



New South Wales

Holroyd Local Environmental Plan 1991 (Amendment No 43)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P03/00511/S69)

FRANK SARTOR, M.P.,
Minister for Planning

2007 No 140

Clause 1 Holroyd Local Environmental Plan 1991 (Amendment No 43)

Holroyd Local Environmental Plan 1991 (Amendment No 43)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Holroyd Local Environmental Plan 1991 (Amendment No 43)*.

2 Aims of plan

The aims of this plan are:

- (a) to facilitate the redevelopment of the Merrylands Town Centre Precinct through the introduction of new planning and design principles and the provision of specific objectives for the area, and
- (b) to rezone Lots 1 and 2, DP 574971, known as 10 Memorial Avenue, Merrylands, from the Special Uses Zone to the Business General Zone under *Holroyd Local Environmental Plan 1991*, and
- (c) to promote and encourage public transport use and cycling, and to reduce reliance on private car travel, and
- (d) to enable mixed use development, within the Merrylands Town Centre Precinct, that is adjacent to the Merrylands Transport Interchange in accordance with the State Government's draft policy on integrating transport and land use, and
- (e) to create an active town centre and encourage walking by requiring future development to activate the street with quality design and provide for at grade pedestrian connectivity, and
- (f) to provide clear and direct pedestrian linkages within the Merrylands Town Centre Precinct and to the Merrylands Transport Interchange, the Neil Street Precinct, the neighbouring residential areas, and Holroyd Gardens, and
- (g) to facilitate high quality urban design outcomes for the Merrylands Town Centre Precinct, and
- (h) to set building height limits for the Merrylands Town Centre Precinct, and

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- (i) to facilitate the improvement of, and extension to, existing public infrastructure within the Merrylands Town Centre Precinct, and
 - (j) to amend Schedule 4 to *Holroyd Local Environmental Plan 1991* to permit mixed use development on land within Zone No 3 (a) (Business General Zone) within the Merrylands Town Centre Precinct, and
 - (k) to ensure that the definition of **storey** for the purposes of the Neil Street Precinct is consistent with the definition for that term in the *Standard Instrument (Local Environmental Plans) Order 2006*, and
 - (l) to insert definitions of **basement** and **ground level (existing)** into the provisions of *Holroyd Local Environmental Plan 1991* relating to the Neil Street Precinct, and
 - (m) to set floor space ratio limits that reflect the maximum level of development desired within building envelopes for each particular development site in the Merrylands Town Centre Precinct.

3 Land to which plan applies

- (1) To the extent that this plan introduces new objectives and controls, it applies to all land within the Merrylands Town Centre Precinct, as shown edged heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 43)—Merrylands Town Centre Precinct Map” deposited in the office of the Council of the City of Holroyd.
- (2) To the extent that this plan rezones land from the Special Uses Zone to the Business General Zone, it applies to Lots 1 and 2, DP 574971, known as 10 Memorial Avenue, Merrylands, as shown edged heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 43)—Zoning Alteration” deposited in the office of the Council of the City of Holroyd.
- (3) To the extent that this plan amends the definition of **storey** in clause 37 (8) of *Holroyd Local Environmental Plan 1991*, it applies to the Neil Street Precinct (within the meaning of that plan).
- (4) Land shown as “Deferred Matter” on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 43)—Merrylands Town Centre Precinct Map” deposited in the office of the Council of the City of Holroyd is not subject to this plan (being land that is excluded from the application of this plan under section 68 (5) or 70 (4) of the Act).

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Clause 4 Holroyd Local Environmental Plan 1991 (Amendment No 43)

4 Amendment of Holroyd Local Environmental Plan 1991

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

Schedule 1 Amendments

(Clause 4)

[1] Clause 5 Interpretation

Insert in alphabetical order in clause 5 (1):

floor space ratio map—Merrylands Town Centre means the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 43—Floor Space Ratio)”.

height map—Merrylands Town Centre means the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 43—Height Map)”.

Merrylands Town Centre means the area of land shown edged in heavy black on the map marked “Holroyd Local Environmental Plan 1991 (Amendment No 43)—Merrylands Town Centre Precinct Map”.

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

Insert in appropriate order in the definition:

Holroyd Local Environmental Plan 1991 (Amendment No 43)—
Zoning Alteration

[3] Clause 37 Development within the Neil Street Precinct

Omit clause 37 (7) and (8). Insert instead:

(7) The maximum number of storeys for buildings, excluding any basement used for car parking, laundries or storerooms, within the Precinct is identified on the height map—Neil Street Precinct.

(8) In this clause:

basement means the space of a building where the floor level of that space is predominantly below ground level (existing) and where the floor level of the storey immediately above is less than 1 metre above ground level (existing).

ground level (existing) means the existing level of a site at any point.

storey means a space within a building that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above, but does not include:

- (a) a space that contains only a lift shaft, stairway or meter room, or
- (b) a mezzanine, or
- (c) an attic.

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Schedule 1 Amendments

[4] Clause 37A

Insert after clause 37:

37A Development within the Merrylands Town Centre

- (1) The objectives for the redevelopment of the Merrylands Town Centre (the *Town Centre*) are as follows:
 - (a) the provision of an active town centre where walking is encouraged by requiring future development to activate the street with quality design and provide for at grade pedestrian connectivity,
 - (b) the promotion of public transport use and cycling, and the reduction of reliance on private car travel,
 - (c) the provision of clear and direct pedestrian linkages within the Town Centre and to the Merrylands Transport Interchange, the Neil Street Precinct, the neighbouring residential areas, and Holroyd Gardens,
 - (d) the maintenance and enhancement of a primary north-south pedestrian corridor, from Memorial Avenue through to Neil Street,
 - (e) the facilitation of mixed use development (in addition to retail, commercial and other permitted development) within the Town Centre that comprises:
 - (i) retail and commercial uses at grade, and
 - (ii) residential or commercial development (or both) above that development,
 - (f) the improvement of traffic flow through the Town Centre by:
 - (i) restricting the egress and ingress of vehicular traffic onto Merrylands Road from private properties (including from private parking places or areas), and
 - (ii) requiring the provision of laneways and rear private access ways for sites fronting Merrylands Road,
 - (g) the provision of a variety of dwelling sizes within the residential component of buildings to encourage community diversity,
 - (h) that any proposed development responds to:
 - (i) site opportunities and constraints, and
 - (ii) the need for high quality public spaces,

- (i) any proposed building in the Town Centre, regardless of its use, being of a quality design, such that the design:
 - (i) responds and contributes to its context, being the key natural and built features of the area, and
 - (ii) provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings, and
 - (iii) achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, building type and the manipulation of building elements, and
 - (iv) has a density appropriate for the site and its context, in terms of floor space yields (or number of units or residents), and
 - (v) makes efficient use of natural resources, energy and water throughout the building's full life cycle, including construction, and
 - (vi) recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in greater aesthetic quality and amenity for both occupants and the adjoining public domain, and
 - (vii) provides amenity through the physical, spatial and environmental quality of the development, and
 - (viii) optimises safety and security, both internal to the development and for the public domain, and
 - (ix) responds to the social context and needs of the local community in terms of lifestyles, affordability, and access to social facilities, and
 - (x) provides quality aesthetics that:
 - (A) require an appropriate composition of building elements, textures, materials and colours, and
 - (B) reflect the use, internal design and structure of the development,
- (j) that the proposed development does not:
 - (i) detract from the potential future economic development within the Town Centre or of land adjoining the Town Centre, or
 - (ii) hinder the attainment of mixed use development in the Town Centre,

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Schedule 1 Amendments

- (k) the redevelopment of the Town Centre is undertaken in a way that promotes the principles of ecologically sustainable development,
 - (l) the proposed development will maintain the concentration of civic and public uses within the Town Centre,
 - (m) the proposed redevelopment of the Town Centre provides opportunities for and attract the clustering of commercial offices and professional suites close to the train station.
- (2) The consent authority must not consent to the carrying out of any development within the Town Centre unless it has considered each of the objectives for the redevelopment of the Town Centre (as set out in subclause (1)) that are relevant to the development.
 - (3) Clause 35 (Development standards—floor space ratios) does not apply to land within the Town Centre.
 - (4) Clause 35A (Development near zone boundaries) does not apply to land within the Town Centre.
 - (5) The consent authority must not consent to the erection of a building within the Town Centre unless it is satisfied that the building will not cause significant overshadowing, such that:
 - (a) shopfronts (existing or potential) on the southern sides of Merrylands Road or McFarlane Street receive at least two hours of direct sunlight between 12pm and 3pm on 21 June (as measured up to a height of 1.5m), and
 - (b) the north facing sides, above the third storey, of buildings (existing or potential) receive at least three hours of direct sunlight between 9am and 5pm on 21 June.
 - (6) The height of a building or structure on any land within the Town Centre is not to exceed the maximum height shown for the land on the height map—Merrylands Town Centre.
 - (7) A building must not be erected on land within the Town Centre if the building will have a floor space ratio in excess of that identified for the land on the floor space ratio map—Merrylands Town Centre.

[5] Schedule 4 Additional uses

Insert at the end of the Schedule:

Land within Zone No 3 (a) (Business General Zone) that is within the Merrylands Town Centre—Mixed use development.

BY AUTHORITY
