

Item No: C02/19-15

REQUEST FOR REVISED GATEWAY DETERMINATION - PLANNING PROPOSAL FOR 264 WOODVILLE ROAD, MERRYLANDS

Responsible Division: Environment & Planning
Officer: Director Environment & Planning
File Number: SC185
Community Strategic Plan Goal: *A resilient built environment*

SUMMARY

At the Council meeting of 18 July 2018, Council resolved to amend the Planning Proposal for the site at 264 Woodville Road, Merrylands (former John Cootes Warehouse site) from a B4 mixed use zone, with a FSR of 2:1 across the entire site, to a split B2 Local Centre and R4 High Density Residential zone with an FSR of 2.4:1 at the front (B2) and an FSR of 1.5:1 (R4) at the rear of the site.

Since this resolution, the site has been sold and the new owner has requested that Council now support the original Gateway Determination for a proposed B4 Mixed Use zone, FSR of 2:1 and Height of Building control of 31 metres across the site.

This report discusses the merit of this request and recommends an alternative approach for Council's consideration: B2 Local Centre zone with a Maximum Height of Building 31 metres and an FSR of 2:1 across the site; and, RE1 Public Recreation zone for the park. This report also makes recommendations about amendments to the site specific controls in the Development Control Plan.

RECOMMENDATION

That Council:

- 1. Request a new Gateway Determination for the site with the following controls: B2 Local Centre zone with a maximum building height of 31m and maximum FSR of 2:1 across the site; and RE1 Public Recreation zone for the park;**
- 2. Endorse an amended Planning Proposal as per recommendation 1 above, to forward to the Department of Planning and Environment for finalisation, subject to the negotiation of a planning agreement to the satisfaction of Council;**

3. **Amend the Development Control Plan (DCP) controls '4.1.12 Woodville Road Neighbourhood Centre Precinct' of the Parramatta DCP to reflect the amended proposal; and**
4. **Delegate to the General Manager authority to make minor non-policy corrections or formatting changes to the draft DCP controls prior to it coming into effect.**

REPORT

Background

The planning proposal request for the site at 264 Woodville Road, Merrylands was transferred from the former Parramatta City Council to Cumberland Council after amalgamation with a Gateway Determination from the Department of Planning and Environment with the following key controls: B4 mixed use zone, maximum building height of 31m and an FSR of 2:1 across the site.

At the Council meeting of 18 July 2018, Council resolved to amend the Planning Proposal for 264 Woodville Road, Merrylands (former John Cootes Warehouse site) to a split B2 Local Centre and R4 High Density Residential zone with an FSR of 2.4:1 at the front and an FSR of 1.5:1 at the rear of the site. The change to a split zone and reduced FSR at the rear of the site addressed the concerns of surrounding residents that were raised during the public exhibition period, whilst still achieving an FSR of 2:1 generally across the site.

Following the recent sale of the site, the new owner has requested that Council now support the Gateway Determination that proposed the B4 Mixed Use zone, FSR of 2:1 and Height of Building control of 31 metres, across the site. This request reflects the new owner's (proponent) new concept plan for the site.

New Proposal

The proponent's new proposal seeks to create a neighbourhood centre in a single floor plate two storey podium development with approximately 25,000m² of retail floorspace and 25,000m² of residential floor space in 5 towers ranging from 6-8 storeys above the podium. This would create a development with a maximum building height of 10 storeys, and approximately 500 apartments. The proponent's concept anticipates a range of retail, business, community and recreation uses at the ground and first level, including potential for a full line supermarket.

The proponent's concept also proposes to relocate the 2000m² public park to the rear of the site (Highland Street frontage) and it also proposes a revised street layout.

The public benefit offer is addressed in a subsequent section of this report.

The new indicative concept plan for the proposal is shown in Figure 1a.



Figure 1a: New Indicative Concept Plan

Proposed Planning Controls

Zoning

The Proponent is seeking to revert to the original Gateway Determination that applied a B4 Mixed use zone across the entire site. This is not supported because the B4 Mixed Use zone is currently used for Cumberland's major centre (Merrylands) and larger town centres (Granville, Auburn and Lidcombe) and it is expected that this approach would continue under the new Cumberland LEP. The objectives of the B4 zone are not considered suitable for a lower order neighbourhood centre location.

As previously recommended to Council, the B2 Local Centre zone is considered to be the most appropriate zone for the site (Figure 1b). The B2 Local Centre zone permits various uses with consent, including commercial premises (retail, business and office premises), community facilities, child care centres, and medical centres with shop top housing (apartments) above.

The B2 Local Centre zone is both consistent with Council's strategic approach to the hierarchy of centres within Cumberland, as well as facilitating the proponent's expressed intention for the site, and would ensure that their vision for their new neighbourhood centre can be realised.



Figure 1b: Recommended zoning plan

A RE1 Public Recreation zone is also proposed for the park area, which also provides a suitable setback between the site and adjoining properties.

Building Height

The proponent is seeking to revert to the original Gateway Determination's proposed maximum building height of 31m (equivalent to approximately 9 storeys) across the entire site.

Similar to the previous planning proposal concept, the revised proposal seeks to create a transition in building heights with some graduation of building heights across the site with 4, 5, 7 and 9 storeys tower being proposed (Figure 2). Lower building heights are proposed for the western and southern edges.

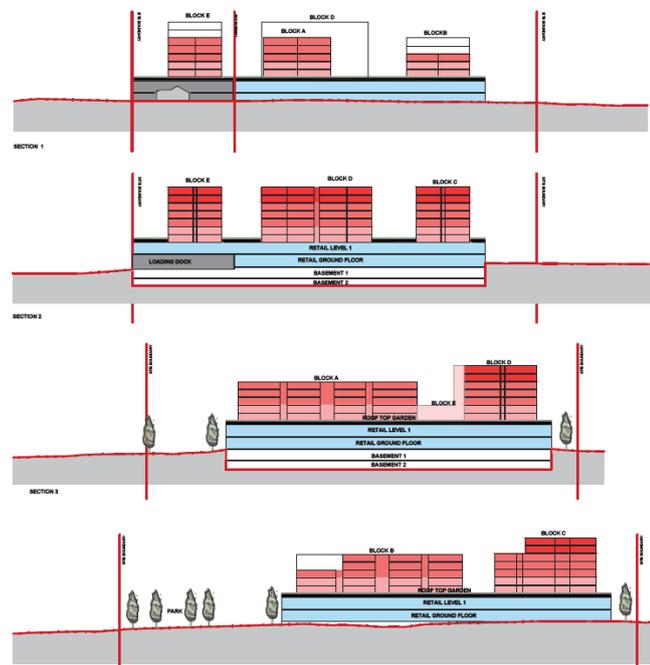


Figure 2: Proposed Building Heights

The report considered by Council in July 2018 recommended a mix of the B2 Local Centre zone and the R4 High Density zone as well as commensurate maximum height and FSR controls to effectively achieve transition in building height and scale stepping down from the Woodville Road frontage. This approach was recommended on the basis that including these controls in the LEP would provide greater certainty, particularly for the interface with the surrounding lower density (2 storey) development and school adjoining the site. This approach responded directly to one of the requirements of the Gateway Determination.

Council could consider a blanket height control as sought by the proponent, which would mean reliance on Development Control Plan (DCP) controls to achieve transition in height and less certainty in terms of outcomes. This approach would require amendments to the DCP controls for the site to ensure an appropriate level of detail was included, as well as amending the controls to reflect the proponents indicative concept plan.

Floor Space Ratio

The proponent is seeking to revert to the original Gateway Determination's proposed maximum FSR of 2:1 across the entire site.

With this approach, the DCP controls previously considered by Council will need to be amended ensure future development achieves an appropriate transition in terms of scale and density to the surrounding low density development and school.

The recommended approach of an FSR of 2:4:1 for the half of the site fronting Woodville Road and an FSR of 1:5:1 for the remainder of the site responded to the Gateway Determination by achieving an overall FSR of approximately 2:1 for the site, whilst specifically requiring a transition in the density of development away from the Woodville Road frontage. Council could consider the proponent's request for a blanket FSR of 2:1 for the site; however this provides less certainty in terms of outcome and relies on the DCP controls to achieve an appropriate transition.

New Street Layout

The new proposal contains a revised street layout that differs to the current DCP controls. The revised street layout does not facilitate the extension of Highland Street through to Lansdowne Street. (Figure 3)



Figure 3: DCP Street Layout



Revised New Street layout

The revised street layout seeks to facilitate the proposed single floor plate podium development and create separation to the neighbouring residential development. There is some merit to the revised street layout as it would provide greater separation between the school and the proposed neighbourhood centre development than what was previously proposed under the current DCP controls.

However, the DCP controls will need to be amended to reflect the revised street layout sought by the proponent, should Council wish to proceed with this proposal.

Relocated Public Park

The revised proposal relocates the 2,000m² public park to the rear of the site (Figure 4). This differs from the current DCP which locates the public park towards the centre of the site.

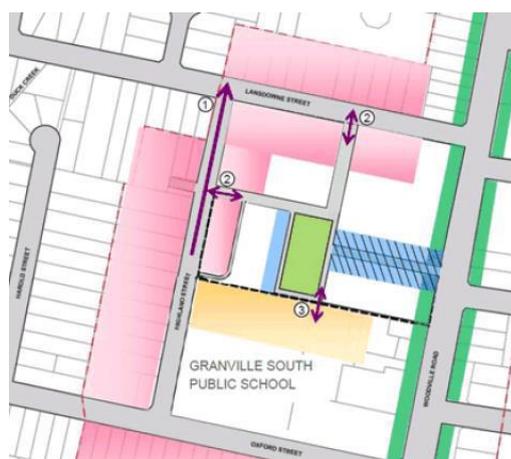


Figure 4: DCP location of Park



Revised Location of Park

As with the revised street layout, the relocation of the public park is also required to facilitate the proposed development's indicative single floor plate layout.

Whilst the location of the park in a more central location with the site (as required by the current DCP controls) was considered to be desirable design outcome, there is also merit in the proposed relocation of the park. Relocating the park to the rear of the site would provide separation between neighbouring residential to the west and the proposed neighbourhood centre development.

The DCP would need to be amended to reflect the relocation of the public park to the rear of the site.

Economic Impact Assessment

The proponent was required to undertake an economic impact assessment to determine whether the increase in the size of the proposed retail component would impact on the nearby centres of Guildford and Merrylands.

Hill PDA undertook this assessment on behalf of the proponent and determined that existing centres in the locality enjoy growth in retail trade due to growth in population and expenditure in the wider trade area. All centres should experience and increase in trading levels from 2018 to 2023 with or without the proposed centre on Woodville Road. On this basis, the trading impacts of the proposed larger retail component are considered acceptable.

The proportion of growth in expenditure captured by the new centre is well within acceptable limits enabling other centres to share some of that growth. The proposed neighbourhood centre would therefore not threaten the role, function or commercial viability of any existing centre.

Social Impact Assessment

A social impact assessment has been submitted in response to Council's resolution of July 2018.

Hill PDA undertook this assessment on behalf of the proponent and concluded that the potential benefits arising from the development include:

- Job creation, with more than 300 jobs proposed during construction, and more than 800 jobs proposed when operational;
- Increased housing diversity, including additional housing supply suited to smaller households; and
- Enhancement of the built environment including:
 - a more walkable neighbourhood with access to local services and opportunities for community interaction;
 - added retail amenity, producing a benefit to workers and residents in the area; and
 - an enhancement to the capacity of local facilities and services with a child care centre, medical centre.

This assessment is considered to adequately address Council's resolution of July 2018.

Public Benefit Offer

A revised public benefit offer (which would form the basis of a Voluntary Planning Agreement (VPA)) has been received from the Proponent, as follows:

- public park landscaped with a minimum area of 2,000m²;
- widening and landscaping of Woodville Road frontage;
- traffic signals on corner of Woodville Road and Lansdowne Street;
- a new road connection between Highland Street and Lansdowne Street;
- affordable key worker housing comprising 12 dwellings exclude from floor space ratio standard;
- monetary contribution of \$50,000 towards community facilities; and
- monetary contribution of 1.5% of the value of the value of VPA contributions towards Council's administration costs.

The Proponent seeks an offset against all the development contributions that would otherwise be payable from the subsequent DAs for this site.

The Proponent's offer to provide 12 dwellings as affordable 'key worker' rental housing for 10 years is not consistent with Council's *Planning Agreements Policy*. Council's policy requires affordable housing dwellings to be dedicated to Council. Whilst there is merit in the proponent's offer of key worker housing, these dwellings would not be dedicated to Council (as per the policy requirement) and would not guarantee supply of affordable/key worker housing beyond 10 years. In addition, the proponent would receive income whilst renting these dwellings, and would also derive income from the sale of these dwellings at the end of the 10 year period.

The proponent is also seeking that these dwellings be excluded from the FSR calculation, thereby receiving an FSR bonus for supplying these dwellings. Council's

Planning Agreement Policy seeks outright dedication of the affordable housing dwellings, and Council officers would need to progress negotiations in accordance with this policy, unless otherwise directed by Council.

The formal negotiation phase of the planning agreement would commence if a decision is made by Council to proceed with the Planning Proposal. During this negotiation, Council officers would seek more specific details of the benefits proposed and their timing in relation to the project. Clarification would also be sought on offerings that are a direct requirement of the development of the site or wider public benefit that would be reasonable to offset against monetary contribution payable.

A further report to Council on the outcomes of these negotiations would be provided.

COMMUNITY ENGAGEMENT

Post Gateway Exhibition was undertaken on the previous Planning Proposal and DCP controls from 17 January 2018 to 28 February 2018.

It is not known whether the Department of Planning and Environment (DP&E) will require re-exhibition of the Planning Proposal. As the B2 Local Centre Zone does not introduce any additional land uses that may impact on neighbouring properties, and as the Height of Building Control and FSR control have previously been on public exhibition, it is possible that re-exhibition may not be required.

An amended DCP would need to be exhibited for a period of 28 days. A notice would also be placed in local newspapers to advise of the date of exhibition. If further community engagement on the planning proposal is required, this would be undertaken in conjunction with the amended DCP.

A separate exhibition process will be undertaken for the VPA once a draft agreement has been negotiated.

POLICY IMPLICATIONS

Part 4.1.12 Woodville Road Neighbourhood Centre Precinct of the Parramatta DCP would need to be amended to reflect the revised indicative concept if Council proceeds with this proposal.

Should Council resolve to proceed, a draft planning agreement would be negotiated, considered by Council, and then publicly notified in accordance with the *Environmental Planning & Assessment Act 1979*. The Planning Proposal would then be forwarded to the DP&E to make the LEP amendment and publish it on the NSW Legislation website.

RISK IMPLICATIONS

There are minimal risk implications for Council associated with this report. It is noted that regardless of whether DP&E requires re-exhibition of the planning proposal, the biggest influence on the timing and progress of this proposal would be the negotiation of the Voluntary Planning Agreement (VPA) that delivers acceptable public benefits for Council.

FINANCIAL IMPLICATIONS

Financial implications have been discussed in the section on Voluntary Planning Agreement. There are no other financial implications associated with this report.

CONCLUSION

The proponent's request to revert to the B4 zone in the Gateway Determination is not supported, as the objectives of this zone and the use of this zone for a lower order neighbourhood centre are not considered appropriate. Application of the B2 local centre zone is recommended, as this reflects the role of this potential centre and facilitates the proponent's proposed concept. A RE1 Public Recreation zone is also recommended for the park site and this would provide an appropriate setback between the proposal and existing properties.

The DCP will need to be amended to facilitate the amended proposal. As the proponent is seeking a blanket building height and FSR control across the site, amending the DCP controls would provide Council and neighbouring residents and the community with greater detail and certainty on how transition and separation between neighbouring land uses would be maintained and that future development of the site would be consistent with the indicative concept that has been submitted to Council.

ATTACHMENTS

1. Gateway Determination – 24 June 2016 [↓](#) 
2. Planning Statement – Knight Frank Town Planning [↓](#) 
3. Architectural Concept Drawings [↓](#) 
4. Draft Letter of Offer [↓](#) 

**DOCUMENTS
ASSOCIATED WITH
REPORT C02/19-15**

Attachment 1

**Gateway Determination – 24
June 2016**



Mr Malcolm Ryan
Interim General Manager
Cumberland Council
PO Box 42
Merrylands NSW 2160

Our ref: 16/01723

Dear Mr Ryan

Planning Proposal for 246-264 Woodville Road, 2-4, 8-8A and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands (PP_2016_PARRA_001_00)

I am writing regarding the request made by the former Parramatta City Council for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") in respect of the planning proposal to amend Parramatta Local Environmental Plan 2011 to rezone land at Woodville Road, Lansdowne Street and Highland Street, Merrylands.

The proposal seeks to rezone the subject land to B4 Mixed Use; increase the maximum height of buildings to 31m; increase the maximum floor space ratio to 2.25:1; and, exclude the wintergarden floor area from the FSR calculation for proposed units fronting Woodville Road.

Following the *Local Government (City of Parramatta and Cumberland Council) Proclamation 2016* on 12 May 2016, the subject land has been incorporated into the newly formed Cumberland Council Local Government Area. As the Gateway determination was made after the proclamation date, Cumberland Council is now responsible for taking this planning proposal forward in accordance with the attached determination.

As delegate of the Greater Sydney Commission, I have determined that the planning proposal should proceed subject to the conditions in the Gateway determination. I have also considered the nature of the planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make the plan given the significance of the proposal.

I have agreed that any inconsistency with Section 117 Direction 3.4 Integrating Land Use and Transport, 4.1 Acid Sulphate Soils and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

I appreciate the former Parramatta City Council's intent to revitalise the Woodville Road Corridor. Following an assessment of the matter, however, I have not agreed with the density for the site proposed by the former Parramatta City Council. The proposed maximum floor space ratio (FSR) of 2.25:1 is not supported owing to inconsistency with *A Plan for Growing Sydney* and limited access to high frequency public transport. Consequently, the proposed FSR controls have been reduced to a

scale that is no greater than controls within the Merrylands and Guildford village centres.

I have also taken this opportunity to include other properties within the site area. The inclusion of these sites will allow for the orderly development of the precinct.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Commission may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

I recognise that Cumberland Council did not request a Gateway determination for this planning proposal. In these circumstances, Council's assistance in progressing this proposal is appreciated and, should the need arise, the Department remains available to support Council in this endeavour.

Should you have any queries in regard in this matter, please contact Mrs Catherine Van Laeren, Director of the Sydney Region West Office of the Department, on (02) 9860 1520.

Yours sincerely

 8 August 2016
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway Determination



Gateway Determination

Planning Proposal (Department Ref: PP_2016_PARRA_001_00) to amend Parramatta Local Environmental Plan 2011 to rezone land at 246-264 Woodville Road, 2-4, 8-8A and 14-16 Lansdowne Street and 19 Highland Street, Merrylands to B4 Mixed Use, increase the maximum height of buildings to 31m, increase the maximum floor space ratio to 2.25:1 and enable wintergardens within residential development fronting Woodville Road that exclude the wintergarden floor area from the FSR calculation.

I, the Deputy Secretary, as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act* that an amendment to the *Parramatta Local Environmental Plan 2011* to rezone land at Woodville Road, Merrylands to B4 Mixed Use, increase the maximum height of buildings to 31m, increase the maximum floor space ratio to 2.25:1 and enable wintergardens within residential development fronting Woodville Road that exclude the wintergarden floor area from the FSR calculation proceed subject to the following conditions:

1. Prior to exhibition, Council is to amend the planning proposal to:
 - (a) include a full list of Lot and DP numbers;
 - (b) correct the table numbering on page 8 from Table 3 to Table 1;
 - (c) correct the Explanation of Provisions and Table 3 at page 16 to indicate that a site specific provision for the FSR calculation applies to wintergardens;
 - (d) remove comments on page 16 regarding s117 Direction 7.1 Implementation of a Plan for Growing Sydney;
 - (e) the Explanation of Provisions, proposed maps and any other relevant references within the document describing the proposal are to be amended to indicate a proposed maximum FSR of 2.0:1;
 - (f) include land at 244 Woodville Road and land at 6, 10 and 12 Lansdowne Street, Merrylands in the land to which the plan applies. These sites are to be zoned to B4 Mixed Use, with a maximum height of buildings of 31m and a maximum FSR of 2.0:1; and
 - (g) outline the proposed method to achieve an appropriate transition in height from the subject site to the land located to the west currently zoned R2 Low Density Residential fronting Lansdowne Street and Highland Street.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the planning proposal must be publicly available for a minimum of 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals identified in

PP_2016_PARRA_001_00 (16/01723)

section 5.5.2 of 'A Guide to Preparing LEPs' (Department of Planning and Infrastructure 2012).

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act:
- o Department of Education and Communities;
 - o Transport for NSW — Roads and Maritime Services;
 - o Transport for NSW — State Transit Authority of NSW, and
 - o City of Parramatta Council.

Each public authority 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. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for instance in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway Determination.

Dated *24th* day of *June* 2016.



Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Greater Sydney Commission

**DOCUMENTS
ASSOCIATED WITH
REPORT C02/19-15**

Attachment 2

**Planning Statement – Knight
Frank Town Planning**

20 December 2018

Cumberland Council
16 Memorial Ave
Merrylands NSW 2160

Planning Statement – Woodville Road, Merrylands East Neighbourhood Centre

1. Introduction & Background

Knight Frank Town Planning has been engaged by Merc Capital to prepare this Planning Statement to support a revised concept plan for our client's property known as the Merrylands East Neighbourhood Centre. The Centre is bounded by Woodville Road, Lansdowne Street and Highland Street at Merrylands (the subject site).

A Planning Proposal (PP) for the subject site was subject to a Department of Planning and Environment (DPE) Gateway Determination for which we provide the following background of progress to date:

- Gateway Determination was issued on 24 June 2016 for the PP to proceed with a proposed B4 Zone, 2:1 FSR and 31m height limit across the site, subject to conditions.
- The PP was exhibited from 15 January 2018 to 1 March 2018 with a proposed B4 Zone, 2:1 FSR and 31m height limit across the site in accordance with the Gateway Determination (including with conditions satisfied), and in accordance with Cumberland IHAP and Council meeting resolutions in September and December 2017.
- Council resolved on 18 July 2018 after the public exhibition to conditionally approve an amended PP for a split zoning which:
 - B2 Zone with 2.4:1 FSR and 31m building height limit over part of the site
 - R4 Zone with 1.5:1 FSR and 24m height limit over part of the site

This split zoning is inconsistent with the Gateway Determination is limits design flexibility, impacting the amount of retail and commercial employment generating uses that can be provided on site.

The purpose of this Planning Statement outlines the planning, design merits and community benefits of a revised B4 Mixed Use zoning scheme prepared by Marchese Partners. This scheme is consistent with the design principles of the scheme endorsed by the DPE.

This Planning Statement should be read in conjunction with the following supporting documentation:

- Concept plans - Marchese Partners
- Economic and Social Assessment – Hill PDA
- Draft Statement of Offer for a VPA – Merc Capital

2. Key elements of the proposal

The revised proposal includes the following key elements:

- Mixed use scheme including retail, business, community and recreation uses at the ground and first level, and residential above
- Reduced residential units (200 less apartments), while providing an increase in employment opportunity (approximately 500 more jobs)
- New public local park
- Greening of Woodville Road and new streets
- Mix of residential units with communal rooftop gardens
- New street connections and internal linkages
- Affordable Key Worker Rental Housing (10-years)

The following planning controls are proposed across the site:

- B4 Mixed Use Zoning
- Maximum FSR - 2:1
- Maximum height of building - 31 metres (9 Storeys)

These controls are consistent with the original scheme submitted to Council in 2015.

3. Planning and Public Benefits

The revised design proposal includes the following planning and public benefits:

- **Public domain improvements**, including a public park, new streets, through-site linkages, 10m setback land dedication for greening of Woodville Road, increased public open space, improved street appearance and revitalisation of the precinct;
- **New land uses** to fill the 'gap' in the locality, providing additional retail, community and recreational uses;
- **Traffic and Transport improvements**, with signalisation of Woodville Road intersection with Lansdowne Street, new through-street connections to relieve existing pressure on Highland Road congestion; future bus interchange space within 10m Woodville Road setback land dedication area;
- **Ground level activation** through provision of new streets with ground floor active retail uses, public park and spaces, increased casual surveillance and public safety;
- **Improved pedestrian amenity** through increased interaction of the site with the street level, and improved walkability;
- **Increased separation distances** between the proposal and existing school and residences provided for by new streets and new public park;
- **Increased provision of low cost housing forms** including Affordable Key Worker rental housing;
- **New employment opportunities**, during both construction and operation. Noting that the revised scheme provides the opportunity for approximately 500 more jobs than the previous scheme;

- **Community infrastructure**, including a large childcare centre (up to 100 children), key worker housing, gymnasium, medical centre and public park;
- **Increased open space** and amenity through providing a new public park and embellishments and residential rooftop communal open space gardens;
- **Increased services** for the local community, including retail, medical, food and beverage, and childcare uses; and
- **Economic benefits** for the locality, as described in the accompanying Economic Assessment prepared by Hill PDA.

4. Relationship to the Surrounding Area

The revised proposal provides an appropriate density and built form for this key site, respecting the character of the surrounding area as follows:

- A variety of building heights provide a transition to the adjoining residential areas.
- Increased separation distances from adjoining school and residences with new streets and a public park to provide an improved relationship to existing educational and residential developments with reduced potential for overlooking and overshadowing, as detailed in the Shadow Analysis Marchese Partners – See Figure 1.
- Improved accessibility through new roads and street connections.
- With the shifting of the public park to the west of the site, this provides an improved scheme:
 - Potential for a direct connection from the school grounds to the park, resulting in improved safety and amenity for the school; and
 - Increased separation distances from the park to and buildings, providing greater solar access in the new park location compared to the former central park location.

Accordingly, the revised concept design provides an improved outcome for the precinct.



Figure 1: Shadow Analysis Marchese Partners

5. Design Merits

5.1. Consistency with the DCP Principles

As detailed below and in the accompanying plans prepared by Marchese Partners, the proposed revised scheme aligns with the Draft DCP Principles for the Woodville Road Neighbourhood Centre Precinct (2017).

DCP - Desired Future Character

The precinct has the following Desired Character, as stated in the DCP:

The development of the land is to facilitate the establishment of a “main street” for the development site, full line supermarkets and residential development that complements the surrounding residential areas at a density appropriate for the site, its location and development context. Development of the land is to contribute to the character and sustainability of the Woodville Road Neighbourhood Centre Precinct.

The proposal is entirely consistent with this Desired Character as follows:

- Active ground floor retail uses will provide an attractive main street, and will include a supermarket and other retail and business uses.
- The scale of the development is appropriate for this large corner site, providing a transition to the adjoining residential area through a variety of building heights.
- A large public park and improved public domain will contribute to the character and amenity of a people orientated precinct, and provide greater separation between the proposed mixed use development and surrounding residences and school.

DCP - Site Structure and Land use

The revised scheme is generally consistent with the Site Structure and Land Use Plan, but provides for an improved layout and scheme, better integrated with the surrounding precinct - See Figure 2 and the key features below:

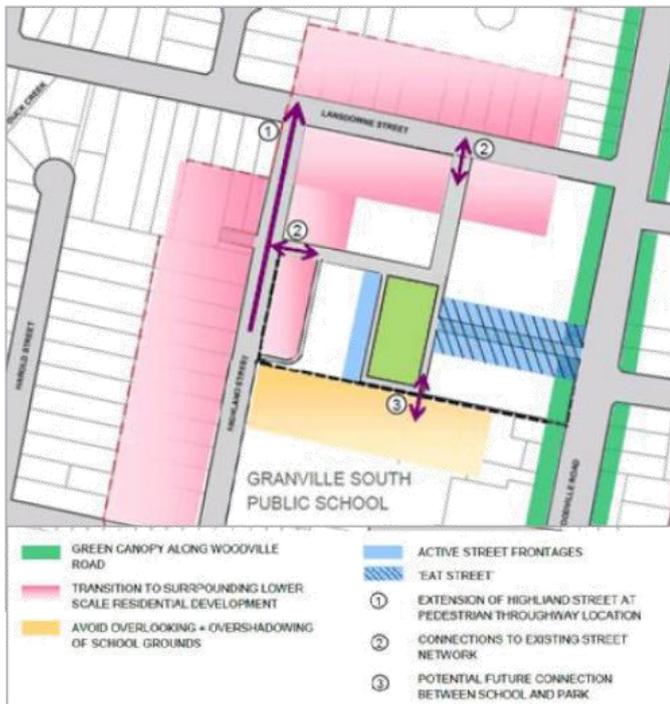
- A supermarket has been provided as shown with access from Lansdowne Road
- An 'eat street' has been provided at two sides of the new street, but shifted to the west of the site where the cafes and restaurant will overlook the new public park and green streets, providing an improved customer experience
- An internal retail mall will provide further food offerings and retail services
- Vehicles will exit only onto Woodville Road, with the main driveway access provided on Lansdowne Road
- Improved access and circulation will be provided through more direct street connections and traffic signals, providing new connections via Lansdowne Street, Highland Street and Woodville Road.



Figure 2. Site Structure and Land Use Plan – Draft Woodville Road Neighbourhood Centre DCP 2017, and Ground Floor Plan – Marchese Partners

DCP - Precinct Principles

As illustrated on the adjoining plans prepared by Marchese Partners (see extract below), the scheme is generally consistent with the DCP precinct principles, as follows:



Comments. Re. Revised Scheme

- Active street frontages over and above that suggested by the DCP provide a pedestrian friendly precinct
- New food and drink premises will provide a range of options, and provide two 'eat streets' largely overlooking the new public park providing an attractive place to dine
- Woodville Road and the new internal streets will be greened through new trees and street planting
- Potential future connection from school to the public park. By shifting the public park to the west of the site this provides greater safety for school children by separating the open space from the new roads and retail precinct
- New street connections will provide access to Lansdowne Street, Highland Street and Woodville Road.
- A variety of building heights (ranging from 4,5,7 and 9 storeys) and appropriate setbacks provide transition to the surrounding residential development
- Increased setbacks and the provision of two levels of commercial uses ensure the adjoining school grounds will not be overlooked



Figure 3: Precinct Principles - Draft Woodville Road Neighbourhood Centre DCP 2017, and Ground Floor Plan – Marchese Partners

5.2. Consistency with ADG Design Quality Principles

The concept has been designed to reflect the requirements of SEPP 65 Design Quality of Residential Apartment Development and the Apartment Design Guide, subject to future detailed design plans and a compliance assessment to be submitted to Council at the future Development Application (DA) stage.

The following table outlines how the revised scheme generally responds to the ADG Design Quality Principles:

Design Quality of Residential Apartment Development	
Schedule 1 Design Quality Principles	How the Revised Scheme responds?
<p>Principle 1 – Context and Neighbourhood Character <i>Good design responds and contributes to its context. Context is the key natural and built features of an area, their relationship and the character they create when combined. It also includes social, economic, health and environmental conditions.</i></p> <p><i>Responding to context involves identifying the desirable elements of an area's existing or future character. Well designed buildings respond to and enhance the qualities and identity of the area including the adjacent sites, streetscape and neighbourhood. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change.</i></p>	<ul style="list-style-type: none"> • The revised scheme aligns with the DCP's future character of the precinct as detailed above. • Better integration of the site with the surrounding precinct is providing by active ground floor retail uses throughout the site. In comparison, a split zoning would dedicate a large portion of the site to R4 High Density Residential with non-active uses at lower level. • A new public park will enhance the area, and adjoining school grounds. Through the relocation of the public park to the west of the site, the amenity of the adjoining residential area will be protected and improved.
<p>Principle 2 – Built Form and Scale <i>Good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings.</i></p> <p><i>Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements.</i></p> <p><i>Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook.</i></p>	<ul style="list-style-type: none"> • The revised proposal will provide a variety of building heights, and provides an appropriate transition to the adjoining residential areas. • Greater separation between new buildings, the school grounds and nearby residential properties has been provided to ensure minimal overshadowing. • Improved street connections provide a walkable neighbourhood.
<p>Principle 3 – Density <i>Good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate to the site and its context.</i></p> <p><i>Appropriate densities are consistent with the area's existing or projected population. Appropriate densities can be sustained by existing or proposed infrastructure, public transport, access to jobs, community facilities and the environment.</i></p>	<ul style="list-style-type: none"> • The proposal is an appropriate density for this corner location, providing an increase in employment use through a variety of retail, business and community uses, while also supporting population growth through increased housing supply.
<p>Principle 5 – Landscape <i>Good design recognises that together landscape and buildings operate as an integrated and sustainable system, resulting in attractive developments with good amenity. A positive image and contextual fit of well designed developments is achieved by contributing to the landscape character of the streetscape and neighbourhood.</i></p> <p><i>Good landscape design enhances the development's environmental performance by retaining positive natural features which contribute to the local context, co-ordinating</i></p>	<ul style="list-style-type: none"> • A new public park, communal rooftop gardens, and green streets provide increased amenity while improving the appearance of the area and increasing social interaction. • The solar amenity of the adjoining school grounds will be protected from overshadowing, as illustrated in accompanying overshadowing analysis prepared by Marchese Partners.

Design Quality of Residential Apartment Development	
Schedule 1 Design Quality Principles	How the Revised Scheme responds?
<p><i>water and soil management, solar access, micro-climate, tree canopy, habitat values, and preserving green networks.</i></p> <p><i>Good landscape design optimises usability, privacy and opportunities for social interaction, equitable access, respect for neighbours' amenity, provides for practical establishment and long term management.</i></p>	
<p>Principle 6 – Amenity</p> <p><i>Good design positively influences internal and external amenity for residents and neighbours. Achieving good amenity contributes to positive living environments and resident well being.</i></p> <p><i>Good amenity combines appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, and ease of access for all age groups and degrees of mobility.</i></p>	<ul style="list-style-type: none"> • The revised scheme provides increased and generous setbacks, ensuring protection of amenity of the adjoining school and residential areas. • A new park and common open spaces provide enhanced residential amenity and access to sunlight. • Internal residential apartment amenity subject to detailed design in future DA and to comply with the Apartment Design Guide.
<p>Principle 7 – Safety</p> <p><i>Good design optimises safety and security, within the development and the public domain. It provides for quality public and private spaces that are clearly defined and fit for the intended purpose. Opportunities to maximise passive surveillance of public and communal areas promote safety.</i></p> <p><i>A positive relationship between public and private spaces is achieved through clearly defined secure access points and well lit and visible areas that are easily maintained and appropriate to the location and purpose.</i></p>	<ul style="list-style-type: none"> • The revised scheme provides improved safety through improved and traffic circulation that does not divide the new park from the school grounds. • Passive surveillance of the communal rooftop gardens will be provided through overlooking from the units above. • The 'eat street' and other business and residential units will provide passive surveillance of the public park to increase public safety and security.
<p>Principle 8 – Housing Diversity and Social Interaction</p> <p><i>Good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets.</i></p> <p><i>Well designed apartment developments respond to social context by providing housing and facilities to suit the existing and future social mix.</i></p> <p><i>Good design involves practical and flexible features, including different types of communal spaces for a broad range of people, providing opportunities for social interaction amongst residents</i></p>	<ul style="list-style-type: none"> • A diversity of housing will be provided including key worker housing and a mix of apartment types, providing housing choice for a range of household types. • Large rooftop gardens, overlooked by residential units above, provide opportunities for safe social interaction amongst residents. • The mixed use scheme provides a mix of commercial, recreational and community uses within the podium levels and includes a portion of Key Worker Rental Housing, providing the opportunity for social interaction.
<p>Principle 9 – Aesthetics</p> <p><i>Good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. Good design uses a variety of materials, colours and textures.</i></p> <p><i>The visual appearance of well designed apartment development responds to the existing or future local context, particularly desirable elements and repetitions of the streetscape.</i></p>	<ul style="list-style-type: none"> • The proposal provides an exemplar approach to a contemporary well-designed mixed use development, capable of achieving design excellence. • The revised scheme provides a balance of residential, recreational and commercial uses, ensuring a true mixed use proposal. • Detailed design plans will be provided at DA stage.

Marchese Partners have confirmed that the scheme is capable of achieving consistency with the ADG, including the following key numerical requirements:

Clause 6A of SEPP 65 and Parts 3 & 4 of ADG

- (a) visual privacy, 2F – Building Separation
- (b) solar and daylight access, ADG 4A-1 Solar and Daylight Access
- (c) common circulation and spaces, 3D – Communal and Public Open Space
- (d) apartment size and layout, in accordance with clause 30(b) of SEPP 65 and 4D of ADG
- (e) ceiling heights, in accordance with clause 30(c) of SEPP 65 and Part 4C of ADG
- (f) private open space and balconies, ADG Objective 4E-1
- (g) natural ventilation, ADG 4B - Natural Ventilation
- (h) storage. 4G-1 of ADG

Clause 30(a) of SEPP 65 and Part 3J of ADG

Car parking in accordance with minimum specified in Part 3J of the Apartment Design Guide

Clause 28 SEPP 65

Design Quality Principles, as addressed above
Building Separation, ADG Part 2F

2E – Building Depth

Maximum apartment depths of 12-18m from glass line to glass line

2F – Building Separation

Minimum separation distances for buildings are:

Up to four storeys (approximately 12m):

- 12m between habitable rooms/balconies
- 9m between habitable and non-habitable rooms
- 6m between non-habitable rooms

Five to eight storeys (approximately 25m):

- 18m between habitable rooms/balconies
- 12m between habitable and non-habitable rooms
- 9m between non-habitable rooms

Nine storeys and above (over 25m):

- 24m between habitable rooms/balconies
- 18m between habitable and non-habitable rooms
- 12m between non-habitable rooms

3D – Communal and Public Open Space

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping

1. Communal open space has a minimum area equal to 25% of the site (see figure 3D.3)
2. Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)

ADG 4A-1 Solar and Daylight Access

1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid-winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas
2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid-winter
3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid-winter

ADG 4B - Natural Ventilation

All habitable rooms are naturally ventilated

- At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed

ADG 4C - Ceiling Heights

1. Measured from finished floor level to finished ceiling level, minimum ceiling heights are:

Minimum ceiling height for apartment and mixed use buildings	
Habitable rooms	2.7m
Non-habitable	2.4m
For 2 storey apartments	2.7m for main living area floor 2.4m for second floor, where its area does not exceed 50% of the apartment area
Attic spaces	1.8m at edge of room with a 30 degree minimum ceiling slope
If located in mixed used areas	3.3m for ground and first floor to promote future flexibility of use

These minimums do not preclude higher ceilings if desired

4D – Apartment size and layout

1. Apartments are required to have the following minimum internal areas:

Apartment type	Minimum internal area
Studio	35m ²
1 bedroom	50m ²
2 bedroom	70m ²
3 bedroom	90m ²

The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m² each

A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m² each

2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms

ADG Objective 4E-1 – Private Open Space

1. All apartments are required to have primary balconies as follows:

Dwelling type	Minimum area	Minimum depth
Studio apartments	4m ²	-
1 bedroom apartments	8m ²	2m
2 bedroom apartments	10m ²	2m
3+ bedroom apartments	12m ²	2.4m

The minimum balcony depth to be counted as contributing to the balcony area is 1m

**DOCUMENTS
ASSOCIATED WITH
REPORT C02/19-15**

**Attachment 3
Architectural Concept Drawings**

246-260 Woodville Road, Merrylands

December 2018

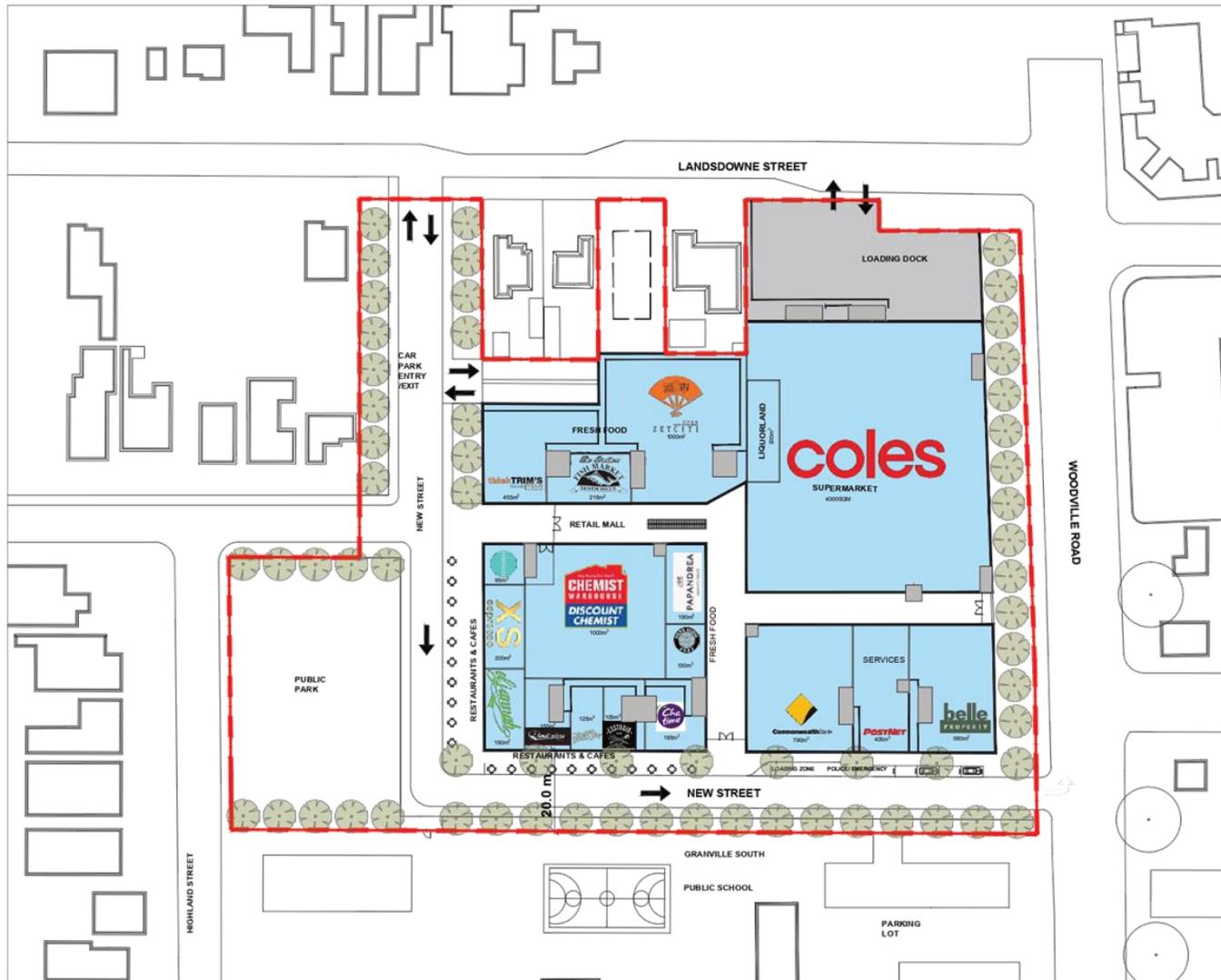


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PERSPECTIVE VIEW



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GROUND FLOOR - 1/1000@A3



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LEVEL 1 - 1/1000@A3



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PERSPECTIVE VIEW FROM THE PARK



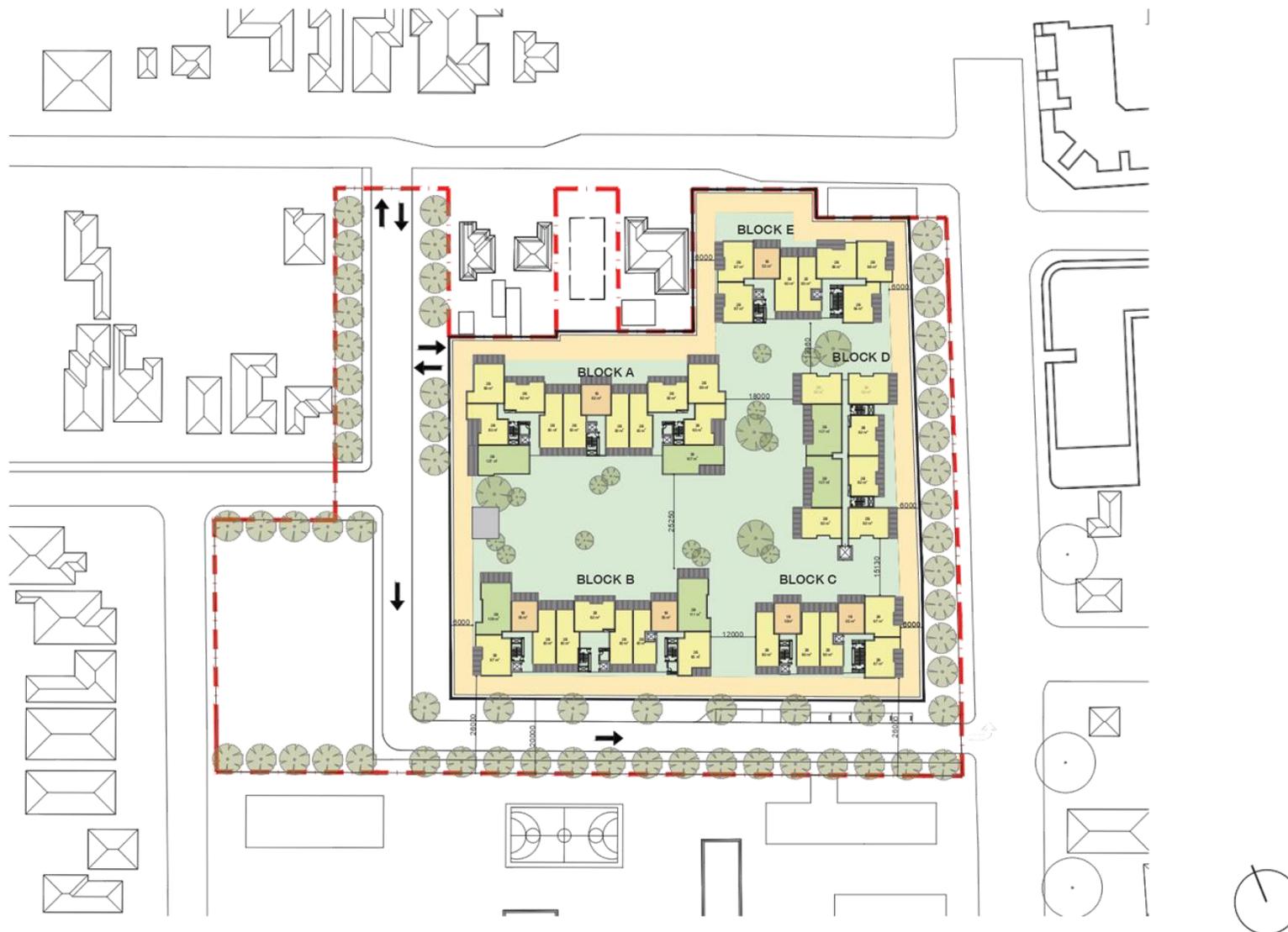
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PERSPECTIVE VIEW FROM NEW
STREET TO THE WEST



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PERSPECTIVE VIEW FROM NEW
STREET TO THE SOUTH



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LEVEL 2&3 - 1/1000@A3



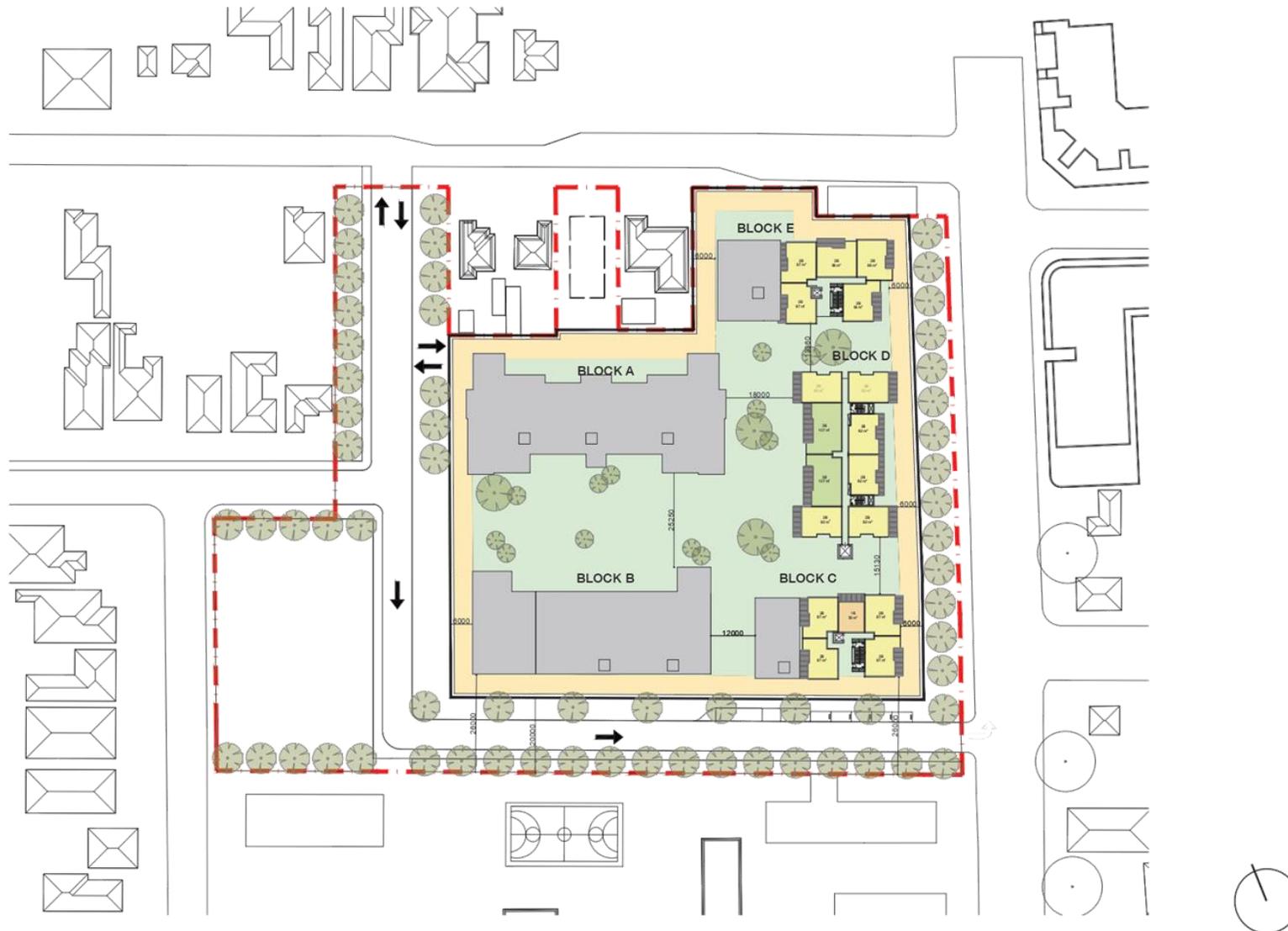
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LEVEL 4 - 1/1000@A3



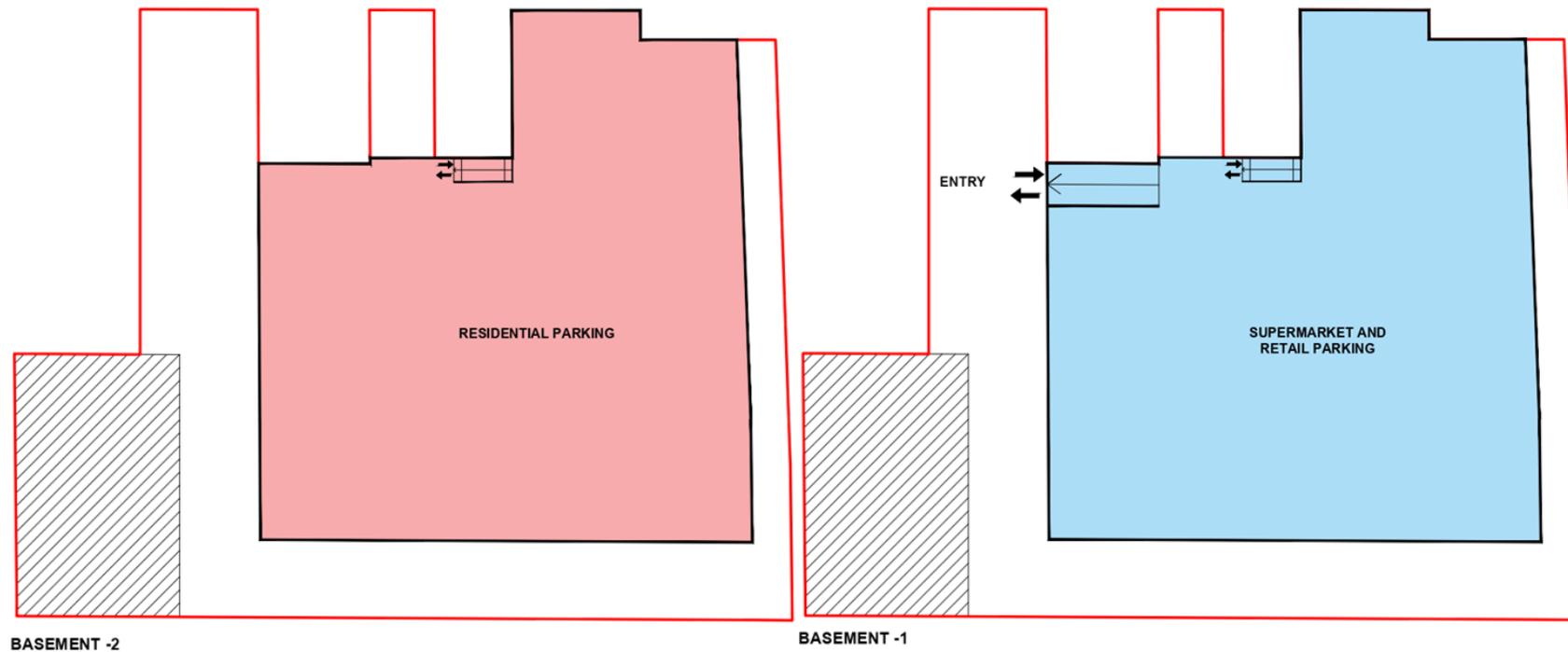
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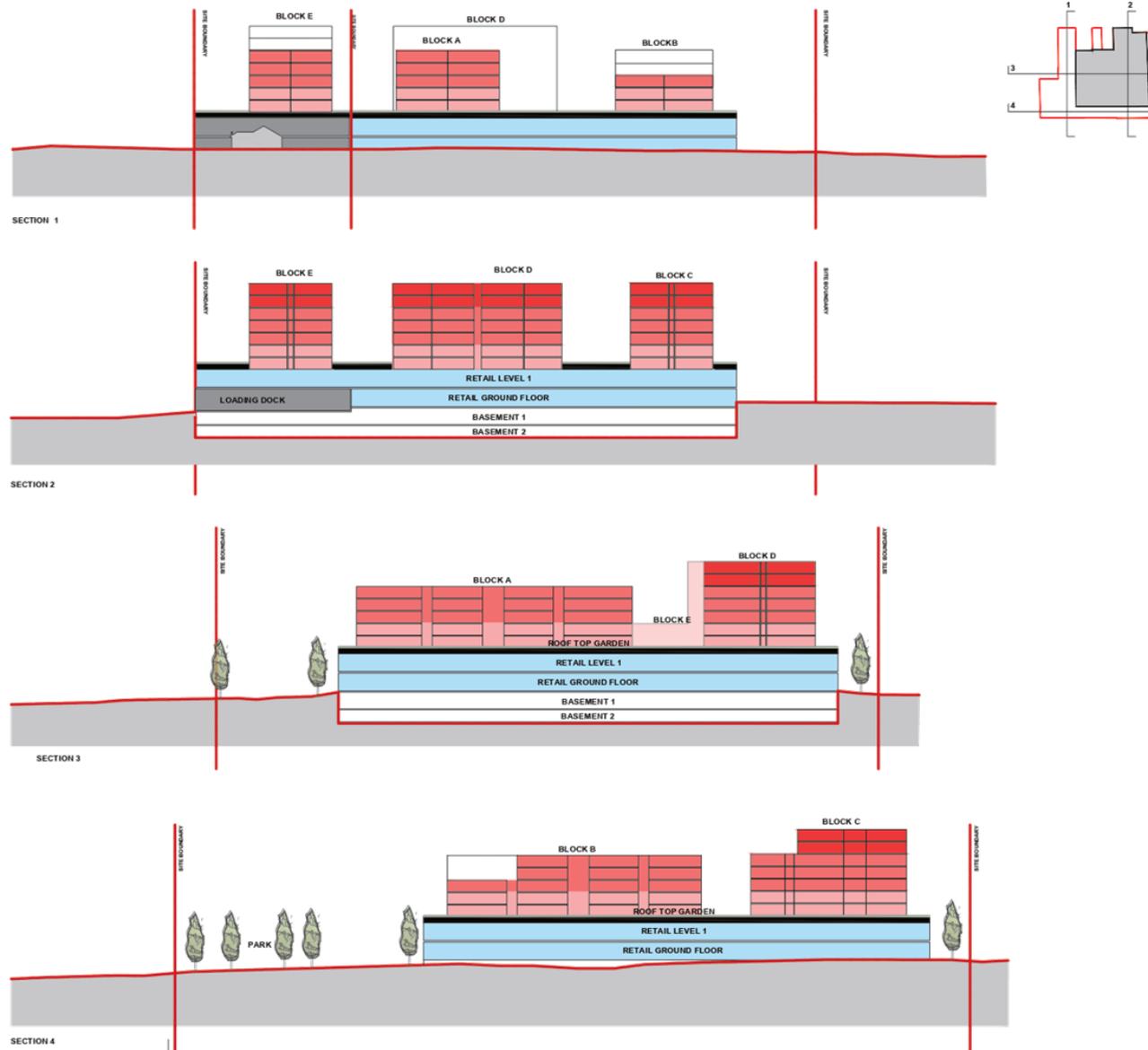
LEVELS 5&6 - 1/1000@A3



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LEVEL 7&8 - 1/1000@A3





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SECTIONS- 1/1000@A3



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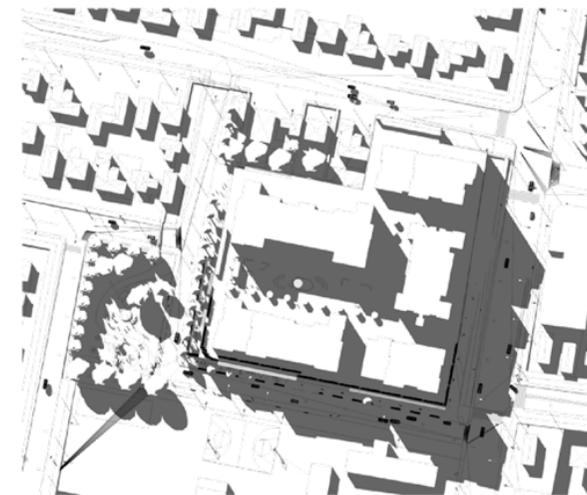
PERSPECTIVE VIEW



JUNE 21ST -10 AM



JUNE 21ST -12PM



JUNE 21ST -2PM

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SHADOW ANALYSIS

DEVELOPMENT DATA_GFA & FSR

BLOCK A		BLOCK B		BLOCK C		BLOCK D		BLOCK E	
LEVEL	GFA RESIDENTIAL (m ²)								
GF	245.20	GF	115.90	GF	158.94	GF	0.00	GF	94.00
1	0.00	1	10.00	1	0.00	1	66.00	1	10.00
2	1,276.70	2	1,042.80	2	585.52	2	816.41	2	737.29
3	1,276.70	3	1,042.80	3	585.52	3	816.41	3	737.29
4	1,276.70	4	1,042.80	4	585.52	4	816.41	4	491.17
5	1,276.70	5	779.22	5	585.52	5	816.41	5	491.17
6	1,276.70	6	779.22	6	585.52	6	816.41	6	491.17
				7	452.79	7	816.41	7	491.17
				8	452.79	8	816.41	8	491.17
TOTAL	6,628.70	TOTAL	4,812.74	TOTAL	3,992.12	TOTAL	5,780.87	TOTAL	4,034.43

GFA COMMERCIAL, COMMUNITY AND RECREATIONAL (m ²)	
GROUND FLOOR	11,333.62
FIRST FLOOR	13863.91

	GFA RESIDENTIAL	GFA COMMERCIAL, COMMUNITY AND RECREATIONAL (m ²)	TOTAL
TOTAL	25,248.86	25,197.53	50,446.39
SITE AREA	26,179.19	FSR	1.93

DEVELOPMENT DATA_UNIT MIX

BUILDING A					BUILDING B					BUILDING C					BUILDING D					BUILDING E				
LEVEL	1B	2B	3B	SUB TOTAL	LEVEL	1B	2B	3B	SUB TOTAL	LEVEL	1B	2B	3B	SUB TOTAL	LEVEL	1B	2B	3B	SUB TOTAL	LEVEL	1B	2B	3B	SUB TOTAL
2	1	10	2	13	2	2	7	2	11	2	2	5	0	7	2	0	6	2	8	2	1	7	0	8
3	1	10	2	13	3	2	7	2	11	3	2	5	0	7	3	0	6	2	8	3	1	7	0	8
4	1	10	2	13	4	2	7	2	11	4	2	5	0	7	4	0	6	2	8	4	0	5	0	5
5	1	10	2	13	5	1	6	1	8	5	2	5	0	7	5	0	6	2	8	5	0	5	0	5
6	1	10	2	13	6	1	6	1	8	6	2	5	0	7	6	0	6	2	8	6	0	5	0	5
										7	1	4	0	5	7	0	6	2	8	7	0	5	0	5
										8	1	4	0	5	8	0	6	2	8	8	0	5	0	5
TOTAL	5	50	10	65	TOTAL	8	33	8	49	TOTAL	12	33	0	45	TOTAL	0	42	14	56	TOTAL	2	39	0	41
RATIO	8%	77%	15%		RATIO	16%	67%	16%		RATIO	27%	73%	0%		RATIO	0%	75%	25%		RATIO	5%	95%	0%	

TOTAL UNIT MIX				
BUILDING	1B	2B	3B	SUB TOTAL
A	5	50	10	65
B	8	33	8	49
C	12	33	0	45
D	0	42	14	56
E	2	39	0	41
TOTAL	27	197	32	256
RATIO	11%	77%	13%	



**DOCUMENTS
ASSOCIATED WITH
REPORT C02/19-15**

**Attachment 4
Draft Letter of Offer**



21 December 2018

Mr Hamish McNulty
General Manager
Cumberland Council

Dear Mr McNulty

**RE: PLANNING PROPOSAL FOR WOODVILLE ROAD MERRYLANDS EAST
NEIGHBOURHOOD CENTRE – PROPOSED VPA TERMS**

I refer to the Council resolution on 18 July 2018 and recent correspondence from Council concerning a Planning Agreement for contribution and delivery of public / community benefits associated with the Planning Proposal for the Woodville Road Merrylands East Neighbourhood Centre. Our proposed VPA terms are as follows:

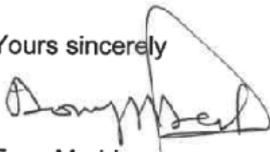
- public park landscaped with a minimum area of 2,000sq.m;
- widening and landscaping of Woodville Road frontage;
- traffic signals on corner of Woodville Rd and Lansdowne Street;
- new road connection between Highland Street and Lansdowne Street;
- affordable 'key worker' rental housing comprising twelve dwellings excluded from floor space ratio standard;
- monetary contribution towards community facilities;
- monetary contribution of 1.5% of the value of VPA contributions towards Council administration costs.

This VPA offer is made on the basis that further development contributions at DA stage would not be applicable to future Development Applications made under this Planning Proposal.

We would be pleased to discuss these proposed VPA terms further with Council.

If you have any queries or would like to discuss this matter, please do not hesitate to contact me on 0419 464 422. Thank you.

Yours sincerely



Tony Merhi

Managing Director

tel +61 2 9899 4000 | www.merccapital.com.au

A40C / 24-32 Lexington Drive, Bella Vista NSW 2153 | PO Box 7226 Baulkham Hills NSW 2153
Australia



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CUMBERLAND
COUNCIL

Council Meeting
20 February 2019

PROPOSED VPA TERMS

Item	Offer	Timing	Value	Comment
Local Open Space	Dedication of minimum 2,000sq.m of embellished / landscaped public park.	Dedication prior to occupation certificate for more than 6,000sq.m of retail space and/or more than 200 dwellings	Works:\$1,000,000 Land: \$2,754,000 Total: \$3,754,000	Value of dedication far exceeds typical development contribution rate for open space. Urban design of park has merit in terms of position, size, dimensions, solar access, landscape spend.
Public domain improvements	Dedication of 1,352sq.m of embellished land for widening of Woodville Road.	To be completed prior to occupation certificate for more than 6,000sq.m of retail space and/or more than 200 dwellings	Works:\$ 473,200 Land: \$1,861,704 Total: \$2,334,904	Provides for public transport (bus and taxi) stops and improved traffic flow along Woodville Road. Urban design merits are embodied in design concept plans.
Roads and traffic upgrades	Construction of traffic signals on corner of Woodville Rd and Lansdowne St. New road connection between Highland St and Lansdowne St	To be completed prior to occupation certificate for more than 6,000sq.m of retail space and/or more than 200 dwellings.	Works:\$1,500,000 Works:\$ 888,600 Land: \$6,000,000 Total: \$7,449,743	Improves local traffic flows with signalised intersection and new road connections through site between Highland Street, Lansdowne Street and Woodville Road.
Affordable housing	12 dwellings as affordable 'key worker' rental housing for 10 years which are excluded from the floor space ratio standard applying to development.	To be completed prior to occupation certificate for more than 200 dwellings.	Value to be confirmed	12 dwellings rented to 'key workers' on low-moderate household incomes (defined as 50% to 120% of median household income in Sydney) at a rent of no more than 30% of the household income for ten years. As a late-item addition to this Planning Proposal suggested by Council, affordable rental dwellings are provided on the basis that their additional floorspace will be excluded from the maximum floor space ratio and building height standards in the proposal.

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Item	Offer	Timing	Value	Comment
Community facilities	Monetary contribution of \$50,000.	Contribution prior to occupation certificate for more than 6,000sq.m of retail space or 250 dwellings	Value: \$50,000	Council advises that it is not proposing a community facility on site and is seeking a monetary contribution. Monetary contribution excludes child care below.
Child Care	DA will include child care centre with minimum capacity of 100 child care places which may be commercially operated (ie. not dedicated to Council).	Included in Development Application.	Qualitative value of community use.	Child care facility on site for up to 100 children provides community serving use with qualitative value. As a commercial operation, it has no readily identifiable quantitative public value.
Administration costs	1.5% of total contributions as per Council resolution.	Contribution prior to occupation certificate for more than 6,000sq.m of retail space and/or more than 250 dwellings	Value to be confirmed	

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