



CUMBERLAND
CITY COUNCIL

PL2024/0078

20 December 2024

Anglican Community Services
Level 2 Century Corporate Estate
62 Norwest Boulevard
BAULKHAM HILLS NSW 2153

Dear Sir/ Madam,

Subject: **Pre-Lodgement Meeting Advice**
Proposal: Construction of a 35 storey shop top housing development comprising of 251 affordable housing units, five (5) levels of basement parking, ground floor retail premises, and two (2) levels of commercial premises pursuant to the State Environmental Planning Policy (Housing) 2021.
Application No: PL2024/0078
Property: 215, 229-239 Pitt Street Merrylands.
Legal Description: Lot 2 in DP 501597, Lot J in DP 10354, Lot 2 in DP537031 and Lot 1 in DP 537037.

Reference is made to the pre-lodgement meeting held on 18 December 2024 concerning the abovementioned property. Please find attached a copy of the meeting minutes.

As discussed during the meeting the proposal needs to address various issues and requires amendments.

Please note, the pre-lodgement meeting advice does not constitute approval and is given in good faith and on a 'without prejudice' basis. Council's requirements may vary from time to time and applicants are expected to comply with all prevailing planning controls.

Should you have any enquiries regarding this matter, please contact Haroula Michael on 8757 9403 during normal business hours, Monday to Friday and quote reference PL2024/0078.

Yours faithfully,

Harley Pearman
Executive Planner

MINUTES OF PRE-LODGEMENT MEETING

Property: 215, 229-239 Pitt Street Merrylands being Lot 2 in DP 501597, Lot J in DP 10354, Lot 2 in DP537031 and Lot 1 in DP 537037.

Proposal: Construction of a 35 storey shop top housing development comprising of 251 affordable housing units, five (5) levels of basement parking, ground floor retail premises, and two (2) levels of commercial premises pursuant to the State Environmental Planning Policy (Housing) 2021.

Meeting Date: 18 December 2024.

Attendees: Council Staff – Haroula Michael (Executive Planner) and Bala Sudarson (Senior Development Engineer).
Applicant – Adam Coburn (Mecone), Margaret Paige (Mecone), Steven Chen (Anglicare), Adrian Balatinac (Impact Group), Alain Assoum (Fuse Architects) and Vicente Castro Alvarez (Fuse Architects).

Site/Proposal

The site forms Lot 2 in DP 501597, Lot J in DP 10354, Lot 2 in DP537031 and Lot 1 in DP 537037 and is known as 215, 229-239 Pitt Street Merrylands. The subject site presently maintains existing single and two storey commercial tenancies, with at grade car parking accessed from Reyes Lane, and the site is void of landscaping. Forward of the site, existing outdoor dining areas are designed facing McFarlane Street. The locality is characterised by one to three storey built form, comprising an existing shopping centre to the north, commercial and retail development to the east, south, and west, a hotel to the south and mixed use development currently under construction to the north-east of the site.

The following works form part of the subject proposal for the State Significant Development Application (SSDA):

The proposal seeks consent for the construction of a 35-storey shop top housing development.

This includes:

- 5 levels of basement parking.
- Ground floor retail.
- Two storey podium with commercial uses.
- Tower with 251 affordable housing units pursuant to Chapter 2, Part 2, Division 1 of the State Environmental Planning Policy (Housing) 2021.

(Note: Basement plans were not provided for review as part of this Pre-DA).

1. Planning controls

The SSDA shall consider and comply with the relevant provisions of the following documents and where a variation is proposed, suitable written justification, documentation and plan details must be provided:

- State Environmental Planning Policy (Housing) 2021.
- State Environmental Planning Policy (Industry and Employment) 2021.
- State Environmental Planning Policy (Planning Systems) 2021.
- State Environmental Planning Policy (Resilience and Hazards) 2021.
- State Environmental Planning Policy (Sustainable Buildings) 2022.
- State Environmental Planning Policy (Transport and Infrastructure) 2021.
- Cumberland Local Environmental Plan 2021.

- Cumberland Development Control Plan 2021.
- Public Domain Plan - Merrylands Town Centre 2024.
- Cumberland Local Infrastructure Contributions.

State Environmental Planning Policy (Housing) 2021

Chapter 2 Affordable housing, Part 2 Development for affordable housing

Any future SSDA shall demonstrate compliance with Chapter 2, Part 2, Division 1 of the SEPP (Housing) 2021.

Under Clause 19 of State Environmental Planning Policy (Housing) 2021, there are a number of non-discretionary standards to address. It appears that any forthcoming application will need not address the minimum landscaped area variation.

Any variation to a non-discretionary standard will require the submission of a Clause 4.6 variation request for consideration.

Chapter 4 Design of residential apartment development

Chapter 4, Section 144 of SEPP (Housing) 2021 states that the policy applies to a development for the purpose of a shop-top housing if the building concerned is at least 3 or more storeys and contains at least 4 dwellings.

The development incorporates shop-top housing, more than 3 storeys and contains more than 4 dwellings and therefore this Chapter applies.

Any future application shall be accompanied with a statement by a qualified designer prepared by a registered architect that verifies that the qualified designer designed, or directed the design of the, the development and that addressed the design quality principles and the objectives in parts 3 and 4 of the Apartment Design Guide (ADG). This statement shall be submitted with any SSDA lodged as required by section 29 of the Environmental Planning and Assessment Regulations 2021.

Any future application shall also ensure compliance with the ADG. It is noted that some of the balconies are below the minimum specified under Part 4E of the ADG, any future application should ensure compliance.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

Pursuant to the provisions any development is required to address Chapter 2 Vegetation in non-rural areas, Chapter 6 Water catchments and including any relevant Schedules.

State Environmental Planning Policy (Industry and Employment) 2021

Should the development include any signage, such as building/business identification signage including directional signage, any future development application is required to provide an assessment of the signage against the provisions in Chapter 3 of this SEPP.

State Environmental Planning Policy (Planning Systems) 2021

The capital investment value of the development exceeds \$75 million and will result in more than 40 additional dwellings. Therefore, pursuant to Schedule 1, Section 26A of the State Environmental Planning Policy (Planning Systems) 2021, the development is declared as State Significant Development (SSD).

The applicant has confirmed that the proposal falls under SSD.

State Environmental Planning Policy (Resilience and Hazards) 2021

Pursuant to the provisions of Chapter 4 Remediation of Land any future application is required to be accompanied by a Contamination Assessment prepared by a suitably qualified person. Council's Environmental Health Unit reviewed the pre-lodgement application refer to detailed comments under 'point 6 Environmental Health comments'.

State Environmental Planning Policy (Sustainable Buildings) 2022

Any future development application lodged after the commencement of this Policy is required to suitably address the provisions of Chapter 2 Standards for residential development and Chapter 3 Standards for non-residential development.

State Environmental Planning Policy (Transport and Infrastructure) 2021

Chapter 2- Infrastructure

In accordance with Section 2.48 of the SEPP, the application may be required to be referred to the relevant electricity supply authority for comments.

Schedule 3 - Traffic generating developments to be referred to Transport for NSW (TfNSW).

Cumberland Local Environmental Plan 2021 (CLEP 2021)

Permissibility

The subject site is zoned E2 Commercial Centre zone pursuant to the Cumberland Local Environmental Plan. Shop top housing development is permissible with consent.

Clause 2.6 Subdivision – consent requirements

Any lot consolidation and land subdivision is subject to this clause.

Clause 2.7 Demolition requires development consent

Any demolition works are subject to this clause.

Clause 4.3 Height of Buildings (HoB)

The subject site has a maximum height of buildings of 86 metres. The proposed 121m tower will comply with the Housing SEPP which overrides the LEP.

Note: the 8.6m Design Excellence bonus is subject to endorsement by the Cumberland Design Excellence Panel that the proposal is exhibiting design excellence.

Clause 4.4 Floor Space Ratio (FSR)

The subject site has a maximum FSR of 8:1. The proposed floor space ratio is 11.05:1 proposed however will comply with the Housing SEPP which overrides the LEP.

Note 1: the 0.5:1 Design Excellence bonus is subject to endorsement by the Cumberland Design Excellence Panel that the proposal is exhibiting design excellence.

Note 2: The maximum allowable floor space ratio with the bonuses is 11.05:1. In this regard, the building design must not exceed this.

Clause 4.4(2F) Residential Floor Space Ratio

As per this clause the residential component shall not exceed 6.3:1 or 13,160.7 square metres, however as the proposal is seeking a bonus FSR and height under the Housing SEPP which will allow for additional residential accommodation, a Clause 4.6 Variation Request will be required to vary this clause with any future application.

Clause 5.10 Heritage Conservation

The subject site has not been identified as a heritage item or within in a heritage conservation area.

Clause 6.2 Earthworks

Earthworks are proposed as part of the site remediation works and basement parking. Any future SSDA should ensure compliance with this clause.

Clause 6.4 Essential Services

The provision of a substation has been marked on the architectural plans. Any future SSDA shall ensure the substation is marked on the plans and be investigated in consultation with the energy provider.

Adequate arrangements must be made for suitable vehicular access and access for waste collection. Adequate arrangements must also be made for any relocation of the supply of water and/or the disposal and management of sewage.

Clause 6.7 Stormwater Management

Any future development application must satisfy the objectives of this clause. Refer to 'Development Engineering comments' from Council's Senior Development Engineer below.

Clause 6.12 Urban Heat

Any future application must satisfy the objectives of this clause. The façade and roof of the proposed building should be designed to reduce adverse effects of solar heat on the surrounding land.

Clause 6.13 Ground floor of development in E1, E2 and MU1 zones.

The subject site is zoned E2 Commercial centre and this clause applies. The ground floor is predominantly being used for retail spaces and will promote active uses.

The location and access of the loading area along Short Lane (Milne Lane) faces a service lane that does not require active street frontage as per Clause 6.13(5)(a) of the CLEP 2021. This is also consistent with the Cumberland Development Control Plan, Part 2-6 Merrylands Town Centre, figure 2 that outlines location of vehicular entry and loading bays.

Clause 6.14 Design Excellence

The subject site has been identified as land shown as 'Area 2' on the Design Excellence Map and Development consent must not be granted to development to which this clause applies unless the consent authority considers that the development exhibits design excellence.

Design Excellence Panel

As discussed during the pre-lodgement meeting, in order to receive the height and FSR bonus as per Clause 6.14 Design Excellence pursuant to the Cumberland Local Environmental Plan 2021, the application requires to be endorsed by the Cumberland Design Excellence Panel as exhibiting design excellence (clause 6.14(4)(a) of the CLEP 2021).

Given, the application is a SSD, it is also required to be presented to the NSW State Design Review Panel (NSW SDRP) for comment. Council will accept a joint meeting with the Cumberland Design Excellence Panel and the NSW SDRP. You are advised to contact the Department of Planning, Housing and Infrastructure and confirm their position on a joint meeting.

If there is agreement for a combined meeting, please provide Council with contact details of the State Design Review Panel secretariat and Council will facilitate a combined meeting. Please note fees will be applicable for this meeting. You may also wish to confirm any applicable fees with the NSW SDRP.

Cumberland Development Control Plan 2021 (CDCP 2021)

The following parts of the CDCP 2021 are applicable and their respective objectives and controls and should be considered as part of any future SSDA:

- Part A1 Introduction – The proposal will be notified as per the requirements of the Cumberland DCP 2021.

- Part A3 Site Amalgamation and Isolated Sites.
 - Part B5 Adaptable Housing and Housing Mix
 - Part C Development in Business Zones.
 - Part F2 Business Site Specific.
 - Part 2-6 Merrylands Town Centre.
 - Part F-8 Merrylands Station and McFarlane Street Precinct.
 - Part G1 Advertising and Signage (if applicable to the proposed works).
 - Part G3 Traffic, Parking, Transport and Access (Vehicles).
 - Part G4 Stormwater and Drainage. Refer to commentary under 'Development engineering comments.
 - Part G5 Sustainability, Biodiversity and Environmental Management.
 - Part G7 Tree Management and Landscaping.
 - Part G8 Waste Management.
- a) The DCP control of Part F2-6 - Business Site Specific (Merrylands Town Centre) at Subpart 3.3.3 Control C7 requires street wall heights of buildings to be 3 storeys, with a minimum height of 11m and maximum height of 14m. This is also required under Part F2-8 Merrylands Station and McFarlane Street Precinct sub-part 2.6.6 Control C1.

The plans submitted shows a 3 storey. This will require attention or a planning justification for this variation.

- b) The applicant should also have regard to Control C3 of Subpart 2.6.5 of Part F2-8 Merrylands Station and McFarlane Street Precinct which requires a maximum 2 -storey street wall height to be maintained where a site has a frontage to a laneway. The proposal seeks a 3 storey wall height along the lane way. This will require attention or a planning justification for this variation.
- c) Awnings are encouraged along the Pitt Street and McFarlane Street frontages as per sub-part 2.6.9, Control C1 and figure 14 of Part F2-8 Merrylands Station and McFarlane Street Precinct.
- a) Further details shall be provided in relation to the laneway dedication along Short and Reyes Lane that is consistent with sub-part 2.3.1, Control C2, Figure 6 of Part F2-8 Merrylands Station and McFarlane Street Precinct.

Any dedication will require a letter of offer to be provided. A Planning Agreement is likely for the proposed future widening of the laneway. In the first instance, it would be appropriate to make contact with Olivia Yana on 8757 9949 Coordinator Planning Systems to discuss the terms of any Planning Agreement for the laneway dedication and widening and requirements for the letter of offer.

Similar variations were supported under DA2020/0308, however these would also need to be addressed under the SSDA for consideration.

3. Other planning matters

Lot1 in DP501597

As discussed in the meeting, the site to the north of the development outlined in red is 'operational land', any future application will require Council's consent as the landowner. It is advised that you provide detailed plans of any awnings or other structures that will encroach into this site for Council's consideration and written consent. Council's consent can be requested via property.services@cumberland.nsw.gov.au.



Statement of Environmental effects.

A detailed statement of environmental effects shall be prepared addressing the relevant issues, all relevant planning instruments and impacts of the development upon the surrounding area.

Section 26(1)(a) of the Environmental Planning & Assessment Regulation 2021 requires the applicant to nominate a registered community housing provider who will manage the affordable housing component, the applicant has confirmed that Anglicare is a registered community housing provider.

Car parking and loading/unloading bays

No basement plans were provided to determine compliance with the car parking numbers. The residential component shall ensure full compliance with Clause 19 (2)(e) of the State Environmental Planning Policy (Housing) 2021.

The retail car spaces and loading/unloading bays must ensure compliance with Part G3 Traffic, Parking, Transport and Access (Vehicles).

All required car parking must be provided on site. Council will not support the use of car share arrangements such as GoGet schemes.

Aviation approval

The applicant should investigate as to whether a referral is required to Sydney Airport Corporation or Civil Aviation Safety Authority is required for the subject application given the height of the building and cranes associated with the construction of the building.

4. Tree comments

Council's Senior Tree Management Officer has reviewed the proposal and has provided the following comments:

Landscape works

Any proposed landscape plan should be prepared by a suitably qualified AQF5 Landscape Designer/Architect to a minimum scale of 1:100 or 1:200. The plans should specify proposed species with common and botanical names, pot size, quantity and be clearly marked on the plans with sufficient roots space available relative to the species potential mature size.

The design should be in line with minimum requirements as per the DCP Part G7, 2.4-2.4 and be consistent with existing streetscape to ensure continuity.

Tree Protection Plan

The applicant should submit a Tree Protection Plan that considers existing vegetation within the McFarlane Street, frontage. The TPP should be prepared by a minimum AQF5 arborist and the consulting arborist should be provided with all architectural, civil and stormwater plans to ensure they are aware of the full impact on the trees to be retained.

5. Development engineering comments

Council's Senior Development Engineer has reviewed the proposal and has provided the following comments for your action:

Flooding

- a) Development shall comply with the Council's Flood advice letter and Council's Flood Risk Management Policy (CFRMP). Supporting documents shall be prepared in order to ensure that the development complies with the controls for flood risk precinct nominated in the Appendix (page 6) of the CFRMP.

Stormwater

- a) Stormwater runoff from the entire site shall be discharged by gravity system. The details shall be prepared by a suitably qualified hydraulic engineer and must be in accordance with Cumberland Council's DCP and Upper Parramatta River Catchment Trust "On-Site Detention Handbook." In this regard,
 - i) OSD shall be located outside the building floor areas.
 - ii) OSD calculations, cross section discharge control pit and cross section of the OSD tank shall be submitted.
- b) Overland flow from adjacent properties shall be maintained. Allowances shall be made for surface runoff from adjacent properties, and to retain existing surface flow path systems through the site.
- c) Basement drainage system shall comply with Council's Stormwater DCP. Above and below ground storages shall be provided as per the DCP requirements. Basement pump out tank design calculations shall be provided.
- d) Ramp design shall ensure stormwater runoff from the street does not enter the basement. In this regard a crest shall be provided within the site in the ramp design. Speed humps are not accepted. The crest shall form part of the basement ramp design. The crest shall be above the 1% AEP flood. Adequate freeboard shall be provided.
- e) Stormwater runoff from the manoeuvring area including access ways will have to undergo some form of industrial standard primary treatment/separation prior to disposal into existing stormwater systems. In this regard, stormwater treatment device capable of removing litter, oil, grease, and sediment shall be provided prior to discharge to the stormwater system.

Traffic/Access

- a) Traffic and transport impact assessment report shall be submitted. The traffic impact assessment report shall address the impacts of the proposed developments. These

should include, but not limited to, transport impacts on surrounding transport networks, queuing, parking, traffic generation, entry, and exit.

- b) Parking shall comply with the relevant SEPP and DCP requirements. Detail calculations shall be provided.
- c) Separation shall be provided between residential /residential visitor and non residential parking spaces.
- d) Parking layout shall comply with Australian standard AS2890.1 and AS2890.6. Detail dimensions shall be annotated on the plans.
- e) Adequate queuing areas shall be provided within the site in accordance with AS2890.1 requirements.
- f) Vehicles shall enter and leave the site in a forward direction.

Loading

- a) Proposed delivery vehicle access is provided through the Short Lane. In this regard laneway shall be widened to facilitate the two-way access.
- b) Proposed loading arrangement is not acceptable. Delivery vehicles and garbage trucks shall enter and leave the site in a forward direction without using the turntable.
- c) The headroom clearance for delivery truck access and loading area design shall comply with Australian standard AS2890.2 for the proposed delivery trucks.

6. Environmental Health comments

Council's Environmental Health Officer has reviewed the proposal and has provided the following comments for your action:

Contamination

An updated detailed Site investigation report and an updated Remediation Action Plan and advise if a site audit statement will be required or interim site auditor advise that the site can be made suitable for the proposed uses.

Acoustic privacy

An updated acoustic and vibration privacy/noise intrusion into the development and between the dwellings as regard to the SEPP Codes.

Food Fit-out

Applicant to advise if there will be any retail food premises – is yes, the building design must incorporate measures to enable the installation of appropriate mechanical ventilation systems that comply with relevant Australian Standards including AS1668 and which will be capable of accommodating any exhaust/ventilation requirements for future food premises.

Hazardous Materials Survey

Provide an updated Hazardous Materials Survey Report must be prepared by a suitably qualified person (such as a certified Occupational Hygienist). The report must identify and record the type, location, and extent of any hazardous materials on the site and make recommendations as to the safe management and/or removal to ensure the site is safe for demolition, construction and future use/occupation.

Demolition Excavation and Construction Noise and Vibration Management Plan (DECNVMP)

Provide an updated Demolition Excavation and Construction Noise and Vibration Management Plan (DECNVMP) to outline how noise, vibration and environmental issues like dust and soil and sediment erosion will be managed.

Sediment and Erosion control plan

It is recommended that a Sediment and Erosion Control Plan be submitted with any SSD application.

7. Parks and Open Spaces

Council's Senior Landscape Architect and Urban Designer has reviewed the proposal and has provided the following comments:

- Confirmation to the finished footpath levels on McFarlane Street and Pitt Street.
- Through site link to be at grade with street level to improve accessibility to lobby and buildings relationship with the streetscape.

8. Waste Comments

The proponent will need to comply with Council's DCP Part G8 Waste Management.

Any future application should provide a Waste Management Plan that details how generated wastes will be managed during the demolition and construction phases, the proponent must also detail how on-going waste and recycling wastes will be managed during the longer-term operational phase of the envisaged development. The plan should outline safe, effective, and efficient storage and presentation methodologies.

Important Information

Please refer to Council's Electronic Submission Requirements for Plans, Reports and other documents, the Application Guide for Lodgement and associated DA Checklist (available from Council's website <https://www.cumberland.nsw.gov.au/developmentapprovals-and-forms/forms-certificates-and-checklists>) when preparing your application.

Please note this advice has been prepared on the basis of the information and concept plans that have been submitted to Council for this meeting. Other issues may arise following a detailed assessment of any application lodged.

Furthermore, any application that is lodged shall be assessed on its merits and shall have regard for, and be designed in accordance with, the relevant planning controls (including any state or local environmental planning instruments) precinct plans, development control plans or policies, and the National Construction Code and relevant standards.

Any information submitted for Pre-Lodgement meetings as well as any correspondence to or from Council, including this letter, may be disclosed under the provisions of the GIPA Act.

The views expressed may vary once detailed plans and information are submitted and formally assessed by Council, or as a result of issues raised by interested parties.

These comments do not bind Council Officers, the elected Council members, or other bodies beyond Council, in any way whatsoever.