

Report to Sydney West Joint Regional Planning Panel

JRPP No.	2015SYW191 DA
DA No:	JRPP-15-01997
Proposed Development:	Torrens title subdivision (stages 15A-23) into 635 residential lots (as amended), 2 superlots, and 4 residue lots, construction of public roads, temporary Basin No 4 and 2 drainage channels, with associated subdivision works, including tree removal, street trees, and an acoustic barrier
Development Type:	Capital Investment Value > \$20 million
Lodgement Date:	4 September 2015
Land/Address:	Lot 168 DP 1191299 Elara Boulevard and Lots 111 and 112 DP 1190510 Richmond Road, Marsden Park
Land Zoning:	Part R2 Low Density Residential Part R3 Medium Density Residential Part SP2 Infrastructure (Drainage) Part SP2 Infrastructure (Classified Road) Part RE1 Public Recreation
Capital Investment Value of Approved Development:	\$28,700,000
Applicant:	GLN Planning Pty Ltd on behalf of Stockland Development Pty Ltd
Report Author:	Ruth Bennett, Senior Project Planner
Instructing Officers:	Judith Portelli, Manager Development Assessment and Chris Shannon, Acting Director Design and Development
Date Submitted to JRPP:	March 2016
Date Considered by JRPP:	March 2016

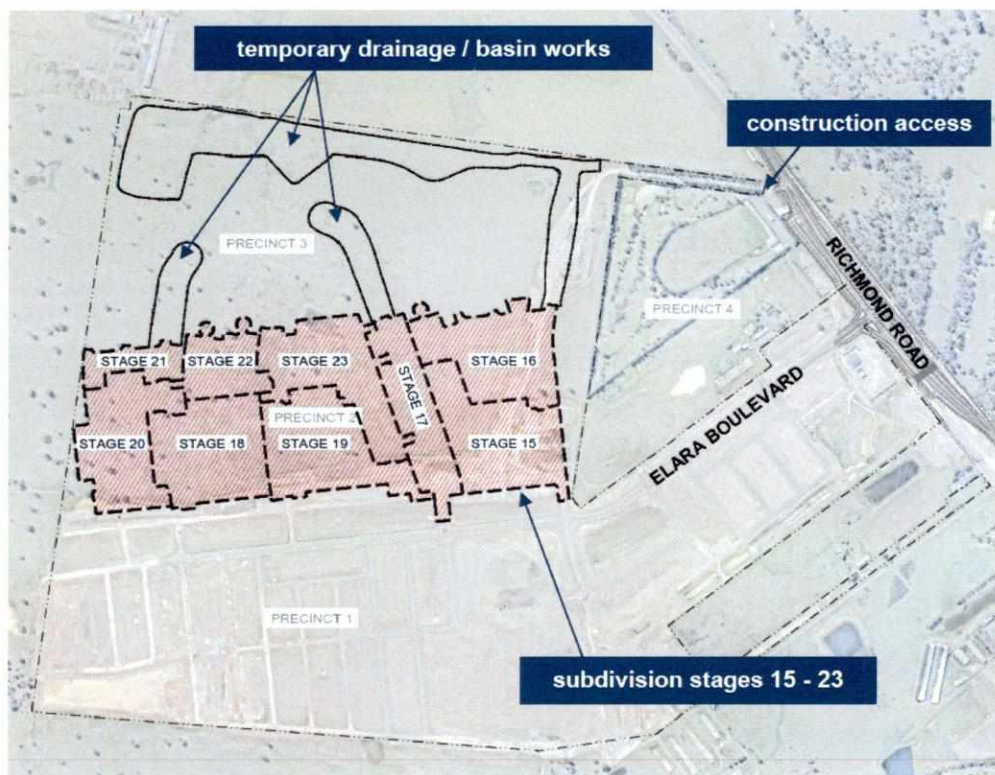


Figure 1 - Overall Subdivision – Context Plan (Source: Cardno, Dwg. No CardnoUT-CV-ST05-1003, Revision 2)

ASSESSMENT REPORT

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1. Summary

- 1.1 Blacktown City is in receipt of a Development Application (DA) from GLN Planning on behalf of Stockland Development Pty Ltd. The DA seeks approval for Torrens title subdivision into 635 residential lots (of these 520 are conventional lots and 115 are small lots with a building envelope plan), 2 superlots, 4 residue lots, roads, temporary drainage/basin works, and associated subdivision work at Lot 168 Elara Boulevard and Lots 111 and 112 Richmond Road, Marsden Park, identified as Lot 168 DP 1191299, Lots 111 and 112 DP 1190510. The proposed development is known as subdivision of Stages 15A-23 of Precinct 2 of the Elara residential estate, and represents part of the northern expansion of the Elara residential estate being developed by Stockland Development Pty Ltd.
- 1.2 The proposed development constitutes 'regional development' requiring referral to the Joint Regional Planning Panel (JRPP) as it has a capital investment value of \$28.7 million. While Council is responsible for the assessment of the DA, the Sydney West JRPP is the consent authority.
- 1.3 The subject site is zoned R2 Low Density Residential, R3 Medium Density Residential, SP2 Infrastructure (Drainage), SP2 Infrastructure (Classified Road) and RE1 Public Recreation under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). Subdivision works and associated civil construction works are located in the R2 and R3 zones and are permissible with consent. Temporary Basin No 4 and 2 drainage channels are proposed in the north-west part of Stockland's Precinct 3 (Lot 111 in DP 1109510), which is zoned R2, SP2 and RE1 and is also permissible with consent.
- 1.4 A detailed assessment has been undertaken against the provisions of the Growth Centres SEPP and the Blacktown City Council Growth Centre Precincts Development Control Plan (Growth Centres DCP) 2014.
- 1.5 The development fully complies with the provisions and development standards in the Growth Centres SEPP.
- 1.6 The development complies with the Growth Centres DCP, with the exception of road pattern variations to the Marsden Park Indicative Layout Plan (ILP). These variations have previously been approved within Stockland's Precinct 1 and will provide a consistent road design in the Elara residential estate. The variations include:
 - An amendment to the minimum local street widths and road widths, reducing the collector road width from 20.8m to 20m which reduces the verge width from 0.9m to 0.6m, and reducing the local roads from 16.6m to 16m which reduces the verge width from 0.6m to 0.3m. These changes are proposed so that the road network is consistent with previous approvals in Stockland's Precinct 1 of the Elara residential estate.
 - The configuration of collector roads was amended to include a 'green link road' (28m wide) to link the public recreation areas in the north of Stockland's development with the public recreation areas to the south.
 - Road pattern variation in Stages 15 and 16 with a revision of the road layout to satisfy Blacktown City Council's stormwater drainage criteria, to eliminate the 90 degree bends in the local road network, and remove private shared driveways from the proposed development, in order that all stormwater drainage flows are wholly contained within Council's road reserve.
 - Deletion of an intersection from Stage 16.

- Road connections along the western property boundary have been modified to integrate with the road network designed for Precinct 2 by providing a link road to join with Lot 10 in DP 1178982 situated to the west. This proposed road pattern amendment was at the request of NSW Roads and Maritime Services.

The proposed variations to the ILP are considered acceptable as it results in a more desirable traffic management outcome for the area as a whole, and creates a better stormwater engineering outcome with all stormwater drainage flows being wholly contained within Council's road reserve. The street network and street hierarchy have been improved to increase linkages to arterial and sub-arterial roads. The proposed variations to the ILP are internal to Precinct 2 and do not impact on any adjoining property.

- 1.7 The proposed development was notified to property owners and occupiers in the locality from 30 November 2015 to 14 December 2015. The DA was also advertised in the local newspapers and a sign was placed on site. No submissions were received.
- 1.8 Overall, the development is considered satisfactory with regard to relevant matters such as traffic and access, stormwater drainage, ESD, site contamination, salinity, flora and fauna, Aboriginal archaeology, European heritage, social and economic impacts. The proposed development has been assessed against the relevant matters for consideration under Section 79C of the Environmental Planning and Assessment Act 1979, including the suitability of the site and the public interest, and is considered satisfactory.
- 1.9 It is recommended that the proposed development be approved, subject to the conditions documented in **Attachment 1** of this report.

2. Location

- 2.1 The site is located in the Marsden Park Precinct in the North West Growth Centre as identified by the Growth Centres SEPP.
- 2.2 The wider Marsden Park Residential Development is bounded by South Creek to the North, Richmond Road to the East, the Marsden Park Industrial Precinct and St Marys' subdivision to the South, and Stony Creek Road to the West. Refer to Figure 3 below. Stockland Development's Precinct 2 which is the site of a proposed 635 lot residential subdivision is located north of the future Marsden Park North Village Centre. It is located several kilometres west of the Riverstone and Schofields railway stations.
- 2.3 Part of the site being the southern end is located within a recently approved subdivision. The location of the site is shown in Figure 2 below. The land immediately to the south of the site is zoned R3 Medium Density Residential, RE1 Public Recreation and B2 Local Centre, with a building height limit of 14 metres. The land immediately to the west and east of the site is zoned R2 Low Density Residential, with a building height limit of 9 metres.
- 2.4 Abutting the site to the north is the Clydesdale House Estate (Lot 2 in DP 260476). Clydesdale House is listed as a State Heritage Item (*Clydesdale – Grand House, Barn and Cottage*).
- 2.5 The locality is characterised by large lot rural residential development. However, it is undergoing transition with a number of subdivisions, dwellings and integrated housing development recently approved or under assessment in the locality.

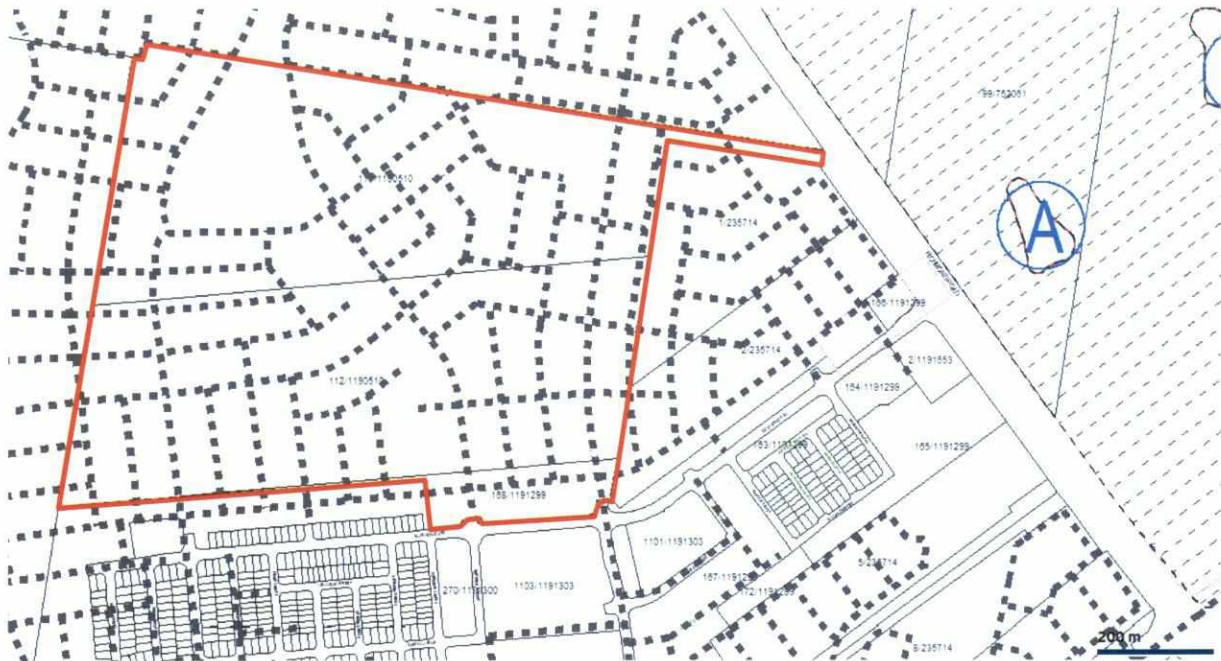


Figure 2. Map of site (Source: Gisweb)

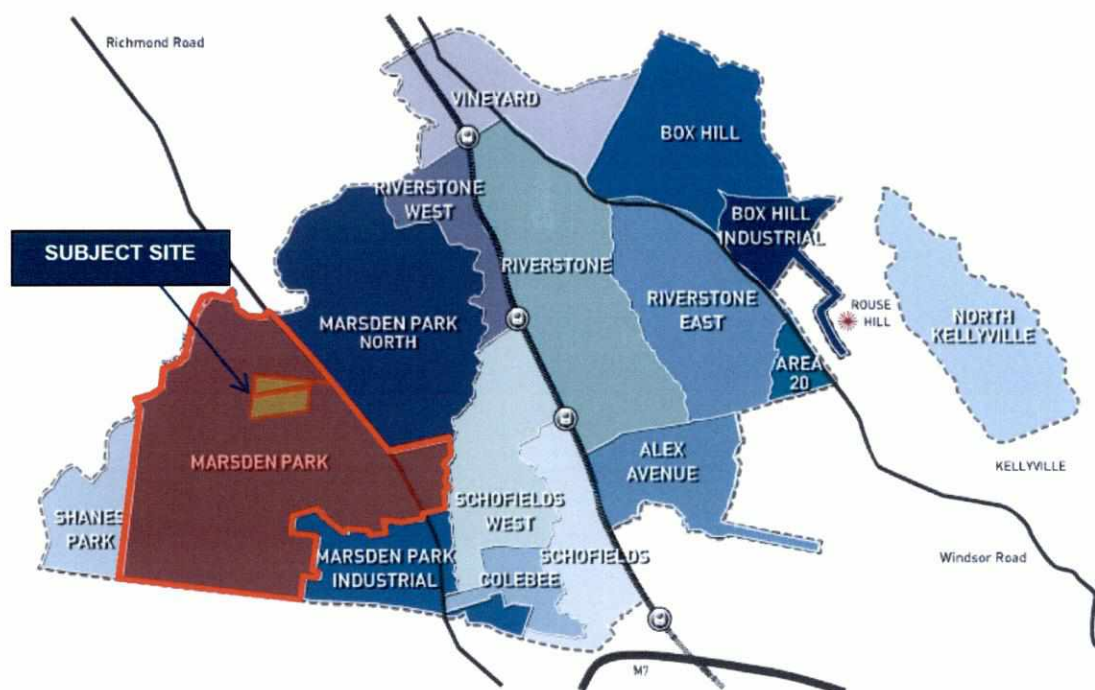


Figure 3. Location map of Stockland's Precincts 2 and 3 within Marsden Park Precinct, in the North West Growth Centre (Source: Department of Planning and Environment: North West Growth Centre)

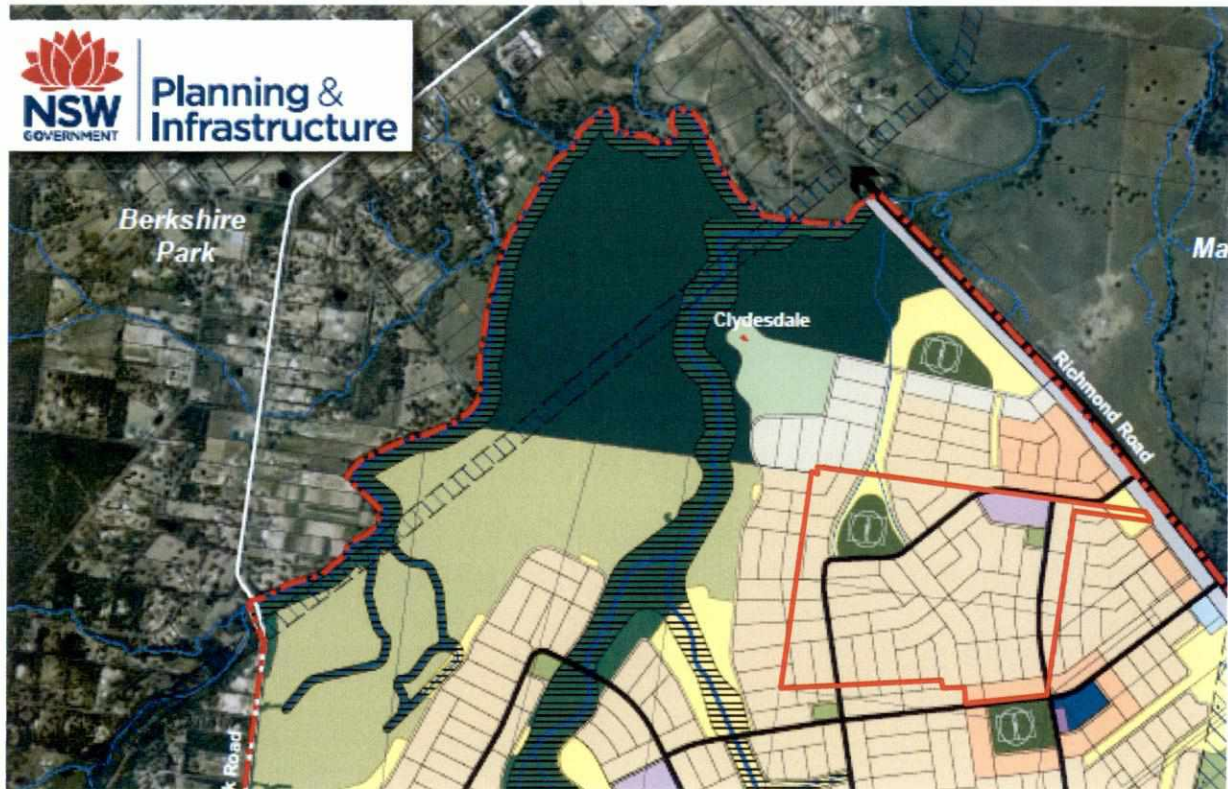


Figure 4. Extract from Marsden Park Indicative Layout Plan (DoPE, 2010)

3. Site description

- 3.1 The site is known as Lot 111 and Lot 112 in DP 1190510 Richmond Road, and residue Lot 168 in DP 1191299 Elara Boulevard, Marsden Park.
- 3.2 The site is vacant land previously used for rural purposes, primarily cattle grazing.
- 3.3 The site adjoins Richmond Road to the north via the access handle on battle-axe Lot 111 DP 1190510. Access to the development for the purpose of construction from Richmond Road will be via this access handle which extends along the northern property boundary of Lot 111 to the east of Richmond Road. Lot 112 DP 1190510 benefits from a right of access registered on the deposited plan which extends southwards along the eastern property boundary. Primary access to the development will be through the internal roads.
- 3.4 Vehicular access to the future residential lots will be provided off Elara Boulevard to the south. Elara Boulevard connects with Richmond Road in the east via a new signalised intersection. Richmond Road has recently been upgraded.
- 3.5 The site is irregular in shape. Abutting Lot 112 DP 1190510 to the south is Residue Lot 168 in DP 1191299, which is located in Stockland's Precinct 1, and adjoins Elara Boulevard.
- 3.6 The total combined site area is approximately 80 hectares. Stockland's Precinct 2 is approximately 40 hectares and provides for 635 low density residential lots.
- 3.7 The land generally slopes down to the north-west with the slope falling from RL 29.60 AHD on the southern boundary to RL 17.3 AHD in the north-west of the site in the location of future drainage works.



Figure 5. Aerial view from Nearmap captured 6 December 2015

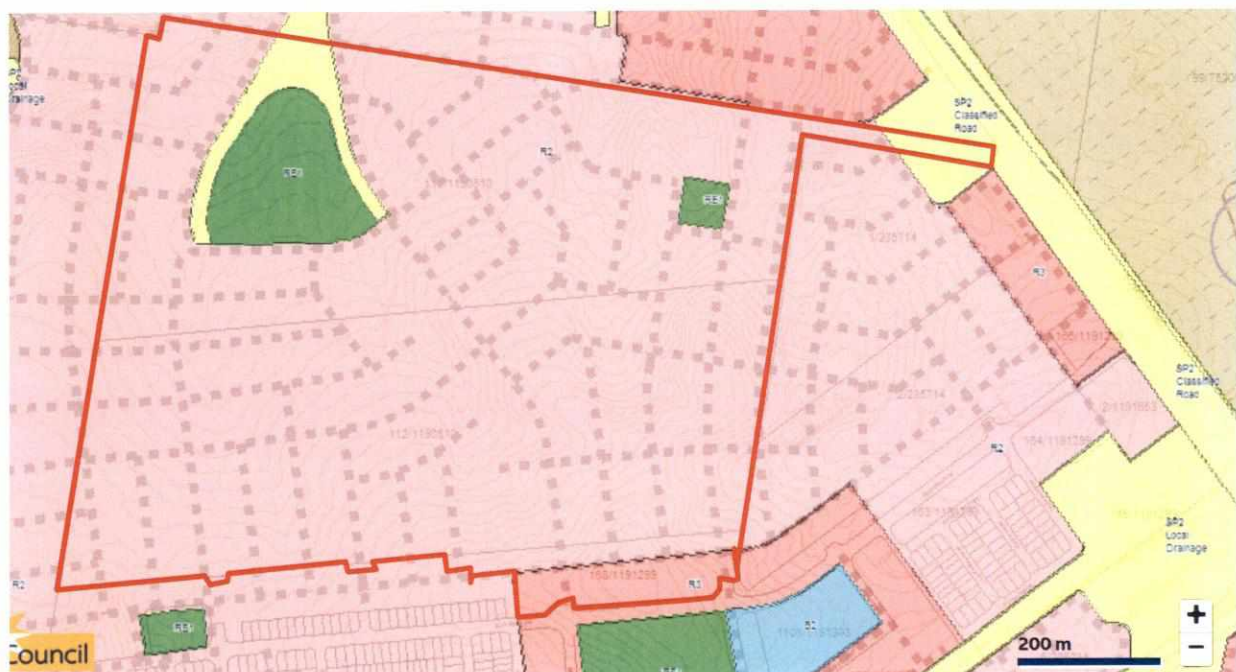


Figure 6. Zoning extract (BCC, 2016)

4. Background

- 4.1 On 4 October 2013, the site was rezoned to R2 Low Density Residential, R3 Medium Density Residential, SP2 Infrastructure (Drainage), SP2 Infrastructure (Classified Road) and RE1 Public Recreation under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The site was rezoned from its previous 1(a) General Rural zoning under Blacktown Local Environmental Plan 1988 to its current zoning as part of the gazettal of the Marsden Park Precinct of the North West Growth Centre.
- 4.2 A separate DA (DA-14-1948) for bulk earthworks, associated vegetation removal and ground contouring to facilitate the future urban development of Stockland's residential lands was approved on 22 January 2015. These bulk earthworks included Precincts 2 and 3 (i.e. Lot 111 in DP 1190510 and Lot 112 in DP 1190510), and Lot 2 in DP 235714 which is located east of Lots 111 and 112 and is adjacent to Richmond Road. Grading for the lots and roads has been undertaken as part of DA-14-1948.

5. The proposal

- 5.1 The DA seeks approval for a 635 lot, low density residential subdivision (as amended) in stages from Stage 15A to 23, which includes the creation of 2 superlots and 4 residue lots, construction of public roads, temporary Basin No 4 and 2 drainage channels, with associated subdivision works, and civil construction works, including tree removal, street trees and an acoustic barrier. The amended staging plan introduced Stage 15A which created a superlot from which the residential subdivision is derived (see Figure 7). This was to meet the voluntary planning agreement requirements set by the Department of Planning and Environment.

The proposal is outlined below:

- i. 635 lot Torrens title subdivision being:
 - o Stage 15 – 99 lots (Lots 1501 to 1599)
 - o Stage 16 – 97 lots (Lots 1601 to 1697)
 - o Stage 17 – 46 lots (Lots 1701 to 1746)
 - o Stage 18 – 82 lots (Lots 1801 to 1882)
 - o Stage 19 – 94 lots (Lots 1901 to 1994)
 - o Stage 20 – 73 lots (Lots 2001 to 2073)
 - o Stage 21 – 18 lots (Lots 2101 to 2118)
 - o Stage 22 – 37 lots (Lots 2201 to 2237)
 - o Stage 23 – 89 lots (Lots 2301 to 2389).
- ii. Two superlots for future medium density development within Stage 15
- iii. Four residue lots which adjoin the surrounding landholdings.



Figure 7. Amended Subdivision Plan (Source: Cardno, Dwg 108-12G L15 [07]-ST15-23 – 1 of 12, Amend. No 07 dated 17/12/2015 details: Stage Numbers Amended)

5.2 A breakdown of the lot types based on lot frontage is shown below:

Lot Type	Stage									Total Lots	%
	15	16	17	18	19	20	21	22	23		
Corner Lot	10	11	12	12	16	11	5	7	12	96	15%
9m - 10m	37	37	0	3	25	0	0	0	22	124	20%
12.5m	42	28	18	25	37	20	1	19	34	224	35%
14.5m - 15m	8	18	15	42	16	41	11	11	17	179	28%
17m+	2	3	1	0	0	1	1	0	4	12	2%
Total	99	97	46	82	94	73	18	37	89	635	100%

Table 1: Summary of lot mix according to frontage

Various lot sizes have been incorporated into the subdivision design, ranging from 250sqm to 518sqm, which all exceed the minimum lot size for a detached dwelling house. Lots less than 300sqm have been provided with a building envelope plan. The proposal provides for 520 conventional lots, and for 115 small lots with building envelope plans.

- 5.3 Works are proposed to create temporary Basin No 4 with 2 drainage channels in Stockland's Precinct 3. This area will be developed for future sporting facilities. The proposed works involved approximately 38,709 cubic metres of cut and 10,635 cubic metres of fill over an area of approximately 85,000 square metres. Approximately 28,000 cubic metres of additional water storage capacity will be created in Precinct 3. The basin and channels have been designed to capture run-off and ensure water flowing north into Clydesdale Estate (Lot 2 DP 260476) is less than or equal to the pre-development flows. The proposed drainage works are temporary until a future

permanent basin is constructed on the adjoining lot to the north, Lot 2 DP 260476, in accordance with the Marsden Park Precinct Plan.

- 5.4 Street network, street hierarchy and road construction is consistent with the Precinct's ILP, with the exception of minor variations discussed in Section 9 of this report.

5.5 Landscaping

A landscape masterplan has been provided which outlines street tree planting, landscaping and the proposed 'green link road' which will link the north playing fields with the south playing fields. An amended plan to reflect variations to the ILP will be conditioned.

5.6 Acoustics

An acoustic report was prepared by Renzo Tonin and Associates dated 1 September 2015. Extended construction hours are sought being: 7am to 6pm Monday to Friday, and 8am to 6pm weekends and public holidays for subdivision and civil construction works in Precinct 2; 24 hours seven days and public holidays for stockpiling works in Precinct 3, and 7.00am to 10.00pm for earthworks in Precinct 3. The report undertook a noise assessment of construction activities and quantified the potential noise impacts on future residential properties in Stockland's Precinct 1. Three receivers were placed 50 metres and 70 metres south of the proposed works, and 240 metres east of the proposed works. A noise attenuation barrier is proposed along the southern boundary of Stockland's Precinct 2 to mitigate noise impacts for residents in Stockland's Precinct 1. This is comprised of an acoustic barrier along part of the southern boundary, and a 70 metre buffer zone adjoining the acoustic barrier. A management procedure to address how noise complaints be handled was proposed. (**Conditions 6.2.2, 6.2.3**).

5.7 Salinity

The site contains some small areas identified as having 'very low salinity potential'. A salinity management plan was prepared as part of the submitted Salinity and Geotechnical Report prepared by GeoEnviro Consultancy Pty Ltd dated July 2013 which was submitted under bulk earthworks DA-14-1948, for works in Stockland's Precincts 2 and 3. The report assessed and gave recommendations on site preparation and earthworks, slope stability and stabilisation, road and pavement design, and foundations, footings and slabs for future residential development. Suitable conditions were imposed under DA-14-1948 which ensured that all works were carried out to limit potential hazards or environmental risks related to salinity at the site. (**Conditions 6.5.1 and 6.5.2**).

5.8 Contamination

A contamination report was prepared by JBS Environmental as part of its Environmental Site Assessment for the Marsden Park Land Release, dated September 2014, and submitted under bulk earthworks DA-14-1948 for bulk earthworks on the subject site. Contamination had been previously addressed under DA-13-1945 and Section 96-14-2174, as discussed in Section 6 below. The consultant has indicated that a soil contamination assessment, including extensive soil sampling, has been carried out on the site. The consultant concluded that based on a review of the site, site walk-overs and testing, the subject site contains no known contaminants requiring remediation. Bulk earthworks are ongoing on the site at the time of writing. A **condition** will be imposed requiring final site validation as suitable for residential development to be tendered to Council prior to the release of any subdivision certificate. (**Conditions 6.7.1 and 8.10.1**).

5.9 Traffic

Two traffic reports were submitted with the application. A Traffic Impact Assessment (TIA) for Marsden Park Residential Precinct 2 Stages 15-23 which was prepared by Cardno dated 1 September 2015, and a Technical Memorandum (TM) prepared by Cardno dated 4 June 2015 which addressed the traffic impacts associated with the construction site access, as civil works were planned over a period of 24 months. The TIA addressed all traffic network impacts, and addressed improvement considerations to public transport, walking, cycling and road networks. The report also outlined the creation of a 'green link road' 28 metres wide, and outlined the limited availability of public transport services and active transport infrastructure mainly due to the rural and undeveloped nature of the area. The proposed bus network will link passengers to Riverstone Railway station. The report concluded that the traffic impacts of the proposed development were acceptable, notwithstanding the moderate accessibility of the rail network and the potential for bus services to improve in the future.

- 5.10 The TM provided an intersection assessment relating to Stockland's Precincts 2, 3 and 4 undertaken in September 2014 and February 2015. The TM proposed access to the site via an intersection on Richmond Road which has a seagull arrangement and was constructed under the Stage 3A Richmond Road upgrade works. No construction vehicles would be accessing the site via Elara Boulevard, as that access was limited to the construction vehicles associated with Stockland's Precinct 1 housing construction. Approval was sought for construction works over a duration of 24 months, with temporary utilisation of the existing Richmond Road/Construction Access, with a maximum of 16 vehicle movements per peak hour through the intersection, and the total number of construction vehicles using the site access not to exceed 100 trips per hour.

5.11 Waste Management

A waste management plan was prepared by the applicant. It is not anticipated that any significant waste will be generated as minor ground contouring works and roads will be constructed over the site.

- 5.12 An assessment of the key issues in the proposal is provided in Section 9 and a copy of the development plans is included at **Attachment 2**.

6. Planning controls

- 6.1 The planning controls that relate to the proposed development are as follows:

(a) Environmental Planning and Assessment Act 1979

For an assessment against the Section 79C 'Heads of Consideration' please refer to **Attachment 3**.

(b) State Environmental Planning Policy (State and Regional Development) 2011

SEPP (State and Regional Development) 2011 confers 'Regional Development' as listed in Schedule 4A of the Environmental Planning and Assessment Act 1979 to the Joint Regional Planning Panel (JRPP) for determination. The proposed development constitutes 'Regional Development' requiring referral to a JRPP for determination as the proposed development has a Capital Investment Value of more than \$20 million. While Council is responsible for the assessment of the DA, determination of the application will be made by the JRPP.

(c) **State Environmental Planning Policy (Infrastructure) 2007**

SEPP (Infrastructure) 2007 ensures that the RMS is made aware of and allowed to comment on development nominated as 'traffic generating development' listed under Schedule 3 of the SEPP. The proposed development proposes more than 200 lots and has access to a classified road, Richmond Road, via the battle-axe access handle of Lot 111 DP 1190510 from the existing seagull intersection at Richmond Road. Therefore, the development is classified as 'traffic generating development' to be referred to RMS' under the SEPP. RMS requested amendments to the road network and provided concurrence and comments for Council's consideration. See **Section 7** for further details.

(d) **State Environmental Planning Policy No. 55 – Remediation of Land**

State Environmental Planning Policy No. 55 – Remediation of Land aims to *'provide a State wide planning approach to the remediation of contaminated land'*. Where contamination is, or may be, present, the SEPP requires a proponent to investigate the site and provide the consent authority with the information to carry out its planning functions. Site contamination was addressed within Stockland's precincts under DA-13-1945, and Section 96-14-2174 which addressed contamination concerns on the site. These consents approved a modified remediation strategy which allowed the capping and burial of contaminated materials found on site beneath the northern playing field. It was also addressed under the bulk earthworks DA-14-1948. In addition, suitable **conditions** will be imposed on any development consent to address these matters and to ensure that the site is made suitable for residential development without any limitations (**Conditions 6.7.1 and 8.10.1**).

(e) **State Environmental Planning Policy No 20 Hawkesbury Nepean River**

The subject site is within the catchment draining into the Hawkesbury Nepean River system, thus the provisions of this deemed SEPP apply. The development meets the broad aim of the SEPP as it ensures that the impact of urban development on the river system is minimised through measures carried out during civil works and subdivision works so that there are negligible impacts on the river system. An erosion and sediment control plan (ESCP) has been provided which addresses issues such as catchment management, water quality and quantity and protection of the environment. Close monitoring during civil construction works will ensure that the mitigation measures contained in the ESCP are installed correctly and work effectively. Suitable **conditions** will be imposed on the development consent to ensure compliance with the ESCP. (**Condition 4.6.1, 5.1.1, 5.1.4, 5.1.6, 6.1.5, 7.5.1, 7.5.3, 7.7.1**).

(f) **State Environmental Planning Policy (Sydney Region Growth Centres) 2006**

The subject site is zoned R2 Low Density Residential, R3 Medium Density Residential, SP2 Infrastructure (Local Drainage), SP2 Infrastructure (Classified Road) and RE1 Public Recreation, under the Growth Centres SEPP, Appendix 12 – Blacktown Growth Centres Precinct Plan. Earthworks, drainage, subdivision and road construction are permissible in these zones with consent. **Attachment 4** provides an assessment of the development standards established in the Growth Centres SEPP and the proposal's compliance with these standards.

(g) **Blacktown City Council Growth Centres Precincts Development Control Plan 2014 (Growth Centres DCP)**

The Growth Centres DCP applies to the site. **Attachment 5** provides a table that outlines the proposal's compliance with the DCP. The development complies with the development standards, in particular Section 3.0 Neighbourhood and

subdivision design and Section 4.0 Development in the residential zones, with the exception of variations to the Precinct's ILP. Variations to the ILP are discussed in detail in Section 9 of this report.

7. External referrals

7.1 The DA was referred to the following external authorities as summarised below:

Authority	Comments
Roads and Maritime Services (RMS)	RMS reviewed the application and required the proposed local roads to be built to the boundary to facilitate any future development on adjoining lots. Amended plans including the creation of a 'western link road' were provided to RMS for review and comment. RMS has no objection to the proposal.
Sydney Water	The DA was notified to Sydney Water as the development seeks approval for 635 residential lots. Sydney Water has reviewed the proposal, and provided comments for Council's consideration, and identified the need for a Section 73 Certificate, which is included as a condition in the consent (Condition 8.6.1).

8. Internal referrals

8.1 The DA was referred to the internal sections of council as summarised below:

Section	Comments
Engineering	No objections subject to conditions (Conditions 2.5, 2.6, 3.1, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.8, 4.9, 4.10, 4.12, 4.13, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.9, 7.10, 7.11, 8.2, 8.3, 8.5, 8.7, 8.8, 8.9, 8.16, 8.17 and 8.19).
Environmental Health	No objections subject to conditions . Further discussion is below in Section 9 regarding construction noise. (Conditions 1.4, 5.1, 6.2, 6.8 and 6.9).
Drainage	No objections subject to conditions (Conditions 2.7, 4.4, 4.5, 8.20 and 8.21).
Building	No objections subject to conditions (Conditions 8.11).
Traffic Management Services (TMS)	Council's Traffic Engineer has reviewed the DA and has no objections subject to conditions . Further discussion is below in Section 9. (Condition 3.5).
Waste Services	No objections subject to conditions (Conditions 6.2.5 and 6.3.1).
Heritage	Council's Heritage Officer has reviewed the DA and provided comments and has no objection subject to conditions . Further discussion is below in Section 9. (Conditions 6.4 and 8.22).
Civil and Open Space Infrastructure	No objections subject to conditions (Conditions 1.8, 3.3, 6.10, 8.1 and 8.5).
Section 94	The Deed of Variation to the Marsden Park Precinct Planning Agreement was executed on 8 February 2016. No objections subject to conditions (Conditions 8.12 and 8.13).

9. Key issues

9.1 An assessment of the key issues relating to the proposed development is presented below:

(a) **Blacktown City Council Growth Centre Precincts Development Control Plan 2014 (Growth Centres DCP)**

Attachment 5 provides a table that outlines the proposal's compliance with the Growth Centres DCP, with the exception of the ILP variations as outlined below.

ILP Variations

The proposed departure from the ILP are as follows:

- Road connections along the western property boundary have been modified to integrate with the road network designed for Precinct 2 by providing a western link road to join Lot 112 DP 1190510 with Lot 10 in DP 1178982 situated to the west. This proposed road pattern amendment was at the request of NSW RMS.
- An intersection to be deleted from Stage 16.
- Proposed departure from the adopted DCP road pattern in Stages 15 and 16 with a revision of the road layout to satisfy Council's stormwater drainage criteria, to eliminate the 90 degree bends in the local road network, and remove private shared driveways from the proposed development, in order that all stormwater drainage flows are wholly contained within Council's road reserve.
- A departure from the minimum local street widths and road widths.
- Configuration of collector roads to include the creation of a 'green link road' to link the public recreation areas in the north of Stockland's development with the public recreation areas in the south.
- None of these departure from the ILP impact on adjoining properties as these changes are internal to the subdivision.

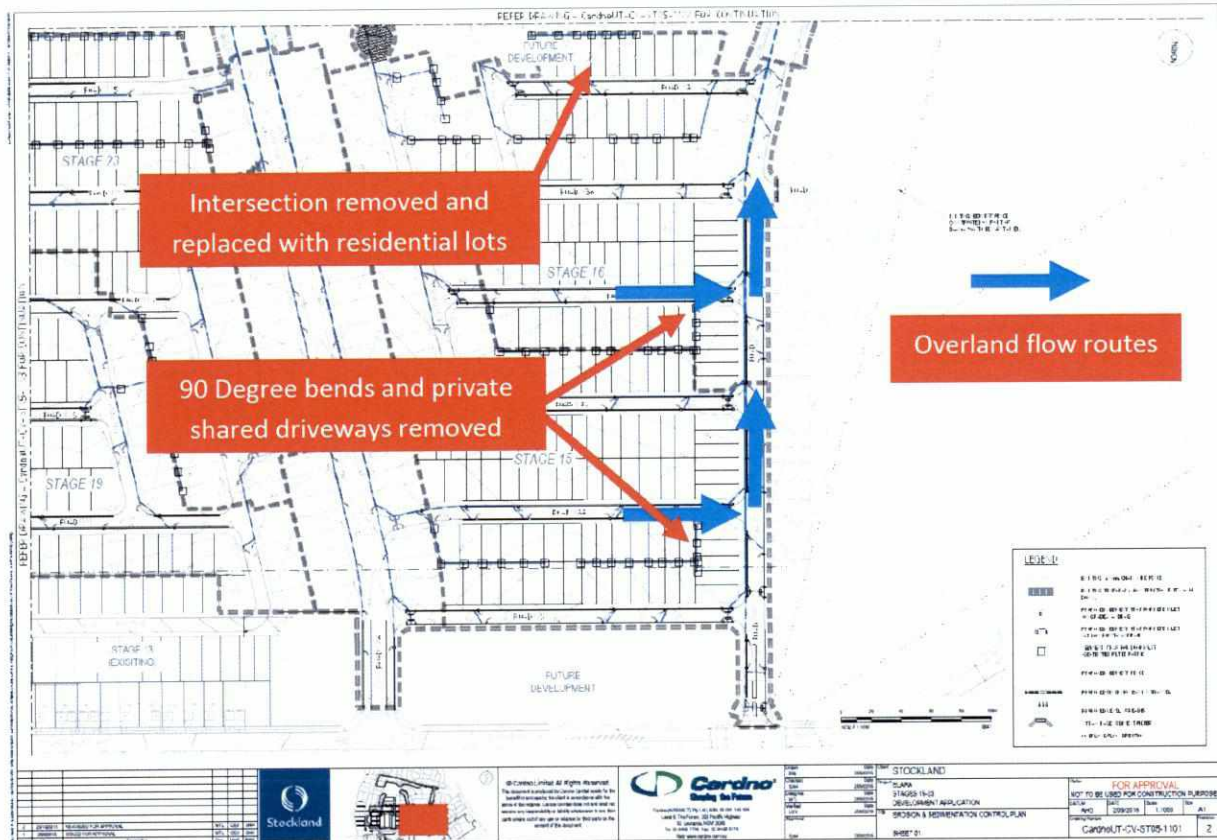


Figure 8. Amended Stage 15 and 16 Development Proposal with Lot Yield of 635 Lots
(Source: Cardno, Dwg. No CardnoUT-CV-ST05-1101, Revision 2)

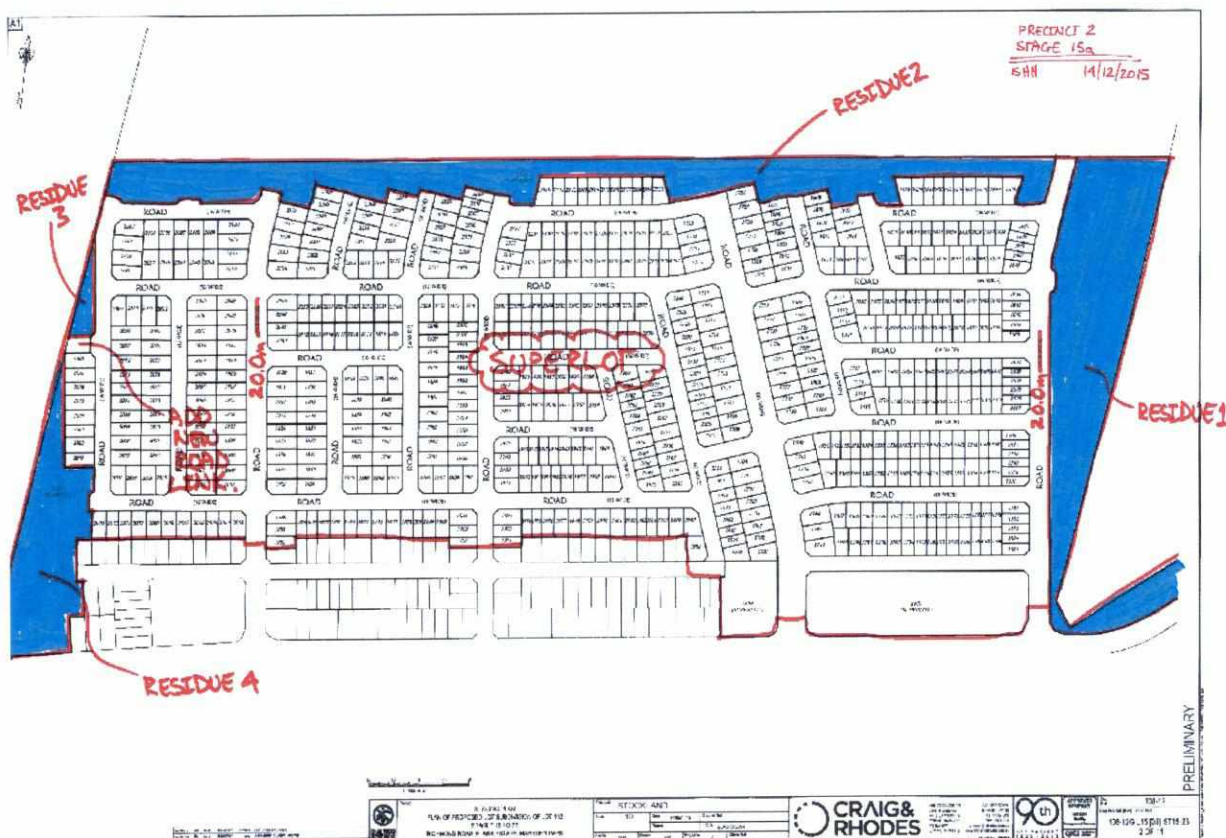


Figure 9. Amended Staging Plan to create Stage 15A Superlot for Subdivision and New Western Road Link (Source: Cardno)

The development complies with the Growth Centres DCP, with the exception of the above minor variations from the ILP. These variations have previously been approved in Stockland's Precinct 1 and will provide a consistent road design in the Elara residential estate.

The proposed variations from the ILP are considered acceptable as it results in a more desirable traffic management outcome for the area as a whole, and creates a better stormwater engineering outcome with all stormwater drainage flows being wholly contained within Council's road reserve to ensure compliance with Council's Engineering Guide for Development 2005. As a result of these changes, the street network and street hierarchy have been improved, with increased linkages to arterial and sub-arterial roads. See Figure below. Refer to assessment in **Attachment 5**.

(b) Cut and fill

The proposed works involve minor land contouring for residential subdivision works, and excavation works in the location of temporary Basin No 4 and 2 drainage channels. The development is considered satisfactory in relation to cut and fill as it will not affect drainage patterns. The proposed works involve approximately 38,709 cubic metres of cut and 10,635 cubic metres of fill over an area of approximately 85,000 square metres. This will result in approximately 28,000 cubic metres of additional water storage capacity with no adverse impact on flood behaviour. The fill material will be primarily sourced from tunnelling projects from Sydney Metro Northwest tunnelling works at locations in Bella Vista and Castle Hill. **Conditions** will be imposed relating to salinity investigation and management to ensure soil stability on the subject site. An erosion and sediment control plan has been submitted. (**Conditions 2.5, 4.6, 5.1, 6.1.5, 6.5 and 7.5**).

(c) Tree removal

Tree removal has been carried out under DA-14-1948 in Stockland's Precinct 2 and 3 which involved bulk earthworks. The precincts are currently vacant, with the exception of some vegetation in the north-western corner. It is proposed to remove a scattering of trees in the location of temporary Basin No 4 and 2 drainage channels. This area is the future location for sporting facilities under the Precinct Plan. The proposed development is within "certified lands" and further assessment of flora and fauna under the *Threatened Species Conservation Act 1995*.

(d) Aboriginal archaeology

An Aboriginal Heritage Impact Permit (AHIP) C0000307 has been issued by the NSW Office of Environment and Heritage on 3 April 2014 under section 90 of the *National Parks and Wildlife Act 1974*. Attached to the AHIP was Attachment 2: Map of Location of Reburial of Aboriginal Objects (Coloured Green). **Conditions** will be imposed regarding protocols should any Aboriginal archaeological relics be uncovered. (**Condition 6.4**).

(e) European heritage

A Heritage Impact Statement was prepared by Environmental Resources Management Australia Pty Ltd in relation to excavation and basin filling works proposed for Lot 111 DP 1190510 and Lot 10 DP 1178982 (Woorong Park) as both lots abuts Clydesdale Estate, a State Heritage item. The HIS states that the proposed work do not occur in an identified area of heritage value and are unlikely to have impacts on historic heritage values. Council's Heritage Officer commented that the proposed residential subdivision will not impact on the Heritage Item and is not located in the vicinity. The temporary cut and fill basin is unlikely to have visual

impact on the Heritage Item. Works should be subject to the recommendations of the HIS for the management of potential archaeological remains. (**Condition 6.4**).

(f) Noise impacts

A construction noise assessment report was prepared by Renzo Tonin and Associates which quantified potential noise impacts associated with extended construction hours, and to assess potential noise impacts on future residential properties within Precinct 1. Receivers were located 50 metres south, 70 metres south and 240 metres east of the construction site. Construction hours proposed for Precinct 3 earthworks is between 7.00am to 10.00pm seven days including public holidays. Construction hours proposed for Precinct 3 stockpiling is 24 hours per day seven days including public holidays. Construction hours proposed for Precinct 2 subdivision and civil construction works is 7.00am to 6.00pm Monday to Friday, and 8.00am to 6.00pm Saturday, Sunday and public holidays. The report recommended noise mitigation and management measures including a complaints handling procedure and noise amelioration measures to be put in place in response to complaints. In addition a 1.8 metre high acoustic barrier is to be installed along part of the southern boundary of Precinct 2, with an adjoining 70 metre buffer zone north of the acoustic barrier. Works should be subject to the recommendations of the report for the management of potential noise complaints. (**Conditions 5.1 and 6.2**).

10. Public comment

10.1 The DA was notified to adjoining and nearby property owners and occupants for a period of 14 days from 30 November to 14 December 2015. An advertisement was also placed in the local newspaper and a notification sign placed on site.

10.2 In response to the public notification, no submissions were received.

11 Section 79C consideration

11.1 Consideration of the matters prescribed under Section 79C of the *Environmental Planning and Assessment Act 1979* is summarised in **Attachment 4**.

11.2 It is considered that the likely impacts of the development, including traffic and access, site contamination, stormwater quality, salinity, Aboriginal archaeology, European heritage, and construction noise impacts have been satisfactorily addressed, and where required suitable conditions have been imposed to address these likely impacts. Furthermore the proposal is in the public interest, and the site is considered suitable for the proposed development.

12 Concluding comments

12.1 The proposal is consistent with the objectives of *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* and the R2 Low Density Residential zone, the R3 Medium Density Residential zone, the SP2 Infrastructure (Local Drainage) zone, and the RE1 Public Recreation zone, and is permissible with consent. The proposal also complies with the provisions set out in *State Environmental Planning Policy (Infrastructure) 2007*. The development meets the requirements of the Blacktown City Council Growth Centre Precincts Development Control Plan 2014, and is considered satisfactory with regard to relevant matters such as access, traffic impact, stormwater drainage, site contamination, salinity, flora and fauna, Aboriginal archaeology, European

heritage, social and economic impacts, subject to the imposition of suitable conditions of consent to satisfactorily control the development.

- 12.2 The proposed variations from the ILP are considered acceptable based on their merits, and will provide for better outcomes in terms of access and stormwater outcomes and improve connections to the road network for adjoining properties.

13 Recommendation

- 13.1 The development application be approved by the Sydney West Joint Regional Planning Panel subject to the conditions held at **Attachment 1**.



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