

Eastern Harbour City

Submissions Report

Sydney Eastern City Planning Panel No:	2018ECI001 PPA
LGA	Burwood LGA
Proposal	<p>The planning proposal seeks to:</p> <ul style="list-style-type: none"> • rezone land at 1-1A Cheltenham Road, Croydon from R3 Medium Density Residential to B6 Enterprise Corridor; • increase maximum height from 8.5m to 12.5m; and • increase the floor space ratio from 0.55:1 to 1.5:1.
Address	1-1A Cheltenham Road, Croydon Lot 1 DP 817488
Applicant/Owner	Urbis on behalf of Star Auto Properties Pty Ltd
Submissions	<ul style="list-style-type: none"> • Public submissions (5) • Transport for NSW submission • Proponent responses to submissions (2) • Council comment
Recommendation	Make submissions report publicly available and conduct public meeting.
Report by	Charlene Nelson, Senior Planner - Department of Planning, Industry and Environment

1. INTRODUCTION AND BACKGROUND

The purpose of this report is to provide a summary of the key issues raised in submissions from the public, agencies and Burwood Council, received during public exhibition of the planning proposal for 1-1A Cheltenham Road, Croydon (the site).

1.1 The site and its local context

The subject site is located at 1-1A Cheltenham Road, Croydon and is zoned R3 Medium Density Residential under the Burwood Local Environmental Plan (LEP) 2012. The site is occupied by a single storey dwelling house, a driveway and an at grade car parking area to the rear. The site is a rectangular lot with an area of approximately 1287.7m² and a 20.40 metre frontage to Cheltenham Road.

The subject site has been used as ancillary commercial premises for car storage associated with the former car dealership on the adjoining site to the west until September 2017. The adjoining showroom site at 178 Parramatta Road is currently being redeveloped for a Mercedes Benz four storey car showroom facility and is in the same ownership as the subject site.

The subject site is located approximately 60m south of Parramatta Road, and provides an area of transition from the Parramatta Road Enterprise Corridor to medium density residential area to the south. Development along the Parramatta Road corridor to the north, west and east of the site is characterised by commercial and light industrial developments and are zoned B6 Enterprise Corridor under the Burwood LEP 2012.



Figure 1: Location of Site (Source Six Maps)

A two-storey storage warehouse occupied by the Salvation Army and fronting Parramatta Road is on the northern boundary of the site. Commercial tenancies including a warehouse building occupied by Fantastic Furniture and single storey residential dwellings are on the opposite side of Cheltenham Road to the north east of the site.

Development to the south and east is characterised by low to medium residential dwellings. Land to the south of the site is zoned R3 Medium Density Residential, and land to the east and south, on the opposite side of Cheltenham Road, is zoned R2 Low Density Residential under the LEP.

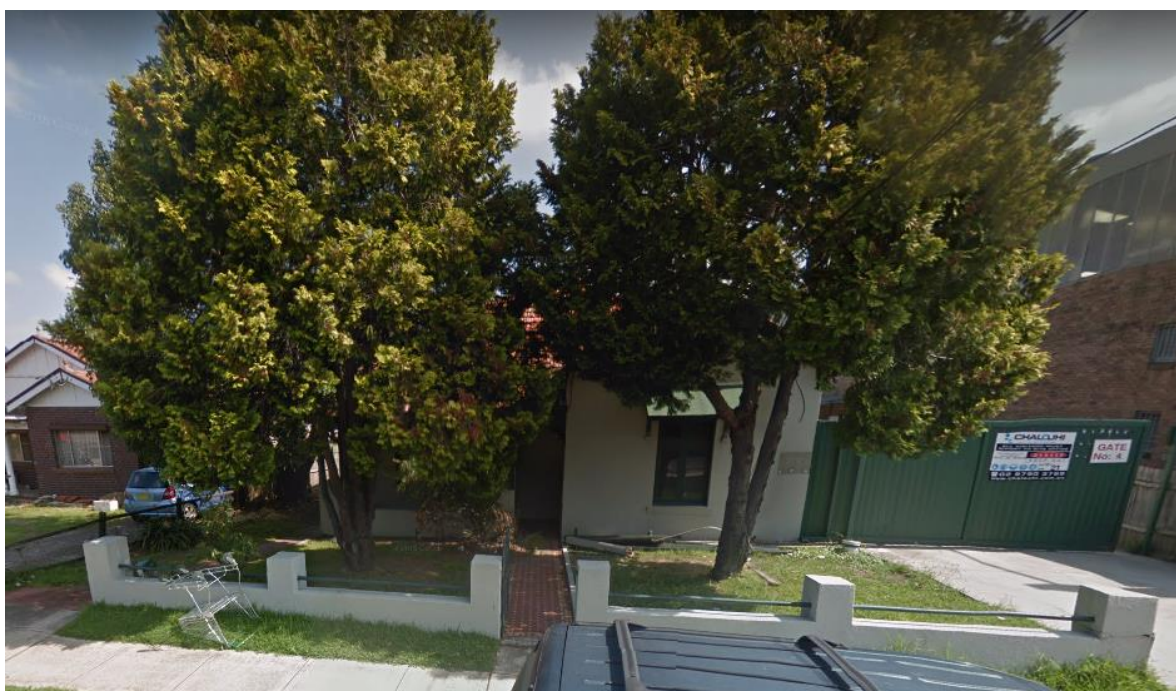


Figure 2: View of the site (Source: Google Maps)

1.2 The planning proposal

The planning proposal seeks to amend the Burwood LEP 2012 in relation to 1-1A Cheltenham Road, Croydon by:

- rezoning the land from R3 Medium Density Residential to B6 Enterprise Corridor;
- increasing the maximum building height from 8.5 metres to 12.5 metres; and
- increasing the floor space ratio from 0.55:1 to 1.5:1.

The proposal seeks to enable a commercial development on the site that is consistent with the zoning to the immediate north and west of the site. The site has been operating as an ancillary use to the adjoining car dealership fronting Parramatta Road which is zoned B6 Enterprise Corridor. *Vehicle sales and hire premises* fall under the definition of commercial premises, which are currently prohibited in the R3 Medium Density Residential zone.

The intended outcome of the Planning Proposal is to amend the Burwood LEP 2012 to formalise the use of the site for vehicular sales and hire premises and provide a height and FSR that enables the 'stepping down' of the built form transition to be maintained.

An indicative development concept design has been submitted with the proposal demonstrating a three (3) storey car showroom with ground level workshop, showroom and ancillary offices on Levels 1 and 2, rooftop plant room and basement level parking.

The site falls just outside the boundary of the Kings Bay Precinct of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS). The lots to the immediate north and west of the site are covered by the PRCUTS including the Mercedes Benz car showroom (under construction), Salvation Army and Fantastic Furniture warehouses.

The Strategy recommends the future zoning of the land to the north and west of the site be B4 Mixed Use, with increased built form development standards of 21m for maximum building

height and an FSR of 1.8:1. On the southern side of Parramatta Road, increased height is provided on the main road frontage while heights are reduced towards low rise areas. Properties on the opposite side of Cheltenham Road to the east are proposed to be retained as B6 Enterprise Corridor.

1.3 Rezoning Review

On 8 September 2017, the planning proposal was lodged with Burwood Council. The proposal initially sought to rezone the land from R3 Medium Density Residential to B6 Enterprise Corridor, increase maximum building height from 8.5m to 15m and increase the FSR from 0.55:1 to 1.75:1. A revised planning proposal was lodged on 22 March 2018 with a reduced height of 12.5m and FSR of 1.5:1, following concerns raised by Council with regard to the additional shadowing impact on adjoining residential properties.

On 24 April 2018, Council resolved not to support the planning proposal on the basis that there have been no substantial planning reasons provided to change the zoning from R3 Medium Density Residential to B6 Enterprise Corridor.

On 4 June 2018, the proponent lodged a rezoning review request as Council confirmed in writing that it did not support the planning proposal. The Sydney Eastern City Planning Panel considered the proposal on 9 August 2018 and determined the proposal should be submitted for Gateway determination because it demonstrates strategic and site-specific merit.

The Panel considered the planning proposal demonstrated strategic merit as it adjoins sites already zoned B6 Enterprise Corridor and adjoins the Kings Bay Precinct in the Parramatta Road Urban Transformation Strategy, which would allow employment uses in a location easily reached by public transport.

The Panel considered the site to have site specific merit as although it is zoned residential, it has been used for some time as a car park, and the proposed height and density would be less than the controls applying to the adjoining Mercedes site. This would allow for the mitigation of the shadow impact on the residential land immediately to the south. The Panel considered the impact on the adjoining southern residential site would be less than if the site remains in its current zoning, which allows two-storey townhouses close to the common boundary.

1.4 Planning Proposal Authority (The Panel)

On 10 August 2018, Burwood Council was advised of the Panel's recommendation that the planning proposal should proceed to Gateway determination and was given the opportunity to continue in the role of Planning Proposal Authority. Council advised that it did not wish to accept the role of PPA on 28 August 2018. The Planning Panel was appointed as the Planning Proposal Authority (PPA) for the proposal on 16 September 2018.

1.5 Gateway determination

On 10 January 2019, a Gateway determination was issued for the proposal. The proposal was supported as it was considered that it responds to the context of the site and the relationship with the adjacent B6 Enterprise Corridor zoning, will facilitate development of the site to provide commercial development in keeping with the existing use of the land; will support employment opportunities close to public transport, and will provide a built form that is compatible with the proposed development on the properties fronting Parramatta Road to the north, while providing an effective transition in height to lower scale residential built form to adjacent residential uses.

Conditions of the Gateway determination required updates to the planning proposal, prior to community consultation as follows:

- (a) update all documentation to reflect the amended planning proposal referenced in the letter to Council dated 22 March 2018;
- (b) provide an updated project timeline outlining the anticipated time-frames for the plan-making process;
- (c) reference and address all relevant priorities and actions outlined in the Greater Sydney Region Plan and Eastern City District Plan;
- (d) provide an updated concept design that reflects a fully compliant scheme of 12.5m and 1.5:1 that minimises any overshadowing and amenity impacts to adjoining properties. Any revised concept design must also include updated overshadowing hourly diagrams between 9am and 3pm (21 June) reflecting existing and proposed impacts; and
- (e) provide a geotechnical report to demonstrate the capability of substantial excavation occurring on-site should this be required as part of any updated concept plan.

The Gateway determination (**Attachment 1**) required the final planning proposal and associated documents to be publicly exhibited for a minimum of 28 days and specified consultation required with Roads and Maritime Services (RMS).

The proponent provided an updated planning proposal (May 2019) to the Department to address the Gateway requirements prior to community consultation (**Attachment 2**) that:

- reflects the amended planning proposal with the FSR control of 1.5:1 and building height of 12.5m;
- updated the timeline for the plan making process;
- addressed the relevant priorities in the Greater Sydney Region Plan and the Eastern City District Plan;
- addressed concerns that the indicative concept scheme is non-compliant with the proposed 12.5m maximum building height control by providing 3D images relative to the 12.5m building height control plane; and
- provided a Geotechnical report which concluded that excavation to a depth of 4m is required to achieve the development proposed by the concept design and is achievable using conventional equipment.

showroom and offices and rooftop plant room. The scheme is indicative only and will be subject to a development application.

On 8 July 2019, the Department advised the Panel Secretariat it considered the updated documentation to be adequate to proceed to exhibition.

2. PUBLIC EXHIBITION

The planning proposal was publicly exhibited for 28 days from 6 August 2019 to 3 September 2019.

Notification of the planning proposal was advertised in the Inner Western Courier newspaper on 6 August 2019.

The planning proposal and associated documents were made available on the Planning Panel's website, at Service NSW centres and Burwood Council Administration Centre.

In total, five (5) submissions were received. A summary of submissions and key issues raised is detailed below.

3. SUMMARY OF SUBMISSIONS

A total of five (5) submissions were received from members of the community. All of the submissions objected to the proposal.

Burwood Council did not make a submission on the proposal. Council Officers provided a comment (**Attachment 3**) in response to the redacted submissions, that the five submissions raised reasonable arguments and Council trusts that the Panel will give each submission adequate consideration.

A submission from Transport for NSW (TfNSW) was received on 21 November 2019 (**Attachment 4**), raising concerns about the need for an assessment of potential for road safety risk resulting from service vehicles accessing the site and the need for travel demand management measures.

3.1 Submissions opposing the proposal

Of the five (5) submissions opposing the planning proposal, concerns were raised in relation to the following key issues:

- encroachment of commercial use into residential areas (60%);
- impact on residential amenity of adjoining dwellings (60%);
- traffic, transport and parking impacts (80%);
- building height and overshadowing (20%);
- construction/geotechnical impacts (40%); and
- environmental and sustainable development (20%).

These issues are discussed in the section 4 below.

3.2 Submissions by Public Agencies and Council

In accordance with the Gateway determination, Burwood Council and the former Roads and Maritime Services (RMS), now TfNSW were consulted.

Burwood Council

Burwood Council did not make a submission on the proposal during the exhibition. Following exhibition, copies of the redacted submissions were sent to Council for comment. Officers provided comments that the five submissions raised reasonable arguments and Council trusts that the Panel will give each submission adequate consideration.

Council initially rejected the planning proposal on 24 April 2018 as it considered the proposal did not provide substantial planning reasons to change the zoning from R3 Medium Density Residential to B6 Enterprise Corridor. The Council Officer's report supported the proposal in principle and considered the potential adverse solar access impacts on the adjoining site to the south to be the main issue arising from the proposal.

The Council report considered the revised development standards, which are smaller than in the B6 zone but greater than the R3 zone, provided an appropriate transition and should enable acceptable outcomes through the development assessment process.

Transport for NSW

Condition 3 of the Gateway determination required consultation with the former RMS under section 3.34(2)(d) of the Act. The former RMS was notified of the proposal on 31 July 2019. A submission was received on 21 November 2019 from TfNSW that provided the following comments for the Panel's consideration:

- ensure that an appropriate assessment of service vehicle types accessing the site is provided either prior to making the plan, or at minimum, these matters should be addressed in any Pre-DA/DA documentation for any future development application for the site;
- there is a potential for significant road safety risk, should the site be used as a motor dealership and how service vehicles will access the site; in particular, car carrier trucks and other service vehicles may not be able to turn into Cheltenham Road from Parramatta Road without crossing the centre line of Cheltenham Road, nor be able to turn into or out of, the site in a forward direction. RMS notes that on-street kerb parking may need to be removed to improve safety and efficiency of access into and out of the site; and
- RMS also raises that Council may wish to consider the need for travel demand management measures, including appropriate maximum car parking rates aligned with table 3.2 of the PRCUTS planning and design guidelines with suitable on-street parking schemes to prevent reliance on the local road network for parking and loading.

Comment on these matters is provided below in Part 4.3 of this report.

4. KEY ISSUES

The following section provides details of the key issues raised in submissions by the public. The Department's comments are also provided below.

The proponent was given the opportunity to respond to key issues raised in submissions. The proponent responded on 16 October 2019 (**Attachment 5**) and comments are included below.

4.1 Encroachment of commercial uses into residential areas

The rezoning of the land from R3 Medium Density Residential to B6 Enterprise Corridor will allow for a number of new permissible uses on the site including commercial premises, office premises, vehicle sales or hire premises, shop top housing and warehouse and distribution premises.

Public Submissions

Submissions have raised concerns regarding:

- the development will fully encroach into residential areas as the site is directly opposite residential dwellings including 6 and 8 Cheltenham Road;
- the proposal creates a precedent for allowing the Parramatta Road Commercial zone to encroach into the neighbouring suburban precincts;
- the proposal could be used to justify further encroachments into the residential area and could erode the amenity of surrounding residential areas;
- the property could be developed in conjunction with the adjoining site on Parramatta Road;
- the LEP zoning should provide certainty for the community;
- the merits of the proposed use for commercial over residential are weak and not correct; and
- Unauthorised uses should not be approved because they have been operating for some time.

Proponent's comments

The planning proposal provides information to demonstrate the proposed rezoning and controls have strategic and site-specific merit. The proposed changes will rationalise the existing B6 zoning boundary to create a logical and regular shaped interface with the adjoining R3 Medium Density Residential zoned land and seeks to formalise the site's former land use associated with the car dealership to facilitate the commercial development on the site. This will create a clearer transition between the existing commercial uses fronting Parramatta Road and residential uses to the south.

The proposed zoning amendment will be consistent with the existing commercial uses fronting Parramatta Road and presents an opportunity to consolidate land uses with the adjoining site. The proponent considers that the existing land use, current land ownership and the site's strategic location creates a unique situation that does not set precedence for expansion into land adjacent to the site beyond the proposal.

Department's comments

The site is located immediately adjacent to land identified in the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) (**Figure 5**). The Department notes the proposal responds to its location adjacent to a B6 Enterprise Corridor (**Figure 6**) and the Kings Bay Precinct identified in the PRCUTS. The Panel's decision to support the planning proposal refers to the B6 Enterprise Corridor zoning adjoining the site as part of the proposal's strategic justification. The proposal will facilitate employment opportunities in a suitable location near public transport and is in keeping with the existing uses fronting Parramatta Road.



Figure 5: Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) map area

The proposed rezoning will result in a logical B6 zone boundary that responds to the context of the site being adjacent the Parramatta Road corridor and Enterprise Corridor zoning. The rezoning also retains the long-term use of the site as an ancillary commercial premise rather than residential, as a result of the amenity impacts from the adjoining surrounding land uses including the warehouse building to the north. Land to the north currently zoned B6 has a maximum building height of 15m and FSR of 1.75:1, while the R3 Medium Density Residential zoned land has a maximum building height of 8.5m and an FSR of 0.55:1.

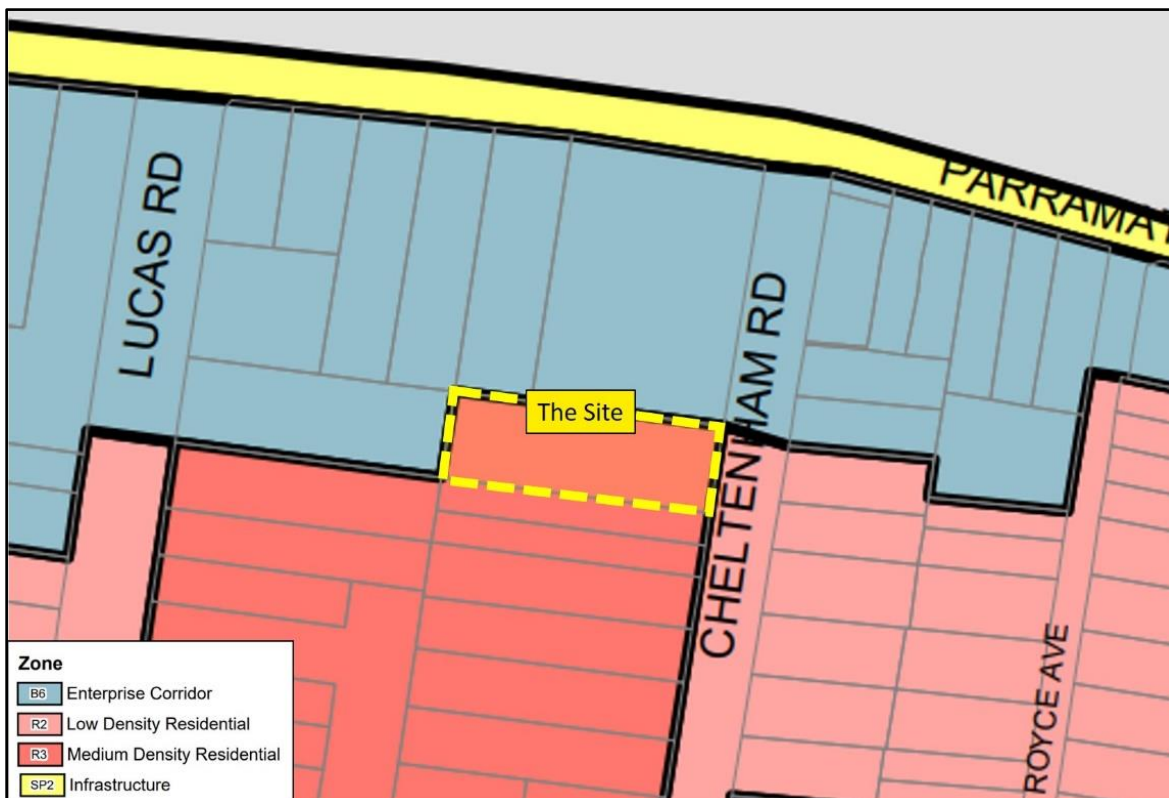


Figure 6: Existing land use zoning map

The proposed height and FSR controls under the planning proposal of 12.5m and FSR of 1.5:1 which is considered will provide an appropriate transition between the commercial and residential zones.

4.2 Building height and overshadowing and impact on residential amenity

The indicative concept design demonstrates the potential bulk, scale and overshadowing impacts of a proposed boutique car showroom developed under the proposed controls. The proposal will result in an increase in height from 8.5m to 12.5m and floor space ratio from 0.55:1 to 1.5:1 on the subject site.

Public Submissions

Submissions have raised concerns regarding:

- the impact of the proposal on the residential amenity of adjoining single storey dwellings, particularly in relation to proposed height and overshadowing on the neighbouring dwelling at 3-3A Cheltenham Road, Croydon;
- building height should remain single storey;
- although residential uses are not desirable on 1-1A Cheltenham Road due to shadow of the existing Salvation Army warehouse building, the shadow of the proposed commercial development will have a similar impact on the adjoining property at 3-3A Cheltenham Road;
- high rise properties will impact on the amenity of residents; and
- Other permissible uses in R3 zone could be built with similar sensitivity to overshadowing issues addressed in the proposal but would not create a precedent for B6 premises to encroach on residential areas.

Proponent's comments

The proposed scheme seeks to formalise the existing commercial use on site with the preferred scheme. The residential use of the site is not desirable as it is constrained and overshadowed by the existing warehouse buildings along the northern boundary of the site. The environmental amenity of the site is poor, and it is considered that the site cannot achieve its highest and best use under the current R3 zoning and controls.

The current development has not been used as a residence for many years. The indicative scheme is proposed to be built to the northern and western boundaries with a vehicular driveway along the southern side with the building further setback. The planning proposal addresses the potential overshadowing impacts of the preferred scheme and it demonstrates that the proposed controls will not unduly impact any surrounding dwelling or achieve acceptable hours of sunlight during the winter solstice (**Figures 7-9**). An alternative scenario of a permissible two storey townhouse on the site was assessed by the proponent and it was identified that residential developments are permitted to have reduced side and rear setbacks to adjoining properties. As such, it is considered permissible townhouses would create considerably greater overshadowing on the dwelling to the south than the proposed commercial scheme.



Figure 7: Indicative concept overshadowing diagrams Midwinter 9am (Source: Planning Proposal, May 2019)

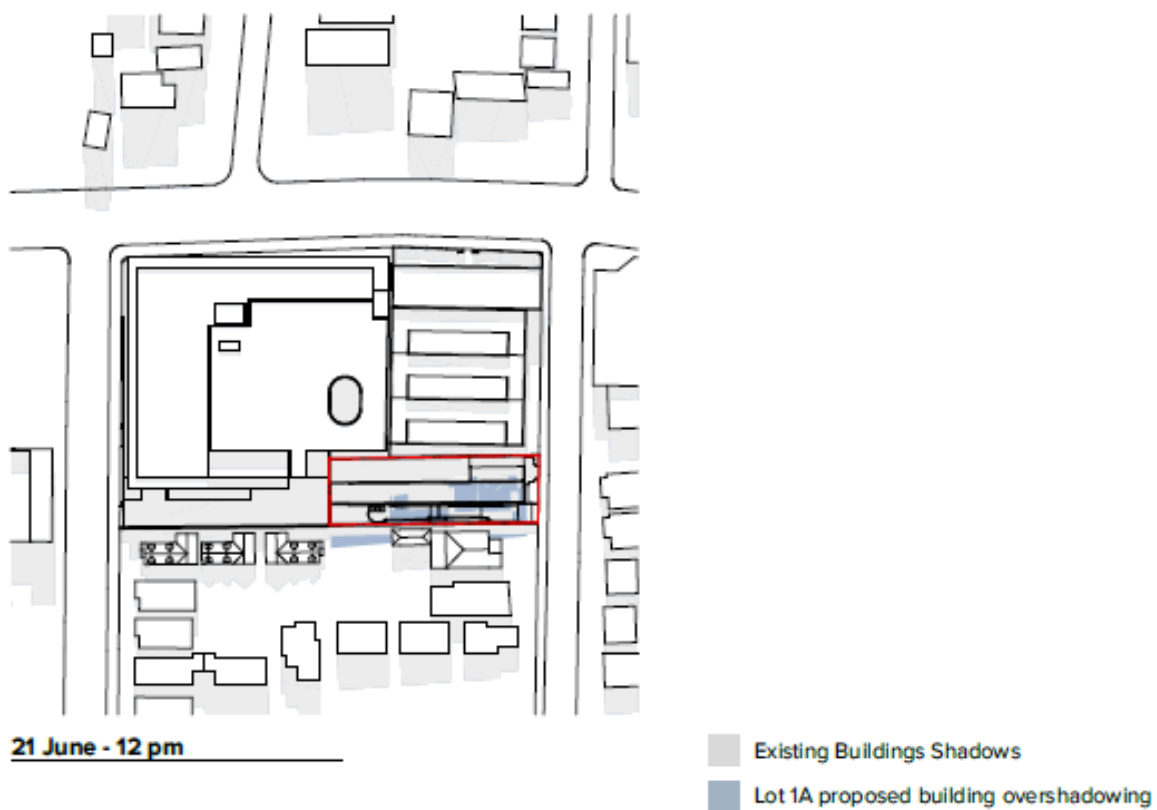


Figure 8: Indicative concept overshadowing diagrams Midwinter 12pm (Source: Planning Proposal, May 2019)



Figure 9: Indicative concept overshadowing diagrams Midwinter 3pm (Source: Planning Proposal, May 2019)

The proposed changes to planning controls, including the increase in height to 12.5m and FSR to 1.5:1, is considered an appropriate density for the site reflecting its role as a transition zone between the commercial development along Parramatta Road and the medium density residential zone to the south. Currently controls to the north of the site are 15m in height and 1.75:1 in FSR, which are recommended to be increased to 21m in height and 1.8:1 under the Parramatta Road Corridor Urban Transformation Strategy.

Department comments

The indicative concept plan provided with the planning proposal demonstrates the likely bulk, scale and massing of the built form on the site under the proposed controls. The indicative concept provides for built form to the northern and western site boundaries with the driveway to allow a setback along the southern boundary. It also demonstrates that the built form will be contained within the DCP's 45 degree building height plane. The proposed reduced height of 12.5 m and 1.5:1 FSR is considered an appropriate response to provide a transition between the B6 Enterprise Corridor Zone along Parramatta Road and the R3 Medium Density Residential zone.

As demonstrated in the updated planning proposal, the proposed height and FSR will provide an appropriate transition between the uses fronting Parramatta Road and the residential dwellings to the south.

The concept plans will be subject to detailed assessment at development application stage.

4.3 Traffic, transport and parking impact

A traffic and parking assessment undertaken by Parking and Traffic Consultants (PTC) (March 2019) concludes that the proposal will have no notable impact upon the operation of the overall road network.

The existing site has access from Cheltenham Road which connects to Parramatta Road at a signalised intersection and the assessment assumes access to the property will be retained from Cheltenham Road. The site is located approximately 60m from Parramatta Road.

Public submissions

Public submissions raised concerns regarding the following:

- Impact of additional vehicles on traffic flow on a narrow and busy street;
- Potential flaws in the assumptions of the traffic and parking assessment report;
- Unjustified arguments used to support the proposal including available public transport options;
- Additional analysis is needed on traffic flow;
- Additional parking should be provided on site for employees and visitors;
- Increased traffic and parking pressure on Cheltenham Road; and
- The proposal does not acknowledge the small park, Prowse Reserve, frequently used by children and the impact of traffic and safety in the area.

Proponent comments responding to public submissions

The traffic and parking assessment report has been prepared by qualified traffic engineers in accordance with industry standards. The context of the site was considered including the surrounding landmarks and land uses, likely travel modes and the impact of weather during the traffic study.

The projected traffic generation of the concept scheme was calculated using the former RMS guidelines and compared to a scenario of the land being developed for alternate permissible uses in the zone. The report concluded that the proposed rezoning will have minimal impact on the overall operation of the intersection of Parramatta Road, Walker Street and Cheltenham Road.

The report demonstrates the rezoning would not create unacceptable impacts and that further detailed assessment would be required to accompany the development application.

Transport for NSW

TfNSW was consulted regarding the proposal, in accordance with Gateway conditions.

Comments on the proposal relate to:

- ensuring adequate assessment of suitability of the site for proposed use as a car dealership and how service vehicles will access the site
- considering the need for travel demand management measures, including appropriate maximum car parking rates aligned with table 3.2 of the PRCUTS planning and design guidelines
- suggesting Department consider requesting an appropriate assessment of service vehicle types accessing the site is provided prior to the making of an LEP, or instead, at a minimum, that these matters should be addressed in any pre-DA or in development application documentation for a future DA on the site.

Proponent comments responding to the Transport RMS submission

The proponent has responded to the concerns raised in Transport Roads and Maritime Services submission (**Attachment 6**).

With regard to the points raised by Transport RMS about the potential for road safety risk through service vehicles accessing the site, the proponent's consultants (PTC) considers three likely scenarios for the development of the site including:

1. If the site is developed in connection with the adjoining property under the same ownership, the delivery of new vehicles would be undertaken within the larger site and transported internally to the smaller site;
2. If the site is developed independently to accommodate the used car business associated with the larger site, the management of used cars does not typically involve the use of car transporters, but individual drop off by owners; and
3. The property could potentially be developed as a business unrelated to car sales.

The response considers that any servicing arrangements would be subject to assessment following the submission of a development application during which time the proposed use would be known, along with the servicing demands.

The response notes that it would be highly unlikely the site would be developed for a new car sales showroom (requiring the use of car carriers) given the larger site is being developed for this purpose. Nevertheless, consent conditions associated with servicing of the site and the use, and on street parking changes could be attached to address these concerns.

With regard to need for travel demand management including appropriate maximum car parking rates, the response considers that this would be more appropriately determined in the context of applicable planning controls at the time of the development application for the future use of the site.

Department comments

The proponent has provided a traffic and parking assessment report to demonstrate the likely impacts of the rezoning on the surrounding road network. The PTC assessment of traffic activity considers that the proposed rezoning will have minimal impact upon the overall operation of the intersection and estimates trip generation potential based on permitted land uses in the B6 Enterprise Corridor zone.

The PTC report anticipates that the traffic volumes would be lower for an office and vehicular sales development than the traffic generating potential of alternative permitted uses including hardware/building supply stores. The report states that a more detailed assessment would be undertaken at development application stage, when a specific use is proposed.

If the proposed redevelopment was for an office and vehicle sales premises, the report considers a requirement of 39 spaces would be required. The concept design provides for 35 basement parking spaces and 2 additional parking spaces provided outside the building at the entry level. It is agreed that a detailed parking assessment, including TfNSW comments in relation to car parking rates will be required to be addressed for any future development application.

With regard to the comments made by TfNSW about service vehicle access arrangements, it is considered that given the preferred concept scheme demonstrates the future use of the site as a boutique car showroom, this will be required to be addressed as part of any future scheme. The applicant will need to demonstrate how service vehicles will access the site and provide a report to the satisfaction of Council or TfNSW to support its development application.

It is recommended that the Panel consider a requirement for the applicant to address the appropriate assessment of service vehicle types accessing the site prior to the making of an LEP, which could include a site specific DCP. Alternatively, this could be addressed in any pre-DA or in development application documentation for a future DA on the site. A letter to Council in this regard, could alert the council as to the requirement of this information at DA

assessment, and the consent authority can attach conditions to any consent to enforce any restrictions.

4.4 Construction impact & Geotechnical report issues

A Geotechnical investigation report was prepared by Pells Sullivan Meynink (PSM) (March 2019), to address the Gateway conditions. The report outlines the proposed development will comprise a 3 storey building with basement level expected to have a clearance height of 3.4m. The investigation concludes that excavation to a depth of up to 4m is required to achieve the development proposed by the indicative concept plan to include one basement level below existing ground level. The report notes the works could have the potential to damage adjacent dwellings which should be considered in planning and executing the work.

Public Submissions

Public submissions have raised concerns with regard to:

- Damage that may be caused to adjoining properties during construction;
- The planning proposal does not address issues raised in the Geotechnical report in particular the potential for damage to adjacent buildings in excavation work;
- Disruption and amenity during construction; and
- Construction of high-rise properties in areas already affected by Westconnex construction may further damage adjoining properties.

Proponent comments

The proponent acknowledges the concerns raised about the potential for damage to adjacent buildings during excavation and construction and notes that measures to mitigate impacts of the development will be proposed as part of a Construction Management Plan with any future development application for the site.

Department comments

The Geotechnical investigations and construction impacts are considered at development application stage for a specific proposal. The proposed concept plan supporting the planning proposal is indicative and any future development will be the subject of a development application.

Conditions are generally imposed on development consents where deep excavation is proposed, to require a construction management plan and monitoring of construction impact and any further geotechnical requirements specific to the development proposal. It is agreed that these matters can be considered and addressed as part of any future development application.

4.5 Environmental and sustainable development

Public Submission

- One submission raised concern regarding the lack of sustainable and environmental features including green roofs, green walls, solar panels and solar windows identified in the proposal. The submission considered Council should incorporate sustainable and environmentally friendly proposals as part of a requirement for any new building.

Proponent comments

The proponent considers the environmentally sustainable development design features will be considered as part of a detailed design process during the preparation of a development application.

Department comments

It is considered that guidelines for environmental and sustainable features can form part of the consideration of the detailed development application.

4.6 STATE MEMBER COMMENTS/REPRESENTATIONS

There have been no State Member representations received by the Panel Secretariat during the statutory community consultation period.

5. CONCLUSION AND RECOMMENDATION

The proposal is considered to have strategic merit, particularly in relation to its consistency with the Greater Sydney Region Plan, Eastern City District Plan and the Parramatta Road Corridor Urban Transformation Strategy.

The proposal is generally consistent with the Greater Sydney Region Plan and the Eastern City District Plan in terms of increasing employment with good access to transport and services.

It is considered the proposed rezoning and changes to planning controls will provide a transition between the land identified in the Parramatta Road Corridor Urban Transformation Strategy and the medium density residential zone.

The key issues have been adequately addressed in the planning proposal. These matters include:

- Justification of encroachment of commercial use into residential areas;
- Impact on residential amenity of adjoining dwellings;
- Traffic, transport and parking impacts;
- Geotechnical and construction impacts; and
- Environmental and sustainable development.

In summary, it is considered that no issues have been raised which would preclude the planning proposal from progressing to a draft LEP.

It is recommended that the Sydney Eastern City Planning Panel, as relevant planning authority:

- **note** the matters raised in the submissions;
- **release** the submissions report publicly; and
- **conduct** a public panel meeting.

Endorsed by:

Zoi Flannery
Manager, Eastern and South District



Brendan Metcalfe
Director, Eastern and South Districts
Greater Sydney, Place and Infrastructure
17 February 2020

Attachment 1: Gateway determination - 10 January 2019
Attachment 2: Updated Planning proposal – May 2019
Attachment 3: Council Officer comments - response to submissions
Attachment 4: Transport Roads and Maritime Services submission – 21 November 2019
Attachment 5: Proponent's response to submissions – 16 October 2019
Attachment 6: Proponent's response to Transport for NSW submission – 16 December 2019