



**Report to the Director General on an application for a Site Compatibility Certificate - State Environmental Planning Policy (Infrastructure) 2007**

**SITE:** Lot 1 DP 11244346, Roland Street, Greystanes

**APPLICANT:** GHD Pty Ltd on behalf of Department of Education

**PROPOSAL:** To allow medium density residential development on the site of up to 24 dwellings with each dwelling sited on a separate lot ranging from 182m<sup>2</sup> to 254m<sup>2</sup> at a density of approximately 1 dwelling per 500 m<sup>2</sup>.

**LGA:** Holroyd

**PERMISSIBILITY STATEMENT**

The application (at **Tag E**) seeks for Site Compatibility Certificate to enable the site to be used for *medium density housing*. Under Clause 18 of the SEPP, additional uses may be undertaken on State land where it would otherwise be prohibited under an LEP, if the uses are permissible on adjacent land and a Site Compatibility Certificate is obtained from the Director-General of the Department of Planning and Infrastructure.

The site is currently zoned for 5(a) Special Uses (School) under the Holroyd Local Environmental Plan 1991 (the LEP). The site, although zoned for school use, has not been developed for this purpose. The site was subdivided from the school in 2007. Since it was subdivided it has remained vacant and unused and it is no longer required by Department of Education and Training. A land zoning map extract and a copy of the land use table, taken from Holroyd Local Environmental Plan 1991, are at **Tag F** and **Tag G**.

Under the existing LEP the proposal is likely to be defined 'medium density housing'. This is not permissible in the 5(a) Special Uses (School) zone; however it is permissible in the adjoining 2(a) Residential zone (the Draft LEP Zoning Map is at **Tag H**).

It is noted that Holroyd recently exhibited its comprehensive Draft Holroyd LEP 2010 (the 'draft LEP'). Under the draft LEP the site is proposed to be zoned as R2 Low Density Residential. Under the draft LEP the proposal would likely be defined as 'medium dwelling housing'. This is not permissible in the R2 Low Density Residential zone.

The proposal is for a medium density residential development on the 1.196 ha site of up to 24 dwellings with each dwelling sited on a separate lot ranging from 182m<sup>2</sup> to 254m<sup>2</sup> at a density of approximately 1 dwelling per 500m<sup>2</sup>.

The site is bounded by 1 and 2 storey residential dwellings to the north and west, some villa development and open space to the east, along with further areas of 1 and 2 storey dwellings. Holroyd High School is to the south and 1 and 2 storey dwellings are to the west. The site has limited road access, via an access handle, from Roland Street to the East.

The site contains areas of vegetation, some of which is identified as Cumberland Plain Woodland (CPW). CPW is listed as a Critically Endangered Ecological Community under the *Environment Protection and Biodiversity Conservation Act 1999* and currently as an Endangered Ecological Community under the *Threatened Species Conservation Act 1995*, with a preliminary determination by the Scientific Committee as a Critically Endangered Ecological Community.

#### **CLAUSE 19(6)**

A certificate must not be issued unless the Director General:

- (a) has taken into account any comments received from the council within 14 days after the application for the certificate was made; and
- (b) is of the opinion that the development concerned is:
  - (i) compatible with the surrounding land uses having regard to the matters set out in clause 19(6)(b); and
  - (ii) not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land.

#### **COMMENTS FROM COUNCIL**

The Director General must take into account any comments from the relevant Council received within 14 days after the application for the site compatibility certificate was made (clause 19(6)(a)).

Holroyd Council has made detailed comments on the proposal. A copy of Council's letter is at **Tag I**. These are summarised below:

- Council has undertaken studies to inform the preparation of the draft LEP, including a Draft Residential Development Strategy. Council exhibited the draft LEP in late 2010, zoning 1 Roland Street, Greystanes as R2 Low Density Residential. This proposed zoning is consistent with the predominant character of surrounding land uses. The subject application proposal for attached housing would not be permitted in the R2 zone.
- 1 Roland Street, Greystanes contains two tree protection zones as easements on the land. These contain the critically endangered ecological community of Cumberland Plain Woodland. The application and its assisting reports do not report this correctly, and therefore do not consider any adverse impacts of future development on the site appropriately.
- The application contained a proposed Masterplan for the site. While the application did not provide a clear indication of floor space ratio, setbacks and further details, a preliminary assessment by Council concluded that the proposal provided several significant non-compliances essential for the accommodation of the land use.



- While Council understands that the existing surrounding zoning of 2(a) residential permits the development of an attached housing dwelling type, the proposal does not comply with Council's development controls for medium density development and would not be compatible with the surrounding existing land uses and dwelling character.
- Furthermore the comments note that Council's draft LEP is substantially progressed, and any future land use zoning changes would require a planning proposal.

Council has raised a number of valid issues and these are addressed in the following assessment and in the recommended additional comments in the letter to accompany the certificate.

## **COMPATIBILITY WITH SURROUNDING LAND USES**

The Director General must not issue a certificate unless he is of the opinion that the development concerned is compatible with the surrounding land uses having regard to the following matters (clause 19(6)(b)):

### **1. The existing uses and approved uses of land in the vicinity of the development (clause 19(6)(b)(i))**

The 1.196 ha site is within the suburb of Greystanes in the Holroyd LGA. It was part of Holroyd High School and was subdivided from the remainder of the existing school site to the south in 2007. This is zoned 5(a) Special Uses "School". It is identified by Council as being within in the Greystanes Commercial Precinct which contains a shopping centre, tavern, branch library and Holroyd High School.

There is very limited open space in the north of the precinct; however, the Lower Prospect Canal is approximately 600 metres south of the site.

The areas to the west, north and east of the site are zoned under the Holroyd Local Environmental Plan 1991 2(a) Residential and is characterised by predominantly one and two storey detached dwellings. There are some (13 according to Council) dual occupancy developments in the surrounding area and two (2) town housing developments.

The surrounding existing zone of 2(a) Residential allows for medium density development. It is noted that the future proposed zoning under the Draft Principal LEP is R2 Low Density Residential and that this would not permit multi dwelling housing.

### **2. The impact that the development (including its bulk and scale) is likely to have on the existing uses, approved uses and uses that, in the opinion of the Director General are likely to be the preferred future uses of that land (clause 19(6)(b)(ii))**

The proposal is for the development of up to 24 dwellings at a claimed density of approximately 1 dwelling per 500m<sup>2</sup>. This incorporates land identified as being in two Tree Protection Zones. The stated lot sizes would range from 187m<sup>2</sup> to 254m<sup>2</sup>. This is a much greater density and is not in character with the surrounding dwelling character.

Council has clearly identified the preferred use of the land in the surrounding area to be R2 Low Density Residential in the draft LEP. The draft LEP has been exhibited once and is currently on re-exhibition. The subject area is still proposed as R2.

Irrespective of the above it appears that a development of the scale and density proposed would be unable to meet a number of requirements under *Holroyd DCP 2007*. Therefore it is recommended that the letter accompanying the site compatibility certificate for the site should include a comment that the bulk and scale of the development should be determined based on capability of the site as assessed under Councils development assessment process.

### **3. The services and infrastructure that are or will be available to meet the demands arising from the development (clause 19(6)(b)(iii))**

According to the applicant's submission, any proposed development can be adequately serviced with reticulated water, sewer, telecommunications and gas services. There is no mention of electricity but it is likely that the existing infrastructure is adequate.

The village of Greystanes Shopping Centre is located 200 metres north of the site with a variety of commercial services including a supermarket, petrol station, doctor's surgery and other small retail outlets. Westmead Hospital is located around 6kms to the north. Education facilities in the area include Holroyd High School, adjoining the southern boundary of the site, and Sherwood Grange Public School, around 1km south west of the site.

Two regular Bus Services operate in the area and provide access to local shopping centres and facilities and connections to wider public transport networks. Both services operate 7 days a week with half hourly to hourly frequencies.

Vehicular access to the site is from Roland Street which is a small local light traffic cul-de-sac. There is a limited access handle from the site to the street and as identified by Council, the proposed development would more than double the number of dwellings fronting the street. It is not clear what the impact of increased traffic would have on the street and the surrounding locality.

## **EFFECT ON THE ENVIRONMENT**

The Director General must not issue a certificate unless he/she is of the opinion that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land (clause 19(6)(c)):

### **1. Adverse effects on the environment and unacceptable environmental risks to the land (clause 19(6)(c))**

As noted above, the site contains some areas of vegetation which are identified as Cumberland Plain Woodland (CPW). CPW is listed as a Critically Endangered Ecological Community under the Environment Protection and Biodiversity Conservation Act 1999 and currently as an Endangered Ecological Community under the *Threatened Species Conservation Act 1995*, with a preliminary determination by the Scientific Committee as a Critically Endangered Ecological Community.



The application does not adequately address the impacts of the proposed development on the listed critically endangered vegetation. The field survey and report relied on by the applicant was prepared in 2003. Additionally the significance assessment was undertaken using criteria and methods that were subsequently changed in the amendment to the *Threatened Species Act in 2004*.

In view of this, it is recommended that the letter accompanying the site compatibility certificate for the site should include a comment that the proposal does not address the impacts of the proposed development on the listed critically endangered vegetation and that this is to be addressed as part of Council's development assessment process.

## RECOMMENDATION

It is RECOMMENDED that the Director General:

1. **note** this report; and
2. **consider** any comments received from the Council within 14 days after the application for the certificate was made as set out in the report; and
3. **form the opinion** that the development concerned is compatible with the surrounding land uses having had regard to the matters specified in clause 19(6)(b); and
4. **form the opinion** that the development concerned is not likely to have an adverse effect on the environment and does not cause any unacceptable environmental risks to the land;
5. **determine** the application for a site compatibility certificate under clause 19(5) by issuing a certificate (**Tag B**); and
6. **sign** the letters to the applicant and Council advising of this determination (**Tags C and D**).


Regional Director  
Sydney West



30.8.11  
Executive Director  
Planning Operations



31/8/11  
Deputy Director General  
Plan Making and Urban Renewal



2/9/2011  
Director General