

ITEM PLANNING PROPOSAL FOR 176-184 GEORGE STREET, CONCORD WEST (PP2018/0001)

Department Community and Environmental Planning

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EXECUTIVE SUMMARY

The Planning Proposal for 176-184 George Street, Concord West (PP2018/0001) was considered by Council at the meeting of 20 March 2018. Council resolved to submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination, subject to a number of conditions.

A *Local Planning Panels Direction* for Planning Proposals was issued by the Minister for Planning on the 23rd of February 2018. The Direction required Council to refer all Planning Proposals prepared after 1 June 2018 to the Local Planning Panel for advice before it is forwarded to the Department of Planning and Environment for a Gateway Determination.

As the conditions of the Council resolution were unable to be satisfied prior to 1 June 2018, the Planning Proposal was referred to the Local Planning Panel for Advice on the 26th of July 2018.

An amended *Local Planning Panels Direction* for Planning Proposals was subsequently issued on the 27th of September 2018 that introduced a new requirement for the Local Planning Panel to provide advice before Council considers whether or not to forward the Planning Proposal for a Gateway Determination.

It is recommended that Council give consideration to the advice of the Local Planning Panel and having regard to the advice, resolve whether the Planning Proposal should be submitted for Gateway Determination.

STRATEGIC CONNECTION

This report supports YOUR future 2030 Outcome area:

- EFF 4.2.1. Provide Strategic and Land Use Planning to ensure the built and natural environment is highly liveable with quality and sustainable development incorporating best practice design.

REPORT

The Planning Proposal was reported to a Council meeting on 20 February 2018.

At this meeting, Council resolved:

PART A

1. *THAT the Planning Proposal 176-184 George Street, Concord West, prepared by TPG Town Planning and Urban Design for George Concord Pty Ltd, be submitted to the Department of Planning and Environment for a Gateway Determination (subject to the requirements outlined in Part B) with an addendum including:*
 - (a) draft LEP flood planning controls,*
 - (b) a draft flood planning area map,*
 - (c) an amended detailed site investigation,*
 - (d) a copy of the Concord West Socio-Economic Study,*
 - (e) a copy of the draft Concord West Precinct Master Plan,*
 - (f) a copy of the draft Concord West Precinct Flood Study,*
 - (g) information on proposed community consultation, and*
 - (h) a project timeline.*
2. *THAT Council request delegation from the Department of Planning and Environment to manage the plan making process.*
3. *THAT authority be delegated to the General Manager to make any minor modifications to the Planning Proposal following receipt of a Gateway Determination.*
4. *THAT the Planning Proposal be approved for public authority consultation and public exhibition following receipt of a Gateway Determination.*
5. *THAT Council note that should the Planning Proposal proceed to exhibition, that following consideration of any submissions, the Planning Proposal will be reported back to Council.*
6. *THAT an amendment to the Special Precincts Development Control Plan be prepared for the subject site in accordance with the provisions of the draft Concord West Precinct Master Plan, and be placed on public exhibition.*
7. *THAT a draft Canada Bay Section 7.11 Development Contributions Plan be prepared to incorporate infrastructure works for the Concord West public domain and required floodplain mitigation works to enable future development having regard to the Planning Proposal timeline.*

8. *THAT the draft Canada Bay Section 7.11 Development Contributions Plan be publicly exhibited with the Planning Proposal.*
9. *THAT a detailed design be prepared for flood mitigation at the 'George Street Sag', including improvements to both George Street and Powell's Creek Reserve.*
10. *THAT the proposed discharge outlet to Powell's creek be detailed and submitted to Department of Lands/NSW's Office of Water and Fisheries for their approval and acceptance during detailed design stage.*

PART B

11. *THAT prior to the Planning Proposal proceeding to the Department of Planning and Environment for a Gateway Determination, arrangements are to be in place to dedicate a minimum of 5% of the uplift in Gross Floor Area to Council as affordable housing.*

Under section 9.1 of the Environmental Planning and Assessment Act 1979, the *Local Planning Panels Direction – Planning Proposals* (23/02/18) requires that Planning Proposals prepared but not submitted to the Minister (for Gateway Determination) before the 1 June 2018 must be presented to the Local Planning Panel for advice before being forwarded to the Minister.

In accordance with Part B of the Council resolution, considerable time was spent negotiating a Planning Agreement with the applicant to enable the delivery of affordable housing. The Planning Proposal was not submitted to the Department of Planning and Environment before 1 June 2018 and was therefore required to be presented to the Local Planning Panel for advice in accordance with the Local Planning Panel Direction.

On 26 July 2018 the Planning Proposal was considered by the Local Planning Panel. The Local Planning Panel provided the following advice:

1. *The Panel notes the contents of the report on the agenda.*
2. *The Panel advises Council that it supports the Planning Proposal in principle noting that it fulfils the strategic intent of strategic plans in particular the Regional Plan, District Plan, the Parramatta Road Strategy and Council's Concord West Precinct Masterplan.*

3. *The Panel supports the submission of the Planning Proposal to the Department of Planning for gateway determination.*
4. *The Panel notes planning being undertaken by Sydney Metro for new stations in either Concord West or North Strathfield.*
5. *The Panel recommends to the Applicant that it would be prudent they prepare an updated Detailed Site Investigation for the site prior to exhibition of the Planning Proposal.*
6. *The Panel notes the flood study undertaken and if these works are completed as required that this would satisfactorily manage flooding issues for the site while noting that neighbouring sites would have similar or worse flooding issues to manage and therefore the Panel would recommend that;*
 - (a) *Council prepare a detailed design for the proposed mitigation works*
 - (b) *The proposed discharge outlet to Powells Creek be detailed and submitted to Department of Lands/NSW Office of Water and Fisheries for their approval and acceptance during detailed design stage.*
 - (c) *Council undertake consultation with Sydney Water, Office of Environmental Heritage as well as the Department of Education and Communities (with respect to changes or works required to the school oval).*
7. *That the Voluntary Planning agreement should be exhibited concurrently with the Planning Proposal.*
8. *The draft Development Contributions Plan and draft Development Control Plan be exhibited concurrently with the Planning Proposal.*
9. *The Panel recommends that the Applicant consider increasing the percentage of affordable housing so as to achieve 5% of total GFA.*
10. *The Panel supports Council's request for delegation from the Department of Planning and Environment to manage the plan making process.*
11. *The Panel is of the view that the upgrade of the George, Pomeroy and Beronga St intersection is important and urges further urgent negotiation between Council, the Department of Education and relevant transport agencies to ensure the works are completed in a timely manner.*

On the 29th September 2018, the *Local Planning Panels Direction – Planning Proposals* was revised to require that the Local Planning Panel give its advice on

the Planning Proposal before council considers whether or not to forward it to the Minister or Greater Sydney Commission under section 3.34 of the *Environmental Planning & Assessment Act 1979*.

Despite already resolving to submit the Planning Proposal for Gateway Determination, Council must now consider the advice of the Local Planning Panel to ensure consistency with the Ministerial Direction.

Conclusion

The Local Planning Panel has considered the Planning Proposal and provided independent advice.

It is recommended that Council consider the advice and recommendations of the Local Planning Panel for the Planning Proposal relating to 176-184 George Street, Concord West (PP2018/0001) and having regard to that advice resolve to submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination.

RECOMMENDATION

1. THAT Council note and consider the advice and recommendations of the Local Planning Panel; and
2. THAT Council, having considered the advice of the Local Planning Panel of 26 July 2018, confirm its resolution of 20 February 2018 in relation to the Planning Proposal for land at 176-184 George Street, Concord West.

Attachments:

1. Council report 20 March 2018
2. Council resolution 20 March 2018
3. Local Planning Panel Advice 26 July 2018
4. Local Planning Panels Direction – Planning Proposals (27/09/18)
5. Planning Proposal for 176-184 George Street, Concord West (PP2018/0002) – (provided under separate cover)

[2019Mar19 CIMtg Item 1 Attachment 1 - Council Report 20 March 2018](#)
[2019Mar19 CIMtg Item 1 Attachment 2 - Council Resolution 20 March 2018](#)
[2019Mar19 CIMtg Item 1 Attachment 3 - Local Planning Panel Advice 26 J...](#)
[2019Mar19 CIMtg Item 1 Attachment 4 - Local Planning Panels Direction ...](#)