

## ECONOMY

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<b>ITEM NUMBER</b>	8.4
<b>SUBJECT</b>	Planning Proposal for land at 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere
<b>REFERENCE</b>	RZ/23/2016 - D04954146
<b>REPORT OF</b>	Project Officer Land Use

### PURPOSE:

The purpose of this report is for Council to consider a Planning Proposal for land at 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere and determine whether it should proceed to Gateway Determination with the NSW Department of Planning and Environment.

### RECOMMENDATION

- (a) **That** Council considers the report that was submitted to the Independent Hearing and Assessment Panel (IHAP) on 16 May 2017 (**Attachment A**) and its recommendation (**Attachment B**) which supports the progression of the Planning Proposal for the land at 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere.
- (b) **That** Council endorse the Planning Proposal (which is contained within **Attachment 1** of **Attachment A** of this report) for the land at 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere 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. Amending the Minimum Lot Size Map for Dual Occupancy Development Map;
  6. Including a local provision for 5% affordable housing;
  7. Including a local provision for the part non-residential FSR of 0.12:1; and
  8. Including a local provision for the delivery of public open space.
- (c) **That** the Planning Proposal be forwarded to the NSW Department of Planning and Environment for Gateway determination.
- (d) **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.
- (e) **That** the applicant consult with Transport for NSW (TfNSW) and Roads and

Maritime Services (RMS) in response to the identified traffic concerns (**Attachment 3** on **Attachment A**) and undertake additional investigations, modelling and a detailed traffic and transport assessment (TMAP) post-Gateway to the satisfaction of TfNSW and RMS.

- (f) **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.
- (g) **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.
- (h) **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*.
- (i) **That** a site-specific Development Control Plan (DCP) be prepared and reported to Council prior to formal exhibition of the Planning Proposal.
- (j) **That** delegated authority be given to the CEO to negotiate the Voluntary Planning Agreement (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.
- (k) **That** Council officers proceed with negotiations for a 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.
- (l) **That** the site-specific DCP and VPA be publicly exhibited concurrently with the Planning Proposal, should a Gateway Determination be issued.
- (m) **That** Council advises the Department of Planning and Environment that the CEO will be exercising the plan-making delegations for this Planning Proposal as authorised by Council on 26 November 2012.
- (n) **Further, that** Council grant delegated authority to the CEO to correct any minor anomalies of a non-policy and administrative nature that may arise during the amendment process.

## THE SITE

1. The subject site at 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere is approximately 19.18 ha in size and is bound by three classified 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 - see **Figure 1** and **Figure 2**. The subject site includes the former Macquarie Boys High School (MBHS) on the northern part of the site and the Ageing, Disability and Home Care (ADHC) facility on the remainder of the site. MBHS was closed by the NSW Department of Education in 2008 and has been vacant since that time. The ADHC facility, although still in operation, is being vacated and will be vacant by mid-2017. The site is owned by the NSW Government.



Figure 1- Subject site



Figure 2 – Context Map

- The site is located opposite Western Sydney University and close to Rydalmere Train Station, which offers connectivity to the Carlingford Train Line and associated services south towards Clyde and north towards Carlingford. 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.

**PLANNING PROPOSAL**

- 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 development 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
<b>Zoning</b>	<ul style="list-style-type: none"> <li>R2 Low Density Residential</li> <li>SP2 Educational Establishment</li> </ul>	<ul style="list-style-type: none"> <li>B4 Mixed Use</li> <li>R4 High Density Residential</li> <li>RE1 Public Recreation</li> <li>W1 Natural Waterways</li> </ul>
<b>Maximum Height of Buildings</b>	<ul style="list-style-type: none"> <li>Part 9m</li> <li>Part no height restriction</li> </ul>	<ul style="list-style-type: none"> <li>Height of buildings in Zone B4 of 84m (up to 25 storeys).</li> <li>Height of buildings in Zone R4 to part 28m (up to 8 storeys) and part 50m (15 storeys).</li> </ul>

	Current	Proposed
		<ul style="list-style-type: none"> <li>No height restriction in Zone RE1 and Zone W1.</li> </ul>
<b>Floor Space Ratio</b>	<ul style="list-style-type: none"> <li>Part 0.5:1</li> <li>Part no FSR</li> </ul>	<ul style="list-style-type: none"> <li>FSR of 1.5:1 including non-residential FSR component of 0.12:1</li> <li>No FSR in Zone RE1 and Zone W1.</li> </ul>
<b>Affordable Housing</b>	<ul style="list-style-type: none"> <li>No current site-specific control</li> </ul>	<ul style="list-style-type: none"> <li>Insert a new local provision that includes a minimum target for 5% affordable housing on the site.</li> <li>To be calculated as 5% of total residential floor area.</li> </ul>
<b>Open Space</b>	<ul style="list-style-type: none"> <li>No current site-specific control</li> </ul>	<ul style="list-style-type: none"> <li>Provision of 12,090 square metres of open space to be delivered on the land to be zoned R4 High Density Residential.</li> </ul>
<b>Minimum Lot Size</b>	<ul style="list-style-type: none"> <li>Part 550 square metres</li> <li>Part no minimum</li> </ul>	<ul style="list-style-type: none"> <li>Remove the part 550 square metres so that there is no minimum lot size control that applies to the site.</li> </ul>
<b>Minimum Lot Size for Dual Occupancy Development</b>	<ul style="list-style-type: none"> <li>Part 600 square metres</li> <li>Part no minimum</li> </ul>	<ul style="list-style-type: none"> <li>Remove the part 600 square metres so that there is no minimum lot size control for dual occupancy development that applies to the site.</li> </ul>

## ASSESSMENT ISSUES

- Ultimately, it is considered that the Planning Proposal has strategic merit. A full assessment of all the relevant technical issues and legislative requirements is provided in the IHAP Report (Attachment A). 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 required to be undertaken by the applicant, consistent with the recommendation to Council, relating to traffic, contamination, site access and education.

## VOLUNTARY PLANNING AGREEMENT

- The applicant has indicated their willingness to enter into a Voluntary Planning Agreement (VPA) in relation to this Planning Proposal, and has submitted an initial letter of offer. Council officers do not yet have delegation from Council to negotiate a VPA related to this Planning Proposal. Therefore, it is recommended that delegated authority be given to the CEO to negotiate a Voluntary Planning Agreement with the landowner in relation to the Planning Proposal on behalf of Council, that the outcome of negotiations be reported back to Council prior to its public exhibition.

## IHAP RECOMMENDATION

- IHAP considered this matter on 16 May 2017, and the report considered by the IHAP is included at **Attachment A** of this report.

8. The IHAP accepted the recommendation of the report at **Attachment A** in full with no changes (minute also attached at **Attachment B**).

## **NEXT STEPS**

9. This report recommends that Council endorse the Planning Proposal contained in **Attachment 1 of Attachment A** of this report. Pending that endorsement, the next steps will be to forward the Planning Proposal to the NSW Department of Planning and Environment for Gateway Determination, preparation of a site-specific DCP and negotiation of a Voluntary Planning Agreement (as described in this report).

Benjamin Gresham  
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Sue Weatherley  
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## **ATTACHMENTS:**

- |          |                                                                                                                                                                                       |              |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|
| <b>1</b> | Attachment A - IHAP Report - Planning Proposal for land at 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere                                                                         | 106<br>Pages |
| <b>2</b> | Attachment B - IHAP Minutes - 16 May 2017 - Planning Proposal for land at 266 Victoria Rd and 26 Kissing Point Rd, Rydalmere (Independent Hearing and Assessment Panel - 16 May 2017) | 2<br>Pages   |