

Proposal to rezone land at 53-73 Toongabbie Road, Toongabbie from R2 Low Density Residential to R4 High Density Residential

Proposal Title :	Proposal to rezone land at 53-73 Toongabbie Road, Toongabbie from R2 Low Density Residential to R4 High Density Residential		
Proposal Summary :	To rezone land at 53-73 Toongabbie Road, Toongabbie, from zone R2 Low Density Residential to zone R4 High Density Residential, and amend the the maximum building height, floor space ratio and minimum lot size controls for the site.		
PP Number :	PP_2016_HOLRO_001_00	Dop File No :	16/02704

Proposal Details

Date Planning Proposal Received :	11-Feb-2016	LGA covered :	Holroyd
Region :	Metro(Parra)	RPA :	Holroyd City Council
State Electorate :	TOONGABBIE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	53-55 Toongabbie Road		
Suburb :	Toongabbie	City :	Postcode : 2146
Land Parcel :	Lot 1 DP 869954		
Street :	57 Toongabbie Road		
Suburb :	Toongabbie	City :	Postcode : 2146
Land Parcel :	Lot 191 DP 11508		
Street :	59 Toongabbie Road		
Suburb :	Toongabbie	City :	Postcode : 2146
Land Parcel :	Lot 192 DP 11508		
Street :	61 Toongabbie Road		
Suburb :	Toongabbie	City :	Postcode : 2146
Land Parcel :	Lot 193 DP 11508		
Street :	63 Toongabbie Road		
Suburb :	Toongabbie	City :	Postcode : 2146
Land Parcel :	Lot 2 DP 207106		
Street :	65 Toongabbie Road		
Suburb :	Toongabbie	City :	Postcode : 2146
Land Parcel :	Lot 1 DP 207106		
Street :	67 Toongabbie Road		
Suburb :	Toongabbie	City :	Postcode : 2146
Land Parcel :	Lot 196 DP 11508		

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Street :	69 Toongabbie Road		
Suburb :	Toongabbie	City :	Postcode : 2146
Land Parcel :	Lot 197 DP 11508		
Street :	71 Toongabbie Road		
Suburb :	Toongabbie	City :	Postcode : 2146
Land Parcel :	Lot 198 DP 11508		
Street :	73 Toongabbie Road		
Suburb :	Toongabbie	City :	Postcode : 2146
Land Parcel :	Lot 199 DP 11508		

DoP Planning Officer Contact Details

Contact Name : Tessa Parmeter
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RPA Contact Details

Contact Name : Karen Hughes
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DoP Project Manager Contact Details

Contact Name : Terry Doran
Contact Number : 0298601579
Contact Email : terry.doran@planning.nsw.gov.au

Land Release Data

Growth Centre :	Other	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro West Central subregion	Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	100
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :
If No, comment :

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Have there been meetings or communications with registered lobbyists?

Yes

If Yes, comment :

The lobbyist communication register was checked on 5 February 2016. To the regional team's knowledge, there has been no meetings with registered lobbyists.

Supporting notes

Internal Supporting Notes :

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 Director-General to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Director General is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

ADDITIONAL INFORMATION

Additional information about the request for delegation was provided on 11 February 2016.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : It is propose to rezone land at 53-73 Toongabbie Road, Toongabbie, to enable high density residential development.

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

Is an explanation of provisions provided? Yes

Comment : It is proposed to:

- amend the relevant land zoning map to rezone the land from R2 Low density residential to R4 High density residential;
- amend the relevant height of buildings map to amend the maximum height of buildings from 9m to 15 metres;
- amend the relevant floor space ratio map to amend the maximum floor space ratio from 0.5:1 to 1:1; and
- amend the relevant minimum lot size map to amend the minimum lot size from 450 square metres to 900 square metres.

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Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

3.1 Residential Zones

3.3 Home Occupations

* May need the Director General's agreement

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

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 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Infrastructure) 2007

SREP (Sydney Harbour Catchment) 2005

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Council has identified the above listed Directions that apply. The proposal is consistent with these Directions, except for the following:

Section 117 Direction 3.1 RESIDENTIAL ZONES:

This Direction does apply to the planning proposal as it will affect land within an existing or proposed residential zone or any other zone in which significant residential development is permitted or proposed to be permitted.

Given the nature of the proposal it is considered the proposal is consistent with this direction.

Section 117 Direction 3.4 INTEGRATING LAND USE AND TRANSPORT:

This Direction does apply to the planning proposal as it will create/alter/remove a zone/provision relating to urban land.

Given the location of the site, the proposal is considered to be consistent with this direction.

Section 117 Direction 4.3 FLOOD PRONE LAND:

This Direction does apply to the planning proposal as it will create, remove or alter a zone or a provision that affects flood prone land.

The subject land has not been identified as flood prone land, however, part of the southern portion of the site (71-73 Toongabbie Road) is affected by 1% Annual Exceedance Probability (AEP) storm event and associated with the nearby Greystanes Creek drainage flow and would be subject to floor level controls.

The stormwater flooding and drainage flow can be addressed during any future development application process.

Given the minor nature of flooding affectation, it is considered that there is no inconsistency with this direction.

STATE ENVIRONMENTAL PLANNING POLICIES (SEPPs)

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SEPP 55 - Remediation of Land - Contamination of land is not considered to be a risk due to the current use of the land for residential purposes.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes maps identifying the current land use zone, maximum height of building controls, minimum lot size and floor space ratio controls, and proposed maps for the land use zone, maximum height of buildings controls, minimum lot size and floor space ratio for the subject land.

These maps are suitable for exhibition purposes.

The maps proposed to be amended are:

- LZN_004
- FSR_004
- HOB_004
- LSZ_004

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : It is proposed to exhibit the planning proposal for 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 : There is adequate information to assess the planning proposal.

Proposal Assessment

Principal LEP:

Due Date : **April 2013**

Comments in relation to Principal LEP : The Holroyd Local Environmental Plan 2013 was notified in April 2013.

The planning proposal is consistent with the Standard Instrument Local Environmental Plan.

Assessment Criteria

Need for planning proposal : An amendment to the Holroyd Local Environmental Plan 2013 is the only means to achieve the intended outcome.

The site is currently zoned R2 Low density residential which does not permit residential flat buildings. The current maximum height of building controls, floor space ratio controls and minimum lot size controls also need to be changed to achieve the intended planning outcome.

The proposal will facilitate approximately 100 additional dwellings in a suitable location, commensurate with the character of the surrounding area.

* Land to the northwest of the site is zoned RE1 Public recreation,

* land to the northeast of the site is zoned R4 High density residential with a

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- maximum height of buildings of 15 metres, and maximum floor space ratio of 1.2:1;
- * land to the south east of the site is zoned R3 Medium density residential, with a maximum height of buildings of 9 metres, and maximum floor space ratio of 0.7:1; and
- * land to the south west of the site is zoned R2 Low density residential, with a maximum height of buildings of 9 metres, and with a maximum floor space ratio of 0.5:1.

It is noted that Toongabbie Road separates the site from the R3 zoned land and part of the park (i.e. the RE1 zoned land) separates the site from the R2 zoned land.

Overall, the proposed zone is a logical extension of the existing R4 High Density Residential Zone, and is commensurate with the surrounding R3 Medium Density Residential and R2 Low Density Residential zone controls.

Consistency with strategic planning framework :

The planning proposal is not a result of any strategic work or study.

LOCAL STRATEGIC PLANNING FRAMEWORK

RESIDENTIAL DEVELOPMENT STRATEGY

Holroyd Council has adopted a Residential Development Strategy (RDS) that was used to inform the preparation of Holroyd Local Environmental Plan 2013.

The site is not identified in the RDS for higher density residential development, however, it is adjacent to land zoned for high density residential, and would be a logical extension of this zone. Additionally it is located approximately 620 metres from Toongabbie Railway Station, 300 metres south of the Toongabbie local centre and is located next public open space.

LIVING HOLROYD: COMMUNITY STRATEGIC PLAN 2013

This is Council's local strategic plan which provides vision for the Local Government Area up to 2031. The planning proposal is consistent with Council's vision within the document including providing housing in proximity to an existing urban centre, and is in proximity to public transport modes.

STATE STRATEGIC PLANNING FRAMEWORK

A PLAN FOR GROWING SYDNEY

In accordance with Section 75A1 of the Act, the planning proposal is consistent with A Plan for Growing Sydney. Specifically, the Plan is consistent with goals:

- * 2.1 - Accelerate housing supply across Sydney;
- * 2.2 - accelerate urban renewal across Sydney;
- * 3.1 - revitalise existing suburbs; and
- * 3.3 - create healthy built environments, as the site is located within walking distance of Toongabbie railway station.

Environmental social economic impacts :

ENVIRONMENTAL VEGETATION

The site does not contain any critical habitats, populations or ecological communities.

FLOODING

The land has not been identified as flood prone.

A portion of the site has been identified as potentially impacted by overland storm water flooding from the nearby Greystanes water channel, as indicated in submitted flood study.

The site will be subject to Council's existing flood controls at the development application stage, which can adequately address the storm water flooding.

SALINITY

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The site is identified as 'moderate' on Council's maps.

As part of any development application, Council will need to consider appropriate management of land that is subject to salinity and the minimisation and mitigation of adverse impacts from development that contributes to salinity.

No further changes are required to the LEP as a result of the proposal with regards to salinity.

CONTAMINATION

As the current use of the land is for low density residential development, the risk of site contamination is low.

SOCIAL

TRAFFIC AND PARKING

Council has included a traffic impact assessment with the planning proposal. The traffic study indicates that while any future development would result in increased traffic movements, these would not be significant and would have low impact on traffic flows on Toongabbie Road.

As Toongabbie Road is a classified Road, and access from any future development will directly access Toongabbie Road, it is recommended that Roads and Maritime Services be consulted during the public exhibition period.

SOCIAL

AMENITY

Council has included a Social Impact Assessment with the planning proposal which indicates there will be several positive social impacts from the proposed rezoning. Potential adverse impacts can be mitigated, including the amenity issues associated with Girraween park users.

It is noted that the proposal indicates that there would be minimal overshadowing of the park by future buildings permitted under the proposed zone.

ECONOMIC

There is expected to be a positive economic benefit for the Toongabbie local centre (i.e. increased use of retail services) resulting from the potential increased population.

Assessment Process

Proposal type :	Consistent	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d)	Department of Education and Communities Transport for NSW - Roads and Maritime Services Sydney Water		
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
Council Report on 53-73 Toongabbie Rd 08Dec15.pdf	Proposal	Yes
Flood Study.pdf	Proposal	Yes
Traffic and Parking Report.pdf	Proposal	Yes
Urban Design Review.pdf	Proposal	Yes
Survey.pdf	Proposal	Yes
Social Impact Assessment.pdf	Proposal	Yes
Attachment A - Social Scoping - review form.pdf	Proposal	Yes
Planning Proposal - 53-73 Toongabbie Road, Toongabbie_Part 1.pdf	Proposal	Yes
Planning Proposal - 53-73 Toongabbie Road, Toongabbie_Part 2.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones
3.3 Home Occupations
3.4 Integrating Land Use and Transport
4.3 Flood Prone Land**

Additional Information : **DELEGATION OF PLAN MAKING FUNCTIONS**
Holroyd Council has requested delegation of the plan making functions for this planning proposal. Owing to the minor nature of the proposal, and the logical extension of the R4 high density zone to this site, Council's request for delegation is supported in this instance.

It is recommended the planning proposal proceed subject to the following conditions:

1. Consultation is required under section 56(2)(d) of the EP&A Act with:
 - Department of Education and Communities;
 - Transport for NSW – Roads and Maritime Services; and
 - Sydney Water.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal.

2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

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- a. the planning proposal must be made publicly available for a minimum of 28 days, and
 - b. the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made available along with the planning proposals as identified in Section 5.5.2 of A Guide to Preparing Local Environmental Plans (Department of Planning and Infrastructure 2013).
3. A public hearing is not required to be held into this matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
 4. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposed rezoning is a logical extension of an existing high density residential area, and provides an opportunity for the site to be redeveloped to provide up to 100 dwellings across the site.

Signature:



Printed Name:

T DORAN

Date:

29/3/16