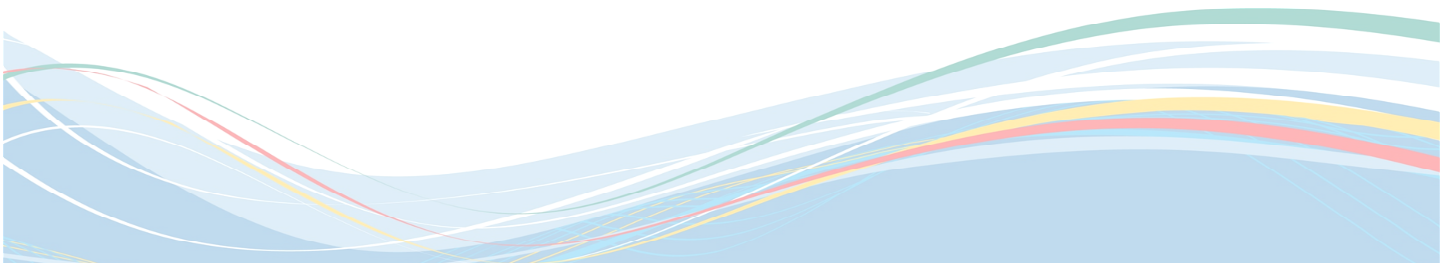


# **PLANNING PROPOSAL**

To rezone certain lands from  
R2 Low Density Residential to  
R3 Medium Density Residential

December 2013



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# 1 Introduction

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and relevant guidelines produced by the Department of Planning and Infrastructure.

The purpose of the planning proposal is to seek an amendment to Holroyd Local Environmental Plan 2013 (HLEP 2013) to rezone certain lands from R2 Low Density Residential to R3 Medium Density Residential to increase the diversity of housing forms in Holroyd and to provide opportunities for NSW Land & Housing to increase its housing stock in appropriate locations.

## 1.1 Background

During the final stages of preparation of HLEP 2013, various submissions were received from landowners requesting certain lands be zoned R3 Medium Density Residential zone. In order that the LEP proceed in a timely fashion, Council resolved to carry out a Medium Density Housing Review after the LEP being made, with these lands being included for consideration. Council also resolved to examine options for lands owned by NSW Housing & Land to allow an increase in their dwelling stock.

At commencement of the Review, Council also resolved to consider various areas of existing small lots which have been undergoing redevelopment under the Housing Code. The effect of the provisions of the Housing Code has been such that existing detached housing, sited on 2 or more existing lots, is being redeveloped for multiple dwelling houses. The effective density of this new housing is similar to that permitted with the R3 Medium Density Residential zone.

Council has also requested the Department of Planning & Infrastructure permit a local variation to the Housing Code (under State Environmental Planning Policy (Exempt & Complying Development) 2008) to reduce front setbacks for complying dwelling houses erected within the R3 Medium Density Residential zone. This is intended to allow complying dwelling houses to have increased rear open space, increased rear building separation and improved privacy. This request for a local variation to the Codes SEPP will be pursued as a separate matter and is not part of this planning proposal.

## 1.2 Land to which the Planning Proposal applies

The subject land is indicated on the maps in Attachment 1 in Section 3 of this proposal.

## 1.3 Current Planning Controls

### Holroyd Local Environmental Plan 2013

The subject lands are currently zoned R2 Low Density Residential under the recently gazetted Holroyd Local Environmental Plan 2013. The objectives of an R2 zone are:

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow residents to carry out a range of activities from their homes while maintaining neighbourhood amenity.

### **Height**

Pursuant to Clause 4.3 of HLEP 2013 the areas subject to this Proposal have a maximum height limit of 9 metres.

### **Floor space ratio**

Pursuant to Clause 4.4 of HLEP 2013 the areas subject to this Proposal have a maximum FSR of up to 0.5:1.

### **Heritage**

Pursuant to Schedule 5 of HLEP 2013, 8 items of environmental heritage are located within the subject areas. These are identified in Attachment 2 in Section 3 of this Proposal.

### **Holroyd Development Control Plan 2013**

Holroyd Development Control Plan 2013 (Holroyd DCP) came into effect on 5<sup>th</sup> August 2013. Residential development within the R2 Low Density Residential zone that currently applies to the areas subject to this Proposal is in particular subject to Part B Residential.

## **2 The Planning Proposal**

### **2.1 Objectives and Intended Outcomes**

Under Section 55(1) of the *Environmental Planning and Assessment Act 1979*, an explanation of what is planned to be achieved by the proposed amendments to Holroyd LEP 2013 is required to be addressed.

The objective of the planning proposal is to amend planning controls applying to certain lands within Holroyd to permit medium density attached housing. The intended outcomes are to:

- increase the diversity of housing forms within the area;
- provide opportunities for NSW Housing & Land to increase its housing stock in appropriate locations; and
- permit attached dwellings where medium density development is already occurring on existing small lots as complying development under the NSW Housing Code.

### **2.2 Explanation of Provisions**

The proposed outcomes will be achieved by:

- amending the Holroyd LEP 2013 Land Zoning Map in accordance with the proposed zoning maps shown at Attachment 1, which indicate new areas zoned R3 Medium Density Residential;
- amending the Holroyd LEP 2013 Floor Space Ratio Map in accordance with the proposed floor space ratio maps shown at Attachment 1, which indicate new areas with a maximum floor space ratio of 0.7:1; and
- amending the Holroyd LEP 2013 Lot Area Map in accordance with the proposed lot area maps shown at Attachment 1, which indicate in various locations minimum lot areas of either 200m<sup>2</sup> or 900m<sup>2</sup>.

All 15 areas included in this planning proposal for rezoning to R3 Medium Density Housing are also proposed to be subject to the same floor space ratio of 0.7:1 as the

existing R3 Medium Density Housing zone under Holroyd Local Environmental Plan 2013. The maximum permissible building height for all 15 areas will remain 9 metres as at present.

Of the 15 areas proposed for rezoning, seven are proposed to be subject to the same minimum lot area as the existing R3 Medium Density Residential zone, i.e. 900m<sup>2</sup>. The remaining eight areas are those primarily comprised of small lots (lots less than 300m<sup>2</sup> with frontages of less than 10 metres).

To facilitate consistent development across these small lot areas, this proposal includes a minimum permissible lot area of 200m<sup>2</sup>. The exception to this is where lots have their primary frontage to a classified regional road, where a minimum lot area of 900m<sup>2</sup> is proposed. This is to ensure that larger lots are developed as multi-dwelling housing (townhouses or villas) with single vehicular access driveways, rather than multiple small lot houses each with a driveway. The latter form is likely to result in increased risk of road accidents due to reversing vehicles and is therefore to be avoided where possible.

As these small lot areas are currently zoned R2 Low Density Residential, attached dwellings are not currently permitted. Because proponents desire to maximise floor area in accordance with the Housing Code, to maximise their returns, this has the effect of minimising useable rear private open space and rear building separation, as the resultant side setback areas account for a significant proportion of each lot.

Rezoning the identified small lot areas R3 Medium Density Residential will permit attached housing, addressing this issue. It should be noted that prior to Holroyd LEP 2013 coming into effect, attached housing was permitted in these areas, which were zoned 2(a) Residential under Holroyd Local Environmental Plan 1991. Rezoning the identified small lot areas will, therefore, in effect reinstate the *status quo ante* 5 August 2013.

## 2.3 Justification

This section details the reasons for the proposed outcomes and is based on a series of questions outlined in the Department of Planning and Infrastructure's *A Guide to Preparing Planning Proposals* 2012. Heads of consideration include the need for the planning proposal from a strategic planning viewpoint, implications for State and Commonwealth agencies and environmental, social and economic impacts.

### 2.3.1 Need for the Planning Proposal

#### **Q: Is the planning proposal a result of any strategic study or report?**

Yes. At its meeting on 10 April 2012, as part of its consideration of the exhibition of Draft Holroyd LEP 2012 (as it was then known), Council resolved to undertake a Medium Density Housing Review to investigate and consider additional areas suitable for medium density housing, and that the review includes the locations identified at that time. At its meeting on 24 September 2013, Council endorsed the assessment criteria and investigation areas for the Review. The investigation areas were expanded to include:

- six areas arising from exhibition of then draft Holroyd LEP 2013;
- four areas identified as having significant concentrations of properties owned by NSW Housing & Land; and
- eight areas of existing small lots (lots less than 300m<sup>2</sup> with frontages of less than 10 metres).

Following assessment of the investigation areas, Council resolved on 19 November 2013 that this planning proposal be forwarded to the Department of Planning & Infrastructure. A copy of the report considered by Council is included as Attachment 3 in Section 3. This provides more detail regarding the Review. The table below demonstrates each investigation area's ability to satisfy the criteria detailed within the Council report. One page summaries of the assessments carried out into the investigation areas investigation areas, with the exception of the small lot areas, are also included as Attachment 4. Six of the 8 small lot areas were not assessed individually given their existing ability to develop for medium density residential dwellings as complying development under the NSW Housing Code. Of the original 18 investigation areas, 12 are included in their entirety in this proposal and a further 3 partly included.

**Summary table – Investigation area justifications for rezoning**

| Precinct                    | Justification for rezoning                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>H3 – Brewer Crescent</b> | <ul style="list-style-type: none"> <li>• Within 200-890m walk to Coleman Transitway Station.</li> <li>• Good access to the main road network and the local bus connection to Parramatta.</li> <li>• Good access to local parks (18% of combined area)</li> <li>• Child care centre and school within close proximity to the study area.</li> <li>• Average lot sizes is 679m<sup>2</sup>, majority of lots have a frontage greater than 15m, some rear lane access.</li> <li>• Approximately 45% of properties are under one ownership (Housing NSW) with the potential to increase.</li> <li>• Over 80% of housing stock in the area is older, single storey dwellings.</li> <li>• Access to jobs and services.</li> <li>• 25.5% of the area has a low flood risk</li> <li>• Very minor traffic and pollution noise affectation. No items of heritage significance.</li> </ul>                                                      |
| <b>H4 – Campbell Place</b>  | <ul style="list-style-type: none"> <li>• Between 720m and 1.1km of Merrylands Railway Station.</li> <li>• Road widths are adequate (20m) with additional parking nearby.</li> <li>• Within 820m of Merrylands town centre.</li> <li>• Educational, child care and community facilities and services within close proximity.</li> <li>• Average lot size exceeds 700m<sup>2</sup>, with the majority of frontages greater than 12m.</li> <li>• Over 33% of properties under one ownership (Housing NSW).</li> <li>• Small proportion of low density dwellings are recently constructed or two-storey.</li> <li>• The extension of the R3 zone would provide an appropriate interface and transition between the town centre and retained low density area.</li> <li>• No flood risk or heritage listed properties.</li> <li>• Minor traffic and noise pollution impacts.</li> </ul>                                                   |
| <b>L1 – Franklin Street</b> | <ul style="list-style-type: none"> <li>• Between 270-700m walk and 320-630m to the Mays Hill Pitt Transitway stations respectively.</li> <li>• Between 16m and 20m road widths and rear lane access available.</li> <li>• Direct access to arterial roads and within walking distance to Parramatta.</li> <li>• Under 2km from nearest business precinct not including Parramatta.</li> <li>• Immediately adjacent to two substantial open space areas.</li> <li>• Within close proximity to educational, child care and community facilities and services.</li> <li>• Adequate average lot sizes of 582m<sup>2</sup>.</li> <li>• Most properties have a minimum 12m frontage.</li> <li>• Laneways will allow rear lane access for terrace development.</li> <li>• Over 65% of development is older, single-storey dwellings.</li> <li>• Suitable interface with adjoining low density residential and business zones and</li> </ul> |

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             | <p>the adjacent open space provides a buffer between low and high density areas.</p> <ul style="list-style-type: none"> <li>• A proportion of the area is currently medium density housing.</li> <li>• Minor traffic and noise pollution impacts from Burnett Street and the Great Western Highway</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>L2 – Centenary Road</b>  | <ul style="list-style-type: none"> <li>• Within 310-720m walking distance to Sherwood Transitway Station.</li> <li>• Alternate access from secondary streets is provided.</li> <li>• All streets have a 20m width.</li> <li>• Access to arterial road and bus route to Merrylands centre.</li> <li>• Merrylands West local centre is within a 125-405m walk.</li> <li>• 5 smaller parks within 350m from the precinct and 2 larger recreation areas (Merrylands Park &amp; Holroyd Gardens) are within 600m.</li> <li>• Average lot size of 585m<sup>2</sup> with existing low density lots having frontages greater than 15m.</li> <li>• Some rear lane access available.</li> <li>• Two large standalone landholdings within the precinct suitable for redevelopment.</li> <li>• Over 60% of dwelling stock is older, single-storey dwellings.</li> <li>• Potential to provide a suitable transition between densities, adjacent to R4 zone.</li> <li>• No heritage listed items or known remnant native vegetation.</li> <li>• Minor traffic and noise pollution impacts from Merrylands and Centenary roads.</li> </ul> |
| <b>L3 – Crosby Street</b>   | <ul style="list-style-type: none"> <li>• Good alternate access for some properties on the Great Western Highway.</li> <li>• Highway reservation is wide.</li> <li>• Access to open space within and surrounding the precinct.</li> <li>• Access to schools, child care centre and library within 1.5km of the precinct.</li> <li>• Good lot sizes, widths and frontages of properties not already redeveloped.</li> <li>• Low rate of recently redeveloped properties.</li> <li>• Over 42% of R2 land is already redeveloped for medium density housing/dual occupancies</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>L5 – Cotswold Street</b> | <ul style="list-style-type: none"> <li>• Close proximity to Westmead Railways Station and Coleman and Mays Hill Transitway stations.</li> <li>• Adequate street widths of 20m.</li> <li>• Access and parking unlikely to be affected by traffic on Hawkesbury Road.</li> <li>• Walking distance to Parramatta and Westmead centres.</li> <li>• Immediately adjacent to a local centre.</li> <li>• Large parks within walking distance.</li> <li>• Good access to schools and community facilities.</li> <li>• Lot sizes and frontages suitable for medium density redevelopment.</li> <li>• Five Multi-lot landholdings of up to 3,100m<sup>2</sup>.</li> <li>• Majority of properties are single-storey dwellings.</li> <li>• Good interface with existing R3 and B1 zones.</li> <li>• Minor traffic and noise pollution from Hawkesbury Road.</li> </ul>                                                                                                                                                                                                                                                                  |
| <b>L6 – Macklin Street</b>  | <ul style="list-style-type: none"> <li>• Within close proximity to Pendle Hill Railway Station.</li> <li>• Access to arterial road and bus route.</li> <li>• Less than 500m walk to Pendle Hill centre.</li> <li>• Good access to open space.</li> <li>• Access to schools, child care centre and community facilities.</li> <li>• Suitable lot sizes, width and depths for medium density development.</li> <li>• Majority of dwellings are older, single-storey.</li> <li>• Would provide an appropriate transition between high and low density zones.</li> <li>• Adjoining R4 zones have a maximum 12.5m height limit.</li> <li>• Existing dual occupancy and medium density development within the area.</li> <li>• Potential for R4 zone to extend further along Pendle Way.</li> <li>• No heritage items or remnant native vegetation in the area.</li> <li>• Minor traffic and noise pollution potential.</li> </ul>                                                                                                                                                                                                |
| <b>S1 – Kenyons Road</b>    | <ul style="list-style-type: none"> <li>• Within close proximity to Sherwood Transitway stop.</li> <li>• Access to arterial roads.</li> <li>• Well services by buses to Merrylands and Parramatta.</li> <li>• Within close proximity to local and larger parks, including sporting fields.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |

|                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           | <ul style="list-style-type: none"> <li>• Child care and library services near to the area.</li> <li>• Large lot sizes, frontages and depths on the majority of parcels.</li> <li>• Ages of existing dwellings are suitable for redevelopment.</li> <li>• Suitable interface with adjacent zones and small lots.</li> <li>• Potential to extend the existing business zone.</li> <li>• No heritage items or remnant native vegetation.</li> <li>• Minor traffic and noise pollution from nearby arterial roads.</li> </ul>                                                                                                  |
| <b>S3 – Amherst &amp; O'Neill Streets</b> | <ul style="list-style-type: none"> <li>• Within close proximity to Guildford Railway Station.</li> <li>• Adequate road widths.</li> <li>• Access to arterial roads and bus service.</li> <li>• Open space within close proximity to the area.</li> <li>• Large lot sizes, frontages and depths.</li> <li>• Few recently constructed houses, some existing medium density development.</li> <li>• Existing public housing in the area.</li> <li>• Suitable interface with small lot lands and open space.</li> <li>• No known remnant native vegetation.</li> <li>• Minor traffic and noise pollution potential.</li> </ul> |
| <b>S2 – Fowler Road East</b>              | <p>Individual assessments were not carried out for these small lot areas due to their ability to develop for medium density residential housing as complying development under the provisions of the NSW Housing Code, which is incorporated into State Environmental Planning Policy (Exempt and Complying Development) 2008 (SEPP). This effectively applies a de-facto medium density zone across lots less than 300m<sup>2</sup>.</p>                                                                                                                                                                                  |
| <b>S4 – Mary Street</b>                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>S5 – Queen Street</b>                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>S6 – Wisdom Street</b>                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>S7 – Vulcan Street</b>                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>S8 – Clement Street</b>                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

**Q: Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

The planning proposal addresses the need to increase housing diversity in Holroyd by increasing the potential for attached dwellings in the R3 Medium Density Residential zone by around an additional 2,500 dwellings or from 2,625 to 5,125 dwellings. As a result, attached dwellings will increase from 14.5% to 28.3% of potential additional housing under the LEP, while increasing the total potential additional housing from 15,600 to 18,100 dwellings.

The alternative solution of permitting attached dwellings within the R2 zone would be contrary to Principle 1 of *Improving Transport Choice – Guidelines for planning and development* and therefore inconsistent with Ministerial Section 117 Direction 3.4 Integrating Land Use and Transport.

The proposal will provide opportunities for NSW Housing & Land to expand their dwelling stock through the redevelopment of single dwellings for medium density housing, such as townhouses, permissible in the R3 zone. Rezoning of selected areas with high concentrations of NSW Housing & Land properties is considered a better outcome than selectively permitting NSW Housing & Land to redevelop any of its properties for medium density housing as this will ensure consistency in development character.

The proposal will improve the quality of medium density development already occurring in areas of small lots within Holroyd by:

- Rezoning these areas to R3 Medium Density Residential, thereby allowing such larger lots that exist within these areas to redevelop to a similar density to that permitted on surrounding small lots under the Housing Code;
- Providing alternatives for the medium density redevelopment of parcels comprised of small lots, including Torrens title attached dwellings and strata title townhouses;
- Allowing attached dwellings, thereby increasing rear private open space and improving rear privacy through minimising side setbacks.

The alternative solution – allowing attached dwellings within mapped areas within the R2 Low Density Residential zone – would create a sub-zone, contrary to the Standard Instrument Order, would not address the issue of larger lots in these same areas and would not fully address issues of minimal private open space and compromised rear privacy.

### **2.3.2 Relationship to strategic planning framework**

#### **Q: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?**

Yes. The Metropolitan Plan for Sydney 2036 provides a long term planning framework based on strategic directions for the future growth of Sydney. The planning proposal is consistent with a number of the broad aims contained in the Strategy namely:

- Increasing the proportion of homes within 30 minutes by public transport of jobs in a Major Centre, ensuring more jobs are located closer to home;
- Improving housing affordability;
- Building at least 70% of new housing in existing urban areas; and
- Enabling new residential growth in areas served by existing or planned public transport.

The draft West Central Subregional Strategy translates objectives of the NSW Government's Metropolitan Strategy to the local level. Significant NSW Government investment in public infrastructure within the subregion has created new opportunities for renewal of nominated centres where higher density development can be introduced to make optimal use of the infrastructure provided.

The subject areas are all within 30 minutes of Parramatta regional centre by public transport. Rezoning the subject areas will help achieve the 70% target under the Metropolitan Strategy and the 50% target under the Draft Subregional Strategy (Action WC C2.1.1 “West Central councils to ensure the location of new dwellings maintains the subregion's performance against the target for the State Plan Priority E5”) and will optimise use of existing infrastructure.

Rezoning of the subject areas is also in line with Action WC C2.3.2 of the draft West Central Subregional Strategy (“Local councils to provide for an appropriate range of residential zonings to cater for changing housing needs”).

The rezoning of two areas with concentrations of NSW Housing & Land owned properties will facilitate their redevelopment in accordance with Action WC C4.2 of the draft Subregional Strategy (“Redevelop and regenerate Department of Housing stock”).

**Q: Is the planning proposal consistent with a council's local strategic or other local strategic plan?**

Yes. Council's Community Strategic Plan 2013 – Living Holroyd provides a long term planning framework and strategic vision which identifies key priorities and strategies for the city. Council endorsed this project as a priority in the Delivery Program and Operational Plan for 2013/14:

*8.1.1.2 – Undertake a medium density housing review to identify housing opportunities.*

**Q: Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Table 1 below lists all relevant State Environmental Planning Policies for the areas subject to this Proposal. As demonstrated, the planning proposal does not contain any provisions that would be inconsistent with the objectives of the relevant SEPPs.

**Table 1** - Consistency with applicable SEPP's

| Relevant State Environmental Planning Policies                                        | Consistent |
|---------------------------------------------------------------------------------------|------------|
| SEPP 4 - Development without consent and Miscellaneous Exempt & Complying Development | Yes        |
| SEPP 6 - Number of Storeys in a Building                                              | Yes        |
| SEPP 19 - Bushland in Urban Areas                                                     | Yes        |
| SEPP 22 - Shops & Commercial Premises                                                 | Yes        |
| SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)                           | Yes        |
| SEPP 33 - Hazardous and Offensive Development                                         | Yes        |
| SEPP 55 - Remediation of Land                                                         | Yes        |
| SEPP 64 - Advertising and Signage                                                     | Yes        |
| SEPP 65 - Design Quality of Residential Flat Development                              | Yes        |
| SEPP - (BASIX) 2004                                                                   | Yes        |
| SEPP - (Housing for Seniors or People with a Disability) 2004                         | Yes        |
| SEPP - (Major Development) 2005                                                       | Yes        |
| SEPP - (Mining, Petroleum Production and Extractive Industries) 2007                  | Yes        |
| SEPP - (Temporary Structures) 2007                                                    | Yes        |
| SEPP - (Infrastructure) 2007                                                          | Yes        |
| SEPP - (Exempt and Complying Development Codes) 2008                                  | Yes        |
| SEPP - (Affordable Rental Housing) 2009                                               | Yes        |

**Q: Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?**

The consistency of the planning proposal against the Section 117 Directions is detailed in Table 2 below:

**Table 2** - Consistency with applicable Section 117 Directions

| Section 117 Direction              | Consistent                                                                                                                   |
|------------------------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>1. Employment and resources</b> |                                                                                                                              |
| 1.1 Business and Industrial Zones  | <p>Not Applicable</p> <p>This Proposal does not affect land within any existing or proposed business or industrial zone.</p> |

| Section 117 Direction                                      | Consistent                                                                                                                                                                                                                                                                                                       |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.2 Rural Zones                                            | <p>Not Applicable</p> <p>This Proposal does not affect land within any existing or proposed rural zone.</p>                                                                                                                                                                                                      |
| 1.3 Mining, Petroleum Production and Extractive Industries | <p>Not Applicable</p> <p>This Proposal does not prohibit mining or restrict the potential development of resources.</p>                                                                                                                                                                                          |
| 1.4 Oyster Aquaculture                                     | <p>Not Applicable</p> <p>This Proposal does not apply to any Priority Oyster Aquaculture Areas and other oyster aquaculture outside such an area.</p>                                                                                                                                                            |
| 1.5 Rural Lands                                            | <p>Not Applicable</p> <p>This Direction does not apply to Holroyd City.</p>                                                                                                                                                                                                                                      |
| <b>2. Environment and Heritage</b>                         |                                                                                                                                                                                                                                                                                                                  |
| 2.1 Environment Protection Zones                           | <p>Not Applicable</p> <p>This Proposal does not apply any to land within an environment protection zone or any land otherwise identified for environment protection purposes under HLEP 2013.</p>                                                                                                                |
| 2.2 Coastal Protection                                     | <p>Not Applicable</p> <p>This Proposal does not apply to any land within the coastal zone as defined under the Coastal Protection Act 1979.</p>                                                                                                                                                                  |
| 2.3 Heritage Conservation                                  | <p>Yes</p> <p>This Proposal does not amend the heritage conservation provisions of HLEP 2013.</p>                                                                                                                                                                                                                |
| 2.4 Recreation Vehicle Areas                               | <p>Not Applicable</p> <p>This Proposal does not enable land to be developed for the purpose of a recreation vehicle area (within the meaning of the Recreation Vehicles Act 1983).</p>                                                                                                                           |
| <b>3. Housing, Infrastructure and Urban Development</b>    |                                                                                                                                                                                                                                                                                                                  |
| 3.1 Residential Zones                                      | <p>Yes</p> <p>This Proposal is consistent with the Direction as it broadens the choice of building types and locations available, makes more efficient use of existing infrastructure and services and will reduce the consumption of land for housing and associated urban development on the urban fringe.</p> |

| Section 117 Direction                           | Consistent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.2 Caravan Parks and Manufactured Home Estates | <p>Yes</p> <p>This Proposal is consistent with the Direction as:</p> <ul style="list-style-type: none"> <li>• SEPP 36 – Manufactured Home Estates does not apply to Holroyd City; and</li> <li>• The Proposal does not impact upon any existing caravan parks and manufactured home estates.</li> </ul>                                                                                                                                                                                              |
| 3.3 Home Occupations                            | <p>Not Applicable</p> <p>Home occupations are permitted without development consent in both the R2 and R3 zones under HLEP 2013.</p>                                                                                                                                                                                                                                                                                                                                                                 |
| 3.4 Integrating Land Use and Transport          | <p>Yes</p> <p>This Proposal is consistent with the Direction in that it rezones land for greater residential densities in locations that improve access to housing, jobs and services by walking, cycling and public transport.</p> <p>Where the Proposal rezones land not immediately adjacent to centres and frequent transit services, there will not be significantly increased development of the land, given the opportunities already afforded by the Housing Code for small lot housing.</p> |
| 3.5 Development Near Licensed Aerodromes        | <p>Not Applicable</p> <p>This Proposal does not create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.</p>                                                                                                                                                                                                                                                                                                                                          |
| 3.6 Shooting Ranges                             | <p>Not Applicable</p> <p>This Proposal does not rezone land adjacent to and/ or adjoining any existing shooting range.</p>                                                                                                                                                                                                                                                                                                                                                                           |
| <b>4. Hazard and Risk</b>                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 4.1 Acid Sulphate Soils                         | <p>Not Applicable</p> <p>This Proposal does not rezone any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</p>                                                                                                                                                                                                                                                                                                                  |
| 4.2 Mine Subsidence and Unstable Land           | <p>Not Applicable</p> <p>This Proposal does not apply to any land within a Mine Subsidence District proclaimed pursuant to section 15 of the Mine Subsidence Compensation Act 1961 or has been identified as unstable land.</p>                                                                                                                                                                                                                                                                      |

| Section 117 Direction | Consistent                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.3 Flood Prone Land  | <p data-bbox="1050 324 1102 353">Yes</p> <p data-bbox="818 369 1337 555">This Proposal does not rezone any land within a flood planning area from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.</p> <p data-bbox="818 571 1337 633">Certain lands are proposed to be rezoned within a flood planning area but:</p> <ul data-bbox="818 649 1337 880" style="list-style-type: none"> <li>• rezoning of areas of existing small lots will not significantly increase development of the land given the opportunities afforded by the Housing Code for small lot housing; and</li> <li>• the extent of flood affectation in the remaining areas is relatively minor.</li> </ul> <p data-bbox="818 896 1337 958">Details of the areas affected by flooding include:</p> <p data-bbox="818 974 1220 1003"><b>H3 – Brewer Crescent Precinct:</b></p> <ul data-bbox="818 1008 1361 1216" style="list-style-type: none"> <li>• 7 properties in the eastern portion of the study area have a known medium flood risk. 4 other properties within the study area are affected by stormwater overflow and approximately 20% of the remaining properties are subject to a flood study in progress.</li> </ul> <p data-bbox="818 1249 1198 1279"><b>H4 – Campbell Place Precinct</b></p> <ul data-bbox="818 1283 1361 1435" style="list-style-type: none"> <li>• Two properties are affected by stormwater overflow and properties in the north west portion are subject to a flood study in progress. the remainder within the study area are not flood affected.</li> </ul> <p data-bbox="818 1469 1185 1498"><b>L1 – Franklin Street Precinct</b></p> <ul data-bbox="818 1503 1361 1682" style="list-style-type: none"> <li>• Approximately 25% of the study area is subject to a flood study in progress (PMF) with lots either wholly or partially affected. This is mostly concentrated over one block between Franklin and Steele Streets.</li> </ul> <p data-bbox="818 1715 1203 1744"><b>L2 – Centenary Road Precinct</b></p> <ul data-bbox="818 1749 1361 1989" style="list-style-type: none"> <li>• 27 lots on the western side of Centenary Rd are subject to a flood study in progress as are 19 properties on the eastern boundary of the study area along Holroyd Road. There are also 9 properties on the eastern side of Centenary Rd subject to stormwater flooding.</li> </ul> <p data-bbox="818 2022 1174 2051"><b>L3 – Crosby Street Precinct</b></p> <ul data-bbox="818 2056 1361 2080" style="list-style-type: none"> <li>• 5 properties within the eastern portion of</li> </ul> |

the study area are subject to a flood study in progress and one property is affected by stormwater overflow.

**L4 – Cotswold Street Precinct**

- 22 properties in the Amos St-Howe St-Cotswold St-Houison St area are subject to a flood study in progress (PMF), 9 of which are affected by stormwater overflow.

**L6 – Macklin Street Precinct**

- 25 properties along Magowar Rd and Macklin St are subject to a low to medium level flood risk.

**S1 – Kenyons Road Precinct**

- All properties along the northern side and approximately 100m back from Kenyons Road from Ruth Street to Arcadia Street have a low to medium flood affectation, as do the majority of properties bordered by Kenyons Rd, Como Street and Fowler Rd. Approximately half of the lots located within the Como St-Warialda St-Fowler St-Rupert St block have a low to medium flood affectation. Approximately half the properties located on the western side of Rupert Street running south from Kenyons Rd to Edna Avenue have a low to medium flood affectation.

**S2 – Fowler Road Precinct**

- Approximately 20% of properties subject to a low to medium food affectation mostly concentrated through the centre of the study area.

**S3 – Amherst & O'Neill Street Precinct**

- Approximately 50% of properties are subject to a low to medium flood affectation, which is mostly concentrated south of Amherst St and east to Military Rd.

**S4 – Mary Street Precinct**

- Approximately 35% of properties within the study have a low flood risk with only 2 properties subject to a medium level flood risk. The majority of the affected properties are located within the eastern portion of the study area.

**S5 – Queen Street Precinct**

- No properties within this study area are located within a flood zone; however properties along eastern and western boundaries are subject to a flood study in progress.

#### 4.4 Planning for Bushfire Protection

##### **S6 – Wisdom Street Precinct**

- Two properties within the study area are subject to a medium flood risk and are located in the north-west corner of the area

##### **S7 – Vulcan Street Precinct**

- Approximately 90% of properties within the study area are subject to a low or medium flood risk. Those with no flood risk are located in the south-east portion of the study area.

##### **S8 – Clement Street Precinct**

- There are no properties within the study area subject to a flood zone. Two properties are affected by affected a stormwater overflow in the middle of the study area.

Not Applicable

This Proposal does not affect land, or is in proximity to land, mapped as bushfire prone land.

### **5. Regional Planning**

#### 5.1 Implementation of Regional Strategies

Not Applicable

This Proposal does not include land to which any of the listed Regional Strategies apply.

#### 5.2 Sydney Drinking Water Catchments

Not Applicable

This Direction does not apply to Holroyd City.

#### 5.3 Farmland of State and Regional Significance on the NSW Far North Coast

Not Applicable

This Direction does not apply to Holroyd City.

#### 5.4 Commercial and Retail Development along the Pacific Highway, North Coast

Not Applicable

This Direction does not apply to Holroyd City.

#### 5.8 Second Sydney Airport: Badgerys Creek

Not Applicable

This Direction does not apply to land within Holroyd City.

#### 5.9 North West Rail Link Corridor Strategy

Not Applicable

This Direction does not apply to Holroyd City.

| Section 117 Direction                                       | Consistent                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>6. Local Plan Making</b>                                 |                                                                                                                                                                                                                                                                        |
| 6.1 Approval and Referral Requirements                      | <p>Not Applicable</p> <p>This Proposal does not alter any provisions requiring the concurrence, consultation or referral of development applications to a Minister or public authority and does not identify development as designated development.</p>                |
| 6.2 Reserving Land for Public Purposes                      | <p>Not Applicable</p> <p>This Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes and does not alter any provisions relating to the use of any land reserved for a public purpose before that land is acquired.</p> |
| 6.3 Site Specific Provisions                                | <p>Not Applicable</p> <p>This Proposal does not amend another environmental planning instrument in order to allow a particular development proposal to be carried out.</p>                                                                                             |
| <b>7. Metropolitan Planning</b>                             |                                                                                                                                                                                                                                                                        |
| 7.1 Implementation of the Metropolitan Plan for Sydney 2036 | <p>Yes</p> <p>This Proposal is consistent with the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010.</p>                                                                                                                                  |

### 2.3.3 Environmental, social and economic impact

**Q: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No land identified as remnant native vegetation or riparian land under clauses 6.5 and 6.6 of Holroyd LEP 2013 has been included within the planning proposal. Therefore it is unlikely that any threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal. There is no declared critical habitat within the Holroyd LGA.

**Q: Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The area subject to the proposal is not subject to bushfire hazard, acid sulfate soils, land slip and the like and as such, the planning proposal is not expected to have any other environmental effects.

**Q: Has the planning proposal adequately addressed any social and economic effects?**

The proposal is not expected to result in any significant adverse social or economic effects. After gazettal of an amendment to Holroyd LEP 2013, Council will include the resultant increase in future dwelling growth in reviewing Holroyd Section 94

Development Contributions Plan 2013, to ensure that adequate local infrastructure is funded to serve the additional population anticipated.

### **2.3.4 State and Commonwealth interests**

#### **Q: Is there adequate public infrastructure for the planning proposal?**

There is adequate public infrastructure available to the subject areas including water, electricity, gas, telecommunications, sewerage and transport.

#### **Q: What are the views of state and commonwealth public authorities consulted in accordance with the Gateway determination?**

As the Gateway Determination has yet to be issued by the Minister for Planning and Infrastructure, the appropriate State and Commonwealth authorities have not been identified nor consulted. However, considering the history of the subject areas and their zoning it is not anticipated that there will be any issues raised during the consultation period.

### **2.4 Mapping**

All relevant maps that assist in indentifying the intent of the planning proposal are contained in Attachment 1 in Section 3.

### **2.5 Community Consultation**

It is proposed that the planning proposal be exhibited for a period of 28 days. Exhibition material will contain a copy of the planning proposal and relevant maps supported by a written notice that describes the objectives and intended outcomes of the proposal, the land to which the proposal applies and an indicative time frame for finalisation of the planning proposal. Consultation will not occur until receipt of the 'gateway determination'.

The proposed consultation methodology will include, but not be limited to:

- forwarding a copy of the planning proposal and the gateway determination to State and Commonwealth public authorities identified in the gateway determination;
- giving notice of the public exhibition in the main local newspaper circulating in the Holroyd LGA (Parramatta Advertiser);
- notifying the exhibition of the planning proposal on Council's web site including all relevant documentation;
- providing a copy of the planning proposal and supporting documentation at Council's customer service centre;
- notifying all affected property owners and body corporates of adjoining strata units where relevant.

### **2.6 Project Timeline**

- |                                                                             |                    |
|-----------------------------------------------------------------------------|--------------------|
| 1. Planning Proposal submitted to Department of Planning and Infrastructure | December 2013      |
| 2. Gateway Determination received by Council                                | February 2013      |
| 3. Planning proposal publicly exhibited for 28 days                         | Late March 2013    |
| 4. Council considers report on exhibition                                   | Mid May 2013       |
| 5. LEP amendment gazetted                                                   | July / August 2013 |

## 3 Attachments

## Attachment 1: Maps

## Attachment 2: Items of Environmental Heritage

**Item 31:**

Federation / Queen Anne Cottage  
12 Amherst Street, Guildford (Lot C DP 949414)

**Item 45:**

Fibro and weatherboard cottage, c. 1938-1946  
11 O'Connor Street, Guildford (Lots 56-58 Section 2 DP 886)

**Item 46:**

"Myrnville", Late Victorian Period Cottage  
45 O'Neill Street, Guildford (Lots 13-14 Section 32 DP 875)

**Item 54:**

"Webber", Late Victorian Cottage  
9 Banks Street, Mays Hill (Lot 12 Section 35 DP 934)

**Item 55:**

Late Victorian/Georgian Cottage  
11-17 Banks Street, Mays Hill (SP 66326)

**Item 57:**

Late Victorian Cottage  
14 Franklin Street, Mays Hill (Lot 4 Section 35 DP 934)

**Item 74:**

Merrylands East Primary School, c. 1928  
York Street, Merrylands (Lots 6-7 DP 4652)

**Item 78:**

Federation Period (Art Nouveau detailing) Residence  
7 Villiers Street, Merrylands (Lot 35B DP 399461, Lots 36-38 Section 2 DP 2628)

**Item 152:**

Cabrini Nursing Home, c. 1876-1900  
41-43 Hawkesbury Road, Westmead (Lots 6-7 DP 15726)

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## Attachment 3: Council report of 19 November 2013

## Attachment 4: Investigation Area Assessment Summaries