

PLANNING
PROPOSAL
ADDENDUM

ADDENDUM TO PLANNING PROPOSAL

176 – 184 George Street, Concord West

Draft Canada Bay Local Environmental Plan 2013 - Amendment No.19

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Introduction

Council received a Planning Proposal for 176-184 George Street, North Strathfield on 23 January 2018.

The Planning Proposal seeks to rezone the subject site from IN1 General Industrial to R3 Medium Density Residential, increase the maximum building height from 12m to 16m (northern end) and 22m (southern end), and increase the floor space ratio (FSR) from 1:1 to 1.9:1.

The Planning Proposal is intended to facilitate redevelopment of the subject site through the demolition of the existing industrial building and the construction of three residential flat buildings. The Planning Proposal and intended development outcome is in accordance with the draft Concord West Precinct Master Plan and Parramatta Road Corridor Urban Transformation Strategy.

This Addendum has been prepared to provide additional background information and documentation to support the Planning Proposal.

Background

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.

On 19 March 2019 the Planning Proposal and recommendations of the Local Planning Panel were considered by Council. Council resolved to submit the Planning Proposal to the Department of Planning and Environment for a Gateway Determination, subject to a number of conditions.

Planning Proposal – Requirements of Section 3.33 EP&A Act 1979

Section 3.33 of the Environmental Planning and Assessment Act requires the following information to be addressed within any submitted Planning Proposal:

(a) a statement of the objectives or intended outcomes of the proposed instrument,

This Planning Proposal seeks to amend the Canada Bay Local Environmental Plan 2013 to enable redevelopment of 176-184 George Street North Strathfield for medium density residential purposes consistent with the Concord West Precinct Masterplan and the Parramatta Road Corridor Urban Transformation Strategy.

(b) an explanation of the provisions that are to be included in the proposed instrument,

The proposed outcome will be achieved by amending the Canada Bay LEP 2013 as follows:

- Zoning – change the zone from IN1 General Industrial to R3 Medium Density Residential.
- Height of Building – increase the maximum building height from 12m to 16m (northern end) and from 12m to 22m (southern end).
- Floor Space Ratio - increase the floor space ratio from 1:1 to 1.9:1.

(c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),

A Planning Proposal has been submitted by the Applicant to provide the stated justification. The Report to Council also provides a detailed explanation of the proposed development.

(d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,

Draft Canada Bay LEP 2013 LZN, HOB, FSR, IUD AND FLD maps have been prepared are provided as an Attachment.

(e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.

Section 3.33 of the Environmental Planning and Assessment Act (1979) requires the provision of details of proposed community consultation. Consultation on the Planning Proposal will take place in accordance with the Gateway Determination made by the Minister for Planning in accordance with Section 3.34 of the Act.

It is proposed to exhibit the Planning Proposal including the Voluntary Planning Agreement for a period of 28 days:

- a. City of Canada Bay website;
- b. Local newspaper (Inner West Courier) that circulates in the City of Canada Bay local government area;
- c. In writing to the landowners and surrounding landowners.

Council Meeting 20 March 2018

Council resolved at the meeting of 20 March 2018 (see Attachments) that the Planning Proposal be supported for submission to the Department of Planning and Environment for a Gateway Determination, subject to requirements being met. The resolution is copied below with comments provided on how each requirement has been met.

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,*

COMMENT: Planning controls in the City of Canada Bay DCP will be adopted for the Concord West Precinct by removing the flooding section under 2.15.5 of the City of Canada Bay DCP – Special Precincts. Draft amendments been prepared and will be publicly exhibited with the Planning Proposal.

- (b) a draft flood planning area map,*

COMMENT: A map has been prepared and is provided as an attachment.

- (c) an amended detailed site investigation,*

COMMENT: An amended site contamination investigation is provided as an attachment.

- (d) a copy of the Concord West Socio-Economic Study,*

COMMENT: A copy of the Concord West Socio-Economic Study is provided as an attachment.

- (e) a copy of the draft Concord West Precinct Master Plan,*

COMMENT: a copy of the draft Concord West Precinct Master Plan is provided as an attachment.

- (f) a copy of the draft Concord West Precinct Flood Study,*

COMMENT: A copy of the draft Concord West Precinct Flood Study is provided as an attachment.

- (g) information on proposed community consultation, and*

COMMENT: Details of the proposed community consultation are included in this Addendum.

- (h) a project timeline.*

COMMENT: A draft project timeline is included in this Addendum.

2. *THAT Council request delegation from the Department of Planning and Environment to manage the plan making process.*

COMMENT: A request for delegation is included in Council's covering letter.

3. *THAT authority be delegated to the General Manager to make any minor modifications to the Planning Proposal following receipt of a Gateway Determination.*

COMMENT: Noted, no further action required.

4. *THAT the Planning Proposal be approved for public authority consultation and public exhibition following receipt of a Gateway Determination.*

COMMENT: Noted, no further action required.

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.*

COMMENT: Noted, the Planning Proposal will be reported back to Council following exhibition.

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.*

COMMENT: The DCP has been amended in preparation for the 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.*

COMMENT: An amended plan has been prepared and will be publicly exhibited with the Planning Proposal.

8. *THAT the draft Canada Bay Section 7.11 Development Contributions Plan be publicly exhibited with the Planning Proposal.*

COMMENT: The Contributions Plan will 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.*

COMMENT: A draft detailed design has been prepared and will be publicly exhibited with the Planning Proposal.

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.*

COMMENT: The NSW Department of Primary Industries – Fisheries NSW was consulted during the preparation of the detailed design for flood mitigation. It is expected that the

Gateway approval will require a formal referral to be sent during exhibition of the Planning Proposal.

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.*

COMMENT: A Planning Agreement has been negotiated with Council to facilitate the dedication of Affordable Housing. A copy is included as an Attachment.

Local Planning Panels Direction – Planning Proposals (23/02/18)

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.

Local Planning Panel Meeting 26 July 2018

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.*

Please refer to Attachments for the Local Planning Panel Briefing Report and the Local Planning Panel Advice.

Local Planning Panels Direction – Planning Proposals (29/09/18)

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 was now required to consider the advice of the Local Planning Panel to ensure consistency with the Ministerial Direction.

Council Meeting 19 March 2019

Council resolved at the meeting of 19 March 2019 (see Attachments) that the Planning Proposal be supported for submission to the Department of Planning and Environment for a Gateway Determination, subject to requirements being met. The resolution is copied below.

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.*

Planning Agreement

A draft Planning Agreement has been prepared and intends to enable the following public benefits:

- Dedication of residential units to Council to be managed as Affordable Housing.

A signed Draft Planning Agreement is intended to be publicly exhibited concurrently with the Planning Proposal and is provided as an Attachment to this Addendum.

Stage 2 Contamination Assessment (Detailed Site Investigation)

In accordance with the requirements of State Environmental Planning Policy No. 55 – Remediation of Land, the applicant has prepared a Stage 2 Contamination Assessment (Detailed Site Investigation and Remediation Action Plan, September 2018) of the land, carried out in accordance with the contaminated land planning guidelines.

Council’s Coordinator Sustainability and Health Projects has reviewed the abovementioned report and advised the following:

The DESI has been reviewed and I advise the following based on the updated information:

‘It is WSP’s opinion that the exceedances of health-based and ecological criteria are unlikely to pose a significant risk to current or future site users under the proposed land use settings’

Based on this information, the site is found to be suitable for the proposal. The following conditions will be added as part of the development application approval.

Notes

Report States the following;

‘It is likely any future development would involve excavation of most if not all fill from the site and covering most of the site in concrete hardstand or building footprints, and these would provide a suitable barrier protecting future occupants in those areas. If impacted fill remained beneath gardens the risk to site occupants could be managed by providing and maintaining capping materials to the gardens. However, if asbestos remains on the site post construction this would need to be noted on a Section 149 certificate and risks to maintenance personnel managed under an Environmental Management Plan’.

The report is provided as an Attachment.

Concord West Socio-Economic Study

Hill PDA consultants were appointed by Council to prepare a socio-economic study for the Concord West Precinct for the Concord West Precinct Master Plan, which investigated whether the subject site should be retained for industrial land uses.

The Socio-Economic Study relates to three clusters of employment land located within the Concord West Precinct. The Study gathered an evidence base and investigated appropriate land uses for the Precinct and their possible social and economic implications.

The Study provides recommendations to Council as to how employment lands within the Precinct could be efficiently and effectively used in the future. It tests a number of scenarios in order to ascertain the implications and ramifications of altering the IN1 General Industrial zone which currently applies to employment sites. The overall outcome of the Study is a socio-economic impact assessment which recommends the future land use mix and economic feasibility of development options for the Precinct, including support for rezoning of the subject site for residential accommodation.

The Socio-Economic Study is provided as an Attachment.

Eastern City District Plan - Retaining and managing industrial and urban services land

The Eastern City District Plan includes Planning Priority E12 which is focussed on retaining and managing industrial and urban services land.

Action 51 of the Plan states:

Retain and manage industrial and urban services land, in line with the Principles for managing industrial and urban services land in the Eastern City District by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed use zones. In updating local environmental plans, councils are to conduct a strategic review of industrial land.

It is noted that page 93 of the Plan refers to the Parramatta Road Corridor Urban Transformation Strategy and that provisions for development consistent with the Corridor Strategy and Implementation Toolkit are made under a section 9.1 Direction. The Plan also states the following:

This Corridor Strategy and Implementation Toolkit reflect the extensive process undertaken and therefore the land subject of this Corridor Strategy is not subject to the industrial land strategies and actions of the District Plan.

The subject site falls within the Corridor Strategy and therefore Action 51 does not apply.

Concord West Precinct Master Plan

Following the Socio-Economic Study, JBA consultants were appointed by Council to prepare a Master Plan for the Concord West Precinct, including the subject site.

The Master Plan is focused on land currently zoned IN1, General Industrial, which has been identified for redevelopment to residential uses by Council as well as this site, which was identified for its previous/existing industrial use. The Master Plan investigates the subject sites and considers these in the context of the broader Concord West Precinct.

The aim of the study is to recommend new planning controls to guide the future development of sites zoned for industrial use within the study area. The objectives of the study are to:

- Deliver high quality urban design and appropriate built form controls that are considerate of surrounding built form.
- Mitigate impacts in relation to the use of private motor vehicles and promote the use of public transport, walking and cycling.
- Identify opportunities for public domain improvements and connections.
- Balance city-wide and regional goals with the existing community and its context.
- Provide a coordinated planning approach to the redevelopment of the area.
- Provide a sound methodology and a thorough, evidence based justification for planning, urban design and traffic recommendations provided.
- Undertake the study with Council, community and stakeholder engagement.

The Master Plan was prepared through an extensive community consultation process, as indicated in the following extract from the Plan:

‘Work to reach out to the community started in November 2013 and continued until April 2014 as the plan developed. Messaging to spark and then continue conversations over the six month period included the following activities:

- *Post card delivery to 1600 homes in the study area.*
- *Post card sharing with 400 passengers at Concord West railway station.*
- *Social media notices across Council’s Facebook, Twitter and e-news channels.*
- *Two stakeholder workshops with landowners to gather feedback for the master plan.*
- *Two initial community workshops to gather feedback in three topic areas: built form, open space, traffic and transport. Follow up community workshop to present the final draft master plan for further feedback.*
- *Develop a microsite with information on the study area, team contact details, relevant web links, video of a community workshop and an online discussion space. The site received over 3500 views between Nov 2013 and April 2014. Articles within the Inner West Courier Mayoral column in Nov 2013, Jan 2014 and March 2014.’*

The Master Plan is provided as an Attachment.

Draft Concord West Precinct Flood Study

Jacobs consultants were appointed by Council to prepare a draft Flood Study for the Concord West Precinct, including the subject site:

Key objectives of the draft Flood Study are:

- To define existing mainstream and overland flood levels along the eastern bank of Powell's Creek and the local catchments to the east of the creek, as well as under the proposed redevelopment conditions. The draft Flood Study did not consider the impact of upgrades and drainage modifications associated with the nearby North Strathfield Railway Underpass project to the south of the Precinct, which was under construction at the time the draft Flood Study was being prepared.
- To consider the potential impact of climate change on flooding for the Precinct, to assist Council with future planning decisions.
- To consider the flood impact of the draft Master Plan on the existing conditions and determine whether development proposed is acceptable.
- To identify options for mitigating flood impacts and prepare concept designs and cost estimates for the preferred options.

The draft Flood Study was placed on public exhibition from 2 September 2015 to 14 October 2015.

The subject site is identified as being within the Flood Planning Area recognised by the Draft Flood Study.

The draft Flood Study is provided as an Attachment.

City of Canada Bay Development Control Plan Flooding Controls

The Draft Concord West Precinct Flood Study was used to inform updates to the City of Canada Bay Development Control Plan in 2017. Part C7 of the DCP relates to Flooding Controls.

The subject site is identified as being within the Flood Planning Area recognised by the Draft Flood Study.

Part 7.3 of the DCP identifies the land to which the flooding control clause applies and includes:

Land which is shown as 'Flood Planning Area' in a Flood Planning Map in the Canada Bay Local Environmental Plan.

On 20 April 2018 Canada Bay Local Environmental Plan 2013 (Amendment No 11) commenced. The amendment introduced the first Flood Planning Map (FLD_002) which incorporated three properties (2, 2A, 4 Rothwell Street, Concord West) that were the subject of that amendment.

It is proposed that the current proposed LEP amendment (Amendment 19) will introduce a Flood Planning Map that will capture all relevant properties within the Draft Concord West Precinct Master Plan and Draft Concord West Precinct Flood Study (not just the subject site).

To facilitate the above, the City of Canada Bay Development Control Plan – Special Precincts has also been updated. Flooding section under Part 2.15.5 has been removed and the Concord West Precinct will now rely on the City of Canada Bay DCP (Part C General Controls), as specified in Part 1.3 of the Special Precincts DCP.

A new Flood Planning Map is included as an Attachment.

City of Canada Bay s7.11 Development Contributions Plan (Draft May 2019)

Council will be required to undertake flood infrastructure work to George Street and Powell's Creek Reserve to mitigate potential flooding impacts to this site. The City of Canada Bay s7.11 Development Contributions Plan (Draft May 2019) has been updated to facilitate this.

The City of Canada Bay s7.11 Development Contributions Plan (Draft May 2019) is provided as an Attachment.

Community Consultation

The gateway determination will specify the community consultation that must be undertaken on the Planning Proposal.

The consultation period is expected to be for a period of 28 days, as the subject Planning Proposal is not considered a 'low impact' proposal.

It is anticipated that Public exhibition of the Planning Proposal will be undertaken in the following manner:

- Notification in the Inner West Courier (weekly newspaper circulating in the Inner West);
- Notification on the Canada Bay Council website, under 'Items on Public Exhibition';
- Notification in writing to affected and adjoining landowners, as considered appropriate.

Any written notice will provide the following:

- A brief description of the objectives or intended outcomes of the planning proposal
- Identify the land affected by the planning proposal;
- State where and when the planning proposal can be inspected;
- Clearly identify the planning authority for the receipt of submissions;
- Indicate the last date for submissions;
- Confirm whether delegation for making the LEP has been issued to Council;

Any public exhibition will provide the following information for inspection:

- The Planning Proposal as approved for community consultation by the Gateway determination;
- The Gateway determination;
- Any information or technical information relied upon by the Planning Proposal.

Project Timeline

The following project timeline is proposed to be updated at relevant stages of the assessment of this Planning Proposal:

Milestone	Timeframe and/or date
Anticipated commencement date (date of Gateway determination)	Gateway determination not yet made.
Completion of required technical information	Should any additional information be required to support the Planning Proposal, this should be identified within the Gateway Determination and required to be provided for public exhibition.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	To be specified in Gateway determination. Anticipated timeframe is 28 days and to run concurrently with public exhibition period.
Commencement and completion dates for public exhibition period	Pending Gateway Determination.
Dates for public hearing (if required)	Pending Gateway determination.
Timeframe for consideration of submissions	Four weeks following completion of public exhibition, including two-to-three weeks to further consult with Government and servicing authorities.
Timeframe for consideration of a proposal post exhibition	Eight weeks.
Date of submission to the Department to finalise the LEP	To be determined.
Anticipated date the Council will make the plan (if delegated)	To be determined.
Anticipated date Council will forward to the department for notification	To be determined.