

Merrylands Station and McFarlane Street Precinct Review

Responsible Department:	Environmental and Planning Services
Executive Officer:	Director of Environmental & Planning Services
File Number:	INFOC/19 - BP16/432
Delivery Program Code:	5.1.1 Oversee the land use planning, design and compliance framework for managing and facilitating appropriate development 5.2.1 Identify strategies that support the development of local centres and business across the City 7.1.2 Ensure land use planning recognises and promotes business and employment centres 8.1.1 Oversee and implement Council's Residential Development Strategy and appropriate housing opportunities through land use planning 8.2.1 Ensure housing growth is focused around centres and planning controls do not compromise housing affordability 9.3.1 Ensure planning and development implements Environmentally Sustainable Design Principles 10.4.1 Maintain and enhance opportunities for community input into planning processes
Previous Items:	CCL009-16 - Merrylands Station and McFarlane Street Precinct Review - Council - 01 Mar 2016 6.30pm COTW018-15 - Merrylands Station and McFarlane Street Precinct Review - Closed Council - 20 Oct 2015 6.30 pm COTW009-15 - Planning Proposal - Land Reservation for Public Purposes - Closed Council - 17 Mar 2015 6.30 pm

Summary:

The purpose of this report is to inform Council of the outcomes of the pre-Gateway consultation undertaken as part of the Merrylands Station and McFarlane Street Precinct Review. This report recommends that a Planning Proposal to amend Holroyd Local Environmental Plan (LEP) 2013 be prepared and forwarded to the Department of Planning and Environment (DP&E) for Gateway determination.

Report:

At the Ordinary Meeting of 1 March 2016, a report was considered by Council in relation to the *Structure and Building Height Review Report (SBHRR)*, completed by SJB Architects as part of the Merrylands Station and McFarlane Street Precinct Review. The aim of the review was to assess Council's current building height standards in the core

of Merrylands centre and recommend changes that would provide greater flexibility in which to deliver the current floor space potential for improved building design and planning outcomes. The study area included land bounded by McFarlane Street, Merrylands Road, Treves Street and Terminal Place. Refer to Figure 1. This Figure also includes reference to the specific sites that were modelled as part of the Review (numbered 1-14 below).



Figure 1 – Location Plan

At this Council meeting 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.

A Matter of Urgency was raised at the following Ordinary Meeting of Council of 15 March 2016 where the following was resolved:

“Resolved on the motion of Clr. Grove, seconded Clr. Zaiter that the closing date for the pre-Gateway consultation of the Merrylands Station and McFarlane Street Precinct

Review be extended by two weeks from Wednesday, 30 March 2016 to Wednesday, 13 April 2016."

Community Consultation

In accordance with the above resolutions, pre-Gateway consultation commenced on 16 March 2016 and concluded on 13 April 2016. A draft proposal outlining the urban design consultant's recommendations was released to the community for comment and is included as **Attachment 1**.

Notification letters were sent to subject and opposite property owners. The Proposal was advertised in both the Parramatta Advertiser and Holroyd Sun, was available on the Council website and at the Council Administration Building and Merrylands Library; and was posted on the Council Facebook Page. In addition, two community information sessions were held during the pre-Gateway consultation period on Saturday 19 March and Wednesday 23 March.

Submissions

During the community consultation period a total of seven (7) submissions were received. Three submissions objected to the Proposal; three submissions generally supported the Proposal but sought changes to increase proposed standards or area; and a submission from Endeavour Energy raised no objection but included a range of matters to be considered as part of any future development application. A copy of each submission received is provided under separate cover.

Of the seven submissions received during the public consultation period three submissions contained a copy of the same correspondence objecting to the proposal. The submissions objected to the proposed City Square and proposed re-modelling of the Merrylands Station and McFarlane Street Precinct and the associated increases in building heights.

The submissions raised a number of issues that are beyond the scope of the current Proposal. They also questioned the consultation process and in this regard it is noted that the pre-Gateway consultation was undertaken over and above any statutory obligation in the Environmental Planning and Assessment Act (EP&A Act). Should the proposal proceed to Gateway, a further community consultation period will be held and the community will be given further opportunity to provide input into the Proposal.

A summary of the issues that can reasonably be responded to as part of this Proposal are addressed below.

Issue: *Is the proposal consistent with State Government requirements/expectations and why has Council decided to have a review of building heights pertaining to this B4 Mixed Use zone?*

Response: The proposal is consistent with the principles of the 'A Plan for Growing Sydney' document that seek *"to identify suitable locations for housing and employment growth coordinated with infrastructure delivery (urban renewal), including around Priority Precincts, established and new centres..."*

It is appropriate to undertake regular reviews of the effectiveness of planning controls to ensure they deliver an optimal outcome in terms of developability and amenity impacts. One of the key parameters of the exhibited proposal is to provide more flexibility in terms of how development can be delivered on sites within the City Centre so that reasonable solar access can be provided in the Centre and the duration of overshadowing impacts can be managed.

Issue: *Proposed City Square is not supported and will struggle to deliver 2 hours of sunlight between 11am-1pm in mid-winter.*

Response: Only 3 submissions received express this view. Separate consultation with the community has already been undertaken in relation to the proposed City Square, and this consultation indicated that the proposed City Square was generally well supported. The proposed City Square was established in Council planning documents including Holroyd Development Control Plan (DCP) 2013 and Holroyd Section 94 Development Contributions Plan (s94 Plan) 2013, is needed to meet the demands of the increasing population and will create improved amenity for the Holroyd community. Within the context of the core of a major commercial centre such as Merrylands, the provision of 2 hours of solar access to the City Square is reasonable due to the density of development that is achievable in this urban centre.

Issue: *Increase in height, unit numbers, population and traffic as a result of the Proposal and significant increase in height on Council owned land. Why not lower floor space ratios to correlate to the current building heights?*

Response: The purpose of the Merrylands Station and McFarlane Street Precinct Review was not to make wholesale changes to maximum densities and floor space ratios in the Centre, but to provide greater flexibility in which to achieve the current floor space potential for development in the core of the Merrylands CBD. Providing this flexibility will lead to improved building design outcomes and sunlight access to apartments and public spaces. The population increase and subsequent increase in traffic was considered as part of the preparation and introduction of Holroyd Local Environmental Plan (LEP) 2013 and Holroyd s94 Plan 2013 and measures to mitigate much of the impacts associated with this growth are included in the adopted works schedule within the s94 Plan.

Comparison to the modelling that was undertaken as part of the preparation of Holroyd LEP 2013 has been undertaken and confirmed that the total estimated dwelling capacity in the area subject to the Proposal was not increasing as a result of the recommended changes to building heights. All modelling that has been undertaken in the Centre must make certain assumptions in terms of potential development amalgamation patterns and can never provide an exact calculation of dwelling numbers. Some amalgamations may not eventuate as predicted but every effort is made to model a logical and realistic pattern of development based on existing ownership and block areas and the like as well as other statutory parameters such as the requirements of the Apartment Design Guide (ADG) under State Environmental Planning Policy (SEPP) 65.

Dwelling yields in the subject area could still largely be achieved under the existing development standards in Holroyd LEP 2013, however the form of that development will likely create a poorer urban outcome compared to the proposed controls that will enable a greater degree of flexibility in providing that yield through a taller and thinner built form with opportunity for greater building separation that allows improved solar permeability throughout the Centre.

The Proposal recommends an increase in building height on the Council owned site at 28-36 McFarlane Street to approximately 32 storeys. This was recommended by SJB Architects in order to focus height around key destinations throughout the Centre, including the proposed City Square and the Station entrance (Merrylands Road and Pitt Street). The first stage of the City Square (between Main Lane and McFarlane Street) is contained on Council owned land and could currently be developed for commercial purposes, however Council determined that the site should be utilised as a civic space in order to improve the amenity for the Merrylands Centre as a whole. Subsequently, allowing a taller building on the remainder of the Council owned site adjacent to the new City Square will not only reinforce the City Square as a focal point for the Centre but will balance part of the forgone development capacity on the City Square site. While there is an increase in height on the Council site (and the majority of sites within the area subject to the Proposal) there is no increase in the floor space ratio that could be achieved were the site to develop under the current controls in Holroyd LEP 2013.

A lowering of floor space ratio controls across the subject area would be impracticable as reducing yields can severely impact developability and would be contrary to the aim of the review. Further, any notable decrease would be unlikely to be supported by the Department of Planning and Environment if included in a Planning Proposal as it would equate to a reduction in development potential, contrary to the 'orderly and economic use and development of land' object of the Environmental Planning and Assessment Act.

Issue: *Design Excellence Panel and how 'design excellence' is determined.*

Response: The design excellence provisions included in the community consultation documentation outlines the objectives and key parameters for determining design excellence that are proposed to be utilised in determining development applications within the subject area. The proposed design excellence provisions will ensure the highest possible standard of architecture and urban design is delivered in the Merrylands Centre. A separate policy document is being prepared that will detail the operational parameters of any design excellence panel that will influence the design of development proposals prior to the application process.

Issue: *Costs of infrastructure provision.*

Response: All of the proposed infrastructure works in and around the Merrylands Centre that are required as a result of the projected growth are included in the comprehensive Works Schedule contained in the Holroyd Section 94 Plan. This Works Schedule contains detailed information in relation to the costs of the provision of this infrastructure. A review of the s94 Plan is currently being undertaken and a revised Plan including updated costings will be reported to Council when completed.

The remaining submissions to the Merrylands Station and McFarlane Street Precinct pre-Gateway Review have been made on behalf of property owners within the subject area and are considered below. These submissions generally support the Proposal but request a number of changes to the exhibited development standards.

Issue: *Properties at No. 244-252 Pitt Street, Merrylands are not included in the area subject to the Proposal. It is requested that they be included and that the height of building (HOB) standards and the FSR provisions in Holroyd LEP 2013 be increased.*

Response: The site at No. 244 – 252 Pitt Street and the Council Land (currently used as a car park and bus terminus) are not included in either the Neil Street Precinct Urban Design Review (reported to Council on 20 October 2015 (COTW019-15)) or the Merrylands Station and McFarlane Street Precinct Study. A location map identifying the No. 244-252 Pitt Street and the Council owned bus terminus site is included as Figure 2 below.

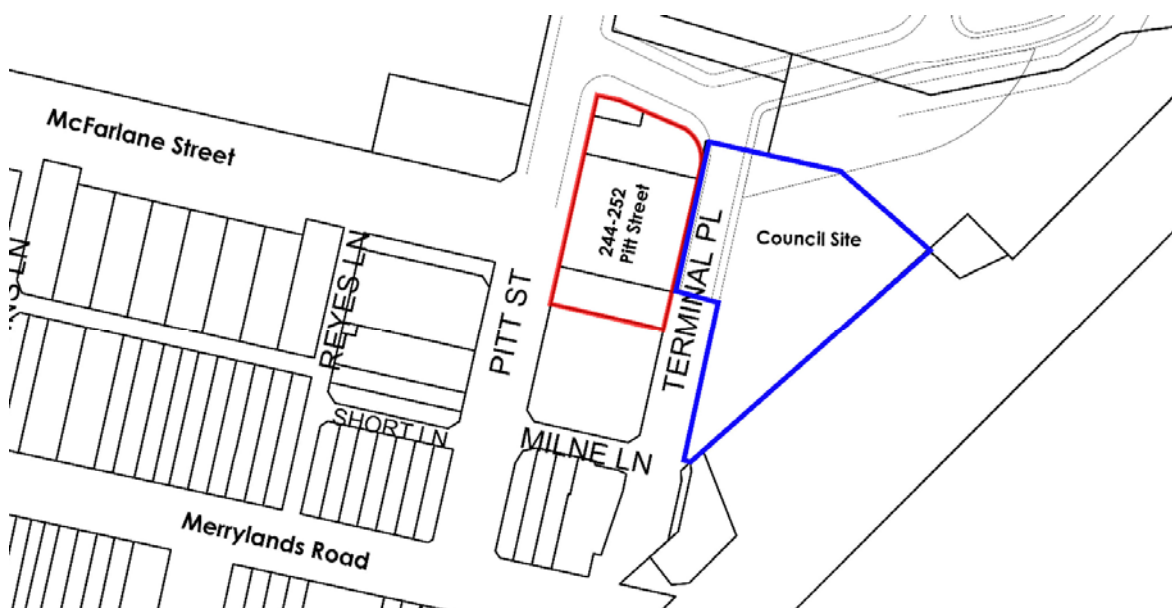


Figure 2 – No.244-252 Pitt Street and Bus Terminus Site, Merrylands

Given that these sites provide transition/connection between the two Precincts; it is recommended that the area subject to the Merrylands Station and McFarlane Street Precinct Planning Proposal include No. 244 – 252 Pitt Street and the Council land at Merrylands Station.

A comparison of the current controls, the controls in the exhibited Proposal, both suggested options provided in the submission and planning officer recommendations are included in Table 1 below.

		LEP 2013 (HCC)	Proposal (SJB)	Submission Suggestions (DMPS)		Recommended (HCC)
				Option 1	Option 2	
<i>Station Entrance Landmark Sites</i>						
Site 1: 135-141 Merrylands Rd	FSR	8.5:1	8.5:1	8.5:1	8.5:1	8.5:1
	HOB	65m (20st)	84m (26st)	84m (26st)	103m (32st)	84m (26st)
Site 2: 254 Pitt Street	FSR	9:1	9:1	9:1	9:1	9:1
	HOB	65m (20st)	84m (26st)	84m (26st)	103m (32st)	84m (26st)
<i>Transition Area – Requested for Inclusion</i>						
244-252 Pitt	FSR	7.5:1	-	9:1	11:1	7.5:1

Street						
	HOB	53m (16st)	-	71m (22st) - 77m (24st)	90m (28st) - 97m (30st)	65m (20st)
	GFA	17,075.5m ²	-	20,490.6m ²	25,044.4m ²	17,075.5m ²
Additional dwellings				38	89	0
<i>Neil Street Precinct Proposal for Pitt Street (*Separate Proposal)</i>						
Front 224-240 Pitt St	FSR	6.5:1*	-	-	-	6.5:1*
	HOB	53m (16st)*	-	-	-	54m (16st)*

Table 1: Height of Building and Floor Space Ratio Comparison – No.244-252 Pitt Street Submission

The intention of the Merrylands Station and McFarlane Street Precinct Review as well as the Neil Street Precinct Urban Design Review was not to increase the density (i.e. FSR) controls but to provide greater flexibility in which to deliver the current floor space potential, for improved building design whilst maintaining an appropriate built form. The studies build on the vision and strategies established for the Merrylands Centre under the HBO+EMTB Review that informed the controls in Holroyd LEP 2013 including the building height transition from a lower scale at the fringe of Merrylands Centre to tower elements in the core of the Centre.

In keeping with the above, the Neil Street Precinct Urban Design Review has recommended predominant buildings heights of 8 – 12 storeys increasing to 16 storeys along Pitt Street with strategically located taller buildings (20 storeys) as visual markers and to enhance urban legibility.

As part of the Proposal SJB Architects have recommended a building height of 26 storeys for Site 1 (135-141 Merrylands Road (including 266 Pitt Street)) and Site 2 (254 Pitt Street) given the proximity of the sites to the train station entrance, which is one of the key destinations within Merrylands Centre. The 26 storey towers will identify the location of the train station entrance and emphasise the importance of intersection of Merrylands Road as the primary retail street and Pitt Street as a secondary retail street. The tallest buildings however have been proposed along McFarlane Street adjacent the new City Square to reinforce the core of the Centre and also to instigate significant public domain improvements to help revitalise the Centre.

Generally the objective of built form is to contribute to way finding and legibility; however the requested 32 storey height for Sites 1 and 2 and 30 and 28 Storey height for the subject site under the submission Option 2 is excessive given the immediate context. The 32 storey height for Sites 1 and 2 and 28 and 30 storey height for the subject site will detract from the main activity area i.e. the City Square. The extent of additional heights for the submitters' site at 244-252 Pitt Street would weaken the effectiveness of the

markers adjacent the City Square and the train Station and are not necessary to achieve a suitable level of flexibility in which to deliver the current FSR yields.

As noted in the submission, a DA has been lodged for the 'Rositano' site north of the subject site (224-240 Pitt Street), which is yet to be determined. The DA incorporates a 19 storey tower along Pitt Street, to deliver that sites current FSR potential. Council's site testing determined that under the current height controls, the 'Rositano' site would be unlikely to achieve the current maximum FSR. So, although there is a variation to the maximum building height control proposed on this site; no changes are proposed to the FSR (density) controls.

Both the options in the submission propose increases in the FSR for the site, which is contrary to Council's objective for the Review. The FSRs requested equate to an increase of at least 3,415.09m² in gross floor area over and above what can be achieved under the existing provisions in Holroyd LEP 2013. The current building heights and FSR for No. 244-252 Pitt Street are generally considered sufficient given that the current controls for maximum height of buildings are able to deliver the current maximum FSR. Nevertheless, given the height increases that are proposed around the site, it is recommended that the height of building control for No. 244-252 Pitt Street be increased to 20 storeys but the FSR remain unchanged. This will allow a similar degree of flexibility for the site to deliver the current FSR as others within the subject area.

A limit of 20 storeys for this site is appropriate as it conveys a transition in heights to the site to the north, and does not detract from the emphasis in height that is proposed to apply to buildings marking the entrance to Merrylands Station (26 storeys) to the south. However, in relation to the Council site currently being used as the bus terminus adjacent to the station, it is not recommended that the heights increase over the current 16 storey limit. In this regard, the bus terminus site also should provide a transition to the north, but has a closer relationship to the buildings that will abut the railway line that are proposed to be 12 storeys under the Neil Street Precinct Urban Design Review.

Issue: *The development potential of No.193-201 Merrylands Road bounded by Finns Lane (to the east), Main Lane (to the north), the City Square expansion and Merrylands Road (to the south) is compromised due to the proposed expansion of the City Square.*

Response: The submission notes that other sites nearby have less area yet have a higher maximum potential FSR. The area subject to the submission is referred to as Site 11 in the exhibited Proposal and is identified in Figure 3 below.

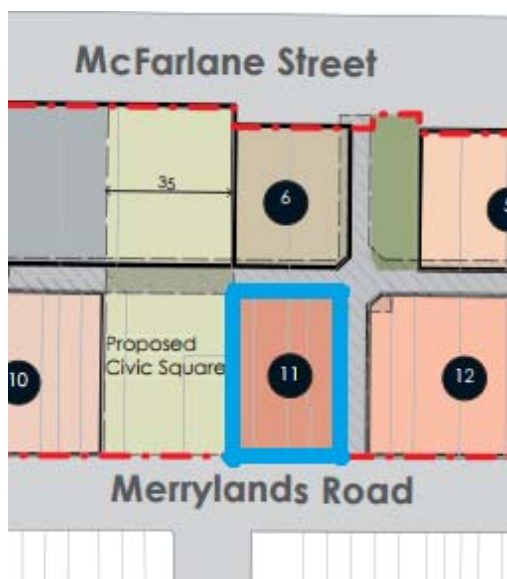


Figure 3: No.193-201 Merrylands Road

Due to the proposed City Square to the immediate west of Site 11 (including No.197 Merrylands Road), the ability for it to amalgamate to achieve the maximum potential FSR under clause 4.4 of Holroyd LEP 2013 is removed. It is therefore reasonable to consider a partial offset of the forgone development potential of the site through a slightly larger building footprint.

Some initial site testing has been undertaken which suggests that an increase in the footprint of the tower component modelled on the site from 22m depth (as per the SJB model) to 27m depth (similarly to other recommended envelopes in the SJB model) can deliver an FSR of 8:1 within the recommended maximum building height. This is the same standard that could have been achieved with amalgamation under the LEP 'sliding scale' FSR provisions that currently apply to the site. More detailed site testing is required in order to fully ascertain potential impacts of an expanded tower footprint, particularly in relation to overshadowing impacts. Nevertheless, it is recommended that the FSR for Site 11 be increased to 8:1 as part of the Proposal recommended to be submitted to the DP&E for Gateway determination, and further site testing be undertaken prior to finalisation of the revised DCP controls. An increase in FSR for this site of this nature would not result in a substantial increase in overall density within the Merrylands Centre.

Issue: *The current floor space potential of the "Stockland Court Site" (233-259 Merrylands Road and 52-54 McFarlane Street) is not able to be achieved. The lane network should be included in DCP 2013 and not included in LEP 2013. There is a mismatch between the proposed number of storeys and the proposed building heights in metres.*

Response: The site subject to the submission is indicated in Figure 4 below. This Figure identifies the site as Parcel A with a current FSR of 5:1 and Parcel B with a current FSR of 6.5:1.

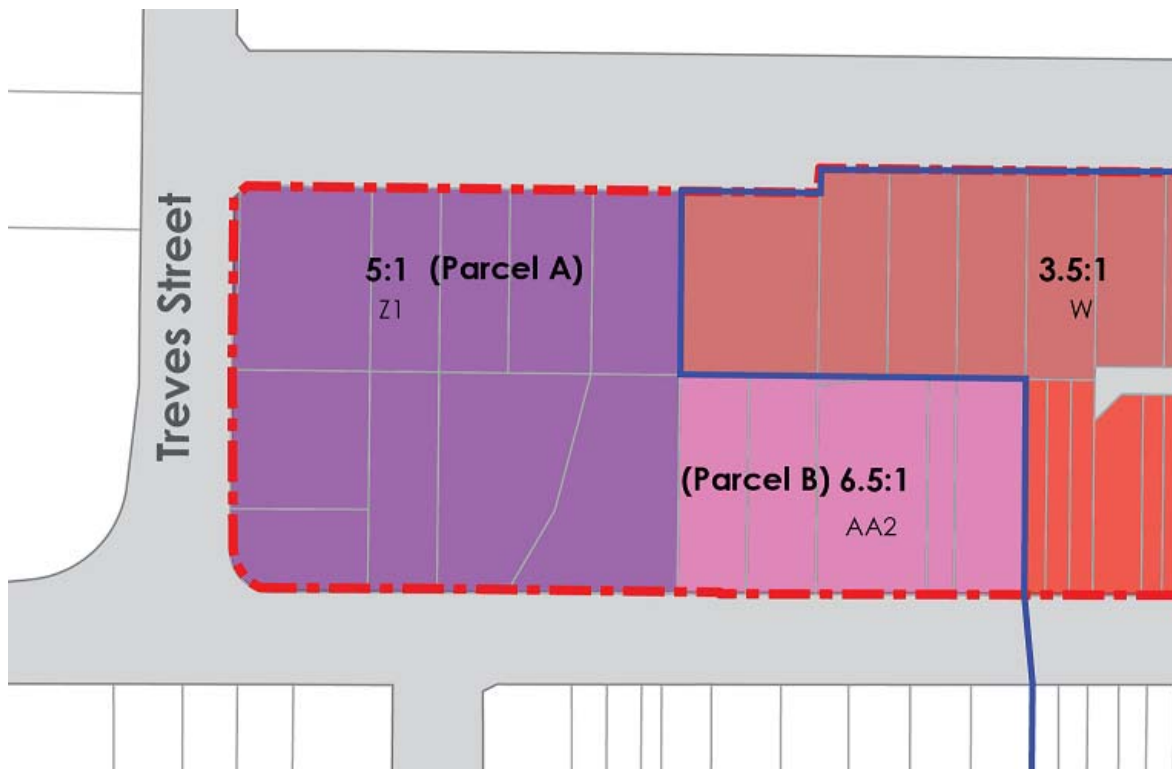


Figure 4: Stockland Site - 233 and 249-259 Merrylands Road and 52-54 McFarlane Street

The new proposed laneway alignment changes the areas of Parcel A and Parcel B on the Floor Space Ratio (FSR) Maps in LEP 2013 as indicated in Figure 5 below.

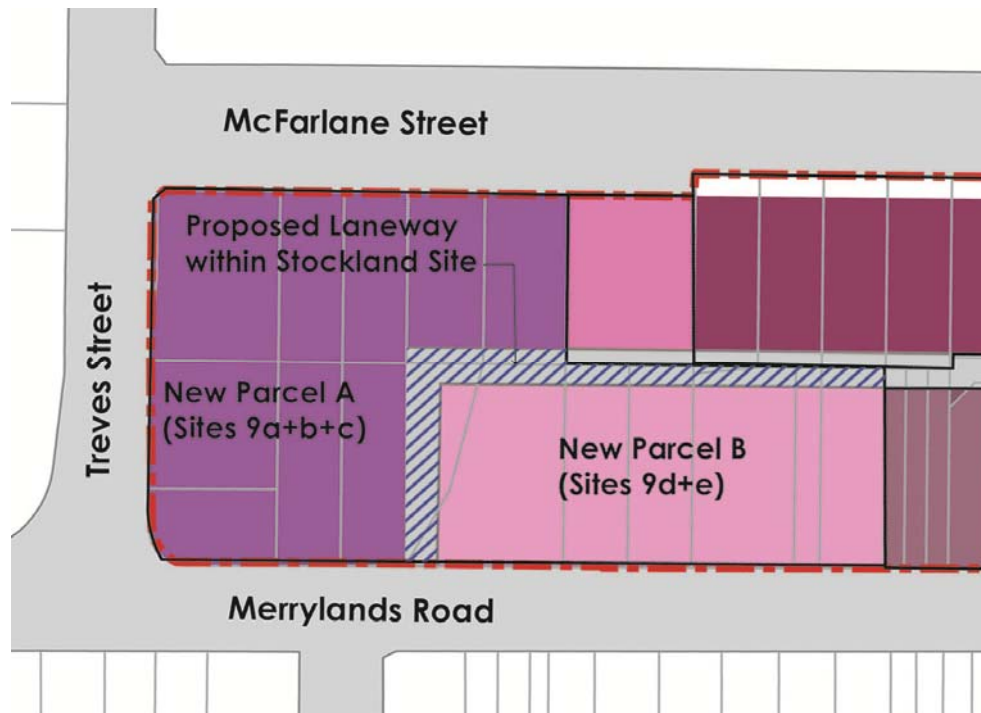


Figure 5: Proposed Laneway inclusion in LEP 2013

Table 2 below provides a breakdown of the current floor space potential of the Stockland Court Site both including (gross) and excluding (net) the required laneway extension through the site (see Figure 4 and 5). It also provides recommended FSRs and their resulting gross and net GFAs.

Site	Stockland Site 9			LEP 2013			HCC Recommendation		
	Gross Site Area	Laneway	Net Site Area	FSR	Gross GFA	Net GFA	FSR	Gross GFA	Net GFA
	m ²	m ²	m ²		m ²	m ²		m ²	m ²
Parcel A									
Site 9a									
Sub Total	1,538	169	1,369	5	7,690	6,846	5.5	8,459	7,530
Site 9b									
Sub Total	2,436		2,436	5	12,179	12,179	5.5	13,396	13,396
Site 9c									
Sub Total	2,957		2,957	5	14,783	14,783	5.5	16,261	16,261
Parcel B									
Site 9d									
	1,849	567	1,282	5	9,244	6,409	6	11,093	7,691
	725	70	655	6.5	4,713	4,258	6	4,350	3,930
Sub Total	2,574	637	1,937		13,956	10,666		15,443	11,621
Site 9e									
Sub Total	2,911	275	2,636	6.5	18,922	17,134	6	17,466	15,816
TOTAL	12,415	1,081	11,334	5.44	67,529	61,607		71,025	64,624

Table 2: Floor space Distribution – Stockland Site

In relation to the issues raised in the submission the following is noted:

- The FSR's recommended by the HBO+EMTB Study for the Holroyd LEP 2013 were modelled on the net site area (excluding the laneway) but currently apply to the gross site area.
- The extent of laneway on the subject site has been increased due to the new alignment with the culvert.
- Only the portion of the laneway (north-south Main Lane + east-west link between the Main Lane and Merrylands Road) critical for the infrastructure works has been identified in the LEP map. The laneway between the Main Lane and McFarlane Street, though important, will be included as a requirement under DCP 2013 for dedication as part of any development.
- The laneway area required for infrastructure works on the site measures 1,080.9m². The Stage 1 laneway (to the eastern boundary of the northern part of the site) is approximately 342.7m² of this.

- Under the current Holroyd LEP 2013 controls the GFA based on the Gross Site Area will be 67,529m². However, if Council were to acquire the land required to construct the laneway and the property owner were compensated for the value of the land (and lost development potential), the resulting in the net site area would be 11,334m² and the maximum GFA permitted under the current controls for the net site area would be 61,607m².
- The recommended controls will allow the Stockland Court Site to achieve a GFA of 64,624m² (based on the net site area) which is reasonably comparable to the GFA potential that could be achieved under the gross site area within the current LEP controls (67,529 m²).
- The GFA of 64,624m² is an increase on the current net site area potential of 61,607m², noting that land acquired for laneway is generally compensated, unless agreed otherwise.

Following further site testing and modelling, revised maximum building heights as requested by Stockland are generally considered acceptable. In reviewing the proposal to consider this request, Council's urban designer identified that the tower on Site 9b (closest to the residential zone on the opposite side of Treves Street) was too high and could be reduced to 16 storeys; offset by an increase to site 9a up to 23 storeys.

Figure 6 below identifies the maximum achievable FSR for the individual sites tested as part of the SJB modelling.



Figure 6: Stockland Court Site – Maximum Achievable FSR (SJB Recommendations)

Table 3 below provides the recommended height of building (HOB) and FSR controls for the site. It is noted that the recommended FSRs for sites 9a-c increases from 5.0:1

under the current controls to 5.5:1, and the recommended FSRs for Sites 9d-e decreases from 6.5:1 to 6:1.

The total proposed GFA can still be achieved so it does not equate to a loss of developability. More specifically, average FSRs are mapped across more than one individual site, therefore a higher FSR could be achieved on part of a property within this area if development on another part of the property with the same area is comparatively less dense to ensure the overall FSR is not exceeded. In the case of the Stockland Court Site, a more dense development of 23 storeys can be achieved on site 9e as a less dense development of 16 storeys is proposed on site 9d. This equates to an average FSR of approximately 6:1 but does not result in a loss of overall yield that could otherwise be achieved under the net floor area in the current LEP 2013 controls.

Site	Net Site Area	Recommended HOB	Potential GFA		Potential FSR
			Comm	Resi	
	m ²		m ²	m ²	
Site 9a	1,369.14	23	2,283.18	6,087.00	6.11
			8,370.18		
Site 9b	2,435.71	16	4,418.85	10,224.75	6.01
			14,643.60		
Site 9c	2,956.51	12	5,289.09	8,935.24	4.81
			14,224.33		
Total 9a+b+c	6,761.36		37,238.10		5.51
Site 9d	1,936.78	16	3,448.37	7,286.99	5.54
			10,735.36		
Site 9e	2,636.00	23	4,558.90	11,973.78	6.27
			16,532.68		
Total 9d+e	4,572.78		27,268.03		5.96
Total	11,334.14		19,998.38	44,507.76	
TOTAL 9a + 9b + 9c + 9d + 9e			64,506.14		5.69

Table 3: Proposed Height of Buildings and Floor Space Ratios – Stockland Site

Stockland have previously indicated to Council that the Stage 1 part of this laneway extension could potentially be dedicated at no cost to Council if development potential was maintained on the remaining land. The Stage 1 section of laneway is approximately 342.7m², which under the current FSR standard would equate to approximately 2,126m²

of GFA (equating to 0.2:1 of the overall net site or 0.4:1 of new Parcel B). The proposed FSR standards on the Stockland Court site will deliver an overall average FSR of 5.7:1 and approximately 64,600m² GFA, compared to the current average of 5.4:1 and 61,600m² GFA (an increase of approximately 3,000m²). On this basis it would be reasonable for Council to pursue an agreement for the free dedication of the Stage 1 laneway land, resulting in a savings to public works costs and contribution rates.

The Main Lane extension and it's southern extension to Merrylands Road is proposed to be identified in the Land Reserved for Acquisition Map in LEP 2013 due to the critical nature of this infrastructure to the effective operation of the traffic network in the Merrylands Centre. In addition, the alignment of the laneway in this location accords with essential drainage infrastructure that must be included in this location.

However, it is not expected that there would be any need for Council to acquire the northern extension of Main Lane to McFarlane Street ahead of any development of the Stockland Court site and as such it is proposed to be included in DCP 2013. This would also allow the flexibility for Council to consider, as part of a development application, the merits of a variation to the ideal straight alignment in this location, which depend upon the detailed design. The calculations in the table above are based on the assumption that the alignment of the laneway will be straight and the site is able to achieve the maximum FSR.

Table 4 below articulates the floor to ceiling heights that have been recommended under the NSW Department of Planning and Environments Apartment Design Guide (ADG):

Level	Floor to Ceiling Height	Total (Including Slab and Services Assumption)
Ground Floor (Café/Restaurant Ceilings)	4.0m	4.4m
First and Second Floor (Mixed Use)	3.3m	3.7m
Residential Floors (Habitable Rooms)	2.7m	3.1m

Table 4: Apartment Design Guide Floor to Ceiling Heights

In determining the height of building controls, the following assumptions are also included:

- 0.4m per floor for structure, services, set downs and finishes
- 1m to the total to allow for rooftop articulation (and lift overrun)
- Up to 2m to the total to allow for topographic changes

The floor to ceiling heights and assumptions on which the proposed heights are based are consistent with the ADG. Nevertheless, it is noted that Clause 4.6 within Holroyd LEP 2013 allow for reasonable variations to the height of building standards to be considered on merit.

Issue: *The Design Excellence potential FSR bonus should be 10%. The proposed FSR map contained in section 6.3 of the Urban Design Consultants recommendations should not include any bonus provisions because by definition a bonus must be provided in addition to the FSR indicated on the FSR Map.*

Response: The proposed design excellence provision allows for a potential bonus of an additional 0.5:1 FSR which is considered reasonable given the base upon which the FSRs are calculated.

The proposed FSR Map contained in the SJB recommendations (Section 6.3) is not an official LEP map, but rather provides a clear and accurate indication of the maximum potential FSR that could be achieved if all bonus provisions can be achieved. An FSR Map to be included in Holroyd LEP 2013 that reflects a base FSR will be drafted should the Proposal proceed to Gateway.

Endeavour Energy

Issue: *No objection to the Proposal was raised, however a range of matters that must be considered as part of any future development proposals were provided. The submission noted the potential for asbestos to be located within their infrastructure assets in the Centre.*

Response: All matters raised in the submission will be considered as part of any development application lodged in the study area. These include network capacity/connection, asset relocation, easement management/network access and excavation. Careful consideration of electrical assets in the Merrylands Centre is essential for viable development of the Centre in the future. Any matters relating to the removal of asbestos on any site (including those within the subject area) will be subject to the Holroyd Asbestos Policy 2014. The Policy will ensure all appropriate measures are taken to safely remove any asbestos from any site.

Conclusion:

An independent review of building heights pertaining to the B4 Mixed Use zone in the Merrylands Centre has identified the merit to increasing building heights to provide greater flexibility in delivering the current floor space potential and improved building design. Following pre-Gateway consultation of the Proposal, seven submissions were received and the following changes are recommended:

- 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)

A Planning Proposal is required to be prepared and referred to the NSW Department of Planning and Environment seeking a Gateway determination prior to commencing the community consultation process for the proposed LEP amendments.

Consultation:

Upon receipt of the Gateway determination, a Planning Proposal will be publicly exhibited for 28 days. The consultation will include notification in the Council Corporate Page in the Parramatta Advertiser and in the Council Announcements section in the Holroyd Sun. All consultation material will be available to view at the Council Administration Building and Merrylands Library and will be available to view on the Council website. Notification letters will be sent to subject and opposite property owners. Following completion of the community consultation period a report will be prepared for Council in response to any public submissions received.

Financial Implications:

Strategic Planning staff will be responsible for preparing any Planning Proposal relating to the subject area. The recommended changes to the LEP standards would likely result in a number of landowners being able to achieve their floor space potential through more flexible design parameters. It is understood this would have positive financial implications across the Centre. The costs associated with the Planning Proposal process will extend over the current and following financial year and can be accommodated.

Policy Implications:

Following adoption of a Planning Proposal, relevant amendments will be made to the Holroyd LEP 2013 and the Building Height maps and Holroyd DCP 2013.

Communication / Publications:

The planning proposal would be notified in the local newspapers and on Council's website.

Report Recommendation:

- i) That 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) That 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) That Council advise the Department of Planning & Environment that it wishes to exercise its plan making delegations for the Planning Proposal.

- iv) That a further report be provided to Council following the exhibition of the Planning Proposal.

That 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.

Council Resolution

Note: Standing Orders were suspended to permit the following speakers to address the meeting: Mr. Mark Pigram, Mr. Aaron Sutherland and Mr. Daniel McNamara.

On resumption, a motion was moved Clr. Zaiter, seconded Clr. Dr. Brodie that:

- 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 and FSR proposed for No. 244-252 Pitt Street be increased to
 - FSR: 9:1
 - HOB: 71m (22st)
77m (24st)
 - GFA: 20,490.6m².
 - Additional dwellings: 38
 - 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.

Clr. Dr. Brodie withdrew his second to the motion. Clr. Colman here seconded the motion.

An amendment was moved Clr. Lake, seconded Clr. Dr. Brodie that:

- 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.

Clr. Grove here foreshadowed an amendment.

The amendment moved Clr. Lake, seconded Clr. Dr. Brodie on being Put was declared CARRIED.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Ayes

Clr. Cummings (Mayor)
Clr. Dr. Brodie
Clr. Colman
Clr. Nadima Kafrouni
Clr. Nasr Kafrouni
Clr. Lake

Noes

Clr. Grove
Clr. Whitfield
Clr. Zaiter

The amendment moved Clr. Lake, seconded Clr. Dr. Brodie then became the motion.

An amendment was moved Clr. Grove, seconded Clr. Whitfield that:

- 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 transition area identified as 244-252 Pitt Street:
 - i) Increase the residential cap to 6.41:1.
 - ii) The above cap increase be subject to delivery of an expanded pedestrian corridor to 8m height and 18m width (minimum).
 - iii) That Millview / Northland be invited to submit their retail study in support of such a change.
- 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 amendment moved Clr. Grove, seconded Clr. Whitfield on being Put was declared LOST.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Ayes

Clr. Grove
Clr. Whitfield
Clr. Zaiter

Noes

Clr. Cummings (Mayor)
Clr. Dr. Brodie
Clr. Colman
Clr. Nadima Kafrouni
Clr. Nasr Kafrouni
Clr. Lake

The motion moved Clr. Lake, seconded Clr. Dr. Brodie on being Put was declared CARRIED.

A division was called, the result of the division required in accordance with Council's Code of Meeting Practice is as follows:

Ayes

Clr. Cummings (Mayor)
Clr. Dr. Brodie
Clr. Colman
Clr. Grove
Clr. Nadima Kafrouni
Clr. Nasr Kafrouni
Clr. Lake
Clr. Whitfield
Clr. Zaiter

Noes

Nil.

Attachments:

1. Merrylands Station and McFarlane Street Precinct Review - Pre-Gateway Draft Proposal