

Blacktown City Council assessment report Sydney West Central Planning Panel

Panel reference	2016SYW057 DA
DA number	JRPP-15-2324
LGA	Blacktown City Council
Proposed development	Integrated development for a 9 stage Torrens title subdivision to create 647 residential lots, 15 residue lots and a future park lot, construction of new roads, a drainage basin and associated drainage channels, and ancillary subdivision works
Street address	Lot 4, Lot 5 and Lot 7 DP 1078187, Lot 10 DP 1178982 and Lot 170 DP 1191299 Richmond Road and Elara Boulevard, Marsden Park
Applicant and owner	Applicant: Stockland Development Pty Ltd Owner: Winten Development Pty Ltd
Date of DA lodgement	23 October 2015
Land zoning:	R2 Low Density Residential RE1 Public Recreation SP2 Infrastructure – Local Drainage SP2 Infrastructure – Local Road E2 Environmental Conservation RU6 Transition Under State Environmental Planning Policy (Sydney Region Growth Centres) 2006
Capital investment value:	\$24,070,758
Regional development criteria (Schedule 4A of the EP&A Act)	CIV exceeds \$20 million
Number of submissions	0
Recommendation	Approval subject to conditions
Relevant s79C(1)(a) matters	<ul style="list-style-type: none"> State Environmental Planning Policy (Sydney Region Growth Centres) 2006 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy (Infrastructure) 2007 Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (Amendment No. 2) Blacktown City Council Growth Centre Precincts Development Control Plan 2010
Documents submitted with this report for the Panel's consideration	Council officer Assessment Report
Report prepared by	Aimee Lee, Assistant Team Leader Projects, Blacktown City Council
Report date	30 December 2016
Date to be considered by Panel	Electronically

Summary of s79C matters

Have all recommendations in relation to relevant s79C matters been summarised in the Executive Summary of the assessment report? **Yes**

Legislative clauses requiring consent authority satisfaction

Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarized, in the Executive Summary of the assessment report? **Yes**

Clause 4.6 Exceptions to development standards

If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report? **N/A**

Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (S94EF)? **Yes**

Conditions

Have draft conditions been provided to the applicant for comment? **Yes**

Assessment Report

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Attachments

Attachment 1	Draft conditions of consent
Attachment 2	Development Application plans
Attachment 3	Assessment of compliance with State Environmental Planning Policy (Sydney Region Growth Centres) 2006
Attachment 4	Assessment of compliance with Blacktown City Council Growth Centre Precincts Development Control Plan 2010
Attachment 5	Overlay of road network

1 Executive summary

- 1.1 Blacktown City is in receipt of a Development Application (DA) from Winten Pty Ltd for the staged subdivision of the subject site to create 647 residential lots, 15 residue lots and a future park lot, and construction of new roads, a drainage basin and associated drainage channels.
- 1.2 Winten Pty Ltd subsequently granted consent for a change of applicant to Stockland Development Pty Ltd.
- 1.3 The proposed development constitutes 'regional development' requiring referral to the Joint Regional Planning Panel (JRPP), as it has a capital investment value of \$24,070,758. While Council is responsible for the assessment of the DA, the Sydney West Central Planning Panel is the consent authority.
- 1.4 The development site is part of what is now known as Woorong Park. The site has multiple zonings, being R2 Low Density Residential, RE1 Public Recreation, SP2 Infrastructure – Local Drainage, SP2 Infrastructure – Local Road, E2 Environmental Conservation and RU6 Transition under the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).
- 1.5 The subject site, comprising 5 lots, is situated in the Marsden Park Precinct of the North West Growth Centre and Appendix 12 of the Growth Centres SEPP applies. Subdivision is permitted under Clause 2.6 of Appendix 12. Road and drainage works are permitted with consent in the R2 Low Density Residential, SP2 Infrastructure and RE1 Public Recreation zones.
- 1.6 A detailed assessment has been undertaken against the provisions of the Growth Centres SEPP. The development complies with the minimum lot size for subdivision and the minimum residential density contained in the Growth Centres SEPP.
- 1.7 The proposal complies with a majority of the requirements of the Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (DCP). However, the applicant seeks variation to the road reserve width and the road pattern depicted in the Indicative Layout Plan (ILP). The applicant has submitted an overlay of the proposed road pattern over the ILP, with details of the road area under both scenarios, and has demonstrated that the variation to the street network will not detrimentally impact on adjoining properties with regard to accessibility, provision of services and infrastructure and their orderly development.
- 1.8 The applicant has also submitted additional information in response to issues identified by Council's Drainage and Development Services Engineers. The additional information includes design documentation for Basin No. 3 and associated drainage channels, hydraulic modelling and amended engineering plans. This information is considered satisfactory in meeting Council's Engineering requirements and no further concerns with the proposal are raised.
- 1.9 The application is classified as 'Integrated development' under Section 91 of the *Environmental Planning and Assessment Act 1979* as it requires consideration under both the *Rural Fires Act 1997* and the *Water Management Act 2000*.
- 1.10 The DA was referred to the NSW Rural Fire Service (RFS) which raised no objection to the proposal and issued a Bush Fire Safety Authority on 15 December 2015 subject to conditions. The Department of Primary Industries – Water (DPI Water) issued its General Terms of Approval on 17 December 2015 subject to conditions.

- 1.11 The DA was also referred to Sydney Water, Transport for NSW (TfNSW) and Roads and Maritime Services (RMS) for their consideration. Their comments are outlined in Section 7.
- 1.12 The proposed development was notified to owners and occupiers of neighbouring properties from 24 November to 24 December 2015. We did not receive any objections.
- 1.13 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. The DA is considered satisfactory and worthy of support.
- 1.14 The applicant has been provided with a copy of the draft conditions of consent and changes suggested by the applicant have been incorporated in Attachment 1.
- 1.15 It is recommended that the proposed development be approved subject to the draft conditions at Attachment 1.

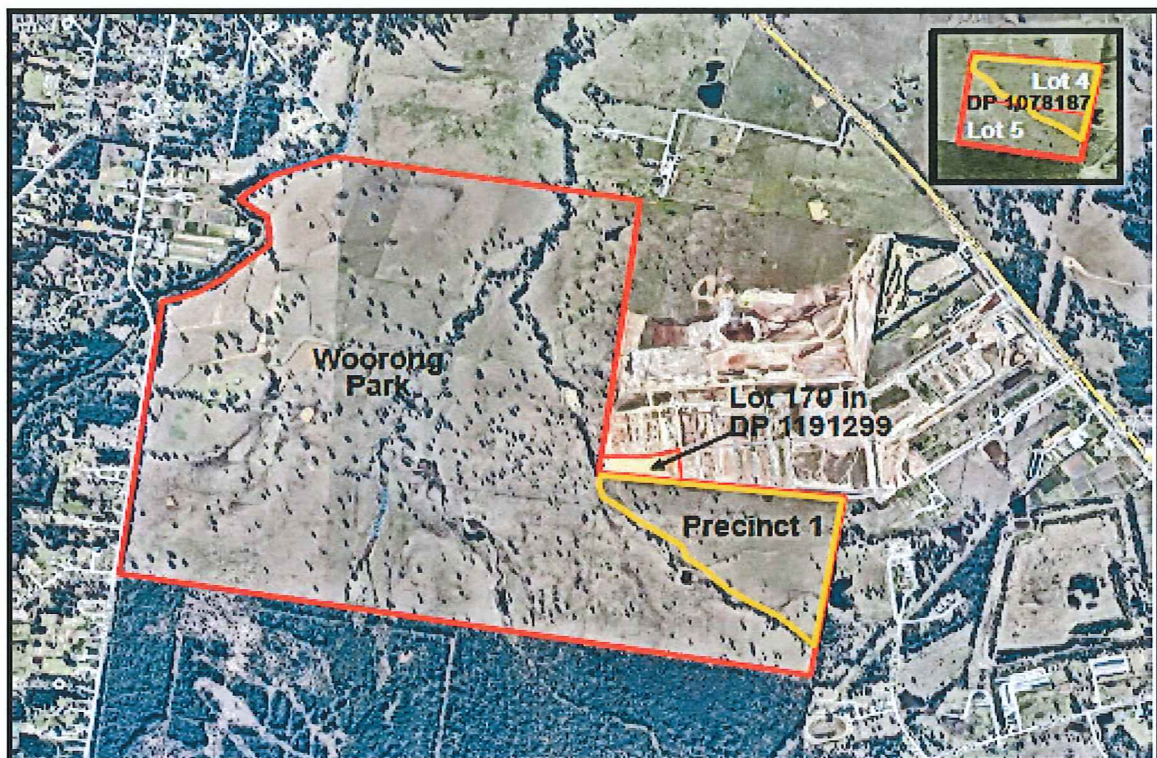


Figure 1 Site in context of broader area (Source: Statement of Environmental Effects, Calibre Consulting)

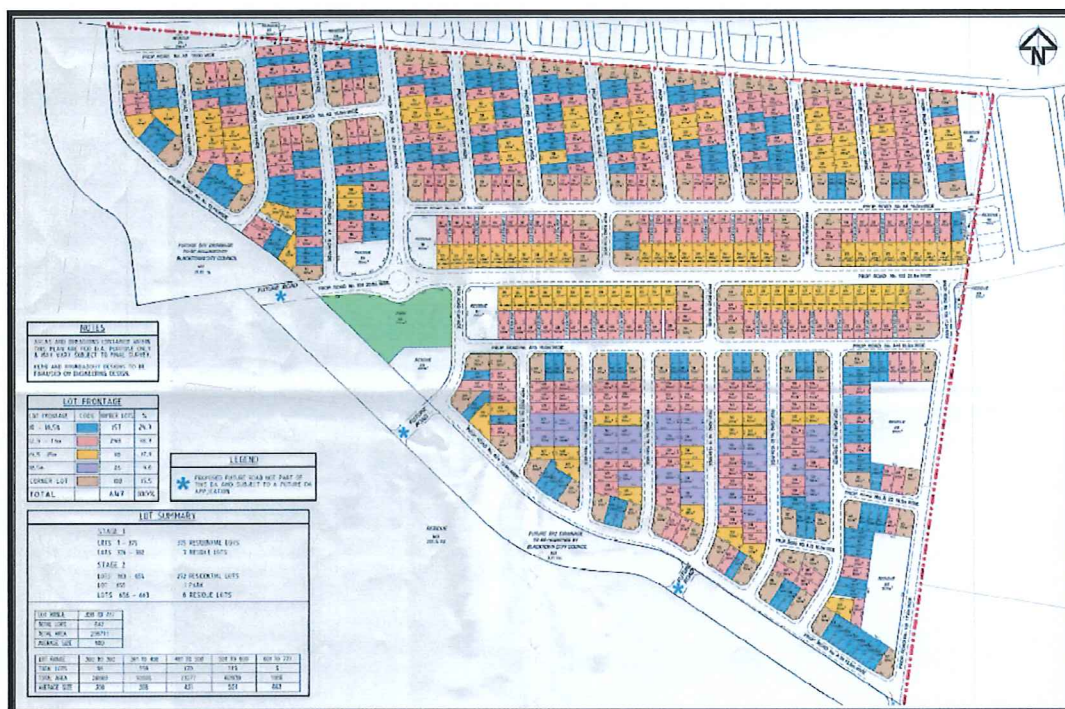


Figure 2 Proposed subdivision (Source: Calibre Consulting)

2 Location

- 2.1 The site is located on the western side of Richmond Road, bounded by South Creek to the north-west and Stony Creek Road to the west. The Air Services Australia site is situated to the south of the site. Elara, a new residential development, is situated to the north and north-east. Little Creek traverses the site in a north-west to south-east direction from Lot 10 DP 1178982 to Lot 5 DP 1078187 (refer to Figure 3 below).

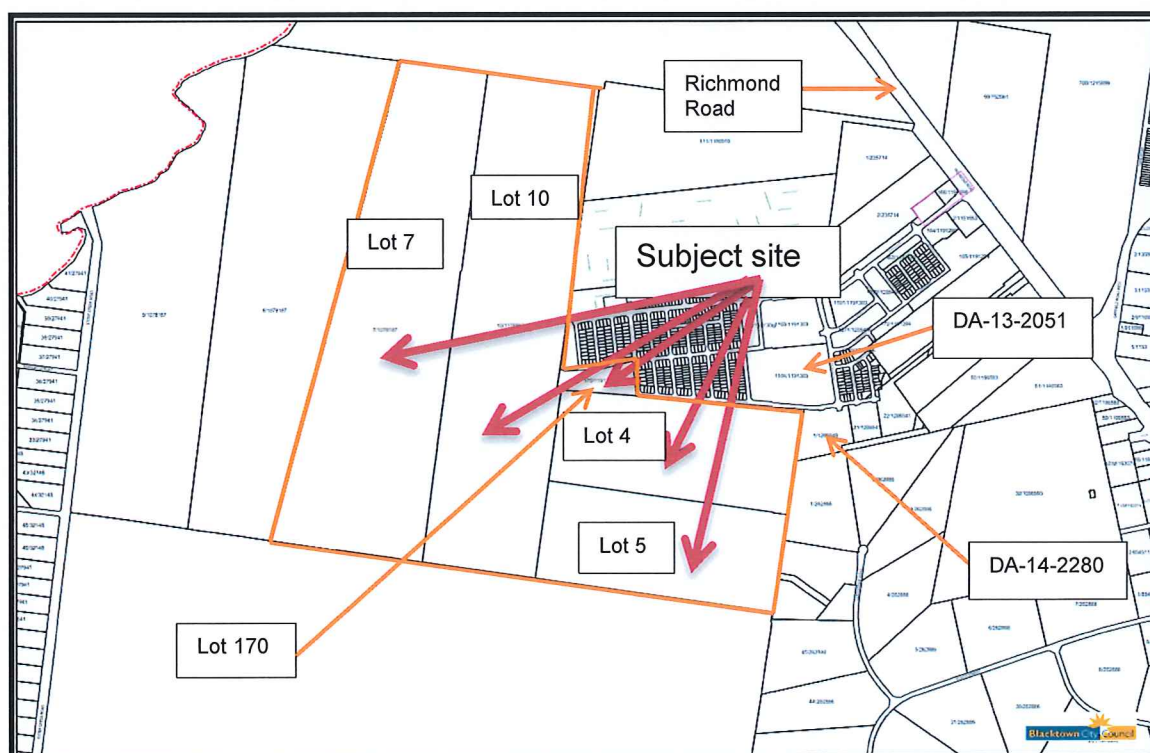


Figure 3 Locality map (Source: Blacktown City Council)

- 2.2 The character of the wider locality is in transition due to rezoning by the NSW Government of land in the North West Growth Centre for residential, business and employment purposes, with much of the surrounding rural land being subdivided for small lot residential development.
- 2.3 Council has approved DA-13-2051 for the Torrens title subdivision of properties to the north-east at 1188, 1178 and 1192 Richmond Road, Marsden Park, to create 241 residential lots, 5 residue lots and 8 superlots and associated civil works, to facilitate future residential, retail, recreation and community development.
- 2.4 Council has also approved DA-14-2280 for Torrens title subdivision of 1148 Richmond Road, Marsden Park, to the east of the development site, to create 76 residential lots and 1 residue lot in 3 stages with associated civil works.

3 Site description

- 3.1 The development site comprises 5 lots, being Lots 4, 5 and 7 DP 1078187, Lot 10 DP 1178982 and Lot 170 DP 1191299, having a total site area of approximately 73 ha. The site falls from the east to the south-west and north-west towards Little Creek. The land is flood prone. However, an earlier bulk earthworks DA for this site will make this site flood free.
- 3.2 The site is largely undeveloped with scattered vegetation and a dam. The majority of the vegetation on the site is located along Little Creek to the western side of the site.
- 3.3 The broader site within which the development site is located is zoned R2 Low Density Residential, RE1 Public Recreation, SP2 Infrastructure (Local Drainage), SP2 Infrastructure (Local Road), E2 Environmental Conservation and RU6 Transition under the provisions of the Growth Centres SEPP (refer to Figure 4 below).

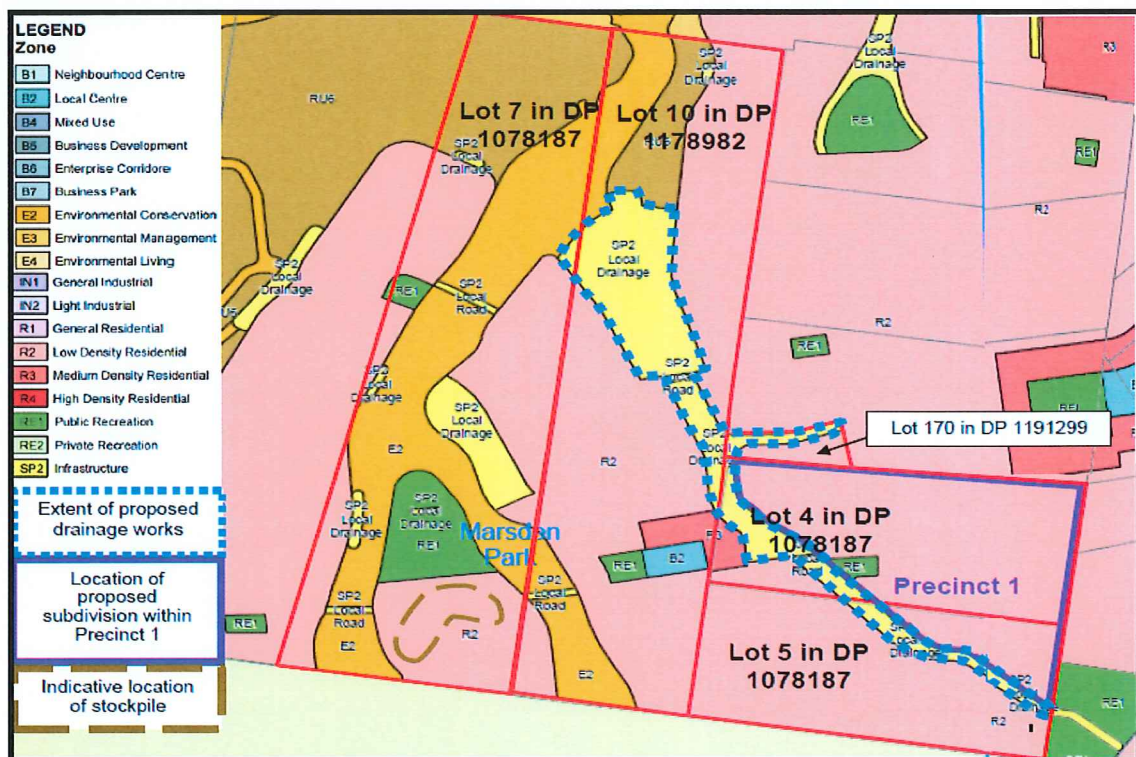


Figure 4 Zoning plan (Source: Blacktown City Council)

4 Background

- 4.1 The applicant attended a pre-lodgement meeting on 10 March 2015 for a proposed residential subdivision of the site. The following issues were discussed in the pre-lodgement meeting:
- Biodiversity
 - Aboriginal archaeology
 - Site contamination
 - Indicative Layout Plan
 - Salinity
 - Flooding and water cycle management
 - Floodplain cut and fill
 - Subdivision
 - Roads and drainage
 - Dwelling design.
- 4.2 The applicant submitted the DA on 23 October 2015. The application was supported by the following technical reports that were prepared to address the issues raised in the pre-lodgement meeting:
- Flora and fauna assessment
 - Stormwater management strategy report
 - Aboriginal archaeological desktop assessment report
 - Detailed site investigation
 - Soil salinity and aggressivity assessment
 - Pedestrian flood evacuation
 - Bushfire protection assessment
 - Waste management plan
 - Topographical survey plan
 - Plan of subdivision
 - Civil engineering plans
 - Landscape plan
 - Site analysis plan.
- 4.3 The applicant lodged a separate DA for bulk earthworks on the site (DA-15-2273). The bulk earthworks DA was approved by Council under delegated authority on 9 September 2016 subject to conditions, including filling the land to ensure it is flood-free.

5 The proposal

- 5.1 The application seeks approval for the following components:
- Subdivision of Lots 4 and 5 in DP 1078187 to create 647 residential lots to be developed in 9 stages
 - Creation of 1 lot for a local park
 - Creation of 15 residue lots for future development
 - Construction of roads
 - Construction of a drainage basin, raingardens and 2 drainage channels
 - Provide a stockpile area above RL 17.3 m AHD on Lot 7 DP 1078187 for the storage of surplus excavated materials for use in future precincts.

5.2 Details of proposed staging is as follows:

Stage	Lots	Residue lots	Park
1	56	1	
2	68	0	
3	26	1	
4	28	0	
5	102	3	
6	95	2	
7	95	3	1
8	88	2	
9	89	3	
Total	647	15	1

5.3 The proposed residential density is 15.6 dwellings per hectare.

5.4 The lots range in size from 300 sqm to 777 sqm. The lot frontages range from 10 m to 18.5 m. A large number of the lots (38.3%) have a lot frontage of 12.5 m – 13 m.

5.5 The applicant proposes the following street types and road reserve widths:

Street type	Proposed road reserve width
Local street	16 m
Collector road	20.8 m
Drainage channel or park frontage road with adjoining shared path	13.5 m
Street along riparian corridors and land transition	16.4 m (without retaining wall) 17.6 m (with retaining wall)

5.6 As part of this development, the applicant also proposes to construct a drainage basin (Regional Drainage Basin 3 identified in the Marsden Park Residential Precinct Post Exhibition Water Cycle and Flood Management Strategy Report prepared by J Wyndham Prince dated July 2013) with 123,430 cum storage, together with a 7,000 cum raingarden and 2 trunk drainage channels (TC 01 and TC 02) to convey flows from the proposed development to Basin 3 (refer to Figure 5).

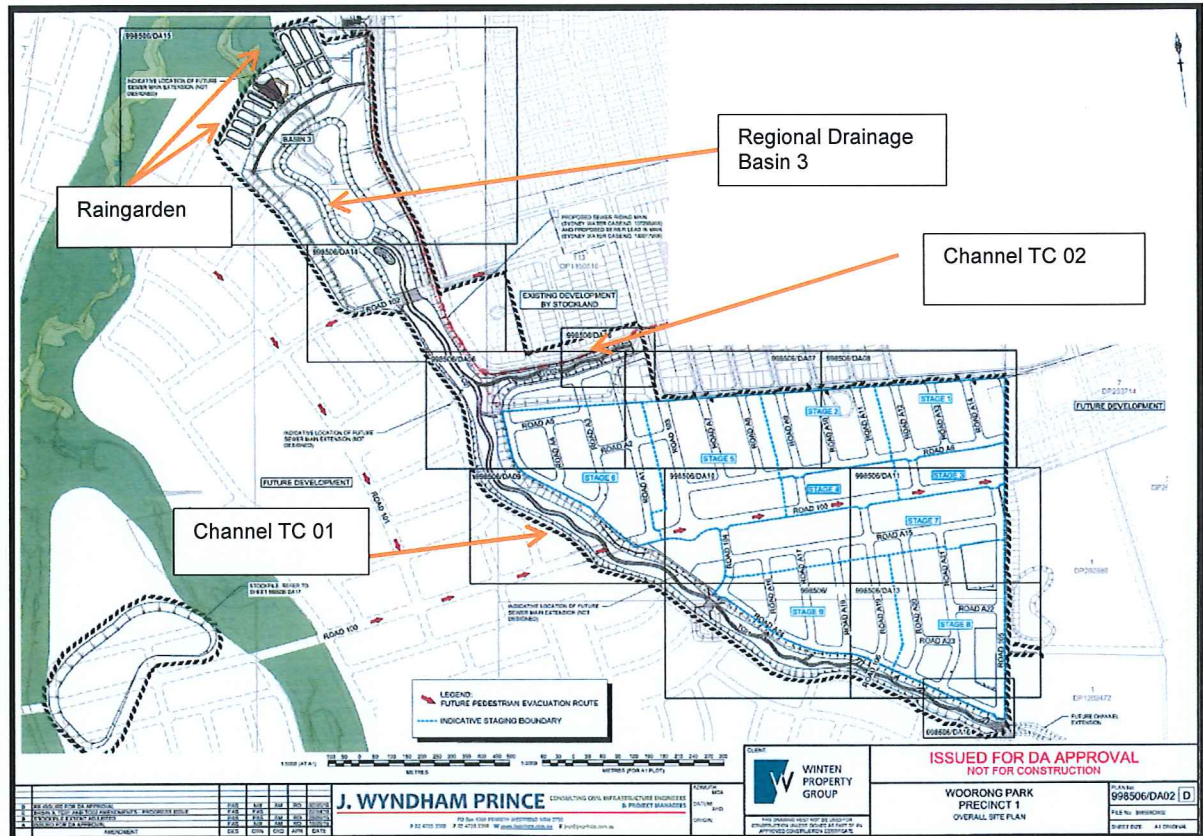


Figure 5 Plan showing context to drainage system and surrounding land (Source: J Wyndham Prince)

- 5.7 The basin and the raingarden, to be constructed along the alignment of Little Creek, will provide stormwater quantity and quality management for the proposed development. Channel TC 01 is to be constructed along the southern boundary of the proposed subdivision in a north-westerly direction. Channel TC 02 will be constructed to the north of the proposed subdivision.
- 5.8 As part of the development proposal, the applicant seeks variation for the following aspects:
- Road reserve width for local streets and the street along the riparian corridor
 - Road pattern on Indicative Layout Plan (ILP) for the Precinct.

This is discussed in Section 9.

6 Planning controls

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

(a) Environmental Planning and Assessment Act 1979 (EP&A Act)

Clause 91A(2) states that the consent authority must obtain from each relevant approval body the general terms of any approval proposed to be granted by the approval body in relation to the development. Accordingly, the DA was forwarded to RFS and DPI Water. Both authorities raised no objection to the proposal subject to conditions which will be included on the consent. Their comments are outlined in Section 7.

A Section 79C assessment of the proposal has been undertaken and the proposal is considered to have minimal environmental impacts on the natural and built environment and will not impact on the amenity of the surrounding development. Refer to Section 12 for a detailed assessment.

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

The Planning Panel is the consent authority for all development with a capital investment value (CIV) of over \$20 million. Given that the DA has a CIV of \$24,070,758, determination of the application is to be made by the Sydney West Central Planning Panel.

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

Clause 104 of the ISEPP requires that Roads and Maritime Services (RMS) be given the opportunity to comment on development nominated as 'traffic generating development' under Schedule 3 of the SEPP.

Under Schedule 3, the proposed subdivision creating 647 residential lots is classified as traffic generating development and the DA was referred to RMS for comment.

Clause 104 further states that the consent authority shall take into consideration:

- (i) any submissions made by RMS
- (ii) the accessibility of the site concerned, including:
 - (a) the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
 - (b) the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail
- (iii) any potential traffic safety, road congestion or parking implications of the development.

Submissions made by RMS

RMS raised no objection to the proposal and did not recommend any conditions.

Accessibility of the site

Notwithstanding the proposed variation to the road reserve widths and the ILP road pattern, assessment has concluded that the proposal will not have any adverse impact on the accessibility of the site with regard to road safety, traffic and parking conditions, access to and from the site and connection with surrounding development.

Council's Traffic Management Section raised no objection to the proposal having regard to the following:

- The proposed road layout is consistent with the existing approved road pattern on adjacent land
- The proposed road reserve widths are inconsistent with the DCP requirements, but to a minor and acceptable degree subject to conditions
- The road layout meets the requirements of the Austroads Road Design Guide

- Minimal impact is anticipated on the existing street network in terms of traffic operation.

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

SEPP No. 55 aims to “provide a State wide planning approach to the remediation of contaminated land”. Clause 7 requires a consent authority to consider whether the land is contaminated and if it is suitable or can be remediated to be made suitable for the proposed development, prior to the granting of a development consent.

A detailed site investigation, prepared by DLA Environmental dated May 2015, was submitted with the DA. The investigation encompassed the overall precinct. The investigation has identified the following:

- Materials containing asbestos were identified below the disused cottage in the main homestead area situated further to the west of the site in Lot 9 DP 1078187
- Surface fragments were identified within 3 areas of fill material. These areas are situated further to the west of the extent of the proposed drainage works over Lots 7, 8 and 9 DP 1078187
- Heavy metal concentrations in groundwater, which is likely due to wider regional groundwater concentrations at the site.

The investigation has made the following recommendations:

- Any demolition of the cottage is to be undertaken under asbestos conditions and the developer must obtain an asbestos clearance at the completion of works
- Remove the fill materials under waste classification requirements or assess for on-site retention in a suitable area below proposed roadways or dedicated open space, or within cut to fill profiles at depths greater than 3 m.

The investigation concluded that the site is suitable for the intended use subject to the removal of the fill materials and a subsequent asbestos clearance/validation report.

Council’s Environmental Health Unit (EHU) did not object to the development proposal and recommended appropriate conditions for the handling and disposal of asbestos. The EHU also recommended that a validation report be prepared upon completion of remediation and be reviewed by an accredited auditor.

(e) State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP)

Appendix 12 of the SEPP applies to the site. Attachment 3 provides a detailed assessment of the proposal against the requirements of the Growth Centres SEPP. The assessment concluded that the development complies with the development standards contained in the Growth Centres SEPP.

(f) Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River (SREP 20)

i. Clause 4 – Application of general planning considerations, specific planning policies and recommended strategies

Clause 4 of SREP 20 states that a consent authority must take into consideration the general planning considerations set out in Clause 5 of SREP 20 and the specific planning policies and recommended strategies in Clause 6 of SREP 20.

The applicant has submitted stormwater drainage plans, hydraulic calculations, velocity and flood level assessment and a stormwater management strategy report to address the relevant planning policies of SREP 20.

Council's Engineers reviewed the information submitted and consider that the information has satisfactorily addressed Clause 6 with regard to total catchment management, water quality, water quantity, urban development and relevant strategies. They are satisfied that the proposal will have minimal impact on the environment of the Hawkesbury-Nepean River and therefore the requirements of Clause 4 have been met.

(g) Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (DCP)

The Growth Centres DCP applies to the site. The DA has satisfactorily addressed the relevant DCP controls and is summarised below. Attachment 4 provides a more detailed analysis of the proposal against the DCP.

Flooding and water cycle management

The DA is supported by flood assessment, hydraulic calculations and stormwater drainage plans demonstrating that flooding and stormwater can be managed appropriately. Appropriate conditions have been recommended to ensure the proper collection and discharge of stormwater.

Salinity and soil management

A condition is recommended for the preparation of a salinity management plan to manage and mitigate the impacts of, and on, salinity and sodicity.

Aboriginal and European heritage

The NSW Office of Environment and Heritage issued an Aboriginal Heritage Impact Permit (AHIP) on 17 May 2016, which permits impacts on 16 Aboriginal objects subject to conditions. The objects were subsequently collected in accordance with the conditions.

Native vegetation and ecology

A flora and fauna assessment report was submitted with the DA. The report noted that the proposal will impact on 0.35 ha of native vegetation, which is less than 0.5 ha as nominated under Clause 23(2)(f) of the Growth Centres SEPP. The 0.5 ha of native vegetation threshold is considered to be a significant remnant, and this proposal will not threaten any such remnant. The impact will be adequately mitigated through the implementation of a Vegetation Management Plan on the E2 zoned land.

Appropriate conditions have been recommended for the following:

- Protection of existing vegetation
- Preparation of a vegetation management plan (VMP) for the restoration and maintenance of the riparian corridor
- Certification of restoration of the E2 zoned land by a suitably qualified horticulturalist
- Levying a bond to ensure proper implementation of the VMP.

Bushfire hazard management

A Bush Fire Safety Authority was issued by the NSW Rural Fire Service on 15 December 2015 subject to conditions.

Site contamination

The detailed site investigation report approved under DA-15-2273 also accompanies this DA. A condition has been recommended to ensure the recommendations of this report are undertaken.

Residential density

The proposal has demonstrated compliance with the minimum required residential density.

Movement network

Notwithstanding the proposed variations to road reserve widths and the road pattern, the applicant has satisfactorily demonstrated that the proposed road layout will maintain connectivity, permeability and residential amenity.

Issues related to variations to the road reserve width and ILP are addressed in Section 9.

- 6.2 Council's assessing officers consider that the development satisfies the relevant clauses of the applicable environmental planning instruments.

7 External referrals

- 7.1 The DA was referred to the following external authorities and their comments are summarised below:

Section	Comments
RFS	<p>A Bush Fire Safety Authority was issued under S100B of the Rural Fires Act 1997 by RFS on 15 December 2015 subject to appropriate conditions with regard to Asset Protection Zone (APZ), water and utilities, and access.</p> <p>Any further Development Application over the entire subdivision for Class 1, 2 and 3 buildings as identified by the Building Code of Australia must be subject to separate application under S79BA of the EP&A Act and address the requirements of Planning for Bush Fire Protection 2006. This will be included as a condition of consent requiring a restriction as to use on all residential lots.</p> <p>The APZ required as part of the development will encompass land that will be located within a riparian corridor/area.</p>

Section	Comments
	<p>Ecological management of the riparian area may conflict with that required for the APZ. The applicant will need to liaise with the relevant government departments to ensure their management requirements do not conflict with those required for the APZ by RFS.</p>
DPI Water	<p>General Terms of Approval were issued under the Water Management Act 2000 by DPI Water on 17 December 2015 subject to appropriate conditions.</p> <p>The applicant must apply to DPI Water for a controlled activity approval after the consent has been issued by the Panel and before the commencement of any works or activities on waterfront land.</p> <p>The Construction Certificate shall not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council.</p>
Sydney Water	<p>The applicant is required to provide additional water lead-in mains to connect the proposed subdivision with the existing 450 mm trunk main in Richmond Road, and additional wastewater trunk to connect the development site with the new gravity wastewater mains and new wastewater pumping station servicing the precinct.</p>
TfNSW	<p>The NSW Government has commenced planning to identify and preserve the Outer Sydney Orbital transport corridor. The subject site is within the study area and cannot be ruled out as a possible location for the Outer Sydney Orbital Corridor until the investigation study is finalised.</p> <p>TfNSW does not object to the proposal but recommended that the proponent consult with TfNSW prior to the lodgement of any Development Applications on the remainder of the Woorong Park site.</p> <p><u>Bus access</u></p> <p>The layout of Road 100, as well as other sub-arterial roads and collector roads, should be designed to be bus capable to allow future servicing of bus routes.</p> <p>Bus travel lanes should have a width of 3.5 m (minimum) and parking lanes should be able to accommodate bus stops and be 3 m (minimum) in accordance with the Austroads Guide to Road Design. Whilst the road reserve width for collector roads in this subdivision can accommodate bus stops and will be bus capable, the applicant has to still liaise with Transport for NSW to identify the intended bus routes and bus stop locations. This will be conditioned.</p> <p>The design of the proposed roundabout at the intersection of Roads 100 and 103 should accommodate all turns by a standard low floor bus (12.5 m) to ensure adequate future servicing by school and buses. The design, including swept path analysis, should be in accordance with Australian</p>

Section	Comments
	<p>Standards, Austroads and RMS to the satisfaction of Council via the Local Traffic Committee.</p> <p><u>Construction Traffic Management Plan (CTMP)</u></p> <p>A condition that requires a CTMP is recommended. The CTMP shall specify any potential impacts to general traffic, cyclists, pedestrians and bus services in the vicinity of the site from construction vehicles during the construction of the proposed works. Should any impacts be identified, the duration of the impacts and measures proposed to mitigate these should be clearly identified and included in the CTMP. Any closure of walking and/or cycling facilities would require installation of adequate safety and diversion measures to limit time delay and detour distances.</p>
RMS	No objection and no conditions have been recommended.

8 Internal referrals

- 8.1 The DA was referred to the following internal sections of Council and their comments are summarised below:

Section	Comments
Section 94	The Voluntary Planning Agreement for each of Precinct 5a and Precinct 5b shall be executed prior to the release of the Construction Certificate for the individual precincts.
Traffic Management	<p>The proposed road layout is consistent with the existing approved road pattern in the adjacent area.</p> <p>The layout of the roads meets the requirements of the Austroads Road Design Guide.</p> <p>Minimal impact is anticipated on the existing street network in terms of traffic operation.</p>
Heritage	The applicant has already obtained an Archaeological Heritage Impact Permit from OEH which included the Aboriginal Cultural Heritage Assessment Report (ACHAR). The applicant must comply with OEH's general terms of approval, including measures for the ongoing protection/salvage of the aboriginal objects as outlined in the approved ACHAR. This is included as a condition of consent.
Building	No objection subject to conditions.
Environmental Health	No objection subject to conditions.
Tree management	No objection subject to modifications to the street tree planting plan to incorporate street tree planting specifications and the submission of a maintenance and performance strategy, and

Section	Comments
	the payment of bonds and charges prior to the release of the Subdivision Certificate.
Engineering	No objection subject to conditions.

9 Key issues

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

Growth Centre Precincts DCP 2010

According to the DCP, the road alignments, hierarchy and design/dimensions of any proposed road network shall be consistent with the Indicative Layout Plan (ILP) for the precinct. Any variations to the residential street network need to demonstrate that the principles of permeability, connectivity, amenity and stormwater management can be achieved.

The objectives of these controls are:

- (a) To establish a hierarchy of interconnected streets that give safe, convenient and clear access within and beyond the precinct
- (b) To manage the environmental impacts of urban development
- (c) To facilitate energy efficient lot and building orientation
- (d) To create an interesting and attractive streetscape.

- 9.2 The applicant seeks variations to the following aspects of the DCP:

(a) Road reserve widths

Figure 4-2, Precinct Road Hierarchy plan, has identified 3 street types that service the site, namely local street, collector road and road along riparian corridor and park. The applicable road reserve widths are nominated in Section 3.4 Movement Network and Schedule 6 of the DCP.

The following table outlines the extent of variation sought.

Road No and Hierarchy	DCP requirement (total road reserve)	Proposal	Compliance
Collector road	20 m (11 m carriageway and 4.5 m verge on either side)	20.8 m	Exceeds requirements
Road along riparian corridor and park	17.9 m (6.5 m carriageway, 4.5 m verge on riparian/park corridor side, 6.9 m verge on residential side)	Drainage channel and park frontage road with adjoining shared path - 13.5 m Street in transition from a local road to a street along the park - 16.4 m (no retaining walls) or 17.6 m (with retaining walls)	No No

Road No and Hierarchy	DCP requirement (total road reserve)	Proposal	Compliance
Local street	16 m (9 m carriageway with a 3.5 m verge on either side)	16 m	Yes

The applicant submitted updated channel and basin sections in November 2016 demonstrating that the road formation for the proposed road along the drainage channel with a shared path situated within the channel (3.5 m verge adjoining the R2 zoned area, 9 m carriageway and 3.5 m verge adjoining the SP2 zoned land) will not compromise hydraulic capacity.

Council's Engineers have recommended that, prior to the issue of a Construction Certificate, the detailed engineering design information and associated reports for regional Detention Basin No. 3, raingardens, channels TC 01 and TC 02 and associated drainage structures be submitted for Council's approval. The information must demonstrate that the proposed road formation will not impact on the function and operation of the regional drainage infrastructure.

(b) Road pattern of ILP

The applicant also seeks to vary the road pattern of the ILP. In support of the variation, the applicant has submitted an overlay showing the road network as per the ILP (in pink) and the proposed road network (in green) (refer Figure 6 below). The overlay shows that the road areas under the ILP and the proposal are as follows:

	Road area
ILP	12,6735 sqm
Proposal	12,9836 sqm

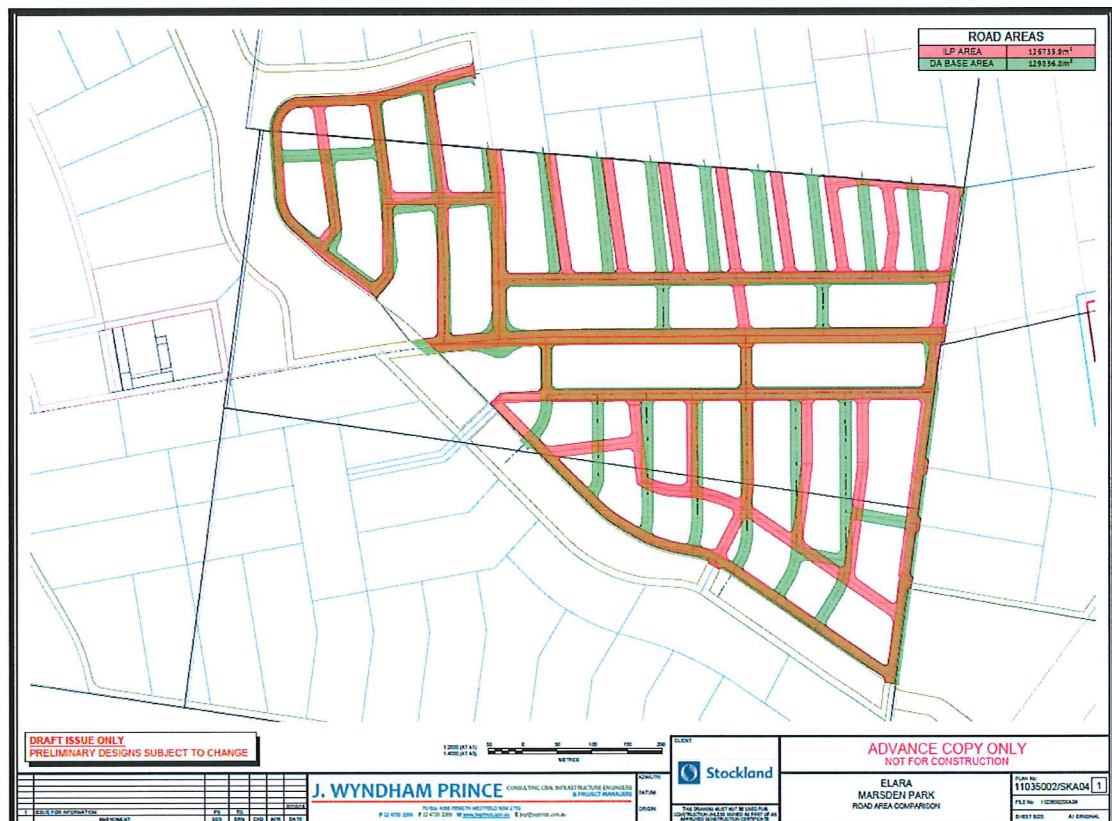


Figure 6 Overlay of ILP road network

No objection is raised to the variations to the road reserve widths and the road pattern of the ILP for the following reasons:

- (i) The proposed road hierarchy is generally consistent with Figure 4-2 Precinct Road Hierarchy for the Marsden Park Precinct
- (ii) The locations and alignments of all proposed roads will not impede connectivity and accessibility with surrounding development, particularly to the north and east
- (iii) It promotes connectivity between the future residential development and non-residential uses in the locality, promotes cycling, solar access and surveillance to adjoining open space and drainage land
- (iv) The proposed road network still maintains a modified grid that has consideration for the topography and drainage of the site
- (v) The applicant has demonstrated that the variation to the road layout will not impact on the minimum residential density required. The minimum dwelling density as required under the SEPP is still achieved
- (vi) The applicant has satisfactorily demonstrated that the following objectives of Section 3.4 Movement Network of the DCP can be achieved:
 - Establish a hierarchy of interconnected streets providing safe and convenient access within and beyond the precinct
 - Manage/minimise environmental impacts
 - Provide energy efficient lot and building orientation
 - Contribute to the creation of an interesting/attractive streetscape.

10 Public comment

10.1 The DA was notified to adjoining and nearby property owners and occupants from 24 November to 24 December 2015. An advertisement was also placed in the local newspaper and a notification sign was placed on the site.

10.2 No objection to the proposal was received.

11 Section 94 contributions

11.1 The applicant has submitted 2 letters of offer to Council for 2 Voluntary Planning Agreements (VPAs) for the proposed subdivision (Precincts 5a and 5b). Appropriate conditions will be drafted requiring the execution of the VPA for the individual precincts prior the release of the respective engineering Construction Certificates.

12 Section 79C consideration

12.1 Consideration of the matters prescribed under Section 79C of the Environmental Planning and Assessment Act 1979 are summarised below:

Heads of consideration under Section 79C	Comment	Complies
a. The provisions of : (i) any environmental planning instrument (EPI) (ii) any development control plan (DCP) (i) the regulations	Section 6 of this report provides an overview of assessment of the proposal against the relevant EPIs. The proposal is considered to be consistent with the EP&A Act, Growth Centres SEPP, SEPP No. 55, ISEPP and SREP 20.	Yes
b. The likely impacts of the development, including environmental impacts on both the natural and built environments, and social and economic impacts on the locality	An assessment of the key issues is provided in Section 9 and it is considered that the likely impacts of the development have been satisfactorily addressed.	Yes
c. The suitability of the site for the development	<p>The site has been identified by the NSW Government for residential and associated development.</p> <p>The subject site is suitably zoned to permit the proposed subdivision and construction of associated civil and stormwater drainage works which in turn will support future residential development.</p> <p>The site can be made suitable for the proposed development subject to appropriate conditions, including remediation, soil management and stormwater management.</p> <p>The site is considered suitable for the proposal and there will not be any adverse impacts on the natural and built environment as demonstrated by the various submitted technical reports.</p> <p>The site is deemed suitable for the development as its attributes and character can support the proposed residential density, and stormwater and traffic impacts generated by the development.</p>	Yes
d. Any submissions made in accordance with this Act, or the regulations	Council has not received any submissions objecting to the proposal.	Yes
e. The public interest	It is considered that no adverse matters relating to the public interest arise from the proposal. The proposal will facilitate future residential development in accordance with the objectives of the Growth Centres SEPP.	Yes

13 Concluding comments

- 13.1 The proposed development has been assessed against the matters for consideration in Section 79C of the Environmental Planning and Assessment Act 1979 and is considered to be satisfactory. It is considered that the site is suitable for the development and will not have any adverse impact on surrounding development. Therefore the proposal is in the public interest.

- 13.2 The objectives of the Growth Centres SEPP and DCP can be achieved and the development is therefore considered satisfactory with regard to relevant matters such as site design, stormwater drainage, site contamination and archaeological heritage, subject to the imposition of conditions of consent to satisfactorily control the development.
- 13.3 The variations to the road reserve width and ILP road pattern will not yield additional lots and will not have any adverse impacts on connectivity and accessibility with adjoining lots and existing approved subdivisions.

14 Recommendation

- 14.1 The Development Application be approved by the Sydney West Central Planning Panel subject to the conditions held at Attachment 1.



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