

memo

MSP
Approved.
21/12/17



To Director Design and Development through Manager Strategic Planning

From Zara Tai, Strategic Planner through Fiona McDermott, Team Leader Release Areas

Date 11 December 2017

Topic Resolution to prepare a Planning Proposal to rezone land at Lots 9 – 11 DP 802880, No. 210 Grange Avenue Marsden Park

File No LEP-17-0004

Topic A request for a Planning Proposal has been received from Brooks Projects Architects on behalf of Li and Qing Pty Ltd, to amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* to make minor zone boundary variations and corresponding changes to planning controls that apply to land at Lots 9 – 11 DP 802880, No. 210 Grange Avenue, Marsden Park.

Analysis The Planning Proposal will vary the location of a future public reserve (RE1 zone), and make minor corresponding changes to the adjoining R2 and R3 Residential zones, to ensure the zone boundaries match new lot boundaries as a result of approved subdivision.

The effect of the planning proposal will be to shift the proposed RE1 zone approximately 27 m to the east, and, in doing so, to rezone land from RE1 to R3, R2 to RE1 and R2 to R3 to reflect the new location of the public park.

Recommendation

- i. Prepare and forward a Planning Proposal to the Department of Planning and Environment requesting a Gateway Determination to amend *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* to relocate the public park zoned RE1 from part of Lots 9 – 11 DP 802880 as shown on the map at attachment 1, and to make corresponding changes to the Height of Building Map, Residential Density Map and Land Acquisition Map that reflect the proposed changes in the zoning of the subject land.
 - ii. Implement any conditions attached to a Gateway Determination issued by the Greater Sydney Commission.
 - iii. Advise the proponent that Recommendation 1 does not imply or guarantee that the Planning Proposal will ultimately be supported. Council's final determination of the proposal will occur when Council resolves to adopt the Planning Proposal (SEPP amendments) following exhibition and consideration of all relevant matters.
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Key reasons

We support preparing a Planning Proposal as it will result in only minor zone boundary changes and it will have no material impact on the strategic intent of the precinct plan.

The Planning Proposal will ensure consistency between approved and future property boundaries and the relevant planning controls under the SEPP to provide certainty for future home owners.

The zone boundary changes will necessitate amendments to other relevant planning control maps (i.e. Height of Buildings and Dwelling Density). The Land Reservation Acquisition Map will also require updating to ensure consistency with the relevant land use zonings.

Supporting analysis

The request for a Planning Proposal seeks to amend the Growth Centres SEPP as follows:

- i. Update the NWGC Land Zoning Map (Sheet 005) to align land use zones with approved property boundaries and adjust the location of the future public reserve eastwards.
- ii. Update the NWGC Dwelling Density Map (Sheet 005) to align the 15 and 25 dwelling density areas with the adjusted locations of the R2 Low Density and R3 Medium Density Residential zones respectively, and remove it over RE1 zoned land.
- iii. Update the NWGC Height of Building Map (Sheet 005) to align the 9 m and 14 m height limits with the adjusted locations of the R2 Low Density and R3 Medium Density Residential zones respectively, and remove it over RE1 zoned land.
- iv. Update the NWGC Land Reservation Acquisition Map (Sheet 005) to align the land identified to be acquired with the RE1 Public Recreation zoning and to remove the acquisition layer over residential zoned land.

The location of the proposed SEPP amendments is shown at attachment 2.

The proposal aligns with an approved plan of subdivision

The Planning Proposal to vary the location of RE1 zone (future local park) has been prepared in accordance with an approved plan of subdivision (DA-15-2309) for Lots 5, 9 – 11 Excelsior Avenue (formerly Vine Street) and Grange Avenue, Marsden Park (see attachment 3).

Proposed Lot 13 in approved plan of subdivision DA-15-2309 is identified for public open space (future local park) in accordance with the Marsden Park Precinct ILP, albeit approximately 27 m east of the site zoned RE1 under the SEPP. The current RE1 zone covers parts of Lots 9 – 11 DP 802880. The proposed new location for the open space (the Planning Proposal) covers parts of Lots 10 – 11 DP 802880 only.

No change to the size of the RE1 zone

The area of the land currently zoned RE1 is approximately 6121 sq.m. This is the same as the land proposed to be rezoned RE1, albeit in a different location. It is also the same size of the local park approved in DA-15-2309.

No changes to the Marsden Park Indicative Layout Plan required

As the need for a planning proposal has arisen as a result of an approved DA, the road pattern has already been approved. The ILP does not need to change to match the approved road layout and subdivision plan.

The proposed rezoning will facilitate an increased dwelling yield on R3 lots

The Planning Proposal will facilitate in a minor increase in yield due to the shifting of the RE1 zone to the east, resulting in a corresponding minor increase to the size of the R3 zone, and consequential reduction in the R2 zone. At the metropolitan, a district and precinct level, a key priority is to increase the amount of housing to meet the needs of projected future growth. The proposal will support this priority.

Residential yield and open space provision

It is reasonable for the additional open space requirement generated by any additional yield on the site to be met through the mechanism of S94 contributions, to be put towards the embellishment of open space in existing planned areas to meet the needs of the Precinct.

Context

DA-15-2309 – Stage Subdivision at Lots 5, 9-13 Excelsior Avenue (formerly Vine Street) and Grange Avenue Marsden Park

The condition of 'deferred ^{comment} ~~comment~~' consent was the submission to Council of a planning proposal to facilitate the relocation of the public reserve within the site and rezoning of the affected land. This is the reason why a request for a planning proposal has been submitted to Council.

Gateway Determination

Preparing a Planning Proposal and requesting a Gateway Determination is the first stage in the assessment of the proponent's request. Detailed consideration of the proposal will occur once we have received Gateway Determination and have undertaken public authority consultation and public exhibition. Section 58 of the *Environmental Planning and Assessment Act 1979* provides Council with the ability to vary or not proceed with the Planning Proposal at any time during our consideration of the proposal.

Approval

	Name and position	Signature
Prepared by	Zara Tai Strategic Planner	
Checked by	Fiona McDermott Team Leader Release Areas	
Approved by	Chris Shannon Manager Strategic Planning	

Attachments

Attachment 1 – Proposed Zoning












Attachment 2 – Proposed Zoning Amendments

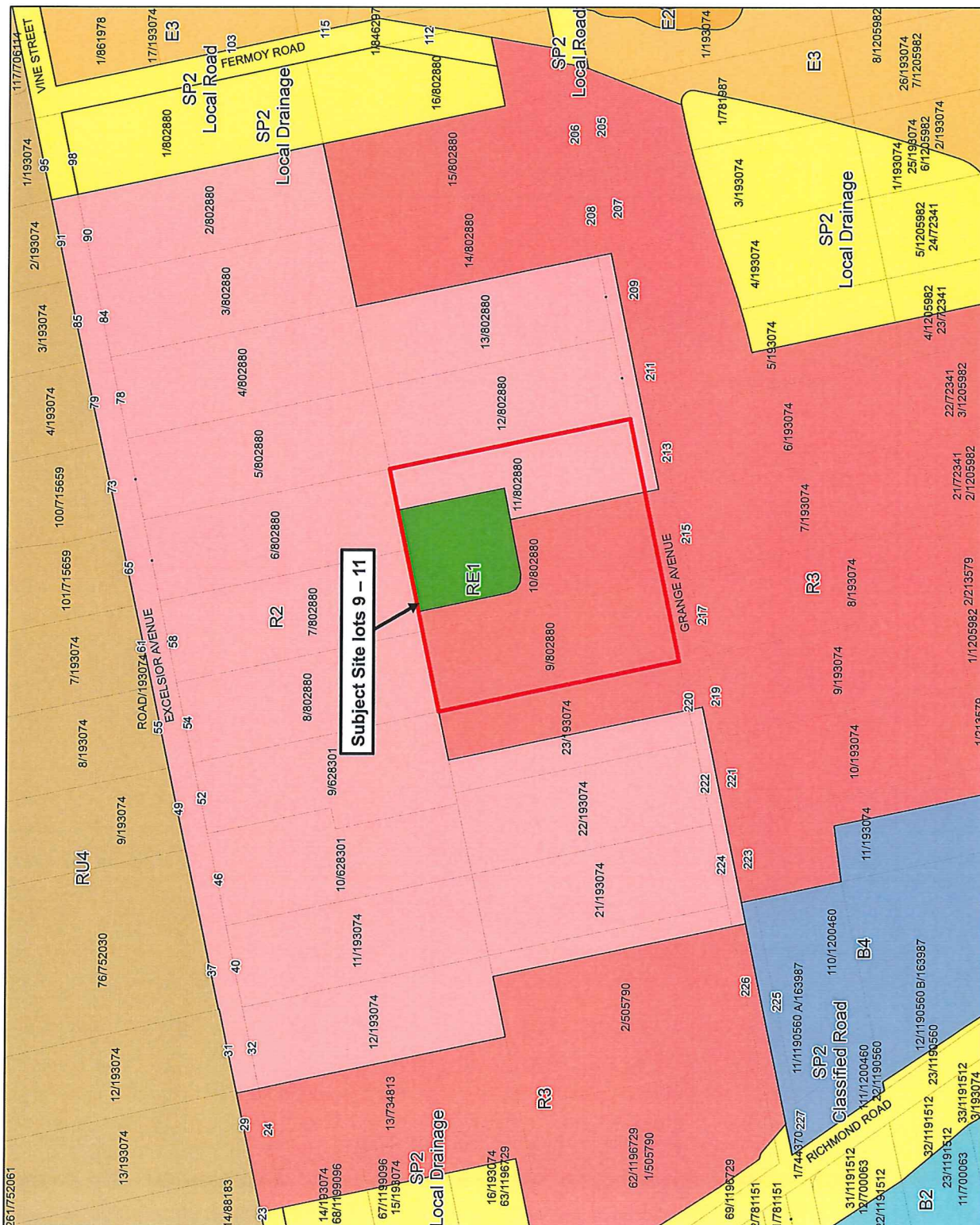
Attachment 3 – Approved Subdivision Plan to DA-15-2309 Consent

PROPOSED ZONE
THIS MAP IS AN EXTRACT FROM
SEPP (SYDNEY REGION GROWTH
CENTRE) 2006



Legend

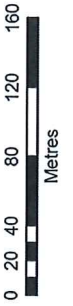
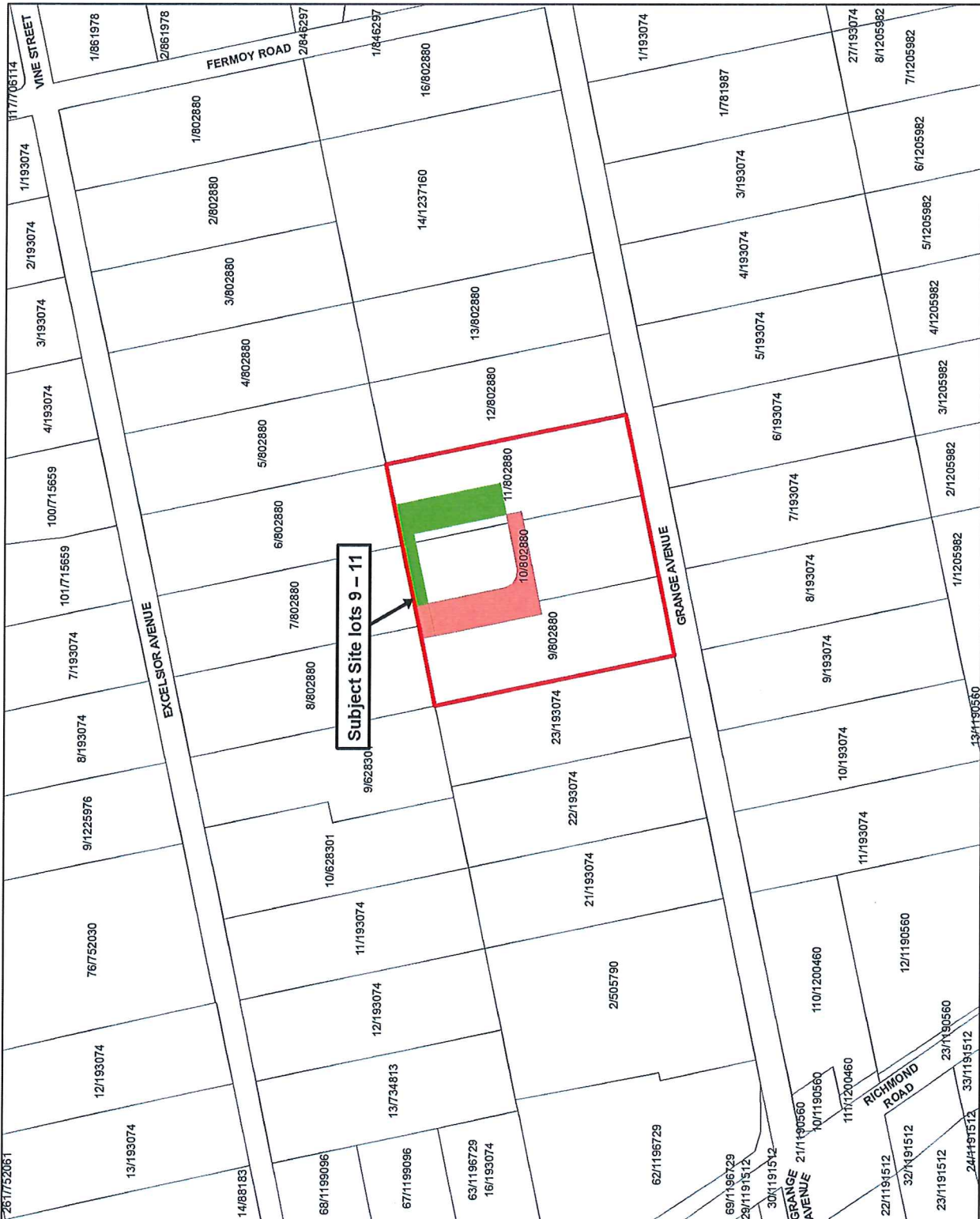
- | | |
|---|-------------------------------|
|  | Subject Site |
|  | Cadastral |
|  | B2 Local Centre |
|  | B4 Mixed Use |
|  | E2 Environmental Conservation |
|  | E3 Environmental Management |
|  | R2 Low Density Residential |
|  | R3 Medium Density Residential |
|  | RE1 Public Recreation |
|  | RU4 Rural Small Holdings |
|  | SP2 Infrastructure |



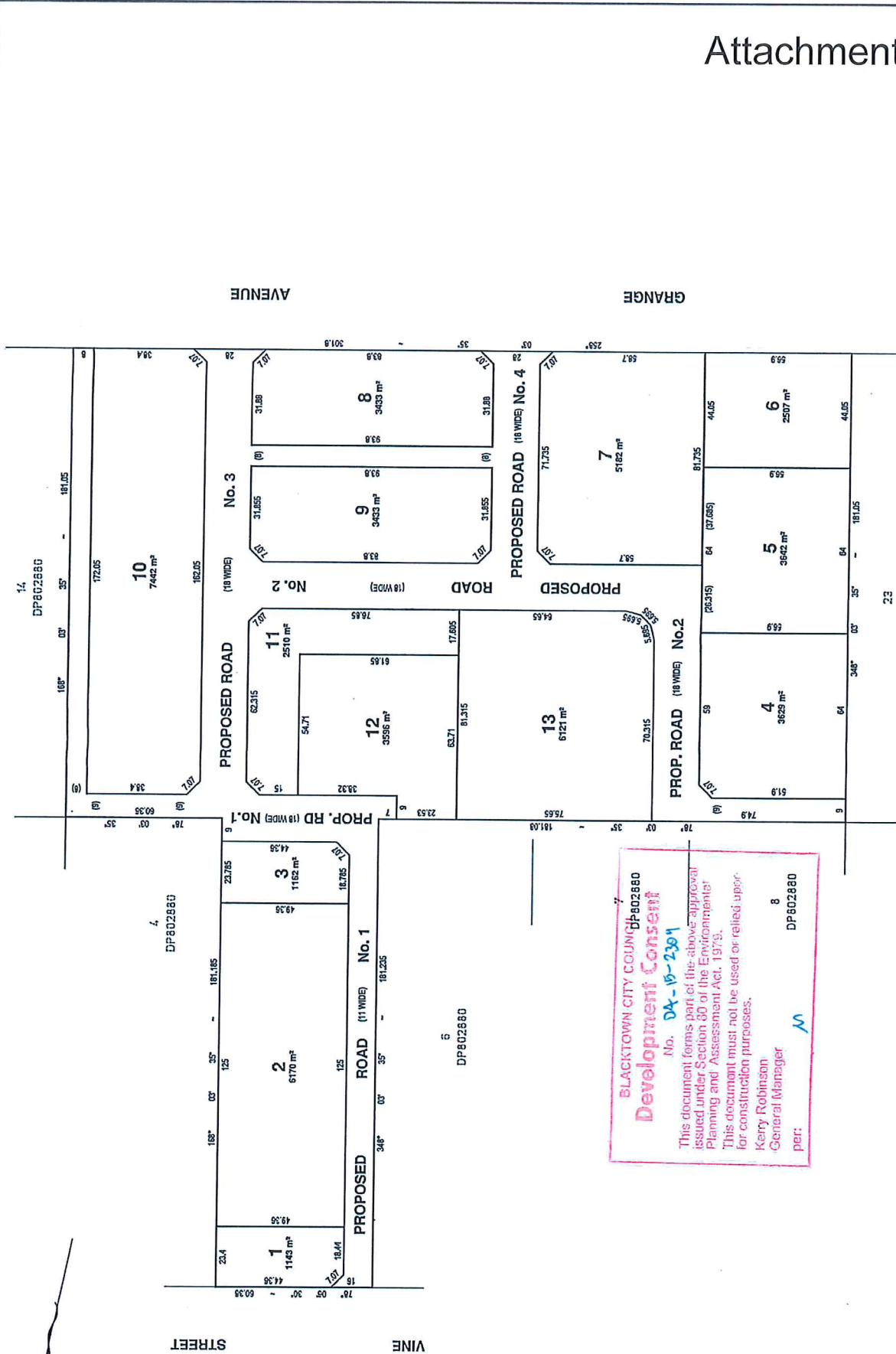
Legend

- Subject Site
- R3 Medium Density Residential
- RE1 Public Recreation
- Land Not Affected
- Cadastre**
- (as at 19/11/2017)

PROPOSED ZONE
THIS MAP IS AN EXTRACT FROM
SEPP (SYDNEY REGION GROWTH
CENTRE) 2006



MGA



BLACKTOWN CITY COUNCIL
Development Consent
 No. DA-18-2391
 This document forms part of the above approval issued under Section 80 of the Environmental Planning and Assessment Act, 1979.
 This document must not be used or relied upon for construction purposes.
 Kerry Robinson
 General Manager
 per:

NOTES:
 1. ALL DIMENSIONS & AREAS ARE SUBJECT TO FINAL SURVEY.
 2. FINAL PLAN MAY INCLUDE VARIOUS EASEMENTS, COVENANTS AND RESTRICTIONS SUBJECT TO DA APPROVAL.

Surveyor: ALAN TURNER
Date of Survey: 12/09/2016
Surveyor's Ref: 6933

PLAN OF PROPOSED SUBDIVISION OF CONSOLIDATED LOTS 5 & 9-13 IN DP 802880

LGA: BLACKTOWN
Locality: MARGSDEN PARK
Subdivision No:
 Lengths are in metres. Reduction Ratio 1:1000

Registered

DP DRAFT

Delegation number	Delegated matter (Powers and Functions)	Delegated to (position title) (refer to Annexure 2 for key to acronyms)
11.11	Development compliance and court proceedings To require work and other necessary actions to be completed to ensure compliance with the Environmental Planning and Assessment Act 1979 and Blacktown Local Environmental Plan 2015 (or the equivalent provisions of Blacktown Local Environmental Plan 1988 where it applies), including the commencement of court proceedings, and to issue notices directing that such work be done.	MDA, MBEA, TLPP, TLRP
11.12	Certification of linen plans of subdivision and Section 88B and 88E instruments and issue of subdivision certificates To grant a subdivision certificate and issue a Section 88B or Section 88E instrument in relation to all subdivisions and to certify that the council's requirements in relation to the subdivision have been complied with.	MDA, CEA
11.13	Financial assistance to owners of historical sites To approve subsidy payments in accordance with the council's policy to owners of items of environmental heritage as listed in Schedule 5 of Blacktown Local Environmental Plan 2015 where those items are deemed by the council to be eligible for financial assistance.	MDP
11.14	Inspection authorisation To authorise officers of the council to carry out inspections in accordance with the Environmental Planning and Assessment Act 1979, the Regulations made under that Act and the provisions of any Environmental Planning Instrument.	DDD
11.15	Planning proposals (A) To prepare and exhibit Local Environmental Plans pursuant to section 54 or section 74 of the Environmental Planning and Assessment Act 1979. (B) To decide not to prepare Local Environmental Plans where the applicant withdraws the application.	DDD DDD
11.16	Draft development control plans & precinct plans (A) To prepare and exhibit draft development control plans and precinct plans and draft amendments to development control plans and precinct plans. (B) To approve minor variations to adopted development control plans and precinct plans.	DDD DDD

