



PLANNING PROPOSAL

To Amend Planning Controls for
Merrylands Station and McFarlane
Street Precincts, Merrylands

May 2016

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1 INTRODUCTION

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and relevant guidelines produced by the Department of Planning and Environment.

The purpose of the planning proposal is to seek an amendment to Holroyd Local Environmental Plan 2013 (HLEP 2013) to amend planning controls for land within the Merrylands Station and McFarlane Street Precinct, Merrylands.

Background

The gazettal of the Holroyd LEP 2013 (HLEP 2013) introduced a new planning framework for Merrylands Centre increasing building heights up to 65m (20 storeys) and densities up to 9:1 in the core of the B4 Mixed Use zone.

Following the introduction of the new height controls, Council has become increasingly aware of the need to review the building height controls in the Merrylands Centre as a means of providing greater flexibility in delivering the current floor space potential permissible under the LEP. The need has also been highlighted by the expected rate of growth and anticipated redevelopment potential that has been identified for the Merrylands Centre. Council is also aware of a number of development proposals within the Merrylands City Centre, and providing this flexibility will allow these proposals to proceed.

On 20 October 2015, Council resolved to undertake an independent review of the current building heights in the core of Merrylands Centre with consideration given to:

1. The current building heights constrain the reasonable achievement of floor space yields within the quality built form outcomes that may have an unnecessarily high impact on sunlight access to planned public spaces and future buildings on Merrylands Road;
2. The Urban Design Strategy for Merrylands Centre recommended by HBO+EMTB Urban and Landscape Design in 2012 included the principle of generally providing greater heights on the southern side of McFarlane Street reflecting its width and presentation to the north; and
3. The two key focal points within the Centre being Merrylands City Square and the Merrylands Rail Station should ideally be identified by more prominent landmark buildings.

On 13 November 2015, SJB Architects were appointed to undertake this review.

The outcomes of the review were reported to Council on 1 March 2016 and the following was resolved:

- i) *Council proceed to conduct pre-Gateway consultation to propose an amendment to Clause 4.3 Height of Buildings to the Holroyd Local Environmental Plan 2013 and associated maps as indicated in the last column of Table 2 in this report including a proposal to reduce FSRs by 0.5:1 across the Study Area.*
- ii) *The Planning Proposal incorporate the resolution of 17 March 2015 in relation to Land Reservations in the Study Area, including adjustments to FSR maps with the exception of the northern arm of the Main Lane extension notwithstanding point i) above.*
- iii) *The Planning Proposal include an amendment to the Holroyd Local Environmental Plan 2013 to introduce the recommended design excellence controls including design bonuses of 0.5:1.*

Following the pre-gateway consultation, a further report was provided to Council on 3 May 2016 where the following was resolved:

- i) *Council resolve to forward a Planning Proposal to amend Holroyd Local Environmental Plan 2013 in accordance with the exhibited Merrylands Station and McFarlane Street Precinct Proposal to the Department of Planning & Environment for Gateway Determination with the following changes:*
 - *The area subject to the Merrylands Station and McFarlane Street Precinct Planning Proposal be expanded to include No. 244 – 252 Pitt Street and the Council land adjacent to Merrylands Station (Lot 1 Terminal Place).*
 - *The height of buildings proposed for No. 244-252 Pitt Street be increased to 65m (20 storeys).*
 - *The FSR for Site 11 (193-201 Merrylands Road) be increased from 6:1 to 8:1 subject to further site testing to confirm the site can accommodate the revised footprint.*
 - *The height of buildings proposed for the 'Stockland Court' site (233-259 Merrylands Road and 52-54 McFarlane Street) be revised as follows:*
 - o *Site 9a – 77m (23 storeys)*
 - o *Site 9b – 55m (16 storeys)*
 - o *Site 9c – 43m (12 storeys)*
 - o *Site 9d – 55m (16 storeys)*
 - o *Site 9e – 77m (23 storeys)*
- ii) *The Planning Proposal incorporate the resolution of 17 March 2015 in relation to Land Reservations in the study area, including adjustments to FSR maps with the exception of the northern arm of the Main Lane extension.*
- iii) *Council advise the Department of Planning & Environment that it wishes to exercise its plan making delegations for the Planning Proposal.*
- iv) *A further report be provided to Council following the exhibition of the Planning Proposal.*
- v) *Council pursue an agreement with Stockland for the free dedication of the Stage 1 laneway land on the basis of the FSR standards in the Planning Proposal and the resulting GFA potential, as well as the mutual direct benefit to Stockland.*

The Planning Proposal also includes amendments to the HELP 2013 land use zoning and land acquisition maps incorporating Council's resolution of 17 March 2015 as part of delivering the Holroyd Section 94 Development Contributions Plan 2013 works, and the introduction of new design excellence provisions and associated potential floor space and height bonuses as an effective way of ensuring the most appropriate urban outcome is achieved for the Centre.

1.1 LAND TO WHICH THE PLANNING PROPOSAL APPLIES

The Planning Proposal applies to land located in the core of the Merrylands Centre bounded by McFarlane Street, Merrylands Road, Treves Street and Terminal Place. The land is currently occupied by a mix of small businesses, cafes and restaurants and the McFarlane Street car park, which is located directly opposite the Stockland Mall.

The location of the subject precinct that was subject to the pre-gateway consultation is shown in Figure 1.



Figure 1 – Location of precinct subject to pre-gateway consultation

Following the pre-gateway consultation, No 244-252 Pitt Street and the Merrylands Bus Terminus site were also included in the subject precinct. These additional areas are indicated in Figure 2 below.

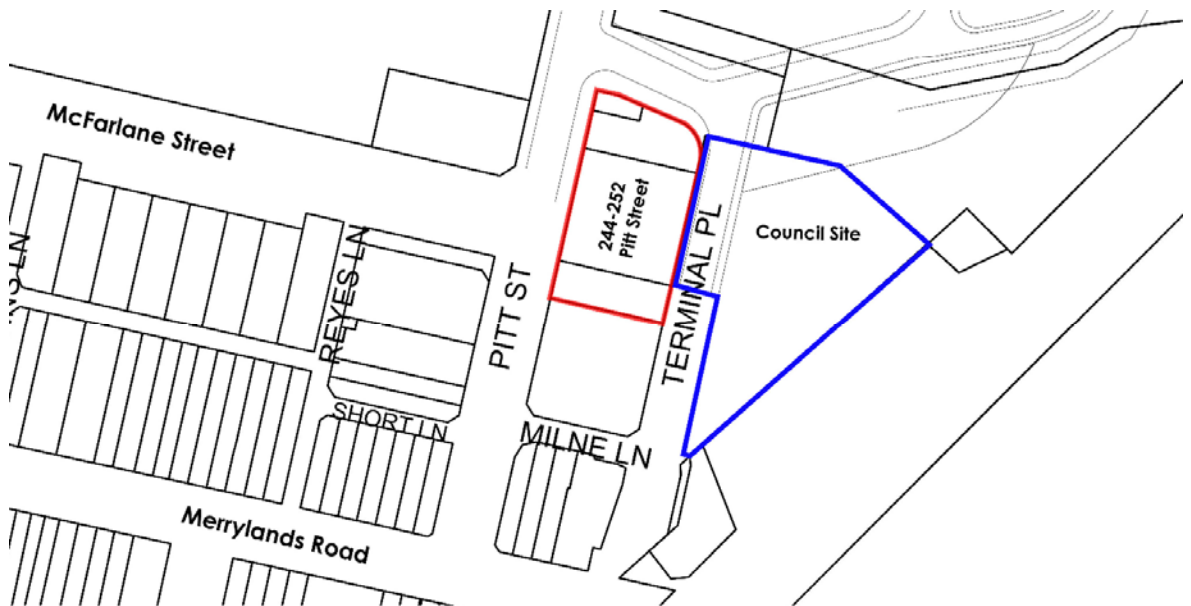


Figure 2 – No.244-252 Pitt Street and Lot 1 Terminal Place, Merrylands

The land subject to the planning proposal is included in Figure 3 below.



Figure 3: Area Subject to Planning Proposal

1.2 CURRENT PLANNING CONTROLS

Holroyd Local Environmental Plan 2013

Zoning

The subject land is currently zoned B4 Mixed Use under Holroyd Local Environmental Plan 2013. The objectives of the B4 zone are:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To facilitate a vibrant, mixed-use centre with active retail, commercial and other non-residential uses at street level.
- To encourage the development and expansion of business activities that will strengthen the economic and employment role of the Merrylands town centre.

Height of buildings

Pursuant to Clause 4.3 of HLEP 2013 the land subject to this Proposal has a maximum height limit ranging from 41m to 65m.

Floor space ratio

Pursuant to Clause 4.4 of HLEP 2013 the land subject to this Proposal currently has a FSR ranging from 3:1 to 9:1.

Heritage

The land is not in a heritage conservation area nor are there any items of environmental heritage situated on the land.

Holroyd Development Control Plan 2013

Holroyd Development Control Plan 2013 (Holroyd DCP) came into effect on 5 August 2013. Development within the B4 zone that currently applies to the site subject to this Proposal is in particular subject to Part C Commercial, Shop-top housing and Mixed-use Development Controls.

2 THE PLANNING PROPOSAL

Section 55 (2) Environmental Assessment & Planning Act 1979 outlines that a Planning Proposal must include;

Part 1 - Objectives or intended outcomes

Part 2 - Explanation of provisions

Part 3 - Justification

Part 4 - Community consultation

2.1 OBJECTIVES OR INTENDED OUTCOMES

Objectives

The Planning Proposal will amend HLEP 2013 to:

1. Provide greater flexibility in delivering current floor space potential within the McFarlane Street precinct and act as a catalyst for promoting the revitalisation of the Merrylands Centre;
2. Promote the highest standard of architectural and urban design that benefits the long term amenity for future residents, employees and visitors;
3. Recognise the importance of providing solar amenity to future users of the Merrylands City Square with building designs that are responsive to the local context;
4. Reserve and rezone land to be acquired for public purposes.

Intended Outcomes

The Planning Proposal will further facilitate the redevelopment of the Merrylands Centre for the purposes of mixed use residential development that will result in the following:

- Facilitation of a new high amenity City Square on McFarlane Street
- Taller signature buildings providing a visual emphasis near Merrylands Station and adjacent to the new City Square
- New design excellence provisions for the achievement of maximum floor space and flexibility in height
- Provision for new laneways for better traffic circulation in the Merrylands CBD.

2.2 EXPLANATION OF PROVISIONS

Details of the zoning, height of buildings, and floor space ratio standards that are proposed to form the planning proposal as well as proposed land acquisitions are included in attached maps. For the purposes of this planning proposal, changes indicated in the attached Land Zoning Map, Height of Buildings Map, Floor Space Ratio Map, and Land Reserved for Acquisition Map constitute the proposed changes to those development standards. A summary of the key amendments to the Holroyd Local Environmental Plan 2013 (HELP 2013) are outlined below:

1. Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
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Site 1	1	DP 1094069	141-143 Merrylands Road
	2	DP 1094069	141-143 Merrylands Road
	3C	DP 335075	139 Merrylands Road
	1	DP 1135451	135-137 Merrylands Road

from maximum 65 metres (20 storeys) to 86metres (26 storeys).

- Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 2		SP 48251	254 Pitt Street

from maximum 65 metres (20 storeys) to 86 metres (26 storeys).

- Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 3	1	DP 501597	215 Pitt Street
	2	DP 501597	215 Pitt Street
	2	DP 537031	229-239 Pitt Street
	J	DP 10354	229-239 Pitt Street
	1	DP 1079960	229-239 Pitt Street

from maximum 65 metres (20 storeys) to 86 metres (26 storeys).

- Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 4	541	DP 633620	6 McFarlane Street
	552	DP 579491	4 McFarlane Street
	56 Sec A	DP 7916	2 McFarlane Street

from maximum 65 metres (20 storeys) to 77metres (23 storeys).

- Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 5	150	DP 773769	14 McFarlane Street
	151	DP 812643	12 McFarlane Street
	152	DP 631399	10 McFarlane Street
		SP 20705 & SP 84614	8 McFarlane Street

from maximum 65 metres (20 storeys) to 77metres (23 storeys).

6. Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 6		SP 54283	20 McFarlane Street
		SP 18367	18 McFarlane Street

from maximum 65 metres (20 storeys) to 77 metres (23 storeys).

7. Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 7	40, 41, 42 and 43 Sec A	DP 7916	28 – 36 McFarlane Street
	44	DP 7916	28 – 36 McFarlane Street
	Pt 45 and 46 Sec A	DP 7916	28 – 36 McFarlane Street

from maximum 65 metres (20 storeys) to 105 metres (32 storeys).

8. Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 8	389	DP 657042	40 McFarlane Street

from maximum 65 metres (20 storeys) to 77 metres (23 storeys).

9. Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 9	5, 6, 7, 8, 9 and 10	DP 244047	249 Merrylands Road
	12	DP 1178575	52-54 McFarlane Street
	27, 28 and 29 Sec A	DP 7916	249 Merrylands Road
	25 and 26 Sec A	DP 7916	233 Merrylands Road
	10	DP 814298	233 Merrylands Road
	5	DP 17401	233 Merrylands Road
	22 Sec A		233 Merrylands Road

from maximum 41 and 53 metres (12 and 16 storeys) to 43, 55 and 77 metres (12, 16 and 23 storeys).

10. Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
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Site 10	21C	DP 334937	231 Merrylands Road
	21D	DP 334937	229 Merrylands Road
	21E	DP 334937	227 Merrylands Road
	35	DP 604776	223 Merrylands Road
	11	DP 1210565	221 Merrylands Road
	18	DP 654417	219 Merrylands Road
	18	DP 657045	215 Merrylands Road

from maximum 65 metres (20 storeys) to 77 metres (23 storeys).

11. Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 11	A	DP 384389	201 Merrylands Road
	1	DP 514251	197 Merrylands Road
	15	DP 657043	195 Merrylands Road
	15B	DP 386204	193 Merrylands Road

from maximum 65 metres (20 storeys) to 77 metres (23 storeys).

12. Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 12	14	DP 657044	191A Merrylands Road
	14B	DP 336812	189 Merrylands Road
	131	DP 604922	185 Merrylands Road
	12 Sec A	DP 7916	181 Merrylands Road
	11B	DP 101479	179 Merrylands Road
	11A	DP 01479	177 Merrylands Road

from maximum 65 metres (20 storeys) to 77 metres (23 storeys).

13. Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 13	10B	DP 101479	175 Merrylands Road
	10A	DP 101479	173 Merrylands Road
	B	DP 413438	171 Merrylands Road
	A	DP 413438	169 Merrylands Road
	2	DP 514152	167 Merrylands Road
	1	DP 514152	165 Merrylands Road

	1	DP 956379	163 Merrylands Road
	1	DP 959420	161 Merrylands Road

from maximum 65 metres (20 storeys) to 77 metres (23 storeys).

14. Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 14	1	DP 772297	159 Merrylands Road
	A, B, C, D and E	DP 10354	153 Merrylands Road
	F	DP 10354	157 Merrylands Road

from maximum 65 metres (20 storeys) to 86 metres (26 storeys).

15. Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site -15	2	DP 544800	Pitt Street, Merrylands
	121	DP 531896	244 Pitt Street, Merrylands
	901	DP 592065	246 Pitt Street, Merrylands
	Y	DP 416975	252 Pitt Street, Merrylands

from maximum 53 metres (16 storeys) to 65 metres (20 storeys).

16. Amend the maximum building height in the **Height of Building Map** (Sheet HOB_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site - 16	1	DP 209516	Terminal Place, Merrylands

from maximum 53 metres (16 storeys) to 55 metres (16 storeys).

17. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 9	5, 6, 7, 8, 9 and 10	DP 244047	249 Merrylands Road
	12	DP 1178575	52-54 McFarlane Street
	27, 28 and 29 Sec A	DP 7916	249 Merrylands Road
	25 and 26 Sec A	DP 7916	233 Merrylands Road
	10	DP 814298	233 Merrylands Road
	5	DP 17401	233 Merrylands Road
	22 Sec A	DP7916	233 Merrylands Road

from maximum 5:1 and 6.5:1 to 5.5:1 and 6:1.

18. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 8	389	DP 657042	40 McFarlane Street

from maximum 3.5:1 to 6:1.

19. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 7	40, 41, 42 and 43 Sec A	DP 7916	28 – 36 McFarlane Street
	44	DP 7916	28 – 36 McFarlane Street
	Pt 45 and 46 Sec A	DP 7916	28 – 36 McFarlane Street

from maximum 3.5:1 to 8:1, 3:1 and 2:1.

20. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 10	21C	DP 334937	231 Merrylands Road
	21D	DP 334937	229 Merrylands Road
	21E	DP 334937	227 Merrylands Road
	35	DP 604776	223 Merrylands Road
	11	DP 1210565	221 Merrylands Road
	18	DP 654417	219 Merrylands Road
	18	DP 657045	215 Merrylands Road

from maximum 3:1 to 7.5:1.

21. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 10	18G	DP 383945	213 Merrylands Road
	1	DP 658197	203-211 Merrylands Road
	D	DP 344249	203-211 Merrylands Road

from maximum 3:1 to no floor space ratio development standard.

22. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 11	A	DP 384389	201 Merrylands Road
	1	DP 514251	197 Merrylands Road
	15	DP 657043	195 Merrylands Road
	15B	DP 386204	193 Merrylands Road

from maximum 3:1 to 7.5:1.

23. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 6		SP 54283	20 McFarlane Street
		SP 18367	18 McFarlane Street

from maximum 9:1 to 8.5:1.

24. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 1	1	DP 1094069	141-143 Merrylands Road
	2	DP 1094069	141-143 Merrylands Road
	3C	DP 335075	139 Merrylands Road
	1	DP 1135451	135-137 Merrylands Road
Site 3	1	DP 501597	215 Pitt Street
	2	DP 501597	215 Pitt Street
	2	DP 537031	229-239 Pitt Street
	J	DP 10354	229-239 Pitt Street
	1	DP 1079960	229-239 Pitt Street
Site 14	1	DP 772297	159 Merrylands Road
	A, B, C, D and E	DP 10354	153 Merrylands Road
	F	DP 10354	157 Merrylands Road

from maximum 8.5:1 to 8:1.

25. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 2		SP 48251	254 Pitt Street

from maximum 9:1 to 8.5:1.

26. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 4	541	DP 633620	6 McFarlane Street
	552	DP 579491	4 McFarlane Street
	56 Sec A	DP 7916	2 McFarlane Street
Site 5	150	DP 773769	14 McFarlane Street
	151	DP 812643	12 McFarlane Street
	152	DP 631399	10 McFarlane Street
		SP 20705 & SP 84614	8 McFarlane Street

from maximum 3.5:1 to 3:1.

27. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 12	14	DP 657044	191A Merrylands Road
	14B	DP 336812	189 Merrylands Road
	131	DP 604922	185 Merrylands Road
	12 Sec A	DP 7916	181 Merrylands Road
	11B	DP 101479	179 Merrylands Road
	11A	DP 01479	177 Merrylands Road
Site 13	10B	DP 101479	175 Merrylands Road
	10A	DP 101479	173 Merrylands Road
	B	DP 413438	171 Merrylands Road
	A	DP 413438	169 Merrylands Road
	2	DP 514152	167 Merrylands Road
	1	DP 514152	165 Merrylands Road
	1	DP 956379	163 Merrylands Road
	1	DP 959420	161 Merrylands Road

from maximum 3:1 to 2.5:1.

28. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site - 15	2	DP 544800	Pitt Street, Merrylands
	121	DP 531896	244 Pitt Street, Merrylands
	901	DP 592065	246 Pitt Street, Merrylands
	Y	DP 416975	252 Pitt Street, Merrylands

from maximum 7.5:1 to 7:1.

29. Amend the maximum floor space ratio in the **Floor Space Ratio Map** (Sheet FSR_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site - 16	1	DP 209516	Terminal Place, Merrylands

from maximum 6.5:1 to 6:1.

30. Amend the land use zoning in the **Land Zoning Map** (Sheet LZN_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site 14	D	DP 344249	203 Merrylands Road
	1	DP 658197	203 Merrylands Road
	18G	DP 383945	213 Merrylands Road

from B4 Mixed Use to RE1 Public Recreation.

31. Amend the land use zoning in the **Land Zoning Map** (Sheet LZN_009) on sites described as:

Site No.	Lot	DP/SP	Street Address
Site -	See Attached Map	See Attached Map	See Attached Map

from B4 Mixed Use to SP2 Infrastructure (Local Road Widening).

32. Insert land acquisition maps to accommodate the extension of Main Lane, road widening on McFarlane Street and the expansion of the new proposed Merrylands Square through to Merrylands Road. The relevant authority to acquire the land reserved for these public purposes under clause 5.1 of HELP 2013 will be the Council.

33. Reduce the area effected by 'Area A' in the **Floor Space Ratio Map** (Sheet FSR_009) and amend clause 4.4 of HELP 2013 as follows:

a. replace 5.0:1 in Column 2 in the Table in the clause with 5.5:1

b. replace 6.5:1 in Column 3 in the Table in the clause with 7.5:1

34. Introduce design excellence provisions into the Holroyd LEP 2013 to encourage new developments to contribute to the urban and public domain character of the Merrylands Centre. The new provisions would enable property owners to seek a variation to the allowable building height of up to an additional 10% and additional floor space of up to 0.5:1. The provision will apply to development involving the erection of a new building or alterations and additions to an existing building greater than 55 metres. The clause is proposed contain words to the effect of as follows:

1. *The objective of this clause is to deliver the highest standard of architectural and urban design.*

2. *This clause applies to development involving the erection of a new building or external alterations to an existing building greater than 55 metres in height on land bounded by a heavy black line on the Design Excellence Map.*
3. *Development consent must not be granted for development to which this clause applies unless, in the opinion of the consent authority, the proposed development exhibits design excellence and has been endorsed by the Holroyd Design Excellence Panel prior to the lodgement of a development application.*
4. *In deciding whether to grant development consent to development to which this clause applies, the Holroyd Design Excellence Panel and the consent authority must take into consideration the following matters:*
 - a. *whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;*
 - b. *whether the form and external appearance of the proposed development will improve the quality and amenity of the Merrylands City Square or other public domains;*
 - c. *whether the proposed development detrimentally impacts on view corridors;*
 - d. *how the proposed development addresses the following matters:*
 - i. *the suitability of the land for development,*
 - ii. *the existing and proposed uses and use mix,*
 - iii. *any heritage issues and streetscape constraints,*
 - iv. *the location of any tower proposed, having regard to the need to achieve an acceptable relationship with other towers (existing or proposed) on the same site or on neighbouring sites in terms of separation, setbacks amenity and urban form,*
 - v. *the bulk, massing and modulation of buildings,*
 - vi. *street frontage heights,*
 - vii. *environmental impacts such as sustainable design, over shadowing, wind and reflectivity,*
 - viii. *the achievement of the principles of ecologically sustainable development,*
 - ix. *pedestrian, cycle, vehicular and service access and circulation requirements,*
 - x. *the impact on, and any proposed improvements to the public domain,*
5. *A building demonstrating design excellence:*

- a. *may have a building height that exceeds the maximum height shown for the land on the Height of Buildings Map by an amount, to be determined by the consent authority, of up to 10% of the amount shown on the map;*
- b. *is eligible for an amount of additional floor space, to be determined by the consent authority, of up to 0.5:1 of the amount permitted as a result of the floor space ratio shown for the land on the Floor Space Ratio Map.*

2.2.1 Draft development control plan (DCP)

Amendments to *Part 'M' Merrylands Centre Controls* of Holroyd Development Control Plan 2013 will be required to implement the amended height controls. This will be drafted separately to this Planning Proposal. The new provisions will address:

- Building Heights
- Design Excellence and Building Heights
- Primary Frontage Requirements
- Street Wall Heights
- Upper Level Street Setbacks
- Solar Access to Civic Square
- Building Depth & Length
- Maximum Floor Plates
- Colonnade Dimensions

2.3 JUSTIFICATION

This section details the reasons for the proposed outcomes and is based on a series of questions outlined in the Department of Planning and Infrastructure's A Guide to Preparing Planning Proposals 2012. Heads of consideration include the need for the planning proposal from a strategic planning viewpoint, implications for State and Commonwealth agencies and environmental, social and economic impacts

2.3.1 Need for the Planning Proposal

Q: Is the Planning Proposal a result of any strategic study or report?

The planning proposal is the result of an independent review of building heights study commissioned by Council on 20 October 2015 and based on the following principles that were established by the consultants.

Movement

- Primary movement corridors circulating around the Centre along Merrylands Road, Treves Street, Neil Street and Pitt Street with Merrylands Road to be a primary pedestrian route;
- Pedestrian focus along McFarlane Street, particularly at the Centre adjacent to the proposed City Square where vehicles access the Stockland Mall;
- Secondary connections extending south from Merrylands Road through the Civic Precinct to neighbouring residential areas; and
- Extension of laneway network with proposed City Square to improve permeability through the Centre.



Figure 6: Movement Structure Plan

Open Space

- Proposed City Square to become the primary public open space for the Centre;
- Reinforce the green streetscape character of McFarlane Street, Merrylands Road, Memorial Avenue, Pitt Street, and Neil Street;
- Secondary green link through north-south laneways, between Merrylands Road and McFarlane Street; and
- Opportunities for al-fresco dining along the southern frontage of McFarlane Street



Figure 7: Open Space Structure Plan

Land Use & Activity

- Merrylands Road to remain the primary retail street of the Centre;
- McFarlane Street to become the 'Eat Street' of Merrylands, reinforced by a pedestrian-friendly character, interface with the Stockland Mall, and linking Merrylands Road via the proposed City Square and laneway network;
- Treves Street and Pitt Street serve as the secondary retail streets, intersecting with Merrylands Road and McFarlane Street;
- The south west precinct of the Centre continues to serve an important civic role for Merrylands and Holroyd; and
- A combination of high and medium density residential neighbours contained the edges of the centre



Figure 8: Land use & Activity Structure Plan

Height & Density

- Transition of height from the study area to the surrounding residential neighbourhoods, whilst maintaining a clear delineation between these two precincts;
- Focus height around key destinations throughout the Centre, including the proposed City Square and Station precinct (Merrylands Road and Pitt Street); and
- Further height and density focused in the Neil Street Precinct (outside the study area) to reinforce eastern entry into Merrylands Centre over the railway line.



Figure 9: Height & Density Structure Plan

Q: Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

HLEP 2013 currently allows a maximum building height in Merrylands Centre of 65 metres. As demonstrated by the SJB report, an increase in heights has the potential to produce greater flexibility in delivering the floor space yield, improved building designs and better reduce amenity impacts - particularly in relation to maintaining solar amenity to public spaces. Similarly, the opportunity to increase heights can create prominent landmark buildings in key strategic locations within the Centre.

Further, a variation of the existing height controls via a Clause 4.6 in HLEP2013 is considered a significant departure from the statutory standard and is not regarded as the best means of achieving the intended outcomes of this Planning Proposal. A Clause 4.6 variation would also set an undesirable precedent that effectively undermines the LEP controls.

Fourteen (14) sites were nominated by SJB for an increase in building heights. Specific details of each site are detailed in Section 2.2 and shown in Figure 10 with the proposed massing of the corresponding sites shown in Figure 11.

As a result of pre-gateway consultation undertaken by Council, some changes to the proposed provisions were made including increases to the area subject to the proposal and some of the standards that apply to properties within the subject area including building heights on Site 9.



Figure 10: Nominated Sites Map

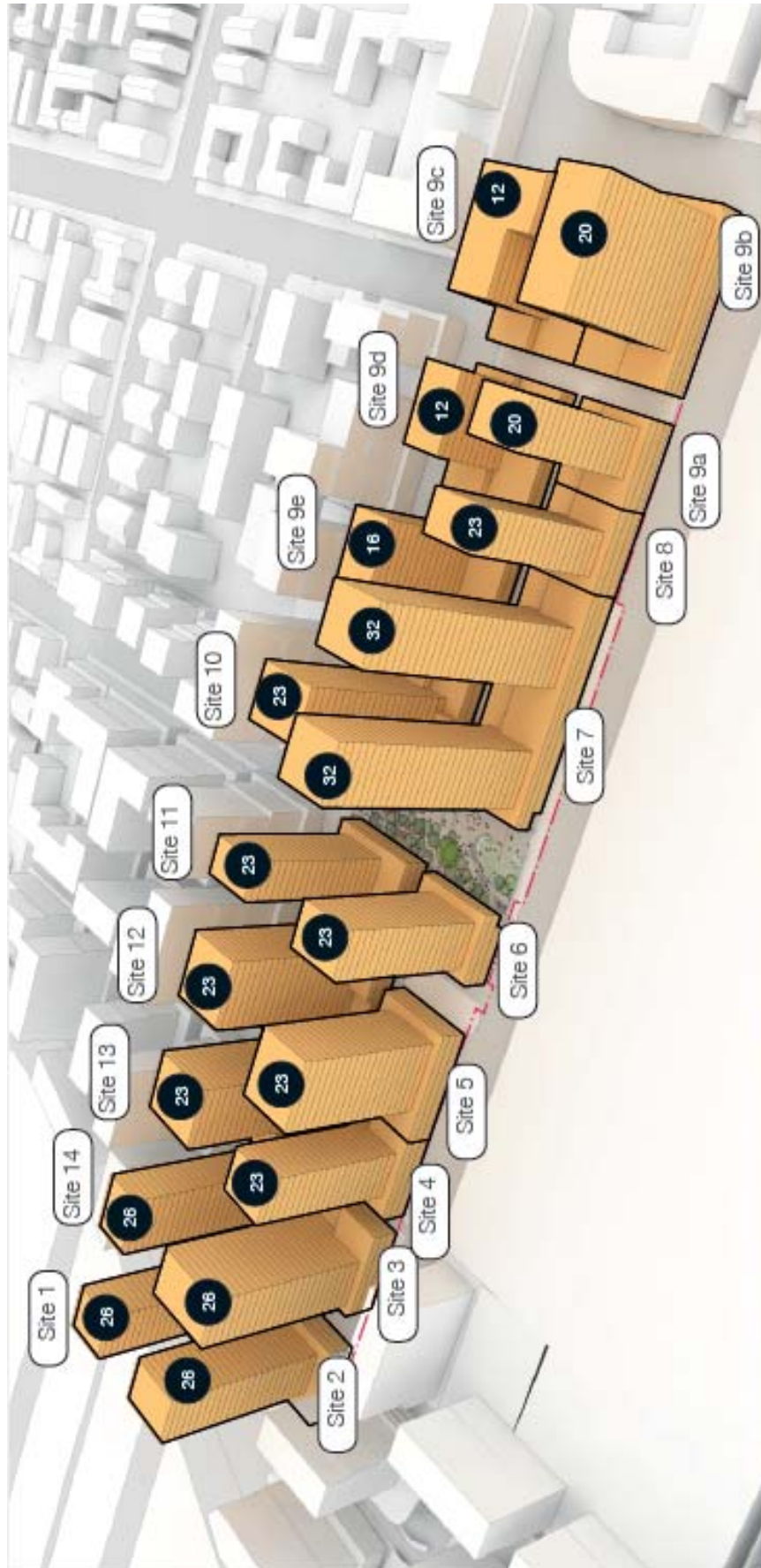


Figure 11: Proposed Massing and Corresponding Heights Diagram (prior to Pre-Gateway Consultation)

2.3.2 Relationship to strategic planning framework

Q: Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy?

The Metropolitan Plan for Sydney 2036 provides a long term planning framework based on strategic directions for the future growth of Sydney. The Planning Proposal is consistent with the aims and objectives of the Plan by:

- Introducing greater flexibility in the application of statutory planning controls that promotes economic viability to market demands;
- Maintaining the provision of existing and proposed public benefits including improved pedestrian linkages;
- Providing the delivery of a range of public benefits and infrastructure upgrades with an improved public domain;
- Improving housing affordability;
- Building at least 70% of new housing in existing urban areas; and
- Enabling new residential growth in areas served by existing or planned public transport.

The West Central Subregional Strategy translates objectives of the NSW Government's Metropolitan Strategy to the local level. Significant NSW Government investment in public infrastructure within the subregion has created new opportunities for renewal of nominated centres where higher density development can be introduced to make optimal use of the infrastructure provided.

Merrylands Centre is one of the nominated centres and the objectives of the Planning Proposal will assist in facilitating the renewal of key sites located in the core of the Centre.

Q: Is the Planning Proposal consistent with a council's local strategic or other local strategic plan?

Council's 2015 Community Strategic Plan 2013 – *Living Holroyd* provides Council's long term planning framework and strategic vision for the City. The Plan balances Council's commitment to social cohesion, the local economy, the natural and built environments and all members of the Holroyd Community.

Key community outcomes and strategies identified in the Plan relevant to the Planning Proposal include:

Community Strategy G1.2

G5.1 Establish and maintain clear guidelines for zoning, urban planning and development.

G5.3 Enhance accessibility to all public spaces.

G6.2 Ensure infrastructure is well planned to support future development.

G8.1 Develop and maintain planning controls to stimulate growth of housing stock to meet population projections.

G8.3 Develop city infrastructure to support population projections.

The proposed HLEP 2013 and DCP amendments will encourage the redevelopment of key strategic sites within the Centre with improved accessibility to the new City Square and surrounding open space links. The revitalisation of the Merrylands Centre will enable the full utilisation of existing and proposed infrastructure in addition to encouraging the renewal of commercial floor space in the Centre aligned with market demand.

The Proposal will take advantage of the close proximity of the Merrylands Rail Station and the numerous bus routes commencing from the Centre. It will also encourage a higher level of

pedestrian activity along McFarlane Street, particularly adjacent to the proposed City Square where vehicles will access Stockland Mall and assist in reinforcing the green streetscape character to McFarlane Street, Merrylands Road, Memorial Avenue, Pitt Street and Neil Street.

Q: Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

Many of the State Environmental Planning Policies are not applicable to the Planning Proposal on the grounds the zoning of the land is unchanged in most respects. The following table provides an assessment of the Planning Proposal with the relevant State Environmental Planning Policies (SEPP):

SEPP	Consistent
SEPP (Infrastructure) 2007	This SEPP aims to facilitate a process for assessing the development of infrastructure and community assets. It is acknowledged that some utility services and infrastructure may require amplification which can be appropriately determined during the preparation and assessment of site specific development applications. The Planning Proposal is therefore consistent with this Policy.
SEPP No 65-Design Quality of Residential Flat Development	This SEPP aims to improve the design quality of residential flat development in New South Wales. The proposed HLEP 2013 and DCP amendments are consistent with and reinforce objectives contained within the SEPP. Relevant assessment criteria will be determined with future applications. The Planning Proposal is therefore consistent with this Policy.
SEPP (Affordable Rental Housing) 2009	This SEPP establishes the provision of affordable rental housing facilitates the retention of existing affordable rentals and expands the role of housing providers. It also confirms that commercial and mixed use centres (e.g. Merrylands Centre) are appropriately positioned to provide those in need of housing. The Planning Proposal is therefore consistent with this Policy.
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP requires residential development to achieve mandated levels of energy and water efficiency. The Planning Proposal does not override the requirements of this SEPP

Table 1 - Consistency with applicable SEPP's

Q: Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The consistency of the Planning Proposal against relevant Section 117 Directions is detailed in Table 2 below:

Section 117 Direction	Consistent
1.1 Business and Industrial Zones	Yes. The Planning Proposal seeks to amend HLEP 2013 to increase building heights in the core of the B4 Mixed Use zone of Merrylands Centre. The Proposal does not reduce the total potential floor space within the Centre for employment uses but rather, provides greater flexibility to deliver the maximum floor space yields with improved building designs and amenity impacts.
3.1 Residential Zones	Yes. The Planning Proposal is consistent with the objectives of this direction by continuing to provide a mix of housing types with improved building designs conveniently located to the new City Square supported by improved vehicular and pedestrian access ways throughout the Centre. Existing infrastructure and services will gradually be improved with the introduction of new multi storey mixed use developments, which collectively will result in the economic redevelopment of older style buildings in the core of the Centre.
3.4 Integrating Land Use and Transport	Yes. The Planning Proposal is consistent with the objectives of this direction as it will continue to permit mixed use developments in the Merrylands Centre with supporting services and facilities in close proximity to good public transport.
4.3 Flood Prone Land	The land is subject to stormwater flooding and subsequently all future redevelopment proposals will require to satisfy all relevant planning controls applicable to flood planning. As noted, the proposal is not seeking to increase overall maximum densities that are otherwise currently included in HELP 2013.
7.1 Implementation of A Plan for Growing Sydney	Refer to Section 2.3.2

Table 2 - Consistency with applicable Section 117 Directions

2.3.3 Environmental, social and economic impact

Q: Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The land is located in a highly modified urban context that is utilised for a range of mixed business/retail and entertainment uses. The land does not include or comprise critical habitat or threatened species.

Q: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?

As detailed in SJB's report, a number of assumptions were followed in evaluating the most appropriate height controls for the study area, namely:

- All sites comply with HLEP 2013 FSR controls including all relevant bonus provisions.
 - For amalgamated sites that contain multiple FSR controls, the relevant FSR correlating to the original lot boundaries apply to calculate the allowable Gross Floor Area (GFA).
 - All sites assume a 1.7:1 non-residential FSR control with the balance of the GFA applied to residential.
 - Building height requirements for sites with frontages greater than 30m were initially set aside to test whether each site can reasonably realise its permissible FSR.
 - Overshadowing of the new City Square should be minimised between the hours of 11am-1pm on the winter solstice, and where possible, avoided.
 - North-south oriented buildings were proposed to allow taller slender towers to address the east-west streets and improve solar access to buildings to the south (fronting Merrylands Road).
 - Building depths to reflect the principles of the Apartment Design Guide (ADG).
 - Building separations conform with the Apartment Design Guide requirements - on narrow sites less than 30m wide, non-habitable to habitable separation distances have been assumed on one elevation only.
 - The building efficiency assumptions for the calculation of GFA were:
 - Podium Floor Commercial GFA = 65% of Gross Building Area
 - First Floor Commercial GFA = 90% of Gross Building Area
 - Residential GFA = 75% of Gross Building Area
 - Lift overrun: 1.2m
- Floor to Floor Heights:
- Ground: 3.8m
 - First: 3.6m
 - Second: 3.6m
 - Tower residential: 3.1m

Based on these assumptions, the consultants modelled the current floor space into three (3) built form scenarios to evaluate what would be the realistic maximum envelopes needed. With the exception of Site 7 (McFarlane Street Car Park), all three scenarios result in the same buildings heights for the remaining nominated sites. A 3D building mass image of the preferred scenario is shown in Figure 12.



Figure 12: SJB's Preferred Height Scenario

As previously noted, following pre-gateway consultation undertaken by Council, some changes to the proposed provisions (including the preferred height scenario above) were made including increases to the area subject to the proposal and some of the standards that apply to properties within the subject area.

Q: Has the Planning Proposal adequately addressed any social and economic effects?

Consistent with the Planning Proposal's aim of being a catalyst for stimulating the renewal of the Merrylands Centre, a renewed commercial focus will have a positive effect of contributing to future employment opportunities and improved public spaces to be enjoyed by employees and local residents across the wider Holroyd community.

The provision of additional housing opportunities located in the centre of Merrylands close to public transport is a strategic initiative consistent with the zone objectives of a B4 Mixed Use zone as well as providing opportunities to strengthen the economic and employment role of the Merrylands Centre.

Socially, new mixed use developments will provide a range of housing types in close proximity to the Merrylands Rail Station and the proposed City Square. The cumulative effects of which will be the opportunity to maximise opportunities to achieve high quality building designs.

2.3.4 State and Commonwealth interests

Q: Is there adequate public infrastructure for the Planning Proposal?

The land is located in an established urban area with adequate public infrastructure available including water, electricity, gas, telecommunications, sewerage and transport. Future development applications may be required to undertake preliminary investigations to ascertain whether existing services require upgrading. Council may also explore the opportunities of entering into a Voluntary Planning Agreement as a means of securing public benefits commensurate with the increase in building height.

During the pre-gateway consultation, a submission was received from Endeavour Energy and no objection to the Proposal was raised, however a range of matters that should be considered as part of any future development proposals were provided.

In addition, the proposal will facilitate the delivery of important infrastructure identified in Holroyd Section 94 Development Contributions Plan 2013 including a City Square and access laneways.

Q: What are the views of state and commonwealth public authorities consulted in accordance with the Gateway determination?

The Gateway determination will provide a list of public authorities that will need to be consulted. It is proposed that public authority consultation be undertaken concurrently with community consultation. The following authorities are proposed to be consulted during the exhibition process:

- NSW Department of Planning and Environment
- Roads & Maritime Services;
- Sydney Water
- Transport for NSW
- Infrastructure New South Wales

2.4 MAPPING

All relevant maps that assist in identifying the intent of the planning proposal are contained in Attachment 1.

2.5 COMMUNITY CONSULTATION

It is proposed the Planning Proposal be exhibited for a period of 28 days.

The exhibited material will contain a copy of the Planning Proposal and relevant maps supported by a written notice describing the objectives and intended outcomes of the proposal, the land to which the proposal applies and an indicative time frame for finalisation of the Planning Proposal. Consultation will not occur until receipt of the 'gateway determination'.

The proposed consultation methodology will include, but not limited to:-

- forwarding a copy of the Planning Proposal and the gateway determination to State and Commonwealth public authorities identified in the gateway determination;
- giving notice of the public exhibition in the main local newspaper circulating in Merrylands (Parramatta Advertiser);
- notifying the exhibition of the Planning Proposal on Council's web site including all relevant documentation;
- providing a copy of the Planning Proposal and supporting documentation at Council's customer service centre;
- notifying all affected and adjoining property owners and body corporates of adjoining strata units where relevant.

2.6 PROJECT TIMELINE

1.	Planning Proposal submitted for Gateway Determination	May 2016
2.	Receive Gateway Determination	June 2016
3.	Public exhibition process and consultation commences	July 2016
4.	Consideration of submissions	September 2016
5.	Post exhibition report to Council	November 2016
6.	Council forwards final Proposal to Department for notification	December 2016
7.	Planning Proposal Gazetted	February 2017

3 ATTACHMENTS

The following documents are provided in support of the planning proposal:

- SJB Architects Urban Design Structure and Building Heights Review
- LEP Maps:
 - o Height of Buildings Map
 - o Floor Space Ratio Map
 - o Land Zoning Map
 - o Land Reserved for Acquisition Map
- Council Reports
 - o Merrylands Station and McFarlane Street Precinct Review – 1 March 2016 (CCL009-16)
 - o Merrylands Station and McFarlane Street Precinct Review – 3 May 2016 (DCS014-16)