



New South Wales

Holroyd Local Environmental Plan 1991 (Amendment No 42)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00481/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 745

Clause 1 Holroyd Local Environmental Plan 1991 (Amendment No 42)

Holroyd Local Environmental Plan 1991 (Amendment No 42)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Holroyd Local Environmental Plan 1991 (Amendment No 42)*.

2 Aims of plan

The aims of this plan are:

- (a) to facilitate the redevelopment of the Neil Street Precinct through the rezoning of certain sites, the introduction of new planning and design principles and the provision of specific objectives for the area, and
- (b) to enable higher density residential housing, within the Neil Street Precinct, that is adjacent to the Merrylands Transport Interchange in accordance with the State Government's policy on integrating land use and transport, and
- (c) to facilitate high quality urban design outcomes for the Neil Street Precinct, and
- (d) to generally require a contributions plan for the Neil Street Precinct to have been approved under section 94B of the Act before consent may be granted to the carrying out of development within the Precinct, and
- (e) to facilitate the improvement of, and extension to, existing public infrastructure within the Neil Street Precinct, and
- (f) to set limits on the number of storeys for buildings in the Neil Street Precinct, and
- (g) to require dry weather flows to be carried by A'Becketts Creek, rather than being piped downstream from the Neil Street Bridge, and
- (h) to require the full width of the creek corridor downstream of the Neil Street Bridge to comprise a vegetated riparian zone, and

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- (i) to require land within the Neil Street Precinct that is contaminated to be remediated if the land is not suitable in its contaminated state for the carrying out of proposed development, and
 - (j) to amend Schedule 4 to *Holroyd Local Environmental Plan 1991* to permit nominated additional uses on certain sites within the Neil Street Precinct.

3 Land to which plan applies

This plan applies to the following land situated in the City of Holroyd:

- (a) land known as the “Neil Street Precinct”, as shown edged heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 42)” deposited in the office of the Council of the City of Holroyd (the *Council*), and
- (b) land comprised in Lots 22–25, DP 3642 and known as 2–6 Peel Street, Holroyd, as shown edged heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 38)” deposited in the office of the Council.

4 Amendment of Holroyd Local Environmental Plan 1991

Holroyd Local Environmental Plan 1991 is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

apartment building means a building containing three or more dwellings, but does not include a building specifically defined elsewhere in this plan.

height map—Neil Street Precinct means the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 42—Height Map)”.

mixed use development means one or more dwellings attached to, or on the same parcel of land as, a building intended to be used for non-residential purposes (being non-residential purposes that are permissible on the land on which the building is located).

Neil Street Precinct means the area of land shown edged heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 42)”.

[2] Clause 5 (1), definition of “the map”

Insert in appropriate order:

Holroyd Local Environmental Plan 1991 (Amendment No 42)

[3] Clause 37

Insert after clause 36:

37 Development within the Neil Street Precinct

- (1) The consent authority must not consent to the carrying out of any development within the Neil Street Precinct unless it is satisfied that the proposed development is consistent with such of the following objectives for the redevelopment of the Precinct as are relevant to the development:
 - (a) the provision of drainage for stormwater and the provision of overland flow paths to manage existing flooding constraints within the Precinct,

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- (b) the provision of residential development that is adjacent to the Merrylands Transport Interchange and supports revitalisation of Merrylands Town Centre,
 - (c) the provision of road links that provide for the following:
 - (i) improved circulation of vehicular and pedestrian traffic throughout the precinct and Merrylands Town Centre,
 - (ii) direct and efficient vehicular access and pedestrian connectivity that provide a high level of amenity and links to Holroyd Gardens, Merrylands Town Centre and Merrylands Transport Interchange,
 - (iii) an overland flow path for stormwater to provide an opportunity to reduce flood levels in the Precinct,
 - (d) in the case of development comprising the erection of a building—that consideration has been given, in the design of the development, to the principles referred to in Part 2 of *State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65)*, whether or not the development is development to which SEPP 65 applies,
 - (e) the provision of the following (other than in the vegetated riparian zone referred to in paragraph (k)):
 - (i) an integrated cycleway network from the Merrylands Transport Interchange to Parramatta,
 - (ii) the extension of regional cycle and pedestrian networks connecting Parramatta and Merrylands Town Centres,
 - (f) the provision of a variety of dwelling sizes within apartment buildings to encourage community diversity,
 - (g) that any proposed development responds to the following:
 - (i) site opportunities and constraints,
 - (ii) the need for high quality public spaces,

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Schedule 1 Amendments

- (h) that proposed development does not:
 - (i) detract from potential future economic development within the Precinct or of land adjoining the Precinct, or
 - (ii) hinder the attainment of a mixed residential and commercial Precinct,
 - (i) the redevelopment of the Precinct in a way that promotes the principles of ecologically sustainable development,
 - (j) that redevelopment downstream of Neil Street Bridge supports the achievement of the following:
 - (i) a creek system that behaves as, and has the appearance of, a natural creek system,
 - (ii) the carrying of dry weather flows by the creek.
 - (k) that the land on either side of A'Becketts Creek is to comprise a vegetated riparian zone, having a width, as measured from one side of the Creek to the other, of at least 19 metres, with the vegetation replicating, as far as is possible, the density, species diversity and community structure of locally indigenous vegetation alongside the Creek.
- (2) The consent authority must not consent to the carrying out of any development within the Precinct, unless a contributions plan has been approved for the Precinct under section 94B of the Act.
- (3) Despite subclause (2), nothing in this plan prevents the consent authority from consenting to the carrying out of the following kinds of development within the Precinct:
- (a) complying development,
 - (b) demolition,
 - (c) development for the purpose of any of the following if the consent authority is of the opinion that the development is necessary to enable, or appropriate to, the facilitation of the redevelopment of the Precinct in accordance with this plan:
 - (i) roads,
 - (ii) stormwater drainage,
 - (iii) recreation areas,

- (iv) landscaping,
 - (v) gardening,
 - (vi) public art,
 - (vii) public amenities,
 - (viii) parking,
 - (ix) footpaths or cycleways.
- (4) The consent authority must not consent to the erection of a building or the carrying out of works within the Precinct if the consent authority is of the opinion that the erection of the building or the carrying out of those works would increase the impact of flooding on people or property (or both) within, or in the vicinity of, the Precinct.
- (5) The consent authority must not consent to the erection of a building within the Precinct unless it is satisfied that the building will not cause any significant overshadowing of:
- (a) public open spaces, or
 - (b) any part of a building that is intended (or has been designed to be converted) for residential use.
- (6) Clause 35 (Development standards—floor space ratios) does not apply to land within the Precinct.
- (7) The maximum number of storeys for buildings within the Precinct are identified on the height map—Neil Street Precinct.
- (8) In this clause:
- storey** means the space within a building between one floor level and the floor level above or, if there is no floor level above, the underside of the ceiling above, but does not include space used for the following (unless the space is not more than 1.2 metres above ground level, as measured at any point of each boundary of the site on which the building is located):
- (a) car parking,
 - (b) basement laundries,
 - (c) basement storerooms.

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Schedule 1 Amendments

[4] Clause 42

Omit clause 42. Insert instead:

42 Remediation of land

- (1) This clause applies to the following land:
 - (a) Lots 22–25, DP 3642 and known as 2–6 Peel Street, Holroyd, as shown edged heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 38)”,
 - (b) the Neil Street Precinct.
- (2) The consent authority must not consent to the carrying out of development on any land to which this clause applies unless it has considered whether the land is contaminated and, if it is of the opinion that the land is contaminated, it is satisfied that:
 - (a) the land is suitable in its contaminated state for the purpose for which the development is proposed to be carried out, or
 - (b) the land will be suitable after remediation for the purpose for which the development is proposed to be carried out and that the land will be remediated before the land is used for that purpose.
- (3) The consent authority may refuse to consent to the carrying out of development on any land to which this clause applies unless it has been provided with, and has considered, a report setting out the findings of a detailed investigation in relation to the land if the consent authority is of the opinion that the findings of a preliminary investigation in relation to the land warrant the carrying out of such a detailed investigation.
- (4) In this clause:

detailed investigation means a detailed investigation referred to in the contaminated land planning guidelines (within the meaning of Part 7A of the Act).

preliminary investigation means a preliminary investigation referred to in the contaminated land planning guidelines (within the meaning of Part 7A of the Act).

[5] Schedule 4 Additional uses

Insert at the end of the Schedule:

Land within Zone No 2 (d) (Residential “D” Zone) that is within the Neil Street Precinct—Apartment buildings, commercial premises, doctor’s surgeries, mixed use development, refreshment rooms, shops.

Lot 10, DP 228782 and known as 13–15 Neil Street, Merrylands—Car repair station.