



IRF20/4673

Gateway determination report – PP-2021-191

Amendment to SEPP (Sydney Region Growth Centres) 2006 to rezone Lots 2701-2705 on DP1230905 and Lot 2577 on DP1223745 Chambers Street, Marsden Park from SP2 Infrastructure to R2 Low Density Residential (0 homes and 0 jobs)

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1 Planning Proposal

1.1 Overview and objectives of the planning proposal

Table 1 Planning proposal details

LGA	Blacktown
PPA	Blacktown City Council
NAME	Chambers Street, Marsden Park (0 jobs, 0 dwellings)
NUMBER	PP-2021-191
LEP TO BE AMENDED	SEPP (Sydney Region Growth Centres) 2006
ADDRESS	Chambers Street, Marsden Park
DESCRIPTION	Lots 2701-2705 on DP1230905 and Lot 2577 on DP1223745
RECEIVED	19/01/2021
FILE NO.	IRF21/233
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

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

The objectives of the planning proposal are to:

- align the SP2 Infrastructure (Local Drainage) and R2 Low Density Residential boundary zones with the registered lot boundaries.
- amend the Growth Centre SEPP maps to reflect a more practical and appropriate distinction of local drainage infrastructure and residential uses on the site.

The objectives of this planning proposal are clear and adequate.

1.2 Explanation of provisions

The planning proposal seeks to amend the State Environmental Planning Policy (Sydney Growth Centres) 2006 for Marsden Park Precinct to align the maps with the newly created lots, the zoning changes are tabled below:

Table 2 Current and Proposed controls

Control	Current	Proposed
Zone	SP2 Infrastructure	R2 Low Density Residential
Maximum height of the building	0 m	9 m
Residential density	0 dwellings per hectare	15 dwellings per hectare
Land reservation acquisition	Land for local drainage	Land on lots and roads to be removed from acquisition map
Number of dwellings	6	6
Number of jobs	N/A	N/A

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

1.3 Site description and surrounding area

The subject site is located in the Marsden Park Precinct in the North West Growth Area (NWGA). The Marsden Park Precinct is located approximately 40km from the Sydney CBD, 10km from Blacktown and 9.2km from Rouse Hill Town Centre. The Marsden Park Indicative Layout Plan (ILP) is shown in Figure 1, with the subject site outlined in red.

The subject site is located in the 'Elara' Estate on the western side of Richmond Road, to the North of Elara Boulevard and to the South of Blackstone Street as shown in Figure 2.

On the site, the six lots are zoned partly R2 Low Density Residential and partly SP2 Infrastructure (Local Drainage) as a result of approved and registered subdivision plans DA-16-05045 and DA-15-02897.

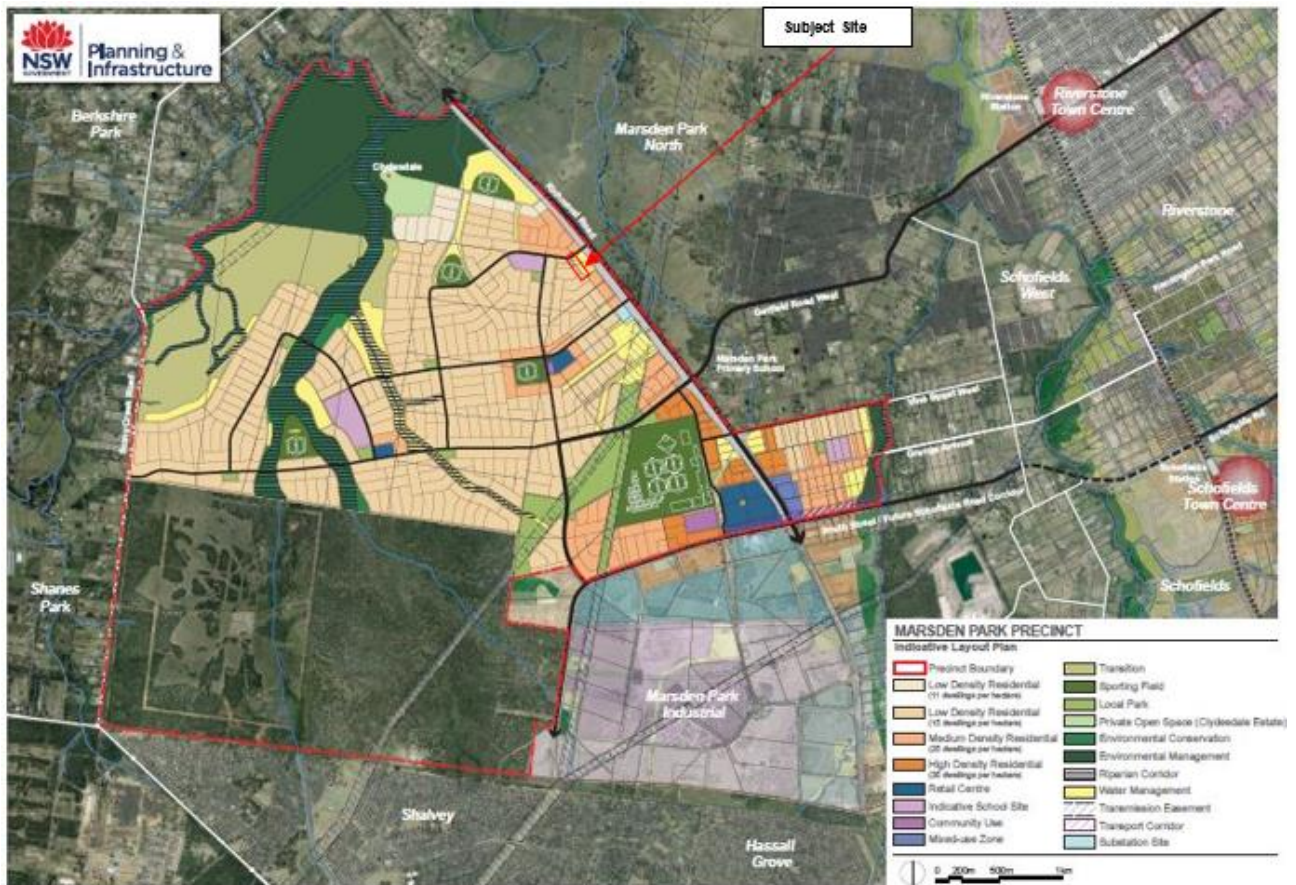


Figure 1 Subject site context (source: NSW DPIE Marsden Park Precinct Indicative Layout Plan)



Figure 2 Aerial view of the site

1.4 Mapping

The planning proposal includes mapping showing the proposed changes to the SEPP (Growth Centres) maps, which are suitable for community consultation.

The proposal seeks to amend the following maps:

- Land Zoning Map (LZN_005)
- Land Reservation Map (LRA_005)
- Height of Building Map (HOB_005)
- Residential Density Map (RD_005)

The below map comparison illustrates the proposed changes.



Figure 3 Current and proposed zoning map



Figure 4 Current and proposed height of building map



Figure 5 Current and proposed residential density map



Figure 6 Current and proposed land acquisition map

2 Need for the planning proposal

The proposed changes to the zoning and development controls can only be achieved via amendments to the Growth Centres SEPP Maps.

The proposal to rezone the eastern boundary of the lots along Chambers Street from SP2 Infrastructure to R2 Low Density Residential will ensure the zone boundaries align with current subdivided residential lots.

The proposal does not seek to alter the Indicative Layout Plan (ILP) for the Marsden Park Precinct and is, in part, an administrative amendment. Both Council and the e-planning team have advised such boundary misalignments are not unusual.

Accordingly, the Growth Centre SEPP maps require updating to be consistent with the registered lots.

3 Strategic assessment

3.1 Regional Plan

A Plan for Growing Sydney identifies new land release areas as an important component of Sydney's overall housing and employment supply. The proposal is consistent with *A Plan for Growing Sydney* as it will facilitate the development of a housing estate which will contribute towards the housing supply targets identified within the Blacktown local government area.

3.2 District Plan

The site is identified within the *Central City District Plan*. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

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 relevant directions and actions.

Table 3 District Plan assessment

District Plan	Justification
Planning Priority C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport	The subject site is located within the Marsden Park precinct of the Northwest Growth Area. The Marsden Park precinct is identified as a strategic centre in the District Plan. The District Plan identifies the need to meet housing targets over the next 20 years. The planning proposal will enable the development of the 'Horizon' Estate which will support housing supply and a diversity of housing types.
Planning Priority C17: Delivering high quality open space	<p>The Planning Proposal relates only to a small sliver of six lots and the abutting Chambers Street road reserve which encroach the SP2 Infrastructure (Local Drainage) land. The SP2 Infrastructure zone will remain where it is required and serve the population for the future population of Marsden Park.</p> <p>The quality of open space will not be impacted as a result of the Planning Proposal, nor does the proposal generate the need for new open space.</p>

3.3 Local

The proposal states that it 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 LPP5: Providing housing supply, choice and affordability with access to jobs, services and public transport	Council's Local Strategic Planning Statement aligns with the Central City District Plan, it identifies the Marsden Park Precinct as a Strategic Centre and supports housing supply and diversity.

3.4 Local planning panel (LPP) recommendation

This planning proposal was not referred to the Blacktown Local Planning Panel as it was deemed to be of minor significance by Kerry Robinson, Chief Executive Officer, Blacktown City Council, as it simply seeks to correct a mis-alignment with recently subdivided lots and the R2 Low Density Residential zoning. Refer to Council's CEO Memo (**Attachment D**).

3.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 5 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
4.4 Planning for Bushfire Protection	Inconsistent	<p>The site is identified as containing bushfire prone land and is specifically identified as being "Vegetation Buffer".</p> <p>It is recommended Council consult with the Commissioner of the NSW Rural Fire Service prior to exhibition to confirm the NSW Rural Fire Service does not object to the progression of the planning proposal.</p> <p>This has been added as a condition in the Gateway determination.</p>
6.1 Approval and Referral Requirements	Consistent	<p>The proposal is consistent with this Direction as it will minimise the inclusion of provisions that require the concurrence, consultation or referral of development applications to a Minister or public authority by aligning the newly registered lots with the R2 Low Density Residential zone which permits development of residential accommodation.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
6.2 Reserving Land for Public Purposes	Consistent	<p>The proposal is consistent with this direction as it alters existing zoning on site from SP2 Infrastructure to R2 Low Density Residential to facilitate the removal of land no longer required to be acquired for public purposes.</p> <p>The Proposal is minor and seeks to remove a small sliver of SP2 zoned land within the subject lots and the Chambers Street road reserve.</p>
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Consistent	<p>The Planning Proposal is consistent with the priorities of the North West Priority Growth Area Land Use and Infrastructure Implementation Plan as it responds to Action 1 – to provide more land supply for new homes, is enabled through the rezoning of public recreation land; and Action 3 – to Manage residential densities to align with infrastructure, is enabled through residential density amendments proposed to allow for consistencies in zones.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy No 1—Development Standards	N		
State Environmental Planning Policy No 19—Bushland in Urban Areas	N		
State Environmental Planning Policy No 21—Caravan Parks	N		
State Environmental Planning Policy No 33—Hazardous and Offensive Development	N		
State Environmental Planning Policy No 36—Manufactured Home Estates	N		
State Environmental Planning Policy No 44—Koala Habitat Protection	N		
State Environmental Planning Policy No 47—Moore Park Showground	N		
State Environmental Planning Policy No 50—Canal Estate Development	N		
State Environmental Planning Policy No 55—Remediation of Land	N		
State Environmental Planning Policy No 64—Advertising and Signage	N		
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	N		
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	N		
State Environmental Planning Policy (Aboriginal Land) 2019	N		

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy (Affordable Rental Housing) 2009	Y	Y	The planning proposal does not propose provisions that would impact the application of this SEPP.
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	N		
State Environmental Planning Policy (Coastal Management) 2018	N		
State Environmental Planning Policy (Concurrences) 2018	N		
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	N		
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Y	Y	The planning proposal does not propose provisions that would impact the application of this SEPP.
State Environmental Planning Policy (Gosford City Centre) 2018	N		
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	N		
State Environmental Planning Policy (Infrastructure) 2007	Y	Y	The planning proposal does not propose provisions that would impact the application of this SEPP.
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N		
State Environmental Planning Policy (Kurnell Peninsula) 1989	N		
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N		
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	N		

State Environmental Planning Policy (SEPP)	Applicable (Y/N)	Consistent (Y/N)	Comments/Justification
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N		
State Environmental Planning Policy (Primary Production and Rural Development) 2019	N		
State Environmental Planning Policy (State and Regional Development) 2011	N		
State Environmental Planning Policy (State Significant Precincts) 2005	N		
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N		
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	Y	Y	The intent of this proposal is to amend this SEPP to facilitate the rezoning of part of the newly registered residential lots from SP2 Infrastructure to R2 Low Density Residential. The proposal to amend the SEPP is the only means to facilitate the rezoning
State Environmental Planning Policy (Three Ports) 2013	N		
State Environmental Planning Policy (Urban Renewal) 2010	N		
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	N		
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N		
State Environmental Planning Policy (Western Sydney Parklands) 2009	N		

4 Site-specific assessment

4.1 Environmental

There are no potential environmental impacts associated with the proposal.

The rezoning of the SP2 Infrastructure land is considered to be of minor significance as stated previously. The SP2 Infrastructure zone will remain where it is required and serve the population for the future population of Marsden Park.

4.2 Social and economic

There are no potential social and economic impacts associated with the proposal.

4.3 Infrastructure

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

5 Consultation

5.1 Community

As the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018), an exhibition period of 14 days is recommended for community consultation and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. Given the minor administrative nature of the proposal, no agency consultation is considered necessary.

An enquiry was made with NSW RFS to ascertain its ability to quickly respond to the pre-exhibition referral to confirm its requirements under section 9.1 direction 4.4.

6 Timeframe

Council proposes a five-month time frame to complete the LEP.

The Department recommends a time frame of 6-months to allow for some flexibility following submissions of the planning proposal for finalisation. Council was consulted on the key milestone dates for exhibition and reporting to Council, and no concerns were raised.

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

7 Local plan-making authority

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

As the planning proposal seeks to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

8 Assessment Summary

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

- It will align the zoning boundaries with the registered lots
- It is consistent with the Marsden Park Precinct ILP

9 Recommendation

It is recommended that the delegate of the Secretary:

- Note that the inconsistency with section 9.1 Direction 4.4 Planning for Bushfire Protection remains unresolved until further justification has been provided.

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

1. Prior to public exhibition the planning proposal is to be updated to:
 - consult with the NSW Rural Fire Service in accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection and address any comments of this agency.
2. The planning proposal should be made available for community consultation for a minimum of 14 days.
3. The timeframe for completing the LEP is to be 6 months from the date of the Gateway determination. To ensure this time frame can be met, public exhibition is to commence in April 2021, and the planning proposal is to be reported to Council in July 2021.
4. Given the nature of the proposal, Council should not be authorised to be the local plan-making authority.



29/01/2021

Ian Bignell

Manager Place and Infrastructure, Central (Western)



Jane Grose

Director, Central (Western), Central River City and Western Parkland City

Assessment officer

Ryan Klingberg

Senior Planning Officer, Central River City and Western Parkland City

9860 1561