

Short Minutes: Ordinary Meeting**Meeting Date:** 24 August 2022**PD3.1**

PD420017 - Post exhibition report on Planning Proposal to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 for realignment of heritage and land use zone boundaries and rezoning at Clydesdale Estate, Marsden Park LEP-20-0003

MOTION (Cr Israel/Cr Collins)

Adopt the Planning Proposal amending the State Environmental Planning Policy (Precincts – Central River City) 2021, as exhibited, and forward it to the Department of Planning and Environment and request that the Plan be finalised. **CARRIED**

COUNCIL DIVISION:

Supported: Cr Bleasdale, Cr Diaz, Cr Quilkey, Cr Singh, Cr Stubbley, Cr Kaur, Cr Green, Cr Benjamin, Cr Collins, Cr Israel, Cr Fitzgerald, Cr Bunting and Cr Chettipally.

Absent: Cr Griffiths & Cr Camilleri.

Referred to : DCPD**For:** Attention**Date:** 30.8.2022

Committee: Planning, Development, Historical & Assets

Meeting Date: 24.8.2022

PD3.1

PD420017 - Post exhibition report on Planning Proposal to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 for realignment of heritage and land use zone boundaries and rezoning at Clydesdale Estate, Marsden Park LEP-20-0003

RECOMMENDATION

Adopt the Planning Proposal amending the State Environmental Planning Policy (Precincts – Central River City) 2021, as exhibited, and forward it to the Department of Planning and Environment and request that the Plan be finalised.

COMMITTEE DIVISION:

Supported: Cr Griffiths, Cr Collins, Cr Israel, Cr Camilleri and Cr Chettipally

EXCEPTION
WITHOUT CHANGE

COMMITTEE RECOMMENDATION
ADOPTED
ORDINARY MEETING

24 AUG 2022

Referred to : DCPD

For: Attention

Date: 25.8.2022

3. COMMITTEE REPORTS

PD3.1 PD420017 - Post exhibition report on Planning Proposal to amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 for realignment of heritage and land use zone boundaries and rezoning at Clydesdale Estate, Marsden Park

Director: Peter Conroy, Director City Planning & Development
Responsible Manager: Trevor Taylor, Manager Development Policy & Regulation
File: LEP-20-0003

Division is required

Topic The Planning Proposal for realignment of the heritage and land use zone boundaries at Clydesdale Estate, Marsden Park has been exhibited and is now ready for adoption by Council and finalisation by the Department of Planning and Environment.

Analysis The proposed amendments are necessary to ensure that the State Environmental Planning Policy (Precincts – Central River City) 2021 reflects the realignment and relocation of road and drainage infrastructure approved by Council as part of four (4) development applications in respect of former Lot 2 DP 260476 at 1270 Richmond Road, Marsden Park.

We exhibited the Planning Proposal in line with the requirements of the State Government Gateway Determination and received 3 submissions, none of which objected to the proposal.

Attachment/s

1. Final version MAY 22 - Planning Proposal Clydesdale AR [PD420017.1 - 26 pages]
2. Gateway determination - P P 2021-6614 [PD420017.2 - 3 pages]

Report Recommendation Adopt the Planning Proposal amending the State Environmental Planning Policy (Precincts – Central River City) 2021, as exhibited, and forward it to the Department of Planning and Environment and request that the Plan be finalised.

Key reasons

1. Council resolved to prepare the Planning Proposal

- a. At its Ordinary Meeting on 20 October 2021, Council resolved to forward a Planning Proposal to the NSW Minister for Planning seeking a Gateway Determination to amend the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 under Section 3.34 of the *Environmental Planning and Assessment Act 1979*.
- b. Since that time the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 has been replaced by the State Environmental Planning Policy (Precincts – Central River City) 2021.
- c. The proposed amendments are necessary to ensure that the State Planning Policy reflects the realignment and relocation of road and drainage infrastructure approved by Council as part of four (4) development applications for the site (DA-16-04366, JRPP-16-03316, DA-16-04611 and DA-20-00797).

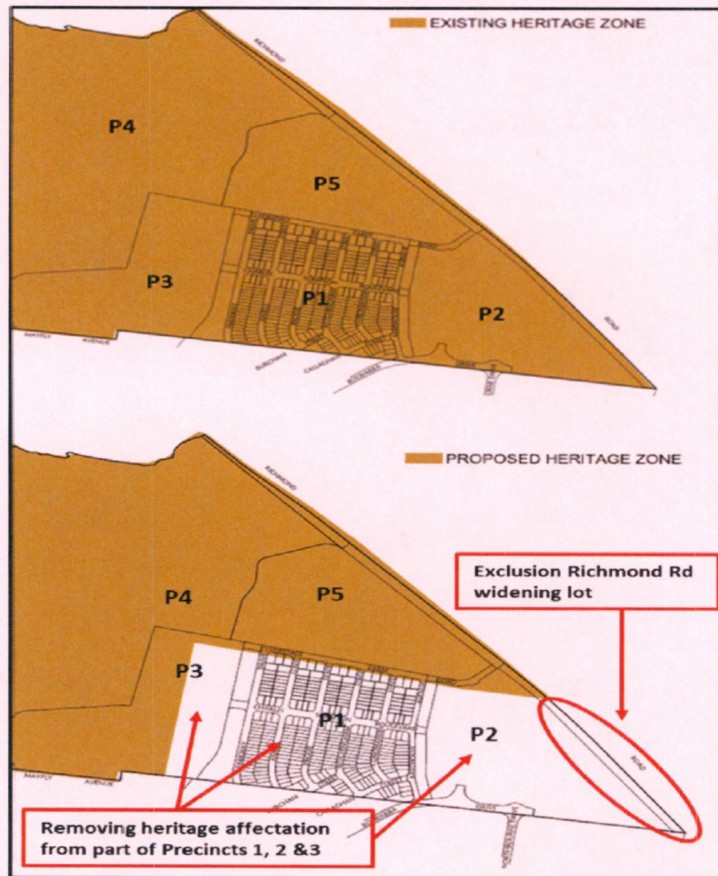
2. Community consultation

- a. We undertook consultation for the Planning Proposal in line with the conditions of the Gateway Determination issued by the Department of Planning and Environment on 7 December 2021. This involved:
 - i. public exhibition between 12 May and 13 June 2022
 - ii. letter to public authorities including Sydney Water, Endeavour Energy, Heritage NSW, SES and Transport for NSW.
- b. We received 3 submissions: from Sydney Water, Endeavour Energy and Transport for NSW. No objections were raised.

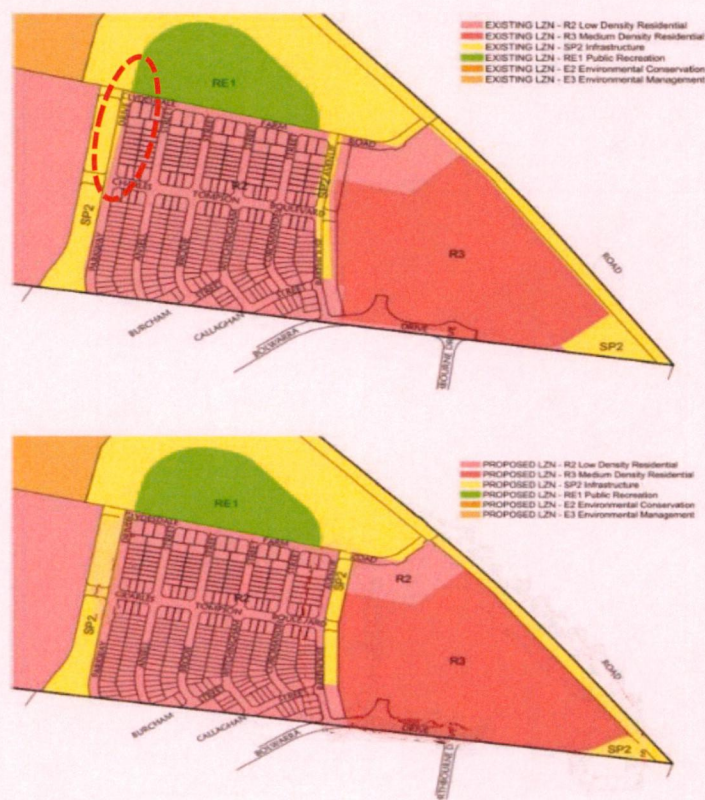
Supporting analysis

1. Summary of Planning Proposal amendments

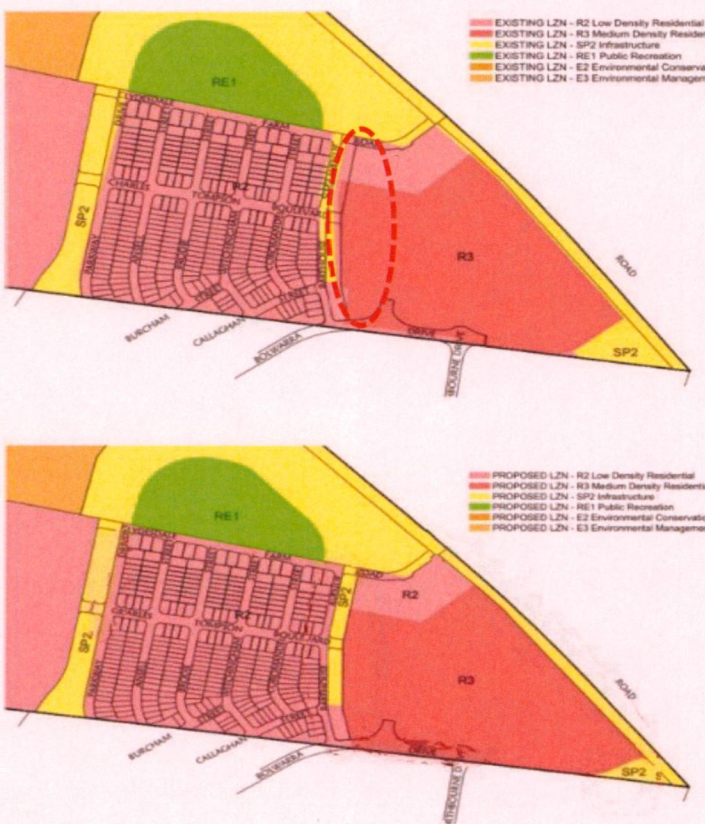
- a. Reducing the extent of heritage affectation to reflect approved subdivisions and road widening. The lots affected by this will continue to have local controls in place to acknowledge the heritage value of the location.



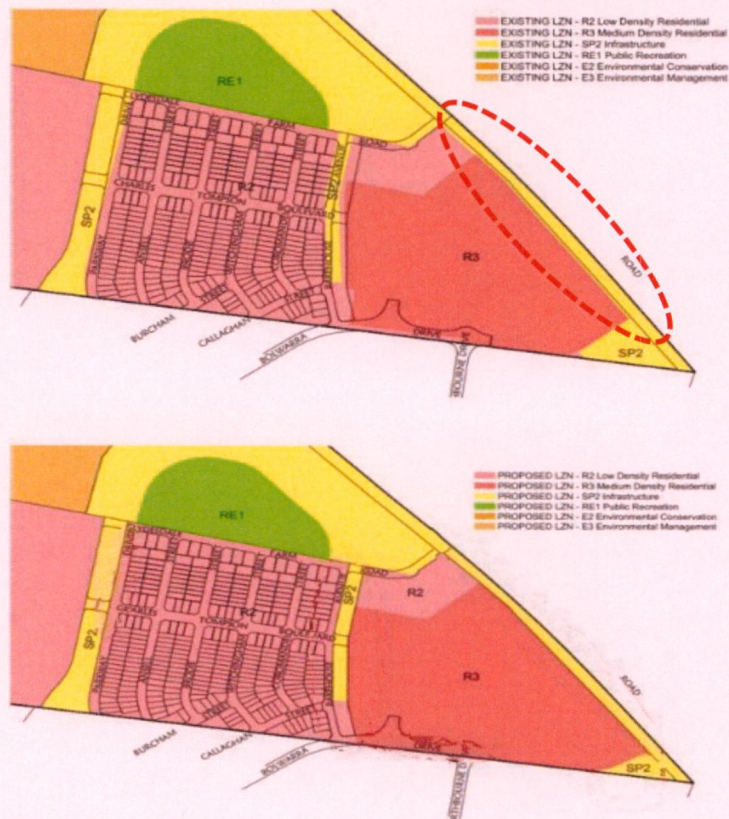
- b. Re-alignment of the SP2 Local Drainage zone to reflect the drainage corridor currently under construction.



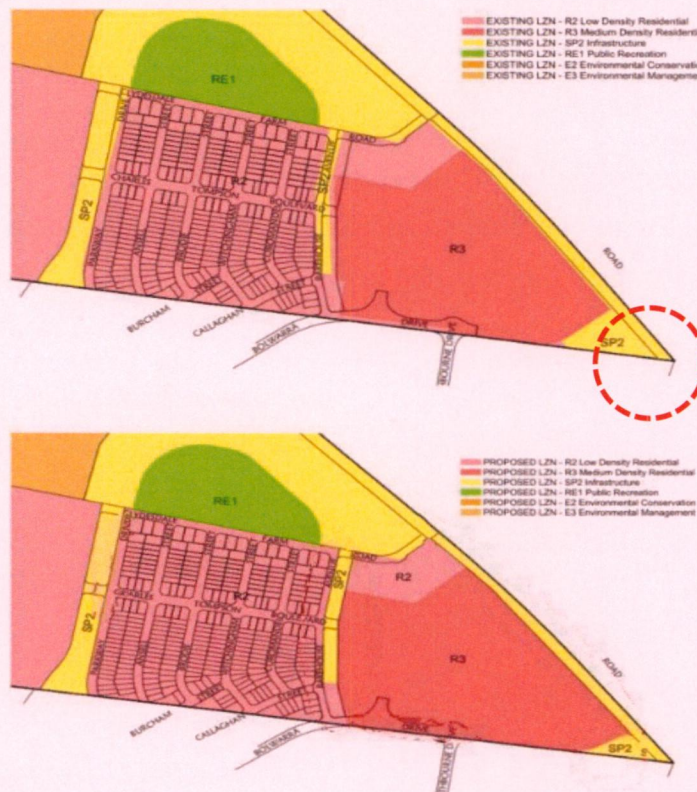
- c. Realignment of R2 (Low Density Residential) and R3 (Medium Density) zone boundaries to reflect the drainage zone realignment.



- d. Realignment of R2 zone to an R3 zone to reflect approved subdivision patterns and road widening.



- e. Realignment of SP2 to R3 to reflect the redesign of local drainage basins resulting in less land being required for their construction.



2. Merit of the Planning Proposal

- a. The land subject to this Planning Proposal is within the area to which State Environmental Planning Policy (Precincts – Central River City) 2021 (formerly State Environmental Planning Policy (Sydney Region Growth Centres) 2006) applies.
- b. Endorsement of the proposal on exhibition by the Department of Planning confirms its strategic merit and alignment with the objectives and priorities of the Greater Sydney Region Plan and the Central City District Plan.
- c. The Planning Proposal applies to land within the State Heritage Inventory curtilage boundary for Clydesdale Estate which is located to the north of Precincts 1 and 2. There will be no reduction in State Heritage Register curtilage and no impact on Clydesdale House. Heritage advice has supported this amendment as:
 - Precincts 1, 2 and 3 are identified in the Conservation management plan as being of little heritage significance
 - the development controls established in the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (amended October 2020), in particular the site-specific controls for the Clydesdale Estate in Schedule 6 of the DCP (Marsden Park Precinct DCP), are sufficient to ensure that new residential development within these precincts will not result in any additional adverse impacts on the rural landscape setting of the Clydesdale Estate
 - the land to be dedicated for the widening of Richmond Road makes very little contribution to the heritage values of the place.
- d. The proposed zoning boundary realignments will align zone boundaries with lot boundaries and associated approved land uses. Also, it will remove unwarranted barriers to future development as a result of split zoning on some of the lots.
- e. The proposed rezoning of SP2 Local Drainage zoned land at Precinct 2 is in response to a change in precinct wide drainage designs, where Council no longer needs the original parcel of land for drainage purposes. The rezoning will serve to facilitate drainage infrastructure (currently under construction as part of the approved bulk earthworks) within the realigned SP2 Drainage corridor. It will also allow for land uses other than drainage infrastructure that are more suitable for the site and more consistent with surrounding residential developments.

3. Blacktown Local Planning Panel supported the Planning Proposal

- a. The Planning Proposal was reported to the Blacktown Local Planning Panel on 22 September 2021.
- b. The Panel agreed that the Planning Proposal has strategic merit and is reflective of existing uses and likely future uses on and surrounding the site.
- c. The Panel supported the recommendation that Council progress the Planning Proposal for Gateway Determination.

End of report



Planning Proposal

To amend State Environmental Planning Policy (Sydney Region Growth Centres) 2006 for realignment of zoning and heritage boundary and rezoning at Clydesdale Estate (Former Lot 2 DP 260476, No. 1270 Richmond Road), Marsden Park

Date: May 2022 – as amended (V2)

Prepared by: Planning Policy - Blacktown City Council

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Attachments

1. Current land uses on the site and background
2. Development Applications applying to the site
3. Heritage Council of NSW (State Heritage Register – SHR00674)
4. Heritage advice prepared by TKD Architects dated 30 March 2021
5. Advice from Transport for NSW
6. Existing and Proposed maps
7. Consistency with applicable regional, district and local plan or strategy
8. Consistency with applicable State Environmental Planning Policies and Sydney Regional Environmental Plans
9. Consistency with relevant Section 9.1 Ministerial Directions
10. Consistency with the new Direction 4.3 Flooding - Section 9.1 Ministerial Directions
11. Existing and Proposed Area Calculations of Zones



Clydesdale Estate Planning Proposal – Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (December 2021)

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12. Precinct 2 Proposed Concept Subdivision Plan
13. Advice from Heritage NSW in regards to the Planning Proposal – Post Gateway Determination
14. Advice from SES in regards to the Planning Proposal – Post Gateway Determination
15. Advice from Transport NSW in regards to the Planning Proposal – Post Gateway Determination
16. Response from Craig & Rhodes Pty Ltd (The Applicant) to feedbacks from government agencies – Post Gateway Determination

Figures

Figure 1 - Aerial photo of subject site

Figure 2 - Subject site subdivided into 5 precincts

Figure 3 - Proposed realignment of zone boundary

Figure 4 - Proposed rezoning

Figure 5 - Proposed amendment to heritage affectation

Figure 6 - Existing zoning map of site showing location of zoning changes

Figure 7 - Existing and proposed North West Growth Centre Land Zoning Map

Figure 8 - Existing and proposed Lot Size map

Figure 9 - Existing and proposed Height of Building Map

Figure 10 - Existing and proposed Land Reservation Acquisition Map

Figure 11 - Existing and proposed Residential Density Map

Figure 12 - Existing and proposed Heritage Map

Tables

Table 1 - Affected lots of this Planning Proposal

Table 2 - Objectives and intended outcomes of the Planning Proposal

Table 3 - Project timeline

Amendments

Version	Date	Update
1	August 2021	Planning Proposal, as endorsed by Council and submitted to DPIE for Gateway Determination
2	May 2022	Planning Proposal, as updated to comply with Gateway Determination Conditions



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1. Introduction

1.1 Introduction

Craig & Rhodes Pty Ltd has prepared this Planning Proposal for Cyan Stone Clydesdale Estate 1 Pty Ltd to initiate amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The Proposal is a map only amendment.

The Planning Proposal is submitted to Blacktown City Council (Council) in accordance with Clause 3.33 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and the Department of Planning, Infrastructure and Environment (DPIE) 'A Guide to Preparing Planning Proposals'.

1.2 Site and locality

The Planning Proposal applies to land at former Lot 2 DP 260476, No. 1270 Richmond Road, Marsden Park. The site is known as Clydesdale Estate and is located within the North Growth Centre Precinct of Marsden Park that is currently undergoing transition from rural into a new residential suburb (Figure 1).

Figure 1 – Aerial photo of subject site



The site has an area of approximately 215 ha and the majority of it is currently vacant. The term 'site' in this Planning Proposal refers to the 'Parent Lot'.

A procedural subdivision (DA 16/04366) was approved in November 2018 which resulted in the site being subdivided into five super lots or 'Precincts'. The new lots were registered in 2020 and are shown in Figure 2.



Blacktown
City Council

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Figure 2 – Subject site subdivided into 5 precincts

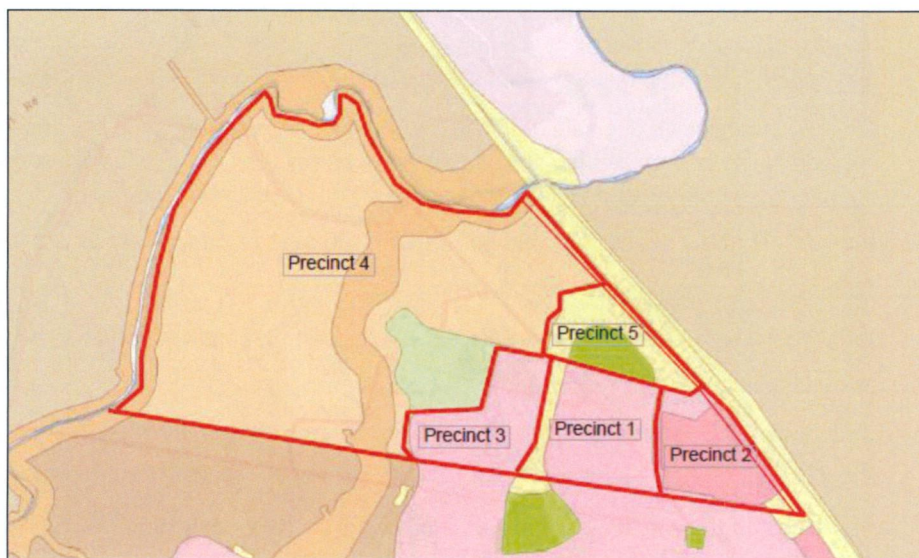


Table 1 below outlines the land description for lots included in each precinct:

Table 1 – Affected lots of this Planning Proposal

Parent Lot	Current land description	
	Precincts	Lot / DP
Lot 2, DP 260476	Precinct 1	Lots 1001 to 1135, DP1254249 Lots 1201 to 1360, DP1254250 Lot 5 and Part Lot 2, DP1270086
	Precinct 2	Lots 3 and 4, DP1270086
	Precinct 3	Lot 3, DP1248522
	Precinct 4	Lot 1 and 7, DP1270086
	Precinct 5	Lot 6 and Part Lot 2, DP1270086

The site is listed as a heritage item of State Significance in Schedule 5 of Appendix 12 Blacktown Growth Centres Precinct Plan of the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 and described as Clydesdale House – farmers cottages and barn.

The Site's heritage significance is summarised as following:



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- It is one of a series of pre 1840s homesteads in the Hawkesbury area which contributed substantially to the agricultural and pastoral economy of the region.
- The landscape features remain relatively intact, including significant remnant woodlands, Aboriginal relics, two cemeteries (both resting places for the early pioneers of Clydesdale and the district), and its original entry avenue off Richmond Road.
- The house retains its original relationship to its landscape setting and farm and is the only remaining example of the lowland model of homestead siting in the Blacktown area and one of three remaining examples intact on the Cumberland Plain.

For more details about the current land uses on the site refer to Attachment 1.

Surrounding context of the site is as following:

- North west and west of the site is Penrith LGA and the predominant land use is rural residential and primary production.
- North east of the site is the Hawkesbury LGA. The predominant land use there is large lot residential.
- On the east of the site the predominant land use is primary production.
- On the south of the site is the recently developed suburb of Marsden Park. The main land use is low density residential with associated recreation and infrastructure uses.
- To the south east of the site is rural/agricultural land zoned RU6 Transition.

For more details about the background of the site and relevant Subdivision Applications and Development Applications refer to Attachment 2.

2. Objectives or intended outcomes

The objectives of the Planning Proposal are realignment of zoning and heritage boundary and rezoning part of the site. Table 2 below outlines the objectives and intended outcomes of the Planning Proposal in detail:

Table 2. Objectives and intended outcomes of the Planning Proposal

Proposed amendment	Description of the proposed amendment	Justification for the proposed amendment
1) Realignment of zone boundary (Refer Figure 3)	<p>1A) Realignment of a drainage corridor</p> <ul style="list-style-type: none">• Realignment of SP2 Local Drainage zoning at both western and eastern boundary of Precinct 1 along Parkway Drive and Bakehouse Avenue to reflect approved various subdivision application. <p>The SP2 Local Drainage zone is to move 18m east to align with the drainage channel.</p>	<ul style="list-style-type: none">• This amendment is proposed to reflect the approved subdivision applications including DA16/04366, DA16/04611 and JRPP16/03316 (Attachment 2).• A detailed justification is included in Part 4 of this Planning Proposal.



Proposed amendment	Description of the proposed amendment	Justification for the proposed amendment
	<p>Notes: To reflect the proposed realignments and changes to the zoning map, corresponding maps including LSZ, HOB, LRA, RDN are to be updated.</p> <p>These amendments affect State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Map Sheets 002 and 005.</p>	
	<p>1B) Realignment of zoning boundary</p> <ul style="list-style-type: none"> Realignment of R2 Low Density Residential and R3 Medium Density Residential zone boundary at western side of Precinct 2 along Bakehouse Avenue to reflect the realignment of SP2 Local Drainage zoning at eastern side of the Precinct 1. <p>The zoning boundary of R2 Low Density Residential and R3 Medium Density Residential zone at Precinct 2 is to move to the east and appropriately out of the drainage corridor land in Precinct 1.</p> <p>Notes: To reflect the proposed realignments and changes to the zoning map, corresponding maps including LSZ, HOB, LRA, RDN are to be updated.</p> <p>This amendment affects State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Map Sheet 005.</p>	<ul style="list-style-type: none"> This amendment is proposed to reflect the approved subdivision applications including DA16/04366, DA 16/04611 and JRPP 16/03316 (Attachment 2). A detailed justification is included in Part 4 of this Planning Proposal.
2) Rezoning (Refer Figure 4)	<p>2A) Rezoning to reflect approved road widening plan</p> <ul style="list-style-type: none"> Rezoning of SP2 Classified Road along Richmond Road on eastern boundary of Precinct 2 to R2 Low Density Residential and R3 Medium Density Residential to reflect the approved road widening of Richmond Road. <p>Notes: This amendment affects State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Map Sheets 001, 002 and 005.</p>	<ul style="list-style-type: none"> This amendment is proposed to reflect a subdivision application DA 20/00797 approved on 5 November 2020 to excise three narrow parcels of land along the eastern boundary of Precincts 2, 4 and 5 to accommodate the widening of Richmond Road. This amendment is in response to Transport for NSW plan for widening of Richmond Road (Attachment 2 and 3).



Proposed amendment	Description of the proposed amendment	Justification for the proposed amendment
		<ul style="list-style-type: none"> A detailed justification is included in Part 4 of this Planning Proposal.
	<p>2B) Rezoning to reflect approved subdivision plans</p> <ul style="list-style-type: none"> Rezoning part of the western and southern boundary of Precinct 2 along Bakehouse Avenue and Bolwarra Drive from R2 Low Density Residential to R3 Medium Density Residential to reflect approved subdivision application. <p>Notes: This amendment affects State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Map Sheet 005.</p>	<ul style="list-style-type: none"> This amendment is proposed to reflect a subdivision application SPP 16/04469 approved on 23 December 2020 (Attachment 2). A detailed justification is included in Part 4 of this Planning Proposal.
	<p>2C) Rezoning of SP2 Local Drainage to R3 Medium Density Residential zone</p> <ul style="list-style-type: none"> Rezoning part of the site located at the south eastern corner of Precinct 2 adjoining Richmond Road from SP2 Local Drainage to R3 Medium Density Residential. <p>Notes: This amendment affects State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Map Sheet 005.</p>	<ul style="list-style-type: none"> The site is not required by Council for drainage purposes anymore and the proposed rezoning will enable a better design outcome for the site. The North West Growth Centre Stormwater Management Strategy Review, which is endorsed by Council EMC, has identified 16 basins where stormwater detention storage could be consolidated or removed. Council's design review – known as reduced detention strategy has identified approximately 11.9 ha of surplus SP2 drainage land that could be used for other purposes. More information is included in Notes* - A and B below this table.
3) Reducing the extent of Heritage affectation (Refer Figure 5)	<p>3A) Removing the heritage affectation from part of the site</p> <ul style="list-style-type: none"> Aligning heritage boundary with Clydesdale Farm Drive at part of the site that is located at Precinct 1, e majority of precinct 2 and part of Precinct 3 and removing heritage affectation from these lots. 	<ul style="list-style-type: none"> This amendment is proposed to reflect various subdivision applications including DA 16/04366, JRPP16/03316, DA 20/00797, SPP 16/04469 and DA-18-01249 (Attachment 2).

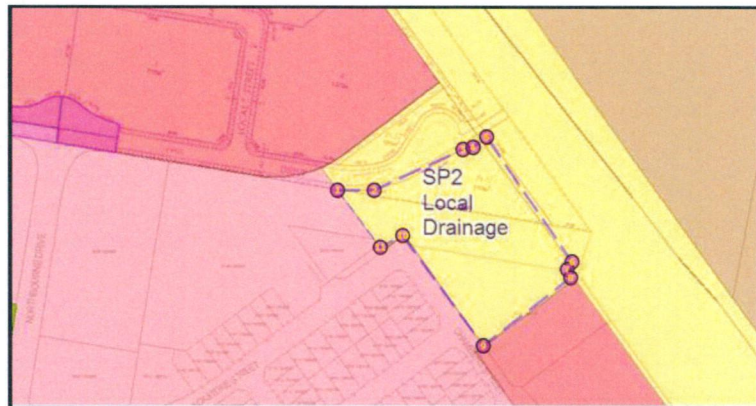


Proposed amendment	Description of the proposed amendment	Justification for the proposed amendment
	<p>Notes: This amendment affects State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Map Sheets 002 and 005.</p>	<ul style="list-style-type: none"> The amendment will clarify the approval pathway and assists customers in understanding the development controls and limitations that apply. The land is subject to an Aboriginal Heritage Impact Permit issued by NSW Office of Environment and Heritage, noting there will be no impact by the Planning Proposal on 3 recorded Aboriginal artefacts within the Clydesdale Estate. There is no amendment proposed to SHR curtilage boundary. Refer to State Heritage Register Curtilage (SHR00674, Plan 1713, Clydesdale - House, Barn, Cottage and Farm Landscape) (Attachment 3 and 4). Council will explore amendment to SHR curtilage boundary separately as this should be done through a different process which is a lengthy process and not suitable to be incorporated to the Planning Proposal process.
	<p>3B) Removing the heritage affectation from part of the site along Richmond Road</p> <ul style="list-style-type: none"> Moving heritage boundary at small lot along Richmond Road and through Precinct 2 to the west and remove heritage affectation from it to reflect approved applications for road widening of Richmond Road. <p>Notes: This amendment affects State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Map Sheet 005.</p>	<ul style="list-style-type: none"> This amendment is proposed to reflect Transport for NSW plan for widening of Richmond Road (Attachment 5). As above



Notes*

- A) More details in regards to surplus SP2 Local Drainage zoned land (Proposed amendment 2C):
- A number of basins are undergoing design, or have been designed by developers through Works-in-Kind arrangements. Council has prepared preliminary concepts for the remaining basins.
 - The design changes associated with removing the stormwater detention component include providing local drainage connections in the form of pits and pipes, culverts and vegetated channels to connect developments to existing drainage reserves or creeks and amending the design landform to suit the required treatment measures.
 - Council has prepared revised models to size the alternate designs and to prepare preliminary cost estimates. In particular, the SP2 infrastructure originally proposed at 2C is merging with drainage infrastructure on adjacent SP2 drainage land (Lot 2151 DP 1223745 (land ID 381656) and Lot 2745 DP 1230905). The merged basin is collectively referred as Basin MM1.1.
 - The figure below shows the future basin location:



- More details about flood assessment and evacuation requirements are provided in attachment 16 in response to comments from SES.
- B) More details in regards to rezoning SP2 Local Drainage zoned land to R3 Medium Density Residential (proposed amendment 2C):
- The North West Priority Growth Area Land use and Infrastructure Implementation Plan includes draft density bands. The Clydesdale SP2 Infrastructure – Drainage land subject to this Planning Proposal falls within 15-25dw/ha density band. The proposed re-zoning of the redundant SP2 Local Drainage zoned land will:
- increase the area zoned R3 Medium Density Residential by 4,107.5m². This represents an increase of approximately:
 - 3.3% from the R3 current area of 12.23ha
 - 0.9% of the residential zoned land (R2 and R3) at the site of 44.96ha.
 - Approximately half of this will be taken up by a road, leaving approximately 2,000sqm for potential residential development.
 - Allow for an estimated 5-10 dwellings, assuming a minimum residential density of 25 dwellings per hectare (the proposed minimum).



Clydesdale Estate Planning Proposal – Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (December 2021)

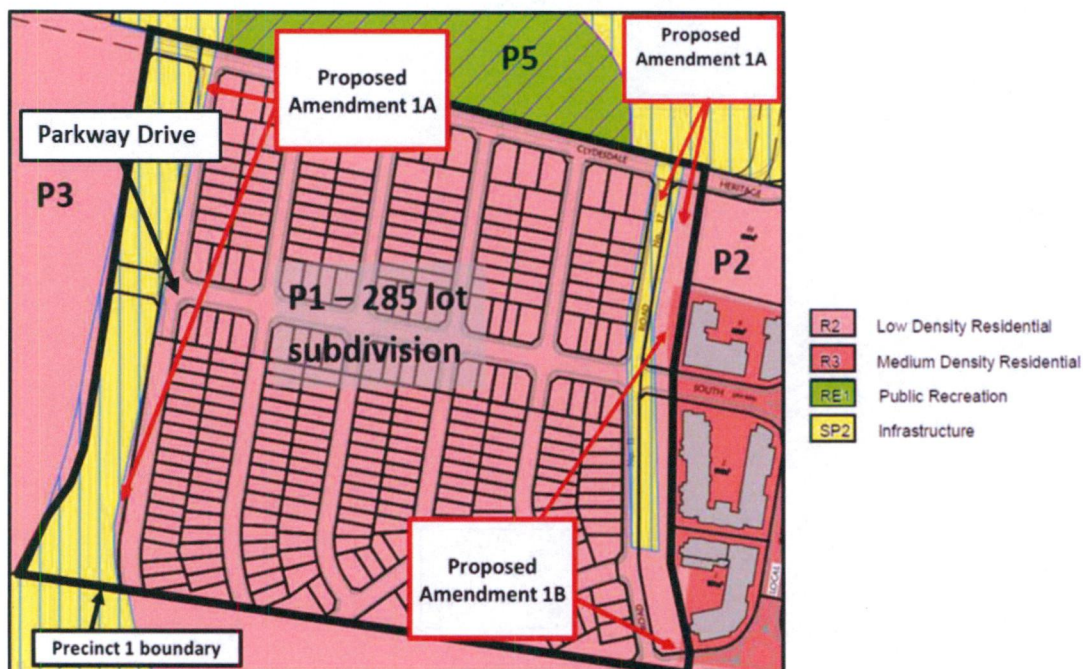
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Council have previously approved a concept scheme in Precinct 2 for 22 four storey residential flat buildings containing up to 1,421 units (DA ref SPP-16-04469) which is no longer intended to proceed. A new subdivision development application over this area has recently been submitted to Council (DA 21-02068) which comprises 191 residential lots, 9 superlots, 1 drainage lot and 3 residue lots, road construction and delivery, landscaping works and associated civil works, which significantly reduces the number of dwellings against the previously approved concept plan.

- C) The Interim Guidelines for Development Near Busy Roads and Railways has been taken into consideration. Development application No. 21-02068 (191 residential lots, 9 superlots, 1 drainage lot and 3 residue lots, road construction and delivery, landscaping works and associated civil works) has been lodged by Stockland Development, with GTAs issued by TfNSW.

Proposed amendments to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 maps are summarised in Table 2 and outlined in figures 3, 4 and 5 below. Detailed justification for proposed amendments is included in Part 4 and existing and proposed maps are outlined in Attachment 6 of this Planning Proposal.

Figure 3 – Proposed realignment of zone boundary – Existing zoning map



Clydesdale Estate Planning Proposal – Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (December 2021)

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Figure 4 – Proposed rezoning – Existing zoning map

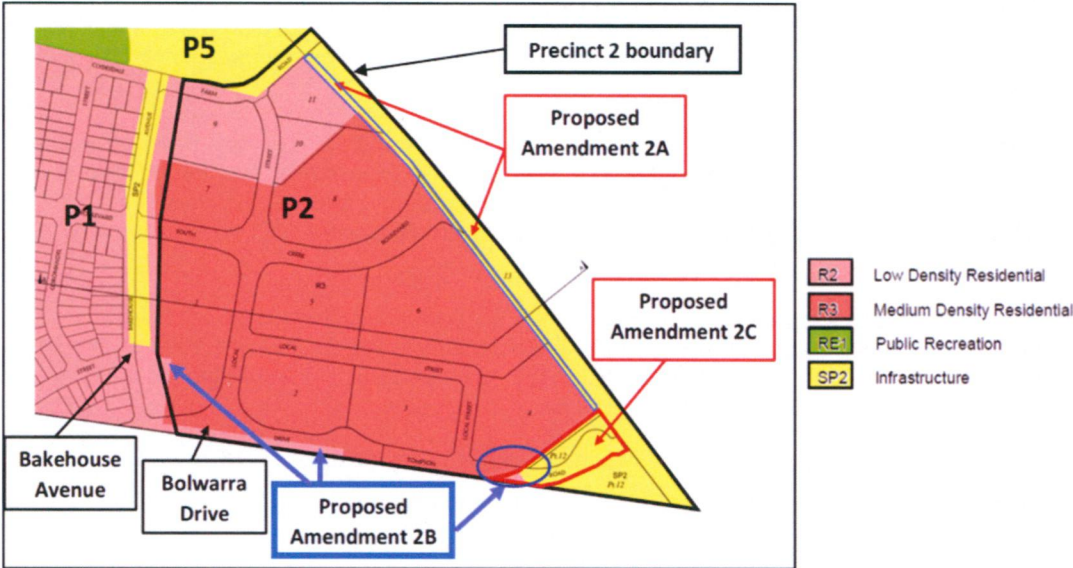
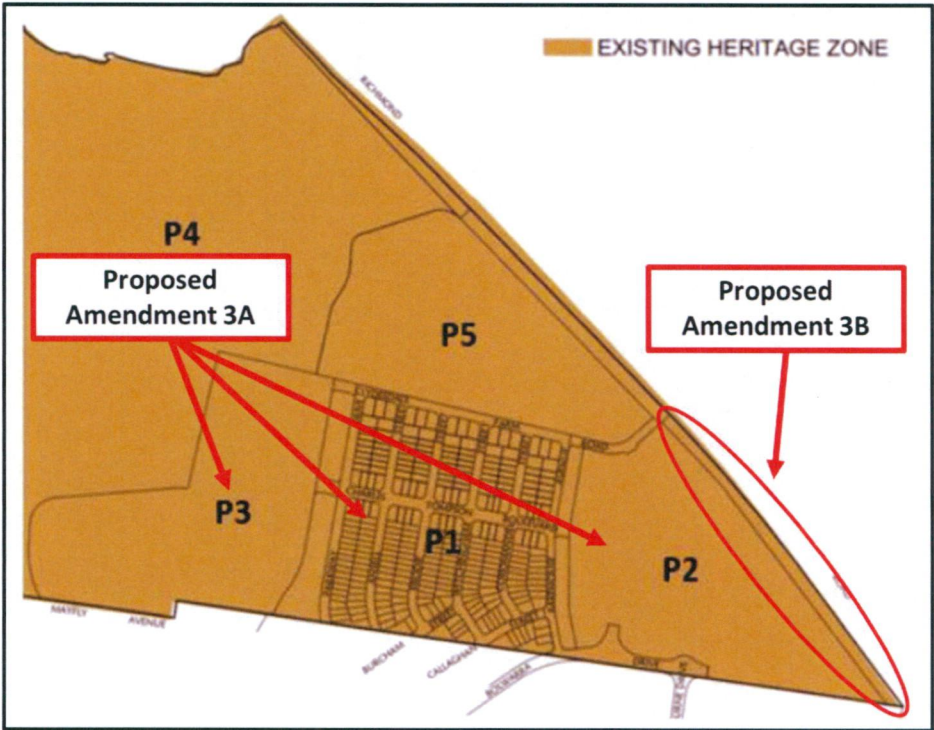


Figure 5 – Proposed amendment to heritage affectation – Existing heritage map



3. Explanation of provisions

3.1 Proposed mapping amendments

The objectives of this Planning Proposal can be achieved through the amendments to the following State Environmental Planning Policy (Sydney Region Growth Centres) 2006 maps:

- Land Zoning maps: LZN_002, 005
- Minimum Lot Size maps: LSZ_002, 005
- Height of Building maps: HOB_002, 005
- Land Reservation Acquisition: LRA_002, 005
- Residential Density: RDN_002, 005
- Heritage maps: HER_001, 002, 005

The proposed mapping changes are outlined below and also in Attachment 6.

3.2.1. Current and proposed maps

Figure 6 shows the existing Land Zoning over the Site. The proposed amendments to the Land Zoning Map and resultant amendments to other maps are restricted to the area marked in red and shown in Figure 7 to Figure 12 on the following pages.

Note: In the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 these maps appear over three tiles. It is presented here as one tile for clarity purposes only.

Figure 6 – Existing zoning map of site showing location of zoning changes

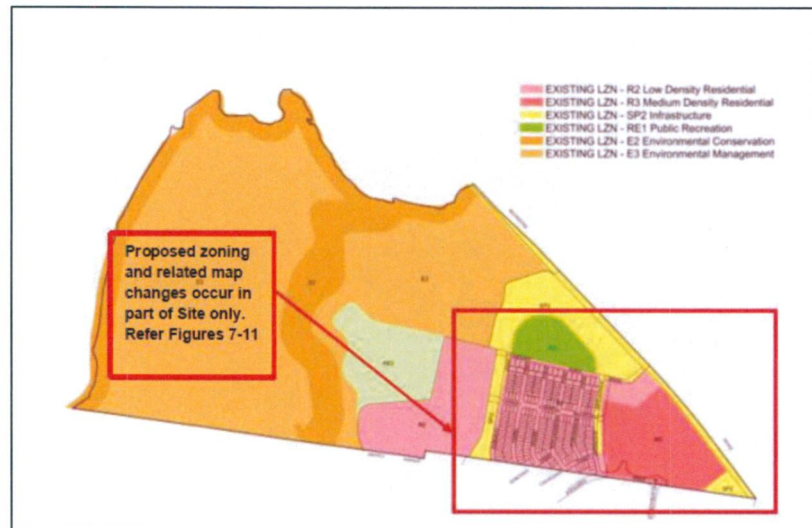
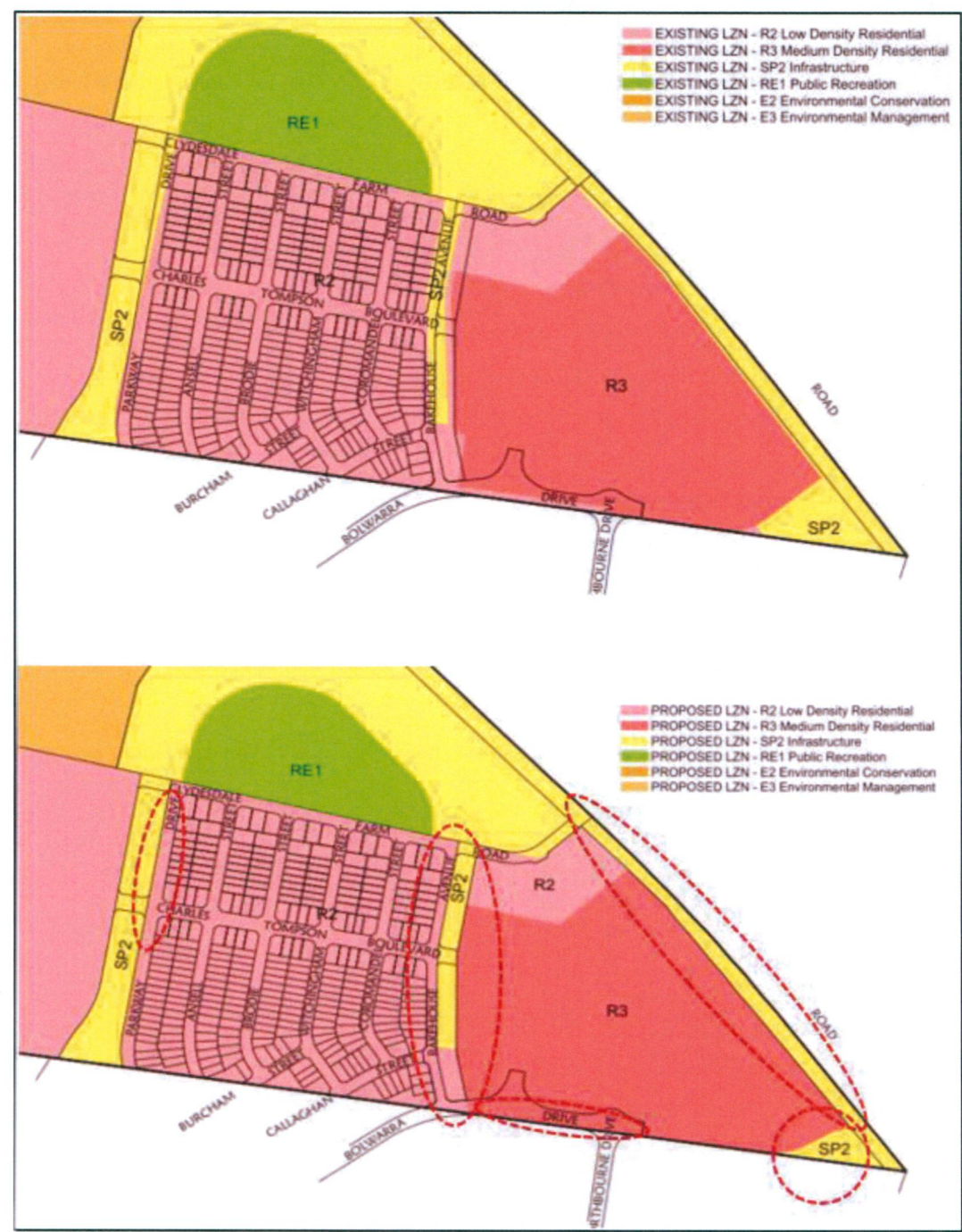


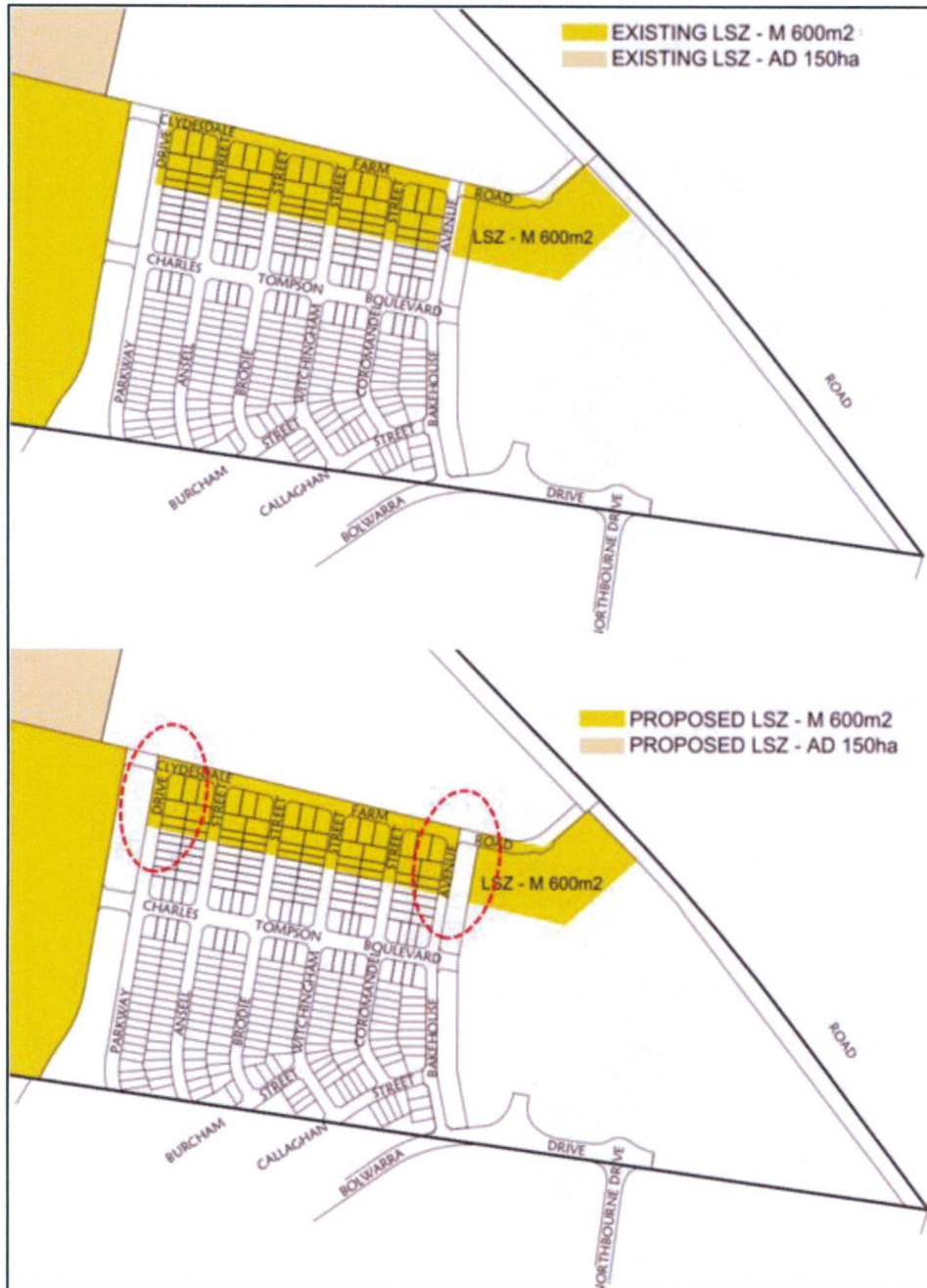
Figure 7 shows the existing and proposed North West Growth Centre Land Zoning Map. The location of the proposed amendments is marked in red.

Figure 7 - Existing (upper image) and proposed (lower image) Zoning Map



Clydesdale Estate Planning Proposal – Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (December 2021)

Figure 8 - Existing (upper image) and proposed (lower image) Lot Size map



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Figure 9 - Existing (upper image) and proposed (lower image) Height of Building Map

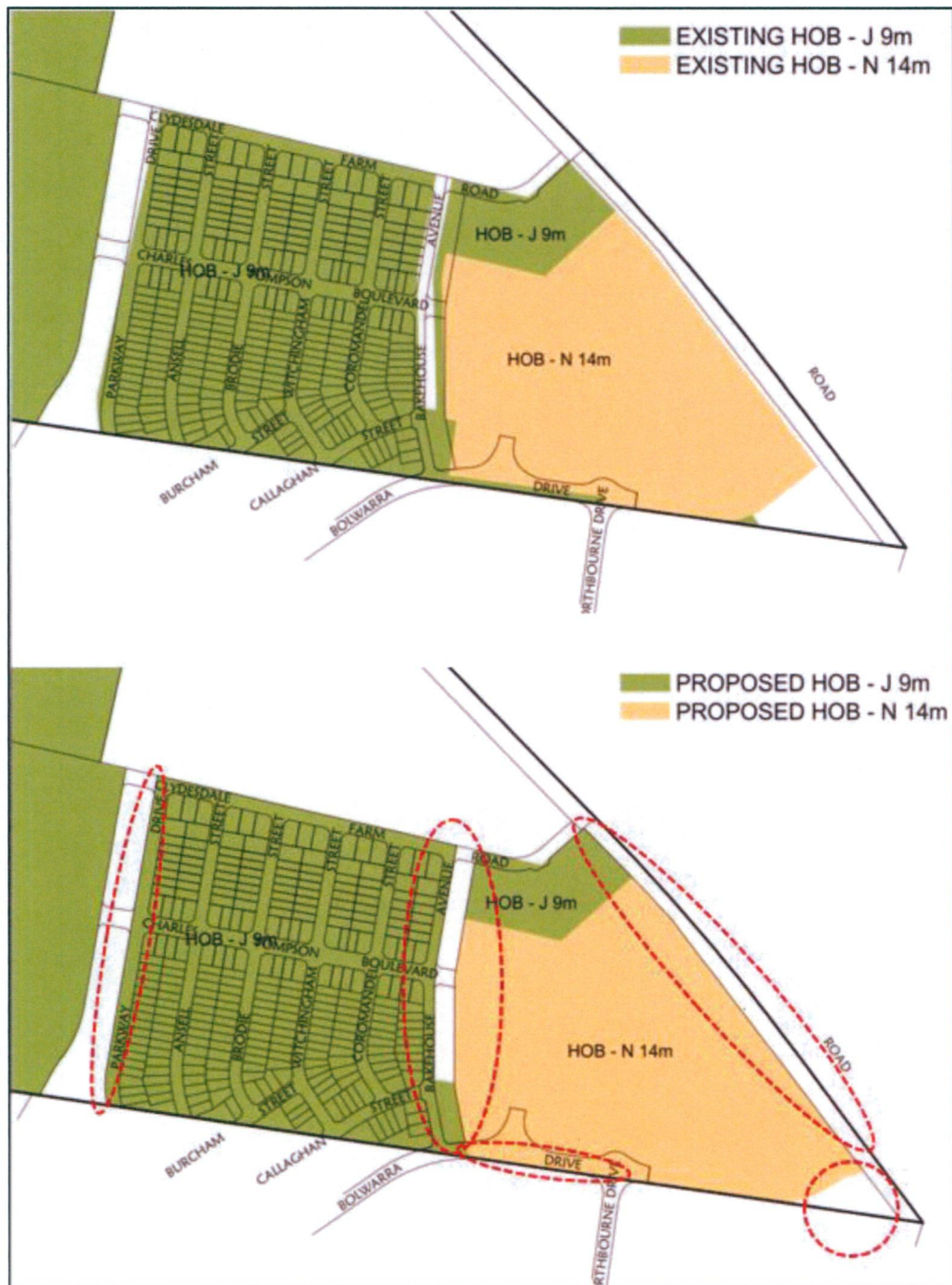


Figure 10 - Existing (upper image) and proposed (lower image) Land Reservation Acquisition Map

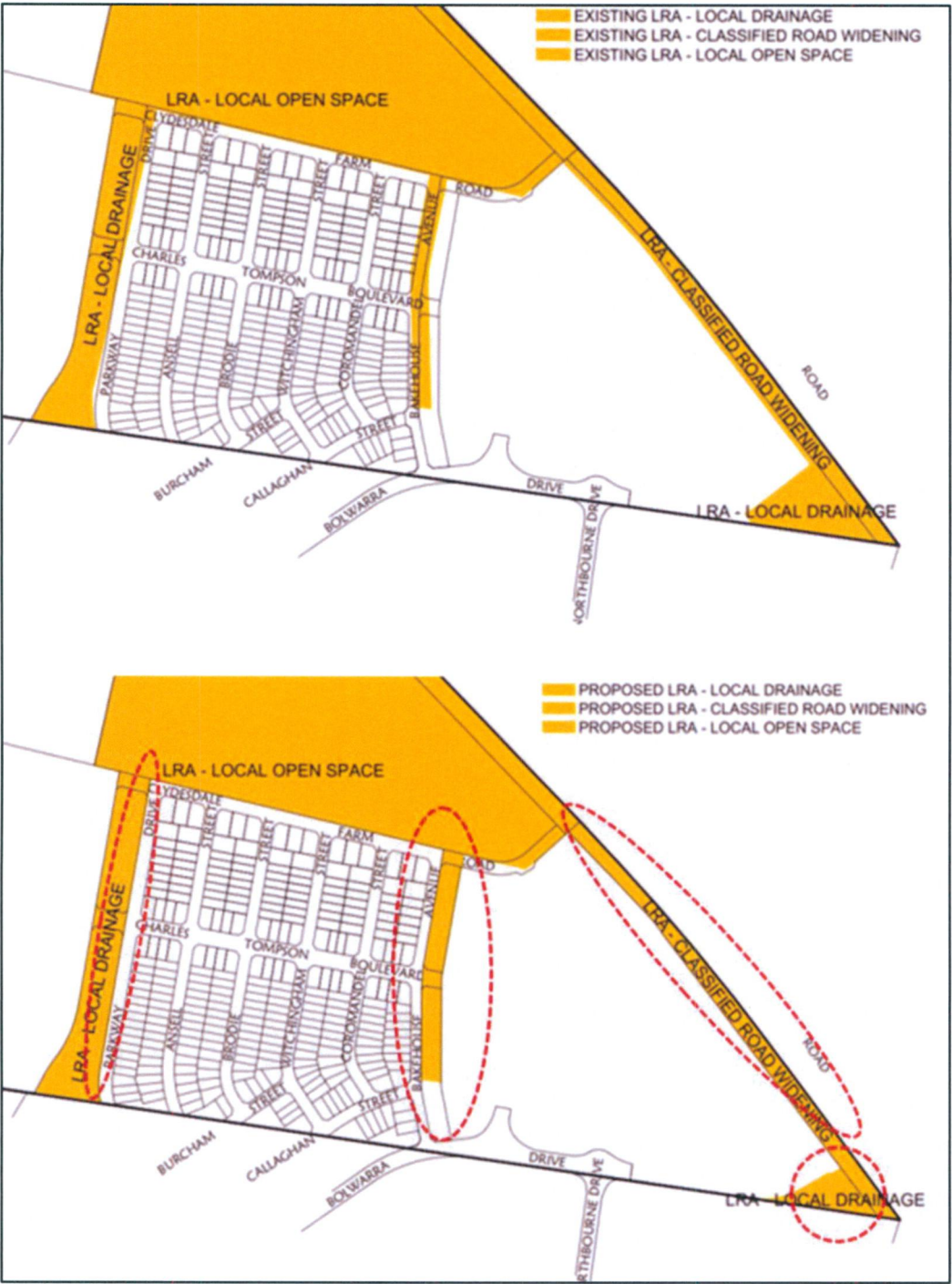
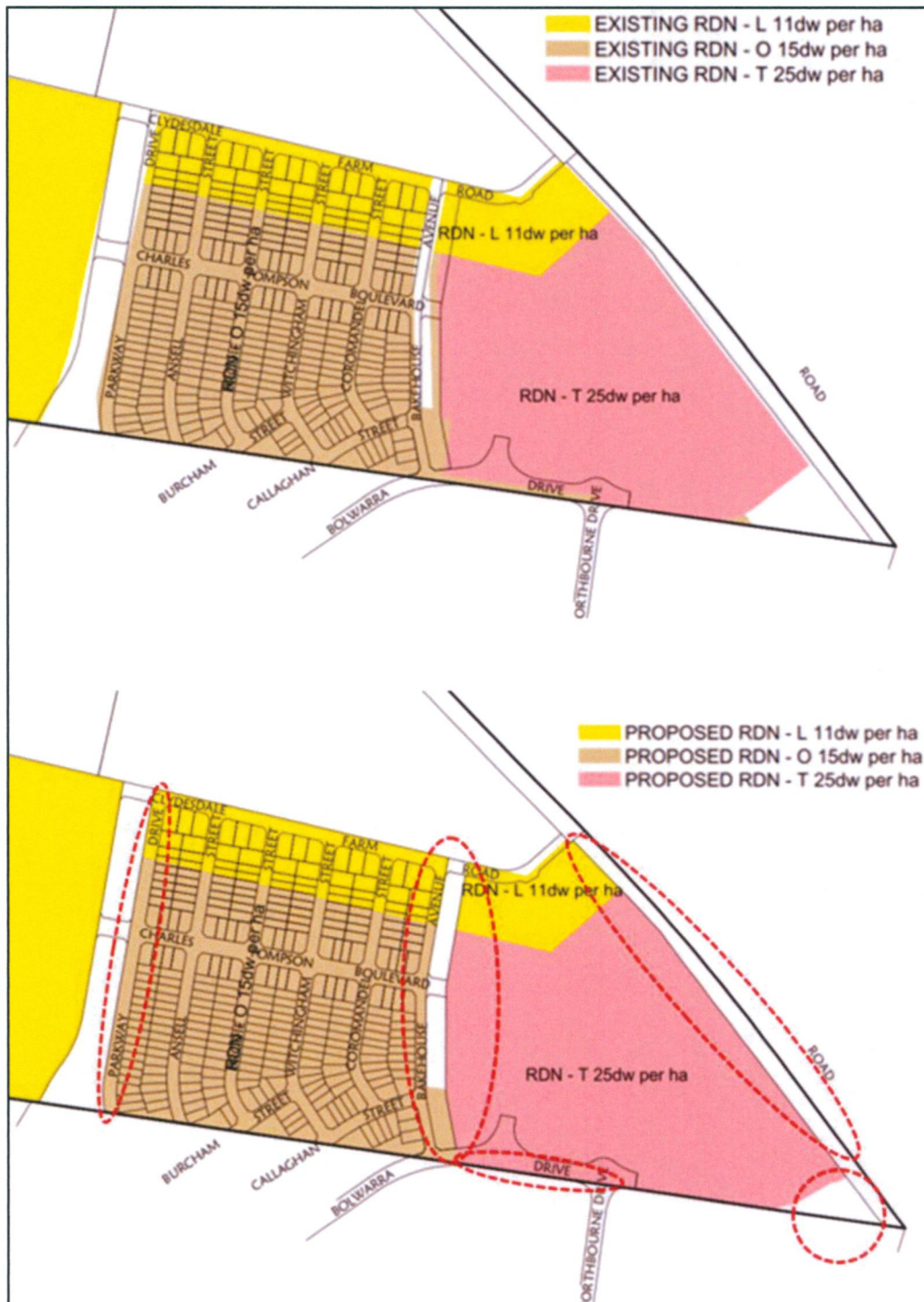
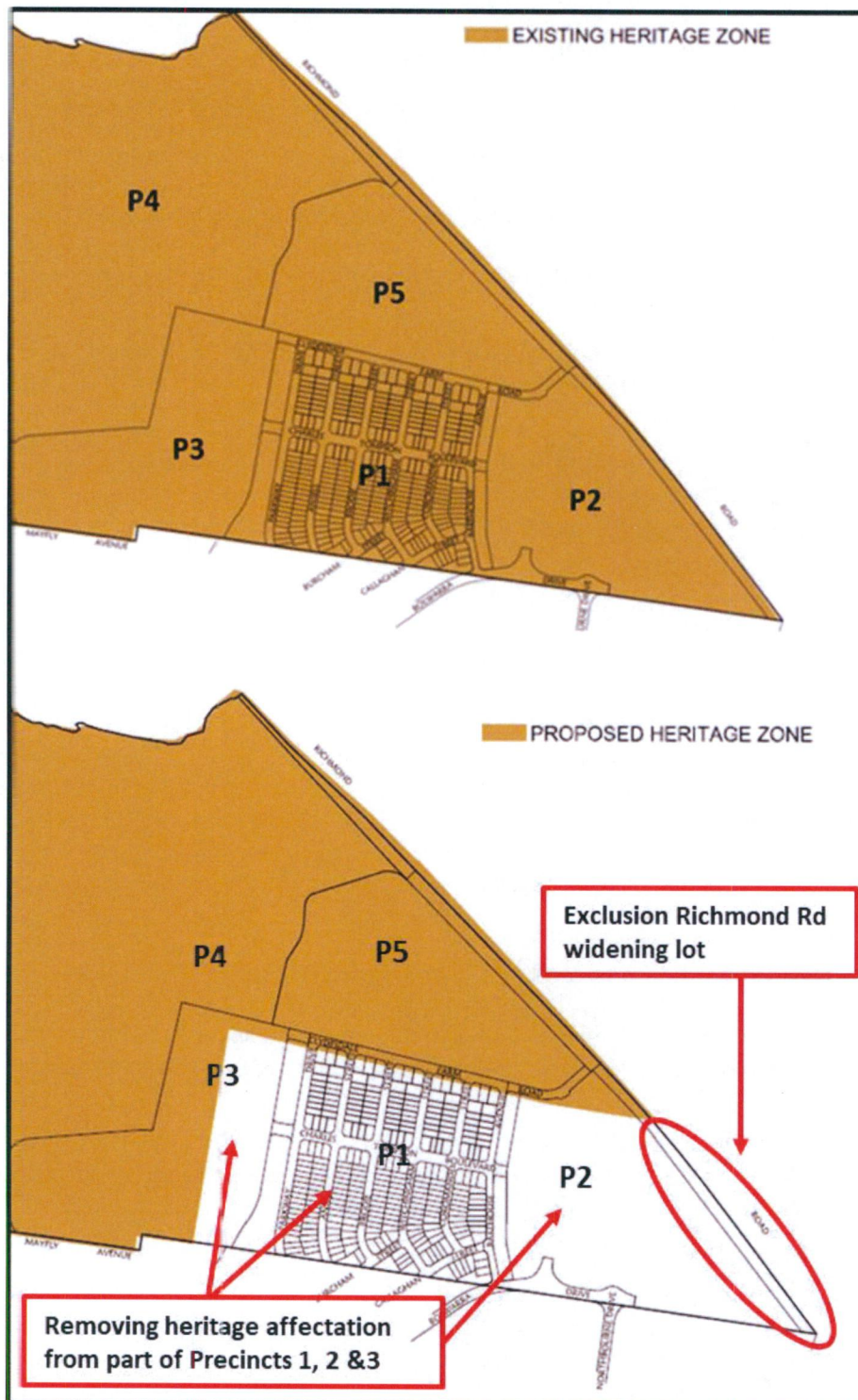


Figure 11 - Existing (upper image) and proposed (lower image) Residential Density Map



Clydesdale Estate Planning Proposal – Amendment to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (December 2021)

Figure 12 - Existing (upper image) and proposed (lower image) Heritage Map



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4. Justification

4.1 Section A – Need for the Planning Proposal

4.1.1 Is the Planning Proposal a result of any strategic study or report?

No. The proposed amendments have arisen from site-specific requirements rather than any strategic study or report. However, it should be noted that the proposed amendments are to reflect previous approved subdivision plans and Transport for NSW road widening Plan.

4.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the best means of achieving the objectives outlined in Part 2 of this report for the following reasons:

- Objective 1 specifically relates to aligning the approved road, block and lot layout with the land use zones. The only way to correct this situation is by amending State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as proposed. The layout itself cannot be amended to fit with the existing zoning as the lots are now registered.
- Objective 2 relates to rezoning part of the site from SP2 Local Drainage to R3 Medium Density Residential zone. A Planning Proposal is the only way to achieve this objective.
- Objective 3 specifically relates to aligning the heritage map with the heritage significant curtilage of Clydesdale House (now contained within Precincts 4 and 5) and removing the heritage affectation from majority of Precinct 1 and 2 and part of Precinct 3 which have been assessed as not contributing to the heritage significance of Clydesdale House in its Conservation Management Plan. A Planning Proposal is the only way to remove the unwarranted heritage affectations.

4.2 Section B – Relationship to strategic planning framework

4.2.1 Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or district plan or strategy (including the Greater Sydney Region Plan)?

Yes. The objectives and directions of the Greater Sydney Region Plan – Our Greater Sydney 2056 and the Central City District Plan applicable to the Planning Proposal have been addressed:

a) Greater Sydney Region Plan

In March 2018 the NSW Government released the Greater Sydney Region Plan: A Metropolis of Three Cities. The Plan proposes a Metropolis of 3 unique but connected cities – Western Parkland City, Central River City (that contains the Blacktown LGA) and Eastern Harbour City.



The Greater Sydney Region Plan:

- sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters
- informs the district and local plans and the assessment of Planning Proposals
- assists infrastructure agencies to plan and deliver for growth and change and to align their infrastructure plans to place-based outcomes
- informs the private sector and the wider community on the growth management and infrastructure investment intentions of government.

The Greater Sydney Region Plan is structured under 4 themes:

- Infrastructure and Collaboration
- Liveability
- Productivity
- Sustainability.

Within these themes are 10 directions that contain a potential indicator followed by a suite of objectives, with each objective supported by a strategy or strategies.

The amendments proposed are minor and will not have an adverse impact on the objectives and actions contained in the Greater Sydney Region Plan.

b) Central City District Plan

The Greater Sydney Commission's 'Central City District Plan' (released in March 2018) provides a 20-year vision for the district. The Central City District encompasses the Cumberland, Parramatta, The Hills and Blacktown council areas. The District Plan provides details as to how the objectives for Greater Sydney can be achieved.

The District Plan contains themes, planning priorities, objectives and actions.

The amendments proposed are minor and will not have an adverse impact on the objectives and actions contained in the Central City District Plan.

Attachment 7 details consistency with the Greater Sydney Region Plan and Central City District Plan.

4.2.2 Is the Planning Proposal consistent with Council's local strategy or other local strategic plan?

a) Our Blacktown 2036 - Community Strategic Plan (CSP)

Yes. The Planning Proposal is consistent with Council's Community Strategic Plan.

b) Blacktown Local Strategic Planning Statement 2020

Yes. The Planning Proposal is consistent with the following Planning Priorities of the Blacktown Local Strategic Planning Statement:

- Local Planning Priority 4 (LPP4): Respecting heritage and fostering healthy, creative, culturally rich and socially connected communities.



- Local Planning Priority 6 (LPP6): Creating and renewing great places and centres.

Further comment on the consistency with strategic directions of CSP and the proposed provisions within the LSPS is provided in Attachment 7.

4.2.3 Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Yes. The proposal is consistent with applicable State Environmental Planning Policies and deemed State Environmental Planning Policies (Attachment 8).

4.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 Directions by the Minister)?

Yes. The section 9.1 Directions applicable to the Planning Proposal are addressed in Attachment 9. The Planning proposal is consistent with the applicable Ministerial Direction.

A detailed assessment of consistency of the proposal with new Direction 4.3 Flooding is undertaken and included in Attachment 10.

4.3 Section C – Environmental, Social and Economic Impacts

4.3.1 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. The Planning Proposal is not proposing amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 that will have adverse impacts on ecological communities, threatened species or critical habitat. It should be noted that:

- Part of the site subject to realignments of zoning boundary is mapped as Biodiversity Certified and, in its cleared state, presents no evidence of habitat or communities of threatened species.
- Precincts 1, 2 and 3 have already been zoned for residential development and have been cleared accordingly under previous DA consents.
- Part of the site subject to rezoning is Biodiversity Certified and has been cleared in accordance with previous DA consents.

4.3.2 Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

No. The Planning Proposal will not result in any negative environmental impact.

a) The proposed zoning boundary realignments will:

- align zone boundaries with appropriate lot boundaries and associated approved land uses;
- reflect Transport for NSW plan for widening of Richmond Road;



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- remove unwarranted barriers to future development which may result from the erroneous split zoning on some of the lots.

As the proposal is for very minor changes to the alignment of zoning boundaries, there are no likely environmental effects.

b) The proposed rezoning of SP2 Local Drainage is unlikely to have negative impacts:

- The proposed rezoning is in response to a change in circumstance, where Council no longer needs the parcel of land for drainage purposes. If the land remains zoned SP2 Local Drainage it will likely remain undeveloped as the permitted uses are strictly limited to drainage related uses. This is undesirable from neighbourhood, urban design and safety perspectives.
- Required infrastructure to support residential uses has already been planned and is currently being installed. This makes it a highly suitable parcel for residential use and helps to ensure that new infrastructure in the release area is fully utilised.
- The proposed rezoning of the redundant SP2 drainage land will:
 - increase the area zoned R3 Medium Density Residential by 4,107.5 sqm. This represents an increase of approximately:
 - o 3.3% from the R3 current area of 12.23 ha
 - o 0.9% of the residential zoned land (R2 and R3) at the site of 44.96 ha.
 - Approximately half of this will be taken up by a road, leaving approximately 2,000 sqm for potential residential development.
 - Allow for an estimated 5 -10 dwellings, assuming a minimum residential density of 25 dwellings per hectare (the proposed minimum) (Attachment 11).
- Precincts 1, 2 and 3 combined have Development Application approval to accommodate a total of 1,860 dwellings; Precinct 1 (285 lots), Precinct 2 (Concept for 1,421 units) and Precinct 3 (154 lot). The addition of an estimated 5-10 dwellings is extremely unlikely to result in substantive impacts on the environment, the road network or emergency flooding evacuation.
- It is noted that the applicant is no longer intended to proceed with the approved concept scheme in Precinct 2 for 22 four storey residential flat buildings containing up to 1,421 units (DA ref SPP-16-04469). Instead, a new concept layout has been developed (which includes the subject SP2 Local Drainage zoned parcel – Attachment 12) that will yield an estimated 307 dwellings in the R3 Medium Density Residential zoned area of Precinct 2. This represents an overall reduction of 1,114 dwellings against the approved concept plan, making any environmental impacts highly unlikely. It is also noted that this is only a draft plan and has not been submitted to Council yet and has no approval for that.

c) The proposed amendment to heritage boundary will not have negative impacts:

A letter of support for this Planning Proposal has been provided by TKD Architects. It refers to the Clydesdale Estate Conservation Management Plan (endorsed by Heritage NSW December, 2017) and states that the proposal, as it relates to the Heritage Map, is supported, as:



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- i. Precincts 1, 2 and 3 is identified in the CMP as being of little heritage significance (CMP Precinct 5: Former Woodland);
- ii. The development controls established in the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (amended October 2020), in particular the site-specific controls for the Clydesdale Estate in Schedule 6 of the DCP (Marsden Park Precinct DCP), are sufficient to ensure that new residential development within these precincts will not result in any additional adverse impacts on the rural landscape setting of the Clydesdale Estate; and

Note: "CMP Precincts" refers to areas of the Site as described in the CMP and are not the same as "Precincts" as referred to in this Planning Proposal.

- The proposed amendments to the Heritage Map is consistent with the principles of the Clydesdale Estate Conservation Management Plan (CMP – GBA Heritage, 2017) as endorsed by Heritage NSW (December 2017).
- As a result of the proposed heritage boundary amendment, most of the landowners in Precincts 1, 2 and 3 will no longer have to seek heritage approval from Council. However, site specific exemptions have been granted for properties impacted by the State Heritage Curtilage.
- It is considered that Precincts 1, 2 and 3 are already subject to residential development, regardless of the status of the Heritage Map. The site specific exemption now granted allows for DAs to be considered, provided they meet the development standards, without referral to Heritage NSW – thus making the approval process simpler and easier.

4.3.3 How has the Planning Proposal adequately addressed any social and economic effects?

- a) The proposed zoning boundary realignments will not have any negative social and economic impacts as the proposal is for very minor changes to the zoning boundaries. However, it will have positive social and economic effects as the amendment will provide additional clarity, accuracy and certainty to landowners and developers. Further, it will help to remove potential unwarranted barriers to future development which may result from the erroneous split zoning on some of the lots.
- b) The proposed rezoning of SP2 Local Drainage to R3 Medium Density Residential will not have any negative social and economic impacts as:
 - It will provide an opportunity to use the land for more suitable land use that is consistent with surrounding land uses while it is not anymore needed for its initial purpose.
 - Required infrastructure to support residential uses has already been planned and is currently being installed. This makes it a highly suitable parcel for residential use and helps to ensure that new infrastructure in the release area is fully utilised.



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- It has site-specific merit as, if the land was to remain zoned SP2 it will likely remain undeveloped as the permitted uses are strictly limited to drainage related uses. This is undesirable from neighbourhood amenity, safety and urban design perspectives.
- c) The proposed amendment to heritage boundary will not have negative social and economic impacts noting that the Clydesdale Estate CMP states:
 - Precincts 1, 2 and 3 (identified in the CMP as CMP Precinct 5: Former Woodland) is of little heritage significance.
 - The development controls established in the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (amended October 2020), in particular the site specific controls for the Clydesdale Estate in Schedule 6 of the DCP (Marsden Park Precinct Development Control Plan), are sufficient to ensure that new residential development within these precincts will not result in any additional adverse impacts on the rural landscape setting of the Clydesdale Estate.

4.4 Section D – State and Commonwealth interests

4.4.1 Is there adequate public infrastructure for the Planning Proposal?

The proposed amendments will not impact on the provision or demand for public infrastructure.

- a) The proposed realignment of zone boundaries will not result in any increase in future number or density of dwellings over the site. Therefore, no additional public infrastructure will be required. The detailed technical studies undertaken during the planning of the precinct remain valid.
- b) As discussed above, the proposed rezoning will open up approximately 2,000 sqm of land for medium density residential development and likely to cater for 5-10 additional dwellings. This represents only a marginal increase against the existing total of 44.96 ha of residential zoned land across Precincts 1, 2 and 3 (together approved for up to 1,860 dwellings).

The proposed rezoning is therefore unlikely to result in the need for increased overall capacity requirements for public infrastructure or primary utilities. The planned infrastructure is considered adequate.

- c) Removal of the heritage affectation from majority of Precincts 1, 2 and 3 will have no impact on the future number or density of dwellings over the site. Therefore, no additional public infrastructure will be required.

4.4.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

As the subject site (Clydesdale Estate) is a listed heritage item of State Significance, Council has consulted with Heritage NSW. However, Council has not received any feedback.



Consultation with public authorities will occur post-gateway as identified in the gateway determination.

5. Mapping

The proposed amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 – North West Growth Centre maps are attached at Attachment 6, which includes amendments to the following maps:

- Land Zoning Map: Sheet LZN_002, LZN_005
- Height of Building Map: Sheet HOB_002, HOB_005
- Land Reservation Acquisition Map: Sheet LRA_002, LRA_005
- Residential Density Map: Sheet RDN_002, RDN_005
- Minimum Lot Size Map: Sheet LSZ_002, LSZ_005
- Heritage Map: Sheet HER_001, HER_002, HER_005

6. Community consultation

The Planning Proposal will be publicly exhibited in accordance with the Gateway Determination. A notice advising of the public exhibition period and copy of the exhibition material will be placed on Council's website.

7. Timeline

The proposed timetable for the Planning Proposal is set out in Table 3 below:

Table 3. Project timeline

Stage	Estimated Date
Gateway Determination	December 2021
Public exhibition	May 2022
Consider submissions	June 2022
Council resolution to adopt the Plan	July 2022
Forward Planning Proposal to Department of Planning, Industry and Environment for the Minister to make the plan	August 2022



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Gateway Determination

Planning proposal (Department Ref: PP_2021_6614): Clydesdale Estate, Marsden Park

I, the Director, Central (Western) at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the State Environmental Planning Policy (Sydney Region Growth Centres) 2006 to amend development controls relating to Clydesdale Estate, Marsden Park should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to address the following:
 - Revise the amendments to Schedule 5 Environmental Heritage of the SEPP(Sydney Region Growth Centres) to reflect the description in the State Heritage register, revise the SEPP heritage layer to be consistent with the State Heritage curtilage map and update the planning proposal to include the outcomes of further consultation with Heritage NSW regarding these amendments;
 - The draft DCP and planning proposal should be exhibited concurrently, where practical;
 - Update Table 1 – Affected lots of this planning proposal to reflect the most up to date lot and deposited plan descriptions;
 - Update commentary regarding ‘Amendment 2A’ to clarify the Precincts to which the amendments apply;
 - Update Figure 5 of the planning proposal to clearly distinguish which SP2 Infrastructure – Classified Road land is the subject of the rezoning. It should be portrayed similarly to how the planning proposal identifies proposed ‘Amendment 2C’;
 - Consult with Transport for NSW to ascertain whether any additional land along the eastern boundary of Precincts 4 and 5 are to be rezoned as a result of surplus SP2 Infrastructure – Classified Road land. The planning proposal has not made it clear as to why only land in Precinct 2 is to be rezoned where it appears the same situation has occurred on the eastern boundary of Precinct 4;
 - Provide further justification as to why Council no longer needs SP2 Infrastructure – Drainage land;
 - Provide an assessment of the dwelling potential of the SP2 Infrastructure – Drainage land to be rezoned against the draft maximum density bands. The analysis should include a dwellings per hectare figure and the additional dwellings the proposal would generate; and
 - Reflect outcomes of consultation with NSW SES.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Sydney Water
 - Endeavour Energy

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 7th day of December 2021.



Jane Grose
Director, Central (Western)
Central River City & Western Parkland
City

**Greater Sydney, Place &
Infrastructure
Department of Planning, Industry and
Environment**

**Delegate of the Minister for Planning
and Public Spaces**