



CUMBERLAND  
CITY COUNCIL

# PLANNING PROPOSAL

239 and 245 Merrylands Road and  
52 McFarlane Street, Merrylands

August 2022

(For Council adoption)

# Table of Contents

Introduction .....	3
<b>Part 1 – Objectives and intended outcomes.....</b>	<b>14</b>
<b>Part 2 - Explanation of Provisions.....</b>	<b>16</b>
<b>Part 3 – Justification .....</b>	<b>17</b>
Section A – Need for the Proposal .....	17
Section B – Relationship to strategic planning framework .....	21
Section C – Environmental, social and economic impact .....	34
Section D - State and Commonwealth Interests .....	38
<b>Part 4 – Mapping .....</b>	<b>39</b>
<b>Part 5 – Community Consultation .....</b>	<b>41</b>
<b>Part 6 – Project Timeline .....</b>	<b>41</b>
 <b>Supporting documents</b>	
Gateway Determination	
Council Report and Resolution	
Cumberland Local Planning Panel Report and Advice	
Urban Design Analysis – Wood Bagot (revised)	
Proponent's Strategic Merit Assessment	
Transport Impact Assessment (revised)	
Council's shadow and building height transition analysis	
Overview of shadow analysis	
Economic impact statement	

# Introduction

## Planning Proposal (submitted to Gateway)

Cumberland City Council (Council) prepared this planning proposal in response to a request made by Think Planners on behalf of Merrylands Investment Co. Pty Ltd (the Proponent) for land at 223-245 Merrylands Road and 52 McFarlane Street, Merrylands (the site).

The site is approved for a mixed-use precinct comprising five buildings (Buildings A, B, C, D and E) containing 776 residential apartments, retail and commercial tenancies, childcare facility and basement parking. It is noted that, as part of the DA process, residential yield was reduced from (790 to 776 dwellings) as a result of certain amendments to the plans in order to achieve design excellence certification already approved by the DA.

The original planning proposal sought to facilitate delivery of additional residential apartments on approved Buildings D and E to primarily achieve an improved urban design outcome for the site with better transition of building heights within that part of the street block and precinct and compensate the lost residential yield of -14 dwellings during the DA process. It also sought to regularise the approved height control for Building A. The location of the subject buildings within the broader development site is shown in Figure 1.

It is noted that the developer is proposing a 'build to rent' model for part of the site which will promote positive social outcomes, namely the provision of long-term, professionally managed rental accommodation in Merrylands. The original Council resolved proposal sought to amend the site's planning controls as follows:

- Increase the maximum Height of Buildings control for:
  - Building D from 55m (16 Storeys) to 64m (19 storeys)
  - Building E from 77m (23 Storeys) to 84m (25 Storeys)
  - Building A from 55m (16 storeys) to 77m (23 storeys)
- Increase the maximum Floor Space Ratio control for proposed Buildings D and E from 5.5:1 to 7.5:1.

Figure 1 – Location of buildings A, D and E



# Gateway Determination and amended provisions

On 4 March 2022, the Department of Planning and Environment (the Department) issued a Gateway Determination for the planning proposal.

The Department instructed that the planning proposal be updated to reflect certain provisions prior to public exhibition following some minor changes and following the notification of the Cumberland LEP 2021. The proposal now seeks to amend the proposal as follows for post gateway exhibition:

- Increase the maximum Height of Buildings control for:
  - Building D from 55m (16 Storeys) to proposed 64m (19 storeys)
  - Building E from 77m (23 Storeys) to proposed 84m (25 Storeys)
- **Remove the proposed 77m height of Buildings applied to building A from the planning proposal** (no amendment to existing height as a result).
- **Reduce the proposed resolved 7.5:1 FSR to 7:1 FSR** for proposed Buildings D and E.
- Revise the supporting studies including the traffic impact statement and amend any existing and proposed LEP maps accordingly to reflect Cumberland LEP 2021.

Note: No changes were proposed to the resolved height controls originally sought below:

- Increase the maximum Height of Buildings control for:
  - Building D from 55m (16 Storeys) to 64m (19 storeys)
  - Building E from 77m (23 Storeys) to 84m (25 Storeys)

## The site and its context

The site is located in Merrylands Town Centre, approximately 25 kilometres west of the Sydney Central Business District (CBD) and 3.5 kilometres south of Parramatta CBD (Figure 2).

Merrylands Town Centre is Cumberland City's proposed strategic centre, providing a diverse range of higher order services and facilities, including a wide range of retail and commercial opportunities, and residential uses.

The site is highly accessible to services and facilities within Merrylands Town Centre and beyond, with Merrylands Train Station within 400 metres (to the east) and public bus services along both Merrylands Road and McFarlane Street. Major arterial roads servicing the region include Woodville Road, M4 Motorway, and the Cumberland Highway.

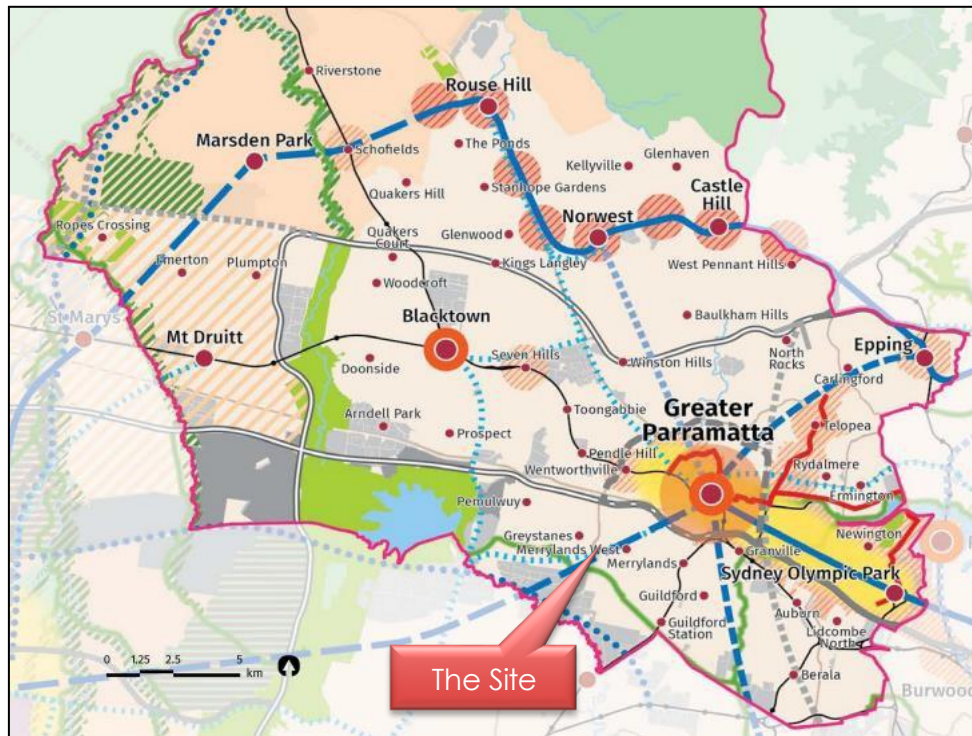


Figure 2: Regional context map

### **Merrylands Station and McFarlane Street Precinct**

The site is one of the largest development sites in the Merrylands Station and McFarlane Street precinct. It has recently been cleared and is undergoing site remediation work and construction.

The Precinct is characterised by a mix of retail/commercial uses, including Stockland Shopping Centre (to the north), a small-scale strip retail (along Pitt Street, Merrylands Road, Treves Street and McFarlane Street), near new mixed-use high-density residential developments, coupled with older style (circa 1970s to 1990s) three level walk-up apartment complexes.

The local area is well-served by a range of active and passive recreational facilities of various scales, including Central Gardens, Memorial and King Parks, Ted Burge Reserve, Merrylands Park, Merrylands Swimming Centre, and Granville Park. The proposed new Merrylands Civic Square is located 50m east of the site (coloured green in Figure 1, page 1).



## Site description

The site is a large (1.2 hectare) L-shaped allotment bound by McFarlane Street from the north, Treves Street from the west and Merrylands Road from the south (Figure 3). The site comprises four lots, as identified and described in table 1 below.



Figure 3: Aerial view of site and immediate surrounds

**Table 1: Site description**

Address	Allotment legal descriptions
Street address and legal description	239 and 245 Merrylands Road and 52 McFarlane Street, Merrylands  Lot 1 DP1271537 (6,760m <sup>2</sup> ) includes buildings A, B and C; Lot 2 DP 1271537 (4,448m <sup>2</sup> ) includes buildings D and E; and Lots 3 and 4 DP 1271537 (799.5 and 340.8m <sup>2</sup> ) includes main laneway.
Site Area	12,348.30m <sup>2</sup> (11,208m <sup>2</sup> after SP2 zoned land dedication)
Frontages	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 &amp; 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>
Existing/ historical uses	Former existing old buildings on site has been demolished for construction.
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.
Topography	The site is relatively flat.
Flooding	The site is affected by flooding.
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.
Heritage	<p>The site does not include a local heritage item or is located within a heritage conservation area. There are two heritage items within the broader vicinity, which is 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) located west of the precinct.</p> <p>The existing surrounding heritage items are visually and physically separated from the site by existing development and roads and are unlikely to be impacted considering its location.</p>

Table 1: Site characteristics

## Surrounding development

The development immediately surrounding the site includes:

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

## Approved development scheme

The site is approved for a mixed-use precinct with five buildings (Buildings A, B, C, D and E) containing 776 apartment buildings, retail and commercial tenancies, childcare facility, basement parking (DA2016/127, DA2020/0220, MOD2021/0123). The number of approved residential apartments and commercial and retail tenancies are shown in Table 2 below.

It is noted that the development scheme was modified to satisfy conditions of a Design Excellence Certificate issued by Council on 6 August 2020. Notably, Condition (a) required the Proponent to amend the architectural plans to demonstrate greater variety in utility, size, and character of communal open spaces throughout the development.

The modified scheme is based on a review of the scheme by Project Architect, Woods Bagot, which resulted in a reduction in the amount of gross floor area (GFA) allocated to residential uses and an increase in GFA for all other uses (Table 3). The loss of GFA for residential uses equates to approximately 14 apartments.



Building	Description
A	25 storey building containing <b>229 residential apartments</b> with six ground floor and six first floor commercial tenancies.
B	17 storey building containing <b>105 residential apartments</b> with one ground floor retail tenancy and first floor childcare centre for 60 children with outdoor play area.
C	13 storey building containing <b>100 residential apartments</b> with three ground floor retail premises, one ground floor commercial tenancy and four first floor commercial tenancies.
D	17 storey building containing <b>135 residential apartments</b> with four ground floor retail tenancies including a supermarket.
E	25 storey building containing <b>207 residential units</b> and two ground floor retail tenancies.

Table 2: Approved development scheme

	Gross Floor Area (m2)		
Use	Approved DA	Approved MOD	Difference
<b>Residential</b>	60,554	59,460.30	<b>-1,093.70*</b> <b>(approx.14 dwellings)</b>
Commercial	3,724	3,797.90	73.90
Retail/supermarket	4,687	5,067.30	380.30
Child Care Centre	752	789.8	37.80
Communal	685	952.9	267.90
<b>Total GFA</b>	<b>70,402</b>	<b>70,068</b>	<b>-333.70</b>

Table 3: Modified GFAs, noting the loss in residential GFA in particular

## Former planning controls (Holroyd LEP 2013)

The following key planning controls applied to the site under former *Holroyd Local Environmental Plan* (LEP) 2013:

- Zoning (LZN): B4 Mixed Use and SP2 Local Roads (Figure 3)
- Floor Space Ratio (FSR): 5.5:1 (Z2) Figure 4)
- Height of Buildings (HOB): 55m(Z) and 77m (AA3) (Figure 5)

The site was affected by land acquisition for a local road/laneway and this 'main lane' will be dedicated to Council by the proponent free of cost as per the approved DA 2020/0220 (Figure 6).

The site was also affected by Area 2 clause 6.11 design excellence provisions under Holroyd LEP 2013 (Figure 7). This provides for an additional 10% in building height to be achieved on the site, beyond that which is sought in this proposal.

It is noted that the above planning controls have now been carried across into Cumberland LEP 2021 which was notified in November 2021. Refer to existing LEP maps under Cumberland LEP 2021 overleaf.

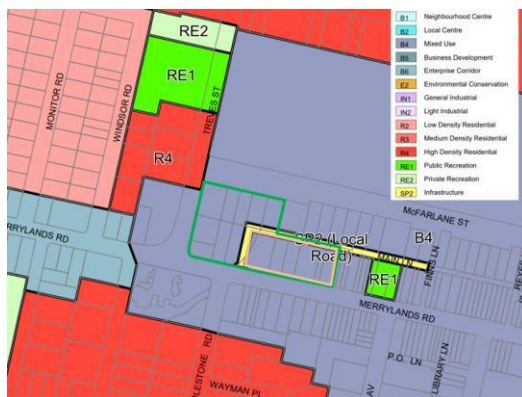


Figure 3: Land Zoning (LZN)

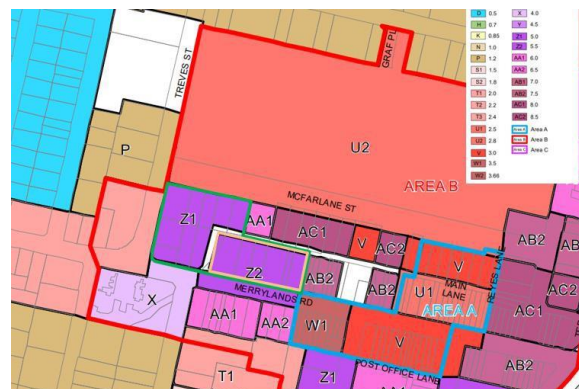


Figure 4: Floor Space Ratio (FSR)

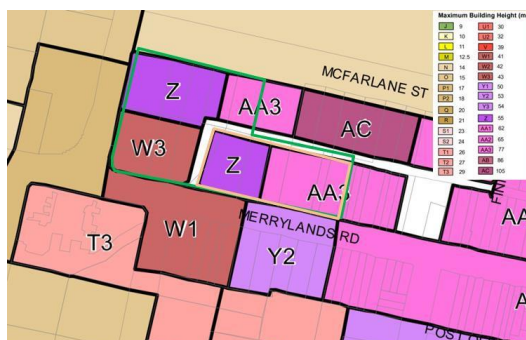


Figure 5: Height of Buildings (HoB)

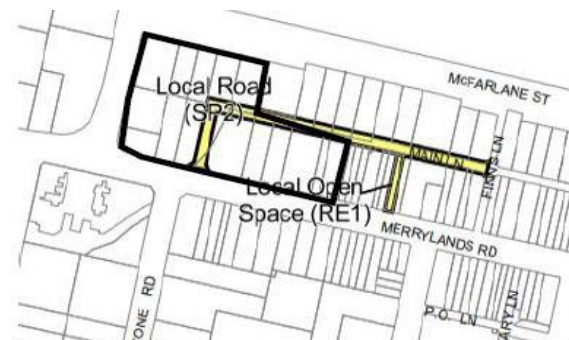


Figure 6: Land Reservation Acquisition (LRA)

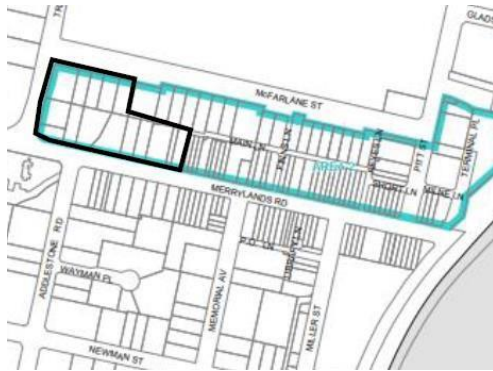


Figure 7: Design Excellence (DEX)

## Cumberland LEP 2021 controls

The following key planning controls apply to the site under the notified *Cumberland Local Environmental Plan (LEP) 2021*:

- Land Zoning (LZN) – B4 Mixed Use and SP2 Infrastructure
- FSR – 5.5:1 (Z2)
- Height of Buildings (HoB): 55(Z) and 77m (AA4)
- Design excellence – Area 2 applies clause 6.15 (2)(b)
- Land reserved for acquisition – applies (no change from Holroyd LEP 2013) Note: this laneway will be dedicated to council free of cost by the site's approved DA.

Refer to existing Cumberland LEP21 maps as applied to the site for post gateway exhibition below:

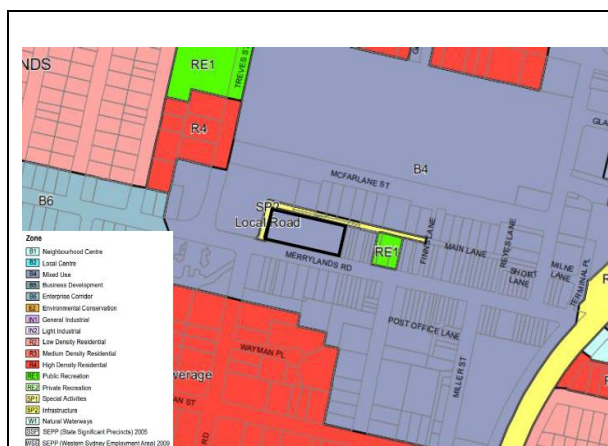


Figure 7: land zoning (LZN)

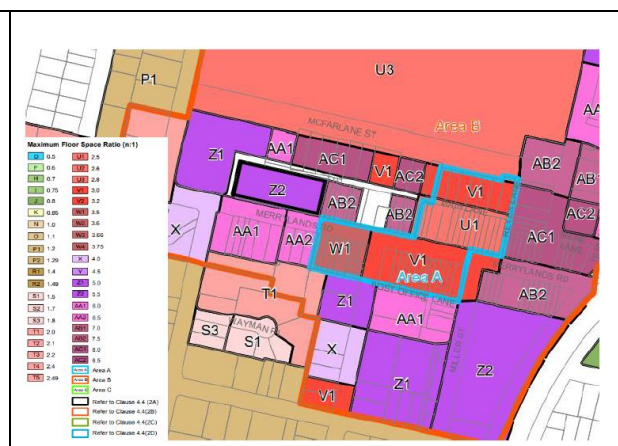


Figure 8: Floor Space Ratio (FSR)

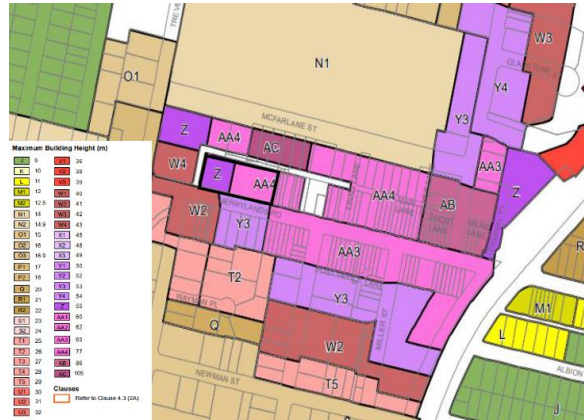


Figure 8: height of buildings (HOB)

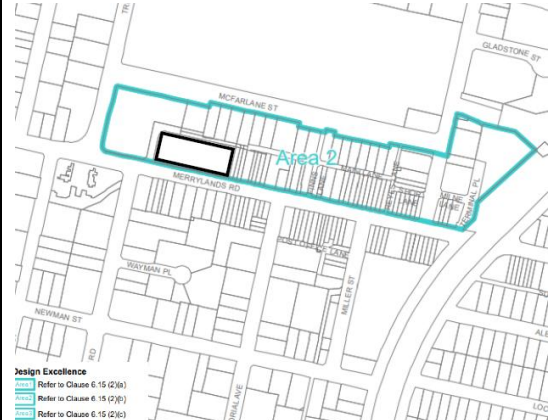


Figure 9: design excellence (DEX)

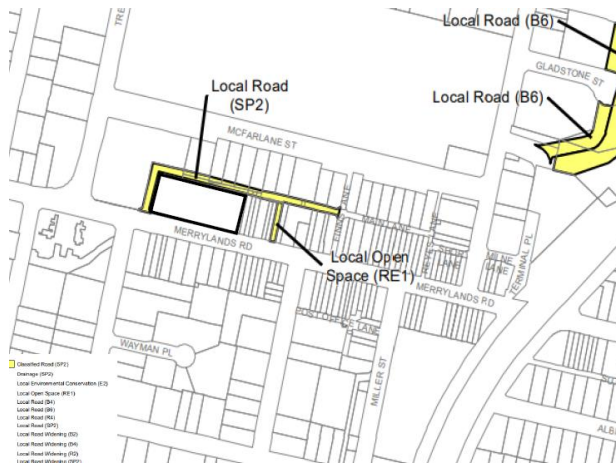


Figure 10: land acquisition (LRA)

## Structure of this Planning Proposal

The form and content of this Planning Proposal complies with Section 3.33 of the Environmental Planning and Assessment Act 1979 and the NSW Department of Planning and Environment's Local Environmental Plan Making Guideline (Dec 2021).

The Planning Proposal is structured as follows:

- Part 1 — Objectives or intended outcomes
- Part 2 — Explanation of provisions to be included in the proposed instrument
- Part 3 — Justification of strategic and site- specific merit
- Part 4 — Maps showing proposed modifications and the area to which they apply
- Part 5 — Community consultation to be undertaken
- Part 6 — Project timeline for the Planning Proposal.



## Part 1 – Objectives and intended outcomes

The original planning proposal sought to deliver an additional two storeys on Building D and an additional one storey on Building E to deliver additional housing, as shown in Figure 8. It also seeks to regularise the approved building height of Building A.

The main purpose of the planning proposal request was to amend the maximum building height limit and FSR to allow for an additional 1-2 storeys to buildings D & E, to achieve an improved urban design outcome and better transition of building heights within the subject street block within the precinct's western end. 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 key intended outcomes of the planning proposal are to:

- Provide a more contextually relevant approved improved urban design outcome for the site and transition in building height and densities on the western end of the Merrylands Town Centre within the McFarlane Street precinct.
- Provide a more suitable and gradual 'step down' in building height relative to the landmark building proposed to the north-east of the subject site and respond to its surrounds accordingly towards north and south of Merrylands Road and east west directions; and
- Deliver additional housing supply and small amount of jobs to promote economic growth in the Merrylands Town Centre on a site that is 400m walking distance to the railway station.

Also refer to proponent's additional strategic merit justification for the site.

Based on the approved/modified floor plate and configuration of Buildings D and E, the proposal is expected increase the residential gross floor area to accommodate an additional 27 plus apartments across the two buildings. Note: council's report estimated this figure to be approximately 60 dwellings based on proponent's advice for the resolved amended proposal and the proponent has re-confirmed through the revised urban design report that the remaining 60 dwellings [down from 90 dwellings (without design excellence)] as originally proposed with the resolved 10% building height reduction by Council) is now 27 plus dwellings (refer to Table 4 for dwellings proposed for proposed Buildings D and E).

It is noted that if the existing 'design excellence' provisions that apply to the site provide further potential for an additional 10% building height increase to be achieved on top of the proposed resolved controls **up to 73 dwellings approximately for proposed buildings D and E as a potential worst-case scenario which is inclusive of the proposed 27 dwellings.**

Figure 11 further illustrates the amended resolved building envelope controls in green and resolved building envelope with design excellence in purple which is the potential worst case.



The additional dwellings achieved under the planning proposal will **also make up for the loss of residential GFA (-14 apartments) that occurred as part of the approved development application process**, as discussed in previous sections of this report and primarily contribute to achieving an improved urban design outcome for the site and broader precinct with better and gradual transition of building heights especially from north to south and east and west of Merrylands Road for that part of the precinct street block with the additional yield and building heights proposed.

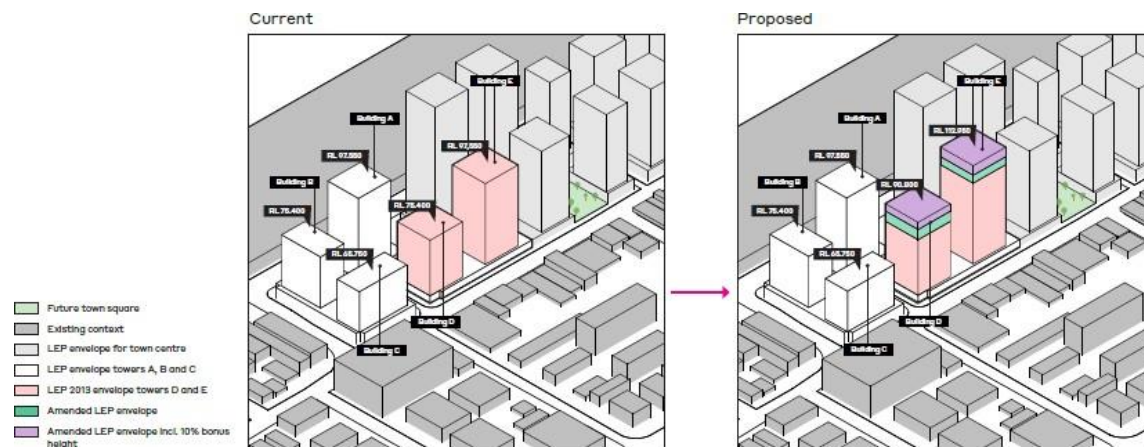


Figure 11 – Proposed building envelope height increases (Woods Bagot

p.18) The dwelling numbers proposed are summarised in Table 4 below:

Proposed Buildings	Dwellings approved with modified DA	Council resolved PP (with 10% height reduction)	Total dwellings achieved (with 10% HoB and resolved FSR)	Total dwellings lost with (10% HoB reduction)	Council resolved PP + design excellence (potential worst case)
Building A	229 dwellings (25 Storeys)	No change			No change
Buildings D and E	D - 135 dwellings (17 storeys)	153 dwellings (19 storeys)	+27 dwellings (out of 60 dwellings resolved)	-30 dwellings (down from 90 dwellings)	176 dwellings (21 storeys)
	E - 207 dwellings (25 storeys)	216 dwellings (25 storeys)			239 dwellings (27 Storeys)
Total dwellings	<b>342 (D and E)</b>	<b>369 (D and E)</b>			<b>415</b>
Additional dwellings		<b>27 plus (down from 60 resolved dwellings)</b>			<b>Up to 73 dwellings (includes 27 and 14 dwellings lost by DA)</b>

Table 4: Dwellings proposed and lost (Wood Bagot p.15)

#### Amended proposal (after Gateway Determination)

The Gateway amendments considered a further reduction of the proposed 7.5:1 FSR to proposed 7:1 FSR for buildings D and E. This further reduced the total number of additional dwellings to 55 dwellings (reduced from **73 dwellings as shown in table 4) (including design excellence) as a worst case. This equated to a loss of further 18 additional dwellings.**

**The gateway approved amended proposal included an additional 19 dwellings to be achieved with the proposed FSR controls and height of buildings for the proposed LEP amendment which includes a significant reduction from what was proposed originally (27 dwellings).**

This reduction was due to further built form/urban design testing modelling amenity impacts considered by Department to make sure bulk and scale of the proposed built form is acceptable and amenity impacts could be managed especially to south of Merrylands Road and within the broader McFarlane Street Precinct.

The Department noted that formalising the height of proposed building A was not considered a justification and was not supported as this could lead to further increase through DA modification. There is no impact anticipated as a result of the removal of proposed 77m height for building A from the planning proposal. Refer to Table 5 for information to view the changes. The Woods Bagot urban design report has been revised post gateway to reflect these provisions.

## Part 2 - Explanation of Provisions

The objectives and intended outcomes are proposed to be achieved via the following amendments to former Cumberland LEP 2021.

Planning control	(Former Holroyd LEP 2013)	Existing CLEP 2021	Proposed PP	Amended PP (After Gateway)	Amended PP + Design Excel. (potential worst case)
Land zoning	B4 Mixed Use and SP2 Infrastructure (local roads)	Same	No change	No Change	No change
Height of buildings	Building A: 55m and 77m	Same	77m	<b>77m proposed height removed from PP</b>	No change
	Building D: 55m	Same	<b>64m</b>	64m	71m
	Building E: 77m	Same	<b>84m</b>	84m	93m
Floor space ratio	Buildings D and E: 5.5:1	Same	<b>7.5:1</b>	<b>7:1</b>	7.5:1 (no change)
Design Excellence	Applies (Clause 6.11)	Applies (Clause 6.15)			Applies

Table 5: Proposed LEP amendments

Thumbnail images of proposed LEP mapping are contained in Part 4.

## Part 3 – Justification of strategic and site-specific merit

### Section A – Need for the Proposal

#### **Q1. Is the Planning Proposal a result of an endorsed local strategic planning statement, strategic study or report?**

No, Council prepared this Planning Proposal in response to a request from the proponent in mid-April 2021.

Council prepared the Planning Proposal in response to a Planning Proposal Request made by the proponent in mid-April 2021. The proposal request proposed an additional residential yield of 90 dwellings for proposed buildings D and E (5 levels) by seeking to amend the FSR and Height to achieve an improved urban design outcome in line with building heights proposed to the northeast of the site and to achieve a gradual building height transition from the precinct's north to south and east to west and regularise height controls approved for proposed building A.

The need for the proposed additional dwelling yield (density and height) came as a result after Wood Bagot undertook an urban design review of the approved development scheme with design excellence certification in relation to the proposal site and immediate precinct surrounds.

The key intended outcomes of the proposal are discussed in Part 1 of the proposal.

The site is ideally located to accommodate more residential apartments. *Cumberland Local Strategic Planning Statement (LSPS) 2030* identifies Merrylands as a 'proposed strategic centre' and anticipates approximately 35-40% population increase (21,000) within the next 16 years by 2036.

The LSPS notes that:

*Council has progressed planning for a number of centres and strategic corridors to facilitate additional housing supply and jobs growth... Merrylands [is] the focus of much of this planning for growth. Approximately 4,200 additional dwellings are proposed for Merrylands (McFarlane and Neil Street Precincts).*

The site is also one of the largest development sites within the Merrylands Station and McFarlane Street precinct and is likely to serve as a catalyst, promoting urban renewal, revitalisation of the proposed strategic centre/town centre.

It is noted that the developer is proposing a 'build to rent' model for the site which will promote positive social outcomes, namely the provision of long-term, professionally managed rental accommodation in Merrylands. The proposal is also included with a proposed letter of offer providing public benefit to the Merrylands community and to Council.

## **Cumberland Planning Panel advice**

The Panel considered a report on the Proponent's Planning Proposal at its meeting of 9 June 2021. It is noted that Council Officers recommended a 10 % reduction in building height to account for the 10% bonus FSR that is achievable under design excellence provisions. The Panel provided the following advice:

1. *...the Cumberland Local Planning Panel (CLPP) are not convinced that the Planning Proposal has sufficient strategic merit to proceed.*
2. *The Cumberland Local Planning Panel (CLPP) is of the opinion that the removal of Clause 4.4(2B) should not be removed without detailed consideration of the implications of such a removal.*
3. *If the proponent desires to proceed with the Planning Proposal the issue of strategic merit needs to be clearly demonstrated.*
4. *The Panel notes that the proponent accepts the Council officer's proposal to modify the planning proposal to reduce the recommended height of the building controls by 10 percent from those sought by the proponent.*

## **Response to the Panel's concerns**

### Strategic merit

Following the Panel meeting, the proponent submitted a further Strategic Merit Assessment, providing further justification for the proposal and demonstrating its consistency with the strategic planning framework and policy context along with consistency with the McFarlane Street precinct's broader vision and objectives.

Council officers are satisfied that the proposal includes strategic merit based on its location in the Merrylands and McFarlane Precinct, which has a high level of access to existing services and facilities, including public transport, and is planned to accommodate future housing growth.

A key factor that was not included in the report to the Panel, and therefore not considered by the Panel is that the proposed increase in residential yield also serves to compensate a residential yield (14 dwellings) that was lost as part of the DA process, to achieve design excellence certification that was already approved.

### Clause 4.4(2B)

Council resolved to not proceed with the Proponent's request to remove the application of clause 4.4(2)(B) from Buildings D and E. The clause was introduced to increase the supply of non-residential uses in the town centre, promoting economic development and employment opportunities. Given the strong and sustained demand for commercial/office space in Merrylands town centre, it was not appropriate to remove this clause from the site. Removal of the clause could set an undesirable precedent for other developments in the Merrylands town

centre and broader precinct and could potentially also result in further modifications to the approved development to reduce the commercial/retail components on the site.

#### Proposed 10% reduction to building heights by Panel and Council

The panel noted that the proponent accepted the Council officer's offer to reduce the building heights by 10% for proposed buildings D and E.

Council officers determined the 10% reduction to the proposed building height was required after Council undertook a detailed shadow and building height transition analysis for the proposed site and broader surrounds considering building height controls proposed for buildings D and E was significant and further included maximum potential for an additional 10% height increase using design excellence.

Refer to Council's attached detailed shadow analysis and building height transition which was reported to the panel meeting.

The detailed shadow analysis showed unacceptable overshadowing and residential amenity impacts to its immediate and broader surrounds predominantly to south of Merrylands Road during winter solstice from 9am to 3pm and the proposed Merrylands Civic Square during winter afternoons.

Council officers based the 10% reduction to building height was highly important to mitigate unacceptable overshadowing and amenity impacts to the site and surrounds given the development's building height proposed by the planning proposal request increasing the dwelling yield by an additional 90 dwellings approximately (5 levels) to what has been approved (without design excellence).

An overview of the shadow analysis was also reported to Council meeting comparing shadow analysis of the approved DA scheme, planning proposal request and plus design excellence and council recommended reduced height controls plus design excellence to determine the maximum potential impact. The shadow analysis revealed a 10% reduction to building height to what was proposed by the proponent's proposal request for proposed buildings D and E significantly reduced the overshadowing and residential amenity impacts to its surrounds and south of Merrylands Road in particular.

Council has not reduced the proposed 7.5:1 FSR by 10% in line with the 10% reduction to building heights since this was not considered important to mitigate unacceptable overshadowing and amenity impacts. The FSR proposed is consistent with the surrounding FSRs of adjoining development sites within that part of the precinct (refer to proposed Figures 12 and 13).

Refer to panel and council reports for further commentary.

#### ***Council resolution to proceed to Gateway***

Council considered the Proponent's Planning Proposal Request at its meeting of 21 July 2021 and resolved to:

1. *Endorse a planning proposal for 233, 249-259 Merrylands Road and 52-54 McFarlane Street, Merrylands, that seeks to amend the Holroyd Local Environmental Plan 2013, to:*
  - a. *Increase Height of Buildings (HOB) controls for:*
    - i. *Building D from 55m (16 storeys) to 64m (19 storeys)*
    - ii. *Building E from 77m (23 storeys) to 84m (25 storeys)*
    - iii. *Building A from 55m (16 storeys) to 77m (23 storeys).*
  - b. *Increase the Floor Space Ratio control for Buildings D and E from 5.5:1 to 7.5:1.*
2. *Endorse that the planning proposal for 233, 249-259 Merrylands Road and 52- 54 McFarlane Street, Merrylands, be forwarded to the Department of Planning, Industry and Environment for a Gateway Determination.*
3. *Prepare a Voluntary Planning Agreement to derive public benefit, should a Gateway Determination be received.*

Following a gateway determination in March 2022 by the Department, the proposal's 7.5:1 FSR proposed for buildings D and E was further reduced to 7:1 FSR along with the removal of proposed 77m height of buildings from building A from the proposal.

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

Yes. Alternative approaches to achieving the intended outcomes of the proposal were considered, however, the proposed approach was considered the best way to deliver the desired outcome through amending the height of buildings and FSR maps and achieve a contextually approved and improved urban design outcome for the site in keeping with the precinct's vision, objectives, character and massing.

The proposed modifications to the approved development scheme for Buildings D and E are not permitted under the current planning controls that apply to the development site and it is unlikely that the scale of uplift sought under the proposal would be supported as a Clause 4.6 variation.



## 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 draft plans or strategies)?**

Yes. The planning proposal will give effect to the objectives and actions of the *Greater Sydney Region Plan* and *Central City District Plan*.

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

This Plan sets a 40-year vision for the Greater Sydney Region and establishes a 20-year action plan to manage growth and change to achieve balanced social, economic and environmental outcomes. Table 6 discusses the proposal's consistency with relevant objectives of Greater Sydney Region Plan.

**Table 6: Consistency with the Greater Sydney Region Plan**

Objective	Consistency
<i>Objective 6: Services and infrastructure meets community's changing needs</i>	The site is a major site strategically located close to existing services and infrastructure including the Merrylands proposed strategic centre (currently a town Centre), train station and existing bus terminus (400m to the east).
<i>Objective 10: Greater Housing Supply</i>	<p>The proposal will increase the housing supply marginally by a further additional 26 dwellings (down from 90 dwellings) in addition to the site's 776 units approved.</p> <p>The proposal will increase the strategic housing supply marginally within the Merrylands Station and McFarlane Street and Neil Street Precincts which anticipates a total approved dwelling yield of 4,200 dwellings.</p>
<i>Objective 11: Housing is more diverse and affordable</i>	The proposal will further contribute to and facilitate the development of a diverse range of private housing which is affordable to meet the needs of all walks of life such as key workers, students, singles, couples, families, pensioners, first home buyers, aiming people with very low to moderate incomes with greater access to jobs, services and public bus and rail transport.

**Table 6: Consistency with the Greater Sydney Region Plan**

Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30- minute cities	The subject site is located within easy walking distance (400m) of Merrylands train station and the main bus terminus. There are bus stops provided along Merrylands Road closer to the site. Increasing the supply of housing on a site which is centrally located with access to services, facilities, schools and open space will allow for more residents to have a shorter commute time to metropolitan centres and contribute towards the creation of a 30-minute city given its close proximity to Parramatta, Granville, etc.
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### Central City District Plan

This Plan provides a district-level framework to implement the objectives of the Greater Sydney Region Plan. Merrylands is centrally located within the Central City District, close to the central core and metropolitan centre of Greater Parramatta.

The Proposal is consistent with relevant planning priorities of the Central City District Plan, as discussed in Table 7 below.

**Table 7: Consistency with the Central City District Plan**

Theme	Planning Priority	Consistency
<b>Liveability</b>	<i>C1: Planning for a City supported by Infrastructure</i>	<p>The Planning Proposal facilitates increased supply of housing that is in a highly accessible location being within approximately 400 metres walking distance of Merrylands Town Centre (i.e. access to shops and services) and Merrylands train station. The site is also serviced by several public bus routes.</p> <p>The amended proposal provides for 27 plus additional dwellings in addition to what has been approved on site which includes residential, retail/commercial, and childcare facilities within a large mixed-use precinct in a location serviced by infrastructure, expanding housing supply choice and affordability in a location with greater access to public transport with access to housing, jobs and other related services such as schools, medical and recreational opportunities.</p>

**Table 7: Consistency with the Central City District Plan**

Theme	Planning Priority	Consistency
<b>Liveability</b>	<p><i>C5: Providing housing supply, choice and affordability, with access to jobs, services and public transport</i></p> <p><i>C6: Creating and renewing great places and local centres and respecting the district's heritage</i></p>	<p>The planning proposal will provide for additional private affordable housing, choice, with access to jobs, services, and public transport.</p> <p>The planning proposal clearly places an emphasis on revitalising the proposed Merrylands Strategic Centre through urban renewal and acting as a catalyst development to achieve a contextually approved and improved urban design outcome for the site, its broader precinct, and surrounds with gradual built form transition and respecting the surrounding heritage.</p>
<b>Productivity</b>	<i>C9: Delivering integrated land use and transport planning and a 30-minute city</i>	<p>The District Plan acknowledges that the vision for Greater Sydney is one where people can access jobs and services in their nearest metropolitan and strategic centre. The 30-minute city is a long-term aspiration that will guide decision-making on locations for new transport, housing, jobs, tertiary education, and other amenities.</p> <p>The Planning Proposal provides for increased additional affordable and private housing for key sections of the community that is within walking distance of Merrylands station, which provides connection and access to metropolitan and strategic centres within 30 minutes, including Parramatta and Granville.</p>

<b>Productivity</b>	<i>C10: Growing investment, business, and job opportunities in strategic centres</i>	<p>The District Plan acknowledges that the vision for Greater Sydney is one where people can access jobs and services in their nearest metropolitan and strategic centre. The 30-minute city is a long-term aspiration that will guide decision-making on locations for new transport, housing, jobs, tertiary education, hospitals and other amenities.</p> <p>The Planning Proposal provides for approximately 60 additional temporary jobs during construction contributing to the re-development of the McFarlane Street Precinct in addition to what has been approved.</p>
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**Q4. Will the planning proposal give effect to Council's local strategic planning statement that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?**

Yes, the planning proposal gives effect to *Cumberland 2030: Our Local Strategic Planning Statement* and *Cumberland Community Strategic Plan 2017-27*.

Cumberland 2030: Our Local Strategic Planning Statement (LSPS)

Aligned with the Greater Sydney Region Plan and Central City District Plan, the LSPS provides a local planning framework to deliver housing, transport, employment, public spaces and parks in the right places to meet the need of Cumberland's growing and changing population.

Merrylands is classified as a 'proposed strategic centre' supported by a range of existing services and facilities, including public transport providing 30-minute access to the central core and strategic centre of Greater Parramatta. The proposal will help deliver on several local planning priorities contained in the LSPS under 'housing and community' as outlined in Table 8.

**Table 8: Consistency with the Cumberland 2030**

Local planning priority	Consistency
<i>5: Delivering housing diversity to suit changing needs</i>	<p>Planning controls to ensure housing meets current and future needs and to encourage residential growth around key centres and transport nodes.</p> <p>The proposal will help to deliver approximately 27 dwellings with a diverse mix of housing (studio, one, two and three-bedroomed apartments on site) in addition to what has been approved by the DA for the site to cater for a range of people with changing needs.</p>

<i>6: Delivering affordable housing suitable for the needs of all people at various stages</i>	The proposal will deliver 27 additional dwellings that is private housing which is affordable (in addition to the approved DA) for people at different life stages and needs (i.e., students, key workers, singles, couples, families, etc) in a key strategic location within 400m walking distance to the Merrylands Station, existing public bus terminal and other related services and facilities. Should the proposal proceed council also intends to enter into a voluntary planning agreement to derive public benefit.
<i>11: Promote access to jobs, education and care services</i>	The planning proposal will also deliver approximately 60 additional temporary jobs during construction in addition to 1000 or more jobs created as a result of the approved mix use development on site for the community given the subject site and broader precinct is considered a major retail/commercial precinct.

#### Cumberland Community Strategic Plan (2017-27)

This Plan sets broad strategic goals for the local area to be achieved over a four-year delivery program. The proposal is broadly consistent with the Plan's strategic goals, as outlined in Table 9 below.

**Table 9 – Cumberland Council Community Strategic Plan 2017-2027**

Strategic Goal	Outcome	Consistency
A great place to live	We live healthy and active lifestyles	The Planning Proposal promotes and fosters healthy, active, creative, culturally rich and Socially connected communities in a town centre as the proposal site is well connected to a number of local centres, services, facilities and recreational uses within walking distance or by public transport.
A safe, accessible community	We feel safe in all areas of Cumberland at all times	The Planning Proposal Facilitates new development that incorporates the principles of CPTED.

	We have equal access to local services and facilities	The subject site is located in an area where people can either walk or take public transport to local services and facilities, including those to Merrylands proposed strategic centre and Parramatta CBD.
A strong local economy	We have access to jobs locally and in our region We have access to great local education and care services	The Planning Proposal places additional jobs in close proximity to job opportunities in the local community of Merrylands, Granville and Parramatta. The Planning Proposal places additional housing in close Proximity to a range of Education community facilities in a key town centre.
A resilient built economy	Our planning decisions and controls Ensure the community benefits from development We have a Range of transport options that connect our Town centres and to wider Sydney	The Planning Proposal seeks to facilitate the desired redevelopment through the appropriate planning Pathway and seeks to align with the strategic vision for the area.  The proposal seeks to place additional housing in a location serviced by bus transport.
Transparent and accountable leadership	Decision making is transparent, accountable and based on community engagement	Should a Gateway Determination be issued to proceed, the proposal will be publicly exhibited in accordance with statutory requirements.



## **Cumberland Local Housing Strategy**

The planning proposal is generally consistent with the Cumberland Local Housing Strategy recently adopted by Council. The Merrylands Town Centre is Cumberland City's 'proposed strategic centre'. Merrylands is identified as a prime location for housing and is planned to contribute to Cumberland's housing target of 28,000 to 28,500 additional dwellings between 2016-2036.

## **Cumberland Employment Lands and Innovation Strategy**

The planning proposal is generally consistent with the above Strategy, which has been adopted by Council. The Merrylands Town Centre is Cumberland City's 'proposed strategic centre'. The area to which the site is located is identified as one of the largest commercial/retail precincts for jobs in the Strategy, which is likely to contribute to Cumberland's job target of 20,500 jobs between 2016-2041. The subject proposal is likely to generate employment/jobs through the construction phase, in addition to the retail/commercial uses and job opportunities approved for the broader site.

## **Merrylands Station and McFarlane Street Precinct**

Council introduced new planning controls for the Merrylands Station and McFarlane Precinct in 2019, based on a strategic urban design and planning study prepared by SJB Architects.

The recommended planning controls are consistent with the overall vision and objectives for the Precinct. In particular, the recommended height controls for Buildings D and E are appropriate as these buildings are located in one of two locations in the Precinct identified as suitable for taller buildings (see areas circled in red in Figure 12).



Figure 12: Area for height (red circles)

**Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

Yes. The proposal is not inconsistent with any other applicable plans such as the Future Transport Strategy 2056's vision for transport in Greater Sydney, Net Zero plan, state infrastructure strategy key objectives, Greater Sydney Water strategy that applies to the state.

**Q6. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

Yes, the proposal is consistent with applicable SEPPs as outlined in Table 10 below.

Table 10: Consistency with SEPPs	
SEPPs	Comment
(Resilience and Hazards) 2021	<p>A Preliminary Site Investigation report has not been attached to this proposal since the approved development scheme for the site includes a detailed site investigation report. The proposed development site is also currently under remediation and construction. The site has also been used for commercial uses previously.</p> <p>The proposal is unlikely to result in activities which would be likely to expose humans or the environment to risks of contamination. Should this be required at post Gateway, the proponent will prepare an assessment and should the proposal proceed this would be addressed at the DA stage.</p>
(Biodiversity and Conservation) 2019	The proposal site does not contain any significant vegetation, biodiversity that requires conservation and is consistent with the aims of the SEPP.
(Industry and Employment) 2021	The planning proposal is consistent with the aims or provisions of this SEPP. Where future development incorporates signage, the provisions of this SEPP will be considered at the DA stage.

SEPP No. 65 - Design Quality of Residential Apartment Development	The planning proposal is consistent with the aims and/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.
Housing (2021)	The proposal does not prevent any operations of this SEPP and is broadly consistent principles of this policy.
SEPP (Building Sustainability Index) 2004	The proposal does not inhibit any operations of this SEPP. Any future development application for residential uses at the site would be accompanied by BAXIS certificate.
(Transport and Infrastructure) 2021	The proposal request is generally consistent with the aims and/or provisions of this SEPP. Future development will constitute traffic generating development and trigger an assessment under this SEPP. Future development incorporating a childcare centre if required, or the like will be subject to the provisions of this SEPP.
(Planning Systems) 2021	It is likely that future development of the site will constitute Regional Development and be determined by the Sydney West Central Planning Panel.

**Q7. Is the planning proposal consistent with applicable Ministerial Directions under s9.1 of the Act?**

Yes. The proposal is consistent with applicable Ministerial Directions, as outlined in Table 11 below.

**Table 11 – Section 9.1 Ministerial Directions**

Focus Area	Direction	Comment
7. Industry & Employment	7.1 Business & Industrial zones	The proposal does not seek a change or an amendment to the proposal's existing B4 Mixed Use zoning including the alteration of a zone boundary and is consistent with the objectives of this direction.
3. Biodiversity & Conservation	3.1 Conservation zones	The proposal site and surrounds are not zoned for environmental protection or conservation purposes, nor the site is identified as an environmental sensitive area in the Cumberland LEP 2021.
	3.2 Heritage	The proposal site is not a heritage

	Conservation	<p>conservation area or contains a local heritage item under Holroyd LEP 2013 and does not require to facilitate the conservation of such heritage items/conservation areas.</p> <p>The redevelopment of the site is not considered to have significant impacts on the surrounding existing heritage listed items given the proposed development's-built form and building height impacts are now significantly reduced especially to south of Merrylands Road, and Merrylands Civic square (this is illustrated by the proponent's revised urban design report).</p>
4. Resilience and Hazards	4.4 Remediation of contaminated land	<p>The land subject to the proposal has been previously used for commercial purposes and has been remediated and is undergoing construction as per the site's approved development scheme.</p> <p>The proposal is unlikely to be affected by the objective of this direction since the proposal is seeking a change to the principal planning controls to seek 1-2 storeys increase to the approved development scheme. Should the proposal require a phase one contamination assessment it would be provided post Gateway or at the development application stage.</p>
6. Housing	6.1 Residential zones	<p>The proposal allows for a range of private housing types such as studio, one, two and three bedroomed apartments which is affordable consistent with the existing market trends and demands with access to existing infrastructure and services within Merrylands town centre where more population growth is anticipated within the next 16 years.</p> <p>Council's Cumberland LSPS 2030 also identifies Merrylands as a proposed strategic centre and the subject site and broader precinct is earmarked for planned growth.</p>

5. Transport and Infrastructure	5.1 Integrating land use and transport	<p>The proposal is consistent with this direction in that it increases residential density and jobs in a location close to public transport. The proposal is supported by traffic impact assessment which includes minor impact on traffic generation and includes additional parking provisions which could be provided onsite within the approved development scheme.</p> <p>The proposal site is located approximately 400-500 metres from Merrylands Town Centre and railway station and public bus interchange. The site is located 3.5km south of Parramatta Central Business District.</p> <p>The site is also located within walking distance to bus stops opposite Merrylands Road and McFarlane Street and Terminal Place. The proposal is unlikely to result in creating significant traffic and parking impacts as a result of the proposal and these impacts are likely to be further assessed at the development application stage.</p>
	5.2 Reserving land for public purposes	<p>The proposal is consistent with this direction since the proposal does not create, alter or reduce existing zonings or reservation of land for public purposes. The subject proposal also does not contain any land that has been reserved for a public purpose, and a request has been made for such a land.</p>
4. Resilience and hazards	4.1 Flooding	<p>The objectives of Direction 4.1 are to ensure (a) that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and (b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. The Direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.</p> <p>While the site is identified on Council's Flood Control Lots Map, it is subject to</p>



		<p>floor level controls only, no other flood conditions apply. Councils Flood Study identifies parts of the Merrylands Town Centre are affected by low to medium flood risk precinct. Should the proposal proceed, 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 Cumberland DCP 21.</p>
	4.5 Acid Sulfate Soils	The site is not affected by acid sulphate soils within the proposal site or immediate vicinity of the site based on Acid Sulphate soils maps under Cumberland LEP 2021.
1. Planning Systems	1.1 Implementation of regional plans	The proposal is broadly consistent with the Greater Sydney Region Plan as discussed in Part 3 of this Planning Proposal.
	1.3 Approval and referral requirements	The proposal does not include consultation, referral or concurrence provisions, nor does it identify development as designated development.
	1.4 Site specific provisions	The Planning Proposal does not impose any unnecessarily restrictive site-specific controls which warrants a site-specific development control plan.

## Section C – Environmental, social and economic impact

### **Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?**

There are no critical habitats or threatened species, populations or ecological communities or their habitats on or around the site that would be affected by this planning proposal given site has previously been used for commercial purposes 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 will have no impact on.

### **Q9. 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 uses and that an approval for a large mixed used development was recently approved on the site DA 2020/0220, addressing the existing environmental issues. Any environmental, social and economic impacts arising from as a result of this proposal are addressed below:

#### Urban Design, built form and height impacts

The proposal will enable approximately 27-73 additional dwellings on site (increase of 1-2 additional levels) to proposed Buildings D and E and regularise a height control approved for Building A as resolved. This is in addition to the development scheme approved for the site.

The planning proposal is supported by a revised Urban Design Report prepared by Woods Bagot. The Report provides the urban design rationale and considers solar access and overshadowing impacts to south of Merrylands Road and proposed Merrylands public square in peak winter as a result of this uplift.

The Report also considers what has been approved to date including design excellence and the resolved additional uplift to FSR and Building Height.

The proposed revised additional heights mainly sought by the proponent to formalise the heights approved to north-east of the site and achieve a gradual built form transition from the site's north to south of Merrylands Road and east west direction of the precinct for this part of the site and street block will help to achieve a more contextually consistent and improved

urban design outcome for the site. The report also includes comparison of adjoining and surrounding FSR and height that apply to that part of the precinct accordingly. The above report has been further revised following a gateway determination to reflect the gateway provisions to reduce FSR.

The resolved building heights and built form proposed are also generally consistent with the Merrylands Station and McFarlane Street precinct's broader strategic vision, objectives given the proposed site's strategic location within Merrylands centre. Refer to section B for further justification.

#### Gateway amendments

Following Gateway, the urban design report was further revised to consider the reduced 7:1 FSR provision proposed for buildings D and E and also removal of proposed 77m height amendment to Building A which was introduced as a formalisation of height.

This further resulted in reducing the dwellings proposed for Buildings D and E to 55 dwellings (from 73 dwellings) as a potential worst case should the proponent sought design excellence bonus provisions via a DA. The proposed uplift for the proposal also reduced to 19 dwellings (from 27 dwellings). The proposed shadow analysis was also updated to reduce solar access and residential amenity impacts to south of Merrylands Road and the broader precinct and surrounds. Refer to proponent's updated urban design analysis (March 2022) for further information.

#### Traffic and parking

The proposal is supported by a traffic impact assessment (prepared by Stantec (formerly GTA) which assesses the proposal's traffic and parking generation impacts on the surrounding road networks as result of the proposed uplift of 27 dwellings from the original proposal. Proposal anticipated approximately 73 dwellings in total as a worst-case scenario should design excellence provisions are sought by the proponent through a future modified DA.

Following a Gateway Determination the traffic and parking analysis was further revised to take into account the revised dwelling numbers. The proposed uplift further reduced to 19 dwellings (from 27 dwellings) for the proposal due to the proposed reduction to resolved 7.5:1 FSR. The proposal now anticipates a total of 55 dwellings worst case (reduced from 73) should design excellence provisions are sought by the proponent through a future modified DA. The traffic assessment report (April 2022) has been updated to reflect this following a Gateway Determination.

The assessment states the proposal will have no discernible impact on the surrounding traffic network and is likely to result in minor traffic generation impacts which further results in a decrease of vehicle trips during AM and

PM hours compared to the approved development scheme.

In relation to car parking the statement includes proposed additional parking generated on-site resulting the above development uplift is unlikely to include any additional strain on the current parking approved by the DA and is subject to further detailed consideration at the DA stage. The 36 spaces parking shortfall is likely to be addressed as part of a future DA through on-site basement parking.

**Q10. Has the Planning Proposal adequately addressed any social and economic effects?**

Heritage

The site is not a heritage item or is located within a heritage conservation area. The heritage impact statement provided in support of the approved DA confirms that the overall development is unlikely to impact on nearby heritage items. No further heritage impacts are likely to occur resulting the proposal.

Social and Economic Benefits

The planning proposal is likely to result in a small increase in housing supply and jobs growth within Merrylands proposed strategic centre with proximity to Merrylands train station. The additional housing supply will be delivered in the immediate future, in an approved development that has achieved Design Excellence certification from Council.

It is likely that the overall development will help to further establish Merrylands town centre as a desirable place to live, work, dine and shop. The development is likely to act as a catalyst for other large-scale redevelopments that will help to revitalise the town centre, contributing to economic development and jobs creation, and a more liveable and attractive built environment. The construction phase will create temporary employment opportunities and economic stimulus.

The overall approved development contains a mix of dwelling types, including smaller studio, one, two and three-bedroom apartments, to meet the needs of various market segments including students, couples, key workers, families, singles, retired seniors and first home buyers.

In addition to adding to the stock of owner-occupied dwellings, the proposal will help to satisfy the high and sustained demand for rental properties in Merrylands. It is noted that many of the apartments in the approved development are proposed to be retained by the Proponent, leased out and professionally managed. Build-to-rent models such as this provide a secure and desirable alternative to home ownership for long-term renters. The economic impact statement prepared for the site's approved

DA is also attached for further information to provide an insight into market demand and controls.

The subject proposal is likely to create and increase short term employment for 60 workers during construction for a duration of approximately 9 weeks. This is in addition to the site's approved development scheme which promotes around 1000 or more jobs.

The proposed development uplift is unlikely to threaten the economic viability of the Merrylands proposed strategic centre or result in an extreme oversupply of housing in the given locality and surrounds creating a precedence nor include significant impact on the proposed planned dwelling growth and capacity of the broader Merrylands Station and McFarlane Street precinct.

#### Letter of offer as public benefit

The proposal also includes a letter of offer as public benefit (refer to Council report commentary).

Should the proposal proceed to Gateway council will enter into a voluntary planning agreement with the proponent. The revised offer is likely to contribute towards a monetary contribution which would be utilised towards ongoing local infrastructure improvements, public domain, open space upgrades within the McFarlane Street precinct Merrylands surrounds. The revised offer is likely to provide some material benefit to provide some additional storage space as part of the proposed development for Council's usage in the long term for sweeper vehicle parking with some amenities.

## Section D - State and Commonwealth Interests

### **Q11. Is there adequate public infrastructure for the Planning Proposal?**

The site is located in an established master planned area (Merrylands and McFarlane Street Precinct) which is also a major commercial precinct in Cumberland City which is within walking distance to Merrylands railway station and is serviced by all essential services, facilities and infrastructure (including electrical).

Given that the Proponent is seeking to introduce approximately 19 additional dwellings (down from 90 dwellings as originally proposed) by this LEP amendment post gateway in addition to what has been approved on site, certain infrastructure may be required to be upgraded accordingly. This will be a matter for consideration and will be addressed as part of the development application stage in consultation with relevant public authorities.

Council further received a submission from Endeavour Energy requesting that additional electrical infrastructure provisions would need to be considered, given the proposal's proposed uplift. Since the residential uplift was considered minor, the above provisions are unlikely to strain or create any issues.

### **Q12. What are the views of State and Federal public authorities and government agencies consulted in accordance with the Gateway determination?**

The views of appropriate State and Commonwealth public authorities will be further sought as part of the statutory consultation phase as required post-Gateway.

Council has consulted with Transport for NSW as required by the Gateway and they have no comments and objections to proceeding the proposal since the proposal's value uplift was considered as minor.

## Part 4 – Mapping

The maps in this section have been updated following a Gateway Determination to reflect the standard LEP mapping format of the notified Cumberland LEP 2021.

Proposed changes to LEP mapping are illustrated in Figures 13 and 14.

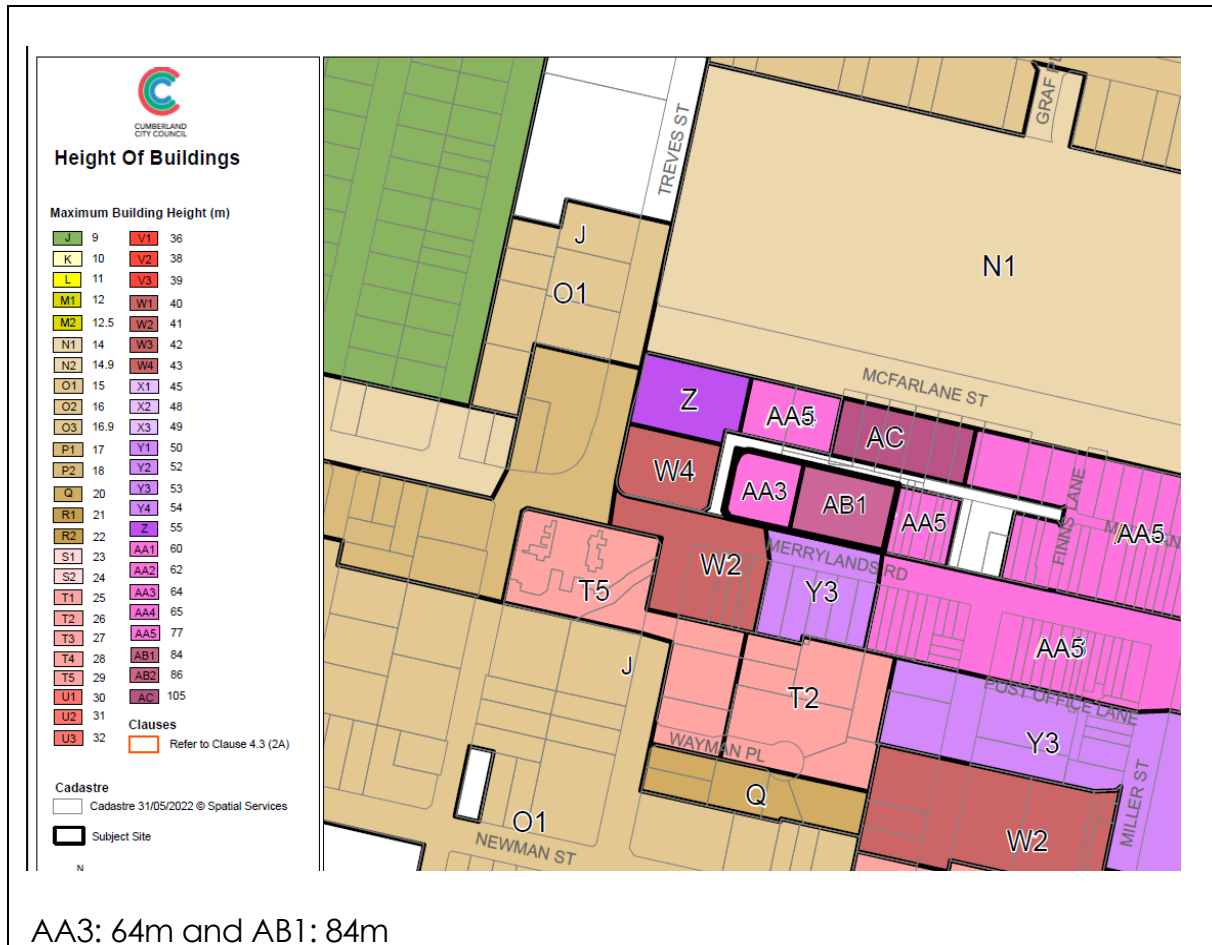
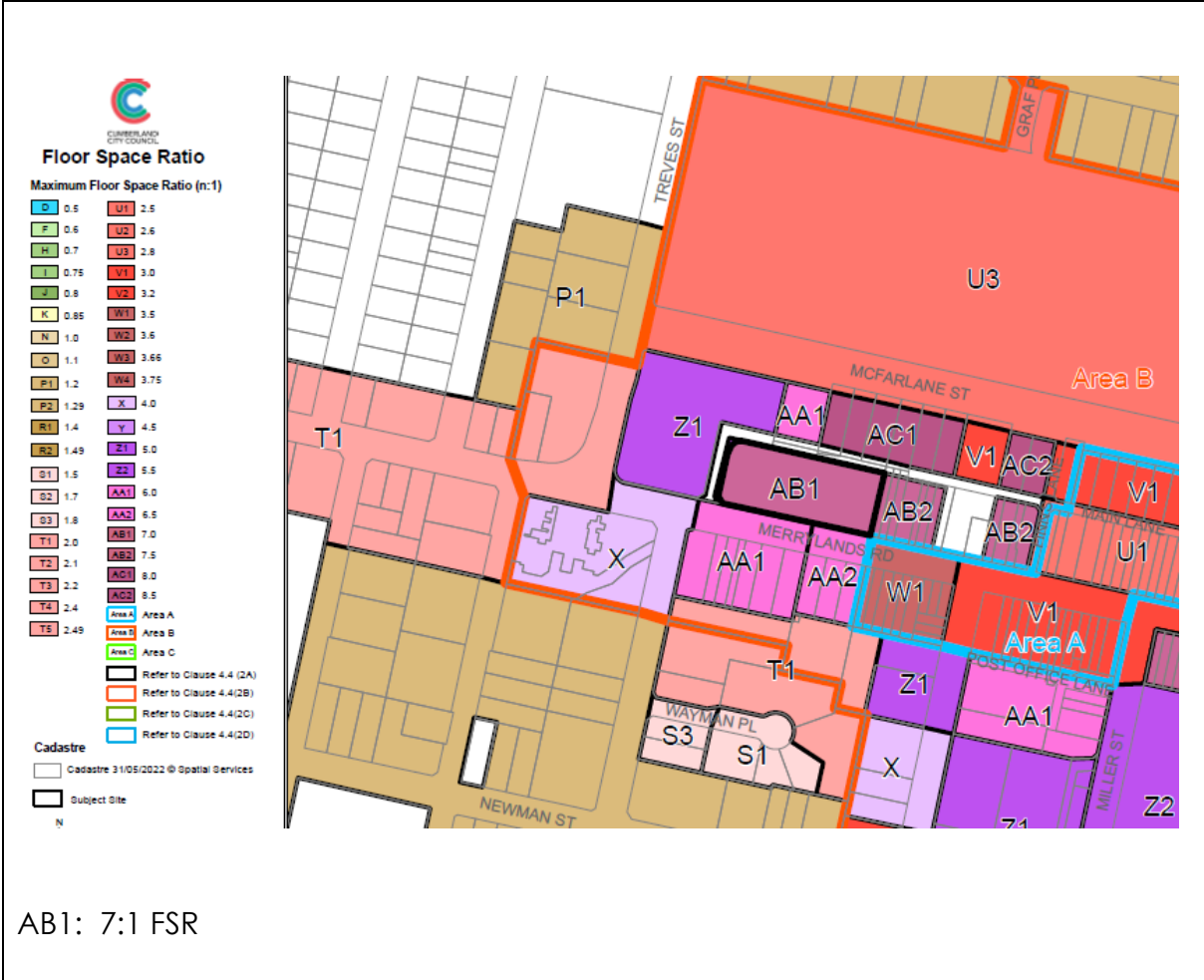


Figure 13: Proposed Height of Buildings (HoB) map (buildings D and E)



Figure 14: Proposed Floor Space Ratio (FSR) map (buildings D and E)



## Part 5 – Community Consultation

Community consultation would take place following a Gateway determination, in accordance with Section 3.34 and Clause 4 of Schedule 1 of the EP&A Act. It is anticipated that post gateway public exhibition would include:

- Notification on the Cumberland Council's website
- Notification in writing to adjoining landowners and neighbours, and any relevant agency stakeholders, and
- A four-week exhibition period.

Council consulted with the community from 15 June to 14 July 2022 for 30 days to fulfill the gateway determination requirements. All owners and occupiers were sent notification letters within a 200m distance of the site and council exhibited the proposal and supporting information on Council's have you say page and NSW planning portal. No public submissions were received requesting to conduct a public hearing. Council has now fulfilled all gateway determination condition requirements.

## Part 6 – Project Timeline

Milestone	Anticipated date/s
Gateway Request	Early Nov 2021
Gateway Determination	4 March 2022
Statutory exhibition and consultation with agencies	15 June to 14 July 2022
Consideration of submissions	July/August 2022
Post– exhibition report to Council for adoption and finalisation	Sept 2022
Drafting and finalisation of Plan, and notification	Sept/October/Nov 2022