

# Assessment report to Sydney Central City Planning Panel

PPS-2019CCI035

## Development application

<b>DA number</b>	SPP-19-00002	<b>Date of lodgement</b>	10 April 2019
<b>Applicant</b>	Stockland Development Pty Ltd c/- GLN Planning Pty Ltd		
<b>Owner</b>	Stockland Development Pty Ltd		
<b>Proposed development</b>	Two lot boundary adjustment subdivision and construction of a Local Town Centre with a childcare centre, medical centre, supermarket, dining and retail spaces, 24 hour gymnasium and associated car parking, drainage and landscaping on proposed lot 1 and a community centre with ancillary parking on proposed lot 2		
<b>Street address</b>	Lots 1101 and 1102 DP 1191303, Elara Boulevard, Marsden Park		
<b>Notification period</b>	22 May to 4 June 2019	<b>Number of submissions</b>	5

## Assessment

<b>Panel criteria</b> Section 7, SEPP (State and Regional Development) 2011	<ul style="list-style-type: none"> <li>Capital investment value (CIV) over \$30 million (DA has CIV of \$35,792,412)</li> </ul>
<b>Relevant section 4.15(1)(a) matters</b>	<ul style="list-style-type: none"> <li>State Environmental Planning Policy (State and Regional Development) 2011</li> <li>State Environmental Planning Policy (Infrastructure) 2007</li> <li>State Environmental Planning Policy No. 55 – Remediation of Land</li> <li>Sydney Regional Environmental Plan No. 20 – Hawkesbury-Nepean River</li> <li>Central District Plan 2018</li> <li>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</li> <li>Blacktown City Council Growth Centre Precincts Development Control Plan 2018</li> <li>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</li> </ul>
<b>Report prepared by</b>	Kelly Coyne, Assistant Team Leader Development
<b>Report date</b>	11 March 2020
<b>Recommendation</b>	Approve 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
- 6 Assessment against planning controls
- 7 Issues raised by the public
- 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

### 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? No

### 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

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## **1 Executive summary**

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- 1.1 The key issues that need to be considered by the Panel in respect of this application are:
- noise and vibration impacts
  - schedule of finishes
  - waste management
  - car parking and traffic impacts
  - signage.
- 1.2 Assessment of the application 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 application 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 application subject to the recommended conditions listed in attachment 8.

## **2 Location**

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- 2.1 The site is located in the suburb of Marsden Park approximately 10 km from the Rouse Hill Town Centre. The location of the site is shown at attachment 1.
- 2.2 The site is bordered by the following local roads: Elara Boulevard to the north, Parish Street to the east, Harvest Street to the south and Northbourne Drive to the west.
- 2.3 The site is bounded by properties zoned R3 Medium Density Residential to the north, south and east, and RE1 Public Recreation to the west.
- 2.4 The site is located in the Marsden Park Precinct of the North West Growth Area.

## **3 Site description**

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- 3.1 The legal description of the property is Lots 1101 and 1102 in DP 1191303 Northbourne Drive and Harvest Street, Marsden Park.
- 3.2 The site is irregular in shape and has an area of approximately 2.5 hectares.
- 3.3 The site is cleared vacant land as a result of works approved under bulk earthworks relating to Precincts 1 to 4 and 11 (DA-13-1945).
- 3.4 Medium density residential dwellings are located to the east and south on the opposite sides of Parish Street and Harvest Street.
- 3.5 A recreation area, including playing fields, children's playground and amenities, is located to the west on the opposite side of Northbourne Drive.
- 3.6 St Luke's College is to the south-west on the opposite side of Northbourne Drive.
- 3.7 An aerial image of the site and surrounding area is at attachment 2.

## **4 Background**

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- 4.1 The site is zoned B2 Local Centre under State Environmental Planning Policy (Sydney Region Growth Centres) 2006. The zoning plan for the site and surrounds is at attachment 3.
- 4.2 Separate DAs have been lodged previously over the site under SPP-17-0052 for a Concept DA and Stage 1, and DA-18-01357 for Stage 2. The scope of this DA is similar to



the combined works proposed under these applications that have recently been withdrawn. Design changes have been incorporated to address issues previously raised by Council. This application seeks approval for a single consolidated consent for the Elara Neighbourhood Centre.

- 4.3 On 24 March 2014, DA-13-01945 was approved for bulk earthworks with associated tree removal, to facilitate future residential subdivision works (including importation of fill material).
- 4.4 The development site is located within Precinct 1 of Elara and was created under the Precinct 1 subdivision - Stages 1 to 4 and 11 under DA-13-02051. A site validation report was submitted in support of this proposal that deems the site suitable for its commercial and community uses.
- 4.5 DA-13-02051 was approved on 28 May 2015 for a Torrens title subdivision to create 241 residential lots, 5 residue lots and 8 superlots, works for drainage basins, construction of public roads, retaining structures, land contouring and minor earthworks to facilitate future retail and community uses, as well as a sporting field and potential school.
- 4.6 Stockland entered into a Voluntary Planning Agreement (VPA) with Council in 2014 for Precinct 1 of its Elara Estate (the Marsden Park Precinct 1 Planning Agreement). The agreement obligated Stockland to make monetary capped contributions of \$30,000 per lot/dwelling, and to have those contributions 'offset' by the value of land dedications and the carrying out of works for public purposes. This was ahead of Council adopting a Section 7.11 Contributions Plan (CP) for the Marsden Park Precinct in 2016.
- 4.7 Although CP 21 for Marsden Park was adopted in 2016, Stockland requested that it be able to continue to use the VPA to apply to further Precincts when they came online, rather than be levied Section 7.11 contributions through multiple consents. This 'credit bank' arrangement is administered by Council's Developer Contributions section and has been used in other large developments. This VPA (now called the Elara Planning Agreement) has been varied several times through deeds of variation, to include future stages (Precincts 1 to 6) of development within Stockland's Elara Estate, including this Development Application. It applies to all of the residential development within Stockland's Elara Estate. Although it is a VPA, it exactly mirrors the section 7.11 contributions that Stockland is obligated to make for its Elara development and includes the same section 7.11 land dedication and works list used in Council's CP 21 for Marsden Park.
- 4.8 The separate Marsden Park Neighbourhood Centre Planning Agreement (VPA) was executed by Council on 11 September 2015, where the developer agreed to pay the monetary contributions, deliver a neighbourhood centre including design and construction of a ground floor building with 25 at-grade car parking spaces, and to dedicate the land to Council.

## **5 The proposal**

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- 5.1 The Development Application has been lodged by Stockland Development Pty Ltd c/- GLN Planning Pty Ltd.
- 5.2 The applicant proposes the re-subdivision of the site from 2 existing regular shaped residue commercial lots into 2 irregular Torrens title lots to cater for the development and construction of the Town Centre as follows:
  - proposed lot 1 will contain a child care centre for 121 children, 4 casual dining spaces, 5 retail spaces and a mini major, 24 hour gymnasium on the first floor, a medical centre, a supermarket with 3 attached retail areas and 1 kiosk area, 345 car parking spaces and associated works including drainage, land contouring, pavement works,

signage envelopes, landscaping and extending the existing central median on Elara Boulevard.

- a community facility including a multi-purpose hall, meeting rooms and amenities and 25 car parking spaces on proposed lot 2.

5.3 Other details about the proposal are at attachment 4 and a copy of the development plans is at attachment 5.

## **6 Assessment against planning controls**

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6.1 A full assessment of the Development Application against relevant planning controls is provided at attachment 6.

## **7 Key issues**

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### **7.1 Noise and vibration impacts**

7.1.1 The proposed hours of operation for the Town Centre development are as follows:

- childcare centre: 6.00 am to 6.30 pm Monday to Friday
- retail and dining tenancies: 7.00 am to 10.00 pm 7 days a week
- gymnasium: 24 hours 7 days a week
- medical centre: 7.00 am to 9.00 pm Monday to Friday and 8.00 am to 9.00 pm Saturday, Sunday and public holidays
- supermarket: 6.00 am to midnight 7 days a week, with loading dock operations from 7.00 am to 10.00 pm
- the community facility will be subject to Council's management policy in terms of hours of operation when it is dedicated to Council.

7.1.2 The proposal was accompanied by an Operational Assessment report prepared by Renzo Tonin Associates which presents the relevant acoustic criteria for the site, establishes the predicted noise emissions from the site to nearby sensitive receivers, and provides acoustic design recommendations to achieve compliance with the applicable acoustic criteria for the mechanical plant and loading dock.

7.1.3 The report concluded that the operational noise emissions from the site are expected to comply with the relevant noise criteria based on mechanical plant data assumed for the proposed neighbourhood centre, carpark activities and vehicle movements based on the information from the Traffic Assessment report prepared by Colston Budd Hunt & Kafes Pty Ltd and outdoor play activities for the proposed child care centre. In principle noise control measures have been recommended and must be validated once further detailed information is available during the detailed design stage of the project.

7.1.4 Our Environmental Health Unit has assessed the potential noise and vibration impacts generated by this development and raises no objection subject to conditions.

7.1.5 A condition will be imposed that, prior to the issue of a Construction Certificate, a certificate must be provided by a qualified acoustic engineer stating that all sound producing plant, equipment, machinery, mechanical ventilation system or refrigeration systems will all be acoustically attenuated so that the noise emitted will meet the relevant noise criteria.



## 7.2 Schedule of finishes

- 7.2.1 The Blacktown City Council Growth Centre Precincts Development Control Plan 2018 (DCP) provides centre development controls for building facades where solid elements are preferably to be finished with rendered masonry, tiles or face brick.
- 7.2.2 Council considered the proposed sample board for the external finishes provided in support of the proposal and advised the applicant that the facades of the buildings are required to be more robust and rely on minimal ongoing maintenance to preserve the high quality intentions for the development. Therefore, it was requested the building façades, in particular the medical centre, be of solid elements, preferably finished with masonry, tiles, face brick or robust material that do not require applied finishes.
- 7.2.3 The applicant provided a response which compared products Equitone and Cemintel Surround (high density fibre cement products), which is irrelevant as that was not in dispute. Council's comments raised related to the departure from the DCP where it clearly states at Clause 5.2.1 that rendered masonry, tiles or face brick are to be used for solid elements.
- 7.2.4 It is agreed that Equitone is a harder wearing material, however the edges of the panel at the corners of the building are highly susceptible to damage by trolleys etc (this is even evident in the reference imagery provided). The material sample provided was also easily marked when slightly hand scratched.
- 7.2.5 Council had agreed that Equitone could be considered acceptable, despite the DCP controls, as a material, as long as it was protected with a more robust and stronger material at the lower areas of the façade that are susceptible to human contact, trolley damage and greater wear and tear.
- 7.2.6 Therefore, we propose a condition of consent that requires a brick datum to be extended to the walls of the medical centre building to a height of 1.2 m, to protect the lightweight cladding as currently documented on other parts of the façade, to resolve this issue. This is demonstrated in figures 1 and 2 below

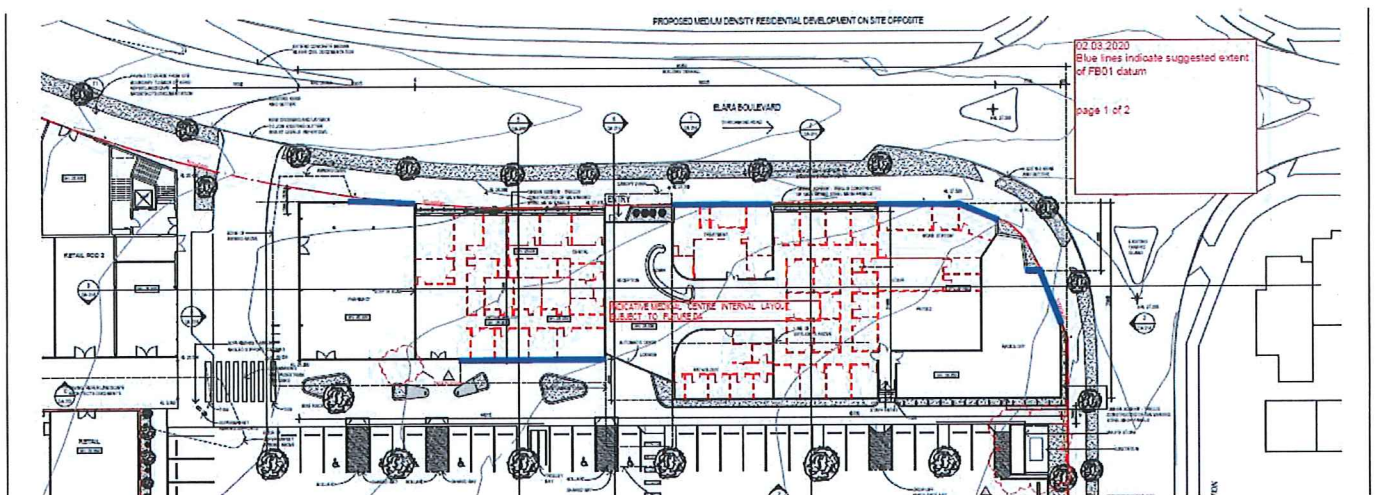


Figure 1: Extent of where the brick datum is required

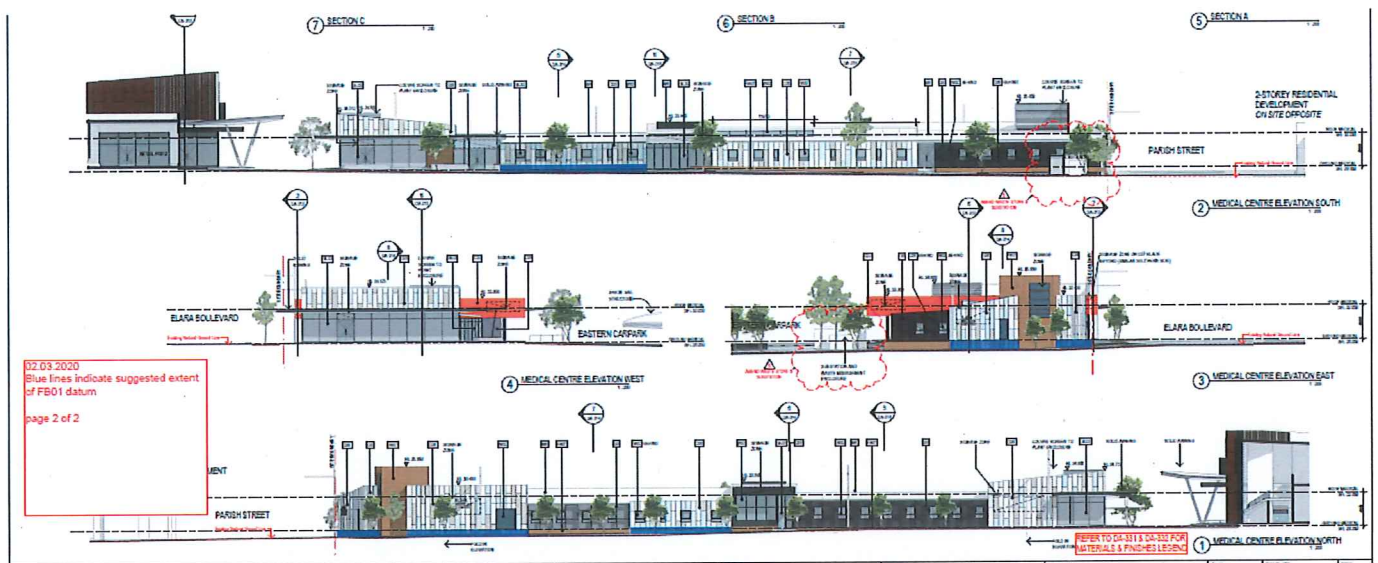


Figure 2: Elevations of the extent of the brick datum

### 7.3 Waste management

7.3.1 A detailed amended Waste Management Plan was requested to address the requirements for an on-site caretaker/building manager to manage the waste system for the site including:

- placement of bins out for servicing in the loading bay areas
- cleaning of bins and the waste rooms
- management of bulky waste generated on-site
- management of illegal dumping on-site.

7.3.2 The applicant has advised that the contractual waste management arrangements are still being confirmed and requested that the amended Waste Management Plan be addressed via conditions of consent.

7.3.3 Therefore, the requirement for a detailed amended Waste Management Plan should be imposed as a condition for satisfaction prior to the issue of a Construction Certificate.

### 7.4 Car parking and traffic impacts

7.4.1 Council's Traffic section initially reviewed the entire proposal and advised it is likely to generate a parking demand for 399 spaces.

7.4.2 The applicant proposes 370 spaces, being a shortfall of 29 spaces. This assessment was based on 75 spaces being provided for the community centre as it has the capacity to cater for 300 people. However, during the middle of the day when the retail uses are busy, parking demand for the community centre would be lower. The applicant's traffic report assessment was based on up to 150 people using the community facility at these times.

7.4.3 A Traffic Report prepared by Colston Budd Rogers & Kafes Pty Ltd was submitted in support of the application that states the proposed parking provision is considered appropriate based on the DCP rates and RMS/survey parking requirements.

7.4.4 The VPA outlined earlier executed between Council and Stockland for the delivery of the community centre requires 25 at-grade carparking spaces to be provided.



- 7.4.5 The VPA also included shared parking for the community centre (25 spaces) with the child care centre based on different operating hours and efficiency opportunity. Community centre users will also have access to the shopping centre carpark and overflow parking of 37 places in the playing field carpark on the western side of Northbourne Drive.
- 7.4.6 Roads and Maritime Services reviewed the proposal and raised no objection to the number of car spaces being provided for the entire development as proposed.
- 7.4.7 Parking for the overall development has been assessed against the Roads and Maritimes Services' Guide to Traffic Generating Development and the Growth Centre DCP and is considered to be adequate as the uses are not standalone uses and are within a Town Centre where allowances can be made for dual and complimentary usage of the common off-street parking areas. Also, any overflow demand for car parking for the community centre during the peak night-time usage times can be accommodated within the childcare centre, shopping centre and playing fields car parking areas.

## 7.5 Signage

- 7.5.1 The architectural plans show signage zones with no signage details, whilst the Statement of Environmental Effects provides an assessment against State Environmental Planning Policy (SEPP) 64 - Advertising and Signage. Page 31 of the Statement of Environmental Effects states that detailed signage will be submitted as part of the Construction Certificate or separate applications(s) will be lodged for the individual buildings.
- 7.5.2 The applicant was advised that, given no detailed information was provided in order for an assessment to be carried out, all signage must be subject to separate Development Application approval and has been included as a prior to Construction Certificate condition.

## 8 Issues raised by the public

- 8.1 The proposed development was notified to property owners and occupiers in the locality between 22 May and 4 June 2019. The Development Application was also advertised in the local newspapers and a sign was erected on the site.
- 8.2 We received 5 submissions to the proposal.
- 8.3 The issues raised by the residents relate to maintenance of the planned retail hierarchy, consistency with design controls, substation impacts, multi-purpose hall uses and potential impacts, supermarket security and trolley enforcement, details of operating hours, loading dock location and potential impacts, waste management and compactor location. A summary of each issue and our response is provided in attachment 7.
- 8.4 The objections are not considered sufficient to warrant refusal of the Development Application.

## 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

Authority	Comments
NSW Police (Mount Druitt Local Area of Command)	Acceptable subject to conditions

## 10 Internal referrals

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

Section	Comments
Building	Acceptable subject to conditions
Development Engineers	Acceptable subject to conditions
Drainage Engineers	Acceptable subject to conditions
Environmental Health	Acceptable subject to conditions
Open Space	Acceptable subject to conditions
Traffic	Acceptable subject to conditions
City Architect	Acceptable subject to conditions
Section 7.11	Acceptable subject to conditions
Property	Acceptable subject to conditions
Waste	Acceptable subject to conditions
Social Planning	Acceptable
Strategic Planning	Acceptable



## 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. The site is considered suitable for the proposed development subject to conditions

## 12 Recommendation

- 1 Approve Development Application SPP-19-00002 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 proposal will provide the Marsden Park Estate with much needed social and economic infrastructure to service the needs of the growing population.
  - d. The objections received do not raise issues that support refusal of the application as amended by conditions.
- 2 Council officers notify the applicant and submitters of the Panel's decision.



  
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