



# CUMBERLAND COUNCIL

## Council Meeting

*Wednesday, 18 July 2018 at 6.30pm*

Cumberland Council Chambers

Merrylands Service Centre, 16 Memorial Avenue, Merrylands

Item No: C07/18-135

**PLANNING PROPOSAL AND DRAFT DCP CONTROLS FOR WOODVILLE ROAD NEIGHBOURHOOD CENTRE PRECINCT, CORNER OF LANSDOWNE STREET, MERRYLANDS**

Responsible Division: Environment & Infrastructure  
 Officer: Group Manager - Planning  
 File Number: SC185  
 Community Strategic Plan Goal: *A resilient built environment.*

<b>Request lodged</b>	Lodged with Parramatta City Council in May 2015.
<b>Proponent</b>	Knight Frank Pty Ltd on behalf of Wiltex Wholesale Pty Ltd.
<b>Company details</b>	Wiltex Wholesale Pty Ltd ACN: 000461245 Registered NSW 16/06/1964.
<b>Address</b>	246-264 Woodville Road (former John Cootes site), 244 Woodville Road and 2-4, 6, 8-8a, 10-12 and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands (Site). Refer to Figure 1.
<b>Proposal summary</b>	Rezoning of land and increase in height and floor space ratio (FSR) controls for approximately 500 apartments and 6,000m <sup>2</sup> of retail.
<b>Site description</b>	The total site area, subject to the planning proposal is 2.84ha. The Proponent's land holding is 2.6ha.
<b>Existing zoning and planning controls</b>	<ul style="list-style-type: none"> <li>• Zone: part B6 Enterprise Corridor/part R2 Low Density Residential</li> <li>• Maximum building height: 12m for B6 zone; 9m for R2 zone</li> <li>• FSR: 1.5:1 for B6; 0.5:1 for R2 zone</li> </ul>
<b>Gateway Determination zoning and controls</b>	<ul style="list-style-type: none"> <li>• Zone: B4 Mixed Use</li> <li>• Maximum building height: 31m (approximately 9 storeys)</li> <li>• FSR: 2:1</li> </ul>
<b>Recommended zoning and planning controls</b>	<ul style="list-style-type: none"> <li>• Zone: part B2 Local Centre/part R4 High Density Residential</li> <li>• Maximum building height: 31m for B2 zone; 24m for R4 zone</li> <li>• FSR: 2.4:1 for B2 zone; 1.5:1 for R4 zone (average 2:1)</li> <li>• Development near zone boundaries flexibility: 12m</li> </ul>
<b>Disclosure of political donations and gifts</b>	<ul style="list-style-type: none"> <li>• Disclosure statement provided by the Proponent indicates no political donations or gifts were made.</li> </ul>

## SUMMARY

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The purpose of this report is to provide Council with a summary of the submissions received during the formal community consultation for the Woodville Road Planning Proposal and draft Development Control Plan (DCP) controls and seek a resolution on how to proceed. The Planning Proposal seeks to rezone land to facilitate a mixed-use neighbourhood centre on the site at Woodville Road, Merrylands (the former John Cootes Warehouse Site). A draft site-specific DCP section (Woodville Road Neighbourhood Centre Precinct Controls) has been prepared to provide detailed controls to guide the redevelopment of this site.

A Gateway Determination was issued by the Department of Planning and Environment (DP&E) for a rezoning to B4 Mixed Use, a maximum building height of 31m (equivalent to approximately 9 storeys), and a Floor Space Ratio (FSR) of 2:1 for the Site in June 2016, shortly after the formation of Cumberland Council.

At its meeting of 20 December 2017 Council resolved to place the draft DCP controls on public exhibition with the Planning Proposal and receive a further report on submissions received, following formal community consultation. Because the Planning Proposal already had Gateway approval for exhibition, this is the first time that Council will be considering a report on the rezoning. This report recommends the proposal be amended to a split B2 Local Centre and R4 High Density Residential zone with commensurate development standards, and only proceed subject to the renegotiation of a satisfactory planning agreement for public benefit. It is also recommended that the draft DCP controls be adopted.

## RECOMMENDATION

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### That Council:

1. **Amend the Planning Proposal for the Woodville Road Neighbourhood Centre site, as indicated in Attachment 1, to:**
  - a. **B2 Local Centre zone with a maximum height of 31m and maximum FSR of 2.4:1 at the front of the site; and**
  - b. **R4 High Density Residential zone with a reduced maximum height 24m and reduced maximum FSR of 1.5:1 at the rear of the site.**
2. **Endorse the amended Planning Proposal to forward to the Department of Planning & Environment for finalisation, subject to the negotiation of a planning agreement to the satisfaction of Council.**
3. **Indicates that the draft planning agreement, to be reported to Council for a decision prior to public notice, should include provision for contribution towards:**
  - a. **Local open space (preferably on-site)**
  - b. **District open space, recreation and sporting facilities (off-site)**
  - c. **Community centre, youth and library facilities (off-site)**

- d. **Child care facilities (possibly on-site)**
  - e. **Public domain improvements (on-site and adjoining the site)**
  - f. **Roads and traffic upgrades (including off-site)**
  - g. **Public affordable housing (preferably on-site)**
  - h. **Administration costs**
4. **Adopt the draft Development Control Plan (DCP) controls at Attachment 2 as a site-specific section '4.1.12 Woodville Road Neighbourhood Centre Precinct' of the Parramatta DCP, to come into effect on the date that the LEP Amendment commences.**
  5. **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.**
  6. **Should the Planning Proposal proceed, name and refer to this new Centre as the 'Merrylands East Neighbourhood Centre'.**

## REPORT

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### Background

A Planning Proposal request was originally submitted to the former Parramatta City Council on 26 May 2015 by Knight Frank Pty Ltd (the Proponent) on behalf of the owners of the former John Cootes warehouse site at 264 Woodville Road, Merrylands. Concerns about the density proposed and traffic issues were raised by officers of Parramatta City Council, which led to the lodgement of a revised Planning Proposal in October 2015. The Planning Proposal was accompanied by urban design, transport impact, economic impact, environmental and contamination studies.

On 7 December 2015, Parramatta City Council resolved to seek a Gateway Determination from the NSW Department of Planning and Environment (DP&E). The Planning Proposal was transferred to Cumberland Council in mid-2016, as part of the post-amalgamation transitional arrangements. A Gateway Determination from the Department, dated 24 June 2016, was received by Cumberland Council on 16 August 2016 (see Attachment 4). The Gateway Determination specified a further reduced Floor Space Ratio (FSR) and the addition of a number of properties, for which the Proponent submitted an updated planning report, updated urban design report and updated traffic impact assessment.

Draft DCP controls were developed by Cumberland Councils Planning Group to provide more detailed guidance for any future development of the site, should the planning proposal proceed. These were reported to the Cumberland Independent Hearing and Assessment Panel (IHAP) in September 2017 for consideration and review, followed by a further report in November 2018. The draft DCP controls were then reported to Council in December 2017 and on 20 December 2017 Council resolved to place the controls on formal public exhibition with the Planning Proposal and public benefit offer (which would be implemented via a planning agreement).

### Land to which this Planning Proposal Applies

The Planning Proposal request received by the former Parramatta City Council was for land at 246-264 Woodville Road, 2-4, 8-8A and 14-16 Lansdowne Street, and 19 Highland Street, Merrylands. 244 Woodville Road and 6, 10 and 12 Lansdowne Street were included in the Planning Proposal by the Gateway Determination.

The total site of the Planning Proposal is approximately 2.84 ha in size, of which 2.6 ha is currently owned by the Proponent. The site comprises a freestanding warehouse building of approximately 3,330m<sup>2</sup>, and several single residential dwellings. The location of the site and its context is shown in Figure 1.

The land surrounding the site includes:

- Detached dwellings on Lansdowne Street and Highland Street (zoned R2).
- A mix of detached dwellings and two 4 storey mixed use buildings directly opposite the Site.
- A service station and fast food retailing south of the site (zoned B6).
- Granville South Public School, located immediately south of the Site, and listed as a Heritage Item (1243) in *Parramatta LEP 2011*.

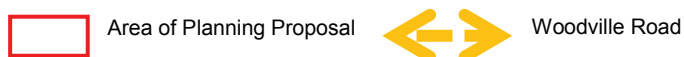


Figure 1: Site location and context

### ***Current and Historical Planning Provisions***

The site is currently zoned part B6 Enterprise Corridor and part R2 Low Density Residential under the *Parramatta LEP 2011*. The maximum building heights are currently part 9m and part 12m, and the maximum FSR standards for the site are part 0.5:1 (Lansdowne Street) and part 1.5:1 (Woodville Road & Highland Street).

The zoning along Woodville Road has changed several times since 1996. The land zoning history is shown below in Table 1.

**Table 1 – Land zoning history**

<b><i>LEP Year</i></b>	<b><i>Zone</i></b>	<b><i>Main Associated Land Use Forms</i></b>
1996	Residential 2(a)	Low density residential forms
2001	Mixed Use 10	High density residential flat buildings with some ground floor commercial
2011 (Current)	Mostly R2 Low Density Residential Limited B6 Enterprise Corridor	Low density residential forms  Bulky good and employment uses

The B6 zoned land, located on and to the south of the Site, reflects the historical evolution of an informal strip centre type land use over many years. Mixed use buildings (4 storey apartment with ground floor retail) located opposite the subject land on Woodville Road are zoned R2 and were approved prior to the land being downzoned from Mixed Uses 10 in 2011. Consequently, the current zoning patterns do not reflect the actual development types and their distribution in this location on Woodville Road.

### ***Policy Context***

The *Woodville Road Urban Design Study (Woodville Road Study)* was prepared by Parramatta City Council in 2015. The *Draft Woodville Road Strategy* was prepared, based on this study, by Parramatta City Council in late 2015. As part of this work, the Site had been the subject of detailed testing to determine the most appropriate land use and built outcomes. Both documents identified the Site as being appropriate and ideally located for a mixed use neighbourhood shopping centre, due to its location and ability to fill the ‘gap’ between the catchments of the Merrylands and Guildford centres.

The *Draft Woodville Road Strategy* was exhibited by the former Parramatta City Council from 24 February 2016 to 25 March 2016, however, was not finalised due to Council amalgamations. The original Planning Proposal request was lodged with Parramatta City Council in May 2015, after the completion of the Study, but prior to the release of the Draft Strategy.

The state planning framework has been amended since the lodgement of the Planning Proposal request. The Planning Proposal assessment report (at Attachment 1) outlines the consistency of the Planning Proposal with the following:

- *Greater Sydney Region Plan: A Metropolis of Three Cities*
- *Our Greater Sydney 2056: Central City District Plan*
- *Draft Centres Policy – Planning for Retail and Commercial Development*
- Applicable Ministerial Directions (s 9.1 Directions)
- Relevant State Environmental Planning Policies (SEPPs)

The Planning Proposal is considered to be generally consistent with the *Cumberland Community Strategic Plan 2017 – 2027* in that it forms part of a strategic approach to the needs of an increasing population, creating a new centre on Woodville Road, at a Metro bus transport hub with frequent services to Parramatta CBD. Locally, the proposed centre will enable a better sense of community and a more liveable place to call home, as well as improving access to services, facilities and local jobs.

### ***Planning Proposal***

A summary of the original Planning Proposal (May 2015), the amended Planning Proposal (October 2015), and the Gateway Determined Planning Proposal that was publicly exhibited is provided in Table 2 below.

**Table 2 – Summary of Versions of Planning Proposal**

<b><i>LEP Provision</i></b>	<b><i>Existing Provisions</i></b>	<b><i>Original Planning Proposal (May 2015)</i></b>	<b><i>Revised Planning Proposal (Oct 2015)</i></b>	<b><i>Gateway Determined Proposal (Exhibited)</i></b>
Zoning	Part B6 Enterprise Corridor, Part R2 Low Density Residential	B4 Mixed Use	B4 Mixed Use	B4 Mixed Use
Max. Building Height	12m (B6 zone) 9m (R2 zone)	40m	31m	31m
Max. FSR	1.5:1 (B6 zone) 0.5:1 (R2 zone)	3.2:1	2.25:1	2:1

Parramatta City Council planners determined that the original density and heights proposed across the site could not be supported due to extent of traffic generation, the location and configuration of the proposed intersection at Kimberley Street/Woodville Road and unreasonable impacts on the adjacent school. The planning proposal request was subsequently revised to seek an FSR of 2.25:1 which the former Council endorsed for Gateway Determination and public consultation.

### ***Gateway Determination***

A Gateway Determination was received from the DP&E in June 2016 and required a number of key amendments to the planning proposal including:

- Inclusion of land at 244 Woodville Road and land at 6, 10 and 12 Lansdowne Street, Merrylands in the land to which the planning proposal applies (refer to Figures 2 and 3).
- Amendment of all references to indicate a proposed maximum FSR of 2:1 (across the site).
- Methods of achieving an appropriate transition in height to the land currently zoned R2 Low Density Residential fronting Lansdowne Street and Highland Road.
- Correction of the Explanation of Provisions and Table 3 at Page 16 to indicate that a site-specific provision for the FSR calculation applies to wintergardens.

Site specific DCP controls were considered to be necessary, particularly for addressing height transition.



**Figure 2: Original Planning Proposal area requested by Proponent and endorsed by former Council (outlined in red)**



**Figure 3: Land required by the Gateway Determination to be included as part of the Planning Proposal (shaded yellow)**

### ***Current Planning Proposal***

Following the Gateway Determination in August 2016, an updated planning report, urban design report and transport impact assessment were submitted to Council by the Proponent to reflect the larger site area and the FSR of 2:1 (as opposed to the 2.25:1 sought by the Proponent).

### ***Modelling of Proposed LEP and DCP Controls***

An urban design review of the Planning Proposal and associated concept masterplan was conducted by Council in December 2016 to model and test the building envelopes,



FSR and heights. The design review and 3D modelling results were then used to inform the spatial layout and draft DCP controls to:

- confirm the building form resulting from a maximum FSR of 2:1.
- achieve reduced development impacts on the amenity of the school.
- determine site layout arrangements and building envelope requirements needed to comply with ADG requirements.
- establish a workable urban structure, spatial arrangements and internal roads.
- provide for the spatial requirements for a large format supermarket.

Council's modelling (which produced a yield of 1.9:1) demonstrated the maximum FSR could be reasonably achieved within the proposed heights, with a suitable transition and site layout. This modelling formed the basis of the draft site-specific DCP controls.

Further modelling was undertaken in April, as advised by the Cumberland IHAP, particularly in relation to sunlight access to the proposed central park. This additional modelling is provided at Attachment 5.

### ***Draft DCP Controls***

The draft DCP controls provide specific development objectives and guidelines to:

- guide the future character of the neighbourhood centre precinct and the relationship to Woodville Road and the adjoining school.
- achieve suitable building height transition between the site and adjoining low scale residential development on Lansdowne Street and Highland Street.
- encourage a vibrant retail centre with active street frontages.
- ensure high quality public open space form and location.
- provide safe and efficient pedestrian and vehicular access to, from and through the site.

Key elements of the draft DCP controls include:

- storey controls and setbacks to achieve transition to adjoining land.
- street and side setback controls.
- location of a 2,000 m<sup>2</sup> neighbourhood park.
- location of new streets.
- future extension of Highland Street to Lansdowne Street to facilitate traffic management and transition to adjoining low scale residential areas.
- other general requirements to activate streets and encourage good building design.

The draft DCP controls were reported to the Cumberland IHAP for review on 13 September 2017. The Cumberland IHAP recommended that the matter be deferred to enable staff to consider additional material tabled by the Proponent at this meeting. The draft DCP controls were revised to incorporate preliminary comments from the Cumberland IHAP, consider material provided by the Proponent and provide greater clarity. This was then reported to the Cumberland IHAP meeting on 8 November 2017.

The Cumberland IHAP recommended that the draft DCP controls and Planning Proposal be reported to Council seeking a resolution to place them on public exhibition (see Attachment 6). At its meeting of 20 December 2017 Council resolved to place the draft DCP controls on public exhibition with the Planning Proposal and receive a further report on submissions received, following formal community consultation.

### **Public Submissions**

The Planning Proposal, draft DCP controls and supporting documents were publicly exhibited for 46 days from 15 January 2018 to 1 March 2018 in accordance with the Gateway Determination and Council resolution. Three (3) submissions were received from public authorities and ten (10) submissions were received from the community.

### ***Public Agency Submissions***

Agencies consulted during the post-gateway public exhibition period included the NSW Department of Education (DoE), Transport for NSW (TfNSW), NSW Roads and Maritime Services (RMS), and Transdev NSW. Three (3) submissions were received: from TfNSW, the RMS and the DoE. These submissions included a range of matters to be considered as part of the Planning Proposal assessment and any future Development Application (DA).

Woodville Road is a classified road under the care, control and management of the RMS. RMS expressed concern regarding the location of the signalised intersection at Kimberley Street/Woodville Road as initially proposed by the Proponent. After liaising with RMS, the Proponent proposed road widening along the eastern edge of the Site along Woodville Road, a signalised intersection at Lansdowne Street/Woodville Road, and prohibition of exit movements from Earl Street (see Attachment 7).

This proposal is now supported by RMS 'in principle' subject to an agreement reached on the staging (i.e., trigger points linked to the development yield) of the identified road works, and the agreed road works and staging plan to be incorporated into a planning agreement between the applicant and Council. RMS also noted that any proposed staging plan should be supported by appropriate traffic analysis. This is currently in discussion between Council and the Proponent.

TfNSW emphasised the need for network improvements on Woodville Road and reiterated the need for road upgrades to be agreed with the RMS and to be incorporated into a planning agreement as part of the Planning Proposal.

DoE raised concerns about the impact of multi-storey development adjacent to the school boundaries and the potential for overshadowing and overlooking of internal and external spaces within the school. The draft DCP controls propose setbacks and storey height guidelines. A requirement for a deep soil setback of 9m along the southern boundary has been included in the draft DCP to provide a substantial landscaped buffer between the proposed development at the school boundary. Further, it is a recommendation of this report that the Planning Proposal be amended to split the

zones and reduce the maximum height and FSR standards to further increase certainty of the resulting development.

Concerns were also raised about noise, dust and traffic during construction, and the safety of vehicles and pedestrians accessing the school during peak hours. Additional controls to the DCP are recommended to assist in addressing these issues at the DA stage. Concerns were also raised about the impact on demand for teaching spaces and associated government school infrastructure. Cumberland Council will continue to work with the NSW Department of Education to address these concerns which relate more broadly across the Cumberland LGA.

A more detailed summary of the issues and concerns raised by public agencies along with Council's response can be found in Attachment 8.

### ***Community Submissions***

A total of eight (8) individual submissions were from the community (one of these was submitted three times). One (1) submission was received from the Granville South Public School P&C and another submission was received from the Proponent, who responded to matters relating to the draft DCP. The submission received from the Proponent on the draft DCP is considered at the end of this section of the report.

Key matters raised in submissions on the Planning Proposal are outlined below, and a more detailed submissions table is provided at Attachment 8.

### **Objections / Concerns**

- *The proposed B4 zone and high density development is inappropriate for the Site, including visual, amenity and overshadowing impacts from the 31m height proposed.*

The Gateway Determination issued by the Department of Planning specified a B4 zone and a maximum building height of 31m. The Site is identified for a mixed use neighbourhood centre with medium to high density residential development in the *Woodville Road Study (2014)* and the *Draft Woodville Road Strategy (2015)*. The new centre is expected to fill a gap in the catchment for a centre, and provide a public park, increasing convenience and walkability for the surrounding area. The draft DCP will require a transition to neighbouring development, and the setback to Woodville Road will provide opportunities for increased amenity along this key route. The controls have been tested from an urban design perspective, to ensure the amenity objectives for the Site and the basic requirements of the ADG can be met.

It is recommended that the proposal be amended to a split B2 Local Centre and R4 High Density Residential zone with reduced maximum height standard at the rear half of the site to create greater certainty. This aspect is discussed further in the 'Review of the Planning Proposal and Draft DCP' section of this report.

- *Concern that the development will set an adverse precedent, encouraging further high rise in the area.*

The Site was specifically identified in the *Draft Woodville Road Strategy (2015)* for a neighbourhood centre. It was one of only three nodes identified in the strategy, and the only node identified as a centre with this level of planned intensity. As such, it is not considered that this proposal will set an undesirable precedent for the remainder of Woodville Road.

- *Concern about overlooking of the school playground adjoining the Site, and about construction noise.*

This concern is acknowledged and a 9 metre setback is required between the development and the school boundary in the draft DCP. This will be supplemented with DCP controls for deep soil planting for screening, and building design to minimise any potential for overlooking. The draft controls require development along the southern boundary of the Site to be stepped down from 9 storeys to 7 storeys to 5 storeys to facilitate better transition to the school.

Further, it is recommended that the proposal be amended to reduce the maximum height standard at the rear half of the site to create greater certainty, and that noise and vibration controls be added to the draft DCP controls. Construction noise would be considered in detail during the assessment of any future Development Application (DA).

- *Lack of infrastructure and amenities to service the proposed increase in population, including the road network, public transport, utilities, education, medical, childcare, open space and recreation facilities.*

The Planning Proposal and draft DCP controls include provision for a 2,000m<sup>2</sup> public park, new roads and an improved Lansdowne/Woodville Rd intersection. Any required upgrades to utilities would be considered in detail as part of any future Development Application (DA). Development contributions will support additional local infrastructure and facilities.

In relation to State infrastructure, it is acknowledged that additional infrastructure for schools and public transport are needed for the growing population and Council continues to advocate to Government for these. The site is well located to take advantage of any future improvements to public transport. The adjoining school is currently in consultation with the NSW Department of Education about the need for future expansion. The planning proposal also anticipates an opportunity for a large format supermarket which would provide additional services to the surrounding area.

- *Particular concerns about increased traffic impacts, namely increased traffic flow on Lansdowne Street, noise, and parking availability, due to limited public transport access.*

A traffic study was submitted with the Planning Proposal request and upgrade works required have received 'in principle' approval by the RMS. Design changes

have been made following discussions with RMS, to minimise traffic impacts. In addition, any future Development Application (DA) will need to provide a detailed traffic report, which will assist in ensuring traffic impacts of the development are minimised.

- *Concern about the quality of high rise development.*

The Planning Proposal seeks to rezone the subject site and amend the maximum building height development standard and FSR (density) development standard in the Local Environmental Plan (LEP). Draft DCP controls have been developed to guide the outcomes on the site and should the proposal proceed, detailed design and construction will be rigorously assessed against the State Policy for Design Quality of Residential Apartment Development at any future Development Application (DA) stage. High density mixed use development and residential flat buildings would need to meet the requirements of the DCP and the Apartment Design Guide (ADG), which aims to ensure quality residential development.

- *The proposed additional retail development is not feasible as the surrounding population density is insufficient to support it, and the retail component of the Planning Proposal will exacerbate the existing problem with vacant and unmaintained retail properties on Woodville Road.*

The provision of a new centre in this location is designed to act as a catalyst to revitalise Woodville Road, helping to address the vacancy issues noted in this submission. Hill PDA's Economic Assessment (October 2015) supported the feasibility of retail facilities through a catchment analysis, and identified substantial economic benefits from the Planning Proposal, which would in-turn benefit the local community.

- *The additional high rise is likely to be purchased for investment and some left vacant, which does nothing to contribute to affordability.*

The extent of future investor-owned or owner-occupier is unknown at this stage and cannot be regulated by local government. Council is, however, working to address housing affordability in a number of ways, and this issue will be looked at on a Cumberland-wide scale as part of Council's forthcoming residential housing strategy. Housing affordability is an issue across metropolitan Sydney, and a variety of measures and initiatives from both state and local government are required to address this issue. Well-located housing supply is one of the measures and part of the solution. It is also noted that Council has an *Interim Affordable Housing Policy* and is working to put in place a more comprehensive policy and scheme.

### *Request to Expand the Proposal*

- *Expand the new zoning and FSR and height increases, especially to the north across Lansdowne Street.*

The boundaries of the site of the Planning Proposal are determined by the Gateway Determination and could not be changed. A wider precinct area is included in the draft DCP controls to ensure appropriate transitional built form and heights to surrounding residential land uses and the school. The 'Woodville Road Neighbourhood Centre Precinct' is informed by and generally consistent with the *Draft Woodville Road Strategy*. It is advised that the *Draft Woodville Road Strategy* and views provided by the public will be looked at as part of Council's comprehensive new Cumberland LEP process which has recently commenced.

### Proponent Submission

A submission was received on the draft DCP controls from the Proponent. The main changes requested are summarised below, together with responses by Council planners. Attachment 8 provides a more detailed summary of the matters raised.

- *Location and a reduced number of vehicle entry points to the basement.*

The location of vehicle entry points needs to consider the safety of both vehicle users and pedestrians. A reduced number of access points reduces convenience and legibility and would likely result in car users seeking on street parking instead. The DCP controls indicate "preferred" vehicle access points, which leave some flexibility for the development assessment phase.

- *Stage 1 of the plan to include the Central Park.*

This has been incorporated into the recommended draft DCP controls.

- *A reduction of the deep soil requirement for the Central Park from 85% to 70% to allow a continuous basement between above ground structures.*

This is not supported. Dedication to Council (as proposed in the Proponent's Letter of Offer) of the park with basement parking underneath raises management and liability issues for Council. Any further loss of deep soil would also reduce the capacity of the park to provide for substantial tree planting and would reduce stormwater absorption.

- *Increased street wall heights and increased building length.*

This is not supported as street wall heights and building length are critical urban design elements that assist in the transition with the surrounding character, and in providing an appropriate human scale.

- *Reduced setback requirements.*

This is not supported, as the setbacks are designed to enhance the amenity of the public realm and Woodville Road presentation, to support greening, and to protect the school and playground from unacceptable overshadowing and overlooking.

- *Eliminate the Park Circuit around the Central Park to widen the park.*

This is not supported as it would compromise the active frontage required for the adjoining retail premises. The detail on how this is treated and managed can be discussed and considered in further detail during the preparation of any future Development Application (DA) for the site.

### **Review of Planning Proposal and Draft DCP Controls**

Following the completion of public consultation, the Planning Proposal and the draft DCP controls have been revised to address issues that have arisen during the consideration of the submissions and during the assessment of the Planning Proposal itself. It is recommended that a number of changes be made to the Planning Proposal and draft DCP controls which remain generally consistent with the Proponents desired outcome and the strategic intent for the site, but ensure a greater level of certainty for the resulting development that would eventuate. These are discussed below.

The Planning Proposal at Attachment 1 and the draft DCP controls at Attachment 2 have been updated to include the recommended changes. Changes to the exhibited draft DCP controls are shown in red and a summary is provided at Attachment 3.

### ***Land Use Zoning***

The Gateway Determination provided for the Planning Proposal to be zoned B4 Mixed Use. This is problematic given the objectives of the zone B4 Mixed Use under the *Parramatta LEP 2011* are *“To support the higher order zone B3 Commercial Core while providing for the daily commercial needs of the locality”* and *“To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre”*. Cumberland Council does not currently consist of any land zoned B3 Commercial Core, and the site is such a distance from the Parramatta City Centre that it does not conceivably have a direct relationship with the Parramatta CBD B3 zone. It is noted that the City of Parramatta Council used the B4 Mixed Use zone to provide for a complimentary mix of employment generating and residential uses around its B3 Commercial Core.

In Cumberland, the B4 Mixed Use is currently used for larger Town Centres such as Merrylands, Granville, Auburn and Lidcombe and it is expected that this approach would continue under the new Cumberland LEP. As such, it is not considered to be the appropriate zone for a lower order neighbourhood centre in this location.

A review of available zones was undertaken and it was determined that a combination of the B2 Local Centre and R4 High Density Residential zones would be most appropriate to facilitate the Planning Proposal concept masterplan intentions.

The objectives of the B2 Local Centre zone are broadly consistent with the objectives of the Planning Proposal for the front of the site, which are:

- to provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area.
- to encourage employment opportunities in accessible locations.
- to maximise public transport patronage and encourage walking and cycling.
- to encourage the construction of mixed use buildings that integrate suitable commercial, residential and other developments and that provide active ground level uses.

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. Solely residential buildings (such as residential flat buildings) are not permitted and ground floor would be required to be an active, non-residential use such as retail or business premises. This is consistent with the expressed intention for the front of the site and would ensure that this vision would be realised.

The R4 High Density Residential zone permits residential flat buildings, consistent with the expressed intent for the rear of the site, but also permits 'fringe of centre' uses such as child care centres, community facilities and a small neighbourhood (convenience) shop. This would ensure the vision would be realised at the rear of the site.

It is recommended that the proposed B4 zone be replaced by a split B2 Local Centre zone and R4 High Density Residential zone, with the zone boundary placed along the eastern edge of the proposed secondary street alignment. The *Parramatta LEP 2011* has, under clause 5.3, provision for flexibility for development near zone boundaries and it is recommended that such flexibility be applied to within 12m of the recommended zone boundary to enable reasonable flexibility in the future detailed design and approval of development. It is anticipated that a revised Gateway Determination would be required due to the extent of changes proposed.

### ***Height of Buildings and Transition to Surrounding Area***

The Gateway Determination proposed a maximum building height of 31m (equivalent to approximately 9 storeys) and maximum FSR of 2:1 across the entire site. This was based on the concept masterplan and Proponents intent expressed for the site. Broadly consistent with the masterplan, the draft DCP controls provide for the tallest (9 storey) buildings to be located along Woodville Road, with a step down to 7 storey buildings in the middle of the Site, 5 storeys along the southern boundary of the Site adjoining the school, and 3 and 4 storey heights along Lansdowne Street and Highland Street.

The height transition to the school is important to minimising overshadowing of the school's play areas, addressing a key concern of the school and DoE; and the transition to Highland Street is important to ensuring a reasonable visual impact and transition to surrounding residential areas. While the LEP could not be as detailed as the DCP, it is considered that the maximum height standard in the R4 zone



recommended for the rear of the site should be reduced to 24m to reflect the tallest height intended for any part of this half of the site under the masterplan concept and draft DCP controls. Given that this is a decrease to the FSR standard which remains generally consistent with the expressed outcomes of the proposal; it is considered that this change would not warrant re-exhibition.

The draft DCP controls would then provide further detail in relation to the location of higher components and the number of storeys adjacent to boundaries. The number of storeys along Lansdowne Street in the 'Stage C' area under the DCP is proposed to be increased from 2 storeys to 4 storeys in response to the submission by the Proponent, which will also provide greater equity for the two owners at 10 and 12 Lansdowne Street. The amount of height increased in Stage C is notionally equivalent to the height decreased for the portion of the development along the southern boundary, enabling the FSR achievable for the Site to remain unchanged. These proposed changes have been reflected in the recommended draft DCP controls at Attachment 2 and are summarised in the table at Attachment 3.

### ***Floor Space Ratio***

The planning proposal submitted by the former Parramatta City Council for Gateway Determination sought an FSR of 2.25:1. This FSR was not supported by DP&E and the Gateway Determination required that the planning proposal be amended to reflect a maximum FSR of 2:1 across the site. In their latest submission on the draft DCP, the proponent indicated it may not be possible to achieve an FSR of 2:1 and meet the requirements of SEPP 65 and the Apartment Design Guide (ADG).

Council's most recent 3D modelling estimated that an FSR of 1.9:1 could be feasibly achieved, based on achieving ADG compliance, appropriate setbacks and good design outcomes. This is generally consistent with the high density scenario in the *Woodville Road Study*, which produced an FSR of 1.83:1 and the proponent's submission that with the proposed DCP controls "*it may not be possible to (fully) achieve an FSR of 2:1 and meet the requirements of SEPP 65 and the Apartment Design Guide (ADG)*". It should be noted that FSR standards are a 'maximum' that may not always be fully released.

It is recommended that the FSR be split along the same lines as the zone split, to ensure that density and building bulk is concentrated at the front of the site and that floor space is not 'funnelled' away from commercial at the front into additional residential at the rear. Based on the concept masterplan and the draft DCP envelopes, it is the maximum FSR standards should be a 2.4:1 for the B2 zone at the front 1.5:1 for the R4 zone at the rear. This results in an average maximum FSR across the site of just under 2:1, of which a compliant development should be able to reasonably achieve 90%-100%, depending on the detailed design at DA stage.

Given that the average is substantially the same, and that the recommended FSR standards remain generally consistent with the expressed outcomes of the proposal; it is considered that these changes would not warrant re-exhibition.

### ***Neighbourhood Centre Layout, Structure, Character and Access***

The retail Main Street, the Secondary Street, Highland Street East-West Connection, and the Park Circuit form the key roads that break up the larger Site into human scaled blocks.

Controls for footpaths of 4.5m along the Main Street, 3.5m footpaths along the Secondary Street and street setbacks of a minimum of 4m in all other streets are stipulated in the draft DCP controls. To achieve this, minor amendments been made to the draft DCP controls recommended by this report. Similarly, to increase clarity on the active street frontage streets in the Site, minor amendments have been made to the sections to show details such as ground floor use, awnings, and setbacks.

A requirement for a minimum of 35m of active street frontage along Lansdowne Street from the intersection of Woodville Road has been added to the draft DCP controls. A minimum of 80% glazed facade for the ground floor along the Woodville Road frontage (retail component) has also been added to avoid blank walls and provide street address.

### ***Proposed Local Park***

As per the Cumberland IHAP recommendation, further modelling of the proposed built form envelopes was undertaken and it was demonstrated that a minimum of two hours of direct sunlight to a minimum of 50% of the proposed public open space between 12pm-2pm at the winter solstice is achievable with the proposed location and built form controls in the draft DCP controls and SEPP 65 / ADG compliance can be achieved.

Controls have been added to ensure a high quality neighbourhood park is provided. It is anticipated that the park will be dedicated to Council, and discussions are continuing with the Proponent. Any access links to the basement parking is suggested on the northern edge of the park as opposed to the southern edge to ensure large trees and an understorey of shrubs can be planted in the 9m deep soil setback adjoining the school.

### ***Air Quality and Noise Abatement***

Air quality and noise abatement concerns have been addressed through proposed inclusion of site-specific controls in the *Parramatta LEP 2011* to exclude wintergardens on Woodville Road from the calculation of FSRs (as stipulated in the Gateway Determination), and the inclusion of controls in the draft DCP on air quality, and noise and vibration. An acoustic report will also be required at DA stage.

### ***Traffic Infrastructure***

Signalisation of the intersection of Woodville Road and Lansdowne Street with road widening along the eastern boundary of the Site (Woodville Road), and prohibition of exit movement from Earl Street onto Woodville Road, is required to facilitate the intended development of the site. The provision of this infrastructure by the Proponent

linked to the development yield and staging of development on the Site, is currently being discussed with the Proponent and will be the subject of a separate Council report on the draft planning agreement.

### **Voluntary Planning Agreement**

A revised public benefit offer (which would form the basis of a Voluntary Planning Agreement VPA) has been received from the Proponent in association with the amended Planning Proposal (Attachment 9). The Proponent is offering the creation and dedication to Council of the following:

- a public park of over 2,000m<sup>2</sup>, including embellishment works.
- a publicly accessible 6.5m setback along the Woodville Road frontage, with walkways, street trees and an opportunity for a transit plaza (subject to RMS and State Transit approval).
- new public roads connecting Highland Street and Lansdowne Street.
- signalisation of the intersection of Woodville Road and Lansdowne Street.

The Proponent seeks an offset against all the development contributions that would otherwise be payable from the subsequent DAs for this site. Currently a 1% development levy applies; however this will likely be replaced with a s7.11 contribution in the near future which is expected to better provide for local infrastructure related to development, including sporting and recreation facilities, library and community facilities, as well as road network improvements and local open space.

Cumberland Council adopted the *Cumberland Planning Agreements Policy and Guidelines* on 6 September 2017. Section 1.2 of these Guidelines states that the controls in these guidelines apply to any draft planning agreement that has not yet been exhibited. A draft planning agreement for the Site has not been exhibited; however, this Planning Proposal and an initial offer of a planning agreement were lodged with the former Parramatta City Council in May 2015. On this basis, Cumberland Council officers had not strictly applied the policy, nor negotiated beyond the general offer made to date.

Nevertheless, in negotiating the planning agreement, the objectives of the guidelines as well as the requirements of the *Environmental Planning and Assessment Act 1979 (EP&A Act)*, should be taken into account.

The formal negotiation phase of the planning agreement would commence following a decision made in relation to proceeding 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; as well as clarification about which offerings are a direct requirement of the development of the site or wider public benefit that would be reasonable to offset against monetary contribution payable.

It would be prudent for Council to indicate at this stage its position and broad expectations in relation to the planning agreement outcomes. It is recommended that a contribution (financial and/or land and/or works) be made towards the following public infrastructure and facilities:

- Local open space (preferably on-site)
- District open space, recreation and sporting facilities (off-site)
- Community centre, youth and library facilities (off-site)
- Child care facilities (possibly on-site)
- Public domain improvements (on-site and adjoining the site)
- Roads and traffic upgrades (including off-site)
- Public affordable housing (preferably on-site)
- Administration costs

All of these have been included in the recommendation of this report, though Council may wish to exclude some. It is noted that the 1% levy under the Parramatta s94A (s7.12) Plan would normally only be considered sufficient to fund open space, community facilities and administration costs. A separate report will be provided to Council for consideration of the draft planning agreement. It is recommended that proceeding with the Planning Proposal be subject to the negotiation of a satisfactory draft planning agreement. This this would then be finalised while the DP&E is finalising the LEP Amendment, with the final planning agreement and any submissions received reported back to Council for final decision.

## COMMUNITY ENGAGEMENT

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This report addresses submissions received during the formal community consultation in relation to the Planning Proposal and draft DCP controls for the Woodville Road Neighbourhood Centre Precinct. The consultation was undertaken in accordance with the Gateway Determination, Council resolution and legislative requirements, as detailed earlier in this report.

Should Council resolve to proceed, a draft planning agreement will be negotiated, after which the Planning Proposal will be forwarded to the DP&E to make the LEP amendment and publish it on the NSW Legislation website.

The adopted DCP controls for the Precinct would be implemented via an amendment to the *Parramatta DCP 2011*. A notice will be placed in local newspapers to advise of the date of commencement.

A draft planning agreement will be considered by Council and then publicly notified in accordance with the EP&A Act.

## POLICY IMPLICATIONS

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This report recommends that Council amend the Planning Proposal and proceed to finalisation the amendment to the *Parramatta LEP 2011*. This comprises the amendment to land use zoning, maximum height of buildings and FSR maps, as well as a development near zone boundaries flexibility provision, and site-specific provision to exclude gross floor area (GFA) for wintergardens from the calculation of FSRs for apartments fronting Woodville Road.

This report also recommends that Council adopt the draft DCP controls for the Precinct as an amendment to the *Parramatta DCP 2011*. This DCP amendment would come into force on the same date as the LEP amendment comes into force.

## **RISK IMPLICATIONS**

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There are minimal risk implications for Council associated with this report.

## **FINANCIAL IMPLICATIONS**

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

## **CONCLUSION**

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The exhibited Planning Proposal reflected the approach endorsed by the former Parramatta City Council and the DP&E Gateway Determination. Draft DCP controls for the Precinct were developed to provide more detailed guidance and meet Gateway requirements. Following advice from the Cumberland IHAP, the draft DCP controls were reported to Council in December 2017.

Formal community consultation was undertaken in relation to the Planning Proposal and draft DCP controls in accordance with the Gateway Determination and Council resolution from 15 January 2018 to 1 March 2018. Additional overshadowing analysis was undertaken during the public exhibition period.

In response to submissions received a review of the Planning Proposal has been undertaken. It is recommended that the proposal be amended to a split B2 Local Centre and R4 High Density Residential zone with commensurate development standards (with reduced maximum heights and FSR at the rear of the site) to provide a greater level of certainty that the intended land use and built form outcomes will eventuate.

It is appropriate that this proposal only proceed to the DP&E for finalisation subject to the renegotiation of a satisfactory planning agreement for public benefit. The draft Planning Agreement will be the subject of a separate Council report for Council's consideration, prior to public notification.

A review of the draft DCP controls for the Precinct was also undertaken and a number of changes have been recommended in response to submissions. It is recommended that the draft DCP controls, with these changes, be adopted as an amendment to the *Parramatta DCP 2011* and that it come into force on the same date as the LEP amendment coming into effect.

## **ATTACHMENTS**

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1. Planning Proposal - Woodville Road Neighbourhood Centre
2. Draft Woodville Road Neighbourhood Centre Precinct DCP Controls

3. Table of Proposed Amendments to Draft DCP Controls
4. Gateway Determination - Woodville Road Planning Proposal - June 2016
5. Overshadowing analysis of Proposed Central Park
6. Cumberland IHAP Minutes - 8 November
7. Proposed road works provided to the RMS by the Proponent
8. Summary of Submissions - Woodville Road Planning Proposal
9. Draft letter of Offer