



Sydney Business Park – Basin E Zoning Adjustment Planning Proposal

September 2023





Prepared for:



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striving for balance between economic, social and environmental ideals...

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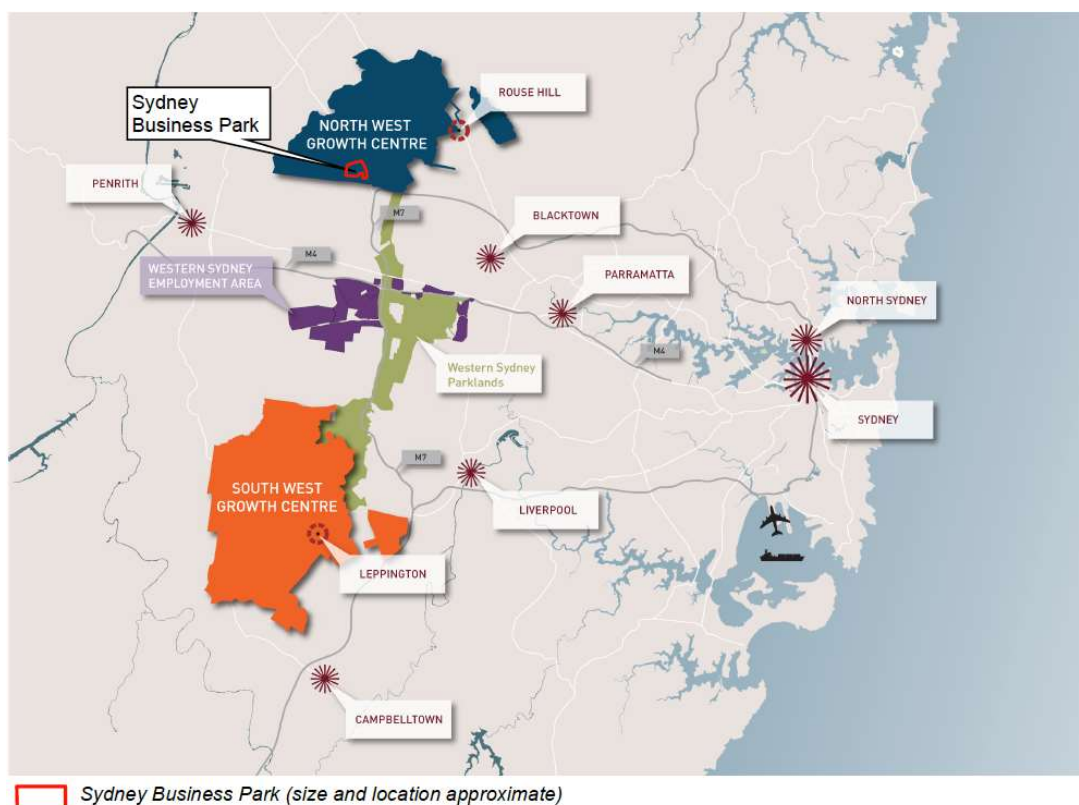
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1 INTRODUCTION

Marsden Park Developments Pty Ltd (trading as Sydney Business Park) is proposing to make a minor adjustment to land zoning in the Sydney Business Park estate, located in the Marsden Park Industrial Precinct in Western Sydney (see **Figure 1**). The minor adjustment would align land zoning under *State Environmental Planning Policy (Precincts – Central River City) 2021* (the Precincts SEPP) with approved development consents in the estate.

This Planning Proposal has been prepared by PJEP Environmental Planning Pty Ltd (PJEP) on behalf of Sydney Business Park to assist in the consideration of the proposed zoning adjustment under the *Environmental Planning and Assessment Act 1979* (EP&A Act).




 Sydney Business Park (size and location approximate)

Figure 1: Regional Context (Source: Department of Planning & Environment)

2 BACKGROUND

2.1 Location and Context

The site is located within the employment estate known as Sydney Business Park, Marsden Park. Sydney Business Park forms a large part of the Marsden Park Industrial Precinct, one of the key employment precincts of the North West Growth Centre. Sydney Business Park has an area of 256 hectares, while the wider Marsden Park Industrial Precinct has a total area of 551 hectares.

The North West Growth Centre and Marsden Park Industrial Precinct are shown on **Figure 2**, and the Sydney Business Park master plan is shown on **Figure 3**.

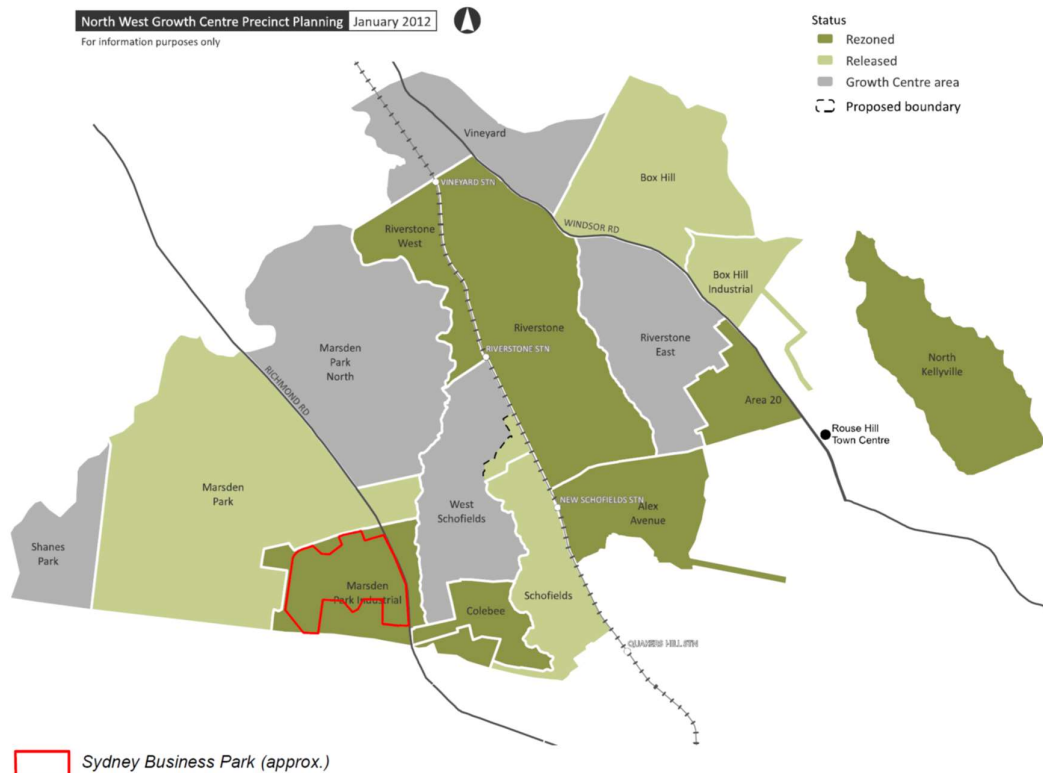


Figure 2: North West Growth Centre (Source: Department of Planning & Environment)

MASTER PLAN



Figure 3: Sydney Business Park Master Plan (Source: Sydney Business Park)



The land subject to the proposed zoning adjustment (the site) is located centrally within the Sydney Business Park estate, and is associated with one of the estate's stormwater basins known as 'Basin E' and its associated drainage channel known as 'TC06' (see **Figure 3**).

2.2 Sydney Business Park Estate Development

Sydney Business Park is being developed on a staged basis by Marsden Park Developments Pty Limited (trading as Sydney Business Park), via a development services agreement with the landowner, Ganian Pty Ltd. Currently approved facilities within the estate in the vicinity of Basin E and its drainage channel are shown on **Figures 3 and 4**, and include:

- Bucher Municipal Facility on Lot 1 DP1254181, to the south-west of the basin;
- Cameron Interstate Facility on Lot 1 DP1271323, to the south of the basin;
- IKEA warehouse facility on Lot 1 DP1208554, to the west of the basin;
- the 'Lot 3' warehouse facilities on Lot 101 DP1272037, to the south-west of the basin;
- the 'Stage 3' and 'Stage 3 South' warehouse facilities (including the TigerPak, TJX, API and Kumho Tyres facilities) to the south-west of the basin;
- Axalta Coating Systems Facility on Lot 123 DP 1194052 and an approved warehouse and distribution facility on Lot 301 DP 1213756 to the east; and
- Blacktown Waste Services' (BWS') landfill to the north of the drainage channel and to the west of Basin E.



Figure 4: Aerial Photo, showing Basin E in foreground (Source: Sydney Business Park)

The land associated with all of these facilities (with the exception of the IKEA Facility, which is not affected by the Planning Proposal), as well as the land accommodating Basin E, is owned by Ganian Pty Ltd.

On 18 December 2020, Blacktown Council (Council) approved a development application from Sydney Business Park to facilitate the development of Basin E and associated drainage channel TC06 (DA 20-0074). The development consent and approved plans are attached in **Appendix A**, and the approved layout of the basin and channel is shown on **Figure 5** and **Figure 6**.





On 23 June 2023, Council approved a further development application from Sydney Business Park for the OLG Office Facility on Lot 2 of DP 1254181 (DA 22-01698), located to the south-west of Basin E and immediately to the south of the drainage channel. The approval includes subdivision of the subject land to establish lots adjacent to the drainage infrastructure. The development consent and approved plans for the OLG Facility are attached in **Appendix B**, and the approved layout is shown on **Figure 7**.



Figure 7: OLG Facility – Approved Layout (Source: Reid Campbell)

2.3 Zoning under the Precincts SEPP

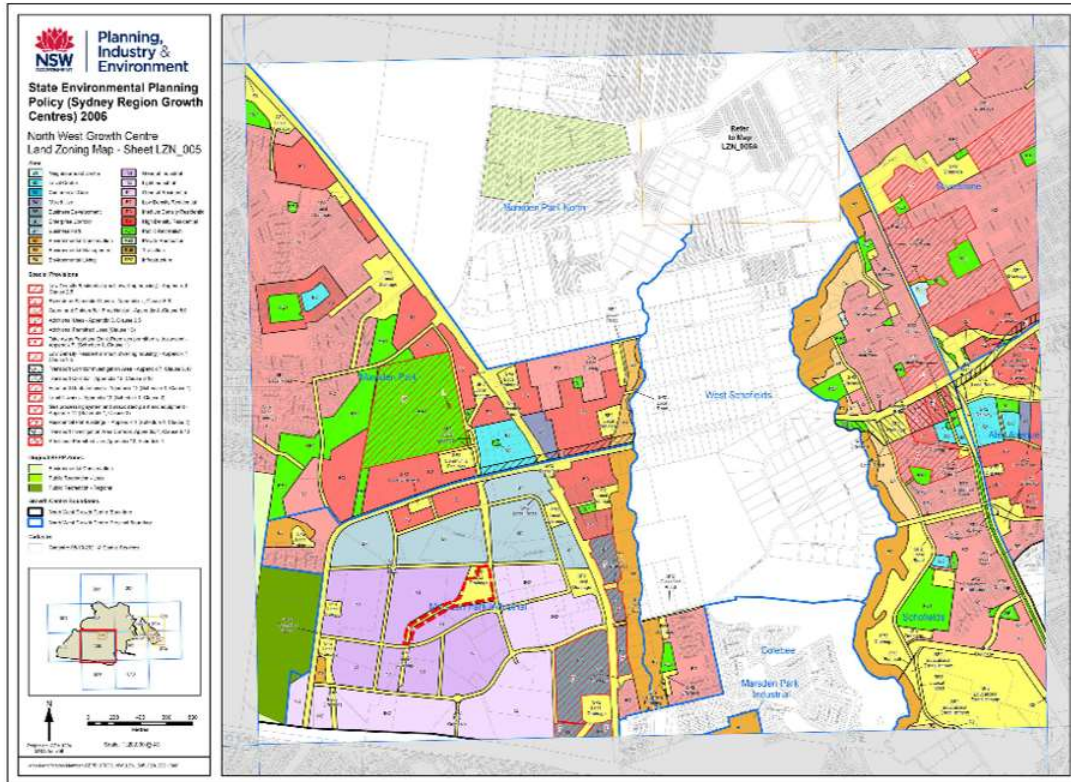
Basin E and its associated drainage channel TC06 is located largely on land zoned SP2 Infrastructure (Local Drainage) under the Precincts SEPP (see **Figure 8**).

However, a small part of the approved drainage infrastructure encroaches into the adjacent IN1 General Industrial zone within Sydney Business Park. **Figure 9** shows the difference between the as-approved and as-zoned layouts for the drainage basin.

Further, a small part of the approved subdivision for the approved OLG Facility development encroaches into the SP2 Infrastructure zone.

These minor encroachments for the Basin E infrastructure and industrial development were permitted and approved subject to clause 5.3 of the Marsden Park Industrial Precinct Plan in Appendix 5 of the then *State Environmental Planning Policy (Sydney Region Growth Centres) 2006*¹, which allows flexibility in development near zone boundaries.

¹ Now Appendix 13 of the Precincts SEPP.



 Basin E (approx.)

Figure 8: Existing Zoning (Source: Precincts SEPP, Map LZN_005)



Figure 9: Basin E, showing approved layout, existing and proposed zoning (Source: Sydney Business Park)



Whilst permissible and approved, condition 1.1 of the approval for the OLG Facility requires Sydney Business Park to lodge a planning proposal to amend the existing zone boundaries to align with the approved development boundary in the OLG consent.

2.4 Rationale for the Zoning Adjustment

Whilst the minor encroachments into the SP2 Infrastructure zone and IN1 General Industrial zone for the Basin E infrastructure and industrial development are permissible and have been approved, as outlined above condition 1.1 of the development consent for the OLG Facility requires Sydney Business Park to deal with the minor zoning adjustments through a discrete planning proposal.

Consequently, Sydney Business Park is proposing to progress the minor zoning adjustment for Basin E via this Planning Proposal to fulfil its obligations under condition 1.1, prevent delays to the commencement of construction of the OLG Facility, and to regularise zoning in the estate to reflect the approved developments.

3 THE PLANNING PROPOSAL

This Planning Proposal has been prepared by PJEP on behalf of Sydney Business Park, in accordance with Section 3.33(2) of the EP&A Act and the Department of Planning and Environment's (DPE's) *Local Environmental Plan Making Guideline* (September, 2022). The following section provides a response to each of the parts, sections and questions as outlined in the DPE guideline.

3.1 Part 1 – Objectives and Intended Outcomes

This Planning Proposal seeks to adjust the boundaries between the IN1 General Industrial and SP2 Infrastructure zones within Sydney Business Park, to align the zone boundaries with approved development in the estate.

The key objective of the Planning Proposal is:

- (i) To provide zoning separation between infrastructure (local drainage) and industrial development in a manner that is consistent with approved development within Sydney Business Park.

The proposed zoning adjustment is shown on the plan in **Appendix C**, as reproduced on **Figure 10**.

The zoning adjustment would result in a minor increase in IN1 General Industrial zoned land of approximately 1.1 hectares, and a corresponding decrease in SP2 Infrastructure zoned land within the estate.

The change in development area is distributed across three areas as shown in **Figure 9**. The total change in area of land zoned from SP2 Infrastructure to IN1 General Industrial is 1.1 hectares. This is comprised of 7,257 square metres in Lot 313 DP1213756 and 3,761 square metres in Lot 5 DP 1271323.

The affected and surrounding land will be subdivided into 5 lots according to the approved development application for the OLG Facility (**Figure 10**). The plan of subdivision is yet to be registered. The subdivided land results in 5 lots across a total area of 40 hectares, of which the 7.018 hectares of land within proposed Lot 11 would be zoned SP2.

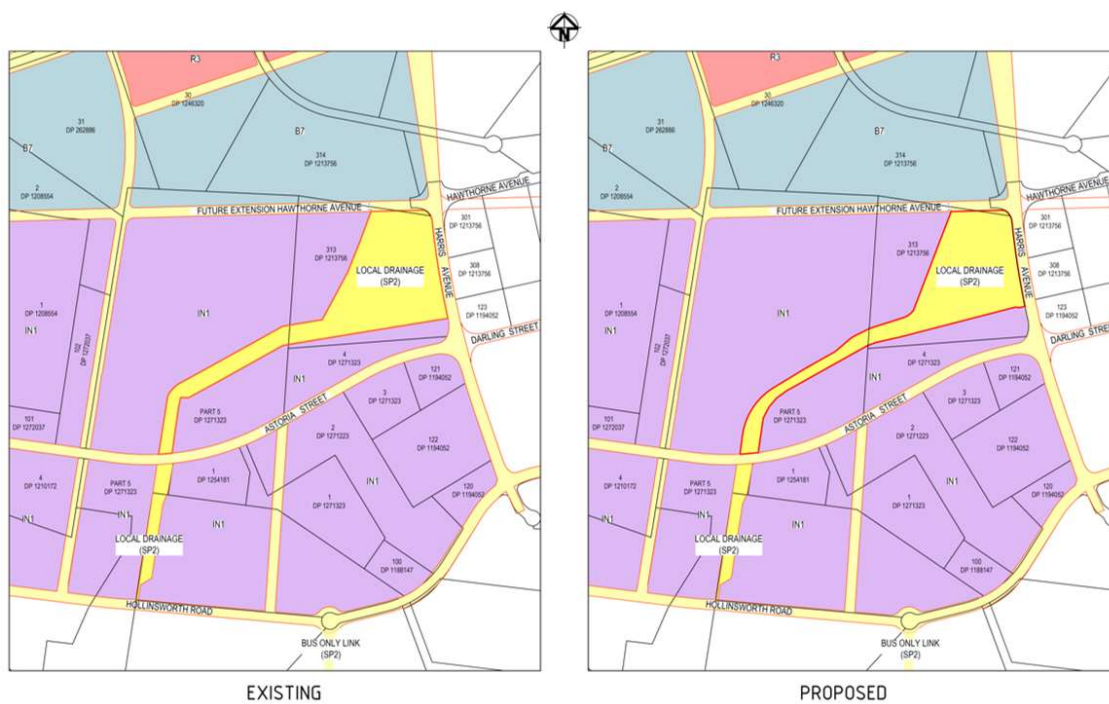


Figure 10: Existing and Proposed Zoning (Source: Sydney Business Park)

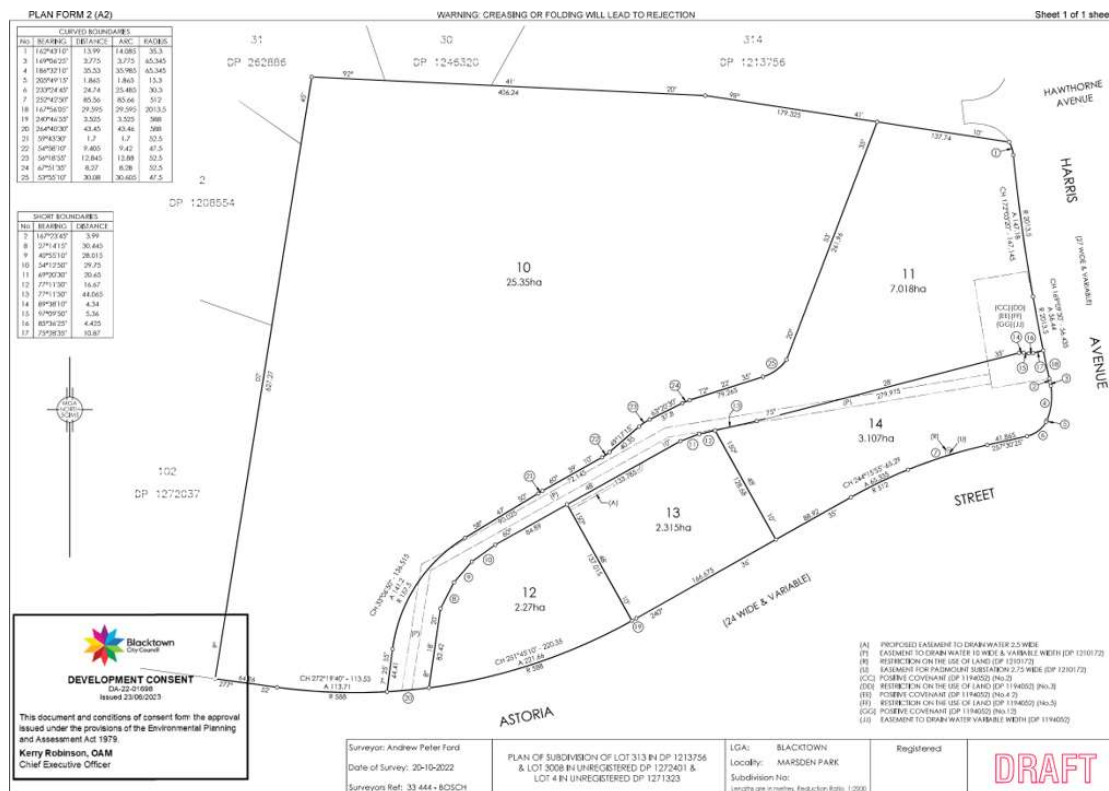


Figure 11: Approved plan of subdivision – DA 22-01698 (Source: Sydney Business Park)



3.2 Part 2 – Explanation of Provisions

The proposed outcome will be achieved by:

- (i) Amending the Precincts SEPP North West Growth Centre Land Zoning Map (Sheet LZN_005), in accordance with the proposed zoning adjustment map in Appendix C.

The following maps in the Precincts SEPP could also be amended to reflect the adjusted zone boundaries:

- (ii) Land Reservation Acquisition Map (LRA_005); and
- (iii) Lot Size Map (LSZ_005).

3.3 Part 3 – Justification

3.3.1 Section A – Need for the Planning Proposal

Q1. *Is the planning proposal a result of an endorsed LSPS, strategic study or report?*

The Planning Proposal will align land zoning with statutory approvals within Sydney Business Park, particularly the development consent for long term local drainage infrastructure (ie. Basin E) (DA 20-0074) and OLG Facility (DA 22-01698).

Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

An amendment to the Precincts SEPP is required to effect the zoning adjustment of the subject land, and a Planning Proposal is an appropriate means for achieving the intended outcome. The planning proposal is required under condition 1.1 of the development consent for the OLG Facility (DA 22-01698) (see **Appendix B**).

3.3.2 Section B – Relationship to Strategic Planning Framework.

Q3. *Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?*

Yes. *A Plan for Growing Sydney* identifies Marsden Park as a strategic centre within the North West Growth Centre. The Planning Proposal is consistent with the Structure Plan for the North West Growth Centre, which identifies the Marsden Park Industrial Precinct as a key employment centre.

Q4. *Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?*

The Planning Proposal is consistent with Council's local strategic plans and policies, as well as applicable development consents within Sydney Business Park (see Section 2.2 above).

Q5. *Is the planning proposal consistent with any other applicable State and regional studies or strategies?*

The Planning Proposal is consistent with the objectives of the State Infrastructure Strategy.



Q6. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is considered to be consistent with the aims, objectives and provisions of all applicable SEPPs. Consideration of the Planning Proposal in relation to existing SEPPs is provided in the following table.

Table 1: Consideration of SEPPs

SEPP	Consistency
SEPP (Biodiversity and Conservation) 2021	The Planning Proposal is consistent with the SEPP
SEPP (Building Sustainability Index: BASIX) 2004	Not Applicable
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal is consistent with the SEPP
SEPP (Housing) 2021	Not Applicable
SEPP (Industry and Employment) 2021	The Planning Proposal is consistent with the SEPP
SEPP No 65—Design Quality of Residential Apartment Development	Not Applicable
SEPP (Planning Systems) 2021	The Planning Proposal is consistent with the SEPP
SEPP (Precincts – Central River City) 2021	The Planning Proposal is consistent with the SEPP
SEPP (Precincts – Eastern Harbour City) 2021	Not Applicable
SEPP (Precincts – Regional) 2021	Not Applicable
SEPP (Precincts – Western Parkland City) 2021	Not Applicable
SEPP (Primary Production) 2021	Not Applicable
SEPP (Resilience and Hazards) 2021	The Planning Proposal is consistent with the SEPP
SEPP (Resources and Energy) 2021	The Planning Proposal is consistent with the SEPP
SEPP (Sustainable Buildings) 2022	Not Applicable
SEPP (Transport and Infrastructure) 2021	The Planning Proposal is consistent with the SEPP

Q7. Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?

The Planning Proposal is considered to be consistent with all applicable Section 9.1 Ministerial Directions. Consideration of the Planning Proposal in relation to the Section 9.1 Directions is provided in the following table.

Table 2: Consideration of Section 9.1 Directions

Direction	Consistency
1. Planning Systems	
1.1 Consistent with Regional Plans	The Planning Proposal is consistent with the Direction as it would align with existing approved development in Sydney Business Park
1.2 Development of Aboriginal Land Council Land	Not Applicable
1.3 Approval and Referral Requirements	The Planning Proposal does not propose a provision requiring concurrence, consultation or referral to a Minister or public authority, or identify any development as designated development
1.4 Site specific provisions	The Planning Proposal is consistent with the Direction as it would align land use zones with approved development and does not refer to proposed development
1.5 Parramatta Road Corridor Urban Transformation	Not Applicable



Direction	Consistency
Strategy	
1.6 North West Priority Growth Area Land Use and Infrastructure Implementation Plan	The Planning Proposal is consistent with the Direction as it would align with existing approved development in Sydney Business Park
1.7 Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable
1.8 Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not Applicable
1.9 Glenfield to Macarthur Urban Renewal Corridor	Not Applicable
1.10 Western Sydney Aerotropolis Plan	Not Applicable
1.11 Bayside West Precincts 2036 Plan	Not Applicable
1.12 Planning Principles for the Cooks Cove Precinct	Not Applicable
1.13 St Leonards and Crows Nest 2036 Plan	Not Applicable
1.14 Greater Macarthur 2040	Not Applicable
1.15 Pyrmont Peninsula Place Strategy	Not Applicable
1.16 North West Rail Link Corridor Strategy	The Planning Proposal would not affect, and is not incompatible with, the North West Rail Link
1.17 Bays West Place Strategy	Not Applicable
1.18 Macquarie Park Innovation Precinct	Not Applicable
1.19 Westmead Place Strategy	Not Applicable
1.20 Camellia-Rosehill Place Strategy	Not Applicable
1.21 South West Growth Area Structure Plan	Not Applicable
1.22 Cherrybrook Station Place Strategy	Not Applicable
3. Biodiversity and Conservation	
3.1 Conservation Zones	Biodiversity conservation and protection of sensitive areas is addressed in the related DAs, along with biodiversity certification on the North West Growth Centre and native vegetation protection as discussed in Section 3.3.3.
3.2 Heritage Conservation	Heritage conservation is addressed in the approved DAs that relate to the land and the provisions of the Planning Proposal are of minor significance
3.3 Sydney Drinking Water Catchments	Not Applicable
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not Applicable
3.5 Recreation Vehicle Access	Not Applicable
3.6 Strategic Conservation Planning	Not Applicable
3.7 Public Bushland	Not Applicable
3.8 Willandra Lakes Region	Not Applicable
3.9 Sydney Harbour Foreshores and Waterways Area	Not Applicable
3.10 Water Catchment Protection	The objectives of this direction have been considered as part of the applicable DAs and the Planning Proposal is not inconsistent with this direction
4. Resilience and Hazards	
4.1 Flooding	The land is not identified as flood prone land in the Precincts SEPP flood maps
4.2 Coastal Management	Not Applicable
4.3 Planning for Bushfire Protection	There are some bushfire risk areas in the vicinity of



Direction	Consistency
	the site (associated with the vegetation on the eastern boundary), as mapped in the <i>Blacktown City Council Growth Centre Precincts Development Control Plan 2010</i> (the Growth Centres DCP). The Planning Proposal would not affect these areas or increase bushfire risk. Bushfire risk has been considered as part of the applicable DAs
4.4 Remediation of Contaminated Land	Land contamination was addressed as part of the applicable DAs
4.5 Acid Sulfate Soils	The land is not known to be affected by acid sulfate soils
4.6 Mine Subsidence and Unstable Land	The land is not known to be affected by mine subsidence or unstable land
5. Transport and Infrastructure	
5.1 Integrating Land Use and Transport	Not Applicable
5.2 Reserving Land for Public Purposes	The Planning Proposal does alter an existing reservation of land for public purposes (ie. local drainage), however the alteration is minor (ie. 11,018 m ² to the area of SP2 Infrastructure zoned land), reflects the approved infrastructure within the zone, is consistent with existing statutory development consents for the land, and does not affect the ability of the land to fulfil its proposed public purpose (i.e. local drainage)
5.3 Development near Regulated Airports and Defence Airfields	Not Applicable
5.4 Shooting Ranges	Not Applicable
6. Housing	
6.1 Residential Zones	Not Applicable
6.2 Caravan Parks and Manufactured Home Estates	Not Applicable
7. Industry and Employment	
7.1 Employment Zones	The Planning Proposal is consistent with the Direction as it would align with existing approved development in Sydney Business Park
7.2 Reduction in non-hosted short-term rental accommodation period	Not Applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
8. Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not Applicable
9. Primary Production	
9.1 Rural Zones	Not Applicable
9.2 Rural Lands	Not Applicable
9.3 Oyster Aquaculture	Not Applicable
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable



3.3.3 Section C – Environmental, Social and Economic Impact

Q8. *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?*

Biodiversity Certification was conferred upon the North West Growth Centre on 14 December 2007 via the gazettal of a Biodiversity Certification Order signed by the then Minister for Climate Change and the Environment. The biodiversity certified land is shown on **Figure 11** and includes the land the subject of the Planning Proposal and its surrounds.

Accordingly, no further assessment of threatened species is required for the development on the subject land.

To offset the ecological impacts of development of the Growth Centre, the Biodiversity Certification Order requires 2,000 ha of 'existing native vegetation area' (ENVA) to be retained across the Growth Centres. ENVA, as well as native vegetation retention areas (NVRA), in proximity to the subject land are shown on **Figure 12**, in light green and dark green respectively. As indicated on the figure, the subject land is not in the vicinity of any ENVA or NVRA areas.

Q9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The Planning Proposal would not result in any environmental effects beyond those already assessed and approved under existing development consents for Basin E and adjacent development. All of the applicable environmental aspects have been considered as part of these approvals, in particular drainage design and stormwater quality/quantity. These assessments found that the approved design of Basin E and drainage channel TC06 will accommodate the drainage needs of the applicable catchment in accordance with the original intent of the SP2 Infrastructure zone.

The proposed 1.1 hectare increase in land zoned IN1 General Industrial represents an increase of only approximately 0.4% of the 256 hectare Sydney Business Park and approximately 0.2% of the wider 551 hectare Marsden Park Industrial Precinct.

A number of traffic assessments have been undertaken to inform and guide the development of the wider precinct, including for the OLG Facility (**Appendix D**). These assessments indicate that key intersections associated with Sydney Business Park will continue to operate efficiently with the development of the broader estate, with satisfactory Levels of Service between A and C for the modelled intersections.

The traffic assessment also notes that the Marsden Park Industrial Precinct is predicted to generate a total of approximately 4,021 vehicle trips per hour in the AM peak hour and 4,487 trips per hour in the PM peak. Even if it is conservatively assumed that 100 percent of the additional 1.1 hectares industrial zoned land was considered as traffic generating (and using a standard trip rate of 0.5 trips per 100m² gross floor area), the additional area would increase total traffic in the estate by less than 2 percent.



Given the efficient operation of the road network and the minor increase in industrial zoned land, it is reasonable to assume that the increased traffic generation as a result of the rezoning would have negligible impact on overall predicted traffic generation of the Sydney Business Park.

We also note that the predicted traffic generation from subsequent development of the additional industrial zoned land would be assessed as part of any development application for the land.

We therefore consider that the likely additional traffic generation caused by the increased area of land zoned IN1 General Industrial would be negligible within the Sydney Business Park and the broader Marsden Park Industrial Estate.

Q10. Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal involves a minor adjustment to zoning boundaries, and is not expected to result in any adverse social or economic impacts. The Planning Proposal would however provide socio-economic benefits to the local area through providing assurances to employment-generating land users (including the OLG Facility) that site zoning appropriately reflects the approved developments in Sydney Business Park.

3.3.4 Section D – Infrastructure (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the planning proposal?

The Planning Proposal would not result in any material additional demand on off-site infrastructure.

Basin E and channel TC06 have been designed, approved and constructed to accommodate the local drainage demands in accordance with the original intent of the SP2 Infrastructure zone. As such, the Planning Proposal does not affect the ability of the SP2 Infrastructure zone to fulfil its public infrastructure service.

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

Council has already approved the development of Basin E on the subject land, and it has specifically required the zoning adjustment under condition 1.1 of the development consent for the OLG Facility (DA 22-01698), as outlined in Section 2.4 above.

The Planning Proposal is not considered to affect the regulatory functions of any other government agencies (with the exception of DPE's plan-making functions), however it is acknowledged that the gateway determination will determine any consultation requirements.

3.4 Part 4 – Mapping

Mapping that identifies the proposed zoning adjustment is attached in **Appendix C**. The proposed amended maps include the Land Zoning, Land Reservation Acquisition, Lot Size and Floor Space Ratio maps.

Given the minor nature of the proposed zoning adjustment, and the proponent-led nature of the Planning Proposal, the mapping has not been prepared strictly in accordance with DPE's *Standard Technical Requirements for Spatial Datasets and Maps* at this stage.



3.5 Part 5 – Community Consultation

The subject land is located within Sydney Business Park and is under the ownership of a single entity (Ganian Pty Ltd). There are no other landowners in the immediate vicinity of the subject land that would be affected by the minor zoning adjustment. Sydney Business Park has consulted with Ganian and the applicable land users within Sydney Business Park in the vicinity of the subject land (including Blacktown Waste Services and OLG). Ganian has provided a letter of support for the Planning Proposal (see **Appendix E**) and because the Planning Proposal is required by the development consent for the OLG Facility, it is supported by OLG.

Sydney Business Park has also consulted with Council in relation to the zoning adjustment which, as outlined above, has formally required the Planning Proposal under condition 1.1 of the development consent for the OLG Facility.

No other landowners/land users are expected to be affected by the Planning Proposal, however it is acknowledged that the gateway determination will determine any consultation requirements.

3.6 Part 6 – Project Timeline

Given the minor nature of the zoning adjustment, it is respectfully requested that the Planning Proposal is progressed as quickly as possible. The proposed timeline is outlined in the following table.

Table 3: Proposed Project Timeline

Milestone	Timeframe
Consideration by council	September 23
Council decision	October 23
Gateway determination	November 23
Public exhibition (if required)	December 23
Consideration of submissions (if required)	January 24
Post-exhibition review	February 24
Submission to the Department for finalisation (where applicable)	February 24
Gazettal of SEPP amendment	March 24



APPENDIX A



APPENDIX B



APPENDIX C



APPENDIX D



APPENDIX E