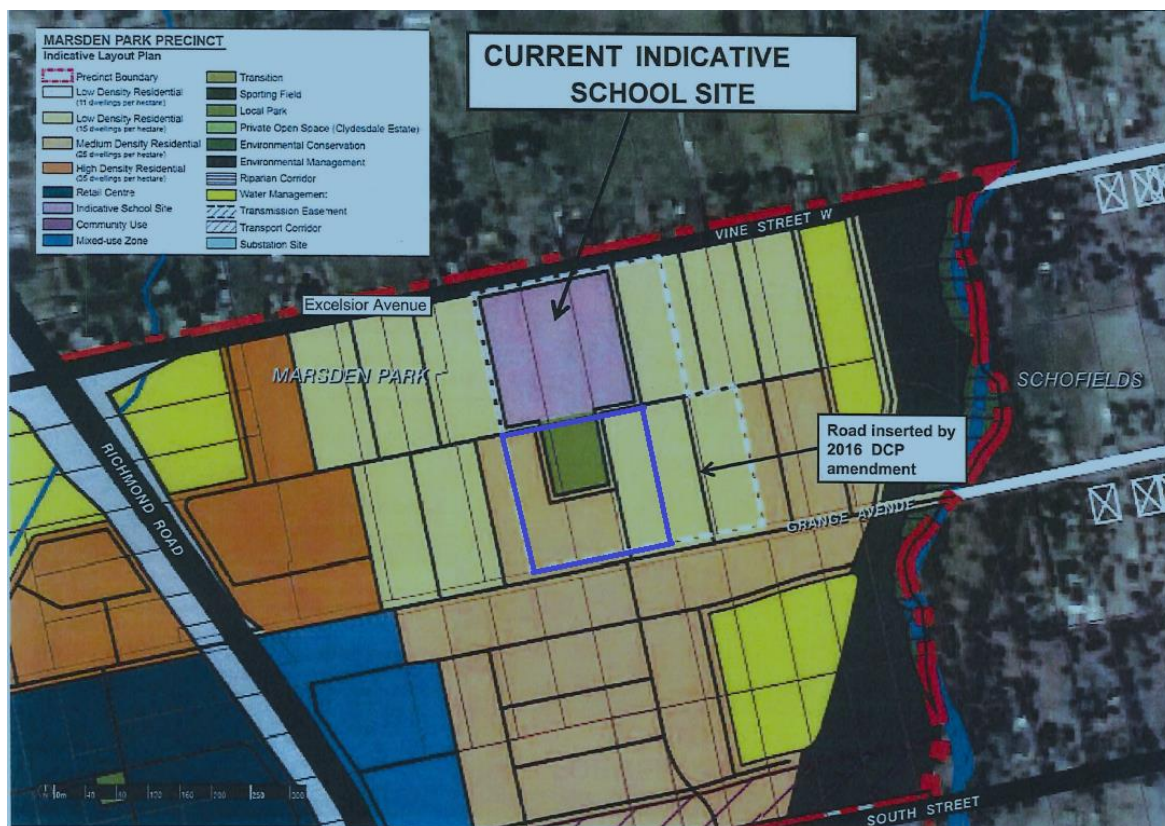


Figure 3: Current Marsden Park ILP showing relocated schools site and removal of proposed roads



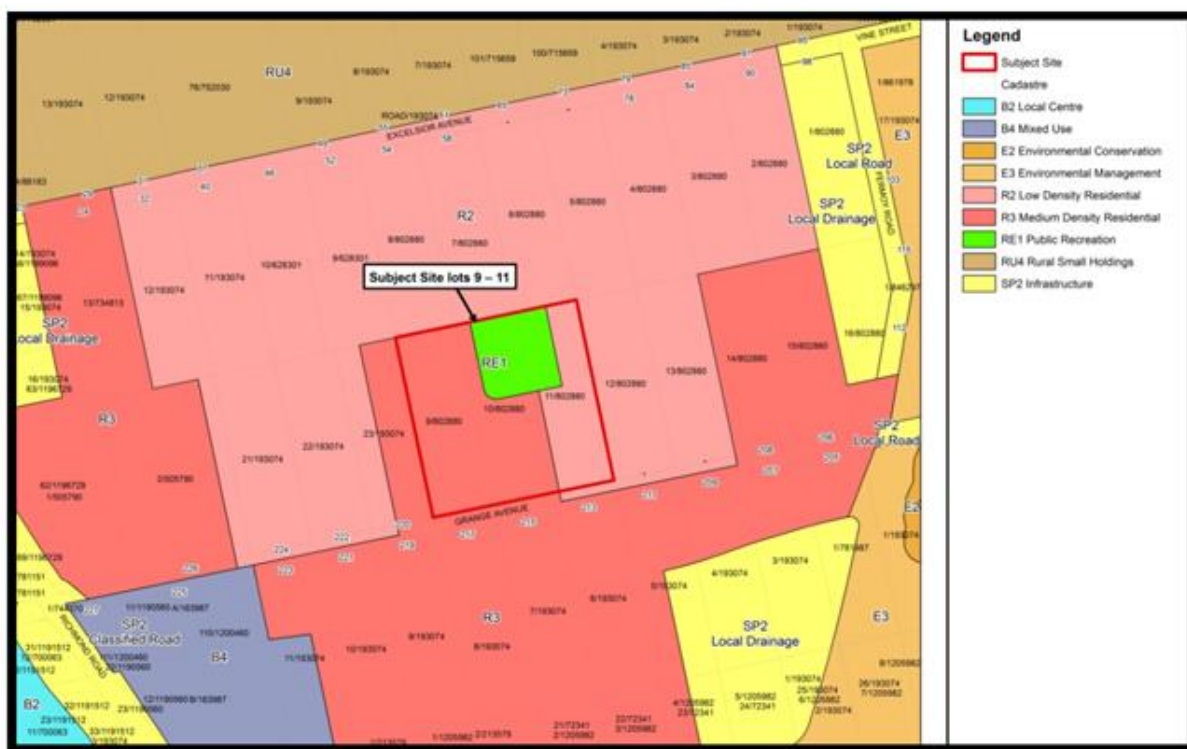


Figure 4 Proposed zoning

### 3. PURPOSE OF PLAN

The proposal is to relocate the local park in accordance with an approved subdivision and layout plan at 9-11 DP 802880, Grange Avenue, Marsden Park within the North West Priority Growth Area. The proposal relates to three parcels of land on the subject site. The proposal will require changes to the zoning map as follows:

Lot	Area (sqm)	Zoning change
Part of Lots 9, 10, 11	2564	RE1 to R3
Part of Lots 10 and 11	2362	R2 to RE1
Part of Lots 9 and 10	241	R2 to R3

The proposal will amend all corresponding development controls applying to the land in terms of height, residential density and acquisition responsibilities. The proposal will facilitate 3 additional dwellings.

### 4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Riverstone Electorate. Mr Kevin Conolly MP is the State Member for Riverstone.

The Hon Ed Husic MP is the Federal Member for Chieffly.

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

**NSW Government Lobbyist Code of Conduct:** There have been no meetings or communications with registered lobbyists with respect to this proposal.

<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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## **5. GATEWAY DETERMINATION**

The Gateway determination issued on 16 February 2018 (**Attachment C**) determined that the proposal should proceed subject to conditions. The draft LEP is due for finalisation by 16 February 2019.

## **6. PUBLIC EXHIBITION**

In accordance with the Gateway determination, the proposal was publicly exhibited by Council for 28 days from 13 March 2018 to 13 April 2018. One submission was received during the community consultation period. The submission objected to the proposal because the park is now positioned on the northern boundary of the property and should a perimeter road be required to be reinstated, it would require the adjoining landowner to the north to construct the full width of the road. The objection also identified a potential land use conflict with the poultry farm located to the south of the site. Council stated that these issues were addressed when the DCP and ILP was amended and is not a matter for the planning proposal. Council has satisfactorily addressed the issues raised.

## **7. ADVICE FROM PUBLIC AUTHORITIES**

Council consulted Sydney Water and Endeavour Energy in accordance with the Gateway determination. No objections were raised but the agencies stated the need to be consulted at development application stage.

## **8. POST-EXHIBITION CHANGES**

There was no change to the planning proposal following public exhibition. On 27 June 2018 Blacktown Council resolved to support the proposal to be finalised.

## **9. ASSESSMENT**

The proposal is the result of an amended ILP for the Marsden Park precinct and a deferred commencement subdivision consent has been granted (DA15-02309) for a lot layout that is consistent with the proposed zoning, pending finalisation of this planning proposal. There will be no significant environmental effects anticipated because of the zone boundary and map adjustments. The amendment is supported as it realigns the open space to the north which enables the proposed park to be contiguous with the identified location for a new school.

Council has adequately justified the proposal and have identified that the three additional lots that will be created as a result of this proposal will contribute s7.11 contributions towards the provision of open space.

### Section 9.1 Directions

There are no unresolved section 9.1 Directions.

### State environmental planning policies

The draft LEP is consistent with all relevant SEPPs or deemed SEPPs.

### State, regional and district plans

The Planning Proposal is consistent with the objectives outlined in the Central City District Plan, in that it will support to accelerate housing supply, choice and affordability and build great places to live.

## 10. MAPPING

The amending maps to the Growth Centres SEPP Land Zoning (LZN 005), Dwelling Density (RDN 005), Height of Building (HOB 005) and Land Reservation Acquisition (LRA 005) Maps have been checked by the Department's ePlanning Team and were sent to Parliamentary Counsel. The maps have been checked by the Land Release Team (**Attachment F**).

## 11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument under clause 3.36(1) of the *Environmental Planning and Assessment Act 1979* (**Attachment E1**). Council confirmed on 8 November 2018 that the plan should be made (**Attachment E2**).

## 12. PARLIAMENTARY COUNSEL OPINION

On 31 October 2018 Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

## 11. RECOMMENDATION

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because:

- there are no significant environmental, social or economic impacts anticipated as a result of the amendments sought; and
- the proposed rezoning is of a minor nature and is consistent with Marsden Park Indicative Layout Plan (ILP).



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