

Greater Sydney, Place and Infrastructure

IRF19/7471

Gateway determination report

LGA	Cumberland
PPA	Cumberland Council
NAME	2 – 22 William Street, Granville – Amendments to height of building control, floor space ratio control and removal of local heritage item (approximately 24 additional dwellings)
NUMBER	PP_2019_CUMBE_007_00
LEP TO BE AMENDED	Parramatta Local Environmental Plan 2011
ADDRESS	2 – 22 William Street, Granville
DESCRIPTION	Lots 18 – 31 in DP2371 and SP31488
RECEIVED	25 October 2019
FILE NO.	IRF18/7471
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend the development controls for land at 2 – 22 William Street, Granville (the site), by amending the Parramatta Local Environment Plan 2011 (PLEP 2011) as follows:

- increase the Height of Building (HOB) from 14 metres to 16 metres;
- increase the maximum Floor Space Ratio (FSR) from 1:1 to 1.7:1;
- remove the local heritage item I205 (10 William Street, Granville – Lot 27 DP 2371), from Schedule 5 of the Parramatta Local Environmental Plan

The planning proposal applies to the entire street block to ensure that the LEP amendment establishes a consistent planning framework for the street block, rather than a single land holding. No other changes are proposed to the planning controls for the site. The proposal will allow approximately 24 additional dwellings in comparison to the existing controls which allow for approximately 60 dwellings in total.

1.2 Site description

The site (**Figure 1**) has a total area of 3,700m², comprising of fifteen allotments containing seven buildings with primary frontage to William Street and rear access to the service lane. The buildings on the site generally comprise detached residential dwellings. A number of dwellings have garages adjoining the service lane.

A two-storey residential flat building is located at 2 William Street containing approximately 6 apartments and owned under strata title. A large commercial warehouse building is located at 12 William Street (**Figure 4**). The commercial building is two storeys in height and occupies a significant portion of the street block, with access to both William Street and the service lane. Table 1 below describes the Lot and Deposited Plan numbers for the fifteen allotments.

The proponent for the planning proposal owns the site at 10 – 22 William Street (Site 1) and has instigated the LEP amendment process with Council. The remaining portion of the site is known as 2 – 8 William Street (Site 2) comprising of five allotments held under individual private ownership and strata title (**Figure 2**).

Site	Property Address	Lots and Deposited Plan
Site 1	22 William Street	Lot 18 in DP2371 Lot 19 in DP2371 Lot 20 in DP2371
	12 William Street	Lot 21 in DP2371 Lot 22 in DP2371 Lot 23 in DP2371 Lot 24 in DP2371 Lot 25 in DP2371 Lot 26 in DP2371
	10 William Street (Figure 3)	Lot 27 in DP2371 (PLEP Heritage Item)
Site 2	8 William Street	Lot 28 in DP2371
	6 William Street	Lot 29 in DP2371
	4 William Street	Lot 30 in DP2371 Lot 31 in DP2371
	2 William Street	SP 31488

Table 1 - Lot and Deposited Plan Numbers



Figure 1: Aerial view of 2 - 22 William Street, Granville (Source: Cumberland Council)



Figure 2: Site ownership pattern



Figure 3: Local heritage item at 10 William Street (I205) (Source: Cumberland Council)



Figure 4: Commercial warehouse building located 12 William Street (Source: Cumberland Council)

1.3 Existing planning controls

Under the Parramatta Local Environmental Plan (PLEP) 2011, the site:

- is zoned R4 High Density Residential;
- has a maximum building height of 14 metres;
- has a maximum floor space ratio of 1:1; and
- contains a local heritage item located at 10 William Street (Item I205).

The following map extracts from the PLEP 2011 illustrate the current controls applying to the site in **Figure 5**, **Figure 6**, **Figure 7** and **Figure 8**.

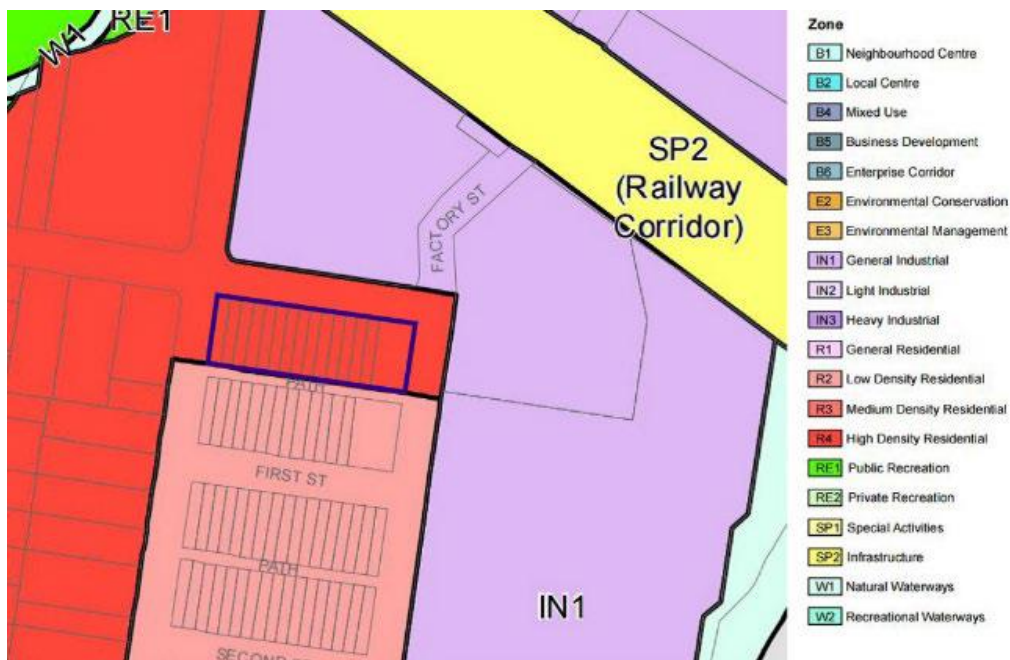


Figure 5: Existing R4 High Density Residential zoning over the site (Source: PLEP 2011 Land Zoning Maps)



Figure 6: Existing 14m limit height of building (HOB) for the site (Source: PLEP 2011 HOB map)



Figure 7: Existing FSR of 1:1 over the site (Source: PLEP 2011 FSR map)

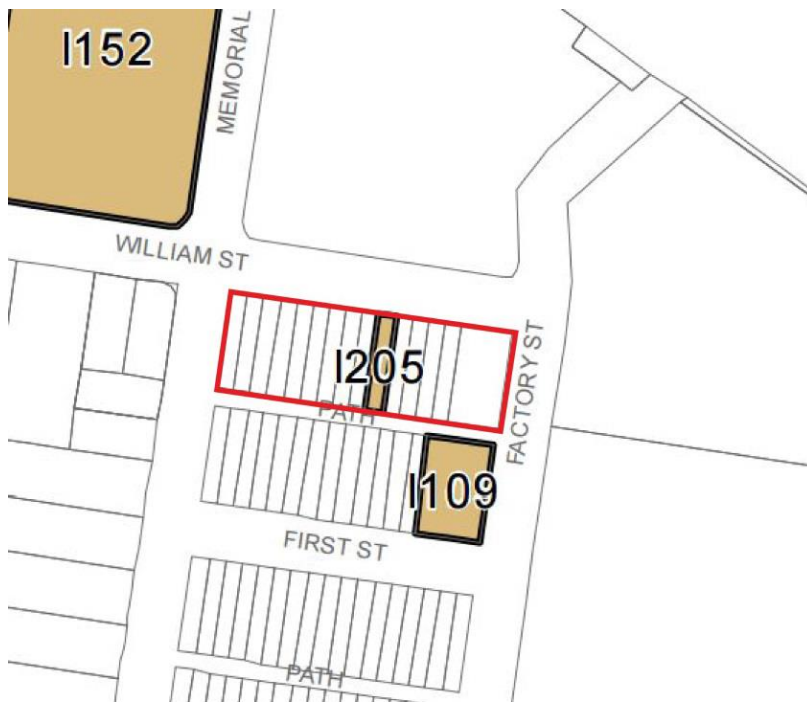


Figure 8: Existing Local Heritage Item (Item I205) located at 10 William Street, Granville (Source: PLEP 2011 Heritage map)

1.4 Surrounding area

Development surrounding the site includes a range of residential, commercial, industrial, recreational and community uses. Residential uses to the west of the site generally comprise of two to four storey residential flat buildings located in the R4 High Density Residential zone. To the south of the site comprises of detached single dwelling houses located within an R2 Low Density Residential zone. To the north and east of the site is an industrial precinct zoned IN1 General Industrial.

The site is located close to range of facilities and services such the Granville RSL Club, Granville Town Centre, Granville Memorial Park, and sporting ovals. A new multipurpose centre is also underway to support the needs of the local community at the Granville Swimming Centre. The Granville Town Centre provides a range of educational facilities including the Granville TAFE and College campus, Granville Boys High, Granville Public School and the Unique International College.

The site is also located 130m walking distance to Clyde Train Station, 600m walking distance to Granville Train Station, as well as bus interchange connecting to Parramatta CBD and Merrylands Town Centre. **Figure 9** shows the site in the context of the surrounding area.

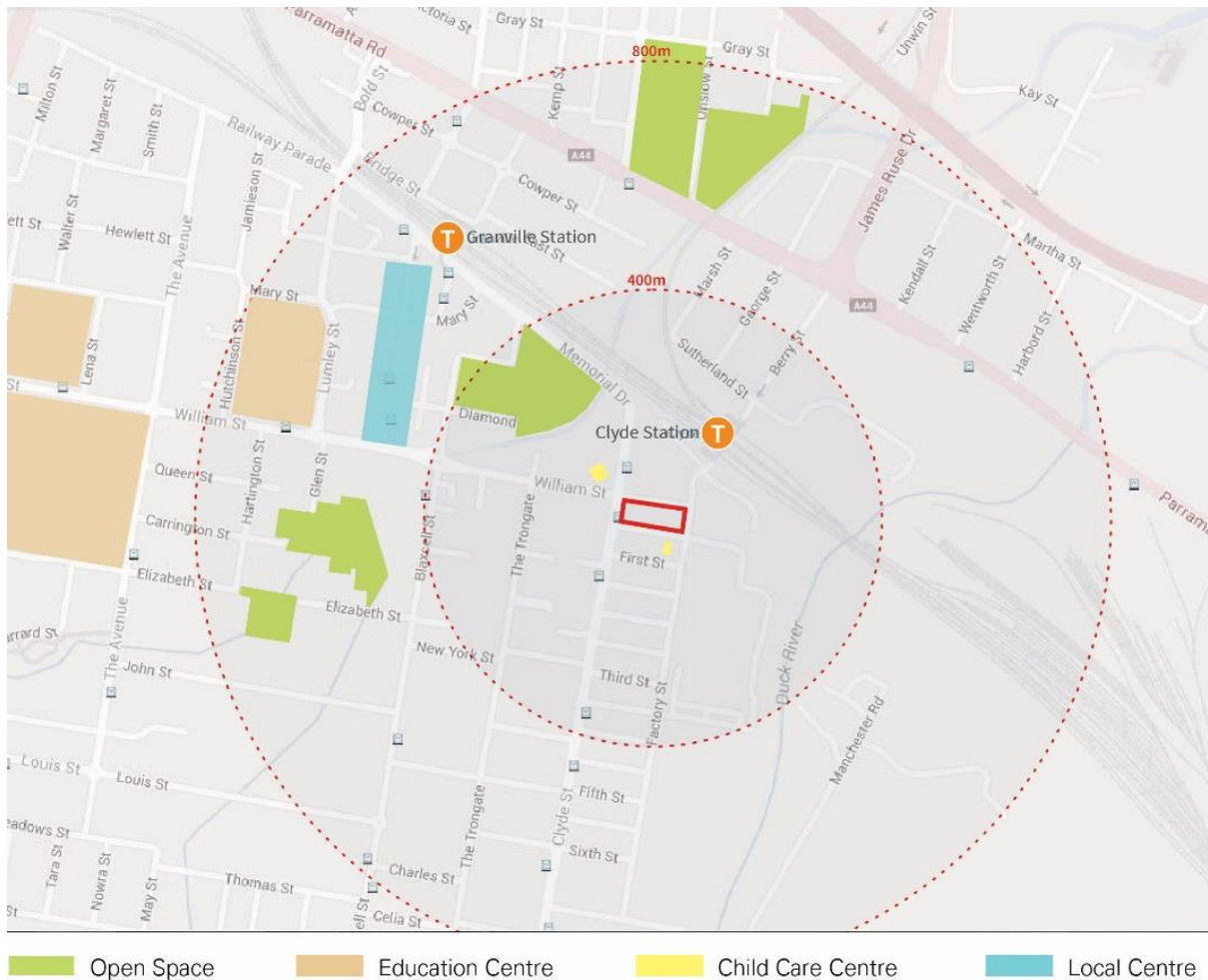


Figure 9: Facilities and services near subject site (Source: Cumberland Council)

1.5 Summary of recommendation

It is recommended that the planning proposal should proceed subject to conditions outlined in this report. The planning proposal will facilitate redevelopment for high density residential uses and will provide an appropriate transitional built form scale between the adjacent residential sites, to minimise overshadowing impacts.

2. PROPOSAL

2.1 Objectives or intended outcomes

The intended outcome is to facilitate redevelopment of the site for high density residential, while providing a transitional built form scale to the adjacent R2 residential sites and minimising overshadowing impacts. The intended outcomes will be achieved by allowing an increase to key development standards applying to the site to provide for an additional 24 dwellings.

The proposal does not seek to amend the land use zoning of the site.

A site-specific development control plan will be prepared to enhance urban design and public amenity for the site. Council proposes to negotiate a Voluntary Planning Agreement (VPA) to increase public benefits as part of the planning proposal.

The objectives and intended outcomes of the planning proposal are considered clear and are explained in 'Part 1 – Objectives and Intended Outcomes', as well as the attached appendices that form the proposal.

2.2 Explanation of provisions

This planning proposal seeks to amend the Parramatta Local Environment Plan 2011 (PLEP 2011) in relation to floor space ratio, height controls and removal of a local heritage item.

In order to achieve the desired objectives, the following amendments to the PLEP 2011 would need to be made:

1. amend the maximum building height on the **Height of Buildings Map** (Sheet HOB_11) from 14 metres to 16 metres;
2. amend the maximum FSR the **Floor Space Ratio Map** (Sheet FSR_11) from 1:1 to 1.7:1; and
3. removal of the local heritage item no. I205 known as 10 William Street (Lot 27 DP 271) from **Heritage Map** (Sheet HER_11).

All other planning controls applying to the site will remain unchanged. The explanation of provisions in the planning proposal is sufficient for the purpose of public exhibition.

DPIE Comment

The planning proposal is to be amended to ensure consistency with the Department's *A guide to preparing planning proposals*. In particular, the document includes should identify a clear and concise explanation of provisions, with references to the document as an Assessment Report being removed.

The amendments must ensure that there is clarity for the community on Council's position on the proposal, the intended outcome of the proposal and the justification prior to public exhibition. On this basis, a Gateway condition has been recommended requiring Council to amend the planning proposal in accordance with the *A guide to preparing planning proposals* prior to public exhibition.

2.3 Mapping

The planning proposal includes existing and proposed HOB, FSR and Heritage maps applying to the land and suitably demonstrates the intended change. No further changes are required as the maps are considered suitable for public exhibition, subject to the recommendations of this report.

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of any site-specific study or report and is a landowner-initiated planning proposal.

The planning proposal allows for the redevelopment of the existing high-density residential zoning to a scale that allows for an appropriate transition to the R2 land immediately south of the laneway while minimise overshadowing impacts. The proposed FSR control will limit the density of the built form that can be achieved across the site.

The proposed amendment will allow for approximately 24 additional dwellings in comparison to the existing controls. Further consideration of privacy, overshadowing

impacts and potential overlooking of residential dwellings onto the existing dwellings will be undertaken as part of a future development application for the site.

The planning proposal also seeks to remove the local heritage item I205 from schedule 5 of the Parramatta LEP 2011 which is considered to no longer meet the NSW heritage criteria for assessing heritage significance.

Council have advised that a site-specific development control plan will be prepared to enhance urban design and public amenity for the site following a Gateway determination being issued. Furthermore, Council have indicated a need for increasing public benefits as part of the planning proposal which will be negotiated via a Voluntary Planning Agreement (VPA).

4. STRATEGIC ASSESSMENT

4.1 State

The Central City District Plan provides a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision of Greater Sydney. It is a guide for implementing the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.

The proposal is generally consistent with the Central City District Plan. The proposal will facilitate a high-density residential development and the following Priorities are considered relevant:

- *Infrastructure and Collaboration Planning Priority C1 - Planning for a city supported by infrastructure:* The proposal will increase planning controls on land close to existing infrastructure such as Granville Bus and Rail Interchange and Clyde Train Station.
- *Liveability - Planning Priority C5 – Providing housing supply, choice, and affordability with access to jobs, services and public transport:* The proposal will facilitate the development of the site for the construction of approximately 24 additional dwellings close to services at Granville Town Centre, Granville RSL Club, Granville Memorial Park and educational facilities. The site is within walking distance of Granville Train Station, Clyde Train Station and existing regional bus services with direct connections to Parramatta CBD and Merrylands Town Centre.
- *Productivity - Planning Priority C9 – Delivering integrated land use and transport planning and a 30-minute city:* The proposal will provide new dwellings in close proximity to existing public transport links and will contribute to creating a 30-minute city. The proposal will enable residents to walk or cycle to Granville Town Centre and access to jobs in Parramatta CBD and Merrylands Town Centre.

Additionally, Planning Priority C6 is also relevant:

- *Liveability - Planning Priority C6 - Creating and renewing great places and local centres, and respecting the District's heritage:* The proposal includes the removal of an item identified under the Parramatta LEP 2011 as being of local heritage significance. The planning proposal is supported by studies which suggest that the cottage has been compromised by alterations and is no longer of significance. As such it is considered appropriate that the item be

considered for removal, and that this will allow for the creation and renewal of great places in line with this priority.

The Department is satisfied the proposal will give effect to the District Plan, in accordance with section 3.8 of the Environmental *Planning and Assessment Act* 1979.

4.2 Local

Cumberland Community Strategic Plan 2017-2027

The Plan sets out the community's vision for the future, the strategies in place to achieve it and how progress towards or away from the vision will be measured.

A core direction is to provide a resilient built environment supported by essential services, a range of public transport options and community facilities. The proposal is consistent with the Plan as the site is located within walking distance to Granville Town Centre, Granville and Clyde Train Stations, and educational facilities such as Granville TAFE and College campus, Granville Boys High, Granville Public School and the Unique International College. The site is zoned for high density residential and the proposed uplift will allow approximately 24 additional dwellings in comparison to the existing controls. Overall, the planning proposal is considered to meet the strategic objectives in the plan, by allowing for an appropriate mix of housing choices close to public transport, education facilities and local shops.

Recommendations of the Local Planning Panel

The planning proposal was referred to the Cumberland Independent Hearing and Assessment Panel in September 2017 and to the Cumberland Local Planning Panel on 16 April 2019. The planning proposal has also been considered by the Cumberland Heritage Committee.

The proposal has been subject to a number of amendments since its initial lodgement in December 2015. A summary of the planning controls for the proposal is provided in Table 2.

In April 2019, the Panel supported the Council officer's recommendation to forward the most recent planning proposal to the Department for Gateway determination without change. The Panel's advice is reflected in Council's resolution.

Planning Controls	Existing Controls (PLEP 2011)	Initial Planning Proposal (December 2015)	Proponent Revised planning proposal (October 2018)	Council officers recommended controls to Panel (16 April 2019)	Cumberland Local Planning Panel Advice (16 April 2019)
Zoning	R4 High Density Residential	No changes	No changes	No changes	No changes
Height of Building	14 metres	23 metres	20 metres	16 metres	16 metres
Floor Space Ratio	1:1	2.3:1	1.7:1	1.7:1	1.7:1
Heritage item	Item I205 identified	Remove	Remove	Remove	Remove

Table 2: Changes made to the planning proposal prior to lodgement with the Department.

4.3 Section 9.1 Ministerial Directions

The consistency of the planning proposal with the relevant Section 9.1 Directions is addressed below:

Direction 2.3 Heritage Conservation

The objectives of this direction to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This direction applies as the subject site contains a local heritage item at 10 William Street (I205) protected under Schedule 5 of PLEP 2012. The proposal seeks to remove the heritage listing to facilitate the redevelopment of the site. A Statement of Heritage Impact (**Attachment G**) and peer review (**Attachment H**) were prepared in support of the planning proposal to remove the local heritage item.

Both studies confirmed that the integrity of the property's fabric and the design have been compromised by modifications and it is no longer considered to have retained its heritage aesthetic significance. The assessment found that the item did not satisfy the heritage listing guidelines for inclusion and it is considered appropriate to remove the heritage listing for this site.

However, it is noted that the above advice was contradictory to the recommendation of the former Parramatta Council's heritage officer and Cumberland Council's consultant heritage advisor (**Attachment J**), suggesting that the item be retained and adapted for reuse as part of the proposed development due to the cottage's sufficient degree of integrity.

On 13 September 2017, this matter was considered at the Cumberland Independent Hearing and Assessment Panel (CIHAP), noting that Council should obtain additional independent heritage opinion on the demolition of the heritage item (**Attachment M**) prior to the proposal proceeding. Council subsequently commissioned further heritage advice (**Attachment C**). The findings of the report noted that the cottage is not considered a local or state heritage significance, compromised by alterations to the interior and exterior of the cottage.

It is considered that the proposal demonstrates that heritage significance has been compromised through the supporting studies. It is recommended that the Secretary's delegate agree that the inconsistency with this direction is justified. However, consultation with NSW Heritage, Department of Premier and Cabinet is also recommended.

Direction 3.1 Residential Zones

The objectives of this direction are to encourage a variety of choice of housing types to provide for existing and future housing needs.

This direction applies when a planning proposal will affect an existing or proposed residential use or any other zone in which significant residential development is permitted or proposed to be permitted and approval of the Secretary is required if the reduction in density is involved.

The site is zoned R4 High Density Residential and allows for a range of residential unit types in an existing urban area close to existing services and educational facilities in Granville Town Centre. The proposal seeks to allow residential capacity by increasing the FSR and will further the supply of housing by 24 additional dwellings. As such, the planning proposal is consistent with the direction.

Direction 3.4 Integrating Land Use and Transport

The direction seeks to reduce travel demand by car through improving access to housing, jobs and services by walking, cycling and public transport.

The amendment will provide new dwellings within walking distance to Granville Bus and Rail Interchange and Clyde Train Station, contributing to creating a 30-minute city. The proposal will enable residents to walk or cycle to Granville Town Centre, with existing bus and rail services to jobs in Parramatta CBD and Merrylands Town Centre. The planning proposal is consistent with the direction.

Direction 4.1 Acid Sulfate Soils

The site is mapped as having Class 5 acid sulfate soils under PLEP 2011. The proposal is inconsistent with this Direction as an acid sulfate soils study was not submitted with the planning proposal to support the intensification of development.

This inconsistency is considered to be of minor significance as this matter can be appropriately considered and addressed at the development application stage in accordance with clause 6.1 of PLEP 2011 (which requires an acid sulfate soils management plan to be submitted at the development application stage, if certain development thresholds are met).

It is recommended that the Secretary's delegate agree that any inconsistency with this Direction is of minor significance.

Direction Local Planning Panels

The planning proposal is consistent with the Local Planning Panels Direction – Planning Proposals (issued 23 February 2018) as it was considered by the Cumberland Local Planning Panel on 16 April 2019.

4.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all SEPPs.

Additional considerations at the development application stage will be required in relation to:

SEPP No. 65 Design Quality of Residential Flat Development

SEPP 65 and its accompanying Apartment Design Guide (ADG) outline a requirement for a range of apartment types for different household types now and into the future. A concept scheme (**Attachment D**) has been prepared by the proponent for Site 1 (10-12 William Street, Granville). No details are provided for Site 2 (2-8 William Street, Granville) to inform the future development. Council has advised that the concept scheme, in its current form, is non-compliant with SEPP 65 and ADG (discussed further below in 5.2.1).

Council have advised that any future development applications for all sites would be subject to a detailed assessment under SEPP 65 and ADG.

It is recommended, prior to public exhibition, the proponents concept scheme is to be updated to include further information on built form and scale for Site 2 taking into consideration Council's FSR study.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

5.1.1 Urban Design and Built Form

As part of the recommendations of the IHAP (**Attachment M**), Council commissioned an independent urban design study (**Attachment F**) to develop a preferred urban design-built form outcome that would deliver good public amenity outcomes. It was recommended that an FSR of 1.7:1 and height of 16.2m would deliver good amenity outcomes, including transition to R2 low density residential zone to the south whilst ensuring compliance with the Parramatta DCP 2011 and the ADG. It was advised that the communal open space be provided at ground level as the site contained sufficient width and area. This would be more sympathetic with the existing residential context with rear yards.

The independent urban design study highlighted issues of non-compliance with the ADG and SEPP65 in the proponents' concept scheme (**Attachment D**). The key issues for Site 1 (10-12 William Street) include:

- overall height (including lift overruns is 20m);
- does not meet ADG separation requirements on eastern boundary;
- inadequate deep soil zone for tree planting as carpark extends under communal open space;
- room dimensions do not meet ADG requirements; and
- building does not step with topography;

To address the issues highlighted above for Site 1, the study recommended Council prepare a site-specific DCP to ensure an appropriate transition in built form between high density development on the site and neighbouring low-density dwellings to the south. It is also recommended prohibiting rooftop communal open space.

The proponent's concept scheme also lacks detail around built form testing to inform the future development for Site 2. Therefore, most aspects of the design outcomes

are unknown and whether the future development for Site 2 would be able meet the ADG and SEPP 65 requirements.

As a condition of Gateway determination, it is recommended that the concept scheme be updated to include further information on indicative built form for Site 2. Furthermore, overshadowing diagrams be updated to reflect the proposed building height of 16m, prior to public exhibition.

5.1.2 Removal of Local Heritage Listing – 10 William Street, Granville

A Statement of Heritage Impact (**Attachment I**) and peer review (**Attachment J**) was prepared in support of the planning proposal to removing the local heritage item. Both studies confirmed that the integrity of the property's fabric and the design have been compromised by modifications and it is no longer considered to have retained its heritage aesthetic significance. The assessment found that the property did not satisfy the heritage listing guidelines for inclusion and it is considered appropriate to remove the heritage listing for this site.

Council also commissioned an independent heritage study for further advice (**Attachment E**). The study concluded that the setting of the cottage as a group of three cottages (6, 8 and 10 William Street) has been compromised with the demolition and material changes of the original cottages at 6 and 8 William Street (Figure 10). It is noted these cottages are not heritage listed.

Figure 10 illustrates the changes in materials, building elements, and scale of the group and its character, representative of that housing area. The study noted that the retention and conservation works including adaptive reuse or restoration would not significantly add to its contribution to the wider streetscape, due to isolation. Therefore, the retention of the item, which is the only remaining house of the original group does not represent an intact group of cottages.



Figure 10: Comparing left (1992) and right (2018) images of 8-10 William Street. Source: Attachment C – Heritage Advice

10 William Street is also addressed in the Cumberland Heritage Study prepared to inform the new Cumberland LEP Harmonisation Planning Proposal. It has been identified as no longer meeting the NSW heritage criteria for assessing heritage significance. Council endorsed the exclusion of the heritage item on 4 September 2019 from Schedule 5 of the proposed Cumberland LEP Harmonisation Planning Proposal (**Attachment L**).

It is recommended that a Gateway condition is proposed requiring consultation with NSW Heritage, Department of Premier and Cabinet on the potential delisting and subsequent demolition of the cottages.

5.1.3 Traffic Impact

A traffic study (**Attachment J**) has been prepared in support of the planning proposal. It is noted that the report undertook an assessment for 108 additional dwellings which is higher than what is being proposed. The report has concluded that the proposal will not have unacceptable traffic, parking or servicing implications.

Further detailed traffic assessment is considered unnecessary at this stage. Impact from the site can be appropriately addressed through any future development application.

5.2 Environmental

It is considered that the proposal will have minimal or no impact on habitat, threatened species, populations or ecological communities.

5.3 Economic

It is unlikely the proposal would produce negative economic impacts, given the existing zoning of the site. The proposal will facilitate redevelopment of an underutilised site, providing a scale that allows for an appropriate transition to the existing low density residential. The planning proposal will provide more diverse housing options close to public transport, education facilities and local shops, contributing to creating the '30-minute city'.

5.4 Infrastructure

5.4.1 Local Infrastructure

The planning proposal notes that the site is serviced by a range of existing infrastructure, utilities, public transport, variety of social support services and recreational facilities.

It is understood that the intensification of the site and likely increased demand on local infrastructure and services will be addressed through a future development application for the site. Council is also considering a voluntary planning agreement in relation to this proposal.

6. CONSULTATION

6.1 Community

The proposal does not suggest a minimum period for community consultation. It is recommended that the proposal be exhibited for a period of 28 days.

6.2 Agencies

As addressed within this report, it is recommended that consultation with NSW Heritage, Department of Premier and Cabinet is required.

7. TIME FRAME

Council proposes a time frame of 12 months to finalise this planning proposal. Given the nature of the planning proposal, a 12 month timeframe is considered appropriate.

Council has not included a project timeline within the proposal as required in *A guide to preparing planning proposals*. As recommended above, the proposal is required to be amended to be consistent with the Guide.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested authorisation to be the local plan-making authority in relation to this planning proposal.

Given the minor nature of the planning proposal, it is recommended that Council is authorised to be the local plan-making authority.

9. CONCLUSION

It is recommended that the planning proposal proceed with conditions, as it;

- is consistent with the existing land use zone;
- will facilitate redevelopment of an existing site for high density residential uses of a transitional built form scale adjacent to low-density residential sites;
- enable redevelopment of the site that no longer holds significant heritage value;
- will provide a built form that minimises overshadowing impacts to properties located within an R2 Low Density Residential zone; and
- provides additional housing in an area in proximity to Granville Town Centre with public transport options to Parramatta CBD and Merrylands Town Centre.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistency with section 9.1 Directions 4.1 Acid Sulfate Soils and 2.3 Heritage Conservation are minor or justified.

It is recommended that the Acting Director, Central (GPOP) as the delegate of the Minister determine that the planning proposal proceed subject to the following:

1. Prior to public exhibition, the proposal be updated to address the following:
 - (a) amend concept scheme to include further information on built form for Site 2 taking into consideration Council's FSR study,
 - (b) amend the overshadowing diagrams to reflect the height sought under the proposed controls,
 - (c) ensure the planning proposal is consistent with *A guide to preparing planning proposals*, including the provision of a project timeline and, clear and concise explanation of provisions.
2. The planning proposal should be made available for community consultation for a minimum of 28 days,
3. Consultation is required with NSW Heritage - Department of Premier and Cabinet. NSW Heritage is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal,

4. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination, and
5. Given the nature of the planning proposal, Council should be the local plan-making authority to make this plan,



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