

Planning Services

Plan Finalisation Report

Local Government Area: Cumberland

File Number: 16/04148

1. NAME OF DRAFT LEP

Holroyd Local Environmental Plan 2013 Amendment No.15 (draft LEP). The draft instrument is at Attachment LEP.

2. SITE DESCRIPTION

The Planning Proposal applies to the 'Neil Street Precinct' (Precinct) within the Merrylands City Centre.

The Neil Street Precinct is a new master planned mixed use precinct located 2.5 kilometres south west of the Parramatta CBD and immediately adjacent to the Merrylands City Centre, the Merrylands Train and Bus Transport Interchange and the Stockland Mall Shopping Centre.

The Precinct/site is approximately 7.8 hectares in area (4.865 hectares in buildable area i.e. excluding roads, open space and infrastructure) and comprises varying building types, uses and underutilised land. The northern portion of the Precinct is characterised by areas of vacant and cleared land, as well as a number of 1-2 storey commercial and industrial premises. The north western corner of the site contains a recently developed 8 storey commercial/residential mixed use building. The area to the south of Neil Street includes a service station, a number of commercial buildings, a large vacated bulky goods furniture store and disused car park. The site and surrounding area is shown at **Figure 1**.



Figure 1: The site

3. PURPOSE OF PLAN

The final Planning Proposal ([Attachment B](#)) seeks to undertake various amendments to the written provisions and maps under the Holroyd Local Environmental Plan 2013 (LEP 2013) to facilitate the redevelopment of the Neil Street Precinct. It is anticipated that the proposed controls would provide up to 1,200 dwellings, two (2) new local roads, public open space and drainage infrastructure.

The Planning Proposal has been informed by a number of site specific studies, including a Council led Development Feasibility and Urban Design Review ([Attachment G](#)). These reviews recommended zoning changes and uplift in the planning controls to enable increased development and densities within the Precinct.

The draft Plan seeks to amend the LEP 2013 as follows:

- [Land Zoning Map \(LZN 009\)](#) – rezone the Precinct to part: B4 Mixed Use, B6 Enterprise Corridor, R4 High Density Residential, RE1 Public Recreation, and SP2 Infrastructure (Drainage).
- [Floor Space Ratio Map \(FSR 009\)](#) - apply the following maximum floor space ratios across the Precinct: 3.5:1, 4.5:1, 5.0:1, 6.5:1, and 8.5:1.
- [Height of Buildings Map \(HOB 009\)](#) – apply the following maximum building heights across the Precinct: 27m, 30m, 39m, 42m, 54m and 65m.
- [Land Reservation Acquisition Map \(LRA 009\)](#) – identify part of the site for future land acquisition (Local Road, Local Open Space and Drainage).
- [Additional Permitted Uses Map \(APU 009\)](#) - remove the area identified as APU 11.
- [Clause 5.1\(2\)](#) - identify Council as the acquisition authority for the following types of land, which have been identified on the land reservation acquisition map (LRA_009): Zone SP2 Infrastructure and marked 'Drainage', Zone B6 Enterprise Corridor and marked 'Local Road', and Zone R4 High Density Residential and marked 'Local Road'.
- [Clause 5.1A](#) – limit development on land to the specific use stated in Clause 5.1 of the draft LEP.
- [Schedule 1 'Additional Permitted Uses'](#) - delete Item '11 - Use of certain land at Neil Street, Merrylands'
- [Clause 1.4 and Schedule 2](#) – delete the term 'Neil Street Precinct'.

The existing and proposed maps are provided at [Attachment H](#).

A number of amendments are also proposed to the Holroyd Development Control Plan 2013 (Holroyd DCP 2013), to support the Planning Proposal and achieve the intended outcome for the Precinct. The proposed amendments to the Holroyd DCP 2013 are provided at [Attachment I](#).

4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the Granville Electorate. Julia Finn MP is the State Member for Granville.

To the accelerated rezoning team's knowledge, the MP has not 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

5. GATEWAY DETERMINATION AND ALTERATIONS

A Gateway determination was issued on 27 June 2016 for the Planning Proposal. The Gateway determination has been altered twice to extend the timeframe to finalise the matter. The timeframe for the draft LEP to be finalised is 4 January 2018.

Condition No. 1 of the Gateway required Council to amend the Planning Proposal prior to community consultation. The required changes included:

- amend the draft land zoning maps to identify the land proposed new local roads (new road 1 and new road 2) as the adjoining zone;
- the proposed maximum height of buildings map and maximum floor space ratio map is to 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 and 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 included within this provision.

Council did not update the Planning Proposal, but rather prepared separate revised documents to confirm that the requirements of the Gateway determination would be met ([Attachment J](#)). On 1 September 2016 the Department issued a letter to confirm that the separate documentation met the requirements of Condition No.1 of the Gateway determination ([Attachment K](#)). Council exhibited the original Planning Proposal alongside these separate documents.

6. COMMUNITY CONSULTATION

In accordance with Condition No. 2 of the Gateway determination, Council exhibited the Planning Proposal Package for 28 days, from 5 October 2016 to 2 November 2016 and consulted all required government agencies.

Council received four (4) submissions from the community. The submissions and Council's Independent Hearing and Assessment Panel (IHAP) report is provided at [Attachment L](#). A review of the submissions and Council's response is also provided at [Appendix 1](#) of this Plan Finalisation Report.

The keys issues raised in the community submissions and how these have been addressed are detailed below.

Issue	Response
Concerns regarding the rationale and justification of the Proposal	<p>The Proposal was initiated by Council and has been informed by various studies undertaken by independent consultants.</p> <p>The studies and subsequent analysis has indicated that increased planning controls are required in order to facilitate feasible development in the Precinct.</p> <p>The Planning Proposal has achieved the objectives of the Urban Design Review and is considered to enable redevelopment in an appropriate location, close to the existing Merryland City Centre and public transport.</p>
Validity of supporting documents	<p>The feasibility study for the subject site was undertaken by independent consultants and recommended changes to planning controls to allow for redevelopment of the Precinct. The Urban Design Review is consistent with this study and reflected in the Planning Proposal.</p> <p>Supporting documentation for the Planning Proposal is considered to be sufficient and Council has adequately reviewed and considered relevant supporting studies.</p>
Discrepancy between previous Development Application (DA) approval (within the Precinct) and the Proposal	<p>Although a 19 storey building has recently been approved by the JRPP on a site within the Precinct, the JRPP and Cumberland IHAP are independently appointed bodies and therefore, outcomes of the Planning Proposal or a site specific DA may not necessarily be the same.</p> <p>The proposed 16 storey building height along Pitt Street is considered to be appropriate and consistent with the Urban Design Review.</p>
Traffic and infrastructure	<p>Council considers the increase in overall projected population resulting from the Planning Proposal to be minor.</p> <p>RMS did not have any objections to the Proposal, noting that the proposed development will not have a significant traffic impact on the corridor arterial road network.</p>

	<p>Future DAs lodged within the Precinct will be required to consider potential impacts of the proposed development on the surrounding road network.</p> <p>Traffic and infrastructure issues have been adequately considered by Council's traffic study and the provision of two (2) new roads within the Precinct.</p>
Overshadowing	<p>Council provided indicative shadow diagrams in response to Condition No. 1 of the Gateway Determination which showed that adequate solar access is able to be achieved within the Precinct.</p> <p>Solar access to individual dwellings will be reviewed against Council's DCP and the ADG at the DA stage.</p>
Exhibition of Planning Proposal	<p>The Planning Proposal was exhibited for a minimum 28 days, as per Gateway Condition No. 3.</p> <p>The newspaper notification used standard terminology and provided adequate detail. The exhibition of the Planning Proposal is considered to have met statutory requirements.</p>
Built form and solar access	<p>The Urban Design Review Built Form Structure Plan outlines proposed building heights within the Precinct. The Planning Proposal is consistent with the Urban Design Review in this regard.</p> <p>Preliminary analysis indicates that future development will meet the dwelling and open space solar access guidelines under with ADG, although, this will be assessed in detail at DA stage.</p> <p>The built form is considered to be appropriate and in line with the Urban Design Review.</p>
Suggestions for inclusion within Holroyd DCP 2013	<p>The proposed DCP has been reviewed for inconsistencies and suggestions included in the proposed amendments Holroyd to the DCP 2013 where applicable.</p> <p>The proposed DCP is therefore considered to provide appropriate guidance for future development within the Precinct.</p>
Request for amendment to zoning boundaries	<p>Consideration was given to the request to amend the proposed B4/B6 zoning boundary, however, due to timing</p>

	<p>concerns, the request has not been pursued.</p> <p>The land owner is able to initiate a Planning Proposal to progress the requested changes in the future. This issue has been adequately considered and addressed by Council.</p>
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It is considered that Council has adequately addressed the issues raised by the community during the exhibition period.

7. ADVICE FROM PUBLIC AUTHORITIES

Council consulted with Transport for NSW (TfNSW), Transport for NSW – Sydney Trains, Roads and Maritime Services (RMS), Sydney Water, Energy Australia, Family and Community Services – Housing NSW and Office of Environment and Heritage in accordance with Condition No. 3 of the Gateway determination.

Submissions were made by RMS, TfNSW, Endeavour Energy and Sydney Water, which are summarised and discussed under **Appendix 2** of this Plan Finalisation Report.

In general, the authorities supported the proposal.

RMS and TfNSW noted that the redevelopment of the Precinct is not likely to have a detrimental impact on the wider road network. Endeavour Energy and Sydney Water confirmed that there is adequate capacity in the existing utility infrastructure network to support the development.

The authorities did raise matters that will need to be considered and/or addressed through the design and DA phase of the development, such as intersection designs and service connection requirements.

8. POST EXHIBITION CHANGES

At its meeting of 14 June 2017 the Cumberland IHAP considered the post-exhibition report on the proposal and recommended that Council:

- endorse the Neil Street Precinct Planning Proposal, with minor revisions to the zoning boundaries and proceed to finalise the LEP amendment; and
- adopt the development controls for the Neil Street Precinct as an amendment to the Holroyd DCP 2013.

Minor adjustments to the proposed zoning boundaries were made to correspond with updated flood, drainage and servicing requirements for the site and to ensure future private residential land is not zoned for public open space purposes. There will be no significant net increase in developable land. These changes are considered to be minor in nature (Refer to **Figure 2**) and not requiring further exhibition.



Figure 2: Comparison of exhibited land zoning map to proposed land zoning map

On 5 July 2017, Council resolved to support the recommended changes made by the IHAP (Attachment M).

9. ASSESSMENT

The draft LEP is considered to have merit, providing redevelopment opportunity of underutilised land, which adjoins the Merrylands City Centre and railway station and is close to the Parramatta CBD.

The redevelopment of the Precinct will contribute to housing supply and choice in the area, activity around existing commercial centres and provide benefits including open space and community facilities for future residents.

Section 117 Directions

At the time of the Gateway determination, the delegate of the Secretary agreed that the Planning Proposal's inconsistency with Section 117 Directions 3.1 - Residential Zones, 4.3 - Flood Prone Land, and 6.3 Site Specific Provisions were of minor significance.

Consistency with Direction 6.2 Reserving Land for Public Purposes was unresolved at Gateway stage. As a result of minor changes to the Planning Proposal consistency with Direction 6.3 Site Specific Provisions has also been re-assessed.

Direction 6.2 Reserving land for public purpose

This Direction applies to the Planning Proposal as it intends to reserve land within the site for SP2 Infrastructure (Drainage), B6 Enterprise Corridor (Local Road), R4 High Density Residential (Local Road) and RE1 Public Recreation (Local Open Space).

The Direction requires approval from both the relevant planning authority and the Secretary when creating reservations of land for public purposes.

The Gateway assessment noted that consistency of the Planning Proposal with Section 117 Direction 6.2 was unresolved, and as noted above, the amount of land proposed to be reserved for public purposes has slightly reduced since this Gateway determination was issued.

Council has accepted the role of acquisition authority for land identified on the Land Reservation Acquisition map ([Attachment J](#)). While approval has not been sought from the Secretary, it is considered appropriate that the Secretary's delegate determine that the objectives of this Direction have been met and therefore this inconsistency is of minor significance.

Direction 6.3 Site Specific Provisions

As discussed in 'Part 4' of this Plan Finalisation Report, the initial Planning Proposal requested that 'commercial premises' be an additional permitted use (APU) within the proposed B6 zone. Accordingly, it was determined at Gateway that the inconsistency with this Direction was of minor significance, given that APU provisions already applied within the Precinct and it would assist with redevelopment.

Given that Council has removed APUs within the Precinct, the Planning Proposal is now consistent with Direction 6.3 Site Specific Provisions.

Comments are provided at [Appendix 3](#) regarding the final Proposal's consistency with a number of key Section 117 Directions.

State Environmental Planning Policies

SEPP No. 55 Remediation of Land

While the Planning Proposal does seek to increase densities within the Precinct, residential and/or commercial uses are already permitted on the land under the current land use zones.

The Planning Proposal has identified that a number of properties are affected by contamination, however Council, as the planning authority, considers that any contamination and potential remediation can be addressed in any future DA process.

Strategic Planning Framework

Draft Greater Sydney Region Plan

The draft Greater Sydney Regional Plan (draft Regional Plan) has been released for public exhibition by the Greater Sydney Commission (GSC). The draft Plan outlines how Greater Sydney will manage predicted population growth and provides a footprint for infrastructure delivery.

The Proposal is consistent with Objectives 10 'Greater housing supply' and 11 'Housing is more diverse and affordable' of the Draft Regional Plan as it will deliver a range of housing types within close proximity to an existing centre and public transport.

There are no directions under the draft Regional Plan which preclude finalisation of the Plan.

Draft Revised Central City District Plan

The draft revised Central City District Plan (draft District Plan) has been released for public exhibition by the GSC. The draft District Plan intends to inform local councils' plans, guide assessment of local Planning Proposals, and inform infrastructure agencies, the development sector and wider community of expectations for growth, change and infrastructure provision within the District.

In particular, the Proposal is in line with Planning Priorities C5 'Providing housing supply, choice and affordability with access to jobs and services' and C6 'Creating and renewing great places and local centres, and respecting the District's heritage' as it promotes redevelopment of the Precinct within close proximity to an existing centre, as well as nearby Greater Parramatta. The Precinct is accessible to a variety of services and employment opportunities.

There are no directions under the draft District Plan which preclude finalisation of the Plan.

10. MAPPING

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

- amend the Holroyd LEP 2013 Land Zoning Map in accordance with the proposed zoning map, which shows the following new zones within the site:
 - B4 Mixed Use
 - B6 Enterprise Corridor
 - R4 High Density Residential
 - RE1 Public Recreation
 - SP2 Infrastructure (Drainage)
- amend the Holroyd LEP 2013 Floor Space Ratio Map in accordance with the proposed floor space ratio map, which shows the following maximum floor space ratios within the precinct:
 - 3.5:1
 - 4.5:1
 - 5.0:1
 - 6.5:1
 - 8.5:1
- amend the Holroyd LEP 2013 Height of Buildings Map in accordance with the proposed height of buildings map, which shows the following maximum building heights within the site:
 - 27m
 - 30m
 - 39m
 - 42m
 - 54m
 - 65m
- amend the Holroyd LEP 2013 Land Reservation Acquisition Map in accordance with the proposed land reservation acquisition map, to include areas identified as Local Road, Local Open Space and Drainage; and
- amend the Holroyd LEP 2013 Additional Permitted Uses Map to remove the area identified as APU 11.

The draft Land Zoning Maps, Floor Space Ratio Maps, Height of Buildings Maps, Land Reservation Acquisition Map and Additional Permitted Uses Map have been checked by the Department's GIS ePlanning Team and sent to Parliamentary Counsel.

11. CONSULTATION WITH COUNCIL

Council was consulted on the terms of the draft instrument ([Attachment E](#)). Council confirmed on 28 November 2017 that it is satisfied with the draft and that the Plan should be made ([Attachment F](#)).

12. PARLIAMENTARY COUNSEL OPINION

On 1 December 2017, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC.

13. RECOMMENDATION

Council has satisfied all conditions of the Gateway determination.

In general, the relevant public authorities supported the proposal. There are no outstanding objections.

The Proposal is informed by a Feasibility Study and is consistent with Council's Urban Design Review, which confirms that the proposed planning controls will provide for the feasible redevelopment of the Precinct, and achieve a development outcome that is consistent with the current and planned urban character of the area. The proposed changes to various planning controls will ensure the Precinct is feasible to enable redevelopment. The Proposal is consistent with both the Draft Greater Sydney Region Plan and the Draft Revised Central City District Plan.

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

- deliver 1,200 future dwellings in close proximity of public transport and major centres;
- enable redevelopment and establishment of the Neil Street Precinct, which includes open space and community facility improvements; and
- deliver future mixed use development that is compatible with the surrounding area.

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APPENDIX 1 – SUMMARY OF COMMUNITY SUBMISSIONS

Issue: Concerns about the rationale and justification of the Proposal

- Questions were raised regarding the height and FSR differences between initial modelling undertaken for the Merrylands Centre and the current Planning Proposal.
- Suggestions that the Planning Proposal was influenced by major landowners.
- Inconsistency between Planning Proposal and development application assessments within the Precinct.

Council Response:

- The initial urban design modelling for the Merrylands Centre, including the Neil Street Precinct, was undertaken in 2012 by an independent consultant (HBO+EMTB Urban and Landscape Design). The results of various studies and subsequent analysis has indicated that revised controls are required in order to facilitate feasible development in the Precinct.
- The Proposal was initiated by Council in response to concerns raised by a smaller landowner and development feasibility was undertaken by Council.
- Council's previous refusal of a development application for a 12 storey building on a site within the Precinct due to non-compliance with the maximum building height allowed at the time. It was the decision of the proponent to appeal against Council, where a nine storey building was approved by the Court.

Department Comment

It is considered that the rationale and justification Council has provided for the Planning Proposal is adequate and that Council has satisfactorily addressed these issues.

Issue: Concerns relating to the validity of the supporting documents to the Planning Proposal

- Inconsistencies between the Urban Design Review and Planning Proposal in relation to changes to land zoning, FSR and building height.
- Inconsistencies between feasibility assessment undertaken by SGS Economics and Planning in 2015 and current development within the Precinct.
- Inconsistencies between recommendations of Council Report from 2014 and recent Urban Design Review.

Council Response:

- Based on the Urban Design Review, the Planning Proposal has amended land zoning and maximum building heights to allow development yield and increase feasibility. The FSR has been increased to reflect the net site area (excluding roads and open space) to ensure the development yield remains the same as current controls.
- The feasibility study of the subject site was undertaken independently and land owners may undertake development on sites within the Precinct irrelevant of such study.
- The Urban Design Review gives consideration to changes in land ownership patterns and considers some of the recommendations in the 2014 Council Report. The Planning Proposal provides for controls that will reduce building bulk in certain areas within the Precinct as per the Urban Design Review.

Department Comment

It is considered Council has satisfactorily addressed issues relating the validity and inconsistencies between the Planning Proposal and supporting documents.

Issue: Discrepancy between the Planning Proposal and DA Approved Height

- Concerns were raised regarding the validity of decisions by the JRPP and IHAP given that a 19 storey building has recently been approved by the JRPP on a site within the Precinct, whilst the Planning Proposal recommends a height of 16 storeys.

Council Response:

- The JRPP and Cumberland IHAP are independent appointed bodies. The proposed 16 storey building height along Pitt Street within the Precinct has been informed by the Urban Design Review and is considered to be appropriate.

Department Comment

It is agreed that the controls proposed in the Planning Proposal are considered appropriate and are in line with the Urban Design Review.

Issue: Concerns relating to increased population, traffic and infrastructure

- The Planning Proposal will result in increased dwellings within the precinct, and the associated increases in population, traffic and concerns were raised that the impact on infrastructure has not been adequately considered.
- Concerns relating to the inadequacy of the Planning Proposal only providing two (2) new roads that will worsen traffic on existing roads within the Precinct.
- Issues were raised with the lack of consultation with RMS.

Council Response:

- Council consider the increase in overall projected population as a result of the Planning Proposal to be minor. Development Applications lodged within the Precinct will require concurrence from RMS.
- The proposed traffic network within the Precinct has been designed in accordance with the traffic study recommendations and aims to enhance connectivity within the Precinct and surrounds.

Department Comment

Increases in dwellings, associated traffic and infrastructure are considered to be adequately addressed by Council. In addition, RMS have not objected to the Planning Proposal proceeding.

Issue: Overshadowing

- Concerns have been raised that the Planning Proposal only considers solar access to the proposed open space and does not consider solar access to the residential component of the Precinct.

Council Response:

- Council exhibited indicative shadow diagrams during community consultation. In any case, the DCP and ADG require solar access to individual dwellings to be considered at the DA stage.

Department Comment

Council provided indicative shadow diagrams to the Department in response to Condition No. 1 of the Gateway Determination which were considered to be satisfactory. Solar access to dwellings will be assessed in detail during the assessment of any future Development Application.

Issue: Community Consultation

- The newspaper notification of the Planning Proposal newspaper has been raised as potentially misleading and missing relevant information.

Council Response:

- The newspaper notification used standard terminology and provided adequate detail to allow the community to find out further information regarding the Planning Proposal or to make a submission.

Department Comment

The newspaper notification is considered to have been adequate and provided avenues for community members to seek further information.

Issue: Suggested Amendments to Holroyd DCP 2013

- The submission suggested various amendments to Holroyd DCP 2013 within the Neil St Precinct.
- It was suggested that inconsistencies between the current DCP and the proposed DCP should be addressed.

Council Response:

- Many of the suggestions have been included in the proposed amendments Holroyd DCP 2013 or addressed in the Urban Design Review Report. The proposed DCP has been reviewed for inconsistencies.

Department Comment

The suggestions contained in the submission have been adequately considered and incorporated in the proposed amendments to HDCP 2013.

Issue: Built Form and Solar Access

- Concerns that the design principles within the Urban Design Review Built Form Structure Plan have not been translated into the proposed Planning Proposal.
- The proposed Urban Design review building envelopes would result in non-compliance with the ASG solar access and result in overshadowing to communal open space for certain sites within the Precinct.

Council Response:

- The Urban Design Review Built Form Structure Plan identifies Pitt Street as the main street height corridor within the Precinct, whilst Neil Street is seen as the taller development spine and has the opportunity to provide a strong visual entry to the Precinct.
- Council's Structure Plan provides a 2D analysis of shadowing based on block modelling indicates that future development will comply with ADH requirements in terms of solar access to dwellings and communal open space.

Department Comment

It is considered Council has satisfactorily addressed issues relating to built form and solar access. The Planning Proposal has been informed by various studies which have been considered by Council. Detailed issues in relation to built form and solar access for future development can be addressed at DA stage.

Issue: Zone Boundaries

- A DA for 224-240 Pitt Street, located within the Precinct, has recently been approved based on land uses currently permissible under Holroyd LEP 2013. Under current planning controls, the site is zoned both R4 – High Density Residential and B4 – Mixed Use.
- Under the Planning Proposal, the location of the zone boundary is proposed to change and the R4 – High Density Residential Zone to be replaced with B6 – Enterprise Corridor zoning. As such, it was requested to mimic the current zone boundaries to allow the use to continue to be permissible.
- Changes were also requested to the proposed RE1 Public Recreation and SP2 Infrastructure zoning boundaries.

Council Response:

- Consideration was given to the request to amend the proposed B4/B6 zoning boundary. However, DPE advised that the possible amendment would not be considered minor and would therefore require an amended Gateway Determination and re-exhibition. Due to possible substantial delays, it is recommended that the Planning Proposal proceed as exhibited. It should be noted that the Urban Design Review and Planning Proposal was reported to council prior to the DA in question being submitted to Council.
- The concept masterplan is continually changing, it is therefore not considered appropriate to amend RE1/SP2 zoning to accommodate evolving changes as requested in the submission.

Department Comment

The site in question is able to act on the approved DA. The land owner is also able to initiate a Planning Proposal to progress the requested changes in the future. As such, this issue has been adequately considered and addressed by Council.

APPENDIX 2 – AUTHORITY CONSULTATION

Roads and Maritime Services (RMS)

The RMS did not object to the Planning Proposal, however the following comments were made:

- the proposed development is not anticipated to have a significant impact on traffic levels of the regional classified road network;
- not supportive of the proposed signalised intersection at 'Intersection 1' (Pitt Street and Sheffield Street) and 'Intersection 2' (Neil Street and New Road 1' as they are located within 100m of existing signalised intersection at Neil and Pitt Street. The spacing should be minimum 130m in accordance with the 'Roads and Maritime Traffic Signal Design Manual';
- recommend that 'Intersection 1 and 2' be restricted to left turn movements; and
- recommend additional traffic analysis to mitigate any potential traffic impacts on the existing signalised intersection of Neil Street and Pitt Street.

Response to Submission

Council made the following response to the RMS submission:

- Council's traffic engineers are of the opinion that numerous examples exist of traffic signals located closer than 100m. However, to mitigate potential traffic concerns, a decision on providing traffic signals and future location will be made based on the intersection performance and analysis;
- Council is finalising the detailed design of the road alignment based on left turn movement. Council will investigate the best method for signalling the traffic movement; and
- Council intends to develop a traffic model of existing and proposed traffic conditions.

Department Comment

Council has provided satisfactory responses to the agency comments raised above and will continue investigations based on these comments. As such, the submission has been adequately considered and addressed by Council.

Sydney Water

Sydney Water did not object to the Planning Proposal, however, made the following comments:

- noted that their strategic investigation indicated that both the trunk drainage system and trunk wastewater system have capacity to service the development area;
- development within the Precinct will require a section 73 compliance certificate to satisfy relevant Sydney Water requirements.

Response to Submission

No response to the submission is warranted.

Department Comment

Detailed Sydney Water requirements will be addressed at DA stage.

Endeavour Energy

Endeavour Energy did not object to the Planning Proposal, however, made the following comments:

- noted that future development will need to apply to connect to Endeavour Energy Infrastructure and be subject to a load assessment.

Department Comment

Detailed Endeavour Energy requirements will be addressed at DA stage.

Transport for New South Wales (TfNSW)

A late submission was received from (TfNSW). The submission noted that the Roads and Maritime Services (RMS) had already submitted a response to the proposal and had no further comments *“as the proposed land use changes will only result in minor additional traffic that will not have a material impact on the surrounding transport network”*.

Response to Submission

Noted.

APPENDIX 3 - CONSISTENCY WITH OTHER RELEVANT SECTION 117 DIRECTIONS

The Planning Proposal is consistent with the following relevant section 117 Directions below.

The following S.117 directions also apply to the Planning Proposal:

Direction 1.1 Business and Industrial Zones

This Direction aims to encourage employment growth in suitable locations, protect existing employment land, and support the viability of strategic centres. The Proposal is considered to be consistent with this Direction as it increases business zones within the Precinct and does not reduce the employment floor space within the area.

Direction 2.3 Heritage Conservation

The objective of this Direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. This Direction applies to this Planning Proposal as the site contains a local archaeological heritage site. The Planning Proposal does not propose any changes to the Heritage Map and will continue to identify the site as an item of significance. The proposal is therefore consistent with this Direction.

Direction 3.1 Residential Zones

This Direction aims to encourage a variety of housing types and choice, ensure that new housing has appropriate access to infrastructure and services, and minimise the impact of residential development on the environment and resource lands. This Direction applies to the Proposal as it alters an existing residential zone. At the time of the Gateway Determination, the Secretary's delegate agreed that the inconsistency with this Direction was minor and did not warrant any further approval.

However, minor changes to the zoning boundaries were made post-exhibition that slightly increased the area of R4 High Density Residential. As such, the inconsistency with the Direction is still considered to be minor as the Precinct is well served by utility infrastructure and public transport and will encourage a range of housing types in an appropriate location.

Direction 3.4 Integrating Land Use and Transport

The objective of this Direction is to utilise and support public transport services, and reduce the reliance on cars. The site is located approximately 400m from Merrylands Public Transport Interchange to both train and bus public transport services. The Planning Proposal is consistent with this Direction as it will integrate urban development with existing public transport facilities.

Direction 4.3 Flood Prone Land

This Direction applies to this Proposal as it 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 a 1:100 storm event. At the time of the Gateway Determination, the Secretary's delegate agreed that the inconsistency of the Proposal with this Direction was minor and did not warrant any further approval.

Given that development is to be limited on the overland flow path (by zoning these areas as RE1 Public Recreation and SP2 Drainage), the impact of stormwater flooding on any development will be assessed of any future development application, it is considered that the Proposal's inconsistency with this Direction is continues to be of minor significance.