



STATEMENT OF ENVIRONMENTAL EFFECTS

Lot 2 DP 260476, 1270 Richmond Road, Marsden Park

Clydesdale Estate – Stage 1 subdivision of Lot 2 DP 260476 into 291 residential lots including tree removal and new roads.

Prepared for Cyan Stone Clydesdale Estate 1 Holding Pty Ltd



Prepared by
Craig & Rhodes Pty Ltd

December 2017
Ref: 1782

Craig & Rhodes Pty Ltd

Suite 400 Level 4
16 -18 Cambridge Street
EPPING NSW 2121
PO Box 233
EPPING NSW 1710

ACN 050 209 991
DX 4408 EPPING
Tel: 9869-1855
Fax: 9869-2341
reception@crhodes.com.au

C O N T E N T S

Executive Summary	4
1. Description of the site	6
2. Key planning controls for subdivision	11
3. Development Proposal	13
4. S.79C(1)(a) - Statutory Considerations of the Development	15
5. S.79C(1)(b) – Likely impact of development	28
6. S.79C (1) (c) – Suitability of the site.....	32
7. S.79C (1) (d) – Any submissions	32
8. S.79C (1) (e) – The Public Interest	32
9. Conclusion.....	32

Executive Summary

Craig & Rhodes Pty Ltd has been engaged by Cyan Stone Clydesdale Estate 1 Holding Pty Ltd to prepare a Development Application for a proposed Stage 1 subdivision of residential zoned land. The subdivision comprises 291 residential lots plus two drainage lots and four residue lots along the southern boundary to accommodate future housing development. The land is known as Clydesdale Estate and legally described as Lot 2 DP260476 with address of 1270 Richmond Road, Marsden Park, located in the Blacktown City Local Government Area.

The Clydesdale Estate has a total area of 215.97ha, with the proposed Stage 1 within this comprising an area of 18.73ha. The proposed subdivision plan prepared by Roberts Day Pty Ltd includes 10 new roads, facilitating new connection through Clydesdale Estate from Richmond Road to future stages to the western rear, and to “Elara Estate” which is a residential subdivision currently under development neighbouring to the south. Two drainage lots are also proposed for stormwater retention and treatment.

The existing use of the site is a livestock farm, served by a single access (unsealed all weather haulage road) enabling cattle transport to and from the site. A historic dwelling known as “Clydesdale House” is identified as a heritage item of State significance, being located to the rear of the subject land and forms part of the Clydesdale Estate. Restoration of the historic dwelling forms part of a separate Conservation Management Plan prepared by GBA and endorsed by NSW Office Environment & Heritage.

In considering potential heritage impacts, the proposal requires separate approval (under DA 16-04611) for bulk earthworks over the Clydesdale Estate, including fill along the existing access driveway which are necessary to develop the site above the 100 year flood level. The access is identified as part of the mapped heritage curtilage on which basis concurrence is required from NSW Office of Environment & Heritage as Integrated Development pursuant to S.91 of the *Environmental Planning & Assessment Act, 1979*. Notwithstanding, the proposed subdivision is otherwise well outside the visual curtilage of Clydesdale House, whilst the existing access which serves as a haulage road has been upgraded to serve all weather access for livestock trucks through the site. On this basis the proposed subdivision is assessed as acceptable from a heritage perspective.

In its strategic context the land is zoned R2 Low Density Residential with a predominant density control of 15 dwellings per hectare minimum under State Environmental Planning Policy (Sydney Region Growth Centres) 2006 (the GC SEPP). The northern portion of the site has a maximum density of 11 dwellings per hectare, with this control applied to limit density adjacent to the existing access for Clydesdale House.

The proposed subdivision is permissible with consent and facilitates the future development of the site in accordance with the GC SEPP and Blacktown Growth Centres Precincts Development Control Plan 2010 – Schedule 6 Marsden Park.

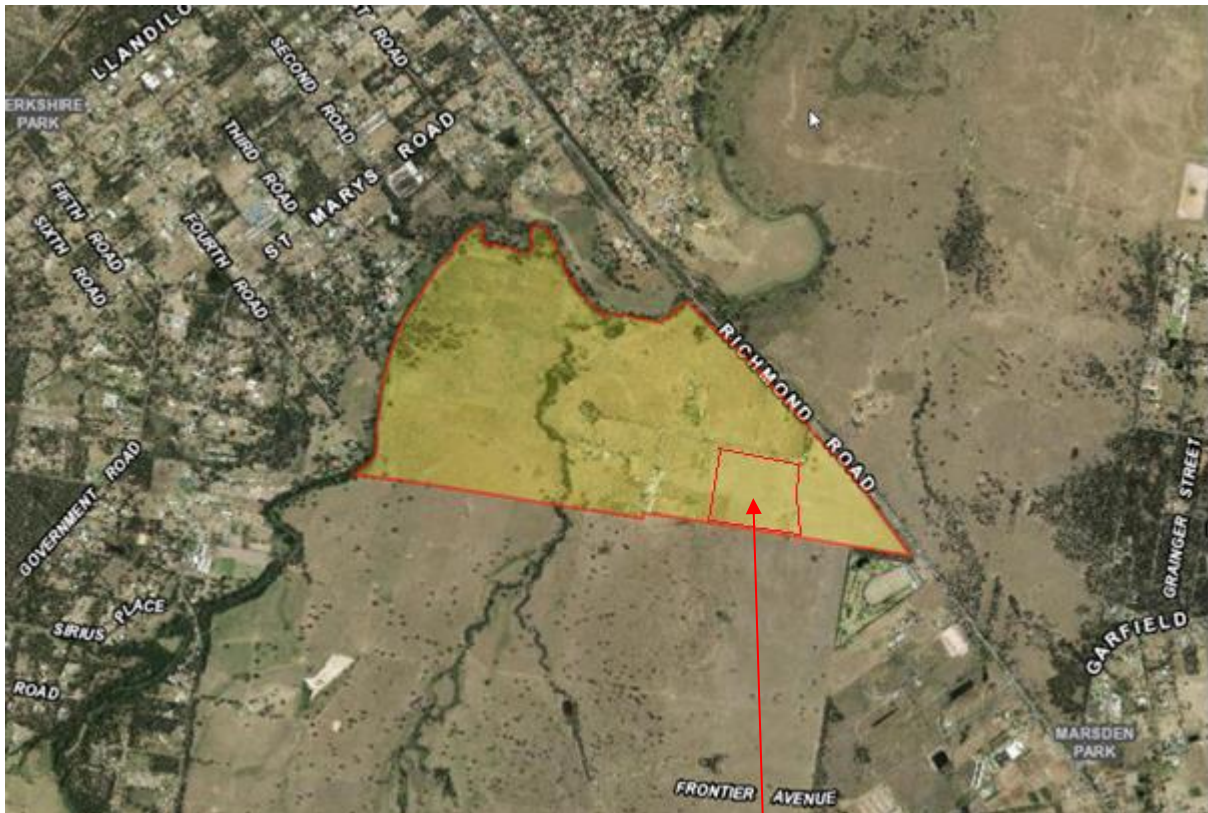
This report is submitted in accordance with Schedule 1 of the *Environmental Planning and Assessment Regulation 2000*. It finds that the proposal is generally consistent with the relevant planning controls and objectives. Supporting reports outline steps to be undertaken to protect the environment and to mitigate against any potential harm, if necessary. Based on this assessment the proposal is considered to satisfy the provisions of S.79C of the *Environmental Planning & Assessment Act, 1979* whereby it may be supported for approval.

1. Description of the site

1.1 Summary

The subject land is legally identified as Lot 2 DP260476 as shown in the cadastral aerial plan below, with a total area of 215.97ha. The registered owners are Cyan Stone Clydesdale Estate 1 Holding Pty Ltd. The site is located on the western side of Richmond Road, and is occupied as low intensity pastoral grazing land, characterised by cleared paddocks and scattered trees.

Refer to **Annexure A**, Craig & Rhodes draft Plan of Subdivision.



Aerial view of Lot 2 DP 260476 (Approximate Location of Proposed Stage 1 marked) Near Maps 2015

1.2 Existing Development

The site is generally cleared, being occupied by low intensity pastoral grazing land, characterised by cleared paddocks and scattered trees. Clydesdale House is located towards the middle of the site, and is a State significant heritage item. Ancillary items to Clydesdale House include stables, dairy shed, cottage, graveyard and driveway access.

1.3 Surrounding Development

Marsden Park is characterised by a mix of residential development. To the east of the site on the opposite side of Richmond Road and to the south is land zoned for residential subdivision which is currently underway. To the north and west is low density rural-residential development. Further south is the Marsden Park Business Park.

1.4 Access and Traffic

Existing access to the site is provided from Richmond Road via a gated entry, located approximately half way along its north-eastern boundary, with an all weather gravel haulage road incorporating culverts. Traffic generation from the site is defined by farmers tending to cattle occupying the site plus cattle trucks (semi-trailers) delivering cattle to/from the site, and service vehicles periodically visiting.

1.5 Topography and Drainage

The site has an undulating form with an overall fall to the north-west into South Creek which forms the northern and western boundary of the site. The gentle fall of the land enables surface runoff to drain from the site without causing inundation on the land.

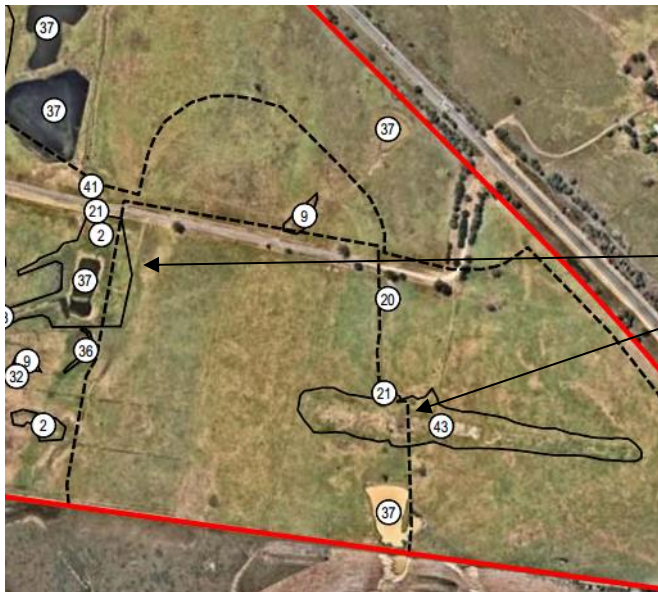
1.6 Contamination & Salinity

A Preliminary Stage 1 Contamination Assessment, Geotechnical Investigation & Salinity Assessment were all prepared for the site by Geotechnique Pty Ltd. A summary of their findings regarding soil testing is provided as follows:

Based on this assessment, the site is considered suitable for the proposed residential subdivision, subject to the following:

- Additional assessment (by sampling and testing) beneath existing site features after their removal, including the underground storage tank. Prior to demolition, a hazardous materials survey of the residential dwellings and sheds should be carried out to determine the presence of the asbestos and/or lead paint, followed by any required remediation. A WorkCover-licensed Asbestos Assessor must be engaged to assess and issue an asbestos clearance certificate, if required.
- Detailed assessment (sampling and testing) in the vicinity of TP163, TP168 and TP195 to determine the extent of copper, zinc and/or lead contamination.
- Detailed assessment (sampling and testing) in the vicinity of TP156 to determine the extent of BaP contamination.
- Detailed assessment (sampling and testing) of the entirety of Stockpile 2 for potential contamination as only two sampling locations was carried out within the stockpile. Additional sampling and testing must be carried out to delineate the extent of asbestos and PCB contamination at location SP2-2.
- Detailed assessment (sampling and testing) in the vicinity of TP67, TP141, TP154, TP163, TP167, TP168 to determine the extent of friable and/ or non-friable asbestos. A WorkCover-licensed Asbestos Assessor must be engaged to assess and issue an asbestos clearance certificate.
- Assessment of dam water/water bodies within the site was beyond the scope of this assessment. If the existing dams/water bodies are to be breached, an assessment of water, dam wall and sediment should be carried out to determine the contamination status.
- Development of a remedial action plan (RAP) to remediate the areas with asbestos, metal, BaP, PCB contaminated soil or asbestos containing material (ACM), plus any other contamination identified through the recommended additional sampling and testing, followed by appropriate validation

Materials found within proposed Stage 1 are identified in an extract of the Site Feature Plan prepared by Geotechnique, including fill (2), trench (20), concrete pipe (21) earth mound (36), and a dam (37) along the eastern and western side boundaries of the Stage 1 area.



Materials found on and surrounding Stage 1 subdivision – refer to Geotech Site Features Plan for full details

Subject to the recommendations of Geotechnique being adopted, the proposed subdivision may be carried out without adversely impacting on human health or the local environment. With regards to the Geotechnical and Salinity Assessments, these identify no significant impacts that may result from the proposed subdivision and future development and makes recommendations for subdivision works and construction.

1.7 Flora and Fauna

The site is predominantly characterised by pastoral grazing land that is predominantly cleared, interspersed by isolated trees. Native flora observed on the site is limited to eucalypt trees and dispersed shrubs, with fauna limited to native and introduced avian species.

The site is mapped as biodiversity certified under the Department of Planning's Biodiversity Certification Order in the Sydney Region Growth Centres, made in 2010. As a result, future development of such certified land may occur (subject to development consent) without the need for further ecological assessment pursuant to S.8.4 of the *NSW Biodiversity Conservation Act 2016*. Based on the site's cleared state, long standing use and effect of the biodiversity certification, an independent flora and fauna assessment is not considered necessary.

1.8 Noise Environment

The location of the site is within a future residential area which is underpinned by its residential zoning under the GC SEPP. Existing noise levels on the site are characterised by background noise associated with traffic movement along Richmond Road to the eastern side of the site, residential subdivision works neighbouring to the south and farming activities on the site including truck movements associated with cattle transportation.

In its context, the noise levels of the area are generally in keeping with a developing residential environment. Given this existing noise environment, and that the Stage 1 subdivision is located 150m west of Richmond Road, no noise assessment is considered necessary.

1.9 Flooding and Stormwater

The site is mapped as extensively affected by the Flooding Planning Level in the GC SEPP, as shown in the Flooding Map extract below. Detailed assessment of the existing 1:100 year flood level by J Wyndham Prince demonstrate that residential zoned land within the site may be raised in level with fill and graded to facilitate residential subdivision above the flood level.

1.10 Bushfire

The site is not identified as being located within a bushfire prone area, as mapped in the Blacktown City Council Bushfire Prone Land Mapping 2016.

1.11 Indigenous Heritage

The site is substantially disturbed as a result of its occupation as grazing land since European settlement. To assess Aboriginal heritage a Due Diligence Assessment (DD) has been prepared by Kelleher Nightingale Consulting (KNC). The DD advises that the proposed development area was previously assessed in a comprehensive Aboriginal heritage report from 2012: *Marsden Park Precinct, North West Growth Centre - Aboriginal Heritage Assessment*, by KNC. The DD reports findings are summarised as follows:

The study area for the 2012 report included the property for Stage 1. Two Aboriginal archaeological sites were found on the property: C-IF-1 (45-5-2750) and C-IF-2 (45-5-2751). The two archaeological sites were assessed as exhibiting low Aboriginal archaeological significance.

A search of the OEH Aboriginal Heritage Information Management System (AHIMS) was conducted on 4 May 2016 to identify any registered (known) Aboriginal sites within or adjacent to Stage 1 (Appendix A).

The AHIMS search identified two known sites within the boundaries of Stage 1 and 16 additional sites near but outside the property boundary. The findings of the AHIMS search correlate with the findings in the 2012 Aboriginal heritage assessment.

The identified Aboriginal sites require an AHIP prior to any impact. Beyond the AHIP process, the sites in themselves are not a hindrance to the proposed development of the property.

The proponent has commenced Step 1 of the process to obtain an AHIP for the Aboriginal sites and lands within Clydesdale Stage 1. Once the DA for Stage 1 has been issued, the proponent should undertake Step 2 of the process to obtain an AHIP.



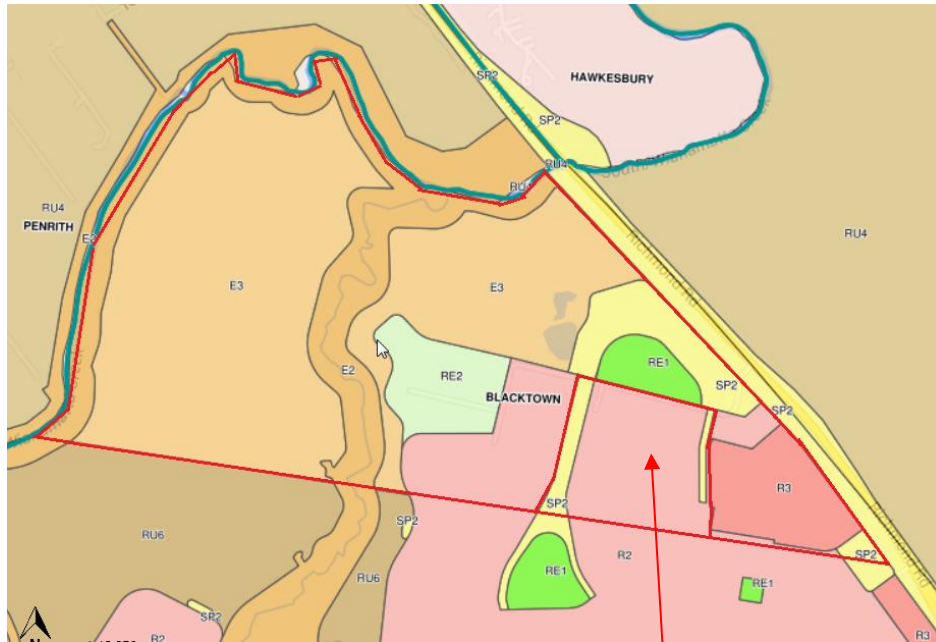
Extract of KNC Report - Archaeological Sites Map showing location of known sites located at north-western and south-eastern corners of the proposed Stage 1 subdivision area

Based upon this advice Council may determine the DA for proposed Stage 1 subdivision without further archaeological assessment. A condition of consent may be imposed requiring an AHIP to be obtained from NSW Office of Environment & Heritage prior to issue of a Construction Certificate, thereby granting a heritage permit to carry out works on the site.

2. Key planning controls for subdivision

2.1 Land zoning

Land within proposed Stage 1 is zoned R2 Low Density Residential and part SP2 Infrastructure - Drainage as shown in the GC SEPP Land Zoning Map (Sheets 2 & 5) below.



*Proposed Stage 1 subdivision of Clydesdale Estate, zoned R2 Low Density Residential
Source – NSW PlanViewer*

2.2 Flooding

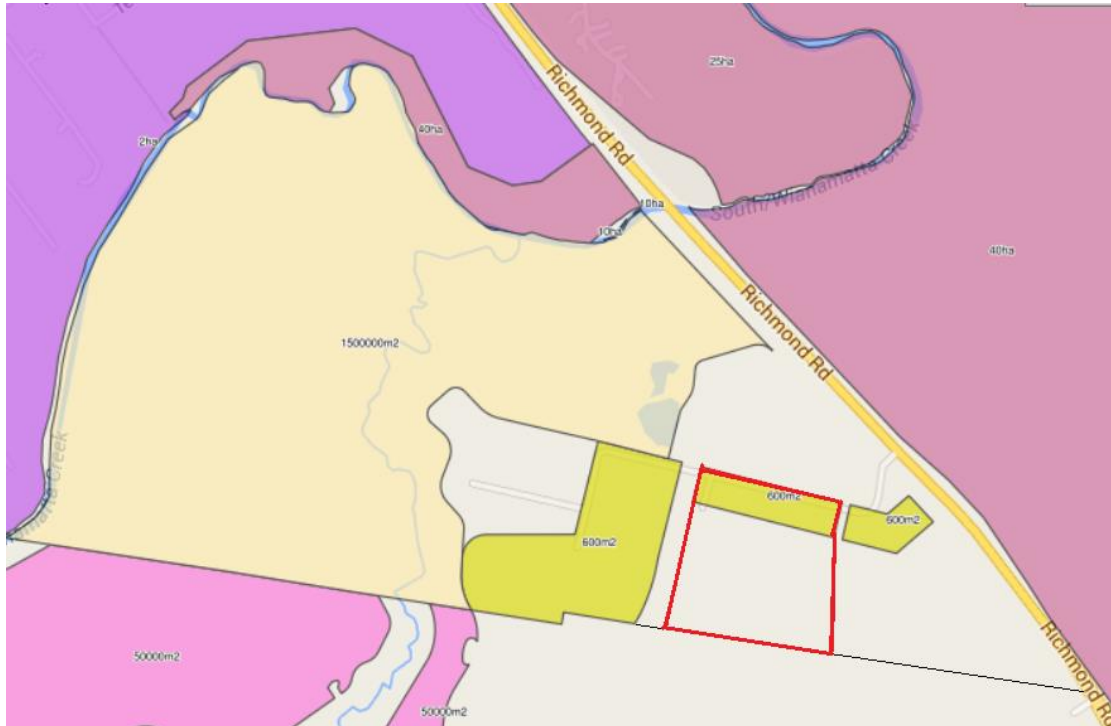
The site is substantially affected by the 1:100 year flood level as mapped by the GC SEPP. Engineers Plans by J Wyndham Prince demonstrate that land within Stage 1 may be raised in level with fill and graded to facilitate residential subdivision above the flood level.



Map extract of Flood Prone Land from NSW - Source NSW Plan Viewer 2016

2.3 Minimum Lot Size

The Lot Size Map of the GC SEPP specifies a minimum lot size of 600m² for certain land in the residential zone, shaded lime as shown below and including land at the northern end of proposed Stage 1. This minimum lot size area corresponds with the density area 'L' mapped for the density standard – refer to section 2.4 below.



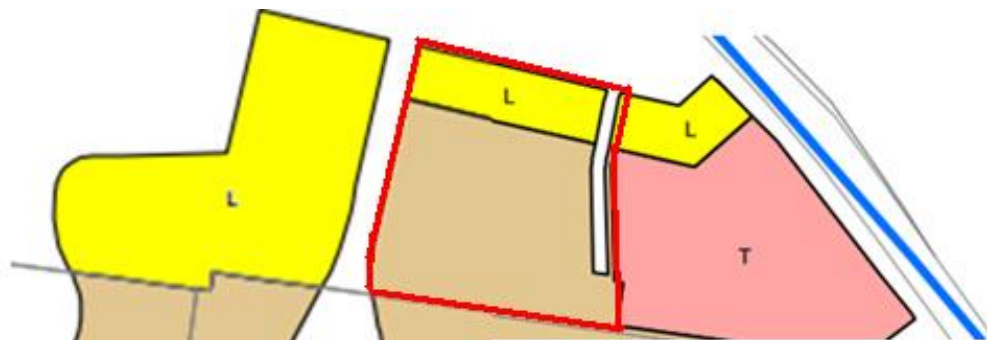
Growth Centres SEPP Minimum Residential Density Map – Source NSW PlanViewer 2016 [Site](#)

2.4 Density

The Growth Centres SEPP applies the following density standards to proposed Stage 1:

- 'L' (yellow portion) – 11dw / ha max (applied to limit density in a visually sensitive area);
- 'O' (brown portion) – 15 dw/ha minimum (applied to achieve housing yield target)

The proposed subdivision is designed to achieve these density targets, with residential development to take place under future Development Applications for each lot.



Extract from Growth Centres SEPP Minimum Residential Density Map RDN-002 & 005

3. Development Proposal

3.1 Subdivision works

The proposed Stage 1 subdivision of Lot 2 DP 260476 comprises 291 lots plus 2 drainage lots and 4 residue lots with a total area of 18.73ha. The proposal includes the construction of ten new roads. The proposal comprises a mix of residential lots sizes to accommodate a range of future development.

The proposal includes the removal of all trees, whilst the existing farm dams located on the eastern and western boundaries will be replaced with drainage basins along these boundaries.

Due to the undulating form of the site and its mapped 1:100 year flood affectation, cut and fill is proposed in the locations shown on the Civil Engineering Plans by J Wyndham Prince (JWP). The proposed cut and fill forms part of civil plans by JWP for bulk earthworks across the site, which have submitted to Council under a separate Development Application (ref DA16-04611)

The proposed earthworks will ultimately deliver finished levels for the subdivision above the flood level, which are essential in order to accommodate future housing in accordance with the residential zone and density controls. This will include raising the existing access road to Clydesdale House and widening this as Road No.2, above the flood level.

3.2 Subdivision design

The subdivision is proposed under pathway A1 of the Growth Centres DCP 2016. The proposed subdivision provides a mix of lot frontages and a lot mix in accordance with the intentions of the DCP. Roads are aligned in a north-south and east-west grid. Refer to Section 3.4 of this report for details of lot frontage mix, and the Urban Design Report prepared under separate cover by Roberts Day.

As part of the 291 lot subdivision, the northern residential zoned portion of the site at approximately 3.3ha has been designed in accordance with the density and lot size controls that apply to this part of the site, and will comprise 25 larger lots at 600m², plus 10 smaller lots ranging from 300m² – 450m² which are the subject of a lot size variation.

The locations of all proposed roads are in accordance with the indicative layout plan (ILP) for the Marsden Park Precinct. Proposed roads range from 16m – 20.8m wide to facilitate a 9m - 12m pavement. The proposed road network achieves the connectivity intended for the precinct and will result in a walkable neighbourhood.

3.3 Access

Access during civil works to carry out the proposed subdivision will be provided via a temporary road from Richmond Road. Upon completion of the proposed subdivision works, access will be provided through the neighbouring residential subdivision to the south, linking to Richmond Road.

3.4 Lot Frontages

All lots are 'front loading' with a minimum width of 10m measured at the front building line. Table 1 calculates the percentage of lots within each frontage category, and Figure 2 demonstrates this information in graphic form. A discussion of compliance with these controls is provided in Section 4.6 of this report.

Table 1: Lot Frontage Widths		
Frontage Band	Lots	Percentage
< 9m	2	0.7%
9.00m - 11.00m	168	57.7%
11.01m - 13.00m	53	18.6%
13.01m - 15.00m	11	3.9%
15.01m +	57	20%
Total	291	100.00%

4. S.79C(1)(a) - Statutory Considerations of the Development

4.1 Background

The following assessment of the proposed development is undertaken in accordance with the heads of consideration in Section 79C of the Environmental Planning & Assessment Act 1979 ("the Act") that states:

Section 79C Evaluation – Matters for consideration – general

In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:

the provisions of:

- i) any environmental planning instrument, and*
 - ii) any draft environmental planning instrument that is or has been placed on public exhibition and details of which have been notified to the consent authority, and*
 - iii) any development control plan, and*
 - iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,*
- the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,*
- the suitability of the site for the development,*
- any submissions made in accordance with this Act or the regulations,*
- the public interest.*

Both statutory and non-statutory plans including all relevant Environmental Planning Instruments (EPIs) have been addressed in relation to the proposed development. Applicable statutory controls considered during the preparation of the application are set out below:

- State Environmental Planning Policy (Sydney Region Growth Centres) 2006 as amended in 2014, referred to as the Growth Centres SEPP;
- Any other SEPPs, including SEPP 55 – Remediation of Land;
- Blacktown City Council Growth Centres Precincts Development Control Plan 2010 as amended in 2016, referred to as the Growth Centres DCP.

The following sections of this report demonstrate that the proposed subdivision, which facilitates future residential housing is consistent with the applicable zoning and planning controls for the site, and generally complies. Variations to the lot size and lot mix controls are addressed in detail and justified, with no adverse impacts identified.

4.2 State Environmental Planning Policy No.55 – Remediation of land

Clause 7 of SEPP No.55 requires consideration of potential contamination and any remediation required to make the site suitable for its proposed residential development.

A Geotechnical Assessment of the site found residual construction materials left on the site which do not give rise to land contamination. Subject to the recommendations of Geotechnique being adopted, the proposed subdivision may be carried out without adversely impacting on human health or the local environment.

4.3 State Environmental Planning Policy (Sydney Region Growth Centres) 2006

The land is zoned R2 Low Density Residential with a corridor of drainage reserve along the eastern boundary zoned SP2 Local Drainage under the Growth Centres SEPP.

Objectives of R2 Low Density Residential Zone

- *To provide for the housing needs of the community within a low density residential environment.*

Comment – The proposed subdivision facilitates future development of housing at a density consistent with the zone. Development of each lot will be subject to separate approval and may permit a range of uses permissible in the R2 zone.

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*

Comment – The R2 zone permits a range of land uses with development consent. Future development in this regard will be subject to separate Development Applications to enable Council to determine their permissibility and suitability to the zone and future residential context.

- *To allow people to carry out a reasonable range of activities from their homes, where such activities are not likely to adversely affect the living environment of neighbours.*

Comment – Future residential development will create opportunities for occupants to conduct home based business activities subject to permissibility.

- *To support the well-being of the community, by enabling educational, recreational, community, religious and other activities where compatible with the amenity of a low density residential environment.*

Comment – The proposal residential subdivision facilitates future residential development. In addition development supporting community related uses is also permissible with consent, subject to separate future Development Applications.

Objectives of Zone SP2 Infrastructure

- *To provide for infrastructure and related uses.*
- *To prevent development that is not compatible with or that may detract from the provision of infrastructure.*

Comment – The proposed subdivision incorporates land for drainage purposes along the eastern boundary within land zoned SP2 Infrastructure – Drainage. The proposed drainage works within this portion of the site serves its zoned purpose as infrastructure.

4.4 Minimum lot size

Cl. 4.1 Minimum subdivision lot size

The Minimum Lot Size Map specifies a minimum of 600m² per lot for land within the area mapped 'L' on the Density Map.

1) *The objectives of this clause are as follows:*

- (a) *to ensure that the minimum size for lots is sufficient for the provision of usable areas for building and open space,*
- (b) *to facilitate and encourage a range of residential lot types, in particular, small lot housing,*
- (c) *to encourage the efficient use of land for residential purposes.*

Comment - In response to this the proposed subdivision features 25 lots within the area marked 'L' at a minimum of 600m² which is compliant with the lot size standard. In addition to this within area L, there are 10 lots ranging in area between 300m² to 360m² thereby seeking a variation to the minimum lot size standard pursuant to Cl.4.6 of the GC SEPP.

In response to the objectives of the lot size standard, all lots within area 'L' are sufficient in area to accommodate a dwelling with functional private open space noting their regular shaped design and gently sloping land form. The 10 smaller lots will appropriately facilitate a range of future housing. Further they are located neighbouring the rear of the larger 600m² lots whereby they will be out of view from the Road No.1 streetscape, which is intended to feature the wider larger 600m² lots.

The overall lot yield within area 'L' at 35 lots is within the density target of this area at 11 dwellings per hectare, as discussed in section 4.5 of this report thereby demonstrating that the range of lot sizes within this area does not result in excessive yield or density. Further justification to the minimum lot size variation is provided in section 4.6 of this report.

4.5 Dwelling Density

Cl. 4.1B Residential Density

The objectives of the density standard requiring consideration are stated and commented on as follows:

(1) *The objectives of this clause are:*

- (a) *to establish minimum density requirements for residential development, and*
- (b) *to ensure that residential development makes efficient use of land and infrastructure and contributes to the availability of new housing, and*
- (c) *to ensure that the scale of residential development is compatible with the character of the precinct and adjoining land.*

(2) *This clause applies to residential development of the kind referred to in clause 4.1AB (3) or 4.1AC that:*

- (a) *is carried out on land to which this Precinct Plan applies that is shown on the Residential Density Map, and*
- (b) *requires development consent, and*
- (c) *is carried out after the commencement of this Precinct Plan.*

(3) *The density of any residential development to which this clause applies is not to be less than the density shown on the Residential Density Map in relation to that land.*

(4) *Despite subclause (3), the residential density in the area marked "L" and coloured yellow on the Residential Density Map must not exceed 11 dwellings per hectare.*

Comment - The R2 zoned portion of the land is predominantly mapped as 'O' Residential Density, whereby the minimum density standard is 15 dwellings per hectare, which is applied by the GC SEPP to achieve housing yield targets.

With regards to subclause (4) which applies to land within area 'L' towards the northern boundary of the site, this permits a *maximum* density standard of 11 dwellings per hectare with a corresponding maximum yield of 35 dwellings, based on approximately 3.1 hectares of the land mapped 'L'. It is understood this maximum is applied by the GC SEPP to limit density in a visually sensitive area, adjacent to the curtilage boundary of Clydesdale House. In response the proposal provides a total of 35 lots in area 'L' compliant with the density standard.

For the Stage 1 subdivision, the net developable area (excluding SP2 zoned drainage land) is calculated as 16.027ha hectares. Based upon this the minimum yield is calculated as follows:

Density Control	x Area	Target yield	DA yield	density dw/ha
11dw/ha max	3.079ha	35 dwellings max	35 lots	11
15dw/ha min	12.948ha	194 dwellings min	250 lots	19.3
TOTAL	16.027ha	229 dwellings	291 lots	17.8

Based on this the proposed subdivision yield of 291 lots with overall density of 17.16 lots per hectare complies with the dwelling density standards.

Refer to Craig & Rhodes Density Calculation Plan, **Annexure B**.

4.6 Variations to development standards – lot size

Cl. 4.6 - Exceptions to development standards

Variation to the minimum lot size of 600m² is sought. Clause 4.6 – Exceptions to development standards of the GC SEPP requires consideration in these circumstances, as provided below.

Cl. 4.6 Exceptions to development standards

- (1) *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
- (2) *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.*
- (3) *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*
 - (a) *that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
 - (b) *that there are sufficient environmental planning grounds to justify contravening the development standard.*
- (4) *Development consent must not be granted for development that contravenes a development standard unless:*
 - (a) *the consent authority is satisfied that:*
 - (i) *the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
 - (ii) *the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*
 - (b) *the concurrence of the Director-General has been obtained.*
- (5) *In deciding whether to grant concurrence, the Director-General must consider:*
 - (a) *whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
 - (b) *the public benefit of maintaining the development standard, and*
 - (c) *any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Comment – The 600m² minimum lot size standard applies to the northern portion of the site as shown on the Lot Size Map, and correspondingly as Area ‘L’ on the Density Map. It is understood this minimum lot size is applied on the basis that it has frontage to the existing heritage curtilage of the Clydesdale Estate, as explained in the Growth Centres DCP – Schedule 6: Part 6.1 Heritage. By virtue of this the underlying objective is to provide a more traditional low density streetscape along the curtilage boundary given its elevated sensitivity.

The proposed subdivision within this area includes 25 compliant lots at 600m², being the vast majority of lots within this area. In addition within this area are 10 lots ranging from between 300m² to 360m², with these smaller lots thereby seeking a variation to the minimum lot size standard of 600m² and requiring justification pursuant to Cl.4.6 of the GC SEPP.

The proposed lot sizes comply with the maximum density as confirmed in Section 4.5 of this report. The proposed variation does result in overdevelopment in the future within Area ‘L’. Rather it provides a range of lot sizes, consistent with the objectives of the lot size standard (as discussed in section 4.3 of this report), whilst appropriately locating the larger wider 600m² lots adjacent to the curtilage boundary as shown in the ‘vision’ photomontage for this location by Roberts Day (see below), with the 10 smaller lots then located to the southern side and out of view from the curtilage. Furthermore, the 10 smaller lots are all suitably designed to comfortably accommodate a dwelling house and private open space.



*Vision for the 600m² lots fronting northern Road No.2 and Clydesdale curtilage – Roberts Day
Housing on the 600m² lots with frontage will block view to housing on smaller lots to the rear*

Based upon the above, flexibility to the minimum lot size standard is warranted, such that compliance is unnecessary and unreasonable. In considering the public interest, the proposal delivers a lot yield within the maximum density for Area ‘L’ of 11 dwellings per hectare, whilst achieving the objective of providing lower density housing along the curtilage boundary of Clydesdale. Contravention of the lot size standard does not raise any matters of State or regional significance, noting the minor nature of the variation, and that the proposal is otherwise consistent with the objectives of the minimum lot size and density standards.

4.7 Heritage

Clause 5.10 of the GC SEPP requires consideration of impact on heritage items whether within the subject land or adjacent to. The proposed Stage 1 subdivision is located in the vicinity of Clydesdale House, which is identified as an item of State Heritage Significance. In support of the proposal a Heritage Impact Statement by GBA Heritage is submitted under separate cover, along with a Conservation Management Plan, also by GBA and endorsed by NSW Office Environment & Heritage.

The proposed subdivision is positioned outside the visual curtilage of Clydesdale House, noting the western boundary of the subdivision is located at least 600m from the House. Proposed Road No.2 along the northern boundary however aligns with the existing access road to Clydesdale House, which is identified as part of the Clydesdale heritage elements. As part of the mapped curtilage the access is identified aligning with the eastern extension of the curtilage boundary to Richmond Road, as shown on the DCP Precinct Plan for the site.

Due to the position of Stage 1 and fill required to overcome the 1:100yr flood level, the existing access along the northern boundary requires a new elevated Road No.2 in its place. In carrying out an assessment of impact on this road and its significance as part of the Clydesdale listing, grounds for developing over the access are summarised as follows:

Altered form - The access is not an original track in terms of its form and alignment (refer to photo overpage), rather it has been upgraded over time to service its commercial needs of a (former) dairy and ongoing cattle farm with an all-weather haulage road including modern culvert crossings. Trees along the access have no historic or landscape significance, and have been aesthetically compromised by lopping required to maintain separation to the existing overhead power line along the access. The entry point at Richmond Road is altered from its original location approximately 150m to the south.

Sight lines - Clydesdale House is out of view for the entire length of the Stage 1 subdivision, noting it will be 600m from its NW corner to the House and is obscured by trees in between.

Land zoning - Whilst the access is listed as part of the significance of CH and is positioned on its curtilage boundary, its replacement is clearly contemplated by the residential zoning and Indicative Layout Plan (ILP), which the proposed subdivision accords with. The rezoning process of the land to residential is understood to have included statutory consultation with NSW Office Environment & Heritage. If the access was considered of core significance, the zoning boundary and ILP would have been shifted south to avoid impact on the access.

Unavoidable impact - Preserving the access would otherwise result in an adverse impact of substantial retaining walls up to 5m height to either side, required to raise the proposed subdivision to the south above the flood level and in the future to construct sporting fields to north within the RE1 zoned land. The Cut and Fill Plan by JWP indicates fill of up to 5m along the Residential Zone boundary, transforming the open flat character of the existing access and its surrounds. On this basis the existing access and its character cannot be retained.

Restoration works - Concurrent restoration and ongoing maintenance of Clydesdale House by the proponent is contingent upon development of the proposed subdivision which will contribute to financing of the restoration and maintenance works. As a separate matter, plans for the restoration of Clydesdale House shall be submitted to Council including a Conservation Management Plan (CMP) to be endorsed by NSW Office of Environment & Heritage. The restoration works are committed to under a proposed Voluntary Planning Agreement (VPA) with Blacktown City Council whereby the proposed subdivision may not proceed prior to the restoration works achieving the requirements of the CMP as stipulated in the VPA.

Based on its separation the proposed subdivision is considered to have little to no visual impact on Clydesdale House and its open setting on farmland. Accordingly this there is no constraint to Council assessing the proposed subdivision whilst having due regard to the restoration and conservation of Clydesdale House.



Existing access looking west, upgraded to haulage road standard with compacted gravel surface and culvert crossings to enable all weather access for semi-trailers transporting cattle from Clydesdale farm.



Figure 6-1 Clydesdale House Precinct Plan Control Area

DCP Schedule 6 – Marsden Park - Location of site adjoins curtilage to Clydesdale House Site

4.8 Flooding

Cl.19 Development on flood prone and major creeks land—additional heads of consideration

Part of proposed Stage 1 containing the proposed residential subdivision is mapped by the GC SEPP as flood prone land. Matters for consideration under Cl.19 are set out and addressed as follows:

(2) Consent is not to be granted to the carrying out of development to which this clause applies unless the consent authority has taken the following into consideration:

- (a) whether or not the development will adversely affect flood behaviour resulting in detrimental increases in the potential flood affectation of other development or properties,*
- (b) whether or not the development will alter flow distributions and velocities to the detriment of other properties or the environment of the floodplain,*
- (c) whether the development will enable safe occupation of the flood prone and major creeks land,*
- (d) whether or not the development will detrimentally affect the floodplain environment or cause avoidable erosion, siltation, salinity, destruction of riparian vegetation or a reduction in the stability of the riverbank/watercourse,*
- (e) whether or not the development will be likely to result in unsustainable social and economic costs to the flood affected community or general community, as a consequence of flooding,*
- (f) whether or not the development is compatible with the flow conveyance function of the floodway,*
- (g) whether or not the development is compatible with the flood hazard,*
- (h) in the case of development consisting of the excavation or filling of land, whether or not the development:*
 - (i) will detrimentally affect the existing drainage patterns and soil stability in the locality, and*
 - (ii) will significantly impact on the likely future use or redevelopment of the land, and*
 - (iii) will adversely impact on the existing and likely amenity of adjoining properties, and*
 - (iv) will minimise the disturbance of relics, and*
 - (v) will adversely impact on any watercourse, drinking water catchment or environmentally sensitive area.*

Comment – The proposed subdivision is designed to achieve the following:

- Elevate the subject land with grading and fill above the flood level, with fill to approximately 5m depth to achieve this;
- Provide drainage basins to eastern and western boundaries to maintain pre-development runoff flows from the land post development, and minimise impact on the floodplain in terms of flow behaviour and velocity;
- Treat stormwater quality from future development to prevent degradation of receiving streams and estuaries;
- Provide flood free egress from the subject land for a 1 in 100 year flood event;
- Achieve the objectives of the residential zoning of the land to facilitate future housing with suitable drainage design.

4.9 Services

Cl.6.1 Public utility infrastructure

Clause 6.1(3) requires that *any public utility infrastructure that is essential for the proposed development is available or that adequate arrangements have been made to make that infrastructure available when it is required.* These services include supply of water, electricity and sewage disposal. Each of these services are available to the site with separate applications being made for connection to each.

4.10 Blacktown City Council Growth Centres Precincts Development Control Plan 2016

Local planning controls are applied under Blacktown City Council Growth Centres Precincts Development Control Plan 2016, with Schedule 6 Marsden Park Precinct (Growth Centres DCP), as amended in 2016 featuring specific controls for the Clydesdale Estate.

Street block and lot layout - Section 3.1.2 of the GC DCP specifies a general maximum for street blocks at 250m long x 70m deep. The proposal features compliant street blocks ranging from 135m – 235m with a depth of 60m – 65m.

Density - Relevant density controls for the site are identified from **Table 3-2** of the GC SEPP Lot Size Map as 11 dw/ha and 15 dw/ha, refer to DCP extract below.

For the portion with a target density of 11 dw/ha (maximum density as per the GC SEPP), the proposed minimum lot size is 303m². Whilst less than the minimum of 360m² this variation is justified given its minor nature, that it does not exceed the overall density of 11 dw/ha, and that it contributes to the lot mix as advocated by the DCP, being adjacent to other smaller lots to the south within the 15 dw/ha density band. For land within the area having a density target of 15 dw/ha, the minimum lot size is 300m², which the proposal complies with.

Frontage - In terms of lot width / frontage, **Table 3-3** of the DCP identifies minimum frontages of 12.5m for lots within the 11dw/ha area, and 9m within the 15dw/ha area. All lots within these respective density areas comply with the minimum lot frontage width, with all lots being front loading, with a minimum width of 10m measured at the front building line.

Table 3-2: Minimum lot size by density bands

	R2 Low Density Residential						R3 Medium Density Residential			
Minimum Net Residential Target (dwellings/Ha)	11	12.5	15	20	25	30	25	35	40	45
Dwelling House (base control)	360	300	300	300	300	300	300	300	300	300
With BEP	360	300	250	225	225	225	225	225	225	225
As Integrated DA	360	300	250	200	125	125	125	125	125	125
Locational criteria* (BEP or Integrated DA)	N/A	N/A	225	N/A	N/A	N/A	N/A	N/A	N/A	N/A

Table 3-3: Minimum lot frontages by density bands

		Net Residential Density Target (dw/Ha)		
		10 to 12.5dw/Ha	15dw/Ha	20 to 45dw/Ha
Minimum Lot Frontages	Front Loaded	12.5m	9m	7m
	Rear Loaded	4.5m	4.5m	4.5m

Lot mix – The DCP requires a range of lots to be provided, with this principally determined by frontage width. Section 3.1.2 Controls 7 & 8 of the Growth Centres DCP 2010, as amended, state:

7. A range of residential lot types (area, frontage, depth, zero lot and access) must be provided to ensure a mix of housing types and dwelling sizes and to create coherent streetscapes with distinctive garden suburban, suburban and urban characters across a neighbourhood.

8. No more than 40% of the total residential lots proposed in a subdivision Development Application may be of the same lot type.

The following Table sets out the number of lots in each frontage band, with comments on this provided below.

Table 1: Lot Frontage Widths		
Frontage Band	Lots	Percentage
< 9m	2	0.7%
9.00m - 11.00m	162	57.7%
11.01m - 13.00m	53	18.6%
13.01m - 15.00m	11	3.9%
15.01m +	57	20%
Total	291	100.00%

Comment – The 9.00m – 11.00m lot width band is calculated as providing a total of 162 lots / 456.8% of the lot mix, thereby seeking a departure to the 40% control.

In response to this the proposed subdivision has been designed by to achieve both optimal lot yield and lot mix to support a range of affordability and future house types. The subdivision design is considered consistent with the objective of providing a range of residential lots in terms of area, frontage and depth.

The design features a gently sloping land form ensuring that development potential of each lot is ideal for access, construction and private open space, along with regular street blocks that create a legible sense of neighbourhood. Subtle variations in lot width serves to facilitate a range of housing designs that will add variety to the streetscape.

Lots within the 9m – 11m band provide opportunities for future development with zero lot alignment on a range of lot sizes, with these appropriately concentrated along Roads adjacent to the SP2 Drainage zoned land so that they benefit from an open outlook. The larger lots at 600m² plus at the northern end provide opportunity for larger family dwellings in accordance with the lower density limit area of 11 dwellings/ha.

Given the range of lots provided, in both area and configuration the subdivision design is considered to achieve the broader objectives of facilitating housing diversity. Accordingly the variation to the lot mix control is considered acceptable on merit.

4.11 DCP Schedule 6 - Marsden Park Precinct

Indicative Layout Plan

Schedule 6 of the DCP (Marsden Park Precinct) features an Indicative Layout Plan for future subdivision. The subject proposal facilitates the future development of the land, generally in accordance with the indicative layout plan (ILP).



Extract from Marsden Park Indicative Layout Plan

Roads along the boundary of the subject land accord with the ILP alignment for connectivity to the surrounds including the neighbouring subdivision to the south currently being undertaken.

The alignment of internal roads varies from the ILP, with four north-south local streets favoured in place of four east-west local streets. This variation is proposed on two key grounds, summarised as follows:

Lot orientation - road alignment facilitates east-west and north-south lots for maximum solar access to future dwellings.

Connectivity and legibility – Roads 1 & 2 enhance accessibility and sight lines towards Clydesdale House which is identified as a future focal point of the community.

Further commentary on the ILP road positioning is provided in section 5 and in the Urban Design Report by Roberts Day.

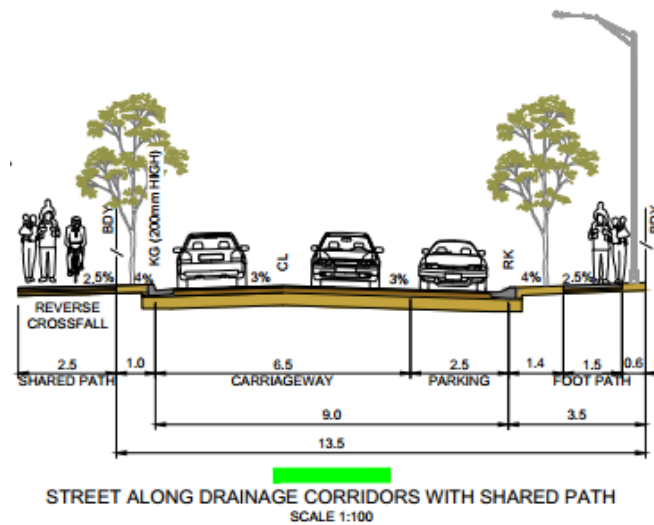
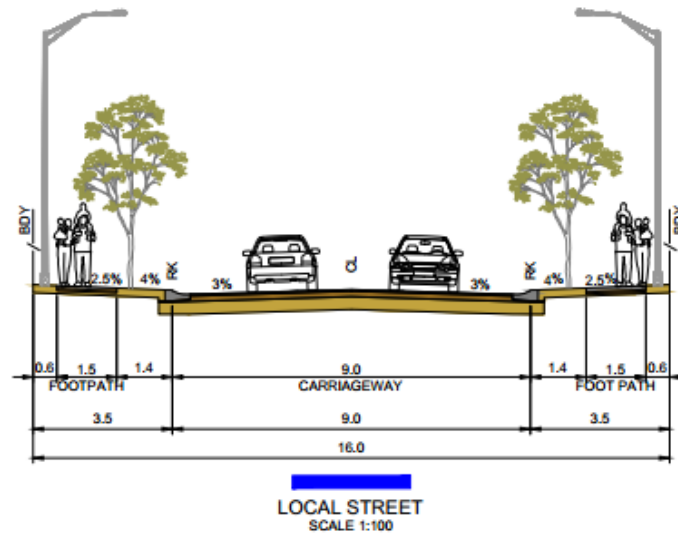
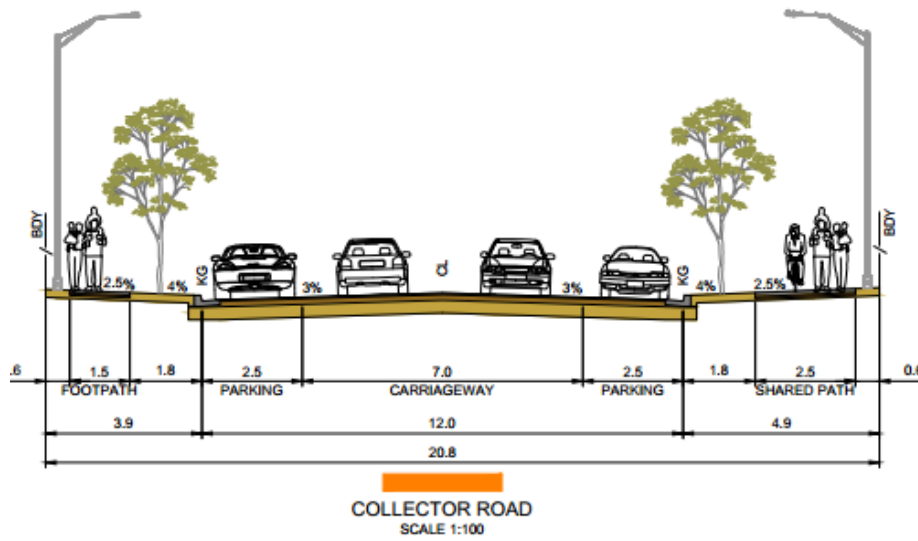
Street network and Design

Part 4.2 of the DCP sets design controls for roads and paths.

Nine new roads are proposed as a part of this development with road design in accordance with the provisions of the DCP, including:

- Collector Road 20.8m width, with a 12m pavement;
- Local streets 16.0m wide, with a 9.0m pavement;
- Streets fronting drainage corridors 13.5m width, with a 9.0m pavement;

Refer to Road Sections below prepared by J Wyndam Prince.



Heritage

Part 6.1. of Schedule 6 sets objectives and controls for development around Clydesdale House, with the key objective: *to protect the rural and visual curtilage of Clydesdale House.*

As discussed in Section 4.6 of this report, a Conservation Management Plan (CMP) for Clydesdale House is required under Cl.5.10 of the GC SEPP if Council consider this necessary.

In considering this requirement for the Stage 1 residential subdivision, the Marsden Park Precinct DCP provides a map of the Clydesdale House curtilage whereby land outside the curtilage does not require a CMP. Based on the location of the proposed Stage 1 residential subdivision works partially extending into the curtilage, a CMP may be required. Notwithstanding the primary purpose of the CMP will be to set guidelines and requirements for the restoration and ongoing management of Clydesdale House.

Given the proposed subdivision is located at least 600m from the House, its impact is limited to the curtilage which is assessed in Section 4.7 of this report and in the Statement of Heritage Impact prepared by GBA Heritage under separate cover.

5. S.79C(1)(b) – Likely impact of development

5.1 Access, Parking & Traffic

Ten new roads are proposed as a part of this Stage 1 residential subdivision. All local streets within the subdivision are designed in accordance with the road design specifications as set out in the Marsden Park Precinct DCP.

Access to all lots will be via a constructed public road upon completion of road works identified in this proposal.

Adequate street parking will be available to each lot at the kerb alignment as per usual residential practice.

The proposed road system is capable of accepting the additional vehicle movements generated by the development and the subdivision will improve pedestrian connectivity within the precinct.

The road network is consistent with the intention of the Indicative Layout Plan (ILP). All proposed roads have been provided in a manner that supports logical block depths.

5.2 Energy Efficiency & Sunlight Access

Lot orientation, width and depth will allow future dwelling houses to be designed to achieve solar access requirements as set down in the Growth Centres DCP 2016, as amended and BASIX requirements (under separate future applications).

5.3 Waste Disposal & Utility Services

Garbage and recycling disposal for all residential lots will be provided by garbage truck access from the proposed road network and collected at the street frontage of individual lots.

Road widths and turning facilities have been provided in accordance with Blacktown City Council requirements for garbage truck maneuvering.

Services consisting of water, electricity, gas and telecommunications are proposed to be provided. The reticulation of all services within the development will be underground.

5.4 Site Drainage & Stormwater Management

Bulk earth works measures are proposed under a separate Development Application for the site to raise levels within the proposed Stage 1 subdivision above the 1:100 year flood level.

All drainage generated by the development will be piped by road or inter-allotment drainage in accordance with Blacktown Council's specifications.

The storm water system is designed to cater for all storm events up to the 1:100 year ARI event as required by Blacktown Council DCP Part R requirements.

The proposal includes two stormwater basins along the eastern and western boundaries of the site designed to regulate stormwater flows and quality treatment.

5.5 Contamination & Salinity

Geotechnique were commissioned to prepare a Preliminary Stage 1 Contamination Assessment, Preliminary Geotechnical Investigation & Salinity Assessment for the site. The investigation consisted of a review of the site history, site inspection and soil analysis.

Based on this assessment the subject land is assessed as suitable for the proposed residential subdivision subject to carrying out further detailed sampling and testing around existing site features as mapped to confirm the existence of any contaminants.

5.6 Aboriginal Heritage

The site has been the subject of prior Aboriginal heritage investigation as a component of the rezoning investigation for the site. The Due Diligence Assessment by Kelleher Knightingale found two recorded items on or adjacent to the proposed Stage 1 subdivision. Based on this an Aboriginal Heritage Impact Permit (AHIP) is required pursuant to Section 90 Consent under the National Parks and Wildlife Act 1974 to permit works to be undertaken on the site.

5.7 European Heritage

The subject land identified as proposed Stage 1 in Lot 1 DP 260476 is located in the vicinity of Clydesdale House, which is identified as an item of State Heritage Significance.

The proposed Stage 1 subdivision is positioned on the edge of the visual curtilage of Clydesdale House as confirmed by the DCP, notwithstanding the western boundary of the subdivision is located at least 600m from the House. Based on this separation the proposed subdivision is considered to have little to no visual impact on Clydesdale House and its open setting on farmland.

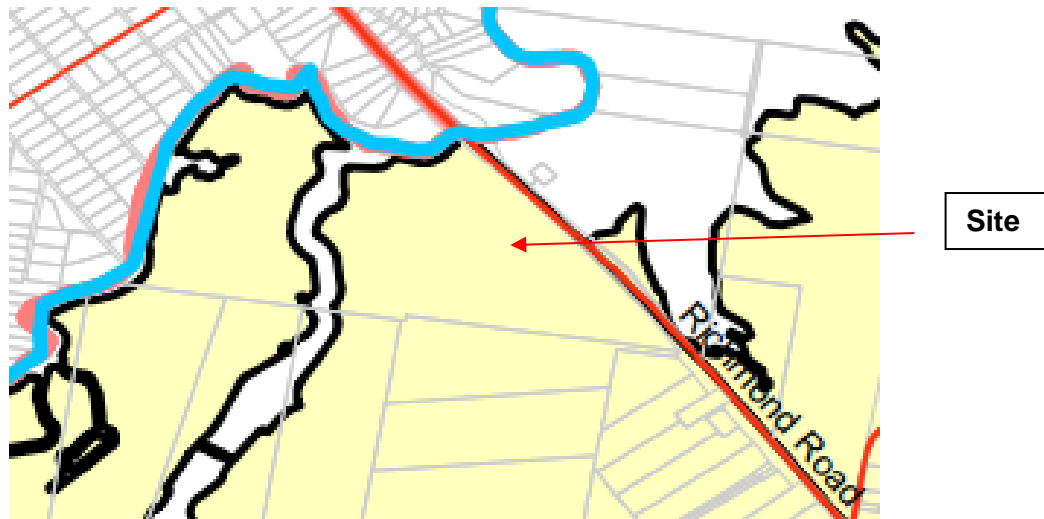
In terms of heritage impacts, the proposed subdivision requires fill over the existing Clydesdale access corridor which forms the curtilage boundary extending to Richmond Road. As the existing access has been realigned and upgraded to service truck access through the site, its replacement is considered a manageable impact noting the Residential zone boundary extends over the access corridor and therefore advocates development over it.

A separate Development Application for the restoration of Clydesdale House is to be submitted to Council including a Conservation Management Plan. As such there is no constraint to the development of the site due to European Heritage items.

5.8 Flora & Fauna

The site has been the subject of prior flora and fauna investigation as a component of the rezoning investigation for the site. The investigation included consideration of the natural environment of the precinct from a strategic perspective to appropriately identify areas that should be protected and others that can be developed.

The Department of Planning made an assessment of the consistency between the relevant biodiversity measures and Biodiversity Certification Order in the Marsden Park Industrial Precinct in October 2010. The report concluded that measures have been put in place as part of the Marsden Park Precinct Plan to protect biodiversity and native habitat. This includes prohibiting the clearing of Environmental sensitive land.



Extract from Threatened Species Conservation Act 1995 (site)
North West Growth Centre Biodiversity Certification (shaded yellow)

5.9 Topography

Lot filling and regrading will be undertaken with a maximum fill depth of approximately 5m and finished grade levels between 1 – 5%. Refer to J Wyndham Prince Bulk Earthworks Plan.

5.10 Landscape & Scenic Quality

The development of the site for residential purposes will not adversely impact upon the landscape or scenic quality of the locality, noting it is generally consistent with the precinct controls set out under the Growth Centres SEPP, ILP and DCP.

The development of Stage 1 will change the landscape and landform as intended by the Growth Centres ILP and necessitated to overcome the 100 year flood level, from a rural environment to a low density residential precinct. Street tree planting will be carried out in accordance with the adopted Growth Centres DCP, enhancing the landscape and outlook to the site from the surrounds.

5.11 Bushfire

Blacktown Council's Bushfire Risk Map confirms that the subject land is not bushfire prone. On this basis no further assessment of bushfire risk is required.

5.12 Flooding

Proposed Stage 1 containing the proposed subdivision is identified as being affected by the 1:100 year floor level as mapped in the North West GC SEPP. The proposed earthworks as part of the subdivision are designed to elevate the proposed subdivision above the flood level thereby eliminating flood risk. Subject to certification of works as executed being in accordance with the civil engineering plans by J Wyndham Prince, the proposed subdivision will not be at risk of flood.

5.13 Soil & Water Management

Soil and Water Management Plans have been prepared for the road and drainage works, refer – Sediment and Erosion Control Plan by J Wyndham Prince. The site will be secure during construction with the perimeter site fencing installed and security measures required by Work Cover implemented.

5.14 Social and Economic Impact

The social and economic impacts of the proposed development relate to the future occupation and development of residential land. In this regard the proposal is part of a strategic land release area under the Growth Centres SEPP where such release areas are associated with provision of community infrastructure. The site is also in close proximity to the growing Marsden Park industrial estate where local employment opportunities will grow.

Delivering 285 new residential lots for future housing is considered to provide a positive contribution to the community. Land use conflict is unlikely to result noting the proposal development of the site will not affect the use of land in the surrounds.

Employment is addressed during dwelling construction and the proposal will continue to contribute to the growth of housing which is in demand in Western Sydney.

6. S.79C (1) (c) – Suitability of the site

The suitability of the site for the proposed development has been addressed in the above sections of this report. There are no prohibitive constraints posed by adjacent development or from within the site; there are adequate transport facilities in the area; utilities and services are available and adequate for the site.

There are no hazardous land uses or activities nearby, and noise levels from future residential occupancy will have minimal effect on the surrounds. Access arrangements will be onto existing and future roads and the new lots and their development are likely to complement the locality.

There are therefore, no known zoning, planning or environmental matters that should hinder the development of the subdivision as proposed.

7. S.79C (1) (d) – Any submissions

No issues are known to have been raised by relevant agencies or the community in response to the proposal. Craig & Rhodes may assist Council if requested to respond to any submissions.

8. S.79C (1) (e) – The Public Interest

The proposal is considered to be compatible with the desired character of the locality and facilitates an appropriate density for future housing given its residential zoning. No adverse impacts are considered to result to its surrounds, including to the State heritage significant Clydesdale Estate. This is reflected in the proposal being consistent with the controls and objectives of the Growth Centres SEPP and DCP, on which basis it is considered within the public interest.

9. Conclusion

It is recommended that the proposed Stage 1 subdivision of Lot 2 DP260476 into 291 lots plus 2 drainage lots and 4 residue lots; with address of 1270 Richmond Road, Marsden Park, be supported on the following grounds:

- a) The proposal is considered acceptable in terms of Section 79C of the Environmental Planning and Assessment Act 1979;
- b) The proposal is permissible under and consistent with the relevant provisions of the Growth Centres SEPP and DCP; and
- c) The proposal is not considered to result in any significant adverse impacts to the locality.

If this submission raises any further enquiries please do not hesitate to contact our office.

Yours faithfully

CRAIG & RHODES PTY LTD