

DA no.: JRPP-15-01997

Proposal: Torrens Title Subdivision into 635 residential lots, 2 superlots, 4 residue lots, roads, temporary drainage and associated subdivision works

Location: Lot 168 DP 1191299 Elara Boulevard and Lots 111 and 112 DP 1190510 Richmond Road, Marsden Park

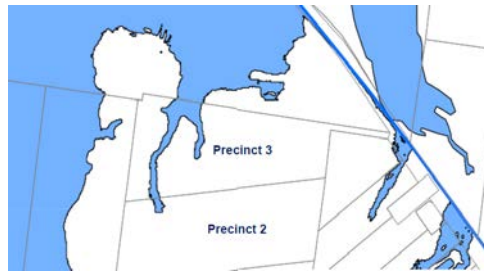
Compliance with SEPP (Sydney Region Growth Centres) 2006 General controls within main body of the SEPP		
Clause	Proposal	Complies
Part 2 Land use and other development controls resulting from precinct planning		
Cl.7 The provisions applying to the carrying out of development in a precinct are specified in table	Marsden Park Precinct – Appendix 12 Blacktown Growth Centres Precinct Plan 2013 applies. See assessment below against Appendix 12.	Yes
Cl. 7B Development in growth centres under other EPIs – Part 7 of Schedule 7 to the Threatened Species Conservation Act 1995	<p>Tree removal has been carried out under the approval granted to bulk earthworks under DA-14-1948 in Stockland's Precincts 2 and 3. Precincts 2 and 3 are currently vacant with the exception of some vegetation in the north-western corner.</p> <p>Under this DA it is proposed to remove a scattering of trees which are located in the north-western area of battle-axe Lot 111 DP 1190510, located in the area where temporary Basin No 4 and 2 drainage channels are proposed. This area will be the future location for sporting facilities. A berm with a weir structure will be created along the northern boundary of the basin to control run-off to the adjoining lot to the north (Lot 2 DP 260476).</p> <p>Under the Biodiversity Certificate Order issued by the then Minister for Climate Change, Environment and Water on 11 December 2007, the proposed development, being in "certified lands" can occur without the need for any further assessment of flora and fauna under the Threatened Species Conservation Act 1995.</p> <p>Suitable conditions have been imposed requiring the retention and protection of any trees not previously approved for removal by DA-14-1948, in addition to a condition relating to removal of hollow-bearing trees or trees containing nests and having due regard for the protection of any fauna present. (See Conditions Nos. 4.11 and 4.12).</p>	Yes

Part 5 Development controls – flood prone and major creek land

Cl.19 Development on flood prone and major creeks land—additional heads of consideration

- (2)(a) Will development adversely affect flood behaviour

The site is identified by the SEPP Development Control Map as being affected by flood prone or major creeks land. (See figure below from Growth Centres SEPP 2006 – Development Control Map). The proposed temporary Basin No 4 on the north-western area of Lot 111 DP 1190510 is located within the 100 year regional flood plain. This area is identified under the Growth Centres SEPP for future development for sporting facilities.



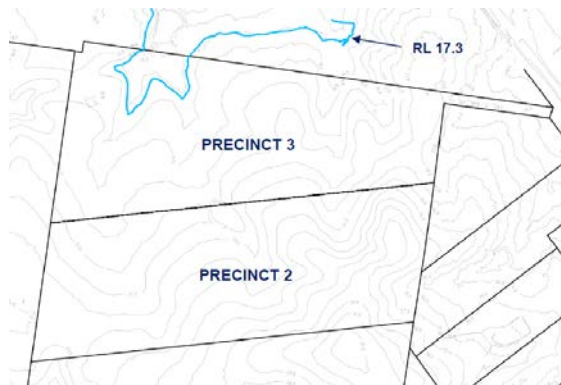
Source: Growth SEPP 2006 – Development Control Map

A minor portion in the north-east of Stockland's Precinct 2, being Lot 112 DP 1190510, is mapped within the area of flood prone and major creeks land.

The contours within Lot 112 DP 1190510 which is the site of the proposed subdivision, range from RL29.5AHD in the south-eastern corner to RL24AHD in the north-western corner. The site is well out of the area of the regional 100 year ARI flood (RL 17.3mAHD), and contains the PMF (26.4AHD). It is partly mapped as being at low risk of flooding. To improve stormwater flows on the site and at the request of Council's engineers, amendments to the ILP saw the deletion of ninety degree bends in the local street network and removal of private shared driveways in order to ensure that all stormwater drainage flows are wholly contained in Council's road reserve. Overland flows are directed east into Stockland's Precinct 4.

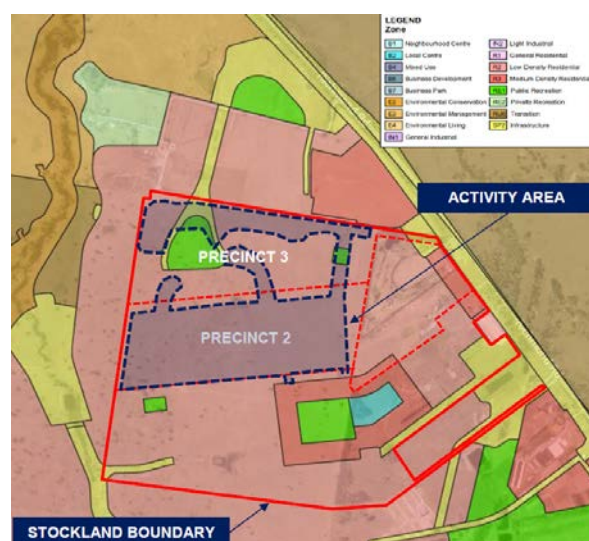
The location of the regional 100 year ARI flood (RL17.3AHD) is located in the north-west of Stockland's Precinct 3, which is the location of the activity area for temporary Basin No 4 and the 2 drainage channels.

Yes



Source: Cardno

See figure below, showing activity area in the residential zone.



Source: NSW DPI.

Council's mapping shows that approximately two-thirds of Stockland's Precinct 2, where low-density residential subdivision is proposed, is mapped in the low flood risk area.

No residential lots are proposed in Lot 111 DP 1190510 as part of this application.

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 impacts on flood behaviour.

- (2)(b) Will development alter flow distributions and velocities	Water drained from the activity area will be captured by temporary Basin No 4 and the 2 drainage channels located along the northern property boundary within Stockland's Precinct 3. The design will ensure that capture run-off and water flowing north into Clydesdale Estate (Lot 2 DP 260476 will be less than or equal to pre-development flows.	Yes
- (2)(c) Will development enable safe occupation of the flood prone and major creeks land	The proposal involves cut within the north-western corner of the site to facilitate construction of Temporary Basin 4. As discussed above, residential subdivision is proposed in Stockland's Precinct 2 part of which is mapped as being at low flooding risk on Council's flood map.	Yes
- (2)(d) Will development detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank / watercourse	<p>The proposal includes suitable sediment and erosion control measures to ensure flood plain and surrounding areas are not adversely impacted.</p> <p>The works will be battered at a minimum gradient of 1 in 4 to ensure a suitable transition between proposed and existing levels.</p>	Yes
- (2)(e) Will development be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding	The proposal does not include any structures below the 1 in 100 year flood line. All machinery and equipment will be stored above the 1 in 100 flood line. There will be no social or economic costs to the community as a result of the development.	Yes
- (2)(f) Is development compatible with the flow conveyance function of the floodway	The activity area will be graded to feed into the temporary Basin No 4 and the 2 drainage channels along the northern boundary of Stockland's Precinct 3. The channels follow the natural depression lines and are not considered to impact upon flow conveyance. Works are located on the fringe of the flood extent.	Yes
- (2)(g) Is development compatible with the flood hazard	The proposed works will result in an increase of flood storage capacity, which is not considered to impact upon the flood hazard.	Yes

<ul style="list-style-type: none"> - (2)(h) In the case of development consisting of the excavation or filling of land, whether or not the development will: - (i) affect existing drainage patterns and soil stability; - (ii) significantly impact on the likely future use or redevelopment of the land; - (iii) adversely impact on the existing and likely amenity of adjoining properties; - (iv) will minimise the disturbance of relics; and - (v) will adversely impact on any watercourse, drinking water catchment or environmentally sensitive area. 	<p>The development consists of both excavation and fill, and is satisfactory, as it will not affect drainage patterns. Proposed works are outlined under Clause 19(2)(a) above. Conditions will be imposed relating to salinity investigation and management to ensure soil stability on the site.</p> <p>The proposed drainage works includes the construction of stormwater channels and temporary Basin No 4 which will be temporary until the future permanent drainage basin is constructed to the north on Lot 2 DP 260476 as outlined in the Marsden Park Precinct Plan. The location will then be redeveloped as an area for recreational facilities.</p> <p>Conditions will be imposed to mitigate potential impacts on adjoining properties and to ensure compliance with Council's erosion and sediment control policy. (Conditions 2.5, 4.5, 4.6 and 4.9).</p> <p>An Aboriginal Heritage Impact Permit (AHIP) C0000307 was issued by the NSW Office of Environment and Heritage on 3 April 2014 under section 90 of the <i>National Parks and Wildlife Act 1974</i>. The AHIP application was in relation to the subdivision and development of Stage 1 Marsden Park Precinct, and includes the subject site. The AHIP considered existing Aboriginal heritage items.</p> <p>Temporary Basin No 4 will capture run-off from the site, and will protect water quality of nearby downstream watercourses including Little Creek.</p> <p>A scattered area of trees in the location of proposed temporary Basin No 4 will be removed. (Refer to discussion above under Part 2 Cl. 7B). Sediment and erosion control measures have been outlined in the submitted plans.</p>	<p>Yes</p>
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**Compliance with SEPP (Sydney Region Growth Centres) 2006
Appendix 12 – Blacktown Growth Centres Precinct Plan 2013 as applied to
Marsden Park Precinct**

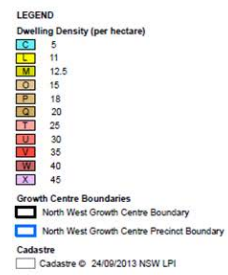
Clause	Proposal	Complies
Part 2 Permitted or prohibited development		
CI 2.1 Zoning & Land Use Tables	<p>The site is zoned R2 Low Density Residential, R3 Medium Density Residential, SP2 Infrastructure (Drainage), SP2 Infrastructure (Classified Road), and RE1 Public Recreation. Earthworks, roads, drainage and subdivision are permissible in the above zones with consent.</p> <p>One of the objectives of the R2 Zone is to provide for the housing needs of the community in a “low density environment” (subject to a minimum density requirement of 15 dwellings per hectare under Clause 4.1B of the Precinct Plan. The proposal provides for a dwelling density of 18.03 per hectare in Stockland’s Precinct 2.</p> <p>The proposed development for earthworks, subdivision, roads and drainage is not inconsistent with the objectives of the R2, R3, SP2 and RE1 zones and is permitted in these zones with development consent under Clauses 2.3 and 2.6 of the Precinct Plan. The proposed development complies with the relevant principal development standards, miscellaneous provisions and additional local provisions under Parts 4, 5 and 6 respectively of the Precinct Plan. This is further addressed later in the report.</p>	Yes
2.6 Subdivision – consent requirements	Land may be subdivided but only with development consent.	Yes

Part 4 Principal development standards

4.1 Minimum subdivision lot size		
4.1AA Subdivision resulting in lots between 225-300m² <ul style="list-style-type: none"> ➤ applies to R2 Low Density Residential zone and R3 Medium Density residential zone ➤ Development consent may be granted to subdivision resulting in lots less than 300sqm but not less than 225sqm if the consent authority is satisfied that the lot will contain a sufficient building envelope to enable the erection of a dwelling house on the lot. 	<p>Lots are sized between 250m² - 518m²</p> <p>Lots that are less than 300m² have been provided with building envelope plans (BEPs).</p>	Yes
4.1A	N/A	N/A
4.1AB Minimum lot sizes for residential development in Zone R2 Low Density Residential and Zone R3 Medium Density Residential <ul style="list-style-type: none"> ➤ (1) Objectives: to establish minimum lot size in Zone R2 and Zone R3 ➤ Ensure residential development results in the efficient use of land and contributes to the supply of new housing ➤ Ensure that residential development has adequate usable areas for buildings and open space ➤ Ensure residential development in Marsden Park is compatible with the character of the locality and surrounding residential areas ➤ Facilitate and encourage provision of a range of residential lot types, in particular small lot housing ➤ (2) This clause applies to Zone R2 and R3 ➤ (3) The minimum lot size for a dwelling house is 300m² if the dwelling density (per hectare) shown on the Residential Density Map in relation to the land is 15, 25 or 35. 	<p>The proposal meets the objectives of the clause, and provides for the efficient use of land, and contributes to housing supply in the Marsden Park Precinct of the North West Growth Centre.</p> <p>The proposal for 635 residential lots, which vary in size between 250m² and 518m², complies with this clause for those dwellings which are at least 300m² in size, given that the dwelling density per hectare as shown on the Growth Centres SEPP's Residential Density Map is 15. (Refer to figure which shows Growth Centres SEPP Residential Density Map below.)</p> <p>The proposal has provided adequate usable areas for buildings and open space, incorporating a 'green link road' which will provide for activities such as cycling and walking on shared pathways which will link the public recreation areas north of Stockland's Precinct 2 with the public recreation areas south of Stockland's Precinct 2.</p> <p>Residential development is not part of this application, so considerations relating to streetscape and character of the locality will be subject to assessment in future applications.</p> <p>The proposal facilitates and encourages provision of a range of residential lot types, and meets the requirements of the 40% rule.</p> <p>The minimum lot size for a dwelling house of 300m² is met, given that the dwelling density per hectare shown on the Residential Density Map is 15.</p> <p>Lots which are less than 300m² which are an exception to the above requirement, are permitted under the provisions outlined in Clause 4.1AA which required a building envelope plan to be provided for lots of 225m² to 299m². Refer to discussion above against this clause.</p>	Yes

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

North West Growth Centre
Residential Density Map
Sheet RDN_002



Extract from the Growth Centres SEPP – Residential Density Map, showing dwelling density of 15 per hectare

<p>4.1B Residential Density</p> <ul style="list-style-type: none"> ➤ (1) Objective: to establish minimum density requirements for residential development ➤ Ensure that residential development makes efficient use of land and infrastructure and contributes to the availability of new housing ➤ To ensure that the scale of residential development is compatible with the character of the precinct and adjoining land ➤ (2) This clause applies to residential development referred to in clause 4.1AB(3) or 4.1AC that is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and requires development consent, and is carried out after the commencement of this Precinct Plan ➤ (3) The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land ➤ (4) N/A ➤ (5) In this clause: <i>density</i> means the net developable area in hectares of the land on which the development is situated divided by the number of dwellings proposed to be located on that land; <i>net developable area</i> means the land occupied by the development, including internal streets plus half the width of any adjoining access roads that provide vehicular access, but excluding land that is not zoned for residential purposes. 	<p>This clause applies to residential development referred to in clause 4.1AB(3) or 4.1AC. The density is not to be less than the density shown on the Residential Density Map.</p> <p>A dwelling density of 18.03 dwellings per hectare is proposed for subdivision works (Stages 15A-23) which will result in a 635 lot subdivision in Stockland's Precinct 2, in proposed Lot 201 (37.1 hectares).</p> <p>The subdivision also proposes:</p> <p>Two superlots, being proposed Lot 1592 (1.43ha) and Lot 1593 (4,296m²) which are located in the R3 Medium Density Residential zone and will be developed in future as integrated housing.</p> <p>and four residue lots zoned R2 Low Density Residential, being:</p> <ul style="list-style-type: none"> ➤ Residue Lot 202 (5.1ha), abuts eastern boundary of Lot 112 DP 1190510 ➤ Residue Lot 203 (3.13ha), abuts northern boundary of Lot 112 DP 1190510 ➤ Residue Lots 204 (1,461m²) and 205 (2.66ha which abut the western boundary of Lot 112 DP 1190510. <p>The subdivision is proposed to be carried out in nine separate development stages in order to manage the construction process.</p> <p>The net developable area from which the subdivision for 635 lots is drawn is 35.2404 hectares, being 37.1hectares less the two superlots (which total 1.8596 hectares).</p> <p>The original application, being for 614 lots, had a dwelling density of 17.05 per hectare.</p> <p>The amended application which varied from the ILP, also increased the lot yield to 635 lots, resulting in a dwelling density of 18.03 per hectare.</p> <p>The minimum dwelling density of 15 dwellings per hectare is met.</p>	<p>Yes</p>
<p>4.3 Height of Buildings</p> <ul style="list-style-type: none"> ➤ Max. 9m 	<p>Maximum building height 9 m. No dwellings are proposed as part of the proposal.</p>	<p>N/A</p>
<p>4.4 Floor space ratio (NB. calculations to be in</p>	<p>No dwellings are proposed as part of this proposal.</p>	<p>N/A</p>

accordance with 4.5) ➤ Nil		
4.5 Calculation of floor space ratio and site area	No dwellings, buildings or facilities are proposed as part of this proposal.	N/A
4.6 Exceptions to development standard ➤ Request must be in writing	Nil sought.	N/A
Part 5 Miscellaneous provisions		
5.1 Relevant acquisition authority	<p>Parts of the site are identified for acquisition under the Growth Centres SEPP Land Reservation Acquisition Map. These include areas zoned under the Growth Centres SEPP as SP2 Infrastructure (Local Drainage) and SP2 Infrastructure (Classified Road), and RE1 Public Recreation.</p> <p>The proposed development site is generally vacant, with a scattering of trees to be removed in the north-west corner of the subject site to facilitate development of a temporary Basin No 4 and 2 drainage channels in a portion of Lot 111 DP 1190510 zoned RE1 Public Recreation.</p> <p>In accordance with the Growth Centres SEPP, two areas of public recreation within Precinct 3 (Lot 111 DP 1190510) will be set aside as public open spaces.</p> <p>Council is the authority to acquire land zoned SP2 Infrastructure (Local Drainage) and RE1 Public Recreation.</p> <p>Matters relating to land acquisition will be managed under a Voluntary Planning Agreement (VPA) under section 93F of the <i>Environmental Planning and Assessment Act 1979</i> which has been entered into by Stockland Development Pty Ltd.</p> <p>The Coordinator Contributions provided advice on 30 September 2015:</p> <p>“Stockland has met with us and will provide a letter to Council that sets out principles to enter into a Deed of Variation to the Marsden Park Precinct 1 Planning Agreement. The original VPA will be marked-up to include Precinct 2. Stockland’s works and land dedications in Precinct 1 will not cover the payment of contributions for Precinct 2, and they will be required to pay monetary contributions at various times as their staged linens are released”.</p> <p>Councils S94 Finance Committee resolved the following on 3 December 2015:</p> <p>“The committee agreed with the proposal on the basis that all final S94 works would be delivered by the developer as part of the VPA”.</p> <p>The Deed of Variation to the Marsden Park Precinct 1 Voluntary Planning Agreement which was extended to</p>	Yes

	include Precinct 2 was executed on 8 February 2016. (See Condition 8.12).	
5.9 Preservation of trees or vegetation	<p>Tree removal has been carried out under the approval granted for bulk earthworks in DA-14-1948.</p> <p>Under this DA it is proposed to remove a scattering of trees located in the area of temporary Basin No 4 and the 2 drainage channels. (Refer to discussion above under Part 2 Cl. 7B). This area will be the future location for sporting facilities.</p>	N/A
5.10 Heritage conservation	<p>Growth Centres SEPP mapping does not identify any items or areas of Aboriginal or European heritage on the subject site. Refer to further discussion in Attachment 8.</p> <p>An AHIP has been issued over Stage 1 Stockland development which includes the subject site.</p> <p>Conditions will be imposed re any Aboriginal relics uncovered. (See Conditions 6.4 and 8.22).</p>	N/A
Part 6 Additional local provisions		
6.1 Public utility infrastructure	The site is capable of being serviced with drinking water, sewer and electricity. Suitable conditions to be imposed. (See Conditions Nos 1.4, 1.6 and 2.2).	Yes
6.4 Native vegetation	See discussion above under Part 2 Clause 7B.	Yes