

ECONOMY

ITEM NUMBER	5.1
SUBJECT	Planning Proposal for land at 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere
REFERENCE	RZ/23/2016 - D04716720
REPORT OF	Project Officer Land Use

PURPOSE:

The purpose of this report is to seek the Independent Hearing and Assessment Panel's (IHAP) endorsement to forward a Planning Proposal for land at 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere in accordance with the recommendations outlined in this report to the NSW Department of Planning and Environment for a Gateway determination; and to seek endorsement to proceed with formal negotiations to prepare a Voluntary Planning Agreement between Council and the landowner in relation to this Planning Proposal.

RECOMMENDATION

That the IHAP recommend to Council:

- (a) **That** Council endorse the Planning Proposal for the land at 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere (**Attachment 1**) which seeks to amend the Parramatta Local Environmental Plan 2011 (PLEP 2011) in relation to the subject site by:
1. Rezoning the site from part R2 Low Density Residential and part zoned SP2 Educational Establishment to part B4 Mixed Use, part R4 High Density Residential, part RE1 Public Recreation and part W1 Natural Waterways;
 2. Increasing the height standard on the site from part 9m to part 28m, part 50m and part 84m;
 3. Increasing the floor space ratio (FSR) standard on the site from part 0.5:1 to 1.5:1 (excluding the riparian corridor) which includes a residential FSR of 1.38:1 and non-residential FSR of 0.12:1;
 4. Amending the Minimum Lot Size Map by removing the minimum lot size designation;
 5. Amend the Minimum Lot Size Map for Dual Occupancy Development Map;
 6. Include a local provision for 5% affordable housing;
 7. Include a local provision for the part non-residential FSR of 0.12:1; and
 8. Include a local provision for the delivery of public open space.
- (b) **That** the Planning Proposal be forwarded to the NSW Department of Planning and Environment for Gateway determination.
- (c) **That** the applicant be required to amend the supporting documentation to the Planning Proposal (i.e. Urban Design Report, Traffic Impact Assessment and Economic Impact Assessment) to reflect Council's position prior to public exhibition, should a Gateway Determination be issued.
- (d) **That** the applicant consult with Transport for NSW (TfNSW) and Roads and Maritime Services (RMS) in response to the identified traffic concerns (**Attachment 3**) and undertake additional investigations, modelling and a

detailed traffic and transport assessment (TMAP) post-Gateway to the satisfaction of TfNSW and RMS.

- (e) **That** the applicant be required to undertake additional detailed site investigations related to contamination at the former Macquarie Boys High School site to confirm that the site is suitable for future development to the satisfaction of Council prior to public exhibition, should a Gateway Determination be issued.
- (f) **That** the applicant provide acknowledgement from Western Sydney University (WSU) regarding the legal ownership of the bridge over Victoria Road and associated access roads by the NSW Government and the legal right to access over WSU land to ensure there are no issues with the subject site being accessed via WSU land. This must be provided prior to finalisation of this Planning Proposal. Confirmation is also required from WSU that they have no objection to the access road over their land being dedicated as a public road.
- (g) **That** the applicant consult with local universities and education providers post-Gateway with the intention of entering into a memorandum of understanding or an agreement to work together to provide an opportunity for education. knowledge and technology uses on the subject site consistent with *A Plan for Growing Sydney* and *GPOP Vision*.
- (h) **That** a site-specific Development Control Plan (DCP) be prepared and reported to Council prior to formal exhibition of the Planning Proposal.
- (i) **That** delegated authority be given to the General Manager to negotiate the VPA on behalf of Council in addition to Section 94A contributions payable, and that the outcome of negotiations be reported back to Council prior to its concurrent public exhibition with the draft DCP and Planning Proposal.
- (j) **That** Council officers proceed with negotiations for a Voluntary Planning Agreement (VPA) with the proponent in relation to the Planning Proposal on the basis that any VPA entered into is in addition to Section 94A developer contributions payable.
- (k) **That** the site-specific DCP and VPA be publicly exhibited concurrently with the Planning Proposal, should a Gateway Determination be issued.
- (l) **That** Council advises the Department of Planning and Environment that the General Manager will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (m) **Further, that** Council authorises the General Manager to correct any minor anomalies of a non-policy and administrative nature that may arise during the plan-making process.

EXECUTIVE SUMMARY

1. The applicant, Property NSW, has lodged a Planning Proposal for land at 266 Victoria Road and 26 Kissing Point Road, Rydalmere, which seeks

amendments to planning controls. Ultimately, 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. It is therefore recommended that the Planning Proposal be endorsed and forwarded to the NSW Department of Planning and Environment for Gateway determination, the negotiation of a Voluntary Planning Agreement (VPA) be undertaken together with preparation of a site-specific Development Control Plan (DCP). Additional work is also required to be undertaken in relation to traffic impacts post-Gateway to the satisfaction of TfNSW and RMS.

THE SITE AND ITS SURROUNDS

- The subject site at 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere consists of three lots (Lot 1 DP 128413, Lot 1 DP 247855, and Lot 1, DP 836958) and is approximately 19.18 ha in size. Two of the three lots form the site of the former Macquarie Boys High School which was closed by the Department of Education in 2008 and has been vacant since that time. The remaining lot is currently occupied by the Ageing, Disability and Home Care (ADHC) facility which is still in operation. However, the ADHC facility is being vacated and will be vacant by mid-2017. The site is owned by the NSW Government.
- The surrounding development to the north, east and west consists of low, medium and high density residential uses, with educational uses to the south and west.
- The subject site is surrounded by three classified 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** and **Figure 2**. Because of this, the site is quite isolated and disconnected from surrounding areas and subject to traffic noise.



Figure 1- Subject site



Figure 2 – Context Map

- The Parramatta South Campus (Rydalmere) of Western Sydney University is located to the south of the site across Victoria Road and the Parramatta North Campus of Western Sydney University is located to the west of the site across James Ruse Drive – see Figure 2 above.

6. The site is located close to Rydalmere Train Station, which offers connectivity to the Carlingford Train Line and associated services south towards Clyde and north towards Carlingford (see Figure 2). The Carlingford train service is proposed to cease when the Parramatta Light Rail replaces heavy rail between Camellia and Carlingford. The light rail will provide more regular services and connect the site with the Parramatta CBD and Westmead.
7. Site issues (shown below in **Figure 3**) that need to be taken into consideration when considering the density and form of development on this site includes:
 - Poor access,
 - Traffic noise,
 - Potential fill,
 - Topography,
 - Minor flooding along Vineyard Creek,
 - North-south running gas pipeline (oil easement), and
 - Shale Sandstone Transition Forest located within the riparian corridor.

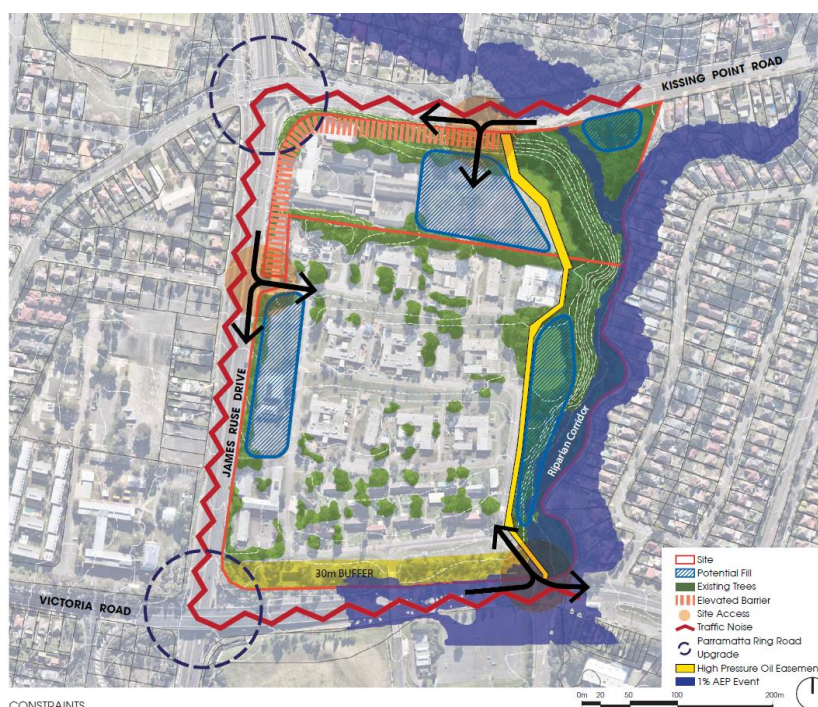


Figure 3 – Map showing site constraints

CURRENT PLANNING CONTROLS

8. The land is part zoned R2 Low Density Residential and part zoned SP2 Educational Establishment under the PLEP 2011 (refer to **Figure 4** below).
9. Under the provisions of the Parramatta LEP 2011 the land subject to the Planning Proposal has a Maximum Building Height of part 9m (approx. 2 storeys) which applies to 26 Kissing Point Rd (refer to **Figure 5** below). The surrounding low density residential land to the east and north-east has the same height control. Land to the west has a height control of 11m (approx. 3 storeys).

- Under the provisions of the Parramatta LEP 2011 the land subject to the Planning Proposal has a Maximum Floor Space Ratio of part 0.5:1 which applies to 26 Kissing Point Rd (refer to **Figure 6** below).

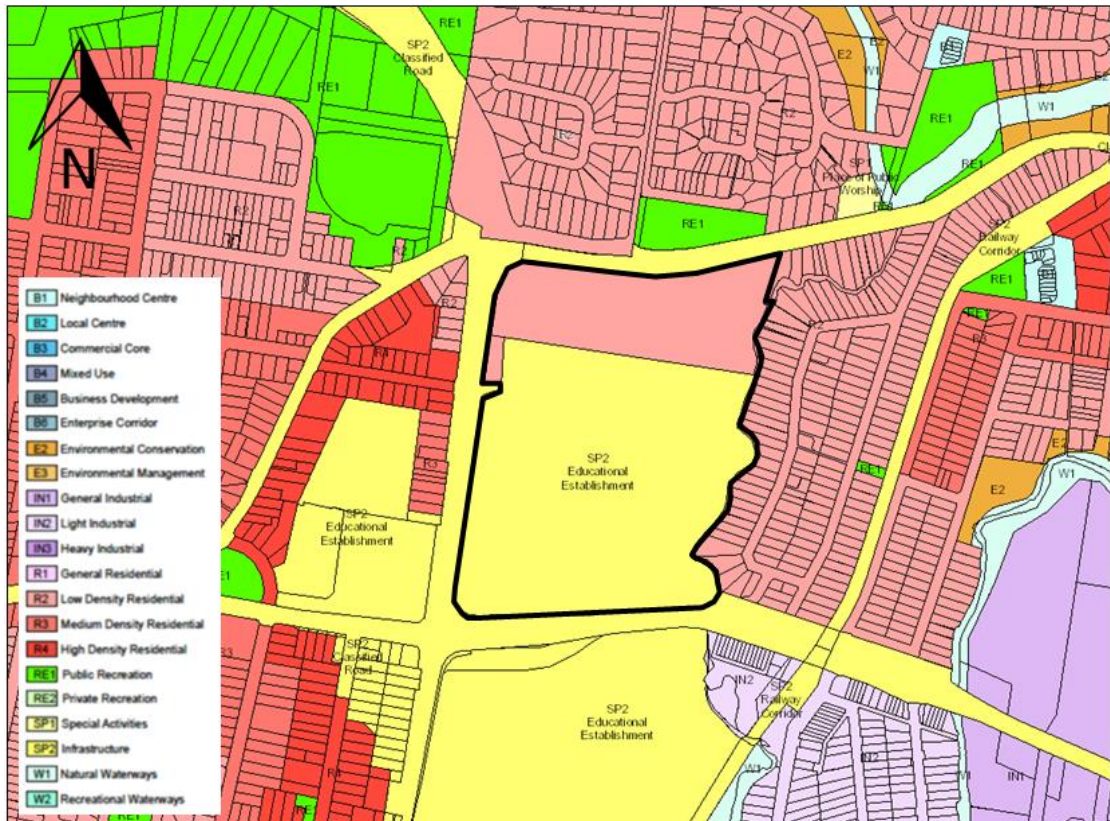


Figure 4 - Land Zoning Map showing the subject site and surrounding land uses

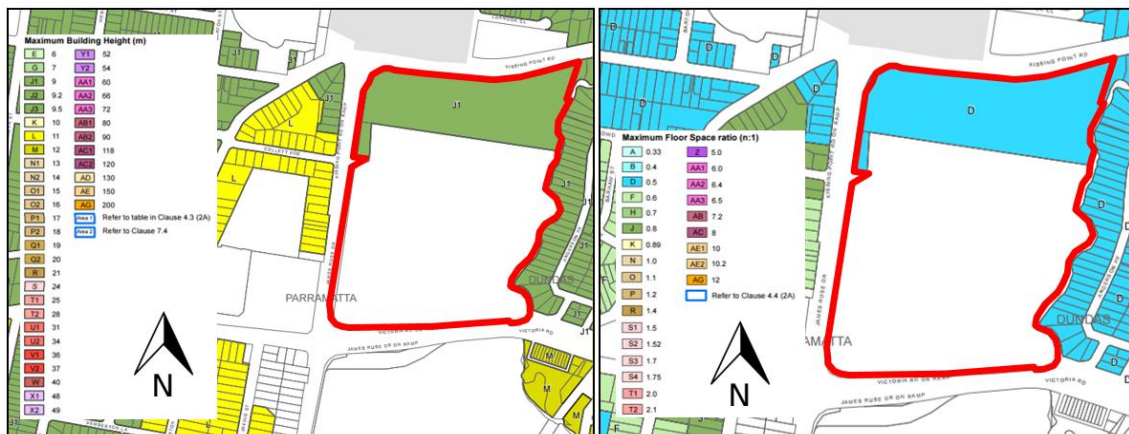


Figure 5 - Existing Height of Building Map

Figure 6 - Existing Floor Space Ratio Map

BACKGROUND

- Prior to the formal lodgment of the Planning Proposal the proponent and consultants met with Council Officers in July and August 2016 to discuss the proposal. The Planning Proposal (**Attachment 1**) was subsequently lodged with the City of Parramatta Council on 24 November 2016 by Elton Consulting on behalf of Property NSW (the proponent) and NSW Government (landowner).

THE PLANNING PROPOSAL

12. The Planning Proposal for the subject site at 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere seeks to amend the *Parramatta Local Environmental Plan 2011* (PLEP 2011) to enable the redevelopment of the subject site for residential, mixed use and open space in an area identified for urban renewal by the NSW Government.
13. The Planning Proposal seeks to rezone the land and significantly increase the development capacity of the subject site. The Planning Proposal also seeks to remove the minimum lot size designation, remove the minimum lot size for dual occupancy control and introduce local provision for affordable housing and additional open space. The proposed amendments to the planning controls applicable under the provisions of the PLEP 2011 are summarised below within **Table 1**.

Table 1 - Current and Proposed Planning Controls

	Current	Proposed
Zoning	<ul style="list-style-type: none"> R2 Low Density Residential SP2 Educational Establishment 	<ul style="list-style-type: none"> B4 Mixed Use R4 High Density Residential RE1 Public Recreation W1 Natural Waterways
Maximum Height of Buildings	<ul style="list-style-type: none"> Part 9m Part no height restriction 	<ul style="list-style-type: none"> Height of buildings in Zone B4 of 84m (up to 25 storeys). Height of buildings in Zone R4 to part 28m (up to 8 storeys) and part 50m (15 storeys). No height restriction in Zone RE1 and Zone W1.
Floor Space Ratio	<ul style="list-style-type: none"> Part 0.5:1 Part no FSR 	<ul style="list-style-type: none"> FSR of 1.5:1 including non-residential FSR component of 0.12:1 No FSR in Zone RE1 and Zone W1.
Affordable Housing	<ul style="list-style-type: none"> No current site-specific control 	<ul style="list-style-type: none"> Insert a new local provision that includes a minimum target for 5% affordable housing on the site. To be calculated as 5% of total residential floor area.
Open Space	<ul style="list-style-type: none"> No current site-specific control 	<ul style="list-style-type: none"> Provision of 12,090 square metres of open space to be delivered on the land to be zoned R4 High Density Residential.
Minimum Lot Size	<ul style="list-style-type: none"> Part 550 square metres Part no minimum 	<ul style="list-style-type: none"> Remove the part 550 square metres so that there is no minimum lot size control that applies to the site.
Minimum Lot Size for Dual Occupancy Development	<ul style="list-style-type: none"> Part 600 square metres Part no minimum 	<ul style="list-style-type: none"> Remove the part 600 square metres so that there is no minimum lot size control for dual occupancy development that applies to the site.

14. The Planning Proposal seeks to permit a residential and mixed use development including residential, retail and commercial uses, and the provision of over 5 hectares of public open space adjacent to Vineyard Creek. The proposed residential built form consists of an overall street level form of 6-8 storeys and four towers ranging in height from 15-25 storeys.

15. The increase in density sought by the applicant proposes to deliver approximately 2,544 residential dwellings and approximately 18,807m² of retail and commercial floor space generating 306 FTE commercial and retail jobs. The development will accommodate approximately 5,851 people based on an average household size of 2.3 persons.
16. The Planning Proposal includes a new local provision for affordable housing on the site. Under the provision, a minimum target of 5% affordable housing will be provided on the site which is calculated as 5% of total residential floor area. This equates to approximately 127 dwellings. The 5% target is consistent with the minimum target in the *Draft West Central District Plan*.
17. The riparian corridor located along Vineyard Creek is to be zoned part RE1 Public Recreation and part W1 Natural Waterways and will provide 37,375m² of environmental open space to be dedicated to Council through a VPA.

ASSESSMENT OF PLANNING PROPOSAL

18. The Planning Proposal has been prepared in accordance with the NSW Department of Planning and Environment's (DP&E's) *A Guide to Preparing Planning Proposals* and considers the State and local planning strategies. It aligns with the intentions and principles of the broader State Government's metropolitan strategy, *A Plan for Growing Sydney*, draft amendment *Towards Our Greater Sydney 2056*, *Draft Central West District Plan*, *GPOP Vision* and local strategies, *Parramatta 2038* and *Draft Parramatta Ways*. These plans and strategies seek to support Parramatta as Sydney's Central City by increasing housing density and employment opportunities in strategic locations. The Planning Proposal is generally consistent with these objectives.

Strategic Planning Framework

19. The subject site is specifically identified as the 'Rydalmere Education Precinct' in *A Plan for Growing Sydney* and as 'Next Generation Living' in the *GPOP Vision*. The Planning Proposal at **Attachment 1** outlines and provides an assessment against the relevant strategies and their implication for the future direction and management for land use at the subject site.
20. It is considered that the Planning Proposal is generally consistent with the recommendations of the strategic planning framework discussed within the Planning Proposal at **Attachment 1**. To be fully consistent with the strategic framework, the following is recommended:
 - It is recommended that a non-residential FSR component of 0.12:1 be applied to the site. This non-residential FSR is to be applied to the sections of the site proposed to be zoned mixed use to ensure the delivery of the 18,807m² of commercial and retail floorspace consistent with the objectives of *A Plan for Growing Sydney* and *GPOP Vision*.
 - It is recommended that the proponent consult with local universities and education providers with the intention of entering into a memorandum of understanding or an agreement to work together to provide an opportunity for education, knowledge and technology uses on the subject site, consistent with *A Plan for Growing Sydney* and *GPOP Vision*.

- It is recommended that a dwelling mix be provided that will be suitable for the population with a mix of one, two and three bedroom dwellings to be consistent with the objectives of the *GPOP Vision*.
21. An assessment against the relevant State Environmental Planning Policies (SEPPs) has also been undertaken. The Planning was found to be generally consistent with the relevant SEPPs as per the detailed discussion in the Planning Proposal at **Attachment 1**. However, additional work is required as per **Table 2** below to be consistent with SEPP 33 – Hazardous and Offensive Development and SEPP 55 Remediation of Land.

Table 2 – Additional work required to be consistent with Section 117 Directions

SEPP	Additional work required	Timing
SEPP 33 – Hazardous and Offensive Development	<ul style="list-style-type: none"> • Additional Consultation with Caltex and the State Government 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. 	Post-Gateway but prior to public exhibition
SEPP 55 Remediation of Land	<ul style="list-style-type: none"> • Additional detailed site investigations of the MBHS portion of the site. • Preparation of a Remediation Action Plan (RAP). 	Post-Gateway but prior to public exhibition

22. Furthermore, in accordance with Clause 117(2) of the EP&A Act 1979, the Planning Proposal has been assessed against relevant Section 117 Directions and demonstrates compliance with these.
23. Several issues were identified during the assessment of the Planning Proposal. These issues relate to built form, traffic impacts, site access, flooding, contamination, biodiversity, social impact and social infrastructure. These issues are discussed in more detail below.

Urban Design and Built Form

24. Council officers have worked extensively with the proponent over a number of months to refine the Concept Plan for the subject site. The revised Concept Plan can be seen below in Figures 7 and 8 and found at **Attachment 2**.
25. The dwelling yield of 2,544 apartments has been calculated based on a developable area of 156,726m² which provides 216,281m² of residential GFA under a residential FSR of 1.38:1 and 85m² for each apartment as shown in **Table 3** below. In addition, a non-residential FSR of 0.12:1 will provide 18,807m² of commercial / retail GFA which can also be used for education and knowledge-based uses under the proposed B4 Mixed Use zone.

Table 3 – Development yield under the proposed development concept

Total site area	194,102 sqm (19.41 hectares)
Non-riparian area / developable land	156,726 sqm
Riparian Area	37,375 sqm
FSR 1.5:1 (excluding riparian area)	235,089 sqm
<ul style="list-style-type: none"> • Residential FSR of 1.38:1 	216,281 sqm 2,544 dwellings (at 85 sqm each)
<ul style="list-style-type: none"> • Non-residential FSR of 0.12:1 	18,807.12 sqm

26. As shown below in Figures 7 and 8, the higher densities are concentrated to the south of the site on the land proposed to be zoned B4 Mixed Use in close proximity to the Rydalmere train station and future light rail stop and in close proximity 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 6-8 storeys with one block in the northern section of the site to provide up to 15 storeys.

27. The Planning Proposal seeks to provide approximately 55,000m² hectares of public open space to be bound by public streets – The riparian corridor along Vineyard Creek, a section of open space adjoining the riparian corridor (shown as OS-03) and two other public open spaces in the centre of the site (shown as OS-01 and OS-02). The riparian corridor is to be zoned RE1 Public Recreation with Vineyard Creek zoned W1 Natural Waterways. This land is intended to be dedicated to Council through the VPA process.



Figure 7 – Concept Plan for the subject site

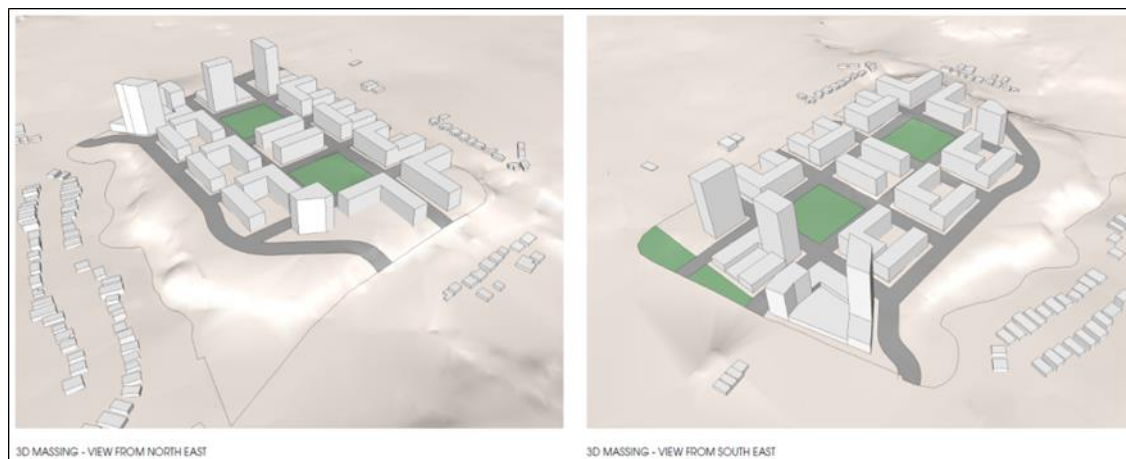


Figure 8 – 3D Massing of proposed concept

28. Council officers are supportive of a maximum building height of 84m (approx. 25 storeys) with 3-4 towers to be located along the Victoria Road boundary and the rest of the site is to be organised in perimeter block form of 6-8 stories (21m – 28m). This concentration of density is considered acceptable given the close proximity of the southern portion of the site to Western Sydney University, Rydalmere Train Station and future Light Rail stop.
29. 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.
30. 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 below in **Figure 9**, some overshadowing of the public domain and private communal space will occur at the winter solstice between 9am and 3pm. The first diagram is a composite of the shadow analysis outcomes for the winter solstice. 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. The other 3 diagrams illustrate the movement of shadows across the day.



Figure 9 – Overshadowing diagram for proposed development concept

31. Given the size and nature of the site and the increases in density sought, a site-specific Development Control Plan (DCP) will be prepared as part of the Planning Proposal process. The DCP will provide the objectives and controls that will help guide the development over the site and will address the following:
- Built form
 - Street layout. character and configuration
 - Site access and permeability
 - Passive and active recreational open space areas
 - Pedestrian and cycle connections / active transport
 - Relationship to Rydalmere and Dundas train stations / future light rail line
 - Future community hub / community uses
 - Affordable housing
 - Design excellence
 - Smart City approaches
32. The site-specific DCP will be prepared post-Gateway and before public exhibition and will form an amendment to Part 4 of the Parramatta DCP 2011.

Traffic Management and Accessibility

33. A Preliminary Traffic Impact Assessment (TIA) by Ason Group has been undertaken as part of this Planning Proposal – see **Appendix E of Attachment 1**. The TIA provides an assessment of the traffic and transport implications of the Planning Proposal.

34. As part of the TIA, a traffic survey and analysis was undertaken at a number of locations near the subject site – see **Figure 10** below. Under existing traffic conditions, the network generally operates within capacity, however, there are some intersections nearing capacity. The intersection of James Ruse Drive/Kissing Point Road/Pennant Street is at capacity in the weekday evening peak period and the James Ruse Drive/Hassall Street/Grand Avenue is operating near capacity during all peak periods (weekday morning and evening and weekends). All other intersections operate with acceptable delays and accordingly have space capacity to accommodate some future growth in traffic volumes.

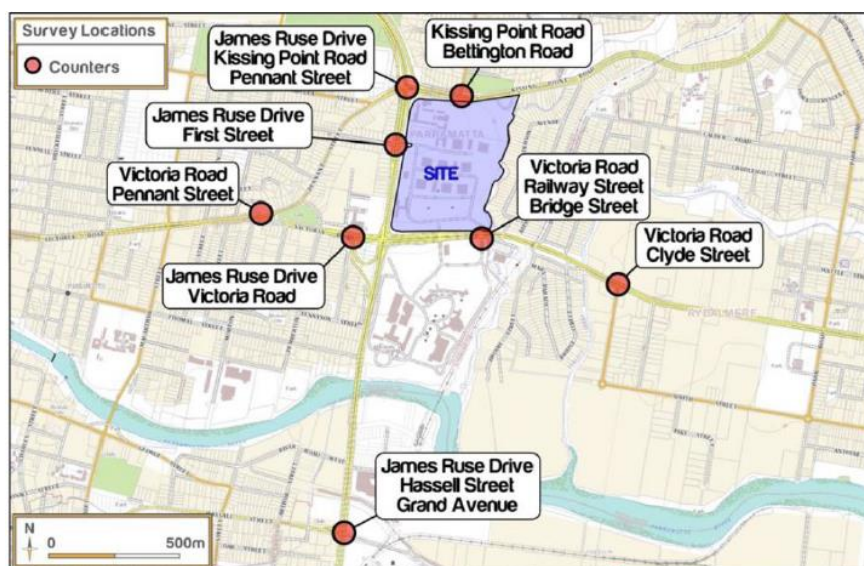


Figure 10 - Traffic Survey and Analysis Locations

35. The additional traffic generated by a development resulting from the Planning Proposal, without improvement works, would be expected to result in the following intersections exceeding capacity:
- Victoria Road / Pennant Street;
 - Kissing Point Road / Bettington Road / New Access Road; and
 - James Ruse Drive / New Access Road.
36. 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
 - Victoria Road/Railway Street/Bridge Street.
37. The Planning Proposal was referred to Council's Traffic and Transport team for comment. Comments received raised concern regarding the access arrangement for the use of the bridge over Victoria Road that provides access to Western Sydney University (WSU) and roads within WSU. The bridge access is acceptable from a practical access point of view. However, it is not part of the formal dedicated road network. It is therefore recommended that the proponent provide evidence that WSU have no objection to this access being formalised so that it is dedicated as a public road.

38. NSW Roads and Maritime Services (RMS) and Transport for NSW (TfNSW) have also been consulted as part of this Planning Proposal. A coordinated response by both authorities was received on 13 April 2017 (**Attachment 3**). The response raised the following concerns:
- The traffic generated from the Planning Proposal is likely to impact on the regional road network and general transport operation;
 - Traffic generated from the proposed development would have the potential to adversely impact on general traffic and bus operation along the corridor even with the proposed mitigation measures. It is requested that the applicant identify further mitigation measures, in consultation with TfNSW and RMS, to reduce impacts on general traffic and bus operation;
 - The proponent needs to consider the feasibility and costings of the proposed intersection upgrade works. TfNSW and RMS identified that the upgrade works might be cost prohibitive, particularly if property acquisition, utility relocation or major works is required. It has been requested that concept plans and strategic costings for all works identified, including access proposals be provided to TfNSW and RMS for review; and
 - The adopted traffic generation rates are not supported and need to be revised based on traffic surveys undertaken at comparable sites with similar mode share characteristics.
39. The response from TfNSW and RMS also requested that a comprehensive transport assessment 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. TfNSW have further advised in an email to Council dated 3 May 2017 that this could be done post-Gateway.
40. It is recommended, consistent with the TIA and comments from TfNSW and RMS, that a TMAP be prepared post-Gateway and that further detailed modelling and assessment is undertaken to resolve the infrastructure upgrade requirements and feasibility of the upgrade options.
41. It is further 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.
42. As discussed above, the assessment of traffic impacts has raised serious concerns by Council officers, TfNSW and RMS. These concerns will need to be addressed post-Gateway. Should the proponent fail to address the traffic concerns, it is unlikely that the level of density sought by the Planning Proposal would be realised on the site.

Flooding

43. A Watercycle & Flood Management Strategy report for the site was prepared as part of this Planning Proposal. 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.
44. The results of the investigation show that the developable areas are outside any extent of flooding on the subject site. Consistent with Section 117 Direction 4.3 Flood Prone Land, the Planning Proposal zones all flood prone land as RE1

Public Recreation and W1 Natural Waterways. None of the land to be zoned R4 High Density Residential or B4 Mixed Use is flood prone. Flood mapping results clearly demonstrate that the developable area is well clear of flooding along Vineyard Creek across the full range of flood events.

45. A small portion of the site is partially affected by flooding during the 1% AEP and PMF events in the south east corner (near the vehicular entry to Victoria Road). This flooding extent is however observed to also occur across Victoria Road - rather than as a result of development on the site. The two other vehicular entries to James Ruse Drive and Kissing Point Road are well clear of inundation during extreme events. Thus flood free access in this location is not considered to be an issue.
46. Consistent with comments from Council's Senior Catchment and Development Engineer, it is recommended that 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

47. A Site Investigations Report for the site was prepared by Douglas Partners for the Planning Proposal. Due to fire damage to the former MBHS site, access to the site was restricted and testing related to the ADHC portion of the site only.
48. The Report by Douglas Partners identified the presence of surface and groundwater contamination on site including fill, a fragment of asbestos cement, Benzo(a)pyrene, zinc and groundwater contaminants.
49. 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 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 and the State Government 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.
50. Based on the outcomes of the site investigations undertaken by Douglas Partners, it is considered that the site can be made suitable for residential development subject to the following:
 - Additional investigations at the former MBHS site; and
 - Development of a Remediation Action Plan (RAP)
51. The Planning Proposal was referred to Council's Land Contamination Project Officer for comment who raised concern that the scope of the preliminary investigation does not provide sufficient information to verify that the land (former MBHS site) is suitable for the permissible and proposed uses. Due to the insufficient information on the extent of contamination at the former MBHS site it was recommend that Council require further detailed site investigation pre-Gateway and a requirement for a remediation action plan post-Gateway.

52. It is recommended that additional investigations of the former MBHS site take place post-Gateway but prior to public exhibition and be included in an amended Detailed Site Investigations Report.
53. It is also recommended that a Remedial Action Plan be prepared post-Gateway and provided to Council for review. The RAP is to be in accordance with the recommendation from Douglas Partners and to the satisfaction of Council.

Biodiversity

54. The Planning Proposal is accompanied by a Biodiversity Assessment prepared by SLR Consulting. The Assessment identified that the majority of the flora observed on the site is exotic and/or planted. However, a total of 12 native species found on the site are 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 1995* and *Environment Protection and Biodiversity Conservation Act 1999*.
55. SSTF was found in the northeast corner of the site along Vineyard Creek. This area of SSTF is located within the riparian corridor on land that is not to be developed. The SSTF will be retained and 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 of SSTF on the site. There are no other threatened ecological communities present on the site.

Open Space

56. The Planning Proposal will provide for over 5 hectares of public open space on the site, located along Vineyard Creek (riparian corridor) and in parks in the middle of the site – see above **Figure 7**. This public open space is to be provided in the following ways:
 - Riparian corridor (37,365m²) 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' (5,293m²) adjoining the riparian corridor to be zoned RE1 Public Recreation and used as an informal field / green for casual games and events; and
 - Additional 12,090 square metres 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.
57. 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.
58. The Planning Proposal does not accommodate any active recreation infrastructure (sporting fields and facilities) on the site. In order to accommodate the increased demand for sports fields resulting from the population increase, it is considered that a monetary contribution as part of the VPA may be appropriate to provide funding to address this issue offsite.

59. It is recommended that the proposed open spaces areas be dedicated to Council subject to an appropriate maintenance period to ensure a high quality outcome and ongoing benefit to the community.

Social Impacts / Infrastructure

60. 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). A decision was made by the Department of Education (DoE) in 2008 to close Macquarie Boys High School. This decision was based upon its forecasting and asset strategy. The site has been vacant since that time. The ADHC facility is still in operation. The Department of Family and Community Services are working with staff, residents and carers on the re-location of the services provided on the site.
61. The Social Impact Assessment (SIA) undertaken by Elton Consulting as part of this Planning Proposal indicates that based upon the average size of households living in higher density apartments in the Parramatta LGA (2.3 persons per dwelling), this will result in a population of up to approximately 5,851 people at full development.
62. 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 community and open space facilities can be provided through council's Section 94 Plan or through a Voluntary Planning Agreement as required.
63. The increase in population resulting from the Planning Proposal will place increased demand on local schools. The SIA states that the DoE 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 SIA claims that the needs of future school students living within the proposed development can be accommodated within the following existing and proposed new schools in the local area:
- 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).
 - Rosehill Public School will be expanded to increase the capacity of the school to 800 students.
- However, the above school sites are not located within close proximity to the site, nor within walking distance. In addition, adequate information has not been provided on the ability of local high schools to service the future population on the site. This will need to be addressed in more detail and will be subject to further consultation with the DoE during the public exhibition period.
64. Housing affordability is an issue within the City of Parramatta, as it is across the Sydney Metropolitan area. Because of this, the Planning Proposal will incorporate some affordable housing on the site through an additional local provision inserted into Part 6 of PLEP 2011. The intention is for the additional local provision to incorporate the following intent:

- 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 of the development that is intended to be used for residential purposes;
 - 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.
65. 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). Further negotiation is needed on the composition of the affordable housing dwellings (apartment type, bedroom mix, location and apartment size). The details of these could be included in a VPA or a different form of agreement.

VOLUNTARY PLANNING AGREEMENT

66. A Voluntary Planning Agreement (VPA) can be made under section 93F of the EP&A Act and is a voluntary agreement between Council and the developer, under which the developer is required to dedicate land free of cost, pay a monetary contribution or provide other material public benefit, or any combination of these, to be used towards a public purpose. This may be in lieu of a Section 94A development contribution, as a part substitution or an additional benefit.
67. The Act specifies that a public purpose includes the provision of public amenities or public services, the provision of affordable housing, the provision of transport or other infrastructure relating to the land, the funding of recurrent expenditure relating to any of these, the monitoring of the planning impacts of a development and the conservation or enhancement of the natural environment.
68. Council has an adopted VPA policy which sets out the principles governing such agreements, matters that Council will consider in negotiating agreements, steps in the negotiating process, public probity, notification requirements and implementation. The EP&A Act and Regulation sets out the legal and procedural framework for planning agreements.
69. The negotiation of a VPA is at Council's discretion. Key principles of Council's policy are that:
- planning decisions will not be bought or sold through planning agreements,
 - development that is unacceptable on planning grounds will not be permitted because of the benefits of a planning agreement,
 - the benefits of the planning agreement will bear a relationship to the application,
 - Council will not give undue weight to a planning agreement when making a decision on a development application, and
 - Council will not improperly rely on its position in order to extract unreasonable public benefits under planning agreements.
70. The applicant has submitted a letter of offer dated 3 May 2017 (**Attachment 4**) indicating that they intend to enter into a VPA. The letter suggests the applicant may request that part of the Section 94A payable for the development may be offset by other contributions negotiated in the VPA. This position is not supported by Council Officers and it is recommended that Council negotiating

position be that any contribution included in the VPA should be in addition to the Section 94 payable for the site.

PLAN-MAKING DELEGATIONS

71. New delegations were announced by the then Minister for Planning and Infrastructure in October 2012, allowing councils to make LEPs of local significance. On 26 November 2012 Council resolved to accept the delegation for plan making functions. Council has resolved that these functions be delegated to the CEO.
72. Should Council resolve to proceed with this Planning Proposal (**Attachment 1**), it is intended that Council will be able to exercise its plan-making delegations. This means that once the planning proposal has been to Gateway, undergone public exhibition and been adopted by Council, Council officers will deal directly with the Parliamentary Counsel Office on the legal drafting and mapping of the amendment. The LEP amendment is then signed by the CEO before being notified on the NSW Legislation website. When the planning proposal is submitted to Gateway, Council will advise the DP&E that it will be exercising its delegation.

NEXT STEPS AND CONCLUSION

73. Should Council endorse the Planning Proposal provided at **Attachment 1** (Council Officer's recommendation) it will be forwarded to the NSW Department of Planning and Environment for a Gateway determination.
74. The proponent is expected to consult with TfNSW and RMS in response to the identified traffic concerns (**Attachment 3**) and amend their Traffic Impact Assessment. A TMAP is also required to be prepared. This is to be completed post-Gateway but prior to public exhibition.
75. A site-specific DCP is recommended for the subject site to control the built form and urban design outcomes. This will be reported to Council prior to its exhibition.
76. Once a Gateway determination is received, the Planning Proposal will be placed on public exhibition and the outcomes of the exhibition will be reported to Council. The Site Specific DCP and VPA should be exhibited concurrently with the Planning Proposal. A report on the outcomes of the VPA negotiations will be put to Council before it is publicly exhibited.

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Director Strategic Outcomes & Development

ATTACHMENTS:

- 1 Planning Proposal Report - 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere - Property NSW Site
- 2 Revised Concept Plan - Planning Proposal for 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere
- 3 Response letter from Transport for NSW regarding Planning Proposal for 266 Victoria Road and 26 Kissing Point Road Rydalmere
- 4 VPA Letter of Offer from Property NSW - 266 Victoria Rd and 26 Kissing Point Road, Rydalmere