



IRF24/2968

Gateway determination report – PP-2023-2219

Zoning amendment to land in Sydney Business Park,
Astoria Street and Harris Avenue, Marsden Park

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal (Blacktown City Council, October 2024)
Appendix A - Planning Proposal (PJEP Environmental Planning, September 2023)

Appendix B1 - DA-22-01698 OLG Facility Development Consent

Appendix B - DA-22-01698 OLG Facility Development Consent_Plan

Appendix C - Proposed Map Amendments

Appendix D - OLG Traffic Assessment

Appendix E - Landowner Letter of Support

Appendix F - Council report 13 November 2024

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Blacktown Local Government Area
PPA	Blacktown City Council
NAME	Astoria Street and Harris Avenue, Marsden Park (0 homes, 0 jobs)
NUMBER	PP-2023-2219
LEP TO BE AMENDED	State Environmental Planning Policy (Precincts - Central River City) 2021, Appendix 13 Marsden Park Industrial Precinct.
ADDRESS and DESCRIPTION	Lot 313 DP 1213756, 25 Harris Avenue Marsden Park Lot 3008 DP 1272401, Astoria Street Marsden Park
RECEIVED	9/12/2024
FILE NO.	IRF24/2968
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

1.2 Objectives of planning proposal

The main objective of the planning proposal is to rezone land from SP2 Infrastructure (Local Drainage) to IN1 General Industrial zones to align with the Council approved (DA-20-00743) adjustment of existing drainage 'Basin E' and channel TC06. The zoning amendment applies to two land parcels described as Lot 313 DP 1213756, 25 Harris Avenue and Lot 3008 DP 1272401; Astoria Street located within 'Sydney Business Park' Marsden Park.

DA-22-01698 was approved for Lot 313 DP 1213756 to be subdivided and for construction of a warehouse and distribution factory with ancillary offices and associated earthworks, car parking, landscaping and signage on one of the development lots. A condition was placed on the consent that "the applicant must lodge a planning proposal to amend the existing zone boundaries to align with the approved property boundaries in this consent and submit evidence of its submission to Council." This planning proposal satisfies the proponent's obligations in this condition of consent.

The objective of this planning proposal is clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend the State Environmental Planning Policy (Precincts – Central River City) 2021, Appendix 13 Marsden Park Industrial Precinct per the changes below:

Table 3 Current and proposed controls across both lots (Lot 3008 DP 1272401 and Lot 313 DP 1213756).

Control	Current	Proposed
Zone	SP2 Infrastructure (Local Drainage) = 101, 186m ² IN1 General Industrial = 259,696m ²	SP2 Infrastructure (Local Drainage) = 90,164m ² IN1 General Industrial = 270,720 m ²
Maximum height of the building	N/A	N/A
Floor space ratio	N/A	N/A
Minimum lot size	2000m ²	2000m ² The minimum lot size will apply to rezoned SP2 Infrastructure (Local Drainage) land.
Number of dwellings	N/A	N/A
Number of jobs	Unknown	Unknown
Reclassify land from	N/A	N/A
Land Reservation Acquisition	The Land Reservation Acquisition map reflects the current alignment of the SP2 Infrastructure (Local Drainage) land in the zoning maps.	Amend the Land Reservation Acquisition map to align with the amended SP2 Infrastructure (Local Drainage) land in the zoning maps. This will reduce the land Council needs to acquire by approximately 1.1 hectares.

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

1.4 Site description and surrounding area

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 (Figure 1). Sydney Business Park has an area of 256 hectares, while the wider Marsden Park Industrial Precinct has a total area of 551 hectares.

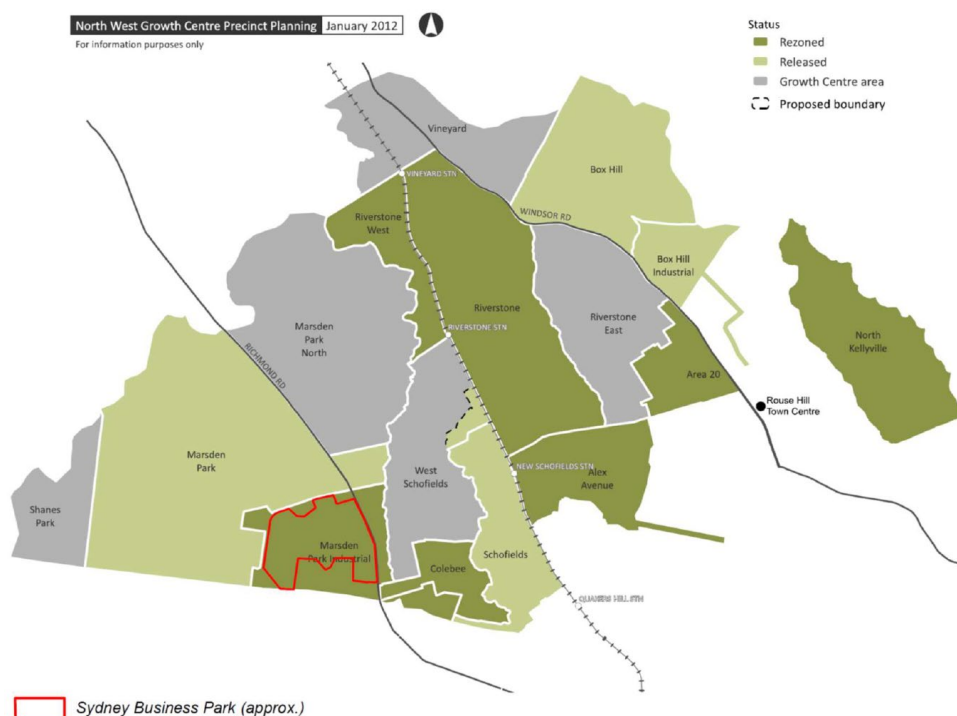


Figure 1 Location of Sydney Business Park within North West Growth Area (source: Department of Planning and Environment, 2012 and Planning Proposal, 2023).

The site, shown at Figure 2, comprises of two lots including Lot 313 DP 1213756, 25 Harris Avenue Marsden Park and Lot 3008 DP 1272401, Astoria Street Marsden Park. Sydney Business Park is being developed via a development services agreement with the landowner, Ganian Pty Ltd. The Sydney Business Park masterplan and approved developments close to Basin E and drainage channel include:

- Bucher Municipal Facility on Lot 1 DP 1254181, to the south-west of the basin
- Cameron Interstate Facility on Lot 1 DP 1271323, to the south of the basin
- IKEA warehouse facility on Lot 1 DP 1208554, to the west of the basin
- the 'Lot 3' warehouse facilities on Lot 101 DP1272037, to the south-west of the basin
- Axalta Coating Systems Facility on Lot 123 DP 1194052
- Approved warehouse and distribution facility on Lot 301 DP 1213756 to the east
- Blacktown Waste Services landfill to the north of the drainage channel and to the west of Basin E.

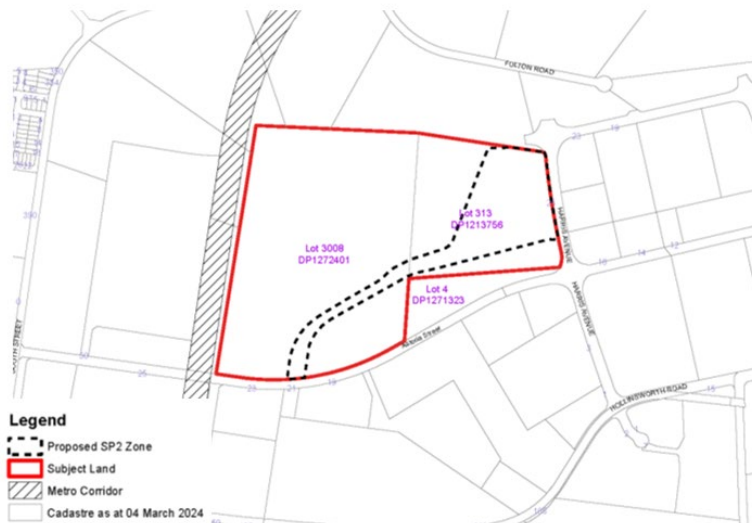


Figure 2 Subject site outlined in red (source: Planning Proposal, October 2024)

1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the *State Environmental Planning Policy (Precincts – Central River City) 2021* maps, which are suitable for community consultation.



Figure 3 Existing (L) and proposed (R) land zoning map (source: Planning Proposal, October 2024).



Figure 4 Existing (L) and proposed (R) minimum lot size map (source: Planning Proposal, October 2024).

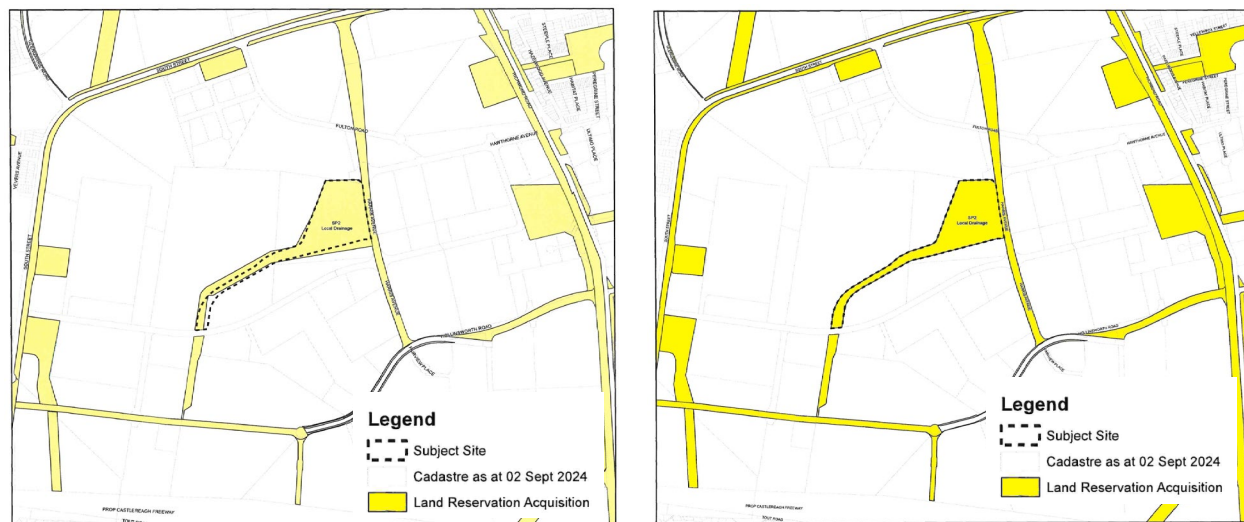


Figure 5 Existing (L) and proposed (R) land reservation acquisition map (source: Planning Proposal, October 2024).

1.6 Background

This planning proposal has been prepared to respond to two development applications approved by Blacktown City Council in 2020 and 2023, and summarised below:

DA-20-00743 – approved 18 December 2020

DA-20-00743 applies to:

- lots 6 and 7 DP 1210172 Astoria Street, Marsden Park
- Lot 50 DP 1265695 and Lot 313 DP 1213756, 25 Harris Avenue, Marsden Park.

The approved development modifies the existing detention basin (known as Basin E) and TC06 Channel, with associated bulk earthworks, retaining walls, maintenance access tracks and stormwater drainage infrastructure. The approved engineering works in the DA resulted in a modification of the land take for Basin E (Figure 6).

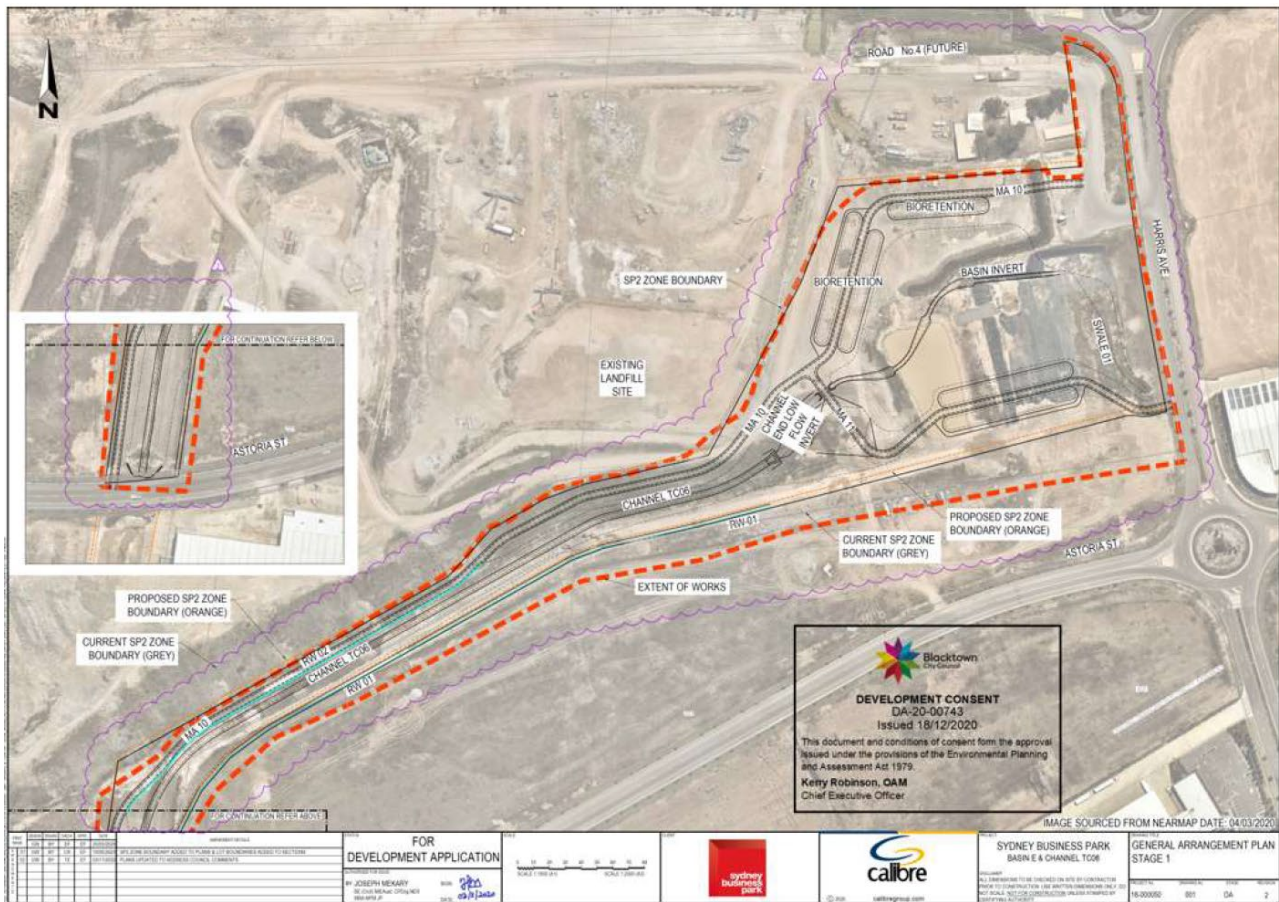


Figure 6 Approved alignment of Basin E and TC06 channel (source: Appendix A - Planning proposal, PJEP Environmental Planning October 2023).

DA-22-01698 – approved 23 June 2023

DA-22-01698 applies to:

- Lots 4 and 5 DP 1271323 (now superseded)
- Lot 313 DP 1213756, 25 Harris Avenue, Marsden Park.

The approved development is for a subdivision of land into 3 development lots and 2 residue lots, and the construction of a warehouse and distribution factory with ancillary offices and associated earthworks, car parking, landscaping and signage on 1 of the development lots.

This planning proposal seeks to address condition 1.1 of the consent:

1.1 The applicant must lodge a Planning Proposal to amend the existing zone boundaries to align with the approved property boundaries in this consent and submit evidence of its submission to Council.

2 Need for the planning proposal

Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The Planning Proposal is not the result of an endorsed Local Strategic Planning Statement, strategic study or report. This Planning Proposal was required to satisfy Condition 1.1 as part of the consent for DA 22-01698, issued on 23 June 2023.

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

A Planning Proposal is required to amend the zoning, lot size and land reservation acquisition maps of the *State Environmental Planning Policy (Precincts – Central River City) 2021*.

3 Strategic assessment

3.1 Regional Plan

The Greater Sydney Region Plan – a metropolis of three cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years.

Under section 3.8 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) a planning proposal is to give effect to the relevant District Plan. By giving effect to the District Plan, the proposal is also consistent with the Regional Plan. Consistency with the District Plan is assessed in section 3.2 below.

3.2 District Plan

The site is within the Central River City District and the Greater Sydney Commission released the Central River City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied 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 4 District Plan assessment

District Plan Priorities	Justification
<p>C1– A city supported by infrastructure</p> <p>C3 – Providing services and social infrastructure to meet peoples' changing needs</p> <p>C11 – Maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land.</p>	<p>The planning proposal is the result of an approved development application that has determined the necessary drainage requirements to support the relevant development. This ensures the area is appropriately serviced by infrastructure.</p> <p>A revision of drainage land requirements in a DA has resulted in identifying surplus land and will be rezoned for industrial purposes. This will in turn contribute to maximising opportunities to attract investment in the growing Sydney Business Park.</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 5 Local strategic planning assessment.

Local Strategies	Justification
Local Strategic Planning Statement	<p>The <i>Blacktown Local Strategic Planning Statement 2020</i> (LSPS) is Council's key strategic land use planning document that will facilitate and manage future growth and development within the City of Blacktown to 2040. The planning proposal is consistent with the following planning priorities:</p> <ul style="list-style-type: none"> LPP1 Planning for a City supported by infrastructure - a revised design of drainage facilities reduces the land required for Basin E and associated channels. LPP 9 Maximising opportunities to attract advanced manufacturing to, and innovation in, industrial and urban services land – the surplus land not required for drainage purposes is to be rezoned for industrial purposes. This will contribute to maximising opportunities to attract investment in the growing Sydney Business Park.

3.4 Local planning panel (LPP) recommendation

The Blacktown Local Planning Panel considered the proposal on 19 August 2024. The Panel supported the Planning Proposal to progress to Gateway Determination subject to including a land balance table outlining the area of IN1 General Industrial zoned land to be rezoned to SP2 Infrastructure and the amount of SP2 Infrastructure zoned land to be rezoned to IN1 General Industrial. The Planning Proposal was updated to include this table (see section 2.1 of the Planning Proposal).

3.5 Section 9.1 Ministerial Directions

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

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
1.1 Implementation of Region Plans	Consistent	<p>The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>The planning proposal is generally consistent with the Greater Sydney Region Plan as it supports the following objectives:</p> <ul style="list-style-type: none"> • Objective 3: Infrastructure adapts to meet future needs • Objective 6: Services and infrastructure meet communities' changing needs • Objective 23: Industrial and urban services land is planned, retained and managed.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Consistent	<p>The objective of this direction is to ensure development within the North West Priority Growth Area is consistent with the North West Priority Growth Area Land Use and Infrastructure Strategy (the Strategy).</p> <p>The subject site is located within the North West Growth Area. The planning proposal is consistent with the Strategy as it will result in additional employment land to support 'Sydney Business Park,' whilst retaining sufficient land for drainage infrastructure.</p>
1.16 North West Rail Link Corridor Strategy	Not applicable	<p>The objective of this direction is to ensure that development within the North West Rail Link Corridor is consistent with the North West Rail Link Corridor Strategy</p> <p>The planning proposal states the proposal is consistent with this Direction as it does not affect the Corridor.</p> <p>The Department considers the Direction does not apply as the site is not located within the Corridor.</p>
4.1 Flooding	Not applicable	<p>The planning proposal states the proposal is consistent with this Direction.</p> <p>The site is not identified as flood prone and therefore does not require an assessment against this Direction.</p>
4.3 Planning for Bushfire Protection	Inconsistent	<p>This Direction applies as the proposal includes land that is mapped as bushfire prone land.</p> <p>This direction requires consultation with RFS following the receipt of a Gateway determination and the consideration of any comments within the planning proposal. Until this occurs, the planning proposal will remain inconsistent with this direction.</p>

5.2 Reserving Land for Public Purposes	Consistent	<p>This Direction seeks to facilitate the preservation of land for public services and facilities by reserving land for public purposes. It also seeks to enable the removal of reservations for public land where the land is no longer required for public uses.</p> <p>This Direction requires the approval of the relevant public authority and the Planning Secretary (or their delegate) for a planning proposal to proceed that seeks to remove an existing zoning or reservation of land for public purposes.</p> <p>The planning proposal is consistent with this Direction as Council is the relevant acquiring authority for the land and has supported this rezoning to proceed.</p>
7.1 Employment zones	Consistent	<p>This direction applies to all relevant planning authorities when preparing a planning proposal that will affect land within an existing or proposed Employment zone (including the alteration of any existing Employment zone boundary).</p> <p>The planning proposal will result in additional industrial land and contribute to the maximising opportunities to attract investment in the growing Sydney Business Park.</p>

3.6 State environmental planning policies (SEPPs)

The planning proposal states it is consistent with the following SEPPs:

- State Environmental Planning Policy (Biodiversity and Conservation) 2021 – the site is located within the Hawkesbury-Nepean River Catchment and Chapter 6 Water Catchments applies.
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.
- State Environmental Planning Policy (Housing) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy (Sustainable Buildings) 2022.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.

The planning proposal seeks to amend State Environmental Planning Policy (Precincts – Central River City) 2021 to ensure the approved alignment of the drainage basin is consistent with the zoning map.

The Department has reviewed the assessment of SEPPs above and agrees that the proposal is consistent with those SEPPs.

4 Site-specific assessment

4.1 Environmental

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

The planning proposal will facilitate amendments and additional local provisions that do not warrant any further environmental investigation during the planning proposal stage.

4.2 Social and economic

The planning proposal will result in positive social and economic benefits by ensuring land is developed for urban services, in turn providing improved employment opportunities for the local area.

4.3 Infrastructure

Stormwater

Basin E has 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 objectives.

Traffic and transport

The surplus land will increase the amount of land that can be used for industrial purposes by 1.1 hectares. Given the typically low employment densities on industrial sites, if the land was developed to the fullest capacity, the increase in traffic is expected to be minor.

Recent traffic assessments found that the intersections in Marsden Park Industrial Precinct will continue to operate efficiently.

Contributions Plan

Section 7.11 Contributions Plan No. 21 – Marsden Park currently collects contributions from developers to acquire land and to construct Basin E and the TC06 channel. The Contributions Plan will need to be amended to reduce Council's acquisition liability by approximately 1 hectare.

5 Consultation

5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment.

- NSW Rural Fire Service

6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department agrees with Council's proposed timeframe and recommends an LEP completion date of 30 August 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

7 Local plan-making authority

Council did not request delegation to be the Local Plan-Making authority however considering the nature of this proposal, Council is authorised to be the local plan-making authority.

8 Assessment summary

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

- It gives effect to the Central River City District Plan, specifically Planning Priorities A city supported by infrastructure, providing services and social infrastructure to meet peoples' changing needs and maximising opportunities to attract advanced manufacturing and innovation in industrial and urban services land.
- Is consistent with priorities and actions within Blacktown City Council's Local Strategic Planning Statement.
- The outcome of the proposal will result in additional industrial land which will have a positive social impact as it will result in employment opportunities for the local area.
- Due to the nature of this planning proposal, there are no adverse infrastructure or environmental impacts.

9 Recommendation

It is recommended the delegate of the Secretary:

- Note the inconsistency with Section 9.1 Directions 4.3 Planning for Bushfire Protection is unresolved and will require justification.

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

The following conditions are recommended to be included on the Gateway determination:

1. Prior to community consultation, NSW Rural Fire Service is to be consulted and any outcomes incorporated into the planning proposal.
2. The planning proposal should be made available for community consultation for a minimum of 20 working days.

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 30 August 2025 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 30 August 2025.



_____ (Signature)

10 January 2025

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13 January 2025

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