



CUMBERLAND
CITY COUNCIL

PLANNING PROPOSAL

Burnett Street Neighbourhood Centre,
Merrylands
April 2024

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INTRODUCTION

This Planning Proposal seeks to implement changes to planning controls at the Burnett Street Neighbourhood Centre at Merrylands. The proposed planning control amendments will capitalise on land use opportunities for housing diversity and jobs growth supported by transport and local amenity.

This document has been prepared by Cumberland City Council in accordance with section 3.33 of the Environmental Planning and Assessment Act 1979 and the relevant Department of Planning, Housing and Infrastructure's (previously the Department of Planning, Industry and Environment) LEP Plan Making Guidelines, August 2023.

Background

On 15 July 2020, following public exhibition and consideration of submissions, Council endorsed an updated Planning Proposal for the new Cumberland LEP to be forwarded to the then Department of Planning, Industry and Environment for legal drafting and finalisation. At the time, Council resolved to include further consideration of planning controls for the Merrylands and Guildford areas as part of its strategic work program for key centres and strategic corridors.

In September 2020, Council considered a number of additional submissions received from local stakeholders on the draft Cumberland LEP, including site-specific proposals at Burnett Street Neighbourhood Centre, Wayman Place, Merrylands, and Marian Street/Bury Road, Guildford. Whilst Council endorsed the proposals to be included in the Cumberland LEP, the Department indicated a separate process would need to be undertaken to progress these proposals.

Following Council's resolution of the strategic planning work program, Council officers then proceeded with the preparation of planning proposals for targeted sites in Merrylands and Guildford. Early consultation on proposed planning controls for targeted sites in Merrylands and Guildford was undertaken in March and April 2021. This consultation enabled feedback from a broad range of stakeholders.

In June 2021, following a recommendation from the Cumberland Local Planning Panel, the draft Planning Proposals for targeted sites in Merrylands and Guildford and associated draft amended Development Control Plans were reported to Council. At the meeting, Council resolved to progress those planning proposals and forward to the Department for a Gateway Determination.

In December 2021, Council received notification from the Department that the Planning Proposal required additional information prior to being considered for a Gateway Determination. Further discussions with Departmental officers indicated that master planning through a 'centres based' or 'place based' approach was needed and that this work would also need to be accompanied by supporting technical analysis. In addition, Departmental officers noted that Council planning work had been undertaken in recent years for the Merrylands Town Centre.

Following Council's resolution in June 2021 and advice received from the Department of

Planning and Environment in December 2021, a further review has been undertaken by Council officers. The following considerations have been identified:

- Opportunities for a master planning approach in the Merrylands area, with reference to previous strategic planning undertaken for Merrylands Town Centre.
- Recent changes to State policy, such as the Employment Zones Reform and updated Guidelines for the Preparation of Planning Proposals.
- Recent local strategic planning work, such as the Local Shops Study and planning for the Woodville Road Corridor.
- Development activity in the Merrylands area.

Based on these considerations, it is recommended that a more focused approach is undertaken on Council initiated efforts for strategic planning in the Merrylands area. Specifically, it is recommended that the Planning Proposal be updated for the Burnett Street Neighbourhood Centre in line with the findings of the Local Shops Study, and that no further action is undertaken by Council on other locations identified in the Merrylands and Guildford areas.

Strategic merit was assessed by applying a holistic lens to surrounding land use and balancing development with transitioning-built form and urban revitalisation.

Table. 1 Alignment	
Site	Strategic Merit/Submissions
Burnett Street Neighbourhood Centre, including 6 Burnett Street, 2 Ruth Street and 2 Fowler Road, Merrylands	<p>Submission received from the exhibition of the Cumberland LEP requested changes to 2 Ruth Street and 6 Burnett Street zoning, building height and floor space ratio to align with adjacent neighbourhood centre.</p> <p>Submission received through early consultation also identified 2 Fowler Street as an anomaly and was selected for inclusion in the planning control amendments.</p> <p>Strategic merit for these sites was assessed based on the feasibility to revitalise Burnett Street Neighbourhood Centre and a logical expansion of the site without impinging on the local character of nearby streets.</p>

Changes to planning controls

Planning control changes are proposed for the Burnett Street Neighbourhood Centre, including 6 Burnett Street, 2 Ruth Street and 2 Fowler Road, Merrylands. The planning changes are considered appropriate as the centre is located adjacent to a frequent bus corridor linking Merrylands and Parramatta, built form testing has demonstrated that the proposed amendments to the CLEP 2021 Height of Buildings Map and Floor Space Map are appropriate, and overshadowing testing has been undertaken to demonstrate that adjoining residential properties to the south of the centre can still achieve a minimum of 2 hours of solar access between 9am and 3pm on 21 June.

Implementation of these changes, aligned with growth forecasts, market demand and infrastructure requirements, will ensure a suitable land use and density pattern. As a result, these sites will deliver a built form outcome that is successful in steadily revitalising the areas

over time.

Council Resolutions

The Planning Proposal has been prepared in accordance with Council's resolutions on 15 July 2020, 16 September 2020, 16 June 2021 and 16 August 2023.

On 15 July 2020 (C07/20-501), Council received the submissions requesting site-specific changes including sites at Merrylands and Guildford and resolved to include further consideration of planning controls for sites in Merrylands and Guildford as part of its strategic work program for key centres and strategic corridors.

On 16 September 2020 (Notice of Motion C09/20-560), Council endorsed the site-specific planning controls for the Burnett Street Neighbourhood Centre, 32-34 Marian Street and 2A Bury Road Guildford Place and 7-10 Wayman Place.

On 16 June 2021 (C06/21-789), Council endorsed the site-specific planning controls for all sites, including Merrylands Road, Merrylands (between Burnett Street and Chetwynd Road) and Merrylands Road, Merrylands (east of station between Albion Avenue and Smythe Street).

On 16 August 2023 (C08/23-369), Council endorsed that a planning proposal be prepared for the Burnett Street Neighbourhood Centre, and no further action be undertaken by Council on other targeted sites in Merrylands and Guildford.

Supporting documentation

The Planning Proposal is supported by the following documentation:

Attachment 1 - 15 July 2020, C07/20-501 Notice of Motion - Cumberland Local Environmental Plan - Post Exhibition Report on New Planning Controls for Cumberland City

Attachment 2 - 16 September 2020, C09/20-560 Notice of Motion - Cumberland Local Environmental Plan

Attachment 3 - 16 June 2021, C06/21-789 Notice of Motion- Proposed Planning Controls for Targeted Sites in Merrylands and Guildford

Attachment 4 - 16 August 2023, C08/23-369 Council report - Proposed Planning Controls for Targeted Sites in Merrylands and Guildford - Update and Next Steps

Attachment 5 - Proposed planning controls for Burnett Street Neighbourhood Centre

Attachment 6 - Urban Design and Built Form Analysis

Attachment 7 - Traffic and Transport Analysis

Attachment 8 - Flooding Analysis

Attachment 9 - Employment Study - Economic Outcomes of the Planning Proposal for

Burnett Street Neighbourhood Centre

Attachment 10 - Cumberland Local Shops Study

Attachment 11 - 26 May 2021, Item EELPP020/21 Cumberland Local Planning Panel Planning Proposal Targeted Sites in Merrylands and Guildford, Panel Recommendations.

Attachment 12 - Full List of State Environmental Planning Policies

Attachment 13 - Full List of Ministerial Directions

Attachment 14 - List of Planning Proposal Sites

Attachment 15 - Flood Risk Assessment

Attachment 16 - Shadow Diagrams

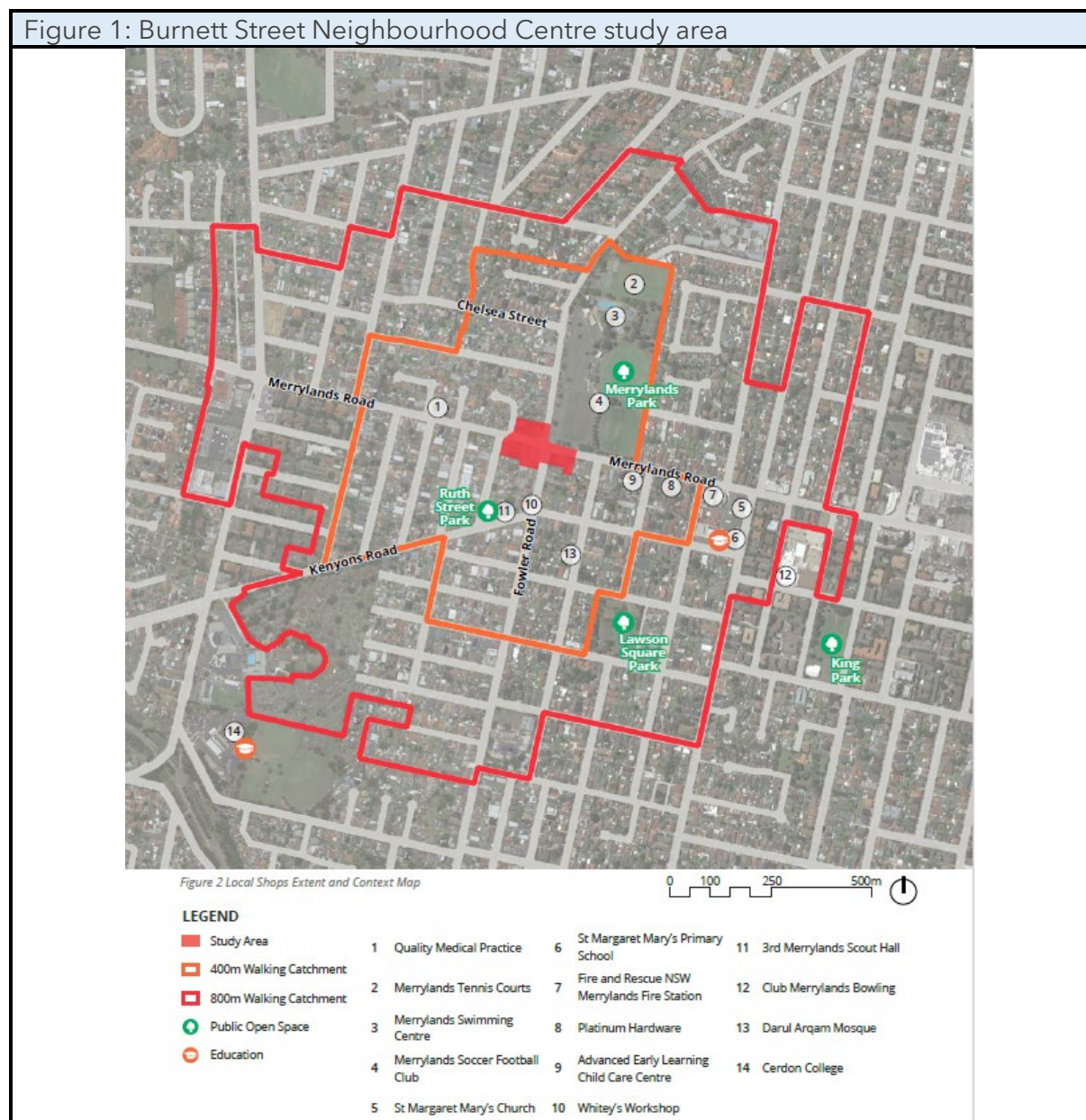
The current Cumberland DCP broadly provides detailed guidance in relation to the technical matters associated with this centre. Housekeeping amendments may be required to the DCP which will be undertaken as part of a separate review after the gazettal of this Planning Proposal to implement recommendations from the Local Shops Study (Attachment 10).

PART 1: OBJECTIVES AND INTENDED OUTCOMES

This planning proposal seeks to implement changes to planning controls at the Burnett Street Neighbourhood Centre to capitalise on land use opportunities for housing diversity and jobs growth, supported by transport, local amenity and existing and planned infrastructure and facilities. Where no changes are proposed, the existing planning controls will continue to apply.

At the **Burnett Street Neighbourhood Centre**, the proposed planning controls seek to reconcile minor anomalies in the context of surrounding land, to support mixed use development as part of the neighbourhood centre offering services and local job opportunities, with bus services accessing key centres. There is an estimated growth in employment of 17 additional jobs, from 53 to 70 jobs.

Figure 1: Burnett Street Neighbourhood Centre study area



PART 2: EXPLANATION OF PROVISIONS

To achieve the stated objectives, the planning proposal seeks to amend the CLEP as follows:

Table 2. Proposed changes to Burnett Street Neighbourhood Centre, Merrylands		
Planning Control	Existing	Proposed
Land Use Zoning	R2 Low Density Residential E1 Local Centre	E1 Local Centre
Height of Building	9m 14m	17m
Floor Space Ratio	N/A 1:1	1.4:1 1.5:1 1.8:1

The detail of these map amendments is shown at Attachment 5.

The above changes proposed seek to deliver financially feasible building heights and floor space and ensure an appropriate built form for the context of the locality. These are in accordance with design and built form, and shadow diagram testing undertaken.

PART 3: JUSTIFICATION OF STRATEGIC AND SITE-SPECIFIC MERIT

Section A - Need for the planning proposal

1. Is the planning proposal a result of an endorsed LSPS, strategic study or report?

The Planning Proposal responds to landowner proposals submitted during the preparation of the CLEP and resolved by Council, as well as new proposals prepared by Council officers as part of strategic planning for these areas.

On 15 July 2020, Council endorsed an updated Planning Proposal for the new Cumberland LEP to be forwarded to the then Department of Planning, Industry and Environment for legal drafting and finalisation. At the time, Council resolved to include further consideration of planning controls for sites in Merrylands and Guildford as part of its strategic work program for key centres and strategic corridors.

In September 2020, Council considered a number of additional submissions received from local stakeholders on the draft Cumberland LEP, including site-specific proposals at Burnett Street Neighbourhood Centre and Wayman Place, Merrylands, and Marian Street/Bury Road, Guildford. Whilst Council endorsed the proposals to be included in the Cumberland LEP, the Department indicated a separate process would need to be undertaken to progress these proposals.

The table below sets out the strategic merit and location in the Council Business Papers agenda.

Table 3. Background and Planning		
Site	Rationale	Council report page number
Burnett Street Neighbourhood Centre, including 6 Burnett Street, 2 Ruth Street and 2 Fowler Road, Merrylands	<ul style="list-style-type: none">• Minor zoning anomaly in the context of surrounding land• Located in neighbourhood centre with bus services accessing key centres	15 July 2020 p. 72 16 September 2020 p. 1337 16 August 2023 p. 523

In addition to the above, the proposed changes are aligned with the strategic outcomes identified in Council's strategic planning and policy documents including:

- *Cumberland 2030: Our Local Strategic Planning Statement.*
- *Cumberland Council Strategic Plan 2017-2027.*
- *Cumberland Local Housing Strategy.*
- *Cumberland Open Space and Recreation Strategy.*
- *Cumberland Employment Lands Strategy.*
- *Technical analysis, including urban design and built form, traffic and transport, overshadowing and flooding.*

Discussion of the outcomes of the urban design and built form analysis, and shadow diagram analysis are provided below.

Attachment 6 - Urban Design and Built Form Analysis

The urban design and built form analysis demonstrated that the Planning Proposal should seek to amend land use zoning, floor space and building height provisions in CLEP 2021 to better achieve and implement the objectives and considerations for the Centre identified in various Council documents, including the Draft Local Shops Study. The urban design intent for the neighbourhood centre is to build upon existing uses in the neighbourhood centre and existing features in the locality, including proximity to public transport, proximity to public open space, proximity to other commercial and retail uses, and proximity to public service and medical land uses. The opportunity to facilitate the development of mixed-use buildings will elevate the area's overall urban quality and public domain performance.

The proposed CLEP 2021 amendments have taken the existing character, desired future character and key findings from the Urban Design Study into account:

- Maximum 17m/4 to 5 storey building height to support proposed floor space ratios, appropriate building heights for the locality and context of the centre, maintenance of solar amenity of adjoining south residential lots, and provision of mixed-use buildings onsite.
- 1.4:1 to 1.8:1 floor space ratios to support proposed building heights, and be appropriate for the locality and context of the centre and provision of mixed-use buildings onsite.
- A 'stepped down' built form outcome to reduce negative impacts on neighbouring properties such as overshadowing and reduced privacy.

Attachment 16 - Shadow Diagrams

Shadow diagrams were produced for the proposed built form of the neighbourhood centre, demonstrating the overshadowing impact it would have on adjoining south residential properties between 9am and 3pm on 21 June. This analysis revealed that the adjoining south properties on Ruth Street, Merrylands, Fowler Road, Merrylands and Holdsworth Street, Merrylands would achieve at least 2 hours direct sunlight between 9am and 3pm on 21 June. This is in line with the design guidance and design criteria provided in the Department's Apartment Design Guide which requires a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter for neighbouring properties.

In this regard, the Shadow Diagram analysis supports the proposed built form and amendments to CLEP 2021 Land Zoning, Floor Space Ratio and Height of Buildings Maps.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The planning proposal is the appropriate and most effective means of amending the CLEP to achieve the stated objectives. The Planning Proposal will meet the following objectives:

- Provide Council and the community with certainty as to the development outcomes and potential of the sites.
- Optimise residential and commercial development opportunities in or within very close proximity Council's nominated centres.
- Provide opportunity for development at the sites to meet the identified dwelling gap of 4,300 dwellings between current planning controls and dwelling projections in

the Cumberland LSPS. The controls proposed in this Planning Proposal will provide opportunity for approximately 260 additional dwellings on top of the current dwelling potential of existing controls.

Are there alternate, or better options to implement the proposed changes?

Alternate means of achieving the objectives and intended outcomes of this planning Proposal include:

- *Individual development applications assessed on a case-by-case basis for each individual site:* This would ultimately achieve the output of this Planning Proposal, namely amending planning controls to achieve dwelling growth. While this is possible, this Planning Proposal is superior to an individual site assessment as the cumulative impact of the proposed changes is considered in total with other changes proposed.
- *Development will remain stagnant and urban renewal does not occur:* In this instance, the need for increased dwellings set to occur in the coming years would be directed to other centres, placing additional pressure on the principle local centres to meet demand. As the only (proposed future) strategic centre in Cumberland, the Merrylands area is the most appropriate location to encourage dwelling growth, as well as its close proximity to Parramatta.

Potential Unintended Outcomes

The following commentary discusses unlikely, but potential unintended outcomes from this Planning Proposal. These include:

- *Inconsistent with community expectations:* It is possible that outcomes from this Planning Proposal do not meet the community's expectations regarding development and amenity. To mitigate this potential consequence, early consultation has been conducted in preparation of this Planning Proposal and the community will have a second opportunity to provide feedback once a determination has been delivered by the Department of Planning and Environment.
- *Strain on current resources and infrastructure:* The potential development related to proposed planning controls will increase the need for additional resources and infrastructure. It is possible this strain cannot be accommodated, though work to date shows that this is highly unlikely. As discussed in this Planning Proposal, there has been additional upgrades to local schools, including a new school for nearby Westmead, and additional teaching positions and upgrades added to nearby Merrylands High School and Primary Schools. The Merrylands Civic Square is also confirmed for the Merrylands Strategic Centre. Council and the State Government are committed to delivering the required infrastructure and resources to the area for a variety of projects.

Section B - Relationship to strategic planning framework

3. 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)?

The Greater Sydney Region Plan

The Greater Sydney Region Plan outlines a vision for Sydney to 2056 as a global metropolis of three cities – Western Parkland City, Central River City and Eastern Harbour City.

The Planning Proposal is generally consistent with the following planning objectives of the

Greater Sydney Region Plan.

Table 4. Consistency with Greater Sydney Region Plan	
Direction	Consistency
A city supported by infrastructure	The Planning Proposal will provide development opportunities for housing and jobs within 30-minute access to a metropolitan centre (i.e., Parramatta CBD).
Housing the city	The Planning Proposal will provide housing supply, choice, and affordability with access to jobs, services, and public transport. The expansion of Burnett Street Neighbourhood Centre will increase housing supply through increased building height and floor space ratio and will deliver an estimated 17 additional jobs.
A well-connected city	The Planning Proposal will provide appropriate dwelling increases close to public transport that will deliver housing consistent with the 30-minute city.
A city for people	The Planning Proposal will increase opportunities for more walkable neighbourhoods and ageing in place, with greater service offerings close to residential areas.

Central City District Plan

The Central City District Plan sets out the aspirations and priorities for liveability, productivity, and sustainability within the Central City District, which includes Merrylands. Significant population growth is anticipated over the next 20 years and this is expected to transform many parts of the District from a suburban to an urban environment.

The Planning Proposal is generally consistent with the following directions and objectives of the Central City District Plan:

Table 5. Consistency with Central City District Plan		
Direction	Objective	Consistency
A collaborative city	<p>C1 - Planning for a city supported by infrastructure</p> <p>C2 - Working through collaboration</p>	<p>The Planning Proposal will deliver more efficient use of public resources by encouraging development in appropriate places close to public transport and/or services. This includes use of nearby open space. All site areas are within 400 m walking distance of the nearest green space (local or regional park) providing a mix of active and passive recreation opportunities (see section on the Cumberland Open Space and Recreation Strategy and Table 13 for further details regarding access to open space) and additional facilities such as the Merrylands Civic Square.</p> <p>The Planning Proposal is also supported by early consultation with the community</p>

Table 5. Consistency with Central City District Plan		
Direction	Objective	Consistency
		and is evidence of additional collaboration with the community (see Part 5 for early consultation summary).
Housing the city	C5 - Providing housing supply, choice and affordability with access to jobs, services and public transport	The Planning Proposal will provide housing supply, choice, and affordability with access to jobs, services, and public transport. The expansion of Burnett Street Neighbourhood Centre will increase housing supply through increased building height and floor space ratio, and will deliver an estimated 17 additional jobs.
A city of great places	C6 - Creating and renewing great places and local centres, and respecting the District's heritage	The Planning Proposal will assist with renewing local centres by facilitating urban renewal and development at the select sites. It will do this by increasing development feasibility and develop underutilised and vacant sites.
A well-connected city	C9 - Delivering integrated land use and transport planning and a 30-minute city	The Planning Proposal will provide appropriate dwelling increases close to public transport that will deliver housing consistent with the 30-minute city.
Jobs and skills for the community	C10 - Growing investment, business, and job opportunities in strategic centres	The Planning Proposal will facilitate redevelopment of neighbourhood centres and increase job opportunities and commercial Ground Floor Area in accessible sites resulting in an increase 17 additional jobs at the Burnett Street Neighbourhood Centre.

4. Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary of GCC, or another endorsed local strategy or strategic plan?

Cumberland 2030: Our Local Strategic Planning Statement

Cumberland 2030 is aligned with the Greater Sydney Region Plan and Central City District Plan, providing a strategic, coordinated approach to effectively manage growth and development in the local area.

The Planning Proposal is consistent with Cumberland 2030: Our Local Strategic Planning Statement which identifies Merrylands as a potential strategic centre that can provide a range of additional services and housing options. The planning proposal will offer greater housing opportunities for residents to access these centres and the services they provide. The Planning Proposal is generally consistent with the following priorities of the Local Strategic Planning Statement:

Table 6. Consistency with Cumberland 2030: Our Strategic Planning Statement	
Priority	Consistency
Planning Priority 4 – Improve accessibility within our town centres	The Planning Proposal will provide for a range of retail, commercial, community uses in town centres to provide services for the community and local employment opportunities in accordance with adopted plans and strategies.
	The Planning Proposal will encourage housing diversity around centres and transit nodes within an 800 m walking catchment.
Local Planning Priority 5 – Deliver housing diversity to suit changing needs	The Planning Proposal will review planning controls to ensure housing meets current and future needs.
Local Planning Priority 7 – Design vibrant and attractive centres and encourage healthy living	The Planning Proposal will progress planning and development work that will support vibrant and attractive centres.
	The Planning Proposal will encourage renewal and revitalisation of Cumberland’s local centres.
Local Planning Priority 11 – Promote access to local jobs, education opportunities and care services	The Planning Proposal will continue to promote access to local jobs, education opportunities and care services through Council’s strategies, plans and programs.

Cumberland Council Strategic Plan 2017-2027

The Cumberland Council Strategic Plan 2017-2027 forms a part of the Integrated Planning and Reporting Framework. This framework includes the Delivery Program and Operational Plan and together delivers the community’s vision for the future. The Plan sets out strategies and monitoring framework and is based on extensive engagement with residents, businesses, and other government agencies.

The Planning Proposal is generally consistent with the following strategic goals and outcomes of the Cumberland Council Strategic Plan 2017-2027:

Table 7. Consistency with Cumberland Council Strategic Plan 2017-2027		
Strategic Goal	Outcome	Consistency
Strategic Goal 2 – A Safe Accessible Community	We have equal access to local services and facilities	The Planning Proposal will provide for a range of retail, commercial, community uses in Merrylands to provide services for the community and local employment opportunities in accordance with adopted plans and strategies.
Strategic Goal 4 – A Strong Local Economy	We have a strong and diverse local economy supported by a network of small business	The Planning Proposal will expand Burnett Street Neighbourhood Centre and increase building heights for this location. This will promote renewal and opportunities for growth in

Table 7. Consistency with Cumberland Council Strategic Plan 2017-2027		
Strategic Goal	Outcome	Consistency
		smaller businesses.
	We have access to jobs locally and in our region	The Planning Proposal will provide residential and commercial development opportunities in areas close to public transport, such as bus services and Merrylands Train Station.
Strategic Goal 5 - A Resilient Built Environment	We have vibrant entertainment precincts	The Planning Proposal will allow appropriate density to occur around Merrylands strategic centres. It will do this by implementing changes to planning controls. These changes will increase pedestrian activity, facilitating vibrancy and demand for entertainment businesses.
	Our planning decisions and controls ensure the community benefits from development	The Planning Proposal will facilitate development in appropriate and accessible locations, which will reduce dependency on car travel, and draw business and job opportunities to the area that will benefit the community.

Cumberland Local Housing Strategy

The Cumberland Local Housing Strategy highlights that Cumberland will need to accommodate an additional 28,500 dwellings by 2036. The current planning controls for Cumberland will only support an additional 24,200 dwellings, with a shortfall of 4,300 dwellings. This Planning Proposal will support meeting this shortfall and provide more affordable housing to future residents by expanding the potential dwelling yield of the Cumberland LEP.

The Planning Proposal is generally consistent with the following priorities and objectives of the Cumberland Local Housing Strategy:

Table 8. Consistency with Cumberland Local Housing Strategy		
Priority	Objective	Consistency
Priority 1 - Delivering housing diversity to suit changing community needs	A mix of dwelling types, sizes, and tenure to meet demand within Cumberland's diverse community is delivered	The Planning Proposal will facilitate a range of housing typologies that will range from medium to high density housing.
Priority 2 - Promoting transit-oriented housing options to support the 30-minute city	Mixed use development at centres, strategic corridors and strategic precincts results in well-designed, human-scale and liveable communities within walking	The Planning Proposal will provide opportunities for mixed use development for the Burnett Street Neighbourhood Centre.

Table 8. Consistency with Cumberland Local Housing Strategy		
Priority	Objective	Consistency
	distance to transport services and infrastructure	
	Transit-oriented housing options contribute to reductions in traffic and congestion and Cumberland's carbon footprint through increased patronage of public transport services, walking and cycling	The Planning Proposal will facilitate development in the Merrylands area, which will encourage walking to transport nodes. This will allow residents to reduce their carbon footprint by driving less and will reduce traffic congestion.

Cumberland Affordable Housing Strategy

The Cumberland Affordable Housing Strategy identifies opportunities to encourage and develop affordable housing options across the Cumberland LGA. Housing has become increasingly unaffordable, which has placed growing economic strain on already vulnerable communities. This Planning Proposal will support greater affordable housing options predominantly by increasing housing stock and feasibility of development in desirable areas of Cumberland. As a result of more viable housing development, Cumberland Council can viably collect developer contributions to put towards affordable housing.

The Planning Proposal is generally consistent with the following priorities and Actions of the Cumberland Affordable Housing Strategy:

Table 9. Consistency with Cumberland Affordable Housing Strategy		
Priority	Action	Consistency
Priority 1 - Planning controls that contribute to affordable housing feasibility and delivery	Progress the review of planning controls for key centres and corridors, with consideration of development feasibility, housing mix and parking requirements to facilitate delivery of affordable housing	The Planning Proposal considers the importance of development opportunities in desirable and economically feasible areas. Improving feasibility in the site locations allows for greater delivery of affordable housing through developer contributions.

Cumberland Open Space and Recreation Strategy

The Open Space and Recreation Strategy benchmarks access to open space at 9 metres squared per person. Merrylands currently has a rate of 26.4 metres squared and Guildford East 14.5 metres squared. The Planning Proposal amendments are for sites within these areas and due to the small dwelling increase associated with the proposal, would have a minor impact on existing access to open space.

The Planning Proposal is generally consistent with the following strategic direction and action of the Cumberland Open Space and Recreation Strategy:

Table 10. Consistency with Cumberland Open Space and Recreation Strategy		
Strategic Direction	Action	Consistency
Strategic Direction 1 - Deliver new open space and new recreation facilities that meet the needs strategic of our growing population	As part of the LEP review, review areas that are currently zoned for medium to high density to ensure that future residents will be within 200m of quality open space of at least 0.1ha	The Planning Proposal will encourage development in areas that are within 200 metres walking distance from the nearest greenspace.

Cumberland Employment and Innovation Lands Strategy

The Employment Lands Strategy identifies an emerging trend of demand for small-scale facilities around centres and existing business zones. The Planning Proposal's proposed expansion of the Burnett Street Neighbourhood Centre is consistent with meeting this strong demand.

The Planning Proposal is generally consistent with the following focus areas and actions of the Cumberland Employment and Innovation Lands Strategy:

Table 11. Consistency with Cumberland Employment and Innovation Lands Strategy		
Focus Area	Action	Consistency
Key Focus Area 1 Planning	Review and update planning controls for employment and innovation lands	This Planning Proposal reviews the current planning controls in and around Merrylands Town Centres, which will updates planning controls to better serve potential growth in employment and innovation.

5. Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?

The Planning Proposal is consistent with the Future Transport Strategy prepared by Transport for NSW which seeks to integrate and guide land use and transport planning across NSW.

In particular, the Planning Proposal is consistent with, *Direction C1. Connectivity is improved across NSW*, as the Burnett Street Neighbourhood Centre is within 30-minute access to the Parramatta Metropolitan Centre and the proposed changes to land zoning, floor space and building height will allow for mixed use development, with the retail/commercial use portions able to provide local goods and services for residents in the locality.

6. Is the Planning Proposal consistent with applicable SEPPs?

The Planning Proposal does not propose any provisions that would contradict or hinder the application of applicable State Environmental Planning Policies (SEPPs). For full list of SEPPs see Attachment 12.

Table 12. Consistency with applicable SEPPs	
SEPP	Consistency
SEPP (Housing) 2021	<p>Consistent: The Planning Proposal takes into consideration the design principles of the SEPP and Apartment Design Guide in developing the proposed planning controls. Further detailed consideration will take place on a site-by-site basis with the submission of a development application.</p> <p>Specifically, the Planning Proposal meets the aims of the SEPP by:</p> <ul style="list-style-type: none"> Increasing housing supply by expanding zoning permissibility. Supporting local businesses by providing opportunities for affordable housing close to places of work and public transport.
SEPP (Resilience and Hazards) 2021	<p>Consistent: This Planning Proposal does not contain provisions that contradict or would hinder the application of this SEPP.</p> <p>Compliance with the provisions in the SEPP would be assessed on a site-by-site basis at the Development Application Stage.</p>
SEPP (Transport and Infrastructure) 2021	<p>Consistent: This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.</p> <p>Any works related to Transport and Infrastructure upgrade, or modification will need to be undertaken in accordance with the provisions of the SEPP at the Development Application stage.</p>
SEPP (Industry and Employment) 2021	<p>Consistent: This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.</p>
SEPP (Resources and Energy) 2021	<p>Consistent: This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.</p>

7. Is the Planning Proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority?

The Planning Proposal does not propose any provisions that would contradict or hinder the application of relevant Ministerial Direction. For full list of Ministerial Directions see Attachment 13.

Table 13. Consistency with Clause 9.1 Ministerial Directions	
Direction	Applicability / Consistency
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	<p>Consistent: The planning proposal is guided by the Greater Sydney Region Plan – A Metropolis of Three Cities and its District Plan – Central River City.</p>
1.3 Approval and Referral	<p>Consistent: The Planning Proposal does not include</p>

Table 13. Consistency with Clause 9.1 Ministerial Directions	
Direction	Applicability / Consistency
Requirements	provisions requiring the concurrence, consultation, or referral of applications. The Planning Proposal does not identify the sites as designated development.
1.4 Site Specific Provisions	Consistent: The Planning proposal does not propose site specific provisions in CLEP 2021.
Focus area 3: Biodiversity and Conservation	
3.2 Heritage Conservation	Consistent: The planning proposal does not include sites with heritage items.
3.7 Public Bushland	Consistent: The Planning Proposal relates to lots that are already urbanised and developed. No bushland exists on the sites.
Focus area 4: Resilience and Hazards	
4.1 Flooding	<p>Justifiably inconsistent: A Flood Impact Assessment was undertaken to provide further technical advice on potential flooding impacts of this Planning Proposal.</p> <p>The assessment demonstrated that increases to flood levels are localised, proximate to the site boundary, minor in scale and occur in low depth and velocity areas. Peak flood level increases to roadways or on other Council-owned land were considered to be acceptable for this development given the potential benefits to the community that the proposed works will have within the Study Area and the LGA.</p> <p>Any potential off-site flood impacts as a result of development on these sites can be managed through mitigation strategies at the Development Assessment stage. During this stage, it is also recommended that a Flood Emergency Management Plan (FEMP) be prepared to formalise flood evacuation planning and strategy with respect to flood intelligence, the flood behaviour presented in the assessment report and relevant procedures.</p> <p>Specific responses to the Ministerial direction are provided as follows:</p> <p>a) The south-western corner of Site 1A will partially intersect with the floodway extent. It is considered that refinement of the proposed development during the concept design to avoid the minor intersection will</p>

Table 13. Consistency with Clause 9.1 Ministerial Directions

Direction	Applicability / Consistency
	<p>adequately address this non-conformance.</p> <p>b) Isolated flood level increases are expected as a result of the development works. Mitigation of these impacts via a reduction in building extents has been demonstrated in the Flood Risk Assessment, but it is noted that mitigation may be possible via alternate options. Flood impact mitigation should be further considered during the concept design stage.</p> <p>c) The development will not be located in high hazard areas.</p> <p>d) Increases to dwelling density will largely fall outside of flood prone land. This requirement will need to be addressed as part of the concept design stage.</p> <p>e) Shelter-in-place has been identified as an appropriate preliminary emergency management strategy (see Section 3.6) for the overall Study Area. Site-specific flood emergency response requirements will need to be addressed as part of the concept design stage. It is understood that none of the uses listed are proposed as part of the development.</p> <p>f) N/A to this development.</p> <p>g) The proposed development works are not likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities.</p> <p>h) To be confirmed as part of the concept design stage.</p>
4.4 Remediation of Contaminated Land	<p>Consistent: 398 Merrylands Road is currently zoned E1 Local Centre and contains a service station which is an existing permissible use in the zone, as is residential development in shop-top housing. As no change to the zoning of the lot is proposed under this Planning Proposal and the lot will not be included in any new zone that permits sensitive development, it is considered the Planning Proposal is consistent with</p>

Table 13. Consistency with Clause 9.1 Ministerial Directions	
Direction	Applicability / Consistency
	<p>this direction.</p> <p>Council has not undertaken a preliminary investigation of the land in accordance with the contaminated land planning guidelines, however it is anticipated that such an assessment would reveal that the site could be made suitable for other uses in the E1 Local Centre zone subject to appropriate contamination management and/or remediation at the development application stage.</p> <p>The application of SEPP Resilience and Hazards 2021 at the DA stage will ensure that the site is remediated before the land is used for any permitted use.</p>
4.5 Acid Sulfate Soils	<p>Consistent: The Planning Proposal sites are not identified as containing Acid Sulfate Soils in Council's LEP Map and it is therefore considered that the Planning Proposal is consistent with this direction.</p> <p>In this regard, Council has not undertaken an Acid Sulfate Soil study to assess the appropriateness of the changing land use zones.</p>
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>Consistent: The Planning Proposal will encourage the integration of business and residential developments with transport options. It will do this by:</p> <ul style="list-style-type: none"> • Facilitating commercial and residential development in proximity to existing public transport options. • Reduce dependency on cars and distance travelled to services by encouraging housing close to services and public transport. <p>The Planning Proposal will not impact traffic congestion as evidenced by the Traffic and Transport Analysis.</p>
Focus area 6: Housing	
6.1 Residential Zones	<p>Consistent: The Planning Proposal will encourage housing growth and diversity by permitting higher density residential development on the Planning Proposal sites. The planning proposal aims to deliver increased housing diversity by introducing E1 Local</p>

Table 13. Consistency with Clause 9.1 Ministerial Directions	
Direction	Applicability / Consistency
	<p>Centre at selected locations. As a result, any further development application will support medium to high density housing opportunity in the area supported by existing infrastructure and services.</p> <p>The Planning proposal will also make more efficient use of existing infrastructure by encouraging housing in close proximity to services and transport.</p>
Focus area 7: Industry and Employment	
7.1 Employment Zones	Consistent: The Planning Proposal aims to deliver opportunities for commercial or retail uses through the proposed expansion of the E1 Local Centre Zone.

Section C - Environmental, social, and economic impact

8. 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?

No, the Planning Proposal will not adversely affect critical habitat, threatened species, populations or ecological communities or their habitats. The proposed changes to planning controls apply to sites that are already heavily urbanised and developed and are not known to support any environmental values.

9. Are there any other likely environmental impacts of the planning proposal and how are they proposed to be managed?

There will be minimal adverse environmental impacts related to the proposed planning control amendments. Any development application will fall under the development standards set out in the low-rise medium density design guide and the Apartment Design Guide, which will need to be considered for any further development. These guides ensure building standards that consider and mitigate environmental impacts such as noise and access to sunlight.

The following environmental factors have been considered in the development of this Planning Proposal.

Local Character and Place

The select sites have been considered in the context of local character and place. According to the Department of Planning, Industry and Environment's *Local Character and Place Guideline*, 'local character' is:

*'...what makes a neighbourhood distinctive and is the identity of a place. It encompasses the way it looks and feels. It is created by a combination of **land, people, the built environment, history, culture and tradition including Aboriginal and***

non-Aboriginal, and looks at how they interact to make a distinctive character of an area.'

Sites should also be understood in their context, or place. The *Local Character and Place Guideline* describe 'place' as:

*'...the layout, division and built form of built environments - its **patterns, landscape, density, development, land use and mix**, these aspects set the groundwork for places to flourish.'*

The interplay of 'local character' and 'place' forms an important part of attracting investment, improving quality of life and more sustainable urban environments.

Alignment between the Local Character and Place Guideline definitions, Merrylands Public Domain Plan Principles and other considerations is set out below.

Local Character and Place Guideline	Merrylands Public Domain Plan Principles	Other considerations
<i>Local Character</i>		
Land, People, the Built Environment, History, and Culture and Tradition	<p><i>Pedestrian friendly public realm:</i></p> <ul style="list-style-type: none"> • <i>Provide an enhanced streetscape and pedestrian amenity that contribute to the vitality of the new precinct.</i> • <i>Improve paving treatments to footpath and shared path to highlight key nodes and precincts.</i> <p><i>Improved urban tree canopy:</i></p> <ul style="list-style-type: none"> • <i>Ensure street trees and planting contribute to enhance local identity and context.</i> • <i>Incorporate Water Sensitive Urban Design (WSUD) including raingardens, tree pits and other WSUD design measures to enhance flood protection and stormwater management.</i> <p><i>Equitable access and use</i></p> <ul style="list-style-type: none"> • <i>Enable equitable and safe access for people of all ages and abilities in accordance with the Building Code of Australia (BCA) and the Disability (Access to Premises - buildings) Standards (the</i> 	<p>More efficient use of land</p> <ul style="list-style-type: none"> • <i>The Planning Proposal will encourage development on vacant land, providing opportunities for local character development and minimise unattractive vacant lots.</i> <p>Community Consultation</p> <ul style="list-style-type: none"> • <i>Early community consultation on the proposed changes has guided the Planning Proposal,</i>

Local Character and Place Guideline	Merrylands Public Domain Plan Principles	Other considerations
	<p><i>Premises Standards) - AS 1428.</i></p> <ul style="list-style-type: none"> • <i>Ensure continuous accessible paths of travel and circulation spaces and appropriate facilities for people with disabilities.</i> <p>Liveability</p> <ul style="list-style-type: none"> • <i>Promote healthy living by enhancing pedestrian and cycle connectivity and increased active transport amenity.</i> • <i>Improve the amenity and safety of the public realm including placement of street furniture and wayfinding design.</i> • <i>Ensure a high-quality public realm provided in new destination precincts for promoting social interaction and a variety of activity.</i> 	
<i>Place</i>		
<i>Patterns, Landscapes, Density, Development and Land Use Mix.</i>	<p>Improved urban tree canopy:</p> <ul style="list-style-type: none"> • <i>Ensure street trees and plantings contribute to enhance local identity and context.</i> • <i>Increase urban tree canopy cover and deliver Green Grid connections.</i> • <i>Incorporate Water Sensitive Urban Design (WSUD) including raingardens, tree pits and other WSUD design measures to enhance flood protection and stormwater management.</i> <p>Pedestrian friendly public realm:</p> <ul style="list-style-type: none"> • <i>Provide an enhanced streetscape and pedestrian amenity that contribute to the vitality of the new precinct.</i> 	<p>Planning Controls that support mixed use, density, and housing diversity:</p> <ul style="list-style-type: none"> • <i>This Planning Proposal will facilitate a mix of uses and housing types through a range of zones, building height and floor space ratio controls.</i>

Local Character and Place Guideline	Merrylands Public Domain Plan Principles	Other considerations
	<ul style="list-style-type: none"> • <i>Provide rear or side lane vehicle access to lots to ensure pedestrian movement is uninterrupted by vehicle crossovers.</i> • <i>Improve paving treatments to footpath and shared path to highlight key nodes and precincts.</i> 	

Built Form

The urban design and built form analysis demonstrated that the Planning Proposal should seek to amend land use zoning, floor space and building height provisions in CLEP 2021 to better achieve and implement the objectives and considerations for the Centre identified in various Council documents, including the Draft Local Shops Study. The urban design intent for the neighbourhood centre is to build upon existing uses in the neighbourhood centre and existing features in the locality, including proximity to public transport, proximity to public open space, proximity to other commercial and retail uses, and proximity to public service and medical land uses. The opportunity to facilitate the development of mixed-use buildings will elevate the area's overall urban quality and public domain performance.

The land use zoning, height of building and floor space ratio amendments proposed have been developed considering a 'stepped down' built form outcome. This will reduce negative impacts on neighbouring properties such as overshadowing and privacy impacts.

Overshadowing

Shadow diagrams were produced for the proposed built form of the neighbourhood centre, demonstrating the overshadowing impact it would have on adjoining south residential properties between 9am and 3pm on 21 June. This analysis revealed that the adjoining south properties on Ruth Street, Merrylands, Fowler Road, Merrylands and Holdsworth Street, Merrylands would achieve at least 2 hours direct sunlight between 9am and 3pm on 21 June. This is in line with the design guidance and design criteria provided in the Department's Apartment Design Guide which requires a minimum of 2 hours direct sunlight between 9am and 3pm at mid-winter for neighbouring properties.

In this regard, the Shadow Diagram analysis supports the proposed built form and amendments to CLEP 2021 Land Zoning, Floor Space Ratio and Height of Buildings Maps.

Flooding

A Flood Impact Assessment was conducted to assess the potential post development flood impacts as a result of this Planning Proposal. The assessment indicated that increases to flood levels as a result of future development are localised, proximate to the site boundary, minor in scale and occur in low depth and velocity areas. Peak flood level increases to roadways or on other Council-owned land were considered to be acceptable for this development given the potential benefits to the community that the proposed works will have within the Study Area and the LGA.

The Flood Impact Assessment also considered the findings and recommendations of the 2022 NSW Flood Inquiry. Commentary on the Inquiry and its applicability to the Planning Proposal are as follows:

- The recommendations from the Inquiry are at a facility level and state-wide scale, however, similar principles can be applied to the Planning Proposal site. Placement of any essential infrastructure (i.e. power supplies) above the Probable Maximum Flood Level will help to reduce the chance of a site-specific loss in power and/or communications during a flood event.
- Continuing flood-risk education of site end users will aid in preparing for and responding to future flood events at the Site. Education may be achieved through the use of on-site training (such as shelter-in-place drills) as well as signage on the Site indicating the potential for flood affectation. This should be considered as part of the development of a Flood Emergency Management Plan at the Development Application stage.
- Consideration should be given during the Development Application Stage to whether all building floor levels should be set above the Probable Maximum Flood level across the Planning Proposal site.

In this regard, the Flood Impact Assessment supports the proposed built form and amendments to CLEP 2021 Land Zoning, Floor Space Ratio and Height of Buildings Maps, subject to further consideration at the design/development assessment stage.

Traffic and Parking Impacts

A Traffic Impact Assessment was conducted based on the potential dwelling increase from the current dwelling numbers. The assessment confirms that the Planning Proposal will generate a minimal increase in trips and therefore a minor impact on local traffic conditions.

Table 14. Traffic and Transport Study		
Site	Trips generated	Advice/Response
Burnett Street Neighbourhood Centre, including 6 Burnett Street, 2 Ruth Street and 2 Fowler Road, Merrylands	75 additional vehicle trips generated by the site.	<p>Additional trips likely to have minor impact on network and unlikely to require modelling for planning proposal. Brief traffic impact statement may be required for a Development Application.</p> <p>Bus connectivity should be considered, and Cumberland City Council will continue to advocate to Transport for NSW to increase bus frequency (route 806) commensurate with future development.</p> <p>Cycling links in the Merrylands area are identified in the draft Cumberland Walking and Cycling Strategy.</p>

10.Has the Planning Proposal adequately addressed any social and economic impacts?

The Planning Proposal is not expected to result in any significant negative economic or social impacts. The proposal will enable additional residential yield and a range of dwelling types to provide for existing and future housing needs. It will also expand potential for revitalisation of the Burnett Street Neighbourhood Centre providing 17 additional local jobs for the Cumberland community. In addition, the proposed changes to planning controls will:

- Better align zoning with building heights and FSRs to improve development feasibility and encourage redevelopment and revitalisation, as well as to improve built form outcomes.
- Provide local shops, services, and employment opportunities through expansion of planning controls at the Burnett Street Neighbourhood Centre.

Socially, the planning proposal is anticipated to achieve the following community benefits:

- Increased opportunities for residents to live and work within proximity to local centres and Parramatta resulting in the potential for reduced travel times and reduced traffic congestion through the use of public transport.
- Proposed changes will have minimal impacts on nearby school enrolments. A new school will be delivered for nearby Westmead, and additional teaching positions and upgrades were recently added to nearby Merrylands High School and Primary Schools.
- An increase in public transport usage and access to a variety of services resulting from the colocation of residential apartments and other mixed-use activities.
- All site areas are within 400 m walking distance of the nearest green space (local or regional park) providing a mix of active and passive recreation opportunities. The Open Space and Recreation Strategy benchmarks minimum access to open space at 9m² per person. The sites are within areas with the following access to open space:
 - Merrylands currently has a rate of 26.4m² per person
- Increased opportunities for residents to live within proximity to the new Merrylands Civic Square. This will provide increased amenity and greenspace for the growing community and is identified in the Merrylands Public Domain Plan and Merrylands Development Control Plan.

Section D - Infrastructure (Local, State and Commonwealth)

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

The targeted sites are in an established urban area with adequate public infrastructure available including water, electricity, gas, telecommunications, sewerage, and transport. The sites are well serviced by transport and are proximate to transport, services, and local open space.

Table 15. Public Transport Access		
Site	Accessibility (800m)	Centre access
Burnett Street Neighbourhood Centre, including 6 Burnett Street, 2 Ruth Street and 2 Fowler Road, Merrylands	Bus: 806, 802, 810X	Merrylands Train Station: 10 minutes Parramatta Train Station: 25 minutes Liverpool Train Station: 40 mins Central Train Station: 50-60 mins

Assumption: Public transport access was measured using google maps at midday Friday from a central point within each site boundary.

The Planning Proposal will be provided to public agencies and placed on public exhibition, and infrastructure providers will be able to make a submission to Council.

Section E - State and Commonwealth interests

12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway Determination?

Consultation with Commonwealth public agencies will be undertaken, as directed by the Gateway Determination.

PART 4: MAPS

The planning proposal is accompanied by the following relevant draft LEP maps pertaining to the various sites in Merrylands and Guildford.

Proposed Planning Controls for Burnett Street Neighbourhood Centre



Existing Height of Building



Existing Floor Space Ratio



Proposed Floor Space Ratio



These maps can also be found at Attachment 5.

PART 5: COMMUNITY CONSULTATION

Early Consultation

Early consultation was conducted with the community and other relevant stakeholders in preparation of this Planning Proposal. Landowners and residents within each site and within 400m distance of the site boundaries were informed of the proposed planning control amendments by mail and were invited to have their say on the Cumberland Council Website. The exhibition period was advertised in the local newspaper and enquiries could be made directly to the Strategic Planner managing the engagement.

A 400m notification distance was set in accordance with the Cumberland City Council Planning Proposal Notification Policy. Early consultation on the proposed planning controls occurred in March for a 28-day exhibition period.

A summary of consultation submissions is available in the following table.

Table 16. Consultation submissions summary		
	Submission	Themes
Consultation Merrylands Guildford Planning Proposal	Support: 16 Object: 21 Total: 39*	Support: <ul style="list-style-type: none">• Improved amenity• Property values• Housing affordability• Access to public transport• Vibrancy Objection: <ul style="list-style-type: none">• Traffic• Lack of parking• Loss of local Character• Overshadowing• Safety Concerns• House prices• Impacts on liveability and local character• Loss of tree canopy
<i>*Two additional submissions were made post exhibition.</i>		

Submissions from the community were considered by Council's Strategic Planners and the Cumberland Local Planning Panel and based on this assessment, the proposed planning controls were amended in the following ways:

Table 17. Burnett Street Neighbourhood Centre, Merrylands			
Planning Control	Pre-consultation Proposed Controls	Early Consultation Outcomes	Updated Controls following Review
Land Use Zoning	B1 Neighbourhood Centre (now E1 Local Centre under Employment Zone Reforms)	B1 Neighbourhood Centre (now E1 Local Centre under Employment Zone Reforms) An additional land parcel added to E1 zone: 1 Fowler Road, Merrylands	E1 Local Centre
Height of Building	17m	17m An additional land parcel added to E1 zone: 1 Fowler Road, Merrylands	17 m
Floor Space Ratio	2:1	2:1 An additional land parcel added to E1 zone: 1 Fowler Road, Merrylands	1.4:1 1.5:1 1.8:1

Post Gateway Consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway Determination. As a minimum, all documentation will be publicly exhibited for a period of 28 days. The material will contain a copy of the Planning Proposal and relevant maps supported by a written notice describing the objectives and intended outcomes of the proposal, the land to which the proposal applies and an indicative time frame for finalisation of the planning proposal.

The planning proposal is considered to be 'low impact' for the following reasons:

- It is consistent with the pattern of surrounding land use zones and/or land uses.
- It is consistent with the strategic planning framework.
- It does not present any issues with regard to infrastructure servicing.
- It is not a principal LEP.
- It does not propose amendments to large areas or entire town centres.

PART 6: PROJECT TIMELINE

The following project timeline is intended to be a guide only and may be subject to changes in response to the public consultation process and/or community submissions.

Milestone	Timeframe
Early consultation on proposed planning control amendments	March 2021
Prepare proposed planning controls	Q1 2021
Report to Cumberland Local Planning Panel	May 2021
Report to Council on draft Planning Proposal	June 2021
Feedback from Department	December 2021
Review by Council officers	2022-2023
Report to Council on updated draft Planning Proposal	August 2023
Gateway Determination	Late 2023
Public Exhibition of Planning Proposal	Early mid 2024
Review of submissions and report to Council	Early mid 2024
Submit to Department for finalisation	Mid-late 2024

ATTACHMENT 1

15 July 2020, C07/20-501 Notice of Motion - Cumberland Local Environmental Plan - Post Exhibition Report on New Planning Controls for Cumberland City

ATTACHMENT 2

16 September 2020, C09/20-560 Notice of Motion - Cumberland Local Environmental Plan

ATTACHMENT 3

16 June 2021, C06/21-789 Notice of Motion- Proposed Planning Controls for Targeted Sites in Merrylands and Guildford

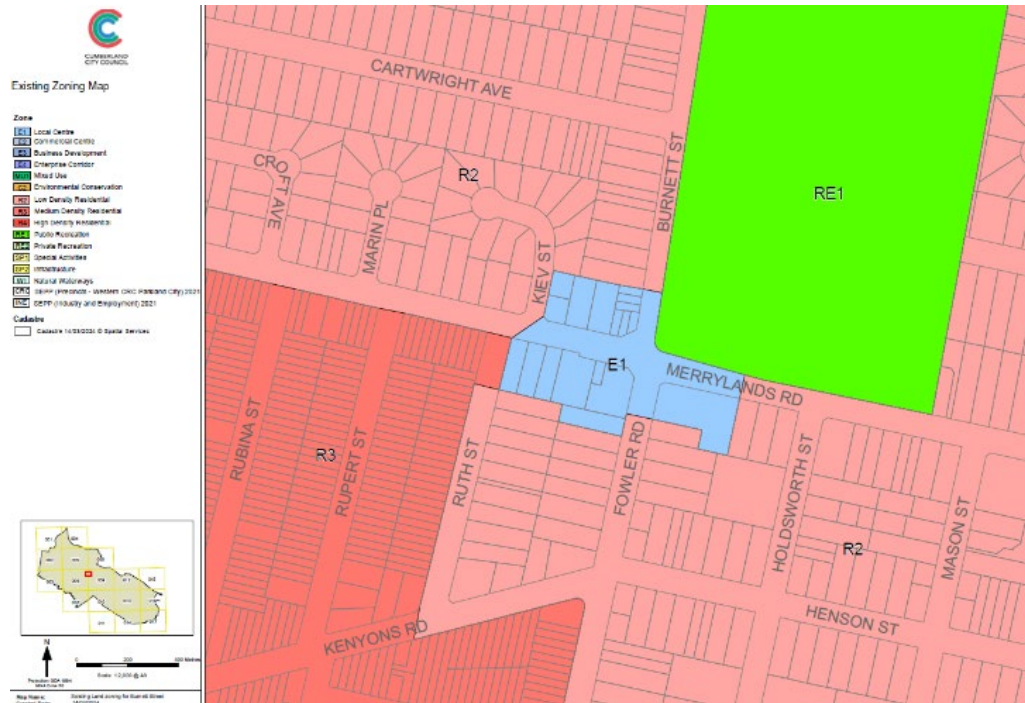
ATTACHMENT 4

16 August 2023, C08/23-369 Council report - Proposed Planning Controls for Targeted Sites in Merrylands and Guildford - Update and Next Steps

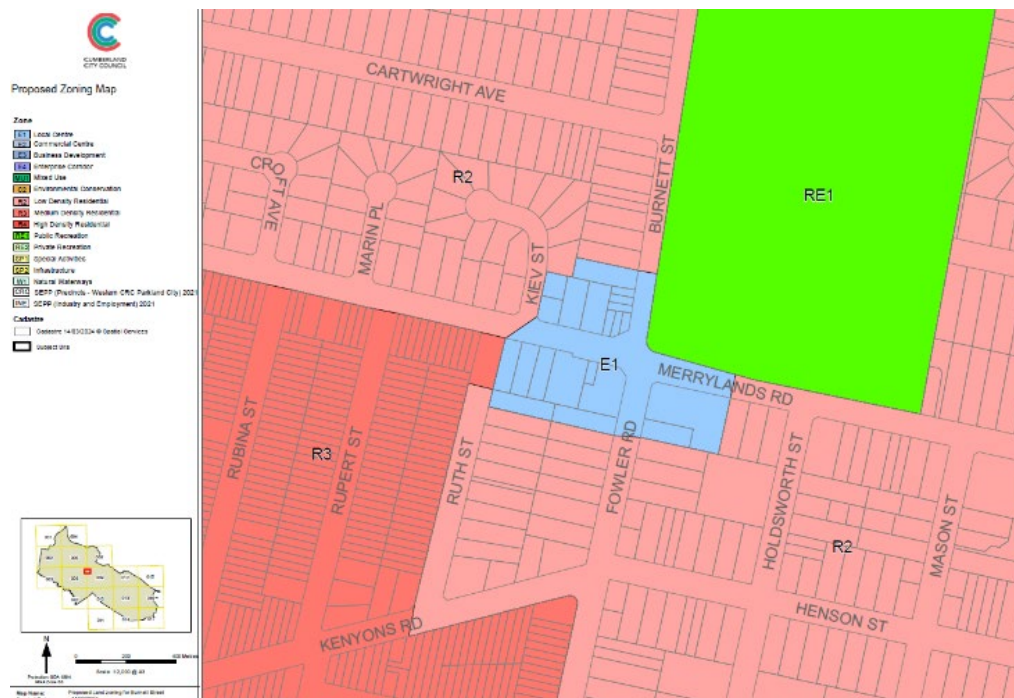
ATTACHMENT 5

Proposed Planning Controls for Burnett Street Neighbourhood Centre

Existing Zoning



Proposed Zoning



Cumberbund Local Environmental Plan 2021

Height of Buildings - Existing HOB Map

Maximum Building Height (m)

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4	15
5	16
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Existing Floor Space Ratio



Proposed Floor Space Ratio

ATTACHMENT 6

Urban Design and Built Form Analysis

ATTACHMENT 7

Traffic and Transport Analysis

ATTACHMENT 8

Flooding Analysis

ATTACHMENT 9

Employment Study - Economic Outcomes of the Planning Proposal for Burnett Street Neighbourhood Centre

ATTACHMENT 10

Cumberland Local Shops Study

ATTACHMENT 11

**26 May 2021, Item EELPP020/21 Cumberland Local Planning Panel Planning
Proposal Targeted Sites in Merrylands and Guildford, Panel Recommendations**

ATTACHMENT 12

Full list of SEPPs

Title	Application
SEPP No 36 – Manufactured home Estates	Not applicable: Does not apply to this Planning Proposal.
SEPP (Concurrences and Consent) 2018	Not applicable: Does not apply to this Planning Proposal.
SEPP (Precincts – Central River City) 2021	Not applicable: Does not apply to this Planning Proposal.
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable: Does not apply to this Planning Proposal.
SEPP (Precincts – Regional) 2021	Not applicable: Does not apply to this Planning Proposal.
SEPP (Precincts – Western Parkland City) 2021	Not applicable: Does not apply to this Planning Proposal.
SEPP (Housing) 2021	<p>Consistent: The Planning Proposal takes into consideration the design principles of the SEPP and Apartment Design Guide in developing the proposed planning controls. Further detailed consideration will take place on a site-by-site basis with the submission of a development application.</p> <p>Specifically, the Planning Proposal meets the aims of the SEPP by:</p> <ul style="list-style-type: none"> • Increasing housing supply by expanding zoning permissibility. • Supporting local businesses by providing opportunities for affordable housing close to places of work and public transport.
SEPP (Transport and Infrastructure) 2021	<p>Consistent: This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.</p> <p>Any works related to Transport and Infrastructure upgrade, or modification will need to be undertaken in accordance with the provisions of the SEPP at the Development Application stage.</p>

Title	Application
SEPP (Primary Production) 2021	Not applicable: Does not apply to this Planning Proposal.
SEPP (Biodiversity and Conservation) 2021	Not applicable: Does not apply to this Planning Proposal.
SEPP (Resilience and Hazards) 2021	<p>Consistent: This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.</p> <p>Compliance with the provisions in the SEPP would be assessed on a site-by-site basis at the Development Application Stage.</p>
SEPP (Industry and Employment) 2021	Consistent: This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Resources and Energy) 2021	Consistent: This planning proposal does not contain provisions that contradict or would hinder the application of this SEPP.
SEPP (Planning Systems) 2021	Not applicable: Does not apply to this Planning Proposal.
SEPP (Sustainable Buildings) 2022	Not applicable: Does not apply to this Planning Proposal.
SEPP (Exempt and Complying Development Codes) 2008.	Not applicable: Does not apply to this Planning Proposal.

ATTACHMENT 13

Full list of Ministerial Directions

Direction	Applicability / Consistency
Focus area 1: Planning Systems	
1.1 Implementation of Regional Plans	Consistent: The planning proposal is guided by the Greater Sydney Regional Plan - A Metropolis of Three Cities and its District Plan - Central City. Consistency with this direction has been specifically addressed in the planning proposal.
1.2 Development of Aboriginal Land Council land	Not applicable: Does not apply to this Planning Proposal.
1.3 Approval and Referral Requirements	Consistent: The Planning Proposal does not include provisions requiring the concurrence, consultation, or referral of applications. The Planning Proposal does not identify the sites as designated development.
1.4 Site Specific Provisions	Consistent: The Planning proposal does not propose site specific provisions in CLEP 2021.
1.4A Exclusion of Development Standards from Variation	Not applicable: Does not apply to this Planning Proposal.
Focus area 1: Planning Systems – Place-based	
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable: Does not apply to this Planning Proposal.
1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable: Does not apply to this Planning Proposal.
1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable: Does not apply to this Planning Proposal.
1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable: Does not apply to this Planning Proposal.

Direction	Applicability / Consistency
1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable: Does not apply to this Planning Proposal.
1.10 Implementation of the Western Sydney Aerotropolis Plan	Not applicable: Does not apply to this Planning Proposal.
1.11 Implementation of Bayside West Precincts 2036 Plan	Not applicable: Does not apply to this Planning Proposal.
1.12 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable: Does not apply to this Planning Proposal.
1.13 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable: Does not apply to this Planning Proposal.
1.14 Implementation of Greater Macarthur 2040	Not applicable: Does not apply to this Planning Proposal.
1.15 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable: Does not apply to this Planning Proposal.
1.16 North West Rail Link Corridor Strategy	Not applicable: Does not apply to this Planning Proposal.
1.17 Implementation of the Bays West Place Strategy	Not applicable: Does not apply to this Planning Proposal.
1.18 Implementation of the Macquarie Park Innovation Precinct	Not applicable: Does not apply to this Planning Proposal.
1.19 Implementation of the Westmead Place Strategy	Not applicable: Does not apply to this Planning Proposal.
1.20 Implementation of the Camellia-Rosehill Place Strategy	Not applicable: Does not apply to this Planning Proposal.
1.21 Implementation of South West Growth Area Structure Plan	Not applicable: Does not apply to this Planning Proposal.

Direction	Applicability / Consistency
1.22 Implementation of the Cherrybrook Station Place Strategy	Not applicable: Does not apply to this Planning Proposal.
Focus area 3: Biodiversity and Conservation	
3.1 Conservation Zones	Not applicable: Does not apply to this Planning Proposal.
3.2 Heritage Conservation	Consistent: The planning proposal does not include amending planning controls on sites with heritage items, however surrounding heritage items have been considered.
3.3 Sydney Drinking Water Catchments	Not applicable: Does not apply to this Planning Proposal.
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable: Does not apply to this Planning Proposal.
3.5 Recreation Vehicle Areas	Not applicable: Does not apply to this Planning Proposal.
3.6 Strategic Conservation Planning	Not applicable: Does not apply to this Planning Proposal.
3.7 Public Bushland	Consistent: The Planning Proposal relates to lots that are already urbanised and developed. No bushland exists on the sites.
3.8 Willandra Lakes Region	Not applicable: Does not apply to this Planning Proposal.
3.9 Sydney Harbour Foreshores and Waterways Area	Not applicable: Does not apply to this Planning Proposal.
3.10 Water Catchment Protection	Not applicable: Does not apply to this Planning Proposal.
Focus area 4: Resilience and Hazards	
4.1 Flooding	Justifiably inconsistent: A Flood Impact Assessment was undertaken to provide further technical advice on potential flooding impacts of this Planning Proposal.

Direction	Applicability / Consistency
	<p>The assessment demonstrated that increases to flood levels are localised, proximate to the site boundary, minor in scale and occur in low depth and velocity areas. Peak flood level increases to roadways or on other Council-owned land were considered to be acceptable for this development given the potential benefits to the community that the proposed works will have within the Study Area and the LGA.</p> <p>Any potential off-site flood impacts as a result of development on these sites can be managed through mitigation strategies at the Development Assessment stage. During this stage, it is also recommended that a Flood Emergency Management Plan (FEMP) be prepared to formalise flood evacuation planning and strategy with respect to flood intelligence, the flood behaviour presented in the assessment report and relevant procedures.</p> <p>Specific responses to the Ministerial direction are provided as follows:</p> <ul style="list-style-type: none"> a) The south-western corner of Site 1A will partially intersect with the floodway extent. It is considered that refinement of the proposed development during the concept design to avoid the minor intersection will adequately address this non-conformance. b) Isolated flood level increases are expected as a result of the development works. Mitigation of these impacts via a reduction in building extents has been demonstrated in the Flood Risk Assessment, but it is noted that mitigation may be possible via alternate options. Flood impact mitigation should be further considered during the concept design stage. c) The development will not be located in high hazard areas. d) Increases to dwelling density will largely fall outside of flood prone land. This requirement will need to be addressed as part of the concept design stage. e) Shelter-in-place has been identified as an appropriate preliminary emergency management strategy (see Section 3.6) for the overall Study Area. Site-specific flood emergency response requirements will need to be addressed as part of the concept design stage. It is understood that none of the uses

Direction	Applicability / Consistency
	<p>listed are proposed as part of the development.</p> <p>f) N/A to this development.</p> <p>g) The proposed development works are not likely to result in a significantly increased requirement for government spending on emergency management services, flood mitigation and emergency response measures, which can include but are not limited to the provision of road infrastructure, flood mitigation infrastructure and utilities.</p> <p>h) To be confirmed as part of the concept design stage.</p>
4.2 Coastal Management	Not applicable: Does not apply to this Planning Proposal.
4.3 Planning for Bushfire Protection	Not applicable: Does not apply to this Planning Proposal.
4.4 Remediation of Contaminated Land	<p>Consistent: 398 Merrylands Road is currently zoned E1 Local Centre and contains a service station which is permissible in the zone. No changes to the zoning of the lot are proposed under this Planning Proposal.</p> <p>Council has not undertaken a preliminary investigation of the land in accordance with the contaminated land planning guidelines, however it is anticipated that such an assessment would reveal that the site could be made suitable for other uses in the E1 Local Centre zone subject to appropriate contamination management and/or remediation at the development application stage.</p> <p>The application of SEPP Resilience and Hazards 2021 at the DA stage will ensure that the site is remediated before the land is used for any permitted use.</p>
4.5 Acid Sulfate Soils	<p>Consistent: The Planning Proposal sites are not identified as containing Acid Sulfate Soil in Council's LEP Map.</p> <p>In this regard, Council has not undertaken an Acid Sulfate Soil study to assess the appropriateness of the changing land use zones.</p>
4.6 Mine Subsidence and	Not applicable: Does not apply to this Planning

Direction	Applicability / Consistency
Unstable Land	Proposal.
Focus area 5: Transport and Infrastructure	
5.1 Integrating Land Use and Transport	<p>Consistent: The Planning Proposal will encourage the integration of business and residential developments with transport options. It will do this by:</p> <ul style="list-style-type: none"> • Encouraging housing within 800 metres of Burnett Street Neighbourhood Centre. • Reduce dependency on cars and distance travelled to services by encouraging housing close to services and public transport. <p>The Planning Proposal will not impact traffic congestion as evidenced by the Traffic and Transport Analysis.</p>
5.2 Reserving Land for Public Purposes	Not applicable: Does not apply to this Planning Proposal.
5.3 Development Near regulated Airports and Defence Airfields	Not applicable: Does not apply to this Planning Proposal.
5.4 Shooting Ranges	Not applicable: Does not apply to this Planning Proposal.
Focus area 6: Housing	
6.1 Residential Zones	<p>Consistent: The Planning Proposal will encourage housing growth and diversity by providing a range of planning controls at each site. The planning proposal aims to deliver increased housing diversity by introducing E1 Local Centre at selected locations. As a result, any further development application will support medium to high density housing opportunity in the area supported by existing infrastructure and services.</p> <p>The Planning proposal will also make more efficient use of existing infrastructure by encouraging housing in close proximity to services and transport.</p>
6.2 Caravan Parks and Manufactured Home Estates	Not applicable: Does not apply to this Planning Proposal.
Focus area 7: Industry and Employment	

Direction	Applicability / Consistency
7.1 Employment Zones	Consistent: The Planning Proposal aims to deliver opportunities for commercial or retail uses through the proposed expansion of the E1 Local Centre Zone.
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable: Does not apply to this Planning Proposal.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable: Does not apply to this Planning Proposal.
Focus area 8: Resources and Energy	
8.1 Mining, Petroleum Production and Extractive Industries	Not applicable: Does not apply to this Planning Proposal.
Focus area 9: Primary Production	
9.1 Rural Zones	Not applicable: Does not apply to this Planning Proposal.
9.2 Rural Lands	Not applicable: Does not apply to this Planning Proposal.
9.3 Oyster Aquaculture	Not applicable: Does not apply to this Planning Proposal.
9.4 Farmland of State and regional Significance on the NSW Far North Coast	Not applicable: Does not apply to this Planning Proposal.

ATTACHMENT 14

List of Planning Proposal Sites

Address	Lot and DP No.
Site 1A	
381 Merrylands Road MERRYLANDS NSW 2160	D// DP27816
383 Merrylands Road MERRYLANDS NSW 2160	E1//DP448606, E2//DP448606
387 Merrylands Road MERRYLANDS NSW 2160	8//DP22097
389 Merrylands Road MERRYLANDS NSW 2160	7//DP22097
391 Merrylands Road MERRYLANDS NSW 2160	11//DP1067685
1A Kiev Street MERRYLANDS NSW 2160	12//DP1067685
6 Burnett Street MERRYLANDS NSW 2160	5//DP22097
4 Burnett Street MERRYLANDS NSW 2160	A//DP27816, B//DP27816 & C//DP27816
Site 1B	
400-406 Merrylands Road MERRYLANDS WEST NSW 2160	2//DP507258
408 Merrylands Road MERRYLANDS WEST NSW 2160	1//DP507258
414 Merrylands Road MERRYLANDS WEST NSW 2160	221//DP612806
416 Merrylands Road MERRYLANDS WEST NSW 2160	21//DP10983
418 Merrylands Road MERRYLANDS WEST NSW 2160	20//DP10983
426 Merrylands Road MERRYLANDS WEST NSW 2160	19//DP10983
2 Ruth Street MERRYLANDS WEST NSW 2160	10//DP10983
1E Fowler Road MERRYLANDS WEST NSW 2160	18//DP10983
Site 1C	
398 Merrylands Road MERRYLANDS NSW 2160	A//DP409730
2 Fowler Road MERRYLANDS NSW 2160	B//DP409730

ATTACHMENT 15

Flood Risk Assessment

ATTACHMENT 16

Shadow Diagrams