

Planning Proposal Request to amend Cumberland Local Environmental Plan 2021

4-4A TERMINAL PLACE
MERRYLANDS
28 NOVEMBER 2023



QUALITY ASSURANCE

Project:	Planning Proposal Request
Address:	4-4A Terminal Place, Merrylands
Council:	Cumberland City Council
Author:	Think Planners Pty Ltd

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INTRODUCTION

This planning proposal request has been prepared by Think Planners on behalf of the landowner Aland Developments Pty Ltd.

The purpose of this Planning Proposal Request is to explain the intended effect and justify a proposed amendment to the Cumberland Local Environmental Plan 2021 (Cumberland LEP 2021) and demonstrate the strategic merit of the amendment proceeding.

This Planning Proposal Request seeks to amend the Cumberland LEP 2021 to allow for a building on Site 2 that better matches the context of the Merrylands town centre by:

- Amending the height of buildings map from 39m to 86m at Building D1
- Amending the maximum floor space ratio map from 5:1 to 6.6:1 presenting an additional 10,530.43m² of gross floor area.
- Amending Schedule 1 to facilitate a maximum of 500m² of commercial premises floor space at Building D1 and D2.

The Planning Proposal Request relates Site 2 at 4-4A Terminal Place, Merrylands, referred to within this document as the 'subject site' (Figure 1). The subject site has an area of 6,155.7m² and is strategically within the Merrylands town centre and located near crucial transport connections, including the Merrylands Train Station and Bus Interchange, which provide exceptional local and regional connectivity.

Support for the Planning Proposal Request is sought, and the subsequent referral to the Department of Planning and Environment for Gateway Determination and public exhibition.

Figure 1: The subject site is shaded red and identified as Development Site 2. (Source: PTW)



PLANNING PROPOSAL REQUEST MERITS, INFRASTRUCTURE AND COMMUNITY BENEFITS

The Planning Proposal Request seeks to deliver the following key benefits:

- Contribute significantly to the Merrylands town centre's housing stock, a location the Council identified for more homes.
- The Planning Proposal Request is responsive to the immediate built form and existing urban design factors /context. The site sits within a comfortable scale commensurate with surrounding buildings and local context.
- The Planning Proposal Request is responsive to the emerging character, street wall heights and building heights responding to the surrounding newly built and future redevelopment of Merrylands.
- The building envelopes illustrated in the Urban Design Report by PTW demonstrate that a high standard of design and amenity can be achieved on the site. The scheme responds to the principles in the Apartment Design Guidelines for separation and privacy. The scheme has benefited from urban design advice from Cumberland City Council.
- The proposal delivers a variety of housing opportunities within Merrylands, enabling the opportunity to create a genuine 30-minute city where housing is well connected to public transport, health services, education services, employment, and recreational facilities.
- The proposal delivers a marker building that identifies the train station, a significant landmark within the town centre. The proposal will create a better height transition within the Merrylands town centre and beyond when considering the permitted heights across the Town Centre to the west which adopt heights of up to 105m.

The subject land parcel is ideal to accommodate the proposed development as it is located within an accessible area and is consistent with the evolving character of developments within the Merrylands town centre. Furthermore, the development proposes to provide the opportunity to deliver high-density development in a location that is experiencing an intensification in terms of development and considering the site's proximity to educational establishments, employment opportunities and recreational activities.

It is noted that conceptual images of the adjoining Council and transport interchange site are provided to indicate the way in which the proponent sees this part of the Town Centre evolving into a high quality public domain and urban design outcome at the transport interchange.

BACKGROUND

The following represents the relevant background leading up to the Planning Proposal Request:

November/ December 2022	– Scoping Proposal submitted to Cumberland City Council seeking feedback on a proposal to increase the building height to 115 m and FSR of 6.4:1. Noting the height was increased over the southern tower, situated on Block D.
May 2023	– Correspondence was provided from Cumberland City Council advising of their preliminary assessment, along with TfNSW comment.
24 May 2023	– Meeting with Cumberland City Council to discuss scoping report feedback. Following this meeting, the following amendments were made based on the discussion points: <ul style="list-style-type: none"> • The proposal's height was reduced from 115 m to 86 m to provide a better fit with the balance of the Town Centre and other sites in proximity to this site. • FSR was reduced.
August 2023	– Updated planning proposal Request submitted for a: <ul style="list-style-type: none"> • Maximum building height of 86 m. • FSR of 6.6:1 across the site. • Additional permitted use over the subject site for a maximum of 500m² of commercial premises floor space to enable the creation of vibrant land uses interfacing with Neil Park.
October 2023	– Response to Council request for additional information with the Planning Proposal and Urban Design Study updated.
November 2023	– Response to Council request additional information and minor edits

SITE AND LOCALITY DESCRIPTION

LEGAL DESCRIPTION

The site is located at 4-4A Terminal Place, Merrylands, and includes the following properties:

Table1: Legal Description of site			
Lot	Section	Deposited Plan	Zoning
1	-	229589	RE1 and R4
1	-	1173048	R4
2	-	1217412	RE1, E2 and R4

The 1.6Ha parent site is in the Neil Street Precinct near the Merrylands Transport Interchange (bus and rail). Neil Street binds the site to the north, McLeod Street to the west, and the Transport Interchange to the south. Site 2 has a total area of 6,155.7m².

The location of the subject site is identified in Figure 1 and Figure 2. The planning proposal request relates to Site 2 with table 1 summarising the proposed amendments.

Table 2: Proposed amendments to Cumberland LEP 2021	
Floor Space Ratio	6.6:1
Height of Buildings	86 m at Building D1 only Part 39 and part 54m (No change)
Additional permitted uses	Building D1 and D2 – Total 500m ² of commercial premises gross floor area



Figure 2: Context surrounding the subject site (Source: PTW)



SITE CONTEXT AND SITE ANALYSIS

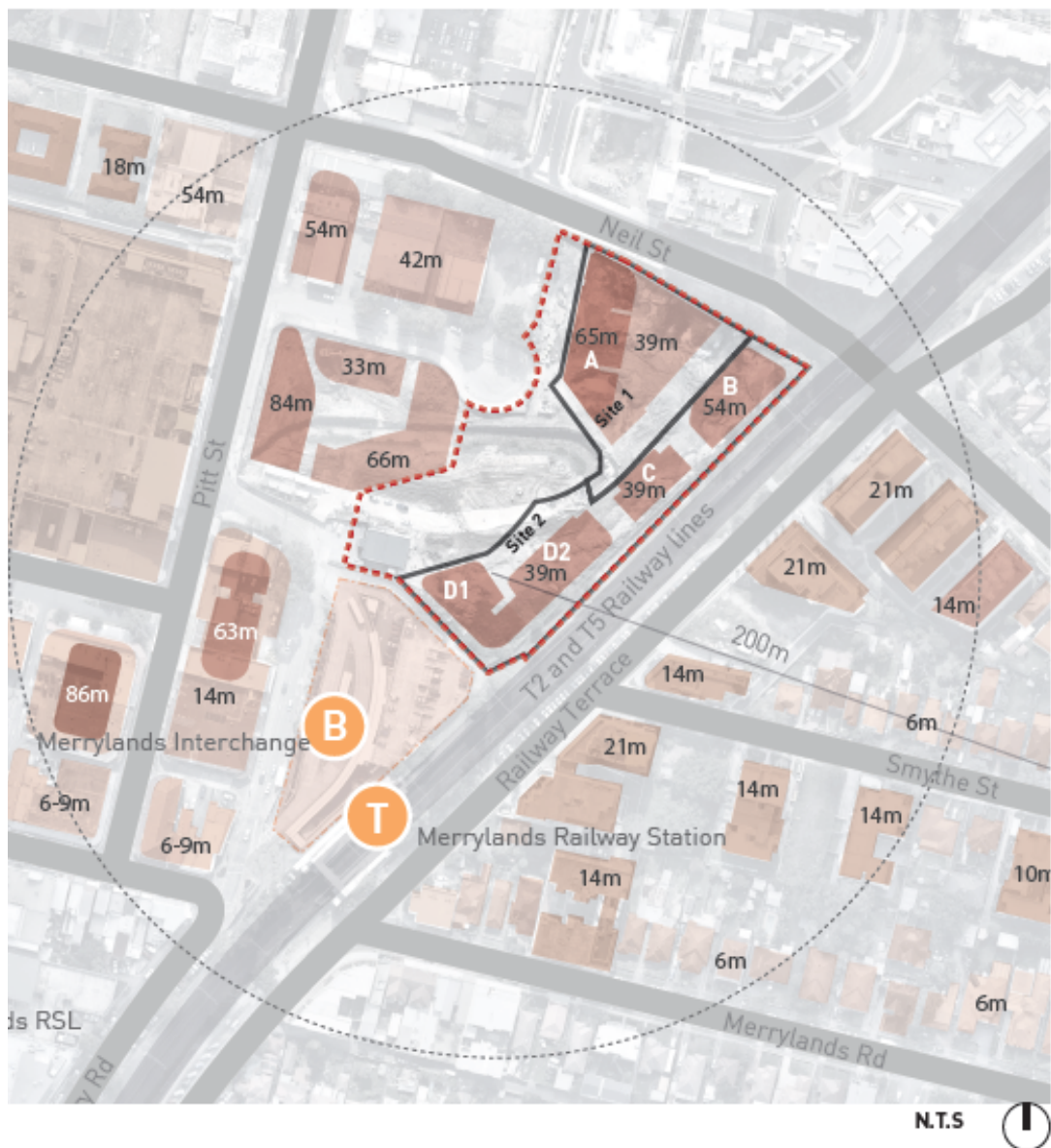
Located in the Merrylands town centre, the subject site is an irregularly shaped property surrounded by residential, commercial, retail, entertainment and transport-oriented uses (Figure 2). The site is within proximity to important roads within the Merrylands town centre, including:

- Neil Street on its western boundary, providing a link across the railway line connecting to Merrylands Road to the east, then Woodville Road, which provides a regional connection, linking Merrylands to Parramatta (north), Liverpool (south), along with major roads like the M4 that gives connections to Sydney and Penrith.
- Pitt Street/Terminal Place on its western boundary, providing connections into the Merrylands town centre, Military Road, an essential north-to-south connection given the limited rail crossing opportunities.

- Gladstone and future Maclead Road, providing new frontages and active transport opportunities,

The eastern boundary of the subject site is formed by the Inner West and South Railway Line, with Railway Terrace further to the east. The immediate context of the site is shown in Figure 3 below.

Figure 3: Immediate height context surrounding the subject site (including current development applications) (Source: PTW)



The subject site sits within a strategically important context within the Merrylands town centre. This is evident as Neil Street provides the only nearby railway line crossing, along with the train station and associated rail interchange on its south eastern boundary.

Merrylands train station and the transport interchange provide local and regional connectivity to significant employment destinations like Westmead, Parramatta and the Sydney CBD. This proximity to major transport junctions creates opportunities for landmark or gateway buildings that appropriately define these locations and knit the subject site into the town centre itself.

Merrylands is transforming significantly into a podium and tower town centre, transitioning to high, medium and low-density residential land uses typical of a transit-oriented centre.

Whilst the centre is transitioning, it is currently a mix of building typologies and scale. Older buildings are generally lower scale, with newer development responding to planning controls that permit modern, taller buildings. Contextually building heights near the subject site are:

- 7 to 15 storeys to the north of Neil Street.
- Generally, 6 to 7 storeys to the east of the railway line.
- 13 storeys to the west of the subject site on 2-6 Gladstone Street.
- 4-20 storeys on 228 Pitt Street, west of the subject site.
- 18 storeys on 242- 252 Pitt Street, west of the subject site.
- Between 12 to 24 storeys west of the site, along Main Street (Merrylands Road).
- 9-19 storeys south of the subject site on the RSL club development site.

Figure 4 below provides a notation of the heights achieved in the Merrylands town centre via approved DAs, development under construction, and built development, noting that heights will continue to increase consistent with the current planning controls.



Figure 4: Broader Context, including recent and approved developments (Source: PTW 2023)



N.T.S

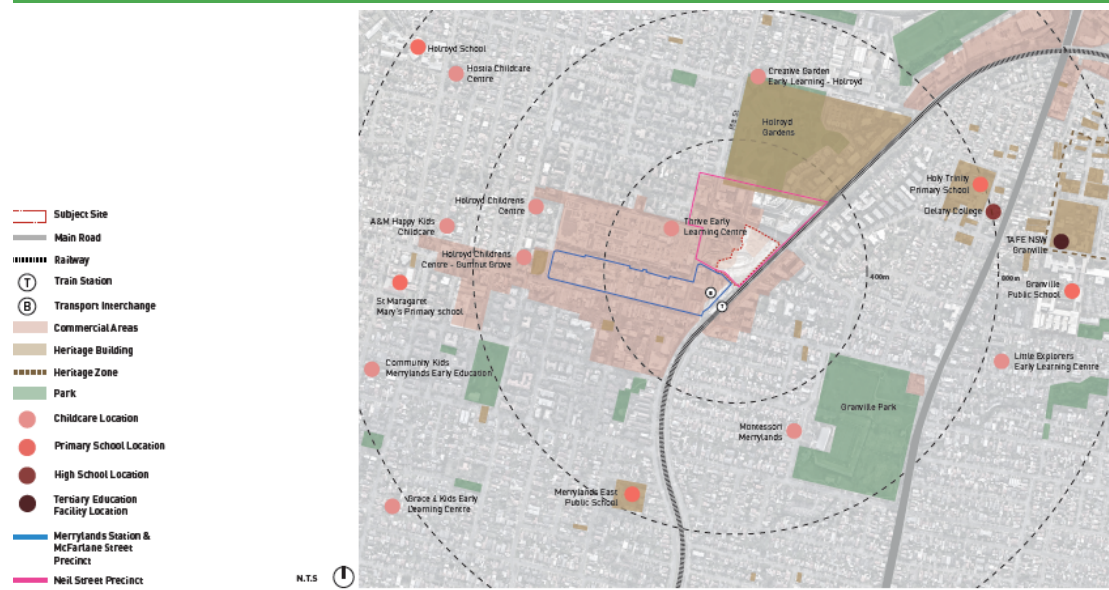


The Merrylands town centre is typical of many in Western Sydney, with a traditional main street that has become secondary to mall-based retail and entertainment experiences, creating a context where activity is largely internalised – rather than within an active street context. In this vein, Stockland Merrylands occupies a vast area of the Merrylands Town Centre (around 6 hectares), presenting poor frontages to McFarlane Street, Pitt Street, its northern boundary, and Treves Street. It has become the central focus of the town centre, consistent with other centres around Sydney that have transitioned from railway/mail street town centres to a car-based and inward-looking retail mall centre.

In recent years, Cumberland Council has introduced changes to its controls within the Merrylands Town Centre, aiming to re-balance the centre by introducing a development model that stimulates both the main streets whilst supporting the existing Stockland Mall. In this light, new developments are springing up in Merrylands with a podium and tower element, providing fine grain retail and commercial space and a 'living population' in the heart of Merrylands. These changes are vital to support the revitalised Merrylands Town Centre, providing an alternative offering to that within the Stockland Mall.

Merrylands is well serviced through various community services, including schools, TAFE, child care, community centres, parks and public spaces – including the new Civic Place and open space near the subject site. A high-order analysis of the community and public facilities supporting the Merrylands Town Centre is provided in Figure 5 below.

Figure 5: Parks and community uses and facilities nearby (Source: PTW 2023)



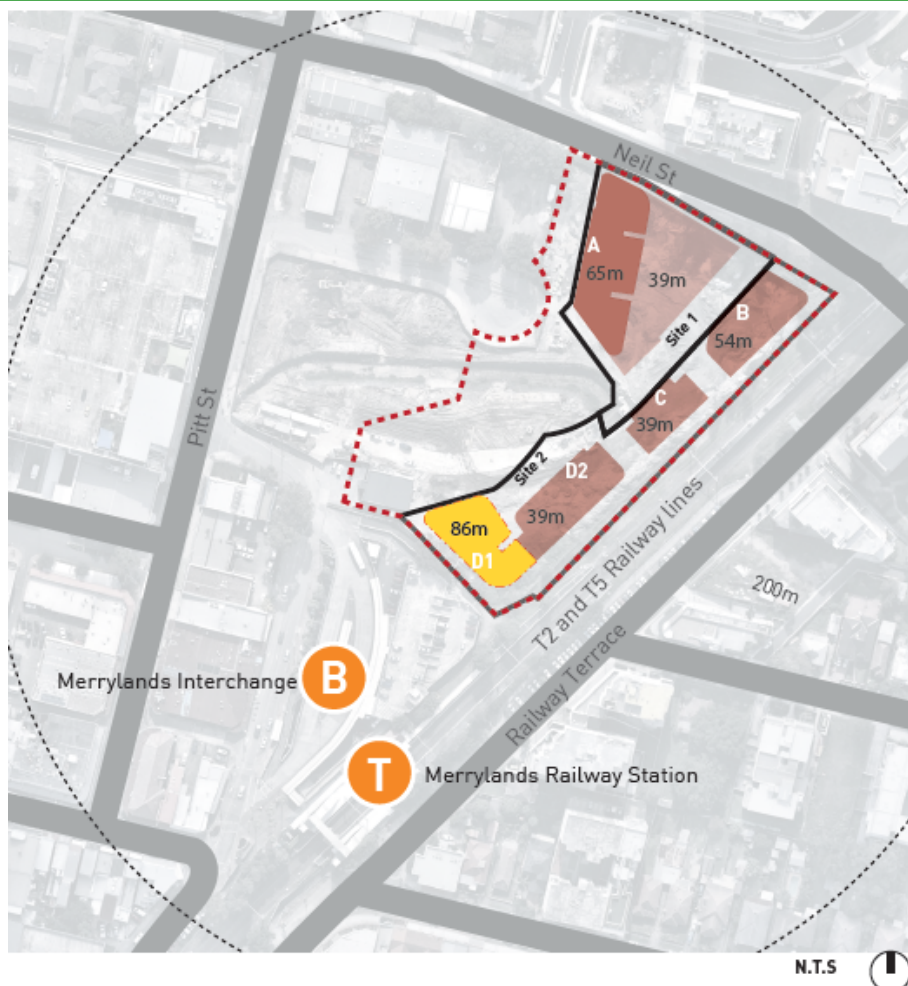
SCOPING REPORT

The Local Environmental Plan Making Guidelines (August 2023), prepared by the Department of Planning and Environment, recommend that a proponent submit a scoping proposal to the Council and request a pre-lodgement meeting.

A Scoping Report was prepared for the site and submitted to Cumberland Council in November 2022, updated and resubmitted in December 2022. On 5 May 2023, Cumberland City Council provided formal feedback on the Scoping Report. Following discussions with Cumberland Council during May 2023, the Planning Proposal request has been updated with Site 2 showing:

- A height of 86m applying to the area shown in Figure 6, with the balance of the site retaining its existing height.
- A FSR of 6.6:1.

Figure 6: Building envelopes showing distribution of height over Site 2 (Source: PTW)



A brief comment on the pre-application advice letter is provided below.

Table 3: Feedback and response to pre-application advice letter

Feedback	Comment
<p>1. There is no modulation proposed in the floor plate of the tower, with the standard residential floor plate being extruded for the entire additional height. This does not recognise any transition or the requirements of the ADG for increased separation distances as towers get taller. It also does not allow for a diversity in unit size across the additional floors. The resultant tower is bulky and deeper than the ADG recommended 18m, which results in reduced resident amenity, as evidenced by the 'snorkel' style bedrooms that face the notch intended to provide light and ventilation to the access corridor.</p>	<p>Noted.</p> <p>The Planning Proposal Request includes concept plans compliant with SEPP 65.</p> <p>The physical design of the building is a matter for a future development application, noting that the proposal envelopes are consistent with best practice for slender towers that promote fast-moving shadows. In this regard, the proposed footprint of the tower is about 739.5m², less than the generally accepted rule of thumb of 750 m². For reference, the City of Parramatta applies the following floor plates for a residential tower:</p> <ul style="list-style-type: none"> • 800m² for a building that is less than 75 metres high. • 950m² for a building between 75-105 metres high. • 1,100m² for a building that is greater than 105 metres high. <p>Likewise, the residential tower floorplate varies between 750 m² and 800 m² in the City of Sydney.</p> <p>Accordingly, the concept submitted within this proposal confirms that a future tower can be developed with a floor plate delivering high levels of amenity within and external to the building. Refer to the Urban Design Study by PTW for further details.</p>
<p>2. The impacts from the additional height will be evident in the shadow it casts across the other side of the railway line, which will also impact areas to the south, including the station and bus interchange, and as it is longest in the north west/south east axis, it casts the biggest shadow during the morning, over this public space. The provision of an awning at the base of this tall building is not expected to ameliorate the wind effect. View impacts of the proposed additional will detract from the focus created by the strategic intent of utilising height to focus on the development and civic open space along McFarlane Street.</p>	<p>Following discussions with Council in May 2023 after receipt of the scoping report feedback, the proposed height has been reduced from 115m to 86m. The submitted Urban Design Study by PTW confirms that there will be no shadow impact due to the slenderness of the tower, which ensures they are fast-moving.</p> <p>Wind impacts can be satisfactorily addressed during the development assessment process.</p> <p>The proposed tower will not impact any views or the prominence of the civic open space along McFarlane Street.</p>

This proposal seeks to refine existing controls associated with the Merrylands town centre by understanding constraints and exploring the local area's opportunities. There is an excellent opportunity to re-balance the town centre by introducing a tower adjacent to the future marker building for the Merrylands public transport interchange. This provides a better contextual fit with the town centre as it achieves its anticipated heights by facilitating an improved transition in scale. The proposal will enable an improved massing arrangement within this part of the Neil Street Precinct, with a greater diversity of building heights along the rail corridor.

This should serve to enliven and visually relieve existing planned streetscapes. All of the above can be achieved through greater building height to a single small-footprint tower already part of the Site 2 DA submission, at Building D1 South located on the southernmost corner of the subject site. The current planning framework with particular reference to building height, embodies a certain disconnect in terms of the transitional relationship between the Town Centre and the Neil Street Precinct, particularly regarding the heights of buildings.

There is currently a lack of identity to the public transport interchange and a limited ability to read the location of that interchange from afar. A marker tower, however, will be identified from most public domain areas within the Town Centre. The south of our site, being at 12 storeys, needs to transition upwards to the future interchange and the current southern end of McFarlane St.

Adopting an increased height to Building D1 South would improve this absent relationship to the McFarlane Street-focussed town centre. It will provide a more varied urban design outcome to the railway edge of the Neil Street Precinct.

3. The proposal seeks to justify the proposed additional height via also proposing additional height on the adjacent interchange site, which is actually two sites, one of which is owned by Council, and one by Transport for NSW, therefore any development would require amalgamation of these sites. Noted. The Scoping Report advice from Transport Asset Holding Entity notes that the commuter car park site has redevelopment potential. This Planning Proposal Request acknowledges the potential redevelopment opportunities on the commuter car park, including showing development possibilities including on the Council site. This is important contextually because if understood more holistically there is an exceptional opportunity for development on the Council and

	<p>Transport land to create a high-quality public domain area and marker building on that land. We reiterate the plans provided are conceptual and designed to demonstrate a potential outcome- and not reflect a pre-determined outcome. It shows the potential for that site and how it could activate the transport interchange but this proposal does not proposed changes on that land and does not rely on those sites- but in our view gives guidance as to how it could be redeveloped to improve the Merrylands Town Centre.</p>
<p>4. Granville is considered to be a comparable situation. Both stations service Local Centres and are located close to the Strategic Centre of Paramatta. Granville has building height controls of 52m around the station, which is equivalent to approximately 16 storeys.</p>	<p>Noted. On 24 May 2023, the proponent had a meeting with Council where no issue was raised with a Planning Proposal Request being submitted with a height of 86m and FSR of 6.6:1 over the entire site, subject to assessment. The proposal has acknowledged this and reassessed the urban design form and desires a suitable transition between this site and the balance of the town centre. We also note that Granville features towers much higher than 52m and critically Merrylands Town Centre to the west and south of the site is up to 105m and so the provision of a suitable relationship to the balance of the Town Centre is the design rationale and is enshrined in the PTW scheme with the massing diagrams showing clearly the contextual 'fit' of the additional height to the tower.</p> <p>A more recent RFI request from Council suggested that the FSR be identified over the subject site. This has occurred and the FSR increase now only applies to site 2.</p>
<p>5. Access via the one driveway proposed along the south western boundary that cuts across the proposed RE1 public open space, between Building D and the bus interchange and station site may result in a significant area of pedestrian and vehicular conflict where Terminal Place and McLeod Street intersect, and where driveways accessing the various developments also access McLeod Street, as well as the bus terminal, loading dock areas and the garbage handling areas.</p>	<p>Noted. This is a matter for consideration in a future Development Application and the proposal has considered these comments.</p>
<p>Further to that, Council's Engineer also provided below comments.</p> <p>a) The number of parking spaces provided by the applicant shall comply with the Cumberland DCP 2021 and the relevant standards.</p>	<p>Noted. Can be addressed in a future DA.</p>

- | | |
|--|--|
| b) The applicant shall provide a network SIDRA model in the area to demonstrate that the increased traffic will not have a significant impact on the existing road networks. | Noted. TfNSW have requested a traffic report should a Gateway Approval be granted. |
| c) The applicant shall provide sufficient sight distance at the driveway to ensure vehicles can safely access the proposed development. | Noted. |
| d) The applicant shall ensure that waste vehicles can safely/easily access the site to collect waste bins. | Noted. Can be addressed in a future DA. |

Council's Officers are of the view that the following additional studies will need to be submitted with any future Planning Proposal Request:

- | | |
|--|--|
| <ul style="list-style-type: none"> • Draft amendment to the Cumberland DCP 2021 for the precinct. | Noted. Should a Gateway Determination be granted, a draft amendment to the DCP can be prepared based on the information contained with the Urban Design Study. |
| <ul style="list-style-type: none"> • A social impact assessment to demonstrate the community benefits as a result of this proposal. | Noted. The PP includes a social impact assessment. |
| <ul style="list-style-type: none"> • A concept master landscape plan to show the design of communal open spaces and proposed planting, etc. | Noted this is reflected in the package. |
| <ul style="list-style-type: none"> • Traffic, transport, car parking, access and movement assessment (including garbage truck access, loading dock and truck access provisions for the commercial uses and inclusion of delivery vehicles and turning on site). | Noted- this has been commissioned and will be submitted in due course. |
| <ul style="list-style-type: none"> • Letter of offer, if applicable. | A letter of offer is attached. |

Transport for NSW (TfNSW)

General

Should the proposal receive Gateway Approval, the Planning Proposal should be supported by a Traffic and Transport Study which addresses the following matters:

- Estimated travel demand:
 - Pre-development and post-development scenarios
 - Potential impacts on existing and future transport networks
 - Potential services and mitigating infrastructure required to support the proposal (if required)
 - Arrangements required to provide the above mitigating infrastructure

Noted and can be addressed post-gateway should approval be issued.

- Approach to on-site car parking (including details on car parking rates such as breakdowns of parking spaces per land use and any proposed shared use arrangements)
- Active transport requirements
- Proposed assumptions (i.e., traffic generation rates, public transport mode shifts, trip containment, directional split etc).
- Measures to support Transit Oriented Development.

Rail related matters

- The proposal to amend the FSR (from 5:1 to 6.4:1) and height (from 37m to 115m at 4-4A Terminal Place, Merrylands which is near Sydney Trains rail corridor must take under consideration the potential effects of future development on the safety and structural integrity, and the continued safe and effective operation, of rail infrastructure facilities in the rail corridor. Given the scale of development involved and extent of potential excavation on site, it is paramount that the developer approach TfNSW - Sydney Trains early in the design process (as part of post Gateway Approval discussion) to ensure that all relevant Sydney Trains matters of consideration are considered and are incorporated in the future design of the development. These considerations include, but are not limited to geotechnical and structural details, construction methodology, setbacks and anti-throw elements being incorporated to openings where required. Further considerations include relevant requirements and standards within State Environment Planning Policy (Transport and Infrastructure) 2021, 'Development Near Rail Corridors and Busy Roads – Interim Guidelines', Asset Standards Authority, etc. Noted.
- An adequate setback must be maintained across the entire length of the common boundary with TAHE (Transport Asset Holding Entity) land/rail corridor to enable the construction and future maintenance of all buildings without relying on Access to TAHE land. Noted.
- The future design of the development must incorporate anti-throw mechanisms for all openings within 20m and facing the rail corridor. Noted.

- Future residential development on the site would be impacted by train noise and vibration, as the site is adjacent to the railway line. An acoustic report in accordance with the DPE Interim Guidelines must be provided along with the future development application to ensure that the residential development will account for vibration and noise from the rail corridor to protect the lifestyle of the new owners. Noted.
- TfNSW also has the delegation to act on behalf of TAHE as the landowner of rail land. As TAHE is an adjoining landowner, it is requested that Council and developer liaise with Sydney Trains throughout each stage of the planning and development process of this site. Any matters pertaining to rail land issues can be directed to da_sydneytrains@transport.nsw.gov.au. Noted.

TFNSW - Transport Asset Holding Entity (TAHE) Comments

As neighbouring land owner of Lot 1 in DP 209516 (commuter car park), TAHE would like the following matters to be considered by Council in the assessment process:

- **Setbacks**

As per the Apartment Design Guide (ADG) under Part 3, Object 3F-1 for Building Separation, the minimum required separation distances from buildings to the side and rear boundaries are as follows: Noted

Building height	Habitable rooms and balconies	Non-habitable rooms
up to 12m (4 storeys)	6m	3m
up to 25m (5-8 storeys)	9m	4.5m
over 25m (9+ storeys)	12m	6m

Any future building envelope should be adequately setback as required by the ADG. The proposed design should in no way rely on TAHE owned land or assets for variations to minimum setbacks and the like. Furthermore, allowable height, and massing controls on the subject site should take into consideration a potential redevelopment of the commuter carpark at a future date in terms of privacy and overshadowing.

- **Overshadowing**

The building envelope should be designed so as to allow a future redevelopment at the TAHE owned site which could also include a similar development proposal which would require solar Access. The building should include appropriate breaks to allow solar Access to the TAHE owned site (commuter car park) to the west. Noted. The concepts comply with this request.

- **Privacy**

As the TAHE owned site sits adjacent to the west of the subject site, it is requested that Council consider the proposed distance of separation between the windows and balconies (as per the ADG requirements under Part 3, Object 3F-1 Visual Privacy) that face the TAHE owned site. Council is requested to ensure that the minimum separation is to be shared equitably with the applicant's site and ensure that the design in no way relies on TAHE owned land or assets for the variation to minimum separation distances. Noted

- **Traffic Generation**

The proposal should be supported by a Traffic and Parking Management Plan demonstrating that additional vehicular movements will not impact on the entry, egress and general traffic flow at the commuter carpark, and that the development will leave capacity within the local road network for a future redevelopment of TAHE owned land in the vicinity of the site. Noted

- **Car Parking**

The new development must in no way rely on the commuter car park under the ownership of TAHE for residential or customer car parking, deliveries loading/unloading or the like during the construction and future operation phase. Noted

Other Matters

- **Consistency with the strategic planning framework and policy context** Noted and addressed in this Planning Proposal Request.

Any planning proposal lodged for the site will need to demonstrate consistency with:

- Greater Sydney Region Plan and Central City District Plan
- Cumberland Local Strategic Planning Statement

- Cumberland Employment and Innovation Lands Strategy
- New Ministerial Directions released 1 March 2022
- New consolidated SEPPs released 1 March 2022
- NSW Government's recent Employment Zoning Reforms

Cumberland Planning Agreements Policy and Guidelines

Noted, with a letter of offer attached.

URBAN DESIGN PROPOSAL

PTW Architects have prepared an Urban Design Report and Architectural Concept Plan for the subject site. This is summarised below, with later sections of this planning proposal request providing greater detail on the design principles that have guided the proposed outcomes. Importantly, these outcomes represent a significant improvement to the character of the Neil Street Precinct and more broadly the Merrylands Town Centre, supporting council's vision for this potential strategic centre.

The Urban Design Concepts show possible outcomes for the transit interchange site. We consider this important and relevant as it confirms that there are no impacts on the potential redevelopment of the interchange site. It also confirms contextually the 'fit' and desirable outcomes that are possible, with and without the redevelopment of the transit interchange site. It is also noted that showing envelopes on the interchange site, gives comfort to the landowner that their development potential is not impacted, regardless of when they desire to redevelop.

The current LEP height map for Merrylands allows up to 30 storey buildings on key sites located west of the station along the length of McFarlane St and centred on the Stockland shopping centre. However, we believe that Merrylands Station will become an equally strong focus of the future town centre, as the area becomes more urbanised over the next decade. In the Urban Design Study, PTW have found that the town centre planning itself needs to be re-balanced, with this proposal explaining how the subject site can serve to assist in this re-balancing, through the incorporation of a transition tower adjacent to the southernmost end of the site, thus an improved context to the likely future development forms of the interchange site. Both sites next to the Railway Station would re-focus upon the inevitable activation, colour and excitement that a public transport hub creates in a dense urban community.

The subject site currently comprises two mixed-use lots (Sites 1 & 2) with approximately 5,600 sqm of park land to be dedicated back to Council. Neighbourhood shops and cafes can be included at ground floor to activate these new sunny landscaped areas, along with encouraging active transport modes to the transit interchange and train station.



Our block analysis of the built form modelling indicates that increased height and density could be achieved without negative impact to equate with the building block zoning at the southern end of McFarlane St (AB zone). The proposed new tower on Site 2, Building D South (D1) would incorporate a height transition upwards the 'marker tower' located at the key bus Interchange, which might include Merrylands tallest building in the future. This latter node site could offer its own north-facing public landscaped park and plaza, retail activation at ground level and a covered route directly to the Station. This urban design review has driven the Planning Proposal Request. The extent of uplift sought beyond the current controls is: 10302.45sqm increase in GFA, 105 additional units and 47m of additional height.

Figure 7: Landscape strategy and envelopes are consistent with DCP intent (Source: PTW)



Figure 8: Improved contextual fit within the town centre (Source: PTW)



Figure 9: View from corner between Terminal Place and Pitt Street to proposed concept (PTW)

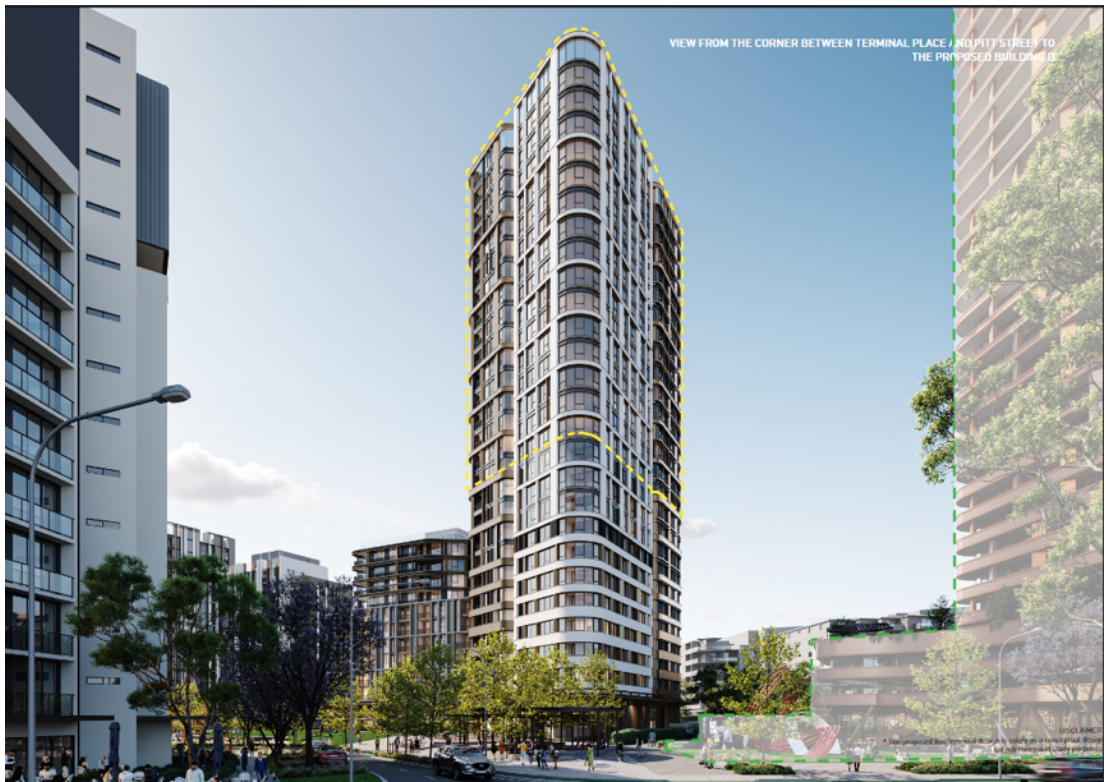


Figure 10: View from the north of railway line to proposed concept (SPTW)



Figure 11: View from south side of railway line to proposed concept (PTW)



Figure 12: Potential public domain extension over the Bus Interchange, linking into subject site (PTW)



LOCAL PLANNING FRAMEWORK

CUMBERLAND LOCAL ENVIRONMENTAL PLAN 2021

Cumberland LEP 2021 is the principal Environmental Planning Instrument that applies across the Cumberland City Council local government area. It controls the land use arrangements over the land (zoning) and other relevant considerations to this planning proposal request, including building height and floor space ratio. For completeness, this planning proposal request also considers local heritage, which is also addressed in Cumberland LEP 2021.

Zone

The subject site is currently zoned E2, RE1 and R4 under *Cumberland Local Environmental Plan 2021* (LEP 2021). Figure 7 is an extract from the land zoning map from Cumberland LEP 2021. This planning proposal request only relates to the lands that is zoned R4 High Density Residential.

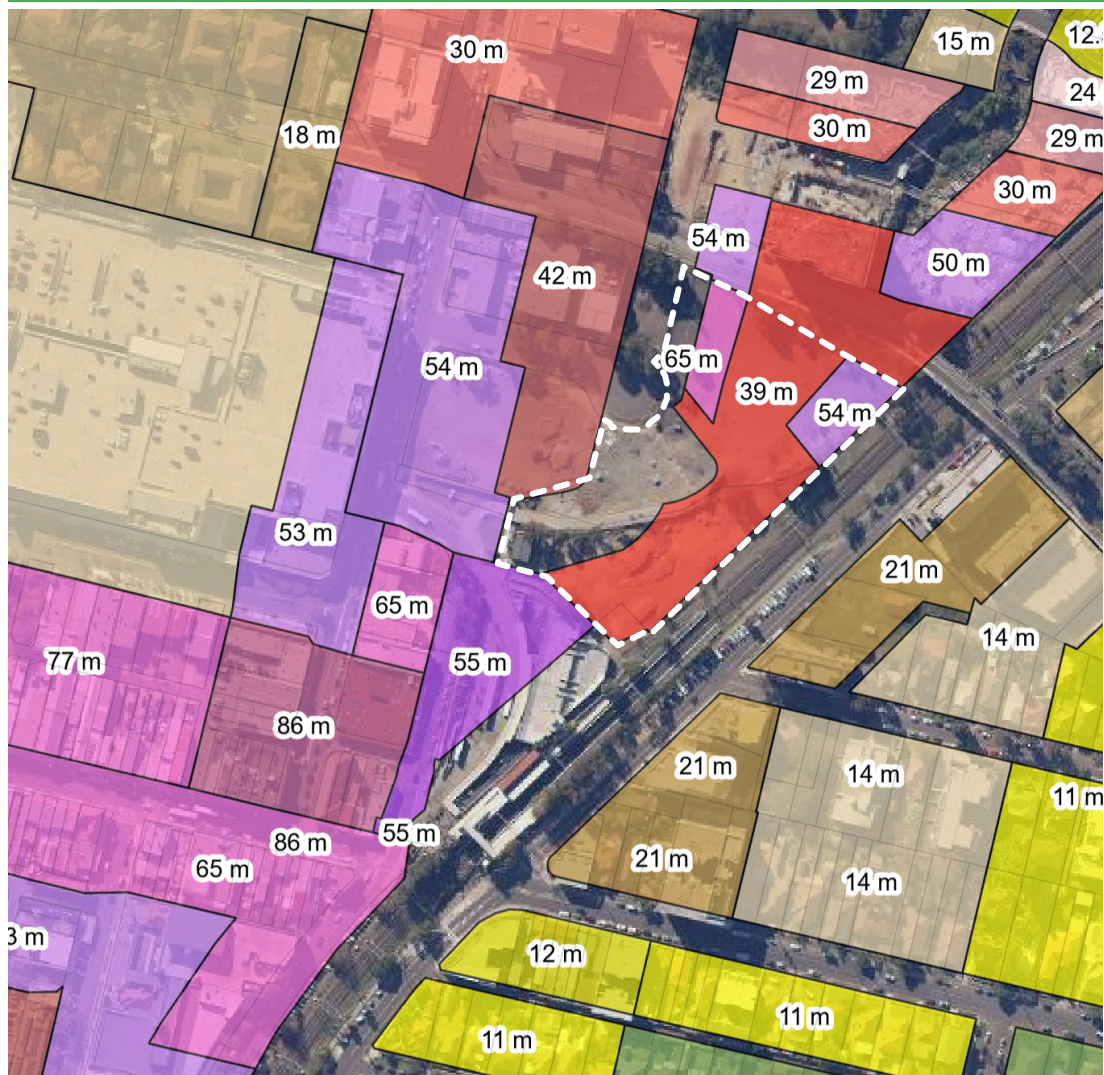
Figure 13: Extract from Cumberland LEP 2021 Land Zoning Map (Source: Spatial viewer)



Height of Buildings

The Height of Buildings Map for the Cumberland LEP 2021 indicates that the maximum building height permitted on the subject site ranges between 39m and 65m. The portion of the site subject to this Planning Proposal Request has a height of 39m.

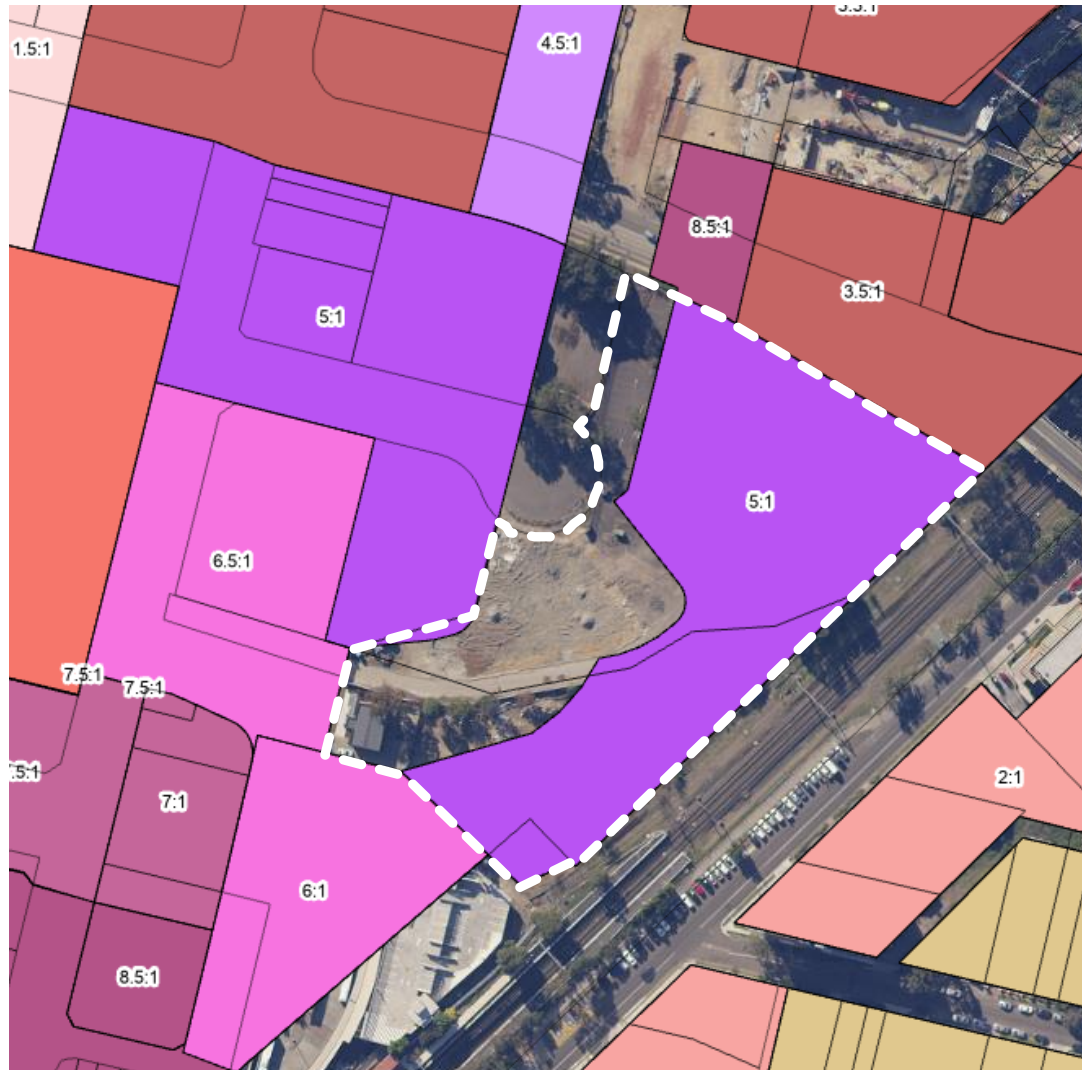
Figure 14: Extract from Cumberland LEP 2021 Height of Buildings Map (Spatial Viewer)



Floor space ratio

The Cumberland LEP 2021 Floor Space Ratio Map shows that the subject site has a maximum FSR of 5:1, with the open space zoned land having no FSR.

Figure 15: Extract Cumberland LEP 2021 FSR Map (Source, Spatial Viewer)



5:1 FSR

Heritage

The site is not identified as a heritage item or located within a heritage conservation area.

Figure 16: Heritage Map Extract from Cumberland LEP 2021 (Source, Spatial Viewer)



Items in the vicinity of the subject site are briefly summarised in the table below,

Table 4: Heritage Items in the vicinity of subject site

Item	Comment
I172 Goodlet & Smith (brickmaking plant and chimney and Hoffman kiln and chimney)	Now known as Holroyd Gardens Nature Reserve, it is located north of the subject site. The subject proposal will not impact the significance of this place, noting consistency with existing building heights within the Merrylands Centre and the separation from the heritage item.

<p>I208 Cottage, located at 59 Merrylands Road, Merrylands</p>	<p>A small cottage known as the Gatehouse to the Sutherland Estate, with the significance of this item, relates to the relative intactness of the cottage, along with its curtilage established by its block size.</p> <p>The subject site will have no impact on this item's curtilage or the building's ability to be understood in context as the former Gatehouse to the Sutherland Estate.</p>
<p>I212 Merrylands Railway Station</p>	<p>The additional height associated with the Planning Proposal Request will not impact the heritage significance of Merrylands Railway Station. It is noted that the proposed height of the Planning Proposal Request is consistent with that within the Merrylands town centre.</p>

PLANNING PROPOSAL REQUEST

The required content of a planning proposal request is set out in Section 3.33 of The Environmental Planning and Assessment Act 1979. To assist with the preparation of a planning proposal request, the DPE have published the Local Environmental Plan Making Guideline (August 2023) which sets out the form and content that is required within the six parts identified below:

- **Part 1 – Objectives and intended outcomes -**
a statement of the objectives of the proposed instrument
- **Part 2 –Explanation of provisions –**
an explanation of the provisions that are to be included in the proposed instrument
- **Part 3 – Justification of strategic and site specific merit –**
justification of strategic and potential site-specific merit, outcomes, and the process for implementation
- **Part 4 - Maps –**
existing and proposed maps, where relevant, to identify the effect of the planning proposal and the area to which it applies
- **Part 5 – Community consultation –**
details of consultation undertaken with Government agencies, council or other authorities, and community consultation that is to be undertaken on the planning proposal post Gateway and during exhibition
- **Part 6 – Project timeline –**
Project timeline to detail the anticipated timeframe for the LEP making process

This Planning Proposal Request has been prepared in a manner consistent with the LEP Plan Making Guidelines, including the specific matters required to be addressed and also the anticipated timeframe.

PART 1 – OBJECTIVES AND INTENDED OUTCOMES

The Planning Proposal Request will provide a land mark tower near the transport interchange. This will facilitate an improved contextual fit with the future character of the Merrylands Town Centre, by providing a transition in height from the town centre to the Neil Street Precinct. The planning proposal request will also activate the area, providing an attractive and safe frontage to the open space, and also for people accessing the transport interchange.

The objective of the Planning Proposal Request is to amend Cumberland LEP 2021 to:

- Increase the building height on Site 2, Building D1, with an associated suitable FSR on Site 2 to facilitate a landmark building adjacent to the transport interchange
- To enable additional permitted uses within Site 2 to facilitate activation of the park edge and a vibrant town centre.

The intended outcomes of the Planning Proposal Request are to:

- Deliver additional housing that meets community needs as identified in the Housing Strategy
- Provide a height and FSR that is more consistent with the site's location within the Merrylands Town Centre and proximity to the train station and transport interchange.
- Improve the neighbourhood's overall quality through delivering high-quality public and private domain.
- Complement the economy within the town centre by providing additional opportunities for employment, adjacent to a major transit interchange and fronting open space.
- Contribute to a mode shift from private vehicles towards public and active transport modes by linking higher densities with public transport accessibility.
- Support NSW Government strategies and policies that seek to capitalise on existing infrastructure by providing greater housing choice and density near public transport, centres, open space, and employment areas.
- Apply a building height and FSR that supports the NSW Government's vision for a more diverse housing mix, leading to greater choice and, ideally, housing affordability.

- Introduce a building height that supports higher building performance and environmental standards, leading to a more sustainable built environment and better living conditions.
- Provide a more cohesive transition in height from the Merrylands town centre to the surrounding areas.

PART 2 – EXPLANATION OF PROVISIONS

Part 2 of the Planning Proposal Request provides an explanation of the provisions that are to be included within the Planning Proposal Request. It includes a written explanation that is supported by mapping where relevant.

Intended provisions

To achieve the objectives and intended outcomes of the Planning Proposal Request at 4-4A Terminal Place, Merrylands, the following amendments to Cumberland LEP 2021 are proposed:

- Amend the Cumberland LEP 2021 Height of Building Map from 39m to a maximum building height of part 86m as shown in Figure 17.
- Amend the Cumberland LEP 2021 Floor Space Ratio Map from 5:1 to a maximum Floor Space Ratio of 6.6:1 as shown in Figure 18.
- Amend the Cumberland LEP 2021 Additional Permitted Uses Map to show the site as Area 29 as shown in Figure 19.
- Amend Part 6 Additional Local Provisions to include the following site-specific provisions for Area 29 on the Additional Permitted Uses Map:

[INSERT NUMBER] Use of certain land at 4-4A Terminal Place, Merrylands

- 1) *This clause applies to the land shown as “29” on the Additional Permitted Uses Map.*
- 2) *Development for the purposes of commercial premises are permitted with consent, with:*
 - a) *the total gross floor area not to exceed 500m², and*
 - b) *the floor space located at ground level of Building D1 and D2 to provide an activated edge to the public domain.*

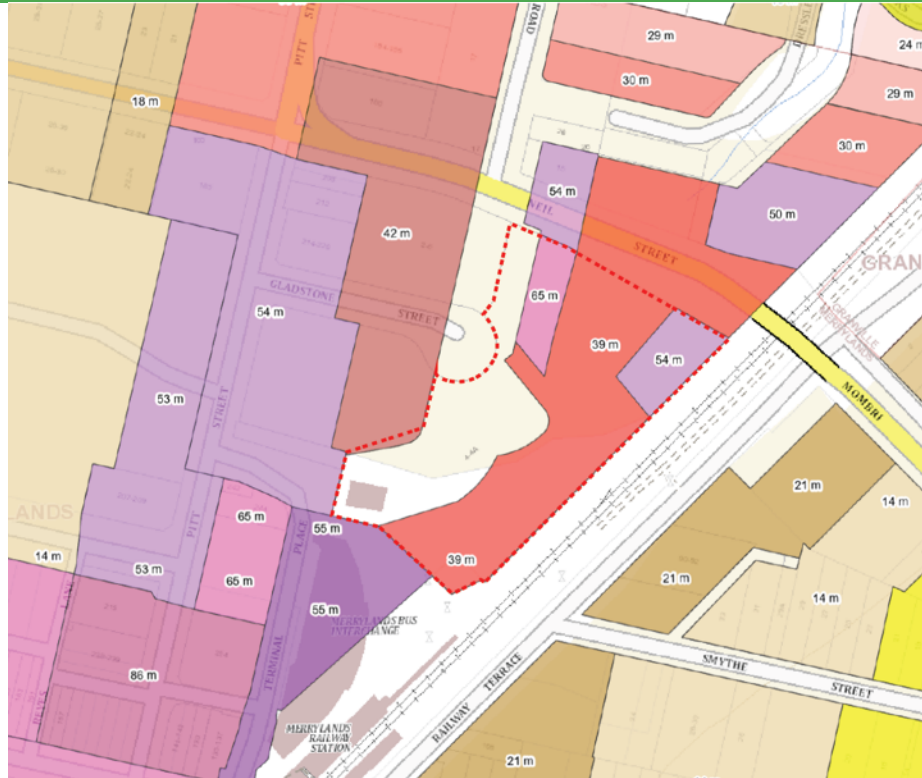
The intent of the additional local provisions is to provide an activated street frontage to provide other land uses to facilitate services to meet the day to day needs of residents.

For context the proposed map amendments are provided in Figures 17 to 19 overleaf.

Discussion on the design principles and outcomes of the feasibility testing follows Figures 17 to 19.

Figure 17: Height of Buildings Map – existing and proposed (Source: PTW)

Existing



Proposed

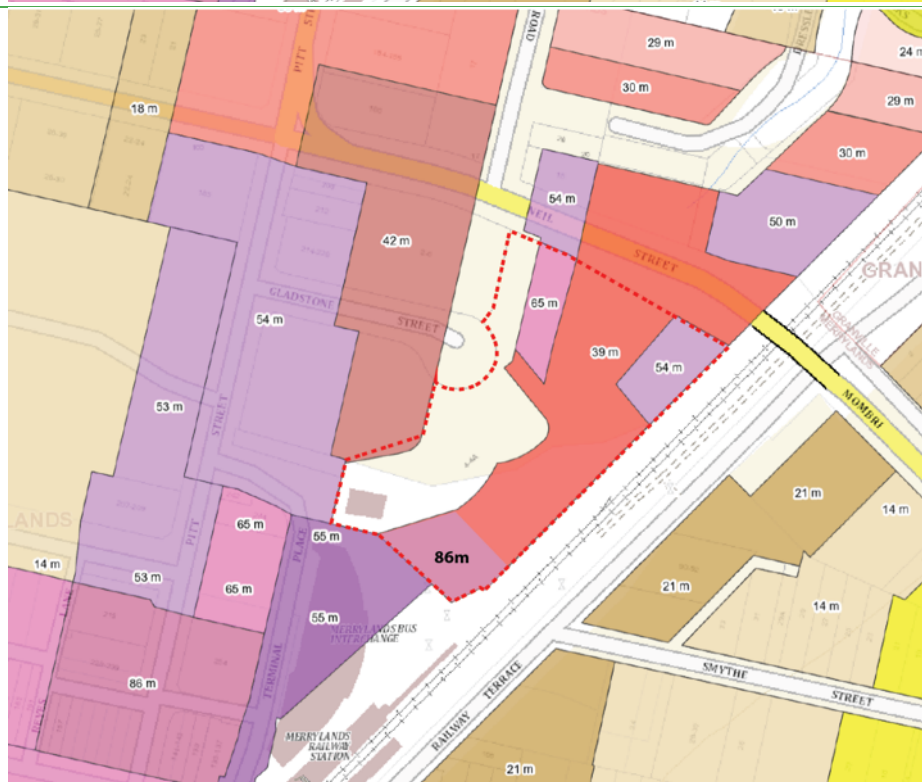
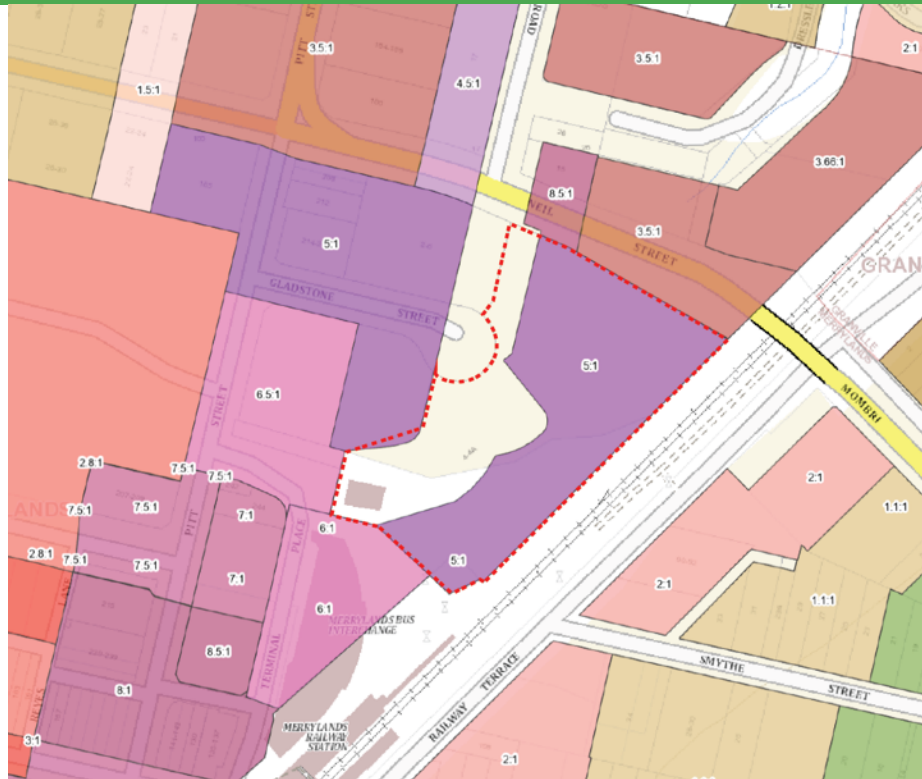


Figure 18: Floor Space Ratio Map – existing and proposed (Source: PTW)

Existing

5:1



Proposed

6.6:1

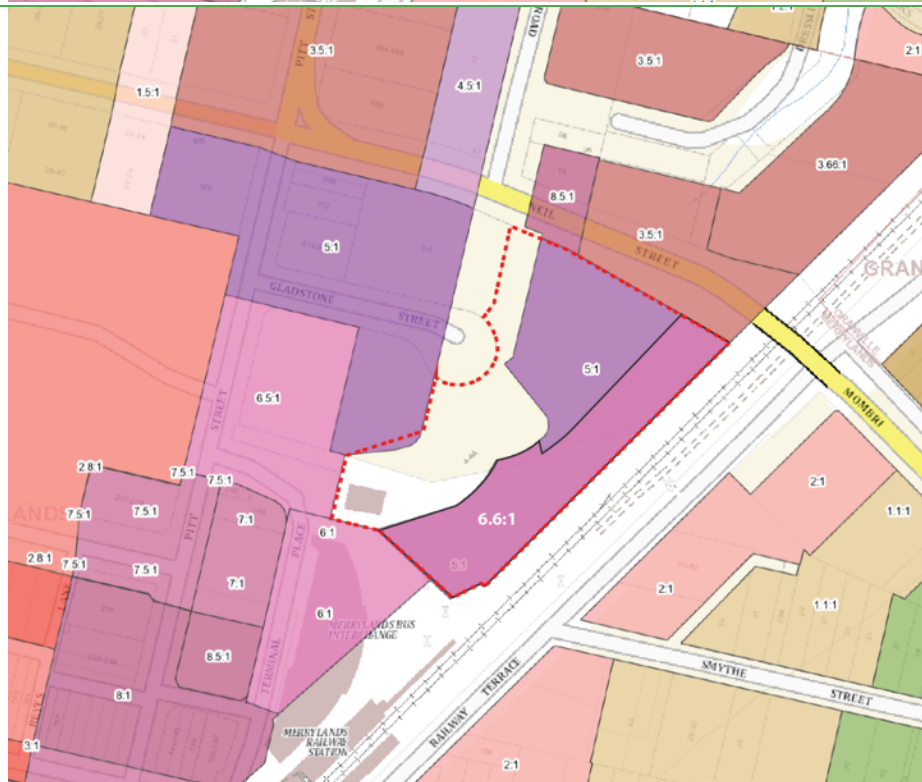
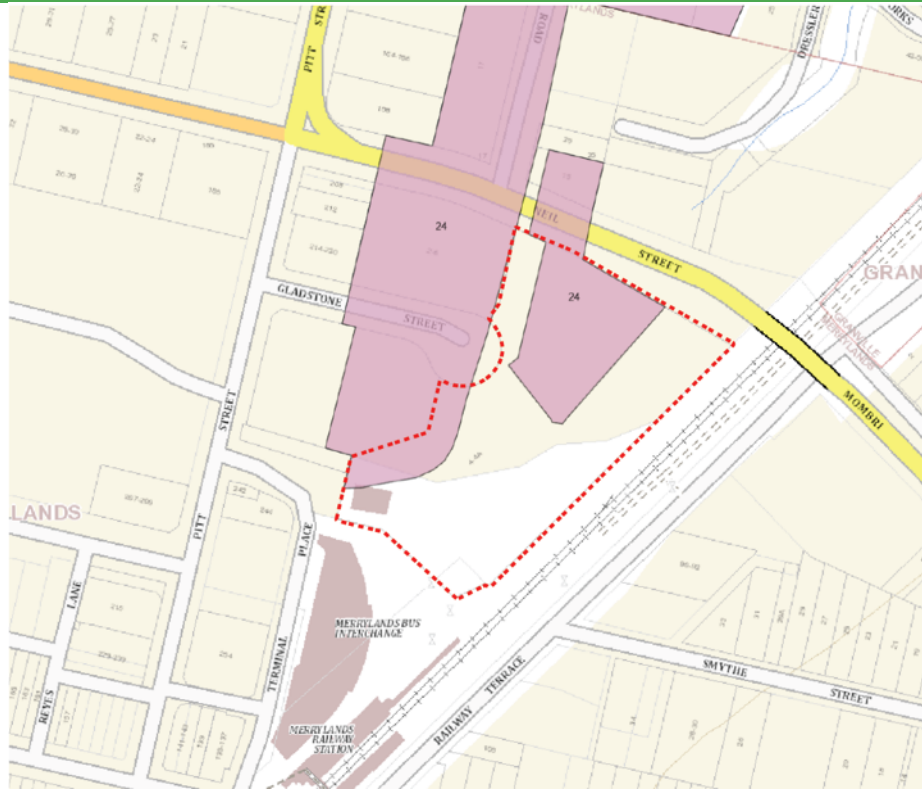
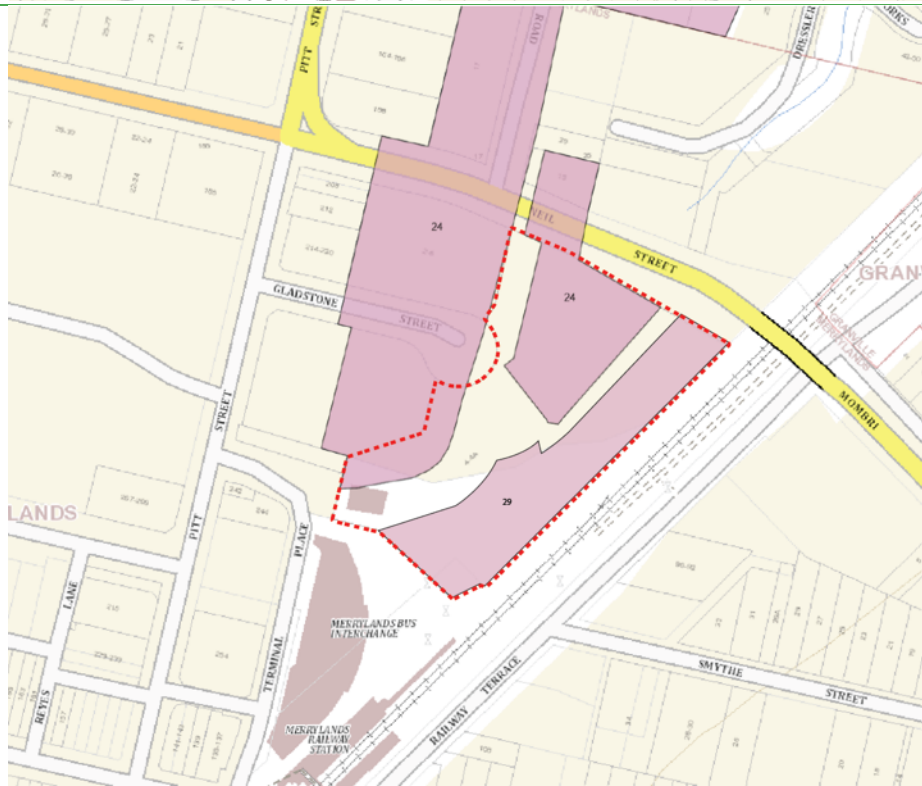


Figure 19: Additional Permitted Uses Map – existing and proposed

Existing



Proposed



The proposed height and FSR controls of 86 m and 6.6:1 reflect concept design provided by the site, which included urban design analysis and testing of built form outcomes by PTW Architects.

PTW have undertaken a detailed analysis of the immediate and broader context which has resulted in a series of design principles guiding the overall built form and public domain outcomes. These principles are as follows:

- Provide a visual marker to assist with the legibility of the town centre, including creating an identity and sense of place within the vicinity of the railway station.
- Provide a more appropriate height transition to the Merrylands Town Centre by locating the tallest building at the southern end of the site, close to the transport interchange and train station
- Improve the massing arrangement of buildings within the Neil Street Precinct by facilitating diversity in building heights, resulting in visual relief
- Ensure that building heights are sufficient to provide generous floor to ceiling heights, along with space for rooftop plant and services, lift overruns, environmental sustainability elements and so forth.
- Recognise the local and regional views and vistas available from the subject site, rather than the limited and blocked views due to taller surrounding development/ opportunities.
- Locate the at the southern end of the site to ensure that shadows do not affect public open spaces
- Enhance the connection between Holroyd Gardens and the subject site by providing an active edge to the green link, along with expanded publicly accessible landscaped areas.
- Provide for enhanced opportunities for pedestrians and cyclists to access the train station and transport interchange efficiently
- Enhance the safety of the public domain, whilst contributing to vibrancy of public spaces through facilitating ground floor active uses.

The proposed maximum FSR and building heights are the outcomes of detailed built form testing by PTW of design concepts. This has confirmed that the appropriate building envelope results in a tower floor plate of about 739.5m², which is 76.5% of the envelope, consistent with the accepted envelope efficiency range. As shown in the attached urban design report and concept plans, future development over the subject site will achieve compliance with all metrics of the Apartment Design Guideline. Refer to attached plans and urban design report for details.

In summary, the findings resultant from the concept design, along with the associated feasibility testing has confirmed that the FSR of 6.6:1 along with the 86m building height on the southern end of the site is appropriate given:

- The strategic context of the site within the Merrylands Town Centre.
- The introduction of a visual marker next to the train station and transport interchange.
- The establishment of a more balanced and appropriate height distribution within the Merrylands Town Centre
- Enhanced environment and public domain.
- The design quality which provides exceptional amenity for future occupants, along with users of the public domain.
- The commercial feasibility of the project.

An additional element of the project is to include a maximum of 500m² of commercial premises floor space as an additional permitted use within the ground floor of Building D1 and D2. Cumberland LEP permits additional permitted uses on certain sites via Cl.2.5 and Schedule 1.

Relevant objectives of the R4 High Density Residential Zone include:

- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To ensure that non-residential land uses are located in a setting that minimises impacts on the amenity of a high-density residential environment.*

The above objectives confirm that the intent of the zone is to facilitate a range of non-residential activities within the R4 Zone. Given the context of the site within the Merrylands Town Centre, its proximity with the transport interchange and train station, and the desire of council for active and safe public spaces, in this instance broadening the range of activities that can occur within a defined area is sensible and consistent with zone objectives. This additional use will be restricted to Building D1 and D2 only at the ground level, with the floor space restriction ensuring that commercial floor area is contained to a single location.

PART 3 – JUSTIFICATION OF STRATEGIC MERIT AND SITE-SPECIFIC MERIT

The strategic merit test is demonstrated through a series of established questions set out in turn below.

SECTION A – NEED FOR THE PLANNING PROPOSAL

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

Yes. A site specific urban design study prepared by PTW has confirmed that the subject site is suitable for increased FSR and building height, along with a minor proportion of additional commercial premises floor space.

The planning proposal request responds to the context of the site within the Merrylands Town Centre, particularly noting its proximity to mass transit infrastructure, public spaces and the town centre itself. As a result of strategic investigations which have identified that:

- A landmark building is better located to the south of the site, reflecting the urban context, with a scale more consistent with its location in the town centre.
- There are opportunities to better activate and use public spaces within the town centre, supporting the range of activities within the town centre along.
- The planning proposal request will provide important public benefits including additional open spaces, and better movement networks for pedestrians and cyclists as they access the transit interchange and train station, along with alternative routes into the town centre.
- Housing supply within the town centre is increased, increasing homes accessible to transit infrastructure, jobs, services, entertainment and open space.

The proposed amendments facilitated within this Planning Proposal Request are not a specific action within either the Cumberland Local Strategic Planning Statement, Housing Strategy, or other strategy or study for the Merrylands Town Centre. The Planning Proposal Request is however consistent with the long term vision of the Cumberland Local Cumberland Local Strategic Planning Statement, which identifies the town centre as the most important growth area across the LGA, with the LSPS projecting an additional 24,373 residents by 2036.

The Planning Proposal Request is consistent with all relevant strategic plans, with Part B discussing the relationship to the strategic planning framework.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. It is considered that the Planning Proposal Request is the best means of achieving the stated objective of urban revitalisation of this land. The Planning Proposal Request is undoubtedly the most efficient mechanism available for stimulating urban renewal and accelerating the delivery of high-density housing in a manner consistent with the strategic directions established in the documents, including A Metropolis of Three Cities – Greater Sydney Region Plan, the Central City District Plan, Cumberland LSPS and Cumberland Local Housing Strategy.

Other options considered include:

a) Formal submission to a principal LEP

Cumberland LEP 2021 is a recently made principal LEP, with its review at least five years away. This pathway is, accordingly, not open.

b) Submission on Council's Planning Proposal Request

The Council is not preparing a planning proposal request for the Merrylands Town Centre. This pathway is, accordingly, not open.

c) Cl.4.6 Variation

The additional height and FSR proposed are not due to the proposal being unable to comply due to site constraints. In addition, food and drink premises are prohibited within the zone, meaning an alternative mechanism is required.

Accordingly, a proponent-led planning proposal request is the only mechanism for achieving change over the subject site that contributes to providing a better height transition within the town centre, a marker building denoting the location of transport infrastructure (rail and interchange), meeting housing demand, office floor space demand, reducing car dependency, facilitating greater use of active transport, and ongoing support of the Merrylands Town Centre as a Strategic Centre.

This site-specific planning proposal request allows the proponent to provide detailed urban design and site-specific investigations to support the requested changes in height and FSR. It will allow for the site to be contemplated in detail, particularly regarding its urban form, response to constraints like flooding, and integration with broader State and local strategic plans and priorities. Accordingly, the planning proposal request is the most suitable means of achieving the objectives and intended outcomes for the site.

SECTION B – RELATIONSHIP TO THE 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)?

Yes

Metropolis of Three Cities

The planning proposal request is consistent with the GSRP and is aligned with these key themes, directions, metrics and objectives by:

1. **Infrastructure and collaboration.** The subject land is within 100m of Merrylands train station and the existing strategic centre. The site has easy access to existing health services infrastructure and existing schools, including St Margaret Mary Primary School, Fowler Road School and Holroyd School. The site is located just 3.3km south of Parramatta, the Central River City and has an easy bus ride less than 20 minutes to Parramatta Station, which is well within the 30-minute city scenario.
2. **Liveability.** The architectural design drawings provided with this Planning Proposal Request and the urban design study show that liveability for the future residents is a primary consideration for the future building design. Solar Access and cross ventilation have been maximised along with general compliance with the requirements of the Apartment Design Guide. The pedestrian environment will be activated and improved because this Planning Proposal Request connects the residents in and around the Merrylands strategic centre.
3. **Productivity.** The proposal capitalises on the existing Merrylands strategic centre. It will ensure there with sustainable future growth within this existing centre. The proposal creates a more accessible and walkable city with enhanced activation of pedestrian links and opportunities for bicycle riding, as well as promoting additional local jobs by placing additional residents within Merrylands.
4. **Sustainability.** The Planning Proposal Request facilitates building capacity based on existing and committed infrastructure. This seeks to shape a solid and connected community by delivering catalytic development and creating resilience within this revitalised precinct.

The Greater Sydney Region Plan presents a polycentric approach to Sydney, reinforcing the significant role of Parramatta sitting at the heart of Sydney. Merrylands is a significant precinct supporting the continued vitality and growth within the Central City. As Greater Sydney experiences a housing shortage and ever-increasing property prices, future generations will rely on housing being provided in centres such as

Merrylands. The proposal will assist with delivering new housing that can lessen the pressure on housing affordability by delivering supply in this crucial location of Merrylands.

The proposal aligns precisely with Planning Priority N1 and N5 of the Metropolis of Three Cities by providing additional housing in a location serviced by infrastructure, expanding housing supply choice and affordability in a location with Access to jobs, service and public transport:

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

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

The proposal is consistent, particularly with the following objectives of the Plan:

Objective 10: Greater housing supply

The NSW Government has identified that 725,000 additional homes will be needed by 2036 to meet demand based on current population projections. By 2056, it is anticipated that more housing supply will be required to meet Greater Sydney's continued strong population growth.

The proposal will allow for the construction of high-density units within 30 minutes to strategic locations such as Parramatta. It will contribute to meeting the target for additional homes needed to contain the planned population projections.

The Plan emphasises 'more housing in the right locations':

Opportunities for urban renewal need to be considered by location and by capacity of existing and proposed infrastructure. Locational criteria for urban renewal investigation opportunities include:

- *alignment with investment in regional and district infrastructure which acknowledges the catalytic impacts of infrastructure such as Sydney Metro Northwest and Sydney Metro City & Southwest, NorthConnex, WestConnex, CBD and South East Light Rail, Parramatta Light Rail, Northern Beaches Hospital.*

- *accessibility to jobs, noting that over half of Greater Sydney's jobs are generated in metropolitan and strategic centres.*
- *catchment areas within walking distance (up to 10 minutes) of centres with rail, light or regional bus transport*

The subject site is located near the Merrylands transport interchange (bus and rail)-immediately adjacent to this land.

The subject site is near the Parramatta CBD (the Central City District), which is earmarked by this plan as a major business hub with significant employment opportunities. Furthermore, given the proximity to public transport, the site is considered to have a high level of accessibility to jobs.

The plan also emphasises housing needs and diversity, with principles as follows:

- ***Housing need:*** *the projected housing need and demographic characteristics of the existing and growing community, including different cultural, socio-economic and age groups and the availability of a range of housing types, tenures and price points.*
- ***Diversity:*** *including a mix of dwelling types, a mix of sizes, universal design (refer to Objective 6), seniors and aged-care housing, student accommodation, group homes, and boarding houses.*

The proposal can allow for the construction of high-density dwellings (approx. 161), and the proposed housing will be able to provide dwellings within the 30-minute catchment to Parramatta CBD (as identified by the Cumberland Local Housing Strategy).

Central City District Plan

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

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

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

- Increasing diversity of housing choice.
- Delivering housing to meet strategic housing supply targets.
- Expediting the delivery of new housing stock to ease the pressure of demand results in a generally more affordable housing product.
- Contribution to energy efficiency aims to deliver a development meeting environmental performance criteria.
- Reduced emissions through both building environmental performance and reducing reliance on private vehicle travel. Focusing increased housing on the subject site, which is highly accessible to local bus and train services, means that future residents are likelier to walk, cycle and use integrated public transport systems.
- It is enhancing the role of Merrylands as the economic anchor with the vision to deliver both jobs and housing.

Planning Priority C5: Providing housing supply, choice and affordability, with Access to jobs, services and public transport

The proposal will allow for the construction of high-density apartments, which will fulfil the housing needs of the locality in immediate proximity to the Merrylands Transport interchange.

The subject site is near Parramatta CBD (the Central City District), which is earmarked by this plan as a significant business hub with great employment opportunities. Furthermore, given the site's access to transport infrastructure, the Sydney CBD is accessible to the site, providing significant employment opportunities.

Therefore, the site is considered to meet the objectives of planning priority C5 by providing housing supply options that meet the locality's needs, with Access to jobs, services, and public transport. An extract of the Central City District Plan is provided below.



Figure 20: Central City District Plan extract (Source: Greater Cities Commission)



Planning Priority C17: Public open space is accessible, protected and enhanced

The proposal will provide a new and expanded open space in the centre of the site and likely provide a much greater level of embellishment than planned under the current Section 7.11 Plan.

Planning priorities specify that high-density development should be within 200 metres of quality open space. The subject site satisfies the criteria given the proposed open space, proximity to Holroyd Gardens, and public spaces like the Civic Park in the town centre.

Therefore, the site is considered to meet the objectives of planning priority C17 by providing additional quality open space and proximity to a nearby park to meet the needs of the locality and future residents.

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

The proposal is consistent with the adopted LSPS and strategic directions for the Merrylands town centre.

Cumberland Local Strategic Planning Statement

The Cumberland Local Strategic Planning Statement came into effect on 31 March 2020 and sets out the 20-year vision for land use planning for the Cumberland area. The LSPS contains 16 planning priorities under four key themes, linked back to the Greater Sydney Region Plan and Central River City District Plan, which are:

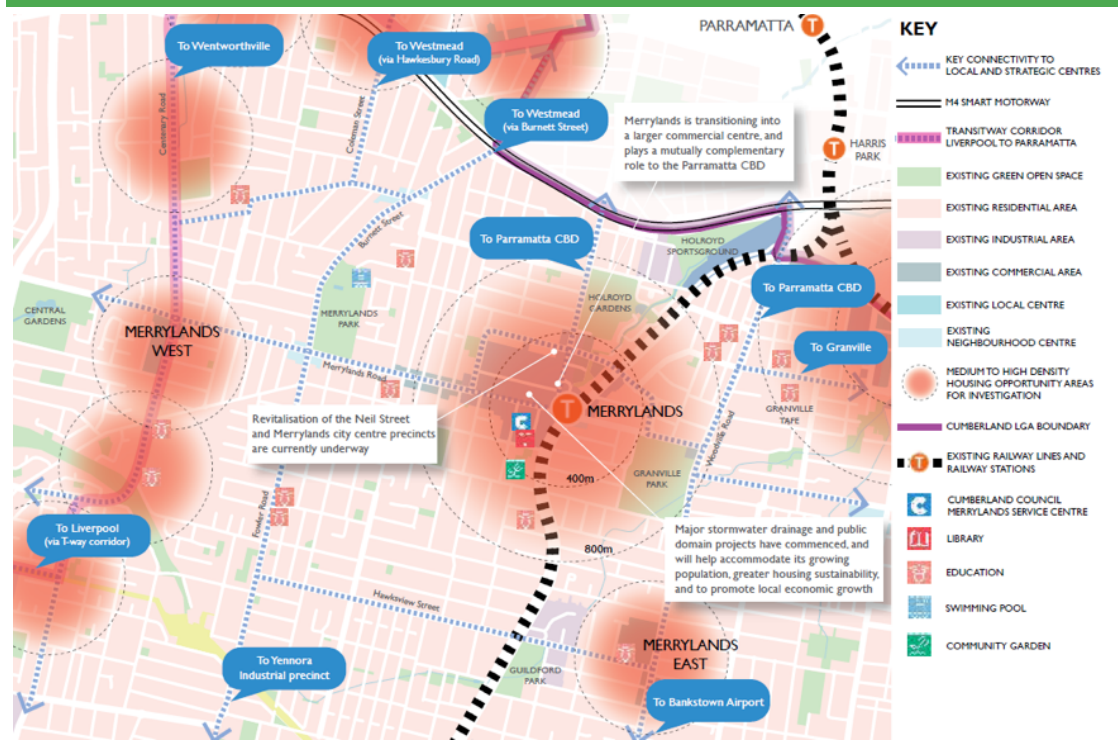
Region Plan/ District Plan Theme	LSPS Theme
Infrastructure and Collaboration	Getting around: Access and movement
Liveability	Place and spaces for everyone: Housing and community
Productivity	Local jobs and businesses: Economy, employment, and centres
Sustainability	The great outdoors: Environment and open spaces

The LSPS outlines a strategic land use framework to deliver the vision of Council that is outlined in the LSPS. This includes a structure plan for the LGA, with detailed visions prepared for specific areas like the Merrylands Town Centre. The Merrylands Town Centre is identified as a proposed Strategic Centre, with the Council advocating for its status as an essential satellite centre to Parramatta to be recognised. The town centre is identified as continuing to be the main focal point for growth, having the following opportunities:

- *Strategic merit at the core of Merrylands centre to deliver additional housing and jobs supply.*
- *Improve accessibility to key social, community and open space assets.*
- *Investigate opportunities to deliver shared use and co-locate community facilities via Council-owned and State-owned assets.*
- *Promote active transport by improving pedestrian and cycle links, connections to/ from Merrylands to key locations.*
- *Improve public safety in Merrylands centre, with particular attention to the station and local parks through passive surveillance design.*

It is notable that the LSPS recognises the revitalisation of the Neil Street Precinct and a critical project within the town centre. These revitalisation projects are underway, with this Planning Proposal Request providing a valuable opportunity to further stimulate and consolidate public domain improvements, additional living opportunities within the centre, along with localised commercial activity to stimulate park edges and destinations like the transport interchange and train station. This Planning Proposal Request therefore delivers on the key opportunities identified in the LSPS for the Merrylands Town Centre. It will support sustainable communities through containing growth in appropriate locations close to transport infrastructure, urban services within the town centre, and attractive public domain.

Figure 21: Merrylands Structure Plan (Source: Cumberland City Council)



The planning proposal request is well placed to assist Council in achieving the strategic vision and opportunities within the Merrylands Town Centre.

In addition to the above the proposal is further consistent with the following aspects of the Cumberland LSPS:

- **5. Getting around – Access and movement** – The proposal is aligned with the type of transport-oriented development promoted by the LSPS. The proposal will result in an increase in residential density within the western portion of the Merrylands Town centre, with good Access to a range of public transport options, including Merrylands train station, that connect

Cumberland's town centres and employment hubs, both locally and to Greater Sydney.

- **6. Places and spaces for everyone** – The proposal will increase the number and variety of housing types available in Merrylands, to meet the needs of Cumberland's growing and changing population. The site will facilitate a modern development that will provide a high level of amenity for people living in and around the development, providing many opportunities for recreation and social connection.
- **7. Local jobs and businesses** – The proposal will help to sustain a strong and diverse local economy by making it possible for more people to live within Merrylands Town centre. It will promote Access to local jobs, education opportunities and care facilities. Specifically 60 additional short term employment opportunities will occur over a 9 week period to construct the additional levels to the building.

The Planning Proposal Request will encourage diversity and liveability of places and will enhance the status of Merrylands as a village in which people want to reside, work and visit. The Vision, specific actions and priorities that are relevant are addressed in the table below.

Table 5: Response to Cumberland LSPS

Cumberland LSPS	Comment
Vision <i>Cumberland is a diverse and inclusive community, offering easy access to jobs and services, with places and spaces close to home that take advantage of our natural, built and cultural heritage.'</i>	<p>The planning proposal request is aligned with the vision of the LSPS. It provides opportunities for housing for all members of the community within easy access to jobs, services and places and spaces for entertainment or recreating. The proposal will facilitate greater social interaction within the site due to its relationship with the public domain, that increases the safety of these spaces and therefore greater use at. Likewise the proposal provides for a very small proportion of additional commercial floor space to be provided at ground level. This is in the order of 500m² and creates additional employment opportunities in the town centre. Importantly this supports the town centre by providing a small volume of floor space linked to activating a link to major transit infrastructure.</p>
Access and Movement <i>Local Planning Priority 2 – Advocate for a range of transport options that connect our town centres and</i>	<p>One of the actions of this priority us to support greater walking and cycling in the, including connections that support access to centres, corridors and transport services.</p> <p>The planning proposal request is consistent with this priority through providing an enhanced network for pedestrians and cyclists through the site. This is direct and enables efficient movement to the transit interchange and train station in particular. It also provides an</p>

<i>employment hubs, both locally and to Greater Sydney</i>	alternative route into the town centre and beyond, broadening the connections and therefore enhancing the walking and cycling network in the Merrylands Town Centre.
Access and Movement <i>Local Planning Priority 3 – Align local infrastructure delivery with planned growth</i>	Whilst this action and priority essentially concerns local infrastructure, the planning proposal request makes a valuable contribution, the details of which are outlined in the VPA offer. A greater proportion of open space is proposed to be delivered in the precinct than was anticipated or planned for by Cumberland City Council. This makes a valuable contribution to the quantum of open space, which in addition to the attractive nature of the public domain, provides a high level of amenity for those who live, work, play or visit the town centre.
Access and Movement <i>Local Planning Priority 4 – Improve accessibility within our town centres</i>	The proposal provides for a range of safe and accessible active transport and supports the efficient movement of vehicles within and through the town centre. In particular, the proposal results in an active transport network that encourages people to walk or cycle to public transport options within the town centre.
Housing and Community <i>Local Planning Priority 5 – Deliver housing diversity to suit changing needs</i>	This Planning Proposal Request responds to a change in circumstances whereby changing trends have seen more people wanting to live in highly accessible centres where they can rely less on the need to use a private motor vehicle as their primary means of transport. Since the global pandemic of 2020, people want to live in strategic centres such as Merrylands, where they can work remotely and be part of a vibrant community lifestyle that will be delivered through this Planning Proposal Request.
Housing and Community <i>Local Planning Priority 6 – Deliver affordable housing suitable for the needs of all people at various stages of their lives</i>	The proposal supports the delivery of accessible adaptable and affordable housing that meets the needs of all members of the community. By increasing the diversity of housing, and offering broader choice within highly accessible areas, a more equitable and balanced city for all is created. The planning proposal request contributes to this by increasing housing choice, particularly for those who cannot afford a detached home to buy, or a detached home is unsuitable, or those who need to live within close proximity to transport and services.
Housing and Community <i>Local Planning Priority 7 – Design vibrant and attractive centres and encourage healthy living</i>	The proposal supports council's ideals for a vibrant and active town centre, one that is focused on active transport modes with exceptional levels of amenity. By framing the open space with a small active edge, carefully located near the transport interchange, pedestrians and cyclists have a desirable and safe link. Likewise, the additional open space and active edge also supports the vibrancy and activity within the Merrylands Town Centre.
Housing and Community	The proposal will enable the development of an attractive residential building with a small area activated by commercial premises. This in

<p><i>Local Planning Priority 9 – Provide high quality, fit-for-purpose community and social infrastructure in line with growth and changing requirements</i></p>	<p>addition to the open space provides an attractive local destination, that supports the offerings within the Merrylands Town Centre. It, accordingly, will attract more people into the town centre, in addition to residents for social interaction and broader cultural enrichment.</p>
<p>Economy, Employment and Centres</p> <p><i>Local Planning Priority 10 – Support a strong and diverse local economy across town centres and employment hubs</i></p>	<p>Cumberland City Council rightly understand the strength of the Merrylands Town Centre and are advocating for it to be recognised as a strategic centre. This planning proposal request supports Council's desire for a strong and diverse local economy, along with spaces that are suitable social and cultural interactions that make Merrylands a vibrant destination.</p> <p>The quantum of commercial floor space is capped at 500m² which ensure that there are no large scale retail or commercial premises that would otherwise potentially impact on the town centre. Likewise, the floor area restriction essentially creates the space for a total of six small premises, the size of which complement the offerings within the town centre.</p> <p>By providing an attractive, safe and activated park edge and link to the transit interchange, the overall vitality and desirability of the centre is enhanced, with no adverse impacts generated. The Planning Proposal Request therefore helps to stimulate the Merrylands Town Centre, supporting its role and status as a major town centre and contribution to the local and regional economy.</p>
<p>Economy, Employment and Centres</p> <p><i>Local Planning Priority 11 – Promote access to local jobs, education opportunities and care services</i></p>	<p>A small number of local jobs are generated that will be ongoing which further supports the containment of jobs and the wealth within the town centre itself. In addition to those within the construction phase, these jobs are anticipated to be within areas associated with hospitality services. The Planning Proposal Request therefore helps to stimulate the Merrylands Town Centre, supporting its role and status as a major town centre and contribution to the local and regional economy.</p>

Cumberland Local Housing Strategy

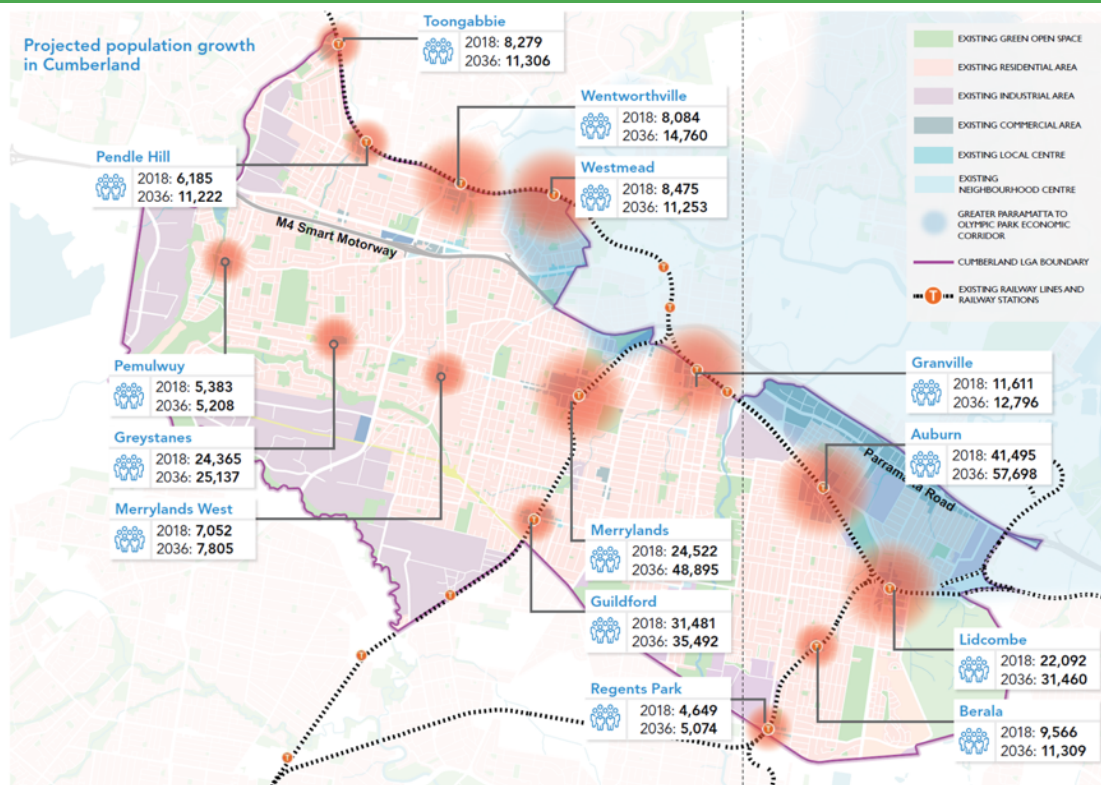
The Cumberland Local Housing Strategy (LHS) is an important local document that identifies the strategic direction for housing delivery in the Cumberland City Council LGA. The LHS also identifies the housing targets and priorities the NSW Government sets for the LGA and shows how these will be realised.

The LHS provides a line of sight to the LSPS and State strategy documents such as the Central City District Plan. The key findings of the LHS relating to this proposal are reflected below:

- Sustainable growth that supports the 30-minute city is essential.

- Growth in Cumberland must facilitate a vibrant and diverse, affordable, safe community.
- The LGA is growing quickly by about 30% by 2036, measured from a 2018 baseline.
- Adequate housing supply must be delivered to meet projected growth targets.
- The average household size is 3.1 persons per dwelling, above the Greater Sydney average of 2.8.
- There is a growing demand for one and two-bedroom households.
- Merrylands will grow by about 24,373 people to 48,895 people by 2036.
- The Merrylands town centre is within 30 minutes of Parramatta and with good links to other centres.
- An additional 30,000 dwellings are required by 2036, with a desire to accommodate growth closer to train stations and local centres.

Figure 22: Cumberland Growth Demand (Source: Cumberland City Council Housing Strategy)



The site sits within the Neil Street Precinct of the Merrylands Town Centre, where the current planning controls were endorsed in 2015. Since then, the Cumberland Local Strategic Planning Statement has been adopted, which outlines planning underway for a number of centres and strategic corridors to facilitate additional housing supply and job growth. Specifically, the LSPS contains the following statement:

"The Merrylands and Wentworthville Centres and Parramatta Road Corridor are the focus of much of this planning for growth. Approximately 4,200 additional dwellings are proposed for Merrylands (McFarlane and Neil Street Precincts)" (Cumberland Council Local Strategic Planning Statement 2020, pg. 16).

This Planning Proposal request responds to a change in circumstances whereby changing trends have seen more people wanting to live in highly accessible centres where they can rely less on the need to use a private motor vehicle as their primary means of transport. Since the global pandemic of 2020, people want to live in strategic centres such as Merrylands, where they can work remotely and be part of a vibrant community lifestyle that will be delivered through this Planning Proposal Request.

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

The Merrylands housing supply targets are targets- and this scheme will enable contribution to those targets in the short term- and this has no discernible impact on the desired supply and should not impact the ability of other sites in the Precinct to deliver and provide apartments to the market.



Neil Street Precinct

The Neil Street Precinct is an important growth area within the town centre and is currently under development. The broad vision and site-specific design principles are contained in Part F 2 of the DCP. The structure plan seeks to create a permeable, safe, vibrant and active precinct that facilitates taller buildings at key points, along with good open spaces and active streets. The figure below provides a representation of the structure plan prepared by Council for the precinct, with the planning proposal request consistent with the structural principles of the DCP.

Figure 23: Neil Street Precinct (Source: Cumberland City Council)



The DCP amendment has been the product of evolving reviews by Council. These have created various strategies, resulting in both good outcomes, and outcomes that require further refinement. The 'Merrylands Neil St Precinct Urban Design Review' (dated October 2015) by Council describes the Neil Street precinct. This document sensibly recommends that Buildings A and B mark two key points on Neil Street, one at the intersection of McLeod Road and the other being at the Railway Bridge. However, from an urban design perspective it is somewhat surprising that height on the subject site transitions only downwards towards its southernmost corner, although that corner is adjacent to the main Merrylands bus and rail interchange.

The 'Merrylands Station and McFarlane Street Precinct Review' (dated March 2016) by SJB describes the precinct centred on McFarland St, along the entire length of the Stockland shopping centre and heading southeast towards the transport interchange. The study does not however include the key site of the bus interchange itself. This document recommends higher buildings towards the central entrance to the shopping centre with a bell curve centred upon height in that location, but we believe that it also does not sufficiently address the current and future importance of the Merrylands bus and rail interchange.

There is currently a lack of identity to the public transport interchange and a limited ability to read the location of that interchange from afar. A marker tower however will be identified from most public domain areas within the Town Centre. The south of our site being at 12 storeys needs then to transition upwards to the future interchange and current southern end of McFarlane Street. The adoption of an increased building height to Building D1 would much improve this absent relationship to the McFarlane Street-focussed town centre. It could provide a more varied urban design outcome to the railway edge of the Neil Street Precinct. The proposed change enables a 27-storey building height with ample communal open space located on the roof.

Whilst a new marker building is being included, open space has also been refined including the enclosure of the open water channel. This provides a significantly improved public domain outcome, supporting permeability and activation of public spaces.

Table 6: Consistency with the objective of the Neil Street Precinct DCP

Objectives	Comment
3.1 General	
1. <i>Ensure the Precinct will be characterised by a high-quality, well-designed and safe environment.</i>	This planning proposal request will enable the redevelopment of the site being a well-designed, high-quality and safe environment. The additional permitted use of maximum 500m ² of commercial premises GFA on the ground floor will enable further passive surveillance of the precinct, contributing further to creating a safe environment.

<p>2. Create an urban structure that will:</p> <ul style="list-style-type: none"> • <i>promote a balance of residential and commercial uses within the Precinct; and</i> • <i>provide a transition from the more intense development near the Train Station to peripheral areas along the Holroyd Gardens.</i> 	<p>The proposal will continue to provide a well balance of residential and commercial uses within the precinct. Noting the proposal request seeks for higher maximum building height and floor space ratio which will enable further increase availability of housing within Merrylands town centre.</p> <p>This proposal request will enable the intensification of development towards the Train Station.</p>
<p>3. Create an access network that will:</p> <ul style="list-style-type: none"> • <i>provide a safe and convenient pedestrian environment that will encourage social interaction and encourage public transport use;</i> • <i>promote greater connectivity and integration between land uses and the Train Station; and</i> • <i>create additional Streets that will:</i> • <i>reduce pressure on Pitt Street.</i> • <i>provide new opportunities for business.</i> 	<p>The proposal will continue to provide a safe and convenient pedestrian movement throughout the precinct. Please see attached urban design report for further details.</p>
<p>4. Create an open space network that will:</p> <ul style="list-style-type: none"> • <i>include a network of diverse active and passive recreational spaces to support the residential and working population of the Precinct; and</i> • <i>provide safe, accessible, sustainable, well-used and designed open-space network.</i> 	<p>Noted. The proposal will continue to provide a network supporting both residential and working population of the precinct.</p> <p>Safe accessible open-space network will be provided to support the precinct. Please see attached urban design report for further details.</p>

Updates to the DCP can be made should Council support this planning proposal request.

Refer to the attached urban design report for further details on how this proposal remains consistent with the structural principles of the DCP, noting the introduction of a landmark building as discussed above.

Local Framework Summary

In summary, a significant volume of strategic planning work indicates a growing need for diverse residential apartments within this locality. The proposal will allow for the construction of high-density apartments, which assist with fulfilling the housing needs of the locality as identified by the LHS. Likewise, the planning proposal request is consistent with the overarching objectives of the Neil Street Precinct within the DCP, along with its structural elements. It is acknowledged that the landmark building and introduction of limited commercial space is a variation from the structure plan, but this is also considered to be consistent with the overall intent of the DCP and its desire for landmark locations, successful height transitions, activation of spaces and safety within the public domain.

The planning proposal request in summary makes an essential and valuable contribution to meeting not only the demand for housing but also the mix and diversity within an important growth precinct of the Merrylands Town Centre.

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

The planning proposal request is consistent with all relevant studies and strategies prepared by the NSW Government, as discussed in the table below.

Table 7: Consistency with relevant studies and strategies

Document	Discussion
Future Transport Strategy 2056	<p>The Future Transport Strategy sets the direction of the NSW Government to improve the transport system across the State. It intends to make decisions by putting people and places at the centre to ensure that customers, the community and the economy experience maximum benefits.</p> <p>The planning proposal request over the subject site is consistent with key strategic directions within the strategy, including:</p> <ul style="list-style-type: none"> - C1.1 Enhance 30-minute metropolitan cities - C2.1 Support car-free, active, sustainable transport options - C3.1 Provide transport choices for people no matter where they live - P1.2 Support growth around public transport - P2.1 Support thriving and healthy 15-minute neighbourhoods
Staying Ahead: State Infrastructure Strategy 2022 – 2042	<p>The State Infrastructure Strategy provides a 20-year plan for the NSW Government for strategic investment decisions. The strategy aims to provide recommendations that aid the growth and productivity of the State to improve living standards for the community.</p>

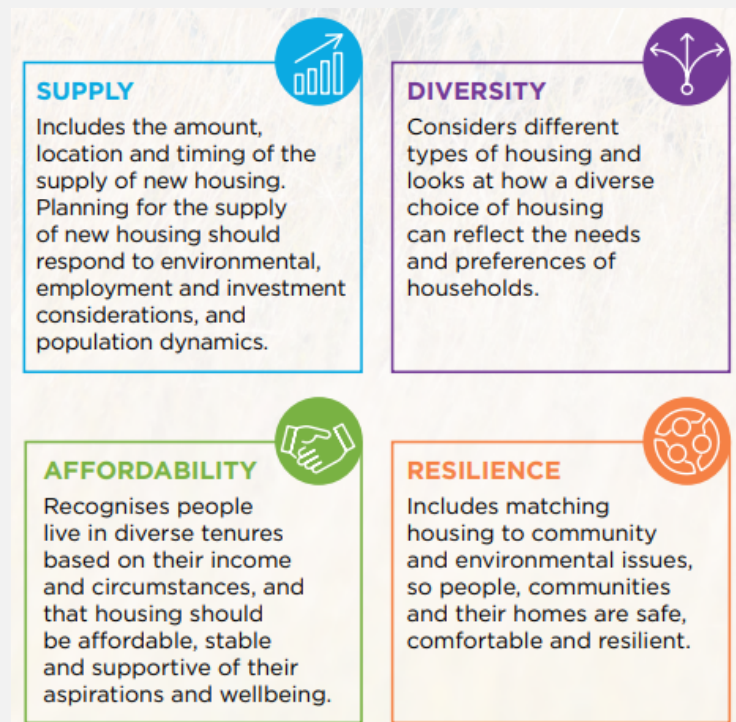
Chapter 4, Service Growing Communities, is relevant to this Planning Proposal request. Key Strategic directions include:

- *Deliver housing in great neighbourhoods for all parts of the community*
- *Improve Access to efficient, quality services through better use of assets and a better mix of physical infrastructure and technology-enabled solutions*

The proposal satisfies the above strategic directions by providing housing within a highly accessible location, adjacent to a town centre, and within a location previously identified by Council as suitable for higher-density housing.

Housing Strategy 2041

This strategy establishes the 20-year housing vision for NSW. It aims to provide the framework for greater housing supply, improved housing affordability, and housing diversity and resilience. There are four pillars of housing supply in the strategy, with the diagram reproduced below:



The Planning Proposal Request is consistent with these pillars.

Net Zero Plan

The Net Zero Plan outlines the NSW Government's plan to grow the economy, creating jobs and reducing emissions over the next decade.

A future Development Application will be subject to the provisions within the Sustainable Buildings SEPP 2022, which comes into effect on 1 October 2023. This SEPP will ensure that development over the

subject site is sustainable and resilient, making a valuable contribution to NSW being a net zero emitter.

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

The following table briefly assesses consistency against each State Environmental Planning Policy (SEPP) relevant to the planning proposal request.

Table 8: SEPP compliance table

Consideration of relevant SEPPs	Comment
State Environmental Planning Policy (Biodiversity and Conservation) 2021	Consistent. The site is not identified as a Koala habitat and contains no significant vegetation.
State Environmental Planning Policy (Sustainable Buildings) 2022	The planning proposal request is consistent with the aims or provisions of this SEPP. Future development will be subject to the provisions of this SEPP.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	Not applicable
State Environmental Planning Policy (Housing) 2021	The proposal is consistent with the intent of the Housing SEPP. Future development under the SEPP remains permissible, though rezoning of the site may expand opportunities for a greater diversity and type of housing.
State Environmental Planning Policy (Industry and Employment) 2021	Not applicable
SEPP No. 65 - Design Quality of Residential Apartment Development	Consistent. An urban design study submitted with this planning proposal request includes an indicative development concept. This concept shows that the site can be developed consistent with the ADG requirements. Refer to attached urban design study and concept plans for details.
State Environmental Planning Policy (Planning Systems) 2021	Not applicable

	Future development of the site will likely constitute Regional Development and be determined by the Sydney West Planning Panel.
State Environmental Planning Policy (Precincts—Central River City) 2021	Not applicable
State Environmental Planning Policy (Precincts—Eastern Harbour City) 2021	Not applicable
State Environmental Planning Policy (Precincts—Regional) 2021	Not applicable
State Environmental Planning Policy (Precincts—Western Parkland City) 2021	Not applicable
State Environmental Planning Policy (Primary Production) 2021	Not applicable
SEPP (Resilience and Hazards) 2021	Consistent Contamination has been assessed at the DA stage associated with the current redevelopment of the site. This has confirmed that the site is suitable for its intended purpose. It is noted that the zoning of the site is not proposed to change. A Contamination Report is attached.
State Environmental Planning Policy (Resources and Energy) 2021	Not applicable
SEPP (Transport and Infrastructure) 2021	Consistent Future development may constitute traffic-generating development and trigger an assessment under this SEPP.

Draft State Environmental Planning Policy (Environment SEPP)

The draft Environment SEPP aims to protect and manage the natural environment. Since its exhibition between 31 October 2017 and 31 January 2018, the SEPP has not been finalised and remains in draft form. Since this time, the DPE has consolidated a number of SEPPs, with the Biodiversity and Conservation SEPP consolidating many of the SEPPs that had been addressed in the draft Environment SEPP. Whilst the Environment SEPP status is unknown, it does not appear as if it will be made imminently. Regardless, any future development of the subject site is likely to be consistent with the draft SEPP and a more detailed assessment can occur at the DA stage.

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

The following table provides a brief assessment of consistency against each s.9.1 direction that is relevant to the Planning Proposal Request.

Table 9: Consistency with Ministerial Directions

Ministerial Directions	Consistency	Comments
Focus Area 1: Planning Systems		
1.1 Implementation of Regional Plans	Yes	<p>This proposal is consistent with the objectives and strategies of A Metropolis of Three Cities as outlined in the Planning Proposal request. Refer to Part 3 – Justification of this report, Section B – Relationship to Strategic Planning Framework of the Planning Proposal Request for an explanation of the consistency of the Planning Proposal Request.</p> <p>The planning proposal request achieves the overall intent of the Plan. It seeks to implement the achievement of its vision, land use strategy, policies, outcomes or actions.</p>
1.2 Development of Aboriginal Land Council Land	N/A	Aboriginal and archaeological investigations will be completed in the future with detailed design and development application documentation.
1.3 Approval and Referral Requirements	N/A	The Planning Proposal Request does not introduce provisions requiring additional concurrence, consultation, or referral.
1.4 Site Specific Provisions	Yes	The Planning Proposal Request does not propose any unnecessarily restrictive site-specific planning controls. A site specific provision is included to facilitate limited commercial premises floor space at the ground floor of Building D1 and D2 to provide an activated frontage to the park, enhance safety and the overall character of the public domain and town centre, within a site adjacent to major transport infrastructure.
Focus Area 1: Planning Systems – Place-Based	N/A	Not relevant to the subject planning proposal request.
Focus Area 2: Design and Place	N/A	Directions not made
Focus Area 3: Biodiversity and Conservation		
3.2 Heritage Conservation	Consistent	No heritage items, areas, objects or places of environmental and indigenous heritage significance exist on the subject site.

		Accordingly, there is no impact on any areas requiring heritage conservation.
3.6 Strategic Conservation Planning	N/A	Not relevant to the subject planning proposal request.
3.7 Public Bushland	Consistent	There are no areas of public bushland on the subject site
Focus Area 4: Resilience and Hazards		
4.1 Flooding	Consistent	<p>The site is flood prone and the proposal has been designed with input from Cardno in relation to the flooding issues on the site and the proposal has been designed to meet Councils flooding requirements and that report concludes the proposal is suitable in dealing with the flooding on the site.</p> <p>Refer to attached Flood Advice and Flood Report for more detail.</p>
4.2 Coastal Management	N/A	Not relevant to the subject planning proposal request.
4.3 Planning for Bushfire Protection	Consistent	The site is not identified as bushfire-prone land.
4.4 Remediation of Contaminated Land	Consistent	Previously addressed, with development currently occurring on the site. Regardless, any future development application can include conditions that address unexpected finds. A contamination report is attached.
4.5 Acid Sulfate Soils	Consistent	Not identified on the Acid Sulfate Soils Map. Regardless, this can be addressed in a future development application.
4.6 Mine Subsidence and Unstable Land	N/A	Not relevant to the subject planning proposal request.
Focus Area 5: Transport and Infrastructure		
5.1 Integrating Land Use and Transport	Consistent	<p>The Planning Proposal Request is consistent with this direction as it will increase housing within 200m of the Merrylands train station and bus interchange.</p> <p>This high degree of accessibility, in addition to exceptional opportunities for active transport, can contribute to a mode shift away from private vehicles to other more sustainable and efficient transport modes.</p>

5.2 Reserving Land for Public Purposes	N/A	Not relevant to the subject planning proposal request.
5.3 Development Near Regulated Airports and Defence Airfields	N/A	Not relevant to the subject planning proposal request.
5.4 Shooting Ranges	N/A	Not relevant to the subject planning proposal request.
Focus Area 6: Housing		
6.1 Residential Zones	Consistent	The planning proposal request seeks to increase the residential land supply within a highly accessible, transit-oriented centre.
6.2 Caravan Parks and Manufactured Home Estates		Not relevant to the subject planning proposal request.
Focus Area 7: Industry and Employment		
7.1 Employment zones	N/A	<p>The site is zoned R4 High Density Residential and is not seeking rezoning of the site to an employment zone, hence why this direction does not strictly apply to this planning proposal request.</p> <p>However as the proposal seeks to include up to 500m² of commercial premises GFA as an additional permitted use on the site, the consistency with this direction is justified below.</p> <p>The proposed commercial premises will encourage employment growth and will not adversely impact on the existing surrounding Employment zone. The proposed commercial premises is restricted to 500m² which will continue to support the viability of Merrylands Town Centre.</p>
7.2 Reduction in non-hosted short-term rental accommodation period	N/A	Not relevant to the subject planning proposal request.
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	Not relevant to the subject planning proposal request.
Focus Area 8: Resources and Energy		Not relevant to the subject planning proposal request.
Focus Area 9: Primary Production		Not relevant to the subject planning proposal request.

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?

The subject site does not contain habitat of any description.

There is no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the planning proposal request. No further assessment is considered necessary at this stage of the planning proposal request.

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

The Planning Proposal Request seeks to revise the maximum permitted building height and floor space ratio controls contained within Cumberland LEP 2021 and commercial premises as an additional permitted use. These changes aim to assist the Council in achieving its goal for greater activation of public places and residential accommodation within the Merrylands town centre, thereby assisting in meeting the demand identified in the LSPS and LHS.

This proposal seeks to refine the approach associated with the Merrylands Town Centre to provide a marker building in relation to the Merrylands Public Transport Interchange and a better contextual fit with the building heights and massing planned within the core of the Merrylands Town Centre.

The proposal also enables a better massing arrangement within this part of the Neil Street Precinct with greater diversity in building heights along the rail corridor to improve the urban design response to the street block. This is achieved through greater building height to the southern tower on the site.

The current planning framework, with particular reference to building height, has a disconnect in terms of the transition and relationship between the Town Centre and the Neil Street Precinct, particularly in terms of the heights of buildings. This part of Neil Street will also benefit through a revision to the height arrangements to the southern tower to provide greater diversity of heights through this part of the Precinct. A re-balancing between the Merrylands Town Centre and the Neil Street Precinct is clearly necessary having regard to the Urban Design work by PTW.

There is also currently a lack of 'identity' to the public transport interchange and limited ability to 'read' the location of the public transport interchange in terms of a marker building that would be viewed from the public domain areas within the Town Centre.

Hence this change to the heights, in concert with an exploration of the development on the transport interchange site to create high-quality civic spaces around the interchange, will be a placemaking opportunity. The increased height and green spaces are vital in making this arrangement 'work' for this part of Town Centre.

The adoption of revised building heights to Building D1 to achieve a tower element on the southern part of the site will improve the relationship to the Merrylands Town Centre, serve as a marker building to the public transport interchange, and provide a better Urban Design response through this part of the Neil Street Precinct.

Therefore this planning proposal request seeks to amend the Cumberland LEP 2021 as follows:

- Increase in Height to the Southern Tower element from 37m to 86m, noting the remainder of the site is retained at the existing LEP heights- hence, the change seeks to provide a signature tower closest to the railway station. This would facilitate a further 14 levels to this building.
- Increase in the FSR from 5:1 to 6.6:1 across the developable portion of the landholding, noting that the extent of uplift is 105 units.
- Retention of the Existing Zoning: With the potential to add an Additional Permitted Use for a commercial offering at the base of the tower to enable activation at the base of the Southern Tower where it interfaces with the open space.

The Urban Design Report and Reference Design set out these changes graphically. The attached Urban Design Report and Reference Design should be referred to, given the comprehensive studies undertaken by PTW.

Urban Design + Masterplan

PTW have prepared an Urban Design Study and Masterplan to provide a people-focused and place-based outcome for the subject site that fits within its local context and future character. The urban design study confirms that the Council's desire to intensify development within and close to town centres and transport opportunities is sound.

The urban design analysis of PTW has determined that the most appropriate location for the highest building (Building D1) is at the site's southern end. This location is advantageous as shadows do not affect park spaces or building heights, making a more sensible transition from the tallest point at the train station and bus interchange towards the town centre.

As a result of the council amalgamation in 2016, Merrylands train station now sits in a more central position rather than at the edge of two local government areas. This

provides an excellent opportunity to reconnect Merrylands as development more naturally gravitates towards the station itself, without the impediment of competing council interests.

The 'Merrylands Neil St Precinct Urban Design Review' (dated October 2015) by Council describes the Neil Street Precinct and sensibly recommends that Buildings A and B mark two key points on Neil Street, one at the intersection of McLeod Road and the other being at the Railway Bridge. However, from an urban design perspective, it is surprising that the height on the subject site transitions only downwards towards its southernmost corner, despite that corner being adjacent to the main Merrylands bus and rail interchange.

The 'Merrylands Station and McFarlane Street Precinct Review' (dated March 2016) by SJB describes the precinct centred on McFarlane St, along the entire length of the Stockland shopping centre and heading southeast towards the transport interchange. The study does not include the critical site of the bus interchange itself. This document recommends higher buildings towards the central entrance to the shopping centre with a bell curve centred upon height in that location; however, it also does not sufficiently address the current and future importance of the Merrylands bus and rail interchange.

The PTW urban design and architecture review and testing confirm that height transitions immediately around the railway station should refocus towards the Merrylands bus and rail interchange. Positioning a visual marker at the railway station 'Arrival Point' assists in the legibility of 'Place' and can act as a catalyst for future growth in the immediate and surrounding areas. The urban design assessment confirms this will provide a better contextual fit with future building height and density within and around the Merrylands town centre. Furthermore, the testing shows improved massing arrangement within this part of the Neil Street Precinct, with a greater diversity of building heights along the rail corridor. This should serve to enliven and visually relieve existing planned streetscapes.

Refer to the attached urban design report for a detailed proposal analysis.

Figure 24: Existing and proposed heigh transition (PTW, 2023)

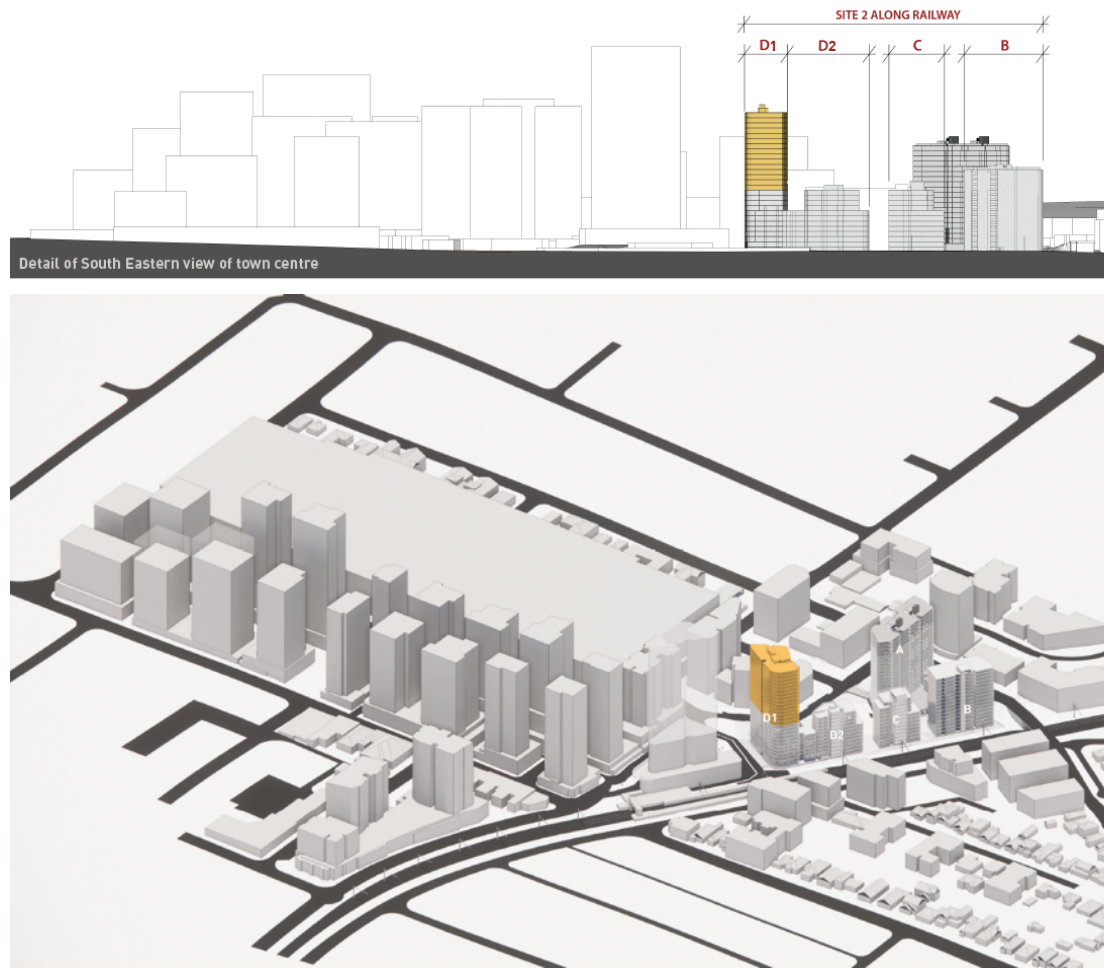


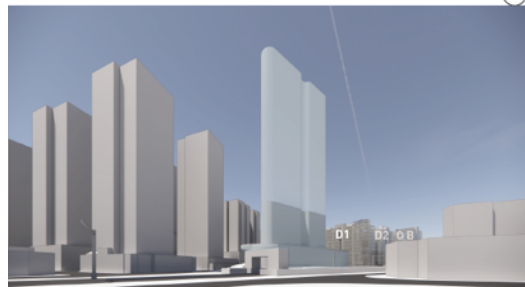
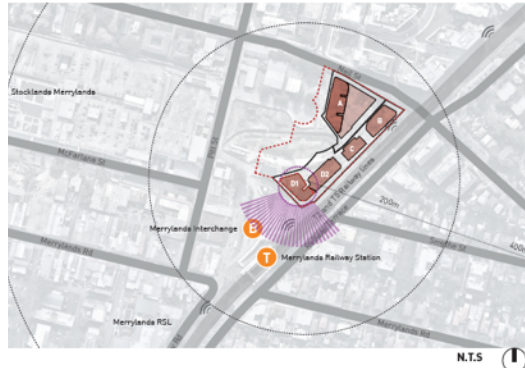


Figure 25: Improved link to green spaces (PTW, 2023)

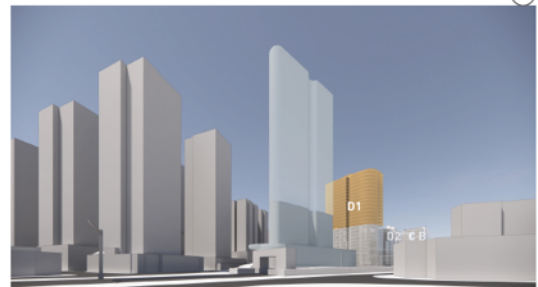


Figure 26: Improved views (PTW, 2023)

EXISTING PROPOSAL VIEW RANGE



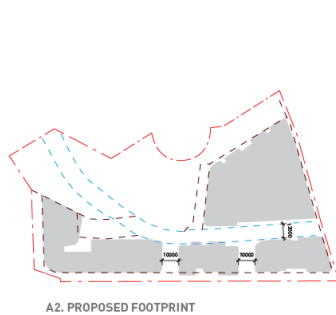
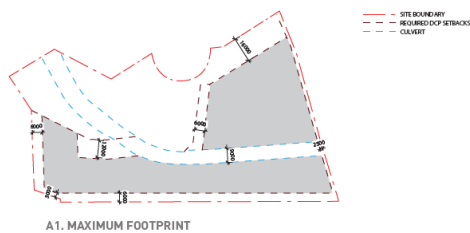
PP PROPOSAL WITH INCREASED VIEW RANGE



NOTE: Concept envelope is shown on the interchange site for context.

Figure 27: Massing Principles – setbacks and access (PTW, 2023)

SETBACKS



PEDESTRIAN ACCESS

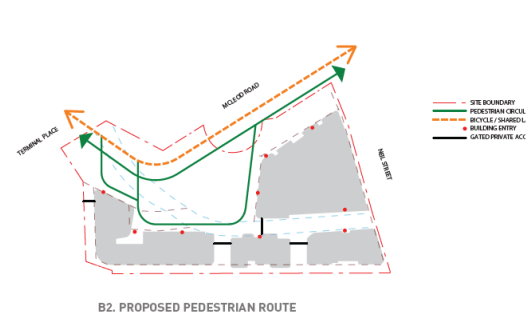
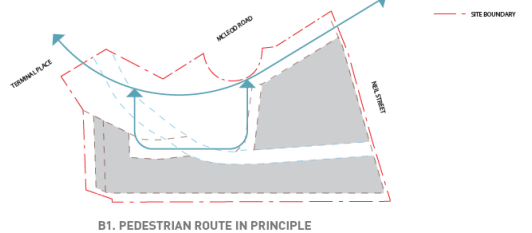




Figure 28: Massing Principles – Form and Open space (PTW, 2023)

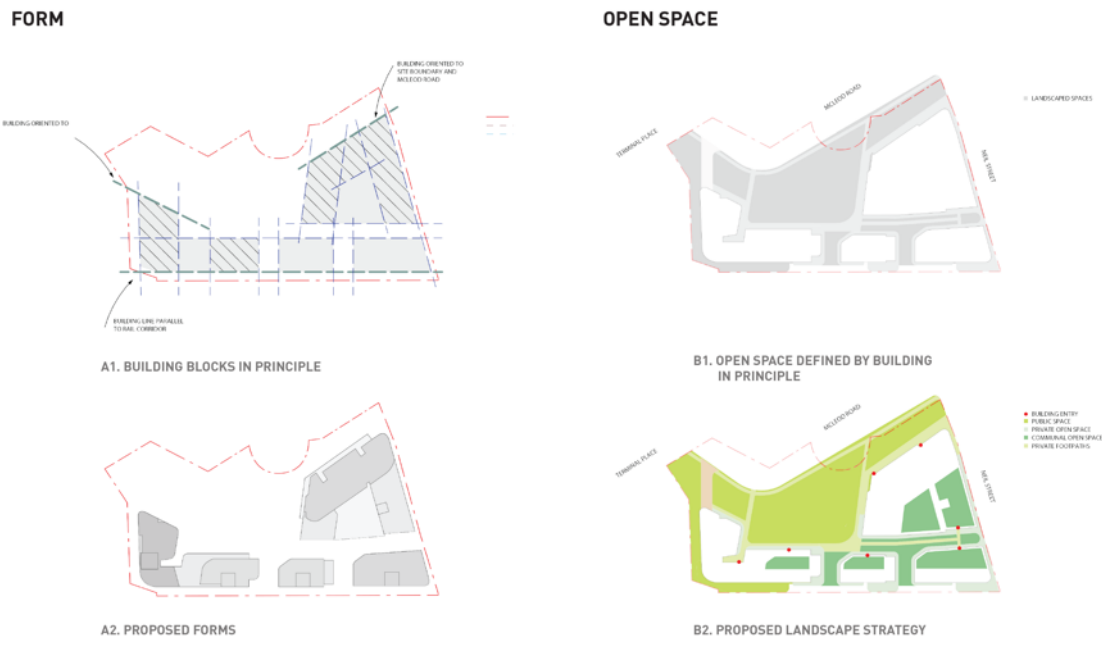


Figure 29: Principle 3: Integration with potential development over interchange (PTW)

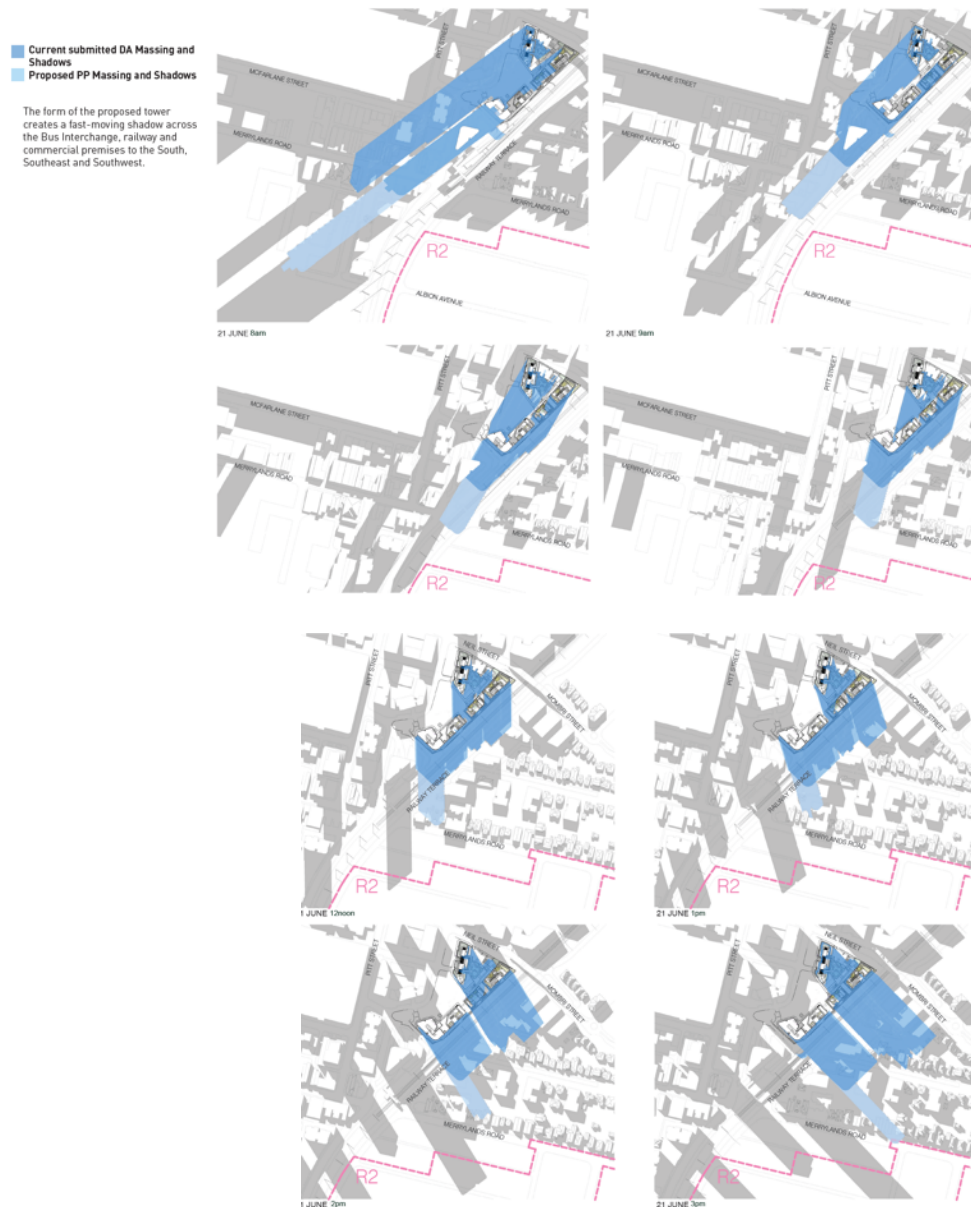




Shadow analysis

The PTW Urban Design Study includes a shadow analysis of a potential 86m building over the subject site. The tower floor plates are shallow, leading to a narrow tower form that creates fast-moving shadows. These shadows move quickly across the Bus Interchange, railway and commercial premises to the South, Southeast and Southwest, ensuring that these locations retain good levels of solar Access.

Figure 30: Shadow diagrams – 21 June (PTW)



Transport

A Traffic Study is underway to understand the impacts of the proposal on the surrounding road network. This study will address the existing and proposed traffic generation, trip distribution, intersection performance and public transport. The planning proposal request is however anticipated to result in an increased use of public transport along with alternative transport modes such as walking and cycling given its proximity to the bus and rail network, and active transport network.

It is requested that Council accept this Planning Proposal Request in the interim, with a supplementary report provided when the traffic study is finalised.

Flooding

The parent allotment has been identified as being affected by the 1% AEP, according to the Merrylands CBD Flood Study (Bewsher, 2002) and more recently in the Holroyd City LGA Overland Flood Study prepared in April 2017.

Flood Advice prepared by Cardno has found that flood protection can be afforded to Site 2. This report is attached.

Contamination

A Detailed Site Investigation has been prepared by Environmental Consulting Services that confirms the site can be made suitable for its intended purpose. Contamination is being addressed through the range of current development applications active across the subject site.

The Detailed Site Investigation by Environmental Consulting Services is attached.

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

The social and economic effects of the Planning Proposal Request are most appropriately described in the context of the challenges associated with a growing population as described in the State Government document The Metropolis of Three Cities. The Plan explains that to meet a more significant population's needs and maintain economic growth, urban renewal and infrastructure delivery must occur in strategic urban centres. The delivery of high-density housing in a location well-served by infrastructure and where there are minimal existing environmental site constraints is considered to represent a positive social outcome.

Social Impacts

The Planning Proposal Request will result in 105 additional units within the Merrylands Town Centre. In 2021, at the SA2 Statistical Level for Merrylands-Holroyd, the average number of persons per household was 2.9¹. However, at the SA1 level which includes the subject site the average household size was 2.36 persons per household², more representative of its high-density context. Regardless, the increase in population because of this Planning Proposal Request is in the range of between 247 and 304 persons.

In terms of employment, the proposal will provide for a limited range of additional jobs that are inconsequential in sum, primarily due to the cap on commercial gross floor space at a total of 500m². However, this will support containment of jobs within the town centre, as well as creating 'places for people' through vibrant and attractive public domain improvements.

Socially vibrant and cohesive communities are accessible, with access to community facilities, open space areas and shops that meet residents' daily convenience and recreational needs. A method to improve the community's social well-being is the targeted increase in residential densities within areas close to the abovementioned features. In addition, this relieves pressure on councils to provide new infrastructure by enhancing the accessibility of existing spaces that may be underutilised.

In this regard, the map overleaf provides a visual description of the proximity of the subject site to open spaces, community facilities, town centre, and transport. A zoning map extract is included to show the location of future open space within walking distance of the subject site.

¹ 2021 Merrylands - Holroyd, Census All persons QuickStats | Australian Bureau of Statistics (abs.gov.au)

²<https://atlas.id.com.au/cumberland>

Figure 31: Social Context analysis map (PTW)

The local area has a number of schools, shops, public transport and parks to supports a growing community in Merrylands.



Proximity to the town centre

The subject site is located within the Merrylands town centre, the primary centre within the Cumberland LGA with a Stockland's Mall and a wide range of shops, jobs, entertainment, services, community facilities and public transport for residents of the area. The Council's LSPS and housing strategy identify Merrylands town centre as an ideal location to intensify residential development till 2036. This planning proposal request is consistent with the social benefits of location additional housing within a town centre location.

The Planning Proposal Request is complementary to the economic activity within Merrylands Town Centre. The quantum of commercial floor space is capped at 500m² and limited to Building D1 and D2 only to capitalise on its proximity to the transport interchange and open space. This provides a supporting space that assists in targeted activation and an overall Merrylands Town Centre with a diversity of places and character. The proposal therefore generates a small number of additional jobs which can assist with the overall consolidation of the Merrylands Town Centre as a vibrant destination for locals, visitor and workers.



Figure 32: Key town centre elements (Source: PTW, 2023)



Connectivity

Connectivity is a crucial element of social infrastructure and includes pedestrian connections, cycle infrastructure and public transport. The subject site is within 200m of Merrylands Train Station, along with numerous bus connections from the transport interchange. The Merrylands Station is located on the:

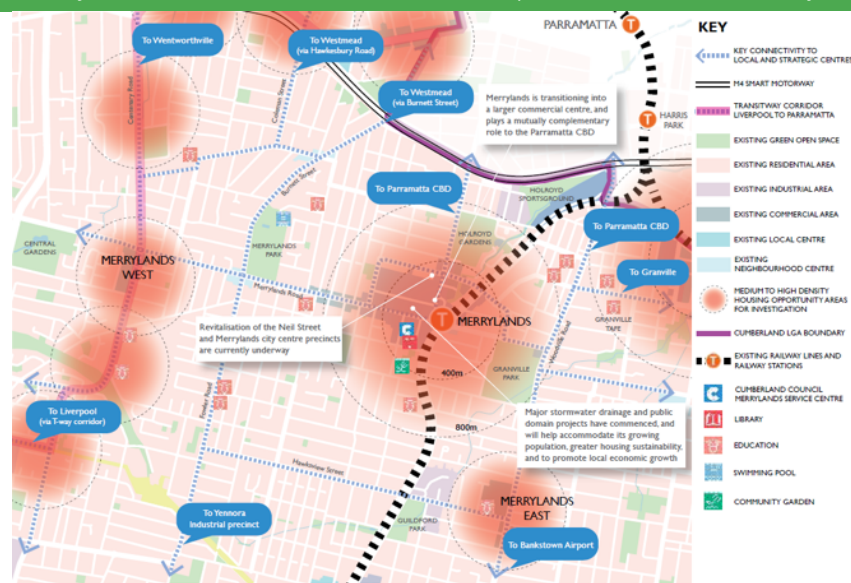
- T2 Inner West and Leppington Line, which provides a direct connection to Leppington and the Sydney CBD via Parramatta
- T5 Cumberland Line, which provides a connection to Richmond and Leppington

The subject site is less than 20 minutes from the Parramatta CBD by train, which has a variety of health, education and emergency services. In a broader context, the subject site is 20 minutes from Westmead by train and the regional health and educational institutions. By car, both areas are within 15 minutes, showing the high accessibility and suitability of the subject site for intensification. In addition to the exceptional accessibility by the railway network, the site is also within 200 m of bus

stops that provide local accessibility locally and regionally from the transport interchange. Together with the rail network, the diversity of bus services ensures that residents can choose the best mode of public transport to access local and regional jobs, services, and entertainment.

The site is suitable for high-density residential development due to its superior access to transport and employment opportunities accessible by active and public transport modes. Given the proximity of the subject site to public transport services, including the bus services, it is anticipated that a significant proportion of new residents would opt to use public transport rather than a private vehicle.

Figure 33: Merrylands Centre Structure Plan extract (Source: Cumberland City Council)



The Cumberland Local Housing Strategy recognises the social benefits associated with connectivity. It aspires to accommodate growth closer to train stations and local centres. This proposal will enable increased housing within the town centre, providing enhanced social benefits for future residents.

The subject site is within walking distance of pedestrian paths, providing accessibility to the Merrylands Town Centre and other nearby community facilities and open spaces. The subject site is also well-suited to support the implementation of the *Draft Walking and Cycling Strategy (June 2023)*. As described above, this planning proposal request will provide much-needed improvements to the public domain within the neighbourhood, providing positive outcomes for the community.



Access to public open spaces and sporting facilities

The area is well supplied with existing and future open space areas that are sufficient to meet the local community's needs. The minimum benchmark of open space is 9m² per person³. Council's Open Space and Recreation Strategy identifies that in 2016, the LGA had 26.6m² of open space per person, with Merrylands very close to this figure at 26.6m² per person. The forecast open space in the Merrylands area by 2036 is 12.1m² per person, reflecting the higher intensity of growth within this area. Regardless, Merrylands in 2036 remains above the benchmark of 9m² per person. The image extract from the Council's open space strategy summarises the excellent provision of diverse open spaces in the Merrylands area, many within 800m of the subject site.

Figure 34: Open space and sporting facilities (Source: Cumberland City Council)



In addition to the above, a new public square has recently opened in the Merrylands town centre, providing additional open space. Likewise, the open space provided as part of the subject site development ensures adequate open space, including diverse spaces to support the proposed additional height and FSR on the subject site.

Proximity to Schools and community facilities

The subject area is well-supplied with community and educational facilities. The subject site is accessible to several educational institutions, as shown in the map below.

³ Cumberland City Council Open Space and Recreation Strategy 2019 - 2029

Figure 35: Proximity to schools (Source: Google Maps)



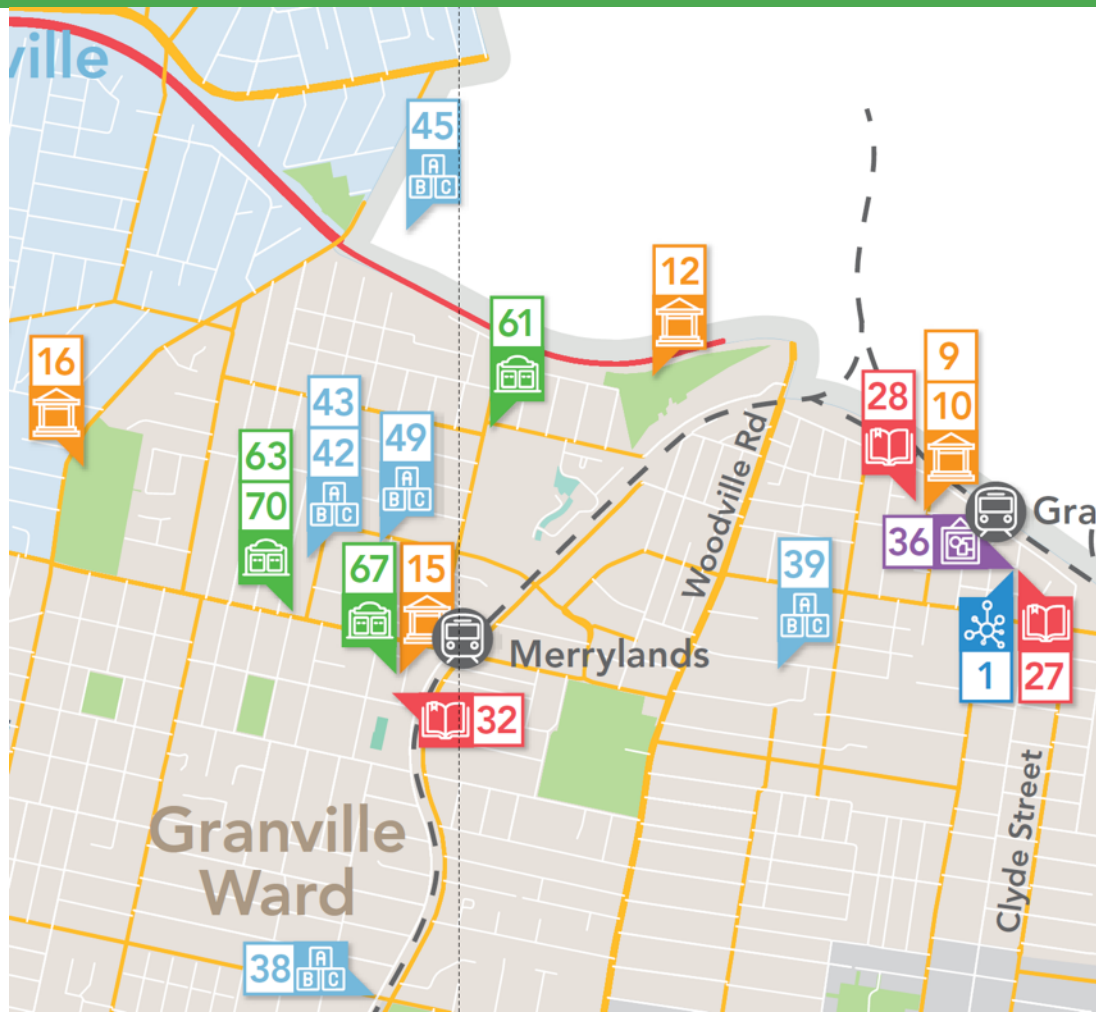
The subject site is highly accessible to many schools and the proposal will provide adequate housing for young families.

Likewise, the subject site is sufficiently serviced by community facilities as described and identified in the image below:

- Holroyd Sportsground Hall (12)
- Merrylands Community Centre (15)
- Merrylands Park Function Hall (16)
- Merrylands Library (32)
- Holroyd Children's Centre Banksia Babes (42)
- Holroyd Children's Centre Gumnut Grove (43)
- The Sometime Centre (49)
- Creative Garden Early Learning Centre (61)
- Early Ed Centre Merrylands (63)

- Holroyd Community Aid (67)
- Merrylands Youth Centre (70)
- Numerous privately run childcare facilities.

Figure 36: Proximity to community infrastructure (Source: Cumberland City Council)



The proposal will increase the population within Merrylands, supporting existing infrastructure and enabling further improvements to support the local community. Accordingly, it is considered that the area contains the necessary infrastructure to support the intensification of residential development over the subject site. The subject site is supported by adequate infrastructure.

Housing affordability

Increasing housing supply, diversity and choice makes a valuable contribution to the overall affordability of housing within Merrylands and Greater Sydney. Council's ideals for affordable housing can be further discussed during the assessment of the Planning Proposal Request.

Economic Assessment

The Planning Proposal Request is complementary to the economic activity within Merrylands Town Centre. The quantum of commercial floor space is capped at 500m² and limited to Building D1 and D2 only to capitalise on its proximity to the transport interchange and open space as seen in figure 384 below. It is anticipated that the floor space will be utilised for a range of purposes as follows- up to a limit of 500m²:

- Retail Shops
- Food and Beverage offerings such as restaurants and cafes.
- Hospitality offering
- Convenience store
- Business Premises such as beauty salons and similar.

The intent is to provide active uses at the ground floor to activate the park.

Whilst the proposal does seek to facilitate commercial premises as an additional permitted use in an R4 zone, the size of the shops and the layout of the ground floor is established as small tenancy arrangement. This will limit the type of commercial uses and scale, most likely being restaurants cafes and neighbourhood shops but also potentially the uses above.

Further, these tenancies are only located on the ground floor and the overall gross floor area cannot exceed the gross cap of 500m². This ensures that it will limit commercial uses and will not compete with the larger commercial offerings within the Merrylands town centre.

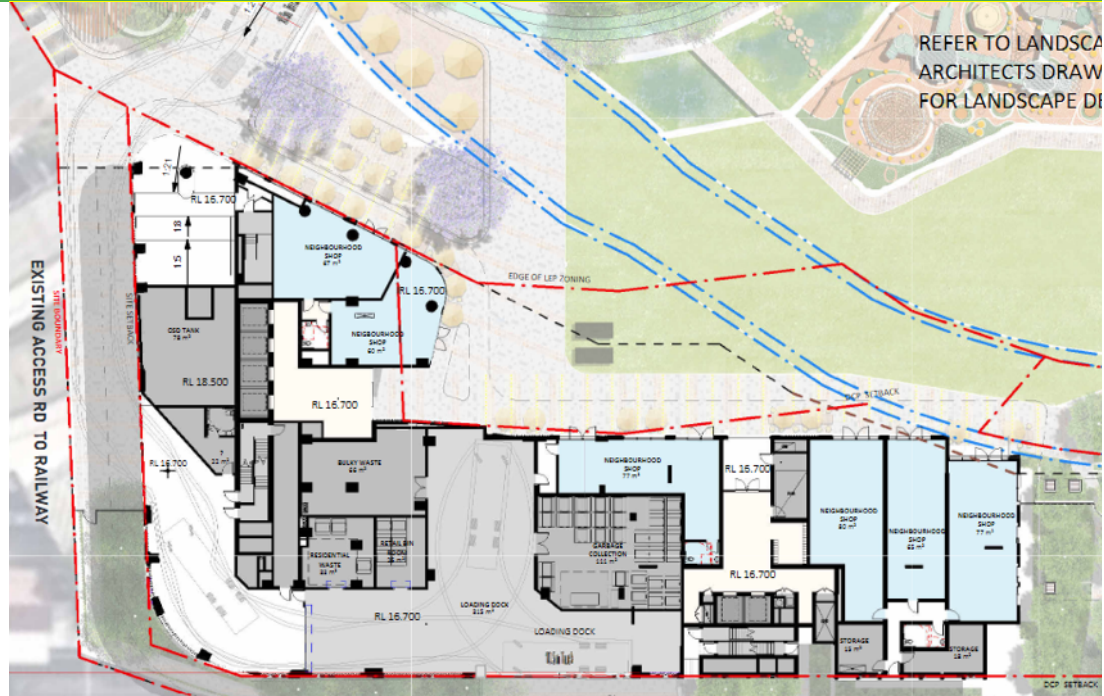
These small commercial premises fronting the new public park will provide activation within the precinct and assist in meeting council's policy in place making, bringing in economic activities and support Merrylands Local Centre.

We are of the view permitting commercial premises with a 500m² cap is entirely suitable for the site noting the primary driver and offering will be retail space and food and beverage offerings but permitting flexibility over time is a preferred option.

An extract is provided over the page for the location of the commercial premises in Building D1 and D2.



Figure 37: Ground Floor Plan showing the location of proposed commercial premises in Building D1 and D2



This proposal provides a supporting space that assists in targeted activation and an overall Merrylands Town Centre with a diversity of places and character. The proposal therefore generates a small number of additional jobs which can assist with the overall consolidation of the Merrylands Town Centre as a vibrant destination for locals, visitor and workers.

The proposal will create jobs during construction and increase the residential population to support local businesses within the Merrylands Town Centre.

There are no substantive opportunities for large retail or commercial floorspace, ensuring that the viability of the broader town centre is not impacted.

This is considered to provide a positive economic impact on the local community.

SECTION D – INFRASTRUCTURE (LOCAL, STATE AND COMMONWEALTH)

11. Is there adequate public infrastructure for the planning proposal?

Yes, existing public infrastructure can comfortably accommodate the demand generated by this planning proposal request.

The subject site is within a 200 m walkable catchment from Merrylands Train Station. Furthermore, this accessibility is enhanced as it is within the Merrylands town centre and the services it provides for local residents. This high level of accessibility ensures that residents can efficiently access local and regional connections, both by train from Merrylands Station and local bus services. Together with the rail network, the diversity of bus services ensures that residents can choose the best mode of public transport to access local and regional jobs, services, and entertainment.

The area is well supplied with schools, open spaces, and community facilities, with the proposal providing a population to support their efficient use.

The site is supplied with all relevant utility infrastructure to facilitate development.

Accordingly, it is considered that the area contains the necessary infrastructure to support the intensification of residential development over the subject site.

Voluntary Planning Agreement

A voluntary planning agreement letter of offer is attached.

SECTION E – STATE AND COMMONWEALTH INTERESTS

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

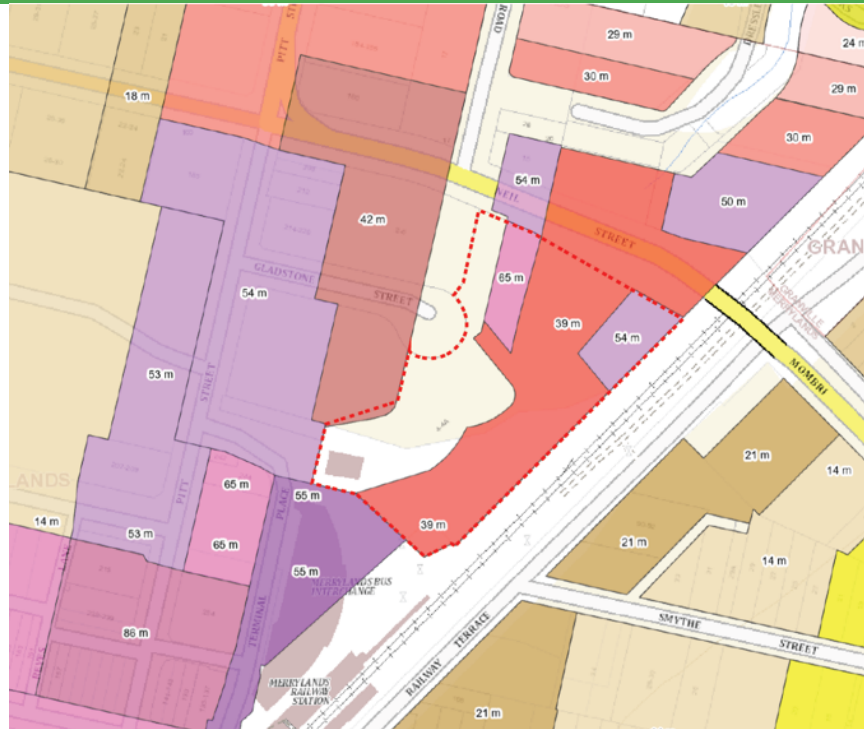
The Planning Proposal Request has not yet received Gateway Determination and consultation with the public authorities has not yet commenced.

PART 4 – MAPS

Proposed amendments to the height of buildings map, FSR map and additional permitted uses map are provided below.

Figure 38: Height of Buildings Map – existing and proposed (Source: PTW)

Existing



Proposed

86m, 39m
54m

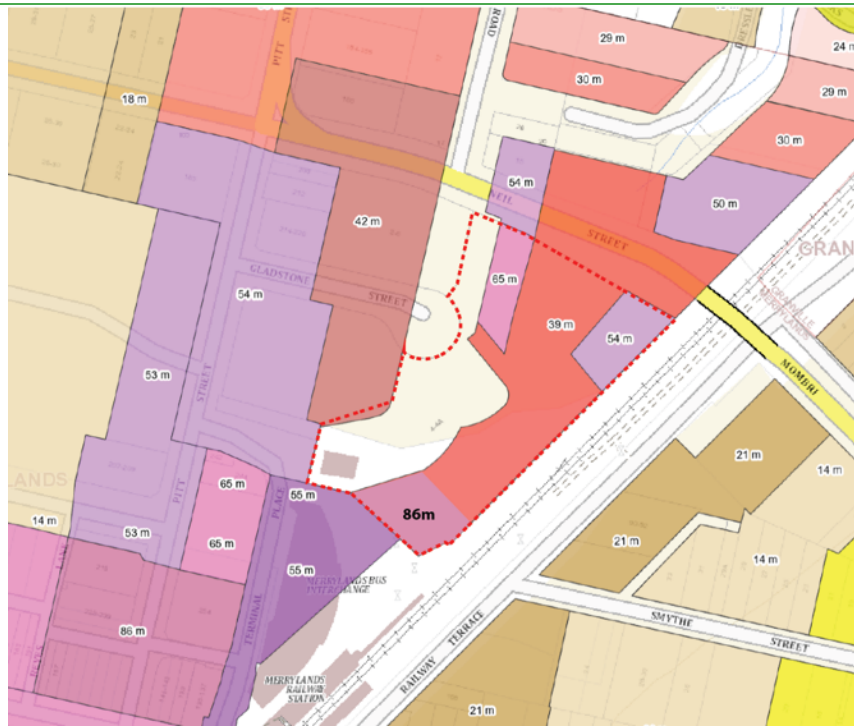
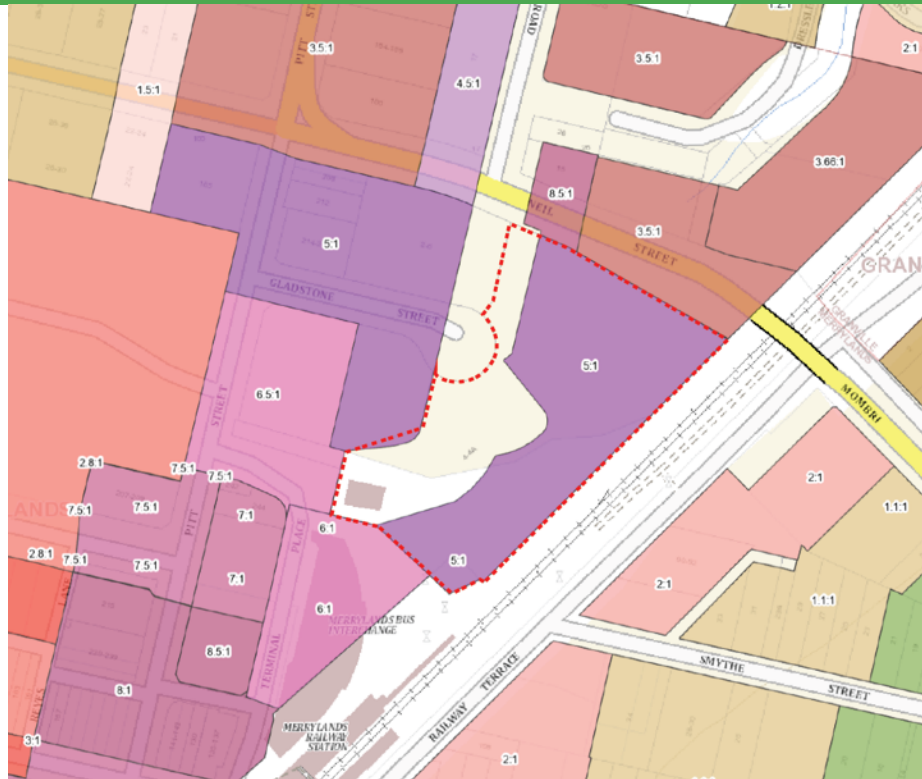


Figure 39: Floor Space Ratio Map – existing and proposed (Source: PTW)

Existing

5:1



Proposed

6.6:1

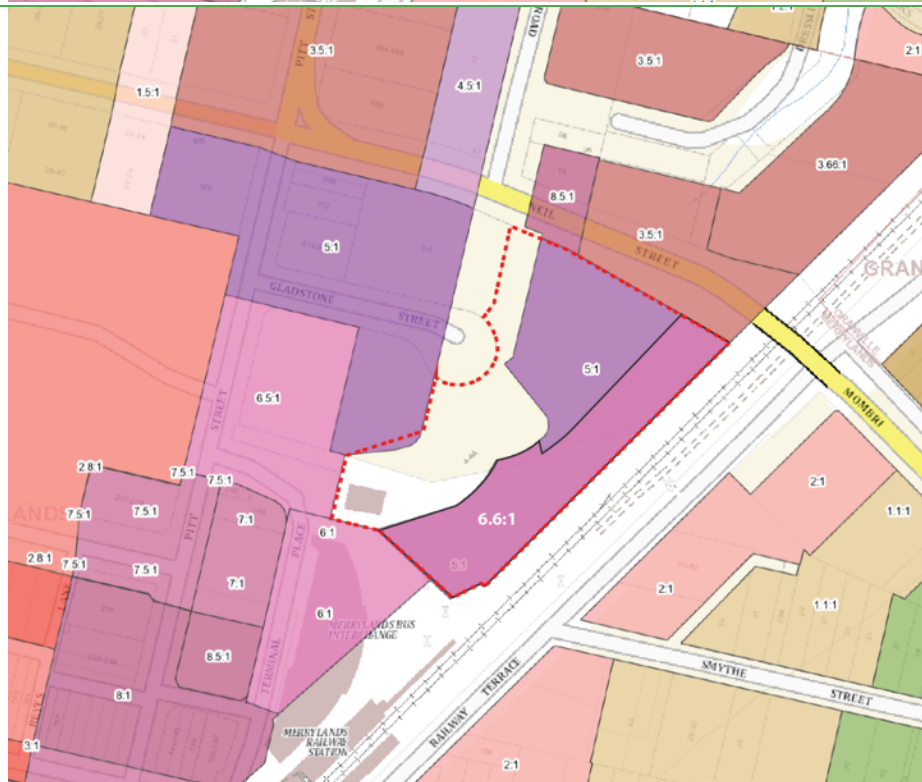
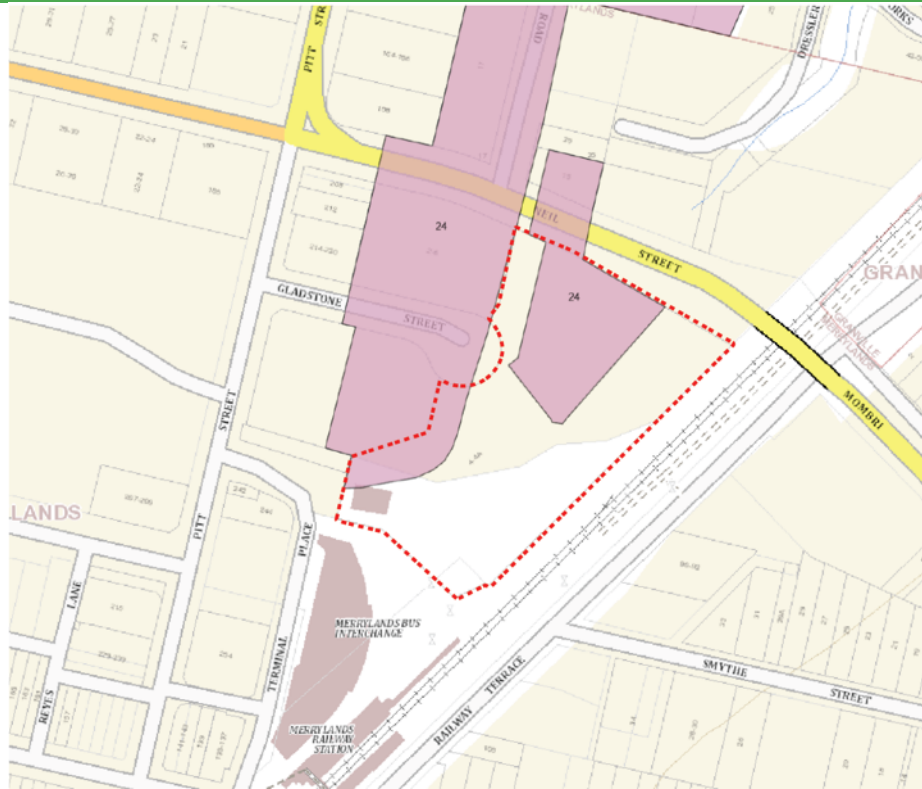
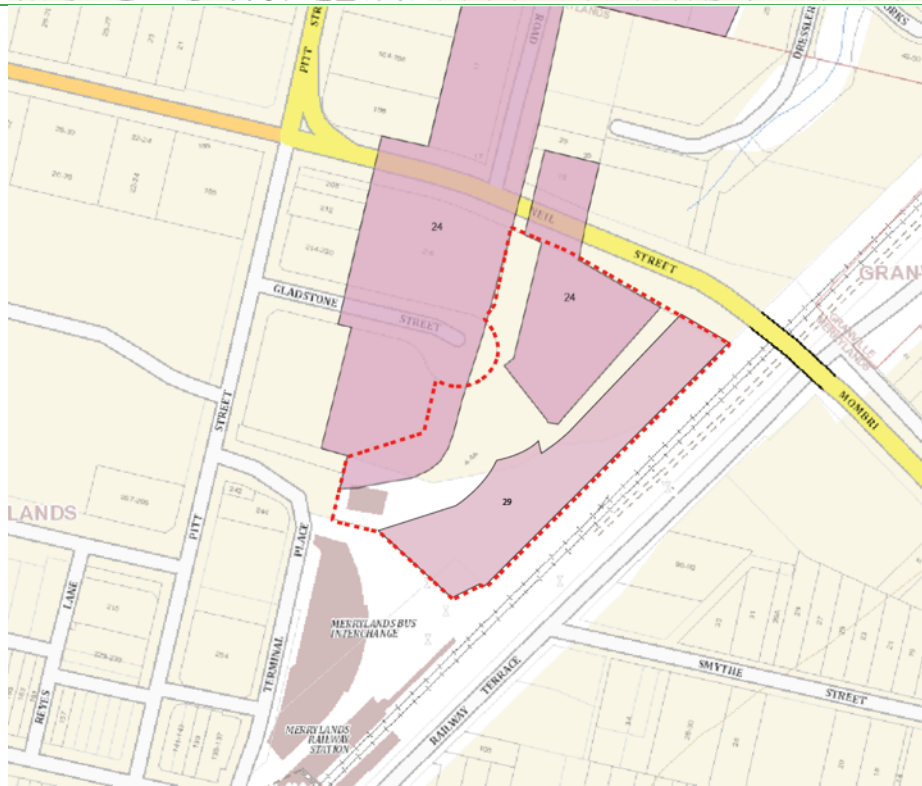


Figure 40: Additional Permitted Uses Map – existing and proposed

Existing



Proposed



PART 5 – COMMUNITY CONSULTATION

Community consultation will be undertaken following the requirements prescribed by the Gateway determination. The Local Environmental Plan Making Guidelines set recommended exhibition periods for basic, standard, complex and principal planning proposals.

A review of this Guideline indicates that it is a 'major' planning proposal and should be subject to a public exhibition period of minimum 28 days.

PART 6 – PROJECT TIMELINE

A project timeline is yet to be determined. It will be formulated following discussions with Cumberland City Council and confirmation of any additional information required to allow consideration of the Planning Proposal request.

An indicative timeline for the planning proposal includes:

Table 10: Project Timeline

Milestone	Timeframe
Consideration by Council	November 2023
Council decision	December 2023
Gateway determination	February 2024
Pre-exhibition	March 2024
Commencement and completion of public exhibition period	April 2024
Consideration of submissions	May 2024
Post-exhibition review and Report to Council	June 2024
Submission to the Department for finalisation (where applicable)	July 2024
Gazettal of LEP amendment	August/ September 2024

CONCLUSION

This Planning Proposal request explains the intended effect and justifies a proposed amendment to the *Cumberland Local Environmental Plan 2021* (Cumberland LEP 2021). The Planning Proposal request has been prepared under Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Environment's document *Local Environmental Plan Making Guideline* (August 2023).

The Planning Proposal request relates to land at 4-4A Terminal Place, Merrylands and seeks to amend Cumberland Local Environmental Plan 2021 by:

- Height of Building Map to permit development with a maximum building height of 86 m.
- Floor Space Ratio Map to permit a maximum FSR of 6.6:1 over the subject site.
- Additional permitted uses map and Schedule 1 to permit a total GFA of 500m² for a "commercial premises" as an additional permitted use.

The Planning Proposal request describes how the intended outcome of the proposed LEP amendments aligns closely with the strategic directions established in State Government documents, as demonstrated below:

- A Metropolis of Three Cities – Greater Sydney Region Plan,
- The Central City District Plan,
- Cumberland Local Strategic Planning Statement
- Cumberland Housing Strategy

It is considered that the LEP amendments sought by the planning proposal request will allow for the accelerated delivery of high-density residential development in an area well-served by public transport and infrastructure and identified as an area suitable for intensification. The planning proposal request is considered to have substantial merit based on a sound analysis of relevant planning considerations. It is submitted to Cumberland City Council for consideration.

ANNEXURE 1: 3D RENDERS OF INTENDED DEVELOPMENT OUTCOMES

Tower and New Public Open Space Area and Potential Outcome on Council and Transport land.



Tower Relationship Between Site 2 Built Form and Potential Future Tower on Adjoining site viewed from southern side of Merrylands Station.



Tower Viewed from Terminal Place





Tower Relationship Between Site 2 Built Form and Potential Future Tower on Adjoining site viewed from southern side of Merrylands Station.

