

Neil Street Precinct, Merrylands

Proposal Title : **Neil Street Precinct, Merrylands**

Proposal Summary : **To amend specified planning controls under Holroyd Local Environmental Plan 2013 for the Neil Street Precinct (bounded by Pitt Street, Holroyd Gardens, the railway corridor and Terminal Place, as well as identified lots on the west of Pitt Street) within the Merrylands City Centre.**

PP Number : **PP_2016_HOLRO_002_00**

Dop File No : **16/04148**

Proposal Details

Date Planning : **23-May-2016**

LGA covered : **Holroyd**

Proposal Received :

Region : **Metro(Parra)**

RPA : **Holroyd City Council**

State Electorate : **GRANVILLE**

Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street :

Suburb :

City :

Postcode :

Land Parcel : **Neil Street Precinct bounded by Pitt Street, Holroyd Gardens, the railway corridor and Terminal Place, as well as identified lots of the west of Pitt Street**

DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre : **N/A**

Release Area Name : **N/A**

Regional / Sub : **Metro West Central**

Consistent with Strategy : **Yes**

Regional Strategy : **subregion**

Neil Street Precinct, Merrylands

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

N/A

:

Residential /

Employment land) :

No. of Lots :

0

No. of Dwellings

0

(where relevant) :

Gross Floor Area :

0

No of Jobs Created :

0

The NSW Government Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been

No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

As far as the regional team is aware, there has been no meetings with registered lobbyists.

Supporting notes

Internal Supporting

Notes :

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Director-General to initiate the making of an environmental planning instrument..."

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

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

MEETING WITH LANDOWNER REPRESENTATIVES

During the assessment of this planning proposal, representatives the Sydney Region West Office met with two major landowners - Dylam and Landmark Group regarding this planning proposal.

External Supporting

Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The objective of the planning proposal, through amendments to planning controls, is to enable and stimulate the redevelopment of of the precinct to provide for residential dwellings, commercial businesses and open space that is appropriate to the location and

will benefit the future of the Merrylands City Centre.

The planning proposal is a precinct based rezoning, to reflect the recommendations in the Merrylands Neil Street Precinct Urban Design Review.

DEPARTMENT COMMENT

The identified objectives of the planning proposal are supported subject to a minor amendment to the proposed zoning. The planning proposal identifies that two proposed local roads (new road 1 and new road 2) are to be zoned SP2 Infrastructure (local road). The zoning of proposed local roads as a special uses zone instead of the adjoining zone is not supported, as it is inconsistent with practice note PN10-001 Zoning for infrastructure, and Holroyd Local Environmental Plan 2013 which does not zone local roads with a special uses (SP2) zone, instead utilises the adjoining zone.

It is considered appropriate the land identified for the proposed new local roads within the planning proposal be zoned the adjoining zone (B6 Enterprise Corridor and R4 High Density Residential).

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

Is an explanation of provisions provided? Yes

Comment : It is proposed to the development controls (including land zoning, maximum height of buildings, and floor space ratios) at:
171 Pitt Street (Lot 1 DP 7916 and Lot 2 7916);
173 Pitt Street (Lot 3 DP 7916);
175-181 Pitt Street (Lot 0 SP 86273);
180-182 Pitt Street (Lot 3 DP 712016);
184-186 Pitt Street (Lot 2 DP 712016);
188 Pitt Street (Lot 80 DP 736559);
17 Neil Street (Lot 9 DP 228782);
13-15 Neil Street (Lot 10 DP 228782);
9-11 Neil Street (Lot 1 DP 203553);
1-7 Neil Street (Lot 11 DP 228782);
185 Pitt Street (Lot 1 DP 1172459);
208 Pitt Street (Lot 24 DP 11640 and Lot 23 DP 11640);
212 Pitt Street (Lot 22 DP 11640);
214-220 Pitt Street (Lot 101 DP 712762);
2-6 Neil Street (Lot 0 SP52861);
224-240 Pitt Street (Lot 1 DP 701158);
224-240 Pitt Street (Lot 2 DP 701158); and
4 Terminal Place (Lot 1 DP 229589).

Mapping Changes

It is proposed to amend the zoning on land zoning map sheet LZN_009:
from: B4 Mixed Use and R4 High Density Residential
to: B4 Mixed Use, B6 Enterprise corridor (and include "commercial premises" as an additional permitted use), SP2 Infrastructure (Road), SP2 Infrastructure (Drainage), RE1 Public Recreation, and R4 High Density Residential.

It is proposed to amend the maximum height of buildings on height of buildings map sheet HOB_009:
from: 26m, 29m, 41m, 32m and 53m
to: 27m, 30m, 39m, 42m, 54m and 65m.

It is proposed to amend the maximum Floor Space Ratio (FSR) on Floor Space Ratio Map Sheet FSR_009:
from: 2.8:1, 3.0:1, 3.5:1, 4.5:1, 5.0:1, and 6.5:1
to 3.5:1, 4.5:1, 5.0:1, 6.5:1, 8.5:1.

The proposed zoning, maximum height of buildings and floor space ratios are identified in figures 7-9 in the planning proposal (pages 18-20).

As the planning proposal also proposes to rezone some private land to RE1 Public recreation, SP2 Infrastructure (Drainage) and SP2 Infrastructure (Local Road), Council may need identify an acquisition authority, and amend the relevant Land Reservation Acquisition Map (LRA_009).

Instrument changes

It is proposed include "commercial premises" as an additional permitted use on the land zoned B6 Enterprise corridor within the planning proposal.

Note: Land currently zoned R4 High Density Residential in the Neil Street Precinct has an additional permitted use provision on that land, enabling development for the purposes of business premises, office premises and retail premises (excluding pubs) to be permitted with development consent.

ZONING OF INFRASTRUCTURE AND OPEN SPACE

The planning proposal identifies the preferred local road layout as identified in Urban Design Review (2015) Structure Plan. The Structure Plan identifies 'new road 1' and 'new road 2' to ensure connectivity through the redevelopment of the site. To achieve the preferred road layout, the proposed local roads are proposed to be zoned SP2 (Local Road) in the planning proposal.

Holroyd Local Environmental Plan 2013 does not currently zone any of its local roads with a special uses zone, instead it utilises the adjoining zone. The proposed approach in the planning proposal is inconsistent with the Department's Practice Note PN 10-001 - Zoning for Infrastructure in LEPs.

The proposed zoning of the local road with a SP2 Infrastructure zone also reduces the flexibility for Council to realign the proposed road layout in the future, without an amendment to the Holroyd Local Environmental Plan 2013.

During the assessment process, there has been representations from local land owners, that have expressed concerns that the zoning of the proposed local road in the planning proposal would limit the redevelopment potential of the sites.

Council officers have been contacted regarding the possibility of zoning the local roads with the adjoining zone (majority of the proposed road layout will be zoned B6 Enterprise Corridor for New Road 1, and R4 High Density Residential zone for New Road 2).

Council officers have agreed to zone the proposed local roads consistent with the adjoining zone, and requested that the proposed local roads be identified on the land reservation acquisition maps, with Holroyd Council as the acquisition authority for this land.

This approach of identifying the land for acquisition is supported.

The proposed zoning of the local drainage corridor as SP2 drainage and the public open space as RE1 Public Recreation is also supported. The drainage corridor has been identified by Sydney Water and is necessary to address overland flooding. The public open space has been identified in the urban design study and structure plan, and also provides a drainage corridor for overland flooding.

It is proposed to integrate the management of stormwater flooding into the design of the open space to establish an adaptive public domain capable of accommodating a broad range of uses and activities, while still maintaining the primary function of storm water drainage.

The Structure Plan also identifies the required size and location of the public open space. Council has not identified an acquisition authority for the land proposed to be zoned RE1 Public Recreation and SP2 Drainage, as Council intends to address this matter through local agreements.

It is recommended that the Gateway determination include a condition that the planning proposal be amended to zone the proposed local roads as the adjoining zone, and the proposed local roads be identified on the land reservation acquisition maps, with Council identified as the acquisition authority.

CHANGES TO PLANNING OUTCOMES AS AN OUTCOME OF A CHANGE OF ZONE

As an associated matter, the inclusion of the road area, by its zoning to a residential or business zone, with the floor space ratio calculations, may lead to an increase in the overall gross floor area of the site, inconsistent with the recommendations in Council's urban design study.

The development feasibility study and subsequent urban design review have included recommendations to ensure development feasibility and appropriate design outcomes across all the sites within the Neil Street Precinct.

As the area of the proposed local roads may be included within the adjoining zone, there may be the potential for the proposed maximum height of buildings and maximum floor space ratio controls to no longer be consistent with the recommendations in the study.

It is recommended that the Gateway determination include a condition that Council review the proposed development controls with the inclusion of the land that is to be dedicated to the new roads and confirm that the proposed development controls remain generally consistent with the recommendations in the Neil Street Precinct Urban Design Review.

To achieve the objectives of the Neil Street Precinct Urban Design Review, it is acknowledged that the planning controls in relation to height and FSR may need to be either slightly increased or decreased.

It is recommended that Council provide a copy of the planning proposal to the Sydney Region West office prior to public exhibition, and advise the Director of Sydney Region West if the standards are maintained or if there is a minor variation to the proposed controls in the planning proposal.

If a significant variation to the proposed controls are required as a result of proposed local roads being zoned the adjoining zone, a revised Gateway determination may be required.

DEVELOPMENT CONTROL PLAN AMENDMENTS

The Urban Design Review, informing the planning proposal, also recommends a number of amendments to the Holroyd Development Control Plan 2013 to achieve the intended outcome.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.3 Flood Prone Land

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Infrastructure) 2007
SREP (Sydney Harbour Catchment) 2005

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

The planning proposal is consistent with all relevant Section 117 Directions except for the following:

Section 117 Direction 3.1 - Residential zones:

The direction applies as the planning proposal alters an existing residential zone.

The planning proposal will rezone land currently zoned R4 High Density Residential to zones: B6 Enterprise Corridor, RE1 Public recreation and SP2 Infrastructure.

While the planning proposal will reduce the area of land zoned for residential purposes, the proposed B6 Enterprise Corridor zone also permits residential uses on the land. Further the proposed change of zoning is to improve the development feasibility of the precinct to enable the subject sites to be redeveloped. The Precinct is well served by utility infrastructure and public transport, and the proposed structure plan and rezoning enables the precinct to include usable and functional open space.

It is considered that the inconsistency with Section 117 Direction 3.1 - Residential Zones is of minor significance, as the proposed B6 zone will continue to enable residential development on the subject land. Further, the overall proposal will increase the feasibility of residential development in the precinct.

It is recommended that the planning proposal's inconsistency with Section 117 Direction 3.1 be supported in this instance as minor significance.

Section 117 Direction 4.3 - Flood prone land

The direction applies as the precinct has been assessed under the Merrylands CBD Neil Street Precinct Flooding Investigation (28 September 2015) for flood risk, and is identified as having overland flooding and low hazard risk from the 1:100 stormwater event.

Council has considered the recommendations in the Flooding Investigation, and proposes to rezone the overland flow path as RE1 Public Recreation, where it is appropriate to utilise the land as a dual use with public open space and overland flow path, and SP2 (Drainage) where the land is primarily for drainage uses, to protect it from development and minimise risk.

As the proposal recommends to limit the development on the overland flow path, and that the impact of stormwater flooding on any development will be assessed as part of any future development application, it is considered that planning proposal's inconsistency with Direction 4.3 - Flood Prone Land is of minor significance in this instance. Recommended accordingly.

Section 117 Direction 6.2 - Reserving land for public purpose

This direction applies as the planning proposal intends to rezone land RE1 Public Recreation, SP2 Drainage and SP2 Local Roads.

The land identified for open space, drainage and local roads has been identified in accordance with the Neil Street Precinct Urban Design Review to ensure the redevelopment of the precinct has appropriate public open space, management of overland flooding and drainage, and includes road access.

The planning proposal does not include an acquisition authority for the land proposed to be zoned RE1 Public Recreation, SP2 Drainage or SP2 Local Road.

The zoning of local roads has been discussed with Council officers, and have been advised it is the intention to condition a determination so that the local roads are to be zoned as the adjoining zone.

Council officers have agreed that the land proposed for local roads be identified on the land reservation acquisition map with Council as the acquisition authority.

It is recommended that the Gateway determination include a condition that the proposed local roads be identified on the land reservation acquisition map, and that a relevant acquisition authority be identified, consistent with Council officers agreement. It is also recommended that the acquisition maps be updated to include the land proposed to be zoned RE1 Public Recreation and SP2 Drainage, and that an appropriate acquisition authority be identified as well.

It is recommended that the Secretary's agreement to the creation of land for public purposes be further considered following exhibition.

Section 117 Direction 6.3 Site Specific Provisions

This Direction applies as the planning proposal intends to apply an additional permitted use provision over the land proposed to be zoned B6 Enterprise Corridor in the precinct, to also permit commercial premises with development consent.

The inclusion of 'commercial premises' as an additional permitted use within the zone to enable a range of retail as well as office and business activities within the precinct aims to widen the economic activity and employment opportunities.

Note: The precinct currently has an additional permitted use provision applying to the R4 High Density Residential zoned land, enabling development for the purposes of business premises, office premises and retail premises (excluding pubs) to be permitted with development consent.

The inconsistency with this direction is considered to be of minor significance and its implementation would assist in the redevelopment of the precinct, as well as having minimal impact upon the surrounding area. Recommend accordingly.

State Environmental Planning Policies (SEPPs)

SEPP55 - Remediation of land:

Council has considered the planning proposal against SEPP55. The planning proposal identifies that a number of properties are identified as affected by contamination.

As the majority of the planning proposal rezones land from zone R4 High Density Residential to B6 Commercial Core and RE1 Public Recreation, which already permits residential development and recreation areas, Council has advised in the planning proposal that any contamination, and potential remediation can be addressed in any future development application process.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The planning proposal includes maps identifying the current land zoning, maximum height of buildings and maximum floor space ratio and proposed land zoning, maximum height of buildings and maximum floor space ratio.

The planning proposal does not currently include a draft additional permitted use map or a draft land reservation acquisition map.

It is recommendation that the Gateway determination include a condition requesting Council prepare draft maps for public exhibition.

Overall, the maps in the planning proposal are suitable for exhibition purposes.

Council will need to ensure that maps are prepared in accordance with the standard instrument technical mapping standards prior to finalising the Plan.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **It is proposed to exhibit the planning proposal for a minimum of 28 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **There is sufficient information to assess the planning proposal.**

Proposal Assessment

Principal LEP:

Due Date : **April 2013**

Comments in relation to Principal LEP : **The Holroyd Local Environmental Plan 2013 was notified on 5 April 2013. The planning proposal is consistent with the Holroyd Local Environmental Plan 2013.**

Assessment Criteria

Need for planning proposal : **Council commissioned a study into the development feasibility of the wider Neil Street Precinct. The Development Feasibility of Merrylands Neil Street Precinct study was produced in June 2015.**

This feasibility study informed the Merrylands Neil Street Precinct Urban Design Review and Report which was finalised in October 2015. The recommendations in this Urban Design Review directly inform the planning outcomes and vision of this planning proposal.

An amendment to the Holroyd Local Environmental Plan 2013 is the best means to achieve the vision and outcome identified in the Urban Design Review.

The Holroyd Development Control Plan 2013 will also be amended as a result of these studies.

Amending the planning controls in the precinct in the short term will capitalise on current development interest in the area, and may progress - in tandem with the Merrylands City Centre Revitalisation project - that is also currently occurring.

Consistency with strategic planning framework :

STATE STRATEGIC PLANNING FRAMEWORK

The planning proposal is consistent with A Plan for Growing Sydney. In particular, the planning proposal is consistent with Goal 1.11 to Deliver Infrastructure, 2.1 - Accelerate housing supply across Sydney, Direction 2.2 - accelerate urban renewal across Sydney - providing homes closer to jobs and Direction 3.1 - Revitalising existing suburbs.

Specifically, the planning proposal will enable the redevelopment of the Merrylands Precinct which is located near employment opportunities and with access to public transport and services. It is considered that this will accelerate the housing supply in Holroyd and provide jobs closer to home.

LOCAL STRATEGIC PLANNING FRAMEWORK

Holroyd Council's local strategic plan is "Living Holroyd: Community Strategic Plan 2013".

The planning proposal is supported by the Urban Design Review (October 2015) is consistent with the vision with the strategic plan for Holroyd Council, in particular:

- to provide housing as part of an existing urban centre that provides retail and services to meet the needs of the local residents;
- provides employment opportunities located near residents and near public transport nodes;
- provide business /commercial opportunities within the Precinct, to interrelate with the Merrylands City Centre; and
- address flood risk through the provision of overland flow path channel.

The planning proposal is consistent with State and local planning frameworks.

Environmental social economic impacts :

ENVIRONMENTAL

The planning proposal does not affect any critical habitats, populations or ecological communities. A small amount of vegetation is located within an existing drainage corridor, which will be zoned SP2 Drainage.

Flooding

The majority of land included within the planning proposal is affected by overland flooding and low hazard risk from the 1:100 stormwater event. The planning proposal includes a flood assessment that identifies that land for open space, drainage and local roads, which will contain most of the localised flooding and enable overland flow on the site.

The Precinct Flooding Investigation determined that, with the completion of the recommended flood risk management scheme (as part of the wider, overall Merrylands Centre scheme), that the peak flows and depths of inundation along the proposed overland flow path would be significantly reduced.

It is recommended that Office of Environment and Heritage be consulted during the public exhibition period.

Any additional flooding considerations can be addressed through the development application process.

Contamination

The planning proposal identifies that a number of properties within the planning proposal are identified as affected by contamination. Council has advised in the planning proposal that any contamination, and potential remediation can be addressed in any future development application process as the zoning of the land currently permits residential development and recreation areas.

SOCIAL

Any future development applications for the redevelopment of sites will consider specific issues including site parking, access and building design aspects.

Servicing/Infrastructure

The precinct has access to existing utility services including water, sewer and electricity.

It is recommended that Sydney Water and Essential Energy be consulted during the public exhibition period.

Traffic

The proposed structure plan identifies two new roads within the precinct to provide access and connections to the existing road networks. No traffic study has been provided to inform the planning proposal.

It is recommended that Roads and Maritime Services be consulted during the public exhibition period.

Amenity

The Vision for the precinct outlines the intent for high amenity working and living within the precinct. The structure plan identifies open space corridors within the site, and has recommended height and floor space ratio controls to achieve the best design outcomes for the precinct.

Impact on the park from overshadowing

Council has undertaken an urban design analysis to recommend the most appropriate and most feasible development outcomes to enable the redevelopment of this precinct. To minimise impacts on overshadowing of Holroyd Gardens to the north of the site, Council has transitioned the height to the north.

Council has not provided indicative shadow diagrams identifying the potential overshadowing on Holroyd Gardens to the north, or the proposed 'Triangle Park' within the precinct.

It is recommended that prior to exhibition, the planning proposal be amended to include indicative shadow diagrams consistent with the proposed standards.

Transition of heights to adjoining zones/land

The proposed amendments to the planning controls are not in conflict with the of development in the city centre.

The range of proposed maximum building heights will enable a transition from the Merrylands City Centre (to the south west of the precinct) tapering down to the land adjacent to the north of the precinct (Holroyd Gardens and Brickworks residential estate).

The proposed amendments provide appropriate consideration of surrounding land uses.

It is also noted that relevant proposed site specific development of the sites, within the precinct, will be further considered with regard to the requirements of SEPP65 and the Apartment Design Guide.

Noise

As part of the precinct abuts the rail corridor, the issue of noise and vibrations will be need to be addressed as part of any future development application.

The land adjacent to the rail corridor is currently zoned R4 High Density Residential, and the planning proposal increases the development potential on the site.

It is recommended that Transport for NSW - Sydney Rail, be consulted during the exhibition period.

ECONOMIC

Economic impacts are expected as a result of the planning proposal.

The planning proposal has been informed by a feasibility study which supports the possibility of redevelopment of all the sites within the precinct.

Preparation and construction of future infrastructure works, including roads, open space and overflow drainage paths will provide economic benefit.

It is considered that the redevelopment of this precinct would have a positive economic impact on Neil Street Precinct and the greater Merrylands Centre.

Assessment Process

Proposal type : **Precinct** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **DDG**

Public Authority Consultation - 56(2)(d) : **Family and Community Services - Housing NSW
Energy Australia
Transport for NSW
Transport for NSW - Sydney Trains
Transport for NSW - Roads and Maritime Services
Sydney Water**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover letter.pdf	Proposal Covering Letter	Yes
Delegation checklist.pdf	Proposal	No
planning proposal.pdf	Proposal	Yes
Appendix B - MerrylandsCBD - Neil Street Precinct -Flood Study.pdf	Study	Yes
Appendix C - Closed Council Report 15July2014.pdf	Proposal	Yes
Appendix D - Closed Council Report 20October2015.pdf	Proposal	Yes
Appendix E - amended FSR.pdf	Map	Yes
Appendix E - amended HOB.pdf	Map	Yes
Appendix E - amended zone map LZN.pdf	Map	Yes
Appendix A - Neil Street Precinct Urban Design Review Report_14-10-2015.pdf	Study	Yes
2016.06.15 - Final planning team report.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 2.3 Heritage Conservation
 3.1 Residential Zones
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 4.3 Flood Prone Land
 6.2 Reserving Land for Public Purposes

Additional Information : **DELEGATION OF THE GREATER SYDNEY COMMISSION'S PLAN MAKING FUNCTIONS**
Council has requested delegation of the Greater Sydney Commission's plan making function for this planning proposal. As it is recommended that the planning proposal be amended to be inconsistent with the Council resolution (i.e. zoning/acquisition of roads), it is recommended that the delegation of the plan making functions not be issued to Council in this instance.

INCONSISTENCY WITH SECTION 117 DIRECTIONS

It is recommended that the planning proposal's inconsistencies with Section 117 Directions 3.1 - Residential zones, 4.3 - Flood Prone Land, and 6.3 Site Specific Provisions, be agreed to as minor significance by the delegate of the Secretary.

The Secretary's agreement may still be required for the consistency of the planning proposal with Section 117 - 6.2 - Reserving land for public purpose.

RECOMMENDATION

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

1. Prior to community consultation, Council is to amend the planning proposal as follows:
 - amend the draft land zoning maps to identify the land proposed to new local road (new road 1 and new road 2) as the adjoining zone. The proposed maximum height of buildings map and maximum floor space ratio map should also be adjusted to take into account the land previously identified as SP2 (local road) to facilitate achieving the objectives of the Neil Street Precinct Urban Design Review;
 - prepare a draft land reservation acquisition map to identify the land proposed to be acquired for local road;
 - Council is to update the planning proposal to identify an acquisition authority for the local roads, open space and drainage;
 - amend the planning proposal to include indicative shadow diagrams to meet the proposed standards; and
 - prepare a draft additional permitted uses map to identify the land proposed to be to be included within this provision.

Prior to public exhibition, Council is to provide a copy of the revised planning proposal to the Sydney Region West office for information purposes.

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

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Transport for NSW

- Transport for NSW – Sydney Rail
- Transport for NSW – Roads and Maritime Services
- Sydney Water
- Energy Australia
- Family and Community Services – Housing NSW
- Office of Environment and Heritage

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

This planning proposal will enable the redevelopment of the Neil Street Precinct, enabling the revitalisation of this precinct in accordance with Council's vision "to be a vibrant, successful, mixed use community, close to main shopping areas, public transport, the creek and the park"

Signature:



Printed Name:

T DORAN

Date:

17/6/2016

