

PLANNING PROPOSAL

To enable an additional permitted use at 528-530 Great Western Highway, Pendle Hill, being development for the purpose of multi-dwelling housing

11 May 2015



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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 Environment.

The purpose of the planning proposal is to seek an amendment to Holroyd Local Environmental Plan 2013 (HLEP 2013) to enable an additional permitted use at 528-530 Great Western Highway, Pendle Hill, being development for the purpose of multi-dwelling housing.

1.1 Background

The subject site is situated at 528-530 Great Western Highway, Pendle Hill, approximately 1km to the south of the Pendle Hill local centre. The site has a frontage of approximately 26.94m and a depth in excess of 90m and covers an area of approximately 2,500m². The site is currently zoned R2 Low Density Residential under Holroyd LEP 2013 and comprises two torrens title lots, each occupied by a single dwelling and each with a vehicular crossing to the Highway.

The property owner has previously made a number of representations to Council, including submissions during the exhibition of the Draft Holroyd LEP. The site was also considered as part of Council's most recent LEP amendment regarding review of medium density zones. However, an increase in residential density as sought by the owner was not adopted as it was not consistent with Council or State Government policy which seeks to concentrate higher density development around centres and major public transport nodes.

On 24 December 2014, Council received a rezoning request prepared by Mike George Planning Pty Ltd on behalf of the owners of the site. The proposal seeks to amend Holroyd Local Environmental Plan 2013 (HLEP 2013) to enable an additional permitted use (APU) being development for the purpose of multi-dwelling housing. No changes are proposed to zoning, building height or floor space ratio.

1.1 Land to which the Planning Proposal applies

The location of the subject site is shown in Figure 1.

Figure 1 – Location of subject site



1.2 Current Planning Controls

Holroyd Local Environmental Plan 2013

Zoning

The subject site is zoned R2 Low Density Residential under Holroyd Local Environmental Plan 2013. The objectives of the 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 of buildings

Pursuant to Clause 4.3 of HLEP 2013 the subject site has a maximum building height of 9m (2 storeys).

Floor space ratio

Pursuant to Clause 4.4 of HLEP 2013 the subject site has a maximum FSR of 0.5:1.

Heritage

Pursuant to Schedule 5 of HLEP 2013, the subject site has no heritage significance and there are no items or areas of heritage significance within the vicinity of the site.

Holroyd Development Control Plan 2013

Holroyd Development Control Plan 2013 (Holroyd DCP) came into effect on 5 August 2013. Residential development within the R2 Low Density Residential zone that currently applies to the subject site is in particular subject to Part B Residential Controls.

2 The Planning Proposal

2.1 Objectives and Intended Outcomes

This Planning Proposal aims to:

- Enable the reasonable redevelopment of a substantial consolidated site in a manner consistent with surrounding development at the same floor space ratio and building height standards that apply generally in residential zones in the locality.
- Provide additional flexibility in terms of the form of development that would enable the objectives of the existing zoning and associated development standards to be achieved.

2.2 Explanation of Provisions

The Proposal does not involve any changes to the zoning, building height or FSR controls applying to the subject site.

The proposed outcomes will be achieved by:

- amending the Holroyd LEP 2013 APU map in accordance with the proposed APU map provided in Attachment 1, indicating that an APU applies to the site.
- amending Schedule 1 of Holroyd LEP 2013 to include the following APU:

16 Use of certain land at 528-530 Great Western Highway, Pendle Hill

- (1) This clause applies to land at 528 and 530 Great Western Highway, Pendle Hill, being Lot 1 in DP 659683 and Lot 1 in DP 1004778, identified as 'APU 16' on the Additional Permitted Uses Map.
- (2) Development for the purpose of multi-dwelling housing is permitted with development consent.

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?

The planning proposal did not emerge from any strategic study or report. The nature of the site and LEP amendment being sought are too specific and minor to warrant the preparation of such a document.

The site was considered as part of Council's most recent LEP amendment regarding review of medium density zones. However, an increase in residential density as sought by the owner was not adopted as it was not consistent with Council or State Government policy which seeks to concentrate higher density development around centres and major public transport nodes.

The proposal is seeking an additional permitted use amendment to Holroyd LEP to permit multi-dwelling housing (i.e. townhouse & villa development) on the site. As the proposal would be subject to the existing floor space ratio and height controls the existing residential density would be retained, which would be consistent with Council's and the State Government's strategic position regarding residential densities. Additionally, the proposal would enable a form of infill development that is consistent with the established context.

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

The planning proposal is the best means of achieving the objectives or intended outcomes. The proposal aims to achieve some flexibility in redevelopment of the site while ensuring consistency with surrounding development and existing planning controls for the R2 Low Density Residential zone.

An APU for multi-dwelling housing is the most appropriate means of achieving this outcome, as it enables this use to occur without rezoning the land for medium density residential in an area where it is not currently warranted to apply this zone more extensively.

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?

The planning proposal is consistent with the State Government's Planning Strategy for Sydney 'A Plan for Growing Sydney', as it would contribute to housing supply and housing choice. While the site is not adjacent to an established local centre or major public transport node, it is approximately 1km to the south of the Pendle Hill local centre and railway station. It is also located on a strategic bus corridor, indicating that it is likely to be served by a rapid bus transitway in the future.

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

The Planning Proposal is consistent with Holroyd Council's Community Strategic Plan. The plan establishes a central vision for Holroyd for 20 years into the future. By 2031, Holroyd is expected to accommodate an additional 47,000 people and 18,000 new homes. The Planning Proposal supports the objectives of the Community Strategic Plan in that it will provide additional dwellings to accommodate anticipated population growth within reasonable proximity to an established public transport node and town centre.

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 SEPPs

Relevant State Environmental Planning Policies	Consistent
SEPP 19 Bushland in Urban Areas	Yes
SEPP 32 Urban Consolidation (Redevelopment of Urban Land)	Yes
SEPP 55 Remediation of Land	Yes
SEPP 64 Advertising and Signage	Yes
SEPP (BASIX) 2004	Yes
SEPP (Housing for Seniors or People with a Disability) 2004	Yes
SEPP (Infrastructure) 2007	Yes
SEPP (Affordable Rental Housing) 2009	Yes

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

The planning proposal is consistent with the relevant Section 117 Directions, as detailed in Table 2 below.

Table 2 - Consistency with applicable Section 117 Directions

1. Employment and resources	
1.1 Business and Industrial Zones	Not Applicable
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Not Applicable
2. Environment and Heritage	
2.1 Environment Protection Zones	Not Applicable 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.
2.2 Coastal Protection	Not Applicable
2.3 Heritage Conservation	Not Applicable
2.4 Recreation Vehicle Areas	Not Applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The Proposal is consistent with this Direction as it broadens the choice of housing 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.

3.2 Caravan Parks and Manufactured Home Estates	Not Applicable
3.3 Home Occupations	Not Applicable Home occupations are permitted without development consent in the R2 zone under HLEP 2013.
3.4 Integrating Land Use and Transport	The proposal is consistent with this Direction as it ensures improved access to housing, jobs and services by both active and public transport, will improve transport choice and may reduce car dependence. The subject site is within a reasonable walking distance of the Pendle Hill centre and railway station. While the site is slightly over 1km from Pendle Hill railway station, it is located on a bus route with services that have a 15 minute frequency at peak times. The site is also located on a strategic bus corridor and while the route does not currently have rapid bus transitway services there is potential for these services to be introduced in the future.
3.5 Development Near Licensed Aerodromes	Not Applicable
3.6 Shooting Ranges	Not Applicable
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Not Applicable 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.
4.2 Mine Subsidence and Unstable Land	Not Applicable
4.3 Flood Prone Land	The Proposal is consistent with this direction. The 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. The subject site is not flood affected.
4.4 Planning for Bushfire Protection	Not Applicable
5. Regional Planning	
5.1 Implementation of Regional Strategies	Not Applicable
5.2 Sydney Drinking Water Catchments	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4 Commercial and Retail Development along the Pacific	Not Applicable

Highway, North Coast	
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable
5.9 North West Rail Link Corridor Strategy	Not Applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	Not Applicable 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.
6.2 Reserving Land for Public Purposes	Not Applicable The Proposal does not alter or reduce existing zonings or reservations of land for public purposes, nor propose to acquire any land for public purposes nor to rezone any land currently reserved for a public purpose.
6.3 Site Specific Provisions	Not applicable
7. Metropolitan Planning	
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes This Proposal is consistent with the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010.

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?

There is no declared critical habitat within the Holroyd LGA. No threatened species, populations or ecological communities or their habitats exist within the site, and therefore would not be adversely affected as a result of the proposal.

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

The proposal is unlikely to result in any adverse environmental impacts. Minor adjustments to the existing drainage system may be required and would be addressed at the detailed design stage. Detailed design would ensure that removal of existing native trees would be avoided or minimised and offset by new planting of the same or similar locally native species.

Further detail regarding environmental issues is provided in Section 3.2.

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

Social impacts

The social impacts of the Proposal are addressed in Section 3.5.

Economic impacts

The economic impacts of the Proposal are addressed in Section 3.4.

2.3.4 State and Commonwealth interests

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

There is adequate public infrastructure available to service the planning proposal, including public transport, roads, drainage, utilities and open space.

Additionally, Council's Section 94 Plan would levy new development within the subject site for contributions towards the delivery of new public infrastructure to meet the additional demand generated by the proposal. This is addressed in Section 3.6.

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

The RMS has been consulted about the proposal and has indicated that it would provide comments once it is formally notified after the Gateway Determination. As the Gateway Determination has yet to be issued by the Minister for Planning and Environment, no other State or Commonwealth authorities have been identified or consulted at this stage.

2.1 Mapping

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

2.2 Community Consultation

It is proposed that the planning proposal be exhibited for a period of 28 days, as resolved by Council at its meeting on 17 March 2015. 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:

- 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 (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 and libraries;
- notifying all affected property owners and body corporates of adjoining strata units where relevant.

2.3 Project Timeline

An outline of the expected timeframe for completion of the Planning Proposal is provided below.

Planning Proposal submitted to NSW Planning and Environment	May 2015
Gateway Determination received by Council	June 2015
Planning proposal publicly exhibited for 28 days	August 2015
Council considers report on exhibition	November 2015
LEP amendment gazetted	February 2016

3 Assessment of Planning Matters

3.1 Traffic & Transport

3.1.1 Local Traffic

The subject site has frontage to the Great Western Highway, which is a classified road. State Environmental Planning Policy (Infrastructure) 2007 would therefore apply to the proposal. The RMS has been consulted about the proposal and has indicated that it would provide comments once it is formally notified after the Gateway Determination. It is anticipated that the proponent would need to prepare a traffic study prior to any change in land use within the subject site to assess the traffic impacts of the proposal and demonstrate that it would not adversely impact on the efficiency and safety of the Highway, in accordance with Clause 101 of the SEPP.

The following comments are provided in relation to traffic impacts:

- Under the traffic generation guidelines published by the former RTA, the proposal would generate around 60 trips per day and 5-6 trips in the peak hour. While the proponent has indicated that this would be less than the maximum potential generation under the current zoning, which allows for 10 semi-detached dwellings, it is not considered that 10 semi-detached dwellings would be achievable on the subject site under Council's planning controls. As such it is likely that the proposal would generate more traffic than would be generated by this site at its current maximum development potential. While the additional traffic generation under the proposal may prove to be acceptable, the impact of the additional traffic generation resulting from the proposal cannot be determined until the traffic study and RMS consultation have been undertaken.
- The ability of an additional 3-4 cars to safely enter the Highway in the peak hour is assisted by the likely platooning of peak hour traffic flows due to the existing traffic signals.
- The Great Western Highway has a 6 lane configuration adjoining the site. The volume of traffic carried by the Highway in the vicinity of the site is less than 40,000 vehicles per day. The associated peak hour volume of 4,000 vehicles is substantially below the Highway's capacity.

Vehicle access arrangements are outlined as follows:

- The only available access to the site would be direct from the Great Western Highway.

- The proposal would reduce the number of vehicular crossings to the Highway from 2 to 1 (multi-dwelling housing has the benefit of entry and exit in a forward direction).
- Turning movements into and out of the site would be restricted to left in and left out.

3.1.2 Public Transport

The subject site is situated on the Great Western Highway, which is a strategic bus corridor. While no rapid bus transitway services currently operate along this section of the Highway, there is potential for such services to operate in the future.

3.1.3 Cycle and Pedestrian Movement

The subject site has reasonably good pedestrian access, being serviced by footpaths to the east and west along the Great Western Highway. There are signalised intersections at Pendle Way to the east and Beresford Road to the west. The site is approximately 100m west of Pendle Way, which provides a direct route of approximately 1km (12-15 minute walk) to the Pendle Hill local centre.

The site is in close proximity to Pendle Way, where an on-road cycleway is proposed under the Draft Holroyd Bike Plan. This would provide a route north to the Pendle Hill centre and railway station and south to Old Prospect Road, connecting with other proposed and existing routes linking to key destinations such as Westmead and Parramatta and Merrylands.

3.2 Environmental Considerations

The site is not affected by bushfire hazard, subsidence, acid sulphate soils, flooding, contamination or significant biodiversity. As any future development on the site would be fronting the Great Western Highway, measures would be required to mitigate impacts from traffic noise, however this would be dealt with at the detailed design stage. Impacts relating to erosion, sediment, stormwater management and flora/fauna would be dealt with at Development Application (DA) stage.

3.3 Urban Design Considerations

As the proposal does not involve any increase in height or FSR restrictions from the current R2 zone controls, the scale of future development within the subject site would be consistent with surrounding development. The proposal would not result in any impacts on solar access or privacy for adjoining development.

3.4 Economic Considerations

The proposal would not result in any notable economic impacts as it does not affect any land zoned for commercial purposes nor does it seek zoning or permissibility for any commercial uses on the subject properties. Continuing increases in dwelling and population densities in this location (with the current transport infrastructure and services) would not be appropriate; however the site has unique circumstances and would have minimal impact on its own.

3.5 Social & Cultural Considerations

3.5.1 General

A Social Impact Comment would be required in accordance with Council's Social Impact Assessment Policy. This would provide an initial scoping review of any social impacts associated with the proposal. This document would be publicly exhibited during the consultation period.

3.5.2 Heritage

The proposal would not result in any impacts on any items or areas of heritage conservation significance and the site is not in proximity to any such items or areas.

3.6 Infrastructure Considerations

The proponent would need to make development contributions to facilitate the delivery of new local infrastructure such as open space and community facilities to meet the demand generated by future development on the subject site. The proposal would be subject to the development contributions levied under Council's Section 94 Development Contributions Plan.