

# **BLACKTOWN CITY COUNCIL**

## **PLANNING PROPOSAL**

**Amendment to the State Environmental Planning  
Policy (Sydney Region Growth Centres) 2006 –  
Lots 9-11 DP 802880, Grange Avenue, Marsden  
Park**

**January 2018**

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## THE PLANNING PROPOSAL

### PART 1 – Objectives or Intended Outcomes

We received a request from Brooks Projects Architects on behalf of Li & Qing Pty Ltd to prepare a Planning Proposal to amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (Growth Centres SEPP). It applies to Lots 9-11 DP 802880, Grange Avenue Marsden Park which is located in the Marsden Park Precinct in the North West Priority Growth Area (NWPGA).

The local park zoned RE1 is to be relocated approximately 27m to the east, to align with the subdivision layout and road pattern approved by development application DA-15-02309 (Appendix 1). The RE1 zoned land is to be located on future Lot 13 on the subdivision plan. The total area of land zoned RE1 will remain unchanged.

The intended outcomes of the Planning Proposal are:

- The relevant mapping in the Growth Centres SEPP accurately reflects the physical location of land zoned for public use and land zoned for residential use.
- To provide certainty for future residents or other stakeholders by ensuring that land developed for residential use is not affected by a land use zoning which does not permit residential development.
- To promote and coordinate the orderly and economic use and development of the land, in accordance with the objects of the EP&A Act Section 5.

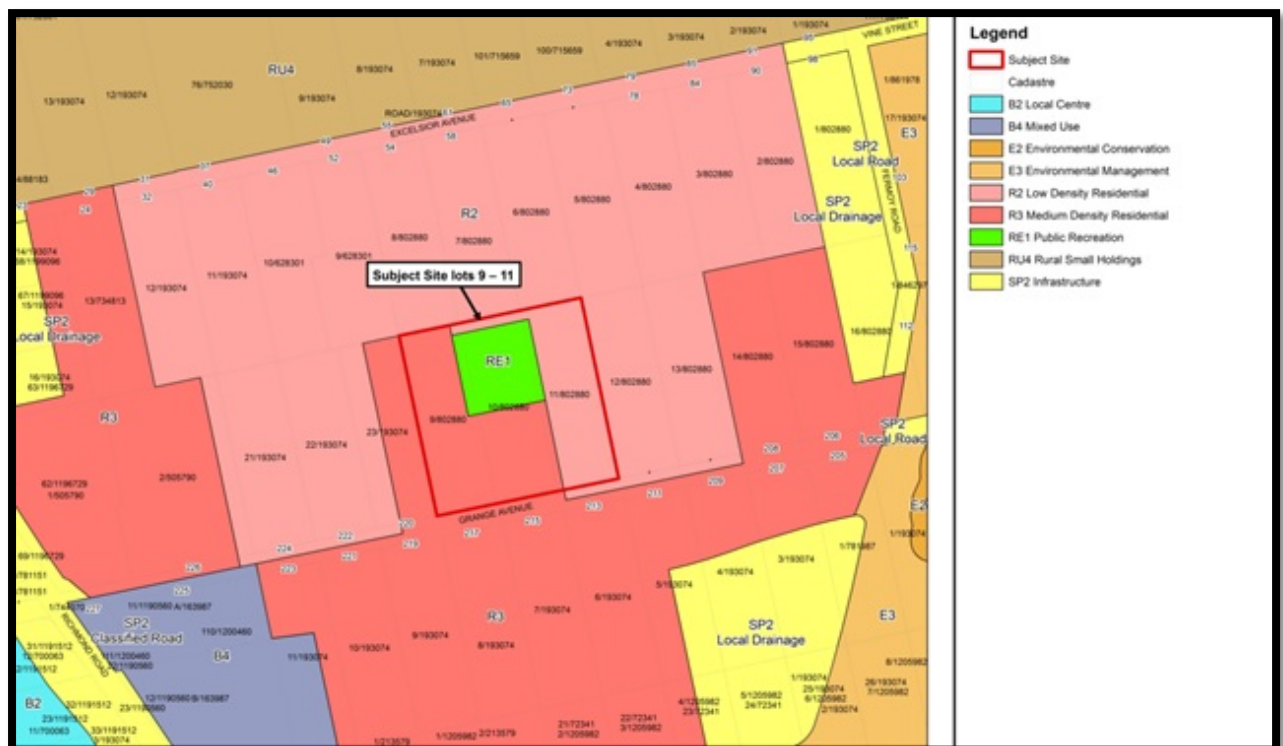
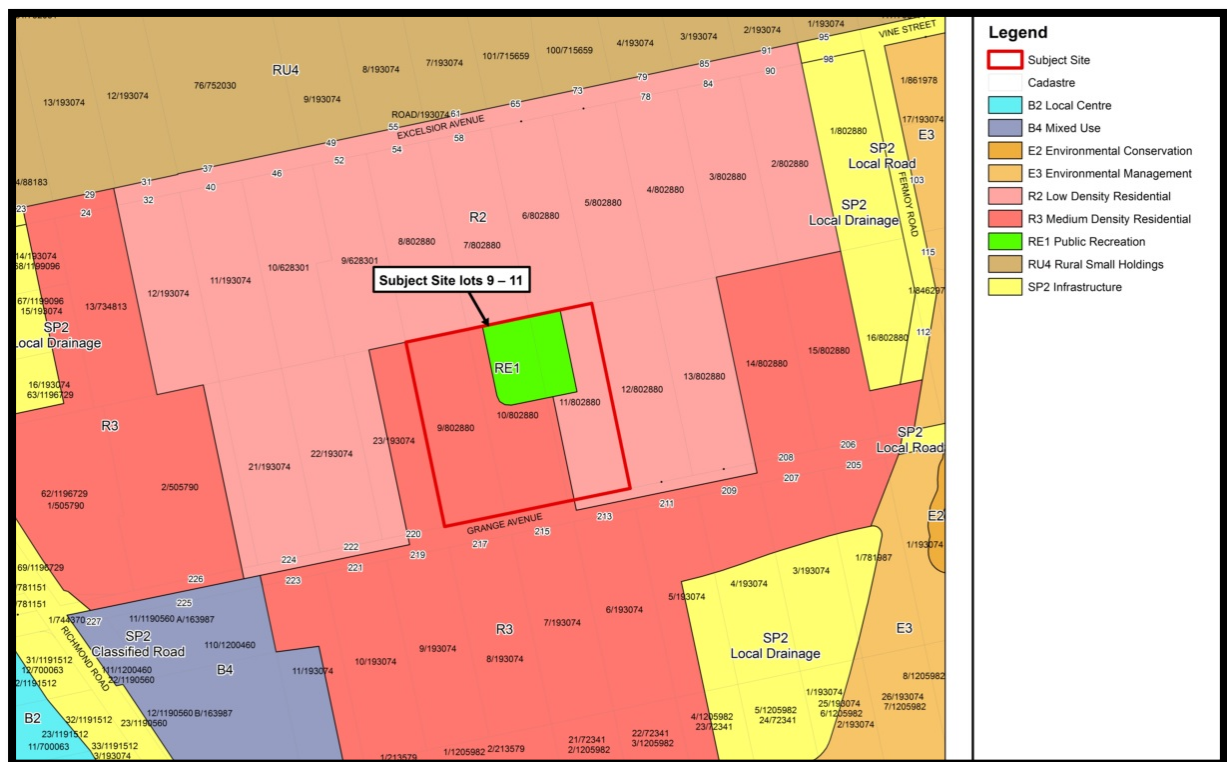


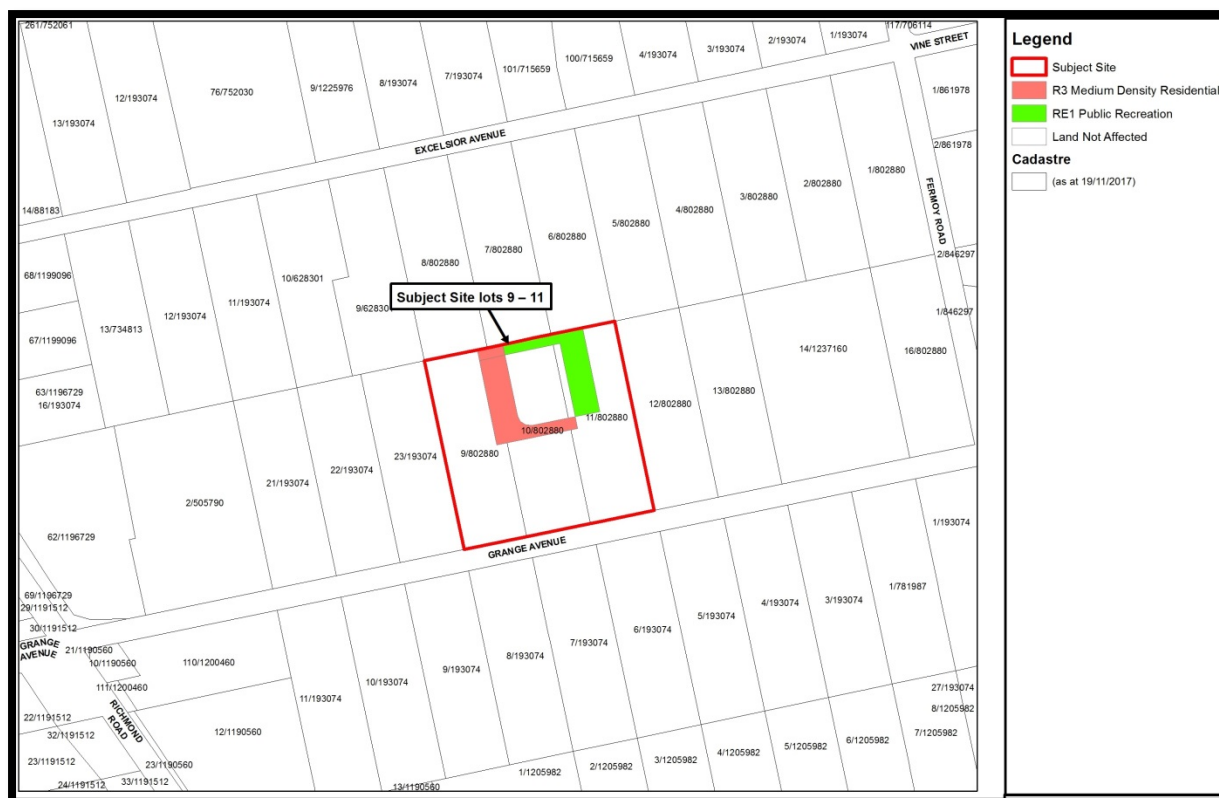
Figure 1 Current Land Zoning Map (Extract)



**Figure 2 Proposed Land Zoning Map (Extract)**

The proposal will require the following changes to the zoning map.

- Approximately 2564 m<sup>2</sup> of part of Lots 9, 10 and 11 will be rezoned from RE1 to R3.
- Approximately 2362 m<sup>2</sup> of part of Lots 10 and 11 will be rezoned from R2 to RE1.
- Approximately 241 m<sup>2</sup> of part of Lots 9 and 10 will be rezoned from R2 to R3.



**Figure 3 Proposed Changes to the Land Zoning Map**

The zoning amendment will require alterations to other relevant SEPP Maps such as Height of Building and Residential Density. The Land Reservation Acquisition Map will also require updating to ensure that only land zoned RE1 will be acquired by Council.

### **Resolution under Delegation from the Director of Design and Development**

On 21 December 2017, the request to facilitate an amendment to the Growth Centres SEPP was approved by the Director Design and Development. She resolved the following:

- i. Prepare and forward a Planning Proposal to the Department of Planning and Environment requesting a Gateway Determination to amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* to relocate the public park zoned RE1 from part of Lots 9 – 11 DP 802880, and to make corresponding changes to the Height of Building Map, Residential Density Map and Land Acquisition Map that reflect the proposed changes in the zoning of the subject land.
- ii. Implement any conditions attached to a Gateway Determination issued by the Greater Sydney Commission.
- iii. Advise the proponent that Recommendation 1 does not imply or guarantee that the Planning Proposal will ultimately be supported. Council's final determination of the proposal will occur when Council resolves to adopt the Planning Proposal (SEPP amendments) following exhibition and consideration of all relevant matters.

## Site Description

The request relates to land east of Richmond Road, on the northern side of Grange Avenue. The subject sites are part Lots 9-11 DP 802880. The site has frontage to Grange Avenue. The total site area of these lots is 3.24 ha. The site is partially cleared of vegetation. There are no structures on the land.

Lots 11-13 DP 802880 east of the subject site were formerly identified on the Marsden Park Indicative Layout Plan (ILP) as the indicative location for a new school. The indicative location for the new school was relocated north to Lots 6-8 DP 802880 fronting Excelsior Avenue (formerly Vine Street). Notification of the adoption of the DCP amendment relocating the school was published 20/7/2016 (Appendix 3). The relocation of the school to the site directly north of the proposed relocation of the RE1 zoned land and the road layout approved by DA-15-02309 included minor adjustment of the ILP road pattern including deletion of the local road on the northern boundary of the relocated RE1 zoned land. The relocation of the school site enables the current Planning Proposal to be shifted east, partly onto the former school site, and enables the relocated RE1 zoned land to extend to the northern boundary of the subject site, instead of terminating 9m from the boundary to allow for a subdivision road as provided by the current zoning. This Planning Proposal will not require any further adjustment to the ILP road pattern.

## PART 2 – Explanation of Provisions

The Planning Proposal will make minor amendments to the Growth Centres SEPP as follows:

- i. Amend North West Growth Centre Land Zoning Map – Sheet LZN\_005 to adjust the location of the public recreation land to the location approved by DA-15-02509. The land formerly zoned RE1 Public Recreation will instead be rezoned R3 Medium Density Residential. The proposed R3 rezoning is consistent with the zoning which applies to the adjacent land.
- ii. Amend North West Growth Centre Height of Buildings Map – Sheet HOB\_005 in line with the proposed rezoning. The land which is proposed to be rezoned R3 is to have a height limit of 14 m, which is consistent with the adjacent land. The land which is currently zoned R2 Low Density Residential and which is proposed to be rezoned RE1 is to have the height control of 9 m removed from the Height of Building Map.
- iii. Amend North West Growth Centre Residential Density Map – Sheet RDN\_005 in line with the proposed rezoning. The land which is proposed to be rezoned R3 is to have a minimum residential density of 25 dw/ha, which is consistent with the adjacent land. The land which is currently zoned R2 and which is proposed to be rezoned RE1 is to have the density provision removed from the Map.
- iv. Amend North West Growth Centre Land Reservation Acquisition Map – Sheet LRA\_005 to align with the revised location of the land zoned RE1 Public Recreation.

The proposed amendments are shown on the maps at Appendix 2.

## **PART 3 – Justification**

### **Section A – Need for the Planning Proposal**

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

No. The purpose of the Planning Proposal is to align the location of the RE1 zoned land with the subdivision layout and road pattern approved by development application DA-15-02509. On 6 July 2017, Council issued a deferred commencement consent for a staged Torrens title subdivision. Stage 1 of the subdivision is to create 12 residue lots and 1 public reserve. Stage 2 of the subdivision will further subdivide the residue lots. The development consent also gives approval for new local roads. The public reserve is to be dedicated to Council prior to release of the subdivision certificate.

Part 1 of the development consent provides that the consent is not to operate until such time as the submission to Council of a Planning Proposal to facilitate the relocation of the public reserve within the site and rezoning of the affected land.

#### **2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. A Planning Proposal is the best means of achieving the objectives. Amendments to the Growth Centres SEPP Maps can only be achieved via the LEP Planning Proposal process.

### **Section B – Relationship to Strategic Planning Framework**

#### **3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

##### A Plan for Growing Sydney

The Planning Proposal is consistent with the aims and actions contained within *A Plan for Growing Sydney, 2014*. *A Plan for Growing Sydney 2014* identifies the Growth Centres in the North West Sydney as sites for future housing and employment. A Structure Plan shows future planning and development in the North West Priority Growth Area (NWPGA). The Planning Proposal is consistent with the Structure Plan in the Marsden Park Precinct.

- Direction 2.4 – Deliver timely and well planned greenfield precincts and housing

Action 2.4.1 “Deliver Greenfield housing supply in the NWPGA” states the Government will continue rezoning land in the NWPGA to maintain a steady supply of Greenfield sites for

development. Action 2.4.1 is supported by this Planning Proposal as the Planning Proposal will result in a minor increase in the amount of land zoned R3. The proposed relocation of the RE1 zoned land also provides for efficient and orderly development of the subject site.

The Marsden Park Precinct is located in the West Central Subregion under *A Plan for Growing Sydney, 2014*. One of the priorities for the West Central Subregion is to “Accelerate housing supply, choice and affordability and build great places to live”. The Planning Proposal supports this action. By rezoning affected land to align with an approved subdivision layout and road pattern, the Planning Proposal facilitates the dedication of the RE1 zoned land to Council for embellishment and preservation for the use of all future residents.

#### Draft Greater Sydney Region Plan – Our Greater Sydney 2056 A Metropolis of Three Cities

The Draft Greater Sydney Region Plan discusses housing in Section 4 – Liveability. Objective 10 is about increasing housing supply. The NWPGA is an area where housing is to be supplied. The additional dwellings which are to be provided as a result of the minor increase in R3 zoned land achieved by this Planning Proposal will contribute by providing additional housing. The smaller sized product which will be built as a result of the up-zoning of the land to R3, will be more affordable than larger homes on land zoned R2.

The Draft Greater Sydney Region Plan discusses open space in Section 6 – Sustainability. Objective 31 requires public open space to be accessible, protected and enhanced. It states that key considerations for planning open spaces are quantity, quality and distribution. The Planning Proposal supports Objective 31 in that it aims to relocate the planned open space to align with an approved detailed subdivision design. The Planning Proposal will not reduce the area of the land zoned RE1, nor will the regular, usable, rectangular shape change. It complies with Strategy 31.1 which requires that planned new neighbourhoods have sufficient open space. Additional open space as a result of increased densities may be required in the area. This will be funded through additional S94 Contributions.

#### Draft Central City District Plan

Blacktown LGA is located in the Central City District. One of the key focus areas is the creation of a liveable city. This is discussed in Chapter 3: Liveability. The aim of Planning Priority C5 is to provide housing supply, choice and affordability with access to jobs and services. The small amount of additional land zoned for medium density residential use instead of low density residential use which will result from the proposed rezoning will create the opportunity for greater housing choice and affordability.

Another focus area of the Draft Central City District Plan is sustainability, which is discussed in Chapter 5. The Planning Proposal complies with the aim of Planning Priority C17, to deliver high quality open space. The proposed rezoning results from fine-grain planning at the DA stage. The size, orientation and usability of the RE1 zoned land are not



compromised. The RE1 zoned land is supported by a permeable road network which provides for the stormwater drainage requirements of the area.

#### Land Use Infrastructure and Implementation Plan (LUIIP)

The Planning Proposal complies with Action 1 of LUIIP, which is to provide more land supply for new homes. Some of the land proposed to be rezoned to R3 will be subject to a density range of 25-35 dw/ha under the draft SEPP Residential Density Map, which could yield up to 6 additional dwellings.

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

The planning proposal is consistent with Council's Community Strategic Plan 2025. It fulfils the intent of Strategy 3: Planning for a growing population, a key action under which is to ensure there is sufficient zoned land to meet the increased demand in open space.

#### **5. Is the planning proposal consistent with the applicable State Environmental Planning Policies (SEPPs)?**

A review of applicable SEPPs has been undertaken. The Planning Proposal does not propose provisions that will contradict or hinder the application of these SEPPs.

<b>SEPPs</b>	<b>Consistency</b>
<b>SEPP 55 Remediation of Land</b>	<p>Consistent.</p> <p>The Land Capability, Salinity and Contamination Assessments Report which supported the rezoning of the Marsden Park Precinct stated there is minor potential for elevated metals and/or pesticide concentrations in surface soils within various sections of Richmond Road and South Street.</p> <p>A further contamination assessment was submitted with DA-15-02309. It found the site did not have any signs of potential contamination.</p>
<b>SEPP (Sydney Region Growth Centres) 2006</b>	<p>Consistent.</p> <p>Relevant aims of the Blacktown Growth Centres Precinct Plan under Clause 1.2 include:</p> <p>(a) to rezone land to allow for development to occur in the manner envisaged by the growth centre structure plan and the indicative layout for the land to which this Precinct Plan applies,</p> <p>(b) to deliver housing choice and affordability by accommodating a wide range of residential dwelling types that cater for housing diversity.</p>

	<p>The Planning Proposal seeks to rezone land to provide for a minor relocation of a public recreation area, to align with an approved subdivision layout and road pattern. The size and usability of the RE1 zoned land are not compromised. As a result of the relocation of the RE1 zoned land, there will be a slight increase in the area of land zoned R3 Medium Density Residential, which will allow for variety in small lot housing options.</p> <p>The Planning Proposal allows for the orderly development of land, facilitates the dedication of RE1 land to Council for the use of future residents and provides certainty for future land holders of the area which is to be rezoned for residential use.</p>
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## 6. Is the planning proposal consistent with applicable Ministerial Directions?

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

Section 117 Direction	Consistency of Planning Proposal
<b>1. Employment and Resources</b>	Strategies 1.3-1.5 are not applicable.
1.1 Business and Industrial Zones	Not applicable. The Planning Proposal does not seek to rezone any land from or to business or industrial zones.
1.2 Rural Zones	Not applicable. The subject sites were rezoned for urban purposes effective October 2013.
<b>2. Environment and Heritage</b>	Strategies 2.2, 2.4 and 2.5 are not applicable.
2.1 Environment Protection Zones	Not applicable. The subject sites are not within nor adjacent to an Environment Protection Zone.
2.3 Heritage Conservation	Consistent. The subject sites are not known to contain items of archaeological heritage significance or indigenous heritage significance
<b>3. Housing, Infrastructure and Urban Development</b>	Strategies 3.2, 3.5 and 3.6 are not applicable.

Section 117 Direction	Consistency of Planning Proposal
3.1 Residential Zones	<p>Consistent.</p> <p>The Planning Proposal broadens the housing choice by rezoning land from R2 Low Density Residential to R3 Medium Density Residential. It also makes efficient use of the roads infrastructure approved by DA by aligning the land use zones with the subdivision layout and road network, facilitating orderly development.</p> <p>The proposed rezoning simply relocates a planned RE1 zone 27m to the east. The area and usable dimensions of the RE1 zoned land are unchanged. The Planning Proposal is deemed to be of minor significance.</p>
3.3 Home Occupations	<p>Consistent.</p> <p>The Planning Proposal does not inhibit the carrying out of a home occupation on land which is to be rezoned for residential use.</p>
3.4 Integrated Land Use and transport	<p>Consistent.</p> <p>The area is changing from a rural environment to an urban environment. Public transport will improve when the area develops. Public transport was addressed at the precinct planning stage of the Marden Park Precinct.</p>
<b>4. Hazard and Risk</b>	
4.1 Acid Sulphate Soils	<p>Consistent.</p> <p>The site is not known to be affected by acid sulphate soils.</p>
4.2 Mine Subsidence and Unstable Land	<p>Consistent.</p> <p>The site is not known to be identified as unstable land.</p>
4.3 Flood Prone Land	<p>Consistent.</p> <p>Portion of the subject sites are identified as low risk flood prone land, prior to bulk earthworks to reshape the land to be suitable for residential development. The Planning Proposal seeks to rezone land for recreational use. The Planning Proposal is considered to be of minor significance.</p>
4.4 Planning for Bushfire Protection	<p>Not applicable.</p> <p>The subject sites are not identified as bushfire prone land under Council's Bushfire Prone Map.</p>
<b>5. Regional Planning</b>	<p>Strategies 5.1-5.9 are not applicable.</p>

Section 117 Direction	Consistency of Planning Proposal
5.10 Implementation of Regional Plans	<p>Consistent.</p> <p>The Planning Proposal will facilitate the dedication of RE1 land to Council for the use of future residents in the local area. This supports Objective 7 “Communities are healthy, resilient and socially connected” and Objective 31 “Public open space is accessible, protected and enhanced”.</p>
<b>6. Local Plan Making</b>	
6.1 Approval and Referral Requirements	<p>Consistent.</p> <p>The Planning Proposal is not anticipated to establish conditions which will require a DA to be referred to a public authority.</p>
6.2 Reserving Land for Public Purposes	<p>Consistent.</p> <p>The proposal seeks to make a minor amendment to various SEPP Maps including the Zoning Map and Land Reservation Acquisition Map:</p> <ul style="list-style-type: none"> <li>• to accurately reflect the location of the public recreation area as approved by Development Consent No. DA-15-02309 issued by Council on 6 July 2017;</li> <li>• to ensure that all of the residential allotments in the approved subdivision are zoned for residential use; and</li> <li>• to ensure that the land zoned RE1 and land identified as reserved for future acquisition are aligned.</li> </ul> <p>The Minister or public authority is expected to request that any land zoned RE1 be reserved for a public purpose.</p>
6.3 Site Specific Provisions	Not applicable.
<b>7. Metropolitan Planning</b>	Strategies 7.2, 7.3, 7.5 and 7.6 are not applicable.

Section 117 Direction	Consistency of Planning Proposal
7.1 Implementation of A Plan for Growing Sydney.	<p>Consistent.</p> <p>The Planning Proposal will facilitate the execution of an approved subdivision plan and the dedication of public recreation land to Council, and will provide certainty for future landowners by ensuring residential land is zoned for residential use. This supports the aims and actions of <i>A Plan for Growing Sydney 2014</i>, in particular Direction 2.4 “Deliver timely and well planned greenfield precincts and housing” and West Central Subregion priority to “Accelerate housing supply, choice and affordability and build great places to live”.</p>

### Section C – Environmental, Social and Economic Impact

**8. 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. Critical habitats, threatened species, population, ecological communities or their habitats will not be adversely affected as a result of the proposal.

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

The proposal is not expected to have any adverse environmental impacts. The current location of RE1 land is not premised on the location of existing environmental factors such as vegetation or natural waterways.

**10. Has the planning proposal adequately addressed any social and economic effects?**

The proposal is not expected to have any adverse social or economic impacts. The total area of RE1 land is unchanged and the usable regular shape is retained. The location is simply shifted to the east by approximately 27m. The proposed rezoning will ensure that the land use zones align with the physical location of the new local roads, public recreation land and residential lots as approved by DA-15-02309.

### Section D – State and Commonwealth Interests

**11. Is there adequate public infrastructure for the planning proposal?**

The proposal involves a shifting in the location of the planned open space. The size of the open space does not change.

The proposed rezoning will result with no net increase in land for residential development, however, a slight increase in the amount of land zoned R3 compared to R2 will be achieved. This will provide for a minimum of 3 to a maximum of 6 additional dwellings. This is a minor increase in potential population which will be capable of being catered for by the essential infrastructure to be in place to service the wider subdivision already approved. It is expected that the planned open space together with the additional S94 contributions will provide for additional open space (or embellishment thereof) and infrastructure as necessary.

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

Consultation with relevant Commonwealth and State public authorities will be undertaken as directed by the Gateway Determination.

### **Part 4 – Mapping**

The Planning Proposal is accompanied by the following relevant draft SEPP Maps:

- i. Draft Land Zoning Map
- ii. Draft Height of Buildings Map
- iii. Draft Residential Density Map
- iv. Draft Land Reservation Acquisition Map

These maps are found in Appendix 2.

### **Part 5 - Community Consultation**

The Planning Proposal is considered to be low impact for the following reasons:

- It is consistent with the pattern of surrounding land use zones and/or land uses.
- It is consistent with the strategic planning framework.
- It is not a principal LEP.
- It does not reclassify public land.

### **Part 6 – Time Line**

The following time line is proposed. It is based on the premise that there will be no significant delays in state government consultation, the production of SEPP Maps and GIS data by Council, or that any objection received can be addressed without the need for an independent peer review.

<b>Milestone</b>	<b>Timeframe</b>
Commencement date	February 2018
Anticipated time frame for the completion of required technical information	April 2018
Timeframe for government agency consultation as per the Gateway	May 2018

Determination	
Commencement of public exhibition	June 2018
Completion of public exhibition	July 2018
Time frame for consideration of a proposal post exhibition	September 2018
Date of submission to the Department to finalise the SEPP Amendment	November 2018
Anticipated date RPA will forward to the Department for notification	December 2018