

PLANNING PROPOSAL

To reclassify land within Holroyd
Gardens Park, Holroyd from 'Community
Land' to 'Operational Land'

June 2015



CONTENTS

1	INTRODUCTION.....	1
1.1	BACKGROUND.....	1
1.2	LAND TO WHICH THE PLANNING PROPOSAL APPLIES.....	2
1.3	CURRENT PLANNING CONTROLS.....	3
2	THE PLANNING PROPOSAL.....	4
2.1	OBJECTIVES AND INTENDED OUTCOMES.....	4
2.2	EXPLANATION OF PROVISIONS.....	4
2.3	JUSTIFICATION.....	4
2.3.1	<i>Need for the Planning Proposal.....</i>	<i>5</i>
2.3.2	<i>Relationship to strategic planning framework.....</i>	<i>5</i>
2.3.3	<i>Environmental, social and economic impact.....</i>	<i>8</i>
2.3.4	<i>State and Commonwealth interests.....</i>	<i>9</i>
2.4	MAPPING.....	9
2.5	COMMUNITY CONSULTATION.....	9
2.6	PROJECT TIMELINE.....	10
	ATTACHMENT 1 - COUNCIL REPORT OF 17 MARCH 2015.....	11

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 & Environment.

The purpose of the planning proposal is to seek an amendment to Holroyd Local Environmental Plan 2013 (HLEP 2013) to reclassify land within Holroyd Gardens Park at 32 Walpole Street, Holroyd, from 'community' land to 'operational' land. The purpose of this reclassification is to enable an extension of Sheffield Street to the east of Pitt Street to link with a new road that will intersect with Neil Street to the south within the heart of the Precinct. The extension is an important element of the proposed road infrastructure in the Neil Street Precinct and will be important in encouraging redevelopment within the Precinct, particularly given the recent increase in development interest.

The format of the planning proposal is based on the Department of Planning and Infrastructure's *'A Guide to Preparing Planning Proposals'* (2012). Heads of consideration include:

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

1.1 Background

Commencement of the current Local Government Act in 1993 required that all Council land be classified as either operational or community land. The subject land was classified as community land due to its use for open space purposes.

Providing planning provisions within the Neil Street Precinct that encourage redevelopment is an established position of Council. Since the introduction of Holroyd Local Environmental Plan (LEP) 2013, development interest in this Precinct has increased significantly and a number of development applications in the Precinct are currently being assessed by Council.

An important component of the planning provisions within the Neil Street Precinct relates to the public domain, in particular roads and pedestrian circulation. Holroyd Development Control Plan (DCP) 2013 contains detailed planning controls that ensure development within the Precinct is appropriately serviced with road infrastructure. Provisions in DCP 2013 identify the proposed road network in the Neil Street Precinct, which includes the Sheffield Street extension. However, reclassification of the subject land to operational is necessary to allow the road extension to occur.

Consequently, Council resolved on 17 March 2015 to prepare a planning proposal to reclassify the land to 'operational' for submission to the Department of Planning & Environment for 'gateway determination'.

1.2 Land to which the Planning Proposal applies

The planning proposal applies to land commonly known as Holroyd Gardens Park located at 32 Walpole Street, Holroyd.

The site comprises two separate allotments and is legally described as:

- Part Lot 3 DP 600621
- Part Lot 1001 DP 1037793

The area of the subject land is 2,220m² and the land is currently used as public open space. The location of the subject land is shown in Figure 1.

The land is located on the northern edge of the Merrylands town centre on the eastern side of Pitt Street. Immediately to the south is the Neil Street Precinct.

A Plan of Management was prepared for Holroyd Gardens Park in 2000, in accordance with the provisions of the NSW *Local Government Act 1993*. Under these requirements, Holroyd Gardens Park (formerly known as Walpole Street Park) is categorized as a 'Park'.

Formerly the site was a brickworks, which closed in 1989, when it was acquired by the Metropolitan Waste Disposal Authority. Landfill operations in the former clay extraction pit commenced in 1978 and continued until 1984. The site was known as the Merrylands Solid Waste Disposal Depot during the period of landfill operations.

Care, control and management of the park were vested in Holroyd City Council, while the proposed eastern extension is owned by Council. Waste Services transferred the land to Council on 13 January 1999 in accordance with an agreement made when the site was developed as a landfill.

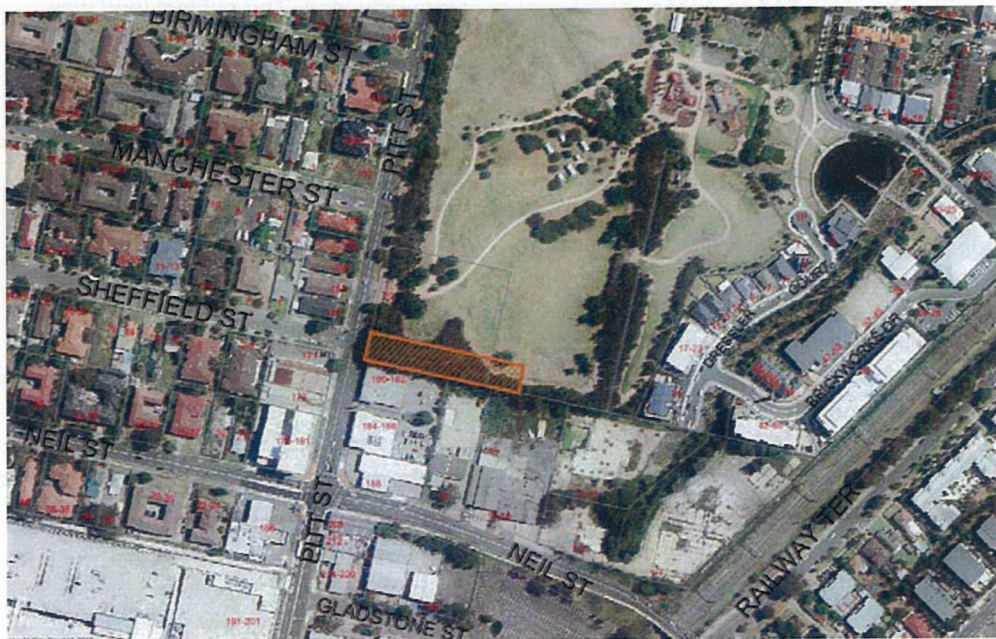


Figure 1 – Location of subject land

1.3 Current Planning Controls

Holroyd Local Environmental Plan 2013

The site is currently zoned RE1 Public Recreation under Holroyd Local Environmental Plan 2013. The objectives of an RE1 zone are:

- To enable land to be used for public open space or recreational purposes.
- To provide a range of recreational settings and activities and compatible land uses.
- To protect and enhance the natural environment for recreational purposes.

Height

Pursuant to Clause 4.3 of HLEP 2013 the site has no maximum height limit.

Floor space ratio

Pursuant to Clause 4.4 of HLEP 2013 the site has no maximum FSR.

Heritage

The land was originally part of a larger site on which an item of environmental heritage is situated, being item I53 the Goodlet & Smith brickmaking plant and chimney and Hoffman kiln and chimney.

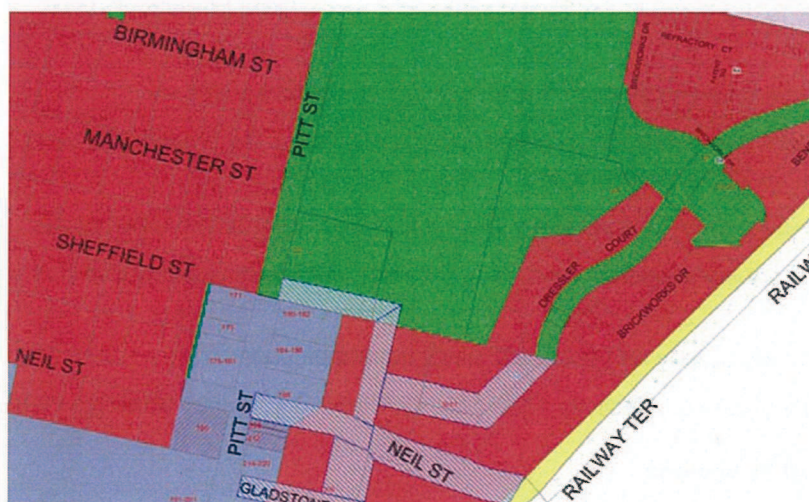


Figure 2 – Extract of land use zoning map (HLEP 2013)

Holroyd Development Control Plan 2013

Strategies and planning controls for development within the Merrylands town centre are provided in Holroyd DCP (Part M). The DCP provides urban design strategies for the centre including a strategy to 'provide new roads and infrastructure to improve accessibility and circulation in the Neil Street Precinct'. The Sheffield Street extension is one of several new roads proposed under the DCP to address this strategy.

2 The Planning Proposal

2.1 Objectives and Intended Outcomes

Under Section 55(1) of the *Environmental Planning and Assessment Act 1979*, an explanation of what is planned to be achieved by the proposed amendments to Holroyd LEP 2013 is required to be addressed.

The purpose of the planning proposal is to enable an extension of Sheffield Street to the east of Pitt Street to link with a new road that will intersect with Neil Street to the south within the heart of the Precinct. The extension of Sheffield Street will ensure that traffic circulation in the Precinct and in the broader Merrylands Centre can be maintained as the area develops. It will also ensure that access to development sites within the Neil Street Precinct do not require ingress and egress points directly on to Pitt Street or Neil Street where traffic flow will be prioritised. In addition, the extension will facilitate more direct pedestrian access from the Neil Street Precinct into Holroyd Gardens. The extension is an important element of the proposed road infrastructure in the Neil Street Precinct and will be important in encouraging redevelopment within the Precinct, particularly given the recent increase in development interest.

The key objectives of the planning proposal are to:

1. contribute to the renewal and revitalisation of a new vibrant Merrylands town centre;
2. assist in promoting local economic growth with the town centre;
3. ensure that traffic circulation in the Precinct and broader Merrylands Centre is maintained as the area develops;
4. avoid the creation of new vehicle access points on Pitt Street and Neil Street;
5. facilitate more direct pedestrian access from the Neil Street Precinct into Holroyd Gardens;
6. provide for the orderly and economic development of land;
7. deliver key planning objectives adopted in Council's Community Strategic Plan;

2.2 Explanation of Provisions

This section describes the mechanisms by which the objectives and intended outcomes discussed in Section 2.1 will be achieved.

The planning proposal seeks to amend Holroyd Local Environmental Plan 2013 by amending Schedule 4, Part 1 'Land classified or reclassified as operational land – no interests changed' by inserting the following changes:

Column 1	Column 2
Locality	Description
32 Walpole Street, Holroyd	Part Lot 3 DP 600621 Part Lot 1001 DP 1037793

Zoning provisions of the site will remain unchanged.

2.3 Justification

This section details the reasons for the proposed outcomes and is based on a series of questions outlined in the Department of Planning and Infrastructure's *A Guide to*

Preparing Planning Proposals 2012. Heads of consideration include the need for the planning proposal from a strategic planning viewpoint, implications for State and Commonwealth agencies and environmental, social and economic impacts.

2.3.1 Need for the Planning Proposal

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

Yes. Council resolved on 17 March 2015 that a planning proposal to reclassify the site be submitted to the Department of Planning & Environment for a 'gateway determination' and to proceed to public consultation. This is consistent with Council's adopted Community Strategic Plan and Assets Management Strategy of achieving the highest and best use of its land holdings.

Q: 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 only legal means of enabling the road extension to proceed.

As 'community' classified land, Council is unable to exchange, sell or dispose of the land under current provisions of the *Local Government Act 1993*. Accordingly, HLEP 2013 needs to be amended to achieve Council's strategic vision of redeveloping the Merrylands town centre.

2.3.2 Relationship to strategic planning framework

Q: Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

Yes. The State Government's metropolitan strategy 'A Plan for Growing Sydney' provides a long term planning framework based on strategic directions for the future growth of Sydney.

A key direction of the strategy is to accelerate urban renewal – providing homes closer to jobs. Urban renewal is essential to meet the demand for new housing in Sydney over the next 20 years. Locating new housing near centres on the public transport network will make it easier for people to get to jobs and services and it takes pressure off congested roads.

The proposal is consistent with this direction as it will provide for a key element of infrastructure that will support urban renewal near the Merrylands centre and railway station.

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

Yes. Council's *Living Holroyd Community Strategic Plan 2013* provides a long term planning framework and strategic vision which identifies key priorities and strategies for the city. Key strategies and actions contained in Council's Delivery Program 2013 – 2017 that are relevant to the planning proposal include:

- Community Strategy G8.3 Develop City infrastructure to support population projections
 - 8.3.1 Ensure efficient and effective planning to optimise the provision of roads, stormwater and traffic facilities

The planning proposal is consistent with these and with Council's overall strategic direction.

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

Table 1 below lists all relevant State Environmental Planning Policies. As demonstrated, the planning proposal does not contain any provisions that would be inconsistent with the objectives of the relevant SEPP's.

Table 1 - Consistency with applicable SEPP's

Relevant State Environmental Planning Policies	Consistent
SEPP 19 - Bushland in Urban Areas	Yes
SEPP 32 - Urban Consolidation (Redevelopment of Urban Land)	Yes
SEPP 55 - Remediation of Land	Yes
SEPP 64 - Advertising and Signage	Yes
SEPP 65 - Design Quality of Residential Flat Development	Yes
SEPP (BASIX) 2004	Yes
SEPP (Housing for Seniors or People with a Disability) 2004	Yes
SEPP (Major Development) 2005	Yes
SEPP (Infrastructure) 2007	Yes
SEPP (Exempt and Complying Development Codes) 2008	Yes
SEPP (Affordable Rental Housing) 2009	Yes

Q: Is the planning proposal consistent with applicable Ministerial Directions (s117 directions)?

The consistency of the planning proposal against the Section 117 Directions is detailed in Table 2 below:

Table 2 - Consistency with applicable Section 117 Directions

Section 117 Direction	Consistent
1. Employment and resources	
1.1 Business and Industrial Zones	NA
1.2 Rural Zones	NA
1.3 Mining, Petroleum Production and Extractive Industries	NA
1.4 Oyster Aquaculture	NA
1.5 Rural Lands	NA
2. Environment and Heritage	

2.1 Environment Protection Zones	Yes
2.2 Coastal Protection	NA
2.3 Heritage Conservation	Yes
2.4 Recreation Vehicle Areas	Yes
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	NA
3.2 Caravan Parks and Manufactured Home Estates	Yes
3.3 Home Occupations	Yes
3.4 Integrating Land Use and Transport	Yes
3.5 Development Near Licensed Aerodromes	NA
3.6 Shooting Ranges	NA
4. Hazard and Risk	
4.1 Acid Sulphate Soils	Yes
4.2 Mine Subsidence and Unstable Land	NA
4.3 Flood Prone Land	NA
4.4 Planning for Bushfire Protection	NA
5. Regional Planning	
5.1 Implementation of Regional Strategies	NA
5.2 Sydney Drinking Water Catchments	NA
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	NA
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	NA
5.8 Second Sydney Airport: Badgerys Creek	NA
5.9 North West Rail Link Corridor Strategy	
6. Local Plan Making	
6.1 Approval and Referral Requirements	Yes
6.2 Reserving Land for Public Purposes	Yes
6.3 Site Specific Provisions	Yes

7. Metropolitan Planning

7.1 Implementation of A Plan for Growing Sydney

Yes

2.3.3 Environmental, social and economic impact

Q: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the proposal. Due to the history of the site as a clay pit and landfill the original landform has been highly modified and all of the indigenous vegetation on the site had been removed by the early 1900's.

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

The site is not affected by bushfire hazard, subsidence or flooding. Impacts relating to erosion, sediment, stormwater management and flora/fauna would be dealt with at detailed design stage. Minor adjustments to the existing drainage system may be required and would be addressed at the detailed design stage.

While no original vegetation remains within the park, new perimeter native tree plantings were established with the development of the park (from 1984 onwards). The majority of the subject land (approximately 2,200m²) is covered by these plantings, which would need to be removed. To offset this removal of native vegetation, the same or greater area of locally indigenous tree species would be re-established in the park, in the vicinity of the new road. Further detail of this would be developed at the detailed design stage.

The site is affected by Acid Sulfate Soils (Class 5). Provisions of HLEP requiring development consent for certain works do not apply to the land as it is more than 500m from adjacent Class 4 land.

The site is also affected by contamination, resulting from its former use as a landfill. A Phase 1 contamination assessment would be required prior to public exhibition to determine the extent of contamination affecting the subject land.

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

As the purpose of the planning proposal is to assist in facilitating the redevelopment of the Neil Street Precinct and ensuring adequate traffic circulation, as well as improving pedestrian access to Holroyd Gardens, the proposal would enable Council to manage its assets in keeping with community expectations and Council's long term strategic vision. The social benefits of a revitalised centre would also have positive effects on the wider community.

The subject land is heritage listed under HLEP 2013. The land was originally part of a larger site on which an item of environmental heritage is situated, being item I53 the Goodlet & Smith brickmaking plant and chimney and Hoffman kiln and chimney. The proposed road extension is on the south-western boundary of Holroyd Gardens and is not located near any of the remaining heritage fabric. Also, given the visually unobtrusive nature of the proposal, it is considered that it would not adversely impact on the site's heritage value.

The proposed road extension would impact on an existing perimeter pathway in Holroyd Gardens Park. This pathway would be realigned as part of the works for the road

extension. This may temporarily affect pedestrian accessibility along the southern edge of the park.

2.3.4 State and Commonwealth interests

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

There is adequate public infrastructure available to the site including water, electricity, gas, telecommunications, sewerage and transport.

Q: 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 Infrastructure, the appropriate State and Commonwealth authorities have not been identified nor consulted. However, it is not anticipated that there will be any issues raised during the consultation period.

2.4 Mapping

All relevant maps that assist in identifying the intent of the planning proposal are contained in Section 1.0 of this report.

2.5 Community Consultation

It is proposed that the planning proposal be exhibited for a period of 14 days. Exhibition material will contain a copy of the planning proposal and relevant maps supported by a written notice that describes the objectives and intended outcomes of the proposal, the land to which the proposal applies and an indicative time frame for finalisation of the planning proposal. Consultation will not occur until receipt of the 'gateway determination'.

The proposed consultation methodology will include, but not limited to:

- forwarding a copy of the planning proposal and the gateway determination to State and Commonwealth public authorities identified in the gateway determination;
- giving notice of the public exhibition in the main local newspaper (Parramatta Advertiser);
- notifying the exhibition of the planning proposal on Council's web site including all relevant documentation (in accordance with the Department's Practice Note (PN 03-009) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land);
- providing a copy of the planning proposal and supporting documentation at Council's customer service centre (in accordance with the Department's Practice Note (PN 03-009) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land);
- notifying all affected property owners and body corporates of adjoining strata units where relevant;
- conducting a public hearing following the public exhibition period.

2.6 Project Timeline

1. Planning Proposal submitted to Department of Planning & Environment	Early June 2015
2. Gateway Determination received by Council	Early July 2015
3. Planning proposal publicly exhibited for 14 days	Mid July 2015
4. Public hearing conducted	Mid August 2015
5. Council considers report on exhibition & public hearing	Mid September 2015
6. LEP amendment gazetted	October/November 2015

Attachment 1 - Council report of 17 March 2015

Proposed Land Reclassification - Sheffield Street Extension, Holroyd

Responsible Department:	Environmental and Planning Services
Executive Officer:	Director of Environmental & Planning Services
File Number:	INFOC/19 - BP15/234
Delivery Program Code:	5.1.1 Oversee the land use planning, design and compliance framework for managing and facilitate appropriate development 8.2.1 Ensure housing growth is focused around centres and planning controls do not compromise housing affordability

Summary:

This report proposes to reclassify a section of Council owned land on the southern boundary of Holroyd Gardens to operational land and recommends the submission of a Planning Proposal to the Minister for Planning and Environment for 'gateway determination' to proceed to public consultation.

Report:

Providing planning provisions within the Neil Street Precinct that encourage redevelopment is an established position of Council. Since the introduction of Holroyd Local Environmental Plan (LEP) 2013, development interest in this Precinct has increased significantly and a number of development applications in the Precinct are currently being assessed by Council.

An important component of the planning provisions within the Neil Street Precinct relates to the public domain, in particular roads and pedestrian circulation. Holroyd Development Control Plan (DCP) 2013 contains detailed planning controls that ensure development within the Precinct is appropriately serviced with road infrastructure. A number of urban design strategies are contained in DCP 2013 to guide the provision of this infrastructure as follows:

- Create clear linkages within the centre and to adjoining residential precincts.
- Improve pedestrian connectivity through providing designated pedestrian linkages.
- Provide new roads and infrastructure to improve accessibility and circulation in the Neil Street Precinct.
- Provide clear vehicular and pedestrian linkages with Neil Street Precinct, Holroyd Gardens and surrounding residential areas.

An important element of the proposed road infrastructure in the Neil Street Precinct is the extension of Sheffield Street to the east of Pitt Street. This is required to link with a new road that will intersect with Neil Street to the south within the heart of the Precinct. The land required for the Sheffield Street extension is at the southern edge of Holroyd Gardens. This land is owned by Council and is currently classified as community land.

Commencement of the current Local Government Act in 1993 required that all Council land be identified (classified) as either operational or community land. Reclassification of the land required for the Sheffield Street extension to operational is necessary to allow the roadway to proceed. Despite the provisions in DCP 2013 that identify the proposed road network in the Neil Street Precinct, classifying the land as operational provides certainty to developers that Sheffield Street will be extended in the prescribed manner. This will subsequently allow development applications in the Precinct requiring this access to be determined. The area of land proposed to be reclassified is included as an attachment to this report.

The extension of Sheffield Street will ensure that traffic circulation in the Precinct and in the broader Merrylands Centre can be maintained as the area develops. It will also ensure that access to development sites within the Neil Street Precinct do not require ingress and egress points directly on to Pitt Street or Neil Street where traffic flow will be prioritised. In addition, the extension will facilitate more direct pedestrian access from the Neil Street Precinct into Holroyd Gardens.

It is recommended that a planning proposal be prepared seeking the reclassification of this land to operational that will be submitted to the Department of Planning and Environment for gateway determination. The gateway determination by the Minister (or their delegate) will determine the required community consultation and timing for the process. A public hearing will be required to be held in accordance with Section 29 of the Local Government Act 1979. The matter would then be reported to Council for further consideration.

Conclusion:

Reclassification of land on the southern boundary of Holroyd Gardens from community to operational is necessary to allow the Sheffield Street extension to occur. It is recommended that a planning proposal be submitted to the Department of Planning and Infrastructure seeking a gateway determination to proceed to public consultation in relation to this matter.

Consultation:

Engineering Services comment was sought in relation to this matter. There were no objections raised in relation to traffic, given the Sheffield Street Extension is identified

under the DCP 2013 plan for traffic circulation and vehicular access for the precinct (and previous plans since 2003). A question was raised in relation to process and the Holroyd Gardens Plan of Management. Advice has been sought in relation to this matter, however this does not affect the need to reclassify the land to operational as per the recommendation of this report.

It is recommended that the planning proposal to reclassify the land be submitted for gateway approval to proceed to public consultation and a public hearing.

Financial Implications:

There are no financial implications for Council associated with this report.

Policy Implications:

The planning proposal is to amend the new Holroyd LEP 2013 to insert the relevant details identifying the land in the locality column (1) and description column (2) in Schedule 4 'Classification and reclassification of public land' Part 1 'Land classified, or reclassified, as operational land—no interests changed'. This would have the effect of reclassifying the land from community to operational.

Communication / Publications:

Public notice of the community consultation and public hearing would be included in Council's Corporate Page in a local newspaper and on Council's website.

Report Recommendation:

That a planning proposal to reclassify land within Holroyd Gardens required for the extension of Sheffield Street from community to operational land (with no interests changed) be submitted to the Department of Planning and Environment for 'gateway determination' to proceed to public consultation.

Council Resolution

Resolved on the motion of Clr. Dr. Brodie, seconded Clr. Colman that a planning proposal to reclassify land within Holroyd Gardens required for the extension of Sheffield Street from community to operational land (with no interests changed) be submitted to the Department of Planning and Environment for 'gateway determination' to proceed to public consultation.

Attachments:

1. Proposed Land Reclassification - Sheffield Street Extension