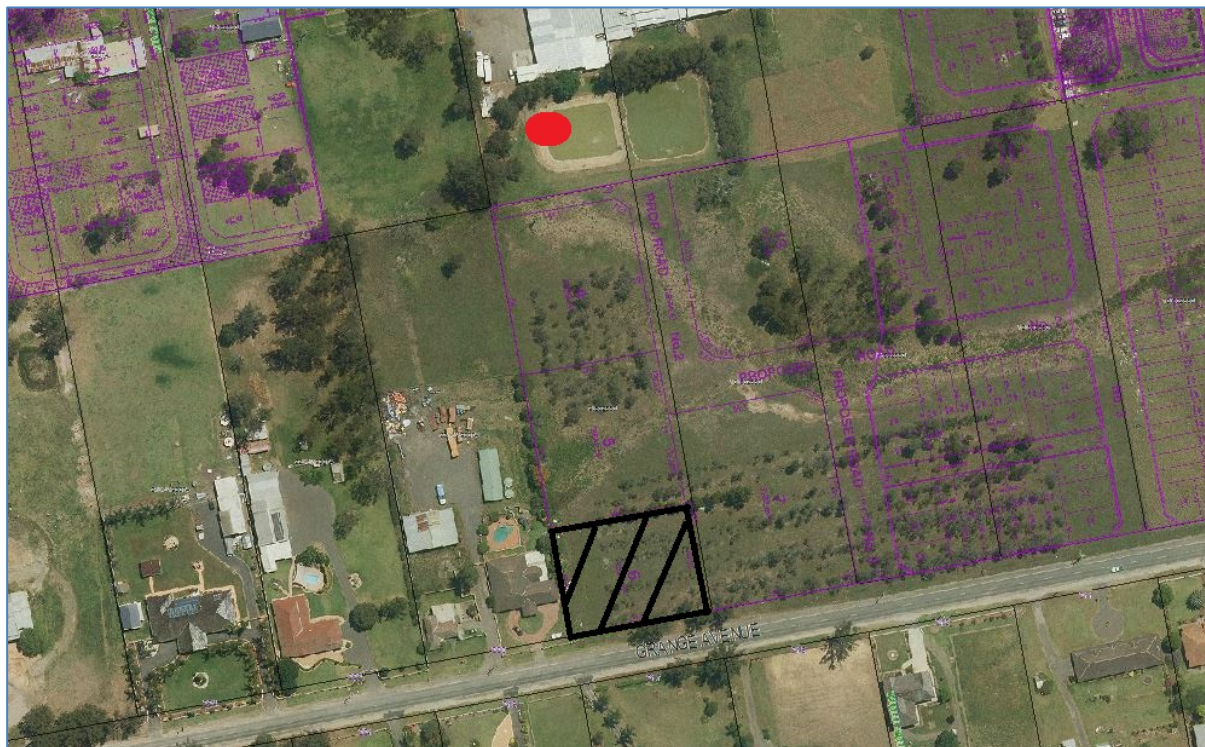


Summary of objector's concerns and our response

1. Location of submitters



Objector



Subject site

2. Background information and Planning Proposal recently adopted by Council

- 2.1 At its Ordinary Meeting on 27 June 2018 Council adopted the Planning Proposal (refer to report at attachment 8) that is referred to in the Assessment Report in paragraph 4.8.
- 2.2 The Planning Proposal will make very minor amendments to land use zones to align zone boundaries with the location of a local park in accordance with an approved subdivision plan and road pattern. The total area of the park will remain unchanged. The rezoning will result in a small increase in residential yield.
- 2.3 This Planning Proposal aligns with minor amendments to the Development Control Plan (DCP) and Marsden Park Indicative Layout Plan (ILP) published in local newspapers on 20 July 2016. The DCP was amended at the request of the then land owner, to relocate the indicative site for a future school and make associated changes to the road pattern.
- 2.4 The landowner for the DCP amendment is the objector to the Planning Proposal that gives zoning effect to the DCP amendment, and is also the objector to the subject DA.
- 2.5 The land which is the subject of the Planning Proposal, and the land which is the subject of DA-15-02309, were formerly under the same ownership. Lots 5 - 13 DP 802880 were owned by Baiada Pty Ltd until July 2016, when they were sold to the current owner Li &

Qing Pty Ltd. The land forms a block, with Lots 5 - 8 fronting Excelsior Avenue to the north and backing onto Lots 9 - 13 which front Grange Avenue to the south.

- 2.6 In May 2015 Council received a request from Urbis, on behalf of the landowner Baiada Pty Ltd, to amend the Blacktown City Council Growth Centre Precincts DCP with respect to the Marsden Park Precinct Indicative Layout Plan.
- i. The proponent requested the indicative site for a future school be moved from Lots 11 - 13 (fronting Grange Avenue) to Lots 6 - 8 (fronting Excelsior Avenue, and the site of the operational poultry hatchery).
 - ii. The relocation was justified on the basis that Excelsior Avenue is identified as a future collector road, therefore relocating the school to Excelsior Avenue, provided better access to public transport for the school and concentrating residential development along a quieter road (Grange Avenue), providing better amenity for the future residents. The amendment also facilitated the subsequent sale of the former school site, owned by Baiada Pty Ltd, for residential development.
 - iii. As a consequence of the relocation of the school, Urbis on behalf of Baiada requested that the road pattern be amended to delete the east-west road on the common boundary between the Excelsior Avenue and Grange Avenue lots "to provide a seamless interface between the future school and park sites (consistent with the adopted ILP)".
 - iv. The Department of Education was consulted and had no objection to the relocation. No objections were received during the public exhibition period.
 - v. Council resolved at its Ordinary Meeting on 23 March 2016 to adopt the proposed amendment to the DCP. Notification of the amendment was published on 20 July 2016.
 - vi. This Planning Proposal to rezone land will move the local park north to adjoin the future school site. This is consistent with and gives zoning effect to the DCP amendment, as requested by the landowner of the relocated future school site.
- 2.7 In October 2015, DA-15-02309 was lodged with Council proposing staged Torrens title subdivision and associated works, including construction of roads over Lots 5 and 9 - 13 DP 802880. The DA proposed a minor relocation of the local park, moving it 27 m east of the location in the ILP. The relocation was applied for under Clause 5.3 of the Growth Centres SEPP, 'Development near zone boundaries'.
- 2.8 The DA proposed a further variation to the road pattern from that adopted in the amendment to the DCP. The variation was approved on 6 July 2017 with a deferred commencement condition which required the proponent to submit a Planning Proposal to facilitate the rezoning of the park in the new approved position. The Planning Proposal is consistent with the subdivision plan approved under DA-15-02309.
- 2.9 The Planning Proposal was exhibited from 13 March to 13 April 2018. One submission was received objecting to the Planning Proposal from Celestino Pty Limited, on behalf of Baiada Pty Ltd as owners of Lots 6 - 8 DP 802880, 54 - 58 Excelsior Avenue, Marsden Park immediately north of the Planning Proposal land. Baiada Pty Ltd previously owned this land.
- 2.10 One of the grounds for objection was the potential conflicts that may arise in the future between the current poultry operations on the southern portion of Lots 7 and 8 and the development of the local park. The submission did not specify the type(s) of potential conflict between the local park and poultry hatchery. It is noted that the 2016 DCP amendment relocated the indicative site for the future school to the site of the current poultry hatchery. At a short to medium term point in the future, and when residential development in the area generates sufficient demand, the poultry farm site will be

purchased by the Department of Education and the potential future conflict will no longer exist.

- 2.11 The objections raised in that submission did not justify revising or refusing the Planning Proposal and it was adopted by Council.

3. Consideration of issues raised

Issue	Planning comment/response
The proposed development should not disrupt the existing hatchery activities	<p>The proposed development is for a residential flat building situated approximately 145 metres to the south of the existing hatchery. The proposal provides adequate building separation and is appropriately set back from the neighbouring property.</p> <p>Further, the proposed building will be accessed from Grange Avenue, independent from the hatchery and is therefore unlikely to disrupt the existing hatchery activities.</p>
Assessment of the proposal must take into consideration the impacts from the hatchery operation	<p>The subject application represents a built form resulting from approved residential subdivision of a larger parcel that anticipated future residential use of the land, as proposed. There is considered to be acceptable separation between the existing use and proposed residential flat building. In any case, a consent condition will be imposed to advise potential purchasers as to the proximity of the development to an existing hatchery. There is a degree of buyer beware necessary in terms of the changing nature of land within Growth Centre locations such as this until such time that land uses become more compatible through the transitioning of rural to urban land uses as anticipated by the SEPP.</p>
The existing hatchery should take precedence over the proposed development.	<p>We note that the use is a lawfully operating non-conforming use enjoying the benefits of existing use rights. It is legally entitled to remain on the land, despite the changing nature of the land around it, transitioning from rural to residential land uses. Any complaints from occupants of the new development about odour will be a temporary situation. The poultry farm is designated for a future school site and will be redeveloped for this purpose in the future.</p>