



IRF21/4969

Gateway determination report – PP-2021-6799

239, 245 Merrylands Road and 52 McFarlane Street,
Merrylands (+73 dwellings)

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Attachment A – Planning proposal
Attachment B – Urban Design Analysis
Attachment C – Councils shadow and building height transition analysis
Attachment D – Transport Impact Assessment
Attachment E – Economic Impact Assessment
Attachment F – Proponents additional justification
Attachment G – Council Minutes and Report – 21 July 2021
Attachment H – Panel Minutes and Report – 9 June 2021
Attachment I – Registered lot consolidation plan

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

LGA	Cumberland	
PPA	Cumberland Council	
NAME	Planning proposal for 239, 245 Merrylands Road and 52 McFarlane Street, Merrylands	
NUMBER	PP-2021-6799	
LEP TO BE AMENDED	Cumberland Local Environmental Plan (CLEP) 2021	
ADDRESS	239, 245 Merrylands Road and 52 McFarlane Street, Merrylands	
DESCRIPTION	52 McFarlane Street	Lot 1 DP1271537 (Buildings A)
	239 Merrylands Road	Lot 2 DP1271537 (Buildings D and E)
	245 Merrylands Road	Lot 3 DP1271537 (SP2 Local Road)
	McFarlane Street	Lot 4 DP1271537 (SP2 Local Road)
RECEIVED	9/11/2021	
FILE NO.	IRF21/4969	
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required	
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal	

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- facilitate redevelopment of the site for the purpose of a mixed-use development comprising residential dwellings, retail and commercial tenancies, and a childcare centre within the Merrylands Town Centre;
- enables approximately an additional 73 dwellings (inclusive of design excellence bonus) in comparison to the current controls of the Cumberland LEP 2021 in an area with public transport options to Parramatta CBD and Granville Town Centre; and
- enhance urban design by providing a transition in built form scale and minimising overshadowing impacts;

Council has noted that the developer has indicated an interest in proposing 'build to rent' for a portion of the site which may be considered as part of any future development application. The

objectives of this planning proposal are clear and adequate. The proposal does not intend to rezone the land. The subject site has recently been subdivided and as such no changes are proposed to 245 Merrylands Road (Lot 3 DP1271537) and Lot 4 DP1271537 (SP2 Local Road).

Council has indicated the need for public benefit to support the proposal in the form of monetary contributions to be utilised towards public domain, open spaces upgrades within in the Merrylands Town Centre via a Voluntary Planning Agreement (VPA). No changes are proposed to the existing Merrylands Town Centre Development Control Plan (DCP).

1.3 Explanation of provisions

The planning proposal seeks to amend the Cumberland LEP 2021 per the changes below. The subject site has recently been subdivided and the proposed amendments relate to 239 Merrylands Road and 52 McFarlane Street only:

Table 3 Current and proposed controls

Control	Current	Proposed	With design excellence (cl. 6.14 of CLEP 2021)
Zone	B4 Mixed Use SP2 Local Roads	No change	No change
Maximum Height of Building (HOB)	52 McFarlane - Part 43m, Part 55m and Part 77m 239 Merrylands Road (Building D & E) – Part 55m and Part 77m	52 McFarlane Street - Part 43m, Part 55m and Part 77m (realignment of Building A) 239 Merrylands Road (Building D & E) – Part 64m and Part 84m	52 McFarlane Street - Part 43m, Part 55m and Part 84m (Building A) (additional 10%) 239 Merrylands Road (Building D & E) – Part 71m and Part 93m (additional 10%)
Floor space ratio (FSR)	52 McFarlane Street - 5.5:1 239 Merrylands Road (Building D & E) – 5.5:1	52 McFarlane Street - No change 239 Merrylands Road (Building D & E) – 7.5:1 However, if the building is mainly used for the purposes of residential accommodation, a deduction of 1.7:1 is applied under clause 4.4 (2F) of the CLEP 2021	52 McFarlane Street) - 6:1 (additional 0.5:1) 239 Merrylands Road (Building D & E) – 8:1 (additional 0.5:1) However, if the building is mainly used for the purposes of residential accommodation, a deduction of 1.7:1 is applied under clause 4.4 (2F) of the CLEP 2021
Land Reservation Acquisition (LRA)	Applies to SP2 Local Road	No change	No change

Control	Current	Proposed	With design excellence (cl. 6.14 of CLEP 2021)
Total number of dwellings	776 dwellings (with design excellence)	803 dwellings (27 additional dwellings)	849 dwellings (73 additional dwellings)

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The subject site is an L-shaped allotment comprising of four lots within the Merrylands Town Centre (**Figure 1**). The site is located 3.5km south west of the Parramatta CBD, immediately south of the Stockland Mall Shopping Centre and 400m west of the Merrylands Train and Bus Transport Interchange (**Figure 2**). The site is approximately 1.2 hectares bounded by McFarlane Street, Merrylands Road and Treves Street. Major arterial roads servicing the region include Woodville Road, M4 Motorway and the Cumberland Highway.

The site was part of a precinct planning proposal which amended the planning controls for the site and was finalised in 2019. A development application (DA2020/0220) was approved on the site by the Sydney Central City Planning Panel on 24 September 2020 for a mixed-use development with five buildings (Buildings A, B, C, D and E) containing 776 apartments, a number of retail and commercial tenancies, childcare facility and basement carparking. The DA approval also includes the construction of 'Eat Street', a north-south one-way connection off Main Lane to McFarlane serving as a function for predominantly pedestrians with limited vehicular access. The DA approval was subject to Council's design excellence process.

The Merrylands Town Centre is currently undergoing significant renewal and will include a future Merrylands Civic Square. The area is characterised by a mix of small-scale retail and commercial uses, new mixed-use high density developments and three level walk up apartment complexes to the west of the site. The site is within a 600m radius to a number of recreational facilities including Memorial and King Parks, Merrylands Park, Holroyd Gardens, Merrylands Swimming Centre, and Granville Park (**Figure 2**). In addition, the Merrylands Town Centre provides a range of educational facilities including the Merrylands East Public School, St Margaret Mary's Primary and Warwick Road Catholic School.

The site does not contain a local heritage item or located within a heritage conservation area. However, there are two heritage items (**Figures 3 and 4**) located west of the site at 285 Merrylands Road (168 – Electrical Substation) and 289 Merrylands Road (1169 – Merrylands School of Arts Building).

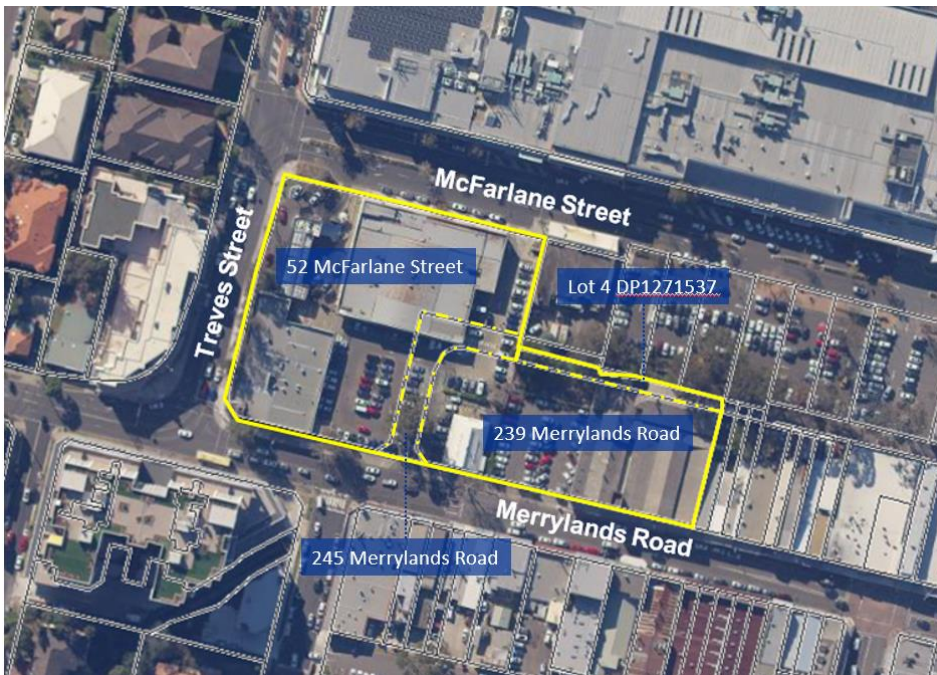


Figure 1: Subject site bordered in yellow within Merrylands Town Centre (source: Six Maps)



Figure 2: Site context in relationship to Parramatta CBD and surrounds (source: Cumberland Council)



Figure 3: Electrical substation (source: Cumberland Council)



Figure 4: Merrylands School of Arts (source: Cumberland Council)

1.5 Mapping

The planning proposal includes mapping showing the existing and proposed changes to the Cumberland LEP 2021 maps. The labels identifying the intended HOB and FSR in metrics are required to be updated prior to public exhibition to ensure consistency with the lettering approach and a legend is also required to be provided. No changes are proposed to the Land Reservation Acquisition (LRA) and Design Excellence (DEX) maps.

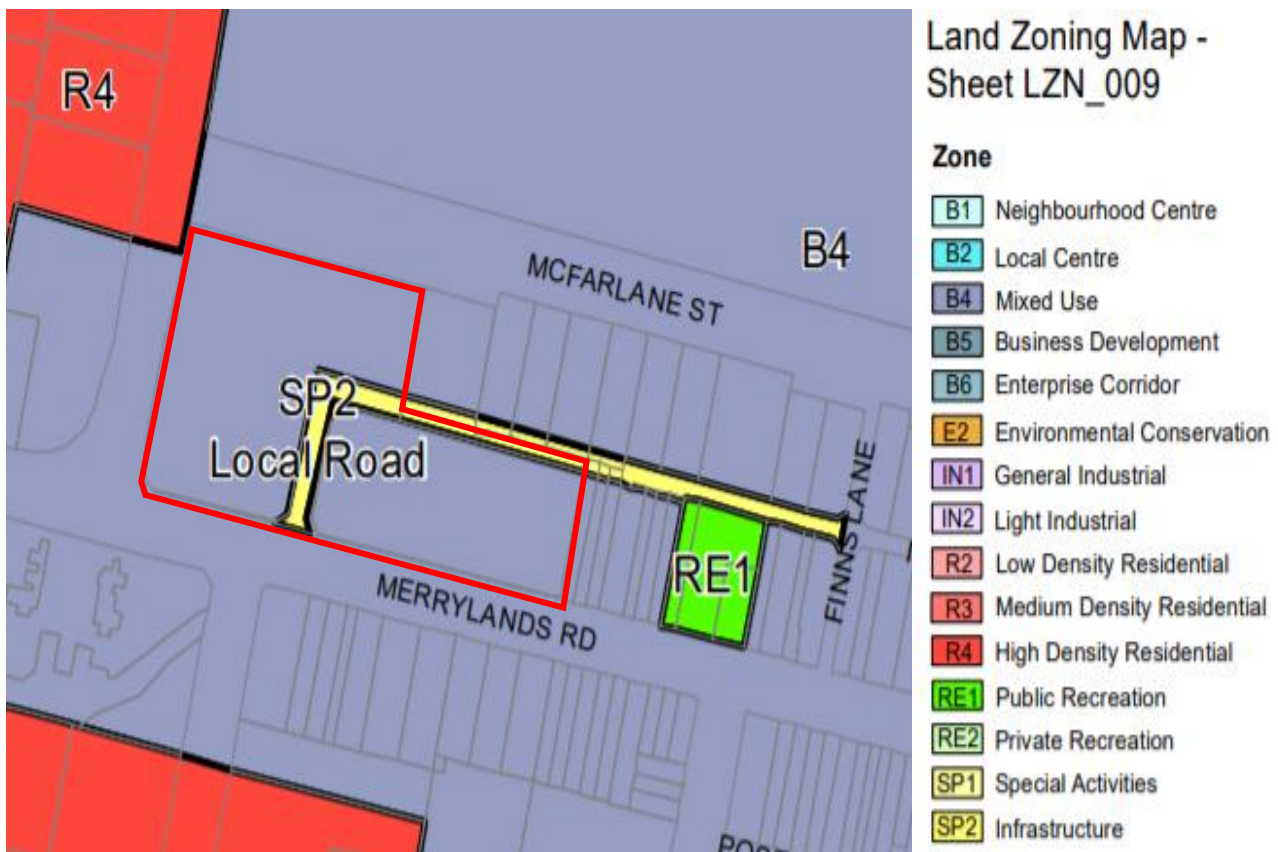


Figure 5 Current zoning map with site identified in red (source: Planning Portal)

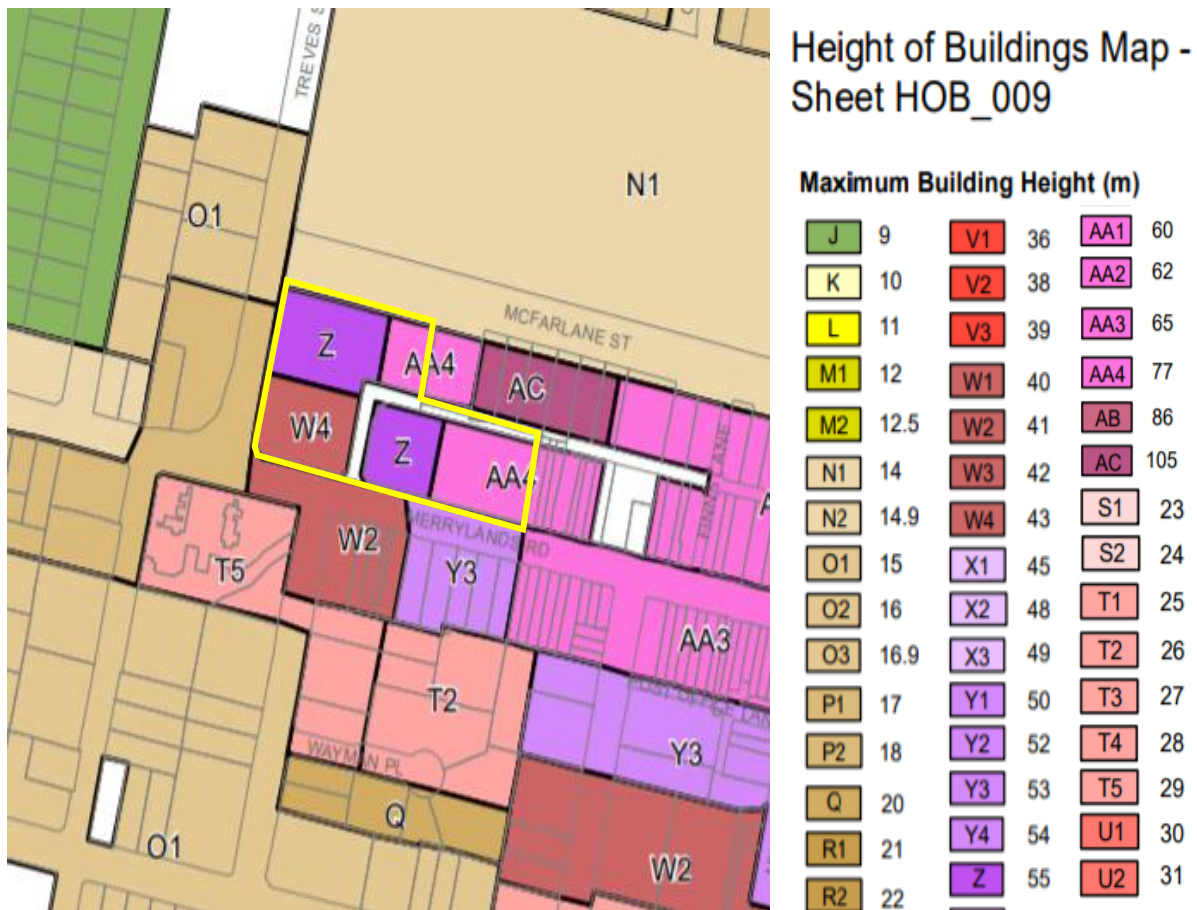


Figure 6 Current height of building map with site identified in yellow (source: Planning Portal)



Figure 7 Proposed height of building map with amendments identified in black dashed line (source: planning proposal)

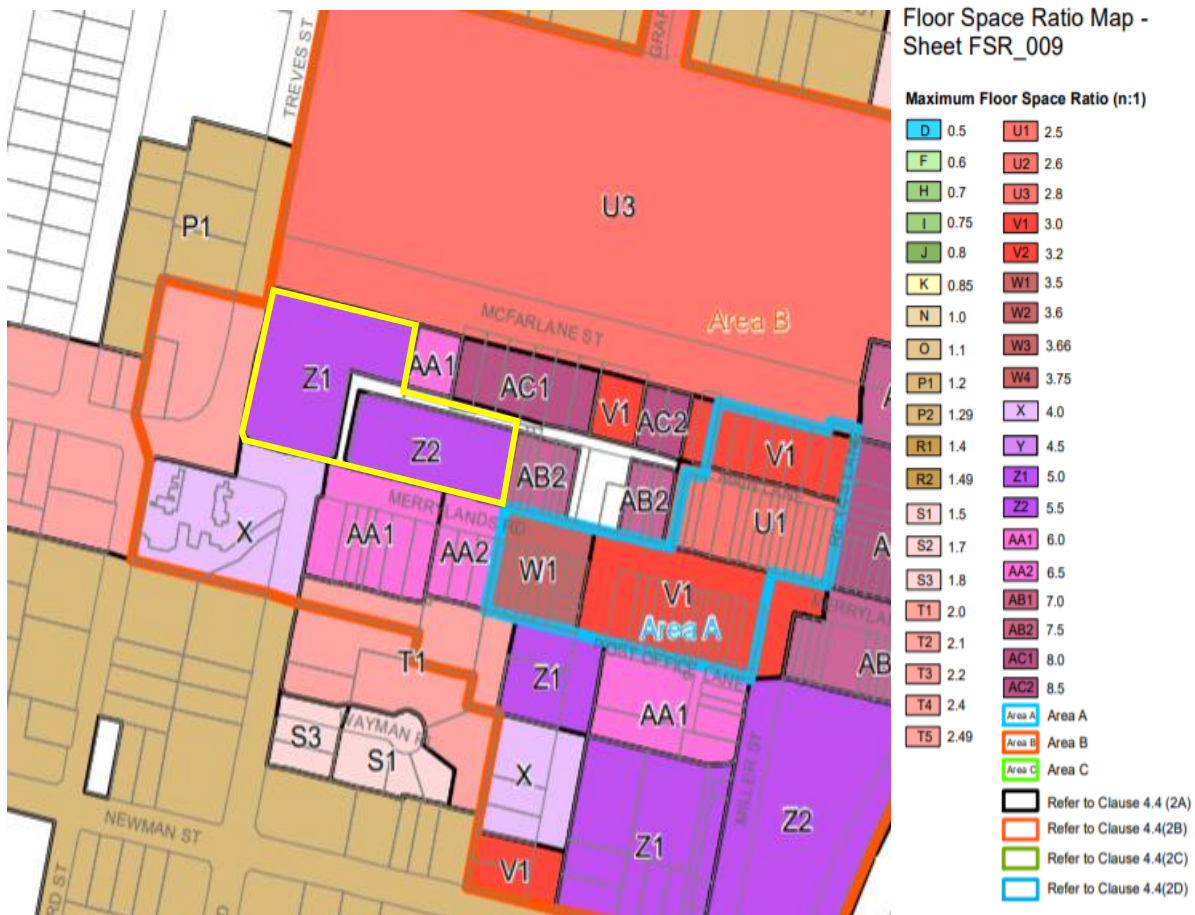


Figure 8 Current floor space ratio map with site identified in yellow (source: Planning Portal)

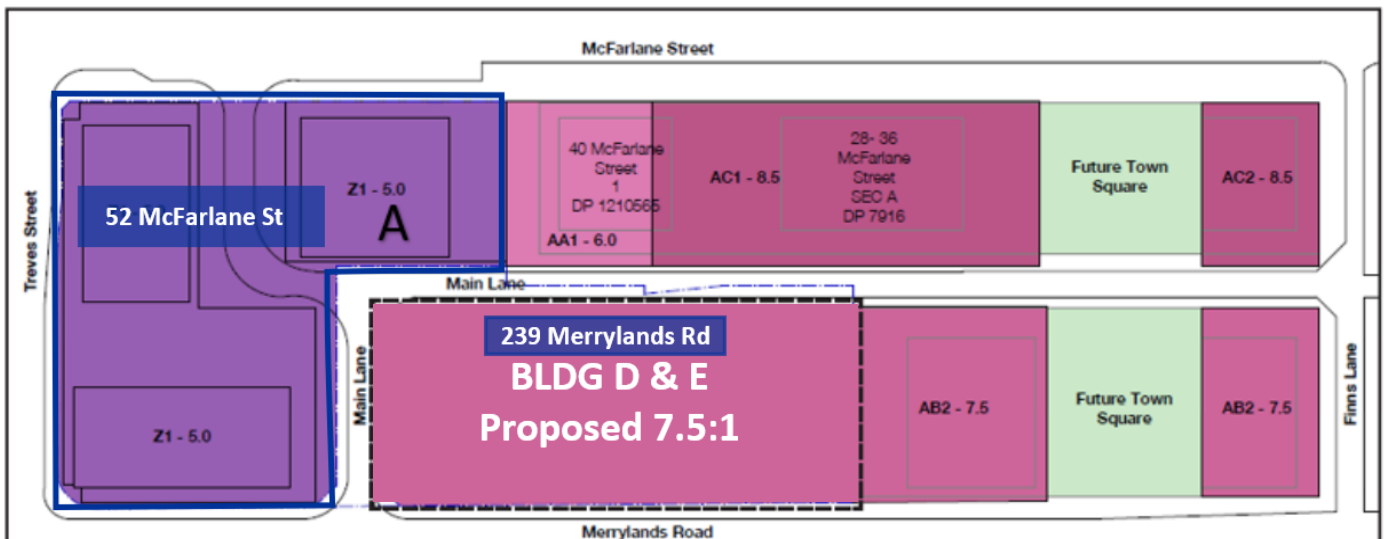


Figure 9 Proposed floor space ratio map with amendments identified in black dashed line (source: Planning Proposal)

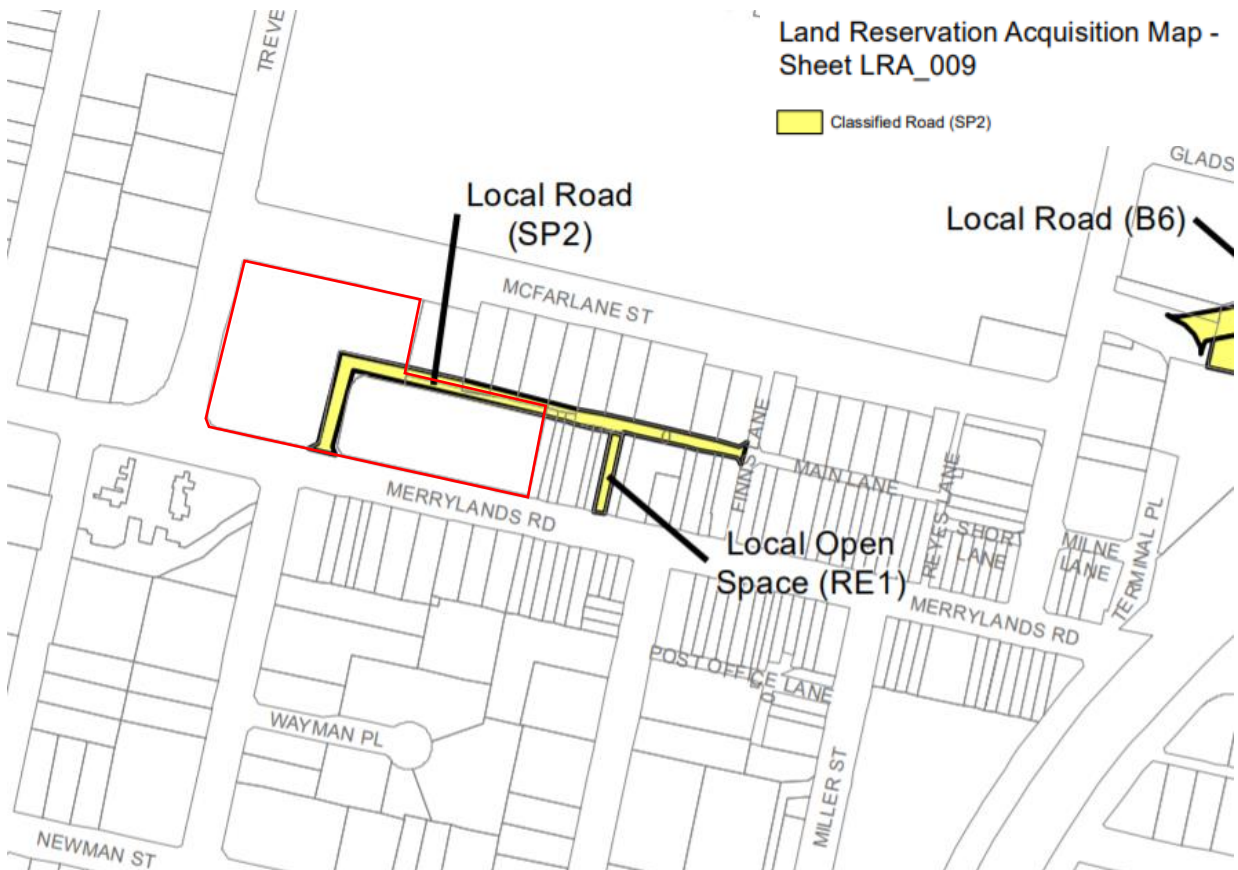


Figure 10 Current land reservation acquisition map with site identified in red (source: Planning Portal)

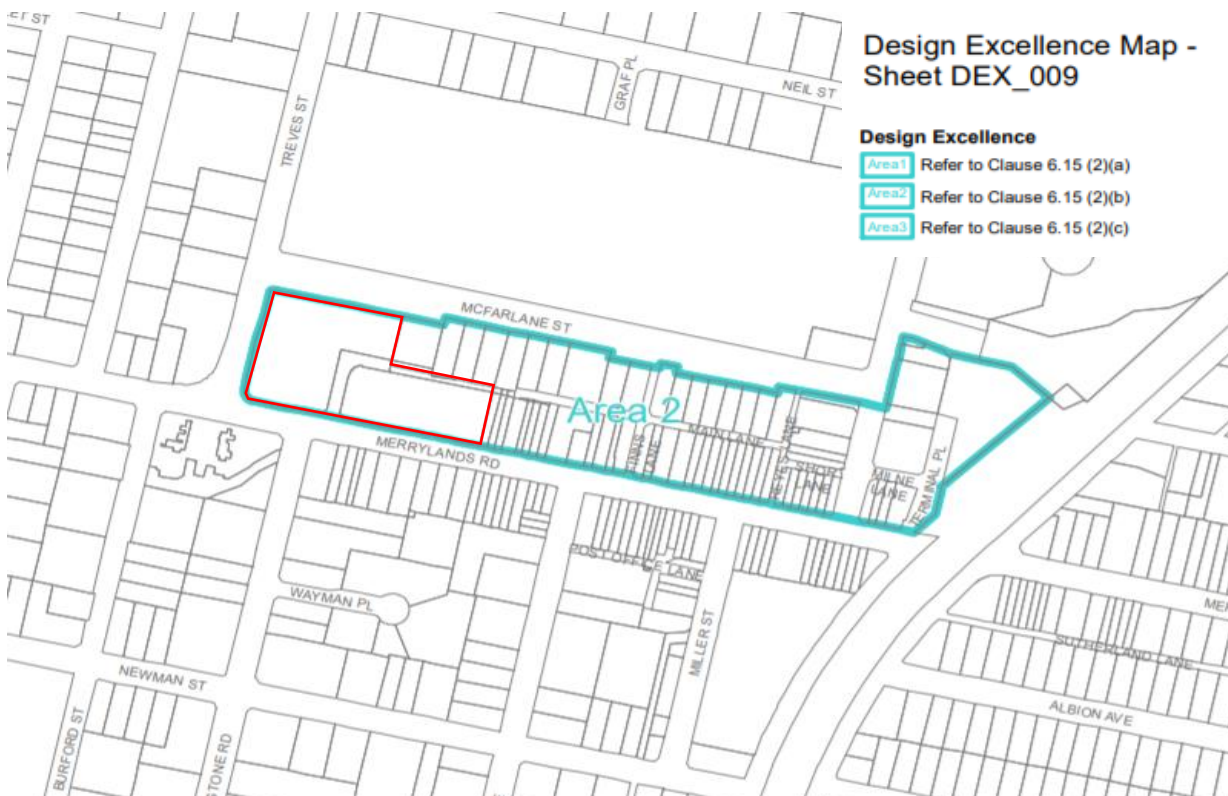


Figure 11 Current design excellence map with site identified in red (source: Planning Portal)

2 Need for the planning proposal

The planning proposal is not the result of any site-specific study or report and is a landowner-initiated planning proposal.

The site is part of the Merrylands Station and McFarlane Street Precinct which was subject to Council led review resulting in structure plan and built form study for the site in 2016. This informed a planning proposal which sought to amend the planning controls to facilitate the precinct's vision which was finalised in 2019.

The planning proposal is considered to respond to Council's strategic vision for Merrylands Town Centre as expressed in the Cumberland 2030: Our Local Strategic Planning Statement (LSPS). Merrylands Town Centre is identified as a proposed 'Strategic Centre' to deliver approximately 4,200 additional dwellings to meet future population and jobs growth, in proximity to existing public transport links, supported by a range of existing services and facilities. The planning proposal allows for the redevelopment of the site on the existing B4 Mixed Use zoning to a scale that allows for an appropriate transition of built form and minimising overshadowing impacts within the town centre and future Merrylands Civic Square.

The proposed uplift will allow for approximately 73 additional new dwellings in comparison to the existing controls, enabling approximately 849 dwellings in total. Further consideration of privacy, overshadowing impacts and potential overlooking of residential dwellings onto the existing dwellings will be undertaken as part of a future development application and design excellence process for the site. Council has noted that the developer has indicated an interest in proposing 'build to rent' for a portion of the site which will be considered as part of the future development application.

Council has indicated a need for increasing public benefits as part of the planning proposal which will be negotiated via a Voluntary Planning Agreement (VPA). Council notes that the draft VPA will likely be monetary contributions towards public domain and open space upgrades within the Merrylands Town Centre.

3 Strategic assessment

3.1 District Plan

The Central City 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 a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The planning proposal is generally consistent with the priorities for infrastructure and collaboration, liveability, and productivity as outlined in the District Plan. As such, the Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. **Table 4** provides an assessment of the planning proposal against the relevant directions.

Table 4 District Plan assessment

District Plan Priorities	Justification
Infrastructure and Collaboration - Planning Priority C1 – Planning for a city supported by infrastructure	The proposal seeks to redevelop the site to deliver additional mixed-use density on a site highly supported by infrastructure and public transport. Future residents will be well served by public transport and other services within Merrylands and surrounding areas. The planning proposal provides an opportunity to deliver additional jobs and housing in a highly accessible location, thus, is consistent with the plan.
Liveability - Planning Priority C5 – Providing housing supply, choice and affordability, with access to jobs and services	The proposal will facilitate the delivery a mix of dwellings with access to a wide range of employment, education and services. The site is within walking distance of Merrylands Train and Bus Transport Interchange, with direct services to Parramatta CBD, Granville Town Centre and Westmead Health and Education precinct.
Liveability - Planning Priority C6 – Creating and renewing great places and local centres, and respecting the District's heritage	The proposal will assist in enhancing Merrylands Town Centre as a potential strategic centre through activating land for inclusive housing opportunities whilst aligning with the local residential and heritage sentiment of the area.
Productivity - Planning Priority C9: Delivering integrated land use and transport planning and a 30-minute city	The proposal will provide new dwellings in close proximity to existing public transport links and will contribute to creating a 30-minute city. The proposal will enable residents to walk or cycle to Merrylands Town Centre and access jobs in Parramatta CBD, Granville Town Centre and Westmead Health and Education precinct, aligning with this planning priority.

3.2 Local

The planning proposal responds to, and is consistent with, the following local plans and endorsed strategies, as discussed in the table below:

- Cumberland 2030: Our Local Strategic Planning Statement
- Cumberland Council Strategic Plan 2017-2027
- Cumberland Local Housing Strategy

Table 5 Local strategic planning assessment

Local Strategies	Justification
Cumberland 2030: Our Local Strategic Planning Statement (LSPS)	<p>The LSPS was endorsed by the Greater Sydney Commission in March 2020. It identifies a strategic land use framework to guide a 20 year vision for the economic, social and environmental land use needs, and planning and delivery growth in the Cumberland LGA in line with the Greater Sydney Region Plan and the District Plan.</p> <p>Merrylands Town Centre is identified as a proposed strategic centre in the LSPS which will provide a range of additional housing options, services and jobs. The proposal is generally consistent with the plan by improving accessibility within the town centre and encouraging pedestrian movement with north-south connection from Main Lane to McFarlane Street (Priority 4) and delivering a diverse tenure and mix of housing to suit the changing needs of the population (Priority 5). The proposal also focuses on the provision of social and affordable housing in the form of build to rent model to support all housing needs at each stage of life (Priority 6).</p>
Cumberland Community Strategic Plan 2017-2027	<p>The Cumberland Community Strategic Plan sets out the community's vision for the future, the strategies in place to achieve it and measures of how to progress towards or away from the visions. The planning proposal is broadly consistent with the strategic vision set out by the plan.</p> <p>A core direction is to provide a resilient built environment supported by essential services, a range of public transport options and community facilities. The proposal is consistent with the Plan as the site is located within walking distance of essential services in the town centre, Merrylands Train and Bus Transport Interchange, and educational facilities such as Merrylands East Public School, St Margaret Mary's Primary and Warwick Road Catholic School. The site is zoned B4 Mixed Use to provide a mixed use development and the proposed uplift will allow approximately 73 additional dwellings in comparison to the existing controls. Overall, the planning proposal is considered to meet the strategic objectives in the plan, by allowing for an appropriate mix of housing choices close to public transport, education facilities and local shops.</p>
Cumberland Local Housing Strategy (LHS)	<p>The LHS was endorsed, subject to conditions by the Department in July 2021. The LHS promotes the sustainable growth of Cumberland with a key focus on providing housing diversity and affordability, a vibrant and safe place for the community to live and work which supports the 30-minute city. Merrylands Town Centre is identified as a proposed 'Strategic Centre' to deliver an additional 4,200 dwellings, providing local and regional services including employment centres within a walkable distance.</p> <p>The proposal is generally consistent with the plan, delivering housing diversity to suit the changing community needs by offering a range and mix of dwelling types and sizes (Priority 1), particularly focusing on promoting transit oriented housing options to support the 30-minute city (Priority 2) and aligning infrastructure with housing delivery by increasing housing supply in existing centres close to public transport (Priority 5).</p>

3.3 Local planning panel (LPP) recommendation

The planning proposal was referred to the Cumberland Local Planning Panel on 9 June 2021 (**Attachment H**). The panel accepted the Council officer's recommendation to reduce the proposed HOB, however noted concerns regarding the strategic merit of the proposal to proceed. The panel also did not support the removal of clause 4.4(2F) without further consideration of the implications. Clause 4.4(2F) relates to residential commercial FSR split in the town centre where if the proposal is predominantly residential, a deduction of 1.7 FSR is applied to the proposal. Council has since proceeded without this request from the planning proposal, noting that the clause is to promote economic development and jobs growth. A summary of the planning controls for the proposal are provided in **Table 6**.

Table 6 Changes to the planning proposal

Planning Controls	Initial Planning Proposal	Council officers recommended controls to Panel	Cumberland Local Planning Panel Advice
Zoning	No changes	No changes	No changes
Height of Building	52 McFarlane Street - Part 43m, Part 55m and Part 77m (realignment of Building A) 239 Merrylands Road (Building D & E) – Part 71m and Part 93m	52 McFarlane Street - Part 43m, Part 55m and Part 77m (realignment of Building A) 239 Merrylands Road (Building D & E) – Part 64m and Part 84m	52 McFarlane Street - Part 43m, Part 55m and Part 77m (realignment of Building A) 239 Merrylands Road (Building D & E) – Part 64m and Part 84m
Floor Space Ratio	52 McFarlane Street - no change Building D & E (239 Merrylands Road) – 7.5:1	52 McFarlane Street - No change 239 Merrylands Road (Building D & E) – 7.5:1	52 McFarlane Street) - No change 239 Merrylands Road (Building D & E) – 7.5:1
Additional request	Remove the application and provision of the existing clause 4.4 (2F)	Remove the application and provision of the existing clause 4.4 (2F)	Further consideration of implications regarding clause 4.4 (2F) and strategic merit justification.

To address the Panel's advice, the proponent provided further justification (**Attachment F**) in relation to strategic merit. The Department notes that Council's LSPS envisages Merrylands Town Centre as a complementary and reciprocal role to Parramatta CBD, akin to the relationship of North Sydney and Sydney CBD. The proposed uplift responds to the need to deliver a range of housing typologies to provide housing diversity in the form of 'built to rent' scheme to provide stable, long term rental accommodation within walking distance to the Merrylands Train and Bus transport interchange.

The LSPS indicates that approximately 4,200 additional dwellings are planned over the next 5-10 years for Merrylands specifically the McFarlane and Neil Street Precincts. The Department considers the proposal has strategic merit, noting that as part of the LHS program, Council is required to review and monitor targets, capacity, and timing to facilitate housing supply, diversity and affordability beyond 2026 for Merrylands Town Centre.

Additional Department comments

Council initially undertook a review of the proponent's proposal and had concerns with height and overshadowing in the town centre, which resulted in a 10% reduction to the height for buildings D and E. However, there has been no subsequent reduction in FSR to ensure that the bulk and scale of the built form is appropriate, remaining as originally proposed 7.5:1.

On this basis, the Department has undertaken a design review of the proposal including a massing analysis, based on the approved DA plans for buildings D and E. The massing analysis demonstrates the proposal is able to achieve a FSR of 7.3:1 in line with the proposed building heights, including the additional height that can be achieved under the design excellence bonus provisions (shown in Figure 12).

Taking into account the additional 0.5:1 FSR that can be achieved through the design excellence bonus, the Department recommends a FSR of 7:1 is appropriate in this case to match the proposed building heights (Buildings D and E) and ensure the bulk and scale of the buildings is as envisaged by the built form modelling. This amended FSR will provide a transition in built form and manage amenity impacts, noting that the design would be subject to detailed assessment against SEPP 65 and other built form controls in the Cumberland DCP 2021.

It is noted that the proponent provided additional information to further support the FSR proposed, entitled – *233-259 Merrylands Rd & 54-59 McFarlane St, Merrylands Planning Proposal Request Urban Design Analysis*, received by the Department on 10 February 2020. However, this was largely focused around building height justification and did not adequately demonstrate that a FSR of 7.5:1, 8:1 with the design excellence bonus, would result in improved built form outcomes for the site.

Therefore, it is recommended that Council amend the proposed FSR to 7:1.

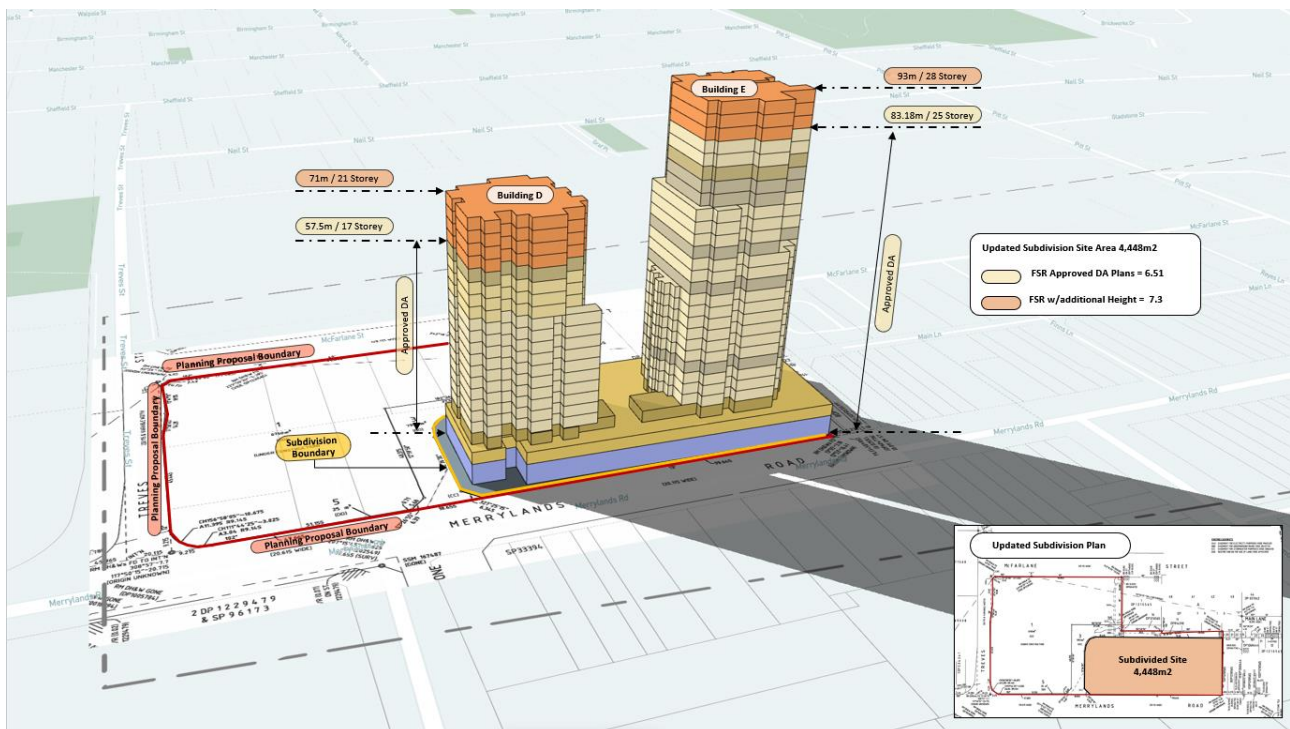


Figure 122 Massing of Building D and E achieving a FSR of 7.3 with the proposed heights (source: Department of Planning and Environment)

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 7 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Employment and Resources		
<p>1.1 Business and Industrial Zones</p> <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> • Encourage employment growth in suitable locations, • Protect employment land in business and industrial zones, and • Support the viability of identified centres 	Yes	<p>This direction applies when a planning proposal will affect land within an existing or proposed business or industrial zone.</p> <p>The site is zoned B4 Mixed Use and allows for a range of retail, business, entertainment, community uses to serve the community whilst allowing residential development that is well-integrated with commercial uses.</p> <p>The site is subject to the existing provisions of clause 4.4 (2F) of the CLEP 2021 which encourages the supply of employment floor space and further aligning with this Direction.</p>
Housing, Infrastructure and Urban Development		
<p>3.1 Residential zones</p> <p>The objectives of this direction are to encourage a variety and choice of housing types for existing and future housing needs, make efficient use of existing and future infrastructure and services, and minimise the environmental impacts of residential development.</p>	Yes	<p>The subject site is zoned B4 Mixed Use and allows for a range of residential unit types in an existing urban area close to existing services and facilities in the Merrylands Town Centre.</p> <p>The proposal seeks to allow further residential capacity by increasing the FSR and HOB to further the supply of housing by additional 73 dwellings. As such, the planning proposal is consistent with the direction.</p>
<p>3.4 Integrating land use and transport</p> <p>The objectives of this direction are to reduce travel demand by car through improving access to housing, jobs and services by walking, cycling and public transport.</p>	Yes	<p>The amendment will provide new dwellings within 400m walking distance to the Merrylands Bus and Rail Interchange, contributing to creating a 30-minute city. The proposal will enable residents to walk or cycle within Merrylands Town Centre, with access to existing bus and rail services to jobs in Parramatta CBD and Granville Town Centre. The planning proposal is consistent with the direction.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Local Plan Making		
<p>6.2 Reserving Land for Public Purposes</p> <p>The objectives of this direction are to facilitate provision of public services and facilities by reserving land for public purposes.</p>	Yes	<p>The site is partly zoned SP2 Local Road which provides for future road which connects to Main Lane. The planning proposal does not seek to create, remove or alter the SP2 zone on the site. As such, the planning proposal is consistent with this Direction.</p> <p>Council has not addressed the proposals consistency with this Direction. Prior to public exhibition, it is recommended that Council update the response in relation to this Direction in the planning proposal.</p>

3.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs noting the following:

SEPP No. 65 – Design Quality of Residential Apartment Developments

This policy provides principles to ensure that residential apartments are of high-quality design and maximise amenity both internally and externally for occupants. The SEPP is supported by an Apartment Design Guide (ADG) which provides further guidance on how to achieve the principles of the SEPP. Minimum separation between towers, solar access and cross ventilation are all key principles of the SEPP and ADG.

An urban design concept has been prepared with consideration of SEPP 65 (**Attachment B**), which indicates the suitability of the site for the proposed built form. Council notes that any future development application for the site would be subject to a detailed assessment under SEPP 65 and Apartment Design Guide (ADG).

Housing SEPP - 2021

The Housing SEPP includes a number of housing related matters including provision related to affordable or rental housing. The proposal indicates the intent and suitability of the integrated housing model delivering 'build to rent' affordable housing. Council has an affordable housing policy in place noting that the requirements for affordable housing will be delivered through a Voluntary Planning Agreement and be considered as part of the future development application.

4 Site-specific assessment

4.1 Environmental

Built Form

The planning proposal is supported by an urban design report (**Attachment B**). The planning proposal notes that height of building controls for Building A are currently part 55 and part 77m (Figure 13). The proposal is seeking to shift the heights to 77m (Figure 14) to align with 'Eat Street' under the approved DA plans. Council notes that the approved DA plans have departed from the current controls and the planning proposal is seeking to formalise the controls for Building A.

The Department notes that formalising the height for Building A is not considered justification as this could lead to further increases through a modification of the approved DA. Given the above, it

is recommended that proposed height for Building A is not supported and a condition is imposed to remove the proposed height from the planning proposal.

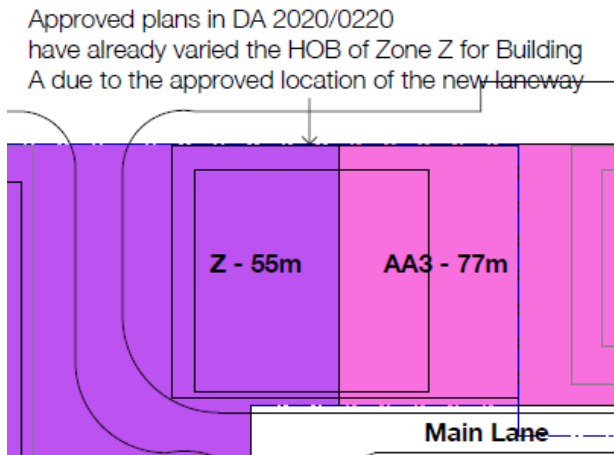


Figure 133 Current HOB for Building A – Part 55 and Part 77m

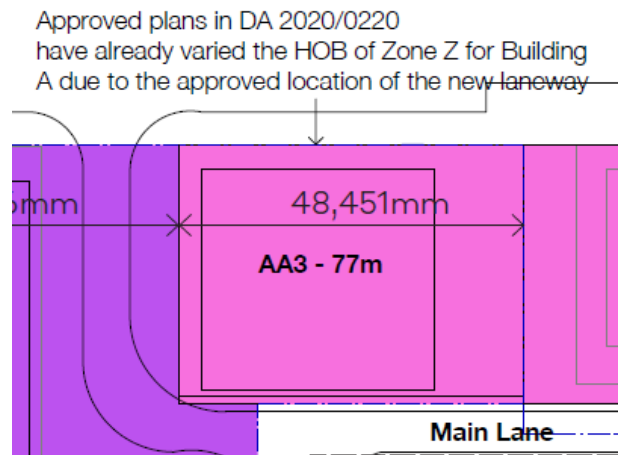


Figure 144 Proposed HOB for Building A, noting that the DA has varied the height.

As noted previously, the Merrylands Town Centre is undergoing significant renewal. The subject site is surrounded by various heights ranging from 45m up to 115m with the tallest buildings closer to the Merrylands Train and Bus Transport Interchange and the future Merrylands Civic Square. The proposal maintains consistency with the boundaries of Buildings A, D and E in the current approved development application and includes podium setbacks for each building to enable the additional 73 dwellings (inclusive of design excellence). This will ensure adequate building separation and minimise interface issues with adjoining properties, whilst in conjunction the private open space and landscaping will provide a buffer to soften the built form (Figure 15). In addition, the concept design has presented a transitional built form between adjacent sites aligning with the varying heights in the town centre to minimise overshadowing impacts (Figure 15 and Figure 16).

The recommended FSR of 7:1 (7.5:1 with design excellence bonus) will ensure that the bulk and scale of the built form is acceptable and amenity impacts can be managed.

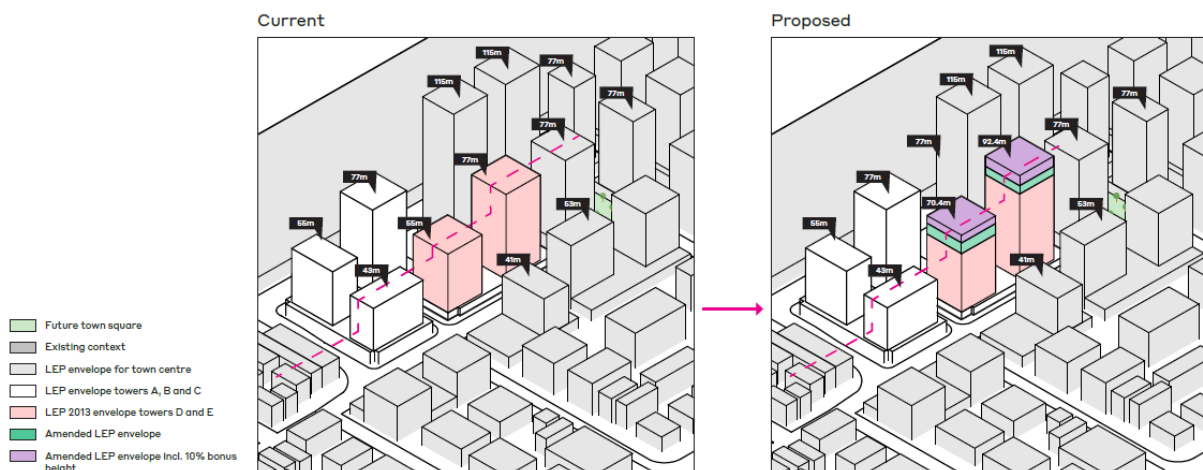
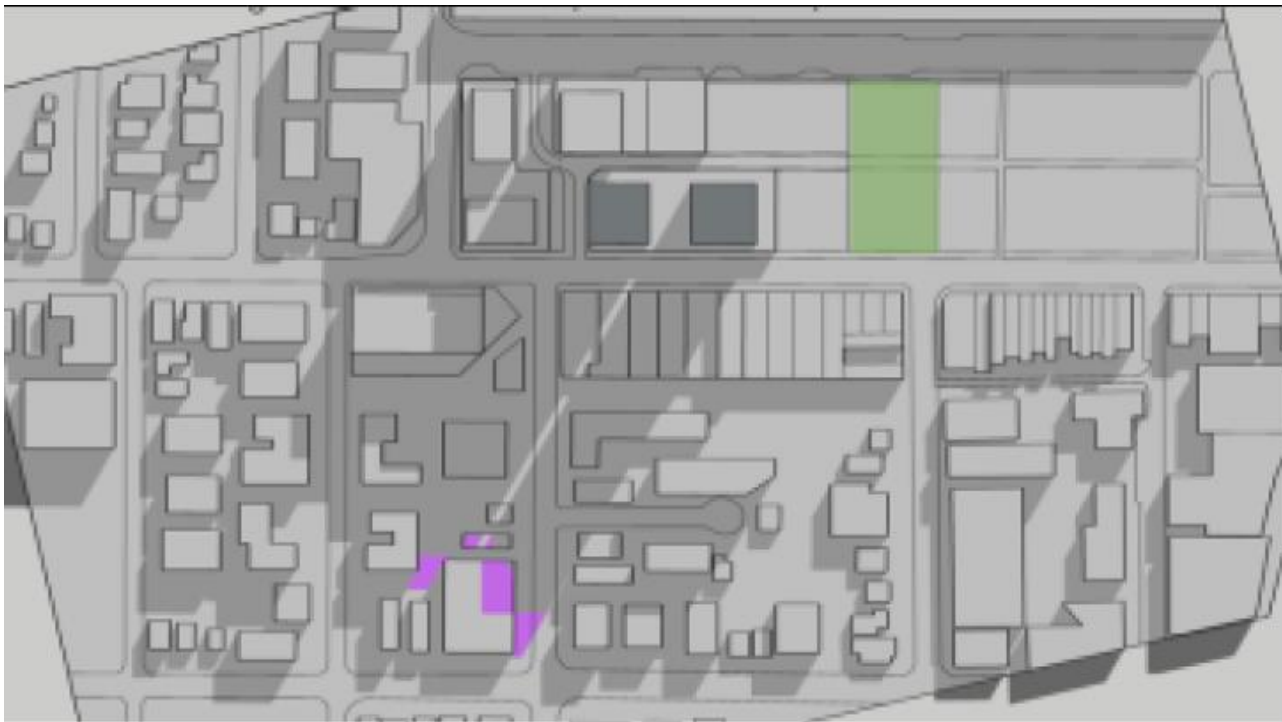


Figure 15 Current built form of approved DA and proposed built form analysis. Transitional heights from east to west.



Further consideration of solar impacts will be undertaken in accordance with Apartment Design Guide and SEPP No.65 as part of the development application for the site.



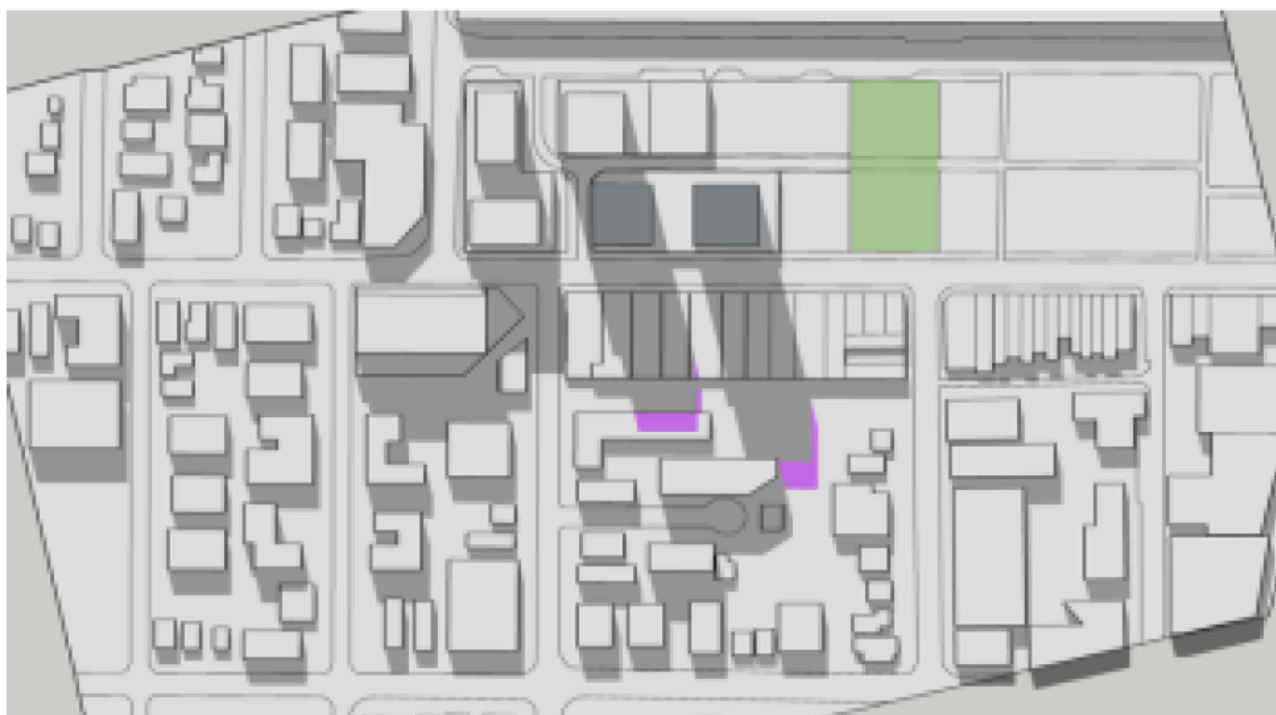


Figure 18 Overshadowing analysis June 21 – 12pm (Winter Solstice) (Source: Cumberland Council)

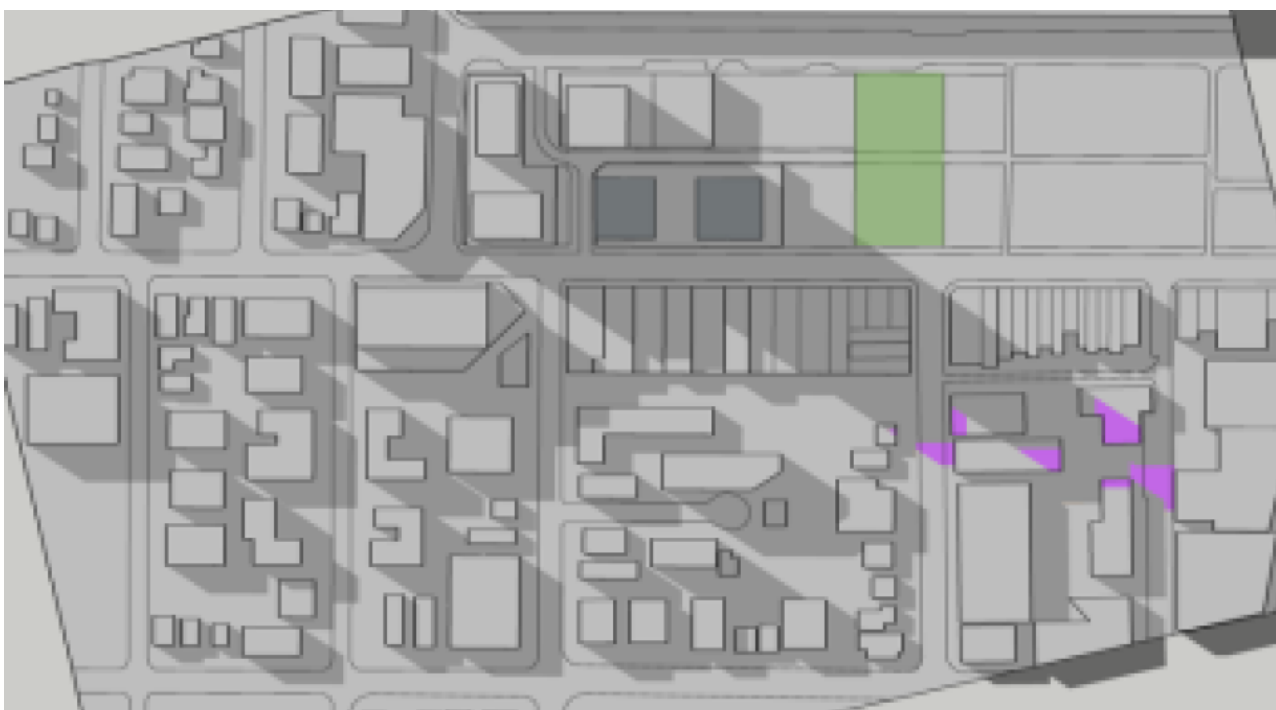


Figure 19 Overshadowing analysis June 21 – 3pm (Winter Solstice) (Source: Cumberland Council).

Traffic, Transport and Parking

A traffic impact assessment (**Attachment H**) has been prepared in support of the planning proposal. The study reports the planning proposal is projected to generate a net increase of up to 244 and 308 vehicle trips in the AM and PM peak hours respectively. The increase from the approved DA is approximately 18.25 and 14.6 vehicle trips in the AM and PM peak hours respectively. The report has concluded that the proposal will not have unacceptable traffic, parking or servicing implications.

The Department notes that further information on discrepancies within the traffic study has been provided during Gateway assessment. The study should be updated to reflect the intent of the proposal, and a condition is included to this effect.

Further detailed traffic assessment is considered unnecessary at this stage. Impact from the site can be appropriately addressed through any future development application. While this proposal will primarily impact on local roads, it is recommended that the proposal be forwarded to Transport for NSW for comment and Council update the traffic impact assessment prior to public exhibition.

4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 8 Social and economic impact assessment

Social and Economic Impact	Assessment
Social	The planning proposal will create positive social outcomes within the area. The proposal will facilitate the redevelopment of land to provide diverse housing close to public transport, education facilities and local shops. Additionally, the activation of the undeveloped site for commercial, retail and a childcare centre will create opportunities for passive surveillance.
Economic Impact	<p>The proposal is supported by an Economic Impact Assessment (Attachment E). The report provides an assessment of future development on the site by investigating two scenarios, being the economic impacts of the site in its existing use ("do nothing scenario") and the economic impacts of the site if it was redeveloped under the subject planning proposal controls.</p> <p>The study notes that Merrylands is identified as a strategic centre and is considered the largest centre within Cumberland LGA envisaged for growth and development. Merrylands Town Centre plays a key supporting role for surrounding areas and this will grow with the continued growth and investment in Greater Parramatta. As such, the proposed uplift will unlikely impact on the viability of the Merrylands Town Centre.</p> <p>In addition, the study finds that the proposal has the potential to assist first home buyers into the market, noting that the smaller dwellings could be a potential avenue to address affordability. Merrylands has a comparatively high proportion of renters (45%) which could be reduced should more affordable options be presented. The subject development proposal partly addresses the affordability gap with the inclusion of a higher proportion of studio and 1-bedroom apartments.</p> <p>The proposed redevelopment of the site under the subject planning proposal would result in significant improved outcomes adding \$204.6 million in output, \$116.5 million in contribution to GRP, \$56.8 million in incomes and 646 full time employment jobs. Given the subject sites proximity to rail, bus, Stockland Mall Shopping Centre, Westmead Health and Education Precinct and Parramatta CBD, it is considered well positioned to support the proposed development particularly when noting Merrylands more competitive price point as compared with surrounding regions.</p>

4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 9 Infrastructure assessment

Infrastructure	Assessment
Local Infrastructure	<p>The planning proposal notes that the site is serviced by a range of existing infrastructure, utilities, public transport, variety of social support services and recreational facilities.</p> <p>It is recommended that the intensification of the site and likely increased demand on local infrastructure and services will be addressed through a future development application for the site. Council is also considering a voluntary planning agreement in relation to this proposal.</p>

5 Consultation

5.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination. A condition is also proposed to ensure that public exhibition is commenced within three months of Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted. It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- Transport for NSW

6 Timeframe

Council proposes a 10 month time frame to complete the LEP.

The Department recommends a time frame of 10 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates. The Gateway determination outlines a requirement to target exhibition occurring within three months.

A condition to the above effect is recommended in the Gateway determination. It is also recommended that Council update the project timeframes to respond to the Gateway determination.

7 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

Given the local nature of the proposal to increase HOB and FSR controls, the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- gives effect to the Central City District Plan and Council's LSPS and more specifically, the 30-minute city by providing new dwellings and jobs in proximity to Parramatta CBD, Westmead Health and Education Precinct and Granville Town Centre;
- the uplift responds to the need to deliver a range of housing typologies to provide housing diversity in line with the vision for Merrylands Town Centre to deliver more affordable housing; and
- will facilitate approximately additional 73 dwellings (inclusive of design excellence bonus) in comparison to the current controls of the Cumberland LEP 2021 providing a transitional built form scale and minimising overshadowing impacts to nearby properties.

9 Recommendation

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the proposal be updated to address the following:
 - a) remove the proposed height of 77m for Building A from the planning proposal;
 - b) amend the proposed FSR to 7:1 (Buildings D and E);
 - c) amend the proposed maps to ensure consistency with the lettering approach used by Council and insert a legend;
 - d) remove references to Holroyd LEP 2013 and replace with Cumberland LEP 2021;
 - e) amend the response to demonstrate consistency to Section 9.1 Direction 6.2 Reserving Land for a Public Purpose and;
 - f) amend the traffic impact study in line with the proposed uplift.
2. Consultation is required with the following public authorities:
 - Transport for NSW.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. The planning proposal must be exhibited 3 months from the date of the Gateway determination.
5. The timeframe for completing the LEP is to be **10 months** from the date of the Gateway determination.
6. Given the nature of the proposal, Council should be authorised to be the local plan-making authority.



25 February 2022

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3 March 2022

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