

## Planning Services

### Gateway Determination Report

<b>LGA</b>	City of Parramatta
<b>RPA</b>	City of Parramatta
<b>NAME</b>	266 Victoria Road and 26 Kissing Point Road, Rydalmere (former Macquarie Boys High School) (2,544 dwellings)
<b>NUMBER</b>	PP_2017_COPAR_007_00
<b>LEP TO BE AMENDED</b>	Parramatta Local Environmental Plan 2011
<b>ADDRESS</b>	266 Victoria Road and 26 Kissing Point Road, Rydalmere
<b>DESCRIPTION</b>	Lot 1 DP 836958, Lot 1 DP 128413 & Lot 1 DP 247855
<b>RECEIVED</b>	29 June 2017
<b>FILE NO.</b>	16/12295
<b>QA NUMBER</b>	qA415111
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal

## INTRODUCTION

### Description of Planning Proposal

The planning proposal seeks to amend the development standards contained in the Parramatta Local Environmental Plan 2011 (PLEP) that apply to the site (266 Victoria Road and 26 Kissing Point Road, Rydalmere) including zoning, height, floor space ratio (FSR) and minimum lot size.

The planning proposal also proposes new local provisions for affordable housing, delivery of non-residential floor space and public open space for the subject site. Council's endorsed planning proposal (June 2017) differs from the proponent's initial planning proposal lodged with Council in November 2016. Table 1 below summarises the proponent's proposal and Council's proposal as well as the Department of Planning and Environment's recommendations.

Proponent's Proposal (November 2016)	Council's Proposal (June 2017)	Department's Recommendation
<b>Zoning</b>		
From part R2 Low Density Residential and part SP2 Educational Establishment	From part R2 Low Density Residential and part SP2 Educational Establishment	Council zoning as submitted to proceed to Gateway.

<b>Proponent's Proposal (November 2016)</b>	<b>Council's Proposal (June 2017)</b>	<b>Department's Recommendation</b>
To part B4 Mixed Use, part R4 High Density Residential and part RE1 Public Recreation	To part B4 Mixed Use, part R4 High Density Residential, part RE1 Public Recreation and part W1 Natural Waterways	
<b>Maximum Building Height</b>		
From part 9m  To: <ul style="list-style-type: none"> <li>• 10m–59m on land proposed to be zoned B4 Mixed Use;</li> <li>• 16m–65m on land proposed to be zoned R4 High Density Residential; and</li> <li>• no height of buildings (HOB) on land proposed to be zoned RE1 Public Recreation.</li> </ul>	From part 9m  To: <ul style="list-style-type: none"> <li>• 84m on land proposed to be zoned B4 Mixed Use;</li> <li>• 28m–50m on land proposed to be zoned R4 High Density Residential; and</li> <li>• no HOB on land proposed to be zoned RE1 Public Recreation and W1 Natural Waterways.</li> </ul>	Recommended that the Gateway determination is conditioned to require consultation with Transport for NSW (TfNSW) and Road and Maritime Services (RMS) to determine a height and FSR that will enable the maximum potential development yield for the site based on traffic and transport considerations (as discussed later in this report).
<b>Maximum FSR</b>		
From part 0.5:1  To: <ul style="list-style-type: none"> <li>• 0.5:1–2:1 on land proposed to be zoned B4 Mixed Use;</li> <li>• 1.7:1–3.5:1 on land proposed to be zoned R4 High Density Residential; and</li> <li>• no FSR on land proposed to be zoned RE1 Public Recreation.</li> </ul>	From part 0.5:1  To: <ul style="list-style-type: none"> <li>• 1.5:1, comprising a residential FSR of 1.38:1 and non-residential FSR of 0.12:1; and</li> <li>• no FSR on land proposed to be zoned RE1 Public Recreation and W1 Natural Waterways.</li> </ul>	Recommended that the Gateway determination is conditioned to require consultation with TfNSW and RMS to determine a height and FSR that will enable the maximum potential development yield for the site based on traffic and transport considerations (as discussed later in this report).
<b>Minimum Lot Size</b>		
Omit the minimum lot size designation from Lot 1 DP 128413 and Lot 1 DP 247855	Amend the Minimum Lot Size Map (Sheet LSZ_009) for Lot 1 DP 128413 and Lot 1 DP 247855 by removing the existing 550sqm minimum lot size designation.	Minimum Lot Size amendments as submitted to proceed to Gateway.
<b>Minimum Lot Size for Dual Occupancy</b>		
Omit the minimum lot size designation from Lot 1 DP 128413 and Lot 1 DP 247855	Amend the Minimum Lot Size for Dual Occupancy Development Map (Sheet LDO_009) for	Minimum Lot Size amendments as submitted to proceed to Gateway.

Proponent's Proposal (November 2016)	Council's Proposal (June 2017)	Department's Recommendation
	Lot 1 DP 128413 and Lot 1 DP 247855 by removing the existing 600sqm minimum lot size designation.	
<b>Land Reservation Acquisition Map</b>		
Add the land to be zoned RE1, which contains the riparian land associated with Vineyard Creek, to the Land Reservation Acquisition Map identifying the land as Local Open Space (RE1).	Nil provision in LEP. Council proposes for land to be dedicated through a voluntary planning agreement (VPA) process parallel to the planning proposal.	Council's proposal as submitted to proceed to Gateway.
<b>Local provision – Affordable Housing</b>		
<p>Minimum target for affordable housing on the site through inclusionary zoning in an additional local provision to:</p> <ul style="list-style-type: none"> <li>• Enable the consent authority when granting development consent, to impose a condition requiring a contribution to affordable housing being 5% of the total floor area that is intended to be used for residential purposes; and</li> <li>• The opportunity to satisfy the condition by dedicating the affordable-housing dwellings to Council or by way of a monetary contribution to Council for the purpose of delivering affordable housing.</li> </ul>	<p>New local provision that includes a minimum target for affordable housing on the site. The intention is to:</p> <ul style="list-style-type: none"> <li>• Enable the consent authority, when granting development consent, to impose a condition requiring a contribution to affordable housing being 5% of the total floor area that is intended to be used for residential purposes; and</li> <li>• The opportunity to satisfy the condition by dedicating the affordable-housing dwellings to Council or by way of a monetary contribution to Council for the purpose of delivering affordable housing.</li> </ul>	<p>Recommended that the Gateway determination is conditioned to remove the local provision for affordable housing as the Parramatta LEP cannot include this provision unless an amendment to State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes) is made (as discussed later in this report).</p>
<b>Local provision – Open Space</b>		
<p>Nil provision in LEP.</p> <p>Proponent's Concept Plan envisaged approximately 12,508sqm of public open</p>	<p>Local provision to ensure 12,090sqm of public open space within the area proposed to be zoned R4 High Density Residential.</p>	<p>Council's proposal as submitted to proceed to Gateway. Location of open space in Concept Plan is a matter to be negotiated by</p>

<b>Proponent's Proposal (November 2016)</b>	<b>Council's Proposal (June 2017)</b>	<b>Department's Recommendation</b>
space within the area proposed to be zoned R4 High Density Residential.		the proponent and Council (as discussed later in this report).
<b>Local provision – Non-residential FSR</b>		
Nil provision in LEP. Proponent's Concept Plan envisaged approximately 40,057sqm of non-residential floor space to be delivered on the site.	Local provision for 0.12:1 non-residential floor space to be delivered on the site.	Recommended that the Gateway determination is conditioned to require removal of the non-residential FSR provision and consultation with TfNSW and RMS to determine a height and FSR that will enable the maximum potential development yield for the site based on traffic and transport considerations (as discussed later in this report).

Table 1: Summary of provisions and recommendations

### Site Description

The subject site, being 266 Victoria Road and 26 Kissing Point Road, Rydalmere, is surrounded by three arterial roads – Kissing Point Road to the north, James Ruse Drive to the west and Victoria Road to the south.

The site also adjoins Vineyard Creek located on the eastern side of the site (see Figure 1 overleaf). The subject site consists of three allotments (outlined in Table 2 below) with a total area of 19.18ha.

<b>Address</b>	<b>Current use of site</b>	<b>Legal Description</b>
266 Victoria Road (southern part of site)	Currently occupied by the Ageing, Disability and Home Care (ADHC) facility. To be closed late 2017.	Lot 1 DP 836958
26 Kissing Point Road (northern part of site)	Site of former Macquarie Boys High School – closed by NSW Department of Education in 2008. Currently vacant.	Lot 1 DP 128413 Lot 1 DP 247855

Table 2: Site details.

The following development standards currently apply to the site under the PLEP 2011:

- part R2 Low Density Residential and part SP2 Educational Establishment zoning;
- 9m maximum building height and maximum FSR 0.5:1, which applies to the land zoned R2 Low Density Residential.

### Surrounding Area

As shown in Figure 1 below, the land uses surrounding the subject site consist of predominantly 1 to 2-storey single dwellings and uses associated with the Western Sydney University (including student accommodation and car parking).



Figure 1: Aerial view of subject site (outlined in red) and surrounds (Google Maps, 2017).

### Summary of Recommendation

It is recommended that the proposal proceed with conditions given that it will provide for suitable redevelopment of the subject site for the closed Macquarie Boys High School and Ageing, Disability and Home Care (ADHC) (closing late 2017).

It is considered that the planning proposal has strategic merit and provides for increased density in an appropriate location close to public transport links with an adequate provision of public open space, provision of affordable housing and improved environmental management of the Vineyard Creek riparian corridor, subject to comments from TfNSW and RMS.

## PROPOSAL

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### Objectives or Intended Outcomes

The objective of this planning proposal is to amend the Parramatta Local Environmental Plan 2011 (PLEP 2011) to enable the redevelopment of the subject site for residential and mixed-use development in an area identified for urban renewal by the NSW Government.

The intended outcomes for the planning proposal are to:

- deliver housing to assist in meeting the projected demand within the Greater Parramatta area consistent with the Greater Parramatta to the Olympic Peninsula (GPOP) Vision;
- provide an opportunity for additional educational floor area taking advantage of the proximity of the site to Western Sydney University and the Parramatta CBD;
- improve connections between the site and its surrounds in terms of transport, pedestrian and cycling networks, and the open space network;
- enhance the riparian corridor along the boundary of the site with the potential to deliver the missing link in the Vineyard Creek Corridor and to support the development of Sydney's Green Grid; and
- create a high-quality public domain that is legible and activates the precinct.

### Explanation of Provisions

This planning proposal seeks to amend PLEP 2011 in relation to the zoning, height, FSR controls, maximum lot size and proposes new local provisions.

### Zoning

The proposal seeks to amend the zoning of the subject site on the Land Zoning Map (Sheet LZN\_009) from part R2 Low Density Residential and part SP2 Educational Establishment to part B4 Mixed Use, part R4 High Density Residential, part RE1 Public Recreation and part W1 Natural Waterways as per Figure 2 below.

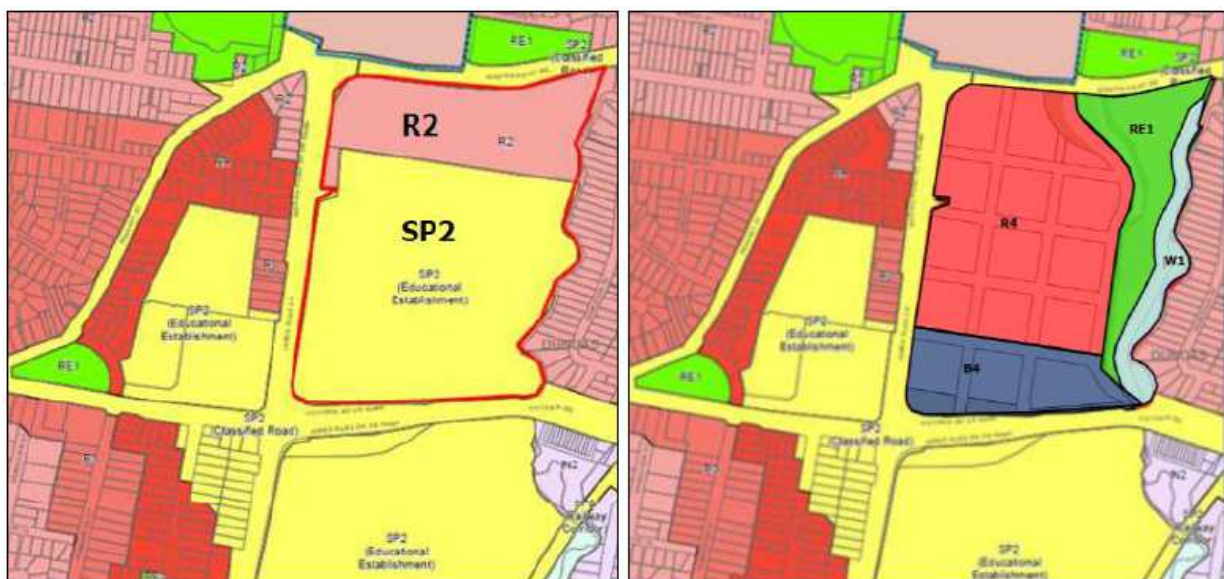


Figure 2: Existing and Proposed Zoning Map with subject land outlined.

## Height

The proposal seeks to amend the maximum building height (shown in Figure 3 below) in the HOB Map (Sheet HOB\_009) from part 9m to the following:

- on land proposed to be zoned B4 Mixed Use, a maximum HOB of 84m (25 storeys);
- on land proposed to be zoned R4 High Density Residential, a maximum HOB of 28m (8 storeys) with the exception of a small section of land in the northern section of the site to have a maximum building height of 50m (15 storeys); and
- on land proposed to be zoned RE1 Public Recreation and W1 Natural Waterways, no HOB to be specified.



Figure 3: Existing and Proposed HOB Map with subject land outlined.

## Floor Space Ratio

The proposal seeks to amend the maximum FSR (shown in Figure 4 below) in the Floor Space Ratio Map (Sheet FSR\_009) from part 0.5:1 to 1.5:1 comprising a residential FSR of 1.38:1 and non-residential FSR of 0.12:1. The riparian corridor is to have no FSR specified.

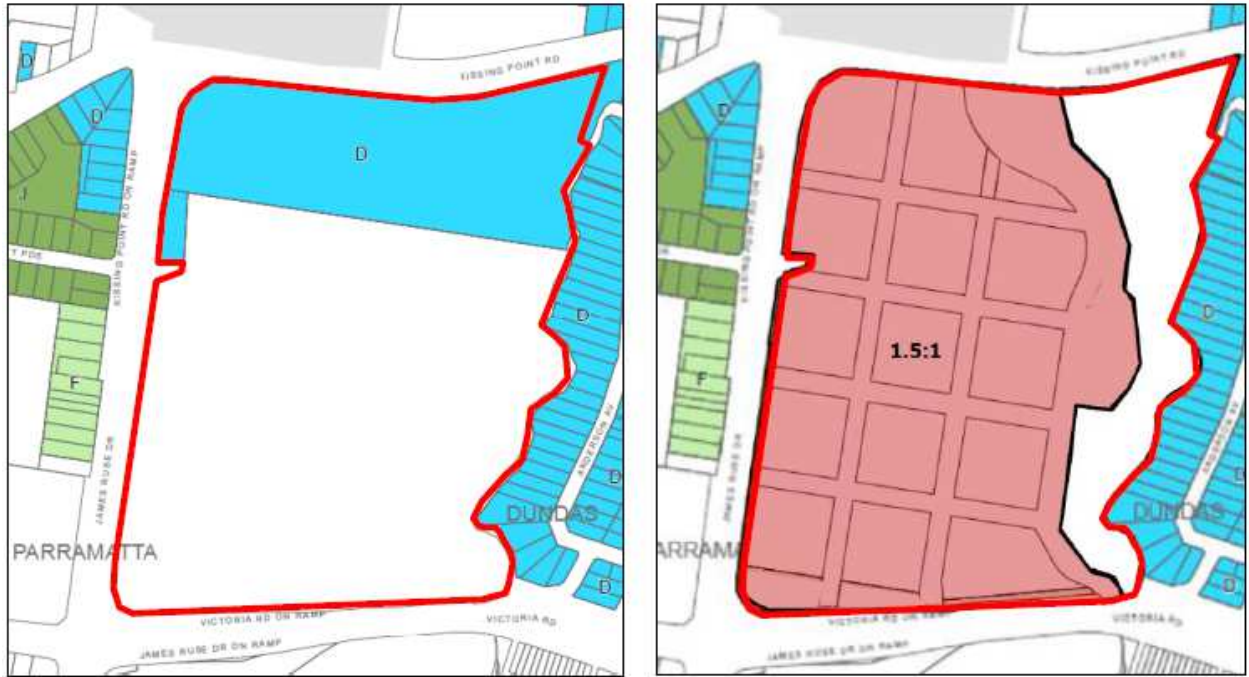


Figure 4: Existing and Proposed Floor Space Ratio Map with subject land outlined.

### Minimum Lot Size

The proposal seeks to amend the Minimum Lot Size Map (Sheet LSZ\_009) for Lot 1 DP 128413 and Lot 1 DP 247855 by removing the existing 550sqm minimum lot size designation as seen below in Figure 5.



Figure 5: Existing and Proposed Minimum Lot Size Map.

The proposal also seeks to amend the Minimum Lot Size for Dual Occupancy Development Map (Sheet LDO\_009) for Lot 1 DP 128413 and Lot 1 DP 247855 by removing the existing 600sqm minimum lot size designation as seen below in Figure 6. This will provide greater flexibility in the delivery of housing types across the site.





Figure 6: Existing and Proposed Minimum Lot Size for Dual Occupancy Development Map.

The proposal seeks to insert a new local provision that includes a minimum target for affordable housing on the site. The intention is to:

- enable the consent authority when granting development consent, to impose a condition requiring a contribution to affordable housing being 5% of the total floor area that is intended to be used for residential purposes; and
- the opportunity to satisfy the condition by dedicating the affordable-housing dwellings to Council or by way of a monetary contribution to Council to deliver affordable housing.

A site-specific provision to ensure the contribution of affordable housing being 5% of the total floor area is not considered appropriate for the purposes of the planning proposal.

A local environmental plan cannot include additional provisions for affordable housing unless the local government area (LGA) is part of State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes) (SEPP 70). An amendment to clause 9 of SEPP 70 to include Parramatta LGA would be required prior to any planning proposal introducing affordable housing requirements.

It is noted that the draft West Central District Plan outlines an action to support councils and the Department to achieve affordable housing through amending SEPP 70 and the Department is currently reviewing a number of housing related SEPPs and testing whether more opportunities for affordable housing can be provided. However, at this stage, delivery of affordable housing is a matter to that can currently be negotiated through the development phase/public benefit offer.

It is also noted that Action L1 of the draft West Central District Plan states that councils will prepare local housing strategies.

Parramatta City Council has commenced drafting strategies which analyse local housing needs and affordable housing within the LGA. As required by the Gateway

determination (**Attachment C**) the planning proposal is to be amended to remove any references to the local provision for affordable housing.

#### Local Provision – Open Space

The proposal seeks to insert a new local provision for the delivery of public open space within the area to be zoned R4 High Density Residential. The intention is to:

- ensure that a quantum of open space is reserved to provide 12,090sqm of public open space through the centre of the site; and
- provide certainty as to the delivery of these areas as dedicated open space as the site is developed.

A site-specific provision to ensure the agreed quantum of open space is considered appropriate for the purposes of the planning proposal to support the proposed residential densities. A local provision for a quantum of open space, rather than zoning specific parcels of land as RE1 Public Recreation allows greater flexibility regarding the final location of open space, whilst ensuring the delivery of adequate open space to provide better amenity to future residents of the site.

Council is encouraged to continue working with the proponent in regard to the Concept Plan and location of the open space is to remain flexible at this time as it is a matter to be investigated as part of the site-specific development control plan (DCP) and/or to be negotiated through the development phase/public benefit offer.

#### Local Provision –Non-residential Floor Space

The proposal seeks to insert a new local provision that includes a minimum non-residential FSR component on the site. The intention is to:

- provide a minimum amount of non-residential floor space on the site of 0.12:1;
- to provide certainty as to the application of the FSR across the site, consistent with the Revised Concept Plan; and
- ensure the intended FSR is achieved across the site consistent with strategic plans and objectives.

A site-specific provision to ensure the agreed delivery of non-residential FSR is considered appropriate for the purposes of the planning proposal to ensure the provision of retail and commercial uses to support the proposed residential density of the site and to maximise the site's proximity to transport.

Council is encouraged to continue working with the proponent in regard to the Concept Plan and the application of the non-residential FSR across the site is to remain flexible at this time as it is a matter to be investigated as part of the site-specific DCP and/or through the development phase.

It is recommended that the Gateway determination is conditioned to remove the local provision for non-residential FSR and require consultation with TfNSW and RMS to determine a height and FSR that will enable the maximum potential development yield for the site based on traffic and transport considerations.

#### **Mapping**

The maps are provided in Parts 2 and 4 of the planning proposal. They are adequate for

community consultation.

## **NEED FOR THE PLANNING PROPOSAL**

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A planning proposal is necessary to facilitate mixed-use development and encourage renewal on the site. It is the most appropriate means of achieving the objectives and is the most effective way of providing certainty for Council, the local community and the landowner. The existing zoning, height and FSR standards do not permit the development envisaged in the planning proposal nor respond to the relevant strategic studies and reports.

## **STRATEGIC ASSESSMENT**

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### **Regional/District**

#### A Plan for Growing Sydney

The Directions of A Plan for Growing Sydney which apply to the proposal are:

- Direction 1.2 Grow Greater Parramatta – Sydney’s Second CBD;
- Direction 1.3 Establish a New Priority Growth Area – Greater Parramatta to the Olympic Peninsula;
- Direction 2.1 Accelerate housing supply across Sydney;
- Direction 2.2 Accelerate urban renewal across Sydney – providing homes closer to jobs;
- Direction 2.3 Improve housing choice to suit different needs and lifestyles;
- Direction 3.2 Create a network of interlinked, multipurpose open and green spaces across Sydney; and
- Direction 4.1 Protect our natural environment and biodiversity.

The planning proposal aligns with these directions.

#### Draft Towards our Greater Sydney 2056

The Metropolitan Priorities of Towards our Greater Sydney 2056 (a draft amendment to A Plan for Growing Sydney) which apply to the proposal are:

- Metropolitan priority: A growing city;
- Metropolitan priority: A city with smart jobs;
- Metropolitan priority: A 30-minute city;
- Accelerate housing opportunities;
- Metropolitan priority: An equitable, polycentric city;
- Metropolitan priority: A city of housing choice and diversity;
- Metropolitan priority: A collaborative city; and
- Metropolitan priority: A city in its landscape.

The planning proposal aligns with these priorities.

#### Draft West Central District Plan

The actions of the draft West Central District Plan which are applicable to the planning proposal are:

- Action P1: Collaborate to create, own and deliver GPOP;

- Action P4: Develop a better understanding of the value and operation of employment and urban services land;
- Action L1: Prepare local housing strategies;
- Action L2: Identify the opportunities to create the capacity to deliver 20-year strategic housing supply targets;
- Action L3: Councils to increase housing capacity across the District;
- Action L6: Support councils to achieve additional affordable housing;
- Action L8: Undertake broad approaches to facilitate affordable housing;
- Action L11: Provide design-led planning to support high-quality urban design;
- Action L12: Develop guidelines for safe and healthy built environments;
- Action S4: Update information on areas of high environmental value; and
- Action S5: Use funding programs to deliver the West Central District Green Grid Priorities.

The proposal is consistent with these actions in that the rezoning would facilitate significant additional housing capacity within the District.

#### Greater Parramatta and the Olympic Peninsula (GPOP) Vision

GPOP has been identified as a new priority growth area in A Plan for Growing Sydney. The subject site has been identified in the GPOP Vision as being within the 'Next Generation Living Precinct' and specifically identified as Smart Living: Rydalmere: *'The 19-hectare site opposite the Western Sydney University's campus at Rydalmere will be redeveloped with a mix of housing types to cater for people seeking an inner-city lifestyle next door to a great university campus. This redevelopment will contain retail and commercial uses — designed to suit businesses seeking to build strong relationships with this world-class institution.'*

The following directions in the GPOP Vision are relevant to the proposal:

- design Parramatta as our central '30-minute city', with good connectivity within GPOP and beyond to the north, south, east and west;
- deliver a rich mix of housing to create inclusive and diverse 'inner-city' liveability across GPOP, to attract and retain talent; and
- shape attractive and effective built environments and public spaces that reflect a focus on great urban design and environmental excellence.

#### Draft Greater Parramatta to Olympic Peninsula Land Use and Infrastructure Strategy

The Department is preparing a draft Land Use and Infrastructure Strategy for Greater Parramatta to Olympic Park. This strategy will build on the GPOP Vision development by the Greater Sydney Commission (as described above). As the draft document has not yet been released, as an interim measure, the Gateway determination will require satisfactory arrangements for providing designated State public infrastructure to be confirmed through the plan making process.

#### **Local**

##### Parramatta 2038 Community Strategic Plan

The subject site is located within the precinct of Rydalmere and the planning proposal is considered to meet the strategies and key objectives identified in the Plan including:

- economy: Parramatta's economic growth will help build the City as a centre of high, value-adding employment and the driving force behind the generation of new wealth for Western Sydney; and
- environment: Parramatta will be an eco-efficient city that effectively manages and uses the City's growth to improve and protect the environment.

### Draft Parramatta Ways

Under the draft Parramatta Ways, the subject site is identified as a key development precinct with the opportunity to improve walking and cycling connections, accessibility to/from the site and connect to the Sydney Green Grid. The planning proposal is consistent with draft Parramatta Ways as it provides for public open space along Vineyard Creek including a pedestrian and cycling connection and improves access from the site to Rydalmere Train Station/future light rail and to Western Sydney University. Opportunities for improved access across Vineyard Creek and improved access across James Ruse Drive will be explored in further detail in the site-specific DCP and through VPA negotiations.

### Western Sydney Regional Ring Road

This strategy proposes a series of intersection upgrades with the aim of creating a free-flowing arterial road to allow traffic to circumnavigate Parramatta and Westmead quickly. The subject site is located between two of the proposed upgrades, which are both included in Stage 3 with a low priority:

- number 10 – New ramps between James Ruse Drive and Victoria Road (\$40 m); and
- number 12 – Improve right turn from Kissing Point Road to James Ruse Drive (\$1 m).

Council notes there may be an opportunity to provide partial funding for these upgrades through VPA negotiations.

### **Section 117(2) Ministerial Directions**

The proposal is consistent with all S.117 Directions. There is no requirement for the Secretary's delegate to agree to inconsistencies with the Directions.

### **State Environmental Planning Policies**

The Proposal is consistent with the following SEPPs (unless discussed in further detail):

- SEPP 19 Bushland in Urban Areas;
- SEPP 65 Design Quality of Residential Flat Development;
- SEPP (BASIX) 2004;
- SEPP (Exempt and Complying Development Codes) 2008; and
- SEPP (Infrastructure) 2007.

### SEPP 33 Hazardous and Offensive Development

Additional consultation with Caltex is required to ensure that the proposed 15m buffer around the high-pressure gas pipeline is appropriate and that the potential risks have been considered accordingly.

### SEPP 55 Remediation of Land

Additional site investigations are required at the former Macquarie Boys High School site and a Remedial Action Plan is likely to be required to ensure the site is suitable for the intended future use. It is recommended that this investigation be undertaken post-Gateway but pre-exhibition.

## **SITE SPECIFIC ASSESSMENT**

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### **Social**

The redevelopment of the site will result in the loss of a school site (former Macquarie Boys High School) and a site for social housing (Ageing, Disability and Home Care facility).

The NSW Government is well advanced in a long-term process of replacing the accommodation at the Rydalmere Centre that is currently used by about 100 people with a disability. Every resident will move to newly built homes in regular neighbourhoods, at locations selected by residents with their families and guardians. The Rydalmere Centre no longer meets contemporary standards and expectations for disability accommodation. Following the completion of the building and relocation program the Rydalmere site will be available for another purpose.

Macquarie Boys High ceased operation in 2008. The Department of Education has determined that there is no longer a requirement for a school at this location. Based on the proposed rezoning provisions and the current annual Department of Planning Population projections (to 2031), the Department of Education advises that both primary and secondary students will be able to be accommodated within the existing schools network.

### Schools

The increase in population resulting from the planning proposal will place increased demand on local schools. The NSW Department of Education has advised that neither a new primary school nor high school will be required to service the proposed development, either within the site or in the surrounding area. The needs of future school students living within the proposed development can be accommodated within the existing and proposed new schools in the local area such as:

- Parramatta Public School will be redeveloped on its existing site and will increase the capacity of the school to 1,000 students;
- a new primary school for up to 1,000 students is being constructed in O'Connell Street (the former Kings School site); and
- Rosehill Public School will be expanded to increase the capacity of the school to 800 students.

### Community Uses

The planning proposal is supported by a Social Impact Assessment (SIA) prepared by Elton Consulting (2016) (**Attachment A – Appendix 8**). The SIA claims that development can be accommodated on the site consistent with the Concept Plan which will facilitate the development of a community facility and provides the opportunity for child care within the new precinct. Additionally, the provision of open space and pedestrian and cycleway linkages will assist in meeting the recreational needs of the

new and wider community. Additional public benefits can be provided through council's Section 94 Plan or through a VPA as required.

### Affordable housing

Housing affordability is an issue within the City of Parramatta, as it is across the Sydney Metropolitan area. The planning proposal proposes a minimum target for affordable housing on the site through an additional local provision inserted into Part 6 of PLEP 2011 to:

- enable the consent authority when granting development consent, to impose a condition requiring a contribution to affordable housing being 5% of the total floor area that is intended to be used for residential purposes; and
- the opportunity to satisfy the condition by dedicating the (affordable housing) dwellings to Council or by way of a monetary contribution to Council for delivering affordable housing.

The planning proposal has the potential to provide up to 127 affordable housing dwellings on the subject site (based on the 2,544 dwellings proposed). Additional affordable housing could be negotiated on the site through the VPA process.

However, as discussed previously, a site-specific provision to ensure the contribution of affordable housing being 5% of the total floor area is not considered appropriate for the purposes of the planning proposal. A local environmental plan cannot include additional provisions for affordable housing unless the LGA is part of SEPP 70. An amendment to clause 9 of SEPP 70 to include Parramatta LGA would be required prior to any planning proposal introducing affordable housing requirements.

## **Environmental**

### Ecological Assessment

The Parramatta LEP 2011 Biodiversity Map identifies the eastern boundary of the site as 'biodiversity.' The planning proposal is accompanied by a Biodiversity Assessment prepared by SLR Consulting (2016) (**Attachment A – Appendix 2**). The Assessment identified multiple species of flora on the site, including 12 native species listed as characteristic of the Shale Sandstone Transition Forest (SSTF) which is identified as a Critically Endangered Ecological Community (CEEC) under both the *Threatened Species Conservation Act* and *Environmental Protection and Biodiversity Conservation Act*. SSTF was found in the northeast corner along Vineyard Creek (shown in Figure 7 below) on land that is not to be developed and will be rehabilitated as part of the planning proposal.

Appropriate stormwater management measures will be put in place to reduce any impacts of changed water regime on the area. There are no other threatened ecological communities present on the site.

The survey also identified the Eastern Bentwing-Bat as a threatened fauna species recorded on the site. This species was found within the riparian vegetation of Vineyard Creek. Given that the riparian corridor will be retained and will not be developed, there is unlikely to be any impacts on the Eastern Bentwing-Bat.



#### LEGEND










	Site Boundary		Cadastral
	Noxious Weeds with Occasional Native Trees and Shrubs		Road Corridor
	Planted Native and Exotic Vegetation		Open Drain
	SSTF Vegetation (low condition)		Watercourse
			Contours 1m

Figure 7: Vegetation of significance identified on site.

### Riparian Assessment

The Parramatta LEP 2011 identifies the eastern boundary of the site as 'riparian land and waterways' (see Figure 8 below). Vineyard Creek intersects the north-eastern corner of the site where it flows south for its entire length falling for the most part within the eastern boundary. At the north of the site a smaller drainage line runs northwest along the bottom of the embankment where it is then piped beneath Kissing Point Road. Vineyard Creek is identified as a 2nd order stream under the Strahler System and the smaller tributary is identified as a 1st order stream.

Land within 40m of Vineyard Creek and the smaller tributary constitute 'waterfront land' under the NSW *Water Management Act 2000* (WMA), and any works within 40m of the top-of-bank require approval from the NSW Department of Industry (DPI) Water. There are no works proposed within 40m of the top-of-bank of either of the watercourses in the east of the site, therefore the WMA 2000 is not triggered and approval from DPI is not required. In addition, there are no works proposed within 20m of the top-of-bank of Vineyard Creek or within 10m of the tributary.

Further, the planning proposal seeks to rezone the Vineyard Creek riparian corridor as part RE1 (Public Recreation) and part W1 Natural Waterways. A 20m wide W1 (Natural Waterways) zone will be applied along the eastern boundary of the site, with the remainder of the Vineyard Creek riparian zone (including OS-03) to be zoned RE1 (Public Recreation) as proposed. This is consistent with the zoning of other waterways riparian corridors in the City of Parramatta.



It is recommended that the riparian corridor be dedicated to Council subject to appropriate remediation and bushland restoration works subject to VPA negotiations between Council and the proponent.



Figure 8: Riparian Land and Waterways identified in vicinity of site.

### Flooding

A Watercycle & Flood Management Strategy report for the site was prepared by J Wyndham Prince (2016) for this planning proposal (**Attachment A – Appendix 3**). This report identified all stormwater and flood management issues to be considered in the future development of the site resulting from the proposed concept plan associated with the planning proposal (Urban Design Report and Concept Plan, prepared by Group GSA 2016 (**Attachment A – Appendix 1**))

The results of the investigation show that the developable areas are outside any extent of flooding on the subject site. Any development resulting from the planning proposal is to ensure that minimum floor levels within the precinct are set 500mm above the 1% AEP rainfall overland flow levels. This can be considered in the preparation of the site-specific DCP and at the development application stage.

### Contamination

A Limited Detailed Site Investigation Report for the site was prepared by Douglas Partners (2016) for the planning proposal. Based on the outcomes of the site investigations (**Attachment A – Appendix 4**), it is considered that the site can be made suitable for residential development subject to the following:

- additional investigations at the former Macquarie Boys High School site; and
- development of a Remedial Action Plan (RAP) that covers:
  - decommissioning of the boiler house and other contaminated structures;
  - management of any contamination associated with the boiler house, pipeline, maintenance areas and other site structures;
  - remediation of asbestos contamination and any other contamination identified in additional investigations on the site; and
  - management of fill identified on the site.

The proposal will need to be updated to include the outcomes of this further site investigation work. The actual remediation plan for the site will need to be confirmed through the development application process.

The site also contains a high-pressure refined liquid petroleum pipeline running from south to north in the eastern section of the site. The pipeline is owned and managed by Caltex and is protected by a restrictive easement. The planning proposal and associated concept plan has excluded the pipeline from the development area and has provided a buffer of 15m from any residential building. Additional consultation with Caltex is recommended post-Gateway to ensure that the proposed 15m buffer around the high-pressure gas pipeline is appropriate and that the potential risks have been considered accordingly.

### Cultural Heritage

There are no heritage items located on the subject site. However, the site is located close to Western Sydney University which is listed as a state-listed heritage item (I000749) due to its former use as a female orphan school. The 'Rydalmere Hospital Precinct (former)' is an item of State significance under the NSW *Heritage Act*. The planning proposal will not have an adverse impact on the heritage significance of the adjacent site. Overshadowing diagrams show that none of the buildings identified as having high or moderate heritage significance or their surrounding curtilage will be overshadowed by the proposed development concept (as discussed later in this report).

### Archaeological and Aboriginal Heritage

An Aboriginal Archaeological Assessment of the site was undertaken by Comber Consultants (2016) as part of the planning proposal (**Attachment A – Appendix 7**). The background research component of this assessment indicated that it was highly likely that Aboriginal objects existed on the subject site due to its location above Vineyard Creek and the Parramatta River. However, during the site inspection no Aboriginal objects were located. The assessment concluded that there is no objection in respect of Aboriginal archaeology to the planning proposal.

Prior to any redevelopment of the site, Aboriginal community consultation is to be undertaken in accordance with the Office of Environment and Heritage's Aboriginal Cultural Heritage Consultation Requirements for Proponents 2010.

### Rydalmere Education Precinct

A Plan for Growing Sydney includes the subject site as the 'Rydalmere Education Precinct' as shown below in Figure 9 overleaf. Council has recommended that the proponent consult with local universities and education providers with the intention of entering a memorandum of understanding or an agreement to work together to achieve this vision. The proponent is encouraged to continue working with Council on this matter.



Figure 9: A Plan for Growing Sydney Greater Parramatta Precincts – site outlined in red and shown within Rydalmere Education Precinct.

### Urban Design and Built Form

An Urban Design Report and Concept Plan, prepared by Group GSA (2016), was submitted as part of the planning proposal documentation (**Attachment A – Appendix 1**). Council officers have worked extensively with the proponent over a number of months to refine the concept plan for the subject site. The development concept as part of the planning proposal will provide approximately 2,544 residential dwellings and approximately 18,807sqm of floor space for commercial, retail, education and knowledge-based uses. As shown below in Figures 10 and 11, the higher densities are concentrated to the south of the site on the land proposed to be zoned B4 Mixed Use close to the Rydalmere train station and future light rail stop and close to Western Sydney University. The Mixed Use zoned land is proposed to accommodate 3 towers up to 25 storeys with the rest of the site zoned R4 High Density Residential to accommodate perimeter block form development of 6 to 8 storeys with one block in the northern section of the site to provide up to 15 storeys.



Figure 10: Proposed Concept Plan (Group GSA, 2017)

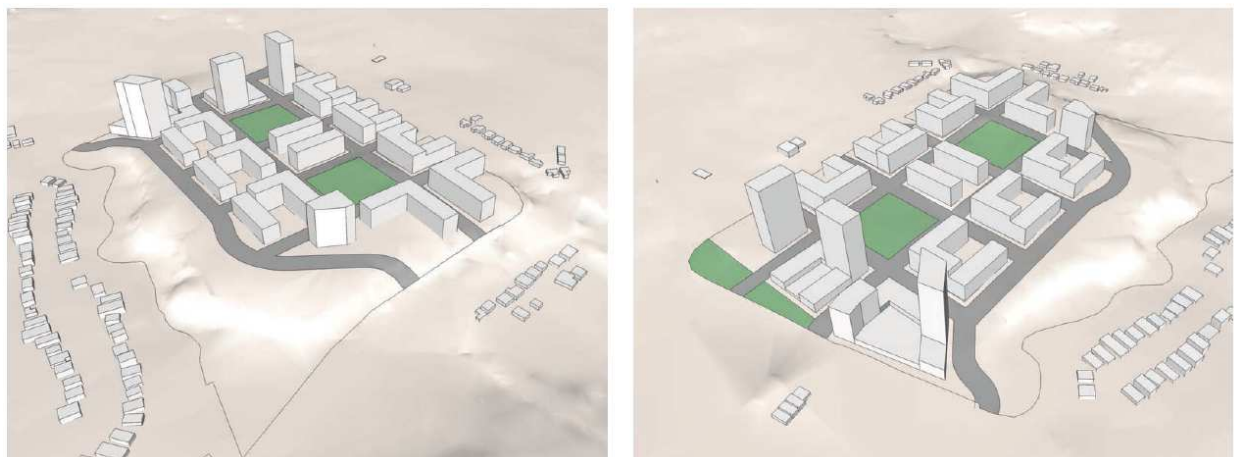


Figure 11: Proposed Concept 3D Massing – View from North East & South East (Group GSA, 2017)

Note, a site-specific provision to ensure the agreed delivery of non-residential FSR is considered appropriate for the purposes of the planning proposal. It is recommended that the Gateway determination is conditioned to require consultation with TfNSW and RMS to determine a height and FSR that will enable the maximum potential development yield for the site based on traffic and transport considerations.

### Open Space

The planning proposal will provide for over 5ha of public open space on the site, located along Vineyard Creek (riparian corridor) and in parks in the middle of the site. This public open space is to be provided in the following ways:

- riparian corridor (37,365sqm) to be zoned part RE1 Public Recreation and part W1 Natural Waterways and dedicated to Council through a VPA;
- area of open space 'OS-03' (5,293sqm) adjoining the riparian corridor to be zoned RE1 Public Recreation and used as an informal field/green for casual games and events;
- additional 12,090sqm of open space in the centre of the site, referred to as 'OS-01' and 'OS-02' in the concept plan, to be provided through an additional local provision in the PLEP 2011; and
- building heights and configuration are to ensure that solar access is maximised during the winter months between 9am and 3pm. The concentration of higher-density built form and towers on the southern part of the site will help achieve this. Solar access will be considered further through the site-specific DCP.

A site-specific provision to ensure the agreed quantum of open space is considered appropriate for the purposes of the planning proposal to support the proposed residential densities. A local provision for a quantum of open space, rather than zoning specific parcels of land as RE1 Public Recreation allows greater flexibility in regard to the final location of open space, whilst ensuring the delivery of adequate open space to provide amenity to future residents of the site. Council is encouraged to continue working with the proponent in regard to the Concept Plan and location of the open space is to remain flexible at this time as it is to a matter to be investigated as part of the site-specific DCP and/or to be negotiated through the development phase/public benefit offer.

### Overshadowing

Given that the higher densities and towers will be located on the southern part of the site, this will minimise overshadowing impacts and ensure that the majority of the site receives solar access for more than 2 hours during mid-winter. As can be seen overleaf in Figure 12, some overshadowing of the public domain and private communal space will occur at the winter solstice between 9am and 3pm. The blue represents areas that receive less than 1 hour of sunlight, while the magenta represents areas that receive between 1 to 2 hours of sunlight, during the winter solstice. The other diagrams illustrate the movement of shadows across the day. The shadowing impacts, as indicated by the Concept Plan, comply with the solar access requirements of the Apartment Design Guide.



Figure 12: Overshadowing Diagrams during the Winter Solstice L-R: Coloured areas which receive less than 2 hours sunlight; June 21 9am, 12pm & 3pm.

### Site-Specific DCP

Given the size and nature of the site and the increases in density sought, a site-specific DCP will be prepared as part of the planning proposal process.

The site-specific DCP will be prepared following the Gateway determination and before public exhibition and will form an amendment to Part 4 of the Parramatta DCP 2011.

### Transport and Accessibility

A Preliminary Traffic Impact Assessment (TIA) by Ason Group has been undertaken as part of this planning proposal (**Attachment A – Appendix 5**). The TIA notes that the planning proposal will result in the traffic generation of approximately 1,300 – 1,500 vehicles per hour (based on originally proposed 2,800 apartments and 40,000sqm of commercial and retail floor space). The TIA claims that these traffic generation rates are acceptable as the ‘public transport accessibility level’ of the subject site is sufficient.

It is recommended that the proponent amend the TIA to reflect the amended dwelling and floor space figures in the revised planning proposal (May 2017).

To improve the overall network performance and to improve access to and from the site, indicative improvement options have been investigated for the following locations:

- James Ruse Drive/Kissing Point Road/Pennant Street;
- Kissing Point Road/Bettington Road/New access road;
- James Ruse Drive/New access road; and

- Victoria Road/Railway Street/Bridge Street.

The extent of the upgrade works will be subject to further detailed analysis post-Gateway.

#### Bridge across Victoria Rd/Connection to Western Sydney University

The use of the bridge over Victoria Road that provides access to Western Sydney University (WSU) and roads within WSU for access to the site are considered acceptable, however, a formal agreement with WSU should be pursued so that the long-term use can be guaranteed. This agreement is to be provided post-Gateway but prior to finalisation.

#### Consultation with TfNSW and RMS

TfNSW and RMS have been consulted by Council as part of the planning proposal process. In summary, it was found that traffic generated from the planning proposal is likely to impact on the regional road network and general transport operation. It is advised that further investigation work be required post-Gateway but prior to proceeding to public exhibition.

A comprehensive transport assessment will need to be undertaken by preparing a Transport Management and Access Plan (TMAP). This should be supported by appropriate regional level transport modelling in consultation with TfNSW and RMS to identify local and regional impacts on transport operation and propose mitigation measures for the identified impacts.

It is recommended that the proponent continue to consult with TfNSW and RMS throughout the planning proposal/Gateway process to respond to the concerns raised in the letter dated 13 April 2017 and resolve any issues.

#### Noise Impacts

The amenity of the site is heavily affected by noise from the three classified roads bounding the site. Appropriate setbacks will need to be provided to ensure adequate separation and careful selection of building materials to mitigate noise impacts. Careful consideration of these impacts will inform the preparation of the site-specific DCP and are to be further considered at the detailed design stage.

#### **Economic**

An Economic Impact Assessment (EIA) was undertaken by AEC Group (**Attachment A –Appendix 9**) to assess the economic impacts and benefits of the planning proposal. The planning proposal will provide approximately 18,807sqm of retail and commercial floor space. The EIA report by AEC Group (2016) identifies that there are currently 131 jobs on the subject site and claims that the future development because of the planning proposal will provide 306 FTE jobs once operational. This is an increase of 175 jobs.

As noted by Council, once completed and fully operational, the redevelopment site (as per the updated planning proposal May 2017) is estimated to contribute annually to the Parramatta local economy as set out in Table 3 overleaf:

<b>Economic Impacts</b>	<b>Proposal</b>	<b>Increase from base case</b>
<b>Direct Impact</b>		
Output (\$M)	\$113.5	\$97
Contribution to Gross Regional Product (\$M)	\$89.6	\$68.5
Income and salaries to local workers (\$M)	\$50.9	\$41.3
Employment (FTE)	644	513
<b>Indirect Impact</b>		
Output (\$M)	\$216.4	\$187
Contribution to Gross Regional Product (\$M)	\$118.7	\$102.4
Income and salaries to local workers (\$M)	\$54.8	\$47.3
Employment (FTE)	730	630

Table 3: Economic Impacts of Planning Proposal (Council Report)

It is recommended that the proponent update the EIA report to reflect the figures in the revised concept plan.

### **Infrastructure**

The planning proposal site is located within an existing urban area and will provide for approximately 2,544 dwellings well located close to Rydalmere and Dundas train stations and the new future Parramatta Light Rail. The proposal will improve pedestrian and cycle routes by opening up the site and connecting to the Sydney Green Grid. The proposal will maintain and provide additional commercial premises in proximity to existing transport links, contribute to the more efficient use of space and infrastructure by increasing densities on an underutilised site, and support the efficient and viable operation of public transport services (including the future Parramatta Light Rail).

The planning proposal includes a preliminary servicing investigation undertaken by J Wyndham Prince (**Attachment A – Appendix 6**) which indicates that there are no significant issues that would preclude the proposed rezoning based on electricity, water and wastewater infrastructure, gas and communications.

## **CONSULTATION**

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### **Community**

A community consultation period of 28 days is considered appropriate given the scale of site and intended development outcome.



Pursuant to Section 57(8) of the *Environmental Planning and Assessment Act 1979* (the Act) the Responsible Planning Authority must consider any submissions made concerning the proposed instrument and the report of any public hearing.

### **Agencies**

Council is required to consult with the following agencies:

- Department of Education;
- TfNSW; and
- RMS.

It is also recommended that Council consults with The Hills Shire Council, Caltex and Western Sydney University.

### **TIMEFRAME**

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The timeframe to finalise this planning proposal is 16 months.

### **DELEGATION**

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Council has requested delegation of the plan-making function in relation to this planning proposal.

It is recommended that delegation of the Greater Sydney Commission is not issued in the instance as the capacity of the site is currently unresolved, the site is government owned and the proposal delivers a significant amount of housing.

### **CONCLUSION**

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It is recommended that the proposal proceed with conditions given that it will provide for suitable redevelopment of the subject site for the closed Macquarie Boys High School and Ageing, Disability and Home Care (ADHC) (closing late 2017). It is considered that the planning proposal has strategic merit and provides for increased density in an appropriate location close to public transport links with an adequate provision of public open space, provision of affordable housing and improved environmental management of the Vineyard Creek riparian corridor, subject to comments from TfNSW and RMS.

## RECOMMENDATION

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It is recommended that the delegate of the Greater Sydney Commission, determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, Council is to update the planning proposal to:
  - (a) remove the proposed local provision for affordable housing;
  - (b) remove the proposed local provision for non-residential floor space and consult with Transport for NSW (TfNSW) and Roads and Maritime Services (RMS) to address concerns raised in the letter from TfNSW addressed to Council (dated 7 April 2017). The outcome of this consultation is to establish the dwelling capacity and non-residential floor space for the site and inform proposed FSR and HOB controls;
  - (c) include a detailed site investigation report in relation to the former Macquarie Boys High School site and in accordance with State Environmental Planning Policy 55 – Remediation of Land; and
  - (d) amend the explanation of provisions to confirm that satisfactory arrangements for providing contributions to designated State public infrastructure will be made.

The updated planning proposal is to be provided to the Department of Planning and Environment for approval prior to undertaking community consultation.

2. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal must be made 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 as identified in Section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities/organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
  - (a) TfNSW and RMS;
  - (b) The Hills Shire Council;
  - (c) Western Sydney University;
  - (d) Department of Education; and
  - (e) Caltex, regarding the proposed 15m buffer around the high-pressure gas pipeline.

Each public authority/organisation 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 example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **18 months** following the date of the Gateway determination.



15/8/17

**Adrian Hohenzollern**  
**Team Leader, Sydney Region West**



15/08/17

**Catherine Van Laeren**  
**Director Regions,**  
**Sydney Region West**  
**Planning Services**

Contact Officer: Angela Hynes  
Senior Planning Officer, Sydney Region West  
Phone: (02)9860-1558