

following Schedule "A" conditions have been complied with to Council's satisfaction.

Building Certificate

1. A Building Certificate application shall be lodged with and approved by Cumberland Council prior to the operation of this consent, for the unauthorised works which are the subject of this Development Consent.

In accordance with clause 95(3) of the Environmental Planning and Assessment Regulation 2000, you must produce evidence to the Council within a period of 6 months, sufficient for Council to be satisfied of the above matters.

If evidence is produced within the specified period, in accordance with Clause 95(5) of the Regulation, Council will notify you whether or not it is satisfied as to the above matters and whether or not the consent will operate.

For: Julie Walsh (Chairperson), Larissa Ozog, David Ryan and Bruce Simpson.

Against: Nil.

Reasons for Decision

1. The Panel generally agrees with the Council Officer's report. However, the Panel is of the opinion that the rear western most section of the site which has been the subject of recent works may be used for storage purposes and the like which does not form part of this application.

ITEM LPP025/19 - PLANNING PROPOSAL FOR 1-11 NEIL STREET, MERRYLANDS

PANEL'S ADVICE:

1. **The Panel recommends that the Planning Proposal Request be reported to Council seeking a resolution to forward the planning proposal to the Department of Planning and Industry for a Gateway Determination.**

Note: Larissa Ozog left the Chamber due to a perceived conflict of interest for the duration of this item.

For: Julie Walsh (Chairperson), David Ryan and Bruce Simpson.

Against: Nil.

Reasons for Decision

1. The Panel generally agrees with the Council Officer's report.

The closed session of the meeting here closed at 1:12pm

The open session of the meeting here opened at 1:13pm. The Chairperson delivered the Cumberland Local Planning Panel's resolutions to the Public Gallery.

The meeting terminated at 1:15pm.

Signed:



Julie Walsh
Chairperson

Item No: ELPP025/19

PLANNING PROPOSAL FOR 1-11 NEIL STREET, MERRYLANDS

Responsible Division: Environment & Planning
Officer: Manager Strategic Planning
File Number: SC563

Lodged	18 October 2017		
Proponent	Chapman Planning		
Owner	Landmark Group Australia		
Description of Land	1-11 Neil Street Merrylands		
Site Area	Approximately 15,765m ²		
Site Description and Existing Use	<p>The site area is approximately 15,765m² and is bounded by Neil Street to the south, rail corridor to the east, 'New Road 2' to the west and Holroyd Gardens to the North.</p> <p>A number of residential flat buildings are under construction on the site.</p>		
Proposal Summary	<p>The Planning Proposal Request seeks to:</p> <ul style="list-style-type: none"> • Increase the height of buildings control to 50m (16 storeys) for Building 3 which is to be located within the south-eastern portion of the site; and • Increase the FSR to 3.66:1 at the eastern portion of the site. 		
Existing and Proposed Planning Controls	Planning Controls (<i>Holroyd LEP 2013</i>)	Existing controls	Proposed controls
	Zoning	R4 High Density SP 2	No change
	Height of Building	T2:29m U1:30m V2:39m	Y:50m T2:29m U1:30m V2:39m
	Floor Space Ratio	W: 3.5:1	W: 3.5:1 W1:3.66:1
Heritage	Nil		
Disclosure of political donations and gifts	Nil		
Previous Consideration	Nil		

SUMMARY:

The Planning Proposal Request seeks to:

- Increase the height of buildings control from 39m to 50m (16 storeys) for the south-eastern portion of the site; and
- Increase the FSR from 3.5:1 to 3.66:1 on the eastern portion of the site.

The status of the planning proposal is outlined in Figure 1.

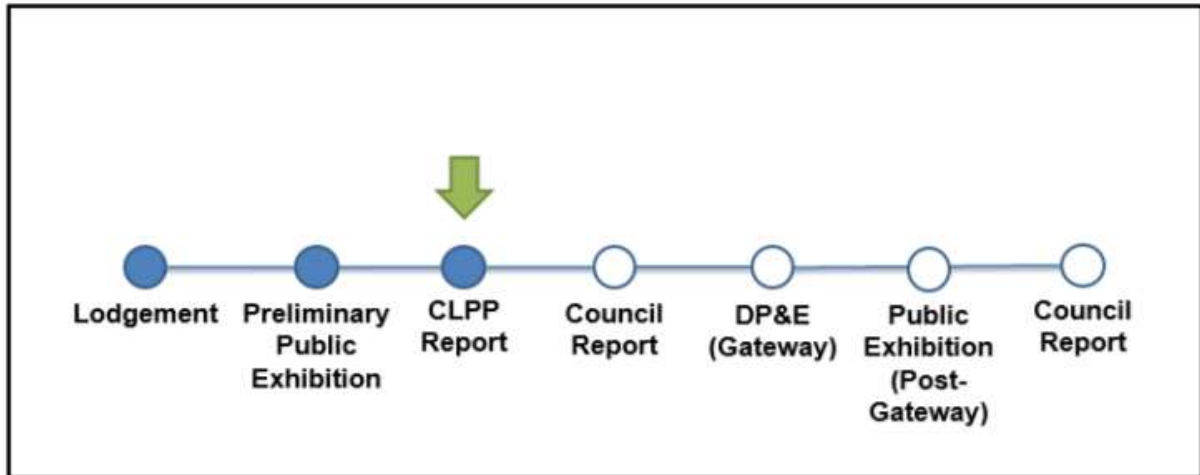


Figure 1: Planning Proposal Status

REPORT:

The site and its context

The site is located on the fringe of the Merrylands Town Centre within the “Neil Street Precinct”. The site comprises a total area of 15,765m² and consists of two lots being Lot 1 in DP 203553 and Lot 11 in DP 228782.



Figure 2: Subject site

The site is subject to a number of approved developments that include:

- Building 1 (1-7 Neil Street) – Approved under DA-80/2016 being 9 storeys and containing 120 units;
- Building 2 (1-7 Neil Street) – Approved under DA-203/2015 and DA-343/2016 being 12 storeys and containing 115 units;
- Building 3 (9-11 Neil Street) – Approved under DA-496/2016 being 12 storeys accommodating 178 units; and
- Building 4 (9-11 Neil Street) – Also approved under DA-496/2016 being a part 6, part 9, part 12 storey building containing 133 units.

The change in building height that is proposed relates to Building 3 as highlighted in figure 3 below.



Figure 3: Extract from plans showing proposed increase in building height of Building
3

Neil Street Planning Proposal

The site was identified in the Neil Street Precinct Planning Proposal as Block E. As part of the Neil Street Planning Proposal, land was zoned SP2 Drainage and RE1 Public Recreation to address flood risk through the provision of an overland flow path channel, and provide open space and areas for passive recreation. The application of these zones reduced the planned development yield from the site from 45,177m² to 39,413m²; a reduction of 5,736.5m².



Figure 4: Location diagram for the Neil Street Planning Proposal

Local Context

The site is located on the northern fringe of the Merrylands Town Centre. The site is approximately 300 metres from Merrylands Bus and Rail Terminus. The Stockland Shopping Centre is located within easy walking distance to the west of the site and Holroyd Gardens, providing key open space, is located directly to the north.

Regional Context

The site is located in the suburb of Merrylands within the Local Government Area of Cumberland Council, approximately 3 Kilometres south of Parramatta CBD and 25 km west of the Sydney CBD.

Land Use Zoning

The site is currently zoned R4 High Density Residential



Figure 5: Existing Land Use Zoning

Floor Space Ratio Control
A FSR control of (W) 3.5:1 applies to the site.

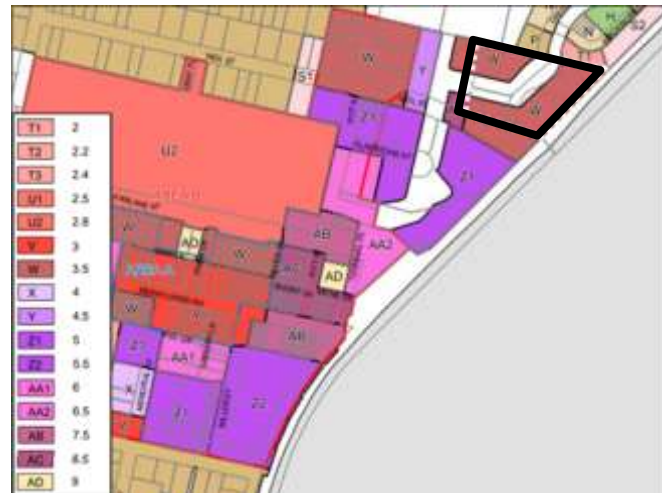


Figure 6: Existing Floor Space Ratio

Height of Building Control
A Height of Building controls of (V2): 39 metres, (U1) 30 metres and (T2) 29 metres apply to the site.



Figure 7: Existing Height of Building

Minimum Lot Size Control
A Minimum Lot Size Control of (T) 900m² applies to the site.



Figure 8: Existing Minimum Lot Size

Heritage

The site is identified on the Heritage Map as an Archaeological item.



Figure 9: Existing Heritage Map

Riparian Lands and Watercourse Control

Part of the site is identified on the Riparian lands and Watercourse Map.



Figure 10: Existing Riparian Lands and Watercourse Control

Land Reservation Acquisition

The site is identified on the Land Reservation Acquisition Map.

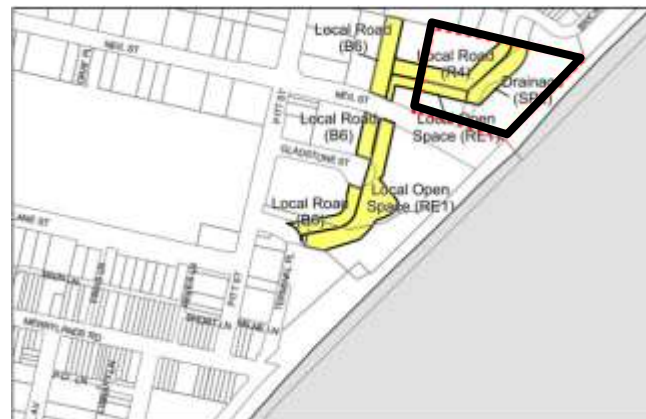


Figure 11: Existing Land Reservation Acquisition

The Planning Proposal

The proposal seeks to amend the Holroyd LEP 2013 by:

- Amending the floor space ratio control from (W) 3.5:1 to (W1) 3.66; and
- Amending the height of building control for the southern portion of the site from (V2) 39 metres to (Y) 50 metres.

The intended outcomes for the proposal are to:

- create a strong urban corner to Neil Street, identifying and reinforcing this gateway to the Merrylands Town Centre from Neil Street to the east;
- 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 the Holroyd Gardens to the north;
- create variation in the height plane that currently sees a plateau of 12 storeys on the site;
- contribute to the integration of development with public transport by creating higher residential density 300m from the Merrylands Railway Station; and
- provide a mix of housing choices within the locality; and maintain and contribute to the natural landscape by responding to dedication of land on the site to provide a future public park and landscaped drainage swale corridor.

Proposed Planning Controls

Floor Space Ratio Control

A FSR control of (N) 3.66:1 applies to the site.

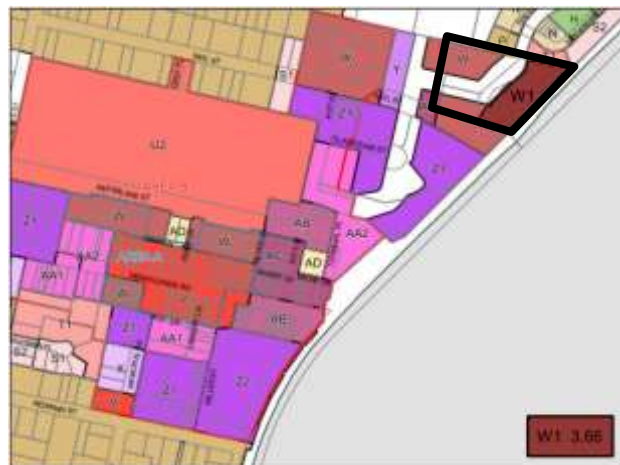


Figure 12: Proposed Floor Space Ratio

Height of Building Control

Height of Building controls of (V2): 39 metres, (U1) 30 metres, (T2) 29 metres and (Y) 50 metres apply to the site.

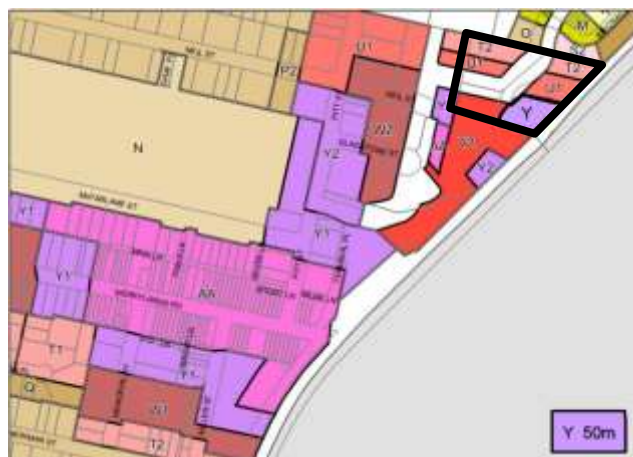


Figure 13: Proposed Height of Building

Strategic Merit Assessment

Capacity of existing planning controls

There is merit in progressing the planning proposal to the next phase of assessment, as 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 Neil Street Planning Proposal.

The planning proposal increases the floor area by 4,292m² resulting in a Gross Floor Area across the site of 44,437m². This development yield is within the planned development yield of the original Neil Street Masterplan and subsequent LEP that allowed 45,177m² of Gross Floor Area across the site. The additional floor area on Building 3 purely compensates for the dedication of land to Council for SP2 Drainage and RE1 Public Recreation uses.

Traffic and Transport Impacts

There is merit in progressing the proposal to the next phase of assessment as the proposal does not exceed the planned development yield for the site. Traffic and transport considerations, impacts and mitigation measures have previously been addressed by the Neil Street Planning Proposal.

Open Space Provision

There is merit in progressing the proposal to the next phase of assessment as there is not a need to provide additional open space within the Neil Street precinct, as the proposal does not increase the planned development yield of the site. Importantly, the open space requirements for this proposal have previously been addressed by the Neil Street Planning Proposal, which see a portion of this site being utilised for open space.

Flooding

There is merit in progressing the proposal to the next phase of assessment as flood migration measures were identified as part of the Neil Street Planning Proposal and are being implemented through DAs that apply to the site.

A Metropolis of Three Cities - Greater Sydney Region Plan

There is strategic merit on progressing this proposal to the next phase of assessment as the proposal consistent with the following Planning Directions in a Metropolis of Three Cities:

- *City supported by infrastructure* – the site is well connected to public transport infrastructure. The site and surrounds have been identified for increased density of commercial and residential development with the Neil Street Precinct LEP Amendments and Merrylands Station and McFarlane Street Precinct Planning Proposal.

- City for its people – the future development will facilitate active uses and opportunities for social interaction. The landmark building will assist people to navigate through the town centre.
- Housing in the City – the proposal will provide new housing adjacent to Merrylands railway station and set within a network of new roads and pathways.
- An efficient city – the proposal has potential to reduce transport costs and emissions by increasing the resident population with access to public transport and within walking distance of an established town centre.

Consistency with the Central City District Plan

There is strategic merit in progressing this proposal to the next phase of assessment as consistent with the following Planning Priorities of the Central City District Plan:

- *Planning Priority C2 Planning for a city supported by infrastructure* – the proposal seek to rezone land close to key existing infrastructure such as the Merrylands Bus and Rail Interchange.
- *Planning Priority C5 Providing housing supply, choice and affordability with access to jobs, services and public transport* – the planning proposal seeks to deliver additional jobs and housing in Merrylands Town Centre, Cumberland's key Commercial Centre. The site is accessible to all of the jobs, service and public transport of the Parramatta CBD

CONCLUSION:

It is recommended that the Planning Proposal be reported to Council seeking a resolution that the Proposal be forwarded to the Department of Planning and Industry for a gateway determination. This recommendation is being made as the proposal does not exceed the planned development yield of the Merrylands Town Centre Urban Design Review 2015 and the Neil Street Planning Proposal.

CONSULTATION:

The proposal was publicly exhibited (pre-Gateway) for a period of 30 days from 24 July 2018 to 22 August 2018 in accordance with Cumberland Council's Planning Proposal Notification Policy.

In response to the exhibition, Council received no submissions.

FINANCIAL IMPLICATIONS:

The Planning Proposal Request was submitted with the relevant fee. There are no further financial implications for Council associated with this report.

POLICY IMPLICATIONS:

This report recommends that this matter be reported to Council for further consideration. Should Council resolved to forward this planning proposal to the Department of Planning and Industry for a Gateway Determination, there will be policy implications associated with the subsequent stages of the planning proposal process. These will be outlined in subsequent Council reports.

COMMUNICATION / PUBLICATIONS:

The final outcome of this matter will be notified in the newspaper. The objectors will also be notified in writing of the outcome.

REPORT RECOMMENDATION:

That Cumberland Local Planning Panel (CLPP) recommend:

That a Planning Proposal Request be reported to Council seeking a resolution to forward a planning proposal to the Department of Planning and Industry for a Gateway Determination.

ATTACHMENTS

1. Proponent's Planning Proposal Report