

the Southern elevation indicating planting capable of achieving a height of 1.5m.

The skylight shown in this location on the submitted plans is to remain.

**For:** The Hon. Paul Stein AM QC (Chairperson), Brian Kirk, John Brunton and Milorad Rosic.

**Against:** Nil.

**Reasons for Decision:**

The Panel generally agrees with the Planning Officer's report and added an additional landscaping condition.

ITEM LPP027/21 - PLANNING PROPOSAL FOR CORONATION SITE, 233-259 MERRYLANDS ROAD AND 54-59 MCFARLANE STREET, MERRYLANDS

**Panel Decision:**

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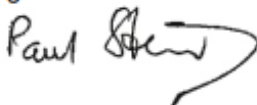
1. That the Cumberland Local Planning Panel (CLPP) are not convinced that the Planning Proposal has sufficient strategic merit to proceed.
2. The Cumberland Local Planning Panel (CLPP) is of the opinion that the removal of Clause 4.4(2B) should not be removed without detailed consideration of the implications of such a removal.
3. If the proponent desires to proceed with the Planning Proposal the issue of strategic merit needs to be clearly demonstrated.
4. The Panel notes that the proponent accepts the Council officer's proposal to modify the planning proposal to reduce the recommended height of the building controls by 10 percent from those sought by the proponent.

**For:** The Hon. Paul Stein AM QC (Chairperson), Brian Kirk, John Brunton and Milorad Rosic.

**Against:** Nil.

The closed session of the meeting here closed at 3:15pm

Signed:



The Hon. Paul Stein AM QC  
Chairperson

Item No: LPP027/21

**PLANNING PROPOSAL FOR CORONATION SITE, 233-259 MERRYLANDS ROAD  
AND 54-59 MCFARLANE STREET, MERRYLANDS**

Responsible Division: Environment & Planning  
Officer: Director Environment & Planning  
File Number: PP2021/0001

<b>Lodged</b>	15 April 2021	
<b>Proponent</b>	Merrylands Investment Co Pty Ltd (Landowner and Developer)	
<b>Description of Land</b>	233, 249-259 Merrylands Road and 52-54 McFarlane Street, Merrylands. The Planning Proposal Request primarily relates to Buildings D and E (Lot 5 DP 17401, Lot 10 DP 814298, and Lots 22, 25-27, DP 7916). It also seeks a minor housekeeping amendment for Building A.	
<b>Site Area</b>	The site comprises 15 lots with a total area of approximately 12,418m <sup>2</sup> (or 11,365m <sup>2</sup> after land dedication to facilitate future laneways).	
<b>Site Description and Existing Use</b>	The site is located in the Merrylands Town Centre, 350m west of Merrylands Train Station, opposite the Stocklands Shopping Centre. The site is a large L shaped corner land parcel that, once consolidated, will have frontages to Merrylands Road (to the south), Treves Street (to the west) and McFarlane Street (to the north). Demolition works are complete and the site is undergoing site remediation work and construction.	
<b>Existing Planning Controls</b>	Zoning	B4 Mixed Use SP2 Infrastructure (Local Road)
	Height of Buildings	55 metres (Building A & D) 77 metres (Building E)
	Floor Space Ratio	5.5:1 (Buildings D & E)
<b>Requested Planning Controls</b>	Zoning	No change
	Height of Buildings	71 metres (Building D) 93 metres (Building E) 77 metres (Building A)
	Floor Space Ratio	7.5:1 (Buildings D & E)
<b>Recommended Planning Controls</b>	Zoning	No change
	Height of Buildings	64 metres (Building D) 84 metres (Building E) 77 metres (Building A)
	Floor Space Ratio	7.5:1 (Buildings D and E)

It is noted that the recommended Height of Buildings controls are 10 per cent lower than those requested by the Proponent. This is to account for the additional heights achievable under design excellence provisions.

<b>Residential/ commercial FSR split</b>	The Planning Proposal Request seeks to remove the application of clause 4.4(2B) of Holroyd LEP 2013 from the site. The building is shown on FSR mapping as being part of 'Area B' which means that the maximum FSR for residential accommodation or tourist and visitor accommodation, or a combination of such uses, is to be reduced by 1.7:1. It is recommended that this be supported.
<b>Heritage</b>	The site is not a heritage item and is not located within a heritage conservation area. Nearby local heritage items listed in Schedule 5 of Holroyd LEP 2013 include: Electrical Substation, 285 Merrylands Road, Merrylands (I68); Merrylands School of Arts Building, 2989 Merrylands Road, Merrylands (I69). The above heritage listed items located in the area are visually and physically separated from the site by intervening development and roadways.
<b>Design excellence provisions</b>	Yes, the site is subject to design excellence provisions contained in clause 6.11 of Holroyd LEP 2013.
<b>Disclosure of political donations and gifts</b>	Nil.
<b>Previous Considerations</b>	Nil.

#### REPORT:

##### **Background**

This report provides an overview of a Planning Proposal Request submitted to Council on 15 April 2021 for the Coronation site at 233, 249-259 Merrylands Road and 52-54 McFarlane Street, Merrylands.

In September 2020, the Sydney Central Planning Panel granted development consent for the construction of five mixed-use buildings on the site. The Planning Proposal Request seeks to allow an additional five storeys on approved Buildings D and E; to remove current restrictions on residential FSRs for Buildings D and E; and to regularise building height controls for Building A.

To achieve the intended outcome, the Planning Proposal Request seeks to amend the *Holroyd Local Environmental Plan (LEP) 2013* as follows:

- Increase the Height of Buildings control for Building D from 55m (16 storeys) to 71m (21 storeys)
- Increase the Height of Buildings control for Building E from 77m (23 storeys) to 93m (28 storeys)
- Increase the Height of Buildings control for Building A from 55m (16 storeys) to 77m (23 storeys) to regularise the height approved under DA2020/0220
- Increase the Floor Space Ratio control for Buildings D and E from 5.5:1 to 7.5:1 noting that this does not include potential FSR bonus for design excellence

- Remove the provision and application of Clause 4.4(2B) from Building D and E which reduces the maximum FSR for residential accommodation or tourist and visitor accommodation, or a combination of such uses, by 1.7:1.

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

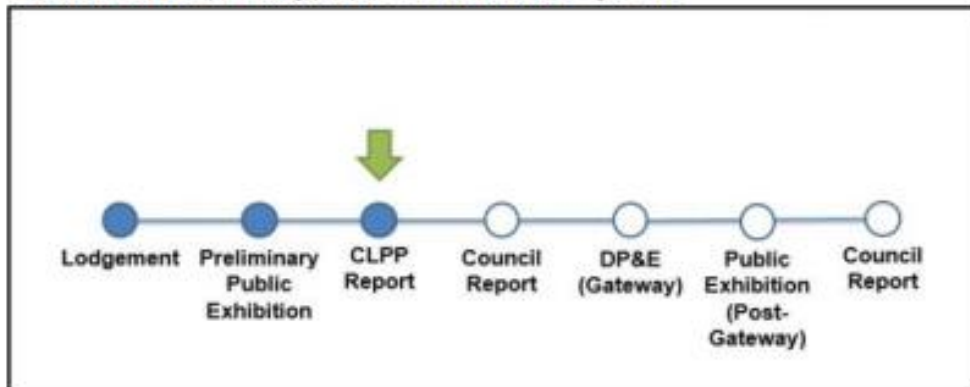


Figure 1: Status of the Planning Proposal Request

### The site and its context

The broader development site, shown in Figure 2, is a large (12,418m<sup>2</sup>) L shaped site comprising 15 lots, including:

- 233 Merrylands Road, Merrylands (Lots 22, 25 and 26 Section A of DP 7916 and Lot 10 DP 814298, Lot 5 DP 17401)
- 249-259 Merrylands Road, Merrylands (Lot 27, 28 and 29 Section A DP 7916, Lots 5, 6, 7, 8, 9 and 10 DP 244047)
- 52-54 McFarlane Street, Merrylands (Lot 1 DP 1178575).





Figure 2: The broader development site (outlined in red)

The Planning Proposal Request relates primarily to Buildings D and E. It also seeks a minor housekeeping amendment to Building A. Figure 3 shows the location of these buildings within the broader development site.



Figure 3: Location of Buildings A, D and E (shown in pink)

### Regional context

The site is located in the Merrylands Town Centre, approximately 3.5 kilometres south of Parramatta CBD and 25 kilometres west of the Sydney CBD.

Merrylands Town Centre is Cumberland City's proposed strategic centre, with good access to a diverse range of higher order services and facilities, retail/commercial and residential opportunities.

The site is also well-served by transportation and infrastructure, with Merrylands Train Station within 400 metres of the site (to the east) and public bus services along both Merrylands Road and McFarlane Street. Major arterial roads servicing the region include Woodville Road, M4 Motorway, and the Cumberland Highway.

### Local context

The site is located in the Merrylands Station and McFarlane Precinct. Council introduced new planning controls for the Precinct in 2019 and has planned for the delivery of 4,200 additional dwellings in the McFarlane and Neil Street Precincts combined.

Currently the Precinct is characterised by a mix of retail uses, including Stocklands Shopping Centre (to the north), a small-scale strip retail (along Pitt Street, Merrylands Road, Treves Street and McFarlane Street), near new mixed-use high-density residential developments, coupled with older style (circa 1970s to 1990s), three level walk-up apartment complexes. The site itself has undergone demolition works and is undergoing site remediation work and construction.

The local area is well-served by a range of active and passive recreational facilities of various scales, including Central Gardens, Memorial and King Parks, Ted Burge Reserve, Merrylands Park, Merrylands Swimming Centre, and Granville Park. Figure 3 shows the location of a proposed new Town Square to the east of the site.

### **Approved Development Scheme**

In September 2020, the Central Sydney Planning Panel issued development consent for construction of five mixed-use buildings to be constructed on the site, including approximately 790 residential apartments, retail and commercial tenancies, childcare facility, basement parking, and associated stormwater, public domain and landscaping works (DA 2020/0220).

As part of the DA approval, the Proponent must also construct and dedicate to Council an access road linking Main Lane, McFarlane Street and Merrylands Road, and extend Main Lane to provide access to the site.

In March 2021, following a review of the approved scheme by Project Architect, Woods Bagot, the Proponent lodged a modification to alter the proposed apartment mix, the retail /commercial mix and configuration, associated pedestrian access and communal area, and overall design changes (MOD2021/0123).

In August 2020, Cumberland's Design Excellence Panel issued a conditional Design Excellence Certificate for the development with further changes required prior to the issue of a construction certificate.

Table 1 provides a summary of the approved scheme.

Building	No of storeys	Description
A	25	229 residential apartments with six ground floor and six first floor commercial tenancies.
B	17	120 residential apartments with four ground floor retail tenancies, one ground floor co-share commercial tenancy and first floor childcare centre with outdoor play area.
C	13	80 residential apartments with four ground floor retail premises, one ground floor and four first floor commercial tenancies.
D	17	140 residential apartments with eight ground floor retail tenancies including a supermarket.
E	25	221 residential units with single ground floor retail tenancy.

Table 1: Approved development scheme



### Current Planning Controls

The site is subject to planning controls contained in *Holroyd LEP 2013*. The following key controls apply to the site:

- Land Zone: B4 Mixed Use and SP2 Local Road
- Height of Buildings: 55m (Z), 77m (AA3)
- Floor Space Ratio: 5.5:1 (Z2).

The site is also identified on Land Reservation Acquisition and Design Excellence mapping. Figure 4 to Figure 8 contain LEP mapping extracts for the above controls.



Figure 4: Land Zoning

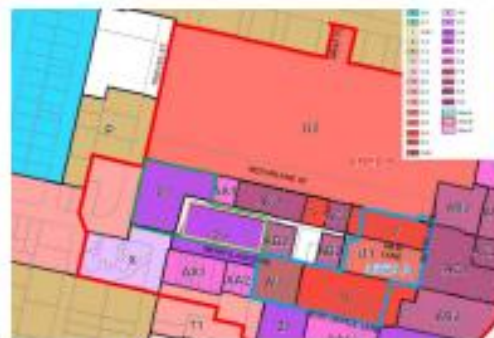


Figure 5: Floor Space Ratio



Figure 6: Height of Buildings



Figure 7: Land Reservation Acquisition



Figure 8: Design Excellence



### ***Planning Proposal Request***

The Planning Proposal Request seeks to allow an additional five storeys on approved Buildings D and E; remove current restrictions on residential FSRs for Buildings D and E; and regularise building height controls for Building A.

To achieve the intended outcome, the Planning Proposal Request seeks to amend the *Holroyd Local Environmental Plan (LEP) 2013* as follows:

- Increase the Height of Buildings control for Building D from 55m (16 storeys) to 71m (21 storeys)
- Increase the Height of Buildings control for Building E from 77m (23 storeys) to 93m (28 storeys)
- Increase the Height of Buildings control for Building A from 55m (16 storeys) to 77m (23 storeys) to regularise the height already approved as part of the DA consent for the broader development
- Increase the Floor Space Ratio control for Buildings D and E from 5.5:1 to 7.5:1 noting that this does not include potential FSR bonus for design excellence
- Remove the provision and application of Clause 4.4(2B) from Building D and E which reduces the maximum Floor Space Ratio for residential accommodation or tourist and visitor accommodation, or a combination of such uses, by 1.7:1.

Figures 9 and 10 below contain extracts from the Woods Bagot Urban Design Report, showing the proposed Height of Buildings and Floor Space Ratio controls.



Figure 9: Proposed Height of Building controls

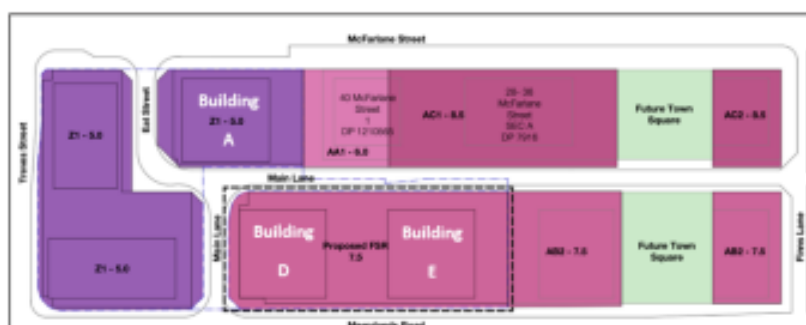


Figure 10: Proposed Floor Space Ratio control

### **Justification**

The Planning Proposal Request states that the proposal is likely to:

- Result in an improved urban design outcome, consistent with surrounding built form and density, the McFarlane Precinct Masterplan, and the approved DA for the site
- Create a suitable 'step down' in building height relative to the landmark building approved to the north east of the subject site and responding to the surrounds
- Provide a gradual transition in building heights within the town centre (from the higher scale mixed use development in the core of the Centre to the lower-medium scale residential development to the west of Treves Street and south of Merrylands Road) and within the development site itself
- Create a strong urban edge to Treves Street (east), identifying and reinforcing the gateway to the Merrylands Town Centre when approaching from Merrylands West
- Contribute to local economic growth without threatening the commercial viability of the existing Merrylands Town Centre
- Deliver increased housing within proximity to public transport, contributing to the NSW Government's 30-minute city policy objective.

### **Public Benefit Offer**

As part of their Planning Proposal Request, the Proponent submitted a Public Benefit Offer indicating that they may enter into a Voluntary Planning Agreement with Council to deliver the following public benefits:

- Construction of the east/west Main Lane, including both physical works and embellishments (Note: Council considers this as a service lane and the scope of works and embellishments needs to be confirmed between the parties).
- Provision of storage space and/or community facilities within the development site, to be leased to Council at a nominal rate.

It is noted that a condition of DA consent is for the Proponent to dedicate land to Council free of charge for the purpose of a laneway and the SP2 portion of the site is identified on the Holroyd LEP 2013 Land Reservation Acquisition map

Following the Panel's consideration, should Council endorse that the proposal proceed to a Gateway Determination, Council officers will negotiate a Voluntary Planning Agreement with the proponent to ensure that any public offer for the site maximises outcomes for the wider community and is consistent with the Cumberland Planning Agreements Policy.

### ***Strategic Merit Assessment***

There is merit in progressing the proposal to the next phase of assessment, subject to the proposed Height of Buildings controls being reduced by 10 per cent. This is to account for the additional heights achievable under design excellence provisions and to reduce the impact of the development on surrounding sites. This impact is based on maximum heights that could occur should the design excellence bonus also be applied on the proposed controls under the Planning Proposal Request. Further information is outlined below.

#### **Built form**

The Planning Proposal Request is supported by an Urban Design Analysis by Woods Bagot Architects which, through the analysis of street block modelling, indicates that the requested increases in height and FSR limits for Buildings D and E would result in a more desirable urban design outcome and would not result in an unacceptable level of overshadowing or other impacts on surrounding sites.

It is noted that the Woods Bagot analysis did not take into consideration the additional height and FSR increases achievable by the Proponent as part of a future DA for the uplift. The site is affected by clause 6.11 'Area 2' design excellence provisions of the *Holroyd LEP 2013*. This enables the Proponent to apply for design excellence provisions to seek an additional 0.5:1 Floor Space Ratio and 10 per cent maximum building height bonus on top of the proposed principal development controls.

To better determine the potential impacts of the proposal, including the potential additional FSR and height limits achievable under design excellence provisions, Council officers undertook further analysis of the requested built form controls (see attachments 5 to 7). Based on this analysis, it is recommended that the height controls for Buildings D and E are reduced by at least 10 per cent. The approved buildings are likely to cast significant shadows, particularly for properties to the south along Merrylands Road during mid-winter, and the uplift will further reduce solar access to these properties to the extent that they may not receive the minimum of 2 hours of sunlight. In terms of urban design outcomes, a better height transition is likely to be achieved with the recommended decrease in heights, particularly when viewed from the east (see Building Height Transition Diagrams contained in attachment 5, page 3).

The requested height control for Building A is supported as it will regularise the height limit that is already approved, with no further impacts on surrounding properties.



### Traffic and parking

The Planning Proposal Request is supported by a traffic analysis (GTA, March 2021) which concludes that traffic and parking impacts associated with the additional 90 dwellings are likely to be only minor in nature.

It is noted that the broader traffic and transport impacts and mitigation measures were addressed as part of Council's Planning Proposal for the McFarlane Street, and Council further considered these issues as part of its assessment of the approved DA for the subject site. If Council prepares a Planning Proposal for the site, the matter will be referred to relevant public agencies for their consideration and comments. The matter will also be considered as part of any future DA for the proposal. The proposal also acknowledges that no additional basement parking is required for the proposed increase in dwellings but does not indicate how that additional parking would be provided.

### Flooding and stormwater

Flooding and stormwater issues were identified and addressed as part of Council's McFarlane Street Planning Proposal and are being implemented through approved DAs for the site.

### Economic and social benefits

The proposal involves increases to Height of Buildings and Floor Space Ratio controls and the removal of clause 4.4(2B) of Holroyd LEP 2013 (residential/commercial FSR split) from Building D and E site.

The proposal will deliver additional residential apartments in Merrylands Station and McFarlane Precinct, which is identified in Council's strategic plans as a key area for future growth and renewal. The site is already approved for a mix of retail/commercial and residential uses and it is considered economically and socially beneficial to deliver additional housing in this location as it is well served by a wide range of existing a wide range of higher order services and facilities, including public transport, recreational areas, employment and educational opportunities. Increased residential densities on the site will also help to ensure the ongoing viability of local businesses and the additional uplift will provide a temporary increase in construction jobs.

In relation to the proposed removal of clause 4.4(2B), the Planning Proposal Request notes that Building D and E contains the supermarket and associated speciality retail at the ground floor and a non-residential FSR of 0.5:1. It is also noted that the site is situated adjacent to the Stocklands shopping centre at Merrylands. It is considered that making clause 4.4(2B) not applicable to the site and allowing the site to provide additional residential accommodation would result in a better outcome for this site and this location. The proposed amendments will also bring the LEP controls closer in terms of consistency to the approved DA2020/0220.

### Heritage

Based on the Heritage Impact Assessment submitted by the Proponent in support of



their DA for the broader development and the built form analysis discussed in previous sections of this report, the Proposal is unlikely to impact on nearby heritage items.

#### ***Consistency with A Metropolis of Three Cities - Greater Sydney Region Plan***

The proposal is broadly consistent with Greater Sydney Region Plan, particularly the following Planning Directions:

- *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 Merrylands Station and McFarlane Street Precinct Planning Proposal which is notified.
- *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 and proposed strategic 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 and proposed strategic centre.

#### ***Consistency with the Central City District Plan***

The proposal is broadly consistent with Central City District Plan, particularly the following Planning Priorities:

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

#### ***Consistency with Cumberland 2030: Our Local Strategic Planning Statement***

The proposal is broadly consistent with the Cumberland 2030: Our Local Strategic Planning Statement, particularly the following Local Planning Priorities:

- Local Planning Priority 5 – Delivering housing diversity to suit changing needs, as the proposal will supply increase housing options for an ageing population.
- Local Planning Priority 6 – Deliver affordable housing suitable for the needs of all people at various stages of their lives, as the future redevelopment will

incorporate a number of accommodation options to enable people form a variety of backgrounds and socio-economic status to age in place.

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**CONCLUSION:**

The Planning Proposal Request for the Coronation site in Merrylands is reported to the Panel for advice prior to Council's consideration. Based on a preliminary review of the proposal and consideration of preliminary feedback received from the community, this report recommends that the proposal be reported to Council with a recommendation to proceed with the proposal, subject to a reduction in proposed building heights for Buildings D and E to mitigate potential amenity impacts and improve urban design outcomes.

Should the proposal proceed to a Gateway Determination, negotiations regarding the public benefit offer will be progressed and captured through a Voluntary Planning Agreement in accordance with Council's Planning Agreements Policy.

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**CONSULTATION:**

The Planning Proposal Request placed on preliminary exhibition for a period of 29 days from 21 April 2021 to 20 May 2021 as required by Cumberland Council's Planning Proposal Notification Policy. All owners and occupiers were also notified within 200 metre distance of the site. The exhibition material was made available online on Council's website and in hardcopy form in Council's administration buildings and selected libraries.

Council received five community submissions, including one submission in support and four objections. Key concerns raised in submissions are summarised below and tabled in Attachment 8.

- Objections to proposed building height and FSR for Buildings D and E
- Lack of strategic merit for the proposal where there appears to be an oversupply of units in the local area, demonstrated by high vacancy rates and not including additional retail and commercial uses
- No acknowledgment in planning proposal request to overshadowing impacts anticipated south of Merrylands Road and the analysis does not show the building heights proposed along the south of Merrylands Road
- Traffic and overflow car parking effects to the surrounds
- Objections to the proposed apartment mix
- Objections to deletion of clause 4.4(2B) from proposed Buildings D and E
- Amenity impacts such as increased traffic and parking, and overshadowing on nearby residential properties to the south of Merrylands Road
- Concerns about the draft Voluntary Planning Agreement, how the money would be used for public benefit.

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**FINANCIAL IMPLICATIONS:**

The Proponent made a Public Benefit Offer as part of their Planning Proposal Request which will be further negotiated and progressed if the proposal progresses beyond the Gateway Determination stage.

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**POLICY IMPLICATIONS:**

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

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**COMMUNICATION / PUBLICATIONS:**

There are no communication/publication implications for Council associated with this report.

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**REPORT RECOMMENDATION:**

1. That the Cumberland Local Planning Panel (CLPP) consider the recommended controls for the site, being:
  - A. Increase the Floor Space Ratio control for Buildings D and E from 5.5:1 to 7.5:1, as requested by the Proponent
  - B. For Building D, increase the Height of Buildings control from 55m to 64m (instead of the requested 71m), noting that the maximum height control does not include the design excellence bonus
  - C. For Building E, increase the Height of Buildings control from 77m to 84m building height (instead of the requested 93m), noting that the maximum height control does not include the design excellence bonus
  - D. For Building A, increase the Height of Buildings control from 55m to 77m, as already approved under DA2020/0220
  - E. Remove the application of clause 4.4(2B) of the Holroyd LEP 2013 from the site
2. That Cumberland Local Planning Panel (CLPP) recommend that the Planning Proposal Request with the above recommended changes be reported to Council, seeking a resolution to forward a Planning Proposal to the Department of Planning and Industry for a Gateway Determination.

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**ATTACHMENTS**

1. Planning Proposal Request [1](#)