



Submission

North West Priority Growth Area

Amendments to State Environmental
Planning Policy (Sydney Region
Growth Centres) 2006

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1.0 Site Details

1.1 The Site

The land at 210 Grange Avenue, Marsden Park, is located on the north side of Grange Avenue between Richmond Road and Bells Creek.

The land is located in the Marsden Park Precinct of the North West Growth Centre, now to be known as the North West Priority Growth Area.

A locality plan is contained in **Figure 1**.

The land comprises all of the land contained in Lots 9 to 13, DP 802880 and has:

- a frontage of 301.8m to Grange Avenue;
- a depth of some 181.05m relative to its Grange Avenue frontage; and
- an area of some 5.464 hectares.

A site plan is contained in **Figure 2**.

The site is currently vacant undeveloped land.

Development Application No. DA-15-02309 was submitted to Blacktown City Council on 22 October 2015 for the subdivision of the land, in conjunction with 72 Vine Street West, which is to establish the road network and create 12 super lots designed for future development and/or subdivision and 1 lot representing an area earmarked for public recreation in the Precinct. The approval of this application is imminent.

The road network was designed in close consultation with Council's Engineers to ensure that it would satisfactorily accommodate the future vehicular and pedestrian access needs for this part of Marsden Park as well as facilitating the management of overland stormwater flows.

The subdivision made provision for the establishment of a public recreation area that is identified in both the *Indicative Layout Plan (ILP)* for the Precinct and the *Land Zoning Plan* associated with the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006, (Growth Centres SEPP)*.

The public recreation area is contained in Lot 13 of the subdivision and has an area of 6,121m².

The location of this area has been slightly altered from the area zoned for public recreation purposes in the *Growth Centres SEPP* due to the detailed design of the road network required to service this area and the relocation of the *Indicative School Site (School Site)* identified in the *ILP*.

However, the area of the public recreation area has been maintained in accordance with the zoning plan.

A copy of the subdivision plan is contained in **Figure 3**.

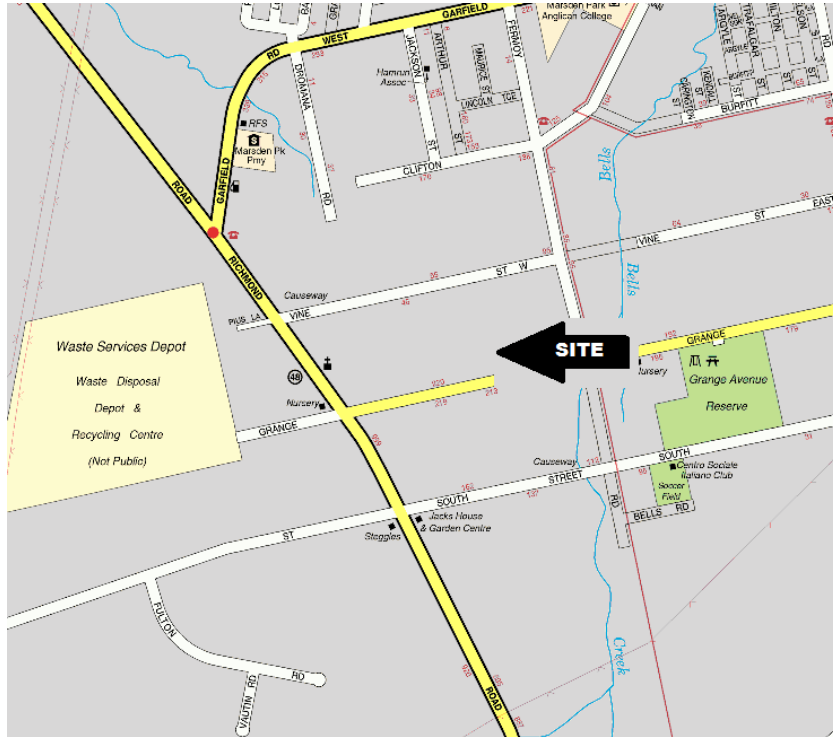


Figure 1 - Locality Plan



Figure 2 - Site Plan

Under the terms of *Growth Centres SEPP*, the land is zoned partly as:

- R2 Low Density Residential (part Lot 11 and Lots 12 and 13);
- R3 Medium Density Residential (parts of Lots 9, 10 and 11); and
- RE1 Public Recreation (parts of Lots 9, 10 and 11).

An extract from the *Land Zoning Map* is contained in **Figure 4**.

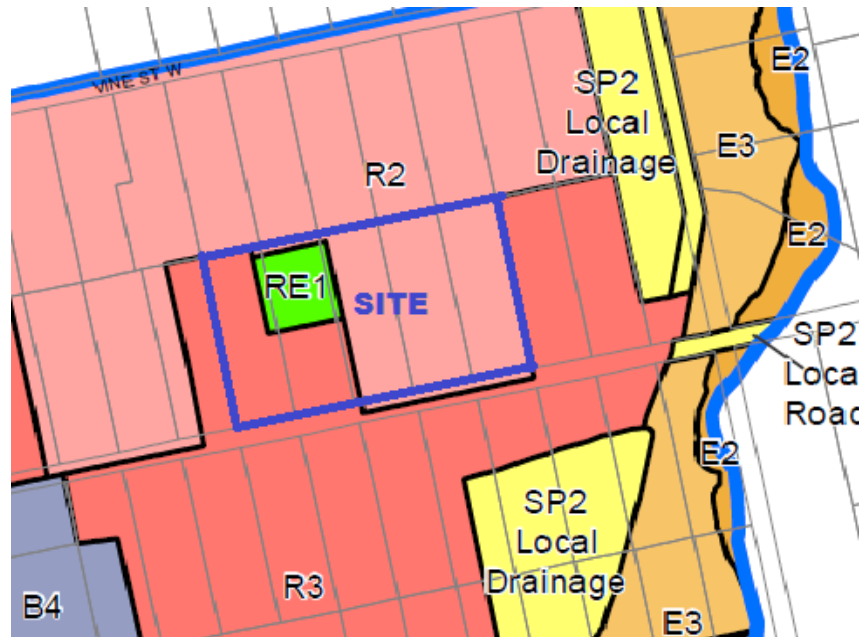


Figure 4 - Current Land Zoning Map

The section of the land zoned R2 Low Density Residential represents land that was the site of the *School Site* identified in the *ILP*.

At the request of the then owner of 210 Grange Avenue, Council on 18 March 2016 resolved to support an amendment to *Blacktown City Council Growth Centre Precincts Development Control Plan 2010 (DCP 2010)* to enable the *School Site* to be relocated onto land at 54-70 Vine Street West to the north-west, which was in common ownership.

DCP 2010 was amended on 7 July 2016 to reflect this change.

The following development applications were submitted to Council on 24 December 2015 for the construction of residential flat buildings on the 4 lots in the subdivision that are in the R3 Medium Density Residential zone:

- Lot 4 - Development No. DA-16-03359 for the construction of a 4/part 5-storey building containing 72 apartments;
- Lot 5 - Development No. DA-16-03358 for the construction of a 4/part 5-storey building containing 72 apartments;

- Lot 6 - Development No. DA-16-03357 for the construction of a 4/part 5-storey building containing 51 apartments; and
- Lot 7 - 2016SYW077 DA for the construction of a 4/part 5-storey building containing 106 apartments.

The section of the land zoned R3 Medium Density Residential containing the 301 apartments has an area of some 1.94 hectares and represents a residential density of 155 dwellings/hectare on the area zoned R3 Medium Density Residential.

1.2 Site Context

In the main, land in this area comprises large lots used exclusively for rural and rural/residential purposes.

The residential land fronting Grange Avenue between Richmond Road and Bells Creek is exclusively zoned R3 Medium Density Residential, with the exception of:

- the part of the subject site; and
- 222-224 and small parts of 220 and 226 Grange Avenue,

which are zoned R2 Low Density Residential.

The planning initiatives for future development in this area include the establishment of the Marsden Park Town Centre, some 400m to the west of the site on the south-eastern corner of Richmond Road and Grange Avenue.

Richmond Road is to accommodate the major trunk bus routes to service development in this section of the North West Priority Growth Area.

The land immediately to the east of the site comprises the property known as 206-208 Grange Avenue.

This property is a large rural/residential lot and contains a single storey contemporary brick dwelling house.

Development Application No. JRPP/16/03317 was submitted to Council on 30 June 2016 for the subdivision of the land and the construction of 257 apartments in 7 x 4-storey buildings, which is zoned R3 Medium Density Residential and has an area of some 2.186 hectares.

An appeal against Council's deemed refusal of the application was lodged to the Land and Environment Court of NSW and the Court, on 31 March 2017, upheld the appeal and issued consent for the development following an agreement reached with Council at a conciliation conference under Section 34(3) of the *Land and Environment Court Act 1979, Universal Property Group Pty Ltd v Blacktown City Council, Proceedings 2016/274920*.

The residential density of the approved development is 118 dwellings/hectare.

The land immediately to the west of the site comprises the property known as 220 Grange Avenue.

This property is a large rural/residential lot and contains a single storey contemporary brick dwelling house and is zoned R3 Medium Density Residential adjacent to its common boundary with 210 Grange Avenue.

The land immediately to the north of the site comprises the properties known as 54-84 Vine Street West.

These properties contain:

- premises used by Baiada Poultry Pty Ltd as part of their poultry business on 54-58 Vine Street West;
- vacant rural land at 70 and 72 Vine Street West;
- a single storey contemporary dwelling house on the large rural/residential lot at 78 Vine Street West; and
- a two (2) storey contemporary dwelling house on the large rural/residential lot at 84 Vine Street West.

These properties are zoned R2 Low Density Residential under the terms of the *Growth Centres SEPP*.

The *School Site* in the *ILP* is now planned to be located on 54-70 Vine Street West and abuts the part of its common boundary with 210 Grange Avenue that is zoned for public recreation purposes.

The land to the south, on the opposite side of Grange Avenue, comprises large rural/residential lots and contain a single storey contemporary brick dwelling houses.

All of these residentially zoned properties are within the R3 Medium Density Residential zone.

Grange Avenue comprises a 2-lane bitumen sealed road surface.

There are no footpaths or kerb and gutter on either side of it.

In summary, the area comprises a rural/residential area awaiting redevelopment as part of the North West Priority Growth Area as contemplated by the *Growth Centres SEPP* which, in Grange Avenue, is predominantly zoned for medium density housing purposes.

2.0 Proposed Amendments to Growth Centres SEPP

The amendments to the *Growth Centres SEPP* in the proposed changes to the legislation applying to development in the North West Priority Growth Area involve:

- the retention of the existing zoning regime relating to properties fronting Grange Avenue in this location; and
- the introduction of a residential density range of:
 - 15 to 20 dwellings/hectare for the section of 210 Grange Avenue in the R2 Low Density Residential zone;
 - 25 to 35 dwellings/hectare for the section of 210 Grange Avenue in the R3 Medium Density Residential zone; and
 - 15 to 25 dwellings/hectare for land:
 - at 206-208 Grange Avenue, which is zoned R3 Medium Density Residential; and
 - fronting Vine Street West located immediately to the north of 206-208 Grange Avenue, which is zoned R2 Low Density Residential.

There is little logic, from a town planning perspective, to these density ranges in terms of the locations of properties relative to:

- the Marsden Park Town Centre;
- Richmond Road and the transport corridor it will facilitate; and
- approved and proposed developments in Grange Avenue.

The amendments acknowledge that Council will not be required to apply the provisions of the amendments to the *Growth Centres SEPP* to development applications lodged before 22 May 2017 under proposed transitional arrangements.

3.0 Land Zoning Considerations

3.1 Residential Zoning

The residential land fronting Grange Avenue between Richmond Road and Bells Creek is exclusively zoned R3 Medium Density Residential, with the exception of:

- the part of the subject property; and
- 222-224 and small parts of 220 and 226 Grange Avenue,

which are zoned R2 Low Density Residential.

The only apparent reason that the section of 210 Grange Avenue was zoned R2 Low Density Residential appears to be the land having been identified as the site of the *School Site* in the *ILP*.

The *School Site* has now been relocated to the land at 54-70 Vine Street West to the north-west in an amendment made to *DCP 2010* on 7 July 2016, as the NSW Education Department indicated that the land in Grange Avenue was no longer considered appropriate for use for this purpose.

With the relocation of the *School Site*, there is no logical reason from a town planning perspective, to retain the R2 Low Density Residential zoning in an area immediately adjoined to the east, west and south by land zoned R3 Medium Density Residential.

The land is ideally located some 400m east of the proposed Marsden Park Town Centre and Richmond Road to accommodate medium density residential development.

Consequently, town planning logic dictates that the zoning of the land should be regularised to rezone the section of 210 Grange Avenue zoned R2 Low Density Residential to R3 Medium Density Residential.

Figure 5 shows the rezoning proposed.

This zoning will facilitate the economic development and use of the land for residential purposes in the context of the desired future development of the Marsden Park Precinct.

Apart from 210 Grange Avenue, the only other residential land fronting Grange Avenue zoned R2 Low Density Residential between Richmond Road and Bells Creek is land to the west at 220-226 Grange Avenue.

The Department may wish to take the opportunity to rezone 220-226 Grange Avenue at the same time.

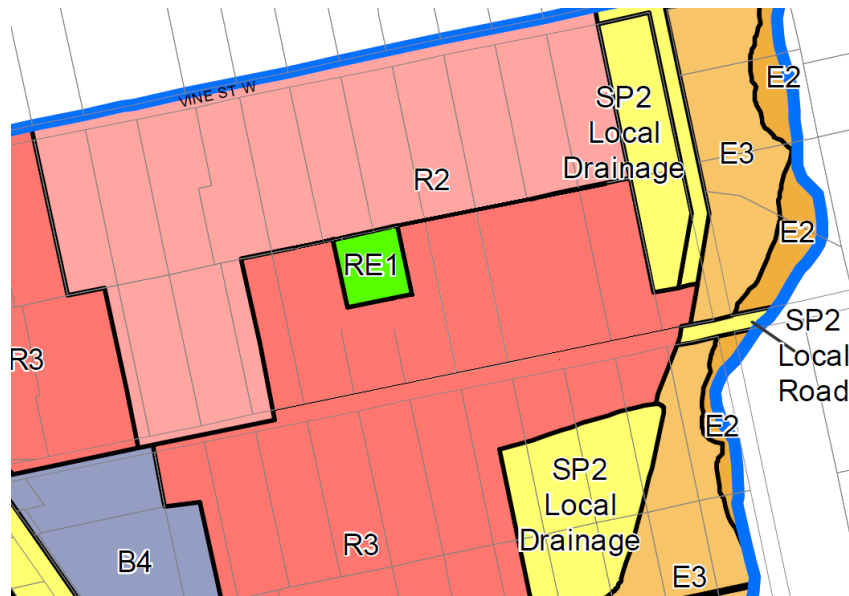


Figure 5 - Proposed Land Zoning Map

The underlying intentions of the proposed rezoning are:

- to rationalise the zoning of land fronting Grange Avenue between Richmond Road and the eastern extremity of the Marsden Park Precinct at Bells Creek;
- to promote and co-ordinate the orderly and economic use and development of the land in accordance with the object contained in Section 5(a)(ii) of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*.

3.2 Public Recreation Zoning

The open space strategy for the Precinct as expressed through the *ILP* involves the provision of:

- all active recreational areas in the Precinct on the west side of Richmond Road; and
- local open space facilities on the east side of Richmond Road on the section of 210 Grange Avenue that is zoned RE1 Public Recreation.

The latter area represents the only land east of Richmond Road in the Precinct set aside to cater for the local open space needs generated by development in this section of the Precinct.

The subdivision proposed in Development Application No. DA-15-02309 has made provision for the establishment of this public recreation area that is identified in both the the *ILP* and the *Land Zoning Plan* associated with the *Growth Centres SEPP*.

The public recreation area is contained in Lot 13 of the subdivision. See **Figure 3**.

The location of Lot 13 has been slightly altered from the area zoned for public recreation purposes and reserved for acquisition under the *Growth Centres SEPP* due to:

- the design of the road network required to service this area;
- the relocation of the proposed *School Site* to 54-70 Vine Street West; and
- the need to have a direct interface between the *School Site*, which immediately abuts the northern rear boundary of 210 Grange Avenue, and Lot 13.

However, Lot 13 has maintained the area of the land zoned RE1 Public Recreation, i.e. 6,121m².

Development Application No. DA-15-02309 is to be issued in accordance with Clause 5.3 in Appendix 12 of the *Growth Centres SEPP*.

The objective of Clause 5.3 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 uses for the adjoining zone.

The relocation of the public recreation area resulted from the refinement of the road network on this land following detailed investigations of issues associated with:

- the economic use and development of this land;
- its topographical characteristics;
- the management of overland stormwater flows; and
- public access and convenience in this locality,

as determined in consultation with Council in the determination of Development Application No. DA-15-02309.

Clause 5.3 specifically provides that:

- it applies to any land that is within 50m of a boundary between land in the RE1 Public Recreation zone and any other zone; and
- despite the provisions of the Precinct Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which the clause applies for any purpose that may be carried out in the adjoining zone, but only if Council is satisfied that:
 - the development is not inconsistent with the objectives for development in both zones;
 - the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land; and
 - the total area of RE1 Public Recreation zoned land will not be reduced.

Development Consent No. DA-15-02309 is to be issued in accordance with these provisions.

The relocation of the public recreation area will require amendments to both the *Land Zoning* and *Land Reservation Acquisition Maps* associated with the *Growth Centres SEPP*:

- to accurately reflect the public recreation area proposed in Development Application No. DA-15-02309;
- to ensure that all of the residential allotments in the subdivision are located in their respective residential zone; and
- to ensure that any future certificates issued under Section 149 of the *EP&A Act* do not indicate any RE1 Public Recreation zoning of any land that is to be developed for residential purposes.

The relocation of the RE1 Public Recreation zone is shown on **Figure 5**.

Figures 6 and 7 contain extracts from the *Land Reservation Acquisition Map* associated with the *Growth Centres SEPP* indicating the existing and proposed areas, respectively, of the site that have been reserved for acquisition for local open space purposes.

The zoning of all of the residential land comprising 210 Grange Avenue as R3 Medium Density Residential, as proposed in Section 3.1 of this submission, and the increase in its residential density range to 55 to 100 dwellings/hectare, as proposed in Section 4.1, provide an opportunity to increase the extent of the public recreation infrastructure to be provided on the east side of Richmond Road in the subdivision to serve the increased residential density in this area.

It is proposed that an additional public recreation area of some 2,485m², representing parts of Lots 11 and 12 in the subdivision, be added to the area of 6,121m² in Lot 13 currently required for public recreation purposes.

This would represent an increase of some 40% in the extent of land available for local open space purposes available for use by residents in this section of the Precinct and would ensure that the open space infrastructure could accommodate the increased residential density of the land proposed to be rezoned.

The amendments currently proposed to the *Growth Centres SEPP* provide an appropriate opportunity to make this amendment to the *Land Zoning* and *Land Reservation Acquisition Maps*.

Figures 8 and 9 contain extracts from the *Land Zoning* and *Land Reservation Acquisition Maps* associated with the *Growth Centres SEPP* indicating this extended local open space area should the Department effect the zoning change and residential density range proposed in this submission.



Figure 6 - Current Land Reservation Acquisition Map



Figure 7 - Proposed Land Reservation Acquisition Map

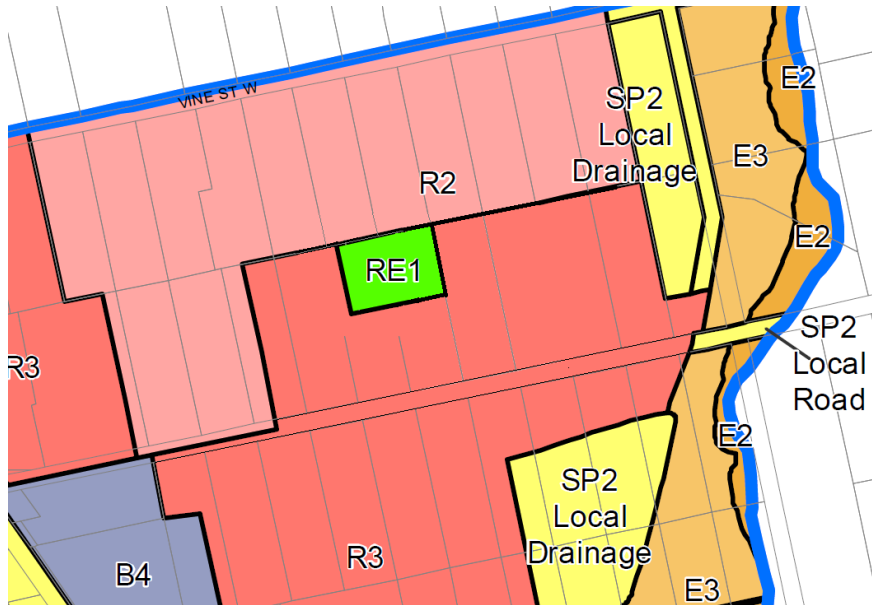


Figure 8 - Proposed Land Zoning Map - Extended Local Open Space



Figure 9 - Proposed Land Reservation Acquisition Map - Extended Local Open Space

4.0 Residential Density Range & Height Standards

4.1 Residential Density Range

Clause 4.1B(3) in Appendix 12 of the *Growth Centres SEPP*, that regulates development in the Marsden Park Precinct, requires that the density of any residential development on this land should not be less than the density shown on the *Residential Density Map* associated with the *SEPP*, which in this case is:

- 15 dwellings/hectare on the section of the land zoned R2 Low Density Residential; and
- 25 dwellings/hectare on the section of the land in the R3 Medium Density Residential zone.

The amendments to *Growth Centres SEPP* propose the introduction of a residential density range of:

- 15 to 20 dwellings/hectare for the section of 210 Grange Avenue in the R2 Low Density Residential zone;
- 25 to 35 dwellings/hectare for the section of 210 Grange Avenue in the R3 Medium Density Residential zone; and
- 15 to 25 dwellings/hectare for land:
 - at 206-208 Grange Avenue, which is zoned R3 Medium Density Residential; and
 - fronting Vine Street West located immediately to the north of 206-208 Grange Avenue, which is zoned R2 Low Density Residential.

The residential density of the development proposed on Lots 4, 5, 6 and 7 in the subdivision of this land is to be 155 dwellings/hectare.

The residential density of the development approved on 206-208 Grange Avenue is 118 dwellings/hectare.

It would be illogical from a town planning perspective to limit the density on land between these developments to between 15 and 20 dwellings/hectare.

It is proposed that a residential development range of 55 to 100 dwellings/hectare would provide a cogent urban design outcome for development in this section of the Marsden Park Precinct.

In addition, the potential to increase the extent of the public recreation area within 210 Grange Avenue would ensure that the open space infrastructure in this area could adequately accommodate the increased residential density of the land as proposed.

The *Residential Density Ranges Map* proposed to be included in the *Growth Centres SEPP* should be modified accordingly.

The extent of variation to the residential density range will not perceptibly affect the future character of development in this locality and is sought for the purpose of maintaining consistency with the development character, urban design and standards applying to residential properties fronting Grange Avenue in this area.

4.2 Building Height

Clause 4.3(2) in Appendix 12 of the *Growth Centres SEPP* provides that the height of any building should not exceed the maximum height shown on the *Height of Buildings Map* associated with the *SEPP*, which in this case is:

- 9m for development on the section of the land zoned R2 Low Density Residential; and
- 14m on the section of the land zoned R3 Medium Density Residential zone.

The residential developments proposed on Lots 4, 5, 6 and 7 in the subdivision, which are located in R3 Medium Density Residential zone and 14m building height zone, are to vary between 4 and 5-storeys in height.

The height of the development approved on 206-208 Grange Avenue, which is also located in R3 Medium Density Residential and 14m building height zones, is 4-storeys.

It would illogical from a town planning perspective to limit the building height on land between these developments to essentially 2-storeys.

The *Height of Buildings Map* associated with the *Growth Centres SEPP* should be modified to apply a 14m building height standard to all of the residentially zoned land in 210 Grange Avenue.

The Department may wish to take the opportunity to implement a similar height standard to 220-226 Grange Avenue at the same time.

Figure 10 shows the proposed amendment to the *Height of Buildings Map*.

The extent of variation to the building height standard will not perceptibly affect the future character of development in this locality and is sought for the purpose of maintaining consistency with the development character, urban design and standards applying to residential properties fronting Grange Avenue in this area.



Figure 10 - Proposed Height of Buildings Map - Extended Local Open Space

5.0 Summary of Submissions

The Department should modify the amendments proposed to the *Growth Centres SEPP* relating to North West Priority Growth Area as follows.

1. The *Land Zoning* and *Land Reservation Acquisition Maps* associated with the *Growth Centres SEPP* should be amended to reflect Lot 13 in the subdivision plan proposed in Development Application No. DA-15-02309 as the land in the RE1 Public Recreation zone on 210 Grange Avenue, as indicated on **Figures 5** and **7**.
2. The *Land Zoning Map* associated with the *Growth Centres SEPP* should be amended to rezone the section of 210 Grange Avenue currently zoned R2 Low Density Residential to R3 Medium Density Residential, as indicated on **Figure 5**.
3. The *Residential Density Range Map* in the amendments proposed to the *Growth Centres SEPP* should be modified to permit a residential density range of between 55 to 100 dwellings/hectare on all of the residentially zoned land on 210 Grange Avenue.
4. That should items 2 and 3 be implemented, the *Land Zoning* and *Land Reservation Acquisition Maps* associated with the *Growth Centres SEPP* should be amended to increase the area in the RE1 Public Recreation zone on 210 Grange Avenue as indicated on **Figures 8** and **9**.
5. The *Height of Buildings Map* associated with the *Growth Centres SEPP* should be amended to permit a maximum building height of 14m on all of the residentially zoned land on 210 Grange Avenue, as shown on **Figure 10**.