

Rezoning Request - 53-73 Toongabbie Road, Toongabbie

Responsible Department:	Environmental and Planning Services
Executive Officer:	Director of Environmental & Planning Services
File Number:	INFOC/19 - BP15/1691
Delivery Program Code:	5.1.1 - Oversee the land use planning, design and compliance framework for managing and facilitating appropriate development. 8.1.1 - Oversee and implement Council's Residential Development Strategy and appropriate housing opportunities through land use planning. 8.2.1 - Ensure housing growth is focused around centres and planning controls do not compromise housing affordability. 9.3.1 - Ensure planning and development implements Environmentally Sustainable Design principles.
Previous Items:	DCS051-15 - Planning Proposal Request - 53-73 Toongabbie Road, Toongabbie - Development and Community Services Committee - 20 Oct 2015 6.30

Summary:

A request (Request) to amend the Holroyd LEP 2013, for 53-73 Toongabbie Road Toongabbie (the Site), was submitted to Council on 29 June 2015. The Request seeks to amend the zoning, maximum building height, floor space ratio, and minimum lot size, controls. The purpose of the rezoning and control changes is to enable the construction of residential flat buildings.

This Report provides a pre-Gateway assessment of the strategic merit of the Request. On the basis of the assessment, it is considered that the Request has sufficient merit for Council to proceed with the Planning Proposal for the Site.

Report:

The Request (Attachment 1) was prepared by Think Planners Pty Ltd on behalf the Proponents, Fortune Wings Pty Ltd and Shalom Home Builders Pty Ltd, as the current or future owners of five (5) consecutive lots within the Site. These lots are at 57-65 Toongabbie Road.

This matter was previously reported to Council on 20 October 2015 where the following was resolved:

“On resumption, a motion was moved Clr. Lake, seconded Clr. Dr. Brodie that the planning proposal be deferred pending discussion with the three other property owners.

Resolved on the motion of Clr. Whitfeld, seconded Clr. Kafrouni that the motion be Put. The motion moved Clr. Lake, seconded Clr. Brodie on being Put was declared CARRIED."

All owners of the lots comprising the Site have now been informed of this Request and no objection has been raised.

Site and Context

The Site comprises 10 lots as listed in Table 1. The majority of lots are developed with low density housing. Of these, three (3) lots, at 53-55, 71 and 73 Toongabbie Road, contain multiple villa-type dwellings owned by NSW Land & Housing Corporation.

Description	Street Address
Lot 1 DP869954	53-55 Toongabbie Road
Lot 191 DP11508	57 Toongabbie Road
Lot 192 DP11508	59 Toongabbie Road
Lot 193 DP11508	61 Toongabbie Road
Lot 2 DP207106	63 Toongabbie Road
Lot 1 DP207106	65 Toongabbie Road
Lot 196 DP11508	67 Toongabbie Road
Lot 197 DP11508	69 Toongabbie Road
Lot 198 DP11508	71 Toongabbie Road
Lot 199 DP11508	73 Toongabbie Road

Table 1: Lots within Request

The Site has an eastward road frontage to, and access via, Toongabbie Road with residential land uses to the north, south and east, and parkland to the west. An aerial photo of the Site is provided at Figure 1.



Figure 1: Site of 53-73 Toongabbie Road

Maps showing the Site, and the existing controls under the Holroyd LEP 2013, are provided at Figure 2; Figure 3; Figure 4; and Figure 5.

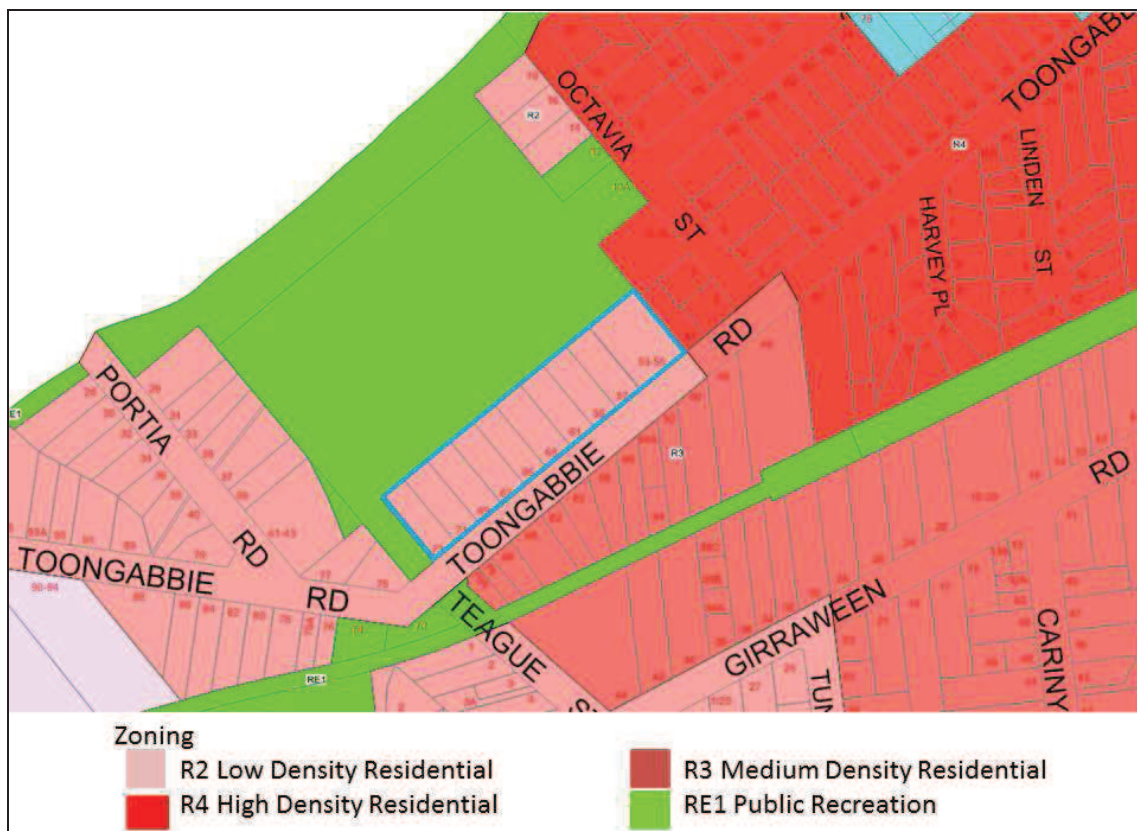


Figure 2: Current Zoning

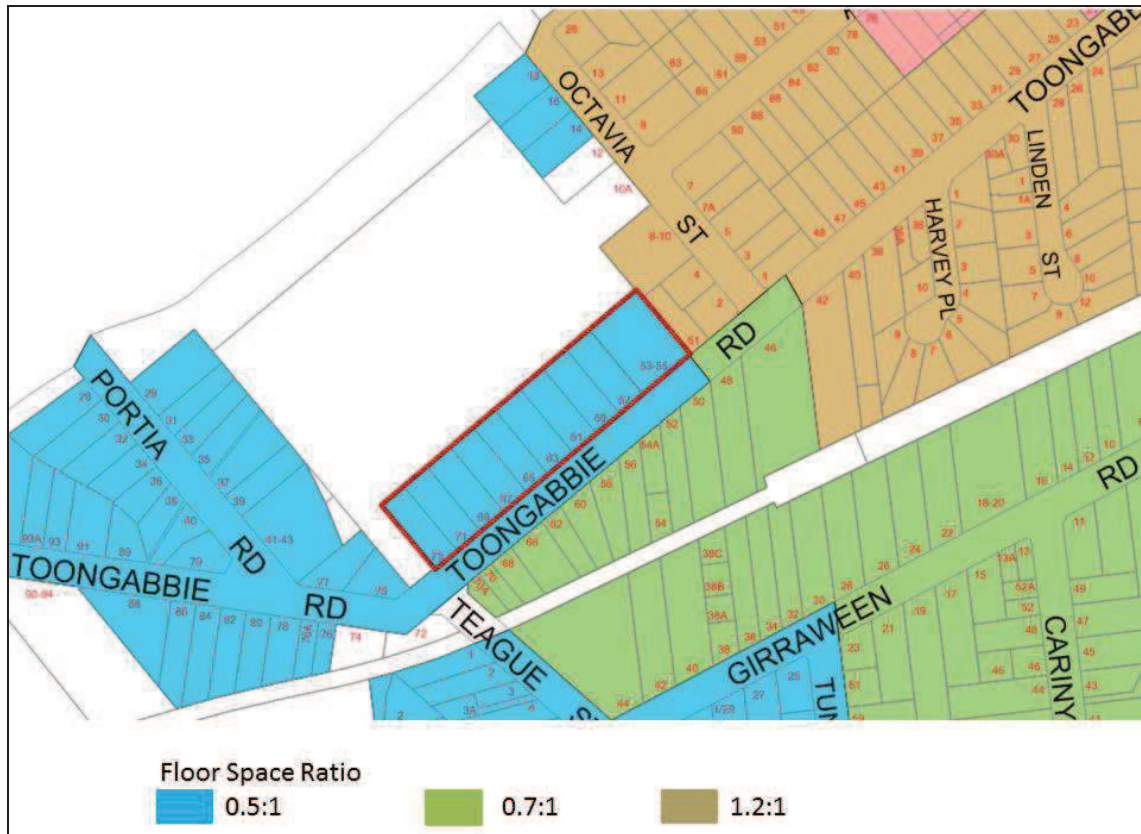


Figure 3: Current floor space ratio

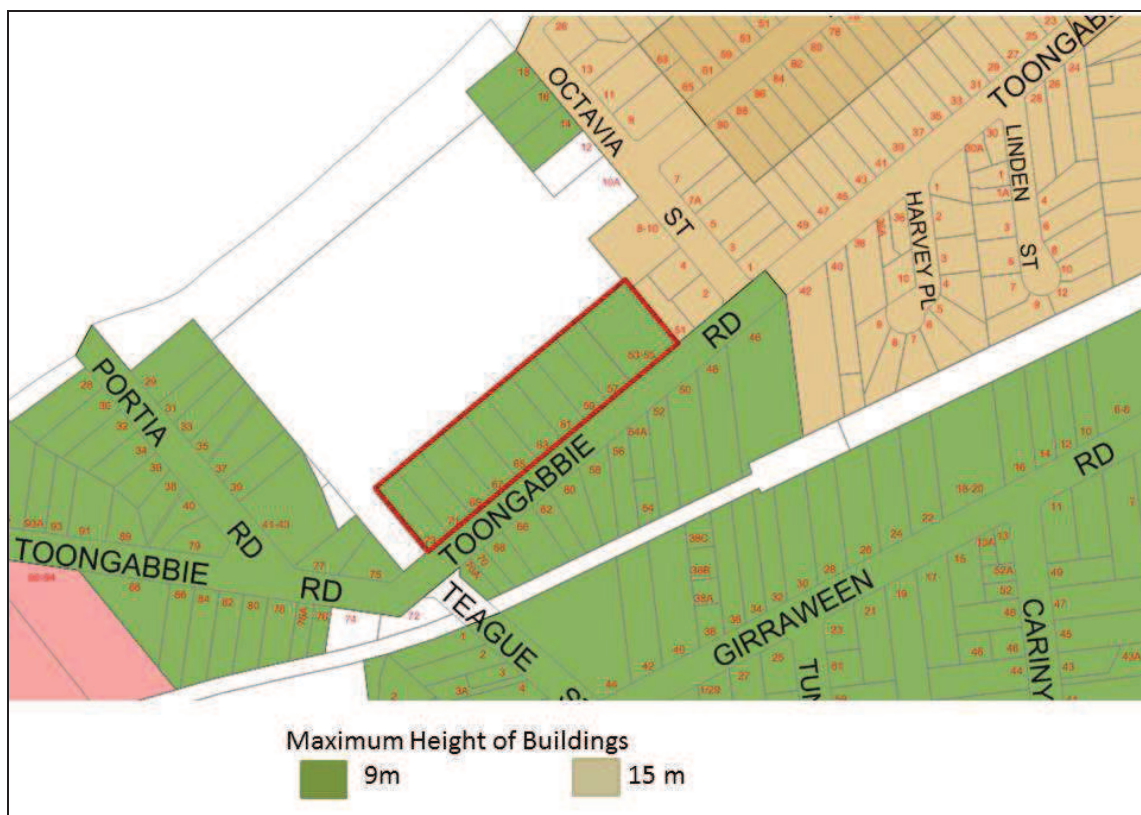


Figure 4: Current maximum height of buildings

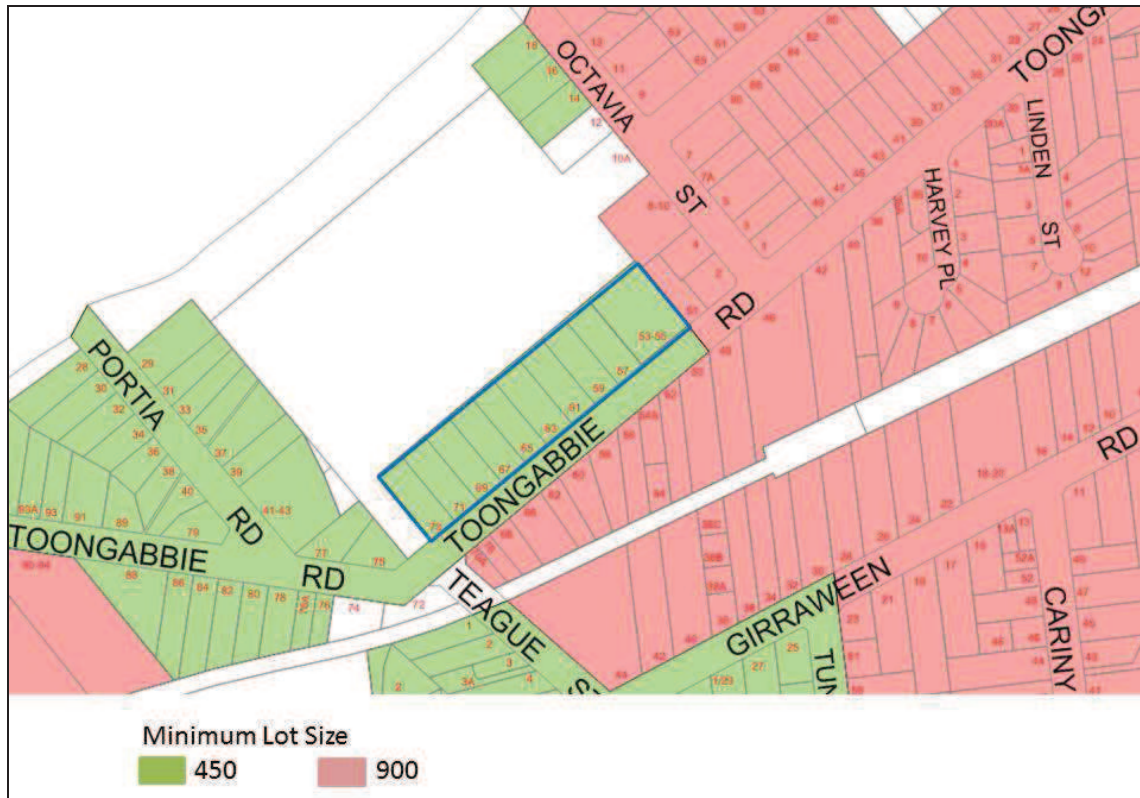


Figure 5: Current minimum lot size

The Site, at the closest points, is located approximately 620m south of the Toongabbie train station and approximately 300m south of the Toongabbie Local Centre (both distances calculated along Toongabbie Road). The nearest bus routes (with stops) travel along Targo Road and Oramzi Road.

Boundary	Land Use	Frontage (distance)
Northern boundary of site	- Current use is low density residential. - Zoned for R4 High Density Residential per Holroyd LEP 2013.	50m (approximate)
Eastern boundary of site	- Toongabbie Road. - Opposite side of Toongabbie Road – Current use low density residential. - Zoned for R3 Medium Density Residential per Holroyd LEP 2013.	200m (approximate)
Southern boundary of site	- Small public car park (connecting to Girraween Park) with access via Toongabbie Road. - Current use for low density residential. - Zoned for RE1 Public Recreation (approximately 20m width for access to Girraween Park) then zoned for R2 Low Density Residential per Holroyd LEP 2013.	50m (approximate)
Western boundary of site	- Girraween Park. Open space containing sports grounds, children's playground, amenity building, and picnic area. - Zoned RE1 Public Recreation per Holroyd LEP 2013.	200m (approximate)

Table 2: Site frontages and adjacent land uses

The total area of land proposed to be rezoned R4 High Density Residential is approximately 10,000 m².

Strategic Merit Assessment

Proposed Land Uses and Planning Controls

The Request seeks to amend the following for the Site:

- Rezone to R4 High Density Residential.
- Increase the maximum height of buildings.
- Increase the Floor Space Ratio (FSR).
- Increase the minimum lot size.

A summary of the changes to the Site is provided in **Table 3**.

	Current Control / Use	Proposed Control / Use
Zone	R2 Low density residential	R4 High density residential
Height of Buildings	9m	14m (15m recommended – refer below)
Floor Space Ratio (FSR)	0.5:1	1:1
Minimum lot size	450sqm	900sqm
Land use	Low density residential	High density residential

Table 3: Current and Proposed Planning details

The Request is to enable redevelopment of the Site for high density residential uses. More specifically, the Development Concept is for five (5) residential flat / apartment buildings each at 4-storeys. Each building is proposed to have basement parking and communal open space around each building at ground level.

It should be noted that the proposed maximum building height sought under the Request is for 14m. However buildings 4-storey (as suggested in the Request documentation) typically requires a building height of 15m. Commentary regarding building height is provided in the Design and Amenity Considerations section below.

Strategic Planning context

The Request has been prepared in accordance with the Department of Planning and Environments' *A Guide to Preparing Planning Proposals* and broadly aligns with state and local planning strategies. The Request is not the result of a strategic study or report.

Toongabbie is identified in the Holroyd LEP 2013 as a Local Centre. A Local Centre is to serve the needs of people living and working in the local area.

There are numerous approved and planned (lodged) Development Applications for high density residential developments within the R4 High Density Residential zone in the Toongabbie centre area and specifically near the location of this Request. These nearby developments are typically for 4-storey buildings between 15-50 apartments. One larger development at 35-43 Toongabbie Road & 80-82 Aurelia Street, for which a Development Application was lodged earlier this year, proposes 74 apartments in three (3) buildings each at 4-storeys. This Application is still pending. A 4-storey building for 27 units at 8-10 Octavia Street, backing onto Girraween Park, was approved in May 2014.

Traffic and Transport Considerations

The Site has single road frontage to Toongabbie Road which, under the Development Concept, is proposed to be utilised for access. No alternative or second access way, such as construction of a lane, is nominated.

As part of the Request documentation, a Traffic and Parking Assessment (undertaken by TTM Consulting) was provided. The Assessment outlines the anticipated increase in traffic volumes due to the development; as well as site access, on-site car and bicycle parking requirements, public transport options with attention to the proximity of the railway station and associated services, and active transport options. The Request makes provision for access and parking within the property.

Council's Traffic Engineering Section reviewed the assessment and identified that while the Request and related proposed development would increase traffic volumes mainly during peak times, this increase is not considered significant and would have a low impact on the movement of traffic on Toongabbie Road. Also, the Site is within walking distance of public transport modes and retail services within the centre.

Detailed design as part of any future Development Application will confirm on-site vehicle movements, parking arrangements, vehicle connections with Toongabbie Road and internal pedestrian movement areas.

Design and Amenity Considerations

A Development Concept for the Site, demonstrating a 4-storey building mass and basement car park across five (5) buildings, has been provided as part of the Request. The Development Concept indicates the building configuration in section views, as well as shadow diagrams.

The proposed building height and FSR changes are not expected to have a significant negative impact on the local area or the adjacent properties. While the Request proposes

a new maximum building height of 14m, it is recommended that a 15m height control be applied. This would achieve consistency in mapping and the controls in the local area, and would have negligible difference in impact for this Site.

At 15m the Site would have the same maximum building height as the area to the immediate north, yet still be constrained to a 4-storey development. By retaining the proposed 1:1 FSR with the 4-storeys, the building bulk would not be significantly affected and with the additional height may enable additional variation in the built form across the buildings than indicated in the Development Concept. Furthermore, the 1:1 FSR will provide a transition of built form between:

- The higher FSR (at 1.2:1) and 15m heights for buildings north of the Site,
- To the lower FSR and the 9m heights for buildings located to the south (low density residential) and to the east (currently low density residential, zoned for R3 Medium Density Residential) of the Site.

The visual appearance to the low density residential to the south would also be tempered by existing trees within the adjacent car park and separation distance of over 20m between the buildings, and to the east will be mitigated by the width and separation provided by Toongabbie Road. As noted above (Strategic Planning Context) there are several 4-storey developments proposed and approved in the area north of the Site.

The shadow diagrams demonstrate some morning shadowing would occur across the adjacent car park for Girraween Park and one house to the south of the site. Afternoon shadowing would occur across Toongabbie Road and across the frontages (gardens and small portion of house fronts) on the opposite side of Toongabbie Road. All existing houses would be expected to be able to continue receiving over 3hours of direct sunlight in mid-winter.

Social Impact Considerations

As part of the Request documentation, a Social Impact Assessment (SIA) Comment, undertaken by Think Planners, was provided. A completed Social Impact Assessment - Initial (Scoping) Review form was subsequently provided for inclusion with the Request documentation (Attachment 2). The combined SIA and associated Initial (Scoping) Review form were reviewed internally. The assessment conducted was for an increase of about 100 dwellings. Although the potential number of people this could accommodate was not stated, based on current apartment mixes and occupancy rates it is estimated that 250 people could be accommodated.

The SIA focussed on the provision of additional residential units, being a mix of sizes (number of bedrooms) that would be provided close to a local centre, public transport

options and related opportunities for active transport. Resident communal open space around and between the buildings of the Site is noted but details are not provided. The proximity of the site to Girraween Park recreation space for residents, as well as the potential safety benefits to the Park and street through passive surveillance, were stated. The assessment noted types of social impact of the development concept to the area; for which mitigation factors were provided against all except two impacts, being noise during occupation and change to streetscape character. The Assessment relies on Section 94 contributions to address community infrastructure needs related to the increased population that would arise from the built development.

The intent for a high density residential building is relatively benign in terms of potential negative social impacts. Given the scale of the proposed development at 100 additional dwellings, or about 250 (additional) people, an increased demand for open space and recreational facilities would be expected. The interaction of the proposed development with the street is not able to be assessed in detail. The Development Concept does not propose any direct public benefit works. However the passive surveillance of Girraween Park and street areas and increased street activity (pedestrian and traffic) will have indirect local benefits should the proposal proceed. The Section 94 Contributions area for the Toongabbie catchment area would be expanded such that development would contribute to open space, recreation, community facilities, public domain and road upgrades.

The close proximity of the existing children's playground in Girraween Park to the property boundary (see Figure 6) at approximately 3m, to the proposed multi-storey flat buildings, is a matter that needs to be addressed. The playground may be impacted by construction related activities causing dust and noise and general disturbance, and the occupation of the site with amenity impacts, affecting use and enjoyment of the playground. Further considerations regarding the playground, and Park generally, to the Site are provided below under Landscape – Girraween Park - Considerations.

Landscape – Girraween Park – Considerations

Girraween Park is adjacent to (west of) the Site. Girraween Park comprises sports fields (used predominantly for soccer (winter) and cricket (summer)), picnic facilities, amenity block, and a children's playground. In particular the children's playground is located close to the shared boundary of the Park and the Site. Given the proximity of Girraween Park, the Request was referred to Councils' Landscape section for review and advice.



Figure 6: Proximity of Children's playground Girraween Park to Site

That internal advice referenced the Girraween Park Plan of Management (PoM) 2015 for application against the proposed development. Key proposed works and actions within the Girraween Park PoM for the short to long term, relevant to the Request and Development Concept, include:

- Planting of vegetation to buffer residences from playing field activities.
- Relocation and expansion of the children's playground northwards and set back from the boundary, to adjoin the existing picnic area.
- Upgraded and expanded picnic area and its facilities.
- New and larger (potentially 2-storey) amenity building adjacent to the current location.
- Upgrade lighting to the sports fields.
- Improve pedestrian access from Toongabbie Road through the car park and with potential drop-off / pick up area on Toongabbie Road.

Other internal advice on matters regarding the Request and Girraween Park, with a response on how those matters may be addressed in the development and/or under the long term outcomes of the PoM are identified in Table 4 below.

Consideration	Other information
Overshadowing and privacy issues for park users.	Shadow modelling within the Request indicates minimal building overshadowing of the Park. The existing and proposed (within the PoM) vegetation plantings to residential areas (up to 2.5m height) will provide privacy to some areas of the Park. Some visibility of the Park by residents is a positive attribute by enabling passive surveillance.
Specific to the amenities building, picnic and playground areas (current and future locations). - Building overshadowing, - noise and privacy	There will be negligible building overshadowing affecting the Park. Existing and proposed vegetation planting will assist with noise and visual screening with adjacent residences (plantings up to 2.5m height). Occupants of residences may provide passive surveillance to and increase risk of visibility of the Park – forming a deterrent to crime. The building design, layout, and location within the Site, should not seem imposing from a child’s perspective – this perception could be mitigated by the proposed vegetation plantings and building design. The existing location of the children’s playground would be very close to the proposed development location within the Site – this will cause issues during construction (eg noise, dust, general disturbance) and reduced overall amenity with the completed buildings (visual appearance and dominance to the playground as above).
Use of night lighting of playing fields and impacts to residences.	The PoM proposes additional vegetation plantings to buffer residences from playing field activities, these plantings will also mitigate light sharing on lower storeys of the building. Building design may be used to mitigate light intrusion into, and/or spill from, buildings.
Ball screening from the Park to residences.	The PoM proposes vegetation plantings to buffer residences from playing field activities, these plantings would also interfere with ball movement into the adjacent development. Potential fencing between park and site as ball screening measure – the height and visual amenity impacts, and passive surveillance capability would need to be considered. Building design may be used to manage ball screening, including any Site fencing, and its consequences.
Traffic, safe pedestrian and vehicular access and car parking requirements for the park	The PoM notes proposed works to address existing issues with pedestrian and vehicle access and car parking requirements including a potential pedestrian path from Toongabbie Road through the car park, and to investigate the feasibility of drop off / pick up area on Toongabbie Road. The development is to have sufficient car parking on site (per the Holroyd Development Control Plan 2013 requirements) to meet resident and visitor needs.

Table 4: Girraween Park considerations

Overlooking from the Site's buildings to the Park will occur. Overlooking will provide passive surveillance and safety benefits as noted in the SIA review. The matters raised in Table 4 regarding ball screening, night lighting, noise and visual appearance could be addressed through building design measures as part of the Development Application stage and by delivery of works proposed in the PoM. Ball screening should ideally be provided by the Proponents who would receive the direct benefit.

Councils' Landscape section advice also recommended that the open space area and facilities of Girraween Park be augmented and expanded, given the increased population near and associated increased use of that Park. This recommendation could in part be met through delivery of works identified in the PoM, in particular the relocation of the children's playground with new equipment and expanded area, upgraded picnic area facilities, amenities block and vegetation plantings.

The Holroyd Section 94 Development Contributions Plan 2013 Works Schedule – Toongabbie Local Parks identifies works and the cost of those works for Girraween Park in two stages. Table 5 below provides an excerpt of relevant information from that Works Schedule.

Girraween Park Stage 1 Upgrade and Expansion (Code OITGO01)	To provide playground, tree planting, & shade structure; toilets; (and more).	The full cost of works is attributable to new residential developments.	Priority / timing of the Stage 1 works is identified as "High"
Girraween Park Stage 2 Upgrade and Expansion (Code OITG04)	To provide picnic and barbeque facilities & tree planting (and more).	The full cost of works is attributable to new residential developments.	Priority / timing of the Stage 2 works is identified as "Medium".

Table 5: Selected items of the Girraween Park works and cost per the s94 Development Contributions Plan 2013 Works Schedule

The provision of a new amenities block at Girraween Park is not currently specified in the Section 94 Plan. Given that such a building is a sporting field facility and not a local park facility, it could more appropriately be considered in relation to wider growth across the city as part of a future Section 94 Plan major review.

Early delivery of the works proposed in the PoM and the Development Contributions Plan affected by the Proposed Development would:

- Provide community facilities for the increased local population.
- Achieve improved community outcome, notably the relocation of the children's playground to a more appropriate site nominated as near the existing picnic facility area ie that will be less impacted by the proposed development (concept) and enables surveillance of the playground from the picnic area.

- Redress issues raised by the proposed development.

Environmental, Economic and Infrastructure Considerations

As part of the Request documentation, a Flood Study (undertaken by NTS Consultant Pty Ltd) was provided; however this Flood Study addressed only the land at 57-65 Toongabbie Road. The proponent's flood study concluded the Site is not affected by a 1% Annual Exceedance Probability (AEP) flood event and there is a negligible flood risk at Toongabbie Road.

The Study was referred to Council's Stormwater Engineering Section for review and advice. There are no flooding issues associated with a 1% AEP storm event causing flooding at the site. Any structure on 71 and 73 Toongabbie Road would be subject to floor level controls. This control requirement would be addressed and contained within the detailed plans and documents as part of the Development Application process.

Review of the Girraween Park PoM identified two (2) high priority action items relating to site drainage, being:

- Action item 2.1: To investigate water ponding and drainage issues to the site boundaries and fields.
- Action item 2.3: To investigate improvements to drainage along the south eastern boundary. This is due to low-lying and uneven ground causing water ponding.

These actions indicate that on-site drainage, and in particular drainage near the Site boundary with Girraween Park, will need to be considered at the Development Assessment stage. The proposed vegetation plantings in the Park towards resident properties, per the PoM, may assist in redressing some of the drainage issue.

The Request documentation was referred to Council's Environmental Health Unit for review and advice. That review and advice noted that:

- Contamination is not considered a significant risk given the current residential land uses. However there may be contamination present in the soil such as due to past uses or a contamination risk such as asbestos associated with the demolition of the older (existing) residential buildings. These risks can be addressed as part of any future Development Application process and documentation.
- As Toongabbie Road is listed as a Classified Road, an acoustic report will be required as part of any future Development Application process.

Delivery of the Development Concept would be expected to have short-term economic benefits associated with construction employment and materials purchases. There is expected to be an ongoing economic benefit for the Toongabbie Local Centre, associated

with the increased local population and their use of the retail services in the local centre, train station and surrounds. The proposed R4 High Density Residential zone permits very limited non-residential uses and there are no retail, commercial or other ongoing employment activities nominated within the concept.

The Request notes the proximity and access of the Site to existing infrastructure that would service the future buildings. No statement is provided regarding the capacity of those services to meet the demand associated with the proposed development. However, growth forecasts are supplied by Council to the various utility and infrastructure service providers for their future works planning.

Other detailed matters relating to waste and construction management are not considered critical at this stage and would be addressed as part of any future Development Application process.

Consultation with other sections of Council

Through an internal referral, advice on the Request was sought from the following departments within Council: Landscaping; Stormwater Engineering; Environmental Health Unit; and Traffic Engineering. Their advice has been incorporated into relevant sections of this Report.

Preliminary Consultation with Council

The proponents' representative and Think Planners (authors of the Request) met with Council Strategic Planning staff on 11 December 2014 to discuss the potential rezoning and redevelopment of the Site involving multiple properties. As part of these early discussions, the general information and supporting documentation required as part of any request for a higher density residential use were identified.

Conclusion:

A Request for a Planning Proposal was lodged by Think Planners, on behalf of the proponent, to amend planning controls applicable to 10 lots across 53-73 Toongabbie Road, Toongabbie. The controls proposed to be amended are:

- Rezone the Site from R2 Low Density Residential to R4 High Density Residential.
- Increase the maximum building height from 9m to 14m (to 15m recommended).
- Increase the floor space ratio (FSR) from 0.5:1 to 1:1.
- Increase the minimum lot size from 450sqm to 900sqm.

The assessment of the Request, as presented in this Council Report, identified issues in respect of the anticipated increased need for public recreation facilities due to the increased local population, and the proximity of the children's playground to Site with

impacts during both construction and occupation of the new buildings. These and other matters including drainage, privacy, and amenity, could be redressed with the delivery of works as proposed in the Girraween Park Plan of Management (PoM), specifically including:

- Vegetation planting.
- Relocated and expanded children's playground.
- Upgraded picnic facilities.

Early delivery of those works, concurrent to development of the Site, would likely be required.

The Holroyd Section 94 Development Contributions Plan 2013 identifies Stage 1 and Stage 2 upgrade and expansion Works at Girraween Park, which includes works proposed under the PoM. The works are listed as a High priority (for Stage 1 works) and Medium priority (for Stage 2 works). The costs of works, outlined in the Development Contributions Plan 2013, are fully attributed to new residential developments.

Consultation:

NSW Land & Housing Corporation and two private parties, being the land owners of five (5) lots within the Site, had not been consulted by the Proponent regarding this Request. On considering this matter at its meeting of 20 October 2015, Council resolved that the private landowners and NSW Land & Housing Corporation should be advised of the rezoning request. Notification letters, inviting feedback, were subsequently sent by Council to those landowners. As of 1 December, Council has not had any direct response from any of the landowners in response to its letter notification.

The proponent also directly contacted the two private landowners, and provided letters of support for the rezoning from those landowners to Council. Copies of these letters are included in Attachment 3.

Community and agency consultation would be undertaken in accordance with the requirements stipulated by the Gateway Determination, and would include a community consultation period of 28 days as a minimum, notices in the local newspaper and letters to adjoining and opposite property owners and display of the Planning Proposal in the Council Administration building, two libraries and on Council's website.

Financial Implications:

The \$21,700 fee for a standard rezoning was paid on 28 June 2015 with lodgement of the Request.

Policy Implications:

If Council were to proceed with the preparation of a Planning Proposal, that document would form the basis for an amendment to the Holroyd LEP 2013.

Communication / Publications:

There will be communication requirements associated with the consultation for the Planning Proposal as noted above.

There are no other communication implications associated with this Report.

Report Recommendation:

- i) That Council proceed with a Planning Proposal to amend the Holroyd LEP 2013 for 53-73 Toongabbie Road, Toongabbie, as follows:
 - Rezone the site to R4 High Density Residential.
 - Increase the maximum building height to 15m.
 - Increase the floor space ratio (FSR) to 1:1.
 - Increase the minimum lot size to 900m.

That, with a favourable Gateway Determination, Council undertakes community consultation in relation to the Planning Proposal.

Council Resolution

Note: Clr. Grove declared a non-pecuniary non-significant interest in this item, being that he is acquainted with the applicant, left the Chamber and took no part in the debate nor vote thereon.

Resolved on the motion of Clr. Whitfield, seconded Clr. Colman that:

- i) Council proceed with a Planning Proposal to amend the Holroyd LEP 2013 for 53-73 Toongabbie Road, Toongabbie, as follows:
 - Rezone the site to R4 High Density Residential.
 - Increase the maximum building height to 15m.
 - Increase the floor space ratio (FSR) to 1:1.
 - Increase the minimum lot size to 900m.
- ii) With a favourable Gateway Determination, Council undertakes community consultation in relation to the Planning Proposal.

A division was called, the result of the division required in accordance with Council's

Code of Meeting Practice is as follows:

Ayes

Clr. Cummings (Mayor)

Clr. Dr. Brodie

Clr. Colman

Clr. Nadima Kafrouni

Clr. Lake

Clr. Monaghan

Clr. Rahme

Clr. Whitfield

Clr. Zaiter

Noes

Clr. Nasr Kafrouni.

Attachments:

1. Rezoning Request including Planning Proposal report, traffic & parking assessment, social impact assessment, flood study and design plans
2. Rezoning Request supplementary information: social impact assessment - initial review form.
3. Copies of letters of support from two private landowners for the Rezoning, provided by proponent.