

PD130618 3.8. DD380100 Planning Proposal to rezone land at Grange Avenue, Marsden Park

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Director: Director Design & Development
File: LEP-17-0004

Division is required

Topic	Adoption of a Planning Proposal to rezone land at Grange Avenue, Marsden Park under <i>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</i> .
Analysis	<p>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.</p> <p>The total area of the park will remain unchanged. The rezoning will result in a small increase in residential yield.</p> <p>Corresponding amendments are required to the Height of Buildings, Residential Density and Land Reservation Acquisition Maps.</p> <p>One submission was received during public exhibition of the Planning Proposal. The issues raised in the submission do not warrant revision or refusal of the Planning Proposal.</p>
Attachment/s	<ol style="list-style-type: none"> Existing and proposed zoning of subject land [DD380100.1] Draft amendment to Growth Centres SEPP Land Zoning, Height of Buildings, Residential Density and Land Reservation and Acquisition Maps [DD380100.2] Map indicating location of objector and future school site [DD380100.3] Map indicating changes made by 2016 DCP amendment [DD380100.4]
Report Recommendation	<ol style="list-style-type: none"> Adopt the draft amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 maps as shown in attachment 2. Forward the Planning Proposal to the Department of Planning and Environment to request the Minister make the Plan.

Committee Recommendation	<ol style="list-style-type: none"> Adopt the draft amendments to State Environmental Planning Policy (Sydney Region Growth Centres) 2006 maps as shown in attachment 2. Forward the Planning Proposal to the Department of Planning and Environment to request the Minister make the Plan.
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COMMITTEE DIVISION:

Supported: Cr Camilleri, Cr Bleasdale, Cr Israel, Cr Collins, Cr

Key reasons

1. Description of amendments

- a. The effect of the Planning Proposal is to shift a future local park 27 m to the east and 9 m to the north. It is a very minor and inconsequential amendment to the zone.
- b. The proposed land zone, residential density and height of building controls proposed for each affected parcel of land are consistent with the surrounding land.

2. The Planning Proposal aligns with previous amendments to the Development Control Plan and Indicative Layout Plan

- a. 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 land owner, to relocate the indicative site for a future school and make associated changes to the road pattern. There is therefore no requirement to amend the ILP as a result of this Planning Proposal.
- b. The landowner for this DCP amendment is now an objector to this Planning Proposal that gives zoning effect to the DCP amendment.

3. The Planning Proposal will align the park's zoning with an approved subdivision plan

- a. The realignment of the RE1 zone boundary is in accordance with the location of land identified as a future local park (Lot 13) in the subdivision plan and a further road pattern variation approved by Council in DA-15-02309.
- b. The proposed amendments to *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* will ensure that mapping accurately reflects the location of land identified for public use in the DCP amendment. The amendments also ensure that the planning controls of building height and residential density are aligned with the minor zone variations.

4. There is no disadvantage to future residents

- a. The total area of land zoned RE1 for use as a local park remains unchanged. Additional open space requirements generated by the minor potential additional residential yield resulting from the amendments will be met through the mechanism of Section 7.11 contributions, to be put towards the embellishment of open space in existing planned areas in the North West Growth Area.

Supporting analysis

1. Consultation with public authorities

- a. The Department of Planning and Environment issued a Gateway Determination with respect to the Planning Proposal on 16 February 2018. The Gateway

Determination required consultation with Sydney Water and Endeavour Energy.

- b. Sydney Water and Endeavour Energy do not have any objections to the proposed amendments.

2. Site history

- a. 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.
- b. 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 an 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 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.
- c. 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.
 - d. 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'.
 - e. 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.
 - f. This Planning Proposal is consistent with the subdivision plan approved under DA-15-02309.

3. Public exhibition

- a. The Planning Proposal was exhibited from 13 March to 13 April 2018.
- b. 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 subject land. Baiada Pty Ltd previously owned the subject land.
- c. The primary grounds for the objection are that the subdivision plan approved by DA-15-02309 removes a local road from the common boundary between Lots 6 - 8 and Lots 9 - 11 and moves the local park north to align with the common boundary. The submission argues that the approved location of the park poses a risk that any future potential need for a road to be reinstated on the perimeter of the local park will require the potential road to be constructed entirely on the objector's land, at their full cost and at the loss of developable land.

- d. Additional grounds for objection are 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.
- e. In response to the first objection, the local road in question was removed by the DCP amendment at the request of the same landowner (Baiada Pty Ltd). The objection relates to matters which have already been considered as part of the DCP amendment. It is inconsistent of the landowner to now object to this.
- f. In response to the second objection, the submission does 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 site will be purchased by the Department of Education and the potential future conflict will no longer exist.
- g. It is noted that development works on Lots 9 - 11 DP 802880 are subject to the provisions of the Protection of the Environment Operations Act 1997 and other limitations on offensive noise-generating work as specified in the conditions of consent to DA-15-02309.
- h. The objections raised in the submission do not justify revising or refusing the Planning Proposal.

Context

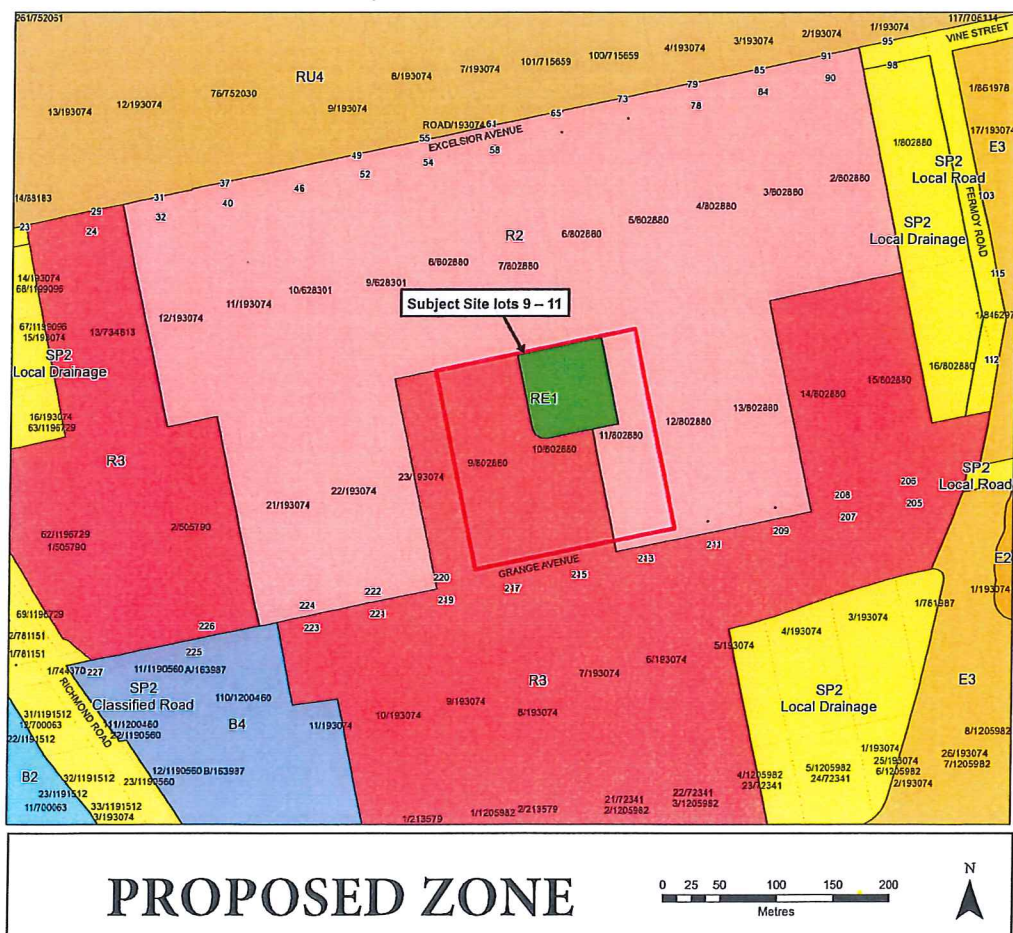
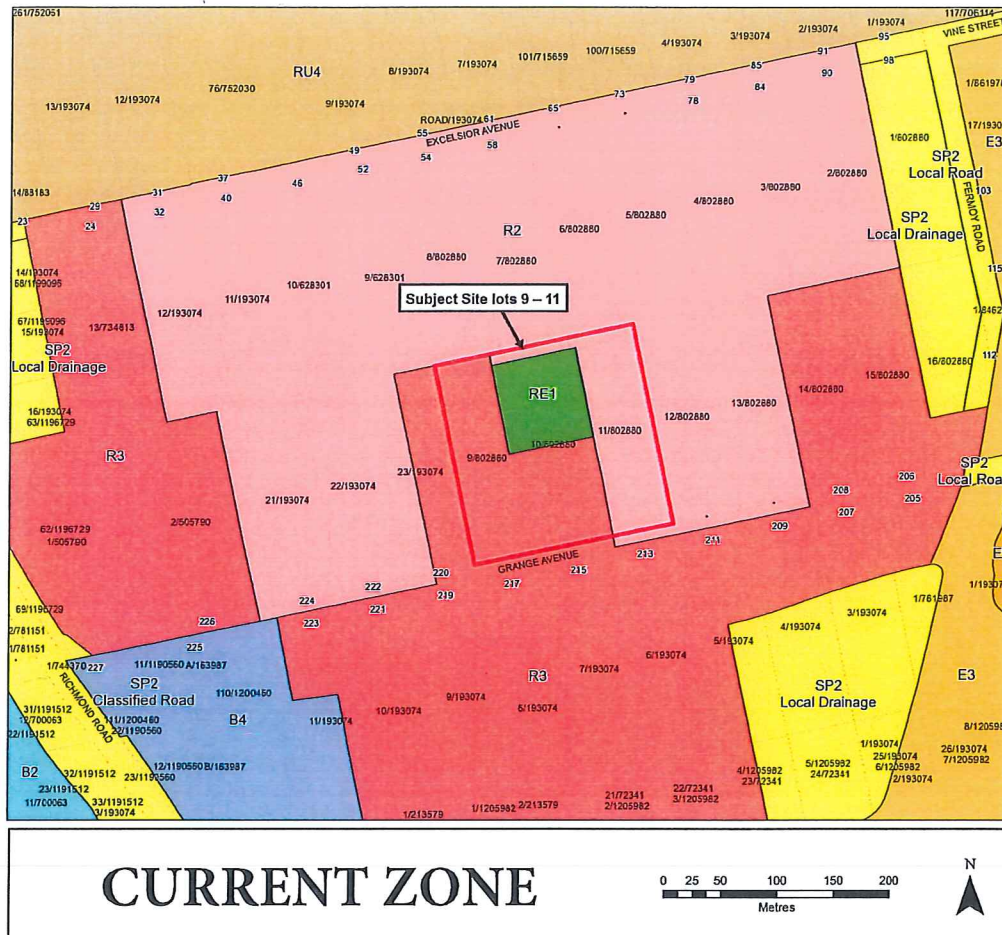
1. Legal description of the subject land

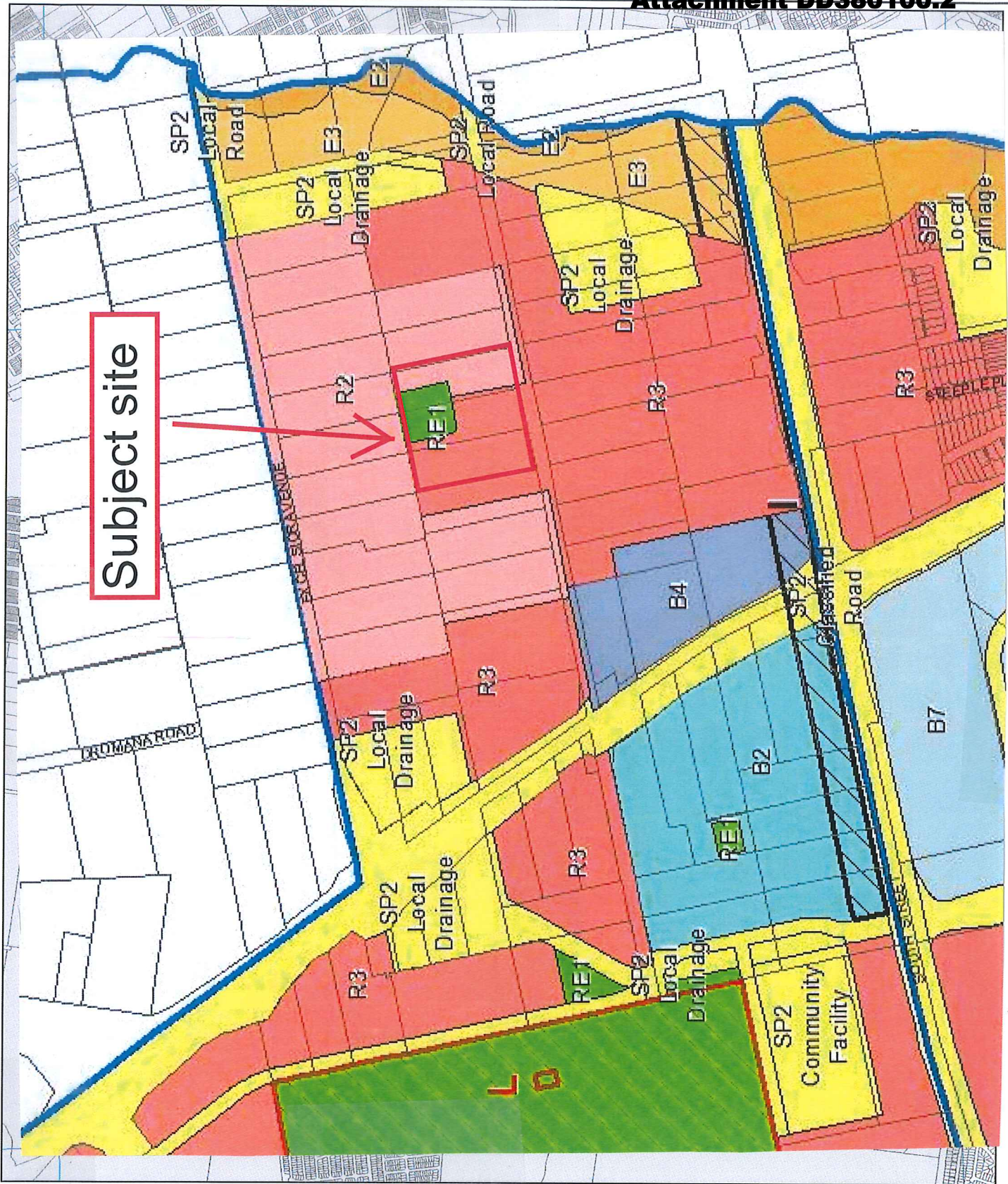
- a. The Planning Proposal relates to part of Lots 9-11 DP 802880 on the northern side of Grange Avenue, Marsden Park.

2. Planning Proposal milestones

- a. We received a request on 27 October 2017 from Brooks Projects Architects on behalf of Li & Quing Pty Ltd to prepare a Planning Proposal to amend the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006* as described in this report.
- b. On 21 December 2017, the Director Design and Development resolved to prepare the Planning Proposal and forward to the Department of Planning and Environment requesting a Gateway Determination.
- c. A Gateway Determination was issued by the Department of Planning and Environment on 16 February 2018. The Gateway Determination required consultation with the community and specified public authorities.

End of report





R2	Light Industrial	R1	General Residential
R3	Medium Density Residential	R4	High Density Residential
RE1	Residential Medium Density	RE2	Private Recreation
RE3	Public Recreation	RUB	Transition
SP2	Infrastructure	B2	Neighbourhood Centre
B4	Local Centre	B7	Mixed Use
B8	Business Development	B9	Enterprise Corridor
B10	Business Park	B11	Environmental Conservation
B12	Environmental Management	B13	Environmental Living
B14	General Industrial		

Special Provisions

Low Density Residential (multi-dwelling housing) - Appendix 4, Clause 2.5

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Growth Centre Boundaries

North West Growth Centre Boundary

North West Growth Centre Precinct Boundary

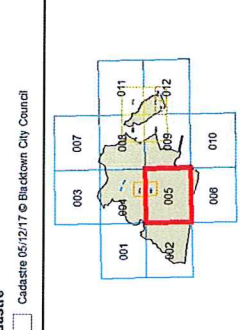
Original SEPP Zones

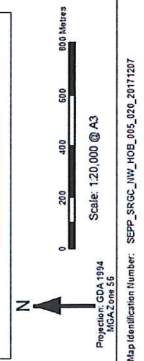
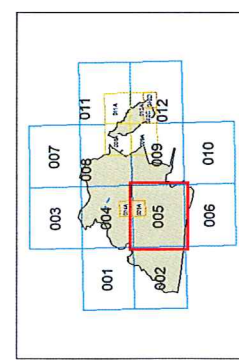
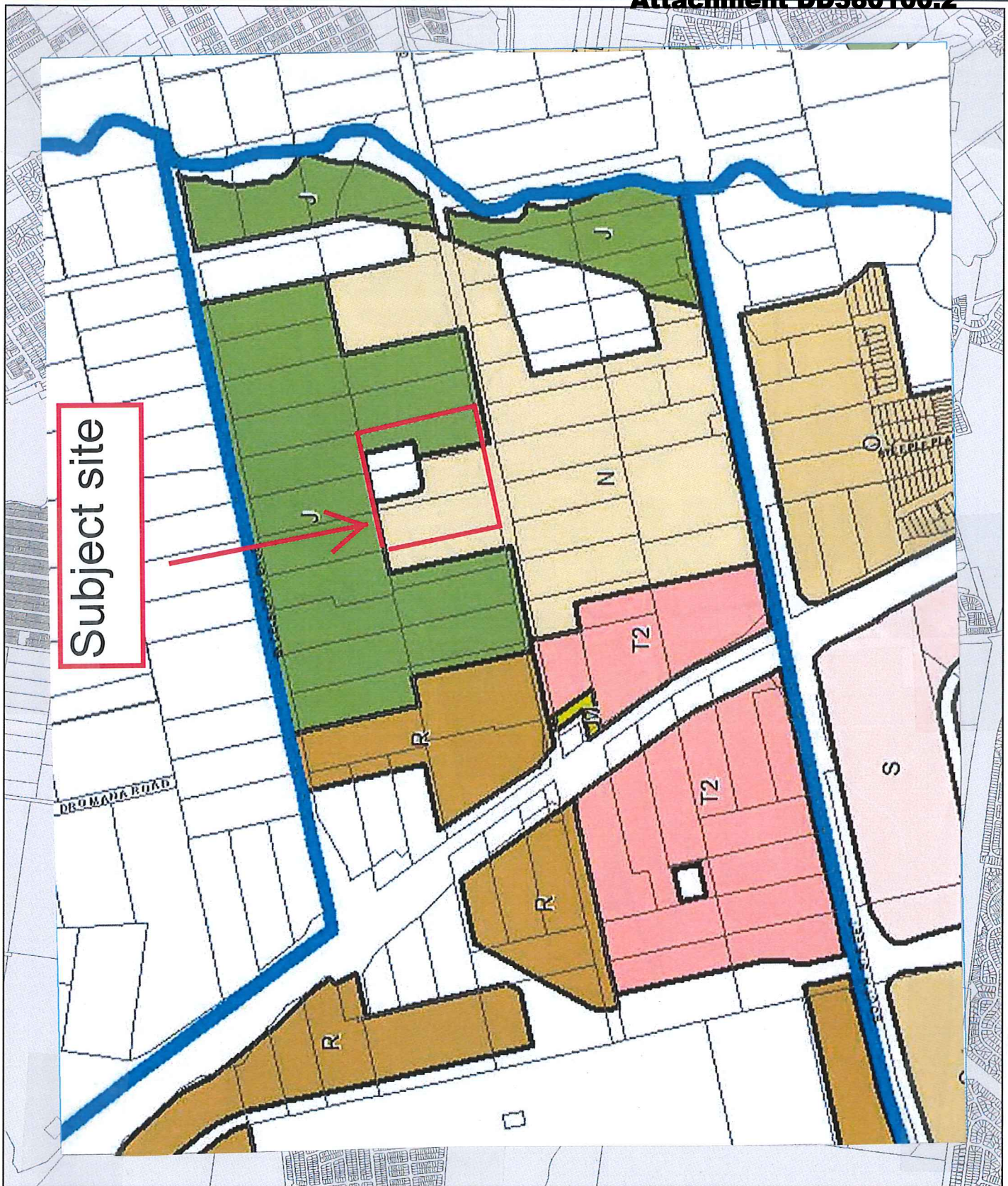
Environment Conservation

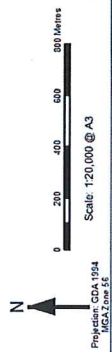
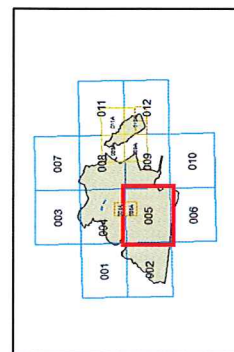
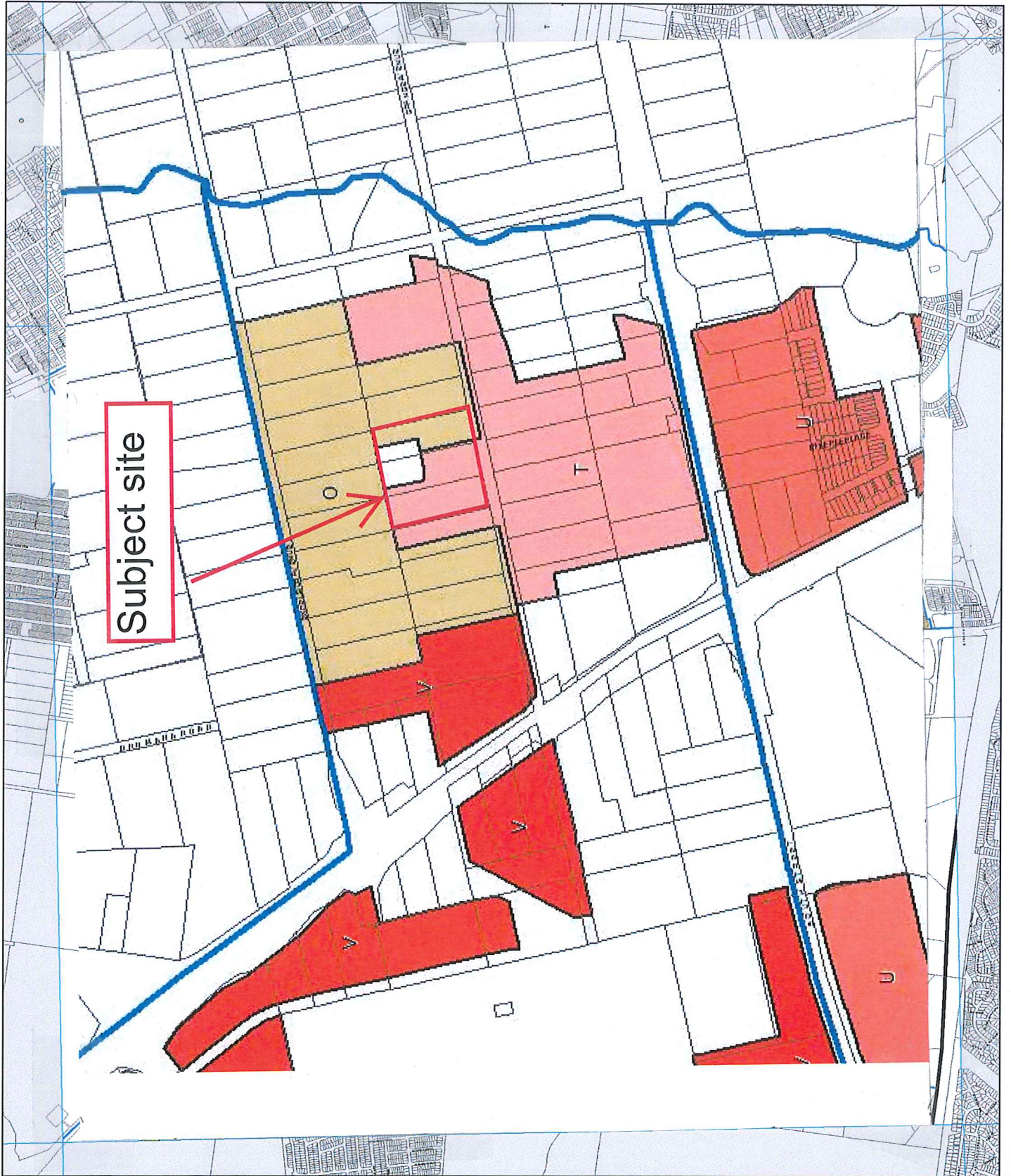
Public Recreation - Regional

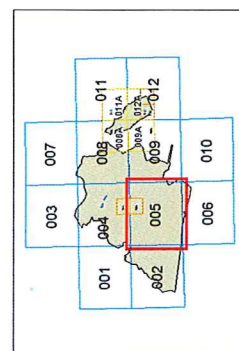
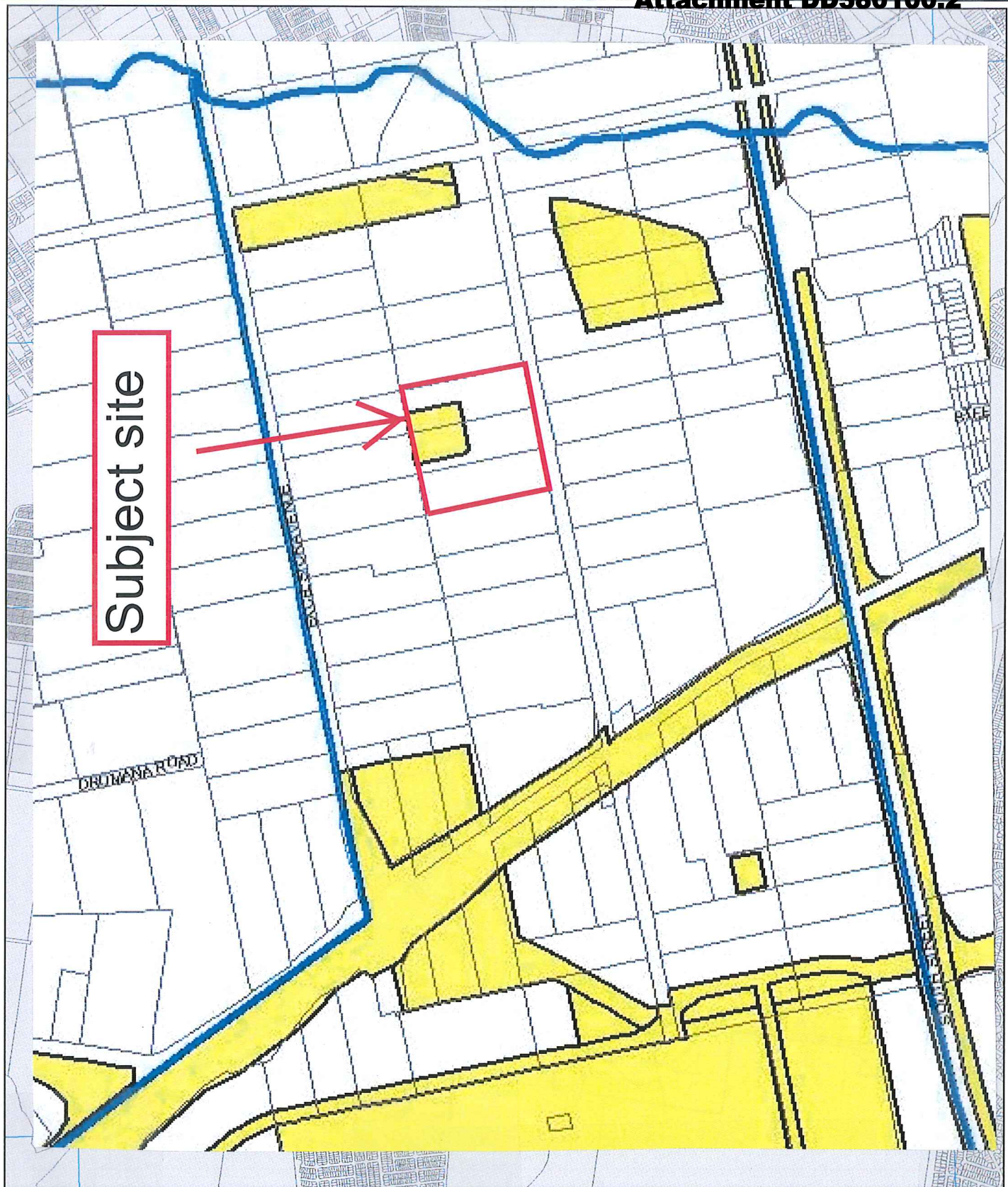
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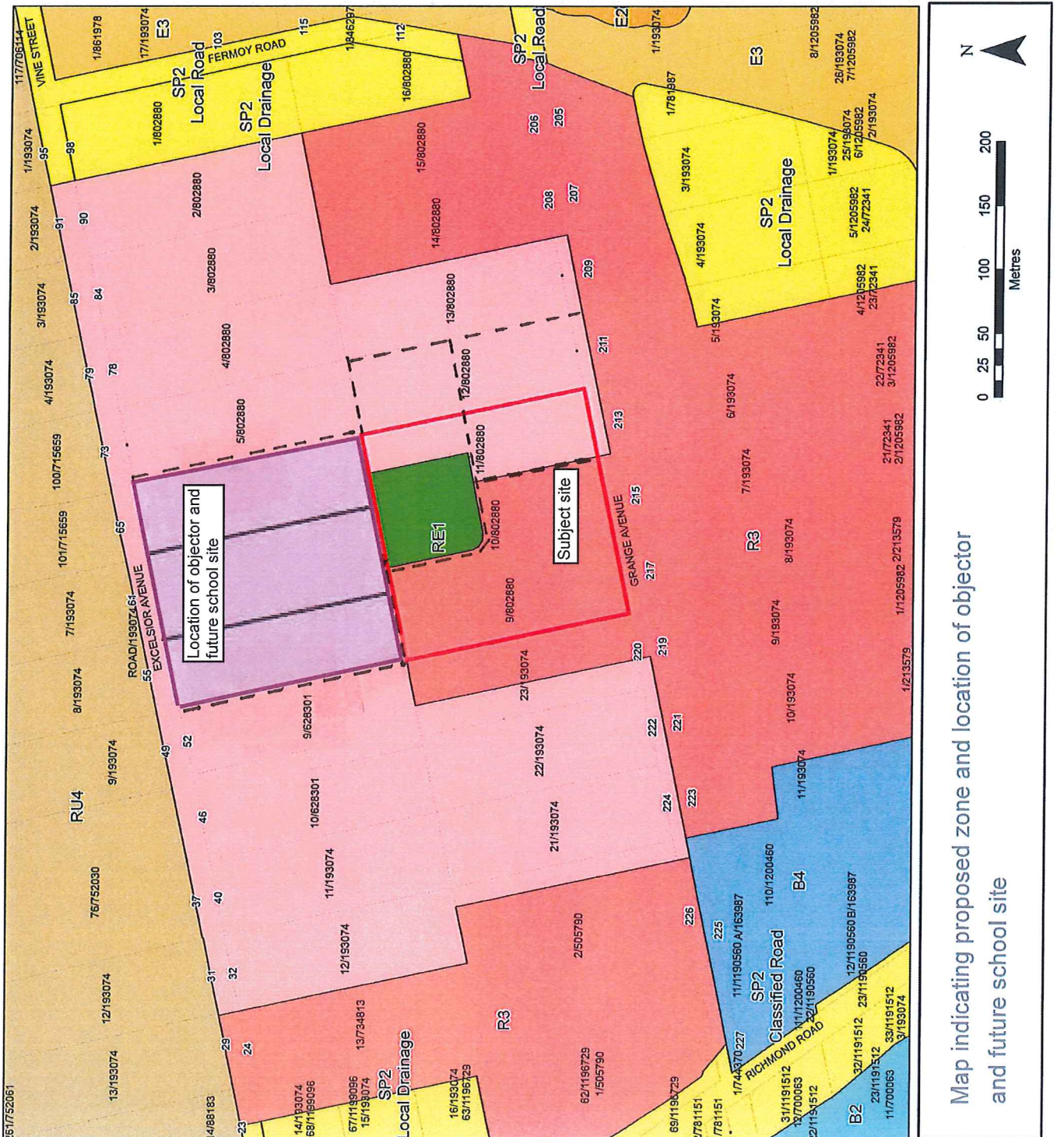
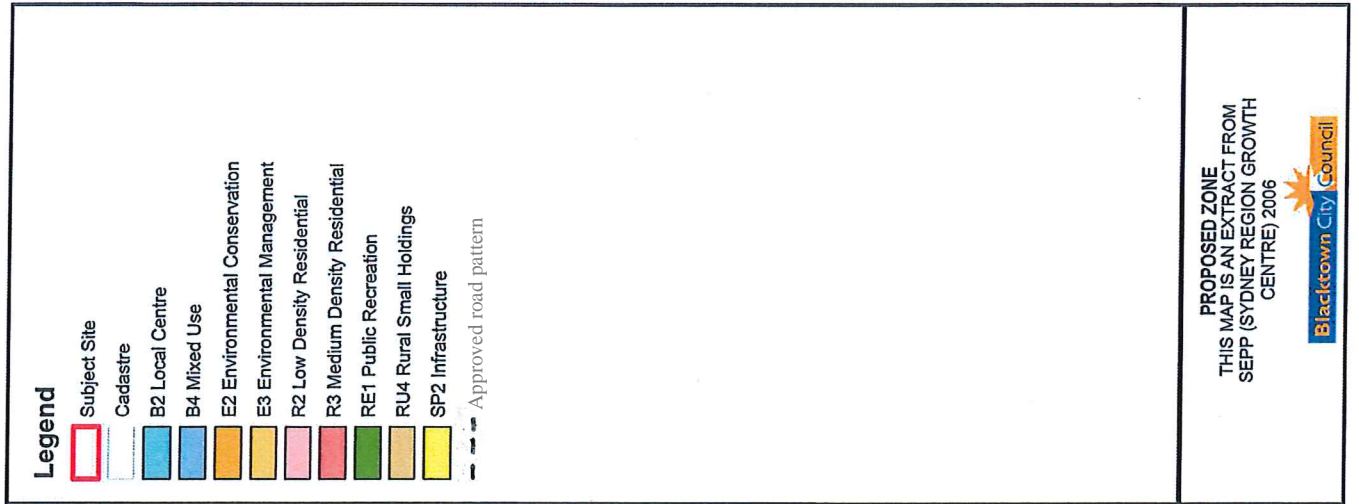
Cadastral Boundary











Excelsior Avenue and Grange Avenue, Marsden Park - changes made by 2016 DCP amendment

