



***State Environmental  
Planning Policy (Sydney  
Region Growth Centres)  
Marsden Park Industrial  
Amendment 2010***

*Post-Exhibition Planning  
Report | September 2011*

September 2017

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# 1. Introduction

## 1.1 Overview

In March 2011, a proposed amendment to the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* was publicly exhibited in relation to the Marsden Park Industrial Precinct. The purpose of the exhibition was to confirm the long-term ownership of the Bells Creek Corridor located on the eastern side of the Marsden Park Industrial Precinct as well as other amendments. The key proposed amendments included:

- Bells Creek Corridor rezoning
- Proposed Discount Outlet Premises within the B5 Business Development zone
- Indicative Layout Plan (ILP) amendments
- Development Control Plan (DCP) amendments
- Growth Centre SEPP amendments.

Minor amendments were also re-exhibited in relation to the Alex Avenue and Riverstone Precincts during the exhibition in March 2011. These amendments have been addressed in a separate post-exhibition report.

## 1.2 Purpose of the Report

Under Section 38 of the *Environmental Planning and Assessment Act 1979*, the Minister before recommending the making of an environmental planning instrument by the Governor, is to publicise an explanation of the intended effect of the proposed instrument and to seek and consider submissions from the public on the matter. The purpose of this Post-Exhibition Report is to document the public consultation process by summarising the issues raised both in submissions and during further discussion with State agencies and other stakeholders.

This report documents how each of the submission issues have been addressed in the finalisation of the Marsden Park Industrial Precinct Plan. When finalised, the suite of documents will:

- Rezone the eastern side of Marsden Park Industrial Precinct and establish development controls; and
- Make minor amendments to the existing rezoned Marsden Park Industrial Precinct.

An updated Indicative Layout Plan (ILP) for the Marsden Park Industrial Precinct is included in this Post-Exhibition Report.

## 2. Exhibition Details

### 2.1 Exhibition materials

The following documentation was publicly exhibited as part of the re-exhibited Bells Creek Corridor and Minor Amendments Precinct Planning Packages:

- Bells Creek Corridor Precinct Planning Report
  - Updated Marsden Park Industrial Indicative Layout Plan (ILP)
  - Ecological Assessment
  - Biodiversity Consistency Report
  - Water Cycle Management Report
- Growth Centres SEPP (Minor Amendments) Precinct Planning Report
  - Updated Marsden Park Industrial ILP
  - Water Cycle Management Report
- An Explanation of Intended Effect
- Draft Development Control Plan (DCP) Schedule 3 for Marsden Park Industrial.

### 2.2 Exhibition period

The Bells Creek Corridor and Growth Centres SEPP (Minor Amendments) Precinct Planning Reports were publicly exhibited from 2 March 2011 to 6 April 2011.

### 2.3 Exhibition venues

The draft precinct planning packages were available to the public at the following locations:

- Department of Planning and Infrastructure, Level 5, 10 Valentine Avenue, Parramatta
- Department of Planning and Infrastructure, 23-33 Bridge Street, Sydney
- Blacktown City Council, 62 Flushcombe Road, Blacktown
- Growth Centres website; [www.gcc.nsw.gov.au](http://www.gcc.nsw.gov.au)
- Department of Planning and Infrastructure website; [www.planning.nsw.gov.au](http://www.planning.nsw.gov.au).

### 2.4 Public notification

Advertisements were placed in the following newspapers:

- Sydney Morning Herald
- Daily Telegraph
- Blacktown Sun
- Blacktown Advocate.

## 2.5 Notification of landowners and stakeholders

The Department of Planning and Infrastructure wrote to all 59 landowners within the Marsden Park Industrial Precinct advising of the public exhibition. Key stakeholders and government agencies were also notified of the exhibition.

### 3. Consideration of Submissions

This Section documents the issues raised in submissions and also those raised in ongoing discussions with Blacktown City Council, State agencies and key stakeholder groups. In responding to the issues raised in submissions, the Department has formed a position by balancing a range of competing views, in the context of State planning policies and guidelines and informed where necessary by specialist advice.

Where changes have been made to the Bells Creek Corridor and Growth Centres SEPP (Minor Amendments) precinct planning packages since exhibition, these are summarised below.

#### 3.1 Number of submissions

A total of 13 submissions were received relating to the Bells Creek Corridor and Growth Centre SEPP (Minor Amendments) exhibition documents. Submissions were accepted by mail, fax and email.

All submissions are listed and summarised in Appendix A. A summary of submissions grouped into major stakeholder groups is provided in Table 3-1. Responses to key issues are also outlined in Section 4 of this report.

**Table 3.1**      **Summary of submissions**

| Received from                                   | Number of submissions |
|---|-----------------------|
| Local Government                                | 1                     |
| State Government Agencies and Utility Providers | 4                     |
| Landowners and other stakeholders               | 8                     |
| TOTAL   | 13                    |

## 4. Marsden Park Industrial Precinct Amendments

### 4.1 Overview

This section provides a summary of how the key issues raised during exhibition have been addressed and if any changes are proposed to be made to the exhibited document. The key issues addressed below include:

- Bells Creek Corridor Rezoning
- Proposed Discount Outlet Premises
- Indicative Layout Plan (ILP) amendments
- Development Control Plan (DCP) amendments
- Growth Centre SEPP amendments.

### 4.2 Bells Creek Corridor Rezoning

In November 2010, the Marsden Park Industrial Precinct was rezoned; however, the rezoning did not include the Bells Creek Corridor on the eastern side of the Precinct. During the original exhibition of the Marsden Park Industrial Precinct in 2009, the Bells Creek Corridor was exhibited as being zoned SP2 Local Drainage Infrastructure and to be acquired by Blacktown City Council. Subsequently, due to changes in planning policy, Council is no longer able to acquire the Bells Creek Corridor.

As a result, the Marsden Park Industrial Precinct was re-exhibited in 2011 to show that the Bells Creek Corridor would be zoned E2 Environmental Conservation and would remain in private ownership. As the zoning had changed from the original exhibition in 2009, re-exhibition was warranted.

A Biodiversity Assessment was undertaken for the Bells Creek Corridor and recommended that the corridor be retained as a non-certified area under the Biodiversity Certification order and that the corridor should be zoned E2 Environmental Conservation. It was also recommended that the Existing Native Vegetation (ENV) within the Bells Creek Corridor be protected via a SEPP clause that prevents the removal of ENV.

An additional Water Cycle Management Report was prepared for the Bells Creek Corridor. The report concluded that the stormwater controls proposed within the already gazetted Marsden Park Industrial Precinct were sufficient and no additional stormwater quality control or peak flow mitigation works are required within the corridor. As the corridor will remain in private ownership, the costs for flood protection and stormwater management would be the responsibility of individual land owners.

Key concerns raised during exhibition relating to the Bells Creek Corridor included:

- It would be preferable for Bells Creek Corridor to be in public ownership.
- Concerns regarding cost of rehabilitation and maintenance costs if in private ownership.
- Concerns regarding how zoning will encourage the keeping of native vegetation if in private ownership.



- No apparent mechanisms to enable the reestablishment of native vegetation through passive or active management.
- Disadvantages landowners on the eastern side of Bells Creek.
- Re-consider non-certified areas on the eastern side of Bells Creek for inclusion in biodiversity calculations instead of areas within the Bells Creek Corridor.

All of the submissions in relation to the Bells Creek Corridor have been considered. As the corridor is no longer able to be acquired for public ownership, the most suitable zoning for this area is E2 Environmental Conservation. The corridor is unable to be acquired by any other Government agency.

The Bells Creek Corridor falls within the 1 in 100 year flood extent and contains a significant area of existing native vegetation. Ongoing maintenance and any rehabilitation required will be the responsibility of individual private landowners.

A submission suggesting the consideration of the eastern side of Bells Creek for inclusion in biodiversity certification calculations instead of the Bells Creek corridor is outside of the scope of this amendment. The eastern side of Bells Creek is within the West Schofields Precinct which has not been released by the Minister for Planning and Infrastructure. As the Precinct has not been released precinct planning cannot yet occur in this area.

The proposed amendment to zone the land within the Bells Creek Corridor E2 Environmental Conservation will be adopted as exhibited as it is considered the most appropriate zone for the corridor.

### 4.3 Proposed Discount Outlet Premises

In response to a landowner request, the Department agreed to exhibit a proposal for Discount Outlet Premises to seek public comment on the proposal. The exhibited Explanation of Intended Effect proposed that Discount Outlet Premises would be a permissible use within the B5 Business Development zone with frontage along Richmond Road (arterial road). The Discount Outlet Premises would be restricted by the SEPP Zoning Map.

A number of submissions were received during the exhibition raising concerns about the proposed definition given to the Discount Outlet Premises. Observations were made in relation to inconsistencies with State and regional policies, concerns about out of centre retailing and the economic impact of the proposal.

All of the submissions were carefully considered and in response to these, Discount Outlet Premises are no longer proposed to be a permissible use within the B5 Business Development zone in the Marsden Park Industrial Precinct.

Currently, there is no definition for 'outlet retailing' in the Standard Instrument and therefore a specific definition would need to be developed for the Marsden Park Industrial Precinct. Developing a definition for this land use is challenging, as broader policy issues about the form and location of retailing of this type are raised.

The proposal for Discount Outlet Premises in the B5 Business Development zone in the Marsden Park Industrial Precinct is inconsistent with some metropolitan and regional planning strategies including the Draft Centres Policy (2009). These strategies and policies place an emphasis on locating retail and commercial activity in centres to ensure the most efficient use of transport and other infrastructure as well as improving the amenity and liveability of centres.

The Draft Centres Policy was publicly exhibited in 2009 and specifies that factory outlets which operate as retailers are classified as 'shops' under the Standard Instrument. The Policy recommends that factory outlets should be accommodated in zones B2-B4. Big box retail formats which are also used to describe factory outlets are also considered to be classified as 'shops'. Similarly, it recommends that big box retail formats are accommodated in zones B2-B4.

Allowing retailing in the B5 zone would be inconsistent with the objectives of this zone which is to enable a mix of business and warehouse uses in locations that are close to, and that support the viability of centres. Retailing is currently prohibited in the B5 Business Development zone.

The proposed amendment to include Discount Outlet Premises as a permissible use in the B5 Business Development zone will not be adopted due to inconsistencies with government policy and issues raised in the submissions received during exhibition.

## **4.4 ILP amendments**

A number of submissions were received in relation to the ILP for the Marsden Park Industrial Precinct. A summary of the proposed response to the submissions received and proposed ILP amendments are provided below. The revised Marsden Park Industrial ILP is provided as Appendix B.

### **4.4.1 Drainage and Infrastructure Amendments**

A number of amendments to the zoning of drainage areas within the Marsden Park Industrial Precinct were proposed to reflect changes to the drainage layout and infrastructure requirements. These amendments were identified through liaison with Blacktown Council and the Department.

Submissions were received in relation to the proposed drainage amendments, however it is proposed that the issues identified will be addressed at the detailed design and Development Application stage. The exhibited amendments to the Growth Centres SEPP and ILP in relation to drainage infrastructure will be adopted as exhibited with no further changes.

Minor amendments have been made to the Marsden Park Industrial DCP (Schedule 3) in relation to drainage and infrastructure. The DCP now makes reference to Part R of the Blacktown Growth Centres DCP 2010 to ensure consistency with Part A of the DCP.

### **4.4.2 330kV Transmission Line**

The ILP was re-exhibited removing the proposed relocation of the north-south 330kv transmission line. The Proponent, Marsden Park Developments has confirmed that the 330kV north-south line will not be relocated and it will remain in its existing location.

No submissions were received objecting to the amendment of the ILP. It is proposed that the amendment to the ILP in relation to the transmission line will be adopted.

#### **4.4.3 Riparian Corridors**

A number of amendments to the ILP and Growth Centres SEPP (Riparian Area Protection Maps) were exhibited in relation to riparian corridors. The lower order category streams have been removed from the ILP as riparian corridors. Only Category 1 streams (i.e. Bells Creek) will be shown as a riparian corridor on the Marsden Park Industrial ILP.

Subsequently, the Riparian Area Protection Map was also amended to reflect this change to the ILP.

A submission was received for a property located along the Bells Creek corridor requesting the riparian zone be removed in the same way that the exhibited lower order category streams that were removed. However, the Bells Creek corridor forms part of a Category 1 stream and will therefore still be shown as a riparian corridor. The core riparian zone (CRZ) for the Category 1 stream that is shown as the riparian corridor on the ILP and Riparian Area Protection Maps comprises 40m CRZ plus 10m vegetated buffer which is measured from the top of bank along either side of the watercourse.

The Department has considered the above submission, however all Category 1 streams within the Precinct will remain protected as riparian corridors. The amendments in relation to riparian corridors on the ILP and Growth Centres SEPP will be therefore adopted as exhibited.

#### **4.4.4 Internal Road Layout**

A submission was received during exhibition from Transport for NSW (formerly the RTA) requesting that the indicative internal road layout in the north of the Precinct be amended to reflect the most recent Schofields Road design for the preferred corridor. The area of concern is located east of Richmond Road on the southern side of South Street.

The ILP has been updated to move access from South Street to the Marsden Park Industrial Precinct further west to reflect Transport for NSW's preferred corridor location. The indicative roads are not zoned roads and the exact location and design of the road will be subject to detailed design at the Development Application stage. The ILP provides guidance for the preferred location for these roads.

### **4.5 Amendment to Growth Centres Development Control Plan**

An updated Development Control Plan for the Marsden Park Industrial Precinct (Schedule 3) was exhibited to include the updated ILP and associated development control maps by including the Bells Creek Corridor and other mapping amendments.

Minor amendments have been made to the DCP in relation to submissions received during exhibition. These amendments include:

- Including the updated ILP
- References to Part A of the Blacktown Growth Centres DCP (in relation to drainage requirements)
- Updated Figure 4.1 in relation to connection to the E2 Environmental Conservation zone.

## 4.6 Amendment to Growth Centres SEPP

A number of proposed amendments to the Growth Centres SEPP were identified in submissions received during exhibition. A summary of the response to these submissions is provided below.

### 4.6.1 Native Vegetation Protection Map

Other minor amendments to the Native Vegetation Protection Map were exhibited to more accurately reflect biodiversity certification mapping and in accordance with comments received from the Office of Environment and Heritage (formerly Department of Environment, Climate Change and Water).

No submissions were received during exhibition objecting to the proposed amendments, and therefore the updated mapping will be adopted.

### 4.6.2 Amendment to Land Acquisition Reservation Map

An amendment to the Land Acquisition Reservation Map was exhibited rectifying a mapping error. The zoning map had identified that access to a stormwater detention basin along Richmond Road was to be zoned SP2 Special Uses and acquired by Blacktown City Council. However, this area was inadvertently not included on the Land Acquisition Reservation Map.

No submissions were received during exhibition objecting to the mapping amendments, therefore the proposed amendment will be adopted.

### 4.6.3 Standard Instrument Amendments

Amendments have been made to the B5 Business Development and IN2 Light Industrial zones to reflect the Amendment Order 2011 to the Standard Instrument (February 2011). The amendments include allowing the following uses permitted with consent in the B5 Business Development zone as they are now a mandatory requirement in the Standard Instrument:

- Garden Centres
- Hardware and Building Supplies
- Landscape and Material Supplies.

## 5. Consistency with State Policies

### 5.1 Consistency with the North West Growth Centre Structure Plan

The proposed amendments are consistent with the North West Growth Centre Structure Plan. The Structure Plan states that it is an 'indicative regional land use plan', to guide Precinct Planning. The Precinct Planning process for precincts in the North West Growth Centre have been guided by the Structure Plan.

Precinct planning for the Marsden Park Industrial Precinct is consistent with the North West Structure Plan. The key change to the Precinct compared to the already gazetted Marsden Park Industrial Precinct is the zoning of the Bells Creek Corridor to E2 Environmental Conservation. Other minor zoning amendments have also been made.

The North West Structure Plan identifies the area generally surrounding Bells Creek as being flood prone. As the Bells Creek Corridor is almost entirely flood prone, the most appropriate zoning for this area is the E2 Environmental Conservation zone. The zone protects the existing native vegetation and ensures inappropriate development will not occur in the flood plain.

### 5.2 Growth Centres Development Code

The Growth Centres Development Code is a guide to the preparation of the Precinct Plans. The Development Code provides for consistent planning practices and development across the Growth Centres.

The Marsden Park Industrial Precinct Plan has been prepared with reference to the Development Code and other development controls including those of Blacktown City Council, to enable controls to be consistent with surrounding areas. In some instances, variation of the design controls to the Development Code have been made to respond to particular site characteristics.

In summary, the Precinct Plan is consistent with the Development Code with the exception of matters where site specific controls are required, or where it has been determined that consistency with Blacktown City Council's current controls should take precedence.

As identified, the only key change proposed compared to the rezoned Marsden Park Industrial Precinct is the zoning of the Bells Creek Corridor E2 Environmental Conservation. Section C.2 aims to protect existing high quality vegetation and natural habitat zoned Environmental Conservation and the proposed Precinct Plan is consistent with this control.

### 5.3 Other Relevant SEPPs

| Relevant Plan                                      | Consistency   |
|--|---|
| Draft SEPP 66 – Integrating Land Use and Transport | The proposed SEPP is consistent with these SEPPs to the extent they are relevant at this stage. Most relate to the statutory requirements and considerations at the Development Application stage.<br><br>The impact of urban development has been considered at a strategic level to ensure that Development Applications will be capable of complying with these SEPPs. |
| SEPP 55 – Remediation                              |   |
| SEPP 11 – Traffic Generating Development           |   |
| SEPP 19 – Bushland in Urban Areas                  |   |
| SEPP 36 – Manufactured Home Estates                | This SEPP does not apply to areas within the Sydney Region.   |

### 5.4 Section 117(2) Directions

A SEPP is not required to conform to s117(2) Directions, which are issued by the Minister under the *Environmental Planning and Assessment Act, 1979* as policy guidance for Local Environmental Plans (LEPs). However, as the provisions relating to the Marsden Park Industrial Precinct Plan will ultimately be transferred from the SEPP to Blacktown City Council's comprehensive LEP, the SEPP has been assessed for consistency with the s117(2) Directions.

**Table 5-1 Consistency with Section 117 Directions**

| Section 117 Direction  | Compliance   |
|--|--|
| <b>1. Employment and Resources</b>                                     |  |
| Direction 1.1 – Business and Industrial Zones                          | The Marsden Park Industrial amendment does not propose any significant changes to the existing business and industrial zones.<br><br>The draft SEPP Amendment is consistent with this direction. |
| Direction 1.2 – Rural Zones  | This direction is not applicable to the Marsden Park Industrial Precinct as there are currently no rural zones within the Precinct.  |
| Direction 1.3 – Mining, Petroleum Production and Extractive Industries | There are no significant reserves of coal, other minerals, petroleum and extractive materials within the Precinct.   |
| Direction 1.4 – Oyster Aquaculture                                     | The direction is not applicable to the Marsden Park Industrial Precinct.   |

|   |   |
|---|---|
| Direction 1.5 – Rural Lands                                 | This direction is not applicable to the Marsden Park Industrial Precinct as there are currently no rural zones within the Precinct.   |
| <b>2. Environment and Heritage</b>                          |   |
| Direction 2.1 – Environmental Protection Zones              | <p>The Precinct Plan includes provisions to facilitate the protection and conservation of significant vegetation through the use of E2 Environmental Conservation Zones throughout the Precinct. The Precinct provides 59.9 hectares of conservation land.</p> <p>The draft SEPP Amendment is consistent with this direction relating to environmental protection zones.</p>  |
| Direction 2.2 – Coastal Protection                          | The direction is not applicable to the Marsden Park Industrial Precinct.  |
| Direction 2.3 – Heritage Conservation                       | This direction is not applicable to the Marsden Park Industrial Precinct. There are no items of state or local heritage significance within the Marsden Park Industrial Precinct.   |
| Direction 2.4 – Recreation Vehicle Areas                    | The direction is not applicable to the Marsden Park Industrial Precinct.  |
| <b>3. Housing, Infrastructure and Urban Development</b>     |   |
| Direction 3.1 – Residential Zones                           | <p>The Marsden Park Industrial amendment does not propose any significant changes to the existing residential zones.</p> <p>The draft SEPP Amendment is consistent with this direction.</p>   |
| Direction 3.2 – Caravan Parks and Manufactured Home Estates | SEPP 36 – Manufactured Home Estates does not apply to areas within the Sydney Region.   |
| Direction 3.3 – Home Occupations                            | The plan is consistent with the direction as it permits home occupations in the R2 Low Density Residential and R3 Medium Density Residential zones without consent.   |
| Direction 3.4 – Integrating Land Use and Transport          | <p>The objective and requirements of the direction are achieved through implementation of the requirements of the Growth Centres Development Code and consistency with the adopted North West Structure Plan.</p> <p>Additional public transport services will be provided as development progresses to support the growing population. Specifically, the Plan provides east-west links to the nearby Richmond Rail Line and also provides bus connections to link the future Marsden park Town Centre such and other major centres as Rouse Hill. This area will benefit from increased public transport availability.</p> |

|   |   |
|---|---|
| Direction 3.5 – Development Near Licensed Aerodromes  | The Precinct is not located near a licensed Aerodrome.  |
| Direction 3.6 – Shooting Ranges   | The direction is not applicable to the Marsden Park Industrial Precinct.  |
| <b>4. Hazard and Risk</b>   |   |
| Direction 4.1 – Acid Sulfate Soils  | The direction is not applicable to the Marsden Park Industrial Precinct.  |
| Direction 4.2 – Mine Subsidence and Unstable Land   | The Marsden Park Industrial Precinct is not within a mine subsidence district.  |
| Direction 4.3 – Flood Prone Land  | The plan is consistent with the direction in zoning flood prone land.   |
| Direction 4.4 – Planning for Bushfire Protection  | The plan is consistent with the direction and provides for appropriate APZs and perimeter roads having regard to <i>Planning for Bushfire Protection 2006</i> . |
| <b>5. Regional Planning</b>   |   |
| Direction 5.1– Implementation of Regional Strategies<br><br>Direction 5.2 – Sydney Drinking Water Catchments<br><br>Direction 5.3 – Farmland of State and Regional Significance on the NSW Far North Coast<br><br>Direction 5.4 – Commercial and Retail Development along the Pacific Highway, North Coast<br><br>Direction 5.8 – Second Sydney Airport: Badgerys Creek | These directions do not apply to the Marsden Park Industrial Precinct.  |
| <b>6. Local Plan Making</b>   |   |



|   |   |
|---|---|
| Direction 6.1 – Approval and Referral Requirements                      | The plan is consistent with the direction and does not contain provisions requiring concurrence, consultation or referral which have not been approved. The plan does not identify any development as designated development.   |
| Direction 6.2 – Reserving Land for Public Purposes                      | <p>The plan has resulted in a decreased area of land identified as SP2 Infrastructure as a result of additional water cycle investigations determining that a smaller area for drainage basins and channels is required. The Bells Creek corridor will remain in private ownership.</p> <p>Identified public authorities in the Table to Clause 5.1 of the plan (the Roads and Traffic Authority and Blacktown City Council) have approved of the inclusion of acquisition provisions for the land shown on the Land Reservation Acquisition Map.</p> |
| Direction 6.3 – Site Specific Provisions                                | <p>The Marsden Park Industrial amendment does amend any existing site-specific provisions.</p> <p>The draft SEPP Amendment is consistent with this direction.</p>   |
| <b>7. Metropolitan Planning</b>   |   |
| Direction 7.1 – Implementation of the Metropolitan Plan for Sydney 2036 | The Marsden Park Industrial Precinct is located within the Blacktown City Council local government area and as such this direction applies. The plan is consistent with the direction as it follows economic and employment criteria as set out in the Draft North West Sub Regional Strategy and the North West Structure Plan.  |

## ***Appendix A***

### **Summary of Submissions**

## *Appendix B*

### Indicative Layout Plan