

Holroyd Local Environmental Plan 2013 - Housekeeping amendments 2014

Proposal Title :	Holroyd Local Environmental Plan 2013 - Housekeeping amendments 2014		
Proposal Summary :	The proposal seeks to make nine minor amendments to Holroyd Local Environmental Plan 2013.		
PP Number :	PP_2014_HOLRO_002_00	Dop File No :	14/10696

Proposal Details

Date Planning Proposal Received :	08-Oct-2014	LGA covered :	Holroyd
Region :	Metro(Parra)	RPA :	Holroyd City Council
State Electorate :	FAIRFIELD GRANVILLE PARRAMATTA SMITHFIELD TOONGABBIE	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Military Road		
Suburb :	Guildford	City :	Sydney
		Postcode :	2161
Land Parcel :	Guildford Railway Station		
Street :	Dunmore Street		
Suburb :	Pendle Hill	City :	Sydney
		Postcode :	2145
Land Parcel :	Bonds Spinning Mill and Bobbin Mill Sites, Lot 1 DP 735207, Lot 65 DP 881163		
Street :	14 Hilltop Road		
Suburb :	Merrylands	City :	Sydney
		Postcode :	2160
Land Parcel :	Lot 84 DP 5296		
Street :	76-80 Essington Street		
Suburb :	Wentworthville	City :	Sydney
		Postcode :	2145
Land Parcel :	Lots 103, 104 and 105 DP 14951		
Street :	Hawkesbury Road		
Suburb :	Westmead	City :	Sydney
		Postcode :	2145
Land Parcel :	Road reserve adjoining Oakes Shopping Centre		

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **MEETINGS WITH LOBBYISTS**
At this time, and to the knowledge of the regional team, there have been no meetings with Lobbyists in regard to this proposal.

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- . A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..." further,
- . Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).
- . To the best of the regional team's knowledge, the Department has not received any disclosure statements for this Planning Proposal.
- . Further, the regional team is not aware of any political donations.

Supporting notes

Internal Supporting
Notes :

Receipt Date

While the planning proposal was received in June 2014, legal drafting consideration has been given to one of the proposal's items, delaying the matter. Consequently, a revised receipt date has been entered.

External Supporting
Notes :

In addition to the five site-specific amendments, the proposal includes three amendments which apply to all land to which Holroyd Local Environmental Plan applies, and one amendment which applies to all land in the B2 - Local Centre and B4 - Mixed Use zones.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The key objectives of the planning proposal are to:

1. correct minor anomalies in Holroyd Local Environmental Plan 2013;
2. ensure that the provisions of Holroyd Local Environmental Plan 2013 are accurate and consistent with Council's strategic planning framework, studies and policies;
3. amend provisions of Schedule 2 - Exempt Development to reflect changes to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
4. amend Schedule 5 to reflect advice received from the Heritage Council of New South Wales following the making of the Local Environmental Plan; and
5. clarify the intent and wording of written provisions of the Local Environmental Plan.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

The provisions included in the planning proposal are:

1. Introduce new provisions that allow the subdivision of detached dual occupancies.
2. Change the heritage status of Guildford Railway Station from State to Local, as it has been removed from the State Heritage Register.
3. Correct the item name and address for the Bonds Bobbin Mill and Spinning Mill heritage items.
Note: the explanation of provisions on page 3 of the planning proposal refers only to amending the address. Attachment A on page 18 indicates that the item names are also to be changed. The explanation of provisions should be corrected prior to exhibition.

4. Increase the maximum floor space ratio for 14 Hilltop Road, Merrylands, from 1:1 to 1.2:1.

5. Reduce the maximum floor space ratio for 76-80 Essington Street, Wentworthville, from 2.4:1 to 1.5:1.

6. Rezone the road reserve of Hawkesbury Road, Westmead adjoining the Oakes Shopping Centre from R2 - Low Density Residential to B1 - Neighbourhood Centre, and amend the floor space ratio, height of building and minimum lot size maps, so that the same development standards apply to the road reserve and the adjoining land zoned B1.

Note: while the maps attached to the planning proposal show the amendments to the floor space ratio, height of building and minimum lot size maps, these are not mentioned in either the explanation of provisions on page 3 of the planning proposal or in the detailed provisions in Attachment A. This should be corrected prior to public exhibition.

7. Amend Schedule 2 - Exempt Development, to permit the temporary use of land for special events and fundraising activities

8. Amend Schedule 2 - Exempt Development to permit sports field advertising.

9. Introduce new provisions covering ground floor uses in zones B2 - Local Centre and B4 Mixed use.

Note: the explanation of provisions refers to business zones, but the details in the attachment make it clear that the provisions would apply only to the B2 and B4 zones. The explanation of provisions should be corrected prior to exhibition.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 6—Number of Storeys in a Building

SEPP No 19—Bushland in Urban Areas

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

The planning proposal does not address its consistency with the Greater Metropolitan Regional Environmental Plan No. 2 - Georges River Catchment.

While there are no provisions in the planning proposal which would affect the application of this policy, the planning proposal should be amended to address consistency prior to public exhibition.

As a result of the making of Holroyd Local Environmental Plan 2013, the following State Environmental Planning Policies no longer apply to land to which the land applies:

- . State Environmental Planning Policy No. 1 - Development Standards;
- . State Environmental Planning Policy No. 60 - Exempt and Complying Development

Prior to public exhibition, the planning proposal should be amended to show that these Policies are not applicable.

Page 16 of the planning proposal includes draft amendments to clause 4.1A of Holroyd Local Environmental Plan 2013.

These include provisions for subdivision of for development for the purpose of the erection of a detached dual occupancy. This may not be consistent with the definition of a dual occupancy as two dwellings on one lot of land.

To avoid any issues with this, the draft of clause 4.1A should be deleted from the planning proposal. It should be replaced with a statement of the intended effect of amendments to clause 4.1A.

Actual drafting of the provision can be undertaken when the instrument is drafted following public exhibition and Council's resolution to proceed with the proposal.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

The planning proposal is not considered to be inconsistent with any Section 117 Directions or State Environmental Planning Policies, with the exception of the following:

1.1 Business and Industrial zones

As the planning proposal (in part) seeks to increase a small area of land to a B2 Zone (see item 6) and guide development in the B2 and B4 zones (see item 9), it may be construed that the proposal, in this regard, is inconsistent with the direction as it 'will affect land within an existing or proposed business or industrial zone....'

Given the minor nature of the proposal, it is considered that any technical inconsistency(s) is of a minor nature and it is recommended that the delegate agrees that the proposal can proceed on this basis.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Maps are provided for proposed amendments 4, 5 and 5, which require map changes. The large scale maps in Attachment A of the planning proposal clearly identify the proposed changes for public exhibition. Maps which comply with the Technical Guidelines for Mapping will be required prior to finalisation of the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

It is proposed to publicly exhibit the proposal for a period of 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment**Principal LEP:**

Due Date :

Comments in
relation to Principal
LEP :

Holroyd Local Environmental Plan 2013, which is a Standard Instrument Plan, was notified on 5 April 2013 and came into effect on 5 August 2013.

Assessment Criteria

Need for planning
proposal :

The planning proposal is required to ensure the ongoing accuracy and validity of Holroyd Local Environmental Plan 2013.

Consistency with
strategic planning
framework :

The provisions in the planning proposal are not inconsistent with the Draft Metropolitan Strategy for Sydney to 2031 or the Draft West Central Subregional Strategy.

Environmental social
economic impacts :

The proposed amendments to Holroyd Local Environmental Plan 2013 are unlikely to have any significant environmental impacts.

The proposal to rezone part of the road reserve at Hawkesbury Road, Westmead, (currently zoned R2 Low Density) is intended to have a positive economic impact by permitting promotion and advertising of goods and service for businesses in the Oakes Shopping Centre.

The provisions for active street frontages in the B2 and B4 zones is aimed at promoting business by making the centres more lively and attractive.

Assessment Process

Proposal type :

Routine

Community Consultation
Period :

28 Days

Timeframe to make
LEP :

6 months

Delegation :

RPA

Public Authority
Consultation - 56(2)
(d) :

Office of Environment and Heritage

Is Public Hearing by the PAC required?

No

(2)(a) Should the matter proceed ?

Yes

If no, provide reasons :

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Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Holroyd cover letter.pdf	Proposal Covering Letter	Yes
Holroyd planning proposal.pdf	Proposal	Yes
Item 4 - Hilltop Road, Merrylands FSR Map.pdf	Map	Yes
Item 5 - Essington Street, Wentworthville FSR Map.pdf	Map	Yes
Item 6 - Oakes Centre Hawkesbury Road FSR Map.pdf	Map	Yes
Item 6 - Oakes Centre Hawkesbury Road Height Map.pdf	Map	Yes
Item 6 - Oakes Centre Hawkesbury Road Lot Size Map.pdf	Map	Yes
Item 6 - Oakes Centre Hawkesbury Road Zoning Map.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.3 Flood Prone Land**
- 6.1 Approval and Referral Requirements**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **DELEGATION OF PLAN MAKING FUNCTION**

Holroyd City Council has requested delegation of the plan-making function in relation to this planning proposal. As the matters covered are of local planning significance, it is recommended that the plan-making function be delegated to Holroyd City Council.

SECTION 117 DIRECTION 1.1 BUSINESS AND INDUSTRIAL ZONES

It is recommended that any technical inconsistency with S117 Direction 1.1 Business and Industrial Zones is of a minor nature.

RECOMMENDATION AND GATEWAY CONDITIONS

It is recommended that the proposal should proceed subject to the following conditions:

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1. The proposal should be placed on public exhibition for a period of 28 days.
2. Prior to community consultation the planning proposal is to be amended, as follows:
 - a) within the table (pages 5 – 8 of the proposal), delete references to:
State Environmental Planning Policy No 1 and State Environmental Planning Policy No. 60 (as these instruments no longer apply to the land subject to Holroyd Local Environmental Plan 2013);
 - b) further, amend the table to include Greater Metropolitan Regional Environmental Plan No.2 – Georges River Catchment, and address appropriately within the planning proposal; and
 - c) replace the draft clause 4.1A (page 16) of the proposal with an explanation of the intention of the clause to permit subdivision of the approved dual occupancy or multi-dwelling developments, as this item would be subject to legal drafting and may be altered;
 - d) clarify within the explanation of provisions (page 3) of the proposal:
 - whether item 3 is to include an amendment to item names, as well as, an amendment to the suburb;
 - for item 6, whether other maps, in addition to zoning maps, are proposed to be altered, and
 - in respect of item 9, clarify whether this item is proposed to only apply to the B2 and B4 zones.
3. Consultation is required with the Office of Environment and Heritage (Heritage Branch) under section 56(2)(d) of the EP&A Act.
4. The planning proposal is to be finalised within 6 months of the week following the date of the Gateway determination.

Supporting Reasons :

The proposal is supported as it will rectify a number of minor anomalies and ensure the Holroyd Local Environmental Plan 2013 is accurate and remains consistent with Council's overall strategic policy direction.

Signature:



Printed Name:

T DORAN

Date:

17/10/14