
Public Forum:**Speakers on Items on the Council Meeting Agenda**

Speaker	Item #	Suburb
Mr Joseph Scuderi	C06/19-112 - Planning Proposal Request for 1-11 Neil Street, Merrylands	Sydney
Mr Gary Chapman	C06/19-112 - Planning Proposal Request for 1-11 Neil Street, Merrylands	Sydney
Mr Mazen Elturk	RES06/19-2 - Notice of Rescission - Planning Proposal - Minimum Lot Area for Low and Medium Dual Occupancy Housing	Greystanes

Min.550 Suspension of Standing Orders**Resolved (Sarkis/Christou)**

That in accordance with Clause 1.6 (2) of the Code of Meeting Practice, Council suspend standing orders to allow Items C06/19-112 and RES06/19-2 to be considered at this time of the meeting.

Min.551 C06/19-112 Planning Proposal Request for 1-11 Neil Street, Merrylands**Resolved (Sarkis/Attie)**

That Council:

1. Prepare a planning proposal for 1-11 Neil Street, Merrylands, with the following built form controls:
 - Floor Space Ratio of 3.66:1 on the eastern portion of the site; and
 - Height of Building control of 50 metres on the south-eastern portion of the site.
2. Endorse that a planning proposal for 1-11 Neil Street, Merrylands, be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.

Carried Unanimously

Min.552 RES06/19-2 Notice of Rescission - Planning Proposal - Minimum Lot Area for Low and Medium Dual Occupancy Housing**Rescission Motion (Attie/Sarkis)**

Pursuant to Notice, Councillors Attie, Sarkis and Zreika move the following Resolution of Council 5/06/19 (Item C06/19-103) be rescinded:

That Council:

Item No: C06/19-112

PLANNING PROPOSAL REQUEST FOR 1-11 NEIL STREET, MERRYLANDS

Responsible Division: Environment & Planning
Officer: Director Environment & Planning
File Number: SC563
Community Strategic Plan Goal: *A resilient built environment*

SUMMARY

This planning proposal 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 proposal has been placed on preliminary public exhibition (pre-Gateway), and was reported to the Cumberland Local Planning Panel in May 2019 with a recommendation to proceed to the next stage for a Gateway Determination. The Panel supported the Council officer recommendation.

It is recommended that the planning proposal be forwarded to the Department of Planning, Industry & Environment for a Gateway Determination.

RECOMMENDATION

That Council:

1. **Prepare a planning proposal for 1-11 Neil Street, Merrylands, with the following built form controls:**
 - **Floor Space Ratio of 3.66:1 on the eastern portion of the site; and**
 - **Height of Building control of 50 metres on the south-eastern portion of the site**
2. **Endorse that a planning proposal for 1-11 Neil Street, Merrylands, be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.**

REPORT

Background

The planning proposal was submitted to Council in July 2018. The proposal sought to amend the built form controls of Holroyd LEP 2013 that apply to 1-11 Neil Street, Merrylands by:

- Increase the height of buildings control from 39m (12 storeys) to 50m (16 storeys) for the south-eastern portion of the site.
- Increase the FSR from 3.55:1 to 3.66:1 on the eastern portion of the site

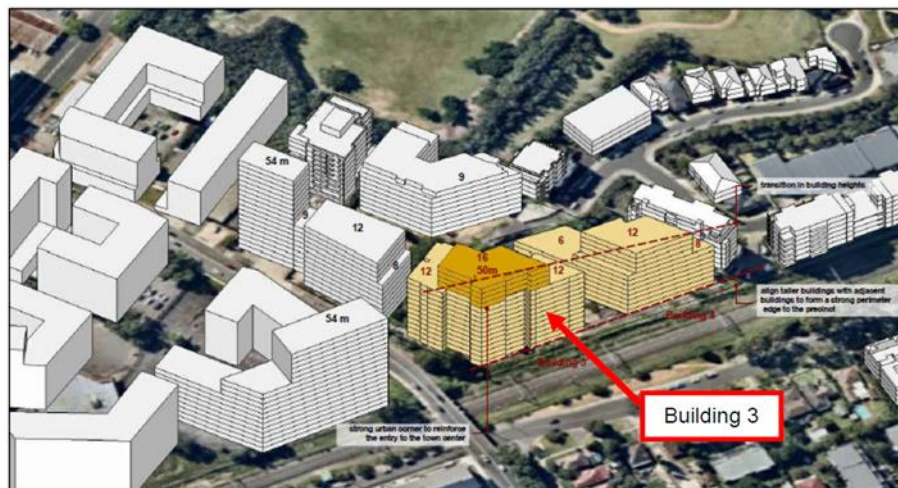


Figure 1 Indicative concept for the planning proposal

The status of the planning proposal is provided in Figure 2 below.

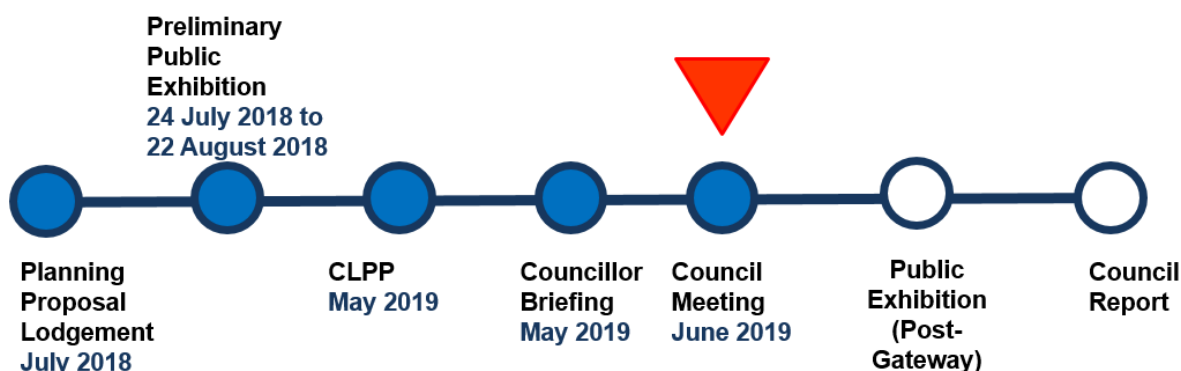


Figure 2 Planning proposal status

The Site and its Context

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



Figure 3 the site

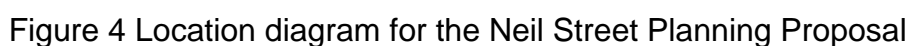
The site is subject to a number of approved developments that include:

- 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.
- Building 4 (9-11 Neil Street) – also approved under DA-496/2016, being a part 6, part 9, and part 12 storey building containing 133 units.

This Planning Proposal relates to “Building 3” as shown in Figure 1.

Neil Street Planning Proposal

The site was identified in the Neil Street Precinct Planning Proposal as Block E. As part of the Neil Street Precinct 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 approximately 45,200m² to approximately 39,400m²; a reduction of approximately 5,700m². An assessment of the submissions received and the proposal was undertaken, and this was reported to the Cumberland IHAP meeting on 13 September 2017 (Attachment 1).



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.

The site is located in the suburb of Merrylands, approximately 3 kilometres south of Parramatta CBD and 25 kilometres west of the Sydney CBD.

Current Planning Controls

Figure 5 Current Zoning

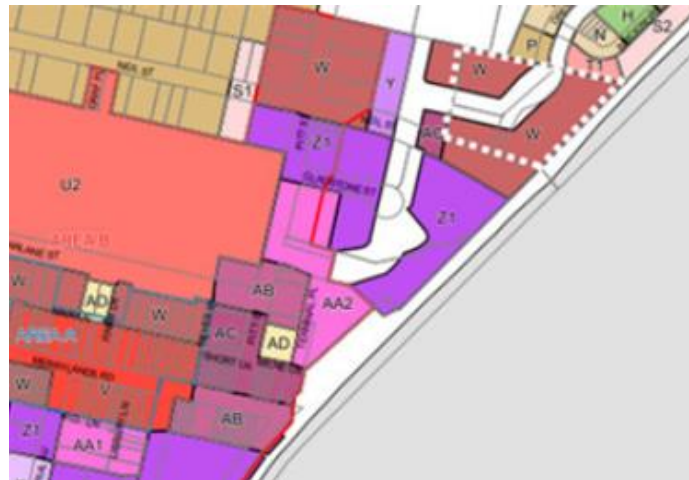


Figure 6 Current Floor Space Ratio (W=3.5:1)



Figure 7 Current Height of Buildings (V2 =39, U1=30 and T2=29)

Proposed Planning Controls

The planning proposal seeks to change the maximum height of building control for the southern portion of the site from 39 metres to 50 metres and change the FSR that applies to the site from 3.5:1 to 3.66:1 to facilitate the construction of a taller tower element on the southern portion of the site. This is shown in Figures 8 and 9.



Figure 8 Proposed FSR (W1=3.66:1)



Figure 9 Proposed Height of Buildings (Y=50)

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 approximately 4,300m² resulting in a Gross Floor Area across the site of 44,400m². This development yield is within the planned development yield of the original Neil Street Masterplan and subsequent LEP that allowed 45,100m² of Gross Floor Area across the site. The additional floor area on Building 3 seeks to compensate 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 used 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.

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 city centre, Cumberland's key commercial centre. The site is also accessible to all of the jobs, service and public transport of the Parramatta CBD.

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 the Greater Sydney Region Plan:

- 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.

Cumberland Local Planning Panel

The planning proposal was reported to the Cumberland Local Planning Panel on 1 May 2019. The Panel recommended that this matter be reported to Council, seeking a resolution to forward the planning proposal for a Gateway Determination (Attachment 2).

Recommended Planning Controls

A summary of the recommended planning controls for the proposal is provided in Table 1. This is based on a review of the proponent's proposed planning controls by Council officers and advice from the Cumberland Local Planning Panel.

Planning Controls (Holroyd LEP 2013)	Existing Controls	Proponent's Proposed Controls	Cumberland Local Planning Panel Advice	Recommended Planning Controls
Zoning	R4 High Density Residential	R4 High Density Residential	R4 High Density Residential	R4 High Density Residential
Height of Building	29 Metres 30 Metres 39 Metres	29 Metres 30 Metres 39 Metres 50 Metres	29 Metres 30 Metres 39 Metres 50 Metres	29 Metres 30 Metres 39 Metres 50 Metres
Floor Space Ratio	3.5:1	3.66:1	3.66:1	3.66:1

Table 1 Recommended Planning Controls

Public Benefit Offer

The applicant has submitted a public benefit offer to Council for the additional uplift provided by the proposal, and this would be captured through a Voluntary Planning Agreement. The offer is for a contribution to the cost of street lighting works in the Neil Street Precinct that are required to be undertaken by Council. Should Council decide to proceed with a Gateway Determination, further negotiations will be undertaken to ensure that the public benefit offer is based on 50% of the uplift arising from the proposal, which aligns with Council's Planning Agreements Policy.

COMMUNITY ENGAGEMENT

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.

POLICY IMPLICATIONS

Policy implications for Council are outlined in the main body of the report.

RISK IMPLICATIONS

There are minimal risk implications for Council associated with this report.



FINANCIAL IMPLICATIONS

Should the planning proposal proceed to a Gateway Determination, negotiations on the public offer will be progressed and captured through a Voluntary Planning Agreement. A further report on the Voluntary Planning Agreement will be provided to Council.

CONCLUSION

It is recommended that the planning proposal for 1-11 Neil Street, Merrylands be forwarded to the Department of Planning, Industry and Environment 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 and the Neil Street Planning Proposal.

ATTACHMENTS

1. Planning Proposal [↓](#) 
2. CLPP Minutes - 1 May 2019 [↓](#) 
3. CLPP Report - 1 May 2019 [↓](#) 