



Planning,  
Industry &  
Environment

IRF20/5954

## Gateway determination report – PP-2020-4030

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Rezoning of part of the site from SP2 Infrastructure to B5 Business Development and additional permitted use 'Hotel or motel accommodation' at 45 Hollinsworth Road Marsden Park (Lot 1 DP 1176437) (0 dwellings, 0 jobs)

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# 1 Introduction

## 1.1 Overview of planning proposal

The Planning Proposal seeks to amend Appendix 5, Schedule 1 of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the Growth Centres SEPP) to include 'hotel or motel accommodation' as an additional permitted land use at 45 Hollinsworth Road, Marsden Park (Lot 1 DP 1176437) and to rezone a part of the site that is zoned SP2 Infrastructure (Local Road) to B5 Business Development.

The planning proposal is supported by the following reports and plans:

- Planning Proposal Report – Miletic-Mieler Development Consultants Nov 2019
- Urban Design Analysis – Masterplan – Archidrome 11 Nov 2019
- Traffic and Transport Report (Final V8) – MultiPro Consultants Nov 2019

**Table 1 Planning proposal details**

<b>LGA</b>	<b>Blacktown</b>
<b>PPA</b>	<b>Department of Planning Industry and Environment</b>
<b>NAME</b>	<b>Rezoning of access handle from SP2 Infrastructure to B5 Business Development and additional permitted use 'hotel or motel accommodation' at 45 Hollinsworth Road Marsden Park (Lot 1 DP 1176437) (0 dwellings, 0 jobs)</b>
<b>NUMBER</b>	<b>PP-2020-4030</b>
<b>LEP TO BE AMENDED</b>	<b>Sydney Region Growth Centres SEPP 2006</b>
<b>ADDRESS</b>	<b>45 Hollinsworth Road Marsden Park</b>
<b>DESCRIPTION</b>	<b>Lot 1 DP 1176437</b>
<b>RECEIVED</b>	<b>22/12/2020</b>
<b>FILE NO.</b>	<b>IRF20/5954</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Site description and surrounding area

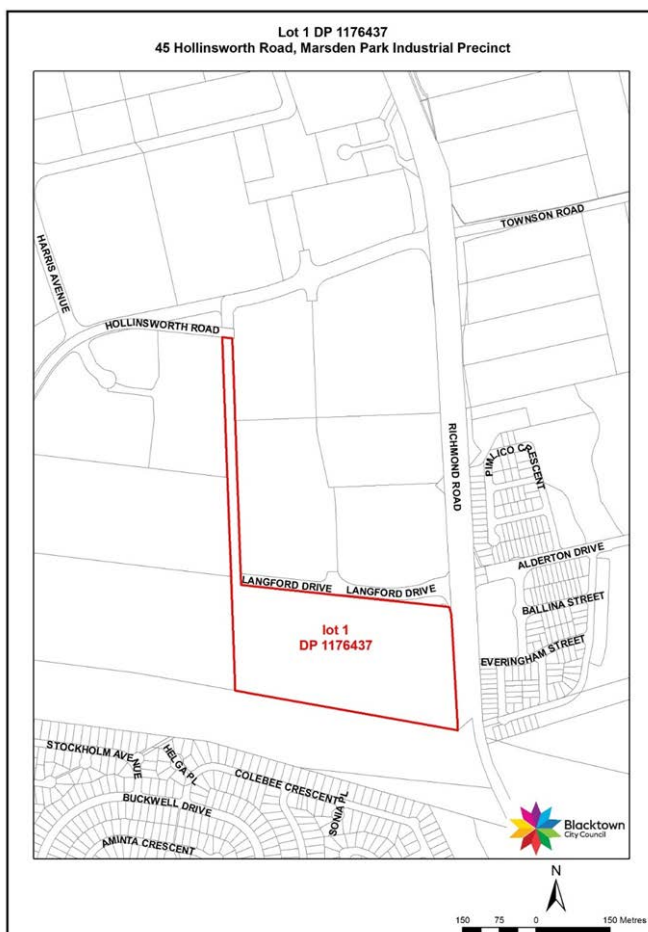
The Planning Proposal applies to Lot 1 DP 1176437, known as 45 Hollinsworth Road Marsden Park. The subject land is shown in Figure 1 below.

The site is located within the Marsden Park Industrial Precinct in the North West Growth Area. It is bounded by Richmond Road to the east, Langford Drive to the north and vacant land to the west and south.

The site has an area of approximately 11.44 Ha with the dominant use on site being a place of public worship which is a mosque that also serves as the national headquarters of the Ahmadiyya Muslim Association Australia (AMAA). Ancillary structures on site include a residence of a missionary, community hall, car park and cemetery. The development on site precedes the zoning under the Growth Centres SEPP.

The site is accessed via an access handle from Hollinsworth Road zoned SP2 Infrastructure (Local Road) and is currently fenced and gated with no access to and from the adjoining sites and streets. There is no vehicular access from Richmond Road or Langford Drive to the site.

As shown in Figure 3 below, the site is zoned predominantly for B5 Business Development with the access handle being zoned SP2 Infrastructure (local road) and an area zoned SP2 Infrastructure (drainage). The surrounding area is also zoned B5 and comprises mainly bulky goods retail and warehouses.



**Figure 1 Subject site**

## 2 Proposal

### 2.1 Objectives or intended outcomes

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

The objectives of the planning proposal are to:

- Rationalise the zoning of the site to remove the SP2 Infrastructure (Local Road) zoning which is no longer required; and
- Provide for additional permitted uses of 'hotel or motel accommodation' consistent with the long-term strategic masterplan for the site.

The objectives of this planning proposal are clear and adequate.

### 2.2 Explanation of provisions

The planning proposal seeks to amend the Sydney Region Growth Centres SEPP 2006 per the changes below:

The Planning Proposal seeks to amend Appendix 5, Schedule 1 of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* (the Growth Centres SEPP) to include 'hotel or motel accommodation' as an additional permitted land use at 45 Hollinsworth Road, Marsden Park (Lot 1 DP 1176437) and to rezone a part of the site that is zoned SP2 Infrastructure (Local Road) to B5 Business Development.

**Table 2 Current and Proposed controls**

Control	Current	Proposed
Zone	SP2 Infrastructure (Local Road) B5 Business Development	B5 Business Development Additional use 'Hotel or motel accommodation'
Maximum height of the building	16m	Unchanged
Floor space ratio	0.7:1.0	Unchanged
Minimum lot size	2000sqm	Unchanged
Number of dwellings	Nil	Nil
Number of jobs	Nil	Nil

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



## Mapping

The proposed amendment to the Growth Centres SEPP requires amendments to the following maps:

- Land Zoning Map - Sheet LZN\_005
- Height of Building Map – Sheet HOB\_005
- Floor Space Ratio – Sheet FSR\_005

The amendments are satisfactory for exhibition.

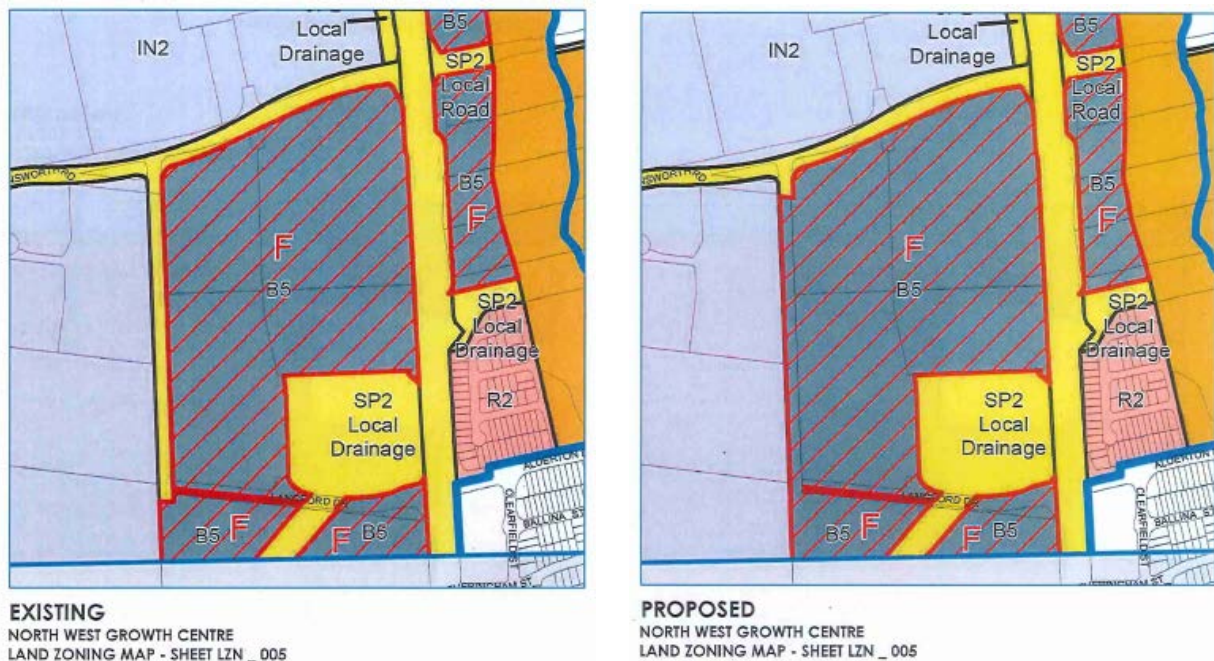


Figure 2 Current and proposed zoning map

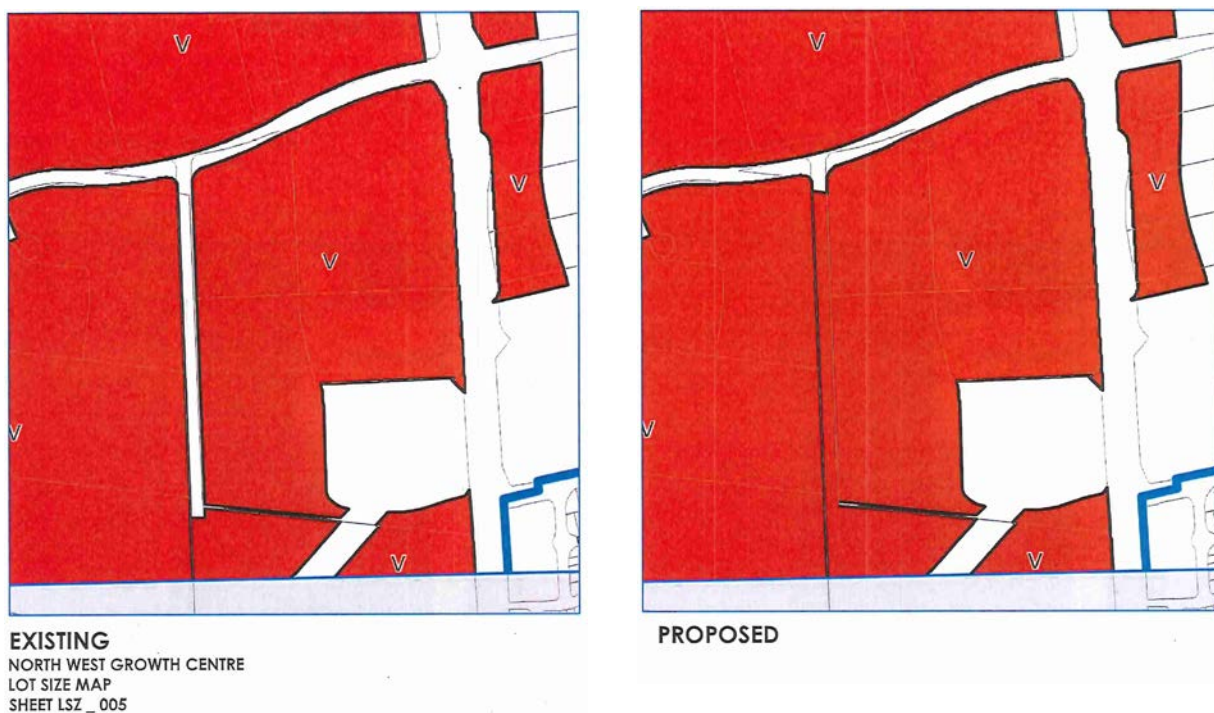


Figure 3 Current and proposed lot size map

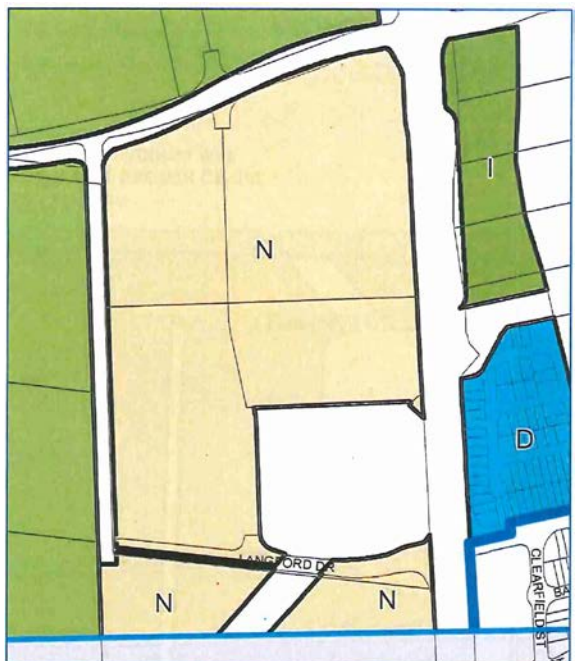


**EXISTING**  
NORTH WEST GROWTH CENTRE  
HEIGHT OF BUILDINGS MAP  
SHEET HOB \_ 005



**PROPOSED**  
NORTH WEST GROWTH CENTRE  
HEIGHT OF BUILDINGS MAP  
SHEET HOB \_ 005

**Figure 4 Current and proposed height of building maps**



**EXISTING**  
NORTH WEST GROWTH CENTRE  
FLOOR SPACE RATIO MAP  
SHEET FSR \_ 005



**PROPOSED**  
NORTH WEST GROWTH CENTRE  
FLOOR SPACE RATIO MAP  
SHEET FSR \_ 005

**Figure 5 Current and proposed floor space ratio maps**



### 3 Need for the planning proposal

The planning proposal is not the result of a Council strategic study or report. The proposal is however broadly consistent with Council's adopted Local Strategic Planning Statement.

The Applicant has advised Council that AMAA have prepared a 20-year strategic overview and masterplan which has identified the need to provide accommodation for the site as part of their operations, and thereby the need for the planning proposal because this use is not permissible in the B5 Business Development zone. To facilitate this intent, 'hotel or motel accommodation' is to be listed in Appendix 5, Schedule 1 of the Growth Centres SEPP as additional permissible uses in the zone.

The Applicant had sought the inclusion of 'office premises' as an additional permitted use to provide up to 1600sqm office floorspace for the national headquarters and administration centre for AMAA. Council and the Local Planning Panel do not support the additional use of 'office premises' on the site as that would set an undesirable precedent within the B5 Business Development zone. There are also concerns the proposal would compete with and affect viability of other nearby centres including Marsden Park Town Centre and sites on the opposite side of Richmond Road. The Department agrees with the Council's position regarding this element of the proposal.

The proposed rezoning of the SP2 Infrastructure (Local Road) zoned access handle to B5 Business Development is supported to proceed to exhibition subject to Transport for NSW confirming the road alignment is no longer required, prior to exhibition commencing. Council has advised that Council are the acquisition authority for the local road. The access handle serves as a privately used driveway off Hollinsworth Road to the larger part of the site and is the only current access to the site. The land was originally zoned to provide a future public road to service the site, however, following recent development, the site has frontage to Langford Drive, which connects to Richmond Road at a signalised intersection. Subject to a separate development application, the Association may choose to provide its members with an alternative access to the site via Langford Drive negating the need for the SP2 Infrastructure (Local Road) zone.

The additional permissible use of 'hotel or motel accommodation' is supported as it would support the unique use of the site as the national headquarters and administration centre of the AMAA. It is unlikely the accommodation will be offered to anyone other than members of the Association to attend religious festivals, seminars, other education offerings etc. It should be noted that 'hotel or motel accommodation' is a permissible use in the B5 Business Development zone under the Blacktown LEP 2015. It is noted that one of the actions of the draft North West Growth Area Land Use and Infrastructure Implementation Plan exhibited in 2017 is to align Growth centres SEPP land uses with those of the BLEP 2015.

The planning proposal is the best means of achieving the objectives.

## 4 Strategic assessment

### 4.1 District Plan

The site is within the Central River City District and the Greater Sydney Commission released the Central District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets. The District Plan gives effect to the objectives in the Greater Sydney Commissions Region Plan A *Metropolis of Three Cities* through each Planning Priority.

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 the relevant directions and actions.

**Table 3 District Plan assessment**

District Plan	Justification
<b>Planning Priority C1:</b> Planning for a city supported by infrastructure	The Planning Proposal seeks to rezone the SP2 Infrastructure (Local Road) zoned access handle to B5 Business Development, the SP2 zoned road primarily services the subject site. While the removal of the SP2 zoning is not in keeping with the Marsden Park Industrial Precinct Indicative Layout Plan, Council has advised in its Council report, that, subject to a development application, the access via Langford Drive is sufficient to service the subject site in the future.
<b>Planning Priority C3:</b> Providing services and social infrastructure to meet people's changing needs	The Planning Proposal seeks to add additional permissible uses for 'hotel or motel accommodation' to Appendix 5, Schedule 1 of the Growth Centres SEPP. This amendment will aid in providing the necessary social infrastructure to accommodate members of the Association to attend religious festivals, seminars, other education offerings.
<b>Planning Priority C4:</b> Fostering healthy, creative, culturally rich and socially connected communities	This Planning Proposal will allow the Association to provide the additional support for their members by providing accommodation for the attendance of religious festivals, seminars and other educational offerings.

## 4.2 Local plans and strategies

The proposal 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  LPP3: Providing services and social infrastructure to meet people's changing needs	Council's Local Strategic Planning Statement aligns with the Central City District Plan, it identifies the Marsden Park and Marsden Park Industrial Precincts as a Strategic Centre and supports housing supply and diversity as well as identifying the need to provide social infrastructure to meet people's changing needs.  This proposal seeks to include hotel and motel accommodation as an additional permitted use to accommodate members of the Association.

## 4.3 Local planning panel (LPP) recommendation

The proposal was referred to the Blacktown Local Planning Panel at its meeting of 2 September 2020. The Panel supported progression of the proposal and recommended limitations be imposed on the office space.

## 4.4 Section 9.1 Ministerial Directions

The planning proposal is consistent with relevant section 9.1 Directions with the exception of those discussed below:

**Table 5 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Business and Industrial Zones	Yes	<p>This direction applies where a planning proposal affects land within a business zone. The proposal is consistent with this direction as it does not seek to change the business zoning.</p> <p>It is noted the site has been owned by the Association since before the release of the Marsden Park Industrial Precinct and the Association has provided Council with a 20-year Masterplan for development of the site.</p>
2.6 Remediation of Contaminated Land	No	This has not been addressed in the planning proposal and must be addressed prior to exhibition, this has been added as a condition prior to public exhibition
3.4 Integrating Land Use and Transport	Yes	The site is serviced by buses and will be further serviced in the future with the extension of the Sydney Metro line
4.3 Flood Prone Land	No	Site is identified to be flood prone on the SES flood map however not on the Department nor the Council websites. As the proposal may add to traffic load, evacuation impact needs to be referred to Infrastructure NSW prior to exhibition.
4.4 Planning for Bushfire Protection	No	This direction requires consultation with NSW Rural Fire Service prior to exhibition
6.1 Approval and Referral Requirements	Yes	The proposal seeks to amend the SEPP to include an additional permissible use of 'hotel or motel accommodation' which are not permitted in B5 zones under the Growth Centres SEPP. This amendment will streamline applications for hotel or motel accommodation
6.3 Site Specific Provisions	Yes	Complies with 4 (a) allow land use to be carried out in the zone

## 4.5 State environmental planning policies (SEPPs)

With exception of State Environmental Planning Policy (Sydney Region Growth Centres) 2006, the planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 6 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Proposal	Complies
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	The SEPP is designed to co-ordinate the release of land for residential, employment and other urban development in the North West Growth Centre	The proposal seeks to rezone an SP2 local road and add an additional permitted use 'hotel or motel accommodation' to the existing B5 Business Development zone. The proposal is generally in keeping with the requirements of this SEPP.	Yes

## 5 Site-specific assessment

### 5.1 Environmental

There are no potential environmental impacts associated with the proposal.

### 5.2 Social and economic

There are no potential social and economic impacts associated with the proposal. The proposal will facilitate some extension of the existing land uses to service the community.

### 5.3 Infrastructure

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

## 6 Consultation

### 6.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms part of the conditions of the Gateway determination.

### 6.2 Agencies

Council has nominated the public agencies to be consulted about the planning proposal.

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

- Transport for NSW
- Infrastructure NSW
- NSW Rural Fire Service

## 7 Timeframe

Council proposes a 5 month time frame to complete the LEP following Gateway determination.

The Department recommends a time frame of 6 months to allow for some flexibility following submissions of the planning proposal for finalisation. Indicatively, exhibition should be completed by April 2021 and Council consideration of finalisation and submission to the Department by July 2021.

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

## 8 Local plan-making authority

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

As the planning proposal is subject of the Growth Centres SEPP the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

## 9 Assessment Summary

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

- The proposal rationalises the zoning of the site to remove the SP2 Infrastructure (Local Road) zoning which is no longer required and to provide for additional permitted uses of 'hotel or motel accommodation' consistent with the long-term strategic masterplan for the site.

As discussed in the previous sections 4 and 5, the proposal should be updated to:

- a) amend the planning proposal to clarify and remove inconsistent references to frontage and access to Langford Drive (sections 1.2, 3.1.1 and elsewhere);
- b) confirm with Transport for NSW that the proposed SP2 Infrastructure (local road) is no longer required and amend the planning proposal to exclude that rezoning if the road acquisition is still required;
- c) consult with Infrastructure NSW to confirm that any additional traffic impact associated with the proposal does not impact on evacuation capacity;
- d) amend the planning proposal to identify that the planning proposal is capable of complying with section 9.1 Direction 2.6 Remediation of Contaminated Land, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection; and
- e) amend *Attachment 3 – Consistency with relevant Section 9.1 Directions by the Minister* to correctly number the list of 9.1 Directions.

## 10 Recommendation

It is recommended that the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 2.6 Remediation of Contaminated Land, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection is unresolved and will require justification.

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

1. Prior to exhibition, the planning proposal is to be updated to:
  - a) amend the planning proposal to clarify and remove inconsistent references to frontage and access to Langford Drive (sections 1.2, 3.1.1 and elsewhere);



- b) confirm with Transport for NSW that the proposed SP2 Infrastructure (local road) is no longer required and amend the planning proposal to exclude that rezoning if the road acquisition is still required;
  - c) consult with Infrastructure NSW to confirm that any additional traffic impact associated with the proposal does not impact on evacuation capacity;
  - d) amend the planning proposal to identify that the planning proposal is capable of complying with section 9.1 Direction 2.6 Remediation of Contaminated Land, 4.3 Flood Prone Land and 4.4 Planning for Bushfire Protection; and
  - e) amend *Attachment 3 – Consistency with relevant Section 9.1 Directions by the Minister* to correctly number the list of 9.1 Directions.
2. Consultation is required with the following public authorities:
    - Transport for NSW
    - Infrastructure NSW
    - NSW Rural Fire Service
  3. The planning proposal should be made available for community consultation for a minimum of 28 days.
  4. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination. Indicatively, exhibition should be completed by April 2021 and Council consideration of finalisation and submission to the Department by July 2021.
  5. As the planning proposal seeks to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006, Council should not be authorised to be the local plan-making authority to make this plan.



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