

Planning Services

Plan Finalisation Report

Local Government Area: Cumberland

File Number: 17/11169

1. NAME OF DRAFT LEP

Holroyd Local Environmental Plan 2013 Amendment No.14 (draft LEP). The draft instrument is at [Attachment Maps](#).

2. SITE DESCRIPTION

The planning proposal applies to land known as the former Bonds Spinning Mills site at Lot 1 DP 735207, 190–220 Dunmore Street, Pendle Hill (the site).

The 8ha site, currently vacant, generally comprises low rise industrial buildings. The site is bounded by Dunmore Street to the north, which is characterised by medium-density apartments towards the railway, and Jones Street to the east, which consists of townhouses/villas and detached residential dwellings. More townhouses/villas and detached residential dwellings are located to the south of the site. A nursing home and retirement village (the Churches of Christ Retirement Village) including the heritage listed Dunmore House and gardens are located to the west of the site.

Pendle Hill is approximately 6km from the Parramatta CBD and 1km to the Wentworthville Town Centre. The site is approximately 400m from the Pendle Hill train station. The site and surrounding area are shown at **Figure 1** and **Figure 2**.



Figure 1: The site



Figure 2: Surrounding area

3. PURPOSE OF PLAN

The draft LEP seeks to:

- rezone the site from IN2 Light Industrial to R4 High Density Residential, B2 Local Centre and RE1 Public Recreation;
- introduce maximum Floor Space Ratio (FSR) controls [currently no FSR controls] as follows:
 - o 0.7:1 (B2 zone);
 - o 1.2:1 (R4 zone within heritage precinct); and
 - o 2.2:1 (R4 zone south of heritage precinct);
- introduce maximum Height of Building (HoB) control (currently no HoB controls) as follows:
 - o 14m (4 storeys) in the front (northern) portion of the site;
 - o 39m (12 storeys) in the central portion of the site;
 - o 27m (8 storeys) predominantly surrounding the central portion and extending to the eastern and western boundaries of the site; and
 - o 12.5m (3 storeys) along the southern and south-western boundaries; and
- amend the minimum lot size from 1,200 sqm to 900 sqm minimum for the proposed R4 zone and remove minimum lot sizes for the proposed B2 or RE1 zones.

The majority of the site is proposed to be zoned R4 High Density Residential.

The B2 Local Centre zone is proposed for part of the heritage precinct in the northern part of the site, reflecting the intention to accommodate commercial uses in retained heritage buildings. The RE1 zone is proposed for the park in the north-eastern part of the site, which is the main area of open space.

The proposed Land Use Zones are shown at **Figure 3**.

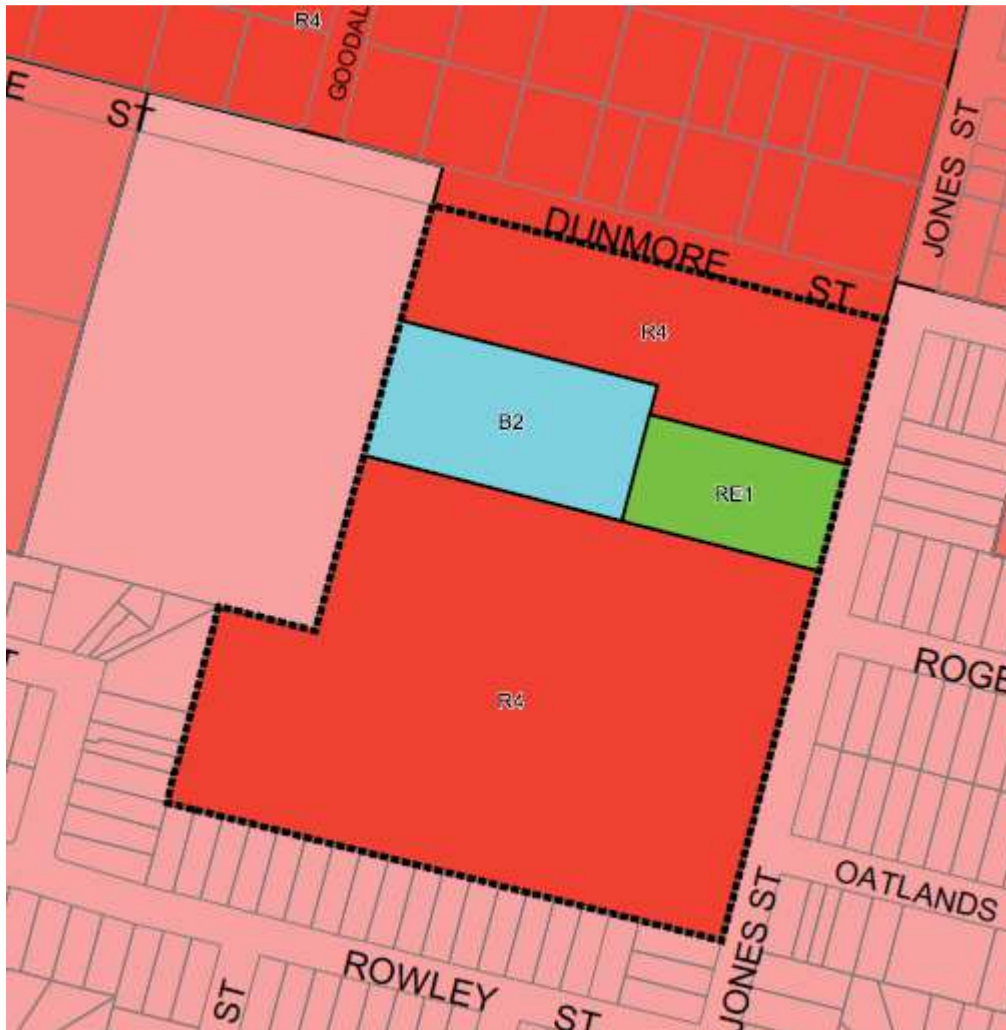


Figure 3: Proposed R4, B2 and RE1 Land Use Zones for the site

In summary the final planning proposal will provide for:

- site FSRs of between 0.7:1 to 2.2:1;
- building envelopes providing for up to 1,440 dwellings;
- 6,000sqm of non-residential floor space;
- public park of 5,500sqm;
- a permeable and publicly accessible site with new roads and pedestrian pathways;
- open space links providing site access and amenity to new residential areas; and
- the adaptation of industrial heritage buildings as part of a community area.

A Future Development Concept Plan is provided at **Figure 4**.



Figure 4: Future Development Concept Plan

STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Prospect Electorate. Dr Hugh McDermott MP is the State Member for Prospect.

Ms Julie Owens MP is the Federal Member for Parramatta.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

NSW Government Lobbyist Code of Conduct: There have been no meetings or communications with registered lobbyists with respect to this proposal.

NSW Government reportable political donation: There are no donations or gifts to disclose and a political donation disclosure is not required

4. GATEWAY DETERMINATION AND ALTERATIONS

A summary of the process to date is provided, as follows:

Gateway Determination for Initial Planning Proposal (February 2015)

A Gateway determination was previously issued on 23 February 2015 for a planning proposal subject to further studies, including:

- a social impact assessment;
- an updated future development concept reflecting a 12-storey maximum building height;
- a revised traffic and transport report based on a dwelling yield of 1,300 dwellings;
- a stormwater and flooding assessment; and
- a final Conservation Management Plan.

The Gateway identified a timeframe of a minimum 18 months for finalisation.

Gateway Determination for Revised Planning Proposal (August 2016)

Following the decision by the newly formed Cumberland Council on 19 April 2016 to proceed with a revised planning proposal for the site which sought:

- a dwelling yield reduction (to approximately 1,260 dwellings);
- amended building heights of:
 - o 14m (3–4 storeys) between Dunmore Street and the proposed park;
 - o 39m (12 storeys) in the centre of the site;
 - o 12.5m (3 storeys) along the southern boundary; and
 - o 27m (8 storeys) for the remainder of the southern part of the site; and
- reduced FSRs ranging from 0.7:1 to 1.9:1.

Given the changes proposed, a new Gateway determination was issued on 8 August 2016 supporting the revising planning proposal subject to:

- removal of the proposed 1.9:1 FSR applying to the southern portion of the site and the imposition of an FSR of 2.3:1;
- demonstration that that site can be adequately serviced;
- update of Phase 2 Environmental Assessment to demonstrate that any contamination at the site can be adequately remediated; and
- consultation with NSW Office of Environment and Heritage.

A timeframe of 18 months for finalisation was issued. It was also determined that the previous Gateway determination would not proceed.

5. PUBLIC CONSULTATION

In accordance with the Gateway determination, community consultation was undertaken by Council from 7 September 2016 to 19 October 2016.

A total of 70 community submissions were received by Council from the community.

The key issues raised in the submissions are in relation to consultation and decision making process; building height and density; lack of strategic approach; traffic, transport and parking; health, education and emergency services; utilities; stormwater and flooding; public open space; voluntary planning agreement and public benefits; social issues; economic issues; contamination; ecological impacts; and construction issues.

A summary of Council's response to the public consultation is provided as follows:

Response: Consultation and Decision-making Process

- In response to concerns regarding the consultation period, Council advised that a lengthy and in-depth community consultation process was conducted with the community which first commenced in 2007. This was followed by two extended public exhibition periods for the Draft LEP, in 2010 and 2011.
- The public exhibition period for the proposal was 42 days (14 days longer than the 28 day period required by the Gateway Determination). Whilst a two week school holiday period fell during the exhibition, there is no legislative requirement for community consultation to be conducted outside of school holidays.
- With reference to Council advancing the proposal while it is under administration the Administrator is delegated by the State government to fulfil the function of Council and decision-making in relation to planning matters such as this is part of this function.

Department Comment

It is considered that the community consultation requirements for planning proposals and Council's decision making processes have been satisfactorily followed and comply with the conditions of the Gateway determination.

Response: Building Height and Density

- The proposed height and density for the site is considered appropriate given its close proximity to Pendle Hill railway station and to the nearby centres of Westmead and Parramatta.
- The proposal responds to its context in terms of providing adequate setbacks and lower building heights (to 12.5m or 3 storeys) where it adjoins low density development. It also responds to the site's heritage by providing maximum building heights of 14m in the heritage precinct, and retention of view corridors from Dunmore House.
- The proposed maximum building height of 39m or 12 storeys would be restricted to a limited number of buildings in the centre of the site. From those buildings, heights would gradually step down toward the boundaries.
- Building setbacks (12m adjoining existing low-density development), lower heights along boundaries and screening vegetation will ensure privacy of adjoining properties. Shadow analysis demonstrates that overshadowing of properties to the south would be less than 50% of the open space area between 9am and 3pm during the winter solstice.

Department Comment

It is considered Council has satisfactorily addressed issues relating to building height and density through the transition of heights to the surrounding residential areas, suitable setbacks and consideration of potential overshadowing.

Response: Lack of Strategic Approach

- Council has advised that the planning proposal has been the subject of a rigorous strategic merit assessment and stakeholder consultation process. The statutory plans for the former council areas that constitute the Cumberland LGA will be consolidated and strategic reviews will continue to be undertaken periodically as growth occurs.
- New development in the Pendle Hill area is not restricted to the subject site. The Holroyd LEP 2013 provides for new development to occur over the entire Pendle Hill area (as well as the broader LGA), with higher densities being concentrated around railway stations and local centres.

Department Comment

It is agreed with Council that a strategic approach has been taken given the location of the site is in close proximity to Pendle Hill Train Station.

Response: Traffic, Transport and Parking

- Council has stated that any increase in density and traffic does have an impact on noise and air quality, however, locating higher densities within close proximity to a railway station and local centre, as well as incorporating shops and services within the subject site, would minimise the number of trips made by residents and hence the amount of vehicular traffic generated by the proposal, as it is expected that residents would be able to use alternative transport modes in some instances.
- Council has advised that it will ensure that road/intersection upgrades and traffic control measures required as a result of growth in the area will be undertaken to improve traffic operation and road safety for all road users.
- The Traffic Assessment indicates that the impact of the proposal on the intersection of Jones and Dunmore Streets will continue to operate at a satisfactory level of service compliant with Roads and Maritime Services requirements and the intersections of Cumberland Highway with Dunmore Street and Pendle Way would operate near capacity in 2027 with or without the proposed development. Other intersections at the Cumberland Highway and Great Western Highway would operate satisfactorily.
- New intersections and upgrades to existing intersections may result in some loss of on-street parking depending upon the nature of the works. This would be addressed in detail at Development Application (DA) stage.
- While Transport for NSW (TfNSW) is responsible for the provision of commuter car parking, Council has advised that it will continue to consult with TfNSW to advocate for the availability of commuter parking.
- The State Government has invested \$1.5 billion in the 'More Trains More Services' program. This will result in additional train services where and when most needed, including provision of a service every 3 minutes during peak periods from Parramatta to the CBD by late 2017. The flow-on effect of this will lessen overcrowding of trains on the Western line, where Pendle Hill station is located.
- There is no indication that bus services are operating at capacity. The frequency of bus services could be increased if existing services reached capacity.

Department Comment

The location of the site in close proximity to the Pendle Hill rail station provide an opportunity to locate housing to take advantage of public transport. It is considered that issues relating to road and intersection upgrades can be addressed at the development application stage.

Response: Health, Education, Community and Emergency Services

- Council has advised that it will ensure necessary local infrastructure (e.g. open space, community facilities, traffic upgrades) is delivered through Section 94 Contributions or the Voluntary Planning Agreement with the proponent.
- In response to capacity issues with existing schools in the region, Council has advised that it is in discussions with the Department of Education (DoE) and will continue to represent the community on this matter.
- To accommodate future population growth the DoE has developed its School Assets Strategic Plan to deliver sufficient fit-for-purpose school infrastructure when and where needed up to 2031.
- In response to growing demand for health needs in the region NSW Health recently completed a \$700m upgrade of Blacktown Hospital and is planning a \$900m upgrade to Westmead Hospital for completion by 2020.
- Medical health centres and emergency services plan for population growth and expand their services as demand increases.

Department Comment

The provision of local infrastructure has been adequately addressed by Council. It is agreed with Council that the delivery of health, education and emergency services is population driven on a needs basis.

Response: Utilities

- The provision of utility services including water, wastewater, stormwater, waste electricity, gas and telecommunications infrastructure can be addressed during the DA phase. If there are any issues with servicing identified at this stage these would be addressed prior to any development on the site being undertaken.

Department Comment

This is a matter that can be addressed at the development approval stage.

Response: Stormwater and Flooding

- In response to stormwater and local flooding issues in the area including Jones and Rowley Streets, Council has advised that the proponent would be required to address stormwater and flooding impacts on nearby or downstream properties during the DA phase.

Department Comment

This is a matter that can be addressed at the development approval stage.

Response: Public Open Space

- A total of 2.5ha of new open space would be provided within the site as part of the proposal. This represents 31% of the site, which is essentially one-third. This is the amount deemed necessary for an estimated future population of 3,400;
- The proposed park within the subject site would incorporate a range of facilities such as a playground, children's bike path and informal sporting facilities/practice nets as well as passive open space (as per Council's Section 94 Contributions Plan); and
- Council's assessment of open space needs for the proposal indicated that a proposed park of 5,500sqm, with embellishment comprising the above-listed works, would meet the needs of the future population.

Department Comment

It is considered Council has satisfactorily addressed issues related to public open space.

Response: VPA and Public Benefits

- The Draft Heads of Agreement for a VPA by the proponent was assessed in the Council report of 19 April 2016. Council advises public benefits proposed within the Draft Heads of Agreement including around \$10m investment in renewal of heritage buildings and \$19.5m in contributions to local infrastructure including community facilities, open space, local centre upgrades and traffic improvements.

Department Comment

It is agreed with Council that the proposal will deliver public benefits.

Response: Social Issues

- Many parts of the Sydney Metropolitan Area are undergoing substantial change in order to accommodate population growth. In response to concerns expressed about quality of life impacts, future development will be subject to strict guidelines including NSW Crime Prevention through Environmental Design Principles and the Apartment Design Guide. These guidelines will ensure high quality development and minimal impact on surrounding residents.
- The impacts of noise and construction activities will be considered at the DA stage.

Department Comment

This is a matter that can be addressed at the development approval stage.

Response: Economic Issues

- In response to concerns about housing over-supply in the area, Council advises that there is no evidence that there would be a decrease in value or an over-supply. The proposal would be completed and released in stages to the market which would assist in preventing any potential over-supply.

Department Comment

It is agreed with Council that no evidence exists to suggest the proposal would result in a decrease in value or an over-supply housing in the area.

Response: Contamination

- Council's assessment of the proposal indicated that it has met the requirements of the relevant legislation. At this stage of the process compliance with SEPP 55 has been achieved, however, prior to development consent a Stage 3 Remediation Action Plan, Site Audit Statement and Clearance Certificate must be submitted to Council.

Department Comment

This is a matter that can be addressed at the development approval stage.

Response: Ecological Impact

- In response to concerns regarding ecological impact, Council has confirmed that its assessment did not identify any threatened species or ecological communities within the subject site and Council's Landscape Technical Officer has verified that there are no further requirements for ecological impact assessment under the applicable legislation.
- To ensure retention of existing native trees, boundary setbacks have been increased and the proposed concept and DCP amended accordingly.

Department Comment

This is a matter that can be addressed at the development approval stage.

Response: Heritage

- The proposal will enable retention and conservation of the site's heritage buildings resulting in minimal loss of heritage values. These include all items listed under Holroyd LEP. While most buildings would be adapted for new uses, there is an opportunity for certain elements to be retained in situ for interpretation purposes (e.g. the CMP recommends that at least one of the cotton bale stores be conserved in its original condition for interpretation).
- To mitigate impact on heritage, the CMP includes design guidelines for future development including a height control for the northern part of the site (14m). The view corridor within the Dunmore House site already has protection through the Conservation Management Plan for Dunmore House.

Department Comment

The issue of heritage is further discussed as part of the Section 117 assessment.

Responses: Construction Issues

- Future extended periods of construction will be unavoidable, however, Council has advised that that reasonable controls to minimise impacts from construction will be considered during the development assessment phase. These controls will be implemented via conditions of development consent which will be enforceable through Council's compliance section.

Department Comment

This is a matter that can be addressed at the development approval stage.

6. ADVICE FROM PUBLIC AUTHORITIES

Council was required to consult with Endeavour Energy, Department of Education, Office of Environment and Heritage, Family and Community Services – Housing NSW, Transport for NSW, Roads and Maritime Services, Sydney Water Corporation, Telstra and adjoining Councils in accordance with the Gateway determination.

Council has consulted these authorities and a summary of the advice received is provided as follows.

Office of Environment and Heritage

The Office of Environment (OEH) and Heritage made the following comments:

- concerned proposed rezoning and additional height may have an impact on the heritage significance of locally listed heritage items;
- recommended additional FSR be conditional upon mitigation of heritage impacts;
- recommended that heritage significance of items be assessed further and consideration be given to nominate these items on the State Heritage Register; and
- recommended the proposed development control plan be reviewed to include additional objectives and controls to protect archaeological relics.

Response to Submission

Council made the following response to the OEH submission:

- impacts of the proposal on heritage items have been addressed through the CMP, heritage assessment and urban design report, which were prepared by heritage and urban design experts;
- Council will soon be undertaking a heritage review of Cumberland LGA, which will enable further investigation of heritage values including the potential nomination for state listing of the site; and
- the proposed DCP controls will be incorporated into the DCP for the site (refer to Attachment DCP). It is noted that the correspondence from the OEH was exhibited during the public exhibition period and no submissions were received in relation to the correspondence.

Department Comment

It is considered that Council has satisfactorily addressed the agency comments.

Transport for NSW

Transport for NSW (TfNSW) made the following comments:

- requested further detail on future upgrades to road and transport infrastructure required to service development including appropriate funding mechanisms;
- requested additional information regarding future vehicle movements and impacts on the road network including regional and classified roads; and
- requested further assessment of impact on the broader transport system, including walking and cycling infrastructure and public transport and measures to promote sustainable transport.

Response to Submission

Council made the following response to the TfNSW submission:

- the proposed improvement for the Gilba Road/Pendle Way intersection has been identified and has been the subject of a discussion at Council's Traffic Committee. Funding mechanisms for road upgrades would be investigated as part of finalising the VPA for the proposal. With regard to capacity issues on the State network, Council notes that funding for public transport is outside its remit and beyond the scope of this site specific planning proposal;
- further information was provided by the proponent on the broader transport system. It is considered that sufficient information has been provided at this stage to show that the traffic impacts of the proposal are manageable; and
- the proposal would be subject to a future DA in which a more detailed and updated traffic and transport analysis would be undertaken. Provisions to promote sustainable transport have been included in the proposed amendments to the site-specific DCP.

Department Comment

On 20 September 2017 TfNSW confirmed with the Department that it had met with the proponent in January 2017 to resolve the issues raised in its submission. TfNSW provided a response to Council, which indicated that it had no further comment on the planning proposal having regard for its meeting with the proponent.

Roads and Maritime Services

The Roads and Maritime Services (RMS) made the following comments:

- concerned with the proposed signalisation of the Gilba Road / Pendle Way intersection and prefers that it remain as a priority intersection with removal of the raised pedestrian crossing on Gilba Road south of Pendle Way to assist priority movement to/from Gilba Road; and
- advised that Council may wish to consider alternative intersection treatment options to be supported by a planning agreement or Section 94 Contributions Plan.

Response to Submission

Council made the following response to the RMS submission:

- it is noted that treatment options for the Gilba Road / Pendle Way intersection were considered by Council's Traffic Committee in May 2016 (at which an RMS representative was present), and the preferred option put forward by the Committee was for signalisation. The recommendation of the RMS to retain the existing arrangement at this intersection is not an adequate solution, as this would result in an unacceptable deterioration in the level of service of the intersection. It is noted there is no pedestrian crossing at the intersection; there are only speed humps on Pendle Way, north and south of the intersection associated with the give way signs in these two locations (necessary for the priority movement of traffic from Gilba Road onto Pendle Way). Neither of these speed humps would be removed as they are a necessary safety measure to ensure traffic slows down at the give way signs. Council will pursue an appropriate treatment for this intersection that will ensure it operates at an acceptable level of service; and
- the developer would make contributions to the upgrade of this intersection either through Council's Section 94 Contributions Plan or the VPA.

Endeavour Energy

Endeavour Energy made the following comments:

- advised that connection to Endeavour Energy network is to be undertaken as part of a future DA. In particular existing high voltage customer assets will need to be augmented, and easements required for electrical assets; and
- advised of operational requirements for safety clearances, earthing, noise, electric and magnetic fields, asbestos, vegetation, 'Dial before you dig', demolition, public safety and emergency contacts in relation to future development.

Response to Submission

No response to the Endeavour Energy submission is warranted.

Sydney Water Corporation

Sydney Water provided the following comments:

- advised that detailed investigations will be required to identify any augmentation requirements for water and wastewater infrastructure, and further detail would be provided at the Section 73 Phase (i.e. at the stage a construction certificate is issued).

Response to Submission

No response to the Sydney Water submission is warranted.

Department of Education

The Department of Education (DoE) made the following comments:

- identified a need for future growth from development of the site to be planned for in consultation with council, the DoE and local communities;
- advocated for policy reform for developer contributions for school infrastructure; and
- advocated for streamlined planning including review of asset standards for existing schools through shared use and out of hours education facilities, land dedications, and removal of planning policy barriers.

Response to Submission

No response to the DoE submission is warranted.

Department Comment

It is considered that Council has satisfactorily addressed the agency comments.

7. POST EXHIBITION CHANGES

At its meeting of 8 February 2017 the Cumberland Independent Hearing and Assessment Panel (IHAP) considered the post-exhibition report on the proposal and recommended that the FSR for the southern portion of the site be reduced from 2.3:1 to 2.2:1 to:

- allow for the increase in setback to the site boundaries recommended in response to submissions;
- allow for the retention of existing trees; and
- provide adequate separation and buffering to adjacent low scale land uses.

On 3 May 2017, Council resolved to support the recommended changes made by the IHAP.

Department Comment

It is recommended that these changes be endorsed without requiring further exhibition as it does not alter the intent of the planning proposal, as exhibited, and results in only a minor decrease in the intensity of the future redevelopment.

8. ASSESSMENT

The LEP has merit and is supported to proceed for the following reasons:

- redevelopment for higher density housing in close proximity to the existing Pendle Hill centre, railway station and nearby Westmead and the Parramatta CBD;
- urban renewal of a former industrial site that has clearly identified community benefits including heritage conservation, improved transport access, open space and community facilities for future residents of the site and surrounding precinct;
- delivery of a future mixed use development that is compatible with surrounding residential uses by providing adequate setbacks and lower building heights (to 12.5m or 3 storeys) where it adjoins low density development;
- delivery of a future development outcome that responds to the site's heritage by providing maximum building heights (14m) in the heritage precinct, and retention of view corridors from Dunmore House; and
- delivery of a range of housing types at the site.

Section 117 Directions

Direction 1.1 Business and Industrial zones

To achieve consistency with the Direction the planning proposal relied upon the Draft West Central Subregional Strategy, which identifies the land as being suitable for alternative uses. While the strategy is in draft form, it is recommended this inconsistency is of minor significance.

Direction 2.3 Heritage Conservation

To achieve consistency with the Direction, Council was required to consult with the Office of Environment and Heritage (OEH) regarding the heritage significance of buildings, conservation management plan and heritage assessment, and address any comments made by OEH.

In a submission to Council, OEH noted the statement made in the Conservation Management Plan that the site may have State and potentially national significance and recommended:

- further assessment be undertaken as part of the planning proposal, and if appropriate, consideration be given to State Heritage nomination; and
- additional objectives and controls be included in the proposed DCP to address potential archaeological impacts.

Council has since confirmed that it will be undertaking a council-wide comprehensive heritage study (slated for completion in mid-2018) which will enable further investigation of heritage values including the potential nomination for State listing of the site. Any State or national heritage listing is subject to separate legislative processes outside the *Environmental Planning and Assessment Act 1979*. Council has also updated its DCP to address potential archaeological impacts. Given the above, it is recommended the proposal is consistent with this Direction.

Direction 3.1 – Residential Zones

In response to the requirement of the Direction for adequate servicing of the site, Council consulted with appropriate authorities during the consultation process and confirmed that infrastructure could be expanded via the development assessment process. On this basis, it is recommended this inconsistency is of minor significance.

Direction 4.3 – Flood Prone Land

Given the potential for overland stormwater flood impacts to other properties in the locality the Direction applies.

To achieve consistency with the Direction, the planning proposal relies upon future development to allow for the use of stormwater and water sensitive urban design measures, as part of the DA stage.

As the extent of flooding within the subject site is advised as very minimal and that suitable mitigation strategies can be utilised during detail DA design process, it is recommended this inconsistency is of minor significance.

Direction 6.2 Reserving Land for Public Purposes

The planning proposal will create a new 5,500sqm public park within the site to be zoned RE1 Public Recreation. To demonstrate consistency with the Direction, it is proposed that the dedication of this land be effected through a voluntary planning agreement between Council and the developer. On this basis, it is recommended this inconsistency is of minor significance.

State Environmental Planning Policies

SEPP No. 55 Remediation of Land

Consistent with the requirements of SEPP No. 55 Remediation of Land and associated Managing Land Contamination Planning Guidelines, the Gateway determination required Council is to update the Phase 2 Environmental Site Assessment to demonstrate that the identified contamination on the site can be satisfactorily remediated to enable future residential use.

The planning proposal now confirms that the site is affected by contamination (section 2.3.3) confirms (3.2) that a remediation action plan would need to be submitted and assessed as part of the DA process.

9. MAPPING

The draft plan proposes amendments to the Holroyd LEP 2013 maps including:

- amendment to Land Zoning Maps (004 and 005) to rezone from IN2 Light Industrial to R4 High Density Residential, B2 Local Centre and RE1 Public Recreation;
- amendment to the Floor Space Ratio Maps (004 and 005) to introduce Floor Space Ratio (FSR) controls [currently no FSR controls] as follows:
 - o 0.7:1 (B2 zone);
 - o 1.2:1 (R4 zone within heritage precinct); and
 - o 2.2:1 (R4 zone south of heritage precinct);
- amendment to the Height of Buildings Maps (004 and 005) to introduce maximum Height of Building (HoB) control [currently no HoB controls] as follows:
 - o 14m (4 storeys) in the front (northern) portion of the site;
 - o 39m (12 storeys) in the central portion of the site;
 - o 27m (8 storeys) predominantly surrounding the central portion and extending to the eastern and western boundaries of the site; and
 - o 12.5m (3 storeys) along the southern and south-western boundaries; and
- amendment to the Lot Size Maps (004 and 005) to reduce the minimum lot size from 1,200sqm to 900sqm for the proposed R4 zone and remove minimum lot sizes for the proposed B2 or RE1 zones.

The draft Land Zoning Maps, Floor Space Ratio Maps, Height of Buildings Maps, and Lot Size Maps have been checked by the Department's GIS ePlanning Team and sent to Parliamentary Council.

10. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument (Attachment E Section 59(2) Consultation). Council confirmed on 22 August 2017 that it is satisfied with the draft and that the Plan should be made (Attachment F – Council Comments confirming satisfaction with the draft Plan).

11. PARLIAMENTARY COUNSEL OPINION

On 4 September 2017, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC.

12. RECOMMENDATION

It is recommended that the Greater Sydney Commission's delegate determine to make the draft LEP because it will:

- deliver 1,440 future dwellings in close proximity of public transport and major centres;
- enable urban renewal of major a former industrial site with additional transport, open space and community facility improvements; and
- deliver a future mixed use development that is compatible with the surrounding area and will protect heritage significance of the site.