

PLANNING PROPOSAL

Housekeeping Amendments to Holroyd Local Environmental Plan 2013

June 2014



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Introduction

This planning proposal seeks to amend Holroyd Local Environmental Plan 2013 (HLEP 2013) by rectifying a number of minor anomalies and mapping amendments that have been identified since the Plan came into force on 5th August 2013. The amendments are considered necessary to ensure that HLEP 2013 is accurate and remains consistent with Council's overall strategic policy direction.

The proposal has been prepared in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 (EP&A Act) and relevant Department of Planning and Infrastructure Guidelines.

In summary, there are nine (9) amendments ranging from written amendments to minor mapping changes. Examples include:

- Amending the floor space ratio on the FSR map to reflect Council's adopted resolutions;
- Introducing new controls to allow the subdivision of detached dual occupancies;
- Amend the heritage status of the Guildford Railway Station to reflect advice from NSW Heritage Council; and
- Updating Schedule 2 – Exempt Development to allow the temporary use of land for community based purposes and fundraising events;

A detailed explanation of each amendment is provided in Attachment A.

The format of the Proposal is based on the following heads of consideration:

- Part 1 Statement of the objectives and intended outcomes of the Planning Proposal;
- Part 2 Explanation of the provisions of how the objectives or intended outcomes are to be achieved;
- Part 3 Justification for the reclassification;
- Part 4 Mapping details of the subject area;
- Part 5 Community consultation;
- Part 6 Anticipated project timeline.

Part 1: Objectives and Intended Outcomes

The key objectives of this planning proposal are to:-

1. Correct minor anomalies, discrepancies and mapping amendments to HLEP 2013 that were created either by error during the Plan's preparation, or are the result of legislative changes to State planning policies;
2. Ensure that the provisions of HLEP 2013 are accurate and consistent with Council's strategic planning framework, studies and policies;
3. Amend provisions to Schedule 2 – Exempt Development to reflect changes to State Environmental Planning Policy (Exempt and Complying Development Codes) 2008;
4. Amend provisions to Schedule 5 to reflect advice received from Heritage Council NSW following the gazettal of HLEP 2013; and
5. Clarify the intent and wording of written provisions within the planning instrument to avoid further misinterpretations

Part 2: Explanation of Provisions

This part of the planning proposal describes the mechanism by which the objectives and intended outcomes described in Part 1 will be achieved.

Detailed in Table 1 below is a summary of the proposed amendments with a more detailed explanation of each matter provided in Attachment A.

Item	Proposed Amendment	Explanation
1	Clause 4.1 A – Exceptions to minimum lot size.	Introduce new provisions that allow the subdivision of detached dual occupancies.
2	Guildford Railway Station	Amend heritage status of the Guildford Railway Station from <i>State</i> listing to <i>Local</i> listing following advice from Heritage Council NSW after the gazettal of HLEP 2013.
3	Bonds Spinning Mill and Bobbin Mill Sites, Pendle Hill	Amend Schedule 5 - HLEP 2013 by correcting the suburb description of the Bonds site.
4	14 Hilltop Road, Merrylands	Correct mapping error and amend FSR from 1:1 to 1.2:1 in accordance with Council's original resolution prior to HLEP 2013 being gazetted.
5	76-80 Essington St, Wentworthville	Correct mapping error and amend FSR from 2.4:1 to 1.5:1 in accordance with Council's original resolution prior to HLEP 2013 being gazetted.
6	The Oakes Centre, Hawkesbury Road, Westmead	Rezone 'road reserve' land in front of the Oakes Centre shops from R2 Low Density Residential to B1 Neighbourhood Centre to allow ancillary signage to be erected in association with the adjoining shops.
7	Special events and Council activities	Amend Schedule 2 – Exempt Development to permit the temporary use of land for special events and fundraising activities.
8	Sports field advertising	Amend Schedule 2 – Exempt Development to permit sports field advertising.
9	Use of ground floor development in business zones	Introduce new LEP provisions governing ground floor development in business zones

Part 3 Justification

This section of the proposal details the reasons for the proposed amendments 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.

Section A - Need for the Planning Proposal

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

Whilst there have been no specific studies prepared relating to the planning proposal, Council did adopt a report on 17 December 2013 resolving to proceed with its preparation to ensure the ongoing validity and accuracy of HLEP 2013 is maintained. Moreover, the matter is regarded as an administrative exercise to ensure that housekeeping matters are corrected without delay to enable the new LEP to operate unabated. From a strategic planning viewpoint, the planning proposal does not have any significant implications on any other studies or policies.

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

Yes, the planning proposal is the most effective method of ensuring the accuracy and reliability of HLEP 2013 is maintained and administered at all times. It is the only feasible means of enabling the required amendments are administered expeditiously in accordance with current legislation requirements. It is also the first step in the process of achieving the desired amendments to Council's principal LEP.

Section B - Relationship to strategic planning framework

Q: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Metropolitan Plan for Sydney 2036 (MPS) integrates urban land use and funded-transport planning together as a means of providing a framework for sustainable growth and development across Sydney. A comprehensive assessment of the objectives and strategies of both the MPS and the supporting West Central Subregion Strategy was previously undertaken during the preparation of HLEP 2013. Consequently, a further assessment is not considered warranted due to the relatively minor housekeeping nature of the amendments.

Considering the planning proposal contains primarily administrative amendments and mapping changes, the resultant impact on regional and sub-regional strategies is minimal. The only change in zoning is the narrow strip of road reserve in front of the Oakes Centre shops in Wentworthville. This combined with changes to the FSR on two select sites is unlikely to have any negative impact on the objectives of the MPS.

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

One of the key principles of Council's Community Strategic Plan 2013 – *Living Holroyd* is to focus on effective urban planning and economic development for current and future generations. The planning proposal is consistent with this principle and its supporting strategies of:

- Establishing and maintaining clear guidelines for zoning, urban planning and development;
- Enhancing the atmosphere of local centres and business areas;
- Supporting the local business community, and
- Encouraging the growth and sustainability of existing and new centres.

The suggested amendments are also consistent with various key actions and challenges that have been adopted in Council's Delivery Programs 2011 – 2015 designed to help guide future development within the Holroyd LGA.

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

As demonstrated in Table 2, there are no State Environmental Planning Policies (SEPPs) or known draft policies that would prohibit or restrict the planning proposal.

Relevant State Environmental Planning Policies	Consistency	Comment
State Environmental Planning Policy No 1— Development Standards	YES	There are no provisions within this planning proposal that would affect the application of this SEPP
State Environmental Planning Policy No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	YES	There are no provisions within this planning proposal that would affect the application of this SEPP
State Environmental Planning Policy No 6— Number of Storeys in a Building	YES	There are no provisions within this planning proposal that would affect the application of this SEPP
State Environmental Planning Policy No 14— Coastal Wetlands	N/A	N/A
State Environmental Planning Policy No 15— Rural Land sharing Communities	N/A	N/A
State Environmental Planning Policy No 19— Bushland in Urban Areas	YES	There are no provisions within this planning proposal that would affect the application of this SEPP
State Environmental Planning Policy No 21— Caravan Parks	N/A	N/A
State Environmental Planning Policy No 22— Shops and Commercial Premises	N/A	N/A
State Environmental Planning Policy No 26— Littoral Rainforests	N/A	N/A

State Environmental Planning Policy No 29— Western Sydney Recreation Area	N/A	N/A
State Environmental Planning Policy No 30— Intensive Agriculture	N/A	N/A
State Environmental Planning Policy No 32— Urban Consolidation (Redevelopment of Urban Land)	YES	There are no provisions within this planning proposal that would affect the application of this SEPP
State Environmental Planning Policy No 33— Hazardous and Offensive Development	N/A	N/A
State Environmental Planning Policy No 36— Manufactured Home Estates	N/A	N/A
State Environmental Planning Policy No 39— Spit Island Bird Habitat	N/A	N/A
State Environmental Planning Policy No 44— Koala Habitat Protection	N/A	N/A
State Environmental Planning Policy No 47— Moore Park Showground	N/A	N/A
State Environmental Planning Policy No 50— Canal Estate Development	N/A	N/A
State Environmental Planning Policy No 52— Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	N/A
State Environmental Planning Policy No 55— Remediation of Land	YES	There are no provisions within this planning proposal that would affect the application of this SEPP
State Environmental Planning Policy No 59— Central Western Sydney Regional Open Space and Residential	N/A	N/A
State Environmental Planning Policy No 60— Exempt and Complying Development	YES	There are no provisions within this planning proposal that would affect the application of this SEPP
State Environmental Planning Policy No 62— Sustainable Aquaculture	N/A	N/A
State Environmental Planning Policy No 64— Advertising and Signage	YES	Item 8 – ‘Sports Field Advertising’ is aimed at allowing ancillary signage associated with sports teams and their sponsors to be exempt development subject to development standards. The subject

		matter is consistent with SEPP 64 which allows advertisements at a public sporting facility, the major difference being that the proposed Schedule 2 exempt amendments will have a maximum height of 1.2m and must not be illuminated.
State Environmental Planning Policy No 65— Design Quality of Residential Flat Development	YES	There are no provisions within this planning proposal that would affect the application of this SEPP
State Environmental Planning Policy No 70— Affordable Housing (Revised Schemes)	N/A	N/A
State Environmental Planning Policy No 71— Coastal Protection	N/A	N/A
State Environmental Planning Policy (Affordable Rental Housing) 2009	YES	There are no provisions within this planning proposal that would affect the application of this SEPP
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	YES	There are no provisions within this planning proposal that would affect the application of this SEPP
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	YES	The purpose of items 7 and 8 is to restore flexibility and allow the temporary use of land and sports field advertising as exempt development. Item 8 was originally proposed to be included in the original Draft LEP in 2011, but was removed on the understanding it would be included in the Codes SEPP as exempt development. Both items remain consistent with the intent of the SEPP.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	YES	There are no provisions within this planning proposal that would affect the application of this SEPP
State Environmental Planning Policy (Infrastructure) 2007	YES	There are no provisions within this planning proposal that would affect the application of this SEPP
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	N/A	N/A
State Environmental Planning Policy (Kurnell Peninsula) 1989	N/A	N/A
State Environmental Planning Policy (Major Development) 2005	N/A	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	N/A	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	N/A	N/A
State Environmental Planning Policy (Rural Lands) 2008	N/A	N/A
State Environmental Planning Policy (SEPP 53 Transitional Provisions) 2011	N/A	N/A
State Environmental Planning Policy (State and Regional Development) 2011	N/A	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	N/A	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	N/A	N/A
State Environmental Planning Policy (Temporary Structures) 2007	N/A	N/A
State Environmental Planning Policy (Urban Renewal) 2010	N/A	N/A
State Environmental Planning Policy (Western Sydney Employment Area) 2009	N/A	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	N/A	N/A

Table 2: Consistency with applicable SEPP's

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 3 below:

Section 117 Direction	Consistency	Comment
1. Employment and resources		
1.1 Business and Industrial Zones	Yes.	<p>The general intent of this direction is to encourage employment growth and protect employment land in business and industrial zones.</p> <p>The relevant items to this Direction are - Item 4: (14 Hilltop Road, Merrylands); which proposes to increase the FSR from 1:1 to 1.2:1 as per Council's original intention. The amendment does not change the zoning of the land and will continue to provide employment opportunities within the local precinct.</p> <p>Item 6: which is aimed at assisting local shop owners within the Oakes Centre to erect signage promoting their businesses within the road reserve at the front of their shops.</p> <p>Item 9: will help strengthen the objectives of both the B2 and B4 zones by ensuring a range of retail, business, entertainment and community uses are provided to serve the needs of those living in the area – and encourage employment opportunities in accessible locations.</p> <p>All items are consistent with the corresponding Direction.</p>
1.2 Rural Zones	N/A	N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A	N/A
1.4 Oyster Aquaculture	N/A	N/A
1.5 Rural Lands	N/A	N/A

2. Environment and Heritage		
2.1 Environment Protection Zones	N/A	N/A
2.2 Coastal Protection	N/A	N/A
2.3 Heritage Conservation	Yes	The objective of this Direction seeks to conserve items of heritage significance. Items 2 (Guildford Railway Station) and 3 (Bonds Spinning Mill and Bobbin Mill sites) are the two relevant matters to this Direction. Both matters are administrative in nature with Item 2 being the result of advice from the NSW Heritage Council.
2.4 Recreation Vehicle Areas	N/A	N/A
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Yes	<p>The objective of this direction is to provide housing choices and minimise the impacts of residential development on the environment, infrastructure and services.</p> <p>The relevant matter is Item 1 which aims to allow the subdivision of detached dual occupancies to be consistent with previous provisions in HLEP 1991 and current HLEP 2013 provisions that allow attached dual occupancies to be subdivided.</p>
3.2 Caravan Parks and Manufactured Home Estates	N/A	N/A
3.3 Home Occupations	N/A	N/A
3.4 Integrating Land Use and Transport	Yes	The objective of this direction is to improve access to employment and housing, increase the use of public transport and reduce car dependency. All proposed amendments will continue to

		promote and encourage growth within Holroyd with a mix of housing choices, jobs and recreational facilities.
3.5 Development Near Licensed Aerodromes	N/A	N/A
3.6 Shooting Ranges	N/A	N/A
4. Hazard and Risk		
4.1 Acid Sulphate Soils	N/A	N/A
4.2 Mine Subsidence and Unstable Land	N/A	N/A
4.3 Flood Prone Land	Yes	The intent of this direction is to ensure that development is consistent with NSW Government policy and LEP provisions are commensurate with flood hazard considerations. There are no relevant matters impacted by this direction.
4.4 Planning for Bushfire Protection	N/A	N/A
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	N/A
5.2 Sydney Drinking Water Catchments	N/A	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A

6. Local Plan Making		
6.1 Approval and Referral Requirements	Yes	The objective of this direction is to ensure LEP provisions encourage the appropriate assessment of development. The amendments do not introduce any additional levels of concurrence and are of minor significance.
6.2 Reserving Land for Public Purposes	N/A	N/A
6.3 Site Specific Provisions	Yes	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The planning proposal does not introduce any new site specific controls, but rather ensures that controls such as FSR are consistent with Council resolutions and HLEP 2013 is accurate at all times.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	The planning proposal is consistent with the aims, objectives and strategies of the Metropolitan Plan and is of minor significance considering that most amendments are administrative in nature and are consistent with Council's strategic policy direction.

Table 3 - Consistency with applicable Section 117 Directions

Section C – 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. The planning proposal does not include any land containing critical habitat or threatened species populations or ecological communities or their habitats.

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

No. There are no other likely environmental effects as a result of this planning proposal due to the administrative nature of the changes.

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

As previously explained the purpose of the planning proposal is to ensure that Holroyd LEP 2013 is accurate and remains consistent with Council's strategic policy direction of encouraging employment opportunities and a variety of housing choices. This will have a positive flow-on affect for the overall social and economic wellbeing for residents and employees of Holroyd by ensuring that policies and decisions are well formulated and reflect the community's wishes.

Item 9 (*Use of ground floor development in business zones*) will ensure economic development opportunities are not compromised by residential cost savings. Similarly, there are social benefits and employment opportunities attributed to providing access to retail and business services at the street frontage.

Section D - State and Commonwealth interests

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

Yes. All appropriate studies and investigations were undertaken prior to the preparation of HLEP 2013 to specifically assess the adequacy of public infrastructure in terms of roads and transport, community facilities, open space, stormwater and drainage. The proposed amendments will not place any additional demands on public infrastructure.

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

It is not envisaged that any of the amendments will be of concern to State and Commonwealth authorities. However, all relevant authorities identified in the Gateway determination will be consulted.

Part 4 Mapping

The relevant mapping amendments pertaining to items 4, 5, and 6 are detailed under the respective item in Attachment A.

Part 5 Community Consultation

It is proposed to publicly exhibit the planning proposal for a period of twenty eight 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 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;
- notifying exhibition of the planning proposal on Council's web site, libraries and customer service counters including copies of all relevant documentation;

- notifying all affected property owners and adjoining property owners of matters where there is a proposed change in zoning or density; and
- circulating copies of the exhibition material to relevant divisions/ branches within Council;

Following the exhibition period, a report on submissions will be presented to Council for its consideration.

Part 6 Project Timeline

The following table provides an indicative timeline for the planning proposal

Milestone	Timeframe
1. Estimated date Council considers the planning proposal and formally requests Gateway Determination	Early June 2014
2. Estimated date Gateway Determination is issued	Early July 2014
3. Estimated commencement date of public exhibition period – 28 days	Late July 2014
4. Estimated timeframe for consideration of submissions	Mid September 2014
5. Estimated report date to Council	October 2014
6. Estimated date LEP amendments are gazetted	December 2014

Attachment A – Proposed Amendments

Item	Proposed Amendment	Explanation
1	Clause 4.1 A – Exceptions to minimum lot size.	Introduce new provisions that allow the subdivision of detached dual occupancies.
2	Guildford Railway Station	Amend heritage status of the Guildford Railway Station from <i>State</i> listing to <i>Local</i> listing following advice from Heritage Council NSW after the gazettal of HLEP 2013.
3	Bonds Spinning Mill and Bobbin Mill Sites, Pendle Hill	Amend Schedule 5 - HLEP 2013 by correcting the suburb description of the Bonds site.
4	14 Hilltop Road, Merrylands	Correct mapping error and amend FSR from 1:1 to 1.2:1 in accordance with Council's original resolution prior to HLEP 2013 being gazetted.
5	76-80 Essington St, Wentworthville	Correct mapping error and amend FSR from 2.4:1 to 1.5:1 in accordance with Council's original resolution prior to HLEP 2013 being gazetted.
6	The Oakes Centre, Hawkesbury Road, Westmead	Rezone 'road reserve' land in front of the Oakes Centre shops from R2 Low Density Residential to B1 Neighbourhood Centre to allow ancillary signage to be erected in association with the adjoining shops.
7	Special events and Council activities	Amend Schedule 2 – Exempt Development to permit the temporary use of land for special events and fundraising activities.
8	Sports field advertising	Amend Schedule 2 – Exempt Development to permit sports field advertising.
9	Use of ground floor development in business zones	Introduce new LEP provisions governing ground floor development in business zones

Item No:	1
Subject:	Clause 4.1A - Exceptions to minimum lot size for certain residential development.
Proposed Amendment:	To permit the subdivision of detached dual occupancies.
<p>Explanation:</p> <p>An anomaly has been identified in the interpretation of Clause 4.1A, which does not allow the subdivision of detached dual occupancies.</p> <p>Detached dual occupancies were permissible with consent under the previous HLEP 1991 and it has always been Council's intention for this to continue.</p> <p>HLEP 2013 currently requires the size of any lot resulting from a subdivision of land not to be less than the minimum size shown on the Lot Size Map.</p> <p>Under Holroyd DCP 2013, the minimum lot size for detached dual occupancy development is 500m² in Zone R2 Low density Residential and 450m² in Zone R3 Medium Density Residential. Therefore, for a detached dual occupancy to be subdivided requires a total site area of either 900m² or 1,000m². Alternatively, applicants are required to submit a Clause 4.6 variation request to the minimum lot size for sites that have a total area of less than 900m² or 1,000m².</p> <p>The only exclusions to this are the subdivision of a semi-detached dwelling (i.e. attached dual occupancy); existing dual occupancies that was erected before HLEP 2013 commenced or integrated developments containing 3 or more semi-detached dwellings. In order to be consistent with allowing attached dual occupancies to be subdivided below the minimum lot size, it is recommended to amend Clause 4.1A as detailed below (amendments shown in red):-</p> <p>4.1A Exceptions to minimum lot sizes for certain residential development</p> <p>(1) <i>The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity.</i></p> <p>(2) <i>Development consent may be granted for the subdivision of land to create a lot of a size that is less than the minimum size shown on the <u>Lot Size Map</u> in relation to that land if:</i></p> <p style="padding-left: 40px;">(a) <i>the subdivision is for the purpose of the erection of a semi-detached dwelling, or</i> (b) <i>the development is for the purpose of the erection of a detached dual occupancy, or</i> (c) <i>there is an existing dual occupancy situated on the land that was lawfully erected in accordance with an environmental planning instrument before this Plan commenced and each resulting lot from the subdivision will contain a single dwelling.</i></p> <p>(3) <i>Development consent may be granted for the subdivision of land to create a lot of a size that is less than the minimum size shown on the <u>Lot Size Map</u> to a single development application for development that is both of the following:</i></p> <p style="padding-left: 40px;">(a) <i>the subdivision of land into 3 or more lots,</i> (b) <i>the erection of an attached dwelling or a semi-detached dwelling on each lot resulting from the subdivision.</i></p>	

Item No:	2
Subject:	Guildford Railway Station
Proposed Amendment:	Amend heritage status from <i>State</i> listing to <i>Local</i> listing
<p>Explanation:</p> <p>Upon HLEP 2013 coming into force on 5th August 2013, the Guildford Railway Station was categorised as a <i>State</i> listing under Schedule 5.</p> <p>On 10 October 2013, the Heritage Council of NSW formally advised that the Minister for Heritage, the Hon. Robyn Parker MP, had directed the removal and amendment of a number of heritage items on the State Heritage Register.</p> <p>Under Schedule A of the relevant government gazette, Guildford Railway Station was listed as being removed from the State Heritage Register.</p> <p>Consequently, Guildford Railway Station will remain in Schedule 5 as a <i>Local</i> listing in lieu of a <i>State</i> listing.</p>	

Item No:	3
Subject:	Bonds Spinning Mill and Bobbin Mill Sites, Pendle Hill
Proposed Amendment:	Amend Schedule 5 - HLEP 2013 by correcting the suburb description of the Bonds site.

Explanation:

The Bonds Spinning Mill and Bobbin Mill Sites are currently listed in Schedule 5 under both Pendle Hill and Wentworthville as being of *Local* heritage significance. This was a direct translation from Holroyd LEP 1991.

Upon gazettal of HLEP 2013, it was discovered that the correct suburb description was Pendle Hill and the description of the heritage buildings was incorrect. The purpose of this amendment is to correct the anomalies and amend Schedule 5 as detailed below.

The proposed amendments are:

Current Suburb Description	Proposed Suburb Description	Current Item Name	Proposed Item Name	Item No.
Pendle Hill	Pendle Hill	<i>“Former Bonds administrative building façade”</i>	<i>“Former Bonds Bobbin Mill façade”,</i>	193
Wentworthville	Pendle Hill	<i>“Bonds administrative building, storage, cutting room, former cotton bale room, former bobbin mill (Malvern Starr warehouse)”</i>	<i>“Bonds administrative building, storage building, cutting room, cotton bale stores”</i>	1109

Item No:	4
Subject:	14 Hilltop Road, Merrylands
Proposed Amendment:	Correct mapping error and amend FSR from 1:1 to 1.2:1 in accordance with council resolution.

Explanation:

The subject site has an area of approximately 1,368 m² with a frontage of 25 metres to Hilltop Road. Prior to the adoption of HLEP 2013 the property was zoned Residential A. The land is currently zoned B1 Neighbourhood Centre under HLEP 2013.

At the time the Draft LEP was first exhibited in 2010, the proposed FSR for the site was 0.7:1. This was increased to 1.2:1 in the second round of exhibition in 2011.

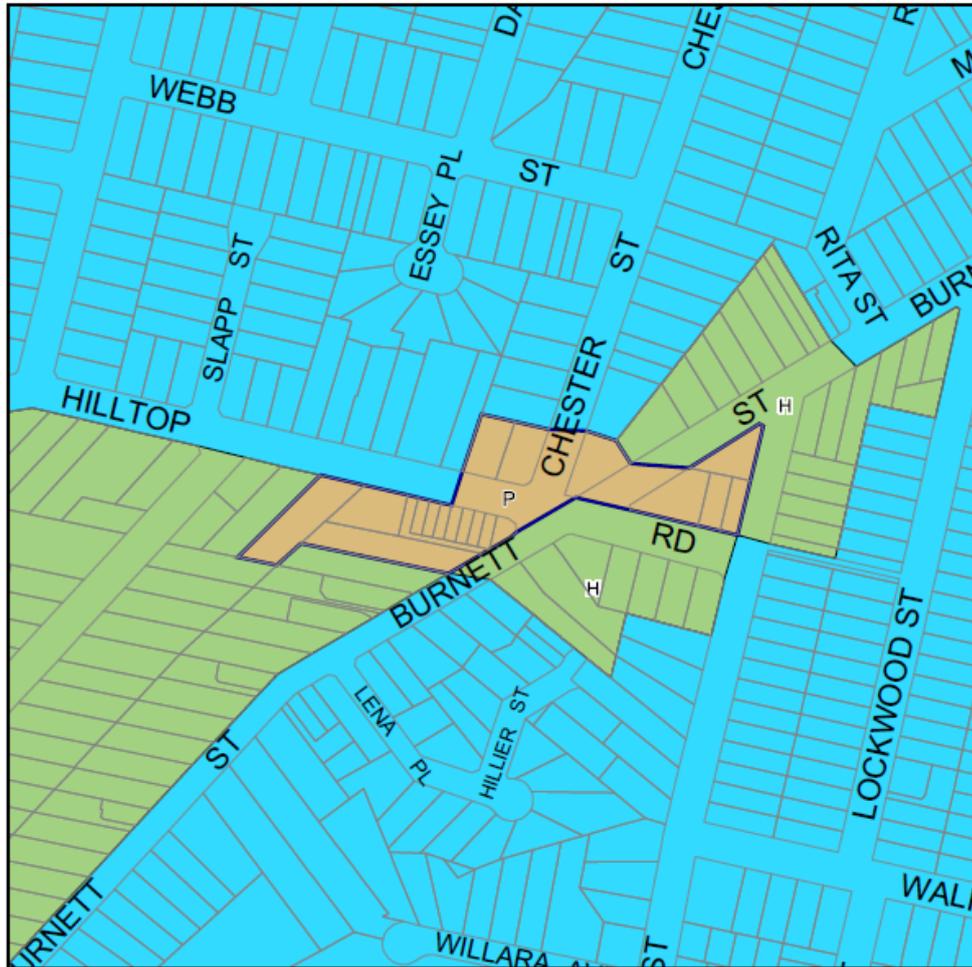
On 10 April 2012, Council resolved to adopt a FSR of 1.2:1 with a building height of 14 metres (3 storeys). This is consistent with the adjoining Hilltop Road neighbourhood centre.

However, when the Draft LEP was referred to the Minister for final adoption/gazettal, an error occurred with the corresponding plans showing a FSR of 1:1 in lieu of the adopted 1.2:1.

It is therefore recommended that the FSR for 14 Hilltop Road, Merrylands be amended from 1:1 to 1.2:1 in accordance with Council's adopted resolution, which is consistent with the FSR of the adjoining shops.



Existing FSR Map – 14 Hilltop Road, Merrylands



ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979
CITY OF HOLROYD



Print Date: 01/05/2014

Floor Space Ratio (FSR) (n:1)

D	0.5	U2	2.8	AA1	6
H	0.7	V1	3	AA2	6.5
K	0.85	V2	3.3	AB	7.5
N	1	W1	3.5	AC	8.5
P	1.2	W2	3.7	AD	9
S1	1.5	X1	4		
S2	1.8	X2	4.3		
T1	2	Y1	4.5		
T2	2.2	Y2	4.7		
T3	2.4	Z1	5		
U1	2.5	Z2	5.5		

↑
Scale 1: 3000

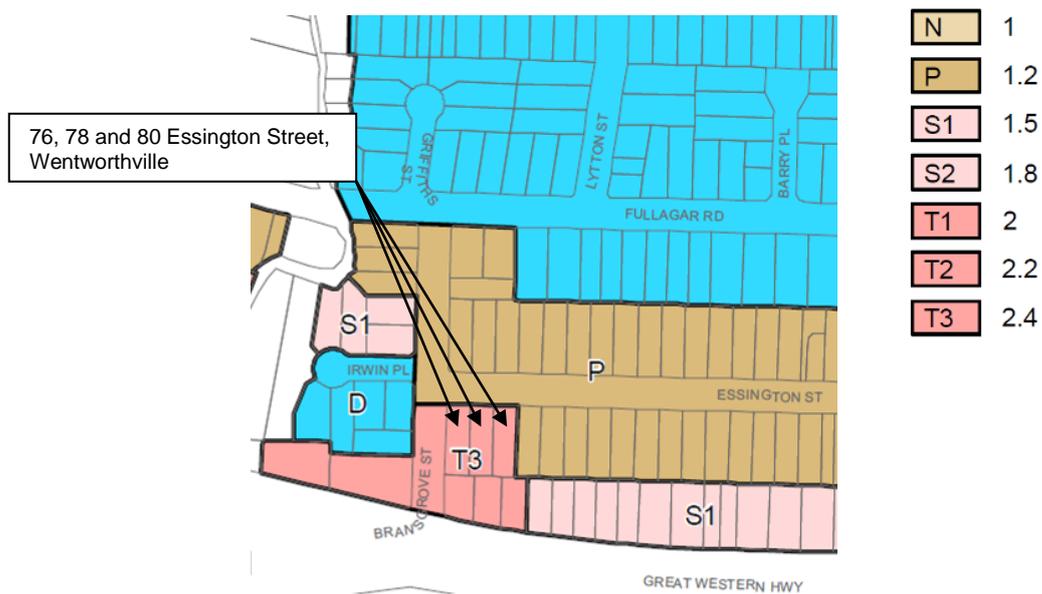
COPYRIGHT & DISCLAIMER:
Land and Property Information LPI
Panorama Ave, BATHURST 2795
www.lpi.nsw.gov.au
Cadastral data is supplied by and is the
property of LPI. Other data is supplied by
and is the property of Holroyd City Council.
No warranty is given that this is complete
or accurate.

Proposed FSR Map – 14 Hilltop Road, Merrylands

Item No:	5
Subject:	76-80 Essington Street, Wentworthville
Proposed Amendment:	Correct mapping error and amend FSR from 2.4:1 to 1.5:1

Explanation:

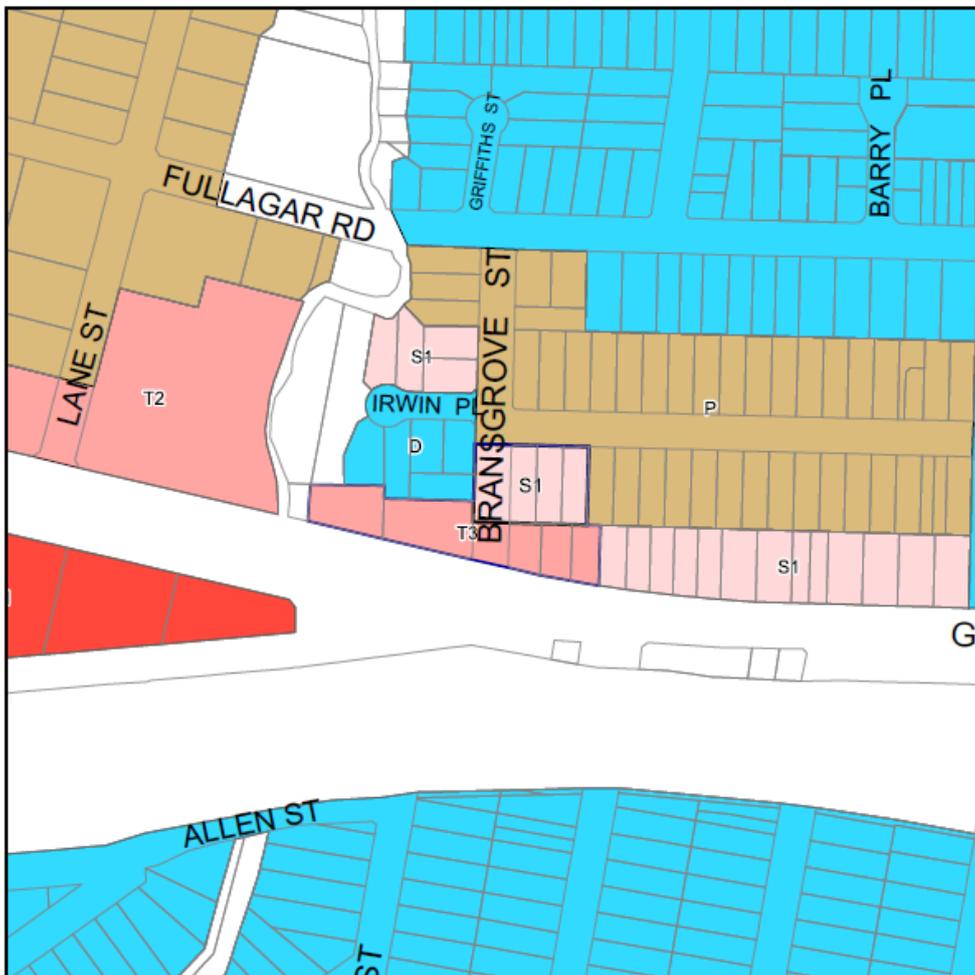
This amendment is a mapping error that was identified after Council adopted the Draft LEP on 10 April 2012. As demonstrated in the FSR map extract below, the adopted FSR maps for 76, 78 and 80 Essington Street, Wentworthville indicate a FSR of 2.4:1 with a 15m (4 storeys) height control.



Existing FSR Map – 76-80 Essington Street, Wentworthville

The matter was first detected in August 2012, three months after Council resolved to adopt the Draft Plan for referral to the Minister for gazettal. At the time, it was realised that a 2.4: 1 FSR did not correspond with the adopted 15m (4 storeys) height limit. Subsequently, authorisation was given to rectify the error to amend the FSR from 2.4: 1 to 1.5:1. Unfortunately, the final version of FSR maps referred to NSW Planning did not amend the FSR as being 1.5:1.

At the time of preparing this report, a Development Application has been lodged for 78-80 Essington Street and is under assessment. The proposed FSR is 1.525:1 (which at the time of lodgement is compliance) and the maximum height is 4 storeys, which is also compliance. In summary, the proposed development is consistent with the suggested housekeeping amendments.



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Floor Space Ratio (FSR) (n:1)

D	0.5	U2	2.8	AA1	6
H	0.7	V1	3	AA2	6.5
K	0.85	V2	3.3	AB	7.5
N	1	W1	3.5	AC	8.5
P	1.2	W2	3.7	AD	9
S1	1.5	X1	4		
S2	1.8	X2	4.3		
T1	2	Y1	4.5		
T2	2.2	Y2	4.7		
T3	2.4	Z1	5		
U1	2.5	Z2	5.5		

↑
Scale 1: 3000

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Proposed FSR Map – 76-80 Essington Street, Wentworthville

Item No:	6
Subject:	The Oakes Centre, Hawkesbury Road, Westmead
Proposed Amendment:	Rezone 'road reserve' land in front of Oakes Centre shops to B1 to allow ancillary signage to be erected.

Explanation:

The purpose of this amendment aims to correct an anomaly in the LEP which currently prohibits shop owners in the Oakes Shopping Centre from erecting signage that promotes their goods and services along the narrow strip of road reserve (currently used for car parking) located at the front of the stops. Refer to maps below.

Currently the road reserve is zoned R2 Low Density Residential which prohibits signage other than a building/business identification sign. The shops themselves are zoned B1 Neighbourhood Centre which permits the promotion and advertising of goods and services in addition to a building/business identification sign. The amendment proposes to rezone the road reserve to B1 Neighbourhood Centre.

Under the previous HLEP 1991, the road reserve was unzoned land and signage was permissible with consent. Unfortunately the same provisions were not translated into HLEP 2013. Land on the opposite side of Hawkesbury Road is similarly zoned B1 Neighbourhood Centre.

Subject Road Reserve

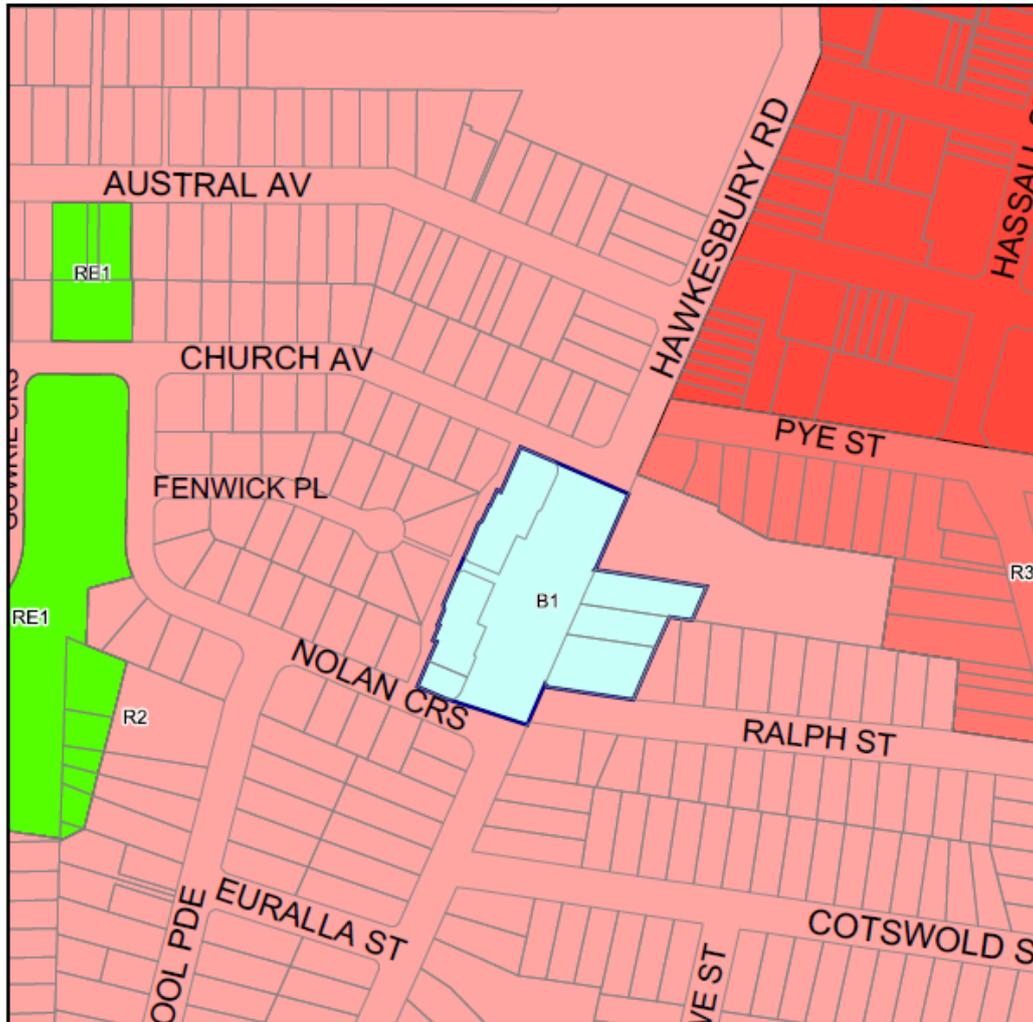


Existing Zoning map – Oakes Centre shops Wentworthville

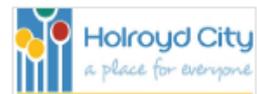
The matter was first raised with Council's by a number of shop owners who wanted to erect signage to advertise and promote their businesses but were unable to do so. Unfortunately, the shops are set well back from Hawkesbury Road and partly disguised by established tree planting. The only opportunity to erect signage is therefore in the front road reserve.

Under the circumstances that the subject land previously allowed associated signage for the shopping centre, it is considered reasonable to rezone the narrow strip of land, including the roadway over Hawkesbury Road from Residential 2 Low Density Residential to B1

Neighbourhood Centre. The area to be rezoned is also beyond the 10m distance between zone boundaries contained in Clause 5.3(2) under Holroyd LEP 2013.



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Land Zoning (LZN)

Neighbourhood Centre	B1	Low Density Residential	R2
Local Centre	B2	Medium Density Residential	R3
Mixed Use	B4	High Density Residential	R4
Business Development	B5	Public Recreation	RE1
Enterprise Corridor	B6	Private Recreation	RE2
Business Park	B7	Infrastructure	SP2
Environmental Conservation	E2	Unzoned Land	UL
General Industrial	IN1	SEPP (Major Development) 2005	MD
Light Industrial	IN2	SEPP (Western Sydney Employment Area) 2009	WSE

↑
Scale 1: 3000

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Proposed Zoning map – Oakes Centre shops Wentworthville

Item No:	7
Subject:	Special Events and Council activities.
Proposed Amendment:	Amend Schedule 2 – Exempt Development to permit the temporary use of land for special events and fundraising activities as exempt development.
<p>Explanation:</p> <p>The general intent of this amendment is to allow the temporary use of land for the purpose of community and fundraising activities, including school fetes without having to obtain formal development consent.</p> <p>Under HLEP 1991 Council was exempt from obtaining consent for a variety of purposes including the use of recreational land. Non Council activities required consent.</p> <p>However, under Clause 2.8 of HLEP 2013 all temporary activities (including those organised by Council) are now required to submit a formal development application, which is considered an unnecessary requirement based on the temporary nature of many of the events that occur throughout the year both by Council, local schools and churches.</p> <p>To assist in expediting the administration of many such events, for example the <i>Good Life Festival</i>, <i>Waitangi Festival Day at Holroyd Gardens</i> and <i>the Hindu Festival</i>, it is proposed to amend Schedule 2 Exempt Development to allow temporary uses to operate without having to obtain planning consent. This will remove the burden and costs currently placed on community and fundraising groups wishing to operate a temporary use. The new provisions will only apply to land owned and managed by Council, on school sites or on land currently used as a place of public worship.</p> <p>Any activities that include closure of public roads, temporary structures, food stalls, mobile food vendors, activities on community land, certain amusement devices and public entertainment, will continue to require separate approval under the Local Government Act 1993.</p> <p>Detailed below are the draft exempt provisions to be included in Schedule 2 of HLEP 2013.</p> <p>Temporary Use of Land (Community and Fundraising Events)</p> <ol style="list-style-type: none"> 1. Must take place on land owned and managed by Council, on school sites or on land used as a place of public worship. 2. If not conducted on community land, the use must not exceed 2 days in duration. 3. The temporary use of the land is a maximum period of 52 days (whether or not consecutive) in any period of 12 months. 4. May only operate between 8.00am and 10.00pm. 	

Item No:	8
Subject:	Sports field advertising
Proposed Amendment:	Amend Schedule 2 – Exempt Development to allow sports field advertising as exempt development.
<p>Explanation:</p> <p>The purpose of this amendment is to permit sports field advertising as exempt development.</p> <p>When Draft HLEP 2011 was first drafted, provisions were included in <i>Schedule 2 Exempt Development</i> that exempted sports fields advertising from requiring development consent. The provisions were removed prior to the Plan going on exhibition on the understanding that forthcoming amendments to SEPP (Exempt and Complying Development Codes) 2008 would suffice.</p> <p>In mid-2011, NSW Planning released a discussion paper examining options to expand the Codes SEPP to include signage and business identification signs. Included in the proposed changes was sports field advertising. However, the draft sports field advertising provisions were not adopted as exempt development provisions under SEPP (Exempt and Complying Development Codes) 2008 Part 2, Division 2 that came into force in February 2014.</p> <p>Clause 10 (2) (b) SEPP 64 permits advertisements at a public sporting facility situated on land zoned public recreation where the advertisement provides information about the sponsors of the teams or organisations using the sporting facility or about the products of those sponsors. However, a formal development application is still required under these circumstances.</p> <p>In discussion with the Department of Planning and Environment, advice was received that sports field advertising could be considered exempt development under <i>Subdivision 10 Community notice and public information signs</i> and <i>Subdivision 11 Temporary event signs</i>. Both of which are included under SEPP (Exempt and Complying Development Codes) 2008 Part 2, Division 2. It is Council's opinion that neither of the two abovementioned subclauses accommodate sports field advertising as exempt development based on the development standards stipulated in the SEPP.</p> <p>To assist sporting groups erect signage at their sports fields detailing their sponsors and products, it is proposed to amend <i>Schedule 2 Exempt Development</i> as detailed below.</p> <p>Advertisement - sport field advertising</p> <ol style="list-style-type: none"> 1. Maximum height – 1.2m. 2. Must be located on the playing field surface or facing the playing area on the inside of a fence around the playing surface, spectator stands, scoreboards or on the field. 3. Must provide information about sponsors or products of sponsors of teams or organisations using the sporting facility. 4. Must not be illuminated. 	

Item No:	9
Subject:	Use of ground floor development in business zones
Proposed Amendment:	Introduce new LEP provisions governing ground floor development in business zones
<p>Explanation:</p> <p>This amendment introduces a new LEP provision that mandates active ground floors on buildings in business zones to ensure more vibrant street frontages and better urban design outcomes. Buildings with an active frontage to the street are beneficial in promoting street-level activity, character and security. In urban commercial areas, accommodating a range of commercial uses on the ground floor is desirable in order to ensure a continuity of street-level activity into the future.</p> <p>As detailed in the draft new clause below, the new provisions will not permit the ground floor of commercial premises or a mixed use development to be used for the purpose of residential development or car parking. It is acknowledged however that some of the larger commercial sites warrant the flexibility of providing parking at ground level as a means of maximising the use of land whilst still maintaining an active street frontage.</p> <p>An analysis of sites in all B2 Local Centres and B4 Mixed Use zones has identified that sites that have a depth greater than 60m from all street frontages should be permitted to provide parking at ground level behind active street uses. The analysis revealed a total of 15 sites comply with the 60m depth to all street frontages - e.g. Merrylands West Shopping Centre; Greystanes Shopping Centre; Wentworthville Mall; and Portico Plaza Toongabbie.</p> <p>The objectives of the new provision are to:</p> <ul style="list-style-type: none"> ▪ strengthen the active street frontage provisions contained in Holroyd DCP 2013; ▪ improve pedestrian circulation; ▪ enhance passive surveillance; ▪ improve the amenity of the public domain; and ▪ ensure that active uses are provided at the street level to encourage the movement of people. <p>The new provisions are to be introduced as an additional local clause (<i>Clause 6.10 Ground floor development in business zones</i>) under Part 6 of HLEP 2013 as detailed below.</p> <p>6.10 Ground floor development in business zones</p> <p>(1) <i>The objective of this clause is to ensure that active uses are provided at the street level in business zones to encourage the presence and movement of people.</i></p> <p>(2) <i>This clause applies to land in the following zones:</i></p> <p style="padding-left: 40px;">(a) <i>Zone B2 Local Centre,</i></p> <p style="padding-left: 40px;">(b) <i>Zone B4 Mixed Use</i></p> <p>(3) Development consent must not be granted to development for the purposes of commercial premises or to a mixed use development with a commercial premises component, or a change of use of a building to commercial premises, on land to which this clause applies unless the consent authority is satisfied that the ground floor of the building:</p>	

- (a) will not be used for the purposes of residential accommodation;
 - (b) will not be used for a car park or to provide ancillary car parking spaces, and
 - (c) will provide for uses and building design elements that encourage interaction between the inside of the building and the external public areas adjoining the building.
- (4) Subclause (3)(b) does not apply to sites that are greater than 60m in depth from all street frontages.
- (5) Subclause (3) (c) does not apply to any part of a building that:
- (a) faces a service lane that does not require active street frontages, or
 - (b) is used for 1 or more of the following purposes:
 - (i) a lobby for a commercial, residential, serviced apartment or hotel component of the building,
 - (ii) access for fire services,
 - (iii) vehicular access.