

Assessment report to Sydney Central City Planning Panel

Panel reference:2018SWC002

Development application

DA number	SPP-17-00044	Date of lodgement	15 December 2017
Applicant	Stockland Development Pty Ltd c/o GLN Planning		
Owner	Woorong Park Pty Ltd and Stockland Development Pty Ltd		
Proposed development	Concept Plan comprising 945 residential lots within Stockland Precinct 6, including Stage 1 subdivision comprising 774 lots, roads and associated civil works		
Street address	Lots 1, 2 and 3 DP 1225885, Richmond Road Marsden Park		
Notification period	30 January to 1 March 2018	Number of submissions	0

Assessment

Panel criteria Schedule 7, SEPP (State and Regional Development) 2011	CIV exceeds \$20 million (the Development Application was lodged prior to 1 March 2018) CIV for this application is \$31,961,441
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> • Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River • State Environmental Planning Policy (State and Regional Development) 2011 • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Sydney Region Growth Centres) 2006 • Blacktown City Council Growth Centre Precincts Development Control Plan 2018
Report prepared by	Shakeeb Mushtaq
Report date	15 June 2018
Recommendation	Approve, subject to conditions listed in attachment 7.

Attachments

1. Location map
2. Aerial image
3. Zoning extract
4. Detailed information about proposal and DA submission material
5. Development Application plans
6. Assessment against planning controls
7. Draft conditions of consent

Checklist

Summary of section 4.15 matters

Have all recommendations in relation to relevant section 4.15 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 summarised 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 (section 7.24)? Yes

Conditions

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

Contents

1	Executive summary	3
2	Location.....	4
3	Site description.....	4
4	Background	4
5	The proposal	5
6	Assessment against planning controls.....	7
7	Key planning issues.....	7
8	No submissions were received	11
9	External referrals	11
10	Internal referrals	11
11	Conclusion	12
12	Recommendation	12

1 Executive summary

- 1.1 This Development Application is seeking Concept Plan approval for subdivision into 945 residential lots and roads and Stage 1 of the development into 774 residential lots, 2 residue lots and roads under section 4.22 (formerly section 83B) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).
- 1.2 The subject site is identified as Precinct 6 of the Elara Estate situated within the Marsden Park Precinct in the North West Growth Area. The site has multiple zonings, comprising largely the R2 Low Density Residential zone with smaller areas around the perimeter zoned R3 Medium Density Residential. Other zones include B2 Local Centre, RE1 Public Recreation, SP2 Infrastructure – Local Drainage, SP2 Infrastructure – Local Road, E2 Environmental Conservation, under the provisions of State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP).
- 1.3 The subject site is situated in the Marsden Park Precinct and therefore Appendix 12 Blacktown Growth Centres Precinct Plan of the Growth Centres SEPP applies. Subdivision is permitted under Clause 2.6 Subdivision of Appendix 12. Roads and drainage works are permitted with consent in the R2 Low Density Residential, SP2 Infrastructure and RE1 Public Recreation zones.
- 1.4 A detailed assessment has been undertaken against the provisions of the Growth Centres SEPP. The proposal complies with the numerical provisions of the Growth Centres SEPP, including the minimum residential density control and minimum lot size.
- 1.5 The key issues that need to be considered by the Panel in respect of this application are:
 - indicative street layout plan (Indicative Layout Plan variation)
 - road design amendment
 - Clause 5.3 variation
 - deletion of one vehicular bridge
 - section 7.11 contributions and variation to the Voluntary Planning Agreement (VPA).
- 1.6 The application was notified to the owners and occupiers of neighbouring properties from 30 January to 1 March 2018. No submissions were received.
- 1.7 Assessment of the application against the relevant planning framework and consideration of matters by our technical departments has not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.8 The application is satisfactory when evaluated against section 4.15 of the *Environmental Planning and Assessment Act 1979* (as amended).
- 1.9 This report recommends that the Panel approve the application as a Deferred Commencement Consent as an amended road plan is to be submitted to the Manager Traffic Management having regard to the impact on adjoining lots, to show the inclusion of a roundabout at a proposed cross-intersection before the consent can become operational, and subject to the recommended conditions listed in **attachment 7**.

2 Location

- 2.1 The subject site is situated on the southern side of the Marsden Park Precinct adjoining the Air Services land to the south. It is located on the eastern side of Stony Creek Road, bounded by Richmond Road to the east and South Creek to the north-west. Winten's Newpark residential development is located to the north and west of the site and will ultimately contain low and medium density residential development, a neighbourhood centre, K-12 school and areas of public open space.
- 2.2 The north-eastern and western boundaries of the site adjoin a drainage channel. The Stockland Precinct 5 residential subdivision is located to the north-east and will provide vehicular and pedestrian connections to the subject site. Sydney Business Park, comprising large bulky goods retailing stores and employment uses, is located to the south-east.
- 2.3 The character of the wider locality is in transition due to rezoning by the NSW Government to release land for residential, employment and other urban development, with much of the rural land being subdivided for small lot residential development.
- 2.4 Council has approved bulk earthworks under DA-15-02273 for Precincts 5 and 6, involving placing and engineering of fill materials, drainage works, construction of roads, removal of trees and demolition of structures. The bulk earthworks also included grading of the site to provide land for future development above the 1 in 100 year flood event.
- 2.5 The former Joint Regional Planning Panel has approved the Precinct 5 Development Application JRPP-15-02324 for a 9 stage Torrens title subdivision to create 647 residential lots, 15 residue lots and associated works. This application approved the drainage corridor and regional basin to the east and north of the subject site. This drainage corridor and basin will facilitate drainage of the majority of the subject site.
- 2.6 The location of the site is shown at **attachment 1**.

3 Site description

- 3.1 The development site comprises 3 lots and is legally described as Lots 1, 2 and 3 in DP 1225885, Richmond Road, Marsden Park. The works are mostly located in Lot 2, with minor intersection road works on Lots 1 and 3 providing connections to the adjoining developments to the north and east.
- 3.2 Lot 2 is irregular in shape with an area of 44.70 ha. The earthworks approved under development consent DA-15-02273 are currently underway. The site is clear of any vegetation. The site falls towards the north and west. Some of the land is flood prone.
- 3.3 An aerial image of the site and surrounding area is at **attachment 2**.

4 Background

- 4.1 The site is zoned R2 Low Density Residential, R3 Medium Density Residential, RE1 Public Recreation, SP2 – Infrastructure (Local Drainage), SP2 – Infrastructure (Local Road) and E2 Environmental Conservation under the provisions of the Growth Centres SEPP.
- 4.2 The zoning plan for the site and surrounds is at **attachment 3**.

- 4.3 A separate application, DA-15-02273, for bulk earthworks on the site was approved by Council under delegated authority on 9 September 2016. This DA has already assessed site contamination, archaeology, salinity, flora/fauna issues and to a large degree drainage and flooding issues. This DA also included works on the land within the adjoining Precinct 5. The bulk earthworks are currently being carried out in accordance with this consent.

5 The proposal

- 5.1 The Development Application has been lodged for Stockland Development Pty Ltd. It proposes a Concept Plan under section 4.22 of the *Environmental Planning and Assessment Act 1979* for the subdivision of Precinct 6 land to create 945 residential lots. The Concept Plan sets the site layout and dwelling density of 22.3 dwellings/ha for Precinct 6.
- 5.2 Stage 1 of the Concept Plan involves subdivision including:
- 774 residential lots, 3 superlots and 2 residue lots. Figure 1 on the next page shows the location and distribution of these lots
 - civil works, including roads, stormwater drainage and installation of services
 - associated works, including contouring, street tree planting and sediment and erosion control.
- 5.3 The 774 residential lots in Stage 1 will be developed in 9 further stages.
- 5.4 The residential lot frontages range from 9 m to 28 m.
- 5.5 The proposed subdivision will create residential lots ranging in area between 250 m² and 822 m². A total of 147 lots will have an area of between 250 m² and 300 m². The application documentation includes Building Envelope Plans for each lot less than 300 m², to demonstrate that the lot can accommodate a future dwelling in accordance with the Growth Centres DCP requirement.
- 5.6 It is proposed to create 3 superlots and 2 residue lots. The superlots will be developed with a higher density form of housing in future stages under future separate Development Applications.
- 5.7 The Stage 1 works will involve subdivision only and this Development Application does not seek approval for the construction of any dwellings.
- 5.8 Other details about the proposal are at **attachment 4** and a copy of the development plans is included at **attachment 5**.



Source: Craig and Rhodes

Figure 1 - Subdivision and staging layout

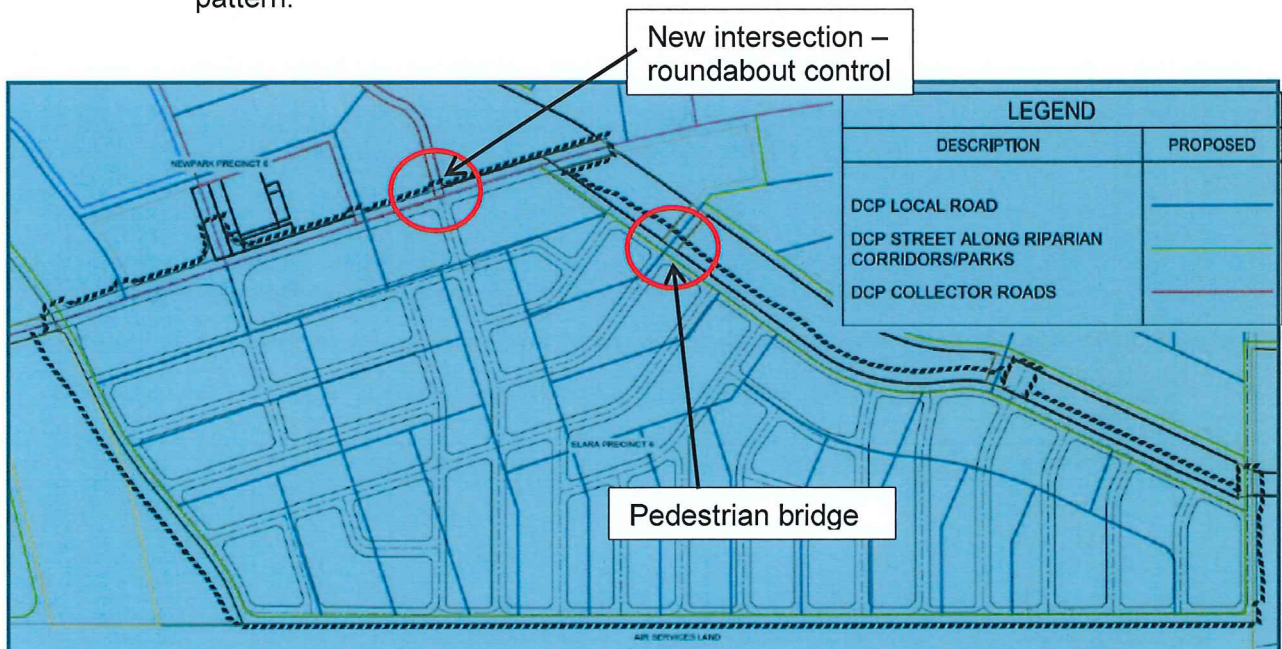
6 Assessment against planning controls

- 6.1 A full assessment of the Development Application against relevant planning controls and section 4.15(1)(a) matters is provided at **attachment 6**.

7 Key planning issues

7.1 Road pattern under the Indicative Layout Plan (ILP)

- 7.1.1 According to the DCP, the road alignments, hierarchy and design/dimensions of any proposed road network shall be consistent with the ILP for the Precinct and the typical design of the type of road to be constructed. Any variations to the residential street network need to demonstrate that the principles of permeability, connectivity, amenity and stormwater management can be achieved.
- 7.1.2 The objectives of these controls are:
- to establish a hierarchy of interconnected streets that give safe, convenient and clear access within and beyond the Precinct
 - to manage the environmental impacts of urban development
 - to facilitate energy efficient lot and building orientation
 - to create an interesting and attractive streetscape.
- 7.1.3 The applicant is seeking to vary the road pattern of the ILP. In support of the variation, the applicant has submitted an overlay showing the road network under the ILP and the proposed road network as shown in Figure 2 – Overlay of road pattern.



Source: JWP - Overlay of DCP road layout

Figure 2 - Overlay of road pattern

- 7.1.4 Following a detailed assessment, no objection is raised to the variations to the road pattern of the ILP for the following reasons:
- a. Council's Traffic Management Section has raised no objection to the amended road pattern subject to certain additional intersection control measures.
 - b. The changes principally involve local roads and therefore are not considered to have any significant adverse impacts on the internal road network in terms of traffic efficiency or road safety.
 - c. The road pattern would achieve a permeable layout to facilitate vehicle and pedestrian movements, maximises surveillance over the drainage corridors and does not include culs-de-sac.
 - d. The proposal includes changes to the Southern Perimeter Road that adjoins the Air Services land, aiming to prevent this road to be used as a long through road.
 - e. The proposal is consistent with the road hierarchy stipulated in Figure 4-2, Schedule 6 Marsden Park Precinct DCP.
 - f. The locations and alignments of all the proposed roads will not impede connectivity and accessibility with surrounding development, particularly to the north, west and east.
 - g. The overlay received by Council has demonstrated that the road area now proposed is greater than the road area under the adopted ILP and therefore the proposed variation will not increase the potential dwelling yield.
 - h. The variation to the road layout will not impact on the minimum residential density required. The proposed subdivision will achieve the minimum dwelling density as required under the SEPP.

7.2 Proposed new cross junction intersection at Road 602/Road 100/Road C3

- 7.2.1 The applicant initially proposed a give way control on the intersection of the main collector road (Road 100), Road C3 and a local road (Road 602) (see Figure 3 below). Council's Traffic Management Section did not agree and suggested a roundabout for this intersection as Road 602 is expected to function as the main feeder road. The applicant then suggested a central median. However, this solution was also not acceptable and the applicant has now amended the proposal to include a roundabout at this intersection.
- 7.2.2 This intersection is shown on Figure 2 on page 7.

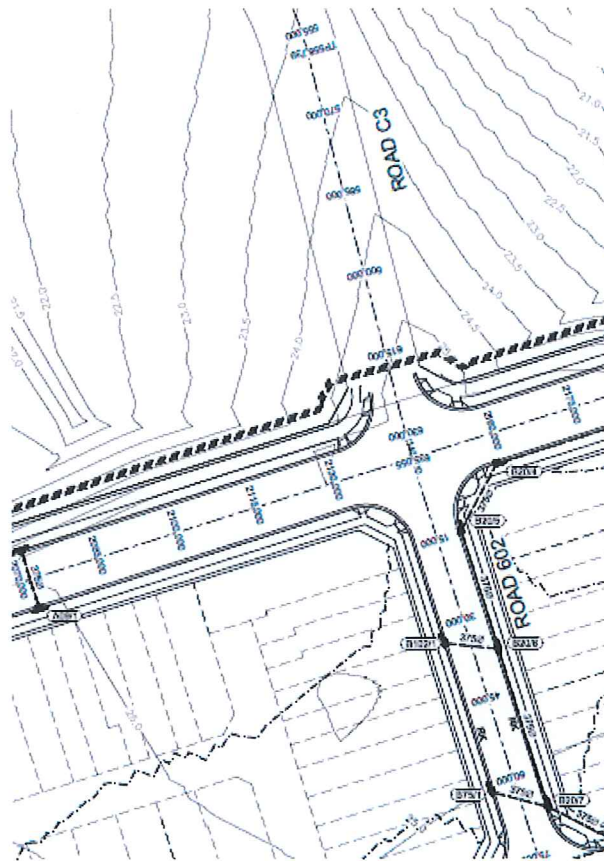


Figure 3 - Extract from Plan No 11035003/DA07 showing cross junction intersection at Road 602/Road 100/Road C3

- 7.2.3 Council's Traffic Management Section has advised that the concept of the roundabout design is acceptable. However, this may have some implications for proposed development to the north in Precinct 5 in an earlier approval. It is recommended that Deferred Commencement Consent be granted requiring a detailed design of the roundabout and assessment of the impact on the adjoining development to the north in Precinct 5. Should any changes to the layout or lot configuration be required for the approved Precinct 5 development, the applicant will have to lodge separate modification applications for Council's consideration and determination to vary that consent.

7.3 Clause 5.3 – Development near zone boundaries

- 7.3.1 The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land use of the adjoining land. This clause allows flexibility between R2 and R3 zones of up to 100 m.

- 7.3.2 The proposed superlots will be developed in the future via separate Development Applications for medium density dwellings, which is ordinarily a prohibited use in the R2 Low Density Residential zone except where distance and locational criteria prescribed by clause 11 of Appendix 12 of the SEPP allows such a use. Since the superlots are located within 100 m of other zones including R3 and B2, the use of Clause 5.3 can be supported later when these applications are considered separately. In the meantime, as part of the concept plan approval, the applicant wants the Clause 5.3 variation to be supported now so there is certainty that superlots can be allocated for the type of housing product. On this basis we support the use of Clause 5.3.

7.4 Conversion of vehicle bridge to a pedestrian bridge

- 7.4.1 The ILP includes 4 vehicle bridge connections over the drainage channel to link Precinct 6 with Precinct 5. The proposal seeks to reduce the vehicle bridge connections to 3 only, with the 4th connection to be converted to a pedestrian bridge. Council's Traffic Management Section has agreed that the development could operate satisfactorily with 3 vehicle bridges and one pedestrian bridge. No objection is therefore raised to the proposed changes and this will be conditioned.
- 7.4.2 The location of the bridge is shown on Figure 2 on page 7.

7.5 Voluntary Planning Agreement and section 7.11 contributions

- 7.5.1 Stockland has an existing Planning Agreement (VPA) with Council to dedicate land for public purposes and carry out works related to Precincts 1 to 5. This VPA is called Marsden Park Precinct 1 Planning Agreement. This agreement was updated in June 2017 to include Precinct 5. This application seeks to further amend the VPA to include Precinct 6. Once amended, the VPA will apply to all of the residential development within Stockland's Elara Estate instead of section 7.11 contributions. The applicant has provided a letter of offer to enter into an agreement with Council to amend the existing VPA to include Precinct 6.
- 7.5.2 Council's Development Contribution Section has raised no objection to the variation to the VPA and requires that development consent be granted subject to finalising the VPA to apply to all residential development in Elara Estate Precinct 6 prior to the release of a Subdivision Certificate.
- 7.5.3 The transitional arrangements for section 7.11 contributions will come into effect on 1 July 2018, resulting in an increase to the contribution rates for residential lots. The applicant is seeking Council to levy contributions related to full development included in the Concept Plan to avoid the application of increased rates of contributions. Council's Development Contribution Section has not raised any objection to levying the section 7.11 contributions to 774 residential lots and 3 superlots to be created as part of the Concept Plan application. The contribution for the remaining futures stages which involve the medium density dwelling types will be levied when the Development Applications are determined for that land.

8 No submissions were received

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 30 January and 1 March 2018. It was also advertised in the local newspapers and a sign was erected on the site.
- 8.2 No submissions were received.

9 External referrals

- 9.1 The Development Application was referred to the following external authorities for comment:

Authority	Comments
Roads and Maritime Services	Acceptable subject to conditions
Department of Primary Industries - Water	General Terms of Approval issued on 15 May 2018
Rural Fire Service	General Terms of Approval, under Division 5 of the Environmental Planning and Assessment Act 1979, and a Bush Fire Safety Authority, under section 100B of the Rural Fires Act 1997 were issued on 29 May 2018.
Transport for NSW re Outer Sydney Orbital (OSO)	No objection as the subject site is not within the draft OSO corridor.

10 Internal referrals

- 10.1 The Development Application was referred to the following internal sections of Council for comment:

Section	Comments
Traffic management	Acceptable subject to conditions
Building	Acceptable subject to conditions
Tree Management	Acceptable subject to conditions
Engineering	Acceptable subject to conditions
Development Contributions	Standard section 7.11 conditions to be imposed. Deferred Commencement Consent requiring execution of Voluntary Planning Agreement before the consent operates.

11 Conclusion

- 11.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory. It is considered that the likely impacts of the development have been satisfactorily addressed and that the proposal is in the public interest.

12 Recommendation

1. The Development Application be approved by granting a Deferred Commencement consent subject to the conditions listed in attachment 7.

Shakeeb Mushtaq
Assistant Team Leader



Judith Portelli
Manager Development Assessment



Glennys James
Director Design and Development