

## Places, Design and Public Spaces

IRF19/4882

### Gateway determination report

<b>LGA</b>	Cumberland
<b>PPA</b>	Cumberland Council
<b>NAME</b>	Holroyd Local Environmental Plan 2013 – 1-11 Neil Street, Merrylands (24 additional homes, 0 jobs)
<b>NUMBER</b>	PP_2019_CUMBE_004_00
<b>LEP TO BE AMENDED</b>	Holroyd Local Environmental Plan 2013
<b>ADDRESS</b>	1-11 Neil Street, Merrylands
<b>DESCRIPTION</b>	Lot 1 DP 203553 and Lot 11 DP 228782
<b>RECEIVED</b>	11 July 2019
<b>FILE NO.</b>	EF19/22431
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. INTRODUCTION

### 1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to increase the maximum height of building and floor space ratio controls on part of 1-11 Neil Street, Merrylands by amending Holroyd Local Environmental Plan 2013.

### 1.2 Site description

The planning proposal applies to part of 1-11 Neil Street, Merrylands (an aerial view of the site is provided at Figure 1). The site is within the Neil Street Precinct, a locality that was zoned for high density residential with supporting local roads, recreation and drainage in 2017. The precinct is within walking distance of Merrylands town centre and railway station.

The subject site is known as ‘the Mills’, a master planned residential development on a former historic flour milling site. The redevelopment includes four buildings across the site, of these, Building 3 is relevant to this planning proposal. Development consent has been granted for each of the buildings, with two nearing completion.

In 2017, Council issued development consent for Building 3 for a 12-storey apartment building with 178 dwellings. The proponent recently lodged an application to modify the original consent to provide an additional four storeys which would accommodate approximately 24 units.



Figure 1: Aerial view of context with site shown in red

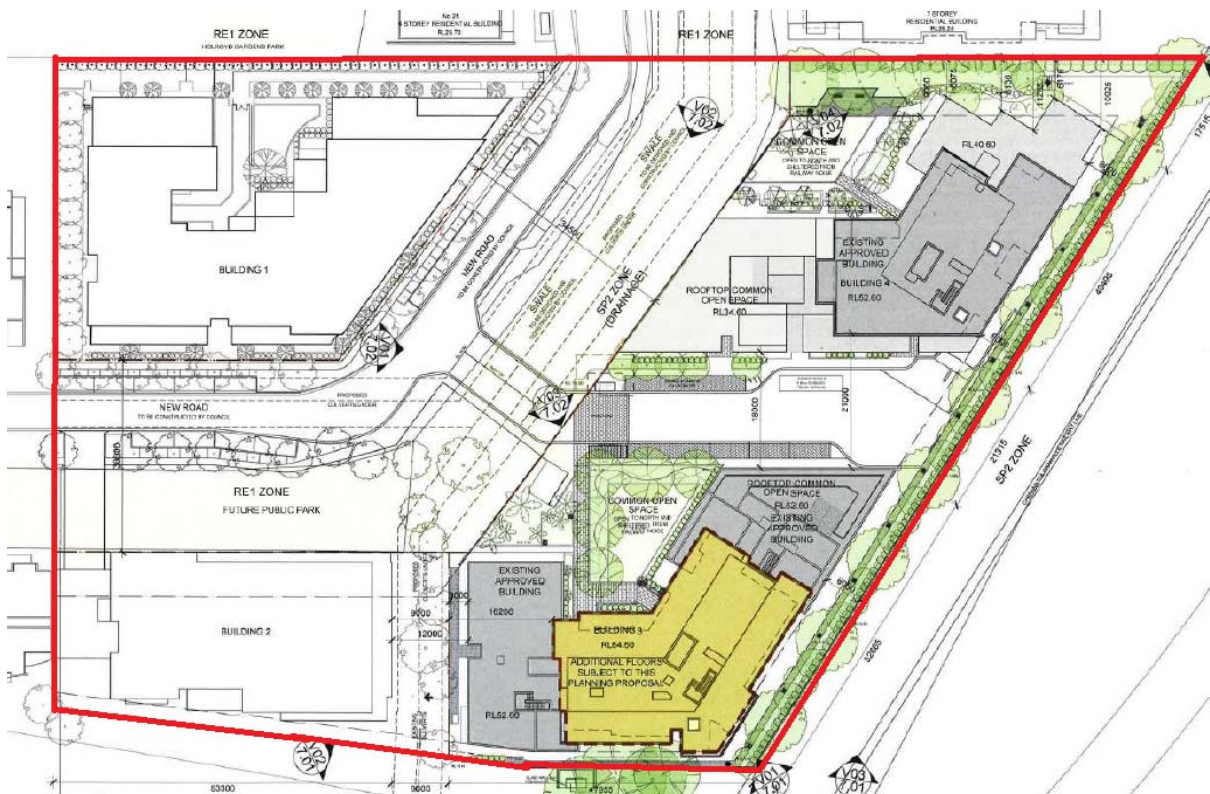


Figure 2: Site plan showing location of Building 3 (yellow) within The Mills development (red outline)

### 1.3 Existing planning controls

The existing planning controls applying to site under Holroyd LEP 2013 are shown in Table 1 below:

Planning control	Existing
Land Zone	R4 High Density Residential SP2 Drainage RE1 Public Recreation
Minimum Lot Size	900m <sup>2</sup>
Height of Building	29m, 30m to 39m maximum
Floor Space Ratio	3.5:1 maximum
Heritage	The site contains a locally significant archaeological site (Millmaster Feeds site) and adjoins a local heritage item Goodlet and Smith Brickmaking Plan and Chimney, and Hoffman Kiln and Chimney.
Land Reservation Acquisition	Part of the site is to be acquired by Council for various public uses (local road, drainage and open space)
Riparian Lands and Watercourse	Part of the site is identified on the Riparian lands and Watercourse Map.

Table 1: Existing planning controls

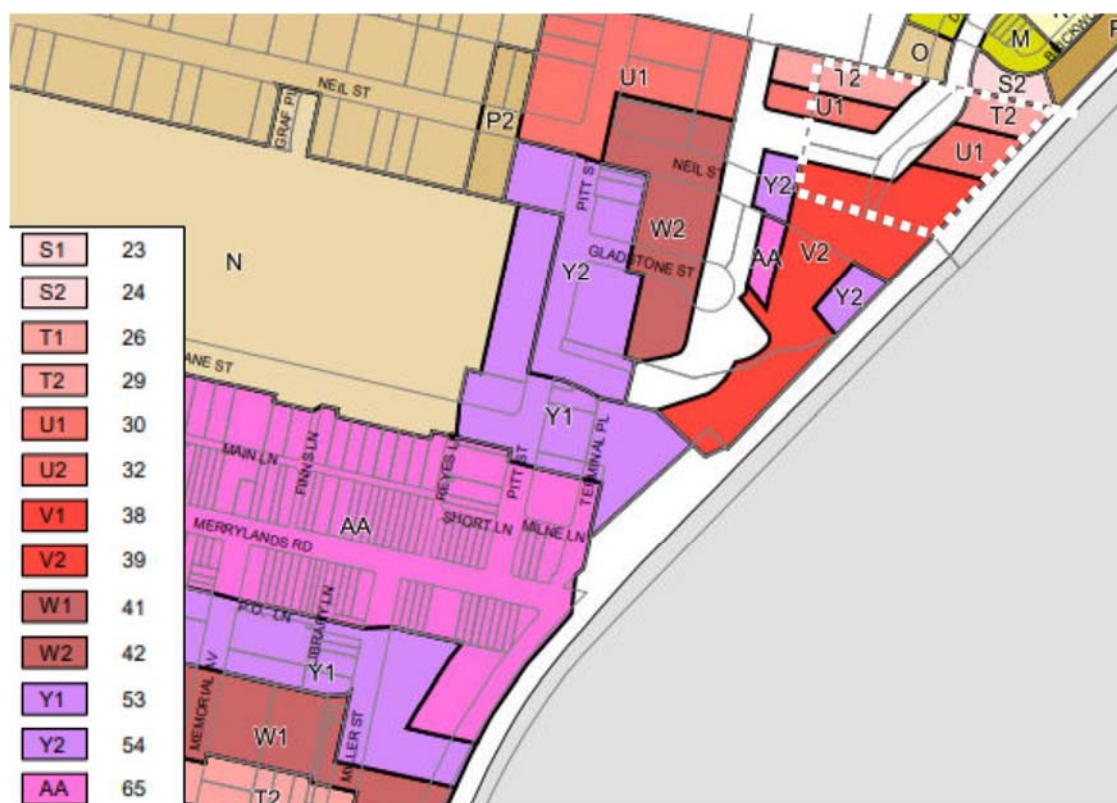


Figure 3: Existing height of building

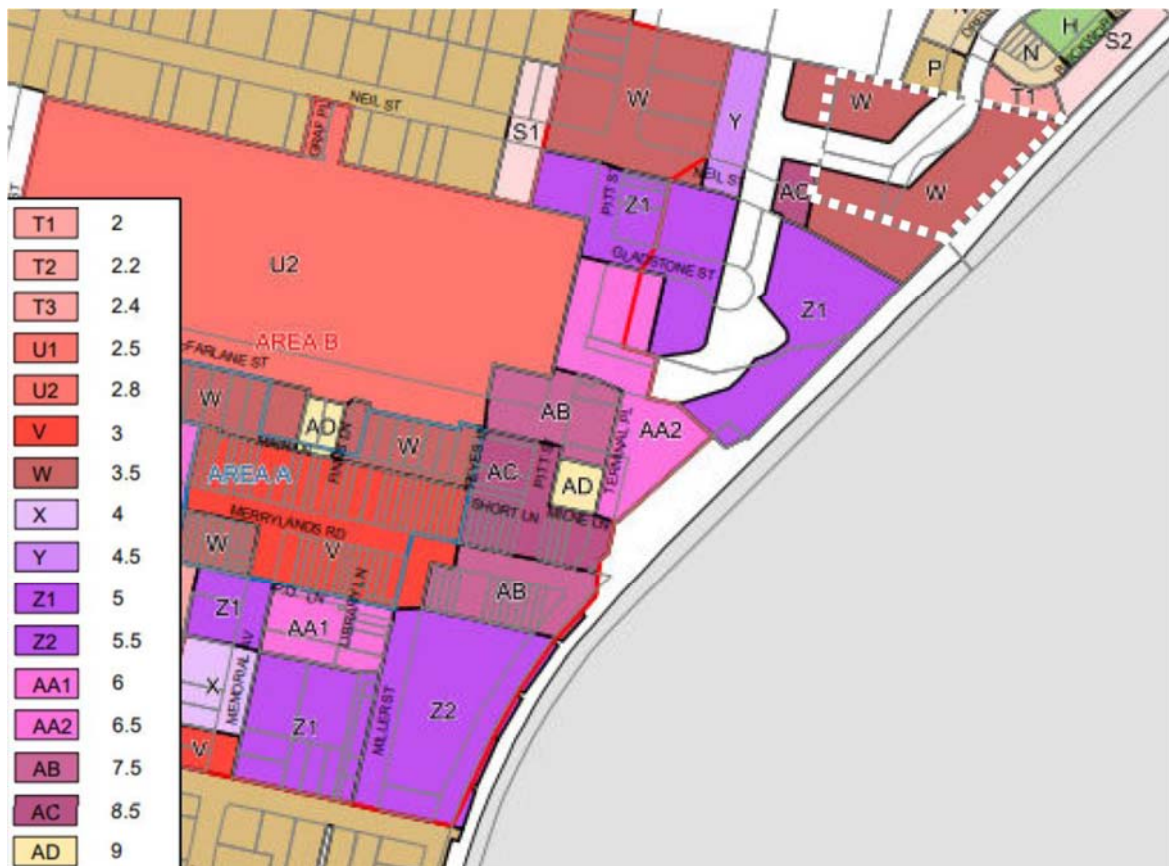


Figure 4: Existing floor space ratio

#### 1.4 Surrounding area

Surrounding land uses includes an eight-hectare regional reserve (Holroyd Gardens) in the north, established low, medium and high density residential neighbourhoods in the east, Merrylands Bus and Rail Terminus in the south and Stockland Shopping Centre in the west. Some existing light industrial and commercial uses adjoin the site in the existing B6 Enterprise Corridor.

#### 1.5 Summary of recommendation

It is recommended that the planning proposal proceed with conditions as the additional height and density for the site represents a positive urban design outcome for the Merrylands area.

## 2. PROPOSAL

### 2.1 Objectives or intended outcomes

The objectives of the planning proposal are to:

- create a strong urban corner to Neil Street near Merrylands Town Centre;
- establish a building height which is generally consistent with the surrounding built form;
- present a more suitable transition in building height from the higher scale mixed use development in the core of the Merrylands town centre to the lower scale residential development; and
- create variation in the height plane from the current 12 storeys on the site.

The proposal seeks to facilitate additional 24 units to the already approved under the development application for the site.

The objectives are considered to be adequate.

## 2.2 Explanation of provisions

The planning proposal seeks to amend Holroyd LEP 2013 as follow:

- increase the height of building control from 39m (12 Storeys) to 50m (16 storeys) for the south-eastern portion of the site; and
- increase the floor space ratio from 3.5:1 to 3.66:1 on the eastern portion of the site.

The explanation of provisions is adequate for public exhibition.

## 2.3 Mapping

The current and proposed maps are provided in Part 2 and Part 4 of the planning proposal respectively. The planning proposal will amend the Height of Building Map and Floor Space Ratio Map as shown in Figure 5 and 6 below.

An aerial photograph, a site plan showing the location of Building 3 within the site and concept drawings are also provided.

Maps are adequate for exhibition purposes.

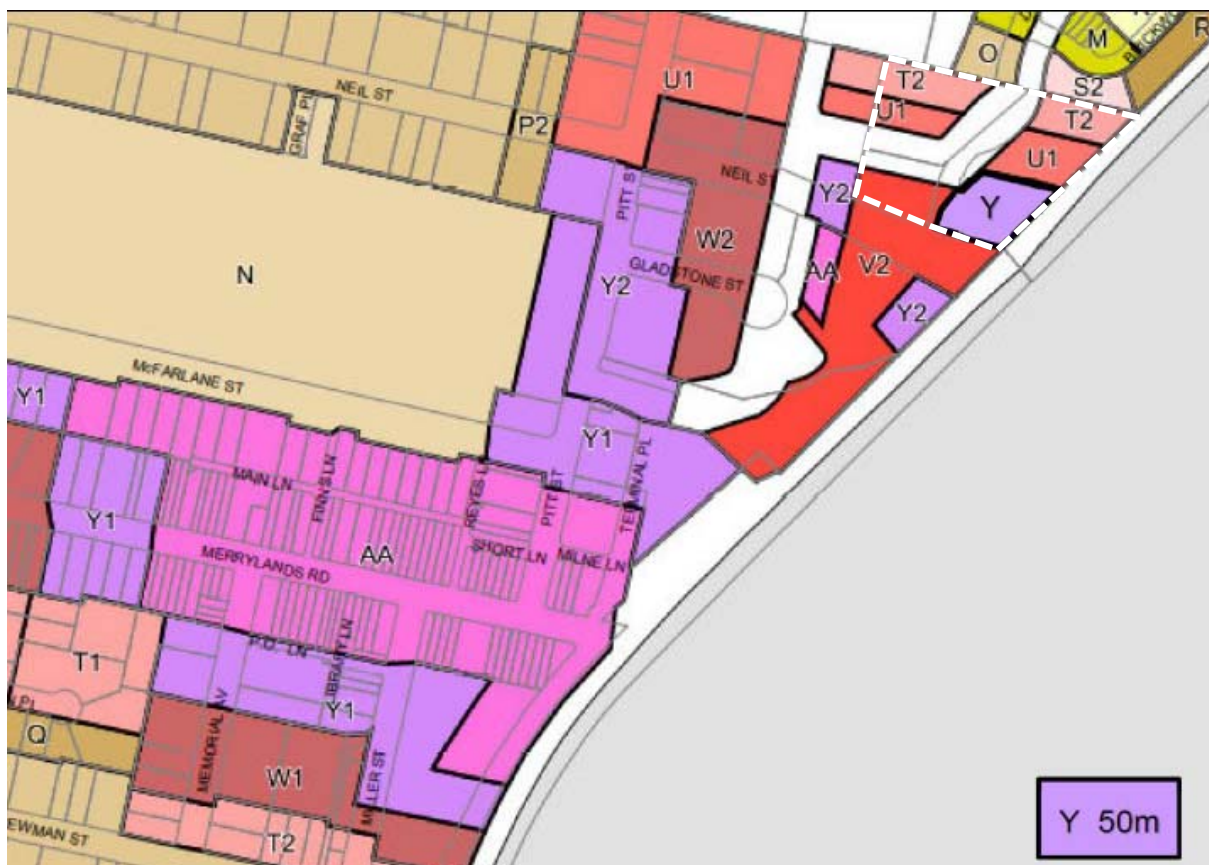


Figure 5: Proposed height of Building

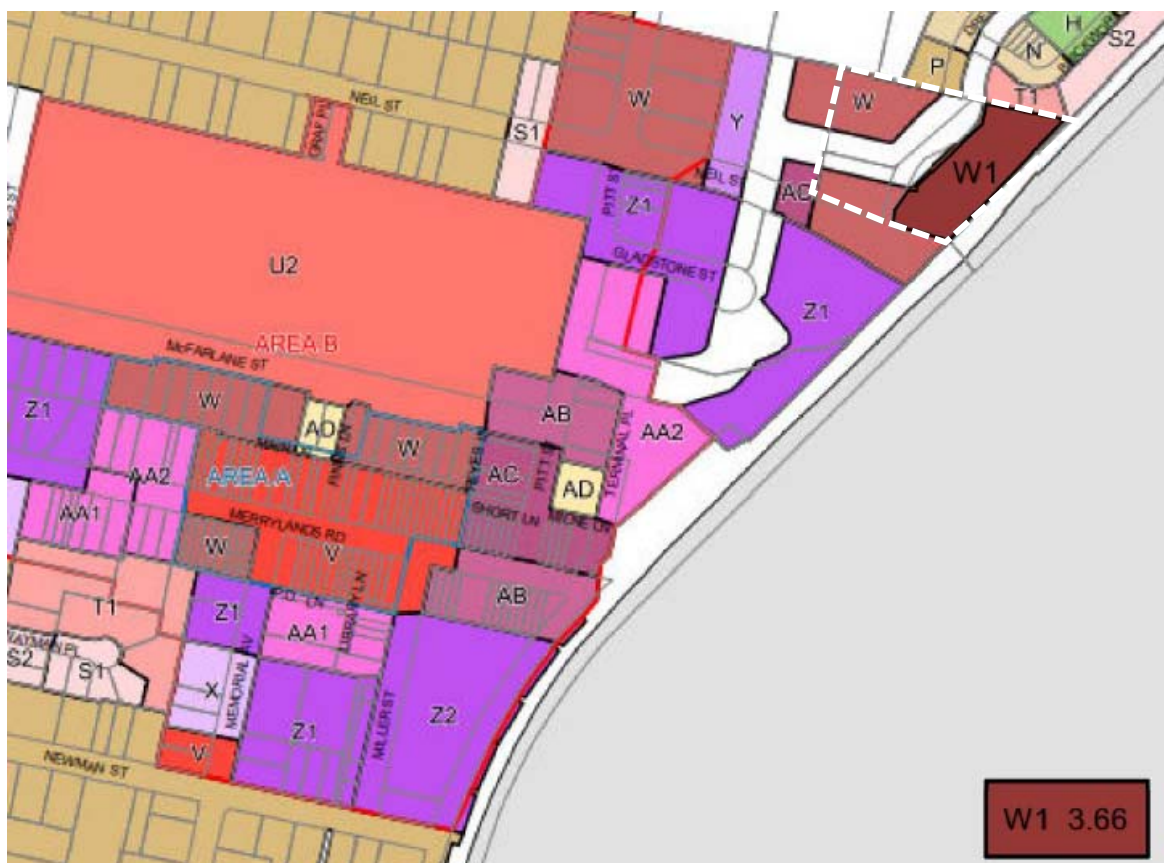


Figure 6: Proposed floor space ratio

### 3. NEED FOR THE PLANNING PROPOSAL

The planning proposal has been prepared by Council at the request of the proponent.

It is considered that the planning proposal is the best and most appropriate means of achieving the intended outcomes for the site as the proposed additional height and FSR are not permitted under the current controls and cannot be considered as an exception to development standards under clause 4.6 of Holroyd Local Environmental Plan 2013. While the additional height and density were not previously anticipated, it represents a positive urban design outcome for the Merrylands area.

Subject to final development assessment the current controls would permit a mixed use development up to 39m (12 storeys). In comparison, the proposal would permit for a maximum height of 50m (16 storeys).

### 4. STRATEGIC ASSESSMENT

#### 4.1 Regional / District

##### Central City District Plan

The planning proposal is consistent with:

- *Infrastructure and Collaboration Planning Priority C1-Planning for a city supported by infrastructure of the Central City District Plan* as it will increase planning controls on land close to existing infrastructure such as Merrylands Bus and Rail Interchange.

- *Liveability Planning Priority N5-Providing housing supply, choice and affordability, with access to jobs, services and public transport* as it will increase the number and variety of new units on a site that is within easy walking distance to Merrylands Town Centre.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

## **4.2 Local**

### Merrylands Town Centre Urban Design Review 2015

The main objective of the Review was to determine the general structure and built form for the Neil Street Precinct to maximise development yield while responding to the local context.

The proposal does not exceed the development yield that was planned for the site under the Merrylands Town Centre Urban Design Review 2015 and the now made Neil Street Planning Proposal. The additional floor area provided through the planning proposal compensates for the previous loss of floor space on the site from the dedication of land to Council for SP2 Drainage and RE1 Public Recreation.

### Cumberland Council Community Strategic Plan 2017-2027

The Plan sets out the community's vision for the future, the strategies in place to achieve it and how progress towards or away from the vision will be measured.

The proposal is consistent the Plan as the site is located within easy walking distance to Merrylands Town Centre & train station and Holroyd Gardens- a regional park, which would increase the viability of local business, services and facilities.

### Draft Cumberland Local Strategic Planning Statement 2030

The draft Statement sets out planning priorities and actions for land use within the Cumberland local government area over the next 10 years.

The proposal is consistent with the Statement as it will:

- result in an increase in residential development on the northern fringe of the Merrylands Town Centre;
- increase the number and variety of housing types available in Merrylands to meet the needs of Cumberland's growing and changing population;
- help to sustain a strong and diverse local economy by making it possible for more people to live close to Merrylands Town Centre.

### Cumberland Planning Agreement Policy and Interim Affordable Housing Policy

On 5 July 2017, Council adopted an Interim Affordable Housing Policy, which supports the provision of affordable housing in Cumberland Local Government Area. Under this policy, 15% of any additional residential floor space resulting from a planning proposal is to be provided as affordable housing.

On 6 September 2017, Council adopted Planning Agreements Policy which aims to capture public benefits for the community through the planning proposal process.

The planning proposal for 1-11 Neil street was prepared by Council in response to a request by a proponent in October 2017. Hence both the Interim Affordable Housing Policy and Planning Agreement Policy apply to this planning proposal.

Council has advised that the negotiation of a voluntary planning agreement will occur concurrently with the planning proposal process, noting that the proposal is intended to deliver an improved urban design outcome on the site.

#### **4.4 Section 9.1 Ministerial Directions**

The consistency of the planning proposal with the relevant Section 9.1 Directions is addressed below:

##### 2.3 Heritage Conservation

This direction applies when a planning proposal contains any item of heritage significance.

This direction applies in this instance as the subject site contains a heritage item (Millmaster Feeds site) and adjoins a site that contains a heritage item (Goodlet and Smith Brickmaking Plant and Chimney). Both these items are of local significance and are protected under Holroyd LEP 2013

Council has advised that it is currently consulting on the potential de-listing of certain items under Holroyd LEP 2013 which may affect these items. Given that development consent has already been given for the site, and the proposal seeks only to increase the capacity of one building, through the addition of four storeys, it is unlikely that there will be any additional impact on heritage.

The planning proposal is considered to be consistent with the direction as the heritage status of the items is not altered by this proposal and is subject to existing heritage provisions under the LEP.

##### 3.1 Residential Zones

This direction applies when a planning proposal will affect an existing or proposed residential use or any other zone in which significant residential development is permitted or proposed to be permitted and approval of the Secretary is required if the reduction in density is involved.

This direction applies as the draft proposal seeks to increase density in a residential zone. The proposal is considered to be consistent with the direction as the proposal facilitates 24 additional dwellings, with potential to provide a variety of apartment sizes and layouts.

##### Direction Local Planning Panels

The planning proposal is consistent with the Local Planning Panels Direction – Planning Proposals (issued 23 February 2018) as it was considered by the Cumberland Local Planning Panel on 1 May 2019.

#### **4.5 State environmental planning policies (SEPPs)**

The proposal is considered consistent with all relevant SEPPs. Given that the site was rezoning in 2017, it was assessed against each of these policies in detail at that point. The proposal seeks only to increase the development standards for the site.

## **5. SITE-SPECIFIC ASSESSMENT**

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### **5.1 Environmental**

The site is part of an urban environment and does not contain critical habitat or threatened species, populations or ecological communities or their habitats.

## Urban design

The planning proposal is supported by an Urban Design and SEPP 65 Peer Review Studies. These studies conclude that the proposal should be supported. It is noted that the additional height is not inconsistent with the surrounding locality and will enable variation to the built form. Figure 7 below demonstrates how the additional height on Building 3 is proposed to further articulate the built form and is not inconsistent with the surrounding context, nor does it impact on Holroyd Gardens.

Further assessment of the urban design merits would be undertaken as part of the Development Application process, noting that the planning proposal only relates to an additional four storeys, as shown in Figure 7, and not the whole building, which has already received development approval.



Figure 7 – proposed built form outcome for Building 3.

## Pedestrian and Vehicle traffic and parking

The original development application for the site was supported by traffic, transport and parking advice, which concludes that the proposed development complies with minimum parking provisions for residents and visitor parking; the proposed bicycle parking complies with DCP requirements. The planning proposal notes that the traffic that is likely to be generated as a result of the proposed additional 24 units will not result in any substantial change in the performance of key intersections in the locality. It is recommended that the planning proposal be referred to Transport for NSW, including the former Roads and Maritime Service for further consideration.

## Overshadowing

The proposal will increase the shadow cast by Building 3 through additional height. The Urban Design study supporting the proposal notes that overshadowing impacts during the winter solstice fall largely on Neil Street or the railway reserve, and are within the limits required for the future development to the south and properties to south-east. Council has advised that this matter will be considered at development application stage and will be required to meet the relevant solar access requirements.

## **5.2 Social and economic**

The planning proposal is supported by a Comprehensive Social Impact Assessment, which concludes that the proposal is unlikely to generate any negative social impacts. The proposal is however likely to result in an increase in mix of unit type,

increased patronage at local shops and public transport, and generate employment during construction phase.

### **5.3 Infrastructure**

The planning proposal notes that the site is serviced by a range of existing infrastructure, utilities, public transport, variety of social support services and recreational facilities.

The proposal is unlikely to result in an unreasonable level of additional demand for local infrastructure, utilities and services.

## **6. CONSULTATION**

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### **6.1 Community**

Council has proposed a community consultation period of 28 days. Given the nature of the planning proposal, a public exhibition period of 28 days is considered appropriate.

### **6.2 Agencies**

Council states that Gateway determination will specify the list of agencies and public authorities required to be consulted.

The Department recommends Council consult with the following state agencies in relation to the planning proposal:

- Transport for NSW, and
- Transport for NSW - Roads and Maritime Services (RMS).

## **7. TIME FRAME**

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Council proposes a time frame of 12 months to finalise this planning proposal. Given the nature of the planning proposal, a 12 month time frame is considered appropriate.

## **8. LOCAL PLAN-MAKING AUTHORITY**

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Council has not requested authorisation to be the local plan-making authority in relation to this planning proposal.

Given the minor nature of the proposal, it is recommended that Council is authorised to be local plan-making authority.

## **9. CONCLUSION**

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The Department recommends that the planning proposal proceeds with conditions, as the additional height and density proposed represents a positive urban design outcome for the site and the Merrylands area.

## 10. RECOMMENDATION

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It is recommended that Acting Director, Central City (GPOP) as the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. The planning proposal should be made available for community consultation for a minimum of 28 days.
2. Consultation is required with the following public authorities:
  - Transport for NSW, and
  - Transport for NSW –Roads and Maritime Services (RMS).
3. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
4. Given the nature of the planning proposal, it is recommended that Council is authorised to be local plan-making authority.



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