

Assessment report to Sydney Central City Planning Panel

Panel reference: 2018SWC041

Development application

DA number	SPP-18-00005	Date of lodgement	7 March 2018
Applicant	Midson Group		
Owner	Anglican Church Property Trust Diocese of Sydney		
Proposed development	Demolition, removal of trees and site preparation works, and the staged construction of a 500 seat place of public worship (POPW), signage, 128 parking spaces and associated works in 3 stages		
Street address	49 Excelsior Avenue, Marsden Park		
Notification period	18 April to 3 May 2018	Number of submissions	1 (confidential)

Assessment

Panel criteria Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> Capital investment value (CIV) over \$5 million (DA has CIV of \$8.9 million).
Relevant section 4.15(1)(a) matters	<ul style="list-style-type: none"> Environmental Planning and Assessment Act 1979 Clause 92 of Environmental Planning and Assessment Regulation 2000 State Environmental Planning Policy (State and Regional Development) 2011 State Environmental Planning Policy (Infrastructure) 2007 State Environmental Planning Policy No. 55 – Remediation of Land State Environmental Planning Policy No. 64 – Advertising and Signage State Environmental Planning Policy (Sydney Region Growth Centres) 2006 Draft Marsden Park North Precinct Masterplan Blacktown Local Environmental Plan 2015 Blacktown Development Control Plan 2015 Central City District Plan 2018 Blacktown Local Strategic Planning Statement 2020
Report prepared by	Adiba Kashfi
Report date	21 September 2020
Recommendation	Approve as a deferred commencement consent subject to the conditions listed in attachment 8.

Attachments

- 1 Location map
- 2 Aerial image
- 3 Zoning extract
- 4 Detailed information about proposal and DA submission material
- 5 Development Application plans and applicant's Schedule of Activities for Stages 1 and 2
- 6 Assessment against planning controls

- 7 Issues raised by the public (confidential attachment to Panel members only)
- 8 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
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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
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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?	Not applicable
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Special Infrastructure Contributions

Does the DA require Special Infrastructure Contributions conditions (section 7.24)?	Yes
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Conditions

Have draft conditions been provided to the Applicant for comment?	Yes
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1 Executive summary

- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- the proposal is capable of being consistent with the draft exhibited Precinct Plan for this locality
 - Excelsior Avenue (on the site's southern boundary) is required to be widened to provide a 22 m wide collector road and the draft Indicative Layout Plan (ILP) road pattern on the site's northern boundary will need to be 18 m wide, with 9 m on the applicant's site to cater for the future R3 Medium Density Residential zone opposite this site
 - the proposal includes an allowance to provide driveways via future public roads
 - matters raised in the public submission are considered in detail in Section 8 of this report. The objection is not considered sufficient to warrant the refusal of the DA
 - the neighbouring property to the west of the subject site, 37 Excelsior Avenue, Marsden Park, consists of a late 19th century cottage, making it one of the earliest dwellings to have been constructed in the draft Marsden Park North Precinct. However, this proposal can co-exist with this possible heritage item. This is discussed further in Section 7 of this report
 - the proposal will require the removal of 37 trees in stages. This tree removal is unavoidable due to the spread of the proposed buildings and the associated necessary site works. The applicant proposes to replace these trees as part of their landscaping strategy for the proposal
 - Stage 1 of the facility will be serviced by an on-site bio-effluent system. This will only be required until sewer infrastructure is connected to the site. Stage 2 Construction Certificates will not be permitted to be issued until written evidence from Sydney Water (SWC) confirming connection to a reticulated sewerage system can be provided and has been completed to SWC satisfaction
 - Council's engineers are not fully satisfied with the applicant's road design or stormwater disposal, but these issues can be resolved by deferred commencement conditions.
- 1.2 Assessment of the DA against the relevant planning framework and consideration of matters by our technical departments have not identified any issues of concern that cannot be dealt with by conditions of consent.
- 1.3 The DA is therefore satisfactory when evaluated against section 4.15 of the Environmental Planning and Assessment Act 1979.
- 1.4 This report recommends that the Panel approve the DA subject to the recommended conditions listed in attachment 8.

2 Location

- 2.1 The site is located in Marsden Park.
- 2.2 The surrounding properties which are also located to the northern side of Excelsior Avenue consist of rural-residential dwellings and associated structures, dams and scattered vegetation.
- 2.3 The Baiada poultry (hatchery) facility is located to the south-east of the site at 54-58 Excelsior Avenue. This site is in the Marsden Park Precinct. The distance between the subject site and the poultry facility is 85 m. This facility is permitted to continue operating under existing use rights. However, it is anticipated that such facilities will cease and be

redeveloped for residential purposes in the future given the future urban rezoning of the precinct.

- 2.4 Richmond Road is located 471 m to the west of the site and is the key strategic road in the vicinity of the Marsden Park North Precinct, providing access to the wider road network in the North West Growth Area and connectivity to Sydney's orbital network. Key roads surrounding the precinct include Garfield Road West and Excelsior Avenue, being a 26 m wide arterial road and a 22 m wide collector road respectively, as indicated in the draft Marsden Park North Masterplan.
- 2.5 The area to the south of Excelsior Avenue comprises the rezoned Marsden Park Precinct, and several properties benefit from recent development approvals for residential subdivision, although development works are yet to commence.
- 2.6 The location of the site is shown in attachment 1.

3 Site description

- 3.1 The 1.0926 hectare site is rectangular and is currently registered as Lot 9 in DP 1225976. The site benefits from a 60.35 m wide frontage to Excelsior Avenue.
- 3.2 The front portion of the site is generally flat and gradually slopes down towards the disused dam. At the rear part of the site there is a centrally located high point which slopes 2.1 m downwards to the north-eastern corner of the site.
- 3.3 The site contains 2 single storey dwelling houses and associated garages, sheds, driveways and scattered trees. There is a disused dam and a mound of earth located centrally near the western boundary of the site.
- 3.4 An aerial image of the site and surrounding area is at attachment 2.

4 Background

- 4.1 The site is zoned RU4 Rural Small Holdings under Blacktown Local Environmental Plan (BLEP) 2015. The zoning plan for the site and surrounds is at attachment 3.
- 4.2 From 6 September to 19 October 2018, and following the lodgement of this DA, DPIE publicly exhibited the draft Marsden Park North Precinct Masterplan under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Growth Centres SEPP). This Masterplan will guide the future rezoning and development of this new precinct, which comprises the new suburbs of Angus and Marsden Park. DPIE is currently considering submissions to the draft Masterplan, including verifying that Excelsior Avenue is required to be a 22 m wide collector road.
- 4.3 The site is already biodiversity-certified under the Growth Centres SEPP in anticipation of its future urban release.
- 4.4 A copy of the draft Masterplan is at attachment 1 and a copy of the draft zoning map is at attachment 3; both of which are generally consistent with this DA.

5 The proposal

- 5.1 The DA was lodged by Midson Group.
- 5.2 The applicant proposes works in 3 stages to demolish the existing dwellings and associated structures, remove 37 trees, undertake site preparation works, and construct a place of public worship ultimately comprising a 500-seat auditorium, a multi-use hall, office space, meeting rooms, kitchen facilities, signage, 128 car parking spaces and associated stormwater works, temporary on-site effluent bio-septic disposal system for Stage 1 only and landscaping.

- 5.3 Other details about the proposal are at attachment 4, including improvements to Excelsior Avenue, traffic, parking and contamination matters. A copy of the development plans and the applicant's schedule of activities for Stages 1 and 2 is at attachment 5.

6 Assessment against planning controls

- 6.1 An assessment of the DA against relevant section 4.15(1)(a) matters is provided at attachment 6.

7 Key issues

7.1 The proposal is capable of being consistent with the draft Marsden Park North Precinct Plan for this locality

7.1.1 The site and locality are intended to form the future Marsden Park North Precinct under the Growth Centres SEPP. Given the context of this locality, being subject to future rezoning and the substantial transition at the perimeter of the Marsden Park Precinct, we consider that the proposal is satisfactory in terms of:

- being compatible with the road pattern of the Indicative Layout Plan (ILP) of the adjoining Marsden Park Precinct to the south and demonstrating that a safe and efficient road network will result
- allowing for the appropriate redevelopment of surrounding properties. The future development of the surrounding sites is considered to be reasonably capable of achieving orderly development of land, good design and amenity. This includes provision of the road and pedestrian network to enable appropriate connections.
- the application was referred to DPIE under Clause 17 of State Environmental Planning Policy (Sydney Region Growth Centres) 2006. DPIE's Land Release Branch reviewed the application and raised no objection to the proposed development.
- DPIE is undertaking precinct planning for the Marsden Park North Precinct which specifically caters to the land use, layout and design proposed in this Development Application. The draft ILP is shown at attachment 1 and provides new public roads which are clear of this site, with the exception of a new half road along the rear (northern) boundary of the site, which is shared with an intended local public park. This proposal satisfactorily caters for the future local road network, including the Stage 3 works to relocate the driveway to the future collector road to the east and a new access point to the future local road to the north.

7.2 Excelsior Avenue is required to be widened to provide a 22 m wide collector road and the northern ILP road is to be minimum 18 m wide necessitating 9 m on the applicant's land for half of this road

7.2.1 In its current form, Excelsior Avenue is a 20.115 m wide semi-formed road in line with a rural-residential area. The existing road reserve width is sufficient for the Marsden Park Precinct Plan (to the south of this site) which requires Excelsior Avenue to become a 20 m wide collector road. This is reflected in recently approved DAs for properties to the south of Excelsior Avenue comprising 10 m wide 'half-road' construction.

7.2.2 As confirmed in discussions with DPIE, the Draft Precinct Plans for both Marsden Park North and West Schofields also nominate Excelsior Avenue as a collector road with a shared pedestrian and cycle path. However, the width of this road, which exists at approximately 20 m, is increased to 22 m. As a result this subject site and all properties to the north of Excelsior Avenue are required to cater for the

part of the collector road which is not taken into account on the properties to the south of Excelsior Avenue, by providing 11.885 m wide 'half-road' construction of Excelsior Avenue. This ensures that the road network hierarchy for a full width 22 m collector road is achieved.

- 7.2.3 This road width is reflected on the applicant's amended plans provided at attachment 5. This shows an allowance for the applicant's responsibility to provide for the slightly more than 'half-width road' for Excelsior Avenue. This requires the applicant to dedicate an additional 1.885 m of their front setback area to provide half of the future collector road and associated shared path. In response to this requirement, the applicant amended the proposal to provide an additional 1.9m setback for buildings, substation, letterboxes, hydrant, booster pump and pre-fabricated fire pumpset enclosure (FPE) so that a 7.5 m building setback to the future road reserve can still be maintained and all ancillary structures will be located within the residue site after the road widening is dedicated along the frontage. The proposed 7.5 m building setback is satisfactory as it will be more than the 4.5 m minimum street setback that will be required for future dwellings on neighbouring properties, which are to be rezoned to R2 Low Density Residential in the new Precinct Plan. It is intended to include a condition to require the half width road construction and additional road dedication to be completed as a 'prior to issue of the building Construction Certificate' condition for Stage 2.
- 7.2.4 The draft Marsden Park North DCP also includes a requirement that Excelsior Avenue comprises a 'Main off road and shared pedestrian and bicycle pathway', with a width of 10 m as shown in Figures 1 and 2 below. This pathway is 3.5 m wider than the pathway width of 6.5 m for collector roads as shown in Figure 3.
- 7.2.5 DPIE has advised that the location and width of the shared pathways is a matter for our consideration. Our Coordinator Traffic Management has reviewed the amended plans submitted by the applicant in May 2020. No objection is raised to the revised scheme, and this construction and dedication of their portion of the shared pathway is included in the conditions.



MARSDEN PARK NORTH PRECINCT
PRECINCT PEDESTRIAN & CYCLING NETWORK



-  Precinct Boundary
-  Main off road and shared pedestrian and bicycle pathway

Figure 17 Bicycle and pedestrian network

Figure 1: Extract from Figure 17 'Bicycle and pedestrian network' of the Draft Marsden Park North Precinct Masterplan identifying that a dedicated shared pedestrian and bicycle pathway is to be provided in this precinct.

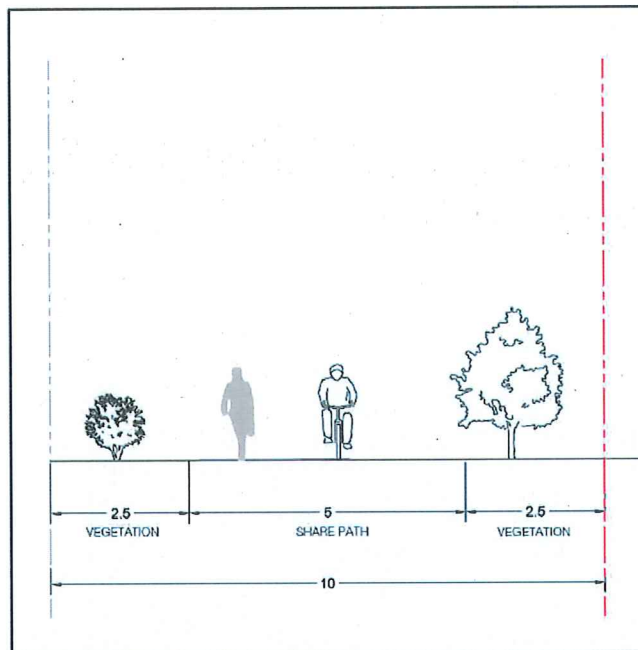


Figure 18 Off road recreation pedestrian and cycle path

Figure 2: Extract from Figure 18 'Off road recreation pedestrian and cycle path' of the Draft Marsden Park North Precinct Masterplan identifying the break-up of the 10 m wide dedicated shared pedestrian and bicycle pathway.

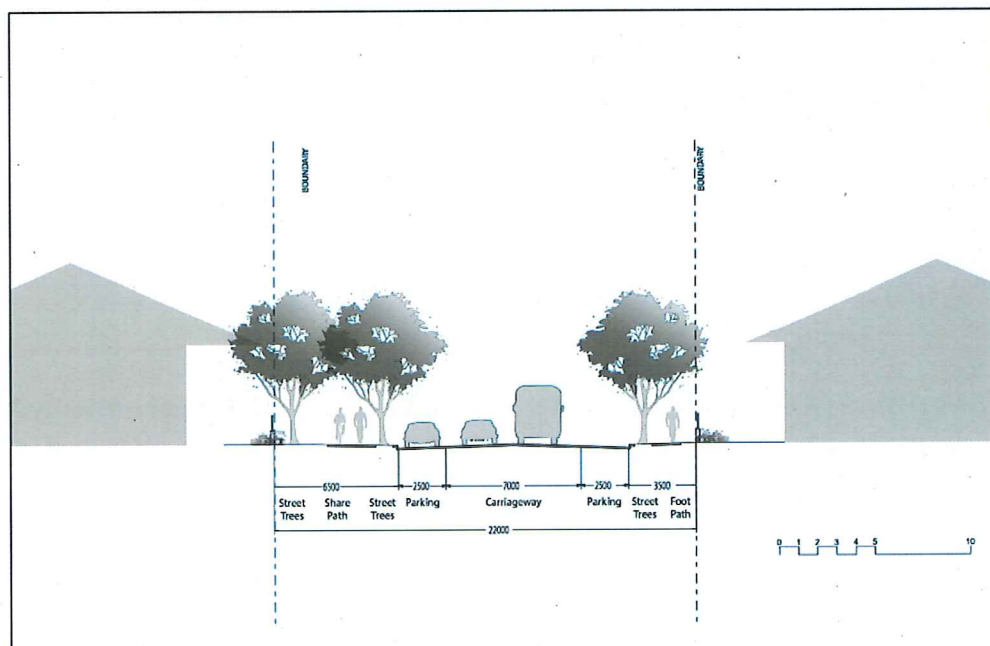


Figure 15 Collector road section

Figure 3: Extract from Figure 15 'Collector road section' of the Draft Marsden Park North Precinct Masterplan identifying the break-up of the 22 m wide collector road, including a 6.5 m wide shared path (left side).

- 7.2.6 Regarding the draft ILP road pattern on the northern side of the subject land, the applicant will also need to construct and dedicate the future half-road, being 9 m wide, as it will be an 18 m wide road reserve to service the future R3 Medium Density zoned area across the road. This will be conditioned to obtain details of this road as part of the deferred commencement issues in the consent.

7.3 The proposal includes an allowance to provide driveways via new public roads

7.3.1 The applicant has demonstrated that the proposed driveway and carpark design provides flexibility to construct future driveway connections to the local road along the northern boundary of the site and the collector road to the east of the site, once constructed. Refer to attachment 5 for the applicant's full size development plans.

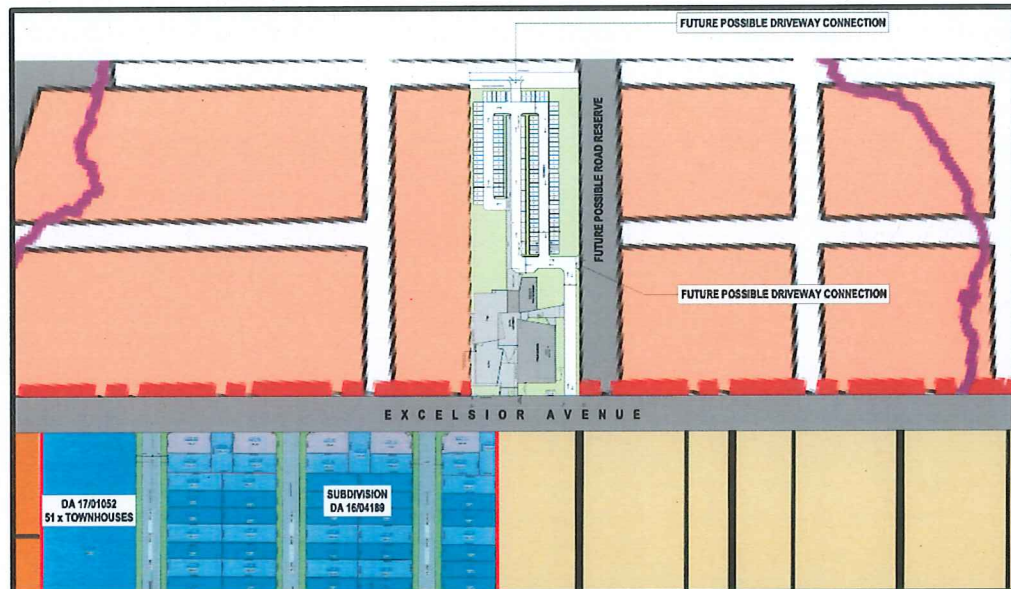


Figure 4: Overlay of the proposed development onto the draft Marsden Park North ILP and the adopted Marsden Park ILP (to the south of Excelsior Avenue). The future possible driveway connections to the site are also identified, pending the construction of the future road network. Source: Fulton Trotter Architects.

7.3.2 This scenario will facilitate the removal of the proposed driveway from Excelsior Avenue and its replacement with a landscaped garden area and splay corner at the intersection of the future roads at the SE and NE corners, as shown in the Figure 5 (Stage 3 Landscape Plan) below:

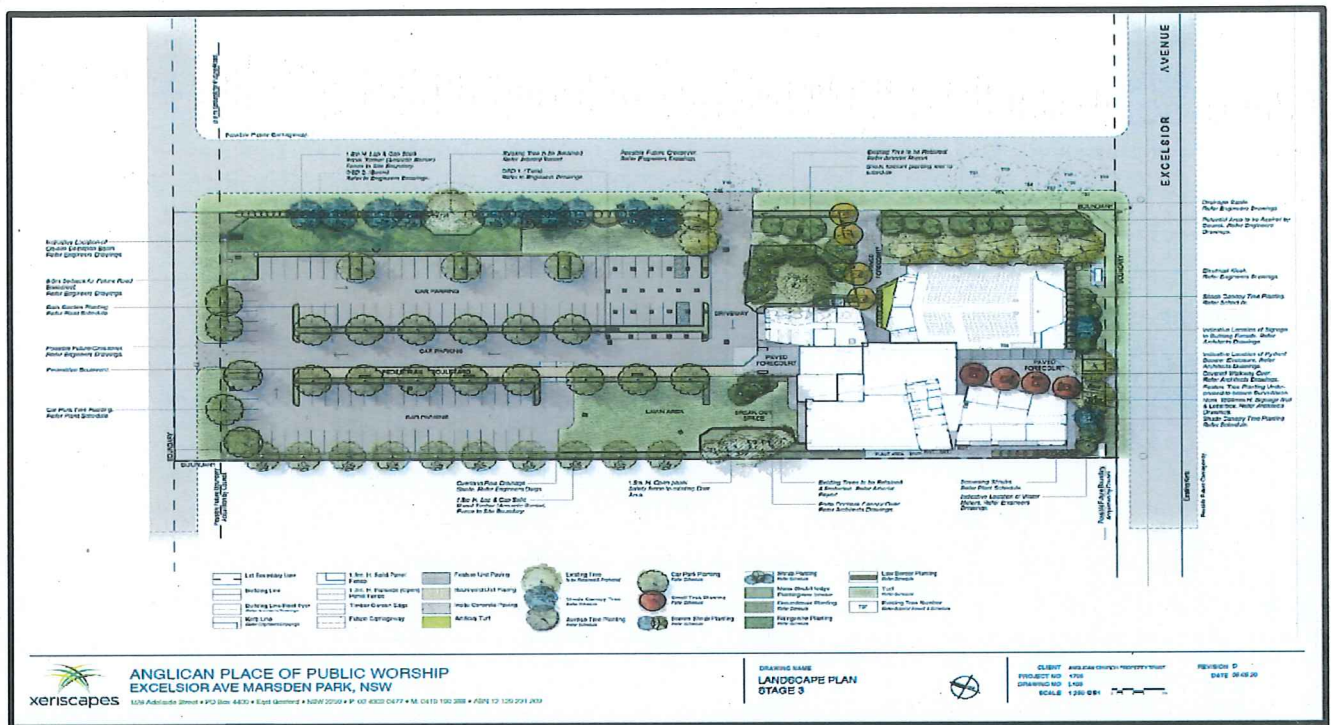


Figure 5: L103 Stage 3 Landscape Plan showing future driveway connections to collector road on eastern boundary and local road to northern boundary, including land acquisition. Note: the 22 m wide collector road on the eastern boundary is located fully within the neighbouring property under the draft exhibited ILP.

7.4 Subject site is near an identified possible local heritage item

- 7.4.1 The neighbouring property to the west of the subject site, at 37 Excelsior Avenue, consists of a late 19th century cottage, making it one of the earliest dwellings to have been constructed in the Marsden Park North Precinct.
- 7.4.2 It is therefore representative of early local development and subdivision. The cottage is a simple example of an early rural residential workers cottage in the late Victorian style and is located 100 m to the west of the church site. Comparable cottages, both in terms of age and style, are present in the wider Blacktown local government area. Therefore, the cottage is not considered to be rare.
- 7.4.3 The draft Marsden Park North Precinct Masterplan identifies that the cottage may potentially be added as a Local Heritage Item in the Growth Centres SEPP, subject to further investigation. The draft Indicative Layout Plan (ILP) suggests that this cottage will be removed, as a new local road is proposed in its location. The reports which accompany the draft Masterplan exhibition documents indicate that archival recording of the cottage is sufficient prior to the redevelopment of 37 Excelsior Avenue.
- 7.4.4 Council's Strategic Planning section has raised this issue with the Department of Planning, Industry and Environment (DPIE) and recommends that potential heritage items should be further assessed prior to finalisation of the Precinct Plan, for potential inclusion in the Growth Centres SEPP and DCP. This may result in the ILP road in 37 Excelsior Avenue being relocated to be clear of the cottage.
- 7.4.5 However, given the design of this proposal, it is considered that it will be compatible with the cottage if it becomes a heritage item.

7.5 The applicant will remove the 37 existing trees to facilitate this development

- 7.5.1 The proposal will require the removal of 37 existing gum trees in order to undertake the earthworks and to site the building. The tree removal will be done in stages.

- 7.5.2 The land is already biodiversity-certified under the Growth Centres SEPP in anticipation of its imminent residential zoning under the Marsden Park North Precinct Plan.
- 7.5.3 Council's ecologist has reviewed the proposal and has concluded that the tree removal is acceptable subject to replacement tree planting of endemic species. A condition to submit a biodiversity management plan is also imposed prior to the issue of any Construction Certificate.
- 7.5.4 Conditions for tree planting are included in the consent and the applicant's landscape strategy can be amended to include 37 replacement gum trees around the site.
- 7.6 Stage 1 will be serviced with a temporary on-site bio-effluent treatment system**
 - 7.6.1 As the site is still rural and has a site area of 1.09 hectares there is not a reticulated sewerage system by Sydney Water Corporation (SWC) in this area.
 - 7.6.2 As part of development following adoption of the Precinct Plan, SWC will provide a reticulated sewerage system as part of the land's rezoning to urban usage.
 - 7.6.3 In the meantime, Stage 1, being the construction of the 250 seat auditorium and associated facilities, will be serviced with an on-site bio-septic effluent treatment system with a spray irrigation area over grass where Stage 2 will ultimately be developed.
 - 7.6.4 Council's Environmental Health Unit has signed off on this temporary arrangement for Stage 1 only. Council will require connection to the reticulated sewerage system before any Building Construction Certificate for Stage 2 is issued. The applicant will be required to provide written evidence from SWC that this has occurred as a Pre-Construction Certification condition.
 - 7.6.5 Given the imminence of the release area's gazettal, this arrangement is considered satisfactory.
- 7.7 Deferred Commencement Consent required to address engineering and drainage issues**
 - 7.7.1 The applicant has not fully met Council's engineering and drainage issues regarding stormwater management on the site. On this basis Council still needs to assess the applicant's bio-retention basin design and to see evidence of the applicant's intended legal points of stormwater discharge.

8 Issues raised by the public

- 8.1 The DA was notified to property owners and occupiers in the locality between 18 April and 3 May 2018 and was also advertised in the local newspapers and a sign was erected on the site.
- 8.2 We received 1 public submission. The submitter asked for their issues and details to be kept confidential.
- 8.3 A summary of each issue and our response is provided in attachment 8 (confidential to the Panel).
- 8.4 The issues raised in the objection are not considered to be sufficient to warrant refusal of the DA.

9 External referrals

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

Authority	Comments
NSW Department of Planning Industry and Environment, Land Release Branch	Acceptable
Local Police	Acceptable, subject to conditions

10 Internal referrals

10.1 The DA was referred to the following internal sections of Council for comment:

Section	Comments
Engineering	Acceptable, subject to conditions
Drainage	Acceptable, subject to conditions
Strategic Planning	Acceptable
Access and Transport Management	Acceptable, subject to conditions
Waste	Acceptable, subject to conditions
City Architect	Acceptable
Environmental Health	Acceptable, subject to conditions
Council Ecologist	Acceptable, subject to conditions
Building	Acceptable, subject to conditions
Section 7.11 Contributions	Acceptable. There is no Contributions Plan that currently applies to the site and the precinct planning documents for Marsden Park North have not yet been gazetted, but the proposal is permissible under the current Rural zoning.

11 Conclusion

11.1 The proposed development has been assessed against all relevant matters and is considered to be satisfactory and in the public interest. The site is considered suitable for the proposed development and is consistent with the Precinct Planning presently underway for this locality, subject to conditions.

12 Recommendation

- 1 Approve SPP-18-00005 for the reasons listed below and subject to the conditions listed in attachment 8.
 - a The proposal is in the public interest.
 - b The site is considered suitable for the proposed development.
 - c The proposed development is consistent with the intended masterplanning and precinct planning for this locality.
 - d The proposal is a permissible form of development in the zone.

- 2 Council officers notify the applicant and submitter of the Panel's decision.



per

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