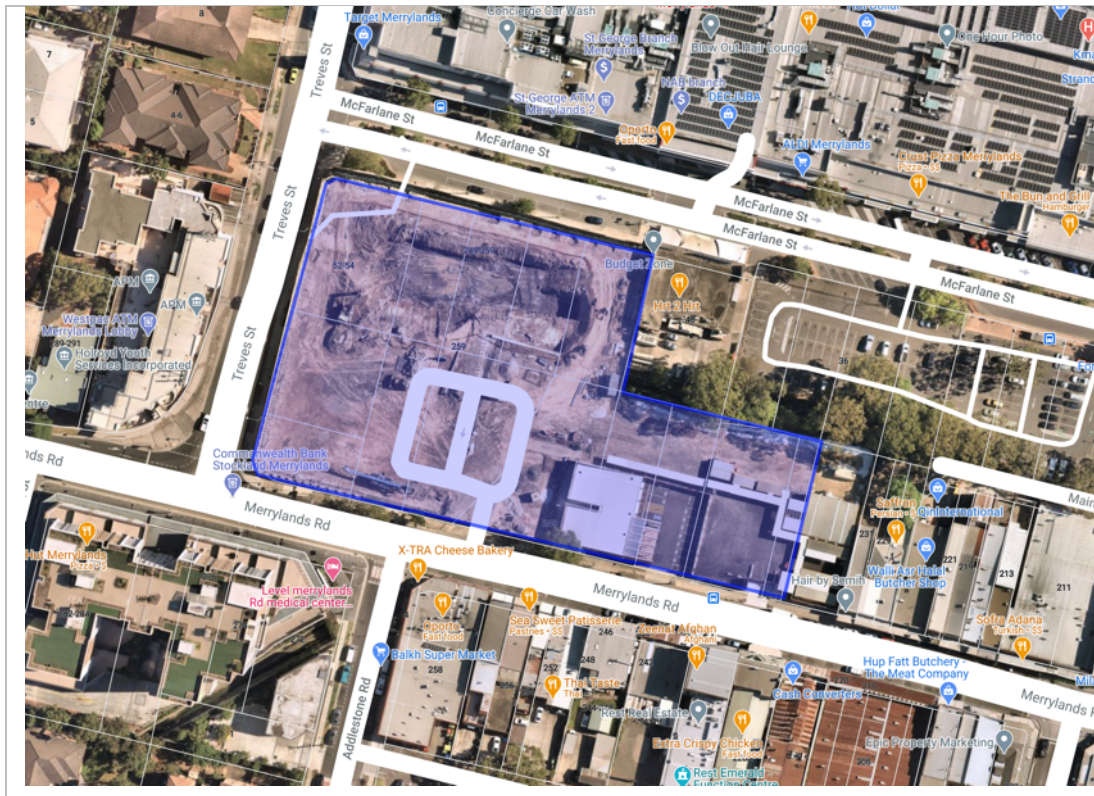


Planning Proposal Request

239-245 Merrylands Road & 52 McFarlane Street, Merrylands



Prepared by [Think Planners](#) on behalf of [Merrylands Investment Co Pty Ltd](#)

August 2021

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Introduction

Think Planners have prepared this planning proposal request on behalf of Merrylands Investment Co Pty Ltd for 239- 245 Merrylands Road & 52 McFarlane Street, Merrylands (referred to as the Coronation Site).

The purpose of the planning proposal request is to amend the maximum building height limit and FSR to allow for additional units to buildings D & E, to create a better transition of building heights within this part of the street block and represent a better urban design outcome.

It is noted that the primary changes associated with the planning proposal request only seeks to amend the land containing buildings D & E, legally known as Lot 2 DP 1271537.

A housekeeping change is also sought in relation to the Building Height associated with Building A (Lot 1 DP 1271537) to rectify the building height as it relates to the realignment of the lane connecting to McFarlane Street by adopting a 77m height limit to this land which reflects the approved outcome to Building A.

In order to achieve the intended outcome, the planning proposal request proposes to amend Holroyd Local Environmental Plan 2013 as follows:

- Increase the maximum building height from 55m (16 storeys) to 64m (19 storeys) for building D,
- Increase the maximum building height from 77m (23 storeys) to 84m (25 storeys) for building E,
- Amend the location of the height transition through change to the maximum building height from 55m to 77m to Building A to reflect the approved development application,
- Increase the existing mapped maximum FSR control from 5.5:1 to 7.5:1 for Buildings D & E (note that this is not inclusive of the potential design competition FSR bonus of 10%),

The planning proposal request was prepared in accordance with:

- Section 3.33 of the *Environmental Planning and Assessment Act 1979*
- NSW Department of Planning and Environment's *A Guide to Preparing Planning Proposals* (2016).

Background and Prior DA Consents

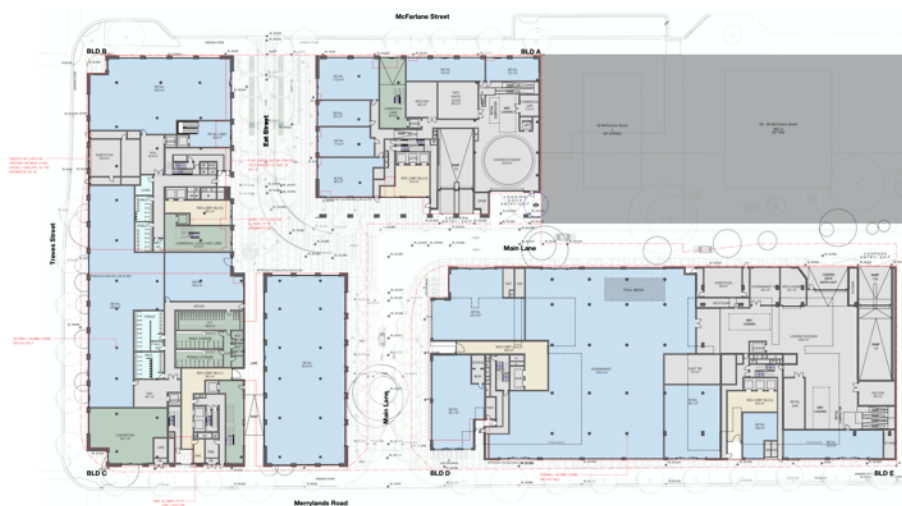
The Coronation site has been subject to a number of recent development proposals, including a prior development application by Stockland that has not been taken up. Of most relevance is the recent approval of DA2020/0220 on the site which was granted consent by the Sydney Central Planning Panel in September 2020. That consent approved the following:

Construction of mixed use development comprising 5 mixed use buildings, including retail and commercial tenancies, childcare facility and 790 residential apartments, over 4 levels of basement parking, associated stormwater, public domain and landscaping works.

A recent modification (MOD2021/0123) has been approved with Woods Bagot as the project architects, who were engaged to provide further design evolution over the prior approved scheme and to improve the design outcome for the broader site.

Design Excellence has recently been issued for that amendment with the Cumberland Design Excellence Panel noting the improvement in the scheme as compared to the original DA and that Merrylands Investment Co Pty Ltd (Coronation) are committed to delivery of a high quality outcome consistent with their brand.

An extract of the site layout plan that shows Building A, B, C, D and E is provided below.



Urban Design

Woods Bagot were engaged to review the approved DA scheme, and the broader planning framework, from an Urban Design perspective.

The analysis of the street block modelling indicated that a better height and density transition could be achieved relative to the 'landmark' tower planned for the land to the north east of the site, providing a smoother transition to the west. The modelling indicates that a change to the height and FSR limits of Buildings D and E would result in a more desirable urban design outcome.

Massing, envelope, and shadow studies undertaken by Woods Bagot have arrived at a height increase of 2 levels for Building D and 1 level for Building E- resulting in an increase in height from 55m-64m for Building D and 77m-84m for Building E. This provides a more suitable transition in height within the context of the Town Centre and provides a better urban design outcome.

Exploration of density arising from this increase in height was modelled relative to the newly established 'D and E' lot size of 4448m² and the modelled outcome achieves an FSR of 7.19:1 and accordingly to ensure consistent with the property to the east an increase in the FSR on this site from 5.5:1 to 7.5:1 is sought for the Block D and E land with no change sought to the FSR of the remaining lots. The proposal will facilitate an additional 27 units in Building D and E relative to the current approval based on the amended controls noting this excludes any 'design excellence' provisions that would apply to the development and be considered at DA stage.

The site and context

Regional context

The subject site is located within Merrylands Town Centre, which is classified as a local centre within the Central City District Plan under The Greater Sydney Region Plan – A Metropolis of Three Cities.

Merrylands, which is within close proximity to a major regional centre (Parramatta City Centre) has been identified by The Greater Sydney Region Plan as a local centre.

The district plan provides planning principles for local centres, as per below,

“protect or expand retail and/or commercial floor space”(Greater Sydney Commission 2018, pg 49), and

“increase residential development in, or within a walkable distance of, the centre” (Greater Sydney Commission 2018, pg 50).

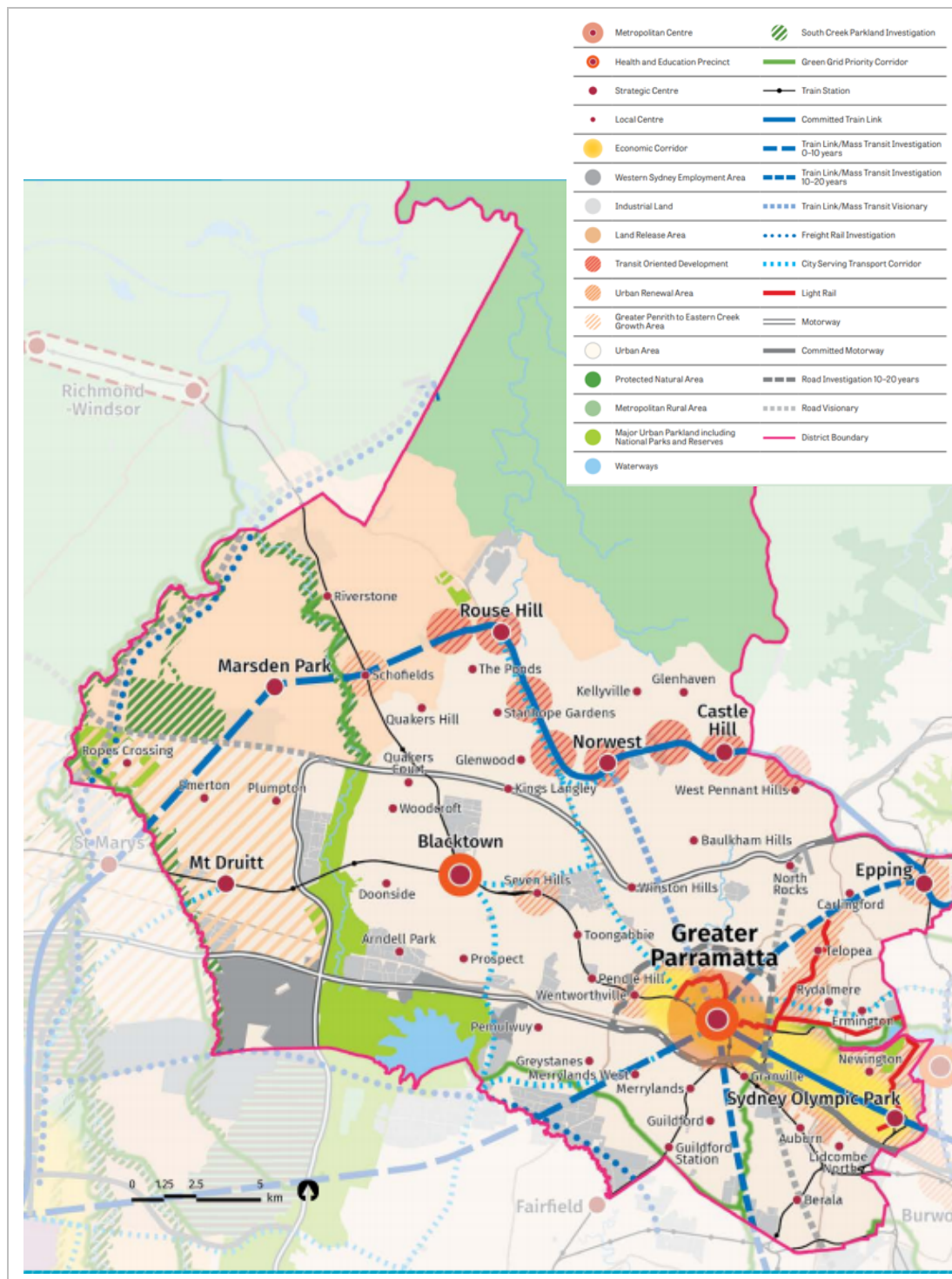


Figure 1: The site in its regional context

Local context

Comprising of 4 separate land parcels arising from the lot consolidation and resubdivision, the development site is located within the Merrylands Town Centre, opposite Stockland's Shopping Centre. The site itself can be described as a large irregular shaped corner land parcel and once consolidated will have a frontage to Merrylands Street to its southern boundary, Treves Street to its western boundary and McFarlane Street to the north with a total site area of 12,418m² (11,365m² after land dedication to facilitate future laneways).

It is noted that the Building D and E site is 4448m² facilitated by a procedural subdivision that has now created Lot 2.

The site has undergone initial remediation works and this is illustrated by an aerial map extract below noting demolition works have been completed and the construction of the display suite and sales office.

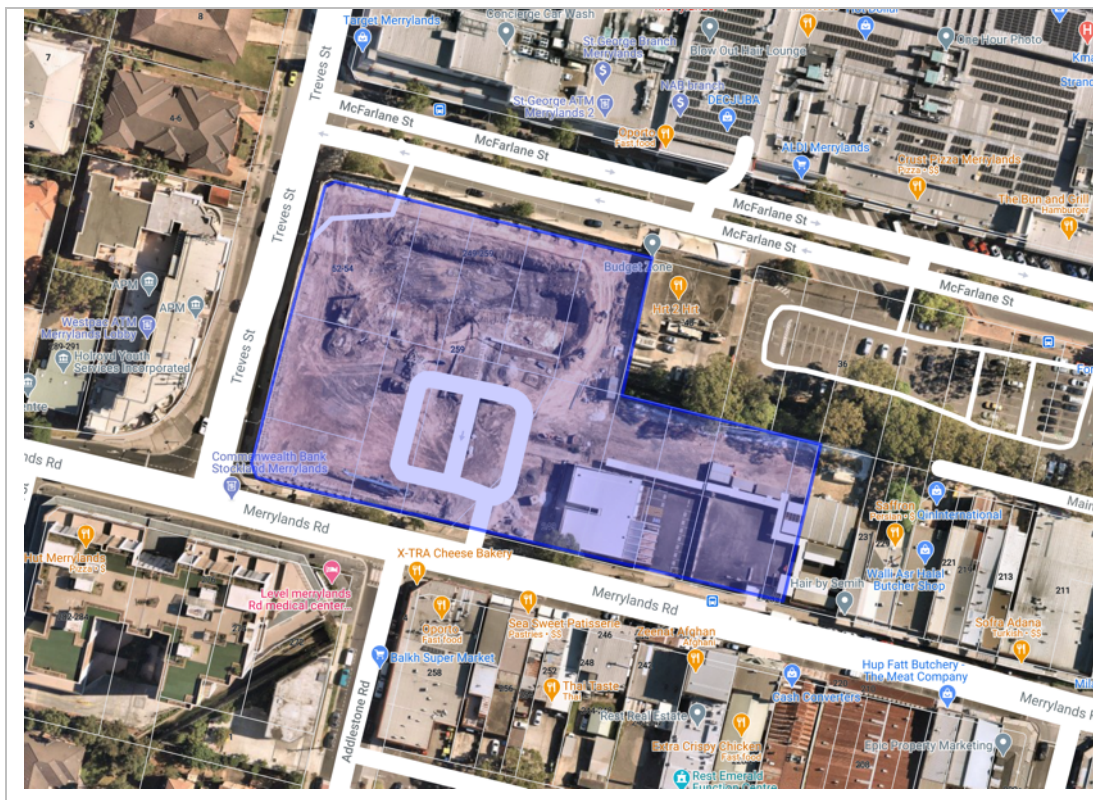


Figure 2: The site in its local context

Site Description

The table below provides a description of the subject site.

Table 1: Site description	
Item	Description
Legal description (parent lot)	<ul style="list-style-type: none"> • Lot 1 DP 1271537 (Block A, B, C) • Lot 2 DP 1271537 (Block D and E)
Total area	12,418m ² (11,365m ² after land dedication).
Shape	L shaped allotment
Frontage/s	<ul style="list-style-type: none"> • 95.835m to McFarlane Street • 78.79m to Treves Street • 165.94m to Merrylands Road • Splay of 12.985 between Merrylands Road and Treves Street.
Access and connectivity	<p>Vehicular access to the basement level servicing Building D & E is via a vehicular cross-over, driveway and graded ramp also from the planned internal laneway, however the entry point is located towards the eastern portion of the site from the south.</p> <p>Direct access to supermarket and retail tenancies oriented to the northern and western portion of the building is via a pedestrian pathway from Main Lane. The laneway also provides access to an arcade with secondary access to the supermarket.</p>
Public transport	Development site is within walking distance to Merrylands Train Station that is 400m east of the site. A bus stop with services to Parramatta, Liverpool is located opposite the development site's frontage to Merrylands Road.

Table 1: Site description	
Topography	The site is relatively flat.
Existing/historical uses	The site contains a high number of vacant and abandoned tenancies, with the existing buildings in a poor condition, near the end of their life cycle and requiring substantial renovation and other works.
Significant trees / vegetation	The subject site is within a well-established town centre, having historically been used for urban purposes. The site is void of any significant trees.
Flooding	The site has been identified as being flood prone.
Heritage	<p>The site is not identified as a heritage item nor is it located within a heritage conservation area. Treves Street separates the site from two (2) local heritage items as identified on Schedule 5: - Electrical Substation situated within 285 Merrylands Road, Merrylands (Heritage Item No.168) - Merrylands School of Arts Building, 2989 Merrylands Road, Merrylands (Heritage Item No.169).</p> <p>The other heritage items within the broader area are visually and physically separated from the site by existing development and roadways.</p>

Refer to Figure 3 to Figure 12 below for images of the site.

Figure 3 – Shows the vehicular egress and pedestrian link to McFarlane St as viewed from McFarlane St looking southwards.



Figure 4 – Shows existing streetscape along Merrylands Rd looking eastwards.



Figure 5 – Shows existing streetscape along Merrylands Rd looking westwards.



Figure 6 – Shows existing streetscape along Traves St looking southwards.



Figure 7 – Shows existing streetscape along Traves St looking northwards.



Figure 8 – Shows existing streetscape along McFarlane St looking eastwards.



Surrounding development

The development immediately surrounding the site includes:

To the north	The site is separated from Stockland's Shopping Centre by McFarlane Street to the north. Refer Figure 9 below.
To the south	The site is separated by Merrylands Road from 1-2 commercial/shop top housing buildings, as well as a large recently constructed mixed use building to the south. Refer Figure 10 below.
To the east	The site bounds an open car parking area and single-storey shops to its eastern boundary, which is fenced off for redevelopment. Refer Figure 11 below.
To the west	The site is separated by Treves Street from 4 storey mixed use buildings to the west. Refer Figure 12 below.

Refer to Figure 9 to Figure 12 for images of surrounding development.



Figure 9 – Shows entrance point to Stockland Merrylands, located opposite the site's frontage to McFarlane St looking northwards



Figure 10 – Shows the recently constructed mixed use building to the south, separated by Merrylands Road



Figure 11 – An open car parking area and single-storey shops to its eastern boundary, which is fenced off for redevelopment



Figure 12 – Shows the 4 storey mixed use buildings to the west of the site, separated by Treves Street

Existing planning controls

The site is subject to planning controls contained in Holroyd LEP 2013.

The following key controls apply to the site:

- Land zoning: B4
- Height of buildings, varying from 43m-77m, and
- Floor space ratio, being 5.5:1.

Existing LEP mapping extracts are shown in Figure 13 to Figure 15 below.

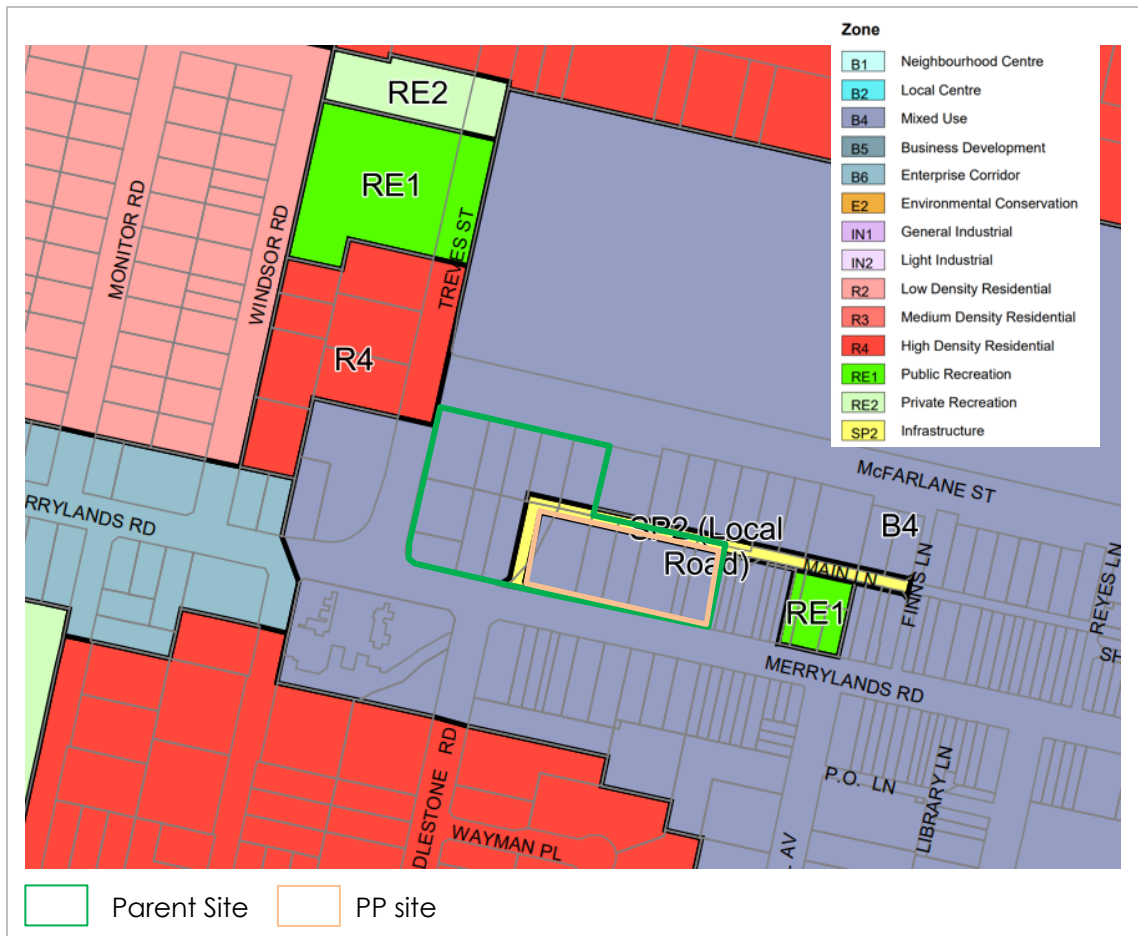


Figure 13 – Existing Land zoning map (LZN-009)

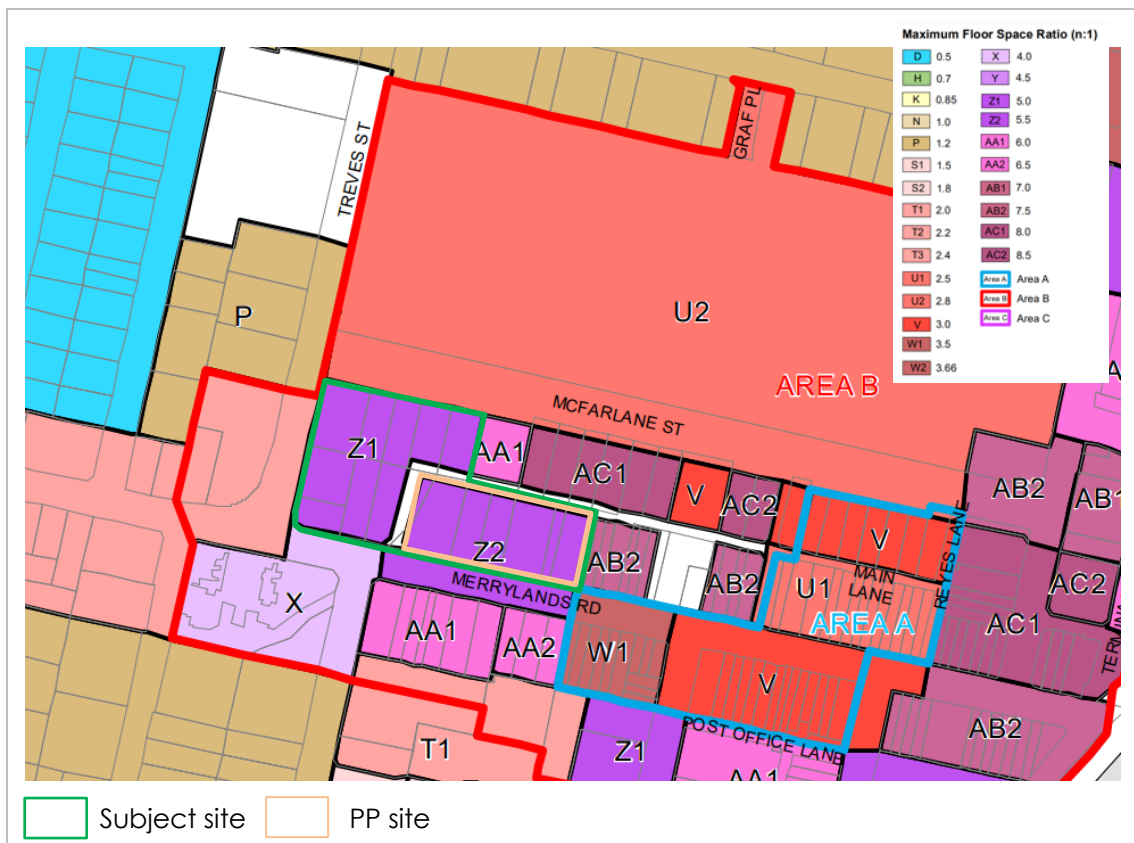


Figure 14 – Existing Floor Space Ratio map (FSR-009)

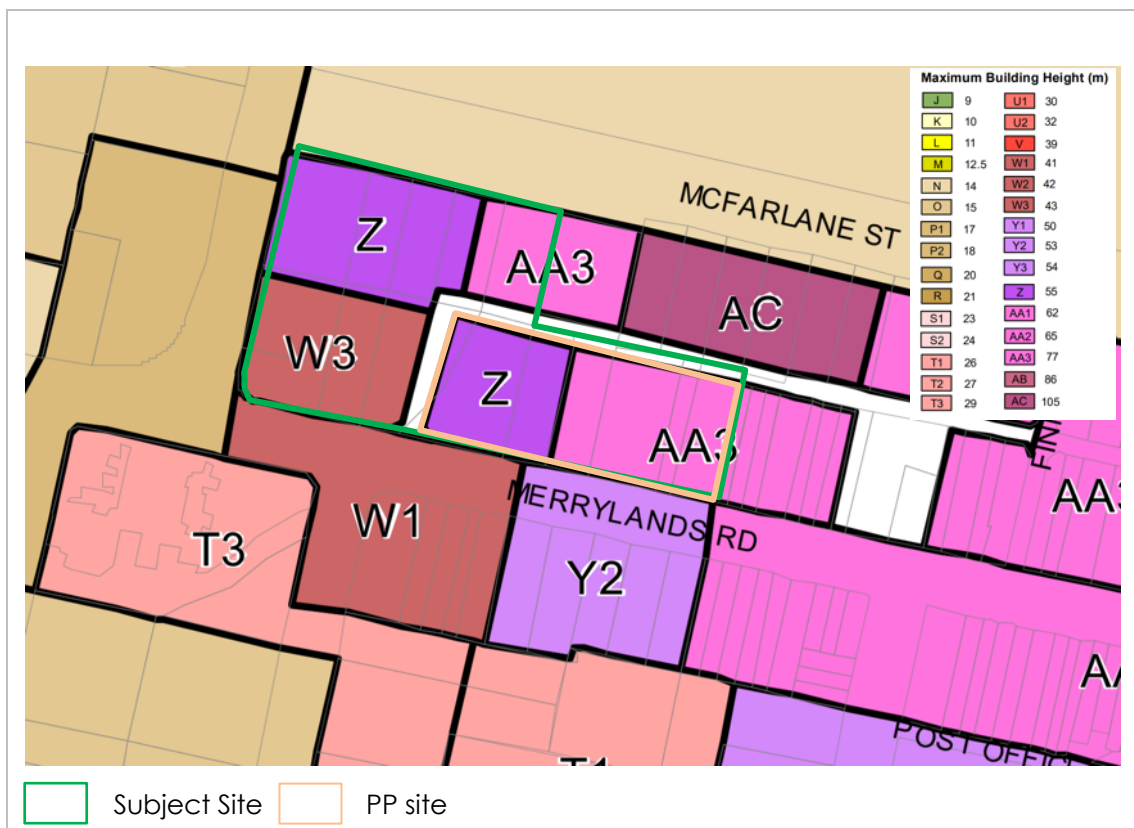


Figure 15 – Existing Floor Space Ratio map (HOB-009)

Part 1 – Objectives and intended outcomes

The purpose of the planning proposal request is to amend the maximum building height limit and FSR to allow for an additional 1-2 storeys to buildings D & E, to create a better transition of building heights within the subject street block. A housekeeping change is also sought in relation to the Building Height associated with Building A to reflect the approved Building Height and resolve the anomaly in the height transition location.

The land adjacent to the sites northern and eastern boundaries at present have higher Floor Space Ratios (8:1 north and 7.5:1 east) and higher maximum building heights (105m north and 77m east). This proposal seeks to increase the sites FSR and height, in order to create a more gradual transition between the higher density sites to the north/east and the lower density sites to the south/west. Therefore, decreasing the dominance of the larger scale developments to the north/east and creating a more visually attractive skyline and a better urban design response in the gradation of height and densities from the centre of Merrylands. This is addressed in detail in the Urban Design Report prepared by Wood Bagot.

A housekeeping change is also sought in relation to the Building Height associated with Building A to rectify the building height as it relates to the realignment of the lane connecting to McFarlane Street by adopting a 77m height limit to this land which reflects the approved outcome to Building A. This is logical to resolve the mis-match between the DCP laneway layout, and the approved development, and the LEP- noting there is no change to the development outcome on that part of the site.

The changes of the planning proposal request will result in an increased GFA of 7514m², relative to the mapped FSR of 5.5:1 and the shift to a 7.5:1 FSR (maximum) which is likely to generate a further 27 residential apartments within Building D & E based on the current approved S4.55 scheme floor plates- that is from 342 to 369 apartments. This excludes any potential 'design excellence' bonus which would enable a 10% height bonus and potentially greater yield whilst still enabling compliance with the FSR controls.

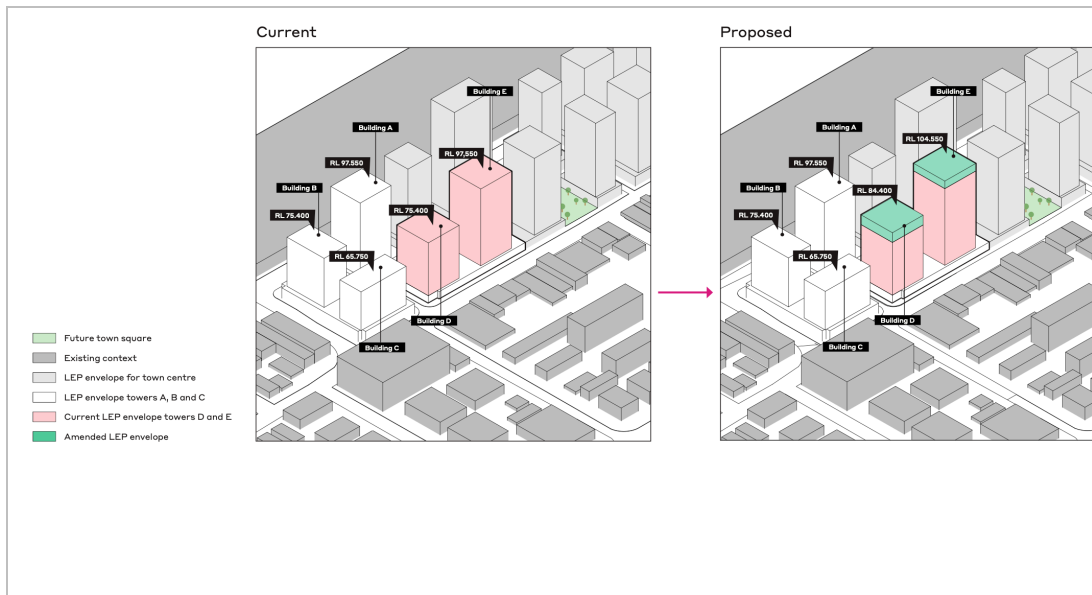


Figure 16: Extract from 3D Massing

If approved the planning proposal request will:

- Provide a more contextually approved urban design response and transition in height and densities on the western edge of the Merrylands Town Centre;
- Provide a more suitable 'step down' in height relative to the landmark building to the north-east of the subject site;
- Provide additional housing supply in the Merrylands Town Centre on a site that is 400m walking distance to the railway station.

Part 2 - Explanation of Provisions

The planning proposal request seeks to achieve the objectives and intended outcomes described in Part 1 by amending Holroyd LEP 2013 as follows:

- Increase the maximum building height from 55m (16 storeys) to 64m (18 storeys) for building D,
- Increase the maximum building height from 77m (23 storeys) to 84m (24 storeys) for building E,
- Increase the existing mapped maximum FSR control from 5.5:1 to 7.5:1 for Buildings D & E (note that this is not inclusive of the potential design competition FSR bonus of 10%),
- Increase the maximum building height to from 55m to 77m to Building A to reflect the approved development application

Part 4 of this planning proposal request contains thumbnail images of the proposed mapping amendments.

Part 3 – Justification

Section A – Need for the Proposal

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

Yes, the site has been earmarked for future growth by the Cumberland Local Strategic Planning Statement (LSPS) 2020, which supports additional housing supply and job growth within Merrylands town centre in the McFarlane Street Precinct (more information regarding the LSPS is provided under Q4).

The planning proposal request is also supported by the Greater Sydney Region Central District Plan, as detailed further in Q3.

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

Yes. It is considered that the amendment of the Height of Buildings map and Floor Space Ratio map is the most efficient and time effective approach to delivering the desired outcome.

The proposed modifications to the approved development scheme for Building D and E are not permitted under the current planning controls that apply to the development site and cannot be considered as an exception to development standards under Clause 4.6 of Holroyd Local Environmental Plan (LEP) 2013.

Further given the development timing, with construction underway, means that a site specific amendment is the most appropriate means of facilitating an outcome on the site.

Section B – Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

Yes, the development is consistent with the Greater Sydney Region Plan: A Metropolis of Three Cities. The relevant strategic plans for consideration include the Metropolis of Three Cities – Greater Sydney Region Plan 2018 and the Central City District Plan 2018.

Metropolis of Three Cities

The Planning Proposal is aligned with these key themes, directions, metrics and objectives by:

1. Infrastructure and collaboration. The subject land is located within 400m of Merrylands train station and the existing strategic centre. The site is located within easy access of exiting health services infrastructure as well as existing schools including St Marys Primary School, Fowler Road School and Holroyd School. The site is located just 3.3km to the south of Parramatta, the Central River City and an easy bus ride that is less than 20 minutes to Parramatta Station which is well within the 30-minute city scenario.
2. Liveability. The architectural design drawings provided with this Planning Proposal and the urban design study show that liveability for the future residents is a primary consideration for the future building design. Solar access and cross ventilation have been maximised along with general compliance with the requirements of the Apartment Design Guide. The pedestrian environment will be activated and improved because of this Planning Proposal connecting the residents in and around the Merrylands strategic centre.
3. Productivity. The proposal capitalises on the existing Merrylands strategic centre and will ensure there with sustainable future growth within this existing centre. The proposal creates a more accessible and walkable city with enhanced activation to pedestrian links and opportunity for bicycle riding as well as promoting additional local jobs through the placement of additional residents within Merrylands.
4. Sustainability. The Planning Proposal facilitates building capacity based on existing and committed infrastructure. This seeks to shape a strong

and connected community by delivery catalytic development and creating resilience within this revitalised precinct.

The Greater Sydney Region Plan presents polycentric approach to Sydney which reinforces the significant role of Parramatta sitting at the heart of Sydney with Merrylands being an important precinct that supports the continued vitality and growth within the Central City. As Greater Sydney experiences a housing shortage and ever increasing property prices, the future generations will rely on housing being provided in centres such as Merrylands. The proposal will assist with delivery of new housing that can lessen the pressure on housing affordability housing by delivering supply in this key location of Merrylands.

The proposal aligns specifically with Planning Priority N1 and N5 of the Metropolis of Three Cities through provision of additional housing in a location serviced by infrastructure, expanding housing supply choice and affordability in a location with access to jobs, service and public transport.

- *Planning Priority N1: Planning for a city supported by infrastructure*
- *Planning Priority N5: Providing housing supply, choice, and affordability, with access to jobs, services and public transport.*

Urban renewal is a key priority particularly with the focus of new housing in existing centres with frequent public transport that can carry large number of passengers and in locations that have already the community infrastructure in place such as medical services, social services, educational facilities, recreational opportunities and employment. This clearly places emphasis on the revitalisation of Merrylands as an ideal location to deliver this accelerated housing, more affordable housing typologies and a greater variety of housing choice. This housing can be brought forward only if the planning controls represented in this Planning Proposal are endorsed.

The development seeks to provide additional residential floor space within walking distance of Merrylands Train Station (400m) and Town Centre and therefore, is consistent with the principles provided for local centres within the Central City District Plan. Further the proposal will expand housing choice through an increase in the number and variety of apartments on the site within the Merrylands Town Centre- a location that offers a range of existing jobs, service and public transport options. In relation to specific employment and job creation the proposal would increase short term employment for 60 workers for a duration of approximately 9 weeks.

CENTRAL CITY DISTRICT PLAN

The Central City District Plan sets out the priorities and actions for this District and these are structured around the same key themes as presented in the Greater Sydney Region Plan. As relevant to the subject site the importance of the growth within strategic centres in terms of both jobs and housing are

continually emphasised in the District Plan. The Planning Proposal seeks to deliver both additional housing but also jobs within a 30-minute city scenario. In relation to specific employment and job creation the proposal would increase short term employment for 60 workers for a duration of approximately 9 weeks.

Expediting the delivery of housing brings more dwellings to the market which in turn drives prices down. Delivering more dwellings and within shorter timeframes aims to respond to the current housing crisis in Sydney where scarcity has resulted in an affordable priced housing shortage. The Planning Proposal seeks to deliver housing to the market quickly and in a highly liveable location which is within the 30-minute city scenario.

In summary, this Planning Proposal seeks to deliver on the vision set forward in the Central City District Plan by:

1. Increasing diversity of housing choice.
2. Delivering housing to meet strategic housing supply targets.
3. Expediting the delivery of new housing stock to ease the pressure of demand resulting in a generally more affordable priced housing product.
4. Contribution to energy efficiency through aims to deliver a development that meets environmental performance criteria.
5. Reduced emissions through both building environmental performance but also through reduction in reliance on private vehicle travel. Focusing increased housing on the subject site which is highly accessible to local bus and train services means that future residents are more likely to walk, cycle and use integrated public transport systems.
6. Enhancing the role of Merrylands as the economic anchor with the vision to deliver both jobs and housing.

The objectives of the Planning Proposal are incontestably aligned with the documented priorities for the Central City District.

Q4. Will the planning proposal give effect to Cumberland City Council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?

Yes. The planning proposal request is consistent with the Cumberland LSPS 2020.

A quote from the LSPS provided below:

"Council has progressed planning for a number of centres and strategic corridors to facilitate additional housing supply and jobs growth. The Merrylands and Wentworthville Centres and Parramatta Road Corridor are the focus of much of this planning for growth. Approximately 4,200 additional dwellings are proposed for Merrylands (McFarlane and Neil Street Precincts)" (Cumberland Council Local Strategic Planning Statement 2020, pg. 16).

The proposal gives effect to the relevant local strategy which is the Cumberland Local Strategic Planning Statement by supporting additional housing supply and job growth within Merrylands in the McFarlane Street Precinct. The Planning Proposal:

- Gives effect to a local strategic planning statement insofar as the Cumberland LSPS seeks to support additional housing supply and job growth within Merrylands town centre in the McFarlane Street Precinct and aligns with the Merrylands Station and McFarlane Street Precinct Planning Objectives to:
 - Develop a strong identity for the Merrylands Centre through a vibrant mix of retail, commercial and residential development.
 - Achieve urban design strategies that acknowledge the role of Merrylands within the Cumberland subregion.
 - Renew and revitalise the Merrylands Centre catering for a diverse community.
 - Ensuring buildings are designed to maximise appropriate amenity outcomes for the Precinct.

The proposal is consistent with the following strategic aspects of that strategy:

- 5. *Getting around – access and movement* – The proposal is aligned with the type of transport-oriented development promoted by the LSPS. The proposal will result in an increase in residential density within the western portion of the Merrylands Town centre, with good access to a range of public transport options, including Merrylands train station, that connect Cumberland's town centres and employment hubs, both locally and to Greater Sydney.
- 6. *Places and spaces for everyone* – The proposal will increase the number and variety of housing types available in Merrylands,

to meet the needs of Cumberland's growing and changing population. The site will facilitate a modern development that will provide a high level of amenity for people living in and around the development, providing many opportunities for recreation and social connection.

- *7. Local jobs and businesses* – The proposal will help to sustain a strong and diverse local economy by making it possible for more people to live within Merrylands Town centre. It will promote access to local jobs, education opportunities and care facilities. The planning proposal will also provide for an increase in short term job creation through the construction of the additional units.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal request is consistent with the State Environmental Planning Policies applicable to the site, as confirmed by the approved DA 2020/0220 for *'the construction of mixed use development comprising 5 mixed use buildings, including retail and commercial tenancies, childcare facility and 790 residential apartments, over 4 levels of basement parking, associated stormwater, public domain and landscaping works – Integrated Development (Water Management Act 2000)'*, noting that a planning proposal request is unlikely to affect the existing compliance with the SEPPs. The following table provides a brief assessment of consistency against each State Environmental Planning Policy (SEPP) relevant to the planning proposal request.

Consideration of SEPPs	Relevance	Comment
SEPP 14 – Coastal Wetlands	-	Not relevant to the proposal.
SEPP 19 – Bushland in Urban Areas	-	The site does not contain any significant vegetation.
SEPP 21 – Caravan Parks	-	Not relevant to the proposal.
SEPP 26 – Littoral Rainforests	-	Not relevant to the proposal.
SEPP 30 – Intensive Agriculture	-	Not relevant to the proposal.

SEPP 33 – Hazardous Offensive Development	-	-	Not relevant to the proposal.
SEPP 36 – Manufactured Home Estates	-	-	Not relevant to the proposal.
SEPP – Koala Habitat Protection 2021	-	-	Not relevant to the proposal.
SEPP 47 – Moore Park Showground	-	-	Not relevant to the proposal.
SEPP 50 – Canal Estate Development	-	-	Not relevant to the proposal.
SEPP 52 – Farm Dams	-	-	Not relevant to the proposal.
SEPP No. 55 – Remediation of Land	-	-	Not relevant to the proposal.
SEPP 62 – Sustainable Aquaculture	-	-	Not relevant to the proposal.
SEPP No. 64 – Advertising and Signage	-	-	The planning proposal request is consistent with the aims or provisions of this SEPP. Where future development incorporates signage, the provisions of this SEPP will need to be considered.
SEPP No. 65 – Design Quality of Residential Apartment Development	-	-	The planning proposal request is consistent with the aims or provisions of this SEPP. Future development will incorporate housing delivered under this SEPP and relevant provisions will be given detailed consideration during the assessment of a development application.

SEPP 70 – Affordable Housing Schemes	-	This SEPP does not apply to this land.
SEPP (Affordable Rental Housing) 2009	-	The planning proposal request is consistent with the aims or provisions of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	✓	The planning proposal request is consistent with the aims or provisions of this SEPP. Future development incorporating a BASIX affected buildings will be subject to the provisions of this SEPP.
SEPP (Educational Establishments and Child Care Facilities) 2017	✓	The planning proposal request is consistent with the aims or provisions of this SEPP. Future development incorporating a childcare centre, or the like will be subject to the provisions of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	-	The planning proposal request is consistent with the aims or provisions of this SEPP. This SEPP is not relevant in the context of the planning proposal request.
SEPP (Infrastructure) 2007	✓	Future development will constitute traffic generating development and trigger an assessment under this SEPP.
SEPP (Housing for Seniors or People with a Disability) 2004	-	This planning proposal request is consistent with this SEPP.
SEPP (Integration and Repeals) 2016	-	Not relevant to this planning proposal request.
SEPP (Kosciusko National Park) 2007	-	This SEPP does not apply to this land.
SEPP (Kurnell Peninsular) 1989	-	This SEPP does not apply to this land.

SEPP (Mining and Extractive Industries) 2007	-	Not relevant to this planning proposal request.
SEPP (Miscellaneous Consent Provisions) 2007	-	Not relevant to this planning proposal request.
SEPP (Penrith Lakes Scheme) 1989	-	Not relevant to this planning proposal request.
SEPP (Rural Lands) 2008	-	Not relevant to this planning proposal request.
SEPP (State and Regional Development) 2011	✓	It is likely that future development of the site will constitute Regional Development and be determined by the Sydney West Planning Panel.
SEPP (State Significant Precincts) 2005	-	This SEPP does not apply to this land.
SEPP (Sydney Drinking Water Catchment) 2011	-	This SEPP does not apply to this land.
SEPP (Sydney Region Growth Centres) 2006	-	This SEPP does not apply to this land.
SEPP (Three Ports) 2013	-	This SEPP does not apply to this land.
SEPP (Urban Renewal) 2010	-	This SEPP does not apply to this land.
SEPP (Western Sydney Employment Area) 2009	-	This SEPP does not apply to this land.
SEPP (Western Sydney Parklands) 2009	-	This SEPP does not apply to this land.

Q6. Is the planning proposal consistent with applicable Ministerial Directions under 9.1 of the Act?

The planning proposal request is consistent with all relevant Ministerial Directions under Section 9.1.

Consideration of s. 9.1 Directions	Relevance	Comment
1. Employment and Resources		
1.1 Business and Industrial Zones	-	The planning proposal request does not change the zoning.
1.2 Rural Zones	-	The planning proposal request does not relate to rural zoned land.
1.3 Mining, Petroleum Production and Extractive Industries	-	The planning proposal request does not relate to land that is likely to be useful for extractive industries.
1.4 Oyster Aquaculture	-	The proposal will not impact on any priority oyster aquaculture areas.
1.5 Rural Lands	-	The planning proposal request does not relate to rural land.
2. Environment and Heritage		
2.1 Environment Protection Zones	-	The site is not currently zoned for environmental protection purposes.
2.2 Coastal Protection	-	The land is not within a coastal zone.
2.3 Heritage Conservation	✓	The proposal does not seek any changes to the existing heritage conservation provisions of the LEP and DCP and there are no heritage items on the site.

2.4 Recreation Vehicle Areas	-	The planning proposal request does not relate to recreation vehicles or land with a high conservation value.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs This direction applies to the local government areas of Ballina, Byron, Kyogle, Lismore and Tweed.	-	This direction does not apply in the Cumberland LGA.
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	-	The proposal does not seek to alter the zoning.
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 request is consistent with the direction. The subject site is well serviced by public transportation with the land parcel being within walking distance to Merrylands Train Station. The T2 Inner West and Leppington Line provides access to the Sydney CBD, Parramatta, Liverpool, and other key centres such as Bankstown, Strathfield, and the future Leppington town centre.

		The subject site is also well serviced by bus routes including Route 809, 810, and 810X.
3.5 Development Near Licensed Aerodromes	-	The proposal is consistent with this direction.
4. Hazard and Risk		
4.1 Acid Sulfate Soils	-	The site is not identified as containing Acid Sulfate Soils.
4.2 Mine Subsidence and Unstable Land	-	The site is not within a mine subsidence district.
4.3 Flood Prone Land	✓	<p>Councils Flood Study identifies parts of the Merrylands Town Centre are affected by low to medium overland flood risk.</p> <p>The proposal will be addressed in accordance with the Floodplain Development Manual 2005 at DA stage.</p> <p>It is therefore considered appropriate that development of the subject site be subject to Council's Flood Management Controls as outlined in the Fairfield City Wide DCP.</p>
4.4 Planning for Bushfire Protection	-	The site is not affected by bushfire planning provisions.

5. Regional Planning		
5.1 Implementation of Regional Strategies	-	The site is not located within an area affected by a regional strategy.
5.2 Sydney Drinking Water Catchments	-	This direction does not apply to land within Cumberland LGA.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	-	This direction does not apply to land within Fairfield local government area.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	-	This direction does not apply to land within Cumberland LGA.
5.8 Second Sydney Airport: Badgerys Creek	-	The site is not near the Second Sydney Airport: Badgerys Creek.
5.9 North West Rail Link Corridor Strategy	-	This direction only applies to land within Hornsby, the Hills and Blacktown.
5.10 Implementation of Regional Plans This direction applies when a relevant planning authority prepares a planning proposal.	-	Not applicable to the current planning proposal request.

6. Local Plan Making		
6.1 Approval and Referral Requirements	-	The planning proposal request is considered to be consistent with the direction. The planning proposal request does not trigger the need for any additional concurrence, consultation or referral to a Minister or Public Authority.
6.2 Reserving Land for Public Purposes	-	This direction is not relevant to the proposal.
6.3 Site Specific Provisions	-	The proposal changes the height and FSR with no change to the permitted uses on the land.
7. Metropolitan Planning		
7.1 Implementation of A Plan for Growing Sydney	-	<p>The planning proposal request is consistent with this direction, in addition to the most recent regional (A Metropolis of Three Cities) and district plans (Western City District Plan)</p> <p>The planning proposal request achieves the overall intent of the Plan and seeks to implement the achievement of its vision, land use strategy, policies, outcomes or actions.</p>
7.2 Implementation of Greater Macarthur Land Release Investigation	-	This direction does not apply to land within the Cumberland Council area.

7.3 Parramatta Road Corridor Urban Transformation Strategy	-	The site is not located on land subject to the Parramatta Road Corridor Urban Transformation Strategy.
7.4 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	-	The site is not located within the North West Priority Growth Area.
7.5 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure	-	The site is not located in the Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan.
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	-	The site is not located in the Wilton Priority Growth Area.
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor This direction applies to Campbelltown City Council.	-	This direction does not apply to land within the Cumberland Local Government Area.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No, given the site has previously been used for commercial use and the urban environment that is within the Merrylands Town Centre. This has been addressed via the approved DA 2020/0220 and the planning proposal request will have no impact on.

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

It is noted that the site has previously been used for commercial use and that an approval for a large mixed used development was recently approved on the site DA 2020/0220 (and the recent MOD), addressing the existing environmental issues. It is noted that any environmental, social and economic impacts arising from the increase in the height and FSR will be considered by Council as part of a merit assessment.

Urban Design

The planning proposal request is supported by an Urban Design Report by Woods Bagot. This sets out the Urban Design rationale of the additional height and FSR and demonstrates that the outcome is one of high quality noting that the amended scheme currently under assessment by Council has been awarded Design Excellence by the Cumberland Design Excellence Panel and the planning proposal request will enable 1-2 additional levels to Building D and E only.

Shadow Impacts

The planning proposal request seeks to increase the maximum building height and FSR of the site, which is likely to impact the overshadowing created by a future development on the site. A detailed shadow analysis is provided in the Urban Design report prepared by Woods Bagot Architects, which demonstrates that the proposal will not result in an unreasonable loss of solar access to the surrounding properties and critically will not impact the future City Park to the east of the site.

Pedestrian and Vehicle Traffic

A traffic report has been prepared for the planning proposal request, which assesses the proposals impact on the surrounding road networks. This report concludes that the additional floor space will have no discernible impact on the traffic network. In relation to parking we note that it is possible to provide for the additional parking on the site demanded by the additional apartments but this is ultimately a matter to be dealt with at DA stage in detailed assessment.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The site is devoid of any heritage and therefore, will not have an impact on any European or Aboriginal cultural heritage.

The planning proposal request will result in additional housing supply and jobs growth around the Merrylands town centre and within close proximity to Merrylands train station, as per the recommendations of the Cumberland Local Strategic Planning Statement. In relation to specific employment and job creation the proposal would increase short term employment for 60 workers for a duration of approximately 9 weeks.

Section D – State and Commonwealth Interests

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

There is considered to be adequate public infrastructure for the planning proposal request. The site is located within walking distance to Merrylands train station, which is likely to alleviate the impacts of the proposal on the existing road networks. A traffic impact report has been prepared for the proposal which concludes that the traffic impact is acceptable.

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

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

Any future Gateway determination will specify the list of agencies and public authorities required to be consulted and the methods and timing of such consultation.

Part 4 – Mapping

Table 2 below outlines the proposed mapping amendments, noting that Cumberland Council will prepare the mapping to accord with the Standard Instrument mapping layouts prior to the planning proposal request being reported to Council for consideration.

Table 2 – Proposed mapping changes		
Item	Existing	Proposed
Land Zone	B4	No changes
Height	55m / 77m	64m / 84m (D & E Site and part of Building A)
FSR	5.5	7.5 (D & E Site)

The proposed maps are reflected in the Wood Bagot report and extracts are provided below.

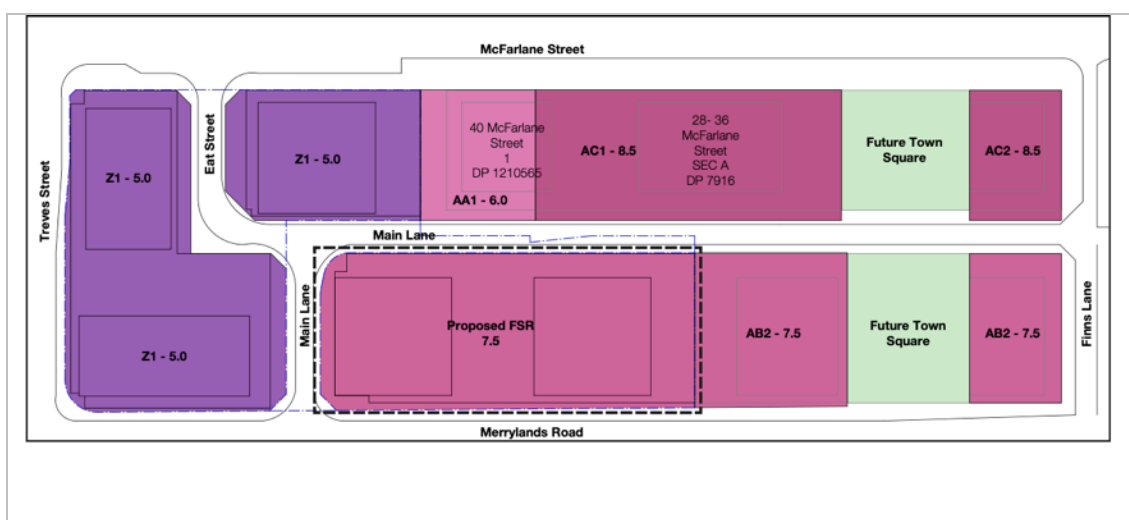


Figure 17 – Proposed FSR

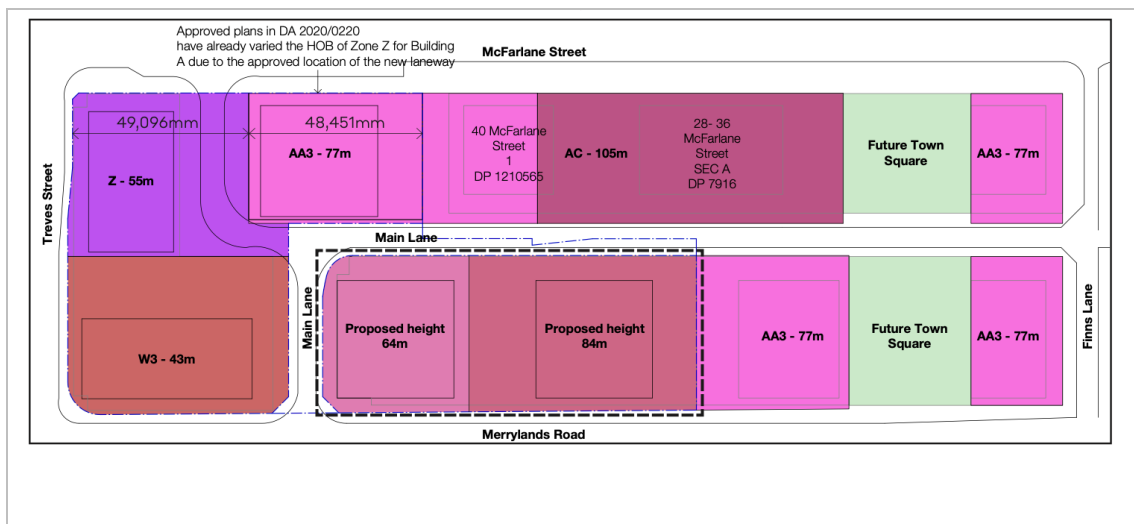


Figure 18 – Proposed Building Height Map

Part 5 – Community Consultation

The proposal will be publicly exhibited as required by Cumberland Council's Planning Proposal Notification Policy.

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

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

Part 6 – Project Timeline

The project timeline will be formulated by Cumberland Council and will be assessed by the Department and may be amended following Gateway.

Milestone	Anticipated date/s
Gateway Request	August 2021
Gateway Determination	December 2021
Government agency consultation	February 2022
Statutory exhibition – start / finish	February 2022
Consideration of submissions	March 2022
Submit to Department for finalisation	April 2022

Annexure 1: Strategic Merit Assessment by Think Planners

Strategic Merit Assessment

233, 249-259 MERRYLANDS ROAD
AND 52-54 MCFARLANE STREET
MERRYLANDS

6 AUGUST 2021



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INTRODUCTION

The Cumberland Local Planning Panel when considering the above Planning Proposal sought additional detail regarding the site specific and strategic merit for the proposal. This submission sets out how the Planning Proposal meets the established Strategic Merit Tests and therefore warrants approval.

CATALYTIC DEVELOPMENT AND EXCELLENCE IN DESIGN

We note that the proponent is currently conducting necessary basement excavation works on part of the site to progress the broader development and the Planning Proposal, if endorsed, will provide for the delivery of additional housing supply (circa 90 apartments) in the Merrylands Town Centre on a site that is 450m from Merrylands Railway Station.

These will be delivered in the immediate future and the broader development on the site is the largest commitment to renewal in the Merrylands Town Centre by a private developer and will be a landmark development that will also ideally serve as a catalyst to other large scale redevelopment in the Town Centre, noting limited development has occurred in the Town Centre despite the planning controls being in place for several years.

The development proposal is setting the standard for high quality urban design and detailing of the scheme which will substantially 'lift the bar' beyond existing development within the Merrylands area.

THE STRATEGIC MERIT TEST

The strategic merit test is demonstrated through a series of established questions as follows:

Is the proposal consistent with the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment?

YES

The relevant strategic plans for consideration include the Metropolis of Three Cities – Greater Sydney Region Plan 2018 and the Central City District Plan 2018.

METROPOLIS OF THREE CITIES

The Planning Proposal is aligned with these key themes, directions, metrics and objectives by:

1. Infrastructure and collaboration. The subject land is located within 400m of Merrylands train station and the existing strategic centre. The site is located within easy access of exiting health services infrastructure as well as existing schools including St Marys Primary School, Fowler Road School and Holroyd School. The site is located just 3.3km to the south of Parramatta, the Central River City and an easy bus ride that is less than 20 minutes to Parramatta Station which is well within the 30-minute city scenario.
2. Liveability. The architectural design drawings provided with this Planning Proposal and the urban design study show that liveability for the future residents is a primary consideration for the future building design. Solar access and cross ventilation have been maximised along with general compliance with the requirements of the Apartment Design Guide. The pedestrian environment will be activated and improved because of this Planning Proposal connecting the residents in and around the Merrylands strategic centre.
3. Productivity. The proposal capitalises on the existing Merrylands strategic centre and will ensure there with sustainable future growth within this existing centre. The proposal creates a more accessible and walkable city with enhanced activation to pedestrian links and opportunity for bicycle riding as well as promoting additional local jobs through the placement of additional residents within Merrylands.
4. Sustainability. The Planning Proposal facilitates building capacity based on existing and committed infrastructure. This seeks to shape a strong and connected community by delivery catalytic development and creating resilience within this revitalised precinct.

The Greater Sydney Region Plan presents polycentric approach to Sydney which reinforces the significant role of Parramatta sitting at the heart of Sydney with Merrylands being an important precinct that supports the continued vitality and growth within the Central City. As Greater Sydney experiences a housing shortage and ever increasing property prices, the future generations will rely on housing being provided in centres such as Merrylands. The proposal will assist with delivery of new housing that can lessen the pressure on housing affordability housing by delivering supply in this key location of Merrylands.

The proposal aligns specifically with Planning Priority N1 and N5 of the Metropolis of Three Cities through provision of additional housing in a location serviced by infrastructure, expanding housing supply choice and affordability in a location with access to jobs, service and public transport.

- *Planning Priority N1: Planning for a city supported by infrastructure*
- *Planning Priority N5: Providing housing supply, choice, and affordability, with access to jobs, services and public transport.*

Urban renewal is a key priority particularly with the focus of new housing in existing centres with frequent public transport that can carry large number of passengers and in locations that have already the community infrastructure in place such as medical services, social services, educational facilities, recreational opportunities and employment. This clearly places emphasis on the revitalisation of Merrylands as an ideal location to deliver this accelerated housing, more affordable housing typologies and a greater variety of housing choice. This housing can be brought forward only if the planning controls represented in this Planning Proposal are endorsed.

CENTRAL CITY DISTRICT PLAN

The Central City District Plan sets out the priorities and actions for this District and these are structured around the same key themes as presented in the Greater Sydney Region Plan. As relevant to the subject site the importance of the growth within strategic centres in terms of both jobs and housing are continually emphasised in the District Plan. The Planning Proposal seeks to deliver both additional housing but also jobs within a 30-minute city scenario.

Expediting the delivery of housing brings more dwellings to the market which in turn drives prices down. Delivering more dwellings and within shorter timeframes aims to respond to the current housing crisis in Sydney where scarcity has resulted in an affordable priced housing shortage. The Planning Proposal seeks to deliver housing to the market quickly and in a highly liveable location which is within the 30-minute city scenario.

In summary, this Planning Proposal seeks to deliver on the vision set forward in the Central City District Plan by:

1. Increasing diversity of housing choice.
2. Delivering housing to meet strategic housing supply targets.
3. Expediting the delivery of new housing stock to ease the pressure of demand resulting in a generally more affordable priced housing product.
4. Contribution to energy efficiency through aims to deliver a development that meets environmental performance criteria.
5. Reduced emissions through both building environmental performance but also through reduction in reliance on private vehicle travel. Focusing increased housing on the subject site which is highly accessible to local bus and train services means that future residents are more likely to walk, cycle and use integrated public transport systems.

6. Enhancing the role of Merrylands as the economic anchor with the vision to deliver both jobs and housing.

The objectives of the Planning Proposal are incontestably aligned with the documented priorities for the Central City District.

Is the proposal consistent with a relevant local strategy that has been endorsed by the Department?

YES

The proposal gives effect to the relevant local strategy which is the Cumberland Local Strategic Planning Statement by supporting additional housing supply and job growth within Merrylands in the McFarlane Street Precinct. The Planning Proposal:

- Gives effect to a local strategic planning statement insofar as the Cumberland LSPS seeks to support additional housing supply and job growth within Merrylands town centre in the McFarlane Street Precinct and aligns with the Merrylands Station and McFarlane Street Precinct Planning Objectives to:
 - Develop a strong identity for the Merrylands Centre through a vibrant mix of retail, commercial and residential development.
 - Achieve urban design strategies that acknowledge the role of Merrylands within the Cumberland subregion.
 - Renew and revitalise the Merrylands Centre catering for a diverse community.
 - Ensuring buildings are designed to maximise appropriate amenity outcomes for the Precinct.
- In addition to the above the proposal is further consistent with the following aspects of the Cumberland LSPS:
 - *5. Getting around – access and movement* – The proposal is aligned with the type of transport-oriented development promoted by the LSPS. The proposal will result in an increase in residential density within the western portion of the Merrylands Town centre, with good access to a range of public transport options, including Merrylands train station, that connect Cumberland's town centres and employment hubs, both locally and to Greater Sydney.
 - *6. Places and spaces for everyone* – The proposal will increase the number and variety of housing types available in Merrylands, to meet the needs of Cumberland's growing and changing population. The site will facilitate a modern development that will provide a high level of amenity for people living in and around the development, providing many opportunities for recreation and social connection.

- *7. Local jobs and businesses* – The proposal will help to sustain a strong and diverse local economy by making it possible for more people to live within Merrylands Town centre. It will promote access to local jobs, education opportunities and care facilities. Specifically 60 additional short term employment opportunities will occur over a 9 week period to construct the additional levels to the building.

The Planning Proposal will encourage diversity and liveability of places and will enhance the status of Merrylands as a village in which people want to reside, work and visit.

Is the proposal responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls?

YES

Merrylands Town Centre will play a key control in the supply of housing and the site sits within the McFarlane Precinct where the current planning controls were endorsed in 2016. Since that time, the Cumberland Local Strategic Planning Statement has been adopted which outlines there is planning underway for a number of centres and strategic corridors to facilitate additional housing supply and jobs growth. Specifically, the LSPS contains the following statement: “The Merrylands and Wentworthville Centres and Parramatta Road Corridor are the focus of much of this planning for growth. Approximately 4,200 additional dwellings are proposed for Merrylands (McFarlane and Neil Street Precincts)” (Cumberland Council Local Strategic Planning Statement 2020, pg. 16).

This Planning Proposal responds to a change in circumstances whereby changing trends have seen more people wanting to live in highly accessible centres where they can rely less on the need to use a private motor vehicle as their primary means of transport. Since the global pandemic of 2021, people are wanting to live in strategic centres such as Merrylands where they can work remotely but also be part of a vibrant community lifestyle that will be delivered through this Planning Proposal.

In relation to concerns regarding the proposed planned yield within the Precinct it is noted that the 90 additional dwellings equate to approximately 2% of the planned additional dwellings in the Precinct- which is largely inconsequential in the context of 4200 planned dwellings desired over the next 5-10 years.

We further note that the proposal does not seek to ‘take’ yield from other sites, but simply expand housing supply across the Precinct as a whole and enable delivery in the short term. Demand for housing is increasing at the present time and increases in house prices are also pushing up pricing for units at the same time and over time it would be anticipated that demand will lift relative to supply.

The Merrylands housing supply targets are targets- and this scheme will enable contribution to those targets and the addition 27 dwellings relative to that approved on site already, equating to 1% of the planned density, has no discernible impact on the desired supply and should not impact on the ability of other sites in the Precinct to deliver and provide apartments to the market.

SITE SPECIFIC MERIT TEST

**Does the proposal have site-specific merit, having regard to:
The natural environment (including known significant environmental values, resources or hazards)?**

Yes. The proposal will not impact on the natural environment beyond that of the development originally approved with a minor and acceptable increase in shadow impacts and heights of buildings from the public domain that will not cause any adverse impacts. See the Urban Design Report by Woods Bagot for further detail.

**Does the proposal have site-specific merit, having regard to:
The existing uses, approved uses and likely future uses of land in the vicinity of the land subject to a proposal?**

YES

The Planning Proposal does not seek to change the permitted uses on this site. The Planning Proposal seeks to amend the controls relating to building height and floor space ratio which will permit a better strategic outcome for this ideally located land. The proposed density responds to more recent policies of Cumberland Council where high density development is to be delivered in existing urban centres.

**Does the proposal have site-specific merit, having regard to:
The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision?**

YES.

The site located within the existing Merrylands strategic centre and is therefore ideally positioned to act as a focus for significant urban transformation. The area is well serviced by schools, tertiary institutions, childcare centres, community services, recreational and sporting facilities and an established commercial centre. Furthermore, the locality has excellent connectivity with access to several key arterial road networks including the Great Western Highway and the M4 Motorway as well as regular public transport services.

The proposed amendments are driven by a desire to deliver a superior urban design outcome for the site, ensure the maximum building height control and maximum floor space ratio control are aligned to facilitate development that is consistent with the desired future character of Merrylands. The proposed amendments to planning controls will facilitate the delivery of catalytic development contributing to much needed housing supply and public domain improvements at the street within this strategic precinct.

In relation to the issue of Public Benefit the landowner is keen to commence discussions with Council about entering into a Voluntary Planning Agreement as set out in the initial VPA Letter of Offer which can include infrastructure (roadworks) and potential Council facilities or monetary contribution.

The specific details of this agreement can be formalised during the Gateway process for this Planning Proposal.

CONCLUSION

This letter confirms that the Planning Proposal meets the Strategic Merit Tests applied in these circumstances; exhibits urban design merit; and does not result in unacceptable impacts in the streetscape or surrounding environment.

Should you require any further information, I can be contacted on 9687 8899.

Adam Byrnes
Director
Think Planners Pty Ltd