



# PLANNING PROPOSAL



The Mills, Building 3  
1-11 Neil Street, Merrylands

SC563

July 2019

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## Introduction

Cumberland Council (Council) prepared this Planning Proposal in response to a Planning Proposal Request lodged by Chapman Planning on behalf of Landmark Group Australia Pty Ltd (the Proponent) in October 2017.

The Planning Proposal applies to Building 3, 'The Mills' development, 1-11 Neil Street, Merrylands. In 2017, Council issued an approval for Building 3. The original approval was for a 12 storey apartment building with 178 dwellings. More recently, the Proponent lodged an application to modify the original concept plans to provide an additional four storeys. The revised concept plans indicate that Building 3 could accommodate an additional 24 units within the additional storeys.

The proposed alterations and additions to Building 3 are not permitted under the local planning controls that currently apply to site and cannot be considered as an exception to development standards under Clause 4.6 of *Holroyd Local Environmental Plan (LEP) 2013*. The Planning Proposal therefore seeks to amend Holroyd LEP 2013 as follows:

- Increase the maximum Height of Building control from 39m (12 storeys) to 50m (16 storeys) on the south-eastern portion of the site
- Increase the Floor Space Ratio control from 3.5:1 to 3.66:1 on the eastern portion of the site.

The Planning Proposal was prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the NSW Department of Planning, Industry and Environment's *A Guide to Preparing Planning Proposals 2016*.

## Site location and context

The Planning proposal applies to Building 3 of 'The Mills' development at 1-11 Neil Street, Merrylands. The development comprises two lots (Lot 1 DP 203553 and Lot 11 DP 228782) with a total area of approximately 15,765m<sup>2</sup>. Building 3 is located on the south-eastern portion of the site and has a total area of 8,625m<sup>2</sup>.

The Mills is a masterplanned residential development on a former historic flour milling site. It is located approximately 300m north-east of the Merrylands Town centre within Cumberland's Neil Street Precinct, approximately 3.5km south-west of Parramatta CBD and 25km north-west of Sydney CBD.

Surrounding land uses include an eight hectare regional reserve (Holroyd Gardens) to the north, established low density residential neighbourhoods to the east, Merrylands Bus and Rail Terminus to the south, and Stockland Shopping Centre to the west.

The location and surrounding context are shown in Figures 1 to 2 below.

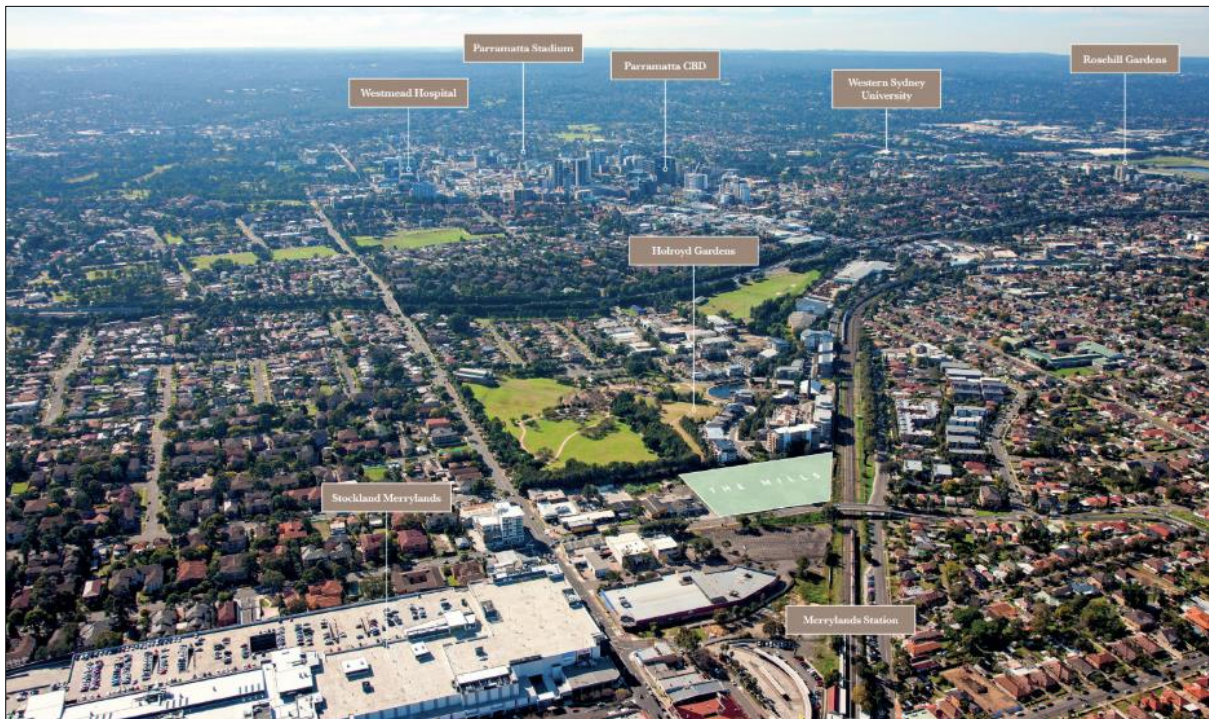


Figure 1: Aerial photo showing location of The Mills and surrounding context

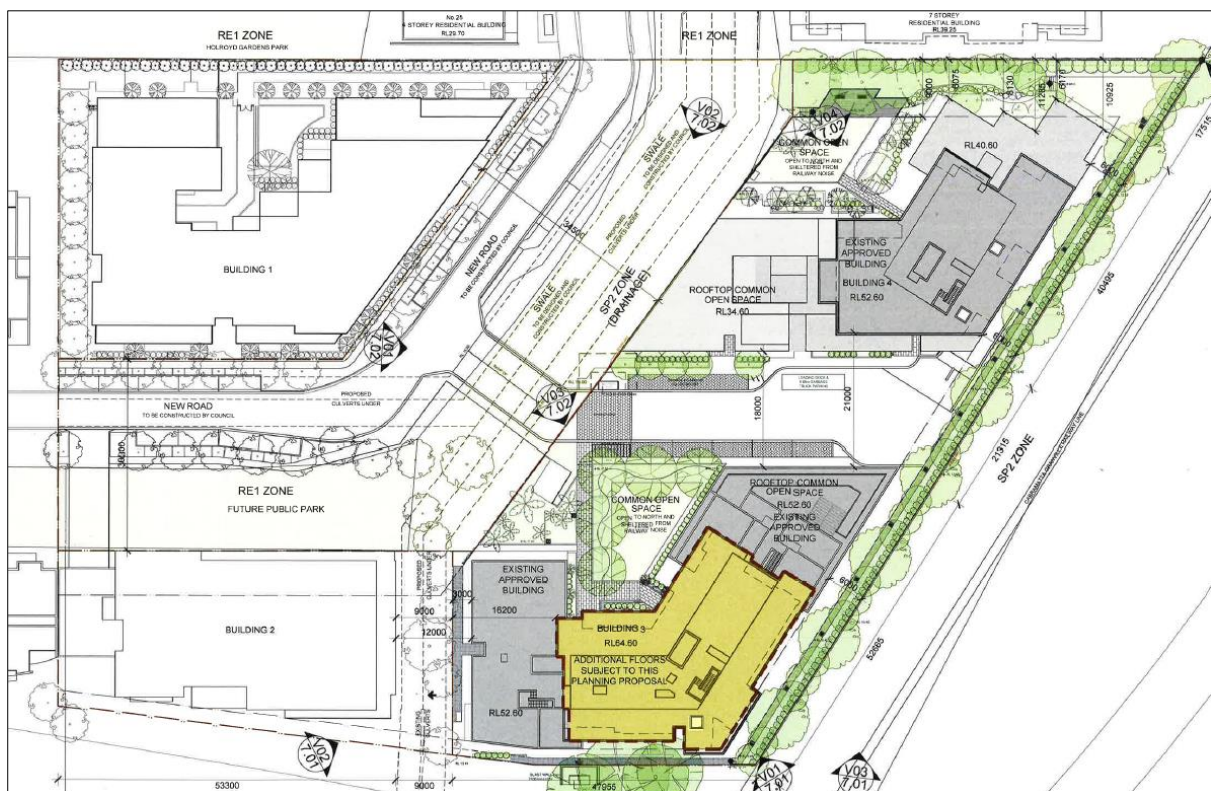


Figure 2 – Site plan showing location of Building 3 within The Mills development

## Existing planning controls

The site is subject to the following key planning controls under Holroyd LEP 2013. See also Figures 3 to 9, which contain extracts from existing LEP mapping.

Planning control	Details
Land Zone	R4 High Density Residential SP2 Drainage RE1 Public Recreation
Minimum Lot Size	900m <sup>2</sup>
Height of Building	27m, 30m to 39m maximum
Floor Space Ratio	3.5:1 maximum
Heritage	The site contains a locally-significant archaeological site (Millmaster Feeds site) and adjoins a local heritage item (Goodlet and Smith Brickmaking Plant and Chimney, and Hoffman Kiln and Chimney)
Land Reservation Acquisition	Part of the site to be acquired by Council for various public uses (local roads, drainage and open space)
Riparian Lands and Watercourse	Partially affected



Figure 3: Existing land zone (LZN-009)

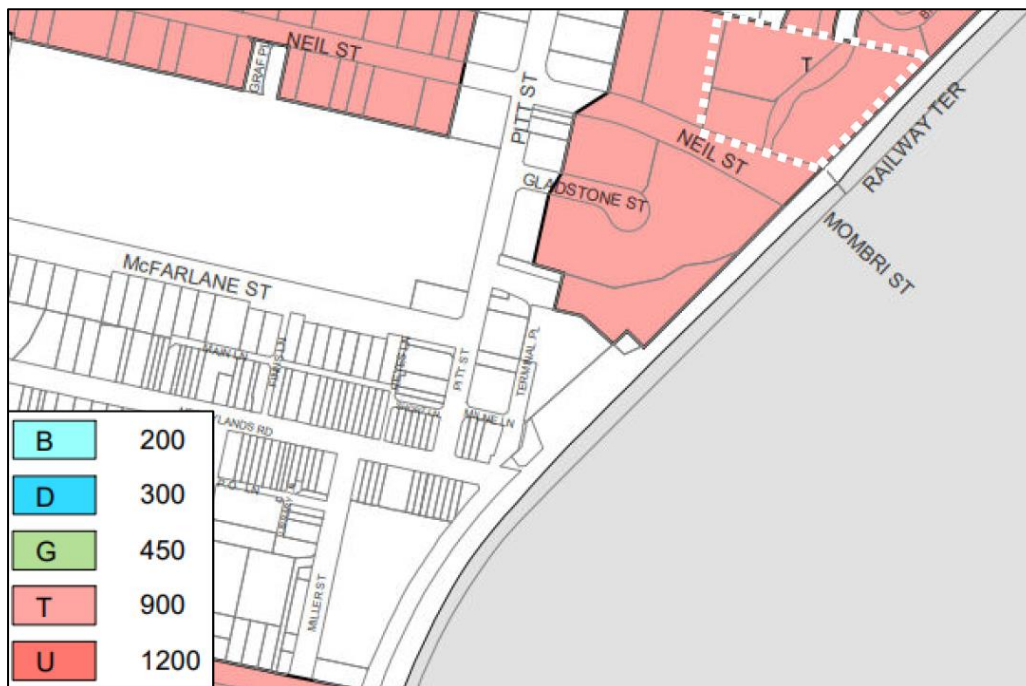


Figure 4: Existing minimum lot size (LSZ-009)

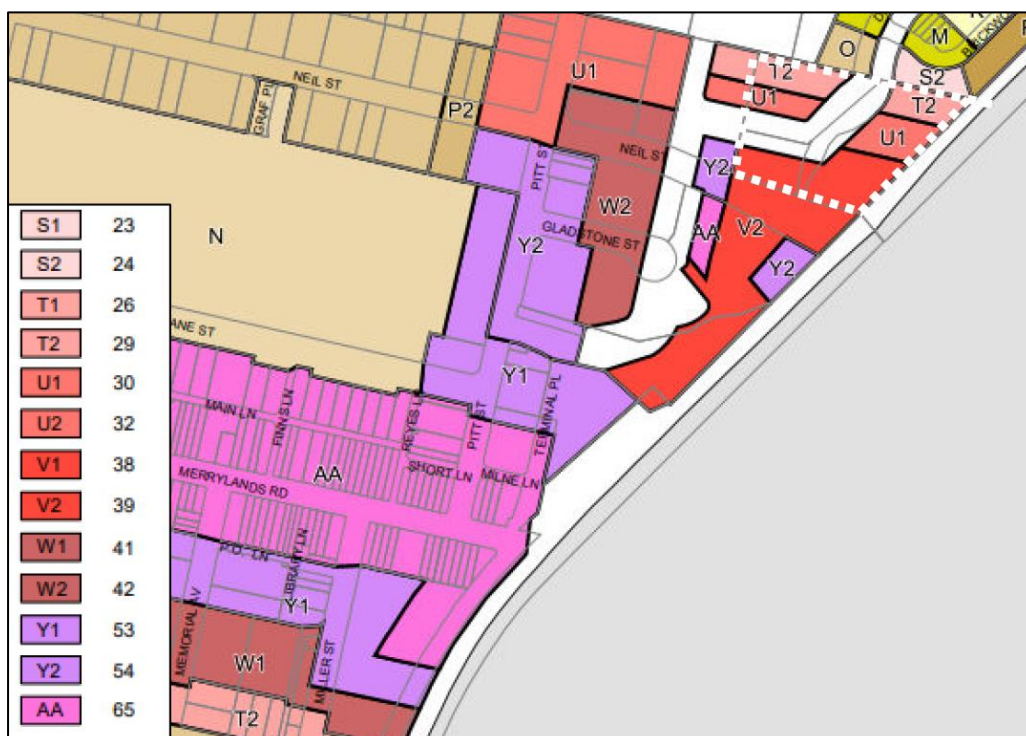


Figure 5: Existing height of building (HOB-009)

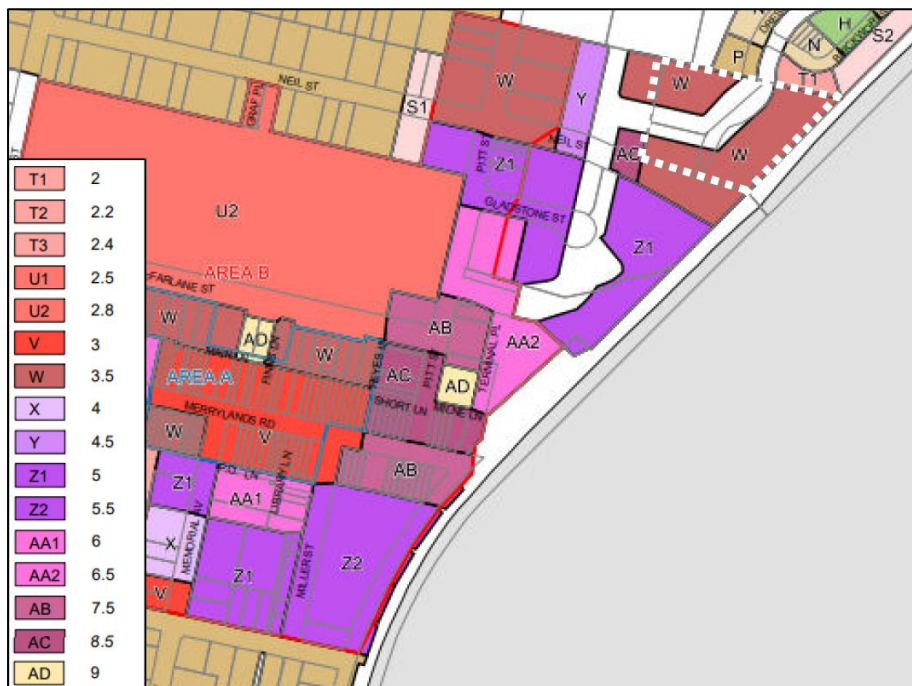


Figure 6: Existing floor space ratio (FSR-009)



Figure 7: Existing heritage (HER-009)

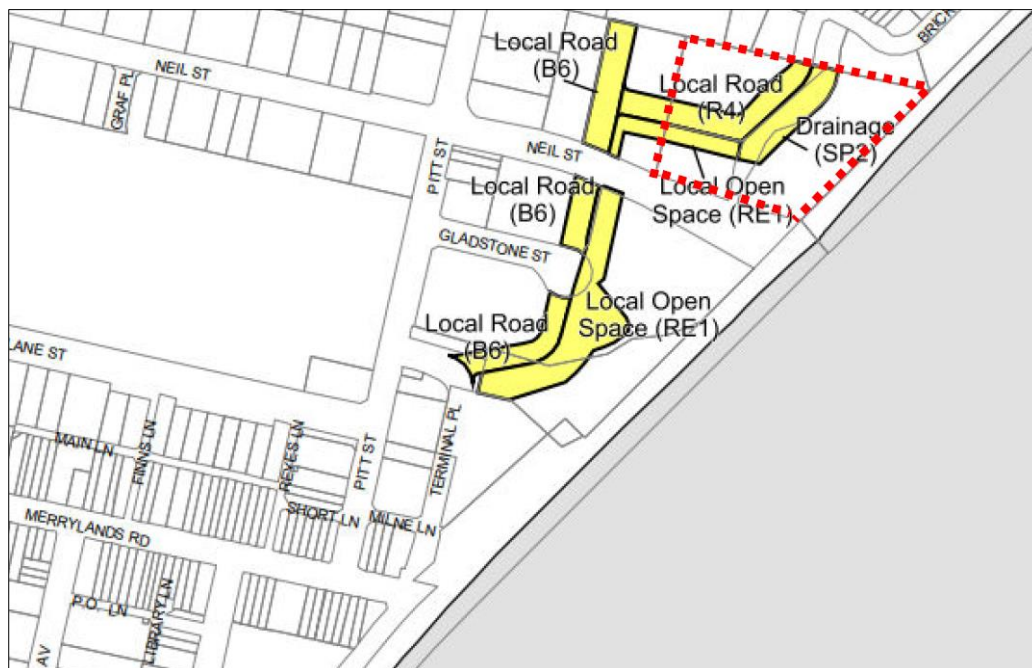


Figure 8: Existing land reservation acquisition (LRA-009)



Figure 9: Existing Riparian lands and watercourse (WCL-009)

## Background

### Cumberland Local Planning Panel and Council endorsed the Planning Proposal

The Proponent's Planning Proposal Request was reported to the Cumberland Local Planning Panel on 1 May 2019. The Panel recommended that the matter be reported to Council, seeking a resolution to forward the planning proposal to the Department of Planning, Industry and Environment for a Gateway Determination. A copy of the Panel report and advice is contained in attachment 1.

Council considered the matter at its Ordinary Meeting of 19 June 2019. At this meeting Council resolved to prepare a Planning Proposal for the site and proceed to Gateway as recommended by the Panel. A copy of the Council report and resolution is contained in attachment 2.

### Development approvals for The Mills development

There are a number of approved developments that are at various stages of construction within The Mills development, as shown in Table 1 below.

Building	Approved development	Reference
1	9 storey apartment building with 120 units	DA-80/2016
2	12 storey apartment building with 115 units	DA-203/2015 & DA-343/2016
3	12 storey apartment building with 178 units	DA-496/2016
4	6, 9 & 12 storey apartment building with 133 units	DA-496/2016

Table 1: Development approvals - The Mills

### Application to modify the approved development scheme for Building 3

This Planning Proposal supports a recent application lodged by the Proponent to modify the original development scheme for Building 3 to include an additional four storeys, increasing the gross floor area by 2,468m<sup>2</sup> (DA 201/497). The concept plans associated with that DA show that the proposed alterations and additions to Building 3 could potentially accommodate an additional 24 apartments with a rooftop communal open space area, a variety of apartment layouts. It is noted that these plans are still under assessment and are, therefore, subject to change.

If approved, the Planning Proposal and associated DA would, in part, compensate for a loss of development yield that resulted from the Neil Street Precinct Planning Proposal, initiated by Holroyd Council in 2016 and made law in December 2017. As part of the Council-initiated proposal, a large portion of the site was rezoned to allow for the provision of a range of public uses on the site (recreation, drainage and local road) and identified as being required for acquisition by Council. This reduced the planned development yield of the site from 45,177m<sup>2</sup> to 39,413m<sup>2</sup>, being a total reduction of 5,736.5m<sup>2</sup>.

## Part 1: Objectives or intended outcomes

The Planning Proposal supports the proposed changes to the approved development scheme for Building 3 (DA 201/497) as shown in Table 2 below.

	Approved development scheme	Additional proposed under the revised development scheme	Total increase
<i>Building height (storeys)</i>	12	4	16
<i>Total number of units</i>	178	24	202
<i>Dwelling mix</i>	59 x 1 BR units 107 x 2 BR units 12 x 3 BR units	- 12 x 2 BR units 12 x 3 BR units	59 x 1 BR units 119 x 2 BR units 24 x 3 BR units
<i>Adaptable units</i>	36	4	40

Table 2: Proposed changes to the approved development scheme for Building 3

If approved, the Planning Proposal and associated development application will:

- Create a strong urban corner to Neil Street, identifying and reinforcing this gateway to the Merrylands Town centre from Neil Street to the east
- Establish a building height which is generally consistent with the surrounding built form
- Present a more suitable transition in building height from the higher scale mixed use development in the core of the Merrylands town centre to the lower-scale residential development and the Holroyd Gardens to the north
- Create variation in the height plane that currently sees a plateau of 12 storeys on the site



Figure 10: Concept drawings showing proposed increase to height of Building 3

## Part 2: Explanation of provisions

To achieve the objectives or intended outcomes, the Planning Proposal seeks to amend Holroyd LEP 2013 as follows.

- Increase the height of building control from 39m (12 storeys) to 50m (16 storeys) for the south-eastern portion of the site
- Increase the floor space ratio from 3.5:1 to 3.66:1 on the eastern portion of the site.

Existing and proposed mapping is show in Part 4.

## Part 3: Justification

### Section A — Need for the proposal

#### **Q1. Is the Planning Proposal a result of any strategic study or report?**

The Planning Proposal was prepared by Cumberland Council in response to a Planning Proposal Request (PPR) lodged by Proponent in 2018.

#### **Q2. Is the Planning Proposal the best means of achieving the objectives and outcomes, or is there a better way?**

Yes. The proposed modifications to the approved development scheme (DA 201/497) are not permitted under the local planning controls that currently apply to site and cannot be considered as an exception to development standards under Clause 4.6 of *Holroyd Local Environmental Plan (LEP) 2013*. .

### Section B — Relationship to strategic planning framework

#### **Q3. Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?**

Yes. The Planning Proposal is consistent with the objectives and actions contained within the relevant metropolitan and district plans, as discussed below.

#### Greater Sydney Region Plan: A Metropolis of Three Cities

This Plan sets a 40 year vision and establishes a 20 year plan to manage growth and change for Greater Sydney. It is structured around four key themes — infrastructure and collaboration, liveability, productivity and sustainability — and sets out a number of directions and objectives to guide delivery of these themes.

The proposal is consistent with Region Plan, particularly the following

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

Amendments and Merrylands Station and McFarlane Street Precinct Planning Proposal.

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

#### The Central City District Plan 2018

This Plan sets out a 20 year vision to guide the growth of the Central City District within the context of Greater Sydney's three cities. It sets out a number of planning priorities structured around the Region Plan's four key themes.

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

- *Planning for a city supported by infrastructure* – the proposal seeks to rezone land close to key existing infrastructure such as the Merrylands Bus and Rail Interchange.
- *Providing housing supply, choice and affordability with access to jobs, services and public transport* – the proposal will increase the number and variety of new units on a site that is within easy walking distance to Merrylands Town centre, which is Cumberland's largest strategic centre that offers a range of existing jobs, service and public transport options.

#### **Q4. Is the Planning Proposal consistent with a council's local strategy or other local strategic plan?**

Yes. The proposal is consistent with, and does not exceed, the development yield that was planned for the site under the Merrylands Town centre Urban Design Review 2015 and the Council-initiated Neil Street Planning Proposal.

The planning proposal increases the floor area by 4,292m<sup>2</sup> resulting in a Gross Floor Area across the site of 44,437m<sup>2</sup>. This original Neil Street Masterplan and Neil Street Planning Proposal provide for 45,177m<sup>2</sup> of Gross Floor Area across the site.

The proposal is also consistent with the following local plans and strategies.

#### Cumberland Council Community Strategic Plan 2017-2027

This Plan sets out the community's vision for the future, the strategies in place to achieve it, and how progress towards or away from the vision will be measured.

The proposal is consistent with the following Strategic goals.

1. *A great place to live & a safe accessible community* – The site is located within easy walking distance to Merrylands Town centre and train station, with direct access to Parramatta and Sydney CBDs.
2. *A clean and green community* – The site is located in close proximity to Holroyd Gardens; a high-quality regional park of approximately eight hectares, featuring a variety of playgrounds, bicycle and walking tracks, and picnic areas.

3. *A strong local community* – The proposal help to provide a critical mass of people living close to the Merrylands Town centre which will, in turn, help to create a sense of vibrancy and create opportunities for people to connect socially.
4. *A resilient built environment* – Increasing the number of people living close to the Merrylands Town centre will increase the viability of local business, services and facilities.

#### Draft Cumberland Local Strategic Planning Statement 2030

The Draft Cumberland LSPS is on exhibition from 1 July 2019 to 30 August 2013. The purpose of the LSPS is to set clear planning priorities and actions for land use within the Cumberland local government area over the next 10 years. The proposal is consistent with the LSPS, particularly the following aspects.

- *Getting around – access and movement* – The proposal is aligned with the type of transport-oriented development promoted by the LSPS. The proposal will result in an increase in residential density on the northern fringe of the Merrylands Town centre, with good access to a range of public transport options, including Merrylands train station, that connect Cumberland's town centres and employment hubs, both locally and to Greater Sydney.
- *Places and spaces for everyone* – The proposal will increase the number and variety of housing types available in Merrylands, to meet the needs of Cumberland's growing and changing population. The Mills is a modern development that is expected to provide a high level of amenity for people living in and around the development, providing many opportunities for recreation and social connection, and celebrating the site's history by incorporating key features of the former mill into the new design.
- *Local jobs and businesses* – The proposal will help to sustain a strong and diverse local economy by making it possible for more people to live close to Merrylands Town centre. It will promote access to local jobs, education opportunities and care facilities.

#### **Cumberland Planning Agreement Policy and Interim Affordable Housing Policy**

Council adopted its *Interim Affordable Housing Policy* on 5 July 2017. The Policy applies to all future development in Cumberland local government area (LGA), to support the provision of affordable housing in the LGA. Under the policy a target of 15% of any additional residential floor space resulting from a Planning Proposal is to be provided as affordable housing.

Council adopted the Planning Agreements Policy on 6 September 2017. This policy applies to Planning Proposals for land within the LGA lodged after this policy was adopted. This policy is to capture benefits for the community as a result of value uplift of land that would be achieved.

As the PPR was lodged with Council in 20 September 2017, and so after the Planning Agreement Policy and the interim Affordable Housing Policy came into effect, these policies are applicable to this Planning Proposal. The application of these policies will be undertaken as part of the negotiations for the voluntary planning agreement separate to this Planning Proposal.

It is noted that the Central City District Plan, which covers the Cumberland LGA, also recognises the need for affordable housing to be provided in the District and nominated a target for affordable rental housing.

**Q5. Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?**

Yes. The Planning Proposal is consistent with all relevant State Environmental Planning Policies (SEPPs) listed below.

SEPP	Comment
Remediation of Land (SEPP 55)	The Planning Proposal does not seek to change the zoning or permissible land uses on the site. Detailed Site Contamination Investigations were undertaken as part of the original development approval for the site. It is expected that the site will be remediated to make the land suitable for its intended use without risk to human health and the environment. Remediation is expected to be undertaken by the Proponent prior to construction and comply with SEPP 55.
Design Quality of Residential Apartment Development (SEPP 65)	The Planning Proposal is consistent with this SEPP as outlined in the supporting <i>Urban Design and SEPP 65 Peer Review</i> prepared by Architects Johannsen and Associates (attachment 3).
SEPP	Comment
SEPP (Building Sustainability Index: BASIX) 2004	This SEPP requires residential development to achieve mandated levels of energy and water efficiency. This matter will be considered as part of the consideration of the associated DA 201/497.
SEPP (Infrastructure) 2007	<p>The Planning Proposal is consistent with this Policy and should support the use of existing local public transport modes and of existing utilities that service the site and area.</p> <p>The provision of infrastructure to meet the needs of the precinct will be undertaken by Council on the land dedicated central to the site. Noise and vibration attenuation measures will be investigated with any future development application to ensure new dwellings are compatible with the ongoing operation of the adjoining railway line.</p> <p>The increased density of development sought by this application will be serviced by the train station and bus interchange to the south of the subject site.</p>
SEPP (Affordable Rental Housing) 2009	The site is an accessible location under the Affordable Rental Housing SEPP. This matter will be considered as part of the consideration of the associated DA 201/497.

Table 3: Consistency with relevant SEPPs

## Q6. Is the Planning Proposal consistent with applicable Ministerial Directions?

The Planning Proposal is consistent with all applicable Ministerial Directions under Section 9.1 of the EP&A Act listed below.

Environment and Heritage	Comment
<b>Heritage Conservation</b> The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	<p>The subject site contains a heritage item. It also adjoins a site that contains a heritage item. Both are locally significant and are protected under Holroyd LEP 2013. Council is currently consulting on the potential de-listing of certain items under Holroyd LEP 2013 which may affect these items.</p> <p>An assessment of any heritage impacts that are likely to arise as a result of the proposed changes to Height of Building and Floor Space Ratio controls will be considered and addressed as part of the development application process.</p>
Housing Infrastructure and Urban Development	Comment
<b>3.1 Residential Zones</b> The objectives of this direction are: to encourage a variety and choice of housing types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and to minimise the impact of residential development on the environment and resource lands.	<p>The Planning Proposal seeks to facilitate the construction of 24 additional dwellings, with the potential to provide a variety of apartment sizes and layouts, high levels of solar access and access to a large area of rooftop private communal open space as well as being enhanced by the setting created from extensive new public open space to the west and north of Building 3.</p> <p>The site is located close to an existing Town centre, with good access to public transport and existing jobs, services and facilities.</p> <p>The development will be served by the existing and planned stormwater drainage and new road construction that will be undertaken during the staged redevelopment of the site.</p>
<b>3.4 Integrating Land Use and Transport</b> The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: improving access to housing, jobs and services by walking, cycling and public transport; increasing the choice of available transport and	<p>The Planning Proposal seeks to increase the density of residential development within direct vicinity of the Merrylands railway station and transport interchange on land which is anticipated to be redeveloped to include extensive improvements to the pedestrian and cycling facilities.</p> <p>The proposal also seeks to increase the number of dwellings within the town centre containing a number of commercial and mixed uses encouraging the integration of land uses and reducing car dependence.</p> <p>The new public park will be provided with pedestrian and bike paths that will provide connections to the train station from residential precincts to the north and Holroyd Gardens.</p>

reducing dependence on cars; reducing travel demand including the number of trips generated by development and the distances travelled, especially by car; supporting the efficient and viable operation of public transport services; and providing for the efficient movement of freight.	<p>End of trip facilities such as bike parking are provided within the basement of Building 3 as approved and also within the public domain in order to encourage other modes of transport.</p> <p>Due to proximity to the station the proposal is likely to encourage pedestrian activity.</p>
<b>6 Local Plan Making</b>	<b>Comment</b>
<b>6.1 Approval and Referral Requirements</b> The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Following Gateway Determination, public authorities will be consulted concurrent with the public exhibition of the Planning Proposal.
<b>6 Local Plan Making</b>	<b>Comment</b>
<b>6.3 Site Specific Provisions</b>	<p>The Planning Proposal seeks amendments to Holroyd LEP 2013 that are specific to the site and specific to a building envelope for Building 3 but does not seek to facilitate a specific type of development proposal as such.</p> <p>The amendment does not require a change to the permissible land uses; does not introduce a new land use zone; and does not introduce new development standards that are not already proposed throughout the Merrylands Town centre in accordance with the Merrylands Station and McFarlane Street Precinct.</p>
<b>7 Metropolitan Planning</b>	<b>Comment</b>
<b>7.1 Implementation of A Metropolis of Three Cities – the Greater Sydney Region Plan</b>	The Planning Proposal is consistent with the directions and actions contained in the Region Plan mentioned in other parts of this report.
<b>7.3 Parramatta Road Corridor Urban Transformation Strategy</b>	The subject site is not located within the area of the Parramatta Road Corridor. Therefore this Direction is not triggered by the Planning Proposal.
<b>7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</b>	The subject site is not located within the area of the Greater Parramatta Priority Growth Area. Therefore this Direction is not triggered by the Planning Proposal.

Table 4: Consistency with relevant Ministerial Directions

## Section C — Environmental, social and economic impact

**Q7. 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 site is part of an urban environment and is not known to contain habitat for threatened species, populations or ecological communities.

**Q8: Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

Any environmental, social and economic impacts that are likely to arise as a result of the proposed increase to Height of Building and Floor Space Ratio controls for Building 3 will be considered by Council as part of its assessment of DA 201/497.

### Urban design

The Planning Proposal is supported by an Urban Design and SEPP 65 Peer Review prepared by Architects Johannsen and Associates in June 2018 (attachment 3). This document assesses the proposal against the design principles contained in *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development* (SEPP 65) and the objectives for the Merrylands Neil Street Precinct as expressed in *Holroyd Development Control Plan 2013*. It concludes that ‘the proposal should be supported and has the potential to establish a quality benchmark for the desired urban character of this evolving precinct.’

### Pedestrian and vehicle traffic and parking:

Traffic and parking considerations, impacts and mitigation measures were addressed as part of the Neil Street Planning Proposal and the original masterplan approval for The Mills development. The connectivity plan for the Neil Street Precinct shows the location of the proposed public open spaces, shared pathways and public roads (Figure 11).

Both of the development applications for Building 3 are supported by traffic, transport and parking advice provided by Ason Group (attachment 4) which concludes that the proposed development complies with minimum parking provisions for residents and visitor parking; the proposed bicycle parking complies with DCP requirements; and the level of traffic that is likely to be generated as a result of the proposed additional 24 units will not result in any material change in the performance of key intersections in the locality. The assessed intersection performance will continue to operate with similar levels of service and delays associated with the original masterplan approval for the site.

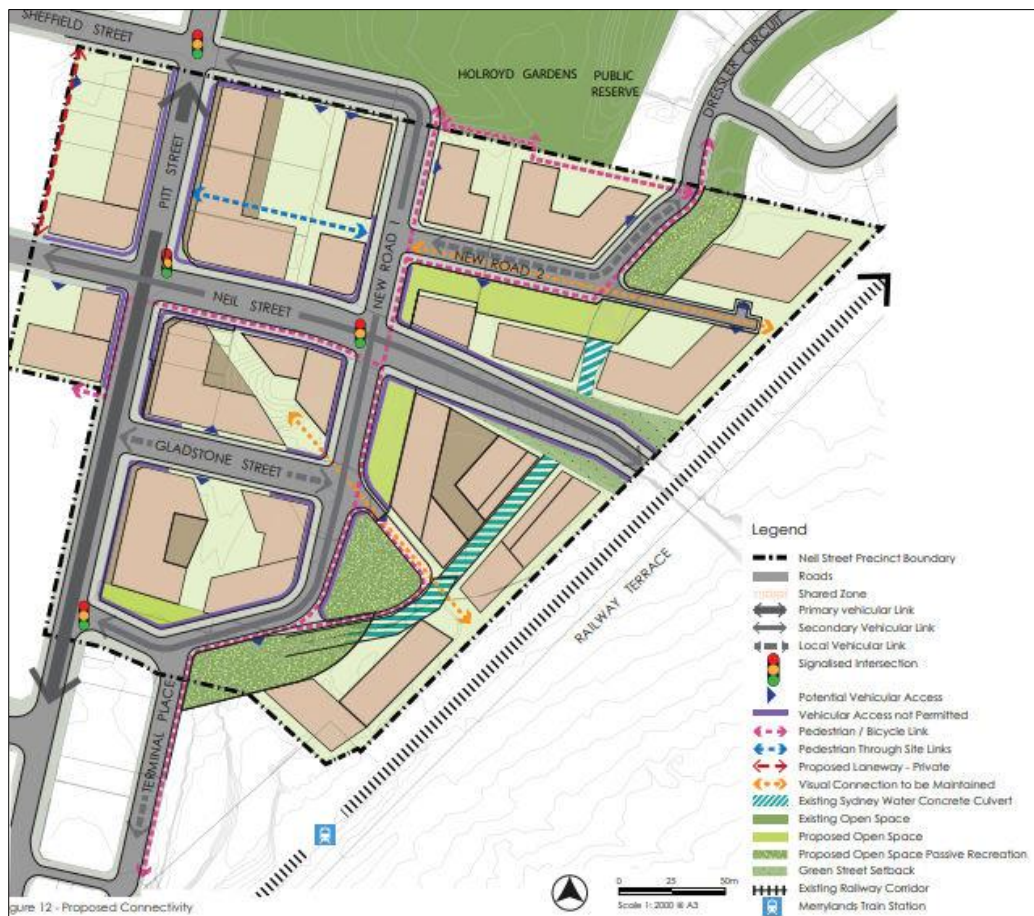


Figure 11: Connectivity plan for the Neil Street Precinct

### Demand for infrastructure, utilities and services

The proposed increase to the development yield of Building 3 is unlikely to result in an unreasonable level of additional demand for local infrastructure, utilities and services. It is noted that the total floor area resulting from the proposal does not exceed that which was originally planned by Council for the Precinct.

### Overshadowing

The proposal will increase the shadow cast by Building 3. This matter will be considered as part of the development application process and will be required to meet the relevant solar access requirements.

**Q9: Has the Planning Proposal adequately addressed any social and economic effects?**

The Planning Proposal is supported by a Comprehensive Social Impact Assessment, prepared by Sarah George Consulting in November 2016 (attachment 5). It concludes that the proposal is unlikely to generate any negative social impacts other than short term impacts associated with construction.

The proposal is likely to: generate a number of positive impacts including:

- An increase in the mix of unit types, satisfying the objectives of the zone, and on a site in close proximity to shops, services and public transport
- Improved safety and security on the site and in the surrounding area
- Provision of public and private open space on the site (on completion of The Mills development)
- Provision of accessible, modern units with lift access and on-site parking
- Increased patronage at local shops and public transport
- Generation of employment during the construction phase.

**Section D — State and Commonwealth Interests**

**Q10. Is there adequate public infrastructure for the Planning Proposal?**

Yes. The site is located in a masterplanned estate in an urban area that is well served by existing infrastructure, utilities, public transport and a variety of social support services and recreational facilities. The additional development potential facilitated by the proposed LEP amendments is unlikely to exceed the capacity or availability of public infrastructure.

**Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Any future Gateway determination will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation. It is noted that the following public authorities and agencies were consulted as part of the Neil Street Precinct and the Merrylands Station and McFarlane Street Precinct:

- Transport for NSW
- Transport for NSW – Sydney Rail
- Transport for NSW – Roads and Maritime Services
- Sydney Water
- Energy Australia
- Telstra
- Family and Community Services – Housing NSW
- Office of Environment and Heritage
- Department of Education and Communities



## Part 5: Community Consultation

The Proponent's Planning Proposal Request was publicly exhibited (pre-Gateway) for a period of 30 days from 24 July 2018 to 22 August 2018 as required by Cumberland's Planning Proposal Notification Policy. Council received no submissions.

Any future Gateway determination will confirm consultation requirements. It is anticipated that future consultation will include:

- Community consultation for a period of at least 28 days
- Public authority notification providing at least 21 days for feedback
- Notification on the Cumberland Council website;
- Advertisement in local newspapers;
- Notification in writing to adjoining landowners and neighbours, and any other relevant stakeholders.

## Part 6: Project timeline

It is estimated the respective Holroyd LEP 2013 amendments will be finalised within 12 months.

Key milestone	Estimated timeframe
Gateway request	July 2019
Gateway Determination	October 2019
Community & public authority consultation	November 2019
Consideration of submissions	January 2020
Post exhibition report to Cumberland LPP/Council	February/March 2020
Drafting and finalisation of the Plan	April 2020
Notification of the Plan	June 2020