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07 July 2017

The Secretary
Department of Planning and Environment
GPO Box 39,
Sydney NSW 2001

Dear Sir/Madam,

NORTH WEST PRIORITY GROWTH AREA - LAND USE AND INFRASTRUCTURE IMPLEMENTATION PLAN - 23-27 SCHOFIELDS ROAD, SCHOFIELDS

1. INTRODUCTION AND BACKGROUND

We write on behalf of the owner of the property at 23-27 Schofield Road, Schofields (**subject site**) in relation to the proposed amendments to the *State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (Sydney Growth Centres SEPP)* to implement the *North West Priority Growth Area Land Use and Infrastructure Implementation Plan (Implementation Plan)* (May 2017).

In relation to the Implementation Plan and proposed changes to the Sydney Growth Centres SEPP, we understand that:

- The Implementation Plan is intended to replace the 2006 Structure Plan for the North West Growth Area, providing a new long-term vision, delivery mechanisms and guidance on issues that support the delivery of new homes.
- Under the SEPP, new maximum residential density controls on land within the North West Priority Growth Area will be established to ensure planned infrastructure is balanced with future growth.
- The six precinct plans for the Blacktown local government area (**LGA**) are proposed to be consolidated into one single precinct plan based on the Blacktown Growth Centres Precinct Plan. This includes the Alex Avenue and Riverstone Precinct Plan 2010, which relates to the subject site.
- There are no proposed amendments to the current Floor Space Ratio (**FSR**) and Height of Buildings Development Standards that currently apply to the site under the SEPP.

As discussed in more detail in the following sections of this submission, our client:

1. Strongly objects to the implementation of a maximum residential density control across the subject site.
2. Supports the designation of Schofields Road as a 'strategic growth corridor' given its strategic location within a major infrastructure corridor.

- Would support an increase in the Height of Buildings Standard for the subject site to enable the full potential of the site to be realised under the current FSR standard.

2. THE SITE

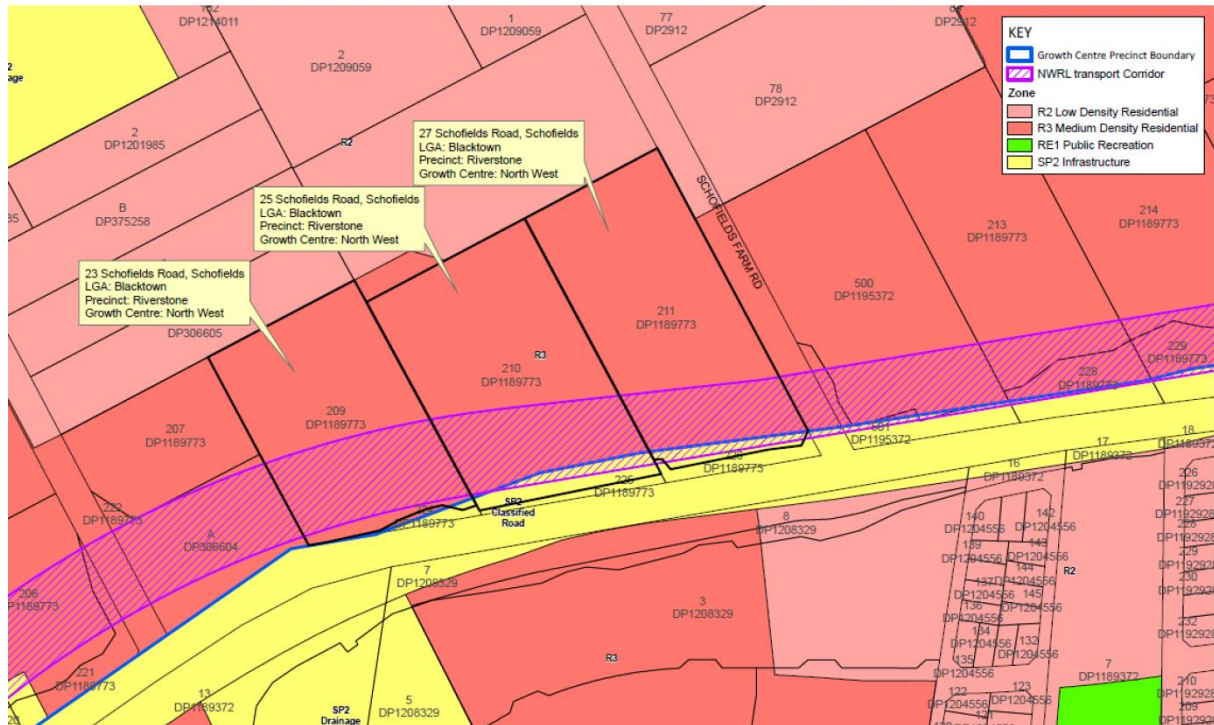
The subject site comprises three allotments, which are legally described as Lots 62, 63 and 64 DP 2912 and has a consolidated site area of 49,210sqm.

The subject site is predominantly zoned R3 Medium Density Residential, although a narrow strip of land along the Schofields Road frontage is zoned SP2 Classified Road and is associated with the widening of Schofields Road (currently under construction).

The southern portion of the site adjacent to Schofields Road accommodates a designated transport corridor investigation area (TCIA), which will accommodate a potential future extension of the North West Metro line. Discussions with Transport for NSW (TfNSW) indicate that the future rail infrastructure will be an elevated rail corridor.

Excluding the rail corridor of approximately 16,660sqm, the site has a future developable area of approximately 32,580sqm. The area has been confirmed from a map provided to the owner by the NSW Department of Planning & Environment (DP&E), refer to **Figure 1**.

Figure 1 – Transport Corridor Investigation Area



Source: DP&E

The Sydney Growth Centres SEPP provides for the co-ordinated release of land for urban development in the North West and South West growth centres of the Sydney Region and is the



principle planning instrument applying to the subject site. The site is part of the Riverstone precinct, a designated North West Priority Growth Area.

The Sydney Growth Centres SEPP provides a range of general controls and specific controls relating to the *Alex Avenue and Riverstone Precinct Plan 2010*. Table 1 sets out the key controls which apply to the subject site.

Table 1 – Current Key Controls Under the Sydney Growth Centres SEPP

Control	Requirement
Zoning	R3 – Medium Density Residential
FSR	1.75:1
Height	16m
Residential Density	Proposed residential density is not to less than 25 dwellings per hectare.

3. PROPOSED DEVELOPMENT

Our client proposes to develop the subject site for residential flat development, consistent with the R3 Medium Density Residential Zone. A development application (DA) JRPP-16-03311 was lodged with Blacktown City Council (Council) on 17 May 2016 and proposes the following:

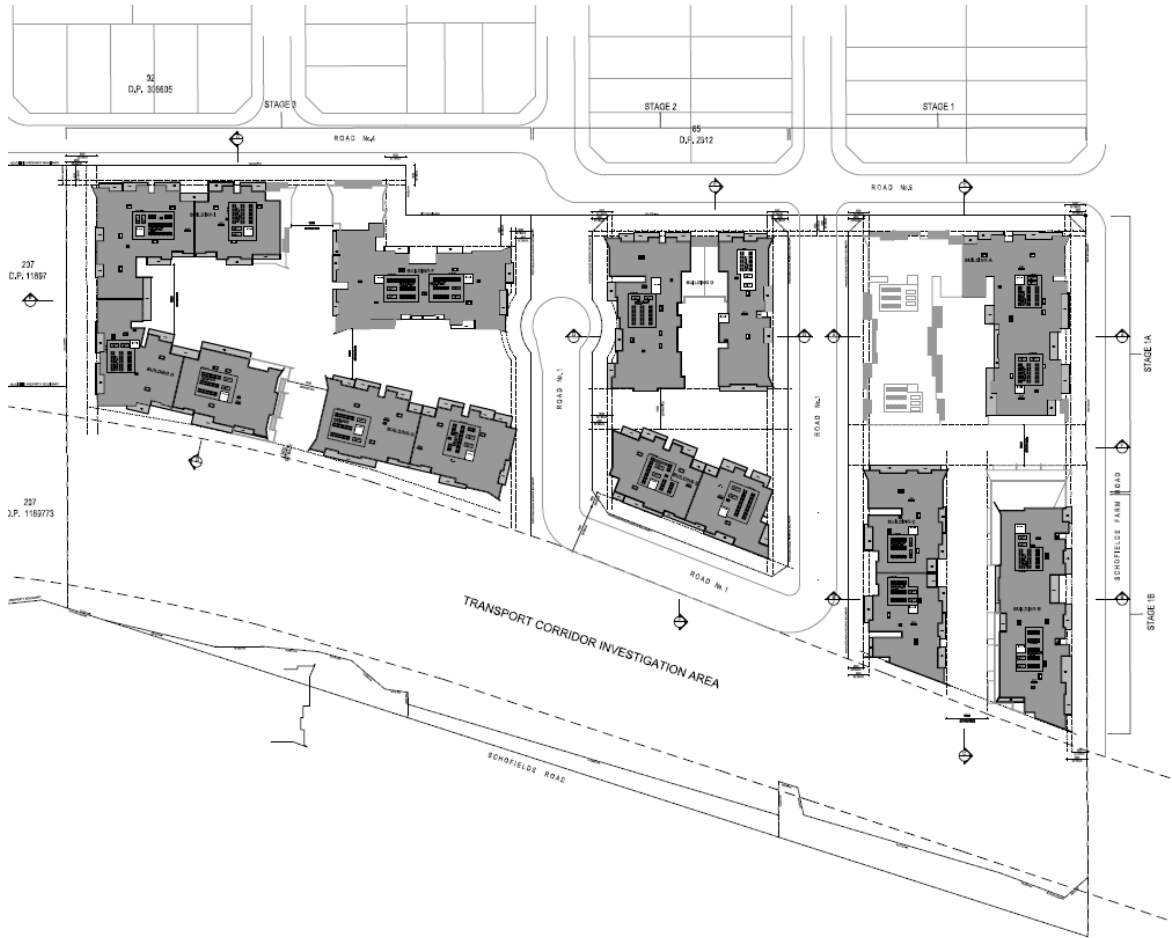
- Demolition of existing structures, site clearing and tree removal;
- 651 apartments in nine residential flat buildings of 4-5 storeys;
- Provision of road network to support the proposed site layout;
- Basement car parking comprising three, two level basements;
- Communal open space and site landscaping;
- Provision of associated services, and
- Staged construction.

Amended drawings lodged with the DA in response to Council result in a reduction of 1 dwelling to a total of 650 apartments.

The proposed development has a capital investment value of \$143,135,405 and will contribute towards the objectives of the NSW Government by the delivery of housing supply in a location that is planned for social and community infrastructure and upgrades to existing major transport services. The proposal has been designed to accommodate connectivity with the planned local road network to the north of the site and a potential future rail transport corridor along the southern portion of the site.

A typical floor plan of the proposed development is provided at **Figure 2** and illustrates the layout of new roads and buildings in relation to the alignment of the TCIA, as advised by TfNSW.

Figure 2 – Typical Floor Plan



Source: PBD Architects

Assessment of the DA by Council is continuing and determination by the Sydney West Central Planning Panel is expected in the near future.

4. MAXIMUM RESIDENTIAL DENSITY CONTROLS

The Explanation of Intended Effect was exhibited with the Implementation Plan and outlines the proposed amendments to the Sydney Growth Centres SEPP. These amendments include (amongst others) the introduction of maximum residential density controls for all rezoned Precincts in the Blacktown LGA.

In relation to the subject site, the relevant density bands proposed to be implemented are summarised in **Table 2**.

Table 2 – Proposed Residential Density Bands for R3 Zoned Land in Blacktown Precincts

Zone	Existing minimum density (dw/ha)	Proposed minimum density (dw/ha)	Proposed maximum density (dw/ha)
R3	25	25	35

Based on a maximum density of 35 dwellings per hectare, the future developable area of approximately 32,580sqm would be able to accommodate 114 dwellings. This is significantly below the current DA, which contemplates 651 dwellings across the subject site and equates to a proposed density of 132 dwellings per hectare.

More importantly, the current proposal for 651 dwellings would result in an FSR of 1.14:1, which is well below the permitted FSR of 1.75:1. A cap of 35 dwellings per hectare would therefore significantly impact on the ability to achieve the maximum permitted FSR and contradicts the statement that *“The Department will review land uses and centres along the corridor to ensure that potential is realised”*.

Whilst dwelling density controls may be acceptable in low density residential areas, they are not appropriate for medium and high density residential areas, where the yield and mix of dwellings is influenced by market conditions and affordability. In these areas, the permitted FSR is a suitable tool to control development and ensure it reflects the desired character of surrounding context.

As mentioned previously, the subject site includes the TCIA for the Sydney Metro Northwest between Rouse Hill and Marsden Park. This area has been identified as a new growth corridor in the Implementation Plan and states at Section 6.1.2:

“The Department will undertake a strategic land use review within the growth corridor, taking into account the expected growth as well as committed and planned infrastructure upgrades including Sydney Metro Northwest, the upgrade of Schofields Road, and the public transport corridor between Rouse Hill and Marsden Park. The review will take into account new opportunities for homes and jobs to maximise the benefits of new infrastructure.”

The review is expected to (amongst other things):

- *“identify the potential population catchment adjacent to the Schofields Road corridor within Rouse Hill, Riverstone, Schofields, Marsden Park and the Ponds, and associated retail and employment requirements required to support the population.”*

Given the additional reviews by DP&E that are already underway and/or earmarked to be completed in the foreseeable future, the implementation of maximum density controls on land within the Schofields Road strategic corridor is premature and reduces the development potential of the land.

Having regard to the above, we strongly object to the proposed density controls and request that they do not apply to the subject site and wider strategic corridor along Schofields Road. Whilst we acknowledge that *“A consent authority is not required to apply the provisions of the Explanation of Intended Effect to a DA lodged before Monday 22 May 2017”*, we ask that DP&E remove the maximum density control to maintain certainty in the planning framework for the landowners and developers of the site.

5. DEVELOPMENT CONTRIBUTIONS

Section 7.1.1 of the Implementation Plan recognises that DAs are being lodged with Councils for permissible uses that exceed the minimum residential densities in the Sydney Growth Centres SEPP (as is the case for the subject site) and states:

“A higher than anticipated number of these proposed developments have since been approved as they do not contravene development controls, but the density of development means that the infrastructure planned to support the population will not be sufficient to meet the needs of future residents.”

The approach taken in the Implementation Plan to manage the provision of necessary infrastructure is to limit growth by establishing new residential density controls. This approach however, fails to recognise the significant Section 94 contributions that Councils could receive to fund infrastructure upgrades required to support the higher densities currently targeted.

Section 94 Contributions Plan No.20 – Riverstone & Alex Avenue guides the approach to applying Section 94a of the Environmental Planning and Assessment Act 1979 which allows Council to levy a flat rate contribution towards, or recoup the capital works cost of providing or extending facilities, infrastructure, and services necessary to meet the increased demand created by new development in its area.

The subject site is identified in this plan. It is our understanding that with reference to Section 1.15 of the plan that the Ministerial Direction of 21 August 2012, which took effect on 28 August 2012 applies. In respect to Clause 6 (3) and Schedule 2 (15) of the direction, it is understood that (in relation to greenfield sites) the maximum amount of monetary contributions under s94 in relation to a development consent that authorise one or more dwellings (or the subdivision of land into residential lots) within the Riverstone Precinct, must not exceed \$30,000 for each dwelling or residential lot.

Table 3 provides an indicative summary of the Section 94 contributions for the development contemplated by the current DA compared with a development subject to the proposed density controls. The indicative contributions per dwelling are based on those outlined in Section 6.8 of *Contributions Plan No. 20 - Riverstone & Alex Avenue Precincts*.



Table 3 – Comparison of Section 94 Contributions

Proposal	No. of Dwellings	Maximum Contributions per Dwelling	Indicative Total Contributions
Current DA	650	\$30,000	\$19,500,000
Dwelling cap of 35 dwellings/ha	114	\$30,000	\$3,420,000

Having regard to the above calculations, the current DA before Council would generate significantly larger development contributions, which are necessary to fund infrastructure to support this growth centre.

A further approach to be considered would be to establish an incentive for land owners that results in the dedication of land within the TCIA to TfNSW. In relation to the subject site, this could involve a variation to the maximum 16m Height of Buildings Standard (Clause 4.3(2) of Appendix 4 of the SEPP) to achieve the maximum permitted GFA/FSR on the smaller site area in return for the dedication of land within the TCIA. This approach has the potential to save the NSW Government substantial costs in compulsorily acquiring the land to construct the planned transport infrastructure.

6. ACHIEVEMENT OF FSR AND HEIGHT OF BUILDINGS

We wish to raise with the DP&E, the scenario whereby in order to achieve the maximum permitted GFA/FSR on the remaining developable area excluding the TCIA, a variation to the maximum 16m Height of Building Standard is required. Initial investigations indicate that in order to achieve the maximum FSR permitted for this site, the heights of some buildings need to be varied by 2-3 storeys to enable sufficient building setbacks and separation consistent with the Growth Centres Development Control Plan, SEPP 65 and the Apartment Design Guide, and for the provision of local roads to service the development and break up this large site into multiple development parcels. At this stage, there is no certainty that variations to the maximum Height of Buildings Standards would be supported by the consent authority.

Given the site's location within a new strategic corridor, amendments to the Height of Buildings Maps will create certainty for future development proposals, seeking to develop the site in accordance with the maximum FSR standards. A co-ordinated amendment to the Height of Buildings standard at the same time as administering changes to the current planning framework to consolidate the six Blacktown precinct plans into one single precinct plan is considered the most suitable approach. We ask that DP&E to amend the Height of Buildings Map to maintain certainty in the planning framework for landowners and developers *"to ensure that potential is realised"*.



7. CONCLUSION

Thank you for the opportunity to provide this submission. We look forward to your response to our submission. We would be pleased to meet with the relevant DP&E officers to discuss our submission at their earliest convenience.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Murray Donaldson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Murray Donaldson
Director, Planning