

PLANNING PROPOSAL

37-39 Pavesi Street, Smithfield

November 2016



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1 Introduction

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and relevant guidelines produced by the Department of Planning and Environment.

The purpose of the planning proposal is to seek an amendment to Holroyd Local Environmental Plan 2013 (HLEP 2013) to rezone land at 37-39 Pavesi Street, Smithfield from IN2 Light Industrial to R2 Low Density Residential to enable redevelopment of the site for residential purposes.

1.1 Background

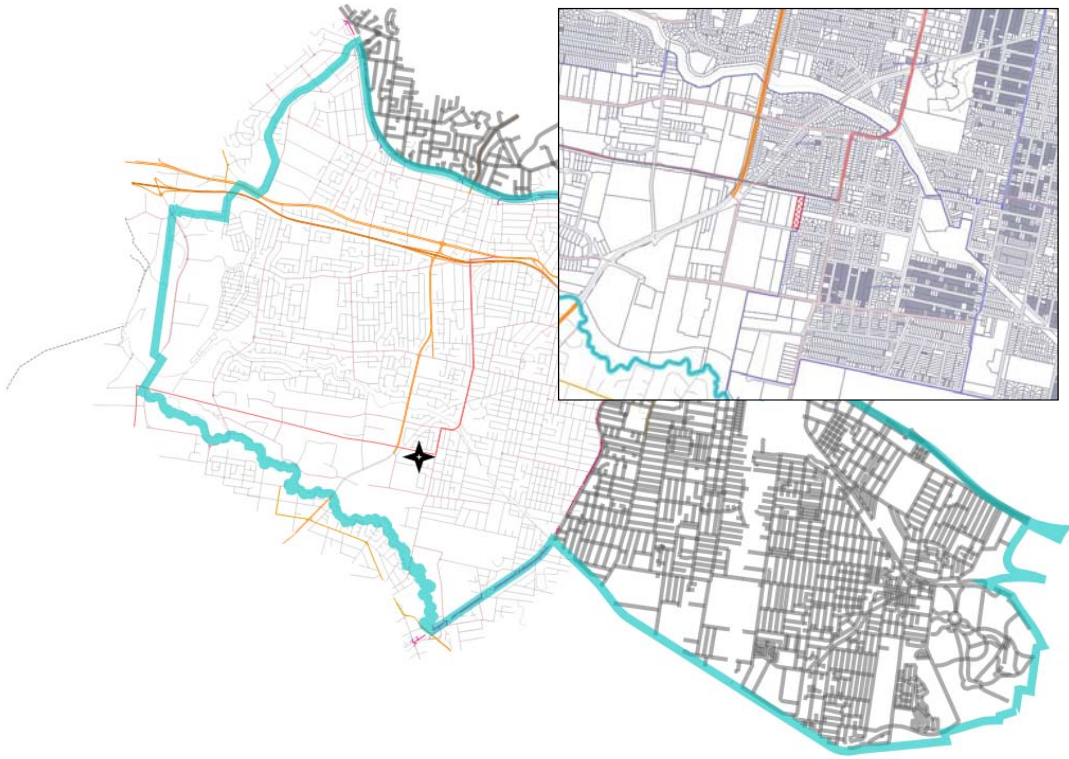
The subject site is situated at 37-39 Pavesi Street, Smithfield and covers an area of approximately 0.8 hectares. The site is currently zoned IN2 Light Industrial and is immediately adjacent to the R2 Low Density Residential zone. The site currently contains warehouses which are used for the storage of rugs.

The proposal was reported to the Cumberland Independent Hearing and Assessment Panel (CIHAP) on 13 July 2016, which recommended that the proposal proceed, and it then was reported to Council on 7 September 2016. Council resolved in accordance with the recommendation of the CIHAP.

1.2 Land to which the Planning Proposal applies

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

Figure 1 – Location of subject site



The site is shown in more detail in the following aerial photo.



1.3 Current Planning Controls

Holroyd Local Environmental Plan 2013

Zoning

The subject site is currently zoned IN2 Light Industrial under Holroyd Local Environmental Plan 2013. The objectives of the IN2 zone are:

- To provide a wide range of light industrial, warehouse and related land uses.
- To encourage employment opportunities and to support the viability of centres.
- To minimise any adverse effect of industry on other land uses.
- To enable other land uses that provide facilities or services to meet the day to day needs of workers in the area.
- To support and protect industrial land for industrial uses.

Height of buildings

Pursuant to Clause 4.3 of HLEP 2013 the land subject to this Proposal currently has no maximum height limit.

Floor space ratio

Pursuant to Clause 4.4 of HLEP 2013 the land subject to this Proposal currently has no maximum FSR.

Heritage

Pursuant to Schedule 5 of HLEP 2013, the land subject to this Proposal is adjacent to an item of environmental heritage.

Holroyd Development Control Plan 2013

Industrial development within the IN2 Light Industrial zone that currently applies to the site is subject to Holroyd Development Control Plan 2013 (Holroyd DCP), in particular Part D Industrial Controls.

2 The Planning Proposal

2.1 Objectives and Intended Outcomes

To amend the Holroyd Local Environmental Plan 2013 to enable the redevelopment of 37-39 Pavesi Street, Smithfield for low-density residential development in the form of dual occupancy housing.

2.2 Explanation of Provisions

The site is proposed to be zoned R2 Low Density Residential to facilitate dual occupancy development, comprising 20 dwellings on 10 lots.

The proposed outcomes will be achieved by:

- amending the Holroyd LEP 2013 Land Zoning Map in accordance with the proposed zoning map provided in Attachment 1;
- amending the Holroyd LEP 2013 Floor Space Ratio Map in accordance with the proposed floor space ratio map provided in Attachment 1, which indicates a maximum floor space ratio of 0.5:1;
- amending the Holroyd LEP 2013 Height of Buildings Map in accordance with the proposed height of buildings map provided in Attachment 1, which indicates a maximum building height of 9m; and
- amending the Holroyd LEP 2013 Lot Size Map in accordance with the proposed lot size map provided in Attachment 1, which indicates a minimum subdivision lot size of 450m².

2.3 Justification

This section details the reasons for the proposed outcomes and is based on a series of questions outlined in *A Guide to Preparing Planning Proposals* (NSW Department of Planning and Environment, August 2016). Heads of consideration include the need for the planning proposal from a strategic planning viewpoint, implications for State and Commonwealth agencies and environmental, social and economic impacts.

2.3.1 Need for the Planning Proposal

Q1. Is the planning proposal a result of any strategic study or report?

Several reports were prepared by or on behalf of the proponent, which provide justification for the proposal. The main reports are outlined as follows:

- Planning Proposal Report (Willana) – documents the planning merit of the Proposal, including the current lack of separation between industrial and residential uses and the resultant issues that this is creating, including refusal of a DA for the site on the basis of the likely impacts on adjoining residential properties.
- Urban Design Report (Form Architects) – provides justification for the Proposal from a planning and urban design perspective. The report describes the site context, proposed density, open space and access, indicating that the Proposal is suitable for the site and would result in improvements in terms of increasing the separation distance between industrial and residential properties and removing industrial land from the residential side of an existing traffic chicane on Pavesi Street. The report indicates that the proposal would result in a density consistent with the low density residential zone.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the best means of achieving the objectives or intended outcomes for the following reasons:

- The site is adjoining the R2 Low Density Residential zone, and is zoned for industrial purposes, which is a completely different category of zoning to residential, therefore rezoning the site to R2 is more appropriate than an alternative control such as an APU.
- Rezoning the site to R2 would provide a consistent zone boundary on both sides of Pavesi Street, which would not be achieved through alternative controls.
- The Proposal would create a new road along the western boundary of the site, which is the most appropriate option for a site of this size and configuration and has the benefit of providing a buffer to the adjoining IN2 zone, which would not be achieved through an alternative layout.

2.3.2 Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The Planning Proposal is consistent with the applicable regional (metropolitan) plan A Plan for Growing Sydney, primarily through improving housing supply, choice and affordability and providing more housing closer to employment and public transport. It would also ensure that environmental impacts are managed.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The Planning Proposal is consistent with Council's Community Strategic Plan. The plan establishes a central vision for Holroyd for 20 years into the future. By 2031, the former Holroyd Local Government Area is expected to accommodate in the order of an additional 30,000 people and 15,000 new homes. The Planning Proposal supports the objectives of the Community Strategic Plan in that it will provide additional dwellings to accommodate this anticipated population growth within close proximity to an existing transitway.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Table 1 below lists all relevant State Environmental Planning Policies for the areas subject to this Proposal. As demonstrated, the planning proposal does not contain any provisions that would be inconsistent with the objectives of the relevant SEPPs.

Table 1 - Consistency with applicable SEPP's

Relevant State Environmental Planning Policies	Consistent
SEPP 19 Bushland in Urban Areas	Yes
SEPP 55 Remediation of Land	Yes

SEPP 64 Advertising and Signage	Yes
SEPP (BASIX) 2004	Yes
SEPP (Housing for Seniors or People with a Disability) 2004	Yes
SEPP (Infrastructure) 2007	Yes
SEPP (Affordable Rental Housing) 2009	Yes

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

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

Table 2 - Consistency with applicable Section 117 Directions

1. Employment and resources	
1.1 Business and Industrial Zones	It may be considered that the proposal is partially inconsistent with the Section 117 Direction 1.1 Business and Industrial Zones, specifically requiring a planning proposal to 'retain the areas and locations of existing business and industrial zones'. However, the proponent's economic impact assessment indicates that the rezoning of the subject site would have a minor impact on the supply of employment land in the Smithfield Industrial Precinct, with the subject site representing less than 0.1% of the total employment land within the former Holroyd LGA and just 0.015% of stock in the West Central region (i.e. developed and undeveloped zoned employment land stock). Additionally, given the access issues created by the traffic control device on Pavesi Street, the existing residential development directly opposite the site and within 1m of the site's eastern boundary, it can be argued that the site is not suitably located for employment (industrial) uses. Further, by establishing a substantial buffer between industrial and residential uses the proposal would support and enhance the protection of employment land in the Smithfield-Wetherill Park industrial precinct. In this regard, the partial non-compliance with this direction can be considered acceptable.
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum	Not Applicable

Production and Extractive Industries	
1.4 Oyster Aquaculture	Not Applicable
1.5 Rural Lands	Not Applicable
2. Environment and Heritage	
2.1 Environment Protection Zones	Not Applicable This Proposal does not apply any to land within an environment protection zone or any land otherwise identified for environment protection purposes under HLEP 2013.
2.2 Coastal Protection	Not Applicable
2.3 Heritage Conservation	The subject site is adjacent to an item of State heritage significance, the water supply pipeline that connects the Prospect Reservoir to 'Pipehead' at Frank Street, Guildford. The proposal would not impact on the heritage significance of the pipeline and would therefore not be inconsistent with this direction.
2.4 Recreation Vehicle Areas	Not Applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	The Proposal is consistent with this Direction as it broadens the choice of building types and locations available, makes more efficient use of existing infrastructure and services and will reduce the consumption of land for housing and associated urban development on the urban fringe. The site is in close proximity to an existing station on the Liverpool-Parramatta Transitway. The proposal would therefore make better use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services. The site is also adjacent to the Smithfield industrial precinct, creating new housing close to a major employment area. This proposal provides housing variety and choice for both existing and future housing needs. As the site is within an existing urban area it minimises the impact of residential development on the environment and resource lands.

	Council would ensure that the site could be adequately serviced (including water, sewer, power, gas, communications and stormwater) prior to any future redevelopment. Consultation with the relevant utility companies would be undertaken as part of the community consultation process and any issues identified would be addressed prior to finalisation of the Planning Proposal.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	The proposed zoning for the site is R2 Low Density Residential, in which Home Occupations are permitted without consent.
3.4 Integrating Land Use and Transport	The proposal is consistent with this Direction as it improves access to housing, jobs and services by both active and public transport. An increased housing density in close proximity to the Liverpool-Parramatta Transitway will reduce the number of trips generated and the distances travelled by car and support the efficient and viable operation of public transport services.
3.5 Development Near Licensed Aerodromes	Not Applicable
3.6 Shooting Ranges	Not Applicable
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Not Applicable This Proposal does not rezone any land identified on the Acid Sulphate Soils Planning Maps as having a probability of acid sulphate soils being present.
4.2 Mine Subsidence and Unstable Land	Not Applicable
4.3 Flood Prone Land	Not Applicable - the site does not comprise any flood prone land.
4.4 Planning for Bushfire Protection	Not Applicable
5. Regional Planning	

5.1 Implementation of Regional Strategies	Not Applicable
5.2 Sydney Drinking Water Catchments	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable
5.9 North West Rail Link Corridor Strategy	Not Applicable
5.10 Implementation of Regional Plans	Not Applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	Not Applicable This Proposal does not alter any provisions requiring the concurrence, consultation or referral of development applications to a Minister or public authority and does not identify development as designated development.
6.2 Reserving Land for Public Purposes	The Proposal does not create, alter or reduce existing zonings or reservations of land for public purposes, nor propose to acquire any land for public purposes nor to rezone any land currently reserved for a public purpose. While a new access road is proposed off Pavesi Street, this would be community title.
6.3 Site Specific Provisions	Not applicable
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	Yes This Proposal is consistent with the NSW Government's <i>A Plan for Growing Sydney</i> published in December 2014.
7.2 Implementation of Greater Macarthur Land Release	Not applicable

Investigation

2.3.3 Environmental, social and economic impact**Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

There is no declared critical habitat within the former Holroyd LGA. Desktop investigations indicate that no threatened species, populations or ecological communities or their habitats exist within the site, and therefore would not be adversely affected as a result of the proposal. An Arboricultural Impact Assessment was submitted with the proposal. This assessment includes a survey of trees within the site and a plan showing trees to be retained/protected. The assessment was reviewed by Council's Landscape Technical Officer and is considered acceptable on the basis that any future subdivision and development proposal would be subject to standard DCP landscaping requirements and incorporate the tree protection plan submitted with the rezoning request.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

General desktop investigations undertaken to date do not suggest any major environmental constraints to the proposed rezoning of the site. Further detail regarding environmental issues is provided in Section 3.2.

Q9. Has the planning proposal adequately addressed any social and economic effects?*Heritage impacts*

The effects of the Proposal on items or places of European or Aboriginal cultural heritage are addressed in Section 3.5.5.

Social impacts

The social impacts of the Proposal are addressed in Section 3.5.4.

Economic impacts

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

2.3.4 State and Commonwealth interests**Q10. Is there adequate public infrastructure for the planning proposal?**

It is possible that the Proposal may require upgrades or increases to various public infrastructure and services, such as roads, drainage, utilities and waste management.

Following the Gateway Determination, consultation with the relevant agencies would be undertaken to identify whether existing services could meet the increased demand generated

by future development, or if not, the extent of the shortfall and the infrastructure / services required to offset this. The Gateway Determination would confirm the public authorities to be consulted.

Delivery of other public infrastructure under Section 94 of the EP&A Act is addressed in Section 3.6.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

As the Gateway Determination has yet to be issued by the Minister for Planning and Environment, no State or Commonwealth authorities have been identified or consulted at this stage.

2.4 Mapping

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

2.5 Community Consultation

It is proposed that the planning proposal be exhibited for a period of 28 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:

- forwarding a copy of the planning proposal and the gateway determination to State and Commonwealth public authorities identified in the gateway determination;
- giving notice of the public exhibition in the main local newspaper (Parramatta Advertiser) for 2 weeks;
- notifying the exhibition of the planning proposal on Council's web site including all relevant documentation;
- providing a copy of the planning proposal and supporting documentation at Council's customer service centre and nearby libraries;
- notifying all property owners affected by the proposal and adjoining & opposite the subject site and body corporates of strata units where relevant.

2.6 Project Timeline

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

Planning Proposal submitted to NSW Planning and Environment	November 2016
Gateway Determination received by Council	January 2016
Planning proposal publicly exhibited for 28 days	February/March 2017
Council considers report on exhibition	April/May 2017
LEP amendment gazetted	July 2017

3 Assessment of Planning Matters

3.1 Traffic & Transport

3.1.1 Local Traffic

A Traffic and Parking Assessment Report prepared by Varga Traffic Planning was submitted with the planning proposal request.

There is an existing chicane located on Pavesi Street immediately to the west of the subject site, preventing heavy vehicle access to/from Fairfield Road. The site is the only industrial-zoned property east of the chicane. The proposal would therefore remove any industrial traffic from the eastern side of the chicane, enabling the chicane to separate all industrial traffic from residential traffic.

The proposal would result in a net increase of 9 peak hour vehicle trips, which represents a negligible change in the traffic generation potential of the site and would not have a significant impact on the road network.

Some concerns were raised regarding the proposed road design submitted with the original concept, which have now been addressed. These concerns, described in the report to the Cumberland Independent Hearing and Assessment Panel (CIHAP) (see Attachment 2) are outlined as follows:

- The swept paths provided in the proponent's original traffic report demonstrate that service vehicles could not negotiate the bends without using the entire width of the carriageway, which was not acceptable. The alignment of the proposed new road has now been amended to address the movement of service vehicles.
- The proposed turning arrangement for service vehicles was located along the middle of the road in front of two proposed dwellings, which was also not acceptable. Provision for turning of service vehicles has now been relocated to the end of the road.

It is noted that the proponent is proposing to dedicate the new road to Council. There is some concern with this, primarily in that the neighbouring industrial property could legally gain access to this road, which would not be supported by Council. An alternative option is that the

development be community title. It is recommended that this matter be reported to Council's Traffic Committee for consideration.

3.1.2 Car Parking

The proposed parking provision is two spaces per dwelling, which is consistent with Council's requirements for dual occupancy development.

Additionally, an 8m-wide carriageway is proposed, which allows for on-street parking.

3.1.3 Public Transport

The site has good proximity to public transport. It is located within reasonable proximity to the Liverpool-Parramatta Transitway and is approximately a 500m walk from the Woodpark transitway station. The Proposal also includes a footpath which extends from Pavesi Street to the rear of the site, providing pedestrian access for all new dwellings.

3.1.4 Cycle and Pedestrian Movement

The site is located in close proximity to an existing north-south cycleway along the Cumberland Highway and approximately 1km from an east-west cycleway along the Prospect Canal.

Pedestrian access to and from the site is poor, with only one access point on Pavesi Street. The Sydney Water pipeline prevents access to the north. In addition, the cul-de-sac setting of adjacent development, and multi-dwelling housing prevents access from the east.

3.2 Environmental Considerations

3.2.1 Contamination

A Detailed Site Investigation was prepared by Environmental Investigations dated 20 January 2016. The abovementioned report is following on from a previous Stage 1 Preliminary Site Investigation undertaken by Consulting Earth Scientist dated August 2014.

The report follows the requirements of SEPP 55, NSW EPA Guidelines for Consultants Reporting on Contaminated Sites, and the National Environmental Protection Measure (NEMP) (2013 Amendment). In addition the report includes conceptual site modelling as well as a Sampling, Analytical & Quality Plan (SAQP). The report satisfies the requirements of SEPP 55 in relation to rezoning proposals.

The report has made a number of findings concerning asbestos fibres in soil and contamination of soil and groundwater with heavy metals and other chemicals. The report also identifies several data gaps which will require further investigation.

The report provides a series of recommendations, which are summarised as follows:

- Prior to the site demolition, carry out a Hazardous Materials Survey;
- Prepare and implement a Remedial Action Plan;
- Undertake supplementary investigations, and subsequent remediation/validation works on the site; and
- Prepare a Validation Report that certifies the site suitability of the soils and groundwater for the proposed land use.

Subject to the recommendations of the Detailed Site Investigation being adhered to, the site may be suitable for the proposed land use.

3.2.2 Flooding & Stormwater Management

The subject site is not subject to flooding, therefore no flood controls apply.

There are no issues relating to stormwater management that would prevent the site being rezoned for residential purposes. Council's On-site Detention Policy and Section 7 of Holroyd DCP 2013 would apply to the proposal, requiring any future residential development to minimise stormwater runoff from the site through on-site detention of stormwater and water-sensitive urban design.

3.2.3 Noise

An Acoustic Assessment was prepared by Acouras Consultancy dated 18 February 2016. This report has been prepared on the basis that 22 dual occupancy dwellings will be approved for the subject site.

The report has been prepared in accordance with the NSW EPA Industrial Noise Policy with unattended noise monitoring occurring from 12th to 18th of November 2015. The report also provides comments regarding the sound insulation requirements as outlined in Part F5 of the Building Code of Australia.

Section 3 of the report provides comments and recommendations regarding the façade glazing, building façade and mechanical services requirements should the proposal proceed.

The Acoustic Assessment provides in principal support for the proposal. However, this report may require amendment if any design requirements are altered should this proposal proceed to a development approval.

The proposed concept includes the following measures to minimise any potential noise impacts on new residential dwellings:

- 14m-wide road reserve along western boundary to include a minimum 2.5m wide continuous landscaped strip and high noise wall.

- Increase in distance between residential dwellings and the industrial zone from less than 1m to 20m.

Additionally, the existing chicane east of the site access road ensures that there is no movement of heavy vehicles past the site, which also minimises any potential noise impacts on new residential dwellings.

3.2.4 Hazard and Risk

A Risk Assessment was prepared by Scott Lister dated 23 December 2015. The purpose of the Risk Assessment was to assess the hazard and risk screening from adjoining sites that may impact on the subject premises being 37-39 Pavesi Street, Smithfield.

It is noted that dangerous goods are distributed by one of the industrial premises in close proximity to the site. However, the Risk Assessment concludes that any rezoning of the land shouldn't be impacted on the basis of hazard and risks associated from neighbouring industrial premises.

The subject site is not affected by bushfire hazard, acid sulphate soils or mine subsidence.

3.3 Urban Design Considerations

3.3.1 Built form and density

The proposed FSR and building height are consistent with those for the R2 Low Density Residential zone. The proposed minimum lot size is 450m² (each to be subdivided into 2 x 225m² lots), which satisfies the requirements of Part B, Clause 3.1 C2 of Holroyd DCP 2013 that would normally apply to the R3 Medium Density Residential zone. Council's earlier advice to the proponent indicated that the minimum lot size for the R3 zone would be acceptable for this site as it would allow for development of a comparable density to the R2 zone of 25 dwellings per hectare (gross density), albeit at the upper end of what would be considered 'low density'.

The original concept proposed 22 dual occupancy dwellings which equates to 27 dwellings per hectare. Several issues were identified with this proposed density, and a revised concept was subsequently submitted for 20 dwellings.

The proposed lot layout is provided in the Urban Design Report submitted by the proponent, which is included in Attachment 4.

3.3.2 DCP Controls

The proponent submitted a draft site-specific DCP in support of the proposal. This was assessed by Council's Development Services section. The majority of proposed DCP controls were identical to or essentially the same as existing controls included in Holroyd DCP 2013 and are not necessary to effect the residential development of the land.

However, Council has identified a number of site-specific controls including minimum setbacks and road reserve widths to ensure the intended outcomes for the proposal are achieved. These will be finalised and included with the public exhibition material. A Council resolution to prepare an amendment to Holroyd DCP 2013 will be sought when the Planning Proposal is reported back to Council post-exhibition.

3.4 Economic Considerations

An Economic Impact Assessment report in support of the proposal was prepared for the proponent by Colliers International. The report indicates that the rezoning of the subject site would have a minor impact on the supply of employment land in the West Central region, the Cumberland Council and even the Smithfield Industrial Precinct, with the subject site representing less than 0.1% of the total employment land within the Holroyd LGA and just 0.015% of stock in the West Central region (i.e. developed and undeveloped zoned employment land stock). Additionally, while it is contiguous to the successful Smithfield Industrial Precinct, the subject site's relevance as an industrial use has been permanently undermined, owing to site-specific constraints. A traffic control device positioned immediately to the west of the subject site has restricted access to the site for larger commercial vehicles. Direct access to the Cumberland Highway, which is a major north-south arterial road and the main connector to the Sydney Orbital Road System from Smithfield, from the site has been severed. Given that the majority of industrial-based operations require a large commercial vehicle, the usefulness of the subject site from an industrial perspective has been considerably reduced.

As a result, access to the site is obtained via an indirect route, using 'local' roads which are not entirely suitable for large vehicles – via Fairfield Road (from Woodpark Road) or via Sturt Street, McCredie Road and then Fairfield Road. Compared to adjoining properties, the connection between Cumberland Highway and the subject premises is indirect and improvised, meaning that the site is inferior from an industrial perspective. Moreover, it is also apparent that there are pinch-points along the Sturt Street and McCredie Road route which are not ideal for large vehicles and present potential safety implications for other vehicles and users of the road.

As a result of the site access issues, the subject site was on the market for two years, and development applications for permissible uses including a mosque and industrial complex were not supported by Council because of the negative economic, environmental and amenity impacts that these uses would have on the existing (adjoining) residential dwellings. Overall, it was considered that the proposed uses would reduce the value of adjoining residential lands. Therefore, while already compromised by the traffic control device, the development proposals that were not supported further undermined the site's value as an industrial premises.

The proposal would create a 20 metre buffer between residential development to the east and light industrial uses to the west, providing sufficient separation to mitigate the negative

externalities created by industrial operations. As such, it will preserve the relevance of the remaining industrial provision within the Smithfield Industrial Precinct.

Additionally, the report argues that the Smithfield region is in dire need of more housing supply and diversity. As such, the proposed residential rezoning is to be viewed as an addition to the existing residential neighbourhood, enhancing and promoting additional housing stock and typology mix.

It may be considered that the proposal is partially inconsistent with the Section 117 Direction 1.1 Business and Industrial Zones, specifically requiring a planning proposal to ‘retain the areas and locations of existing business and industrial zones’. However, given the access issues created by the traffic control device on Pavesi Street, the existing residential development directly opposite the site and within 1m of the site’s eastern boundary, it can be argued that the site is not suitably located for employment (industrial) uses. Additionally, by establishing a substantial buffer between industrial and residential uses the proposal would support and enhance the protection of employment land in the Smithfield-Wetherill Park industrial precinct. In this regard, the partial non-compliance with this direction can be considered acceptable.

While the report acknowledges the continuing value of the Smithfield-Wetherill Park employment precinct, and the loss of employment land that would occur as a result of the proposal, the negligible extent of this loss combined with the specific unique circumstances of the subject site regarding access issues, it is considered that the proposal could be supported from an economic standpoint.

3.5 Social & Cultural Considerations

3.5.1 Social Impact Assessment

The proposal includes a comprehensive review of the development’s consistency with planning strategies and its potential impact on a range of relevant factors, including local amenity (noise, construction impacts), community identity and connectedness, crime and safety, economic benefits, impacts on cultural values and local facilities, health and social equity.

The proposal identifies a number of positive impacts, including:

- Provision of needed housing consistent with the housing targets established in the West Central Sub-region section of the Metropolitan Strategy
- Provision of needed housing for the current/future working population in the West Central Sub-Region
- Improved housing affordability through the provision of housing supply consistent with the need for more affordable housing in the Region
- Improved safety in the locale from the additional passive surveillance provided by new residents
- Short term employment generation (for trades businesses during construction) and on-going benefits to local businesses from the spending of new residents

Only minor negative social impacts are identified in the proposal, including minor residential amenity impacts during construction and traffic impacts.

It is agreed that, in terms of housing, employment, social cohesion and enhanced use of local infrastructure, the proposal's social impacts will be mainly positive.

3.5.2 Heritage Assessment

The subject site is adjacent to the water supply pipeline that connects the Prospect Reservoir to the 'Pipehead' at Frank Street, Guildford. The 'Pipehead', pipeline, Greystanes aqueduct, lower canal and other associated structures are considered to be items of state heritage significance and are listed on the State Heritage Register. The pipeline is located along the northern boundary of the site. The system is no longer active but represents a significant technical development of the early 20th century that supported the urbanisation of Sydney as part of the water supply system.

For the length of the pipeline traversing Smithfield and Guildford the common interface is the open space of properties containing detached dwellings or high and medium bay height industrial and warehouse developments. The land occupied by the pipeline is inaccessible to the general public and forms a dominant visual element in the view of people observing it from either side of the corridor. The subject site is currently occupied by a medium height (in the order of 6m) warehouse building occupying approximately 25% of the site area. The area adjacent to the boundary shared with the item is occupied by parking and storage.

The proposed concept consists of low-density housing, access ways and planting, primarily located along the eastern boundary with an attached 2-storey dual occupancy located approximately 4m from the shared boundary. Within the corridor, adjacent to the shared boundary, trees are the dominant visual element. The proposal includes further planting of trees on the subject site along the western boundary.

Visibility of the proposed residential development from within the corridor would be minimal, and regardless the corridor is inaccessible to the public. As such, the proposal would not alter the context or views of the pipeline and would therefore have no adverse impact on its heritage significance.

3.6 Infrastructure Considerations

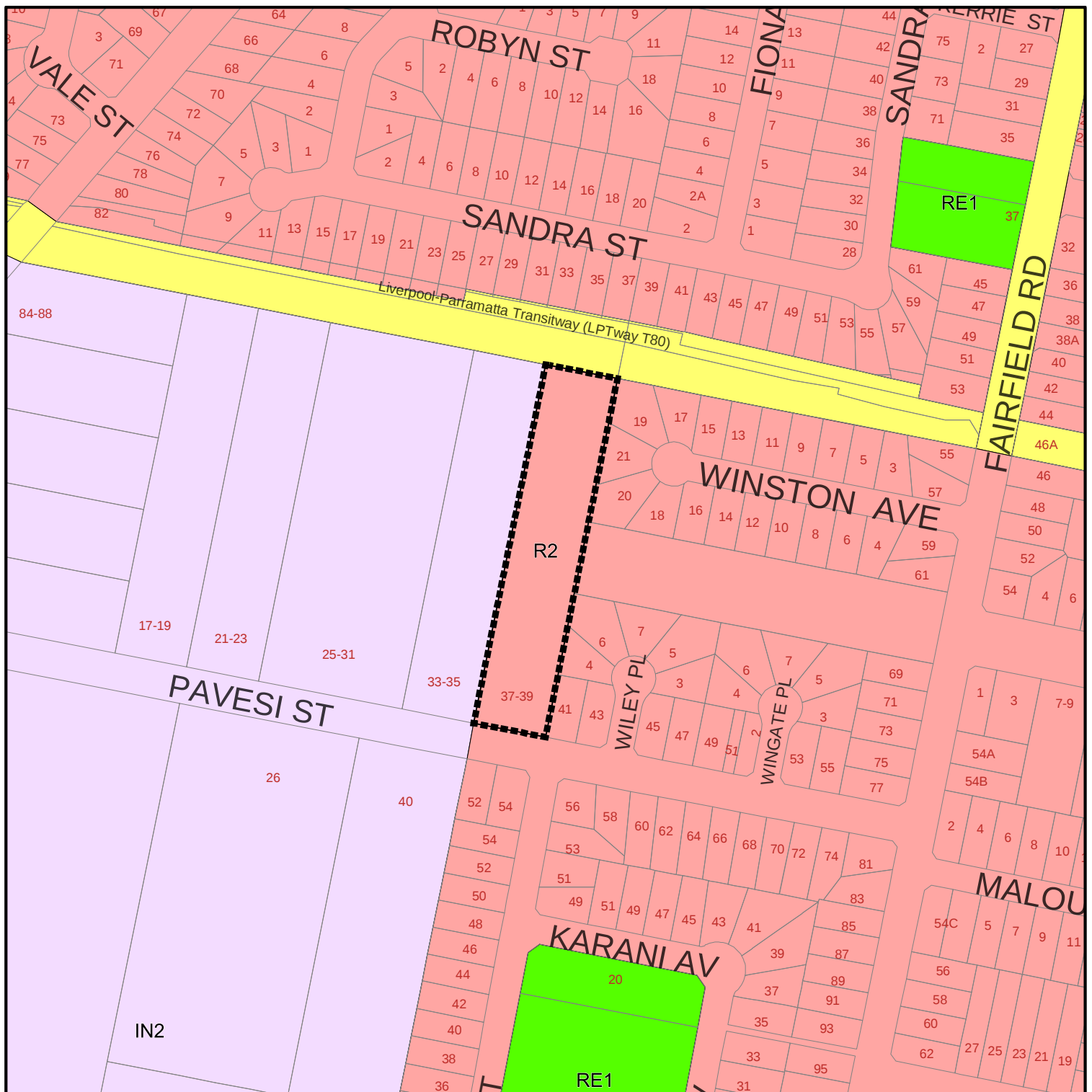
As mentioned in Section 2.3.4, the Proposal may generate demand for provision of additional infrastructure and services. The relevant agencies would be consulted following the Gateway determination to identify any shortfalls and needs.

Additionally, the proposal would be subject to Section 94 Development Contributions to facilitate the delivery of local infrastructure to meet the demand generated by new

development. There are various mechanisms under the *Environmental Planning and Assessment Act 1979* through which this infrastructure could be delivered, including a Voluntary Planning Agreement (VPA) between the proponent and Council, which may be considered as an alternative to Council's Section 94 Plan for delivery of particular infrastructure elements included in the Plan's schedule of works.

Attachments

Attachment 1 Draft LEP maps



**Draft Holroyd LEP 2013 Amendment
37-39 Pavesi St, Smithfield
Land Zoning**



Print Date: 05/07/2016



Scale 1: 3000



37-39 Pavesi St,
Smithfield

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LAND ZONING

Neighbourhood Centre

B1

Local Centre

B2

Mixed Use

B4

Business Development

B5

Enterprise Corridor

B6

Business Park

B7

Environmental Conservation

E2

General Industrial

IN1

Light Industrial

IN2

Low Density Residential

R2

Medium Density Residential

R3

High Density Residential

R4

Public Recreation

RE1

Private Recreation

RE2

Infrastructure

SP2

Unzoned Land

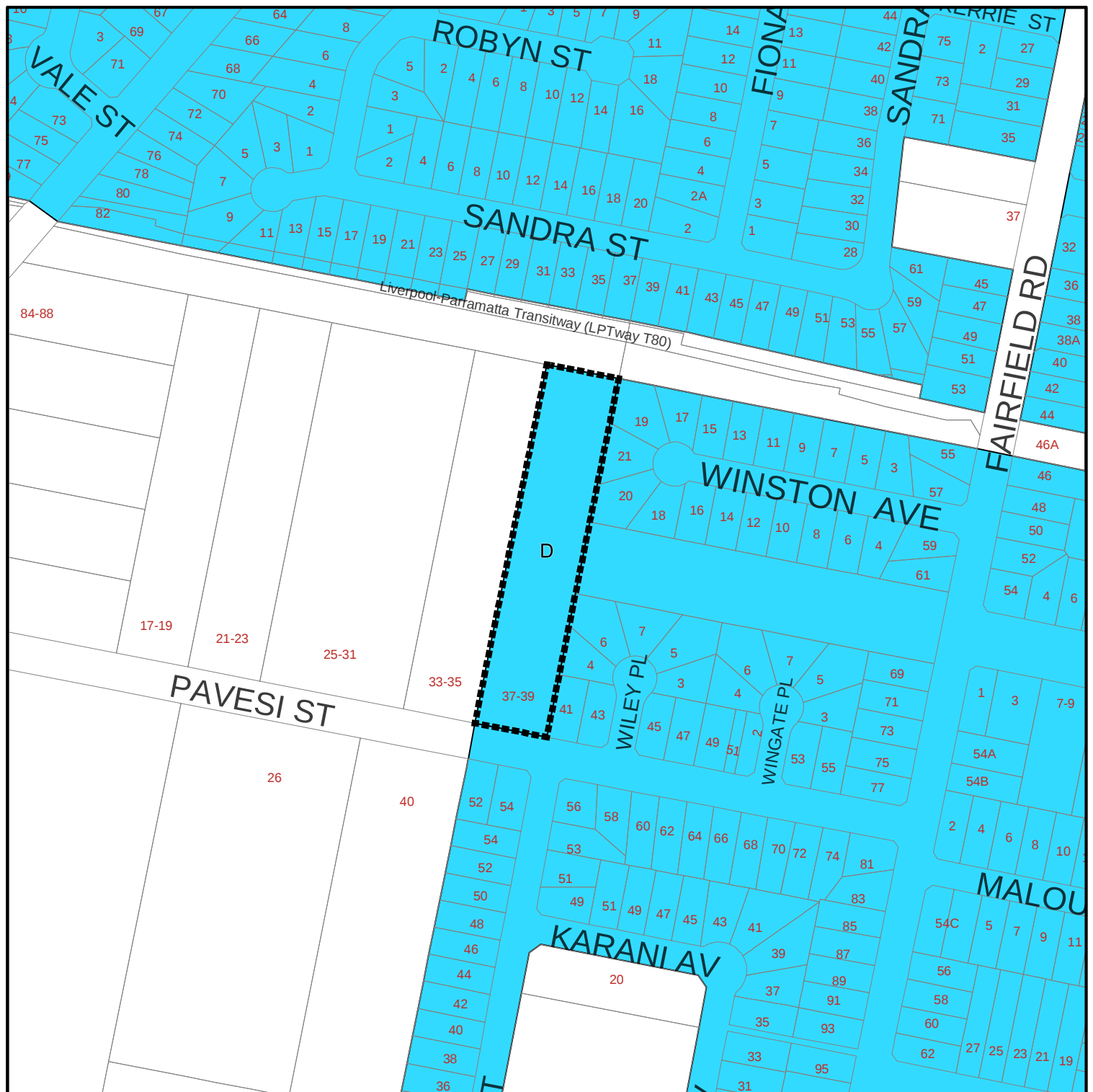
UL

SEPP (Major Development) 2005

MD

SEPP (Western Sydney
Employment Area) 2009

WSE



Draft Holroyd LEP 2013 Amendment
37-39 Pavesi St, Smithfield
Floor Space Ratio

Cumberland Council

Print Date: 05/07/2016



Scale 1: 3000

Maximum Floor Space Ratio (n:1)

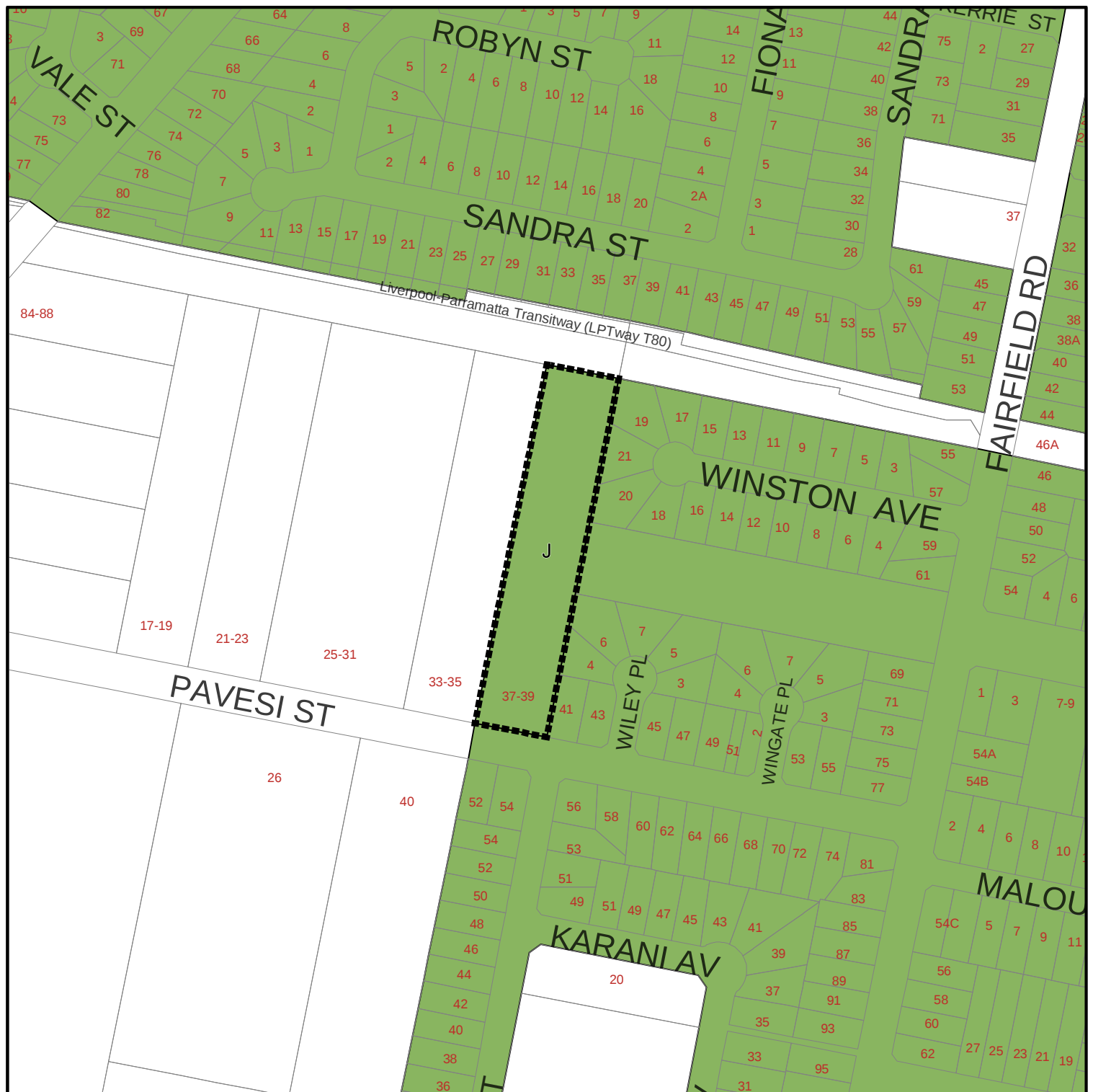
D	0.5	U1	2.5
H	0.7	U2	2.8
K	0.85	V	3
N	1	W	3.5
P	1.2	X	4
S1	1.5	Y	4.5
S2	1.8	Z1	5
T1	2	Z2	5.5
T2	2.2	AA1	6
T3	2.4	AA2	6.5

AB	7.5
AC	8.5
AD	9
Area A	
Area B	



37-39 Pavesi St,
Smithfield

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**Draft Holroyd LEP 2013 Amendment
37-39 Pavesi St, Smithfield
Height of Buildings**



Print Date: 05/07/2016



Scale 1: 3000

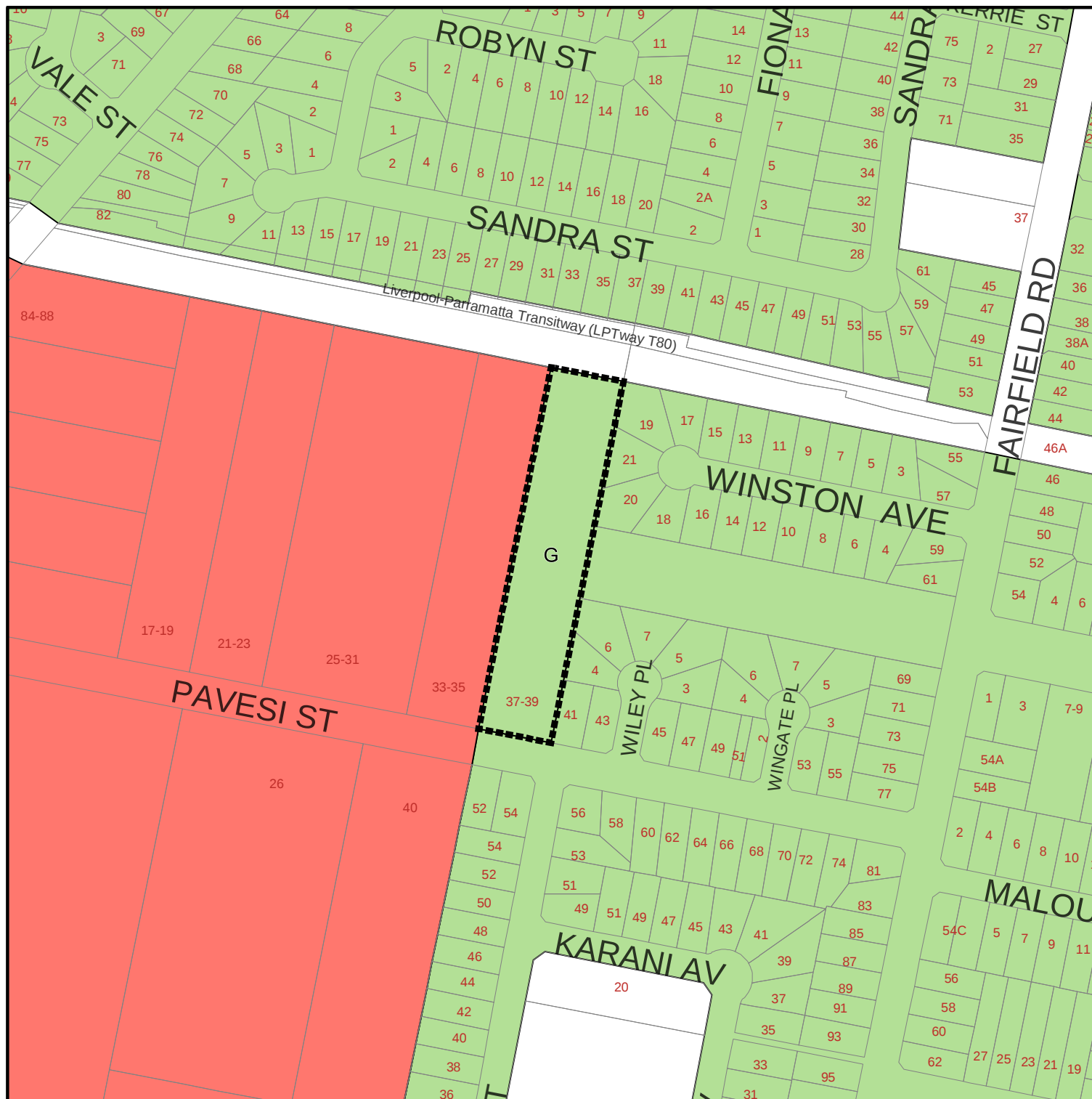
Maximum Building Height (m)

J	9	S1	23
K	10	S2	24
L	11	T1	26
M	12.5	T2	29
N	14	U	32
O	15	V	38
P1	17	W	41
P2	18	Y	53
Q	20	AA	65
R	21		



37-39 Pavesi St,
Smithfield

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Draft Holroyd LEP 2013 Amendment
37-39 Pavesi St, Smithfield
Lot Size

Cumberland Council

Print Date: 05/07/2016



Scale 1: 3000

Minimum Lot Size (sq m)

D	300
G	450
T	900
U	1200



37-39 Pavesi St,
Smithfield

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Attachment 2 IHAP Report of 13 July 2016

Planning Proposal Request for 37-39 Pavesi Street, Smithfield

Responsible Department:	Development, Environment & Infrastructure
Officer:	Heidi Bischof
File Number:	HC-23-08-31
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

Application lodged	4 March 2016
Proponent	Landcorp Australia Pty Ltd
Owner	Merinos Investments Pty Ltd
Description of Land	37-39 Pavesi Street, Smithfield Lot 36 DP 10958
Proposal	Rezoning of the site from IN2 Light Industrial to R2 Low Density Residential to facilitate multiple semi-detached/dual occupancy development
Site Area	8,103m ²
Zoning	IN2 Light Industrial
Heritage	Adjacent to heritage item
Disclosure of political donations and gifts	Nil disclosure
Previous Considerations	Nil

SUMMARY

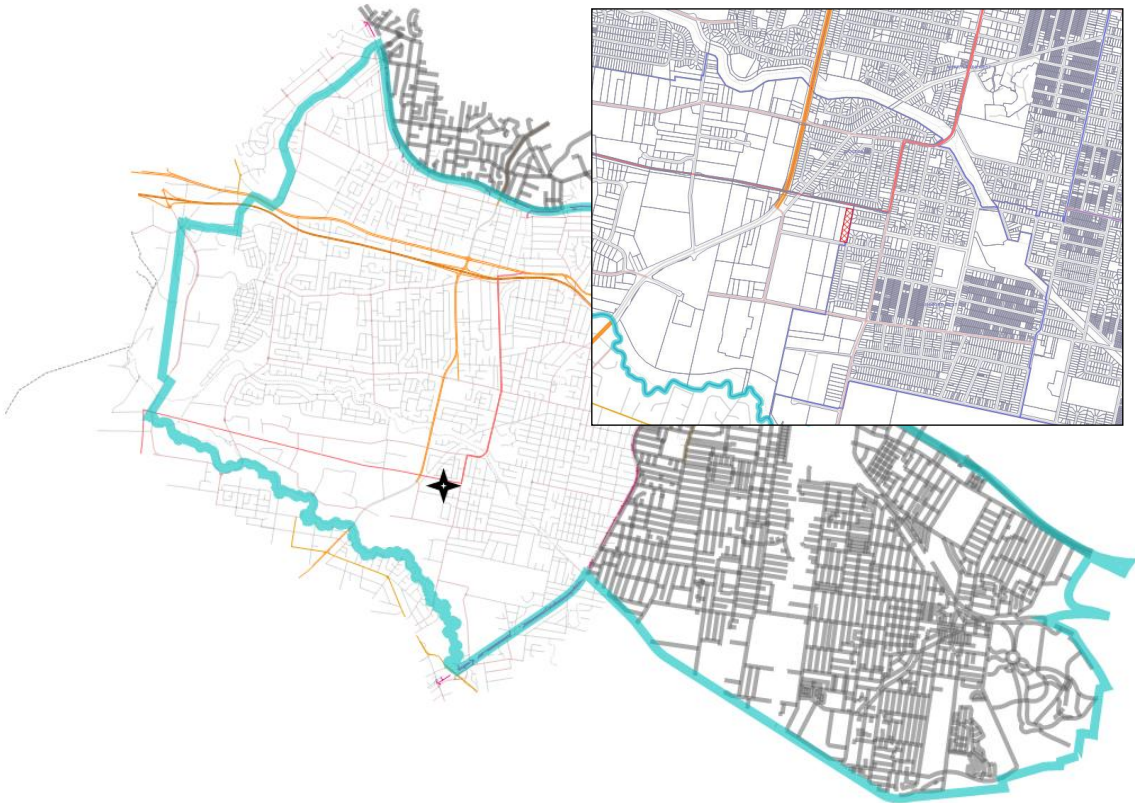
A request to prepare a Planning Proposal for 37-39 Pavesi Street, Smithfield was submitted to Council on 4 March 2016.

The proponent is requesting to rezone the site from IN2 Light Industrial to R2 Low Density Residential to facilitate dual occupancy development. A 9m building height, 0.5:1 FSR and 410m² minimum lot size are also sought.

The purpose of this report is to provide a strategic merit assessment of the proposal, to establish whether it should proceed to Gateway. On the basis of the assessment it is recommended that Council proceed with the planning proposal subject to modifications to the proposed minimum lot size and proposed concept & road design.

LOCALITY PLAN

The subject site is shown in the figure below.

**REPORT****Introduction****Subject Site and surrounding area**

The site is 0.8 ha in area and is located in Smithfield on the edge of the IN2 Light Industrial zone, adjacent to the R2 Low Density Residential zone. The site currently contains warehouses which are used for the storage of rugs.

The site is shown in the following aerial photo.



Description of the proposal

Council has received a planning proposal request to rezone the subject site from IN2 Light Industrial to R2 Low Density Residential to facilitate dual occupancy development. A 9m building height, 0.5:1 FSR and 410m² minimum lot size are also sought.

Proponent's Supporting Documentation

The proponent has provided supporting documentation prepared by Willana Associates dated 4 March 2016. This documentation is included in Attachment 1.

Contact with relevant parties

The assessing officer has been in regular contact with the proponent throughout the assessment process.

Strategic Merit Assessment

Proposed land uses and strategic context

The site is zoned IN2 Light Industrial under Holroyd LEP 2013. The proposal seeks to change the current IN2 Light Industrial zoning to R2 Low Density Residential, consistent with the R2 zone the site currently adjoins. The proposed zoning map is provided in Attachment 2.

Rezoning of the site from light industrial to residential and commercial uses is broadly consistent with both Council and State Government policy regarding land use and development in the particular circumstances of this site.

The proposal would result in the creation of approximately 22 new residential dwellings on 11 lots, according to the accompanying concept plan.

The proposal also includes the following amendments to planning controls under Holroyd LEP 2013:

- Amending the HLEP 2013 Floor Space Ratio Map FSR_006 to include the Site as having a maximum floor space ratio of 0.5:1
- Amending the HLEP 2013 Height of Building Map HOB 006 to identify the Site as having a maximum height of building of 9m
- Amending the HLEP 2013 Lot Size Map LSZ 006 to change the minimum lot size from 1200m² to 410m²

The proposed FSR and building height are consistent with those for the R2 Low Density Residential zone. However, a minimum lot size of 410m² would be inconsistent with the minimum lot size for the R2 zone under Holroyd LEP 2013, which is 450m². It would also be inconsistent with the controls of Holroyd DCP 2013, which indicates a minimum lot size for attached dual occupancy development of 500m² for the R2 zone and 450m² for the R3 zone.

The proposal states that lots would be 450m² (each to be subdivided into 2 x 225m² lots), which satisfies the requirements of Part B, Clause 3.1 C2 of Holroyd DCP 2013 that would normally apply to the R3 Medium Density Residential zone. Council's earlier advice to the proponent indicated that the minimum lot size for the R3 zone would be acceptable for this site as it would allow for development of a comparable density to the R2 zone of 25 dwellings per hectare (gross density), albeit at the upper end of what would be considered 'low density'. It should be noted however, that the site is in relatively close proximity to the Liverpool-Parramatta Transitway, and therefore could theoretically accommodate a slightly higher (medium-low) density of development.

Built form and density

Each Torrens title lot would have a minimum area of 225m² (i.e. 450m² prior to subdivision). This is consistent with an overall net density of 25 dwellings per hectare.

While the Planning Proposal Report claims that this is consistent with an overall net density of 25 dwellings per hectare, the proposal would allow for 22 dwellings within the subject site, which equates to 27 dwellings per hectare.

Development Control Plan

The proponent submitted a draft site-specific DCP in support of the proposal. This has been assessed by Council's Development Services section and the following comments are provided.

- The majority of proposed DCP controls are identical to or essentially the same as existing controls included in Holroyd DCP 2013 and are not necessary to effect the residential development of the land.
- Control no. 4 proposes a minimum lot size of 410m². However, the rationale for a site specific minimum lot size of 410 m² is unclear. If this is to allow for the apparent smaller size of two of the 11 lots, then this is an indication that the proposed density

of the site is too high and needs to be reduced. If a low density is considered appropriate for this site, the prescribed minimum lot size should be 450m² and the existing Holroyd DCP residential controls can be readily applied. If a variation to the minimum lot size is sought this could be considered on merit pursuant to a Clause 4.6 request to vary the standard under Holroyd LEP 2013.

- The proposed lot layout would be subject to a detailed merit assessment at DA stage. This can include indicative building massing at the subdivision stage to demonstrate adequate solar access opportunities.
- Applying conventional subdivision design principles, the proposed lot layout with a slight NE-SW orientation is unlikely to maximise solar access opportunities and as such, should not be supported as a preferred or indicative lot layout.
- In the absence of a proposed public road Community title subdivision is considered to be the only option for the site.

In summary, Council does not support the proposed minimum lot size of 410m² nor the proposed subdivision plan. Following any rezoning of the subject site, a revised subdivision plan would need to be prepared and submitted at DA stage in accordance with the controls of Holroyd DCP 2013. As such, it is considered that a site-specific DCP is not warranted for this site.

Social Impact Assessment

The proposal includes a comprehensive review of the development's consistency with planning strategies and its potential impact on a range of relevant factors, including local amenity (noise, construction impacts), community identity and connectedness, crime and safety, economic benefits, impacts on cultural values and local facilities, health and social equity.

The proposal identifies a number of major positive impacts, including:

- Provision of needed housing consistent with the housing targets established in the West Central Sub-region section of the metropolitan strategy
- Provision of needed housing for the current/future employees in the West Central Sub-Region
- Improved housing affordability consistent with the need for more affordable housing in the Region
- Improved safety in the locale from the additional passive surveillance provided by new residents
- Short term employment generation (for trades businesses during construction) and on-going benefits to local businesses from the spending of new residents
- Potential for enhanced active and passive recreation due to the proximity of Tom Uren Park

Only minor negative social impacts are identified in the proposal, including minor residential amenity impacts during construction and traffic impacts.

It is agreed that, in terms of housing, employment, social cohesion and enhanced use of local infrastructure, the proposal's social impacts will be mainly positive.

Economic Impact Assessment

An Economic Impact Assessment report in support of the proposal was prepared for the proponent by Colliers International. The report indicates that the rezoning of the subject site would have a minor impact on the supply of employment land in the West Central region, the Cumberland Council and even the Smithfield Industrial Precinct, with the subject site representing less than 0.1% of the total employment land within the Holroyd LGA and just 0.0148% of stock in the West Central region (i.e. developed and undeveloped zoned employment land stock). Additionally, while it is contiguous to the successful Smithfield Industrial Precinct, the subject site's relevance as an industrial concern has been permanently undermined, owing to site-specific constraints. A traffic control device positioned immediately to the west of the subject site has restricted access to the site for larger commercial vehicles. Direct access to the Cumberland Highway, which is a major north-south arterial road and the main connector to the Sydney Orbital Road System from Smithfield, from the site has been severed. Given that the majority of industrial-based operations require a large commercial vehicle, the usefulness of the subject site from an industrial perspective has been considerably reduced.

As a result, access to the site is obtained via an indirect route, using 'local' roads which are not entirely suitable for large vehicles – via Fairfield Road (from Woodpark Road) or via Sturt Street, McCredie Road and then Fairfield Road. Compared to adjoining properties, the connection between Cumberland Highway and the subject premises is indirect and improvised, meaning that the site is inferior from an industrial perspective. Moreover, it is also apparent that there are pinch-points along the Sturt Street and McCredie Road route which are not ideal for large vehicles and present potential safety implications for other vehicles and users of the road.

As a result of the site access issues, the subject site was on the market for two years, and development applications for permissible uses including a mosque and industrial complex were not supported by Council because of the negative economic, environmental and amenity impacts that these uses would have on the existing (adjoining) residential dwellings. Overall, it was considered that the proposed uses would reduce the value of adjoining residential lands. Therefore, while already compromised by the traffic control device, these rejections further undermined the site's value as an industrial premise.

The proposal would create a 20 metre buffer between residential development to the east and light industrial uses to the west, providing sufficient separation to mitigate the negative externalities created by industrial operations. As such, it will preserve the relevance of remaining industrial provision within the Smithfield Industrial Precinct.

Additionally, the report argues that the Smithfield region is in dire need of more housing supply and diversity. As such, the proposed residential rezoning is to be viewed as an addition to the existing residential neighbourhood, enhancing and promoting additional housing stock and typology mix.

It may be considered that the proposal is partially inconsistent with the Section 117 Direction 1.1 Business and Industrial Zones, specifically requiring a planning proposal to 'retain the areas and locations of existing business and industrial zones'. However, given the access issues created by the traffic control device, the existing residential development directly opposite the site and within 1m of the site's eastern boundary, it can be argued that the site is not suitably located for employment (industrial) uses. Additionally, by

establishing a substantial buffer between industrial and residential uses the proposal would support and enhance the protection of employment land in the Smithfield-Wetherill Park industrial precinct. In this regard, the partial non-compliance with this direction can be considered acceptable.

While the report acknowledges the continuing value of the Smithfield-Wetherill Park employment precinct, and the loss of employment land that would occur as a result of the proposal, the negligible extent of this loss combined with the specific unique circumstances of the subject site regarding access issues, it is considered that the proposal could be supported from an economic standpoint.

Traffic & Transport

A Traffic and Parking Assessment Report prepared by Varga Traffic Planning was submitted with the planning proposal request.

There is an existing chicane located on Pavesi Street immediately to the west of the subject site, preventing heavy vehicle access to/from Fairfield Road. The site is the only industrial-zoned property east of the chicane. The proposal would therefore remove any industrial traffic from the eastern side of the chicane, enabling the chicane to separate all industrial traffic from residential traffic.

The proposal would result in a net increase of 7.7 peak hour vehicle trips, which would not have a significant impact on the road network.

While the proposal is acceptable in terms of the proposed change of land use, there are two concerns regarding the proposed road design. The swept paths provided in the proponent's traffic report demonstrate that service vehicles cannot negotiate the bends without using the entire width of the carriageway, which is not acceptable. Additionally, the proposed turning arrangement for service vehicles is located along the middle of the road in front of two proposed dwellings, which is also not acceptable. Provision for turning of these vehicles would need to be relocated to the end of the road. As such, the proposed road design would not be supported at DA stage, and the concept would need to be revised to address these concerns.

The proposed parking provision is 44 spaces, which is consistent with Council's requirements for dual occupancy development of two spaces per dwelling. The provision of ten on-street parking spaces is proposed, which meets the required rate of 1 space per 3 dwellings.

It is noted that the proponent is proposing to dedicate the new road to Council. There is some concern with this, primarily in that the neighbouring industrial property could legally gain access to this road, which would not be supported by Council. An alternative option is that the development be community title. It is recommended that this matter be reported to Council's Traffic Committee for consideration.

The site has good proximity to public transport. It is located in close proximity to the Liverpool-Parramatta Transitway and is approximately a 500m walk from the Woodpark transitway station.

Pedestrian access to and from the site is poor, with only one access point on Pavesi Street. The Sydney Water pipeline prevents access to the north. In addition, the cul-de-sac setting of adjacent development, and multi-dwelling housing prevents access from the east.

Heritage

The subject site is adjacent to the water supply pipeline that connects the Prospect Reservoir to 'Pipehead' at Frank Street, Guildford. 'Pipehead', the pipeline, Greystanes aqueduct, lower canal and other associated structures are considered to be items of state heritage significance. The pipeline is located along the northern boundary of the site. The system is no longer active but represents a significant technical development of the early 20th century that supported the urbanisation of Sydney as part of the water supply system.

For the length of the pipeline traversing Smithfield and Guildford the common interface is the open space of properties containing detached dwellings or high and medium bay height industrial and warehouse developments. The land occupied by the pipeline is inaccessible to the general public and forms a dominant visual element in the view of people observing it from either side of the corridor. The subject site is currently occupied by a medium height (in the order of 6m) warehouse building occupying approximately 25% of the site area. The area adjacent to the boundary shared with the item is occupied by parking and storage.

The proposed concept consists of low-density housing, access ways and planting, primarily located along the eastern boundary with an attached 2-storey dual occupancy located approximately 4m from the shared boundary. Within the corridor, adjacent to the shared boundary, trees are the dominant visual element. The proposal includes further planting of trees on the subject site along the western boundary.

Visibility of the proposed residential development from within the corridor would be minimal, and regardless the corridor is inaccessible to the public. As such, the proposal would not alter the context or views of the pipeline and would therefore have no adverse impact on its heritage significance.

Ecological issues

An Arboricultural Impact Assessment was submitted with the proposal. This assessment includes a survey of trees within the site and a plan showing trees to be retained/protected. The assessment was reviewed by Council's Landscape Technical Officer and is considered acceptable on the basis that any future subdivision and development proposal would be subject to standard DCP landscaping requirements and incorporate the tree protection plan submitted with the rezoning request.

Flooding & Stormwater Management

The subject site is not subject to flooding, therefore no flood controls apply.

There are no issues relating to stormwater management that would prevent the site being rezoned for residential purposes. Council's On-site Detention Policy and Section 7 of Holroyd DCP 2013 would apply to the proposal, requiring any future residential development to minimise stormwater runoff from the site through on-site detention of stormwater and water-sensitive urban design.

Contamination

A Detailed Site Investigation was prepared by Environmental Investigations dated 20 January 2016. The abovementioned report is following on from a previous Stage 1 Preliminary Site Investigation undertaken by Consulting Earth Scientist dated August 2014.

The report follows the requirements of SEPP 55, NSW EPA Guidelines for Consultants Reporting on Contaminated Sites, and the National Environmental Protection Measure (NEMP) (2013 Amendment). In addition the report includes conceptual site modelling as well as a Sampling, Analytical & Quality Plan (SAQP).

The report has made a number of findings concerning asbestos fibres in soil and contamination of soil and groundwater with heavy metals and other chemicals. The report also identifies several data gaps which will require further investigation.

The report provides a series of recommendations, which are summarised as follows:

- Prior to the site demolition, carry out a Hazardous Materials Survey;
- Prepare and implement a Remedial Action Plan;
- Undertake supplementary investigations, and subsequent remediation/validation works on the site; and
- Prepare a Validation Report that certifies the site suitability of the soils and groundwater for the proposed land use.

Subject to the recommendations of the Detailed Site Investigation being adhered to, the site may be suitable for the proposed land use.

Noise

An Acoustic Assessment was prepared by Acouras Consultancy dated 18 February 2016. This report has been prepared on the basis that 22 dual occupancy dwellings will be approved for the subject site.

The report has been prepared in accordance with the NSW EPA Industrial Noise Policy with unattended noise monitoring occurring from 12th to 18th of November 2015. The report also provides comments regarding the sound insulation requirements as outlined in Part F5 of the Building Code of Australia.

Section 3 of the report provides comments and recommendations regarding the façade glazing, building façade and mechanical services requirements should the proposal proceed.

The Acoustic Assessment provides in principal support for a proposed 22 dual occupancy development. However, this report may require amendment if any design requirements are altered should this proposal proceed to a development approval.

The proposed concept includes the following measures to minimise any potential noise impacts on new residential dwellings:

- 12.7m-wide road reserve along western boundary to include a minimum 2.4m wide continuous landscaped strip and high noise wall.
- Increase in distance between residential dwellings and the industrial zone from less than 1m to 20m.

Additionally, the existing chicane east of the site access road ensures that there is no movement of heavy vehicles past the site, which also minimises any potential noise impacts on new residential dwellings.

Hazard & Risk

A Risk Assessment was prepared by Scott Lister dated 23 December 2015. The purpose of the Risk Assessment was to assess the hazard and risk screening from adjoining sites that may impact on the subject premises being 37-39 Pavesi Street, Smithfield.

It is noted that dangerous goods are distributed by one of the industrial premises in close proximity to the site. However, the Risk Assessment concludes that any rezoning of the land shouldn't be impacted on the basis of hazard and risks associated from neighbouring industrial premises.

Public benefits & essential infrastructure

The proposal would be subject to Section 94 Development Contributions to facilitate the delivery of local infrastructure to meet the demand generated by new development. There are various mechanisms under the Environmental Planning and Assessment Act 1979 through which this infrastructure could be delivered, including a Voluntary Planning Agreement (VPA) between the proponent and Council, which may be considered as an alternative to Council's Section 94 Plan for delivery of particular infrastructure elements included in the Plan's schedule of works.

Conclusion

The request for the rezoning of 37-39 Pavesi Street, Smithfield from IN2 Light Industrial to R2 Low Density Residential has been assessed in accordance with the State Government's 'A guide to Preparing Planning Proposals'.

On the basis of Council's strategic merit assessment of the proposal, it is recommended that Council proceed with preparing a planning proposal subject to modifications to the proposed minimum lot size and the proposed concept & road design.

Report Recommendation:

1. That Council proceed with the preparation of a Planning Proposal for 37-39 Pavesi Street, Smithfield, which proposes to rezone the site for R2 Low Density Residential, with the following planning controls:
 - A maximum floor space ratio of 0.5:1
 - A maximum building height of 9m
 - A minimum lot size of 450m²
2. That a revised concept be provided prior to public exhibition, incorporating the following:

- Revised road design that ensures service vehicles can move safely along the entire length of the road
 - Revised turning arrangement for service vehicles, located at the end of the road
 - A minimum lot size of 450m²
3. That, prior to public exhibition, the revised road design be reported to Council's Traffic Committee along with the proposal to dedicate the new road to Council, for the committee's consideration.

ATTACHMENTS (to be circulated to Panel Members under separate cover)

1. Proponent's supporting documentation
2. Proposed Draft LEP maps

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

ITEM C014/16 – PLANNING PROPOSAL FOR 11-19 CENTENARY ROAD MERRYLANDS (ST VINCENT DE PAUL SITE) - POST EXHIBITION REPORT

Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel:

1. Receive and note the report and outcomes of the community consultation.
2. Note Council's compliance with the conditions of the Department of Planning and Environment's Gateway Determination issued (with delegations) for this Planning Proposal in accordance with section 56(2) of the *Environmental Planning and Assessment Act 1979*.
3. Recommend proceeding with the amendments to the controls affecting 11-19 Centenary Road & 15 Wyreema Street Merrylands, as nominated in the Planning Proposal. That is, to amend the planning controls to:
 - a. Land use zoning of R4 High Density Residential.
 - b. Maximum building height of 15m.
 - c. Floor Space Ratio (FSR) of 1.2:1.
4. Recommend that this Planning Proposal, with the proposed planning controls as listed in Recommendation 3, be reported to Council seeking a resolution to forward it to the Department of Planning & Environment for finalisation.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

ITEM C015/16 – PLANNING PROPOSAL REQUEST FOR 37-39 PAVESI STREET, SMITHFIELD

Resolved unanimously that the Cumberland Independent Hearing and Assessment Panel:

1. That Council proceed with the preparation of a Planning Proposal for 37-39 Pavese Street, Smithfield, which proposes to rezone the site for R2 Low Density Residential, with the following planning controls:
 - A maximum floor space ratio of 0.5:1
 - A maximum building height of 9m
 - A minimum lot size of 450m²
2. That a revised concept be provided prior to public exhibition, incorporating the following:

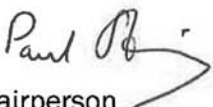
- Revised road design that ensures service vehicles can move safely along the entire length of the road
 - Revised turning arrangement for service vehicles, located at the end of the road
 - A minimum lot size of 450m²
3. That, prior to public exhibition, the revised road design be reported to Council's Traffic Committee along with the proposal to dedicate the new road to Council, for the Committee's consideration.

For: The Hon. Paul Stein AM, QC (Chairperson), Mr. B. Kirk, Ms. G. Morrish and Mr. P. Moulds AM.

Against: Nil.

The meeting terminated at 2.05 p.m.

Signed:


Chairperson

Attachment 3 Council report of 7 September 2016

Planning Proposal Request for 37-39 Pavesi Street, Smithfield

Responsible Department:	Development, Environment & Infrastructure
Executive Officer:	Adan Davis
File Number:	HC 23-08-31
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

Proposal Details	
Application Lodged	4 March 2016
Proponent	Landcorp Australia Pty Ltd
Owner	Merinos Investments Pty Ltd
Address	37-39 Pavesi Street, Smithfield Lot 36 DP 10958
Proposal Summary	Rezoning of the site from IN2 Light Industrial to R2 Low Density Residential to facilitate multiple semi-detached/dual occupancy development
Existing Zoning and Planning Controls	Zoning: IN2 Light Industrial Height: none FSR: none
Proposed Zoning and Planning Controls	Zoning: R2 Low Density Residential Height: 9m FSR: 0.5:1
Heritage	Adjacent to heritage item
Disclosure of Political Donations and Gifts	Nil disclosure
Previous Considerations	Nil

Summary:

A request to prepare a Planning Proposal for 37-39 Pavesi Street, Smithfield was submitted to Council on 4 March 2016.

The proponent is requesting to rezone the site from IN2 Light Industrial to R2 Low Density Residential to facilitate residential development in the form of multiple dual occupancy / semi-detached dwellings. A 9m building height, 0.5:1 FSR and 410m² minimum lot size are also sought.

At its meeting of 10 August 2016, the Cumberland Independent Hearing & Assessment Panel (CIHAP) considered a report on the proposal. The report recommended that

Council proceed with the planning proposal subject to modifications to the proposed concept and road design.

Following a resolution from CIHAP, this report seeks Council's endorsement for the preparation of a Planning Proposal for submission to the State Government.

Report:

Site and Context

The site is 0.8 ha in area and is located in Smithfield on the edge of the IN2 Light Industrial zone, adjacent to the R2 Low Density Residential zone. The site currently contains warehouses which are used for the storage of rugs.

The site is shown in the following aerial photo.



Proposal Description

The planning proposal request seeks to rezone the subject site from IN2 Light Industrial to R2 Low Density Residential to facilitate dual occupancy development. A 9m building height, 0.5:1 FSR and 410m² minimum lot size are also sought. The proposal would result in the creation of approximately 22 new residential dwellings on 11 lots.

Summary of Strategic Merit Assessment

The strategic merit assessment concluded that the proposal could be supported strategically, on the basis of the following:

- Rezoning of the site from light industrial to residential and commercial uses is broadly consistent with both Council and State Government policy regarding land use and development in the particular circumstances of this site.
- R2 Low Density Residential zoning would be consistent with the R2 zone currently adjoining and opposite the property.
- The site is not suitably located for industrial uses. The site's value for industrial purposes has been undermined due to a traffic control device and the close proximity of adjoining residential properties. As the proposal would establish a substantial buffer between industrial and residential uses it would support and enhance the protection of employment land in the Smithfield-Wetherill Park industrial precinct.
- The proposal would have a mainly positive social impact
- There would be no adverse impact on the heritage significance of the Prospect Reservoir – Pipehead water supply pipeline
- There are no ecological issues
- There are no flooding issues

However, support for the proposal should be subject to the following:

- A revised subdivision plan consistent with the controls of Holroyd DCP 2013, including a minimum lot size of 450m².
- A net dwelling density of 25 dwellings per hectare.
- An amended road design that enables safe movement of service vehicles.
- Recommendations of the Detailed Site Investigation being followed in relation to further investigations and remediation work for site contamination.
- Measures identified in the Acoustic Assessment to minimise any potential noise impacts on new residential dwellings.

Cumberland Independent Hearing and Assessment Panel

On 10 August 2016 the CIHAP considered report C015/16 on the Planning Proposal request for 37-39 Pavesi Street, Smithfield. A copy of the report and minutes are included in Attachment 1.

The report provided a Strategic Merit Assessment of the proposal and made the following recommendations:

1. That Council proceed with the preparation of a Planning Proposal for 37-39 Pavesi Street, Smithfield, which proposes to rezone the site for R2 Low Density Residential, with the following planning controls:
 - A maximum floor space ratio of 0.5:1
 - A maximum building height of 9m
 - A minimum lot size of 450m²
2. That a revised concept be provided prior to public exhibition, incorporating the following:
 - Revised road design that ensures service vehicles can move safely along the entire length of the road

- Revised turning arrangement for service vehicles, located at the end of the road
 - A minimum lot size of 450m²
3. That, prior to public exhibition, the revised road design be reported to Council's Traffic Committee along with the proposal to dedicate the new road to Council, for the committee's consideration.

The CIHAP resolved that the proposal should proceed in accordance with these recommendations.

Conclusion:

On 10 August 2016, the CIHAP considered Council's strategic merit assessment of the proposal for 37-39 Pavesi Street, Smithfield and resolved to proceed with the planning proposal subject to modifications to the proposed concept and road design.

On the basis of the CIHAP resolution, this report seeks Council's endorsement for the preparation of a Planning Proposal for submission to the State Government.

Consultation:

Community and agency consultation would be undertaken in accordance with the requirements stipulated by the Gateway Determination, and would likely include public exhibition for 28 days, letters to adjoining and opposite neighbours and notification in the local newspaper and on Council's website.

Financial Implications:

A fee of \$34,302 was received with the planning proposal request, being the required fee for a major rezoning request.

Policy Implications:

This report proposes to submit to the DP&E a Planning Proposal that may result in an amendment to Holroyd Local Environmental Plan 2013, and related amendments to Holroyd DCP 2013.

Communication / Publications:

Community consultation for the planning proposal would be advertised in local newspapers and on Council's website.

Report Recommendation

- i) That Council receive the minutes of the CIHAP report C015/06 and adopt the recommendations as resolved by the CIHAP.
- ii) That the revised concept incorporate site-specific controls that establish the location and dimensions of the road within a 20m buffer between new residential dwellings and the boundary with the industrial zone, including a minimum physical

separation/vegetation buffer between the proposed road and property/zone boundary.

Attachments:

1. CIHAP Report C015/16 – Planning Proposal Request for 37-39 Pavesi Street, Smithfield
2. Minutes of CIHAP 10 August 2016 for report C015/16

MIN. 113 ITEM 076/16 – PLANNING PROPOSAL FOR 11-19 CENTENARY ROAD
MERRYLANDS (ST VINCENT DE PAUL SITE) – POST EXHIBITION REPORT

Moved and declared carried by the Administrator that Council:

- i) Receive the minutes of the CIHAP Report C014/16 and adopt the recommendations as resolved by the Panel, with the exception of part of Recommendation 4, on the basis that the Planning Proposal does not require forwarding to the Department for finalisation, and
- ii) Finalise the LEP amendment in accordance with the delegated authority from the Greater Sydney Commission through the Department.

Min. 114 ITEM 077/16 – PLANNING PROPOSAL REQUEST FOR 37-39 PAVESI STREET,
SMITHFIELD

Note: Mr. Mark Bolduan addressed the meeting on this item.

Moved and declared carried by the Administrator that:

- i) Council receive the minutes of the CIHAP report C015/06 and adopt the recommendations as resolved by the CIHAP.
- ii) The revised concept incorporate site-specific controls that establish the location and dimensions of the road within a 20m buffer between new residential dwellings and the boundary with the industrial zone, including a minimum physical separation/vegetation buffer between the proposed road and property/zone boundary.

Min. 115 ITEM 078/16 – PP-4/2015 – AUBURN SHOPPING VILLAGE PLANNING
PROPOSAL

Moved and declared carried by the Administrator that:

- i) The application for a planning proposal to amend the permissible height of building control from 49m to 96m, and to amend the permissible floor space ratio control from 5:1 to 9:1, for the subject land at 41 Auburn Road, Auburn, not be supported;
- ii) This application not proceed to the Department of Planning and Environment;
- iii) The draft investigation into height and zoning for Auburn and Lidcombe town centres be reported to the Cumberland Council Independent Hearing and Assessment Panel (CIHAP) for review and recommendation, prior to being reported to Council.

Min. 116 ITEM 079/16 – CUMBERLAND HERITAGE STUDY AND NSW HERITAGE GRANT
OFFER

Moved and declared carried by the Administrator that:

Attachment 4 Rezoning request