

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 gradation 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.

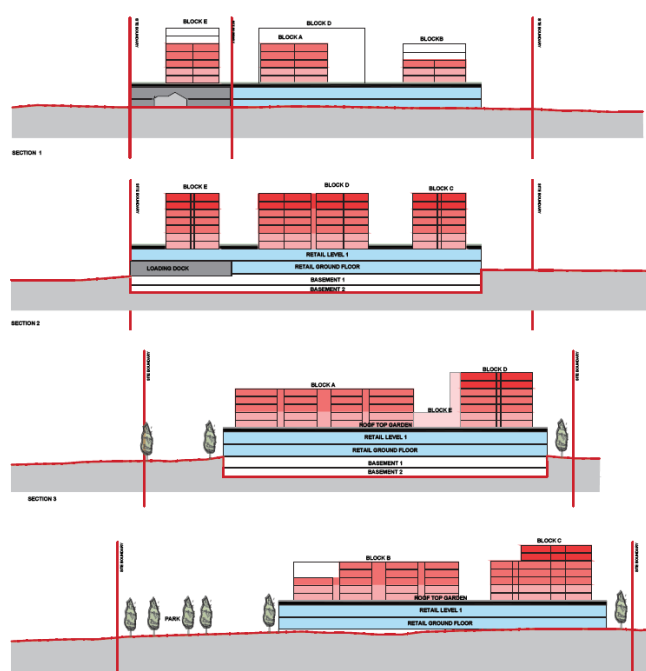


Figure 2: Proposed Building Heights

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 [↓](#) 