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Planning Proposal

Additional Permitted Uses

459 Merrylands Road, Merrylands



Prepared for: St Raymond Charities of Hadchite Incorporated
December 2015

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Appendices

1. Correspondence from Council
2. Copy of DP391056
3. SEPP Assessment
4. Section 117 Directions

Abbreviations

AADT	annual average daily vehicle trips
Council	Holroyd Council
DCP	development control plan
DFP	DFP Planning Pty Limited
DGRs	Director General's Requirements
DPE	NSW Department of Planning and Environment
DoPI	former NSW Department of Planning and Infrastructure
DVT	daily vehicle trip
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	<i>Environmental Planning and Assessment Regulation 2000</i>
EPI	environmental planning instrument
LEP	local environmental plan
LGA	local government area
RMS	NSW Roads and Maritime Services
RTA	former Roads and Traffic Authority of NSW
SEPP	state environmental planning policy
vtph	vehicle trips per hour

1 Introduction

1.1 Commission

DFP has been commissioned by Parks Legal Lawyers to prepare a Planning Proposal for 459 Merrylands Road, Merrylands (the site).

The purpose of the planning proposal is to include additional land uses on the site through amendment to Schedule 1 of the Holroyd Local Environmental Plan (LEP) 2013 to allow for the existing take away food shop to continue to operate from the site. The additional land uses that are proposed to be included as additional permitted uses (with consent) on the site are the following uses as defined in the LEP:

- Take away food premises;
- Restaurant or café, and
- Business premises.

In addition, amendment of the Additional Permitted Uses map accompanying Holroyd LEP 2013 will be required in order to identify the site as a site on which additional uses are permitted.

1.2 Purpose of this Statement

The purpose of this report is to provide Council and the Department of Planning and Environment (DPE) with the necessary information to assess the Planning Proposal and for the Minister to make a Gateway Determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.3 Material Relied Upon

This SEE has been prepared by DFP based on information referred to herein and/or appended to this report and a site inspection undertaken on 21 October 2015.

1.4 Summary of Conclusions and Recommendations

This report concludes that the proposal:

- allows an existing use to continue its operation on the site by correcting a zoning anomaly.
- Is not inconsistent with regional and subregional planning, transport strategies or local planning studies;
- is not inconsistent with relevant SEPPs and Section 117 Directions; and
- is minor in nature as it does not comprise building works.

Accordingly, we recommend that Council endorse this Planning Proposal and forward it to the Minister for Gateway Approval.

2 Background

The site is zoned R3 – Medium Density Residential under Holroyd LEP 2013. The uses permitted with consent in the R3 zone are:

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Exhibition villages; Group homes; Home businesses; Home industries; Hostels; Multi dwelling housing; Neighbourhood shops; Places of public worship; Recreation areas; Respite day care centres; Roads; Semi-detached dwellings; Seniors housing

With the exception of home occupations, all other land uses not listed as permitted development are prohibited in the R3 zone. The current use of 459 Merrylands Road is considered to be unlawful as it is a take away food and drink premises (defined below) which is not permitted in the R3 Medium Density Residential Zone that applies to the site. Further, despite anecdotal evidence that suggests there has been a shop on the site for some time (we note that the copy of DP636846 dated 24 October 1984 indicates that there is a brick shop on the site). A copy of DP636846 is included at **Appendix 1** to this report), it has not been possible to establish if the use has existing use rights.

Take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises

Neighbourhood shops are permitted with consent in the R3 zone subject to the floorspace of the shop not exceeding 100m² (refer Clause 5.4(7) of Holroyd LEP 2013). However, the use of the premises for the purpose of a take away food premises cannot be considered as a 'Neighbourhood shop' as it doesn't meet that definition being:

neighbourhood shop means premises used for the purposes of selling general merchandise such as foodstuffs, personal care products, newspapers and the like to provide for the day-to-day needs of people who live or work in the local area, and may include ancillary services such as a post office, bank or dry cleaning, but does not include restricted premises.

The existing use of the premises as a take away pizza outlet is not a neighbourhood shop and therefore is not currently permitted in the R3 zone.

The primary objective of the Planning Proposal is to make the current use permissible.

This could be achieved by either adding additional land uses (including *take away food and drink premises*) as permissible land uses in the R3 zone that applies to the site (in Schedule 1 of the LEP) – Option 1, OR by changing the land use zone to one which permits this and perhaps other land uses – Option 2.

The former approach (Option 1) is considered to be the most appropriate mechanism for the purposes of achieving the objective as it maintains the existing zoning and could be done without necessarily having to include adjoining land – see below for discussion regarding this.

The latter approach (Option 2) on the other hand only makes strategic sense if it is done for all land in the immediate locality on which there are non-residential purposes, i.e. the adjoining tyre outlet and the other (undefined) industrial/warehouse at 2 Holroyd Road. However that approach would introduce the need to undertake other studies, including contamination assessments. Furthermore, the existing vacant commercial premises adjoining the site (at 457 and 455 Merrylands Road), have floor areas of less than 100m² and these premises could therefore be occupied as neighbourhood shops, subject to consent be granted.

Given that the objective of the Planning Proposal is enable continued operation of the existing take away pizza shop, it is considered that Option 1, being inclusion of appropriate land uses as additional permitted uses (with consent) in Schedule 1 of Holroyd LEP 2013.

2 Background

2.1 Consultation with Council

By letter dated 17 September 2015 Council provided advice regarding the option of proceeding with a Planning Proposal in order to address the zoning anomaly which resulted in the existing take away food outlet being a non-conforming use. A copy of this letter is appended to this report at **Appendix 2**. Council's letter predominately addressed issues concerning the rezoning all three properties to B1 Neighbourhood Centre, however, it is considered that a rezoning of the site (and the adjoining sites) is both unnecessary and not strategically appropriate, based on the predominant character of the area.

As outlined above, it is considered that inclusion of additional permitted uses on the site (in accordance with Clause 2.5 of Holroyd LEP 2013) is the most appropriate mechanism for achieving the objectives of this Planning Proposal.

Council's letter recommended that the potential traffic implications associated with zoning the three properties (445, 457 and 459 Merrylands Road) B1 Neighbourhood Centre would also need to be considered, together with potential economic impacts. Based on the alternative approach (i.e. – inclusion of additional uses by amendment of Schedule 1 of the LEP) it is considered that this information is no longer relevant or required. By email dated 16 November 2015, Council advised that any additional permitted uses that generate car parking demand beyond the demand generated by a take away food premise should be excluded from the proposal. This issue has been addressed in the body of the report.

In the same email, Council also recommended that any additional permitted use be limited to a maximum floor area of 100m², equivalent to the maximum permitted floorspace for a neighbourhood shop. Given that the retail floor area (excluding storage) of the existing pizza outlet is approximately 58m², a restriction on the floor area is considered reasonable as it will ensure any alternative use of the premises will not be out of character with the existing surrounding development.

3 Site Context

3.1 Location

The site is located approximately 2km west of the Merrylands town centre and Merrylands Train Station (see **Figure 1**).



Figure 1 Site Context

3.2 Site Description

The site is legally described as Lot W in Deposited Plan (DP) 391056 (see **Figure 2**). A copy of DP391056 is included at **Appendix 2** to this report.



Figure 2 Aerial Photograph

The site has an area of 284.5m² and a frontage to Merrylands Road of 7.4m.

Built improvements on the site include a single storey shop with a single storey residence to the rear. The residence is connected to the shop by a storeroom. The shop and storeroom have a combined floorspace of approximately 81m² and the dwelling has a floorspace of approximately 100m².

The existing shop has a zero setback from the street and abuts the shop building to the immediate east.

3 Site Context

Pedestrian access to the dwelling is provided from a side passageway on the western side of the allotment. Vehicular access is not currently provided on site.

Figures 3 and 4 are images of the subject site.



Figure 3 The subject site viewed from the south west



Figure 4 The subject site viewed from the south east

3 Site Context

3.3 Surrounding Development

The surrounding locality is predominately characterised by low and medium density residential development, of varying scales and densities. Single and two storey detached dwellings are located to the immediate north and west of the site, with this housing from commonplace within the surrounding locality. Development to the immediate east of the site comprises commercial premises including a vacant shop and a tyre repair premise. Development to the south (across Merrylands Road) comprises medium density residential flat building development of 3 – 4 storeys.

The site is part of a small village centre located at the north western corner of Merrylands Road and Holroyd Road. This area includes a small selection of shops a tyre repair business and a vacant industrial building (which fronts Holroyd Road). While these land uses are all commercial in nature they are zoned medium density residential due to a zoning anomaly.

4 Matters Required by s55 of the EP&A Act

4.1 Introduction

Section 55 of the EP&A Act relates to Planning Proposals and specifically, the matters that are to be addressed in a Planning Proposal. Specifically, Section 55 states:

- “(1) Before an environmental planning instrument is made under this Division, the relevant planning authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the planning proposal).*
- (2) The planning proposal is to include the following:*
 - (a) a statement of the objectives or intended outcomes of the proposed instrument,*
 - (b) an explanation of the provisions that are to be included in the proposed instrument,*
 - (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will comply with relevant directions under section 117),*
 - (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,*
 - (e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.*
- (3) The Director-General may issue requirements with respect to the preparation of a planning proposal.”*

The following subsections of this Planning Proposal address the requirements of Section 55 of the EP&A Act.

4.2 Part 1 - Objectives or Intended Outcomes (Section 55(2)(a))

4.2.1 Objectives and Outcomes

The intended outcome of the of this Planning Proposal is to correct a zoning anomaly and to include 459 Merrylands Road, Merrylands in *Schedule 1 Additional permitted uses* of the Holroyd LEP 2013, to allow the following land uses (as defined in the LEP) to be permitted with consent on the site:

- Take away food premises;
- Restaurant or café, and
- Business premises.

The objective of this planning proposal is to make the current land use on the site permissible.

No changes to the existing built form are proposed.

The Additional Permitted Uses map accompanying the Holroyd LEP 2013 will be required to be modified to identify the site as one on which additional uses are permitted.

4 Matters Required by s55 of the EP&A Act

4.3 Part 2 - Explanation of Provisions (Section 55(2)(b))

Clause 2.5 of Holroyd LEP 2013 provides for additional land uses that would not ordinarily be able to be carried out on land due to the use being prohibited in the zone, to be undertaken subject to any site and/or use specific conditions. Clause 2.5 states the following:

- 2.5 *Additional permitted uses for particular land*
- (1) *Development on particular land that is described or referred to in Schedule 1 may be carried out:*
 - (a) *with development consent, or*
 - (b) *if the Schedule so provides—without development consent, in accordance with the conditions (if any) specified in that Schedule in relation to that development.*
 - (2) *This clause has effect despite anything to the contrary in the Land Use Table or other provision of this Plan.*

The planning proposal is a site specific amendment to the Holroyd LEP 2013 to allow additional land uses as permissible land uses in the R3 zone that applies to the site under Schedule 1 of the LEP.

In this regard it is proposed to include the following item, Item 17, into Schedule 1 of the LEP

- 17 Use of certain land at 459 Merrylands Road, Merrylands**
- (1) *This clause applies to land at 459 Merrylands Road, Merrylands, being Lot W, DP391056, identified as “APU 17” on the Additional Permitted Uses Map.*
 - (2) *Development for the following purposes is permitted with development consent:*
 - i. *Take away food and drink premises*
 - ii. *Restaurant or café; or*
 - iii. *Business premises*
 - (3) *Any development identified in sub clause (2) is limited to a maximum floorspace of 100m².*

4.4 Part 3 – Justification (Section 55(2)(c))

4.4.1 Section A – Need for the Planning Proposal

Strategic Studies or Reports

The proposal has not been prepared in response to any strategic study prepared by Council.

Best Means of Achieving the Intended Objectives or Outcomes

An amendment *Schedule 1* of the Holroyd LEP 2013 (and a corresponding amendment to the Additional Permitted Uses map) is the best way to allow the current *take away food premise* to continue its operation on the site. The site is zoned R3 medium density residential under the LEP. The current land use is defined as a *take away food premise*, which is not permitted in the R3 medium density zone. Take away food and drink premises is defined as:

take away food and drink premises means premises that are predominantly used for the preparation and retail sale of food or drink (or both) for immediate consumption away from the premises.

As discussed in **Section 2** of this report, it has not been possible to establish existing use right for the existing take away pizza outlet on the site. Therefore a Planning Proposal is the only means of ensuring this existing use can continue to operate.

Including take away food and drink premises, as well as other land uses that are compatible with and will service the surrounding residential population as additional land uses in the R3

4 Matters Required by s55 of the EP&A Act

zone that applies to the site under Schedule 1 of the LEP, is considered the best means of achieving the intended outcome of the Planning Proposal.

4.4.2 Section B – Relationship to Strategic Planning Framework

A Plan for Growing Sydney

A Plan for Growing Sydney is the NSW Government's key strategic planning document and sets out the framework for the growth of Sydney over the next 20 years. Creating great places to live, encouraging economic prosperity, delivering housing and protecting the environment are key pillars of the strategy.

The Plan acknowledges the positive contribution shops play in residential areas in enhancing the general livability and activity within a locality, as noted in this excerpt from the Plan:

As there are more homes with more people, additional shops, cafes and services arrive, making the centre a livelier and interesting place to live, work and visit.

The immediate locality directly surrounding the site comprises a mix of residential zones including low and medium density zoned land. The low and medium density zoning of the surrounding locality supports the development of more homes, and subsequently more people. As noted in *A Plan for Growing Sydney*, shops, cafes and other food services play a positive role in improving the general liability of an area, particularly in areas where there are higher population densities. Accordingly, the take away food premise on the site provides a positive contribution to the local area and delivers a good and service that caters to the needs of local residents. The Planning Proposal therefore responds to the aims of the strategy by allowing the existing take away food premise to continue its operation.

Living Holroyd Community Strategic Plan (2013)

Living Holroyd Community Strategic Plan sets out a blueprint of the vision for the LGA over the next 20 years. A priority of this plan is to ensure residents have access to services and facilities. The existing take away food premise provides an existing service to the surrounding community and therefore this Planning Proposal can be considered to be consistent with the overall objectives of this Plan.

Holroyd City Economic Development Strategy (2014)

The Holroyd City Economic Development Strategy provides an overarching vision for the economic direction and growth of the LGA. One of the key strategies is to support businesses. The Strategy states:

Providing business with the support it needs to develop and grow within Holroyd is a crucial component of any economic development strategy. Adopting a collaborative approach in working with businesses and industries that are already established as well as those seeking to set up operations will ensure that opportunities for economic growth in Holroyd are maximised.

It has not been possible to establish if the existing take away pizza outlet (which is prohibited in the R3 zone that applies to the site) has existing use rights. Accordingly, this planning proposal is needed to support the continued operation of the existing take away food premise on the site.

State Environmental Planning Policies

An assessment of the Planning Proposal against the applicability and consistency of Ministerial Directions is included at **Appendix 3** to this report. The Planning Proposal is consistent with the relevant Ministerial Directions. The main direction of relevance is discussed below.

4 Matters Required by s55 of the EP&A Act

3.1 Residential Zones

The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

The proposal does not seek to change the residential zoning which applies to the site. The proposal can be justified in accordance with these objectives in that it provides for the efficient use of existing infrastructure, services and development by allowing an existing use to continue to operate on site. The proposal also ensures new housing that is likely to be developed in the R3 and R4 land the surrounds the site has access to services to cater for the needs of residents.

4.4.3 Section C – Environmental, Social and Economic Impact

Critical Habitat, threatened species, populations or ecological communities

The site is located in an urbanised area and has been developed for urban purposes. There are no endangered ecological communities located on the site.

Other environmental effects and their management

(a) Traffic and Parking

The site has frontage to Merrylands Road, an Unclassified Regional Road (Road No. 7250). There is a signalised pedestrian crossing across the Merrylands Road frontage of the site and there is a bus stop immediately adjacent. There is insufficient room to relocate this crossing east or west within the block bound by the side streets - Holroyd Road and Ridge Streets. Even if it could be relocated, the cost would likely be prohibitive as the objective of this Planning Proposal is simply to make the current use lawful. Relocation of this infrastructure is not required in order to continue the use of the premises for the purposes of a take away food outlet.

Merrylands Road near Fowler/Burnett (just east of the Site) carried 38,869 vehicles east-west in 2002. This number is likely to be similar or higher now. Accordingly, even if the pedestrian crossing was relocated, it would be unlikely that the site would be suitable for a more intensive development. Further, the proposed limitation of 100m² of floorspace for any additional permitted use, effectively restricts more intensive development on the site.

Due to the access constraints, the site is unable to accommodate vehicular access and cannot provide off-street parking.

Email correspondence with Council advised that additional permitted uses that generate car parking demand beyond the demand generated by a *take away food premise* should be excluded from the proposal. We have examined the car parking rates set out in the Holroyd Development Control Plan (DCP) 2013 for the requested additional land uses. The car parking rate for each use is outlined in **Table 1**.

4 Matters Required by s55 of the EP&A Act

Table 1 Car parking rates for the proposed additional permitted uses

Land use as defined in the LEP	Land use as defined in the DCP	Minimum car parking spaces required	Estimated parking demand based on estimated GFA
Take away food premises	Food and drink premises (including Restaurants, Take away food and drink premises and Pubs) in all zones other than B1, B2, B4, B6 and R4)	1 per 8m ²	8
Restaurant or café	Food and drink premises (including Restaurants, Take away food and drink premises and Pubs) in all zones other than B1, B2, B4, B6 and R4)	1 per 8m ²	8
Business premises	Commercial (including retail premises, business premises and office premises) in all other B1, B2 and B6 zoned areas	Ground Floor - Leasable GFA 1 per 20m ² Above Ground Floor - Leasable GFA 1 per 40m ²	4

Table 1 demonstrates that a take away food and drink premises (along with restaurants and cafés) generate the highest demand for car parking. Including the additional land uses in Schedule 1 of the LEP will not create additional car parking beyond that of a take away food and drink premise. The existing take away food and drink premise currently operates without burdening the local road system. A take away food and drink premise on site is therefore unlikely to give rise to adverse environmental effects.

(b) Limitation of Floor Area of Additional Uses

It is proposed to limit the floorspace of any additional permitted use to a maximum of 100m², in line with the maximum retail floor area of a neighbourhood shop (which is a permissible use in the R3 zone that applies to the site).

Any development for the purposes of an additional use will be restricted in terms of floor area which will ensure that the scale and intensity of that development is compatible with the existing surrounding (mainly) residential development.

Social and economic effects

Expansion in the range of permissible uses on the site to allow for the development of take away food and drink premises, cafes and restaurants or business premises, is unlikely to result in adverse economic impacts on other established centres for the following reasons:

- Anecdotally a take away food has operated from the premises for a number of years without any obvious impacts on the nearby local centre on the corner of Merrylands Road and Sherbrook Road.
- The limitation on floorspace for any additional use to a maximum of 100m² is that same as that for a neighbourhood shop which is a permissible use in the R3 zone. The proposed additional uses of take away food premises, café and restaurant and business premises are not dissimilar in nature to that of a neighbourhood shop in that they generally function to serve the needs of the surrounding residential population. In this regard, the Planning Proposal will have a positive social impact.
- The proposed additional uses of take away food premises, café and restaurant and business premises are uses which are compatible with the adjoining residential and other commercial activities and unlikely to result in development which would adversely impact on the existing built and natural environment.

4 Matters Required by s55 of the EP&A Act

4.4.4 Section D – State and Commonwealth Interests

Public Infrastructure

The proposal does not comprise building works, rather the intent of the planning proposal is to continue operation of the existing use on site. The existing public infrastructure can therefore be considered adequate for the proposal.

Public Authority Consultation and Referral

Consultation with relevant State and Commonwealth public authorities can be undertaken in conjunction with the exhibition of the Planning Proposal following Gateway Determination.

4.5 Part 4 – Mapping (Section 55(2)(d))

The Planning Proposal will require amendment to the Additional Permitted Uses map accompanying Holroyd LEP 2013 to identify the subject site as one on which additional uses are permitted.

4.6 Part 5 - Community Consultation (Section 55(2)(e))

If the Planning Proposal is supported by Council it will be forwarded to DPE for Gateway Determination in accordance with Sections 56 and 57 of the Environmental Planning and Assessment Act 1979.

Opportunities for public comment on the Planning Proposal can be made during the formal public exhibition period.

4.7 Part 6 – Project Timeline

The timeline for assessment, consultation and determination of this Planning Proposal will be for Council and DPE to determine however, we consider that it should be possible to expedite this Planning Proposal within the DPE's suggested timeframe of 6 months for a minor spot rezoning.

5 Conclusion

This Planning Proposal seeks to include additional permitted uses for the site at 459 Merrylands Road to ensure the existing take away food premises can continue to operate from the site. This planning proposal seeks to correct a zoning anomaly.

This report and accompanying material has been prepared in accordance with Section 55 of the EP&A Act and relevant Departmental guidance.

This report concludes that the proposal:

- is consistent with relevant regional and subregional planning and transport strategies as well as local planning studies;
- is not inconsistent with relevant SEPPs and Section 117 Directions; and
- is minor in nature it does comprise building works.

It is proposed to include an additional item, item 17, into Schedule 1 of Holroyd LEP 2013 which will provide for the following uses to be developed on the site, with consent and subject to the floor area of the use being limited to be maximum of 100m²:

- take away food and drink premises;
- café and restaurant; and
- business premises

Further, the Additional Permitted Uses map accompanying Holroyd LEP 2013 will be required to be amended to identify the site at 459 Merrylands Road, Merrylands as one on which additional uses can be undertaken with consent.

Accordingly, we recommend that Council endorse this Planning Proposal and forward it to the Minister for Gateway Approval.



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APPENDIX I



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Contact:	Adan Davis
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17 September 2015

Gerard Turrisi
GAT & Associates
PO Box 96
HABBERFIELD NSW 2045

Dear Gerard

REQUEST TO REZONE 459 MERRYLANDS ROAD, MERRYLANDS AND SURROUNDS

I refer to your letter dated 5 August 2015 and our recent conversation. I am pleased to advise that we have considered your request on behalf of the owner of 459 Merrylands Road, Merrylands and can advise you on how to proceed.

You should submit a formal (rezoning) application to prepare a planning proposal for a B1 Neighbourhood Centre zone.

It is recommended that the area of land subject to the proposal should be sufficient to accommodate parking, loading and circulation on site if redevelopment were to occur, particularly given the location of the site on Merrylands Road. In this regard, it is considered that the land should be at least 20m wide. This is consistent with the minimum frontage control 1.1 C1 under Part C of Holroyd DCP 2013.

Your clients' property and the adjoining properties at 455 and 457 Merrylands Road have a combined frontage of approximately 21m. As such, it is strongly recommended that you approach the owner of the adjoining two properties and submit the planning proposal for 455-459 Merrylands Road. Your client may wish to pursue sharing the costs of the application and studies with this adjoining owner, on the basis that the rezoning to B1 Neighbourhood Centre would also benefit their properties.

The combined land area of the three properties is approximately 827sqm. Under Council's current fees and charges, because the area involved is less than 900sqm, it would fall under the category of 'minor site rezoning' for which the fee is \$9,654. It is not considered necessary to include the 'tyre repair' site on the corner of the block at 453 Merrylands Road, as that site is capable of development on its own, would likely require contamination reports, would likely increase the complexity of retail justification and would involve substantially higher fees.

The following supporting documentation is required to be submitted with the application to prepare a planning proposal for a B1 Neighbourhood Business zone:

- Planning proposal report, providing strategic justification, addressing environmental and economic considerations and including a social impact assessment comment in accordance with Part 5.4 and Appendix 7 of Council's Social Impact Assessment Policy.
- Economic/retail impact assessment report considering both current and potential floor space.
- Traffic and car parking report, addressing both redevelopment potential and use of existing buildings.





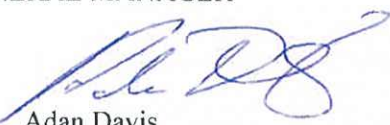
In your letter you indicated that no changes are sought to the mapped LEP development standards, which are currently a Floor Space Ratio (FSR) of 0.7:1 and maximum building height of 9m. These standards are not considered to be inappropriate for a B1 Neighbourhood Centre zone, noting that such zoned land typically have a maximum FSR of 1:1 and building height of 10m-14m.

Finally, I refer to the email correspondence from Council's Development Compliance Office on 18 August 2015 advising that Council would "allow the continued use of the subject premises, until the re-zoning application is determined". Council expects that the formal rezoning application would be able to be lodged within 2 months. As such, Council will assume that if this has not been received by Monday 30 November that your client does not wish to proceed with the rezoning and would need to commence enforcement action. Please advise me if more time is required to prepare the proposal.

I would be happy to discuss any aspect of this advice further. Please do not hesitate to contact me on 9840 9803.

Yours faithfully

Merv Ismay
GENERAL MANAGER

Per: 
Adan Davis
MANAGER STRATEGIC PLANNING

Handwritten notes in red ink:
- Zoned R3.
- Existing shops
- can't establish existing use rights
- leading to parking → addressed.
- opposite R4.
↓ dist. req.

Ellen Robertshaw

From: Adan Davis <adan.davis@holroyd.nsw.gov.au>
Sent: Monday, 16 November 2015 3:31 PM
To: Beth Dababneh; Ellen Robertshaw
Subject: RE: 459 Merrylands Road Merrylands

Hi Beth,

Unfortunately our fees are fixed and the minimum fee of \$9,654 applies. The work for Council would be substantially similar for either of the rezoning options.

I understand that the proposal would now only involve 459 Merrylands Road and be for additional permitted use of 'take away food and drink premises' and possibly some other additional uses. My advice was to propose to limit the APU to 100sqm, which would be consistent with the maximum gross floor area for a 'neighbourhood shop' permitted in the R3 zone. I would also suggest not including any other use as an APU that would have a higher parking demand than the take away food use (e.g. restaurants).

Regards,

Adan Davis
Manager Strategic Planning
Holroyd City Council

From: Beth Dababneh [mailto:bethdababneh@yahoo.com]
Sent: Saturday, 14 November 2015 10:53 AM
To: Ellen Robertshaw; Adan Davis; Beth Dababneh
Subject: Re: 459 Merrylands Road Merrylands

Dear Ellen and Adan

I thank you both for your hard work in attempting to find the best resolution to this matter.

As the Council has agreed to allow a change of proposal-from filing a proposal for the three shops on Merrylands road to only the one shop t 459 Merrylands Road- may I ask you both whether your original quoted invoiced amounts for the work commissioned and the Council fees, have also changed. If so, I ask for a revised invoice so I can prepare for the payments.

Regards,

Dr. Bethaina Dababneh
LLB(Hons), GTPC, MDR(Hons), PhD
The Parks Legal Lawyers
Phone: +612-8786-1463
Fax: +612-8786-1474

On Friday, 25 September 2015, 15:35, Ellen Robertshaw <erobertshaw@dfpplanning.com.au> wrote:

Beth

I have left another message with Aden Davis of Holroyd Council.

I will continue to follow him up so that I can understand the scope of the work involved (from Council's perspective) for the Planning Proposal.

Regards

Ellen Robertshaw | Partner

d : 02 9473 4903 | m : 0408 023 202



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Adan Davis | Manager Strategic Planning | Holroyd City Council |
PO Box 42 | 16 Memorial Avenue Merrylands NSW 2160 |
T: (02) 9840 9803 | F: |
E: adan.davis@holroyd.nsw.gov.au | W: <http://www.holroyd.nsw.gov.au> |

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APPENDIX 2

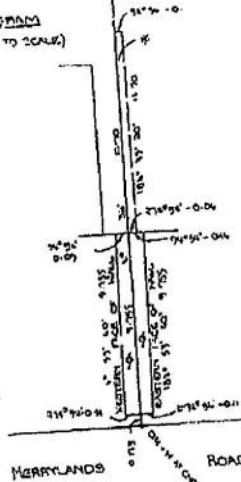
PLAN FORM 2

Signatures and notes only

Signature of the Surveyor

Signature of the Owner

DIAGRAM
(NOT TO SCALE)



D 2 2020
Sec 1

D 2 403619

RIDGE STREET
(2015 M2)

MERRYLANDS

ROAD

HOLROYD ROAD

D 2 221727

County Clerk's Certificate
I hereby certify that
the requirements of the Land Registration Act, 1925
have been complied with by the applicant in relation to the
proposed "conveyance" and the "conveyance" has been duly
registered in the Land Register.

M.P.D

Deriving only to appear if this space

OFFICE USE ONLY

D.P. 636846

Received 24-10-1984

Index num TONPENS

Purpose RACCOMENT

Ref Num UN152-91

Unit Plan OR 31030

PLAN OF EASEMENTS OVER
LOTS W AND X IN D.P. 31030

Reduction Ratio 1:500

Map Sheet 100/1001

Map Sheet 100/1001

Map Sheet 100/1001

Map Sheet 100/1001

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Map Sheet 100/1001

Map Sheet 100/1001

I, Bruce Richard Davies, Under Secretary for Lands and
Registrar General for New South Wales, certify that this
negative is a photograph made as a permanent record of a
document in my custody this day.
15th October, 1984



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APPENDIX 3

Appendix 3 - Consistency of Planning Proposal with State Environmental Planning Policies

Consistency with Applicable State Environmental Planning Policies	
SEPP	Consistency
SEPP No. 1 Development Standards	Not applicable - SEPP 1 does not apply to Holroyd LEP 2013.
SEPP No. 14 Coastal Wetlands	Not applicable
SEPP No. 15 Rural Landsharing Communities	Not applicable
SEPP No. 19 Bushland in Urban Areas	Not applicable
SEPP No. 21 Caravan Parks	Not applicable
SEPP No. 26 Littoral Rainforests	Not applicable
SEPP No. 29 Western Sydney Recreation Area	Not applicable
SEPP No. 30 Intensive Agriculture	Not applicable
SEPP No. 32 Urban Consolidation (Redevelopment of Urban Land)	Not applicable
SEPP No. 33 Hazardous and Offensive Development	Not applicable
SEPP No. 36 Manufactured Home Estates	Not applicable
SEPP No. 39 Spit Island Bird Habitat	Not applicable
SEPP No. 44 Koala Habitat Protection	Not applicable
SEPP No. 47 Moore Park Showground	Not applicable
SEPP No. 50 Canal Estate Development	Not applicable
SEPP No. 52 Farm Dams, Drought Relief and Other Works	Not applicable
SEPP No. 55 Remediation of Land	The Planning Proposal does result in a more sensitive land use on the Site. Moreover, the site is not considered to be contaminated. Nevertheless, the Planning Proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP
SEPP No. 59 Central Western Sydney Economic and Employment Area	Not applicable
SEPP No. 62 Sustainable Aquaculture	Not applicable
SEPP No. 64 Advertising and Signage	Capable of consistency. The Planning Proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP. This SEPP may apply to future development.
SEPP No. 65 Design Quality of Residential Apartment Development	Capable of consistency. The Planning Proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP. This SEPP may apply to future development.
SEPP No. 70 Affordable Housing (Revised Schemes)	Not applicable
SEPP No. 71 Coastal Protection	Not applicable

Consistency with Applicable State Environmental Planning Policies	
SEPP	Consistency
SEPP (Affordable Rental Housing) 2009	The Planning Proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP. This SEPP may apply to future development.
SEPP (Building Sustainability Index: BASIX) 2004	The Planning Proposal will not restrict the ability of a future development to achieve BASIX targets. This SEPP may apply to future development.
SEPP (Exempt and Complying Development Codes) 2008	The Planning Proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP. This SEPP may apply to future development.
SEPP (Housing for Seniors or People with a Disability) 2004	The Planning Proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP. This SEPP may apply to future development.
SEPP (Infrastructure) 2007	The Planning Proposal will not contain provisions that would be inconsistent with, or hinder the application of the SEPP. This SEPP may apply to future development
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Development) 2005	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Miscellaneous Consent Provisions) 2007	Not applicable
SEPP (Penrith Lakes Scheme) 1889	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (SEPP 53 Transitional Provisions) 2011	Not applicable
SEPP (State and Regional Development) 2011	Not applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (Three Ports) 2013	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable
Deemed SEPPs	
REP No. 9 Extractive Industry (No 2-1995)	Not applicable
REP No. 16 Walsh Bay	Not applicable
REP No. 19 Rouse Hill Development Area	Not applicable
REP No. 20 Hawkesbury–Nepean River (No. 2-1997)	Not applicable

Consistency with Applicable State Environmental Planning Policies	
SEPP	Consistency
REP No. 24 Homebush Bay Area	Not applicable
REP No. 26 City West	Not applicable
REP No. 30 St Marys	Not applicable
REP No. 33 Cooks Cove	Not applicable
Sydney Regional Environmental Plan (Sydney Harbour Catchment)	The site is located within the Sydney Harbour Catchment, but is not identified as being within a 'Foreshores and Waterways Area'. Nor is it a strategic foreshore site, a heritage item or a wetlands protection area. This SREP is therefore not applicable.



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APPENDIX 4

Appendix 4 - Assessment of Consistency with Section 117 Directions

Table 1 Compliance with Section 117 Directions	
Section 117 Direction	Response
1. Employment and Resources	
1.1 Business and Industrial Zones	Not applicable. It is proposed to retain the residential zoning applying the site and provide for additional permissible land uses to reflect an existing use. Although the range of uses are generally located with a business zone, they are capable of being accommodated within a residential zone without impacting on the amenity of surrounding development and without impacting on the viability of existing centres.
1.2 Rural Zones	Not applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not applicable
1.4 Oyster Aquaculture	Not applicable
1.5 Rural Lands	Not applicable
2. Environment and Heritage	
2.1 Environment Protection Zones	Not applicable
2.2 Coastal Protection	Not applicable
2.3 Heritage Conservation	Not applicable
2.4 Recreation Vehicle Areas	Not applicable
3. Housing, Infrastructure and Urban Development	
3.1 Residential Zones	Consistent Refer Section 4.5 of this Planning Proposal.
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.3 Home Occupations	Not applicable
3.4 Integrating Land Use and Transport	The Planning Proposal does not alter the current R3 – Medium Density zoning applying to the land and the Direction is not directly related to the Planning Proposal. However, the Planning Proposal is consistent with the principles of the Direction in terms of providing services proximate to housing.
3.5 Development Near Licensed Aerodromes	Not applicable
3.6 Shooting Ranges	Not applicable
4. Hazard and Risk	
4.1 Acid Sulfate Soils	Not applicable
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Land	The land is not flood prone.
4.4 Planning for Bushfire Protection	The land is not bushfire prone land.

Table 1 Compliance with Section 117 Directions	
Section 117 Direction	Response
5. Regional Planning	
5.1 Implementation of Regional Strategies	There are no relevant Regional Strategies that apply.
5.2 Sydney Drinking Water Catchments	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Revoked 18 June 2010
5.6 Sydney to Canberra Corridor	Revoked 10 July 2008. See Direction 5.1
5.7 Central Coast	Revoked 10 July 2008. See Direction 5.1
5.8 Second Sydney Airport: Badgerys Creek	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
6. Local Plan Making	
6.1 Approval and Referral Requirements	Consistent. The Planning Proposal does not include referral or concurrence provisions.
6.2 Reserving Land for Public Purposes	Consistent. The Planning Proposal does not alter, create or reduce the reservation of land for public purposes.
6.3 Site Specific Provisions	Consistent. The Planning Proposal includes multiple land uses as additional permitted land uses in Schedule 1 of the LEP. The inclusion of uses and restriction on floor area for those uses is not considered to be unnecessarily restrictive as it will ensure future development is compatible with the nature and scale of surrounding development.
7. Metropolitan Planning	
7.1 Implementation of A Plan for Growing Sydney	As discussed in Section 5.4 of this report, this Planning Proposal is consistent with <i>A Plan for Growing Sydney</i> .

**PROPOSED CHANGE OF USE LANDUSE
APPLICATION FOR A FOOD AWAY SHOP
*459 Merrylands Road in Merrylands***

***Prepared for: St Raymond Charities of Hadchite
Inc***

A1615689N (1a)

March 2016

Suite 195, 79-83 Longueville Road, Lane Cove NSW 2066

Telephone: 0418 256 674
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1. INTRODUCTION

ML Traffic Engineers was commissioned by St Raymond Charities of Hadchite Inc to undertake a traffic and parking impact assessment of an existing development at 459 Merrylands Road in Merrylands. The development site has frontage to Merrylands Road.

The current site is composed of a food take away shop (OMG Pizza and Pasta) fronting the street with a residence connected to the rear. The business only operates in the evening from 5pm to 10pm. There are no seating and hence no dining on site. Customers either pick up or the food is delivered to people living nearby.

The existing site is located in an R3 residential zone which conflicts with the allowed land uses in the zones. It is proposed to make the current land use permissible without changes to the existing building via Council approval.

A parking assessment has been conducted on the site and surrounding streets so as to assess the existing conditions as well as the potential impact created through the rezoning.

The site is currently in a R3 zone according to the Holroyd LEP 2013 and the existing restaurant or food takeaway shop is not permissible in the zone. An application for additional landuse is put forward to make the restaurant or food takeaway shop permissible. The shop currently has a combined floor space of 81m², which comprises of the shop and storage space.

It has been proposed that any development of the site will be limited to a maximum floor space to that of a Neighbourhood Shop, which is permissible with consent on a R3 zone. The maximum floor space according to the Holroyd Council LEP is 100m².

In the course of preparing this assessment, the subject site and its environs have been inspected, plans of the development examined, and all relevant traffic and parking data collected and analysed.

2. BACKGROUND AND EXISTING CONDITIONS OF THE PROPOSED LOCATION

2.1 Location and Land Use

The existing restaurant and food takeaway shop is located on Merrylands Road and is located 2km west of Merrylands Town Centre. Figure 1 shows a photo of the site.

Primarily the site is located near to residential developments however close to the site there are other retail based shops.

Figures 2 and 3 show the location of the site from the aerial and street map perspective respectively.



Figure 1: Photograph o of the site



Figure 2: Location of the Subject Site on Aerial



Figure 3: Street Map of the Location of the Development Site

2.2 Road Network

This section discusses the road network adjacent to the site.

Merrylands Road is an arterial road fronting the development with two traffic lanes each way. The speed limit is sign posted at 60 km/hr along Merrylands road fronting the site with signalized pedestrian crossings. There is no parking along Merrylands Road near the site. Figure 4 shows a photograph of Merrylands road from the site.

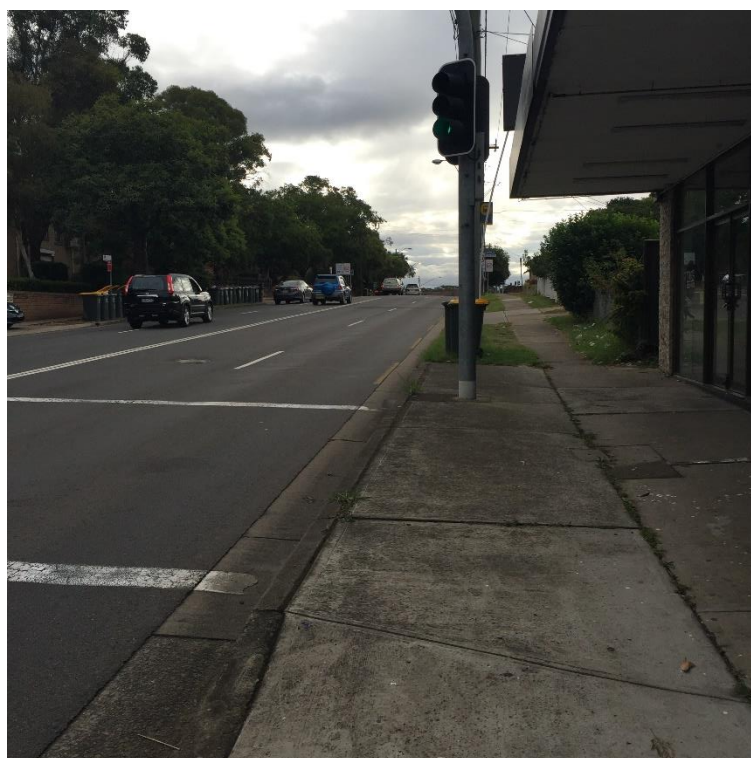


Figure 4: Merrylands Road looking west from site

2.3 Intersection Description

As part of this traffic impact assessment two intersections are assessed for the traffic generation:

- The signalised intersection of Merrylands Road with Sherwood Road and Centenary Road
- The priority intersection of Holroyd Road with Merrylands Road

External traffic to and from the site will need to travel through at least one of the above intersections.

The signalised intersection of Merrylands Road with Sherwood Road and Centenary Road is a four leg signalised intersection with all turn movements permitted at each intersection arm. The right turn from Merrylands Road west to Sherwood Road south is bus only. Pedestrian crossings are provided on all intersection approaches. Figure 8 shows a layout of the intersection using SIDRA - an industry standard intersection assessment software. The numbers on the lane represent the length of short lanes in metres.

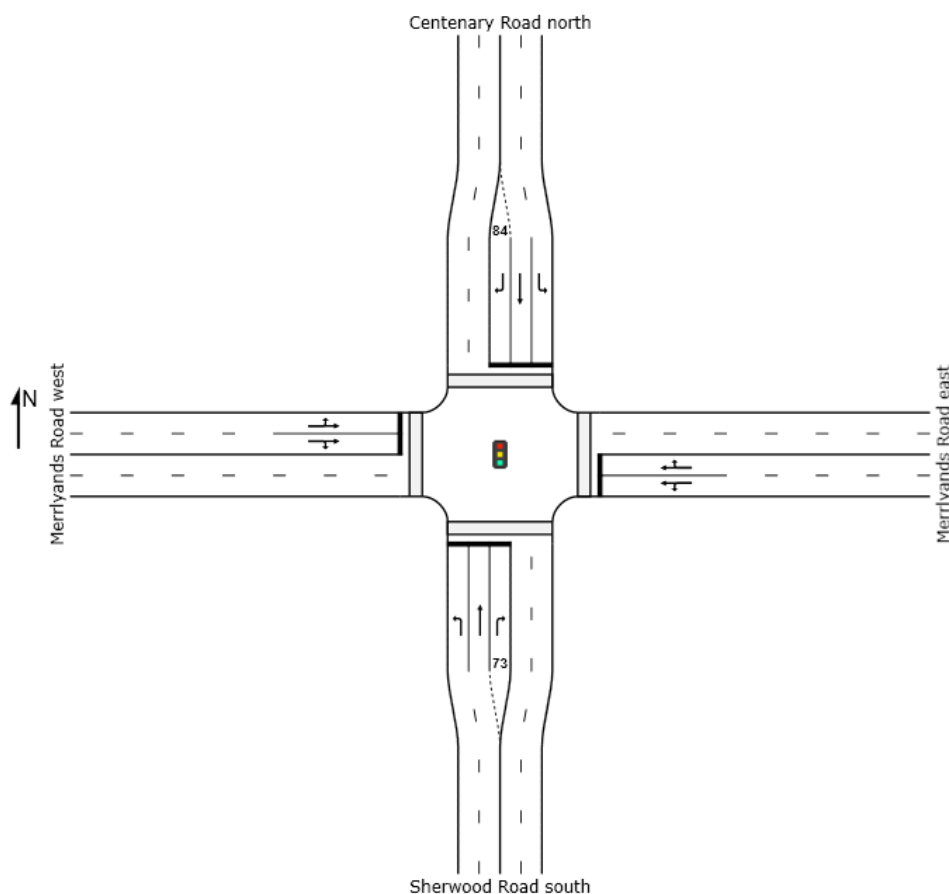


Figure 8: Signalised Intersection Layout of Merrylands Road with Sherwood Road and Centenary Road with (SIDRA)

The stop controlled intersection of Merrylands Road with Holroyd Road is a three leg intersection with drivers from Holroyd Road needing to give way to traffic on Merrylands Road. Figure 9 shows a layout of the intersection using SIDRA.

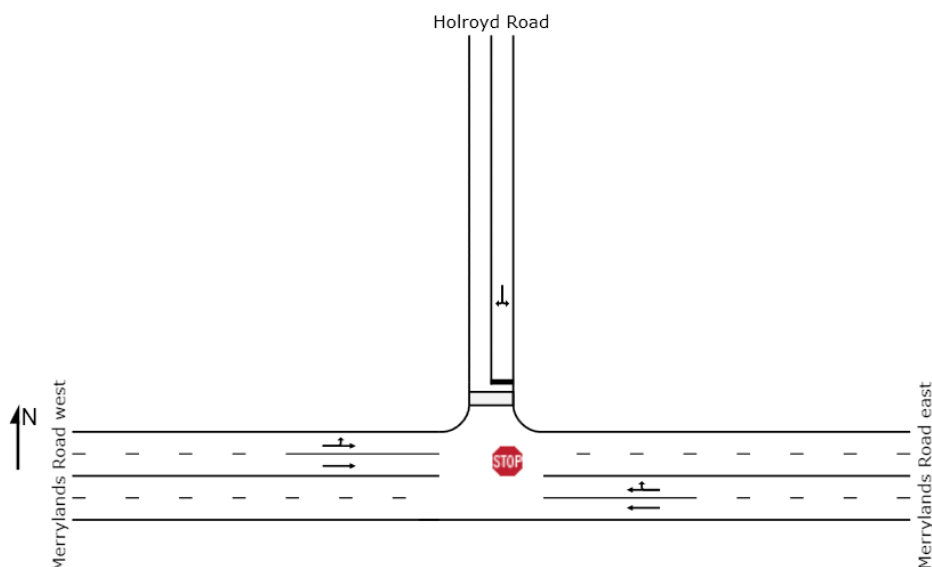


Figure 9: Priority Intersection Layout of Merrylands Road with Holroyd Road (SIDRA)

2.4 Existing Traffic Volumes

As part of the traffic assessment, traffic counts have been undertaken at the two intersections for the weekday PM peak period and a weekend. The peak hours were between 5pm and 6pm for the weekday PM peak hour. The Saturday peak hour was 6pm to 7pm to reflect people dining later on the weekend.

The following Figures present the traffic volumes in vehicles for the weekday peak hours and weekend.

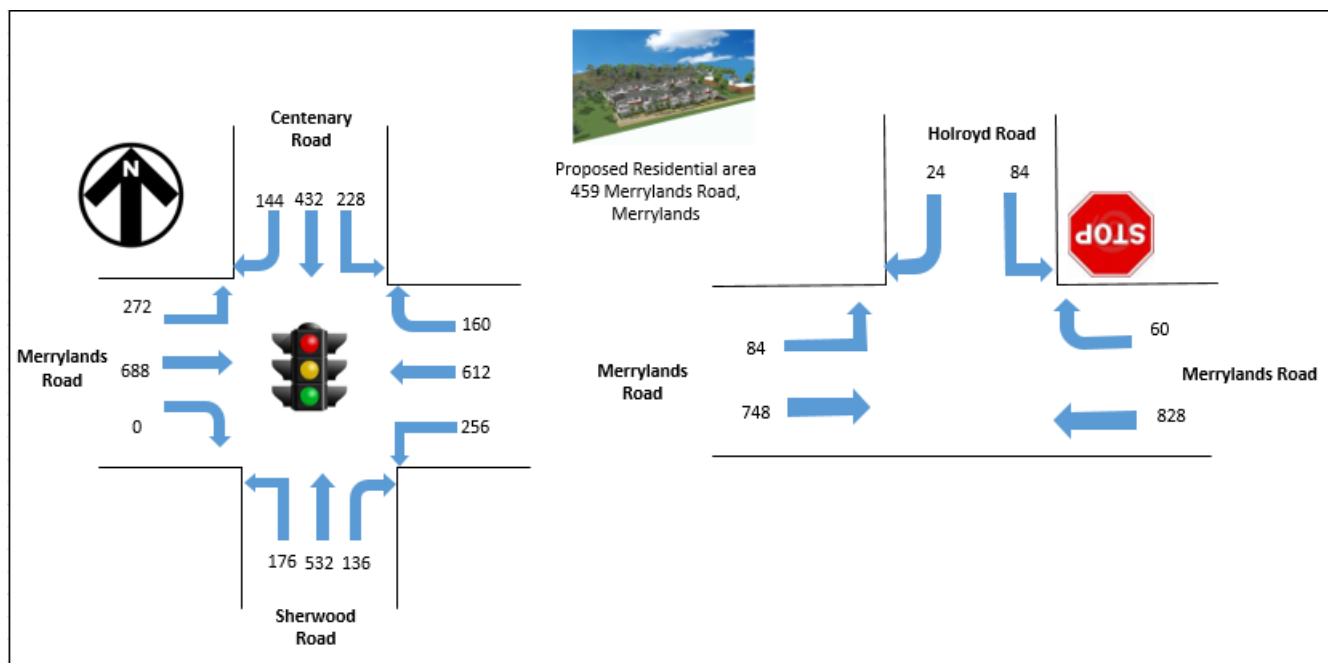


Figure 10a: Existing Weekday Traffic Volumes PM Peak Hour

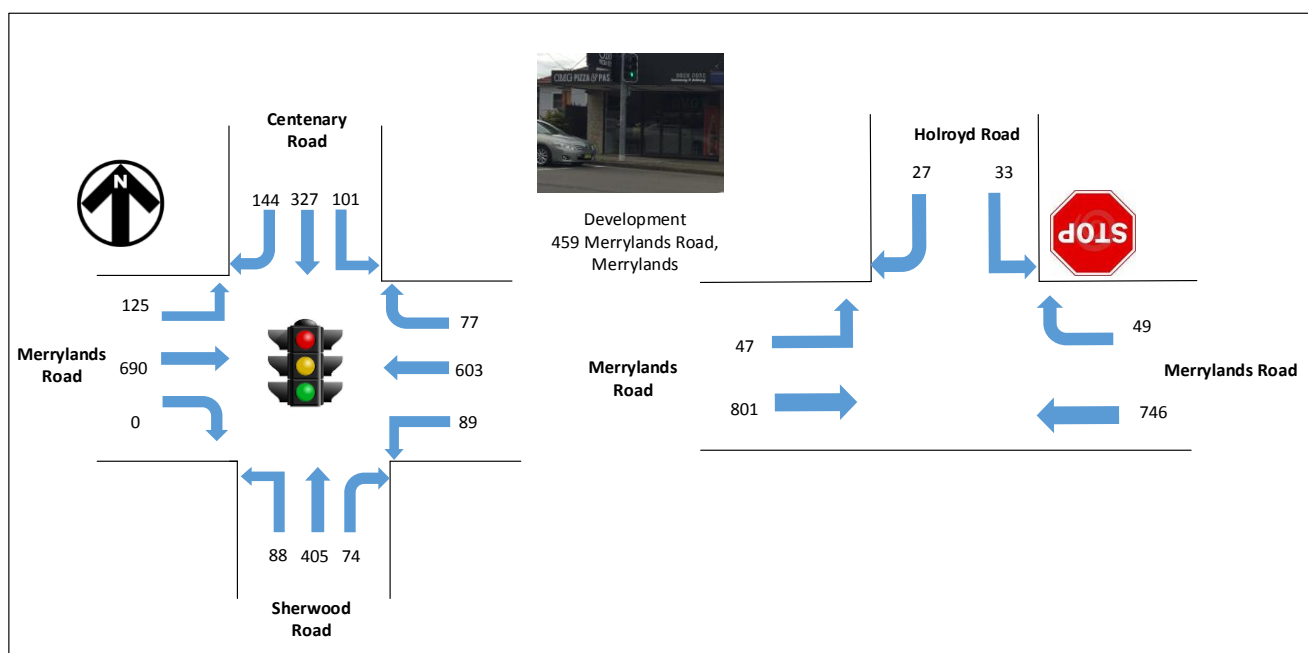


Figure 11: Existing Saturday Traffic Volumes PM Peak Hour

2.5 Intersection Assessment

An intersection assessment has been undertaken for the two surveyed intersections.

The existing intersection operating performance was assessed using the SIDRA software package (version 6) to determine the Degree of Saturation (DS), Average Delay (AVD in seconds) and Level of Service (LoS) at each intersection. The SIDRA program provides Level of Service Criteria Tables for various intersection types. The key indicator of intersection performance is Level of Service, where results are placed on a continuum from 'A' to 'F', as shown in Table 1.

LoS	Traffic Signal / Roundabout	Give Way / Stop Sign / T-Junction Control
A	Good operation	Good operation
B	Good with acceptable delays and spare capacity	Acceptable delays and spare capacity
C	Satisfactory	Satisfactory, but accident study required
D	Operating near capacity	Near capacity & accident study required
E	At capacity, at signals incidents will cause excessive delays.	At capacity, requires other control mode
F	Unsatisfactory and requires additional capacity, Roundabouts require other control mode	At capacity, requires other control mode

Table 1: Intersection Level of Service

The Average Vehicle Delay (AVD) provides a measure of the operational performance of an intersection as indicated below, which relates AVD to LOS. The AVD's should be taken as a guide only as longer delays could be tolerated in some locations (i.e. inner city conditions) and on some roads (i.e. minor side street intersecting with a major arterial route). For traffic signals, the average delay over all movements should be taken. For roundabouts and priority control intersections (sign control) the critical movement for level of service assessment should be that movement with the highest average delay.

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ABN 69 981 485 197

LoS	Average Delay per Vehicles (seconds/vehicle)
A	Less than 14
B	15 to 28
C	29 to 42
D	43 to 56
E	57 to 70
F	>70

Table 2: Intersection Average Delay (AVD)

The degree of saturation (DS) is another measure of the operational performance of individual intersections. For intersections controlled by traffic signals both queue length and delay increase rapidly as DS approaches 1. It is usual to attempt to keep DS to less than 0.9. Degrees of Saturation in the order of 0.7 generally represent satisfactory intersection operation. When DS exceed 0.9 queues can be anticipated.

The results of the intersection analysis are as follows:

Merrylands Road with Centenary Road and Sherwood Road

- The overall intersection has a LoS B for the weekday and Saturday Peak hours
- There is limited spare capacity for both peak hours

Merrylands Road with Holroyd Road

- All turn movements have a LoS A or B for both AM and Peak hours
- There is spare capacity at this intersection

The full Sidra results are presented in Appendix A.

2.6 Public Parking Opportunities

The existing customers of the take away food outlet need to rely on street public parking since there is no on site parking.

On street public parking is provided near the site. A parking survey of the nearby area was undertaken of the immediate area as shown in Figure 11 for the purposes of customer parking to the site. The parking survey was undertaken on the same day as the traffic survey and shows the hours of the

. A weekend parking survey was also undertaken. The results are presented in Table 3. The results show that there are ample spaces available around the site with customers using the spaces.

As the site is existing it will not create any additional parking demands or trips and the rates and figures are inclusive of sites impact on the environment.

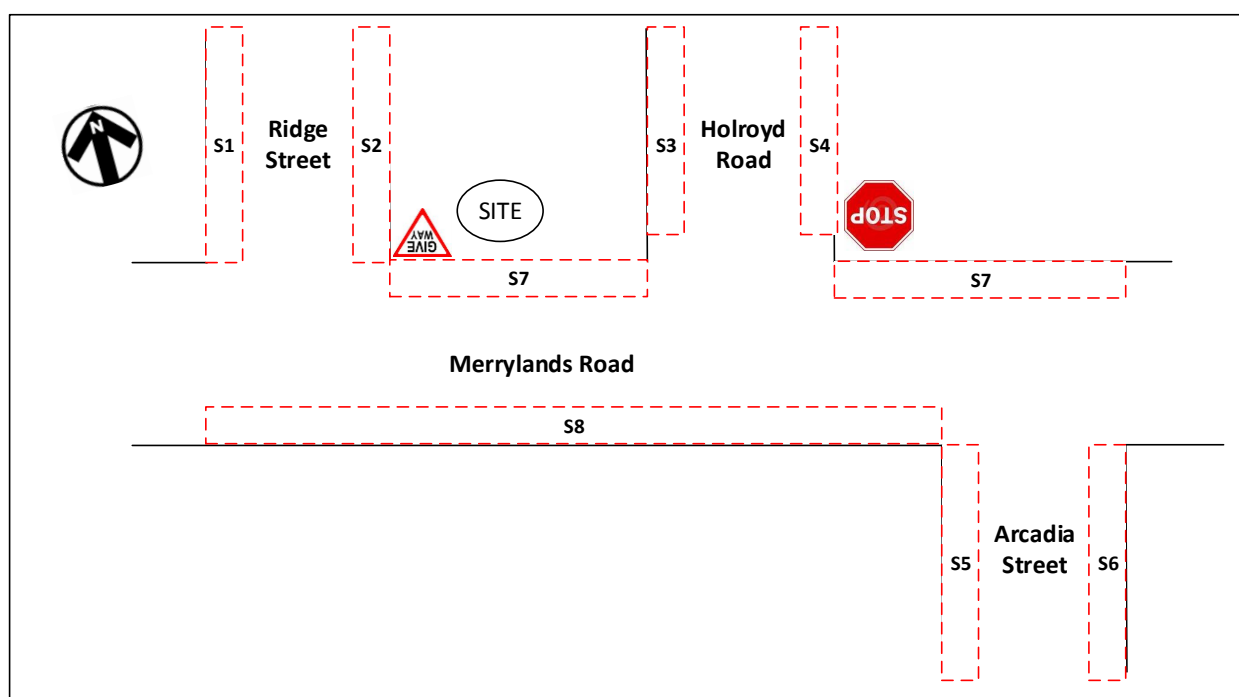


Figure 11: Parking Survey Area

Street Name	Parking Area	Parking Restrictions	Available Spaces	Number of occupied spaces			
				4:30pm	6pm	7pm	8pm
Ridge Street	S1	Unrestricted	8	3	3	2	2
	S2	Unrestricted	8	5	3	3	3
Holroyd Road	S3	Unrestricted	5	4	4	4	4
	S4	Unrestricted	8	3	3	3	2
Arcadia Street	S5	Unrestricted	5	2	2	2	2
	S6	Unrestricted	6	2	2	2	2
Merrylands Road	S7	No Stopping	0	0	0	0	0
	S8	No Stopping	0	0	0	0	0
Total Spaces			40	19	17	16	15
Total Spaces Available				21	23	24	25

Table 3: Weekday Parking Survey Results

Street Name	Parking Area	Parking Restrictions	Available Spaces	Number of occupied spaces			
				4:30pm	6pm	7pm	8pm
Ridge Street	S1	Unrestricted	8	2	2	1	1
	S2	Unrestricted	8	4	3	2	2
Holroyd Road	S3	Unrestricted	5	3	3	3	3
	S4	Unrestricted	8	3	3	3	2
Arcadia Street	S5	Unrestricted	5	3	3	2	3
	S6	Unrestricted	6	2	2	3	3
Merrylands Road	S7	No Stopping	0	0	0	0	0
	S8	No Stopping	0	0	0	0	0
Total Spaces			40	17	16	14	14
Total Spaces Available				23	24	26	26

Table 3: Saturday Parking Survey Results

2.7 Public Transport

The development site is within walking distance to bus services. There is a bus stop in front of the site. Figure 12 shows the site in relation to bus routes 806 and T80. The development site has excellent access to public transport.

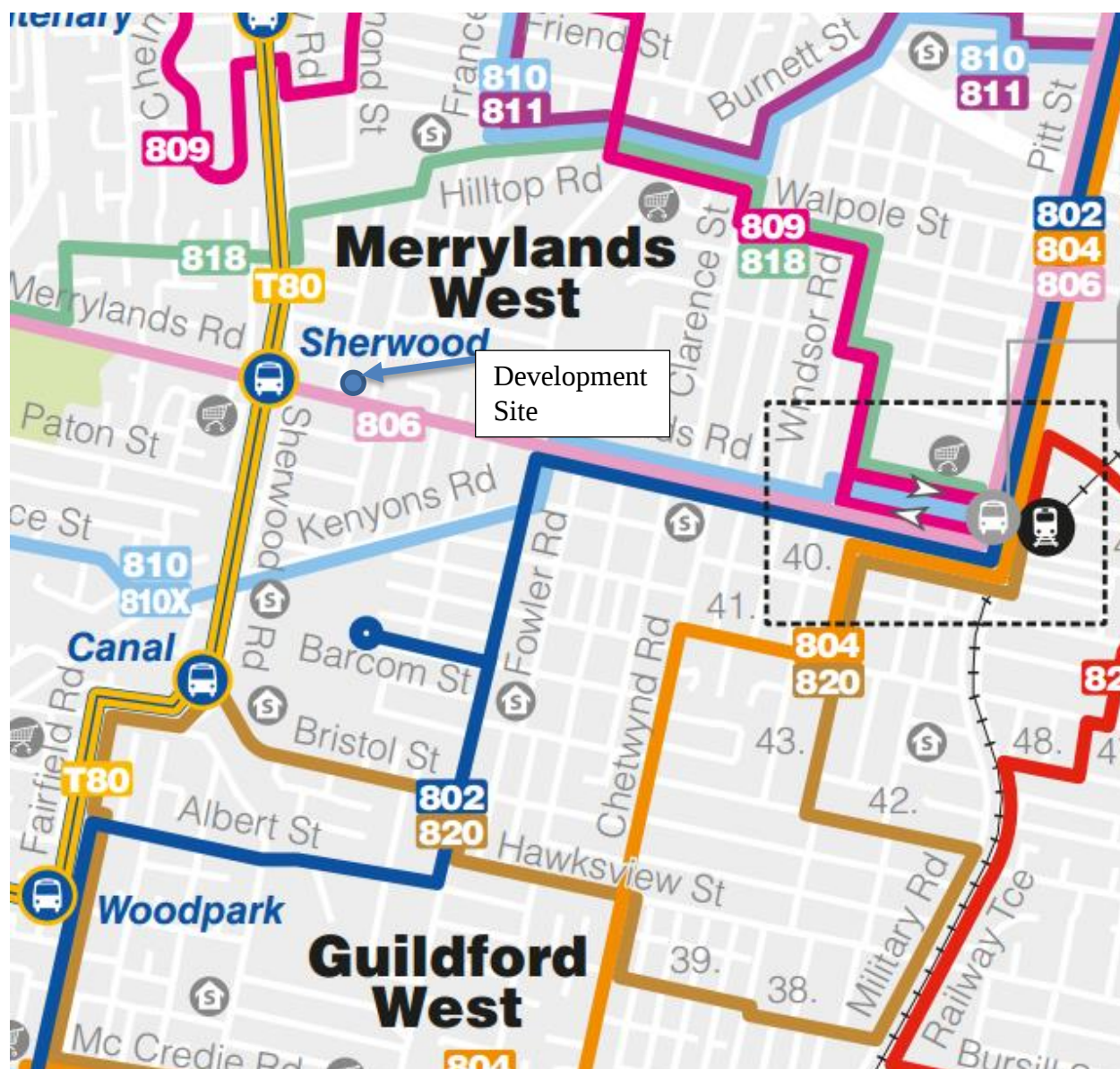


Figure 12: Local Bus Services

2.8 Conclusions on the Existing Conditions

The proposed development is located in an area where there are ample on-street car park spaces on Ridge Street, Holroyd Road and Arcadia Street on a weekday.

The nearby intersection overall performs well with sufficient spare capacity to accommodate additional traffic.

The site has excellent access to public transport.

3. PARKING CONSIDERATIONS

3.1 Holroyd Council Planning Scheme for Car Parking Assessment

The car parking requirements for a take away food and drink premises are contained in the Holroyd Council's Development Control Plan and are as follows:

- 1 car space per 8m² Gross Floor Area (GFA)

Table 4 summarises the car parking requirements for the restaurant for existing use and the maximum permissible use.

The site requires eight car spaces for the existing site while thirteen car spaces are required for the maximum permissible floor space. The site does not comply with Council's car parking requirements as off-street parking is not provided or proposed.

<i>Take away food and drink premises</i>	<i>GFA (m²)</i>	<i>Car Parking Rate</i>	<i>Parking Demand</i>
Existing	58	1 per 8m ² GFA	8
Maximum Permissible	100	1 per 8m ² GFA	13

Table 4: Summary of Car Parking Requirements

3.2 Adequacy of Car Parking Provision

As discussed in the previous section, the proposed development does not comply with Council's parking as no off-street parking is provided or proposed.

The food and drink premises is an existing business and any existing car parking demand is being met in the public on street parking (as per the car parking survey in Section 2.6).

There is ample on-street parking near the site on Ridge Street, Holroyd Road and Arcadia street.

4. VEHICLE TRAFFIC IMPACT CONSIDERATIONS

4.1 Traffic Generation

The RTA Guide to Traffic Generating Developments Updated Traffic Surveys August 2013 provides average PM peak hour trip generation rates for restaurants (the closes landuse category to a takeaway food shop) are as follows:

- 5 trips per 100m² gross floor area (GFA)

Table 5 summarises the existing and permissible trip generation for the respective landuses. As the existing and permissible trips generated are the same, the net trips generated will also be the same.

The existing and permissible site will generate low number of trips in the PM peak hour on the weekday or on the weekend.

The proposed development is a low trip generator.

The take away food shop is an existing business and all car trip generated is included in the existing traffic conditions. The assessment of two nearby intersections (see Section 2.5) show that both intersections perform well with spare capacity. The traffic impacts of the takeaway food shop is negligible and insignificant.

Proposed weekday and Saturday PM Peak Trips			
<i>Takeaway Food Shop</i>	<i>GFA (m²)</i>	<i>Trip Rate per Car space</i>	<i>Trips Generated</i>
Existing	58	5 per 100m ² GFA	3
Permissible	100		5

Table 5: Trip Generation for the Takeaway Food Shop

5. CONCLUSIONS

Based on the considerations presented in this report, it is considered that:

Parking

- The proposed development does not comply with Council's car parking requirements as no off-street parking is provided or proposed
- There is ample on-street parking near the site at Holroyd Road, Arcadia Street and Ridge Street with the existing parking demand met in these road sections

Traffic

- The proposed development is a low net trip generator for the weekday and weekend PM peak hours.
- The additional trips from the proposed development are accommodated at the nearby intersection without noticeably affecting intersection performance, delays or queues.
- There are no traffic engineering reasons why a planning permit for the proposed Additional Landuse application for a takeaway food shop should be refused for 459 Merrylands Road, Merrylands.

APPENDIX A

SIDRA Intersection Results for Existing Traffic Conditions

Movement Performance - Vehicles											
Mov ID	ODMo	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
	v	Total	HV				Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Sherwood Road south											
1	L2	176	0.0	0.271	19.9	LOS B	3.8	26.4	0.76	0.75	39.0
2	T1	533	0.0	0.781	22.2	LOS B	15.6	109.3	0.96	0.93	38.4
3	R2	136	0.0	0.662	33.2	LOS C	4.2	29.4	0.98	0.87	34.1
Approach		845	0.0	0.781	23.5	LOS B	15.6	109.3	0.92	0.89	37.7
East: Merrylands Road east											
4	L2	256	0.0	0.876	31.0	LOS C	26.2	183.5	0.98	1.08	35.9
5	T1	613	0.0	0.876	28.4	LOS B	26.2	183.5	0.98	1.10	35.4
6	R2	160	0.0	0.876	41.5	LOS C	10.6	74.4	1.00	1.19	32.3
Approach		1029	0.0	0.876	31.1	LOS C	26.2	183.5	0.98	1.11	35.0
North: Centenary Road north											
7	L2	228	0.0	0.351	20.4	LOS B	5.0	35.3	0.78	0.77	38.8
8	T1	441	0.0	0.646	18.1	LOS B	11.1	77.7	0.90	0.77	40.1
9	R2	144	0.0	0.865	42.5	LOS C	5.2	36.3	1.00	1.09	31.4
Approach		813	0.0	0.865	23.1	LOS B	11.1	77.7	0.88	0.83	37.9
West: Merrylands Road west											
10	L2	272	0.0	0.558	17.8	LOS B	10.4	72.8	0.79	0.75	40.8
11	T1	688	0.0	0.558	13.2	LOS A	10.6	74.1	0.79	0.71	42.0
12	R2	1	100.0	0.558	18.1	LOS B	10.6	74.1	0.79	0.69	42.0
Approach		961	0.1	0.558	14.5	LOS B	10.6	74.1	0.79	0.72	41.6
All Vehicles		3648	0.0	0.876	23.2	LOS B	26.2	183.5	0.89	0.89	37.9

Table A1: Intersection Performance of Merrylands Road with Sherwood Road and Centenary Road Weekday PM Peak Hour Existing Conditions

Mov ID	ODMo	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
	v	Total	HV				Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
East: Merrylands Road east											
5	T1	828	0.0	0.266	2.8	LOS A	3.3	23.1	0.31	0.06	48.0
6	R2	60	0.0	0.266	12.0	LOS A	3.3	23.1	0.83	0.16	44.4
Approach		888	0.0	0.266	3.4	NA	3.3	23.1	0.34	0.07	47.7
North: Holroyd Road											
7	L2	84	0.0	0.589	45.4	LOS D	3.0	21.2	0.76	1.23	31.1
9	R2	24	0.0	0.589	45.2	LOS D	3.0	21.2	0.76	1.23	31.0
Approach		108	0.0	0.589	45.3	LOS D	3.0	21.2	0.76	1.23	31.1
West: Merrylands Road west											
10	L2	84	0.0	0.214	4.6	LOS A	0.0	0.0	0.00	0.11	48.9
11	T1	748	0.0	0.214	0.0	LOS A	0.0	0.0	0.00	0.05	49.7
Approach		832	0.0	0.214	0.5	NA	0.0	0.0	0.00	0.05	49.6
All Vehicles		1828	0.0	0.589	4.6	NA	3.3	23.1	0.21	0.13	47.0

**Table A2: Intersection Performance of Merrylands Road with Holroyd Road
Weekday PM Peak Hour Existing Conditions**

Movement Performance - Vehicles											
Mov ID	ODMo	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
	v	Total	HV				Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
South: Sherwood Road south											
1	L2	88	0.0	0.132	16.4	LOS B	1.5	10.3	0.70	0.71	40.5
2	T1	405	0.0	0.577	14.3	LOS A	8.2	57.6	0.86	0.74	41.8
3	R2	74	0.0	0.238	22.1	LOS B	1.5	10.8	0.84	0.74	38.1
Approach		567	0.0	0.577	15.7	LOS B	8.2	57.6	0.83	0.73	41.1
East: Merrylands Road east											
4	L2	89	0.0	0.606	17.7	LOS B	9.3	65.1	0.85	0.75	41.6
5	T1	603	0.0	0.606	14.3	LOS A	9.3	65.1	0.86	0.76	41.4
6	R2	77	0.0	0.606	20.9	LOS B	6.5	45.7	0.90	0.78	40.2
Approach		769	0.0	0.606	15.4	LOS B	9.3	65.1	0.86	0.76	41.3
North: Centenary Road north											
7	L2	101	0.0	0.151	16.5	LOS B	1.7	11.9	0.71	0.71	40.5
8	T1	327	0.0	0.466	13.6	LOS A	6.3	44.2	0.82	0.69	42.2
9	R2	144	0.0	0.539	25.6	LOS B	3.4	24.0	0.94	0.80	36.8
Approach		572	0.0	0.539	17.1	LOS B	6.3	44.2	0.83	0.72	40.4
West: Merrylands Road west											
10	L2	125	0.0	0.529	17.2	LOS B	7.7	54.2	0.81	0.73	41.6
11	T1	690	0.0	0.529	12.6	LOS A	7.8	54.7	0.81	0.71	42.4
12	R2	1	100.0	0.529	17.5	LOS B	7.8	54.7	0.81	0.70	42.3
Approach		816	0.1	0.529	13.3	LOS A	7.8	54.7	0.81	0.71	42.3
All Vehicles		2724	0.0	0.606	15.2	LOS B	9.3	65.1	0.83	0.73	41.3

Table A3: Intersection Performance of Merrylands Road with Sherwood Road and Centenary Road Weekend Peak Hour Existing Conditions

Movement Performance - Vehicles											
Mov ID	ODMo	Demand Flows		Deg. Satn	Average Delay	Level of Service	95% Back of Queue		Prop. Queued	Effective Stop Rate	Average Speed
	v	Total	HV				Vehicles	Distance			
		veh/h	%	v/c	sec		veh	m		per veh	km/h
East: Merrylands Road east											
5	T1	746	0.0	0.236	2.8	LOS A	2.8	19.9	0.31	0.05	48.0
6	R2	49	0.0	0.236	11.9	LOS A	2.8	19.9	0.81	0.14	44.5
Approach		795	0.0	0.236	3.4	NA	2.8	19.9	0.34	0.06	47.7
North: Holroyd Road											
7	L2	33	0.0	0.494	53.1	LOS D	1.9	13.1	0.85	1.11	29.2
9	R2	27	0.0	0.494	52.9	LOS D	1.9	13.1	0.85	1.11	29.1
Approach		60	0.0	0.494	53.0	LOS D	1.9	13.1	0.85	1.11	29.2
West: Merrylands Road west											
10	L2	47	0.0	0.218	4.6	LOS A	0.0	0.0	0.00	0.06	49.1
11	T1	801	0.0	0.218	0.0	LOS A	0.0	0.0	0.00	0.03	49.8
Approach		848	0.0	0.218	0.3	NA	0.0	0.0	0.00	0.03	49.8
All Vehicles		1703	0.0	0.494	3.6	NA	2.8	19.9	0.19	0.08	47.6

**Table A4: Intersection Performance of Merrylands Road with Holroyd Road
Weekend Peak Hour Existing Conditions**