

Planning Services

Gateway Determination Report

LGA	Blacktown
PPA	Blacktown City Council
NAME	Prospect South (0 homes, 200 jobs)
NUMBER	PP_2018_BLACK_008_00
LEP TO BE AMENDED	Blacktown Local Environmental Plan 2015
ADDRESS	Prospect South, Prospect
DESCRIPTION	Various Lots and DPs (see pages 2 and 3 of the planning proposal - Attachment A) and additional land at Lot 4 DP1192514 and Lot 7 DP806006 (not noted in the planning proposal).
RECEIVED	4 October 2018
FILE NO.	IRF18/5346
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

INTRODUCTION

Description of planning proposal

The planning proposal seeks to amend Blacktown Local Environmental Plan 2015 to rezone land in Prospect, south of the M4 motorway, from RU4 Primary Production Small Lots, to IN1 General Industrial, SP2 Infrastructure (Drainage) and SP2 Infrastructure (Local Road) and remove minimum lot size controls.

Site description

Council has sought to rezone an area that is covered by the planning proposal document (**Attachment A**) and an additional area with an accompanying Council report and map (**Attachment A10**), comprising a total of 20ha.

The site area, as outlined in the planning proposal document, is approximately 12.24ha and is irregular in shape (Figure 1). The site is located at the intersection of Blacktown and Cumberland local government areas (with all land to be rezoned within Blacktown). Council's Report and Blacktown Local Planning Panel (**Attachment A10**) has identified land east of the planning proposal site for a regional detention basin. Council is seeking to incorporate this site into the planning proposal to rezone from RU4 Primary Production to SP2 Drainage and SP2 Local

Road (Figure 2). This land is subject to flooding and Council has identified it suitable to incorporate in this proposal, with additional land further east zoned for an existing local road.

This site area is currently used for low density grazing and agriculture uses, comprising of mostly vacant land with one part (south of the site) used as a truck depot. The site also contains approximately 2ha of remnant Cumberland Plain Woodland and River-flat Eucalypt Forest in small, isolated and distributed patches.

The site is intersected by Thornley Road and Reservoir Road, connecting to Prospect Highway to the south west of the site, which further connects to the M4 Motorway north of the site.



Figure 1 – Aerial view of subject site, as identified in the planning proposal (page 2 of Attachment A).

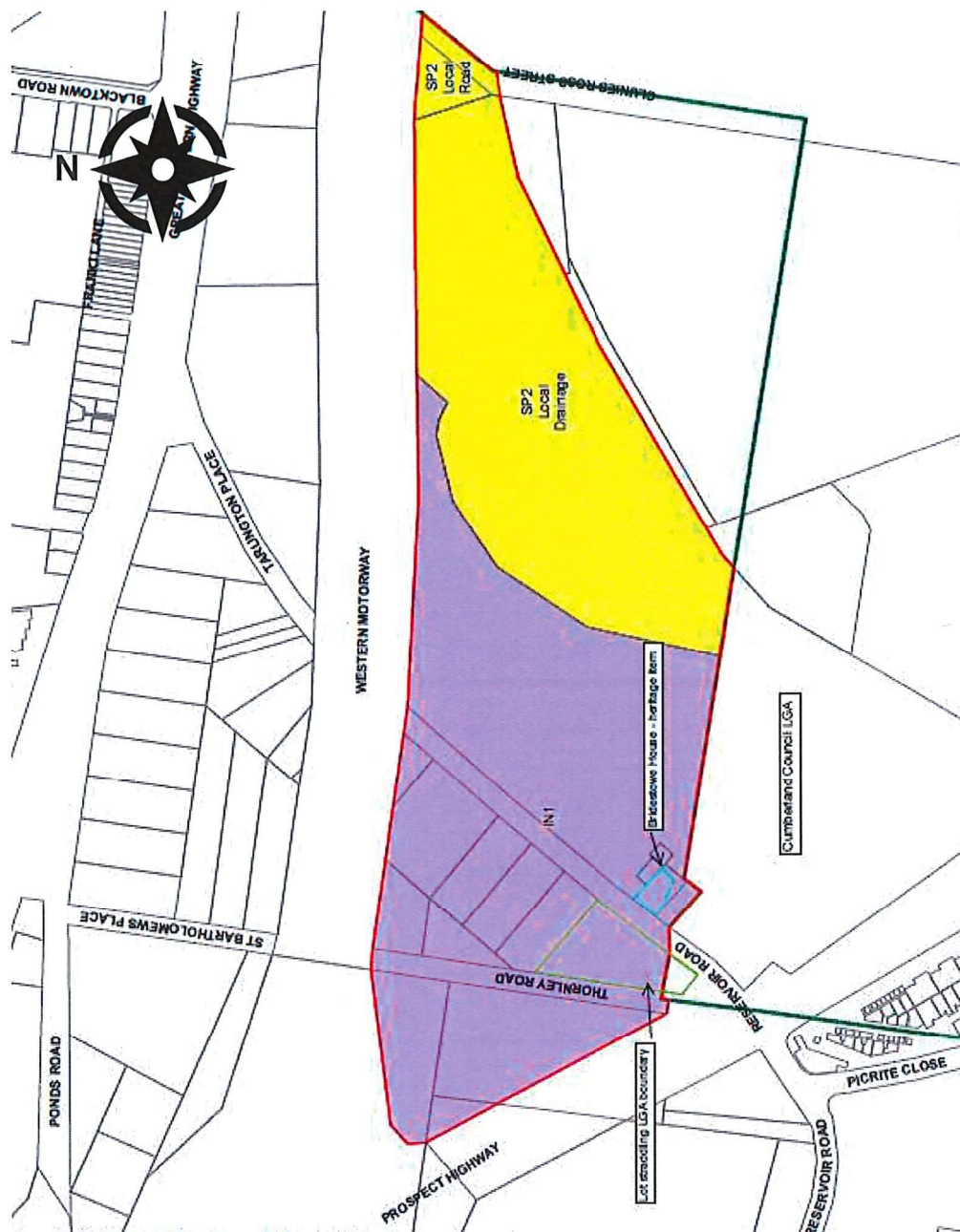


Figure 2 – Additional area (shown zoned SP2) identified in the Council’s report, with proposed zoning (source: Council report - page 5 of **Attachment A10**).

Existing planning controls

The subject site:

- is zoned RU4 Primary Production Small Lots;
- has a minimum lot size of 40 ha;
- contains a state heritage list item – Reservoir Road; and
- contains local heritage items Bridestowe House and Reservoir Road.

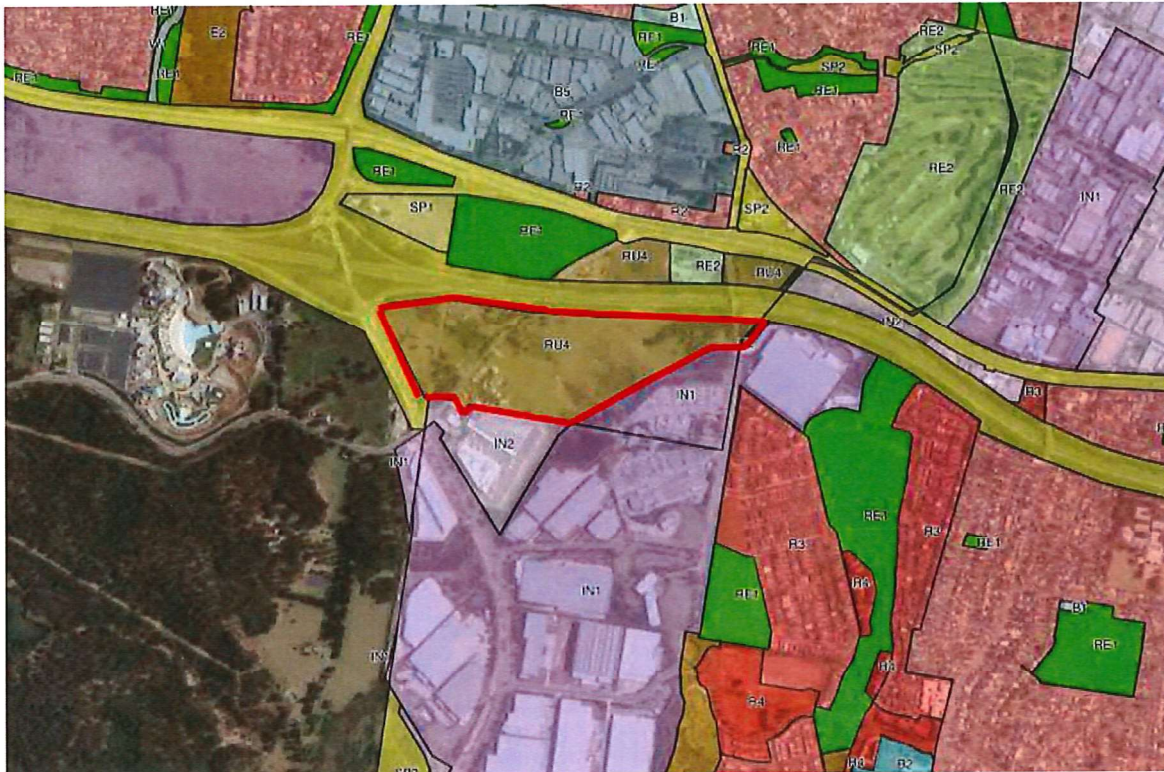


Figure 3 – Existing land zoning map and surrounding area land zones. The combined subject area (planning proposal and Council area to the east) is outlined in red (source: NSW Planning Portal).

Surrounding area

The M4 motorway adjoins north of the site, with Prospect Highway and Cumberland local government area to the west, and industrial zoned land south of the site. Further south west of the site is the Western Sydney Parkland area, which is unzoned (Figure 3).

East of the site contains further, vacant agricultural zoned land (RU4). The site east of the proposal's subject site is flood prone and Council seeks to incorporate this site into the proposal and zone for SP2 Local Drainage, with a small portion further east to SP2 Local Road.

Summary of recommendation

The proposal will provide industrial land, being generally consistent with the objectives of the Greater Sydney Region Plan and Central City District Plan. The proposal is consistent with the surrounding industrial land uses, with the capacity to provide employment generating uses of approximately 200 jobs.

The planning proposal (**Attachment A**) and its objectives, explanation of provisions, justification and mapping does not cover the additional land as described by Council and is not consistent with Council's proposed land zoning.

A Gateway condition has been drafted to ensure the proposal covers all areas subject to the Council resolution and the proposal's intent is consistent throughout the proposal to eliminate confusion regarding the subject site, justification and proposed amendments.

PROPOSAL

Objectives

The proposal seeks to rezone the site to facilitate general industrial development (page 14 of the proposal, **Attachment A**) and is accompanied by an indicative concept plan (**Attachment A1**).

The additional area identified by Council and to be included in the proposal is not identified within the objective of the planning proposal.

Explanation of provisions

The planning proposal (page 24 of **Attachment A**) seeks to amend the Blacktown Local Environmental Plan 2015 mapping as follows:

- amend the LEP zoning map by rezoning the majority of the site to IN1 General Industrial, with the remainder of the site to SP2 Infrastructure (Drainage);
- amend the LEP minimum lot size map to remove the minimum lot size control development standard applying to the site.

No changes are proposed to the LEP written instrument. Proposed zoning is illustrated in Figure 4.

Council's further resolution to rezone land east of the subject site to SP2 Drainage and SP2 Local Road and amend the area of land to be zoned SP2 Drainage (**Attachment A10** and Figure 5)) has led to inconsistencies with the explanation of the provisions in the planning proposal.

The proposal, as submitted, does not sufficiently detail the extend of this further site and reconfiguration of the proposal's zoning.

A Gateway condition has been drafted to ensure the planning proposal is consistent with Council's resolution.



Figure 4 – Proposed zoning as outlined in the planning proposal (Attachment A**)**

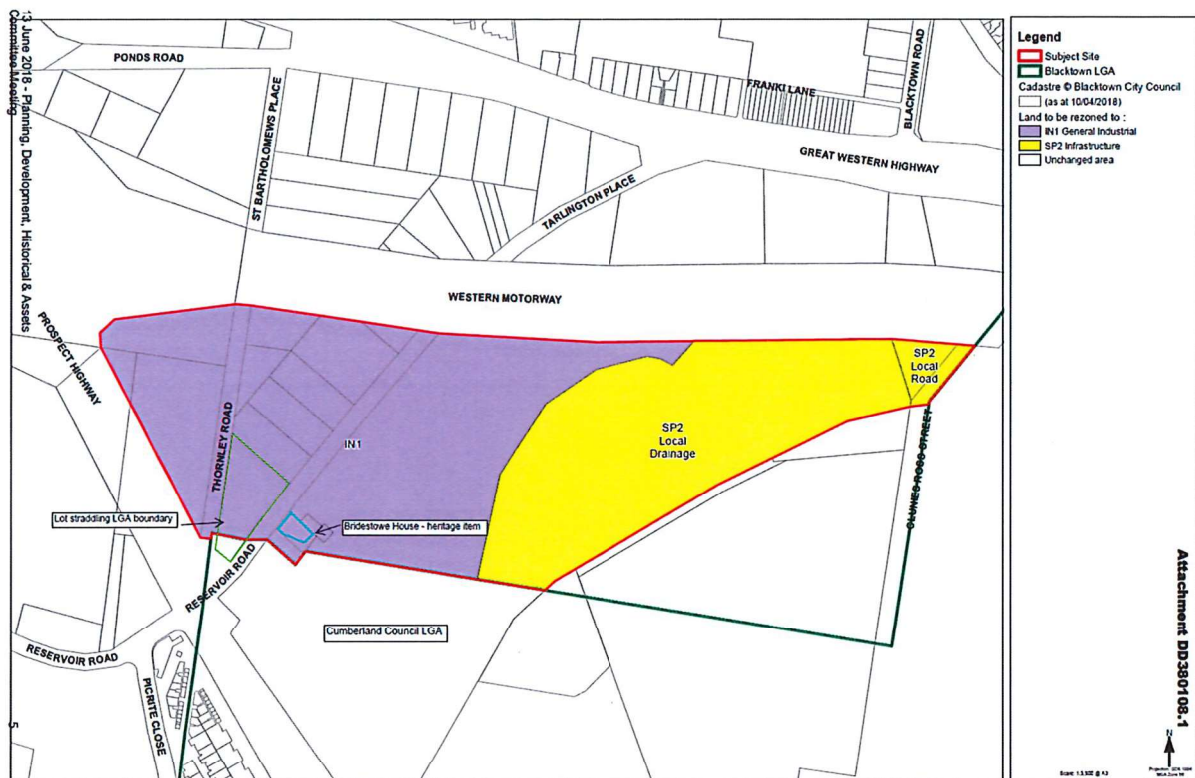


Figure 5 – Proposed zoning as per Council's resolution (Attachment A10)

Mapping

The proposed LEP maps in the planning proposal do not align with the proposed maps as further amended by Council when resolving to incorporate land east of the site. Specifically, this relates to the identification of the subject site itself (including Lot and DPs), and inconsistencies with the proposed zoning of land for special infrastructure (SP2).

A Gateway condition has been drafted to clarify the planning proposal regarding the proposed area subject to the planning proposal and the proposed zoning and mapping of development standards.

NEED FOR THE PLANNING PROPOSAL

General industrial development is not permissible and is inconsistent within zone RU4 Primary Production Small Lots.

A planning proposal is required to rezone the site is considered the most appropriate mechanism to address all relevant environmental planning matters for the anticipated future use of the land for industrial purposes.

STRATEGIC ASSESSMENT

Greater Sydney Region Plan

The planning proposal has been assessed against the Greater Sydney Region Plan – A Metropolis of Three Cities and is generally consistent with the plan, specifically Objective 23: Industrial and urban services land is planned, protected and managed.

The proposal seeks to rezone land for the provision of general industrial development, contributing approximately 12.24ha of industrial land and supporting surrounding industrial uses.

Central City District Plan

The planning proposal has been assessed against the Central City District Plan, being the relevant district plan for Blacktown City Council, and is generally consistent with the plan, specifically:

Planning Priority C11 – Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land: The proposal may attract advanced manufacturing within an area already established for urban services land usage, and may serve to reinforce the character of the local area for employment purposes, protecting from commercial and residential encroachment.

Planning Priority C12 – Supporting growth of targeted industry sectors: The proposal will provide land and appropriate zoning to enable realisation of this planning priority.

The rezoning is sought to realise industrial related employment opportunities and the urban services and industrial growth as outlined by the Central City District Plan, specifically page 86 of the District Plan, as follows:

“In Blacktown Local Government Area, a major industry cluster of transport and logistics, storage, warehousing and distribution is developing. This cluster, together with more established industrial precincts, will capitalise on the growth of the Western Parkland and Central River Cities.”

The subject site is directly north of the Western Parklands Area and lies adjacent to Industrial and Urban Services Land north and south of the site (Figure 4) and is considered consistent with the intent of the District Plan.

Planning Priority C18 - Better managing rural areas. The site is not contained within the Metropolitan Rural Area (MRA), although the MRA lies directly west of the site (Figure 4). It is considered that the rezoning of the land from rural to industrial does not affect the District Plan's protection of the MRA.

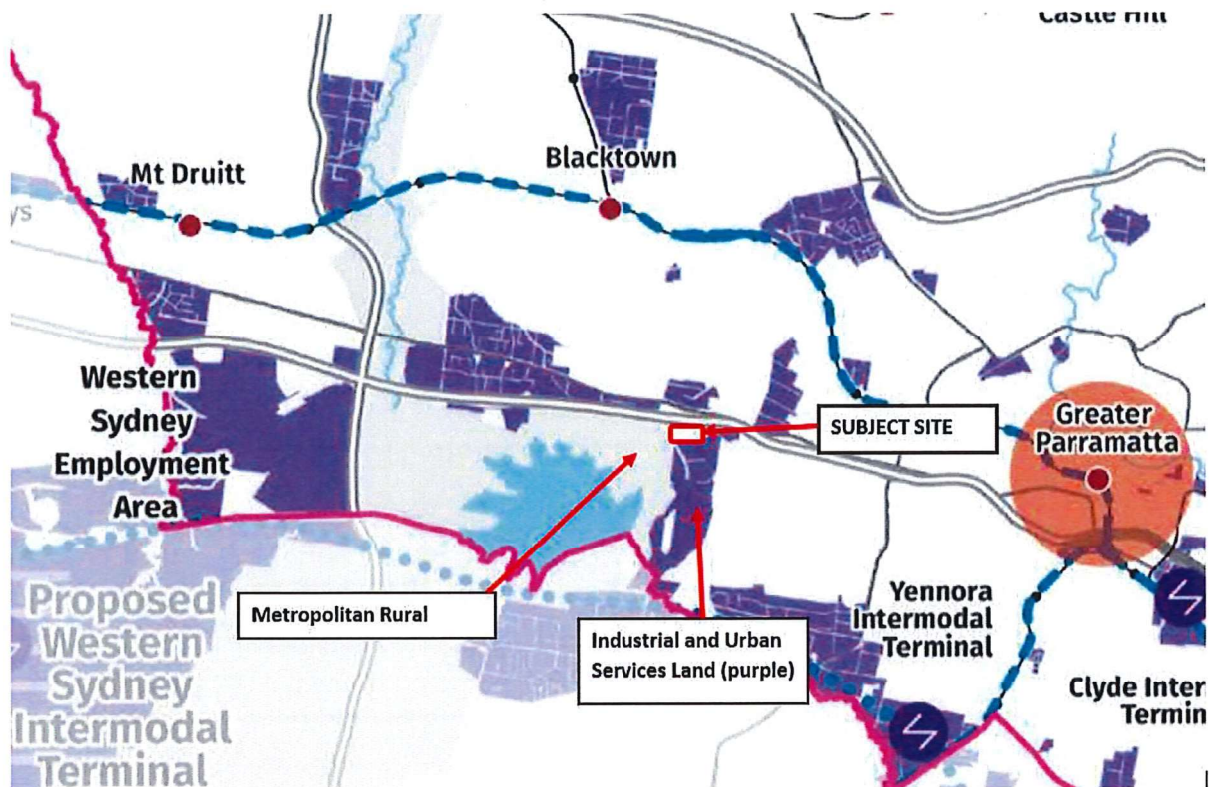


Figure 4 – Central City District Plan Map identifying the MRA (light grey) and Industrial and Urban Services Land (purple).

Our Blacktown 2036

The proposal is consistent with the local community strategic plan, particularly Council's focus to facilitate the development of targets business sectors and growth industries, promoting the area as a major industry cluster.

Section 9.1 Ministerial Directions

The proposal is consistent with all relevant section 9.1 Directions, except for the following:

1.2 Rural Zones

This Direction seeks to protect the agricultural production value of land.

The proposal's inconsistency with this Direction is considered justified, as the proposal has demonstrated consistency with the objectives and planning priorities of the Greater Sydney Region Plan and Central City District Plan.

The site is considered to be an isolated pocket of rural land, being surrounding by land zoned for industrial purposes, and being further identified as adjacent to the District Plan's Industrial and Urban Services Land. The site is not located in the MRA, and is predominately vacant with limited agricultural development opportunities considering its isolated position. The site, being rezoned for industrial purposes, is considered a better utilisation of the land and is consistent with the adjoining land uses.

2.3 Heritage Conservation

The site contains two items of local heritage significance (Bridestowe House – a single storey, late Victorian weatherboard house, and Reservoir Road). Reservoir Road is also listed as an item of state heritage significance.

The proposal is accompanied by a European Heritage Assessment (**Attachment A6**) and an Aboriginal Heritage assessment (**Attachment A5**), which has not found specific evidence of the subject site being used by Aboriginal people.

A Gateway condition has been drafted to refer the proposal to the Office of Environment and Heritage – Heritage Division, to ensure proper consideration of all heritage values have been satisfactorily addressed in the proposal. Consequently, the consistency with this direction remains unresolved until consultation is completed.

State environmental planning policies (SEPPs)

The proposal is consistent with all relevant SEPPs and deemed SEPPs.

SEPP No 55 – Remediation of Land

A preliminary site investigation report accompanies the proposal (**Attachment A7**) which states the site is suitable for the proposed industrial land use. Further remediation of land is likely to be required and would be addressed at the development application stage.

SITE-SPECIFIC ASSESSMENT

Social

The proposal is not anticipated to have adverse social impacts, and it will positively contribute to employment provision in the area.

Environmental

The site is not identified as bush fire prone land. The site is identified as containing Cumberland Plain Woodland and River-flat Eucalypt Forest, with the proposal's indicative concept plan identifying clearance of 0.7 and 1.4 hectares retrospectively.

The proposal discusses options regarding the impact of development on these through biodiversity certification/offsets to compensate for the clearance.

A Gateway condition has been drafted to refer the proposal to Office of Environmental Heritage for comment regarding the anticipated loss of remnant vegetation.

Flood prone land

The part of the area to be zoned IN2 General Industrial is flood prone although with low flood risk, while the part of the site further east to be zoned SP2 Drainage is identified as a high flood risk area.



Figure 5 – Blacktown City Council Flood Risk Map (source: Planning Proposal, page 18 of Attachment A).

It is considered that as only a small area of the to be zoned IN2 General Industrial is flood affected that Council's Development Control Plan will satisfactorily address any flooding issue at the development application stage.

The zoning of the high risk flood area to SP2 Drainage is considered an appropriate proposed land use for the site as it also serves the purposes of a stormwater detention basin.

Economic

The proposal is not anticipated to adversely affect economic development, adding to the Blacktown's industrial lands provision and generating an estimated 200 jobs from the site.

Heritage

As previously discussed, the site contains two locally listed heritage items, one also being of state significance. Referral to the Office of Environment and Heritage – Heritage Division, has been recommended to ensure heritage values matters have been satisfactorily addressed.

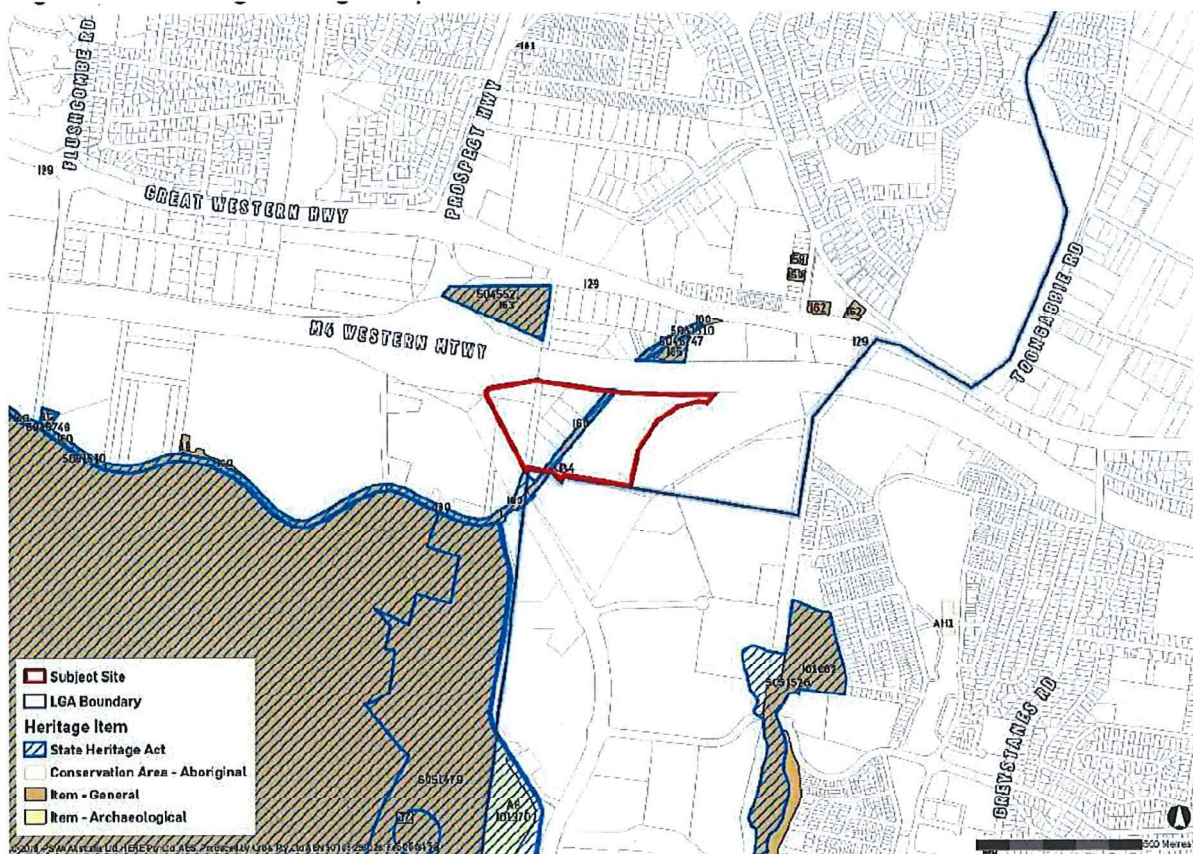


Figure 5 – Heritage items (source: Planning Proposal, page 12 of **Attachment A**).

Infrastructure

The site is accessed by Prospect Highway, with Thornley Road and Reservoir Road (local roads) providing internal access.

Prospect Highway is linked to the M4 Motorway, with approved plans for upgrading of the Prospect Highway/M4 Motorway intersection, with additional traffic signalling intended to replace the roundabout at Prospect Highway and Reservoir Road which directly accesses the site. There is also a potential road closure of Thornley Road.

The proposal is accompanied by a Traffic and Parking Assessment (**Attachment A2**) which details potential road intersection configurations to enable appropriate access to the subject site.

A Gateway condition has been drafted to refer the proposal to Roads and Maritime Services to ensure the suitability of the site for large truck movements associated with the intended use of the site for industrial development.

Orderly Development

One lot within the planning proposal boundary straddles the boundary of Blacktown and Cumberland LGA's. Under the Holroyd LEP which applies to this lot, the land is zoned IN2 and has a minimum lot size of 1200m². It is not considered that this will give rise to any issues of orderly development, however, consultation with Cumberland Council should occur.

CONSULTATION

Community

A 28-day community consultation period is considered appropriate for this proposal.

Agencies

Consultation with Roads and Maritime Services is required to ensure the suitability of the site for large truck movements associated with the intended use of the site for industrial development.

Consultation with the Office of Environment and Heritage – Heritage Division is required about the possible impacts on the local and state items of heritage significance.

Further consultation with Office of Environment and Heritage is required to address the impacts of the potential clearance of remnant vegetation from the site.

TIME FRAME

The proposal estimates a nine-month time frame for completion. This is considered appropriate.

LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be the local plan-making authority.

CONCLUSION

It is recommended that the planning proposal be supported to proceed and that a Gateway determination be issued as the proposal is consistent with the Central City District Plan. The proposal will provide further industrial land in an urban services and industrial growth precinct, providing an additional 200 jobs.

RECOMMENDATION

It is recommended that the Executive Director, Regions, as delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Direction 1.2 Rural Zones is justified in accordance with the Direction; and
2. note that the consistency with section 9.1 Direction 2.3 Heritage Conservation remains unresolved.

It is recommended that the Executive Director, Regions, as delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to include the additional land that is proposed to be zoned SP2 Infrastructure (Drainage) and SP2 Infrastructure (Local Road). This includes, but is not limited to, identifying the additional Lot and DPs to the east, updating the objectives of the proposal, explanation of provisions, justification and the proposed LEP maps.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.

3. Consultation is required with the following public authorities:
 - Transport for NSW;
 - Roads and Maritime Services;
 - Cumberland Council; and
 - Office of Environmental Heritage including the Heritage Division.
4. The time frame for completing the LEP is to be nine months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.



29/10/2018

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2/11/2018

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