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Plan finalisation report – PP-2020-1983

Melrose Park North (5,500 additional dwellings and 1,923 jobs) – Parramatta Local Environmental Plan 2011 (Amendment 59 and Map Amendment 1)

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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1 Introduction

1.1 Parramatta Local Environmental Plan 2011 (Amendment 59 and Map Amendment 1)

The planning proposal (**Attachment A**) applies to land at Melrose Park North (the site), as shown in **Figure 1**. The proposal seeks to rezone land and amend development standards to allow for a mix of high density residential and commercial land uses. The new planning controls for Melrose Park North will deliver 5,500 additional dwellings and a new town centre providing 30,000m² of commercial and retail floor space supporting approximately 1,923 jobs. The proposal will support the delivery of significant public benefits, including land for a future school site and 50,606m² of public open space.

The planning proposal is part of broader strategic planning for the Melrose Park Precinct (**Figure 1**). The precinct is split into northern and southern sections, dissected east to west by Hope Street. A planning proposal (PP-2020-4038) for the two sites in the southern precinct received Gateway determination on 17 August 2021 and has not yet been publicly exhibited.

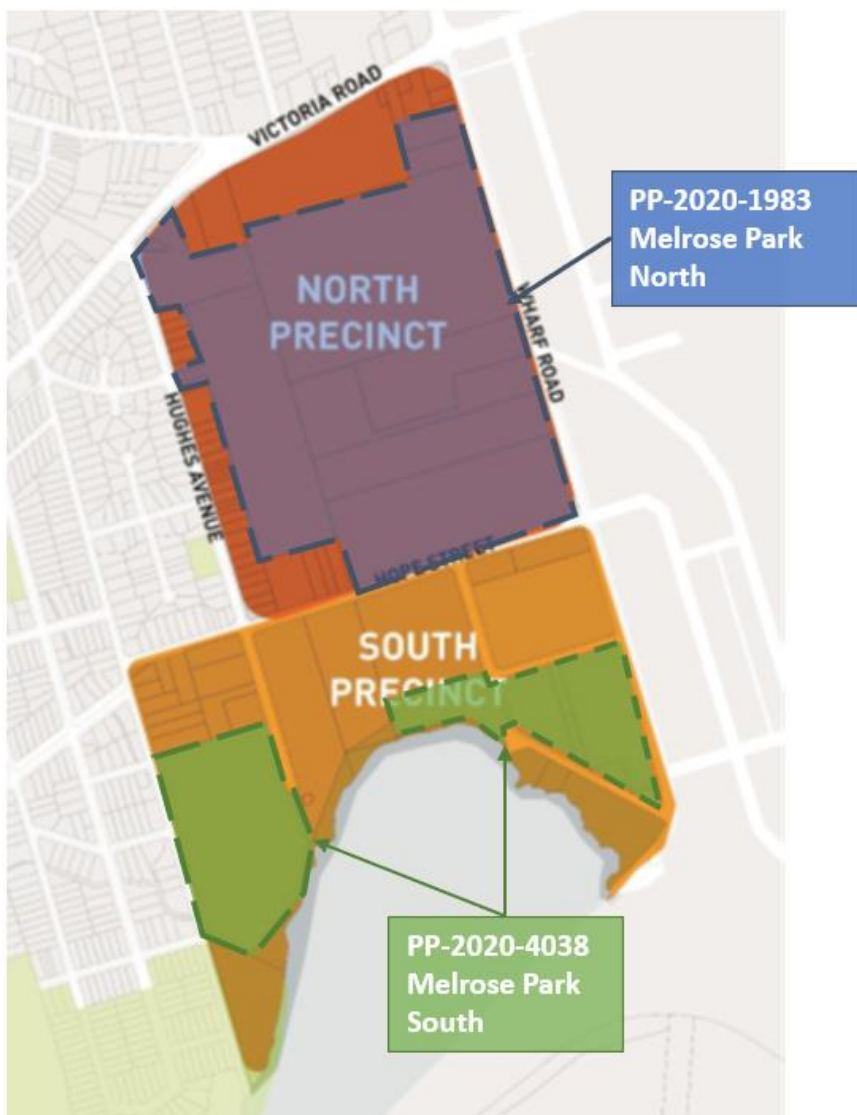


Figure 1 Melrose Park Precinct (Source: planning proposal)

1.1.1 Transport Management Accessibility Plan (TMAP) and proposed bridge

As part of Gateway condition 1(c), Council, in collaboration with TfNSW and the Department completed an endorsed TMAP (**Attachment I1**) for the precinct to support the rezoning. TfNSW provided advice on the methodology, assumptions and inputs in the preparation of the TMAP.

The TMAP provides a comprehensive analysis of the potential traffic and parking impacts, and identifies required mitigation measures for future redevelopment to ensure that the traffic and transport network can accommodate the proposed increase in density. It also provides a staging plan for the delivery of required road upgrades and public transport infrastructure to service the precinct, including road works on Victoria Road (including bus priority), the widening of Wharf Road, car parking rates and the provision of a bridge over Parramatta River to Wentworth Point.

The TMAP identifies existing public transport services and, the required increased infrastructure to support the proposed population. As such, the TMAP sets out a two staged approach to increasing density in the precinct, reliant on the construction of an active and public transport bridge to access the future Metro Station at Sydney Olympic Park:

- Stage 1 – Prior to the bridge (up to 6,700 dwellings)
- Stage 2 – After new bridge (up to 11,000 dwellings)

The NSW Government announced funding towards the Parramatta Light Rail Stage Two on 1st June 2022. This announcement committed \$602.4 million to start works and commence a detailed planning process to move ahead with the project. As part of this announcement, it was confirmed that the funding will go towards early works, including construction of the bridge connecting Melrose Park to Wentworth Point, with an EIS for the project due to be released by the end of 2022.

This recent announcement gives the Department sufficient comfort that the bridge can be delivered as part of the Parramatta Light Rail project and enables Stage 2 (as per TMAP) to be considered as part of this planning proposal.

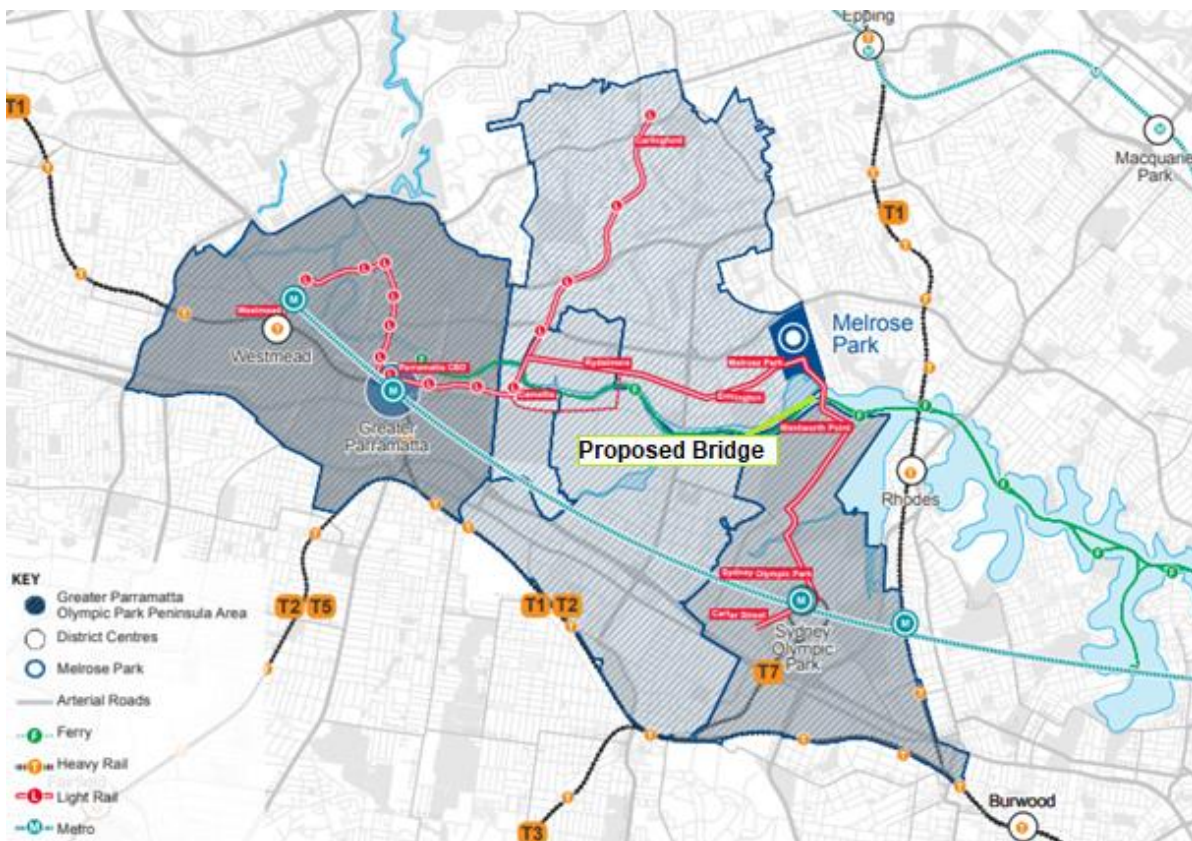


Figure 2 Map showing existing and proposed public transport (source: TMAP)

1.1.2 Amendment process

As a result of deferred commencement provisions, proposed to be introduced as a post-exhibition amendment and discussed at Section 4.1 of this report; the planning proposal area (Melrose Park North) has been divided into three areas based on land ownership (**Figure 3**):

- ‘Area 1’ (Landowner: Payce);
- ‘Area 2’ (Landowner: Ermington Gospel Trust); and
- ‘Area 3’ (Landowner: Jae My Holdings) based on land ownership.

The planning proposal seeks to make the following amendments to the Parramatta Local Environmental Plan (PLEP) 2011:

- **Amendment 59** has two parts, the first comes into effect in 6 months from notification of the amendment and contains provisions and maps for Area 1 only. The second comes into effect 12 months from notification of the amendment and contains provisions for Areas 2 and 3.
- **Map Amendment 1** come into effect in 12 months from notification of the amendment, and includes mapping for Areas 2 and 3 only.

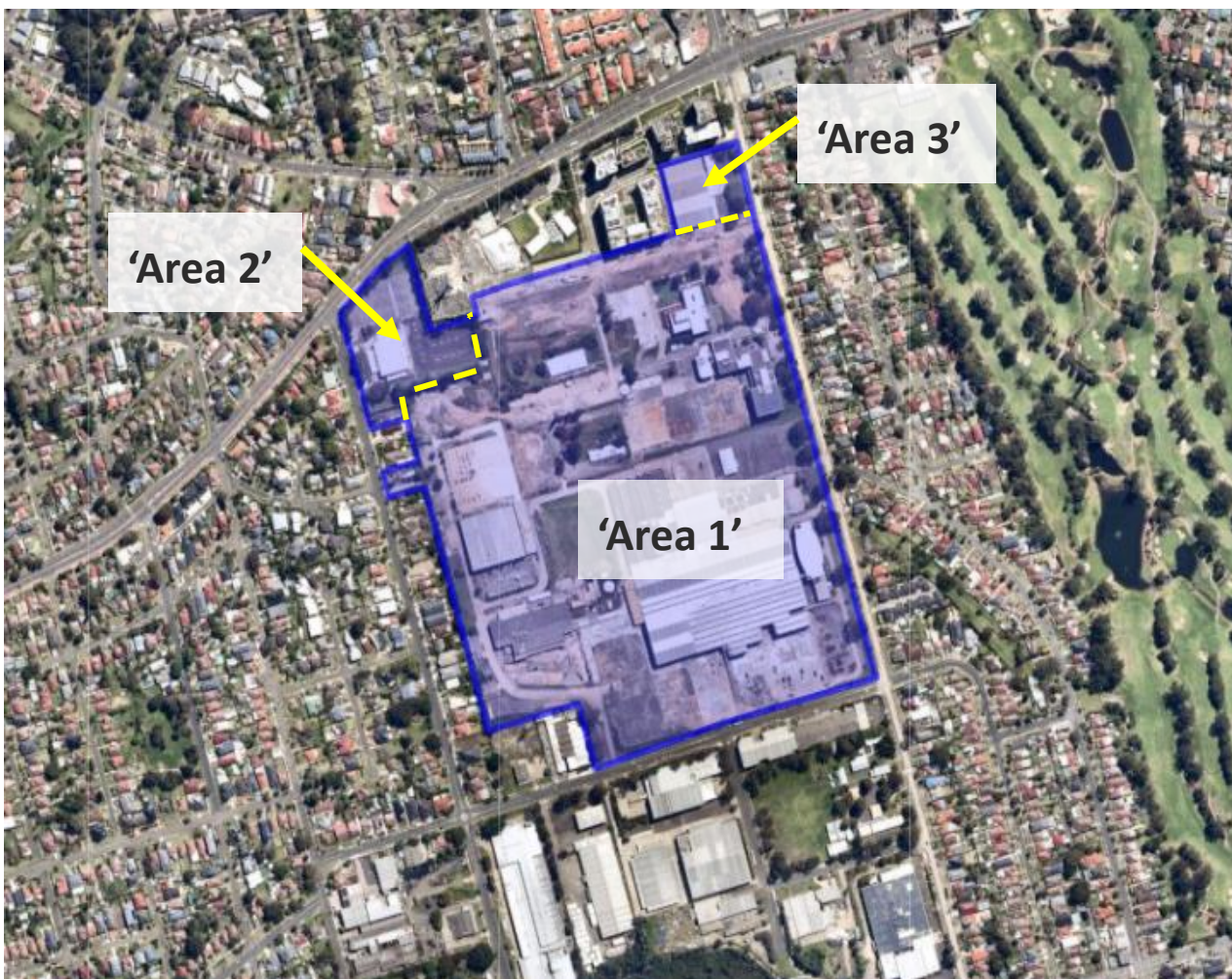


Figure 3 Subject site outlined in blue (Source: Nearmap)

1.2 Site description

The planning proposal applies to land at 8, 38-42 and 82-84 Wharf Road, 33 Hope Street, 15-19 and 27-29 Hughes Avenue and 655 Victoria Road, Melrose Park (**Figure 3**), within the City of

Parramatta Local Government Area, and directly adjoining the western boundary of the City of Ryde LGA.

The site is currently occupied by a number of large industrial units, generally consisting of low-rise warehouses and office units. The site contains Heritage Item I311 under Schedule 5 of the Parramatta LEP 2011. Item 3111 (**Figure 4**) includes a number of lemon-scented gums, vintage fire extinguisher and millstone items located at the former Reckitt Benckiser site (located within the Payce site at 'Area 1'). Council proposes to retain Heritage Item I311 as part of the proposal.



Figure 4 Heritage locations (Source NearMap and DPE)

1.3 Purpose of plan

The draft LEP amends the Parramatta LEP 2011 controls as follows:

1. Introduce a new **Part 9** to identify 'Melrose Park Precinct' and include provisions as set out in the Transport Management Accessibility Plan (TMAP) as follows:
 - a) identifies 'Melrose Park Precinct' on the **Key Sites Map**,
 - b) includes a concurrence clause where the Planning Secretary must consider:

- a. the impact of development on, and the need for, State public infrastructure;
 - b. where development exceeds the 11,000 dwellings threshold, that it considers the capacity of the existing and proposed road and public transport infrastructure in the area to accommodate the development.
2. Identifies 'Melrose Park North' and define 'Area 1', 'Area 2' and 'Area 3' on the **Key Sites Map**.
3. Applies a staged deferred commencement to 'Area 1' commencing in 6 months and to 'Area 2' and 'Area 3' commencing in 12 months.
4. Amends the zone in the **Land Zoning Maps** (Sheets LZN_017 and LZN_018) from:
 - part IN1 General Industrial, part R2 Low Density Residential and part SP1 Special Activities (Place of Public Worship),
 - to part R4 High Density Residential, part B2 Local Centre, part RE1 Public Recreation and part SP2 Infrastructure (Educational Establishment).
5. Amends the maximum height in the **Height of Buildings Map** (Sheet HOB_017 and HOB_018) from part 9m and part 12m to various heights ranging from 28m to 95m metres.
6. Amends the maximum floor space ratio on the **Floor Space Ratio Map** (Sheet FSR_017 and FSR_018) from part 0.5:1 and part 1:1 to 1.85:1.
7. Amends the **Land Reservation Acquisition Maps** (Sheets LRA_017 and LRA_018) to reflect areas of open space to be dedicated to Council and land for a new school site to the State Government.
8. Introduces site-specific provisions for 'Melrose Park North':
 - a) Appoints a Design Excellence Panel to provide design advice for all development applications;
 - b) Amends the **Additional Local Provisions Map** (Sheet ALP_017) to identify sites known as Melrose Park Design ('MPD' sites) (**Figure 5**) where a Design Excellence Competition is required;
 - c) Applies a residential gross floor area cap for the following areas:
 - a. 'Area 1' capped at 434,023m²;
 - b. 'Area 2' capped at 32,880m²; and
 - c. 'Area 3' capped at 14,437m².
 - d) Permits 'Residential Flat Buildings' as permissible in the B2 Local Centre zone where a minimum of 30,000m² non-residential floor space is achieved.

Council has prepared a draft site-specific Development Control Plan (DCP) to ensure appropriate development controls are established to support the draft LEP. At its meeting on 11 October 2011, the planning proposal, DCP and draft local voluntary planning agreement (VPA) was endorsed for finalisation by Council.

State and Local Voluntary Planning Agreements

There are three (3) landowners subject to this planning proposal. A voluntary planning agreement (VPA) has been negotiated between Council and one of the proponents (Payce 'Area 1') for the delivery of local infrastructure to support growth in the precinct. Council exhibited the draft local VPA from 25 April to 26 May 2021, and no post-exhibition changes were made to the draft VPA. Council notes that negotiations are ongoing with the other two landowners in the precinct. As such, a staged deferred commencement approach has been included in the draft LEP to allow for appropriate local contributions to be made by each landowner. Further discussion is addressed in Section 3.2.1 of this report.

A draft State VPA is currently under preparation for Melrose Park North for negotiation with the three (3) landowners in the precinct. The draft State VPA will secure monetary contributions towards critical State infrastructure, including road upgrades (as outlined in the TMAP) and the

bridge over the Parramatta River; and the provision of land for a future school site. Further discussion is provided in Section 4.1 of this report.

1.4 State electorate and local member

The site falls within the Parramatta state electorate. Dr Geoff Lee MP is the State Member.

The site falls within the Bennelong federal electorate. Mr John Alexander MP is the Federal Member.

To the team's knowledge, neither MP has made any written representations regarding the proposal.

There are no donations or gifts to disclose, and a political donation disclosure is not required.

There have been no meetings or communications with registered lobbyists with respect to this proposal.

2 Gateway determination and alterations

The Gateway determination issued on 27/09/2017 (**Attachment B**) determined that the proposal should proceed subject to conditions. The Gateway determination was altered on 3 occasions, each seeking an extension to the timeframe for finalisation:

- **27 March 2019 (Attachment B1)** - Additional time was granted to allow Council to finalise the Transport Management Accessibility Plan (TMAP), identification of the required infrastructure to support the community and urban design testing. The requested extension was for 12 months, to be finalised by 27 March 2020.
- **25 March 2020 (Attachment B2)** – Additional time was granted due to delays in the review process of the final TMAP by TfNSW, further collaboration between Council and State agencies to confirm the infrastructure requirements and mechanism for delivery of the infrastructure through State and local infrastructure planning agreements. The extension was for 12 months, to be finalised by 27 March 2021.
- **22 March 2021 (Attachment B3)** – Additional time was granted to allow Council to exhibit the planning proposal, site-specific DCP and VPA. The extension was for 8 months, to be finalised by 31 December 2021.

Prior to undertaking public exhibition, Council was required to satisfy a number of Gateway conditions. The planning proposal was updated to propose planning controls based on the findings of the Transport Management Accessibility Plan (TMAP) and urban design testing processes which were not completed at the time of Gateway determination. On 22 March 2021, the Department endorsed the planning proposal and the proposed planning controls for public exhibition (**Attachment E**).

At Council's meeting on 11 October 2021, the planning proposal was endorsed and submitted to the Department to finalise the LEP (**Attachment F**). Council has met the conditions of the Gateway determination. The Department notes that while the Gateway determination has now lapsed, Council submitted the request for finalisation prior to the Gateway expiring.

3 Public exhibition and post-exhibition changes

In accordance with the Gateway determination, the proposal was publicly exhibited by Council from 25 April to 26 May 2021.

A total of 65 community submissions were received. In summary, 11% of submissions supported the proposal in full, 68% objected to the proposal, 8% stated partial support or objection and 13% were neutral. Table 3 outlines the issues raised and the response from Council contained in their post-exhibition report (**Attachment F**).

The Department considers Council has adequately addressed the matters raised in the public submissions. A summary of key matters raised and Council's response is included in **Table 3**.

Table 1 Summary of Key Issues and Response

Issue raised	Council response
<p><u>Urban design</u></p> <p>Concerns related to proposed height of buildings being excessive, out of character to the area resulting in poor amenity, overlooking and loss of privacy.</p>	<p>Council acknowledges that the proposed heights are not consistent with the surrounding area, noting that significant modelling as part of the master planning process has been undertaken to minimise impacts for existing residents. The urban design study (Attachment H) concentrates the tallest buildings away from the perimeter of the precinct to provide a transition from the existing low density residential development adjacent to the site.</p> <p>The planning proposal also includes an open space buffer strip, approximately 20m wide, on the eastern side of Wharf Road, further increasing the separation between the adjoining landowners. A DCP has been prepared to ensure that matters relating to overlooking and loss of privacy will be further addressed at the development application stage.</p> <p>In addition, the Department notes that any future development application for the precinct will need to demonstrate compliance with State Environmental Planning Policy No 65 Design Quality of Residential Apartment Development in relation to overlooking and privacy.</p>
<p><u>Traffic</u></p> <p>Concerns related to traffic congestion and questioned the TMAP's assumptions and methodology.</p>	<p>As part of Gateway condition 1(c), Council, in collaboration with TfNSW and the Department completed an endorsed TMAP (Attachments I1) for the precinct to support the rezoning. TfNSW provided advice on the methodology, assumptions and inputs in the preparation of the TMAP.</p> <p>The TMAP provides a comprehensive analysis of the potential traffic and parking impacts and identifies required mitigation measures for future redevelopment to ensure that the traffic and transport network can accommodate the proposed increase in density. It also provides a staging plan for the delivery of required road upgrades and public transport infrastructure to service the precinct, including road works on Victoria Road (including bus priority), car parking rates and a public and active transport bridge over Parramatta River.</p> <p>In regard to traffic congestion, various intersections, including Victoria Road/ Kissing Point Road and Victoria Road/ Wharf Road are identified to be upgraded to ease congestion. The traffic modelling indicates that the service level of these roads will be acceptable as a result of the proposal, provided that the upgrades are undertaken as identified in the TMAP. The DCP has been prepared to include car parking rates for residential flat buildings similar to other high-density areas in the Parramatta LGA.</p>
<p><u>Insufficient open space</u></p> <p>Concerns related to the provision of sufficient open space as a result of the projected population.</p>	<p>The proposal includes approximately 50,606m² of public open space or more than 20% of the site area, including two large parks (Central Park and a playing field), a common (Western Parklands South), linear parks on the eastern edge of the Site (Wharf Road Gardens North and South), a landscaped zone along the western edge of the Site (Western Parklands), and wetland. Also proposed are several communal open spaces between residential buildings.</p> <p>Council advised that the total area of public open space meets the requirements of the Council's Community Infrastructure Strategy. The</p>

	<p>Community, Sport and Recreation Facilities and Open Space Study (Attachment J) supporting the proposal highlights that all residents will have access to local open space within 200m of their homes and to district open space within 2km through access to George Kendall Riverside Park. The study also concludes that the planning proposal will be important to addressing the existing gaps in local open space provision.</p>
<p><u>Additional Permitted Use</u></p> <p>Request to permit Place of Public Worship at 15-17 Hughes Avenue and 655 Victoria Road, Ermington</p>	<p>15-17 Hughes Avenue and 655 Victoria Road is proposed to be rezoned from SP1 Place of Public Worship to part RE1 Public Recreation and R4 High Density Residential. The proposed RE1 Public Recreation contains an existing car park adjoining the existing church with high voltage powerlines running overhead. In addition, Council notes that the Place of Public Worship is a prohibited land use in the proposed RE1 zone and unlikely that any future development would be permitted in this area, including if the permitted use was granted. Place of Public Worship is permitted under the R4 High Density Residential of the PLEP 2011 and the landowner would be able to utilise the existing use rights which would permit the current use to continue to operate after the rezoning has occurred.</p> <p>The Department also notes that the additional permitted use on the RE1 land would compromise the intended long-term use of the land and agrees that the additional permitted use for place of public worship is not required.</p>
<p><u>Parramatta Light Rail (PLR) Stage 2</u></p> <p>Concerns that the TMAP identifies PLR Stage 2 as a key assumption for the success of the precinct, noting that there is no commitment or funding to PLR Stage 2.</p>	<p>Consideration has been given to the provision of public transport to the precinct and the relative number of dwellings that can be delivered according to the level of services provided. The TMAP identifies existing transport services and, the required increase to support the proposed population. As such, two development scenarios are included in the proposal which identifies:</p> <ul style="list-style-type: none"> • Stage 1 – Prior to the bridge (up to 6,700 dwellings) • Stage 2 – After new bridge (up to 11,000 dwellings) <p>The NSW Government announced funding towards the Parramatta Light Rail Stage Two on 1st June 2022. This announcement committed \$602.4 million to start works and commence a detailed planning process to move ahead with the project. As part of this announcement it was confirmed that the funding will go towards early works, including construction of the bridge connecting Melrose Park to Wentworth Point, with an EIS for the project due to be released by the end of 2022.</p> <p>This recent announcement gives the Department sufficient comfort that the bridge can be delivered as part of the Parramatta Light Rail project and enables Stage 2 (as per TMAP) to be considered as part of this planning proposal.</p>
<p><u>Education needs</u></p> <p>Concern for inadequate education infrastructure to support the community, given that Marsden High School is closed.</p>	<p>Council in collaboration with Schools Infrastructure NSW (SINSW) has identified land for a new primary school in the precinct and will be provided in addition to the existing Melrose Park Public School. The land is proposed to be rezoned to SP2 Infrastructure (Education Establishment) and includes a playing field adjacent to the school which will be zoned RE1 Public Recreation. Council is working with SINSW regarding the provisions of secondary schooling facilities noting that these discussions are ongoing. The land for the new primary school will be captured through the State VPA.</p>

3.1 Advice from agencies

In accordance with condition 3 of the Gateway determination, Council was required to consult with the agencies listed below:

- Transport for NSW (TfNSW);
- Department of Education;
- Environment and Heritage Group (formerly Environment, Energy and Science Group);
- Fire and Rescue NSW;
- NSW Health – Western Sydney Local Health District (WSLHD); and
- Relevant utility providers (Sydney Water).

Council received a total of 6 submissions from agencies. The submissions are summarised in Council's Parramatta Local Planning Panel Report (**Attachment G**) and Council have appropriately addressed the issues raised in the agency submissions. Fire and Rescue NSW did not provide a submission to the proposal.

Western Sydney Local Health District and Sydney Water raised matters regarding car parking, the design of the apartment buildings and water related services which can be addressed at the development application stage.

Environment and Heritage raised no objection to the proposal with matters relating to tree species on the site, overshadowing and the protection of any possible Microbat colonies which can also be addressed at the development application stage.

Transport for NSW raised no objections to the proposal, noting that the assumptions for the infrastructure provision identified in the TMAP should be reassessed only if there are any changes to the proposal.

Council initially received an objection on the proposal from Schools Infrastructure NSW (SINSW) which is summarised in **Table 4** below. In a subsequent submission, SINSW confirmed that the supporting information provided was satisfactory and that SINSW no longer had any objections to the proposal. The Department considers Council has adequately addressed matters raised in submissions from public authorities.

Table 2 Advice from SINSW and Council's response

Issue raised	Council response
Overshadowing of the school and playing fields from adjacent buildings.	Council indicated that the shadow diagrams placed on exhibition did not take into consideration the topography of the site and therefore did not present an accurate reflection of the extent of overshadowing on the school site and playing fields. Council has revised the overshadowing diagrams to take into the site topography and demonstrating that the school and playing fields receive a sufficient amount of sunlight.
Privacy and overlooking of residential dwellings onto the school grounds.	Council has addressed this concern by including controls in the site-specific DCP to ensure that any future development of the site requires consideration of privacy onto other apartments and the school site.
School capacity concerns generated by the proposed dwellings numbers.	Land for a new primary school is intended to be secured via the State Voluntary Planning Agreement (VPA). Council notes that potential site options have been investigated in collaboration with SINSW. The Department considers that this issue is addressed satisfactorily, noting that further investigations for potential sites are ongoing.

Clarification on the use of the road between the school site and playing field.	Council notes that the land is not required to be a road and its removal will have minimal impact on the overall operation of the road network. Council confirmed that the link would be pedestrianised between the school site and playing field.
Request for playing fields to be fenced by 2.1m palisade fence to secure the site during school hours.	Council advised that the palisade fence style is associated with schools and the public may perceive that the grounds can't be used outside of school hours. Council and SINSW are still considering alternate fencing styles that will service the purpose of both the school and Council. The matter is being considered as part of the joint use agreement and DCP.

3.2 Post-exhibition changes

3.2.1 Council resolved changes

At Council's Ordinary Meeting on 11/10/2021, Council resolved to proceed with the planning proposal with the following post-exhibition changes (**Attachment F**):

1. Amending the residential gross floor area (GFA) permissible on the site from 508,768m² to 481,340m² to account for a recalculation of the site areas and removal of the non-residential GFA component previously included.

During the public exhibition, the planning proposal indicated a maximum residential GFA of 508,768m² or 5,500 dwellings could be achieved for the precinct. The maximum residential GFA calculations unintentionally included non-residential floor space of 27,428m². Council has recalculated the residential GFA based on updated cadastral information for the following sites:

- 15-19 Hughes Avenue and 655 Victoria Road = 32,880m²
- 38-42, 82-84 Wharf Road, 33 Hope Street and 27-29 Hughes Avenue = 434,023m²
- 8 Wharf Road = 14,437m²

The revised GFA does not affect the proposed dwelling yield or the ability to achieve the 1.85:1 FSR that has been applied to the sites. The Department considers that the proposed change is minor and appropriate.

2. Inclusion of a provision to only enable residential flat buildings in the B2 Local Centre zone to be permissible where the minimum 30,000m² of retail/commercial floor space is achieved.

The exhibited planning proposal included an additional permitted use to allow Residential Flat Buildings (RFB) in the B2 Local Centre zone. It is noted that under the PLEP 2011, residential uses are permissible in the B2 zone, in the form of 'shop top housing', where dwellings are located above ground floor commercial premises. The Melrose Park North town centre is envisaged to provide 30,000m² of non-residential floor space designated under the B2 zone.

The introduction of 'residential flat buildings' as a permitted use is considered minor and provides flexibility for the proponent, noting that the future development will need to demonstrate that the proposal is able to achieve a minimum 30,000m² of non-residential floor space in the B2 zone. It is noted that the B2 zone is located in 'Area 1'. Furthermore, the application of the minimum 30,000m² of non-residential floor space is considered necessary to ensure that proposed commercial floor space is protected and aligned with vision for the town centre. The Department considers the proposed post-exhibition change is considered appropriate in protecting non-residential floor space in the B2 zone.

The amendments have been included in the proposal to address the concerns raised during the public exhibition. Council has not re-exhibited the amended planning proposal as the nature of the amendments are minor. It is considered that the amendments are either technical or reduce environmental impact compared to the exhibited planning proposal.

3.2.2 The Department's recommended changes

Following the receipt of the revised planning proposal from Council, the Department has made further changes to the draft LEP. These changes principally relate to the alignment of growth and infrastructure and consequential amendments required to facilitate the drafting approach. The changes are as follows:

1. Identify 'Melrose Park Precinct', 'Melrose Park North' and define 'Area 1', 'Area 2' and 'Area 3' (based on land ownership) on the Key Sites Map.
2. Apply a clause requiring the concurrence of the Planning Secretary. In issuing concurrence, the Planning Secretary is to consider the provision of State infrastructure in relation to land identified as 'Melrose Park North', and for land identified as 'Melrose Park Precinct' where development proposes to exceed the 11,000 dwelling threshold, consideration is required as to the capacity of the existing and proposed road and public transport infrastructure in the area to accommodate the development.

Council's exhibited planning proposal included the TMAP document which sets out the residential yields achievable with and without the bridge over the Parramatta River, this post-exhibition change is consistent with what has already been on exhibition. Further discussion is provided in section 4.1 of this report (under Transport Management Accessibility Plan and State infrastructure).

3. Amend the residential gross floor area (GFA) cap of 481,340m² to align with the respective landownership for the following:
 - 'Area 1' residential GFA cap of 434,023m²,
 - 'Area 2' residential GFA cap of 32,880m², and
 - 'Area 3' residential GFA cap of 14,437m².

Further discussion provided in section 4.1 of this report (under Local Infrastructure Provision).

3. Inclusion of a deferred commencement provision to ensure that redevelopment of the sites included in this proposal cannot progress until a Planning Agreement securing the required local infrastructure is finalised. The introduction of two timeframes for deferred commencement has resulted in Map Amendment 1 which will introduce the changes to development standards for Area 2 and Area 3 in 12 months' time, through mapping changes only. This is discussed further in section 4.1 of this report (under Local Infrastructure Provision).

4 Department's assessment

The proposal has been subject to detailed review and assessment through the Department's Gateway determination (**Attachment B**), Gateway alteration and subsequent planning proposal processes. It has also been subject to public consultation and engagement.

The following reassesses the proposal against relevant Section 9.1 Directions, SEPPs, Regional and District Plans and Council's Local Strategic Planning Statement. It also reassesses any potential key impacts associated with the proposal (as modified).

The planning proposal submitted to the Department for finalisation:

- is generally consistent with the relevant objectives and Planning Priorities of the Central City District Plan and further discussion is addressed in Section 4.1 below. The Gateway determination was issued prior to the release of the District Plan. The draft LEP responds to transitional provisions to the 'review and manage' approach for employment lands;
- is generally consistent with Council's Local Strategic Planning Statement (LSPS) and further consideration is provided in Section 4.1 below. The LSPS was not considered at Gateway determination as it was not finalised;

- is generally consistent with all relevant Section 9.1 Directions, noting that Directions 7.1 (formerly 1.1) Business and Industrial Zones, 5.2 (formerly 6.2) Reserving Land for Public Purposes and 1.4 (formerly 6.3) Site Specific Provisions were left unresolved at Gateway pending further investigations. These Directions are addressed below in Section 4.1; and
- is generally consistent with all relevant SEPPs. Further consideration of the consistency with any relevant SEPP can be considered as part of any development assessment process.

The following tables identify whether the proposal is consistent with the assessment undertaken at the Gateway determination stage. Where the proposal is inconsistent with this assessment, requires further analysis or requires reconsideration of any unresolved matters these are addressed in Section 4.1

Table 3 Summary of strategic assessment

	Consistent with Gateway determination report Assessment	
Regional Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
District Plan	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Local Strategic Planning Statement	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Local Planning Panel (LPP) recommendation	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
Section 9.1 Ministerial Directions	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1
State Environmental Planning Policies (SEPPs)	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1

Table 4 Summary of site-specific assessment

Site-specific assessment	Consistent with Gateway determination report Assessment	
Social and economic impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Environmental impacts	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No, refer to section 4.1
Infrastructure	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No, refer to section 4.1

4.1 Detailed assessment

The following section provides details of the Department's assessment of key matters and any recommended revisions to the planning proposal to make it suitable.

Central City District Plan

The Greater Cities Commission released the Central City District Plan on 18 March 2018. The District Plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is noted that the Gateway determination was issued prior to the release of the District Plan.

The draft LEP is consistent with Planning Priority C5 by providing housing supply choice, and affordability with access to jobs, services and public transport. The proposal will support the Liveability objectives by delivery of approximately 5,500 new dwellings with a mixture of dwelling sizes and including 145 affordable rental housing units in proximity to the new town centre with retail and commercial uses to support the community.

The proposal is consistent with the Planning Priority C9 as it will support the 30 minute city principle and the continued economic development and diversity of Greater Parramatta. The proposal will permit additional housing within 30 minutes public transport travel of the Parramatta CBD and Sydney Olympic Park, by various methods including high frequency buses, existing buses along Victoria Road and local cycleways and walking routes.

Planning Priority C11 seeks to protect industrial land and is generally not supportive of losses of industrial land uses. The District Plan identifies all of the Parramatta LGA as an area for 'review and manage' for managing industrial and urban services land. While the District Plan does not envisage the transfer of industrial land to residential uses, planning for Melrose Park precinct predates the release of the District Plan.

In accordance with the Greater Sydney Commission's (GSC) *Information Note – SP2018-1 Industrial and urban services land (retain and manage) – transitional arrangements*, the transitional provisions identify that if a planning proposal, lodged by Council prior to March 2018, received a Gateway determination then the 'review and manage' approach has been satisfied. Council submitted the proposal to the Department in July 2017 and Gateway determination was issued in September 2017.

The draft LEP also gives effect to the Planning Priority C16 by supporting sustainability principles in providing mixed use urban forms that reduces the need for travel and car transport. The proposal provides approximately 50,606m² of public open space including two large parks (Central Park and a playing field), a common (Western Parklands South), linear parks on the eastern edge of the Site (Wharf Road Gardens North and South) aligning with Planning Priority C17 (Delivering high quality open space).

The Department is satisfied that the proposal gives effect to the district plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

Parramatta Local Strategic Planning Statement 2036 (LSPS)

Council's Local Strategic Planning Statement: City Plan 2036 outlines Parramatta's 20-year vision for land use planning, population, housing, economic growth and environmental management. It is noted that the Gateway determination was issued prior to the endorsement of Council's LSPS.

The LSPS identifies the Melrose Park northern and southern precincts as a combined growth precinct for rezoning to permit mixed use (commercial/residential) development with a forecast of 6,300 dwellings and maintenance of 2,600 jobs. The LSPS also identifies that a local centre is proposed for the northern precinct to deliver nearly 2,000 jobs once fully redeveloped. The proposal is consistent with the priorities and actions of the LSPS which seek to build the economic focus and liveability of Sydney's second CBD:

- facilitate the growth of commercial and housing opportunities in the GOP area (Priority 4);
- provide for community infrastructure and recreation opportunities (Priority 6);
- deliver a mix of housing to support the diverse needs of the community (Priority 7); and
- enhance trees and green infrastructure to improve liveability and ecological health (Priority 14)

Therefore, the Department is satisfied that the proposal gives effect to the LSPS.

Direction 7.1 Business and Industrial Zones

The Gateway determination report identified the original planning proposal was inconsistent with Direction 1.1 Business and Industrial Zones and left the Direction unresolved, the Direction has since been renumbered to 7.1.

The planning proposal is inconsistent with this direction in that it:

- does not retain the areas and locations of existing business and industrial zones;
- reduces the total potential floor space area for industrial uses in industrial zones; and
- the proposed new employment areas that are not adopted by a strategy approved by the Department.

Council's revised planning proposal submitted for finalisation seeks to justify the inconsistency through the Parramatta Employment Lands Strategy (ELS) and Council's endorsed structure plan for Melrose Park North. Although the ELS is not endorsed by the Department, the draft LEP gives consideration to the objectives of the direction in that:

- it encourages the retention of jobs through the creation of a new town centre and of the provision of 30,000m² of non-residential floor space through a B2 Local Centre zone;
- seeks to provide the equivalent number of jobs for Melrose Park North that could be achieved under the current IN1 General Industrial zone; and
- supports the viability of the nearby centres.

The proposal is supported by an Economic Impact Study (**Attachment K and K1**), indicating that Melrose Park was previously characterised by large-scale pharmaceutical manufacturing companies, warehousing and distribution centres. The study finds that the precinct has undergone significant change due to the restructure of some of these businesses which has affected the viability of the precinct to continue operating for the purposes of industrial uses. These business restructures have led to a loss of long-term occupiers, reducing 29% of jobs since 2011. In addition, the study notes further decreases occurred at the end of 2016 by an additional 414 jobs or 40%. Council notes that this figure is likely to further decrease given the changing profile of Parramatta's projected growth.

While the draft LEP does not facilitate an equivalent number of jobs under the existing IN1 zoning (2,546 jobs), the future development will provide approximately 1,932 jobs or 75% of the overall jobs located in the town centre. Council acknowledges that it is not practical to match the total of 2,546 jobs as identified in the ELS, but rather focus on providing sufficient retail and commercial uses to service the incoming population and supporting the viability of nearby centres. While these jobs are not equivalent in type, the Department considers the lower job number provision is acceptable, noting that the southern precinct will be required to contribute towards the provision of employment generating uses in accordance with this Direction.

Council has prepared a Retail Impact Assessment (**Attachment L**) stating that the proposed B2 Local Centre zone is intended to complement the proposal, given the scale of the proposed residential uses. In relation to the potential impact on the viability of nearby centres, the study concludes that the proposed town centre is unlikely to compete with retail and commercial uses in nearby Meadowbank, West Ryde, Ermington, Top Ryde, Rhodes, Eastwood and Carlingford for the following reasons:

1. all nearby centres currently have low vacancy rates, high demand and little supply opportunities. This implies that there is demand for additional commercial/retail floor space outside of the existing centres and specifically within the Melrose Park trade area;
2. additional retail spending from the incoming population will directly benefit not only the proposed town centre but other existing centres nearby. It is estimated to see annual available retail spending grow by an additional \$133 million up to the time residential development is complete; and
3. there is already an existing shortfall in retail floorspace in general and supermarket floorspace within the Melrose Park trade area. The increase in the residential population means additional retail floorspace needs to be provided to service both new residents as well as the existing residential community in Melrose Park and adjacent areas.

The Department is satisfied that the inconsistency with section 9.1 Direction 7.1 Business and Industrial Zones is justified, and that Council has addressed condition 1(b) of the Gateway determination. It is also noted the Central City District Plan is not subject to a “retain and manage” approach to employment lands in other parts of Greater Sydney as discussed above.

Direction 4.4 Remediation of Contaminated Land

The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. The Direction has been introduced since Gateway determination, and has therefore not been previously considered.

The planning proposal is supported by a Phase 1 Site Contamination Study (**Attachment O**). This study confirms the potential for contamination on the site and concludes that remediation is viable for the intended use of the site. Further detailed contamination studies in line with SEPP (Resilience and Hazards) 2021 will be conducted at the development application process.

The draft LEP is consistent with this Direction.

Direction 5.2 Reserving Land for Public Purposes

The Gateway determination report recommended that this Direction, formerly numbered 6.2, remain unresolved as the proposed local open space was subject to further amendments.

The objective of this direction is to facilitate the provision of public services and facilities by reserving land for public purposes. This Direction applies as the proposal seeks to rezone existing privately owned land to RE1 Public Recreation and SP2 Infrastructure (Educational Establishment). The land has been identified on the relevant Land Reservation Acquisition maps in addition to being secured via the local VPA and State VPA. The Department of Education has provided consent to being listed as an acquisition authority for the land in the LEP (as set out in **Attachment School Letter**).

The draft LEP is consistent with this direction, noting that there is a mechanism in place to secure the land and facilitate the provision of public open space and new primary school to serve the needs of the community.

Direction 1.4 Site Specific Provisions

Condition 1(b) of the Gateway determination required the planning proposal to address the inconsistency with this direction, formerly numbered 6.3. This direction seeks to discourage any unnecessarily restrictive site-specific planning controls. The planning proposal is inconsistent with this direction as it seeks to:

- include ‘residential flat buildings’ as an additional permitted use within the B2 Local Centre zone where a minimum 30,000m² of non-residential floorspace is achieved;
- apply a residential GFA cap for the following areas:
 - ‘Area 1’ 434,023m²;
 - ‘Area 2’ 32,880m², and
 - ‘Area 3’ 14,437m²;
- apply a concurrence clause with the Planning Secretary to consider road and public transport infrastructure provision where development exceeds the 11,000 dwelling threshold;
- identify ‘MPD’ sites on the Additional Local Provisions Map as subject to a Design Excellence Competition; and
- appoint a Design Excellence Panel to provide design advice for all development applications.

The introduction of ‘residential flat buildings’ as a permitted use is considered minor and provides flexibility for the proponent, noting that the future development will need to demonstrate that the proposal is able to achieve a minimum 30,000m² of non-residential floor space in the B2 zone.

Furthermore, the application of the minimum 30,000m² of non-residential floor space is considered necessary to ensure that proposed commercial floor space is protected and aligned with the vision for the town centre.

The introduction of a concurrence clause and a residential GFA cap to 'Area 1', 'Area 2' and 'Area 3' are considered an appropriate mechanism to respond to the identified traffic and transport constraints within the precinct.

The proposed design excellence provisions are considered justified as they will ensure consistent and high quality in architectural, urban and landscape design is achieved. The proposed design excellence competition for sites identified as 'MPD' will provide another layer of assessment for those lots.

The Department is satisfied that the proposal's inconsistency with this Direction is justified, noting that it does not impose overly restrictive development controls and will result in positive development outcomes. It is recommended that the delegate agree that this matter has been appropriately addressed.

SEPP (Transport and Infrastructure) 2021

The Transport and Infrastructure SEPP is the key planning instrument in NSW for the facilitation and delivery of infrastructure. The SEPP contains planning provisions for various types of infrastructure, including development near pipelines. It also includes notification requirements and requirements to consider potential safety risks related to development near high pressure pipelines.

In accordance with condition 5(c), the Gateway determination required Council to ensure that the land is suitable for the intended outcomes having regard to the underground high-pressure pipeline safety risk following an assessment against relevant legislation and policies. Council has prepared a hazard analysis report (**Attachment M**) to determine the appropriateness of the proposed land uses in the vicinity of the pipeline. The analysis concludes that the proposal satisfies the individual fatality risk criteria. The study also recommends that further analysis be undertaken at the development application stage to determine the level of risk at the construction stage.

Urban design, Design Excellence Panel and Design Competition

The Gateway determination required Council to undertake further urban design testing. An urban design report (**Attachment H**) has been submitted and exhibited to support the design rationale for the proposed built form in Melrose Park North. This includes a master plan providing the proposed land use zoning, building heights, floor areas, road layout and areas of open space.

The urban design study provides the rationale for the proposal; including a site constraints and opportunities analysis, urban design principles to drive the proposal, open space concepts, sustainability initiatives and an assessment of the proposed master plan against the principles and objectives of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development.

A floor space ratio of 1.85:1 is proposed across the precinct, with heights ranging from 9 metres to 95 metres (24 storeys). The tallest buildings are located towards the town centre with 6 to 8 storey buildings proposed at the edges of the precinct to provide a transition to surrounding low rise residential areas. In addition, the draft LEP includes RE1 zoned land, approximately 20m wide on the eastern side of Wharf Road, which acts as a buffer further increasing the separation from adjoining landowners outside the precinct.

The draft LEP includes a requirement for all development applications in the Melrose Park North precinct to be reviewed by the Design Excellence Panel. This will ensure consistent and high quality in architectural, urban and landscape design is achieved. In addition, sites identified as 'MPD' on the Additional Local Provisions Map will be subject to the Design Excellence Competition process for further design assessment (as shown in **Figure 5**). These lots have been chosen for the following reasons:

- Lot G being located adjacent to the Central Park which is the primary open space in the precinct and along the major north-south thoroughfare. Council notes that it is critical for Lot G to provide high quality building design to minimise overshadowing and provide an appropriate interface to the park.
- Lot E and EA are located on the only east-west link through the precinct, at the eastern gateway, and are considered critical to providing a strong visual presence.



Figure 5 Sites highlighted in blue that have been identified to undertake Design Excellence Competition process (Source: planning proposal)

Transport Management and Accessibility Plan (TMAP)

In accordance with condition 1(c), a TMAP has been prepared and exhibited for the Melrose Park Precinct to address traffic and transport issues resulting from redevelopment of the precinct. In summary, the TMAP finds that the additional traffic demand as a result of the proposed Melrose Park development on the surrounding local road network falls within acceptable capacity thresholds and can be supported by the identified upgrades to transport infrastructure and services for both the road and public transport network.

However, the TMAP identifies that providing an acceptable level of public transport to more than 6,700 dwellings and up to the full development yield of 11,000 dwellings is dependent on the provision of a bridge crossing of the Parramatta River to Wentworth Point, providing active and public transport access to a future Metro Station at Sydney Olympic Park. The planning proposal suggested a two-stage implementation plan to align growth with the level of infrastructure available, based on the TMAP.

The NSW Government announced funding towards the Parramatta Light Rail Stage Two on 1st June 2022. This announcement committed \$602.4 million to start works and commence a detailed planning process to move ahead with the project. As part of this announcement it was confirmed that the funding will go towards early works, including construction of the bridge connecting Melrose Park to Wentworth Point, with an EIS for the project due to be released by the end of 2022.

This recent announcement gives the Department sufficient comfort that the bridge can be delivered as part of the Parramatta Light Rail project and enables Stage 2 (as per TMAP) to be considered as part of this planning proposal.

The Department has proposed post-exhibition amendments to address the staging of development outlined in the TMAP. This includes a clause requiring concurrence with the Planning Secretary for development which exceeds the 11,000 dwellings threshold across the entire precinct. This clause is intended to allow the entire precinct to achieve the full development yield with the opportunity for additional development above 11,000 dwellings only where consideration is given to the capacity of the existing and proposed road and public transport infrastructure in the area to accommodate additional development. This is intended to outline the envisaged maximum while providing flexibility to future proof the provisions.

To enable the application of the concurrence clause with the Planning Secretary, the Department proposes to identify the 'Melrose Park Precinct' on the Key Sites Map as a post-exhibition amendment which includes land identified as Melrose Park North and Melrose Park South. The proposed post-exhibition amendments are considered appropriate for the following reasons:

- the TMAP was exhibited with the planning proposal in accordance with Gateway condition 1(c);
- prior to going on exhibition, the Department and TfNSW endorsed the findings of the TMAP and the planning proposal to be exhibited (**Attachment E and E1**);
- the planning proposal aligns residential yield with supporting infrastructure for the precinct as a whole.

The introduction of the concurrence clause with the Planning Secretary in the draft LEP is considered an appropriate mechanism to align the proposed development with infrastructure delivery and respond to traffic and transport constraints.

Local Infrastructure Provision

In responding to Gateway condition 1(e), Council has prepared an Infrastructure Needs List (**Attachment N**) to identify the infrastructure required to service the future needs of the future population and the approximate cost of the infrastructure. Council notes that there are three (3) local VPA's tied to the planning proposal, each at varying stages in the process.

A local VPA is currently being finalised between Council and the major landowner (Payce 'Area 1') which has a value of \$96,745,226 and includes delivery of infrastructure related to road works, public open space, affordable rental housing, smart cities and a contribution towards community facilities. Council notes that negotiations to secure adequate infrastructure to support the community are ongoing with the landowners at 15-19 Hughes Avenue and 655 Victoria Road ('Area 2') and 8 Wharf Road ('Area 3'). Council requested that the LEP include a provision that prevents the planning proposal sites from utilising the amended planning controls until such time that a planning agreement has been executed and registered on the respective Title.

As such, the Department proposes a staged deferred commencement applying to ‘Area 1’ commencing in 6 months, ‘Area 2’ and ‘Area 3’ commencing in 12 months. The areas have been identified by landownership and the proposed approach will ensure that public benefits and infrastructure are secured in a timely manner to support the development. It is noted that Council has requested a 24 month deferred commencement for ‘Area 2’ and ‘Area 3’. The Department does not support the proposed 24 months and this timeframe can be reviewed at a later date if required.

The introduction of two timeframes for deferred commencement (6 months and 12 months) relating to three sites and their respective development controls (those for Area 1, and those for Areas 1 and 2) has resulted in the need for Map Amendment 1 to the PLEP 2011 to introduce the mapping provisions for Areas 2 and 3 to come into effect in 12 months’ time.

In addition, the total residential GFA cap of 481,340m² for administrative purposes aligns with the staged deferred commencement approach. The split of the GFA does not affect the proposed dwelling yield, the ability to achieve the 1.85:1 FSR and there is no increase to the residential GFA that has been applied to the respective areas.

The inclusion of residential GFA caps to their respective areas and a concurrence clause with the Planning Secretary will ensure that residential yield is aligned with supporting infrastructure. The Department considers the proposed changes are minor and appropriate to facilitate the envisaged outcomes for the proposal.

State Infrastructure Provision

There is an identified need for regional infrastructure to support growth within Greater Parramatta and Olympic Peninsula (GPOP), as outlined in the GPOP Place-based Infrastructure Compact (PIC). As part of Gateway condition 1(g), three draft State VPAs are currently under preparation for Melrose Park North with the three landowners (at different stages of progression). The draft State VPAs will secure critical State infrastructure, including upgrades to traffic infrastructure outlined in the TMAP, monetary contributions towards regional infrastructure and education infrastructure.

The Department has included a clause requiring concurrence with the Planning Secretary in the draft LEP as a post-exhibition amendment to ensure new residential and commercial development in Melrose Park North contributes towards designated State and regional infrastructure. To enable the application of the concurrence clause with the Planning Secretary, land has been identified as ‘Melrose Park North’ on the Key Sites Map.

The Department considers the use of a concurrence clause is an appropriate mechanism to ensure the provision of State and regional infrastructure. The concurrence clause is an interim measure until the draft State VPAs are exhibited and executed. As such, the post-exhibition amendment is considered appropriate.

5 Post-assessment consultation

The Department consulted with the following stakeholders after the assessment.

Table 5 Consultation following the Department’s assessment

Stakeholder	Consultation	The Department is satisfied with the draft LEP
Mapping	Eleven (11) maps have been prepared by Council. The Department’s ePlanning team have checked the maps in accordance with the technical requirements.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

Council	<p>Council was consulted on the terms of the draft instrument under clause 3.36(1) of the <i>Environmental Planning and Assessment Act 1979 (Attachment C)</i></p> <p>Council provided comments on 15/06/2022 noting some matters for clarification (Attachment D). Council also raised a concern regarding the approach to dwelling threshold in the concurrence clause, noting a preference for this to be expressed as a limit.</p> <p>The Department is satisfied that Council's comments have been considered and the Draft LEP is appropriate to achieve the purpose of the Planning Proposal.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details
Parliamentary Counsel Opinion	<p>On 7/06/2022 , Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at Attachment PC</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, see below for details

6 Recommendation

It is recommended that the Secretary's delegate determine that:

- the draft LEP's inconsistency with section 9.1 Direction 7.1 Business and Industrial Zones, 4.4 Remediation of Contaminated Land, 5.2 Reserving Land for Public Purposes and 1.4 Site Specific Provisions is justified in accordance with the terms of the Direction.

It is recommended that the Minister's delegate as the local plan-making authority determine to make the draft LEP under clause 3.36(2)(a) of the Act because the plan:

- is consistent with the relevant objectives and Planning Priorities of the Central City District Plan;
- aligns with the strategic vision of the Parramatta Local Strategic Planning Statement 2036;
- will provide facilitate quality residential housing, incorporating a range of housing types, including 145 affordable rental housing units and 5,500 new dwellings;
- will enable the redevelopment of the site for a new town centre with a range of commercial and retail employment activities generating approximately 1,932 jobs; and
- will support the delivery of significant public benefits, including land for a future school, and 50,606m² of public open space that will provide benefit to the future residents and community.



14 June 2022
Holly Villella
Manager, Metro Central



14 June 2022
Jazmin van Veen
Acting Director, Metro Central (GPOP)



14 June 2022

Alison McLaren

Executive Director, Metro Central and North



15 June 2022

Catherine Van Laeren

Acting Deputy Secretary

Planning and Land Use Strategy

Assessment officer

Peter Pham

Senior Planner, Central (GPOP)

Attachments

Attachment	Document
A	Planning Proposal
B	Gateway determination
B1	Alteration of Gateway determination dated 27 March 2019
B2	Alteration of Gateway determination dated 25 March 2020
B3	Alteration of Gateway determination dated 22 March 2021
C	Section 3.36(1) consultation with Council
D	Council comments on draft LEP
E	Endorsement Letter to Council for public exhibition – 22 March 2021
E1	TfNSW endorsement of Melrose Park TMAP for public exhibition – 20 June 2019
F	Council report and Minutes – 11 October 2021
G	Local Planning Panel – Council report and minutes – 17 August 2021
H	Urban Design and Landscape Study
I	Transport Management and Accessibility Plan (TMAP) Executive Summary
I1	Transport Management and Accessibility Plan (TMAP)
J	Community, Sport, Recreation and Open Space Study
K	Economic Impact Update letter
K1	Economic Impact Assessment

L	Retail Impact Assessment
M	Hazard Analysis Report
N	Infrastructure Needs List
O	Site Contamination Study
School Letter	Letter from Department of Education
